

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
June 21, 2011**

A meeting of the Fayetteville City Council will be held on June 21, 2011 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:

City Council Meeting Presentations, Reports and Discussion Items:

- 1. Historic District Commission Appointment: Approved**
Appointed by the Mayor and approved by the City Council.
- 2. Nominating Committee Report: Approved**

Agenda Additions:

A. Consent:

- 1. Approval of the June 7, 2011 City Council meeting minutes. Approved**
- 2. Bid #11-31 Shipley Motor Equipment of Lowell:** A resolution awarding Bid #11-31 and authorizing a contract with Shipley Motor Equipment of Lowell, Arkansas in the amount of \$453,279.08 for the purchase of two (2) Mack LEU613 Trucks with Wayne Titan 40 FEL bodies for use by the Solid Waste Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 94-11

3. **Bid #11-36 MHC Kenworth/Volvo of Springdale:** A resolution awarding Bid #11-36 and authorizing a contract with MHC Kenworth/Volvo of Springdale in the amount of \$103,855.16 for the purchase of a T800 semi truck tractor for use by the Water and Sewer Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 95-11

4. **Wal-Mart Foundation and Wal-Mart #5737 Donation Revenue:** A resolution approving a budget adjustment in the amount of \$2,000.00 representing donation revenue from the Wal-Mart Foundation and Wal-Mart #5737 to the Fayetteville Fire Department for the purchase of life vests.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 96-11

5. **Arkansas Water and Wastewater Agency Response Network:** A resolution approving a water and wastewater mutual aid agreement through the Arkansas Water and Wastewater Agency Response Network, and assigning the Utilities Director as the authorized official.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 97-11

6. **2011 Community Development Block Grant:** A resolution approving a budget adjustment in the amount of \$91,911.00 to recognize the actual amount of the 2011 Community Development Block Grant award.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 98-11

7. **Friendship Community Care, Inc.:** A resolution to approve a lease agreement of about 2.2 acres with Friendship Community Care, Inc. to serve developmentally disabled Fayetteville citizens.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 99-11

8. **2011 Bulletproof Vest Partnership Program:** A resolution authorizing application for a 2011 Bulletproof Vest Partnership Program fifty percent (50%) matching grant in the amount of \$9,100.00 for replacement of fifteen (15) body armor vests for the Police Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 100-11

9. **City Hospital Board of Trustees:** A resolution to appoint Conrad Odom and Hershey Garner to the City Hospital Board of Trustees also known as the Board of Control of the Stone Hospital.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 101-11

- 10. Plante & Moran, PLLC:** A resolution approving a contract with Plante & Moran, PLLC in the amount of \$185,000.00, plus a project contingency of \$20,000.00, for the provision of information technology project implementation and management services, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 102-11

- 11. Gila, LLC DBA Municipal Services Bureau:** A resolution authorizing a contract with Gila, LLC DBA Municipal Services Bureau for account collection services at a payment rate of forty percent (40%) of amounts collected.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 103-11

B. Unfinished Business:

- 1. None**

C. New Business:

- 1. Federal Emergency Management Agency (FEMA):** A resolution authorizing application for and acceptance of a federal disaster grant from the Federal Emergency Management Agency (FEMA) related to Spring 2011 flood damage, and approving a budget adjustment in the amount of \$1,000,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 104-11

- 2. Amend Resolution 226-10:** A resolution amending Resolution No. 226-10 approving the Transportation Division overlay/sidewalk projects list for 2011 by reducing overlay/sidewalk projects to provide for drainage maintenance, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 105-11

- 3. Motorola, Inc.:** A resolution approving a change order for Phase II of the radio project with Motorola, Inc. in the total amount of \$614,093.00, with \$237,746.00 funded from the project contingency, \$286,000.00 from the street fund, \$49,901.00 from police impact fees and \$40,446.00 from fire impact fees, and approving a budget adjustment in the amount of \$286,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 106-11

- 4. City Plan 2030:** A resolution approving and adopting City Plan 2030 and the future land use map as the comprehensive land use plan.

TABLED TO JULY 5, 2011 CITY COUNCIL MEETING.

5. **Revised Master Street Plan:** A resolution approving and adopting a revised Master Street Plan and street cross-sections.

TABLED TO JULY 5, 2011 CITY COUNCIL MEETING.

6. **RZN 11-3804 (Northwest Corner of Mountain Street and College Avenue/East Square Development):** An ordinance revoking C-PZD 05-1610 (East Square Development) and rezoning that property described in rezoning petition RZN 11-3804, for approximately 1.01 acres, located at the northwest corner of Mountain Street and College Avenue, from C-PZD, Commercial Planned Zoning District 05-1610, to DC, Downtown Core.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5414

7. **RZN 11-3805 (East of Dead Horse Mountain Road/ Falling Waters):** An ordinance revoking R-PZD 05-1635 (Falling Waters) and rezoning that property described in rezoning petition RZN 11-3805, for approximately 136.70 acres, located east of Dead Horse Mountain Road, from R-PZD, Residential Planned Zoning District 05-1635, to R-A, Residential Agricultural.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5415

8. **RZN 11-3806 (South of Zion Road and East of Taliesin Lane/Woodbury):** An ordinance revoking R-PZD 06-2190 (Woodbury) rezoning that property described in rezoning petition RZN 11-3806, for approximately 9.26 acres, located south of Zion Road and east of Taliesin Lane, from R-PZD, Residential Planned Zoning District 06-2190, to NC, Neighborhood Conservation.

THIS ITEM WAS LEFT ON THE SECOND READING.

9. **RZN 11-3807 (Southwest Corner of Razorback Road and 15th Street/Champion Club Condos):** An ordinance revoking R-PZD 07-2551 (Champions Club Condos) and rezoning that property described in rezoning petition RZN 11-3807, for approximately 4.42 acres, located at the southwest corner of Razorback Road and 15th Street, east of the Crowne Apartments, from R-PZD, Residential Planned Zoning District 07-2551, to UT, Urban Thoroughfare.

THIS ITEM WAS LEFT ON THE SECOND READING.

10. **RZN 11-3835 (3710 West Martin Luther King Boulevard/Zaifi):** An ordinance rezoning that property described in rezoning petition RZN 11-3835, for approximately 1.20 acres, located at 3710 West Martin Luther King Boulevard from C-1, Neighborhood Commercial to CS, Community Services.

THIS ITEM WAS LEFT ON THE SECOND READING.

11. Appeal RZN 11-3831 (209 W. Martin Luther King Blvd.): An ordinance rezoning that property described in rezoning petition RZN 11-3831, for approximately 2.64 acres located at 209 West Martin Luther King Boulevard from RMF-24, Residential Multi-Family, 24 units per acre to C-1, Neighborhood Commercial.

THIS ITEM WAS LEFT ON THE FIRST READING.

City Council Tour: Monday, June 20, 2011 at 4:30 p.m. The Council will tour the Fayetteville Television Center

Announcements:

Adjournment: 9:20 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

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City Council Meeting:

June 21, 2011

Adjourn: 9:20 p.m.

Subject:	Roll				
Alderman Ferrell was absent	Tennant	✓			
	Ferrell	absent			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Mayor Jordan	✓			

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Tennant				
	Ferrell				
	Adams				
	Lewis				
	Gray				
	Boudreaux				
	Kinion				
	Petty				
	Mayor Jordan				

Subject:	Nominating Committee Report Including Historic District Commission				
Motion To:		Approve			Appointments
Motion By:		Gray			
Seconded:		Lewis			
<u>Passed</u>	Tennant	✓			
	Ferrell	absent			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Mayor Jordan				

7-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Tennant				
	Ferrell				
	Adams				
	Lewis				
	Gray				
	Boudreaux				
	Kinion				
	Petty				
	Mayor Jordan				

Subject:	Consent				
Motion To:		Approve			
Motion By:		Boudreaux			
Seconded:		Gray			
<u>Minutes approved</u> passed. 94-11 thru 103-11	Tennant	✓			
	Ferrell	Absent			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Mayor Jordan				

7-0

Subject:	Historic District Commission Appointment				
Motion To:			Voted on with the Nominating Committee appointees		
Motion By:					
Seconded:					
	Tennant				
	Ferrell	Absent			
	Adams				
	Lewis				
	Gray				
	Boudreaux				
	Kinion				
	Petty				
	Mayor Jordan				

Subject:	Federal Emergency Management Agency (FEMA)				
Motion To:		<i>Approve</i>			
Motion By:		<i>Lewis</i>			
Seconded:		<i>Petty</i>			
C. 1 New Business <i>passed</i> 104-11	Tennant	✓			
	Ferrell	<i>Absent</i>			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Mayor Jordan				

7-0

Subject:	Amend Resolution 226-10				
Motion To:		<i>Approve</i>			
Motion By:		<i>Kinion</i>			
Seconded:		<i>Petty</i>			
C. 2 New Business <i>passed</i> 105-11	Tennant	✓			
	Ferrell	<i>Absent</i>			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Mayor Jordan				

7-0

Subject:	Motorola, Inc				
Motion To:		Approve			
Motion By:		Lewis			
Seconded:		Adams			
C. 3 New Business <u>passed</u> 106-11	Tennant	✓			
	Ferrell	Absent			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Mayor Jordan				

7-0

Subject:	City Plan 2030				
Motion To:		Table to next meeting			
Motion By:		Boudreaux			
Seconded:		Lewis			
C. 4 New Business Table to July 5, 2011	Tennant	✓			
	Ferrell	Absent			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Mayor Jordan				

7-0

Subject:		Revised Master Street Plan			
Motion To:		Alley width Amendment	12.2.1	Table to July 5, 2011	
Motion By:		Petty		Petty	
Seconded:		Boudreaux		Boudreaux	
C. 5 New Business Tabled to July 5, 2011	Tennant	✓		✓	
	Ferrell	Absent		Absent	
	Adams	✓		✓	
	Lewis	✓		✓	
	Gray	✓		✓	
	Boudreaux	✓		✓	
	Kinion	✓		✓	
	Petty	✓		✓	
	Mayor Jordan				

7-0

7-0

Subject:		RZN 11-3804 (Northwest Corner of Mountain Street and College Avenue/East Square Development)			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Boudreaux	Tennant		
Seconded:		Lewis	Adams		
C. 6 New Business Passed 5414	Tennant	✓	✓	✓	
	Ferrell	absent	absent	absent	
	Adams	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Mayor Jordan				

7-0

7-0

7-0

Subject:		RZN 11-3805 (East of Dead Horse Mountain Road/ Falling Waters)			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Lewis	Gray	
Seconded:			Tennant	Boudreaux	
C. 7 New Business <u>passed</u> 5415	Tennant	✓	✓	✓	
	Ferrell	absent	absent	absent	
	Adams	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Mayor Jordan				

7-0

7-0

7-0

Subject:		RZN 11-3806 (South of Zion Road and East of Taliesin Lane/Woodbury)			
Motion To:			2nd Read		
Motion By:			Boudreaux		
Seconded:			Tennant		
C. 8 New Business Left on the 2nd Reading	Tennant	✓			
	Ferrell	absent			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Mayor Jordan				

Subject:	RZN 11-3807 (Southwest Corner of Razorback Road and 15th Street/Champion Club Condos)				
Motion To:		<i>2nd Read</i>			
Motion By:		<i>Lewis</i>			
Seconded:		<i>Adams</i>			
C. 9 New Business <i>Left on the Second Reading</i>	Tennant	<i>✓</i>			
	Ferrell	<i>Absent</i>			
	Adams	<i>✓</i>			
	Lewis	<i>✓</i>			
	Gray	<i>✓</i>			
	Boudreaux	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Mayor Jordan				

7-0

Subject:	RZN 11-3835 (3710 West Martin Luther King Boulevard/Zaifi)				
Motion To:		<i>2nd Read</i>			
Motion By:		<i>Lewis</i>			
Seconded:		<i>Petty</i>			
C. 10 New Business <i>Left on the Second Reading</i>	Tennant	<i>✓</i>			
	Ferrell	<i>Absent</i>			
	Adams	<i>✓</i>			
	Lewis	<i>✓</i>			
	Gray	<i>✓</i>			
	Boudreaux	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Mayor Jordan				

7-0

Subject:	Appeal RZN 11-3831 (209 W. Martin Luther King Blvd.)				
Motion To:					
Motion By:					
Seconded:					
C. 11 New Business <i>Left on the first Reading.</i>	Tennant				
	Ferrell	<i>Absent</i>			
	Adams				
	Lewis				
	Gray				
	Boudreaux				
	Kinion				
	Petty				
	Mayor Jordan				

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Tennant				
	Ferrell				
	Adams				
	Lewis				
	Gray				
	Boudreaux				
	Kinion				
	Petty				
	Mayor Jordan				



TO: Mayor Jordan

Kit Williams
City Attorney

THRU: Sondra Smith, City Clerk

Jason B. Kelley
Assistant City Attorney

FROM: Kit Williams, City Attorney

DATE: June 22, 2011

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of June 21, 2011

- 1. Bid #11-31 Shipley Motor Equipment of Lowell:** A resolution awarding Bid #11-31 and authorizing a contract with Shipley Motor Equipment of Lowell, Arkansas in the amount of \$453,279.08 for the purchase of two Mack LEU613 trucks with Wayne Titan 40 FEL bodies for use by the Solid Waste Division.
- 2. Bid #11-36 MHC Kenworth/Volvo of Springdale:** A resolution awarding Bid #11-36 and authorizing a contract with MHC Kenworth/Volvo of Springdale in the amount of \$103,855.16 for the purchase of a T800 Semi Truck Tractor for use by the Water and Sewer Department.
- 3. Wal-Mart Foundation and Wal-Mart #5737 Donation Revenue:** A resolution approving a budget adjustment in the amount of \$2,000.00 representing donation revenue from the Wal-Mart Foundation and Wal-Mart #5737 to the Fayetteville Fire Department for the purchase of life vests.
- 4. Arkansas Water and Wastewater Agency Response Network:** A resolution approving a Water and Wastewater Mutual Aid Agreement through the Arkansas Water and Wastewater Agency Response Network, and assigning the Utilities Director as the authorized official.
- 5. 2011 CDBG:** A resolution approving a budget adjustment in the amount of \$91,911.00 to recognize the actual amount of the 2011 Community Development Block Grant award.

6. **Friendship Community Care, Inc.:** A resolution to approve a lease agreement of about 2.2 acres with Friendship Community Care, Inc. to serve developmentally disabled Fayetteville citizens.
7. **2011 Bulletproof Vest Partnership Program:** A resolution authorizing application for a 2011 Bulletproof Vest Partnership Program 50% matching grant in the amount of \$9,100.00 for replacement of 15 body armor vests for the Police Department.
8. **City Hospital Board of Trustees:** A resolution to appoint Conrad Odom and Hershey Garner to the City Hospital Board of Trustees also known as the Board of Control of the Stone Hospital.
9. **Plante & Moran, PLLC:** A resolution approving a contract with Plante & Moran, PLLC in the amount of \$185,000.00, plus a project contingency of \$20,000.00 for the provision of information technology project implementation and management services and approving a budget adjustment.
10. **Gila, LLC d/b/a Municipal Services Bureau:** A resolution authorizing a contract with Gila, LLC d/b/a/ Municipal Services Bureau for account collection services at a payment rate of 40% of amounts collected.
11. **Federal Emergency Management Agency:** A resolution authorizing application for and acceptance of a Federal Disaster Grant from the Federal Emergency Management Agency relating to Spring 2011 Flood Damage, and approving a budget adjustment in the amount of \$1,000,000.00.
12. **Amend Resolution 226-10:** A resolution amending Resolution No. 226-10 approving the Transportation Division Overlay/Sidewalk Projects to provide for drainage maintenance and approving a budget adjustment.
13. **Motorola, Inc.:** A resolution approving a change order for Phase II of the Radio Project with Motorola, Inc. in the total amount of \$614,093.00, with \$237,746.00 funded from the project contingency, \$286,000.00 from the Street Fund, \$49,901.00 from Police Impact Fees and \$40,446.00 from Fire Impact Fees, and approving a budget adjustment in the amount of \$286,000.00.

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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

A. 10

Requisition No.:

Date:

6/13/2011

Plante & Moran, PLLC

Page 1 of 2

P.O Number:

Expected Delivery Date:

Vendor #: 20398

Vendor Name: Plante & Moran PLLC

Mail Yes: No:

Address:

Fob Point:

Taxable Yes: No:

Quotes Attached Yes: No:

City:

State:

Zip Code:

Ship to code: 149

Divison Head Approval:

Requester:

Don Marr

Requester's Employee #:

3251

Extension:

330

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	IT Contract Services	1	Lot	205,000.00	\$205,000.00		4470-9470-5315-00		
2					\$0.00				
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$205,000.00

Tax:

Total: \$205,000.00

Approvals:

Mayor:

Department Director:

Purchasing Manager:

Finance & Internal Services Director:

Budget Manager:

IT Manager:

Dispatch Manager:

Utilities Manager:

Chief Of Staff: *Don Marr*

City Plan 2030

Master Street Plan

DRAFT

EXHIBIT "A"

Downtown Master Plan

- ST-37
- ST-40 (ONE WAY)
- ST-45
- LOCAL URBAN
- MS-63

EXISTING STREETS

- U of A Campus Master Plan
- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- PRIN ARTERIAL PKWY

PLANNED STREETS

- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- PRIN ARTERIAL PKWY
- LOCAL

Other Features

- Ozark Bustop
- Razorback Bustop
- Future Trails
- Multi-Use Trails--Existing
- Platted Street
- Enduring Green Network (DRAFT)
- Stream_Polygons
- 100 YEAR FLOOD
- Planning Area Boundary
- Hillside/Hilltop Overlay District
- PARK
- Other Cities
- Quarter Mile Grid



From Kit Williams 6/14/11

C. 11
Appeal RZN 11-3831
(209 W. Martin Luther King Blvd.)
Page 1 of 8



Departmental Correspondence

LEGAL
DEPARTMENT

www.accessfayetteville.org

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Jeremy Pate, Development Services Director
Andrew Garner, Senior Planner - Current Planning
Jesse Fulcher, Planner - Current Planning

FROM: Kit Williams, City Attorney

A handwritten signature in blue ink, appearing to read "Kit Williams", with a long horizontal line extending to the right.

DATE: June 14, 2011

RE: Appeal of RZN 11-3831 (Kum & Go)

DISCRETION OF THE CITY COUNCIL

Normally, the City Attorney's Office will take no position in a City Council rezoning decision which almost always rests within the sound discretion and judgment of the City Council. Indeed, I have successfully defended the few court challenges to the City Council's zoning decisions during my decade as Fayetteville City Attorney. Your rezoning decisions have never been overturned in Circuit Court. However, the current appeal ({RZN 11-3831 Kum & Go}) requesting Neighborhood Commercial (C-1) involves a unique situation and potential legal issues for the City. Therefore, I think I need to call your attention to these issues before you decide on the rezoning.

The City Council is granted wide discretion by the Courts when deciding zoning issues. Only if a zoning was "arbitrary, capricious, or wholly inequitable," *City of Conway v. Housing Authority of Conway*, 266 Ark. 40, 584 S.W. 2d 10, 13 (1979), would such a zoning decision be overturned by the Circuit Court. The Arkansas Supreme Court defined "arbitrary" in that case as meaning "arising from unrestrained exercise of ... personal preference; based on random or convenient choice, rather than on reason or nature." The major legal concern I have is that denying the applicant's request for a Neighborhood Commercial zoning in favor of a Community Service zoning might be deemed a "spot zoning" based upon the preference of the City Council for a "form based" rather than "traditional" zoning district.

C-1 AND CS: IDENTICAL PURPOSES; SIMILAR USES

It is important to note that Neighborhood Commercial (C-1), a very old traditional zoning district has almost the identical express purpose of Community Services (CS) as stated in the Unified Development Code.

The express purpose for Neighborhood Commercial (C-1) is:

“(A) Purpose. The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.”
§161.18 of the UDC.

This is the identical language used for the newer Community Services (CS) district:

“(A) Purpose. The Community Services district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas”
§161.19 of the U.D.C.

The Purpose section of §161.19 Community Service (CS) adds further language because it allows uses not allowed in Neighborhood Commercial, primarily residential uses. Indeed, **every permitted use in Neighborhood Commercial is also permitted in Community Service and every conditional use allowed in Neighborhood Commercial is also allowed in Community Services.** Therefore, it would not seem reasonable for the City Council to deny on applicant its requested Neighborhood Commercial zoning district by rezoning to Community Services because Community Services has additional permitted uses the applicant clearly does not desire. Since the purpose and uses of these zoning districts cannot justify denial of the rezoning to the more restrictive zoning district, C-1 Neighborhood Commercial, I believe there remains a single justification for a forced rezoning to Community Services instead of Neighborhood Commercial, that is Community Service’s new “build-to zones” and the required 65% street frontage coverage by a developer’s building (making it “form based”).

BOARD OF ADJUSTMENT

Recognizing that this 65% street frontage requirement could cause real development problems for many “permitted uses” in Community Service (CS), such as Unit 18 Gasoline service stations, Unit 15 Neighbor Shopping, etc., Planning staff informed the Planning Commission that an applicant/developer for the Kum & Go rezoning could go to the Board of Adjustment for a variance of this 65% street frontage building coverage for this parcel. At this point the Planning Commission believed and was not otherwise informed that this 2.5 acre rezoning request was for a single parcel with over 900 feet of street frontage. To comply with the Community Services street frontage requirements, the developer would have had to build a building along **200 yards of street frontage**, a difficult obligation for a developer wanting to build a gas station, eating place, or convenience store.

I expressed my doubts that the Board of Adjustment would or could grant such a substantial reduction in street frontage requirements to make anticipated permitted uses developable. I also pointed out the only appeal from the Board of Adjustment is to Circuit Court. If the City Council wants to facilitate this potential development, it can do so only with its rezoning decision.

My review of the four requirements that the Board of Adjustment must find to exist before it can grant any relief shows **any variance approval would be almost impossible to legally grant**. Thus, the applicant can probably get no relief from the Board of Adjustment. Fortunately, Community Services Director Jeremy Pate has informed me that this 2.5 acre parcel is actually composed of several existing lots. Attached is the map of the property to be rezoned showing the internal lot lines. If the developer wishes to develop only about an acre or so on the corner of MLK and Hill using existing lots, then he would not need to build an “L” shaped building a football field in length along both Hill and MLK. However, if zoned to Community Services a developer would still have to cover two-thirds of the street frontage of this corner lot with his building, an odd configuration for a gas station or convenience store, both of which are allowed by right in both Community Services (CS) and Neighborhood Commercial (C-1).

ZONING COMPATIBILITY

Zoning ordinances were developed many decades ago primarily to ensure compatibility between differing land uses. The current zoning of all three adjacent corners of the intersection of Martin Luther King Boulevard and Hill Avenue are all of the City’s traditional commercial zoning districts. Immediately east across Hill Avenue is zoned Heavy Commercial/Light Industrial (I-1), catty-corner is zoned

Thoroughfare Commercial (C-2) and immediately across MLK is zoned Neighborhood Commercial (C-1). I have attached a GIS map showing these zones. South and West of this property to the railroad tracks is a Residential Planned Zoning District with no building within 25 feet of Martin Luther King Boulevard.

Attached is another GIS map which shows the zoning, plus photos of structures, etc. A Community Services rezoning would be the only form based commercial zoning at this intersection. Indeed, the whole block along Martin Luther King Boulevard east of the Hill Avenue intersection is Thoroughfare Commercial or Heavy Commercial/Light Industrial with existing warehousing and retail set back far off MLK. The block of Hill Avenue south from the intersection is zoned Heavy Commercial/Light Industrial with substantial existing warehousing. It could certainly be argued that dropping a form-based commercial district within this established traditional commercial and warehousing district would be "spot zoning."

SPOT ZONING

As I have informed the City Council for the last decade in numerous memos about what can be considered in zoning decisions, I have warned that spot zoning should be avoided. I have quoted this case most recently in my December 15, 2010 memo.

"Spot zoning, by definition, is invalid because it amounts to an arbitrary, capricious and unreasonable treatment of a limited area within a particular district. As such, it departs from the comprehensive treatment or privileges **not in harmony with the other use classifications in the area** and without any apparent circumstances which call for different treatment. Spot zoning almost invariably involves a single parcel or at least a limited area.' R. Wright and S. Webber, *Land Use* (1978)." *Riddell v. City of Brinkley*, 612 S.W. 2d 116, 117 (1981). (emphasis added)

What concerns me from a legal point of view is that all of the other corner lots at this intersection are traditional commercial zones with setbacks rather than the opposite "form based" zones with build-to frontage requirements. None of these other commercial zones must build close to the street right-of-way for any part of the street

frontage, much less two-thirds of the entire street frontage. The applicant could argue that a form-based commercial zoning constitutes “unreasonable treatment of a limited area” within this commercial node “without any apparent circumstances which call for different treatment.” *Riddle v. City of Brinkley*.

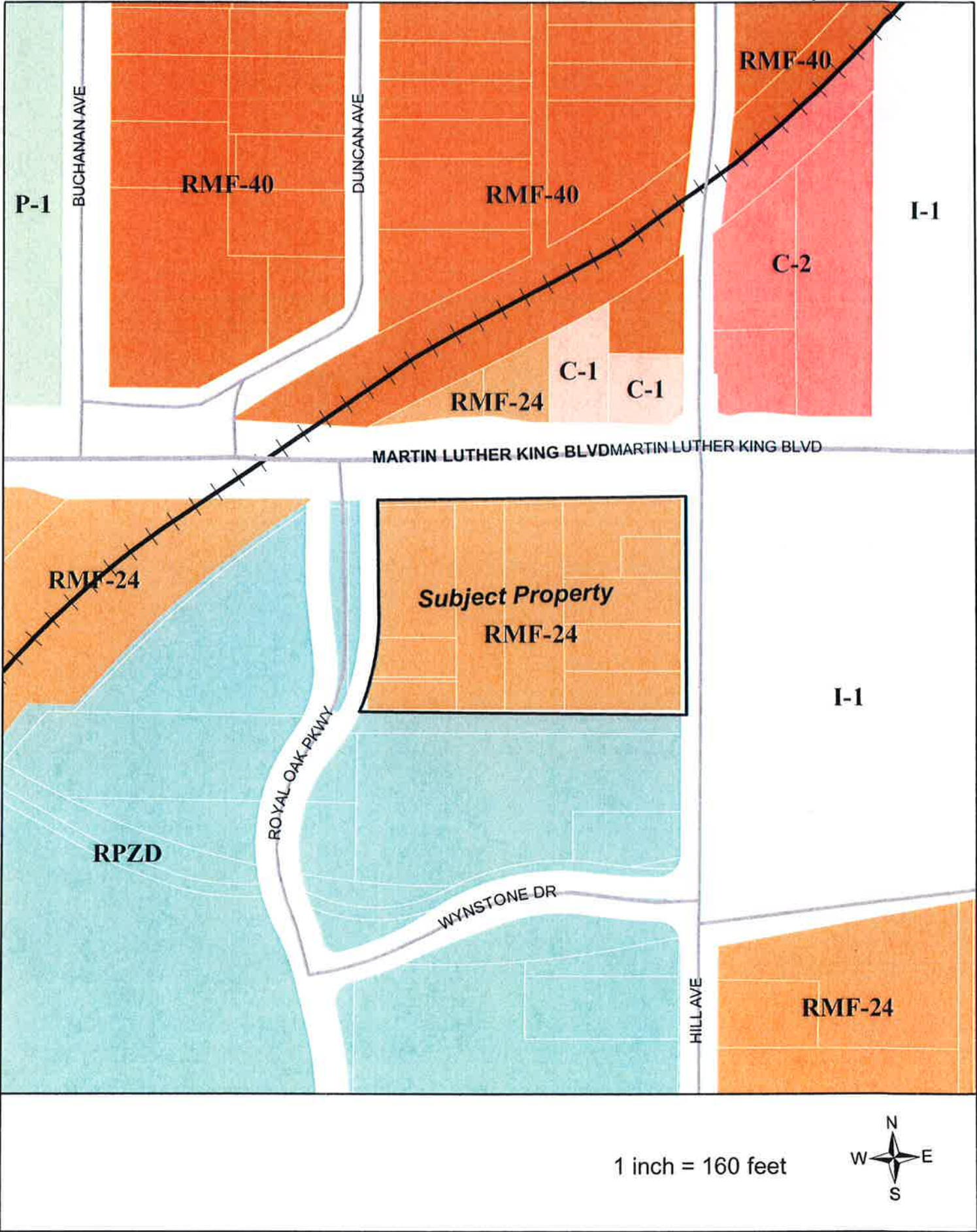
The City Council’s preference to force commercial buildings to be constructed near the street right-of-way and to extend the building for two-thirds of the total street frontage might be determined to be unreasonable in the context of surrounding commercial zones and currently constructed warehouses and commercial buildings (including a former convenience store catty-corner from the proposed rezoning).

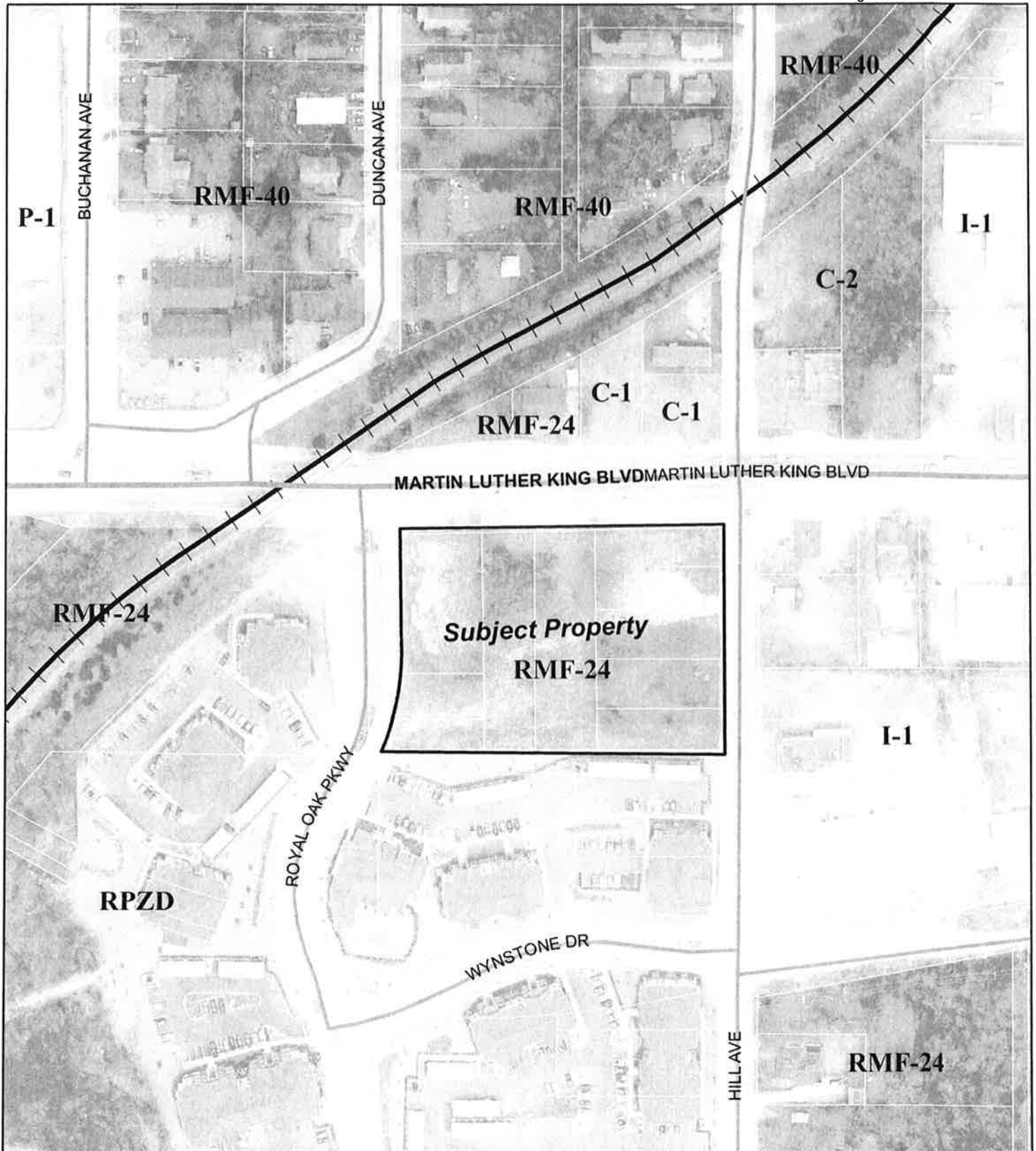
When the Downtown Master Plan was implemented with new “form based” zoning districts, this master planned area was treated comprehensively, and thus could withstand a “spot zoning” charge. Dropping a “form based” commercial zoning district into the midst of traditional commercial district when the applicant desires a traditional commercial district (with the identical purposes and uses as the “form based” district) creates a potential legal challenge of spot zoning. The personal preference of aldermen who wish to force “form based” zoning districts into the midst of existing traditional commercial zones may not be enough to withstand a Circuit Court challenge.

CONCLUSION

Other “form based” commercial rezonings for parcels outside a Master Planned Area have been approved by this City Council without a problem. A current request for rezoning to Community Services by a land owner along MLK should be granted by the City Council because there is no opposition and water problems at the rear of his lot make it much easier to develop with the 10 foot build-to line of CS rather than the 50 foot setback of C-1. **Only if an applicant or citizens object to a rezoning (which would make litigation possible) will I normally make any comment.** Because of this appeal from a land owner/developer who requests a traditional commercial zoning, the issue of whether to force a developer to accept “form based” commercial district with almost identical purpose and uses provisions is squarely before the City Council. This is purely a setback v. a “build-to” zone requiring a building on 65% of right-of-way street frontage issue. I am concerned about defending the reasonableness of such a requirement for this parcel in Circuit Court.

In addition to language in our Long Term Plan (2025 or 2030 Plan) and any personal preference for a “form based” zoning district, the City Council should have and express reasoned analysis of why the applicant’s requested Neighborhood Commercial (C-1) zoning should be denied.





1 inch = 160 feet





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 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

**City of Fayetteville Arkansas
City Council Meeting Minutes
June 7, 2011**

A meeting of the Fayetteville City Council was held on June 7, 2011 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Thiel, Kinion, Petty, Tennant, Ferrell, Adams, 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

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the May 17, 2011 City Council meeting minutes.

Approved

Bid #10-56 Upchurch Electrical Supply Company: A resolution authorizing the purchase of twelve (12) additional LED fixtures in the amount of \$15,408.00 plus applicable sales tax from Upchurch Electrical Supply Company pursuant to Bid #10-56 for street installation near the Fayetteville Public Library, and approving a budget adjustment.

Resolution 83-11 as recorded in the office of the City Clerk

Bid #11-30 Meridian Construction Management, Inc.: A resolution awarding Bid #11-30 and authorizing a contract with Meridian Construction Management, Inc. in the amount of \$26,890.00 for demolition of the Lake Sequoyah boat dock, and approving a fifteen percent (15%) project contingency.

Resolution 84-11 as recorded in the office of the City Clerk

Bid #11-35 King Electrical Contractors, Inc.: A resolution awarding Bid #11-35 and authorizing a contract with King Electrical Contractors in the amount of \$54,581.00 for construction and installation of an emergency electrical generator at the Fayetteville Senior Center, and approving a ten percent (10%) project contingency.

Resolution 85-11 as recorded in the office of the City Clerk

Bid #11-38 RJR Enterprises, Inc.: A resolution awarding Bid #11-38 and authorizing a contract with RJR Enterprises, Inc. in the amount of \$67,739.00 for construction of recreational swings at Lake Fayetteville Park, and authorizing a ten percent (10%) project contingency.

Resolution 86-11 as recorded in the office of the City Clerk

Multi-Craft Contractors, Inc.: A resolution authorizing a contract with Multi-Craft Contractors, Inc. in the amount of \$26,290.00 for one (1) HVAC unit and associated equipment for the Yvonne Richardson Center, and approving a ten percent (10%) project contingency.

Resolution 87-11 as recorded in the office of the City Clerk

Amend Resolution No. 04-10: A resolution amending Resolution No. 04-10 and approving an agreement with Arkansas Western Gas Company in the amount of \$102,053.65 for relocation of gas lines and appurtenances as part of the RSA Runway 16 Improvement Project at the Fayetteville Executive Airport.

Resolution 88-11 as recorded in the office of the City Clerk

Fayetteville Police Department Policies: A resolution approving Fayetteville Police Department Policies 1.3.4 Less Lethal Weapons, 41.1.1 Patrol, and 62.1.12 Police Traffic Radar Operation.

Resolution 89-11 as recorded in the office of the City Clerk

2011 ADEQ Recycling Grant: A resolution authorizing application for a 2011 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District in the amount of \$23,500.00 to fund a pilot apartment recycling container.

Resolution 90-11 as recorded in the office of the City Clerk

Arkansas Highway and Transportation Department Contract: A resolution authorizing a contract with the Arkansas Highway and Transportation Department for design of water and sewer relocations relating to the widening of Crossover Road (State Highway 265) between Joyce Boulevard and Albright Road.

Resolution 91-11 as recorded in the office of the City Clerk

Beaver Water District: A resolution authorizing a contract with the Beaver Water District for land application disposal of water treatment residuals.

Resolution 92-11 as recorded in the office of the City Clerk

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

Unfinished Business:

Amend §95.05 Regulation of Smoking in Most Public Places and Places of Employment: An ordinance to amend §95.05 Regulation of Smoking in Most Public Places and Places of Employment of the Fayetteville Code by removing the exemption for bars. *This ordinance was left on the First Reading at the May 3, 2011 City Council meeting. This ordinance was left on the Second Reading at the May 17, 2011 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Alderman Gray: Tonight we are going to be making one of the most important votes that we have ever made as a Council. I want to remind you of the poll that was taken long before we started this discussion which stated that 64% of the voters said they prefer we not have smoking in bars. We need to remember that as we listen to the facts, make our decision, and vote. We are making a decision for the health of the people of Fayetteville. None of us wants our revenue to go down. I do not have any reason to think that our nonsmoking bars are going to lose revenue.

Alderman Ferrell asked Alderman Gray have you recently received any research that did not come from the Smoke Free Coalition but from other sources that illustrated an impact on places that have gone smoke free.

Alderman Gray: I don't think that I have.

Alderman Ferrell: I recently received several from other businesses and I wondered if you had seen them.

Joe Maynard, resident of Ward 1 stated I believe you are elected to protect the people's liberty. This city does some very good things. We have a very tolerant city. Regulating private associations and the culture of the city is something the city does not do well. We all agree smoking is harmful. The city has the responsibility to protect citizens from unknown hazards. A legal activity in a bar should not be regulated.

Kim Agee, resident of Ward 3 spoke in support of smoke free Fayetteville and discussed the affects of second hand smoke. He spoke in favor of the ordinance.

Ashley McCue, a Fayetteville resident stated we don't know what causes cancer. There is very little reason to suspect that an occasional exposure to second hand smoke does the same kind of damage as smoking. She spoke against the ordinance.

Alderman Lewis: You mentioned you thought that the nonsmoking restaurants were a good thing. Did you live here during that debate?

Ashley McCue: I lived in Ohio where smoking is banned in all public places. One of the things I love about living in Fayetteville is that it seems to take into account the wants and needs of all the citizens in the compromise that it has now.

Alderman Ferrell: How long has it been since you moved here from Ohio?

Ashley McCue: Five years.

Alderman Ferrell: How long ago was the smoking ban passed in Ohio?

Ashley McCue: It passed in 2006.

Alderman Ferrell: I was looking at some studies and some of the data that I got stated that in Ohio it had a negative impact on the entertainment industry and the tax base. Would you care to comment on whether that is accurate?

Ashley McCue: In my experience it was very negative. I and most of my friends are smokers so it gave us one more reason to stay home and the entertainment industry suffered a lot.

Alderman Gray: Do you know what percentage of the Fayetteville citizens smoke?

Ashley McCue: No Ma'am.

Alderman Gray: It's 15%. 85% do not smoke.

Ashley McCue: What percentage of Fayetteville's citizenry is a bar goer?

Alderman Gray: I have no idea but I know that we would like for 100% of bar goers to be able to go to 100% of the bars.

Ashley McCue: It might be worth looking into as to what percentage of the population actually goes to bars and what percentage of the bar going population is smoking and nonsmoking. She discussed the affect this will have on the smoking population.

Collin Turner, a Ward 2 resident pointed out dangers in many other areas of life. I don't know the economics of it all but I think it's going to balance out in the end.

Matt Marshall, a bartender stated smoking is dangerous. The people that work in bars understand that danger. These jobs are not easy to come by. We have no illusions of the dangers associated with that. He spoke against the ordinance.

Alderman Gray: Do you know how many bars are smoking?

Matt Marshall: I think it's 19 of the 32 that have private club licenses.

Alderman Gray: Do you feel like that is going to be a huge detriment to Dickson Street?

Matt Marshall: Yes, it's going to make the bars go out of business. People like to go out and smoke and drink. It's all about choices.

Alderman Adams: Have you worked at Mickey Finn's on a night when the management of the bar decided to voluntarily go smoke free to accommodate a group who wouldn't come without it being smoke free?

Matt Marshall: Yes, for a law school party.

Alderman Adams: So when there is a group that wishes to have an event at a place that is smoke free your very work place decided that it was economically to its benefit to go along with that. When you said you believe this puts people out of work or hurts jobs, you benefited from that very group that wouldn't come unless it was smoke free.

Matt Marshall: That was one day.

Alderman Adams: Do you have any idea about the economic benefit if you did that regularly?

Matt Marshall: I have talked to some of the regulars and a lot of the older guys are not going to come out anymore. They are going to sit at their houses and drink. We are trying to make money and if a group wants to come in and give us money to be smoke free for one night that is fine. That is my boss's decision to make.

A citizen stated if you ban smoking in bars where I enjoy going, you have taken the right of the people out of our hands and made our decision for us and that is wrong. He spoke against the ordinance.

J.R. Few, Creative Director for Hansel Art and Advertising and a volunteer with Arkansas Cancer coalition: I have to ask why a public health issue as evidenced based as smoke free air is

even being debated. The only business that loses money with clean indoor air is the tobacco business. Clean indoor air requirements are simple and will save lives. Smoke free air protects nonsmokers, helps smokers quit, and is an example to young people that tobacco was never appropriate, desirable or normal. He gave statistics on the affects of second hand smoke. He spoke in favor of the ordinance.

Alderman Ferrell: You are in art and advertising. Have any of the tobacco advocates ever been a customer of yours?

J.R. Few: I bet in the last seven years I have made \$2,000.

Cathleen Holloway, resident of Ward 3 and former employee of restaurants and bars spoke on the long term affects that second hand smoke had on her. It was not her choice, which was previously stated, due to the pay differences compared to other jobs. She spoke in favor of the ordinance.

Alderman Lewis: You said you have lived here a few years.

Cathleen Holloway: Yes, all through the 70's and then I traveled around and worked elsewhere and then finally got to come back home in 2003.

Alderman Lewis: So were you here while the restaurant debate was going on?

Cathleen Holloway: It was going on right when I moved back.

Ashley Reed, a nursing student and an employee at a local bar stated it is my choice to work in a smoking bar and this is a matter of rights since it's a private club and not public property.

Al Witte, a citizen: I previously smoked. I quit and it was the best thing I ever did. I taught constitutional law most of my life. About the only place I go in Fayetteville is a bar. This amendment goes too far. Only adults can drink and smoke. Why don't we keep Fayetteville tolerant? He spoke against the ordinance.

Alderman Ferrell: I think you did a wonderful job of explaining the aura and attraction of what Fayetteville really is.

Stan Dobbs, who currently works in a bar, stated I think it should be our decision. I believe that if this goes into effect it will vastly affect our income and our patrons. He spoke against the ordinance.

Cambre Horne Brooks, resident of Fayetteville spoke on the positive impact of policy changes. She stated her journey with smoke free began a long time ago. In 1967 in this community we allowed smoking in a maternity ward. In 2005 we had a place where students and faculty at school could smoke a cigarette. Social change is hard and policy change is hard. This is about saving lives, changing lives, and moving this community forward. The tobacco industry said it was not addictive and it did not cause cancer, heart disease, or strokes. The worst thing they did

is say they were not marketing to our children and young adults. They hoped they would fine replacement smokers because many people die from the use of this product more than any other product. We are not here to regulate smokers but I do want to save lives and I want this community to be a better place. If you follow the guidelines you will have a social norm change. After the passage of the 2004 ordinance, in this community, we saw a 16% reduction of smoking in young adults and students. Where I work we are the only program in NW Arkansas who offers cessation to low income individuals who are uninsured.

Alderman Ferrell: Are there other smoking cessation and or smoking rehab projects in NW Arkansas?

Cambre Horne Brooks: I believe AHEC and MANA offer them but they are \$250 per person and they do not offer prescription assistance to help people quit.

Alderman Ferrell: And they are not funded by tobacco supplement money?

Cambre Horne Brooks: No, they are not and neither is the cessation program at Community Clinic.

Alderman Ferrell: So there are no tobacco cessation rehab projects in NW Arkansas?

Cambre Horne Brooks: No, the master tobacco settlement agreement said we are better spent preventing smoking than trying to stop it. That is why policies are the most efficient route to make sure that happens in our community.

Alderman Lewis: What is the amount of money that goes into tobacco industry marketing as opposed to tobacco settlement money?

Cambre Horne Brooks: It is incredibly off kilter and I think someone from the NWA Tobacco Free that is here can tell you that number but it's something to the degree of ten to one. One penny to \$10.00 is used in marketing.

Tyler Clark, with the NW Arkansas Tobacco Free Coalition stated on average the tobacco industry spends \$160 million in marketing in Arkansas compared to \$14 million of what we are able to spend in the state.

Alderman Petty: Do you know at what age most people begin smoking?

Cambre Horne Brooks: We know that the target for the tobacco industry is 18 to 24 but if you start smoking in the eighth grade you have about a 90% chance to become a lifetime smoker. Change is tough, but I hope that you all are brave enough to go on that frontier.

Angela Leichner, Owner of the Beer Keg stated it is not fair that we should have to worry about this. She questioned why they should be told that they can not do something that is legal. She spoke against the ordinance.

Alderman Lewis: I understand that you and your husband are the only employees. Have you ever had additional employees?

Angela Leichner: We have had additional employees in the past.

Alderman Ferrell: The people that are pushing this amendment advise that through their research this won't have a negligible affect if any should this amendment pass. What do you say to that.

Angela Leichner: I don't smoke but my husband smokes and I cannot think of any possible way that it could be positive for us or the other businesses that are nearby us. These people are local people and enjoy smoking and having a drink.

Alderman Tennant: How many hours a week are you in the bar?

Angela Leichner: Probably somewhere in the neighborhood of 60 plus hours.

Tyler Clark: To answer your question from earlier Alderman Petty, the average first age of use is 12 years of age. This is your chance to vastly improve the health and well being for Fayetteville residents for years to come. He spoke in favor of the ordinance.

Alderman Ferrell: What is the easiest and most logical way for people that do not want to be exposed to smoke or second hand smoke to avoid it?

Tyler Clark: If someone is smoking near you you can ask them to put it out or do not go to a venue that has smoke. However I don't have a choice to breathe, but I have a choice to smoke.

Alderman Ferrell: I read that there is growing civil disobedience in New York.

Tyler Clark: Mayor Bloomberg addresses that and I do not think it is the same for Fayetteville.

Alderman Lewis: It has been stated that if you are x then go to a bar that is x. Can you respond to that?

Tyler Clark: There are a couple of bars that I enjoy but I cannot tolerate the smoke. I should be given the choice to go wherever I would like to go.

Patricia Roberts, a Fayetteville resident stated I think we need to figure in where these stats for this disease are coming from. I go to bars that only allow smoking and I have never seen a poll taken in these smoking establishments. Nobody that I have talked to was asked whether or not they were a smoker that smoked. You do not have the right to tell me what I can or cannot do with my own body as long as I am not hurting another person. The people that do not smoke have choices.

Jennifer Stilts, resident of Ward 2 stated if smoking is considered a right then it should be considered something that you can do that won't affect others. She spoke in favor of the ordinance.

Robert Patton, a law student and physician spoke on the harmful affects of cigarette smoking. I have witnessed first hand the effects of smoking. It is the number one health issue in this country. It is a serious health problem and it costs all of us a lot of money in healthcare. I do not belong to any particular group. I am here because I am a physician. I believe this will reduce smoking. Smoking is not a protected minority.

Alderman Ferrell: At the last meeting we acknowledged that there is a direct correlation between smoking and hazard to your health. We all understand that.

Chris Varga, Owner of Ryleighs which is a smoking bar and Sideway's which is a nonsmoking bar stated smoking is bad for you but for me it is a liberties thing. I don't tell you how to run your business so please don't tell me how to run mine. He spoke against the ordinance.

Alderman Tennant: You and your wife run those two bars correct?

Chris Varga: Yes.

Alderman Tennant: If you had to estimate how many hours do the two of you spend in those bars per week?

Chris Varga: I put in well over 60 to 80 hours per week between the two bars.

Bryant Adams, who recently moved to Fayetteville stated the reason I hope Fayetteville will refrain from passing this is simply because I think our government does a little too much too often. He spoke against the ordinance.

Alderman Lewis: So what is your perception on the roll of government?

Bryant Adams: My perception on the roll of government is to provide for the health and welfare of public safety. I certainly think those are important issues however I think that health and welfare issues might not stretch all the way into the individual business owner's domain.

Nate Allen, a Fayetteville resident: It seems one of the first arguments on behalf of this ordinance was to enhance Fayetteville's cutting edge image. The Fayetteville image I treasure has been replaced by the arrogance of affluence. If this ordinance passes we will have people closing their doors and moving out.

Alderman Lewis: I am wondering about the minority that you are defining. Is it the businesses that allow smoking? Is that the minority that you are referring to?

Nate Allen: The clientele that I know at Rogers Rec and the Beer Keg, the blue collar people that smoke, basically this ordinance is one more slap at them.

Steve Frankenberger, a Fayetteville resident stated freedom of choice does not mean that I get to make a choice that you agree with. Giving up cigarettes was probably the hardest thing I have ever done and picking up that first pack of cigarettes was the stupidest thing I have ever done. I do not go to bars so I do not have anything at stake except freedom. No one is being denied any right now. You can breathe free air now. You have to go out of your way to find a smoking environment. Say no to this. This is none of your business.

Alderman Gray: Have you ever had anyone die from second hand smoke?

Steve Frankenberger: I don't know if it was second hand smoke, but my father-in-law died at age 50 from coronary heart disease.

Alderman Gray: Was he a smoker?

Steve Frankenberger: Yes. My mother-in-law is approaching 80 and has been smoking since she was 12.

Alderman Lewis: You mentioned freedom so at what point does one persons freedom start and another person's freedom begin?

Steve Frankenberger: That's a tough question and this country has been arguing that question for over 250 years. That debate has always gone in the direction of let's maximize the amount of freedom that society can have without falling apart.

John Brooks, a Ward 1 resident stated it is the government's responsibility to protect its citizen's. The polls that we keep hearing about that are in favor of this are not just numbers that are being made up. In 2003 Fayetteville took the lead and they passed an ordinance and the state passed one shortly after that. People that I know in Little Rock have asked me when we are going to get the bars and make Fayetteville a better healthier place. No one is being banned from smoking.

Alderman Ferrell: Did you say that your friends in Little Rock said go up to Fayetteville and take care of this?

John Brooks: No, they asked me when Fayetteville was going to take the lead again and make a comprehensive ordinance.

Alderman Ferrell: There are people that say they have scientific data that red meat is bad for your health. Let's just say we have a group from central Arkansas that gets some funding from the government and they come up here and want us to pass a law to shut down every restaurant that serves red meat. Would you favor us doing something like that?

John Brooks: I think we would have to cross that bridge when we get there but that is not the reality of what we are talking about.

Cambre Horne Brooks: I am a health advocate and smoking is not my only issue. My job is to educate the public on the factors that cause chronic disease. There is not one hamburger that is going to cause obesity on me. You don't shut down restaurants because they do not cause second hand obesity. Their behavior does not affect my cardio vascular but smoking does.

Alderman Ferrell: I understand that but can you understand that it's possible for a group to come here and try to get us to pass an ordinance like that.

Lori Ray, a Fayetteville resident stated every credible study shows that there is no financial harm to businesses in cities that enact smoking bans but in fact they show just the opposite. More folks will choose Fayetteville to wine, dine, entertain, and spend their money due to the smoke free atmosphere. A majority of Fayetteville residents support a smoke free ordinance. 85% of Fayetteville residents do not smoke. Let Fayetteville stand out as a leader again in the state.

Karon Reese, a resident of Ward 1 stated I will not go near a bar that allows smoking. I will be on the side that will help the economy after these bars go nonsmoking and I encourage you to vote for this ordinance.

Susie Shinn, resident of Ward 1 addressed the claim that government has no place in the operation of private businesses by pointing out that they are public places and therefore subject to regulation to protect workers and patrons. She spoke in favor of the ordinance.

Jennifer, a citizen gave her family's military history and she stated half of them smoke and the other half do not, however no one smokes in the house out of respect for one another. She stated what this boils down to is respect for one another. She spoke in favor of the ordinance.

Jordan McDaniel, who currently attends the U of A stated I believe I have the right to breathe fresh air and what gives them the right to endanger my health. She spoke in favor of the ordinance.

Dr. Carolyn Jessler, a cardio thoracic surgeon spoke on the affects of second hand smoking and gave statistics on tobacco related deaths. About 85% of all lung cancer is from people who smoke. I have focused my career on this issue in order to have fewer people dying. In Arkansas we have 4,900 people who die every year from tobacco. There is no safe level of second hand smoke. It is a choice on whether you go into a bar or not. What I believe the importance for this is how we protect the people who work in those environments. Everybody has a right to a healthy work environment.

Alderman Ferrell: We all understand that smoking is harmful to your health. You said 85% of lung cancer is related to smoking, when a person gets a malignancy and it metastasizes to the lungs, what kind of cancer is that called? Does it go back to the origin of where it started before?

Dr. Carolyn Jessler: Yes, it would be like kidney cancer that metastasizes to the lung. 30% of all cancers are caused by tobacco. The number one cause of lung cancer death in Arkansas and the US is lung cancer.

Jamie Thornton, resident of Ward 3: As a nonsmoker I believe that my rights should be respected as well. There are a lot of places I would like to go that are not smoke free. Second hand smoke is harmful therefore it should be illegal. I have never been paid by the Tobacco Free Coalition.

Alderman Lewis: You mentioned you own a restaurant and I am curious to know if you were involved in the nonsmoking for restaurants effort.

Jamie Thornton: Yes I was. I volunteered for that and for this.

Alderman Lewis: What were people saying would happen to the restaurants?

Jamie Thornton: Every conversation I had with someone said it was against the restaurant owner's rights and they had the privilege to do what they wanted to do. They also said that people would go to Springdale and Bentonville to eat. I believe the studies have shown that the sales tax revenue for businesses have gone up since the ban went into effect. So these arguments are not valid.

Paige Daniel, Project Coordinator for the NW Arkansas Tobacco Free Coalition handed out information to the Council and gave examples of communities that passed a smoking ban. She listed positive results due to the bans. She spoke in favor of the ordinance.

Megan Dunaway, resident of Ward 3 stated sidestepping this danger does not resolve the problem. She spoke in favor of the ordinance.

Scott Phelps, a Fayetteville resident stated you do not have the right to come in and tell a bar owner how to run his business. He spoke against the ordinance.

Mary Alice Serafini, Director of the University Health Center spoke on a survey conducted at the University of Arkansas on cigarette use. She pointed out the positive health impacts if smoking is removed from bars. She spoke in favor of the ordinance.

Alderman Lewis: Do you know the student population coming in this fall?

Mary Alice Serafini: It should be about 23,000 students.

Alderman Lewis: How many of those work on campus?

Mary Alice Serafini: I don't know that percentage.

Alderman Ferrell: You said you are not speaking for the University.

Mary Alice Serafini: No, I am not here representing the University.

Michael voiced his concern about some of the bars that do not have a place to build patios so that people can smoke. Everyone knows that smoking is bad for you. Businesses should have the ability to choose if they allow smoking. This ban intrudes on the freedoms of business owners. There needs to be choices.

Alderman Lewis: Did you work off campus?

Michael: I worked in restaurants, which I believe should have no smoking.

Jennifer Bronson, resident of Ward 3 referenced several studies regarding the effects of smoking. She voiced her concerns about patrons that may have unknown health conditions and women that may be pregnant and working. Bar owners concerned about economic success are the first to admit that their choices are limited by what the tobacco industry has done to our society and the addictive nature of cigarettes. If they can't offer this luxury they do not have a business. Nonsmokers deserve to be protected.

Tammy Marks, Ward 4 resident: Smokers have the right to endanger themselves with their potentially lethal addiction but they do not have the right to endanger anyone else. Only one in seven adults smoke and a large majority prefer nonsmoking environments. If the majority wants to keep the air clear of smoke how can it be undemocratic to ban smoking in bars especially if the ban won't cause economic harm and will improve health. Most people want to quit smoking but can't. Nobody should have the legal right to hurt other people.

Sandy Prince, Ward 3 resident and works for Hope Cancer Research: The amount of dollars spent on healthcare specifically for lung cancer is 6% of our gross national product. In 1995 that was \$41 billion. The cost to care for a lung cancer patient from the Medicare point of view is \$59,000 after diagnostic. About 10% of that cost will be passed on to the consumer. The overall cost for care, if you consider everything, was \$1,190,000 per person and it did not afford that person very much life at all. I do not judge smokers. I just want them to live a little bit better and longer.

Zack Stokes: It matters to the youth here that we get rid of smoking.

David Allen, I am opposed to this amendment. The government should not be able to tell the owners of private clubs whether or not they allow a legal activity to take place in their business. The government should not be taking choices away from its people. It is your choice to go into one of these establishments.

Wade Ogley: I think that in a strictly 21 and over environment you have to let adults make adult decisions. Tobacco is legal for adults.

Scott Greenwood, we know smoking is bad for your health. This is not just a city issue it will also affect the county as a financial loss. There will be a loss in business. It will take years to get that revenue back. He passed out some financial information and went over that information. Proper air ventilation will disburse the smoke. He also suggested a smoking permit for bars that

allow smoking. He stated obesity is the number one killer right now. There are other things we need to be worrying about. He asked that the ordinance be tabled.

Alderman Gray: We are working on the obesity problem in this country. Once we recognize a problem that is when government has to step in.

Tyler Clark: We compared six SEC cities that had similar policies one passed a workplace 100% smoke free policy, four passed a 100% restaurant policy and three passed a 100% bar policy. The detail shows that cities, with some type of policy, saw no negative affect on their economic impact. There was an increase in their beverage and food revenue when they went to a smoke free bar policy.

Alderman Gray: We are talking about stand alone bars that do not serve food.

Mark Wright owner of On the Mark Sports Bar & Grill: This is not a health issue when it comes to someone that owns a business and has to pay the taxes that we have to pay. He listed some cities and states that have voted down a smoking ban or are revisiting their ban. Why do we have to go outside it's our air, don't we live together as a democracy? There are only a few of us that allow smoking.

Alderman Petty: The municipal ban on indoor smoking in Austin, Texas still stands. There are also several municipal bans in other Texas cities. I think you can look at any part of the United States and find different viewpoints on this issue. What we need to remember is Fayetteville is unique and we are going to come to our own decision on this issue. We have standards for the studies that we are going to look at and respect.

Alderman Gray: Will this affect your bar?

Mark Wright: It will close my bar.

Alderman Gray: Do you serve food?

Mark Wright: Yes

Alderman Gray: If you serve food you can't have smoking anyway. Any bar that serves food is not considered an open bar.

Tyler Clark: He has an exemption from the State of Arkansas which allows him to serve food but no one under the age of 21 is allowed.

Curt Wolfe, resident of Ward 2: My position has to do with smoke free workplaces. I am ashamed to know what I know about the effects of second hand smoke and that Fayetteville knows what the effects of second hand smoke are but yet we still facilitate unsafe work places. I would like to think the City of Fayetteville would provide protection so wherever my children socialize or work they will not jeopardize their health because they are working or patronizing an

unsafe workplace. There has been a lot of talk about the economics and in 2003 everybody cried they were going to go out of business and we never saw that happen.

Louise Mann, Ward 4 resident asked the Council to please vote for a smoke free Fayetteville.

Don Marr, Ward 2 resident thanked the Mayor for letting him speak. I was the original sponsor the last time we had this debate. The previous ordinance excluded bars as a part of the ordinance. I made the concession of pulling bars out because I believed that it would not have passed with it in it. My family earned their income raising tobacco in central Virginia. You don't get closer to smoking than I got. This is not about being personal it is about our beliefs and it is okay to have different beliefs.

There is nothing in this ordinance that prohibits someone's ability to smoke, what it does is control where they can smoke. Smoking is a habit that people get, it is expensive, it is expensive to treat and expensive to people who are not covered by means of paying for it. We heard about economics last time. Like any business if you don't adapt you are going to be impacted. This industry is an industry whose life is much shorter than some businesses.

Nancy Allen: I am a former smoker and had a terrible time quitting smoking. I would imagine everyone that smokes wishes they didn't. I don't think this ordinance will make them quit smoking. I agree with the article in the paper that stated this is going too far. This is over the top in my opinion. I hope that you do what you feel is right.

Alderman Gray: We have bartenders and musicians that spend lots of hours in the bars. We have heard tonight that every bit of second hand smoke is harmful according to our reports which I believe. I am troubled about why we feel we are going to protect the work place of everyone in our city but we are not going to protect workers in bars or musicians. We have heard that they can work some place else but that is not the case in every situation. For us to overlook the fact that many of them do not have insurance is a huge economic impact on the citizens of Fayetteville who have insurance. People that have insurance are paying for a person that does not have insurance for their health treatment. We have a very strong sense of community which means we care about each other. We do not want to put our citizens in a situation where they do not have clear air to breathe. That is our responsibility as policy makers for the citizens of Fayetteville to ensure they have a healthy workplace.

Alderman Adams: I have worked at the University for 33 years and I will never forget going into a class where a professor smoked. We are protected now and smoking is not allowed on campus. I am grateful that I work in a place that was progressive and cared about my health. We raised a couple of girls who were students at the University and I know the pressures as a student are real. Our students are learning to smoke in the very environment that we are trying to teach them the best way to live. In Bentonville you can not smoke in parks. You can still smoke here outside of enclosed public places. I understand the rights of business owners. I believe this is a health issue.

Alderman Lewis: My grandparents owned and operated a tobacco farm in Ohio. My grandfather would tell us to not smoke because you can not stop. In a lot of ways smoking is not

a choice because it becomes an addiction. Both sides see the importance of choice. When the choice begins to impact others it is the role of a governmental body to develop policy to weigh the rights of all citizens. In a public place where the public is invited, the actions, not the person themselves, are creating a nuisance to others. The city is completely in its space to abate nuisances. This can become a nuisance for people in that public space but it also affects people's health. It minimizes options in a job search. As a Council member we have to consider all of the citizens.

Alderman Ferrell: We have people that their livelihood is at stake and some people that have been trying to drive policy. I feel this will have an impact. We have a few sanctuary bars left in this town. I have smoked for years and I am addicted. I think I have the right to smoke. I will not vote to knock these jobs down.

Alderman Thiel: In 1991 the city passed the first ordinance that banned smoking in public places and people survived. I think that ban encouraged a lot of people at that time to quit smoking or to never start smoking. The voters passed a ban on smoking in restaurants and I don't think the sky fell. By doing this we offered employees a safe place to work and breathe. Now we are doing the same thing for bartenders, waiters and people that work in bands. I feel the City Council has the authority and responsibility to regulate for public safety and the welfare of the citizens of Fayetteville. The good things about this out weigh the negative.

Alderman Tennant: The City of Fayetteville is full of caring compassionate people. This Council truly cares about the citizens. It is an honor to serve with each and every one of them. The selfish part of me wants this to pass because I do not smoke and do not like to be around smoke. I understand that people that smoke are making a bad decision for their life. Smoking has affected my life personally. I can not base my vote on my selfishness. Maybe it is a choice and maybe it is important that we defend the right to make a bad choice. To me it comes down to decision and choice but just as important the value that we place on the person's ability to make their own decision. There is a choice for adults in the city to go to or not go to a smoking establishment. There is a choice of the business owner to have or not have a smoking establishment.

On occasion I go to a smoking bar and I do not need you to protect me from that. I think government's role is that we must protect those who can't protect themselves to the best of our ability. I agree with the ordinance as it stands now. I think the coalition has done a great job. We as a society pay for many of those people that make bad decisions. We can do as much as we should as a government and we have already done that in the existing ordinance. To take the next step as a city government is one step too far.

Alderman Kinion: I worked in the public schools as an educator and a volunteer for the American Lung Association so that 5th graders would not smoke. I think education is the key. If you are educated you are going to make wiser choices. I went into 18 different bars in the last six weeks and talked to employees and none of them wanted me to tell them how to make a decision. This ordinance is not going to change anyone's mind about smoking. I don't believe that I can make a choice for these individuals.

Alderman Petty: I think some of us have made a mistake in the perception of this issue. I think second hand smoke is an exceptional danger. The statistics show that quit rates improve by 84% after the passing of legislation like this. We would help people who make bad decisions by passing this legislation. Education is by far the best way to work on this. There is nothing that provides more education than the experience of, every bar you go to, every person knowing it is wrong to smoke indoors and create a toxic environment for the rest of the public. That is an educative measure that can only happen through public policy.

Alderman Thiel: You have to be 21 to go into a private bar that serves mixed drinks and alcohol.

City Attorney Kit Williams: Any bar that would allow smoking by state law can not allow anyone under 21 to be in the bar. A bar that would not allow smoking, people under 21 could come in, but not be served.

Alderman Thiel: In a lot of smoking bars you have a lot of under aged people, students that are being subjected to smoke. I hope we do a better job of regulating the bars.

Mayor Jordan: I commend this Council on their courage to vote tonight. I want to thank the people that have expressed their opinion. I would support this amendment if I could vote. In 2003 I had over 700 comments regarding smoking. 52% were in favor and 48% were against it. When it went to a vote of the people 51% were in favor and 49% were against.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 5-3. Alderman Petty, Adams, Lewis, Gray, and Thiel voting yes. Alderman Tennant, Ferrell, and Kinion voting no.

Note: the ordinance needed six votes to pass and the Mayor could not vote.

The ordinance failed.

New Business:

RZN 11-3799 (Corner of Mount Comfort and Oakland Avenue/Oakland Courts): An ordinance rezoning that property described in rezoning petition RZN 11-3799, for approximately 1.43 acres, located at the corner of Mount Comfort Road and Oakland Avenue from RMF-24, Residential Multi-Family, 24 units per acre to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Director gave a brief description of the rezoning. Planning Commission forwarded this item to the City Council with a vote of 9-0. Staff supports the application.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Lewis 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 Lewis: I really appreciate that this is Community Services a formed based code.

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

Ordinance 5412 as Recorded in the office of the City Clerk

VAC 11-3837 (1849 South Garland Avenue ROW Vacation): An ordinance approving VAC 11-3837 submitted by Morgan Hooker for property located at 1849 South Garland Avenue to vacate a portion of an un-constructed right-of-way, a total of 258 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Director gave a brief description of the vacation. The Board of Adjustments saw a variance request for this application and approved that request. Staff recommends approval.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5413 as Recorded in the office of the City Clerk

Bid #11-37 Dean Crowder Construction, Inc.: A resolution awarding Bid #11-37 and authorizing a contract with Dean Crowder Construction, Inc. in the amount of \$3,815,173.70 for construction of improvements to Cato Springs Road and Razorback Road to School Avenue, approving a five percent project contingency, and approving a budget adjustment.

Chris Brown, City Engineer gave a brief description of the resolution.

Alderman Lewis: That area has drainage issues. Has the design been made yet?

Chris Brown: Yes.

Alderman Lewis: I think that is a really important thing that needs to be considered on that project.

Chris Brown: The drainage system is included as part of the construction. The project will drain much better than it does now.

Alderman Thiel: I am glad this project is moving forward. We need a safer road there.

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

Resolution 93-11 as recorded in the office of the City Clerk.

Meeting adjourned at 11:45 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Aldermen

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

Tentative Agenda City of Fayetteville Arkansas City Council Meeting June 21, 2011

A meeting of the Fayetteville City Council will be held on June 21, 2011 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

City Council Agenda Session Presentations:

- 1. Fayetteville's CommonPlace Presentation – Audra Herrera**

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

- 1. Nominating Committee Report**

Agenda Additions:

A. Consent:

- 1. Approval of the June 7, 2011 City Council meeting minutes.**

2. **Bid #11-31 Shipley Motor Equipment of Lowell:** A resolution awarding Bid #11-31 and authorizing a contract with Shipley Motor Equipment of Lowell, Arkansas in the amount of \$453,279.08 for the purchase of two (2) Mack LEU613 Trucks with Wayne Titan 40 FEL bodies for use by the Solid Waste Division.
3. **Bid #11-36 MHC Kenworth/Volvo of Springdale:** A resolution awarding Bid #11-36 and authorizing a contract with MHC Kenworth/Volvo of Springdale in the amount of \$103,855.16 for the purchase of a T800 semi truck tractor for use by the Water and Sewer Department.
4. **Wal-Mart Foundation and Wal-Mart #5737 Donation Revenue:** A resolution approving a budget adjustment in the amount of \$2,000.00 representing donation revenue from the Wal-Mart Foundation and Wal-Mart #5737 to the Fayetteville Fire Department for the purchase of life vests.
5. **Arkansas Water and Wastewater Agency Response Network:** A resolution approving a water and wastewater mutual aid agreement through the Arkansas Water and Wastewater Agency Response Network, and assigning the Utilities Director as the authorized official.
6. **2011 Community Development Block Grant:** A resolution approving a budget adjustment in the amount of \$91,911.00 to recognize the actual amount of the 2011 Community Development Block Grant award.
7. **Friendship Community Care, Inc.:** A resolution to approve a lease agreement of about 2.2 acres with Friendship Community Care, Inc. to serve developmentally disabled Fayetteville citizens.
8. **2011 Bulletproof Vest Partnership Program:** A resolution authorizing application for a 2011 Bulletproof Vest Partnership Program fifty percent (50%) matching grant in the amount of \$9,100.00 for replacement of fifteen (15) body armor vests for the Police Department.
9. **City Hospital Board of Trustees:** A resolution to appoint Conrad Odom and Hershey Garner to the City Hospital Board of Trustees also known as the Board of Control of the Stone Hospital.
10. **Plante & Moran, PLLC:** A resolution approving a contract with Plante & Moran, PLLC in the amount of \$185,000.00, plus a project contingency of \$20,000.00, for the provision of information technology project implementation and management services, and approving a budget adjustment.
11. **Gila, LLC DBA Municipal Services Bureau:** A resolution authorizing a contract with Gila, LLC DBA Municipal Services Bureau for account collection services at a payment rate of forty percent (40%) of amounts collected.

B. Unfinished Business:

1. **None**

C. New Business:

1. **Federal Emergency Management Agency (FEMA):** A resolution authorizing application for and acceptance of a federal disaster grant from the Federal Emergency Management Agency (FEMA) related to Spring 2011 flood damage, and approving a budget adjustment in the amount of \$1,000,000.00.
2. **Amend Resolution 226-10:** A resolution amending Resolution No. 226-10 approving the Transportation Division overlay/sidewalk projects list for 2011 by reducing overlay/sidewalk projects to provide for drainage maintenance, and approving a budget adjustment.
3. **Motorola, Inc.:** A resolution approving a change order for Phase II of the radio project with Motorola, Inc. in the total amount of \$614,093.00, with \$237,746.00 funded from the project contingency, \$286,000.00 from the street fund, \$49,901.00 from police impact fees and \$40,446.00 from fire impact fees, and approving a budget adjustment in the amount of \$286,000.00.
4. **City Plan 2030:** A resolution approving and adopting City Plan 2030 and the future land use map as the comprehensive land use plan.
5. **Revised Master Street Plan:** A resolution approving and adopting a revised Master Street Plan and street cross-sections.
6. **RZN 11-3804 (Northwest Corner of Mountain Street and College Avenue/East Square Development):** An ordinance revoking C-PZD 05-1610 (East Square Development) and rezoning that property described in rezoning petition RZN 11-3804, for approximately 1.01 acres, located at the northwest corner of Mountain Street and College Avenue, from C-PZD, Commercial Planned Zoning District 05-1610, to DC, Downtown Core.
7. **RZN 11-3805 (East of Dead Horse Mountain Road/ Falling Waters):** An ordinance revoking R-PZD 05-1635 (Falling Waters) and rezoning that property described in rezoning petition RZN 11-3805, for approximately 136.70 acres, located east of Dead Horse Mountain Road, from R-PZD, Residential Planned Zoning District 05-1635, to R-A, Residential Agricultural.
8. **RZN 11-3806 (South of Zion Road and East of Taliesin Lane/Woodbury):** An ordinance revoking R-PZD 06-2190 (Woodbury) rezoning that property described in rezoning petition RZN 11-3806, for approximately 9.26 acres, located south of Zion Road and east of Taliesin Lane, from R-PZD, Residential Planned Zoning District 06-2190, to NC, Neighborhood Conservation.
9. **RZN 11-3807 (Southwest Corner of Razorback Road and 15th Street/Champion Club Condos):** An ordinance revoking R-PZD 07-2551 (Champions Club Condos) and rezoning that property described in rezoning petition RZN 11-3807, for approximately 4.42 acres, located at the southwest corner of Razorback Road and 15th Street, east of the Crowne Apartments, from R-PZD, Residential Planned Zoning District 07-2551, to UT, Urban Thoroughfare.

10. RZN 11-3835 (3710 West Martin Luther King Boulevard/Zaifi): An ordinance rezoning that property described in rezoning petition RZN 11-3835, for approximately 1.20 acres, located at 3710 West Martin Luther King Boulevard from C-1, Neighborhood Commercial to CS, Community Services.

11. Appeal RZN 11-3831 (209 W. Martin Luther King Blvd.): An ordinance rezoning that property described in rezoning petition RZN 11-3831, for approximately 2.64 acres located at 209 West Martin Luther King Boulevard from RMF-24, Residential Multi-Family, 24 units per acre to C-1, Neighborhood Commercial.

City Council Tour: Monday, June 20, 2011 at 4:30 p.m. The Council will tour the Fayetteville Television Center

Announcements:

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 #11-31 Shipley Motor
 Equipment of Lowell
 Page 1 of 6

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

6/21/2011

**City Council Meeting Date
 Agenda Items Only**

Dennis Pratt / Barbara Olsen

Submitted By

Fleet Operations

Division

Transportation

Department

Action Required:

A resolution awarding Bid #11-31 to Shipley Motor Equipment of Lowell, Arkansas in the amount of \$453,279.08 for the purchase of two front load solid waste trucks.

\$ 453,279.00

Cost of this request

\$ 1,543,500.00

Category / Project Budget

Solid Waste Vehicles & Equipment

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 166,308.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02082.2011

Project Number

\$ 1,377,192.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

[Signature]
 Department Director

6-1-11
 Date

Previous Ordinance or Resolution #

[Signature]
 City Attorney

6-2-11
 Date

Original Contract Date:

Original Contract Number:

[Signature]
 Finance and Internal Services Director

6-2-2011
 Date

Received in City 6-02-11A11:15 RCVD
 Clerk's Office

[Signature]
 Chief of Staff

6-3-11
 Date

Received in
 Mayor's Office



[Signature]
 Mayor

6/6/11
 Date

Comments:



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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation

From: Dennis Pratt, Fleet Operations Supt.

Date: June 1, 2011

Subject: Purchase of two Solid Waste Front Load Collection trucks

PROPOSAL: That City Council approve the purchase of two Mack LEU613 trucks with Wayne Titan 40 FEL Bodies in the amount of \$453,279.08 for use by Solid Waste Division.

RECOMMENDATION: Re-bid 11-31 was opened April 8, 2011. Fourteen bids were received; a bid tab sheet is attached.

The only truck body that meets specs is the Wayne body. This eliminates the three lowest bids because those bodies do not meet specs. The fourth lowest bid from Shipley Motor Equipment – Option 4 meets specs.

I recommend acceptance of the bid from Shipley Motor Equipment – Option 4 in the amount of \$453,279.08 for two front load solid waste collection trucks.

These units are replacements of units #460 and #461, both 2003 Mack front load solid waste trucks which were scheduled for replacement in 2010, but the replacement was pushed back to 2011. They are no longer dependable and need to be replaced.

This purchase was unanimously approved by the Equipment Committee on May 31, 2011.

BUDGET IMPACT: These replacements were budgeted for on both the capital and the operating sides.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #11-31 AND AUTHORIZING A CONTRACT WITH SHIPLEY MOTOR EQUIPMENT OF LOWELL, ARKANSAS IN THE AMOUNT OF \$453,279.08 FOR THE PURCHASE OF TWO (2) MACK LEU613 TRUCKS WITH WAYNE TITAN 40 FEL BODIES FOR USE BY THE SOLID WASTE DIVISION

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #11-31 and authorizes a contract with Shipley Motor Equipment of Lowell, Arkansas in the amount of \$453,279.08 for purchase of two (2) Mack LEU613 trucks with Wayne Titan 40 FEL bodies for use by the Solid Waste Division.

PASSED and APPROVED this 21st day of June, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Bid 11-31, Front Load Solid Waste Collection Trucks Re-Bid

BID RANK LOW TO HIGH	BIDDER	MANUFACTURER	MODEL	PRICE EACH	QTY	TOTAL PRICE
1	Shipley Motor Equipment - OPT 6	Mack New Way	LEU613 Mammoth	\$130,395.54 \$88,529.00	2 2	\$260,791.08 \$177,058.00 \$437,849.08
2	Downing Sales & Service, Inc.	Peterbilt New Way	320 Mammoth 40 Yard	\$130,518.00 \$88,529.00	2 2	\$261,036.00 \$177,058.00 \$438,094.00
3	Shipley Motor Equipment - OPT 5	Mack Kann	LEU613 Route King	\$130,395.54 \$90,842.00	2 2	\$260,791.08 \$181,684.00 \$442,475.08
4	Shipley Motor Equipment - OPT 4 \$226,639.50.00	Mack Wayne	LEU613 Titan 40 FEL	\$130,395.54 \$96,244.00	2 2	\$260,791.08 \$192,488.00 \$453,279.08
5	Peterbilt of Fort Smith - OPT 1	2012 Peterbilt Wayne	320 Titan 40 Yard FEL	\$130,518.00 \$96,244.00	2 2	\$261,036.00 \$192,488.00 \$453,524.00
6	Pendpac	Peterbilt Pendpac	320 Feenix	\$130,518.00 \$102,973.30	2 2	\$261,036.00 \$205,946.60 \$466,982.60
7	Peterbilt Truck Centers of Little Rock	EZ Pack Hercules	FL0010J40	\$124,349.00 \$111,366.00	2 2	\$248,698.00 \$222,732.00 \$471,430.00
8	Shipley Motor Equipment - OPT 1	Mack McNeilus	LEU613 Atlantic	\$130,395.00 \$107,249.00	2 2	\$260,790.00 \$214,498.00 \$475,288.00
9	Peterbilt of Fort Smith - OPT 3	Peterbilt McNeilus	320 4029 Atlantic	\$130,518.00 \$109,272.00	2 2	\$261,036.00 \$218,544.00 \$479,580.00
10	Shipley Motor Equipment - OPT 3	Mack E-Z Pack	LEU613 Hercules	\$130,395.54 \$111,366.00	2 2	\$260,791.08 \$222,732.00 \$483,523.08
11	Shipley Motor Equipment - OPT 2	Mack Labrie	LEU613 Wittke Starlight	\$130,395.54 \$113,365.00	2 2	\$260,791.08 \$226,730.00 \$487,521.08
12	Peterbilt of Fort Smith - OPT 2	Peterbilt Labrie	320 Wittke Starlight	\$130,518.00 \$113,365.00	2 2	\$261,036.00 \$226,730.00 \$487,766.00
13	Truck Centers of Arkansas	Autocar Wayne	ACX64 Titan	\$152,000.00 \$96,244.00	2 2	\$304,000.00 \$192,488.00 \$496,488.00
14	Volvo & Mack Trucks of Waco	Mack E-Z Pack	LEU613 Hercules FL0010J40	\$139,142.77 \$112,366.00	2 2	\$278,285.54 \$224,732.00 \$503,017.54

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: 6/1/2011	Bid #11-31 Shipley Motor Equipment of Lowell
P.O Number:	Expected Delivery Date: 6/1/2011	
Mail Yes: ☐ No: ☒	Taxable Yes: ☐ No: ☒	
Fob Point:		Quotes Attached Yes: ☐ No: ☐
City:	State:	Zip Code: 50
Ship to code: 50		Division Head Approval: 
Requester: BARBARA OLSEN		Requester's Employee #: 1940
Extension: 485		

Vendor #:	1785	Vendor Name:	SHIPLEY MOTOR EQUIPMENT						
Address:						Fob Point:			
City:				State:			Zip Code:	50	Ship to code: 50
Requester:	BARBARA OLSEN					Requester's Employee #:	1940		
Extension:						Extension:	485		
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2011 MACK LEU613 TRUCK WITH WAYNE	2	EA	226,639.54	\$453,279.08	9700.1920.5802.00	02082.2011		
2	TITAN 40 FEL BODY, FRONT LOAD SOLID WASTE				\$0.00				
3	COLLECTION TRUCKS, TO BE UNIT #4008				\$0.00				
4	FIXED ASSET #704008 AND UNIT #4009				\$0.00				704008
5	FIXED ASSET #704009				\$0.00				704009
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$453,279.08

Total: \$453,279.08

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. 3
 Bid #11-36 MH
 Kenworth/Volvo of Springdale
 Page 1 of 6

City Council Agenda Items
 and
 Contracts, Leases or Agreements

6/21/2011

City Council Meeting Date
 Agenda Items Only

Dennis Pratt / Barbara Olsen
 Submitted By

Fleet Operations
 Division

Transportation
 Department

Action Required:

A resolution awarding Bid 11-36 to MHC Kenworth / Volvo of Springdale in the amount of \$103,855.16 for the purchase of one T800 semi truck tractor for use by the Wastewater Treatment plant.

\$ 103,855.16
 Cost of this request

\$ 247,000.00
 Category / Project Budget

Heavy Utility Vehicles
 Program Category / Project Name

9700.1920.5802.00
 Account Number

\$ 75.00
 Funds Used to Date

Vehicles and Equipment
 Program / Project Category Name

02079.2011
 Project Number

\$ 246,925.00
 Remaining Balance

Shop Fund
 Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Tim J. Gully
 Department Director 6-1-11
 Date

Previous Ordinance or Resolution # _____

John B. Kelly
 City Attorney 6-2-11
 Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Baker
 Finance and Internal Services Director 6-2-2011
 Date

Received in City Clerk's Office 06-02-11A11:15 RCVD
Kim G.

Don Man
 Chief of Staff 6-3-11
 Date

Received in Mayor's Office
 ENTERED
 6/2/11
 [Signature]

Donald Jordan
 Mayor 6/6/11
 Date

Comments:



www.accessfayetteville.org

A. 3
Bid #11-36 MH
Kenworth/Volvo of Springdale
Page 2 of 6

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation

From: Dennis Pratt, Fleet Operations Supt.

Date: June 1, 2011

Subject: Purchase of Semi Truck Tractor unit for Wastewater Treatment Plant

PROPOSAL: That City Council approve the purchase of one Kenworth T800 with Cummins Engine semi truck tractor in the amount of \$103,855.16 for use by the Wastewater Treatment Plant.

RECOMMENDATION: Bid 11-36 was opened May 4, 2011. Seven bids were received; a bid tab sheet is attached.

The MX Engine spec'd in the lowest bid of MHC's Option 1 has only been on the market for a short period of time. Fleet wants more history before we try this engine. The second lowest bid from Truck Centers of Arkansas doesn't meet the warranty specs. The third lowest bid from Diamond International doesn't meet the engine specs.

The bid from MHC Kenworth/Volvo – Option 2 is the lowest bid that meets specs. I recommend acceptance of the bid from MHC Kenworth/Volvo, Option 2 in the amount of \$103,855.16.

This unit is a replacement of unit #754, a 1999 Kenworth Semi truck tractor which was purchased used in 2004. It presently has 719,233 miles on it, is no longer dependable and needs to be replaced due to age, miles and poor condition.

This purchase was unanimously approved by the Equipment Committee on May 31, 2011.

BUDGET IMPACT: This replacement was budgeted for on both the capital and operating sides.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #11-36 AND AUTHORIZING A CONTRACT WITH MHC KENWORTH/VOLVO OF SPRINGDALE IN THE AMOUNT OF \$103,855.16 FOR THE PURCHASE OF A T800 SEMI TRUCK TRACTOR FOR USE BY THE WATER AND SEWER DEPARTMENT

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 #11-36 and authorizes a contract with MHC Kenworth/Volvo of Springdale in the amount of \$103,855.16 for purchase of a T800 semi truck tractor for use by the Water and Sewer Department.

PASSED and APPROVED this 21st day of June, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Bid 11-36, Tandem Axle Truck Tractor

BIDDER	MANUFACTURER	MODEL	TOTAL BID PRICE
1 Diamond International <i>ENGINE DOESN'T MEET EXHAUST FLUID REQUIREMENTS.</i>	International Buyer's	Workstar 7600 UWLK50ADNCW	\$100,363.24 \$3,415.00 \$103,778.24 (3)
2 MHC Kenworth/Volvo - OPT 1 <i>MX ENGINE ONLY ON THE MARKET FOR SIX MONTHS. WE WANT MORE HISTORY BEFORE WE BUY IT.</i>	Kenworth Muncie/Chelsea	T800 with MX Engine Dump supplied by City	\$98,337.41 \$3,295.00 \$101,632.41 (1)
3 MHC Kenworth/Volvo - OPT 2 <i>★ LOWEST BID THAT MEETS ALL SPECS,</i>	Kenworth Muncie/Chelsea	T800 with Cummins Engine Dump supplied by City	\$100,560.16 \$3,295.00 \$103,855.16 (1) ★
4 Mack Truck Sales of Tulsa, Inc.	Mack Trucks, Inc. Chelsea/Parker/Muncie	2012 CXU613 Cast Iron P.T.O. & Aluminum Reservoir	\$108,344.11 \$3,550.00 \$111,894.11 (6)
5 Peterbilt of Fort Smith, LLC	Peterbilt Muncie	365 MUNTG8AK	\$114,004.00 \$4,326.00 \$118,330.00 (7)
6 Shipley Motor Equipment Company	Mack Muncie	2012 CXU613 E3XA12702BPRL/8405A07AKX	\$102,928.17 \$4,132.69 \$107,060.86 (5)
7 Truck Centers of Arkansas <i>BID DOESN'T MEET WARRANTY SPECS,</i>	Freightliner Davis	Coronado SD	\$98,813.00 \$3,550.00 \$102,363.00 (2)

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

CERTIFIED:

A. FOREN, PURCH AGENT

WITNESS

DATE

5/6/11

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. 3 6/1/2011
P.O Number:	Expected Delivery Date: 6/1/2011

Bid #11-36 MH
Kenworth Value of Springdale
Page 5 of 6

Vendor #: 73750	Vendor Name: MHC KENWORTH / VOLVO	Mail Yes: No: X
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Address:	Fob Point:	Taxable Yes: No: X	Quotes Attached Yes: No:
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City:	State:	Zip Code:	Ship to code: 50	Division Head Approval:
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Requester: BARBARA OLSEN	Requester's Employee #: 1940	Extension: 485
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Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2011 KENWORTH T800 WITH CUMMINS ENGINE	1	EA	103,855.16	\$103,855.16	9700.1920.5802.00	02079.2011		700766
2	PER BID SPECS 11-36, TO BE UNIT 766,				\$0.00				
3	FIXED ASSET #700766				\$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:	\$103,855.16
Total:	\$103,855.16

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

City of Fayetteville Staff Review Form

A. 4
Wal-Mart Foundation and
Wal-Mart #5737 Donation Revenue
Page 1 of 10

City Council Agenda Items
and
Contracts, Leases or Agreements

June 21, 2011

City Council Meeting Date
Agenda Items Only

David Dayringer
Submitted By

Fire
Division

Fire
Department

Action Required:

A resolution approving a budget adjustment in the amount of \$2,000.00 to accept and recognize donation revenue from The Walmart Foundation and Facility # 5737 to the Fayetteville Fire Department.

\$ -	\$ 11,942.00	Donations - Fire
Cost of this request	Category / Project Budget	Program Category / Project Name
1010.3020.5329.00	\$ 10,957.31	Donations
Account Number	Funds Used to Date	Program / Project Category Name
06029 / 1101	\$ 984.69	General
Project Number	Remaining Balance	Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

[Signature]
Department Director

5-26-11
Date

Previous Ordinance or Resolution #

[Signature]
City Attorney

5-27-11
Date

Original Contract Date:

Original Contract Number:

Paul A. Bech
Finance and Internal Services Director

5-27-2011
Date

Received in City Clerk's Office 5-27-11 P02:22 RCVD

Kini g.

Don Man
Chief of Staff

5-30-11
Date

Received in
Mayor's Office

ENTERED
5/27/11 BCP

Lionel J. Jordan
Mayor

5/31/11
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: David Dayringer, Fire Chief

Date: June 21, 2011

Subject: Recognition and acceptance of a donation to the Fayetteville Fire Department

PROPOSAL:

Due to the severity of recent inclement weather and flooding, the City of Fayetteville Fire Department has recognized the need for additional rescuer and victim life vests. The department recently experienced thirty-three water rescue calls within approximately four hours. During this event, the department did not have enough rescuer and victim life vests to keep the firefighters and citizens safe. The Wal-Mart Foundation and Facility # 5737 have responded to this need by donating \$2,000.00 to the Fayetteville Fire Department to be used for the purchase of rescuer and victim life vests.

RECOMMENDATION:

Staff recommends a resolution approving a budget adjustment in the amount of \$2,000.00 to accept and recognize donation revenue from The Walmart Foundation and Facility # 5737 to the Fayetteville Fire Department.

BUDGET IMPACT:

Upon approval to accept and recognize this donation, the Fire Department's Uniforms / Personal Equipment account will be increased by \$2,000.00 and the expenses will be tracked through the City's project accounting system.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$2,000.00 REPRESENTING DONATION REVENUE FROM THE WAL-MART FOUNDATION AND WAL-MART #5737 TO THE FAYETTEVILLE FIRE DEPARTMENT FOR THE PURCHASE OF LIFE VESTS

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A", in the amount of \$2,000.00 representing donation revenue from the Wal-Mart Foundation and Wal-Mart #5737 to the Fayetteville Fire Department for the purchase of life vests.

PASSED and APPROVED this 21st day of June, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

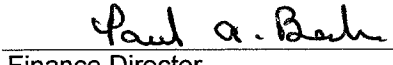
**City of Fayetteville, Arkansas
Budget Adjustment Form**

A. 4 V11.0425
Wal-Mart Foundation and
Wal-Mart #5737 Donation Revenue

Budget Year 2011	Division: Fire Department Department: Fire Department	Request Date 6/21/2011	Adjustment Number
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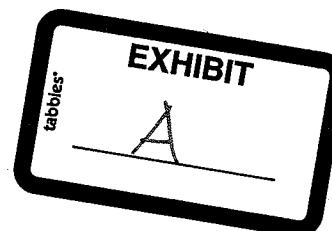
BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Recognize donation revenue from The Wal-Mart Foundation and Facility # 5737 to the Fayetteville Fire Department.

Division Head  Date: 5-27-2011	Prepared By: Ginny Gundlach ggundlach
Budget Director  Date: 5-26-11	Reference:
Department Director  Date: 6-7-2011	Budget & Research Use Only
Finance Director  Date: 5-30-11	Type: A B C <u>D</u> E P
Chief of Staff  Date: 6/7/11	General Ledger Date
Mayor  Date: 6/7/11	Posted to General Ledger Initial: Date:
	Checked / Verified Initial: Date:

TOTAL BUDGET ADJUSTMENT

Account Name	Account Number	2,000	2,000	Project.Sub Number
		Increase / (Decrease) Expense	Revenue	
Uniforms/personal equip	1010.3020.5302.00	2,000		06029 . 1101
Donations	1010.0001.4809.00		2,000	06029 . 1101
				.
				.





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Online Applications

Logout

Confirmation of Application Receipt:

Your proposal was successfully submitted to the Walmart Foundation. No further action on your part is required. A confirmation email will be sent to the email address provided during registration.

Please note: Applications are generally reviewed within 90 days of the submission date. Once funding decisions have been made, you will receive a follow up status email. To print a copy of this completed application go to 'File', then 'Print' on your browser toolbar. Click here to [return to the homepage](#) when you are finished.

Nomination Information

Organization Description (required)

#1

Contact Information

First Name (required)

Chris

Last Name (required)

Lynch

Contact Title (required)

Assistant Fire Chief

Address (required)

303 W Center St

City (required)

Fayetteville

State (required)

Arkansas

Zip (required)

72701

Telephone (required)

(479)718-7632

E-mail Address (required)

clynch@ci.fayetteville.ar.us

Contact Type (required)

Primary Contact

Organization Information

Legal Name (required)

Fayetteville Fire Department

Payee Name (required)

Fayetteville Fire Department

Address (required)

303 W Center St

City (required)

Fayetteville

State (required)

Arkansas

Zip (required)

72701

Telephone (required)

(479)575-8365

Fax

(479)575-0471

Website Address

Organization Mission (required)

To provide our citizens, guests, and employees with a progressive commitment to quality Fire, Rescue, EMS, and Community Services within the city limits of Fayetteville.

Current Activity (required)

Our organization responds to calls for emergency service close to 8,000 times per year. These services range from structural firefighting, technical rescues, emergency medical, hazardous materials, motor vehicle accidents, etc

Facebook (required)

n/a

Twitter (required)

n/a

Request History

Previous Funding Requests - All Locations (required)

N/A

Previous Funding - All Locations (required)

N/A

Walmart Neighborhood
Market on
Wedington. Store #51

Chris Milam
Store Manager

OR

Jerry Meredith
Accounting

Store # 442-1778

Store Manager
Cell # 586-5093

A. 4

Wal-Mart Foundation and
Wal-Mart #5737 Donation Revenue
Page 6 of 10

Previous Funding - This Location (required)

No

Previous Funding Date - This Location

Area of Focus

Focus Area (required)

Health & Wellness

Primary Subcategory (required)

---Emergency assistance programs

Sam's Club Additional Category

Community Served

Area Served (required)

Washington

Gender (required)

50% Male

50% Female

Age Group (required)

100% All Ages

Ethnic Background (required)

100% All

Program Information

Grant Type (required)

Local Community Contribution

Requested Grant Amount (required)

\$2,000.00

Project Title (required)

WMT 5737 Application

Program Description (required)

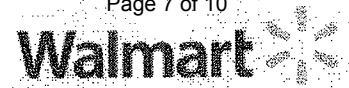
Recently we experienced 33 water rescue calls within approximately 4 hours. Our Department is in need of additional rescuer life-vests in order to provide enhanced protection for the community. We did not have enough rescuer or victim vests to keep our firefighters and citizens safe.

Program Relevancy (required)

These life vests will provide emergency response units with vitally needed equipment to protect lives in our response districts.

Need Support?

[Shop Walmart.com](#) | [Shop Sam'sclub.com](#) | [International](#) | [Jobs](#) | [Videos](#) | [Recalls](#) | [Other Sites](#) | [Twitter](#) | [Return Policy](#) | [Privacy](#) | [Calif. Rights](#) | [Site Map](#) | [Terms of Use](#)



FY12 Facility Level Giving- Local Community Contribution (LCC) Guidelines **Walmart Stores, Sam's Clubs and Logistics Facilities**

At Walmart, we believe in operating globally and giving back locally. Through our Local Community Contribution program (LCC), facilities are able to support the needs of their local communities by funding organizations working to improve the lives of our associates, customers and neighbors.

Areas of Focus for Potential Grantees

The Walmart Foundation has areas of focus including Education, Workforce Development / Economic Opportunity, Health and Wellness, Environmental Sustainability, and Hunger Relief. Through the LCC program, the Walmart Foundation requires that all funds are directed to programs that fall within our above focus areas.

Education: Examples include programs that re-engage students who have dropped out of high school, improve retention rates of first-generation college students, support teachers and promote childhood literacy.

Workforce Development / Economic Opportunity: Examples include job placement efforts, adult education, occupational training, training for English language learners, career counseling, increasing access to earned income tax credit benefits and other state/federal benefits.

Health and Wellness: Examples include cooking and meal planning classes for Women, Infants, and Children (WIC) recipients, healthy snacks for kids in summer programs, and support for doctors planning community health programs for underserved children.

Environmental Sustainability: Examples include waste reduction programs, and sustainable agriculture initiatives.

Hunger Relief: Examples include soup kitchens, food pantries, backpack programs, and school breakfast programs.

Sam's Club Additional Focus Areas

Sam's Club has recently finalized a giving strategy that aligns with its brand and focuses on Small Business Support, Youth Entrepreneurship and Health and Wellness. Sam's Club facilities direct funding within the same focus areas as other facilities. Organizations will have the opportunity to identify whether they are working within the Sam's-specific giving areas when they apply online.

Small Business Support: Examples include empowering small business particular those with women-and-minority owned businesses.

Youth Entrepreneurship: Examples include helping young people choose to stay in school, develop the next generation of entrepreneurs and business leaders, programs that spark the entrepreneurial spirit in today's youth.

Health and Wellness: Examples include programs that support nutrition and active lifestyles, educating people of all ages about their health, preventing and managing chronic disease.

Eligibility

Organizations with programs that benefit communities within the service area of the Walmart, Sam's Club or Logistics facility from which they are requesting funds; fit within one of the Walmart focus areas; and one of the following:

- Hold a current tax-exempt status under Section 501(c)(3), (4), (6) or (19) of the Internal Revenue Code,
- Are a recognized government entity: state, county, and city agency, including law enforcement or a fire department (including volunteer fire department) that is requesting funds exclusively for public purposes,
- Are a K-12 public/private school, charter school, community/junior college, state/private college or university,
- Are a church or other faith based organization with proposed projects that address and benefit the needs of the community at large.



Funding Exclusions

- Organizations with programs that do not benefit the communities within your service area
- Organizations that receive sponsorship at the national level, including American Cancer Society, American Diabetes Association, American Heart Association, Children's Miracle Network, and United Way
- Contests or pageants
- Political causes, candidates, organizations or campaigns
- Advertising, film or video projects
- Individuals (requests made solely for the benefit of one person or family)
- Research
- Sponsorship of fundraising events (walks, races, tournaments, etc.)
- Athletic sponsorships
- Tickets for contests, raffles or any other activities with prizes
- Capital campaigns and endowments
- Association memberships
- Scholarships (tuition, room and board or any other expense related to college/university/vocational school attendance)
- Registration fees
- Organizations whose services are limited to its members
- Projects that send products or people to a foreign country
- Organizations that deny service to a potential client or beneficiary on the basis of race, religion, color, sex, sexual orientation, age, national origin, ancestry, citizenship, veteran or disability status

Annual Budget

- Each Walmart, Sam's Club or Logistics facility has an annual budget allocated by the Walmart Foundation. Facility budgets differ based on criteria set by the Walmart Foundation and are not published externally.

Funding Cycle

- The online application will open in February 2011.
- The deadline to apply for funding for FY12 is December 1, 2011. New applications will not be accepted after this date.

Application and Award Process

- The funding minimum is \$250. There is no maximum, although grants are generally less than \$5,000. Each facility, as well as the Walmart Foundation, reserves the right to adjust the amount awarded to each organization without prior notice.
- Applications must be completed in full and submitted online to be considered for funding. Submitting an online application does not guarantee funding.
- Organizations must apply to facilities in their local community only and for programs that directly affect those communities. Organizations that apply to facilities outside of their service reach will be denied and may face permanent disqualification from the program.
- Facility management will review and make initial funding decisions on all submitted requests.
- All requests are subject to final approval by the Walmart Foundation.
- Organizations will be notified of funding decisions via email. Generally, applications are reviewed and funding decisions are made within 90 days of the submission date.
-

Organization Recognition

- Checks will be sent directly to the awarded organization after final funding decisions are made.
- Organizations should contact the facility from which funds were awarded to schedule a formal recognition event.

Walmart*
702 S.W. 8th St. BENTONVILLE, ARKANSAS 72716

Walmart*

WACHOVIA BANK, N.A.
CHARLOTTE, NC 28288-0013

66-156
531

A. 4
Wal-Mart Foundation and
Wal-Mart #5737 Donation Revenue
Page 9 of 10

SEQ: Q110471

VENDOR NUMBER	DATE OF CHECK
340356	MO: 05 DAY: 23 YR: 11

CHECK NUMBER
9785771

PAY
TWO THOUSAND DOLLARS AND NO CENTS

9785771

TO THE
ORDER
OF
Fayetteville Fire Department
Facility# 5737
303 W Center St
Fayetteville AR 72701

\$
DOLLARS CENTS
*****2,000.00
NET AMOUNT OF CHECK

WAL * MART STORES, INC.

[Signature]

Executive VP, Finance and Treasurer

THIS DOCUMENT CONTAINS A COLORED BACKGROUND ON FACE AND ARTIFICIAL WATERMARK ON BACK. HOLD AT AN ANGLE TO VIEW.

⑈9785771⑈ ⑆053101561⑆ 2079900136854⑈

IN PAYMENT
OF INVOICES TO

Walmart
702 S.W. 8th ST.
BENTONVILLE, AR 72716

* INCLUDES
AIDCO
SAM'S CLUB
BUD'S OUTLET STORES
CMAAUSA

NORTH ARKANSAS WHOLESALE CO., INC.
BEAVER LAKE AVIATION, INC.
PHILLIPS COMPANIES, INC.
WALMART PHARMACY OF MICHIGAN, INC.
WAL-MART PUERTO RICO, INC.

DATE			INVOICE NUMBER	STORE NUMBER	DOCUMENT NUMBER	TYPE CODE*	DATE OF CHECK	PAGE	CHECK NUMBER
MO.	DAY	YR.					05 23 11	1	9785771
05	19	11	8423630	05-9000	104487770		2,000.00	0.00	2,000.00
							2,000.00	0.00	2,000.00
							TOTAL		

340356/9999999997
VENDOR NO.

Wal-Mart Foundation One Time

* VENDOR: Deduction codes are described on the reverse side of this statement.

City of Fayetteville Staff Review Form

A. 5
 Arkansas Water and Wastewater
 Agency Response Network
 Page 1 of 16

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

21-Jun-11

City Council Meeting Date
 Agenda Items Only

David Jurgens

Utilities Director

Utilities

Submitted By

Division

Department

Action Required:

Approval of a water and wastewater mutual aid agreement through Arkansas Water & Wastewater Agency Response Network (ARWARN), a USEPA initiative that standardizes emergency preparedness, disaster response, mutual assistance among utilities, and assigning the Utilities Director as the Authorized Official.

Cost of this request

Category / Project Budget

Program Category / Project Name

Water and Sewer

Account Number

Funds Used to Date

Program / Project Category Name

Water/Sewer

Project Number

Remaining Balance

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐

David Jurgens
 Department Director

2 Jun 11
 Date

Previous Ordinance or Resolution # 60-00

Original Contract Date: 5/16/2000

John Bell
 City Attorney

6-2-11
 Date

Original Contract Number:

Paul A. Becker
 Finance and Internal Services Director

6-3-2011
 Date

Received in City
 Clerk's Office

06-02-11 P02:55 RCVD

Don Man
 Chief of Staff

6-3-11
 Date

Received in
 Mayor's Office



Lionel Jordan
 Mayor

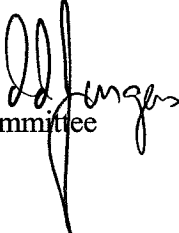
6/6/11
 Date

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

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



Date: June 2, 2011

Subject: Arkansas Water & Wastewater Agency Response Network (ARWARN) Mutual Aid Agreement

RECOMMENDATION

City Administration recommends approving a water and wastewater mutual aid agreement through Arkansas Water & Wastewater Agency Response Network (ARWARN), a USEPA initiative that standardizes emergency preparedness, disaster response, mutual assistance among utilities, and assigning the Utilities Director as the Authorized Official. This updates an existing utility mutual aid agreement executed with resolution 60-00 on May 16, 2000.

BACKGROUND

Utilities have a long history of providing mutual aid when needed. They often have equipment, parts, or expertise another utility requires in an emergency, and can provide quick assistance when customer service, public health, or environmental security are threatened. These services have always been provided on a direct cost reimbursement basis. In May, 2000, Fayetteville formalized this process by executing a mutual aid agreement coordinated through the Arkansas Rural Water Association. In recent years, Fayetteville has provided emergency aid to several area utilities including Springdale, Washington Water Authority, Elkins, West Fork, and others. We have received similar emergency support from Fort Smith, Springdale, Beaver Water District and others. Customer service and environmental protection have benefited in every case, and all costs were reimbursed on an at-cost basis. For small, local support, these decisions have been made at an operational level by the Water/Sewer Maintenance Manager or the Utilities Director. Large or out-of state requests would require Mayor or Chief of Staff approval.

DISCUSSION

The USEPA has developed a national framework and standard agreement for emergency preparedness, disaster response, mutual assistance among utilities nation-wide, following the format of similar agreements for other emergency services and situations. The ARWARN agreement updates the provisions contained within the 2000 ARWA agreement, and identifies operational, logistical, chain of command, cost tracking, and legal support requirements for the supported and supporting utilities. While developed for support within the state, it allows for interstate support when invoked through the states' Department of Emergency Management (DEM). Thus, any request for aid that Joplin may have made would have passed through the Missouri DEM to Arkansas DEM, and thence to members of ARWARN. While seemingly bureaucratic, this provides full legal protection and operational understanding for all parties.

BUDGET IMPACT

None. All aid rendered under this agreement is reimbursed on a direct cost basis.

RESOLUTION NO. _____

**A RESOLUTION APPROVING A WATER AND WASTEWATER MUTUAL
AID AGREEMENT THROUGH THE ARKANSAS WATER AND
WASTEWATER AGENCY RESPONSE NETWORK, AND ASSIGNING THE
UTILITIES DIRECTOR AS THE AUTHORIZED OFFICIAL**

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a water and wastewater mutual aid agreement through the Arkansas Water and Wastewater Agency Response Network, a copy of which is attached as Exhibit "A", and assigns the Utilities Director as the authorized official for the City of Fayetteville.

PASSED and APPROVED this 21st day of June, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



**Arkansas Mutual Aid and Assistance Agreement
For
Water and Wastewater Utilities**

AGREEMENT

This Agreement is made and entered into by public and private non-profit Water and Wastewater Utilities that have, by executing this Agreement, manifested their intent to participate in an Intrastate Program for Mutual Aid and Assistance.

This Agreement is authorized under A.C.A. § 19-11-201, which provides that Water and Wastewater Utilities may contract with each other to provide services.

**ARTICLE I
PURPOSE**

Recognizing that emergencies may require assistance in the form of personnel, equipment, and supplies from outside the area of impact, the signatory utilities established an Intrastate Program for Mutual Aid and Assistance. Through the Mutual Aid and Assistance Program, Members coordinate response activities and share resources during emergencies. This Agreement sets forth the procedures and standards for the administration of the Intrastate Mutual Aid and Assistance Program.

**ARTICLE II
DEFINITIONS**

A. Emergency - A natural or manmade event that is, or is likely to be, beyond the control of the services, personnel, equipment, and facilities of a Mutual Aid and Assistance Program Member.

B. Member - Any public or private non-profit Water or Wastewater Utility that manifests intent to participate in the Mutual Aid and Assistance Program by executing this Agreement.

C. Authorized Official - An employee of a Member that is authorized by the Member's governing board or management to request assistance or offer assistance under this Agreement.

D. Requesting Member - A Member who requests assistance under the Mutual Aid and Assistance Program.

E. Responding Member - A Member that responds to a request for assistance under the Mutual Aid and Assistance Program.

F. Period of Assistance - A specified period of time when a Responding Member assists a Requesting Member. The period commences when personnel, equipment, or supplies depart from a Responding Member's facility and ends when the resources return to their facility (portal to portal). All protections identified in the agreement apply during this period. The specified Period of Assistance may occur during response to or recovery from an emergency, as previously defined.

G. National Incident Management System (NIMS) - A national, standardized approach to incident management and response that sets uniform processes and procedures for emergency response operations.

ARTICLE III **ADMINISTRATION**

The Mutual Aid and Assistance Program shall be administered through a State Committee. The purpose of the State Committee is to provide coordination of the Mutual Aid and Assistance program before, during, and after an emergency. The State Committee, under the leadership of an elected Chair, shall meet annually to address Mutual Aid and Assistance Program issues and to review emergency preparedness and response procedures. The State Committee includes representatives from Arkansas Water Works & Water Environment Association, Arkansas Rural Water Association, Arkansas Department of Emergency Management, and Arkansas Water & Wastewater Managers Association. Under the leadership of the Chair, the State Committee members shall plan and coordinate emergency planning and response activities for the Mutual Aid and Assistance Program.

ARTICLE IV **PROCEDURES**

The State Committee shall develop operational and planning procedures for the Mutual Aid and Assistance Program. These procedures shall be updated at least annually. The Committee shall coordinate as appropriate with other applicable agencies.

ARTICLE V
REQUESTS FOR ASSISTANCE

Member Responsibility: Members shall identify an Authorized Official and alternates; provide contact information including 24-hour access; and maintain resource information made available by the utility for mutual aid and assistance response.

In the event of an Emergency, a Member's Authorized Official may request mutual aid and assistance from a participating Member. Requests for assistance can be made orally or in writing. When made orally, the request for personnel, equipment, and supplies shall be prepared in writing as soon as practicable. Requests for assistance shall be directed to the Authorized Official of the participating Member. Specific protocols for requesting aid shall be provided in the required procedures (Article IV).

Response to a Request for Assistance: After a Member receives a request for assistance, the Authorized Official evaluates whether resources are available to respond to the request for assistance. Following the evaluation, the Authorized Representative shall inform, as soon as possible, the Requesting Member whether it has the resources to respond. If the Member is willing and able to provide assistance, the Member shall inform the Requesting Member about the type of available resources and the approximate arrival time of such assistance.

Discretion of Responding Member's Authorized Official: Execution of this Agreement does not create any duty to furnish assistance when requested. When a Member receives a request for assistance, the Authorized Official shall have absolute discretion as to the availability of resources. An Authorized Member's decisions on the availability of resources shall be final.

ARTICLE VI
RESPONDING MEMBER PERSONNEL

National Incident Management System: When providing assistance under this Agreement, the Requesting Utility and Responding Utility shall be organized and shall function under the National Incident Management System.

Control: Responding Member personnel shall remain under the direction and control of the Responding Member. The Requesting Member's Authorized Official shall coordinate response activities with the designated supervisor(s) of the Responding Member(s). Whenever practical, Responding Member personnel must be self sufficient for up to 72 hours.

Food and Shelter: The Requesting Member shall supply reasonable food and shelter for Responding Member personnel. If the

Requesting Member fails to provide food and shelter for Responding Personnel, the Responding Member's designated supervisor is authorized to secure the resources necessary to meet the needs of its personnel. The reimbursement for such resources must not exceed the State per diem rates for that area. The Requesting Member remains responsible for reimbursing the Responding Member for all costs associated with providing food and shelter, if such resources are not provided.

Communication: The Requesting Member shall provide Responding Member personnel with radio equipment as available, or radio frequency information to program existing radio, in order to facilitate communications with local responders and utility personnel.

Status: Unless otherwise provided by law, the Responding Member's officers and employees retain the same privileges, immunities, rights, duties, and benefits as provided in their respective jurisdictions.

Licenses and Permits: To the extent permitted by law, Responding Member personnel who hold licenses, certificates, or permits evidencing professional, mechanical, or other skills shall be allowed to carry out activities and tasks relevant and related to their respective credentials during the specified Period of Assistance.

Right to Withdraw: The Responding Member's Authorized Official retains the right to withdraw some or all of its resources at any time. Notice of intention to withdraw must be communicated to the Requesting Member's Authorized Official as soon as possible, and will be effective when made or sent by the responding member, who shall have no further obligations or responsibilities thereafter.

ARTICLE VII

COST REIMBURSEMENT

Unless otherwise mutually agreed in whole or in part, the Requesting Member shall reimburse the Responding Member for each of the following categories of costs incurred while providing aid and assistance during the specified Period of Assistance.

Personnel: Responding Member personnel are to be paid for work completed during a specified Period of Assistance according to the terms provided in their employment. The Responding Member designated supervisor(s) must keep accurate records of work performed by personnel during the specified Period of Assistance. Requesting Member reimbursement to the Responding Member must consider all personnel costs, including salaries or hourly wages, costs for fringe benefits, and indirect costs.

Equipment: The Requesting Member shall reimburse the Responding Member for the use of equipment during a specified Period of Assistance. As a minimum, rates for equipment use must be based on the Federal Emergency Management Agency's (FEMA) Schedule of Equipment Rates. If a Responding Member uses rates different from those in the FEMA Schedule of Equipment Rates, the Responding Member must provide such rates in writing to the Requesting Member prior to supplying resources. Reimbursement for equipment not referenced on the FEMA Schedule of Equipment Rates must be developed based on actual recovery of costs.

Materials and Supplies: The Requesting Member must reimburse the Responding Member in kind or at actual replacement cost for use of expendable or non-returnable supplies. The Responding Member must not charge direct fees or rental charges to the Requesting Member for other supplies and reusable items that are returned to the Responding Member in a clean, damage-free condition. Reusable supplies that are returned to the Responding Member with damage must be treated as expendable supplies for purposes of cost reimbursement.

Payment Period: The Responding Member must provide an itemized bill to the Requesting Member for all expenses it incurred as a result of providing assistance under this Agreement. The Responding Member must send the itemized bill not later than ninety (90) days following the end of the Period of Assistance. The Requesting Member should pay the bill in full on or before the ninetieth (90th) day following the billing date. In the event of a utility's inability to pay, the responding utility will agree to accept payment based on Federal Assistance granted to the area through a Reduced Disaster Area Declaration.

ARTICLE VIII

WORKER'S COMPENSATION CLAIMS

The Responding Member is responsible for providing worker's compensation benefits and administering worker's compensation for its employees.

ARTICLE IX

INSURANCE

Each Participating Utility shall bear the risk of its own actions, as it does with its day-to-day operations, and determine for itself if and what kinds of insurance, and in what amounts, it should carry.

ARTICLE X
EFFECTIVE DATE

This Agreement shall be effective after the City of Fayetteville's authorized representative executes the Agreement and the State Committee Chair receives the Agreement. The State Committee Chair shall maintain a master list of all members of the Mutual Aid and Assistance Program.

ARTICLE XI
WITHDRAWAL

A Member may withdraw at any time from this Agreement by providing written notice of its intent to withdraw to the State Chair and the member shall have no further responsibilities, obligations, or liability of any nature in connection with this agreement.

ARTICLE XII
MODIFICATION

No provision of this Agreement may be modified, altered, or rescinded by individual parties to the Agreement. Modifications to this Agreement may be due to programmatic operational changes to support the agreement. Modifications require a simple majority vote of Members. The State Committee Chair must provide written notice to all Members of approved modifications to this Agreement. Approved modifications take effect 60 days after the date upon which notice is sent to the Members.

ARTICLE XIII
PRIOR AGREEMENTS

This Agreement supersedes all prior Agreements between Members to the extent that such prior Agreements are inconsistent with this Agreement.

ARTICLE XIV
PROHIBITION ON THIRD PARTIES AND ASSIGNMENT OF RIGHTS/DUTIES

This Agreement is for the sole benefit of the Members and no person or entity must have any rights under this Agreement as a third-party beneficiary. Assignments of benefits and delegations of duties created by this Agreement are prohibited and must be without effect.

ARTICLE XV
TORT IMMUNITY

This agreement shall be governed by the law of the State of Arkansas, including, but not limited to, the provisions of A.C.A.

\$21-9-301 regarding immunity from tort liability, which shall be applicable at all times to the parties hereto. Any legal actions in connection with this agreement must be brought in the county in which the member has its principle office and operation, and, if at any time it is determined, judicially or otherwise, that any member is not, accordingly immune from tort liability, this agreement shall be null and void and of no effect for any purpose as to that member.

Now, therefore, in consideration of the covenants and obligations set forth in this Agreement, the City of Fayetteville manifests its intent to be a Member of the Arkansas Mutual Aid and Assistance Program for Water and Wastewater Utilities by executing this Agreement on this _____ day of _____, 2011.

Water/Wastewater Utility: City of Fayetteville

By: _____

By: _____

Title: Mayor

Title: Utilities Director

Lioneld Jordan
Please Print Name

David Jurgens
Please Print Name

RESOLUTION NO. 60-00

**A RESOLUTION APPROVING A MUTUAL AGREEMENT WITH
ARKANSAS RURAL WATER ASSOCIATION AND
IDENTIFYING THE MAYOR OR HIS DESIGNEE AS THE
AUTHORIZED REPRESENTATIVE.**

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

Section 1. That the City Council hereby approves a mutual agreement with Arkansas Rural Water Association and identifies the Mayor or his designee as the authorized representative; authorizes the Mayor and City Clerk to execute said agreement. A copy of the agreement is attached hereto marked Exhibit "A" and made a part hereof.

PASSED AND APPROVED this 16th day of May, 2000.



APPROVED:

By: Fred Hanna
Fred Hanna, Mayor

ATTEST:

By: Heather Woodruff
Heather Woodruff, City Clerk

✱

EXHIBIT A

ARKANSAS RURAL WATER ASSOCIATION MUTUAL AID AGREEMENT

ARTICLE I. PURPOSE:

The Arkansas Rural Water Association Emergency Response Network has been established to provide a method whereby water/wastewater utilities sustaining physical damage from disasters could obtain emergency assistance, in the form of personnel, equipment and materials from other utilities.

ARTICLE II. DEFINITIONS

- A. **AGREEMENT** - The Arkansas Rural Water Association Emergency Response Network Mutual Aid Agreement. The original Agreement and all signatory pages shall be kept at the Arkansas Rural Water Association (ARWA) Office in Lonoke, Arkansas.
- B. **PARTICIPATING UTILITY** - Any water utility which has executed this Mutual Aid Agreement.
- C. **DAMAGED UTILITY** - Any participating utility which sustains physical damage to its water/wastewater system due to a disaster and seeks assistance pursuant to this Agreement.
- D. **ASSISTING UTILITY** - Any participating utility which agrees to provide Assistance to a damaged utility pursuant to this Agreement.
- E. **AUTHORIZED REPRESENTATIVE** - An employee of a participating utility authorized by that utility to request or offer assistance under the terms of this Agreement. (A list of the authorized representatives for each participating utility shall be on file with the Arkansas Rural Water Association Office.)
- F. **PERIOD OF ASSISTANCE** - The period of time beginning with the departure of any personnel or equipment of the assisting utility from any point for the purpose of traveling to the damaged utility in order to provide assistance and ending upon the return of all personnel to the assisting utility, after providing the assistance requested, to their residence or place of work, whichever is first to occur.

ARTICLE III. PROCEDURE

In the event that a participating utility becomes a damaged utility, the following procedure shall be followed:

- A. The damaged utility shall contact the ARWA District Emergency Response Coordinator and provide them with the following information:

EXHIBIT A

1. A general description of the damage sustained;
2. The part of the water/wastewater system for which assistance is needed,
E.g. (Treatment, Distribution, Collection, etc.)
3. The amount and type of personnel, equipment, materials and supplies needed
and a reasonable estimate of length of time they will be needed;
4. The present weather conditions and the forecast for the next twenty-four hours;
5. A specific time and place for a representative of the damaged utility to meet
the personnel and equipment of the assisting utility.

B. When contacted by a damaged utility, the authorized representative of a participating utility shall assess its utility's situation to determine whether it is capable of providing service. No participating utility shall be under any obligation to provide assistance to a damaged utility. If the authorized representative determines that his utility is capable of and willing to provide assistance, he shall so notify the ARWA District Emergency Response Coordinator and provide them with the following information:

1. A complete description of the personnel, equipment and materials to be
furnished to the damaged utility;
2. The length of time the personnel, equipment and materials will be available;
3. The work experience and ability of the personnel and the capability of the
equipment to be furnished;
4. The name of the person or persons to be designated as supervisory personnel
and;
5. The estimated time when the assistance provided will arrive at the location
designated by the authorized representative of the damaged utility.
6. The reimbursement terms agreed to pursuant to Article IV.

C. The personnel and equipment of the assisting utility shall remain, at all times, under the direct supervision and control of the designated supervisory personnel of the assisting utility. Representatives of the damaged utility may suggest work assignments and schedules for the personnel of the assisting utility; however, the designated supervisory personnel of the assisting utility shall have the exclusive responsibility and authority for assigning work and establishing work schedules for the personnel of the assisting utility. The designated supervisory personnel shall maintain personnel time records and a log of equipment hours, be responsible for

the operation and maintenance of equipment hours, be responsible for the operation and maintenance of the equipment furnished by the assisting utility, and report work progress to the damaged utility.

- D. The damaged utility shall have the responsibility of providing food and housing for the personnel of the assisting utility from the time of their arrival at the designated location to the time of their departure. The food and shelter provided shall be subject to the approval of the supervisory personnel of the assisting utility.
- E. The damaged utility shall have the responsibility of providing communications between the personnel of the assisting utility and the damaged utility.
- F. If, for any reason, the Authorized Representative of a participating utility is not available or not able to perform his duties in an emergency situation; an alternate may assume his duties with respect to the Mutual Aid Agreement Requirements. The name of the Authorized Representative and his Alternate shall be furnished to the Arkansas Rural Water Association's main office.

ARTICLE IV. REIMBURSABLE EXPENSE

The terms and conditions governing reimbursement for any assistance provided under this Agreement shall be agreed to prior to the providing of such assistance and shall be in accordance with the following provisions:

- A. **PERSONNEL** - During the period of assistance, the assisting utility shall continue to pay its employees according to the prevailing rules and regulations of its utility. The damaged utility shall reimburse the assisting utility for all direct or indirect payroll costs and expenses incurred during the period of assistance, including, but not limited to, employee pensions and benefits. In the event of a utility's inability to pay, the assisting utility will agree to accept payment based on Federal Assistance granted to the area through a Federal Disaster Area Declaration.
- B. **EQUIPMENT** - The assisting utility shall be reimbursed for the use of its equipment during the period of assistance according to either a preestablished hourly rate or according to the actual operation and maintenance expenses incurred. In the event of a utility's inability to pay, the assisting utility will agree to accept payment based on Federal Assistance granted to the area through a Federal Disaster Area Declaration.
- C. **MATERIALS AND SUPPLIES** - The assisting utility shall be reimbursed for all materials and supplies furnished by it and or damaged during the period of assistance, unless such damage is caused by negligence of the assisting utility's personnel. The measure of reimbursement shall be the replacement cost of the equipment and supplies used or damaged. In the alternative, the parties may agree that the damaged utility will replace, with a like kind and quality as determined by the

assisting utility, the materials and supplies used or damaged.

D. PAYMENT - Invoices for supplies and equipment utilized by an existing utility should be provided to the damaged utility within 60 days from date of service.

In the event of a utility's inability to pay, the assisting utility will agree to accept payment based on Federal Assistance granted to the area through a Reduced Disaster Area Declaration.

ARTICLE V. LIABILITY

Each participating utility shall bear the risk of its own actions, as it does with its day to day operations, and determine for itself what kinds of insurance, and in what amounts, it should carry. Each utility shall have in its file, a letter from their own insurance carrier authorizing it to work under the guidelines of the agreement and certifying that there will be no lapse in their insurance coverage either employees, vehicles or liability.

ARTICLE VI. TERMINATION

This Agreement shall remain in effect until terminated by the participating utility providing ARWA with written notice of such termination.

NOW, THEREFORE, in consideration of the covenants and obligations contained

herein, the CITY OF FAYETTEVILLE duly executes this Arkansas Rural Water

Association Mutual Aid Agreement this 16 day of May 2000

Participating Utility: Sign: Fred Hamme

Attest: D. L. Egan DAVID TURGEN, WIS MANT SUPT

Acknowledged and Accepted: ARWA

By: Dennis Sternberg

Title: Executive Director

Date: June 18, 2000

City of Fayetteville Staff Review Form

A. 6
2011 Community Development
Block Grant
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

6/21/2011

City Council Meeting Date
Agenda Items Only

Yolanda Fields

Submitted By

Community Services

Division

Development Services

Department

Action Required:

Approval of a budget adjustment to recognize the actual amount of the 2011 Community Development Block Grant award.

Cost of this request

2180.0918.4320.00

Account Number

Project Number

\$

Category / Project Budget

\$

Funds Used to Date

\$

Remaining Balance

Program Category / Project Name

Program / Project Category Name

Community Services

Fund Name

Budgeted Item

Budget Adjustment Attached

X

Department Director

05-31-2011

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

6-1-11

Date

Finance and Internal Services Director

6-3-2011

Date

Received in City
Clerk's Office

05-31-11P04:01 RCVD

Chief of Staff

6-3-11

Date

Received in
Mayor's Office

Mayor

6/6/11

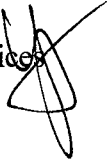
Date

Staff recommends approval of the Budget Adjustment.

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Dir. Development Services 

From: Yolanda Fields, Dir. Community Services 

Date: May 27, 2011

Subject: 2011 Community Development Block Grant (CDBG) Decrease

PROPOSAL:

Fayetteville has been a Community Development Block Grant (CDBG) Entitlement city since 1975. Funding is based on a formula allocation that takes into account such factors as population, percent of low/moderate income persons, and the number of housing units. This process sets aside CDBG funds for the City of Fayetteville each year that the Community Services Division submits an annual "Action Plan" outlining the proposed use for the funds to the U.S. Department of Housing & Urban Development (HUD). If the Action Plan meets HUD requirements, an agreement is received. This agreement must be executed, returned to the HUD field office in Little Rock and then sent to Washington D.C. for the release of funds.

Grant amounts vary each year dependent upon funding levels authorized by Congress through the annual federal budget process. The estimated award for the 2011 budget was \$700,000 – the actual grant amount is \$593,672.00. The decrease in the CDBG award is due to the cuts made during this year's federal budget process. The cut in funding will be spread out over the various proposed CDBG projects as shown below. Additionally, the open position of Redevelopment Officer will not be filled this year due to the cut in funding.

Grant Funding Detail:	\$593,672	Total
Administration	\$ 91,413	
Housing Rehabilitation Program	\$328,074	(Decrease of 15%)
Redevelopment Program	\$ 29,685	(Decrease of over 40%, open position)
Big Brothers Big Sisters of NWA	\$ 8,500	(Decrease of 15%)
Credit Counseling of Arkansas	\$ 13,540	(Decrease of 15%)
Fayetteville Animal Services	\$ 7,650	(Decrease of 15%)
Fayetteville Public Library	\$ 2,380	(Decrease of 15%)
LifeSource International (Public Serv.)	\$ 14,875	(Decrease of 15%)
Peace at Home Family Shelter	\$ 6,044	(Decrease of 15%)
UAMS Area Health Ed Center NW	\$ 6,511	(Decrease of 15%)
Transportation	\$ 22,100	(Decrease of 15%)
LifeSource International (Public Fac.)	\$ 10,368	(Decrease of 15%)
Life Styles	\$ 37,776	(Decrease of 15%)
NWA Free Health Center	\$ 14,756	(Decrease of 15%)

RECOMMENDATION:

Staff recommends approval of the budget adjustment to recognize the actual amount of the Community Development Block Grant.

BUDGET IMPACT:

Decrease to CDBG Grant Revenue of \$91,911.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE
AMOUNT OF \$91,911.00 TO RECOGNIZE THE ACTUAL AMOUNT OF
THE 2011 COMMUNITY DEVELOPMENT BLOCK GRANT AWARD

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a
budget adjustment, a copy of which is attached as Exhibit "A", in the amount of \$91,911.00 to
recognize the 2011 Community Development Block Grant award.

PASSED and APPROVED this 21st day of June, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

A. 6 V11.0425
2011 Community Development
Block Grant

Budget Year	Division: Community Services Department: Development Services	Request Date	Adjustment Number
2011		5/27/2011	

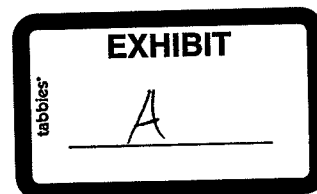
BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Community Development budgets need to be adjusted to reflect actual grant amount. Decrease Admin Office supplies by \$1000. Decrease Admin Copies by \$495. Decrease Admin Travel and Training by \$2000. Decrease Housing Contract Services by \$36,928. Decrease Redevelopment Salaries by \$25,988. Decrease Public Services Undesignated by \$10,500. Decrease Transportation Services by \$2000. Decrease Aging Transportation by \$1900. Decrease Public Facilities Undesignated by \$11,100. Decrease Grant Funding Revenue by \$91,911.

Division Head 5/27/11 Budget Director Department Director 5-31-2011 Finance Director 6-3-2011 Chief of Staff 6-3-11 Mayor 6/6/11	Prepared By: Rachel rafieids Reference: _____ Budget & Research Use Only Type: A B C D E P General Ledger Date _____ Posted to General Ledger Initial _____ Date _____ Checked / Verified Initial _____ Date _____
---	---

TOTAL BUDGET ADJUSTMENT

Account Name	Account Number	TOTAL BUDGET ADJUSTMENT		Project.Sub Number
		(91,911)	(91,911)	
		Increase / (Decrease)		
		Expense	Revenue	
Office supplies/printing	2180.4930.5200.00	(1,000)		.
Copies and lease	2180.4930.5200.01	(495)		.
Travel & training	2180.4930.5304.00	(2,000)		.
Contract services	2180.4940.5315.00	(36,928)		.
Salaries and wages	2180.4945.5100.00	(25,988)		.
CDBG Projects Undesignate	2180.4970.5390.00	(10,500)		.
Transportation Services	2180.4970.5390.02	(2,000)		.
Aging transportation	2180.4970.5390.03	(1,900)		.
CDBG Projects Undesignate	2180.4990.5390.00	(11,100)		.
Grant funding CDBG	2180.0918.4320.00		(91,911)	.
				.
				.



A. 7
Friendship Community Care, Inc.
Page 1 of 8

6/21/2011

Submitted By
Yolanda Fields

**Development Services
Division**

Community Services
Department

Approval lease agreement with Friendship Community Care INC. on 2.2 acres located on Huntsville Road (south of the current Seven Hills Transitional Housing Facility)

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

11

Department Director

06.03.2011

Date _____

Previous Ordinance or Resolution #

City Attorney

6-6-2011

Date _____

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

6-6-2011

Date _____

Received in City Clerk's Office 06-03-11 P03:57 RCVD

Chief of Staff

6-7-11

Date _____

Received in
Mayor's Office

Mayor

6/7/11
Date

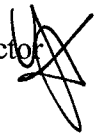
~~Date~~

Comments: Staff Recommends approval of lease

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Director of Development Services 

From: Yolanda Fields, CS Director 

Date: June 3, 2011

Subject: Huntsville Property Lease

PROPOSAL:

Friendship Community Care, Inc. is a private, non-profit organization serving individuals with developmental disabilities in ten counties of the Arkansas River Valley region and waiver services in the entire state. Developmental disabilities include intellectual disability, epilepsy, cerebral palsy and similar disorders. The purpose of the organization is to provide supports and services to individuals and families that will allow them to be independent and productive citizens.

Friendship Community Care, Inc. began operations in 1972 by providing day care services to preschool and school age children. During that first year, two staff members served twelve children. From this beginning, the necessity for additional services has driven the growth of the organization. Today, Friendship serves over five hundred individuals in a fifteen-county area. This organization has been providing services to this area since the beginning of 2010. A Fayetteville office was opened at the beginning of 2011.

The City of Fayetteville would be entering into a long term lease with Friendship Community Care, Inc. for city owned property south of the current Seven Hills Transitional Housing facility. If funding is obtained by this organization the property will be used to construct a housing facility for individuals with developmental disabilities.

RECOMMENDATION:

Staff recommends approval of lease for 2.2 acres located on Huntsville Road (south of the current Seven Hills Transitional Housing Facility) to Friendship Community Care, Inc.

BUDGET IMPACT:

None



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Yolanda Fields, Community Services Director

FROM: Kit Williams, City Attorney

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

DATE: June 7, 2011

RE: Friendship Community Care, Inc. Lease Agreement

On December 7, 2004, the City of Fayetteville leased about 2.2 acres of its property immediately south of the Seven Hills Transitional Housing Facility on Huntsville Road to Sage House, a non-profit corporation formed to provide transitional housing for Fayetteville citizens.

“The primary consideration for the City is Sage House’s agreement in paragraph 4 to serve Fayetteville citizens by promptly providing its transitional housing project for needy Fayetteville citizens. ‘Promptly providing its transitional housing project’ means that Sage House shall have such housing available no later than December 1, 2009” Paragraph 3 of Lease Agreement

Unfortunately, Sage House was unable to raise sufficient funding to construct its housing project and is no longer very active. Sage House was officially notified last month that its Lease Agreement was terminated because it did not build such transitional housing.

Yolanda Fields has been working with Friendship Community Care, Inc., a non-profit corporation which has successfully provided day care or housing services for almost four decades in Arkansas. This charitable corporation desires to enter into the same type of lease agreement we had with Sage House, but probably has the expertise and experience to build a facility on our land. City Staff recommends we enter into such a contract which I have drafted for your consideration.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A LEASE AGREEMENT OF ABOUT 2.2 ACRES WITH FRIENDSHIP COMMUNITY CARE, INC. TO SERVE DEVELOPMENTALLY DISABLED FAYETTEVILLE CITIZENS

WHEREAS, on December 7, 2004, the Fayetteville City Council approved Resolution No. 198-04 and a lease agreement with Sage House, Inc. for 2.2 acres of city property immediately south of the Seven Hills Transitional Housing facility; and

WHEREAS, unfortunately Sage House was unable to construct its transitional housing project so that its lease has been terminated; and

WHEREAS, Friendship Community Care, Inc., a non-profit charitable corporation desires to lease this property in order to construct and operate a facility to provide housing services for developmentally disabled Fayetteville citizens.

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 Lease Agreement with Friendship Community Care, Inc. attached as Exhibit "A" and authorizes Mayor Jordan to sign this Lease Agreement.

PASSED and APPROVED this 21st day of June, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

LEASE AGREEMENT

This Agreement made and entered into this 21st day of June, 2011, by and between the City of Fayetteville, Arkansas, Lessor, and Friendship Community Care, Inc., Lessee, Witnesseth:

WHEREAS, Friendship Community Care, Inc. is a non-profit corporation established and dedicated to provide housing services for developmentally disabled citizens; and

WHEREAS, providing housing services for developmentally disabled citizens is a valid public purpose; and

WHEREAS, Friendship Community Care, Inc. will provide such services to Fayetteville citizens within the City of Fayetteville.

NOW, THEREFORE, the City of Fayetteville and Friendship Community Care, Inc. agree as follows:

1. **Leased Premises.** For and in consideration of Friendship Community Care, Inc.'s promise to promptly provide housing services for developmentally disabled Fayetteville citizens and the other covenants and agreements herein entered into and agreed upon by Friendship Community Care, Inc. as obligations to the City of Fayetteville, the City lets, leases and demises unto Friendship Community Care, Inc., subject to the terms and conditions contained herein, the following described property situated in Washington County, Arkansas.

A part of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Twenty-two (22), Township Sixteen (16) North, Range Thirty (30) West of the 5th Principal Meridian, being more particularly described herewith as follows: Beginning at a point South 02° 47' 36" East 764.25 feet from the Northwest corner of the NE ¼ of the NE ¼ of said Section 22, said point being on the West 40 acre tract line; thence South 87° 50' 21" West 239.38 feet; thence South 02° 47' 36" West 400.00 feet; thence North 87° 50' 21" West 239.38 feet to the West line of said 40 acre tract; thence along said west line North 02° 47' 36" West 400.00 feet to the Point of Beginning, containing 2.20 acres, more or less, being subject to rights-of-way and easements of record.

To have and to hold said premises unto the said Friendship Community Care, Inc. for and during the term herein stated, subject to the covenants, terms and conditions herein contained.

2. **Term.** This lease shall commence on July 1, 2011, and shall extend for a term of Ninety-Nine (99) years, ending at midnight on June 30, 2110.

3. **Consideration.** The primary consideration for the City is Friendship Community Care, Inc.'s agreement in paragraph 4 to serve Fayetteville citizens by promptly providing its housing services for developmentally disabled Fayetteville citizens. "Promptly providing its housing services for developmentally disabled Fayetteville citizens" means that Friendship Community Care, Inc. shall have its facility available no later than July 1, 2016, unless an extension is agreed to by City Council Resolution before that date.

4. **Use.** Friendship Community Care, Inc. agrees to use the lease premises for the purpose of constructing, operating and maintaining a housing services for developmentally disabled citizens facility. If at any time the property ceases to be used for this purpose, the lease shall terminate. Friendship Community Care, Inc. agrees to furnish housing services for developmentally disabled Fayetteville citizens and residents throughout this lease period. Friendship Community Care, Inc. shall deliver quarterly written reports to the Mayor's office concerning the number of Fayetteville citizens/residents served or otherwise assisted by Friendship Community Care, Inc.

5. **Improvements.** Friendship Community Care, Inc. may make any such improvements as are necessary to establish and provide housing services for developmentally disabled citizens. Design for any such improvements shall be approved by the City of Fayetteville. Upon termination of this lease, all improvements shall become the property of the City.

6. **Taxes.** Friendship Community Care, Inc. shall pay any and all ad valorem taxes and special improvement district taxes levied and assessed against said premises and the improvements located thereon during the term of this lease.

7. **Notices.** All notices, requests, demands and other communications required by or permitted hereunder shall be in writing and shall be directed to the following:

City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Friendship Community Care, Inc.
920 North University
Russellville, AR 72802

8. **Assignment.** Friendship Community Care, Inc. shall not assign this lease or sublet the lease premises without prior written consent of the City. Any such assignment or subletting shall in no way relieve Friendship Community Care, Inc. from liability for the obligation imposed by this lease. Friendship Community Care, Inc. may only be released from liability for the obligation imposed by this lease by a specific written release executed by the City.

9. **Insurance.**

A. Friendship Community Care, Inc. shall be solely responsible for maintaining insurance on its property, including movables, trade fixtures, furniture, furnishings and inventory, as well as improvements to the property.

B. Friendship Community Care, Inc. shall, during the term of this lease, maintain public liability insurance. The limits of such public liability insurance shall not be less than \$500,000.00 per person and \$500,000.00 per accident. The policy shall contain a clause that the insurer will not cancel or change the insurance without giving the City of Fayetteville, ten days prior written notice. A certificate of such insurance shall be delivered to the City.

10. **Maintenance.** Friendship Community Care, Inc. shall be responsible for all maintenance, routine preventative or corrective, on any and all improvements made to the leased property.

11. **Compliance with Laws.** Friendship Community Care, Inc. agrees not to violate any law, ordinance, rule or regulation of any governmental authority having jurisdiction of the leased premises. This agreement shall be governed by the laws of the State of Arkansas.

12. **Waste/Nuisance.** Friendship Community Care, Inc. agrees not to commit waste, nor permit waste to result or to be done to or upon the aforesaid premises. Further, Friendship Community Care, Inc. agrees not to operate, nor permit to be operated, nor to exist thereon or therein, any public or private nuisance.

13. **Title and Quiet Enjoyment.** The City of Fayetteville covenants and warrants that it is the owner in fee simple absolute of the leased premises and may lease said premises as herein provided. Upon the observance and performance of all the covenants, terms and conditions upon Friendship Community Care, Inc.'s part to be observed and performed, Friendship Community Care, Inc. shall peaceably and quietly hold and enjoy the demised premises for the term hereby demised without hindrance or interruption by the City or any other person or persons lawfully or equitably claiming by, through or under the City, subject to the terms and conditions of this lease.

14. **Entire Agreement.** This lease agreement contains the entire agreement of both parties hereto, and no other oral or written agreement shall be binding on the parties hereto

IN WITNESS WHEREOF, the parties hereto have hereunto set their hand and seals on this the _____ day of June, 2011.

**FRIENDSHIP
COMMUNITY CARE, INC.**

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: 
Name: **TOM HILL**
Title: Vice President of Operations

By: _____
Name: **LIONELD JORDAN**
Title: Mayor

WITNESS:

ATTEST:

By: _____
Name: _____
Title: _____

By: _____
SONDRA E. SMITH, City Clerk

City of Fayetteville Staff Review Form

A. 8
2011 Bulletproof Vest
Partnership Program
Page 1 of 4

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

June 21, 2011

City Council Meeting Date
Agenda Items Only

G. Tabor
Submitted By

Patrol
Division

Police
Department

Action Required:

Approval of a 50% matching grant application to the 2011 Bulletproof Vest Partnership Program in the amount of \$9,100 for the replacement of fifteen (15) body armor vests for our police officers.

\$ 9,100.00
Cost of this request

\$ 9,100.00
Category / Project Budget

Bulletproof Vest Partnership Program
Program Category / Project Name

1010-2920-5302.00
Account Number

\$ -
Funds Used to Date

Grant
Program / Project Category Name

07042-2011
Project Number

\$ 9,100.00
Remaining Balance

General
Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐


Department Director

6-3-11
Date

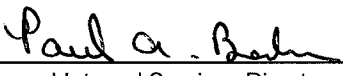
Previous Ordinance or Resolution # _____


City Attorney

6-6-11
Date

Original Contract Date: _____

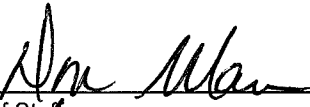
Original Contract Number: _____


Finance and Internal Services Director

6-6-2011
Date

Received in City
Clerk's Office

06-03-11 P03:27 RCVD



Chief of Staff

6-7-11
Date

Received in
Mayor's Office




Mayor

6/7/11
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Chief of Police 

Date: May 24, 2011

Subject: 2011 Bulletproof Grant Partnership Grant Application

PROPOSAL:

The Bulletproof Vest Partnership (BVP), created by the Bulletproof Vest Partnership Grant Act of 1998, is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement. Since 1998, the Fayetteville Police Department has obtained grant funding in excess of \$105,000 for the purchase of body armor vests through this partnership. The BVP program provides an important component to the continuing health and welfare of our Police Officers. Each body armor vest has a guaranteed life of five years. All state-of-the-art body armor is custom made to the exact specifications of the wearer to ensure all officers have our required level of protection and can take up to ten weeks for delivery. This grant funding by BVP will provide reimbursement of 50% (or \$4,550) of the City's expenses for the replacement of fifteen (15) body armor vests for our police officers. All Fayetteville Police Officers have state-of-the-art body armor provided to them through grant and City funding.

RECOMMENDATION:

Staff recommends approval of a 50% matching grant application by the 2011 Bulletproof Vest Partnership (BVP) Program in the amount of \$4,550 for the replacement of fifteen (15) body armor vests for our police officers

BUDGET IMPACT:

The City must match 50% (or \$4,550) of the total project cost of \$9,100. Currently, matching funds are budgeted in the Specialized Police Equipment project to meet this matching requirement.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING APPLICATION FOR A 2011 BULLETPROOF VEST PARTNERSHIP PROGRAM FIFTY PERCENT (50%) MATCHING GRANT IN THE AMOUNT OF \$9,100.00 FOR REPLACEMENT OF FIFTEEN (15) BODY ARMOR VESTS FOR THE POLICE DEPARTMENT

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 application for a 2011 Bulletproof Vest Partnership Program fifty percent (50%) matching grant in the amount of \$9,100.00 for replacement of fifteen (15) body armor vests for the Police Department.

PASSED and APPROVED this 21st day of June, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

**1. Registration**

- 1.1 [Contact Information](#)
1.2 [Change Password](#)

2. Application

- 2.1 [Pre Application](#)
2.2 [Manage Application](#)
2.3 [Review Application](#)
2.4 [Submit Application](#)

3. Receipts

- 3.1 [Manage Receipts](#)
3.2 [Receipt Reports](#)

4. Payment

- 4.1 [Bank Information](#)
4.2 [Print Bank Form](#)
4.3 [Request Payment](#)
4.4 [Payment History](#)

5. Status

- 5.1 [Current Status](#)
5.2 [LEA Status](#)
5.3 [Application History](#)



BVP HELP DESK
(Toll-Free 1-877-758-3787)
(Toll 1-301-595-4595)

[NII Standards](#) [Glossary](#) [Yellow Pages](#)

A. 8
2011 Bulletproof Vest
Partnership Program
Page 4 of 4

OMB #1121-0235
(Expires: 10/31/2006)

Section Application > Submit Application > Submit Application for Funding for BVP Approval

PLEASE NOTE: Applications for funding may be submitted for the purchase of any armor that meets the established NII ballistic or stab standards ordered on or after April 1, 2011. Once the open application period closes, funding levels will be established and all applicants will be notified.

Jurisdiction: FAYETTEVILLE CITY
Status (Last Submission Date): Open Application (Not Submitted)
Jurisdiction's Vest Replacement Cycle: 5 Years
Unspent BVP Funds Remaining: \$0.00 [Update Pre Application](#)
Unspent BVP Funds Obligated for Vest Purchases: N/A
Emergency Replacement Needs: 0

Submit Application for Funding for BVP Approval

Name	Quantity	Application for Funding Extended Cost	Tax, S&H*	Total Cost
FAYETTEVILLE CITY	25	\$8,329.50	\$770.50	\$9,100.00
Grand Totals	25	\$8,329.50	\$770.50	\$9,100.00
Requested BVP Portion of Total Cost, up to:				\$4,550.00

* Total Taxes, Shipping and Handling Cost for each Application

CERTIFICATION**Chief Executive Certification:**

As chief executive officer (or authorized designee) of this jurisdiction, my submission of this Application for Funding Form under the Bulletproof Vest Partnership Grant Act, represents my legally binding acceptance of the terms set forth on this form; and the program's statutory and programmatic requirements, restrictions, and conditions, including the following:

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided, using funds appropriated or otherwise made available by this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

The recipient acknowledges that this grant is for Federal preparedness assistance. Therefore, the recipient agrees that it will implement and comply with the National Incident Management System (NIMS) as required by Homeland Security Presidential Directive 5 (HSPD-5). <http://www.fema.gov/nims>. The recipient acknowledges that the Secretary of Homeland Security will develop standards and guidelines for determining whether a State or local entity has adopted the NIMS. Finally, the recipient further acknowledges that the Secretary of Homeland Security will determine compliance with the NIMS and the recipient agrees to abide by the Secretary's decision on compliance.

The applicant will give the sponsoring agency or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers or documents related to this application and any subsequent payments received as a result of this application.

☐ I acknowledge and accept the Chief Executive Certification.

Funding Limits Certification:

If the submission of this application for funding is in conjunction with transactions for the purchase of vests, I understand and agree to abide by the following:

I understand that all funding awards will be subject to the availability of funds and I acknowledge that there is no guaranteed level of funding associated with the submission of this application to the BVP program.

I agree to meet my financial and contractual obligations associated with any purchase transactions, regardless of the amount of funding received through this application.

☐ I acknowledge and accept the Funding Limits Certification.

☐ I certify to the best of my knowledge and belief, all information in this application is true and correct.

Mandatory Wear Policy Certification:

As Chief Executive Officer (or authorized designee) of this jurisdiction, I hereby acknowledge that submission of this application for funding, under the Bulletproof Vest Partnership (BVP) Grant Act, represents this jurisdiction's binding acceptance of the terms set forth in this form and the program's statutory and programmatic requirements, restrictions, and conditions for use of the BVP funds, including, but not limited to, the following:

I certify that the applicant jurisdiction has a written, mandatory wear policy that establishes general requirements for law enforcement and corrections officers, assigned to uniformed functions, to wear, subject to appropriate exceptions as determined by the applicant jurisdiction, bullet-resistant vests and that this policy is in effect on the date this application is submitted to the BVP program office for funding.

In making this certification, the jurisdiction hereby agrees to give the funding agency or the Office of the Inspector General, through any authorized representative, access to and the right to examine such policy as set forth the mandatory wearing of protective vests.

☐ I certify to the best of my knowledge and belief that, at the time this application is submitted, this jurisdiction is in compliance with the "Mandatory Wear Policy" requirement.

I acknowledge that a false statement in this certification or in the grant application that it supports may be subject to criminal prosecution, including under 18 U.S.C. § 1001 and 42 U.S.C. § 3795a. I also acknowledge that Office of Justice Programs grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

Signature:

As the jurisdiction's chief executive officer (or designee), authorized to submit this application, I hereby enter my full name in the space provided below:

[Submit Application for BVP Approval](#)

A. 9
City Hospital Board of Trustees
Page 1 of 6

FROM:

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

APPROVED FOR AGENDA:



Mayor

6/7/11

Date

Kim J.



From: "Olmstead, Tom" <tolmstead@wregional.com>
To: "Kit Williams" <kwilliams@ci.fayetteville.ar.us>
CC: "Bradley, Bill" <2bbradley@wregional.com>, "Woody Bassett" <wbassett@bas...
Date: 6/3/2011 8:47 AM
Subject: Fayetteville City Hospital

Kit-

I have heard from Dr. Garner this morning and am pleased to advise that he is agreeable to serving as a member of the Board of Directors of Fayetteville City Hospital. Therefore, I would recommend the following individuals to the Fayetteville City Council as nominees for appointment to the Fayetteville City Hospital Board of Directors:

Conrad Odom, J.D.
Hershey Garner, J.D., M.D.

With the addition of Mr. Odom and Dr. Garner the Fayetteville City Hospital Board of Directors would have the necessary membership to constitute a quorum for the transaction of business.

Again, thank you for your patience.

Thomas J. Olmstead
Sr. Vice President & General Counsel
Washington Regional Medical System
3215 N. North Hills Boulevard
Fayetteville, Arkansas 72703
Phone: (479) 463-5018
Facsimile: (479) 463-7924
tolmstead@wregional.com

RESOLUTION NO. _____

**A RESOLUTION TO APPOINT CONRAD ODOM AND HERSHEY GARNER
TO THE CITY HOSPITAL BOARD OF TRUSTEES ALSO KNOWN AS THE
BOARD OF CONTROL OF THE STONE HOSPITAL**

WHEREAS, the City Council of the City of Fayetteville is empowered by the 1906 deed of Mr. and Mrs. Stone, which conveyed property to the City of Fayetteville, to appoint four members to the "Board of Control of the Stone Hospital" also know as the Fayetteville City Hospital Board of Directors; and

WHEREAS, the City Council needs to appoint two successor members to the Board in order that this Board can achieve a quorum; and

WHEREAS, Mr. Conrad Odom and Dr. Hershey Garner have graciously agreed to serve on such Board if appointed by the City Council; and

WHEREAS, the City Council approved Resolution No. 67-11 which expressed "its intent to rapidly appoint sufficient successor trustees to the Board of Trustees named in the Stones' 1906 deed to establish at least a quorum"

**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 appoints Conrad Odom and Hershey Garner to the Board of Control of the Stone Hospital also known as the Fayetteville City Hospital Board of Directors.

PASSED and APPROVED this 21st day of June, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

RESOLUTION NO. 67-11

A RESOLUTION TO DESIGNATE THE LOCATION OF WASHINGTON REGIONAL MEDICAL CENTER AS THE NEW LOCATION OF AND THE SUCCESSOR HOSPITAL OF THE CITY HOSPITAL, TO APPROVE AND AUTHORIZE THE MAYOR TO EXECUTE A QUIT CLAIM DEED TO CONVEY THE CURRENT SITE OF THE CITY HOSPITAL TO WASHINGTON REGIONAL MEDICAL CENTER, ALL CONTINGENT UPON THE CONCURRENT ACTION OF THE BOARD OF TRUSTEES OF THE CITY HOSPITAL TO DESIGNATE WASHINGTON REGIONAL MEDICAL CENTER AS THE SUCCESSOR CITY HOSPITAL AND THE DONATION OF APPROXIMATELY 1.1 ACRES BY WASHINGTON REGIONAL MEDICAL CENTER FOR CONSTRUCTION OF THE ROUNDABOUT AT NORTH HILLS BOULEVARD AND FUTRALL DRIVE.

WHEREAS, Mr. S.K. Stone and Mrs. Amanda M. Stone very generously deeded to Fayetteville a city block of land "to be by the said city, held in trust and maintained as a city hospital," in deeds of 1906 and 1909; and

WHEREAS, the citizens of Fayetteville taxed themselves to construct the City Hospital soon after the property was conveyed to Fayetteville in trust and this hospital has served our citizens well for over a century; and

WHEREAS, Washington Regional Medical Center was established in Fayetteville and has served Fayetteville citizens well as our primary, full service hospital for many decades, first at College and North and now at its current location on North Hills Boulevard; and

WHEREAS, because of the age and condition of the facilities on the land donated in trust by the Stones to the City, it is appropriate to designate Washington Regional Medical Center at North Hills Boulevard as successor City Hospital which is entitled to the current City Hospital's premises in trust "to be devoted exclusively to the establishment and maintenance of" the successor City Hospital (WRMC).

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 designates Washington Regional Medical Center as the successor to the Stone City Hospital at its location on North Hills Boulevard in Fayetteville.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves and authorizes Mayor Jordan to execute a Quit Claim Deed to Washington Regional Medical Center of the property donated to the City of Fayetteville by the Stones in 1906 and 1909 to be held by the City in trust until the location of the city hospital is changed and then "the entire

Page 2
Resolution No. 67-11

proceeds of the above described premises shall constitute a trust fund to be devoted exclusively to the establishment and maintenance of" the newly designated successor city hospital.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to rapidly appoint sufficient successor trustees to the board of trustees named in Stones' 1906 deed to establish at least a quorum so that the Board of Trustees can determine whether to designate Washington Regional Medical Center as the successor to the Stone City Hospital at Washington Regional's address on North Hills Boulevard in Fayetteville.

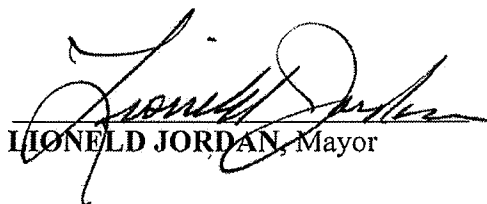
Section 4: That the City Council of the City of Fayetteville, Arkansas hereby gratefully agrees to accept Washington Regional Medical Center's generous donation of approximately 1.1 acres of land needed for the Roundabout at the North Hills Boulevard and Futrall Drive intersection to alleviate congestion and provide better traffic flow for Washington Regional Medical Center's staff and patients and for other Fayetteville citizens.

PASSED and APPROVED this 19th day of April, 2011.

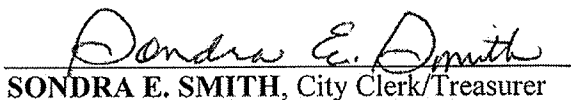
APPROVED:

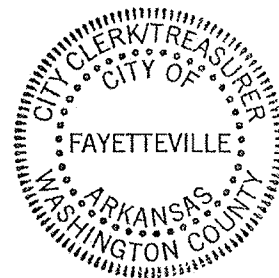
ATTEST:

By:


LIONEL D. JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer



City of Fayetteville Staff Review Form

A. 10
Plante & Moran, PLLC
Page 1 of 50

City Council Agenda Items
and
Contracts, Leases or Agreements

6/21/2011

City Council Meeting Date
Agenda Items Only

Don Marr
Submitted By

Division

Chief of Staff/ Mayor's Office
Department

Action Required:

Approval of Contract and Budget Adjustment with Plante Moran for Information Technology contract services .

\$ 205,000.00

Cost of this request

\$ 205,000.00

Category / Project Budget

IT Assessment/Project Contract Work

Program Category / Project Name

4470.9470.5315.00

Account Number

\$ -

Funds Used to Date

Info Tech Impvs

Program / Project Category Name

\$ 205,000.00

Remaining Balance

Sales Tax Capital

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒

Don Marr
Department Director

6/3/11
Date

Previous Ordinance or Resolution # _____

John B. Kelly
City Attorney

6/6/11
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becker
Finance and Internal Services Director

6-6-2011
Date

Received in City
Clerk's Office 06-03-11 P03:58 RCVD

Don Marr
Chief of Staff

6-6-11
Date

Received in
Mayor's Office

ENTERED
6/6/11
JH

Frederick Jordan
Mayor

6/7/11
Date

Comments:



City Council Meeting Date:
6/21/2011

City Council Agenda Memo

To: Mayor and Members of the City Council

From: Don Marr, Chief of Staff

Thru: Mayor Jordan

Date: 6/3/2011

Subject: RFP 10-08 Information Technology Project Management & Consulting Services

Recommendation:

The City Staff and Administration recommend on behalf of the Mayor's office that the City of Fayetteville, AR contract with Plante Moran, PLLC for Information Technology Project Implementation and Management Services. The request is for \$185,000 plus \$20,000 contingency for the contract with Plante Moran PLLC.

Background:

During the Capital Improvement Projects Budget for 2010, the City Council approved a \$80,000 for a IT Assessment Project. During the Capital Improvement Projects Budget for 2010, the City Council approved \$80,000 for a IT Technology Assessment Project. City Staff followed the Professional Services selection process as outlined in City Purchasing policies. The Selection committee reviewed 8 proposals that were submitted in response to the City's RFP request, and the selected Plante Moran to conduct the City's IT Assessment. The assessment was completed and recommendations given to the City Council in first quarter 2011. Due to limited IT staff time and in some cases the IT Staff do not currently hold the technical skill sets necessary to accomplish the outlined action items. The administration initiated a request for proposal to provide certain IT project management support services specifically for:

- Telecommunications Services to leverage the information gathered as a part of the original IT Assessment plus pursue further investigation to analyze the City's telecommunication inventory, services, issues, and develop a an RFP and bid Telecommunication services as appropriate.
- Evaluate options for a hosted email environment,
- Conduct a Help Desk detailed assessment, and establish performance metrics, service levels, and staffing allocations.
- Establish and Implement IT Governance Methodology,
- Work to expand the City's website to include temporary electronic service capabilities to accept payments, orders, for all A/R transactions until an ERP system is selected and implemented,
- Determine ERP Needs Assessment, proposal development, selection of a Vendor, and establish a statement of work and conduct contract Negotiations
- Management development activities designed to develop the executive level skills and abilities of the City's IT Manager

These projects will allow the City to advance towards improved usage of technology, self service capabilities available to citizens, and to free up time for City Staff to take manual processes into electronic processes, so that time can be allocated to more value added services.

Budget Impact:

The administration is requesting a budget adjustment to move \$205,000 currently budgeted in the CIP from Fiber Connectivity Between City Buildings to IT Contract Management Service. These services and contract work will be conducted over the next 18 months (July 2011 through Dec 2012). The IT Assessment stated on page 12 of 86 within the IT Assessment Final Report: "We believe it may be possible for the City to improve services (connection speeds, telecom contract negotiations/re-bidding while reducing costs, and to potentially avoid constructing its own fiber connection." At the cost of \$205,000. We recommend using those funds to contract for these projects, which in turn will provide better quality of IT services both internally and to the Citizens of Fayetteville. The goals of the IT Assessment action items are to:

- Expand upon existing achievements in transitioning the IT Services from a reactive organization to a focus on customers and results;
- Provide outstanding customer service to stakeholders internal and external to the Department(s);
- Interact with and inform customers, vendors, and others on as routine and as efficient a basis as possible;
- Become a greater strategic resource for top management and departments;
- Eliminate non-value added tasks and unnecessary costs in business processes;
- Reflect "best practices" in all areas of activity.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT WITH PLANTE & MORAN, PLLC IN THE AMOUNT OF \$185,000.00, PLUS A PROJECT CONTINGENCY OF \$20,000.00, FOR THE PROVISION OF INFORMATION TECHNOLOGY PROJECT IMPLEMENTATION AND MANAGEMENT SERVICES, AND APPROVING A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a contract with Plante & Moran, PLLC in the amount of \$185,000.00, plus a project contingency of \$20,000.00, for the provision of information technology project implementation and management services.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A".

PASSED and APPROVED this 21st day of June, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

V11.0415
A. 10
~~Plante & Moran, PLLC~~
Page 5 of 50
Number

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION	
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\$205,000 is coming from the Fiber Connectivity Between City Building project. This project is currently on hold. The IT assessment indicated other connectivity options should be explored.

TOTAL BUDGET ADJUSTMENT

tabbies®

EXHIBIT

A

City of Fayetteville, Arkansas
RFP 11-05, Information Technology Project Implementation and Management Services
List of Proposals Received

	Name	Contact	Phone Number	Email	City	State	Zip
1	Quadrivium, Inc.	Brent Obana	(479) 872-6473	bobana@genterprises.com	Springdale	AR	72764
2	Coeur Business Group, Inc.	Mark Peterson	(636) 561-2455	mark.peterson@coeurgroup.com	Lake Saint Louis	MO	63367
3	The Persimmon Group	Shane Cox	(785) 215-9215	shanecox@thepersimmongroup.com	Tulsa	OK	74103
4	The Azimuth Group	Jerry Tweedy	(469) 583-3602	jtweedy@azimuthgrp.com	Dallas	TX	75205
5	Plante & Moran, PLLC	Adam Rujan	(800) 544-0203	adam.rujan@plantemoran.com	Southfield	MI	48034

SCANNED
SHORT LISTED



THE CITY OF FAYETTEVILLE, ARKANSAS

CONTRACT

Reference Bid: RFP 11-05, Information Technology Project Implementation & Management Services

Contractor: Plante & Moran, PLLC

Term: 1 year with 4 automatic renewal options

This contract executed this ____ day of _____, 2011, between the City of Fayetteville, Arkansas, and **Plante & Moran, PLLC**. In consideration of the mutual covenants contained herein, the parties agree as follows.

WITNESSETH:

WHEREAS, City has previously determined that it has a need for Information Technology Project Implementation & Management Services

WHEREAS, City, after soliciting competitive proposals for such services pursuant to City of Fayetteville RFP 11-05 (herein after referred to as Request for Proposal or RFP), City has awarded this contract to **Plante & Moran, PLLC**; and

WHEREAS, **Plante & Moran, PLLC** has represented that it is able to satisfactorily provide these services according to the terms and conditions of the RFP, which are incorporated herein by reference, and the terms and conditions are contained herein; and

NOW THEREFORE, in consideration of the above and mutual covenants contained herein, the parties agree as follows:

1. Information Technology Project Management Services , as requested and more specifically outlined in the RFP, this agreement, and all subsequent official documents that form the Contract Documents for this Agreement.

2. **Time of Service**: Services shall be performed in a timely manner, as specified in the RFP and attached in Appendix A.

3. Term of Agreement: Services performed pursuant to this Contract shall commence upon execution of this agreement and continue until project is complete, unless canceled or terminated within thirty (30) days written notice by either party.

4. Amendment of Contract: This Contract may be amended only by mutual agreement of the parties.

5. Assignment and Subcontracting: Plante & Moran, PLLC shall perform this contract. No assignment or subcontracting shall be allowed without the prior written consent of the City. In the event of a corporate acquisition and/or merger, Plante & Moran, PLLC shall provide written notice to the City within thirty (30) business days of such notice of action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a proposal to a Proposer, which has disclosed its intent to assign or subcontract in its response to the RFP, without exception shall constitute approval for purposes of this Agreement.

6. Cancellation: The City of Fayetteville reserves the right to cancel this Contract, without cause, by giving thirty (30) days notice to Plante & Moran, PLLC of the intent to cancel, or with cause if at any time Plante & Moran, PLLC fails to fulfill or abide by any of the terms or conditions specified.

Failure of the Plante & Moran, PLLC to comply with any of the provisions of this contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.

In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source any services which have not been provided within the period of time stated in the proposal, or if no such time is stated, within a reasonable period of time from the date of order or request, as determined by the City.

In the event that sufficient budgeted funds are not available for a fiscal period, the City shall notify Plante & Moran, PLLC of such occurrence and the Contract shall terminate on the last day of the then current fiscal period without penalty or expense to the City. The City reserves the right to terminate within the thirty (30) day notice because of budgetary issues.

7. Compensation: As compensation for Plante & Moran, PLLC providing services to the City as described herein, the City shall pay Plante & Moran, PLLC in arrears, based on the submission of invoices for work completed and properly authorized. City shall pay Plante & Moran, PLLC in an amount not to exceed \$185,000.00 for services listed in RFP 11-05. In addition to payment for services, City shall pay Plante & Moran, PLLC authorized and pre-approved travel expenses.

8. Permits & Licenses: Plante & Moran, PLLC shall secure and maintain any and all permits and licenses required to complete this contract.

9. Minimum Insurance Requirements: Plante & Moran, PLLC shall maintain insurance in at least the amounts required in the RFP throughout the term of this contract. Plante & Moran, PLLC must provide a Certificate of Insurance in accordance with the insurance requirements listed within the RFP, evidencing such coverage prior to issuance of a purchase order or commencement of any work under this contract. Plante & Moran, PLLC shall ensure that any subcontractors or persons hired by subcontractors maintain the same level of insurance coverage as Plante & Moran, PLLC.

10. Indemnification: Plante & Moran, PLLC shall indemnify, pay the cost of defense, including but not limited to attorneys' fees, and hold harmless the City from all suits, actions or claims of any character brought on account of any injuries or damages received or sustained by any person, persons, or property by or from the said Plante & Moran, PLLC; or by, or in consequence of any neglect in safeguarding the work; or on account of any act or omission, neglect or misconduct of Plante & Moran, PLLC; or by, or on account of, any claim or amounts recovered under the Workers' Compensation Law or of any other laws, by-laws, ordinances, order of decree, except only such injury or damage as shall have been occasioned by the sole negligence of the City of Fayetteville. The first ten dollars (\$10.00) of compensation received by Plante & Moran, PLLC represents specific consideration for this indemnification obligation.

11. Governing Law & Jurisdiction: Legal jurisdiction to resolve any disputes shall be Washington County, Arkansas with Arkansas law applying to the case.

12. Severability: The terms and conditions of this agreement shall be deemed to be severable. Consequently, if any clause, term, or condition hereof shall be held to be illegal or void, such determination shall not affect the validity of legality of the remaining terms and conditions, and notwithstanding any such

determination, this agreement shall continue in full force and effect unless the particular clause, term, or condition held to be illegal or void renders the balance of the agreement impossible to perform.

13. Scope of Work: Scope is further defined in detail with Appendix A of this contract:

- 1) **Telecommunication Projects & Services (A1 & A2)**: Telecommunications consulting services consist of developing a telecommunications strategic direction for the City and assisting with the implementation. As part of this effort **Plante & Moran, PLLC** will leverage the information gathered as part of the original IT Assessment plus pursue further investigation to analyze the City's telecommunications at a deeper level to include:
 - a. Define the current carrier environment / Produce a circuit inventory;
 - b. Define the current LAN/WAN environment;
 - c. Define the current telephone system environment;
 - d. Deliver a letter of Telecommunications Strategic Direction, which includes:
 - i. City's carrier contracts and services
 - ii. Tactical issues
 - iii. Telephone system
 - e. Implement Recommendations
- 2) **Email Platform and Help Desk Projects**
 - a. Email Platform
 - i. Identify two primary vendor options for a "hosted" email environment
 - ii. Assist in perform high level cost analysis to evaluate the advantages of the preferred option
 - iii. Assuming a favorable finding, assist City Purchasing to work with IT staff to obtain quotes for the service
 - iv. Provide remote project management support to the City / Vendor team in the implementation of a hosted email solution
 - b. Help Desk Assessment
 - i. Conduct a Help Desk detailed assessment
 - ii. Establish staffing, service levels, performance metrics
 - iii. Provide limited oversight as the City implements the changes.

- 3) **IT Governance Project (C): Plante & Moran, PLLC** will work closely with City Management to design and implement a comprehensive IT Governance approach. Specific steps will include:
 - a. Work with City Management to design an approach to IT governance, including reviewing the governance model and fitting it to existing Fayetteville management processes.
 - b. Establish an IT Steering Committee, including development of a Committee Charter.
 - c. Facilitate the first three Steering Committee meetings, monitor the next three meetings. Discussion items will include IT Policy, IT Spending, Standards, & Major projects and ROI.
 - d. Work with the IT Director to establish his role and to implement our effective IT Liaison approach.
 - e. As part of this process, **Plante & Moran, PLLC** will include ongoing management development activities designed to develop the executive level skills and abilities of the City's CIO.

- 4) **Web Enhancement Project (D): Plante & Moran, PLLC** will assist City Purchasing to:
 - a. Contract with a web developer who can program in "cold fusion".
 - b. Contract with a payment processing vendor to process transactions;
 - c. Develop a manual/semi-automated process to transfer transaction data from the payment processing vendor into the current accounting system.

- 5) **ERP Needs Assessment, RFP Development & System Selection: Plante & Moran, PLLC** will leverage City staff to assist in defining system requirements, developing an RFP document, solution selection, statement of work, contract negotiations and implementation phases of the project.
 - a. ERP Needs Assessment
 - b. ERP Request for Proposal Development
 - c. ERP Evaluation and Selection of Vendor
 - d. ERP Statement of Work and Contract Negotiations

14. **Changes in Scope or Price:** Changes, modifications, or amendments in scope, price, or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

15. **Freedom of Information Act:** Documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of

Fayetteville, Plante & Moran, PLLC 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 costs pursuant to the FOIA may be assessed for this compliance.

16. Documents Comprising Contract: The contract shall include this Agreement for Information Technology Project Implementation & Management Services and attached **Appendix A**, as well as the following documents, which are incorporated herein by reference:

- 1) City of Fayetteville's Request for Proposal and all of its addenda and attachments issued in reference to RFP 11-05;
- 2) Plante & Moran, PLLC's Certificate of Insurance as required, listing the City as an additional insured;
- 3) Plante & Moran, PLLC's Proposal.

If there is a conflict between the terms of this Agreement and the above referenced documents, the conflict shall be resolved as follows: the terms of this Agreement shall prevail over the other documents, and the terms of the remaining documents shall be given preference in their above listed order.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2011.

PLANTE & MORAN, PLLC

CITY OF FAYETTEVILLE, ARKANSAS

By: _____

LIONELD JORDAN, Mayor

ADAM RUJAN, PARTNER
Printed Contractor Name & Title

ATTEST:

ATTEST:

[Signature]
Company Secretary

Sondra Smith, City Clerk

27400 NORTHWESTERN HWY
Business Address

Date Signed: _____

SOUTHFIELD, MI 48034
City, State & Zip Code

Date Signed: 6.7.11



Appendix A

A. 10
Plante & Moran, PLLC
27400 Northwestern Highway
P.O. Box 307
Southfield, MI 48037-0307
Tel: 248.352.2500
Fax: 248.352.0018
plantemoran.com

June 2, 2011

City of Fayetteville
Ms. Andrea Foren, Purchasing Agent
Purchasing Division – Room 306
113 West Mountain
Fayetteville, AR 72701

Dear Ms. Foren

As we discussed, Plante & Moran, PLLC is pleased to modify our Proposal (RFP 11-05) to provide Information Technology Project Implementation and Management Services. We have modified the pricing to exclude travel expenses from the hourly rates. Travel will be reimbursed as needed and approved by the City. Also, we will be invoicing on a time and materials basis, up to the not to exceed budget of \$185,000 over the next 18 months.

The attached edits include modifications to our originally proposed scope of services, and estimated hours, in order to complete the essence of each requested service within the budget available. We do assume the active participation of City Purchasing staff and to a lesser extent some City IT resources. I believe that this modified proposal will substantially meet the goals and objectives established for each project.

Given your immediate time requirements, I propose that as an initial project step we will develop a more detailed project workplan to cover these services over the next 18 months. Please feel free to call me if you have any questions at 248-223-3328.

Very truly yours,
PLANTE & MORAN, PLLC

Adam Rujan, Partner

Pricing and Calendar

Our fee is based on a blended rate of \$205 per hour for the estimated number of hours expected to complete project activities. Our subcontractor, Accio offers 2 rates based on skill set, \$175 and \$135. Travel related costs will be billed in addition to our professional services fees.

Specific rates include:

Project Director:	\$205/hour
Project Manager:	\$205/hour
Senior Consultant:	\$205/hour
Consultant:	\$205/hour

The expected level of effort and project duration are listed below:

Projects	Estimated Total Hours	Estimated Timeline
Short Term (July – Dec 2011):		
Telecommunications (A1 & A2)	120	Q1
Email Platform Assessment (B1)	120	Q1-2
Help Desk Service Audit (B2)	80	Q2
IT Governance (C)	160	Q1-2*
Website Enhancements (D)	120	Q1-2
Long Term (Jan – Dec 2012):		
ERP Needs Assessment (A1)	included**	
ERP Selection (A2)	350	Calendar 2012**
Management Development	Included in C above	***

*Actual elapsed time will be 12 months

** Abbreviated ERP needs assessment incorporated within ERP selection. Actual elapsed time will be 12- 24 months for full ERP implementation beyond the selection process

*** Actual elapsed time will be 12 – 18 months – activities incorporated within IT Governance

Item 1: Telecommunications Projects/Services (A1 & A2)

Our telecommunications consulting services consist of developing a telecommunications strategic direction for the City and assisting with the implementation. As part of this effort we would leverage the information gathered as part of the original IT Assessment plus pursue further investigation to analyze the City's telecommunications at a deeper level to include:

1. **Define the current carrier environment / Produce a circuit inventory:** Inventory the carrier bills and identify of all lines/circuits by billed account. This sets the stage to "right-size" the City's telecom bills, address poor rates, and address contract expiration issues. We would also look to identify problems, constraints, and out-dated offerings within the current service mix.
2. **Define the current LAN/WAN environment:** Identify and evaluate any constraints or additional investment the City should be aware of in order to support changes to their future telecommunications environment.
3. **Define the current telephone system environment:** Identify the type, age, size, and important characteristics of the telephone systems serving the City. Address how these systems do or do not integrate to meet the City's needs. Identify the current state, support, and direction of these offerings.
4. **Deliver a letter of Telecommunications Strategic Direction:** We will submit a letter addressing:
 - a. **City's carrier contracts and services:** We will identify services that are no longer rate-optimized or are off-contract, opportunities to leverage and optimize the City's telecom spend, opportunities to identify and eliminate un-used services, and opportunities to transition legacy services to current/appropriate offerings.
 - b. **Tactical issues:** Periodic service disruptions are being incurred due to Wide Area Network (WAN) T1 circuit outages due to rain/moisture problems. Reliability and bandwidth constraints on the WAN T1 circuits (1.54 Mbps) are pressing the City to consider alternatives including a capital intensive fiber optic build between sites. We will review courses of action to resolve immediate issues while considering WAN options for minimizing capital expenditures.
 - c. **Telephone system:** The City uses Plexar/Centrex, Nortel, and Cisco voice telecommunications systems/services. We will provide recommendations regarding direction and moving the City forward with its telecommunications services.
5. **Implement Recommendations:** We will work with the City Purchasing Department to develop an RFP and bid Telecommunication services, as appropriate. We will work closely with your office, and obtain authorization prior to implementing any recommendations.

We anticipate an on-site meeting early in the project to gather and review information and interview key individuals. The project will be staffed primarily by Mr. Ted Mallires our telecommunications expert.

Item 2: Email Platform and Help Desk Projects

The major steps associated with these projects are as follows:

B1 – Email Platform

- Identify two primary vendor options for a “hosted” email environment
- Assist in perform high level cost analysis to evaluate the advantages of the preferred option
- Assuming a favorable finding, assist City Purchasing to work with IT staff to obtain quotes for the service
- Provide remote project management support to the City / Vendor team in the implementation of a hosted email solution

B2 – Help Desk Assessment

- Conduct a Help Desk detailed assessment
- Establish the following:
 - Staffing
 - Service Levels
 - Performance Metrics
- Provide limited oversight as the City implements the changes.

Item 3: IT Governance Project (C)

Plante & Moran will work closely with City Management to design and implement a comprehensive IT Governance approach. Specific steps will include:

- Work with City Management to design an approach to IT governance, including reviewing the governance model and fitting it to existing Fayetteville management processes.
- Establish an IT Steering Committee, including development of a Committee Charter.
- Facilitate the first three Steering Committee meetings, monitor the next three meetings.
Discussion items will include:
 - IT Policy
 - IT Spending
 - Standards
 - Major projects and ROI
- Work with the IT Director to establish his role and to implement our effective IT Liaison approach.
- As part of this process, we will include ongoing management development activities designed to develop the executive level skills and abilities of the City's CIO.

Item 4: Web Enhancement Project (D)

Expand the City website. There appears to be significant citizen demand to pay bills and order services online. The website currently allows for online utility payments. This project will expand the existing website to offer more functionality, like accepting orders and payments for trash bins. This is a temporary solution, the “permanent” solution will be to utilize the functionality which will be resident in the new ERP system (full implementation is at a minimum 2-3 years away).

Plante and Moran will assist City Purchasing to:

- Contract with a web developer who can program in “cold fusion”. This is an older language, but still available. The cost to add links for 3-4 applications should be less than \$25,000. We will work with City Purchasing and IT staff to develop specifications.
- Contract with a payment processing vendor to process transactions; typical costs are two to three percent of transaction value. We will contact the City’s current banker(s) to identify potential vendors. Vendors may include Payflow Pro (PayPal), Authorize.net and SkipJack.
- Develop a manual/semi-automated process to transfer transaction data from the payment processing vendor into the current accounting system. Remember, this is a temporary solution. A fully integrated solution will likely be purchased and implemented with the replacement of the ERP system.

This is a fast, low cost solution to providing the citizens with greater online services, as desired by City leadership. If feasible, the Parking Dept application will be integrated into the solution.

Item 5: ERP Needs Assessment, RFP Development and System Selection

Having performed similar ERP projects for many large, local units of government over the years, Plante & Moran's seasoned project consultants have developed and refined a proven methodology and set of related tools that provide outstanding and valued service to our clients by leveraging best practices while incorporating the unique needs of our clients.

Our approach will include engaging a qualified project team to develop, refine and execute a proven project plan to meet the project objectives. Our methodology includes the following phases:

- ERP Needs Assessment
- ERP Request for Proposal Development
- ERP Evaluation and Selection of Vendor
- ERP Statement of Work and Contract Negotiations

We will leverage City staff to assist in defining system requirements, developing an RFP document, solution selection, statement of work, contract negotiations and implementation phases of the project. We have a number of tools and templates that can and will expedite the selection process.



City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8220
TDD (Telecommunication Device for the Deaf): 479.521.1316

**REQUEST FOR PROPOSAL: RFP 11-05, Information Technology Project
Implementation & Management Services**

DEADLINE: Friday, April 15, 2011 before 2:00:00 PM, local 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: Friday, March 25, 2011

REQUEST FOR PROPOSAL
**RFP 11-05, Information Technology Project Implementation &
Management Services**

No late proposals will be accepted. RFP's shall be submitted in sealed envelopes labeled "RFP 11-05, Information Technology Project Management Services" with the name and address of the Proposer.

All Proposals shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each Proposer is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection. Any bid, proposal, or statements of qualification will be rejected that violates or conflicts with state, local, or federal laws, ordinances, or policies.

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: _____

Contact Person: _____ Title: _____

E-Mail: _____ Phone: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Signature: _____ Date: _____

City of Fayetteville
RFP 11-05, Information Technology Project Implementation & Management Services
Advertisement

The City of Fayetteville, Arkansas is seeking sealed proposals from qualified firms / providers to perform information technology project implementation and management services.

To be considered, proposals shall be received at the City Administration Building, City Hall, Purchasing – Room 306, 113 West Mountain, Fayetteville, Arkansas before **Friday, April 15, 2011 at 2:00:00 PM**, local time. No late proposals shall be accepted.

Proposal forms must be downloaded from the City's web site at <http://www.accessfayetteville.org>. All questions regarding the RFP process should be directed to Andrea Foren at aforen@ci.fayetteville.ar.us or (479)575-8220.

Proposers shall be qualified to do business and licensed in accordance with all applicable laws of the state and local governments where the project is located.

Pursuant to Ark. Code Annotated 22-9-203, the City of Fayetteville encourages all qualified small, minority and women business enterprises to proposal and receives contracts for goods, services, and construction. Also, City of Fayetteville encourages all prospective Proposers to subcontract portions of their contract to qualified small, minority, and women business enterprises.

The City of Fayetteville reserves the right to reject any or all proposals and to waive irregularities therein, and all Proposers shall agree that such rejection shall be without liability on the part of the City of Fayetteville for any damage or claim brought by any Proposer because of such rejections, nor shall the Proposers seek any recourse of any kind against the City of Fayetteville because of such rejections. The filing of any Proposal in response to this invitation shall constitute an agreement of the Proposer to these conditions.

CITY OF FAYETTEVILLE

By: Andrea Foren, CPPB

Title: Purchasing Agent

Ad date: 03/25/2011

City of Fayetteville
RFP 11-05, Information Technology Project Implementation & Management Services
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City of Fayetteville
RFP 11-05, Information Technology Project Implementation & Management Services
SECTION A: General Conditions

1. **SUBMISSION OF PROPOSAL:**

- a. A written narrative describing the method or manner in which the Proposer proposes to satisfy requirements of this RFP.
- b. A description of the Proposer's experience in providing the same or similar services as outlined in the RFP. This description should include the names of the person(s) who will provide the services, their qualifications, and the years of experience in performing this type of work. Also, include the reference information requested in this RFP.
- c. The complete fee and cost to the City for all services outlined in this RFP.
- d. Proposal should be no more than twenty five (25) pages; single sided, standard, readable, print on standard 8.5x11 papers. Proposers shall also submit a three (3) page (maximum) executive summary. The following items will not count toward the page limitations: appendix, cover sheet, 3-page executive summary, resumes (resumes shall be no more than 1 page per person), and forms provided by the City for completion.
- e. All Proposers shall submit eight (8) sets of their proposal as well as one (1) electronic copy on a properly labeled CD or other electronic media device. **The electronic copy submitted should be contained into one (1) file.** The use of Adobe PDF documents is strongly recommended. Files contained on the CD or electronic media shall not be restricted against saving or printing. The electronic copy shall be identical to the original papers submitted. Electronic copies shall not be submitted via e-mail to City employees.
- f. Proposals will be reviewed following the stated deadline, as shown on the cover sheet of this document. The names of respondents only will be available after the deadline until a contract has been awarded by the Fayetteville City Council. All interested parties understand proposal documents will not be available until after a valid contract has been executed.
- g. Proposers shall submit a proposal based on documentation published by the Fayetteville Purchasing Division.
- h. Proposals shall be enclosed in sealed envelopes or packages addressed to the City of Fayetteville, Purchasing Division, Room 306, 113 W. Mountain, Fayetteville, AR 72701. The name, address of the firm and Bid, RFP, or RFQ number shall be on the outside of the packaging as well as on any packages enclosed in shipping containers or boxes.
- i. Proposals must follow the format of the RFP. Proposers should structure their responses to follow the sequence of the RFP.
- j. Proposers should have experience in work of the same or similar nature, and must provide references that will satisfy the City of Fayetteville. Proposer may furnish a reference list of clients for whom they have performed similar services and must provide information as requested in this document.
- k. Proposer is advised that exceptions to any of the terms contained in this RFP or the attached service agreement must be identified in its response to the RFP. Failure to do so may lead the City to declare any such term non-negotiable. Proposer's desire to take exception to a non-negotiable term will not disqualify it from consideration for award.
- l. Local time shall be defined as the time in Fayetteville, Arkansas on the due date of the deadline. Bids shall be received before 2:00:00 as shown by the atomic clock located in the Purchasing Division Office.

2. WRITTEN REQUESTS FOR INTERPRETATIONS OR CLARIFICATION:

No oral interpretations will be made to any firms as to the meaning of specifications or any other contract documents. All questions pertaining to the terms and conditions or scope of work of this proposal must be sent in writing via e-mail to the Purchasing Department. Responses to questions may be handled as an addendum if the response would provide clarification to the requirements of the proposal. All such addenda shall become part of the contract documents. The City will not be responsible for any other explanation or interpretation of the proposed RFP made or given prior to the award of the contract.

3. DESCRIPTION OF SUPPLIES AND SERVICES:

Any manufacturer's names, trade name, brand name, catalog number, etc. used in specifications are for the purpose of describing and establishing general quality levels. Such references are NOT intended to be restrictive. Proposals will be considered for all brands that meet the quality of the specifications listed for any items.

4. RIGHTS OF CITY OF FAYETTEVILLE IN REQUEST FOR PROPOSAL PROCESS:

In addition to all other rights of the City of Fayetteville, under state law, the City specifically reserves the following:

- a. The City of Fayetteville reserves the right to rank firms and negotiate with the highest-ranking firm. Negotiation with an individual Proposer does not require negotiation with others.
- b. The City of Fayetteville reserves the right to select the proposal that it believes will serve the best interest of the City.
- c. The City of Fayetteville reserves the right to accept or reject any or all proposals.
- d. The City of Fayetteville reserves the right to cancel the entire request for proposal.
- e. The City of Fayetteville reserves the right to remedy or waive technical or immaterial errors in the request for proposal or in proposals submitted.
- f. The City of Fayetteville reserves the right to request any necessary clarifications, additional information, or proposal data without changing the terms of the proposal.
- g. The City of Fayetteville reserves the right to make selection of the Proposer to perform the services required on the basis of the original proposals without negotiation.

5. EVALUATION CRITERIA:

The evaluation criterion defines the factors that will be used by the selection committee to evaluate and score responsive, responsible and qualified proposals. Proposers shall include sufficient information to allow the selection committee to thoroughly evaluate and score proposals. Each proposal submitted shall be evaluated and ranked by a selection committee. The contract will be awarded to the most qualified Proposer, per the evaluation criteria listed in this RFP. Proposers are not guaranteed to be ranked.

6. COSTS INCURRED BY PROPOSERS:

All expenses involved with the preparation and submission of proposals to the City, or any work performed in connection therewith, shall be borne solely by the Proposer(s). No payment will be made for any responses received, or for any other effort required of, or made by, the Proposer(s) prior to contract commencement.

7. ORAL PRESENTATION:

An oral presentation and/or interview may be requested of any firm, at the selection committee's discretion.

8. CONFLICT OF INTEREST:

- a. The Proposer represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance or services required hereunder, as provided in City of Fayetteville Code Section 34.26 titled "Authority of City Employee to Contract With The City" which states the following:
 - i. *An employee of the City shall be permitted to conduct business with the City, provided the contract or job is for services, is submitted as a competitive bid, is approved by the City Council*

following disclosure of the direct or indirect financial interest of the individual employee, and the total sum payable under the contract does NOT exceed \$500.00.

- b. The Proposer shall promptly notify Andrea Foren, City Purchasing Agent, in writing, of all potential conflicts of interest for any prospective business association, interest, or other circumstance which may influence or appear to influence the bidder's judgment or quality of services being provided. Such written notification shall identify the prospective business association, interest or circumstance, the nature of which the Proposer may undertake and request an opinion to the City as to whether the association, interest or circumstance would, in the opinion of the City, constitute a conflict of interest if entered into by the Proposer. The City agrees to communicate with the Proposer its opinion via e-mail or first-class mail within thirty days of receipt of notification.

9. WITHDRAWAL OF PROPOSAL:

A proposal may be withdrawn prior to the time set for the proposal submittal, based on a written request from an authorized representative of the firm; however, a proposal shall not be withdrawn after the time set for the proposal.

10. LATE PROPOSAL OR MODIFICATIONS:

- a) Proposal and modifications received after the time set for the proposal submittal shall not be considered. Modifications in writing received prior to the deadline will be accepted. The City will not be responsible for misdirected bids. Bidders should call the Purchasing Division at (479) 575-8220 to insure receipt of their submittal documents prior to opening time and date listed.

11. LOCAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:

- a. The laws of the State of Arkansas apply to any purchase made under this request for proposal. Proposers shall comply with all local, state, and federal directives, orders and laws as applicable to this proposal and subsequent contract(s) including but not limited to Equal Employment Opportunity (EEO), Disadvantaged Business Enterprises (DBE), & OSHA as applicable to this contract.
- b. Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all *qualified* small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to *qualified* small, minority and women business enterprises.

12. PROVISION FOR OTHER AGENCIES:

Unless otherwise stipulated by the Proposer, the Proposer agrees to make available to all Government agencies, departments, municipalities, and counties, the proposal prices submitted in accordance with said proposal terms and conditions therein, should any said governmental entity desire to buy under this proposal. Eligible Users shall mean all state of Arkansas agencies, the legislative and judicial branches, political subdivisions (counties, local district school boards, community colleges, municipalities, counties, or other public agencies or authorities), which may desire to purchase under the terms and conditions of the contract.

13. COLLUSION:

The Proposer, by affixing his or her signature to this proposal, agrees to the following: "Proposer certifies that his proposal is made without previous understanding, agreement, or connection with any person, firm or corporation making a proposal for the same item(s) and/or services and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action."

14. RIGHT TO AUDIT, FOIA, AND JURISDICITON:

- a. The City of Fayetteville reserves the privilege of auditing a vendor's records as such records relate to purchases between the City and said vendor.

- b. 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 Freedom of Information Act request is presented to the City of Fayetteville, the (Contractor) will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.
- c. Legal jurisdiction to resolve any disputes shall be Arkansas with Arkansas law applying to the case.

15. CITY INDEMNIFICATION:

The successful Proposer(s) agrees to indemnify the City and hold it harmless from and against all claims, liability, loss, damage or expense, including but not limited to counsel fees, arising from or by reason of any actual or claimed trademark, patent or copyright infringement or litigation based thereon, with respect to the goods or any part thereof covered by this order, and such obligation shall survive acceptance of the goods and payment thereof by the City.

16. VARIANCE FROM STANDARD TERMS & CONDITIONS:

All standard terms and conditions stated in this request for proposal apply to this contract except as specifically stated in the subsequent sections of this document, which take precedence, and should be fully understood by Proposers prior to submitting a proposal on this requirement.

17. ADA REQUIREMENT FOR PUBLIC NOTICES & TRANSLATION:

Persons with disabilities requiring reasonable accommodation to participate in this proceeding/event, should call 479.521.1316 (telecommunications device for the deaf), not later than seven days prior to the deadline. Persons needing translation of this document shall contact the City of Fayetteville, Purchasing Division, immediately.

18. CERTIFICATE OF INSURANCE:

The successful Proposer shall provide a Certificate of Insurance in accordance with specifications listed in this request for proposal, prior to commencement of any work. Such certificate shall list the City of Fayetteville as an additional insured. Insurance shall remain valid throughout project completion.

19. PROCUREMENT POLICY FOR RECYCLED MATERIALS:

The City of Fayetteville wishes to encourage its Proposer to use recycled products in fulfilling contractual obligations to the City and that such practices will serve as a model for other public entities and private sector companies.

20. PAYMENTS AND INVOICING:

The Proposer must specify in their proposal the exact company name and address which must be the same as invoices submitted for payment as a result of award of this RFP. Further, the successful Proposer is responsible for immediately notifying the Purchasing Division of any company name change, which would cause invoicing to change from the name used at the time of the original RFP. Payment will be made within thirty days of invoice received. The City of Fayetteville is very credit worthy and will not pay any interest or penalty for untimely payments. **Payments can be processed through Proposer's acceptance of Visa at no additional costs to the City for expedited payment processing.** The City will not agree to any nonrefundable deposit or retainer that would remain property of the Proposer even if the hourly work actually performed by the Proposer would not justify such fee. The City will not agree to allow any increase in hourly rates by the contract without PRIOR Fayetteville City Council approval.

21. CANCELLATION:

- a. The City reserves the right to cancel this contract without cause by giving thirty (30) days prior notice to the Contractor in writing of the intention to cancel or with cause if at any time the Contractor fails to fulfill or abide by any of the terms or conditions specified.

- b. Failure of the contractor to comply with any of the provisions of the contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.
- c. In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source, any items and/or services which have not been delivered within the period of time from the date of order as determined by the City of Fayetteville.
- d. In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify the vendor of such occurrence and contract shall terminate of the last day of the current fiscal period without penalty or expense to the City

22. ASSIGNMENT, SUBCONTRACTING, CORPORATE ACQUISITIONS AND/OR MERGERS:

- a. The Contractor shall perform this contract. No assignment of subcontracting shall be allowed without prior written consent of the City. If a Proposer intends to subcontract a portion of this work, the Proposer shall disclose such intent in the proposal submitted as a result of this RFP.
- b. In the event of a corporate acquisition and/or merger, the Contractor shall provide written notice to the City within thirty (30) calendar days of Contractor's notice of such action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a proposal to a firm that has disclosed its intent to assign or subcontract in its response to the RFP, without exception shall constitute approval for purpose of this Agreement.

23. NON-EXCLUSIVE CONTRACT:

Award of this RFP shall impose no obligation on the City to utilize the vendor for all work of this type, which may develop during the contract period. This is not an exclusive contract. The City specifically reserves the right to concurrently contract with other companies for similar work if it deems such an action to be in the City's best interest. In the case of multiple-term contracts, this provision shall apply separately to each item.

24. LOBBYING:

Lobbying of selection committee members, City of Fayetteville employees, or elected officials regarding request for proposals, request for qualifications, bids or contracts, during the pendency of bid protest, by the bidder/proposer/protestor or any member of the bidder's/proposer's/protestor's staff, and agent of the bidder/proposer/protestor, or any person employed by any legal entity affiliated with or representing an organization that is responding to the request for proposal, request for qualification, bid or contract, or has a pending bid protest is strictly prohibited either upon advertisement or on a date established by the City of Fayetteville and shall be prohibited until either an award is final or the protest is finally resolved by the City of Fayetteville; provided, however, nothing herein shall prohibit a prospective/bidder/proposer from contacting the Purchasing Division to address situations such as clarification and/or questions related to the procurement process. For purposes of this provision lobbying activities shall include but not be limited to, influencing or attempting to influence action or non-action in connection with any request for proposal, request for qualification, bid or contract through direct or indirect oral or written communication or an attempt to obtain goodwill of persons and/or entities specified in this provision. Such actions may cause any request for proposal, request for qualification, bid or contract to be rejected.

25. ADDITIONAL REQUIREMENTS:

The City reserves the right to request additional services relating to this RFP from the Proposer. When approved by the City as an amendment to the contract and authorized in writing prior to work, the Contractor shall provide such additional requirements as may become necessary.

26. ADD OR DELETE LOCATIONS OR SERVICES:

The City reserves the right to unilaterally add or delete locations and/or services, either collectively or individually, at the City's sole option, at any time after award has been made as may be deemed necessary or in the best interests of the

City. In such case, the Contractor(s) will be required to provide services to this contract in accordance with the terms, conditions, and specifications.

27. SERVICES AGREEMENT:

A written agreement, in substantially the form attached, incorporating the RFP and the successful proposal will be prepared by the City, signed by the successful proposer and presented to the City of Fayetteville for approval and signature of the Mayor.

28. INTEGRITY OF REQUEST FOR PROPOSAL (RFP) DOCUMENTS:

Proposers shall use the original RFP form(s) provided by the Purchasing Division and enter information only in the spaces where a response is requested. Proposers may use an attachment as an addendum to the RFP form(s) if sufficient space is not available on the original form for the Proposer to enter a complete response. **Any modifications or alterations to the original RFP documents by the Proposer, whether intentional or otherwise, will constitute grounds for rejection of such RFP response.** Any such modifications or alterations a Proposer wishes to propose shall be clearly stated in the Proposer's RFP response and presented in the form of an addendum to the original RFP documents.

29. OTHER GENERAL CONDITIONS:

- a) Proposer is presumed to be familiar with all federal, state, and city laws, ordinances, and regulations which in any manner affect those engaged or employed in the Work, or the materials or equipment used, or that in any way affect the Work and shall in all respects comply with said laws, ordinances, and regulations. No claim of misunderstanding or ignorance on the part of Bidder or Proposer will in any way serve to modify the provisions of the contract. No representations shall be binding unless embodied in the contract.
- b) Prices shall include all labor, materials, overhead, profit, insurance, shipping, freight, etc., to cover the products and services presented. **Sales tax is not to be included in the bid price.** Applicable Arkansas sales tax laws will apply when necessary but will not be considered in award of this project.
- c) Each Proposer should state the anticipated number of days from the date of receipt of an order for delivery of services to the City of Fayetteville.
- d) Proposers must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the Proposer. The entire cost of preparing and providing responses shall be borne by the Proposer.
- e) The City reserves the right to request any additional information it deems necessary from any or all Proposers after the submission deadline.
- f) 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. It shall be clearly understood that any costs incurred by the Proposer in responding to this request for proposal is at the Proposer's own risk and expense as a cost of doing business. The City of Fayetteville shall not be liable for reimbursement to the Proposer for any expense so incurred, regardless of whether or not the proposal is accepted.
- g) If products, components, or services other than those described in this bid document are proposed, the bidder must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.
- h) Any reference to a particular brand or manufacturer is done in an effort to establish an acceptable level of quality for this project. Brands or manufacturers that are included in bid that are of at least equal quality, size, design, and specification as to what has been specified, will be acceptable for consideration only if approved by the City of Fayetteville Purchasing Division. The City of Fayetteville reserves the right to accept or reject any requested equal.
- i) **NOTE: Any uncertainties shall be brought to the attention to Andrea Foren immediately via telephone (479.575.8220) or e-mail (aforen@ci.fayetteville.ar.us). It is the intent and goal of the City of Fayetteville Purchasing Division to provide documents providing a clear and accurate understanding of the scope of**

work to be completed and/or goods to be provided. We encourage all interested parties to ask questions to enable all bidders to be on equal bidding terms.

- j) Any inquiries or requests for explanation in regard to the City's requirements should be made promptly to Andrea Foren, City of Fayetteville, Purchasing Agent via e-mail (aforen@ci.fayetteville.ar.us) or telephone (479.575.8220). No oral interpretation or clarifications will be given as to the meaning of any part of this request for proposal. All questions, clarifications, and requests, together with answers, if any, will be provided to all firms via written addendum. Names of firms submitting any questions, clarifications, or requests will not be disclosed until after a contract is in place.
- k) "Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all *qualified* small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to *qualified* small, minority and women business enterprises."
- l) At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. **NOTE: Each Proposer shall submit an "Authorized Negotiator Form"** containing the signature of a duly authorized officer or agent of the Proposer's company empowered with the right to bind and negotiate on behalf of the Proposer for the amounts and terms proposed.
- m) Any information provided herein is intended to assist the Proposer in the preparation of proposals necessary to properly respond to this RFP. The RFP is designed to provide qualified Proposers with sufficient basic information to submit proposals meeting minimum specifications and/or test requirements, but is not intended to limit a RFP's content or to exclude any relevant or essential data.
- n) Proposers irrevocably consent that any legal action or proceeding against it under, arising out of or in any manner relating to this Contract shall be prevailed by Arkansas law. Proposer hereby expressly and irrevocably waives any claim or defense in any said action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.
- o) The successful Proposer shall not assign the whole or any part of this Contract or any monies due or to become due hereunder without written consent of City of Fayetteville. In case the successful Proposer assigns all or any part of any monies due or to become due under this Contract, the Instrument of assignment shall contain a clause substantially to the effect that is agreed that the right of the assignee in and to any monies due or to become due to the successful Proposer shall be subject to prior liens of all persons, firms, and corporations for services rendered or materials supplied for the performance of the services called for in this contract.
- p) The successful Proposer's attention is directed to the fact that all applicable Federal and State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over the services shall apply to the contract throughout, and they will be deemed to be included in the contract as though written out in full herein. The successful Proposer shall keep himself/herself fully informed of all laws, ordinances and regulations of the Federal, State, and municipal governments or authorities in any manner affecting those engaged or employed in providing these services or in any way affecting the conduct of the services and of all orders and decrees of bodies or tribunals having any jurisdiction or authority over same. If any discrepancy or inconsistency should be discovered in these Contract Documents or in the specifications herein referred to, in relation to any such law, ordinance, regulation, order or decree, s/he shall herewith report the same in writing to City of Fayetteville..

30. EVALUATION CRITERIA & SELECTION COMMITTEE:

A selection committee has been appointed to oversee the selection process, which will include reviewing and evaluating each RFP response, interviewing the top candidates for selection, and any follow-up documentation or information requested from the top candidates.

The criteria listed below will be used by the City to evaluate and score responsive and qualified proposals. Proposers shall include sufficient information to allow the City to thoroughly evaluate and score their proposals. Each proposal submitted is not required to be ranked by the selection committee; however, all proposals will be evaluated. The contract will be awarded to the most qualified Proposer, per the evaluation criteria listed below, based on the evaluation of the selection committee.

- 1) 15% **Qualifications in Relation to Specific Project to be Performed:** Information reflecting qualifications of the firm. Indicated specialized experience and technical competence of the firm in connection with the type and complexity of the service required. Subcontractors, if used, must be listed with information on their organization.
- 2) 15% **Experience, Competence, and Capacity for Performance:** Information reflecting the names, titles, and qualifications (including experience and technical competence) of the major personnel assigned to this specific project. Provide detailed breakdown of subcontractor's staff to be used and how they are to be used to supplement your staff. This section of the evaluation criteria includes the amount of work presently underway for your firm; please present this in your RFP.
- 3) 35% **Proposed Method of Doing Work:** A proposed work plan (description of how the project would be conducted as well as other facts concerning approach to scope you wish to present) indicating methods and schedules for accomplishing each phase of work. Include with this the amount of work presently underway. The Firm's ability and commitment to complete the project in the timeframe outlined by the City will also be taken into consideration.
- 4) 20% **Past Performance:** Previous evaluations shall be considered a significant factor. If previous evaluations with the City are not available, the professional firm's past performance records with City and others will be used, including quality of work, timely performance, diligence, ability to meet past budgets, and any other pertinent information. Firm will provide a list of similar jobs performed and person whom we can contact for information.
- 5) 15% **Price:** Complete pricing to the City for all services described herein.

City of Fayetteville
RFP 11-05, Information Technology Project Implementation & Management Services
SECTION B: Scope of Services and General Information

1) Introduction and Background

The City of Fayetteville, Arkansas is seeking sealed proposals from qualified firms / providers to perform information technology project management services. The City contracted with a project management company who assisted with oversight of an IT assessment, which was completed in November of 2010. This IT assessment is attached and included with this RFP as Appendix A.

The analysis includes a complete organizational review and evaluation of the City's current IT services and organizational structure which supports core business functions of the City organization, the personnel/staffing requirements necessary for the support of systems, and the governance structures employed to support the operational mission of the Division of Information Technology Services (ITS). While an understanding of the City's IT hardware and software systems are necessary to appropriately accomplish the scope of work, neither a detailed analysis of those systems nor the development of extensive recommendations regarding those systems was requested. Work associated with this study was oriented towards the provision of guidance and deliverables which clearly define those areas that pose the greatest risk and those areas that offer the greatest opportunity for overall improved information technology service delivery in the City of Fayetteville organization.

The primary objective of this review is to enable ITS to:

- *Expand upon existing achievements in transitioning the ITS from a reactive organization to a focus on customers and results;*
- *Provide outstanding customer service to stakeholders internal and external to the Department(s);*
- *Interact with and inform customers, vendors, and others on as routine and as efficient a basis as possible;*
- *Become a greater strategic resource for top management and departments;*
- *Eliminate non-value added tasks and unnecessary costs in business processes;*
- *Reflect "best practices" in all areas of activity.*

(Information and Technology Assessment, 2010)

About Fayetteville

Located in the Northwest corner of Arkansas and surrounded by the breathtaking Ozark Mountains, natural beauty frames Fayetteville. With a population over 73,000, and nearing half a million regionally, Fayetteville has all the resources and advantages of a large city, yet its unique quality of life and heritage set it apart.

- Home to the University of Arkansas, Fayetteville was positioned at Number 15 in Forbes' annual list of the top 100 metropolitan areas in the nation for businesses.
- US News and World Report in its newly released "2011 America's Best Colleges" guide, ranked University of Arkansas' Supply Chain Management and Logistics Specialty among the top 25 nationally.
- US News and World Report ranked the University of Arkansas' Sam M. Walton College of Business and the School of Law in the top tier of its 2011 edition of America's Best Graduate School.

Other rankings awarded to the City include:

- No. 2: Best Cities for Recession Recovery, 2009, Forbes.com
- No. 4: Best Places for Business and Careers, 2009 Forbes
- No. 6: Smarter Cities Ranking, 2009, Natural Resources Defense Council
- No. 7: Best Places to Live, Work and Play, 2008, Kiplinger
- No. 7: Top College Sports Towns, 2010 Forbes
- No. 9: Healthiest Housing Markets, 2009, Builder magazine

Mayor Lioneld Jordan

First elected in November of 2008, Lioneld Jordan is serving his first term as Mayor of the City of Fayetteville. He previously served as Vice Mayor for four years and eight years as Alderman from Ward Four, instituting the monthly ward meetings that serve as the model for his Town Hall Meetings as Mayor.

Mayor Jordan's priority projects for his first term include developing a comprehensive economic development program focused on Green Jobs that pay a living wage, providing open government that encourages citizen participation, effectively managing the City budget and enhancing the quality of life in Fayetteville by supporting sustainable development, environmental protection, a vibrant arts community, affordable housing, and alternative transportation.

Mayor Jordan is an advocate of using technology for enabling citizens to be more closely connected to the City. As part of his open government philosophy, the Mayor maintains an active presence on Facebook that provides citizens a means of direct communication.

The City's AccessFayetteville.org website contains a wealth of information regarding current activities, including streaming video of City Council meetings and other events. It serves as an information repository for City documents and information related to City planning. The Mayor's goal for the future is to enable the citizens to meet all their informational and transactional needs with the City via the AccessFayetteville.org website.

City Council

The Fayetteville City Council is in support of Mayor Jordan's open government philosophy. In their view, technology plays a key role both in serving citizens and facilitating internal operations.

Along with the emphasis placed on the City's external website, the Council's goal is for the City to realize internal operating improvements and efficiencies through the effective use of technology.

The Council also views as important the City's positioning in regard to making use of open-source software and outside software development resources. Access to City data via data warehousing strategies or open API's is desired in order to ensure an environment that can rapidly adapt to changing demands for information and applications.

Information Technology

The Information Technology Division operates within the Department of Administration, reporting to the Finance Director. It is made up of two distinct functional areas.

1. IT Operations and Support
2. Geographic Information Systems Operations

The Division is the central provider, coordinator and administrator of IT-related applications, hardware and infrastructure for all areas of the City except for Police and Fire. Police and Fire have IT staff reporting directly to their organizations responsible for supporting their specific technology.

The Division supports a range of stand alone Utilities that are part of the City's infrastructure.

The City has approximately 500 IT users within its overall staff of approximately 750. Approximately 150 of these users reside in Police and Fire.

PC desktops are the primary technology interface, with laptops and a variety of mobile devices in use across the City. There is no comprehensive mobile communications strategy in place today.

There is no standard desktop image in use. Desktop software purchases may be budgeted and made by City Divisions independent of central IT.

The City has at minimum 326 license users of Microsoft Office and 124 licensed users of Adobe Standard or Professional.

The City has a number of outlying network locations supported by T1 data lines provided primarily by AT&T.

IT planning has been traditionally aligned with the City's annual budget process. Operations and support historically have **primarily** focused on the major applications in use by the City.

- New World Financials and Utilities (AS/400)
- Hansen Public Safety
- ESRI GIS
- EMC Documentum - Document Management
- Novell GroupWise

On-going or planned projects for the next 12 months currently include:

- Data center server virtualization and migrations
- Network Core Switch replacement
- Installation of fiber to certain remote network sites
- Time and Attendance software
- AS/400 Hardware replacement/upgrade
- New World Utility Billing Software Upgrade
- New World Systems Parking Management software upgrade
- GIS ArcServer Upgrade - Upgrade and migrate the GIS SDE SQL server and data.
- Paperless utility billing

2) Scope of Work

Immediate Projects (One- to two-year implementation timeline):

A-1: Telecommunications - AT&T has multiple contracts with the City of Fayetteville that are either end of the contract term, or are on stand alone individual contracts. The IT Assessment conducted by the City of Fayetteville and Plante & Moran, PLLC identified high service interruptions of South Side lines. The City wishes to consolidate contracts and negotiate for a more stable solution (or build a fiber line to address the South Side lines).

A-2: Telecom Service improvements - Evaluate and develop a Telecom Program which plans the re-organization of telecommunication activities, purchases, etc. from the Parking & Telecommunications Division to the IT Division. This project will also evaluate current vendors, and develop a plan for vendor selection. Cisco and Nortel are both current providers to the City of Fayetteville--one within the IT Division and one within the Telecommunications Division. The project manager would also need to develop an implementation program for IP phone implementation.

B-1: Evaluate cloud computing technology for office applications, including email. Evaluate these hosted solutions versus internal housing of applications and email, and develop a plan and cost to implement the final decision.

B-2: Increase IT Basic Service Levels by establishing helpdesk metrics/standards for addressing computer requests, the purchase/deployment of desktop computers, email issues, system speed, and remote access. In addition, the project manager will establish standard build criteria for various user group needs, a project plan for the implementation of virtualization desktops and deployment of desktops, and protocols for security, passwords, individual email box storage limits, etc.

C: Establish an IT Governance process that accomplishes the following: 1) clearly establishes IT Leadership around IT purchases and the IT vision for the organization; 2) evaluates return on investment for IT requested items; and 3) ensures that business processes have been analyzed and evaluated for efficiencies to ensure desired features and system benefits are evaluated against new system purchases rather than purchasing systems to handle costly, inefficient, or unproductive business processes.

D: Develop a project plan and implement short-term web-site enhancements for citizens to be able to conduct business in various situations. Some of those requested areas of service are the payment of parking tickets on-

line, emailed utility billing, reservations of Park amenities (tennis courts, pavilions, practice fields, etc.), HR Activities around applications for employment and open job searches, employee benefits enrollment, and other identified e-business needs for citizens.

Long Term Projects (Three- to five-year implementation timeline):

A-1: Establish features and functions needs list for the future selection of an ERP System. Work with City Staff members in the Internal Consulting and Internal Audit divisions to understand business processes and identify areas where business analysis needs to be conducted to ensure that the business processes are defined, documented and evaluated for efficiency, so that during the system selection process the committee clearly understands system needs.

A-2: Research and evaluate the existing ERP Solution and coordinate the development of a project plan for the long term replacement of our existing ERP system. This plan should include the writing of a detailed RFP, which clearly outlines system needs, identifies the management committee members to be involved in the system selection process, solicits potential vendors that can meet the City's needs, participates in the system selection of an ERP Vendor, establishes an implementation schedule, and identifies the system purchase and implementation cost.

Management Development Services-Ongoing through all of the projects

A: The Chief Information Officer (CIO) of the information technology project will report directly to the City of Fayetteville's Chief of Staff and Finance Director and work with the City's IT Division Manager on the implementation of IT Strategies and performance requirements. In addition, the CIO will provide coaching and management development skills to the IT Division Manager that enable the IT Manager to develop project management best practice skills, staff scheduling & performance accountability skills, project prioritization, Capital Improvement Plan development, and IT Governance leadership.

2) City Technology Goals

- 2.1 Statement from the Mayor's 2010 State of the City Address - Technology Goals Directional Statement - Key Goals and Objectives of the City of Fayetteville

"We will invest in our technology infrastructure to make government more efficient, to save taxpayers money, and to make the City government more accessible and responsive."

- 2.2 City of Fayetteville Technology Goals

Make effective use of technology to enable the City of Fayetteville to:

- Improve operational effectiveness, efficiencies and responsiveness in all areas of City operations, with internal only or external facing to the citizens.
- Improve labor efficiencies and reduce or prevent the need for future staff additions
- Provide on-line facilities for citizens use in conducting business with the City
- Represent excellence in environmental stewardship - minimizing to use of paper and consumption of resources

3) City Provided Resources

- 3.1 City staff will provide support **only**. Consultant will provide hands-on services to obtain objectives as outlined in the scope of work as opposed to only providing leadership.
- 3.2 IT staff will make themselves and IT resources available for review/discussion
- 3.3 The City will provide needed workspace and meeting facilities
- 3.4 The City will assist in coordinating resources and scheduling meetings as needed

4) Qualifications

- 4.1 Please list relevant projects which best exemplify your qualifications for this Project, including but not limited to experience with IT related project management
- 4.1.1 For areas defined in the scope of work, please prepare a Project Summary table organized in the following manner:
1. Name of project.
 2. Project Type and size. (Strategic, New Implementation & Deployment, etc.).
 3. Project location.
 4. Budget Creation and Management activity.
 5. Total project cost.
 6. Selection and Management of Consulting Services activities (if any) during the project
 7. Written Project description.
 8. Delivery method.
 9. A statement acknowledging if the project was completed on time and on budget.
 10. Describe the services your firm provided including the Team Members who were actually involved in the project and their role.
 11. Contact information for the Client contact person or project manager.
- 4.2 Firm must be experienced in providing IT consulting services for state, county or municipal government as well as for general business.
- 4.3 Background information must be provided for each resource that would be assigned to work on this project, including:
- 4.3.1 Name and Title
 - 4.3.2 Referenced Projects participation
 - 4.3.3 Potential Project Role
 - 4.3.4 Years Experience with firm or other firms / companies:
 - a. Consulting
 - b. Other (describe)
 - 4.3.5 Education: Degree(s)/Year/Specialization
 - 4.3.6 Current Certification(s) / Registration(s)
 - 4.3.7 Other Experience & Qualifications relevant to the proposed project

5) RFP Response Format

All Proposers shall submit eight (8) original copies of their proposal as well as one (1) electronic copy on a properly labeled CD or other electronic media device. **The electronic copy submitted should be contained into one (1) file.** The use of Adobe PDF documents is strongly recommended but not required. Files contained on the CD or electronic media shall not be restricted against saving or printing. The electronic copy shall be identical to the original papers submitted. Electronic copies shall not be submitted via e-mail to ANY City employees.

Proposals should be no more than twenty five (25) pages; single sided, standard, readable, print on standard 8.5x11 papers. The following items will not count toward the page limitations: appendix, cover sheet, letter of transmittal, resumes (no more than 1 page per person), and forms provided by the City for completion. The contents should be labeled as listed below.

- 8.1 Cover Sheet
- 8.2 Table of Contents

- 8.3 Letter of Transmittal
 - 8.3.1 Submitted on the provider's letterhead - no more than four (4) pages
 - 8.3.2 Concisely state the provider's understanding of the services required by the City
 - 8.3.3 Provide a summary of why the Respondent believes itself to be the most qualified
 - 8.3.4 A statement granting the City and its representatives authorization to contact any previous client of the Respondent (or a Respondent's Team Member) for purposes of ascertaining an independent evaluation of the Respondent's or a Respondent's Team member's performance
 - 8.3.5 Additional relevant information not requested elsewhere in this RFP
 - 8.3.6 A statement indicating that to the best of the Respondent's abilities, all information contained in the RFP submittal is complete and accurate
 - 8.3.7 The signature of the letter shall be that of a person authorized to represent and bind the firm/provider
- 8.4 Executive Summary
- 8.5 Firm Qualifications, including:
 - 8.5.1 Firm Overview, including:
 - a. Areas of specialization
 - b. Firm history
 - c. Location of home and branch offices;
 - d. Principal officers of the firm
 - e. Type of organization: Individual or sole proprietorship, professional corporation, partnership, joint venture, etc.
 - 8.5.2 Project References
 - 8.5.3 Proposed Project Staffing
 - 8.5.4 Other relevant information not otherwise requested
 - 8.5.5 Proof of insurance – The firm shall provide and maintain in force at all times during the term of the contract contemplated herein insurance for:
 - a. Workers' Compensation as required by Arkansas State Law, Commercial
 - b. General Liability, & Automobile Liability.
 - c. Proof of such shall be submitted prior to award of contract
- 8.6 Project Approach
 - 8.6.1 Proposed Project Charter statement
 - 8.6.2 Summary Overview of Approach
 - 8.6.3 Critical success factors
 - 8.6.4 Quality review process
 - 8.6.5 Project team - roles and responsibilities
 - 8.6.6 Project calendar, including:
 - a. High level work plan
 - b. Anticipated days on-site
 - c. Timing of specific resource involvement
 - 8.6.7 Communication strategy

8.6.8 Project risk assessment

8.6.9 Proposed deliverables

8.7 Pricing

8.7.1 Pricing shall be presented on an hourly basis. It is the intent of the City to contract for a minimum of forty (40) hours up to a maximum of sixty (60) hours **per month**.

8.7.2 Hourly rates should be provided for all resources that will be assigned to the project.

City of Fayetteville
RFP 11-05, Information Technology Project Implementation & Management Services
SECTION C: Statement of Disclosure – To Be Submitted With ALL Proposals

This page does not count towards page limitations set forth in this request for proposal or bid.

Proposer must disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Your response must disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official.

If, to your knowledge, no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

PLEASE CHECK ONE OF THE FOLLOWING TWO OPTIONS, AS IT APPROPRIATELY APPLIES TO YOUR FIRM:

_____ 1) NO KNOWN RELATIONSHIP EXISTS

_____ 2) RELATIONSHIP EXISTS (Please explain)

PLEASE FILL OUT THE SECTION BELOW AND SUBMIT THIS FORM WITH YOUR BID OR PROPOSAL:

- 1.) I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein are accurate and true; and
- 2.) My organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

Printed Name

Signature

Date

City of Fayetteville

RFP 11-05, Information Technology Project Implementation & Management Services

SECTION D: Authorized Negotiator Information – To Be Submitted With ALL Proposals

At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. **NOTE: Each Proposer shall submit to the City a primary contact name, e-mail address, and phone number (preferably a cell phone number) where the City selection committee can call for clarification or interview via telephone.**

PART I: Primary Contact Information:

Name of Firm: _____

Name of Primary Contact: _____

Title of Primary Contact: _____

Phone#1 (cell preferred): _____ Phone#2: _____

E-Mail Address: _____

PART 2: Contact for Legally Binding Contracts:

Is the primary contact (listed in Part I) able to legally bind contracts? YES NO (circle one)

If no, please list contact that can legally bind a contract for the firm: _____

Name: _____

Title: _____

Phone#1 (cell preferred): _____ Phone#2: _____

E-Mail Address: _____

Date: _____

Signed: _____

City of Fayetteville
RFP 11-05, Information Technology Project Implementation & Management Services
SECTION E: Addendum Acknowledgement Form

Please acknowledge receipt of addenda for this invitation to bid or request for proposal by signing and dating below. All addendums are hereby made a part of the bid or RFP documents to the same extent as though it were originally included therein. Proposers/Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification.

ADDENDUM NO.	SIGNATURE AND PRINTED NAME	DATE RECEIVED

Note: Prior to submitting the response to this solicitation, it is the responsibility of the firm submitting a response to confirm if any addenda have been issued. If such document(s) has been issued, acknowledge receipt by signature and date in the section above. Failure to do so may result in being considered non-responsive.

Information regarding addenda issued is available on the City of Fayetteville website under the Purchasing Division at www.accessfayetteville.org by selection "Bid's, RFP's, and RFQ's" under the "Business" heading.

City of Fayetteville

RFP 11-05, Information Technology Project Implementation & Management Services

SECTION F: Debarment Certification Form – THIS FORM SHALL BE SUBMITTED WITH ALL PROPOSALS

As an interested party on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

Debarment:

Federal Executive Order (E.O.) 12549 “Debarment and Suspension” requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.

Your signature certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Questions regarding this form should be directed to the City of Fayetteville Purchasing Division.

NAME: _____

COMPANY: _____

PHYSICAL ADDRESS: _____

MAILING ADDRESS: _____

PHONE: _____ FAX: _____

EMAIL: _____

SIGNATURE: _____

DATE: _____

NOTICE:

CAUSE: Debarment by an agency pursuant to FAR 9.406-2, GPO Instructions 110.11A, or PS Publication 41, for one or more of the following causes (a) conviction of or civil judgment for fraud violation of antitrust laws, embezzlement, theft, forgery, bribery, false statements, or other offenses indicating a lack of business integrity; (b) violation of the terms of a Government contract, such as a willful failure to perform in accordance with its terms or a history of failure to perform; or (c) any other cause of a serious and compelling nature affecting responsibility. (See Code N- Debarment pursuant to FAR 9.406 2(b)(2) Drug Free Workplace Act of 1988.)

TREATMENT: Contractors are excluded from receiving contracts, and agencies shall not solicit offers from, award contracts to renew or otherwise extend the duration of current contracts, or consent to subcontracts with these contractors, unless the City determines that there is a compelling reason for such action. Government prime contractors, when required by the terms of their contract, shall not enter into any subcontract equal to or in excess of \$25,000 with a contractor that is debarred, suspended, or proposed for debarment, unless there is a compelling reason to do so. Debarments are for a specified term as determined by the debarring agency and as indicated in the listing.

City of Fayetteville
RFP 11-05, Information Technology Project Implementation & Management Services
SECTION G: Draft Agreement/Contract

This contract executed this ____ day of _____, 2011, between the City of Fayetteville, Arkansas, and Contractor. In consideration of the mutual covenants contained herein, the parties agree as follows.

WITNESSETH:

WHEREAS, City has previously determined that it has a need for Information Technology Project Implementation & Management Services

WHEREAS, City, after soliciting competitive proposals for such services pursuant to City of Fayetteville RFP 11-05 (herein after referred to as Request for Proposal or RFP), City has awarded this contract to Contractor; and

WHEREAS, Contractor has represented that it is able to satisfactorily provide these services according to the terms and conditions of the RFP, which are incorporated herein by reference, and the terms and conditions are contained herein; and

NOW THEREFORE, in consideration of the above and mutual covenants contained herein, the parties agree as follows:

1. Information Technology Project Management Services , as requested and more specifically outlined in the RFP, this agreement, and all subsequent official documents that form the Contract Documents for this Agreement.

2. Time of Service: Services shall be performed in a timely manner, as specified in the RFP.

3. Term of Agreement: Services performed pursuant to this Contract shall commence upon execution of this agreement and continue until project is complete, unless canceled or terminated within thirty (30) days written notice by either party.

4. Amendment of Contract: This Contract may be amended only by mutual agreement of the parties.

5. Assignment and Subcontracting: Contractor shall perform this contract. No assignment or subcontracting shall be allowed without the prior written consent of the City. In the event of a corporate acquisition and/or merger, Contractor shall provide written notice to the City within thirty (30) business days of

such notice of action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a proposal to a Proposer, which has disclosed its intent to assign or subcontract in its response to the RFP, without exception shall constitute approval for purposes of this Agreement.

6. Cancellation: The City of Fayetteville reserves the right to cancel this Contract, without cause, by giving thirty (30) days notice to Contractor of the intent to cancel, or with cause if at any time Contractor fails to fulfill or abide by any of the terms or conditions specified.

Failure of the Contractor to comply with any of the provisions of this contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.

In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source any services which have not been provided within the period of time stated in the proposal, or if no such time is stated, within a reasonable period of time from the date of order or request, as determined by the City.

In the event that sufficient budgeted funds are not available for a fiscal period, the City shall notify Contractor of such occurrence and the Contract shall terminate on the last day of the then current fiscal period without penalty or expense to the City. The City reserves the right to terminate within the thirty (30) day notice because of budgetary issues.

7. Compensation: As compensation for Contractor providing services to the City as described herein, the City shall pay Contractor in arrears, based on the submission of invoices for work completed and properly authorized.

8. Permits & Licenses: Contractor shall secure and maintain any and all permits and licenses required to complete this contract.

9. Minimum Insurance Requirements: Contractor shall maintain insurance in at least the amounts required in the RFP throughout the term of this contract. Contractor must provide a Certificate of Insurance in accordance with the insurance requirements listed within the RFP, evidencing such coverage prior to issuance

of a purchase order or commencement of any work under this contract. Contractor shall ensure that any subcontractors or persons hired by subcontractors maintain the same level of insurance coverage as Contractor.

10. Indemnification: Contractor shall indemnify, pay the cost of defense, including but not limited to attorneys' fees, and hold harmless the City from all suits, actions or claims of any character brought on account of any injuries or damages received or sustained by any person, persons, or property by or from the said Contractor; or by, or in consequence of any neglect in safeguarding the work; or on account of any act or omission, neglect or misconduct of Contractor ; or by, or on account of, any claim or amounts recovered under the Workers' Compensation Law or of any other laws, by-laws, ordinances, order of decree, except only such injury or damage as shall have been occasioned by the sole negligence of the City of Fayetteville. The first ten dollars (\$10.00) of compensation received by Contractor represents specific consideration for this indemnification obligation.

11. Governing Law & Jurisdiction: Legal jurisdiction to resolve any disputes shall be Washington County, Arkansas with Arkansas law applying to the case.

12. Severability: The terms and conditions of this agreement shall be deemed to be severable. Consequently, if any clause, term, or condition hereof shall be held to be illegal or void, such determination shall not affect the validity of legality of the remaining terms and conditions, and notwithstanding any such determination, this agreement shall continue in full force and effect unless the particular clause, term, or condition held to be illegal or void renders the balance of the agreement impossible to perform.

13. Changes in Scope or Price: Changes, modifications, or amendments in scope, price, or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

14. Freedom of Information Act: Documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, Contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

15. Documents Comprising Contract: The contract shall include this Agreement for Information Technology Project Implementation & Management Services as well as the following documents, which are incorporated herein by reference.

- a. City of Fayetteville's Request for Proposal and all of its addenda and attachments issued on _____, 2011;
- b. Contractor's Certificate of Insurance as required, listing the City as an additional insured;
- c. Contractor's Proposal.

If there is a conflict between the terms of this Agreement and the above referenced documents, the conflict shall be resolved as follows: the terms of this Agreement shall prevail over the other documents, and the terms of the remaining documents shall be given preference in their above listed order.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2011.

**CITY OF FAYETTEVILLE,
FAYETTEVILLE, ARKANSAS**

LIONELD JORDAN, Mayor

Attest:

Sondra Smith, City Clerk

CONTRACTOR

BY _____
NAME AND TITLE

ATTEST: COMPANY SECRETARY

BUSINESS ADDRESS

City of Fayetteville

RFP 11-05, Information Technology Project Implementation & Management Services

SECTION H: Statement of No Submittal – If Applicable

In order to assist the Purchasing Division of Fayetteville in evaluating and improving our solicitation process, we are asking for completion of this form and returning via fax or e-mail. By submitting this form, it will assist us in evaluating all response, improving our bid solicitation process, and to maintain a positive relationship with our vendors.

We, the undersigned, have declined to bid for the following reason(s):

1. _____ We do not offer this service/product
2. _____ Our schedule would not permit us to perform.
3. _____ Unable to meet specifications
4. _____ Insufficient time to respond to the Invitation to Bid
5. _____ We are unable to meet bond requirements
6. _____ Other (Explain)

*NAME OF FIRM: _____

*BUSINESS ADDRESS: _____

*CITY: _____ *STATE: _____ *ZIP: _____

*PHONE: _____ FAX: _____

*E-MAIL ADDRESS: _____

*BY : (PRINTED NAME) _____

*AUTHORIZED SIGNATURE: _____

*TITLE: _____ *DATE: _____

*PLEASE LIST OTHER COMMENTS BELOW:

*Please note: We appreciate your feedback on this form and are very interested in your reason for not bidding. Please do not hesitate to contact us at 479-575-8220 if you have questions, comments, or concerns regarding these bid documents.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

RFP 11-05, Addendum 1

RFP 11-05, Information Technology Project Implementation & Management Services

City of Fayetteville – Purchasing Division
113 W. Mountain – Room 306
Fayetteville, AR 72701
Phone: 479.575.8220
E-Mail: aforen@ci.fayetteville.ar.us

Date: Tuesday, April 05, 2011

To: All interested parties

From: Andrea Foren, CPPB, Purchasing Agent

Notice: This addendum is hereby made a part of the bid documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification. Addendum should be attached to the inside cover of the bidding documents, signed, and dated.

THIS INFORMATION IS HEREBY ADDED AS FURTHER CLARIFICATION AND INSIGHT TO THE CITY OF FAYETTEVILLE'S RFP. This question was asked from an interested vendor and the response to that vendor is hereby provided to all interested parties.

Question: On requirement D: Develop a project plan and implement short-term web-site enhancements for citizens to be able to conduct business in various situations. Some of those requested areas of service are the payment of parking tickets online, emailed utility billing, reservations of Park amenities (tennis courts, pavilions, practice fields, etc.), HR Activities around applications for employment and open job searches, employee benefits enrollment, and other identified e-business needs for citizens.

Is this asking the winning vendor to do the coding of the short-term web-site enhancements or the Project Management and implementation of the enhancements using the City's web programmers?

Answer: In the Final IT Assessment report the City Council recently contracted, it was recommended, that the City might look for some Short-term solutions that might bridge a gap between, providing some Citizen E-Business applications for payment of bills, parking tickets, parking monthly passes, facility reservations, solid waste dumpster payments, etc., prior to the City of Fayetteville being ready to select and implement a new full ERP system that might handle these types of E-Business electronic transactions long term. We would like for the contracting company to research possible short-term, low cost solutions, develop a project plan of implementation, and work with various accounting staff to minimize back-end work to get business transactions entered into the City's financial statements. Some of the work might be contracted, some of the work might be handled by City of Fayetteville IT programmers, some might be handled by the company selected and awarded this RFP. All options will be considered against other priorities, and cost of work. The determination on whether to do this internally with programming staff, or with the selected contractor would be determined based on project work load, most cost effective method. As a reminder, the list of projects outlined in the scope of work within this RFP is a list of possible projects. While this is an area we wish to address, other projects may take priority over this specifically outlined item, and the selected contracting company may not work on this item at all - dependent upon on final management decisions of priorities.

Acknowledge Addendum #1:

Printed Name: _____

Signature: _____

Title: _____ Date: _____

Company: _____



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

RFP 11-05, Addendum 2

RFP 11-05, Information Technology Project Implementation & Management Services

City of Fayetteville – Purchasing Division
113 W. Mountain – Room 306
Fayetteville, AR 72701
Phone: 479.575.8220
E-Mail: aforen@ci.fayetteville.ar.us

Date: Wednesday, April 6, 2011

To: All interested parties

From: Andrea Foren, CPPB, Purchasing Agent

Notice: This addendum is hereby made a part of the bid documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification. Addendum should be attached to the inside cover of the bidding documents, signed, and dated.

THIS INFORMATION IS HEREBY ADDED AS FURTHER CLARIFICATION AND INSIGHT TO THE CITY OF FAYETTEVILLE'S RFP.

1.) Clarification on proposal pricing -

Proposers should adhere to the following requirements when providing pricing fees in all proposals:

All Proposers need to list **hourly rates** only, based on various skill sets for each experience level of employee. Therefore, Proposers can submit different hourly rates as long as a description for the skill level for each hourly rate is described. For instance management coaching and project assessment might be a higher level individual and higher rate, than some of the other work provided.

Proposers are **not required** to provide an estimated number of hours per individual project listed.

The City is looking to contract a minimum of 40 hours and a maximum of 60 hours per month. Proposals will be evaluated for price based on the hourly rates provided.

Hourly rates shall not include any travel expenses. Travel expenses will be reimbursed based on actual cost incurred by the Proposer as approved by the City.

2.) Clarification on scope of work -

It is the intent of the City of Fayetteville to contract with a single entity capable of providing information technology project implementation and management services for all individual projects listed in the RFP.

On site time and expected budget for this project have not been established at this time.

All Proposers need to submit a minimum of three (3) references for similar work performed.

Acknowledge Addendum #2:

Printed Name: _____

Signature: _____

Title: _____ Date: _____

Company: _____



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

City of Fayetteville – Purchasing Division
113 W. Mountain – Room 306
Fayetteville, AR 72701
Phone: 479.575.8220
E-Mail: aforen@ci.fayetteville.ar.us

RFP 11-05, Addendum 1

RFP 11-05, Information Technology Project Implementation & Management Services

Date: Tuesday, April 05, 2011

To: All interested parties

From: Andrea Foren, CPPB, Purchasing Agent

Notice: This addendum is hereby made a part of the bid documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification. Addendum should be attached to the inside cover of the bidding documents, signed, and dated.

THIS INFORMATION IS HEREBY ADDED AS FURTHER CLARIFICATION AND INSIGHT TO THE CITY OF FAYETTEVILLE'S RFP. This question was asked from an interested vendor and the response to that vendor is hereby provided to all interested parties.

Question: On requirement D: Develop a project plan and implement short-term web-site enhancements for citizens to be able to conduct business in various situations. Some of those requested areas of service are the payment of parking tickets online, emailed utility billing, reservations of Park amenities (tennis courts, pavilions, practice fields, etc.), HR Activities around applications for employment and open job searches, employee benefits enrollment, and other identified e-business needs for citizens.

Is this asking the winning vendor to do the coding of the short-term web-site enhancements or the Project Management and implementation of the enhancements using the City's web programmers?

Answer: In the Final IT Assessment report the City Council recently contracted, it was recommended, that the City might look for some Short-term solutions that might bridge a gap between, providing some Citizen E-Business applications for payment of bills, parking tickets, parking monthly passes, facility reservations, solid waste dumpster payments, etc., prior to the City of Fayetteville being ready to select and implement a new full ERP system that might handle these types of E-Business electronic transactions long term. We would like for the contracting company to research possible short-term, low cost solutions, develop a project plan of implementation, and work with various accounting staff to minimize back-end work to get business transactions entered into the City's financial statements. Some of the work might be contracted, some of the work might be handled by City of Fayetteville IT programmers, some might be handled by the company selected and awarded this RFP. All options will be considered against other priorities, and cost of work. The determination on whether to do this internally with programming staff, or with the selected contractor would be determined based on project work load, most cost effective method. As a reminder, the list of projects outlined in the scope of work within this RFP is a list of possible projects. While this is an area we wish to address, other projects may take priority over this specifically outlined item, and the selected contracting company may not work on this item at all - dependent upon on final management decisions of priorities.

Acknowledge Addendum #1:	
Printed Name:	_____
Signature:	_____
Title:	_____ Date: _____
Company:	_____



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

RFP 11-05, Addendum 2

RFP 11-05, Information Technology Project Implementation & Management Services

City of Fayetteville – Purchasing Division
113 W. Mountain – Room 306
Fayetteville, AR 72701
Phone: 479.575.8220
E-Mail: aforen@ci.fayetteville.ar.us

Date: Wednesday, April 6, 2011

To: All interested parties

From: Andrea Foren, CPPB, Purchasing Agent

Notice: This addendum is hereby made a part of the bid documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification. Addendum should be attached to the inside cover of the bidding documents, signed, and dated.

THIS INFORMATION IS HEREBY ADDED AS FURTHER CLARIFICATION AND INSIGHT TO THE CITY OF FAYETTEVILLE'S RFP.

1.) Clarification on proposal pricing -

Proposers should adhere to the following requirements when providing pricing fees in all proposals:

All Proposers need to list **hourly rates** only, based on various skill sets for each experience level of employee. Therefore, Proposers can submit different hourly rates as long as a description for the skill level for each hourly rate is described. For instance management coaching and project assessment might be a higher level individual and higher rate, than some of the other work provided.

Proposers are **not required** to provide an estimated number of hours per individual project listed.

The City is looking to contract a minimum of 40 hours and a maximum of 60 hours per month. Proposals will be evaluated for price based on the hourly rates provided.

Hourly rates shall not include any travel expenses. Travel expenses will be reimbursed based on actual cost incurred by the Proposer as approved by the City.

2.) Clarification on scope of work -

It is the intent of the City of Fayetteville to contract with a single entity capable of providing information technology project implementation and management services for all individual projects listed in the RFP.

On site time and expected budget for this project have not been established at this time.

All Proposers need to submit a minimum of three (3) references for similar work performed.

Acknowledge Addendum #2:

Printed Name: _____

Signature: _____

Title: _____ Date: _____

Company: _____

City of Fayetteville Staff Review Form

A. 11
Gila, LLC DBA Municipal
Services Bureau
Page 1 of 146

City Council Agenda Items
and
Contracts, Leases or Agreements

6/21/2011

City Council Meeting Date
Agenda Items Only

Rainy Laycox
Submitted By

Billing and Collections
Division

Finance
Department

Action Required:

Council approval of a resolution authorizing the Mayor and City Clerk to sign a contract for collection services with Gila, LLC, DBA Municipal Services Bureau ("MSB")

40% of funds collected by MSB

\$ 18,000.00

Cost of this request

Category / Project Budget

Program Category / Project Name

5400.1810.5333.00

\$ 311.92

Account Number

Funds Used to Date

Program / Project Category Name

N/A

\$ 17,688.08

Project Number

Remaining Balance

Water and Sewer

Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

Paul A. Behn 6-1-2011
Department Director Date

Previous Ordinance or Resolution # 79-96

[Signature] 6-2-11
City Attorney Date

Original Contract Date: 7/2/1996

Original Contract Number: N/A

Paul A. Behn 6-2-2011
Finance and Internal Services Director Date

Received in City 06-01-11P04:00 RCVD
Clerk's Office

[Signature] 6-3-11
Chief of Staff Date

Received in
Mayor's Office



[Signature] 6/6/11
Mayor Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Paul Becker, Finance Director

From: Rainy Laycox, Billing and Collections Mgr *RL*

Date: May 31, 2011

Subject: Collection Service Contract pursuant to RFP 11-03

PROPOSAL:

Council approval and authorization for the Mayor and City Clerk to sign a Collection Services Contract with Gila, LLC, DBA Municipal Services Bureau ("MSB") for an initial period of one year from the effective date of the contract with the option to renew for four (4) consecutive one (1) year terms.

RECOMMENDATION:

The Collection Services selection committee unanimously recommends that Gila, LLC, DBA Municipal Services Bureau ("MSB") be awarded the contract for RFP 11-03. Four bids were received and voted on by the committee.

BUDGET IMPACT:

The current budget has \$17,688.08 available. MSB will be compensated at 40% of dollar amounts collected.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A CONTRACT WITH GILA, LLC DBA MUNICIPAL SERVICES BUREAU FOR ACCOUNT COLLECTION SERVICES AT A PAYMENT RATE OF FORTY PERCENT (40%) OF AMOUNTS COLLECTED

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 a contract with Gila, LLC dba Municipal Services Bureau for account collection services at a payment rate of forty percent (40%) of amounts collected.

PASSED and APPROVED this 21st day of June, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

CONTRACT

REFERENCE: RFP 11-03, Collection Services

Contractor: Gila, LLC – DBA: Municipal Services Bureau (MSB)

Term: 1 year with 4 options for renewal

This Contract is executed this ____ day of _____, 2011 (the “Effective Date”), between the City of Fayetteville, Arkansas (the “City”), and **Gila, LLC, DBA Municipal Services Bureau (“MSB”)**. In consideration of the mutual covenants contained herein, the parties agree as follows.

WITNESSETH:

WHEREAS, City has previously determined that it has a need for a PROVIDER FOR COLLECTION SERVICES; and

WHEREAS, City, after soliciting competitive proposals for such services pursuant to City of Fayetteville RFP 11-03 (herein after referred to as Request for Proposal or RFP), City has awarded this Contract to **MSB**; and

WHEREAS, **MSB** has represented that it is able to satisfactorily provide these services according to the terms and conditions of the RFP, which are incorporated herein by reference, and the terms and conditions are contained herein; and

NOW THEREFORE, in consideration of the above and mutual covenants contained herein, the parties agree as follows:

1. **Services to be Performed:** **MSB** hereby agrees to provide the City with COLLECTION SERVICES, as requested and more specifically outlined in the RFP, this Contract, and all subsequent documents that are incorporated into the terms and conditions and set forth the rights, duties and obligations of the parties pursuant to this Contract.
2. **Time of Service:** Services shall be performed in a timely manner, as specified in the RFP.
3. **Term of Agreement:** The initial period for this Contract will be for one year from the Effective Date of the Contract. This Contract may be renewed for four (4) consecutive one (1) year terms. In the event of cancellation, all records pertaining to City of Fayetteville accounts, debts, and records shall become the property of the City of Fayetteville and turned over accordingly within thirty calendar (30) days after cancellation of the Contract.
4. **Amendment of Contract:** This Contract may be amended only by mutual written agreement of the parties.

5. Assignment and Subcontracting: **MSB** shall perform this Contract. No assignment or subcontracting shall be allowed without the prior written consent of the City. In the event of a corporate acquisition and/or merger, **MSB** shall provide written notice to the City within thirty (30) business days of such notice of action or upon the occurrence of said action, whichever occurs first. The right to terminate this Contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a proposal to a Proposer, which has disclosed its intent to assign or subcontract in its response to the RFP, without exception shall constitute approval for purposes of this Agreement.

6. Cancellation: Each party reserves the right to cancel this Contract, without cause, by giving thirty (30) days notice to other party, respectively, of the intent to cancel, or with cause if, at any time, **MSB** fails to fulfill or abide by any of the terms or conditions specified.

Failure of the **MSB** to comply with any of the provisions of this Contract shall be considered a material breach of Contract and shall be cause for immediate termination of the Contract at the sole discretion of the City.

In addition to all other legal remedies available to it, the City reserves the right to cancel or obtain from another source any services which have not been provided within the period of time stated in the proposal, or if no such time is stated, within a reasonable period of time from the date of order or request, as determined by the City.

7. Compensation: As compensation for **MSB** providing services to the City as described herein, the City shall pay **MSB** forty percent (40%) of the dollar amount of each account successfully collected and properly authorized, subject to subsection 7a herein (the "Fee"). No Fee shall be paid to **MSB** by the City for uncollected accounts or accounts collected by the City (those amounts received directly by the City after an account has been referred to MSB) under Acts enabled to the City by state or federal law. Summary of accounts collected (including amount, etc.) as well as the Fee due and payable to MSB by the City shall be provided by MSB to the City on a monthly basis. The City will then return the Fees due, as further explained in item 16 (a) and 16 (b).

- a. **MSB** will rebate 10% of fees earned and due and payable to MSB by the City in the first 100 calendar days from the Effective Date.

8. Permits & Licenses: **MSB** shall secure and maintain any and all permits and licenses required to complete this Contract.

9. Minimum Insurance Requirements: **MSB** shall maintain insurance in at least the amounts required in the RFP throughout the term of this Contract. **MSB** must provide a Certificate of Insurance in accordance with the insurance requirements listed within the RFP, evidencing such coverage prior to issuance of a purchase order or commencement of any work under this Contract. **MSB** shall ensure that any subcontractors or persons hired by subcontractors maintain the same level of insurance coverage as **MSB**.

10. Indemnification: **MSB** shall indemnify, pay the cost of defense, including but not limited to attorneys' fees, and hold harmless the City from all suits, actions or claims of any character brought on account of any injuries or damages received or sustained by any person, persons, or property a result of or by, or in consequence of any neglect in safeguarding the work; or on account of any act or omission, neglect or misconduct of **MSB**; or by, or on account of, any claim or amounts recovered under the Workers' Compensation Law or of any other laws, by-laws, ordinances, order of decree, except only such injury or damage as shall have been occasioned by the sole negligence of the City of Fayetteville. The first ten dollars (\$10.00) of compensation received by **MSB** represents specific consideration for this indemnification obligation.

11. Governing Law & Jurisdiction: Legal jurisdiction to resolve any disputes shall be Washington County, Arkansas with Arkansas law applying to the case.

12. Severability: The terms and conditions of this Contract shall be deemed to be severable. Consequently, if any clause, term, or condition hereof shall be held to be illegal or void, such determination shall not affect the validity of legality of the remaining terms and conditions, and notwithstanding any such determination, this Contract shall continue in full force and effect unless the particular clause, term, or condition held to be illegal or void renders the balance of the Contract impossible to perform.

13. Changes in Scope or Price: Changes, modifications, or amendments in scope, price, or fees to this Contract shall not be allowed without a prior formal amendment to the Contract approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

14. Freedom of Information Act: Documents prepared by MSB while performing work pursuant to this Contract are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City, **MSB** 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 costs pursuant to the FOIA may be assessed for this compliance.

15. Documents Comprising Contract: The Contract shall include this document for a PROVIDER FOR COLLECTION SERVICES, as well as the following documents, which are incorporated herein by reference.

- a. City of Fayetteville's Request for Proposal and all of its addenda and attachments;
- b. **MSB** final pricing schedule;
- c. **MSB** Certificate of Insurance as required, listing the City as an additional insured; and
- d. **MSB's** Proposal.

If there is a conflict between the terms of this Contract and the above referenced documents, the conflict shall be resolved as follows: the terms of this Contract shall prevail over the other documents, and the terms of the remaining documents shall be given preference in their above listed order.

16. Special Conditions:

- a. All dollars collected by MSB on behalf of the City shall be turned over to the City in full and then redistributed to MSB as agreed and at the discretion by the City.
- b. All payments made by customers for debts that have been turned over to MSB shall be paid directly to MSB. MSB shall send a separate check to each City of Fayetteville division (i.e. Billing & Collections, Accounting, etc.) for the total amount of all dollars collected for all accounts for each division within fifteen calendar (15) days after the end of each month the dollars were collected. The City shall then redistribute the Fee payment to MSB at the rate set forth above in Paragraph 7 within forty-five (45) days of the City receiving the remittance.
- c. The City reserves the right to review, audit, and examine any and all records obtained by MSB pertaining to accounts, debts, and records turned over by the City.
- d. MSB shall show proof of bonding certificate and licensing from the State Board of Collection Agencies within thirty calendar days of the Effective Date. Bonding certificate and any required license shall be kept current throughout the term of this Contract. Proof of bonding certificate and licensing shall be submitted before each renewal.
- e. Accounts will be turned over to MSB at the sole discretion of the City. Cases on appeal will not be turned over for collection. Only debts with past due amounts of 90 days or older will be **considered** for reference to MSB. The City shall submit water, sewer, and sanitation accounts (Utility Billing) to the agency on a regular monthly basis. District Court fines shall be submitted to the agency on an as needed basis only and are not a primary scope of this contract. Miscellaneous municipal billings may be submitted to the MSB on an as needed basis. In instances where a credit adjustment is made to debts that have already been submitted, the City shall simply notify MSB of the adjustment and the amount due on the debt shall be changed with no payment due for the credited adjustment amount.
- f. MSB will rely completely on the City to provide correct information about each existing case(s) and, specifically, about any dollar amount in question. The City will immediately update and correct any information it has provided to MSB. In particular, the City will immediately notify MSB of any payment or other satisfaction of indebtedness made directly to the City or any other action affecting the amount or timing of monies owed by any person to the City, including the receipt or notification of any person's retention of counsel or the filing or suggestion of bankruptcy by any person.
- g. All services provided pursuant to this Contract shall conform to all local, state and federal law and regulations, including, but not limited to, the Federal Fair Debt Collection Practices Act, Arkansas Code Annotated § 14-234-601 *et seq.* and Arkansas Code Annotated § 14-229-103.

- h. All utility accounts collected by the Billing and Collections Division as a result of Acts 769, 360, and 195 shall become the property of the City with no fees assessed.

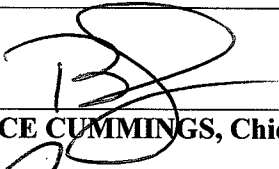
WITNESS OUR HANDS AS OF THE EFFECTIVE DATE SET FORTH ABOVE.

GILA, LLC
DBA MUNICIPAL SERVICES BUREAU (MSB)

CITY OF FAYETTEVILLE, ARKANSAS

By: _____

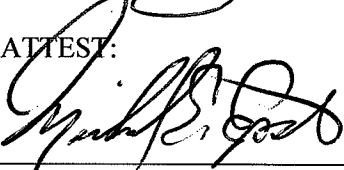
LIONELD JORDAN, Mayor



BRUCE CUMMINGS, Chief Executive Officer

ATTEST:

ATTEST:



Company Secretary

Sondra Smith, City Clerk

6505 Airport Blvd., Suite 100
Business Address

Date Signed: _____

Austin, TX 78752
City, State & Zip Code

Date Signed: _____



City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8220
TDD (Telecommunication Device for the Deaf): 479.521.1316

REQUEST FOR PROPOSAL: RFP 11-03, Collection Services

DEADLINE: Friday, March 25, 2011 before 2:00:00 PM, local 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: Wednesday, March 09, 2011

REQUEST FOR PROPOSAL
RFP 11-03, Collection Services

No late proposals will be accepted. RFP's shall be submitted in sealed envelopes labeled "RFP 11-03, Collection Services" with the name and address of the bidder.

All Proposals shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each Proposer is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection. Any bid, proposal, or statements of qualification will be rejected that violates or conflicts with state, local, or federal laws, ordinances, or policies.

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: _____

Contact Person: _____ Title: _____

E-Mail: _____ Phone: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Signature: _____ Date: _____

City of Fayetteville
RFP 11-03, Collection Services
Advertisement

The City of Fayetteville, Arkansas, invites qualified vendors to submit responses to its Request for Proposal (RFP) for a properly licensed firm to provide collection services to the City of Fayetteville.

To be considered, proposals must be received at the City Administration Building, City Hall, Purchasing – Room 306, 113 West Mountain, Fayetteville, Arkansas **before Friday, March 25, 2011 at 2:00:00 PM**, local time. No late proposals shall be accepted.

Proposal forms & addendums can be downloaded from the City's web site at <http://www.accessfayetteville.org>. All questions regarding the RFP process should be directed to Andrea Foren at aforen@ci.fayetteville.ar.us or (479)575-8220.

Proposers shall be qualified to do business and licensed in accordance with all applicable laws of the state and local governments where the project is located.

Pursuant to Ark. Code Annotated 22-9-203, the City of Fayetteville encourages all qualified small, minority and women business enterprises to propose and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all prospective Proposers to subcontract portions of their contract to qualified small, minority, and women business enterprises.

The City of Fayetteville reserves the right to reject any or all proposals and to waive irregularities therein, and all Proposers shall agree that such rejection shall be without liability on the part of the City of Fayetteville for any damage or claim brought by any Proposer because of such rejections, nor shall the Proposers seek any recourse of any kind against the City of Fayetteville because of such rejections. The filing of any Proposal in response to this invitation shall constitute an agreement of the Proposer to these conditions.

CITY OF FAYETTEVILLE

By: Andrea Foren, CPPB

Title: Purchasing Agent

Ad date: 03/09/2011

City of Fayetteville
RFP 11-03, Collection Services
Appendix

SECTION:	PAGE NUMBER
Cover Page	1
Advertisement	2
SECTION A: General Terms & Conditions	4
SECTION B: Scope of Services and General Information	11
SECTION C: Vendor References	14
SECTION D: Pricing Proposal	15
SECTION E: Statement of Disclosure	16
SECTION F: Authorized Negotiator Information	17
SECTION G: Addendum Acknowledgement Form	18
SECTION H: Debarment Certification Form	19
SECTION I: Draft Agreement/Contract	20
Statement of No-Submittal	24
ATTACHMENTS:	# OF PAGES
Appendix A (14-234-601)	9 Total Pages
Appendix B (14-229-103)	4 Total Pages

City of Fayetteville
RFP 11-03, Collection Services
SECTION A: General Terms & Conditions

1. SUBMISSION OF PROPOSAL:

- a. A written narrative describing the method or manner in which the Proposer proposes to satisfy requirements of this RFP.
- b. A description of the Proposer's experience in providing the same or similar services as outlined in the RFP. This description should include the names of the person(s) who will provide the services, their qualifications, and the years of experience in performing this type of work. Also, include the reference information requested in this RFP.
- c. The complete fee and cost to the City for all services outlined in this RFP.
- d. Proposal should be no more than twenty five (25) pages; single sided, standard, readable, print on standard 8.5x11 papers. Proposers shall also submit a three (3) page (maximum) executive summary. The following items will not count toward the page limitations: appendix, cover sheet, 3-page executive summary, resumes (resumes shall be no more than 1 page per person), and forms provided by the City for completion.
- e. All Proposers shall submit six (6) sets of their proposal as well as one (1) electronic copy on a properly labeled CD or other electronic media device. **The electronic copy submitted should be contained into one (1) file.** The use of Adobe PDF documents is strongly recommended. Files contained on the CD or electronic media shall not be restricted against saving or printing. The electronic copy shall be identical to the original papers submitted. Electronic copies shall not be submitted via e-mail to City employees.
- f. Proposals will be reviewed following the stated deadline, as shown on the cover sheet of this document. The names of respondents only will be available after the deadline until a contract has been awarded by the Fayetteville City Council. All interested parties understand proposal documents will not be available until after a valid contract has been executed.
- g. Proposers shall submit a proposal based on documentation published by the Fayetteville Purchasing Division.
- h. Proposals shall be enclosed in sealed envelopes or packages addressed to the City of Fayetteville, Purchasing Division, Room 306, 113 W. Mountain, Fayetteville, AR 72701. The name, address of the firm and Bid, RFP, or RFQ number shall be on the outside of the packaging as well as on any packages enclosed in shipping containers or boxes.
- i. Proposals must follow the format of the RFP. Proposers should structure their responses to follow the sequence of the RFP.
- j. Proposers should have experience in work of the same or similar nature, and must provide references that will satisfy the City of Fayetteville. Proposer may furnish a reference list of clients for whom they have performed similar services and must provide information as requested in this document.
- k. Proposer is advised that exceptions to any of the terms contained in this RFP or the attached service agreement must be identified in its response to the RFP. Failure to do so may lead the City to declare any such term non-negotiable. Proposer's desire to take exception to a non-negotiable term will not disqualify it from consideration for award.

2. WRITTEN REQUESTS FOR INTERPRETATIONS OR CLARIFICATION:

No oral interpretations will be made to any firms as to the meaning of specifications or any other contract documents. All questions pertaining to the terms and conditions or scope of work of this proposal must be sent in writing via e-mail to the

Purchasing Department. Responses to questions may be handled as an addendum if the response would provide clarification to the requirements of the proposal. All such addenda shall become part of the contract documents. The City will not be responsible for any other explanation or interpretation of the proposed RFP made or given prior to the award of the contract.

3. DESCRIPTION OF SUPPLIES AND SERVICES:

Any manufacturer's names, trade name, brand name, catalog number, etc. used in specifications are for the purpose of describing and establishing general quality levels. Such references are NOT intended to be restrictive. Proposals will be considered for all brands that meet the quality of the specifications listed for any items.

4. RIGHTS OF CITY OF FAYETTEVILLE IN REQUEST FOR PROPOSAL PROCESS:

In addition to all other rights of the City of Fayetteville, under state law, the City specifically reserves the following:

- a. The City of Fayetteville reserves the right to rank firms and negotiate with the highest-ranking firm. Negotiation with an individual Proposer does not require negotiation with others.
- b. The City of Fayetteville reserves the right to select the proposal that it believes will serve the best interest of the City.
- c. The City of Fayetteville reserves the right to accept or reject any or all proposals.
- d. The City of Fayetteville reserves the right to cancel the entire request for proposal.
- e. The City of Fayetteville reserves the right to remedy or waive technical or immaterial errors in the request for proposal or in proposals submitted.
- f. The City of Fayetteville reserves the right to request any necessary clarifications, additional information, or proposal data without changing the terms of the proposal.
- g. The City of Fayetteville reserves the right to make selection of the Proposer to perform the services required on the basis of the original proposals without negotiation.

5. EVALUATION CRITERIA:

The evaluation criterion defines the factors that will be used by the selection committee to evaluate and score responsive, responsible and qualified proposals. Proposers shall include sufficient information to allow the selection committee to thoroughly evaluate and score proposals. Each proposal submitted shall be evaluated and ranked by a selection committee. The contract will be awarded to the most qualified Proposer, per the evaluation criteria listed in this RFP. Proposers are not guaranteed to be ranked.

6. COSTS INCURRED BY PROPOSERS:

All expenses involved with the preparation and submission of proposals to the City, or any work performed in connection therewith, shall be borne solely by the Proposer(s). No payment will be made for any responses received, or for any other effort required of, or made by, the Proposer(s) prior to contract commencement.

7. ORAL PRESENTATION:

An oral presentation and/or interview may be requested of any firm, at the selection committee's discretion.

8. CONFLICT OF INTEREST:

The Proposer represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance or services required hereunder, as provided in City of Fayetteville Code Section 34.26 titled "Limited Authority of City Employee to Provide Services To The City" which states the following:

- a. *An employee of the City shall be permitted to furnish services as an independent contractor to the City only if:*
 - i. *The employee fully discloses his or her direct or indirect financial interest in any contract or service agreement to the City Council and such services are approved by City Council Resolution;*
 - ii. *No favoritism is allowed to the city employee over other possible service providers;*
 - iii. *Such services are not for the same type as performed by the city employee in his or her regular city job, nor are services for the department wherein the employee works;*

- iv. *The employee's immediate supervisor specifically approves such extension of employee service and ensures it will not adversely affect the employee's regular city employment duties;*
- v. *City employees who are not within the Parks and Recreation Department are specifically allowed to work as independent contractors as scorekeepers, referees and umpires for the Fayetteville Parks and Recreation Department without the need for a City Council Resolution.*

9. WITHDRAWAL OF PROPOSAL:

A proposal may be withdrawn prior to the time set for the proposal submittal, based on a written request from an authorized representative of the firm; however, a proposal should not be withdrawn after the time set for the proposal.

10. LATE PROPOSAL OR MODIFICATIONS:

- a) Proposal and modifications received after the time set for the proposal submittal shall not be considered. Modifications in writing received prior to the deadline will be accepted. The City will not be responsible for misdirected bids. Bidders should call the Purchasing Division at (479) 575-8220 to insure receipt of their submittal documents prior to opening time and date listed.
- b) The time set for the deadline shall be local time for Fayetteville, AR on the date listed. All proposals shall be received in the Purchasing Division BEFORE the deadline stated. The official clock to determine local time shall be the atomic clock located in the Purchasing Division, Room 306 of City Hall, 113 W. Mountain, Fayetteville, AR.

11. LOCAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:

- a. The laws of the State of Arkansas apply to any purchase made under this request for proposal. Proposers shall comply with all local, state, and federal directives, orders and laws as applicable to this proposal and subsequent contract(s) including but not limited to Equal Employment Opportunity (EEO), Disadvantaged Business Enterprises (DBE), & OSHA as applicable to this contract.
- b. Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all *qualified* small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to *qualified* small, minority and women business enterprises.

12. COLLUSION:

The Proposer, by affixing his or her signature to this proposal, agrees to the following: "Proposer certifies that his proposal is made without previous understanding, agreement, or connection with any person, firm or corporation making a proposal for the same item(s) and/or services and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action."

13. RIGHT TO AUDIT, FOIA, AND JURISDICITON:

- a. The City of Fayetteville reserves the privilege of auditing a vendor's records as such records relate to purchases between the City and said vendor.
- b. 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 Freedom of Information Act request is presented to the City of Fayetteville, the (Contractor) will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.
- c. Legal jurisdiction to resolve any disputes shall be Arkansas with Arkansas law applying to the case.

14. CITY INDEMNIFICATION:

The successful Proposer(s) agrees to indemnify the City and hold it harmless from and against all claims, liability, loss, damage or expense, including but not limited to counsel fees, arising from or by reason of any actual or claimed

trademark, patent or copyright infringement or litigation based thereon, with respect to the goods/services or any part thereof covered by this order, and such obligation shall survive acceptance of the goods/services and payment thereof by the City.

15. VARIANCE FROM STANDARD TERMS & CONDITIONS:

All standard terms and conditions stated in this request for proposal apply to this contract except as specifically stated in the subsequent sections of this document, which take precedence, and should be fully understood by Proposers prior to submitting a proposal on this requirement.

16. ADA REQUIREMENT FOR PUBLIC NOTICES & TRANSLATION:

Persons with disabilities requiring reasonable accommodation to participate in this proceeding/event, should call 479.521.1316 (telecommunications device for the deaf), not later than seven days prior to the deadline. Persons needing translation of this document shall contact the City of Fayetteville, Purchasing Division, immediately.

17. CERTIFICATE OF INSURANCE:

The successful Proposer shall provide a Certificate of Insurance in accordance with specifications listed in this request for proposal, prior to commencement of any work. Such certificate shall list the City of Fayetteville as an additional insured. Insurance shall remain valid throughout project completion.

18. PROCUREMENT POLICY FOR RECYCLED MATERIALS:

The City of Fayetteville wishes to encourage its Proposer to use recycled products in fulfilling contractual obligations to the City and that such practices will serve as a model for other public entities and private sector companies.

19. PAYMENTS AND INVOICING:

The Proposer must specify in their proposal the exact company name and address which must be the same as invoices submitted for payment as a result of award of this RFP. Further, the successful Proposer is responsible for immediately notifying the Purchasing Division of any company name change, which would cause invoicing to change from the name used at the time of the original RFP. Payment will be made within thirty days of invoice received. The City of Fayetteville is very credit worthy and will not pay any interest or penalty for untimely payments. **Payments can be processed through Proposer's acceptance of Visa at no additional costs to the City for expedited payment processing.** The City will not agree to any nonrefundable deposit or retainer that would remain property of the Proposer even if the hourly work actually performed by the Proposer would not justify such fee. The City will not agree to allow any increase in hourly rates by the contract without PRIOR Fayetteville City Council approval.

20. CANCELLATION:

- a. The City reserves the right to cancel this contract without cause by giving thirty (30) days prior notice to the Contractor in writing of the intention to cancel or with cause if at any time the Contractor fails to fulfill or abide by any of the terms or conditions specified.
- b. Failure of the contractor to comply with any of the provisions of the contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.
- c. In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source, any items and/or services which have not been delivered within the period of time from the date of order as determined by the City of Fayetteville.
- d. In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify the vendor of such occurrence and contract shall terminate of the last day of the current fiscal period without penalty or expense to the City.

21. ASSIGNMENT, SUBCONTRACTING, CORPORATE ACQUISITIONS AND/OR MERGERS:

- a. The Contractor shall perform this contract. No assignment of subcontracting shall be allowed without prior written consent of the City. If a Proposer intends to subcontract a portion of this work, the Proposer shall disclose such intent in the proposal submitted as a result of this RFP.
- b. In the event of a corporate acquisition and/or merger, the Contractor shall provide written notice to the City within thirty (30) calendar days of Contractor's notice of such action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a proposal to a firm that has disclosed its intent to assign or subcontract in its response to the RFP, without exception shall constitute approval for purpose of this Agreement.

22. NON-EXCLUSIVE CONTRACT:

Award of this RFP shall impose no obligation on the City to utilize the vendor for all work of this type, which may develop during the contract period. This is not an exclusive contract. The City specifically reserves the right to concurrently contract with other companies for similar work if it deems such an action to be in the City's best interest. In the case of multiple-term contracts, this provision shall apply separately to each item.

23. LOBBYING:

Lobbying of selection committee members, City of Fayetteville employees, or elected officials regarding request for proposals, request for qualifications, bids or contracts, during the pendency of bid protest, by the bidder/proposer/protestor or any member of the bidder's/proposer's/protestor's staff, and agent of the bidder/proposer/protestor, or any person employed by any legal entity affiliated with or representing an organization that is responding to the request for proposal, request for qualification, bid or contract, or has a pending bid protest is strictly prohibited either upon advertisement or on a date established by the City of Fayetteville and shall be prohibited until either an award is final or the protest is finally resolved by the City of Fayetteville; provided, however, nothing herein shall prohibit a prospective/bidder/proposer from contacting the Purchasing Division to address situations such as clarification and/or questions related to the procurement process. For purposes of this provision lobbying activities shall include but not be limited to, influencing or attempting to influence action or non-action in connection with any request for proposal, request for qualification, bid or contract through direct or indirect oral or written communication or an attempt to obtain goodwill of persons and/or entities specified in this provision. Such actions may cause any request for proposal, request for qualification, bid or contract to be rejected.

24. ADDITIONAL REQUIREMENTS:

The City reserves the right to request additional services relating to this RFP from the Proposer. When approved by the City as an amendment to the contract and authorized in writing prior to work, the Contractor shall provide such additional requirements as may become necessary.

25. ADD OR DELETE LOCATIONS OR SERVICES:

The City reserves the right to unilaterally add or delete locations and/or services, either collectively or individually, at the City's sole option, at any time after award has been made as may be deemed necessary or in the best interests of the City. In such case, the Contractor(s) will be required to provide services to this contract in accordance with the terms, conditions, and specifications.

26. SERVICES AGREEMENT:

A written agreement, in substantially the form attached, incorporating the RFP and the successful proposal will be prepared by the City, signed by the successful Proposer and presented to the City of Fayetteville for approval and signature of the Mayor.

27. INTEGRITY OF REQUEST FOR PROPOSAL (RFP) DOCUMENTS:

Proposers shall use the original RFP form(s) provided by the Purchasing Division and enter information only in the spaces where a response is requested. Proposers may use an attachment as an addendum to the RFP form(s) if sufficient space is not available on the original form for the Proposer to enter a complete response. **Any modifications or alterations to the original RFP documents by the Proposer, whether intentional or otherwise, will constitute grounds for rejection of such RFP response.** Any such modifications or alterations a Proposer wishes to propose shall be clearly stated in the Proposer's RFP response and presented in the form of an addendum to the original RFP documents.

28. OTHER GENERAL CONDITIONS:

- a) Prices shall include all labor, materials, overhead, profit, insurance, shipping, freight, etc., to cover the products and services presented. ***Sales tax is not to be included in the bid price.*** Applicable Arkansas sales tax laws will apply when necessary but will not be considered in award of this project.
- b) Proposers must provide the City with their proposals signed by an employee having legal authority to submit proposals on behalf of the Proposer. The entire cost of preparing and providing responses shall be borne by the Proposer.
- c) The City reserves the right to request any additional information it deems necessary from any or all Proposers after the submission deadline.
- d) 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. It shall be clearly understood that any costs incurred by the Proposer in responding to this request for proposal is at the Proposer's own risk and expense as a cost of doing business. The City of Fayetteville shall not be liable for reimbursement to the Proposer for any expense so incurred, regardless of whether or not the proposal is accepted.
- e) If products, components, or services other than those described in this bid document are proposed, the bidder must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.
- f) **Any uncertainties shall be brought to the attention to Andrea Foren immediately via telephone (479.575.8220) or e-mail (aforen@ci.fayetteville.ar.us). It is the intent and goal of the City of Fayetteville Purchasing Division to provide documents providing a clear and accurate understanding of the scope of work to be completed and/or goods to be provided. We encourage all interested parties to ask questions to enable all bidders to be on equal bidding terms.**
- g) Any inquiries or requests for explanation in regard to the City's requirements should be made promptly to Andrea Foren, City of Fayetteville, Purchasing Agent via e-mail (aforen@ci.fayetteville.ar.us) or telephone (479.575.8220). No oral interpretation or clarifications will be given as to the meaning of any part of this request for proposal. All questions, clarifications, and requests, together with answers, if any, will be provided to all firms via written addendum. Names of firms submitting any questions, clarifications, or requests will not be disclosed until after a contract is in place.
- h) At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. **NOTE: Each Proposer shall submit an "Authorized Negotiator Form"** containing the signature of a duly authorized officer or agent of the Proposer's company empowered with the right to bind and negotiate on behalf of the Proposer for the amounts and terms proposed.
- i) Any information provided herein is intended to assist the Proposer in the preparation of proposals necessary to properly respond to this RFP. The RFP is designed to provide qualified Proposers with sufficient basic information to submit proposals meeting minimum specifications and/or test requirements, but is not intended to limit a RFP's content or to exclude any relevant or essential data.
- j) Proposers irrevocably consent that any legal action or proceeding against it under, arising out of or in any manner relating to this Contract shall be controlled by Arkansas law. Proposer hereby expressly and irrevocably waives any claim or defense in any said action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.

- k) The successful Proposer shall not assign the whole or any part of this Contract or any monies due or to become due hereunder without written consent of City of Fayetteville. In case the successful Proposer assigns all or any part of any monies due or to become due under this Contract, the Instrument of assignment shall contain a clause substantially to the effect that is agreed that the right of the assignee in and to any monies due or to become due to the successful Proposer shall be subject to prior liens of all persons, firms, and corporations for services rendered or materials supplied for the performance of the services called for in this contract.
- l) The successful Proposer's attention is directed to the fact that all applicable Federal and State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over the services shall apply to the contract throughout, and they will be deemed to be included in the contract as though written out in full herein. The successful Proposer shall keep himself/herself fully informed of all laws, ordinances and regulations of the Federal, State, and municipal governments or authorities in any manner affecting those engaged or employed in providing these services or in any way affecting the conduct of the services and of all orders and decrees of bodies or tribunals having any jurisdiction or authority over same. If any discrepancy or inconsistency should be discovered in these Contract Documents or in the specifications herein referred to, in relation to any such law, ordinance, regulation, order or decree, s/he shall herewith report the same in writing to City of Fayetteville.

City of Fayetteville
RFP 11-03, Collection Services
SECTION B: Scope of Services and General Information

1. SCOPE OF WORK:

The City of Fayetteville is currently soliciting proposals for the services of a qualified collection agency. Services to be provided by the perspective contractor will include, but shall not be limited to the following:

- 1) Collection of overdue Water, Sewer, and Sanitation accounts (Utility billing).
- 2) Collection of miscellaneous municipal accounts (Accounts Receivable billing).

Collection agencies making proposals should be aware that all collected debts shall be turned over to the City of Fayetteville in full and then redistributed to the contracting collection agency at the rate of the contract agreement. All payments made by customers for debts that have been turned over to the collection agency shall be paid directly to the agency. The agency shall send a separate check to each City of Fayetteville division (i.e. Billing & Collections and Accounting) for the total amount of all collected debts for each division within fifteen (15) days after the end of each month. The City of Fayetteville shall then redistribute the collection fee payment to the contracting collection agency at the rate of the contract agreement within forty-five (45) days of receiving the agency remittance.

The collection services contract shall be one year from date of award, with an option to extend the contract up to four (4) additional terms of one (1) year each. In addition, the City of Fayetteville reserves the right to cancel this contract, at any time, with a thirty (30) day written notice. During the duration of the contract, the City of Fayetteville reserves the right to review, audit, and/or examine any and all records obtained by the collection agency pertaining to accounts, debts, and records turned over by the City of Fayetteville. In the event of cancellation of the contract, any and all records pertaining to City of Fayetteville accounts, debts, and records shall become the property of the City of Fayetteville and turned over accordingly within thirty (30) days after cancellation of the contract.

Collection agencies wishing to submit proposals must provide the following criteria to qualify for consideration of this Request for Proposal:

- 1) Description of the agency's past history in collections.
- 2) Statement of how long the agency has been in existence and how long the agency has been located in the Northwest Arkansas area.
- 3) Submission of at least five (5) current references, including contact person's name and phone number. This list must also include the average percentage of debts collected for each reference listed.
- 4) Submission of rate in which your agency proposes to bid for cost of services.
- 5) Resumes of all project team members

Proposals will be considered based upon the ability of the collection agency to accomplish the objectives of the City of Fayetteville in collection of all utility bills and miscellaneous municipal billings.

Agencies submitting proposals under this invitation must be bonded companies licensed to do business in the State of Arkansas. Agencies must show proof of bonding certificate and licensing from the State Board of Collection Agencies within ten days of contract award. Bonding certificate and any required license must to be kept current throughout the term of this contract. Proof of bonding certificate and licensing must be submitted before each renewal period. If the firm is licensed to do business in other states, please specify the states in which the firm is licensed to do business.

The City of Fayetteville reserves the right to accept or reject any or all proposals, waive formalities in the bid process, and make a bid award deemed to be in the best interest of the City.

Accounts, etc. will be turned over to the collection agency at the sole discretion of the City. Cases while on appeal will not be turned over for collection. Only debts with past due amounts of 90 days or older will be considered for reference to a collection agency. The City of Fayetteville shall submit water, sewer, and sanitation accounts (Utility Billing) to the agency on a regular monthly basis. District Court fines shall be submitted to the agency on an as needed basis only and are not a primary scope of this RFP. Miscellaneous municipal billings may be submitted to the agency on an as needed basis. In instances where a credit adjustment is made to debts that have already been submitted to the agency, the City shall

simply notify the agency of the adjustment and the amount due on the debt shall be changed with no payment due to the agency for the credited adjustment amount.

Proposals should be prepared simply and economically, providing a straight forward, concise description of the agency or firm's ability to meet the requirements for the contract. Emphasis should be placed on completeness and clarity of content.

2. PROJECT CONDITIONS:

- a. After an account has been turned over to the selected collection agency, the agency shall have one full year (365 calendar days from date turned over) to collect any funds at the agreed upon contract rate. In the event an account is turned over to the collection contractor and one year passes with no funds collected, the account shall be turned back over to the City or the selected contractor shall take a reduced rate, flat fee, or preferably NO fee. Proposers should address this desire in their submitted proposal.
- b. All proposals conform to state laws regarding collection services from cities, including but not limited to Arkansas Code Ann. 14-234-601 *et seq.* and Arkansas Code Ann. 14-229-103.
 - A.) Appendix A – Arkansas Code Ann. § 14-234-601 (Act 769 of 2003 & Act 360 of 2007) – 9 Pages
 - B.) Appendix B – Arkansas Code Ann. § 14-229-103 (Act 195 of 2009) – 4 Pages
- c. All utility accounts collected by the Billing and Collections Division as a result of Acts 769, 360, and 195 shall become the property of the Billing and Collections Division with no fees assessed by the collection agency.
- d. In the event a flat collection fee is proposed, regardless of collection balance, the City desires a tiered recovery chart for all accounts turned over to collections. Proposers shall provide tiered pricing structure to provide a higher fee for accounts collected immediately vs. accounts that are not collected for 6 months, 9 months, etc.
- e. It is the desire of the City to contract with an entity that can demonstrate adequate knowledge and experience for collection efforts in the State of Arkansas.

3. SELECTION METHODOLOGY:

The City of Fayetteville professional selection policy PUR 13 provides for the procurement of professional services based upon professional qualifications. A selection committee, consisting of the Chief Financial Officer or representative, designated Department Directors, or other designated City staff, shall review and rate the submitted proposals. The proposals/qualifications will be evaluated based upon a point system using the percentages indicated below.

The selection committee has established the following point levels with respect to this RFP. The relative weight of each requirement is indicated next to each item.

- 1) 25 **Qualifications in Relation to Specific Project to be Performed:** Information reflecting qualifications of the firm. Indicated specialized experience and technical competence of the firm in connection with the type and complexity of the service required. Subcontractors, if used, must be listed with information on their organization.
- 2) 25 **Experience, Competence, and Capacity for Performance:** Information reflecting the names, titles, and qualifications (including experience and technical competence) of the major personnel assigned to this specific project. Provide detailed breakdown of subcontractor's staff to be used and how they are to be used to supplement your staff.
- 3) 10 **Proposed Method of Doing Work:** A proposed work plan (description of how the project would be conducted as well as other facts concerning approach to scope you wish to present) indicating methods and schedules for accomplishing each phase of work. Include with this the amount of work presently underway.

- 4) 25 **Past Performance:** Previous evaluations shall be considered a factor. If previous evaluations with the City are not available, the professional firm's past performance records with others will be used, including quality of work, timely performance, diligence, ability to meet past budgets, and any other pertinent information. Firm will provide a list of similar jobs performed and person whom we can contact for information.
- 5) 15 **Price:** The total amount of money, fees, charges, etc. paid by the City.

4. PERIOD OF CONTRACT:

Initial contract period will be for one year from date contract is finalized. However, this agreement may be renewed for four (4) consecutive one (1) year terms. The City of Fayetteville reserves the right to cancel this contract, at any time, with a thirty (30) day written notice.

City of Fayetteville
RFP 11-03, Collection Services
SECTION C: Vendor References

The following information is required from all Proposers so all proposals may be reviewed and properly evaluated

COMPANY NAME: _____

BUSINESS ADDRESS: _____

NUMBER OF YEARS IN BUSINESS: _____ HOW LONG IN PRESENT LOCATION: _____

TOTAL NUMBER OF CURRENT EMPLOYEES: _____ FULL TIME _____ PART TIME

NUMBER OF EMPLOYEES YOU PLAN TO USE TO SERVICE THIS CONTRACT: _____ FULL TIME _____ PART TIME

PLEASE LIST LOCAL COMMERCIAL AND/OR GOVERNMENTAL REFERENCES THAT YOU HAVE PREVIOUSLY
PERFORMED SIMILAR CONTRACT SERVICES FOR WITHIN THE PAST FIVE (5) YEARS (All fields must be completed):

1. _____
COMPANY NAME

CITY, STATE, ZIP

CONTACT PERSON

TELEPHONE

FAX NUMBER

E-MAIL ADDRESS

2. _____
COMPANY NAME

CITY, STATE, ZIP

CONTACT PERSON

TELEPHONE

FAX NUMBER

E-MAIL ADDRESS

3. _____
COMPANY NAME

CITY, STATE, ZIP

CONTACT PERSON

TELEPHONE

FAX NUMBER

E-MAIL ADDRESS

4. _____
COMPANY NAME

CITY, STATE, ZIP

CONTACT PERSON

TELEPHONE

FAX NUMBER

E-MAIL ADDRESS

City of Fayetteville RFP 11-03, Collection Services

SECTION D: Price Proposal *TO BE SUBMITTED WITH ALL PROPOSALS*

The Proposer understands the City of Fayetteville reserves the right to reject any or all bids and to waive formalities deemed to be in the City's best interest.

PRICE PER PROPOSAL SPECIFICATIONS: \$ _____ per account

OR

PRICE PER PROPOSAL SPECIFICATIONS: _____ % per collection item

**** Please attach any documentation necessary to completely explain your fees in detail.
Write "see attach" in the above fields if needed. ****

COMPANY NAME

SUBMITTED BY

TITLE

ADDRESS

TELEPHONE

_____ FAX _____

EMAIL ADDRESS

AUTHORIZED SIGNATURE

All inclusive proposals must be submitted before **Friday, March 25, 2011 at 2:00:00 PM, local time**, to the City of Fayetteville, Purchasing Office, Room 306, 113 West Mountain Street, Fayetteville, Arkansas, 72701 in a sealed envelope marked **"RFP 11-03, Collection Services"**. Each Proposer will be required to meet or exceed the specifications attached. **Any deviation must be noted with specifications attached to bid proposal.** Questions related to the proposal process should be directed to Andrea Foren, City of Fayetteville Purchasing Division, (479) 575-8220, or by e-mail aforen@ci.fayetteville.ar.us.

City of Fayetteville
RFP 11-03, Collection Services
SECTION E: Statement of Disclosure – To Be Submitted With ALL Proposals

This page does not count towards page limitations set forth in this request for proposal or bid.

Proposer must disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Your response must disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official.

If, to your knowledge, no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

PLEASE CHECK ONE OF THE FOLLOWING TWO OPTIONS, AS IT APPROPRIATELY APPLIES TO YOUR FIRM:

_____ 1) NO KNOWN RELATIONSHIP EXISTS

_____ 2) RELATIONSHIP EXISTS (Please explain)

PLEASE FILL OUT THE SECTION BELOW AND SUBMIT THIS FORM WITH YOUR BID OR PROPOSAL:

- 1.) I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein are accurate and true; and
- 2.) My organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

Printed Name

Signature

Date

City of Fayetteville
RFP 11-03, Collection Services

SECTION F: Authorized Negotiator Information – To Be Submitted With ALL Proposals

At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. **NOTE: Each Proposer shall submit to the City a primary contact name, e-mail address, and phone number (preferably a cell phone number) where the City selection committee can call for clarification or interview via telephone.**

PART I: Primary Contact Information:

Name of Firm: _____

Name of Primary Contact: _____

Title of Primary Contact: _____

Phone#1 (cell preferred): _____ Phone#2: _____

E-Mail Address: _____

PART 2: Contact for Legally Binding Contracts:

Is the primary contact (listed in Part I) able to legally bind contracts? YES NO (circle one)

If no, please list contact that can legally bind a contract for the firm: _____

Name: _____

Title: _____

Phone#1 (cell preferred): _____ Phone#2: _____

E-Mail Address: _____

Date: _____

Signed: _____

City of Fayetteville
RFP 11-03, Collection Services
SECTION G: Addendum Acknowledgement Form

Please acknowledge receipt of addenda for this invitation to bid or request for proposal by signing and dating below. All addendums are hereby made a part of the bid or RFP documents to the same extent as though it were originally included therein. Proposers/Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification.

ADDENDUM NO.	SIGNATURE AND PRINTED NAME	DATE ACKNOWLEDGED

Note: Prior to submitting the response to this solicitation, it is the responsibility of the firm submitting a response to confirm if any addenda have been issued. If such document(s) has been issued, acknowledge receipt by signature and date in the section above. Failure to do so may result in being considered non-responsive.

Information regarding addenda issued is available on the City of Fayetteville website under the Purchasing Division at www.accessfayetteville.org by selection "Bid's, RFP's, and RFQ's" under the "Business" heading.

City of Fayetteville
RFP 11-03, Collection Services

SECTION H: Debarment Certification Form – THIS FORM SHALL BE SUBMITTED WITH ALL PROPOSALS

As an interested party on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

Debarment:

Federal Executive Order (E.O.) 12549 “Debarment and Suspension” requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.

Your signature certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Questions regarding this form should be directed to the City of Fayetteville Purchasing Division.

NAME: _____

COMPANY: _____

PHYSICAL ADDRESS: _____

MAILING ADDRESS: _____

PHONE: _____ FAX: _____

EMAIL: _____

SIGNATURE: _____

DATE: _____

NOTICE:

CAUSE: Debarment by an agency pursuant to FAR 9.406-2, GPO Instructions 110.11A, or PS Publication 41, for one or more of the following causes (a) conviction of or civil judgment for fraud violation of antitrust laws, embezzlement, theft, forgery, bribery, false statements, or other offenses indicating a lack of business integrity; (b) violation of the terms of a Government contract, such as a willful failure to perform in accordance with its terms or a history of failure to perform; or (c) any other cause of a serious and compelling nature affecting responsibility. (See Code N- Debarment pursuant to FAR 9.406 2(b)(2) Drug Free Workplace Act of 1988.)

TREATMENT: Contractors are excluded from receiving contracts, and agencies shall not solicit offers from, award contracts to renew or otherwise extend the duration of current contracts, or consent to subcontracts with these contractors, unless the City determines that there is a compelling reason for such action. Government prime contractors, when required by the terms of their contract, shall not enter into any subcontract equal to or in excess of \$25,000 with a contractor that is debarred, suspended, or proposed for debarment, unless there is a compelling reason to do so. Debarments are for a specified term as determined by the debarring agency and as indicated in the listing.

City of Fayetteville
RFP 11-03, Collection Services
SECTION I: Draft Agreement

This contract executed this ____ day of _____, 2011, between the City of Fayetteville, Arkansas, and Contractor. In consideration of the mutual covenants contained herein, the parties agree as follows.

WITNESSETH:

WHEREAS, City has previously determined that it has a need for a PROVIDER FOR COLLECTION SERVICES; and

WHEREAS, City, after soliciting competitive proposals for such services pursuant to City of Fayetteville RFP 11-03 (herein after referred to as Request for Proposal or RFP), City has awarded this contract to Contractor; and

WHEREAS, Contractor has represented that it is able to satisfactorily provide these services according to the terms and conditions of the RFP, which are incorporated herein by reference, and the terms and conditions are contained herein; and

NOW THEREFORE, in consideration of the above and mutual covenants contained herein, the parties agree as follows:

1. Services to be Performed: Contractor hereby agrees to provide the City with COLLECTION SERVICES, as requested and more specifically outlined in the RFP, this agreement, and all subsequent official documents that form the Contract Documents for this Agreement.

2. Time of Service: Services shall be performed in a timely manner, as specified in the RFP.

3. Term of Agreement: Initial contract period will be for one year from date of this contract. This agreement may be renewed for four (4) consecutive one (1) year terms. Each such annual renewal term shall be subject to approval of renewal by the City Council, and budget approval by the City Council.

4. Amendment of Contract: This Contract may be amended only by mutual agreement of the parties.

5. Assignment and Subcontracting: Contractor shall perform this contract. No assignment or subcontracting shall be allowed without the prior written consent of the City. In the event of a corporate acquisition and/or merger, Contractor shall provide written notice to the City within thirty (30) business days of

such notice of action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a proposal to a Proposer, which has disclosed its intent to assign or subcontract in its response to the RFP, without exception shall constitute approval for purposes of this Agreement.

6. Cancellation: The City of Fayetteville reserves the right to cancel this Contract, without cause, by giving thirty (30) days notice to Contractor of the intent to cancel, or with cause if at any time Contractor fails to fulfill or abide by any of the terms or conditions specified.

Failure of the Contractor to comply with any of the provisions of this contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.

In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source any services which have not been provided within the period of time stated in the proposal, or if no such time is stated, within a reasonable period of time from the date of order or request, as determined by the City.

In the event that sufficient budgeted funds are not available for a fiscal period, the City shall notify Contractor of such occurrence and the Contract shall terminate on the last day of the then current fiscal period without penalty or expense to the City. The City reserves the right to terminate within the thirty (30) day notice because of budgetary issues.

7. Compensation: As compensation for Contractor providing services to the City as described herein, the City shall pay Contractor in arrears, based on the submission of invoices for work completed and properly authorized.

8. Permits & Licenses: Contractor shall secure and maintain any and all permits and licenses required to complete this contract.

9. Minimum Insurance Requirements: Contractor shall maintain insurance in at least the amounts required in the RFP throughout the term of this contract. Contractor must provide a Certificate of Insurance in accordance with the insurance requirements listed within the RFP, evidencing such coverage prior to issuance

of a purchase order or commencement of any work under this contract. Contractor shall ensure that any subcontractors or persons hired by subcontractors maintain the same level of insurance coverage as Contractor.

10. Indemnification: Contractor shall indemnify, pay the cost of defense, including but not limited to attorneys' fees, and hold harmless the City from all suits, actions or claims of any character brought on account of any injuries or damages received or sustained by any person, persons, or property by or from the said Contractor; or by, or in consequence of any neglect in safeguarding the work; or on account of any act or omission, neglect or misconduct of Contractor ; or by, or on account of, any claim or amounts recovered under the Workers' Compensation Law or of any other laws, by-laws, ordinances, order of decree, except only such injury or damage as shall have been occasioned by the sole negligence of the City of Fayetteville. The first ten dollars (\$10.00) of compensation received by Contractor represents specific consideration for this indemnification obligation.

11. Governing Law & Jurisdiction: Legal jurisdiction to resolve any disputes shall be Washington County, Arkansas with Arkansas law applying to the case.

12. Severability: The terms and conditions of this agreement shall be deemed to be severable. Consequently, if any clause, term, or condition hereof shall be held to be illegal or void, such determination shall not affect the validity of legality of the remaining terms and conditions, and notwithstanding any such determination, this agreement shall continue in full force and effect unless the particular clause, term, or condition held to be illegal or void renders the balance of the agreement impossible to perform.

13. Changes in Scope or Price: Changes, modifications, or amendments in scope, price, or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

14. Freedom of Information Act: Documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, Contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

15. Documents Comprising Contract: The contract shall include this Agreement for a PROVIDER FOR COLLECTION SERVICES, as well as the following documents, which are incorporated herein by reference.

- a. City of Fayetteville's Request for Proposal and all of its addenda and attachments issued on _____, 2011;
- b. Contractor's final pricing schedule
- c. Contractor's Certificate of Insurance as required, listing the City as an additional insured;
- d. Contractor's Proposal.

If there is a conflict between the terms of this Agreement and the above referenced documents, the conflict shall be resolved as follows: the terms of this Agreement shall prevail over the other documents, and the terms of the remaining documents shall be given preference in their above listed order.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2011.

CITY OF FAYETTEVILLE,
FAYETTEVILLE, ARKANSAS

LIONELD JORDAN, Mayor

Attest:

Sondra Smith, City Clerk

CONTRACTOR

BY _____
NAME AND TITLE

ATTEST: COMPANY SECRETARY

BUSINESS ADDRESS

City of Fayetteville
RFP 11-03, Collection Services
Statement of No Submittal – If Applicable

In order to assist the Purchasing Division of Fayetteville in evaluating and improving our solicitation process, we are asking for completion of this form and returning via fax or e-mail. By submitting this form, it will assist us in evaluating all response, improving our bid solicitation process, and to maintain a positive relationship with our vendors.

We, the undersigned, have declined to bid for the following reason(s):

1. _____ We do not offer this service/product
2. _____ Our schedule would not permit us to perform
3. _____ Unable to meet specifications
4. _____ Insufficient time to respond to the Invitation to Bid
5. _____ We are unable to meet bond requirements
6. _____ Other (Explain)

*NAME OF FIRM: _____

*BUSINESS ADDRESS: _____

*CITY: _____ *STATE: _____ *ZIP: _____

*PHONE: _____ FAX: _____

*E-MAIL ADDRESS: _____

*BY : (PRINTED NAME) _____

*AUTHORIZED SIGNATURE: _____

*TITLE: _____ *DATE: _____

*PLEASE LIST OTHER COMMENTS BELOW:

*Please note: We appreciate your feedback on this form and are very interested in your reason for not bidding. Please do not hesitate to contact us at 479-575-8220 if you have questions, comments, or concerns regarding these bid documents.

RFP 11-03, Collection Services
Appendix A

Westlaw

A.C.A. § 14-234-601

Page 1

C

West's Arkansas Code Annotated Currentness

Title 14. Local Government

Subtitle 14. Solid Waste Disposal, Waterworks, and Sewers Generally (Chapters 229 to 247)

Chapter 234. Waterworks and Water Supply

Subchapter 6. Collection of Water Bills That Are Delinquent

→ § 14-234-601. Definitions

As used in this subchapter:

(1) "Water association" means any entity organized under the laws of the State of Arkansas, whether for profit or not for profit, that provides, distributes, transmits, treats, pumps, or stores raw or potable water for the benefit of members of the general public or commercial, industrial, and other users; and

(2) "Water system" means any entity that provides, distributes, transmits, treats, pumps, or stores raw or potable water, wastewater, or sewage for the benefit of members of the general public and commercial, industrial, and other users, including without limitation, the following entities that perform such activities:

(A) Municipalities;

(B) Counties;

(C) Public facilities boards;

(D) Public water authorities;

(E) Central Arkansas Water;

(F) Regional water distribution districts; and

(G) Water associations.

CREDIT(S)

Acts of 2003, Act 769, § 1, eff. July 16, 2003; Acts of 2007, Act 360, § 1, eff. July 31, 2007.

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A.C.A. § 14-234-601

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HISTORICAL AND STATUTORY NOTES

Arkansas Code Revision Commission

Technical changes were made in 2007 to conform with the official Arkansas Code of 1987 as approved by the Arkansas Code Revision Commission.

A.C.A. § 14-234-601, AR ST § 14-234-601

Current through end of 2010 Fiscal Sess., including changes made by Ark. Code Rev. Comm. received through 9/30/10.

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Westlaw

A.C.A. § 14-234-602

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West's Arkansas Code Annotated Currentness

Title 14. Local Government

Subtitle 14. Solid Waste Disposal, Waterworks, and Sewers Generally (Chapters 229 to 247)

Chapter 234. Waterworks and Water Supply

Subchapter 6. Collection of Water Bills That Are Delinquent

→ § 14-234-602. Liability

Any person who is delinquent on the payment for water, wastewater service, or sewer service provided by a water system may be held liable, at the discretion of a court of competent jurisdiction, for attorney's fees and costs incurred in the collection of the delinquency.

CREDIT(S)

Acts of 2003, Act 769, § 2, eff. July 16, 2003; Acts of 2007, Act 360, § 2, eff. July 31, 2007.

A.C.A. § 14-234-602, AR ST § 14-234-602

Current through end of 2010 Fiscal Sess., including changes made by Ark. Code Rev. Comm. received through 9/30/10.

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A.C.A. § 14-234-603

Page 1

C

West's Arkansas Code Annotated Currentness

Title 14. Local Government

Subtitle 14. Solid Waste Disposal, Waterworks, and Sewers Generally (Chapters 229 to 247)

▣ Chapter 234. Waterworks and Water Supply

▣ Subchapter 6. Collection of Water Bills That Are Delinquent

→ § 14-234-603. Refusal of water service for delinquency

If a person who is delinquent on the payment of an undisputed bill for water service, wastewater service, or sewer service provided by a water system within this state moves into another area of this state and that person applies for or receives water from another water system, if the person's former water system establishes that there is no dispute that the delinquent amount is properly due and owed by that particular individual in that amount, the new water system shall refuse to provide water service to the delinquent person until the person provides proof of curing the delinquency.

CREDIT(S)

Acts of 2003, Act 769, § 3, eff. July 16, 2003; Acts of 2007, Act 360, § 3, eff. July 31, 2007.

A.C.A. § 14-234-603, AR ST § 14-234-603

Current through end of 2010 Fiscal Sess., including changes made by Ark. Code Rev. Comm. received through 9/30/10.

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Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.

State of Arkansas

As Engrossed: H2/14/03 H2/21/03

84th General Assembly

A Bill

Act 769 of 2003

Regular Session, 2003

HOUSE BILL 1389

By: Representatives Ormond, Adams, Berry, Bolin, Boyd, Dangeau, Edwards, D. Evans, Gipson, Jacobs,
Jeffrey, King, Mack, Medley, Milligan, Pate, Pickett, L. Prater, S. Prater, Roebuck, Schulte, Scroggin, J.
Taylor, Thomas, Verkamp, Walters

For An Act To Be Entitled

AN ACT TO PROVIDE A PROCEDURE TO HELP COLLECT
DELINQUENT MUNICIPAL, COUNTY, DISTRICT, OR RURAL
WATER BILLS; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE A PROCEDURE TO HELP COLLECT
DELINQUENT MUNICIPAL, COUNTY, DISTRICT,
OR RURAL WATER BILLS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. For purposes of this act:

(1) "Water association" means any corporation, whether for
profit or not for profit, that provides, distributes, transmits, treats,
pumps, or stores raw or potable water to, or for the benefit of, members of
the general public or commercial, industrial, and other users; and

(2) "Water system" means any entity that provides, distributes,
transmits, treats, pumps, or stores raw or potable water to or for the
benefit of members of the general public and commercial, industrial, and
other users, including, without limitation, the following entities that
perform such activities:

(A) Municipalities;

(B) Counties;

(C) Public facilities boards;

(D) Public water authorities;



02042003EAN1532.TWO053

As Engrossed: H2/14/03 H2/21/03

HB1389

1 (E) Central Arkansas Water;

2 (F) Regional water distribution districts; and

3 (G) Water associations.

4
5 SECTION 2. Any person who is delinquent on the payment for water
6 provided by a water system may be held liable, at the court's discretion, for
7 attorney's fees and costs incurred in the collection of the delinquency.

8
9 SECTION 3. When a person who is delinquent on the payment of an
10 undisputed bill for water service provided by a water system within this
11 state, moves into another area of this state, and that person applies for or
12 receives water from another water system, if the person's former water system
13 establishes that there is no dispute that the delinquent amount is properly
14 due and owed by that particular individual in that amount, the new water
15 system shall refuse to provide water service to the delinquent person until
16 the person provides proof of curing the delinquency.

17
18 SECTION 4. No provision of this act shall apply to a water system that
19 is regulated by the Arkansas Public Service Commission as a "public utility"
20 as provided in Arkansas Code § 23-1-101(9).

21
22 /s/ Ormond, et al

23
24
25 APPROVED: BECAME LAW ON 3/27/2003, WITHOUT THE GOVERNOR'S SIGNATURE.
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As Engrossed: H2/14/03 H2/21/03

HB1389

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Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.

Act 360 of the Regular Session

1 State of Arkansas

2 86th General Assembly

3 Regular Session, 2007

A Bill

HOUSE BILL 1607

4
5 By: Representative Hoyt

For An Act To Be Entitled

9 AN ACT TO AMEND THE PROCEDURE FOR THE COLLECTION
10 OF DELINQUENT MUNICIPAL, COUNTY, DISTRICT, OR
11 RURAL WATER OR WASTEWATER BILLS; AND FOR OTHER
12 PURPOSES.

Subtitle

15 AN ACT TO AMEND THE PROCEDURE FOR THE
16 COLLECTION OF DELINQUENT MUNICIPAL,
17 COUNTY, DISTRICT, OR RURAL WATER OR
18 WASTEWATER BILLS.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23 SECTION 1. Arkansas Code § 14-234-601 is amended to read as follows:
24 14-234-601. Definitions.

25 ~~For purposes of~~ As used in this subchapter:

26 (1) "Water association" means any ~~corporation~~ entity organized
27 under the laws of the State of Arkansas, whether for profit or not for
28 profit, that provides, distributes, transmits, treats, pumps, or stores raw
29 or potable water ~~to or for~~ for the benefit of members of the general public or
30 commercial, industrial, and other users; and

31 (2) "Water system" means any entity that provides, distributes,
32 transmits, treats, pumps, or stores raw or potable water, wastewater, or
33 sewage ~~to or for~~ for the benefit of members of the general public and commercial,
34 industrial, and other users, including, without limitation, the following
35 entities that perform such activities:



HB1607

- (A) Municipalities;
- (B) Counties;
- (C) Public facilities boards;
- (D) Public water authorities;
- (E) Central Arkansas Water;
- (F) Regional water distribution districts; and
- (G) Water associations.

SECTION 2. Arkansas Code § 14-234-602 is amended to read as follows:
14-234-602. Liability.

Any person who is delinquent on the payment for water, wastewater
service, or sewer service provided by a water system may be held liable, at
the discretion of ~~the court~~ a court of competent jurisdiction, for attorney's
fees and costs incurred in the collection of the delinquency.

SECTION 3. Arkansas Code § 14-234-603 is amended to read as follows:
14-234-603. Refusal of water service for delinquency.

When If a person who is delinquent on the payment of an undisputed bill
for water service, wastewater service, or sewer service provided by a water
system within this state moves into another area of this state and that
person applies for or receives water from another water system, if the
person's former water system establishes that there is no dispute that the
delinquent amount is properly due and owed by that particular individual in
that amount, the new water system shall refuse to provide water service to
the delinquent person until the person provides proof of curing the
delinquency.

APPROVED: 3/19/2007

Westlaw

A.C.A. § 14-229-103

RFP 11-03, Collection Services
Appendix B

Page 1

C

West's Arkansas Code Annotated Currentness

Title 14. Local Government

▣ Subtitle 14. Solid Waste Disposal, Waterworks, and Sewers Generally (Chapters 229 to 247)

▣ Chapter 229. General Provisions (Refs & Annos)

→ § 14-229-103. Termination of water service

(a) A municipality owning or operating a public sewer system or sewer improvement district that provides sewer service to its citizens may request a water association, a water improvement district, or a water authority that provides the water service to terminate the water service to a resident who is delinquent at least thirty (30) days in making payment to the municipality for sewer service or solid waste service.

(b) The water association, water improvement district, or water authority shall send notice to a person who is delinquent in making payments for sewer service or solid waste service of the date the water service will be terminated and shall terminate the water service upon that date unless the balance due the municipality for sewer service or solid waste service is paid.

(c) The water association, water improvement district, or water authority shall terminate the water service upon certification by the municipality that the person:

(1) Is more than thirty (30) days delinquent in making payments for sewer service or solid waste service; and

(2) Has been sent notice of the termination of the water service as required under subsection (b) of this section.

(d) As used in this section, "water authority" means the public body politic and governmental entity organized under the Water Authority Act, § 4-35-101 et seq.

CREDIT(S)

Acts of 1995, Act 717, § 1; Acts of 2009, Act 195, § 1, eff. July 31, 2009.

LIBRARY REFERENCES

Environmental Law ☞ 371.

Waters and Water Courses ☞ 203(13).

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A.C.A. § 14-229-103

Page 2

Westlaw Key Number Searches: 149Ek371; 405k203(13).
C.J.S. Waters §§ 707 to 710, 715 to 716, 720 to 722.

A.C.A. § 14-229-103, AR ST § 14-229-103

Current through end of 2010 Fiscal Sess., including changes made by Ark. Code Rev. Comm. received through 9/30/10.

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Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.

Act 195 of the Regular Session

1 State of Arkansas

2 87th General Assembly

3 Regular Session, 2009

A Bill

HOUSE BILL 1048

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5 By: Representative Woods
6
7

For An Act To Be Entitled

8
9 AN ACT TO EXTEND TO A MUNICIPAL SEWER ENTITY THE
10 ABILITY TO REQUEST TERMINATION OF WATER SERVICE
11 BY A WATER AUTHORITY FOR DELINQUENT SOLID WASTE
12 SERVICE PAYMENT; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 TO EXTEND TO A MUNICIPAL SEWER ENTITY
16 THE ABILITY TO REQUEST TERMINATION OF
17 WATER SERVICE BY A WATER AUTHORITY FOR
18 DELINQUENT SOLID WASTE SERVICE PAYMENT.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 14-229-103 is amended to read as follows:
24 14-229-103. Termination of water service.

25 (a) ~~Any A~~ municipality owning or operating a public sewer system or
26 sewer improvement district ~~providing that provides~~ sewer service to its
27 citizens may request a water association ~~or, a~~ water improvement district, ~~or~~
28 ~~a water authority providing that provides~~ the water service to terminate the
29 water service to ~~any a~~ resident who is delinquent at least thirty (30) days
30 in making payment to the municipality for sewer service or solid waste
31 service.

32 (b) The water association ~~or, a~~ water improvement district, ~~or water~~
33 authority shall send notice to ~~any a~~ person who is delinquent in making
34 payments for sewer service or solid waste service of the date the water
35 service will be terminated and shall terminate the water service upon that



1 date unless the balance due the municipality for sewer service ~~has been or~~
2 solid waste service is paid.

3 (c) The water association ~~or~~, water improvement district, or water
4 authority shall terminate the water service upon certification by the
5 municipality that the person:

6 (1) ~~is~~ Is more than thirty (30) days delinquent in making
7 payments for sewer service or solid waste service; and

8 (2) ~~has~~ Has been sent notice of the termination of the water
9 service ~~by the municipality as required under subsection (b) of this section.~~

10 (d) As used in this section, "water authority" means the public body
11 politic and governmental entity organized under the Water Authority Act, § 4-
12 35-101 et seq.

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14 APPROVED: 2/20/2009
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www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

RFP 11-05, Addendum 1

RFP 11-05, Information Technology Project Implementation & Management Services

City of Fayetteville – Purchasing Division
113 W. Mountain – Room 306
Fayetteville, AR 72701
Phone: 479.575.8220
E-Mail: aforen@ci.fayetteville.ar.us

Date: Tuesday, April 05, 2011

To: All interested parties

From: Andrea Foren, CPPB, Purchasing Agent

Notice: This addendum is hereby made a part of the bid documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification. Addendum should be attached to the inside cover of the bidding documents, signed, and dated.

THIS INFORMATION IS HEREBY ADDED AS FURTHER CLARIFICATION AND INSIGHT TO THE CITY OF FAYETTEVILLE'S RFP. This question was asked from an interested vendor and the response to that vendor is hereby provided to all interested parties.

Question: On requirement D: Develop a project plan and implement short-term web-site enhancements for citizens to be able to conduct business in various situations. Some of those requested areas of service are the payment of parking tickets online, emailed utility billing, reservations of Park amenities (tennis courts, pavilions, practice fields, etc.), HR Activities around applications for employment and open job searches, employee benefits enrollment, and other identified e-business needs for citizens.

Is this asking the winning vendor to do the coding of the short-term web-site enhancements or the Project Management and implementation of the enhancements using the City's web programmers?

Answer: In the Final IT Assessment report the City Council recently contracted, it was recommended, that the City might look for some Short-term solutions that might bridge a gap between, providing some Citizen E-Business applications for payment of bills, parking tickets, parking monthly passes, facility reservations, solid waste dumpster payments, etc., prior to the City of Fayetteville being ready to select and implement a new full ERP system that might handle these types of E-Business electronic transactions long term. We would like for the contracting company to research possible short-term, low cost solutions, develop a project plan of implementation, and work with various accounting staff to minimize back-end work to get business transactions entered into the City's financial statements. Some of the work might be contracted, some of the work might be handled by City of Fayetteville IT programmers, some might be handled by the company selected and awarded this RFP. All options will be considered against other priorities, and cost of work. The determination on whether to do this internally with programming staff, or with the selected contractor would be determined based on project work load, most cost effective method. As a reminder, the list of projects outlined in the scope of work within this RFP is a list of possible projects. While this is an area we wish to address, other projects may take priority over this specifically outlined item, and the selected contracting company may not work on this item at all - dependent upon on final management decisions of priorities.

Acknowledge Addendum #1:

Printed Name: _____

Signature: _____

Title: _____ Date: _____

Company: _____



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

RFP 11-05, Addendum 2

RFP 11-05, Information Technology Project Implementation & Management Services

City of Fayetteville – Purchasing Division
113 W. Mountain – Room 306
Fayetteville, AR 72701
Phone: 479.575.8220
E-Mail: aforen@ci.fayetteville.ar.us

Date: Wednesday, April 6, 2011

To: All interested parties

From: Andrea Foren, CPPB, Purchasing Agent

Notice: This addendum is hereby made a part of the bid documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification. Addendum should be attached to the inside cover of the bidding documents, signed, and dated.

THIS INFORMATION IS HEREBY ADDED AS FURTHER CLARIFICATION AND INSIGHT TO THE CITY OF FAYETTEVILLE'S RFP.

1.) Clarification on proposal pricing -

Proposers should adhere to the following requirements when providing pricing fees in all proposals:

All Proposers need to list **hourly rates** only, based on various skill sets for each experience level of employee. Therefore, Proposers can submit different hourly rates as long as a description for the skill level for each hourly rate is described. For instance management coaching and project assessment might be a higher level individual and higher rate, than some of the other work provided.

Proposers are **not required** to provide an estimated number of hours per individual project listed.

The City is looking to contract a minimum of 40 hours and a maximum of 60 hours per month. Proposals will be evaluated for price based on the hourly rates provided.

Hourly rates shall not include any travel expenses. Travel expenses will be reimbursed based on actual cost incurred by the Proposer as approved by the City.

2.) Clarification on scope of work -

It is the intent of the City of Fayetteville to contract with a single entity capable of providing information technology project implementation and management services for all individual projects listed in the RFP.

On site time and expected budget for this project have not been established at this time.

All Proposers need to submit a minimum of three (3) references for similar work performed.

Acknowledge Addendum #2:

Printed Name: _____

Signature: _____

Title: _____ Date: _____

Company: _____

Proposal for City of Fayetteville, Arkansas



RFP No. 11-03 *Collection Services*

Copy



Submitted By:
Bruce Cummings, CEO
(512) 323-4231 direct
(866) 283-6484 fax
Bruce.Cummings@GilaCorp.com
www.MuniServ.com

Due: March 25, 2011

www.MuniServ.com

6505 AIRPORT BLVD.
SUITE 100
AUSTIN, TEXAS
78752

800.568.7004
512.371.9995
Fax 866.283.6484

March 23, 2011

Andrea Foren, CPPB
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Dear Ms. Foren:

Thank you for the opportunity to submit our response to Fayetteville's (City) Request for Proposal (RFP) for *Collection Services*. We look forward to establishing a mutually beneficial business relationship with you and your colleagues.

Gila LLC d/b/a Municipal Services Bureau (MSB) has similar contractual relationships with more than 550 government agencies in 35 states. Our nineteen years in business are a testament to the quality of our work and the above average results we achieve.

We are uniquely qualified to assist in this endeavor because:

- MSB has the required ***professional qualifications and government references***, as we've been providing high quality, cost effective collection services since 1991;
- MSB agrees to ***provide all requested services as outlined in the RFP, subject to the terms and conditions set forth in the RFP in a timely and efficient manner***;
- MSB has the ***required financial stability, the proven project management methodology and overall work plan*** to deliver quantifiable value to the City;
- MSB follows ***stringent procedures to insure the security of all client account information***, including performing ***detailed background screening for all MSB employees***;
- MSB's ***highly automated, technologically advanced collection solutions*** allow you to send referral, payment and change information electronically;
- MSB ***records all inbound and outbound calls, and maintains a Quality Assurance Department*** to monitor telephone techniques and provide ongoing coaching; and

- MSB is a *member of the Association of Credit and Collection Professionals (ACA International)* and is *certified as a Professional Practices Management Systems (PPMS) agency*. Less than 1% of all collection agencies have this quality certification.

In addition, we are prepared to:

- Be available to meet with the administration upon request for the duration of our relationship;
- Ensure that every citizen will be dealt with in a professional, courteous manner;
- Provide a full-time client services representative who will be assigned to your account and be available to address any day-to-day issues; and
- Continue efforts to resolve individual accounts for as long as we have them.

We believe the unique features mentioned throughout this proposal will lead you to partner with our Company. As the authorized representative, please do not hesitate to call if I can be of further service to you or your colleagues.

Regards,



Bruce Cummings,
Chief Executive Officer
512.323.4231 Direct
866.283.6484 Fax
Bruce.Cummings@GilaCorp.com



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Exhibit Section

- Exhibit A - Requested documents**
- Exhibit B - Resumes**
- Exhibit C - Price Proposal**
- Exhibit D - Vendor References**
- Exhibit E - Sample of Customized Reports**
- Exhibit F - Press Releases**
- Exhibit G - MSB's Client List**
- Exhibit H - Sample Collection Letters**
- Exhibit I - Audited Financials***

***Proprietary and Confidential.**

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EVALUATION CRITERIA

In an effort to facilitate scoring, Gila LLC d/b/a Municipal Services Bureau (MSB) has provided a breakdown of key data included in the City of Fayetteville's (City) Request for Proposal (RFP). Each respective section expands upon the information we have provided below.

In summary, MSB is:

- Your **Best Choice** based upon the City's criteria;
- An established, **proven government collection provider** for nineteen years;
- Offering a **highly competitive fee**; and
- A professional PPMSTM certified collection agency, whose sole purpose is to provide **collection services for governmental agencies nationwide**.

Criteria highlights are as follows:

Vendor Qualifications

- MSB has unique expertise because we specialize in government collection services.
- Contracts with more than 550 entities nationwide in 35 states
- Collection success with other clients documented in our proposal
- Higher collection results than our competitors documented in our proposal
- Experience collecting for clients with the same type and volume of accounts
- State contracts with California, Colorado, Connecticut, Hawaii, Kansas, Minnesota, Nevada, New Mexico, Ohio, Oregon, Texas & Wisconsin
- Provided references and letters of references from satisfied clients
- Extensive client list provided in the exhibit section (Exhibit G)
- Active Member of the Association of Credit and Collection Professionals (ACA International), maintaining the highest ethical standards; No complaints
- MSB's CEO, Mr. Bruce Cummings serves on the Editorial Board for InsideARM, the leading Accounts Receivable Management Industry Information and News Source; and was featured on the cover of *Collections Advisor* Magazine, Attached as Exhibit F
- Mr. Cummings is also a member of ACA International's "Committee of 100", whose membership is comprised of the leaders of the top 50

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collection agencies in the Nation. The committee requires membership in ACA International, and individuals must be substantially engaged in the collection industry.

- Received the "Fast 50" Award from the Austin Business Journal (50 Fastest Growing Private Companies in Central Texas) Seven Years Running
- Recognized as one of the top 5000 fastest growing private companies in America. Each year Inc. Magazine compiles a list of the fastest growing private companies in the US. This year, MSB made it well within the 5000 mark as it closed in the top 3000 fastest growing companies.
- Maintains an "A+" Rating from the Better Business Bureau (BBB), indicating the BBB's highest level of confidence that MSB operates in a trustworthy manner and will make all good faith efforts to resolve customer concerns
- Named a BBB Accredited Business
- Honored as one of the Top 7 Collection Technology firms in the nation by *CollectionTechnology.net*
- Named one of the top 25 "Best Places to Work in Collections," by *insideARM.com* and Best Companies Group
- Received the Collection Technology Excellence Award in 2009
- The Company's Revenue Increased approximately 339% from 2002 to December 2009

Collection Procedures

- Highly ethical collection practices:
 - Compliant with all collection laws and regulations
 - Follow a strict Code of Ethics
 - Member of ACA Government Services Program
 - No State, Federal, or International Regulation Violations
 - Equal Opportunity Employer
- Predictive dialer technology and letter notification tool
- Attempt to contact debtor 180 times at a minimum in the first 90 days
- Extended evening and weekend hours
- Toll free telephone number for debtors
- Time tested, proven letter series
- Bilingual printed notices
- IVR telephone system records all inbound and outbound calls

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- Multiple Payment Options: Web based payment, credit/debit card payment via phone, electronic check-by-phone, Money Gram and mailed payments
- Local, regional and national skip tracing services
- Credit Bureau reporting to Equifax, TransUnion and Experian
- Licensed to collect in Arkansas and throughout the United States
- Continuing, on-the-job training and quality monitoring for all employees by management
- In 2010 alone, the Training Department logged *over 112,432 hours of training*, which reaffirms the Company's commitment to training

Professional Staff

- eVerify Employer
- Background checks and fingerprinting for all employees
- Confidentiality Agreement signed by all employees
- Multilingual collection staff (>60% of employees)
- Collectors trained specifically to collect utility accounts
- Providing a primary, dedicated Client Services Representative as well as additional backup representatives
- Certified IT personnel with outstanding credentials including:
 - Masters of Science, Management Information Systems
 - Microsoft Certified System Engineer (MCSE)

Computer Network

- Online, real time access to accounts through the Navigate system
- Ability to electronically send referral, payment and rescission information through secure FTP
- Comprehensive Disaster Recovery Plan in place, including the Agility partnered solution, providing a fully operational collection center within 48 hours of a disaster
- Customized Collection Software

Management Reports

- Customized and ad hoc reporting available
- Time tested, proven report methodology
- Comprehensive data provided detailing MSB's collection progress
- Full cooperation with audit inquiries and requests

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Fee Structure

- **Highly competitive fee structure**
- **Contingency fee pricing**
- **No up-front costs**
- **MSB offers the only START-UP GUARANTEE in the industry - We will rebate 10% of our commissions earned during the first 100 days from contract execution.**

EXECUTIVE SUMMARY

MSB was founded in 1991 specifically to provide collection services to government agencies nationwide. MSB has been providing the exact services outlined in the City's RFP for nineteen years. The company currently works with more than 550 entities nationwide. MSB is an active member of the Association of Credit and Collection Professionals (ACA International). MSB understands that the City desires a professional organization to work closely with you to establish a customized collection program that meets your individual needs.

MSB is eager to put our resources to work for the City. There are three very specific reasons for our success, they are:

- 1) **Experience**- We have the government collection experience that has allowed us to learn the best techniques before, during and after the collection process. We understand how best to work your accounts.
- 2) **Execution**- We set ourselves apart by executing on account resolution. We never stop working to resolve an account and have documented collection success with our clients.
- 3) **Ethics**- We are compliant with all collection laws and regulations. We treat each debtor with courtesy and respect.

MSB has proven through years of successful implementation of collection projects that we have the necessary software and hardware components and skilled, knowledgeable personnel to assure the City that we are qualified to exceed the expectations set forth in this RFP. MSB has the specific knowledge necessary to outperform other agencies. We will utilize and expand on our extensive history of providing the same services necessary for the City to maximize the recovery of delinquent utility accounts.

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MSB is highly automated and able to offer our clients a flexible, innovative solution for their collection needs. We are a firm capable of and experienced in managing the type and volume of accounts proposed by the City. We successfully service hundreds of thousands of new accounts each year, including accounts from some of the largest agencies in the nation.

Our customized software programs are designed specifically for the collection of government accounts. MSB tracks broken promises thereby increasing revenue and decreasing the likelihood that the account will remain outstanding. We work all accounts thoroughly regardless of age, balance amount or location of the debtor. We may have to attempt telephone contact multiple times in order to reach the debtor. Our predictive dialer technology allows us to do so in a cost-effective, non-intrusive manner. Additionally, we re-contact each debtor periodically for as long as the account is outstanding. **In summary, we never give up on an account, continually searching for new address and telephone information and attempting to bring the account to closure.**

MSB is committed to maintaining the highest standards of professional conduct and business ethics. We work closely with each debtor providing bilingual staff, when necessary, to help them resolve their obligation with dignity. Our employees speak with each debtor to determine their reason for not paying and then work to overcome that objection.

The philosophy behind MSB is based upon satisfying the collection needs of our clients through careful identification of desired goals. This is accomplished by developing a close working relationship with the client based upon mutual trust. Our employees take great pride in their ability to formulate creative and innovative solutions to complex problems. While our collection process is designed to obtain the highest possible rate of return in the shortest possible time frame, careful attention is paid to the sensitivity of the issues at hand.

MSB has an annual audit conducted by outside, independent auditors that meets all Generally Accepted Accounting Principles (GAAP). The audit includes reviews of internal controls and other operating procedures. Current and past audited financial statements have been issued with clean opinions. MSB adheres to very strict data security standards and contracts with an independent firm to perform SAS 70 audits.

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MSB has demonstrated through our relationships with hundreds of agencies that it is qualified to meet the operational and management objectives of the City. Moreover, we are committed to providing the most professional, cost-effective and efficient program to the City. Throughout our history, MSB has developed innovative programs that fulfill the needs and requirements of our diverse clientele. **We will focus directly on the City's primary objective – delivering ethical collection services that maximize recovery on all accounts.**

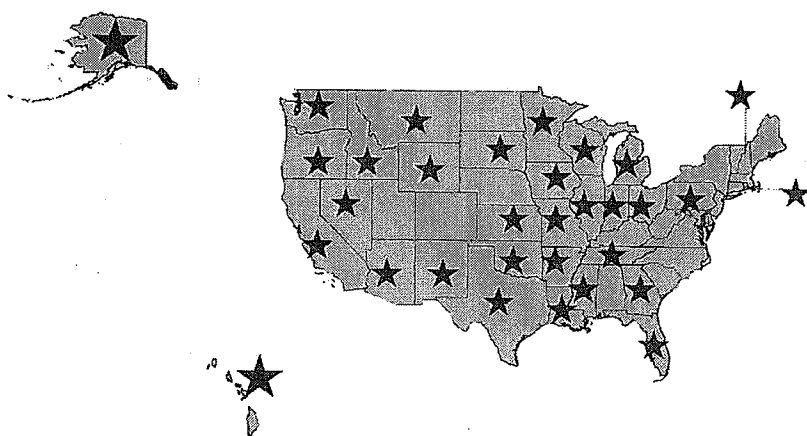
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EXPERIENCE

MSB is a unique collection solution for the City because we have been providing collection services exclusively to governmental entities for nineteen years. We contract with more than 550 entities nationwide in 35 states. We have processed *more than 28,776,747 accounts totaling \$5,068,495,387 as of October, 2010.*

Client Map



We work with many notable municipalities including: Albuquerque, New Mexico; Anchorage, Alaska; Austin, Texas; Cincinnati, Ohio; Jackson, Mississippi; Los Angeles, California; Philadelphia, Pennsylvania and San Antonio, Texas and counties including: Marion (Indianapolis) County, Indiana; Miami-Dade (Miami) County, Florida; Orange (Santa Ana) County, California and Wayne (Detroit) County, Michigan.

exhibiting our client base.

We have provided a map above

MSB believes that one of its strongest and best qualifications to perform collection services on behalf of the City is the company's exclusive focus on the recovery of governmental entities- we do not work with the private sector. We have state collection contracts with California, Colorado, Connecticut, Hawaii, Kansas, Minnesota, Nevada, New Mexico, Ohio, Oregon, Texas, and Wisconsin. The number of agencies focusing exclusively on debts and obligations to units of state and local government is very small. **MSB provides their clients with dramatically higher collection rates because of this specialization.**

We have provided our complete government client list as **Exhibit G** of our proposal.

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COLLECTION PROCEDURES

MSB is excited to offer the City a superior collection solution modified to meet your requirements. Our solution marries sophisticated, advanced technology with our extensive experience in providing collection programs exclusively to governmental entities.

MSB has developed and implemented hundreds of collection projects, giving us the necessary tools to **provide the City best-in-class collection procedures**. MSB has the ability to perform the necessary functions to provide a compliant collection program that maximizes recovery including:

- An existing, turnkey solution that will allow MSB to collect on behalf of the City by providing our:
 - Call center and trained staff;
 - Skip tracing procedures;
 - Interface procedures;
 - Letter notification tool; and
 - Software components;
- Open communication in order to coordinate collection services;
- A sophisticated computer hardware and software system that accepts and accommodates the necessary data on the City's accounts;
- Initial and follow-up training to all employees encompassing all areas of collection activities, as well as all laws and regulations governing such activities;
- Providing assurances that MSB is operating within the laws and regulations governing collector activity; and
- Contacting the City's debtors and requesting payment or providing appropriate instructions to their remaining options in a professional and business-like manner.

By implementing the collection services offered by MSB, you can achieve the following goals:

Increased Revenue - MSB generates revenue by collecting delinquent fines, fees and costs that would otherwise go uncollected. MSB has the ability to address each and every account evenly and consistently – virtually regardless of the location of the debtor.

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Decreased Liability - MSB indemnifies all clients against our actions and maintains substantial errors and omissions liability insurance and bonds. We **reduce the City's liability** and exposure by utilizing MSB's services.

Virtual Staff - MSB's resources and **personnel are utilized without allocating additional City funds**. It's like having additional staff working along with the City's staff.

Premier Technology - The City can leverage technology by benefiting from **MSB's highly automated, advanced solution**. MSB has the assets in place to immediately offer the City sophisticated, state-of-the-art, reliable software and hardware resources as well as the skilled personnel necessary to meet the desired goal.

Collection Work Plan

MSB will make all possible attempts to locate and collect on all accounts placed with our office by the City. In addition **we will work the accounts as long as they are with us**. MSB will use all available resources including but not limited to:

Call Center Resources

- Skip tracing for new contact information
- Collection letter series
- Predictive dialer which enhances productivity
- Agent free, interactive, background dialer for additional phone calls and maximum coverage
- Outbound and inbound collection calls
- Toll free telephone number
- **Extended evening and weekend hours totaling 84 hours:**
 - 7 AM to 10 PM CST Monday through Thursday
 - 7AM to 9 PM CST Friday
 - 7 AM to 5 PM CST Saturday
- Use of collectors specifically trained to collect debt accounts
- Multilingual assistance (over 60% of employees)

Phase I: Initial 60 Days

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- Once the account is placed with MSB, it will be loaded onto our CRS collection system. During this phase of the collection process, **we attempt contact on accounts, at a minimum, 120 times.**
- An initial collection letter, approved by the City, will be sent on all files outlining all fines and monies owed.
- The collection letter will provide a toll free telephone number, detailed description of the obligation and how to pay.
- All accounts with potential contact numbers will be loaded into our Interaction Intelligence Inc. v2.3 (ININ) predictive auto dialer and called on a regular basis until contact is made for payment. Attempts to contact the debtor will occur every three days at a minimum.
 - The dialer allows MSB to build call campaigns based on key account factors (i.e. Fayetteville demographics, regional collection statistics and specific account types and balance ranges) to allow for best potential contacts.
 - MSB will provide general account information to the City's debtors, note any contact information changes and determine debtor indigence.
- Any account that does not have a potential contact number, found to have a bad phone number, or marked with mail return will run through our batch skip process.
 - Batch skipping is done using 1000's of national data bases to help locate new contact information for the debtor.
 - New addresses, home, work, and cell phone numbers may be returned to our collection system and special call campaigns will run in an attempt to contact the debtor.
- All new potential contact information will remain in our CRS system and contact attempts via mail and phone calls will continue. *The City will have real time, online access to their accounts through the Navigate System to review collector comments, collection activities and updated contact information.*

Phase II: Days 61 – 240

- If deemed necessary to improve collections, MSB will perform smart scoring on the City's accounts. This will give us specific information on the account and allow us to assess the highest probability of collection.

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- All of the City's accounts that remain outstanding will receive two more collection notices during this time period. This is a progressive letter series in which each letter will carry stronger language.
- Collection efforts on our predictive dialer, interactive dialer, and manual calls will continue on all accounts that have good contact numbers.
- Skip trace efforts on accounts without contact information will continue.
- Manual skip efforts will take place as needed in an attempt to find new contact information on any account that does not have a telephone contact or has a mail return flag.
- Skip agents will use all available resources via Accurant, Internet and cross reference data bases in attempt to locate the debtor.

Phase III: Day 241 – End of Contract

- Periodic additional collection notices will be mailed as needed.
 - Special mailing campaigns will be created to increase payments.
- Continued collection calls will be made on all accounts with good contact numbers.
- Skip tracing continues. Once new contact information is found, calls will begin again.

LOCATING DEBTORS

Please read below for a detailed description of our address management and skip tracing procedures.

Address Management Services

Our integrated systems provide us the ability to pre-scrub debtor name and address data, enhance address information via Zip+4 appends, USPS FASTforward System Change of Address (COA) lookups, as well as **National Change of Address (NCOA) lookups**. This is done on each account submitted to MSB.

MSB's Address Management process is part of our family of products, all of which share comprehensive operational reports and statistics. These include costing reports tailored to debtor requirements and extremely fast processing turnaround times.

Key benefits of the Address Management process are:

- Automatically replaces address on file with the forwarding address, prior to mailing, resulting in:

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- Faster delivery and fewer mail returns, accelerating recoveries
- Updated address upon which to base automated skip tracing look-ups
- Name and address standardization reduces mail returns due to data quality errors
- Enhancement of the address "last line" via spelling corrections, USPS City mapping, and Zip+4 appends for USPS CASS certification
- COA lookups on all records via USPS FASTforward's 12-plus month database
- NCOA lookups on all FASTforward "no-hits," extending the Change of Address lookup to 3+ years Identification of "Known Bad Addresses," with ability to provide automated services on these debtors.

Skip Tracing, Electronically and Manually

It is anticipated that many accounts submitted will require extensive skip tracing efforts. Skip tracing is an industry term describing the various processes used to attempt to locate a person whose current address or telephone number is unknown. Without a successful skip tracing program, collection results are significantly lower. After all, we cannot collect from someone we cannot contact.

Once it is determined that either the phone number or address is incorrect, we begin skip tracing procedures. **Skip tracing is conducted on a local, regional and national basis. The schedule is ongoing on a monthly, quarterly, and annual basis as long as we have the account.** Efforts include:

- 1) **Data Providers:** MSB has the ability to utilize the following vendors who supply NCOA programs as well as our own database of mail return information. Online access to these providers is linked to our internal intrashare website for collector's convenience when they are skip tracing. MSB has access to billions of data sources through the following:
 - Accurint (LEXIS NEXIS)
 - Acxiom
 - ChoosePoint
 - DirectoryNet
 - Dolan

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- FastData
- MasterFiles
- RiskWise
- Verifacts

2) Additional skip tracing resources may include the following:

- Multiple State and National Directory References
- Address Correction Deposit on file with the Postmaster
- Credit Bureaus
- Utility Records
- Driver's License Database

3) Cross Referencing of City's Accounts Against Our Proprietary Database

All new accounts submitted to MSB are skipped immediately before collectors begin working the accounts to ensure the most recent and accurate data is available at the time contact is attempted. The accounts are continually re-skipped on a monthly, quarterly, and annual schedule in an effort to maintain the most current contact information in case they move or relocate over that time. If a debtor is contacted on one account, the collectors will do an extensive system search to make sure they locate any additional debts owed. Each account found is updated with the latest information obtained.

Batch Skip Tracing Services

MSB's batch skip tracing process can effectively skip millions of accounts at a time. The process is developed and engineered to provide the most up to date information for debtors who are difficult to locate. Regardless of the age of the account or the balance owed, every account referred to MSB without valid contact information will go through the same skip process. Batch skipping enables us to expedite the time it takes to update contact details. Features include:

- Electronic Directory Assistance (EDA)
- Phone and SSN Append
- Phone Dedupe (If a number is marked as bad, it is not returned as a good one, nor is it kept in the search.)
- Best Address
- Best Address Dedupe (If an address is bad, it is not returned as good and it is removed from the search.)

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- Credit Header with Credit Bureau (Results in more right party contacts rates, higher levels of verification and fraud detection.)
- Full Header

MSB accesses 6.8 billion records from over 30 sources to locate correct contact information including:

- Bankruptcy Filings
- Vehicle Registrations
- Voter Registrations
- Driver's License Numbers
- Utility Information
- Phone Records

MSB employs a waterfall process for batch skip tracing including:

- Applying multi levels of skip processing to improve overall Right Party Contact (RPC) results
- Waterfall effect utilizing up to 3 skip batch vendors ranked by best Right Party Contact percent
- Manual skip tracing for remaining submissions with unattainable contact information via batch processing will be available
- Tracking and reporting to be designed for ongoing analysis

LETTER PROCEDURES AND CAPABILITIES

The initial notice is mailed within 72 hours of the account being transferred to the collection department. Our written contacts are intentionally designed to be in letter format and may be customized to meet specific circumstances. MSB may utilize bilingual verbiage in the City's letters to ensure all debtors can make contact to initiate payment.

Each account the City refers to MSB is scheduled a letter series once it is uploaded into MSB's system. If there is a failure to respond to the first notice, a second notice is automatically generated. This process is repeated. If a payment is posted in full or the account is canceled or closed for any reason, the letters automatically cease. If a debtor has multiple accounts and payment in full is received on only one account, the letter series is modified and a new letter series, appropriate to the situation is scheduled. If

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the City places the account on hold for any reason, the letter series is held until MSB is informed to continue collection activity.

MSB can **customize an individual letter series** to meet the City's needs. Our letters are time tested and have proven their effectiveness in communicating with debtors to resolve accounts while complying with all federal and state collection laws. The City is able to approve all letters and their verbiage during the implementation phase. Each letter contains contact information in both English and Spanish, a toll-free telephone number and the web address where online payments may be made. MSB's letter notification tool can alter the language of letters to adjust to any future needs of the City.

All letters will comply with FDCPA regulations.

Predictive Dialer Technology

The Interactive Intelligence Inc. (ININ) is a system that automates the dialing process within a call center environment. The system dials telephone numbers downloaded from MSB's database and detects an answered call. The system filters out calls with no answer, busy signals, and disconnected numbers, and passes only answered calls to the collector. The collector may also leave messages.

When an individual is reached, the debtor's detailed account information appears on the monitor at the collector's workstation. The collector then updates the database with verified information such as new telephone numbers, place of employment, etc. Depending on the experience of the employee, the Dialer allows a collector to make approximately 200 contacts a day, amounting to a sevenfold increase in debtor contacts compared to manual calls.

When the Dialer reaches a disconnected number, the account is passed to the skip tracing queue. Once valid information is found, the account is put back into circulation.

A variety of strategies are in place to deal with each circumstance. For example, when the Dialer receives a busy signal, the system can be programmed to re-dial that number every 15 minutes thereafter until the line is connected. Also, if the call is not answered, the Dialer might continue to call every 60 minutes until someone answers.

A dynamic advantage of this system is the inbound/outbound feature. The Dialer keeps track of the number of collectors on the dialer system and the number of incoming calls. The Dialer equally distributes the incoming and outbound calls, leaving no unanswered calls.

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MSB realizes the importance of *immediately* working accounts while the information (phone number, address, etc.) is still valid; therefore, we stress *quick activity*. However, MSB also understands that various circumstances prevent one from paying an obligation immediately. In many instances, changes in personal matters enable the individual to pay at a later date.

The Dialer generates individual reports pertaining to the performance of each collector. The Collection Manager evaluates each collector by the speed and thoroughness of their work (based on experience). The Dialer generates statistical information in the following areas:

- Time the collector spent on the Dialer
- Productivity of time spent on the Dialer
- Number of messages left
- Messages left with a person
- Wrong numbers called by the collector
- Accounts updated with new location information
- Promises and refusals to pay
- Immediate payment made with initial contact via Credit Cards or Check by Phone
- Transferred calls from other collectors
- Supervisor reviews because of dispute

Telephone Techniques

Just as important as achieving contact with the debtor are the telephone techniques used in attempting to collect the account. Many debtors have multiple bills and multiple agencies contacting them for payment. **MSB's goal is to be the collector who the debtor decides to pay and the promise the debtor honors.** MSB emphasizes being polite, courteous and professional to all debtors at all times.

The nature of the debtor has changed over the years. Debtors often are better educated and more sophisticated than in the past. They expect to be treated as individuals with unique circumstances and needs. Many appreciate being listened to and communicated with in an understanding way.

MSB develops our collectors to be effective listeners and communicators. This results in two positives. First, it makes the MSB collector the collector the debtor



most wants to pay. Second, it significantly increases the likelihood of promises kept by the debtor.

The MSB short-list of what makes a good telephone collector includes:

- Treating the debtor like a customer, with a customer service attitude.
- Suggesting ways for the debtor to overcome problems for payment so that the collector creates the feeling that they are on the debtor's team.
- Being a good listener to evaluate the debtor's willingness and ability to pay.
- Perfecting the negotiating process and paraphrasing what the debtor is saying so that a mutually acceptable solution is reached.
- Being assertive, not aggressive.

Our telephone calls are designed to help the debtor voluntarily resolve their obligation. We are here to let the debtor know that there is an opportunity for them to resolve the matter voluntarily. **Multilingual assistance is provided to all debtors.**

Litigation

If MSB's collection activities have not yielded payment and MSB, through its skip tracing capabilities, is able to identify assets owned by a defendant, MSB will recommend initiating litigation to recover the monies owed. If a case balance is less than \$5,000 (depending on the jurisdiction), MSB will recommend filing suit in small claims court, as small claims court typically provides an efficient, cost-effective forum for litigating small disputes. Otherwise, MSB will recommend pursuing litigation in the court of competent jurisdiction that provides the most efficient docket system. Where available, MSB is also able to facilitate the filing of wage garnishments, bank liens and writs of attachment.

MSB's General Counsel, A. Lee Rigby, coordinates MSB's Litigation Program and oversees each step in moving cases through the litigation process. Mr. Rigby works with MSB's clients to evaluate and select those cases which might be viable candidates for litigation. MSB will not initiate any court proceeding without specific, written authorization from the client and until a Litigation Plan has been agreed upon. After a case is selected for litigation, a formal, written demand letter from an attorney will first be sent to the defendant. In addition, follow up phone calls from an attorney may be placed before a lawsuit is initiated (as litigation should always be the last resort).



Mr. Rigby also manages communications between MSB's clients and local attorneys working on MSB's behalf in the client's jurisdiction. MSB partners with select law firms and attorneys from The National List of Attorneys to provide legal services across the country. The National List of Attorneys provides a \$3,500,000 insurance bond to provide security. Mr. Rigby and MSB coordinate all of these activities on the client's behalf.

Asset Searches

MSB utilizes national databases that are successful in providing asset searches and locating both assets and liabilities. MSB may utilize the following databases to identify assets:

- Secretary of State
- Tax Appraisal Districts
- State Comptroller
- National Secretary of State
- Nationwide Property Tax Information
- Nationwide Vital Record Information

Payment Options

MSB offers numerous options for debtors to satisfy their obligation to the City. In our experience, when we accept payments directly for our clients; we achieve a higher collection rate. Debtors may choose from the following methods of payment:

- All major Credit Cards
- Debit Cards
- Online Payments, 24X7
- Electronic Check Over the Phone (Vcheck)
- Money Gram
- Cashier's Check
- Certified Check
- Personal Check mailed via USPS

Credit Bureaus

Upon request, MSB will submit accounts to a credit bureau. All correspondence with debtors may contain this language. MSB actively reports to the following major credit bureaus:

- TransUnion

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- Experian
- Equifax

Online Access to Accounts

The City will have **the ability to access accounts online, in real time, 24X7** through the Navigate System. A login name and password will be issued to allow the City's employees to enter the secure site to review information in real-time. Accounts may be reviewed by using several different fields such as name, account number, address, social security number, etc. You can also view all Action Codes, Result Codes, Status Codes and Memo Codes depending on the criteria you provide. **This technology allows the City to quickly find all information regarding a particular account including amount due, amount paid, collectors' notes, updated address information, etc.**

The Navigate System will also allow the City the ability to generate reports. The reports are created in real time quickly and easily. The City will be able to access the dollar amount submitted, dollar amount collected and recalled, number of accounts paid in full, average age of accounts, our commission amount and numerous other account details for debtors.

Executing Payment Plans with Debtors

The initial recommendation to the debtor will always be to resolve their obligation by payment in full. In the event a debtor has multiple accounts and indicates that they cannot pay in full, an effort will be made to have them pay the first account in full, then the second and so on. People who indicate they are indigent have the account referred back to the City. MSB never compromises the amount due without written authorization from you.

Our collection software automatically flags individuals who have broken payment commitments within three working days. These accounts are noted with a special status code, indicating a broken promise to pay by the debtor. From there, they are placed into a special dialer campaign, designed specifically to call and collect on accounts where promises to pay were broken.

MSB is able to provide payment updates to the City electronically.



Collection Campaigns

MSB knows that the City will rely on our efforts to set budgets and the revenue we generate. In the event of a shortfall MSB will work with the City to provide customized collection campaigns. Some of the campaigns we currently run are:

Tax Refunds

During "tax season", January - April, MSB makes additional contacts to all debtors in the system. MSB has found that many debtors have disposable income during this time frame due to tax returns. This campaign will help the City see increased returns. In order to maximize this time of year when debtors may have their only 'additional income', MSB sends specific tax letter mailings in addition to the general collection letter series. Our clients see as much as a 55% increase in their revenue collections.

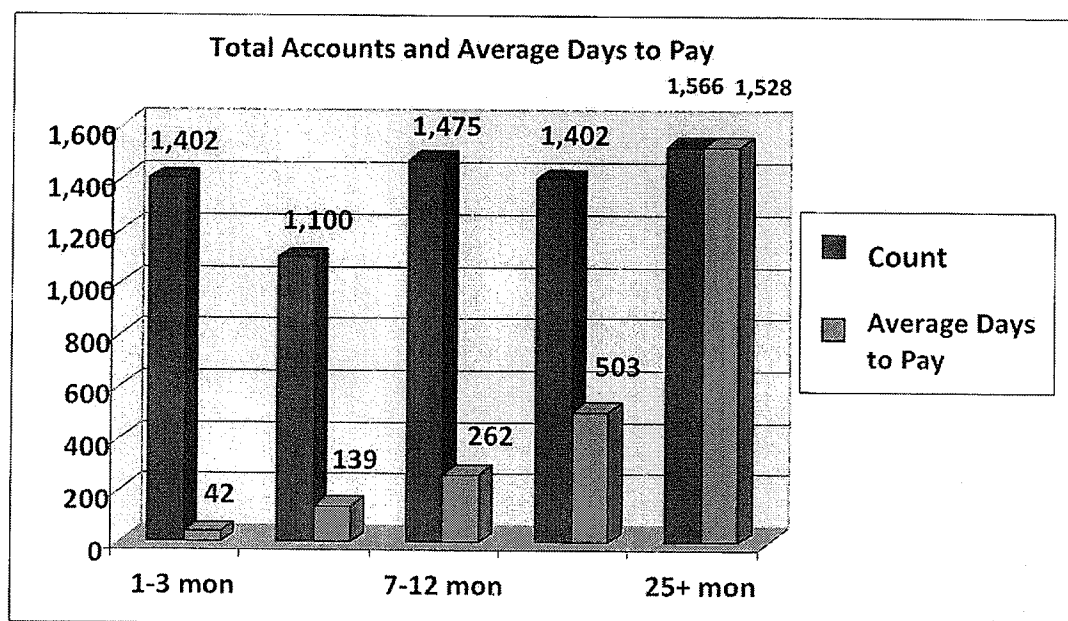
MSB's 2009 Tax Season efforts included:

- ☐ 248,527 Letters mailed
- ☐ 1,016,472 Outbound calls
- ☐ 7,413 Inbound calls received



Routinely Re-contacting Debtors

Re-contacting debtors as long as the account is outstanding yields results. This assures the City that your accounts are continuously being worked. We never stop working an account because a person's financial situation is very fluid and usually changes for the better as they mature. The collection rate increases dramatically over time as you continue to collect on older cases.



The graph above demonstrates our ability to collect on "aged" accounts. The purple bars are the number of accounts paid in that timeframe and the orange bars are the average days to pay.

For example, 1,566 accounts that had been with MSB for 25+ months (although their actual age is over four years old) were paid. You can compare this with the 1,100 accounts paid that had been with MSB for 4-6 months. In summary, the majority of accounts paid (23%) are in the oldest age category. This is statistical proof that we have success with aged accounts.



Follow All Applicable Statutes

MSB has a reputation of performing ethical collection services while maintaining stringent compliance with all legal practices and contract provisions. This includes the following practices:

- Member of The Association of Credit and Collection Professionals (ACA International)
- Adhere to ACA International's Strict Code of Ethics
- Full compliance with FDCPA
- Collector's Pledge Signed by All Staff
- Compliance with All Federal, State and Local Laws
- Fully Insured

MSB is in compliance with all federal, state and local laws, including the FDCPA, and will ensure that it maintains this status throughout the contract period. Furthermore, MSB shall conduct work done under this contract in strict compliance with all applicable laws related to the collection of government receivables in the State of Arkansas and is licensed according to industry standards.

As with all of our clients, we will remain cognizant of the evolving changes of collection laws and will adjust our practices as necessary to remain compliant throughout the term of the contract. Our training program educates MSB's staff on current legal guidelines, and our management team provides on-going notification of new laws and regulations in order to maintain compliance.

More than simply complying with all federal, state, and local laws where we do business, we proactively maintain a compliance program that promotes prevention, detection and resolution of any instances of non-compliance. The collection industry is a sensitive business, in which we deal with financial issues that affect our clients, their debtors, our corporate reputation and ourselves. We take very seriously the fact that our clients depend on us to assist them with the services we have contractually agreed upon in accordance with all laws and the highest standards of ethics.

Ethics Hotline

MSB is committed to the highest possible standards of ethical, moral and legal business conduct. In line with this commitment and MSB's commitment to open communication, Lighthouse Services, Inc. (LSI) has been contracted to provide MSB

Proposal for The City of Fayetteville, Arkansas
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Employees with an anonymous ethics hotline and website. LSI provides an avenue for employees to raise concerns and reassurance that they will be protected from reprisals or victimization for reporting ethical violations in good faith.

Complaint Policy and Procedures

Complaints will be handled immediately. The complaint will be referred to Chris Dettbarn, Director of Collection Services, and dealt with promptly. MSB will respond in writing to any individual that requests such a response, when a dispute has not been resolved by telephone. If a debtor states that the account was previously paid, etc., we ask the individual to provide the necessary documentation to support their claim. Upon receipt of documentation, the account is placed on "hold" and forwarded to the City or dealt with as per previously agreed-upon instructions. Upon clarification, the debtor is notified that their claim was accepted, of a new balance or the fact that their claim was denied.

In order to resolve a dispute as quickly as possible MSB records 100% of all outbound and inbound phone calls. In addition, we store the data for 2 years to ensure that we have adequate access to historical data in the event of a problem. Most agencies do not record calls because of the potential liability let alone store the data for multiple years. MSB so trusts in its people and processes that we are confident in letting the City have open access to all call data. Any complaint resulting from a phone conversation with our collectors can be forwarded to the City for review. The recordings are also used for training and, if necessary, disciplinary purposes. Our Quality Control department regularly monitors all calls to ensure our collectors are maintaining compliance with all state, federal and local laws as well as all client regulations.

MSB Standard Complaint Handling Procedures

- Payment made to client
 - Verify in Collections Resource System (CRS) of any payments made
 - If no payment made, contact client for balance due
 - Send debtor letter stating balance
- FDCPA
 - Obtain validation of debt or invoice from client
 - Give letter to compliance officer
- Attorney Accounts
 - Give letter to compliance officer
 - Inform client

Proposal for The City of Fayetteville, Arkansas
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- Dispute Balances
 - Search CRS for proper data (account is active, name, SSN, DOB)
 - Contact client about the dispute
 - Send letter to debtor to contact client

Escalated Complaint Resolution Policy

In the rare event that MSB receives written notification of debtor dispute via the Better Business Bureau or a similar consumer advocacy organization, any law office, any state government agency, or the Federal Trade Commission, the following procedure is implemented:

- The complaint is forwarded to the Compliance Officer for review. Based upon the review, the Compliance Officer forwards the complaint to the pertinent department for a full investigation. In the event the dispute is from the Federal Trade Commission, the complaint is forwarded to the Director of Operations for investigation.
- There is a thorough investigation conducted, based upon the nature of the complaint. For example, if a debtor claims that they received a call after 9pm and in violation of FDCPA, all call records are retrieved from the dialer for review to ensure that no calls were placed outside of the allowed time frames. If a debtor claims they are being harassed, all recordings of all calls to that debtor are retrieved and reviewed by senior management. **All calls are recorded and kept for a period of 2 years.**
- Results of the investigation are forwarded to the Compliance Officer who will then render a determination as to whether MSB is or is not in violation of FDCPA, FCRA, and other laws. Appropriate actions taken are:
 - If MSB is in compliance with all applicable laws, the organization/agency which forwarded the complaint is notified that MSB has reviewed the account and determined that it acted in accord with regulations. In the account of government agencies, all requested evidentiary support is provided. The account is closed internally.
 - If MSB is not in compliance with all applicable laws, the organization/agency which forwarded the complaint is notified as such. In the account of government agencies, all requested evidentiary support is provided. MSB keeps the account open until the forwarding



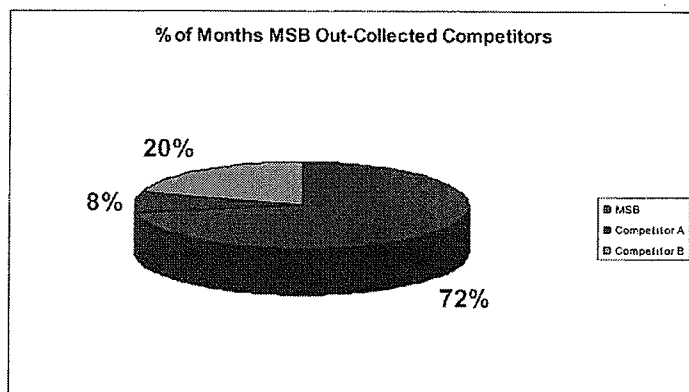
organization or agency closes the account at a later point, regardless of their determination at that time.

- MSB is aware that complaints may not arise for weeks, months, or up to a year from the date of occurrence. As such, call recordings, dialer records, transaction paperwork, and all records as they relate to collection operations are retained for a period of no less than two years. Financial records are retained for time periods specified by the Sarbanes-Oxley Act and SAS 70 audit requirements.

COMPETITION

As testimony to MSB's superior collection capabilities, MSB conducted a client review of our contract to collect delinquent accounts for Miami-Dade County, Florida and the Municipality of Anchorage, Alaska. **In a head to head comparison against the prominent competitors in both jurisdictions, we significantly outperformed our competition as evidenced in the graphs below:**

Miami-Dade County, Florida



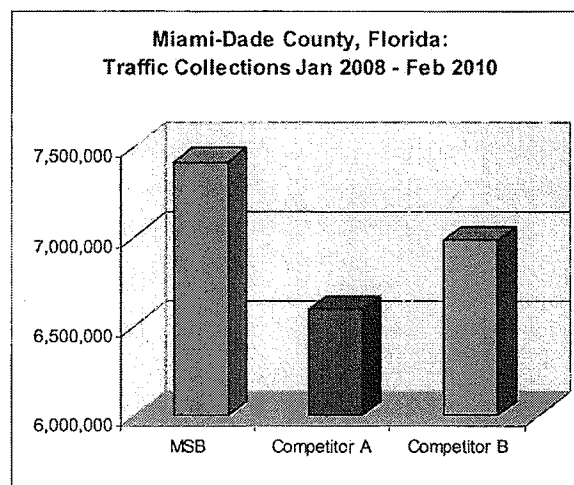
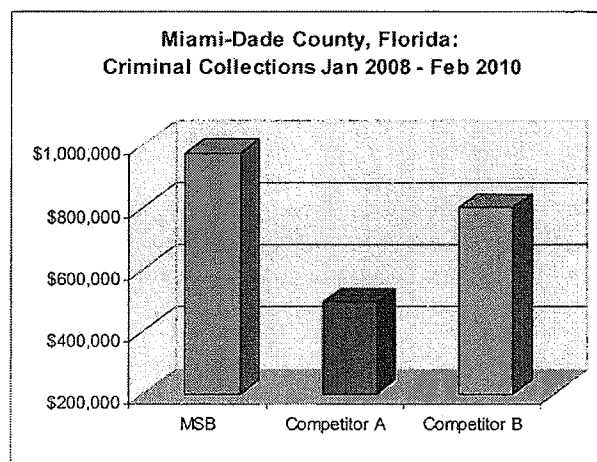
% of Months MSB Out-Collected Competitors

MSB outperformed both competitors by collecting higher balances the majority of the collection months, as evidenced by the chart to the left.

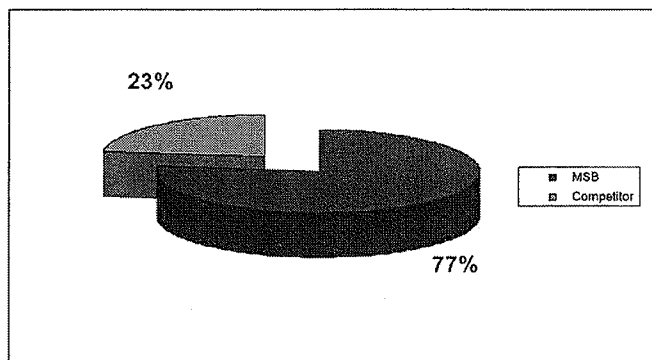


Revenue Collected

MSB continues to excel in collecting revenue ahead of our competitors. These two bar graphs show the collection performance of the three firms performing collections from January 2008 to February 2010.



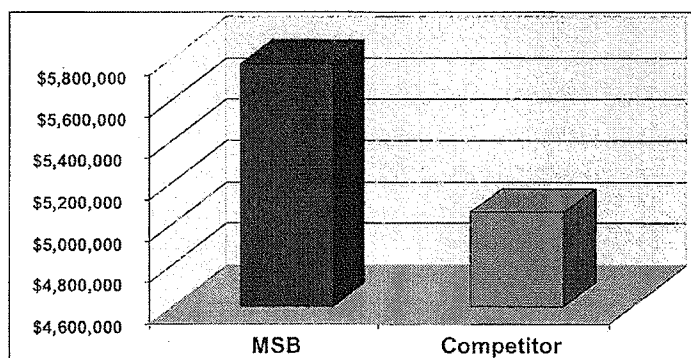
Municipality of Anchorage, Alaska



% of Months MSB Out-collected Competitors

MSB significantly outperformed our competitor by collecting higher balances the majority of the collection months, as evidenced by the chart to the left.

Revenue Collected - MSB has consistently collected more revenue than our competitor. The graph to the right shows the collection performance of the two firms performing collections from 2006 to 2008. In 2009, MSB was chosen as the sole collection provider.



Proposal for The City of Fayetteville, Arkansas
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MANAGEMENT REPORTS

MSB acknowledges the need for a cooperative effort and open communication in regards to reporting collection data to the City. We will provide customized monthly reports to the City. Please read below for a description of our reporting procedures:

During the Implementation Phase, the following items will be identified for discovery between the City and the MSB Implementation Team:

- Establish Detailed Requirements for all Reports:
 - Develop, Deliver and Approve
- Established the City's Preferred Method of Report Delivery:
 - Mail, Email, FTP, SFTP
- Establish the City's Preferred Format for Reports:
 - Excel, PDF, CSV, Flat File, Crystal, Other
- Establish the City's Delivery Schedule for each Report Required:
 - Daily, Weekly, Monthly, Quarterly, Annually
- Determine the City's Reporting Distribution List

Our client management team is responsible for generating and specializing reports to suit your needs. The timeframe can be altered to meet your needs as our client, although most have a pre-determined schedule depending on the type of report. MSB has the ability to create custom and ad-hoc reports as needed by the City. All reports can be provided daily, monthly, annually and/or contract to date.

MSB has always had an "open door" policy for our clients. All of our reports and collection data can be inspected, including audits, at any time by the appropriate client representatives. All reports, including invoices, may be sent electronically. MSB is committed to fully cooperate with all audit inquiries and confirmation requests.

For a full list and copies of Sample Reports, please see Exhibit E.



COMPUTER NETWORK AND SECURITY

Information Technology (IT) has become critical to the operations and overall success of the collection process. Having realized the benefits of IT, MSB continues to invest heavily in the latest technology, qualified personnel, and the training necessary to support the infrastructure. MSB's systems are all designed and engineered for high availability, accuracy, security and future growth. **Recently, MSB has invested over \$2 Million in IT related resources** including computer/network equipment, software and telephony.

MSB's IT department recognizes the complex data transfer requirements and offers solutions based on the most efficient manner for our clients. We will work closely with your staff to implement our services and have technical support available every step of the way. Please read below for a description of our IT resources and security measures.

IT Staff

MSB employs highly skilled IT professionals and managers with proven industry experience. This talented IT team stays abreast of new technology by both company sponsored training events and a strong personal desire to keep up with the industry.

Collection Software

MSB selected CR Software as our enterprise-wide Collections Resource System (CRS). CRS automates all the fundamental functions of our collection operation, from new business data entry through month end processing. With CRS, we have streamlined our collection operations by taking advantage of its automatic broken promise processing, payment processing, cash posting, collector productivity management, client status reporting and client analysis reporting.

CRS maintains a record of all account activity, including placement data, payment history and collection attempts. In addition, the system is a real-time, online system; therefore, accounts are immediately updated when a collector performs any action on an account. This information is then available for our client to review.

Network

In 2007, MSB upgraded the entire network infrastructure from start to finish with

Proposal for The City of Fayetteville, Arkansas
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new state of the art Cisco equipment as well as new network cabling. MSB has partnered with Time Warner Telecom and Global Crossing for internet connectivity and has **fully redundant T1s** should an outage occur. Additionally, all our network hardware support contracts are renewed on an annual basis for each networking device, thus ensuring **99.98% availability**.

To ensure the highest standard of security, MSB has partnered with an independent network firm to monitor and audit our network connectivity from end-to-end. This joint effort helps prevent the following:

- Denial-of-Service Attacks
- Unauthorized Access
- Confidentiality Breaches
- Data Diddling
- Data Destruction

Servers

MSB has invested heavily in new dual and quad core servers from Dell and Hewlett Packard. All mission critical software resides on both primary and backup servers using storage arrays in RAID 1, 5 and/or 10 configurations. Additionally, all servers carry a four hour response time contract with our hardware vendor.

Storage

MSB has invested in a Storage Area Network both onsite and in a disaster recovery location. This SAN infrastructure enables MSB to expand storage space quickly and easily on demand, reduce backup/ restore time, and vastly decrease downtime in a disaster scenario.

Data Transfer

MSB will work with the City to establish an acceptable method of transmission of data files. As with many of our clients, we will set-up an FTP site with a user name and password, per client, for authentication. The transmission of the file from the client is automated and is sent to us on a daily basis utilizing a script written by the client. MSB has written a script to retrieve the file from the FTP site where the file is date and time stamped and then moved to the client's directory on our secured network. All files transmitted through the FTP site are virus scanned to ensure the safety of our network. MSB offers various encryption options for file transfer to ensure security such as SFTP and PGP which are among the most popular choices. Other protocols / methods can also be made available if necessary.

Proposal for The City of Fayetteville, Arkansas
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MSB currently accepts files from, and produces files for, hundreds of clients around the country. These files contain referral (new) account information, payment information, adjustments and rescind (recall) information, as well as general information regarding individual accounts. MSB has the knowledge and experience to successfully receive the City's data files. MSB can accept files from the City on any media (compact disc, magnetic tape, floppy disk, ftp, etc.) and in any format (comma, tab, pipe, tilde delimited, fixed length, variable fixed length, etc.). MSB also accepts manual submissions from many clients.

Back-up Capabilities

MSB invests heavily in the backup, storage and restore functionality of its electronic information. The entire CRS server is backed-up on a nightly basis, 7 nights a week, on tapes. A weekly backup is sent offsite to an offsite storage vault via Iron Mountain. All call recordings are maintained for a minimum of 2 years.

Record Archival

MSB maintains accounting records in accordance with generally accepted accounting principles. MSB utilizes the Dynamics/Great Plains accounting system which is a Microsoft based application. The system provides detailed financial management options that range from general ledger, accounts payable, and accounts receivable modules to bank reporting, cash flow management and easy reconciliation.

All call recordings, dialer records, transaction paperwork and all records as they relate to collection operations are retained for a period of no less than 2 years. Financial records are retained for time periods specified by the Sarbanes-Oxley Act and SAS 70 audit requirements.

Disaster Recovery Plan

MSB maintains a comprehensive disaster recovery plan. Highlighted in this plan include data backups and server availability. Tape backups of all corporate data are performed on a daily basis and are shipped weekly to Iron Mountain for secure offsite data storage. Server availability is maintained by providing redundant servers for the company's most critical application. Through a 15-member peer group of which we are a member, reciprocal recovery efforts are guaranteed in the event there is a loss due to fire or an act of God. MSB maintains an Agility partnered solution for a **fully operational collection center within 48 hours of a natural disaster**. A copy of this recent partnership is included as **Exhibit F**, along with other



current press releases, and a detailed disaster recovery plan is available for your review upon request.

Data Security

MSB adheres to very strict data security standards and has received SAS 70 Type II certification. MSB will protect information from unauthorized use, disclosure or destruction through the observance of all federal and state information security and confidentiality laws. In addition to software security, MSB destroys all paper trash via a weekly pick up by a local document shredding company.

All employees sign a confidentiality agreement upon hire. **Employees must agree to maintain the confidentiality of Confidential Information** and not to disclose, duplicate, copy, transmit or otherwise disseminate or permit such information to be used, disclosed, duplicated, copied or transmitted.

NATIONWIDE COLLECTION SERVICES

We will attempt collection on any account regardless of a debtor's location and are **licensed or authorized to collect in all 50 states and U.S. territories.**

Proposal for The City of Fayetteville, Arkansas
RFP Number 11-03 for Collection Services
Due March 25, 2011



City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8220
TDD (Telecommunication Device for the Deaf): 479.521.1316

REQUEST FOR PROPOSAL: RFP 11-03, Collection Services

DEADLINE: Friday, March 25, 2011 before 2:00:00 PM, local 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: Wednesday, March 09, 2011

REQUEST FOR PROPOSAL
RFP 11-03, Collection Services

No late proposals will be accepted. RFP's shall be submitted in sealed envelopes labeled "RFP 11-03, Collection Services" with the name and address of the bidder.

All Proposals shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each Proposer is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection. Any bid, proposal, or statements of qualification will be rejected that violates or conflicts with state, local, or federal laws, ordinances, or policies.

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: Gila LLC d/b/a Municipal Services Bureau (MSB)

Contact Person: Bruce Cummings

Title: CEO

E-Mail: Bruce.Cummings@GilaCorp.com

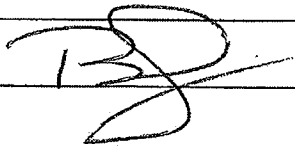
Phone: (512) 323-4231

Business Address: 6505 Airport Blvd. Suite 100

City: Austin

State: Texas

Zip: 78752

Signature: 

Date: March 23, 2011

City of Fayetteville
RFP 11-03, Collection Services
SECTION G: Addendum Acknowledgement Form

Please acknowledge receipt of addenda for this invitation to bid or request for proposal by signing and dating below. All addendums are hereby made a part of the bid or RFP documents to the same extent as though it were originally included therein. Proposers/Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification.

ADDENDUM NO.	SIGNATURE AND PRINTED NAME	DATE ACKNOWLEDGED
1	 Bruce Cummings	March 23, 2011

Note: Prior to submitting the response to this solicitation, it is the responsibility of the firm submitting a response to confirm if any addenda have been issued. If such document(s) has been issued, acknowledge receipt by signature and date in the section above. Failure to do so may result in being considered non-responsive.

Information regarding addenda issued is available on the City of Fayetteville website under the Purchasing Division at www.accessfayetteville.org by selection "Bid's, RFP's, and RFQ's" under the "Business" heading.

City of Fayetteville
RFP 11-03, Collection Services

SECTION H: Debarment Certification Form – THIS FORM SHALL BE SUBMITTED WITH ALL PROPOSALS

As an interested party on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

Debarment:

Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.

Your signature certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Questions regarding this form should be directed to the City of Fayetteville Purchasing Division.

NAME: Bruce Cummings, CEO

COMPANY: Gila LLC, d/b/a Municipal Services Bureau (MSB)

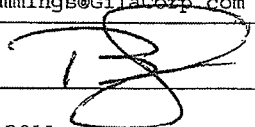
PHYSICAL ADDRESS: 6505 Airport Blvd. Suite 100 Austin, Texas 78752

MAILING ADDRESS: 6505 Airport Blvd. Suite 100 Austin, Texas 78752

PHONE: (512) 323-4231

FAX: (866) 283-6484

EMAIL: Bruce.Cummings@GilaCorp.com

SIGNATURE: 

DATE: March 23, 2011

NOTICE:

CAUSE: Debarment by an agency pursuant to FAR 9.406-2, GPO Instructions 110.11A, or PS Publication 41, for one or more of the following causes (a) conviction of or civil judgment for fraud violation of antitrust laws, embezzlement, theft, forgery, bribery, false statements, or other offenses indicating a lack of business integrity; (b) violation of the terms of a Government contract, such as a willful failure to perform in accordance with its terms or a history of failure to perform; or (c) any other cause of a serious and compelling nature affecting responsibility. (See Code N- Debarment pursuant to FAR 9.406 2(b)(2) Drug Free Workplace Act of 1988.)

TREATMENT: Contractors are excluded from receiving contracts, and agencies shall not solicit offers from, award contracts to renew or otherwise extend the duration of current contracts, or consent to subcontracts with these contractors, unless the City determines that there is a compelling reason for such action. Government prime contractors, when required by the terms of their contract, shall not enter into any subcontract equal to or in excess of \$25,000 with a contractor that is debarred, suspended, or proposed for debarment, unless there is a compelling reason to do so. Debarments are for a specified term as determined by the debarring agency and as indicated in the listing.

City of Fayetteville

RFP 11-03, Collection Services

SECTION F: Authorized Negotiator Information – To Be Submitted With ALL Proposals

At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. **NOTE: Each Proposer shall submit to the City a primary contact name, e-mail address, and phone number (preferably a cell phone number) where the City selection committee can call for clarification or interview via telephone.**

PART I: Primary Contact Information:

Name of Firm: Gila LLC d/b/a Municipal Services Bureau (MSB)

Name of Primary Contact: Bruce Cummings

Title of Primary Contact: Chief Executive Officer

Phone#1 (cell preferred): [REDACTED] **Phone#2:** (512) 323-4231

E-Mail Address: Bruce.Cummings@GilaCorp.com

PART 2: Contact for Legally Binding Contracts:

Is the primary contact (listed in Part I) able to legally bind contracts? ☒ YES ☐ NO (circle one)

If no, please list contact that can legally bind a contract for the firm: _____

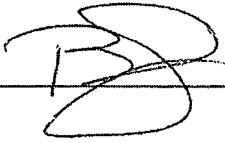
Name: _____

Title: _____

Phone#1 (cell preferred): _____ **Phone#2:** _____

E-Mail Address: _____

Date: March 23, 2011

Signed: 

City of Fayetteville
RFP 11-03, Collection Services
SECTION E: Statement of Disclosure – To Be Submitted With ALL Proposals

This page does not count towards page limitations set forth in this request for proposal or bid.

Proposer must disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Your response must disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official.

If, to your knowledge, no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

PLEASE CHECK ONE OF THE FOLLOWING TWO OPTIONS, AS IT APPROPRIATELY APPLIES TO YOUR FIRM:

 X 1) NO KNOWN RELATIONSHIP EXISTS

 2) RELATIONSHIP EXISTS (Please explain)

PLEASE FILL OUT THE SECTION BELOW AND SUBMIT THIS FORM WITH YOUR BID OR PROPOSAL:

- 1.) I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein are accurate and true; and
- 2.) My organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

Bruce Cummings, CEO

Printed Name

Signature

March 23, 2011

Date

Insurance Coverage

Policy Type	Coverage Amount	Coverage Highlights
<i>Professional Liability</i>	\$1,000,000 (ea. claim)	Employees & Officers
	\$2,000,000 (max. aggregate)	
<i>Professional Liability</i>	\$2,000,000 (max. aggregate)	Directors & Officers
<i>Executive</i>	\$1,000,000 (E.P. liab. Only)	Employment Practices
	\$1,000,000 (max. aggregate)	Defense Cost Endorsement
<i>Workers' Compensation</i>	\$1,000,000 (ea. limit)	Bodily Injury by Accident
	\$1,000,000 (policy limit)	Bodily Injury by Disease
	\$1,000,000 (ea. employee)	Bodily Injury by Disease
<i>Commercial Package Policy</i>	\$2,000,000 (general aggregate)	Business Package - Gen. Liability
<i>General Liability</i>	\$1,000,000 (ea. occurrence)	Property, papers, media A/R, etc.
		Business Income/Extra Expense
	\$1,000,000	Hired/Non-Owned Auto
<i>Commercial Umbrella</i>	\$4,000,000 (general aggregate)	Umbrella Liability-Supplement
	\$4,000,000 (ea. occurrence)	
<i>Crime-Fidelity</i>	\$1,000,000 (ea.)	Crime Supplement: Employee dishonesty, forgery or altercations & computer fraud
<i>Commercial Auto Insurance</i>	\$1,000,000	Liability, Hired & Non-Owned Autos

Client#: 84884

14GILACOR

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
3/07/2011

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Wortham Insurance & Risk Mgt 221 West 6th St #1400 Austin, TX 78701 512 453-0031		CONTACT NAME: PHONE (A/C, No, Ext): 512 453-0031 FAX (A/C, No): 512 453-0041 E-MAIL ADDRESS: wpage@wortham-austin.com	
INSURED Gila, LLC dba: Municipal Service Bureau & Gila Group 6505 Airport Boulevard, Suite 100 Austin, TX 78752		INSURER(S) AFFORDING COVERAGE	
		INSURER A: Hartford Underwriters Ins Co	
		INSURER B: Sentinel Insurance Co Ltd	
		INSURER C: Hartford Casualty Insurance Co	
		INSURER D:	
		INSURER E:	
		NAIC #	
		INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY		65UUNJW4586	03/01/2011	03/01/2012	EACH OCCURRENCE
	☒ COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence)
	☐ CLAIMS-MADE ☒ OCCUR					MED EXP (Any one person)
						PERSONAL & ADV INJURY
						GENERAL AGGREGATE
GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG
☐ POLICY ☐ PROJECT ☐ LOC						\$
B	AUTOMOBILE LIABILITY		65UUNJW4586	03/01/2011	03/01/2012	COMBINED SINGLE LIMIT (Ea accident)
	☐ ANY AUTO					BODILY INJURY (Per person)
	☐ ALL OWNED AUTOS	☐ SCHEDULED AUTOS				BODILY INJURY (Per accident)
	☒ HIRED AUTOS	☒ NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident)
C	☒ UMBRELLA LIAB	☐ OCCUR	65RHUJW1423	03/01/2011	03/01/2012	EACH OCCURRENCE
	☐ EXCESS LIAB	☐ CLAIMS-MADE				AGGREGATE
	☐ DED ☒ RETENTION \$10,000					
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY		65WEZU1313	03/01/2011	03/01/2012	☒ WC STATUTORY LIMITS ☐ OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	☐ Y ☒ N				E.L. EACH ACCIDENT
						E.L. DISEASE - EA EMPLOYEE
						E.L. DISEASE - POLICY LIMIT

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

General Liability, Auto Liability, and Umbrella include blanket additional insured and blanket waiver of subrogation when required by written contract. Workers Compensation includes blanket waiver of subrogation when required by written contract. Insurer cannot change or cancel coverage without the insurer first giving 30 days written notice to Certificate Holder of such change, cancellation or termination. Subject to policy terms, conditions and exclusions.

CERTIFICATE HOLDER Sample	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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Form **W-9**
(Rev. November 2005)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return) Gila Corporation	
	Business name, if different from above Municipal Services Bureau	
	Check appropriate box: ☐ Individual/ Sole proprietor ☒ Corporation ☐ Partnership ☐ Other ▶	
	Address (number, street, and apt. or suite no.) 6505 Airport Blvd., Ste. 100	
	City, state, and ZIP code Austin, TX 78752	
List account number(s) here (optional)		Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number								

OR

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign Here Signature of U.S. person ▶ *[Signature]*

Date ▶ *1/13/2009*

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

In 3 above, if applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

For federal tax purposes, you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or
- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

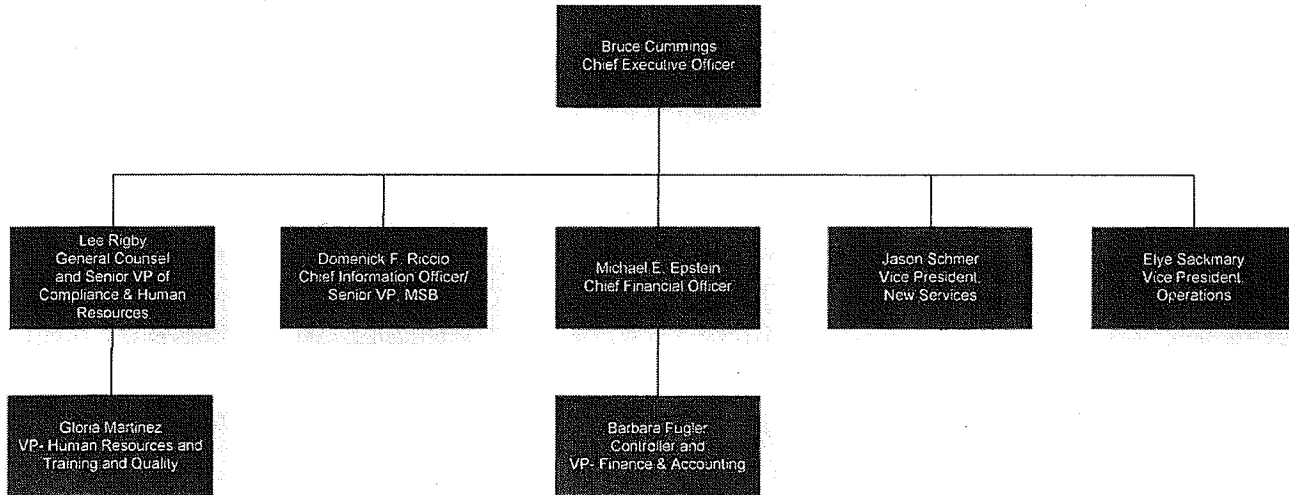
Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

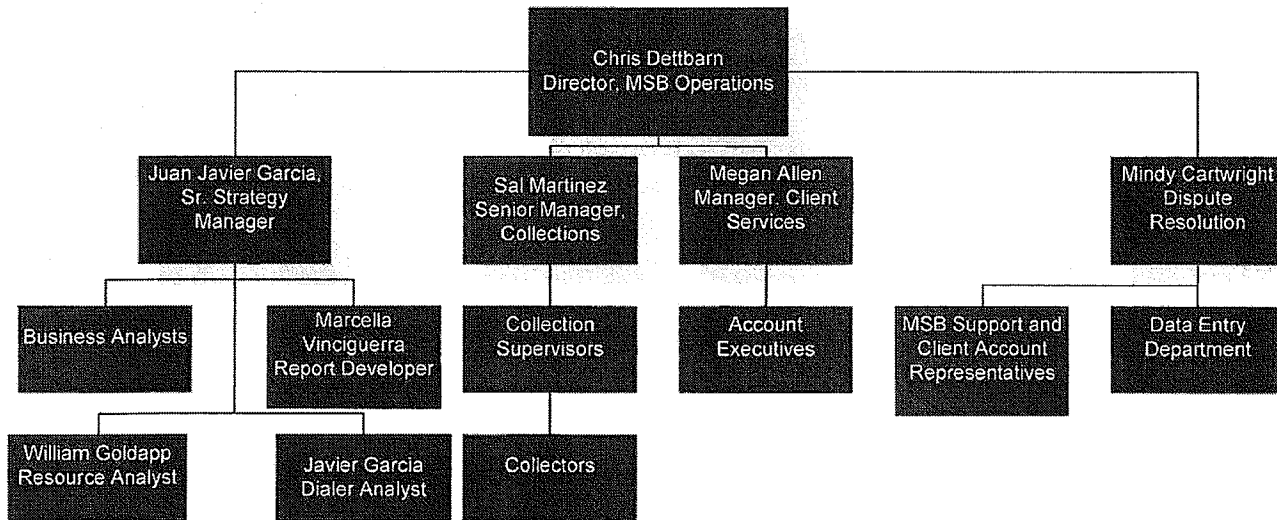
- The U.S. owner of a disregarded entity and not the entity,

Personnel

Executive Organizational Chart



Collection Department Organizational Chart



Resumes

Key personnel who will be directly involved in the City's collection project include:

Bruce Cummings, Chief Executive Officer and Board Member

Bruce brings extensive domestic and international experience in startup, development, management and sales for both public and private businesses. He specializes in the high technology, manufacturing and public service fields, and brings more than 25 years of experience in growth and turnaround ventures. Bruce is responsible for the business development cycle of MSB clients. He is an integral part of the implementation process by ensuring client expectations and requirements are conveyed to the Operations Department. He continues to monitor the collection project for total customer satisfaction.

Bruce serves as President-elect to the Texas chapter of ACA International's Board of Directors. He serves on the Editorial Board for InsideARM, the leading Accounts Receivable Management Industry Information and News Source. Bruce is a member of ACA International's "Committee of 100", whose membership is comprised of the leaders of the top 50 collection agencies in the Nation. The committee requires membership in ACA International, and individuals must be substantially engaged in the collection industry.

Michael E. Epstein, Chief Financial Officer

Mike previously managed multi-million dollar transactions with Fortune 1000 companies including Chase, Wells Fargo, Met Life and Teachers, as well as structuring an IPO with A.G. He is responsible for overseeing the Finance Department. His responsibilities include budgeting, forecasting and cash management for the company and serves as the compliance officer for our clients. Mike completes a minimum of forty hours of continuing education annually, including audit, tax, consulting and human resources classes.

Domenick F. Riccio, Chief Information Officer and Senior Vice President

Dom has nineteen years experience in the Information Technology sector and fifteen in the call center field. He is responsible for overseeing the IT Department and ensuring all telephony and computer systems are functioning properly to their full capacity. He ensures the necessary resources are in place to meet the technical needs of our clients. Dom is responsible for the operation of our Municipal Services Bureau (MSB) business unit.

A. Lee Rigby, General Counsel and Senior Vice President of Compliance and Human Resources

Prior to joining Gila LLC, Lee spent eight years in private practice with Smith | Robertson, LLP in Austin, Texas and Fulbright & Jaworski, LLP in Dallas, Texas. Lee's practice focused on commercial litigation matters involving real property and partnership disputes, derivative partnership litigation, complex litigation involving trade



secrets and non-competition agreements, and representation of commercial landlords and tenants in lease disputes and litigation. Lee has tried cases in both state and federal courts and has handled litigation for clients in Texas, California, Arizona, Kansas and Illinois. Lee received his juris doctor degree from Baylor University School of Law and a Bachelor of Arts degree from Clemson University. Lee is active in the Austin community as a member of the Austin Young Men's Business League Board of Directors and as a member of the Seton Forum and the Real Estate Council of Austin.

Jason Schmer, Vice President, New Services

Jason graduated with a BS in Mechanical Engineering from the University of Texas. After a career change from semiconductors to software development, he spent seven years designing and developing commercial applications for different industries as well as managed several large scale integration projects. After serving as Global IT Director and Operations Manager for two reverse logistics companies, he began working for the Gila. Jason has worked with a number of continual improvement methodologies over 15 years and holds a Six Sigma green belt. Jason is also an active member of the International Bridge, Tunnel and Turnpike Association and graduated from their Executive Leadership Academy in 2010.

Elye Sackmary, Vice President, Operations

Elye has nine years of call center management experience and five years of operations and financial management experience. Elye has a Bachelor's of Applied Arts and Sciences from Texas State University, has graduated with Great Distinction from BAI Graduate School of Retail Banking, and has been recognized as a Certified Public Manager by Texas Governor Rick Perry. He is currently pursuing his MBA also from Texas State University.

His responsibilities include overseeing all payment and lockbox processing for the company, toll road image review, customer dispute resolution, new account submissions and data entry, and credit union collection operations.

Elye is active in the community as a professional member and sponsor for the Future Business Leaders of America and is also a member of the American Society for Public Administration and the American Academy of Certified Public Managers.

Chris Dettbarn, Director of Collection Services

Chris joined MSB in January, 2009 with over 16 years of experience in collection and financial services. Chris's last position was with NCO Financial Services in the Philippines where, as Assistant VP and Director of Collections, he oversaw and managed over 800 collection agents across multiple lines of business. Prior to working at NCO, Chris worked for Dell Financial Services in Austin in several roles including Senior Audit Manager and Recovery Manager. Chris has achieved the Green Belt certification in BPI (Business Process Improvement). In June of 2009, Chris was promoted to Director of Collection Services and Chris will continue to oversee the DPS and CTRMA collection call centers and will now add our MSB collections activities to his overall responsibilities.

Salvador Martinez, Senior Collections Manager

Sal brings 15 years of Call Center Management experience. His previous work experience includes positions as the Operations Manager for US Bank and Chase Bank. During Sal's tenure at Chase Bank, he was also an Auditor and Agency Manager. This gave him the opportunity to view operations from the client perspective and the ability to work with collection agencies all over the United States. He also has Third Party Collection Management experience as a Director of Operations for Encore Receivables, located in Kansas. Sal's current duties include managing the day to day collection operation and strategy for the MSB Court Division.

William Goldapp, Resource Analyst

Will joins MSB with 5 years of experience working as a Financial Analyst for several financial services companies including Fidelity Investments, Merrill Lynch, and Bear Stearns. He is responsible for monitoring and analyzing performance metrics and pricing of external vendors. He also will be analyzing processes and performance from a strategic perspective to maximize benefits to clients and MSB. Will earned his BBA and MBA from Southern Methodist University with a concentration in Finance. He also earned several analyst certifications and securities trading licenses.

Megan Allen, Client Services Manager

Megan brings a wealth of knowledge in Client Services Management with over 13 years experience. Megan began her career with Sitel as a Production Assistant and progressed through several key roles including Marketing Executive, Director of Account Operations and into the role of Director of Client Services. Megan has also worked with TRG Systems and Rainmaker Systems as Vice President of Client Services.

Stephanie Carvajal, Senior Business Analyst

Stephanie joined MSB in July 2001 with experience in the collection industry from employment at Provident Financial Bank and with Lockheed Martin as a Collector for Child Support with the State of Arizona. After receiving several promotions, she holds the position of Senior Business Analyst. She is responsible for coordination between multiple departments for technical needs and scope of work to be performed during implementation. These tasks include analyzing the scope, drafting documentation on script development and creating Standard Operating Procedure documentation. After beginning collection efforts, Stephanie provides continued assistance through in-depth client database analysis, special reporting and database comparison and synchronization between the client and MSB.

Ruben Palomino, Collection Supervisor

Ruben started with MSB in 1995 as a collection agent. He has held his current position, Collection Supervisor, for eight years. He creates and manages the hourly, daily and monthly agent reports and is responsible for training and mentoring agents. He is a certified location manager for licensing in the State of Nevada.

City of Fayetteville RFP 11-03, Collection Services
SECTION D: Price Proposal *TO BE SUBMITTED WITH ALL PROPOSALS*

The Proposer understands the City of Fayetteville reserves the right to reject any or all bids and to waive formalities deemed to be in the City's best interest.

PRICE PER PROPOSAL SPECIFICATIONS: \$ _____ per account

OR

PRICE PER PROPOSAL SPECIFICATIONS: 40 % per collection item

See attach

**** Please attach any documentation necessary to completely explain your fees in detail.
Write "see attach" in the above fields if needed. ****

COMPANY NAME

Gila LLC d/b/a Municipal Services Bureau (MSB)

SUBMITTED BY

Bruce Cummings

TITLE

CEO

ADDRESS

6505 Airport Blvd. Suite 100

Austin, Texas 78752

TELEPHONE

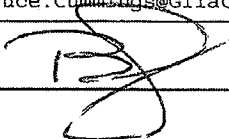
(512) 323-4231

FAX (866) 283-6484

EMAIL ADDRESS

Bruce.Cummings@GilaCorp.com

AUTHORIZED SIGNATURE



All inclusive proposals must be submitted before **Friday, March 25, 2011 at 2:00:00 PM, local time**, to the City of Fayetteville, Purchasing Office, Room 306, 113 West Mountain Street, Fayetteville, Arkansas, 72701 in a sealed envelope marked **"RFP 11-03, Collection Services"**. Each Proposer will be required to meet or exceed the specifications attached. **Any deviation must be noted with specifications attached to bid proposal.** Questions related to the proposal process should be directed to Andrea Foren, City of Fayetteville Purchasing Division, (479) 575-8220, or by e-mail aforen@ci.fayetteville.ar.us.

Fee Structure

MSB proposes a **40%** contingency collection fee. We have provided a table below to illustrate the unique services that are included in our contingency fee pricing:

Services	Cost to the City
Online Access to Accounts	No Additional Cost
Bilingual Collection Notices and Staff	No Additional Cost
Letter Creation and Distribution	No Additional Cost
Background Checks /Fingerprint Scans for All Current and Future MSB Employees	No Additional Cost
Record and Store All Calls for a Minimum of Two Years	No Additional Cost
National Skip Tracing Services	No Additional Cost
Toll-Free Telephone Number for Debtors	No Additional Cost
Independent Security Audit	No Additional Cost
Electronic Interface	No Additional Cost

Start-up Incentive

MSB will rebate 10% of our commission earned in the first 100 days from contract execution.

Netback to the City

In an actual competitive contract with two other collection agencies, MSB has a higher collection fee but **achieves a higher recovery rate**. MSB has provided the following tables to illustrate how we provide a greater netback to this client regardless that our fee is higher:
(Netback is total dollars received by the client after the vendor has been paid.)

Vendor	Fee	Netback to Client	MSB's % Higher Return to Client than Competitor
MSB	22.54%	\$348,231.00	
Vendor A	15%	\$130,301.00	167.3%
Vendor B	12.89%	\$186,783.00	86.4%

Vendor	Fee*	Netback to Client	MSB's % Higher Return to Client than Competitor
MSB	14.8%	\$484,487.00	
Vendor A	13.7%	\$103,310.00	369.0%
Vendor B	12.89%	\$69,843.00	593.7%

The lowest bidder/commission fee does not produce the best results. Higher commission fees can result in more collection efforts including additional letters, calls and skip tracing.
MSB returns hundreds of thousands in additional revenue to our client on this contract.

*The average dollar amount of cases submitted by this client is \$650.

City of Fayetteville
RFP 11-03, Collection Services
SECTION C: Vendor References

The following information is required from all Proposers so all proposals may be reviewed and properly evaluated

COMPANY NAME: Gila LLC d/b/a Municipal Services Bureau (MSB)

BUSINESS ADDRESS: 6505 Airport Blvd. Suite 100 Austin, Texas 78752

NUMBER OF YEARS IN BUSINESS: 19 HOW LONG IN PRESENT LOCATION: 19

TOTAL NUMBER OF CURRENT EMPLOYEES: 365 FULL TIME _____ PART TIME _____

NUMBER OF EMPLOYEES YOU PLAN TO USE TO SERVICE THIS CONTRACT: 85 FULL TIME _____ PART TIME _____

PLEASE LIST LOCAL COMMERCIAL AND/OR GOVERNMENTAL REFERENCES THAT YOU HAVE PREVIOUSLY PERFORMED SIMILAR CONTRACT SERVICES FOR WITHIN THE PAST FIVE (5) YEARS (All fields must be completed):

1. Killeen, Texas

COMPANY NAME

Killeen, Texas 76540

CITY, STATE, ZIP

Jaime Ratliff

CONTACT PERSON

(254) 501-7869

TELEPHONE

(254) 501-7889

FAX NUMBER

jratliff@ci.killeen.tx.us

E-MAIL ADDRESS

2. Bernalillo County, New Mexico

COMPANY NAME

Albuquerque, NM 87103

CITY, STATE, ZIP

Betty Lajun

CONTACT PERSON

(505) 841-9837

TELEPHONE

FAX NUMBER

blujan@metrocourt.state.nm.us

E-MAIL ADDRESS

3. City of Plano, Texas

COMPANY NAME

Plano, Texas 75086

CITY, STATE, ZIP

Vicki Smith

CONTACT PERSON

972-941-2176

TELEPHONE

972-941-2024

FAX NUMBER

vickis@plano.gov

E-MAIL ADDRESS

4. Billings, Montana

COMPANY NAME

Billings, MT 59101

CITY, STATE, ZIP

Brooke Handley

CONTACT PERSON

(406) 237-6185

TELEPHONE

FAX NUMBER

handleyb@ci.billings.mt.us

E-MAIL ADDRESS

Management Reports

MSB acknowledges the need for a cooperative effort and open communication in regards to reporting collection data to the City. We will provide customized monthly reports to the City. Please read below for a description of our reporting procedures:

During the Implementation Phase, the following items will be identified for discovery between the City and the MSB Implementation Team:

- Establish Detailed Requirements for all Reports:
 - Develop, Deliver and Approve
- Established the City's Preferred Method of Report Delivery:
 - Mail, Email, FTP, SFTP
- Establish the City's Preferred Format for Reports:
 - Excel, PDF, CSV, Flat File, Crystal, Other
- Establish the City's Delivery Schedule for each Report Required:
 - Daily, Weekly, Monthly, Quarterly, Annually
- Determine the City's Reporting Distribution List

Our client management team is responsible for generating and specializing reports to suit your needs. The timeframe can be altered to meet your needs as our client, although most have a pre-determined schedule depending on the type of report. MSB has the ability to create custom and ad-hoc reports as needed by the City. All reports can be provided daily, monthly, annually and/or contract to date.

MSB has always had an "open door" policy for our clients. All of our reports and collection data can be inspected, including audits, at any time by the appropriate client representatives. All reports, including invoices, may be sent electronically. MSB is committed to fully cooperate with all audit inquiries and confirmation requests.

Below you will find a list of MSB's sample reports and their description. All of these reports are offered to the City at no additional cost.

Report Name	Description
Account Status	Inventory of all accounts in the system
Client Analysis	Provides statistics
Client Data Integrity Analysis	Analysis totals for phone numbers, addresses, age of accounts and geographical location
Client History Analysis	Historical information regarding new business, collections, liquidity,

	commissions, cancellations, PIFs and average account age
Client Monthly Spindown	Lists net dollars divided by the percentage of the total recovery
Collection Summary	Statistical data showing new business and collection for the twelve most recent reporting periods
Detailed Client Analysis	Statistical data covering the twelve most recent reporting periods
Expected Promises to Pay	List dollar amounts for promises to pay
Account Activity Report	Lists all accounts on system for client
Activity Code Summary	Lists all activity codes being used
Broken Promises Report	Lists all broken promises for a specified collector
List of Selected Accounts	Lists all accounts in the system that meet a specific criteria
Paid In Full Accounts	Lists all accounts that have been paid in full
Zip Code Analysis	List all zip codes associated with certain accounts
Returned Accounts	Lists all accounts that have been designated for return to a client
Purged Accounts	Lists all accounts that are due to be purged

Daily Status Report

This report is confirmation that a payment has been made to MSB. It includes the client reference number, name of the debtor, amount paid and the current balance. It also shows a release date (in the event the payment is made by personal check) on which that payment will be cleared for invoicing. This report is provided to the client on the following day after payment was actually received.

Daily Status Report						
Municipal Services Bureau						
05/12/10		(800)568-7004	msbinvoicing@gilacorp.com		Page: 1	
CLIENT: 000010-6 GREAT FALLS, MT MUNICIPAL CRT						
Client Case Number	Defendant Name	Type	Payment Amount	Payment Date	Original Balance	
MSB Reference Number	Violation		Activity Code	Release Date	Current Balance	
2001TR0021941	MERRILL, CARRIE MIC	*16	195.00	05/12/2010	520.00	
J38532-3349560	NO INSURANCE OWNER		ACTIVE	05/26/2010	325.00	
2000TR0005228	MERRILL, CARRIE MIC	16	130.00	05/12/2010	370.00	
J38532-3349562	NO INSURANCE OWNER		PAID IN FULL	05/26/2010	0.00	
2004TR0077626	LARSON, LORI	16	25.00	05/12/2010	135.00	
206688-5957074	NO INSURANCE OWNER		ACTIVE	05/12/2010	85.00	
TOTAL PAID : \$350.00						
MONTH TO DATE : \$4070.00						

* Indicates first Paid Us received by that defendant.
 Payment Types 11-19 and 36: Paid Us

History Analysis Report

This report provides historical information regarding the client's new business, collections, liquidity, commissions, cancellations, payments in full and average account age. It allows the client to view collection performance over an extended period of time and analyze the collection ratio of each batch of their accounts.

HISTORY ANALYSIS

May 18, 2010

PERIOD	NEW BUSINESS			COLLECTIONS			LIQUIDITY		COMM		CANCELLED		#	AVE
	#	\$	AVE	CURR	%	TO DATE	NET GROSS	TO DATE	%	#	AMOUNT	%		
May 2010	2631	856945.59	325.67	4212.79	0%	4212.79	0%	0%	1053.21	25%	23	6445.95	1%	140
Apr 2010	5658	1764560.88	311.87	24290.09	1%	43412.25	2%	2%	10853.23	25%	287	86449.93	5%	150
Mar 2010	5291	1707971.47	322.81	19361.29	1%	100469.03	4%	6%	25117.61	25%	420	124967.85	7%	174
Feb 2010	5018	1496874.14	298.30	17291.15	1%	168516.24	8%	11%	42129.65	25%	589	174652.68	12%	146
Jan 2010	4905	1436932.10	292.95	14912.16	1%	238942.92	12%	17%	59736.48	25%	749	213822.78	15%	131
Dec 2009	5671	1607164.49	283.40	6967.09	0%	283462.79	13%	18%	70866.69	25%	677	188870.04	12%	118
Nov 2009	4050	1216797.30	300.44	7688.57	1%	201348.08	12%	17%	50338.54	25%	682	197170.00	16%	122
Oct 2009	5198	1501604.96	288.88	6017.35	0%	237338.51	12%	16%	59336.38	25%	987	289127.23	19%	130
Sep 2009	5393	1733317.66	321.40	8947.97	1%	262010.03	11%	15%	65504.16	25%	1453	447316.65	26%	140
Aug 2009	8507	2338637.26	274.91	9568.61	0%	316434.14	10%	14%	79110.80	25%	1230	375940.75	16%	395
Jul 2009	4372	1223293.79	279.89	6680.62	1%	260716.01	16%	21%	65181.00	25%	957	267155.95	22%	123
Jun 2009	4415	1247463.64	282.55	6925.30	1%	265297.29	16%	21%	66326.36	25%	1088	321035.92	26%	119
May 2009	5150	1498481.77	290.97	6122.23	0%	254901.88	13%	17%	63727.68	25%	1441	399853.00	27%	119
Apr 2009	4140	1227675.03	296.54	2394.65	0%	246960.59	15%	20%	61742.12	25%	1084	279022.87	23%	134
Mar 2009	5287	1516988.73	286.93	3733.31	0%	345212.48	17%	23%	86306.48	25%	1499	406652.52	27%	161
Feb 2009	6067	1662666.31	274.05	2737.10	0%	318611.14	14%	19%	79655.79	25%	3007	831386.62	50%	120
Jan 2009	6206	1689145.93	272.18	1863.35	0%	363110.36	16%	21%	90780.98	25%	2194	583033.89	35%	120
Dec 2008	6426	1689865.84	262.97	1560.82	0%	423125.74	19%	25%	105786.40	25%	1847	485950.25	29%	117
Nov 2008	5334	1472788.48	276.11	1557.30	0%	326807.87	17%	22%	81707.86	25%	2027	537628.49	37%	125
Oct 2008	7020	1873100.71	266.82	2836.40	0%	354751.33	14%	19%	88763.35	25%	2844	761190.80	41%	105
Sep 2008	4817	1281313.18	266.00	2513.80	0%	353817.72	21%	28%	88461.59	25%	1332	343298.09	27%	101
Aug 2008	3948	1029704.66	260.82	1979.50	0%	298686.23	22%	29%	74951.45	25%	1257	326402.63	32%	103
Jul 2008	3906	1020157.87	261.18	1611.18	0%	356522.27	26%	35%	89157.35	25%	1441	374932.49	37%	86
Jun 2008	3050	791172.60	259.40	1052.92	0%	278666.90	26%	35%	69672.27	25%	1111	288281.70	36%	88
May 2008	3398	880321.93	259.07	890.40	0%	262679.87	22%	30%	65690.33	25%	1415	369714.38	42%	85
Apr 2008	4541	1165783.64	256.72	1428.10	0%	333243.86	21%	29%	83326.77	25%	1945	512820.65	44%	87
Mar 2008	4019	1030148.94	256.32	301.00	0%	329500.10	24%	32%	82381.48	25%	1514	382039.91	37%	85
Feb 2008	8299	2604905.58	315.58	782.78	0%	674057.73	19%	26%	168538.63	25%	1530	349515.51	13%	319
Jan 2008	4423	903483.16	204.27	499.60	0%	399489.43	33%	44%	99895.32	25%	1326	244931.72	27%	85
Dec 2007	3903	775789.02	198.77	260.60	0%	330188.35	32%	43%	82554.83	25%	1354	238574.28	31%	86
Nov 2007	3407	684502.12	200.91	1045.10	0%	321807.66	35%	47%	80456.46	25%	1231	218806.77	32%	84
Oct 2007	3195	665661.98	208.34	1184.90	0%	328750.03	37%	49%	82206.87	25%	594	113515.22	17%	78
Sep 2007	3110	649566.77	208.86	1417.50	0%	278562.94	32%	43%	69671.23	25%	575	111192.02	17%	80
Aug 2007	3058	653102.66	213.57	1077.60	0%	322183.47	37%	49%	80552.84	25%	549	106577.94	16%	80
Jul 2007	2256	488856.40	216.69	597.10	0%	255727.62	39%	52%	63937.53	25%	335	69436.96	14%	80
Jun 2007	2536	540326.83	213.06	408.10	0%	264040.21	37%	49%	66015.82	25%	365	71953.47	13%	79

Monthly Invoice

This report summarizes all account payments made to the client for a specific month. It totals all the payments and commissions. It also calculates the amount due MSB and/or the client depending on whether the client has chosen net or gross remittance. The statement prints a payment layout that lists the payments received on the client's accounts over a given month.

PAYMENT INVOICE

Page: 1
Invoice Number: 43776

Client:
Reporting Period: Month of Apr, 2010

Account Number: 000017-8
Invoice Date: 04/30/10

YOUR ACCOUNT#	NAME	MASTER#	PAY DATE	CHECK DATE	PAID US	PAID YOU	OUR COMM	CURRENT BALANCE	REMARKS
TK-2007-0008779-1	ADAMS, LESLIE	FE3293	04/23/10	04/23/10	43.55		9.80	0.00	PIF
TK-2008-0005691-1	ANDERSON, KYLE	EN9357	04/13/10	04/07/10		748.20	168.35	0.00	PIF
TK-2008-0005691-2	ANDERSON, KYLE	EN9358	04/13/10	04/07/10		348.30	78.37	0.00	PIF
TK-2006-0006350-1	ANDERSON, PATRICK	AV4025	04/13/10	04/07/10		422.45	95.05	0.00	PIF
CR-2009-0000272-1	ANDERSON, SERENA	IG4520	04/26/10	04/22/10		457.95	103.04	0.00	PIF
TK-2006-0009757-1	ASAY, BENJAMIN	AP0509	04/16/10	04/15/10	200.00		45.00	0.00	PIF
TK-2004-0000852	BACH, JESSICA	X69316	03/29/10	03/29/10	96.75		21.77	0.00	PIF
TK-2007-0002451-1	BIGMAN, KEVIN	CC6886	04/14/10	04/14/10	6.00		1.35	0.00	PIF
TK-2007-0002451-2	BIGMAN, KEVIN	CC6886	04/14/10	04/14/10	188.00		42.30	192.64	
2004TR0007512-1	BIRD, SHERRI LYN	U06430	04/19/10	04/19/10	342.74		77.12	-0.26	PIF
TK-2007-0009626-1	BLUMHORST, JULIEANNE	CC6749	04/14/10	04/14/10	50.00		11.25	72.58	
TK-2008-0011102-1	CAMPBELL, DALE	EQ8692	04/13/10	04/06/10		393.45	88.53	0.00	PIF
TK-2009-0007904-1	CARDENAS, ANTHONY	HI1158	04/19/10	04/19/10	716.12		161.13	0.00	PIF
TK-2008-0011263-1	CAREY, KENDELL	HL8161	04/14/10	04/14/10	25.00		5.63	599.03	
TK-2009-0010447-1	CARSON, ROBERT	IU4126	04/13/10	04/13/10	251.61		56.61	200.00	PIF
			04/14/10	04/13/10	200.00		45.00	0.00	PIF
TK-2007-0001552-2	CAYLON, CELESTE	X69290	04/15/10	04/15/10	250.29		56.32	0.00	PIF
TK-2005-0005796	COLE, JEBADIAH	X68989	04/28/10	04/14/10		735.30	165.44	0.00	PIF
CR-2005-0002158-1	COLE, JEBADIAH	X68989	04/28/10	04/14/10		574.05	129.16	0.00	PIF
CR-2005-0002158-2	COLE, JEBADIAH	X68989	04/28/10	04/14/10		586.95	132.06	0.00	PIF
TK-2008-0008874-2	DEGELE, MICHAEL	EG3010	04/01/10	04/01/10	100.00		22.50	247.58	
			04/07/10	04/07/10	100.00		22.50	147.58	
2003CR1001618-2	DELGADO, GREGORY AL	U06180	04/05/10	04/05/10	77.42		17.42	0.00	PIF
TK-2009-0002155-1	DEPRATU, CHRISTOPHE	FX2721	04/06/10	04/05/10	90.00		20.25	303.54	
TK-2007-0012645-1	DOMINGUEZ, ROJELIO	EA3631	04/06/10	04/02/10		193.71	43.58	0.00	PIF
TK-2005-0007162-2	DORMADY, NEAL EVERE	V95266	04/05/10	04/05/10	73.26		16.48	0.00	PIF
TK-2007-0004651-2	EASTMAN, MERVIN	CC6806	04/13/10	04/13/10	322.58		72.58	0.00	PIF
2004CR1000735-1	EVERETT, STEPHANIE	TS4898	04/02/10	04/01/10	529.03		119.03	0.00	PIF
TK-2009-0005186-1	FISHER, LILY	HU2987	04/20/10	04/20/10	25.00		5.63	375.80	
CR-2009-0000059-1	FISHER, SMONTHA	X77034	04/01/10	04/01/10	458.06		103.06	0.00	PIF
TK-2007-0003649-1	FOURBEAR, KAYCE	AT8163	04/06/10	04/02/10		305.00	68.63	0.00	PIF
TK-2006-0001579-1	GARRETT, DAVID	Y87045	03/18/10	03/18/10	169.03		38.03	0.00	PIF

Status Code Summary

This report lists the status of all of the accounts that are currently on the system including broken promises, original balances, current balances, indigent, skip, etc.

STATUS CODE SUMMARY

--- STATUS CODE ---	NUM OF ACCOUNTS	% OF TOTAL	--- ORIGINAL BALANCE ---			--- CURRENT BALANCE ---			----- COLLECTIONS -----		
			AMOUNT	-8-	AVERAGE	AMOUNT	-8-	AVERAGE	AMOUNT	-8-	AVERAGE
10 NEW	2154	0.44	524988.27	0.54	243.73	411027.69	0.56	190.82	113608.86	0.47	52.74
11 ACTIVE	36055	7.34	7349165.80	7.50	203.83	6870741.63	9.32	190.56	478980.49	1.98	13.28
13 ...	2	0.00	1660.75	0.00	830.38	1660.75	0.00	830.38	0.00	0.00	0.00
14 PROMISETOPAY	1837	0.37	475589.61	0.49	258.89	370868.47	0.50	201.89	105023.57	0.43	57.17
15 BROKEN PROMISE	7140	1.45	1749626.50	1.79	245.05	1515815.52	2.06	212.30	235054.59	0.97	32.92
16 ZORMOREBP	4	0.00	2092.65	0.00	523.16	1646.05	0.00	411.51	446.60	0.00	111.65
17 GOODCONTACT	10576	2.15	2576889.42	2.63	243.65	2367266.27	3.21	223.83	208646.92	0.86	19.73
19 NEW SKIP INFO	2142	0.44	248425.93	0.25	115.98	248231.33	0.34	115.89	194.60	0.00	0.09
20 SKIP	222836	45.36	42929185.18	43.84	192.65	42291870.13	57.38	189.79	638795.99	2.64	2.87
21 TEMP STOP STATUS	794	0.16	191647.88	0.20	241.37	185090.54	0.25	233.11	6980.14	0.03	8.79
22 GOODPHONEADDD	32	0.01	7968.45	0.01	249.01	7968.45	0.01	249.01	0.00	0.00	0.00
23 DISPUTE	6837	1.39	1665139.11	1.70	243.55	1591031.81	2.16	232.71	72297.70	0.30	10.57
25 MIAMI CRIM HOLD	17	0.00	7103.95	0.01	417.88	6891.85	0.01	405.40	212.10	0.00	12.48
28 SKIPERROR 2-8-10	13962	2.84	4192926.77	4.28	300.31	4123969.93	5.60	295.37	68513.06	0.28	4.91
30 FORWARDED	6	0.00	737.80	0.00	122.97	737.80	0.00	122.97	0.00	0.00	0.00
31 HOLDFORREVIEW	6	0.00	1367.10	0.00	227.85	1367.10	0.00	227.85	200.00	0.00	33.33
32 WRITEDONTCALL	303	0.06	84843.35	0.09	280.01	74658.28	0.10	246.40	9787.87	0.04	32.30
33 MANUALWORKONLY	2847	0.58	598720.35	0.61	210.30	537577.45	0.73	188.82	61423.05	0.25	21.57
40 LEGAL	22	0.00	6908.30	0.01	314.01	6908.30	0.01	314.01	0.00	0.00	0.00
41 ...	1	0.00	170.10	0.00	170.10	170.10	0.00	170.10	0.00	0.00	0.00
42 ATTYREPRESENTATN	298	0.06	73845.05	0.08	247.80	72242.10	0.10	242.42	1418.20	0.01	4.76
43 RETURNEDCHECK	21	0.00	5009.90	0.01	238.57	0.00	0.00	0.00	5009.90	0.02	238.57
44 INDIGENT	974	0.20	234126.35	0.24	240.38	205493.99	0.28	210.98	28750.06	0.12	29.52
45 POSTDATED SEEPAY	62	0.01	18863.43	0.02	304.25	10081.29	0.01	162.60	8698.14	0.04	140.29
46 PYMTSMADENOCNT	299	0.06	73221.92	0.07	244.89	62050.61	0.08	207.53	11172.73	0.05	37.37
48 HOLDFORPYMTVER	375	0.08	85766.22	0.09	228.71	76379.99	0.10	203.68	9087.23	0.04	24.23
49 PAY TO COURT	19	0.00	4229.75	0.00	222.62	4229.75	0.01	222.62	0.00	0.00	0.00

Collection Summary

This report contains two categories of information: new business and collections. Its design is to provide statistical data showing new business and collections for the twelve most recent reporting periods for the indicated client.

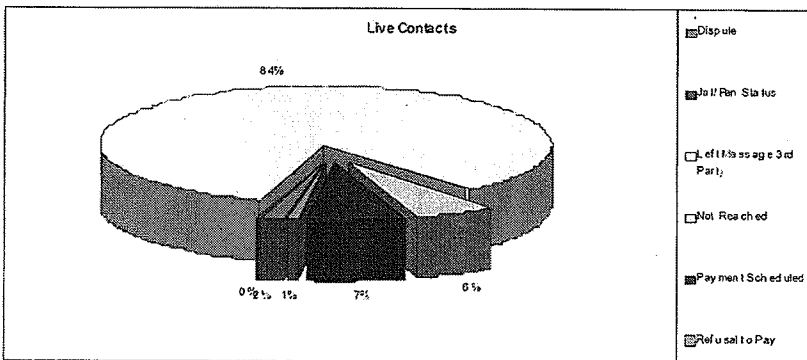
COLLECTION SUMMARY

PERIOD	NEW BUSINESS			COLLECTIONS					
	\$	#	AVE	\$	#	AVE	PIF	COMM	SIF
May 2010	850846.24	2609	326.12	184061.94	1704	108.02	793	46016.95	0
Apr 2010	1765180.03	5660	311.87	410613.79	4019	102.17	1833	102656.49	0
Mar 2010	1710755.02	5300	322.78	610690.01	5843	104.52	2723	152677.40	0
Feb 2010	1497787.29	5021	298.30	810457.25	7598	106.67	3615	202620.77	0
Jan 2010	1437289.45	4907	292.91	490660.94	5413	90.64	2510	122669.19	0
Dec 2009	1607473.19	5672	283.41	297704.63	3027	98.35	1355	74428.71	0
Nov 2009	1219053.75	4057	300.48	313590.55	3017	103.94	1357	78400.66	0
Oct 2009	1513104.56	5237	288.93	355362.17	3421	103.88	1536	88843.85	0
Sep 2009	1735485.56	5400	321.39	349001.48	3440	101.45	1590	87253.79	0
Aug 2009	2340194.06	8516	274.80	363028.27	3660	99.19	1680	90761.52	0
Jul 2009	1224586.69	4378	279.71	346468.34	3433	100.92	1582	86621.27	0
Jun 2009	1247857.12	4417	282.51	369076.43	3712	99.43	1721	92273.60	0
Previous	64940140.49	364482	178.17	19265376.66	237224	81.21	112745	4816987.85	0
	83089753.45	425656	195.20	24166092.46	285511	84.64	135040	6042212.05	0

Dialer Report

This report totals the number of our outbound call attempts for your accounts. It is broken down to categorize the call result (line busy, no answer, wrong number, etc), the number of live contacts, the number of right party contacts and the percentage of payments based on the right party contacts.

Total Dials	% Finish Codes		Live Contacts		Right Party Contacts		% PTP to RPC 72%
Answer Machine	203	1%	Dispute	42	Dispute	42	
Busy	1733	10%	Jail/Pen Status	6	Jail/Pen Status	6	
		2%	Left Message 3rd Party	2170	Payment Scheduled	179	
Disc Before Analysis	384	0%	Not Reached	151	Refusal to Pay	23	
Dispute	42	3%	Payment Scheduled	179			250
Fax	462	0%	Refusal to Pay	23			
Jail/Pen Status	6	0%					
Left Message 3rd Party	2170	13%					
Line Busy	0	0%					
Line Dead	514	3%					
No Answer	7087	42%					
Not Reached	151	1%					
Operator Disconnect	58	0%					
Payment Scheduled	179	1%					
Refusal to Pay	23	0%					
Remote Hang Up in Attendant	865	5%					
Remote Hang Up	630	4%					
System Hang Up in Attendant	192	1%					
Wrong Number	2273	13%					
Total Dials	16,972		Totals	2,571			



Active Account List

This report lists all of the accounts that are currently on the system that are not paid in full or recalled, age purged, recalled by the client, etc. It includes the original and current balance for each account.

ACCOUNT STATUS REPORT

COUNTY - STATE COURT

May 21, 2010
Client# 0000

YOUR ACCOUNT NUMBER	SSN	MASTER NUMBER	NAME	TURNOVER DATE	ORIGINAL BALANCE	CURRENT BALANCE	COLLECTED TO DATE	RATE	REMARKS
586098809		P94558	, LE TAI	08/27/03	773.75	773.75	0.00		ACTIVE
12695		P94558	, LE TAI	01/14/05	422.67	422.67	0.00		ACTIVE
12696		P94558	, LE TAI	01/14/05	402.67	402.67	0.00		ACTIVE
257667939		P98136	ABBOTT, EUGENE GOO	08/27/03	543.92	543.92	0.00		ACTIVE
63528		X66492	ABBOTT, JOHN	11/09/05	26.60	0.00	26.60		Paid in Full
63519		X66492	ABBOTT, JOHN	11/09/05	405.30	231.90	173.40		ACTIVE
65391		X42689	ABDULKHAFID, YACAOB	09/22/05	26.60	26.60	0.00		ACTIVE
65386		X42689	ABDULKHAFID, YACAOB	09/22/05	133.30	133.30	0.00		ACTIVE
65385		X42689	ABDULKHAFID, YACAOB	09/22/05	66.59	66.59	0.00		ACTIVE
65384		X42689	ABDULKHAFID, YACAOB	09/22/05	1060.59	1060.59	0.00		ACTIVE
259938196		P97507	AERHAM, CISCO (PAU	08/27/03	883.13	883.13	0.00		ACTIVE
74519		EC9770	AERNATHY, LEONORA	11/10/08	57.33	0.00	57.33		Paid in Full
74520		EC9770	AERNATHY, LEONORA	11/10/08	778.66	385.32	393.34		ACTIVE
74532		EC9770	AERNATHY, LEONORA	11/10/08	26.66	0.00	26.66		Paid in Full
74098		IO6259	ABNEY, DWAYNE	03/08/10	910.66	910.66	0.00		ACTIVE
74099		IO6259	ABNEY, DWAYNE	03/08/10	1315.33	1315.33	0.00		ACTIVE
74100		IO6259	ABNEY, DWAYNE	03/08/10	133.33	133.33	0.00		ACTIVE
526736586		P97404	ADAIR, CATHY MARY	08/27/03	312.50	312.50	0.00		ACTIVE

COLLECTION ADVISOR

USING TECHNOLOGY TO EMPOWER YOUR COLLECTIONS

**CATEXPO 2010
SEPTEMBER 21
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**EVALUATE YOUR
EXPECTATIONS BY
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**CLOUD TECHNOLOGIES
HELP AGENCIES
IN TOUGH TIMES**

**GOVERNMENT
ORGANIZATIONS
DEPEND
ON AGENCIES
FOR TECHNOLOGY**

Mark Neeb

Dan Herrejon

Wendy Bader

**INTERACTIVE
VOICE RESPONSE
TIPS AND
TECHNOLOGIES**

TOP 6 SMALL OFFICE SOLUTIONS 2010

GOVERNMENT ORGANIZATIONS DEPEND ON AGENCIES TO STAY AHEAD OF THE TECHNOLOGY CURVE

BY JASMINE TEMARES

As the government continues to find itself in a budget crisis, more and more government organizations have turned their focus toward recovering unpaid debts. Without the capital to stay on top of the technology curve, government organizations are not able to collect as efficiently or effectively as possible. Therefore, they outsource to private collection agencies. Hiring an outside agency has little fiscal risk for government organizations — private agencies generally work with governments on a contingency basis; they do not collect if the government does not collect.

We asked three experts from private collection firms to share their thoughts on technology, the challenges of the business and the future of government collections.

Bruce Cummings, CEO of Municipal Services Bureau (MSB) in Austin, TX, got his start with the company when he was signed on to help establish the company's brand in the government receivables marketplace. He later became the vice president of Business Development. Cummings was named president and CEO in 2009.

Wendell Etheridge, executive vice president of The Enterprise Consultant Services



Bruce Cummings, CEO of Municipal Services Bureau, in Salt Lake City, UT, in March 2009

Group (TEC) in Sarasota, FL, has spent the past 30 years serving the credit and collection industry. Etheridge founded TEC in 1998 to provide operational advice and project assistance to accounts receivable companies interested in advancing their corporate skills.

Mark Neeb, CEO of The Affiliated Group (TAG) in Rochester, MN, got his start as a CFO in the collection industry in 1990. He then moved to TAG, a member-owned credit bureau at the time. TAG later sold the credit reporting division, and Neeb bought what remained. Now with 100 employees, TAG continues to grow.

Collection Advisor: What are your responsibilities within your company?

Cummings: I am in charge of all business activities, specifically governance of collection practices, legal and compliance issues and revenue recovery for the company and our clients. Additionally, I am responsible for P&L oversight of the receivables management business and managing all aspects of risk. I oversee the company's collection technology and quality management. I also drive the implementation, collection strategies and revenue recovery for all clients.

www.CollectionAdvisor.com May/June 2010

Government collections include court collections, driver surcharge programs, toll collections, video billing, citation enforcement, fines and everything in between.

Etheridge: I am responsible for all of our consulting endeavors, including those for our collection clients who handle government collections.

Neeb: My role is to determine which RFP's we will respond to. I also help craft and approve the responses and determine pricing. I work with the bid writers to ensure that our responses portray TAG in the proper way. Upon award of a contract, I assemble the team that launches the project and works with the client.

Collection Advisor: What kinds of government collection services does your company offer?

Cummings: Working exclusively with government agencies has allowed MSB to specialize in all areas of government collections. Our services include the following: court and debt collections; driver surcharge programs; payment processing; toll collections and video billing; violation and citation enforcement; customized collection strategies and methods; strategic phone queuing and campaigns; custom online reporting tools; and skip tracing.

Etheridge: TEC provides collection training as well as administrative and consulting services to government entities. Most often, our clients are third-party collection firms, so the services generally involve the collection effort being outsourced by the government entity — ranging from local cities and counties to state governments to the Department of Education at the federal level.

Neeb: We work with several different states as well as cities and municipalities to recover any and all types of debt. We collect about 24 different types of debts, fees and fines for our government clients — from healthcare debt to utility debt and everything in between. Cities create ordinances for just about

everything. If an ordinance is violated, a fine system follows. This gives rise to many different types of debt.

Collection Advisor: What are the challenges of government collections?

Cummings: Our clients depend on us for the successful collection of unresolved debts to their jurisdiction. Most importantly, they want to see justice served by these accounts brought to closure. The challenge is treating debtors with respect while convincing them to pay their obligations in full and in a timely manner. Our primary objective remains to deliver ethical collection services that maximize recovery on all accounts. MSB provides government collection services nationwide, and it is critical that we adhere to FDCPA guidelines and any other legal requirements specific to a location throughout the collection process.

Etheridge: Collectors have an evermore difficult task when collecting government debt. Individuals or businesses with overdue government debt represent citizens and potential voters. Politicians, as we all know, are particularly sensitive to complaints. This is especially the case for collecting unpaid taxes for local governments. Professionalism cannot be overemphasized when collecting government debt.



Wendell Etheridge

Neeb: Technology can be a challenge because many, if not most, governmental entities are behind the curve with their technological capabilities. Their budgets are tight, which leads them to hire collection agencies and to depend on those agencies to supply needed technology and programming.

Government entities are by nature bureaucratic — things often move very slowly.

It's not unusual for a bid to be taken and months to pass before the RFP's are reviewed and action is taken. In the end, the entity might decide against outsourcing.

Budgets play a big role in government collections. If the proper budgets are not appropriated or if recoveries are greater than anticipated, agencies might have to curtail or even suspend their collection efforts until further money is available.

Proximity of the agency to the government client can present a challenge as well. Deference is frequently given to the local vendor.

Collection Advisor: What constraints do you face beyond FDCPA?

Cummings: MSB is one of a small group of agencies that has achieved PPMS Certification by ACA International. This certification came as a result of developing, implementing and adhering to a set of industry-specific professional practices and policies regarding collections. Maintaining this certification requires that we adhere to strict guidelines in our day-to-day operations.

Some clients have specific requirements for the collection of their accounts, and we agree to those as well. All collectors must sign and abide by our collector's pledge regarding appropriate collection methods on accounts. They also agree to our confidentiality agreement to protect the sensitive nature of debtor information.

Etheridge: Compliance has become a major challenge for collection organizations. In addition to the FDCPA, our industry must comply with the FCRA, TCPA, HITECH and GLBA — plus a host of state and local regulations. Then, there's the case law that further defines what may and may not be done. Many times, these rules overlap and in some cases, contradict one another.

Continued on page 18

"All new employees must be fingerprinted and pass extensive background checks." Bruce Cummings

Continued from page 17

I think the most effective approach is to determine which law, regulation or client requirement is the most restrictive to the business at hand and make sure to comply with that requirement.

Neeb: FCRA, HIPAA, TCPA come into play a lot, as well as ordinances and laws unique to cities, municipalities and states. In short, all laws, rules and regulations that constrain agencies when pursuing other types of debt pertain to government debt.

Collection Advisor: What additional security do you require?

Cummings: MSB adheres to strict data security standards and contracts with an independent firm to perform SAS 70 audits. We recently received SAS 70 Type II certification after an in-depth review of our controls and processes. We use off-site data storage, secure document shredding and require FOB token access to our building. All new employees must be fingerprinted and pass extensive background checks. Our clients entrust us with sensitive data and financial instruments, so we take all necessary measures to ensure their safety.



Bruce Cummings

Etheridge: Many of our third-party clients are establishing separate databases in their collection systems to segregate government debt from other types of debt. Some are even setting up separate collection facilities for their government entities. Of course, building and data security are a concern across the board for our industry — not just for government collections. Many companies now employ multiple layers of security, restricting both physical and virtual access to consumer accounts.

Neeb: We maintain a secure work environ-

ment, so we haven't experienced security issues beyond what our customers require.

Collection Advisor: What technology do you find useful? What do you find most exciting about recent technological advancements?

Cummings: Technology is critical to our collection success. Continual advances in software and telephone capabilities allow us to collect more money in less time. We received the "Collection Technology Excellence" award one year as a result of the priority we place on advanced technology. We modify our collection procedures as necessary to most effectively collect on accounts.

Advances in technology are always exciting because they generally mean streamlining a process and reducing the time it takes to generate revenue for our clients. MSB strives to take advantage of new technology that will directly benefit our clients.

Etheridge: I am most excited about improvements in analytical evaluation of data providers. The past few years have seen an explosion in the amount of data that is available to government and collection organizations. Unfortunately, having a lot of data does not necessarily translate into success. In fact, some organizations have become so bogged down with data collection — such as asset identification, skip trace information and risk assessment — that it has become an operational hindrance versus a collection aid. In addition, data collection is expensive.

Collection organizations of all types need savvy analytics programs to make sense of all the data they receive and to cost effectively acquire and manage it. TEC Services Group recently opened an analytics division to consult with clients in this area. Our solution tracks the cost and quality of the various data providers, helping collection organizations turn data into intelligence.

Neeb: We use the standard types of technology, including predictive dialing. Texting

and e-mailing are making their way into our industry in select situations, which is exciting. Also, it has become commonplace for agencies to connect directly to their clients' systems, so real-time updating to the clients' databases can be accomplished.

Collection Advisor: Predict the future of government collections.

Cummings: Governments will continue to outsource as the constraints of the state budgets tighten. Government entities cannot collect as efficiently and effectively as private agencies because they do not have the capital to stay ahead of the technology curve. Private enterprises have the economies of scale to be in front of the curve and outperform government entities.

Etheridge: Like it or not, our federal government is growing, and as its services expand, the need to pay for those services expands. States and local governments are strapped for cash and will continue to be for years. Revenue collections will play a vital role in ensuring solvency, and I believe our industry will play a major role. I expect volumes to dramatically increase on current government collection programs and would be surprised if there are not many new opportunities for third-party agencies to assist governments with debt collection.

Neeb: It has been growing, and I don't see that ending soon. I predict huge growth as governmental units become more mindful about recovering debts. All governmental organizations are strapped for cash, which causes them to focus more on unpaid debts.

Collection Advisor: What innovations would you like to see?

Cummings: I would like to see less oversight of agencies that operate with high ethical standards. At MSB, we have tailored all our training and internal processes to integrate

"Most people in our industry care a great deal about their impact on consumers, and we ... need to tell the world." Mark Neeb

ethics. It would be innovative for regulators to penalize agencies that operate with abusive tactics and reward those that operate against a high standard of ethical metrics. Agencies that have a greater number of FDCPA, federal and state collection lawsuits should be monitored more closely than agencies that pursue excellence.

Etheridge: As I mentioned, I'd like us all to make better use of the data we buy. In addition, exciting new tools that integrate Web sites and traditional telephony as well as mobile communication and social networks will help us more effectively communicate with clients and debtors.

Neeb: This doesn't fit the definition of innovation, but agencies are being hampered

by regulation that is either outdated (FDCPA) or too restrictive (TCPA). Now we have to worry about the possibility of some form of the CFPA imposing dire consequences on our ability to serve our customers and the consumers from whom we collect.

Our industry needs to continue its efforts to be free, within reason, to serve these groups. Also, we need to aggressively seek better public relations and ways to improve our reputation. Most people in our industry care a great deal about their impact on consumers, and we, as an industry, need to tell the world. The good people in this industry far outweigh the bad apples. Finally, we need



Mark Neeb

to purge these bad apples from this industry and not allow them to give us a black eye.

Collection Advisor: What do you do outside of your daily career?

Cummings: I enjoy cycling, good wine, traveling with my family, coaching my kids' sports, theme parties/costuming and golf.

Etheridge: I enjoy reading and any activity that helps me learn. I also love spending time with my wife and three children — who keep us busy with their equestrian pursuits, track and field and baseball.

Neeb: I'm busy with family life, my kids' activities and the like. My addiction is golf. So many great courses, so little time! 



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GLOBAL CONNECT



Gila Corporation

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Gila Corporation Expands Disaster Recovery Program with Agility Recovery Solutions

Agility will provide mobile office, power, technology and satellite within hours of a disaster

AUSTIN, Texas (Feb. 18, 2009) – Gila Corporation announced today a significant expansion of its disaster recovery program, a move that will enable its business units and employees to continue operating and servicing clients following a disaster.

Gila and its disaster recovery provider, Charlotte, N.C.-based Agility Recovery Solutions, doubled the company's previous recovery capabilities to better serve the needs of the growing organization. If Gila Corporation experiences any type of interruption, Agility will bring any or all of the critical aspects of recovery onsite, based on Gila's needs.

Resources consist of power generators, technology including computers and servers, mobile office units outfitted with furniture, satellite for phone and Internet access, and more. Put together, Gila can have a self-sustaining mobile office "campus" setup virtually anywhere. The resources can also be utilized on their own for smaller disaster recoveries caused by power, Internet or phone outages, and server failures.

Depending on the scope of the interruption and recovery, Agility can have Gila Corporation up and running within one day of the interruption.

"We've made disaster recovery planning a priority for years," said Domenick Riccio, CIO and SVP of Gila's Municipal Services Bureau business unit. "As we reviewed our program this year, we recognized areas we could enhance in case the need arises to

activate it. Our expanded program enables Gila to be there for our clients, employees and community, no matter what the future holds.”

Gila Corporation’s two business units, Municipal Services Bureau and Gila Group, offer outsourced collections, payment processing and call center services to organizations throughout the U.S. The company began working with Agility Recovery in 2006.

“We took a hard look at the disaster recovery industry in 2004 and challenged our team to adapt our traditional Fortune 100 services to the medium-sized business market,” said Bob Boyd, president and CEO of Agility Recovery. “Part of the process addressed customization and scalability, because we wanted the solutions to work and grow with our member companies. This enables Agility and Gila to work so well together. Our businesses are structured for complementary growth.”

Agility responded to 90 disaster declarations in 2008, including widespread events like Hurricane Ike and isolated events related to floods, fires, technology failures and more. Over the past 20 years, Agility has performed hundreds of recoveries and thousands of disaster recovery tests.

“The true value of our recovery program and relationship with Agility is that we can recover virtually anywhere, anytime, with any and all of the resources we need” said Gila’s Riccio. “Whether it’s a fire, flood or hurricane, we’ll be up-and-running, providing a place for our employees to continue building the trust of our clients and partners.”

About Gila Corporation

Founded in 1991, Gila Corporation is a leading nationwide provider of receivables management and business process outsourcing solutions. Headquartered in Austin, Texas, the Company offers outsourced collections, payment processing and call center services to governmental entities, financial services clients and higher education institutions across the country. Through its strategic business units, Municipal Services Bureau (MSB) and Gila Group, the Corporation empowers more than 350 talented employees with advanced technology, data management tools, and leading edge business practices to exceed the expectations of its clients. MSB collects delinquent court fines, fees and debts for a wide variety of governmental entities. Gila Group specializes in outsourced collections and customer service functions for financial institutions.

Gila Corporation distinguishes itself based on its Experience, Execution, and Ethics; the firm has also achieved ACA International’s Professional Practices Management System (PPMS) certification. Currently less than 1% of the more than 6000 collection agencies provide the benefits of this certification to their Clients. For more information, please visit www.GilaCorp.com or call # 1-800-568-7004.

About Agility Recovery Solutions

Agility Recovery Solutions provides disaster planning and recovery services to businesses throughout North America. Within hours of an interruption, Agility can recover a business practically anywhere by delivering the power, technology, office space and phone/Internet connectivity organizations need to resume their operations. These can be delivered "à la carte" or together to form a self-sustaining mobile recovery office space, free of land-based resources like electricity, phone and Internet connections.

The company is a former division of GE that utilizes its vast experience and knowledge to help companies, ranging from small businesses to organizations in the Fortune 100, plan for and recover from disasters. More information is available at www.agilityrecovery.com.

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Gila Corporation

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GILA CORPORATION - ONE OF THE FASTEST GROWING US COMPANIES!

INC. Magazine Ranks Gila Corporation in Top 3000 for 3rd Consecutive Year

September 2, 2009 – Austin, Texas - Gila Corporation, through its two business units, Municipal Services Bureau (MSB) and Gila Group, is pleased to announce they have been recognized by ***Inc. Magazine*** as one of the top 5000 fastest growing private companies in America for the third year in a row.

"Making the ***Inc. 5000*** list for three consecutive years is a tremendous honor and comes as a direct result of our internal efforts to distinguish ourselves by our brand - **Experience, Execution, and Ethics**," said Patrick J. Swanick, Chief Executive Officer of Gila Corporation. "Training our employees to uphold and adhere to our brand enables us to provide a consistently outstanding level of service to our customers, which insures our continued revenue growth," he added.

The 2009 ***Inc. 5000*** list measures revenue growth from 2005 through 2008. To qualify, companies had to be U.S.-based, privately held, and independent – not subsidiaries or divisions of other companies.

Each year ***Inc. Magazine*** compiles a list of the fastest growing private companies in the US. This year, Gila Corporation made it well within the 5000 mark as it closed in the top 3000 fastest growing companies. Gila Corporation, headquartered in Austin, Texas, is a leading provider of outsourced revenue recovery products and services. The Company provides specialized collection services for governmental entities and financial institutions nationwide.

About Gila Corporation

Founded in 1991, Gila Corporation is a leading nationwide provider of receivables management and business process outsourcing solutions. Headquartered in Austin, Texas, the Company offers outsourced collections, payment processing and call center services to governmental entities, financial services clients and higher education institutions across the country. Through its strategic business units, Municipal Services Bureau (MSB) and Gila Group, the Corporation empowers more than 350 talented employees with advanced technology, data management tools, and leading edge business practices to exceed the expectations of its clients. MSB collects delinquent court fines, fees and debts for a wide variety of governmental entities. Gila Group specializes in outsourced collections and customer service functions for financial institutions.

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Gila Corporation

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Gila Corporation Receives SAS 70 and PPMS™ Certification *Consistent Credentials Help Maintain High Operational Performance*

May 17, 2010 – Austin, Texas – Gila Corporation, through its business units, Municipal Services Bureau (MSB) and Gila Group, is pleased to continue its record of operational excellence by being recertified in two industry specific audits. The Company has again been named an approved Professional Practices Management Systems™ (PPMS™) certified agency and completed the Statement on Auditing Standards No. 70 (SAS 70) Type II certification, for the third consecutive year.

“Being continually recognized as a PPMS™ certified agency is extremely important because Gila Corporation holds itself to a higher operational standard. We continually take a critical look at our operations, in order to improve results for our clients,” said Bruce Cummings, Gila Corporation’s Chief Executive Officer. PPMS™ is a management system for collection agencies based upon developing, implementing and adhering to a set of industry-specific professional practices and policies. Less than one percent of all collection agencies are certified.

This unique designation is granted by ACA International, the association for businesses and individuals involved in the credit and collections industry. On an ongoing basis, the PPMS™ processes at certified agencies result in a reduction in errant procedures, increased communication among internal departments, better training and development of collections staff, and consistent, efficient and professional handling of client issues.

The SAS 70 audit involves an intense certification process where the Company's technology platform and operational processes are tested and must adhere to strict industry standards, as verified by an independent auditor. This certification provides customers with the assurance that their data is properly managed and in compliance with the best practices in the industry.

"With the completion of the SAS 70 audit, our clients are assured that we have the appropriate controls in place to meet the strict security standards they demand and deserve. Our clients expect a higher level of service from us, and we consider both our PPMS™ and SAS 70 certifications independent, industry seals of approval," Cummings added.

Gila Corporation serves the government sector through its MSB business unit and the financial services sector through its Gila Group division.

About Gila Corporation

Founded in 1991, Gila Corporation is a leading nationwide provider of receivables management and business process outsourcing solutions. Headquartered in Austin, Texas, the Company offers outsourced collections, payment processing and call center services to governmental entities, financial services clients and higher education institutions across the country. Through its strategic business units, Municipal Services Bureau and Gila Group, the Company empowers more than 350 talented employees with advanced technology, data management tools, and leading edge business practices to exceed the expectations of its clients. MSB collects delinquent court fines, fees and debts for a wide variety of governmental entities. Gila Group specializes in outsourced collections and customer service functions for financial institutions.

Gila Corporation distinguishes itself based on its brand: ***Experience, Execution, and Ethics***. The Company works with more than 550 clients in 26 states and is licensed to collect throughout the United States. The firm has achieved ACA International's Professional Practices Management System™ (PPMS™) certification and maintains an A+ rating by the Better Business Bureau. For more information, please visit www.GilaCorp.com or call # 1-800-568-7004.

No White Flags Surrendering to Possible Identity Theft Here – Gila Corp Gets “Red Flag” Compliant

May 27, 2009 – Austin, Texas - Gila Corporation, d/b/a Municipal Services Bureau (MSB) and Gila Group, a nationwide leader in receivables management and business process outsourcing solutions, is pleased to announce the successful completion of the Red Flag Identity Theft program. The company has been certified Red Flag compliant in accordance with the FTC Fair and Accurate Credit Transactions (FACT) Act #114. This program helps to identify, respond to and mitigate identity theft from each area of the company.

“Ethical collection practices are a top priority at Gila, and adhering to federally approved identity theft prevention practices is another way we maintain our high ethical standards,” said Patrick J. Swanick, Chief Executive Officer of Gila Corporation. “Completing this program assures our clients that we have both strict and appropriate measures in place to protect the integrity of their sensitive information,” Swanick added.

Gila Corporation serves the government sector through its Municipal Services Bureau (MSB) business unit and the financial services sector through its Gila Group division. Each individual department at Gila Corporation has completed a Red Flag policy and all departments have been combined into a corporate Red Flag Rules Compliance; which will be reviewed annually.

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Ethical Collections - Not Only Possible, It's Essential! Gila Corporation Receives “A+” Rating

February 9, 2009 – Austin, Texas - Gila Corporation, d/b/a Municipal Services Bureau (MSB) and Gila Group, is pleased to announce their recent “A+” rating, awarded by the Better Business Bureau (BBB). This grade represents the BBB's highest level of confidence that a business is operating in a trustworthy manner and will make all good faith efforts to resolve customer concerns.

“Our commitment to ethical collection practices is a professional pledge that we make to all of our clients, said Patrick J. Swanick, Gila Corporation's Chief Executive Officer. “We resolve customer issues within one week of receiving a dispute from the BBB, after a thorough internal investigation.”

The “A+” rating indicates that Gila Corporation scored in the highest possible percentile using the BBB's stringent performance criteria. The BBB assigns ratings based upon evaluations in fourteen categories, including industry experience, length of time in operation, how the business has responded to BBB complaints, and whether the company is a BBB Accredited Business.

“We distinguish ourselves in our industry based upon our Experience, Execution, and Ethics. Resolving client issues amicably and collecting past due obligations in a manner that is respectful to the debtor are top priorities at all times,” Swanick added. Within the past year, Gila Corporation has achieved the Professional Practices Management System (PPMS) designation from ACA International, received the SAS 70 (Type II) certification and was also named as a BBB Accredited Business.



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MSB Signs Statewide Agreement with Colorado

Approved Vendor for Collections and Payment Processing

July 28, 2010, Austin, Texas – Gila Corporation, through its business unit, Municipal Services Bureau (MSB), is pleased to announce it has been named an approved vendor to provide outsourced collections and payment processing services to the State of Colorado.

"We are delighted by the opportunity to work with the State of Colorado. MSB has proven its ability to recover more revenue for hundreds of courts all over the nation, and we intend to deliver exceptional results throughout the State as well," said Bruce Cummings, CEO of MSB. MSB collects delinquent court fines, fees and debts for more than 550 governmental entities nationwide.

"MSB works exclusively with government agencies, and our unique experience enables us to find solutions to improve recovery rates and generate revenue for our clients," Cummings added. MSB is currently under contract with the 10th and 17th Judicial Districts of Colorado and is in the process of securing additional jurisdictions.

About Municipal Services Bureau

Founded in 1991, **Municipal Services Bureau** offers outsourced collections, payment processing and call center services to governmental entities nationwide. Headquartered in Austin, Texas, MSB empowers talented employees with advanced technology, data management tools and leading edge business practices to exceed the expectations of its clients. MSB currently works with more than 550 clients in 34 states and is licensed to collect throughout the United States.

MSB distinguishes itself based on its brand: ***Experience, Execution and Ethics***. The Company has achieved the Professional Practices Management System (PPMS) certification from the Association of Credit and Collections Professionals (ACA International). Additionally, the Company is a SAS 70 (Type II) certified service organization and maintains an A+ rating with the Better Business Bureau. MSB is also a sustaining member of the National Association for Court Management (NACM). For more information, please visit www.MuniServ.com or call # 1-800-568-7004.



Government Collection Client List

All of MSB's collection clients utilize our call center services and letter creation, printing and mailing services.

<i>State of Alaska</i> Client	Services Provided
Municipality of Anchorage	Court and Debt Collections, Payment Processing

<i>State of Arizona</i> Client	Services Provided
Cave Creek Municipal Court	Court Collections, Payment Processing

<i>State of Arkansas</i> Client	Services Provided
Crawford County	Court Collections, Payment Processing
City of Fort Smith	Court Collections, Payment Processing
Garland County	Court Collections
City of Hot Springs	Court Collections
City of Kibler	Court Collections, Payment Processing
Sebastian County	Court Collections
City of Van Buren	Court Collections, Payment Processing

<i>State of California</i> Client	Services Provided
State of California, Administrative Office of the Courts	Statewide Contract for Court Collections
City of Los Angeles	Debt Collections, Payment Processing
Lake County Superior Court	Court Collections, Payment Processing
Orange County Superior Court	Court Collections, Payment Processing
Riverside County Superior Court	Court Collections, Payment Processing
San Joaquin County Superior Court	Court Collections, Payment Processing
Shasta County Superior Court	Court Collections, Payment Processing



Government Collection Client List

Stanislaus County Superior Court	Court Collections, Payment Processing
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<i>State of Colorado</i> Client	Services Provided
State of Colorado Judicial Department	Statewide Contract for Court Collections, Payment Processing
17 th Judicial District	Court Collections, Payment Processing
10 th Judicial District	Court Collections, Payment Processing

<i>State of Connecticut</i> Client	Services Provided
State of Connecticut	Statewide Collection Contract
Connecticut Department of Labor	Debt Collections, Payment Processing

<i>State of Florida</i> Client	Services Provided
Alachua County	Debt Collections, Payment Processing
Clay County Rescue	EMS Collections, Payment Processing
City of Fort Lauderdale	Debt Collections, Payment Processing
Hernando County	Court Collections, Payment Processing
Marion County	Court Collections, Payment Processing
Martin County	Court Collections, Payment Processing
Miami-Dade County	Court and Debt Collections, Payment Processing
Monroe County	Court and EMS Collections
City of Ocala	Utility, Finance Department Debt Collections, Payment Processing
City of Palm Bay	Debt Collections
City of Merimar	Debt Collections
State of Florida, Department of Financial Services	Debt Collections



Government Collection Client List

<i>State of Georgia</i> Client	Services Provided
Chatham County State Court	Court Collections, Payment Processing
Glynn County	Debt Collections, Payment Processing

<i>State of Hawaii</i> Client	Services Provided
State of Hawaii, The Judiciary	Statewide Contract for Court Collections, Payment Processing

<i>State of Idaho</i> Client	Services Provided
Aida County	Court and Debt Collections, Payment Processing

<i>State of Illinois</i> Client	Services Provided
Chicago Housing Authority	Debt Collections, Payment Processing

<i>State of Indiana</i> Client	Services Provided
Dekalb County	Court Collections, Payment Processing
Marion County (Indianapolis)	Court Collections, Payment Processing
Harrison County	Court Collections, Payment Processing
Miami County	Court Collections, Payment Processing
Marshall County	Court Collections, Payment Processing
Washington County	Court Collections, Payment Processing

<i>State of Kansas</i> Client	Services Provided
State of Kansas, Attorney General	Statewide Contract for Court Collections
Allen County District Court	Court Collections, Payment Processing



Government Collection Client List

Anderson County District Court	Court Collections, Payment Processing
City of Andover	Court Collections, Payment Processing
Barber County District Court	Court Collections, Payment Processing
Barton County District Court	Court Collections, Payment Processing
Brown County District Court	Court Collections, Payment Processing
Chautauqua District Court	Court Collections, Payment Processing
Cherokee County District Court	Court Collections, Payment Processing
Clay County District Court	Court Collections, Payment Processing
Coffey County District Court	Court Collections, Payment Processing
Crawford County District Court	Court Collections, Payment Processing
Doniphan County District Court	Court Collections, Payment Processing
Edwards County District Court	Court Collections, Payment Processing
Ellis County District Court	Court Collections, Payment Processing
Finney County District Court	Court Collections, Payment Processing
Franklin County District Court	Court Collections, Payment Processing
Greeley County District Court	Court Collections, Payment Processing
Hamilton County District Court	Court Collections, Payment Processing
Harper County District Court	Court Collections, Payment Processing
Harvey County District Court	Court Collections, Payment Processing
Hodgeman County District Court	Court Collections, Payment Processing
Jackson County District Court	Court Collections, Payment Processing
Johnson County District Court	Court Collections, Payment Processing
Kearny County District Court	Court Collections, Payment Processing
Kingman County District Court	Court Collections, Payment Processing
Labette County District Court	Court Collections, Payment Processing
Lane County District Court	Court Collections, Payment Processing
City of Lawrence	Court Collections, Payment Processing
City of Liberal	Court Collections, Payment Processing
Lin County District Court	Court Collections, Payment Processing
Marshall County District Court	Court Collections, Payment Processing



Government Collection Client List

McPherson County District Court	Court Collections, Payment Processing
City of Merriam	EMS Collections, Payment Processing
Montgomery County District Court	Court Collections, Payment Processing
Nemaha County District Court	Court Collections, Payment Processing
Neosho County District Court	Court Collections, Payment Processing
Ness County District Court	Court Collections, Payment Processing
City of Olathe	Court Collections, Payment Processing
Osage County District Court	Court Collections, Payment Processing
City of Ottawa	Court Collections, Payment Processing
Pawnee County District Court	Court Collections, Payment Processing
Pottawatomie County District Court	Court Collections, Payment Processing
Pratt County District Court	Court Collections, Payment Processing
Reno County District Court	Court Collections, Payment Processing
Rice County District Court	Court Collections, Payment Processing
Rooks County District Court	Court Collections, Payment Processing
Rush County District Court	Court Collections, Payment Processing
Russell County District Court	Court Collections, Payment Processing
Saline County District Court	Court Collections, Payment Processing
Scott County District Court	Court Collections, Payment Processing
Sedgwick County District Court	Court Collections, Payment Processing
Stafford County District Court	Court Collections, Payment Processing
Sumner County District Court	Court Collections, Payment Processing
City of Wichita	Court Collections, Payment Processing
Wichita County District Court	Court Collections, Payment Processing
Wilson County District Court	Court Collections, Payment Processing
Woodson County District Court	Court Collections, Payment Processing



Government Collection Client List

<i>State of Kentucky</i> Client	Services Provided
City of Lexington-Fayette – Urban County Government	Debt Collections, Payment Processing

<i>State of Louisiana</i> Client	Services Provided
City of Lafayette	Red Light Collections, Payment Processing

<i>State of Michigan</i> Client	Services Provided
3 rd Judicial Court (Wayne County – Detroit)	Court Collections, Payment Processing
41A District Court	Court Collections, Payment Processing
City of Detroit	Debt Collections, Payment Processing

<i>State of Minnesota</i> Client	Services Provided
Department of Revenue Statewide Contract	Debt Collection Services, Payment Processing

<i>State of Mississippi</i> Client	Services Provided
City of Jackson	Court Collections, Payment Processing

<i>State of Missouri</i> Client	Services Provided
City of Nevada	Court Collections, Payment Processing
City of Grain Valley	Utility Collections, Payment Processing



Government Collection Client List

<i>State of Montana</i> Client	Services Provided
City of Albion	Court Collections, Payment Processing
City of Billings	Court Collections, Payment Processing
City of Bozeman	Court Collections, Payment Processing
Carbon County	Court Collections, Payment Processing
Fergus County Justice Court	Court Collections, Payment Processing
City of Great Falls	Court Collections, Payment Processing
City of Hot Springs	Court Collections, Payment Processing
City of Kalispell	Court Collections, Payment Processing
City of Lewistown	Court Collections, Payment Processing
Mineral County Justice Court	Court Collections, Payment Processing
City of Red Lodge	Court Collections, Payment Processing
City of Superior Town	Court Collections, Payment Processing
City of Thompson Falls	Court Collections, Payment Processing
Yellowstone County	Court Collections, Payment Processing

<i>State of Nevada</i> Client	Services Provided
State of Nevada Statewide Contract	Debt Collections, Payment Processing

<i>State of New Hampshire</i> Client	Services Provided
City of Manchester	Parking Collections, Payment Processing

<i>State of New Mexico</i> Client	Services Provided
State of New Mexico Statewide Contract	Court Collections, Payment Processing
City of Albuquerque	Court Collections, Payment Processing
City of Rio Rancho	Debt Collections, Payment Processing



Government Collection Client List

Bernalillo County Metropolitan Court	Court Collections, Payment Processing
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State of Ohio Client	Services Provided
City of Cincinnati	Debt Collections, Payment Processing
City of Hamilton	Debt Collections, Payment Processing

State of Oklahoma Client	Services Provided
City of Tulsa	Court and Utility Collections, Payment Processing

State of Oregon Client	Services Provided
State of Oregon Judiciary	Court Collections, Payment Processing

State of Pennsylvania Client	Services Provided
Philadelphia Housing Authority	Debt Collections, Payment Processing
City of Philadelphia	Debt Collections, Payment Processing

State of Texas Client	Services Provided
Texas Department of Public Safety Driver Responsibility Program	Customer Service, Payment Processing and Letter Creation and Distribution
University of Texas	Parking Collections, Payment Processing

State of Texas, North Texas Area Client	Services Provided
City of Allen	Red Light Collections, Payment Processing
City of Bedford	Red Light Collections, Payment Processing
City of Benbrook	Court and EMS Collections, Payment



Government Collection Client List

	Processing
City of Coppell	Red Light Collections, Payment Processing
City of Dalworthington Gardens	Red Light Collections, Payment Processing
City of Denton	Court and Red Light Collections, Payment Processing
City of Duncanville	Utilities and Red Light Collections
City of Farmers Branch	Court, Red Light and Utility Collections
City of Frisco	Utility and Red Light Collections, Payment Processing
City of Garland	Court and Utility Collections, Payment Processing
City of Haltom	Red Light Collections, Payment Processing
City of Hudson Oaks	Court Collections, Payment Processing
City of Hurst	Red Light Collections, Payment Processing
City of Irving	Utility Collections, Payment Processing
City of Jacksonville	Court Collections, Payment Processing
City of Keller	Court Collections, Payment Processing
City of Ladonia	Court Collections, Payment Processing
City of Lancaster	Red Light Collections, Payment Processing
City of Lewisville	Red Light Collections, Payment Processing
City of McKinney	Red Light Collections, Payment Processing
City of Melissa	Court Collections, Payment Processing
City of Mesquite	Red Light Collections, Payment Processing
City of Milford	Court Collections, Payment Processing
City of Mineral Wells	Court and EMS Collections, Payment Processing
City of North Richland Hills	Red Light Collections, Payment Processing
City of Parker	Court Collections, Payment Processing
City of Plano	Court and Red Light Collections
City of Rice	Court Collections, Payment Processing
City of Richardson	Court and Red Light Collections



Government Collection Client List

City of Richland Hills	Red Light Collections, Payment Processing
City of Roanoke	Red Light Collections, Payment Processing
City of Rowlett	Court and Utility Collections, Payment Processing
City of Royse	Court and Utility Collections, Payment Processing
City of Saginaw	Court Collections, Payment Processing
City of Savoy	Court Collections, Payment Processing
City of Seagoville	Court Collections, Payment Processing
City of Sherman	EMS Collections, Payment Processing
City of Southlake	Red Light Collections, Payment Processing
City of Sunnyvale	Court Collections, Payment Processing
City of Terrell	Red Light Collections, Payment Processing
City of University Park	Red Light Collections, Payment Processing
City of Waxahatchie	Court Collections, Payment Processing

<i>State of Texas, Houston Area</i> Client	Services Provided
City of Beaumont	Debt Collections, Payment Processing
City of Edna	Court, EMS and Utility Collections, Payment Processing
City of Hempstead	Court Collections, Payment Processing
City of Lake Jackson	Court and Red Light Collections, Payment Processing
Montgomery County	Red Light Collections, Payment Processing
City of Nederland	Court and Utility Collections, Payment Processing
City of Port Lavaca	Red Light Collections, Payment Processing
City of Santa Fe	Court Collections, Payment Processing
City of Taylor Lake Village	Court Collections, Payment Processing
City of Tomball	Red Light Collections, Payment Processing
City of Victoria	Utility Collections, Payment Processing



Government Collection Client List

City of West University Place	Court Collections
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<i>State of Texas, East Texas Area</i> Client	Services Provided
City of Carthage	Court Collections, Payment Processing
City of Center	Court Collections, Payment Processing
City of Crandall	Court Collections, Payment Processing
Hopkins County	Court Collections, Payment Processing
City of Huntsville	Court and Utility Collections, Payment Processing
City of Kerens	Court and Utility Collections, Payment Processing
City of Longview	Red Light Collections, Payment Processing
City of Marshall	Red Light Collections, Payment Processing
City of Waskom	Court Collections

<i>State of Texas, West Texas Area</i> Client	Services Provided
City of Ballinger	Court Collections, Payment Processing
City of Bovina	Court Collections, Payment Processing
City of Burkburnett	Court Collections, Payment Processing
City of Childress	Court Collections, Payment Processing
Childress County	Court Collections, Payment Processing
City of Cisco	Court Collections, Payment Processing
City of Denver City	EMS Collections, Payment Processing
Edwards County	Court Collections, Payment Processing
City of El Paso	Red Light Collections, Payment Processing
Hudspeth County	Court Collections, Payment Processing
City of Junction	Court Collections, Payment Processing
City of Mason	Court Collections, Payment Processing
City of Odessa	Court and Parking Collections, Payment Processing



Government Collection Client List

	Processing
City of Rising Star	Court Collections, Payment Processing
City of Seminole	Utility Collections, Payment Processing
City of Wichita Falls	Court Collections

<i>State of Texas, Austin/Central Texas Area</i> Client	Services Provided
Central Texas Regional Mobility Authority	Toll Collections, Payment Processing
City of Austin	Court and Parking Collections, Payment Processing
City of Austin	Utility and EMS Collections
City of Bastrop	Court and Utility Collections, Payment Processing
City of Brenham	Court Collections, Payment Processing
City of Burton	Court Collections, Payment Processing
City of Caldwell	Court and Utility Collections, Payment Processing
City of Columbus	Utility Collections, Payment Processing
Fayette County	EMS Collections, Payment Processing
City of Georgetown	Court and Utility Collections, Payment Processing
Hays County	Court Collections, Payment Processing
City of Johnson City	Court Collections, Payment Processing
City of Killeen	Court, Red Light and Debt Collections, Payment Processing
City of Kyle	Court Collections, Payment Processing
City of La Grange	Court and Utility Collections, Payment Processing
City of Lampasas	Court Collections, Payment Processing
City of Leander	Utility Collections, Payment Processing
City of Lott	Court Collections, Payment Processing
City of Mustang Ridge	Court Collections, Payment Processing



Government Collection Client List

City of Pflugerville	Debt and Utility Collections, Payment Processing
City of Schulenburg	Court Collections, Payment Processing
City of Somerville	Court Collections, Payment Processing
Travis County Central Collections	Court Collections, Payment Processing
City of Waco	Court and Debt Collections
City of Wimberley	EMS Collections, Payment Processing

<i>State of Texas, South Texas Area</i> Client	Services Provided
Bandera County	EMS Collections, Payment Processing
City of Corpus Christi	Red Light Collections, Payment Processing
City of Cuero	Court Collections, Payment Processing
City of Floresville	Court Collections, Payment Processing
City of Freer	Court Collections, Payment Processing
City of Garden Ridge	Court Collections, Payment Processing
City of Gregory	Court Collections, Payment Processing Court Payment Processing, Utility bill Payment Processing
City of Harlingen	Red Light Collections, Payment Processing
City of Hill Country Village	Court Collections, Payment Processing
City of Highland Park	EMS Collections, Payment Processing
City of Karnes City	Court Collections, Payment Processing
City of Kerrville	EMS Collections, Payment Processing
City of La Feria	Court Collections, Payment Processing
McMullen County	EMS Collections, Payment Processing
City of Olmos Park	Court Collections, Payment Processing
City of Portland	Court Collections, Payment Processing
City of Premont	Court Collections, Payment Processing
City of Primera	Court Collections, Payment Processing
City of Progress	Court Collections, Payment Processing



Government Collection Client List

City of Robstown	Court Collections, Payment Processing
City of San Antonio	Utility Collections, Payment Processing
City of San Benito	Court Collections, Payment Processing
City of San Juan	Court Collections, Payment Processing
City of Santa Fe	Court Collections, Payment Processing
City of South Padre Island	Court Collections, Payment Processing
City of Taft	Court Collections, Payment Processing
City of Three Rivers	Court Collections, Payment Processing
City of Uvalde	Court Collections, Payment Processing

<i>State of Utah</i> Client	Services Provided
Salt Lake City	Court Collections, Payment Processing

<i>State of Washington</i> Client	Services Provided
Snohomish County	Debt Collections, Payment Processing

<i>State of Wisconsin</i> Client	Services Provided
State of Wisconsin	Debt Collections, Payment Processing

MUNICIPAL SERVICES BUREAU
PO BOX 16755
AUSTIN, TX 78761-6755
TOLL FREE: (800) 866-9436
AUSTIN, TX: (512) 371-7143



A. 11
Gila, LLC DBA Municipal
Services Bureau
Page 108 of 146
HOURS OF OPERATION:
MON - THURS: 7AM - 6PM CST
FRI: 7AM - 9PM CST
SAT: 7AM - 5PM CST

FIRST NOTICE

Reference: «INSERT32»

Date: March 23, 2011

Dear «FullName»:

Total Due: \$«Insert42»

The total due represents an overdue balance owed to «Insert24». We urge you to remit payment in full to the address below. Municipal Services Bureau, a private corporation, has been contracted by «Insert24» to help recover the debt owed.

Please remit your payment in full to the address below. If assistance is needed, please contact a representative toll free at: **1-800-866-9436**. This communication is from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose. If this is an individual account, then it may be reported to a credit bureau.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing that you dispute this debt within 30 days from receiving this notice, this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification; and provide you with the name and address of the original creditor if different from the current creditor.

<u>Creditor</u>	<u>Account #</u>	<u>For</u>	<u>Total</u>	<u>Date</u>
«INSERT44»				
«INSERT45»				
«INSERT46»				
«INSERT47»				
«INSERT48»				
«INSERT49»				
«INSERT50»				
«INSERT51»				

NOTICE: SEE REVERSE SIDE FOR IMPORTANT LEGAL RIGHTS AND INFORMATION

TN Residents: This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance.
CO Residents: Our physical address in Colorado is 80 Garden Center, Suite 3, Broomfield, CO 80020.
Our phone number in Colorado is (303) 920-4763. See important disclosure on back of this page.

*** DETACH LOWER PORTION AND RETURN WITH PAYMENT ***

+«PRINTSEQ»

PO Box 6031
Hauppauge NY 11788-9031
ADDRESS SERVICE REQUESTED

Reference: «INSERT32»
Account Number: «INSERT4»
Total Amount: «Insert42»
Amount Paid: _____

Please make your payment payable to:
«Insert24»
Please contact us at 1-800-866-9436 if you have any questions.

«INSERT32»-«LETTERCODE» «IMB»SERIALNUMBER»
«IMB»
«FullName»
«AttnLine»
«Address1»
«Address2»
«City» «State» «ZipCode»-«ZipPlus4»

REMIT PAYMENTS TO:
«Insert24»
«INSERT17»
«INSERT18»
«INSERT21»

Federal Law

Unless you dispute the validity of this debt or any portion thereof, within thirty days after receipt of this notice, we shall assume the debt to be valid. If you notify us in writing of your dispute within this thirty-day period, we will: (1) obtain verification of the debt or a copy of a judgment against you; and (2) mail a copy of such verification or judgment to you. Upon your written request within the thirty-day period, we will provide you with the name and address of the original creditor if different from the current creditor.

State Law

California Residents:

"The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except for under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov."

Colorado:

"FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT SEE WWW.AGO.STATE.CO.US/CADC/CADCMAN.CFM."

"A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt."

Minnesota:

"This collection agency is licensed by the Minnesota Department of Commerce."

Utah:

"As required by Utah law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligation within 30 days of receipt of the original debt notification."

Washington:

For information about the Washington Collection Agency Act see: <http://atg.wa.gov/askcolumn.aspx?&id=13558>.

Wisconsin:

"This collection agency is licensed by the Division of Banking, P.O. Box 7876, Madison, Wisconsin 53707."

New York City: Permit #1155818

North Carolina: Permit #3710

Municipal Services Bureau's Physical Address:

**Municipal Services Bureau
6505 Airport Blvd., Suite 100
Austin, Texas 78752-3614**

MUNICIPAL SERVICES BUREAU
PO BOX 16755
AUSTIN, TX 78761-6755
TOLL FREE: (800) 866-9436
AUSTIN, TX: (512) 371-7143



A. 11
Gila, LLC DBA Municipal
Services Bureau
HOURS OF OPERATION
MON - THURS: 7AM - 4PM CST
FRI: 7AM - 9PM CST
SAT: 7AM - 5PM CST

SECOND NOTICE

Reference: «INSERT32»

Date: March 23, 2011

Dear «FullName»:

Total Due: \$«Insert42»

This is our second attempt to contact you regarding your unpaid debt to the «Insert24» in the amount of \$«Insert42». Our previous notice gave you the opportunity to respond within 30 days of receipt of such notice if you disputed the validity of the debt or any portion thereof. Since no notification has been received by our office, we assume this debt is valid. Municipal Services Bureau, a private corporation, has been contracted by «Insert24» to assist them with the resolution of this matter.

Please remit your payment in full to satisfy your debt. Contact our office today at 1-800-866-9436 to discuss this matter. If this is an individual account, then it may be reported to a credit bureau.

This communication is from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT LEGAL RIGHTS AND INFORMATION

<u>Creditor</u>	<u>Account #</u>	<u>For</u>	<u>Total</u>	<u>Date</u>
«INSERT44»				
«INSERT45»				
«INSERT46»				
«INSERT47»				
«INSERT48»				
«INSERT49»				
«INSERT50»				
«INSERT51»				

TN Residents: This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance.
CO Residents: Our physical address in Colorado is 80 Garden Center, Suite 3, Broomfield, CO 80020.
Our phone number in Colorado is (303) 920-4763. See important disclosure on back of this page.

*** DETACH LOWER PORTION AND RETURN WITH PAYMENT ***

+«PRINTSEQ»

PO Box 6031
Hauppauge NY 11788-9031
ADDRESS SERVICE REQUESTED

Reference: «INSERT32»
Account Number: «INSERT4»
Total Amount: «Insert42»
Amount Paid: _____

Please make your payment payable to:
«Insert24»
Please contact us at 1-800-866-9436 if you have any questions.

«INSERT32»--«LETTERCODE» «IMBSERIALNUMBER»
«IMB»
«FullName»
«AttnLine»
«Address1»
«Address2»
«City» «State» «ZipCode»--«ZipPlus4»

REMIT PAYMENTS TO:
«INSERT24»
«INSERT17»
«INSERT18»
«INSERT21»

Federal Law

Unless you dispute the validity of this debt or any portion thereof, within thirty days after receipt of this notice, we shall assume the debt to be valid. If you notify us in writing of your dispute within this thirty-day period, we will: (1) obtain verification of the debt or a copy of a judgment against you; and (2) mail a copy of such verification or judgment to you. Upon your written request within the thirty-day period, we will provide you with the name and address of the original creditor if different from the current creditor.

State Law

California Residents:

"The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except for under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov."

Colorado:

"FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT SEE WWW.AGO.STATE.CO.US/CADC/CADCMAIN.CFM."

"A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt."

Minnesota:

"This collection agency is licensed by the Minnesota Department of Commerce."

Utah:

"As required by Utah law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligation within 30 days of receipt of the original debt notification."

Washington:

For information about the Washington Collection Agency Act see: <http://atg.wa.gov/askcolumn.aspx?&id=13558>.

Wisconsin:

"This collection agency is licensed by the Division of Banking, P.O. Box 7876, Madison, Wisconsin 53707."

New York City: Permit #1155818

North Carolina: Permit #3710

Municipal Services Bureau's Physical Address:

**Municipal Services Bureau
6505 Airport Blvd., Suite 100
Austin, Texas 78752-3614**

MUNICIPAL SERVICES BUREAU
PO BOX 16755
AUSTIN, TX 78761-6755
TOLL FREE: (800) 866-9436
AUSTIN, TX: (512) 371-7143



A. 11
Gila, LLC DBA Municipal
Services Bureau
Pay 10PM CST
HOURS OF OPERATION
MON – THURS: 7AM – 6PM CST
FRI: 7AM – 9PM CST
SAT: 7AM – 5PM CST

DEMAND FOR IMMEDIATE PAYMENT

Reference: «INSERT32»

Date: March 23, 2011

Dear «FullName»

Total Due: \$«Insert42»

Our previous correspondences have gone unanswered. We notified you of your outstanding debt(s) owed to «Insert24» in the amount of \$«Insert42». We still to date have not received any correspondence from you. Your debt has not been resolved and remains outstanding. Municipal Services Bureau, a private corporation, has been contracted by «Insert24», to assist them with the resolution of this matter.

This letter is a **DEMAND FOR PAYMENT** of the total amount due as indicated above. This communication is from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose. If this is an individual account, then it may be reported to a credit bureau.

DO NOT IGNORE THIS NOTICE. If your account has been reported to a credit bureau, we will notify the credit bureau agencies that this matter has been resolved only after payment is made in full. Contact our office today at 1-800-866-9436. Our agents are waiting to assist you with resolving your outstanding obligation.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT LEGAL RIGHTS AND INFORMATION

<u>Creditor</u>	<u>Account #</u>	<u>For</u>	<u>Total</u>	<u>Date</u>
«INSERT44»				
«INSERT45»				
«INSERT46»				
«INSERT47»				
«INSERT48»				
«INSERT49»				
«INSERT50»				
«INSERT51»				

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Our phone number in Colorado is (303) 920-4763. See important disclosure on back of this page.

*** DETACH LOWER PORTION AND RETURN WITH PAYMENT ***

+«PRINTSEQ»

PO Box 6031
Hauppauge NY 11788-9031
ADDRESS SERVICE REQUESTED

Reference: «INSERT32»
Account Number: «INSERT4»
Total Amount: «Insert42»
Amount Paid: _____

Please make your payment payable to:
«Insert24»
Please contact us at 1-800-866-9436 if you have any questions.

«INSERT32»--«LETTERCODE» «IMBSERIALNUMBER»

«IMB»
«FullName»
«AttnLine»
«Address1»
«Address2»
«City» «State» «ZipCode»-«ZipPlus4»

REMIT PAYMENTS TO:
«INSERT24»
«INSERT17»
«INSERT18»
«INSERT21»

Federal Law

Unless you dispute the validity of this debt or any portion thereof, within thirty days after receipt of this notice, we shall assume the debt to be valid. If you notify us in writing of your dispute within this thirty-day period, we will: (1) obtain verification of the debt or a copy of a judgment against you; and (2) mail a copy of such verification or judgment to you. Upon your written request within the thirty-day period, we will provide you with the name and address of the original creditor if different from the current creditor.

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For information about the Washington Collection Agency Act see: <http://atg.wa.gov/askcolumn.aspx?&id=13558>.

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New York City: Permit #1155818

North Carolina: Permit #3710

Municipal Services Bureau's Physical Address:

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6505 Airport Blvd., Suite 100
Austin, Texas 78752-3614**

MUNICIPAL SERVICES BUREAU
PO BOX 16755
AUSTIN, TX 78761-6755
TOLL FREE: (877) 787-8646
AUSTIN, TX: (512) 323-4216



To make a payment online, please visit us at www.msbspay.com

A. 11
Gila, LLC DBA Municipal
SERVICES Bureau
Page 1 of 146
HOURS OF OPERATION
MON – FRI: 7AM – 5PM CST
SAT: 7AM – 5PM CST

USE YOUR TAX REFUND TO PAY OFF YOUR DEBT

Reference No.: «INSERT32»

Date: March 23, 2011

Dear «FullName»:

Total Due: \$«Insert42»

TAX REFUND SEASON is upon us and we encourage you to take this opportunity to use your **TAX REFUND** to meet your obligation to the court.

Municipal Services Bureau, a private corporation, has been contracted by «Insert24» to contact you immediately about your outstanding obligation(s) listed below. As of the date of this letter, the court's records show an outstanding balance in the amount of «Insert24». This amount may be subject to change due to additional court fines or adjustments added by the court after the date of this letter. Contact our office toll free at 1-866-865-9442 or in Austin, Texas locally at (512) 323-4215 for further instructions in resolving your outstanding matter.

Creditor	Account #	For	Total	Date
«INSERT44»				
«INSERT45»				
«INSERT46»				
«INSERT47»				
«INSERT48»				
«INSERT49»				
«INSERT50»				
«INSERT51»				

MSB ACCEPTS ALL MAJOR CREDIT CARDS, CHECKS, WESTERN UNION, AND MONEY GRAM.

If you send us a check, it may be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two additional times and, if allowed by your state law, a fee will be assessed to your account for any dishonored check or money order presented as payment.

TN Residents: This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance.

CO Residents: Our physical address in Colorado is 80 Garden Center, Suite 3, Broomfield, CO 80020.

Our phone number in Colorado is (303) 920-4763. See important disclosures on back of this page.

*** DETACH LOWER PORTION AND RETURN WITH PAYMENT ***
PLEASE INDICATE REFERENCE NUMBER ON YOUR CHECK OR MONEY ORDER

+«PRINTSEQ»
PO Box 6031
Hauppauge NY 11788-9031
ADDRESS SERVICE REQUESTED

☐		Card Number (SEE BELOW NOTICE)	Exp Date	Security Code
☐		Cardholder Signature	Billing Zip Code	
☐		Phone or Alternate Phone	Total Due	Total Paid
☐		New Address Info.		City State Zip

Reference Number: «INSERT32»
Account Number: «INSERT4»

NOTICE: Where allowed by state law, a convenience fee will be added to all credit card transactions: \$10 for payments up to \$499.99; \$15 for payments of \$500 to \$749.99; and \$20 for payments of \$750 and greater.

«INSERT32»--«LETTERCODE» «IMBSERIALNUMBER»
«IMB»
«FullName»
«AttnLine»
«Address1»
«Address2»
«City» «State» «ZipCode»--«ZipPlus4»

REMIT PAYMENTS TO:
MUNICIPAL SERVICES BUREAU
PO BOX 16755
AUSTIN TX 78761-6755
=787616755558:

Federal Law

Unless you dispute the validity of this debt or any portion thereof, within thirty days after receipt of this notice, we shall assume the debt to be valid. If you notify us in writing of your dispute within this thirty-day period, we will: (1) obtain verification of the debt or a copy of a judgment against you; and (2) mail a copy of such verification or judgment to you. Upon your written request within the thirty-day period, we will provide you with the name and address of the original creditor if different from the current creditor.

State Law

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"The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except for under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov."

Colorado:

"For information about the Colorado Fair Debt Collection Practices Act see www.coloradoattorneygeneral.gov/ca."

"A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt."

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For information about the Washington Collection Agency Act see: <http://atq.wa.gov/askcolumn.aspx?&id=13558>.

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New York City: Permit #1155818

North Carolina: Permit #3710

Municipal Services Bureau's Physical Address:

**Municipal Services Bureau
6505 Airport Blvd., Suite 100
Austin, Texas 78752-3614**

City of Fayetteville Staff Review Form

C. 1
Federal Emergency
Management Agency (FEMA)
Page 1 of 14

City Council Agenda Items
and
Contracts, Leases or Agreements

6/21/2011

City Council Meeting Date
Agenda Items Only

Paul Becker

Finance Director

Administration

Submitted By

Division

Department

Action Required:

Request to apply for Federal Disaster grant from FEMA, and to accept same. The eligible expenses will be reimbursed at the rate of 75% (federal grant) and 12 1/2% (AR state grant). The money will be used to repair/replace damages that were caused by the storms & resulting flooding- with the incident date of April 23 to present. The City's match is 12 1/2% for eligible expenses. Approval of a Budget Adjustment in the amount of \$1,000,000.00

\$ 1,000,000.00

Cost of this request

\$ 1,000,000.00

Category / Project Budget

FEMA 2011 contracts

Program Category / Project Name

4270.9280.5315.00

Account Number

\$ -

Funds Used to Date

2011 FEMA

Program / Project Category Name

11020.1

Project Number

\$ 1,000,000.00

Remaining Balance

Disaster/Replacement

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐

Paul A. Becker 6-3-2011
Department Director Date

Previous Ordinance or Resolution # _____

[Signature] 6-3-11
City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becker 6-3-2011
Finance and Internal Services Director Date

Received in City 06-03-11 A09:57 RCVD
Clerk's Office

[Signature] 6-3-11
Chief of Staff Date

Received in
Mayor's Office

ENTERED
6/3/11
PH

[Signature] 6/6/11
Mayor Date

Comments:



CONTRACT REVIEW MEMO

To: Mayor Lioneld Jordan and City Council

From: Paul Becker, Finance Director

Date: Wednesday, June 01, 2011

Subject: Request to apply for Federal Disaster Aid grant and to accept same. Approval of a budget adjustment in the amount of \$1,000,000.00 for repairs and replacement of eligible damages due to storms and resulting flood with incident date of 4/23/2011. This is an estimate of the grant amount which will be 87 ½% of cost after insurance reimbursements.

RECOMMENDATION

I recommend approval of the application and acceptance of grant funds and recommend approval of the budget adjustment.

BACKGROUND

In April of 2011, there began a series of strong storms that resulted in some flooding and damages to the City of Fayetteville. FEMA is offering a disaster assistance grant to assist with eligible expenses.

DISCUSSION

All of the insurance adjustments have not been completed, but Chris Brown, City Engineer has a preliminary estimate of damages (attached). The City will pay for the damages, and the Federal grant will reimburse up to 75%, with the state reimbursing 12 ½%. City share is 12 ½%.

BUDGET IMPACT

Budget is available from the Disaster and Recovery Fund. Attached is a schedule of known losses.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A FEDERAL DISASTER GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) RELATED TO SPRING 2011 FLOOD DAMAGE, AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$1,000,000.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the application for and acceptance of a federal disaster grant from the Federal Emergency Management Agency (FEMA) related to Spring 2011 flood damage.

Section 2. That the City Council of the City of Fayetteville, Arkansas approves a budget adjustment, a copy of which is attached as Exhibit "A", in the amount of \$1,000,000.00.

PASSED and APPROVED this 21st day of June, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

C. 1 V11.0310
Federal Emergency
Management Agency (FEMA)
Document Number



THE CITY OF FAYETTEVILLE, ARKANSAS
ENGINEERING DIVISION
125 West Mountain
Fayetteville, AR 72701
Phone (479) 444-3443

www.accessfayetteville.org

TO: Paul Becker, Dir. Of Finance and Internal Svcs.
FROM: Chris Brown, City Engineer *CB*
DATE: April 29, 2011
SUBJECT: Preliminary Estimate of Damages to City Infrastructure and Property Due to April, 2011 Storm Event.

Attached is information compiled from various Departments of the City regarding damage to infrastructure, facilities, and property owned by the City of Fayetteville due to the above referenced event. It should be noted that these estimates are preliminary, and not all damage has been assessed as of this date. A summary of the estimates compiled to date is as follows:

1) Parks and Recreation Facilities:

- | | |
|------------------------------------|----------------|
| a. Multi-Use Trails: | \$492,000 |
| b. Lake Fayetteville Fishing Pier: | \$100,000 |
| c. Niokaska Creek Restoration: | \$29,800 |
| d. Building Damages: | \$8,500 |
| e. Misc. Damage: | <u>\$5,400</u> |

Total Parks and Recreation Damages: \$635,700

2) Transportation Services:

- | | |
|--------------------------------|-----------------|
| a. Porter Road: | \$38,000 |
| b. Other Street Damage: | \$254,500 |
| c. Fayetteville Exec. Airport: | \$20,000 |
| d. Fleet Damage: | <u>\$17,000</u> |

Total Transportation Dept. Damages: \$329,500

3) Utilities Department:

- | | |
|-----------------------------------|----------------|
| a. Water and Sewer Operations: | \$48,500 |
| b. Treatment Plant/Lift Stations: | \$150,300 |
| c. Solid Waste/Recycling: | <u>\$3,800</u> |

Total Utilities Dept. Damages: \$202,600

GRAND TOTAL \$1,167,800

PUBLIC ASSISTANCE APPLICANT ELIGIBILITY CHECKLIST

Applicant City of Fayetteville

The following is required for all applicants.

- ☐ Request for Public Assistance (RPA)
- ☐ Applicant/State Agreement
- ☐ Direct Deposit Form / State Inter-Agency Transfer Form
- ☐ W-9 Form
- ☐ Federal Tax ID # 71-6018462
- ☐ DUNS # 07-5657712

The following is additional information required for all Private Non-Profit (PNP) Organizations.

- ☐ Critical ☐ Non-Critical
If Non-Critical, are you open the General Public? ☐ Yes ☐ No
- ☐ Do you provide an essential government service? ☐ Yes ☐ No
- ☐ Effective Ruling Letter from the IRS granting Tax Exemption under section 501 (c), (d), or (e)
- ☐ State Certification as a PNP and STATE TAX ID# _____
- ☐ Provide a copy of BY-LAWS and/or CHARTERS
- ☐ PNP FACILITY QUESTIONNAIRE

ALL DOCUMENTS ARE REQUIRED TO DETERMINE ELIGIBILITY

DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
REQUEST FOR PUBLIC ASSISTANCE

Page 1 of 1
O.M.B. No. 1660-0017
Expires October 31, 2008

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 10 minutes. Burden means the time, effort and financial resources expended by persons to generate, maintain, disclose, or to provide information to us. You may send comments regarding the burden estimate or any aspect of the collection, including suggestions for reducing the burden to: Information Collections Management, U.S. Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (OMB Control Number 1660-0017). You are not required to respond to this collection of information unless a valid OMB number appears in the upper right corner of this form. **NOTE: Do not send your completed questionnaire to this address.**

APPLICANT (Political subdivision or eligible applicant.)

DATE SUBMITTED

City of Fayetteville, Arkansas

5-24-2011

COUNTY (Location of Damages. If located in multiple counties, please indicate.)

Washington

APPLICANT PHYSICAL LOCATION

STREET ADDRESS

113 W. Mountain (City Hall)

CITY

Fayetteville, AR

COUNTY

Washington

STATE

AR

ZIP CODE

72701

MAILING ADDRESS (If different from Physical Location)

STREET ADDRESS

POST OFFICE BOX

CITY

STATE

ZIP CODE

COPY

Primary Contact/Applicant's Authorized Agent

Alternate Contact

NAME

Lioneld Jordan

NAME

Don Marr

TITLE

Mayor

TITLE

Chief of Staff

BUSINESS PHONE

479-575-8331

BUSINESS PHONE

479-575-8330

FAX NUMBER

479-575-8257

FAX NUMBER

479-575-8257

HOME PHONE (Optional)

HOME PHONE (Optional)

479-236-1739

CELL PHONE

479-601-3514

CELL PHONE

479-601-3505

E-MAIL ADDRESS

ljordan@ci.fayetteville.ar.us

E-MAIL ADDRESS

dmarr@ci.fayetteville.ar.us

PAGER & PIN NUMBER

PAGER & PIN NUMBER

Did you participate in the Federal/State Preliminary Damage Assessment (PDA)?

☒ Yes

☐ No

Private Non-Profit Organization?

☐ Yes

☒ No

If yes, which of the facilities identified below best describe your organization?

Title 44 CFR, part 206.221(e) defines an eligible private non-profit facility as: "... any private non-profit educational, utility, emergency, medical or custodial care facility, including a facility for the aged or disabled, and other facility providing essential governmental type services to the general public, and such facilities on Indian reservations." "Other essential governmental service facility means museums, zoos, community centers, libraries homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops and facilities which provide health and safety services of a governmental nature. All such facilities must be open to the general public."

Private Non-Profit Organizations must attach copies of their Tax Exemption Certificate and Organization Charter or By-Laws. If your organization is a school or educational facility, please attach information on accreditation or certification.

Official Use Only: FEMA-

-DR-

FIPS#

Date Received:

STATE OF ARKANSAS
DEPARTMENT OF EMERGENCY MANAGEMENT

Public Assistance Program
Applicant – State Agreement

FEMA 1975 - DR - ARKANSAS

-
1. All documentation for this disaster must at least meet the following standards.
 - Force Account Labor must be presented in summary format with actual time sheets attached to justify claims.
 - Materials used in disaster repair must also be presented in summary format with load tickets or invoices from vendors attached to support claims.
 - Equipments hours and labor hours must be balanced to support claims.
 2. Additional damage must be reported within **60 days** from date of Kick Off meeting.
 3. All work must be done prior to the approved project completion deadline assigned to each Project Worksheet (PW). Should additional time be required to complete the approved work, a time extension request will need to be submitted prior to the existing completion date which a.) Identifies the PW(s) requiring an extension, b.) Explains the reason for needing an extension, c.) Indicates the percentage of work that has been completed and d.) Provides an anticipated completion date. The reason for needing an extension must be based on extenuating circumstances or unusual project requirements that are beyond the control of your jurisdiction/organizations. **Failure to submit a time extension request may result in the reduction or withdrawal of federal funds for the work that was approved.**
 4. Any change to a PW's approved scope of work must be reported to this office prior to starting work.
 5. The State Share Report form must be sent to ADEM once all the approved work has been completed. Please note that the state share (12.5%) will not be sent until all projects are 100% complete.
 6. If any PW required the purchase of insurance as a condition of receiving federal funds, a copy of the current policy must be attached to this report.
 7. A cost overrun on small PW's (estimated to be less than threshold \$ amount) must be reported to this office within 60 days of completing the last small PW in order to be considered for additional funding. You must maintain records for each project cost. **All small projects will be audited for actual cost.**
 8. Appeals may be filed on any determination made by FEMA or the State. All appeals must be submitted to this office within 60 days from receiving written notice of the action you wish to appeal. Should you wish to appeal a determination contained in the project application, the 60 days will start the day the application is signed.

9. PW's will not receive any funding until all regulatory and statutory requirements have been met. I.E. Permits with SHPO, Army Corps of Engineers, and ADEQ, etc. All permit information can be found in the "green book": Public Assistance and Hazard Mitigation Grant Program.
10. A quarterly report for all projects not 100% are required by FEMA and ADEM. You will be notified as to the first required quarterly report. Form included in packet.
11. Applicants with large PW's must submit a project cost summary to this office following the completion of each project. The project cost summary must list all labor; equipment, materials and contract costs associated with making needed repairs with the defined scope of work as listed on the Project Worksheet.
12. Applicants expending \$500,000 or more in total Federal financial assistance in a fiscal year will be required to have an audit made in accordance with the Single Audit Act Amendments of 1996-OMB A133. A copy of the Single Audit must be submitted to your State agency or this office within applicable reporting time frames. Consult with your financial officer regarding this requirement.
13. Complete records and cost documents for all approved work must be maintained for at least three years from date of final payment. During this time, all approved PW's are subject to State and Federal audit/review.
15. All contracts must meet minimum procurement procedures as identified by County, City, and State standards.

Please certify below that the above requirements are understood and will be complied with.

City of Fayetteville, AR
Organization

[Signature]
Applicant's Signature

Mayor
Title

5-24-2011
Date

ADEM Signature

Title

Date

DESIGNATION OF APPLICANT'S AGENT
PUBLIC ASSISTANCE
State Emergency Management

Organization Name (hereafter named Organization)

Primary Agent		Secondary Agent	
Agent's Name	<i>Lionel Jordan</i>	Agent's Name	<i>Don Marr</i>
Organization	<i>City of Fayetteville</i>	Organization	<i>City of Fayetteville</i>
Official Position	<i>Mayor</i>	Official Position	<i>Chief of Staff</i>
Mailing Address	<i>113 W. Mountain</i>	Mailing Address	<i>113 W. Mountain</i>
City, State, Zip	<i>Fayetteville, AR 72701</i>	City, State, Zip	<i>Fayetteville, AR 72701</i>
Daytime Telephone	<i>479-575-8331</i>	Daytime Telephone	<i>479-575-8330</i>
Facsimile Number	<i>479-575-8257</i>	Facsimile Number	<i>479-575-8257</i>
Pager or Cellular Number	<i>479-601-3514</i>	Pager or Cellular Number	<i>479-601-3505</i>

The above Primary and Secondary Agents are hereby authorized to execute and file Application for Public Assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or otherwise available. This agent is authorized to represent and act for the Organization in all dealings with the State of Arkansas for all matters pertaining to such disaster assistance required by the agreements and assurances printed on the reverse side hereof.

Chief Financial Officer		Certifying Official	
Name		Official's Name	
Organization		Organization	
Official Position		Official Position	
Mailing Address		Mailing Address	
City, State, Zip		City, State, Zip	
Daytime Telephone		Daytime Telephone	
Facsimile Number		Facsimile Number	
Pager or Cellular Number		Pager or Cellular Number	

Applicant's State Cognizant Agency for Single Audit purposes (If a Cognizant Agency is not assigned, please indicate):

Applicant's Fiscal Year (FY) Start

Month:

Day:

Applicant's Federal Employer's Identification Number

Applicant's State Payee Identification Number

Certifying Official's Signature



C. 1
Arkansas Emergency
Management Agency (FEMA)
Page 1

ARKANSAS DEPARTMENT OF EMERGENCY MANAGEMENT

DIRECT DEPOSIT FORM

AUTHORIZATION AGREEMENT

I hereby authorize the Arkansas Department of Emergency Management to initiate automatic deposits to my account at the financial institution named below.

Further, I agree not to hold the Arkansas Department of Emergency Management responsible for any delay or loss of funds due to incorrect or incomplete information supplied by me or by my financial institution or due to an error on the part of my financial institution in depositing funds to my account.

This agreement will remain in effect until the Arkansas Department of Emergency Management receives a written notice of cancellation from me or my financial institution, or until I submit a new direct deposit form.

APPLICANT (SUB-GRANTEE) INFORMATION

City of Fayetteville, AR
Name of Sub-Grantee (Organization)

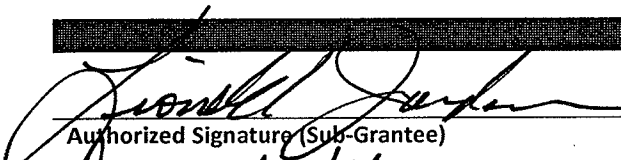
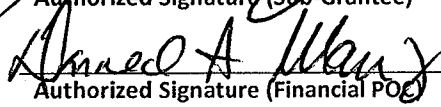
<u>Lionel Jordan</u> Authorized Representative (CEO, Mayor, Judge, Etc.) <u>Mayor</u> Job Title <u>113 W. Mountain</u> Address <u>Fayetteville</u> <u>AR</u> <u>72701</u> City State Zip <u>(W) 479-575-8331</u> <u>479-575-8257</u> Phone Fax <u>ljordan@ci.fayetteville.ar.us</u> Email	<u>Don Marr</u> Financial Point of Contact (Clerk, CFO, Treasurer, Etc.) <u>Chief of Staff</u> Job Title <u>113 W Mountain</u> Address <u>Fayetteville</u> <u>AR</u> <u>72701</u> City State Zip <u>(W) 479-575-8330</u> Phone Fax <u>dmarr@ci.fayetteville.ar.us</u> Email
--	--

FINANCIAL INSTITUTION ACCOUNT INFORMATION

PLEASE ATTACH A VOIDED CHECK OR DEPOSIT SLIP AND RETURN THIS FORM TO THE ADDRESS BELOW.

<u>Arvest Bank</u> Name of Financial Institute or Bank Name	<u>0829 00872</u> Routing Number	<u>4841984406</u> Account Number
☒ Checking		☐ Savings

SIGNATURE

 Authorized Signature (Sub-Grantee)	<u>5-24-11</u> Date
 Authorized Signature (Financial PO)	<u>5-24-11</u> Date

Please return original copies to: Arkansas Department of Emergency Management
Attn: Disaster Management Division
Building #9501 Camp J T Robinson
North Little Rock, AR 72199

Form **W-9**
(Rev. November 2005)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)

City of Fayetteville

Business name, if different from above

Check appropriate box: ☐ Individual/
Sole proprietor

☐ Corporation

☐ Partnership

☒ Other

Incorporated
Municipality

☐ Exempt from backup
withholding

Address (number, street, and apt. or suite no.)

113 W. Mountain

City, state, and ZIP code

Fayetteville, AR 72701

Requester's name and address (optional)

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number

| | | | | | | |

or

Employer identification number

7 | 1 | 6 | 0 | 1 | 8 | 4 | 6 | 2

Part II Certification

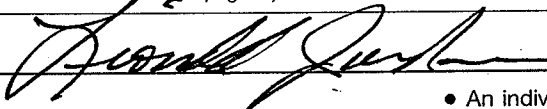
Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign
Here

Signature of
U.S. person ▶



Date ▶

5-24-11

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

In 3 above, if applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

For federal tax purposes, you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or
- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

NA

FEDERAL EMERGENCY MANAGEMENT AGENCY
PNP FACILITY QUESTIONNAIRE

This questionnaire is to be used by FEMA and state personnel to help determine the eligibility of specific facilities of an approved Private Non-Profit (PNP) organization. Obtain answers to the following questions for each PNP organization. If the organization has more than one facility that incurred damage, complete a separate sheet for each facility.

Name of PNP Organization: _____

Name of the damaged facility and location: _____

What is the primary purpose of the damaged facility? _____

Who may use this facility? _____

What fee, if any, is charged for the use of the facility? _____

Was the facility in use at the time of the disaster? ☐ Yes ☐ No

Did the facility sustain damage as a direct result of the disaster? ☐ Yes ☐ No

What type of assistance is being requested? _____

Does the PNP organization own the facility? ☐ Yes ☐ No

If "Yes," obtain proof of ownership; check here if attached. ☐

If "No," do they lease / rent the facility? ☐ Yes ☐ No

If "Yes," obtain a copy of the lease or rental agreement for the damaged facility; check here if attached. ☐

Are the repairs of this facility the legal responsibility of the organization? ☐ Yes ☐ No

Is the facility insured? ☐ Yes ☐ No

If "Yes," obtain a copy of the insurance policy; check here if attached. ☐

Additional information or comments:

Name of contact person

Phone number

City of Fayetteville Staff Review Form

C. 2
Amend Resolution 226-10
Page 1 of 12City Council Agenda Items
and
Contracts, Leases or Agreements

6/21/2011

City Council Meeting Date
Agenda Items Only

Terry Gulley

Submitted By

Transportation

Division

Transportation Services

Department

Action Required:

A resolution amending Resolution No. 226-10 and approving reductions to the Transportation Division Overlay/Sidewalk Projects for 2011 to provide funding for drainage maintenance, and approving a budget adjustment.

\$ 300,000.00

Cost of this request

\$ -

Category / Project Budget

Drainage Maintenance

Program Category / Project Name

4470.9470.5419.00

Account Number

\$ -

Funds Used to Date

Transportation Improvements

Program / Project Category Name

1102

Project Number

\$ -

Remaining Balance

Sales Tax Capital Improvements

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Department Director

Date

Previous Ordinance or Resolution # 226-10

Original Contract Date:

City Attorney

Date

Original Contract Number:

Finance and Internal Services Director

Date

Received in City
Clerk's Office

06-03-11 P01:32 RCVD

Chief of Staff

Date

Received in
Mayor's Office

Mayor

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Department Director *TG*

Date: June 3, 2011

Subject: Drainage Maintenance

PROPOSAL:

Staff proposes to modify the street overlay, sidewalk, and trails 2011 plans to shift focus of the Capital Improvements Program (CIP) in order to provide funding for drainage maintenance in 2011.

RECOMMENDATION:

The Transportation Division currently assigns one five person crew to minimize routine drainage issues. Due to a large increase in service requests for drainage assistance from the public, the crew is currently receiving three to four times the normal volume of calls for repairs. Staff recommends that funding be reallocated from the overlay, sidewalk, and trails programs to allow for three additional crews to be assigned to the remediation of these reoccurring drainage problems. This request will provide the Transportation Division with adequate funding to purchase materials to accomplish these goals.

BUDGET IMPACT:

Funds are currently budgeted in the in-house overlay, sidewalk improvements, and trail development Capital Improvement Program projects. We are requesting reallocation of \$100,000 from each of these Transportation Improvement projects which will allow for a total of \$300,000 to be established in a drainage maintenance project.

RESOLUTION NO. _____

A RESOLUTION AMENDING RESOLUTION NO. 226-10 APPROVING THE TRANSPORTATION DIVISION OVERLAY/SIDEWALK PROJECTS LIST FOR 2011 BY REDUCING OVERLAY/SIDEWALK PROJECTS TO PROVIDE FOR DRAINAGE MAINTENANCE, AND APPROVING A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends Resolution No. 226-10 approving the Transportation Division Overlay/Sidewalk Projects list for 2011 by reducing overlay/sidewalk projects in accordance with Exhibit "A", to provide for drainage maintenance.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "B".

PASSED and APPROVED this 21st day of June, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

2011 Sidewalk Project List

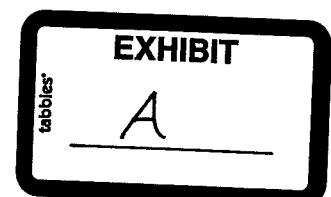
Sidewalks Not Constructed in 2011

	Location	From	To	Sidewalk Length
1	Eden Cir.	Cul-de-sac	Clover Dr.	250
1	Huntsville Rd.	Blair Ave.	Morningside Dr.	500
1	Spring St.	College Ave.	Fletcher Ave.	2,185
2	Ash St.	Rayview Dr.	Walnut Ave.	480
2	Davidson St.	Park Ave.	College Ave.	850
2	Forest Ave.	Louise St.	Maple St.	1,350
2	Gregg Ave.	Sycamore St.	Spruce St.	725
2	Lafayette St.	Washington Ave.	Willow Ave.	100
2	Lafayette St.	Forest Ave.	Salem Ave.	520
2	Salem Ave.	Sycamore St.	Mt. Comfort Rd.	225
2	Old Wire Rd.	Broadview Dr.	Broadview Dr.	350
2	Park Ave.	North St.	Prospect St.	1,275
2	Sycamore St.	College Ave.	Walnut Ave.	300
2	Walnut Ave.	Ash St.	Sycamore St.	1,100
2	Willow Ave.	Maple St.	Rebecca St.	1030
3	Mission Blvd. (N)	Vandergriff Dr.	Covington Park	2,300
4	Salem Rd.	Old Town Ln.	Earnhart Dr.	460
4	Salem Rd.	Bentgrass Rd.	Clabber Creek Blvd.	317

Sidewalks to be completed in 2011

1	Morningside Dr.	Fairlane St.	Fairlane St.	900
1	Morningside Dr.	Huntsville Rd.	Fairlane St.	610
2	Prospect St.	Frisco Ave.	Gregg Ave.	225
2	Mt. Comfort Rd.	Lewis Ave.	Stephens Ave.	1100
2	Mt. Comfort Rd.	Stephens Ave.	Galena Ave.	820
3	Hilldale Dr.	Loxley Ave.	Stanton Ave.	388
3	Loxley Ave.	Rolling Hills Dr.	Hilldale Dr.	1,659
3	Stanton Ave.	Hilldale Dr.	Old Wire Rd.	1,490
4	Cleveland St.	Oliver Ave.	Hall Ave.	720
4	Razorback Rd.	Cleveland St.	Maple St.	1,310
4	Fairlane St.	Basalwood Ave.	Razorback Rd.	1,850

Ozark Regional Transit Grant Proposal



Not to be completed

Street	From	To	Length	Wards
Barton Ave.	Walker Rd.	Huntsville Rd.	509	1
Coach	Sunraise Mountain	Dead End	757	1
Dunn Ave.	National St.	Eleventh St.	453	1
Jackson Dr.	Jackson Dr.	Rockwood Tr.	475	1
Missouri Way	Oklahoma Way	Dogwood Ln.	1,012	1
Oklahoma Way	Missouri Way	Texas Way	1,200	1
Rock Ave.	Willow Ave.	Walker Rd.	886	1
Texas Way	Oklahoma Way	Skyline Dr.	1,025	1
Walker Rd.	Willow Ave.	Rock St.	1,187	1
Ash St.	Rayview Dr.	Walnut Ave.	480	2
Center St.	Church Ave.	Block Ave.	363	2
East Ave.	Mountain St.	Rock St.	347	2
Lawson St.	Porter Rd.	Sang Ave.	1,463	2
Leverett Ave.	Poplar St.	North St.	3,931	2
Meadow St.	Gregg Ave.	West Ave.	354	2
Mountain St.	East Ave.	College Ave.	453	2
Sheridan Ave.	Overcrest St.	Elm St.	548	2
Sycamore St.	College Ave.	Walnut Ave.	600	2
Walnut Ave.	Ash St.	Sycamore St.	1,074	2
Windy Hill Dr.	Juneway Terr.	Sheridan Ave.	576	2
Alice St.	Nolan Ave.	Martin Ave.	449	3
Bertha St.	Lee Ave.	Stubblefield Rd.	788	3
Langston Pl.	Summerhill Dr.	Cul de Sac	109	3
Market Ave.	Parking Lot	Rolling Hills Dr.	479	3
Martin Ave.	Alice St.	Bertha St.	690	3
Masonic Dr.	Nottingham Ct.	Cul de Sac	1,395	3
Nolan Ave.	Alice St.	Bertha St.	609	3
Oxford Pl.	Summerhill Dr.	Cul de Sac	187	3
Stearns St.	Joyce Blvd.	Dead End	850	3
Summerhill Dr.	Masonic Dr.	Stubblefield Rd.	923	3
Wimbledon Pl.	Summerhill Dr.	Cul de Sac	160	3
Windsor Pl.	Summerhill Dr.	Cul de Sac	140	3
Zion Rd.	Randal Rd.	Taliesin Ln..	1,546	3
Arbuckle Ln	M. L. K. Blvd.	Dead End	277	4
Gabbard Dr.	Mitchell St.	Dead End	387	4
Kaywood Ln.	Gabbard Dr.	Dead End	296	4
Lancelot Ave.	Wedington Dr.	Dead End	566	4
Maple St.	Sang Ave.	Dead End	1,245	4
Valley View Dr.	Wedington Dr.	Valley View Dr.	660	4
Sang Ave.	Cleveland St.	Wedington Dr.	1,305	4

Proposed 2011 Overlays to be completed

Street	From	To	Length	Wards
East Ave.	Fourth St.	South St.	334	1
Haddon Ave.	Lester St.	Dead End	244	1
Lester	School Ave.	Haddon Ave.	333	1
Paradise Ln.	Huntsville Ave.	Cul de sac	1,157	1
Thirteenth St.	Ellis Ave.	School Ave	1204	1
Thirteenth St.	Block Ave.	College Ave.	740	1
Mountain St.	College Ave.	County Ave.	182	1
Calvin St.	Knox Dr.	Old Wire Rd.	858	2
Delaware Ave.	Stone St.	Dead End	900	2
Knapp Dr.	Mcconnell Ave.	Gate	1,627	2
School Ave.	Spring St.	Center St.	728	2
Elaine Ave.	Concrete	Sweetbriar Dr.	2,235	3
Hilldale	Loxley Ave.	Stanton Ave.	716	3
Joyce	Crossover	City Limits	2356	3
Oakcliff	Loxley Ave.	Stagecoach Dr.	693	3
Sweetbriar Dr.	Old Missouri Rd.	Elaine	1,636	3
Bogan Dr.	Fifty-fourth Ave.	Dead End	600	4
Fifty-fourth Ave.	Wedington Dr.	Persimmon St.	2,600	4
One Mile Rd.	Hwy 62	Old Farmington Rd.	748	4
Persimmon St.	Divit Dr.	Broyles Ave.	1,500	4
Sandra St.	One Mile Rd.	Old Farmington Rd.	687	4
Treat St.	Razorback Rd.	Cul-de-sac	881	4
Velda Ct.	One Mile Rd.	Cul-de-sac	325	4

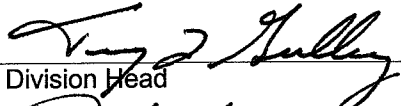
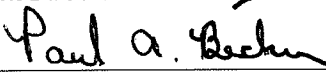
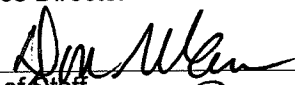
**City of Fayetteville, Arkansas
Budget Adjustment Form**

V11.0425
C. 2
Amend Resolution 226-10

Budget Year 2011	Division: Transportation Services Department: Transportation Services	Request Date 6/21/2011	Adjustment Number
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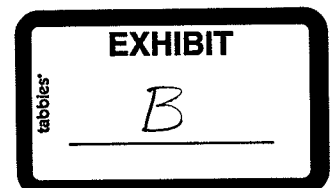
BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Due to a significant increase in service requests for drainage assistance from the public, funding is being reduced from the current In-House Pavement Improvements, Sidewalk Improvements, and Trail Development Capital Improvements Program projects to provide for immediate drainage maintenance.

 Division Head	6-3-11 Date	Prepared By: John Nelson <i>jnelson</i>
 Budget Director	6-3-11 Date	Reference: _____
Budget & Research Use Only		
 Department Director	6-3-11 Date	Type: A B C D E P
 Finance Director	6-3-2011 Date	General Ledger Date _____
 Chief of Staff	6-6-11 Date	Posted to General Ledger Initial _____ Date _____
 Mayor	6/6/11 Date	Checked / Verified Initial _____ Date _____

TOTAL BUDGET ADJUSTMENT

		TOTAL BUDGET ADJUSTMENT		-	-
				Increase / (Decrease)	Project.Sub
Account Name	Account Number	Expense	Revenue		Number
	4470.9470.5419.00	300,000		1102	2011
Street Maintenance	4470.9470.5417.00	(100,000)		02052	1
Sidewalks	4470.9470.5814.00	(100,000)		02053	1
Trails	4470.9470.5814.05	(100,000)		02016	1
				.	.
				.	.



RESOLUTION NO. 226-10

**A RESOLUTION APPROVING THE TRANSPORTATION DIVISION
OVERLAY/SIDEWALK PROJECTS LIST FOR 2011**

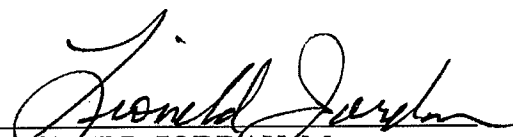
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE, ARKANSAS:**

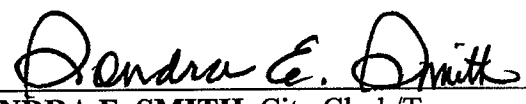
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the Transportation Division Overlay/Sidewalk Projects list for 2011. A copy of the 2011 Overlay/Sidewalk Projects list, marked Exhibit "A," is attached hereto and made a part hereof.

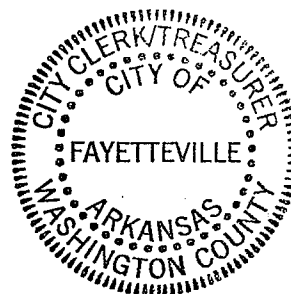
PASSED and APPROVED this 21st day of December, 2010.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer

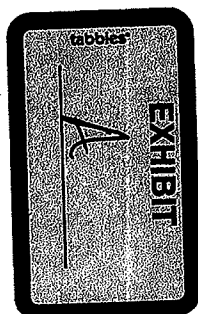


2011 Transportation Project List

11/29/2010

	Location	From	To	Overlay Length	Curb Feet	Ramps Each	Drives Each	Sidewalk Length	Pipe Feet	Boxes Each
CIP	1	Barton Ave.	Walker Rd.	509	0	0	0	0	0	0
CIP	1	Coach Dr.	Sunrise Mountain	757	0	0	0	0	0	0
CIP	1	Dunn Ave.	National St.	452	0	0	0	0	0	0
CIP	1	East Ave.	Fourth St.	334	0	0	0	0	0	0
CIP	1	Eden Cir.	Cul-de-sac	0	250	0	1	250	0	0
CIP	1	Haddon Ave.	Lester St.	244	0	0	0	0	0	0
CIP	1	Huntsville Rd.	Blair Ave.	0	500	2	4	500	0	0
CIP	1	Jackson Dr.	Jackson Dr.	475	0	0	0	0	0	0
CIP	1	Lester St.	School Ave.	333	0	0	0	0	0	0
CIP	1	Missouri Way	Oklahoma Way	1,012	0	0	0	0	0	0
CIP	1	Morningside Dr.	Huntsville Rd.	0	610	2	4	610	400	2
ORT	1	Morningside Dr.	Fairlane St.	0	2,000	4	10	2,000	1,450	4
CIP	1	Mountain St.	College Ave.	182	0	0	0	0	0	0
CIP	1	Oklahoma Way	Missouri Way	1,200	0	0	0	0	0	0
CIP	1	Paradise Ln.	Huntsville Ave.	1,157	0	0	0	0	0	0
CIP	1	Patch Repairs	Various	0	0	0	0	0	0	0
CIP	1	Paving Fabric	Various	0	0	0	0	0	0	0
CIP	1	Rock Ave.	Willow Ave.	886	0	0	0	0	0	0
ORT	1	Shelter/Bench Pads	Various	0	0	0	0	0	0	0
CIP	1	Spring St.	College Ave.	0	2,185	11	15	2,185	600	4
CIP	1	Striping	Various	0	0	0	0	0	0	0
CIP	1	Texas Way	Oklahoma Way	1,025	0	0	0	0	0	0
CIP	1	Thirteenth St.	Ellis Ave.	1,204	0	0	0	0	0	0
CIP	1	Thirteenth St.	Block Ave.	740	0	0	0	0	0	0
CIP	1	Walker Rd.	Willow Ave.	1,187	0	0	0	0	0	0
Ward 1 Totals				11,697	5,545	19	34	5,545	2,450	10

- ORT Ozark Regional Transit Grant Project
- CIP CIP Sidewalk Project
- CIP CIP Street & Sidewalk Improvements
- CIP CIP Street Improvements



2011 Transportation Project List

11/29/2010

	Location	From	To	Overlay Length	Curb Feet	Ramps Each	Drives Each	Sidewalk Length	Pipe Feet	Boxes Each	
CIP	2	Ash St.	Rayview Dr.	Walnut Ave.	480	960	1	3	480	0	0
CIP	2	Calvin St.	Knox Dr.	Old Wire Rd.	858	0	0	0	0	0	0
CIP	2	Center St.	Church Ave.	Block Ave.	363	0	0	0	0	0	0
CIP	2	Davidson St.	Park Ave.	College Ave.	0	850	4	3	850	0	0
CIP	2	Delaware Ave.	Stone St.	Dead End	900	0	0	0	0	0	0
CIP	2	East Ave.	Mountain St.	Rock St.	347	0	0	0	0	0	0
CIP	2	Forest Ave.	Louise St.	Maple St.	0	1,350	8	14	1,350	0	0
CIP	2	Gregg Ave.	Sycamore St.	Spruce St.	0	0	2	2	725	0	0
CIP	2	Knapp Dr.	Mcconnell Ave.	Gate	1,627	0	0	0	0	0	0
CIP	2	Lafayette St.	Washington Ave.	Willow Ave.	0	0	0	0	100	0	0
ORT	2	Lawson St.	Porter Rd.	Sang Ave.	0	520	1	0	520	520	2
CIP	2	Lawson St.	Porter Rd.	Sang Ave.	1,463	520	0	0	0	0	0
CIP	2	Leverett Ave.	Poplar St.	North St.	3,931	0	0	0	0	0	0
CIP	2	Meadow St.	Gregg Ave.	West Ave.	354	700	0	3	0	0	0
CIP	2	Mountain St.	East Ave.	College Ave.	453	0	0	0	0	0	0
ORT	2	Mt. Comfort Rd.	Stephens Ave.	Garland Ave.	0	1,000	2	4	1,824	500	3
ORT	2	Oakland Ave.	Sycamore St.	Mt. Comfort Rd.	0	2,250	9	19	2,250	2,000	10
CIP	2	Old Wire Rd.	Broadview Dr.	Broadview Dr.	0	0	0	2	350	0	0
CIP	2	Park Ave.	North St.	Prospect St.	0	0	4	11	1,275	0	0
CIP	2	Patch Repairs	Various	Locations	0	0	0	0	0	0	0
CIP	2	Prospect St.	Frisco Ave.	Gregg Ave.	0	225	2	2	225	0	0
CIP	2	School Ave.	Spring St.	Center St.	728	0	0	0	0	0	0
ORT	2	Shelter/Bench Pads	Various	Locations	0		0	0	0	0	0
CIP	2	Sheridan Ave.	Overcrest St.	Elm St.	548	0	0	0	0	0	0
CIP	2	Striping	Various	Locations	0	0	0	0	0	0	0
CIP	2	Sycamore St.	College Ave.	Walnut Ave.	600	300	0	3	300	0	0
CIP	2	Walnut Ave.	Ash St.	Sycamore St.	1,074	2,200	0	7	1,100	0	0
CIP	2	Willow Ave.	Maple St.	Rebecca St.	0	0	0	0	1030	0	0
CIP	2	Windy Hill Dr.	Juneway Terr.	Sheridan Ave.	576	0	0	0	0	0	0
Ward 2 Totals				14,302	10,875	33	73	12,379	3,020	15	

ORT Ozark Regional Transit Grant Project
CIP CIP Sidewalk Project
CIP CIP Street & Sidewalk Improvements
CIP CIP Street Improvements

2011 Transportation Project List

11/29/2010

	Location	From	To	Overlay Length	Curb Feet	Ramps Each	Drives Each	Sidewalk Length	Pipe Feet	Boxes Each
CIP	3	Alice St.	Nolan Ave.	Martin Ave.	449	0	0	0	0	0
CIP	3	Bertha St.	Lee Ave.	Stubblefield Rd.	788	0	0	0	0	0
CIP	3	Elaine Ave.	Concrete	Sweetbriar Dr.	2,235	0	0	0	0	0
CIP	3	Hilldale Dr.	Loxley Ave.	Stanton Ave.	716	0	2	0	388	0
CIP	3	Langston Pl.	Summerhill Dr.	Cul de Sac	109	0	0	0	0	0
CIP	3	Loxley Ave.	Rolling Hills Dr.	Hilldale Dr.	0	0	3	10	1,659	0
CIP	3	Market Ave.	Parking Lot	Rolling Hills Dr.	479	0	0	0	0	0
CIP	3	Martin Ave.	Alice St.	Bertha St.	690	0	0	0	0	0
CIP	3	Masonic Dr.	Nottingham Ct.	Cul de Sac	1,395	0	0	0	0	0
CIP	3	Mission Blvd. (N)	Vandergriff Dr.	Covington Park	0	0	2	2	2,300	0
CIP	3	Nolan Ave.	Alice St.	Bertha St.	609	0	0	0	0	0
CIP	3	Oakcliff St.	Loxley Ave.	Stagecoach Dr.	693	0	0	0	0	0
CIP	3	Oxford Pl.	Summerhill Dr.	Cul de Sac	187	0	0	0	0	0
CIP	3	Patch Repairs	Various	Locations	0	0	0	0	0	0
CIP	3	Stanton Ave.	Hilldale Dr.	Old Wire Rd.	0	0	2	14	1,490	0
CIP	3	Stearns St.	Joyce Blvd.	Dead End	850	100	0	0	0	0
CIP	3	Striping	Various	Locations	0	0	0	0	0	0
CIP	3	Summerhill Dr.	Masonic Dr.	Stubblefield Rd.	923	0	0	0	0	0
CIP	3	Sweetbriar Dr.	Old Missouri Rd.	Elaine	1,636	0	0	0	0	0
CIP	3	Wimbledon Pl.	Summerhill Dr.	Cul de Sac	160	0	0	0	0	0
CIP	3	Windsor Pl.	Summerhill Dr.	Cul de Sac	140	0	0	0	0	0
CIP	3	Zion Rd.	Randal Rd.	Taliesin Ln..	1,546	0	0	0	0	0
Ward 3 Totals				13,605	100	9	26	5,837	0	0

ORT Ozark Regional Transit Grant Project
CIP CIP Sidewalk Project
CIP CIP Street & Sidewalk Improvements
CIP CIP Street Improvements

2011 Transportation Project List

11/29/2010

	Location	From	To	Overlay Length	Curb Feet	Ramps Each	Drives Each	Sidewalk Length	Pipe Feet	Boxes Each	
CIP	4	Arbuckle Ln	M. L. K. Blvd.	Dead End	277	0	0	0	0	0	
CIP	4	Bogan Dr.	Dead End	Fifty-fourth Ave.	600	0	0	0	0	0	
ORT	4	Center St.	Hartman Ave.	Razorback Rd.	0	950	3	6	825	650	
CIP	4	Cleveland St.	Oliver Ave.	Hall Ave.	0	0	3	0	720	0	
ORT	4	Fifteenth St.	Beechwood Ave.	Razorback Rd.	0	1,050	3	0	1,050	0	
CIP	4	Fifty-fourth Ave.	Wedington Dr.	Persimmon St.	2,600	0	0	0	0	0	
CIP	4	Gabbard Dr.	Mitchell St.	Dead End	387	0	0	0	0	0	
CIP	4	Kaywood Ln.	Gabbard Dr.	Dead End	296	0	0	0	0	0	
CIP	4	Lancelot Ave.	Wedington Dr.	Dead End	566	0	0	0	0	0	
CIP	4	Maple St.	Sang Ave.	Dead End	1,245	0	0	0	0	0	
CIP	4	One Mile Rd.	M. L. K. Blvd.	Old Farmington Rd.	748	0	0	0	0	0	
CIP	4	Patch Repairs	Various	Locations	0	0	0	0	0	0	
CIP	4	Persimmon St.	Divit Dr.	Broyles Ave.	1,500	0	0	0	0	0	
CIP	4	Razorback Rd.	Cleveland St.	Maple St.	0	950	5	2	1,310	0	
CIP	4	Salem Rd.	Old Town Ln.	Earnhart Dr.	0	0	1	0	460	0	
CIP	4	Salem Rd.	Bentgrass Rd.	Clabber Creek Blvd.	0	0	0	0	317	0	
CIP	4	Sandra St.	One Mile Rd.	Old Farmington Rd.	687	0	0	0	0	0	
CIP	4	Sang Ave.	Cleveland St.	Wedington Dr.	1,305	0	0	0	0	0	
ORT	4	Shelter/Bench Pads	Various	Locations	0	0	0	0	0	0	
CIP	4	Striping	Various	Locations	0	0	0	0	0	0	
CIP	4	Treat St.	Razorback Rd.	Dead End	881	0	0	0	0	0	
CIP	4	Valley View Dr.	Wedington Dr.	Valley View Dr.	660	0	0	0	0	0	
CIP	4	Velda Ct.	One Mile Rd.	Cul-de-sac	325	0	0	0	0	0	
Ward 4 Totals				12,077	2,950	15	8	4,682	650	8	
ORT	Ozark Regional Transit Grant Project			Grand Totals	51,681	19,470	76	141	28,443	6,120	33
CIP	CIP Sidewalk Project										
CIP	CIP Street & Sidewalk Improvements										
CIP	CIP Street Improvements										
				Feet	Feet	Each	Each	Feet	Feet	Each	
				9.8				5.4			
				Miles				Miles			

City of Fayetteville Staff Review Form

C. 3
Motorola, Inc.
Page 1 of 22City Council Agenda Items
and
Contracts, Leases or Agreements

6/21/2011

City Council Meeting Date
Agenda Items Only

Chief Tabor

Police

Police

Submitted By

Division

Department

Action Required:

A resolution to approve a change order for Phase II of the radio project to Motorola Inc in the amount of \$614,093 and approve a budget adjustment.

\$614,093

Cost of this request

\$6,318,000

Category / Project Budget

Simulcast Radio System

Program Category / Project Name

various

Account Number

\$ 5,772,874.00

Funds Used to Date

Program / Project Category Name

08076

Project Number

\$ 545,126.00

Remaining Balance

Various

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☒

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Services Director

Date

Received in City Clerk's Office 6-31-11 P02:27 RCVD

Chief of Staff

Date

Received in Mayor's Office

Mayor

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and Members of the Fayetteville City Council

Thru: Greg Tabor, Chief of Police 

From: Kathleen Stocker, Dispatch Manager 

Date: April 21, 2011

Subject: Radio System Project Phase II

PROPOSAL:

A resolution to approve a change order for Phase II of the radio project to Motorola Inc. in the amount of \$ \$614,093 utilizing a bid waiver adopted by ordinance number 5373 and approves a budget adjustment. Phase II includes radio equipment for the local government portion of the project and additional consoles for the dispatch equipment room.

RECOMMENDATION:

Staff recommends the approval of the change order and adoption of budget adjustment. Phase II includes equipment for the local government portion of the project and is necessary for their operations.

BUDGET IMPACT:

Budget for this project will be from contingency approved in Phase I of the project, Street Fund, and Police and Fire Impact Fees. (see attached budget adjustment).

RESOLUTION NO. _____

A RESOLUTION APPROVING A CHANGE ORDER FOR PHASE II OF THE RADIO PROJECT WITH MOTOROLA, INC. IN THE TOTAL AMOUNT OF \$614,093.00, WITH \$237,746.00 FUNDED FROM THE PROJECT CONTINGENCY, \$286,000.00 FROM THE STREET FUND, \$49,901.00 FROM POLICE IMPACT FEES AND \$40,446.00 FROM FIRE IMPACT FEES, AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$286,000.00

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 a change order for Phase II of the radio project with Motorola, Inc. in the total amount of \$614,093.00, with \$237,746.00 funded from the project contingency, \$286,000.00 from the street fund, \$49,901.00 from police impact fees and \$40,446.00 from fire impact fees.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$286,000.00, a copy of which is attached as Exhibit "A".

PASSED and APPROVED this 21st day of June, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

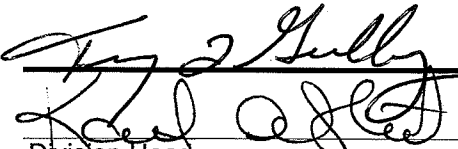
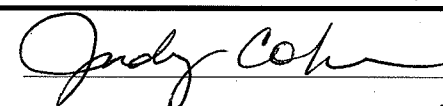
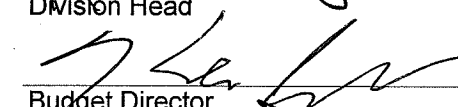
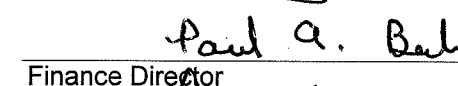
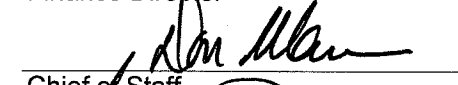
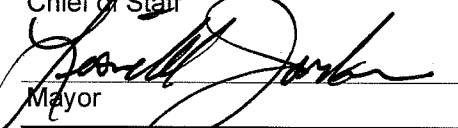
**City of Fayetteville, Arkansas
Budget Adjustment Form**

V11.0425
Motorola, Inc.
Page 4 of 22

Budget Year 2011	Division: Police Department: Police	Request Date 5/20/2011	Adjustment Number
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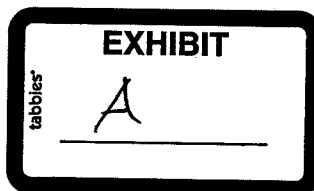
BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Additional funding for Phase II of the Motorola Radio Project. The total for Phase II is \$614,093. Currently we have \$237,746 funded within the Contingency and we are requesting \$286,000 from the Street Fund, \$49,901 Police Impact Fees and \$40,446 Fire Impact Fees. Phase II will provide mobile and portable radios for local government.

 Division Head	5-31-11 Date	Prepared By:  jcohea Reference: _____ SIGN HERE Type: A B C D E P General Ledger Date _____ Posted to General Ledger _____ Checked / Verified _____	Budget & Research Use Only	
 Budget Director	6-1-11 Date			
 Department Director	5-31-11 Date			
 Finance Director	6-1-2011 Date			
 Chief of Staff	6-2-11 Date		Initial	Date
 Mayor	6/3/11 Date	Initial	Date	

TOTAL BUDGET ADJUSTMENT

Account Name	Account Number	286,000	286,000	Project.Sub Number
		Increase / (Decrease) Expense	Revenue	
Fixed assets	2100.4100.5801.00	286,000		08076 . 2100
Use of fund balance	2100.0910.4999.99		286,000	.
Fixed Assets - Police	2300.9300.5801.03	49,901		08076 . 2303
Fixed Assets - Police	2300.9300.5801.03	(49,901)		42300 . 4003
Fixed Assets - Fire	2300.9300.5801.04	40,446		08076 . 2304
Fixed Assets - Fire	2300.9300.5801.04	(40,446)		42300 . 4004
				.
				.



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: 6/21/2011
P.O Number:	Expected Delivery Date: C. 3
	Motorola, Inc.
	Page 5 of 22
Mail Yes:___ No:___	
Taxable Yes:___ No:___	Quotes Attached Yes:___ No:___
Division Head Approval:	
Requester's Employee #: 75	Extension: 581

Vendor #: 27860	Vendor Name: Motorola Inc.
Address: 11101 Anderson Dr.	Fob Point:
City: Little Rock	State: AR
Zip Code: 72212	Ship to code:
Requester: Judy Cohea	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Phase II Simulcast Radio Project	1	EA	16,642.00	\$16,642.00	4470.9470.5801.00	08076/0801		
2	Phase II Simulcast Radio Project	1	EA	18,782.00	\$18,782.00	4470.9470.5801.00	08076/0801		
3	Phase II Simulcast Radio Project	1	EA	28,292.00	\$28,292.00	4470.9470.5801.00	08076/1001		
4	Phase II Simulcast Radio Project	1	EA	1,427.00	\$1,427.00	4470.9470.5801.00	08076/1003		
5	Phase II Simulcast Radio Project	1	EA	115,994.00	\$115,994.00	2300.9300.5801.03	08076/2303		
6	Phase II Simulcast Radio Project	1	EA	71,115.00	\$71,115.00	2300.9300.5801.04	08076/2304		
7	Phase II Simulcast Radio Project	1	EA	11,174.00	\$11,174.00	2250.9255.5801.00	08076/2250		
8	Phase II Simulcast Radio Project	1	EA	713.00	\$713.00	2130.9130.5801.00	08076/2130		
9	Phase II Simulcast Radio Project	1	EA	4517	\$4,517.00	9700.1920.5801.00	08076/9700		
10	Phase II Simulcast Radio Project	1	EA	293132	\$293,132.00	2100.4100.5801.00	08076/2100		
11	Phase II Simulcast Radio Project	1	EA	30431	\$30,431.00	5400.1840.5801.00	08076/5400		
12	Phase II Simulcast Radio Project	1	EA	21874	\$21,874.00	5500.5080.5801.00	08076/5500		
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$614,093.00
Tax: _____
Total: \$614,093.00

Approvals:

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

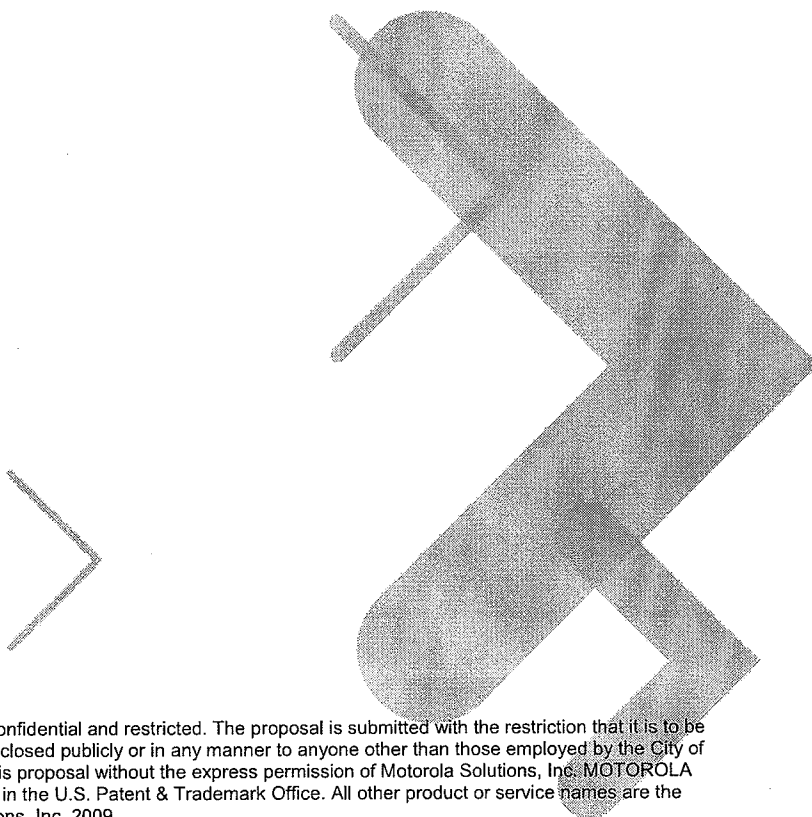


Proposal for

City of Fayetteville Police Department

Phase II AWIN X Series Radios

April 20, 2011



Data Restrictions

This proposal is considered Motorola Solutions, Inc. confidential and restricted. The proposal is submitted with the restriction that it is to be used for evaluation purposes only, and is not to be disclosed publicly or in any manner to anyone other than those employed by the City of Fayetteville Police Department required to evaluate this proposal without the express permission of Motorola Solutions, Inc. MOTOROLA Solutions, Inc. and the Stylized M Logo are registered in the U.S. Patent & Trademark Office. All other product or service names are the property of their respective owners. © Motorola Solutions, Inc. 2009

7237 Church Ranch Blvd Suite 406, Westminster CO 80021



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Section 1. System Description

1.1 System Overview

Motorola is pleased to propose a Phase II addition to the City of Fayetteville's radio system upgrade project. Phase II will provide additional subscriber equipment that was not purchased as part of the Phase I project.

1.2 System Components

Phase II consists of the following components:

- ♦ XTS 1500 Portable Radios
- ♦ XTL 1500 Mobile Radios
- ♦ XTL 2500 Control Station Radios
- ♦ FLASHPort Subscriber Upgrades

1.3 System Details

Phase II will add additional subscriber units to the City of Fayetteville's fleet. Below is a detailed list of radios that will be provided and installed by Motorola:

- ♦ (56) XTS 1500 700/800 MHz Model 1.5 portables
 - Includes charger, spare battery, ADP and 3-year warranty.
- ♦ (92) XTL 1500 700/800 MHz mobiles
 - Includes enhanced software, dash mounting hardware, 3dB antenna, palm microphone and 3-year warranty.
- ♦ (40) XTL 1500 700/800 MHz mobiles
 - Includes enhanced software, dash mounting hardware, 3dB antenna, palm microphone, external speaker, and 3-year warranty.
- ♦ (17) XTL 2500 700/800 MHz control stations
 - Includes control station mount and power supply, ADP encryption, control station antenna with 100 feet of transmission line (per radio), and 3-year warranty.
- ♦ (1) 8-Port Combiner for Dispatch

In addition, the City would like to upgrade existing radios to Project 25 compatibility. Motorola will provide the following FLASHPort upgrades:

- ◆ (6) XTS 1500 upgrades from 3600 baud trunking to 9600 baud trunking
- ◆ (43) XTS 2500 upgrades from 3600 baud trunking to 9600 baud trunking
- ◆ (14) XTS 5000 upgrades from SmartNet operation to 9600 SmartZone operation
- ◆ (12) XTL 1500 upgrades from 3600 baud trunking to 9600 baud trunking
- ◆ (10) XTL 2500 upgrades from 3600 baud trunking to 9600 baud trunking
- ◆ (17) XTL 5000 upgrades from SmartNet operation to 9600 SmartZone operation

1.4 Design Assumptions

Motorola has made the following assumptions in this quotation:

- ◆ All sites will meet Motorola's R56 2005 Standards for Communications sites. If the customer does not have a copy of the "R56 v.2005 Standards & Guidelines for Communications site", one will be provided by Motorola
- ◆ Sufficient space exists at the control station and mobile radio installation locations
- ◆ Adequate power is available to support the new equipment
- ◆ Grounding meets Motorola's R56 installation standards
- ◆ A mounting location is provided for the control station antennas that is outdoors and within a 100-foot cable run of the control station radio.
- ◆ Existing generators have adequate capacity to support the equipment
- ◆ No tower analyses have been performed for the proposal.
- ◆ Subscriber upgrades assume current radios are currently capable of analog 3600-baud trunking.



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City of Fayetteville Police Department
Phase II AWIN X Series Radios
April 20, 2011



Section 2. Statement of Work

2.1 Introduction

This Statement of Work (SOW) describes the deliverables to be furnished to the City of Fayetteville and the tasks to be performed by Motorola Solutions, its subcontractors, and by the City of Fayetteville in order to implement the entailed in this proposal. This SOW provides the most current understanding of the work required by both parties to ensure a successful project implementation.

After contract execution, changes to the SOW must be made through the formal contract Change Order process as set forth in the Contract.

2.2 Contract

2.3 Order Processing

2.3.1 Process Equipment List

Motorola Solutions Responsibilities

- ◆ Validate Equipment List by checking for valid model numbers, versions, compatible options to main equipment, and delivery data.
- ◆ Enter order into Motorola Solutions's Customer Order Fulfillment (COF) system.
- ◆ Create Ship Views, to confirm with the Customer the secure storage location(s) to which the equipment will ship. Ship Views are the mailing labels that carry complete equipment shipping information, which direct the timing, method of shipment, and ship path for ultimate destination receipt.
- ◆ Create equipment orders.
- ◆ Reconcile the equipment list(s) to the Contract.
- ◆ Procure third-party equipment if applicable.

Customer Responsibilities

- ◆ Approve shipping location(s).

- ♦ Complete and provide Tax Certificate information verifying tax status of shipping location.

Completion Criteria

- ♦ Verify that the Equipment List contains the correct model numbers, version, options, and delivery data.
- ♦ Trial validation completed.
- ♦ Bridge the equipment order to the manufacturing facility.

2.4 Manufacturing

2.4.1 Manufacture Motorola Solutions Subscriber

Motorola Solutions Responsibilities

- ♦ Manufacture the subscribers necessary for the system, based on equipment order and project schedule.
- ♦ Ship a representative sample of subscribers to staging facilities.

Customer Responsibilities

- ♦ None.

Completion Criteria

- ♦ Subscribers (mobile or portable radios) shipped to the field.

2.4.2 Manufacture Non-Motorola Solutions Equipment

Motorola Solutions Responsibilities

- ♦ Manufacture (third party equipment suppliers) non-Motorola Solutions equipment necessary for the system based on equipment order.

Customer Responsibilities

- ♦ None.

Completion Criteria

- ♦ Ship non-Motorola Solutions manufactured equipment to the field and/or the staging facility.

2.5 Ship Equipment to Field

Motorola Solutions Responsibilities

- ♦ Pack system for shipment to final destination.
- ♦ Arrange for shipment to the field.



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City of Fayetteville Police Department
Phase II AWIN X Series Radios
April 20, 2011

Customer Responsibilities

- ♦ None.

Completion Criteria

- ♦ Equipment ready for shipment to the field.

2.6 System Installation

2.6.1 Control Station Installation

Motorola Solutions Responsibilities

- ♦ Properly connectorize and ground the cabling, which will be run to the outdoor antenna location using the least obtrusive method.
- ♦ Protect the cabling by providing and installing a bulkhead lightning surge protector.
- ♦ Survey the exact mounting locations and develop control station installation plan.
- ♦ Perform the following tasks for the local control stations installations:
 - Create installation plan.
 - Assist the Customer to determine the locations of control stations and desk sets at each site.
 - Install RF local control stations identified in the equipment list.
 - Install line (not greater than 100 feet in length) and antenna system (connectors, coax grounding kit, antenna, and surge protection).
 - Connect to the Customer-supplied ground point.
 - Create Templates for all radio types.
- ♦ Program all control stations once, from the template (approved by the Customer) prior to delivery.

Customer Responsibilities

- ♦ Provide cable entry into the building through wall feed-through and seal with silicone, or provide an entry plate and boot.
- ♦ Provide ground point within 6 cable feet of the control station.
- ♦ Provide necessary space for installation of the local control station. (This also requires a flat surface for placement.)
- ♦ Supply, exterior or internal, vertical spaces for installation of the control station antenna with no more than a 100-foot cable run.
- ♦ Provide an elevated antenna mounting location.
- ♦ Supply a dedicated 115 VAC grounded electrical outlet rated at 15 AMPS to power the control station and remote control device. Provide an outlet within 6 feet of the unit.
- ♦ Supply a ground point of 5 ohms or less located in the immediate vicinity (within 6 feet) of the finalized location of the antenna and control station.



- ◆ Provide antenna-mounting facilities at each of the RF control station points specified, while providing an adequate means of feed-line routing and support.

Completion Criteria

- ◆ Completion of all the control station installations, and approval by the Customer.

2.6.2 Control Station Complete

- ◆ Control Station installation completed and accepted by the Customer.

2.7 Subscriber Installation (If Applicable)

2.7.1 Program and Install Mobiles

Motorola Solutions Responsibilities

- ◆ Program test mobiles with each template version and activate them on the system.
- ◆ Pass all features and functionalities of the mobile template.
- ◆ Once all templates and client software is tested and approved by the Customer, Motorola Solutions requests template acceptance sign-off.
- ◆ Program all the mobiles, as identified in the equipment list, in accordance with the Customer-approved programming templates, client software, and fleetmap.
- ◆ Work with the Customer to develop and approve prototypes for each type of mobile installation.
- ◆ Install all the mobiles in the vehicles, as identified in the equipment list, and according to the installation schedule.
- ◆ The following guidelines are followed during installation:
 - A “one time only” programming charge is included in the project price.
 - If removal of additional existing radios is required, or a separate trip to remove these radios is necessary, such work will require updating the contract documents accordingly.
 - Installations utilize the standard mobile mounting hardware provided with the type of unit.
 - Obtain main power leads from a voltage source as supplied in the mobiles.
 - Permanently mount the antennas on each vehicle according to the approved prototype, appropriate for the vehicle type. Install the antennas close to the same location as the existing antennas, where practical, in vehicles that already have antennas installed. Install the antennas on the roof, where practical, on the new antenna installations.
 - Motorola Solutions will determine an alternative location, whenever the antennas cannot be installed on the roof.
 - Plug the old antenna hole with an appropriate rubber plug, if the antenna requires a new location on the vehicle.



Customer Responsibilities

- ◆ Test and verify each feature selected during the CDR process.
- ◆ Approve successful testing of each feature by initialing each test shown on the test script.
- ◆ Provide adequate number of vehicles for installations, according to the project/installation schedule.
- ◆ If any installations require variations from the approved plan, the Customer must approve, before proceeding with the variance.

Completion Criteria

- ◆ All mobiles are programmed and installed successfully and approved by the Customer.

2.7.2 Program and Distribute Portables

Motorola Solutions Responsibilities

- ◆ Program test portables with each template version and activate them on the system.
- ◆ Once all templates and client software is tested and approved by the Customer, Motorola Solutions requests written approval of template acceptance.
- ◆ Program all the portables, as identified in the equipment list, based upon the Customer approved programming templates, client software, and fleetmap. A “one time only” programming is included in the project pricing.
- ◆ Deliver units to authorized Customer personnel and inventory upon receipt.

Customer Responsibilities

- ◆ Approve final template(s) and initiate portable programming.
- ◆ Upon receipt of portables, a Customer authorized signatory acknowledges receipt of all portables and accessories and proper operation of a sampling of portables.
- ◆ Distribute the portables to end users.

Completion Criteria

- ◆ All portables are successfully programmed and approved by the Customer.

2.7.3 Subscribers Complete

- ◆ All Subscribers are programmed and/or distributed/installed successfully, and approved by the Customer.



2.8 Finalize

2.8.1 Resolve Punchlist

Motorola Solutions Responsibilities

- ♦ Work with the Customer to resolve punchlist items, documented during the Acceptance Testing phase, in order to meet all the criteria for final system acceptance.

Customer Responsibilities

- ♦ Assist Motorola Solutions with resolution of identified punchlist items by providing support, such as access to the sites, equipment and system, and approval of the resolved punchlist item(s).

Completion Criteria

- ♦ All punchlist items resolved and approved by the Customer.

2.8.2 Final Acceptance (Milestone)

- ♦ All deliverables completed, as contractually required.
- ♦ Final System Acceptance received from the Customer.





Section 3. Pricing Summary

FAYETTEVILLE PHASE II	QTY	LIST	LIST EXT	WSCA	WSCA EXT
SUBSCRIBERS:					
XTS1500 MODEL 1.5	56	\$2,080.00	\$116,480.00	\$1,700.00	\$95,205.00
TRUNKING 9600 BAUD, ADP ENCRYPTION, IMPRESS BATTERY, IMPRESS CHARGER AND 3 YEAR WARRANTY					
XTL 1500 MOBILE	40	\$2,585.00	\$103,400.00	\$2,118.00	\$84,728.00
9600 ASTRO DIGITAL ENHANCE, 3DB GAIN ANTENNA, ADP ENCRYPTION, 7.5 WATT SPEAKER, PALM MICROPHONE AND 3 YEAR WARRANTY					
XTL 1500 MOBILE	92	\$2,525.00	\$232,300.00	\$2,069.00	\$190,348.00
9600 ASTRO DIGITAL ENHANCE, ADP ENCRYPTION, 3DB GAIN ANTENNA, PALM MICROPHONE AND 3 YEAR WARRANTY					
XTL 2500 CONTROL STATION	17	\$4,479.00	\$76,143.00	\$3,672.00	\$62,437.00
SOFTWARE ASTRO DIGITAL CAI, DIGITAL ID DISPLAY, ASTRO P25 TRUNKING SOFTWARE, ADP ENCRYPTION, CONTROL HEAD, CONTROL HEAD SOFTWARE, DASH MOUNT, DESK					
Fixed Network Equipment			\$21,448.00		\$19,305.00
FLASHES AND FIXED NETWORK EQUIPMENT					
FLASH UPGRADES	102				\$43,000.00
EQUIPMENT SUB TOTAL					\$495,023.00
SYTEM INTEGRATION	1				\$143,001.00
MOBILE, PORTABLE AND CONTROL STATION OPTIMIZATION, WHICH INCLUDES: TEMPLATE CREATION, PROGRAMMING AND ALL INSTALLATIONS					
SUBTOTAL					\$638,024.00
ONE TIME SPECIAL PROMO GOOD THROUGH Q2 2011 - JUNE 30, 2011					<\$75,925.00>
SYSTEM TOTAL:					\$562,099.00
PROJECTED TAX 9.25%					\$51,994.16
PROJECTED TOTAL:					\$614,093.16

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City of Fayetteville Police Department
Phase II AWIN X Series Radios
April 20, 2011



Section 4. Change Order

Change Order is included on the pages that follow.



Change Order No. AR-09I102A-002
Date: 2/25/2011
Project Name: City of Fayetteville Simulcast
Customer Name: City of Fayetteville
Customer Project Mgr: Kathy Stocker

The purpose of this Change Order is to: *(highlight the key reasons for this Change Order)*

Phase II Subscriber and service as outlined in Proposal Change Order AR-09I102A-002.
Pricing of this change order excludes projected taxes.

Contract # 09-29192/JHJ

Contract Date: 12/28/2010

In accordance with the terms and conditions of the contract identified above between City of Fayetteville and Motorola Solutions, Inc., the following changes are approved:

Contract Price Adjustments

Original Contract Value Excluding Tax:	\$5,271,827.00
Previous Change Order amounts for Change Order numbers 001 through 001	\$00.00
This Change Order Value Excluding Tax:	\$562,099.00
New Contract Value Excluding Tax:	\$5,833,926.00

Completion Date Adjustments

Original Completion Date:	February 2012
Current Completion Date prior to this Change Order:	February 2012
New Completion Date:	February 2012

**Changes in Equipment:** *(additions, deletions or modifications)* Include attachments if needed

Additional equipment is proposed in the equipment list section of proposal Change Order AR-09I102A-002.

Changes in Services: *(additions, deletions or modifications)* Include attachments if needed

Additional services are proposed in the Statement of Work section of proposal Change Order AR-09I102A-002.

Schedule Changes: *(describe change or N/A)*

N/A

Pricing Changes: *(describe change or N/A)*

Additional equipment and service pricing is proposed in the pricing section of proposal Change Order AR-09I102A-002.

Customer Responsibilities: *(describe change or N/A)*

Additional customer responsibilities are required as outline in the Statement of Work section of proposal Change Order AR-09I102A-002.

Payment Schedule for this Change Order:

(describe new payment terms applicable to this change order)

Original contract payment terms will apply on this change order

Unless amended above, all other terms and conditions of the Contract shall remain in full force. If there are any inconsistencies between the provisions of this Change Order and the provisions of the Contract, the provisions of this Change Order will prevail.

IN WITNESS WHEREOF the parties have executed this Change Order as of the last date signed below.

**Motorola
Solutions, Inc.**

By: _____

Printed Name: WILLIAM SCAPIN

Title: MSSI VICE PRESIDENT

Date: 5/12/11

Customer

By: _____

Printed Name: _____

Title: _____

Date: _____

Reviewed by: John Wm. Eddy
Motorola Solutions Sr. Project Manager

Date: 4/20/2011



Change Order No. AR-09I102A-002
Date: 2/25/2011
Project Name: City of Fayetteville Simulcast
Customer Name: City of Fayetteville
Customer Project Mgr: Kathy Stocker

The purpose of this Change Order is to: *(highlight the key reasons for this Change Order)*

Phase II Subscriber and service as outlined in Proposal Change Order AR-09I102A-002.
Pricing of this change order excludes projected taxes.

Contract # 09-29192/JHJ

Contract Date: 12/28/2010

In accordance with the terms and conditions of the contract identified above between City of Fayetteville and Motorola Solutions, Inc., the following changes are approved:

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Current Completion Date prior to this Change Order:	February 2012
New Completion Date:	February 2012

Changes in Equipment: *(additions, deletions or modifications)* Include attachments if needed

Additional equipment is proposed in the equipment list section of proposal Change Order AR-09I102A-002.

Changes in Services: *(additions, deletions or modifications)* Include attachments if needed

Additional services are proposed in the Statement of Work section of proposal Change Order AR-09I102A-002.

Schedule Changes: *(describe change or N/A)*

N/A

Pricing Changes: *(describe change or N/A)*

Additional equipment and service pricing is proposed in the pricing section of proposal Change Order AR-09I102A-002.

Customer Responsibilities: *(describe change or N/A)*

Additional customer responsibilities are required as outline in the Statement of Work section of proposal Change Order AR-09I102A-002.

Payment Schedule for this Change Order:
(describe new payment terms applicable to this change order)

Original contract payment terms will apply on this change order

Unless amended above, all other terms and conditions of the Contract shall remain in full force. If there are any inconsistencies between the provisions of this Change Order and the provisions of the Contract, the provisions of this Change Order will prevail.

IN WITNESS WHEREOF the parties have executed this Change Order as of the last date signed below.

**Motorola
Solutions, Inc.**

By:

Printed Name: WILLIAM SCAPIN

Title: MSS; VICE PRESIDENT

Date: 5/12/11
Customer

By:

Printed Name:

Title:

Date:

Reviewed by: John Wm. Eddy
Motorola Solutions Sr. Project Manager

Date: 4/20/2011

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

6/21/2011

City Council Meeting Date
Agenda Items Only

Jesse Fulcher
Submitted By

Development Services
Division

Development Services
Department

Action Required:

Approval of a resolution adopting the proposed Future Land Use Map and City Plan 2030 document as the comprehensive land use plan.

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 ☐		

Jerry C. Pate 06-03-2011
Department Director Date

Kurt 6-6-2011
City Attorney Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Paul A. Bach 6-6-2011
Finance and Internal Services Director Date

Received in City Clerk's Office 06-03-11 P04:08 RCV

Ann Mann 6-7-11
Chief of Staff Date

Received in Mayor's Office 6/6/11 PH

Lionel Jordan 6/7/11
Mayor Date

Comments:



THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

From: Jeremy Pate, Development Services Director &

Date: May 31, 2011

Subject: Approval of a resolution adopting City Plan 2030 and the proposed Future Land Use Map as the comprehensive land use plan.

RECOMMENDATION

Staff and Planning Commission recommend approval of a resolution adopting City Plan 2030 and the proposed Future Land Use Map as the comprehensive land use plan for the City of Fayetteville and its Planning Area.

BACKGROUND

On December 19, 2005, the City Council passed Resolution No. 147-95, which determined that major revisions to the General Plan should be scheduled every five years. The last major revisions were in 2006. The City Plan 2030 update began in early 2010 with the formation of a project team that included staff from Planning, Geographic Information Systems, Parks and Recreation, Engineering, Strategic Planning, Community Services and the Fire Department.

A staff input session was held in March 2010 that included approximately 50 staff members from all divisions that participate or are affected by the development review process. Staff also solicited input from the Planning Commission and City Council in September 2010. These initial meetings were utilized to develop areas of focus for the public input process.

Two public input sessions were held in October 2010 and one was hosted live on the internet in a webinar format, so that stakeholders could participate from an alternative location if they couldn't be present. An online survey was also conducted from October 15 through November 15 that asked the questions posed at the public input sessions. In addition to the public sessions and survey, staff held technical meetings with stakeholder groups to address specific topics. These meetings took place during the months of October and November and included the Fayetteville Chamber of Commerce, Fayetteville Public School Superintendent Vicki Thomas, the University of Arkansas Campus Planning staff and a session focused on attainable housing that included representatives from the Northwest Arkansas Housing Coalition, Partners for Better Housing, Fayetteville Housing Authority and local developers and architects. Utilizing the input gathered from all of these sessions,

staff has assembled a revised City Plan 2030 document, including a Future Land Use Map that together represents the City's Comprehensive Land Use Plan.

DISCUSSION

The project team has worked to assemble a new framework that keeps intact the original goals of City Plan 2025 and identified concrete action steps that will advance the goals over the next five years.

BUDGET IMPACT

None.

RESOLUTION NO. _____

**A RESOLUTION APPROVING AND ADOPTING CITY PLAN 2030 AND
THE FUTURE LAND USE MAP AS THE COMPREHENSIVE LAND USE
PLAN**

**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 and adopts the Future Land Use Map, attached as Exhibit "A".

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves and adopts the City Plan 2030 document, attached as Exhibit "B".

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby determines that the Future Land Use Map attached as Exhibit "A" and City Plan 2030 constitute Fayetteville's Comprehensive Land Use Plan and supersede the existing Comprehensive Land Use Plan.

PASSED and APPROVED this 21st day of June, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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Fayetteville

ARKANSAS



**CITY
PLAN
2030**



City of Fayetteville Officials

Mayor

Lioneld Jordan

City Council

Rhonda Adams

Robert Ferrell

Adella Gray

Mark Kinion

Sarah Lewis

Matthew Petty

Justin Tennant

Brenda Thiel

Planning Commission

Sarah Bunch

Matthew Cabe

William Chesser

Hugh Earnest

Craig Honchell

Tracy Hoskins

Jeremy Kennedy

Audy Lack

Porter Winston

Adopted Resolution xxx-xx Date, 2011

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1

INTRODUCTION



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City Plan 2030 Goals

Goal 1

We will make appropriate infill and revitalization our highest priorities.

Goal 2

We will discourage suburban sprawl.

Goal 3

We will make traditional town form the standard.

Goal 4

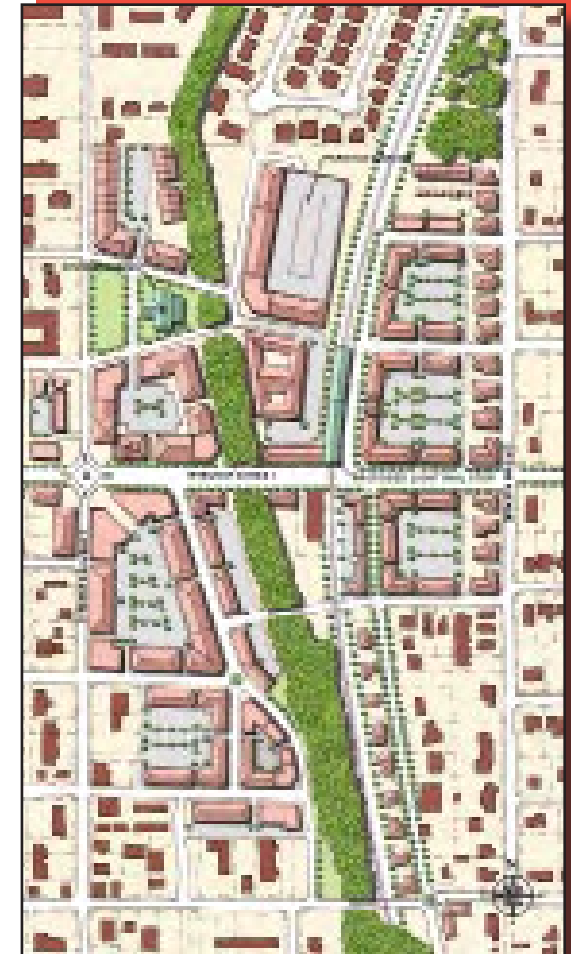
We will grow a livable transportation network.

Goal 5

We will assemble an enduring green network.

Goal 6

We will create opportunities for attainable housing.



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Message from the Mayor

Growth is inevitable and desirable, but destruction of community character is not. The question is not whether your part of the world is going to change. The question is how.

-Ed McMahon, Senior Fellow with the Urban Land Institute

Fayetteville continues to be one of the most desirable places to live in America and has been recognized by national organizations for our economy, striking natural beauty, educational excellence and the quality of our urban planning. This recognition is especially remarkable in a time when nationally and locally we were faced with a recession and shrinking budgets.

The fact that Fayetteville boasts a superb built environment that also protects our natural environment is a testament to the generations of people in our community who have thoughtfully planned for the future of our community. We continue this legacy with City Plan 2030. Hundreds of stakeholders contributed to the development of the principles in City Plan 2025, and hundreds more affirmed those principles during the City Plan 2030 update.

Thank you to the members of the public, our elected officials, and Planning Commissioners for contributing your thoughts and insights to this update. City Plan 2030 takes our community planning to the next level by continuing to develop form-based zoning districts, taking concrete action steps to assemble an enduring green network and implementing context-sensitive street cross-sections that accommodate cars, pedestrians, cyclists and mass transit. I am confident that the implementation of the recommendations in this document will preserve what we treasure about Fayetteville and harness the opportunities that come with growth.

Mayor Lioneld Jordan



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"What we need is an overall comprehensive plan system approach that looks at the whole thing proactively. We need a vision for what we want the City to be in 2025... My number one priority is for the Planning Division to become proactive and take that leadership role."

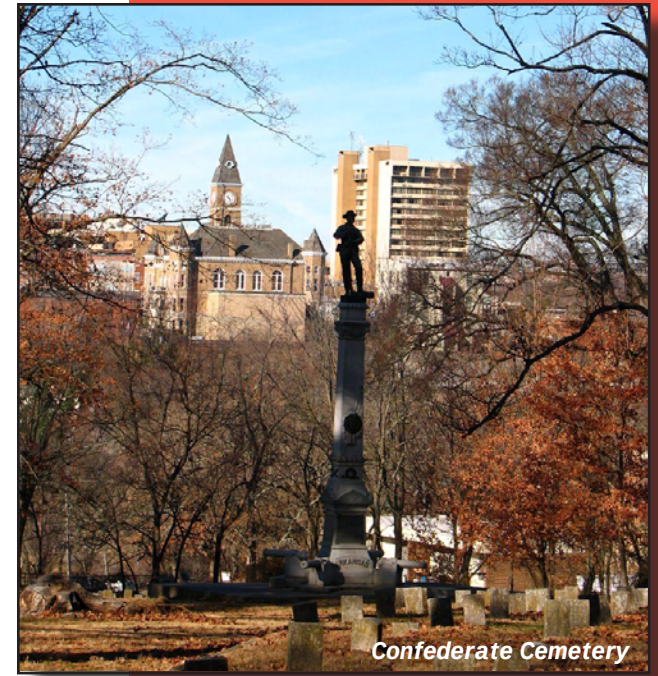
-West Side Fayetteville Resident
Focus Group, 2005

Nestled in the Ozark Hills of Northwest Arkansas, Fayetteville is a rapidly growing city of 73,580 people. Home to the University of Arkansas, Fayetteville has been cited by Partners for Livable Communities as one of the most livable cities in America due to its job growth, arts scene, vibrant downtown and over 3,129 acres of community parks and lakes.

However, Fayetteville's population has been growing at a rate of more than 2.4 percent annually, over twice as fast as the state as a whole, and is part of the sixth fastest growing MSA in the nation. This rapid growth has led to suburban sprawl in the Planning Area, environmental concerns and increased traffic congestion. City Plan 2030 is envisioned to give staff and elected and appointed officials a Comprehensive Plan that outlines criteria for effective decision-making based on a widespread public participation process.

The General Plan evolved from the efforts of the citizens, City Staff, the Planning Commission, and the City Council over the past 40 years. In 1970, the first General Plan was adopted. This plan was not updated again until 1993 when the City adopted the General Plan 2010, which was then revised in 1995 and 2001.

In the summer of 2004, the City Council held a strategic planning retreat and formulated a Strategic Plan 2004-2009. Developing a Fayetteville Vision 2020 was at the heart of this process. This Vision is what the community via their representatives wanted Fayetteville to be in 2020 as defined by value-based principles that guide policies, plans, and decisions.



Confederate Cemetery

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City Plan 2025 was one of the priorities identified by the City Council. City Plan 2025 provided an analysis of current circumstances and policy frameworks in a similar format to the General Plan 2020. However, City Plan 2025 also included the results of a widespread public participation process and an economic analysis.

City Plan 2030 further refines the goals and objectives outlined in City Plan 2025 and establishes action steps that will forward the document's principles.

Public participation resulted in the creation of several maps that identify future land uses and areas targeted for greenfield development as well as infill. Arkansas Code Annotated §14-56-412 states that the Planning Commission's powers and duties include, but are not limited to, the development of a land use plan, master street plan and community facilities plan. Further, A.C.A. §14-56-413 states that a land use plan may include:

- The reservation of open spaces;
- The preservation of natural and historic features, sites and monuments;
- The existing uses to be retained without change;
- The existing uses proposed for change;
- The areas proposed for new development; and
- The areas proposed for redevelopment, rehabilitation, renewal and similar programs.

The land use maps and policies recommended in City Plan 2030 seek to balance growth within a livable, sustainable community, providing a comprehensive approach to planned and managed growth.

"I think the chances are really great that we will see higher density come. I don't think we can stand here and say, 'Okay, our plan is that we wish that wouldn't happen.' I think it would be more beneficial to say, 'That's going to happen--to some extent. How can we maintain the quality in the midst of a boom?' That's the real challenge."

-South Fayetteville Resident
Focus Group, 2005



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2

COMMUNITY CONTEXT



St. Paul's Episcopal Church



Fayetteville Adult Education

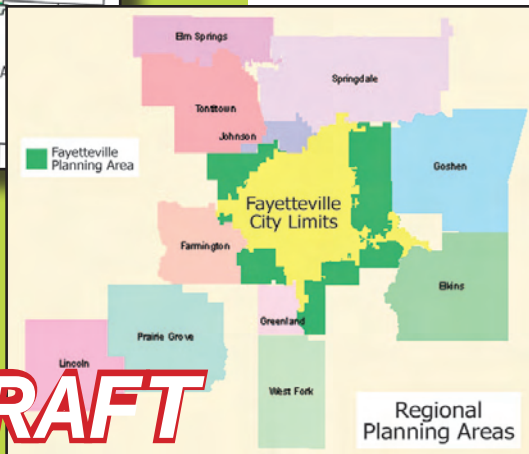


Wilson Park Castle

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- Location 2.1
- Planning Area 2.2
- City Growth 2.3
- Regional Growth 2.4



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2.1 Location

Fayetteville, the third most populated city in the state, is an attractive and prospering city of 73,580 people (*Source: US Census 2010*). Located in Northwest Arkansas, the city is the economic, political and cultural center of a diverse and growing region. The region, consisting of Washington and Benton counties, contains 424,404 people representing over 14.5 percent of the state's population.

Fayetteville presently occupies 55.4 square miles on the western edge of the Boston Mountains, an elevated feature of the greater Ozark Plateau extending further west and north. This modest mountainous terrain shapes the more linear north-south development pattern and intense concentration of land uses along the valley floor occupied by Fayetteville and Interstate 540.

The nearby White River provided water for early settlers, which guided growth along the western side of the White River drainage basin prior to 1970. The location of I-540 to the west and north of the city extended more recent growth into the Illinois River drainage basin. The completion of Interstate 540 and Highway 412 provides even greater attraction of growth to the west.

As the largest city in Northwest Arkansas, Fayetteville serves as the gateway to the Ozark Mountains. The growing tourism industry is one of the factors associated with the region's rapid economic development.

2.2 Planning Area

In August 2001, the Northwest Arkansas Regional Planning Commission coordinated with the cities of Fayetteville, Greenland, Johnson and Farmington to revise the Planning Area boundaries for each jurisdiction.

The Planning Area is comprised of the city corporate limits and a portion of the extraterritorial jurisdiction, which extends up to 2.5 miles from the corporate limits. The total planning area is approximately 89 square miles, 55 square miles in the Fayetteville city limits and 34 square miles in the Planning Area outside the city limits.

The City of Fayetteville's expansion within the Planning Area is restricted by the immediate proximity of the cities of Springdale and Johnson to the north, Farmington and Greenland to the south.



Fayetteville, Early 1900s
Source: *A Shared History: Fayetteville, Arkansas*
and the University of Arkansas,
University of Arkansas Libraries



The role the City plays in administering and serving these two areas varies. Within the corporate limits, the City may exercise a full range of development controls and administrative functions. Within the extraterritorial jurisdiction, the City exercises joint subdivision authority with Washington County.

2.3 Fayetteville Growth Transitions

Since its establishment in the early 1800's, Fayetteville has experienced four distinguishable transitions in growth and development, each centering on major economic change. A fifth transition is emerging as a result of the more diverse economic expansion of the region.

EARLY SETTLERS. The original community of Washington, as Fayetteville was first called, was established in 1828. The name was changed a year later due to confusion with a city named Washington in southern Arkansas. Early settlers were involved in the relocation of the Cherokee Nation to the southwest. Fayetteville, being near the terminal point of the journey, became the new home for the escort party.

The McGarrah family was among Fayetteville's first settlers and laid claim to a large tract of land at the corner of Spring and Willow Streets. McGarrah's property included the southern part of what is now designated as the Washington-Willow Historic District, north to Maple Street.

In 1834, Congress authorized Washington County to sell 160 acres to underwrite the building of a proper courthouse. This 160 acres became known as the original town of Fayetteville. The city grew over the next three and half decades, and in 1870, approximately 1,200 acres were incorporated as the City of Fayetteville.

Although the early settlement period appeared to be blessed with prosperity, the community suffered through a particularly disastrous Civil War experience. Much of the original Fayetteville community was destroyed by fire during the Battle of Fayetteville on April 18, 1863.

RECONSTRUCTION PERIOD. Following the Civil War, in 1869, the McGarrah farm was bought by the Mason family, subdivided and the lots sold, referred to as the Masonic Addition. In the 1870's several homes were constructed on the large lots of the subdivision. Portions of the land were subdivided again and built on in the 1880's and thereafter.

The Masonic Addition represented Fayetteville's first reconstruction period following



Fayetteville, Early 1900s
Source: *A Shared History: Fayetteville, Arkansas*
and the University of Arkansas,
University of Arkansas Libraries



the Civil War. The initial filling in of antebellum homes began in this addition and was significant because of the many students, lawyers, administrators and faculty of the University who would make their homes here. In 1871, Fayetteville was chosen as the site of the land-grant Arkansas Industrial University. A north-south railroad was constructed through town in 1882, confirming the growth of Fayetteville's initial phase.

In the 1890's, Fayetteville established itself as a banking and distribution center and, ultimately, the hub of prosperous tourist, lumber and fruit-processing industries. It was during this period of prosperous growth that two of Fayetteville's current Historic Districts, Mt. Nord and Washington-Willow, became the area of more prestigious residences.

These districts attracted bankers, lawyers, lumber merchants, furniture manufacturers, university professors, railroad men and wholesale grocers. The homes were large and many had servants. At the turn of the century, many households rented rooms to tourists and university students.

Beginning in the 1890's, many of the large lots were again subdivided and the process of infill with smaller homes and student housing initiated.

POST-WAR INDUSTRIAL EXPANSION. Fayetteville's third transition in growth and development followed the Second World War. Approximately 60 percent of Fayetteville's residential stock was built following the depression years, with most of it coming after World War II. This was encouraged by the fact that the federal government began insuring mortgages on new homes and that building materials were plentiful and inexpensive. Also, at this time, there were few code regulations guiding the growth and development of the city. Rapid growth during this period resulted in greater demands for housing, community services, space for University of Arkansas expansion and space for parking. During this same period (1945-1958), Fayetteville experienced a rapid growth in commercial uses. New business enterprises were forced to locate along existing traffic arteries due to the lack of available space in the central business district. Some chose to locate on vacant lots between residential areas. Although these businesses were able to purchase land at more reasonable rates and to occupy larger sites, their proximity to downtown and related business enterprises was markedly diminished.

Fayetteville's first industries continued to expand during this period. It was during this phase of growth that a shift from railroad service to truck service was realized. Wholesalers, bakeries, hatcheries, repair services and other traditional commercial enterprises, once located along the railroad but needing space and access to truck routes, were forced to scatter to larger sites.



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Fayetteville, Early 1900s
Source: A Shared History: Fayetteville, Arkansas
and the University of Arkansas,
University of Arkansas Libraries



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The transition in industry from non-durable goods to durable goods resulted in a similar need for larger sites and highway frontage versus railroad siding. Thus, industries began scattering throughout the southwest quarter of the city.

UNIVERSITY EXPANSION. The fourth major transition in growth and expansion of Fayetteville occurred between 1960 and 1970 and paralleled the expansion experienced by the University of Arkansas. From 1960 to 1965, the University doubled in enrollment, creating an unanticipated demand for dormitories, apartments and small houses near the campus. The initial market reaction to this demand resulted in numerous conversions of older homes and garages near campus into boarding houses and apartments.

When the large-scale multi-family housing boom occurred, most were built within existing residential areas that were near the University. The growth that accompanied the University's expansion created an even greater demand for commercial services. New commercial establishments, in response to the increased demand, began locating outside the traditional center. Due to the sloping topography on either side, new establishments located in narrow bands along existing major streets, creating the first commercial strip.

NEW ERA. Between 1970 and 1990, Fayetteville grew at a fairly steady rate of 1.6 to 1.9 percent per year. Between 1990 and 2000, Fayetteville grew at an annual compound rate of 3.2 percent, and between 2000 and 2010 at a rate of 2.4%. Residential, commercial and industrial uses have all experienced significant increases. Subdivision and large-scale development activity indicate that the area is entering a new era of growth, one based on expansion of the region as a whole. Meanwhile, the University of Arkansas, who in 2010 experienced its largest numerical enrollment increase since 1946, continues to have a major impact on attracting residents, students and professionals to the city. The effect on the local economy derived from the University's presence has a supporting and stabilizing effect on the community-at-large. The University has also attracted specialized community activities that enable Fayetteville to remain the cultural center of the region. The most notable of these is the Walton Arts Center, which has given new emphasis to the link between the University and downtown and between the region and downtown in general.

Recently, Fayetteville has experienced a more active role on both the public and private level in revitalizing and preserving the character of its past. This effort brings the current development phase full circle as planning for the future builds upon the community's rich heritage. Both new and old play a vital role in the community's success.

2.4 Regional Growth Transitions



WalMart Corporate Headquarters



Tyson Foods Corporate Headquarters

Historically, the smaller communities within Washington County and Northwest Arkansas have served as semi-autonomous incorporations, providing the basic needs of the mostly residential occupants. Fayetteville, with 37 percent of the County's population, plus the location of the University of Arkansas, served as the governmental, economic, and cultural center of the area.

FAYETTEVILLE-SPRINGDALE TRANSITION. The traditional relationship of urban center and surrounding smaller communities began a transition that became somewhat noticeable by 1970 and dramatically evident by 1980. It was first marked by the emergence of Springdale as a major employment center with 3,700 new jobs added between 1970 and 1980, compared to 4,600 for the much larger Fayetteville. The figures suggested the emergence of a twin-cities economy between Fayetteville and Springdale.

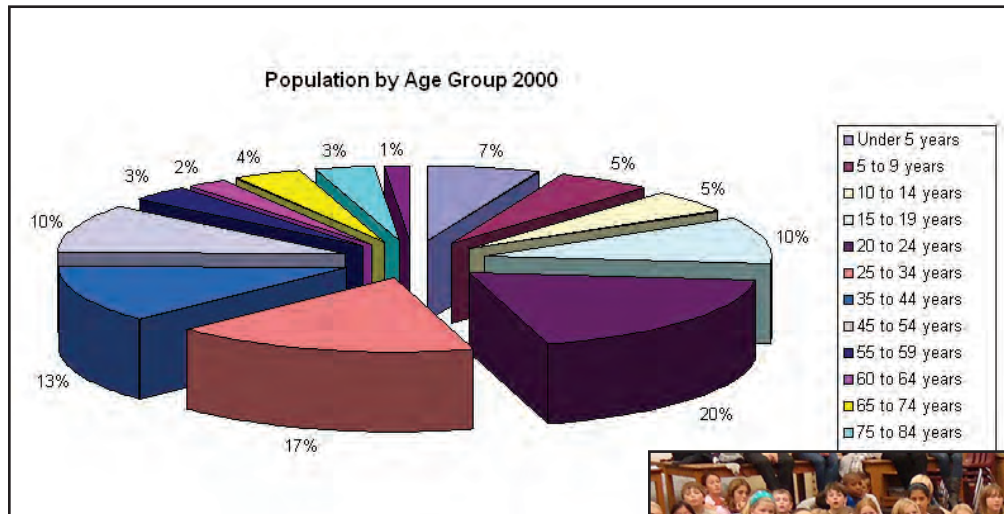
Population during the same period showed a similar pattern: Springdale, with an increase of 5,994, rose from 18 to 23 percent of the County total, while Fayetteville's increase of 5,430 dropped it from 36 to 35 percent of the total. The U.S. Bureau of the Census recognized this new status when it identified the two cities as the Fayetteville-Springdale Metropolitan Statistical Area (MSA) in 1980.

NORTHWEST ARKANSAS REGION TRANSITION. The second metamorphosis of the area started in the 1990's with the regionalization of Northwest Arkansas, consisting predominantly of Washington and Benton counties. The entire region is becoming a more diversified and integrated economic unit through the expansion of tourism, Wal-Mart and related services, and the Northwest Arkansas Regional Airport. Between 1990 and 2000, Washington County's population increased by 44,306, or 39.1 percent and Benton County's increased by 55,907, or 57.3 percent. In 1990, the U.S. Bureau of the Census once again recognized the significant growth in Fayetteville and surrounding areas by changing the metropolitan statistical area name to Fayetteville-Springdale-Rogers MSA. The 2010 Census shows that Benton County is now the more populous county with 221,339 people compared to 203,065 people in Washington county.

This newly gained regional status means that all of the cities of the region are now both competitors and partners in attracting significant economic growth. Having achieved the threshold level of a major economic center due to their joint size and resources, each are now catalysts for one another's development. Whereas larger industries may have previously looked at labor force and other production resources of individual cities as limited, the now combined resources are attracting national attention.

3

DEMOGRAPHICS



- 3.1 Population Trends
- 3.2 Gender
- 3.3 Ethnic Origin
- 3.4 Age
- 3.5 Households
- 3.6 Educational Attainment
- 3.7 Population Projections

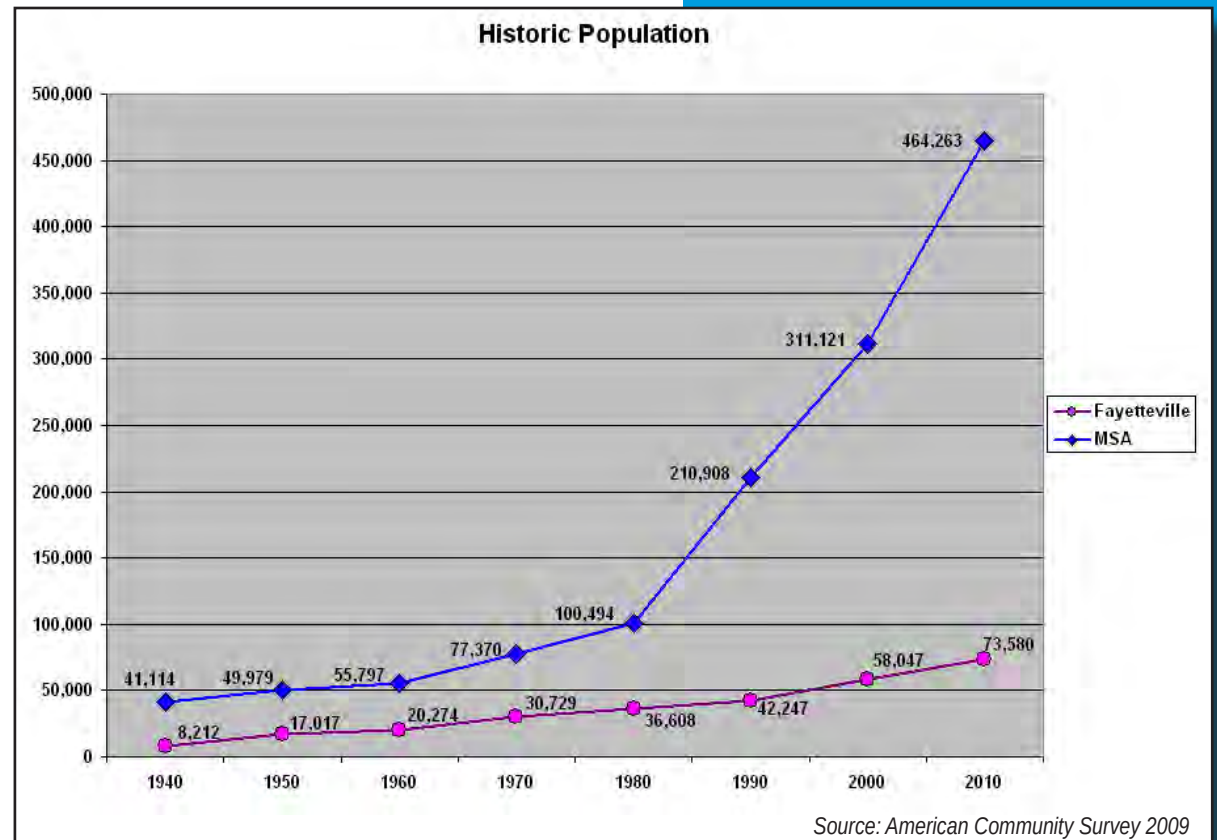
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3.1 Population Trends

HISTORIC TREND. Viewed on a decennial basis, Fayetteville's 70-year population growth has been sporadic, affected in part by major annexations in the 1960s and significant growth in Northwest Arkansas between 1980 and 2000. As Table 3.1 shows, the greatest period of growth was recorded between 1940 and 1950 with a percent increase of 107 percent. Between 1950 and 1960, the growth rate declined to 19.1 percent. Between 1960 and 1970, the growth rate experienced another surge at 51.6 percent. Between 1970 and 1990, the growth rate remained relatively steady, varying between 15 percent and 19 percent.

CURRENT POPULATION. The 2010 Census found that Fayetteville's population is 73,580, an increase of approximately 27 percent from 2000. Approximately 28 percent of the 2010 population can be attributed to the presence of the University of Arkansas, which had a 2010 fall enrollment of over 21,000 students.

This continued increase reflects the growth in Northwest Arkansas, which experienced an increase of 49 percent in the same time period. Both of the increases are considerably higher than the increase in population for Arkansas. Due to growth in surrounding areas, Fayetteville's share of the region's population has dropped from 39 percent in 1970 to 16 percent in 2010, but has grown from 1.6 percent of the state's population in 1970 to 2.5 percent in 2010.



3.2 Gender

The American Community Survey shows a fairly even split between men and women in Fayetteville, the MSA and Arkansas, with little difference in the gender breakdown between 2000 and 2009.

3.3 Ethnic Origin

FAYETTEVILLE ETHNIC CHARACTERISTICS. Fayetteville experienced little change in the representation of different ethnic groups from 2000, with the exception of an almost two percentage increase in people who identified themselves as Hispanic. Approximately 86 percent of the population identified themselves as White and 6 percent as African-American, which is the second largest ethnic group.

The significant decline in the White population percentage in Fayetteville occurred between 1990 and 2000 when the White population dropped from 93 percent to 86.5 percent of the total. This decline was a result of significant increases in the African-American and Hispanic populations during the same time period. The number of African-Americans almost doubled between 1990 and 2000, and the Hispanic population more than quadrupled between 1990 and 2000.

TABLE 3.1 GENDER Fayetteville, NW Arkansas, Arkansas (2000 & 2009)						
Gender	Fayetteville		MSA		Arkansas	
	Population	Percent	Population	Percent	Population	Percent
	2009		2009		2009	
Male	36,415	50	220,276	50	1,388,745	49
Female	36,413	50	221,376	50	1,449,398	51
	2000		2000		2000	
Male	29,458	50.7	154,697	49.7	1,304,693	48.8
Female	28,589	49.3	156,424	50.3	1,368,707	51.2

Source: U.S. Census

TABLE 3.2 ETHNIC ORIGIN Fayetteville (2000 & 2010)				
Ethnic Origin	Population		Percent of Total Population	
	2010	2000	2010	2000
White	61,661	50,212	86	86.5
African-American	4,379	2,969	6	5.1
American Indian, Eskimo or Aleut	785	730	1	1.3
Asian or Pacific Islands	2,439	1,574	3	2.7
Other Ethnic Group	2,054	1,158	3	2.0
Two or More	2,262	1,404	3	2.4
Hispanic Origin (of any group)*	4,725	2,821	6.6	4.9

* Hispanics may consist of one or more of the above groups.
Source: U.S. Census



TABLE 3.3 ETHNIC ORIGIN NW Arkansas and Arkansas (1990 & 2000)				
Ethnic Origin	Percent of Total Population			
	MSA		Arkansas	
	2010	2000	2010	2000
White	81.1	89.4	78.5	80.0
African-American	2.0	1.3	15.7	15.7
American Indian, Eskimo or Aleut	1.4	1.4	.8	.7
Asian or Pacific Islands	3.7	1.6	1.5	.9
Other Ethnic Group	8.8	4.2	3.5	1.5
Two or More	2.7	1.9	2	1.3
Hispanic Origin (of any group)*	15.5	8.4	6.5	3.2

* Hispanics may consist of one or more of the above groups.
Source: U.S. Census



REGIONAL TRENDS.

While Arkansas diversified in the last 10 years, Northwest Arkansas diversified even more. The White population declined by eight percent, while the African-American population increase by one percent, the Asian American and Pacific Islander population increased by two percent, and the population that self-identified as another ethnic group increased by over four percent. Notably, the Hispanic population increased by over 7 percent, almost doubling in population from 2000. This reflects the findings in a report completed by the Urban Institute and funded by the Winthrop Rockefeller Foundation in 2007 that found a significant increase in the Hispanic population in Arkansas overall and particularly in Northwest Arkansas.



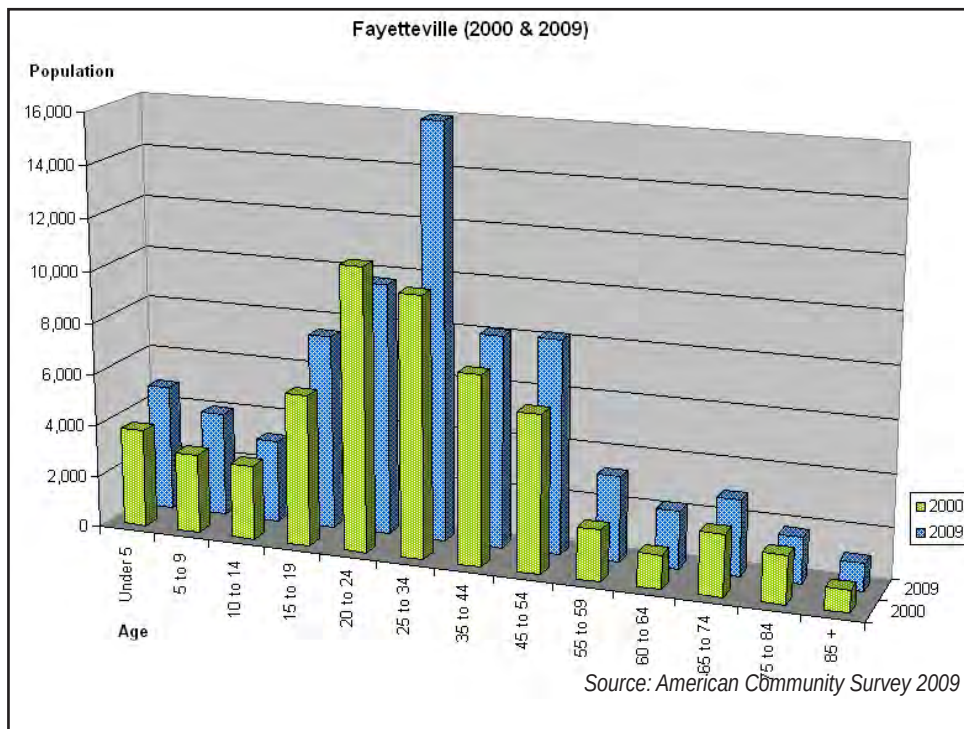
3.4 Age

FAYETTEVILLE AGE CHARACTERISTICS. Fayetteville has a relatively young population. The largest percentage of the population, at approximately 35 percent, continues to be between the ages of 20 and 34 years. This percentage is due in large part to the presence of the University of Arkansas and the undergraduate and graduate student population.

Like the nation, Fayetteville is experiencing an increase in the older population. Between 1990 and 2000, persons between the ages of 45 and 54 years increased by 81 percent. This age bracket increased again in 2009 from 6,066 to 8,228, an increase of 26 percent. The graph also shows a significant increase among persons ages 55 to 59. Fayetteville is often recognized by national publications as one of the best places to retire, which may also contribute to the population increases in these age brackets.

CHILDREN. Children represent a relatively small percent of the population. The percentage of children between the ages of 0 and 14 has remained fairly constant between 1990 and 2009.

Further, a report generated for the Fayetteville Public School District does not anticipate the number of school-age children increasing significantly over the next 10 years (McKibben Demographic Research, 2010).



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REGIONAL TRENDS. The presence of the University of Arkansas becomes more evident when comparing Fayetteville age data with the larger MSA and Arkansas. The 2009 percent of population for ages 20 to 24 and 25 to 34 is significantly higher than that of the region or the state. Persons age 20 to 34 years represent 13 percent of the population in Fayetteville, 7 percent in the MSA and 7 percent in Arkansas.

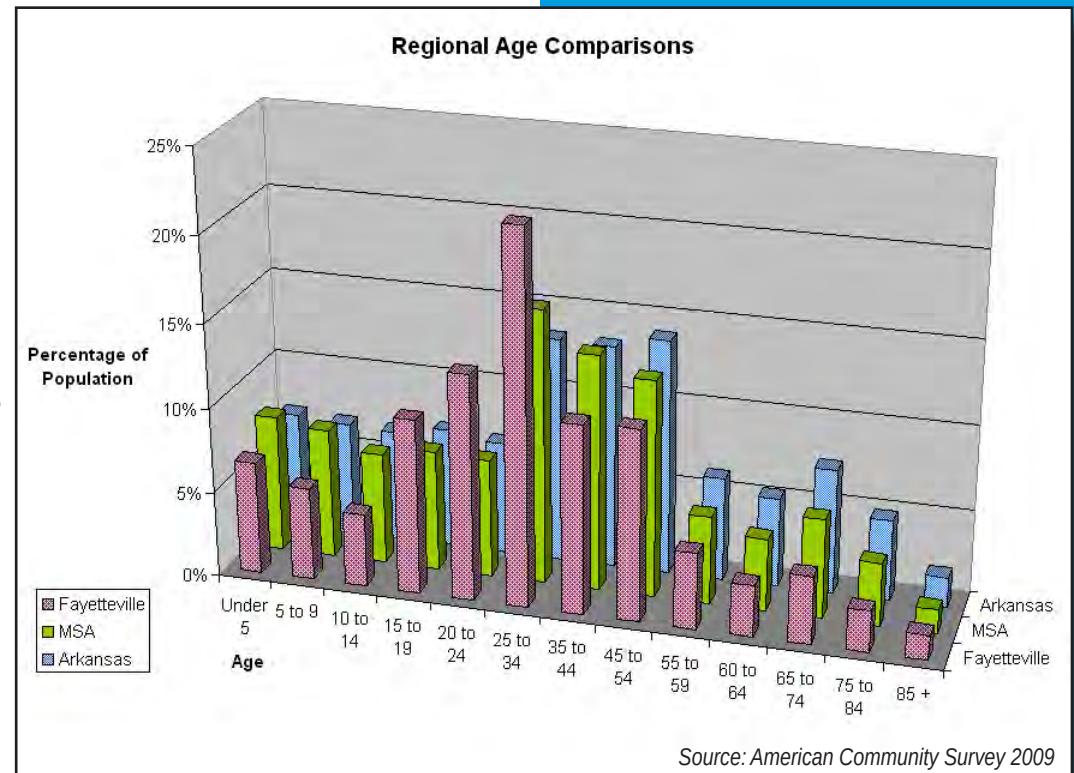
Fayetteville's children represent a smaller percent of the population than the region. In Fayetteville, children under age nine represent 13 percent of the population, while those children represent 16 percent of the population in the MSA.

Fayetteville also has a smaller share of persons over age 65 than the state or region. Persons over age 65 represent 7 percent of the population, while those persons represent 11 and 14 percent of the MSA population and Arkansas, respectively.

MEDIAN AGE. Median age is an indicator of the vitality of a population, representing the "middle," not the average, age of the population. Half of the population is older than the median age and half is younger than the median age. Fayetteville's median age is 28.4, significantly younger than the MSA and Arkansas, which have median ages of 33 and 36.9, respectively.

3.5 Households

The U.S. Census defines a household as all of the people who occupy a housing unit. Households are categorized as family and non-family. Family households include a householder and one or more people living in the same household who are related to the householder by birth, marriage or adoption. A non-family household is a householder living alone or with non-relatives only.



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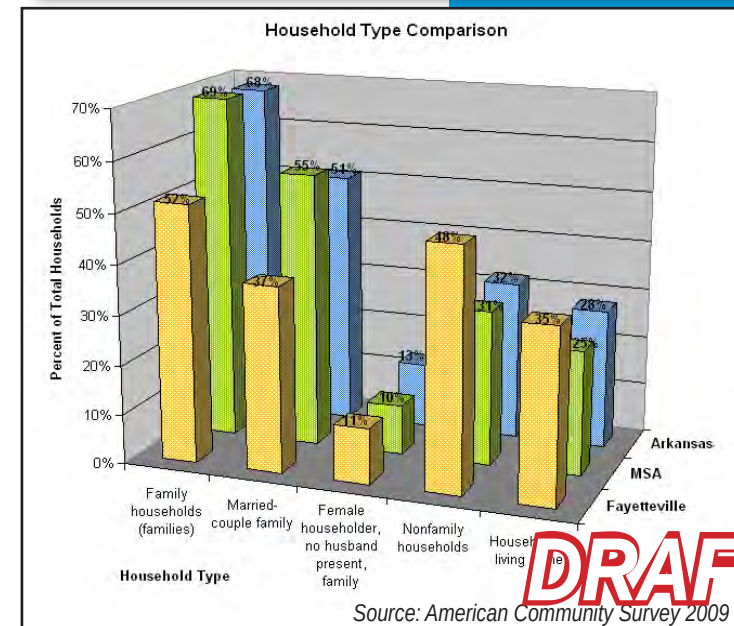
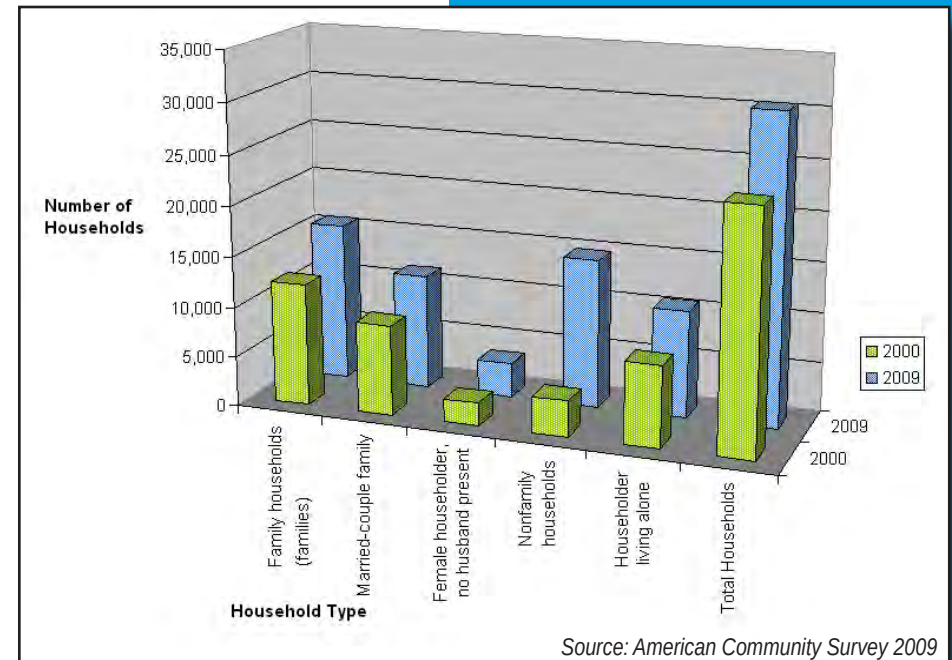
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Household characteristics are diverse in comparison to the rest of the region. As of 2009, Fayetteville had a total of 30,531 households. The number of households has increased approximately 28 percent since 2000, when the number of households was 23,798. Approximately half are family households and half are non-family households. The percent of non-family households has remained fairly constant between 2000 and 2009 at 43 percent. This is inconsistent with the regional and state household numbers, where 70 percent of the households are families and 30 percent are non-families.

MARRIED COUPLES. Married couples represent the largest share of households, with 37 percent of total households. Almost three-fourths of the family households are married couples. The percent of households that are married couples remained constant between 2000 and 2009. The share of married couples in Fayetteville is considerably lower than the region, where 55 percent of all households are married couple households.

FEMALE-HEADED HOUSEHOLDS. Female-headed households with no husband present comprise 11 percent of all households, a slight increase from 10 percent in 2000. This is slightly higher than the region where female-headed households represent 10 percent of total households, but is less than 13 percent of state households with female headed households.

NON-FAMILY HOUSEHOLDS. The total number of non-family households was 14,758. The number of persons living alone comprise 35 percent of the total households, which is also fairly constant from 2000. Other non-family households also remained fairly constant between 1990 and 2000. The non-family share of households in Fayetteville is 43 percent, significantly higher than the MSA's 31 percent. In the region, persons living alone account for less than one-fourth of the households.



HOUSEHOLD AND FAMILY SIZE. Compared to the region and the state in 2000, Fayetteville has the smallest average household size, 2.2, and smallest average family size, 2.88. Household and family size averages have remained steady since 1990, with only slight shifts for each average.

GROUP QUARTERS.

Awaiting data from Census. It will be inserted when available.

TABLE 3.09 HOUSEHOLD AND FAMILY SIZE Fayetteville (2010 & 2000)						
	Fayetteville		MSA		Arkansas	
	2000	2009	2000	2009	2000	2009
Average Household Size	2.21	2.2	n/a	2.69	2.49	2.48
Average Family Size	2.91	2.88	n/a	3.23	2.99	3.02
Source: U.S. Census, Social and Economic Characteristics, Fertility and Household and Family Composition: 1990; Table DP-1. Profiles of General Demographic Characteristics: 2000, 2010						

TABLE 3.10 GROUP QUARTERS Fayetteville (2010 & 2000)			
	2010	2000	Percent Change
Group Quarters		5,350	36.8
Institutionalized		1,420	198.9
Non-Institutionalized		3,930	14.4
Source: U.S. Census.			



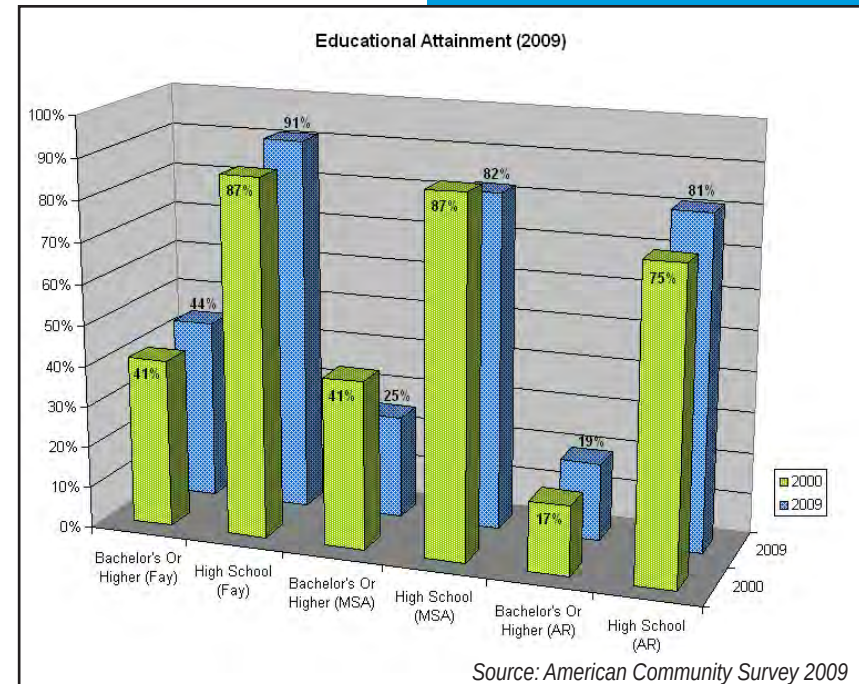
3.6 Educational Attainment

Educational attainment is relatively high in Fayetteville compared to all of Washington County and the State. Of the population in 2009, persons 25 years and over, 91 percent have a high school diploma compared to 82 percent and 81 percent for the MSA and State, respectively. Forty-four percent of the population have a college degree or higher.

In comparison, 25 percent of all persons 25 years and over in the MSA have a bachelor's or higher degree. For the entire State, the same degreed group comprises 19 percent.

3.7 Population Projections

The Northwest Arkansas Regional Planning Commission uses building permit data to develop future population estimates for the City of Fayetteville and it's planning area. The average number of dwelling units permitted between 1980 and 1994 was 575.1 per year. This average was used to project future population to the year 2020. Fayetteville is projected to grow by approximately 37,000 people, for a total population of 110,725 by the year 2030.



**TABLE 3.11
FUTURE POPULATION
Fayetteville and Planning Area (1990-2030)**

Year	City of Fayetteville		Including Planning Area (Projected)
	Actual	Projected	
1990	42,247	42,247	50,620
1995	n/a	49,264	59,269
2000	58,047	56,429	67,900
2005	n/a	63,595	77,196
2010	73,580	70,760	87,228
2015	n/a	77,925	96,060
2020	n/a	85,090	104,893
2025	n/a	96,083	
2030	n/a	110,725	

Source: Northwest Arkansas Regional Planning Commission

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4

HOUSING



Various Housing types in Fayetteville



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Housing Occupancy and Tenure	4.1
Housing Types	4.2
Residential Building Activity	4.3
Age of Housing	4.4
Gross Rent	4.5
Housing Concerns	4.6

TABLE 4.1
HOUSING OCCUPANCY AND TENURE

Occupancy	Housing Units		
	2010	2000	Percent Change
Total Occupied Housing Units	30,531	23,798	28%
Owner-occupied	12,852	10,047	28%
Renter-occupied	17,679	13,751	29%
Total Vacant Housing Units	3,783	1,669	127%
Total Housing Units	34,314	25,467	35%

Source: American Community Survey

4.1 Housing Occupancy And Tenure

OCCUPANCY. Historically consistent, the number of renter-occupied housing units is higher than owner-occupied housing units, reflective of the large student population. According to the 2009 ACS Data, the total number of occupied housing units increased by approximately 28 percent from 2000, adding 6,733 units. Both renter and owner-occupied housing increased by a little less than 30 percent.

VACANCY. While the vacancy rate in Fayetteville was significant by lower than the national average in 2000 at 6.6 percent, in 2009 the vacancy rate is at 11 percent compared to a national vacancy rate of 12 percent. This increase in the vacancy rate can be attributed to overbuilding that occurred between 2005 and 2008.

TABLE 4.2
RESIDENTIAL HOUSING TYPE (FAYETTEVILLE)

	Number of Units				Percent of Total Units	
	2000	2009	Units Added (01-10)	Percent Change (00-10)	2000	2009
Single Family	13,731	16,815	3,084	22%	52%	50%
Duplex and Multi-Family	12,479	16,678	4,199	34%	48%	50%
Total	26,210	33,493	7,283	28%	100%	100%

Source: American Community Survey

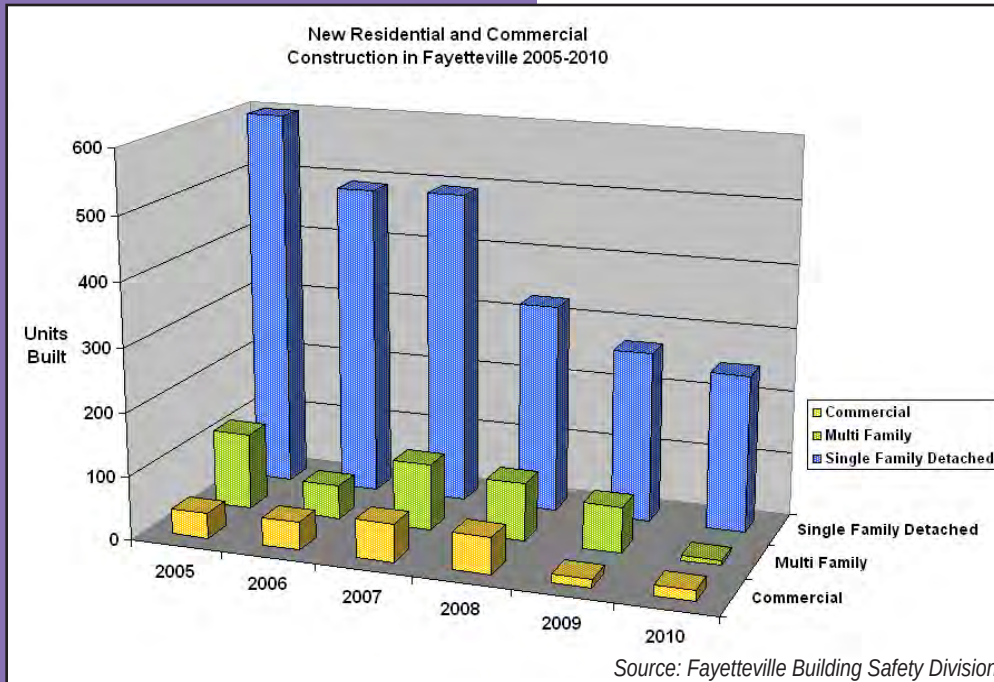
4.2 Housing Types

Table 4.2 provides information on residential housing by type. To calculate the number of units in 2000, annual building permit data between 1990 and 2000 was added to data from the 1990 Census. Duplex and Multifamily are not separated because in 1990 duplexes were included in the category 2 to 4 units, thus combining duplexes with multifamily counts. From 1990 to 2010, the percent of single family housing of total housing continues to decrease by two percent each decade, reflecting a national trend.

UNIVERSITY HOUSING. The University of Arkansas provides on-campus and off-campus student housing facilities. On-campus facilities include fifteen residence halls: one men's; three women's, and eleven coed. The residence halls house 4,675 students and 200 students are living in on-campus apartments, for a total of 4,870 on-campus housing units.



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4.3 Residential Building Activity

The residential building activity reflects the national housing trend, which shows record single-family units added between 2005 and 2007 and then declining through 2010. Multi-family development shows less fluctuation, although it also shows a precipitous decline in 2010.

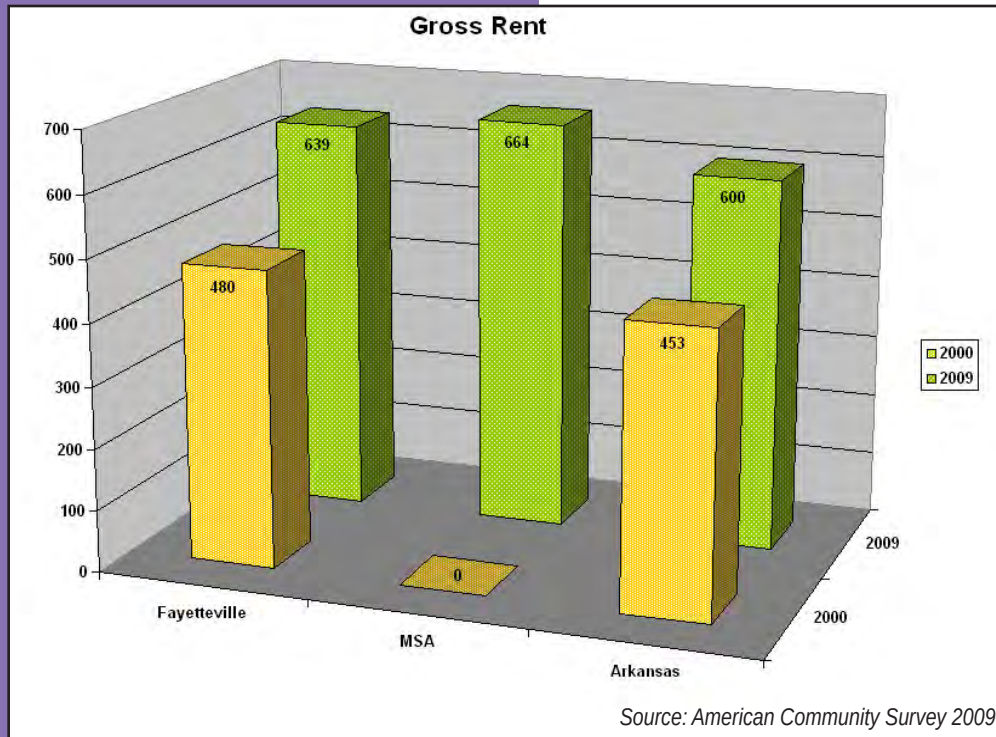
TABLE 4.3
HOUSING: YEAR CONSTRUCTED

Time Period	Units Built	Percent of Total
2005-2009	2,102	6%
2000-2004	4,723	14%
1990-1999	8,984	26%
1980-1989	5,683	17%
1970-1979	4,737	14%
1960-1969	2,838	8%
1950-1959	2,242	7%
1940-1949	1,240	4%
1930 or earlier	1,765	5%
Total	34,314	100%

Source: Northwest Arkansas Regional Planning Commission

4.4 Age of Housing

Almost 90 percent of the existing housing stock was built during the last half of the twentieth century and almost 50 percent was built during the last two decades. The largest number of homes were built between 1990 and 2000 with 8,984 units. Approximately 3,000 units were built prior to 1950 indicating a number of units that could face deterioration without adequate maintenance.



4.5 Gross Rent

In 2009, the monthly median rent in Fayetteville was \$639 compared to \$664 for the MSA and \$600 for the entire State. The City's median rent increased by approximately 30 percent since 2000 whereas median rent increased 25 percent for the State. In 2009, 7,419, or 44 percent, of the total 16,990 renter-occupied units in Fayetteville had rents in the \$500-749 range.

4.6 Housing Concerns

One measure of housing affordability is a comparison of changes in median house value and median household income over time. The percent change in Fayetteville's median house value is greater than the change in median household income, indicating that the values in homes are outpacing increases in household income, which significantly impact the ability of home ownership for many potential home buyers.

TABLE 4.4
HOUSING COST CHANGE

	2009	2000	Difference	Percentage Change
Median House Value	169,700	100,300	69,400	69%
Median household Income	40,655	31,345	9,310	30%

5 EMPLOYMENT AND INCOME



- 5.1 Fayetteville Establishments and Employment by Industry
- 5.2 Fayetteville Occupations
- 5.3 Civilian Labor Force
- 5.4 Income

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5.1 Fayetteville Establishments and Employment

According to ACS data, Fayetteville's largest sector of employment (29%) is the education and health services sector, which employs 11,365 people. This employment is driven primarily by the University of Arkansas and a significant difference exists between Fayetteville and the MSA (19%) and the state (22%). The next group of sectors each employ between 10 percent and 12 percent of the labor market: 1) Professional, scientific, management (10%); 2) Arts, entertainment, recreation, accommodation and food services (11%); 3) Manufacturing (11%); and 4) Retail trade (12%).

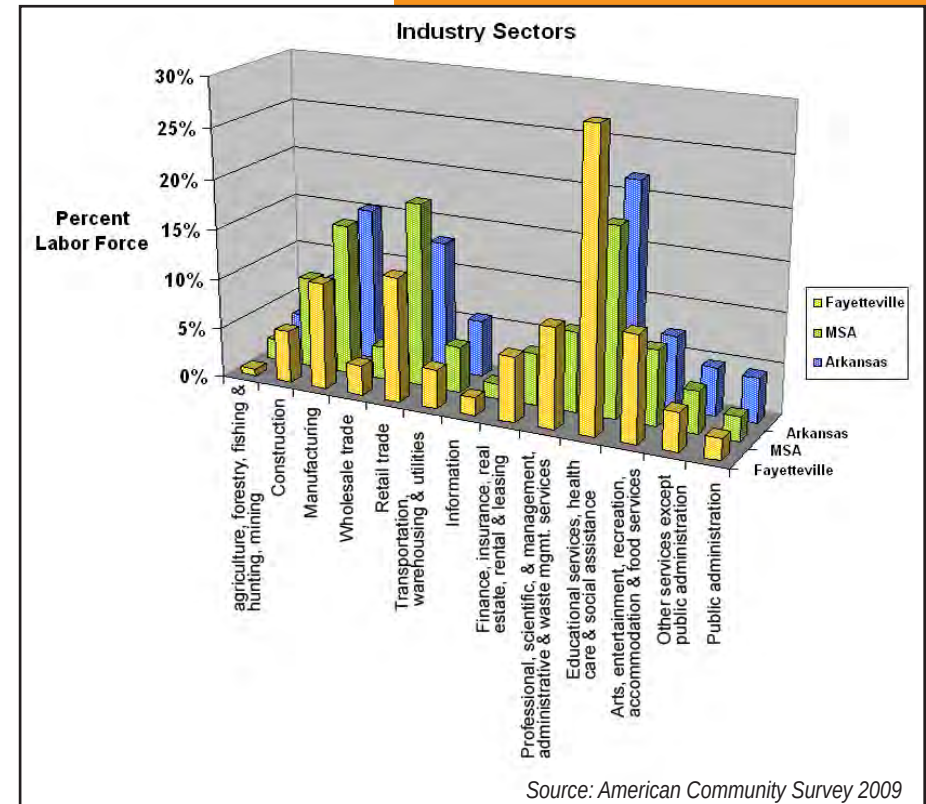
5.2 Fayetteville Occupations

In 2009, the total employment in Fayetteville was 38,939. The largest employer continues to be the University of Arkansas, which is followed by Washington Regional, the Northwest Arkansas Mall, WalMart Company, Fayetteville Public Schools and the Veteran's Hospital. Some of Fayetteville's major employers experienced reductions in employees during the past several years, including Tyson foods, Superior Industries and Pinnacle Foods.

TABLE 5.2
LARGEST EMPLOYERS (Number of Employees)

University of Arkansas Faculty & Staff	5,309	City of Fayetteville	754
Washington Regional Medical System	2,100+	Pinnacle Foods	565
Northwest Arkansas Mall	1,700	Tyson - All Divisions	515
WalMart Company	1,600	Arkansas Western Gas	354
Fayetteville Public Schools	1,300	Lowe's Home Centers, Inc.	255
Veteran's Hospital	1,050	Procter & Gamble	252
Superior Industries	782	Dillard's Department Store	148
TOTAL			16,684

* University of Arkansas at Fayetteville student population 2011: 21,405



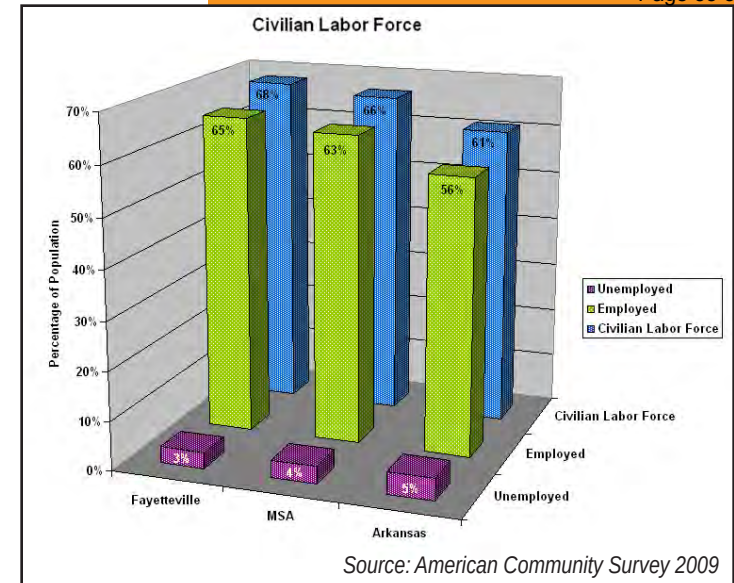
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5.3 Civilian Labor Force

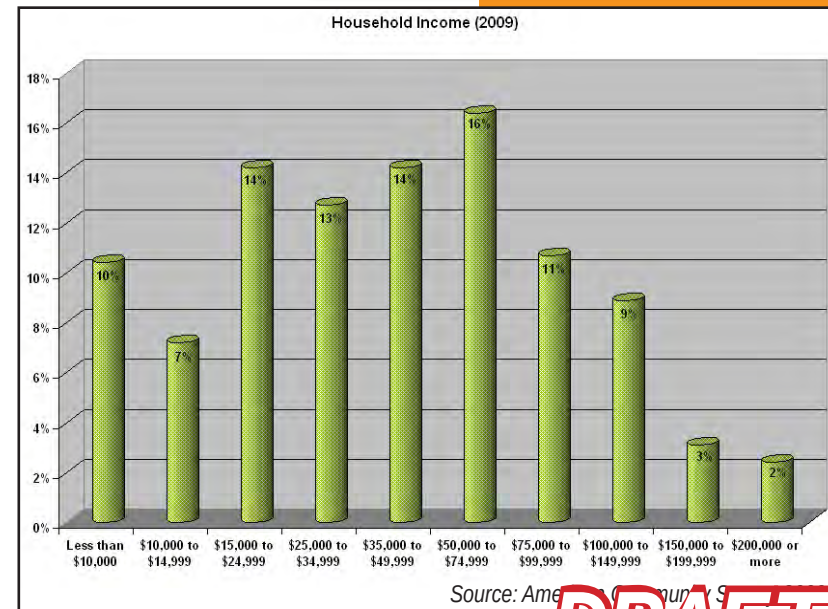
The growth of the Fayetteville-Springdale-Rogers MSA is significant when compared to the state and the nation. In 2000, the MSA civilian labor force was 148,175, an increase of 35.9 percent from 1990. Similarly, the labor force in Washington County increased by 29.4 percent and by 41.6 percent in Benton County. These growth rates are much higher than the 9.9 percent growth in Arkansas and 11.9 percent growth for the nation.

The growth in the civilian labor force in Fayetteville and the MSA continues to outpace Arkansas. From 2000 to 2009, the labor force grew by 20.5% in Fayetteville and 51% in the MSA whereas Arkansas only grew by 8%. While the unemployment rate still remains low compared to the nation, the recent recession has caused the unemployment rate for Fayetteville and the MSA to increase from 2% to 3% and 4%, respectively.



5.4 Income

Fayetteville's median household income is \$40,655, which is greater than the Arkansas median household income of \$38,542 but less than the MSA median household income of \$45,757. This difference likely stems from the student population associated with the university. Students typically earn less income than the average adult.



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6

LAND USE



- Geological History 6.1
- Soils 6.2
- Slope and Hillsides 6.3
- Watershed System 6.4
- Surface Drainage 6.5
- Flooding 6.6
- Groundwater 6.7
- Water Quality 6.8
- Current Zoning and Annexation Patterns 6.9

6.1 Geological History



The City of Fayetteville is located on the northwestern edge of the Boston Mountains along the southeastern rim of the Springfield Plateau. Elevations within Fayetteville range between 1,100 to 1,500 feet above sea level.

The eastern and southern portions of the area are hilly uplands characterized by domelike formations. The portions to the west and north are more level and consist of deep soils.

Most of Fayetteville is underlain by black shale and Boone limestone of Mississippian and Morrowien age. The rock is dense and somewhat resistant to weathering. Where exposed to the surface, this rock has created some prominent natural features.

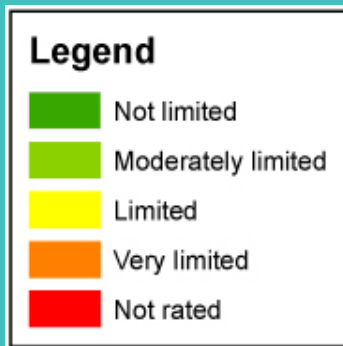
There has been little folding where some sub-surface areas have been pushed up and folded over adjoining areas. There has been faulting wherein sub-surface areas have separated, creating a fault line or crack along where one area can move independent of another. Two such faults have been found within the general Fayetteville area. The Fayetteville fault dissects the middle of the city from southwest to northeast. The White River fault runs west-east along the area between Fayetteville and Springdale. No seismic activity has been experienced in either of these faults in recorded history.

6.2 Soils

Fayetteville is located on the divide between the White River watershed and the Illinois River watershed. The soils of the White River watershed in the south and east of the City were mostly derived from the Boston Mountains plateau; the soils of the Illinois River watershed were mostly derived from the Springfield plateau. The valleys in both of these eroded plateaus are floodplains consisting of terraced soils. The soil associations of the Boston Mountains formed under hardwoods and are underlain mainly by acid sandstone, siltstone and shale, or by alluvium derived from these rocks. The soils of the Springfield plateau also formed under hardwoods. They are underlain by silty deposits or cherty limestone, or by alluvium derived from these sources.

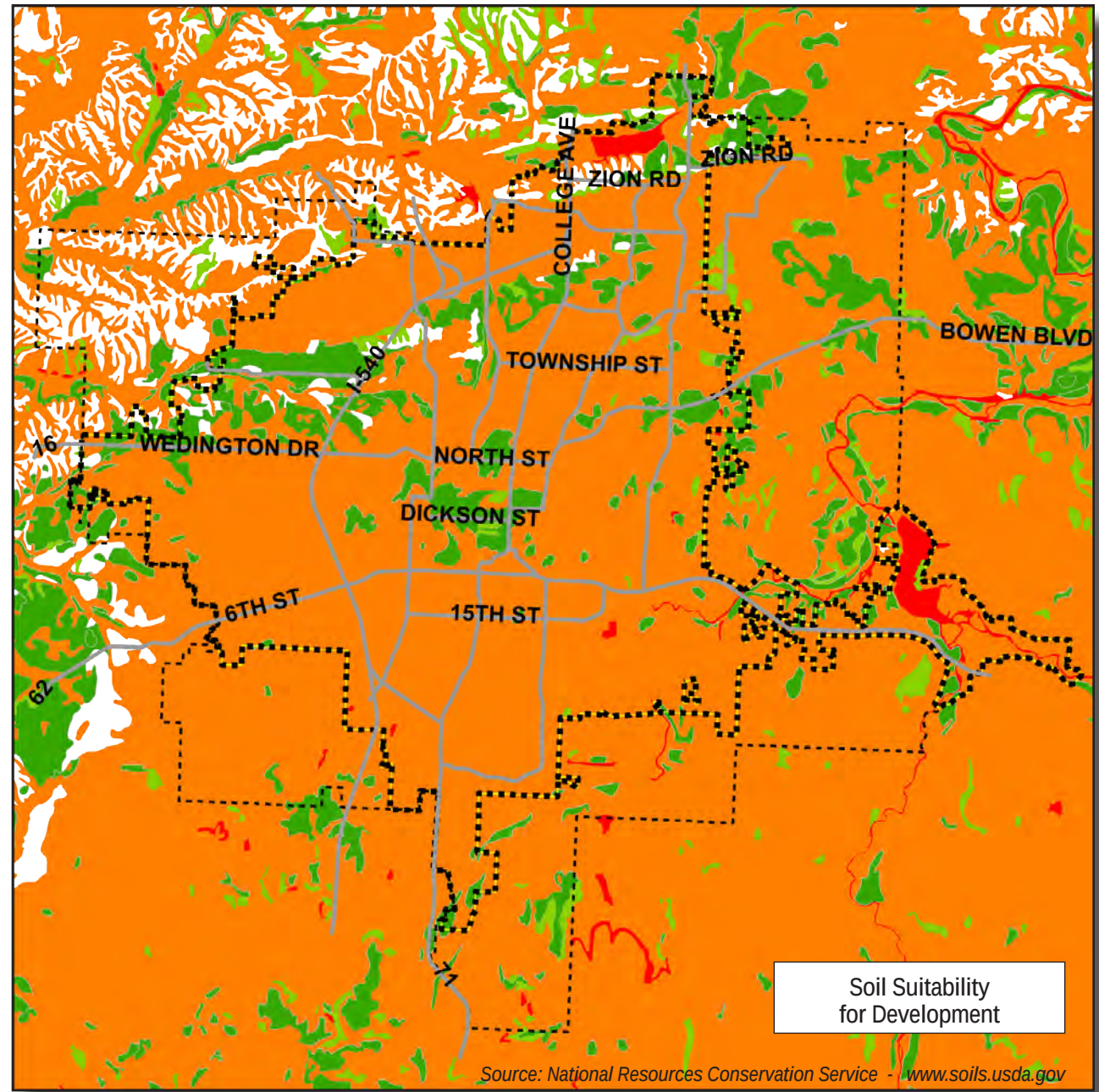


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Soil characteristics are an important determinant of land use. Steep slopes and floodplains are less suitable for more urban forms of development and may require special treatment. Ideally, these areas should be reserved for open space, passive recreation, conservation and agriculture. Where more intensive development of these areas is permitted, performance standards should be utilized in mitigating impacts to the environment. Soils with high water tables and poor percolative ability greatly increase the cost of community sewerage systems. Edaphic conditions can also lead to increased stormwater infiltration and stress the capacity of wastewater facilities. Soils also dictate engineering requirements for industrial use and trafficways. Many of the soils in and around the urbanized area are stony and rocky, have high shrink-swell potential, or have low load-bearing or traffic-supporting capacity.

Most of the land in the Fayetteville Planning Area has some restrictions for urban development. The Soil Suitability for Development map groups soil series by degree of suitability for urban development. The Map can be summarized by a description of the four major areas where soil limitations are most restrictive:

- Southwest quadrant of the Planning Area: Almost the entire quadrant is covered by the most restrictive soils. Moderately restrictive soils occupy the area between Wedington Road and U.S. Highway 62 west of Interstate 540.
- Southeast extreme of the Planning Area: Included are pockets of the most restrictive soils around the country club and along the West Fork of the White River.
- Eastern edge of the existing city limits: A large mass of the most restrictive soils is located between Mission Boulevard and Crossover Road. This area is partially developed with residences.
- Northeast edge of the older city: Pockets of the most and moderately restrictive soils are located between Mission Blvd. and Crossover Road. The area is partially developed with residences.

Generally, the western and extreme northeastern portions of the planning area contain soils with the least restrictions. These soils are sufficiently permeable to be suitable for septic tank drainfields. Perched watertable occurrences are more frequent in the extreme west. Some watertable restrictions are found in the extreme east as well.

Soil capability and its companion topographic features have influenced the pattern of land use in Fayetteville. Through streets and rail lines follow the stream valleys while roads that cross steep grades tend to be short and discontinuous. The pattern established by early settlers of building houses on the hills and farming the creek bottoms still prevails, with residential areas on the hills and commercial development along the highways.



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Urban development is best suited in areas to the west and northeast where soil limitations are the least restrictive. These are also the areas where current development and future market activities are most active.

6.3 Slope and Hillsides

Slope, or gradient, is a critical factor in determining a soil's suitability for supporting development. The development of severe slopes involving soils not capable of providing foundation support may result in extensive cutting and filling in an effort to stabilize them. When compounded by the removal of existing vegetation, excavation and fill of soil can result in severe erosion and run-off, slumping and shearing.

In Fayetteville, areas of more severe slope are also characterized by soils less suitable for development. Shallower depth to bedrock conditions compound problems in these areas. There are several identified beds of cherty limestone, acid sandstone, siltstone and shale that have shown some faulting and folding at steeper locations.

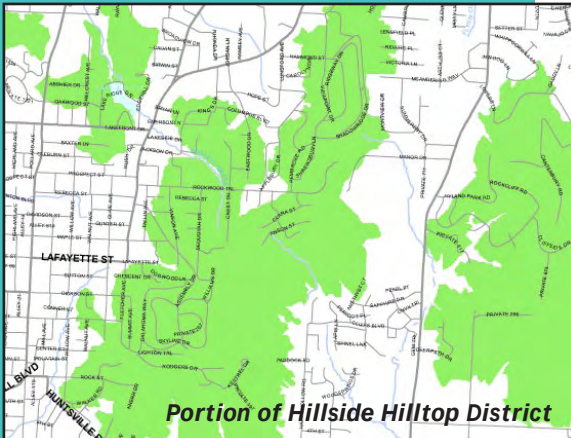
Of the 56,730 acres within the City and its Planning Area, approximately 16 percent, or 8,900 acres, have slopes of 15 percent or greater. With notable exceptions, such as Mount Sequoyah, these slopes previously remained largely undeveloped; however, more recent trends indicate that development on hillsides is increasing, which has led to the passage of an ordinance that provides additional protections on slopes that are 15 percent or greater and hilltops.

The Hillsides and Hilltops map identifies major areas where severe slopes are predominant:

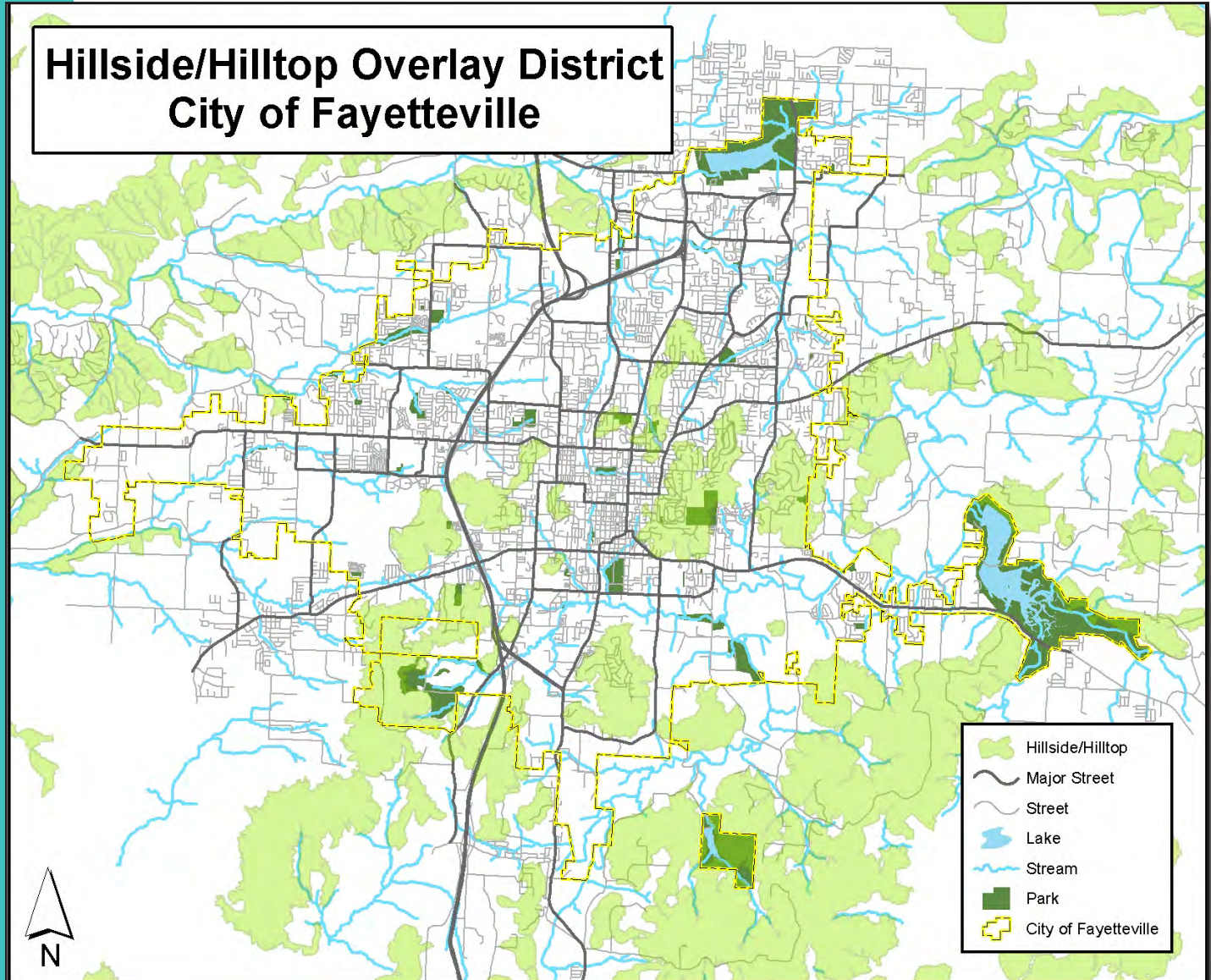
Southwest quadrant of the Planning Area paralleling both sides of the route for U.S. 71. Almost the entire quadrant is restricted. Some of the highest elevations in the Planning Area are found here.

Southeast extreme of the Planning Area. The area is blocked by a solid line of severe slopes. Pockets are found around the Country Club.

Northeast quadrant of the Planning Area paralleling and to the east of Old Wire Road. The steeper slopes are generally confined to a narrow line that terminates on the southern end with Mount Sequoyah.



Hillside/Hilltop Overlay District City of Fayetteville



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6.4 Watershed System

The urban area is dissected by two major drainage basins. The White River provides drainage for the area to the south and southeast and is periodically subjected to storm flow from the Boston Mountains. The White River flows into Beaver Lake, the drinking water source for the region. The second principal drainage course is the Illinois River. This drainage basin covers approximately 30 percent of the western and northern portions of the urban area and flows into Oklahoma.

The natural drainage system consists of many smaller streams in a dendritic pattern along the upper reaches of the watersheds. All of these streams eventually flow into the White or Illinois Rivers. The sheet run-off that is more characteristic of areas to the north and west is intermittent depending on the seasonal variations in intensity and duration of rainfall.

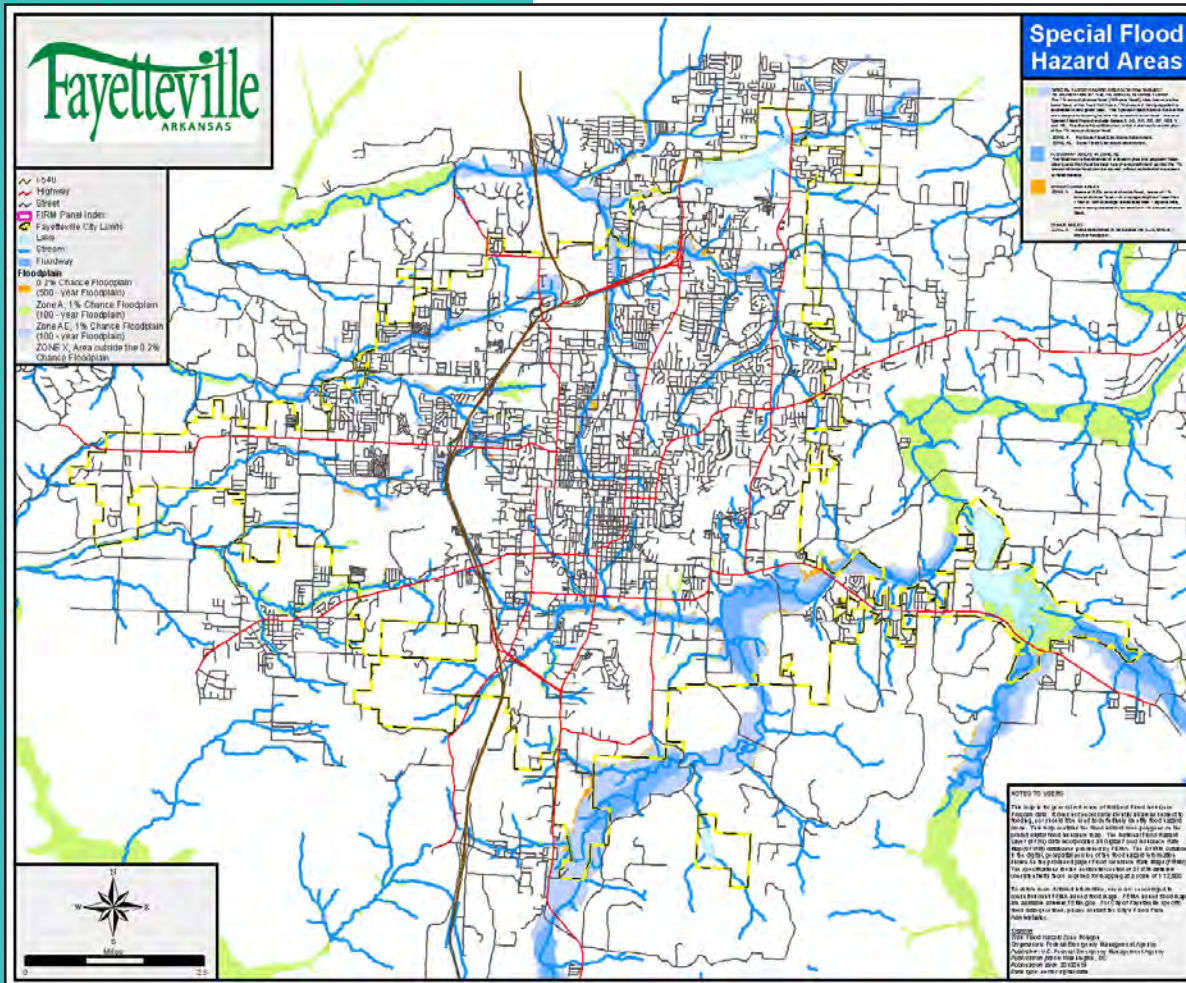
6.5 Surface Drainage

Surface water resulting from storms is a major problem in the built-up area of Fayetteville. Steep slopes in the northeast, east and southwest are associated with rapid run-off from storms, causing surface water build-up in low lying areas where permeability is notably poor and the city's storm drainage system is limited. The lack of control and rapid rate of run-off, combined with the intense urban development creates flooding hazards during major storms.

6.6 Flooding

At the request of the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers conducted a study of the flood hazards posed by the White River and its tributaries. The findings of this study resulted in a determination of the boundaries, depths and elevations of the White River 100 year floodplain limits. As determined by the Corps of Engineers, these limits define the areas which would be flooded in the event of an intermediate regional flood (100 year) and standard project flood (200 year to 500 year).

An intermediate regional flood is defined as the largest flood that would probably occur on the order of once every 100 years. The peak discharge used for determining the 100 year floodplain limit is 48,000 cfs (cubic feet/second). The standard flood is defined by the Corps of Engineers as a major flood that can be expected to occur from the most severe combination of meteorologic and hydrologic conditions reasonably characteristic of the geographic region. Although the standard project flood is not assigned a recurrence interval, it is generally



considered to approximate a 200 year to 500 year frequency flood.

The Floodway map indicates two major areas of flooding. The floodway along the southern city limits of West Fork of White River is fairly confined and frequently floods until it becomes more widespread near the Industrial Park. In northern Fayetteville, Scull Creek, with a moderate amount of adjacent development, and Mud Creek also see flooding problems because the floodway is fairly confined until the confluence of the two streams near the Northwest Arkansas Mall.

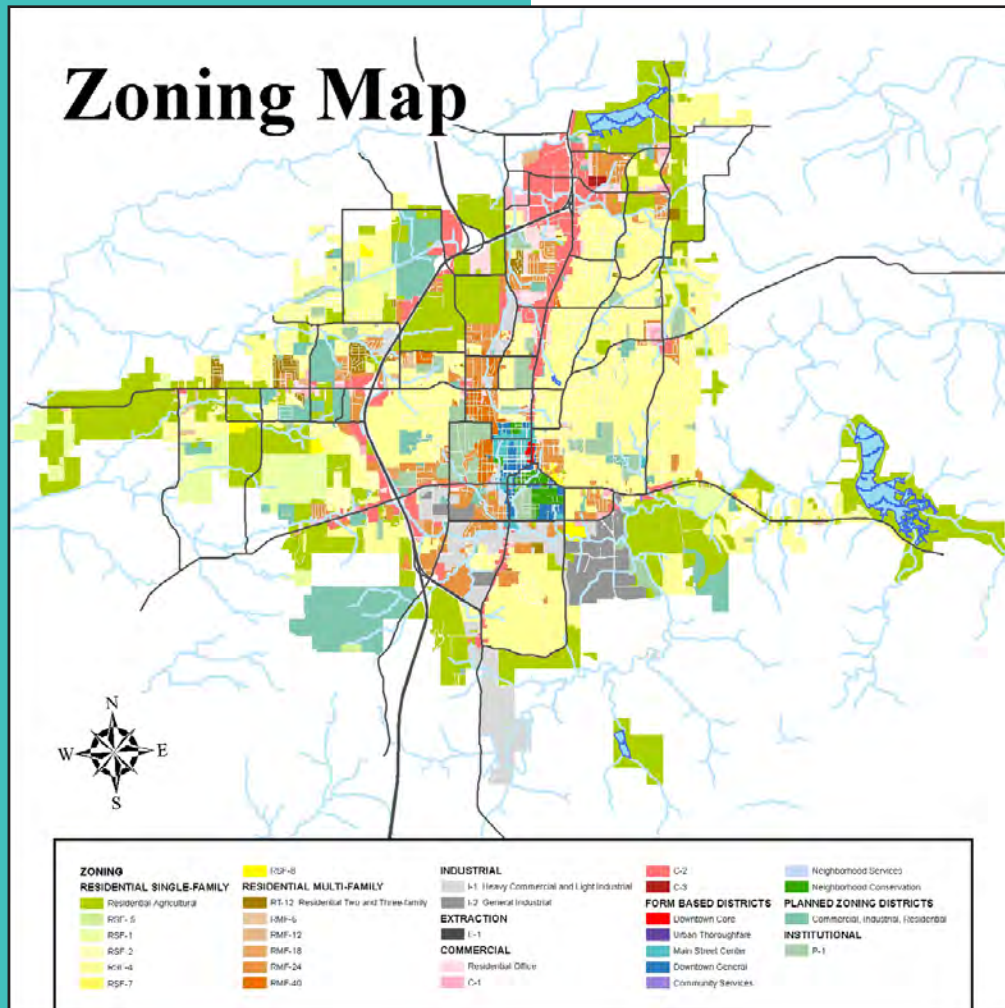
6.7 Groundwater

The groundwater level in Fayetteville is approximately 80-200 feet below the ground surface, with some areas as deep as 300 feet below surface level. Groundwater supply is generally dependable and of good quality; however, water is moderately hard and high in iron in some places. There are few, if any, ground wells within the city limits but numerous such wells in the Planning Area.

6.8 Water Quality

Water quality is generally high, although urbanization has led to increased levels of sedimentation and turbidity in Beaver Lake, the City's source of drinking water. From relatively high water quality at the upper end of the White River and Illinois River watersheds, the quality decreases progressively downstream. Major sources of pollutants include agricultural run-off, construction and urbanization.

Treatment procedures include the use of lime and aluminum sulfate. The use of these chemicals is followed by a process of coagulation, sedimentation, filtration, chlorination and the use of activated carbon for taste and odor control. Fluoride is also added to the water.



6.9 Current Zoning and Annexation Patterns

CURRENT ZONING

Fayetteville has utilized a Euclidian zoning pattern, or a pattern that primarily separates uses, for almost 85 years. In general, commercial, residential and industrial uses are separate. However, in July of 2005, City Council passed an ordinance that created Planned Zoning Districts (PZDs), which developers may use to combine uses within one development. PZDs are typically larger developments, and developers submit an overall concept before submitting phases of the development over a period of several years. City Council must approve the overall concept.

The adoption of City Plan 2025 and the Downtown Master Plan led to the adoption of form-based zoning districts, which emphasize the form of development rather than the separation of uses. Four form-based zoning districts are utilized within the Downtown and Walker Park neighborhood area, each with separate building height, use, and build-to line requirements. The code was designed to ensure that these areas retain livability and a human-scale, while allowing for an increase in density and economic value. The City Council also adopted three form-based zoning districts in 2010 that parallel three conventional commercial zoning districts. Form-based zoning districts allow for a wider range of uses and have architectural design standards. Once a property is rezoned to one of the form-based districts, development proposals that meet the architectural and site design standards can be approved administratively.

ANNEXATION

The current annexation policy allows individual property owners or groups of property owners to petition for annexation into the corporate limits. State statutes allow the City to annex unincorporated islands within the City limits and to annex land by voter referendum. A.C.A. § 14-40-501 also allows the municipality with the greatest perimeter to annex unincorporated islands surrounded by two or more municipalities.

7

TRANSPORTATION



- 7.1 Street Network
- 7.2 Pedestrian Mobility
- 7.3 Public Transportation
- 7.4 Rail
- 7.5 Aviation

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7.1 Street Network

ACCESS INTO FAYETTEVILLE. Primary vehicular access to Fayetteville is provided by state and federal highways that link this community to others in the region. Fayetteville is accessed by one Interstate, two U.S. Highways and via several State Highways.

In 1999, Interstate 540 (I-540) was extended northward to Fayetteville and Springdale. By 2001, I-540 reached Bentonville, connecting Northwest Arkansas to the Interstate Highway System for the first time. I-540 originally served as a bypass to the west of Fayetteville, but recent trends indicate that development will continue west of the freeway. To the east, State Highway 265 provides a similar function; however, due to its uncontrolled access, the efficiency of this route is not comparable to I-540. Highway 71B (College Avenue) is an alternate route for traffic to and through the Fayetteville and Springdale city centers.

Vehicular access from the east is provided by State Highway 45, entering the City approximately at its midpoint and also from State Highway 16 entering the city to the south. Both of these routes intersect and connect with State Highway 265 (Crossover Road) and Highway 71B. From the west, access is provided by State Highway 16 at approximately the city midpoint and U. S. Highway 62 to the south. Both of these routes intersect and connect with I-540, and U.S. Highway 62 also extends east (as State Highway 180) to intersect with Highway 71B.

TRAFFIC CIRCULATION. Privately owned motor vehicles represent the primary means of transportation within Fayetteville. In 1980, a total of 67,936 vehicles were registered with Washington County. By 1990, this figure had grown to 79,002 vehicles. In 2004, there were 98,025 vehicles registered in Washington County, an increase of 25 percent; however the county population increased by 66 percent. In 1990 the ratio of cars to people in Washington County was 1:1.4, which decreased to 1:1.9 in 2004. Despite the decrease in the ratio of cars to people, the 25 percent increase in cars on city roads has had an



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effect on congestion, noise and accidents. Further, the traffic contributes increased energy consumption, pollution and creates expenses for the city in terms of street maintenance and traffic law enforcement. Fayetteville, in conjunction with the University and the State, will need to make decisions related to additional transportation facilities to provide adequately for traffic circulation and to offer transportation choices that may reduce the vehicle miles traveled.

As U.S. Highway 71B (North College Avenue) is the only continuous north/south route through the City, it necessarily serves as the major route for traffic circulation and residential/business access. At the city center, Highway 71B has an average daily traffic (ADT) count of 27,000 with a projected ADT of up to 36,000 by 2023. I-540 had ADT counts between 44,000 and 48,000 in 2005, but has a projected ADT of over 93,000 in 2024.

Other key north/south routes are State Highway 265 and Gregg Avenue. Neither Highway 265 nor Gregg Avenue are continuous for the length of the city, and they do not connect to continuous east/west streets. State Highway 112 also provides north/south circulation within Fayetteville; however, it functions primarily to provide access to the University from the north and west.

Due to better functioning north/south routes for traffic circulation, there are fewer key north/south traffic circulation routes than east/west routes. The more numerous east/west routes have been influenced by the same ridge lines that divide Fayetteville into the two (White/Illinois River) watersheds. As the ridge traverses Fayetteville at its center (in terms of development density), circulation routes become more numerous and less direct. An additional factor influencing traffic circulation is the Arkansas and Missouri Railroad line, which bisects the city in a north/south direction. Crossings of the rail line are expensive and present the potential for dangerous conflicts. These two factors have resulted in a circuitous street pattern in an east/west direction. East/west routes near Fayetteville's center include Poplar Street, Sycamore Street, North Street (connects to Wedington Road), Maple Street and Dickson Street.

Other key east/west routes are Joyce Boulevard, which is rapidly developing. Joyce Boulevard currently connects State Highway 265, U. S. Highway 71B and Gregg Avenue. State Highway 45 (Mission Boulevard), which connects to U. S. Highway 71B, is also a key east/west route. As Highway 45 (Mission Boulevard and Lafayette Street) enters the developed portions of the city, it becomes constrained by both topography and development. Highway 16E (Huntsville Road) provides the most nearly continuous east/west route which exists in Fayetteville. Like Highway 45 (Mission Boulevard), it experiences



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topographical and developmental constraints as it enters the developed city.

ACCESS TO THE UNIVERSITY. The University of Arkansas student population of 21,406 accounts for approximately 15 percent of the 2010 population of the City of Fayetteville. Due to the age of the student population (all are of legal driving age) and the fact that the University is the major employer within Fayetteville, the University is a major traffic generator and greatly affects circulation patterns.

Existing access to the University is provided by I-540 and then via State Highway 112 to (Wedington Road) or State Highway 180 (Martin Luther King Jr. Boulevard). After exiting to Wedington Road (east/west route), State Highway 112 (Garland Avenue - north/south route) provides entrance to the University. The 2008 average daily traffic at the entrance to the University on Garland was 15,000.

To the south, after exiting to Martin Luther King Jr. Boulevard (east/west route) from I-540, State Highway 112 (Razorback Road - north/south route) provides an entrance to the University. The 2008 average daily traffic count for this route was 15,000 vehicles.

Alternatively, traffic may exit I-540 onto Cato Springs Road, which connects directly to Razorback Road. ADT on this route was 7,100 in 2008. When compared to the route described above, the Highway 180/Razorback Road route provides the most direct path.

Access to the University may also be gained from Highway 71B (North College Avenue) via Maple Street and Dickson Street. North College Avenue and Dickson Street were original to the city and, as traffic patterns are difficult to change once established, this route continues to be the traditional entrance to the campus and is heavily traveled. ADT counts on Maple Street approaching the university were 5,500 in 2003 and have a projection of 8,000 in 2023.

SYSTEM CAPACITY. In order to assess level of service of City streets, traffic counts are made and average daily traffic (ADT) volumes are calculated. In September 2006, City of Fayetteville voters approved a bond issue for the purposes of improving the City's transportation system. The \$65 million bond issue, along with State and Federal Funding of \$24.6 million, is providing funding for numerous transportation improvement projects, including intersection projects, new locations, major widening projects, street enhancement projects, and bridge rehabilitation projects.

Notable projects include the widening of Crossover Road to a four-lane boulevard, the widening of Garland Avenue north of the University, the addition of a flyover onto the Fulbright Expressway and the extension of Ruppel Road to Martin Luther King Blvd., which will complete a significant regional north-south corridor.



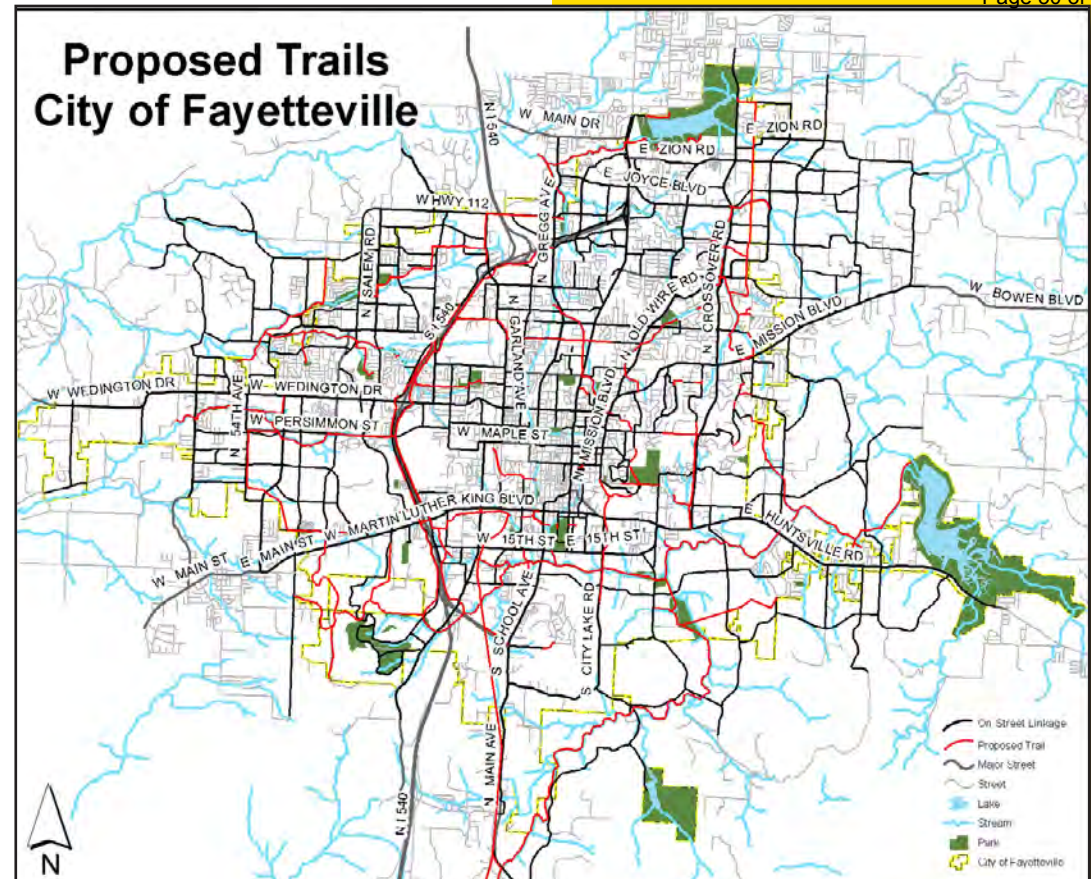
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7.2 Pedestrian Mobility

TRAILS. The City utilizes two additional types of transportation in addition to the transportation system necessary for moving vehicular traffic and transporting people and goods within the Fayetteville area. These are sidewalks for pedestrians and a system of trails for hiking and biking. In accordance with the Master Street Plan, sidewalks are provided on both sides of all functional classifications of streets except for streets within the Hillside/Hilltop Overlay District. If called for by the Plan, developers are required to provide sidewalks in accordance with the Master Street Plan on any new street, or along existing streets that do not already have sidewalks. Many areas of the City do not have sidewalks or have discontinuous sidewalks because of the hilly terrain and historically inconsistent requirements for sidewalks. Fayetteville currently places a high priority on developing sidewalks, and the Capital Improvement Program has designated funds annually to upgrade sidewalks within the City.

In 2009, the Fayetteville Alternative Transportation and Trails (FATT) Master Plan was updated to incorporate newly completed trails and improve the overall connectivity of the system. The updated plan identifies corridors for the development of a 100-mile interconnected network of multi-use trails and 280-miles of on-street bike facilities to be constructed within the next 30 years. Since the adoption of the FATT master plan in 2003, over 18 miles of multi-use trails have been constructed including 7.6 mile continuous backbone trail composed of Mud Creek, Scull Creek and Frisco Trails. These trails together connect the heart of the City from north to south and are utilized by over 1,000 people per day on average.



7.3 Public Transportation

Fayetteville is served by two public transportation systems—Razorback Transit and Ozark Regional Transit (ORT). Razorback Transit is a partially federally funded system operated by the University of Arkansas in a proactive effort to reduce traffic congestion and parking problems on the University campus. Its service is free to the public as well as students of the University. Between 2000 and 2010, Razorback Transit gave approximately 1.3 million rides per year. Razorback Transit operated sixteen bus routes serving the University, the Fayetteville Square, shopping malls, and medical and other service areas. The service varies based on the university calendar, which means the buses do not run during holiday seasons or college football games.

ORT, located in Springdale, Arkansas, serves the broader MSA and offers both limited demand service and fixed routes. The system currently operates in conjunction with local human service agencies, private operators and local government and costs between \$.60 and \$1.25 ride. ORT plans a broad expansion based on a report released in 2010 that provides a vision for public transit in Northwest Arkansas. The *Northwest Arkansas Transit Development Plan* offers an ambitious scaling up of Ozark Transit to make service more frequent and efficient, adjusting the system to better serve a rapidly urbanizing region.

	Current	Near-term	Short-range	Long-range	Ozark Regional Transit- Current and Projected Fixed- Route Operating Requirements
Peak Buses	12	11	34	59	
Annual Hours	29,116	29,116	122,655	234,032	
Annual Miles	496,862	488,788	1,570,137	3,178,511	
Annual O&M Costs	\$2.6 million	\$2.6 million	\$10.7 million	\$20.2 million	

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7.4 Rail

A NORTHWEST ARKANSAS LIGHT RAIL TRANSIT SYSTEM

Beta-Rubicon, Inc, completed a preliminary feasibility study for a light rail transit (LRT) system in Northwest Arkansas in July 2005. The study examined the possibility of a “green” light rail system that would operate between Drake Field in Fayetteville and Bentonville. The study concluded that a LRT system is a viable option for the region but requires both public and private support.

The study concludes that the most cost-effective route would predominantly follow the current Arkansas-Missouri railroad line, utilizing existing right-of-way. However, the current estimate of costs ranges between \$550 million to \$1.24 billion. This cost will only increase as the price of land increases in Northwest Arkansas, which creates a sense of urgency in moving a LRT project forward.

The Northwest Arkansas Planning Commission has on multiple occasions applied for federal funding for an Alternatives Analysis, which is the first step in pursuing federal funding for a rail mass transit system. To date this funding has not been awarded.

The University of Arkansas Community Design Center published *Transit Oriented Development: Visioning Rail Transit in NWA in 2007*. “The study’s goal is to mobilize the financial and political support needed to enroll NWA in the Federal Transit Administration’s New Start program for public transit development” (UACDC). The Fayetteville City Council passed a resolution in 2009 supporting this initiative.

CURRENT RAIL

Fayetteville is served by an active rail line, the Arkansas and Missouri Railroad, which divides the city in a north/south direction and stretches from Monett, Missouri to Fort Smith, Arkansas along 149 miles of track. Though primarily a freight line, the Railroad also operates a tourist passenger train, making day trips originating in Springdale to local areas of interest. The Railroad has recently expressed interest in expanding freight services in the city and has been willing to discuss the potential for a commuter or special event passenger rail service in the future.



2007 University of Arkansas Community Design Center Light Rail Transit Study



7.5 Aviation

Fayetteville Executive Airport, Drake Field is a FAR Part 139 Class IV General Aviation airport located within 3 miles south of the heart of Fayetteville adjacent to Highway 71 with easy access to I-540. The airport serves the needs of private and corporate aviation along with unscheduled charter of commercial aircraft in support of the U of A sports teams. There are 111 aircraft based at the airport. There are eight T Hangar buildings with 81 individual units, the FBO hangar which can store up to 20 aircraft and six corporate hangars utilized by various corporations and the University of Arkansas. An aircraft maintenance hangar and an avionics shop are housed in separate hangars.

Drake Field is the premiere general aviation airport in Northwest Arkansas where Million Air, Fayetteville, the Fixed Base Operator provides personalized and professional customer, line and fueling services for airport customers. A FAR Part 141 Flight School provides a full compliment of pilot training services and another flight school provides individualized flight training. The Arkansas Air Museum and the Ozark Military Museum provide a wide variety of displays for the young and old.

The airport leases space to several non-aviation related businesses. A catering business, an event florist, the US Postal Service and a Wildlife Management Group lease space in the Terminal Building. FAA Facilities Maintenance leases a building from the airport. The USDA Forest Service leases a large parcel from the airport for a Fire Fighting Base. Space is available at the airport for aircraft storage. The Airport can provide a ground lease for owner-built hangars.

Since 2007 aircraft operations (takeoffs and landings), and aviation fuel sales have decreased due primarily to a nationwide industry downturn caused by economic conditions and an increase in the cost of aviation fuel. Industry forecasts indicate slow but steady recovery beginning in 2011.

Staff is pursuing projects outlined in the 2005 Airport Master Plan Update and recently completed the first major project to upgrade the Runway 16 Safety Area by realigning Highway 71B. Projects for the future include the purchase of Runway 34 aviation easements, pavement overlay of the Terminal Apron and security upgrades.



Drake Field Airport



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8

Historic and Cultural Resources



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**Historic Resources 8.1
Cultural Resources 8.2**



Historic Downtown Square



White Hangar at Drake Field Airport

8.1 Historic Resources

RELATIONSHIP TO COMMUNITY. Fayetteville offers rich and diversified historic resources. Numerous historic neighborhoods, buildings and landscapes provide both architectural and cultural reminders of the historical past that contributes to the character of the City.

The City of Fayetteville and its stakeholders have successfully integrated many of the City's historically significant structures into functionally viable uses for present day residential and commercial business activity. This has been accomplished through revitalization, restoration, and renovation efforts, as well as a community-wide commitment to the preservation of Fayetteville's historical past. Downtown Fayetteville, centered around the Square, is a striking example of the community's commitment to the integration of its historical past with the social and economic dynamics of its present.

With the exception of the City Administration Building, historically city government has taken a laissez-faire approach to preservation, leaving such efforts to private initiatives. For example, the Old Post Office, Eason Building and Lewis Hardware Store - all fundamental elements of the downtown square - were privately restored.

The City of Fayetteville took its first step toward a proactive stance on preservation in March of 1979, when the Board of Directors created the Fayetteville Historic District Commission and endowed it with all the authority allowed under State Act 484. Lacking leadership and direction, the Commission languished for over a decade. In 1989 and 1990 the City hired its first professional planners, who began to work closely with the Commission. The Commission was disbanded in 2003, but was reinstated in 2006 in a renewed effort to establish a commercial historic district. Since then, Fayetteville has increased the number of historic districts throughout the city and established its first Local Ordinance District, White Hangar at Drake Field.

HISTORIC RESOURCES. Numerous districts, landscapes, and structures have qualified for listing on the National Register of Historic Places. As the official list of the Nation's historic places worthy of preservation, the National Register of Historic Places can list historic properties that meet specific criteria, but the register does not accept all significant historical structures if the criteria are not met. It's the community's responsibility to preserve its past and protect its story.



Districts listed on the National Register of Historic Places. There are presently five established historic districts listed on the National Register of Historic Places within the City of Fayetteville. The largest district, Washington-Willow, lies mostly within the Masonic Addition, the first addition to the original town. Washington-Willow consists of 105 primary structures sited along two north-south streets and five traversing east-west streets. The district encompasses approximately 37 acres. Nineteen of the buildings possess special significance. Twenty-five do not contribute to the primary character of the district. All the buildings are residential. Forty-six of the structures were built between 1890 and 1910. This district is believed to contain the highest concentration of significant structures worthy of preservation in Fayetteville.

The Washington-Willow District is renowned for its attractive and prestigious character. Architectural styles within the district range from Greek Revival to ranch style and include various Victorian themes, Classical Revival, bungalow, modern workers cottages and 20th Century period homes. The area has never really confronted hard times; thus, buildings have been well maintained even during periods of growth and change. The district's cohesiveness stems from visible boundaries, its residential character, well maintained homes, numerous large mature trees lining the streets, and a large concentration of buildings possessing architectural merit.

Although the archaeological potential of this district has not been fully explored, there has been some productive excavation (salvage archeology) behind the Headquarters House revealing evidence of early Indian and white settlers. It is suspected that further archaeological remains exist and that the area is a significant archaeological resource.

The second historic district is Mt. Nord. The district consists of one distinctive block in Fayetteville situated on a hilltop to the north of the City's historic downtown commercial square. Five residential structures of wood frame and masonry construction built between 1900 and 1925 comprise the Mount Nord Historic District. Each structure contributes to the integrity of the district by virtue of its architectural character, its natural and physical setting and its visual association.

This district was once the City's most prestigious residential area and consequently attracted some of Fayetteville's most prominent and successful citizens. The landscape, atop one of Fayetteville's many rolling hills, reinforces the area's strong physical definition. Although a less eminent residential neighborhood than when constructed, the district is now a focal point for a larger residential area that emerged in the 1920's and 1930's. This



residential eminence is what attributes to the successful retention of the district's original integrity.

The Wilson Park Historic District, located just to the north of Fayetteville's historic commercial downtown, extends roughly between College Avenue on the east, Wilson Avenue on the West, Maple Street on the South and Louise Street on the north. Exclusively residential in nature, the district contains a total of seventy buildings spread over roughly twelve blocks. The entire district is characterized by hilly, tree-covered lots connected by relatively narrow streets, all of which lend the Wilson Park Historic District an unspoiled, rustic ambience.

The initial development of the district occurred in the early part of the century during a boom period for Fayetteville. By 1910, the population had reached 5,000 and Fayetteville Lumber and Cement, Hill City Lumber and Red Star Spoke Factory were doing record business. The tons of produce and grain leaving Fayetteville yearly kept three train lines running. Canning factories and cold storage companies were built to package the produce for shipping. Many permanent homes were established during this period within the district.



The West Dickson Commercial Historic District was designated as a National Register District in 2009. "The history of the Dickson Street area dates back to 1835, to the original survey of the town of Fayetteville, and its commercial growth began in earnest after the arrival of the St. Louis - San Francisco Railroad to Dickson Street in 1881. Fifty-seven resources; 35 contributing resources and 21 noncontributing resources comprise the West Dickson Street Commercial Historic District. One building, the Frisco Depot, is listed in the National Register of Historic Places." (Arkansas Historic Preservation Program) Dickson Street is considered one of the most popular entertainment districts in Arkansas with a wide variety of music venues, restaurants and local shops. The University Historic District was added to the National Register in 2009.

A portion of the University of Arkansas campus is the most recent historic district in Fayetteville to be listed on the National Register of Historic Places. This district is bounded by Garland Avenue, Maple Street, Arkansas Avenue, and District Street and contains 15 buildings and five landscape areas dating back to 1875. These buildings range from the iconic Old Main, constructed in the second empire style, to the international style Fine Arts Center designed by well-known local architect Edward Durell Stone.



The Lafayette Street and Maple Street Overpasses. As a result of an increase in the number of automobiles in Fayetteville, the Lafayette Street and Maple Street Overpasses were constructed over the Frisco Railroad Lines in the late 1930s to replace two wooden pedestrian bridges connecting the City with the University of Arkansas campus. The construction of these Art Deco style overpasses was funded by the Works Progress Administration through President Franklin D. Roosevelt's New Deal. These bridges were listed on the National Register of Historic Places in 1995, indicating their historic significance worthy of preservation.

The Evergreen Cemetery. This site was originally a family farm located near Downtown Fayetteville and was used as a private burial ground until 1970 (the University of Arkansas Libraries Special Collections, Manuscript Collection 926). The Evergreen Cemetery is now one of the largest historic cemeteries in Northwest Arkansas. Many notable Arkansans are buried here, including Lafayette Gregg, architect Edward Durell Stone, Governor Archibald Yell, and Senator J. William Fulbright.

Heritage Trail. In the late 1830s, the Trail of Tears passed through Fayetteville and, in 1858, the Butterfield Stage Coach route passed through Fayetteville. The Trail of Tears is a designated National Historic Trail, and efforts are underway to give the Butterfield Stagecoach route the same designation. Both these trails, as well as a Civil War trail are part of the Northwest Arkansas Heritage Trail system.

8.2 Cultural Resources

ART RESOURCES, PLANS AND PROGRAMS. In 1992, the Walton Arts Center opened its doors to the public, the product of a six-year collaboration among city government, the University of Arkansas and the private sector. Located on the corner of West Avenue and Dickson Street, The Walton Arts Center Campus includes the Walton Arts Center, the Nadine Baum Studios and Just Off Center, which houses administrative offices. The Center has a yearly budget of over \$6 million and hosts over 350 events with over 140,000 attendees. In addition to nighttime performances and weekend matinees, the center hosts daytime performances for over 40,000 students each year.

The Walton Arts Center holds the Baum Walker Hall, which has 1200 seats, the Box Office, two galleries, an art studio, and the smaller Starr Theatre. The Bradberry Amphitheater provides an outdoor venue adjacent to the center. Each year, the Walton Arts Center attracts world-class performances from Broadway, in dance and in music, and it is the official home of the Northwest Arkansas Symphony.





The Nadine Baum Studios, located on the corner of West Avenue and Spring Street, houses five interactive studios, one gallery and Studio Theatre. Throughout the year, children and adult classes are offered after school, in the evening, and during special summer sessions. The studio has also become the home of Theatre Squared, a regional theater company.

Other community offerings provide an array of cultural and performing arts resources, including the Arkansas Music Pavilion (AMP), the only open-air pavilion in the region. This theater seats 2,500 people and features pop, rock and country musicians and has been added to the venues managed by the Walton Arts Center.

UNIVERSITY OF ARKANSAS. The university theater and music departments offer eight fully mounted plays, five student-directed plays and numerous choral and instrumental performances to the community. The university is also home to the 70,000 seat Reynolds Razorback Stadium, the 20,000 seat Bud Walton Arena, world-renound track and field and baseball programs, all of which provide a unique atmosphere to the city. In addition, the university attracts world-renowned political and literary figures to the campus, benefiting the entire Fayetteville community.

PARKS AND RECREATION. The City currently maintains 70 developed parks that include 10 acres of ornamental gardens. The parks provide recreational facilities, sponsoring athletic programs and maintaining 29 playgrounds. The Parks and Recreation Program also hosts a concerts in the parks series during the summer, featuring local and regional performance artists.

FARMER'S MARKET. With the downtown square gardens as a backdrop, open-air vendors sell produce and handmade items to the community every Tuesday, Thursday and Saturday morning from April 1 through mid-November. Plants, trees, herbs, vegetables, fruits, perennials, annuals, pottery, candles, watercolors and other items are regularly featured. Farmer's Market vendors also sell their wares in the Mill District on Thursday evenings and at the Ozark Botanical Gardens on Sunday mornings.

PUBLIC ART. The Walton Arts Center features outdoor sculptures by J. Seward Johnson, and the Peace Prayer Fountain, a bronze sculpture designed by local artist Hank Kaminsky, was introduced to the Town Center Plaza in 2002. Wilson Park features "The Castle," a whimsical structure completed in 1981 that delights children and adults alike. Frank Williams, a local artist, won the contest to create public art to cover an unsafe and unattractive area of the park. The Blair Public Library is currently in the process of gathering community input on how the library should incorporate art into its grounds and

facilities, and the city's trail system has seen the installation of multiple public art pieces, of both temporary and permanent nature.

BLAIR PUBLIC LIBRARY. The first Fayetteville Public Library opened in 1917, occupying two rooms of the Washington County Courthouse. On June 4, 1962, a new library facility that eventually expanded to 31,500 square feet opened on Dickson Street near the Washington-Willow Historic District.

As the City continued to grow, the need for a new library led to the construction of the Blair Public Library located on the corner of School and Mountain Street in the downtown area. The construction was funded by a 1% 18-month sales tax, which 75% of the voters approved. The 88,000 square-foot facility opened in September 2004 and was the first building in Arkansas to be registered with the U.S. Green Building Council's Leadership in Energy and Environmental Design Certification (L.E.E.D.) program. Through a grant from the International City Managers' Association in 2009, University engineering students and library staff installed a 13.5 kilowatt solar panel system which is enough to power 2.5 Arkansas homes. The system reduces the electricity cost of the library, and citizens can track the amount of power being harvested at a kiosk inside the building.

The Blair Library is a multi-use building that was constructed to take advantage of the site's opportunities and location. It is complete with a café, terrace, community meeting rooms and multiple computer labs for different age groups in addition to a collection of 272,807 items, including books, magazines, CDs, DVDs, Blu-rays, DVD players, e-books and e-readers, laptops, downloadable and CD-format audiobooks and multimedia parenting kits. In 2010, more than 1 million items were borrowed from the library, for the third year in a row. The library has more than 64,000 cardholders, and in 2010, there were 553,802 library visitors. The library hosted 1,269 free public events in 2010, and 50,944 people of all ages attended those programs. With these statistics, in addition to extensive, innovative programming for adults and children alike, the Blair Library won the 2005 Thompson Gale/*Library Journal* Library of the Year Award, one of the industry's highest honors.



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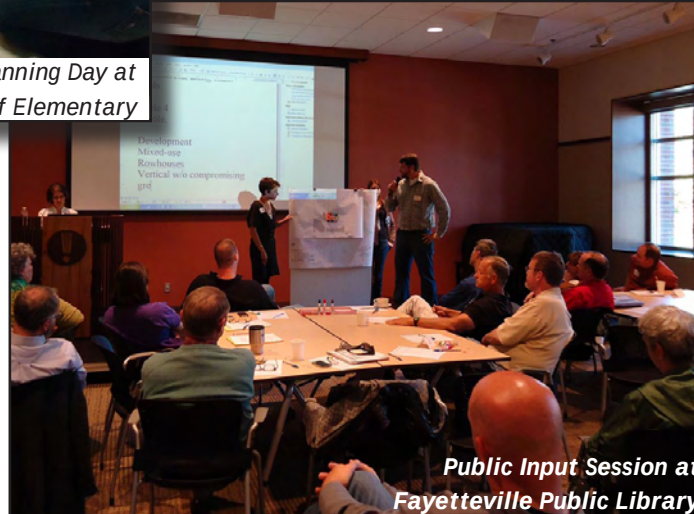
9 Planning Process



World Town Planning Day at
Vandergriff Elementary



Public Input Session at
Bank of Fayetteville



Public Input Session at
Fayetteville Public Library

DRAFT CITY PLAN 2030

City Plan 2030 Planning Process

The City Plan 2030 update began in early 2010 with the formation of a project team that included staff from Planning, Geographic Information Systems, Parks and Recreation, Engineering, Strategic Planning, Community Services and Fire. Jesse Fulcher, Associate Planner, served as the project manager and led the cross-divisional team to identify City Plan 2025's successes and areas for improvement and identify performance measures that could be utilized in the future to measure progress.

RESEARCH AND ANALYSIS

The project team reviewed data over the past five years including the percentage of residential and non-residential development that was approved within and outside the core of the city, the number of dwelling units constructed within ¼-mile of a trail, park acreage and sidewalk footage added to the city, acres rezoned from Residential Agriculture to Residential Four Units Per Acre, and approval and denial rates of traditional neighborhood development by the City Council.

A review of the data resulted in several findings.

Strengths:

- The City consistently added trail segments that put approximately 100 new or existing dwelling units within a quarter mile of the trail network.
- The City Council rezoned approximately 650 acres to a form-based zoning district as a result of two neighborhood master plans
- Rezoning of rural land to low-density residential development declined significantly after 2006
- While infill development proposals generated greater controversy in the community, they were all approved within three readings by City Council.
- The City consistently added sidewalks and trails to create a continuous network for pedestrians

Areas for Improvement:

- A significant number of development projects where staff, and in some cases the Planning Commission, recommended denial of a project based on its failure to comply with the tenets of City Plan 2025 were approved by City Council with minimal discussion.
- The percentage of development in the core of the City (6%) remained relatively unchanged after 2006.
- The City annexed thousands of acres into the City between 2006 and 2010.



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Performance Measures 2030								
		2004	2005	2006	2007	2008	2009	2010
Single-Family/Two-Family	Total # of units	689	718	683	652	504	338	291
	Total # of units within infill boundary	165	36	59	48	43	29	29
	% of units within infill boundary	24%	5%	9%	4%	9%	9%	10%
	Units within 1/4 mile of trail today	167	158	166	265	103	63	31
	% of units within 1/4 mile of trail today	24%	22%	24%	41%	20%	19%	11%
Multi-Family	Total # of Units	734	297	382	506	267	800	406
	Total # of units within infill boundary	333	230	269	382	79	344	34
	% of units within infill boundary	45%	77%	70%	75%	30%	43%	8%
	Units within 1/4 mile of trail today	303	203	87	176	9	296	310
	% of units within 1/4 mile of trail today	41%	68%	23%	35%	3%	37%	76%
Nonresidential	Total square feet	347,486	216,609	422,467	748,132	1,067,953	890,032	?
	Total square feet within infill boundary	28,338	39,818	82,816	41,994	500,533	268,324	?
	% of square feet within infill boundary	8%	18%	20%	6%	47%	30%	?
	Square feet within 1/4 mile of trail today	76,174	89,732	195,951	482,139	395,224	618,747	?
	% of square Feet within 1/4 of trail today	22%	41%	46%	64%	37%	70%	?
Form-based rezonings		N/A	N/A	345	1	303	12	6.11
R-A rezonings to low density		578	269	529	5	64	0	0
Trail construction (Miles)		N/A	0.3	3.4	2.7	3.6	2.8	1.01
Sidewalk construction (feet)		17,459	20,008	17,435	15,088	9,933	11,090	5,519
Annexations		1945	1023	2055	348	924	39	0

The project team hosted a staff input session in March 2010 that included approximately 50 staff members from all divisions that participate or are affected by the development review process. Karen Minkel, Strategic Planning and Internal Consulting Director, gave a presentation on the goals of City Plan 2025 and then staff members worked in small groups to identify inconsistencies between City Plan and other codes and ordinances and suggest changes for City Plan 2030.



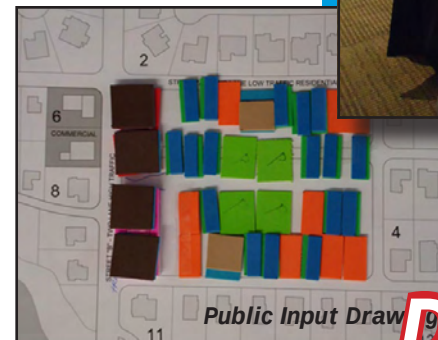
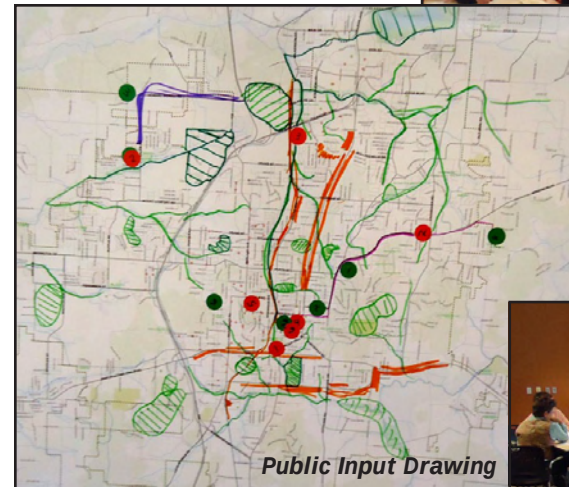
Strategic Planning staff also solicited input from the Planning Commission and City Council in September 2010, asking members to identify the success stories and areas for improvement. The project team utilized this initial input and analysis to develop the areas of focus for the public input process. City staff spread the word about City Plan 2030 by creating a public service announcement that aired on the government channel and other local stations, placing ads in the local newspaper and *Fayetteville Flyer*, conducting an interview for a local public radio station, distributing flyers at First Thursday events, and ensuring that email invitations were sent multiple times to the Chamber of Commerce membership, Fayetteville Council of Neighborhoods, Fayetteville Forward groups and previous participants in City Plan 2025 and neighborhood master plan charettes.

PUBLIC INPUT

Two public input sessions were held in October 2010 and one was hosted live on the internet in a webinar format, so that stakeholders could participate from an alternative location if they couldn't be present. The first session was held at the Bank of Fayetteville on the Square on October 7, 2010, and the second was held at the Fayetteville Public Library on October 15, 2010, where the presentation component was also broadcast as a webinar. At each session, participants gathered around base maps of the city and worked in small groups. A member of the project team was placed at each table to serve as a facilitator and guide the participants through a series of planning exercises.

Karen Minkel led the participants through a "food for thought" presentation that reviewed the goals of City Plan 2025 and then posed three key questions: 1) What should an enduring green network look like?; 2) Where should development be incentivized?; and 3) How would you design a new development within your own existing neighborhood and how would you deal with neighbors' concerns? Participants worked to answer these three key questions and reach a consensus in approximately 40-50 minutes.

A participant from each table then served as a spokesperson and shared the group's conclusion with the large group. A total of 12 table groups with 8-10



stakeholders participated in the exercise.

Strategic Planning staff also conducted an online survey from October 15 through November 15 that asked the questions posed at the public input sessions. The site included the presentation from the input sessions, and survey respondents were encouraged to view the presentation before completing the survey. Sixty-seven stakeholders completed the online survey.

In addition to the public sessions and online survey, staff held technical meetings with stakeholder groups to address specific topics. These meetings took place during the months of October and November and included the Fayetteville Chamber of Commerce, Fayetteville Public School Superintendent Vicki Thomas, the University of Arkansas Campus Planning staff and a session focused on attainable housing that included representatives from the Northwest Arkansas Housing Coalition, Partners for Better Housing, Fayetteville Housing Authority and local developers and architects.

Of the many ideas that emerged from the exercise and online survey, some of the most widely shared “big ideas” were:

- an Enduring Green Network should link natural areas and prohibit motorized vehicles
- development should be incentivized along corridors and nodes, particularly College Avenue
- infill development creates concerns mainly about traffic increases and potential for rental property
- mass transit must be promoted

UPDATING THE PLAN

After documenting and reviewing the input from staff, elected officials, members of the public and technical groups, the project team worked to assemble a new framework that keeps intact the original goals and identified concrete action steps that will advance the goals over the next five years. The project team then applied City Plan 2030’s principles to the Future Land Use Map and Master Street Plan, updating them based on the feedback received during the public input process. These drafts were reviewed during several work sessions with the Planning Commission to solicit additional critiques and then presented at a Community Presentation on February 24. City Plan 2030, the Future Land Use Map and Master Street Plan were formally reviewed by the Planning Commission on _____ and adopted by the City Council on _____.

green	walkable	comfort
healthy	neighborhoody	efficient
welcoming	compact	fun
community	entrepreneurial	thriving for all
fabulous	hub	inspired
unique	eclectic	conscious
progressive	innovative	forward thinking
vibrant	contraversial	busy
urbane	smart	international
accessible	home	friendly
livable	egalitarian	comfortable

Citizens’ words for Fayetteville in 2030



Input Analysis



Work in Progress Presentation

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10

Framework

Goals

Objectives

Actions

Goal 1
We will make appropriate infill and revitalization our highest priorities.

Goal 2
We will discourage suburban sprawl.

Goal 3
We will make traditional town form the standard.

Goal 4
We will grow a livable transportation network.

Goal 5
We will assemble an enduring green network.

Goal 6
We will create opportunities for attainable housing.



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FRAMEWORK

The Framework chapter establishes a vision for what Fayetteville can achieve by 2030 and is designed for use by elected and appointed officials, City staff, residents, businesses and developers. This chapter contains six goals that were developed through an intensive public participation and internal analysis process. Each goal contains policies that provide guidance for decision-making and achieving the stated goal. Policies typically don't have a time frame, as they provide direction only; however, action steps are specific measures that the City pursues to implement these policies. While some action steps are ongoing, most have an identifiable time frame for completion.

VISION STATEMENT

In 2030, Fayetteville will be a resource-efficient community, in which citizens and stakeholders can live, work, learn, and grow. Fayetteville will have adopted policies to achieve sustainability, to provide economic growth, to preserve and protect our natural and cultural resources, and to enhance the quality of life for all residents. Residents will have equitable access to neighborhoods that are healthy, walkable, and distinct.

GOALS

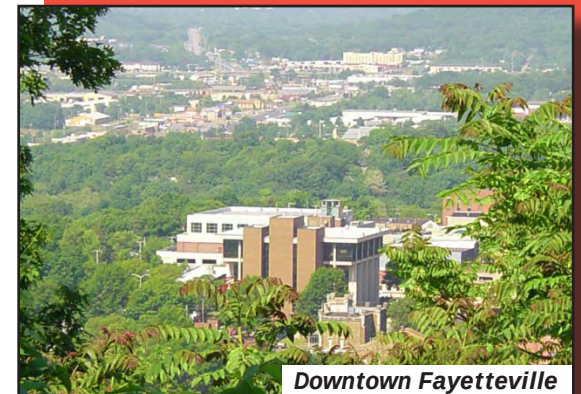
The six goals in the Framework chapter reinforce the community's vision for Fayetteville in 2030, and individually, address major concerns raised by the public. Collectively though, these goals advance the idea of a sustainable community, in both rural and urban areas. The City of Fayetteville defines "sustainability" as meeting the needs of the present population without compromising future generations' abilities to meet their own needs.

Our rural environment contains great natural resources, including forests, agricultural lands and numerous streams and lakes. These amenities must be preserved and enhanced, as they are unique qualities that set Fayetteville apart from other cities in the region. This generation and the next will observe the loss of these amenities, declining water quality and elimination of the most productive agricultural lands that support local food production, if inefficient, low-density development patterns are continued and transportation issues are not addressed. This will have an economic impact as well, since the quality of life offered by Fayetteville is an important marketing factor for residents and employers.

The core of the city contains many of our historically significant buildings, neighborhoods and landscapes. Each reflects the history of Fayetteville and the community's character and identity. Historic preservation is not only a cultural benefit, but an alternative to greenfield development. Smart urban design enhances Fayetteville's urban fabric by promoting the re-use of existing buildings and limiting suburban sprawl through the encouragement of infill development in core areas of the City.



Table Exercise at Public Input Session



Downtown Fayetteville

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Goal 1: We will make appropriate infill and revitalization our highest priorities.

Encouraging appropriate infill and revitalization as a top priority will allow Fayetteville to maintain its unique character and minimize the impacts of sprawl. There are numerous areas throughout the City where opportunities for appropriate infill development exist. By making infill a priority, the City should also consider mechanisms to ensure quality development and promote appropriate development that reflects the existing community character of Fayetteville's neighborhoods. In order to realize appropriate infill development and revitalization opportunities, it is necessary for the City to inventory and map the locations of vacant or underutilized land. The City can then promote the inventoried opportunities to new investors.



Examples of residential and commercial infill & revitalization



*Southgate Shopping Center Infill,
From the Walker Park Master Plan*



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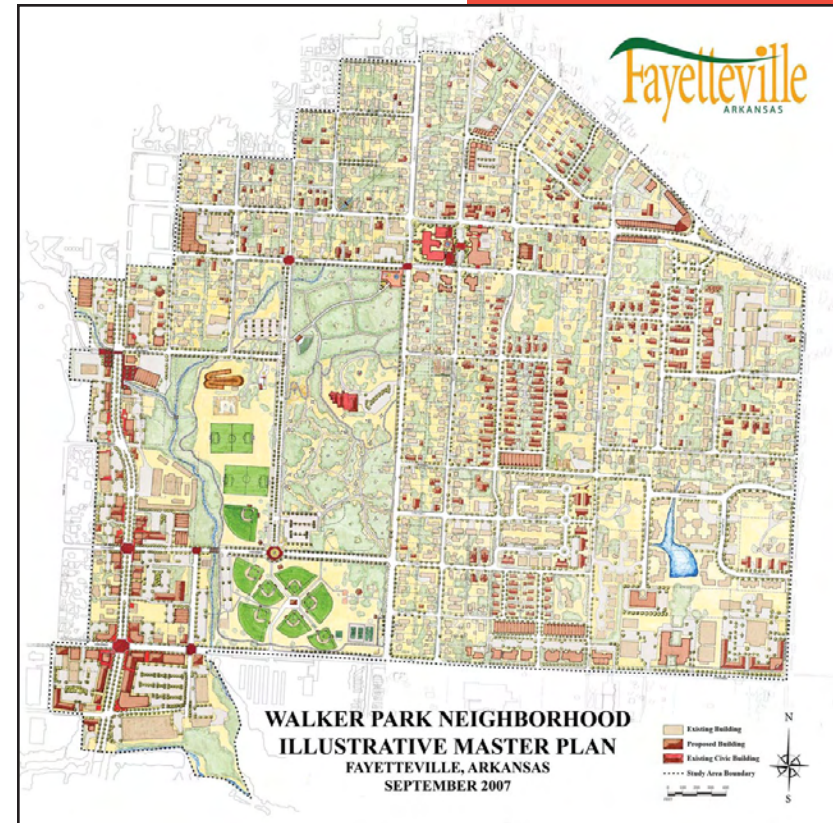
Objectives:

a. *Allow as-of-right development in designated locations*

As-of-right development in infill locations can lower the cost of development by removing uncertainty and speeding the approval process. The best way to achieve as-of-right development is to prepare specific area plans and revise the land development regulations to allow for the type of growth and development the community desires.

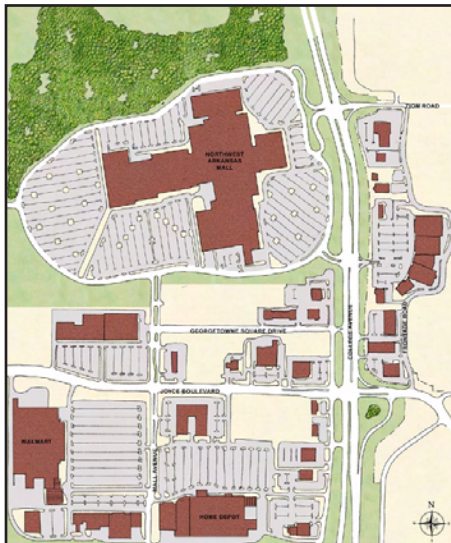
b. *Recognize the benefits and cost savings of utility and road infrastructure that exists in the core of the city and develop a fee structure that benefits infill over greenfield development*

Impact fees must have a rational nexus to the actual impact of development. The current fee structure is the same for infill as for greenfield development placed far from the urban core. Dispersed development requires more infrastructure per unit resulting in higher per unit costs, and additional maintenance costs. Development in the city core has access to existing infrastructure that is already available and currently maintained. There are definitely impacts from infill development, but when such development encourages walking and alternate transit use that reduces the burden on the existing transportation system, a lower fee or exemption may be warranted.



c. Convert shopping centers & commercial corridors to mixed-use centers, adding residences, offices, & lodging

The infill of existing centers and corridors allows the economic re-capture of land value for the developer while producing development that shortens trips for residents and uses existing infrastructure. This strategy for converting shopping centers into mixed-use centers has been used by national developers and shopping center owners. A variety of uses creates the ability to live, work, shop and have daily needs and services met within walking distance. It is important to encourage and provide more opportunities for people to live and work in the City. Encouraging a balance of people living and working in the same area has several benefits, including: less daily trips that rely on the regional road network; increased support for local businesses; and a greater variety of housing options for Fayetteville residents.



Uptown 2006



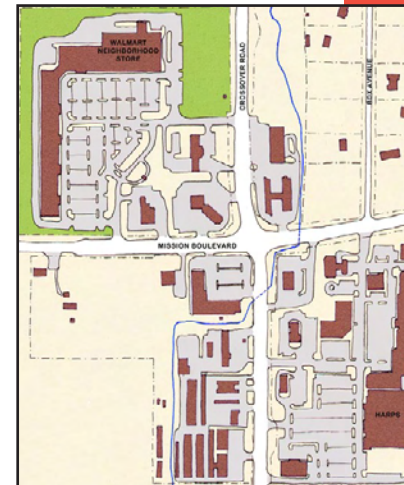
Uptown 2030



Fiesta Square 2006



Fiesta Square 2030



Mission & Crossover 2006



Mission & Crossover 2030

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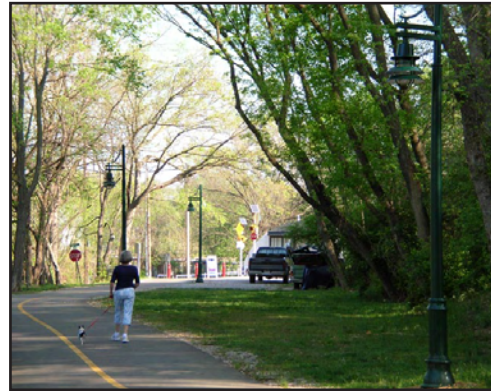
**CITY
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d. Promote densest development around logical future transit stops

Transit requires density. In a study undertaken for the Portland Metro Area Westside Light Rail, a literature review demonstrated that mode capture was greatest within walking distance of the station (30 percent) and fell off as distance increased with very low capture outside of a mile radius unless park-and-ride facilities were provided. The implication is that providing transit requires the greatest concentration of housing and jobs to be within walking distance of transit stations. For this purpose, such development should be within a quarter-mile of the transit facility. If transit is to serve a regional function, the densest development should be located in the vicinity of transit stations to ensure an effective and well-used system.

e. Reinvest in parks, streets, & civic buildings within the heart of the city

The tree-lined streets, parks, and historic civic buildings found in Fayetteville's older neighborhoods greatly contribute to the unique community character and high quality of life that residents treasure. Preservation of our tree-lined streets and parks and adaptive reuse of our historic civic buildings will maintain the community's cultural identity.



Reinvestment in the City core



*North & Leverett,
2030 Transit-worthy design*

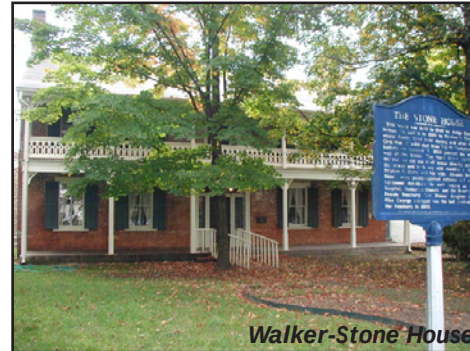
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f. Encourage historic preservation & adaptive re-use of buildings

Historic preservation is crucial in retaining a community's character, identity, and evolution. Preservation and restoration can be an effective tool for economic development and revitalization, achieving urban sustainability through reducing waste and emissions, and maintaining property values. Recent calculations indicate that it takes 35 to 50 years for a new energy efficient building to save the amount of energy lost in demolishing an existing building (National Trust for Historic Preservation).

Preservation and adaptive reuse of Fayetteville's historically significant structures and landscapes should be encouraged and achieved by a variety of methods, such as public education and outreach, establishing local historic districts, accepting façade easements, and amending the City's zoning and development regulations.



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- g. **Encourage new development that supports and complements the unique characteristics and economic values of employment clusters in and around downtown, the U of A, the north end, the rail corridor, Drake Field and the Industrial Park.**



Fayette Junction Illustrative Plan showing mixed use/transit oriented development



University of Arkansas Sports Complex

- h. **Determine feasibility of a tiered impact fee system.**

A tiered impact fee system requires new development to pay its proportionate share of the costs to the municipality associated with providing necessary public services to the development based on its location. Phoenix, Arizona, Bellevue, Washington, Kansas City, Missouri and Conway, Arkansas have all implemented an impact fee system where the fee varies depending on where the development is proposed.



3-D model of proposed Fayette Junction build-out

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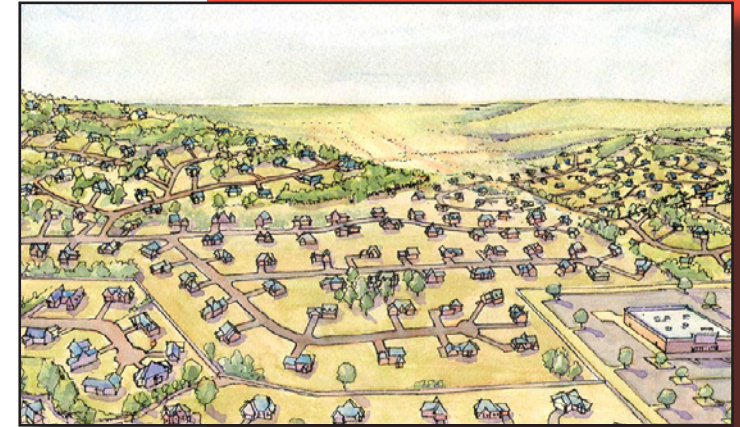


Goal 2: We will discourage suburban sprawl.

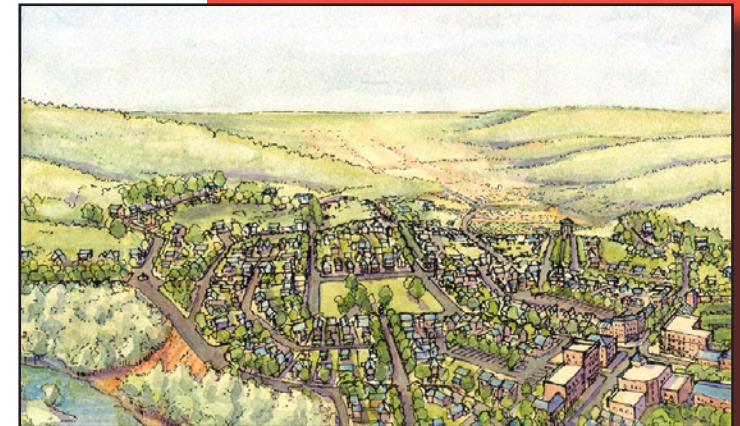
As Fayetteville's population continues to increase, the city must continue to work with the community and enact regulations to discourage suburban sprawl. For decades, zoning practices have supported a separation of land uses; in doing so, development has spread across the natural landscape and made people solely dependent on the automobile to get from here to there. The impacts of sprawl have caused increased traffic congestion, as well as health problems relating to obesity and the lack of highly walkable places in communities. To counter suburban sprawl, the city should employ a Smart Growth strategy for handling new development. This update to the Comprehensive Plan is a step in the right direction for combating sprawl. Based on input received from the community throughout the planning process, it is apparent that Fayetteville residents want to maintain a high quality of life and support increased growth in the center of the city and limit growth on the edges of the city.



Typical Subdivision in Fayetteville



Sprawl Development Pattern



Traditional Development Pattern

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Objectives:

a. Pursue a transfer of development rights program, or other tools that compensate land owners for land preservation

Transfer of development rights can be used to reimburse property owners whose land is better used for open space, institutional use or low density by allowing the sale of density rights to parcels where the higher density is desired. This is important because it allows the City to zone density selectively where it is desired while compensating property owners whose land would otherwise have gone into suburban development in far-flung or inappropriate locations.

b. Develop alternative development patterns that encourage efficient use of land at the edge of the city, or in newly annexed areas

Development techniques such as conservation subdivisions allow the same number of homes as a conventional subdivision, often with reduced infrastructure costs, while also preserving open space, valuable farm land, and natural resources.

c. Direct capital improvements into infrastructure that encourages and supports infill and revitalization

Replacing and upgrading aged infrastructure in the core of the city provides improved service and fire protection for residents and businesses. Additionally, these improvements can provide a financial incentive for revitalization projects instead of extending new services into greenfield areas.

d. Maximum City influence over development and preservation in outlying unincorporated areas



Sprawl Development Pattern

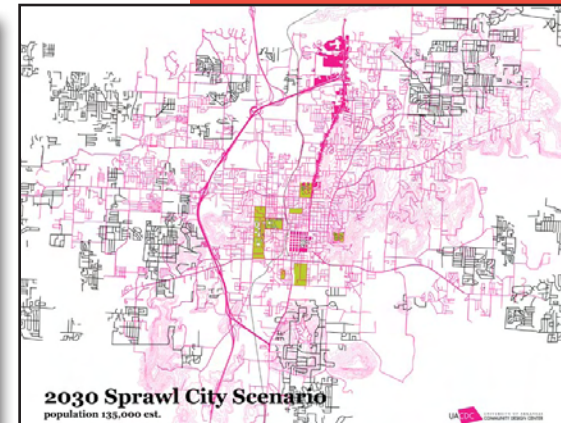
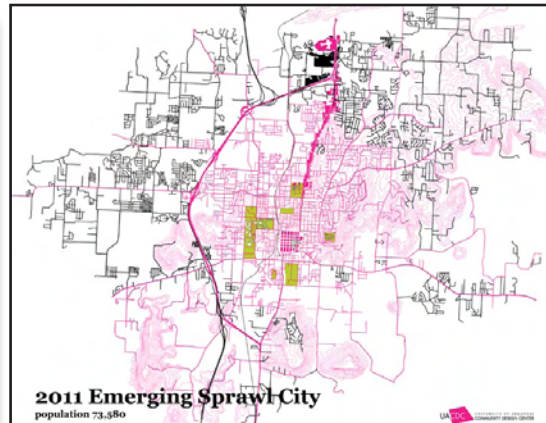
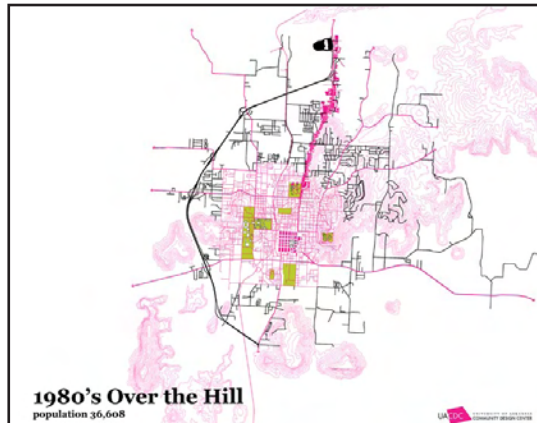
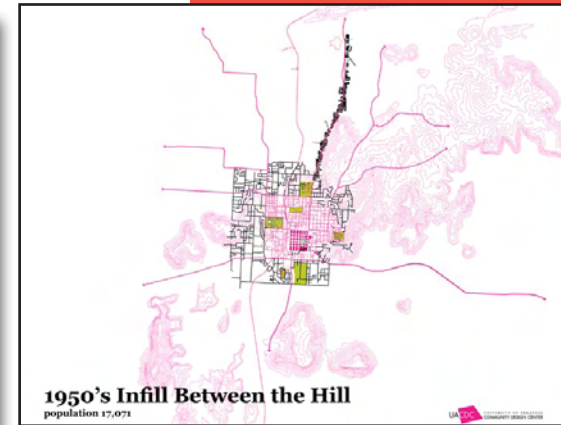
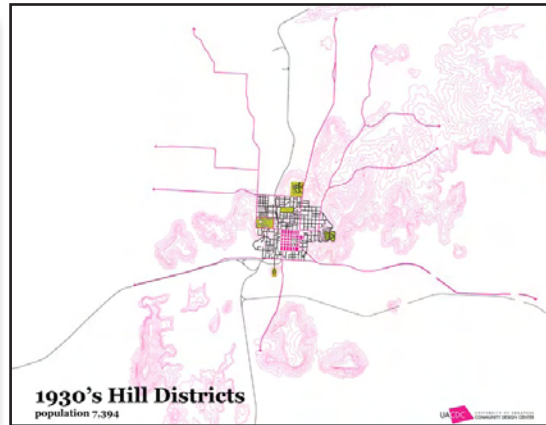
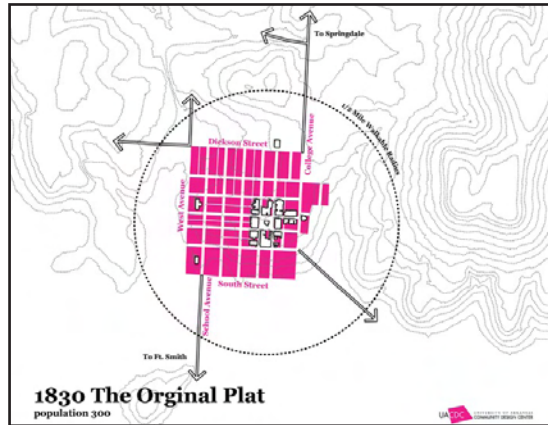


Conservation Development Pattern



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Source: "Conservation Design for Subdivisions" by Randall G. Arendt





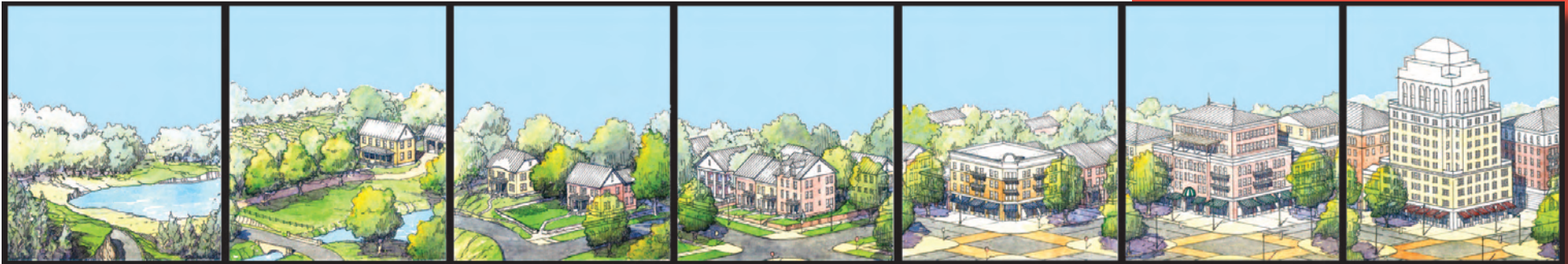
Fayetteville's growth over time. Images courtesy of University of Arkansas Community Design Center.

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Goal 3: We will make traditional town form the standard.

As cities grow, it is natural to add or fill-in existing neighborhoods and to build new neighborhoods. Whether completing an existing neighborhood or creating a new one, it is important to keep the entire neighborhood unit in mind – meaning, you don't just create a single use development, but that you create a place that has more of the things that people need every day. A complete neighborhood contains not just houses, but a mix of uses that are adaptable for change over time. The houses that are included are not just one type; they are a range of housing types that occur on a variety of lot sizes. A variety of uses within a neighborhood creates the ability to live, work, shop and have daily needs and services within walking distance. As we look to the future of Fayetteville, it is important to encourage and provide more opportunities for people to live and work in the same area. Encouraging a balance of people living and working in the same area has several benefits, including: less daily trips that rely on the regional road network; increased support for local businesses; and new and older homes can provide a greater variety of housing options for Fayetteville.



The Transect- See Illustration p. 10-16

The Transect is a system of ordering human habitats in a range from the most natural to the most urban. The SmartCode is based upon six Transect Zones which describe the physical character of place at any scale, according to the density and intensity of land use and urbanism. These are administratively similar to the landuse zones in conventional codes, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are integrated, including those of the private lot and building and the enfronting public streetscape. The elements are determined by their location on the transect scale.

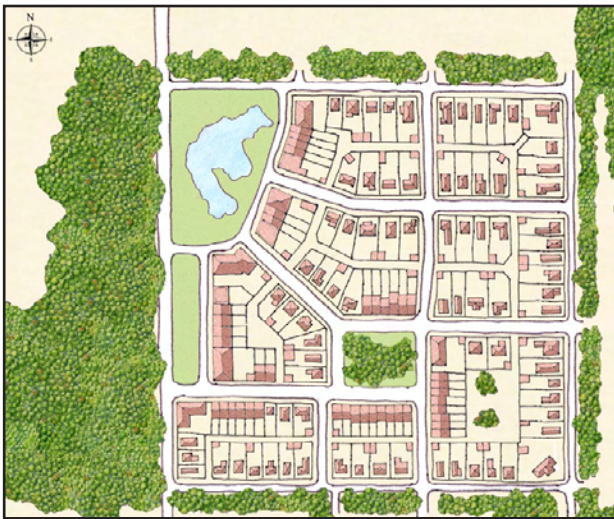
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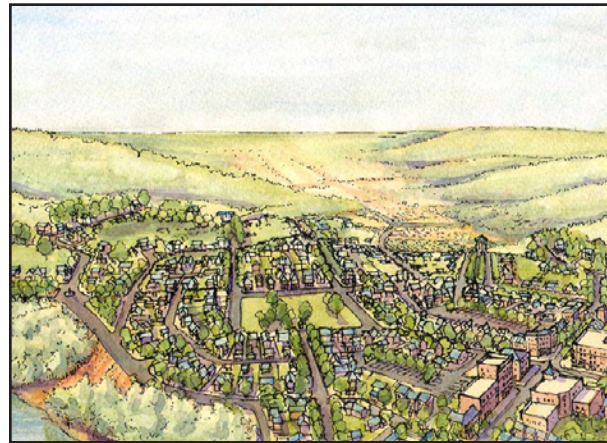
Objectives:

a. *Require new growth that results in neighborhoods, districts and corridors that are:*

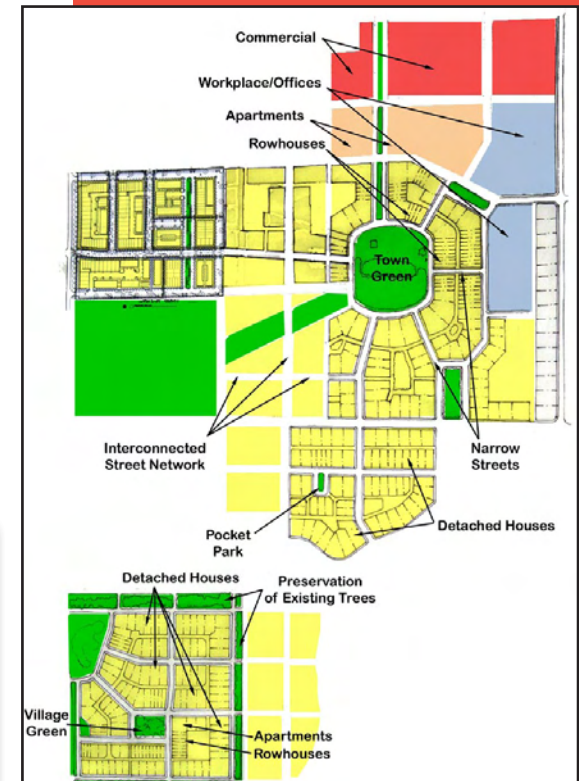
1. *compact - via denser housing; meaningful open spaces & preserves; small blocks*
2. *complete - via varied housing; mixed uses; civic uses; jobs-housing mix in the neighborhoods*
3. *connected - via street-oriented buildings; interconnected streets; interconnected greenways & trails*



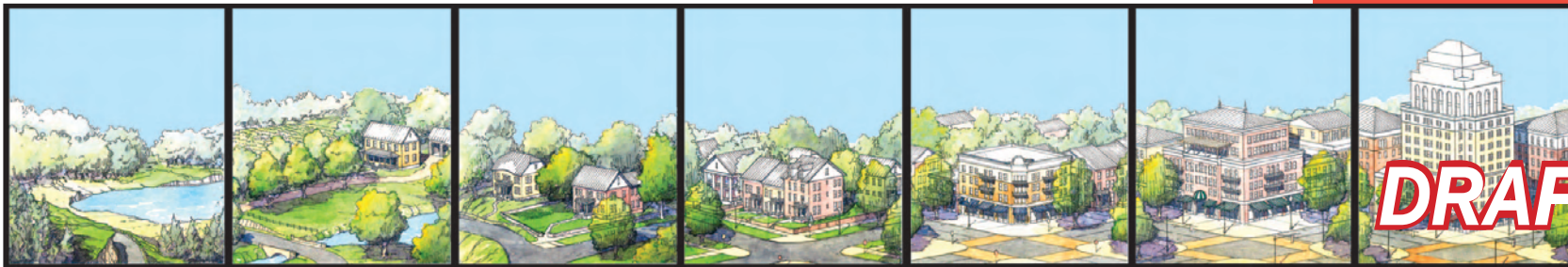
Complete and Connected, Greenfield Development



Compact Greenfield Development



Examples Traditional Neighborhood Development



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- b. Prepare a transit-worthy community: densify in highly walkable areas along logical future transit routes, and anticipate rail, street cars and other alternative transit modes**



Vision for North & Leveret, 2030

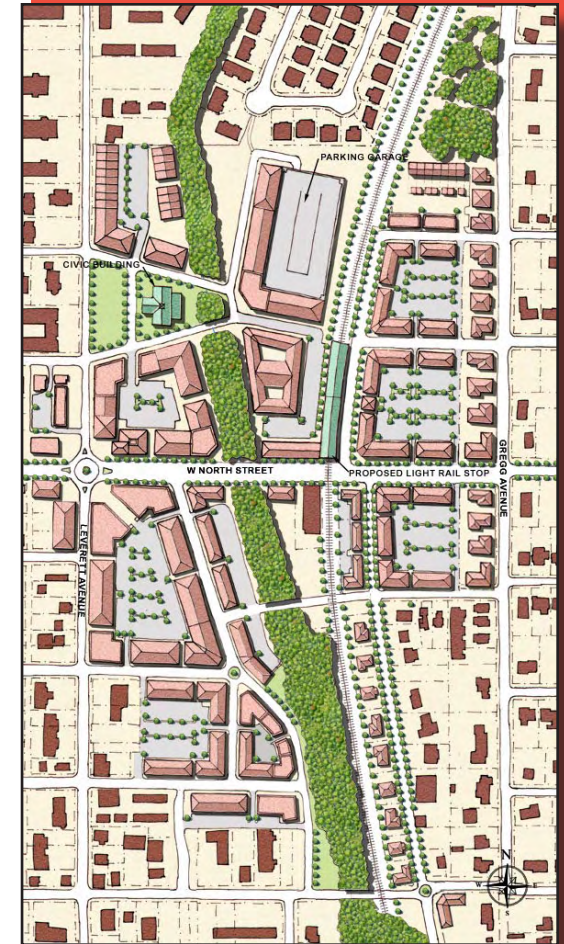
- c. Increase the viability of businesses by leveraging the economic performance of appealing environments that are mixed-use, walkable, and integrated with green space**



Fayetteville Square



Mixed Infill. From the Fayette Junction Master Plan



North Street, Transit Oriented Development

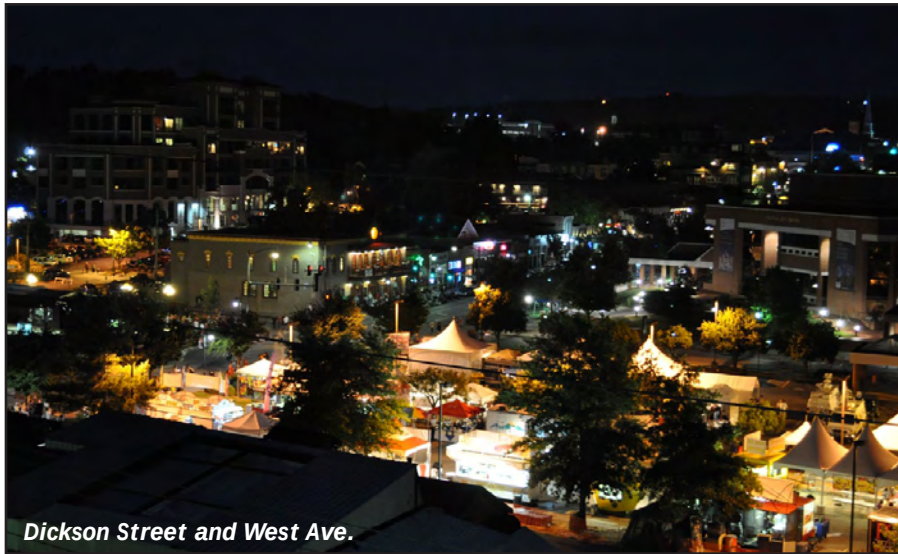


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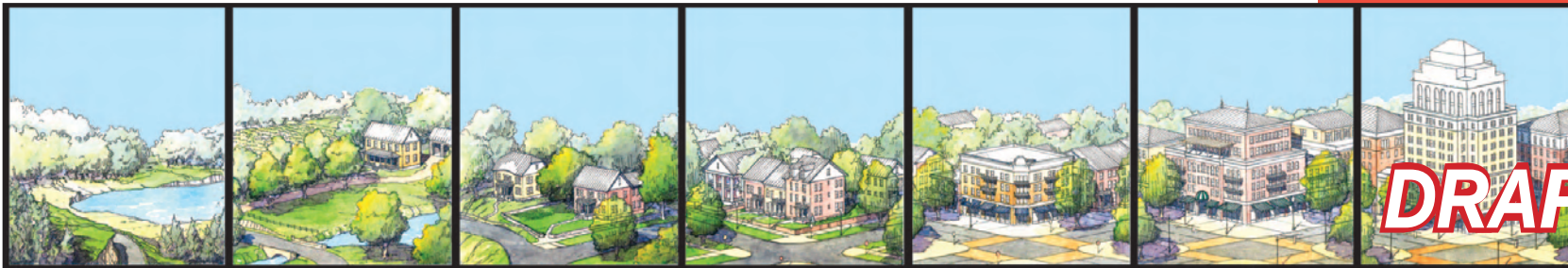
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d. Aggregate employment into mixed use centers with amenities

Single-use business districts should be expanded to include residential, retail, open space, civic and entertainment uses. Mixed-use developments create active urban areas during more hours of the day, increase housing options, reduce auto dependence, and create a local sense of place and a unique destination.



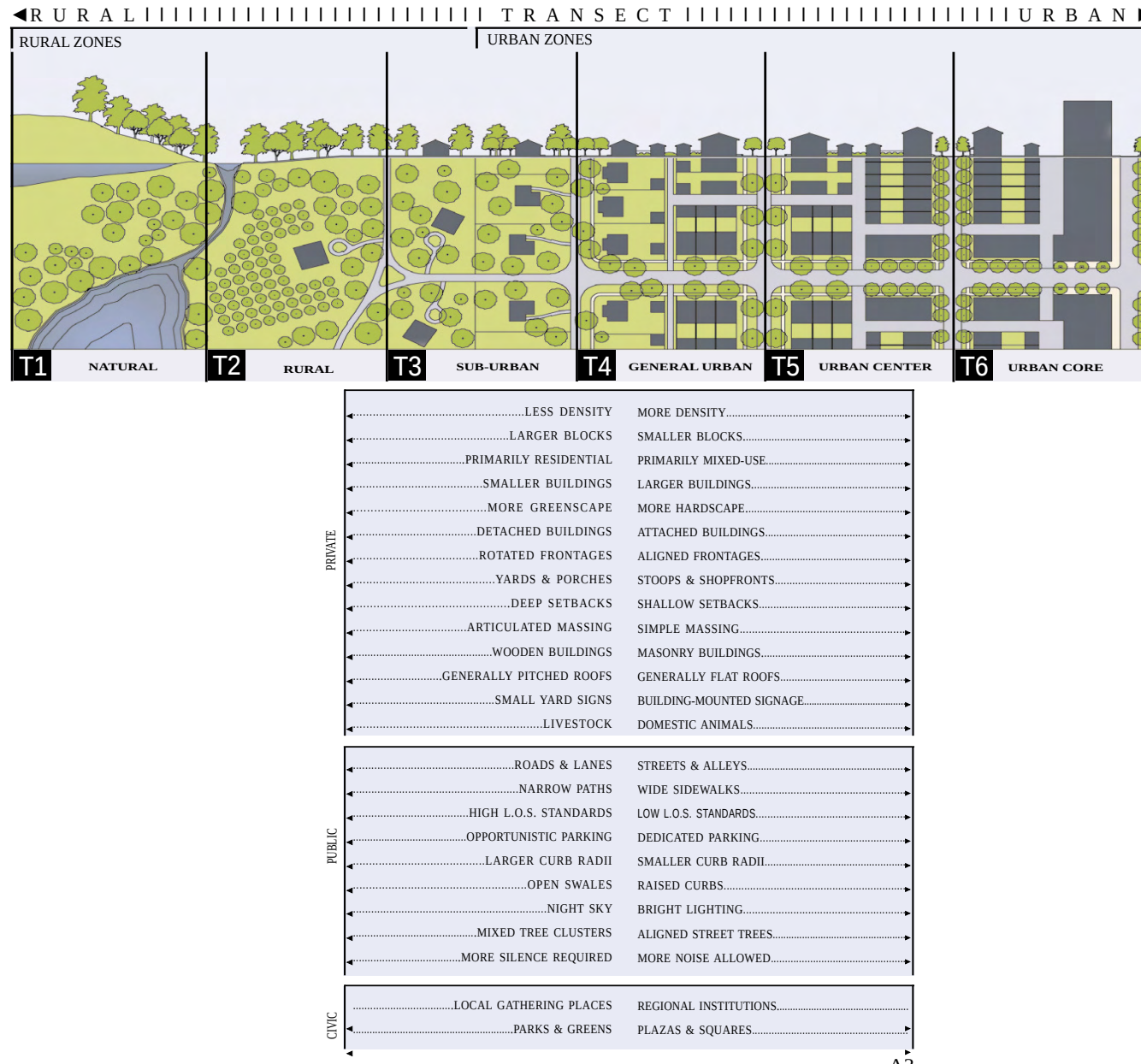
Uptown, 2030



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Transect System Illustrated: Elements that determine urbanism exist in a range that can correspond to the gradient of the Transect. Most of the elements listed here are addressed in the SmartCode prescriptions.



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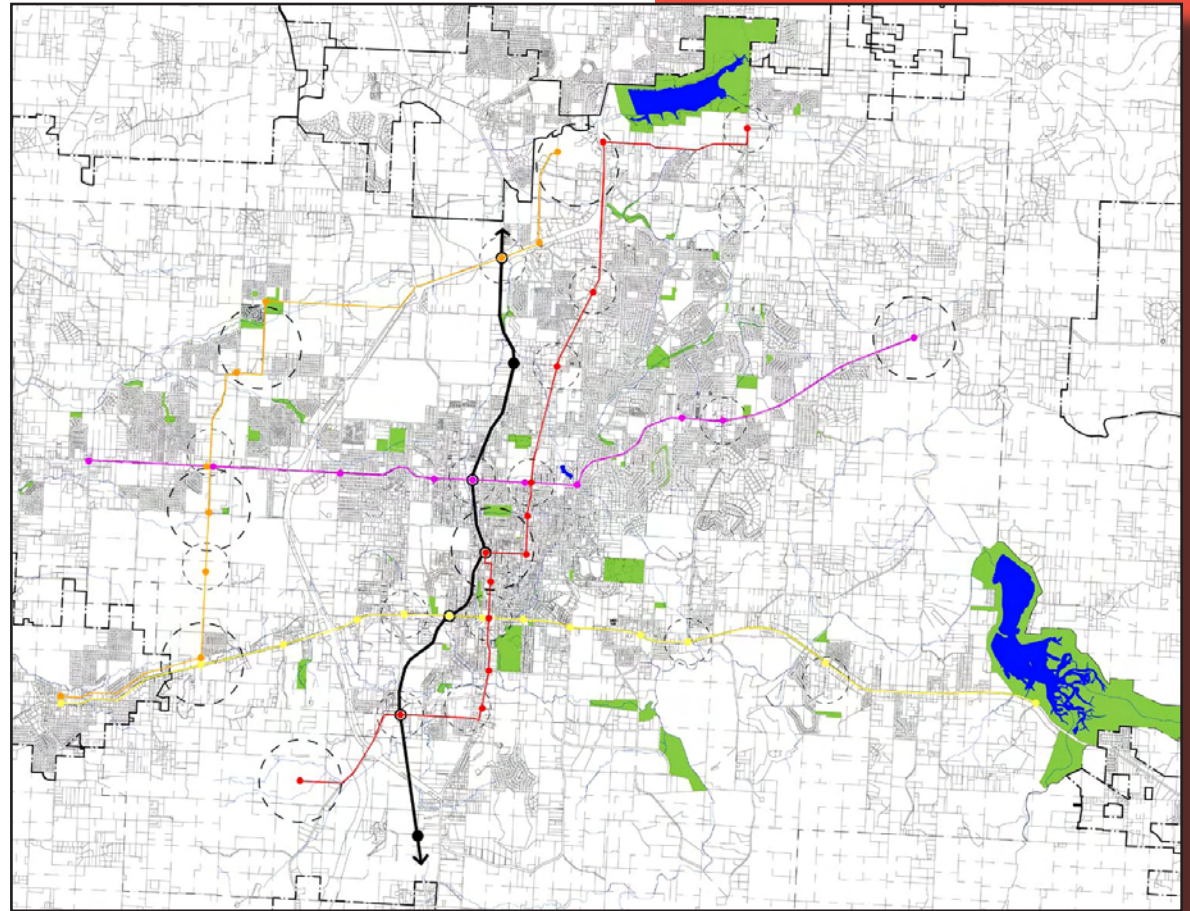
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Goal 4: We will grow a livable transportation network.

In proposing to add 37,000 residents while maintaining the character of Fayetteville, transportation and congestion are of great concern to residents and businesses. To plan for the future of Fayetteville, the City must consider a multimodal transportation network.

Efficient transit depends upon nodes or concentrations of population and employment that can be served efficiently. At the same time, creating nodes of development is greatly enhanced by the addition of transit. In studying over 60 transit-oriented development areas, it was found that residents and businesses are willing to pay a premium to locate adjacent to fixed guideway transit, *even if they don't use it.** Transit can thus become a tool in the arsenal of economic development to provide incentives for employers and developers to locate in an area. As part of a regional strategy, the city that best makes use of the opportunities of transit by locating transit to capture regional markets can solidify its position in providing entertainment, arts, restaurants, and employment centers within proximity of multiple amenities that are less available in auto-oriented development. The implication is that if Fayetteville plans for transit and installs the pre-requisite development, Fayetteville will become the originating hub for transit when funding is available. The strategic importance of this cannot be overstated. Transit allows the creation of employment centers and entertainment and arts districts that can serve an entire region rather than just the local market.

*This is counterintuitive. On a per square foot basis, retail and office rents were approximately ten percent higher than comparable space outside the station area, while residential varied greatly but appeared to have at least a fifteen percent increase in value. Hillsboro Westside Light Rail Study, Leland Consulting Group and ERA, 1994



Bus & Rail Line Map, 2025

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Objectives:

a. Community design should precede and outrank traffic planning

To achieve urban places that encourage (and thrive with) pedestrians as part of the mobility mix, the patterns of proposed development must be specified first, during the community planning stage.

Land use decisions should be the first priorities for cities, with suitable transportation planning to follow. Then, transportation plans for balanced mobility can be crafted with all modes of travel being considered.



On-street Bike Lanes



Urban Pedestrian Realm

b. Make walkable, cyclist-friendly road designs with slow design speeds, and block-and-street layouts the standard; walkability is part of the street function

As new streets are added or existing streets are improved, walkability can be maintained through careful application of walkable street sections.



Block Avenue After Improvements

CITY PLAN 2025

What are your two favorite places (for example, a street scene, neighborhood, landmark, or natural setting) in Fayetteville?

1) Wilson Park - friendly, neighborly
2) The Square and walk to library

Why? walking is easy and there is beautiful landscaping to look at.

What are your two least favorite places in Fayetteville?

1) College Ave.
2) Parking lot in Fiesta Square

Why? 1) Death trap - can't cross it safely
2) Very illogical and dangerous

Name at least one other place (around the state, around the nation, or around the world) that you admire as an example of a liveable community design.

Stockholm - Sweden
Boulder - Colorado, Old Eureka Springs

What factors contribute to an excellent pedestrian experience?

Observations & design experience suggest the following prioritized features.

1. Small Block Size
2. Buildings Fronting the Street
3. Mixed Land Use
4. Lower Traffic Speeds
5. On-street Parking
6. Interconnected Streets
7. Sidewalks
8. Lower Traffic Volumes
9. Street Trees

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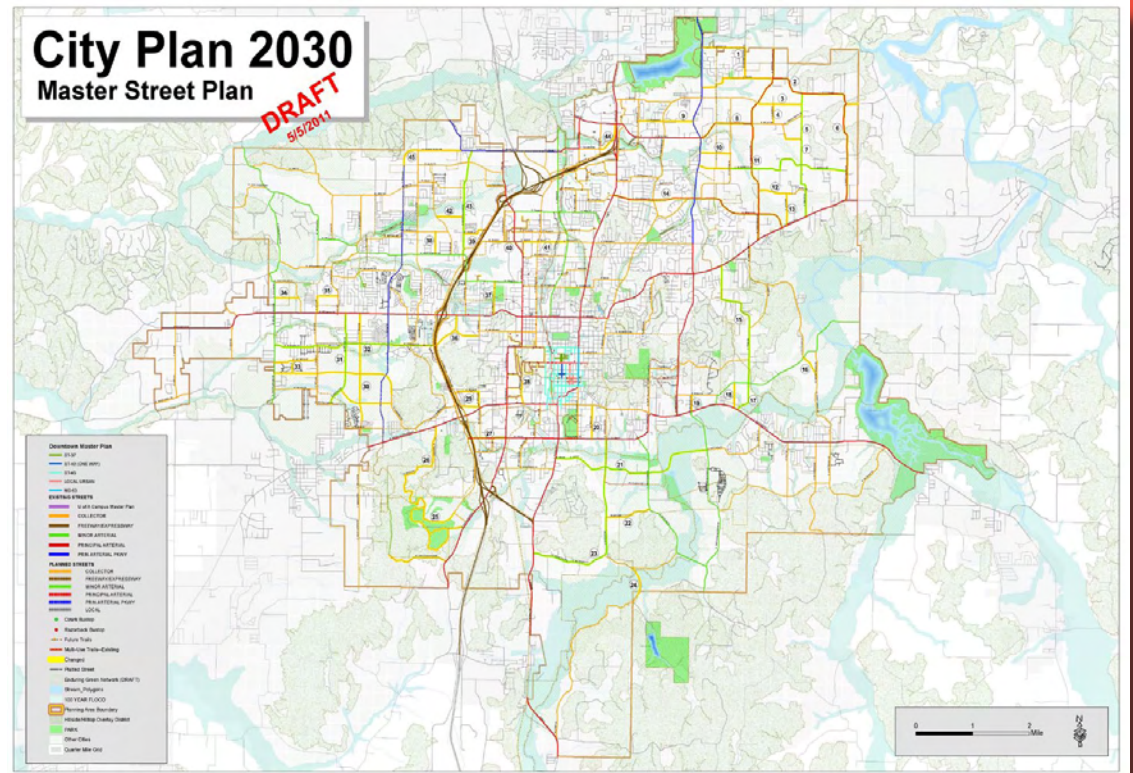
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c. Plan & construct multiple corridors instead of single oversized ones

An interconnected network of streets offers motorists a variety of options to get from one destination to the next. Generally, more streets per square mile result in a more open network and drivers can avoid the degree of peak hour congestion that occurs when a limited number of large streets become congested. Two two-lane roads are better than one four-lane road. Traffic can be easily dispersed within a road network, rather than all motorists having to depend on one major thoroughfare.



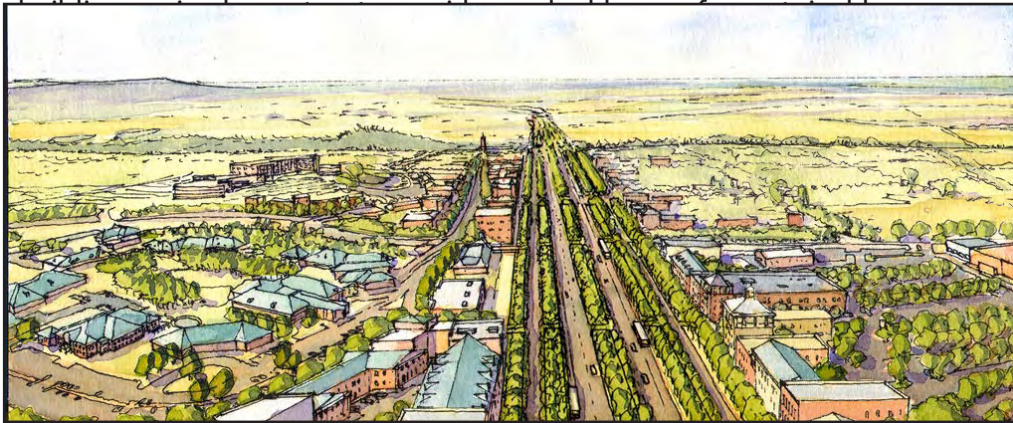
1910 Sanborn Map, Downtown Fayetteville



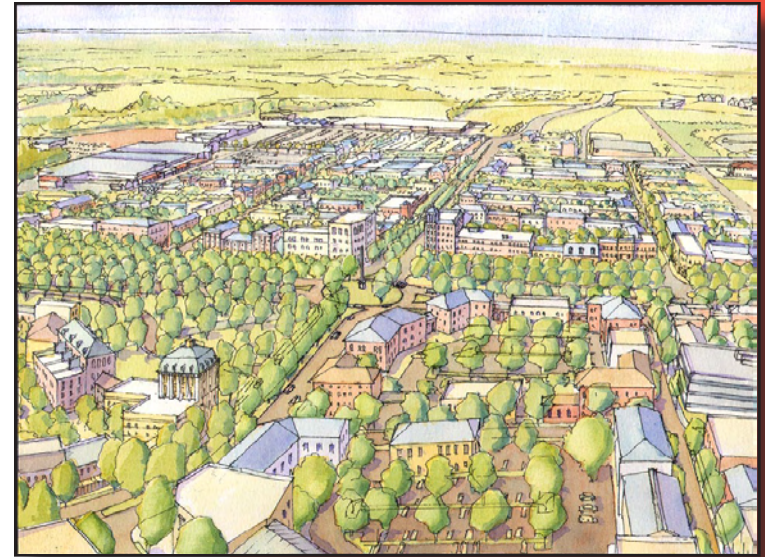
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CITY PLAN 2030

d. Transform existing corridors into great streets: tree-lined, moderate speed, multi-modal, good addresses

More than any other feature, streets define a community's character. "Great streets" are walkable, accessible to all, interesting, comfortable, safe, and memorable. While great streets accommodate vehicular and pedestrian travel, they are also signature public spaces. Great streets showcase high quality



Fulbright Expressway, 2030



Joyce Boulevard, 2030

e. Develop context sensitive corridor plans for major thoroughfares.

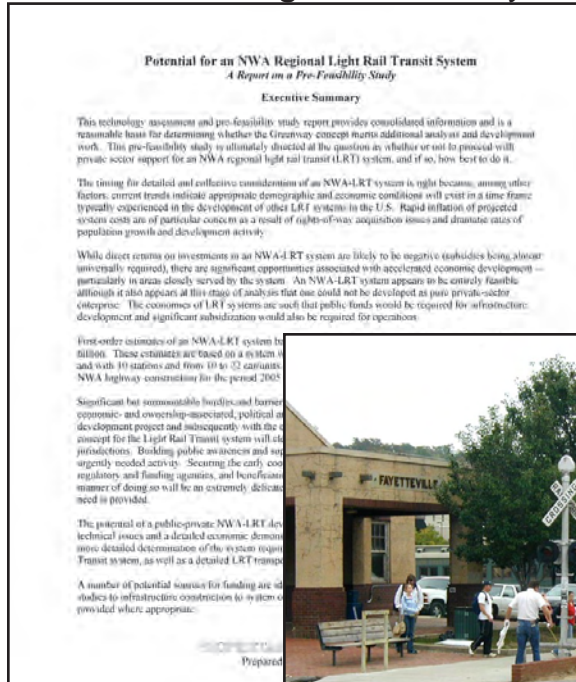
Major thoroughfares are intended to carry heavy traffic volumes, often at high speeds. However, thoroughfares connecting regions vary in context greatly from those that exist within the city. Often these streets travel through established neighborhoods, dense urban environments, or even rural communities. Each of these should be designed to facilitate the necessary traffic volumes, but with respect to

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the surrounding environment.

f. Commit to evolving a rich menu of transit



Public Transit



2007 University of Arkansas Community Design Center Light Rail Transit Study

g. Develop a partnership with the Arkansas & Missouri Railroad

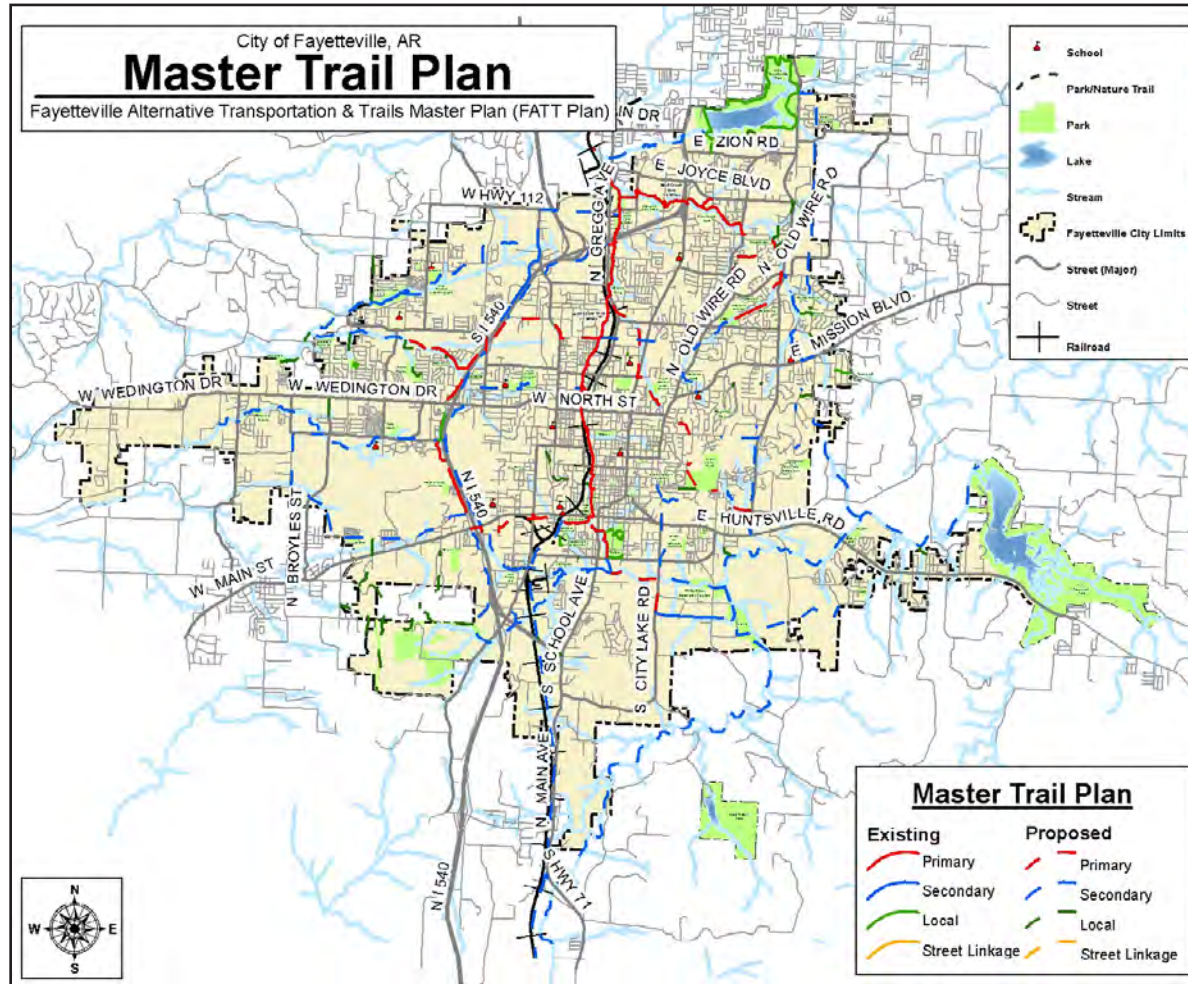
The Arkansas & Missouri Railroad has an established 139-mile rail corridor, providing services to communities from Fort Smith to Missouri. Railroads provide opportunities to transport raw materials and goods without using already congested roadways. And unlike the highway and interstate systems, railroads don't depend on governments to maintain

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or improve infrastructure. There is approximately seven miles of railroad within the City of Fayetteville, providing opportunities for economic development now, and through cooperation with the railroad, additional opportunities in the future.

h. Plan employment in locations with access to walkable amenities and transit rather than in isolated locations



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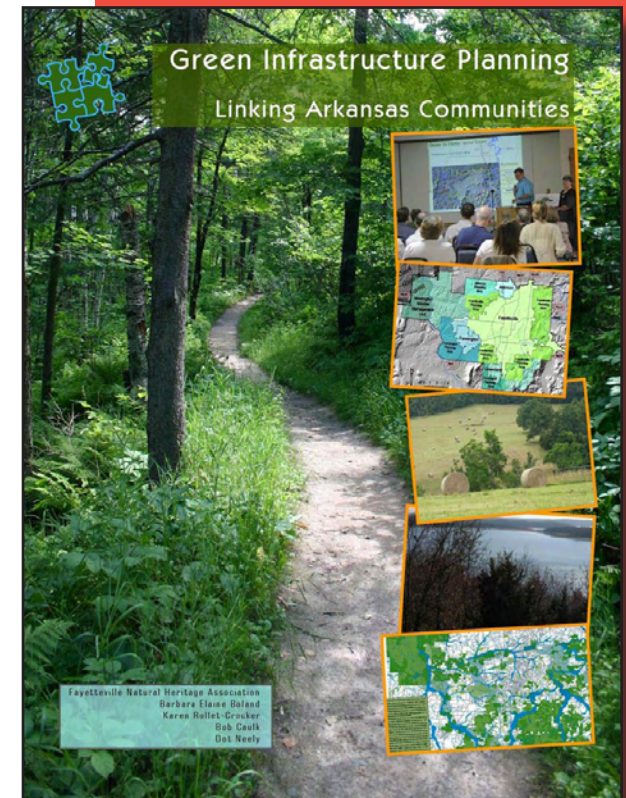
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Goal 5: We will assemble an enduring green network.

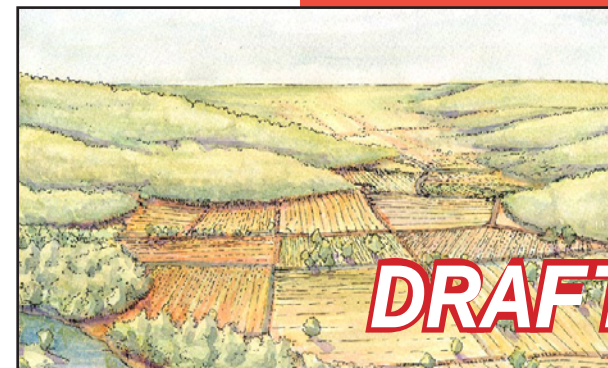
“The Enduring Green Network connects people and nature through a mapped system of trails and green infrastructure. This network recognizes and assembles the ecological assets in Fayetteville that need to be preserved while providing a lasting connected corridor for wildlife. The strength, function and appreciation of the Enduring Green Network will develop over time as our community experiences these natural areas and distinct ecosystems.” (Description based on public feedback during City Plan 2030 public input sessions.)

The natural environment, and connections with the environment, is part of what makes Fayetteville special. Residents treasure the quality of life associated with living in a place that offers magnificent views and a variety of recreational opportunities. The natural environment of Fayetteville needs to be properly preserved and enhanced. The City of Fayetteville community needs to increase efforts to protect the natural landscape, increase parks and trails, and preserve long views across open green spaces.

A green network helps maintain the community character and quality of life that makes Fayetteville the great city that it is today, and contributes to the economic success and stability of the City. Fayetteville must compete with other cities in the region for population, jobs, and retail sales. It has a number of assets unavailable to the other cities including the University of Arkansas, the Walton Arts Center, Dickson Street, and an intact city core area that is improving and strengthening. One of Fayetteville’s overwhelming differences from other cities is the character and quality of the environmental setting. As such, nurturing this setting is of economic benefit to the city, as a quality environment confers value and attracts residents who all get to share in the common amenity. If the City chooses unregulated development that strips away the natural setting or reserves pieces of it for only a select few, it will lose one of its advantages in the regional economic competition. Since this environment is one of the advantages that distinguish Fayetteville from other cities, it can be an important factor in marketing the unique quality of life to future residents and employers.



**Fayetteville Natural Heritage Association
Green Infrastructure Study**



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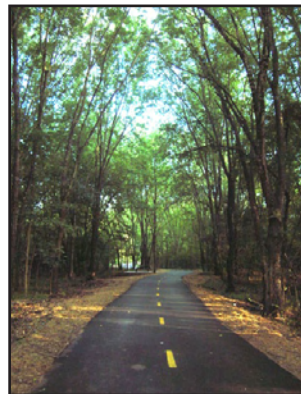
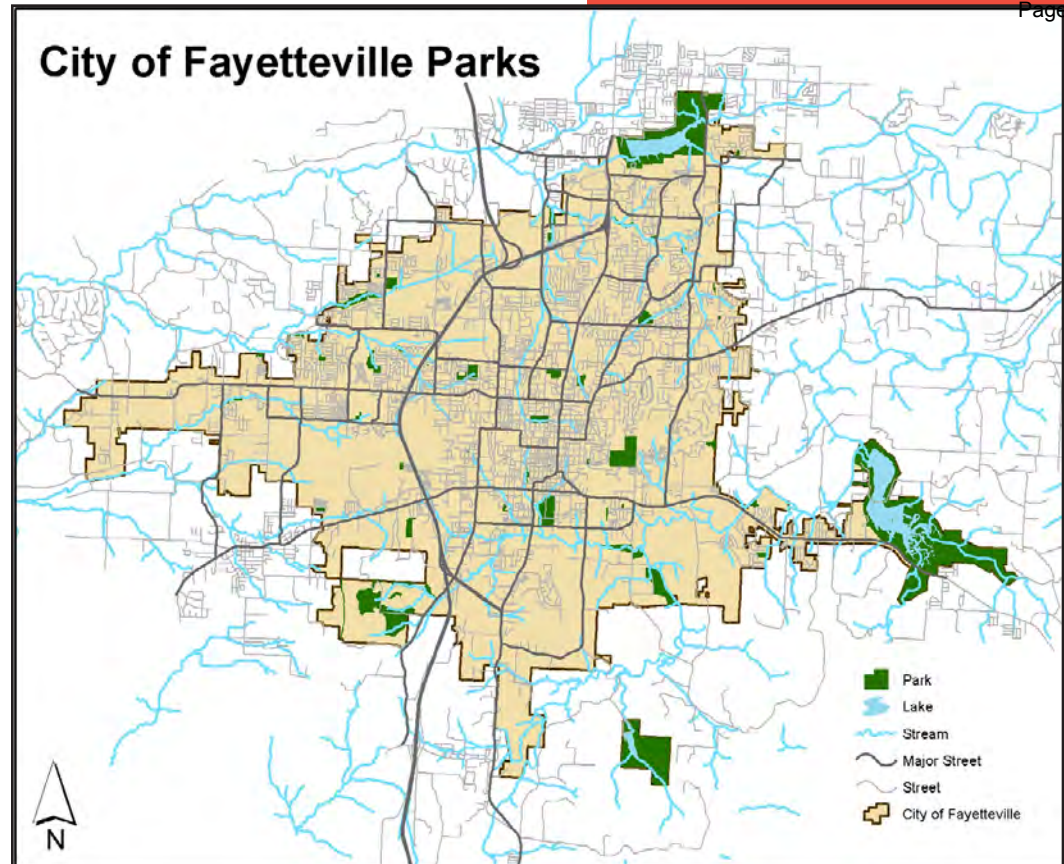
Objectives:

a. Vigilantly nurture a continuum of greenspace, including:

1. riparian buffer areas
2. canopy restoration and protection
3. small neighborhood parks, squares, commons and greenbelts
4. major parks and recreation facilities
5. greenways and trails
6. large-scale preserves for preserving hillsides, protecting natural habitats and water quality, and scenic vistas

b. Strategically plan for and acquire land that can be incorporated into the Enduring Green Network

c. Promote conservation easements and alternative development patterns that encourage efficient use of land

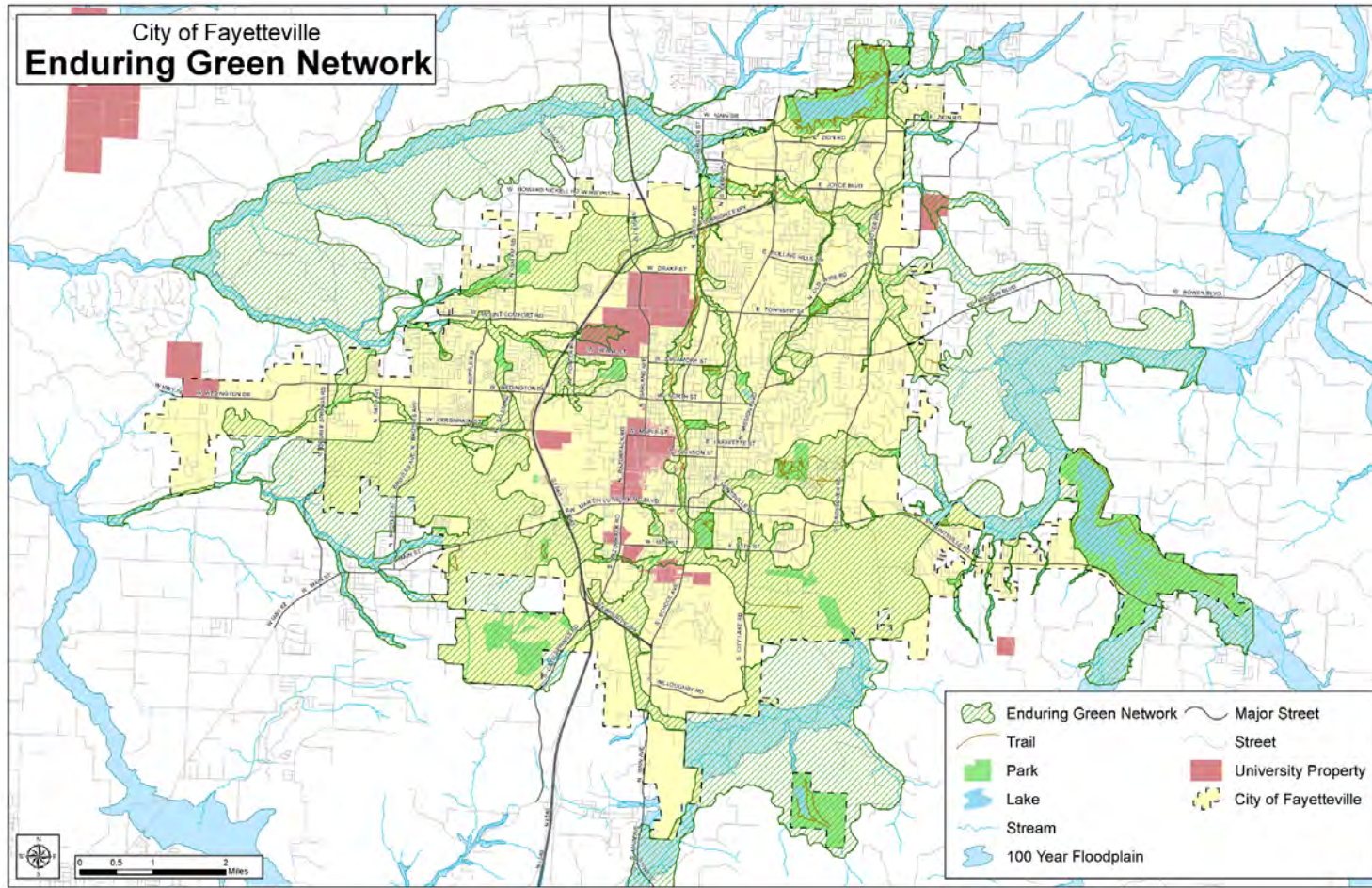


Fayetteville's Enduring Green Network

Fayetteville City Parks

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The Enduring Green Network (EGN) map was created by highlighting existing natural resources, including the 100 year floodplain, parks, and trails, as well as the region's ecological and geographical features that the 2010 Fayetteville Natural Heritage Association Green Infrastructure study found to be important to functioning natural systems. The EGN was mapped as a broad boundary for use in locating possible properties within that could eventually become a continuous network of greenspace and trails. As the EGN is realized it will likely be a narrow corridor connecting larger open spaces. This map will be used as one of many tools to inform planners on land use decisions, park planners during the parkland acquisition process, and a guide for planning future trail corridors, as well as a resource for policy makers to prioritize land for preservation or conservation.

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Goal 6: We will create opportunities for attainable housing.

Attainable housing typically refers to housing needed by those who make more than the income limit established for federal subsidies but still struggle in the current housing market. Rising land costs coupled with rapid growth in Fayetteville has resulted in a gap between the supply of attainable housing and the demand.

Housing also forms neighborhood identity and contributes to a sense of place. Creating opportunities for a variety of housing types, sizes and densities in all of Fayetteville's neighborhoods will help to accommodate a diverse population that significantly impacts the City's growing economy, preserve the City's sense of place, and meet our community's evolving housing needs.



Walker Family Residential Community



Accessory Dwelling Unit

Zoning District	Dwelling Type(s)	Percentage of Residential Zoned land 2010
RSF-4	Single- or Two-family	77.3%
RSF-7	Single- or Two-family	0.3%
RSF-8	Single- or Two-family	1.18%
NC	Single-, Two-, or Three-family	1.17%
RT-12	Single-, Two-, or Three-family	1.96%
RMF-6	Single-, Two-, Three-, or Multi-family	0.45%
RMF-12	Single-, Two-, Three-, or Multi-family	0.58%
RMF-18	Single-, Two-, Three-, or Multi-family	0.15%
RMF-24	Single-, Two-, Three-, or Multi-family	14.7%
RMF-40	Single-, Two-, Three-, or Multi-family	2.1%

Residential Zoning Acres in Fayetteville 2010

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Objectives:

a. Increase housing choices by encouraging a mixture of housing types and sizes and disperse throughout the city.

Varied housing types promote mixed-income neighborhoods and vibrant communities where attainable housing does not exist in isolation. These neighborhoods reflect traditional urban neighborhoods where households of varying economic means are integrated in the same neighborhood, allowing residents to age in place.

b. Maintain the quality and quantity of existing attainable housing.

The City of Fayetteville contains a number of homes that due to the size and date of construction are relatively affordable to own – compared to constructing a similar sized unit with today's land and construction costs. However, older housing units are not usually energy efficient, and without proper care, will begin to decrease in quality. Allowing these homes to fall into disrepair can force families to leave, resulting in the loss of their primary investment. Dilapidated homes can also hurt values for surrounding properties and even entire neighborhoods.

c. Establish partnerships with non-profit and private entities to facilitate the development of attainable workforce housing.

Planning tools address a component of an attainable housing solution. A comprehensive approach to increasing the attainable housing available requires multiple partnerships among the public, non-profit and private sectors. However, attainable housing should not be grouped or focused in any particular area of the city, and should always respect the scale of surrounding developments.

d. Make housing relatively more affordable by influencing cost of living items such as utilities and transportation.

Complete, compact and connected neighborhoods are pedestrian-friendly and provide everyday services within walking distance, allowing residents to reduce transportation costs, which could positively affect their ability to obtain housing. Likewise, programs that support energy efficient housing and home energy retrofits reduce monthly utility bills and overall cost-of-living expenses.

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Action Steps:

Action steps are specific measures that the City pursues to implement the above stated goals and policies. While some action steps are ongoing, most have an identifiable time frame for completion in the next five years.

Create a complete neighborhood or corridor plan every other year utilizing a charrette process, and analyze water and sewer capacity to identify opportunities or limitations for development. (Goals 1, 4 & 6)

The City should designate areas within the current city boundaries for developing neighborhood and corridor plans. By working with the community to establish a clear vision for each sector of the city, a plan and corresponding revision to the land development regulations could be adopted. By adopting a plan and code that the community supports, as-of-right development could be supported. Complete neighborhood plans in the core of Fayetteville could also be used to provide density bonuses for developers who designate a percentage of their development for attainable housing or “green” buildings.

Evaluate the intent of the nonconforming section of the Unified Development Code, and provide opportunities for preservation and creative reuse of existing buildings that contribute to neighborhood character. (Goals 1 & 2)

Modify water and sewer growth models based on the Future Land Use Map. (Goals 1 & 2)

Continue to develop and implement form-based codes that establish clear design standards and assure neighbors that new development will be desirable and compatible. (Goals 1, 3, 4 & 6)

Appropriate regulations that are supportive of community endorsed planning policies can encourage development by providing clarity and certainty. A zoning process that requires additional hearings and variances increases the risk of time and money to developers but has not proven effective in guaranteeing the desired results. By establishing clear standards that support the City’s vision and providing a visual guide to design criteria, investors can be certain that their project will be approved if they follow the rules.

A Form-Based Code is a land development regulatory tool that places primary emphasis on the physical form of the built environment with the end goal of producing a specific type of “place”.



City Plan 2030 Public Input Session

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Conventional zoning primarily controls land use, through abstract regulatory statistics, which can result in very different physical environments. The base principle of form-based coding is that design is more important than use. Simple and clear graphic prescriptions for building height, how a building is placed on its site, and building elements are used to manage development. Land use is not ignored but regulated using broad parameters that can better respond to market economics, while also prohibiting incompatible uses.

A Form-Based district would allow as-of-right development of property in congruence with standards set forth in the code. The new code would streamline the process of getting projects approved because of the investment in public process and consensus that the code incorporates.

Utilize the Historic District Commission. (Goals 1,2 & 3)

Utilize the Historic District Commission as a resource for public outreach, establishing and expanding National Register historic districts, and incorporating historic preservation in the City's design regulations for infill and new development in historic neighborhoods. Create incentives for preserving and reusing existing historic structures.

Explore the possibility of establishing local historic districts for properties that do not qualify for the National Register of Historic Places but still embody local historic significance. Lead by example - establish local ordinance districts to preserve existing historic City-owned structures.

Adopt a tiered impact fee system. (Goals 1& 2)

A tiered impact fee system requires new development to pay its proportionate share of the costs to the municipality associated with providing necessary public services to the development based on its location. Phoenix, Arizona, Bellevue, Washington, Kansas City, Missouri and Conway, Arkansas have all implemented an impact fee system where the fee varies depending on where the development is proposed.

Form a coalition of cities and organizations in Arkansas that support a Transfer of Development Rights (TDR) program, and then identify elected officials within the state legislature to introduce TDR enabling legislation. (Goal 1, 2 & 6)

A transfer of development rights (TDR) program uses market forces to promote conservation in high value natural or open space areas while encouraging density or infill development in designated areas. TDR programs have been utilized around the country since 1980, and 22 states have enacted legislation to support TDR programs, while 6 currently have proposed legislation. In a TDR program, a community identifies an area within its boundaries that it would like to see protected from development (the sending zone) and another area where the community desires more urban



Clinton House Museum

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style development (the receiving zone). Landowners in the sending zone are allocated a number of development credits that can be sold to developers or the community itself. In return for selling their development credits, the landowner in the sending zone agrees to place a permanent conservation easement on his or her land. Meanwhile, the purchaser of the development credits can apply them to develop at a higher density than otherwise allowed on property within the receiving zone.

Develop a conservation development ordinance, or other development form for rural properties, or those with environmentally sensitive features. (Goal 2 & 5)

Conservation neighborhoods and other flexible site design techniques allow for the development of housing, streets and utilities in a more economical and efficient manner, and consume less open land, protect wildlife habitat, waterways, natural resources and agricultural lands.

Increase lot size requirements within the planning area to meet County zoning. (Goal 2)

The City's current development regulations do little to discourage development in the Planning Area, currently allowing up to four units per acre, a quarter of the size currently permitted in the County. However, the County's one acre minimum may be varied, allowing much denser development in areas that typically lack the infrastructure necessary to support auto-dependent suburban development. Additionally, these developments may result in additional utility infrastructure maintenance, and eventually lead to the City annexing individual or community septic systems.

Develop internal processes to align funding, development and planning of city infrastructure with the goals of City Plan 2030. (Goal 1 & 2)

The Capital Improvement Plan and Transportation Improvement Bond Program are important planning and development tools that address major capital improvements of the City. However, these programs, if not thoroughly analyzed, may have the unintended consequence of subsidizing development in rural areas that are not in line with the policies of City Plan 2030.

City staff should put forward proposals for funding that reflect the policies and goals of City Plan, directing investments into areas where growth is not only being encouraged, but where redevelopment is expected and existing infrastructure is inadequate to support new growth.

Identify existing properties that are vacant or prime for redevelopment and initiate rezoning discussions with property owners. (Goal 1, 2 & 3)

The city must promote infill, revitalization and traditional town form. Strip commercial development encouraged by conventional zoning has been the predominant development



Vacant Restaurant Building

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form for the last 50 years. Major thoroughfares such as College Avenue, Martin Luther King Jr. Boulevard, and South School Ave. are prime examples of this form, but there is much opportunity for redevelopment now and in the future. The first step is to inventory and map the locations of vacant or underutilized property, and properties where buildings are approaching the end of their lifespan. Individual property owners should then be contacted and provided information regarding development opportunities. The City should also publicize these redevelopment opportunities and offer incentives for rezoning to form-based districts.

Pursue investment and transformation of the Fayetteville Expressway Economic Development Corridor. (Goal 1, 2 & 4)

The Fayetteville Expressway Economic Development Corridor is the most congested travel corridor in the region, carrying over 166,000 vehicles per day. The Corridor is generally bound on the north by Great House Springs Road/Main Street, on the west by Interstate I-540, on the east by North College Avenue, and the south by Millsap/Futtrall Avenue. Public and private investment within this area would increase land value, generating “great addresses” and allow the area to accommodate multiple modes of travel.

Develop alley design standards and regulations that enable all developers to utilize the Master Street Plan cross-section while meeting Fire Department and Solid Waste Division requirements. (Goal 3 & 4).

Evaluate existing street design speed, operating speed and posted speed limits, to ensure that each is appropriate based on the roadway design and context of the surrounding environment. (Goal 4)

Support rezoning proposals that result in increased density around logical future transit stops, rail corridors and major transportation corridors. (Goal 4)

Support development and redevelopment opportunities along the existing rail line and determine locations for expanding rail service to service industrial destinations such as the Fayetteville Industrial Park. (Goal 4)

Include public transportation providers in the design phase of new street projects and determine if there is a current or future need for benches, shelters, or bus turn-offs. (Goal 4)



Industrial Use Along Existing Rail Line

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Local transportation providers often have funds available for amenities that promote and improve public transportation services. However, it is often more challenging and expensive to add these facilities to existing streets. Therefore, consideration should be given to these facilities during the design of new streets, or major street improvements.

Use the Enduring Green Network boundary map as a tool when making decisions on parkland acceptance and acquisition; offsite tree preservation; and when updating the Master Trail Plan. (Goal 4 & 5)

Develop a system of metrics for the city to evaluate and prioritize properties for inclusion in the enduring green network. (Goal 5)

Grow the Community Revolving Loan Fund to a value that allows the energy efficiency program to be expanded to serve the small business and residential sectors, and pursue new funding that compliments the Community Development Block Grant program, and when necessary, provide staff support to obtain and administer these funds. (Goal 6)

Develop educational materials for homeowners, describing benefits and opportunities for improving energy efficiency and reducing monthly utility costs. (Goal 6)

Utilizing public meetings, town hall events, the Local Government Channel, appointed committees, and other outreach methods, City staff will educate residents on energy efficiency opportunities from local, state, and national sources. Opportunities include Federal tax credits and state rebates for energy efficiency and renewable energy, low income weatherization programs, energy efficiency rebates through local utilities, and the City's Revolving Loan Fund.

Determine the feasibility of a Local Housing Trust Fund and Land Bank. (Goal 6)

Develop a cottage development ordinance. (Goal 1, 2 & 6)

Cottage developments encourage innovation and variety in housing while ensuring compatibility with established neighborhoods, and provide opportunities for ownership of detached single-family dwellings for a population diverse in age, income and household size.

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City Plan 2030 Benchmarks

Short Term 2011-2013

Develop a conservation development ordinance, or other development form for rural properties, or those with environmentally sensitive features. *(Goal 2 & 5)*

Increase lot size requirements within the planning area to meet County zoning. *(Goal 2)*

Develop internal processes to align funding, development and planning of city infrastructure with the goals of City Plan 2030. *(Goal 1 & 2)*

Develop alley design standards and regulations that enable all developers to utilize the Master Street Plan cross-section while meeting Fire Department and Solid Waste Division requirements. *(Goal 3 & 4).*

Identify existing properties that are vacant or prime for redevelopment and initiate form-based rezoning discussions with property owners. *(Goal 1, 2 & 3)*

Use the Enduring Green Network boundary map as a tool when making decisions on parkland acceptance and acquisition, off-site tree preservation, and when updating the Master Trail Plan *(Goal 4 & 5)*

Develop a system of metrics for the city to evaluate and prioritize properties for inclusion in the enduring green network. *(Goal 5)*

Develop educational materials for homeowners, describing benefits and opportunities for improving energy efficiency and reducing monthly utility costs. *(Goal 6)*

Grow the Community Revolving Loan Fund to a value that allows the energy efficiency program to be expanded to serve the small business and residential sectors, and pursue new funding that complements the Community Development Block Grant program, and when necessary, provides staff support to obtain and administer these funds. *(Goal 6)*

Develop a cottage development ordinance. *(Goal 1, 2 & 6)*

Evaluate the intent of the nonconforming section of the Unified Development Code, and provide opportunities for preservation and creative reuse of existing buildings that contribute to neighborhood character. *(Goals 1 and 2)*

Continue to develop and implement form-based codes that establish clear design standards and assure neighbors that new development will be desirable and compatible. *(Goals 1, 3, 4 & 6)*

Determine the feasibility of a Local Housing Trust Fund and Land Bank. *(Goal 6)*

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Long Term 2013-2015

Utilize the Historic District Commission. *(Goals 1,2 and 3)*

Adopt a tiered impact fee system. *(Goals 1 and 2)*

Form a coalition of cities and organizations in Arkansas that support a Transfer of Development Rights (TDR) program, and then identify elected officials within the state legislature to introduce TDR enabling legislation. *(Goal 1, 2 & 6)*

Evaluate existing street design speed, operating speed and posted speed limits, to ensure that each is appropriate based on the roadway design and context of the surrounding environment. *(Goal 4)*

On-going

Create a complete neighborhood or street corridor plan every other year utilizing a charrette process, and analyze water and sewer capacity to identify opportunities or limitations for development. *(Goal 1, 4 & 6)*

Support rezoning proposals that result in increased density around logical future transit stops, rail corridors and major transportation corridors. *(Goal 4)*

Support development and redevelopment opportunities along the existing rail line and determine locations for expanding rail service to service industrial destinations such as the Fayetteville Industrial Park. *(Goal 4)*

Pursue investment and transformation of the Fayetteville Economic Development Corridor. *(Goal 1, 2 & 4)*

Include public transportation providers in the design phase of new street projects and determine if there is a current or future need for benches, shelters, or bus turn-offs. *(Goal 4)*

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Economic Analysis

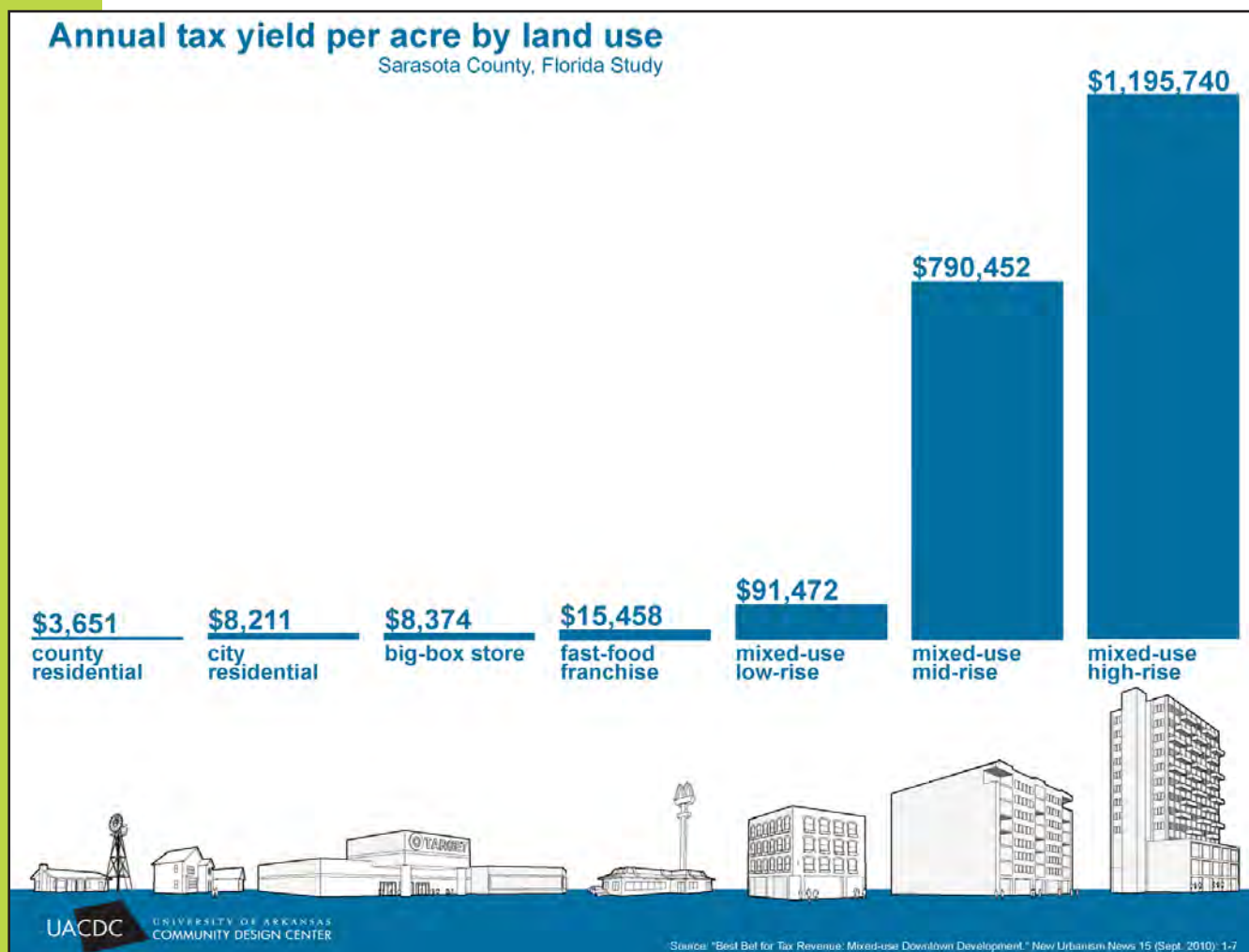


Image courtesy of University of Arkansas Community Design Center.

The Economics of the City Plan 2030

A review of the economic impact of growth pattern options shows that implementing the City Plan 2030 strategies will have positive effects on businesses and public services.

The economic impacts of development growth may vary widely and are closely associated with land use patterns. The strategic and long-range planning of infrastructure, land use, and the intensity and density of development will positively influence the economic vitality of business and public services.

GROWTH PATTERNS.

The original pattern on which the City was laid out was a compact plan, using gridded streets with the town square at the center. This pattern continued up until the middle of the twentieth century, as the City continued to grow. The development pattern in the years leading up to World War II was typically more compact and well connected; for the purpose of this analysis we called this area the Inner Core. In the post war years the City's dominant development pattern was auto oriented, often disconnected with rigid land use separations. Areas adjacent to the Inner Core, because of their close proximity, represent much of the development that occurred from the 1940's to the 1980's. We called this area the Outer Core. The rest of the City is designated as the Non-Core area.

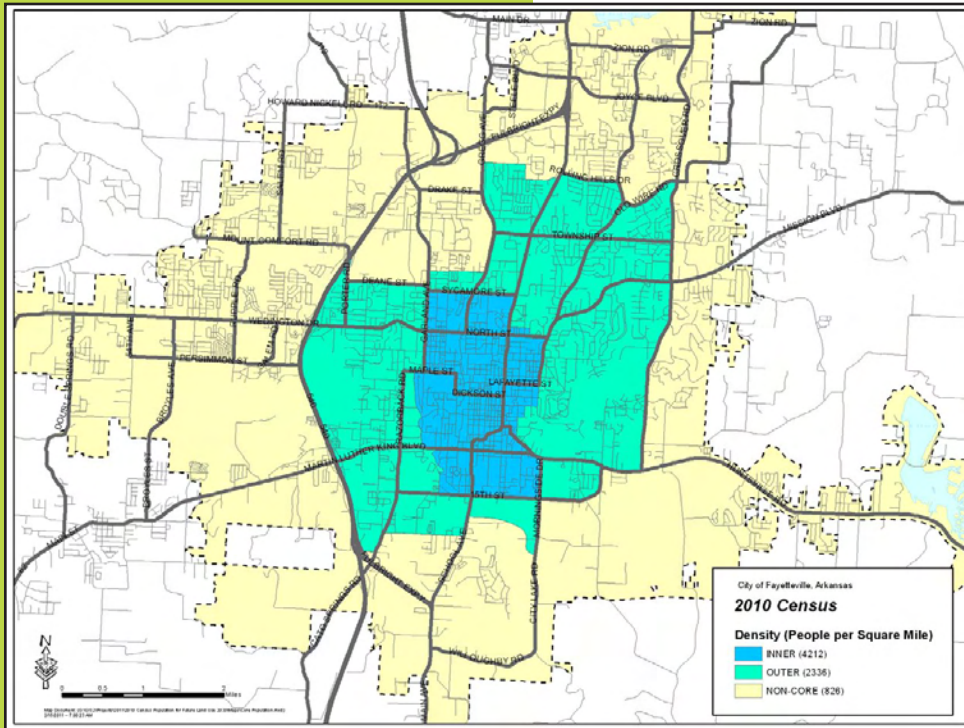
POPULATION DENSITY AND DEVELOPMENT PATTERNS.

The Inner Core, Outer Core and Non-Core areas of the city were analyzed for population density. Using the 2010 U.S. Census information the Inner Core has a population density of 4,212 people per square mile. This translates to 6.6 people per gross acre with a current household size of 3.25 per gross acre. This is approximately the density of the Washington Willow neighborhood. The Outer Core area has a population density of 2,336 people per square mile, or 3.7 people per gross acre and 1.82 households per gross acre. The density of the Non-Core areas of the city is much lower at 521 people per square mile, or around 0.8 persons per gross acre which yields 0.4 households per gross acre.

The Inner Core is comprised of approximately 3.3 square miles. The Outer Core is 11.5 square miles and the Non-Core area of the City is 74.3 square miles.



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Core Areas of Fayetteville

FUTURE GROWTH PROJECTIONS.

The Northwest Arkansas Region Planning Commission (NWARPC) estimates future population growth for the region using the latest U. S. Census Bureau data. Utilizing 2010 Census data the NWARPC estimates that Fayetteville will grow to a population of 110,725 by the year 2030. This will be an increase of an additional 37,145 people added to the existing 2010 population of 73,580. Planning and anticipating the location, form and function of land use and growth patterns enables the City and its existing residents to guide where this growth will occur. In repeated public input sessions for both City Plan 2025 and the City Plan 2030 update, residents have expressed their desire to accommodate this growth within the existing core and limit development sprawl on the edge. Infill, redevelopment and vertical development can easily accommodate the estimated future population within the core of the City.

DESIRED DEVELOPMENT PATTERNS TO ACCOMMODATE FUTURE POPULATION GROWTH.

The real estate crash of 2008 has had serious implications for the housing market and it will continue to impact future development patterns. Nationally, foreclosure rates have been especially high in the suburban fringe areas. Current real estate trends both locally and nationally show that people are rethinking how they prioritize home buying decision factors. Factors such as commute times or transportation costs are being weighed against typical suburban development features such as expansive private yard space or three car garages.

Generational housing preferences are also beginning to impact where and how future growth will occur. Both the Baby Boom and the Millennial generations are looking for mixed-use and walkable urban neighborhoods over single-use conventional suburban housing. Due to their large cohort size, these two generations will generally guide and determine the location and consumer housing preferences that will be built in the future. Fortunately, a lot of land within the core of the City remains undeveloped or underdeveloped. With infrastructure such as roads, utilities and expanding public open spaces in place, the inner and outer cores of the City have the most

potential for accommodating future growth in an efficient and livable manner if the underlying zoning regulations are permitted to change accordingly.

This future potential development pattern is similar to that of Fayetteville's historic and highly regarded neighborhoods such as the Wilson Park, Washington Willow or Walker Park neighborhoods that were built with a residential net density of 6 to 10 units per acre. The historic neighborhoods of Fayetteville share some common characteristics; highly connected street systems with small blocks, a mix of residential housing types, sizes and densities, close proximity to commercial and retail uses and accessibility to meaningful open space. These basic characteristics are essential in order for residents to perform some of their daily functions without the use of an automobile.

Strip development and high arterial traffic counts are not necessary to support retail and commercial activity if it is located in or adjacent to walkable neighborhoods of sufficient residential density. Closely clustered shops and services encourage walking by creating interesting destinations to meet people, and allow sufficient aggregations of retail and services to achieve economic utility for consumers. Auto trips per household decline as fewer car trips are necessary for everyday needs.

Perhaps the most important aspect of good neighborhood design is a rich variety of housing choices. The historic development pattern that exists downtown illustrates a robust diversity of housing stock. Located within a single block may be single-family homes, condominiums, multi-family apartments, duplexes, live-work units, accessory dwelling units and all other types of residential uses. This variety allows people to remain in the same neighborhood as their housing needs change over time. This concept of "age in place" is possible in neighborhoods that have highly walkable street networks and that contain a large variety of housing choices at residential densities supportive of retail uses and transit.

INEFFICIENCIES WITH CONVENTIONAL SUBURBAN DEVELOPMENT PATTERNS.

The trend towards efficient mixed use and walkable neighborhoods is encouraging because suburban development patterns are not sustainable. In suburban development patterns, low-density retail, employment and services are auto-oriented, resulting in more strip development and auto-oriented centers. The continuation of a suburban development pattern results in increased congestion because all activity undertaken outside the home will require car trips. Workforce housing is less likely to be built because the cost of land development and services per unit is higher in less dense development. Given the higher cost per unit, developers often



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Fayetteville's growth over time.
Source: University of Arkansas
Community Design Center

must seek to maximize land profit by building larger units that may be beyond the means of local workers such as firefighters, teachers and police personnel.

Dispersed development also often yields a poor balance between tax revenue received versus cost of service provision. For instance, a more traditional development pattern at 7 units per net acre with units priced at \$180,000 will have a total value of \$1.26 million. At three units per net acre, with housing valued at \$300,000 per unit, total value would come to \$900,000. But the cost of services for seven units on the same net acre is lower on a per unit basis than for the three units. When multiplied over thousands of acres, this means that the cost of services in a lower density growth pattern is higher for a given change in population because many more acres are used: pipelines become longer, more road length is required, police and fire response is more expensive or requires extra facilities, etc. While revenue from sales tax would be the same in either scenario, given the average incomes and growth of 37,000 people, the cost to the City of providing roads and improvements for auto-oriented retail and services is higher even though the return in taxes is constant.

Options for seniors are not typically as good in dispersed development patterns. According to the National Association of Homebuilders, as people age they value proximity to retail services and medical facilities so that the use of the car is not an automatic necessity. As people live longer, a growing portion of the population will be unable to sustain an auto-oriented lifestyle.

ECONOMIC IMPACT ON FAYETTEVILLE SCHOOL DISTRICT.

One indicator of the economic effect on the school district is the balance of commercial property and residential property. Currently, the school district generally receives more net revenue from a commercial square foot than a residential square foot because commercial properties do not add school children to the system. The cap on reappraisal for commercial property is also 10 percent versus 5 percent for residential development. City Plan 2030 policy recommendations target commercial growth within the City boundaries by making complete neighborhoods the standard, ensuring that commercial development accompanies residential development.



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Guiding Policies



- 12.1 Future Land Use Plan
- 12.2 Master Street Plan
- 12.3 Annexation

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12.1 FUTURE LAND USE PLAN

12.1.1 Introduction

The Future Land Use Map identifies and promotes a form-based development pattern that recognizes a sequence of built environments, from natural or very rural to densely urban. Rather than separating land uses, form-based development patterns emphasize mixed uses at the neighborhood, block and building level. The Future Land Use map is a tool used by the community to envision change over time regarding land use variety, intensity or density.



Staff has developed a set of land use designations based upon current development patterns and the vision of future development patterns as expressed in City Plan 2030. These area designations are intended to provide general guidance for land use decisions that will shape development growth for the next twenty years.

- Natural Areas
- Rural Residential Areas
- Residential Neighborhood Areas
- City Neighborhood Areas
- Urban Center Areas
- Complete Neighborhood Plan Areas
- Civic and Private Open Space Areas/Parks
- Civic Institutional Areas
- Non-Municipal Government Areas
- Industrial Areas
- Complete Neighborhood Plans

Each area is defined on the following pages and accompanied by examples and guiding policies. The Future Land Use Map is formally reviewed and updated by the Planning Commission and City Council every five years to reflect community decisions and changing circumstances.

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12.1.2 Future Land Use Map Designations



Natural Areas:

Natural Areas consist of lands approximating or reverting to a wilderness condition, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, as identified in the FNHA study, many of which make up the backbone of the enduring green network. A **Natural Area** designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development for all construction.

Guiding Policies:

- a. Preserve a network of habitat and open space, protecting biodiversity and enhancing the City's quality of life.
- b. Preserve native vegetation and meet the habitat needs of multiple species.
- c. Encourage recreational and educational opportunities in appropriate areas to enhance appreciation for existing environmental resources.
- d. Identify areas of environmental concern and protect and preserve environmental resources.
- e. Conserve open space and protect areas of significant riparian benefit, tree canopy and other environmental resources through cluster development provisions, density controls, protective easements and/or other development tools.



Clabber Creek



Lake Wilson

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Rural Residential Areas:

Rural Residential Areas recognize existing low-density, large lot residential development, but are identified to encourage the conservation and preservation of woodlands, grasslands, or agricultural lands that are sparsely settled. They may or may not have adequate street and water infrastructure or public services, such as police and fire, to support urban or suburban densities and development patterns nor should these services be expanded to accommodate further growth unless they are in line with the following guiding principles:

Guiding Policies:

- a. Allow and encourage historical agricultural and related uses to continue and to occur as permanent land uses within planned developments.
- b. If developed, encourage alternative development patterns, such as conservation or cluster development types, to achieve compatibility with surrounding rural areas.
- c. Foster a culture that supports local food production on a variety of scales.
- d. Encourage, preserve and protect viable agribusinesses such as orchards, berry farms and small scale produce-yielding businesses that provide goods for the local market.



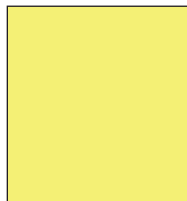
Mally Wagon Road



Low Density Rural

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Residential Neighborhood Areas:

Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and row-houses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.



Charleston Place



Wilson Park Neighborhood



Brookhaven Neighborhood



Lakewood Neighborhood

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Guiding Policies:

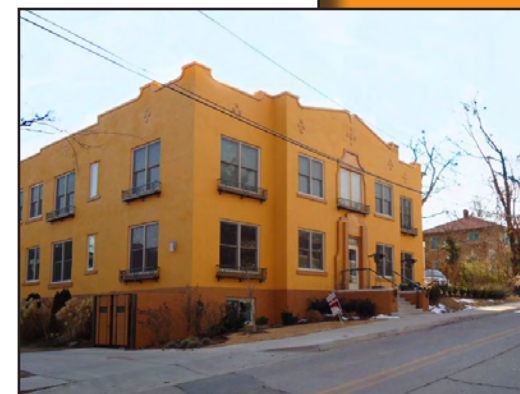
- a. Encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.
- b. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
- c. Eliminate design elements that prohibit complete, compact and connected neighborhoods.
- d. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.
- e. Encourage a development scale to maintain compatibility, use and proportionality between a variety of residential and nonresidential land uses.
- f. Site new residential areas accessible to roadways, alternative transportation modes, community amenities, schools, infrastructure, and retail and commercial goods and services.
- g. Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.
- h. Continue to encourage context-sensitive streets, allowing for efficient access to commercial and residential areas for vehicles, pedestrians and cyclists.



Neighborhood Residential



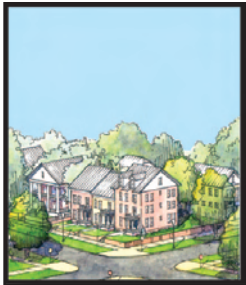
Corner Business



Monterey Apartments

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City Neighborhood Areas:

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily. Non residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

City Neighborhood Areas encourage complete, compact and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

Guiding Policies:

- Protect adjoining properties from the potential adverse impacts associated with non-residential uses adjacent to and within residential areas with proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and effects on property values.
- Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.
- Reduce the length and number of vehicle trips generated by residential development by enhancing the accessibility to these areas; encourage walkability as part of the street function.



Three Sisters Building



Chestnut Lofts

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Neighborhood shopping should be within walking distance of residential use, or approximately one-quarter mile.

- d. Encourage developers to designate and plan for mixed-use corners at the time of approval to properly plan for accessibility to these areas.
- e. Encourage pedestrian-friendly, mixed-use buildings through the use of transparent glass for commercial uses at street level and building entrances that address the street.
- f. Encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.
- g. Encourage mixed-use development that is sensitive to surrounding residential uses and allows for day and night utilization of available parking.
- h. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
- i. Encourage properties to redevelop in an urban form.
- j. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.
- k. Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.
- l. Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.
- m. Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.



Summerhill Townhouses



Hill Place Apartments



Girl Scouts Building



Sycamore Lofts

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Urban Center Areas:

Urban Center Areas contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although **Urban Center Areas** recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Additionally, infill of existing development centers should be strongly encouraged, since there is greater return for properties already served by public infrastructure.

Guiding Policies:

- a. Encourage mixed-use development to allow for shared parking and day and night utilization of available parking.
- b. Encourage intensive mixed-use development within one-quarter mile of public transit routes.
- c. Provide enough retail business and service space to enable Fayetteville to realize its full potential as a regional market.
- d. Encourage continuing improvements and expansion of regional shopping and entertainment attractions.
- e. Require that large commercial sites be designed and landscaped in a manner that preserves the aesthetic character of their surroundings.
- f. Direct new regional development into designated regional commercial centers.
- g. Approve new regional commercial development as Planned Zoning Districts (e.g. shopping centers, business parks, medical parks, industrial parks and mixed-use developments) or complete neighborhood plans in order to assure the overall integration of design and use.



Arkansas Research & Tecnology Park



The Lofts at Underwood

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- h. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
- i. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.
- j. Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.
- k. Utilize open space by providing pocket parks and community green space, creating connectivity of natural areas across the community.
- l. Encourage the integration of clean tech industrial uses with residential and commercial uses.



Marriott Hotel



Garland Center



Washington Regional Medical Center



Dickson Street

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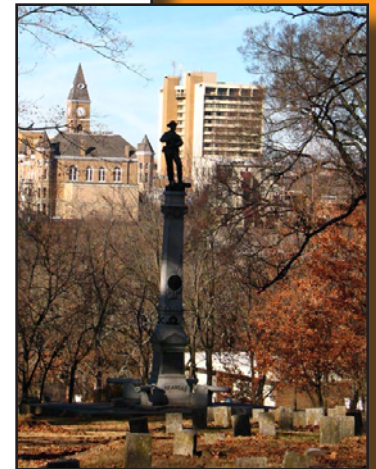


Civic and Private Open Space/Park Areas

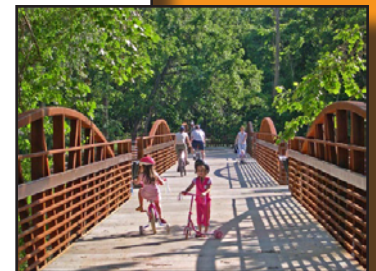
Civic and Private Open Space/Parks Areas are sites that are permanently dedicated to open space or park land.

Guiding Policies:

- a. Encourage parkland dedication and conservation easements for trails that support the Fayetteville Alternative Trails and Transportation Plan, the 10-Year Parks Master Plan and the Enduring Green Network.
- b. Provide an integrated network of open space areas throughout the City to serve local residents as well as provide a regional asset and visitor attraction.
- c. Plan for the long-term preservation and enhancement of open space (including undeveloped natural areas, utility corridors, and key scenic corridors) within the Fayetteville green network.
- d. Conserve open space within the Fayetteville green network through private acquisition and other acceptable conservation methods.
- e. Encourage the creation of connected trails and walkways between community activity areas and neighborhoods and enhance with kiosks and rest stations.
- f. Encourage community-based “green” infrastructure such as rain gardens, vegetated drainages and bio-retention facilities.
- g. Encourage pocket parks, especially in the urban center areas.



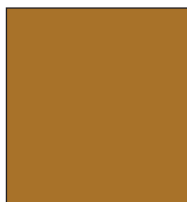
Confederate Cemetery



Lake Fayetteville
Spillway Bridge

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Civic Institutional Areas:

Civic Institutional Areas are dedicated for buildings generally operated by not-for-profit organizations dedicated to culture, government, education or transit and municipal parking.

Guiding Policies:

- a. Encourage the establishment of civic institutional areas in locations that would serve large concentrations of Fayetteville citizens.



Blair Library



Boys and Girls Club

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Complete Neighborhood Plans:

Complete Neighborhood Plan Areas are areas that have a Master Development Plan created through a public input process that has been approved by the City Council and includes the elements of a complete, compact and connected neighborhood.

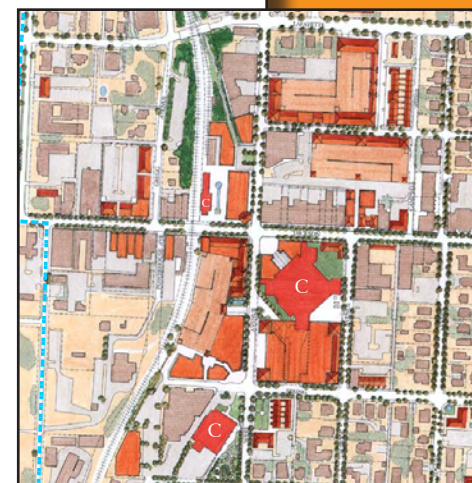
Guiding Policies:

- a. Refer to the applicable master plan for the guiding policies specific to the neighborhood because each complete neighborhood plan has been adopted with specific goals, objectives and strategies for implementation. These master plans should be referred to first as a land use guide.

Downtown Master Plan Res. 140-04

Walker Park Master Plan Res. 19-08

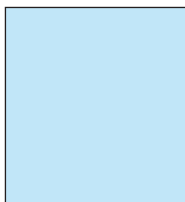
Fayette Junction Master Plan Res. 119-08



Downtown Master Plan

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Industrial Areas:

Industrial Areas are those areas with buildings that by their intrinsic function, disposition or configuration, cannot conform to one of the other designated areas and/or its production process requires the area to be separated from other uses.

Guiding Policies:

- a. Noise, visual, air and water pollution shall be minimized through performance standards.
- b. New industry shall be recruited and encouraged to locate within the existing industrial park unless rail access is necessary to the industry.
- c. Industrial zones that are not consistent with the Future Land Use map should be rezoned to more appropriate uses.
- d. Encourage the use of “green” technologies to minimize noise, air and water pollution.



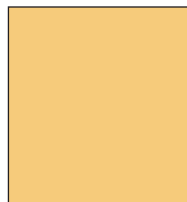
Tyson Plant



Clean Technology Building

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Non-Municipal Government Areas:

Non-Municipal Government Areas are those areas that do not fall within the City's jurisdiction and are not subject to zoning or development regulations. These areas may include institutional campuses, county or state offices, etc.

Guiding Policies:

- a. Encourage the integration and coordination of non-municipal government areas with planning and development in surrounding City-regulated areas,
- b. Provide opportunities for integration of the areas into the City should the existing non-municipal government ever change, adding street connections, pedestrian and utility connections.



Washington County Courthouse



University of Arkansas

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12.2 MASTER TRANSPORTATION PLAN

Amended September 17, 1996, Street Classifications, Res. No. 97-96

Amended September 6, 2005, Downtown Master Plan Street Classifications, Res. No. 183-05

Amended September 4, 2007, Res. No. 161-07

The Master Transportation Plan is the guiding policy that the community, City Staff, the Planning Commission and the City Council utilize to proactively guide decisions regarding street classification, design, location, form and function. The Master Transportation Plan prescribes and plans for the development of a multi-modal transportation system in the form of streets, sidewalks, bike lanes, trails and transit. A multimodal transportation system is vital to growing a livable transportation network. Consistent planning ensures that streets will efficiently circulate traffic within the community and connect Fayetteville to the rest of the region. Special emphasis should be placed on multi-modal transportation infrastructure design, access management and traffic speed and volume considerations when planning streets. The Master Transportation Plan is updated on a five year basis in conjunction with City Plan 2030 in order to be adaptable to change over time.

The Master Transportation Plan contains the Master Trails Plan and the Master Street Plan.

Master Trails Plan

The Fayetteville Alternative Transportation and Trails Master Plan (FATT Plan), guides the development of trails in the City's expanding trail network. The Master Trail Plan Map illustrates future trail alignments and trail corridors for the purpose of acquiring easements and right-of-way. As development occurs adjacent to future trail alignments, careful attention will be paid to acquiring easements and providing site design input during the development review process. The trail cross-sections that follow the Master Street Plan cross sections will be utilized for the construction of City trails. Trail surface materials may vary according to site considerations such as proximity to floodplains or floodways.

Master Street Plan

The Master Street Plan is comprised of a map illustrating the street classification and location, and a document of street cross sections showing the dimensional requirements of the street. In conjunction, these two documents are used to guide long range traffic planning through street function, design and location.

The City supports context sensitive street design that acknowledges the function and use of the street in relation to current and future land use. The design and dimensions of streets that fall under the same functional classification may vary greatly due to the surrounding existing or future land uses and the function of the street. For instance, a low traffic

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speed collector in a neighborhood may have on-street parking while a higher traffic speed collector would have bike lanes. The City's access management and street connectivity policies provide the tools to guide the access and dispersal of traffic.

Low Impact Development: The City encourages the use of Low Impact Development (LID) stormwater management strategies in street design and construction. Each of the street cross sections can be modified to incorporate LID best practices for stormwater management. Streets that include landscape strips or bump-outs are ideal for implementing LID strategies such as swales or infiltration basins. Developers and engineers should work closely with the City's Development Services Department to plan and design appropriate stormwater management strategies and structures.

Public Transportation: The construction of bus benches, shelters and pull-offs is a critical part of a successful transportation system. However, the need for such facilities is ultimately determined by the transportation providers. Therefore, the City should consult with transportation providers prior to the design of any new street, or major street improvement project to determine if the need for new facilities exists.

Streets in University of Arkansas Campus: The City of Fayetteville and the University of Arkansas will partner together in the planning, design and construction or reconstruction of streets located within the University of Arkansas campus area. These streets are identified on the map and within this document. Streets identified on the Master Street Plan Map and within the University of Arkansas boundary are intended to be reviewed concurrently with City and University staff prior to design. These streets should be consistent with the policies of the Master Street Plan, but may require alternative cross-sections due to physical constraints unique to the University.

International Fire Code: The International Fire Code (IFC), which the State of Arkansas has adopted, requires a 20-foot minimum of unobstructed width on all roads, which is reflected in the proposed street cross-sections. If structures on either side of the road exceed 30 feet or three stories, then the IFC requires a 26-foot minimum of unobstructed width. This document recognizes that street cross-sections may be modified to meet the IFC requirements.

The following street cross-sections are functionally classified in accordance with the U.S. Department of Transportation's National Highway Functional Classification Study Manual. In addition, the street cross-sections provide sensitivity to context by providing options for both suburban and urban developments and accommodating cyclists and low-impact development neighborhoods. Additional utility easements will be required outside of the specified right-of-way on a project specific basis, as determined by the utility companies.

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12.2.1 ALLEYS

Alleys are used in conjunction with streets to provide rear access to properties, garages and off-street parking. Driveways connected to alleys should have sufficient depth to allow vehicles to park and not encroach into the alley right-of-way.

Solid Waste

Solid waste pick-up is allowed, subject to the following standards:

- “No parking” signs are installed at the entrance(s) and mid-block locations.
- Designated locations for carts and recycle bins are kept free of obstructions.
- Bulk hauling and brush collection is placed at the public street.
- A 20’ driveway is provided between the garage/house and alley right-of-way.
- On-street parking is provided.
- Address numbers are installed on the front and rear of every structure.
- Minimum radius requirements are provided.
- Dead-end alleys are prohibited.

Fire Department

Alleys used in conjunction with single- and two-family units are not intended to serve as fire access roads when structures also adjoin a private or public street that provides the required fire access. Fire access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

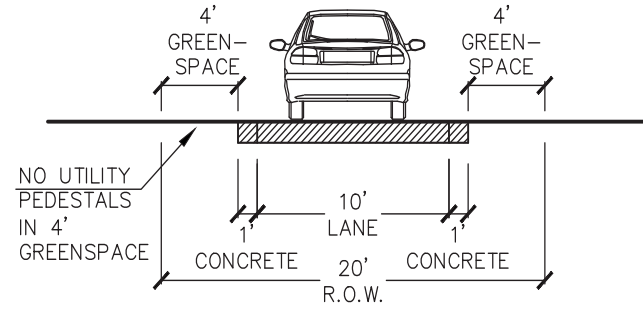
When an alley serves as the sole access, or when more than one access is required due to building height, condition of terrain, climatic conditions, the potential for impairment of a single road by vehicle congestion, or other factors that could limit access, alleys may need to be designed in accordance with the Arkansas Fire Code to support apparatus access, with approval from the fire code official.

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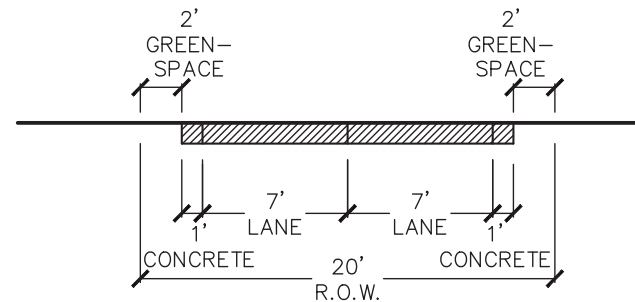
1a RESIDENTIAL REAR ALLEY: ONE-WAY

Design Service Volume: < 200 vpd
Travel Lanes: One 10' lane
Parking: Not allowed within alley R.O.W.
Paved Width: 12' from outer edge of concrete strip
Right of Way: 20'
Sidewalks: None
Greenspace: Both sides of alley, min. 4' wide, unencumbered
Curb cuts: Continuous access possible
No curb required



1b RESIDENTIAL REAR ALLEY: TWO-WAY

Design Service Volume: < 200 vpd
Travel Lanes: Two 7' lanes
Parking: Not allowed within alley R.O.W.
Paved Width: 16' from outer edge of concrete strip
Right of Way: 20'
Sidewalks: None
Greenspace: Both sides of alley, min. 2' wide, unencumbered
Curb cuts: Continuous access possible
No curb required

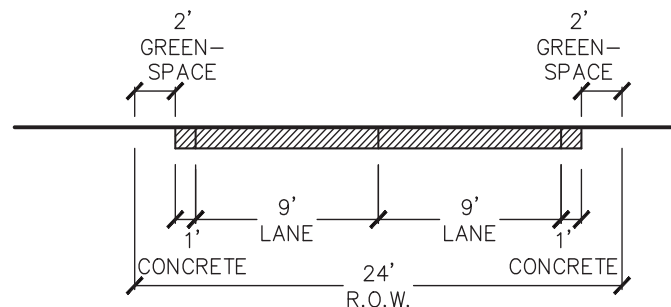


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1c COMMERCIAL REAR ALLEY: ONE- OR TWO-WAY

Design Service Volume: < 200 vpd
 Travel Lanes: Two 9' lanes
 Parking: Not allowed within alley R.O.W.
 Paved Width: 20' from outer edge of concrete strip
 Right of Way: 24'
 Sidewalks: None
 Greenspace: Both sides of alley, min. 2' wide, unencumbered
 Curb cuts: Continuous access possible
 No curb required



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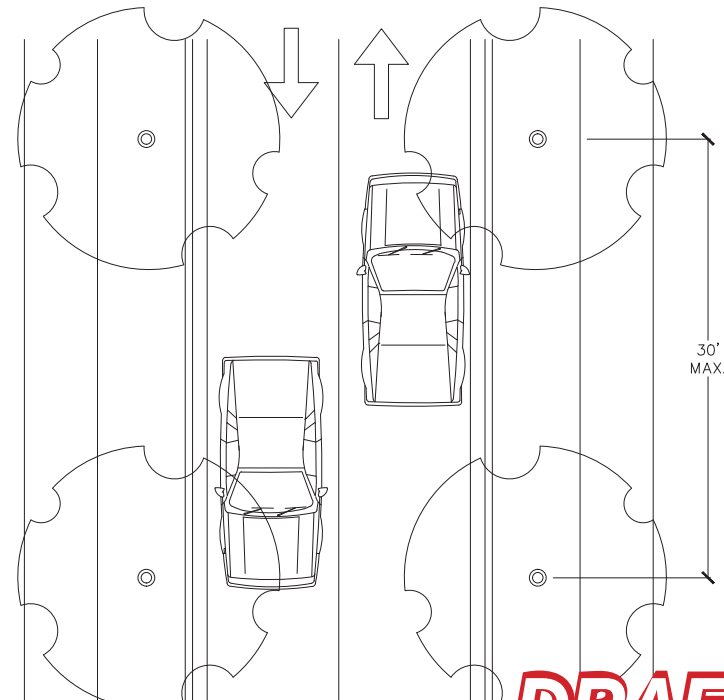
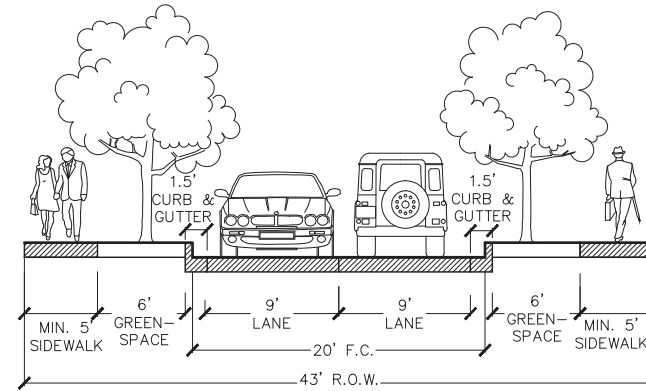
12.2.2 RESIDENTIAL STREETS

RESIDENTIAL STREETS provide for the lowest level of traffic and service. They provide access to residential property and are intended to be used only by local traffic. A high degree of street connectivity is required for easy dispersal of traffic. Residential Street block lengths shall not exceed 600 feet. Residential streets have a low level of access management, with curb cuts permitted every 50 feet.

2a RESIDENTIAL:

Design Service Volume:	< 300 vpd
Desired Operating Speed:	15-20 mph
Travel Lanes:	Two 9' lanes
Parking:	Not Allowed
Paved Width:	20' from face of curb
Right of Way:	43'
Sidewalks:	Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace:	Both sides of street, min. 6' wide

* ST 37 may substitute for the Residential Street cross-section urban condition.

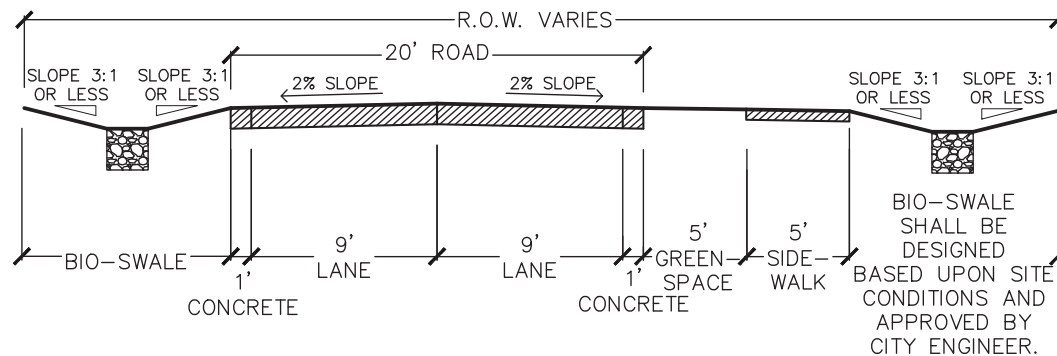


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2b RESIDENTIAL LOW-IMPACT DEVELOPMENT:

Design Service Volume: < 300 vpd
 Desired Operating Speed: 15-20 mph
 Travel Lanes: Two 9' lanes
 Parking: Not Allowed
 Paved Width: 20'
 Right of Way: Varies
 Sidewalks: One, at least 5' wide, adjoining 5' greenspace
 Greenspace: One side of street, min. 5' wide
 Bio-Swale: Both sides of street, width dependent upon site conditions and approved by City Engineer.
 Tree plantings may be permitted by the Urban Forester



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12.2.3

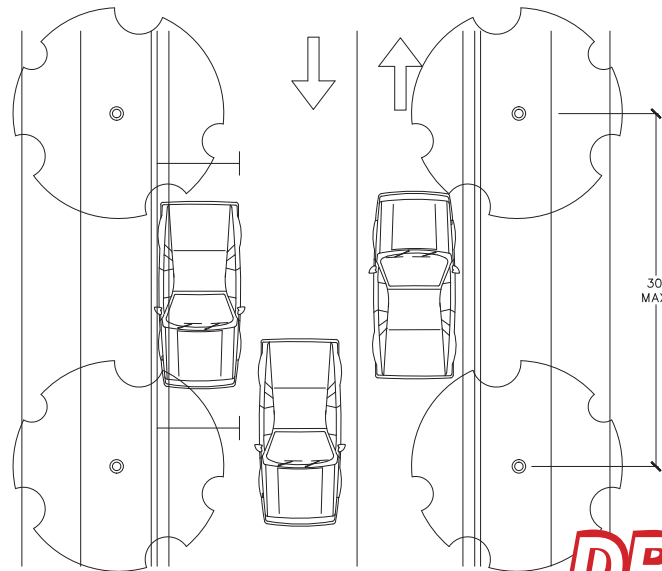
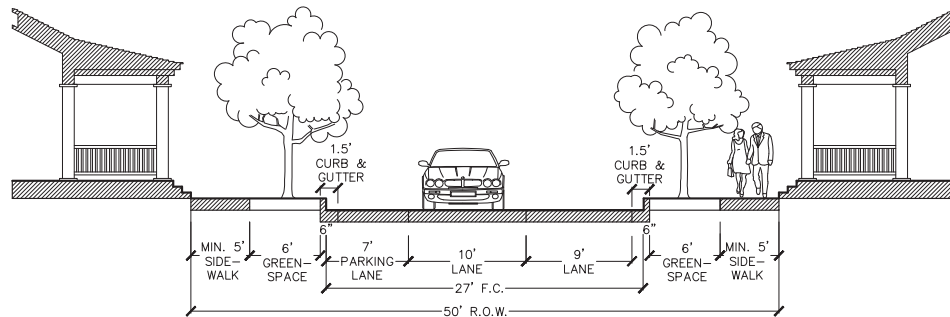
LOCAL STREETS

LOCAL STREETS provide for a moderate level of traffic flow and service. They provide access to abutting land uses and provide connections to higher order street classifications. Local Urban streets are encouraged in City Neighborhood and Urban Center areas as depicted on the Future Land Use Map. Local Urban Streets are also appropriate for areas that may function as a main street for a neighborhood, offering mixed uses and a pedestrian-friendly environment. LOCAL STREETS have a low to medium level of access management, with curb cuts permitted every 50 feet.

3a LOCAL:

Design Service Volume: < 4,000 vpd
Desired Operating Speed: 20-25 mph
Travel Lanes: One 10' lane,
One 9' lane
Parking: One 7' lane
Paved Width: 27' from face of curb
Right of Way: 50'
Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace: Both sides of street, min. 6' wide. May be widened to facilitate Low-Impact Development techniques, subject to approval by City Engineer.

* ST 45 may substitute for local street cross-section in an urban condition.

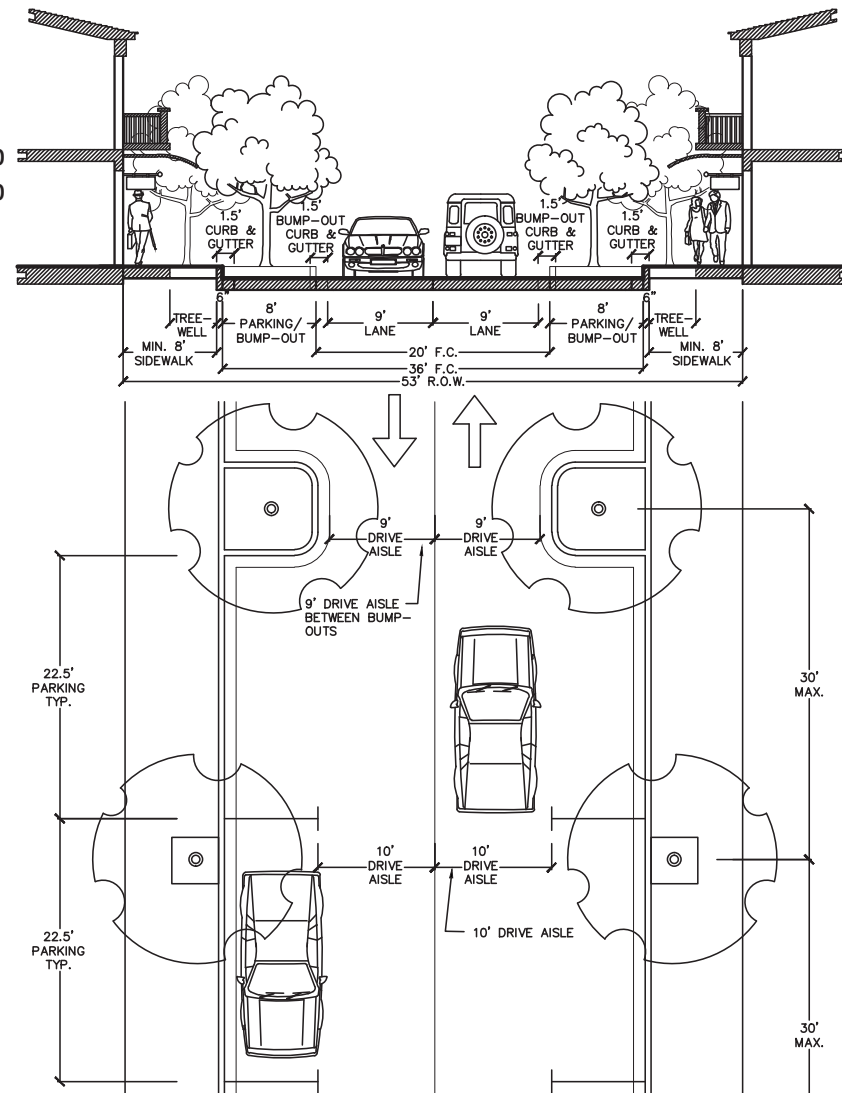


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3b LOCAL URBAN:

Design Service Volume: < 4,000 vpd
Desired Operating Speed: 20-25 mph
Travel Lanes: Two 9' lanes
Parking: Two 8' lanes with bump-outs
Paved Width: 20' from face of bump-out curb
36' entire width to face of curb
53'
Right of Way: Both sides of street, min.
8' wide with grated tree wells
against curb
Sidewalks: Both sides of street, tree wells
Greenspace: Both sides of street, tree wells



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12.2.4

COLLECTOR STREETS

COLLECTOR STREETS provide traffic circulation within residential, commercial, and industrial areas. They collect traffic from local or residential streets in neighborhoods and facilitate traffic movement into the arterial system. Connections between arterials should be direct in order to disperse traffic throughout the city. Collector streets vary in width and function as they respond to the context of the adjacent land uses. A minimum right-of-way of 59 feet shall be provided where a collector is depicted on the Master Street Plan with a 70-foot right-of-way provided at intersections with other collectors, minor arterials and principal arterials. The intersection right-of-way must extend a minimum of 200 feet from the intersection. A 70-foot right-of-way may be required if the volume or turning movements of traffic generated or predicted warrants a continuous turning lane. All collectors have a moderate level of access management with curb cuts permitted every 100 feet.

The City recognizes that the design of collector streets may vary depending upon the context of the existing and future land use in a particular area. The following three collector cross sections provide flexibility in context while utilizing a standard right-of-way and pavement width. This permits multiple configurations of on-street parking and bicycle facilities through different pavement markings and striping. The standard pavement width will enable the street to easily transform as land use intensity or density changes over time.

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4a COLLECTOR (INTERSECTION):

Design Service Volume: < 4,000 vpd,
< 6000 vpd
with left
turn bays

Desired Operating Speed: 25-30 mph

Travel Lanes: Two 14' shared
motorist and
cyclist lanes

Turn Lane: 11' turn bays
where warranted

Bicycle Lanes: Shared with
motorist lane

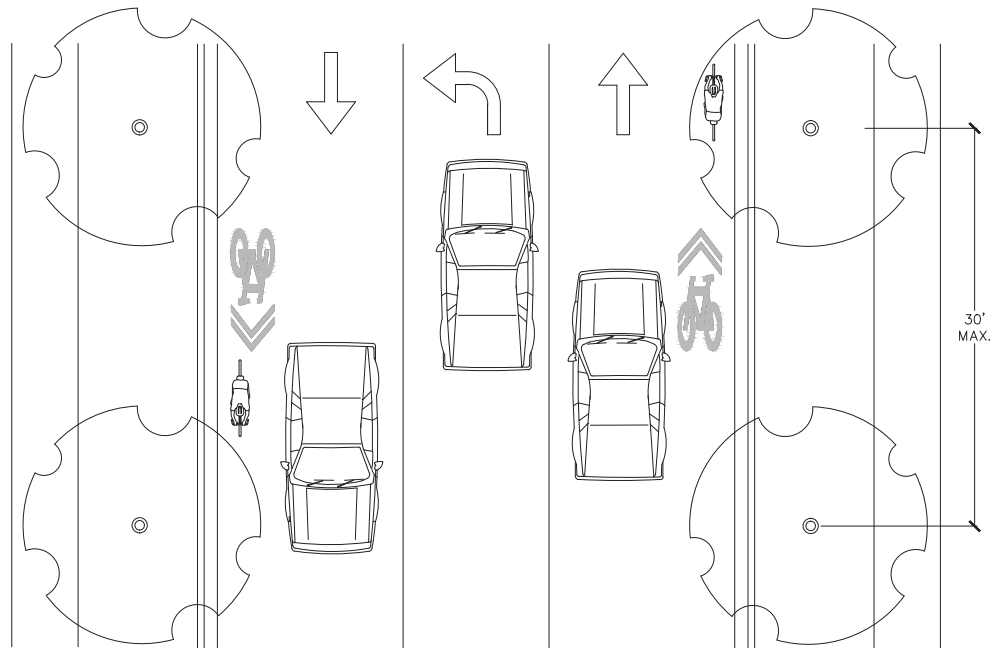
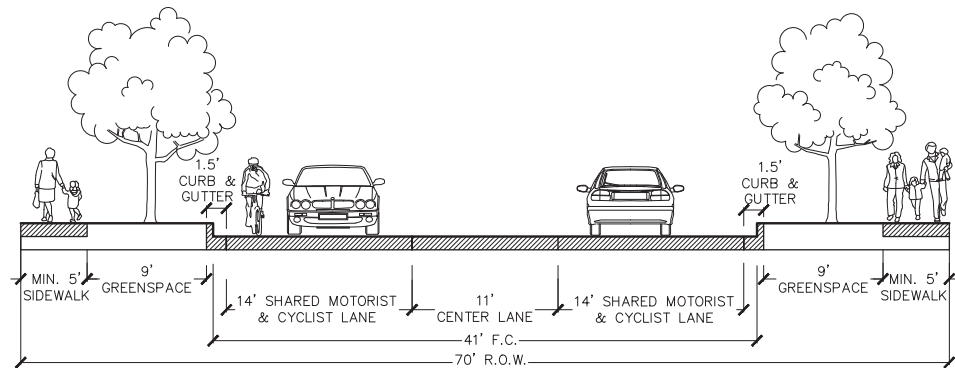
Parking: None

Paved Width: 41' from face
of curb

Right of Way: 70'

Sidewalks: Both sides of
street, min.
5' wide,
located in R.O.W.
at R.O.W. line.

Greenspace: Both sides of
street, min.
9' wide



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4b COLLECTOR (SHARROW):

Design Service Volume: < 4,000 vpd,
< 6000 vpd with left
turn bays

Desired Operating Speed: 25-30 mph

Travel Lanes: Two 14' shared
motorist and cyclist
lanes

Turn Lane: 11' turn bays where
warranted (See 4a)

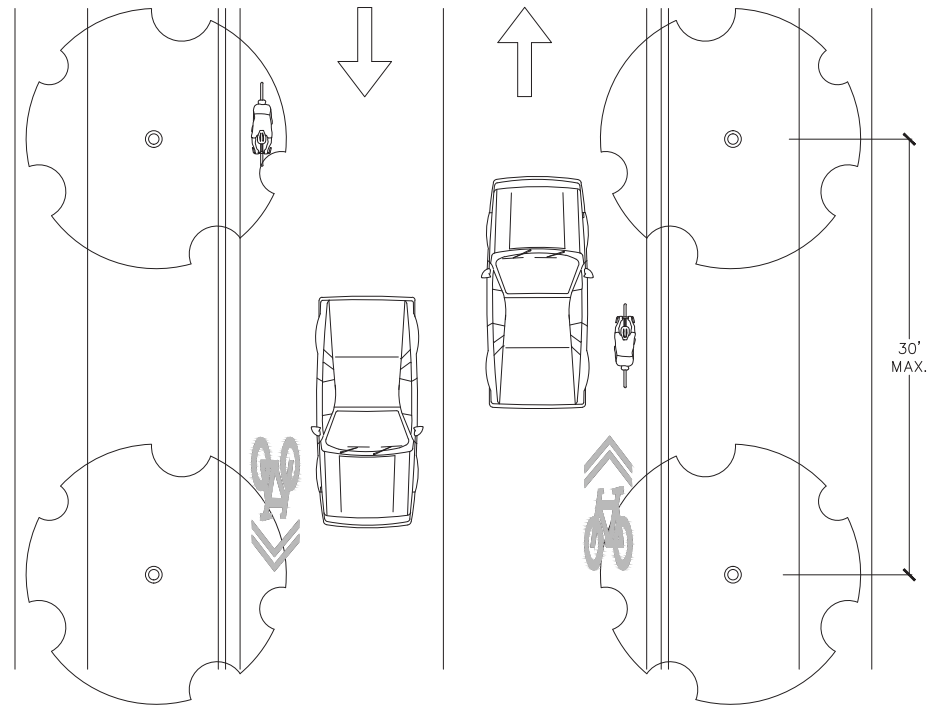
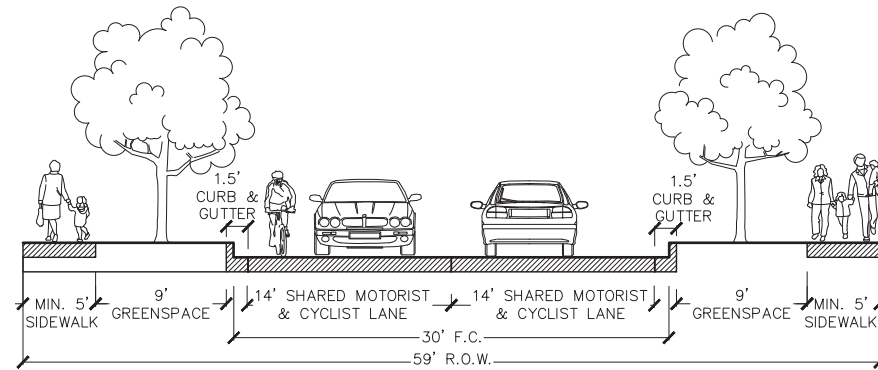
Bicycle Lanes: Shared with drive lane
None

Parking: 30' from face of curb

Right of Way: 59'

Sidewalks: Both sides of street,
min. 5' wide,
located in R.O.W. at
R.O.W. line

Greenspace: Both sides of street,
min. 9' wide



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4c COLLECTOR (WITH PARKING):

Design Service Volume: < 4,000 vpd,
< 6000 vpd

Desired Operating Speed: 25-30 mph

Travel Lanes: Two 11' motorist lanes

Turn Lane: None

Bicycle Lanes: Shared with motorist lanes

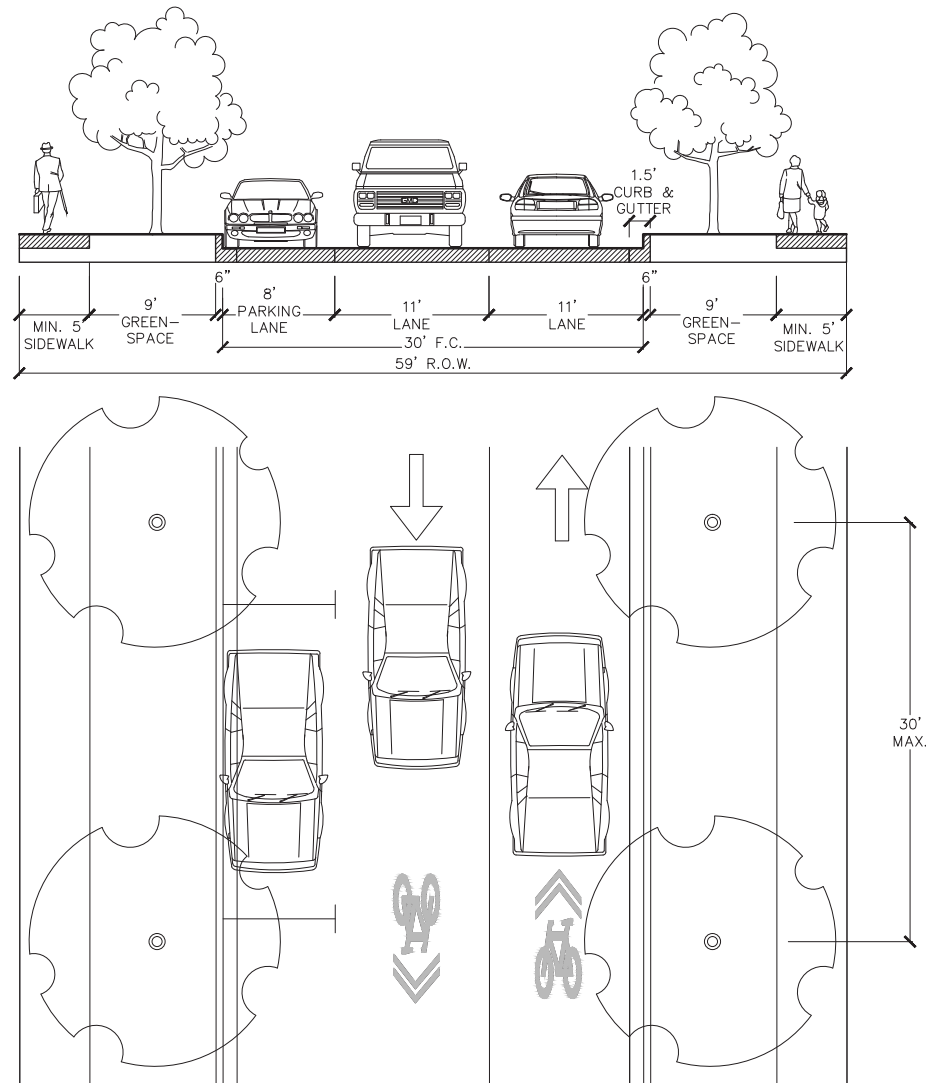
Parking: One 8' lane

Paved Width: 30' from face of curb

Right of Way: 59'

Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line.

Greenspace: Both sides of street, min. 9' wide



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4d COLLECTOR (WITH BICYCLE LANES):

Design Service Volume: < 4,000 vpd,
< 6000 vpd

Desired Operating Speed: 25-30 mph

Travel Lanes: Two 10' motorist lanes

Turn Lane: None

Bicycle Lanes: 5' wide, both sides of street against curb

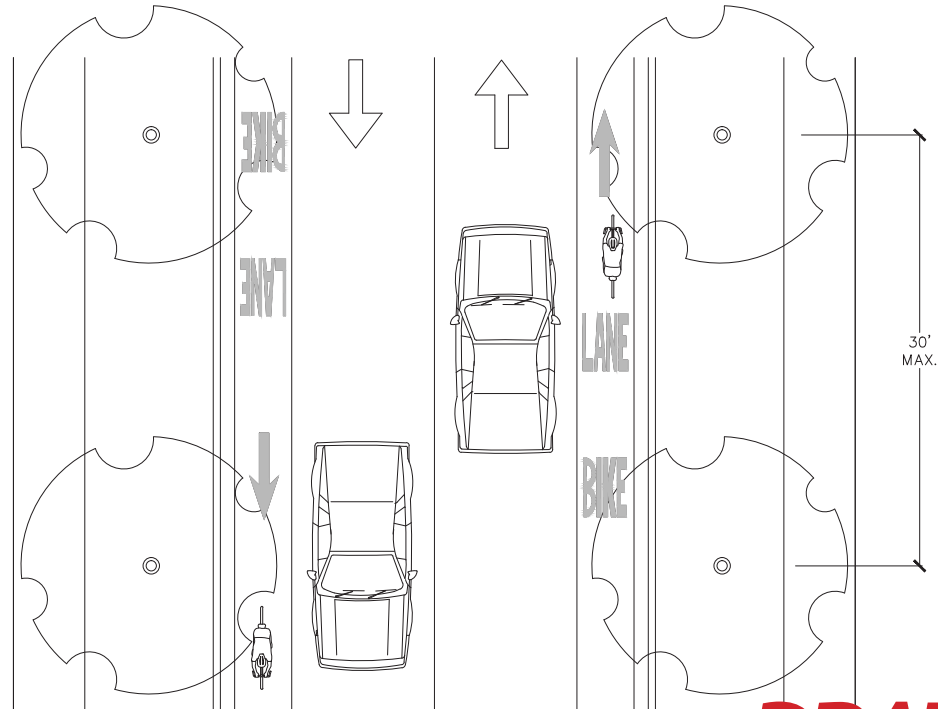
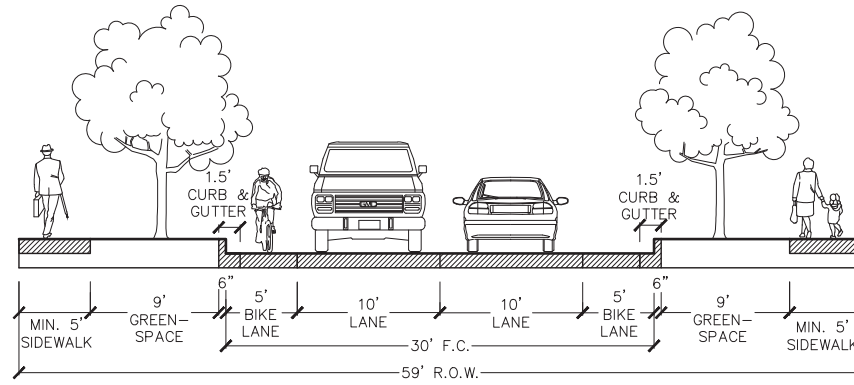
Parking: None

Paved Width: 30' from face of curb

Right of Way: 59'

Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line.

Greenspace: Both sides of street, min. 9' wide



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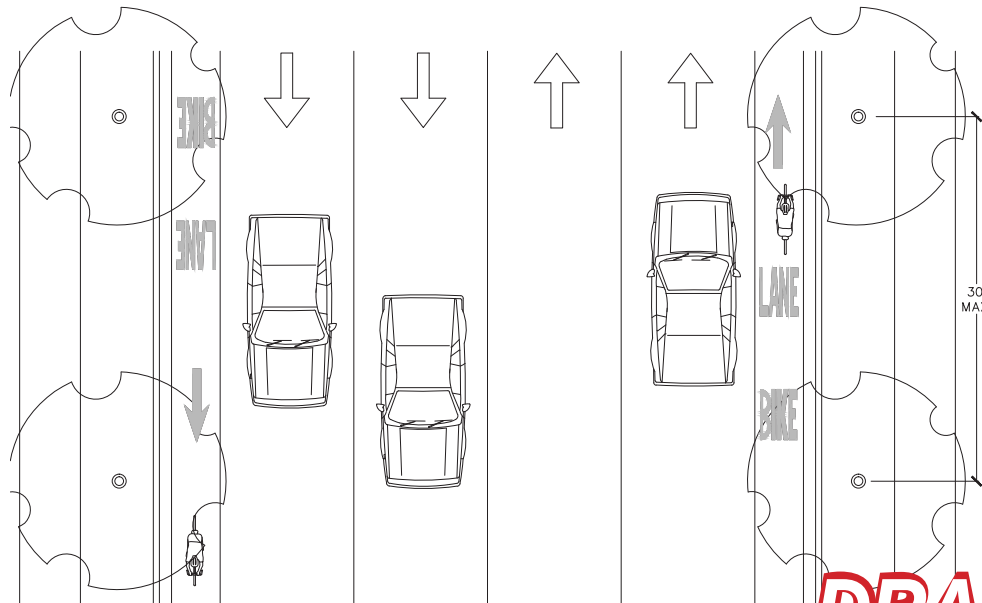
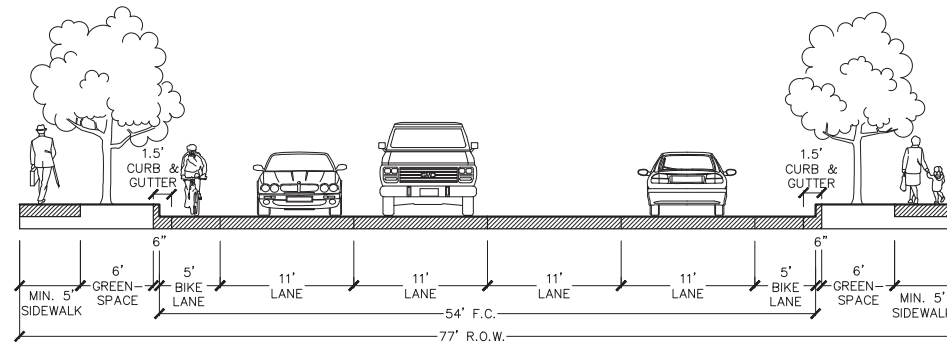
12.2.5

MINOR ARTERIAL STREETS

MINOR ARTERIAL STREETS provide mobility throughout the city, encouraging multiple modes of transportation within the arterial network. Access should be limited to controlled intersections where possible. They have a moderate level of access management.

5 MINOR ARTERIAL:

Design Service Volume: < 12,200 vpd
Desired Operating Speed: 30-40 mph
Travel Lanes: Four 11' lanes
Bicycle Lanes: 5' wide, both sides of street next to curb
Parking: None
Paved Width: 54' from face of curb
Right of Way: 77'
Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace: Both sides of street, min. 6' wide



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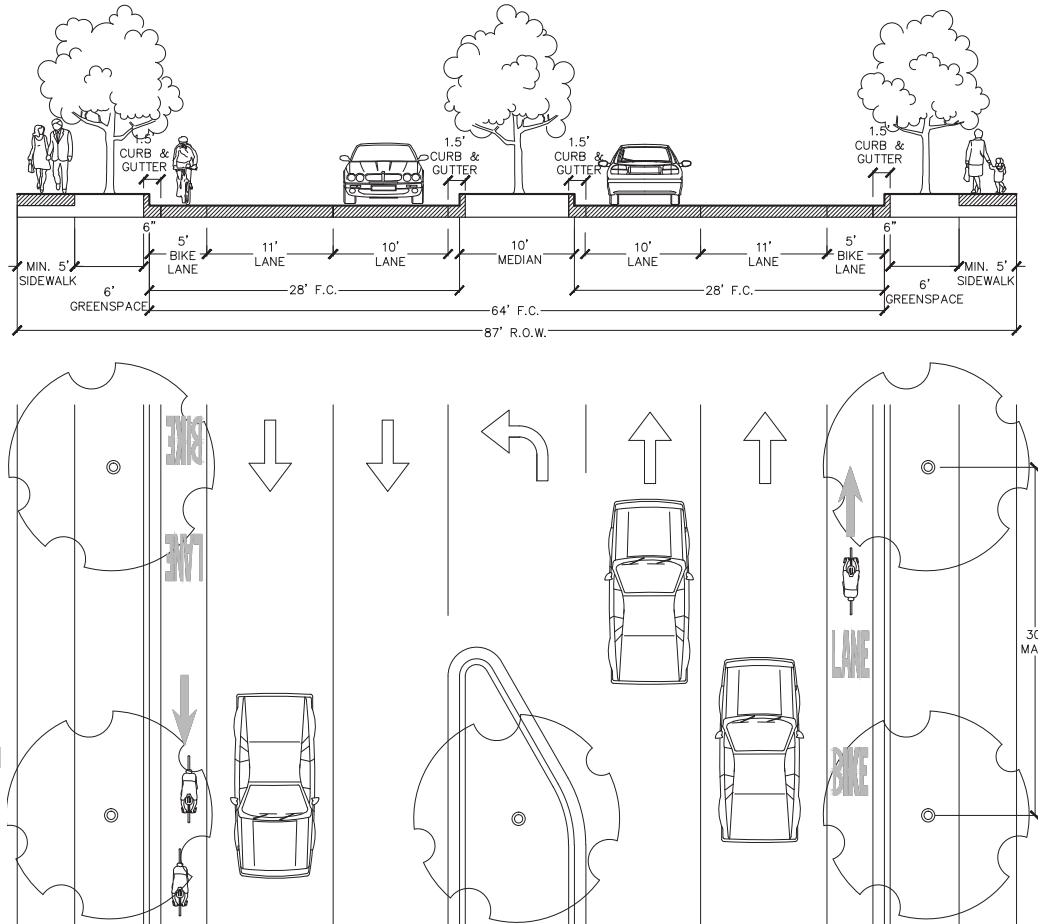
12.2.6

PRINCIPAL ARTERIAL STREETS

PRINCIPAL ARTERIAL STREETS carry high volumes of through traffic. They are designed as boulevards for beauty and safety. They have a high level of access management and access should be primarily by way of cross-streets rather than individual curb cuts.

6 PRINCIPAL ARTERIAL BOULEVARD (WITH BICYCLE LANES) :

Design Service Volume: < 17,600 vpd
Desired Operating Speed: 30-40 mph
Travel Lanes: Four 11' lanes
Bicycle Lanes: 5' wide, both sides of street next to curb
Median: 10', 12' turn lane at intersections
Parking: None
Paved Width: 28' from face of curb
64' entire width including median
Right of Way: 87'
Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace: Both sides of street, min. 6' wide



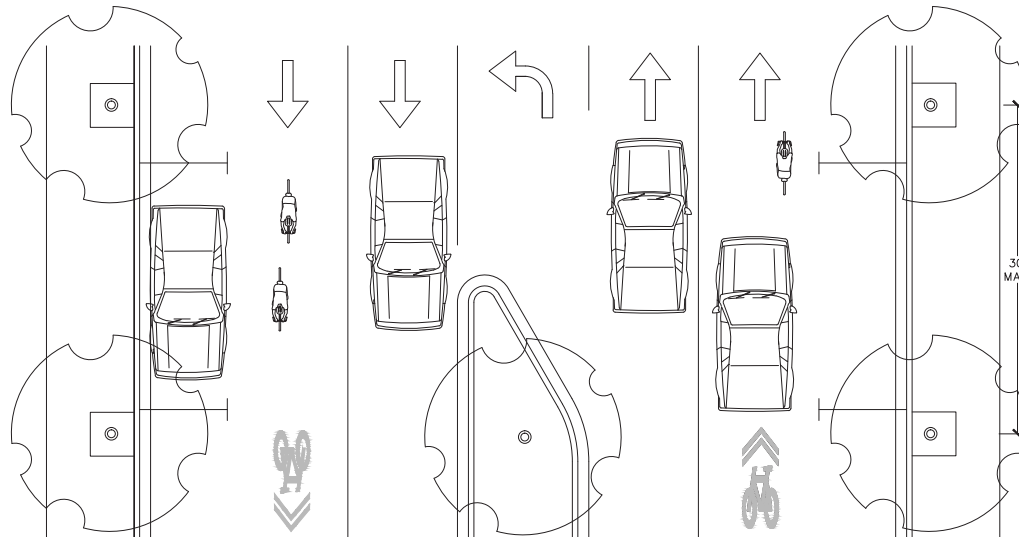
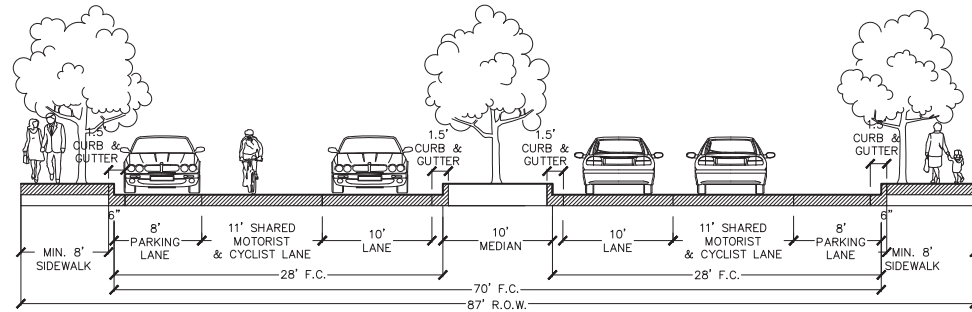
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PRINCIPAL ARTERIALS WITH ON-STREET PARKING are intended to be used in compact urban environments that are highly walkable and where building entries front the street. This street section is not intended to be used where traffic speeds exceed 30 MPH.

7 PRINCIPAL ARTERIAL BOULEVARD (WITH PARKING):

Design Service Volume: < 17,600 vpd
Desired Operating Speed: 25-30 mph
Travel Lanes: Four 11' lanes
Bicycle Lanes: Shared with outer auto travel lanes
Median/Turn Lane: 20' median, or 8' median with 12' turn lane
Parking: 8' lane, both sides of street
Paved Width: 28' from face of curb with median
40' from face of curb with turn lane
70' entire width including median
87'
Right of Way: Both sides of street, min. 8' wide with grated tree wells against curb
Sidewalks: None
Greenspace: None



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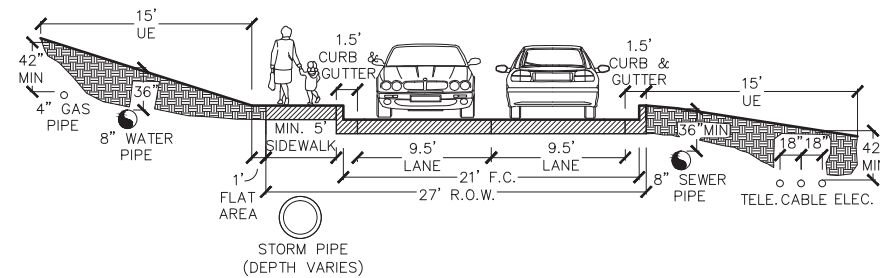
12.2.7

HILLTOP-HILLSIDE OVERLAY DISTRICT STREETS

H.H.O.D. (HILLTOP-HILLSIDE OVERLAY DISTRICT) STREETS are designed with a narrow right-of-way in order to minimize grading disturbance and tree removal, while still accommodating utility locations, vehicular and pedestrian movements. Hillside Residential streets carry limited traffic through neighborhoods, while Hillside Local streets collect traffic from the neighborhoods and disperse it to minor arterials. They have a low level of access management.

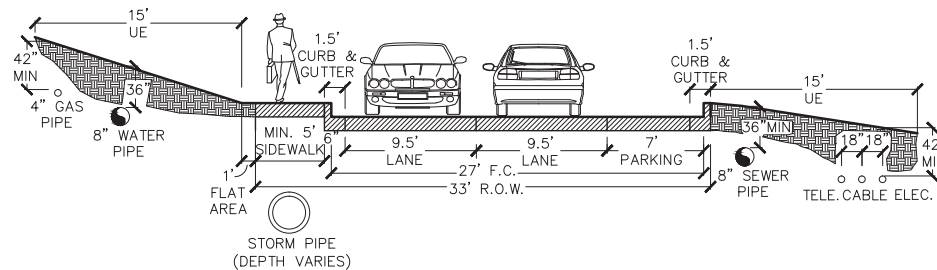
8a HILLSIDE RESIDENTIAL:

Design Service Volume: < 500 vpd
Desired Operating Speed: 15-20 mph
Travel Lanes: Two 9.5' lanes
Parking: Not Allowed
Paved Width: 21' from face of curb
Right of Way: 27'
Sidewalks: One, at least 5' wide, abutting curb
Greenspace: None
Utility Easements: Two, 15' at R.O.W.



8b HILLSIDE LOCAL:

Design Service Volume: < 4000 vpd
Desired Operating Speed: 20-25 mph
Travel Lanes: Two 9.5' lanes
Parking: One 7' lane
Paved Width: 27' from face of curb
Right of Way: 33'
Sidewalks: One, at least 5' wide, abutting curb
Greenspace: None
Utility Easements: Two, 15' at R.O.W.



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12.2.8 DOWNTOWN MASTER PLAN STREETS

DOWNTOWN MASTER PLAN STREETS are specific to the Downtown Master Plan area.

9a ST 37 9/9

Design Service Volume:

< 300 vpd

Traffic Lanes:

Two 9' lanes

Parking:

Not Allowed

Paved Width:

20' from face of curb

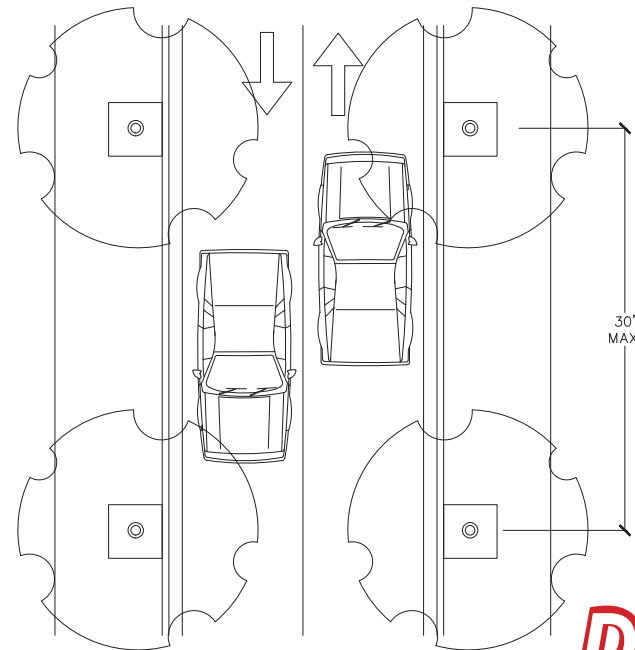
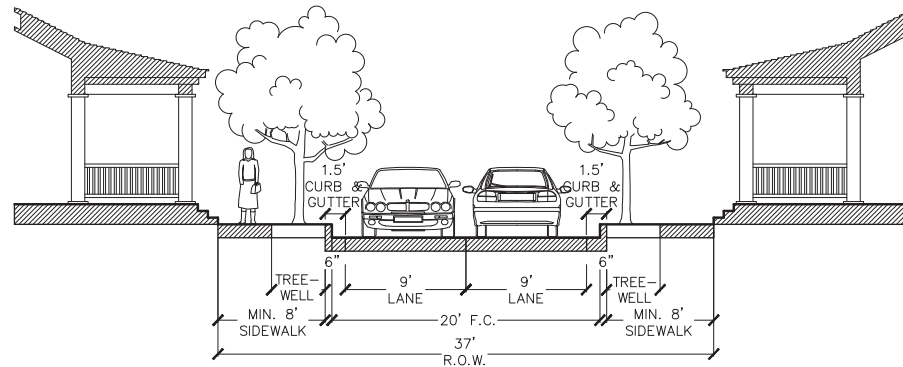
Right of Way:

37'

Sidewalks:

Both sides of street, min. 8' wide with grated tree wells against curb
Both sides of street, tree wells

Greenspace:



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9b ST 45 8/10/9

Design Service Volume:

< 300 vpd

Traffic Lanes:

One 10' lane,
one 9' lane

Parking:

One 8' lane

Paved Width:

28' from face of
curb

Right of Way:

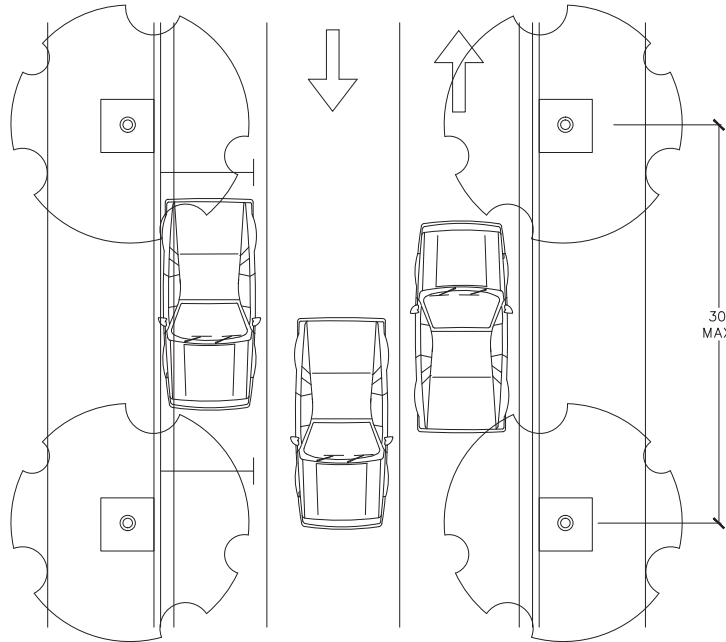
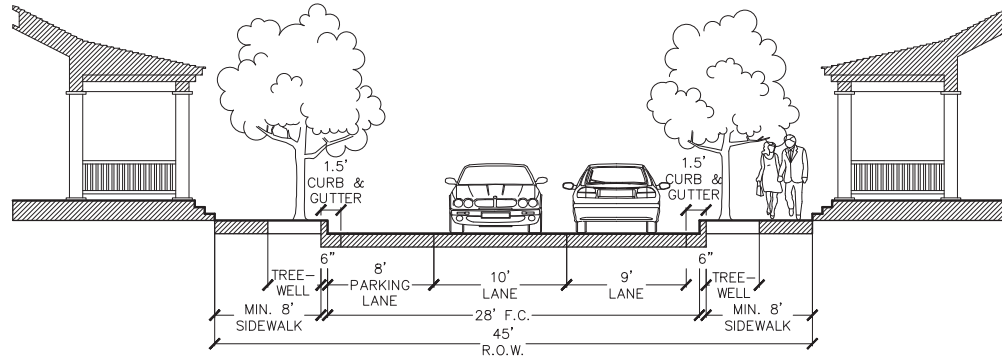
45'

Sidewalks:

Both sides of
street, min. 8'
wide with grated
tree wells against
curb

Greenspace:

Both sides of
street, tree wells

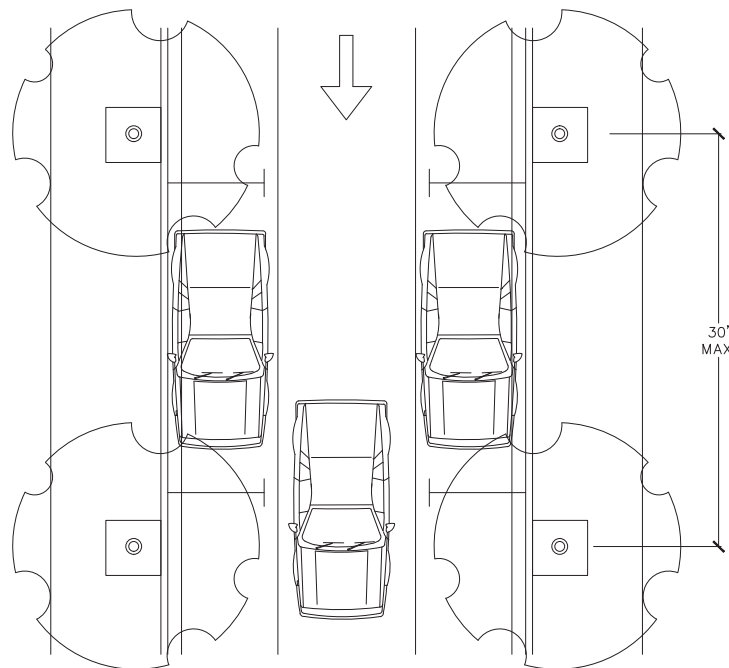
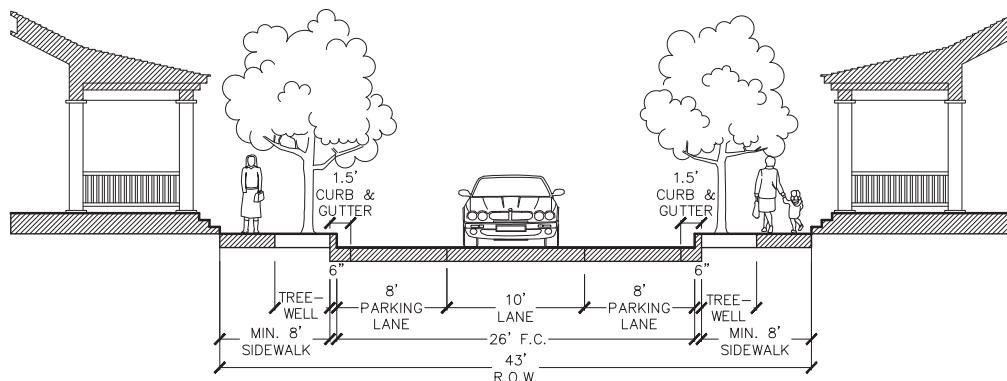


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9c ST 43 8/10/8 *

Design Service Volume: < 4,000 vpd
Traffic Lanes: One 10' lane
Parking: Two 8' lanes
Paved Width: 26' from face of curb
Right of Way: 43'
Sidewalks: Both sides of street, min. 8' wide with grated tree wells against curb
Greenspace: Both sides of street, tree wells



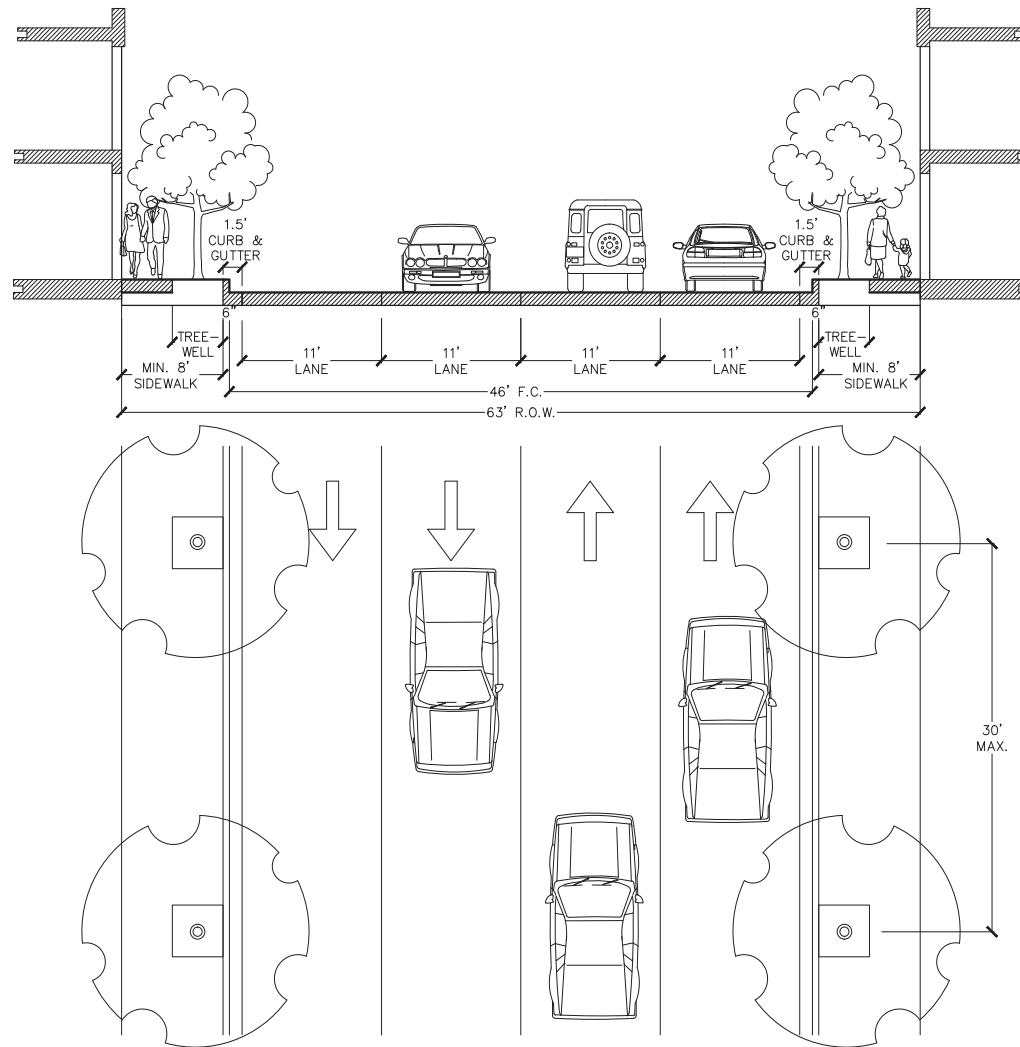
* This street cross section is permitted only for portions of Locust Avenue and Meadow street in the Downtown Master Plan Area.

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**CITY
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9d ST 63 11/11/11/11

Design Service Volume: <17,600 vpd
Traffic Lanes: Four 11' lanes
Bicycle Lanes: None
Parking: None
Paved Width: 46' from face of curb
Right of Way: 63'
Sidewalks: Both sides of street, min. 8' wide with grated tree wells against curb
Greenspace: Both sides of street, tree wells



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**CITY
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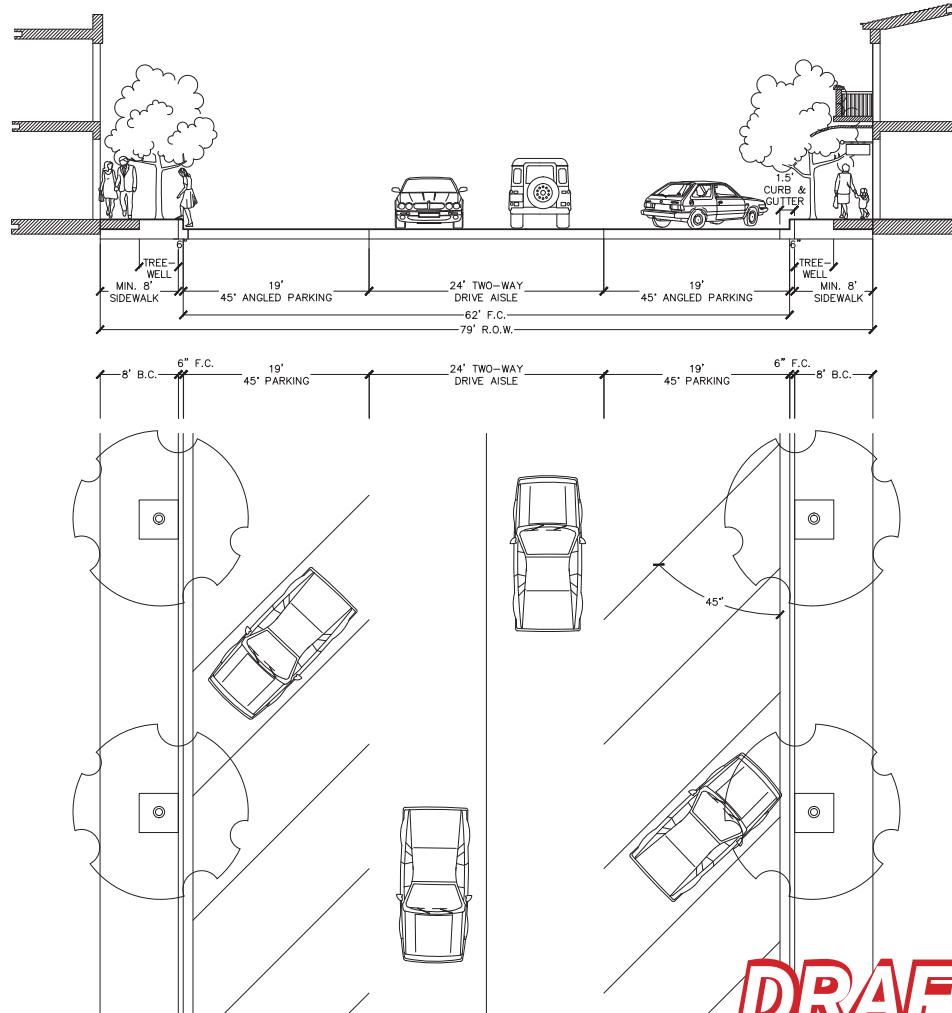
12.2.9

TWO-WAY SQUARE

The TWO-WAY SQUARE is designed to be utilized in town-square type scenarios, central to development, adjacent to mixed use with high volumes of pedestrian traffic. On street parking and high levels of pedestrian use keep vehicular speeds low.

10 TWO-WAY SQUARE

Design Service Volume: < 4,000 vpd
Traffic Lanes: Two 12' lanes
Bicycle Lanes: Shared with motorist lane
Parking: Two 19' lanes, angled 45°, with back in or pull in
Paved Width: 62' from face of curb
Right of Way: 79'
Sidewalks: Both sides of street, min. 12' wide with grated tree wells against curb
Greenspace: Both sides of street, tree wells



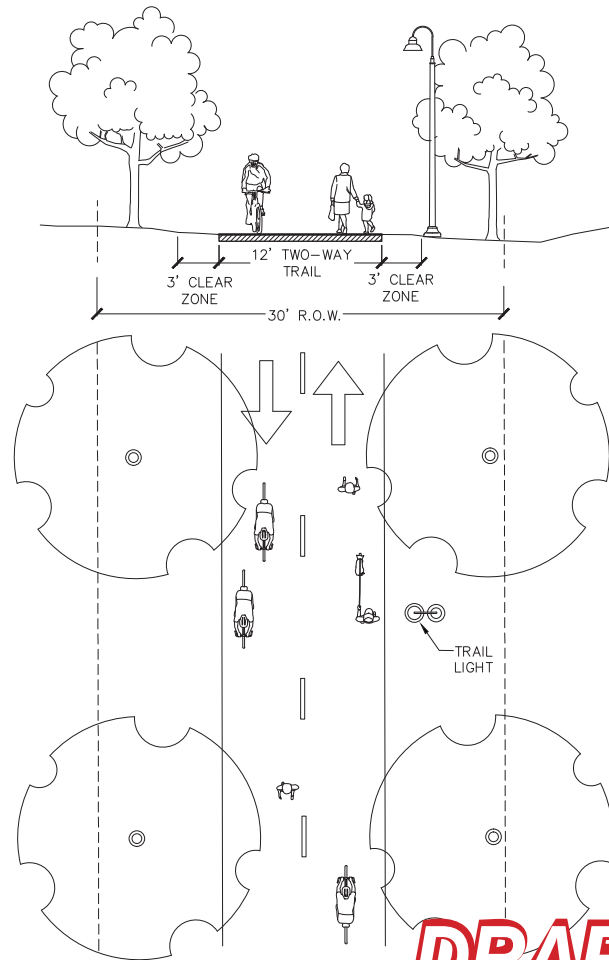
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PAVED TRANSPORTATION TRAILS provide safe, alternative means of transportation for a variety of non-motorized uses. The Fayetteville Alternative Transportation and Trails Master Plan identifies trail corridors that connect neighborhoods, businesses, schools and parks. The goal of the Master Plan is to create an interconnected system of trails throughout Fayetteville to provide a network of alternative transportation routes for people of all ages to safely travel around the City. All transportation trails are constructed 12 feet in width in order to accommodate the high volume and variety of users including walkers, joggers, strollers, bicycles, wheelchairs, and any other non-motorized use.

ASPHALT TRAIL is used in areas where the trail is located above of the flood prone areas and away from vehicle traffic. Trail pavement should match the adjacent pavement surface when connecting to existing trail.

CONCRETE TRAIL is used when the trail is located in a flood prone area along a creek. Concrete holds up much better than asphalt when subjected to flood waters. Concrete is also used at road crossings including the ramps and other areas where increased durability is necessary. Trail pavement should match the adjacent pavement surface when connecting to existing trail.

Desired Operating Speed:	15 mph
Travel Lanes:	Two 6' lanes
Paved Width:	12'
Right of Way:	30' minimum
Greenspace:	Both sides of trail





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Master Transportation Plan Guiding Policies

Circulation: *Guiding Policies*

In order to guide the formulation of a Master Transportation Plan and direct the Planning Commission regarding land use decisions which affect transportation issues, the following policies are suggested:

- 12.2.10.a Promote the coordinated and efficient use of all available and future transportation modes. (Goal 4)
- 12.2.10.b Meet the diverse transportation needs of the people of the City, including rural and urban populations and the unique mobility needs of the elderly and disability communities.
- 12.2.10.c Ensure the repair and necessary improvements of roads and bridges throughout the City to provide a safe, efficient and adequate transportation network.
- 12.2.10.d Minimize the harmful effects of transportation on public health and on air and water quality, land and other natural resources.
- 12.2.10.e Promote reliance on energy-efficient forms of transportation.
- 12.2.10.f Incorporate a public participation process in which the public has timely notice and opportunity to identify and comment on transportation concerns.
- 12.2.10.g Monitor and improve transportation facilities to conveniently serve the intra-city and regional travel needs of Fayetteville residents, business and visitors.
- 12.2.10.h Monitor the incidence of traffic accidents and implement physical and operational measures to improve public safety.
- 12.2.10.i Support mass transit which offers convenient and reliable alternatives to the automobile. (Goal 4e)
- 12.2.10.j Establish facilities which accommodate safe and convenient travel for pedestrians and bicyclists. (Goal 4e)
- 12.2.10.k Promote mixed-use and traditional neighborhood development to reduce roadway demand and change travel patterns. (Goal 3b, Goal 4)
- 12.2.10.l Encourage consideration of the impacts on the transportation network in land use decisions made by the Planning Commission.
- 12.2.10.m Periodically update the Master Street Plan in order to evaluate the context sensitivity and the appropriateness of right-of-way dedication requirements.
- 12.2.10.n Encourage the construction of sheltered bus stops and bicycle parking facilities at transit stops, shopping centers and employment centers.
- 12.2.10.o Support multi-modal transportation options such as trails, sidewalks, bike lanes and mass transit. (Goal 4)
- 12.2.10.p Promote the continued expansion of the City's trail network through proactive planning and the acquisition of trail easements. (Goal 4)
- 12.2.10.q Promote increased bicycle usage by providing integrated bicycle facilities on new and redesigned roadways, where appropriate. (Goal 4)

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12.3 ANNEXATION

12.3.1 Purpose

Annexation is the inclusion of previously unincorporated lands within the City limits. Annexation has benefits to the residents of the annexed area as well as to the City. The residents gain access to urban services, such as enhanced police and fire protection, and have a voice in city government. The City gains the ability to control development and extend boundaries in a logical manner.

The purpose of this planning element is to take a more active approach toward annexations by identifying potential annexation areas and establishing annexation policies. The annexation policies will guide evaluation of future annexation proposals. The policies are designed to ensure that public services, infrastructure, and utility extension is properly addressed in order to manage growth. The potential annexation areas can become part of the City when annexation policies are met.

12.3.2 History and Trends

The original town was incorporated in 1870 with approximately 1200 acres. Since incorporation, the City has made 189 annexations, totaling 34,654.67 acres. Annexation activity was relatively slow until the 1940s, when over 2,500 acres were annexed with 10 annexations. During the 1950s, almost the same number of annexations took place, however, the total land area annexed was significantly smaller than in the 1940s. By the 1960s, annexation activity increased dramatically, with 42 annexations bringing over 18,000 acres into the City limits. Annexation numbers dropped in 1970 and stayed steady until the 1990s, when the number of annexations tripled from the 1980s. In 2000, the City contained 45 square miles, and in 2005, the City contained 50 square miles.

TABLE 12.3.1 ANNEXATION HISTORY Fayetteville (1870 - 2006)		
Time Period	Number of Annexations	Total Acres
1870	Original Town	1,202.48
1910	1	160.57
1932	1	83.60
1940 - 1949	10	2,572.05
1952 - 1958	9	1,194.66
1960 - 1969	42	18,250.55
1970 - 1978	12	1,347.14
1980 - 1988	9	1,591.87
1990 - 1999	27	2,106.70
2000 - 2005	61	3,559
2006 - 2010	18	3,719.09
Total	182	35,857.15
Source: City of Fayetteville, GIS, Dec. 2010		

TABLE 12.3.2 SEVEN LARGEST ANNEXATIONS Fayetteville (1870-2006)		
Ordinance Number	Acres	Year
889	1,765	1946
1258	1,489.24	1961
1274	2,138.61	1961
1479	1,267.69	1966
1556	11,376.66	1967
2857	1,286.45	1982
4888	2,017	2006
Source: City of Fayetteville, GIS, Dec. 2010		

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Approximately 60 percent of the total annexations can be attributed to seven single annexations. Each of these annexations included more than 1,000 acres. Four of those six annexation occurred during the 1960s. The most significant annexation was in 1967 that added over 11,000 acres to the City limits. Until 1960, the number of persons per acre remained relatively high, but decreased between 1940 and 1960. The significant drop in persons per acre from 3.9 in 1960 to 1.3 in 1970 is reflective of the significant land area annexed during this time. The trend of decreasing persons per acre reversed in 1980 and increased over the next two and half decades. By 2000, the persons per acre was 2.2, however, this trend has again reversed, due to several large annexations, resulting in approximately 33% increase in land area since 2000.

12.3.3 State Statutes on Annexation

Arkansas Statutes

Title 14, Chapter 40 of the state statute discusses annexation. Annexations can be initiated by a municipality or by property owners.

A municipality can annex contiguous lands, lands surrounded by the municipality, unincorporated area that is completely bounded by two or more municipalities if the municipality has the greater distance of city limits adjoining the area, and land contiguous and in adjacent counties. To annex any contiguous lands, the governing body must adopt an ordinance, passed by two-thirds of the governing body and hold an election of the people. Those lands must meet one of the following criteria:

- Platted and held for sale or use as municipal lots;
- Whether platted or not, if the lands are held to be sold as suburban property;
- When the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary;
- When the lands are needed for any proper municipal purposes such as for the extension of needed police regulation; or
- When they are valuable by reason of their adaptability for prospective municipal uses.

Contiguous lands must not be annexed if they meet either of the following criteria:

- Have a fair market value at the time of adoption of the ordinance of lands used only for agricultural or

TABLE 12.3.3
POPULATION VS. LAND AREA
Fayetteville (1940-2000)

Year	Population		Land Area		Persons Per Acre
	Persons	Percent Change	Acres	Percent Change	
1940	8,212	--	1,446.65	--	5.6
1950	17,017	107.2%	4,018.70	177.79%	4.2
1960	20,274	19.1%	5,213.36	29.73%	3.9
1970	30,729	61.7%	23,463.91	350.1%	1.3
1980	36,608	19.1%	24,811.05	5.74%	1.5
1990	42,247	15.0%	26,402.92	6.42%	1.6
2000	58,047	37.9%	26,756.46	7.98%	2.2
2006	67,020	15.5%	32,103.47	20.0%	2.1
2010	73,580	10.0%	35,454.00	10.0%	2.1

Source: City of Fayetteville, GIS, June 2006

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- horticultural purposes and the highest and best use of the land is for agricultural or horticultural purposes; or
- Are lands upon which a new community is to be constructed with funds guaranteed in whole or in part by the federal government under Title IV of the Housing and Urban Development Act of 1968 or under Title VII of the Housing and Urban Development Act of 1970.

To annex land surrounded by a municipality, the governing body can propose an ordinance to annex the property. Again, the lands must meet the criteria listed above. A public hearing must be held within 60 days of the proposed ordinance. A majority of the governing body must approve the annexation for it to become effective.

Property owners in areas contiguous and adjacent to a municipality may request annexation. They can apply with a petition of the majority of land owners in the area, if the majority of the total number of owners own more than one-half of the acreage affected.

12.3.4 Potential Annexation Areas

The potential annexation areas should be identified by the City using the following criteria.

- Areas that are already urban in character.
- Areas that can be developed at urban densities.
- Immediate areas are those that are peninsulas or islands, where municipal services have already been extended.
- Vacant lands that are subject to development pressure.
- Areas where urban services are already provided.
- Areas where urban services are needed.

12.3.5 Annexation Guiding Policies

Boundaries

- 12.3.5.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
- 12.3.5.b Proposed annexation area must be adjacent, or contiguous, to city limits.
- 12.3.5.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
- 12.3.5.d Boundaries for annexed areas should follow natural corridors.
- 12.3.5.e The provision of services should be concurrent with development.

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Environmentally Sensitive Areas

- 12.3.5. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Emergency and Public Services

- 12.3.5.g Public services must be able to be provided efficiently in newly annexed areas.
- 12.3.5.h Annexed areas should receive the same level of service of areas already in the city limits.
- 12.3.5.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Infrastructure and Utilities

- 12.3.5.j Areas currently served by utilities and other public services should be annexed.
- 12.3.5.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
- 12.3.5.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Intergovernmental Relations

- 12.3.5.m Promote long-range planning with adjacent jurisdictions.
- 12.3.5.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Administration of Annexations

- 12.3.5.o Develop a land use plan for annexation initiated by the City.
- 12.3.5.p Designate zoning districts for the property during the annexation process.
- 12.3.5.q An annexation study should be completed on all annexation proposals.
- 12.3.5.r Development proposals require a separate review from the annexation proposals.
- 12.3.5.s Residents should be fully informed of annexation activities.
- 12.3.5.t Encourage larger annexations to create acceptable boundaries.
- 12.3.5.u Conduct a fiscal impact assessments on large annexations.

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Combined Results: 133 Respondents

1) In what part of Fayetteville do you live?

Area	Approximate Boundaries	Count	Percent %
1	West of I-540	16	12%
2	North of North Street between I-540 and Gregg and College Avenues	9	7%
3	North of North Street between Mission Blvd. and Gregg	14	11%
4	North of MLK Blvd. and south of North Street between I-540 and Razorback Road	15	11%
5	North of 15 th Street and south of North Street between Razorback Road and Mission Blvd.	38	29%
6	North of MLK Blvd. and east of Mission Blvd.	31	24%
7	South of MLK Blvd. and 15 th Street and east of I-540	0	0%
8	Outside Fayetteville City limits	8	6%

2) On a scale of 1 to 6 where 1 is most important and 6 is least important, please rate the importance of each of the following factors when you moved to your current residence.

Item	Total Score	Rank
Neighborhood	311	1
Housing Type (e.g. condo, single-family home, apartment, etc.)	351	2
Housing Cost	356	3
Distance to Amenities (grocery store, shopping, etc.)	423	4
Distance to Work	441	5
School District	576	6

APPENDIX A

Online Survey Results

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3) On a scale of 1 to 6 where 1 is most important and 6 is least important, please rate the importance of each of the following factors in determining where you will live when you move next.

Item	Total Score	Rank
Neighborhood	298	1
Housing Cost	318	2
Housing Type (e.g. condo, single-family home, apartment, etc.)	347	3
Distance to Amenities (grocery store, shopping, etc.)	366	4
Distance to Work	412	5
School District	552	6

4) Do you utilize an alternative means of transportation (e.g. trail, sidewalk, bus) to access daily needs (e.g. grocery, haircut, entertainment)?

Value	Count	Percent
Yes	53	40.5%
No	78	59.5%

Question:

You are a developer who has just purchased five acres of undeveloped property in an existing neighborhood where you also happen to live (You live at House #1 on the map).

Tips and Guidelines:

- 1) Try not to focus on the architecture too much. Most neighborhoods display a variety of architectural styles, which continue to evolve over time.
- 2) Street “A” is a two-lane residential street with only local traffic. Street “B” is only two lanes, but is highly traveled. (Think Mission, Old Wire, Salem or Huntsville)
- 3) The new development must contain **at least one nonresidential use and at least two different housing types.**



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APPENDIX A

Online Survey Results



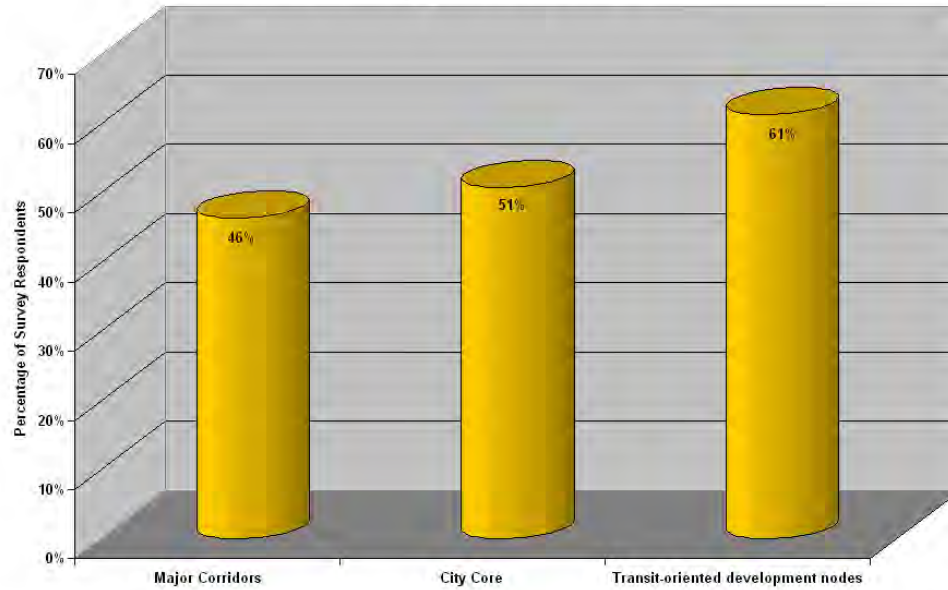
APPENDIX A

Online Survey Results

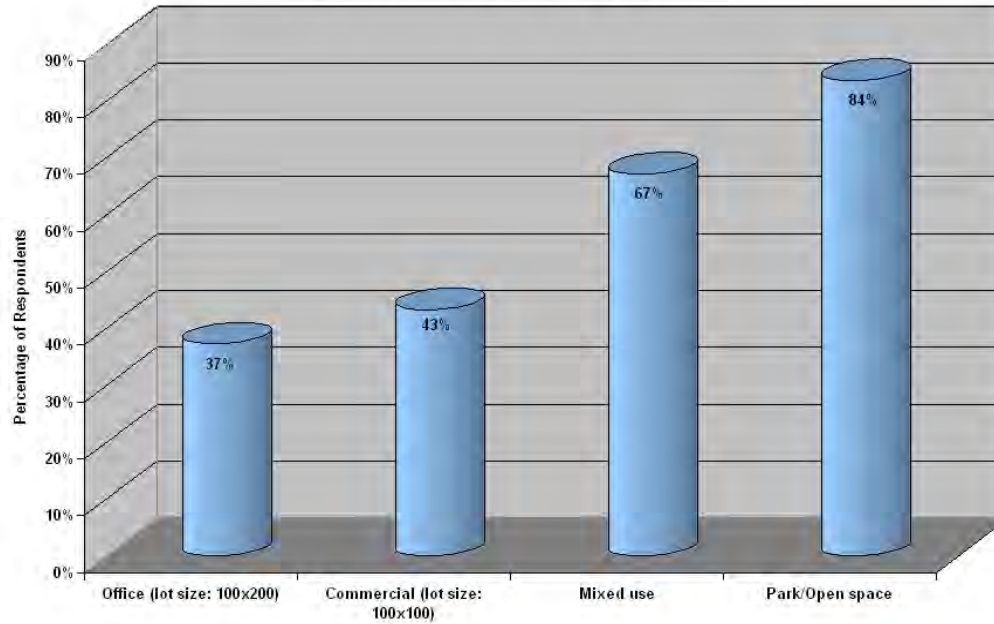
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Where Should the City Incentivize Infill and Revitalization?



What nonresidential uses would you include?



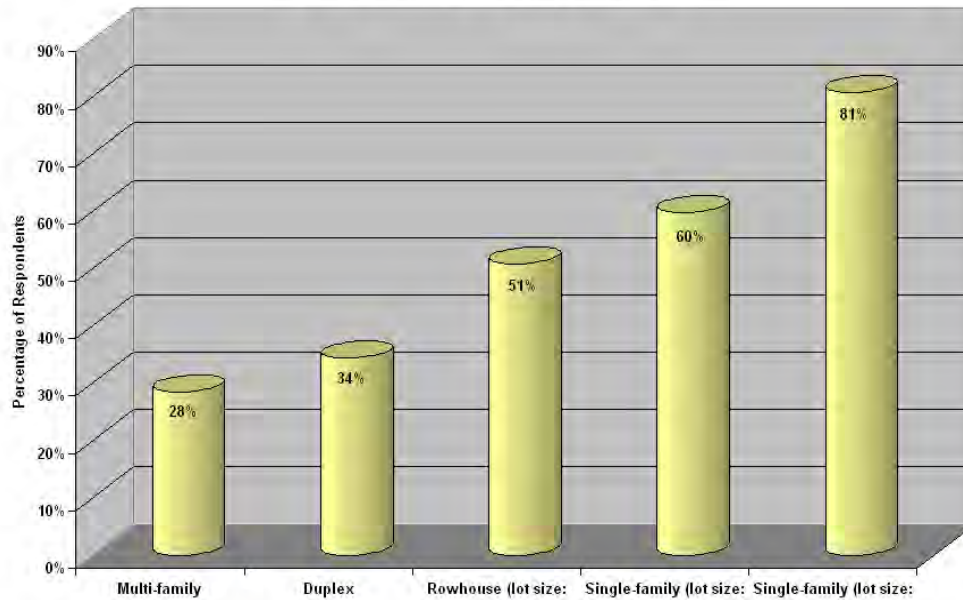
APPENDIX A

Online Survey Results

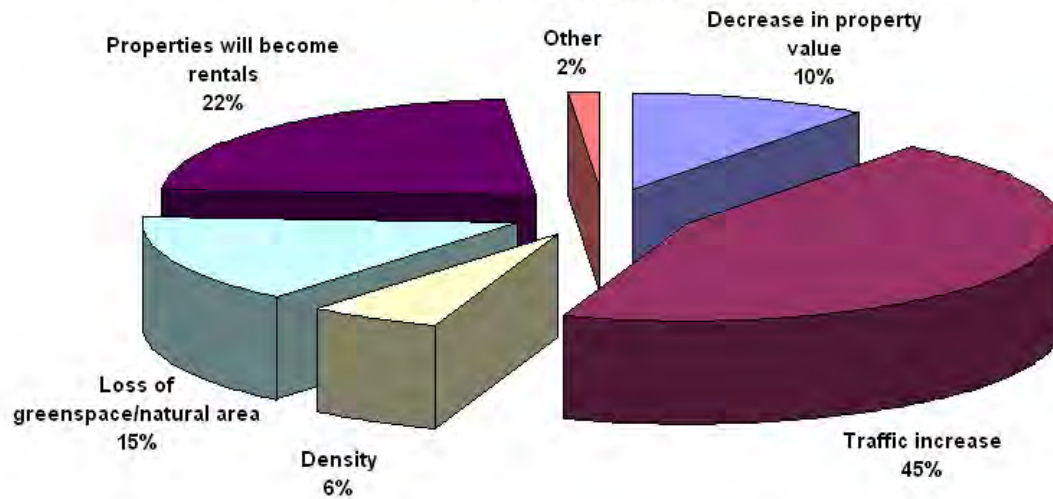
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What residential types would you include?



What is the number one concern you think your neighborhood will have with this development?



APPENDIX B

Historic Structures



University of Arkansas, Fayetteville Campus -Old Main. The University Hall building was built from 1872-74 and modeled after the main building of the University of Illinois. The building itself is a demonstration of architectural ingenuity and perseverance. At the time of construction, there was no railroad within 150 miles of Fayetteville; thus, bricks were made on the campus. Iron and glass were transported via the Arkansas River and hauled over mountains by teams of ox. Lumber and additional building stone came from within the surrounding area. After an extensive renovation, Old Main was rededicated in September 1991. Old Main was listed in the National Register in 1970.

Graduates of the University have their names imprinted in concrete along “**Senior Walk**” beginning from the door of Old Main and extending across the campus. This tradition began in 1876 and continues today.



Chi Omega Sorority was founded on the campus in 1895. In 1930, the National Chi Omega Foundation erected the Chi Omega Theater as a memorial to the sorority’s founding. A bronze plaque on the foundation of the theater’s south pylon pays tribute to the University.

Carnall Hall is located at the northeast corner of campus at Arkansas Avenue and Maple Street. Constructed in 1895 by Charles L. Thompson, as the first women’s dorm, the building was named after Professor Ella Carnall. The structure is built of brick with a native stone foundation. Thompson is the architect who built the Washington County Courthouse.



Headquarters House - 118 E. Dickson. Over 100 years ago, Jonas M. Tebbetts, a Fayetteville lawyer built what is often referred to as the “most beautiful antebellum house in Arkansas.” The house served as the headquarters of the union commander during the Battle of Fayetteville on April 18, 1863. Across the street (corner of College Avenue and Dickson Street) is a bronze marker giving the date of the battle and names of the opposing commanders, Confederate W.L. Cabell and Union Colonel M. Larue Harrison. The site presently houses the Washington County Historical Society. The Headquarters House has been on the National Register since 1971.



Ridge House - Northeast corner of Center and Locust. Constructed in 1854, the Ridge House is Fayetteville’s oldest home site on record. The original log structure was built by John Ridge, a Cherokee leader instrumental in bringing the Cherokee to the southwest. Original logs are encased in the two-story clapboard structure. The Ridge House is presently maintained by the Washington County Historical Society and has been listed on National Register since 1972.

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APPENDIX B

Historic Structures



Walker-Stone House - West Mountain and 207 West Center Street. The Walker-Stone house is two separate brick structures constructed by Judge David Walker, Supreme Court Judge and Chairman of Arkansas Secession Convention. The first home was built on East Mountain and provides a commanding view of Fayetteville. The second home (Center Street) once housed the internationally acclaimed architect, Edward Durrell Stone. The later building has been restored for professional use by the law firm of Kincaid, Horne & Trumbo. The Walker-Stone House obtained National Register status in 1970.



Gregg House - Southwest corner of Lafayette and Gregg. This house was constructed in 1871 by Arkansas Supreme Court Justice Lafayette Gregg and still functions as a private residence. Justice Lafayette Gregg was responsible for preparation of the legislative bill that located the University of Arkansas in Fayetteville and supervision of Old Main's construction. In 1974 the Gregg house was approved for National Register status.

Walker Kneer Williams House - Kneer Road. Located on the south slope of Mt. Sequoyah. Listed on the National Register as of 1975. The structure is a T-shaped brick Georgian structure with Victorian trim constructed between 1870-1880 of brick, stone, and wood. Other than the enclosing of the south gallery and the addition of a back stair, the structure is original and in excellent condition. Built by W. Z. Marges, the red brick was locally produced from the same clay deposits as the Gregg home.

Washington County Courthouse - Located on North College Avenue (State Highway 471) at the east end of Center Street, this building has been the subject of numerous restoration efforts. It has recently been identified as a historic landmark. (Exact date of construction unknown). The County courthouse has been on the National Register since 1972.



Washington County Jail - Located on North College (U.S. 71) at the east end of Mountain Street (Exact date of construction unknown). The County jail has been on the National Register since 1978.

Old Post Office - The Old Post Office is located in the center of Fayetteville Square. This building is listed on the National Register and has been restored to serve as restaurant and private club. Nomination of the old Post Office for listing on the Register was approved in 1974.

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APPENDIX B

Historic Structures

Frisco Depot - 550 W. Dickson. Erected in 1887 after the first station burned. The original building was remodeled and enlarged in 1925. The depot was transformed with a Spanish influence. It is the only vintage depot standing on the former Frisco line between Missouri and Van Buren. The last regular passenger train passed through Fayetteville on September 18, 1965.



Wade Heverwagen House - 338 Washington Avenue. Built in 1873 with an addition in the 1880's wooden 2-story Y-plan house in an early Virginia style. Still occupied and in good shape.

Hemingway House and Barn - Two story wood frame house covered in clapboards and shingles, rests on short stone piers. Built in 1907 for attorney Wilson Elwin Hemingway. Charles L. Thompson designed the house and barn. It is now the residence of the original owners' granddaughter. It was designed as a summer dwelling of Dutch Colonial influence which is in contrast to Thompson's usual strong classical influence within the Colonial Revival styles.

Wilson, Pittman, Campbell-Gregory House - 405 East Dickson. The original two-story brick structure was built in 1866 with an addition in 1913. Built by J. H. Wilson but purchased before completion by James Pittman, a Confederate Colonel during the Civil War. The exterior has had a few cosmetic alterations but the interior of the house is remarkably unaltered.

Magnolia Filling Station - 429 W. LaFayette. Built by Earl Byrd in 1925 it is the only known surviving structure of the Magnolia Company. It is an outstanding example of the drive-in type structure.

Troy Gordon House - 9 East Township Road. Constructed in 1851 in the Greek Revival style. The structure has been recycled and is now used for office space. This is one of the few antebellum houses remaining in the state.



Jackson House - Built in 1872. Bricks made on property.

Routh-Bailey House - Old Wire Road. Constructed in 1848 entirely by slaves. The 20 slaves were owned by Benjamin Routh. They dug and burned clay and limestone on the farm to make bricks and mortar to build the brick structure.

Guisinger Building - Built in 1886 by William Crenshaw, an early Fayetteville hardware merchant. The brick building is typical of late 19th century commercial style buildings. The building was refurbished retaining all the architectural flavor of the interior including the pressed tin ceilings. It currently houses a law firm.

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APPENDIX B

Historic Structures

Villa Rosa - 617 W. LaFayette. The Villa Rosa is a two-story frame residence with a beige brick facing built in the Italian Renaissance style in 1932. Named for Rosa Marinoni, a former Arkansas poet laureate and an important figure in the state's cultural history. Rosa designed the home herself, after her father's summer home, Villa Rosa, in Bologna.

Johnson Barn - Cato Springs Road north of Round Top Mountain. A 1933 two-story, balloon frame, gambrel roof agricultural building. It is supported by a fieldstone foundation, sheathed in wood weatherboard siding, and constructed with solid walnut columns on the first floor and long, unsplined truss members that frame the gambrel roof. Designed with a side drive plan by Ben F. Johnson, III, a Harvard University landscape architect graduate, after an extensive study of Northwest Arkansas barn types. He took the best design features and incorporated them into an ideal barn structure.

National Cemetery - The National Cemetery is the burial site of over 1,600 U.S. soldiers who fought in both World War I, World War II and Korea, Vietnam and the Persian Gulf. The cemetery is maintained by the U.S. Government and is located at the south end of Government Avenue.



Arkansas College - On College Avenue where the First Christian Church now stands was the site of the Arkansas College, the first chartered college to grant Bachelor degrees (1860-1862). In 1928 when Fayetteville celebrated its centennial birthday, this site became an historical marker and is recognized by the placement of a bronze plaque on the front of the church. The plaque commemorates the old Arkansas College which was destroyed by fire during the Civil War.

Fayetteville Female Seminary - The Female Seminary, built in 1839 was located on Mountain Street, one block west of Fayetteville Square. It was begun as a school for Indian girls from the Cherokee Nation and became widely renowned as being the best school for girls in the southwest. The seminary was destroyed by fire during the Civil War and is commemorated now by a bronze plaque on a stone pillar on West Mountain Street.



Confederate Cemetery - Located at the east end of Rock Street, this cemetery is the burial grounds for Confederate Soldiers from Texas, Missouri, Louisiana and Arkansas.

Eason Building - The Bank of Fayetteville and the First National Bank merged in 1915 and were originally housed in the Eason Building.



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Historic Structures



St. Paul's Episcopal Church - The cornerstone for the St. Paul Episcopal Church was laid in this location in 1872. This church was built by W.Z. Mayes who also built Old Main.

Rieff House / Moores Funeral Home - Built in 1857 it is very similar in design to the Walker/Stone House which also uses Federalist Style Architecture.



A.F. Wolf Building - Originally built in 1906 by A.F. Wolf the building now houses Fayetteville City Hall and Administration offices.

Ozark Theatre Building - Built in 1905 by the Knights of Pythias it became known as the Ozark Theatre.



Bank of Fayetteville - This building has been in the Lewis family since 1912 and for many years it housed the Lewis Brothers hardware store. Its exterior was used in the filming of the television series Evening Shade.



Mrs. Young Building - Possibly the oldest building on the Square, the façade of the "Mrs. Young 1887" building is typical of the late Victorian era and has undergone little alteration.



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This section provides a general overview of the City services and facilities provided to residents of Fayetteville, the surrounding communities of Elkins, West Fork, Farmington, Greenland, Johnson, and other areas. These departments and organizations affect and are affected by planning department actions.

Fire Department

Inventory and Condition of Existing Resources

The fire department apparatus consists of engines companies, ladder/rescue companies, aircraft rescue & firefighting unit, Hazardous Materials response unit, command vehicles, fire stations, computers and communications equipment. Engines companies are the basic unit of a fire department that carry personnel, protective equipment, hose, nozzles and fire fighting appliances. A ladder/rescue unit carries personnel, protective equipment, hose, nozzles, fire fighting appliances, various lengths of ground ladders, specialized extrication equipment for rescuing victims from entrapment and an aerial ladder mounted on the chassis. Hazardous materials spills and responses are handled with the Haz-Mat unit. The Aircraft rescue & fire fighting unit is designed for rescue and to extinguish aircraft fires. The Haz-Mat unit and the Aircraft rescue and fire fighting unit are cross-staffed and available on an as need basis. The command vehicles are driven by administrative officers who supplement the command and control activities on the emergency scene.

TABLE 6.1 FIRE DEPARTMENT RESOURCES Fayetteville (2005)		
Employees	Apparatus	Reserve Apparatus
1 Fire Chief	6 Engines	3 Engines
109 Civil Service Certified Personnel	3 Ladder/Engines	1 Engine/Ladder
1 Civilian Secretary	1 Rescue Truck	
1 Civilian Programmer/Analyst	1 Haz-Mat/Tactical Rescue	
1 Civilian Inspector	1 Aircraft Rescue (A.R.F.F.)	
1 Half-Time Financial Analyst	1 Brush Unit	
	10 Staff Vehicles	
<i>Source: Fayetteville Fire Department, February 2011.</i>		

Fire Stations: Fayetteville has seven (7) fire stations. Fire Station #4 and #6 moved to new facilities in 1999 and Fire Station #7 was opened and staffed in 2005. Two stations are 47 years old and in are in need of significant improvements or replacement. They are becoming expensive to maintain. Fire station #5 was relocated in 2007 and station #3 was opened in 2008 at 1050 S Happy Hollow Rd. The airport station houses a non-staffed ARFF truck.

Station 1 (Headquarters) 303 West Center

Station 2 708 North Garland

Station 3 1050 S Happy Hollow Rd

Station 4 3385 Plainview

Station 5 2979 North Crossover

Station 6 900 Hollywood

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Station 7 836 North Ruppel Road
Airport (non-staffed) 385 Lancaster
Fire Marshal 833 North Crossover Road

Office Equipment: The department has 25 computers connected to the City network. In addition, there are printers provided at each work station, an office facsimile, two copiers and other assorted office equipment associated with providing emergency response service.

Communications Equipment: The department is a participant on the City's 800 megahertz city wide radio system. This involves 35 mobile and 82 portable radios with ten base stations. We have added 15 mobile data terminals for the department's fleet of emergency response vehicles.

Training Facilities: The department has class room space at the central fire station and at Airport station. The department is in need of a training facility that will allow for fire suppression training, hot drills and practical skills. The department is investigating alternative funding sources and the possibility of incorporating a drill area on the grounds of a new or replacement fire station.

Future Service: The department will actively work with the City with regard to planning and development and future considerations for annexation and the potential effect that it would have on the department's delivery of services. The department has entered automatic aid agreements with 5 outlying departments.

Police Department

Inventory and Condition of Existing Resources

Number of Employees:

Non-uniform -	50
Uniform -	<u>118</u>
Total -	168

Fleet:

Police Cars -	32
Sport Utility Vehicles -	5
Wagons/Vans -	3
Motorcycles -	2

Capital Facilities:

Police Station -	1
------------------	---

Emergency Equipment:

ERT Truck- 1
K9 Vehicles- 2
Motorcycles- 3
Bicycles- 25
Pickups- 3
Patrol cars- 26
Crime Scene Unit- 1

Additional Resources:

Segway- 1
Trailers- 3, (2 - flatbed, and 1 enclosed with water tank, generator, pump)
ATV sidekick - 1
Portable Generator - 1
Portable Radios assigned to each officer

The Fayetteville Police Department is divided into four programs: Patrol, Central Dispatch, Support Services, and Drug Investigations, and serves a population of approximately 74,000 citizens throughout the city of approximately 55.4 square miles. There are 176 employees of the Fayetteville Police Department; 116 officers and 41 civilian positions. The City of Fayetteville Police Department is under the direct supervision of the Chief of Police who reports to the Mayor. City Administration is currently in the planning stages for locating a site and construction of a state of the art police facility. A space needs assessment recommended this facility be at least 62,634 sq.ft. to meet future growth needs to the year 2025.

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Community Services and Facilities

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Parks and Recreation

TABLE C.4 PARKS AND RECREATION FACILITIES Fayetteville (2010)	
Facility Type	Number
Playgrounds	29
Tennis Courts	8
Basketball Goals	25
Handball / Racquetball Courts	2
Softball / Baseball Fields	18
Community Centers	4
Swimming Pools	1
Soccer (Full Size Equivalent)	10
Volleyball Courts	10
Pavilions	15
Trails	37.5 miles
Greenhouses	2
Model Airplane Airstrip	1
BMX Track	1
Batting Cages	2
Horseshoe Pits (Complex)	1
Senior Activity & Wellness Center	1
Skateboard Parks	1
Lake Recreation Areas	3
Restrooms	14
Source: Fayetteville Parks and Recreation 2011	

TABLE C.5 PARK LAND TO POPULATION COMPARISON WITH NATIONAL AVERAGE Fayetteville (2006)					
	Northwest	Northeast	Southwest	Southeast	Total
Population (estimated-2001)	14,574	13,115	22,161	13,350	63,200
Existing Acres (excludes Water Acreage)	165.8	611.7	69.3	1861.1	2,707.9
NRPA Recommended Acres	146	131	222	133	632
Need () /Excess +	+19.8	+480.7	(152.7)	+1,728.1	+2,075.9
Source: Fayetteville Parks and Recreation 2006					

TABLE C.6 PARK LAND Fayetteville (2010)		
	No.	Acres
Parks Developed	37	2,701.50
Water Acres	3	739 Water Acres
Parks Undeveloped and Natural Areas	16	238.26
Trails	16	188.59
Plaza	1	.34
TOTAL Acreage	70	3,867.69
TOTAL Land Acreage (excludes Water)	70	3,128.69
Source: Fayetteville Parks and Recreation 2011		

TABLE C.7 PUBLIC LANDS MAINTAINED Fayetteville (2010)		
	No.	Acres
Entryway/ Street Medians	16	15.36
Plazas/Public Lands	3/1	1.75/1.75
TOTAL Acreage	20	18.86

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Solid Waste Division

Solid Waste Division

Inventory and Condition of Existing Resources

Number of Employees:

Operations and Administration (Program 5000)	6.25
Commercial Collections (Program 5010)	11.7
Residential Collections (Program 5020)	10.05
Commercial Drop Box Collections (Program 5030)	2.7
Transfer Station (Program 5040)	1.0
Recycling Collection (Program 5060)	17.7
Composting (Program 5070)	7.6

Total Number of Employees **57**

Fleet:

Operations and Administration (Program 5000)	Ford Explorer	1	
Commercial Collections (Program 5010)	Front Loaders	11	
	Mad Vac leaf Sweeper	1	
	Polaris ATV		1
	Silverado ½ ton	1	
Residential Collections (Program 5020)	Side Loaders	8	
	Ford F-250 ¾ ton		1
	Bulk Truck w/boom		1
	Cargo Van		1
Commercial Drop Box Collections (Program 5030)	Roll Off trucks		3
Transfer Station (Program 5040)	Front Loader		1
	Backhoe		1
Recycling Collection (Program 5060)	Recycling Trucks		12
	Skid Steer Loader	1	
	Fork Lift	1	
	Ford F-250 ¾ ton	1	
Composting (Program 5070)	Compost bagger	1	
	Compost Turner	1	
	Wood Grinder		1
	Compost Screener		1
	Front Loader		1
	Rear Loaders		2
	Dump Truck		1
Total Number of Fleet Vehicles			54

Services Provided (2011):

Residential Automated Waste Collection
Residential Curbside Recycling Collection
Residential Bulky Waste Collection

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Temporary 6 yd Dumpster Service
Commercial Waste Collection
Commercial Drop Box Service
Commercial Curbside Recycling Collection
Commercial Dumpster Recycling Collection
Yard Waste Collection
Composting Operations
Community Recycling Drop Off Facility
Curb the Clutter litter abatement program
Educational Programs (Tours, speaking engagements)

Number of Customers Served:

Residential Cart Customers		19,692
Commercial Carts		723
Business		866
Administrative Offices	83	
Industrial Accounts		18
Restaurants		186
Others		65
Multi-Metered Apartments		223
Individually Metered Apartments		7,823
Commercial Drop Box Accounts	54	
Commercial Cardboard Accounts		118

Total Number of Customers Served 30,708

Future Service

The Solid Waste and Recycling Division will continue to look for operational efficiencies that will provide positive benefits to the Solid Waste and Recycling Enterprise Fund. The Division's primary goal is to provide efficient, convenient and cost effective services for customers. In the future, continuation and development of incentive based programs to encourage recycling and waste reduction will take priority in terms of Solid Waste and Recycling handling within the City.

Expansion of a second recycling drop off facility at the corner of Persimmon and Broyles Ave. will provide expanded opportunities for recycling. The Broyles Ave. recycling drop off is intended as our premier drop off and recycling education facility, integrating all aspects of the proximity too the Woolsey Wet Prairie into a comprehensive sustainability and recycling education site. We intend to incorporate Low Impact Development techniques into the drop off center design as much as possible.

Commercial recycling expansions to large quantity generators of materials will be a priority for expansion of recycling services. Programs will be modeled similar to the Pay As You Throw residential program to incentivize recycling to the customers.

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Improvements to the composting site include a concrete pad for the compost rows and installing a water system to bring water to the compost rows thereby improving the quality and processing time needed to make certified compost. Another development is the expansion of a larger and more comprehensive commercial recycling program including apartment recycling. With one in four residents in Fayetteville living in apartments, the opportunity to recycle in large complexes exists if collecting and processing of the recyclables can be done efficiently.

The final development will be improving existing facilities and operational systems to maximize efficiencies and handle growth. Improvements to the composting site include a concrete pad for the compost rows and installing a water system to bring water to the compost rows thereby improving the quality and processing time needed to make certified compost. A new baler and possible expansion to the recycling center is needed to handle the growth in recycled tonnage collected through the program.

Wastewater Collection and Treatment

Inventory and Condition of Existing Resources

Number of Employees: 28

Collection System. The original wastewater collection system was built in 1889. The system is a network of gravity wastewater pipelines (sewer lines) and pressurized force mains with pumps or lift stations. The system consists of 488 miles of gravity sewer lines ranging between 6 and 36 inches; 40 lift stations; and 32 miles of pressure force mains. Sections of the collection system are overloaded in wet weather.

Wastewater Treatment Plant.

The city owns and operates one treatment plant, Paul R. Noland Wastewater Treatment Plant, located on Fox Hunter Road. The treatment plant serves Fayetteville, Elkins, Farmington, Greenland and parts of Johnson. The facility was designed to accommodate 12.6 million gallons per day (mgd) on an average day basis, and treats flows to one of the most stringent standards in Arkansas. The system uses surface water disposal of wastewater effluent in the White River and parts of Mud Creek. Sludge disposal is via landfill. In 2006, the facility reached 100 percent, by flow volume, of its capacity. The plant is operating at greater than design efficiency, which is what is allowing the City to continue to add new connections and still meet its legal discharge permit requirements.

The City is constructing a second wastewater treatment facility on Broyles Avenue in western Fayetteville. This facility is scheduled to become operational in May, 2008. When this 10 mgd (average day) facility comes on line, the Noland WWTP will have, by permit, a capacity of 11.4 mgd, giving the City a total treatment plant capacity of 21.4 mgd. Each plant will discharge only to one basin: the Noland WWTP to the White River, and the West Side WWTP to Goose Creek, a tributary to the Illinois River. The West Side WWTP uses a biological treatment process similar to the Noland WWTP; sludge will continue to be disposed of in landfills. Once both treatment plants are in service, the Nola

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plant will serves part of Fayetteville, Elkins, and Greenland. The West Side WWTP will serve part of Fayetteville, Farmington, and parts of Johnson.

Future Services

Collection System. The existing collection system is undergoing and will continue to require continual maintenance. Thirty miles of new interceptor pipes up to 48 inches in diameter are being installed in conjunction with the renovation of the Noland WWTP and construction of the new West Side WWTP. Approximately two million dollars of work is being performed annually for collection system pipe and manhole rehabilitation.

Treatment Facility. In 1997, CH2M Hill prepared a Wastewater Facilities Plan that identified the existing conditions and future needs of the treatment plant. The plan was updated in 2001. This is the plan on which the \$175 million Wastewater System Improvement Project is based, which includes the \$20 million renovation of the Noland WWTP, the \$70 million construction of the new West Side WWTP, and the \$85 million in collection system, lift station and other improvements.

Water Supply

The City has developed Water System Master Planning Study in June 1989, October 1996, and there is a draft study developed in June, 2004.

Beaver Water District

Fayetteville purchases all of it's water from the Beaver Water District. The district maintains the Joe M. Steele Water Treatment Plant and the Hardy W. Croxton Water Treatment Plant, both located east of Lowell. An expansion is underway. The Beaver Water District pump station has two large pumps, one medium pump, and one small pump that can deliver up to 30.6 million gallons of treated water to Fayetteville; there is capability to add one additional large pump when the demand warrants it.

Water Distribution System

The city is served by eleven hydraulic pressure planes that includes seven ground storage tanks, two stand pipes, four elevated tanks, and one surge tank. Total storage capacity is 29 million gallons. There are also eight major pumping stations with nineteen pumps, and two minor pump stations. All major pump stations have alternate power except one which is a backup to another pump station. The City's transmission lines can deliver a total of 46 million gallons per day from the Beaver Water District.

Future Services

The average daily use in 2006 was 14.34 million gallons. The maximum daily use we have experienced was 26.24 million gallons on 17 August, 2003. The projected average day use by 2025 is 25.11.

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TABLE 6.7 WATER USE PROJECTIONS Fayetteville (2010 - 2025)		
Year	Average Day (MG)	Maximum Day (MG)
2006 (actual)	14.34	24.00
2010	17.84	35.68
2015	19.88	39.76
2025	25.11	50.22

Source: Projections are based on staff updates to the McGoodwin, Williams and Yates 2004 Water Master Plan.

MG=million gallons

TABLE 6.8 WATER STORAGE PROJECTIONS Fayetteville (1995-2015)				
Year	Operation (MG)	Fire (MG)	Emergency (MG)	Total (MG)
2006	24.0	0.6	2.9	27.5
2010	35.7	0.6	3.6	39.9
2015	39.8	0.6	4.0	44.4
2025	50.2	0.6	5.0	55.8

Source: City of Fayetteville Water System Master Planning Study, McGoodwin, Williams and Yates Inc., October 1996.

Note: MG=million gallons

Storage requirements are determined by the needs of operational (two times maximum day), fire flow (600,000 gallons), and emergency storage (20% of average day). Total storage requirements by 2025 are projected to be 55.8 million gallons.

These parameters are identified in the City of Fayetteville Water System Master Planning Study, McGoodwin, Williams and Yates Inc., June, 2004. The numbers are based on 2006 usage.

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School District

Inventory and Condition of Existing Resources

Fayetteville Public School District has 14 schools consisting of 9 elementary schools (grades K-5), 2 middle schools (6th & 7th grades), 2 junior high schools (8th & 9th grades), and 1 high school (10th, 11th, and 12th grades). Total enrollment in October 2010 was 8,838, a six percent increase from 2005 enrollment figures.

Total enrollment for Fayetteville schools is expected to continue increasing, but at a slower rate than during the last several years. A population and enrollment forecast study conducted for Fayetteville Public Schools indicates that from 2015 to 2020 the district's elementary and middle school enrollment is expected to decline approximately 9.0% and 0.5% respectively. Growth at the junior highs and high school is expected to increase over this same time period, but at a slower rate than previous years, approximately 4.3% and 2.4% respectively.

Table C. 10
Fayetteville Public Schools

Table C. 10 Fayetteville Public Schools					
	Elementary	Middle	Junior	High	Total
No. of Schools	8 (1)	2	2	1	14
Enrollment (2010)	3,922	1,173	1,313	1,812	8,838
School Names	Asbell Butterfield Happy Hollow Holcomb Leverett Root Vandergriff Washington	McNair Holt	Ramay Woodland	Fayetteville	
	Owl Creek (K-7) (Enrollment: 618)				
Source: Fayetteville Public School District, Fayetteville School District Website, Fayetteville Public Schools Population and Enrollment Forecasts, 2010-2019, prepared by McKibben Demographic Research (February 2011)					

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Traffic Control & Maintenance Program**

Inventory and Condition of Existing Resources

Employees: 6
Fleet: 3

In 1995, the Traffic Division relocated to the Operation Center on Happy Hollow Road. Since that time the Traffic Division was included in the reorganization of the Street Division which became the Transportation Division. It is now the Traffic Control and Maintenance Program in the Transportation Division. The Traffic Control & Maintenance office and shop are currently adequate but the computers need to be replaced. As of Fall 2005, 77 traffic signals are 99% in compliance with the Manual on Uniform Traffic Control Devices. Approximately 900-1000 traffic signs are in need of replacement annually to ensure a 10-15 year life span. The Program is also responsible for maintenance of 35 miles of street stripping.

Future Service

Projected needs for the next 25 years:

- 75-100 additional new traffic signal installations
- A centralized traffic signal computer system capable of making traffic grid coordination decisions to move traffic efficiently, safely, and reduce fossil fuel consumption
- 10,000 new sign installations
- A new traffic control operation center will be needed in 5-10 years
- A dedicated fiber-optic or wireless LAN communication system for a centralized traffic signal computer system
- 30-40 miles of street striping will be added

Demand for traffic control devices will double by 2025. The City will need another Traffic Supervisor, two additional sign crews (four people) and two more traffic signal technicians. The Traffic Control & Maintenance Shop will need to be expanded to accommodate a centralized traffic signal computer system control center and necessary equipment or be replaced with a new Operation Center.

Related equipment needs are:

- Additional bucket truck
- Two sign/maintenance trucks
- Traffic Supervisor/Technician vehicles
- Other misc. traffic sign/signal installation and maintenance equipment

** Based on 2000 Information

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American Institute of Architects

<http://www.aia.org>

This AIA site includes access to job listings, continuing education, media updates, and a search engine for contacts.

American Planning Association

www.planning.org

The American Planning Association is a nonprofit public interest and research organization representing 37,000 practicing planners, officials, and citizens involved with urban and rural planning issues.

American Society of Landscape Architects

www.asla.org

The American Society of Landscape Architects is a professional organization that promotes the profession through advocacy, education and communication.

Builder Online

www.builderonline.com

Builder magazine and Builder Online are professional resources for the home building industry. Read about home building news, trends and projects around the country.

Center for Transit-Oriented Development

<http://www.reconnectingamerica.org/html/TOD/index.htm>

Seeks to use transit investments to spur a new wave of development that improves housing affordability and choice, revitalizes downtowns and neighborhoods, and provides value capture and recapture for individuals, communities, and transportation agencies.

Congress for the New Urbanism

www.cnu.org

CNU advocates the restructuring of public policy and development practices to support the restoration of existing urban centers and towns within coherent metropolitan regions.

Dover Kohl and Partners

www.doverkohl.com

Design is the key to livable communities. The Dover, Kohl and Partners team is focused on revitalizing traditional towns, growing neighborhoods, and fixing sprawl - by design.

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Mayors' Institute on City Design

<http://www.arts.endow.gov/partner/Mayors2.html>

Details of this NEA-sponsored workshop, the main goal of which is to 'help mayors develop an appreciation for the importance of their role as designers of their own cities.'

National Trust for Historic Preservation

<http://www.nationaltrust.org>

Non-profit organization dedicated to providing leadership, education, and advocacy to save America's diverse historic places and revitalize communities.

New Urban News

www.newurbannews.com

New Urban News is a professional newsletter for planners, developers, architects, builders, public officials and others who are interested in the creation of human-scale communities.

Planetizen

www.planetizen.com

Planetizen is a public-interest information exchange provided by Urban Insight for the urban planning, design and development community.

Resource for Urban Design Information

<http://www.rudi.net>

RUDI is the one-stop portal to all key information sources for everyone involved in urban design. Highlights of RUDI include news, events, case studies, examples of best practices, design guides, book reviews and a bookshop.

Smart Growth Online

www.smartgrowth.org

A service of the smart growth network this website offers resources, news, and links to smart growth issues around the country.

Urban Land Institute

<http://www.uli.org>

The mission of the Urban Land Institute is to provide responsible leadership in the use of land in order to enhance the total environment.

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DEFINITIONS OF TERMS

(Source: SmartCode and Manual, including SmartCode version 8.0 & 9.2, Article 7)
New Urban Publications Inc.; www.newurbannews.com; a Planners Dictionary; University of Wisconsin-Stevens Point College of Natural Resources www.uwsp.edu/cnr; Randall Arendt www.greenerprospects.com

Brownfield: An area previously used primarily as an industrial site.

As of right development: Development that complies with the provisions of the zoning regulations and may be approved administratively.

Charrette: The word charrette can refer to any collaborative session in which a group of designers drafts a solution to a design problem. While the structure of a charrette varies depending on the design problem and the individuals in the group, charrettes often take place in multiple sessions in which the group divides into sub-groups. Each sub-group then presents its work to the full group as material for future dialogue. Such charrettes serve as a way of quickly generating a design solution while integrating the aptitudes and interests of a diverse group of people.

Conservation Subdivision: A subdivision with a significant percentage of buildable lands (generally around 40% or more) permanently protected to create interconnected networks of conservation lands. Conservation subdivisions are specifically designed around each site's most significant natural and cultural resources, with their open space networks being the first element to be "green-lined" in the design process. These conservation lands may provide open space and recreation for the neighborhood and may also serve as local building blocks in a community-wide open space network. Conservation subdivisions are generally density neutral, meaning that the overall number of dwellings built is not different from that done under the current zoning and subdivision regulations.

Context: Surroundings made up of the particular combination of elements that create specific habitat.

Corridor: A lineal geographic system incorporating transportation and/or greenway trajectories. A transportation corridor may be a lineal urban Transect Zone.

Cottage Development: A cluster of detached single family homes, restricted in size and of high architectural quality, oriented around common open space.

Density (residential): The number of dwelling units within a standard measure of land area,

Enduring Green Network: A linear park, trail corridor, or open space conservation area that provides passive recreational opportunities, alternative transportation options and/or the conservation of open space or natural areas.

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Form-Based Code: A form-based code is a land development regulatory tool that places primary emphasis on the physical form of the built environment with the end goal of producing a specific type of “place”.

GIS (Geographic Information System): A computerized program in widespread municipal use that organizes data on maps.

Greenfield: An area that consists of open or wooded land or farmland that has not been previously developed.

Greyfield: Previously developed properties that are not contaminated. They are usually, but not exclusively, former commercial properties that may be underutilized, derelict or vacant.

Human Scale: The proportional relationship of the physical environment to human dimensions, acceptable to public perception and comprehension in terms of the size, height, bulk, and/or massing of buildings or other features of the built environment.

Impact Fee: A charge on new development to pay for the construction or expansion of off-site capital improvements that are necessitated by and benefit the new development.

Infill: Development occurring on vacant or partially developed land in established areas of the city that has infrastructure and public services in the immediate vicinity, and is surrounded by areas that are substantially developed.

Intensity (nonresidential): The number of square feet of development per acre by land use type with respect to non-residential land uses.

Mixed Use: Multiple functions within the same building or multiple buildings, most commonly comprised of residential and nonresidential uses.

Pedestrian Shed: An area, approximately circular, that is centered on a Common Destination. A Standard Pedestrian Shed is 1/4 mile radius or 1320 feet, about the distance of a five-minute walk at a leisurely pace. A pedestrian shed is often used as a unit of neighborhood measurement for planning analysis such as; land use, development density or intensity, accessibility to open space or parks, walkability, etc. It has been shown that provided with a pedestrian environment, most people will walk this distance rather than drive.

Sprawl: Low-density land-use patterns that are automobile-dependent, energy and land consumptive, and require a very high ratio of road surface to development served. Characteristics of sprawl include: a scattered

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development pattern that leaves large tracts of undeveloped land between developments; commercial strip centers along major streets, and large expanses of single-use development. (adapted from Michigan State Planning Officials, Patterns on the Land, Trend Future Project, final report, September 1995)

Streetscape: The urban element that establishes the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

Transfer of Development Rights (TDR): A method of relocating existing zoning rights from areas to be preserved as open space (“sending areas”) to areas to be more densely urbanized (“receiving areas”).

Traditional Neighborhood Development (TND): Developments that provide: a variety of housing types and prices; prominently sited village squares or greens; civic, community or educational buildings; and retail/offices/workplaces to provide a balanced mix of activities. These types of neighborhoods have interconnected streets, alleys and sidewalks in a grid or modified grid pattern with buildings oriented to the street and a high level of pedestrian activity.

Transit-Oriented Development (TOD): Moderate and high-density housing concentrated in mixed-use developments located along transit routes. . . . The location, design, and mix of uses in a TOD emphasize pedestrian-oriented environments and encourage the use of public transportation. (Community Green Line Planning Project, “Putting Neighborhoods on the Right Track,” Chicago)

Transect: A cross-section of the environment showing a range of different habitats. The rural-urban Transect of the human environment used in the SmartCode template is divided into six Transect Zones. These zones describe the physical form and character of a place, according to the Density and intensity of its land use and Urbanism.

Transect Zone (T-Zone): One of several areas on a Zoning Map regulated by the SmartCode. Transect Zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, Density, height, and Setback requirements, other elements of the intended habitat are integrated, including those of the private Lot and building and Public Frontage.

Village: A Village is usually a TND Community Type standing isolated in the countryside, but with a stronger connection than a hamlet due to its proximity to a transportation corridor. See: TND.

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Walkable Neighborhood / Walkability. Development pattern that is identifiable for its short block lengths and complete street attributes such as sidewalks, bicycle facilities, on-street parking, and slow vehicular speeds. Pedestrian sheds that include commercial, civic, school, open space and residential uses within or adjacent to walkable neighborhoods provide the most efficient use of land and environmental resources.

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PC Meeting of May 2, 2011

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~April 19, 2011~~ Updated May 3, 2011

ADM 11-3774: Administrative Item (CITY PLAN 2030): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Comprehensive Land Use Plan. Planner: Jesse Fulcher

Background:

City Plan 2025 was unanimously adopted by the City Council on July 7, 2006, after an intensive public participation process involving almost 800 citizens and Dover, Kohl and Partners, a nationally recognized design firm. The plan includes six goals that are the foundation for land use planning decisions.

Goal 1: We will make infill and revitalization our highest priorities.

Goal 2: We will discourage suburban sprawl.

Goal 3: We will make traditional town form the standard.

Goal 4: We will grow a livable transportation network.

Goal 5: We will assemble an enduring green network.

Goal 6: We will create (opportunities for) attainable housing.

In accordance with state law, a five year update of the plan was started in early 2010 with the formation of a project team that included staff from Planning, Geographic Information Systems, Parks and Recreation, Engineering, Strategic Planning, Community Services and Fire. After conversations with the project team, the Administration and City Council members, it was decided that the six adopted goals would remain in place, and the update would focus on the steps necessary to advance each goal.

Participation:

The project team hosted a staff input session in March 2010 that included approximately 50 staff members from all divisions that participate in or are affected by the development review process. Strategic Planning staff also solicited input from the Planning Commission and City Council in September 2010, asking members to identify the success stories and areas for improvement. The project team utilized this initial input and analysis to develop the areas of focus for the public input process.

City staff spread the word about City Plan 2030 by creating a public service announcement that aired on the government channel and other local stations, placing ads in the local newspaper and *Fayetteville Flyer*, conducting an interview for a local public radio station, distributing flyers at First Thursday events, and ensuring that email invitations were sent multiple times to the Chamber of Commerce membership, Fayetteville Council of Neighborhoods, Fayetteville Forward groups and previous participants in City Plan 2025 and neighborhood master plan charettes.

Two public input sessions were held in October 2010 and one was hosted live on the internet in a webinar format, so that stakeholders could participate from an alternative location if they couldn't be present. The first session was held at the Bank of Fayetteville on the Square on October 7, 2010, and the second was held at the Fayetteville Public Library on October 15, 2010, where the presentation component was also broadcast as a webinar. At each session, participants gathered around base maps of the city and worked in small groups. A member of the project team was placed at each table to serve as a facilitator and guide the participants through a series of planning exercises. Approximately 80 stakeholders attended the public input sessions or participated in the webinar.

The participants were lead through a "food for thought" presentation that reviewed the goals of City Plan 2025 and then posed three key questions: 1) What should an enduring green network look like?; 2) Where should development be incentivized?; and 3) How would you design a new development within your own existing neighborhood and how would you deal with neighbors' concerns? Participants worked to answer these three key questions and reach a consensus in approximately 40-50 minutes.

Strategic Planning staff also conducted an online survey from October 15 through November 15 that asked the questions posed at the public input sessions. The site included the presentation from the input sessions, and survey respondents were encouraged to view the presentation before completing the survey. Sixty-seven stakeholders completed the online survey.

In addition to the public sessions and online survey, staff held technical meetings with stakeholder groups to address specific topics. These meetings took place during the months of October and November and included the Fayetteville Chamber of Commerce, Fayetteville Public School Superintendent Vicki Thomas, the University of Arkansas Campus Planning staff and a session focused on attainable housing that included representatives from the Northwest Arkansas Housing Coalition, Partners for Better Housing, Fayetteville Housing Authority and local developers and architects.

After documenting and reviewing the input from staff, elected officials, members of the public and technical groups, the project team worked to assemble a new framework that keeps intact the original goals and identified concrete action steps that will advance the goals over the next five years. The project team then applied City Plan 2030's principles to the Future Land Use Map and Master Street Plan, updating them based on the feedback received during the public input process. These drafts were reviewed during several work sessions with the Planning Commission to solicit additional critiques, and then all the elements of City Plan 2030 were presented at a Community Presentation on February 24.

Updates:

In addition to updating Chapters 1-9 and 11, staff revised Chapter 10 Framework and Chapter 12 Guiding Policies. Chapter 10 establishes the six goals and associated objectives, action steps and benchmarks that are essential to promote and achieve the visions of the comprehensive land use plan, Future Land Use Plan and Master Street Plan. Chapter 12 provides descriptions for each of the future land use designations and detailed master street plan cross-sections, and will be discussed in detail with the Future Land Use Map and Master Street Plan amendments.

Chapter 10, though expertly prepared, sometimes lacked the detail and clarity necessary for measurable success. Because of this staff focused many of the discussions with elected and appointed officials, technical groups and the public around improving and clarify each. Particularly, Goal 5 Enduring Green Network and Goal 6 Attainable Housing had significant revisions.

Several questions related to Goal 5 were asked during the public meetings, and the input staff received

resulted in a clear definition and function for the green network. With public input and data collected in the Fayetteville Natural Heritage Green Infrastructure study, staff was able to also generate an Enduring Green Network Map that will assist the city in making strategic land use decisions. The map and revised action steps now provide staff and the community a clear vision of what the goal is intended to accomplish.

Although, several of the Goal 6 action steps were accomplished, none actually “created” attainable housing. Because of this, staff is recommending that the goal be restated as “we will *create opportunities* for attainable housing.” The technical meeting held to discuss attainable housing revealed several key points: 1) The existing supply of attainable housing must be maintained; 2) The ratio of housing per linear foot of infrastructure must increase to keep housing costs down; 3) The City should evaluate a land bank or housing trust fund to supplement the stock of attainable housing. New action steps have been developed around each of these subjects. In addition, it is recommended that the city develop educational materials related to energy efficiency and the relationship between housing affordability and transportation costs.

The remaining goals have retained many of the existing objectives and action steps, particularly those that are considered on-going, such as developing neighborhood plans. However, there are also numerous additions that staff believes will further each goal, and the success of the plan. A complete list of the existing and proposed goal, objectives and action steps is attached.

Key action steps that the project team believes will advance the goals of City Plan 2030 are:

- Use the Enduring Green Network boundary map as a tool when making decisions on parkland acceptance and acquisition, off-site tree preservation, and when updating the Master Trail Plan.
- Develop a conservation development ordinance, or other development form for rural properties, or those with environmentally sensitive features.
- Develop a cottage development ordinance.
- Develop internal processes to align funding, development and planning of city infrastructure with the goals of City Plan 2030.

Recommended Motion: Staff recommends forwarding **ADM 11- 3774** (City Plan 2030) to the City Council with a recommendation for approval.

Planning Commission Action: ☒ **Forwarded** ☐ **Denied** ☐ **Tabled**

Motion: Earnest

Second: Chesser

Vote: 9-0-0

Meeting Date: ~~April 25, 2011~~ Rescheduled to May 2, 2011



PC Meeting of May 2, 2011

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~April 19, 2011~~ Updated May 3, 2011

ADM 11-3775: Administrative Item (FUTURE LAND USE MAP 2030): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Future Land Use Map.
Planner: Jesse Fulcher

Background:

The current Future Land Use Map was adopted by Resolution No. 206-06 on December 5, 2006, following adoption of City Plan 2025. The map was developed to reflect the principles and goals of City Plan, and is further supported by the text contained in Chapter 12 Guiding Policies. The Future Land Use Map and associated land use designations were not developed to separate uses, as is common in conventional zoning. But for the first time the map and designations were developed using key elements from the SmartCode¹, which utilizes a “sequence of environments...that...identify a set of habitats that vary their level and intensity of urban character...” This system of environments is known as the Transect Zone, with habitats ordered from the most natural to the most urban.

During the development of City Plan 2025, staff identified the areas from the SmartCode transect that seemed appropriate for the development patterns expressed in City Plan 2025. These descriptions were then modified to reflect the unique characteristics of Fayetteville. These areas are:

Natural Areas (Dark Green) T-1
Rural Areas (Light Green) T-2
Residential Neighborhood Areas (Yellow) T-3
City Neighborhood Areas (Blue) T-4
Urban Center Areas (Purple) T-5
Complete Neighborhood Plans (Red)
Civic and Private Open Space Areas/Parks
Civic Institutional Areas
Non-municipal Government Areas
Industrial Areas (Light Blue)

Updates:

The Future Land Use Map and land use designations are still based on the transect model. Staff's

goal with this update was to use the existing map and land use designations, and further refine the descriptions and boundaries to better align with the unique development characteristics of Fayetteville.

The Residential Neighborhood Area description was updated to address the variety of residential development patterns that exist in the city and the need to locate neighborhood services at intersections and connecting corridors. The City Neighborhood Area description now recognizes the wide spectrum of residential densities and housing types, and nonresidential services that link the residential and urban areas. And the Urban Center Area description now suggests a regional role that may reflect a traditional mixed-use center, or an existing auto-dependent commercial center. The images included in the City Plan document represent the variety of land uses and patterns that may exist in the Urban Center Area, including clean-tech industries, urban mixed-use centers, regional entertainment, and auto-served interstate development.

The revised land use descriptions required modifications to the land use boundaries as well. The amount of Residential Neighborhood Area at the edge of the city was reduced to better support the goal of discouraging suburban sprawl and the Urban Center Area boundary near the north end of the city was adjusted to reflect the new “regional” description. Other significant changes to the map include:

- Classifying land near the intersection of College and Rolling Hills as Urban Center Area. This was requested by several Planning Commissioners at a work session.
- Extending the amount of Urban Center Area at the southeast corner of Wedington and I-540. This is based on a realignment of a collector street (Persimmon Street extension) through the property.
- Land acquired from the City of Johnson is include and designated as Urban Center Area.
- The Industrial Area has been expanded near Drake Field to provide a link between the existing Industrial Park and the Arkansas Missouri Railroad Corridor.

Recommended Motion: Staff recommends forwarding **ADM 11- 3775 (Future Land Use Map)** to the City Council with a recommendation for approval.

Planning Commission Action: ☒ **Forwarded** ☐ **Denied** ☐ **Tabled**

Motion: Winston

Second: Chesser

Vote: 9-0-0

Meeting Date: May 2, 2011

¹ SmartCode is a form-based code based on the rural-to-urban transect. The first version of SmartCode was released by Duany Plater-Zyberk & Company in 2003.

ADM 11-3774: Administrative Item (CITY PLAN 2030): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Comprehensive Land Use Plan.

ADM 11-3775: Administrative Item (FUTURE LAND USE MAP): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Future Land Use Map.

ADM 11-3776: Administrative Item (MASTER STREET PLAN): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Future Land Use Map.

Jesse Fulcher, Current Planner, gave the staff report for all three City Plan 2030 items.

Public Comment:

Michael Mauldin, Salem Hills Estates, requested the commission downsize Howard Nickell road to a two-lane Collector and discussed traffic safety concerns.

Gregory Smith, Salem Estates Hills, agreed with the comments of Michael Mauldin and also requested speed tables on Howard Nickell.

Richelle Costrell, Salem Estates Hills, this is a big cut-through. She also requested to downgrade Howard Nickell.

Cliff (unaudible), Salem Estates Hills, 3634 Howard Nickell road, discussed traffic safety and requested to downgrade Howard Nickell.

Katie Jackson, Salem Estates Hills, discussed traffic safety and requested to downgrade Howard Nickell.

Flint Harris, Salem Estates Hills, discussed neighborhood integrity and requested to downgrade Howard Nickell.

(Unaudible), 3618 Howard Nickell Road, Salem Estates Hills, discussed traffic safety and requested to downgrade Howard Nickell.

Roy Slaughter, 3606 Howard Nickell, Salem Estates Hills, discussed traffic safety and requested to downgrade Howard Nickell.

Maggie Lee, Salem Estates Hills, discussed traffic safety and requested to downgrade Howard Nickell and asked if this were annexed would sewer be provided.

Public comment was closed.

Kit Williams, City Attorney, answered the question about sewer service discussing that the City would not automatically provide sewer service.

Commissioner Winston discussed the pros and cons of Howard Nickell as a Collector or Principal Arterial. He would like to propose it be downgraded to a Collector.

Motion #1:

Commissioner Winston made a motion to modify ADM 11-3776 Master Street Plan to downgrade Howard Nickell Road to a Collector only through the Salem Hills Neighborhood and it would remain a Principal Arterial on either side of the neighborhood (starting at West Salem Road and ending at Dean Solomon Road). **Commissioner Earnest seconded the motion.**

Commissioner Cook discussed reasons for disagreement with the motion, discussing a past traffic study, and the fact that eventually capacity will or may dictate that this road be improved to four lanes. He stated that it would be a disaster to go back on the plan at this point that has been in place for a number of years.

Commissioner Hoskins discussed that there are better routes for an arterial roadway in this area and conducted detailed evaluations of various routes during a project in this area.

Commissioner Chesser discussed that Wedington is a four lane road next to his neighborhood and he doesn't feel that it splits the area. If we downgrade this to a Collector we will have to upgrade another area to an arterial and we will have the same objections to other neighbors. He discussed that it seems more fair to keep the road as it is currently designated as it had this designation before this neighborhood was even built and if the arterial were reclassified in another location it would be affecting people who were not aware of it.

Commissioner Hoskins discussed that along Salem the houses are set back as far as 95 feet and discussed details of other alternative arterial routes.

Commissioner Chesser discussed that he might be able to support a re-classification of this road if we had another plan in place for the arterial to go somewhere else.

Commissioner Bunch discussed that even if we downgrade it now we will be stringing the neighborhood along because this will be re-considered in another five years. She stated that she doesn't think we can give this up now.

Commissioner Kennedy discussed that this will be an issue as long as this neighborhood is here.

Upon roll call the motion to downgrade Howard Nickell to a Collector through the Salem Hills Estates passed with a vote of 5-4-0 (commissioners Cabe, Bunch, Cook, and Chesser voting 'No').

Commissioner Earnest discussed that the proposed street grid in the Planning Area is in conflict with the primary goals in City Plan to encourage infill and discourage sprawl.

Motion #2:

Commissioner Earnest made a motion to remove all streets on the Master Street Plan in the northeast quadrant of the Planning Area. **The motion failed for lack of a second.**

Motion #3:

Commissioner Winston made a motion to forward ADM 11-3776 (Master Street Plan update) to City Council with a recommendation for approval. **Commissioner Hoskins** seconded the motion. **Upon roll call the motion passed with a vote of 8-1-0 (Commissioner Chesser voting 'No').**

Motion #4:

Commissioner Earnest made to amend ADM 11-3774 City Plan 2030 document to move the Benchmark of “Determine the feasibility of a Local Housing Trust Fund and Land Bank” to short term. **Commissioner Cook** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

Motion #5:

Commissioner Earnest made to amend ADM 11-3774 City Plan 2030 to move the Benchmark of “Continue to develop and implement form-based codes...” to short term. **Commissioner Chesser** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

Fulcher requested that the Commission incorporate a revision to the ADM 11-3774 City Plan 2030 document to incorporate language that Chapter 164 Nonconforming Structures of the Unified Development Code be evaluated.

Motion #6:

Commissioner Chesser made to forward ADM 11-3774 City Plan 2030 document to the City Council with a recommendation of approval with the amendment as requested by staff for evaluation of Chapter 164. **Commissioner Earnest** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

Motion #7:

Commissioner Winston made to forward ADM 11-3775 Future Land Use Map to the City Council with a recommendation of approval. **Commissioner Chesser** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

There being no further business, the meeting was adjourned at 7:10 PM.

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

6/21/2011

City Council Meeting Date
Agenda Items Only

Jesse Fulcher
Submitted By

Development Services
Division

Development Services
Department

Action Required:

Approval of a resolution adopting the Master Street Plan and revised street cross-sections.

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 ☐

W. C. Price
Department Director

06-03-2011
Date

Previous Ordinance or Resolution #

K. A. Price
City Attorney

6-6-2011
Date

Original Contract Date:

Original Contract Number:

Paul A. Beck
Finance and Internal Services Director

6-6-2011
Date

Received in City
Clerk's Office

ED
06-03-11 P04:23 RCVD

Don Mann
Chief of Staff

6-7-11
Date

Received in
Mayor's Office

ENTERED
6/6/11
J. H.

Lionel Jordan
Mayor

6/7/11
Date

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Jesse Fulcher, Current Planner

Date: June 2, 2011

Subject: ADM 11-3776 Master Street Plan – City Plan 2030

RECOMMENDATION

Staff and Planning Commission recommend approval of a resolution to adopt the Master Street Plan, as part of the City Plan 2030 comprehensive land use plan update.

BACKGROUND

The current Master Street Plan Map was adopted by Resolution No. 161-07 on September 4, 2007. An original goal of 2010-2011 update was to identify new streets on the Master Street Plan map based on the policies of the Access Management Ordinance, which sets recommended distances between local, collector and arterial streets. However, the level of detail provided by the Access Management Ordinance couldn't realistically be applied on the scale of the Master Street Plan Map. For that reason staff evaluated locations to add new collector streets, using a quarter mile grid as a guide. This allowed staff to strategically locate numerous new collector streets in areas with the highest development potential, even if that development is not intended to occur in the near future. Fewer streets were added in areas with limited development potential due to restrictive topography.

Another goal in the update was to create context sensitive streets. Context-sensitive street design looks at local conditions to determine the most appropriate street design that optimizes mobility and safety for all modes of travel. A one-size-fits-all design approach cannot be applied to every existing street. Accordingly, staff has included street corridor plans as an on-going action step in the City Plan document. Context-sensitive design principles, however, are applied to future collector and principal arterial streets.

Two new collector street cross-sections have been added to the document. Each utilizes the current 59' foot right-of-way, but street striping can be used to delineate either on-street parking or dedicated bicycle lanes, whichever is most appropriate for that location. This allows the street function to change over time depending on the surrounding context and ensures a narrower travel lane and reduced vehicle speeds in areas that attract significant pedestrian traffic, all of which contributes to increased safety.

The second change was a further reduction in the right-of-way requirements for the minor and principal arterial streets and the addition of a principal arterial cross-section that allows on-street parking in more urban environments. The additional area between the sidewalk and travel lane created by a bike lane or on-street parking provides a significant buffer between vehicles and pedestrians and allows the greenspace width to be decreased. The overall right-of-way for principal arterials has been reduced from 97 feet to 87 feet and from 85 feet to 77 feet for minor arterials, which results in less disruption to

adjacent property owners and a decreased cost to land developers and/or the City, whoever is using the right-of-way to construct a street.

Another important discussion centered on alleys, and how not only the design, but also parking and addressing can inhibit use by solid waste and emergency vehicles. Staff from Strategic Planning, Current Planning, Fire, Solid Waste and Engineering worked together to determine what issues were encountered in the field and how each of these could be addressed. A bullet-point list of requirements is now listed in the alley cross-sections that if provided, will allow solid waste collection in alleys. Language from the International Fire Code has also been included to clarify the use of alleys for one- and two-family developments as well.

12.2.1 Alleys

Alleys are used in conjunction with streets to provide rear access to properties, garages and off-street parking. Driveways connected to alleys should have sufficient depth to allow vehicles to park and not encroach into the alley right-of-way.

Solid Waste

Solid waste pick-up is allowed, subject to the following standards:

- "No parking" signs are installed at the entrance(s) and mid-block locations.
- Designated locations for carts and recycle bins are kept free of obstructions.
- Bulk hauling and brush collection is placed at the public street.
- A 20' driveway is provided between the garage/house and alley right-of-way.
- On-street parking is provided.
- Address numbers are installed on the front and rear of every structure.
- Minimum radius requirements are provided.
- Dead-end alleys are prohibited.

Fire Department

Alleys used in conjunction with single- and two-family units are not intended to serve as fire access roads when structures also adjoin a private or public street that provides the required fire access. Fire access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

When an alley serves as the sole access, or when more than one access is required due to building height, condition of terrain, climatic conditions, the potential for impairment of a single road by vehicle congestion, or other factors that could limit access, alleys may need to be designed in accordance with the Arkansas Fire Code to support apparatus access, with approval from the fire code official.

Other updates to the cross-sections include:

- Modifying the Low Impact street section to allow flexibility in swale design.
- Addition of a front-end parking street section (Two-way Square) for urban environments.

DISCUSSION

On May 2, 2011 the Planning Commission forwarded this request to the City Council with a recommendation for approval with a vote of 8-1-0, with Commissioner Chesser voting 'no'. This included an amendment to downgrade a section of Ruppel Road/Howard Nickell Road from a principal arterial to a collector street (see map attached). The amendment passed 5-4-0 with Commissioners Cabe, Bunch, Cook and Chesser voting 'No'.

Staff recommended that Ruppel Road/Howard Nickell Road remain an arterial classification, since it will serve as a primary north-south route for the entire west side of Fayetteville. Although current development and traffic conditions don't warrant a four-lane street section in this area, it is anticipated that future growth will necessitate an arterial corridor

in this area of the city. Reducing the classification to a collector street will prevent the city from obtaining the right-of-way required for a four-lane street, unnecessarily increasing the cost of a future street project.

On May 31, 2011, the Street Committee forwarded this request to the City Council with no recommendation.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION APPROVING AND ADOPTING A REVISED MASTER STREET PLAN AND STREET CROSS-SECTIONS

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 and adopts a revised Master Street Plan and street cross-sections, as depicted in Exhibit "A" and "B" attached.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby declares that all previous Resolutions adopting previous Master Street Plans and street cross-sections are superseded by the new Master Street Plan and street cross-sections.

PASSED and APPROVED this 21st day of June, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

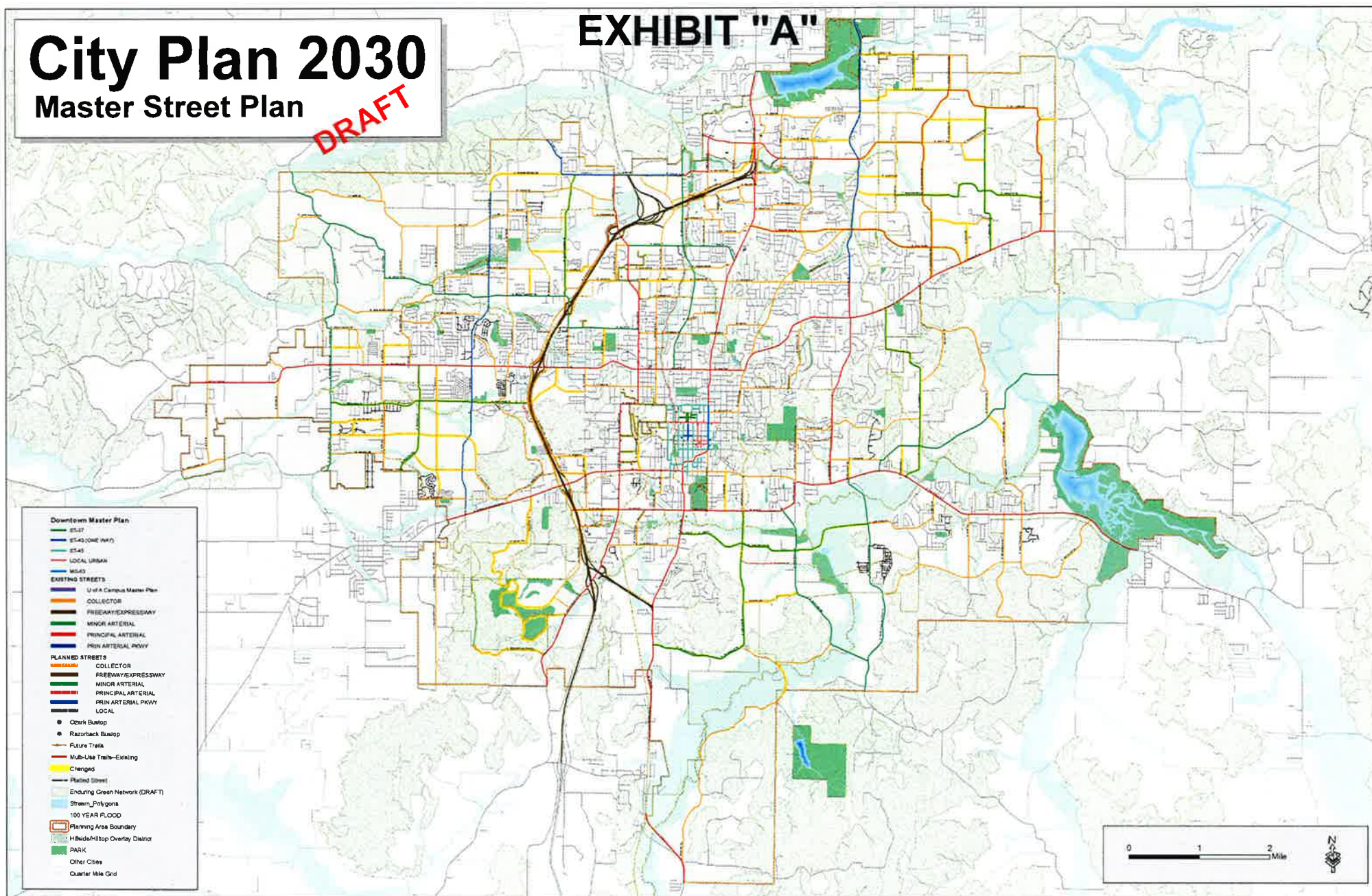
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

City Plan 2030

Master Street Plan

DRAFT

EXHIBIT "A"



12.2 MASTER TRANSPORTATION PLAN

Amended September 17, 1996, Street Classifications, Res. No. 97-96

Amended September 6, 2005, Downtown Master Plan Street Classifications, Res. No. 183-05

Amended September 4, 2007, Res. No. 161-07

The Master Transportation Plan is the guiding policy that the community, City Staff, the Planning Commission and the City Council utilize to proactively guide decisions regarding street classification, design, location, form and function. The Master Transportation Plan prescribes and plans for the development of a multi-modal transportation system in the form of streets, sidewalks, bike lanes, trails and transit. A multimodal transportation system is vital to growing a livable transportation network. Consistent planning ensures that streets will efficiently circulate traffic within the community and connect Fayetteville to the rest of the region. Special emphasis should be placed on multi-modal transportation infrastructure design, access management and traffic speed and volume considerations when planning streets. The Master Transportation Plan is updated on a five year basis in conjunction with City Plan 2030 in order to be adaptable to change over time.

The Master Transportation Plan contains the Master Trails Plan and the Master Street Plan.

Master Trails Plan

The Fayetteville Alternative Transportation and Trails Master Plan (FATT Plan), guides the development of trails in the City's expanding trail network. The Master Trail Plan Map illustrates future trail alignments and trail corridors for the purpose of acquiring easements and right-of-way. As development occurs adjacent to future trail alignments, careful attention will be paid to acquiring easements and providing site design input during the development review process. The trail cross-sections that follow the Master Street Plan cross sections will be utilized for the construction of City trails. Trail surface materials may vary according to site considerations such as proximity to floodplains or floodways.

Master Street Plan

The Master Street Plan is comprised of a map illustrating the street classification and location, and a document of street cross sections showing the dimensional requirements of the street. In conjunction, these two documents are used to guide long range traffic planning through street function, design and location.

The City supports context sensitive street design that acknowledges the function and use of the street in relation to current and future land use. The design and dimensions of streets that fall under the same functional classification may vary greatly due to the surrounding existing or future land uses and the function of the street. For instance, a low traffic

DRAFT



speed collector in a neighborhood may have on-street parking while a higher traffic speed collector would have bike lanes. The City's access management and street connectivity policies provide the tools to guide the access and dispersal of traffic.

Low Impact Development: The City encourages the use of Low Impact Development (LID) stormwater management strategies in street design and construction. Each of the street cross sections can be modified to incorporate LID best practices for stormwater management. Streets that include landscape strips or bump-outs are ideal for implementing LID strategies such as swales or infiltration basins. Developers and engineers should work closely with the City's Development Services Department to plan and design appropriate stormwater management strategies and structures.

Public Transportation: The construction of bus benches, shelters and pull-offs is a critical part of a successful transportation system. However, the need for such facilities is ultimately determined by the transportation providers. Therefore, the City should consult with transportation providers prior to the design of any new street, or major street improvement project to determine if the need for new facilities exists.

Streets in University of Arkansas Campus: The City of Fayetteville and the University of Arkansas will partner together in the planning, design and construction or reconstruction of streets located within the University of Arkansas campus area. These streets are identified on the map and within this document. Streets identified on the Master Street Plan Map and within the University of Arkansas boundary are intended to be reviewed concurrently with City and University staff prior to design. These streets should be consistent with the policies of the Master Street Plan, but may require alternative cross-sections due to physical constraints unique to the University.

International Fire Code: The International Fire Code (IFC), which the State of Arkansas has adopted, requires a 20-foot minimum of unobstructed width on all roads, which is reflected in the proposed street cross-sections. If structures on either side of the road exceed 30 feet or three stories, then the IFC requires a 26-foot minimum of unobstructed width. This document recognizes that street cross-sections may be modified to meet the IFC requirements.

The following street cross-sections are functionally classified in accordance with the U.S. Department of Transportation's National Highway Functional Classification Study Manual. In addition, the street cross-sections provide sensitivity to context by providing options for both suburban and urban developments and accommodating cyclists and low-impact development neighborhoods. Additional utility easements will be required outside of the specified right-of-way on a project specific basis, as determined by the utility companies.

DRAFT



12.2.1 ALLEYS

Alleys are used in conjunction with streets to provide rear access to properties, garages and off-street parking. Driveways connected to alleys should have sufficient depth to allow vehicles to park and not encroach into the alley right-of-way.

Solid Waste

Solid waste pick-up is allowed, subject to the following standards:

- “No parking” signs are installed at the entrance(s) and mid-block locations.
- Designated locations for carts and recycle bins are kept free of obstructions.
- Bulk hauling and brush collection is placed at the public street.
- A 20’ driveway is provided between the garage/house and alley right-of-way.
- On-street parking is provided.
- Address numbers are installed on the front and rear of every structure.
- Minimum radius requirements are provided.
- Dead-end alleys are prohibited.

Fire Department

Alleys used in conjunction with single- and two-family units are not intended to serve as fire access roads when structures also adjoin a private or public street that provides the required fire access. Fire access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

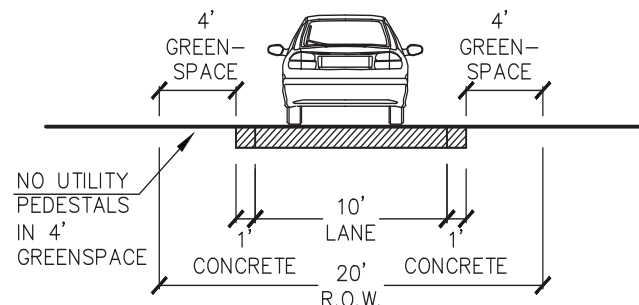
When an alley serves as the sole access, or when more than one access is required due to building height, condition of terrain, climatic conditions, the potential for impairment of a single road by vehicle congestion, or other factors that could limit access, alleys may need to be designed in accordance with the Arkansas Fire Code to support apparatus access, with approval from the fire code official.

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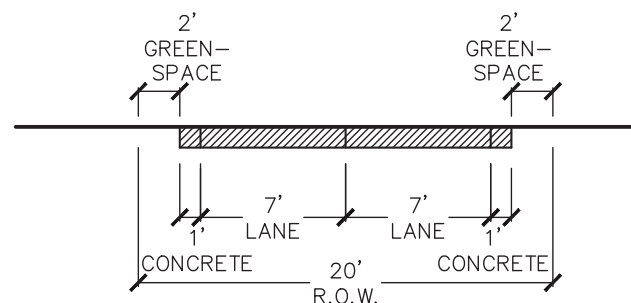
1a RESIDENTIAL REAR ALLEY: ONE-WAY

Design Service Volume: < 200 vpd
Travel Lanes: One 10' lane
Parking: Not allowed within alley R.O.W.
Paved Width: 12' from outer edge of concrete strip
Right of Way: 20'
Sidewalks: None
Greenspace: Both sides of alley, min. 4' wide, unencumbered
Curb cuts: Continuous access possible
No curb required



1b RESIDENTIAL REAR ALLEY: TWO-WAY

Design Service Volume: < 200 vpd
Travel Lanes: Two 7' lanes
Parking: Not allowed within alley R.O.W.
Paved Width: 16' from outer edge of concrete strip
Right of Way: 20'
Sidewalks: None
Greenspace: Both sides of alley, min. 2' wide, unencumbered
Curb cuts: Continuous access possible
No curb required

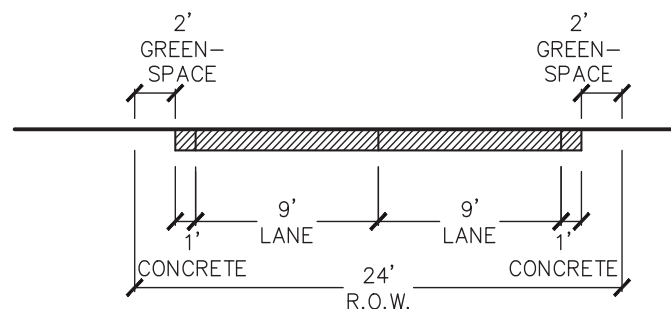


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**CITY
PLAN
2030**

1c COMMERCIAL REAR ALLEY: ONE- OR TWO-WAY

Design Service Volume: < 200 vpd
 Travel Lanes: Two 9' lanes
 Parking: Not allowed within alley R.O.W.
 Paved Width: 20' from outer edge of concrete strip
 Right of Way: 24'
 Sidewalks: None
 Greenspace: Both sides of alley, min. 2' wide, unencumbered
 Curb cuts: Continuous access possible
 No curb required



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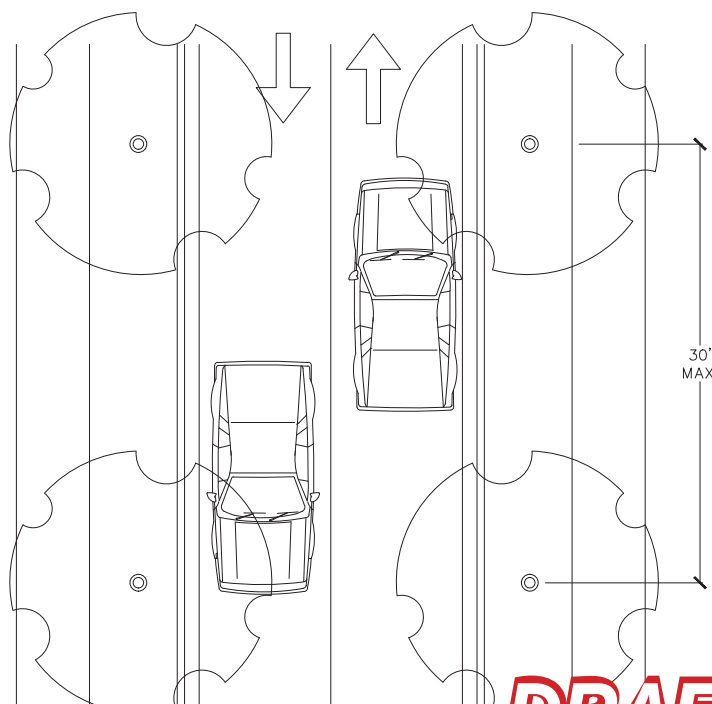
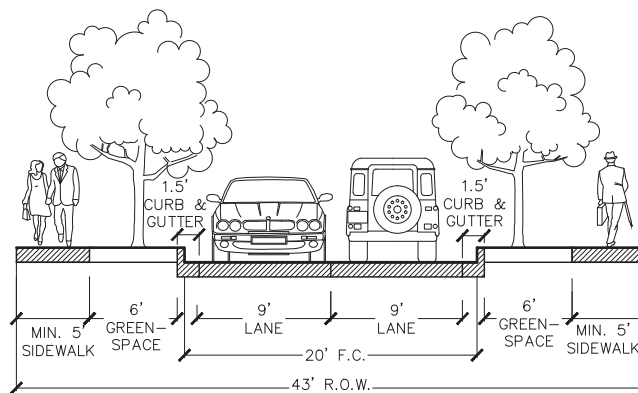
12.2.2 RESIDENTIAL STREETS

RESIDENTIAL STREETS provide for the lowest level of traffic and service. They provide access to residential property and are intended to be used only by local traffic. A high degree of street connectivity is required for easy dispersal of traffic. Residential Street block lengths shall not exceed 600 feet. Residential streets have a low level of access management, with curb cuts permitted every 50 feet.

2a RESIDENTIAL:

Design Service Volume:	< 300 vpd
Desired Operating Speed:	15-20 mph
Travel Lanes:	Two 9' lanes
Parking:	Not Allowed
Paved Width:	20' from face of curb
Right of Way:	43'
Sidewalks:	Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace:	Both sides of street, min. 6' wide

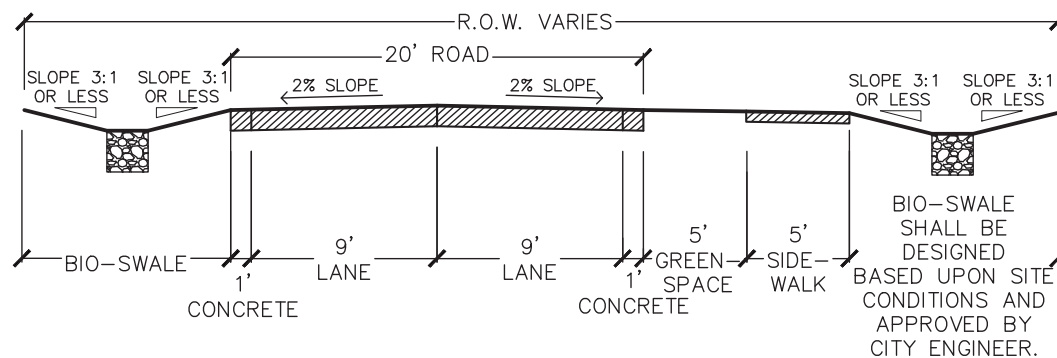
* ST 37 may substitute for the Residential Street cross-section urban condition.



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Design Service Volume:	< 300 vpd
Desired Operating Speed:	15-20 mph
Travel Lanes:	Two 9' lanes
Parking:	Not Allowed
Paved Width:	20'
Right of Way:	Varies
Sidewalks:	One, at least 5' wide, adjoining 5' greenspace
Greenspace:	One side of street, min. 5' wide
Bio-Swale:	Both sides of street, width dependent upon site conditions and approved by City Engineer. Tree plantings may be permitted by the Urban Forester



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12.2.3

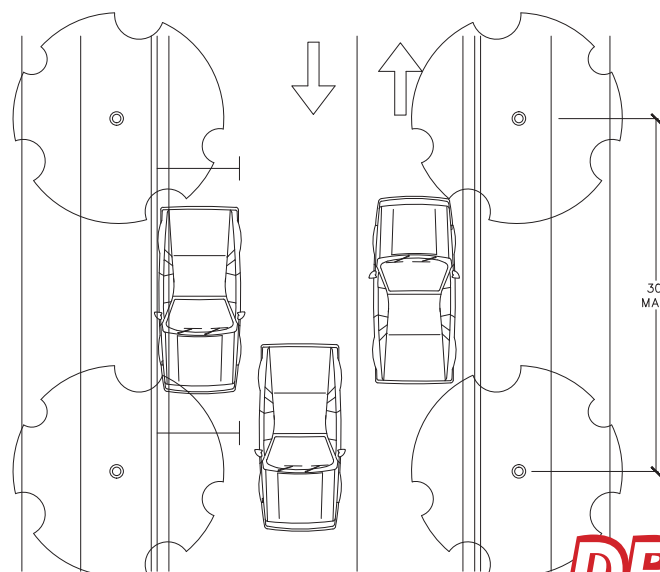
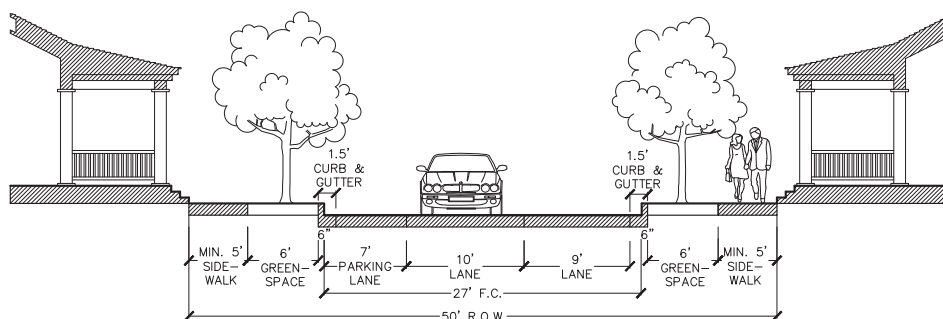
LOCAL STREETS

LOCAL STREETS provide for a moderate level of traffic flow and service. They provide access to abutting land uses and provide connections to higher order street classifications. Local Urban streets are encouraged in City Neighborhood and Urban Center areas as depicted on the Future Land Use Map. Local Urban Streets are also appropriate for areas that may function as a main street for a neighborhood, offering mixed uses and a pedestrian-friendly environment. LOCAL STREETS have a low to medium level of access management, with curb cuts permitted every 50 feet.

3a LOCAL:

Design Service Volume: < 4,000 vpd
Desired Operating Speed: 20-25 mph
Travel Lanes: One 10' lane,
One 9' lane
Parking: One 7' lane
Paved Width: 27' from face of curb
Right of Way: 50'
Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace: Both sides of street, min. 6' wide. May be widened to facilitate Low-Impact Development techniques, subject to approval by City Engineer.

* ST 45 may substitute for local street cross-section in an urban condition.

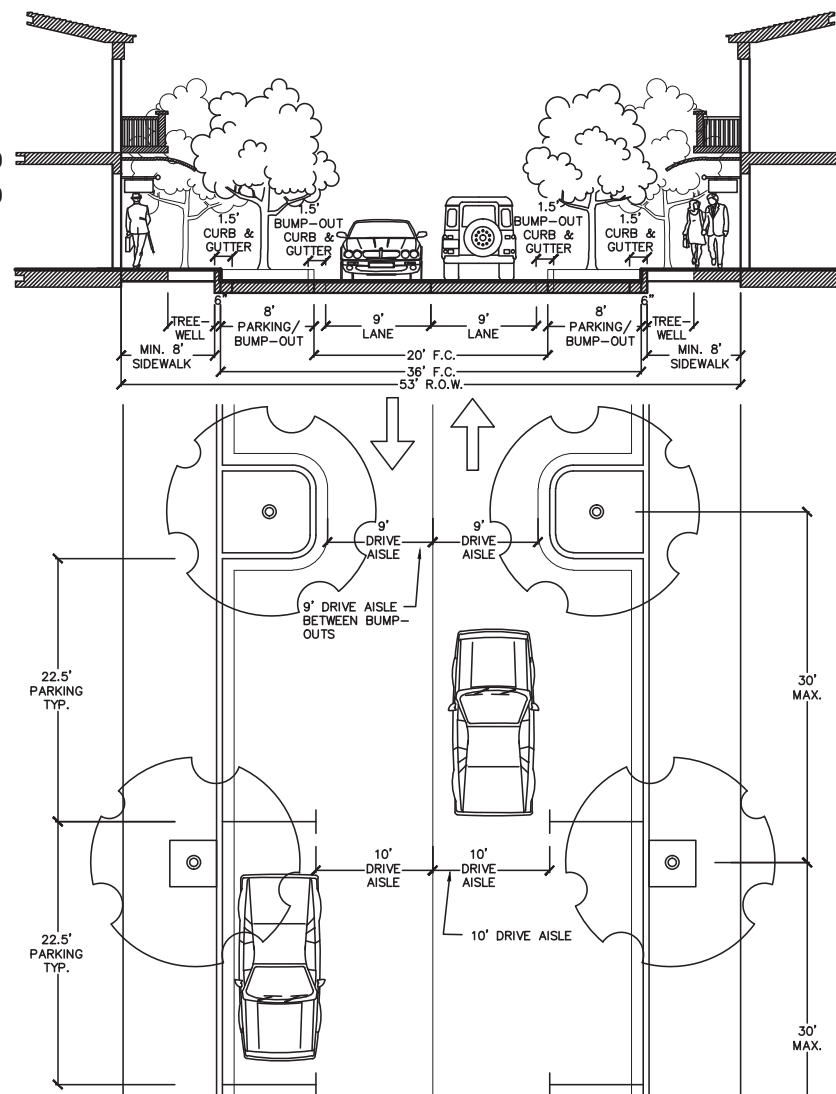


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3b LOCAL URBAN:

Design Service Volume: < 4,000 vpd
Desired Operating Speed: 20-25 mph
Travel Lanes: Two 9' lanes
Parking: Two 8' lanes with bump-outs
Paved Width: 20' from face of bump-out curb
36' entire width to face of curb
53'
Right of Way: 53'
Sidewalks: Both sides of street, min.
8' wide with grated tree wells
against curb
Greenspace: Both sides of street, tree wells



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12.2.4

COLLECTOR STREETS

COLLECTOR STREETS provide traffic circulation within residential, commercial, and industrial areas. They collect traffic from local or residential streets in neighborhoods and facilitate traffic movement into the arterial system. Connections between arterials should be direct in order to disperse traffic throughout the city. Collector streets vary in width and function as they respond to the context of the adjacent land uses. A minimum right-of-way of 59 feet shall be provided where a collector is depicted on the Master Street Plan with a 70-foot right-of-way provided at intersections with other collectors, minor arterials and principal arterials. The intersection right-of-way must extend a minimum of 200 feet from the intersection. A 70-foot right-of-way may be required if the volume or turning movements of traffic generated or predicted warrants a continuous turning lane. All collectors have a moderate level of access management with curb cuts permitted every 100 feet.

The City recognizes that the design of collector streets may vary depending upon the context of the existing and future land use in a particular area. The following three collector cross sections provide flexibility in context while utilizing a standard right-of-way and pavement width. This permits multiple configurations of on-street parking and bicycle facilities through different pavement markings and striping. The standard pavement width will enable the street to easily transform as land use intensity or density changes over time.

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4a COLLECTOR (INTERSECTION):

Design Service Volume: < 4,000 vpd,
< 6000 vpd
with left
turn bays

Desired Operating Speed: 25-30 mph

Travel Lanes: Two 14' shared
motorist and
cyclist lanes

Turn Lane: 11' turn bays
where warranted

Bicycle Lanes: Shared with
motorist lane

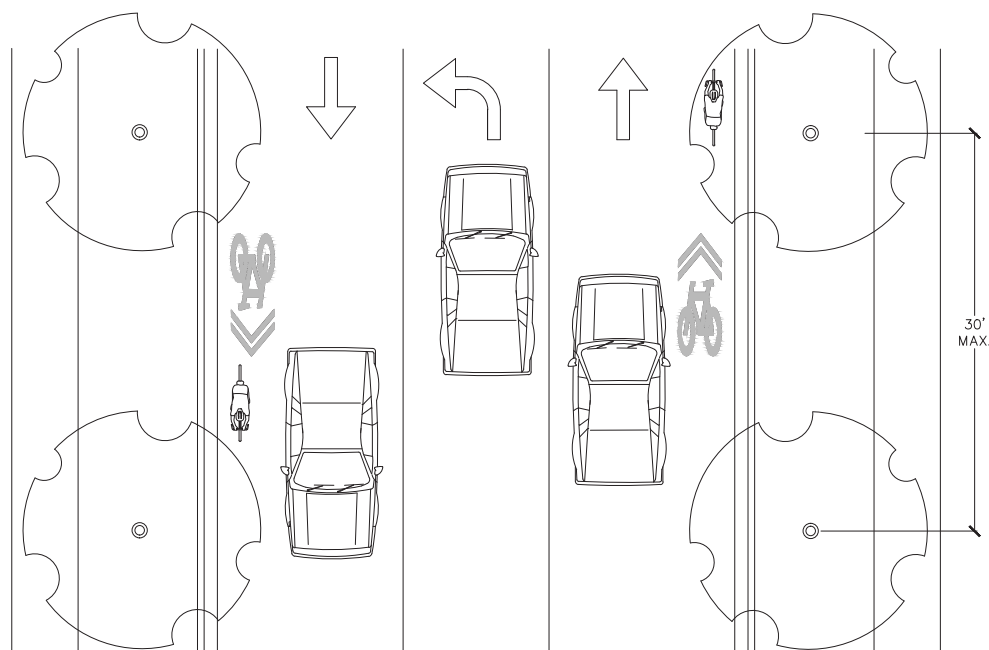
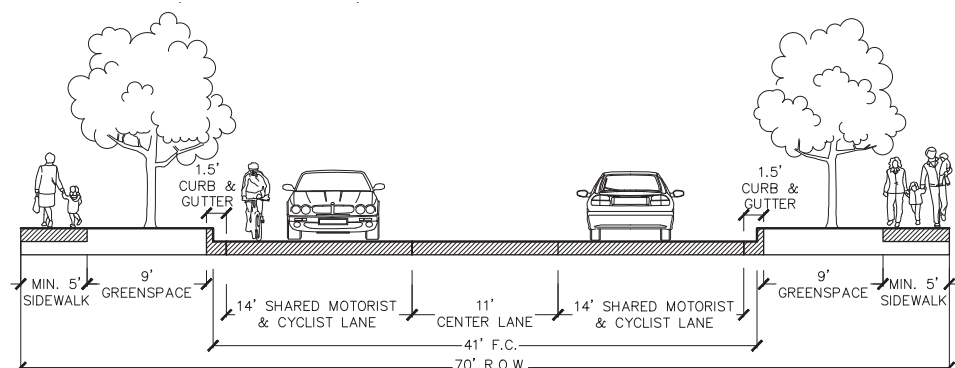
Parking: None

Paved Width: 41' from face
of curb

Right of Way: 70'

Sidewalks: Both sides of
street, min.
5' wide,
located in R.O.W.
at R.O.W. line.

Greenspace: Both sides of
street, min.
9' wide



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4b COLLECTOR (SHARROW):

Design Service Volume: < 4,000 vpd,
< 6000 vpd with left
turn bays

Desired Operating Speed: 25-30 mph

Travel Lanes: Two 14' shared
motorist and cyclist
lanes

Turn Lane: 11' turn bays where
warranted (See 4a)

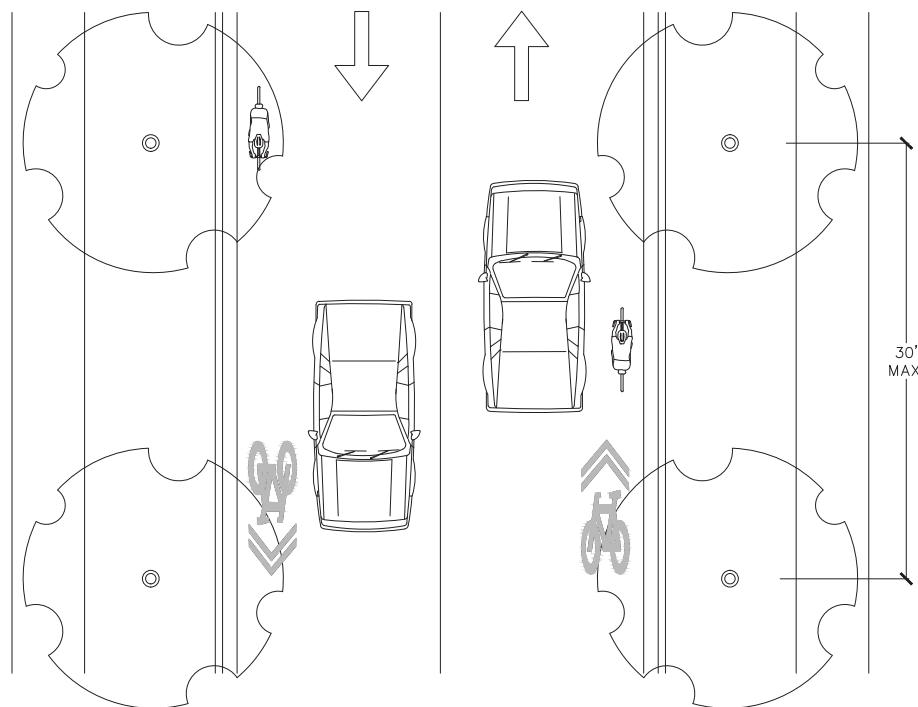
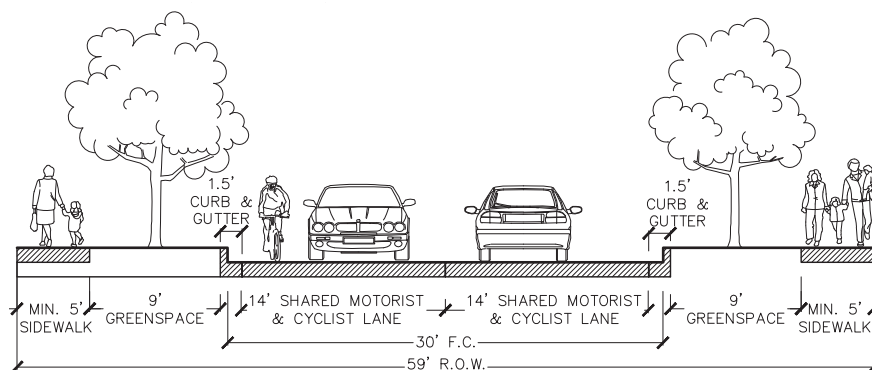
Bicycle Lanes: Shared with drive lane
None

Parking: 30' from face of curb

Right of Way: 59'

Sidewalks: Both sides of street,
min. 5' wide,
located in R.O.W. at
R.O.W. line

Greenspace: Both sides of street,
min. 9' wide



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4c COLLECTOR (WITH PARKING):

Design Service Volume: < 4,000 vpd,
< 6000 vpd

Desired Operating Speed: 25-30 mph

Travel Lanes: Two 11' motorist lanes

Turn Lane: None

Bicycle Lanes: Shared with motorist lanes

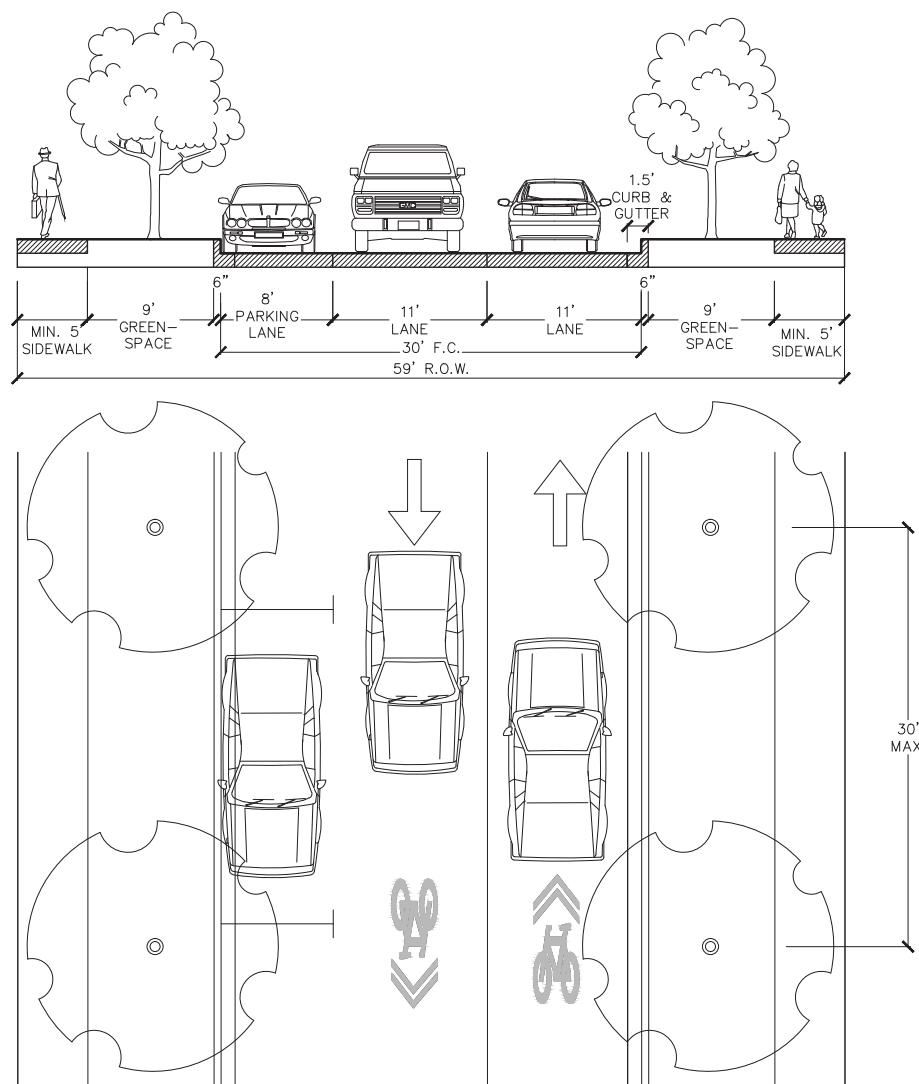
Parking: One 8' lane

Paved Width: 30' from face of curb

Right of Way: 59'

Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line.

Greenspace: Both sides of street, min. 9' wide



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4d COLLECTOR (WITH BICYCLE LANES):

Design Service Volume: < 4,000 vpd,
< 6000 vpd

Desired Operating Speed: 25-30 mph

Travel Lanes: Two 10' motorist lanes

Turn Lane: None

Bicycle Lanes: 5' wide, both sides of street against curb

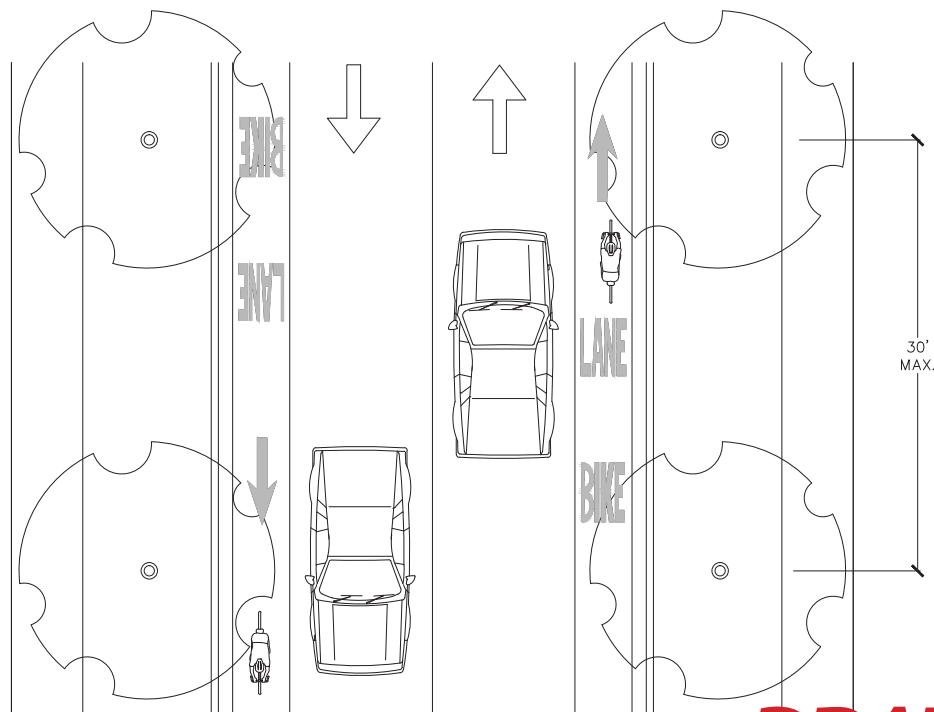
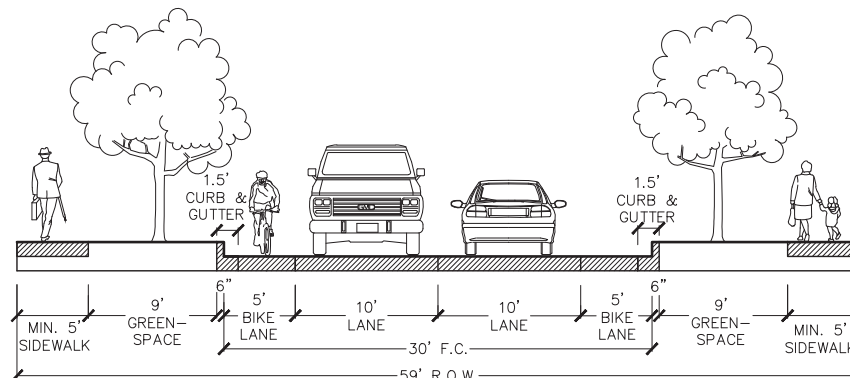
Parking: None

Paved Width: 30' from face of curb

Right of Way: 59'

Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line.

Greenspace: Both sides of street, min. 9' wide



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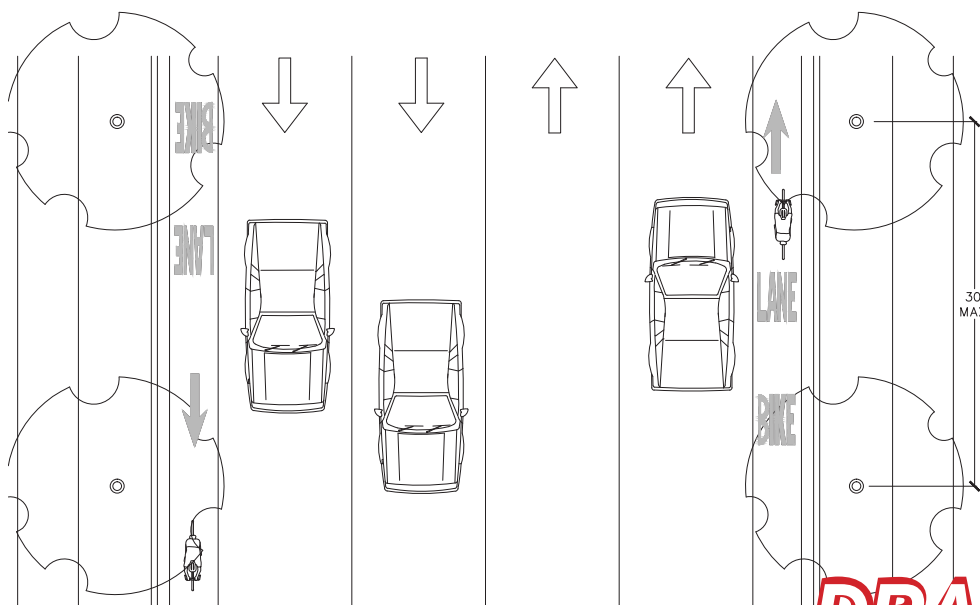
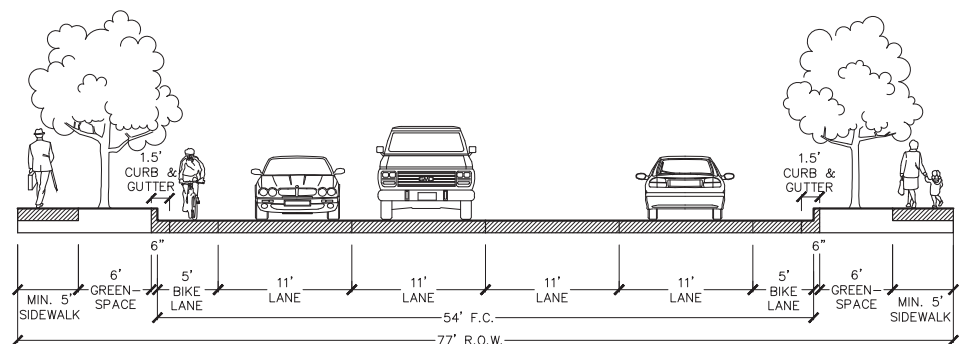
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12.2.5 MINOR ARTERIAL STREETS

MINOR ARTERIAL STREETS provide mobility throughout the city, encouraging multiple modes of transportation within the arterial network. Access should be limited to controlled intersections where possible. They have a moderate level of access management.

5 MINOR ARTERIAL:

Design Service Volume: < 12,200 vpd
Desired Operating Speed: 30-40 mph
Travel Lanes: Four 11' lanes
Bicycle Lanes: 5' wide, both sides of street next to curb
Parking: None
Paved Width: 54' from face of curb
Right of Way: 77'
Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace: Both sides of street, min. 6' wide



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12.2.6

PRINCIPAL ARTERIAL STREETS

PRINCIPAL ARTERIAL STREETS carry high volumes of through traffic. They are designed as boulevards for beauty and safety. They have a high level of access management and access should be primarily by way of cross-streets rather than individual curb cuts.

6 PRINCIPAL ARTERIAL BOULEVARD (WITH BICYCLE LANES) :

Design Service Volume: < 17,600 vpd

Desired Operating Speed: 30-40 mph

Travel Lanes: Four 11' lanes

Bicycle Lanes: 5' wide, both sides of street next to curb

Median: 10', 12' turn lane at intersections

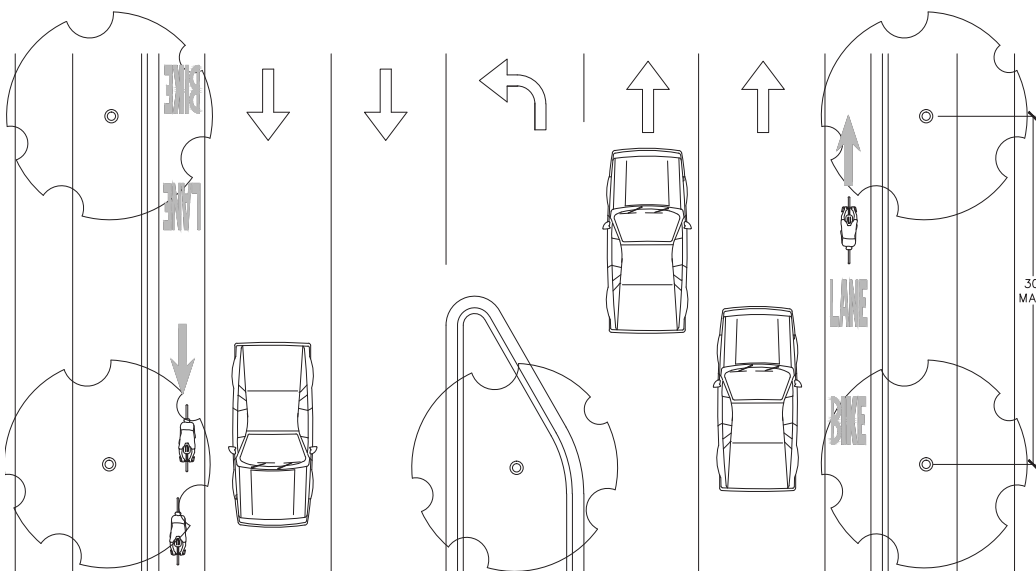
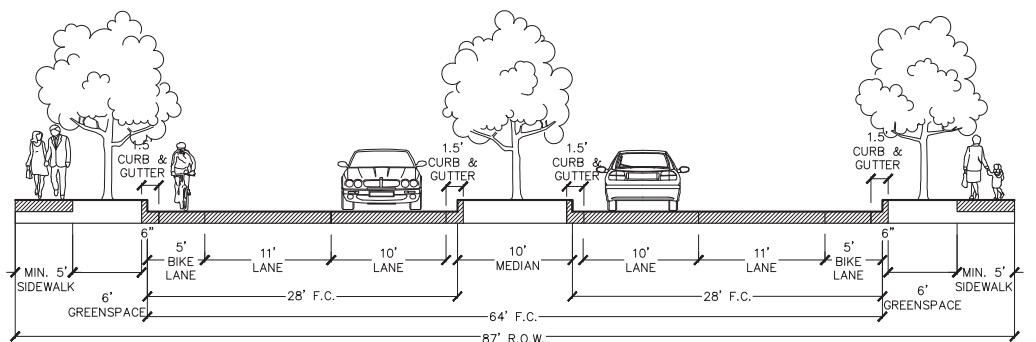
Parking: None

Paved Width: 28' from face of curb
64' entire width including median

Right of Way: 87'

Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line

Greenspace: Both sides of street, min. 6' wide



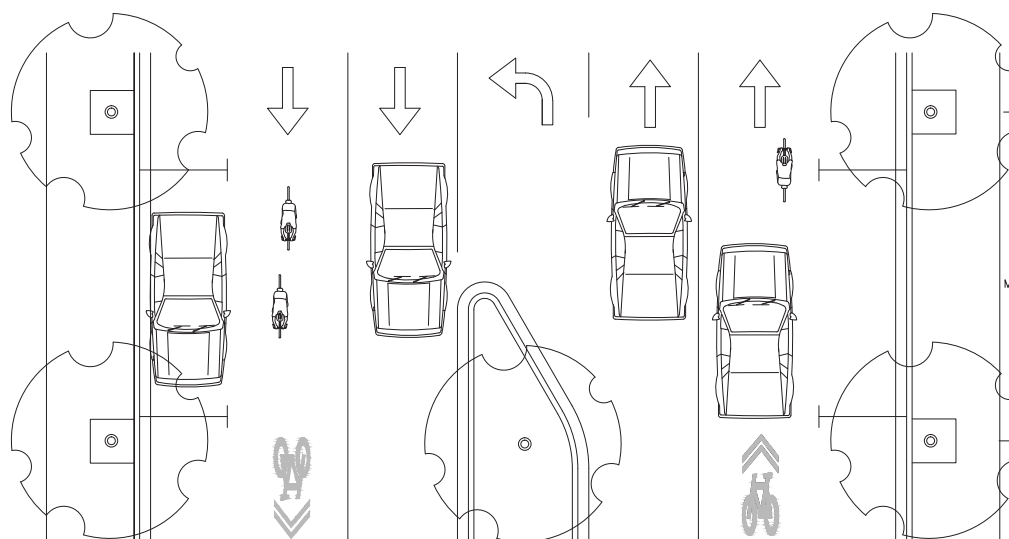
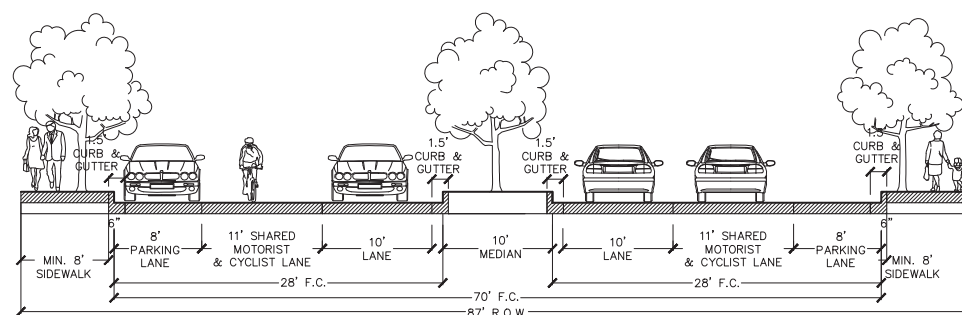
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PRINCIPAL ARTERIALS WITH ON-STREET PARKING are intended to be used in compact urban environments that are highly walkable and where building entries front the street. This street section is not intended to be used where traffic speeds exceed 30 MPH.

7 PRINCIPAL ARTERIAL BOULEVARD (WITH PARKING):

Design Service Volume: < 17,600 vpd
Desired Operating Speed: 25-30 mph
Travel Lanes: Four 11' lanes
Bicycle Lanes: Shared with outer auto travel lanes
Median/Turn Lane: 20' median, or 8' median with 12' turn lane
Parking: 8' lane, both sides of street
Paved Width: 28' from face of curb with median
40' from face of curb with turn lane
70' entire width including median
87'
Right of Way: Both sides of street, min. 8' wide with grated tree wells against curb
Sidewalks: None
Greenspace: None



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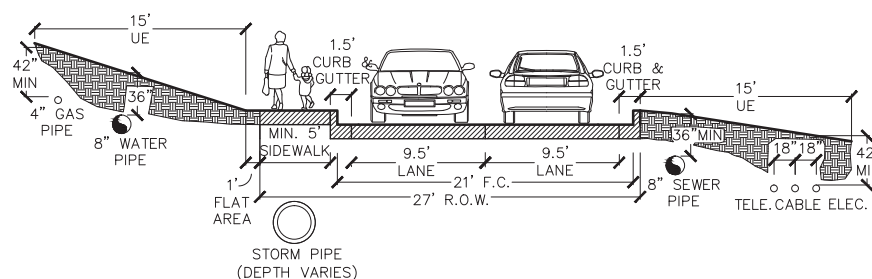
12.2.7

HILLTOP-HILLSIDE OVERLAY DISTRICT STREETS

H.H.O.D. (HILLTOP-HILLSIDE OVERLAY DISTRICT) STREETS are designed with a narrow right-of-way in order to minimize grading disturbance and tree removal, while still accommodating utility locations, vehicular and pedestrian movements. Hillside Residential streets carry limited traffic through neighborhoods, while Hillside Local streets collect traffic from the neighborhoods and disperse it to minor arterials. They have a low level of access management.

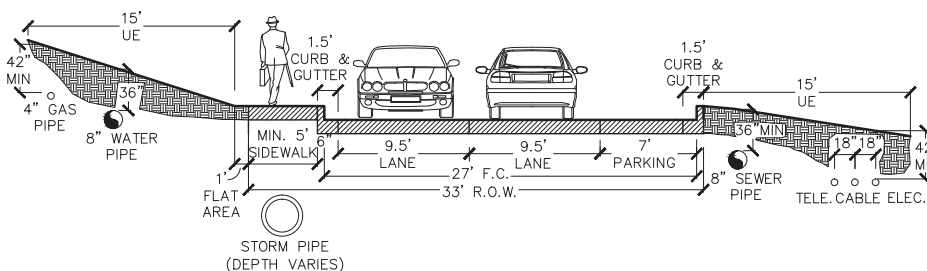
8a HILLSIDE RESIDENTIAL:

Design Service Volume: < 500 vpd
Desired Operating Speed: 15-20 mph
Travel Lanes: Two 9.5' lanes
Parking: Not Allowed
Paved Width: 21' from face of curb
Right of Way: 27'
Sidewalks: One, at least 5' wide, abutting curb
Greenspace: None
Utility Easements: Two, 15' at R.O.W.



8b HILLSIDE LOCAL:

Design Service Volume: < 4000 vpd
Desired Operating Speed: 20-25 mph
Travel Lanes: Two 9.5' lanes
Parking: One 7' lane
Paved Width: 27' from face of curb
Right of Way: 33'
Sidewalks: One, at least 5' wide, abutting curb
Greenspace: None
Utility Easements: Two, 15' at R.O.W.



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12.2.8 DOWNTOWN MASTER PLAN STREETS

DOWNTOWN MASTER PLAN STREETS are specific to the Downtown Master Plan area.

9a ST 37 9/9

Design Service Volume:

< 300 vpd

Traffic Lanes:

Two 9' lanes

Parking:

Not Allowed

Paved Width:

20' from face of curb

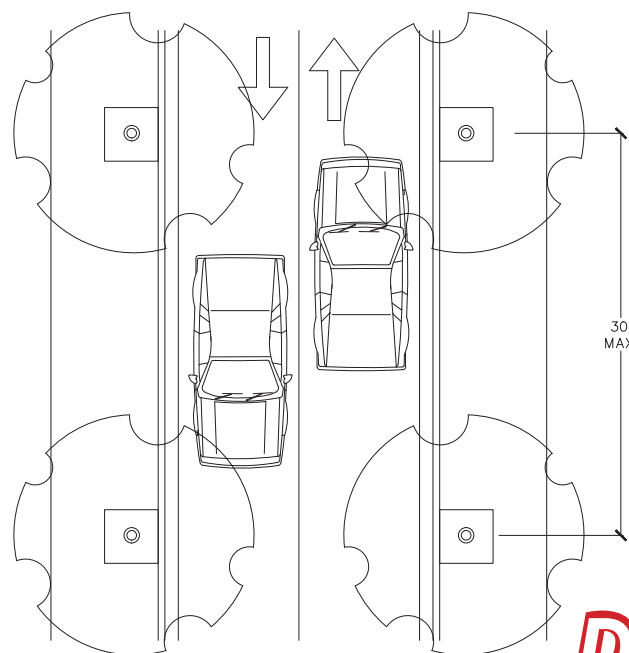
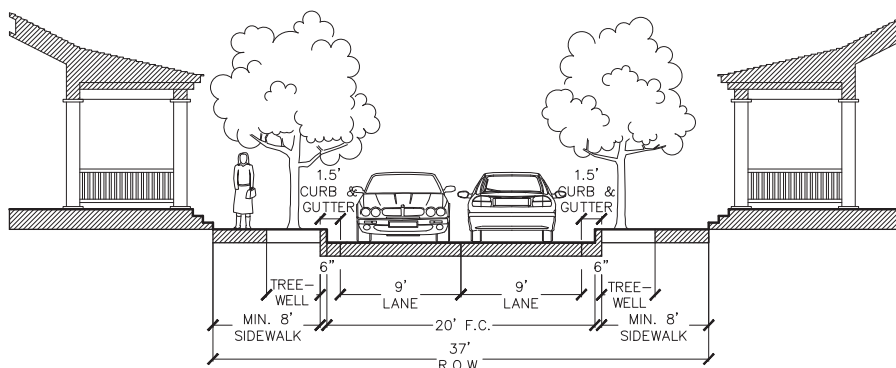
Right of Way:

37'

Sidewalks:

Both sides of street, min. 8' wide with grated tree wells against curb
Both sides of street, tree wells

Greenspace:



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9b ST 45 8/10/9

Design Service Volume:

< 300 vpd

Traffic Lanes:

One 10' lane,
one 9' lane

Parking:

One 8' lane

Paved Width:

28' from face of
curb

Right of Way:

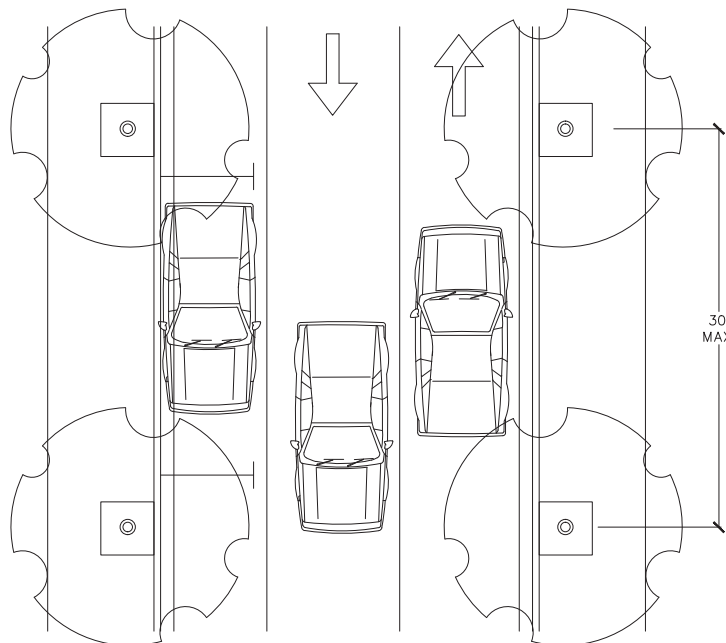
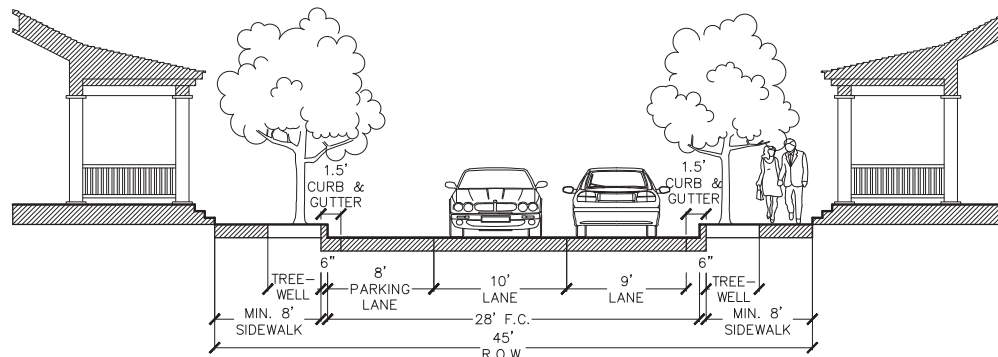
45'

Sidewalks:

Both sides of
street, min. 8'
wide with grated
tree wells against
curb

Greenspace:

Both sides of
street, tree wells

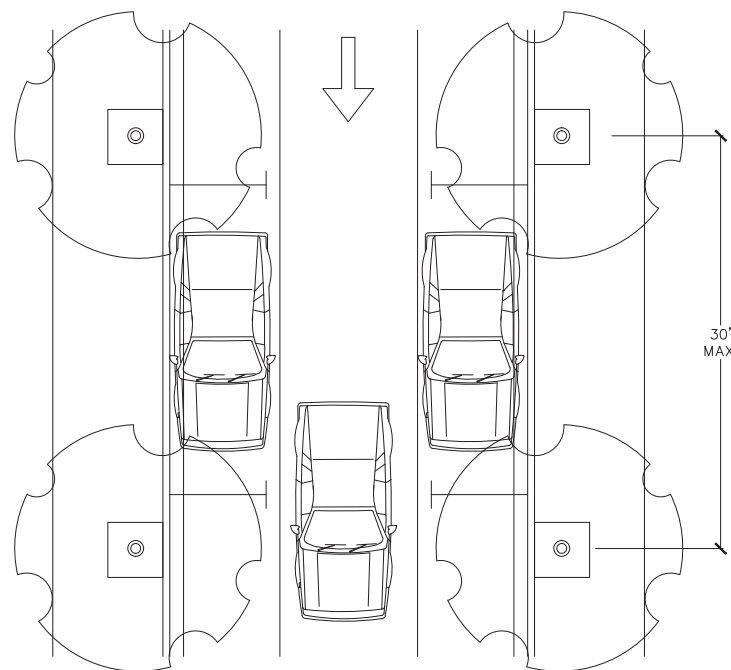
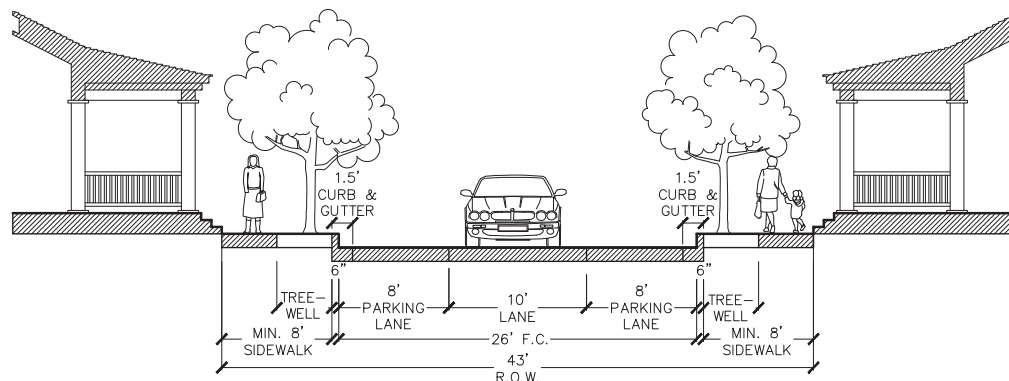


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9c ST 43 8/10/8 *

Design Service Volume: < 4,000 vpd
Traffic Lanes: One 10' lane
Parking: Two 8' lanes
Paved Width: 26' from face of curb
Right of Way: 43'
Sidewalks: Both sides of street, min. 8' wide with grated tree wells against curb
Greenspace: Both sides of street, tree wells



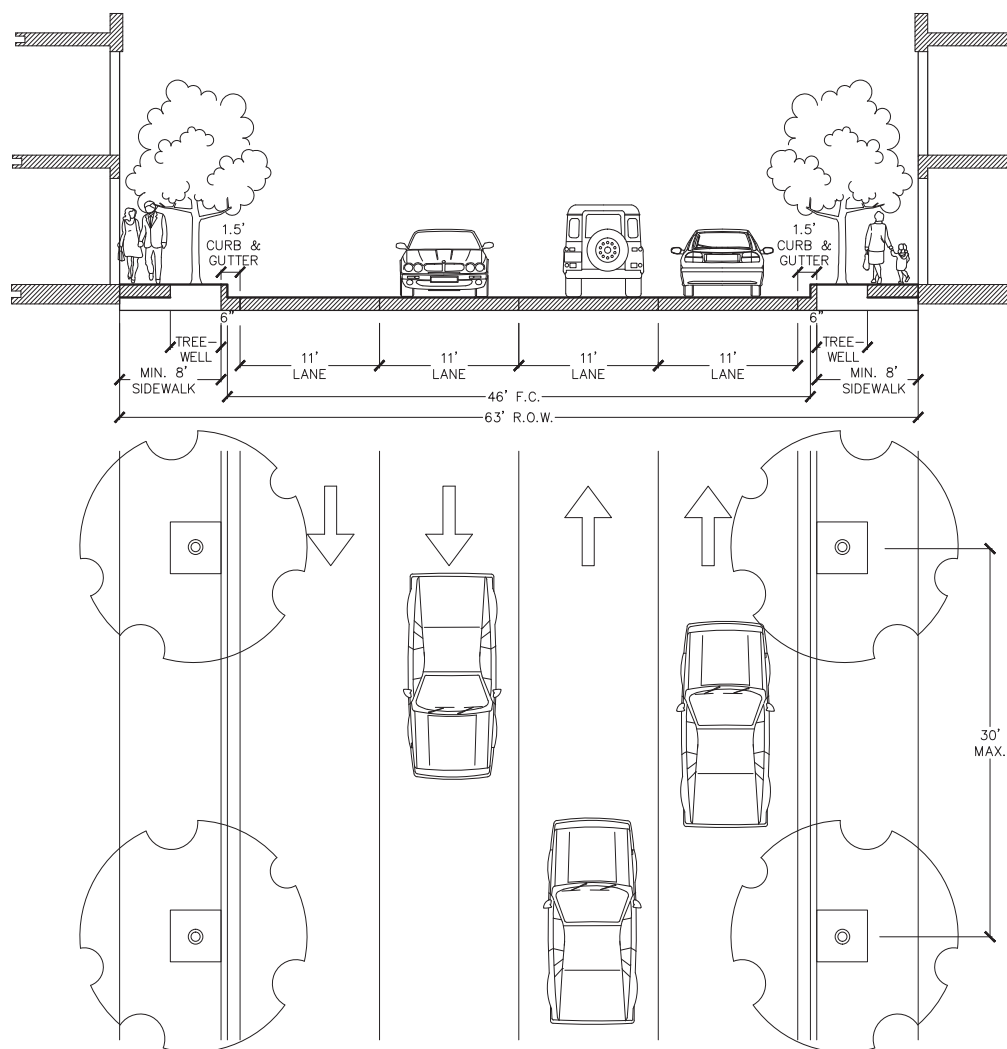
* This street cross section is permitted only for portions of Locust Avenue and Meadow street in the Downtown Master Plan Area.

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9d ST 63 11/11/11/11

Design Service Volume: <17,600 vpd
Traffic Lanes: Four 11' lanes
Bicycle Lanes: None
Parking: None
Paved Width: 46' from face of curb
Right of Way: 63'
Sidewalks: Both sides of street, min. 8' wide with grated tree wells against curb
Greenspace: Both sides of street, tree wells



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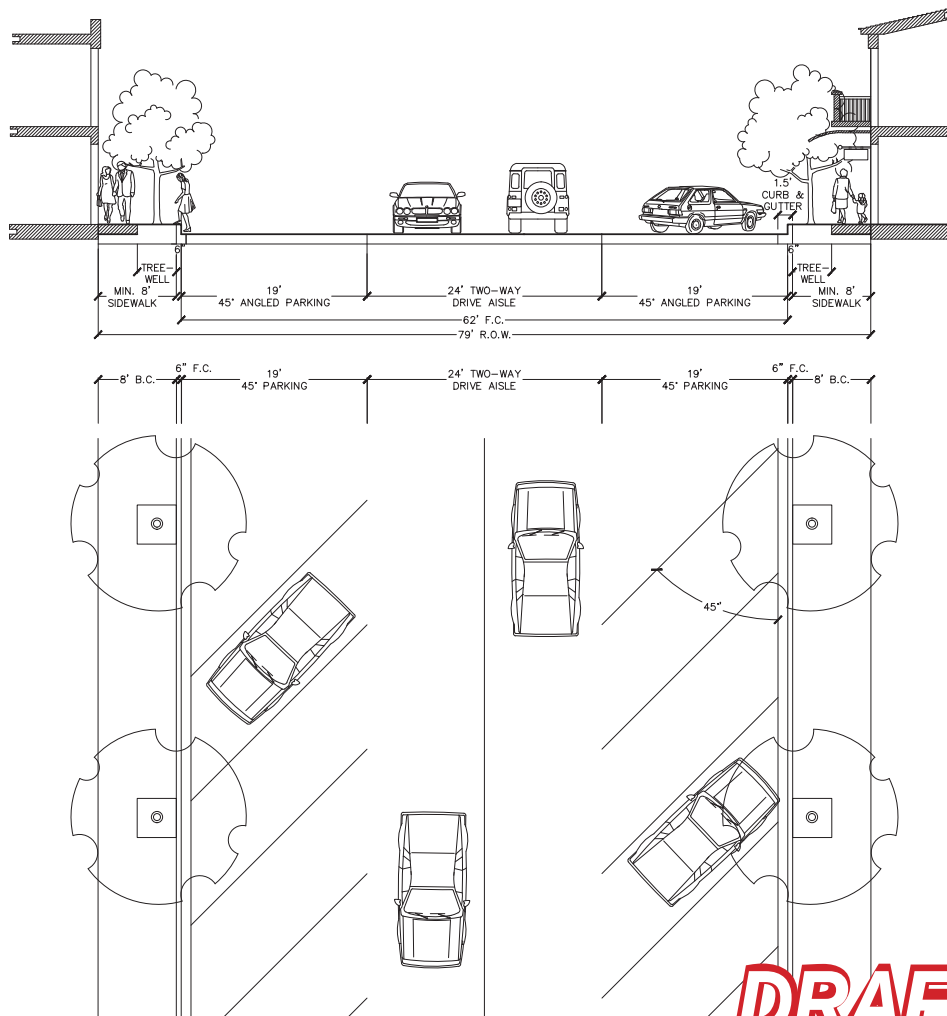
12.2.9

TWO-WAY SQUARE

The TWO-WAY SQUARE is designed to be utilized in town-square type scenarios, central to development, adjacent to mixed use with high volumes of pedestrian traffic. On street parking and high levels of pedestrian use keep vehicular speeds low.

10 TWO-WAY SQUARE

Design Service Volume: < 4,000 vpd
Traffic Lanes: Two 12' lanes
Bicycle Lanes: Shared with motorist lane
Parking: Two 19' lanes, angled 45°, with back in or pull in
Paved Width: 62' from face of curb
Right of Way: 79'
Sidewalks: Both sides of street, min. 12' wide with grated tree wells against curb
Greenspace: Both sides of street, tree wells



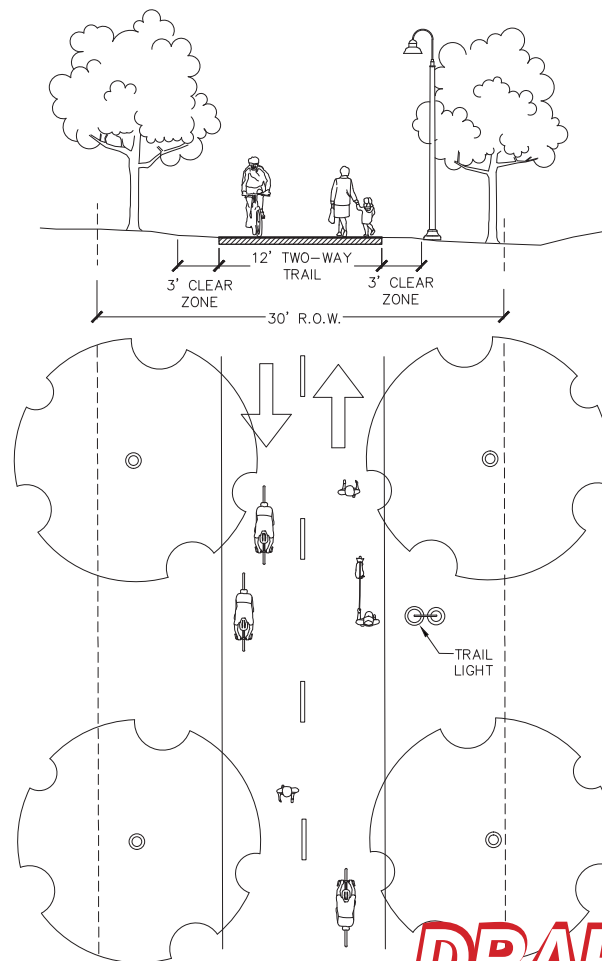
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PAVED TRANSPORTATION TRAILS provide safe, alternative means of transportation for a variety of non-motorized uses. The Fayetteville Alternative Transportation and Trails Master Plan identifies trail corridors that connect neighborhoods, businesses, schools and parks. The goal of the Master Plan is to create an interconnected system of trails throughout Fayetteville to provide a network of alternative transportation routes for people of all ages to safely travel around the City. All transportation trails are constructed 12 feet in width in order to accommodate the high volume and variety of users including walkers, joggers, strollers, bicycles, wheelchairs, and any other non-motorized use.

ASPHALT TRAIL is used in areas where the trail is located above of the flood prone areas and away from vehicle traffic. Trail pavement should match the adjacent pavement surface when connecting to existing trail.

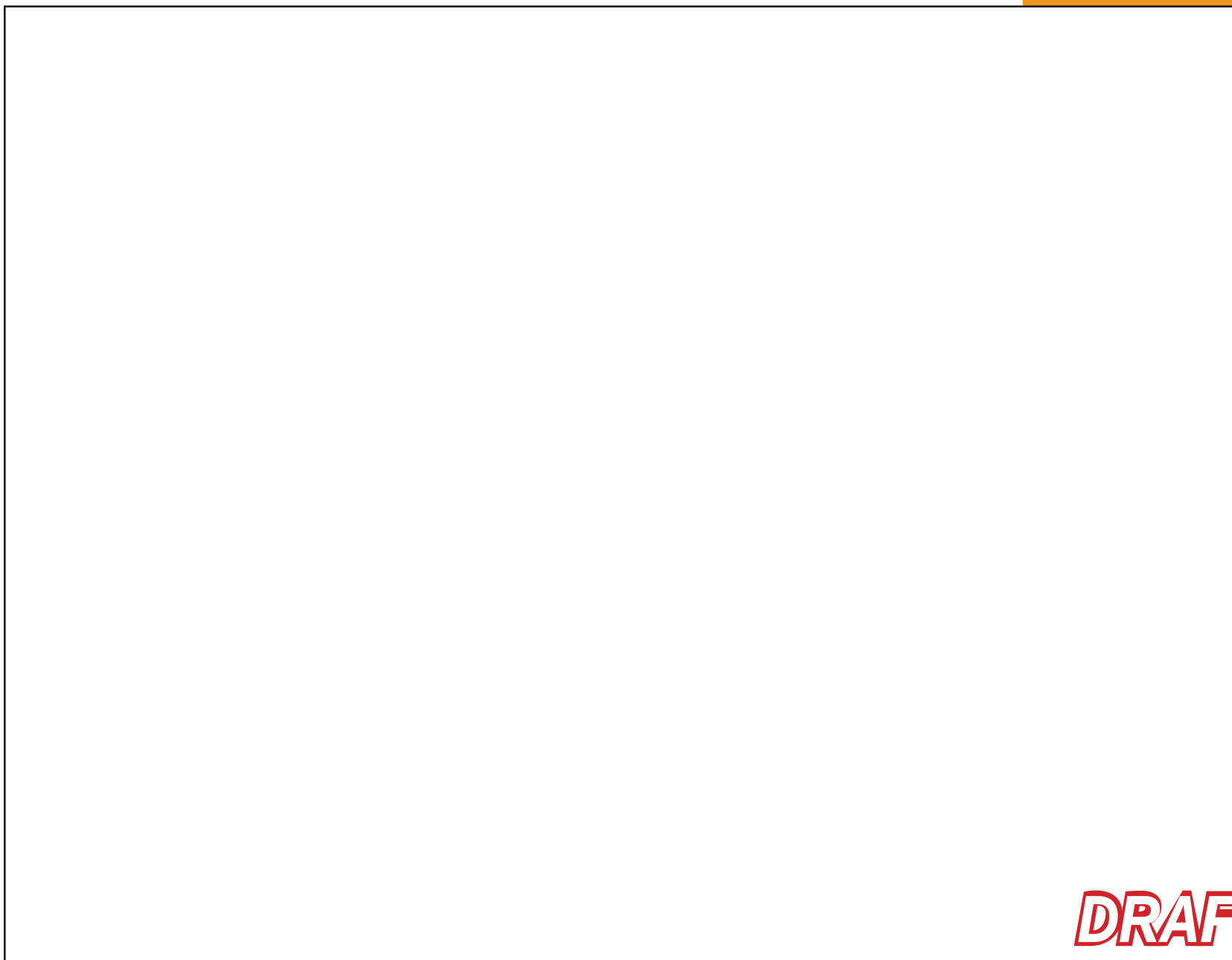
CONCRETE TRAIL is used when the trail is located in a flood prone area along a creek. Concrete holds up much better than asphalt when subjected to flood waters. Concrete is also used at road crossings including the ramps and other areas where increased durability is necessary. Trail pavement should match the adjacent pavement surface when connecting to existing trail.

Desired Operating Speed:	15 mph
Travel Lanes:	Two 6' lanes
Paved Width:	12'
Right of Way:	30' minimum
Greenspace:	Both sides of trail



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Master Transportation Plan Guiding Policies

Circulation: *Guiding Policies*

In order to guide the formulation of a Master Transportation Plan and direct the Planning Commission regarding land use decisions which affect transportation issues, the following policies are suggested:

- 12.2.10.a Promote the coordinated and efficient use of all available and future transportation modes. (Goal 4)
- 12.2.10.b Meet the diverse transportation needs of the people of the City, including rural and urban populations and the unique mobility needs of the elderly and disability communities.
- 12.2.10.c Ensure the repair and necessary improvements of roads and bridges throughout the City to provide a safe, efficient and adequate transportation network.
- 12.2.10.d Minimize the harmful effects of transportation on public health and on air and water quality, land and other natural resources.
- 12.2.10.e Promote reliance on energy-efficient forms of transportation.
- 12.2.10.f Incorporate a public participation process in which the public has timely notice and opportunity to identify and comment on transportation concerns.
- 12.2.10.g Monitor and improve transportation facilities to conveniently serve the intra-city and regional travel needs of Fayetteville residents, business and visitors.
- 12.2.10.h Monitor the incidence of traffic accidents and implement physical and operational measures to improve public safety.
- 12.2.10.i Support mass transit which offers convenient and reliable alternatives to the automobile. (Goal 4e)
- 12.2.10.j Establish facilities which accommodate safe and convenient travel for pedestrians and bicyclists. (Goal 4e)
- 12.2.10.k Promote mixed-use and traditional neighborhood development to reduce roadway demand and change travel patterns. (Goal 3b, Goal 4)
- 12.2.10.l Encourage consideration of the impacts on the transportation network in land use decisions made by the Planning Commission.
- 12.2.10.m Periodically update the Master Street Plan in order to evaluate the context sensitivity and the appropriateness of right-of-way dedication requirements.
- 12.2.10.n Encourage the construction of sheltered bus stops and bicycle parking facilities at transit stops, shopping centers and employment centers.
- 12.2.10.o Support multi-modal transportation options such as trails, sidewalks, bike lanes and mass transit. (Goal 4)
- 12.2.10.p Promote the continued expansion of the City's trail network through proactive planning and the acquisition of trail easements. (Goal 4)
- 12.2.10.q Promote increased bicycle usage by providing integrated bicycle facilities on new and redesigned roadways, where appropriate. (Goal 4)

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PC Meeting of May 2, 2011

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~April 19, 2011~~ Updated May 3, 2011

ADM 11-3776: Administrative Item (MASTER STREET PLAN 2030): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Master Street Plan Map. Planner: Jesse Fulcher

Background:

The current Master Street Plan Map was adopted by Resolution No. 161-07 on September 4, 2007. The 2007 update focused on standardizing the street cross-sections, classifying streets within the Westside annexation area, and increasing the number of collector streets.

Updates:

An original goal of this update was to identify new streets on the Master Street Plan map based on the policies of the Access Management Ordinance, which sets recommended distances between local, collector and arterial streets. However, the level of detail provided by the Access Management Ordinance couldn't realistically be applied on the scale of the Master Street Plan Map. For that reason staff evaluated locations to add new collector streets, using a quarter mile grid as a guide. This allowed staff to strategically locate numerous new collector streets in areas with the highest development potential, even if that development is not intended to occur in the near future. Fewer streets were added in areas with limited development potential due to restrictive topography.

Another goal in the update was to create context sensitive streets. Context-sensitive street design looks at local conditions to determine the most appropriate street design that optimizes mobility and safety for all modes of travel. A one-size-fits-all design approach cannot be applied to every existing street. Accordingly, staff has included street corridor plans as an on-going action step in the City Plan document. Context-sensitive design principals, however, are applied to future collector and principal arterials streets.

Two new collector street cross-sections have been added to the document. Each utilizes the current 59' foot right-of-way, but street striping can be used to delineate either on-street parking or bicycle lanes. This allows the street function to change over time depending on the surrounding context and ensures a narrower travel lane and reduced vehicle speeds in areas that attract significant pedestrian traffic.

The second change was a further reduction in the right-of-way requirements for the minor and

principal arterial streets and the addition of a principal arterial cross-section that allows on-street parking in more urban environments. The additional area between the sidewalk and travel lane created by a bike lane or on-street parking provides a significant buffer between vehicles and pedestrians and allows the greenspace width to be decreased. The overall right-of-way for principal arterials has been reduced from 97 feet to 87 feet and from 85 feet to 77 feet for minor arterials.

Another important discussion centered on alleys, and how not only the design, but also parking and addressing can inhibit use by solid waste and emergency vehicles. Staff from Strategic Planning, Current Planning, Fire, Solid Waste and Engineering worked together to determine what issues were encountered in the field and how each of these could be addressed. A bullet-point list of requirements is now listed in the alley cross-sections that if provided, will allow solid waste collection in alleys. Language from the International Fire Code has also been included to clarify the use of alleys for one- and two-family developments as well.

12.2.1 Alleys

Alleys are used in conjunction with streets to provide rear access to properties, garages and off-street parking. Driveways connected to alleys should have sufficient depth to allow vehicles to park and not encroach into the alley right-of-way.

Solid Waste

Solid waste pick-up is allowed, subject to the following standards:

- *“No parking” signs are installed at the entrance(s) and mid-block locations.*
- *Designated locations for carts and recycle bins are kept free of obstructions.*
- *Bulk hauling and brush collection is placed at the public street.*
- *A 20’ driveway is provided between the garage/house and alley right-of-way.*
- *On-street parking is provided.*
- *Address numbers are installed on the front and rear of every structure.*
- *Minimum radius requirements are provided.*
- *Dead-end alleys are prohibited.*

Fire Department

Alleys used in conjunction with single- and two-family units are not intended to serve as fire access roads when structures also adjoin a private or public street that provides the required fire access. Fire access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

When an alley serves as the sole access, or when more than one access is required due to building height, condition of terrain, climatic conditions, the potential for impairment of a single road by vehicle congestion, or other factors that could limit access, alleys may need to be designed in accordance with the Arkansas Fire Code to support apparatus access, with approval from the fire code official.

Other updates to the cross-sections include:

- Modifying the Low Impact street section to allow flexibility in swale design.

- Addition of a front-end parking street section (Two-way Square) for urban environments.

Recommended Motion: Staff recommends forwarding **ADM 11- 3776 (Master Street Plan)** to the City Council with a recommendation for approval.

Planning Commission Action: ☒ **Forwarded** ☐ **Denied** ☐ **Tabled**

Motion #1: Winston (motion to downgrade Howard Nickell/Rupple Road to a Collector Street between W. Salem and HWY 112.

Second: Earnest

Vote: 5-4-0 (Commissioners Cabe, Bunch, Cook and Chessser voting ‘No’)

Motion #2: Winston (motion to forward MSP map)

Second: Hoskins

Vote: 8-1-0 (Commissioner Chessser voting ‘No’)

Meeting Date: April 25, 2011 Rescheduled to May 2, 2011

Vote:

ADM 11-3774: Administrative Item (CITY PLAN 2030): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Comprehensive Land Use Plan.

ADM 11-3775: Administrative Item (FUTURE LAND USE MAP): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Future Land Use Map.

ADM 11-3776: Administrative Item (MASTER STREET PLAN): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Future Land Use Map.

Jesse Fulcher, Current Planner, gave the staff report for all three City Plan 2030 items.

Public Comment:

Michael Mauldin, Salem Hills Estates, requested the commission downsize Howard Nickell road to a two-lane Collector and discussed traffic safety concerns.

Gregory Smith, Salem Estates Hills, agreed with the comments of Michael Mauldin and also requested speed tables on Howard Nickell.

Richelle Costrell, Salem Estates Hills, this is a big cut-through. She also requested to downgrade Howard Nickell.

Cliff (unaudible), Salem Estates Hills, 3634 Howard Nickell road, discussed traffic safety and requested to downgrade Howard Nickell.

Katie Jackson, Salem Estates Hills, discussed traffic safety and requested to downgrade Howard Nickell.

Flint Harris, Salem Estates Hills, discussed neighborhood integrity and requested to downgrade Howard Nickell.

(Unaudible), 3618 Howard Nickell Road, Salem Estates Hills, discussed traffic safety and requested to downgrade Howard Nickell.

Roy Slaughter, 3606 Howard Nickell, Salem Estates Hills, discussed traffic safety and requested to downgrade Howard Nickell.

Maggie Lee, Salem Estates Hills, discussed traffic safety and requested to downgrade Howard Nickell and asked if this were annexed would sewer be provided.

Public comment was closed.

Kit Williams, City Attorney, answered the question about sewer service discussing that the City would not automatically provide sewer service.

Commissioner Winston discussed the pros and cons of Howard Nickell as a Collector or Principal Arterial. He would like to propose it be downgraded to a Collector.

Motion #1:

Commissioner Winston made a motion to modify ADM 11-3776 Master Street Plan to downgrade Howard Nickell Road to a Collector only through the Salem Hills Neighborhood and it would remain a Principal Arterial on either side of the neighborhood (starting at West Salem Road and ending at Dean Solomon Road). **Commissioner Earnest seconded the motion.**

Commissioner Cook discussed reasons for disagreement with the motion, discussing a past traffic study, and the fact that eventually capacity will or may dictate that this road be improved to four lanes. He stated that it would be a disaster to go back on the plan at this point that has been in place for a number of years.

Commissioner Hoskins discussed that there are better routes for an arterial roadway in this area and conducted detailed evaluations of various routes during a project in this area.

Commissioner Chesser discussed that Wedington is a four lane road next to his neighborhood and he doesn't feel that it splits the area. If we downgrade this to a Collector we will have to upgrade another area to an arterial and we will have the same objections to other neighbors. He discussed that it seems more fair to keep the road as it is currently designated as it had this designation before this neighborhood was even built and if the arterial were reclassified in another location it would be affecting people who were not aware of it.

Commissioner Hoskins discussed that along Salem the houses are set back as far as 95 feet and discussed details of other alternative arterial routes.

Commissioner Chesser discussed that he might be able to support a re-classification of this road if we had another plan in place for the arterial to go somewhere else.

Commissioner Bunch discussed that even if we downgrade it now we will be stringing the neighborhood along because this will be re-considered in another five years. She stated that she doesn't think we can give this up now.

Commissioner Kennedy discussed that this will be an issue as long as this neighborhood is here.

Upon roll call the motion to downgrade Howard Nickell to a Collector through the Salem Hills Estates passed with a vote of 5-4-0 (commissioners Cabe, Bunch, Cook, and Chesser voting 'No').

Commissioner Earnest discussed that the proposed street grid in the Planning Area is in conflict with the primary goals in City Plan to encourage infill and discourage sprawl.

Motion #2:

Commissioner Earnest made a motion to remove all streets on the Master Street Plan in the northeast quadrant of the Planning Area. **The motion failed for lack of a second.**

Motion #3:

Commissioner Winston made a motion to forward ADM 11-3776 (Master Street Plan update) to City Council with a recommendation for approval. **Commissioner Hoskins** seconded the motion. **Upon roll call the motion passed with a vote of 8-1-0 (Commissioner Chesser voting 'No').**

Motion #4:

Commissioner Earnest made to amend ADM 11-3774 City Plan 2030 document to move the Benchmark of “Determine the feasibility of a Local Housing Trust Fund and Land Bank” to short term. **Commissioner Cook** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

Motion #5:

Commissioner Earnest made to amend ADM 11-3774 City Plan 2030 to move the Benchmark of “Continue to develop and implement form-based codes...” to short term. **Commissioner Chesser** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

Fulcher requested that the Commission incorporate a revision to the ADM 11-3774 City Plan 2030 document to incorporate language that Chapter 164 Nonconforming Structures of the Unified Development Code be evaluated.

Motion #6:

Commissioner Chesser made to forward ADM 11-3774 City Plan 2030 document to the City Council with a recommendation of approval with the amendment as requested by staff for evaluation of Chapter 164. **Commissioner Earnest** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

Motion #7:

Commissioner Winston made to forward ADM 11-3775 Future Land Use Map to the City Council with a recommendation of approval. **Commissioner Chesser** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

There being no further business, the meeting was adjourned at 7:10 PM.

City of Fayetteville Staff Review Form

C. 6
RZN 11-3804 (Northwest
Corner of Mountain Street
and College Avenue/East
Square Development)
Page 1 of 20

City Council Agenda Items
and
Contracts, Leases or Agreements

~~6/7/2011~~ 6/21/11
City Council Meeting Date
Agenda Items Only

Dara Sanders
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 11-3804: (Northwest Corner of Mountain Street and College Avenue/East Square Development, 523): Submitted by The City of Fayetteville for property located at the northwest corner of Mountain Street and College Avenue. The property is zoned C-PZD, Commercial Planned Zoning District 05-1610 and contains approximately 1.01 acres. The request is to rezone the subject property to DC, Downtown Core.

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 05.11.2011
Date

Previous Ordinance or Resolution #


City Attorney 5-18-2011
Date

Original Contract Date:

Original Contract Number:


Finance and Internal Services Director 5-18-2011
Date

Received in City Clerk's Office 05-12-11A08:32 RCVD
407 5/18/11 rcvd again


Chief of Staff 5-18-11
Date

Received in Mayor's Office
ENTERED 5/18/11
P/H


Mayor 5/20/11
Date

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Dara Sanders, Current Planner

Date: May 11, 2011

Subject: RZN 11-3804 (East Square Development)

RECOMMENDATION

Planning Commission and staff recommend approval of an ordinance to rezone the subject property from C-PZD 05-1610 to DC, Downtown Core.

BACKGROUND

The subject property consists of approximately 1.01 acres located within the Downtown Master Plan on the block between Center Street and Mountain Street, adjacent to College Avenue. In 2005, the Planning Commission and City Council approved C-PZD 05-1610 to establish zoning criteria and development rights for an 18-story structure to include a hotel, condominiums, retail/tenant space, conference rooms, a ballroom, a restaurant and bar, and a 7-story parking garage.

In 2006, the Planning Commission granted a one-year extension for the issuance of building permits to development the site as approved to expire on December 20, 2007. The property owner did not obtain building permits before the extended deadline, and the City Council approved a request to permit an extension for a period of three years to expire on December 18, 2010. Construction permits for the project were not obtained and the C-PZD approval has expired.

If an approved PZD expires the property does not automatically revert back to the original zoning. The property is unable to be developed or subdivided until the old PZD zoning is revoked and a new, valid zoning district is assigned. In an effort to establish a valid zoning district on the subject property the City Planning Division has initiated the PZD revocation process following the requirements of the Fayetteville Unified Development Code Chapter 166.06(C). An initial letter was sent to the property owners on October 21, 2010 notifying them of the expired PZD, discussing options for establishing a valid zoning district, and the intent of the City to revoke the PZD and rezone the property if the owners did not initiate a rezoning. On April 7, 2011 the City Planning Division sent an official PZD revocation letter to the property owner via certified mail notifying them that the City Planning Division was proposing to revoke the PZD and rezone the property to DC, Downtown Core.

DISCUSSION

On May 9, 2011 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REVOKING C-PZD 05-1610 (EAST SQUARE DEVELOPMENT) AND REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 11-3804, FOR APPROXIMATELY 1.01 ACRES, LOCATED AT THE NORTHWEST CORNER OF MOUNTAIN STREET AND COLLEGE AVENUE, FROM C-PZD, COMMERCIAL PLANNED ZONING DISTRICT 05-1610, TO DC, DOWNTOWN CORE.

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

Section 1: That C-PZD 05-1610 (East Square Development) is hereby revoked because the developer failed to obtain development permits in accordance with the approved phased development schedule.

Section 2: That the zone classification of the following described property is hereby changed as follows:

From C-PZD, Commercial Planned Zoning District 05-1610 to DC, Downtown Core, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 3: 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 , 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

C. 6
RZN 11-3804 (Northwest
Corner of Mountain Street
and College Avenue/East
Square Development)
Page 4 of 20

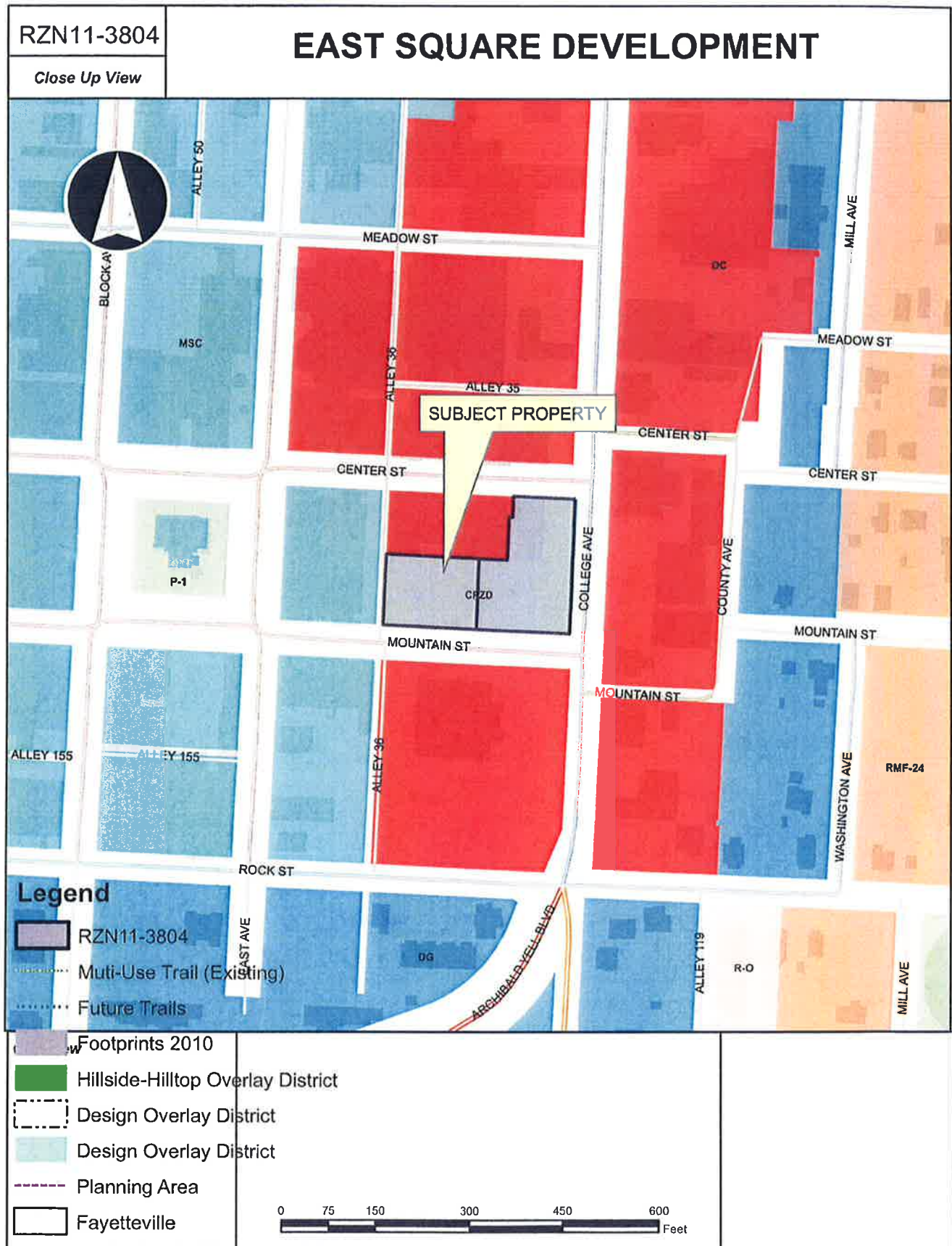


EXHIBIT "B"
RZN 11-3804

LEGAL DESCRIPTION - TRACT 5

ALL OF LOT ONE (1), LOT TWO (2), AND A PART OF LOT THREE (3), LOT SIXTEEN (16), AND 11 OF LOT SEVENTEEN (17), LOT EIGHTEEN (18), LOT NINETEEN (19), AND A PART OF THE 10-FOOT EAST-WEST ALLEY OF BLOCK TWENTY-EIGHT (28) ORIGINAL TOWN PLAT FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT NINETEEN (19), THENCE N 87°22'33" W - 151.00 FEET; THENCE N 02°31'28" E - 112.14 FEET; THENCE S 87°19'23" E - 45.20 FEET; THENCE N 02°31'28" E - 68.17 FEET; THENCE S 87°28'32" E - 5.80 FEET; THENCE N 02°31'28" E - 34.00 FEET TO THE NORTHWEST CORNER OF SAID LOT TWO (2); THENCE S 87°12'53" E - 100.00 FEET TO THE NORTHEAST CORNER OF SAID LOT ONE (1); THENCE S 02°31'29" W - 214.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.63 ACRES, MORE OR LESS.

LEGAL DESCRIPTION - TRACT 6

ALL OF LOT FOURTEEN (14), LOT FIFTEEN (15), AND A PART OF LOT SIXTEEN (16), AND A PART OF THE 10-FOOT EAST-WEST ALLEY OF BLOCK TWENTY-EIGHT (28) ORIGINAL TOWN PLAT FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT FOURTEEN (14), THENCE N 02°41'18" E - 112.28 FEET; THENCE S 87°19'23" E - 150.14 FEET; THENCE S 02°31'28" W - 112.14 FEET; THENCE N 87°22'33" W - 150.46 FEET TO THE POINT OF BEGINNING, CONTAINING 0.39 ACRES, MORE OR LESS.



PC Meeting of May 9, 2011

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
THRU: Jeremy Pate, Development Services Director
DATE: ~~April 27, 2011~~ Updated May 11, 2011

RZN 11-3804: Rezone (EAST SQUARE DEVELOPMENT, 523): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for property located at the NORTHWEST CORNER OF MOUNTAIN STREET AND COLLEGE AVENUE. The property is zoned C-PZD, COMMERCIAL PLANNED ZONING DISTRICT 05-1610 and contains approximately 1.01 acres. The request is to revoke the PZD pursuant to 166.06(C) and rezone the subject property to DC, DOWNTOWN CORE.

Planner: Dara Sanders

BACKGROUND:

Property Description and History: The subject property consists of approximately 1.01 acres located within the Downtown Master Plan on the block between Center Street and Mountain Street, adjacent to College Avenue. The site is developed for a temporary parking lot and a vacant building. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Zoning and Land Use

Direction	Land Use	Zoning
North	Restaurant and dance hall	DC, Downtown Core
South	Federal Courts Building	DC, Downtown Core
East	The Old Washington County Courthouse	DC, Downtown Core
West	Retail, restaurant, and condominiums	MSC, Main Street/Center

History: In 2005, prior to the adoption of the Downtown Master Plan, the Planning Commission and City Council approved C-PZD 05-1610 to establish zoning criteria and development rights for an 18-story structure to include a hotel, condominiums, retail/tenant space, conference rooms, a ballroom, a restaurant and bar, and a 7-story parking garage.

In 2006, the Planning Commission granted a one-year extension for the issuance of building permits to development the site as approved to expire on December 20, 2007. The property owner did not obtain building permits before the extended deadline, and the City Council approved a request to permit and extension for a period of three years to expire on December 18, 2010. Construction permits for the project were not obtained and the C-PZD approval has expired.

PZD Revocation: If an approved PZD expires the property does not automatically revert back to the original zoning. The property is unable to be developed or subdivided until the old PZD zoning is

revoked and a new, valid zoning district is assigned. In an effort to establish a valid zoning district on the subject property the City Planning Division has initiated the PZD revocation process following the requirements Fayetteville Unified Development Code Chapter 166.06(C). An initial letter was sent to the property owners on October 21, 2010 notifying them of the expired PZD, discussing options for establishing a valid zoning district, and the intent of the City to revoke the PZD and rezone the property if the owners did not initiate a rezoning. On April 7, 2011 the City Planning Division sent an official PZD revocation letter to the property owner via certified mail notifying them that the City Planning Division was proposing to revoke the PZD and rezone the property to DC, Downtown Core. The section of the Fayetteville Unified Development Code covering PZD revocation and copies of letters sent to the property owners are attached to this report.

Proposal: The City Planning Division proposes to rezone the subject property from C-PZD 05-1610 to DC, Downtown Core.

Public Comment: Staff has not received public comment on this request.

RECOMMENDATION:

Staff recommends forwarding **RZN 11-3804 (East Square Development)** to the City Council with a recommendation for approval based on the findings stated herein.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>May 9, 2011</u>	☐ Tabled	☒ Forwarded	☐ Denied		
Motion: <u>Chesser</u>	Second: <u>Kennedy</u>	Vote: <u>8-0-0</u>			
CITY COUNCIL ACTION:				Required	<u>YES</u>
				☐ Approved	☐ Denied
Date:					

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as **the Downtown Master Plan Area**.*

A primary guiding policy of the Downtown Master Plan is to achieve a mixture of uses in a highly walkable environment with an urban fabric that allows for downtown living and creates a series of intimate public spaces and streetscapes.

INFRASTRUCTURE:

- Streets:** The site has access to Mountain Street and College Avenue. College Avenue is an improved four lane State Highway in this location. Mountain Street is also an improved paved two lane city street along this property frontage.
- Water:** Public water is available to the property. There is 6" water main along Mountain Street and Center Street. There is an 8" main along College Avenue. Public water main improvements may be necessary to provide adequate fire flow for a future development.
- Sewer:** Sanitary sewer is available to the site. There is an 8" public main located along College Avenue and along the alley to the west of this site. A capacity analysis of the existing sewer mains may be necessary at the time of development.
- Drainage:** Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain and the Streamside Protection Zones.
- Police:** Staff did not receive objections from the Police Department to this rezoning.
- Fire:** The Fire Department does not feel that this request will affect calls for service or response times.

FINDINGS OF THE STAFF

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

Finding: Staff finds that the DC zoning district is consistent with the Downtown Master Plan and the existing and surrounding land uses and infrastructure. This site is the core of the City and the surrounding land uses and zoning districts allow for most intense development form permitted in the Unified Development Code. The proposed DC zoning would be consistent with the existing urban character of Downtown Fayetteville.

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

Finding: The proposed zoning is needed at this time as the existing C-PZD zoning has expired and the property is unable to developed in any manner, including minor applications such as a lot split or single family residence, until the expired PZD zoning is revoked and a new zoning district is assigned. As discussed in Finding

No. 1, the proposed zoning is justified as it is compatible with the surrounding zoning and land uses and consistent with the City's Downtown Master Plan, and staff finds that the DC zoning district is the most comparable established zoning district that is most similar to the uses and intensity permitted in the C-PZD.

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

Finding: The proposed rezone would not increase traffic congestion. While the uses proposed in the C-PZD are listed as permitted uses in the proposed zoning district, the maximum of 12 stories in the DC zoning district is much lower than the 18 stories approved in the expired planned zoning district.

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: Increased load on public services were taken into consideration and recommendations from the Engineering, Fire, and Police Departments and are included in this report. The proposed zoning change to DC should have no discernable impact on public services.

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.

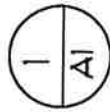
Finding: Not applicable. Staff recommends in favor of the request.

Existing Zoning
C-PZD 05-1610

15

UNITED STATES OF AMERICA

ADDRESS NOT AVAILABLE
C-4



SITE

PROPOSED DESIGN STANDARDS EAST SQUARE DEVELOPMENT

(A) PURPOSES. The East Square Planned Zoning District shall allow and encourage mixed use development at a high urban density at the heart of the city.

(B) PERMITTED USES

- Unit 1 City-wide uses by rights
- Unit 2 City-wide uses by conditional use permit
- Unit 3 Public protection and utility facilities
- Unit 4 Cultural and Recreational facilities
- Unit 5 Government Facilities
- Unit 12 Offices, studios, and related services
- Unit 13 Eating Places
- Unit 14 Hotel, motel, and amusement facilities
- Unit 15 Neighborhood shopping
- Unit 16 Shopping goods
- Unit 17 Trades and services
- Unit 19 Commercial recreation, small sites
- Unit 24 Home occupation
- Unit 25 Professional office
- Unit 26 Multi-family dwelling
- Unit 29 Dance halls

(C) DENSITY: None

(D) BULK AND AREA REGULATIONS. None

(E) SETBACK REGULATIONS.

Front: None
Side: None
Back: None

(F) HEIGHT RESTRICTIONS. Sixteen story height limit

(G) BUILDING AREA: 100% of the site

(H) DESIGN STANDARDS:

Overall design concepts are shown in the accompanying drawings. In general, the East Square Planned Zoning District will allow exterior materials of brick, stucco, pre-cast concrete, steel, tile, slate, glass, ornamental iron, aluminum, pre-finished metal panels, and fiber cement. Balconies, canopies, and awnings are encouraged. Landscaping along the sidewalk shall include: street trees, brick edging (where appropriate) and decorative light fixtures.

NOTES:

CURRENTLY ZONED C-4- PROPOSED C-PZD

PROPOSED HOTEL, RESTAURANTS, RETAIL, CONDOMINIUMS
(74% COMMERCIAL - 26% RESIDENTIAL)

SITE IS 99% COVERED WITH BUILDINGS AND SURFACED AREAS

SUMMARY:

CONDOMINIUMS./ HOTEL TOWER	20
CONDOMINIUMS, CENTER STREET	3
TOTAL CONDOMINIUMS	23
TOTAL ACRES	1.02
UNITS / ACRE:	22.7

ALL SIGNAGE WILL CONFORM TO THE
COMMERCIAL SIGN STANDARDS OF THE
C-4 ZONING DISTRICT.

THIS PROPERTY DOES NOT LIE WITHIN SPECIAL FLOOD
HAZARD AREAS AS SHOWN F.I.R.M. MAP# 05149C00012 D.
REVISED DATE JULY 21, 1999.

TREE PRESERVATION:

THERE ARE CURRENTLY NO EXISTING
TREES ON THIS SITE.

PROPOSED ZONING

161.23 Downtown Core

- (A) *Purpose.* Development is most intense, and land use is densest in this zone. The downtown core is designed to accommodate the commercial, office, governmental, and related uses commonly found in the central downtown area which provides a wide range of retail, financial, professional office, and governmental office uses. For the purposes of Chapter 96: Noise Control, the Downtown Core district is a commercial zone.

- (B) *Uses.*

- (1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

- (2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

- (C) *Density.* None.

- (D) *Bulk and area regulations.* None.

- (E) *Setback regulations.*

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

- (F) *Minimum buildable street frontage.* 80% of lot width.

- (G) *Height regulations.* Maximum height is 12 stories or 168 feet which ever is less.

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10)

166.06 Planned Zoning District (PZD)

(L) 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 master development plan 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 may 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.

ENGINEERING COMMENTS:

RZN 11-3804: Rezone (EAST SQUARE DEVELOPMENT, 523): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for property located at the NORTHWEST CORNER OF MOUNTAIN STREET AND COLLEGE AVENUE. The property is zoned C-PZD, COMMERCIAL PLANNED ZONING DISTRICT 05-1610 and contains approximately 1.01 acres. The request is to rezone the subject property to DC, DOWNTOWN CORE.

Planner: Dara Sanders

Public water is available to the property. There is 6" water main along Mountain Street and Center Street. There is an 8" main along College Avenue. Public water main improvements may be necessary to provide adequate fire flow for a future development.

Sanitary sewer is available to the site. There is an 8" public main located along College Avenue and along the alley to the west of this site. A capacity analysis of the existing sewer mains may be necessary at the time of development.

The site has access to Mountain Street and College Avenue. College Avenue is an improved four lane State Highway in this location. Mountain Street is also an improved paved two lane city street along this property frontage.

Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain and the Streamside Protection Zones.

RZN 11-3805: Rezone (FALLING WATERS, 685): Submitted by Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for property located at the EAST OF DEAD HORSE MOUNTAIN ROAD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 05-1635 and contains approximately 136.70 acres. The request is to rezone the subject property to R-A, RESIDENTIAL AGRICULTURAL.

Planner:

Andrew Garner

Public water is available to the property. There is 6" water main along Dead Horse Mountain Road. Public water main improvements may be necessary to provide adequate fire flow for a future development.

Sanitary sewer is available to the site. There is a 12" public main located along Dead Horse Mountain Road. Public sewer may need to be extended into the property to serve future development on this property.

The site has access to Dead Horse Mountain Road. Dead Horse Mountain Road is an unimproved two lane City street in this location. Street improvements will be evaluated at the time of development of this property.

Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain and the Streamside Protection Zones.



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THE CITY OF FAYETTEVILLE, ARKANSAS



Page 1 of 29
FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

Zoning Review

To: Dara Sanders
From: Terry Lawson, Fire Marshal
Date: May 3, 2011

Re: RZN 11-3804: Rezone (EAST SQUARE DEVELOPMENT, 523): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for property located at the NORTHWEST CORNER OF MOUNTAIN STREET AND COLLEGE AVENUE. The property is zoned C-PZD, COMMERCIAL PLANNED ZONING DISTRICT 05-1610 and contains approximately 1.01 acres. The request is to rezone the subject property to DC, DOWNTOWN CORE.
Planner: Dara Sanders

This development will be protected by Engine 1 located at 303 W. Center St.
It is 1 miles from the station with an anticipated response time of 2 minutes to the beginning of the development.
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.

Fayetteville Fire Department



www.accessfayetteville.org

C. 6
RZN 11-3804 (Northwest
Corner of Mountain Street
and College Avenue/East
Square Development)
THE CITY OF FAYETTEVILLE, ARKANSAS
DEVELOPMENT SERVICES DEPARTMENT
Page 15 of 20
125 West Mountain
Fayetteville, AR 72701
Phone (479) 444-3443

7 April 2011

VIA: CERTIFIED MAIL

East Square Development LLC
217 East Dickson Street, Suite 102
Fayetteville, Arkansas 72701

Re: Re-zoning of the Expired East Square Development Planned Zoning District Project

Dear East Square Development, LLC:

The Assessor of Washington County, Arkansas lists you as the owner for the subject property that is zoned by the City of Fayetteville as a Planned Zoning District (PZD). This letter notifies you that the subject PZD approval has expired. In accordance with Fayetteville Unified Development Code Section 166.06(L) the City has cause to revoke this PZD as development permits have not been obtained in accordance with the approved phased development schedule. Therefore, the City Development Services Department has initiated revocation of the expired PZD zoning on your property. As part of this action staff will recommend the City Council assign the property the zoning district of DC, Downtown Core. This proposal to revoke the PZD and rezone your property will be first heard at a public meeting of the Planning Commission on May 9, 2011 at 5:30 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas 72701. You are welcome to speak at that meeting and/or provide written or verbal comment to City staff prior to the meeting.

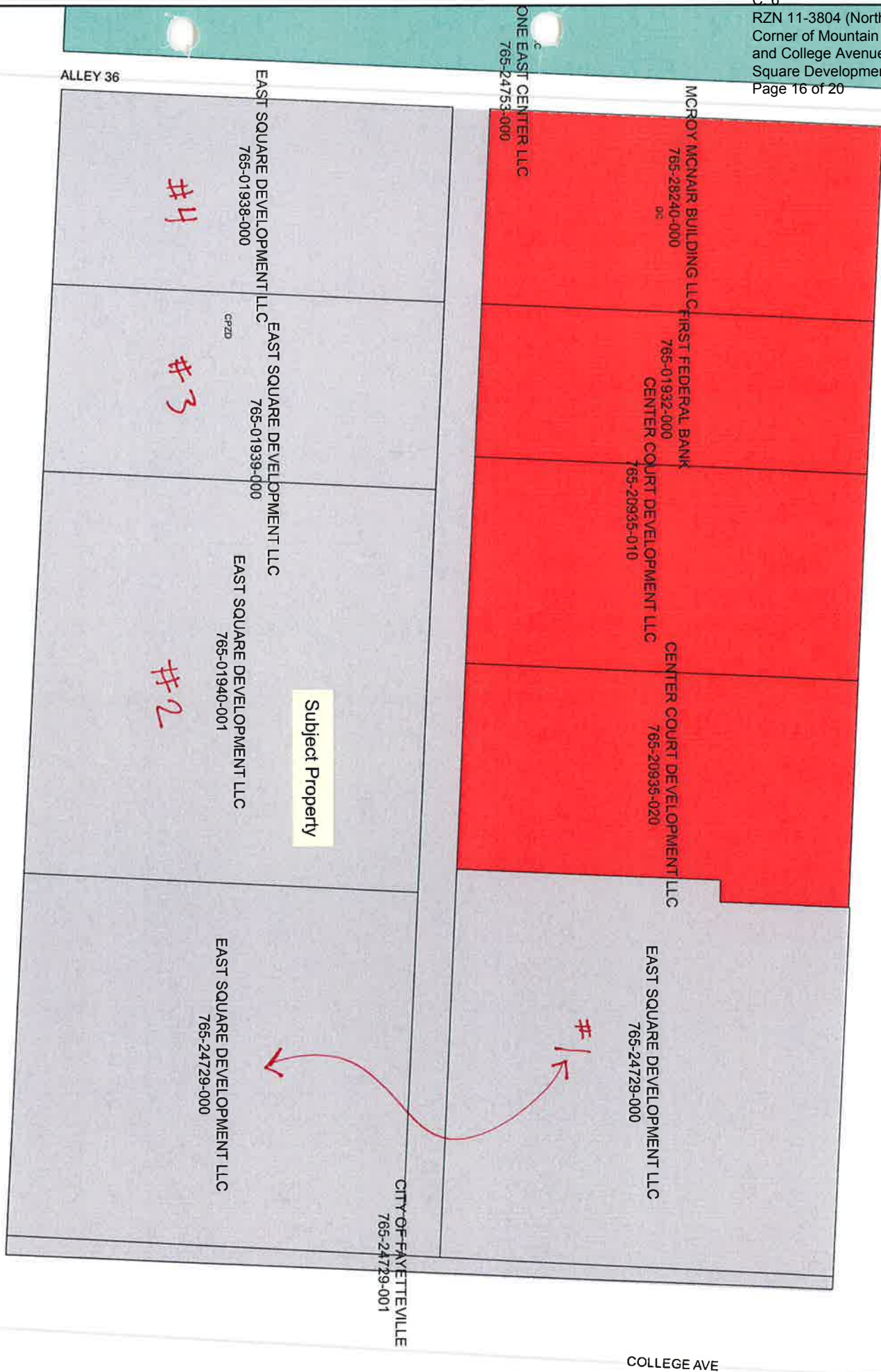
Please contact our office at 479.444.3443 to set up a meeting with one of our City Planners, or you may email us at development_services@ci.fayetteville.ar.us.

Best Regards,

Andrew Garner
Senior Planner

AMG

COPY

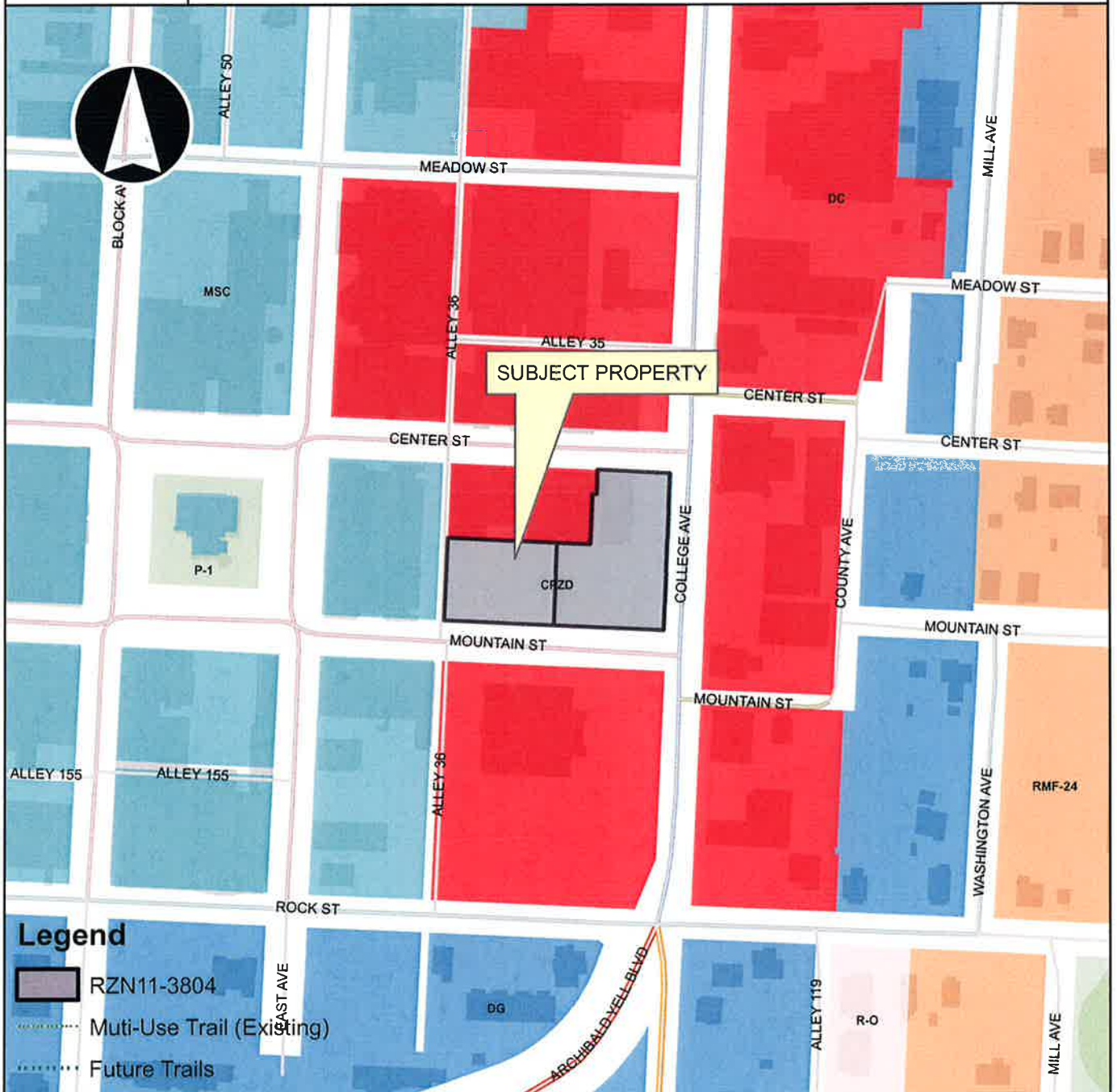


1 inch = 35 feet
04.59 18 27 36
Feet

RZN11-3804

EAST SQUARE DEVELOPMENT

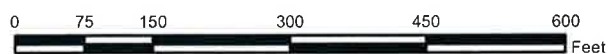
Close Up View



Legend

-  RZN11-3804
-  Multi-Use Trail (Existing)
-  Future Trails

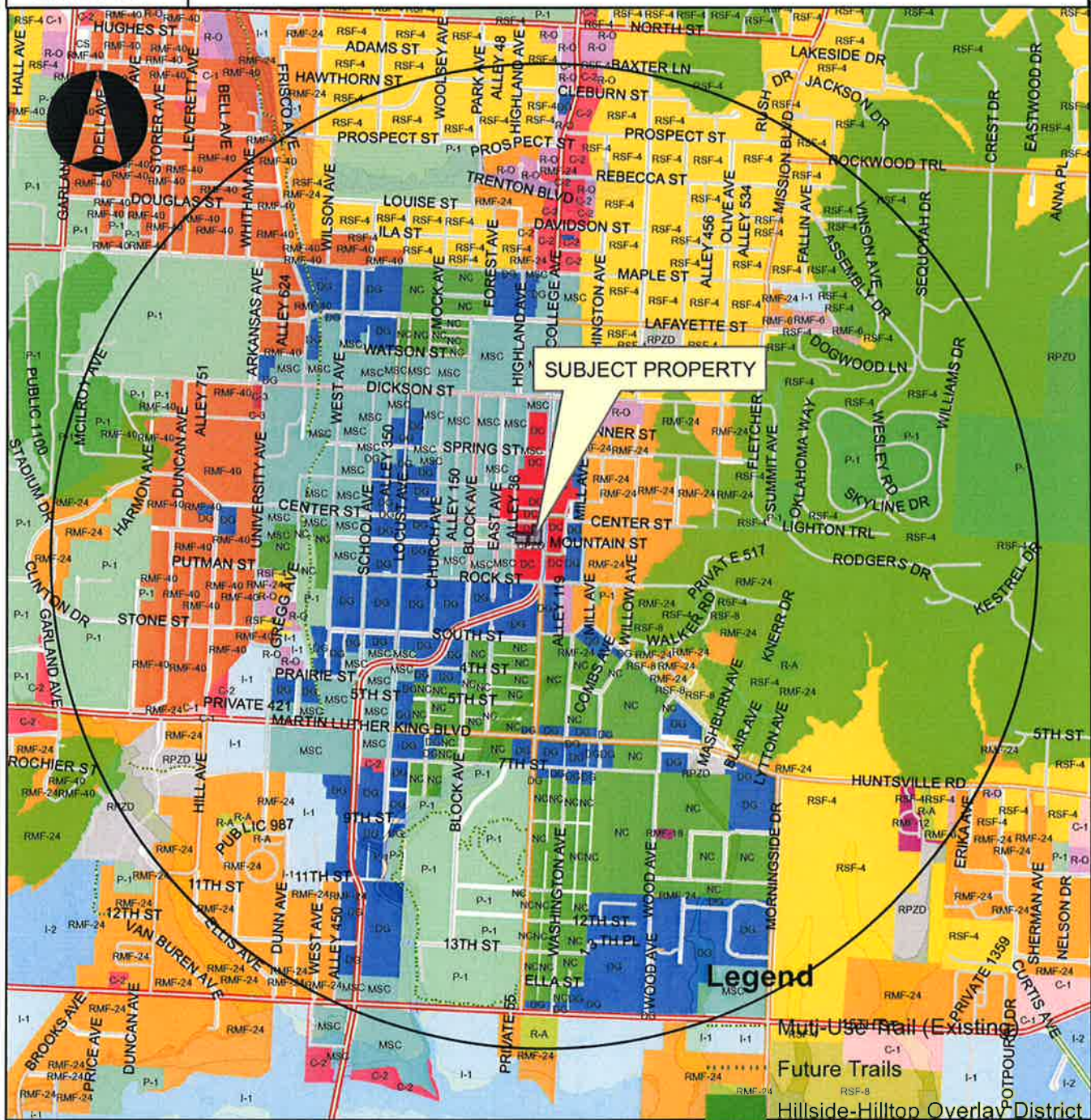
-  Hillside-Hilltop Overlay District
-  Design Overlay District
-  Design Overlay District
-  Planning Area
-  Fayetteville



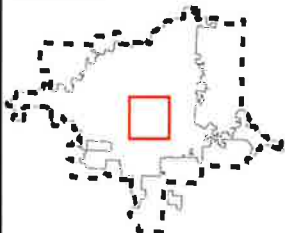
RZN11-3804

EAST SQUARE DEVELOPMENT

One Mile View



Overview



Legend

Subject Property

RZN11-3804

Boundary

0

0.25

0.5

1

Miles



RZN11-3804



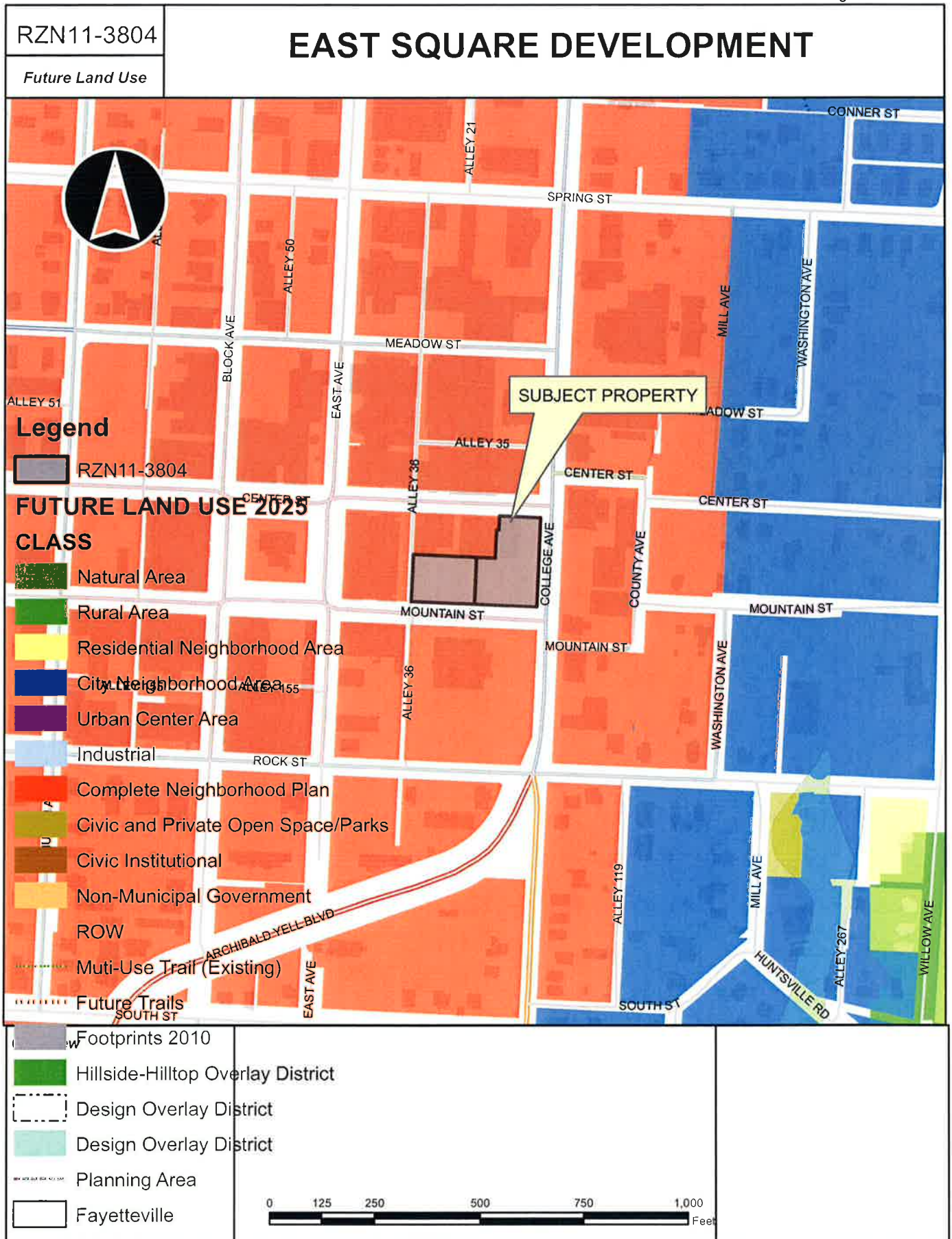
Design Overlay District



Planning Area



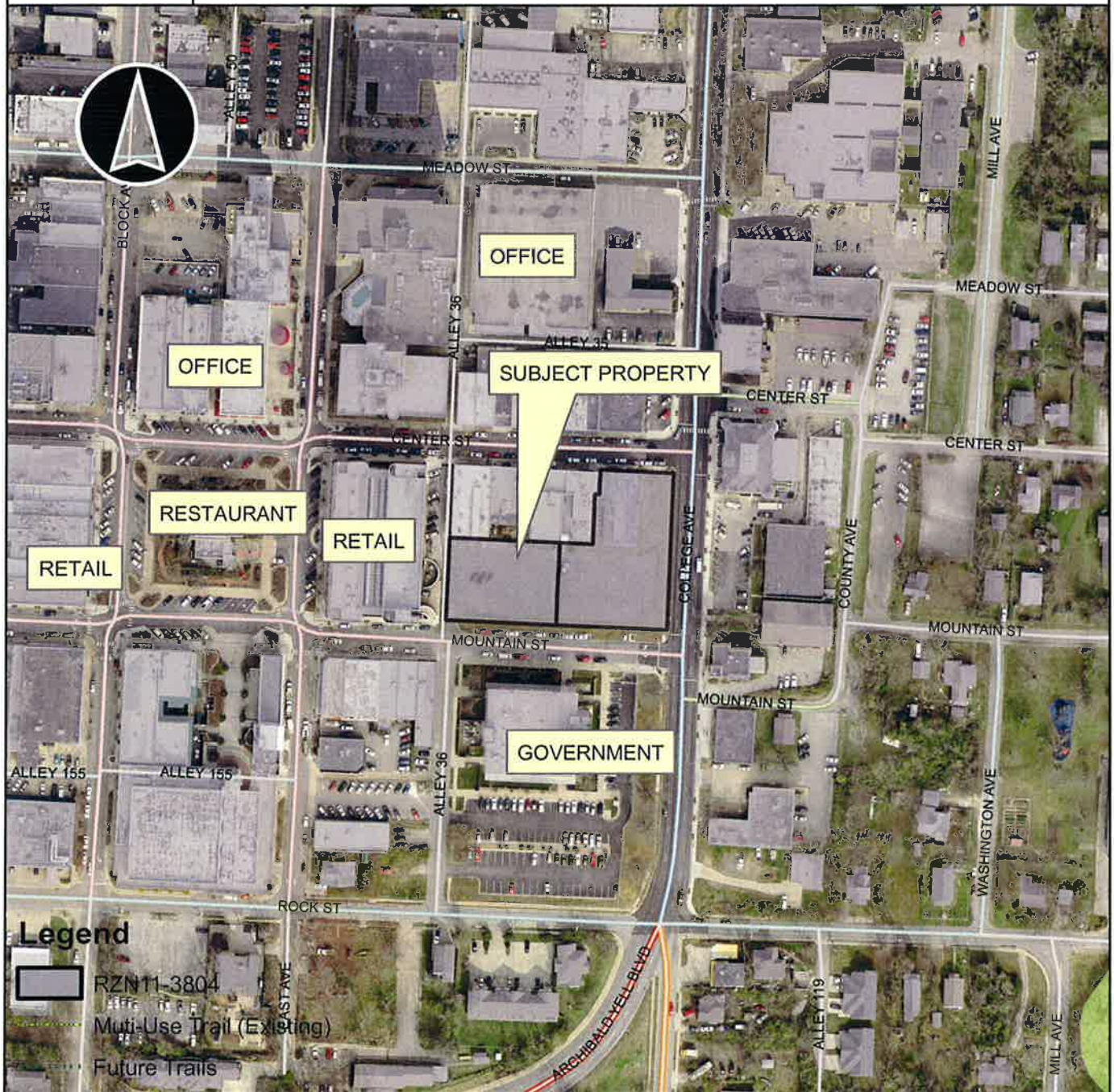
Fayetteville



RZN11-3804

EAST SQUARE DEVELOPMENT

Current Land Use



Legend

-  RZN11-3804
-  Multi-Use Trail (Existing)
-  Future Trails
-  Footprints 2010
-  Hillside-Hilltop Overlay District
-  Design Overlay District
-  Design Overlay District
-  Planning Area
-  Fayetteville

0 75 150 300 450 600
Feet

City of Fayetteville Staff Review Form

C. 7
RZN 11-3805 (East
of Dead Horse Mountain
Road/ Falling Waters)
Page 1 of 18

City Council Agenda Items
and
Contracts, Leases or Agreements

6/7/2011 6/21/11
City Council Meeting Date
Agenda Items Only

Andrew Garner
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 11-3805: (East of Dead Horse Mountain Road/Falling Waters, 685): Submitted by The City of Fayetteville for property located east of Dead Horse Mountain Road. The property is zoned R-PZD, Residential Planned Zoning District 05-1635 and contains approximately 136.70 acres. The request is to revoke the PZD pursuant to 166.06(C) and rezone the subject property to R-A, Residential Agricultural.

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

05-11-2011
Date

Previous Ordinance or Resolution #

City Attorney

5-16-2011
Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

5-16-2011
Date

Received in City 05-12-11 P04:18 RCVD
Clerk's Office

Chief of Staff

5-16-11
Date

Received in
Mayor's Office

Mayor

5/16/11
Date



Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Andrew Garner, Senior Planner

Date: May 11, 2011

Subject: RZN 11-3805 (Falling Waters PZD Revocation)

RECOMMENDATION

Planning Commission and staff recommend approval of an ordinance to revoke the expired Falling Waters Planning Zoning District and rezone the property from R-PZD 05-1635 Falling Waters to R-A, Residential Agricultural.

BACKGROUND

The subject property consists of approximately 137 acres located south of Stonebridge Meadows Golf Course and east of Dead Horse Mountain Road. The south, east and western limits of the subject property extend to the city limits. The property is an undeveloped, heavily tree canopied hillside with frontage on Dead Horse Mountain Road. It is currently zoned R-PZD 05-1635, Falling Waters. The property is located within the Hillside Hilltop Overlay District. On November 15, 2005 the City Council approved the Falling Waters Residential Planned Zoning District on the subject property (R-PZD 05-1635). The property was originally zoned R-A, Residential Agricultural. The R-PZD zoning permitted a total of 258 single family lots with a density of approximately two units per acre. Construction permits for the project were never obtained and the R-PZD approval has expired. If an approved PZD expires the property does not automatically revert back to the original zoning. The property is unable to be developed or subdivided until the old PZD zoning is revoked and a new, valid zoning district is assigned. In an effort to establish a valid zoning district on the subject property the City Planning Division has initiated the PZD revocation process following the requirements Fayetteville Unified Development Code Chapter 166.06(C). An initial letter was sent to the property owners on October 21, 2010 notifying them of the expired PZD, discussing options for establishing a valid zoning district, and the intent of the City to revoke the PZD and rezone the property if the owners did not initiate a rezoning. On April 7, 2010 the City Planning Division sent an official PZD revocation letter to the property owner via certified mail notifying them that the City Planning Division was proposing to revoke the PZD and rezone the property to R-A, Residential Agricultural.

DISCUSSION

On May 9, 2011 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REVOKING R-PZD 05-1635 (FALLING WATERS) AND REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 11-3805, FOR APPROXIMATELY 136.70 ACRES, LOCATED EAST OF DEAD HORSE MOUNTAIN ROAD, FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 05-1635, TO R-A, RESIDENTIAL AGRICULTURAL.

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

Section 1: That R-PZD 05-1635 (Falling Waters) is hereby revoked because the developer failed to obtain development permits in accordance with the approved phased development schedule.

Section 2: That the zone classification of the following described property is hereby changed as follows:

From R-PZD, Residential Planned Zoning District 05-1635 to R-A, Residential Agricultural, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 3: 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 , 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

C. 7
RZN 11-3805 (East
of Dead Horse Mountain
Road/ Falling Waters)
Page 4 of 18

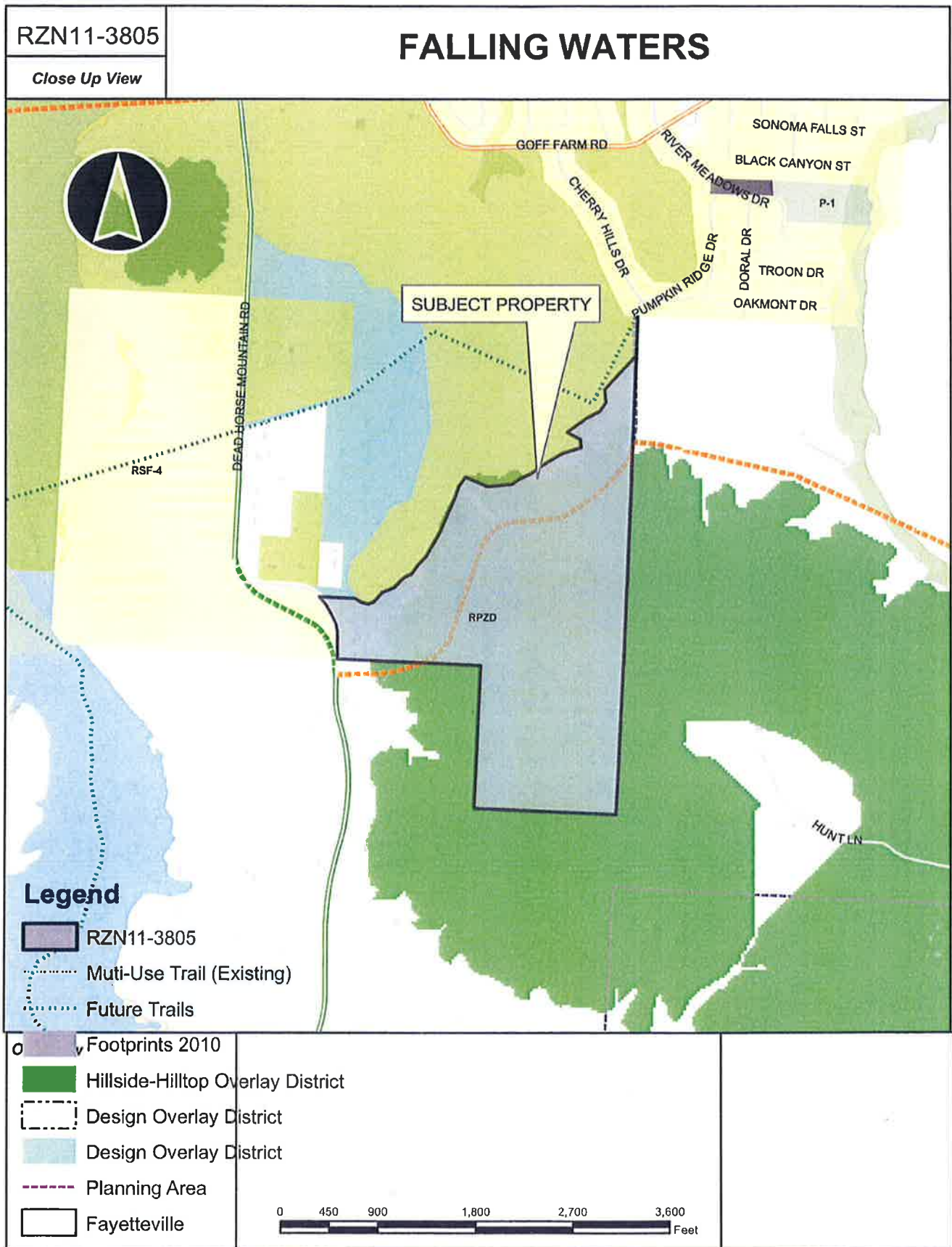


EXHIBIT "B"
RZN 11-3805

A PART OF SECTION 25, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S02°29'13"W 354.52' FROM THE NORTHEAST CORNER OF SAID SECTION 25 AND RUNNING THENCE S02°29'13"W ALONG THE EAST LINE OF SAID SECTION 25, 2272.20' TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 25, THENCE S02°46'19"W ALONG THE EAST LINE OF SAID SECTION 25, 1985.66', THENCE LEAVING SAID EAST LINE N87°28'15"W 1331.05', THENCE N02°43'19"E 661.13' TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25, THENCE N02°43'19"E 661.12', THENCE N87°30'44"W 1322.72' TO THE CENTERLINE OF DEAD HORSE MOUNTAIN ROAD, THENCE ALONG SAID ROAD CENTERLINE N01°21'03"E 147.71', N02°10'27"W 113.47', N12°37'57"W 70.78', N26°23'56"W 183.58', N40°16'50"W 110.50', THENCE LEAVING SAID ROAD CENTERLINE S87°09'05"E 339.76', THENCE S55°59'34"E 68.39', THENCE S78°35'33"E 64.66', THENCE N68°26'18"E 50.69', THENCE N40°49'47"E 119.42', THENCE N67°48'02"E 111.83', THENCE N46°30'37"E 129.81', THENCE N63°19'19"E 81.77', THENCE N34°00'43"E 82.98', THENCE N41°59'59"E 127.02', THENCE N28°49'13"E 153.99', THENCE N31°14'42"E 104.87', THENCE N22°20'43"E 149.96', THENCE N23°52'34"E 226.37', THENCE N17°26'58"E 85.55', THENCE N36°21'17"E 103.73', THENCE S66°57'06"E 223.03', THENCE N84°19'20"E 226.46', THENCE N55°07'03"E 80.92', THENCE N66°06'39"E 126.81', THENCE N54°14'44"E 137.60', THENCE N59°50'18"E 212.34', THENCE N73°17'36"E 182.83', THENCE N05°55'44"W 74.86', THENCE N61°42'53"W 143.18', THENCE N54°57'40"E 216.60', THENCE N62°50'36"E 152.12', THENCE N34°36'21"E 95.96', THENCE N06°59'40"W 119.49', THENCE N42°44'46"E 440.66' TO THE POINT OF BEGINNING. CONTAINING 136.70 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN ROAD RIGHT-OF-WAY ON THE WEST SIDE OF HEREIN DESCRIBED TRACT AND EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.



PC Meeting of May 9, 2011

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~April 27, 2011~~ Updated May 11, 2011

RZN 11-3805: Rezone (FALLING WATERS, 685): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for property located EAST OF DEAD HORSE MOUNTAIN ROAD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 05-1635 and contains approximately 136.70 acres. The request is to revoke the PZD pursuant to 166.06(C) and rezone the subject property to R-A, RESIDENTIAL AGRICULTURAL. Planner: Andrew Garner

BACKGROUND:

Property Description: The subject property consists of approximately 137 acres located south of Stonebridge Meadows Golf Course and east of Dead Horse Mountain Road. The south, east and western limits of the subject property extend to the city limits. The property is an undeveloped, heavily tree canopied hillside with frontage on Dead Horse Mountain Road. It is currently zoned R-PZD 05-1635, Falling Waters. The property is located within the Hillside Hilltop Overlay District (HHOD). Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Zoning and Land Use

Direction	Land Use	Zoning
North	Stonebridge Meadows Golf Course	R-A
South	Undeveloped; woods	Planning Area
East	Undeveloped; pasture; woods	Planning Area
West	Undeveloped; rural residential; Stonebridge Meadows Golf Course	RSF-4; R-A; Planning Area

History: On November 15, 2005 the City Council approved the Falling Waters Residential Planned Zoning District on the subject property (R-PZD 05-1635). The property was originally zoned R-A, Residential Agricultural. The R-PZD zoning permitted a total of 258 single family lots with a density of approximately two units per acre. Construction permits for the project were never obtained and the R-PZD approval has expired.

PZD Revocation: If an approved PZD expires the property does not automatically revert back to the original zoning. The property is unable to be developed or subdivided until the old PZD zoning is revoked and a new, valid zoning district is assigned. In an effort to establish a valid zoning district on the subject property the City Planning Division has initiated the PZD revocation process

G:\ETC\Development Services Review\2011\Development Review\11-3805 RZN East of Dead Horse Mountain Rd (Fallingwaters)\03 Planning Commission\05-09-2011\Comments and Redlines

following the requirements Fayetteville Unified Development Code Chapter 166.06(C). An initial letter was sent to the property owners on October 21, 2010 notifying them of the expired PZD, discussing options for establishing a valid zoning district, and the intent of the City to revoke the PZD and rezone the property if the owners did not initiate a rezoning. On April 7, 2010 the City Planning Division sent an official PZD revocation letter to the property owner via certified mail notifying them that the City Planning Division was proposing to revoke the PZD and rezone the property to R-A, Residential Agricultural. The section of the Fayetteville Unified Development Code covering PZD revocation and copies of letters sent to the property owners are attached to this report.

Proposal: The City Planning Division proposes to rezone the approximately 137-acre property from R-PZD 05-1635 Falling Waters to R-A, Residential Agricultural.

Public Comment: Staff has not received public comment on this particular request.

RECOMMENDATION:

Staff recommends forwarding **RZN 11-3805 (Falling Waters)** to the City Council with a recommendation for approval based on the findings stated herein.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>May 9, 2011</u>	☐ Tabled	☒ Forwarded	☐ Denied		
Motion: <u>Kennedy</u>	Second: <u>Chesser</u>	Vote: <u>8-0-0</u>			
CITY COUNCIL ACTION:				Required	<u>YES</u>
Date:				☐ Approved	☐ Denied

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as **Residential Neighborhood Area**. Residential Neighborhood Areas are almost exclusively residential in nature with conventional setbacks. This designation may have large blocks and irregular roads to accommodate natural conditions.*

A primary guiding policy of Residential Neighborhood Areas is to, "Site new residential areas accessible to roadways, alternative transportation nodes, community amenities, schools, infrastructure, and retail and commercial goods and services." Due to a lack of adequate public infrastructure and retail goods and services in this area staff recommends a low density zoning designation of R-A, Residential

Agricultural. At some point in the future when there is adequate infrastructure and services in this area this property may be suitable for a more dense zoning and residential development, but not at this time.

INFRASTRUCTURE:

Streets: The site has access to Dead Horse Mountain Road, a Minor Arterial. Dead Horse Mountain Road is currently an unimproved, primarily chip and seal, two-lane road that intersects Black Oak Road to the south (also an unimproved two-lane road) and Huntsville Road to the north.

Water: Public water is adjacent to the site. There is a 6-inch main along Dead Horse Mountain Road. Water service will need to be extended within the property at the time of development. Additional connections may be required to complete a looped system.

Sewer: The site does not have access to sanitary sewer. There is an 8-inch sewer system in the development to the north. Portions of this site may require a lift station for sewer service when it develops. Sewer service will need to be extended within the property at the time of development. A study of the downstream sewer system would be needed at the time of development.

Drainage: The site is mostly on a hillside of mostly areas that contain 15% or greater slopes. Runoff from the site flows overland to the west to an existing swale and then north to a tributary of the West Fork of the White River.

Police: Staff did not receive objections from the Police Department to this rezoning.

Fire: Staff did not receive objections from the Fire Department to this rezoning.

FINDINGS OF THE STAFF

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

Finding: Staff finds that the R-A zoning district is consistent with the Future Land Use designation of Residential Area on the property and the existing and surrounding natural features, land uses and infrastructure. This site is on the periphery of the City and the surrounding land uses and zonings are predominantly undeveloped and rural residential. The property is steep, wooded, and is not conducive to development under a standard lot-and-block single family zoning district. The proposed R-A zoning would be compatible with the surrounding large undeveloped parcels, rural residential, agricultural, and golf course uses. The proposed zoning would also be compatible with the surrounding R-A and RSF-4 zoning in the City and Washington County

Agricultural/Single Family Residential 1 unit per acre zoning. This rezoning would be consistent with the existing rural character of this area of southeast Fayetteville.

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

Finding: The proposed zoning is needed at this time as the existing R-PZD zoning has expired and the property is unable to developed in any manner, including minor applications such as a lot split or single family residence, until the expired PZD zoning is revoked and a new zoning district is assigned. As discussed in Finding No. 1, the proposed zoning is justified as it is compatible with the surrounding zoning and land uses and consistent with the City's Future Land Use Plan.

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

Finding: The proposed rezone would not increase traffic congestion as the property would be reverting back to the R-A zoning that was in place prior to the Falling Waters R-PZD. The R-A zoning is a low density zoning that would not result in large volumes of traffic as the maximum density is one dwelling unit per two acres.

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: Increased load on public services were taken into consideration and recommendations from the Engineering, Fire, and Police Departments and are included in this report. The proposed zoning change to R-A should have no discernable impact on public services.

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 request.

Existing Zoning Criteria **R-PZD 05-1635 Falling Waters**

(A) *Proposed Uses.*

Lots 1-257	Unit 1	City-wide uses by right
	Unit 2	City-wide uses by conditional use permit
	Unit 8	Single-family dwelling
	Unit 24	Home occupations

(B) *Density.*

	For entire Subdivision
Units per acre	258 units/136.7 acres = 1.89 units/acre

*The property is currently zoned R-A.

(C) *Bulk and area regulations.*

	Single-family dwellings (all residential lots)
Lot minimum width	70'
Lot area minimum	8,000 square feet
Land area per dwelling unit	Varies. Only one dwelling unit per lot permitted.

*The lots with the minimum width are located on the proposed cul-de-sacs.

(E) *Setback requirements.*

Front Building Setbacks: Range from 15' to 25', as denoted on the plat.

Rear Building Setback: 25' for all lots.

Side Building Setback: 15' for all lots.

(F) *Height.* Dwelling – Maximum 3 stories with a minimum 10-12 pitch roof ***with modifications to be approved by the Developer or Committee (per Covenants).***

Accessory structure – 12'

(G) *Building area.* 8,000 square feet maximum per lot

PROPOSED ZONING

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half
----------------	----------

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5195, 11-6-08; Ord. 5238, 5-5-09)

G:\ETC\Development Services Review\2011\Development Review\11-3805 RZN East of Dead Horse Mountain Rd (Fallingwaters)\03 Planning Commission\05-09-2011\Comments and Redlines

166.06 Planned Zoning District (PZD)

(L) 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 master development plan 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 may 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.



www.accessfayetteville.org

7 April 2011

Falling Waters LLC
P.O. Box 4034
Fayetteville, Arkansas 72703

VIA: CERTIFIED MAIL

Mike D. Lamberth
Falling Waters LLC
3538 North Highway 112
Fayetteville, Arkansas 72703

Goff, DC Revocable Trust
P.O. Box 1465
Fayetteville 72702

Re: Re-zoning of the Expired Falling Waters Planned Zoning District Project

Dear Property Owner:

The Assessor of Washington County, Arkansas lists you as an owner for the subject property that is zoned by the City of Fayetteville as a Planned Zoning District (PZD). This letter notifies you that the subject PZD approval has expired. In accordance with Fayetteville Unified Development Code Section 166.06(L) the City has cause to revoke this PZD as development permits have not been obtained in accordance with the approved phased development schedule. Therefore, the City Development Services Department has initiated revocation of the expired PZD zoning on your property. As part of this action staff will recommend the City Council assign the property the zoning district of R-A, Residential Agricultural. This proposal to revoke the PZD and rezone your property will be first heard at a public meeting of the Planning Commission on May 9, 2011 at 5:30 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas 72701. You are welcome to speak at that meeting and/or provide written or verbal comment to City staff prior to the meeting.

Please contact our office at 479.444.3443 to set up a meeting with one of our City Planners, or you may email us at development_services@ci.fayetteville.ar.us.

Best Regards,

A handwritten signature in cursive script that reads "Andrew Garner".

Andrew Garner
Senior Planner

AMG



www.accessfayetteville.org

C. 7
RZN 11-3805 (East
of Dead Horse Mountain
Road - Falling Waters)
THE CITY OF FAYETTEVILLE, ARKANSAS
DEVELOPMENT SERVICES DEPARTMENT
Page 14 of 18
125 West Mountain
Fayetteville, AR 72701
Phone (479) 444-3443

21 October 2010

VIA: CERTIFIED MAIL

Falling Waters, LLC
PO BOX 4034
Fayetteville, AR 72702

Re: Re-zoning of the Expired Falling Waters Planned Zoning District Project

Dear Falling Waters Development:

The Assessor of Washington County, Arkansas lists you as the owner for the subject property that is zoned by the City of Fayetteville as a Planned Zoning District (PZD). This letter notifies you that the subject PZD approval has expired or will expire by the end of the year 2010. An expired PZD zoning does not permit subdivision or development until a different zoning district is assigned to that property. There are three basic options to remove the expired PZD zoning and obtain a valid zoning:

1. The property owner may initiate a re-zoning request;
2. The property owner may initiate a repeal of the PZD within three (3) years of the PZD approval¹; or
3. The City may initiate revocation of the PZD after the project has expired².

Unless we receive a request from you by the end of 2010, in 2011 the City Development Services Department will initiate revocation of the expired PZD zoning on your property. As part of this action staff will recommend the City Council assign a valid zoning district to the property consistent with the Comprehensive Land Use Plan of the City (City Plan 2025). Please evaluate the options for your property and respond to this letter by the end of the year 2010 to discuss a new zoning for your property. Whichever of the above options you choose to pursue, we will be happy to work with you.

Please contact our office at 479.444.3443 to set up a meeting with one of our City Planners, or you may email us at development_services@ci.fayetteville.ar.us.

Best Regards,

Jeremy C. Pate
Development Services Director

AMG

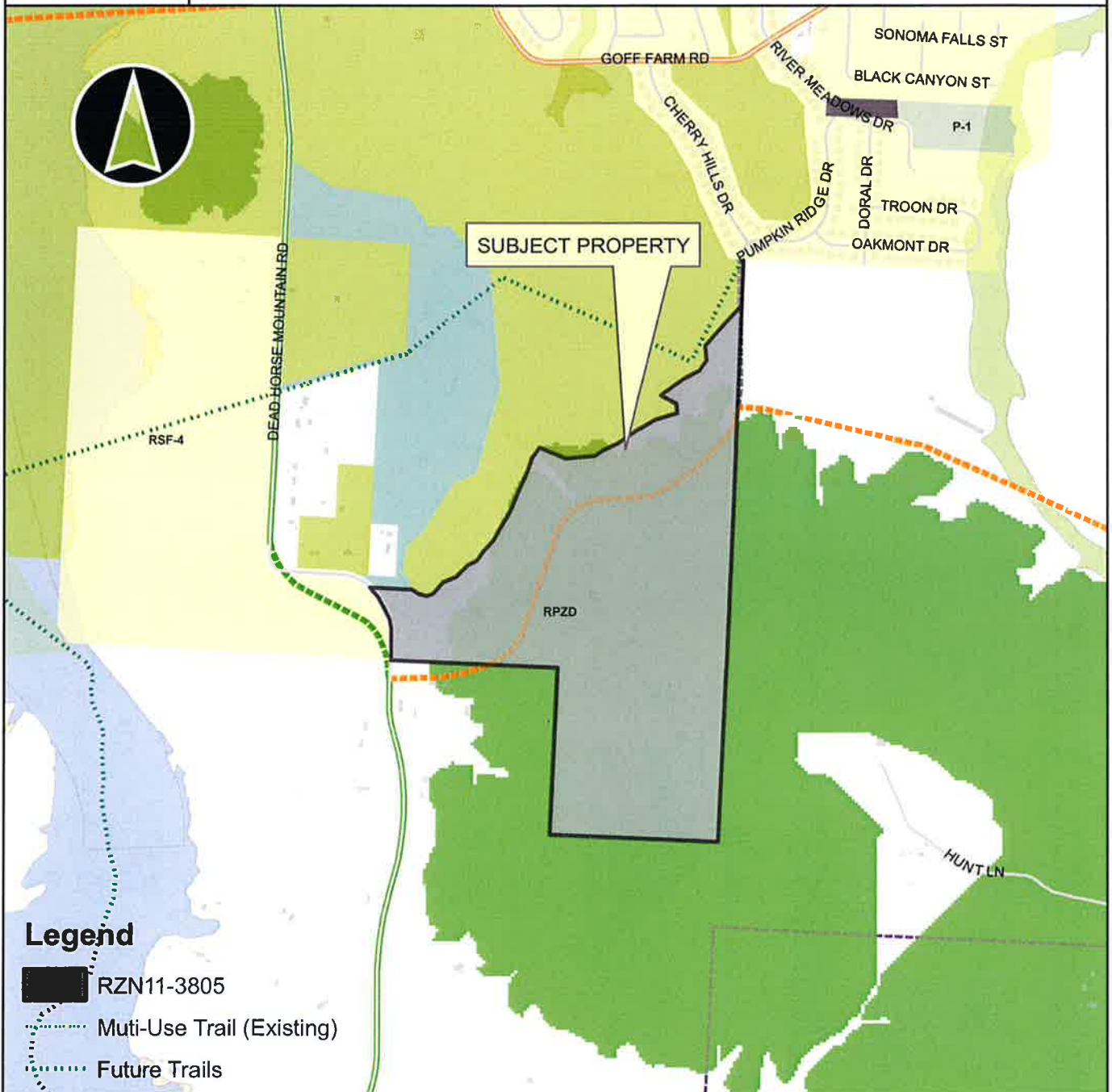
¹ Pursuant to Fayetteville UDC Section 166.06(C)(7)

² Pursuant to Fayetteville UDC 166.06(L)

RZN11-3805

Close Up View

FALLING WATERS



Legend

- RZN11-3805
- Multi-Use Trail (Existing)
- Future Trails

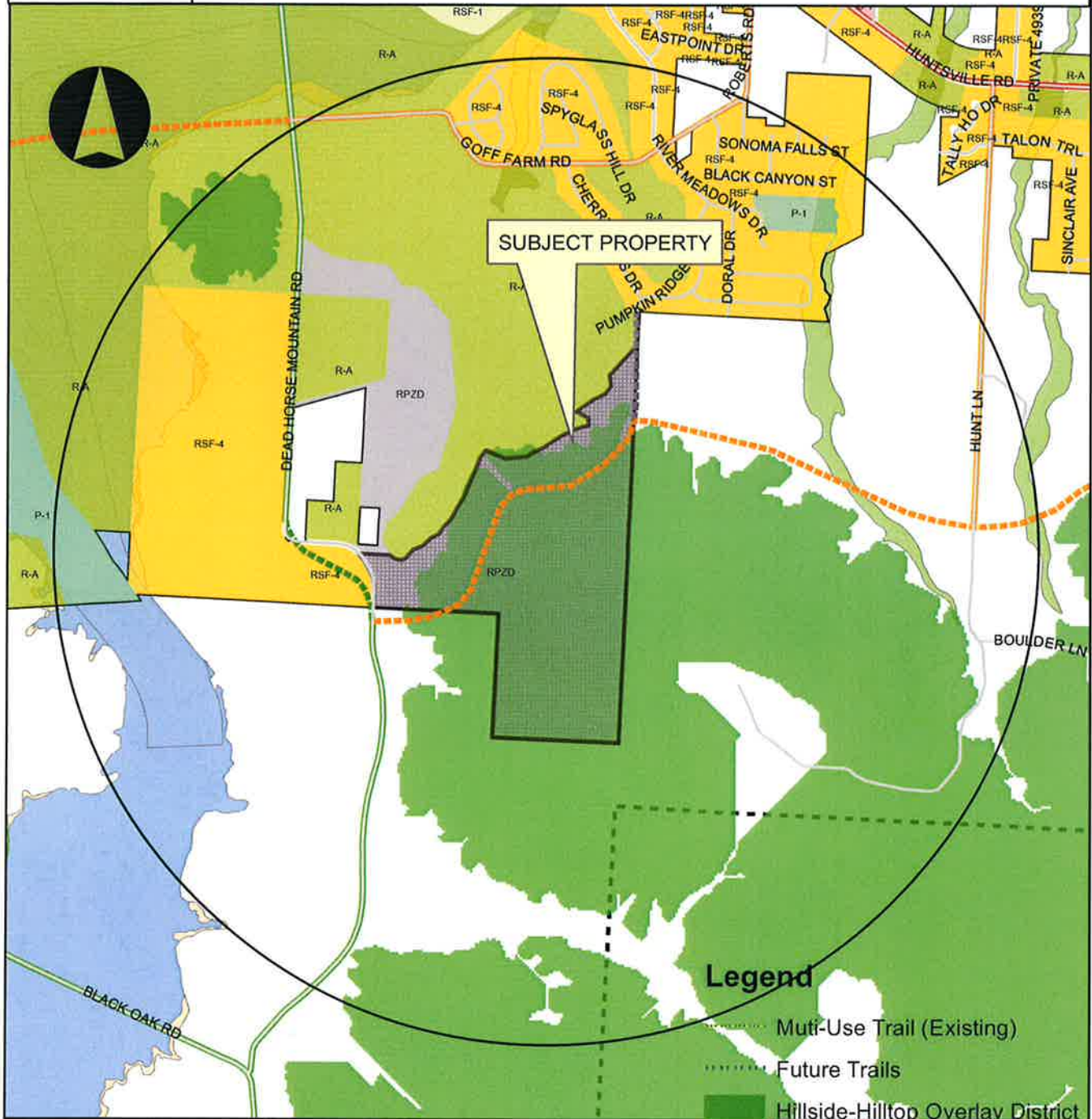
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

0 450 900 1,800 2,700 3,600
 Feet

RZN11-3805

One Mile View

FALLING WATERS



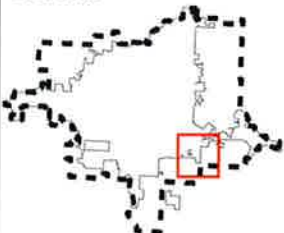
Legend

Multi-Use Trail (Existing)

Future Trails

Hillside-Hilltop Overlay District

Overview



Legend

Subject Property

RZN11-3805

Boundary

0 0.25 0.5

1 Miles



RZN11-3805



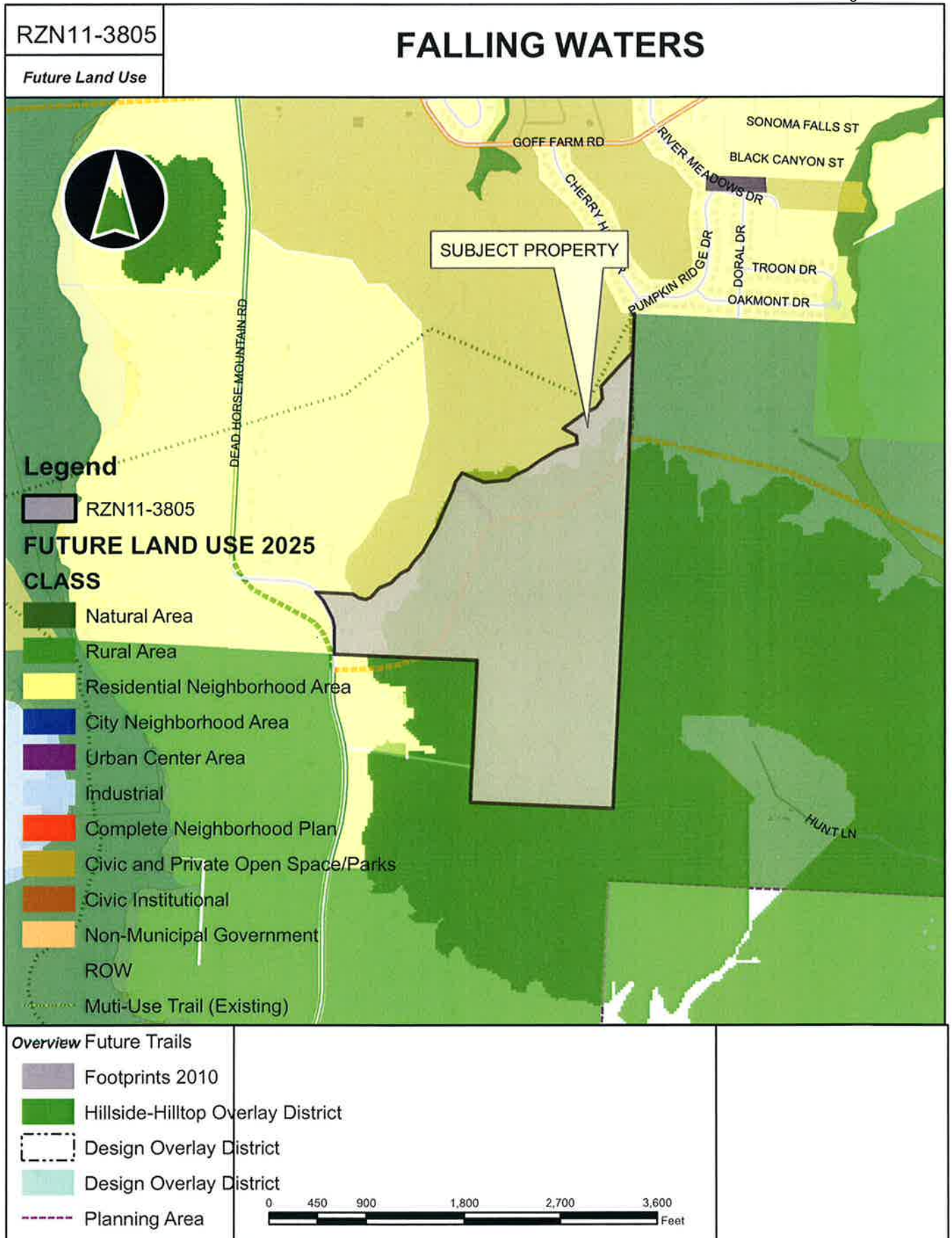
Design Overlay District



Planning Area



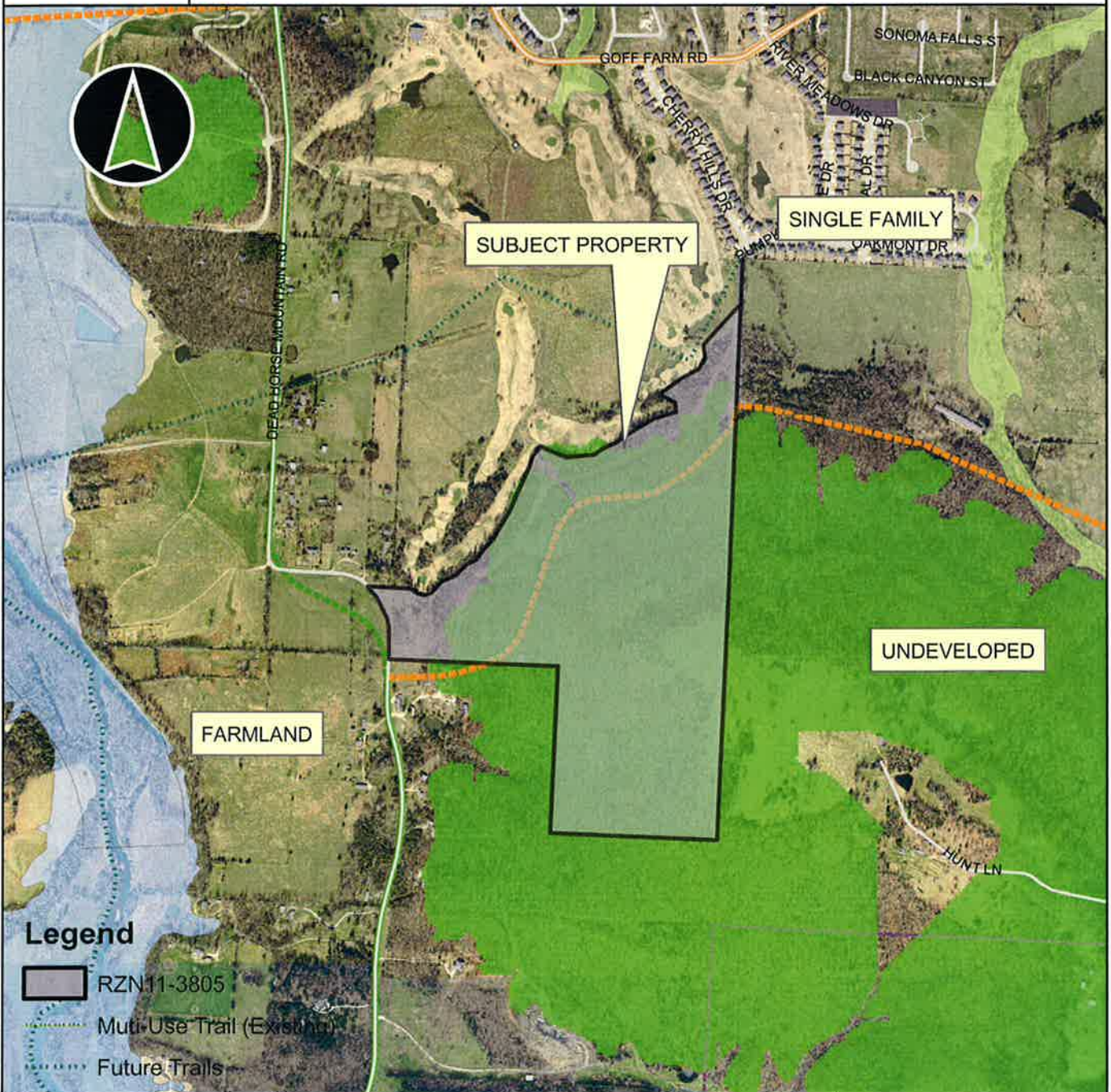
Fayetteville



RZN11-3805

Current Land Use

FALLING WATERS



Legend

-  RZN11-3805
-  Multi-Use Trail (Existing)
-  Future Trails

-  Footprints 2010
-  Hillside-Hilltop Overlay District
-  Design Overlay District
-  Design Overlay District
-  Planning Area
-  Fayetteville

0 450 900 1,800 2,700 3,600 Feet

City of Fayetteville Staff Review Form

C. 8
RZN 11-3806 (South of
Zion Road and East of
Talesin Lane/Woodbury)
Page 1 of 26

City Council Agenda Items
and
Contracts, Leases or Agreements

21
6/7/2011

City Council Meeting Date
Agenda Items Only

Dara Sanders
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 11-3806: (South of Zion Road and East of Talesin Lane/Woodbury, 137): Submitted by The City of Fayetteville for property located south of Zion Road and east of Talesin Lane. The property is zoned R-PZD, Residential Planned Zoning District 06-2190 and contains approximately 11.66 acres. The request is to revoke the PZD pursuant to 166.06(C) and rezone a portion of the subject property to NC, Neighborhood Conservation.

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

05-17-2011
Date

Previous Ordinance or Resolution #

City Attorney

5-20-2011
Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

5-20-2011
Date

Received in City
Clerk's Office

19-11P03:53 RCVD

King

Chief of Staff

5-23-11
Date

Received in
Mayor's Office

ENTERED
5/20/11
F.H.

Mayor

5/23/11
Date

Comments:



www.accessfayetteville.org

C. 8
RZN 11-3806 (South of
Zion Road and East of
Taliesin Lane/Woodbury)

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Dara Sanders, Current Planner

Date: May 11, 2011

Subject: RZN 11-3806 (Woodbury)

RECOMMENDATION

Planning Commission and staff recommend approval of an ordinance to rezone the undeveloped portion of the Woodbury project boundary containing approximately 9.26 acres from R-PZD 06-2190 to NC, Neighborhood Conservation.

BACKGROUND

The Woodbury project boundary consists of 11.66 acres located on the south side of Zion Road, approximately 0.3 miles west of Crossover Road.

In 2006, the Planning Commission and City Council approved the Woodbury Residential Planned Zoning District on the subject property (R-PZD 05-1635). The property was originally zoned R-A, Residential Agricultural. The R-PZD zoning permitted three planning areas:

Planning Area 1 - 67 single family dwellings surrounding a common area at a density of approximately 8.5 units/acre

Planning Area 2 - 45 multi-family dwellings in two buildings at a density of approximately 17 units/acre adjacent to Zion Road

Planning Area 3 - Common area in a central location with a clubhouse, pool, and greenspace

The applicant proposed to develop all roads and infrastructure in approximately eight to twelve months from City Council approval and to construct the residences in groupings in response to market demands, with a full build-out within three years of approval. Construction permits for the project were obtained to install the primary internal and the perimeter private streets, the clubhouse and pool, and 16 of the single-family dwellings. However, construction permits for the remaining seven internal private streets and dwelling units were not obtained and the R-PZD approval has expired.

While the original PZD remains intact for regulation of the existing dwellings within the Woodbury neighborhood, the remaining undeveloped property, approximately 9.26 acres, is unable to be developed or subdivided until the old PZD zoning is revoked and a new, valid zoning district is assigned. In an effort to establish a valid zoning district on the subject property the City Planning Division has initiated the PZD revocation process following the requirements Fayetteville Unified Development Code Chapter 166.06(C). An initial letter was sent to the property owners on October 21, 2010 notifying them of the expired PZD, discussing options for establishing a valid zoning district, and the intent of the City to revoke the PZD and rezone the property if the owners did not initiate a rezoning. On April 7, 2010 the City Planning Division sent an official PZD revocation letter to the property owner via certified mail

notifying them that the City Planning Division was proposing to revoke the PZD and rezone the property to NC, Neighborhood Conservation.

Staff finds that the NC zoning district is consistent with the Future Land Use designation of Residential Area on the property and the existing and surrounding land uses and infrastructure. This site is located in an area with a range of uses and residential densities. While the NC district would not allow for the multi-family apartment buildings to be constructed adjacent to Zion Road, the current or future property owner could request conditional use approval to construct three-family dwellings or to submit a separate request to rezone this portion of the property to some other zoning district that would allow for the multi-family dwellings by right.

DISCUSSION

On May 9, 2011 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 6-2-0. Commissioners Hoskins and Honchell voted "no", with Commissioner Hoskins stating on the record a preference that the property revert back to the original R-A, Residential Agricultural zoning district.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REVOKING R-PZD 06-2190 (WOODBURY) REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 11-3806, FOR APPROXIMATELY 9.26 ACRES, LOCATED SOUTH OF ZION ROAD AND EAST OF TALIESIN LANE, FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 06-2190, TO NC, NEIGHBORHOOD CONSERVATION.

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

Section 1: That a portion of the property as described herein zoned R-PZD 06-2190 (Woodbury) is hereby revoked because the developer failed to obtain development permits in accordance with the approved phased development schedule.

Section 2: That the zone classification of the following described property is hereby changed as follows:

From R-PZD, Residential Planned Zoning District 06-2190 to NC, Neighborhood Conservation, as shown on Exhibit "A" attached hereto and made a part hereof.

Section 3: That the property identified in Exhibit "B" attached hereto shall retain its zoning designation of R-PZD 06-2190 (Woodbury), will all of the zoning and development rights and regulations prescribed therein.

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 , 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Exhibit "A"

C. 8
RZN 11-3806 (South of
Zion Road and East of
Talesin Lane/Woodbury)
Page 5 of 26

RZN11-3806

WOODBURY

Close Up View

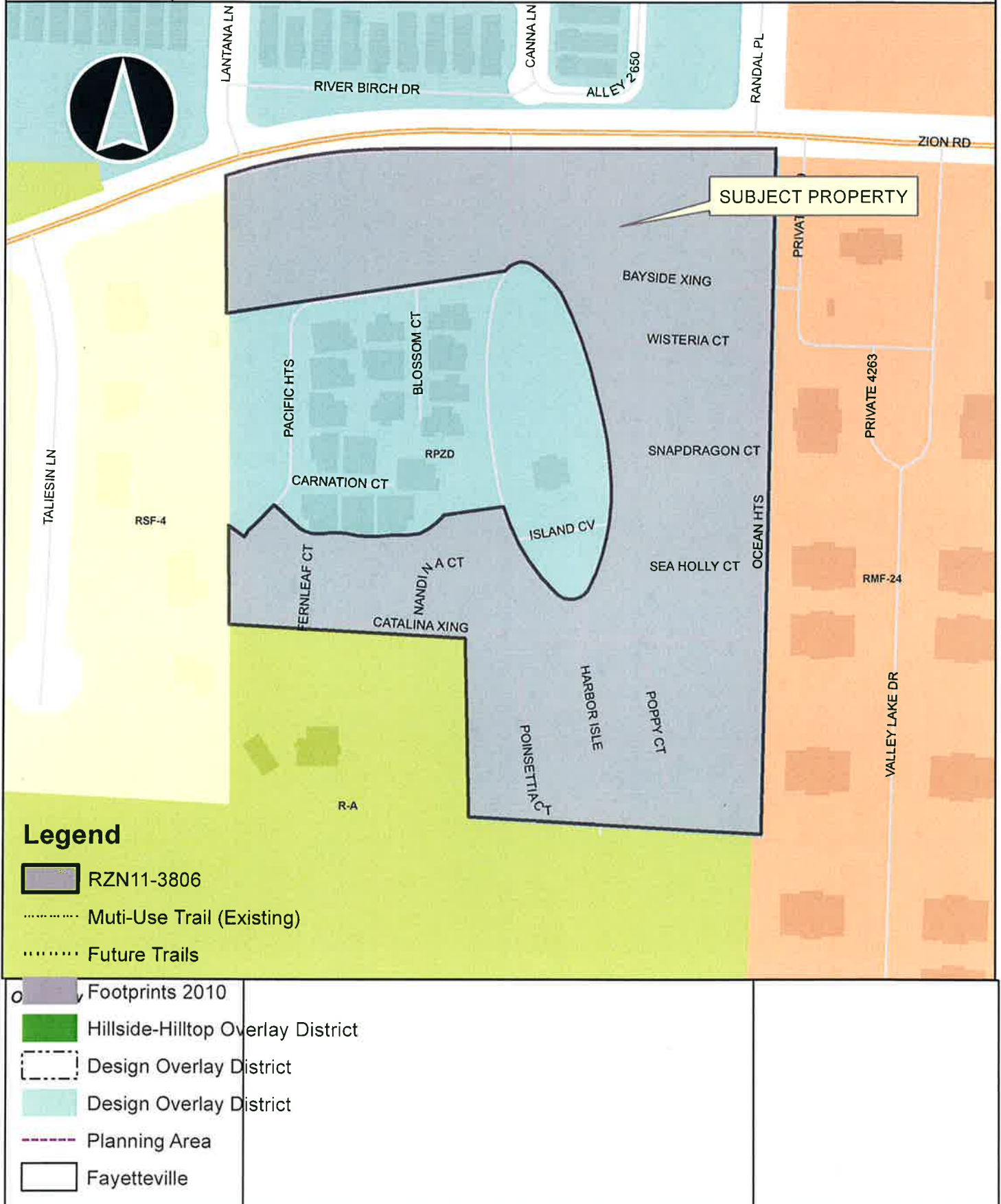


Exhibit "B"

C. 8
RZN 11-3806 (South of
Zion Road and East of
Talesin Lane/Woodbury)
Page 6 of 26

RZN11-3806

WOODBURY

Close Up View



Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area

Fayetteville



PC Meeting of May 9, 2011

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
THRU: Jeremy Pate, Development Services Director
DATE: ~~May 4, 2011~~ Updated May 11, 2011

RZN 11-3806: Rezone (WOODBURY, 137): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for property located SOUTH OF ZION ROAD AND EAST OF TALIESIN LANE. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 06-2190 and contains approximately 11.66 acres. The request is to revoke the PZD pursuant to 166.06(C) and rezone the subject property to NC, NEIGHBORHOOD CONSERVATION.

Planner: Dara Sanders

BACKGROUND:

Property Description: The Woodbury project boundary consists of 11.66 acres located on the south side of Zion Road, approximately 0.3 miles west of Crossover Road. The site is relatively flat, with a majority of the tree canopy on the property along Zion Road. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Zoning and Land Use

Direction	Land Use	Zoning
North	Zion Gardens R-PZD under development	R-PZD 05-1599
South	Undeveloped wood and agricultural land	R-A, Residential-Agricultural
East	Multi-family residential	RMF-24, Residential Multi-Family 24 Units/Acre
West	Single-family residential	RSF-4, Residential Single-Family 4 Units/Acre

History: In 2006, the Planning Commission and City Council approved the Woodbury Residential Planned Zoning District on the subject property (R-PZD 05-1635). The property was originally zoned R-A, Residential Agricultural. The R-PZD zoning permitted three planning areas:

Planning Area 1 - 67 single family dwellings surrounding a common area at a density of approximately 8.5 units/acre

Planning Area 2 - 45 multi-family dwellings in two buildings at a density of approximately 17 units/acre adjacent to Zion Road

Planning Area 3 - Common area in a central location with a clubhouse, pool, and greenspace

The applicant proposed to develop all roads and infrastructure in approximately eight to twelve months from City Council approval and to construct the residences in groupings in response to market demands, with a full build-out within three years of approval. Construction permits for the

project were obtained to install the primary internal and the perimeter private streets, the clubhouse and pool, and 16 of the single-family dwelling. However, construction permits for the remaining seven internal private streets and dwelling units were not obtained and the R-PZD approval has expired.

PZD Revocation: If an approved PZD expires the property does not automatically revert back to the original zoning. The property is unable to be developed or subdivided until the old PZD zoning is revoked and a new, valid zoning district is assigned. In an effort to establish a valid zoning district on the subject property the City Planning Division has initiated the PZD revocation process following the requirements Fayetteville Unified Development Code Chapter 166.06(C). An initial letter was sent to the property owners on October 21, 2010 notifying them of the expired PZD, discussing options for establishing a valid zoning district, and the intent of the City to revoke the PZD and rezone the property if the owners did not initiate a rezoning. On April 7, 2010 the City Planning Division sent an official PZD revocation letter to the property owner via certified mail notifying them that the City Planning Division was proposing to revoke the PZD and rezone the property to NC, Neighborhood Conservation. The section of the Fayetteville Unified Development Code covering PZD revocation and copies of letters sent to the property owners are attached to this report.

Proposal: The City Planning Division proposes to rezone the remaining undeveloped portion of the Woodbury project boundary from R-PZD 06-2190 to NC, Neighborhood Conservation.

Public Comment: Staff has received public comment from a residence in this neighborhood concerned with drainage issues.

RECOMMENDATION:

Staff recommends forwarding **RZN 11-3806 (Woodbury)** to the City Council with a recommendation for approval based on the findings stated herein.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>May 9, 2011</u>	☐ Tabled	☐ Forwarded	☐ Denied		
Motion: <u>Chesser</u>	Second: <u>Winston</u>	Vote: <u>6-2-0 (Commissioners Hoskins and Honchel voted "no")</u>			
CITY COUNCIL ACTION:		Required	<u>YES</u>		
		☐ Approved		☐ Denied	
Date:					

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan*

*designates this site as **Residential Neighborhood Area**. Residential Neighborhood Areas are almost exclusively residential in nature with conventional setbacks. This designation may have large blocks and irregular roads to accommodate natural conditions. A primary guiding policy of Residential Neighborhood Areas is to, "Site new residential areas accessible to roadways, alternative transportation nodes, community amenities, schools, infrastructure, and retail and commercial goods and services."*

INFRASTRUCTURE:

Streets: The site has access to Zion Road. Zion Road is a fully improved three lane City street in this location. Street improvements will be evaluated at the time of development of this property.

Water: Public water is available to the property. There are 8" public water mains extended throughout the development.

Sewer: Sanitary sewer is available to the site. There are 8" sanitary sewer mains extended throughout the development.

Drainage: Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain and the Streamside Protection Zones.

Police: Staff did not receive objections from the Police Department to this rezoning.

Fire: The Fire Department does not find that this rezoning will affect calls for service or response times.

FINDINGS OF THE STAFF

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

Finding: Staff finds that the NC zoning district is consistent with the Future Land Use designation of Residential Area on the property and the existing and surrounding land uses and infrastructure. This site is located in an area with a range of uses and residential densities. Staff finds that proposed zoning district would allow for the development of single- and two-family dwellings in a compact form, similar to the density approved for the majority of the project boundary with R-PZD 06-2190. While the NC district would not allow for the multi-family apartment buildings to be constructed adjacent to Zion Road, the current or future property owner could request conditional use approval to construct three-family dwellings or to submit a separate request to rezone this portion of the property to some other zoning district that would allow for multi-family dwellings by right.

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

Finding: **The proposed zoning is needed at this time as the existing R-PZD zoning has expired and the property is unable to developed in any manner, including minor applications such as a lot split or single family residence, until the expired PZD zoning is revoked and a new zoning district is assigned. As discussed in Finding No. 1, the proposed zoning is justified as it is compatible with the surrounding zoning and land uses and consistent with the City's Future Land Use Plan.**

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

Finding: **The proposed rezone would not increase traffic congestion in comparison to the R-PZD. The NC zoning is a medium density zoning that would not result in large volumes of traffic as the maximum density is 10 dwelling unit per acre.**

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: **Increased load on public services were taken into consideration and recommendations from the Engineering, Fire, and Police Departments and are included in this report. The proposed zoning change to NC should have no discernable impact on public services.**

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 request.**

EXISTING R-PZD ZONING CRITERIA

will consist of "The Commons," containing a clubhouse, pool, outdoor living areas, and park area.

PLANNING AREA 1

PERMITTED USES	
UNIT	DESCRIPTION
UNIT 1	CITY-WIDE USES BY RIGHT
UNIT 8	SINGLE FAMILY DWELLING

CONDITIONAL USES	
UNIT	DESCRIPTION
UNIT 2	CITY-WIDE USES BY CONDITIONAL USE PERMIT
UNIT 24	HOME OCCUPATIONS

LAND USE DENSITY / INTENSITY

TOTAL PLANNING AREA SIZE: 7.92 ACRES

TOTAL NUMBER OF RESIDENTIAL UNITS: 67

NON-RESIDENTIAL SQUARE FEET: NOT APPLICABLE

RESIDENTIAL DENSITY: 8.5 UNITS PER ACRE

BULK AND AREA REGULATIONS

AREA REGULATIONS

LOT WIDTH MINIMUM: 32 FT

LOT AREA MINIMUM: 1,200 SF

LAND AREA PER DWELLING: 3,096 SF

SETBACK REQUIREMENTS

FRONT-WOODBURY DRIVE: 10 FT from R/W (Back of Curb)

FRONT-PRIVATE DRIVES: 15 FT from Access Easement

SIDE-PROPERTY LINE: 8 FT

MIN. BETWEEN BUILDINGS: 6 FT

HEIGHT

Structures in this Planning Area are limited to a building height of 35 feet as measured from the lowest point of the structure at the historic grade.

The height of a proposed structure may only be increased above 35 feet by obtaining a variance after hearing by the Planning Commission.

BUILDING AREA

MAXIMUM: 60%

SITE PLANNING

LANDSCAPING

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

PARKING

Parking in this Planning Area will be mainly occur in garages in the individual units. The Woodbury covenants are very specific that garages are to be used for parking vehicles, not for storage. On-street parking is allowed on the 1-way portions of Woodbury Drive surrounding The Commons. All 2 and 3 bedroom units have a 2-car garage which satisfies the parking requirements for those units. There are only 6 single bedroom units in the development and these have only a 1-car garage. Excess parking requirements for these units will be satisfied by the on-street parking allowed on Woodbury Drive.

ARCHITECTURAL DESIGN STANDARDS

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

PLANNING AREA 2

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

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

LAND USE DENSITY / INTENSITY

TOTAL PLANNING AREA SIZE: 2.62 ACRES

TOTAL NUMBER OF RESIDENTIAL UNITS: 45

NON-RESIDENTIAL SQUARE FEET: NOT APPLICABLE

RESIDENTIAL DENSITY: 17.2 UNITS PER ACRE

BULK AND AREA REGULATIONS

AREA REGULATIONS

LOT WIDTH MINIMUM: 18 FT

LOT AREA MINIMUM: 1,100 SF

LAND AREA PER BUILDING UNIT: 2,536 SF

USE MAXIMUMS

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

SETBACK REQUIREMENTS

FRONT-ZION: 10 FT

FRONT-WOODBURY DRIVE: 10 FT from R/W (Back of Curb)

FRONT-PRIVATE DRIVES: 5 FT from Access Easement

SIDE-PROPERTY LINE: 10 FT

MIN. BETWEEN BUILDINGS: 6 FT

HEIGHT

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

BUILDING AREA

MAXIMUM: 65%

SITE PLANNING

LANDSCAPING

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

PARKING

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

ARCHITECTURAL DESIGN STANDARDS

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

PLANNING AREA 3

PERMITTED USES	
UNIT	DESCRIPTION
UNIT 1	CITY-WIDE USES BY RIGHT
UNIT 4	CULTURAL & RECREATIONAL FACILITIES

CONDITIONAL USES	
UNIT	DESCRIPTION
UNIT 2	CITY-WIDE USES BY CONDITIONAL USE PERMIT

LAND USE DENSITY / INTENSITY

TOTAL PLANNING AREA SIZE: 1.12 ACRES

TOTAL NUMBER OF UNITS: 0

NON-RESIDENTIAL SQUARE FEET: 3,000 SF

INTENSITY: 2,679 SF PER ACRE

BULK AND AREA REGULATIONS

AREA REGULATIONS

BUILDING WIDTH MINIMUM: 35 FT

BUILDING AREA MINIMUM: 1,500 SF

LAND AREA PER DWELLING UNIT: NOT APPLICABLE

SETBACK REQUIREMENTS

WOODBURY DRIVE: 10 FT from R/W (Back of Curb)

HEIGHT

Structures in this Planning Area are limited to a building height of 35 feet as measured from the lowest point of the structure at the historic grade. The height of a proposed structure may only be increased above 35 feet by obtaining a variance after hearing by the Planning Commission.

BUILDING AREA

MAXIMUM: 45%

SITE PLANNING

LANDSCAPING

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

PARKING

Parking in this Planning Area will occur in the parking area in front of the clubhouse and on Woodbury Drive. On-street parking is allowed on the 1-way portions of Woodbury Drive surrounding The Commons. As a maximum 3,000 SF building, 12 spaces are required (1 per 250 SF). We

PROPOSED ZONING

161.26 Neighborhood Conservation

(A) *Purpose.* The *Neighborhood Conservation* zone has the least activity and a lower density than the other zones. Although *Neighborhood Conservation* is the most purely residential zone, it can have some mix of uses, such as civic buildings. *Neighborhood Conservation* serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 41	Accessory dwellings

(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 10	Three-family dwellings
Unit 12	Limited Business *
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(C) *Density.* 10 Units Per Acre.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single Family	40 ft.
Two Family	80 ft.
Three Family	90 ft.

(2) *Lot area minimum.* 4,000 Sq. Ft.

(E) *Setback regulations.*

Front	The principal façade of a building shall be built
-------	---

	within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	5 ft.
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 40% of lot width.

(G) *Height regulations.* Maximum height is 3 stories or 45 feet which ever is less.

166.06 Planned Zoning District (PZD)

(L) 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 master development plan 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 may 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.

ENGINEERING COMMENTS:

RZN 11-3806: Rezone (WOODBURY, 137): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for property located at the corner of SOUTH OF ZION ROAD, AND EAST OF TALIESIN LANE. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 06-2190 and contains approximately 11.66 acres. The request is to rezone the subject property to NC, NEIGHBORHOOD CONSERVATION.

Planner: Dara Sanders

Public water is available to the property. There are 8" public water mains extended throughout the development.

Sanitary sewer is available to the site. There are 8" sanitary sewer mains extended throughout the development.

The site has access to Zion Road. Zion Road is a fully improved three lane City street in this location. Street improvements will be evaluated at the time of development of this property.

Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain and the Streamside Protection Zones.

Zoning Review

To: Dara Sanders
From: Terry Lawson, Fire Marshal
Date: May 3, 2011

Re: RZN 11-3806: Rezone (WOODBURY, 137): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for property located at the corner of ZION ROAD, AND EAST OF TALIESIN LANE. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 06-2190 and contains approximately 11.66 acres. The request is to rezone the subject property to NC, NEIGHBORHOOD CONSERVATION.
Planner: Dara Sanders

This development will be protected by Engine 5 located at 2979 N. Crossover Rd.
It is 5 miles from the station with an anticipated response time of 5 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development zoning change will affect our calls for service or our response times.

If you have any questions please feel free to contact me.



Fayetteville Fire Department

From: DEBORAH SANTEFORD <deborah.santeford@fayar.net>
To: "agarner@ci.fayetteville.ar.us" <agarner@ci.fayetteville.ar.us>
Date: 5/4/2011 10:08 AM
Subject: Woodbury PZD

Mr. Garner:

I have read about the rezoning of the PDZ's and have seen the sign at the Woodbury Subdivision. Drainage is a very big issue for the existing homeowners. I do believe the city engineers either miscalculated the need for serious drainage work on the property, or the builder ignored the directives. It has left the homeowners below the retaining walls (including myself) with moats around the homes. It has been particularly evident this spring, but it is a recurring, year round problem because of natural springs.

I do hope the city will take the time to look carefully at the property before it is rezoned. I am not an engineer or a drainage expert, but I am very sure there could be development on the empty property that would make the situation worse for the existing homeowners.

Thank you for your consideration of this matter. If there is something the homeowners can do to inform the city further, please let me know.

As a separate question, I would like to know if the current zoning is the reason why homeowners in the subdivision are without street signs. Chris Elkins at Metropolitan Bank has also told us we are responsible for the street signs, as well as streetlight power and maintenance. This is my fourth home in Fayetteville but the first with these responsibilities belonging to the homeowners. None of the homeowners were made aware of this when we purchased the homes. I hope the city will think again if Jeff Martin comes back with a proposal for another development in Fayetteville.

Debbie Santeford
4278 N. Blossom Court
479-521-6860



www.accessfayetteville.org

C. 8
RZN 11-3806 (South of
Zion Road and East of
Halesin Lane Woodbury)
THE CITY OF FAYETTEVILLE, ARKANSAS
DEVELOPMENT SERVICES DEPARTMENT
Page 620 of 726
125 West Mountain
Fayetteville, AR 72701
Phone (479) 444-3443

7 April 2011

Metropolitan National Bank
P.O. Box 8010
Little Rock, Arkansas 72203

VIA: CERTIFIED MAIL

Philip/Martin Development Partners LLC
P.O. Box 9598
Fayetteville, Arkansas 72703-0027

Jeff Martin
2458 East Joyce Boulevard, Suite 8
Fayetteville, Arkansas 72703

Re: Re-zoning of the Expired Woodbury Planned Zoning District Project

Dear Property Owner:

The Assessor of Washington County, Arkansas lists you as the owner for the subject property that is zoned by the City of Fayetteville as a Planned Zoning District (PZD). This letter notifies you that the subject PZD approval has expired. In accordance with Fayetteville Unified Development Code Section 166.06(L) the City has cause to revoke this PZD as development permits have not been obtained in accordance with the approved phased development schedule. Therefore, the City Development Services Department has initiated revocation of the expired PZD zoning on your property. As part of this action staff will recommend the City Council assign the property the zoning district of NC, Neighborhood Conservation. This proposal to revoke the PZD and rezone your property will be first heard at a public meeting of the Planning Commission on May 9, 2011 at 5:30 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas 72701. You are welcome to speak at that meeting and/or provide written or verbal comment to City staff prior to the meeting.

Please contact our office at 479.444.3443 to set up a meeting with one of our City Planners, or you may email us at development_services@ci.fayetteville.ar.us.

Best Regards,

Andrew Garner
Senior Planner

COPY

AMG



www.accessfayetteville.org

C. 8
RZN 11-3806 (South of
Zion Road and East of
Fayetteville, Arkansas)
THE CITY OF FAYETTEVILLE, ARKANSAS
DEVELOPMENT SERVICES DEPARTMENT
Page 2 of 2
125 West Mountain
Fayetteville, AR 72701
Phone (479) 444-3443

7 April 2011

Metropolitan National Bank
P.O. Box 8010
Little Rock, Arkansas 72203

VIA: CERTIFIED MAIL

Philip/Martin Development Partners LLC
P.O. Box 9598
Fayetteville, Arkansas 72703-0027

Jeff Martin
2458 East Joyce Boulevard, Suite 8
Fayetteville, Arkansas 72703

Re: Re-zoning of the Expired Woodbury Planned Zoning District Project

Dear Property Owner:

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Best Regards,

Andrew Garner
Senior Planner

AMG

COPY



www.accessfayetteville.org

C. 8
RZN 11-3806 (South of
Zion Road and East of
Talliesin Lane/Woodbury)
THE CITY OF FAYETTEVILLE, ARKANSAS
DEVELOPMENT SERVICES DEPARTMENT
Page 22 of 28
Fayetteville, AR 72701
Phone (479) 444-3443

7 April 2011

Metropolitan National Bank
P.O. Box 8010
Little Rock, Arkansas 72203

VIA: CERTIFIED MAIL

Philip/Martin Development Partners LLC
P.O. Box 9598
Fayetteville, Arkansas 72703-0027

Jeff Martin
2458 East Joyce Boulevard, Suite 8
Fayetteville, Arkansas 72703

Re: Re-zoning of the Expired Woodbury Planned Zoning District Project

Dear Property Owner:

The Assessor of Washington County, Arkansas lists you as the owner for the subject property that is zoned by the City of Fayetteville as a Planned Zoning District (PZD). This letter notifies you that the subject PZD approval has expired. In accordance with Fayetteville Unified Development Code Section 166.06(L) the City has cause to revoke this PZD as development permits have not been obtained in accordance with the approved phased development schedule. Therefore, the City Development Services Department has initiated revocation of the expired PZD zoning on your property. As part of this action staff will recommend the City Council assign the property the zoning district of NC, Neighborhood Conservation. This proposal to revoke the PZD and rezone your property will be first heard at a public meeting of the Planning Commission on May 9, 2011 at 5:30 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas 72701. You are welcome to speak at that meeting and/or provide written or verbal comment to City staff prior to the meeting.

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Best Regards,

Andrew Garner
Senior Planner

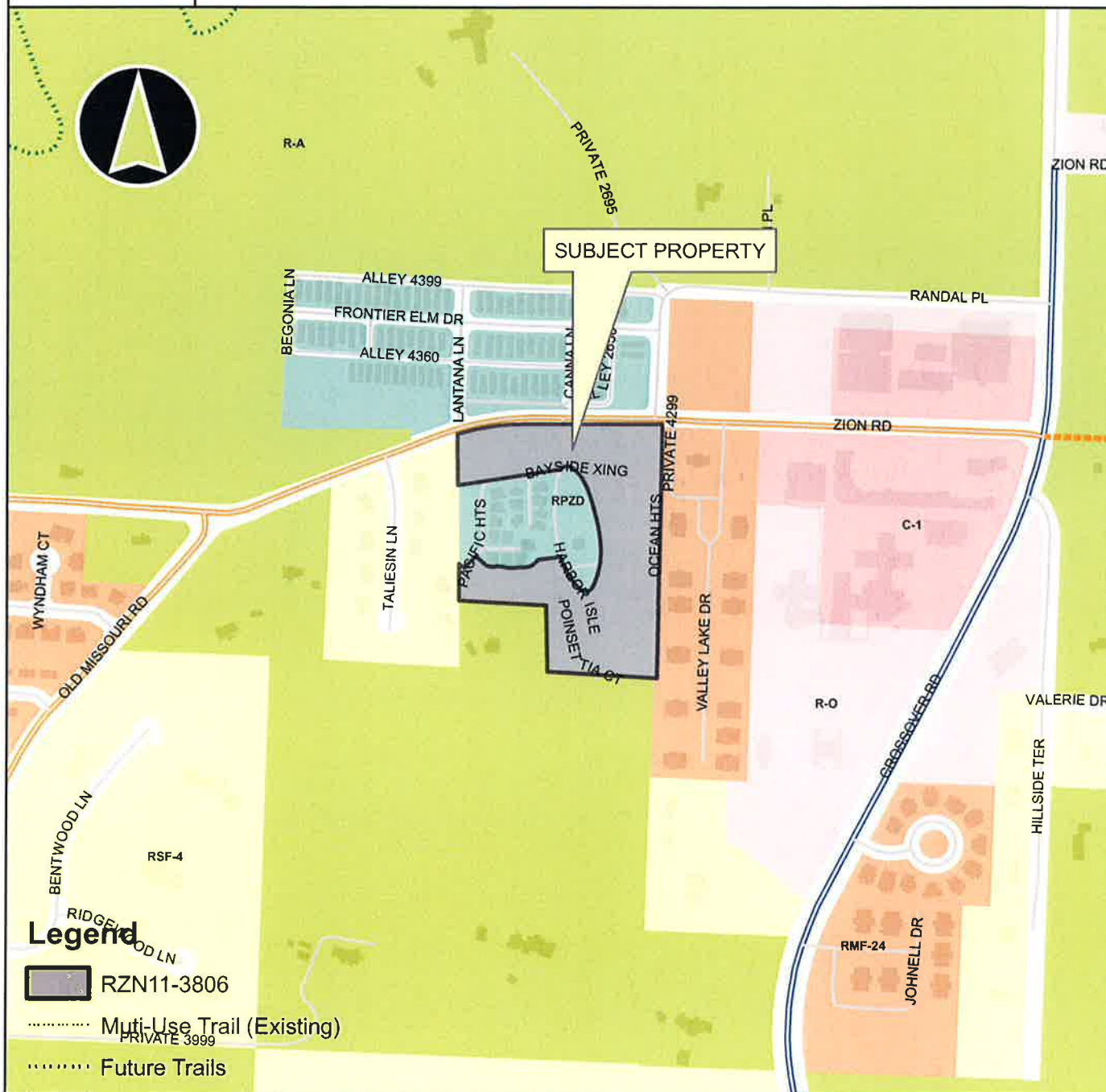
COPY

AMG

RZN11-3806

Close Up View

WOODBURY



Legend



RZN11-3806



Multi-Use Trail (Existing)



Future Trails



Footprints 2010



Hillside-Hilltop Overlay District



Design Overlay District



Design Overlay District



Planning Area



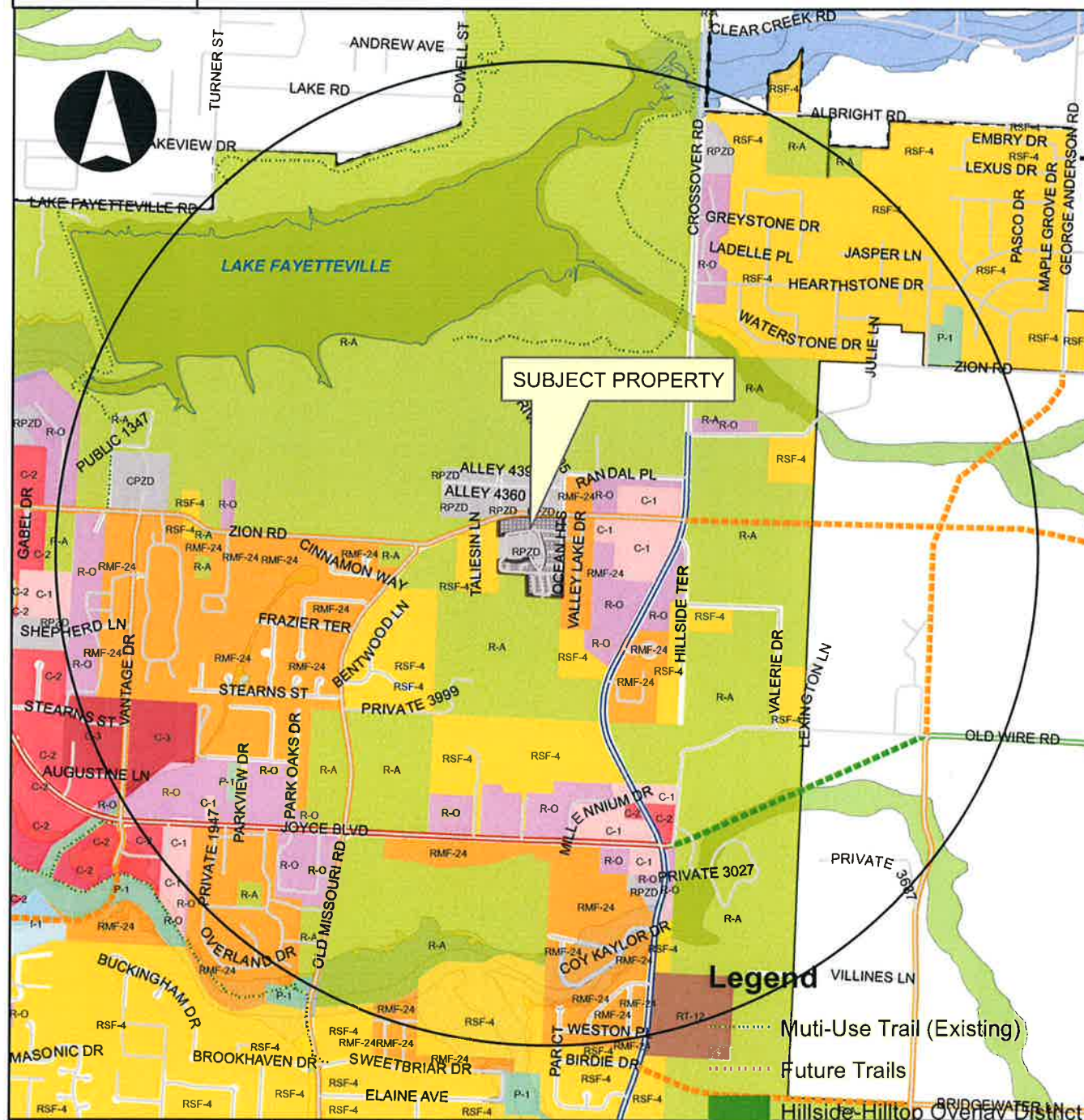
Fayetteville



RZN11-3806

WOODBURY

One Mile View

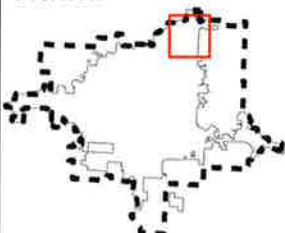


Legend

Muti-Use Trail (Existing)
 Future Trails

Hillside-Hilltop Overlay District

Overview



Legend

Subject Property
 RZN11-3806

Boundary

0 0.25 0.5



RZN11-3806



Design Overlay District

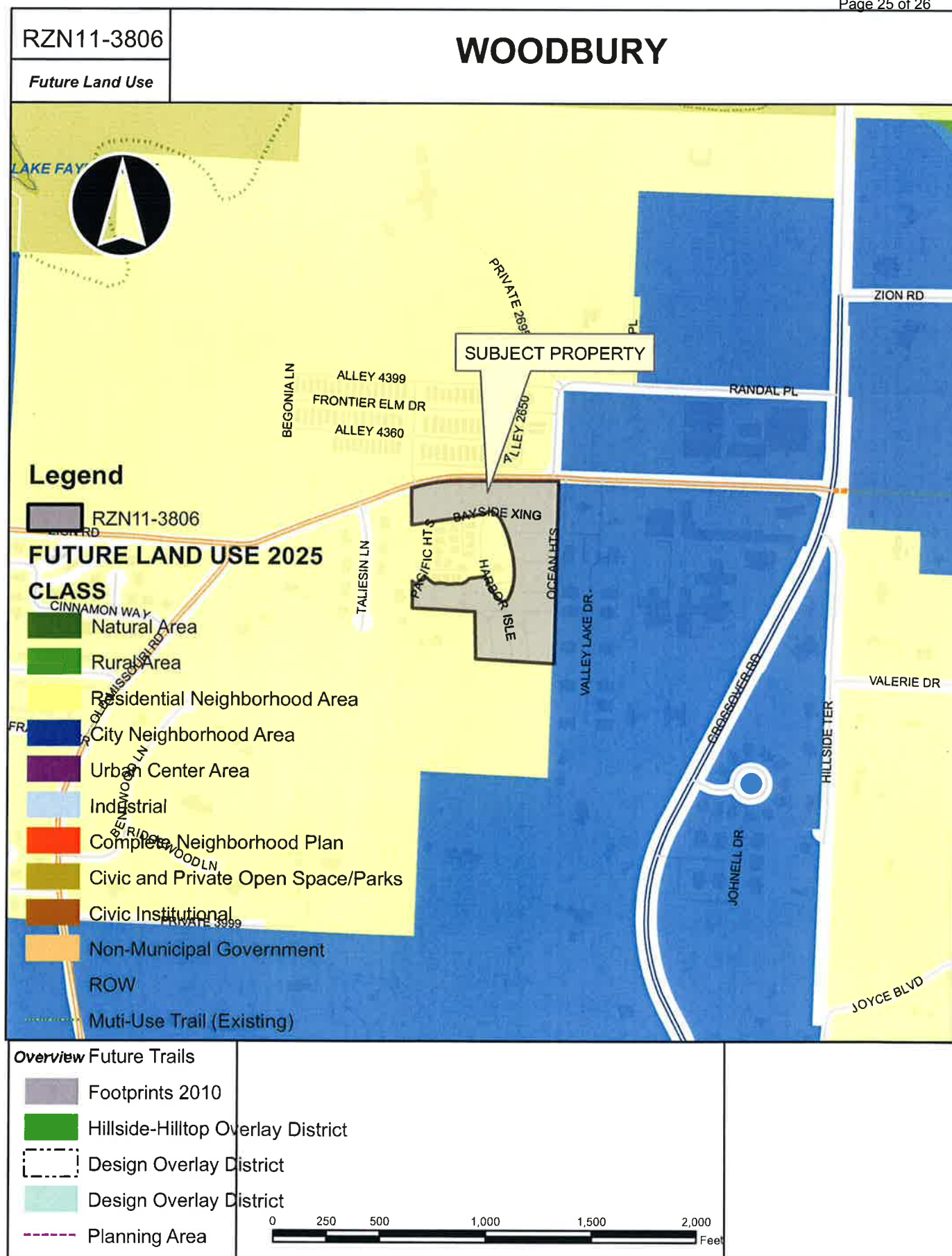


Planning Area



Fayetteville

1
 Miles



RZN11-3806

Current Land Use

WOODBURY



Legend

- RZN 11-3806
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

o Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area

Fayetteville

0 200 400 800 1,200 1,600 Feet

City of Fayetteville Staff Review Form

C. 9
RZN 11-3807 (Southwest
Corner of Razorback Road
and 15th Street/Champion
Club Condos)
Page 1 of 24

City Council Agenda Items
and
Contracts, Leases or Agreements

~~6/7/2011~~ 6-21-11

City Council Meeting Date
Agenda Items Only

Andrew Garner
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 11-3807: (Southwest Corner of Razorback Road and 15th Street/Champion Club Condos, 599): Submitted by The City of Fayetteville for property located at the southwest corner of Razorback Road and 15th Street. The property is zoned R-PZD, Residential Planned Zoning District 07-2551 and contains approximately 4.42 acres. The request is to revoke the PZD pursuant to 166.06(C) and rezone the subject property to UT, Urban Thoroughfare.

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

05.11.2011
Date

Previous Ordinance or Resolution #

City Attorney

5-16-2011
Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

5-16-2011
Date

Received in City
Clerk's Office

05-12-11 P04:18 RCVD

Chief of Staff

5-16-11
Date

Received in
Mayor's Office

Mayor

5/16/11
Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Andrew Garner, Senior Planner

Date: May 11, 2011

Subject: RZN 11-3807 (Champions Club Condos PZD Revocation)

RECOMMENDATION

Planning Commission and staff recommend approval of an ordinance to revoke the expired Champions Club Condos Planning Zoning District and rezone the property from R-PZD 07-2551 Champions Club Condos to U-T, Urban Thoroughfare.

BACKGROUND

The subject property contains 4.42 acres located south of 15th Street and West of Razorback Road. The site is zoned R-PZD 07-2551, and is generally flat, undeveloped, disturbed grassland with the Town Branch along the western border of the site. On July 3, 2007 the City Council approved the Champions Club Condominiums Planned Zoning District on the subject property (R-PZD 07-2551). The property was originally zoned I-1, Heavy Commercial/Light Industrial. The R-PZD zoning permitted a total of 143 multi-family dwellings with a density of approximately 32 units per acre. Construction permits for the project were never obtained and the R-PZD approval has expired. If an approved PZD expires the property does not automatically revert back to the original zoning. The property is unable to be developed or subdivided until the old PZD zoning is revoked and a new, valid zoning district is assigned. In an effort to establish a valid zoning district on the subject property the City Planning Division has initiated the PZD revocation process following the requirements of Fayetteville Unified Development Code Chapter 166.06(C). An initial letter was sent to the property owners on October 21, 2010 notifying them of the expired PZD, discussing options for establishing a valid zoning district, and the intent of the City to revoke the PZD and rezone the property if the owners did not initiate a rezoning. On April 7, 2010 the City Planning Division sent an official PZD revocation letter to the property owner via certified mail notifying them that the City Planning Division was proposing to revoke the PZD and rezone the property to U-T, Urban Thoroughfare.

DISCUSSION

On May 9, 2011 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REVOKING R-PZD 07-2551 (CHAMPIONS CLUB CONDOS) AND REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 11-3807, FOR APPROXIMATELY 4.42 ACRES, LOCATED AT THE SOUTHWEST CORNER OF RAZORBACK ROAD AND 15TH STREET, EAST OF THE CROWNE APARTMENTS, FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 07-2551, TO UT, URBAN THOROUGHFARE.

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

Section 1: That R-PZD 07-2551 (Champions Club Condos) is hereby revoked because the developer failed to obtain development permits in accordance with the approved phased development schedule.

Section 2: That the zone classification of the following described property is hereby changed as follows:

From R-PZD, Residential Planned Zoning District 07-2551 to UT, Urban Thoroughfare, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 3: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning change provided in Section 2 above.

PASSED and APPROVED this day of , 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

C. 9
RZN 11-3807 (Southwest
Corner of Razorback Road
and 15th Street/Champion
Club Condos)
Page 4 of 24

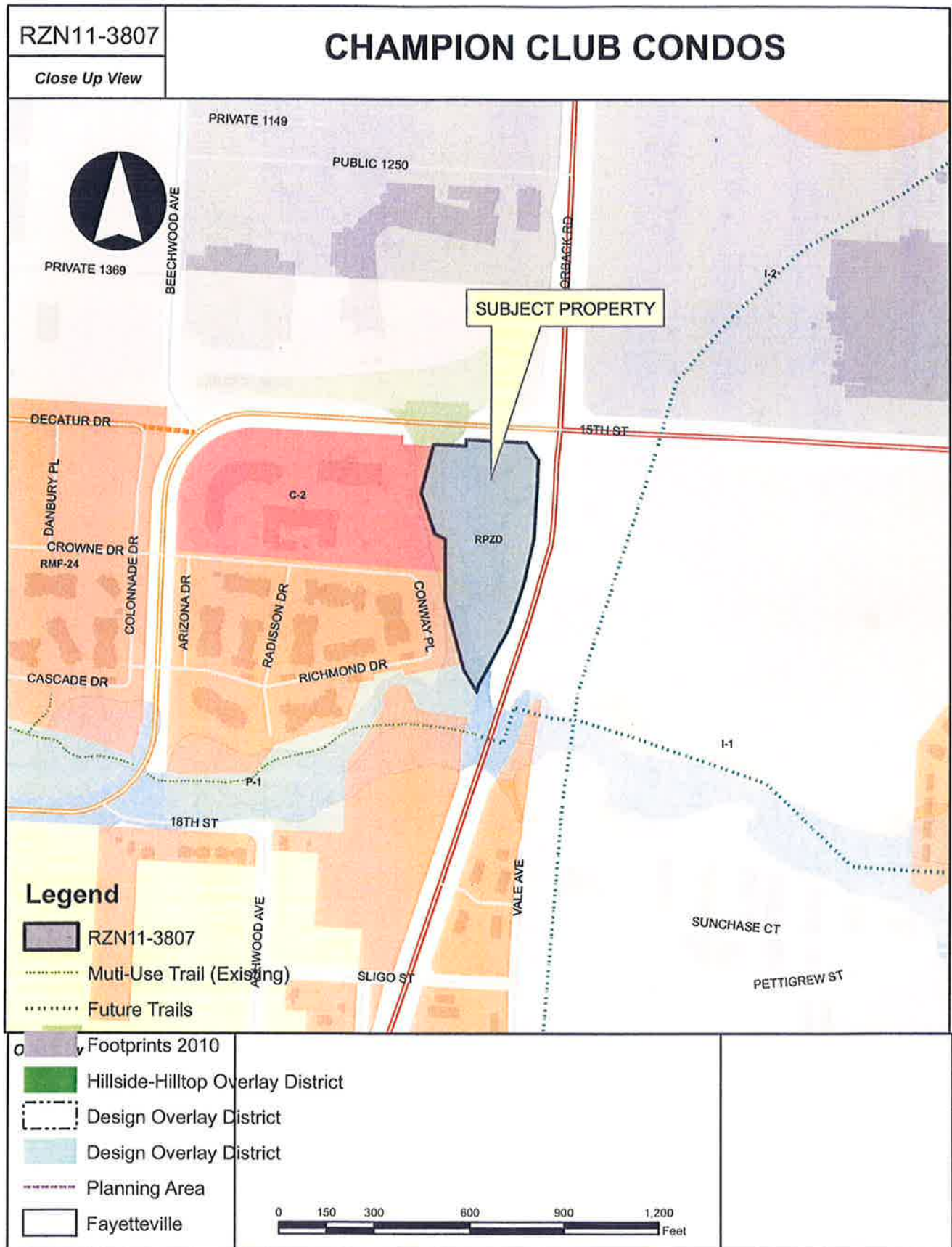


EXHIBIT "B"
RZN 11-3807

A PART OF THE NW1/4 OF THE SE1/4 OF SECTION 20, T-16-N, R-30-W, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NE CORNER OF THE NW1/4 OF THE SE1/4 OF SAID SECTION 20, THENCE N 87°13'22" W 128.24 FEET, AND THENCE S 2°46'38" W 108.54 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE FOR RAZORBACK ROAD; THENCE S 2°42'57" W 90.32 FEET; THENCE S 3°24'21" W 160.96 FEET; THENCE S 12°40'55" W 136.51 FEET; THENCE S 18°21'12" W 156.93 FEET; THENCE S 28°16'46" W 203.04 FEET; THENCE S 18°21'12" W 26.27 FEET; THENCE LEAVING SAID RIGHT-OF-WAY FOR RAZORBACK ROAD N 30°02' W 82.11 FEET; THENCE N 14°47'06" W 227.46 FEET; THENCE N 0°11'38" W 193.83 FEET; THENCE N 64°04'53" W 36.47 FEET; THENCE N 17°38'29" W 138.54 FEET; THENCE N13°52'53"E 157.39 TO THE SOUTH RIGHT-OF-WAY OF 15TH STREET; THENCE S 87°22'48" E 102.94 FEET; THENCE N 2°37'12" E 20.00 FEET; THENCE S 87°14'05" E 100.37 FEET; THENCE S 86°51'14" E 93.20 FEET; THENCE S 34°40'45" E 65.87 FEET TO THE POINT OF BEGINNING, CONTAINING 4.42 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. SUBJECT TO ALL EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.



PC Meeting of May 9, 2011

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~April 27, 2011~~ Updated May 11, 2011

RZN 11-3807: Rezone (CHAMPIONS CLUB CONDOS, 599): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for property located at the SOUTHWEST CORNER OF RAZORBACK ROAD AND 15TH STREET, EAST OF THE CROWNE APARTMENTS. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 07-2551 and contains approximately 4.42 acres. The request is to revoke the PZD pursuant to 166.06(C) and rezone the subject property to UT, URBAN THOROUGHFARE. Planner: Andrew Garner

BACKGROUND:

Property Description: The subject property contains 4.42 acres located south of 15th Street and West of Razorback Road. The site is zoned R-PZD 07-2551, and is generally flat, undeveloped, disturbed grassland with the Town Branch along the western border of the site. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Zoning and Land Use

Direction	Land Use	Zoning
North	Baum Stadium (University of Arkansas Baseball Stadium)	I-1
South	Crown Apartments; Town Branch Creek	RMF-24
East	University of Arkansas property (baseball field and RV park)	I-1
West	Crown Apartments; University Village Commercial Center	RMF-24; C-2

History: On July 3, 2007 the City Council approved the Champions Club Condominiums Planned Zoning District on the subject property (R-PZD 07-2551). The property was originally zoned I-1, Heavy Commercial/Light Industrial. The R-PZD zoning permitted a total of 143 multi-family dwellings with a density of approximately 32 units per acre. Construction permits for the project were never obtained and the R-PZD approval has expired.

PZD Revocation: If an approved PZD expires the property does not automatically revert back to the original zoning. The property is unable to be developed or subdivided until the old PZD zoning is revoked and a new, valid zoning district is assigned. In an effort to establish a valid zoning district on the subject property the City Planning Division has initiated the PZD revocation process following the requirements of Fayetteville Unified Development Code Chapter 166.06(C). An initial

G:\ETC\Development Services Review\2011\Development Review\11-3807 RZN SW Corner of Razorback Rd _15th St (Champion Club Condo's)\03 Planning Commission\05-09-2011\Comments and Redlines

letter was sent to the property owners on October 21, 2010 notifying them of the expired PZD, discussing options for establishing a valid zoning district, and the intent of the City to revoke the PZD and rezone the property if the owners did not initiate a rezoning. On April 7, 2010 the City Planning Division sent an official PZD revocation letter to the property owner via certified mail notifying them that the City Planning Division was proposing to revoke the PZD and rezone the property to UT, Urban Thoroughfare. The section of the Fayetteville Unified Development Code covering PZD revocation and copies of letters sent to the property owners are attached to this report.

Proposal: The City Planning Division proposes to rezone the approximately 4.42-acre property from R-PZD 07-2551 Champions Club Condos to UT, Urban Thoroughfare.

Public Comment: Staff has not received public comment on this particular request.

RECOMMENDATION:

Staff recommends forwarding **RZN 11-3807 (Champions Club Condos)** to the City Council with a recommendation of approval based on the findings stated herein.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>May 9, 2011</u>	☐ Tabled	☒ <u>Forwarded</u>	☐ Denied		
Motion: <u>Kennedy</u>	Second: <u>Honchell</u>	Vote: <u>8-0-0</u>			
CITY COUNCIL ACTION:		Required	<u>YES</u>		
		☐ Approved		☐ Denied	
Date:					

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as **Urban Center Area**. Urban Center Areas are the equivalent of a main street, including building types that accommodate retail, offices, rowhouses and apartments. These areas contain taller buildings and have the most intense and dense development patterns within the City, as well as the greatest variety of buildings, with unique civic buildings in particular.*

INFRASTRUCTURE:

Streets: The site has access to 15th Street and Razorback Road. Improvements will be needed along 15th street to connect with Razorback. Razorback is an improved five

lane state highway and 15th Street is an improved four lane state highway in this location.

- Water:** Public water is located adjacent to the site. There is a 12" waterline to the east side of the property at 15th street. This 12" main will need to extend through the property and connect to the main on the east side of Razorback at the time of development.
- Sewer:** Sanitary sewer is available on the site. There is a 24" sewer main located through the center of the property. Sewer service will need to be extended within the property at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development.
- Drainage:** Standard improvements and requirements for drainage will be required for the development. This property is affected by the 100-year floodplain of Town Branch.
- Police:** Staff did not receive objections from the Police Department to this rezoning.
- Fire:** This site is located three miles from Engine 6 at 900 South Hollywood with an anticipated response time of four minutes to this site. This rezoning should not affect calls for service or response times.

FINDINGS OF THE STAFF

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

Finding: Staff finds the proposal is highly consistent with the land use planning objectives, principles and policies, as evidenced by the number of guiding policies for Urban Center Area this proposal meets. Rezoning the property will accommodate both the future land use plan for non-residential and residential uses in this intended high-intensity area. The subject property is a desirable location for infill development at this intersection of two principal arterial roadways and in close proximity to the University of Arkansas. The proposed UT zoning would also be compatible with the surrounding university, commercial, and multi-family uses.

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

Finding: The proposed zoning is needed at this time as the existing R-PZD zoning has expired and the property is unable to be developed in any manner, including minor applications such as a lot split or single family residence, until the expired PZD zoning is revoked and a new zoning district is assigned. As discussed in Finding No. 1, the proposed zoning is justified as it is compatible with the

surrounding zoning and land uses and consistent with the City's Future Land Use Plan.

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

Finding: **The proposed rezone would potentially increase traffic over the existing R-PZD zoning. However, given this site's location at the intersection of two Principal Arterial roadways (both state highways); the existing street infrastructure can safely accommodate increased traffic with standard street improvements required at the time of development.**

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

Finding: **Increased load on public services were taken into consideration and recommendations from the Engineering, Fire, and Police Departments and are included in this report. The proposed zoning change to UT should not have an adverse impact on public services.**

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 request.**

PROPOSED ZONING

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies

Unit 43	Animal boarding and training
---------	------------------------------

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum None

(E) *Setback regulations.*

Front:	The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a residential district:	15 feet

(F) *Height regulations.* A building or a portion of a building that is closer than 15 feet from the front property line shall have a maximum height of 4 stories or 56 feet, whichever is less. A building or portion of a building that is located 15 feet or greater from the front property line or the Master Street Plan right-of-way shall have a maximum height of 6 stories or 84 feet, whichever is less. Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10)

R-PZD 07-2551 (Champions Club Condos)

Existing Zoning (pg. 1 of 3)

C. 9
RZN 11-3807 (Southwest
Corner of Razorback Road
and 15th Street/Champion
Club Condos)
Page 12 of 24

second phase will be dictated by market conditions and the speed at which the units in the first phase are occupied.

All permits for phase 1 of the project are anticipated to be obtained within 1 year after City Council Approval with the opportunity for a 1 year extension with planning commission approval. All permits for phase 2 of the project are anticipated to be obtained within 4 years after City Council Approval with the opportunity for a 1 year extension with planning commission approval.

E. Proposed Planning Areas:

The site will consist of a single planning area. All of the proposed development standards will apply to the entire 4.42 acres.

F. Proposed Zoning and Development Standards:

R-PZD 06-2107 Champion's Club Planned Zoning District

(A) Purpose. The intent of the Champion's Club PZD is to provide zoning requirements that are beneficial to the development of the site, as well as maintaining the current character of the neighborhood. The PZD will allow a higher density, which is required for this type of development. It will also be compatible with the apartments to the west and will provide access to Baum Stadium to the north.

(B) Uses.

(1) Permitted Uses.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 26	Multi-family dwellings

(2) Conditional Uses.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 12	Offices, studios, and related services
Unit 13	Eating Places
Unit 15	Neighborhood Shopping
Unit 24	Home occupation
Unit 25	Professional offices

(C) Density.

Acreage	4.42 acres
Number of Dwelling Units	143
Nonresidential square feet (maximum)	55,000*
Density (DU/acre)	32.4
Nonresidential Intensity (SF/acre)	12,443sf/acre

* Nonresidential square feet includes all public restroom, hallways, common areas, and allotment for converted residential spaces in accordance with the Conditional Uses allowed under this PZD.

R-PZD 07-2551 (Champions Club Condos)

Existing Zoning (pg. 2 of 3)

(D) Bulk and area regulations.

(1) Lot width minimum.

Three or more	90 ft.
Professional Offices	100 ft.

(2) Lot area minimum.

Three or more	8000 sq. ft.
Professional Offices	1 acre

(3) Land area per dwelling unit.

Condominiums:	
One Bedroom	818 sq. ft.
Two Bedrooms	1149 sq. ft.
Three Bedrooms	1568 sq. ft.

(E) Setback requirements.

Front	Side	Rear
20 ft.	10 ft.	10 ft.

(F) Height regulations. Height for this structure will be measured from the existing sidewalk or edge of asphalt of the street. This is done because the existing sidewalk and street infrastructure is much higher than the site, which could result in a misleading building height. The maximum height of the building along Razorback Road shall be 73.5 feet as measured on the street side of the building. The maximum height of the building along 15th Street shall be 73.5 feet as measured on the street side of the building. It is important to note that the building height is only 63.5 feet at the intersection as can be seen in Appendix A Building Elevations.

(G) Building Area. Buildings shall not exceed 60% of the total area of a lot.

(H) Site Planning.

(1) Landscaping. Landscaping shall be in accordance with the City of Fayetteville Landscape Manual as it pertains to Multi-family and Mixed-use developments. A completed and detailed Landscaping Plan shall be submitted and approved at the time of Large Scale Development/ Final PZD application for the development.

R-PZD 07-2551 (Champions Club Condos) **Existing Zoning (pg. 3 of 3)**

(2) Parking.

Parking Ratio	1 space per 1 bedroom 2 spaces per 2&3 bedroom (30% Reduction allowed)
Accessibility	In accordance with Section 172 of the Unified Development Code
Design Standards	In accordance with Section 172 of the Unified Development Code with the Parking Ratio specified above.

(3) Architectural Design Standards. The proposed development will be Residential Condominium Project and will be 4 stories in height from all street elevations and will be 5 stories from the building's parking side (inward facing rear sides) with a story of covered parking underneath a portion of the building – but not an underground parking deck. Maximum height of the building will be 73.5 feet as measured on the street side of the building. The building's skin will consist of Masonry with accent areas of hardy board or siding. Siding will not be metal building siding, but will consist of residential style siding or hardy board. The building's massing has been broken down into 3 main parts and further articulated on the exterior to provide a proper scale and massing for the location.

(4) Signage. Proposed Signage for this development will include display of the name of the development on the building as shown on the elevations in Appendix A as well as a free-standing monument style signage at the two entrances to the development. All signage will have complementary architectural elements and are targeting the University-themed environment of this area. The details of the signage will be provided and approved at the time of Large Scale Development/ Final PZD application and will comply with the City's Sign Ordinance.

G. Zoning Requirements Comparison Chart: PZD MDP vs. I-1

Requirement	Proposed PZD	I-1
Permitted Uses	1, 4, 26	1, 3, 4, 6, 12, 13, 17, 18, 21, 22, 25, 27
Conditional Uses	2, 3, 12, 13, 15, 24, 25	2, 19, 20, 28, 36
Density units/acre	32.4	None
Lot width min.	Three or more: 90 ft Professional Offices: 100 ft	None

PROPOSED ZONING

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses*

Unit 1	City-wide uses by right
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Unit 13	Eating places
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Unit 16	Shopping goods
Unit 17	Transportation trades and services
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Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies

Unit 43	Animal boarding and training
---------	------------------------------

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum None

(E) *Setback regulations.*

Front:	The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a residential district:	15 feet

(F) *Height regulations.* A building or a portion of a building that is closer than 15 feet from the front property line shall have a maximum height of 4 stories or 56 feet, whichever is less. A building or portion of a building that is located 15 feet or greater from the front property line or the Master Street Plan right-of-way shall have a maximum height of 6 stories or 84 feet, whichever is less. Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10)

166.06 Planned Zoning District (PZD)

(L) 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 master development plan 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 may 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.



www.accessfayetteville.org

7 April 2011

Champions Club on Razorback, LLC
P.O. Box 8187
Roanoke, Virginia 24014

VIA: CERTIFIED MAIL

K. Vaughn Knight
Champions Club on Razorback, LLC
509 W. Spring Street, Suite 460
Fayetteville, Arkansas 72701

Re: Re-zoning of the Expired Champions Club Condos Planned Zoning District Project

Dear Property Owner:

The Assessor of Washington County, Arkansas lists you as the owner for the subject property that is zoned by the City of Fayetteville as a Planned Zoning District (PZD). This letter notifies you that the subject PZD approval has expired. In accordance with Fayetteville Unified Development Code Section 166.06(L) the City has cause to revoke this PZD as development permits have not been obtained in accordance with the approved phased development schedule. Therefore, the City Development Services Department has initiated revocation of the expired PZD zoning on your property. As part of this action staff will recommend the City Council assign the property the zoning district of UT, Urban Thoroughfare. This proposal to revoke the PZD and rezone your property will be first heard at a public meeting of the Planning Commission on May 9, 2011 at 5:30 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas 72701. You are welcome to speak at that meeting and/or provide written or verbal comment to City staff prior to the meeting.

Please contact our office at 479.444.3443 to set up a meeting with one of our City Planners, or you may email us at development_services@ci.fayetteville.ar.us.

Best Regards,

A handwritten signature in black ink, appearing to read "Andrew Garner".

Andrew Garner
Senior Planner

AMG



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

DEVELOPMENT SERVICES DEPARTMENT

125 West Mountain
Fayetteville, AR 72701
Phone (479) 444-3443

C. 9
RZN 11-3807 (Southwest
Corner of Razorback Road
and 15th Street/Champion

21 October 2010

VIA: CERTIFIED MAIL

Champions Club on Razorback, LLC
PO BOX 8187
Roanoke, VA 24014

Re: Re-zoning of the Expired Champions Club Condos Planned Zoning District Project

Dear Champions Club on Razorback, LLC:

The Assessor of Washington County, Arkansas lists you as the owner for the subject property that is zoned by the City of Fayetteville as a Planned Zoning District (PZD). This letter notifies you that the subject PZD approval has expired or will expire by the end of the year 2010. An expired PZD zoning does not permit subdivision or development until a different zoning district is assigned to that property. There are three basic options to remove the expired PZD zoning and obtain a valid zoning:

1. The property owner may initiate a re-zoning request;
2. The property owner may initiate a repeal of the PZD within three (3) years of the PZD approval¹; or
3. The City may initiate revocation of the PZD after the project has expired².

Unless we receive a request from you by the end of 2010, in 2011 the City Development Services Department will initiate revocation of the expired PZD zoning on your property. As part of this action staff will recommend the City Council assign a valid zoning district to the property consistent with the Comprehensive Land Use Plan of the City (City Plan 2025). Please evaluate the options for your property and respond to this letter by the end of the year 2010 to discuss a new zoning for your property. Whichever of the above options you choose to pursue, we will be happy to work with you.

Please contact our office at 479.444.3443 to set up a meeting with one of our City Planners, or you may email us at development_services@ci.fayetteville.ar.us.

Best Regards,

Jeremy C. Pate
Development Services Director

AMG

¹ Pursuant to Fayetteville UDC Section 166.06(C)(7)

² Pursuant to Fayetteville UDC 166.06(L)



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

C. 9
RZN 11-3807 (Southwest
Corner of Razorback Road
and 15th Street/Champion
Club Condos)
Page 20 of 24

Zoning Review

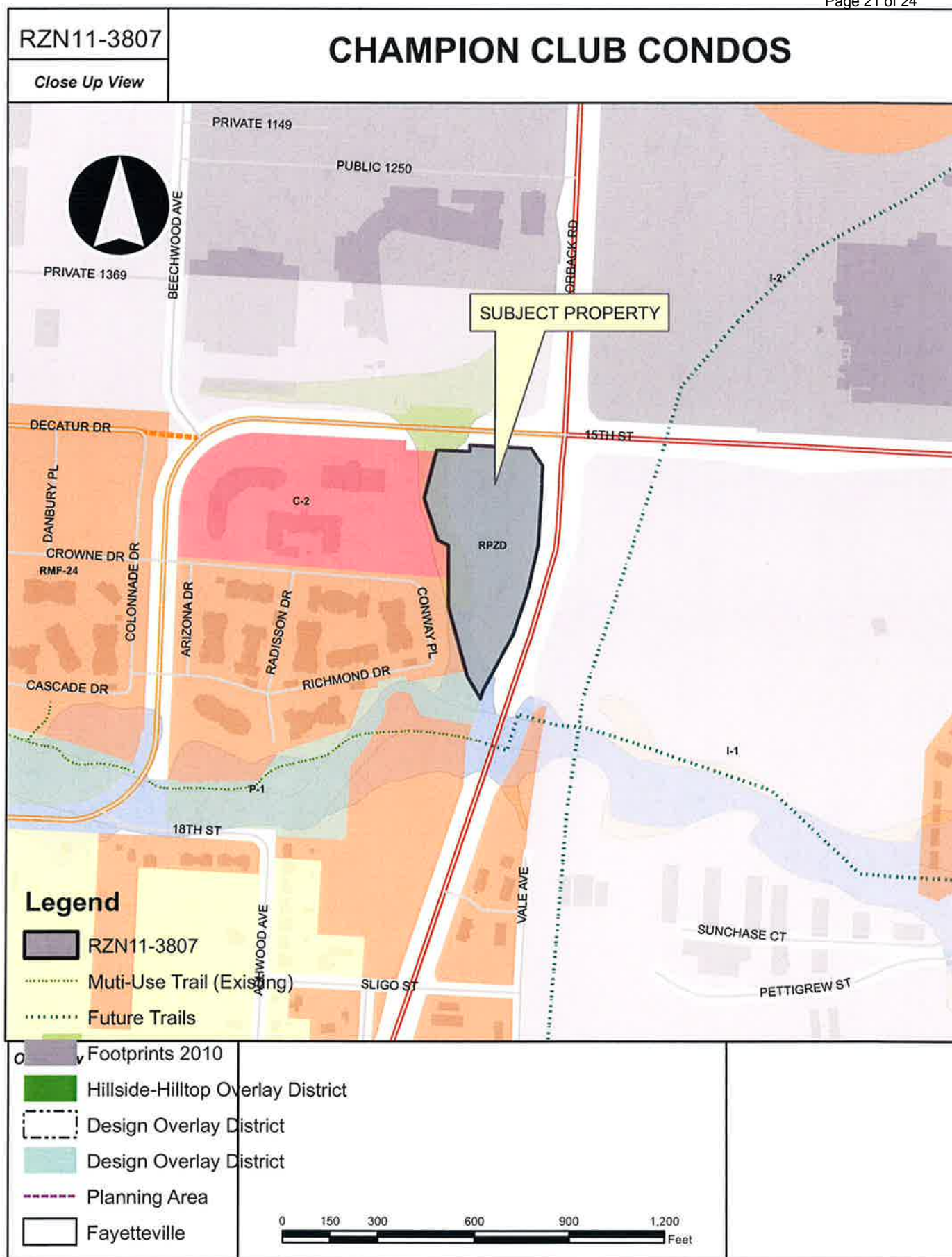
To: Andrew Garner
From: Terry Lawson, Fire Marshal
Date: May 3, 2011

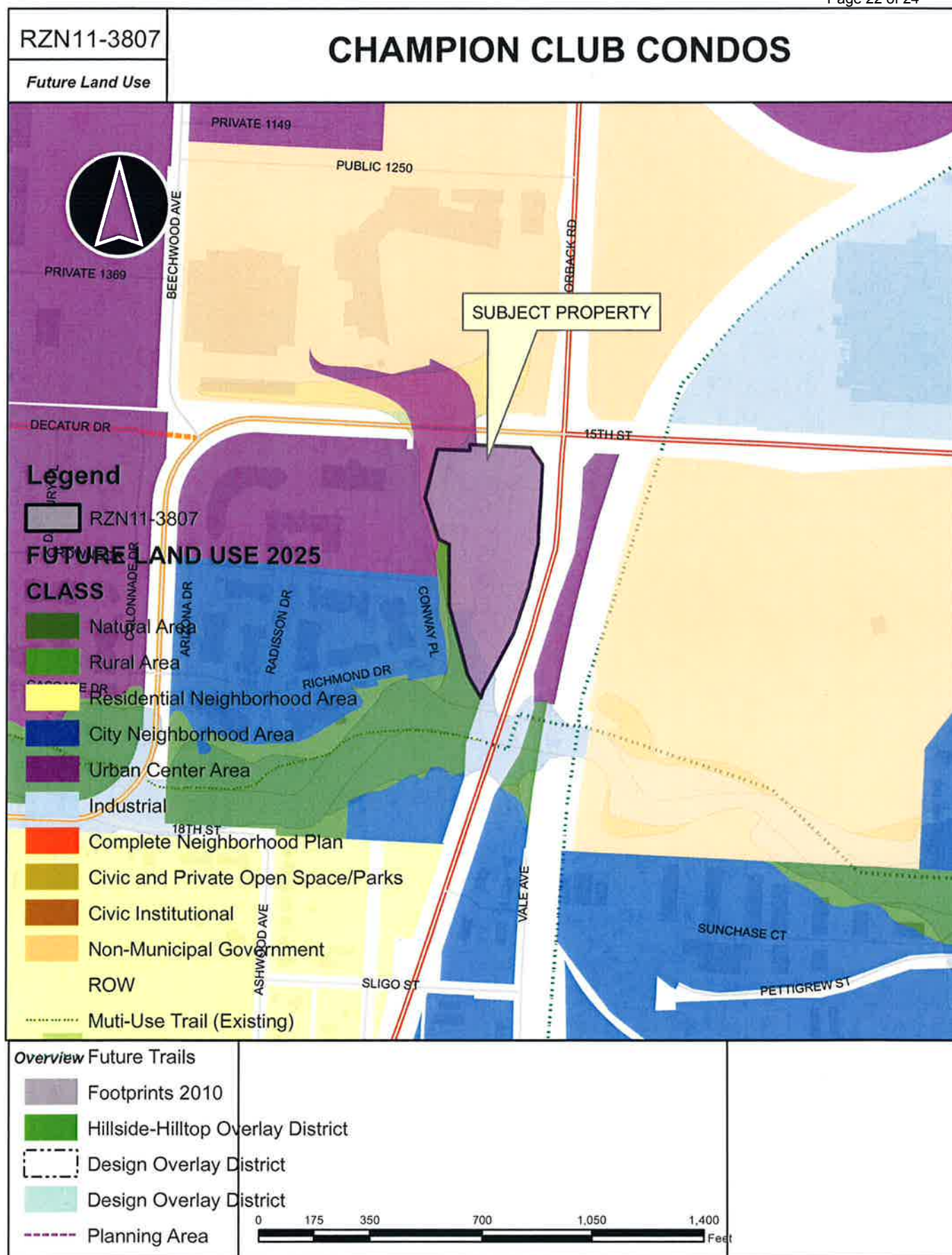
Re: RZN 11-3807: Rezone (CHAMPION CLUB CONDOS, 599): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for property located at the corner of SW CORNER OF RAZORBACK RD. AND 15TH STREET, E OF THE CROWNE APTS. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 07-2551 and contains approximately 4.42 acres. The request is to rezone the subject property to UT, URBAN THOROUGHFARE.
Planner: Andrew Garner

This development will be protected by Engine 6 located at 900 S. Hollywood.
It is 3 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development zoning change will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Fayetteville Fire Department

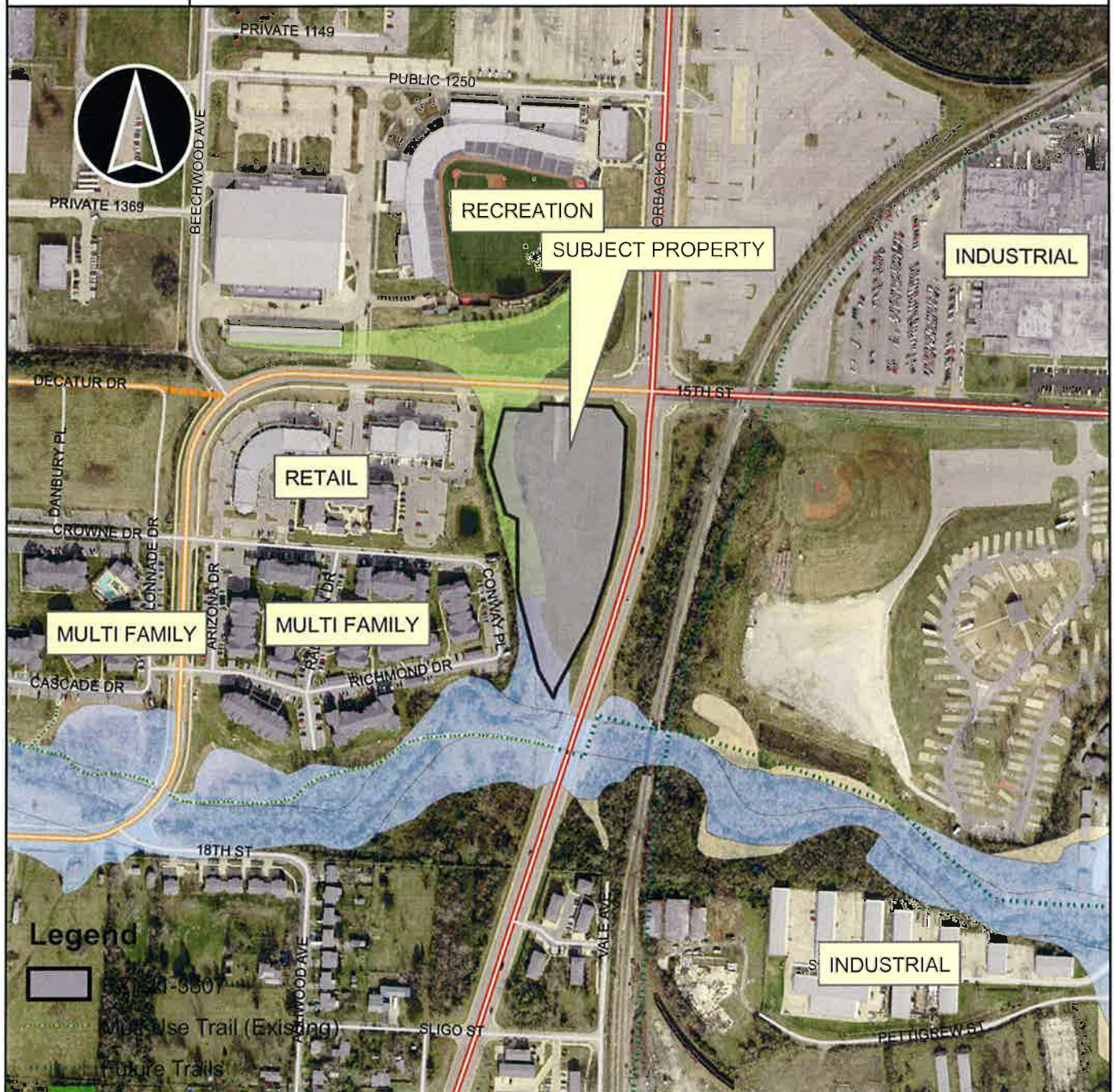




RZN11-3807

CHAMPION CLUB CONDOS

Current Land Use



Legend



RZN-3807

Mult Use Trail (Existing)

Future Trails

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area

Fayetteville

0 150 300 600 900 1,200 Feet

Miles

City Council Agenda Items
and
Contracts, Leases or Agreements

6/21/2011

City Council Meeting Date
Agenda Items OnlyDara Sanders
Submitted ByPlanning
DivisionDevelopment Services
Department

Action Required:

RZN 11-3835: (3710 West Martin Luther King Boulevard/Zaifi, 556-595): Submitted by Mehdi Zaifi for property located at 3710 West Martin Luther King Boulevard. The property is zoned C-1, Neighborhood Commercial and contains approximately 1.20 acres. The request is to rezone the subject property to CS, Community Services.

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

Account Number

\$

Funds Used to Date

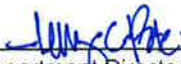
Program / Project Category Name

Project Number

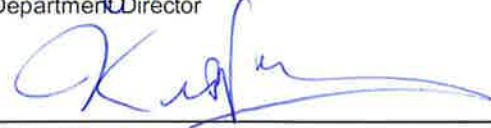
\$

Remaining Balance

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐

 Department Director
06-02-2011
Date

Previous Ordinance or Resolution #

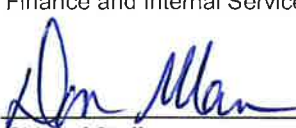

 City Attorney
6-2-2011
Date

Original Contract Date:

Original Contract Number:


 Finance and Internal Services Director
6-3-2011
Date

Received in City Clerk's Office 06-02-11 P03:27 RCVD


 Chief of Staff
6-3-11
DateReceived in
Mayor's Office

 Mayor
6/6/11
Date

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Dara Sanders, Current Planner

Date: May 25, 2011

Subject: RZN 11-3835 (Zaifi)

RECOMMENDATION

Planning Commission and staff recommend approval of an ordinance to rezone the subject property from C-1, Neighborhood Commercial to CS, Community Services.

BACKGROUND

The subject property is located at 3710 Martin Luther King Boulevard, west of Old Farmington Road, and is developed for a single-family dwelling. The floodway and associated floodplain of the Goose Creek is located on the northern portion of the property, which leaves a small portion of area outside of the floodway and floodplain adjacent to Martin Luther King Boulevard. The applicant submitted a request to rezone the property from C-1, Neighborhood Commercial to UT, Urban Thoroughfare. The applicant's request discusses that it is impractical to use the property as it is zoned C-1 with a single-family dwelling.

Staff finds that rezoning the property to a form-based zoning district is justified due to the development limitations imposed on the subject property as a result of the regulations associated with the floodway, floodplain, and Streamside Protection Ordinance. A form-based zoning district would require new development to be constructed close to the street, providing more buildable area away from the floodplain at the back of the property; however, staff does not find that "up zoning", or increasing the intensity and permitted uses on the subject property, to the UT district is justified or needed. The Urban Thoroughfare district is intended to provide goods and services for persons living in the surrounding communities and would allow for uses by-right that could be incompatible with the surrounding uses, the residences to the north, and the adjacent stream if not reviewed and conditioned appropriately, specifically large and small commercial recreation sites, unlimited regional shopping goods, and transportation-related trades and services (used car lots, automotive sales and repair, bus station, body shops, etc).

Staff finds that rezoning the subject property from the C-1 zoning district to the comparable mixed use, form-based CS zoning district is more appropriate, as it would allow for the maintenance and expansion of the existing residential dwelling, increase the buildable area with the "build-to zone", and allow for the future redevelopment of the property in accordance with the goals and objectives of City Plan 2025 without introducing potentially incompatible uses.

DISCUSSION

This item was considered at the Planning Commission on May 23, 2011, during which the Commissioners expressed concerns with the potential for adverse impacts on adjacent properties resulting from the permitted uses in the UT, Urban Thoroughfare zoning district. After verifying that the applicant would accept the lower intensity CS, Community Services, zoning district, the Planning Commission forwarded this item to the City Council with a recommendation of approval for the CS, Community Services zoning district with a vote of 9-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 11-3835, FOR APPROXIMATELY 1.20 ACRES, LOCATED AT 3710 WEST MARTIN LUTHER KING BOULEVARD FROM C-1, NEIGHBORHOOD COMMERCIAL TO CS, COMMUNITY SERVICES.

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 C-1, Neighborhood Commercial to CS, Community Services, 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 , 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

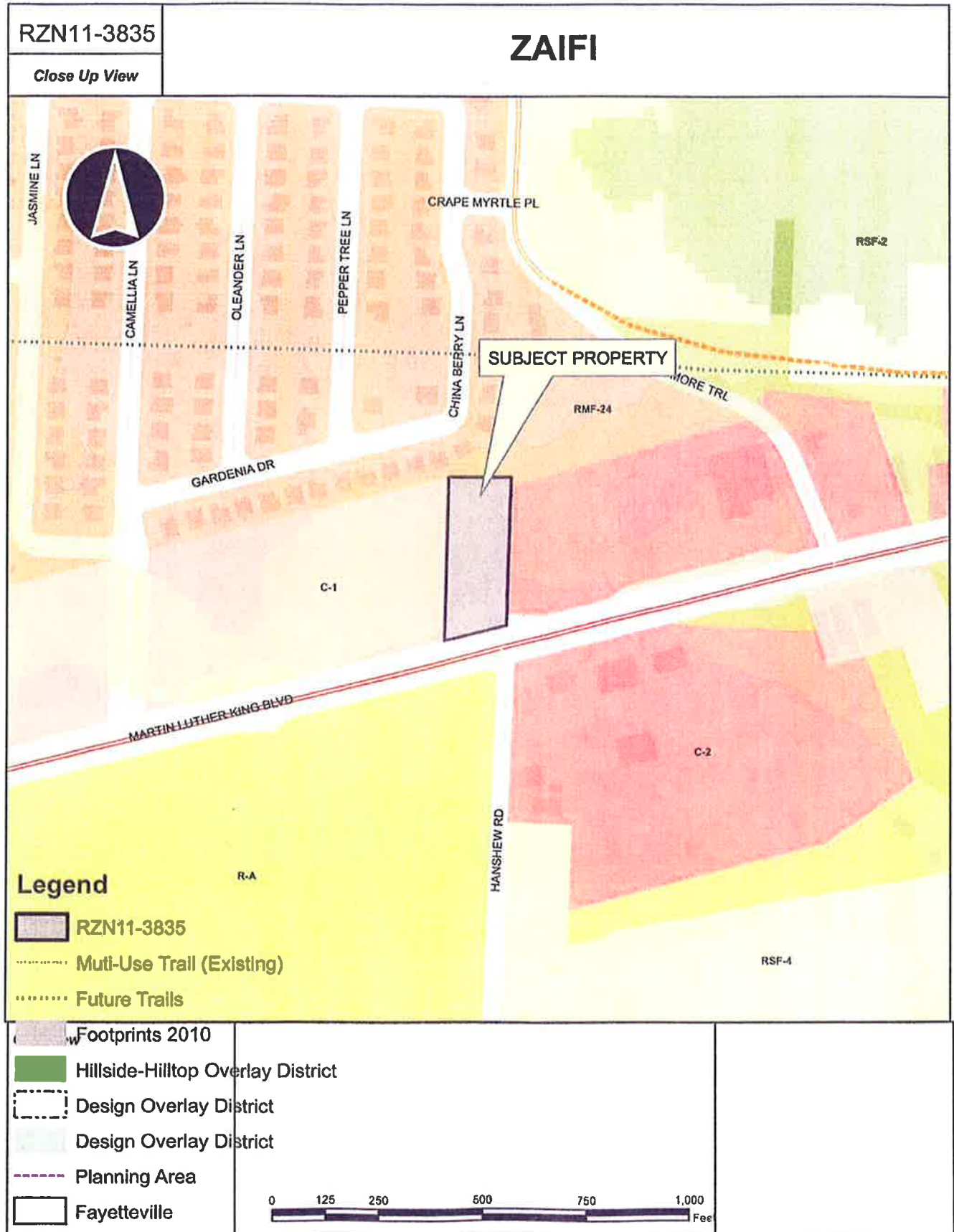


EXHIBIT "B"
RZN 11-3835

PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) AND PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 31 WEST, DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT WHICH IS 111 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LAST MENTIONED FORTY ACRE TRACT, AND RUNNING THENCE NORTH 400 FEET, THENCE WEST 150 FEET, THENCE SOUTH TO THE NORTH LINE OF THE RIGHT-OF-WAY OF U.S. HIGHWAY NO. 62, THENCE EAST WITH THE NORTH LINE OF SAID HIGHWAY 150 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING 1.2 ACRES, MORE OR LESS.

*Planning Commission
May 23, 2011
Page 8 of 8*

RZN 11-3835: Rezone (3710 WEST MARTIN LUTHER KING BLVD. /ZAIFI, 556/595): Submitted by Submitted by MEHDI ZAIFI for property located at 3710 WEST MARTIN LUTHER KING BOULEVARD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 1.20 acres. The request is to rezone the subject property to UT, URBAN THOROUGHFARE.

Dara Sanders, Current Planner, presented the staff report and recommendation.

Mehdi Zaifi, applicant, introduced himself and discussed the setback requirement of the C-1 zoning district and his request for a form-based zoning district.

No public comment was presented.

Commission Winston discussed the surrounding properties and expressed concern with the requested UT zoning district and suggested that the CS, Community Services, would be more appropriate.

Sanders discussed the uses in both the UT and CS districts.

Commissioner Hoskins asked the applicant if there are uses in the CS zoning district that would not permit him to develop the property the way he wants and asked if the CS zoning district would be acceptable.

Mr. Zaifi stated that the CS zoning district is acceptable.

Motion:

Commissioner Winston made a motion to forward RZN 11-3835 to the City Council with a recommendation to approve a zoning district of CS, Community Services. **Commissioner Chesser** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

There being no further business, the meeting was adjourned at 7:03 PM.



PC Meeting of May 23, 2011

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
THRU: Jeremy Pate, Development Services Director
DATE: ~~May 18, 2011~~ Updated May 25, 2011

RZN 11-3835: Rezone (3710 WEST MARTIN LUTHER KING BLVD. /ZAIFI, 556/595):
Submitted by Submitted by MEHDI ZAIFI for property located at 3710 WEST MARTIN LUTHER KING BOULEVARD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 1.20 acres. The request is to rezone the subject property to UT, URBAN THOROUGHFARE. Planner: Dara Sanders

BACKGROUND:

The subject property is located at 3710 Martin Luther King Boulevard, west of Old Farmington Road, and is developed for a single-family dwelling. The floodway and associated floodplain of the Goose Creek is located on the northern portion of the property, which leaves a small portion of area outside of the floodway and floodplain adjacent to Martin Luther King Boulevard. Similarly, the property to the east is significantly affected by the floodway and floodplain, and the property to the west is completely within the floodway and floodplain. Surrounding land uses and zoning are shown in *Table 1*.

Table 1: Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single family residential	RMF-24, Residential Multi-family 24 du/acre
South	Undeveloped and a nonconforming salvage yard	R-A, Residential Agricultural, C-2, Thoroughfare Commercial
East	Undeveloped	C-2, Thoroughfare Commercial
West	Undeveloped	C-1, Neighborhood Commercial

Proposal: The applicant has submitted an application to rezone the property from C-1, Neighborhood Commercial to UT, Urban Thoroughfare. The applicant's request discusses that it is impractical to use the property as it is zoned C-1 with a single-family dwelling.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends denial of the applicants request to rezone the property to UT, Urban Thoroughfare. However, staff has discussed with the applicant support for a rezoning request to CS, Community Services, zoning district, finding that the CS district is comparable to the existing underlying C-1, Neighborhood Commercial, zoning district but would allow for the continued use of the existing single-family dwelling on the property, as well as similar permitted and conditional uses.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>05-23-11</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Winston (to forward with a recommendation of approval for the CS, Community Services zoning district)			
Second: Chesser	Vote: 9-0-0		
CITY COUNCIL ACTION: Required <u>YES</u>			
Date:	☐ Approved	☐ Denied	

INFRASTRUCTURE:

- Streets:** The site has access to Martin Luther King Blvd. Martin Luther King Blvd is a fully improved five lane state highway in this location.
- Water:** Public water is available to the property. There is 1" water main stubbed across Martin Luther King to this property. Public water main improvements will be necessary to provide adequate fire flow for a future development.
- Sewer:** Sanitary sewer is available to the site. There is a 6" and 10" public main located through this property. A capacity analysis of the existing 6" sewer main may be necessary if a connection is proposed at the time of development.
- Drainage:** Standard improvements and requirements for drainage will be required for any development. This property is largely affected by the 100-year floodplain and the Streamside Protection Zones.
- Police:** The Fayetteville Police Department has not objected to this request.
- Fire:** The Fayetteville Fire Department does not anticipate that this request will affect calls for service or response times.

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 where mixed and low-intensity nonresidential uses are usually confined to corner locations. City Neighborhood Areas recognize conventional strip commercial developments, but encourages complete, compact, connected neighborhoods.*

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: This area transitions from a regional commercial area to the east (Wal-Mart, Lowe's, various hotels, etc) to low- to medium-density residential areas to the west toward Farmington, as indicated in the attached aerial image and project maps. The surrounding areas are primarily residential in nature with the exception of the nonconforming use of the salvage yard located to the southeast.

Staff finds that the applicant's request to rezone the property to Urban Thoroughfare is inconsistent with land use planning objectives, principles and policies. The City Neighborhood Area, the land use designation for this property, recommends that uses should primarily serve residents of Fayetteville rather than a regional population. The Urban Thoroughfare district is intended to provide goods and services for persons living in the surrounding communities and would allow for uses by-right that could be incompatible with the surrounding uses, the residences to the north, and the adjacent stream if not reviewed and conditioned appropriately, specifically large and small commercial recreation sites, unlimited regional shopping goods, and transportation-related trades and services (used car lots, automotive sales and repair, bus station, body shops, etc).

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

Finding: Staff finds that rezoning the property to a form-based zoning district is justified due to the development limitations imposed on the subject property as a result of the regulations associated with the floodway, floodplain, and Streamside Protection Ordinance. A form-based zoning district would require new development to be constructed close to the street, providing more buildable area away from the floodplain at the back of the property; however, staff does not find that "up zoning", or increasing the intensity and permitted uses on the subject property, to the UT district is justified or needed.

Staff finds that rezoning the subject property from the C-1 zoning district to the comparable mixed use, form-based CS zoning district is more appropriate, as it would allow for the maintenance and expansion of the existing residential dwelling, increase the buildable area with the "build-to zone", and allow for the future redevelopment of the property in accordance with the goals and objectives of City

Plan 2025 without introducing potentially incompatible uses.

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

Finding: Future development with the proposed zoning would increase traffic on Martin Luther King Boulevard more than that which exists today. With the regulations of Chapter 166.08, Street Design and Access Management Standards, the proposed zoning would likely not create or appreciably increase traffic danger or congestion.

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

Finding: Increased load on public services were taken into consideration and recommendations from the Engineering, Fire, and Police Departments and are included in this report. The proposed zoning change should have no discernable impact on public services.

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.

161.18 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services

(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 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Height regulations.* There shall be no maximum height limits in C-1 District, provided, however, that any building which exceeds the height of 10 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 10 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total

area of such lot.

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites

Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density. None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum. None*

(E) *Setback regulations.*

Front:	The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a residential district:	15 feet

(F) *Height regulations.* Maximum height is 4 stories or 56 feet which ever is less.

(G) *Minimum buildable street frontage.* 65% of the lot width.

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a

commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density. None*

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

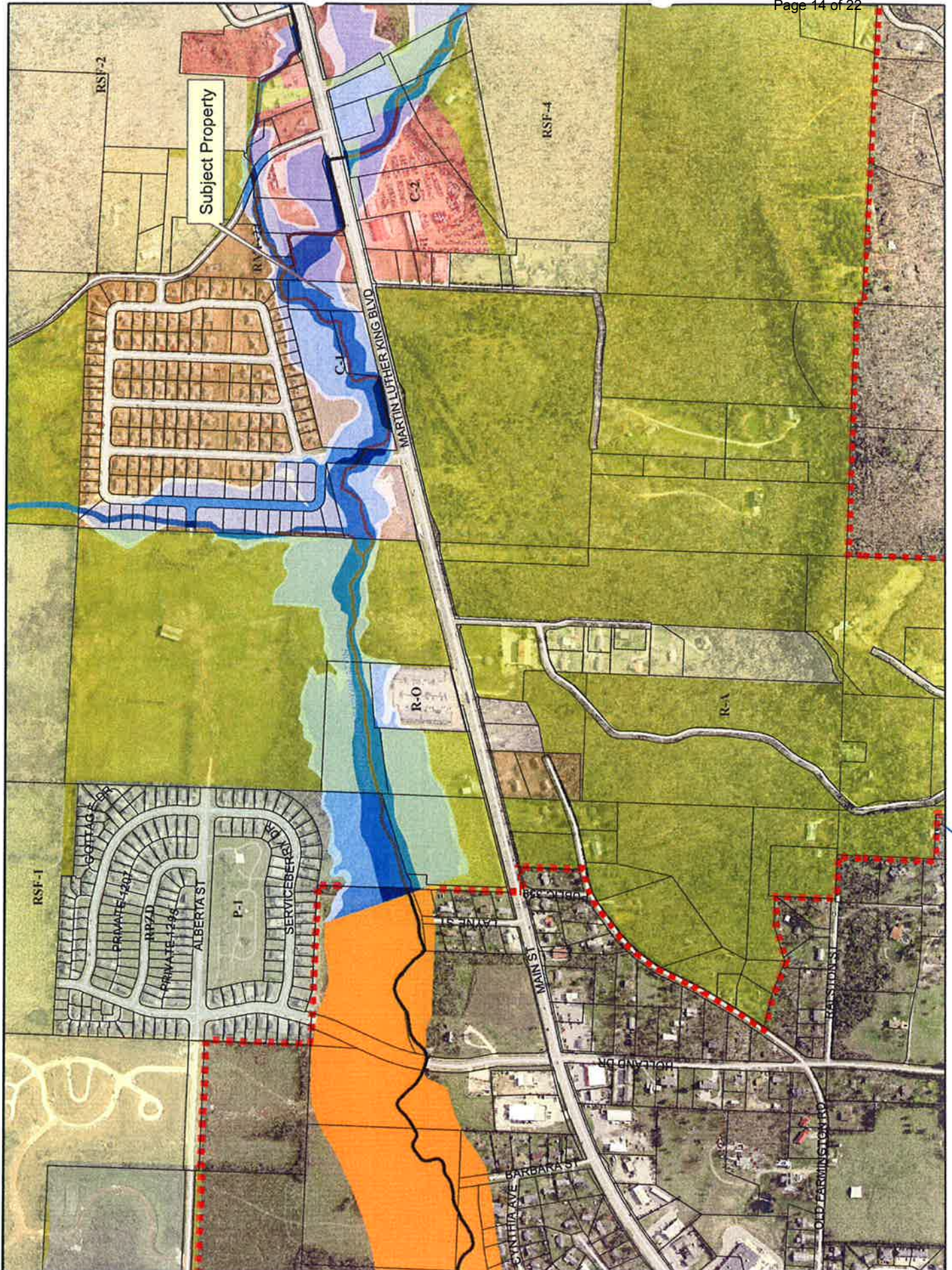
(2) Lot area minimum None

(E) *Setback regulations.*

Front:	The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a residential district:	15 feet

- (F) *Height regulations.* A building or a portion of a building that is closer than 15 feet from the front property line shall have a maximum height of 4 stories or 56 feet, whichever is less. A building or portion of a building that is located 15 feet or greater from the front property line or the Master Street Plan right-of-way shall have a maximum height of 6 stories or 84 feet, whichever is less. Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

- (G) *Minimum buildable street frontage.* 50% of the lot width.



City Limits

RZN 11-3835: Rezone (3710 WEST MARTIN LUTHER KING BLVD. /ZAIFI, 556/595):
Submitted by Submitted by MEHDI ZAIFI for property located at 3710 WEST MARTIN
LUTHER KING BOULEVARD. The property is zoned C-1, NEIGHBORHOOD
COMMERCIAL and contains approximately 1.20 acres. The request is to rezone the subject
property to UT, URBAN THOROUGHFARE. Planner: Dara Sanders

Public water is available to the property. There is 1" water main stubbed across Martin Luther King to this property. Public water main improvements will be necessary to provide adequate fire flow for a future development.

Sanitary sewer is available to the site. There is a 6" and 10" public main located through this property. A capacity analysis of the existing 6" sewer main may be necessary if a connection is proposed at the time of development.

The site has access to Martin Luther King Blvd. Martin Luther King Blvd is a fully improved five lane state highway in this location.

Standard improvements and requirements for drainage will be required for any development. This property is largely affected by the 100-year floodplain and the Streamside Protection Zones.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

Zoning Review

To: Dara Sanders
From: Terry Lawson, Fire Marshal
Date: May 17, 2011

Re: RZN 11-3835: Rezone (3710 WEST MARTIN LUTHER KING BLVD. /ZAIFI, 556/595): Submitted by Submitted by MEHDI ZAIFI for property located at 3710 WEST MARTIN LUTHER KING BOULEVARD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 1.20 acres. The request is to rezone the subject property to UT, URBAN THOROUGHFARE.

Planner: Dara Sanders

This development will be protected by Engine 6 located at 900 Hollywood Ave.
It is 1 miles from the station with an anticipated response time of 3 minutes to the beginning of the development.
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.

A handwritten signature in cursive script that reads "Terry Lawson".

Terry Lawson, Fire Marshal

Fayetteville Fire Department

Mehdi Zaifi
2599 N. Elizabeth Ave.
Fayetteville, AR
72703

City of Fayetteville, Arkansas Planning Division

Dear Sir,

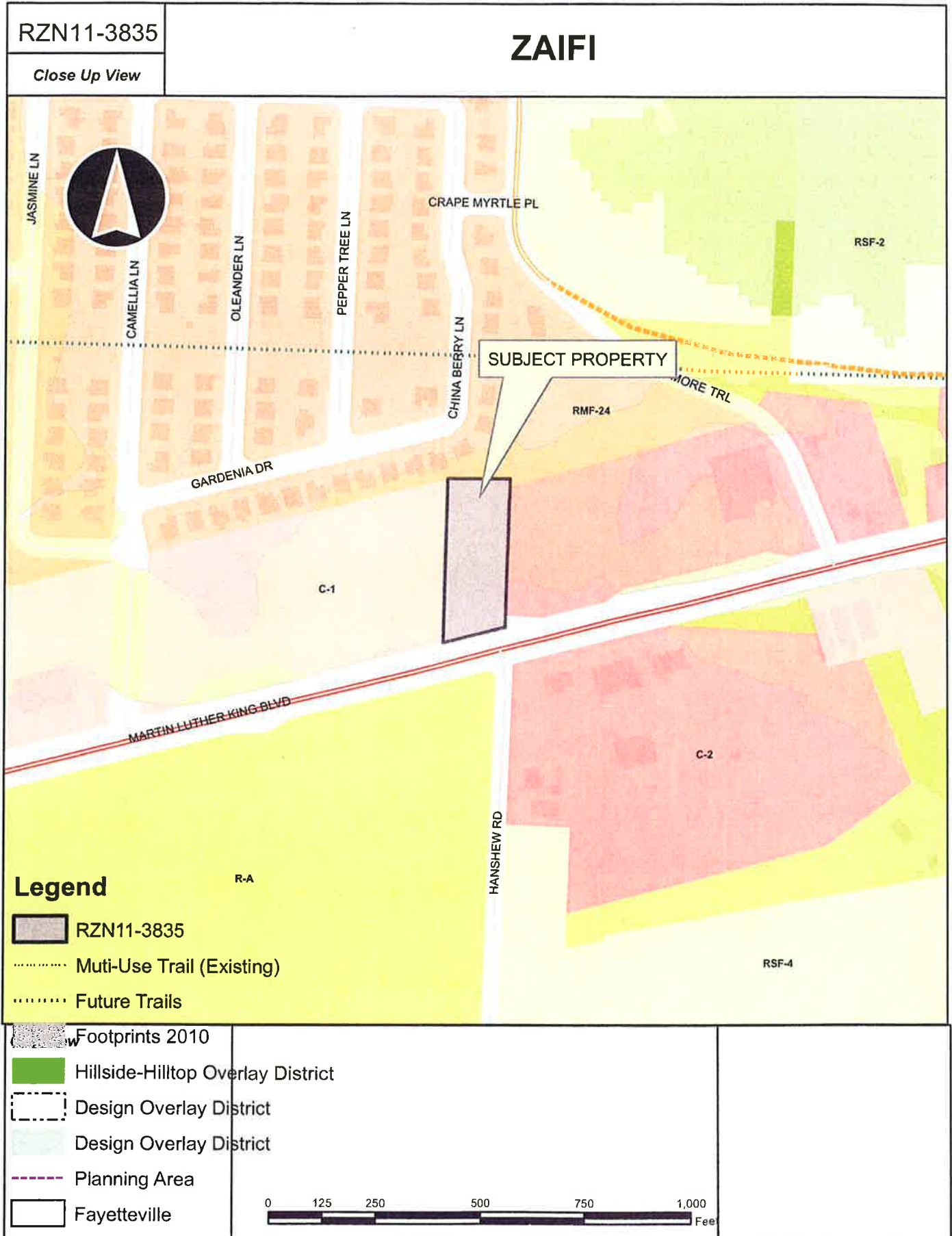
As a request for a rezoning from a C-1 to a U.T, I, Mehdi Zaifi, owner of a property located at 3710 West 6th St. of Fayetteville AR, would like to explain my reasoning for this need and the description of my property as it follows.

- A. The property consists of 1.2 acres of land, which is currently zoned C-1, and an old residential building.
- B. The back part of the land is under floodway, and a big portion of it is under a flood zone. That and with the C-1 zoning, it is difficult to put any new commercial buildings or even reconstruct the old one with the limitation of the C-1 zoning.
- C. The property is located on a major highway (hwy 62) that connects Fayetteville to Farmington and Prairie Grove. This Hwy is very commercialized and there is a Wal-Mart Supercenter and a Lowe's very close by on the same street.
- D. The property currently has all the utilities and uses the city sewer system.
- E. As of any major hwy, the street has a large size of traffic, but any concern about any increased traffic could be answered by:
 - 1. The property is already a C-1 and that has been approved based on the reality of the traffic flow.
 - 2. Any improvement plan for entering or exiting the premises could be addressed with any improvement.
- F. At this time it is very impractical to use this premises as it is zoned as C-1 with a residential building in it.

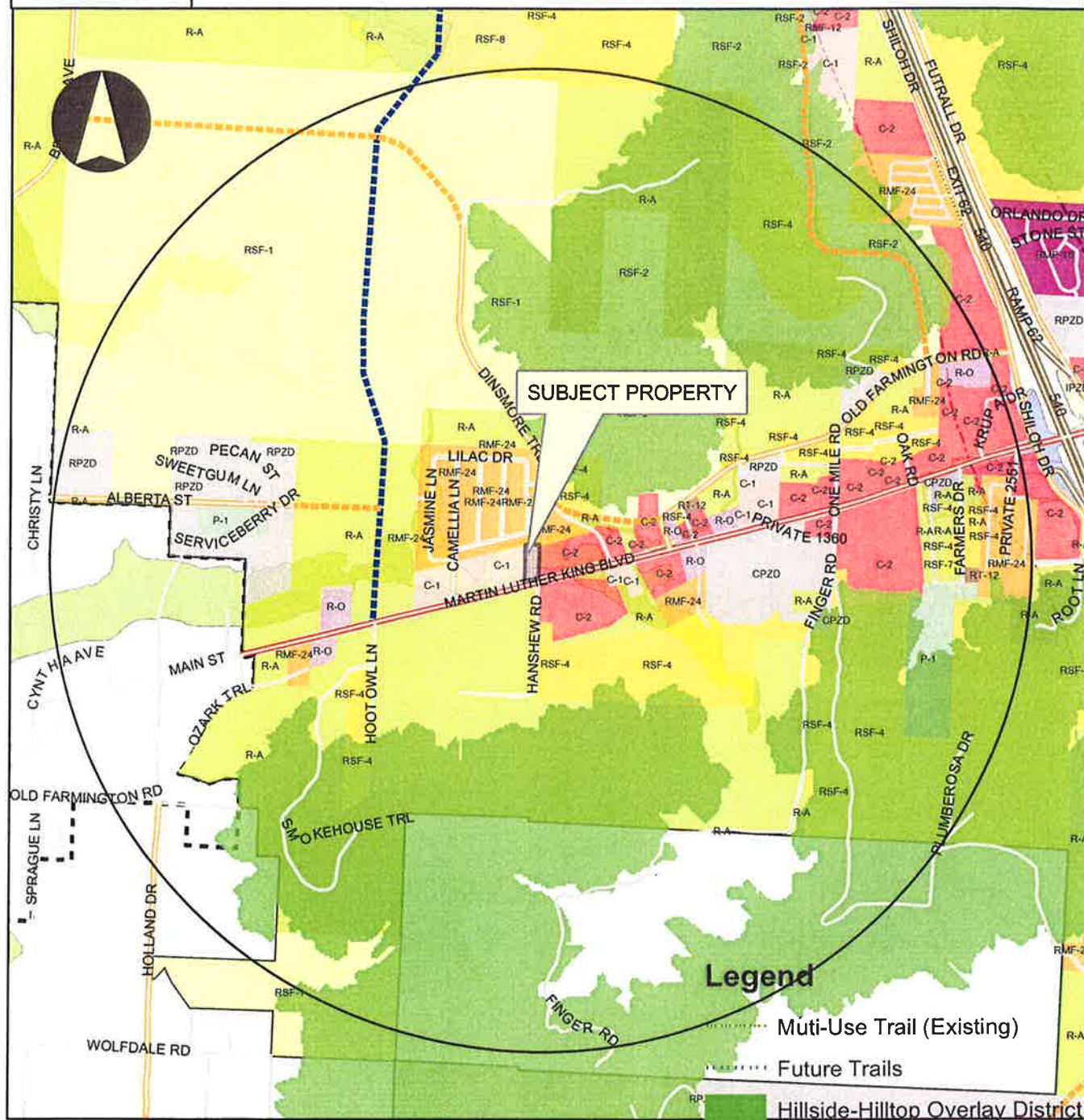
As a better alternative, changing the current zone to UT would be much more beneficial. This is also more consistent with your ideas in approaching the merging of commercial and residential premises in our area.

Mehdi Zaifi





One Mile View

ZAIFI

Overview



Legend

Subject Property

 RZN11-3835

Boundary

0

0.25

0.5

1

Miles

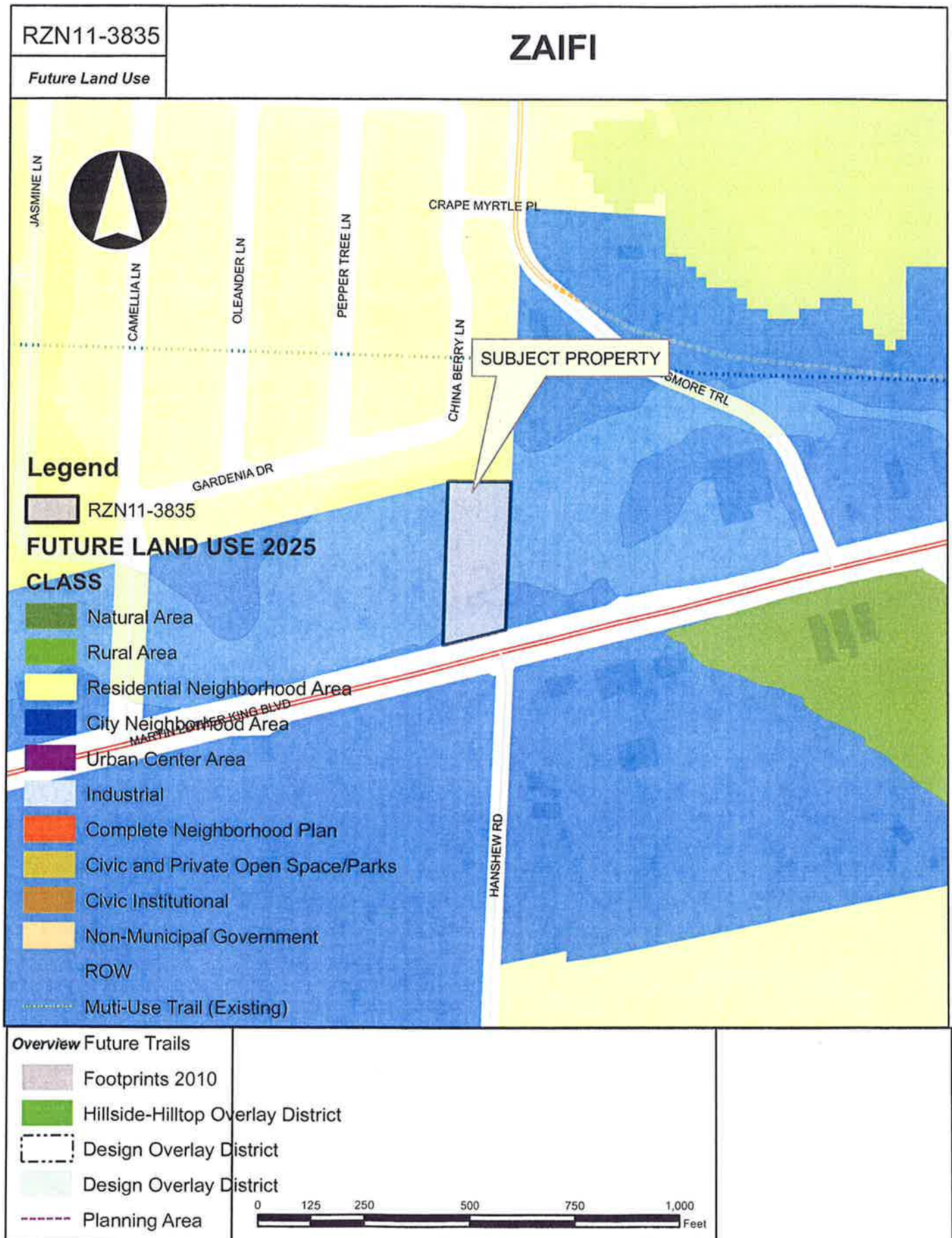
RZN11-3835

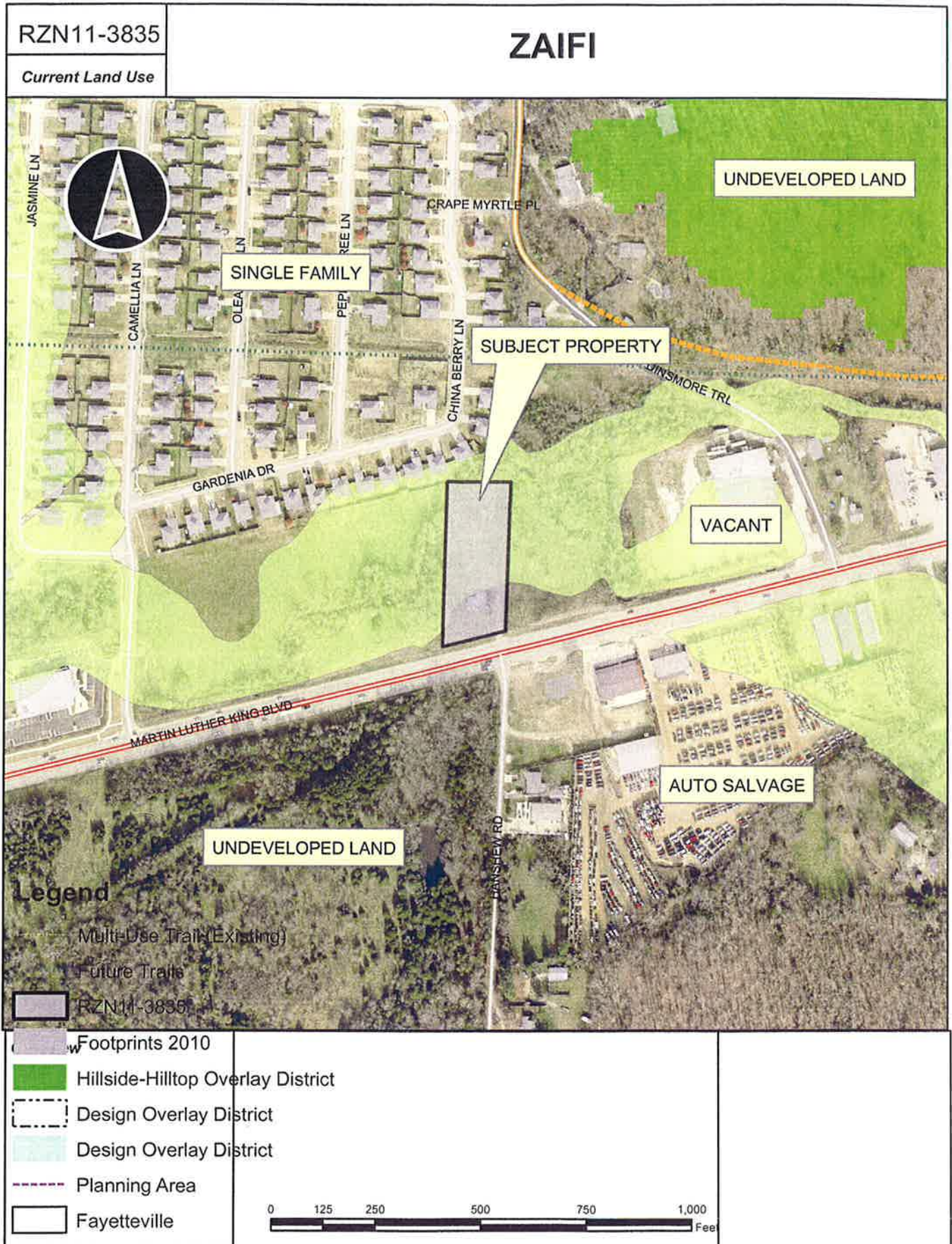
Design Overlay District

Planning Area

Fayetteville

1







ENGINEERS ■ SURVEYORS ■ PLANNERS
LANDSCAPE ARCHITECTS ■ ENVIRONMENTAL SCIENTISTS

3108 SW Regency Parkway, Suite 2
Bentonville, AR 72712
(479) 273-9472 Fax (479) 273-0844

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C. 11
Appeal RZN 11-3831 (209 W.
Martin Luther King Blvd.)
Page 1 of 30

RECEIVED

JUN 02 2011

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

June 2, 2011

Ms. Sondra Smith
City Clerk
113 W. Mountain Street
Fayetteville, AR 72701

RE: RZN 11-3831: Rezone (209 W. Martin Luther King Blvd.)
Letter of Appeal for the June 21, 2011 City Council meeting agenda

Dear Ms. Smith:

We respectfully appeal the May 23, 2011 Planning Commission's recommendation that the referenced property be rezoned to Community Services - CS (Title XV Unified Development Code, Chapter 161: Zoning Regulations, Section 161.19 Community Services). Pursuant to Title XV Unified Development Code, Chapter 155: Appeals, Section 155.02 Form/Time/Place) we appeal the Planning Commission's recommendation and request the property be rezoned, Neighborhood Commercial (C-1) for the following reasons:

1. The existing zoning in the immediate area (intersection of Hill and Martin Luther King Blvd.) supports C-1:
 - a. Applicant's property is located in the SW corner of the intersection.
 - b. The NW corner of the intersection is zoned C-1.
 - c. The NE corner of the intersection is zoned C-2, Thoroughfare Commercial.
 - d. The SE corner of the intersection is zoned I-1, Heavy Commercial, Light Industrial.
2. Requesting C-1 is in compliance with City Plan 2025.
3. Staff forced the use of the recently adopted form-based zoning. Neither one of the form-based zoning districts (Urban Thoroughfare, UT or Community Services, CS) are appropriate for the proposed land use. Either form-based zoning district would require the applicant to request a variance. This very fact is completely in violation of the criteria for requesting a variance, specifically, Title XV Unified Development Code, Chapter 156: Variances, Subsection 156.02: Zoning Regulations, Item "(3) Resulting Actions. That the special conditions and circumstances do not result from the actions of the applicant." It is obvious that the variance request would be a direct result of the actions of the applicant, as forced by staff.

Thank-you for placing our appeal on the June 21, 2011 City Council agenda.

Sincerely,

Dennis Blind

Providing Consolidated Land Development Services

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ GEORGIA ■ PENNSYLVANIA

From: <DBlind@ceieng.com>
To: <:ssmith@ci.fayetteville.ar.us>
Date: 6/2/2011 11:05 AM
Subject: RZN 11-3831: Rezone (209 W. Martin Luther King Blvd.)
Attachments: Kum & Go - Letter of Appeal 6-2-11.pdf

Ms. Smith

Attached is our letter of Appeal for the June 21, 2011 City Council meeting. We will also submit an original of our letter to your office.
Thanks

--
Dennis Blind
Project Manager
CEI
Phone: 479-273-9472

"We will continually set the national standard for land development services, and we are committed to the growth and success of each other."
Arizona | Arkansas | California | Florida | Georgia | Minnesota |
Pennsylvania | Texas

This message could contain confidential information. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute this information. If you have received this message in error, please advise Dennis Blind immediately at 1-479-273-9472 or return it promptly by mail.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Jesse Fulcher, Current Planner

Date: May 30, 2011

Subject: RZN 11-3831 (Kum and Go) – Appeal of Planning Commission decision

RECOMMENDATION

Planning Commission and staff recommend approval of an ordinance to rezone the subject property from RMF- 24, Residential Multi-family 24 dwelling units/acre to CS, Community Services. Staff and the Planning Commission did not recommend approval of the applicant's original request to rezone the property to UT, Urban Thoroughfare.

BACKGROUND

The subject property is located at the southwest corner of Martin Luther King Boulevard and Hill Avenue, and is undeveloped, containing approximately 2.64 acres. The applicant originally requested to rezone the property from RMF- 24, Residential Multi-family 24 dwelling units/acre, to UT, Urban Thoroughfare. The applicant has stated that the intent is to develop a portion of the subject property for a Kum and Go gas station.

Planning staff did not meet with the representative that presented the application at the Planning Commission meeting, and feel that statements made at the Planning Commission by the applicant were either mis-communicated or inaccurate. However, staff did communicate with others at CEI Engineering about the proposal. A number of zoning districts would allow a fueling station: UT, CS, C-1, C-2, I-1 and I-2, to name a few. However, just because any one of these districts allow for the use that the applicant is pursuing does not make it necessarily appropriate for that area. The existing zone (RMF-24) is a form-based district, requiring buildings to be placed along the street with parking hidden behind. After a review of the location of this property and following the City Council's adopted policy of "making traditional town form the standard," staff recommended that the applicant maintain one of the form-based codes for their future development plan, so that the development plan would be more in keeping with the current districts form-based requirements. In this case, Community Services is the most appropriate for this location, due to the surrounding land use, intensity, and compatibility.

Planning staff did not support the applicant's ultimate rezoning request for Urban Thoroughfare, finding that the Community Services district is more compatible and appropriate at this location. The Community Services district will also allow for the development of a gas station and a wide variety of uses that serve the nearby areas. The Urban Thoroughfare district is intended to serve a wider range of population, generally regional in nature. This particular location does not seem to support a regional development pattern, and there are some uses within the Urban Thoroughfare district that may not be appropriate for this location.

Pursuant to Chapter 155.05(A)(1), the applicant is appealing the Planning Commission's recommendation and is now requesting that the subject property be rezoned to C-1, Neighborhood Commercial. The C-1 district is similar in purpose and contains uses allowed in the Community Services district. However, the differences are readily apparent in the purpose statement of the Community Services district that requires "traditional urban form with buildings addressing the streets." The C-1 zoning district is much more of a conventional suburban development model that is no longer encouraged in a location such as this; if this form is acceptable to the City Council at this location, then the C-1 district would be an appropriate request. Staff does not believe this is the direction we have been asked to take in implementing City Plan 2025. In fact, over the last several years, the City Council has denied applications for rezoning to C-1 and C-2 along Martin Luther King Boulevard.

There was also much discussion about the need for variances related to a development within the Community Services district. As the Council is aware, a specific development proposal may not be considered as part of a rezoning request; while the intent has been stated that a fueling station is planned for this property, there is no guarantee that will occur. Any commercial development would be required to be constructed in compliance with the underlying zoning district, including architectural and site design standards. All form-based zoning districts, which are important to ensuring a traditional town form is accomplished, require buildings to be placed along the street. When there are conditions unique to a property that makes it impracticable to meet all of these requirements, a variance may be requested. In this case, staff discussed with the applicant representatives the topography of the site could make it difficult to place buildings along certain adjacent streets. In addition, the property is made up of many different parcels, not all of which will necessarily be used for the proposed development. Currently, no commercial development is allowed on this property within the RMF-24 zoning, thus the change to Community Services would certainly increase the allowed uses on the property to include commercial, and likely thereby increase the value of the property, as well. Staff would work with the applicant, as we do with all development applications, to get project approval that meets or exceeds the minimum standards of the Unified Development Code.

DISCUSSION

On May 23, 2011 the Planning Commission forwarded this item to the City Council with a recommendation for approval of the CS, Community Services zoning district with a vote of 7-2-0 (Commissioners Honchell and Hoskins voted "no"). The applicant does not agree with staff's recommendation for Community Services. The Planning Commission did not consider the current request for C-1, Neighborhood Commercial. The staff report and meeting minutes are attached.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 11-3831, FOR APPROXIMATELY 2.64 ACRES LOCATED AT 209 WEST MARTIN LUTHER KING BOULEVARD FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE TO C-1, NEIGHBORHOOD COMMERCIAL.

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 RMF-24, Residential Multi-Family, 24 units per acre to C-1, Neighborhood Commercial, 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 , 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

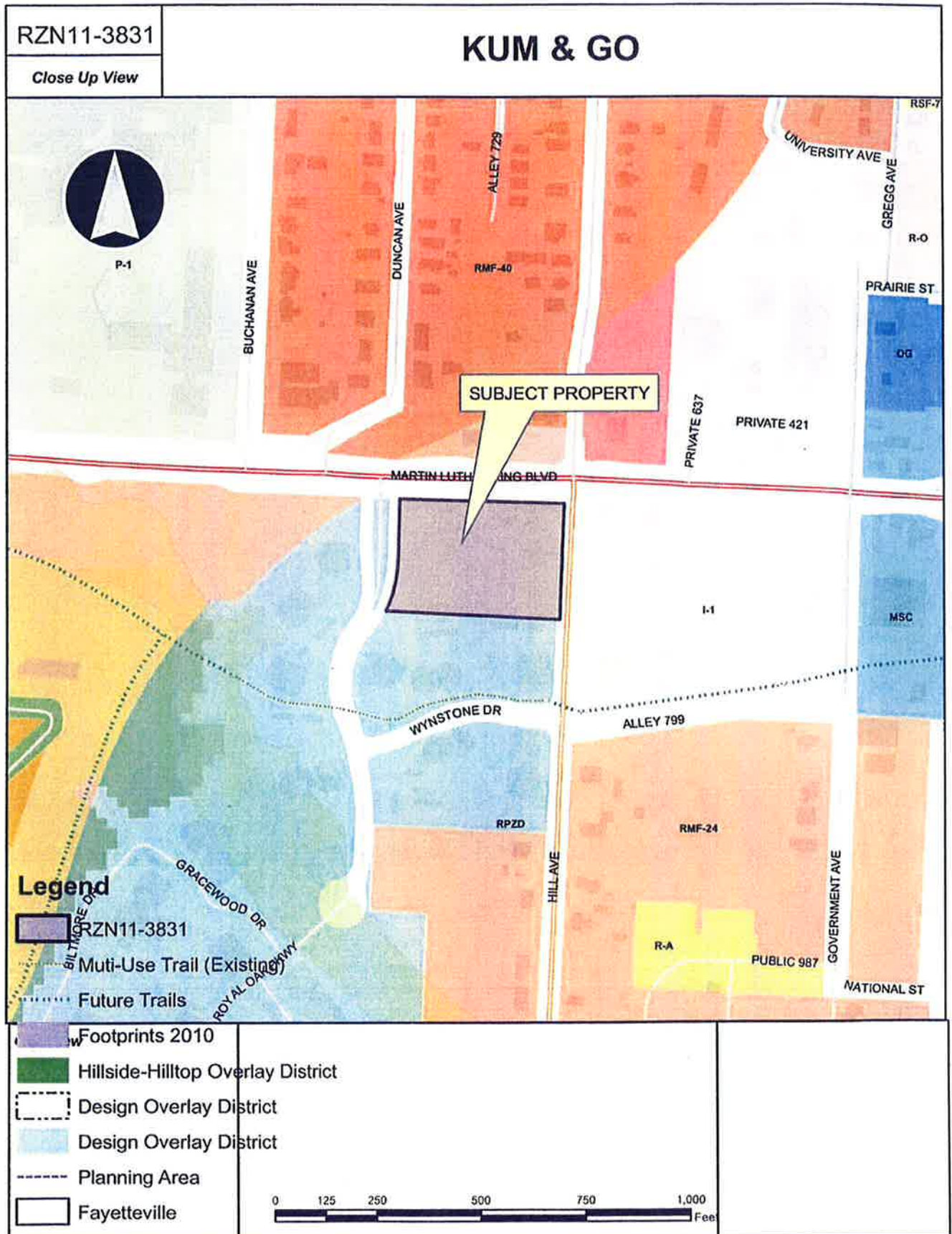


EXHIBIT "B"
RZN 11-3831

TRACT 2 OF PROPERTY LINE ADJUSTMENT PLAT FILED FOR RECORD AT PLAT 23A-000132 AT THE CIRCUIT CLERK'S OFFICE OF WASHINGTON COUNTY, BEING DESCRIBED ON SAID PLAT AS FOLLOWS:

PART OF THE SOUTH $\frac{1}{2}$ OF THE SW $\frac{1}{4}$ OF SECTION 16, AND A PART OF THE NORTH $\frac{1}{2}$ OF THE NW $\frac{1}{4}$ OF SECTION 21, T-16-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 21, SAID POINT BEING AN EXISTING IRON PIPE; THENCE S $87^{\circ}04'09''$ E. ALONG THE NORTH LINE OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 21, A DISTANCE OF 5.92 FEET TO THE POINT OF BEGINNING; THENCE S $87^{\circ}04'09''$ E 418.49 FEET; THENCE N $02^{\circ}23'10''$ E 299.42 FEET, TO AN EXISTING ARKANSAS HIGHWAY COMMISSION RIGHT-OF-WAY MONUMENT ON THE SOUTH LINE OF ARKANSAS HIGHWAY 180 (WEST 6TH STREET); THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID HIGHWAY N $89^{\circ}03'47''$ W 173.03 FEET TO AN EXISTING AHC MONUMENT; THENCE N $89^{\circ}52'30''$ W 17.36 FEET TO AN EXISTING AHC MONUMENT; THENCE S $00^{\circ}06'16''$ W 5.02 FEET TO AN EXISTING AHC MONUMENT; THENCE N $89^{\circ}40'59''$ W 45.74 FEET TO AN EXISTING AHC MONUMENT; THENCE N $89^{\circ}29'27''$ W 62.28 FEET TO AN EXISTING AHC MONUMENT; THENCE S $81^{\circ}41'17''$ W 30.03 FEET TO AN EXISTING AHC MONUMENT; THENCE N $77^{\circ}25'50''$ W 25.70 FEET TO AN EXISTING AHC MONUMENT; THENCE N $88^{\circ}18'00''$ W 42.21 FEET; THENCE LEAVING SAID RIGHT-OF-WAY S $01^{\circ}44'50''$ W 153.30 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 315.50 FEET AND A DISTANCE OF 81.06 FEET; THENCE S $16^{\circ}28'01''$ W 8.54 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 215.50 FEET A DISTANCE OF 40.68 FEET TO THE POINT OF BEGINNING, CONTAINING 2.64 ACRES, MORE OR LESS, FAYETTEVILLE, ARKANSAS, THE ABOVE DESCRIBED 2.64 ACRE TRACT BEING SUBJECT TO THE RIGHT-OF-WAY OF HILL AVENUE AND ALL EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.

LESS AND EXCEPT, SIXTH STREET RIGHT-OF-WAY:

PART OF TRACTS 1 & 2 OF PROPERTY LINE ADJUSTMENT PLAT FILED FOR RECORD AT PLAT 23A-000132 AT THE CIRCUIT CLERK'S OFFICE OF WASHINGTON COUNTY, BEING DESCRIBED IN DEED TO CITY OF FAYETTEVILLE #2006-9895, AS FOLLOWS:

PART OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 16, T-16-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 16, SAID POINT BEING AN EXISTING IRON PIPE; THENCE N $86^{\circ}14'53''$ W, ALONG THE SOUTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 16 A DISTANCE OF 46.00 FEET; THENCE DUE NORTH A DISTANCE OF 268.15 FEET TO THE POINT OF BEGINNING; THENCE S $88^{\circ}18'00''$ E, A DISTANCE OF 482.55 FEET; THENCE N $02^{\circ}23'10''$ E, A DISTANCE OF 20.58 FEET; THENCE N $89^{\circ}03'47''$ W, A DISTANCE OF 173.03 FEET; THENCE N $89^{\circ}52'30''$ W, A DISTANCE OF 17.35 FEET; THENCE S $00^{\circ}06'16''$ W, A DISTANCE OF 5.02 FEET; THENCE N $89^{\circ}40'59''$ W, A DISTANCE OF 46.74 FEET; THENCE N $89^{\circ}29'27''$ W, A DISTANCE OF 62.28 FEET; THENCE S $81^{\circ}41'17''$ W, A DISTANCE OF 30.03 FEET; THENCE N $77^{\circ}25'50''$ W, A DISTANCE OF 26.70 FEET; THENCE N $88^{\circ}18'00''$ W, A DISTANCE OF 45.36 FEET; THENCE N $87^{\circ}40'49''$ W, A DISTANCE OF 26.16 FEET; THENCE N $87^{\circ}41'42''$ W, A DISTANCE OF 40.98 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1381.79 FEET AND A CENTRAL ANGLE OF $0^{\circ}50'34''$, A DISTANCE OF 20.32 FEET TO THE POINT OF BEGINNING, CONTAINING 0.15 ACRES, MORE OR LESS, FAYETTEVILLE, ARKANSAS.



ENGINEERS ■ SURVEYORS ■ PLANNERS
LANDSCAPE ARCHITECTS ■ ENVIRONMENTAL SCIENTISTS

3108 SW Regency Parkway, Suite 2
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June 2, 2011

Ms. Sondra Smith
City Clerk
113 W. Mountain Street
Fayetteville, AR 72701

RE: RZN 11-3831: Rezone (209 W. Martin Luther King Blvd.)
Letter of Appeal for the June 21, 2011 City Council meeting agenda

Dear Ms. Smith:

We respectfully appeal the May 23, 2011 Planning Commission's recommendation that the referenced property be rezoned to Community Services - CS (Title XV Unified Development Code, Chapter 161: Zoning Regulations, Section 161.19 Community Services). Pursuant to Title XV Unified Development Code, Chapter 155: Appeals, Section 155.02 Form/Time/Place) we appeal the Planning Commission's recommendation and request the property be rezoned, Neighborhood Commercial (C-1) for the following reasons:

1. The existing zoning in the immediate area (intersection of Hill and Martin Luther King Blvd.) supports C-1:
 - a. Applicant's property is located in the SW corner of the intersection.
 - b. The NW corner of the intersection is zoned C-1.
 - c. The NE corner of the intersection is zoned C-2, Thoroughfare Commercial.
 - d. The SE corner of the intersection is zoned I-1, Heavy Commercial, Light Industrial.
2. Requesting C-1 is in compliance with City Plan 2025.
3. Staff forced the use of the recently adopted form-based zoning. Neither one of the form-based zoning districts (Urban Thoroughfare, UT or Community Services, CS) are appropriate for the proposed land use. Either form-based zoning district would require the applicant to request a variance. This very fact is completely in violation of the criteria for requesting a variance, specifically, Title XV Unified Development Code, Chapter 156: Variances, Subsection 156.02: Zoning Regulations, Item "(3) Resulting Actions. That the special conditions and circumstances do not result from the actions of the applicant." It is obvious that the variance request would be a direct result of the actions of the applicant, as forced by staff.

Thank-you for placing our appeal on the June 21, 2011 City Council agenda.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis Blind", is written over a horizontal line.

Dennis Blind

Providing Consolidated Land Development Services

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ GEORGIA ■ PENNSYLVANIA



PC Meeting of May 23, 2011

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 16, 2011~~ Updated May 31, 2011

RZN 11-3831: Rezone (209 W. MARTIN LUTHER KING BLVD./KUM & GO, 522):
Submitted by CEI ENGINEERING for property located at 209 WEST MARTIN LUTHER KING BOULEVARD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS/ACRE and contains approximately 2.64 acres. The request is to rezone the subject property to UT, URBAN THOROUGHFARE. Planner: Jesse Fulcher

BACKGROUND:

The subject property is located at the southwest corner of Martin Luther King Boulevard and Hill Avenue, and is undeveloped. Surrounding land uses and zoning are shown in *Table 1*.

Table 1: Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single family residential/undeveloped	C-1, Neighborhood Commercial/RMF-24
South	Multi-family residential	R-PZD Hill Place
East	Commercial/Industrial	I-1, Heavy Commercial Light Industrial
West	Multi-family residential	R-PZD Hill Place

Proposal: The applicant has submitted an application to rezone the property from RMF-24, Residential Multi-family 24 units per acre to UT, Urban Thoroughfare.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends denial of the applicants request to rezone the property to UT, Urban Thoroughfare. However, staff does support rezoning the property to CS, Community Services, which will also allow for the proposed gas station.

PLANNING COMMISSION ACTION: Required <u>YES</u>		
Date: <u>05-23-11</u>	☐ Tabled	☒ Forwarded ☐ Denied
Motion: <u>Cook</u>	Second: <u>Earnest</u>	Vote: <u>6-3-0</u> (Honchell, Hoskins, Kennedy 'No')
CITY COUNCIL ACTION: Required <u>YES</u>		
Date: <u>6-21-11</u>	☐ Approved	☐ Denied

INFRASTRUCTURE:

- Streets:** The site has frontage on Martin Luther King Boulevard and Hill Avenue. Martin Luther King Boulevard is an improved four-lane arterial and Hill Avenue is an improved 2-lane collector with a dedicated left turn-lane for north bound traffic. Street improvements and access to the property will be evaluated at the time of development.
- Water:** Public water is available to the property. There is 12" main on Martin Luther King Boulevard, an 8" main on the west and south property lines, and a 6" main on Hill Avenue. Water main improvements will be evaluated at the time of development.
- Sewer:** Sanitary sewer is available to the site. There is an 8" main on Martin Luther King Boulevard, along the west and south property lines, and a 6" main on Hill Avenue. Sewer main improvements will be evaluated at the time of development.
- Drainage:** Standard improvements and requirements for drainage will be required for any development.
- Police:** The Fayetteville Police Department has not objected to this request.
- Fire:** The Fayetteville Fire Department has not objected to this request.

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 where mixed and low-intensity nonresidential uses are usually confined to corner locations. City Neighborhood Areas recognize conventional strip commercial developments, but encourages complete, compact, connected neighborhoods.*

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 applicant's request to rezone the property to Urban Thoroughfare is in staff's opinion, inconsistent with land use planning objectives, principles and policies. The Urban Thoroughfare district is intended to provide goods and services for persons living in the surrounding communities. However, the City Neighborhood Area, the land use designation for this property, recommends that uses should primarily serve residents of Fayetteville rather than a regional population. Martin Luther King Boulevard is an arterial street with high traffic volumes, but not all of it is in a regional context. A string of fast food restaurants, hotels, car lots and big-box retailers begin at Razorback Road and continue west, past the I-540 interchange and into Farmington. However, this regional commercial development pattern is not reflected east of Razorback. This area transitions into an older portion of Fayetteville, with short blocks, and a wide variety of nonresidential and residential land uses. This pattern is most apparent east of School Avenue. Therefore, the zoning for this property should provide for uses that serve the surrounding neighborhoods.

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

Finding: The proposed zoning is justified in order to promote development patterns consistent with the City Plan 2025. The City Plan 2025 identifies some Guiding Policies for City Neighborhood Areas that are applicable to the proposed rezoning as follows:

Guiding Policies:

- *Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.*
- *Reduce the length and number of vehicle trips generated by residential development by enhancing the accessibility to these areas...*
- *Encourage developers to designate and plan for mixed-use corners at the time of approval to properly plan for accessibility to these areas.*

The proposed use would be compatible to adjacent land uses and would encourage continued growth of this identified mixed use area. The non-residential use would serve the existing and future population of the surrounding areas and would not create a nuisance or adversely affect the public interest.

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

Finding: **The proposed zoning district will allow certain uses that could generate a greater volume of traffic than that which would be created by the existing RMF-24 zoning. However, not to a degree that would appreciably increase traffic danger. Provided that the requirements of the access management ordinance are followed, and additional left hand turning movements are not created along Martin Luther King Boulevard.**

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: **It is unlikely that the proposed zoning would increase the population density over the existing density allowance of 24 units per acre. Public service providers have reviewed this request and do not anticipate that this rezoning would undesirably increase the load on public services.**

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.**

161.14 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings

(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 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 25	Professional offices
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*

(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.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a mobile 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	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments: No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two bedroom	2,000 sq. ft.

Fraternity or Sorority	1,000 sq. ft. per resident
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(E) *Setback requirements.*

Front	Side	Rear
The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.	8 ft.	25 ft.
HHOD Front	HHOD Side	HHOD Rear
15 ft.	8 ft.	15 ft.

Cross reference(s)--Variance, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	60ft.
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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.* None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

161.18 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services

(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 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Height regulations.* There shall be no maximum height limits in C-1 District, provided, however, that any building which exceeds the height of 10 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 10 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10)

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.
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Side and rear:	None
Side or rear, when contiguous to a residential district:	15 feet

(F) *Height regulations.* Maximum height is 4 stories or 56 feet which ever is less.

(G) *Minimum buildable street frontage.* 65% of the lot width.

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum None

(E) *Setback regulations.*

Front:	The principal façade of a
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	building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a residential district:	15 feet

(F) *Height regulations.* A building or a portion of a building that is closer than 15 feet from the front property line shall have a maximum height of 4 stories or 56 feet, whichever is less. A building or portion of a building that is located 15 feet or greater from the front property line or the Master Street Plan right-of-way shall have a maximum height of 6 stories or 84 feet, whichever is less. Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.

RZN 11-3835: Rezone (3710 WEST MARTIN LUTHER KING BLVD. /ZAIFI, 556/595):
Submitted by Submitted by MEHDI ZAIFI for property located at 3710 WEST MARTIN
LUTHER KING BOULEVARD. The property is zoned C-1, NEIGHBORHOOD
COMMERCIAL and contains approximately 1.20 acres. The request is to rezone the subject
property to UT, URBAN THOROUGHFARE. Planner: Dara Sanders

Public water is available to the property. There is 1" water main stubbed across Martin Luther
King to this property. Public water main improvements will be necessary to provide adequate
fire flow for a future development.

Sanitary sewer is available to the site. There is a 6" and 10" public main located through this
property. A capacity analysis of the existing 6" sewer main may be necessary if a connection is
proposed at the time of development.

The site has access to Martin Luther King Blvd. Martin Luther King Blvd is a fully improved
five lane state highway in this location.

Standard improvements and requirements for drainage will be required for any development.
This property is largely affected by the 100-year floodplain and the Streamside Protection Zones.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

Zoning Review

To: Jesse Fulcher
From: Terry Lawson, Fire Marshal
Date: May 17, 2011

Re: RZN 11-3831: Rezone (209 W. MARTIN LUTHER KING BLVD. /KUM & GO, 522): Submitted by CEI ENGINEERING for property located at 209 WEST MARTIN LUTHER KING BOULEVARD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS/ACRE and contains approximately 2.64 acres. The request is to rezone the subject property to UT, URBAN THOROUGHFARE.

Planner: Jesse Fulcher

This development will be protected by Engine 6 located at 900 Hollywood Ave.
It is 1.2 miles from the station with an anticipated response time of 3 minutes to the beginning of the development.
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.

Terry Lawson, Fire Marshal

Fayetteville Fire Department



April 14, 2011

Development Services Department
City of Fayetteville
125 W. Mountain Street
Fayetteville, AR 72701

RE: Request for Rezoning for parcels located at 209 W. Martin Luther King Blvd.

Dear Development Services:

Pursuant to the City of Fayetteville's Rezoning Application, the following information satisfies Item 5, sub-items a through i of the Rezoning Checklist.

- 5a. ***Current ownership information and any proposed or pending property sales.*** The current owner of the land is Chambers Bank, P.O. Box 609, Danville, AR 72833. The land is under contract by Kum & Go, 6400 Westown Parkway, West Des Moines, Iowa 50266. Rezoning the land is included in the buyer's due diligence and a successful rezoning is a contract contingency.
- 5b. ***Reason (need) for requesting the zoning change.*** The current zoning (RMF-24) is inappropriate for the buyer's land use – a Kum & Go gas and convenience store. An Urban Thoroughfare zoning district is requested to accommodate the applicant's land use.
- 5c. ***Statement of how the proposed zoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.*** The proposed zoning is in compliance with the established land use patterns along the Martin Luther King Blvd. corridor. Hill Place Apartments are located to the south of the property and the proposed Kum & Go will provide convenience goods for the residents. Relative to traffic, the proposed Kum & Go is not a "destination" land use so as such, it will not generate negative traffic impacts to the corridor. The site has adequate frontage on Martin Luther King Blvd. and Hill Street to safely accommodate ingress and egress. Kum & Go has developed an aesthetic brand for both the appearance and signage for their gas and convenience stores and their brand will not be a visual distraction along the Martin Luther King Blvd. corridor.
- 5d. ***Availability of water and sewer (state size of lines).*** Water – 12" line on MLK, 8" line on the west and south side of the property, and a 6" line on Hill. Sanitary Sewer – 8" line on MLK, 8" line on the south property line and a 6" line on Hill

- 5e. ***The degree to which the proposed zoning is consistent with the land use planning objectives, principles, and policies and with land use and zoning plans.*** The proposed zoning is consistent with the development patterns along the Martin Luther King Blvd. corridor and in compliance with the City Neighborhood Area land use classification as presented in the adopted, City Plan 2025. Also, the proposed zoning, in accordance to the City's zoning ordinance, Section 161.21 states "Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted."
- 5f. ***Whether the proposed zoning is justified and/or needed at the time of the request.*** The proposed zoning change is justified by the lack of market demand for RMF-24 zoning district and the location's viability as a Kum & Go store. Martin Luther King Blvd. is a commercial corridor and the proposed zoning is in compliance with the City's comprehensive plan and zoning.
- 5g. ***Whether the proposed zoning will create or appreciably increase traffic danger and congestion.*** The proposed zoning will not create or appreciably increase traffic danger and congestion since the site has frontage on both Martin Luther King Blvd. and Hill Street. The site is also easily accessible from the south, the location of the Hill Place Apartments. This section of the corridor has good site distances and is not developed with regional, destination type of land uses.
- 5h. ***Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.*** The proposed zoning will not alter the population density. It is a commercial land use and as such will not foster any population increase, as would the existing zoning of RMF-24.
- 5i. ***Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.*** Market demand for the uses permitted in RMF-24 have declined considerably and the proposed zoning and land use will fill a need in the corridor. The closest gas stations are east of the site at the intersection of Martin Luther King Blvd. and Highway 71B and to the west at the intersection of Martin Luther King Blvd. and Razorback Road.

Planning Commission
May 23, 2011
Page 1 of 8

**MINUTES OF A MEETING OF THE
PLANNING COMMISSION**

A regular meeting of the Fayetteville Planning Commission was held on May 23, 2011 at 5:30 p.m. in Room 219, City Administration Building in Fayetteville, Arkansas.

ITEMS DISCUSSED

ACTION TAKEN

Consent:

MINUTES: May 9, 2011

Page 3

Approved

Old Business:

CUP 11-3811: Conditional Use Permit (339 WEST AVENUE/ROCK BOTTOM, 484)

Page 4

Tabled

New Business:

CUP 11-3836: Conditional Use Permit (305 POWDERHORN DRIVE/MOUNTAIN RANCH POA, 478)

Page 5

Approved

RZN 11-3831: Rezone (209 W. MARTIN LUTHER KING BLVD. /KUM & GO, 522)

Page 6

Forwarded

RZN 11-3835: Rezone (3710 WEST MARTIN LUTHER KING BLVD. /ZAIFI, 556/595)

Page 7

Forwarded

MEMBERS PRESENT

Craig Honchell
Sarah Bunch
William Chesser
Hugh Earnest
Tracy Hoskins
Jeremy Kennedy
Porter Winston
Matthew Cabe
Kyle Cook

MEMBERS ABSENT

STAFF PRESENT

Andrew Garner
Jesse Fulcher
Dara Sanders

STAFF ABSENT

Jeremy Pate

Planning Commission
May 23, 2011
Page 6 of 8

RZN 11-3831: Rezone (209 W. MARTIN LUTHER KING BLVD. /KUM & GO, 522): Submitted by CEI ENGINEERING for property located at 209 WEST MARTIN LUTHER KING BOULEVARD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS/ACRE and contains approximately 2.64 acres. The request is to rezone the subject property to UT, URBAN THOROUGHFARE.

Jesse Fulcher, Current Planner, gave the staff report.

Dennis Blind, application, stated that they were requesting the Urban Thoroughfare zoning district based on staff recommendation, and for the fact that the minimum buildable street frontage was less than required in the Community Services zoning district. We realize that we will need a variance, but want to request the smallest possible variance.

Commissioner Cabe asked staff to describe the two zoning districts.

Fulcher briefly described the differences in the two districts and directed commissioners to the zoning sheets in the staff report.

Commissioner Chesser asked staff to discuss the difference in the street frontage requirements.

Fulcher described why the frontage requirements for the two districts were different.

Commissioner Honchell stated that a gas station was a auto-oriented development.

Kit Williams, City Attorney, asked the applicant why they didn't request a conventional zoning district, as they might have a difficult time asking for a variance from the Board of Adjustment.

Blind stated that staff pointed them to the form-based district.

Commissioner Kennedy asked staff what happened between the initial meetings with the applicant where Urban Thoroughfare was recommended and the current recommendation for Community Services.

Fulcher stated that he was not involved in the initial meetings, but that the Community Services district was the most appropriate for this location, and would still accommodate a gas station.

Commissioner Winston asked the applicant if there was something they could do to increase the building width, to decrease the variance. Maybe a different building design would work better for this particular property.

Blind stated that the circulation requirements for a gas station required the larger parking area and smaller building. Kum and Go doesn't typically include additional tenants on the property.

Commissioner Chesser asked about the lot width requirements, and general discussion ensued about the amount of building width based on the lot frontage.

Commissioner Cabe stated that a different zoning district might work best for this development model.

General discussion about building frontage requirements and lot width ensued.

Williams advised the commissioner of what they can consider when reviewing a rezoning request.

Planning Commission
May 23, 2011
Page 7 of 8

Commissioner Cook stated that the most appropriate zoning for this property is Community Services, and asked the city attorney to clarify if the commission should consider the development concept presented by the applicant.

Williams stated that the commissioner should not consider the proposed development during the rezoning request.

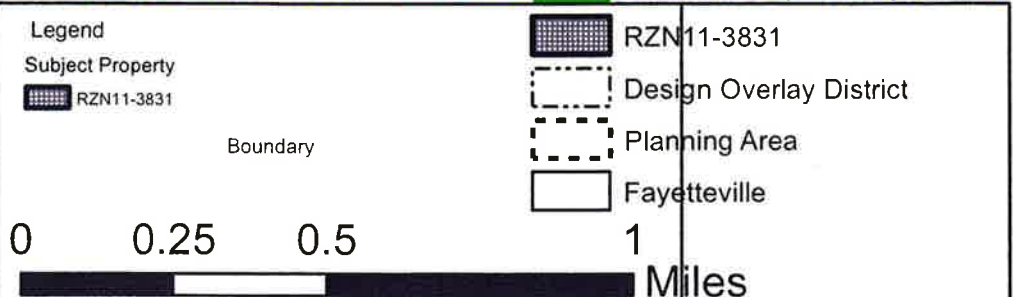
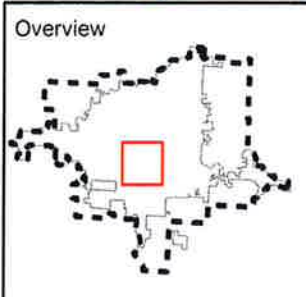
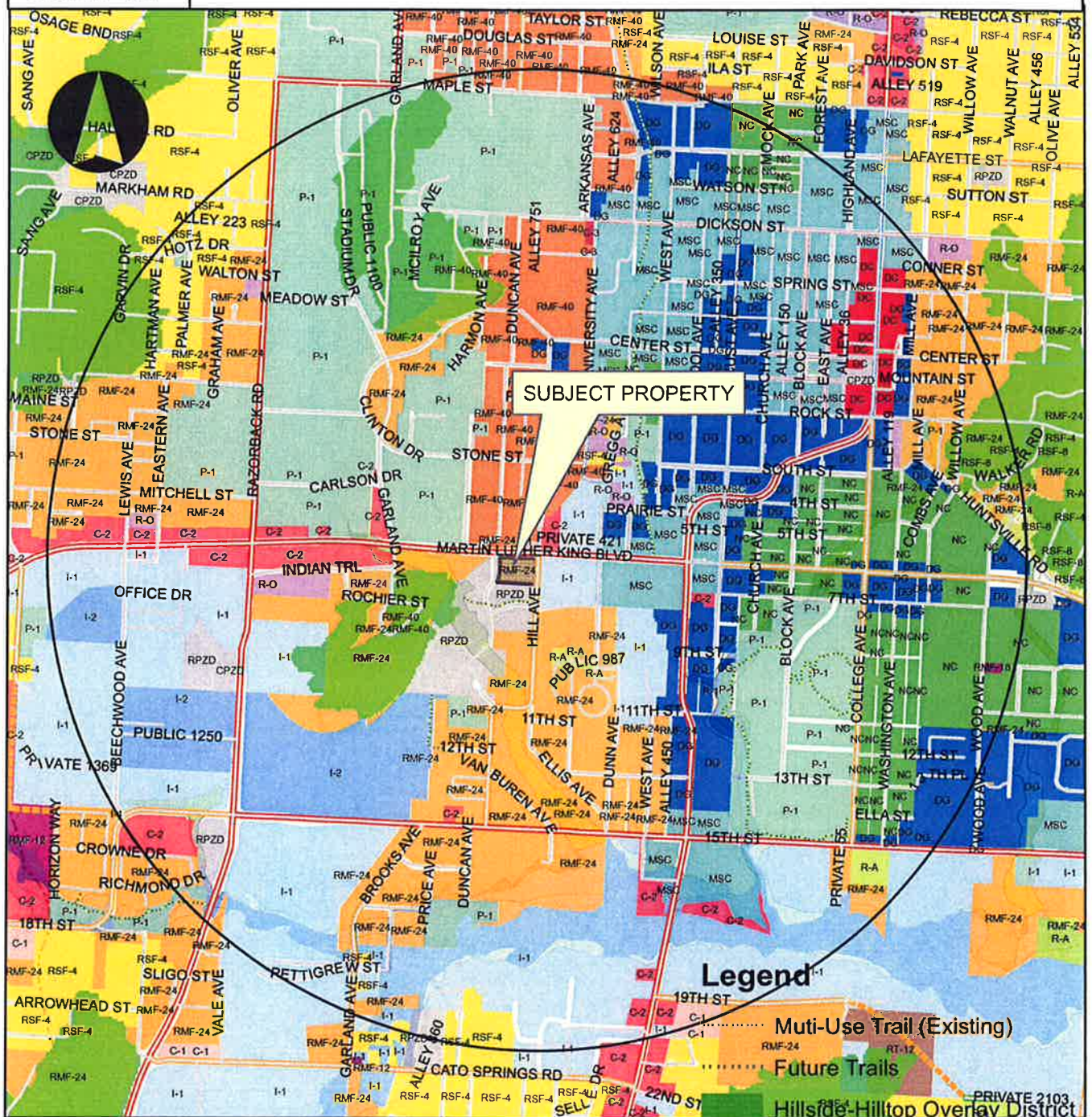
Motion:

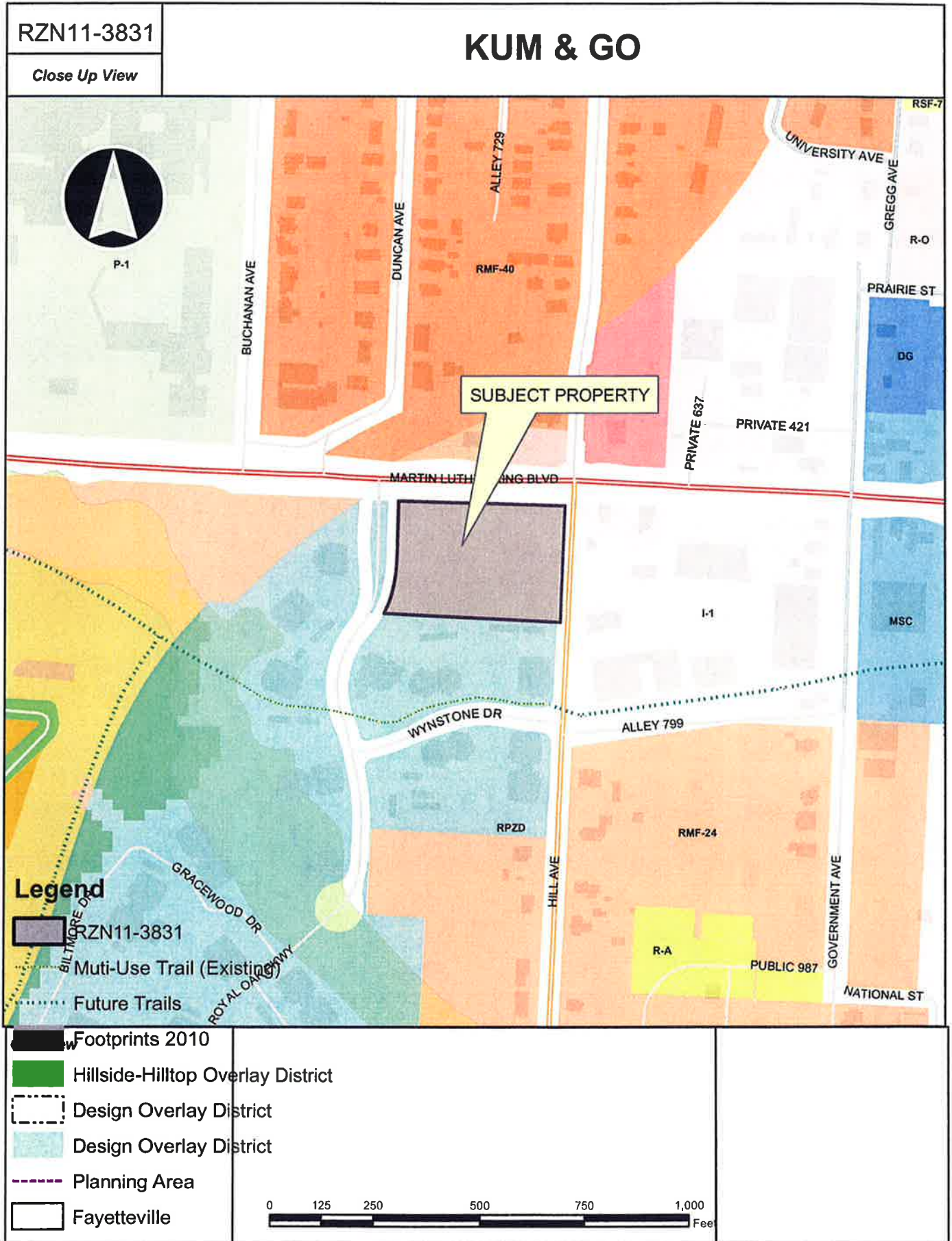
Commissioner Cook made a motion to forward RZN 11-3831 to the City Council with a recommendation to approve a zoning district of CS, Community Services. **Commissioner Earnest** seconded the motion. **Upon roll call the motion passed with a vote of 7-2-0 (Commissioners Honchell and Hoskins voting 'No').**

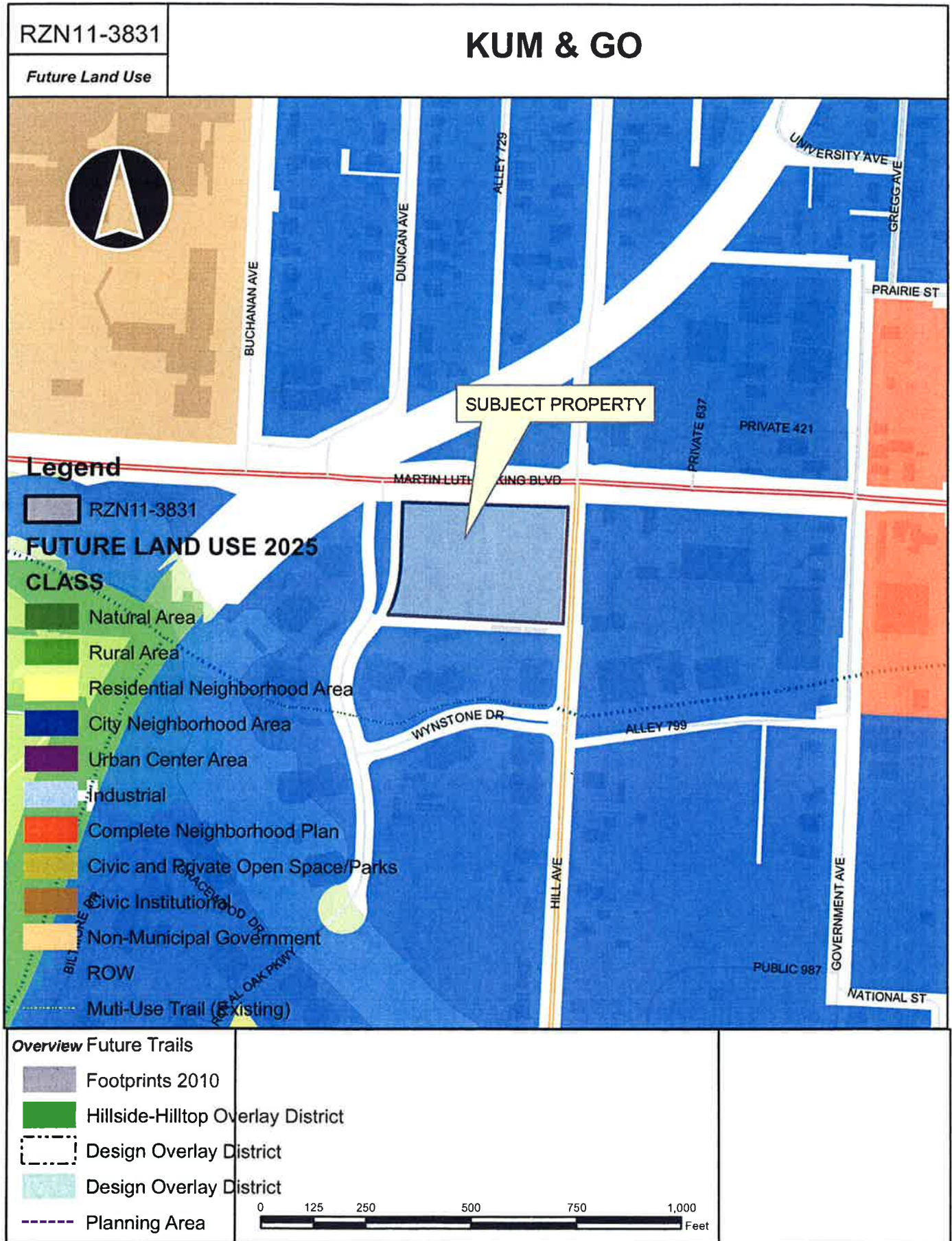
RZN11-3831

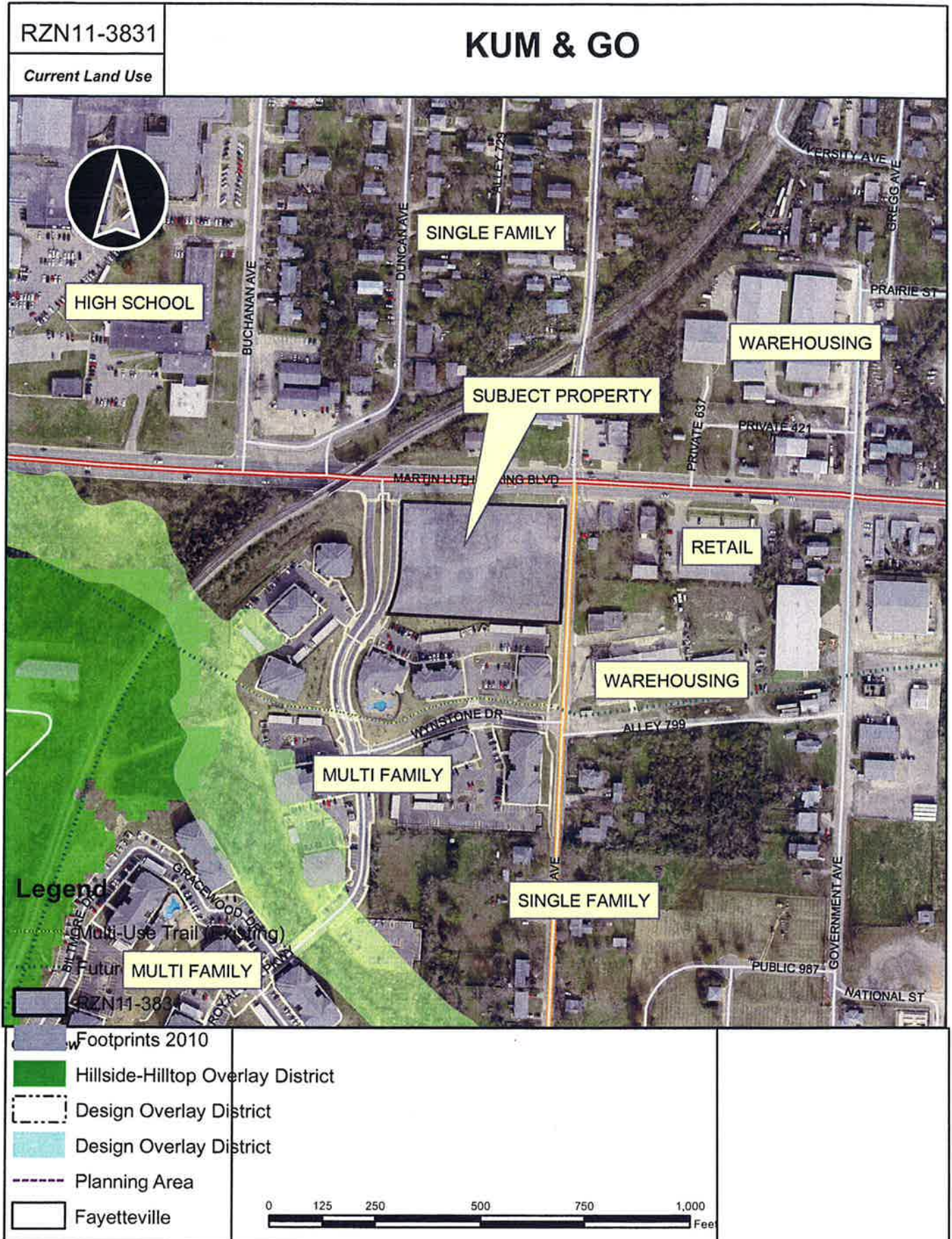
KUM & GO

One Mile View









Pre Agenda Meeting 6/18/11

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 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
June 21, 2011**

A meeting of the Fayetteville City Council will be held on June 21, 2011 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

City Council Agenda Session Presentations:

1. Fayetteville's CommonPlace Presentation – Audra Herrera

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. Nominating Committee Report

Agenda Additions:

A. Consent:

1. Approval of the June 7, 2011 City Council meeting minutes.

2. **Bid #11-31 Shipley Motor Equipment of Lowell:** A resolution awarding Bid #11-31 and authorizing a contract with Shipley Motor Equipment of Lowell, Arkansas in the amount of \$453,279.08 for the purchase of two (2) Mack LEU613 Trucks with Wayne Titan 40 FEL bodies for use by the Solid Waste Division.
3. **Bid #11-36 MHC Kenworth/Volvo of Springdale:** A resolution awarding Bid #11-36 and authorizing a contract with MHC Kenworth/Volvo of Springdale in the amount of \$103,855.16 for the purchase of a T800 semi truck tractor for use by the Water and Sewer Department.
4. **Wal-Mart Foundation and Wal-Mart #5737 Donation Revenue:** A resolution approving a budget adjustment in the amount of \$2,000.00 representing donation revenue from the Wal-Mart Foundation and Wal-Mart #5737 to the Fayetteville Fire Department for the purchase of life vests.
5. **Arkansas Water and Wastewater Agency Response Network:** A resolution approving a water and wastewater mutual aid agreement through the Arkansas Water and Wastewater Agency Response Network, and assigning the Utilities Director as the authorized official.
6. **2011 Community Development Block Grant:** A resolution approving a budget adjustment in the amount of \$91,911.00 to recognize the actual amount of the 2011 Community Development Block Grant award.
7. **Friendship Community Care, Inc.:** A resolution to approve a lease agreement of about 2.2 acres with Friendship Community Care, Inc. to serve developmentally disabled Fayetteville citizens.
8. **2011 Bulletproof Vest Partnership Program:** A resolution authorizing application for a 2011 Bulletproof Vest Partnership Program fifty percent (50%) matching grant in the amount of \$9,100.00 for replacement of fifteen (15) body armor vests for the Police Department.
9. **Amend Resolution 226-10:** A resolution amending Resolution No. 226-10 approving the Transportation Division overlay/sidewalk projects list for 2011 by reducing overlay/sidewalk projects to provide for drainage maintenance, and approving a budget adjustment.
10. **City Hospital Board of Trustees:** A resolution to appoint Conrad Odom and Hershey Garner to the City Hospital Board of Trustees also known as the Board of Control of the Stone Hospital.
11. **Plante & Moran, PLLC:** A resolution approving a contract with Plante & Moran, PLLC in the amount of \$185,000.00, plus a project contingency of \$20,000.00, for the provision of information technology project implementation and management services, and approving a budget adjustment.
12. **Gila, LLC DBA Municipal Services Bureau:** A resolution authorizing a contract with Gila, LLC DBA Municipal Services Bureau for account collection services at a payment rate of forty percent (40%) of amounts collected.

B. Unfinished Business:

1. None

C. New Business:

~~15~~ 1. **Motorola, Inc.:** A resolution approving a change order for Phase II of the radio project with Motorola, Inc. in the total amount of \$614,093.00, with \$237,746.00 funded from the project contingency, \$286,000.00 from the street fund, \$49,901.00 from police impact fees and \$40,446.00 from fire impact fees, and approving a budget adjustment in the amount of \$286,000.00.

2. **Revised Master Street Plan:** A resolution approving and adopting a revised Master Street Plan and street cross-sections.

3. **City Plan 2030:** A resolution approving and adopting City Plan 2030 and the future land use map as the comprehensive land use plan.

4. **RZN 11-3804 (Northwest Corner of Mountain Street and College Avenue/East Square Development):** An ordinance revoking C-PZD 05-1610 (East Square Development) and rezoning that property described in rezoning petition RZN 11-3804, for approximately 1.01 acres, located at the northwest corner of Mountain Street and College Avenue, from C-PZD, Commercial Planned Zoning District 05-1610, to DC, Downtown Core.

5. **RZN 11-3805 (East of Dead Horse Mountain Road/ Falling Waters):** An ordinance revoking R-PZD 05-1635 (Falling Waters) and rezoning that property described in rezoning petition RZN 11-3805, for approximately 136.70 acres, located east of Dead Horse Mountain Road, from R-PZD, Residential Planned Zoning District 05-1635, to R-A, Residential Agricultural.

6. **RZN 11-3806 (South of Zion Road and East of Taliesin Lane/Woodbury):** An ordinance revoking R-PZD 06-2190 (Woodbury) rezoning that property described in rezoning petition RZN 11-3806, for approximately 9.26 acres, located south of Zion Road and east of Taliesin Lane, from R-PZD, Residential Planned Zoning District 06-2190, to NC, Neighborhood Conservation.

7. **RZN 11-3807 (Southwest Corner of Razorback Road and 15th Street/Champion Club Condos):** An ordinance revoking R-PZD 07-2551 (Champions Club Condos) and rezoning that property described in rezoning petition RZN 11-3807, for approximately 4.42 acres, located at the southwest corner of Razorback Road and 15th Street, east of the Crowne Apartments, from R-PZD, Residential Planned Zoning District 07-2551, to UT, Urban Thoroughfare.

8. **RZN 11-3835 (3710 West Martin Luther King Boulevard/Zaifi):** An ordinance rezoning that property described in rezoning petition RZN 11-3835, for approximately 1.20 acres, located at 3710 West Martin Luther King Boulevard from C-1, Neighborhood Commercial to CS, Community Services.

from

13#1
9

Federal Emergency Management Agency (FEMA): A resolution authorizing application for and acceptance of a federal disaster grant from the Federal Emergency Management Agency (FEMA) related to Spring 2011 flood damage, and approving a budget adjustment in the amount of \$1,000,000.00.

- ✓ **10. Appeal RZN 11-3831 (209 W. Martin Luther King Blvd.):** An ordinance rezoning that property described in rezoning petition RZN 11-3831, for approximately 2.64 acres located at 209 West Martin Luther King Boulevard from RMF-24, Residential Multi-Family, 24 units per acre to C-1, Neighborhood Commercial.

City Council Tour: Monday, June 20, 2011 at 4:30 p.m. The Council will tour the Fayetteville Television Center

Announcements:

Adjournment:

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Agenda Session 6/14/11

Mayor Lioneld Jordan
City Attorney Kit Williams
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Nominating Committee Report

Meeting: Thursday, June 10, 2011

City Hall, Audit Room, 5:00 p.m.

Members Present – Adella Gray, Bobby Ferrell, Rhonda Adams, and Mark Kinion

The Committee recommends the following candidates for appointment:

Animal Services Advisory Board

- **Alan Long** - One term ending 06/30/14
- **Barbara Denson** - One Nonprofit Group term ending 06/30/14

Board of Adjustments and Appeals

- **Matthew Hoffman** - One unexpired term ending 03/31/15

Construction Board of Adjustments and Appeals

- **Tim Maddox** - One unexpired term ending 03/31/15

Environmental Action Committee

- **Richard Russell** - One Science Discipline term ending 06/30/14
- **James Barton** - One Citizen-at-Large term ending 06/30/14

Fayetteville Arts Council

- **Erin Jepson** - One Working Artist term ending 06/30/14
- **Dianne Williams** - One Arts and Cultural/Citizen-at-large term ending 6/30/14

Planning Commission

- **Chris Griffin** - One unexpired term ending 03/31/14

Telecommunications Board

- **Stephen Smith**- One term ending 06/30/15
- **Michael Ehrig**- One term ending 06/30/15

Walton Arts Center Council, Inc.

- **Hershey Garner** - One term ending 06/30/14
- **Tina Hodne** - One term ending 06/30/14

Walton Arts Center Foundation

- **Amy Knight** - One term ending 06/30/14

The Mayor recommends the following appointments to the Historic District Commission with the approval of the City Council.

Historic District Commission

- **Mikel Lolley** - One term ending 06/30/14
- **Gary Coover** - One term ending 06/30/14

CITY COUNCIL CITY FACILITIES TOURS
ALL TOURS ARE SCHEDULED FOR 4:30-6:00 p.m.

April 18	Animal Shelter and Ribbon-cutting of new Puppy Nursery
May 2	Fayetteville Executive Airport—Drake Field
May 16	Noland Wastewater Treatment Plant and Biosolids Management Site
June 6	Westside Wastewater Treatment Plant and Woolsey Prairie
June 20	Fayetteville Television Center
July 18	Solid Waste and Recycling
August 1	Parks, Fleet, Transportation Complex
August 15	Water/Sewer Facility, Tanks, and Pump Stations

Handed out
at the City
Council meeting

Master Street Plan Proposed Amendment

6-21-11

12.2.1 ALLEYS

Alleys are used in conjunction with streets to provide rear access to properties, garages and off-street parking. Driveways connected to alleys should have sufficient depth to allow vehicles to park and not encroach into the alley right-of-way.

Solid Waste

Solid waste pick-up is allowed, subject to the following standards:

- "No parking" signs are installed at the entrance(s) and mid-block locations.
- Designated locations for carts and recycle bins are kept free of obstructions.
- Bulk hauling and brush collection is placed at the public street.
- Building walls and projections are located at least 10' from the edge of the alley pavement. To prevent encroachment into the right-of-way, additional separation may be required if parking is provided between the building and alley.
- On-street parking is provided.
- Address numbers are installed on the front and rear of every structure.
- Minimum radius requirements are provided.
- Dead-end alleys are prohibited.

Fire Department

Alleys used in conjunction with single- and two-family units are not intended to serve as fire access roads when structures also adjoin a private or public street that provides the required fire access. Fire access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

When an alley serves as the sole access, or when more than one access is required due to building height, condition of terrain, climatic conditions, the potential for impairment of a single road by vehicle congestion, or other factors that could limit access, alleys may need to be designed in accordance with the Arkansas Fire Code to support apparatus access, with approval from the fire code official.

DRAFT
**CITY
PLAN
2030**

Master Street Plan 6/21/11 City Council Meeting



PUBLIC VIEWPOINT: Planning Decision A Good One

Tuesday, June 21, 2011

NORTHWEST ARKANSAS — On May 2, the Fayetteville Planning Commission voted for neighborhood preservation, safety and fidelity to the city's core principles by amending the Master Street Plan for Howard Nickell Road. Our neighborhood, the Estates at Salem Hills, is deeply thankful to the Planning Commission. We have respectfully requested that City Council accept the Planning Commission's recommendation.

The previous map proposed to widen the road through the middle of our neighborhood to a four-lane principal artery. This would have destroyed the beautiful and cohesive community we have built. Downgrading the line on the map to a two-lane collector will preserve our community. This is a neighborhood with dozens of children and grandchildren biking and playing in front yards, annual block parties and Fourth of July celebrations - the kind of neighborhood that Fayetteville would want to preserve, in the city and its planning area.

The tangible threat to safety is clear by considering the accidents on Crossover, the only other principal arterial parkway on the Master Street Plan. Just last month, the city issued a press release regarding Crossover: "Police announce stepped-up enforcement to reduce injuries and crashes." Anyone visiting us can immediately see that a road like Crossover does not belong in the middle of our neighborhood.

The Planning Commission's action corrected a mistake made eight years ago, when this beautiful neighborhood was created with a ticking time bomb embedded in it.

This development was approved by the city, facing onto a proposed artery, instead of backing onto it. There are 16 curb cuts from our driveways onto the proposed artery, grossly inconsistent with the city's access management policy - a symptom of the larger mismatch between this neighborhood and the artery. As one of the current planning commissioners pointed out, this neighborhood never would have been approved today, facing onto a principal artery.

The city does have a legitimate need for connectivity, but the strategic plan says this should be accomplished by a grid of smaller roads. As City Plan 2030 states, "Two two-lane roads are better than one four-lane road." We have quite an ample such grid planned for this part of town, as the revised Master Street Plan shows. These current documents reinforce the city's 2003 traffic study, commissioned at a cost of \$250,000, which recommended keeping our road at two lanes for its 2023 plan.

The Planning Commission's May 2 vote to amend the map was the culmination of four years of efforts by our neighborhood, at dozens of meetings of the City Council, Street Committee and Planning Commission. It was a vote for safety, neighborhood integrity and distributed traffic flow - all core principles of Fayetteville.

That is why we have requested the City Council to approve the revised Master Street Plan, as recommended by the Planning Commission.

BOB COSTRELL / Fayetteville

Opinion, Pages 5 on 06/21/2011

Master Street Plan: Howard Nickell Rd.

Bob Costrell
3683 Howard Nickell Rd.
Fayetteville, AR 72704
Estates at Salem Hills POA
City Council Meeting, June 21, 2011

Thank you, Planning Commission !

PC devoted many hours & much effort to this issue.

- 7 of 9 members: individual site visits to neighborhood
- 3 agenda/wkg meetings discussed HN (1/28, 2/14, 4/21)
- 3 meetings discussed Howard Nickell (3/28, 4/11, 5/2)

Final vote reflected many concerns

Downgraded Howard Nickell from 4 lanes to 2

Core Principles for Fayetteville

- Neighborhood Preservation
- Safety
- Distributed Traffic Flow

“Two 2-lane roads are better than one 4-lane road”

Our Neighborhood

- 23 families
- Active POA
- Annual block parties, 4th of July fireworks
- Dozens of children & grandchildren
- Not designed for artery through the middle

Our Neighborhood: Roy's & Susan's House



Getting Ready for the Grandkids



Mike's & Angel's House



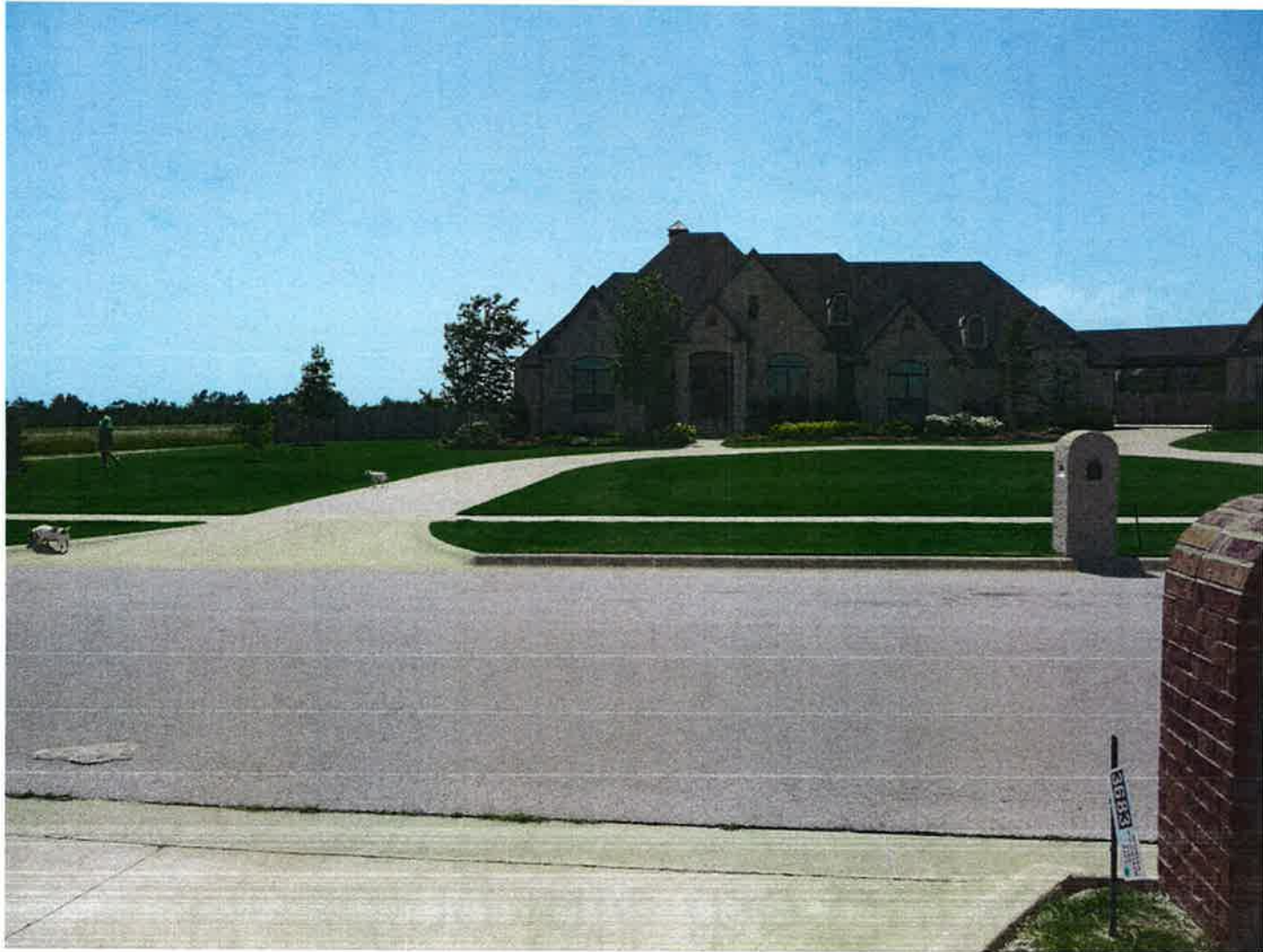
T.A.'s House



Heading into the Curve



Rick's & Ashley's House

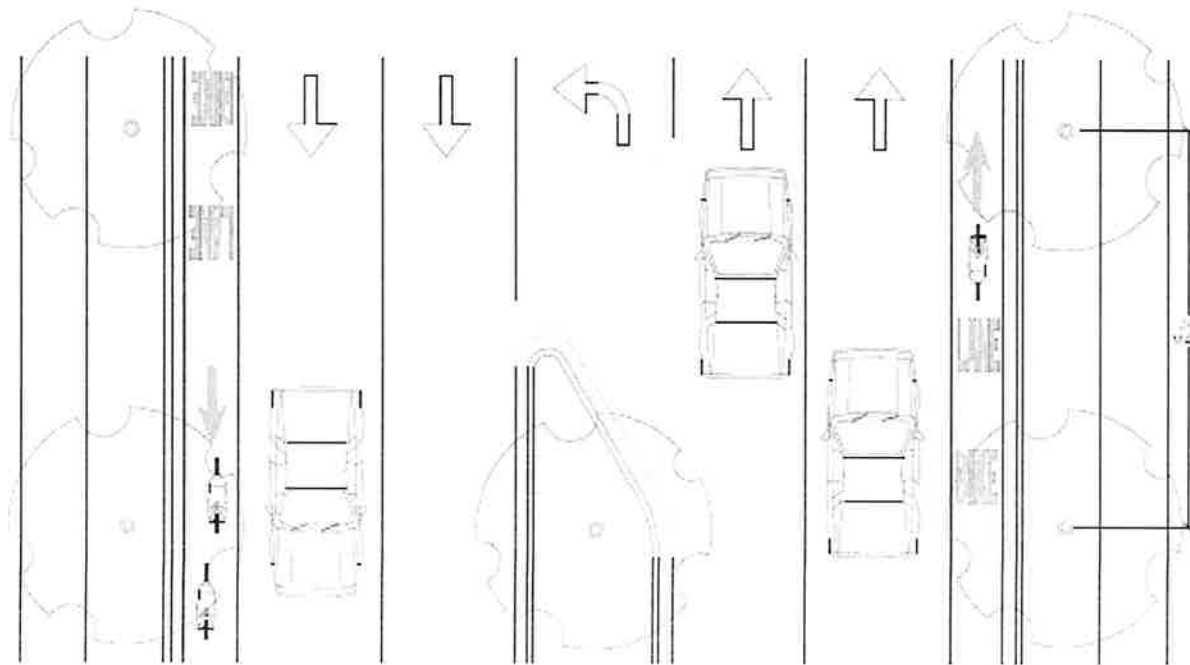
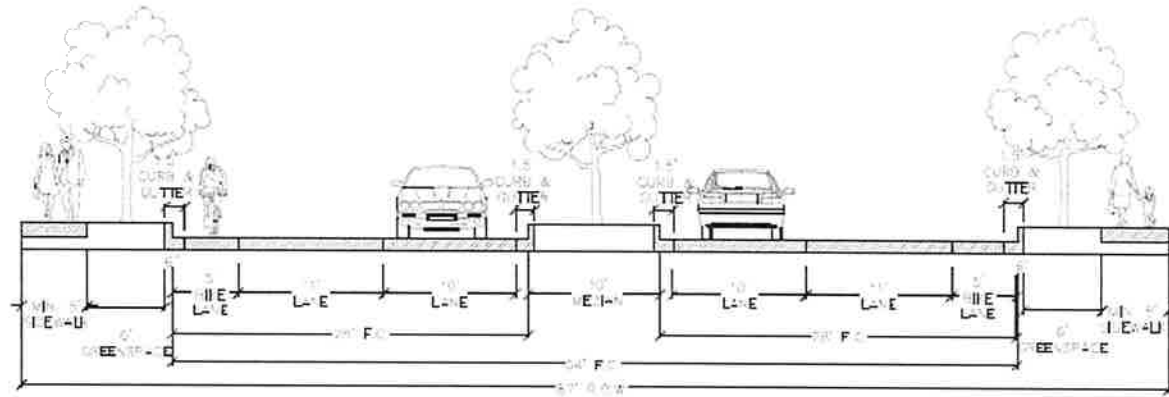


Our House – and the first likely victim

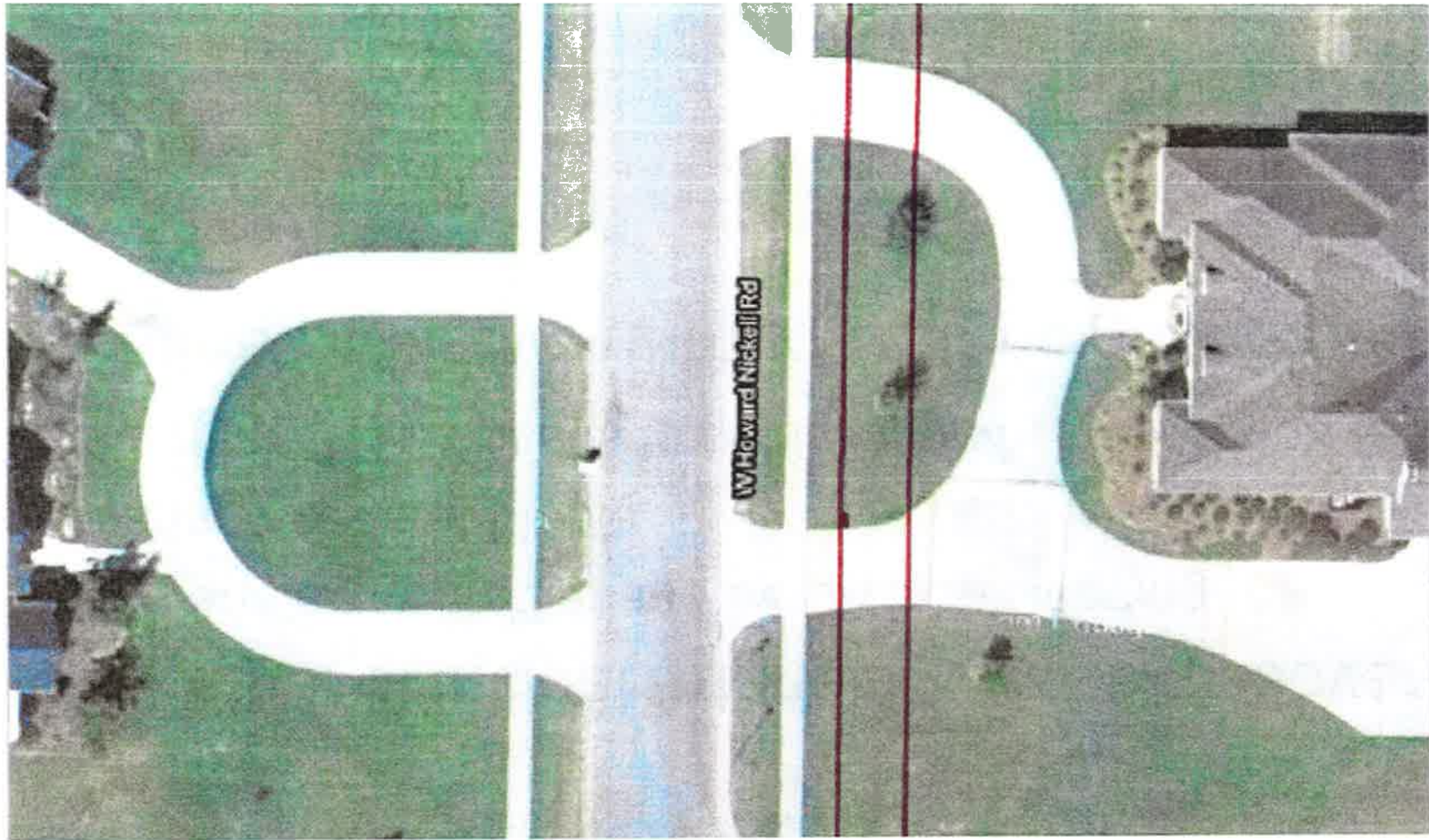


What Would Neighborhood Look Like?

PRINCIPAL ARTERIAL BOULEVARD (WITH BIKE LANES)



What Would Neighborhood Look Like?



Curb

Inside of Sidewalk

What Would Neighborhood Look Like?

- Only other Principal Arterial Pkwy: Crossover
 - The analogy with Garland by UA is misleading
 - Garland ends at Maple
 - the artery's purpose is to get *through* neighborhood *fast*
- Imagine Crossover through our neighborhood

Crossover: not the busy part



Crossover: we would have trucks, too



Crossover: well, not very busy



Safety



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



POLICE DEPARTMENT

100-A West Rock Street

Fayetteville, AR 72701

P (479) 587-3555 F (479) 587-3522

NEWS RELEASE

FOR IMMEDIATE RELEASE: May 11, 2011

**Contact: Craig Stout
(479) 587-3580**

***RE: POLICE ANNOUNCE STEPPED UP ENFORCEMENT TO REDUCE INJURIES
AND CRASHES***

The Fayetteville Police Department announced today they would begin directed traffic enforcement in an effort to reduce vehicle accidents on Crossover Road (Hwy 265).

Neighborhood Design

- Approved in 2003
- **Facing onto road**
 - Should back onto road for principal artery
- Artery would divide & destroy neighborhood
- Planning Comm has corrected this mistake

Mismatch Between Neighborhood & Artery



Original stipulation:
5 curb cuts

Approved for:
8 cuts

Amended to:
9 cuts

Today:
16 cuts

Future:
17-18 cuts

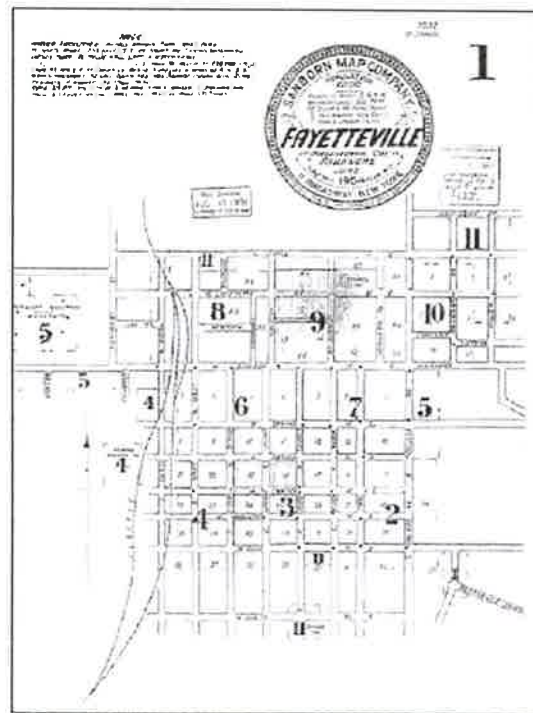
Distributed Traffic Flow

**“Two 2-lane roads are better
than one 4-lane road”**

c. **Plan & construct multiple corridors instead of single oversized ones**

An interconnected network of streets offers motorists a variety of options to get from one destination to the next. Generally, more streets per square mile result in a more open network and drivers can avoid the degree of peak hour congestion that occurs when a limited number of large streets become congested.

Two two-lane roads are better than one four-lane road. Traffic can be easily dispersed within a road network, rather than all motorists having to depend on one major thoroughfare.



1910 Sanborn Map, Downtown Fayetteville



DRAFT

**CITY
PLAN
2030**

Fay's 2003 Traffic Study called for 2 lanes for 2023

City of Fayetteville, Arkansas Traffic and Transportation Study

Executive Summary

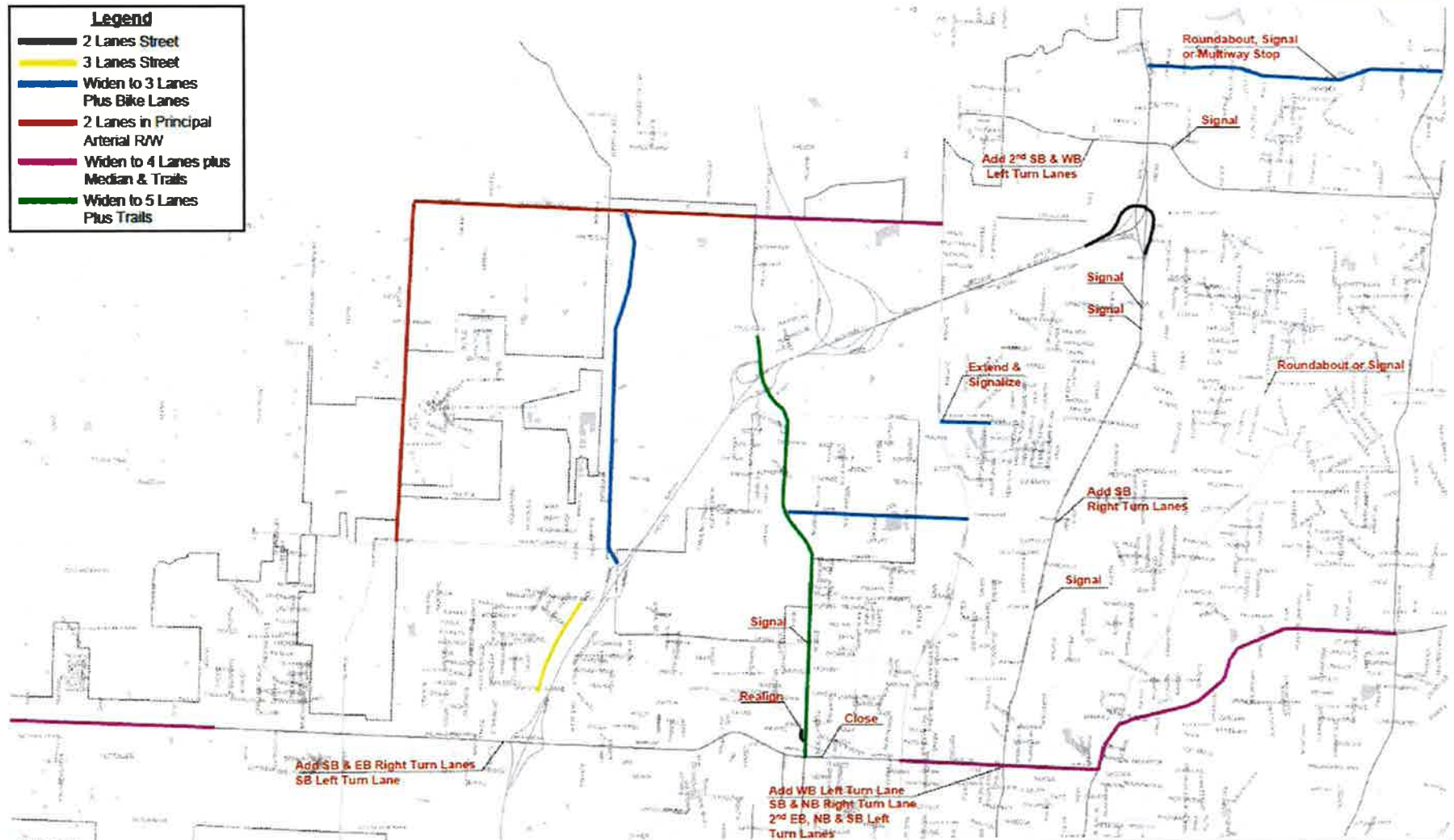
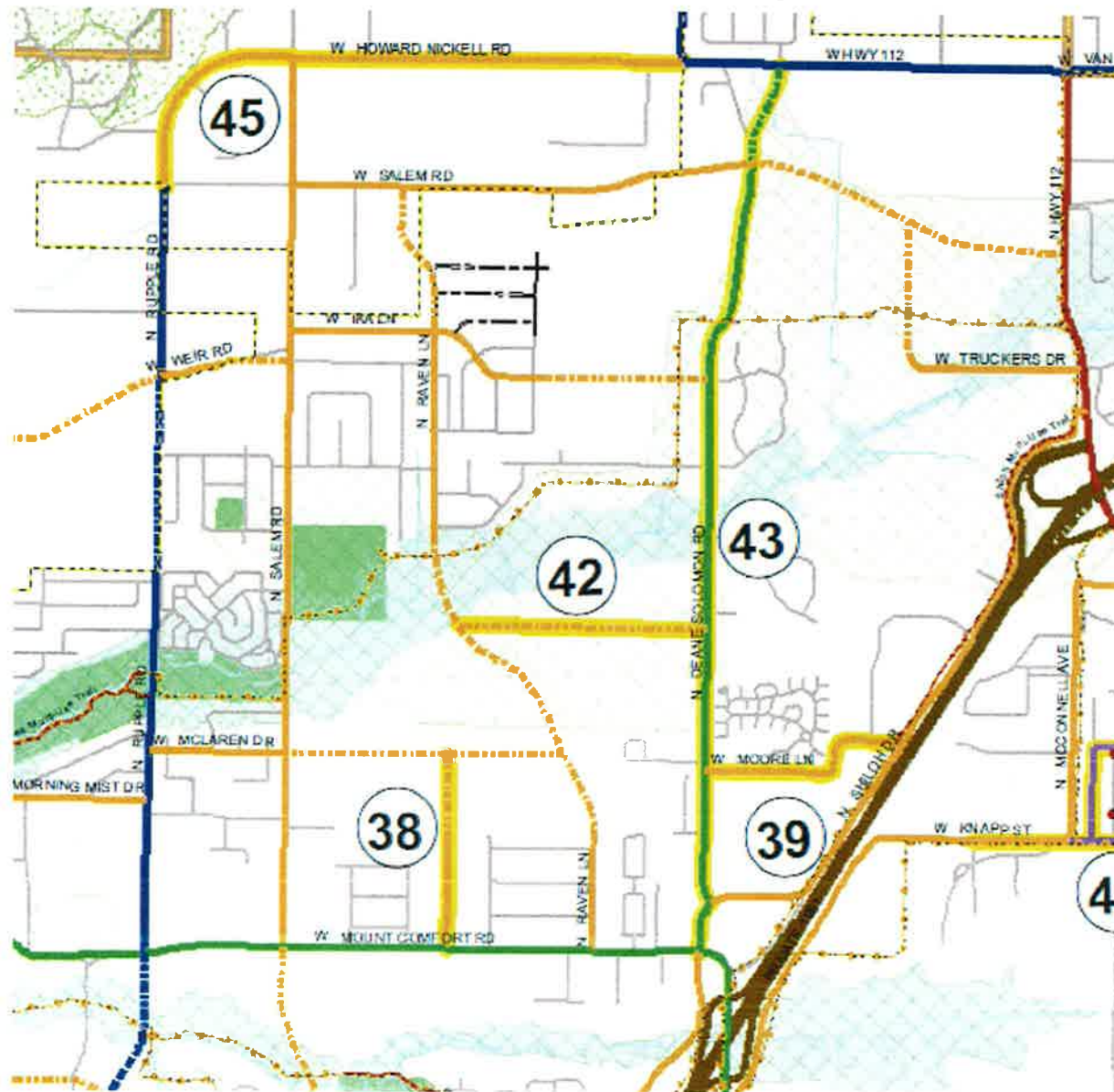


FIGURE ES-4 Long Range (2023) Traffic Improvements

Planning Commission Map Has Rich Grid



Thank you, City Council

For the time and effort you have spent on this issue, listening, speaking, and working with us, not only in recent weeks, but over the 4 years we have been coming to you.