

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
September 20, 2011**

A meeting of the Fayetteville City Council will be held on September 20, 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. Nominating Committee Report

Agenda Additions:

A. Consent:

1. Approval of the September 6, 2011 City Council meeting minutes. **APPROVED**
2. **Repeal Resolution No. 59-11; Bid #11-52:** A resolution repealing Resolution No. 59-11, awarding Bid #11-52 and authorizing a contract with George Nunnally Chevrolet, Inc. in the amount of \$16,960.00 for the purchase of one (1) 2012 Chevrolet Colorado pickup truck, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 167-11

3. **Repeal Resolution No. 60-11; Bid #11-51:** A resolution repealing Resolution No. 60-11, and awarding Bid #11-51 and authorizing a contract with George Nunnally Chevrolet, Inc. in the amount of \$19,950.00 for the purchase of one (1) 4x4 2012 Chevrolet Colorado pickup truck for use by the Meter Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 168-11

4. **Repeal Resolution No. 61-11; Bid #11-51:** A resolution repealing Resolution No. 61-11, and awarding Bid #11-51 and authorizing a contract with George Nunnally Chevrolet, Inc. in the amount of \$19,950.00 for the purchase of one (1) 4x4 2012 Chevrolet Colorado pickup truck for use by the Transportation Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 169-11

5. **Time Striping, Inc.:** A resolution approving a contract and change order no. 1 with Time Striping, Inc. for runway pavement rehabilitation and re-marking at Drake Field, and approving a budget adjustment recognizing FAA and Arkansas Department of Aeronautics grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 170-11

6. **2011-2012 Selective Traffic Enforcement Program (STEP) Grant:** A resolution to approve and accept the 2011-2012 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$104,200.00 in federal funding and \$13,500.00 in state funding and to approve the attached budget adjustment in the amount of \$117,700.00 to recognize this revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 171-11

B. Public Hearing:

1. A Public Hearing regarding Section § 51.137 Monthly Sewer Rates: Amending Section 51.137 Monthly Sewer Rates of the Code of Fayetteville Table F3, Extra Strength Surcharges, Specifically Changing the Industrial Biological Oxygen Demand (BOD) Surcharge.

A PUBLIC HEARING WAS HELD

C. Unfinished Business:

1. **Amend § 51.137 Monthly Sewer Rates:** An ordinance amending Section 51.137 Monthly Sewer Rates of the Code of Fayetteville by reducing certain extra strength surcharges to sewer rates, and providing for an effective date. *This ordinance was left on the First Reading at the September 6, 2011 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5438

2. **Revised Ward Boundaries:** A resolution to approve revised ward boundaries to equalize ward populations after the 2010 Federal Census. *This resolution was tabled at the September 6, 2011 City Council meeting to the September 20, 2011 City Council meeting.*

THIS RESOLUTION WAS TABLED INDEFINITELY

D. New Business:

1. **Revised Ward Boundaries:** An ordinance to approve revised Ward Boundaries to equalize ward populations after the 2010 Federal Census and to amend §32.03 of the Fayetteville Code.

THIS ITEM WAS LEFT ON THE SECOND READING.

2. **AEP/SWEPCO & Ozarks Electric:** An ordinance waiving competitive bidding for this payment and all future payments to or contracts with AEP/SWEPCO and Ozarks Electric Cooperative for the relocation costs for electric utility poles and power lines necessitated by road reconstruction or widening projects within AEP/SWEPCO's or Ozark Electric's area of service, to approve this payment in the amount not to exceed \$142,953.21 and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5439

3. **Amend Chapter 34:** An ordinance amending section 34.25: Sales of Article II: Purchase and Sale of City Property; contracts of Chapter 34: Finance and Revenue of the Code of Fayetteville to provide authority and procedures for the sale of biosolids.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5440

4. **RZN 11-3866 (2013 E. Mission Blvd./Ruskin Heights):** An ordinance rezoning that property described in rezoning petition RZN 11-3866, for approximately 28.93 acres located at 2013 East Mission Boulevard from R-PZD, Residential Planned Zoning District (R-PZD 06-2299 Ruskin Heights), to CS, Community Services; NC, Neighborhood Conservation; and RSF-4, Residential Single Family, 4 units/acre, subject to a Bill of Assurance.

THIS ITEM WAS LEFT ON THE SECOND READING.

5. **RZN 11-3901 (S. Beechwood Ave./Love Box):** An ordinance rezoning that property described in rezoning petition RZN 11-3901, for approximately 16.24 acres, located at 811 and 833 South Beechwood Avenue from I-1, Heavy Commercial and Light Industrial and I-2, General Industrial, to CS, Community Services.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5441

6. **ADM 11-3941 (Vantage Center PZD Amendment #2):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 05-1543, Vantage Center located at the end of Shepard Lane adjacent to Frontage Road, containing approximately 4.68 acres, to allow the addition of Use Unit #26, multi-family dwellings, as a permitted use throughout all of the space in the four existing mixed-use buildings on the subject property, as described herein.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5442

City Council Tour: Wednesday, September 14, 2011 at 4:30 p.m. The Council will tour the "Teen Library, Decline Conveyor, and Sorting System"

Announcements:

Adjournment: 7:15 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

Subject:	Roll				
Alderman Jennant and Gray were absent	Kinion	✓			
	Petty	✓			
	Tennant	Absent			
	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	Absent			
	Boudreaux	✓			
	Mayor Jordan	✓			

7-0

Subject:	Nominating Committee Report				
Motion To:		Approve			
Motion By:		Ferrell			
Seconded:		Boudreaux			
<u>Approved</u>	Kinion	✓			
	Petty	✓			
	Tennant	Absent			
	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	absent			
	Boudreaux	✓			
	Mayor Jordan				

6-0

Subject:	Consent				
Motion To:		Approve			
Motion By:		Adams			
Seconded:		Boudreaux			
<u>Minutes</u> <u>Approved</u> <u>passed</u> 167-11 thru 171-11	Kinion	✓			
	Petty	✓			
	Tennant	Absent			
	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	Absent			
	Boudreaux	✓			
	Mayor Jordan				

6-0

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

Subject:		Amend § 51.137 Monthly Sewer Rates			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Boudreaux		
Seconded:		Boudreaux	Ferrell		
C. B. 1 Unfinished Business <u>passed</u> 5438	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	absent	absent	absent	
	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	absent	absent	absent	
	Boudreaux	✓	✓	✓	
	Mayor Jordan				

6-0

6-0

6-6

Subject:		Revised Ward Boundaries			
Motion To:		Table Indef.			
Motion By:		Boudreaux			
Seconded:		Lewis			
C. B. 2 Unfinished Business <u>Tabled Indefinitely</u>	Kinion	✓			
	Petty	✓			
	Tennant	absent			
	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	absent			
	Boudreaux	✓			
	Mayor Jordan				

6-0

Subject:		Revised Ward Boundaries			
Motion To:					
Motion By:			2nd Read		
Motion By:			Boudreaux		
Seconded:			Lewis		
D & 1 New Business Left on the Second Reading	Kinion		✓		
	Petty		✓		
	Tennant		absent		
	Ferrell		✓		
	Adams		✓		
	Lewis		✓		
	Gray		absent		
	Boudreaux		✓		
	Mayor Jordan				

6-0

Subject:		AEP/SWEPCO & Ozarks Electric			
Motion To:					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Lewis	Boudreaux		
Seconded:		Petty	Petty		
D & 2 New Business Passed 5439	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	absent	absent	absent	
	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	absent	absent	absent	
	Boudreaux	✓	✓	✓	
	Mayor Jordan				

6-0

6-0

6-0

Subject:		Amend Chapter 34			
Motion To:					
Motion By:					
Seconded:					
D & 3 New Business <u>Passed</u> 5440	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	Absent	Absent	Absent	
	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	Absent	absent	Absent	
	Boudreaux	✓	✓	✓	
	Mayor Jordan				

6-0

6-0

6-0

Subject:		RZN 11-3866 (2013 E. Mission Blvd./Ruskin Heights)			
Motion To:					
Motion By:					
Seconded:					
D & 4 New Business Left on the Second Reading	Kinion	✓			
	Petty	✓			
	Tennant	Absent			
	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	Absent			
	Boudreaux	✓			
	Mayor Jordan				

6-0

Subject:		RZN 11-3901 (S. Beechwood Ave./Love Box)			
Motion To:					
Motion By:					
Seconded:					
D & 5 New Business <u>Passed</u> 5441	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	absent	absent	absent	
	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	absent	absent	absent	
	Boudreaux	✓	✓	✓	
	Mayor Jordan				

6-0

6-0

6-0

Subject:		ADM 11-3941 (Vantage Center PZD Amendment #2)			
Motion To:					
Motion By:					
Seconded:					
D & 6 New Business <u>Passed</u> 5442	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	absent	absent	absent	
	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	absent	absent	absent	
	Boudreaux	✓	✓	✓	
	Mayor Jordan				

6-0

6-0

6-0



TO: Mayor Jordan

Kit Williams
City Attorney

THRU: Sondra Smith, City Clerk

Jason B. Kelley
Assistant City Attorney

FROM: Kit Williams, City Attorney

DATE: September 21, 2011

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of September 20, 2011

1. **Repeal Resolution No. 59-11 – Bid # 11-52:** A resolution repealing Resolution No. 59-11, awarding Bid # 11-52 and authorizing a contract with George Nunnally Chevrolet, Inc. in the amount of \$16,960.00 for the purchase of one 2012 Chevrolet Colorado pickup truck, and approving a budget adjustment
2. **Repeal Resolution No. 60-11 – Bid #11-51:** A resolution repealing Resolution No. 60-11 and awarding Bid #11-51 and authorizing a contract with George Nunnally Chevrolet, Inc. in the amount of \$19,950.00 for the purchase of one 4x4 2012 Chevrolet Colorado pickup truck for use by the Meter Division;
3. **Repeal Resolution No. 61-11 – Bid #11-51:** A resolution repealing Resolution No. 61-11, awarding Bid #11-51 and authorizing a contract with George Nunnally Chevrolet, Inc. in the amount of \$19,950.00 for the purchase of one 4x4 2012 Chevrolet Colorado pickup truck for use by the Transportation Division.
4. **Time Striping, Inc.:** A resolution approving a contract and change Order No. 1 with Time Striping, Inc. for runway pavement rehabilitation and re-marking at Drake Field, and approving a budget adjustment recognizing FAA and Arkansas Department of Aeronautics grant revenue.
5. **2011-2012 Selective Traffic Enforcement Program (STEP) Grant:** A resolution to approve and accept the 2011-2012 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$104,200.00 in federal funding and

\$13,500.00 in state funding and to approve the attached budget adjustment in the amount of \$117,700.00 to recognize this revenue.

6. Amend §51.137 Monthly Sewer Rates: An ordinance amending §51.137 **Monthly Sewer Rates** of the Code of Fayetteville by reducing certain extra strength surcharges to sewer rates, and providing for an effective date.

7. AEP/SWEPCO & Ozarks Electric: An ordinance waiving competitive bidding for this payment and all future payments to or contracts with AEP/SWEPCO and Ozarks Electric Cooperative for the relocation costs for electric utility poles and power lines necessitated by road reconstruction or widening projects within AEP/SWEPCO's or Ozark Electric's area of service, to approve this payment in the amount not to exceed \$142,953.21 and to approve a budget adjustment.

8. Amend Chapter 34: An ordinance amending §34.25 **Sales of Article II – Purchase and Sale of City Property**; contracts of Chapter 34: **Finance and Revenue** of the Code of Fayetteville to provide authority and procedures for the sale of biosolids.

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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City Council Meeting
September 20, 2011**

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Call to Order

Roll Call

Pledge of Allegiance

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 September 6, 2011 City Council meeting minutes.
2. **Repeal Resolution No. 59-11; Bid #11-52:** A resolution repealing Resolution No. 59-11, awarding Bid #11-52 and authorizing a contract with George Nunnally Chevrolet, Inc. in the amount of \$16,960.00 for the purchase of one (1) 2012 Chevrolet Colorado pickup truck, and approving a budget adjustment.

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C. Unfinished Business:

1. **Amend § 51.137 Monthly Sewer Rates:** An ordinance amending Section 51.137 Monthly Sewer Rates of the Code of Fayetteville by reducing certain extra strength surcharges to sewer rates, and providing for an effective date. *This ordinance was left on the First Reading at the September 6, 2011 City Council meeting.*

Left on the First Reading

2. **Revised Ward Boundaries:** A resolution to approve revised ward boundaries to equalize ward populations after the 2010 Federal Census. *This resolution was tabled at the September 6, 2011 City Council meeting to the September 20, 2011 City Council meeting.*

D. New Business:

1. **Revised Ward Boundaries:** An ordinance to approve revised Ward Boundaries to equalize ward populations after the 2010 Federal Census and to amend §32.03 of the Fayetteville Code.

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Announcements:

Adjournment:

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AGENDA REQUEST

FOR: COUNCIL MEETING OF SEPTEMBER 20, 2011

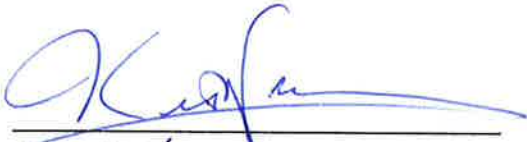
FROM:

KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

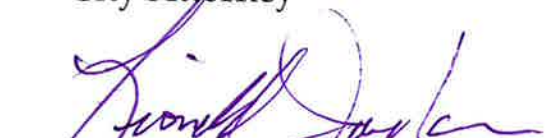
An Ordinance To Approve Revised Ward Boundaries To Equalize Ward Populations After The 2010 Federal Census And To Amend §32.03 Of The Fayetteville Code

APPROVED FOR AGENDA:



City Attorney

9-13-2011
Date



Mayor

9/13/11
Date

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney



DATE: September 13, 2011

RE: New Ward Boundary Map

City Clerk Sondra Smith pointed out to me that the Ward Boundary Map is in the Fayetteville Code in §32.03 **Wards** as an exhibit. Therefore, the City Council needs to pass an **Ordinance** with the Ward Boundary Map as an exhibit rather than a Resolution in order to amend §32.03 to replace the old map with the new Ward Boundary Map. Attached is this new ordinance which bears a striking resemblance to the Resolution you wisely tabled to give us time to catch this mistake.

Please add this Ordinance to your Agenda for the September 20th City Council meeting, and, at the meeting, table the Resolution indefinitely so it can die honorably on December 31st.

ORDINANCE NO. _____

**AN ORDINANCE TO APPROVE REVISED WARD BOUNDARIES TO
EQUALIZE WARD POPULATIONS AFTER THE 2010 FEDERAL CENSUS
AND TO AMEND §32.03 OF THE FAYETTEVILLE CODE**

WHEREAS, if a federal census reveals that ward populations have become unbalanced with substantially more residents in some wards than other wards, cities are constitutionally required to redraw ward boundaries to achieve fairly equal population in all wards; and

WHEREAS, the 2010 Federal Census revealed substantial population differences among our wards; and

WHEREAS, GIS has proposed new ward boundaries that do not cross precinct lines and substantially equalize each ward's population.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached map as the new ward boundary map for Fayetteville which establishes substantially equal populations for each ward and amends §32.03 **Wards** by adopting the new ward boundary map attached as Exhibit "A" to replace all previous ward boundary maps.

PASSED and APPROVED this 20th day of September, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Ward Boundaries

September 20, 2011

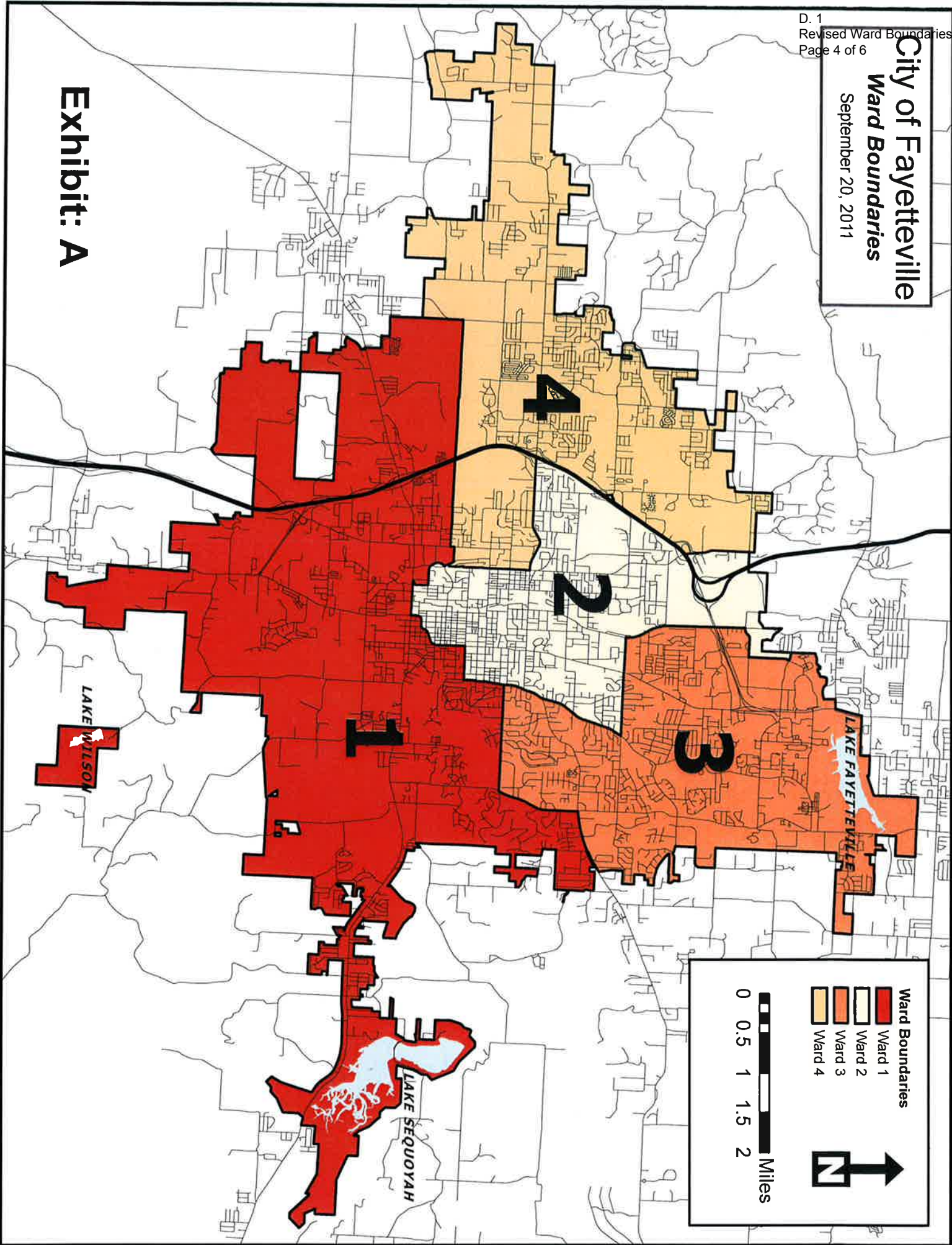


Exhibit: A



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan

Thru: Scott Huddleston *SH*

From: John Goddard *JG*

Date: 8/18/2011

Subject: Redistricting--determining new ward boundaries to reflect 2010 Census returns

DESCRIPTION: As a result of the 2010 Census, it has been found that the current City of Fayetteville wards have a significant difference in population, creating an imbalance of representation. Balancing ward population will bring the City into compliance with the "Equal Protection Clause" of the 14th Amendment.

2011 Population of Wards:

Ward 1	17,673
Ward 2	17,603
Ward 3	15,855
Ward 4	22,449

RECOMMENDATION:

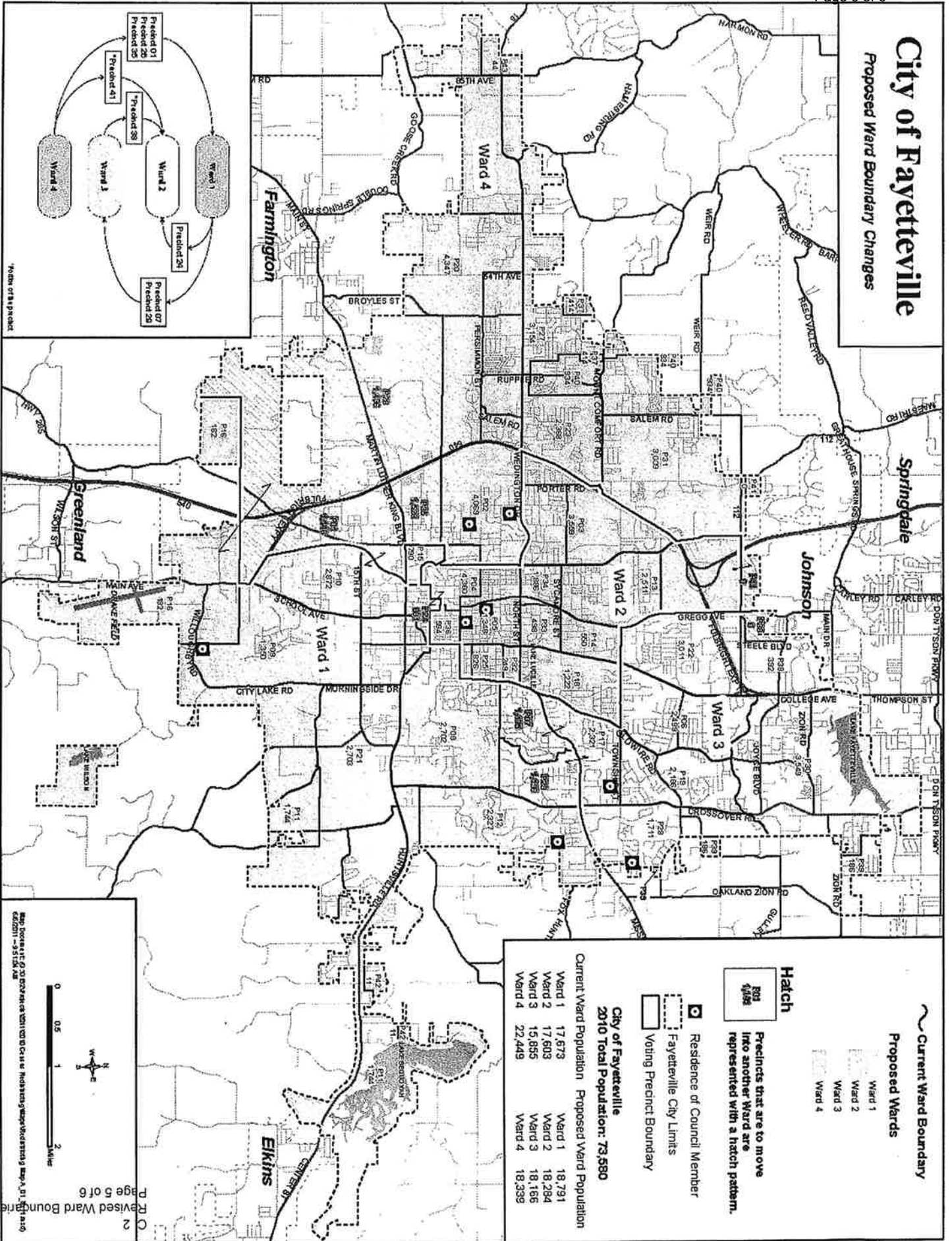
Determine new ward boundaries to balance the population and Adopt a new map.

BUDGET IMPACT:

None

City of Fayetteville

Proposed Ward Boundary Changes



Mayor Lioneld Jordan
City Attorney Kit Williams
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Aldermen

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Ward 1 Position 2 – Brenda Boudreaux
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Ward 4 Position 2 – Sarah E. Lewis

**City of Fayetteville Arkansas
City Council Meeting Minutes
September 20, 2011**

A meeting of the Fayetteville City Council was held on September 20, 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 Boudreaux, Kinion, Petty, Ferrell, Lewis, Adams, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Gray and Tennant

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Nominating Committee Report

Alderman Ferrell read the Nominating Committee report.

Alderman Ferrell moved to approve the Nominating Committee report. Alderman Boudreaux seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Gray were absent.

Agenda Additions: None

Consent:

Approval of the September 6, 2011 City Council meeting minutes.

Approved

Repeal Resolution No. 59-11; Bid #11-52: A resolution repealing Resolution No. 59-11, awarding Bid #11-52 and authorizing a contract with George Nunnally Chevrolet, Inc. in the amount of \$16,960.00 for the purchase of one (1) 2012 Chevrolet Colorado pickup truck, and approving a budget adjustment.

Resolution 167-11 as recorded in the office of the City Clerk.

Repeal Resolution No. 60-11; Bid #11-51: A resolution repealing Resolution No. 60-11, and awarding Bid #11-51 and authorizing a contract with George Nunnally Chevrolet, Inc. in the amount of \$19,950.00 for the purchase of one (1) 4x4 2012 Chevrolet Colorado pickup truck for use by the Meter Division.

Resolution 168-11 as recorded in the office of the City Clerk.

Repeal Resolution No. 61-11; Bid #11-51: A resolution repealing Resolution No. 61-11, and awarding Bid #11-51 and authorizing a contract with George Nunnally Chevrolet, Inc. in the amount of \$19,950.00 for the purchase of one (1) 4x4 2012 Chevrolet Colorado pickup truck for use by the Transportation Division.

Resolution 169-11 as recorded in the office of the City Clerk.

Time Striping, Inc.: A resolution approving a contract and change order no. 1 with Time Striping, Inc. for runway pavement rehabilitation and re-marking at Drake Field, and approving a budget adjustment recognizing FAA and Arkansas Department of Aeronautics grant revenue.

Resolution 170-11 as recorded in the office of the City Clerk.

2011-2012 Selective Traffic Enforcement Program (STEP) Grant: A resolution to approve and accept the 2011-2012 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$104,200.00 in federal funding and \$13,500.00 in state funding and to approve the attached budget adjustment in the amount of \$117,700.00 to recognize this revenue.

Resolution 171-11 as recorded in the office of the City Clerk.

Alderman Adams moved to approve the Consent Agenda as read. Alderman Boudreaux seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Gray were absent.

Public Hearing:

A Public Hearing regarding Section § 51.137 Monthly Sewer Rates: Amending Section 51.137 Monthly Sewer Rates of the Code of Fayetteville Table F3, Extra Strength Surcharges, Specifically Changing the Industrial Biological Oxygen Demand (BOD) Surcharge.

City Attorney Kit Williams asked David Jurgens to explain the ordinance.

David Jurgens: This item changes the industrial strength only of the sewer rates. When we split our flows to two wastewater treatment plants we found that the cost of treatment for biological oxygen demand (BOD) was reduced. Therefore, we recalculated the charges for the BOD wastewater treatment. This ordinance adjusts the surcharge to reflect the actual cost of treatment.

Alderman Lewis: This went before the Water and Sewer Committee. It is related to the industries that provide biological components to our wastewater.

Unfinished Business:

Amend § 51.137 Monthly Sewer Rates: An ordinance amending Section 51.137 Monthly Sewer Rates of the Code of Fayetteville by reducing certain extra strength surcharges to sewer rates, and providing for an effective date. *This ordinance was left on the First Reading at the September 6, 2011 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5438 as Recorded in the office of the City Clerk

Revised Ward Boundaries: A resolution to approve revised ward boundaries to equalize ward populations after the 2010 Federal Census. *This resolution was tabled at the September 6, 2011 City Council meeting to the September 20, 2011 City Council meeting.*

City Attorney Kit Williams: Instead of having a resolution we need to have an ordinance that will amend our code. I would recommend that the City Council indefinitely table this item.

Alderman Boudreaux moved to table the resolution indefinitely. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Gray were absent.

This ordinance was Tabled Indefinitely.

New Business:

Revised Ward Boundaries: An ordinance to approve revised Ward Boundaries to equalize ward populations after the 2010 Federal Census and to amend §32.03 of the Fayetteville Code.

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux: When will this go into effect?

City Attorney Kit Williams: It will not be in effect until another election occurs based upon wards which will be in 2012.

Alderman Boudreaux: Does that mean the representation of the people that have been moved changes?

City Attorney Kit Williams: You represent all citizens. The wards will change now. Each one of you will remain in the same ward you were elected to. There will be a slight change with some of the citizens that once were in one ward and now are in another. The main affect will be during the election of 2012 when the voters will vote within the new ward boundaries.

Alderman Boudreaux: I have had some questions about the impact of Mt. Sequoyah. As I recall that was in Ward 3 years ago.

City Attorney Kit Williams: That is correct. This ward boundary map has been changed many times. These boundaries have been adjusted through the years to make sure that they always have an equal number of people living in each ward.

Alderman Ferrell: I was under the impression that it would not be effective until the next election. Are we agreeing on that?

City Attorney Kit Williams: It won't have any true legal affect until the next election. It is effective now.

Alderman Boudreaux: I feel like we can go ahead with it. I have not heard any controversy about it.

Alderman Boudreaux moved to suspend the rules and go to the second reading. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Gray were absent.

City Attorney Kit Williams read the ordinance.

Alderman Lewis: Ward 4 has monthly meetings and we base the topics at those meetings on things happening in Ward 4. Could there be language that says it is to be effective in the next election. What is the benefit of legally enacting it now?

City Attorney Kit Williams: It would be possible for the Council to put an effective date on this but we can't wait until November because you have to file for election before that. I would say the effective date should not be any later than July 1st of next year to make sure that there is no question about how to conduct the election next year.

Alderman Petty: Does our constitutional obligation to change the boundaries have any affect on the timeline for making this effective?

City Attorney Kit Williams: Probably not because it is the election that counts. Maybe you should leave this ordinance on the second reading. That will give the Election Commission the opportunity to come to the next meeting and explain why they think it should go into effect earlier.

Alderman Ferrell: Anybody can go to any public meeting at any time so I wouldn't think that anyone would feel prohibition about attending a public meeting.

Alderman Lewis: Making it concrete will help people make the transition and know who their representatives are.

Mayor Jordan: We are going to hold it for two weeks then.

This ordinance was left on the Second Reading.

AEP/SWEPCO & Ozarks Electric: An ordinance waiving competitive bidding for this payment and all future payments to or contracts with AEP/SWEPCO and Ozarks Electric Cooperative for the relocation costs for electric utility poles and power lines necessitated by road reconstruction or widening projects within AEP/SWEPCO's or Ozark Electric's area of service, to approve this payment in the amount not to exceed \$142,953.21 and to approve a budget adjustment.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams gave a brief description of the ordinance.

Mayor Jordan: We can only use these people so there is no sense in putting it out for competitive bidding.

City Attorney Kit Williams: The Public Service Commission (PSC) says they will be the companies that will make the electric poles and power lines.

Chris Brown, City Engineer gave a brief explanation of the ordinance.

Alderman Boudreaux: The Street Committee recommended this.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Ferrell: Would there be a reason that we would not do the same with the telephone and cable company, if they have to move their facilities?

City Attorney Kit Williams: No, when one of those comes through I plan to do the same ordinance and ask you to waive that now and in the future.

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

Ordinance 5439 as Recorded in the office of the City Clerk

Amend Chapter 34: An ordinance amending section 34.25: Sales of Article II: Purchase and Sale of City Property; contracts of Chapter 34: Finance and Revenue of the Code of Fayetteville to provide authority and procedures for the sale of biosolids.

City Attorney Kit Williams read the ordinance.

David Jurgens, Utilities Director gave a brief explanation of the ordinance.

Alderman Petty: I think this is the best thing we can do with this material. I want to make sure, that when we are designing this program, we are aware of some of the criticisms that other communities have had with their biosolids programs.

David Jurgens: We are aware of the criticisms that are out there. We have been following the Environmental Protection Agency (EPA) guidance.

Alderman Lewis: It went through the Water and Sewer Committee and we recommend it and support it.

Alderman Boudreaux moved to suspend the rules and go to the second reading. Alderman Adams seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Gray were absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: This is an opportunity to generate funds but it also reduces the cost of transporting the biosolids hundred of miles to a landfill. This is very important technology.

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

Ordinance 5440 as Recorded in the office of the City Clerk

RZN 11-3866 (2013 E. Mission Blvd./Ruskin Heights): An ordinance rezoning that property described in rezoning petition RZN 11-3866, for approximately 28.93 acres located at 2013 East Mission Boulevard from R-PZD, Residential Planned Zoning District (R-PZD 06-2299 Ruskin Heights), to CS, Community Services; NC, Neighborhood Conservation; and RSF-4, Residential Single Family, 4 units/acre, subject to a Bill of Assurance.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief explanation of the ordinance. The Planning Commission recommended approval with a vote of 8-1. Jeremy went over the bill of assurance that runs with the property. Staff is recommending approval of three new zoning districts on this property.

Mayor Jordan: How do you amend a bill of assurance?

City Attorney Kit Williams: Actually it is not our document so the applicant would have to amend it. I would suggest that on Exhibit B to the bill of assurance that they remove number 3 under Neighborhood Conservation and add that to the RSF-4 section.

Justin Jorgensen with Jorgensen's Associates: Yes, that sounds good to us. Thank you Jeremy for catching that and we would be glad to do that.

City Attorney Kit Williams asked Justin Jorgensen to go ahead and make the change and submit it to Jeremy.

Alderman Petty: Neighborhood Conservation and RSF-4 are very similar zoning designations so I was wondering why, in your negotiations with the surrounding neighborhoods, you chose to put RSF-4 on those two corners rather than Neighborhood Conservation across that entire tract.

Justin Jorgensen: The reason for that is to have flexibility in the lot design.

Alderman Petty: I think you described why you chose Neighborhood Conservation but I was asking why you chose RSF-4.

Justin Jorgensen: In that area it is going to be hard to develop. There is a lot of surrounding property owners that wanted to see that as RSF-4.

Jeremy Pate: In the Ruskin Heights project this was the tree house area. This area has a lot of ravines and significant tree canopy. We felt the lower density would be a much better option in this particular portion of the property.

Alderman Petty: We received an email in regards to a traffic requirement that existed for Ruskin Heights to make a portion of that a boulevard to direct traffic out of this area onto Highway 45. They stated you guys responded and told them that would be a conversation for the large scale development approval, is that right?

Jeremy Pate: That is correct. Generally we look at street improvements or access to streets at the time of the development proposal. With Ruskin Height we were looking at both zoning and development because it was a planned zoning district. When or if a street connects to Greenview we would look at the same factors we looked at originally.

Joann Kvamme, a resident near the property thanked the applicant for meeting with the neighbors. I appreciate the bill of assurance. My concern is, with the economic times what they are, if it sells again and the next developer does not want to abide by these rules, they could come back and have this nulled.

Mayor Jordan: They could I think.

City Attorney Kit Williams explained the options that a new developer would have.

Mayor Jordan: There wouldn't be any guarantees that it would stay forever.

Joann Kvamme: One of the things that will keep Fayetteville strong is the stability of our neighborhoods. If neighborhoods are in constant question as to what is going to happen around them you are going to deteriorate our neighborhoods. We worked hard with the applicant to get

to what they have. I hope in the future if something like this comes forward you will think long and hard before making changes to that.

Alderman Lewis: The bill of assurance stays with the property even if this project doesn't work.

City Attorney Kit Williams: It is part of the zoning, which can be changed by a future City Council, whether it is the zoning or if the applicant comes back and requests a change to the bill of assurance.

Don Conner, resident of 1686 E. Shadowridge expressed similar concerns for the future regarding the bill of assurance. We spoke with the developers and I was really pleased. We need to consider the fate of the forest that is there. We want to make sure the geological problems are dealt with. This is a lot better than it was.

Alderman Petty: In the bill of assurance, where it refers cultural and recreational facilities, that use unit has been removed, I was wondering if that would prevent that area of the property from being preserved through park land dedication.

Jeremy Pate: It would not. That refers to the Community Services zoning which is only along the front portion of Mission.

Alderman Petty asked Jeremy to list some of the cultural and recreational facilities that are being removed.

Jeremy Pate gave examples of cultural and recreational facilities.

Alderman Petty: So it seems like the intention is to limit a high amount of traffic.

Jeremy Pate: It is and the slope of this project related to the scale of any type of use here it is going to be very difficult to have a large parking lot and a large use. Our intention was to limit the scale of buildings even along Mission to something that was more of neighborhood compatibility. This helps to resolve that concern.

Alderman Boudreaux: I am really pleased with this developer. They have really worked with the neighborhood.

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

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux: I think we should leave it on this reading until Adella Gray gets back and we get the bill of assurance corrected.

Alderman Lewis asked Justin Jorgensen what the vision is for stormwater management and green infrastructure.

Justin Jorgensen stated as far as moving forward we do not have a plan but we anticipate low impact development features. Things like that will be taken care of at the time of preliminary plat construction.

This ordinance was left on the Second Reading.

RZN 11-3901 (S. Beechwood Ave./Love Box): An ordinance rezoning that property described in rezoning petition RZN 11-3901, for approximately 16.24 acres, located at 811 and 833 South Beechwood Avenue from I-1, Heavy Commercial and Light Industrial and I-2, General Industrial, to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Petty: I am curious if there is an easement along the rail line right now or if there is a way to get one.

Jeremy Pate: I don't believe that there is. The railroad use to own these properties to provide rail access. The development team that we have spoken with is interested in trail connections.

Alderman Adams: I appreciate you stating that you do not believe it will create an increase in traffic danger and congestion. That was one of my concerns. You don't believe that it will be a problem with traffic?

Jeremy Pate: We send all of these applications to the Police Department, Fire Department, and the entire zoning development review team and they provide comments back to us. We feel that you have multiple points of access to this site. We would look at improvements along Beechwood and what improvements might need to occur with the development.

Alderman Ferrell: If half of this parcel was used under Community Services and some kind of industry did come along, would there be a possibility of that being rezoned back to Industrial? Would that be likely in that area?

Jeremy Pate: I think it would be reasonable for all the reasons that we changed the future land use plan. It still has close proximity to rail access, even if the rail is not on the site it is closer than many other sites are that we would like to have rail access to. There certainly would be that opportunity.

Alderman Ferrell: Proximity being one or the other.

Jeremy Pate: I-2 probably isn't compatible here anyway but I-1 for warehousing or something of that nature would fit right in with the rest of the uses along Beechwood.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: I really support the form based code and this Community Services. It's a large enough piece that I hope it will act as a turning point for that area in looking at implementing more of the form based code.

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate: It is very rare that staff is recommends against the future land use plan, but this is a site that can make an impact with the Community Services zone, and that certainly played into our recommendation.

Mayor Jordan: I was seeing a lot of our industrial areas dwindle away. I had some opinions on that as well. I will take whatever responsibility on this that I need to.

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

Ordinance 5441 as Recorded in the office of the City Clerk

ADM 11-3941 (Vantage Center PZD Amendment #2): An ordinance amending a Residential Planned Zoning District entitled R-PZD 05-1543, Vantage Center located at the end of Shepard Lane adjacent to Frontage Road, containing approximately 4.68 acres, to allow the addition of Use Unit #26, multi-family dwellings, as a permitted use throughout all of the space in the four existing mixed-use buildings on the subject property, as described herein.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5442 as Recorded in the office of the City Clerk

Announcements:

Meeting adjourned at 7:15 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Nominating Committee Report

Meeting: Wednesday, September 7, 2011

City Hall, Room 326, 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

- **Mary Herrington** - One unexpired term ending 06/30/14

Board of Adjustments and Appeals

- **No applications were received**

Construction Board of Adjustments and Appeals

- **David Holland** - One unexpired term ending 03/31/15
- **Anthony Clark** - One unexpired term ending 03/31/15

Environmental Action Committee

- **Meredith Lewis** - One unexpired citizen-at-large term ending 12/31/12

Fayetteville Arts Council

- **Cyd King** - One Arts and Cultural/Citizen-at-large term ending 6/30/14

Telecommunications Board

- **Mitchell Spearman** – One unexpired 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

- **Catherine Wallack** - One unexpired term ending 06/30/13

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

Tentative Agenda City of Fayetteville Arkansas City Council Meeting September 20, 2011

A meeting of the Fayetteville City Council will be held on September 20, 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. Nominating Committee Report

Agenda Additions:

A. Consent:

1. Approval of the September 6, 2011 City Council meeting minutes.
2. **Repeal Resolution No. 59-11; Bid #11-52:** A resolution repealing Resolution No. 59-11, awarding Bid #11-52 and authorizing a contract with George Nunnally Chevrolet, Inc. in the amount of \$16,960.00 for the purchase of one (1) 2012 Chevrolet Colorado pickup truck, and approving a budget adjustment.

3. **Repeal Resolution No. 60-11; Bid #11-51:** A resolution repealing Resolution No. 60-11, and awarding Bid #11-51 and authorizing a contract with George Nunnally Chevrolet, Inc. in the amount of \$19,950.00 for the purchase of one (1) 4x4 2012 Chevrolet Colorado pickup truck for use by the Meter Division.
4. **Repeal Resolution No. 61-11; Bid #11-51:** A resolution repealing Resolution No. 61-11, and awarding Bid #11-51 and authorizing a contract with George Nunnally Chevrolet, Inc. in the amount of \$19,950.00 for the purchase of one (1) 4x4 2012 Chevrolet Colorado pickup truck for use by the Transportation Division.
5. **Time Striping, Inc.:** A resolution approving a contract and change order no. 1 with Time Striping, Inc. for runway pavement rehabilitation and re-marking at Drake Field, and approving a budget adjustment recognizing FAA and Arkansas Department of Aeronautics grant revenue.
6. **2011-2012 Selective Traffic Enforcement Program (STEP) Grant:** A resolution to approve and accept the 2011-2012 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$104,200.00 in federal funding and \$13,500.00 in state funding and to approve the attached budget adjustment in the amount of \$117,700.00 to recognize this revenue.

B. Public Hearing:

1. A Public Hearing regarding Section § 51.137 Monthly Sewer Rates: Amending Section 51.137 Monthly Sewer Rates of the Code of Fayetteville Table F3, Extra Strength Surcharges, Specifically Changing the Industrial Biological Oxygen Demand (BOD) Surcharge.

C. Unfinished Business:

1. **Amend § 51.137 Monthly Sewer Rates:** An ordinance amending Section 51.137 Monthly Sewer Rates of the Code of Fayetteville by reducing certain extra strength surcharges to sewer rates, and providing for an effective date. *This ordinance was left on the First Reading at the September 6, 2011 City Council meeting.*

Left on the First Reading

2. **Revised Ward Boundaries:** A resolution to approve revised ward boundaries to equalize ward populations after the 2010 Federal Census. *This resolution was tabled at the September 6, 2011 City Council meeting to the September 20, 2011 City Council meeting.*

D. New Business:

- 1. AEP/SWEPCO & Ozarks Electric:** An ordinance waiving competitive bidding for this payment and all future payments to or contracts with AEP/SWEPCO and Ozarks Electric Cooperative for the relocation costs for electric utility poles and power lines necessitated by road reconstruction or widening projects within AEP/SWEPCO's or Ozark Electric's area of service, to approve this payment in the amount not to exceed \$142,953.21 and to approve a budget adjustment.
- 2. Amend Chapter 34:** An ordinance amending section 34.25: Sales of Article II: Purchase and Sale of City Property; contracts of Chapter 34: Finance and Revenue of the Code of Fayetteville to provide authority and procedures for the sale of biosolids.
- 3. RZN 11-3866 (2013 E. Mission Blvd./Ruskin Heights):** An ordinance rezoning that property described in rezoning petition RZN 11-3866, for approximately 28.93 acres located at 2013 East Mission Boulevard from R-PZD, Residential Planned Zoning District (R-PZD 06-2299 Ruskin Heights), to CS, Community Services; NC, Neighborhood Conservation; and RSF-4, Residential Single Family, 4 units/acre, subject to a Bill of Assurance.
- 4. RZN 11-3901 (S. Beechwood Ave./Love Box):** An ordinance rezoning that property described in rezoning petition RZN 11-3901, for approximately 16.24 acres, located at 811 and 833 South Beechwood Avenue from I-1, Heavy Commercial and Light Industrial and I-2, General Industrial, to CS, Community Services.
- 5. ADM 11-3941 (Vantage Center PZD Amendment #2):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 05-1543, Vantage Center located at the end of Shepard Lane adjacent to Frontage Road, containing approximately 4.68 acres, to allow the addition of Use Unit #26, multi-family dwellings, as a permitted use throughout all of the space in the four existing mixed-use buildings on the subject property, as described herein.

E. City Council Agenda Session Presentations:

- 1. Police Department Report on future space needs for the Police Department.**
- 2. Powerpoint and Presentations by citizens.**

City Council Tour: Wednesday, September 14, 2011 at 4:30 p.m. The Council will tour the "Teen Library, Decline Conveyor, and Sorting System"

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
 Repeal Resolution No. 59-11;
 Bid #11-52
 Page 1 of 6

City Council Agenda Items
 and
 Contracts, Leases or Agreements

9/20/2011

City Council Meeting Date
 Agenda Items Only

Dennis Pratt / Barbara Olsen
 Submitted By

Fleet Operations
 Division

Transportation
 Department

Action Required:

A resolution (repealing Resolution #59-11) awarding bid #11-52 to George Nunnally Chevrolet in the amount of \$16,960 for the purchase of one 2x4 Chevrolet Colorado pickup, and approving a Budget Amendment to move the balance of funds to the Fleet expense account.

\$ 16,960.00

Cost of this request

\$ 409,587.00

Category / Project Budget

Light/Medium Utility Vehicles

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 183,551.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02078.2011

Project Number

\$ 226,036.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒

Tracy G. Kelly
 Department Director

8-31-11
 Date

Previous Ordinance or Resolution # 59-11

John A. Kelly
 City Attorney

9-6-11
 Date

Original Contract Date:

Original Contract Number:

Paul A. Bahr
 Finance and Internal Services Director

9-6-2011
 Date

Received in City
 Clerk's Office

09-02-11P04:33 RCVD

King

Don W. Wain
 Chief of Staff

9-6-11
 Date

Received in
 Mayor's Office

ENTERED
 9/6/11
PAH

David L. Jordan
 Mayor

9/6/11
 Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation *TJH*

From: Dennis Pratt, Fleet Operations Supt.

Date: August 31, 2011

Subject: Purchase of one 2 x 4 Pickup for Transportation

PROPOSAL: That City Council rescind resolution #59-11 to purchase a Dodge Dakota pickup from Lander's Dodge, and approve the purchase of one 2012 Chevrolet Colorado from George Nunnally Chevrolet in the amount of \$16,960 and approve a Budget Amendment to move funds to the Fleet expense account.

RECOMMENDATION: At the April 19, 2011 Council meeting, the purchase off the State Contract of one Dodge Dakota 2 x 4 pickup truck for Traffic Division was approved on Resolution #59-11.

The order was placed, but before it could be filled, Dodge stopped building this series of trucks. These trucks are no longer available; Dodge will not restart this series of trucks until 2013. Fleet bid out a similar truck on Bid #11-52. Five bids were received, and the low bid of \$16,960 from George Nunnally Chevrolet meets all specs. A bid tab sheet is attached.

This truck will be a replacement for unit #2018, a 1999 Ranger 4x4 with over 129,000 miles on it. Transportation and Fleet worked together to eliminate the 4x4 option on the replacement.

I recommend the purchase of this vehicle from George Nunnally Chevrolet.

This purchase was approved by the Equipment Committee on August 30, 2011.

BUDGET IMPACT: The Budget Amendment moves the balance of funds needed for the purchase into Fleet's expense account.

RESOLUTION NO. _____

A RESOLUTION REPEALING RESOLUTION NO. 59-11, AWARDING BID # 11-52 AND AUTHORIZING A CONTRACT WITH GEORGE NUNNALLY CHEVROLET, INC. IN THE AMOUNT OF \$16,960.00 FOR THE PURCHASE OF ONE (1) 2012 CHEVROLET COLORADO PICKUP TRUCK, 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 repeals Resolution No. 59-11.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby awards bid # 11-52 and authorizes a contract with George Nunnally Chevrolet, Inc. in the amount of \$16,960.00 for the purchase of one (1) 2012 Chevrolet Colorado pickup truck.

Section 3: 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 20th day of September, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

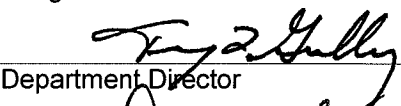
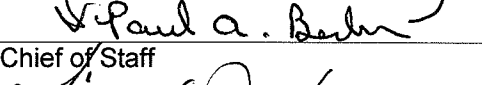
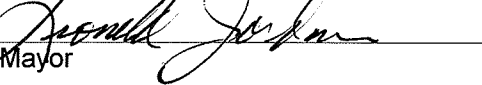
**City of Fayetteville, Arkansas
Budget Adjustment Form**

A. 2 V11.0425
Repeal Resolution No. 59-11;
Bid #11-52

Budget Year 2011	Division: Transportation Services Department: Transportation Services	Request Date 8/24/2011	Adjustment Number
--------------------------------	--	--------------------------------------	--------------------------

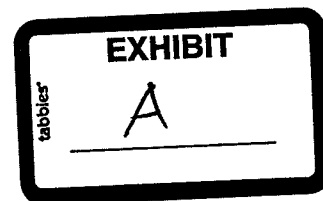
BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Res. 59-11 authorized a contract with Landers Dodge of Benton, Arkansas for the purchase of a Dodge Dakota Pickup Truck pursuant to a state procurement contract. It was later discovered that the truck ordered was no longer available. Bid 11-52 was completed for a similar type of vehicle and the low bid came from George Nunnally Chevrolet. An additional \$3,097.00 would be required to purchase the substitute vehicle, which has been requested in this budget amendment. The unit being replaced (#2018) was an expansion so the increase is being paid by Transportation. Budget adjustment #11-084 moved the funding before it was known that the Dodge would not be available.

Division Head 	Date 8/26/11	Prepared By: Ginny Gundlach <i>ggundlach</i>
Budget Director 	Date 8-25-11	Reference:
Department Director 	Date 8-29-11	Budget & Research Use Only
Finance Director 	Date 8-29-2011	Type: A B C <u>D</u> E P
Chief of Staff 	Date 8/30/11	General Ledger Date
Mayor		Posted to General Ledger Initial Date
		Checked / Verified Initial Date

TOTAL BUDGET ADJUSTMENT

		3,097	3,097	Project.Sub Number
		Increase / (Decrease)		
Account Name	Account Number	Expense	Revenue	
Transfer to Shop	4270.9270.7602.70	3,097		05042 . 3
Vehicles and equipment	4270.9270.5802.00	(3,097)		05042 . 3
Trans from Replacement	9700.0970.6602.27		3,097	02078 . 2011
Vehicles and equipment	9700.1920.5802.00	3,097		02078 . 2011
				.
				.





BID: 11-52
 DATE: 08/17/11
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE

Bid 11-52, Compact 2x4 Extended Cab Truck

1 - Transportation
 TRAFFIC

	BIDDER	Make & Model	UNIT PRICE	EST. QUANTITY	TOTAL BASE BID
1	Chevrolet of Fayetteville	2012 Chevy Colorado	\$ 17,599.00	1	\$ 17,599.00
2	Country Ford	2011 Ford Ranger	\$ 19,190.25	1	\$ 19,190.25
3	George Nunnally Chevrolet, Inc.	2012 Chevy Colorado	\$ 16,960.00	1	\$ 16,960.00
4	Joplin Freightliner Sales	2012 GMC Canyon	\$ 17,129.00	1	\$ 17,129.00
5	North Point Autogroup	2011 Ford Ranger	\$ 19,574.00	1	\$ 19,574.00

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

CERTIFIED:

P. Vice

P. VICE, PURCH MGR

[Signature]
 WITNESS

8/17/11
 DATE

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)
All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requestion No.: 11-5811

Vendor #: 21341

Vendor Name: GEORGE NUNNALLY CHEVROLET

Address: 1100

Fob Point: 1940

Mail Yes: No: X

City: Fayetteville

State: AR

Taxable Yes: No: X

Zip Code: 72701

Ship to code: 50

Quotes Attached Yes: No: X

Requester: BARBARA OLSEN

Requester's Employee #: 1940

Extension: 485

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
------	-------------	----------	---------------	-----------	---------------	-----------------	----------------------	-------------	---------------

1	2012 CHEVROLET COLORADO 2x4 PICKUP	1	EA	16,960.00	\$16,960.00	9700.1920.5802.00	02078.2011		702147
---	------------------------------------	---	----	-----------	-------------	-------------------	------------	--	--------

2	PER BID #11-52, TO BE FIXED ASSET #702147				\$0.00				
---	---	--	--	--	--------	--	--	--	--

3	UNIT #2147				\$0.00				
---	------------	--	--	--	--------	--	--	--	--

4					\$0.00				
---	--	--	--	--	--------	--	--	--	--

5					\$0.00				
---	--	--	--	--	--------	--	--	--	--

6					\$0.00				
---	--	--	--	--	--------	--	--	--	--

7					\$0.00				
---	--	--	--	--	--------	--	--	--	--

8					\$0.00				
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9					\$0.00				
---	--	--	--	--	--------	--	--	--	--

10					\$0.00				
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*	Shipping/Handling		Lot		\$0.00				
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Special Instructions:					Subtotal: \$16,960.00				
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Approvals:					Total: \$16,960.00				
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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
 Repeal Resolution No. 60-11;
 Bid #11-51
 Page 1 of 6

City Council Agenda Items
 and
 Contracts, Leases or Agreements

9/20/2011

City Council Meeting Date
 Agenda Items Only

Dennis Pratt / Barbara Olsen

Submitted By

Fleet Operations

Division

Transportation

Department

Action Required:

A resolution (repealing Resolution #60-11) awarding bid #11-51 to George Nunnally Chevrolet in the amount of \$19,950 for the purchase of one 4x4 Chevrolet Colorado pickup for use by Meter Division.

\$ 19,950.00

Cost of this request

\$ 409,587.00

Category / Project Budget

Light/Medium Utility Vehicles

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 200,511.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02078.2011

Project Number

\$ 209,076.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Tracy 2 Kelly
 Department Director

8-31-11
 Date

Previous Ordinance or Resolution # 60-11

Tracy 2 Kelly
 City Attorney

9-6-11
 Date

Original Contract Date:

Original Contract Number:

Paul A. Baker
 Finance and Internal Services Director

9-6-2011
 Date

Received in City
 Clerk's Office

09-02-11 P04:33 RCVD

Don Man
 Chief of Staff

9-6-11
 Date

Received in
 Mayor's Office

ENTERED
 9/6/11
 PH

Donald Jordan
 Mayor

9/6/11
 Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation *TG*

From: Dennis Pratt, Fleet Operations Supt.

Date: August 31, 2011

Subject: Purchase of one 4 x 4 Pickup for Meter

PROPOSAL: That City Council rescind resolution #60-11 to purchase a Dodge Dakota pickup from Lander's Dodge, and approve the purchase of one 2012 Chevrolet Colorado from George Nunnally Chevrolet in the amount of \$19,950.

RECOMMENDATION: At the April 19, 2011 Council meeting, the purchase off the State Contract of one Dodge Dakota 4 x 4 pickup truck for Meter Division was approved on Resolution #60-11.

The order was placed, but before it could be filled, Dodge stopped building this series of trucks. These trucks are no longer available; Dodge will not restart this series of trucks until 2013. Fleet bid out a similar truck on Bid #11-51. Five bids were received, and the low bid of \$19,950 from George Nunnally Chevrolet meets all specs. A bid tab sheet is attached.

This truck will be a replacement for unit #2040, a 2002 Ranger 4x4 with over 130,000 miles on it. The number of 4x4s for Meter has been reduced over the last few years. The last 4x4 was purchased in 2006. Meter has this unit due for replacement this year and two 4x4s due for replacement next year. In order to stagger the purchase of 4x4s for Meter, Fleet prefers to purchase one 4x4 this year and one 4x4 next year which will continue the reduction of the 4x4s for Meter.

I recommend the purchase of this vehicle from George Nunnally Chevrolet.

This purchase was approved by the Equipment Committee on August 30, 2011.

BUDGET IMPACT: Funds are available for the purchase of this trucks in Fleet's Light/Medium Utility Vehicles project.

RESOLUTION NO. _____

A RESOLUTION REPEALING RESOLUTION NO. 60-11, AND AWARDING BID # 11-51 AND AUTHORIZING A CONTRACT WITH GEORGE NUNNALLY CHEVROLET, INC. IN THE AMOUNT OF \$19,950.00 FOR THE PURCHASE OF ONE (1) 4x4 2012 CHEVROLET COLORADO PICKUP TRUCK FOR USE BY THE METER 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 repeals Resolution No. 60-11.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby awards bid # 11-51 and authorizes a contract with George Nunnally Chevrolet, Inc. in the amount of \$19,950.00 for the purchase of one (1) 4X4 2012 Chevrolet Colorado pickup truck for use by the Meter Division.

PASSED and APPROVED this 20th day of September, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 11-51
 DATE: 08/17/11
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE

Bid 11-51, Compact 4x4 Trucks

meter
Transportation

	BIDDER	Make & Model	UNIT PRICE	EST. QUANTITY	TOTAL BASE BID
1	Chevrolet of Fayetteville	2012 Chevy Colorado	\$ 20,499.00	2	\$ 40,998.00
2	Country Ford	2011 Ford Ranger	\$ 20,994.25	2	\$ 41,988.50
3	George Nunnally Chevrolet, Inc.	2012 Chevy Colorado	\$ 19,950.00	2	\$ 39,900.00
4	Joplin Freightliner Sales	2012 GMC Canyon	\$ 20,991.00	2	\$ 41,982.00
5	North Point Autogroup	2011 Ford Ranger	\$ 21,684.00	2	\$ 43,368.00

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

CERTIFIED:

P. Vice
 P. VICE, PURCH MGR

A. Foren
 WITNESS

8/17/11
 DATE

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)
All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Vendor Name:

GEORGE NUNNALLY CHEVROLET

State:

Zip Code:

Ship to code:

Requester's Employee #:

Extension:

Project/Subproject #

Inventory #

Fixed Asset #

Requester:

BARBARA OLSEN

Requester's Employee #:

1940

Extension:

485

Project/Subproject #

Inventory #

Fixed Asset #

702146

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2012 CHEVROLET COLORADO 4x4 PICKUP	1	EA	19,950.00	\$19,950.00	9700.1920.5802.00	02078.2011		702146
2	PER BID #11-51				\$0.00				
3	TO BE UNIT #2146, FIXED ASSET #702146				\$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				

Subtotal: \$19,950.00

Total: \$19,950.00

Special Instructions:

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. 4
 Repeal Resolution No. 61-11;
 Bid #11-51
 Page 1 of 6

City Council Agenda Items
 and
 Contracts, Leases or Agreements

9/20/2011

City Council Meeting Date
 Agenda Items Only

Dennis Pratt / Barbara Olsen

Submitted By

Fleet Operations

Division

Transportation

Department

Action Required:

A resolution (repealing Resolution #61-11) awarding bid #11-51 to George Nunnally Chevrolet in the amount of \$19,950 for the purchase of one 4x4 Chevrolet Colorado pickup for use by Transportation Division.

\$ 19,950.00

Cost of this request

\$ 409,587.00

Category / Project Budget

Light/Medium Utility Vehicles

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 220,461.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02078.2011

Project Number

\$ 189,126.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Tony G. Gully
 Department Director

8-31-11
 Date

Previous Ordinance or Resolution # 61-11

John A. Kelly
 City Attorney

9-6-11
 Date

Original Contract Date:

Original Contract Number:

Paul A. Beshen
 Finance and Internal Services Director

9-6-2011
 Date

Received in City
 Clerk's Office

09-02-11P04:33 RCVD

Kim G.

Don Ma
 Chief of Staff

9-6-11
 Date

Received in
 Mayor's Office

ENTERED
 9/6/11
 JH

Donald Jordan
 Mayor

9/6/11
 Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation *TGH*

From: Dennis Pratt, Fleet Operations Supt.

Date: August 31, 2011

Subject: Purchase of one 4 x 4 Pickup for Transportation

PROPOSAL: That City Council rescind resolution #61-11 to purchase a Dodge Dakota pickup from Lander's Dodge, and approve the purchase of one 2012 Chevrolet Colorado from George Nunnally Chevrolet in the amount of \$19,950.

RECOMMENDATION: At the April 19, 2011 Council meeting, the purchase off the State Contract of one Dodge Dakota 4 x 4 pickup truck for Transportation Division was approved on Resolution #61-11.

The order was placed, but before it could be filled, Dodge stopped building this series of trucks. These trucks are no longer available; Dodge will not restart this series of trucks until 2013. Fleet bid out a similar truck on Bid #11-51. Five bids were received, and the low bid of \$19,950 from George Nunnally Chevrolet meets all specs. A bid tab sheet is attached.

This truck will be a replacement for unit #2038, a 2002 Ranger 4x4 with over 103,000 miles on it. This truck is used by the supervisor in charge of snow removal so it needs to be a 4 wheel drive

I recommend the purchase of this vehicle from George Nunnally Chevrolet.

This purchase was approved by the Equipment Committee on August 30, 2011.

BUDGET IMPACT: Funds are available for the purchase of this trucks in Fleet's Light/Medium Utility Vehicles project. Operating funds are available for the new unit.

RESOLUTION NO. _____

A RESOLUTION REPEALING RESOLUTION NO. 61-11, AND AWARDING BID # 11-51 AND AUTHORIZING A CONTRACT WITH GEORGE NUNNALLY CHEVROLET, INC. IN THE AMOUNT OF \$19,950.00 FOR THE PURCHASE OF ONE (1) 4x4 2012 CHEVROLET COLORADO PICKUP TRUCK FOR USE BY THE TRANSPORTATION 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 repeals Resolution No. 61-11.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby awards bid # 11-51 and authorizes a contract with George Nunnally Chevrolet, Inc. in the amount of \$19,950.00 for the purchase of one (1) 4X4 2012 Chevrolet Colorado pickup truck for use by the Transportation Division.

PASSED and APPROVED this 20th day of September, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 11-51
 DATE: 08/17/11
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE

Bid 11-51, Compact 4x4 Trucks

1 - meter
1 - Transportation

	BIDDER	Make & Model	UNIT PRICE	EST. QUANTITY	TOTAL BASE BID
1	Chevrolet of Fayetteville	2012 Chevy Colorado	\$ 20,499.00	2	\$ 40,998.00
2	Country Ford	2011 Ford Ranger	\$ 20,994.25	2	\$ 41,988.50
3	George Nunnally Chevrolet, Inc.	2012 Chevy Colorado	\$ 19,950.00	2	\$ 39,900.00
4	Joplin Freightliner Sales	2012 GMC Canyon	\$ 20,991.00	2	\$ 41,982.00
5	North Point Autogroup	2011 Ford Ranger	\$ 21,684.00	2	\$ 43,368.00

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

CERTIFIED:

P. Vice
 P. VICE, PURCH MGR

A. Foren
 WITNESS

8/17/11
 DATE

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

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

Requisition No.:
Date: A. 4
8/31/2011 Repeal Resolution No. 61-11;
P.O Number:
Expected Delivery Date:
Page 5 of 6

Vendor #: 21341 Vendor Name: GEORGE NUNNALLY CHEVROLET
Mail Yes: No: X

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

City: State: Zip Code: 50 Ship to code: Division Head Approval: *[Signature]*

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

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2012 CHEVROLET COLORADO 4x4 PICKUP	1	EA	19,950.00	\$19,950.00	9700.1920.5802.00	02078.2011		702149
2	PER BID #11-51				\$0.00				
3	TO BE UNIT #2149, FIXED ASSET #702149				\$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: \$19,950.00

Total: \$19,950.00

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

City of Fayetteville Staff Review Form

A. 5
Time Striping, Inc.
Page 1 of 30

City Council Agenda Items
and
Contracts, Leases or Agreements

9/20/2011

City Council Meeting Date
Agenda Items Only

Ray M. Boudreaux

Submitted By

Aviation

Division

Transportation

Department

Action Required:

Action Required:

- a) Approve a Contract with Time Striping for Airport Pavement Rehab and Re-marking.
b) Approve Change Order #1 (Reduction).
c) Approve a Budget Adjustment recognizing Grant revenue from the FAA and Arkansas Dept of Aeronautics.

\$ 228,272.00

\$ 23,830.00

Pavement Rehab & Re-marking

Category / Project Budget

Program Category / Project Name

5550.3960.7820.40

Account Number

\$ 23,753.00

Funds Used to Date

Airport Capital Exp

Program / Project Category Name

11023 1

Project Number

\$ 77.00

Remaining Balance

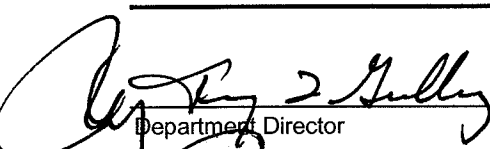
Airport

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Department Director

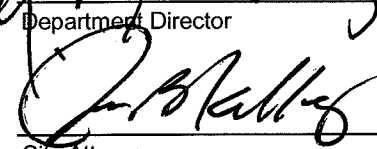
Date

Previous Ordinance or Resolution #

126-11

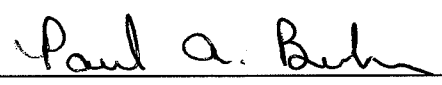
143-11

Original Contract Date:


City Attorney

Date

Original Contract Number:


Finance and Internal Services Director

Date

Received in City
Clerk's Office

09-02-11A11:03 RCVD


Chief of Staff

Date

Received in
Mayor's Office



Mayor

Date

Comments: The Change Order #1 reduces the Contract scope in order to keep the project cost within the available grant funding.



AVIATION DIVISION
FAYETTEVILLE EXECUTIVE AIRPORT • DRAKE FIELD

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor Jordan

THRU: Chief of Staff

THRU: Staff/Contract Review Committee

THRU: Terry Gulley, Transportation Director *TJG*

FROM: Ray M. Boudreaux, Aviation Director *RB*

DATE: September 1, 2011

SUBJECT: Approve Contract with Time Striping for the Runway Rejuvenation Project and a budget adjustment.

RECOMMENDATION: Approve Contract with Time striping Co, a project Change Order to reduce the scope to within available grant funding and a budget adjustment recognizing the revenue for the project.

BACKGROUND: The City Council has approved the project and grant funding has been received from the FAA/AIP program to do the work. The project cleans the runway surface of rubber that accumulates from aircraft using the runway, application of Rejuvaseal, and painting of the runway and taxiway markings. This item requests City Council approval of the contract and Change Order No 1 with Time Striping for the work. The budget adjustment recognizes the grant funds for the project. Change Order No. 1 is required due to the amount of funding received from the FAA to reduce the contract to within the available funding. The 5% match for this project will be paid by the Arkansas Aeronautics Commission.

BUDGET IMPACT: This project is funded by the FAA (95%) and Arkansas Aeroanutics Commission (5%).

Attachments: Staff Review
Budget Adjustment
Contract
Change Order No. 1

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT AND CHANGE ORDER NO. 1 WITH TIME STRIPING, INC. FOR RUNWAY PAVEMENT REHABILITATION AND RE-MARKING AT DRAKE FIELD, AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING FAA AND ARKANSAS DEPARTMENT OF AERONAUTICS GRANT REVENUE

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a contract and change order no. 1 with Time Striping, Inc. for runway pavement rehabilitation and re-marking at Drake Field.

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", recognizing FAA and Arkansas Department of Aeronautics grant revenue.

PASSED and APPROVED this 20th day of September, 2011.

APPROVED:

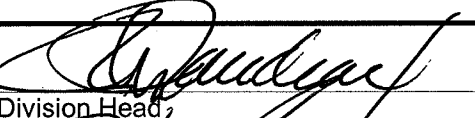
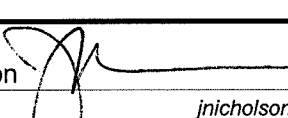
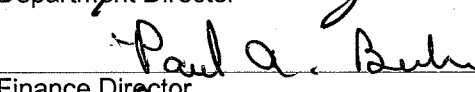
ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

V11.0415
A. 5
Time Stripping, Inc.
Page 4 of 30

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

- | | | | |
|---|-----------------|--|---|
|  | <u>9/2/11</u> | Prepared By: <u>James Nicholson</u> |  |
| Division Head | Date | Reference: _____ | <i>jnicholson</i> |
|  | <u>9-3-2011</u> | Budget & Research Use Only | |
| Budget Director | Date | Type: A B C <u>D</u> E P | |
|  | <u>9/2/11</u> | General Ledger Date _____ | |
| Department Director | Date | Posted to General Ledger _____ | |
|  | <u>9-5-2011</u> | Initial _____ | Date _____ |
| Finance Director | Date | Checked / Verified _____ | |
|  | <u>9-6-11</u> | Initial _____ | Date _____ |
| Chief of Staff | Date | | |
|  | <u>9/6/11</u> | | |
| Mayor | Date | | |

[illegible]

A

RESOLUTION NO. 143-11

A RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF A
FEDERAL AVIATION ADMINISTRATION 95% PROJECT COST GRANT
AND AN ARKANSAS DEPARTMENT OF AERONAUTICS 5% MATCHING
GRANT, FOR THE DRAKE FIELD RUNWAY REJUVENATION PROJECT

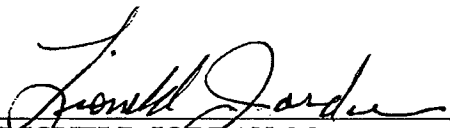
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE, ARKANSAS:**

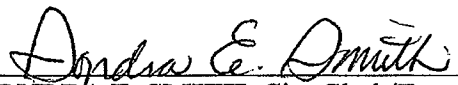
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes
application and acceptance of a Federal Aviation Administration 95% project cost grant and an
Arkansas Department of Aeronautics 5% matching grant for the Drake Field Runway
Rejuvenation Project.

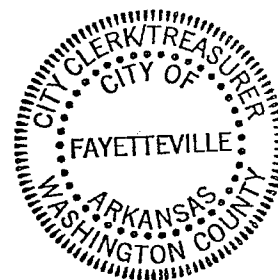
PASSED and APPROVED this 16th day of August, 2011.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



TO: Airport Division
Fayetteville Executive Airport
4500 S. School Ave., Suite F
Fayetteville, AR 72701

DATE: August 31, 2011
ATTENTION: Ray Boudreaux
RE: Airfield Pavement Rehabilitation

Project Number: FY112141

RECEIVED
SEP 01 2011
AIRPORT

WE ARE SENDING YOU:

- ☐ SHOP DRAWINGS ☐ PLANS ☐ CD/DVD ☐ UNDER SEPARATE COVER VIA: _____
☐ COPY OF LETTER ☐ PRINTS ☒ CHANGE ORDER ☐ ATTACHED: _____
☐ PRODUCT SUBMITTALS ☐ SAMPLES ☒ Contract ☐ SPECIFICATIONS

COPIES	DATE	NO.	DESCRIPTION
3			Time Striping Contract
3			Time Striping Change Order No. 1

PLEASE CHECK AND ADVISE IF ENCLOSURES ARE NOT AS LISTED.

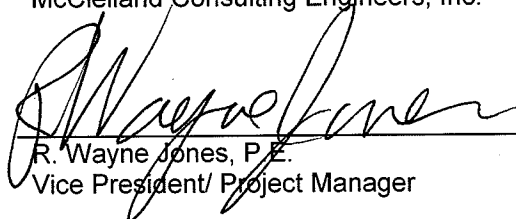
THESE ARE TRANSMITTED (AS CHECKED BELOW)

- ☒ FOR APPROVAL ☒ AS REQUESTED ☐ REVIEWED FOR GENERAL COMPLIANCE ☐ RESUBMIT _____ COPIES FOR APPROVAL
☒ FOR YOUR USE ☐ FOR REVIEW AND COMMENT ☐ REVIEWED FOR NOTED COMMENTS ☐ SUBMIT _____ COPIES FOR DISTRIBUTION
☐ FOR YOUR INFORMATION ☐ _____ ☐ RETURNED FOR CORRECTIONS ☐ RETURN _____ CORRECTED PRINTS

REMARKS:

COPY TO: File

BY: McClelland Consulting Engineers, Inc.


R. Wayne Jones, P.E.
Vice President/ Project Manager

CHANGE ORDER

Order No. 1
Date: August 10, 2011
Agreement Date: September 20, 2011

NAME OF PROJECT: Airfield Pavement Rehabilitation & Striping (AIP Proj. No. 3-05-0020-39-2011)

OWNER: City of Fayetteville (Airport Department)

CONTRACTOR: Time Striping, Inc.

The following changes are hereby made to the CONTRACT DOCUMENTS:

1. Decrease the quantity for Bid Item No. 8: from 67,300 SY to 24660 SY and change the Lump Sum price to a unit price at \$0.95/SY.
Deduct cost of \$ 40,043.00 to the contract.
2. Decrease the quantity for Bid Item No. 9: from 26,400 SF to 8200 SF and change the Lump Sum price to a unit price at \$0.90/SF.
Deduct cost of \$ 17,620.00 to the contract.

Justification:

1. The Owner need to reduce the project cost to be within the funding from the FAA and the State Aeronautics Dept..

CONTRACT PRICE prior to this Change Orders: \$ 285,935.00

Decrease in Contract Price: (\$ 57,663.00)

Revised CONTRACT PRICE Including this Change Order: \$ 228,272.00

Final Completion Time Prior to This Change Order: 60 Calendar Days

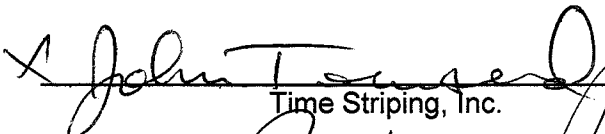
Net Time Change Resulting From This Change Order: 0 Calendar Days

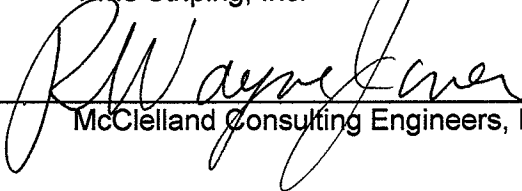
Change to CONTRACT TIME:

The CONTRACT TIME will be (increased) ~~(decreased)~~ by 0 calendar days.

Approvals Required:

To be effective this Order must be approved by the Owner if it changes the scope or objective or the PROJECT, or as may otherwise be required by the GENERAL CONDITIONS.

Requested by:  8-10-11
Time Striping, Inc. Date

Recommended by:  8-10-11
McClelland Consulting Engineers, Inc. Date

Approved by: _____
City of Fayetteville Date

CHANGE ORDER

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Date: August 10, 2011
Agreement Date: September 20, 2011

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Approvals Required:

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Requested by: X John Townsend 8-10-11
Time Striping, Inc. Date

Recommended by: R Wayne Jones 8-10-11
McClelland Consulting Engineers, Inc. Date

Approved by: _____
City of Fayetteville Date

RECEIVED

SEP 01 2011

Time Striping, Inc.
Page 9 of 30

CHANGE ORDER

AIRPORT

Order No. 1
Date: August 10, 2011
Agreement Date: September 20, 2011

NAME OF PROJECT: Airfield Pavement Rehabilitation & Striping (AIP Proj. No. 3-05-0020-39-2011)OWNER: City of Fayetteville (Airport Department)CONTRACTOR: Time Striping, Inc.

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Approvals Required:

To be effective this Order must be approved by the Owner if it changes the scope or objective or the PROJECT, or as may otherwise be required by the GENERAL CONDITIONS.

Requested by: X John Tansend 8-10-11
Time Striping, Inc. Date

Recommended by: R Wayne Laver 8-10-11
McClelland Consulting Engineers, Inc. Date

Approved by: _____
City of Fayetteville Date

SEP 01 2011

AIRPORT

CONTRACT

THIS AGREEMENT, made and entered into on the ____ day of September 2011, by and between **Time Striping, Inc.**, herein called the Contractor, and the **City of Fayetteville**:

WITNESSETH:

That **Time Striping, Inc.**, for the consideration hereinafter fully set out, hereby agrees with the **City of Fayetteville** as follows:

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

Airfield Pavement Rehabilitation and Restriping, Fayetteville Executive Airport, AIP Project 3-05-0020-039-2011

Advertisement for Bids
Instructions to Bidders
Bid and acceptance thereof
Performance Bond

Payment Bond
General Conditions
Supplemental Conditions
Specifications
Drawings – 3 Sheets

2. That the **City of Fayetteville** hereby agrees to pay to **Time Striping, Inc.** for the faithful performance of this Agreement, subject to additions and deductions as provided in the Specifications or Bid, in lawful money of the United States, the amount of the bid **\$285,935.00 less Change Order #1 for (\$57,663.00) for a Contract Amount of Two Hundred Twenty-Eight Thousand, Two Hundred Seventy-Two Dollars (\$228,272.00).**
3. The Work will be completed and ready for final payment in accordance with the General Conditions within **60** days after the date when the Contract Time commences to run, as provided in the Notice to Proceed.
4. Liquidated Damages: **City of Fayetteville and Time Striping, Inc.**, recognize that time is of the essence of this Agreement and the **City of Fayetteville** will suffer financial loss if the Work is not completed within the times specified above, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by **City of Fayetteville** if the Work is not completed on time. Accordingly, instead of requiring any such proof, **City of Fayetteville and Time Striping, Inc.**, agree that as liquidated damages for delay (but not as a penalty) **Time Striping, Inc.**, shall pay **City of Fayetteville Four Hundred Dollars (\$400.00)** for each day that expires after the time specified in Paragraph 3 for completion and readiness for final payment.

5. That within **30 days** of receipt of an approved payment request, **the City of Fayetteville** shall make partial payments to **Time Striping, Inc.**, on the basis of a duly certified and approved estimate of work performed during the preceding calendar month by **Time Striping, Inc.**, LESS the retainage provided in the General Conditions, which is to be withheld by the **City of Fayetteville** until all work within a particular part has been performed strictly in accordance with this Agreement and until such work has been accepted by the **City of Fayetteville**.
6. That upon submission by **Time Striping, Inc.**, of evidence satisfactory to the **City of Fayetteville** that all payrolls, material bills, and other costs incurred by **Time Striping, Inc.**, in connection with the construction of the work have been paid in full, final payment on account of this Agreement shall be made within **60 days** after the completion by **Time Striping, Inc.**, of all work covered by this Agreement and the acceptance of such work by the **City of Fayetteville**.
7. It is further mutually agreed between the parties hereto that if, at any time after the execution of this Agreement and the Surety Bond hereto attached for its faithful performance and payment, the **City of Fayetteville** shall deem the Surety or Sureties upon such bond to be unsatisfactory or if, for any reason such bond ceases to be adequate to cover the performance of the work, **Time Striping, Inc.** shall, at its expense, within **5 days** after the receipt of notice from the **City of Fayetteville**, furnish an additional bond or bonds in such form and amount and with such Surety or Sureties as shall be satisfactory to the **City of Fayetteville**. In such event, no further payment to **Time Striping, Inc.**, shall be deemed to be due under this Agreement until such new or additional security for the faithful performance of the work shall be furnished in manner and form satisfactory to the **City of Fayetteville**.
8. Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.
9. **Freedom of Information Act.** City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Arkansas Freedom of Information Act request is presented to the City of Fayetteville, **Time Striping, Inc.** will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. Seq.). Only legally authorized photocopying cost pursuant to the FOIA may be assessed for this compliance.

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

SEAL:

Time Striping, Inc.

WITNESSES:

Kevin Tucker

By X John T. Touse
vice president
Title

ATTEST:

CITY OF FAYETTEVILLE

City Clerk

By _____
Lioneld Jordan, Mayor

PROPOSAL

TO
DRAKE FIELD
FAYETTEVILLE EXECUTIVE AIRPORT
FAYETTEVILLE, ARKANSAS

BID No. 11-46

Project No. FY112141
Dated: July, 2011

NOTE TO BIDDER: Please use BLACK ink for completing this Bid form.

To: City of Fayetteville

Address: 113 W. Mountain
Fayetteville, Arkansas 72701

Project Title: Airfield Pavement Rehabilitation & Restriping

Engineer's
Project No.: FY112141

Date:

7/12/11

Arkansas Contractor's

License No.: 0017280412

Bidder:

Time Striping Inc.

Address:

P.O. Box 1236 Van Buren AR 72957

Bidder's person to contact for additional information on this Proposal:

Name:

Clayton McGill

Telephone:

479-474-0452

1. BIDDER'S DECLARATION AND UNDERSTANDING

The undersigned, hereinafter called the Bidder, declares that the only persons or parties interested in this Proposal are those named herein, that this Proposal is, in all respects, fair and without fraud, that it is made without collusion with any official of the Owner, and that the Proposal is made without any connection or collusion with any person submitting another Proposal on this Contract.

The Bidder further declares that he has carefully examined the Contract Documents for the construction of the project, that he has personally inspected the site, that he has satisfied himself as to the quantities involved, including materials and equipment, and conditions of work involved, including the fact that the description of the quantities of work and materials, as included herein, is

C&P Required

#9.24 prevailing wage
CONSTRUCTION SPECIFICATIONS
FOR

Airfield Pavement

Rehabilitation and Restriping

TO

FAYETTEVILLE
MUNICIPAL AIRPORT
Drake Field

FAYETTEVILLE, ARKANSAS

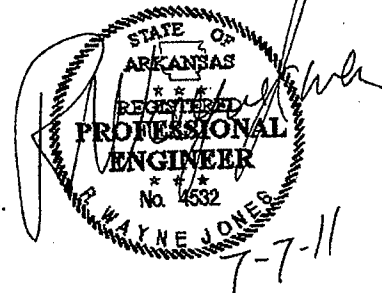
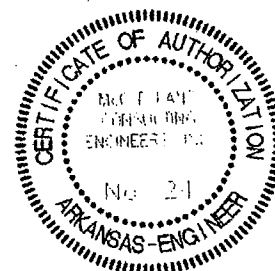
BID NO. 11-46

FY112141

JULY, 2011

MCE McCLELLAND
CONSULTING
ENGINEERS, INC.
DESIGNED TO SERVE

McClelland Consulting Engineers, Inc.
1810 North College, P.O. Box 1229
Fayetteville, Arkansas 72702-1229
(479) 443-2377, Fax (479) 443-9241



ADDENDUM NO. 1
Drake Field
Airfield Pavement Rehabilitation and Restriping
City of Fayetteville
Fayetteville, Arkansas

Project No. FY112141

July 20, 2011

The Project Manual and the Drawings dated July 2011 for the project are amended as noted in this Addendum. Receipt of this Addendum shall be acknowledged on the Bid Form. This Addendum consists of 1 pages.

The Project Manual is amended as follows:

- Item No. 1 Revise Table 1 of Section P-620 to the following for the correct square feet per gallon for each coat of paint.

TABLE 1. APPLICATION RATES FOR PAINT, GLASS BEADS

Paint Type	Paint Square feet per gallon, ft ² /gal	Glass Beads, Type III Pounds per gallon of paint--lb./gal.
Waterborne	340 ft ² /gal. maximum	
Waterborne	230 ft ² /gal. maximum	10 lb./gal. minimum

- Item No. 2 The Special Provisions are hereby modified to change any reference to night time work to only daytime work.
- Item No. 3 The cost of bid Item No 1 for Mobilization and Demobilization shall be not more than 5 percent of the Total Bid Amount.

McCLELLAND CONSULTING ENGINEERS, INC.

R Wayne Jones

R. Wayne Jones, P.E.
Vice President

FY112141 Airfield Pavement Rehab

Addendum No. 1

brief and is intended only to indicate the general nature of the work and to identify the said quantities with the detailed requirements of the Contract Documents, and that this Proposal is made according to the provisions and under the terms of the Contract Documents, which Documents are hereby made a part of this Proposal.

The Bidder states that he has experience in and is qualified to perform the work herein specified and, if he does not have craftsmen experienced and qualified in any phase of the work for which this Proposal is offered, that he will subcontract the work under said phase to a contractor who does have the necessary experience and qualifications.

The Bidder further agrees that he has exercised his own judgment and has utilized all data which he believes pertinent from the Engineer, Owner, and other sources in arriving at his own conclusions.

2. CONTRACT EXECUTION AND BONDS

The Bidder agrees that if this Proposal is accepted, he will, within 15 days after notice of award, sign the Contract in the form annexed hereto, and will at that time, deliver to the Owner the Performance Bond and Payment Bond required herein, and will, to the extent of his Proposal, furnish all machinery, tools, apparatus, and other means of construction and do the work and furnish all the materials necessary to complete all work as specified or indicated in the Contract Documents.

3. CERTIFICATES OF INSURANCE, PAYMENT BOND, AND PERFORMANCE BOND

The Bidder further agrees to furnish the Owner, before executing the Contract, the certificates of insurance, Payment Bond, and Performance Bond as specified in these Documents.

4. BID BOND

Enclosed herewith is a bid bond for See Bond dollars (\$) which we agree the Owner may cash and retain as liquidated damages in the event of our failure to enter into contract for the work covered by this Proposal, provided the Contract is awarded to us within ninety (90) days from the date fixed for the opening of bids and we fail to execute the required bonds as called for in the Specifications within fifteen (15) days after the execution of the Contract.

5. START OF CONSTRUCTION AND CONTRACT COMPLETION TIME

The Bidder further agrees to begin work within 10 calendar days after the time stated in the Notice to Proceed issued by the Owner to the Contractor and shall complete the construction in all respects within 150 calendar days and shall comply with the schedule identified in SPECIAL PROVISIONS.

6. LIQUIDATED DAMAGES

In the event the Bidder is awarded the Contract and shall fail to complete the work within the time limit or extended time limit agreed upon, as more particularly set forth in the Contract Documents, liquidated damages shall be paid to the Owner for all work awarded under the Contract until the work shall have been satisfactorily completed as provided by the Contract Documents, plus any monies paid by the Owner to the Engineer for additional engineering and observation services associated with such delays. Liquidated damages shall be based upon actual cost to be borne by the Owner as a result of the work not being completed within the time stipulated in the Contract and agreed to by the Contractor. Such costs include but are not limited to loss of revenues and additional Fees payable to the Engineer.

7. ADDENDA

The Bidder hereby acknowledges that he has received Addenda Nos. 1 on 7/20/11 to these Specifications. (Bidder insert No. of each Addendum received.)

8. UNIT PRICE BASE BID

The Bidder agrees to accept as full payment for the work proposed herein the amount computed under the provisions of the Contract Documents and based on the following unit price amounts, it being expressly understood that the unit prices are independent of the exact quantities involved. The Bidder agrees that the Unit Prices represent a true measure of the labor and materials required to perform the work, including all allowances for overhead and profit for each type and unit of work called for in the Contract Documents. The amounts shall be shown in both words and figures. In case of discrepancy, the amount shown in words shall govern.

9. SALES AND USE TAXES

The Bidder agrees that all federal, state, and local sales and use taxes are included in the stated bid prices for the work.

PROPOSAL SCHEDULE AIRFIELD PAVEMENT REHABILITATION & RESTRIPIING

		<u>BID ITEMS</u>	<u>UNIT PRICE</u>	<u>EXTENDED</u>
<u>ITEM NO.</u>	<u>APPROX. QUANTITY</u>	<u>ITEM:</u>		
1.	1 LS	Mobilization & Demobilization <u>Five Thousand + 00/100</u> / Dollars/LS (Words)	\$ <u>5,000⁰⁰</u>	\$ <u>5,000⁰⁰</u>
2.	1 LS	Runway Rubber Removal (Approx. 50' by 6005' 33,400 SY) <u>Twenty Thousand + 00/100</u> / Dollars/LS (Words)	\$ <u>20,000⁰⁰</u>	\$ <u>20,000⁰⁰</u>
3.	1 LS	Pavement Marking Removal (Approx. 5,000 SF) <u>Ten Thousand + 00/100</u> / Dollars/LS (Words)	\$ <u>10,000⁰⁰</u>	\$ <u>10,000⁰⁰</u>
4.	1 LS	Runway Rejuvenation Sealer (Approx. 67,000 SY) <u>Sixty Three Thousand four hundred</u> <u>seventy + 00/100</u> Dollars/LS (Words)	\$ <u>63,470⁰⁰</u>	\$ <u>63,470⁰⁰</u>

ITEM NO.	APPROX. QUANTITY	ITEM:	UNIT PRICE:	EXTENDED
6	1 LS	Runway Friction Testing <i>Six Thousand one hundred + 00/100</i> Dollars/LS (Words)	<i>\$ 6,100⁰⁰</i>	<i>\$ 6,100⁰⁰</i>
7.	1 LS	Runway Marking Restriping (Approx. White 76,700 SF) <i>Seventy Five Thousand Eight Hundred + 00/100</i> Dollars/LS (Words)	<i>\$ 79,895⁰⁰</i> (Cv)	<i>\$ 79,895⁰⁰</i>
8.	1 LS	Taxiway Rejuvenation Sealer (Approx. 67,300 SY) <i>Sixty Three Thousand four hundred Seventy + 00/100</i> Dollars/LS (Words)	<i>\$ 63,470⁰⁰</i>	<i>\$ 63,470⁰⁰</i>
9.	1 LS	Taxiway Marking Restriping (Approx. Yellow 16,000 SF, Black 12,400 SF) <i>Twenty Five Thousand + 00/100</i> Dollars/LS (Words)	<i>\$ 25,000⁰⁰</i>	<i>\$ 25,000⁰⁰</i>
10.	1 LS	Taxiway ILS Markings (Approx. Red/White 3,600 SF) <i>Eight Thousand + 00/100</i> Dollars/LS (Words)	<i>\$ 8,000⁰⁰</i>	<i>\$ 8,000⁰⁰</i>
11.	1 LS	Chevron Marking Restriping (Approx. Yellow 300 SF, Black 110 SF) <i>Five Thousand + 00/100</i> Dollars/LS (Words)	<i>\$ 5,000⁰⁰</i>	<i>\$ 5,000⁰⁰</i>

TOTAL SCHEDULE I BID (ITEMS 1 THROUGH 11)

\$ 280,935⁰⁰
(Cv)

The Bidder shall attach to this Proposal a copy of his General Liabilities Insurance Coverages in accordance with the requirements stated on page 10 of the Special Provisions.

11. FAA REQUIREMENTS

By submitting a proposal under this solicitation, except for those items listed by the officer or below or on a separate and clearly identified attachment to this proposal, the bidder certifies that steel and each manufactured product, is produced in the United States (as defined in the clause Buy American Steel and Manufactured Products or Buy American - Steel and Manufactured Products for

Construction Contracts) and that components of unknown origin are considered to have been produced or manufactured outside the United States.

Bidders may obtain the lists of articles, materials, and supplies excepted from this provision in Appendix of these Documents.

- (a) The Aviation Safety and Capacity Expansion Act of 1990 provides that preference be given to steel and manufactured products produced in the United States when funds are expended pursuant to a grant issued under the Airport Improvement Program. The following terms apply:

1. Steel and manufactured products. As used in this clause, steel and manufactured products include (1) steel produced in the United States or (2) a manufactured products produced in the United States, if the cost of its components mined, produced or manufactured in the United States exceeds 60 percent of the cost of all its components and final assembly has taken place in the United States. Components of foreign origin of the same class or kind as the products referred to in subparagraphs (b) (1) or (2) shall be treated as domestic.
2. Components. As used in this clause, components means those articles, materials, and supplies incorporated directly into steel and manufactured products.
3. Cost of Components. This means the costs for production of the components, exclusive of final assembly labor costs.

- (b) The successful bidder will be required to assure that only domestic steel and manufactured products will be used by the Contractor, subcontractor, materialmen, and suppliers in the performance of this contract, except those-

- (1) that the U.S. Department of Transportation has determined, under the Aviation Safety and Capacity Expansion Act of 1990, are not produced in the United States in sufficient and reasonable available quantities and of a satisfactory quality.
- (2) that the U.S. Department of Transportation has determined, under the Aviation Safety and Capacity Expansion Act of 1990, that domestic preference would be inconsistent with the public interest; or
- (3) that inclusion of domestic material will increase the cost of the overall project contract by more than 25 percent.

The bidder shall complete the following statement by checking the appropriate space.

The bidder has ☒ has not ☐ participated in a previous contract subject to the equal opportunity clause prescribed by Executive Order 10925, or Executive Order 11114, or Executive Order 11246.

The bidder has ☒ has not ☐ submitted all compliance reports in connection with any such contract due under the applicable filing requirements; and that representations indicating submission of required compliance reports signed by proposed subcontractors will be obtained prior to award of subcontractors.

If the bidder has participated in a previous contract subject to the equal opportunity clause and has not submitted compliance reports due under applicable filing requirements, the Bidder shall submit a
FY112141 Airfield Rehab/Restriping

Section 00300-5

This certification is a material representation of fact upon which reliance was placed when making the award. If it is later determined that the contractor or subcontractor knowingly rendered an erroneous certification, the Federal Aviation Administration may direct, through the sponsor, cancellation of the contract or subcontract for default at no cost to the Government.

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of a contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

12. EXPERIENCE OF BIDDER

The Bidder states that he is an experienced Airport Contractor and has completed similar projects within the last 5 years. (List similar projects, with types, names of clients, construction costs, and references with telephone numbers. Use additional sheets if necessary.)

Please see Attached Form

13. SURETY

If the Bidder is awarded a construction Contract on this Bid, the Surety who provides the Performance and Payment Bond will be

Brown, Hiller, Clark P.O. Box 3529 whose address is
Ft Smith AR 72913 Street
City State Zip Code

14. INSURANCE

The Bidder acknowledges that he is familiar with the insurance requirements on this Project and, if awarded a construction contract, agrees to furnish the required insurance certificates within fifteen (15) days of the date the award is made.

15. BIDDER

The name of the Bidder submitting this Bid is Time Striping Inc.
doing business at

5439 Arkhola Van Buren AR 72956
Street City State Zip Code

which is the address to which all communications concerned with this Bid and with the Contract shall be sent.

The names of the principal officers of the corporation submitting this Bid, or of the partnership, or of all persons interested in this Bid as principals are as follows:

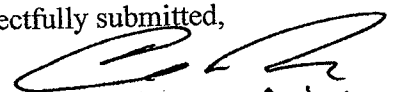
Clayton McGill - Vice President
Neal Moon - Partner
Harold Townsend - Partner

16. BASIS OF AWARD

The Contract hereunder will be awarded to the Bidder with the lowest Total Base Bid. In case identical bids are received, the Owner will interview representatives of the competing firms which submitted the bids and select the Bidder deemed best suitable to meet the needs of the Owner.

Dated at Fayetteville, Arkansas, this 18th day of July, 2011.

Respectfully submitted,


Name Clayton McGill

(SEAL, IF CORPORATION)

Business Address P.O. Box 1236, Van Buren AR 72957
by Vice President
Title

The Bidder shall complete the following information for that portion of the work proposed to be completed by subcontractors on the following page.

SUB- CONTRACTOR	ADDRESS	TYPE OF WORK	DBE AMOUNT	(YES) NO	ARKANSAS LICENSE NO.
<u>918-682-9393</u>					
<u>ADVANCE</u>	<u>2801 E. 31ST ST.</u>	<u>Traffic</u>	<u>\$14,296.75</u>	<u>Yes</u>	<u>0186940412</u>
<u>WORK ZONE</u>	<u>Muskogee, OK</u>	<u>control</u>			



P. O. Box 1236 • Van Buren, Arkansas 72957
Phone (479) 474-0452 • Fax (479) 474-0498
www.timestriping.com

Sir, The following is a list of jobs completed in the last four years similar in scope.

Monticello Municipal Airport, 2006, \$147,297.32
Boone County Airport, Harrison AR 2005 \$186,567.75
Warren AR Airport, 2006, \$41,151.70
Woodruff County Airport, 2008, \$95,934.75
Grove Municipal Airport, Grove OK, 2008, \$106,000.00
Hampton Municipal Airport, Hampton AR, 2008 \$ 82,159.00
Mt Ida Airport, Mt Ida AR, 2008, \$75,240.00
Corning Municipal Airport, Corning AR, 2009, \$ 100,181.41
North Little Rock Airport, NLR, AR, 2009, \$ 101,183.70
Clarksville Municipal Airport, Clarksville, AR, 2009, \$ 87,100.25
Marion County Regional Airport, Flippin, AR, 2009, \$84,388.10
Izard County Airport, Calico Rock, AR, 2009, \$ 47,600.15
Horseshoe Bend Airport, Horseshoe Bend, AR, 2009, \$ 74,491.00
Heber Springs Airport, Heber Springs, AR, 2010, \$ 82,652.63
Malvern Municipal Airport, Malvern ,AR, 2009 \$ 61,750.50
Pocahontas Municipal Airport, Pocahontas, AR, 2010 \$ 102,039.47
Melbourne Municipal Airport, Melbourne, AR, 2010 \$ 169,178.25
Stuttgart Municipal Airport, Stuttgart, AR, 2010 \$ 249,220.00
Springdale Municipal Airport, Springdale, AR, 2010 \$ 58,509.64
Springdale Water Utilities, Springdale, AR, 2010 \$ 33,200.00
Siloam Springs Airport, Siloam Springs, AR, 2010 \$ 288,012.63

CITY OF FAYETTEVILLE

BIDDERS LIST FORM

All bidders/proposers are required to provide the following information and for all DBE and non-DBE subcontractors, who provided a proposal, bid, or quote on this project and must be submitted with their bid/proposal in order to be considered as a 'responsible' bidder/proposer.

The purpose of collecting this information is to comply with requirements at federal regulation 49CFR part 26.11(c) to maintain and update a Bidders List to assist in the overall annual goal DBE goal setting process.

Firm Name: ADVANCE WORK ZONE Phone: 918-682-9393
Address: 2801 EAST 31ST STREET Fax: 918-682-9394
MUSKOGEE, OK Email: birds@aw-inc.com
Contact Person: BRADY ALMA PICKLE

Is the firm currently certified as a DBE with the Arkansas Unified DBE Program? ☒ YES ☐ NO

Type of work/services/materials provided by firm: .

ALL TRAFFIC CONTROL BARRICADES, CLOSURE X'S
+ DELIVERY, SET UP & TAKE DOWN

What were your firm's Gross Annual receipts for last year?

☐ Less than \$1 Million ☒ Less than \$5 Million ☐ Less than \$10 Million
☐ Less than \$15 Million ☐ More than \$15 Million

This form can be duplicated if necessary to report all bidders (DBEs and non-DBEs) information.

CERTIFICATION OF BIDDER REGARDING
EQUAL EMPLOYMENT OPPORTUNITY

GENERAL

BIDDERS
NAME Time Striping Inc.
ADDRESS P.O. Box 1236, Van Buren AR 72957

INTERNAL REVENUE SERVICE EMPLOYER IDENTIFICATION
NUMBER 71-0669392

NONSEGREGATED FACILITIES

NOTICE TO PROSPECTIVE FEDERALLY ASSISTED CONSTRUCTION CONTRACTORS:

- (1) A Certification of Nonsegregated Facilities must be submitted prior to the award of a federally assisted construction contract exceeding \$10,000 which is not exempt from the provision of the equal opportunity clause.
- (2) Contractors receiving federally assisted construction contract awards exceeding \$10,000 which are not exempt from the provisions of the equal opportunity clause will be required to provide for the forwarding of the following notice to prospective subcontractors for supplies and construction contracts where the subcontracts exceed \$10,000 and are not exempt from the provisions of the equal opportunity clause.

NOTE: The penalty for making statements in offers is prescribed in 18 U.S.C. 1001.

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATION
ON NONSEGREGATED FACILITIES:

- (1) A Certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the equal opportunity clause.
- (2) Contractors receiving subcontract awards exceeding \$10,000 which are not exempt from the provisions of the equal opportunity clause will be required to provide for the forwarding of this notice to prospective subcontractors for supplies and construction contracts where the subcontracts exceed \$10,000 and are not exempt from the provisions of the equal opportunity clause.

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

CERTIFICATION OF NONSEGREGATED FACILITIES:

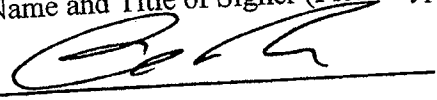
The federally assisted construction contractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor agrees that a breach of this certification is a violation of the equal opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, sex or national origin, because of habit, local custom, or any other reason. The federally assisted construction contractor agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the equal opportunity clause, and that he will retain such certifications in his files.

NOTICE TO PROSPECTIVE CONTRACTORS OF REQUIREMENT FOR CERTIFICATION OF NONSEGREGATED FACILITIES:

A Certification of Nonsegregated Facilities must be submitted prior to the award of a contract or subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity Clause.

Certification - The information above is true and complete to the best of my knowledge and belief.

Clayton McGill, Vice President
Name and Title of Signer (Please type)


Signature

7/12/11
Date

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

SECTION 00350

BID BOND

STATE OF ARKANSAS

KNOW ALL MEN BY THESE PRESENTS, that we:

Time Striping, Inc., P. O. Box 1236, Van Buren, AR 72956

Principal and Contractor, and SureTec Insurance Company, 952 Echo Lane, Suite 450, Houston, TX
77024

hereinafter called Surety, are held and firmly bound unto the City of Fayetteville, hereinafter called Owner, in the sum of

FIVE PERCENT OF THE TOTAL AMOUNT BID DOLLARS (\$ (5%))

lawful money of the United States of America, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, by these presents.

WHEREAS, the Principal contemplates submitting or has submitted a bid to the Owner for the furnishing of all labor, materials (except those to be specifically furnished by the Owner), equipment, machinery, tools, apparatus, means of transportation for, and the performance of the work covered in the Bid and the detailed Drawings and Specifications, entitled:

Airfield Pavement Rehabilitation and Restriping, Fayetteville

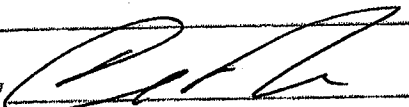
WHEREAS, it was a condition precedent to the submission of said bid that a cashier's check, certified check, or bid bond in the amount of 5 percent of the base bid be submitted with said bid as a guarantee that the Bidder would, if awarded the Contract, enter into a written Contract with the Owner for the performance of said Contract within 15 consecutive calendar days after written notice having been given of the award of the Contract.

NOW, THEREFORE, the conditions of this obligation are such that if the Principal within 15 consecutive calendar days after written notice of such acceptance enters into a written Contract with the Owner and furnishes a Contract Surety Bond in an amount equal to 100 percent of the base bid, satisfactory to the Owner, then this obligation shall be void; otherwise the sum herein stated shall be due and payable to the Owner and the Surety herein agrees to pay said sum immediately upon demand of the Owner in good and lawful money of the United States of America, as liquidated damages for failure thereof of said Principal.

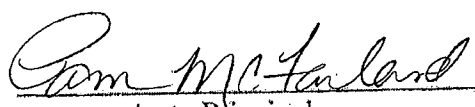
IN WITNESS WHEREOF, the said _____, as Principal herein, has
caused these presents to be signed in its name by its _____ and
attested by its _____ under its corporate seal, and the said
SureTec Insurance Company as Surety herein, has caused
these presents to be signed in its name by its Attorney-in-Fact, Scott R. Clark
_____ under its corporate seal, this 21st day of July A.D., 2011.

Signed, sealed and delivered
in the presence of:

Time Striping, Inc.
Principal-Contractor

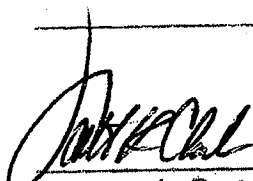
By 

Vice President
Title


As to Principal

Surety

SureTec Insurance Company


Attorney-in-Fact (Power-of-Attorney
to be Attached) Scott R. Clark


As to Surety

By 
Resident Agent

POA #: 410013

SureTec Insurance Company LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Elizabeth Solomon, Janice A. Butler, Marty C. Clark, Scott R. Clark, Shannon C. Schmidly

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Three Million and 00/100 Dollars (\$3,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 12/31/2013 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 3rd day of September, A.D. 2010.

SURETEC INSURANCE COMPANY

By:

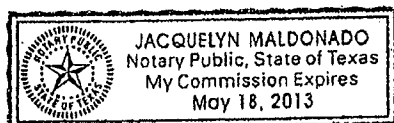
John Knox Jr., President



State of Texas
County of Harris

SS:

On this 3rd day of September, A.D. 2010 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.



Jacquelyn Maldonado
Jacquelyn Maldonado, Notary Public
My commission expires May 18, 2013

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 21st day of July, 2011, A.D.

M. Brent Beaty
M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:00 am and 5:00 pm CST.

AIRFIELD PAVEMENT REHABILITATION and RESTRIPIING
Fayetteville Executive Airport
City of Fayetteville
July 21, 2011
MCE Project No. FY112141
Bid No. 11-46

Item #	Description	Qty.	Unit	Time Striping, Inc.	
				Unit Price	Extended
1	Mobilization & Demobilization	1	LS	\$5,000.00	\$5,000.00
2	Runway Rubber Removal (Approx. 50' by 6005' 33,400 SY)	1	LS	\$20,000.00	\$20,000.00
3	Pavement Marking Removal (Approx. 5,000 SF)	1	LS	\$10,000.00	\$10,000.00
4	Runway Rejuvenation Sealer (Approx. 67,000 SF)	1	LS	\$63,470.00	\$63,470.00
6	Runway Friction Testing	1	LS	\$6,100.00	\$6,100.00
7	Runway Marking Restriping (Approx. White 76,700 SF)	1	LS	\$79,895.00	\$79,895.00
8	Taxiway Rejuvenation Sealer (Approx. 67,300 SY)	1	LS	\$63,470.00	\$63,470.00
9	Taxiway Marking Restriping (Approx. Yellow 16,000 SF, Black 12,400 SF)	1	LS	\$25,000.00	\$25,000.00
10	Taxiway ILS Marking (Approx. Red/White 3,600 SF)	1	LS	\$8,000.00	\$8,000.00
11	Chevron Marking Restriping (Approx. Yellow 300 SF, Black 110 SF)	1	LS	\$5,000.00	\$5,000.00
	TOTAL/BID				\$285,935.00

Certified:

~~R. Wayne Jones, P.E. #4532~~

City of Fayetteville Staff Review Form

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

A. 6
2011-2012 Selective Traffic
Enforcement Program (STEP) Grant
Page 1 of 28

9/20/2011

City Council Meeting Date
Agenda Items Only

Greg Tabor
Submitted By

Patrol
Division

Police
Department

Action Required:

Approval of the 2011-2012 Selective Traffic Enforcement Program (STEP) grant award and budget adjustment in the amount of \$117,700.00 and the local in-kind matching requirement of \$90,700.

\$ 90,700.00
Cost of this request
1010-2920-5120.00
1010-2920-5210.00
Account Number

08067-1112
Project Number

\$ -
Category / Project Budget

\$ -
Funds Used to Date

\$ -
Remaining Balance

Police STEP Grant 2011-2012
Program Category / Project Name

Grant
Program / Project Category Name

General
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☒

[Signature]
Department Director

9-7-11
Date

Previous Ordinance or Resolution #

[Signature]
City Attorney

9-7-11
Date

Original Contract Date:

Original Contract Number:

[Signature]
Finance and Internal Services Director

9/7/11
Date

Received in City
Clerk's Office

09-07-11 A11:50 RCVD

[Signature]
Chief of Staff

9-7-11
Date

Received in
Mayor's Office

ENTERED
9/7/11 Bep

[Signature]
Mayor

9/7/11
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council Members

From: Greg Tabor, Chief of Police 

Date: September 7, 2011

Subject: Approval of 2011-2012 Selective Traffic Enforcement Program (STEP) Grant Award and Budget Adjustment

PROPOSAL:

The Fayetteville Police Department has participated in the Selective Traffic Enforcement Program (STEP) every year since its inception in 1998. For fourteen (14) years, we have partnered through grant funding with the Arkansas Highway Safety Office in an effort to reduce the total number of motor vehicle crashes, injuries and fatalities. Our primary strategy for reaching our mutual goals is through dedicated and diligent enforcement of occupant protection and DWI/DUI laws. This is accomplished by dedicating patrol officer(s) to monitor STEP activity for a given period of time in a known problem area. In addition to increased law enforcement, this grant funding allows us to participate in directed DWI Checkpoints, Click It or Ticket protection mobilizations, purchase additional equipment, provide child safety seat checkpoints, and a loaner child safety seat for those in need.

The 2011-2012 STEP Grant Award includes \$60,000 for seatbelt enforcement, \$4,400 for speed enforcement, \$35,000 for DWI enforcement, \$13,500 for child safety seats, and \$4,800 for equipment totaling \$104,200 in federal funding and \$13,500 in state funding. Local matching funds are required on the federal funding portion and the state funding is considered a local match. This results in our local match requirement to be \$90,700. Our local match expenses are defined as on-duty regular shift hours dedicated to STEP activity. STEP activity is a function of our patrol officer's daily responsibilities and does not adversely affect our normal workload. This grant will reimburse the City for overtime hours dedicated to STEP activity. The grant period for this award runs from October 1, 2011 to September 30, 2012. STEP is a very important program and funding source for the Fayetteville Police Department. Through dedicated STEP activity during our shift hours, our Department can meet the local matching funds required of this grant award. Furthermore, the loss of this grant funding would have an adverse affect on community safety.

RECOMMENDATION:

Due to the many positive results, Staff recommends approval of the 2011-2012 Selective Traffic Enforcement Program Grant Award and budget adjustment in the amount of \$117,700. If you should have any comments or question regarding this grant award, please contact me at extension 500.

BUDGET IMPACT:

In-kind expenses in the amount of \$90,700 are budgeted. Our patrol officers would be performing these duties regardless of STEP Grant matching requirements.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AND ACCEPT THE 2011-2012 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT IN THE AMOUNT OF \$104,200.00 IN FEDERAL FUNDING AND \$13,500.00 IN STATE FUNDING AND TO APPROVE THE ATTACHED BUDGET ADJUSTMENT IN THE AMOUNT OF \$117,700.00 TO RECOGNIZE THIS REVENUE

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves and accepts the 2011-2012 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$104,200.00 in federal funding and \$13, 500.00 in state funding and approves the attached budget adjustment in the amount of \$117,700.00 to recognize this revenue.

PASSED and APPROVED this 20th day of September, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

A. 6 V11.0425
~~2011-2012 Selective Traffic~~
 Enforcement Program (STEP) Grant
 Adjustment Number
 Page 5 of 28

Budget Year 2011	Division: Police Department: Police	Request Date 9/20/2011	Adjustment Number Enforcement Program (STEP) Grant Page 5 of 28
----------------------------	--	----------------------------------	--

Establish budget for 2011-2012 Selective Traffic Enforcement Program grant award.

Division Head	Date	Prepared By: <u>William Weaver</u> Reference: _____
Budget Director	Date	Budget & Research Use Only
Department Director	Date	Type: A B C D E P
Finance Director	Date	General Ledger Date _____ Posted to General Ledger _____
Chief of Staff	Date	Initial _____ Date _____
Mayor	Date	Checked / Verified _____ Initial _____ Date _____

[illegible]



Mike Beebe
Governor

State of Arkansas

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"

A. 6
2011-2012 Selective Traffic
Enforcement Project (STEP) Grant
Page 6 of 28



JR Howard
Director

ARKANSAS STATE POLICE COMMISSION

John Allison
Chairman
Conway

Steve G. Smith
Vice-Chairman
Little Rock

Jane Christenson
Secretary
Harrison

Daniel "Woody" Futrell
Nashville

Wallace Fowler
Jonesboro

Frank Guinn, Jr.
Paragould

Dr. Lewis Shepherd
Arkadelphia

September 1, 2011

Captain William K. Brown
Project Coordinator
Fayetteville Police Dept.
100-A W. Rock St.
Fayetteville, AR 72701-6191

RE: OP-2012-03-02-09
SE-2012-13-01-09
K2-2012-14-02-09
K8-2012-08-06-09
Selective Traffic Enforcement Project (STEP)

Dear Captain Brown:

The above referenced FY 2012 Subgrant Agreement is enclosed for your review and signature. The Subgrant Agreement/Contract Terms and Common Rule for this program are made a part of this agreement and should be kept in your agency's file with your copy of the signed agreement. The agreement may not include all items presented in your proposal. Only those activities included in the agreement are eligible for reimbursement.

Please return the signed agreement (keep the enclosed Subgrant Agreement/Contract Terms and Common Rule) to our office no later than September 16, 2011. We will send you a copy of the fully executed agreement.

We look forward to working with your agency during the upcoming year.

Sincerely,

Bridget White
Administrator
Highway Safety Office

Enclosure
C: Agreement/Contract File



Mike Beebe
Governor

State of Arkansas

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"



JR Howard
Director

FY 2012 HIGHWAY SAFETY SUBGRANT AGREEMENT OCCUPANT PROTECTION PROGRAM ALCOHOL & OTHER DRUGS COUNTERMEASURES PROGRAM SPEED ENFORCEMENT PROGRAM

RECIPIENT

Fayetteville Police Department
100-A West Rock Street
Fayetteville, Arkansas 72701

Telephone: (479)-587-3500
Fax: (479)-587-3522

GOVERNMENTAL UNIT

City of Fayetteville
100-A West Rock Street
Fayetteville, Arkansas 72701

PROJECT NO. OP-2012-03-02-09
K2-2012-14-02-09
SE-2012-13-01-09
K8-2012-08-06-09

TYPE OF APPLICATION

Initial: _____
Revision: _____
Continuation: X

TAX ID NO. 71-6018462

PROJECT TITLE

Selective Traffic Enforcement Project

INITIAL PROJECT STARTING DATE

October 1, 1998

OPERATIONAL AREA OF PROJECT

City of Fayetteville

<u>COST CATEGORY</u>	<u>AMOUNT</u>		
	<u>FEDERAL</u>	<u>STATE</u>	<u>LOCAL</u>
Personal Services	\$99,400		\$62,600
Equipment	4,800		
Maintenance & Operation			28,100
Other Direct Costs		\$13,500	
Indirect Costs			
Administrative Costs			
Total	<u>\$104,200</u>	<u>\$13,500</u>	<u>\$90,700</u>

<u>PROJECT PERIOD</u>	<u>FUNDING PERIOD</u>
From: <u>10-1-2011</u>	From: <u>10-1-2011</u>
To: <u>9-30-2012</u>	To: <u>9-30-2012</u>

FUNDING

<u>SOURCE</u>	<u>AMOUNT</u>
Federal	\$104,200
State	13,500
Local	90,700
Total	<u>\$208,400</u>

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

A. 6
2011-2012 Selective Traffic
Enforcement Program (STEP) Grant
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2. Index Page - - - - -	2
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4. Scope of Work - - - - -	4
5. Certifications and Assurances - - - - -	5 - 13
6. Work Statement - - - - -	14 - 18
7. Subgrantee Invoice Forms - - - - -	19 - 21
8. Signature Sheet - - - - -	22
9. Sub-grant Agreement/Contract Terms - - - - -	Appendix i
10. DOT Common Rule (49 CFR, Part 18) - - - - -	Appendix ii

AGREEMENT PREPARED BY: Nick Collins
TITLE: Program Manager
ADDRESS: Arkansas State Police
Arkansas Highway Safety Office
1 State Police Plaza Drive
Little Rock, AR 72209
PHONE: (501) 618 - 8137
FAX: (501) 618 - 8124

ARKANSAS STATE POLICE HIGHWAY SAFETY SUBGRANT AGREEMENT

PROBLEM AND GOALS

BACKGROUND

The State of Arkansas is taking increased steps to address safety on the State's roadways as part of an effort to implement innovative strategies to reduce traffic fatalities throughout the State. The Arkansas Highway Safety Office (AHSO) considers safety issues by focusing on behavioral aspects at the driver level. The goal is to reduce highway fatalities by better identifying driver behaviors that cause fatal crashes, implementing programs to address those behaviors and targeting locations where fatal crashes occur.

Based on a five-year average (2005 – 2009), 631 people lose their lives each year on Arkansas roadways. In 2009, there were 585 total traffic fatalities compared to 600 the previous year. Over the past five years, alcohol-related fatalities (fatalities involving a driver or motorcycle operator with a BAC of .08 or greater) averaged 180 per year. In 2009, there were 168 such alcohol-related fatalities. This is a decrease of 2 from the previous year.

An additional area of concern is occupant protection where in 2009 there were 247 unrestrained passenger vehicle occupant fatalities. In 2009, Arkansas' safety belt use rate was 74.4%, while the National use rate stood at 84%. However, Arkansas' safety belt use rate increased to 78.3% in 2010.

Also of concern are speed-related fatalities where in 2009, 105 people died as a result of speed-related crashes.

Strict enforcement of the State's traffic laws, through Selective Traffic Enforcement Projects (STEP), has been proven effective in reducing traffic crashes and fatalities. The State will continue to use this strategy to address its traffic safety problems.

PROBLEM STATEMENT

The city of Fayetteville is a community of 72,208 residents having a geographical size of 43.40 square miles. The city posted 34 traffic fatalities from 2005 through 2009 and of those 16 were alcohol-related and 5 were speed-related. A seat belt use rate of 87% was recorded in 2010.

In 1998 the Fayetteville Police Department began a proactive approach to collision reduction which included implementation of the STEP through a grant with the AHSO. The Department wishes to continue to operate aggressive and sustained selective traffic enforcement, as well as, participate in the State's Impaired Driving, Seat Belt, and Speed mobilizations/campaigns.

GOALS

The overall goal of this project is to reduce the number of traffic-related crashes and fatalities by conducting a selective traffic enforcement project in Fayetteville. The goal for each component of this project is as follows:

Alcohol Component (Section 410) – Reduce the annual number of alcohol-related crashes from 157 and the number of alcohol-related fatalities from 16 as recorded in 2009.

Seat Belt Component (Section 402 and 405) – Increase seat belt use from 87% as recorded in 2010.

Speed Component (Section 402) - Reduce the annual number of speed-related crashes from 118 and speed-related fatalities from 5 as recorded in 2009.

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SCOPE OF WORK

SUMMARY OF PROJECT OBJECTIVES: This project's primary objectives are to achieve an average of three vehicle stops per hour per officer during seat belt enforcement (with an emphasis on enforcement of occupant restraint laws), three vehicle stops per hour per officer during speed enforcement, and one DWI/DUI arrest per eight (8) hours per officer during alcohol enforcement. A public information and education program will support these objectives.

METHOD OF EVALUATION BY ASP/HSO

ADMINISTRATIVE: X
IMPACT EVALUATION: X By achievement of performance standards.

REIMBURSEMENT - ACTUAL COST ONLY

 ASP/HSO will reimburse the recipient an amount equal to % of all eligible cost.

 X ASP/HSO will reimburse the recipient an amount equal to all eligible costs as identified in work statement.

REIMBURSEMENT LIMITS

1. Maximum amount eligible for reimbursement:
Federal Funds: \$104,200
State Funds: \$ 13,500
2. Only those orders placed and costs incurred during the following time period shall be eligible for reimbursement:
(Date) 10-1-2011 to (Date) 9-30-2012
3. The recipient must bear all costs not eligible for Federal reimbursement.

Federal and State regulations shall be the basis for determining eligibility of costs, as detailed in the General Provisions and Subgrant Agreement/Contract Terms.

This agreement may be amended only by written notice in advance and in accordance with ASP/HSO policy. (See Subgrant Agreement/Contract Terms)

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CERTIFICATIONS AND ASSURANCES

Failure to comply with applicable Federal statutes, regulations and directives may subject sub-grantee officials to civil or criminal penalties and/or place the sub-grantee in a high risk grantee status in accordance with 49 CFR 18.12.

Each fiscal year the sub-grantee by signing this agreement acknowledges that all provisions of these Certifications and Assurances apply and the sub-grantee complies with all applicable Federal statutes, regulations, and directives in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but not limited to, the following:

- 23 U.S.C. Chapter 4 - Highway Safety Act of 1966, as amended
- 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR Chapter II - (§§1200, 1205, 1206, 1250, 1251, & 1252) Regulations governing highway safety programs
- NHTSA Order 462-6C - Matching Rates for State and Community Highway Safety Programs
- Highway Safety Grant Funding Policy for Field-Administered Grants

Certifications and Assurances

Section 402 Requirements

The Governor is responsible for the administration of the State highway safety program through a State highway safety agency which has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program (23 USC 402(b) (1) (A));

The political subdivisions of this State are authorized, as part of the State highway safety program, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation (23 USC 402(b) (1) (B));

At least 40 per cent of all Federal funds apportioned to this State under 23 USC 402 for this fiscal year will be expended by or for the benefit of the political subdivision of the State in carrying out local highway safety programs (23 USC 402(b) (1) (C)), unless this requirement is waived in writing;

This highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks (23 USC 402(b) (1) (D));

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The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State as identified by the State highway safety planning process and the sub-grantee will support these activities, including:

- National law enforcement mobilizations,
- Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits,
- An annual statewide safety belt use survey in accordance with criteria established by the Secretary for the measurement of State safety belt use rates to ensure that the measurements are accurate and representative,
- Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources.

The sub-grantee is encouraged to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 USC 402 (b)(1)(E)).

Other Federal Requirements

Cash drawdowns will be initiated only when actually needed for disbursement. 49 CFR 18.20

Cash disbursements and balances will be reported in a timely manner as required by NHTSA. 49 CFR 18.21

The same standards of timing and amount, including the reporting of cash disbursement and balances, will be imposed upon any secondary recipient organizations. 49 CFR 18.41

Failure to adhere to these provisions may result in the termination of drawdown privileges.

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs);

Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or agency, shall cause such equipment to be used and kept in operation for highway safety purposes 23 CFR 1200.21. The sub-grantee will comply with this provision.

The sub-grantee will comply with all applicable State procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20;

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Federal Funding Accountability and Transparency Act

The State will report for each **sub-grant** awarded:

- Name of the entity receiving the award;
- Amount of the award;
- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
- A unique identifier (DUNS);
- The names and total compensation of the five most highly compensated officers of the entity if-- of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity;

(i) the entity in the preceding fiscal year received—

(I) 80 percent or more of its annual gross revenues in Federal awards; and (II) \$25,000,000 or more in annual gross revenues from Federal awards; and (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;

- Other relevant information specified by the Office of Management and Budget in subsequent guidance or regulation.

The sub-grantee will provide any required information to comply with these provisions.

The sub-grantee will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) and the Americans with Disabilities Act of 1990 (42 USC § 12101, *et seq.*; PL 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse of alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 *et seq.*), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made;

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The Civil Rights Restoration Act of 1987, which provides that any portion of a state or local entity receiving federal funds will obligate all programs or activities of that entity to comply with these civil rights laws; and, (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

BUY AMERICA ACT

The sub-grantee will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)) which contains the following requirements:

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of a satisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

POLITICAL ACTIVITY (HATCH ACT)

The sub-grantee will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The recipient certifies, to the best of his or her knowledge and belief, that:

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

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

RESTRICTION ON STATE LOBBYING

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

Instructions for Primary Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

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5. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

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Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *proposal*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

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5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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POLICY TO BAN TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to:

- (1) Adopt and enforce workplace safety policies to decrease crashes caused by distracted driving including policies to ban text messaging while driving—
 - a. Company-owned or –rented vehicles, or Government-owned, leased or rented vehicles; or
 - b. Privately-owned when on official Government business or when performing any work on or behalf of the Government.
- (2) Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as –
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

ENVIRONMENTAL IMPACT

The authorizing official for this project has reviewed this agreement and hereby declares that no significant environmental impact will result from implementing this project. If, under a future revision, this project will be modified in such a manner that it would be instituted and could affect environmental quality to the extent that a review and statement would be necessary, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).

AUDIT REQUIREMENTS

The recipient will arrange for an organization-wide financial and compliance audit, if required by OMB Circular A-133, within the prescribed audit reporting cycle. The audit report must separately identify highway safety funds from other Federal funds. One (1) copy of the report will be furnished to the Arkansas State Police Highway Safety Office within three months of the report date. Failure to furnish an acceptable audit as determined by the cognizant Federal audit agency may be a basis for denial and/or refunding of Federal funds. A copy of A-133 is available on request. The recipient has been made aware of audit requirements.

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WORK STATEMENT

A. The recipient, Fayetteville Police Department in exchange for consideration offered by the Arkansas State Police Highway Safety Office, hereafter referred to as the Arkansas Highway Safety Office (AHSO), and in the interest of improving highway safety, hereby agrees to pursue the achievement of the following objectives:

1. Appoint a Project Coordinator to be a liaison between the recipient and the Arkansas Highway Safety Office (AHSO) and to be responsible for coordinating selective enforcement activities and financial transactions associated with this subgrant agreement. Herein, give signature authorization for the Project Coordinator to request reimbursement and agreement change orders when applicable. Compensation for the Project Coordinator will be from local funds,
2. Ensure that the Project Coordinator, or designee, has successfully completed the Arkansas Highway Safety Office Project Management Course if offered. This course will provide information and updates on State, Federal and Highway Safety Office policies and procedures. Travel, meals and lodging will be reimbursed for eligible participants. Participants will be notified of the specific dates and location of this course.
3. Ensure that agency maintains an enforced seat belt policy and provides the AHSO a copy of any revisions to the policy.
4. Conduct selective enforcement of the State's seat belt, driving while intoxicated (DWI)/driving under the influence (DUI), speed limit, child passenger protection and motorcycle helmet laws. Officers are to ensure compliance with the State's seat belt and child restraint laws during all vehicle stops. Enforcement should target locations where fatal/serious injury crashes are occurring.
5. **Seat belt enforcement (from 6:00 a.m. until 9:00 p.m.) will emphasize enforcement of seat belt and child restraint laws (majority of vehicle stops and citations written should be for seat belt and/or child restraint violations). Speed enforcement (from 6:00 a.m. until 9:00 p.m.) will emphasize enforcement of speed limit laws and may only be worked during one speed mobilization referenced in Work Statement 7 on the next page. DWI/DUI enforcement will start no earlier than 9:00 p.m. and end no later than 6:00 a.m. the following morning, any day of the week providing the performance standard (listed below) is met. The AHSO retains the right to limit or modify the enforcement hours and days at its discretion and as necessary to meet performance compliance requirements. Officers working on the project are expected to enforce all the laws cited in this agreement during seat belt, speed and DWI/DUI enforcement. Participating officers are expected to average two vehicle stops per hour when not actively processing a DWI arrest during DWI enforcement.**
6. **Performance standards for the project and individual participating officers are as follows:**

Seat Belt or Speed Enforcement
Average three vehicle stops per
hour per officer

DWI/DUI Enforcement
Average one DWI/DUI arrest
per eight hours per officer

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WORK STATEMENT

Persons arrested for violation of Arkansas Code Annotated 5-65-103 and 5-56-205 shall be determined to be DWI arrests. Youthful offenders arrested for violation of Arkansas Code Annotated 5-65-303 shall be determined to be DUI arrests.

7. Participate in two (2) Seat Belt, four (4) DWI/DUI, one (1) combined DWI/DUI/Seat Belt and one (1) Speed State/National enforcement mobilizations during the project period. Must participate in the public information and education (PI&E) activities (press conferences/news releases) in conjunction with the mobilization activities. An informal seat belt survey conducted by the agency will also precede and follow each seat belt mobilization for evaluation purposes. The mobilizations dates are as follows:
- State Seat Belt Mobilization – November 21 – 27, 2011
 - National Winter DWI Mobilization – December 16, 2011 – January 2, 2012
 - State DWI Mobilization – March 9 – 18, 2012
 - State DWI Mobilization – April 13 – 22, 2012
 - National Memorial Day Seat Belt Mobilization – May 21 – June 3, 2012
 - State DWI Mobilization – June 29 – July 7, 2012
 - State Speed Mobilization – July 8 – 14, 2012
 - National Labor Day DWI/State Seat Belt Mobilization – August 17 – September 3, 2012*

Note: Dates are subject to change.

*Conduct checkpoints and/or saturation patrols on at least four nights during the National DWI mobilization.

Participation in all State and National Mobilizations is a required activity of this grant agreement. Project activity should be managed to ensure that sufficient funds are available to participate in these mobilizations. 405 OP funds are designated to be used exclusively for seat belt mobilizations (including pre and post seat belt surveys). However, once 405 OP funds are exhausted, 402 OP funds may also be used for seat belt mobilizations. 402 SE funds are designated exclusively for the speed mobilization. Other funds may not be used to supplement these funds (402SE) for the speed mobilization. Submit a mobilization report within 15 days after a mobilization period in accordance with the format provided by the AHSO. Agency is urged to participate in sobriety checkpoints and/or saturation patrols during all DWI/DUI mobilizations.

8. Conduct other PI&E activities to support the objectives of this project. These activities will include, but are not limited to, issuing a news release at the beginning of the project period to notify the community of the project activities, conducting a minimum of two media exposures for each mobilization (e.g., news conferences, news releases, interview, reporter ride-along) and participating in a minimum of two (2) other community activities (e.g., community events, health fairs, booths, civic/school/employer presentations) during the year.

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WORK STATEMENT

9. The only costs eligible for reimbursement are selective enforcement (which includes officer pay and applicable benefits), child safety seats (see work statement 10) and pre-approved equipment (see work statement 11). Officers may also be compensated at the selective enforcement rate for hours spent conducting seat belt surveys associated with mobilizations and time spent working at clinics associated with the proper installation of child safety seats. Hours spent conducting seat belt surveys, participating in sobriety checkpoints, or working at child safety seat clinics will not be used when calculating enforcement performance and should be reported separately on the supplemental monthly report form. The recipient will be reimbursed for officers working selective traffic enforcement at a rate that does not exceed one and one-half times the officer's regular hourly rate. Reimbursement is limited to one officer per patrol vehicle. Officers compensated through this agreement shall work strictly within the scope of this project while performing duties in connection with and being funded by this agreement. Hours worked on and compensated through this agreement must not supplant (be a substitute for) regular officer hours and pay. Routine patrol functions, including crash investigations, will be assigned to personnel on regular duty. Should a project officer become involved in routine patrol functions while conducting selective enforcement, the officer will be compensated from other funds. ***No part-time personnel can be compensated through this agreement.*** **Note: Consistent with federal guidelines officers working Selective Enforcement should be compensated in accordance with recipient overtime policy and nothing in this agreement should be interpreted as authority to violate agency policy. Submit to the AHSO any revisions to agency overtime policy within 30 days of the effective date of the revision.**
10. If child safety seats are an approved budget line item on the invoice forms, purchase and loan child safety seats in accordance with AHSO policy. Seats must be purchased no later than February 28, 2012. Invoices for the seats must be submitted to the AHSO within 30 days of purchase. All purchases must be in compliance with local and state purchasing laws and regulations.
11. To assist with the enforcement effort if applicable, purchase the following equipment: **one mobile video recorder** at an estimated cost of **\$2,996.00** and **four portable breath testing devices** at a cost of **\$1,804.00** to be used during overtime traffic enforcement. Priority use of this equipment shall be given to those officers actively working STEP enforcement. Assurance is provided herein that throughout the life expectancy of this equipment, it will be used for the purposes expressed or implied in this agreement. All purchases must be in compliance with local and state purchasing laws and regulations and all PBTs and radars must be listed on the National Highway Traffic Safety Administration's current Conforming Products List of Evidential Breath and Speed Measurement Devices.
12. Ensure that all officers working on this project have successfully completed the National Highway Traffic Safety Administration's approved courses on occupant protection usage and enforcement (OPUE) or traffic occupant protection strategies (TOPS) training and standardized field sobriety testing (SFST) during the project period.

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

A. 6
2011-2012 Selective Traffic
Enforcement Program (STEP) Grant
Page 23 of 28

WORK STATEMENT

13. Ensure that all officers working this project are familiar with Act 308 of 2009 (the amended mandatory seat belt law). Effective June 30, 2009, the Act makes a violation of the mandatory seat belt law a "primary" offense for enforcement purposes.
14. Ensure that all officers working on this project are familiar with Act 470 of 2001 (the amended "Child Passenger Protection Act"). Effective August 13, 2001, all children under the age of fifteen (15) years must be restrained and any child under six (6) years of age and under sixty (60) pounds in weight must be restrained in a child safety seat. Violation of this Act is a primary offense, meaning that a vehicle may be stopped if there is probable cause to believe that the law is being violated.
15. Ensure that all officers working on this project are familiar with Act 561 of 2001 (the ".08 BAC law").
16. Submit monthly reimbursement requests, local match reporting form and activity reports, including PI&E activities, along with a cover letter(s) by the 15th of the subsequent month in accordance with formats provided by the AHSO. Also include with the reimbursement requests as back-up supporting documentation, payroll summary sheets which accurately reflects payroll disbursed by the agency for STEP for the time period requested and invoices for any eligible items purchased (i.e. child safety seats) along with proof of payment (i.e. copy of the check). The summary sheets must record each officer who worked, dates they worked, number of hours worked for each date, regular and overtime pay rates, applicable fringe rates and be signed by both the project coordinator and an agency payroll or fiscal department representative. An Annual Project Activity Report will be submitted in accordance with the format provided by the AHSO. Include with the annual report a tabulation of local funds contributed (50% required) to this project. This annual report and the final reimbursement request are due within 30 days following the end of the project period. Final reimbursement will not be made until a satisfactory annual report is submitted.
17. Create a project file for maintaining the agreement and financial documents. The file will contain a copy of this agreement, agreement terms, related ASP/AHSO policies and procedures, policies or procedures of the recipient related to this project's activities, copies of monthly activity reports, AHSO STEP daily worksheets, reimbursement requests, payroll summary sheets outlined in Work Statement 15, other supporting financial documentation such as payroll printouts and invoices, a copy of daily time sheets which reflect regular and selective enforcement hours worked correspondence relating to the agreement, and documentation of any public information activities. The file must be maintained in one location and is subject to review by State and Federal authorities responsible for oversight of this agreement. **Copies of all time sheets and original AHSO STEP daily worksheets for all selective enforcement officers paid through this agreement must be kept in this file. All time sheets must have officer's and supervisor's signatures with attached supporting documents. All AHSO STEP daily worksheets must be completed properly and have the officer's and a supervisor's signature to be eligible and approved for reimbursement.**

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

WORK STATEMENT

- B. The Arkansas Highway Safety Office (AHSO) hereby agrees to perform the following activities:
1. Reimburse the recipient for all eligible costs incurred in accordance with provisions stated in the Subgrant Agreement/Contract Terms. An analysis of reimbursable costs is provided in the attached Subgrantee Invoice Form.
 2. Provide reasonable consultative assistance to the recipient to aid in the achievement of project objectives.
 3. Conduct administrative and/or on-site evaluations to assess the effectiveness of the project. Evaluations will include, but are not limited to, a review of activity reports examining progress toward objectives stated in the work statement, reimbursement requests, fiscal management and on-site monitoring visits.



**Arkansas State Police
Highway Safety Office
Subgrantee Invoice Form
FY 2012**

A. 6
2011-2012 Selective Traffic
Enforcement Program (STEP) Grant
Page 25 of 2



Selective Traffic Enforcement Program

SUBGRANT #:	OP-2012-03-02-09	AWARD PERIOD:	10/1/11 - 9/30/12		
	K2-2012-14-02-09	CFDA TITLE:	State & Community Highway Safety		
	SE-2012-13-01-09	AWARD AMOUNT:	\$ 55,400.00	CFDA#	20.600
	K8-2012-08-06-09	CFDA TITLE:	Occupant Protection Incentive Grant		
		AWARD AMOUNT:	\$ 9,000.00	CFDA#	20.602
EIN (Tax ID #):	71-6018462	CFDA TITLE:	Alcohol Traffic Safety and Drunk Driving Incentive Grants		
		AWARD AMOUNT:	\$ 39,800.00	CFDA#	20.601
		TITLE:	Child Passenger Protection Fund (SCP)		
		AWARD AMOUNT:	\$ 13,500.00	CFDA#	N/A

Request Period:				
Project:	Selective Traffic Enforcement Project (STEP)			
Subgrantee Name:	City of Fayetteville		Telephone #:	(479) 587-3500
Mailing Address:	100-A West Rock Street	Fayetteville	Arkansas	72701

Budget Categories	Approved Budget	Revised* Budget	Previous Expenditures	Expenditures This Period	Total Expenditures	Remaining Budget
PERSONAL SERVICES						
Overtime - Seat Belt Enforcement - 402 OP	\$51,000.00				-	\$51,000.00
Overtime - SB Mobilizations Enforcement - 405 OP	\$9,000.00				-	\$9,000.00
Overtime - Speed Mobilization Enforcement - 402 SE	\$4,400.00				-	\$4,400.00
Overtime - DWI Enforcement - 410 K8	\$35,000.00				-	\$35,000.00
OTHER DIRECT COSTS						
Child Safety Seats (State)	\$13,500.00				-	\$13,500.00
EQUIPMENT						
Mobile Video Recorder (1) - 410 K8	\$2,996.00				-	\$2,996.00
Portable Breath Testing Devices (4) - 410 K8	\$1,804.00				-	\$1,804.00
Total	\$117,700.00		-	-	-	\$117,700.00

Must include all equipment acquisitions of low value (500.00 - 4,999.99) or capital (5,000.00 or greater) and submit subgrantee low value and capital equipment inventory form with invoice form.

On behalf of the subgrantee listed above, I certify that the items for which payment is claimed were furnished under the authority of the law and in accordance with the terms of our grant with the Arkansas State Police, Highway Safety Program and that the charges are reasonable, proper, and no part of this claim has been paid.

Amount of this Request

Signature of Subgrantee:		Date:	
Title:			
Contact Person:		Contact Phone:	

ARKANSAS STATE POLICE USE ONLY	OUTLINE AGREEMENT #:	
VENDOR #:	AGENCY CODE: 0960	DOC#:
PO #:	GOODS REC. #:	MATERIAL #: 10119381

General Ledger #	Fund	Fund Center	Invoice / Reference #	Cost Center	IO/WBS	AMOUNT
5100001000	SMP2003	1FJ		456708	F.0960.402-12-OP-001-S	
5100001000	SMP2003	1FJ		456708	F.0960.402-12-SE-001-S	
5100001000	SMP3003	1FJ		456727	F.0960.405-12-K2-001-S	
5100001000	SMP2203	1FJ		456709	F.0960.410-12-K8-001-S	
5100001000	SCP0000	1FD		456714	S.0960.HWYSFTYSTATSCP	
TOTAL						

REVIEWED & APPROVED TO PAY BY:		DATE:	
---	--	--------------	--

Attach Completed Line Item Detail Sheet and Mail To:

Arkansas State Police
Highway Safety Office
#1 State Police Plaza Drive
Little Rock, Arkansas 72209

FAXED BILLS WILL NOT BE ACCEPTED



Arkansas State Police
Highway Safety Office
Line Item Details
FY 2012
Selective Traffic Enforcement Program

A. 6
2011-2012 Selective Traffic
Enforcement Program (STEP) Grant
of 28



Attach to Page 19

Fayetteville Police Department
Selective Traffic Enforcement Project (STEP)

FOR THE PERIOD

**Transfer
Totals to
Page 19**

Overtime Selective Enforcement (402)

Selective Enforcement 402 OP **Seat Belt Enforcement**
Selective Enforcement 402 SE **Speed Mobilization Only**
Subtotal

Overtime Selective Enforcement (405)

Selective Enforcement 405 OP **Seat Belt Mobilizations Only**
Subtotal

Overtime Selective Enforcement (410)

Selective Enforcement 410 K8 **DWI Enforcement**
Subtotal

Child Safety Seats (State)

Item 1
Item 2
Item 3
Subtotal

Equipment (410)

Item 1 Mobile Video Recorder - 410 K8
Item 2 Portable Breath Testing Devices - 410 K8
Item 3
Subtotal

TOTAL BILLED



**Arkansas State Police
 Highway Safety Office
 Subgrantee Local Match Form
 FY 2012
 Selective Traffic Enforcement Program**



SUBGRANT #:	OP-2012-03-02-09	AWARD PERIOD:	10/1/11 - 9/30/12		
	SE-2012-13-01-09	CFDA TITLE:	State & Community Highway Safety		
	K2-2012-14-02-09				
	K8-2012-08-06-09				
EIN (Tax ID #):	71-6018462				
Report Period:					
Project:	Selective Traffic Enforcement Project (STEP)				
Subgrantee Name:	City of Fayetteville			Telephone #:	(479) 587-3500
Mailing Address:	100-A West Rock Street	Fayetteville	Arkansas	72701	
Budget Categories	Approved Budget	Revised Budget	Previous Expenditures	Expenditures This Period	Total Expenditures
Personal Services	\$62,600.00				\$62,600.00
Maintenance and Operations	\$28,100.00				\$28,100.00
Total	\$90,700.00				\$90,700.00

Amount of this Report

Signature of Subgrantee:		Date:	
Title:			
Contact Person:		Contact Phone:	

Arkansas State Police
 Highway Safety Office
 #1 State Police Plaza Drive
 Little Rock, Arkansas 72209

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

ACCEPTANCE AND AUTHORIZATION TO PROCEED

It is understood and agreed by the undersigned that a subgrant received for this agreement is subject to the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU); subsequent U.S. Department of Transportation funding reauthorization; and all administrative regulations governing this grant established by the U.S. Department of Transportation approved in accordance with 49 CFR Part 18 subject to the availability of Federal funds. It is further understood that any State funds utilized within are subject to all applicable State regulations and are likewise subject to their availability. It is expressly agreed that this agreement including the Appendix (Subgrant Agreement/Contract Terms and Attachment), constitute an official part of the State's Highway Safety Program and that said recipient will meet the requirements as set forth herein.

The recipient has appointed the following official representatives with legal authority to accept this subgrant agreement, acknowledge the certifications and assurances on pages 5 – 13 and provide such additional information as may be required.

A. SUBGRANT DIRECTOR

B. AUTHORIZING OFFICIAL

1. Signature: 
2. Name: Greg Tabor
3. Title: Chief of Police
4. Date: 9-7-11

1. Signature: _____
2. Name: Honorable Lioneld Jordan
3. Title: Mayor
4. Date: _____

Approval to proceed, effective 10-1-2011 to 9-30-2012 with committed Federal funds of \$104,200, and State funds of \$13,500, given by the State Official responsible to the Governor for administration of the State Highway Safety Program:

Approved:

Director, Arkansas State Police
and
Governor's Highway Safety Representative

Date

City of Fayetteville Staff Review Form

C. 1
Amend § 51.137
Monthly Sewer Rates
Page 1 of 8

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

06-Sep-11

**City Council Meeting Date
Agenda Items Only**

David Jurgens
Submitted By

Utilities Director
Division

Utilities
Department

Action Required:

Approval of an ordinance rescinding and replacing §51.137 Monthly Sewer Rates (E) Extra Strength Surcharge Table F3 Extra Strength Surcharges to update Biological Oxygen Demand (BOD5) industrial surcharge, and hold a public hearing.

N/A

Cost of this request

Category / Project Budget

Program Category / Project Name

Water and Sewer

Account Number

Funds Used to Date

Program / Project Category Name

Project Number

Remaining Balance

Water/Sewer

Fund Name

Budgeted Item

Budget Adjustment Attached

David Jurgens
Department Director

16 Aug 11
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

[Signature]
City Attorney

8-17-11
Date

Paul a. Baker
Finance and Internal Services Director

8-17-2011
Date

Received in City
Clerk's Office

08-16-11 11:58 RCVD

[Signature]
Chief of Staff

8-17-11
Date

Received in
Mayor's Office



[Signature]
Mayor

8/18/11
Date

Comments:

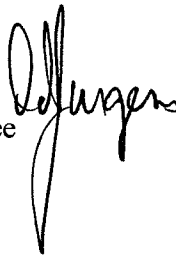
Revised January 15, 2009

left on first reading at the 9/16/11 meeting

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: David Jurgens, PE, Utilities Director
Water, Sewer, Solid Waste Committee



Date: August 9, 2011

Subject: Approval of an Ordinance Changing Section 51.137 Table F3, Extra Strength Surcharges, Specifically Changing the Industrial Biological Oxygen Demand (BOD) Surcharge

RECOMMENDATION

City Administration recommends approval of an ordinance changing section 51.137, Table F3, extra strength surcharges, specifically reducing the industrial biological oxygen demand (BOD) surcharge from \$0.4421/pound to \$0.3145/pound based on the actual costs of treating this excess BOD with current wastewater treatment processes.

BACKGROUND

In early 2011, City staff met individually with industries that may be impacted by the potential new permit limits for the Noland Wastewater Treatment Facility (WWTF). In the discussions, staff was requested to review the industrial surcharge for biochemical oxygen demand (BOD). Staff evaluated both the in-house costs relating to treating high concentrations of BOD as well as comparing our rates to those of other Northwest Arkansas cities.

The City's WWTFs are biological processes; cultivated bacteria treat the wastewater. These bacteria rely on the food - the organic material that enters the plant in the wastewater - to maintain a healthy bacteria population. The food quantity is reflected as BOD₅, the five-day biochemical oxygen demand, or the amount of oxygen the organisms in the water will use while processing the food. As with any other living population, the WWTF bacteria health depends upon the quality, quantity, and consistency of this food source. Additionally, other constituents in wastewater - metals, herbicides, pesticides, and other materials- impact the bacteria population health. In reasonable amounts, BOD provides stability for the bacteria population, helping the bacteria survive changes in volume and concentration of other wastewater constituents. The industry standard for "reasonable amounts" is 300 milligrams per liter (mg/l) or parts per million (ppm). Higher concentrations cause increased treatment costs to reduce the BOD concentration to our discharge limit, which is as low as 5 mg/l, depending upon the season. Surcharges for higher concentrations are intended to directly offset the cost of treating the higher concentration.

Industrial surcharges are important economic development factors. Water using industries closely evaluate rates, surcharges, and pretreatment requirements to compare capital and operational costs between potential locations.

DISCUSSION

When the City's wastewater system was split with startup of the West Side WWTF, the Noland WWTF became heavily influenced by and reliant upon industrial wastewater. All Fayetteville industries now flow to the Noland WWTF, and make up 20 - 40% of the total Noland flow. As a result, we rely upon the BOD from food industries to offset the nutrient poor wastewater from our non-food industries. If a food industry were to change their process whereby they significantly reduced the quantity of BOD in their wastewater (through capital investment in a wastewater pretreatment facility at their manufacturing plant), it could significantly impact the Noland WWTF.

Staff analyzed the actual cost of this treatment, and determined our actual cost to treat BOD is \$0.3145 per pound, \$0.1276 below the current rate. Staff also compared the cost of other area cities, shown in the table below.

Current BOD Industrial Surcharge Rates

City	BOD		TSS	
	\$/lb	Charges for concentrations > (mg/L)	\$/lb	Charges for concentrations > (mg/L)
Bentonville	0.28	300	0.28	300
Fayetteville	0.4421	300	0.2209	300
Rogers ^{1,2}	0.151242	300	0.199008	300
Springdale	0.336	289	0.397	300

¹ Rogers bills for carbonaceous BOD (CBOD), has the right to prohibit CBOD and TSS >300 mg/L, and all Rogers poultry processors have on-site pretreatment.

² Rogers fees have not changed since 1990

Industries will address these surcharges in one of two ways: (1) build on-site wastewater treatment facilities to reduce the concentrations in their effluent; or (2) discharge wastewater with minimal or no pretreatment and pay any resulting surcharges. In Fayetteville, Pinnacle Foods pretreats their wastewater, and have minimal surcharges. Tyson's does not pretreat (other than screening out larger sized particles). Estimated surcharges for Fayetteville industries are shown below, based on 2010 loadings and 2011 surcharge rates.

2011 Estimated Surcharge Costs/Revenues- Current Rate

Industry	TSS Charged #	2011 Estimated TSS Surcharge	BOD Charged #	2011 Estimated BOD Surcharge	2011 Estimated Total Surcharge
Pinnacle Foods	0	0	56,375	\$24,923.38	\$24,923.38
Tyson Foods, Inc.	765,980	\$169,204.95	843,088	\$372,729.20	\$541,934.14
Hiland Dairy	120,867	\$26,699.45	416,467	\$184,119.86	\$210,819.30
Totals		\$195,904.39		\$581,772.43	\$777,676.82

Proposed Ordinance Time Line

September 6	First reading of surcharge adjustment ordinance, announce public hearing
September 7	Advertise surcharge adjustment
September 20	Public hearing, second reading of rate adjustment ordinance, optional third and final reading of surcharge adjustment ordinance.
October 4	Possible third reading of surcharge adjustment ordinance
December 1, 2011	Effective date of new sewer surcharge

New § 51.137 Table F3

Table F3 Extra Strength Surcharges	
	After 12/1/2011
Extra Strength BOD ₅	\$0.3145 per pound
Extra Strength TSS	\$0.2209 per pound

BUDGET IMPACTS

This surcharge change to reflect current actual BOD treatment costs, the industrial surcharge revenues would drop by an estimated \$167,913 per year, using 2010 flow characteristics and 2011 surcharge rates. This reduction will be reflected in the 2012 budget. The effect of this change on Fayetteville users are shown in the table below.

Industry	2011 Estimated Current Surcharge	2011 Estimated Treatment Cost	Difference Between Cost and Charge (Potential Revenue Reduction)
Pinnacle Foods	\$24,923.38	\$17,729.93	\$7,193.45
Tyson Foods, Inc.	\$541,934.14	\$434,356.11	\$107,578.03
Hiland Dairy	\$210,819.30	\$157,678.17	\$53,141.13
Totals	\$777,676.82	\$609,764.22	\$167,912.60

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 51.137 MONTHLY SEWER RATES OF THE CODE OF FAYETTEVILLE BY REDUCING CERTAIN EXTRA STRENGTH SURCHARGES TO SEWER RATES, AND PROVIDING FOR AN EFFECTIVE DATE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends §51.137 Monthly Sewer Rates of the Code of Fayetteville by deleting the table in subsection (E)(1) and replacing it with the following table:

Table F3 Extra Strength Surcharges	
	After 12/1/2011
Extra Strength BOD ₅	\$0.3145 per pound
Extra Strength TSS	\$0.2209 per pound

Section 2. That this Ordinance shall not become effective until December 1, 2011.

PASSED and APPROVED this _____ day of _____, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE V PUBLIC WORKS

monthly meter service charge rates prescribed by subsections (A) and (B) of this section shall commence as of the first billing statements issued after April 30, 2008.

6 inch	126.96	146.00
8 inch	266.62	306.61
10 inch	457.06	525.61

- (4) Customers served through the White River Rural Water System will pay the outside city rate plus an additional \$5.94 per month for all bills issued prior to January 1, 2012. This additional amount will not be charged on any bills issued after December 31, 2011.

- (5) The State of Arkansas mandated Safe Drinking Water Act fee shall be added to the monthly water utility bill.

(C) *Monthly standby fire protection service charge.*

- (1) Charges for unmetered service connections for standby fire protection and fire hydrants shall be:

Table C-1 Monthly Standby Fire Protection Service Charge After April 30, 2008		
Line Size	Inside City	Outside City
2 inch	\$ 6.84	\$ 7.86
3 inch	20.51	23.59
4 inch	41.03	47.18
6 inch	113.96	131.05
8 inch	239.32	275.21
10 inch	410.26	471.79

Table C-2 Monthly Standby Fire Protection Service Charge After December 31, 2008		
Line Size	Inside City	Outside City
2 inch	\$ 7.23	\$ 8.32
3 inch	21.70	24.96
4 inch	43.41	49.92
6 inch	120.57	138.66
8 inch	253.20	291.18
10 inch	434.05	499.16

Table C-3 Monthly Standby Fire Protection Service Charge After December 31, 2009		
Line Size	Inside City	Outside City
2 inch	\$ 7.62	\$ 8.76
3 inch	22.85	26.28
4 inch	45.71	52.56

Table C-4 Monthly Standby Fire Protection Service Charge After December 31, 2010		
Line Size	Inside City	Outside City
2 inch	\$ 8.02	\$ 9.22
3 inch	24.06	27.67
4 inch	48.13	55.35
6 inch	133.69	153.74
8 inch	280.75	322.86
10 inch	481.28	553.47

- (2) Monthly Standby Fire Protection Service Charge After December 31, 2011. Starting the day after December 31, 2011, the monthly standby fire protection service charge shall be increased by 3% per year.

- (3) Fire protection lines shall not be connected to the water system downstream from a meter.

(Code 1965, §21-25; Ord. No. 1165, 4-18-58; Ord. No. 2144, 9-2-75; Ord. No. 2594, 2-5-80; Ord. No. 3197, 7-1-86; Ord. No. 3409, 2-21-89; Ord. No. 3431, 6-6-89; Ord. No. 3491, 7-17-90; Ord. No. 3513, 9-18-90; Ord. No. 3519, 11-20-90; Ord. No. 4059, §1, 10-7-97; Ord. No. 4223, 2-15-00; Code 1991, §51.136; Ord. No. 4530 12-02-02; Ord. No. 4540, 02-03-04; Ord. 5123, 4-1-08)

51.137 Monthly Sewer Rates

(A) *Monthly sewer rates.*

- (1) All monthly sewer charges shall be calculated from the customer's monthly water usage. The following monthly rates are hereby fixed as rates to be charged for sewer services:

Table D-1 Monthly Sewer Rates Per 1,000 Gallons Before January 1, 2009		
Class	Usage Rate (In Gallons)	Cost per 1,000 gallons
Residential	First 2,000 gallons	\$3.10
	Greater than 2,000 gallons	3.10
Non-Residential	All Usage	2.42
Major Industrial	All Usage	2.42
Farmington	All Usage	4.66

FAYETTEVILLE CODE OF ORDINANCES
TITLE V PUBLIC WORKS

Outside city	All Usage	4.66
Elkins	85% of metered water usage	2.81
	Usage above 85% of metered water usage	1.98

Table D-2 Monthly Sewer Rates Per 1,000 Gallons After December 31, 2008		
Class	Usage Rate (In Gallons)	Cost per 1,000 gallons
Residential	First 2,000 gallons	\$3.00
	Greater than 2,000 gallons	4.00
Non-Residential	All Usage	3.02
Major Industrial	All Usage	3.03
Farmington	All Usage	5.13
Outside city	All Usage	5.57
Elkins	85% of metered water usage	3.53
	Usage above 85% of metered water usage	1.85

Table D-3 Monthly Sewer Rates Per 1,000 Gallons After December 31, 2009		
Class	Usage Rate (In Gallons)	Cost per 1,000 gallons
Residential	First 2,000 gallons	\$3.07
	Greater than 2,000 gallons	4.10
Non-Residential	All Usage	3.10
Major Industrial	All Usage	3.21
Farmington	All Usage	5.28
Outside city	All Usage	5.74
Elkins	85% of metered water usage	3.64
	Usage above 85% of metered water usage	1.91

Table D-4 Monthly Sewer Rates Per 1,000 Gallons After December 31, 2010		
---	--	--

Class	Usage Rate (In Gallons)	Cost per 1,000 gallons
Residential	First 2,000 gallons	\$3.14
	Greater than 2,000 gallons	4.18
Non-Residential	All Usage	3.18
Major Industrial	All Usage	3.40
Farmington	All Usage	5.44
Outside city	All Usage	5.91
Elkins	85% of metered water usage	3.75
	Usage above 85% of metered water usage	1.96

(2) Beginning January 1, 2012, all monthly sewer quantity charge- usage rates per 1,000 gallons shall be increased by 3% per year.

(3) Sewer related fees levied by the Cities of Farmington or Greenland shall be added to the wastewater utility bill at the request of Farmington or Greenland. These fees may be calculated on a per-thousand volumetric usage or a per month basis.

(B) *Monthly sewer service charge.*

(1) In addition to the above, each customer shall pay a monthly sewer service charge in accordance with the following schedule:

Table E-1 Monthly Sewer Service Charge Prior to January 1, 2009			
Meter Size	Inside City	Outside City†	Farmington†
5/8" x 3/4 "	\$ 10.36	\$ 10.35	\$ 10.35
1 inch	13.47	19.35	19.35
1½ inch	21.99	34.33	34.33
2 inch	31.44	49.32	49.32
3 inch	73.01	104.40	104.40
4 inch	120.26	171.97	171.97
6 inch	238.37	340.87	340.87
8 inch	356.48	509.76	509.76

FAYETTEVILLE CODE OF ORDINANCES
TITLE V PUBLIC WORKS

(E) *Extra Strength Surcharge.*

- (1) For all commercial and industrial customers whose wastewater discharge is greater than 300 mg/l of BOD₅ and/or TSS, the City shall levy an Extra Strength Surcharge for each parameter in accordance with the following unit charges:

Table F3 Extra Strength Surcharges				
	Before 1/1/08	After 12/31/08	After 12/31/09	After 12/31/10
Extra Strength BOD ₅	\$0.2669 per pound	\$0.3336 per pound	\$0.4170 per pound	\$0.4421 per pound
Extra Strength TSS	\$0.1334 per pound	\$0.1668 per pound	\$0.2084 per pound	\$0.2209 per pound

- (2) Extra Strength Surcharges shall be billed monthly and shall be computed on the basis of water meter reading (wastewater discharge volume).
- (3) Starting after December 31, 2011, Extra Strength Surcharges shall be increased by 3% per year.
- (4) Computation of extra strength surcharges shall be based on the following formula:

(a) Extra strength surcharge:

$$S = V \times 8.34 \times [\text{BOD Unit Charge (BOD - 300)} + \text{SS Unit Charge (SS - 300)}]$$

(b) Where:

S	=	Surcharge in dollars
V	=	Sewer volume in million gallons
8.34	=	Pounds per gallon of water
BOD Unit	=	Unit charge for BOD in charge dollars per pound
BOD	=	BOD strength index in parts per million
300	=	Allowed BOD strength in parts per million
SS unit	=	Unit charge for suspended charge solids in dollars per pound
SS	=	Suspended solids strength index in parts per million by

weight

$$300 = \text{Allowed SS Strength in parts per million by weight}$$

(F) *Elkins sewer charges.*

- (1) Elkins' payment for wastewater treatment shall be based on 85% of the metered water purchased. The volume of wastewater received by Fayetteville at the "Point of Connection" shall be measured by the installed wastewater meter. Volumes of wastewater below or above the agreed upon percentage (85%) of metered water, as measured by the wastewater meter, shall be recorded on a monthly basis, with a reconciliation of the net difference to occur semiannually in June and December. If the reconciliation volume is over the agreed upon percentage, this amount shall be billed to Elkins in June and December at the actual computed cost of wastewater collection to and treatment at the Noland Wastewater Treatment Plant, not including the calculated rate of return and not including depreciation charges, but including any capacity surcharge, based on the most recent rate as determined in paragraph B of this Contract. If the reconciliation volume is below the agreed upon percentage, the actual amount billed for the difference shall be refunded to Elkins in June and December.

- (2) Elkins impact fee charges. The City of Elkins shall pay an additional \$0.25 per 1,000 gallons of wastewater, for all wastewater volume charges including both the 85% of metered water volume and for wastewater in excess of the 85% of the metered water purchased billed volume.

(Code 1965, §21-26; Ord. No. 1165, 4-18-58; Ord. No. 3197, 7-1-86; Ord. No. 3285, 8-4-87; Ord. No. 3398, 1-3-89; Ord. No. 3491, 7-17-90; Ord. No. 3637, §§1, 2, 8-18-92; Ord. No. 4059, §2, 10-7-97; Code 1991, §51.137; Ord. No. 4530, 12-02-03; Ord. No. 4803, 12-20-05; Ord. 4998, 4-3-07; Ord. 5129, 4-15-08)

51.138 Definitions Pertaining to Water and Sewer Rates

For the purpose of the sections pertaining to water and sewer rates, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (A) *City of Farmington customer.* Customer whose structure being served for water and/or wastewater is physically located within the incorporated limits of the City of Farmington,

City of Fayetteville Staff Review Form

C. 2
Revised Ward Boundaries
Page 1 of 6

City Council Agenda Items

9/6/2011

City Council Meeting Date
Agenda Items Only

John Goddard

Finance

Information Technology

Submitted By

Division

Department

Action Required:

Determine new ward boundaries to balance population and adopt a new map. Redistricting will be required after the 2010 Census, as the ward population is out of balance.

No Cost

\$

-

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

☐

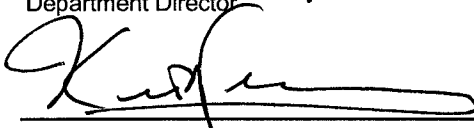
Budget Adjustment Attached

☐


Department Director

8-18-11
Date

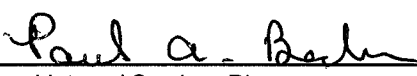
Previous Ordinance or Resolution #


City Attorney

8-18-11
Date

Original Contract Date:

Original Contract Number:


Finance and Internal Services Director

8-18-2011
Date

Received in City Clerk's Office 08-13-11 P02:07 RCVD


Chief of Staff

8-20-11
Date

Received in
Mayor's Office


Mayor

8/22/11
Date



Comments:

Revised January 15, 2009

Tabled to the 9/20/11 CC mtg.



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CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan

Thru: Scott Huddleston *SH*

From: John Goddard *JG*

Date: 8/18/2011

Subject: Redistricting--determining new ward boundaries to reflect 2010 Census returns

DESCRIPTION: As a result of the 2010 Census, it has been found that the current City of Fayetteville wards have a significant difference in population, creating an imbalance of representation. Balancing ward population will bring the City into compliance with the "Equal Protection Clause" of the 14th Amendment.

2011 Population of Wards:

Ward 1	17,673
Ward 2	17,603
Ward 3	15,855
Ward 4	22,449

RECOMMENDATION:

Determine new ward boundaries to balance the population and Adopt a new map.

BUDGET IMPACT:

None

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE REVISED WARD BOUNDARIES TO
EQUALIZE WARD POPULATIONS AFTR THE 2010 FEDERAL CENSUS**

WHEREAS, if a federal census reveals that ward populations have become unbalanced with substantially more residents in some wards than other wards, cities are constitutionally required to redraw ward boundaries to achieve fairly equal population in all wards; and

WHEREAS, the 2010 Federal Census revealed substantial population differences among our wards; and

WHEREAS, GIS has proposed new ward boundaries that do not cross precinct lines and substantially equalize each ward's population.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached map as the new ward boundary map for Fayetteville which establishes substantially equal populations for each ward and repeals all previous Resolutions approving previous ward boundary maps as obsolete.

PASSED and APPROVED this 6th day of September, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Proposed Ward Boundary Changes

Proposed Wards

Ward 1	Ward 2	Ward 3	Ward 4
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10
11	11	11	11
12	12	12	12
13	13	13	13
14	14	14	14
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92	92	92	92
93	93	93	93
94	94	94	94
95	95	95	95
96	96	96	96
97	97	97	97
98	98	98	98
99	99	99	99
100	100	100	100

Hatch

Precincts that are to move into another Ward are represented with a hatch pattern.

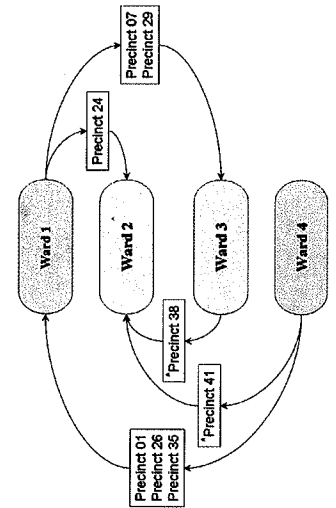
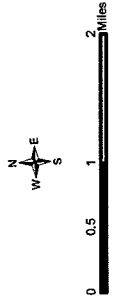
 Residence of Council Member
 Fayetteville City Limits
 Voting Precinct Boundary

City of Fayetteville
2010 Total Population: 73,580

Current Ward Population	Proposed Ward Population
Ward 1 17,673	Ward 1 18,791
Ward 2 17,603	Ward 2 18,284
Ward 3 15,855	Ward 3 18,166
Ward 4 22,449	Ward 4 18,339

C 2
Revised Ward Boundaries
Page 4 of 6

Map Document: (G:\GIS2\Projects\2011\2010 Census Redistricting\MapA_01_8x11.mxd)
6/5/2011 - 9:51:04 AM



Portion of the product

Proposed Ward Boundaries

City of Fayetteville

Proposed Ward Boundary Changes

Current Ward Boundary

Proposed Wards

- Ward 1
- Ward 2
- Ward 3
- Ward 4

Hatch

P01
6,446

Precincts that are to move into another Ward are represented with a hatch pattern.

Residence of Council Member

Fayetteville City Limits

Voting Precinct Boundary

City of Fayetteville

2010 Total Population: 73,580

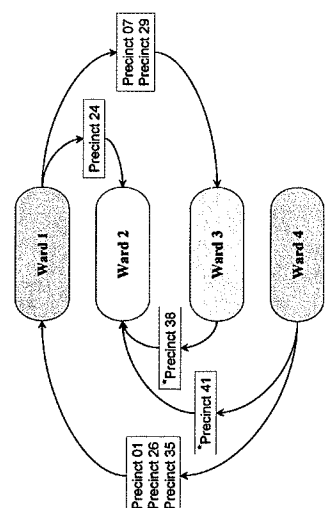
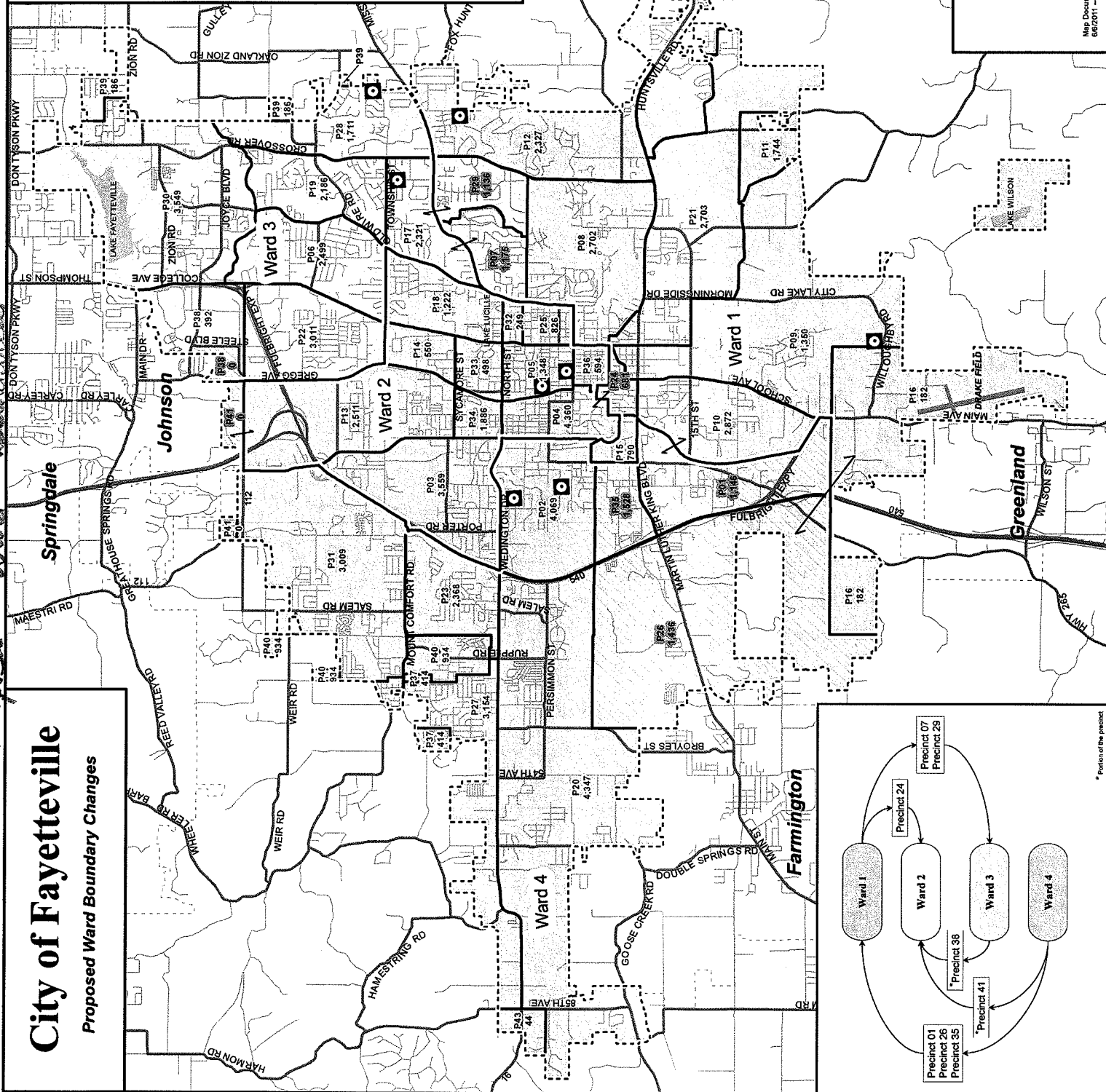
Current Ward Population Proposed Ward Population

Ward 1	17,873	Ward 1	18,791
Ward 2	17,603	Ward 2	18,284
Ward 3	15,855	Ward 3	18,166
Ward 4	22,449	Ward 4	18,339

C 2
Revised Ward Boundaries
Page 6 of 6



0 0.5 1 2 Miles



* Portion of the precinct

City Council Agenda Items
and
Contracts, Leases or Agreements

9/20/2011

City Council Meeting Date
Agenda Items OnlyCB
Chris Brown

Submitted By

Engineering

Division

Development Services

Department

Action Required:

A resolution approving a payment to SWEPCO in an amount not to exceed \$142,953.21 for the relocation of existing utility poles and power lines affected by the reconstruction and widening of Cato Springs Road from Razorback Rd to S. School Av.

\$ 142,953.21

Cost of this request

\$ 4,501,293.00

Category / Project Budget

Transportation Bond Street Improvements

Program Category / Project Name

4470.9470.5809.00

Account Number

\$ 4,037,805.45

Funds Used to Date

CIP

Program / Project Category Name

06035.1200

Project Number

\$ 463,487.55

Remaining Balance

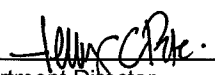
CIP

Fund Name

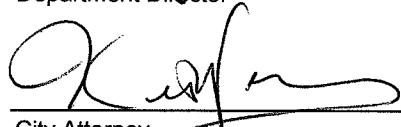
Budgeted Item

☒

Budget Adjustment Attached

☒

 Department Director
9-02-2011
Date

Previous Ordinance or Resolution #


 City Attorney
9-2-2011
Date

Original Contract Date:

Original Contract Number:


 Finance and Internal Services Director
9-2-2011
DateReceived in City 09-02-11 A09:08 RCVD
Clerk's Office

Kimi G.


 Chief of Staff
9-2-11
DateReceived in
Mayor's Office


 Mayor
9/6/11
Date

Comments:



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CITY COUNCIL AGENDA MEMO

Council Meeting of September 20, 2011

To: Mayor and City Council

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

From: Chris Brown, City Engineer CB

Date: September 2, 2011

Subject: A resolution approving a payment to SWEPCO in an amount not to exceed \$142,953.21 for the relocation of existing utility poles and power lines affected by the reconstruction and widening of Cato Springs Road from Razorback Rd to S. School Av.

PROPOSAL:

At the June 7th City Council meeting, staff recommended approval of the construction contract for Cato Springs Road to Dean Crowder Construction. Staff also presented City Council with the attached spreadsheet which outlines the entire project expenditures, and stated that certain third party expenditures would have approved at a future date by the City Council. This expenditure to Southwestern Electric Power Company (SWEPCO) is one of those identified project budget items.

After reviewing the proposed construction plans, Engineering staff and SWEPCO staff have agreed that approximately 39 existing utility poles and associated power lines will have to be relocated to allow for the construction of the proposed Cato Springs Road improvements. It was determined that 19 of the existing utility poles are located outside of the existing road right-of-way and easements. Therefore, the City will reimburse SWEPCO 48.72% or \$140,365.44 of actual costs to relocate their facilities which is presently estimated at \$288,106.41, plus \$2,587.77 to relocate guys & anchors at the intersection of Vale & Cato Springs Road to allow for the construction of the proposed box culvert and boring of the proposed water line to avoid a 132 year old cottonwood tree and a Loblolly pine for a total of \$142,953.21. The cost estimate developed by SWEPCO is attached.

RECOMMENDATION:

Staff recommends City Council approval of this payment to SWEPCO. Street Committee recommended approval at the August 30th meeting.

BUDGET IMPACT:

Funds have been included in the overall project budget (attached) which is funded by the Transportation Bond Program, CIP Funding, and Water & Sewer Funding. The original estimate from SWEPCO was \$177,886, but staff has negotiated with SWEPCO to reduce this amount to \$142,953, a savings of approximately \$35,000. This expenditure will be paid with excess CIP funds that is being transferred from the Mt. Comfort Road project by the attached budget adjustment.

ORDINANCE NO. _____

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THIS PAYMENT AND ALL FUTURE PAYMENTS TO OR CONTRACTS WITH AEP/SWEPCO AND OZARKS ELECTRIC COOPERATIVE FOR THE RELOCATION COSTS FOR ELECTRIC UTILITY POLES AND POWER LINES NECESSITATED BY ROAD RECONSTRUCTION OR WIDENING PROJECTS WITHIN AEP/SWEPCO'S OR OZARK ELECTRIC'S AREA OF SERVICE, TO APPROVE THIS PAYMENT IN THE AMOUNT NOT TO EXCEED \$142,953.21 AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, it is not feasible or practical to competitively bid electrical utility pole and power line movement costs necessitated by road reconstruction or widening projects because AEP/SWEPCO and Ozarks Electric Cooperative have exclusive jurisdiction to construct and maintain such electric facilities within their service areas as designated by the Arkansas Public Service Commission.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines and declares that it is not feasible or practical to competitively bid relocation costs for electric utility poles or power lines and so waives any formal requirements of competitive bidding now and in the future for all such project costs necessitated by road reconstruction or widening projects for payments or contracts with AEP/SWEPCO and Ozarks Electric Cooperative within Fayetteville.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves the payment to AEP/SWEPCO to relocate existing utility poles and power lines for the Cato Springs Road project in the amount not to exceed \$142,953.21 as shown on the attached SWEPCO Summary of Relocation Cost and approves the attached Budget Adjustment in the amount of \$143,000.00.

PASSED and APPROVED this 20th day of September, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

SWEPCO
SUMMARY OF RELOCATION COST
8/5/2011
ESTIMATE FOR CATO SPRINGS ROAD
FAYETTEVILLE, ARKANSAS
JOB #040496

		TOTAL
INVESTMENT COST		\$246,307.53
(MATERIAL AND LABOR)		
INCLUDED RIGHT OF WAY CLEARING	\$2,000.00	
REMOVAL COST		\$34,426.90
(LABOR ONLY)		
MAINTENANCE COST		\$21,975.38
(MATERIAL AND LABOR)		
LESS SALVAGE MATERIAL		\$14,603.40
LESS BETTERMENTS		
NET CONSTRUCTION COST		\$288,106.41
NUMBER OF EXISTING POLE	39	
IN CONFLICT WITH PROJECT		
NUMBER OF EXISTING POLES	19	
IN CONFLICT THAT ARE REIMBURSABLE		
REIMBURSEMENT RATIO	19/39 = 0.4872	48.72%
TOTAL AMOUNT ELIGIBLE FOR RELOCATION	\$ 140,365.44	
Relocation of Guys and Anchors at Vale & Cato Spring:	\$2,587.77	
Total Charges to City of Fayetteville	\$142,953.21	

040496 Cato Springs Road (S. School - Razorback)

PROJECT EXPENDITURES	Engineering/Const Mgmt		
	Consultant Engineer	Orig Design Contract	\$227,550
		Amendmt #1	\$278,150
		Amendmt #2	\$196,350
		Garver Subtotal	\$702,050
	Engineering Staff Time (2006-2011)	Engs, Surveyors, Land Agents	\$144,627
	Const. Project Manager		\$63,000
	Const. Project Inspector		\$84,000
	Staff Engineer		\$12,600
	City Engineer		\$7,100
	In-house Surveying (2 Man)		\$3,000
		Contra Subtotal	\$314,327
	Materials Testing Lab		\$20,000
		Engineering Total	\$1,036,377
	Right Of Way		
			\$258,457
		Contingency	\$50,000
		Right Of Way Total	\$308,457
	Utilities		
	Arkansas Western Gas		\$94,312
	SWEPCO		\$177,886
	AT&T		\$0
		Utilities Total	\$272,198
	A&M Railroad		
	Control House, Gates & Signals		\$166,932
	Conc. Panels, Timber Ties, Ballast		\$189,054
		Railroad Total	\$355,986
	Construction		
	Water & Sewer		\$691,389
	Road		\$3,123,784
		SubTotal	\$3,815,173
		5% Contingency	\$190,759
		Construction Total	\$4,005,932
	Permits		
	ADOH		\$500
	NOI		\$200
	STAA		\$200
	Railroad		\$5,800
		Permits Total	\$6,700
	AHTD Administration		
	AHTD Design Admin.		\$5,000
	AHTD Construction Admin.		\$25,000
		AHTD Admin Total	\$30,000
	GRAND TOTAL PROJECT COST		\$6,015,650
FUNDING SOURCES	Federal Funding (Max.)		-\$2,879,679
	TOTAL COST TO CITY		\$3,135,971
	Water & Sewer Funding		-\$350,000
	CIP Funding (Excess Project Funds)		-\$441,335
	TOTAL COST TO BOND PROGRAM		\$2,344,636

D. 1 V11.0425
AEP/SWEPCO & Ozarks Electric
Page 7 of 8

Budget Year 2011	Division: Engineering Department: Development Services	Request Date 9/1/2011	Adjustment Number
---------------------	---	--------------------------	-------------------

The Cato Springs Transportation Bond Project will require relocation by Swepeco of existing utility poles and associated power lines. There are CIP funds available in the Mt. Comfort CIP funds (Mt. Comfort is nearing the end of the two construction projects). This budget adjustment allocates those funds.

Division Head 9/12/11 Date Budget Director Date Department Director 09.02.2011 Date Finance Director 9-2-2011 Date Chief of Staff 9-2-11 Date Mayor 9/6/11 Date	Prepared By: _____ Reference: _____ Budget & Research Use Only Type: A B C D E P General Ledger Date Posted to General Ledger Checked / Verified
--	--

	Initial	Date
	Initial	Date

[illegible]

City of Fayetteville Staff Review Form

D. 2
Amend Chapter 34
Page 1 of 6

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

20-Sep-11

City Council Meeting Date
Agenda Items Only

David Jurgens

Submitted By

Utilities Director

Division

Utilities

Department

Action Required:

Approval of an ordinance changing Section 34.25, Sales, specifically adding language to allow for and establish procedures for the sale of biosolids produced by the Wastewater Utility.

N/A

Cost of this request

Category / Project Budget

Biosolids Sales

Program Category / Project Name

Water and Sewer Revenue

Program / Project Category Name

Account Number

Funds Used to Date

Water/Sewer

Fund Name

Project Number

Remaining Balance

Budgeted Item

☐

Budget Adjustment Attached

☐

David Jurgens
Department Director

1 Sep 10
Date

Previous Ordinance or Resolution #

Jeff Blakes
City Attorney

9-1-11
Date

Original Contract Date:

Original Contract Number:

Paul A. Becker
Finance and Internal Services Director

9-1-2011
Date

09-01-11P04:34 RCVD

Received in City Clerk's Office Kim f.

Don Man
Chief of Staff

9-2-11
Date

Received in Mayor's Office

ENTERED
9/2/11
PH

Lionel Jordan
Mayor

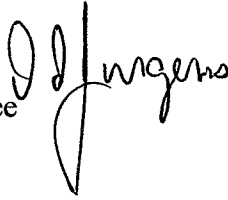
9/6/11
Date

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: David Jurgens, PE, Utilities Director
Water, Sewer, Solid Waste Committee



Date: August 31, 2011

Subject: Approval of an Ordinance Changing Section 34.25, Sales, specifically adding language to allow for and establish procedures for the sale of biosolids produced by the Wastewater Utility

RECOMMENDATION

City Administration recommends approval of changing section 34.25, Sales, specifically adding language to allow for and establish procedures for the sale of biosolids produced by the Wastewater Utility.

BACKGROUND

The biosolids drying projects are nearing completion. The solar houses are complete and in operation. This summer, these units have been able to dry the material to 85-90% solids, although normal operations expect to produce a range of 40 - 70% solids. Thermal dryer construction, including the required gas line, will be complete in late October or early November. This dryer will dry the biosolids to over 90% solids, producing a class A biosolids product which is marketable as an organic based fertilizer product. We will then be able to dry all biosolids in house, preventing hauling to landfills, and allow for virtually unrestricted and unlimited use of the product. Prior to these installations, the City hauled an average of 15 tractor trailer loads of biosolids weekly to landfills in Lamar or Russellville.

DISCUSSION

This ordinance revision follows a similar format but expands the existing ordinance for selling hay produced at Wastewater Utility facilities. It allows for competitive sales based on quality and quantity of product sold. It also limits the amount any one purchaser can buy, which is essential to protect the City from a circumstance whereby one buyer is no longer able to purchase the product. We have essentially no storage for our product, requiring that we have significant flexibility in moving it when required. This ordinance allows sufficient flexibility to do so.

All biosolids product sold will meet Class A certification per EPA and 40 CFR 503 regulations. The product can be used as an organic based fertilizer product, land applied without any restrictions, and/or bagged and marketed to the public for application to lawns and gardens without restrictions.

BUDGET IMPACTS

Like hay sales, biosolids sales is a revenue generator. Based on similar product sales in other parts of the country, we expect revenues to start small and increase with time as the product becomes more widely known and used.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 34.25: SALES OF ARTICLE II: PURCHASE AND SALE OF CITY PROPERTY; CONTRACTS OF CHAPTER 34: FINANCE AND REVENUE OF THE CODE OF FAYETTEVILLE TO PROVIDE AUTHORITY AND PROCEDURES FOR THE SALE OF BIOSOLIDS

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends Section 34.25: Sales of Article II: Purchase and Sale of City Property of Chapter 34: Finance and Revenue of the Code of Fayetteville, so that after amendment it shall read as provided in Exhibit "A" which is incorporated herein.

PASSED and APPROVED this day of 20th day of September, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

34.25 Sales

- (A) The purchasing agent may sell or exchange any city-owned supplies, equipment, or materials if such have a fair market value of less than \$2,500.00 through a quote process. Vehicles and heavy equipment are excluded from this process.
- (B) Such supplies, equipment, or materials which have a fair market value of \$2,500.00 or more may be sold by the purchasing agent by public auction or by contract sale after formal competitive bids for the purchase therefore have been solicited by advertisement and by other means and such bids have been received and opened.
- (C) In regard to the marketing and sale of hay produced by the City of Fayetteville:

(1) The current year's hay crop shall be advertised for sale, at a pre-established base price on or about April 1st of a given year. The hay shall be pre-committed, on a first call, first commit basis, up to 60% of the projected crop. Any remaining hay shall be marketed during the harvest season at the same base price on a first call, first served basis.

(2) A base or standard price shall be established based on average fair market value for square baled Bermuda grass hay, behind the baler, in Northwest Arkansas, or based on the best available information from the cooperative extension service.

(3) Prior to buyer's removal of the hay from the site, adjustments as determined by site operating personnel, will be made to the base price for quantity purchases; according to the type of bale purchased; and the relative quality of the harvested hay; and for damage the hay may have received during the harvest.

- (D) In regard to the marketing and sale of dried biosolids produced by the City of Fayetteville Wastewater Utility:

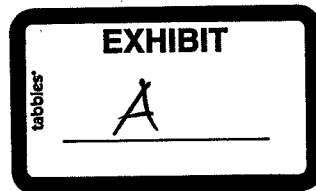
(1) Bulk quantities of dried biosolids (defined as amounts greater than 500 pounds not in a bag or other container) shall be advertised for sale as an organic based fertilizer product at a pre-determined base price twice each year, normally on or about March 1st and September 1st of a given year. Bulk quantities, if available, shall be pre-committed for each marketing period on a first call, first commit basis, up to 60% of the projected available amount. Any remaining amount shall be marketed during the marketing period at the same base price on a first call, first commit basis.

(2) A base or standard price for bulk quantities of dried biosolids shall be established for

each marketing period based on the best information available from fair market value of similar products or from the cooperative extension service. Adjustments as determined by operating personnel may be made based on current costs of production; method of delivery; quality of product available; quantities purchased; or other market-driven conditions.

(3) Quantities of dried biosolids less than 500 pounds and placed in a bag or other container may be made available to the public via various reputable retail outlets at any given time, according to reasonable terms and conditions as approved by the City Purchasing Manager. The price charged for less than bulk quantities may be adjusted by operating personnel based on current costs of production; method of delivery; quality of product available; quantities purchased; or other market-driven conditions.

- (E) The City Council may waive the requirements for public auction or formal competitive bids for sales of personal property in exceptional situations where such procedures are deemed not feasible nor practical.



Existing ordinance:

(C) In regard to the marketing and sale of hay produced at the sludge management site at the pollution control plant:

(1) The current year's sludge management site hay crop shall be advertised for sale, at a pre-established base price on or about April 1st of a given year. The hay shall be pre-committed, on a first call, first commit basis, up to 60% of the projected crop. Any remaining hay shall be marketed during the harvest season at the same base price on a first come, first served basis.

(2) A base or standard price shall be established based on average fair market value for square baled Bermuda grass hay, behind the baler, in Northwest Arkansas, as established by cooperative extension service recommendations.

(3) Prior to buyer's removal of the hay from the sludge management site, adjustments as determined by Operations management International, Inc. (OMI) personnel, will be made to the base price for quantity purchases; according to the type of bale purchased; and the relative quality of the harvested hay; and for damage the hay may have received during the harvest.

City of Fayetteville Staff Review Form

D. 3
 RZN 11-3866
 (2013 E. Mission Blvd./Ruskin Heights)
 Page 1 of 54

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

9/20/2011

City Council Meeting Date
 Agenda Items Only

Andrew Garner
 Submitted By

Planning
 Division

Development Services
 Department

Action Required:

RZN 11-3866: (2013 E. Mission Blvd./Ruskin Heights, 370/371): Submitted by Jorgensen & Associates for property located at 2013 East Mission Boulevard. The property is zoned R-PZD, Residential Planned Zoning District and contains approximately 28.93 acres. The request is to rezone the subject property to CS, Community Services; NC, Neighborhood Conservation; and RSF-4, Residential Single-Family, 4 units per acre, subject to a Bill of Assurance.

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

Andrew Garner
 Department Director

09-01-2011
 Date

Previous Ordinance or Resolution #

Ken Mann
 City Attorney

9-1-11
 Date

Original Contract Date:

Original Contract Number:

Paul A. Butler
 Finance and Internal Services Director

9-1-2011
 Date

Received in City Clerk's Office 09-01-11 P04:20 RCVD
Kini J.

Ken Mann
 Chief of Staff

9-2-11
 Date

Received in
 Mayor's Office

Frederick Jordan
 Mayor

9/6/11
 Date

ENTERED
 9/2/11
 #11

Comments:

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: August 30, 2011

Subject: RZN 11-3866 (Ruskin Heights)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to rezone the property from R-PZD, Residential Planned Zoning District to CS, Community Services; NC, Neighborhood Conservation; and RSF-4, Residential Single-Family, 4 units per acre, subject to a detailed Bill of Assurance offered by the applicant.

BACKGROUND

The subject property consists of approximately 28.93 acres located on the south side of Mission Boulevard (State Highway 45), approximately 0.5 miles west of Crossover Road. On March 20, 2007 the City Council approved the Ruskin Heights Residential Planned Zoning District on the subject property (R-PZD 06-2299). The property was originally zoned RSF-4, Residential Single Family Four Units Per Acre. The R-PZD zoning permitted a total of 295 attached and detached dwellings as well as 58,500 square feet of non-residential/commercial space. As part of the PZD approval a preliminary plat was approved for 68 lots. Construction permits for the preliminary plat was approved and a majority of the infrastructure for these 68 lots was installed. The final plat was never completed and the construction permits and the PZD have expired.

The applicant proposes to rezone the approximately 28.93-acre property from R-PZD 06-2299 Ruskin Heights to the following zoning districts:

- CS, Community Services (7.13 acres)
- NC, Neighborhood Conservation (16.83 acres)
- RSF-4, Residential Single Family Four Units Per Acre (4.96 acres)

A survey and legal descriptions showing the various areas to be rezoned is attached. The applicant has offered a Bill of Assurance along with this rezoning request that would limit the uses and density of various areas of the site.

DISCUSSION

This item was tabled at the three Planning Commission meetings (July 11th, July 25th, and August 8th) to give the applicant time to work with the surrounding neighborhood. The applicant conducted two neighborhood meetings outside of the regular Planning Commission meetings. After significant discussion, on August 22,

2011, the Planning Commission forwarded this item to the City Council with a recommendation of approval with the applicant's offered Bill of Assurance with a vote of 8-1-0 (Commissioner Hoskins voting 'no'). A copy of the meeting minutes from the August 22nd meeting are attached. The applicant has slightly changed the Bill of Assurance from that presented to the Planning Commission to permit church use within the Community Services zoning district.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 11-3866, FOR APPROXIMATELY 28.93 ACRES, LOCATED AT 2013 EAST MISSION BOULEVARD FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT (RPZD 06-2299 RUSKIN HEIGHTS), TO CS, COMMUNITY SERVICES; NC, NEIGHBORHOOD CONSERVATION; AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS/ACRE, SUBJECT TO A BILL OF ASSURANCE

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-PZD, Residential Planned Zoning District 06-2299 Ruskin Heights to CS, Community Services; NC, Neighborhood Conservation; and RSF-4, Residential Single-Family, 4 units per acre, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

Section 3: That this property is subject to a Bill of Assurance offered by the property owner and runs with the land, which limits the use and density of the property as shown in Exhibit "C" attached hereto and made a part thereof.

PASSED and APPROVED this day of , 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

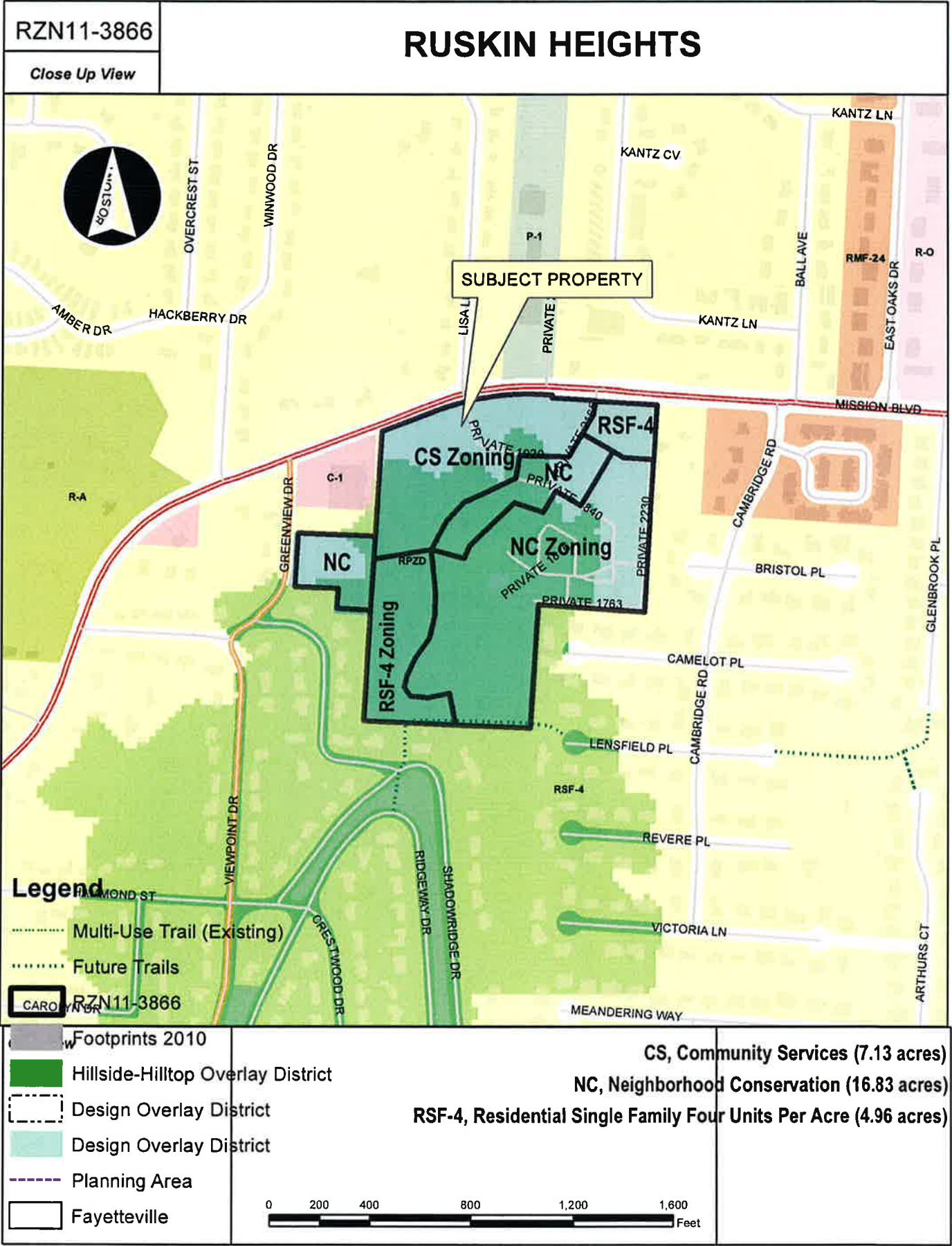


EXHIBIT "B"
RZN 11-3866
Page 1 of 3

LEGAL DESCRIPTION: COMMUNITY SERVICES "AREA 1":

A PART OF THE SE1/4 OF THE SW1/4 AND A PART OF THE SW1/4 OF THE SE1/4 OF SECTION 2, T-16-N, R-30-W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS; COMMENCING AT THE SW CORNER OF SAID SE1/4, SW1/4, THENCE S87°32'34"E 660.00 FEET, THENCE N03°38'07"E 441.29 FEET, THENCE N03°43'13"E 201.84 FEET TO THE P.O.B., THENCE N03°43'13"E 91.83 FEET, THENCE N03°42'38"E 417.42 FEET TO THE SOUTH RIGHT-OF-WAY OF ARKANSAS HIGHWAY 45 (MISSION BLVD) THENCE ALONG SAID RIGHT-OF-WAY N69°23'34"E 249.34 FEET, THENCE ALONG A CURVE TO THE RIGHT 108.99 FEET, SAID CURVE HAVING A RADIUS OF 970.00 FEET AND A CHORD BEARING AND DISTANCE OF N72°36'42"E 108.93 FEET, THENCE ALONG A CURVE TO THE RIGHT 335.03 FEET, SAID CURVE HAVING A RADIUS OF 978.84 FEET AND A CHORD BEARING AND DISTANCE OF N85°38'10"E 333.40 FEET, THENCE S01°04'05"W 12.27 FEET, THENCE S86°22'14"E 166.88 FEET, THENCE S03°35'31"W 52.51 FEET, THENCE S29°39'59"W 198.65 FEET, THENCE N88°12'58"W 191.48 FEET, THENCE S09°15'37"W 90.52 FEET, THENCE S63°52'00"W 117.08 FEET, THENCE S65°15'19"W 105.97 FEET, THENCE S42°52'30"W 104.57 FEET, THENCE S28°15'21"W 126.68 FEET, THENCE S80°27'37"W 232.53 FEET TO THE P.O.B. CONTAINING 7.13 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT-OF-WAY OF RECORD.

LEGAL DESCRIPTION: RESIDENTIAL SINGLE FAMILY FOUR UNITS PER ACRE "AREA 2":

A PART OF THE SE1/4 OF THE SW1/4 AND A PART OF THE SW1/4 OF THE SE1/4 OF SECTION 2, T-16-N, R-30-W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS; COMMENCING AT THE SW CORNER OF SAID SE1/4, SW1/4, THENCE S87°32'34"E 660.00 FEET, THENCE S87°31'58"E 657.93 FEET, THENCE N03°45'46"E 491.63 FEET, THENCE S85°48'23"E 422.74 FEET, THENCE N03°29'46"E 606.14 FEET TO THE P.O.B., THENCE N85°59'44"W 123.24 FEET, THENCE N59°37'43"W 189.62 FEET, THENCE N29°39'59"E 91.56 FEET, THENCE N03°35'36"E 50.56 FEET TO THE SOUTH RIGHT-OF-WAY OF ARKANSAS HIGHWAY 45 (MISSION BLVD), THENCE ALONG SAID RIGHT-OF-WAY S86°28'21"E 252.00 FEET, THENCE S03°29'46"W 219.46 FEET TO THE P.O.B. CONTAINING 1.22 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT-OF-WAY OF RECORD.

EXHIBIT "B"
RZN 11-3866
Page 2 of 3

LEGAL DESCRIPTION: NEIGHBORHOOD CONSERVATION "AREA 3":

A PART OF THE SE1/4 OF THE SW1/4 AND A PART OF THE SW1/4 OF THE SE1/4 OF SECTION 2, T-16-N, R-30-W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS; COMMENCING AT THE SW CORNER OF SAID SE1/4, SW1/4, THENCE S87°32'34"E 660.00 FEET, THENCE S87°31'58"E 657.93 FEET, THENCE N03°45'46"E 491.63 FEET, THENCE S85°48'23"E 422.74 FEET, THENCE N03°29'46"E

606.14 FEET, THENCE N85°59'44"W 123.24 FEET, THENCE N59°37'43"W 48.28 FEET TO THE P.O.B., THENCE S30°58'43"W 249.83 FEET, THENCE N59°11'32"W 114.32 FEET, THENCE S30°17'20"W 99.57 FEET, THENCE N70°02'28"W 115.43 FEET, THENCE S45°50'43"W 244.27 FEET, THENCE S23°37'24"W 56.87 FEET, THENCE N74°41'46"W 134.40 FEET, THENCE N28°15'21"E 126.68 FEET, THENCE N42°52'30"E 104.57 FEET, THENCE N65°15'19"E 105.97 FEET, THENCE N63°52'00"E 117.08 FEET, THENCE N09°15'37"E 90.52 FEET, THENCE S88°12'58"E 191.48 FEET, THENCE N29°39'59"E 106.90 FEET, THENCE S59°37'43"E 141.34 TO THE P.O.B. CONTAINING 2.56 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT-OF-WAY OF RECORD.

LEGAL DESCRIPTION: NEIGHBORHOOD CONSERVATION "AREA 4":

A PART OF THE SE1/4 OF THE SW1/4 AND A PART OF THE SW1/4 OF THE SE1/4 OF SECTION 2, T-16-N, R-30-W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS; COMMENCING AT THE SW CORNER OF SAID SE1/4, SW1/4, THENCE S87°32'34"E 660.00 FEET, THENCE S87°31'58"E 367.85 FEET TO THE P.O.B., THENCE N11°19'02"W 128.71 FEET, THENCE S77°56'44"W 86.21 FEET, THENCE N85°00'50"W 70.46 FEET, THENCE N35°18'19"W 44.34 FEET, THENCE N15°52'10"E 50.93 FEET, THENCE N26°01'06"E 76.20 FEET, THENCE N35°29'48"E 94.06 FEET, THENCE N12°32'12"E 97.53 FEET, THENCE N01°04'52"E 87.70 FEET, THENCE N05°35'35"W 169.55 FEET, THENCE S74°41'46"E 134.40 FEET, THENCE N23°37'24"E 56.87 FEET, THENCE N45°50'43"E 244.27 FEET, THENCE S70°02'28"E 115.43 FEET, THENCE N30°17'20"E 99.57 FEET, THENCE S59°11'32"E 114.32 FEET, THENCE N30°58'43"E 249.83 FEET, THENCE S59°37'43"E 48.28 FEET, THENCE S85°59'44"E 123.24 FEET, THENCE S03°29'46"W 606.14 FEET, THENCE N85°48'23"W 422.74 FEET, THENCE S03°45'46"W 491.63 FEET, THENCE N87°31'58"W 290.08 FEET TO THE P.O.B. CONTAINING 12.51 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT-OF-WAY OF RECORD.

EXHIBIT "B"
RZN 11-3866
Page 3 of 3

LEGAL DESCRIPTION: RESIDENTIAL SINGLE FAMILY FOUR UNITS PER ACRE
"AREA 5":

A PART OF THE SE1/4 OF THE SW OF SECTION 2, T-16-N, R-30-W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS; COMMENCING AT THE SW CORNER OF SAID SE1/4, SW1/4, THENCE S87°32'34"E 660.00 FEET TO THE P.O.B., THENCE N03°38'07"E 441.29 FEET, THENCE N03°43'13"E 201.84 FEET, THENCE N80°27'37"E 232.53 FEET, THENCE S05°35'35"E 169.55 FEET, THENCE S01°04'52"W 87.70 FEET, THENCE S12°32'12"W 97.53 FEET, THENCE S35°29'48"W 94.06 FEET, S26°01'06"W 76.20 FEET, THENCE S15°52'10"W 50.93 FEET, THENCE S35°18'19"E 44.34 FEET, THENCE S85°00'50"E 70.46 FEET, N77°56'44"E 86.21 FEET, THENCE S11°19'02"E 128.71 FEET, THENCE N87°31'58"W 367.85 FEET TO THE P.O.B. CONTAINING 3.74 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT-OF-WAY OF RECORD.

LEGAL DESCRIPTION: NEIGHBORHOOD CONSERVATION "AREA 6":

A PART OF THE SE1/4 OF THE SW OF SECTION 2, T-16-N, R-30-W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS; COMMENCING AT THE SW CORNER OF SAID SE1/4, SW1/4, THENCE S87°32'34"E 660.00 FEET, THENCE N03°38'07"E 441.29 FEET TO THE P.O.B., THENCE N87°33'26"W 135.00 FEET, THENCE N03°42'40"E 80.00 FEET, THENCE N87°33'28"W 175.00 FEET, THENCE N03°42'40"E 212.30 FEET, THENCE S87°48'42"E 310.08 FEET, THENCE S03°43'13"W 293.67 TO THE P.O.B. CONTAINING 1.76 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT-OF-WAY OF RECORD.

EXHIBIT "C"

RZN 11-3866

Page 1 of 4

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") _____, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonable rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to the uses and densities as shown and described in the attached "Exhibit A" and "Exhibit B".

2. Other restrictions including number and type of structures upon the property are limited to _____
_____.

3. Specific activities will not be allowed upon petitioner's property include _____
_____.

4. (Any other terms or conditions) _____
_____.

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the

EXHIBIT "C"

RZN 11-3866

Page 2 of 4

Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Chris Elkins / Metropolitan Bank, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances and sign my name below.

8-29-11
Date

Chris Elkins
Printed Name
VP of Commercial Relationship Management

Address


Signature

NOTARY OATH

STATE OF ARKANSAS

COUNTY OF WASHINGTON

}
}.ss
}

And now on this the 29 day of August, 2011, appeared before me, Chris Elkins, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.


NOTARY PUBLIC

My Commission Expires:

10/4/20



RZN 11-3866
Page 3 of 4

D. 3
RZN 11-3866
(2013 E. Mission Blvd./Ruskin Heights)
Page 11 of 54

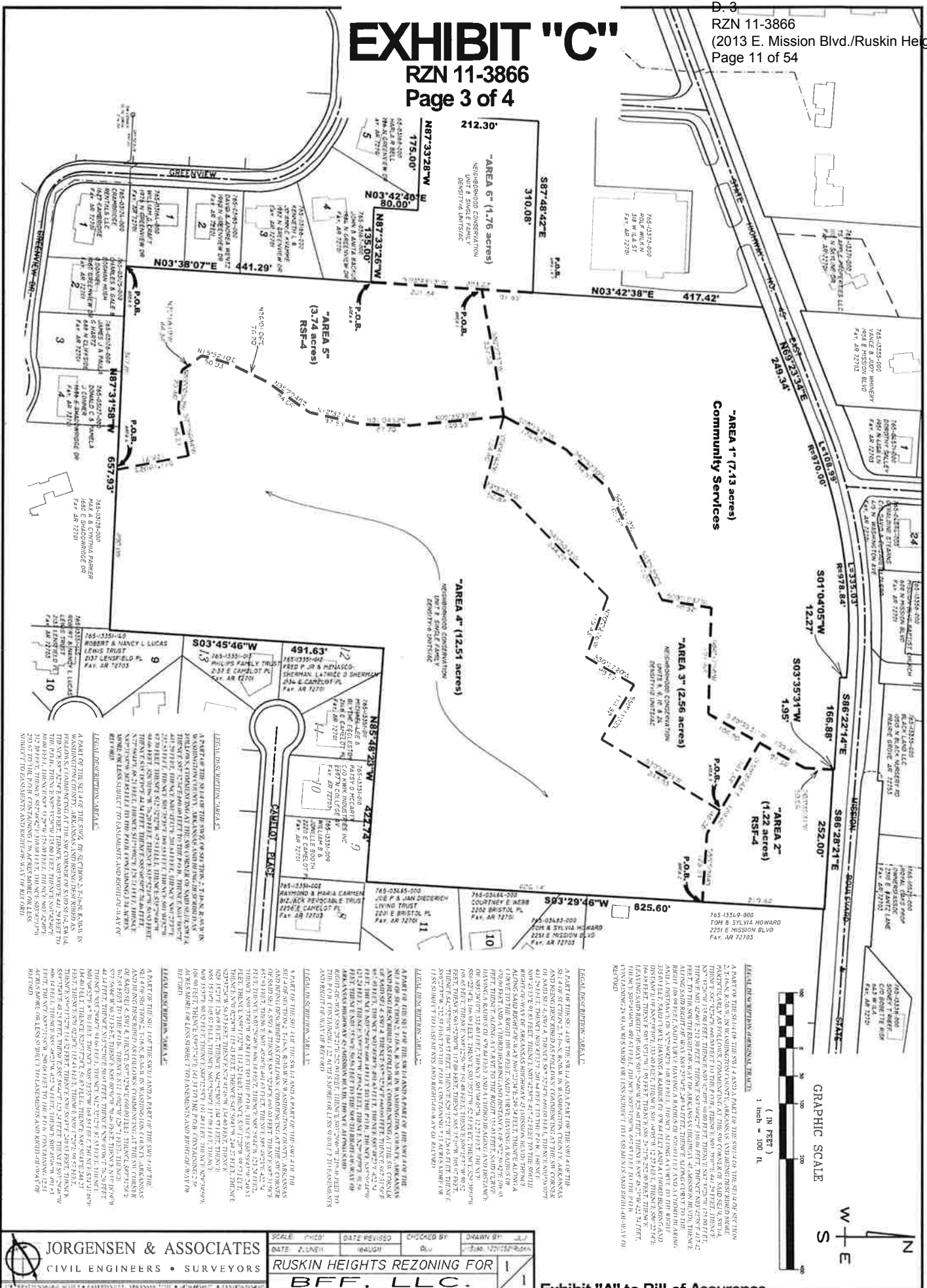


EXHIBIT "C"

RZN 11-3866
Page 4 of 4

D. 3
RZN 11-3866
(2013 E. Mission Blvd./Ruskin Heights)
Page 12 of 54

Zoning: Community Services: Area 1

The following uses shown in Chapter 161.19 of the City of Fayetteville's Zoning Regulations **SHALL NOT** be allowed in the area shown on the Rezoning Plat (Exhibit A) as Community Services:

- *Unit 4*: Cultural & recreational facilities, everything excluded except churches.
- *Unit 18*: Gasoline stations & drive – in/drive through restaurants.
- *Unit 3*: Public protection and utility facilities.
- *Under Use Unit 14*, Hotel, motel and amusement services:
Everything is permitted except Hotel & Motel.
- *Under Use Unit 16*, Shopping Goods:
Transportation Services.
- *Unit 17*: Transportation, trades & services.
- *Unit 28*: Center for recycle materials.
- *Unit 34*: Liquor stores.
- *Unit 35*: Outdoor music establishments.
- *Unit 36*: Wireless communication facilities.
- *Unit 42*: Clean technologies.

Zoning: Neighborhood Conservation: Area 3-6

The areas shown on the Rezoning Plat (Exhibit A) as Neighborhood Conservation **SHALL BE LIMITED TO** the following uses and densities:

1. Area 3 (2.56 acres): Max Density of 10 units/acre
 - a. Permitted Uses
 - *Unit 8*: Single-family dwellings
 - *Unit 9*: Two-family dwellings
 - b. Conditional Uses
 - *Unit 10*: Three-family dwellings
 - *Unit 24*: Home occupations
2. Area 4 & Area 6 (14.27 acres): Max Density of 6 units/acre
 - a. Permitted Uses
 - *Unit 8*: Single-family
3. Area 5 (3.74 acres): Max Density of 4 units/acre
 - a. Permitted Uses
 - *Unit 8*: Single-family

**STAFF REPORT
PLANNING COMMISSION MEETING
AUGUST 22, 2011**



PC Meeting of August 22, 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: ~~June 30, 2011~~ *Updated August 29, 2011*

RZN 11-3866: Rezone (2013 E. MISSION BLVD./RUSKIN HEIGHTS, 370/371): Submitted by JORGENSEN & ASSOCIATES for property located at 2013 EAST MISSION BOULEVARD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 28.93 acres. The request is to rezone the property to CS, COMMUNITY SERVICES; NC, NEIGHBORHOOD CONSERVATION; AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS/ACRE, subject to a Bill of Assurance. Planner: Andrew Garner

BACKGROUND:

Planning Commission Meetings: This item has been tabled at the three previous Planning Commission meetings (July 11th, July 25th, and August 8th). The applicant has submitted a slightly revised rezoning request and associated Bill of Assurance that are attached to and described in this report.

Property Description: The subject property consists of approximately 28.93 acres located on the south side of Mission Boulevard (State Highway 45), approximately 0.5 miles west of Crossover Road. The approximately 29-acre site contains 18.6 acres within the Hillside/Hilltop Overlay district, comprising 62% of the land area. Tree canopy varies dramatically over the site, with a majority of the tree canopy on the perimeter property lines or old fence rows, and along the south and west portion of the property which is primarily sloped. Other portions of the property, especially that near Mission Boulevard, is clear of tree canopy altogether. Part of the property is developed with streets, water, sewer, and storm drainage related to a previous development that was never completed. The property is surrounded by a variety of uses, including a church, plant nursery, single family residences, multi-family residences and a commercial strip center. This site is located approximately ½ mile from one of the larger commercial nodes in the City of Fayetteville, the development that surrounds the intersection of Highway 45 (Mission Blvd) and Highway 265 (Crossover Road). The surrounding land use and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use/Zoning

Direction	Land Use	Zoning
North	Mission Boulevard Baptist Church; Westwood Gardens Plant Nursery; Single family residences	P-1; RSF-4
South	Single family residences	RSF-4

East	Single family, multi-family	RSF-4, RMF-24
West	Single-family residential (Broadview Subdivision); Commercial shopping center	C-1; RSF-4

History: On March 20, 2007 the City Council approved the Ruskin Heights Residential Planned Zoning District on the subject property (R-PZD 06-2299). The property was originally zoned RSF-4, Residential Single Family Four Units Per Acre. The R-PZD zoning permitted a total of 295 attached and detached dwellings as well as 58,500 square feet of non-residential/commercial space. As part of the PZD approval a preliminary plat was approved for 68 lots. Construction permits for the preliminary plat was approved and a majority of the infrastructure for these 68 lots was installed. The final plat was never completed and the construction permits and the PZD have 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 a new, valid zoning district is assigned.

Current Proposal: The applicant proposes to rezone the approximately 28.93-acre property from R-PZD 06-2299 Ruskin Heights to the following zoning districts:

- CS, Community Services (7.13 acres)
- NC, Neighborhood Conservation (16.83 acres)
- RSF-4, Residential Single Family Four Units Per Acre (4.96 acres)

A survey and legal descriptions showing the various areas to be rezoned is attached. The applicant has offered a Bill of Assurance along with this rezoning request that would limit the uses and density of various areas of the site.

Previous Proposal: The applicant's previous rezoning request that was discussed at the July 11, 2011 meeting was as follows:

- CS, Community Services (7.67 acres)
- NC, Neighborhood Conservation (18.40 acres)
- RSF-4, Residential Single Family Four Units Per Acre (2.86 acres)

Public Comment: City staff has received a few emails about this rezoning request, and there were eight people that commented at the July 11th Planning Commission meeting. The applicant has had meetings with the neighborhood discussing the proposed rezoning and has modified their original request and included a detailed Bill of Assurance to try and address the neighbor's concerns. The written public comments provided to the City and the meeting minutes from July 11th meeting have been attached to this report.

RECOMMENDATION:

Staff recommends forwarding **RZN 11-3866 (Ruskin Heights)** to the City Council with a recommendation for approval of the requested zoning based on the findings stated herein.

G:\ETC\Development Services Review\2011\Development Review\11-3866 RZN 2013 E. Mission Blvd (Ruskin Heights)\03 Planning Commission\07-11-2011\Comments and Redlines

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>July 11, 2011</u>	☒ Tabled	☐ Forwarded	☐ Denied		
Motion: <u>Earnest</u>	Second: <u>Bunch</u>	Vote: <u>7-1-0 (Griffin voting 'no')</u>			
Date: <u>July 25, 2011</u>	☒ Tabled	☐ Forwarded	☐ Denied		
Motion: <u>Chesser</u>	Second: <u>Cook</u>	Vote: <u>7-1-0 (Griffin voting 'no')</u>			
Date: <u>August 8, 2011</u>	☒ Tabled	☐ Forwarded	☐ Denied		
Motion: <u>Cook</u>	Second: <u>Chesser</u>	Vote: <u>5-2-0 (Griffin and Hoskins voting 'no')</u>			
Date: <u>August 22, 2011</u>	☐ Tabled	☒ Forwarded	☐ Denied		
Motion: <u>Winston</u>	Second: <u>Earnest</u>	Vote: <u>8-1-0 (Hoskins voting 'no')</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**, which “promotes walkable, cyclist-friendly road designs with slow design speeds; utilizes principles of traditional residential urban design to create compatible, livable and accessible neighborhoods; site new residential areas accessible to roadway, alternative transportation modes, community amenities, schools, infrastructure, and retail and commercial goods and services.”*

INFRASTRUCTURE:

Streets: The site has access to Mission Boulevard which was fully improved in this location with the development of the preliminary plat for Ruskin Heights including an off-site sidewalk connection to Crossover Road. Streets have been constructed throughout the development.

The infrastructure installed with the Ruskin Heights preliminary plat has not been accepted by the City of Fayetteville. An inspection of the infrastructure will be required and work may be required to bring the infrastructure into compliance with current regulations. The future developer will also need to submit as-built construction plans, construction cost estimates, surveyor's certification of compliance, detention pond verification and maintenance bonds for the public infrastructure prior to acceptance by the City of Fayetteville.

There are sections of the curb that were installed without city approval, specifically exposed aggregate. At time of development, this item must be addressed, either by remove and replace with standard curb or obtain approval by city council.

Water and Sewer: Public water and sewer are available to the property. There are 8-inch water and sewer mains installed throughout the development. Additional water and sewer improvements may be required if lot lines are changed or if a large increase in density is proposed.

Drainage: This property is not affected by the 100-year floodplain or the Streamside Protection Zones.

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. This property is covered by Engine 5 at Old Wire/Crossover Road with an expected response time of four minutes.

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 the number of guiding policies for Residential Areas this proposal meets including Residential Area Policy G to:

“Site new residential areas accessible to roadway, alternative transportation modes, community amenities, schools, infrastructure, and retail and commercial goods and services.”

The proposed rezoning is also highly consistent with the six major goals of City Plan 2025 as follows:

City Plan 2025 Goals	RZN 11-3866 Compliance With City Plan 2025
Goal 1: We will make appropriate infill and revitalization our highest priorities.	This proposed rezoning would allow infill in a well-developed area of Fayetteville. The property is surrounded by existing development and infrastructure. The development of this site with the Ruskin Heights preliminary plat has revitalized the existing infrastructure and street system in the immediate vicinity. Future development of this site permitted under the proposed zoning districts would provide the opportunity for additional improvements.
Goal 2: We will discourage suburban sprawl.	By permitting infill development, the proposed rezoning discourages suburban sprawl, and keeps greenfields on the perimeter of the City. Future development allowed because of this rezoning would be able to take advantage of proximity to a larger existing pool of potential employees, transit, and utility infrastructure, than a sprawling development on the periphery.
Goal 3: We will make traditional town form the standard.	This proposed zoning districts would encourage development in a traditional town form. The zoning districts would allow for a variety of uses within a neighborhood creating the ability to live, work, shop, and have daily needs and services met within walking distance. The mix of uses allowed under the proposal is adaptable for change over time.
Goal 4: We will grow a livable transportation network.	This development of the Ruskin Heights preliminary plat and continued development of this site allowed under the rezoning will provide an opportunity to improve the existing street system and sidewalks on Mission Boulevard and Greenview Drive. The proposed rezoning would allow the potential for concentrated development near one of the busiest intersections in the City at the intersection of two state highways/principal arterials. The proposed rezoning would help define a node, or concentration of development in this vicinity of the City, helping towards the goal of public transit.
Goal 5: We will assemble an enduring green network.	This proposed rezoning would be consistent with the intent of this policy to maintain community character, quality of life, and contribute to the economic success of the City. Preservation of greenspace would be reviewed and required during development.
Goal 6: We will create attainable housing.	The variety of lot sizes and residential products allowed because of the rezoning could lead to a mixed-income neighborhood. Consistent with the intent of this goal, the proposed rezoning is not an isolated attainable housing project all under one zoning district, but rather reflects the opportunity to create a more traditional urban neighborhood with households of varying types, sizes, and economic means.

Rezoning the property will accommodate both the future land use plan for residential uses, and also allow for a variety of uses and housing types, sizes and development pattern, thus providing more choices for more citizens. The proposed zoning is also compatible with the existing land uses and zoning in the immediate area including a mix of multi-family and single-family dwellings to the east, along with commercial and non-residential uses and zonings to the west and north.

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: **Mission Boulevard has been fully improved with the development of the Ruskin Heights preliminary plat including widening both sides of the road, center turn lane, curb, gutter, storm drainage, and sidewalk connection to Crossover Road approximately 0.5 mile to the east. The proposed rezone would not appreciably increase traffic danger and congestion. With future development and build-out of this site under the proposed rezoning additional street improvements would be evaluated and reviewed in compliance with City ordinance. Examples of some typical street improvements that have occurred with development of similarly-sized sites including widening, curb and gutter, traffic signals, bridge assessments, trails and sidewalks.**

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

Finding: **Staff finds that the proposed zoning would not create undesirable impacts to public services, or a density that is incompatible with the surrounding area, based on a review of infrastructure, existing land uses, and the development potential of the property.**

Increased load on public services were taken into consideration and comments from the Engineering, Fire, and Police Departments are included in this report.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **Not applicable. Staff recommends in favor of the request.**

PROPOSED ZONING DISTRICTS

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 8	Single-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 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10)

G:\ETC\Development Services Review\2011\Development Review\11-3866 RZN 2013 E. Mission Blvd (Ruskin Heights)\03 Planning Commission\07-11-2011\Comments and Redlines

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.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10)

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.

(Ord. 5128, 4-15-08; Ord. 5312, 4-20-10)

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June 24, 2011

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed RZN 11-3866: (2013 E. Mission Blvd. / Ruskin Heights, 370/371): Submitted by Jorgensen & Associates for property located 2013 E. Mission Boulevard would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion. The property contains approximately 28.93 acres.

It is the opinion of the Fayetteville Police Department that this RZN will not substantially alter the population density, and will not create an appreciable or undesirable increase in the load on police services. This RZN will not create an appreciable increase in traffic danger and congestion.

Sincerely,

R. Turberville
Fayetteville Police Department

RZN 11-3866: Rezone (2013 E. MISSION BLVD./RUSKIN HEIGHTS, 370/371): Submitted by JORGENSEN & ASSOCIATES for property located at 2013 EAST MISSION BOULEVARD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 28.93 acres. The request is to rezone the property to CS, COMMUNITY SERVICES; NC, NEIGHBORHOOD CONSERVATION; AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS/ACRE. Planner: Andrew Garner

Public water and sewer are available to the property. There are 8" water and sewer mains installed throughout the development. Additional water and sewer improvements may be required if lot lines are changed or if a large increase in density is proposed.

The site has access to Mission Blvd. which was fully improved in this location with the development of this property. Streets are currently constructed throughout the development.

The infrastructure installed on this project has not yet been accepted by the City of Fayetteville. An inspection of the infrastructure will be required and work may be required to bring the infrastructure into compliance with current regulations. The developer will also need to submit as-built construction plans, construction cost estimates, surveyor's certification of compliance, detention pond verification and maintenance bonds for the public infrastructure prior to acceptance by the City of Fayetteville.

There are sections of the curb that were installed without city approval, specifically exposed aggregate. At time of development, this item must be addressed, either by remove and replace with standard curb or obtain approval by city council.

This property is not affected by the 100-year floodplain and the Streamside Protection Zones.

L. ARCHITECTURAL DESIGN STANDARDS

Architectural design standards throughout the project will be of the highest caliber. Durable exterior materials such as brick, stone, stucco, hard plank and wood will be used for exteriors. A strong and coherent architectural style reminiscent of Arts and Crafts neighborhoods will be used throughout the project. Where individuals are building single family homes, while creativity will be encouraged in order to add to the eclectic nature of the community, designers and builders will be required to adhere to a strict design code and a materials list provided by the developers which will include natural materials such as those described above. The architectural design shall be consistent with the building elevations and concepts presented in the PZD booklet. Foundation plans shall be engineered per condition of approval 40 under "Additional Conditions" in the City Council's Amended Conditions of Approval dated March 20, 2007.

M. SIGNAGE

All signage will fully comply with the Fayetteville sign ordinance and the relevant portions of the UDC. The developer may wish to use unique street signs which would better fit with the neighborhood's overall character. Additionally, some signs which designate areas of the neighborhood such as the Spanish Steps and other landmarks and districts may be employed. All proposed signs will be subject to the approval of the Fayetteville Transportation Department.

PART OF PHASES 1, 5 & 6

Parcels will be created in phases 1, 5 and 6. However, these parcels will be required to be re-submitted to the city as large scale developments before development approval is granted.

REQUESTING DEVELOPMENT APPROVAL AT THIS TIME?

NO

Intensity

Acreage 4.98
Non-Residential 22,500 ft.² total or 4,518/acre
D. LOT WIDTH MINIMUM 0 ft.
E. LOT AREA MINIMUM 320 ft.²
F. LAND AREA PER DWELLING 900 ft.²

G. SETBACK REQUIREMENTS

Front 0 ft.
Side 0 ft.
Rear 0 ft.

Encroachments

Encroachments into the public right-of-way shall follow the recommendations set forth in chapter 3, section 3201 of the International Building Code.

External Property Boundary Setback

All buildings in the Ruskin Heights neighborhood will be set back a minimum of ten (10) feet from all perimeter site property lines.

H. HEIGHT REGULATION

Shall not exceed 60 Ft.

I. BUILDING AREA

Shall not exceed 95%

J. LANDSCAPING

Landscaping for the site will be grass, trees, shrubs, and other plantings to be determined by the designers. It will also include water features, stone and other hard surface walls, and, in some cases, cobblestone, brick, and other hard surface materials for pedestrian use. Some grassy areas may be engineered to be useable by automotive traffic without doing damage to the underlying vegetation. In general, all landscaping will be in accord with the requisite portions of the Fayetteville UDC. The development will comply with the landscape plan included with the plats submitted.

K. PARKING

All parking shall comply with regulations set forth in the unified development code.

Condominium flats will be located near the entrance to the Ruskin Heights neighborhood. These units will be very convenient to shopping as well as to the community organic gardens and major waterscapes on the site. These units will include mixed use on the lower floors with residential units on the upper floors.

While a specific building type has not yet been chosen for these units, parking to the interior or rear of the site, unseen from adjoining neighborhoods and streets is expected.

The designers are not asking for development approval of these units at this time, as architectural standards and specific building designs and unit sizes are not currently detailed. Instead, platting only is being requested at this time, with this Planning Area to be re-submitted to the city platting process as a Large Scale Development at a future date.

A. PERMITTED USES BY UNIT

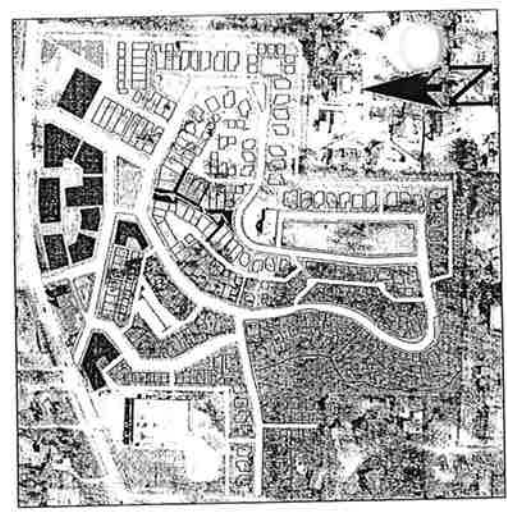
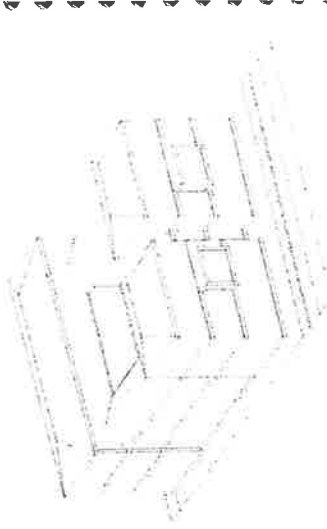
- Unit 1 City wide uses by right
- Unit 5 Government facilities
- Unit 12 Offices, studios and related services
- Unit 13 Eating places
- Unit 15 Neighborhood shopping goods
- Unit 16 Shopping goods
- Unit 19 Commercial recreation, small sites
- Unit 25 Professional offices
- Unit 26 Multi family dwellings

B. CONDITIONAL USES BY RIGHT

- Unit 2 City-wide uses by conditional use permit
- Unit 17 Trades and services
- Unit 24 Home occupation
- Unit 34 Liquor store
- Unit 35 Outdoor music establishments

C. RESIDENTIAL DENSITY

Acreage 4.98
Dwelling units 94
Density 19 units/acre



D. 3
RZN 11-3866
(2013) E. Mission Blvd./Ruskin Heights)
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ZONING
Pg.1

PLANNING AREA 1

As the global economy changes, more and more Americans are working from home as opposed to travelling to and from an outside location for work each day. While this situation works fine for individuals telecommuting to a separate, existing business from home, most housing is not zoned to allow actual businesses to be run out of the home.

Small, startup businesses could benefit greatly from the ability to combine business building costs and housing costs. Further, this model of business/home combination is similar to traditional old world and early american business structures - where shop owners often ran businesses out of the bottom or front of their homes and lived above and behind them.

The Live/Work Town house Planning Area is designed exactly with this type of business ownership in mind. Small business owners will find it much easier to handle start-up costs if they are able to work out of their houses. Additionally, business owners will make far fewer trips each day, lowering vehicle emissions. Lastly, the neighborhood benefits, as small shops, offices and cafes will be intermingled into the community, increasing variety and making the neighborhood more walkable.

A. PERMITTED USES BY UNIT

- Unit 1 City wide uses by right
- Unit 5 Government facilities
- Unit 8 Single family dwellings
- Unit 9 Two family dwellings
- Unit 10 Three family dwellings
- Unit 12 Offices, studios and related services
- Unit 13 Eating places
- Unit 15 Neighborhood shopping goods
- Unit 16 Shopping goods
- Unit 19 Commercial recreation, small sites
- Unit 25 Professional offices
- Unit 26 Multi family dwellings

B. CONDITIONAL USES BY RIGHT

- Unit 2 City-wide uses by conditional use permit
- Unit 17 Trades and services
- Unit 24 Home occupation
- Unit 34 Liquor store
- Unit 35 Outdoor music establishments

C. RESIDENTIAL DENSITY

Acreage	7.71
Dwelling units	98
Density	13 units/acre
Intensity	
Acreage	7.71
Non-Residential	36,000 ft. ² total, or 4,669 ft. ² /acre

D. LOT WIDTH MINIMUM

12 ft.

E. LOT AREA MINIMUM

500 ft.²

F. LAND AREA PER DWELLING

1500 ft.²

G. SETBACK REQUIREMENTS

Front	0 ft.
Side	0 ft.
Rear	0 ft.
When Rear Faces Alley	3 ft.

In the event that a garage is detached from a Live/Work unit and is located on a lot not contiguous with the lot on which its parent Live/Work unit is located, garage openings facing an alleyway shall be considered the front of the garage structure. In this event, at least three (3) feet of clear space must still be maintained between the edge of pavement of the alley and the garage front.

Encroachments

Encroachments into the public right-of-way shall follow the recommendations set forth in chapter 3, section 3201 of the International Building Code.

External Property Boundary Setback

All buildings in the Ruskin Heights neighborhood will be set back a minimum of ten (10) feet from all perimeter site property lines.

H. HEIGHT REGULATION

Shall not exceed 45 ft.

I. BUILDING AREA

Shall not exceed 95%

J. LANDSCAPING

Landscaping for the site will be grass, trees, shrubs, and other plantings to be determined by the designers. It will also include water features, stone and other hard surface walls, and, in some cases, cobblestone, brick, and other hard surface materials for pedestrian use. Some grassy areas may be engineered to be usable by automotive traffic without doing damage to the underlying vegetation. In general, all landscaping will be in accord with the requisite portions of the Fayetteville UDC. The development will comply with the landscape plan included with the plats submitted.

K. PARKING

All parking shall comply with regulations set forth in the unified development code.

L. ARCHITECTURAL DESIGN STANDARDS

Architectural design standards throughout the project will be of the highest caliber. Durable exterior materials such as brick, stone, stucco, hardi plank and wood will be used for exteriors. A strong and coherent architectural style reminiscent of Arts and Crafts neighborhoods will be used throughout the project. Where individuals are building single family homes, while creativity will be encouraged in order to add to the eclectic nature of the community, designers and builders will be required to adhere to a strict design code and a materials list provided by the developers which will include natural materials such as those described above. The architectural design shall be consistent with the building elevations and concepts presented in the PZD booklet. Foundation plans shall be engineered per condition of approval 40 under "Additional Conditions" in the City Council's Amended Conditions of Approval dated March 20, 2007.

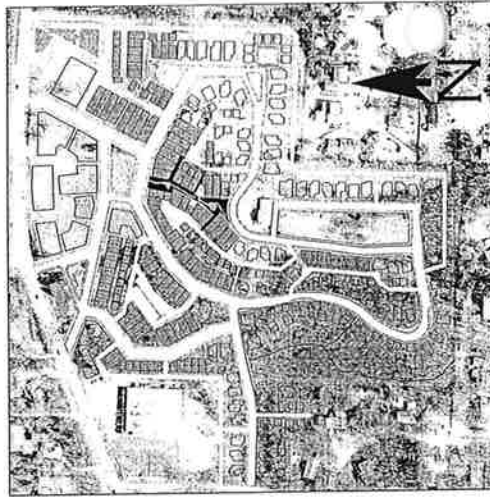
M. SIGNAGE

All signage will fully comply with the Fayetteville sign ordinance and the relevant portions of the UDC. The developer may wish to use unique street signs which would better fit with the neighborhood's overall character. Additionally, some signs which designate areas of the neighborhood such as the Spanish Steps and other landmarks and districts may be employed. All proposed signs will be subject to the approval of the Fayetteville Transportation Department.

PART OF PHASES 1,2,3,5 & 6

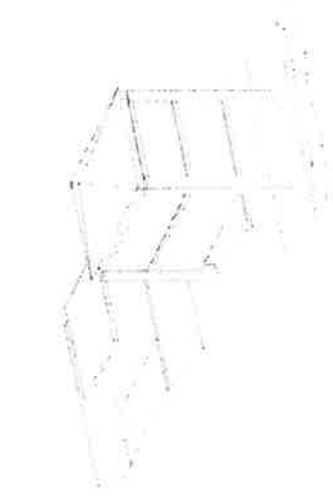
REQUESTING DEVELOPMENT APPROVAL AT THIS TIME?

YES



D. 3
RZN 11-3866
(2013 E. Mission Blvd./Ruskin Heights)
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EXISTING
ZONING
pg.2

PLANNING AREA 2

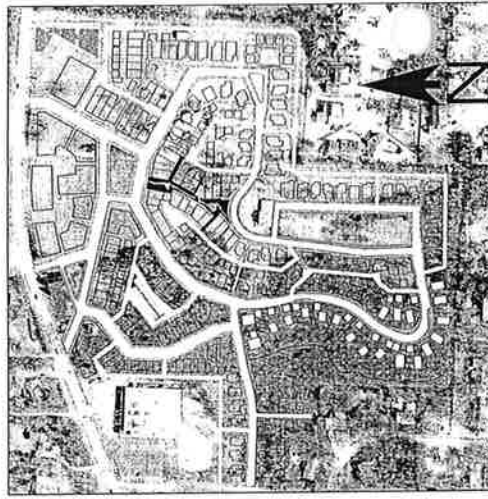


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M. SIGNAGE

All signage will fully comply with the Fayetteville sign ordinance and the relevant portions of the UDC. The developer may wish to use unique street signs which would better fit with the neighborhood's overall character. Additionally, some signs which designate areas of the neighborhood such as the Spanish Steps and other landmarks and districts may be employed. All proposed signs will be subject to the approval of the Fayetteville Transportation Department.

PART OF PHASE 5



EXISTING
ZONING
pg.3

Single family	2,500 ft ²
F. LAND AREA PER DWELLING	
Single family	6,197 ft ²
G. SETBACK REQUIREMENTS	
Front	0 ft.
Side	2 ft.
Side (detached garage)	0 ft.
Rear	0 ft.
Rear (alley loaded garages)	3 ft.

Encroachments

Encroachments into the public right-of-way shall follow the recommendations set forth in chapter 3, section 3201 of the International Building Code. Encroachments into the setbacks must follow the rules set forth by ordinance in the city of Fayetteville and must adhere to all rules set forth by the international builder's code.

External Property Boundary Setback

All buildings in the Ruskin Heights neighborhood will be set back a minimum of ten (10) feet from all perimeter site property lines.

H. HEIGHT REGULATION

Shall not exceed 45 Ft.

I. BUILDING AREA

Shall not exceed 65%

J. LANDSCAPING

Landscaping for the site will be grass, trees, shrubs, and other plantings to be determined by the designers. It will also include water features; stone and other hard surface walls, and, in some cases, cobblestone, brick, and other hard surface materials for pedestrian use. Some grassy areas may be engineered to be useable by automotive traffic without doing damage to the underlying vegetation. In general, all landscaping will be in accord with the requisite portions of the Fayetteville UDC. The development will comply with the landscape plan included with the plats submitted.

K. PARKING

All parking shall comply with regulations set forth in the unified development code.

L. ARCHITECTURAL DESIGN STANDARDS

Tree Houses will represent one of the most interesting residential formats, not only within the Ruskin Heights neighborhood, but in the City of Fayetteville. Inspired by the Hillside Overlay District, the Tree Houses offer a unique opportunity to build housing in a wooded, sloped environment with minimal impact to tree canopy.

By making footprints much smaller than usual, encouraging first floor or other creative garage spaces, and allowing slightly taller structures to be built, impacts to the natural environment can be minimized while creating an architecturally unique and interesting Planning Area.

The Tree Houses will be located on single family lots which have been given special setback regulations to allow houses to be located in such a way as to minimize impact to the natural environment.

A. PERMITTED USES BY UNIT

Unit 1	City wide uses by right
Unit 5	Government facilities
Unit 8	Single family dwellings

B. CONDITIONAL USES BY RIGHT

Unit 2	City-wide uses by conditional use permit
Unit 17	Trades and services
Unit 24	Home occupation
	Detached second dwelling units

C. RESIDENTIAL DENSITY

Acres	2.91
Dwelling units	20
Density	7 units/acre

D. LOT WIDTH MINIMUM

Single family	30 ft.
---------------	--------

E. LOT AREA MINIMUM

REQUESTING DEVELOPMENT APPROVAL AT THIS TIME?

NO

PLANNING AREA 3

C. RESIDENTIAL DENSITY

Acreage	10.14
Dwelling units	83
Density	9 units/acre

D. LOT WIDTH MINIMUM

Single family	20 ft.
---------------	--------

E. LOT AREA MINIMUM

Single family	900 ft. ²
---------------	----------------------

F. LAND AREA PER DWELLING

Single family	4,380 ft. ²
---------------	------------------------

G. SETBACK REQUIREMENTS

Front	0 ft.
Side	2 ft.
Side (detached garage)	0 ft.
Rear	0 ft.
Rear (alley loaded garages)	3 ft.

Encroachments

Encroachments into the public right-of-way shall follow the recommendations set forth in chapter 3, section 3201 of the International Building Code. Encroachments into the setbacks must follow the rules set forth by ordinance in the city of Fayetteville and must adhere to all rules set forth by the international builder's code.

External Property Boundary Setback

All buildings in the Ruskin Heights neighborhood will be set back a minimum of ten (10) feet from all perimeter site property lines.

H. HEIGHT REGULATION

Shall not exceed 45 Ft.

I. BUILDING AREA

Shall not exceed 90%

J. LANDSCAPING

Landscaping for the site will be grass, trees, shrubs, and other plantings to be determined by the designers. It will also include water features, stone and other hard surface walls, and, in some cases, cobblestone, brick, and other hard surface materials for pedestrian use. Some grassy areas may be engineered to be useable by automotive traffic without doing damage to the underlying vegetation. In general, all landscaping will be in accord with the requisite portions of the Fayetteville UDC.

ville UDC. The development will comply with the landscape plan included with the plats submitted.

K. PARKING

All parking shall comply with regulations set forth in the unified development code.

L. ARCHITECTURAL DESIGN STANDARDS

Architectural design standards throughout the project will be of the highest caliber. Durable exterior materials such as brick, stone, stucco, hard plank and wood will be used for exteriors. A strong and coherent architectural style reminiscent of Arts and Crafts neighborhoods will be used throughout the project. Where individuals are building single family homes, while creativity will be encouraged in order to add to the eclectic nature of the community, designers and builders will be required to adhere to a strict design code and a materials list provided by the developers which will include natural materials such as those described above. The architectural design shall be consistent with the building elevations and concepts presented in the PZD booklet. Foundation plans shall be engineered per the condition of approval 40 under "Additional Conditions" in the City Council's Amended Conditions of Approval dated March 20, 2007.

M. SIGNAGE

All signage will fully comply with the Fayetteville sign ordinance and the relevant portions of the UDC. The developer may wish to use unique street signs which would better fit with the neighborhood's overall character. Additionally, some signs which designate areas of the neighborhood such as the Spanish Steps and other landmarks and districts may be employed. All proposed signs will be subject to the approval of the Fayetteville Transportation Department.

PART OF PHASES 2, 3, 4, 5, & 6

REQUESTING DEVELOPMENT APPROVAL AT THIS TIME?

YES

PLANNING AREA 4

Traditionally, single family lots are the backbone of the American Dream. Like other TND neighborhoods, Ruskin Heights will have many lots available for single family living. Allowances for this type of lot will provide for residents who wish to be part of the Ruskin Heights neighborhood but who might want a more traditional home.

Single family lots in Ruskin Heights will vary widely in size, so the setbacks and other lot restrictions will be set to make sure that the smaller lots remain buildable. Larger lots may have some restrictions placed on them.

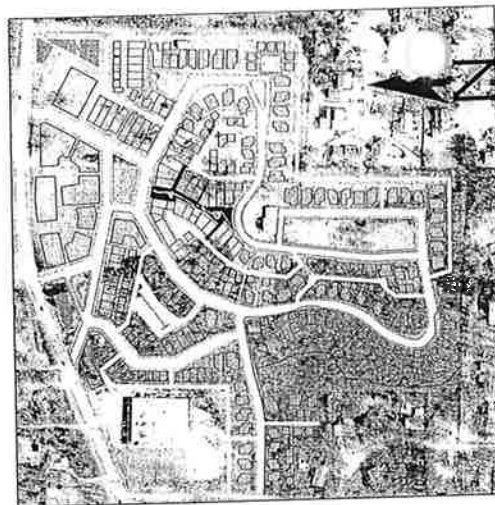
Covenants may restrict building areas to more traditional house lot placements but, in the spirit of keeping the neighborhood interesting and ensuring variety, some houses (even when on large lots) may be allowed to use some of the small lot setbacks. The idea is to allow houses to be placed in differing locations on each lot, with some right up to the sidewalk, with porches and stoops overlooking public spaces. It is hoped that by doing this, the neighborhood can enjoy a character typical of communities like Eureka Springs, and other, more historic Fayetteville neighborhoods such as those found on Mt. Sequoyah where residents, sitting on their front porches, may speak to their neighbors who pass by on the street. This type of intimacy between neighbors is instrumental in creating community.

A. PERMITTED USES BY UNIT

Unit 1	City wide uses by right
Unit 5	Government facilities
Unit 8	Single family dwellings

B. CONDITIONAL USES BY RIGHT

Unit 2	City-wide uses by conditional use permit
Unit 17	Trades and services
Unit 24	Home occupation
	Detached second dwelling units



EXISTING
ZONING
pg.4

DESCRIPTION

To fulfill the parks requirement, \$260,000 will be donated to the City of Fayetteville to build parks in the appropriate area of the city. The green and open space at Ruskin Heights will be designed for quality rather than quantity. Small pocket parks will be located throughout the neighborhood for the enjoyment of residents and guests of the neighborhood. The green and open spaces will be carefully maintained for high aesthetic value. Games and other activities areas such as horseshoe pits and lawn bowling areas will be available.

In addition to the more manicured green and open spaces, the most heavily wooded section of the neighborhood, located at the southwest of the site, will remain wooded and natural and open for pedestrian and other uses. The trail corridor mentioned below will be located within this area, as well as natural water features.

On site storm water will be collected and used throughout the neighborhood for water scapes and other features of interest. These water scapes will ebb and flow with storm events as would a natural stream. Waterscapes are planned for many of the sections of open and green space in the community.

A trail corridor to be located near the western boundary of the site through the tree preservation area will be put into a permanent public access easement with the Property Owners Association retaining ownership. The developers shall work closely with the Trails Coordinator and the Urban Forester to develop this connection.

A public access easement for the Spanish Steps, which will lead from the Market Pavilion near the entrance to the neighborhood, up the hill through the more commercial area of the neighborhood and terminate at the summit of Ruskin Heights

A public access easement for the village green; the central green space of Ruskin Heights.

A. PERMITTED USES BY UNIT

- Unit 1: City wide uses by right
Unit 4: Cultural and recreational facilities
B. CONDITIONAL USES BY RIGHT
Unit 2 City-wide uses by conditional use permit

C. RESIDENTIAL DENSITY

Acresage	3.11
Dwelling Units	None
Density	N/A

D. LOT WIDTH MINIMUM

N/A

E. LOT AREA MINIMUM

N/A

F. LAND AREA PER DWELLING

N/A

G. SETBACK REQUIREMENTS

Front	5 ft.
Side	5 ft.
Rear (Alley Side)	0 ft.

External Property Boundary Setback

All buildings in the Ruskin Heights neighborhood will be set back a minimum of ten (10) feet from all perimeter site property lines.

H. HEIGHT REGULATION

45 ft.

I. BUILDING AREA

<30%

J. LANDSCAPING

Landscaping for the site will be grass, trees, shrubs, and other plantings to be determined by the designers. It will also include water features, stone and other hard surface walls, and, in some cases, cobblestone, brick, and other hard surface materials for pedestrian use. Some grassy areas may be engineered to be useable by automotive traffic without doing damage to the underlying vegetation. In general, all landscaping will be in accord with the requisite portions of the Fayetteville UDC. The development will comply with the landscape plan included with the plats submitted.

K. PARKING

Parking will be in accord with section 172 of the UDC

L. ARCHITECTURAL DESIGN STANDARDS

Architectural design standards throughout the project will be of the highest caliber. Durable exterior materials such as brick, stone, stucco, hard plank and wood will be used for exteriors. A strong and coherent architectural style reminiscent of Arts and Crafts neighborhoods will be used throughout the project. Where individuals are building single family homes, while creativity will be encouraged in order to add to the eclectic nature of the community, designers and builders will be required to adhere to a strict design code and a materials list provided by the developers which will include natural materials such as those described above. The architectural design shall be consistent with the building elevations and concepts presented in the PZD booklet. Foundation plans shall be engineered per the condition of approval 40 under "Additional Conditions" in the City Council's Amended Conditions of Approval dated March 20, 2007.

M. SIGNAGE

All signage will fully comply with the Fayetteville sign ordinance and the relevant portions of the UDC. The developer may wish to use unique street signs which would better fit with the neighborhood's overall character. Additionally, some signs which designate areas of the neighborhood such as the Spanish Steps and other landmarks and districts may be employed. All proposed signs will be subject to the approval of the Fayetteville Transportation Department.

PART OF PHASES 1, 2, 3, 4, 5, & 6



PLANNING AREA 5 - GREEN SPACE / CIVIC SPACE

EXISTING
ZONING
Pg. 5

REQUESTING DEVELOPMENT APPROVAL AT THIS TIME?

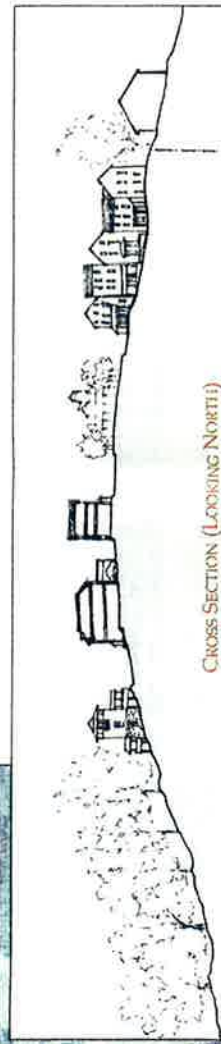
NO

E & F) PROPOSED PLANNING
AREAS AND DEVELOPMENT STAND-
ARDS FOR EACH PLANNING AREA

Please see following pages 6-21 for details.

EXISTING
Zoning

	PA-1 Mixed Use/Flats
	PA-2 Live/Work Town Houses
	PA-3 Tree Houses
	PA-4 Single Family
	PA-5 Green Space/Civic Space
	Spanish Steps
	Market Square
	Civic Building
	Public Green Space



**MEETING MINUTES
PLANNING COMMISSION
JULY 11, 2011
AUGUST 22, 2011**

RZN 11-3866: Rezone (2013 E. MISSION BLVD./RUSKIN HEIGHTS, 370/371): Submitted by JORGENSEN & ASSOCIATES for property located at 2013 EAST MISSION BOULEVARD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 28.93 acres. The request is to rezone the property to CS, COMMUNITY SERVICES; NC, NEIGHBORHOOD CONSERVATION; AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS/ACRE.

Andrew Garner, Senior Planner, presented the staff report and recommendation.

Justin Jorgensen, applicant, gave background for the rezoning and requested that the planning commission table this item for two weeks to allow them to provide a Bill of Assurance and other issues to be worked out.

Public Comment:

JoAnne Kvamme, neighbor, discussed that that are concerned about the bank getting a rezoning. There has been no contact at all about the rezoning. She discussed hillside, erosion, tree conservation, traffic on Mission. There is no place to walk, no reference to access onto Greenview. We want a smooth gradual transition from our neighborhoods.

Pamela Conner, 1686 Shadowridge, discussed that there is no plan, nothing to look at, we don't know the developer. Would you want this?

Don Conner, 1686 Shadowridge, discussed that this needs to have RSF-4 adjacent to all other RSF-4, including the Greenview entrance. This needs to be brought back to the original zone until a developer presents a plan. Neighborhood Conservation would allow duplexes all the way through. Four-story apartments are permitted in Community Services.

Fred Sherman, 2134 Camelot, didn't agree with the previous Planning Commission's decision on Ruskin Heights. The previous decision waived a lot of hillside and grading ordinances. There are 75 stores within a half mile of Park Place, 10 stores are vacant. Put sidewalks on both sides of Mission so we can walk to these businesses. He doesn't want to see the backs of businesses or apartments.

Aubrey Shepherd, discussed watershed, hillside, and erosion issues. A zoning consideration should be tied to development.

Brad Booth, 2220 Camelot, agreed that the rezoning should be tied to an actual plan, what will be there.

Mike Eggleston, 2146 Camelot, his bedroom is 10 yards from Ruskin Heights. Leave it like it is or allow a similar development.

Janelle Booth, 2220 Camelot, this is not a walking community on Mission, we need sidewalks on Mission. This should go back to the previous zoning of RSF-4.

No more public comment was presented.

Commissioner Griffin asked why they are requesting this be tabled.

Justin Jorgensen, applicant, discussed that there is a potential buyer for a portion of this site and they want to make sure the zoning boundary matches the area the potential buyer is looking at.

Kit Williams, City Attorney, discussed that the law requires that zoning should be decided basing the decision on a proposal without development. You should look at what types of uses and densities the proposed zoning would allow.

Commissioner Hoskins discussed that this is similar to the recent rezoning for Summit on Township on a hillside. He has always been a fan of a PZD and discussed the reasons for a PZD. He asked about the street improvements on Mission.

Jeremy Pate, Development Services Director, reviewed the various street improvements that were required and have been completed with the first phase of the Ruskin Heights development. The next development will be reviewed and similar street improvements may be required as were previously required with Ruskin Heights.

Commissioner Hoskins asked about administrative approval for a form-based code.

Pate discussed that a subdivision would require planning commission approval of a preliminary plat, which would likely be the first step after a rezoning of this site.

Commissioner Hoskins asked if PZDs could be reinstated as they were.

Williams answered, no, and explained why a PZD cannot be reinstated. He discussed that the previous owners committed to things in the PZD, but these are different owners. The only way a PZD is legal is because it is an option. A PZD cannot be forced. To force someone to do a PZD would be contract zoning which is not legal.

Commissioner Honchell discussed that the proposed zoning that he is looking at is very similar to what the previous Ruskin Heights proposed. Do members of the public have a way to see what the Planning Commissioners have seen?

Garner discussed that all of the Ruskin Heights rezoning application materials have been posted on the City's FTP site and the neighbors have been emailed the website link.

Commissioner Earnest asked the applicant to work with the neighbors.

Justin Jorgensen, applicant, discussed that they will be happy to work with the neighbors.

Williams discussed that the previous variances for Ruskin Heights are not grandfathered for the next development on this site.

Motion:

Commissioner Earnest made a motion to table RZN 11-3866 until the July 25, 2011 Planning Commission meeting. **Commissioner Bunch** seconded the motion. **Upon roll call the motion passed with a vote of 7-1-0 (Commissioner Griffin voting 'no').**

There being no further business, the meeting was adjourned at 6:46 PM.

Old Business:

RZN 11-3866: Rezone (2013 E. MISSION BLVD./RUSKIN HEIGHTS, 370/371): Submitted by JORGENSEN & ASSOCIATES for property located at 2013 EAST MISSION BOULEVARD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 28.93 acres. The request is to rezone the property to CS, COMMUNITY SERVICES; NC, NEIGHBORHOOD CONSERVATION; AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS/ACRE, subject to a Bill of Assurance.

Andrew Garner, Senior Planner, gave the staff report.

Justin Jorgensen, applicant, discussed reasons for tabling this item at the previous three meetings. He presented a signed Bill of Assurance to the Planning Commission and reviewed the Bill of Assurance in detail.

Public Comment:

JoAnne Kvamme, thanked the developers for meeting with the neighbors and stated that the developer has been listening to the neighbors. She read a comment from the Fayetteville Natural Heritage Commission discussing the value of hilltops and west facing drainages. The comment she read discussed that this wooded area is attractive to the general public. The property to the east, offsite, has had erosion and invasive species. She discussed erosion problems on the site. Please consider impacts to downslope neighbors. Will this Bill of Assurance be binding and enforceable to future land owners?

Kit Williams, City Attorney, discussed the legal requirements of a Bill of Assurance and confirmed that the Bill of Assurance will affect future landowners. He discussed the Bill of Assurance's relation to the zoning of the land and that the Bill of Assurance may be changed or removed only by City Council approval. Normally Bills of Assurances are never changed unless the zoning changes. He also stated that zoning is never locked in place forever and that it could change over time.

Fred Sherman, 2134 E. Camelot, directly adjacent to the property. He discussed that they have discussed the zoning with Mitchell Massey and Jorgensen and Associates and stated that he thinks the zoning is adequate and that the developer has been willing to make some compromises. He discussed that when Ruskin Heights went through the first time the City Council changed the project substantially. He discussed the hillside ordinances and an inadequate parking situation for the Ruskin Heights development. He would like to see all parking off-street. He discussed impacts in winter weather. The historic grade is extremely important including the height limitation. We want to see engineered foundations. If you can pass this ordinance and tie it to the hillside ordinance I don't think we will have very many problems.

Malcolm Cleveland, University of Arkansas professor, Bachelor and Masters in Forestry, PhD in Geosciences and work in watershed management. He walked the property. He described steep slopes on the property and that the City's slope ordinance is not adequate for this property. Sometimes the ordinance is not enforced. He discussed density on steep slopes. Erosion has occurred and will get work when construction proceeds. There will be a lot of impermeable surfaces. The small area for runoff will be inadequate. It will take some really good hydrodynamic engineering to solve the problem but that will not occur. Traffic, a left turn off of Greenview is hazardous. Traffic will get worse with this project. The intersection at Crossover is already congested at times. The City has never hired a competent traffic engineer.

Tamara Bishop, 1825 N. Cambridge, had questions about the Bill of Assurance. Are they similar to covenants?

Kit Williams, responded that, no, they are not similar to covenants. He described the differences between a Bill of Assurance and covenants. Covenants are a private agreement. A Bill of Assurance is an agreement offered to the City Council or Planning Commission. He discussed that a Bill of Assurance is enforceable and the injunctive relief is possible. A Bill of Assurance is much stronger than a restrictive covenant and a Bill of Assurance is what the City will enforce.

Tamara Bishop, asked about amending the Bill of Assurance.

Kit Williams described how a Bill of Assurance can be modified only by the City Council.

Tamara Bishop, thanked the developer and engineers have been very gracious in meeting with us and they seem very open to hearing our concerns. It sounds like they are accommodating our concerns. As a neighbor I understand that if you own property you have a right to use it and don't want to impede their responsible development of their property. This Bill of Assurance is a great way to address problems with developing this site. She discussed evaluation of the City's ordinance to ensure good development.

Mike Wiggleston, 2146 E. Camelot, he agreed with what Tamara said. Let's don't come here every month to grant developer variances to accommodate a developer. I'm a citizen of Fayetteville and if anyone deserves to be accommodated it's me.

Don Conner, 1686 E. Shadow Ridge, directly adjacent to the property. I appreciate the developer's having worked with us; it's a nice welcome change. We've all learned more about the form-based development and we're a lot more comfortable with the density. He stated that he would like to see no money taken in lieu of trees. What is the status of the Fayetteville municipal improvement district #29 that was part of Ruskin Heights, where they sold bonds to build infrastructure? Is it still attached to this development?

Commissioner Cabe stated that the improvement district is not a part or related to this rezoning.

Kit Williams responded that you could go to the court and see who set up that district and who are the commissioners of that district. As the chairman commissioner indicated this is not something to be considered with this rezoning.

Don Conner asked if future residents would have to pay into that district. Would this be a hidden cost?

Kit Williams described the process for establishing an improvement district and discussed that the City doesn't get involved and the City Council has no authority one way or another on these improvement districts. It has not bearing on the rezoning of this property.

Gale O'Donnell, 1960 N. Greenview Drive, am I right that no economic decisions can be considered regarding the rezoning of this property?

Kit Williams discussed that the highest and best use of the property can be considered by the Planning Commission and City Council for a rezoning. There are many other considerations, primarily compatibility is the number one consideration, but you can consider the highest and best use of the property which would be an economic consideration.

Gale O'Donnell, what does highest and best use mean?

Kit Williams answered that the owner of the property could refer to the highest and best use of the property

which could mean highest dollar value, or some other reason, that the owner would like to argue.

Gale O'Donnell, what does compatibility mean?

Kit Williams discussed compatibility in terms of adjacent and nearby neighbors that will not degrade or diminish the property. That does not mean that property cannot be developed.

Gale O'Donnell asked about the economic interests of the Planning Commission related to this development or bank of this property.

Kit Williams, discussed conflict of interest rules and that if any one had a direct financial interest they would recuse. He discussed various reasons why a commissioner would recuse or be required to recuse.

Gale O'Donnell stated that comparison of future zoning to the defunct Ruskin Heights property should not be made. The previous development damaged the property because of so many variances. Please consider the hillside, trees, and highest and best use.

Cathy Wait, 1775 Cambridge, thanked the developer and engineers for all of the time they took in listening to us, we are most appreciative. They did take our comments into consideration as obviously shown in the Bill of Assurance that was changed. People are concerned with height and the views that they have currently and they are concerned about their property value being diminished by a taller structure impeding their view. Is their something in the code that restricts height?

Kit Williams discussed that if someone built a house next to yours; even if it was taller than yours if it was allowed under the zoning it would be permitted.

Garner discussed that the maximum height for single family homes in the proposed zoning is 45 feet in height and 4 stories or 56 feet in height for multi-family or non-residential in the Community Services zoning.

Jeremy Pate, Development Services Director, explained how height is measured to make sure it meets the requirement.

Cathy Wait discussed traffic concerns along Mission Boulevard and the concern is that this will be putting a lot of traffic on a two-way highway that does not have curb and gutter or shoulders on Highway 45.

Kit Williams discussed the previous improvements required with Ruskin Heights including a turn lane on Mission. He discussed a traffic signal and the warrants being met before a signal could be installed.

Gale O'Donnell discussed that Highway 265 is being widened, which was not in consideration when this was originally approved.

After a request for final comments by the Planning Commission Chair Matthew Cabe, no more public comment was presented and public comment was closed.

Commissioner Earnest complimented this rezoning and public process that has resulted in a proposal that is moving towards something that is acceptable to the community. He described the compromises that resulted as a result of the meetings.

Commissioner Winston asked how this rezoning and future development tied to the hillside ordinance.

Kit Williams discussed that the hillside hilltop ordinance is tied to the development and he discussed and described the grading and tree preservation ordinances. That does not mean variances could not be granted. He discussed the development review process. He discussed the intent of the tree preservation ordinance.

Commissioners Winston asked of the engineering department found that the foundation for construction on this site were not adequate can they require more.

Kit Williams discussed that the hillside hilltop overlay district ordinance requires a foundation to be stamped by an engineer and if that is provided by a developer in accordance with ordinance then the City will likely approve the plan.

Commissioner Winston asked about taking money in lieu of tree preservation.

Kit Williams discussed the priority and intent of the tree preservation. The first priority is preservation of trees; the next step if it cannot be preserved is to plant trees onsite, the next step is to pay money in lieu or plant trees offsite. He discussed the hierarchy of the ordinance.

Commissioner Hoskins asked about the infrastructure on the project.

Pate discussed that the first phase has been installed but a majority of the site does not have infrastructure installed. Pate also described the improvements along Mission that were completed and the tree canopy that has been removed during the first phase. There was very little tree canopy removed during the first phase. Development of the southern areas of the site will be much more difficult to develop because of the higher tree canopy numbers.

Fred Sherman, 2134 E. Camelot, asked to speak.

Commissioner Earnest stated that he would allow Mr. Sherman to speak.

Fred Sherman, 2134 E. Camelot, discussed the hillside hilltop overlay district ordinance.

Commissioner Cabe officially closed public comment again.

Commissioner Chesser asked about the tree preservation requirements in the HHOD.

Pate responded that there is a 5% increase in tree preservation in the HHOD. He also discussed the minimum undisturbed area.

Commissioner Chesser asked about on-street parking.

Garner responded that on-street parking is permitted to count towards required parking spaces at the determination of the Zoning Development Administrator.

Commissioner Chesser asked about a traffic study for the signal on Mission.

Justin Jorgensen, applicant, discussed that the traffic study has not been updated. It may be required when it comes through for development.

Motion:

Commissioner Winston made a motion to forward RZN 11-3866 to the City Council with a recommendation of approval subject to the applicant's Bill of Assurance. **Commissioner Earnest** seconded the motion. **Upon roll call the motion passed with a vote of 8-1-0 (Commissioner Hoskins voting 'no').**

CORRESPONDENCE AND PUBLIC COMMENT



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

D. 3
RZN 11-3866
(2013 E. Mission Blvd./Ruskin Heights)
Page 41 of 54

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.
JUSTIN L. JORGENSEN, P.E.
BLAKE E. JORGENSEN, P.E.

11/03/09

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Ruskin Heights Rezoning

This letter is in regards to the above referenced proposed rezoning and the following required information:

- A. The current owner of this site is Metropolitan National Bank, P.O. Box 8010, Little Rock, AR. 72203
- B. The current goal is to retrofit the first phases of Ruskin Heights that have been constructed but not finalized. The hope is to get some single family detached dwelling units in this area and the N-C zoning is going to allow for the best utilization of the existing utilities and infrastructure. In order to rezone the first phases for development the rest of the property needs to be addressed as a whole. Without any long term goals or development plan for that at this time, we are proposing zonings that we feel will be compatible with the surrounding property as well as stay in line with the City's goals for the City Plan 2025.
- C. Although the requested zonings along the southeast property (N-C) line will allow for slightly more density than the existing subdivisions to the south and east, we are trying to take advantage of the existing infrastructure & utilities from the Ruskin Heights project. The N-C zoning will be less dense than the previously approved PZD. The requested density along the southwest property line is the same except for a portion in the very southwest corner that is being proposed as RSF-4 to allow for bigger lots and utilize the terrain better in this area. The portion of the N-C zoning adjacent to the south and southeast subdivisions will only be allowed to be single family housing guaranteed through a bill of assurance. The proposed zoning for the rest of the property all the way to Mission was chosen to allow for a transition from only single family to a mixed use along Mission. Once again, there is no defined development plan for the entire property but we feel the requested zoning will allow for the needed flexibility to obtain the City's goals while at the same time trying to compliment the surrounding property.
- D. On the portion on the east side that has been constructed there is an 8" sewer and 8" water main that will serve this area and will connect to the rest of the site in the future. There are also existing water and sewer lines along Mission as well as Green View Drive.
- E. We feel the requested zonings are in line with the goals of the The City Plan 2025 for rezoning and development in the future.
- F. Because Ruskin Heights was a PZD and suffered a setback due to the poor economy, the PZD zoning has run out and needs to be rezoned for any future development.

- G. With the portion that is planned to be built out now, (First phases of Ruskin Heights) we don't feel the small number of single family homes will create a detrimental increase in traffic in this area. We understand that the development of the rest of the property in the future will appreciably increase traffic in this area and know that some amount of money (to be determined) will need to be given for a traffic light at a time when a certain number of lots have been developed that is consistent with what was planned for the Ruskin Heights project.
- H. Development of the whole property will increase the load on public services and will be dealt with at the time of development.
- I. Currently the property has no zoning so it can't be developed.

We ask that you please consider our request and keep in mind that the focus currently is on retro fitting the portion that has been constructed in order to not only enhance the aesthetics of this area but alleviate any erosion problems that currently exists. We feel the proposed zonings are a necessity for utilizing existing infrastructures while also allowing for flexibility of future development that can tie the surrounding property together with a mixed use development that encompasses the goals of the City Plan 2025.

Thank you.

Sincerely;



Justin L. Jorgensen, P.E.



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.
JUSTIN L. JORGENSEN, P.E.
BLAKE E. JORGENSEN, P.E.

August 8, 2011

Re: Ruskin Heights Rezoning Planning Commission Meeting

To Planning Commissioners:

It has been brought to my attention today from Dara Sanders that some of you are requesting clarification to why we are asking to be tabled to the August 22nd Planning Commission. Unfortunately, we will not be able to attend the meeting tonight but hope this letter will suffice in clearing this issue up.

After the first Planning Commission meeting we contacted Fred Sherman and Don Conner with the idea of arranging a public meeting on Monday July 25, 2011 at the office of Jorgensen & Associates. With about 25 people in attendance the meeting lasted for about two hours and was very beneficial for us to hear their thoughts and concerns in what will be proposed for the next meeting. We hope to make enough changes that everyone feels like their concerns have been heard. We are in the process of making these changes and are going to have another meeting with the surrounding property owners later this week to show everyone the changes that have been made and what is being proposed in moving forward. The August 22nd meeting gives us time to meet with neighbors, make changes and get it to city staff in order to get it to you with plenty of time to review before the meeting.

Once again we apologize for any confusion regarding the tabling but hope you understand why we are requesting the extra time.

Thank you.

Sincerely;

Justin L. Jorgensen, P.E.



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.
JUSTIN L. JORGENSEN, P.E.
BLAKE E. JORGENSEN, P.E.

August 8, 2011

Re: Ruskin Heights Rezoning Neighborhood Meeting

To whom it may concern:

The purpose of this letter is to invite all surrounding property owners to attend a second public meeting on Monday August 15 @ 5:30 p.m. at "1" East Center Street (The old Bank of America building) on the first floor. The goal of the meeting is to review changes made after the previous meeting and the proposed request that will be turned in for the Planning Commission Meeting on August 22nd at the City of Fayetteville.

We ask that you consider coming to this meeting and thank you for your time.

Thank you.

Sincerely;

Justin L. Jorgensen, P.E.

From: "Justin Jorgensen" <justin@jorgensenassoc.com>
To: "Andrew Garner" <agarner@ci.fayetteville.ar.us>
Date: 7/19/2011 1:57 PM
Subject: Ruskin Heights Rezoning

Andrew,

The owner would like to request that the Ruskin Heights Rezoning be tabled in order to give us time to meet with surrounding property owners to listen to their concerns. We would like to be tabled until the August 8th Meeting.

Thanks,

Jorgensen & Associates
124 W. Sunbridge, Suite 5
Fayetteville, AR. 72703
phone: (479) 442-9127
fax: (479) 582-4807

From: Jeremy Pate
To: Garner, Andrew
Date: 7/25/2011 9:29 AM
Subject: Fwd: Ruskin Heights

Public comment.

>>> <cpcmm007@aol.com> 7/24/2011 7:04 PM >>>

Jeremy, I live at 1663 Viewpoint. When Ruskin Heights pzd was approved we were supportive of the plan. One of things that we were most concerned about was the traffic flow on Viewpoint for people leaving Ruskin heights who were turning left on Greenview and then on to Viewpoint. Through all the negotiations there was agreement to create a separation in lanes much like a boulevard so that cars leaving Ruskin Heights on Greenview would have to turn right to Mission. Could you help to ensure this stays as a boulevard or another option Greenview could be one way from the intersection of Viewpoint and Greenview to Mission this would ensure traffic moves to Mission. Appreciate you taking a look at this. It was seen as an important issue for the original project so that issue should remain a point that needs to be resolved.

Thanks, Philip Cameron
1663 Viewpoint

Cindy Monreal - Fwd: Former Ruskin Height property

From: Andrew Garner
To: Monreal, Cindy
Date: 6/13/2011 4:56 PM
Subject: Fwd: Former Ruskin Height property

Cindy,
Please convert this email to a PDF and save in the Ruskin Heights Public Comments folder.

Thanks,
Andrew

Andrew M. Garner, AICP
Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701
Tel.479.575.8262
Fax.479.575.8202
agarner@ci.fayetteville.ar.us
www.accessfayetteville.org

Telecommunications Device for the Deaf: (479) 521-1316

>>> Jeremy Pate 6/13/2011 4:53 PM >>>
Andrew,
Please see that this letter makes it to the file for the staff report.

thanks,
Jeremy

>>> JoAnn Kvamme <joann.kvamme@gmail.com> 6/13/2011 4:49 PM >>>
Dear Mr. Pate,
I would like to address the new request for rezoning of the former development referred to as Ruskin Heights. I also believe the comments I send today effect many of our older neighborhoods in Fayetteville and I hope some of these ideas will be used as a template for future development in Fayetteville.

I believe that people move to Fayetteville for many reasons but a major reason is the small town atmosphere and stable neighborhoods. Many of our neighborhoods are over 50 years old and still maintain stable populations of home owners who possess a strong community spirit. These neighborhoods are the backbone of our community and they need to be protected from what some call urban decay.

I think it is first important to remember that many people living in our urban neighborhoods could move to those outer rings of urban sprawl our city keeps saying it wants to avoid. The reason they do not move to these new neighborhoods is that they live in stable neighborhoods that they feel confident will remain that way.

In our haste to develop every scrap of nonbuilt up land in the city we must stop and think. If we destabilize these neighborhoods we will be encouraging exactly what we say we want to avoid (flight to the suburbs). A quick example, if we want people to remain in town the best way to do that is for them to feel that the neighborhood they have bought into will remain with the same qualities they chose when purchasing the home. I feel this could be achieved and still allow growth but the crucial point is we must maintain the integrity of the neighborhoods we will impact with this development. This is to say if the neighborhood has houses spaced every half acre then the development that abuts that space must mirror that design. That is not to say that there would be no other density or use on the entire property but an adequate buffer of like residence must abut the existing neighborhood with the transitions totally within the new development area and removed from the older neighborhoods. This will do three things 1) it will stop the urban decay of older neighborhoods, 2) it will keep home prices more stable since people will know if they bought into a neighborhood for certain aesthetics that they will remain into the future, and 3) it will reduce the number of residents moving to the suburbs.

Rather than view concerned neighbors as NIMBYs or a pain in the rear. Our neighbors that choose to take the time to come out should be viewed as the long term residents of our community that care enough to want to protect it as opposed to those who are totally unengaged and just move further out as they see the need.

Please do not rezone this former Ruskin area without the neighbors input and PLEASE encourage the developer to work with the neighbors. They may see we are not as unreasonable as they think if they truly want to add to our great community that already exists. If they are just in the market to make money at our expense and run that is where the problems arises and do we want those types of developers in our community anyway?

Thank you for any help you may offer.

Sincerely,

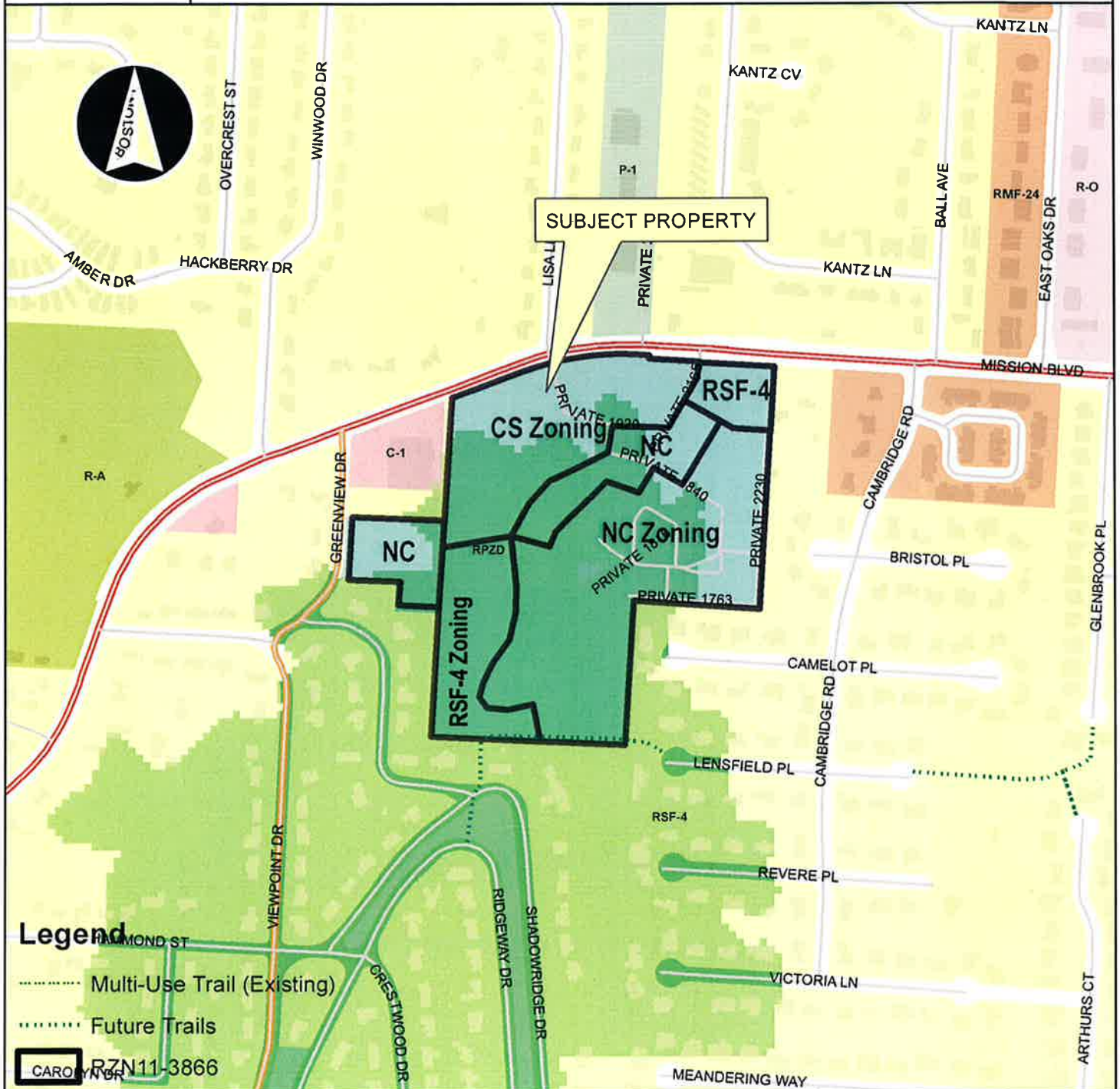
Jo Ann Kvamme
Resident Root School Neighborhood Association

MAPS

RZN11-3866

RUSKIN HEIGHTS

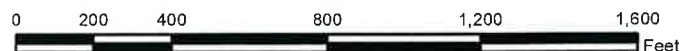
Close Up View



Legend

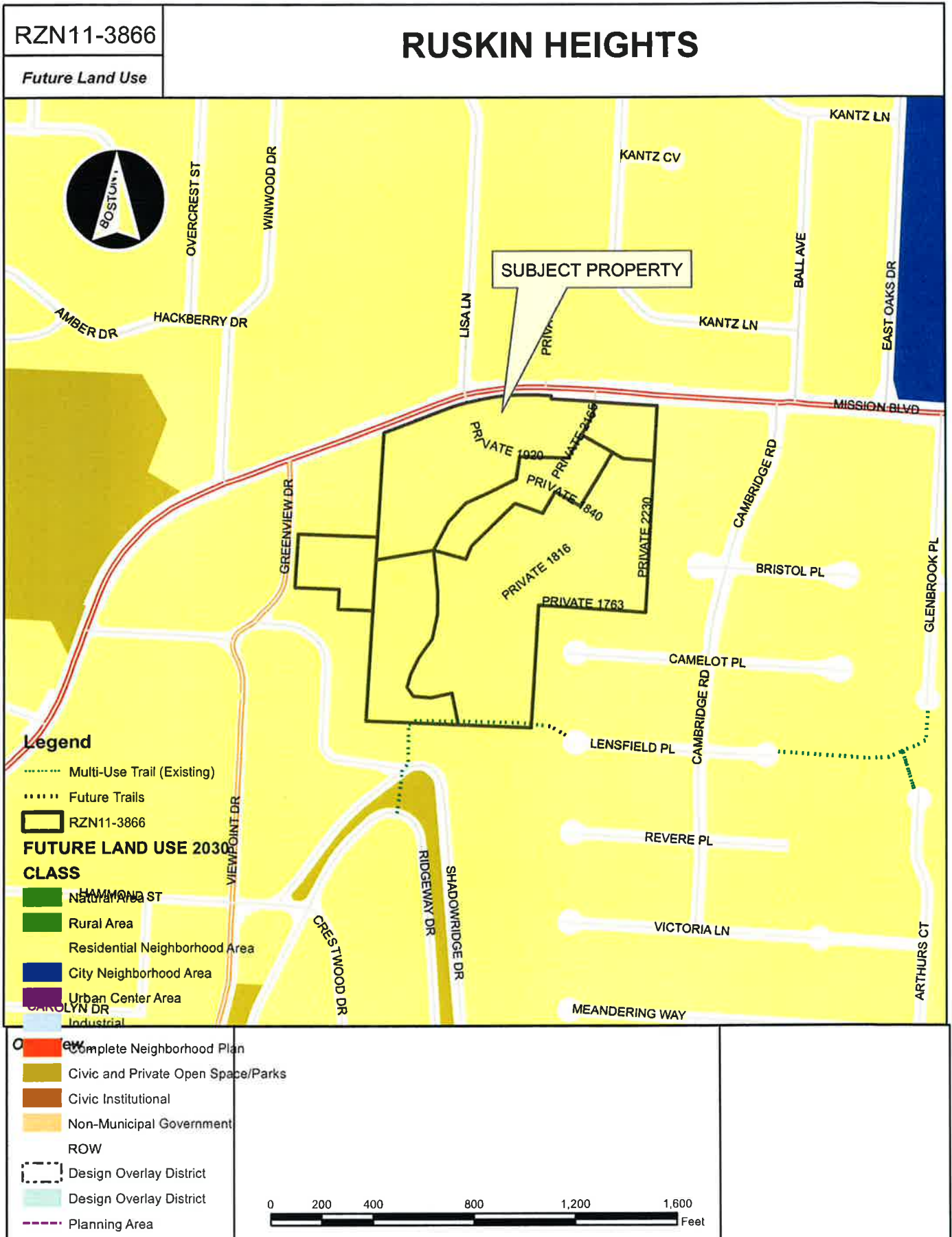
- Multi-Use Trail (Existing)
- Future Trails
- RZN11-3866
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

CS, Community Services (7.13 acres)
 NC, Neighborhood Conservation (16.83 acres)
 RSF-4, Residential Single Family Four Units Per Acre (4.96 acres)





Miles



City of Fayetteville Staff Review Form

D. 4
RZN 11-3901
(S. Beechwood Ave./Love Box)
Page 1 of 20

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

9/20/2011

City Council Meeting Date
Agenda Items Only

Andrew Garner
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 11-3901: (811 & 833 S. Beechwood Ave./Love Box, 559): Submitted by Jorgensen & Associates for property located at 811 & 833 South Beechwood Avenue. The property is zoned I-1, Heavy Commercial and Light Industrial and I-2, General Industrial and contains approximately 16.24 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

[Signature]
Department Director

09.01.2011

Date

Previous Ordinance or Resolution #

[Signature]
City Attorney

9-1-11

Date

Original Contract Date:

Original Contract Number:

Paul a. Berlin
Finance and Internal Services Director

9-1-2011

Date

Received in City
Clerk's Office

09-01-11A11:49 RCVD

[Signature]
Chief of Staff

9-2-11

Date

Received in
Mayor's Office

[Signature]
Mayor

9/2/11

Date



Comments:



www.accessfayetteville.org

D. 4
RZN 11-3901
(S. Beechwood Ave./Love Box)
Page 2 of 20

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: Andrew Garner, Senior Planner

Date: August 30, 2011

Subject: RZN 11-3901 (Love Box)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property from I-1, Heavy Commercial and I-2, General Industrial to CS, Community Services.

BACKGROUND

The subject property is located at the southwest corner of Martin Luther King Boulevard and Beechwood Avenue (811 and 833 Beechwood Avenue). The property contains 16.24 acres and is zoned I-1, Heavy Commercial and Light Industrial and I-2, General Industrial. This is a vacant, industrial site with access to a rail spur.

The applicant has submitted an application to rezone the property from I-1, Heavy Commercial and I-2, General Industrial to CS, Community Services.

DISCUSSION

On August 22, 2011, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 9-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 11-3901, FOR APPROXIMATELY 16.24 ACRES, LOCATED AT 811 AND 833 SOUTH BEECHWOOD AVENUE FROM I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL AND I-2, GENERAL INDUSTRIAL, TO CS, COMMUNITY SERVICES

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from I-1, Heavy Commercial and Light Industrial and I-2, General Industrial to CS, Community Services, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amended the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

PASSED and APPROVED this day of , 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

D. 4
RZN 11-3901
(S. Beechwood Ave./Love Box)
Page 4 of 20

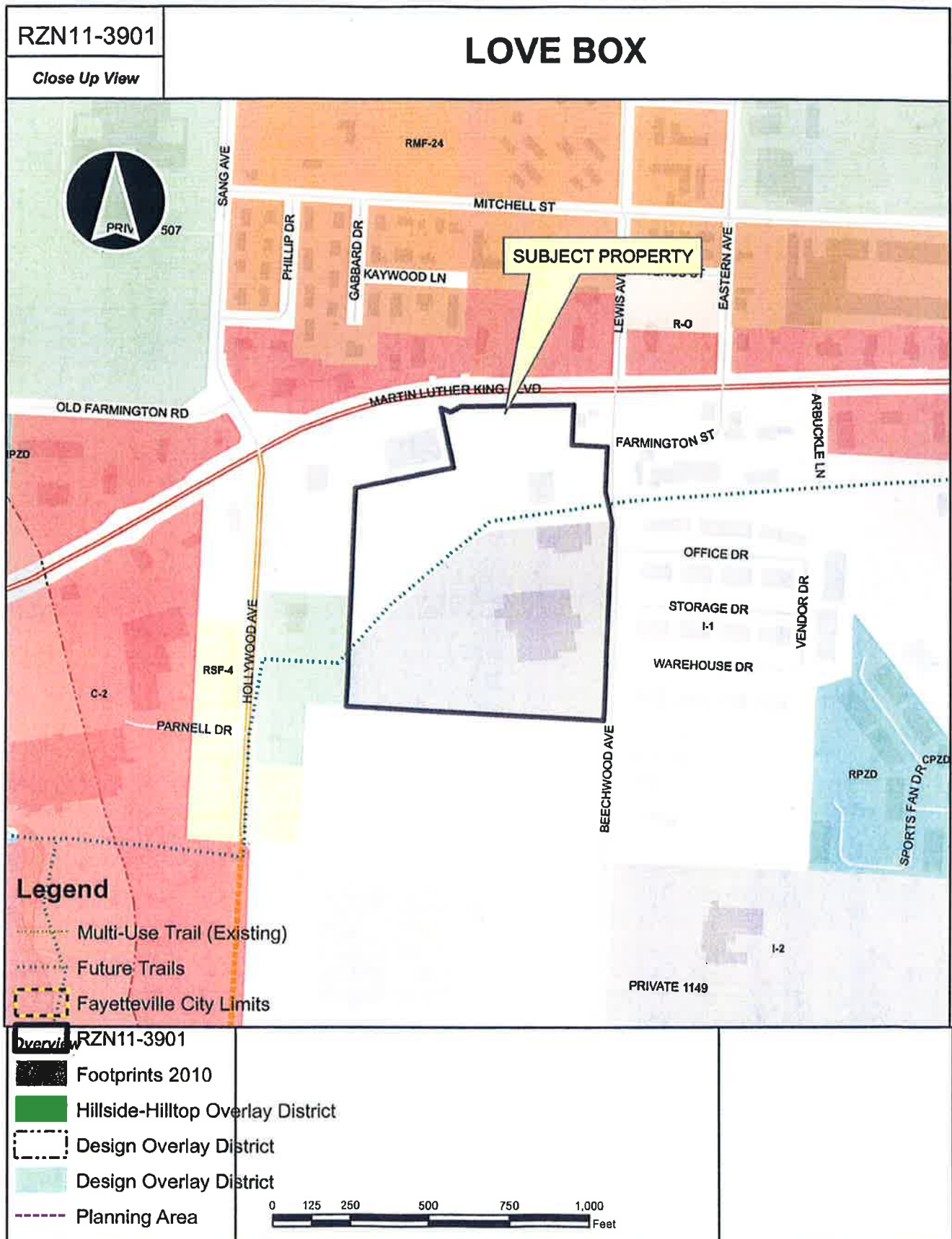


EXHIBIT "B"
RZN 11-3901

SURVEY DESCRIPTION

A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION SEVENTEEN (17) AND A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY (20), ALL IN TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION TWENTY (20), SAID POINT BEING AN EXISTING COTTON SPINDLE IN THE CENTER OF BEECHWOOD AVENUE; THENCE N 88°53'00"W 25.00 FEET TO AN EXISTING IRON REBAR ON THE WEST RIGHT-OF-WAY LINE OF BEECHWOOD AVENUE; THENCE N 00°23'31"E 450.00 FEET ALONG SAID RIGHT-OF-WAY LINE TO AN EXISTING IRON REBAR FOR THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY LINE, N 88°51'44"W 811.28 FEET TO AN EXISTING IRON REBAR; THENCE N 00°25'12"E 696.34 FEET TO AN EXISTING IRON REBAR; THENCE N 75°55'09"E 319.55 FEET ALONG THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN LAND RECORD 92-12961 AND SHOWN ON A SURVEY FILED IN SURVEY DRAWER 3 AT PAGE 89 OF THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, TO AN EXISTING COTTON SPINDLE; THENCE N 13°40'34"W 192.61 FEET ALONG THE EAST LINE OF THE ABOVE MENTIONED TRACT AND SURVEY TO AN EXISTING IRON REBAR ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY #62; THENCE ALONG SAID RIGHT-OF-WAY, THE FOLLOWING BEARINGS AND DISTANCES:

S 69°55'03"E 31.93 FEET TO AN EXISTING IRON REBAR;

N 59°40'33"E 36.80 FEET TO A SET ½" IRON REBAR;

N 87°01'33"E 349.20 FEET TO AN EXISTING IRON REBAR;

THENCE LEAVING SAID RIGHT-OF-WAY LINE, S 00°23'31"W 127.21 FEET TO AN EXISTING IRON REBAR ON THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION SEVENTEEN (17), SAID POINT BEING AT THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED BOOK 721 AT PAGE 499 IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS; THENCE S 88°45'43"E 113.00 FEET ALONG THE SOUTH LINE OF THE ABOVE MENTIONED TRACT TO AN EXISTING IRON REBAR ON THE WEST RIGHT-OF-WAY LINE OF BEECHWOOD AVENUE, SAID POINT BEING N 88°45'43"W 50.00 FEET FROM THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION SEVENTEEN (17); THENCE S 00°23'31"W ALONG SAID RIGHT-OF-WAY LINE 142.41 FEET TO AN EXISTING IRON REBAR ON THE NORTH RIGHT-OF-WAY LINE OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD; THENCE S 14°00'10"E ALONG THE WEST RIGHT-OF-WAY LINE OF BEECHWOOD AVENUE 100.55 FEET TO AN EXISTING IRON REBAR ON THE SOUTH RIGHT-OF-WAY LINE OF SAID RAILROAD; THENCE S 00°23'31"W 633.55 FEET TO THE POINT OF BEGINNING, CONTAINING 16.24 ACRES MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS. ALSO BEING KNOWN AS A

PART OF LOT TWELVE (12), LEWIS SUBDIVISION (BERT LEWIS SUBDIVISION) AND A PART OF BLOCKS FOUR (4), ONE (1), AND SEVEN (7) OF THE REPLAT OF WESTWOOD ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS.

THE ABOVE DESCRIBED 16.24 ACRE TRACT BEING SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAY CONTAINED IN THE FOLLOWING DEEDS OF RECORD:

LAND DOCUMENT 2007-00019713

LAND DOCUMENT 2009-00015165

LAND DOCUMENT 2011-00009901

NOTE: NO BUILDINGS EXISTING ON THE SURVEYED PROPERTY.



PC Meeting of August 22, 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: ~~August 17, 2011~~ Updated August 30, 2011

RZN 11-3901: Rezone (811 & 833 S. BEECHWOOD AVE./LOVE BOX, 559): Submitted by JORGENSEN & ASSOCIATES for properties located at 811 and 833 SOUTH BEECHWOOD AVENUE. The properties are zoned I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL and I-2, GENERAL INDUSTRIAL and contains approximately 16.24 acres. The request is to rezone the properties to CS, COMMUNITY SERVICES. Planner: Andrew Garner

BACKGROUND:

The subject property is located at the southwest corner of Martin Luther King Boulevard and Beechwood Avenue (811 and 833 Beechwood Avenue). The property is contains 16.24 acres and is zoned I-1, Heavy Commercial and Light Industrial and I-2, General Industrial. This is developed, vacant, industrial site with access to a rail spur. Surrounding land uses and zoning are shown in *Table 1*.

Table 1: Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Mixed commercial uses	C-2, Thoroughfare Commercial
South and East	Industrial and warehousing	I-1, Heavy Commercial and Light Industrial
West	McDonald's restaurant; City fire station	I-1, Heavy Commercial and Light Industrial; P-1, Institutional

Proposal: The applicant has submitted an application to rezone the property from I-1, Heavy Commercial and I-2, General Industrial to CS, Community Services.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding RZN 11-3901 to the City Council with a recommendation of approval based on findings stated herein.

PLANNING COMMISSION ACTION: Required <u>YES</u>		
Date: <u>08-22-11</u>	☒ Forwarded	☐ Denied
Motion: <u>Hoskins</u>	Second: <u>Chesser</u>	Vote: <u>9-0-0</u>
CITY COUNCIL ACTION:		
	Required <u>YES</u>	
	☐ Approved	☐ Denied
Date:		

INFRASTRUCTURE:

Streets: The site has access to Martin Luther King Boulevard, an improved five-lane state highway adjacent to the northern border of the site, and Beechwood Avenue, a two-lane Local Street adjacent to the eastern border of the site. Street improvements to this site will be evaluated at the time of development.

Water: Public water is available to the property. There is an 8" water main on the north side of Martin Luther King Boulevard and on the west side of Beechwood Avenue. Public water main improvements may need to be extended to the property to provide domestic and fire flow for any proposed development.

Sewer: Sanitary sewer is available to the site. There is a 6" public main that traverses the northern portion of the site and an 8" public main along the east side of Beechwood Avenue. 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.

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 2030 Future Land Use Plan designates this site as **Industrial**, 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.*

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: Surrounding properties are a mix of commercial and light industrial/warehousing uses. The introduction of a form-based, CS zoning district into this transitional area along Martin Luther King Boulevard and south along Beechwood Avenue would be both different and compatible with the surrounding uses. The surrounding uses are not heavy industrial or manufacturing types of uses that would pose adverse noise, traffic, or odor impacts to the mix of uses that would be permitted under the CS zoning. Due to this site's proximity along a major commercial corridor and within walking distance of the University of Arkansas campus, the mix of uses permitted in CS zoning district would be compatible. The CS designation would be consistent with many of the primary goals of City Plan 2030 including:

Goal 1: We will make appropriate infill and revitalization our highest priorities. *The proposed CS zoning would permit a mix of uses in the core of the City in an abandoned industrial site, encouraging infill and revitalization of this property.*

Goal 2: We will discourage suburban sprawl. *By being an infill site this proposal discourages suburban sprawl and keeps greenfields on the perimeter. By being an infill site development of this property will be able to take advantage of proximity to a larger existing pool of potential employees, transit, and utility infrastructure than a sprawling development.*

Goal 3: We will make traditional town form the standard. *This proposed CS zoning is a form-based zone with a build-to zone and design standards in a traditional town form. This type of zoning provide the opportunity for a variety of uses creating the ability to live, work, shop, and have daily needs and services met within walking distance.*

Goal 4: We will grow a livable transportation network. *By being a form-based zone in an infill location the zoning provides the opportunity to concentrate development along one of the busiest corridors of the City with access to transit, and in close proximity to the University of Arkansas, a major employment and economic center of the City. This helps towards the goal of improved and expanded public transit.*

Goal 6: We will create attainable housing. *The variety of lot sizes and residential products that are permitted under the CS*

zoning create the opportunity for attainable housing.

The proposed CS zoning is not consistent with the Industrial designation on the Future Land Use Plan map recently adopted with City Plan 2030. The proposed zoning would be removing the right for industrial use and development on this 16-acre property. However, the site is adjacent to City Neighborhood Area to the north and west, and Urban Center Area to the east. It is not out of line with the purpose and intent of the Future Land Use Plan map for this property to be rezoned to a form-based zone. This piece of property was specifically discussed with the Fayetteville Chamber of Commerce with the recent adoption of City Plan 2030. The designation of this site was changed from City Neighborhood Area to Industrial from City Plan 2025 to City Plan 2030 because of concerns expressed by the Chamber's Economic Development Team that the City is in need of industrial sites, and in particular sites that have access to rail. The continued vacancy of this site, however; leads staff to believe that the return of an industrial use to this property – in the midst of many non-industrial neighbors – is less likely to occur.

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

Finding: At this time the property is zoned I-1 and I-2, which primarily permits industrial use. During evaluation of this property as part of the City Plan 2030 update the Fayetteville Chamber of Commerce's Economic Development Team identified the need to retain this property for industrial use. In particular this site was discussed as desirable for industry because of access to an active rail spur. This led to City Council adopting a change in designation on the Future Land Use Plan on this site from Urban Center to Industrial. However, the property has been vacant and not been used for industry for multiple years. Additionally, within the last year the property owner had to demolish one of the buildings because of public safety reasons and vagrants living in the building. The property owner of this site has now received interest from a buyer. This buyer does not want to utilize the property for industry but wants to utilize the property for uses allowed in the CS zoning district. Given this history of this property, the current market demand for the proposed zoning and the compatibility of the requested zoning with adjacent and nearby uses, staff feels like the request is justified.

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

Finding: In evaluating the CS zoning versus the current industrial zoning, the potential for commercial and residential traffic would potentially increase. However industrial uses can create large amounts of heavy truck and/or employee traffic at all hours. The zoning change should not create or appreciably increase traffic danger and 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: The population density and would potentially increase with the proposed CS zoning as single and multi-family uses are permitted by right, and they are not permitted under the current industrial zonings. However, industrial uses often pose major impacts to infrastructure including waste water and water that are used during processing. There is existing infrastructure in this location and with evaluation and improvements required during the development review adverse impacts would not result. The Fayetteville Police and Fire Departments have not expressed concerns with the impact of this rezoning to their 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 is recommending approval.

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.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10)

161.27 District I-1, Heavy Commercial And Light Industrial

(A) *Purpose.* The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The Light Industrial District is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 13	Eating places
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 25	Offices, studios and related services
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 42	Clean technologies

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	50 ft.
Front, when adjoining C, I, or P districts	25 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I, or P districts	10 ft.
Rear, when adjoining C, I, or P districts	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(VIII); Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.039; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10)

161.28 District I-2, General Industrial

(A) *Purpose.* The General Industrial District is designed to provide areas for manufacturing and industrial activities which may give rise to substantial environment nuisances, which are objectionable to residential and business use.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 31	Facilities emitting odors and facilities handling explosives.
Unit 36	Wireless communications facilities
Unit 38	Mini-storage Units
Unit 39	Auto salvage and junk yards

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	100 ft.
Front, when adjoining C, I or P districts	50 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I or P districts	25 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-2 Districts, provided, however, that any building which exceeds the height of 25 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(IX); Ord. No. 2351, 6-21-77; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.040; Ord. No. 3971, §2, 5-21-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10)



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

D. 4
RZN 11-3901
(S. Beechwood Ave./Love Box)
Page 16 of 20

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.
JUSTIN L. JORGENSEN, P.E.
BLAKE E. JORGENSEN, P.E.

7-14-11

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Love Box property Rezoning

This letter is in regards to the above referenced proposed rezoning and the following required information:

- A. The current owner of this site is Pratt Properties Inc.
- B. Currently this property is zoned I-1 and used to be the Love Box Company. The reason for the requested *Community Service* zoning is to allow for potential retail along Martin Luther King Blvd. with multi-family housing to the south in the remaining portion of the property. The current zoning limits the marketability of the property and has yet to find a suitable new owner; the market has indicated that the current zoning is not desired; however the *Community Service* zoning would suit this property well.
- C. By proposing *Community Service* zoning for this property, we will be enhancing the surrounding properties as they are an extension of community services. Goods and services along 6th Street (Martin Luther Kind Blvd) will benefit from this rezoning and the traffic generated will naturally create business for these existing and future services. This rezoning will aid in developing a cohesive living environment.
- D. Sewer currently lies on the north and east sides of this property, water lies on the east side. Size at this point has not been verifiable, we will follow up on this.
- E. Rezoning this property to *Community Service* falls within line of the land use principles and demands of this area.
- F. This zoning is appropriate this time and is necessary to meet the current and future market needs.
- G. This rezoning will increase traffic to this region, however this property is adjacent to a major street which has the capacity for this increased traffic load. Increased traffic will also aid in the commercial businesses within the vicinity of this project.
- H. Rezoning this property will increase population density, which will benefit this city and negate urban sprawl, which is not in line with the City's 2030 Plan. Public services are in-place and have the capacity to support this rezoning.
- I. This property has been on the market for sometime now and it is apparent that industrial uses are not appropriate for this site. The current zoning was a function of its former use and with the growth of the City and its community service and housing needs, not industrial needs, this rezoning is appropriate.

We ask that you please consider this rezoning. Please contact us if you have any questions.

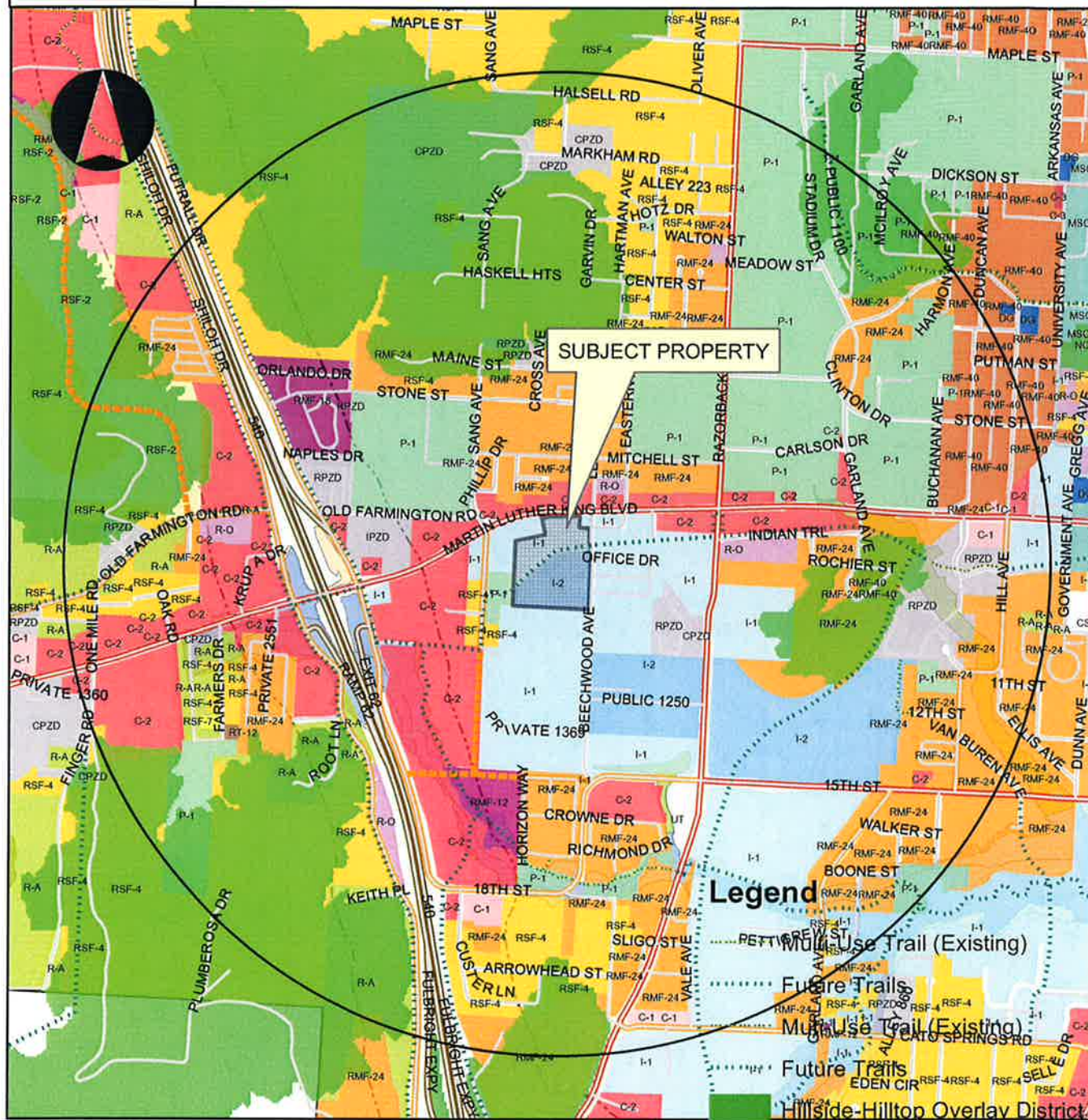
Sincerely;


Blake E. Jorgensen, P.E.

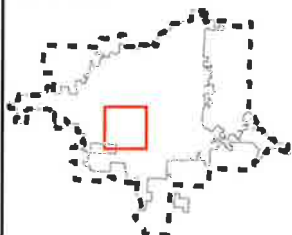
RZN11-3901

LOVE BOX

One Mile View



Overview



Legend

Subject Property

RZN11-3901

Boundary

0

0.25

0.5

1

Miles



RZN11-3901



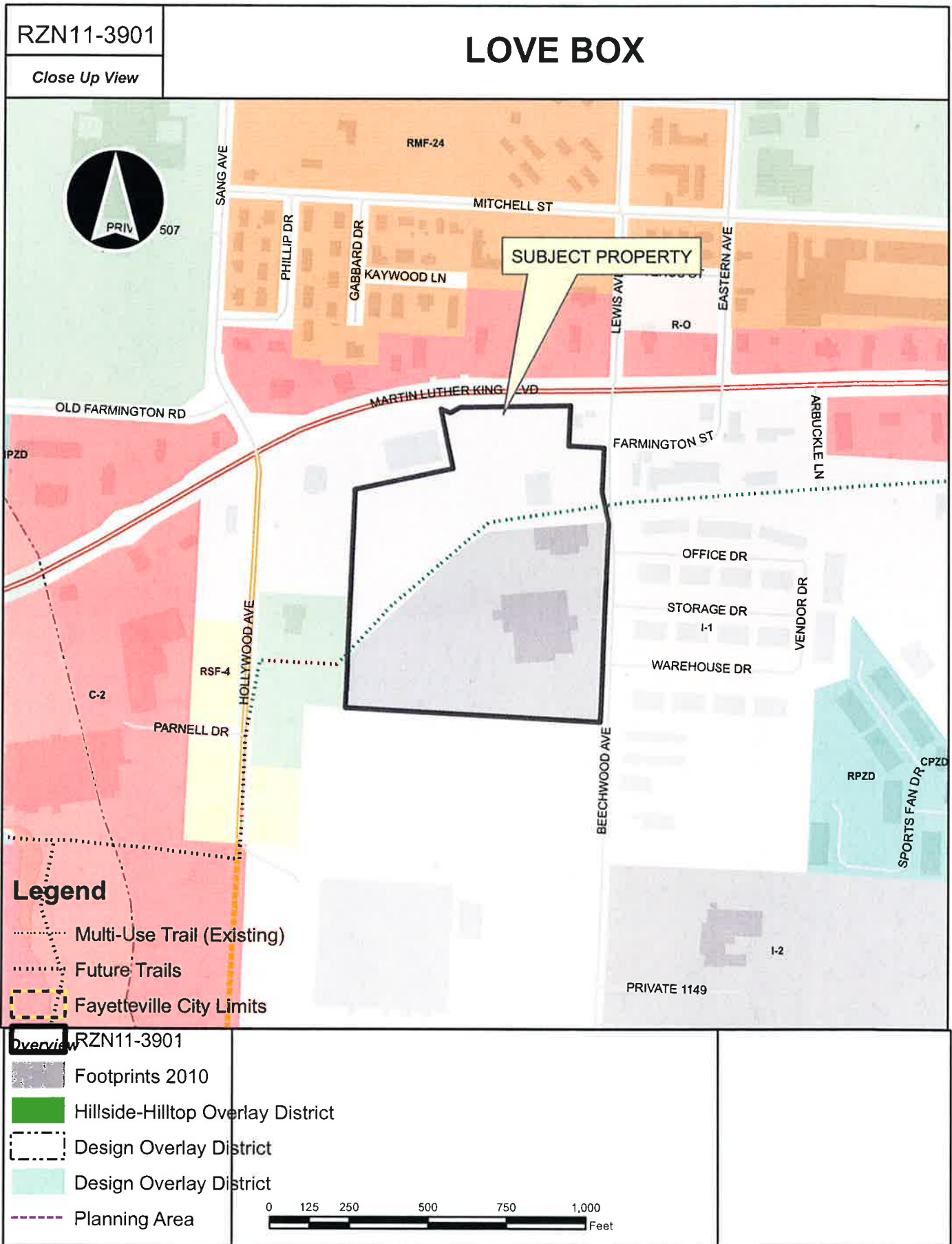
Design Overlay District

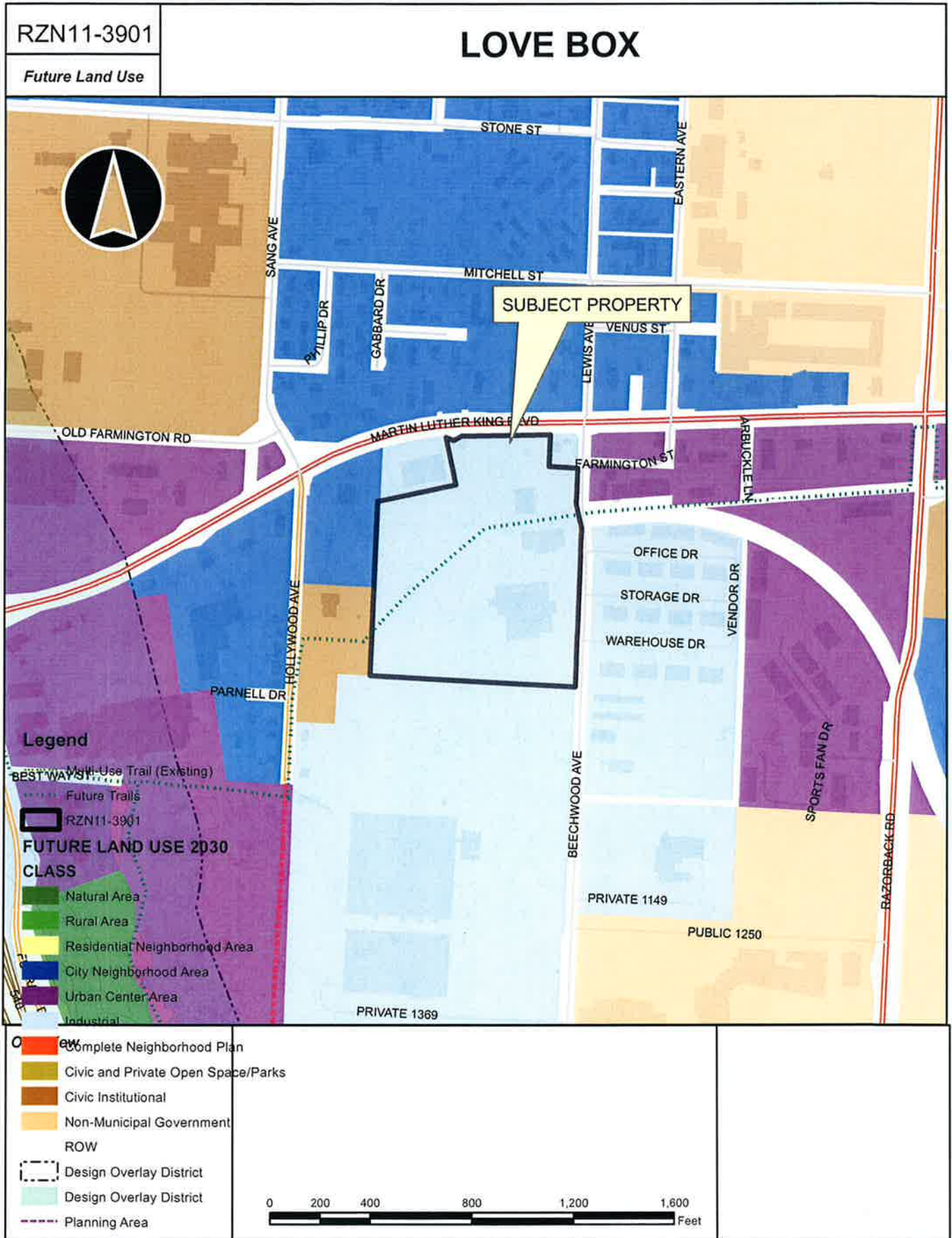


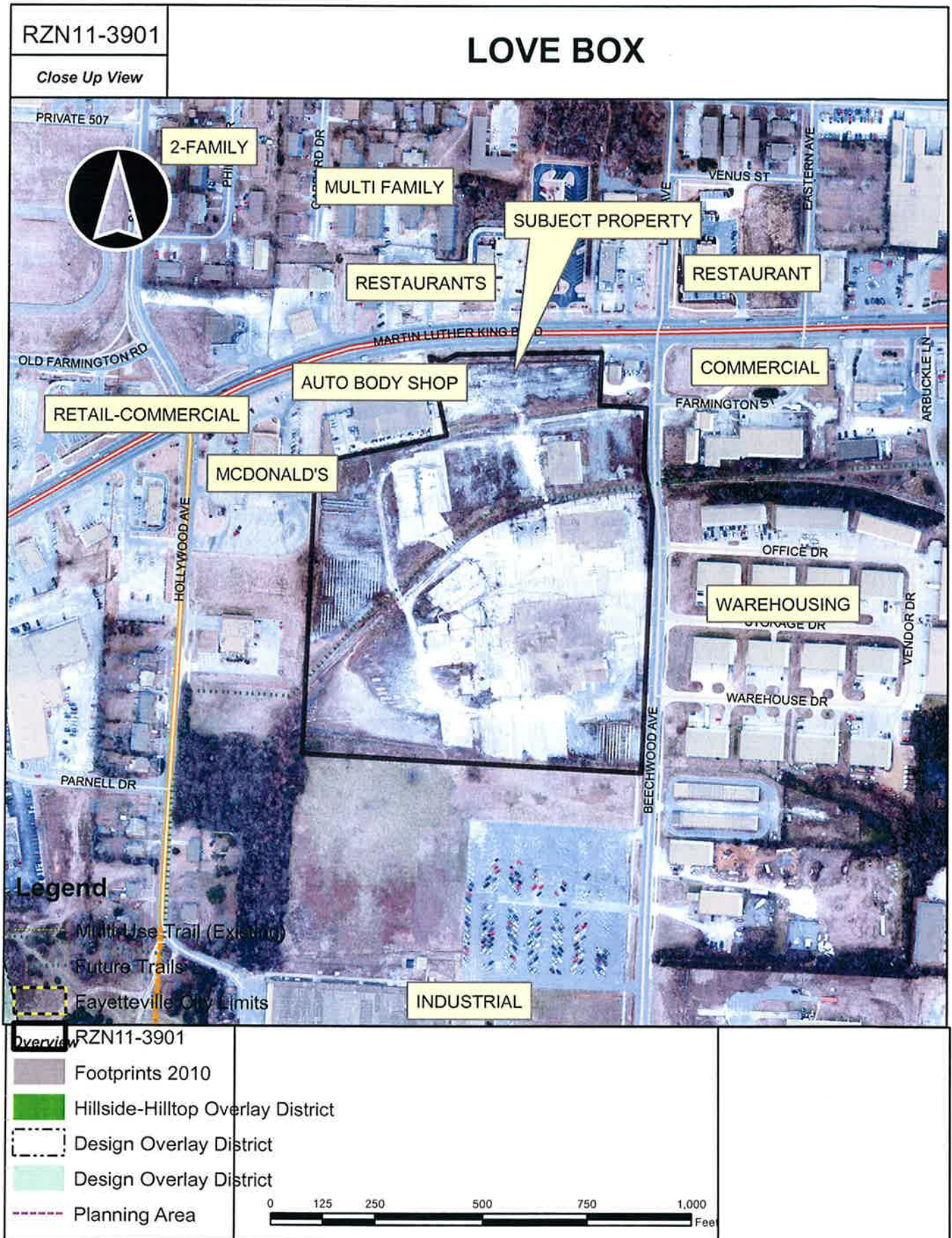
Planning Area



Fayetteville







City of Fayetteville Staff Review Form

D. 5
 ADM 11-3941
 (Vantage Center PZD Amendment #2)
 Page 1 of 28

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

9/20/2011

City Council Meeting Date
 Agenda Items Only

Andrew Garner
 Submitted By

Planning
 Division

Development Services
 Department

Action Required:

ADM 11-3941: Administrative Item (VANTAGE CENTER PZD AMENDMENT #2, 135): Submitted by LINDSEY MANAGEMENT COMPANY, INC. for property located at the end of Shepard Lane adjacent to Frontage Road. The request is to approve an ordinance amending the approved R-PZD 05-1543, Vantage Center, to permit Use Unit #26, Multi-family Dwellings as a permitted use throughout all of the buildings on the subject property.

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

Account Number

\$

Funds Used to Date

Program / Project Category Name

Project Number

\$

Remaining Balance

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐

[Signature]
 Department Director

09.01.2011
 Date

Previous Ordinance or Resolution # _____

[Signature]
 City Attorney

9-1-11
 Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Bach
 Finance and Internal Services Director

9-1-2011
 Date

Received in City Clerk's Office 09-01-11 A11:49 RCVD
[Signature]

[Signature]
 Chief of Staff

9-1-11
 Date

[Signature]
 Mayor

9/2/11
 Date

Received in
 Mayor's Office



Comments:

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: August 30, 2011

Subject: ADM 11-3941 (Vantage Center PZD Amendment #2)

RECOMMENDATION

Staff recommends approval of an ordinance amending the Residential Planned Zoning District for Vantage Center (R-PZD 05-1543), permitting Use Unit #26, Multi-family Dwellings, as a use by right throughout all floors of the existing six mixed use buildings on the property.

BACKGROUND

Lindsey Management Company, Inc. has submitted a request to amend the approved and completed R-PZD 05-1543, Residential Planned Zoning District for Vantage Center. The project originally consisted of a mixed-use development in four buildings. Each building originally contained 6,733 square feet of retail space (on the first floor only) and 19 multi-family units within the three-story structures, for a total of 29,932 square feet of retail and 76 dwelling units. On November 20, 2007 the City Council approved a modification to the PZD to allow up to 73% of the overall non-residential square feet on the property to be used as an extended stay hote/motel type use. This space has been and continues to be occupied for the hotel/motel use. However, there remains 27% of the first floor of the buildings that remains vacant. The applicant's proposal would permit all four of the completed buildings on this site to be used entirely for multi-family residences. The applicant's letter discusses that the project was intended to be a mixed-use project. The apartments on the second and third floors of the buildings have been successful, however even with constant advertisements and marketing, it has become apparent to the applicant that the retail and commercial space has extremely limited potential for this site. Staff finds in favor of the applicant's request to add Use Unit #26 throughout all of the existing buildings on the property. It is not an efficient use of the land or buildings to leave 27% vacant when there is an apparent demand for apartments in that space, and not for commercial use. One of the primary advantages of a mixed-use project is the flexibility of the buildings to adapt to market changes over time. At some point in the future the buildings could be converted back for non-residential use. Staff finds that it is appropriate to modify the zoning on this site to allow for more flexibility as proposed by the applicant, and that this proposal is consistent with the City Plan 2030 designation of this site as an Urban Center Area.

DISCUSSION

This item was not considered by the Planning Commission. Minutes from previous meetings have been included, as has the staff report from the original Planned Zoning District approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 05-1543, VANTAGE CENTER LOCATED AT THE END OF SHEPARD LANE ADJACENT TO FRONTAGE ROAD, CONTAINING APPROXIMATELY 4.68 ACRES, TO ALLOW THE ADDITION OF USE UNIT #26, MULTI-FAMILY DWELLINGS, AS A PERMITTED USE THROUGHOUT ALL OF THE SPACE IN THE FOUR EXISTING MIXED-USE BUILDING ON THE SUBJECT PROPERTY, AS DESCRIBED HEREIN.

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

Section 1: That Use Unit #26, Multi-Family Dwellings, as defined by the City of Fayetteville Unified Development Code, is hereby approved as a permitted use throughout all of the space in the four existing mixed-use buildings, and reflected in the Planned Zoning District zoning criteria for R-PZD 05-1543, Vantage Center.

Section 2: That the approval of Use Unit #26 as a permitted use on the subject property shall be conditioned upon the following:

1. Use Unit #26 is permitted throughout 100% of the buildings on the property as shown on Exhibit "A" without restriction on the total number of dwelling units.

2. That the conversion of buildings on the property for multi-family use is subject to review in compliance with all applicable development codes.

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

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

PASSED and **APPROVED** this day of , 2011.

APPROVED:

ATTEST:

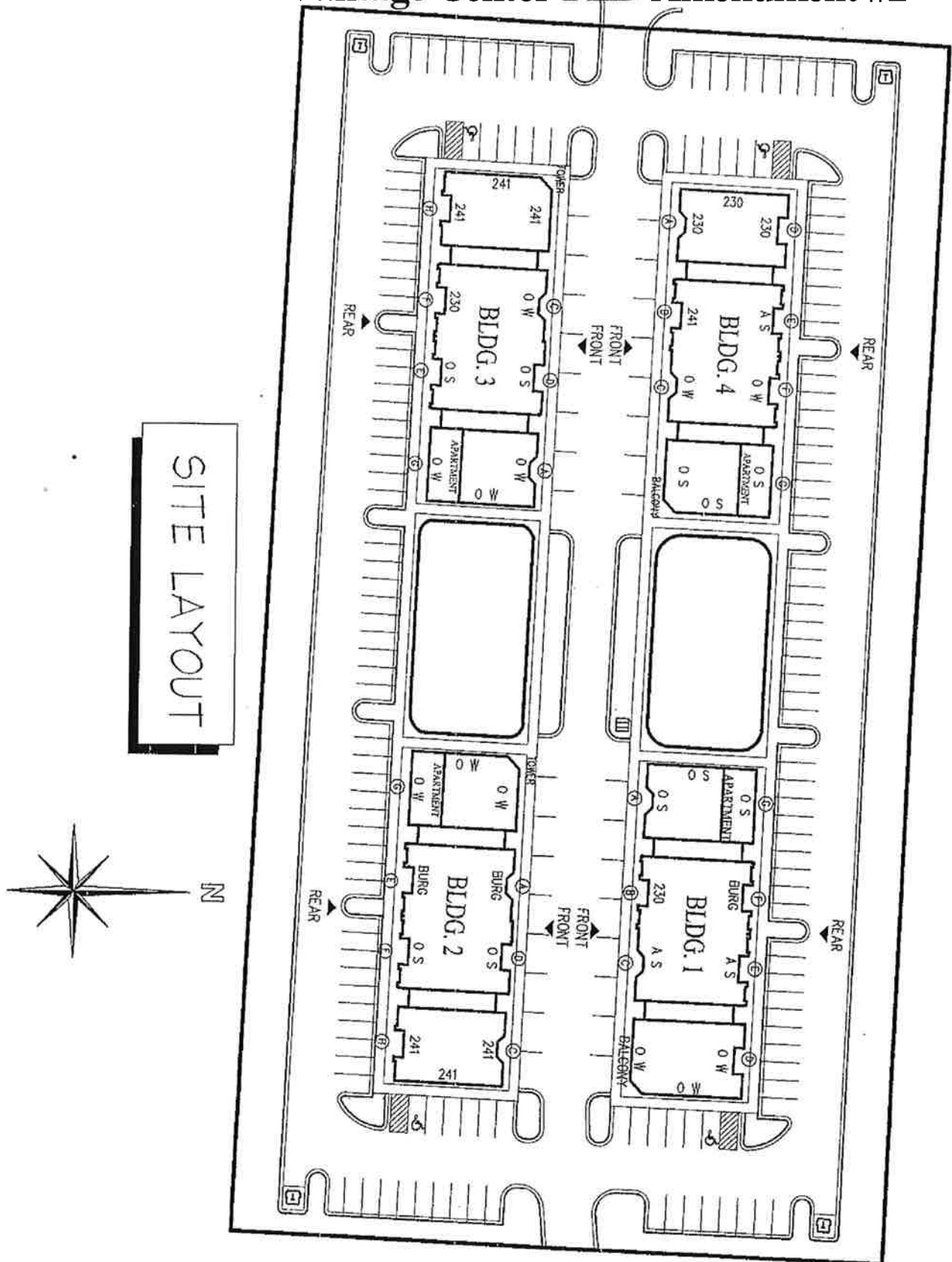
By: _____
LIONELD JORDAN, Mayor

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

Exhibit "A"
ADM 11-3941

Vantage Center PZD Amendment #2

D. 5
ADM 11-3941
(Vantage Center PZD Amendment #2)
Page 5 of 28



1200 E. Joyce Boulevard ■ P.O. Box 13000 ■ Fayetteville, AR 72703 ■ (479) 521-6686 ■ Fax (479) 527-8840

August 19, 2011

City of Fayetteville
ATTN: Mr. Jeremy Pate
125 W. Mountain Street
Fayetteville, AR 72701

RE: Vantage Center PZD

Dear Mr. Pate:

Please treat this letter as a formal request by Vantage Center, a Limited Partnership (Vantage Center) to amend the existing PZD on the property to include the ability to rent apartments in 100% of the space at Vantage Center.

On July 23, 2010 the Mixed Use property known as Vantage Center became available to lease and occupy. This property consisted of three-story structures, with apartments on the top two floors, and commercial or retail space on the bottom floor. The apartments were successful, however, the retail and commercial space was never able to attract a single tenant.

From the commencement of construction up until today, advertisements and real estate signs have been posted on the site. A senior real estate broker with Lindsey & Associates, Inc., has the property listed and actively seeks tenants for Vantage Center. However, it has become apparent that the change in market conditions in Fayetteville has extremely limited the commercial or retail potential for the site.

At this time, Vantage Center would like to add Use Unit 26 to all of the first floor at Vantage Center.

Thank you.

Sincerely,



Hugh Jarratt
Corporate Attorney

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

20-Nov-07

City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

ADM 07-2806: Vantage Center PZD Amendment: Submitted by Lindsey Management Company, Inc. for property located at the end of Shepard Lane adjacent to Frontage Road. The request is to approve an ordinance amending the approved R-PZD 05-1543, Vantage Center, to permit Use Unit #14, Hotel, Motel and Amusement Facilities as a permitted use on the subject property

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

Previous Ordinance or Resolution # n/a

Department Director

Date

Original Contract Date: n/a

City Attorney

Original Contract Number: n/a

Finance and Internal Service Director

Date

Received in City Clerk's Office

Mayor

Date

Received in Mayor's Office

Comments:

City Council Meeting of November 20, 2007
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning 

Date: November 1, 2007

Subject: Amendment to R-PZD 05-1543 (Vantage Center), to permit Use Unit #14

RECOMMENDATION

Staff recommends approval of an ordinance amending the Residential Planned Zoning District for Vantage Center (R-PZD 05-1543), permitting Use Unit #14, Hotel, Motel and Amusement Facilities, as a use by right. Staff has proposed conditions within the draft ordinance that are important for the Council to consider, to provide a true mixture of uses on the property.

BACKGROUND

Lindsey Management Company, Inc. has submitted a request to amend the approved R-PZD 05-1543, Residential Planned Zoning District for Vantage Center. The project consists of a mixed-use development in four buildings. Each building contains 6,733 SF of retail space (on the first floor only) and 19 multi-family units within the three-story structures, for a total of 26,932 SF of retail and 76 dwelling units. The request is to allow for much of the retail space to be converted to an extended stay motel type use, which is only permitted under Use Unit #14, Hotel, Motel and Amusement Facilities. When the PZD was approved, it did not include this use as a permitted or conditional use on the property.

Only the first floor of the buildings would be affected, as the second and third floors are purely residential. The applicant requests to allow 73% of the first floor of the mixed use buildings, or 19,660 SF to be utilized for an extended stay hotel/motel use, the remaining 27% of the first floors, or 7,272 SF would be utilized for the other permitted non-residential uses.

Staff finds in favor of the proposed concept to add Use Unit #14, finding that a hotel/motel use would be a compatible and complementary use in this area. Staff's recommendation for this original project was based on the development providing a true mixed-use project, wherein users of the residential units and others visiting or residing in the area would have the opportunity to utilize the retail, restaurant and other commercial services proposed. It is staff's finding that limiting the proposed hotel/motel use to 73% of the non-residential floor area on this site is in keeping with the original recommendation and approval of the Planned Zoning District by the Planning Commission and City Council. This would allow for the flexibility of use in the other non-residential areas to provide a mixture of retail, restaurant and other services for nearby residents. Staff has proposed a condition that limits the time a room can be occupied to a maximum of 30 days, in order for the space to not become a

City Council Meeting of November 20, 2007
Agenda Item Number

residential use. Additionally, a condition states that the hotel/motel floor area will be operated as an extended stay motel type operation and shall remit sales and HMR taxes accordingly.

DISCUSSION

This item was not considered by the Planning Commission. Minutes from previous meetings have been included, as has the staff report from the original Planned Zoning District approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 05-1543, VANTAGE CENTER, LOCATED AT THE END OF SHEPARD LANE ADJACENT TO FRONTAGE ROAD, CONTAINING APPROXIMATELY 4.68 ACRES, TO ALLOW THE ADDITION OF USE UNIT #14, HOTEL, MOTEL AND AMUSEMENT FACILITIES AS A PERMITTED USE, AS DESCRIBED HEREIN.

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

Section 1. That Use Unit #14, Hotel, Motel and Amusement Facilities, as defined by the City of Fayetteville Unified Development Code, is hereby approved as a permitted use and reflected in the Planned Zoning District zoning criteria for R-PZD 05-1543, Vantage Center.

Section 2. That the approval of Use Unit #14 as a permitted use on the subject property shall be conditioned upon the following:

1. Use Unit #14 shall be limited to a maximum of 73% of the overall non-residential square feet on the property as shown on Exhibit "A", in order to retain a true mixture of retail uses, as proposed and approved with the original Planned Zoning District for Vantage Center.
2. Any portion of the property or structures designated for non-residential use and hereby approved for Use Unit #14 shall not be converted to residential use, and shall remit sales and HMR taxes accordingly. An occupant's stay within any one hotel/motel room shall be limited to a maximum of 30 days.

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

Section 4. That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED AND APPROVED this _____ day of _____, 2007.

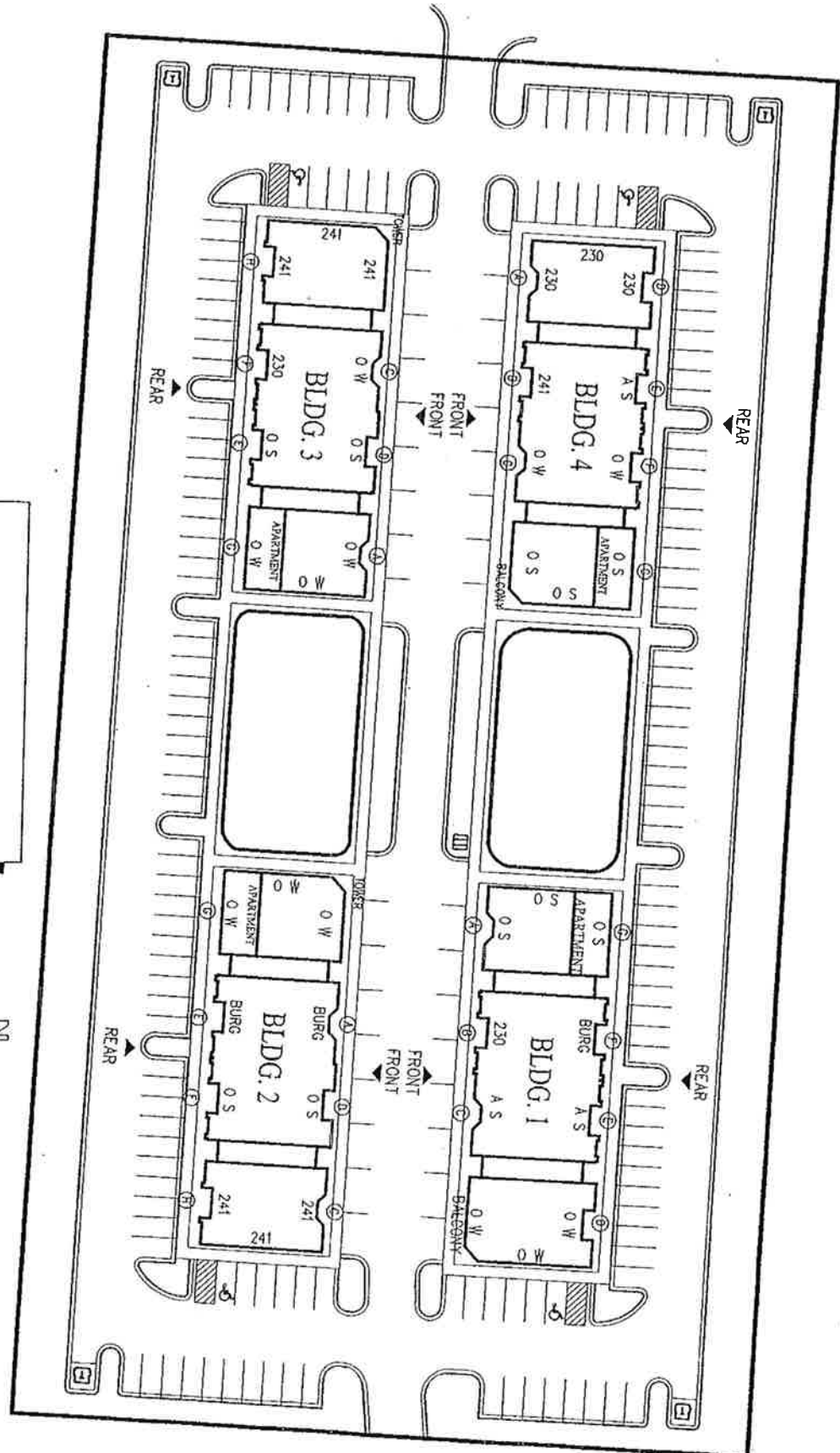
APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"



Lindsey Management Co., Inc.

1200 E. Joyce Boulevard ■ P.O. Box 13000 ■ Fayetteville, AR 72703 ■ (479) 521-6686 ■ Fax (479) 527-8840

October 16, 2007

Mr. Jeremy Pate
City of Fayetteville
125 West Mountain Street
Fayetteville, AR 72701

RECEIVED
OCT 16 2007
PLANNING DIV.

RE: Modification of Vantage Center PZD

Dear Mr. Pate:

On October 4, 2007, Vantage Center, a Limited Partnership ("Vantage Center"), submitted a letter to the City of Fayetteville requesting a modification of the Vantage Center PZD. In that request, Vantage Center asked that multifamily residential be added as a permitted use for up to 75% of the property.

Vantage Center would like to amend the modification request to the Vantage Center PZD. At this time, we would like to request that Use Unit 14, hotel, motel, amusement, be allowed on up to seventy three percent (73%) of the first floor of the mixed use buildings. The remaining twenty-seven percent (27%) of the first floor would retain the current permitted uses.

The only part of these buildings that will be affected by the allowance of an additional permitted use will be a portion of the first floor only. No changes are being sought for the second or third floors.

If there is any other information that can be provided or any way that I can help, please let me know.

Thank you.

Sincerely,


Hugh Jarratt
Corporate Attorney

Enclosure



PC Meeting of September 12, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS
PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Current Planner
Brent O'Neal, Staff Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: August 30, 2005 September 14, 2005

R-PZD 05-1543: Residential Planned Zoning District (VANTAGE CENTER): Submitted by JERRY KELSO for property located at THE END OF SHEPARD LANE ADJACENT TO FRONTAGE ROAD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and R-A, RESIDENTIAL AGRICULTURAL and contains approximately 4.68 acres. The request is to approve a Residential Planned Zoning District with 26,932 square feet retail space, 124 bedrooms, and 187 parking spaces.

Property Owner: VANTAGE CENTER, LLC

Planner: ANDREW GARNER

Findings:

Background: This proposal was first heard at Technical Plat Review on June 1, 2005 and was tabled by staff due to concerns with site development plans. The revisions produced following subsequent meetings with staff are those presented before the Subdivision Committee.

Property and Setting: The site is located at the end of Shepard Lane in northern Fayetteville between Frontage Road and Stearn Street. The site is largely undeveloped with the existing Lindsey Communications residential-office building and a gravel drive located in the western portion of the site. The some stands of mature trees trending north-south through some of the eastern portions of the site. As depicted in *Table 1*, the site is surrounded by a mix of commercial and residential uses.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Large-lot residential	C-1, Neighborhood Commercial
South	Undeveloped commercial lots	C-2, Thoroughfare Commercial
East	Stearn Street Apartments	R-O, Residential Office
West	Mixed-use commercial	C-2, Thoroughfare Commercial

Water and Sewer: Water and sewer lines are available to the site.

Adjacent Master Street Plan Streets: Frontage Drive (a Collector Street)

Proposal: The applicant requests a rezoning and preliminary plat approval for a residential subdivision within a unique R-PZD zoning district. The proposed use of the site is for a mixed use development consisting of four buildings. Each of the proposed buildings will contain 6,733 square feet of retail space, twelve 2-bedroom units, and seven 1-bedroom units. The proposed uses and parking are detailed in *Table 2*.

Table 2
Proposed Vantage Center Residential Planned Zoning District

Land Use	Square Feet	No. of Units	No. of Bedrooms	Parking Required
Proposal Per Building				
Commercial Retail	6,733	NA	NA	27
Multi-Family Residential 2-Bedroom	NA	12	24	24
Multi-Family Residential 1-Bedroom	NA	7	7	7
Total	6,733	19	31	58
Proposal for Entire Development (Four Buildings)				
Total	26,932	76	124	232*

* The development proposes 187 parking spaces, which is within the +/-30% allowed by ordinance.

The development is proposed to have two means of access with Shepard Lane extending east-west through the development in a "Main Street" streetscape, linking Frontage Road to the west with Stearn Street to the east. Shepard Lane would incorporate parallel parking and widened sidewalks, with the majority of parking located to the rear of the four structures. Additionally, two greenspace areas in the center of the development would be utilized for as park/gathering areas and stormwater detention. The development is intended to create a true mixed-use development consisting where residential and commercial uses can co-exist using the same building, parking areas, and surrounding amenities. The existing residential community to the east of the site as well as the proposed residential uses on the site will help support the commercial businesses planned in this development. The development is proposed to be under single ownership, with dwelling units rented and retail space leased. All interior streets, landscaping, common areas and buildings would be maintained by the developer. Zoning criteria for the proposed zoning district is depicted in *Table 3*.

Street Improvements Proposed: Improvements to Frontage Drive along the project frontage of 14' from centerline including pavement, curb and gutter, and six-foot sidewalks.

Tree Preservation:

Existing Canopy: 21%
 Preserved Canopy: 5%
 Mitigation Required: 88 onsite trees

Table 3
Vantage Center Zoning Criteria

Use Units Allowed	
Use Unit No.	Permitted Uses
1	City-wide uses by right
2	City-wide uses by conditional use permit
3	Public protection and utility facilities
4	Cultural and recreational facilities
5	Government facilities
12	Offices, studios and related services
13	Eating places
15	Neighborhood shopping goods
25	Professional offices
26	Multi-family dwellings
Use Unit No.	Conditional Uses
16	Shopping Goods
17	Trades and services
Setback Regulations	
Front (Along Frontage)	25'
Front (Along Shepard)	0'
Sides	8'
Rear	25'
Building Area	
Maximum 16% or 32,022 sq. ft. 20%	
Height Regulations	
Maximum 42'	

Recommendation: Staff recommends forwarding **R-PZD 05-1543** with a recommendation of approval to the full Planning Commission with the following conditions:

Conditions of Approval:

1. Planning Commission determination of commercial design standards. *Staff finds that the building elevations meet the City's commercial design standards by minimizing or avoiding: unarticulated wall surfaces, square "boxlike" structures, metal siding that dominates the main facades, and large out of scale signs. Additionally, the development provides a unifying and identifiable theme and is compatible with adjacent development.*

PLANNING COMMISSION DETERMINED IN FAVOR OF THIS CONDITION

2. Planning Commission determination of a waiver request for the requirement of 40' from an intersection to a curb cut, for the westernmost curb cut along Shepard Lane that is approximately 35' from Frontage Road. *Staff is in support of the request for the proposed curb cut along Shepard Lane as the entrance fulfills the intent of providing an enhanced "Main Street" streetscape, along with providing needed parking in the "rear" to meet ordinance requirements.*

PLANNING COMMISSION DETERMINED IN FAVOR OF THIS CONDITION

3. Submit elevations of proposed monument signage.
4. Identify the height of the proposed buildings on the elevations and on the site plan.
5. All zoning criteria such as setbacks, protective easements, and designated lot uses (depicted in *Table 3* and elsewhere described in this report) are binding with the approval of the R-PZD. Submitted covenants and building elevations are likewise binding to the project. Additionally, please designate a building height regulation and building area maximum criteria to the zoning criteria listed on the cover sheet of the plat.
6. Submit a lighting plan in conformance with the City's lighting ordinance.
7. Street improvements to Frontage Road shall include 14 feet from centerline including curb, gutter, pavement and 6-foot sidewalks through the driveway entrance. The sidewalks on Frontage Road shall connect with existing sidewalk to the north and south of the driveway. Six-foot sidewalks shall be constructed through the project to connect Stearn Street with Frontage Road.
8. No fences shall be allowed within utility easements.
9. All monument signage must comply with the sign ordinance.
10. Include the 14 notes that coordinate with the Tree Protection Fencing detail. These can be found in the Landscape Manual and should be located on the Tree Preservation sheet.
11. Mitigation will be required to replace 15,863 square feet of canopy. Using the mid-level density factor, 55 2-inch caliper trees or \$13,750 will be required. If not all trees can be located on-site then a combination of plantings and money in lieu may be approved by the Urban Forester.
12. Before approval of building permit a tree and maintenance plan must be submitted for approval to the Urban Forester.
13. All trash enclosures shall be screened from view with materials that are compatible with and complementary to the proposed buildings.
14. All utilities shall be screened with materials complementary to the proposed buildings.

15. Please modify all sheets of the drawings for consistency regarding the number of parking spaces: the cover sheet says 187 spaces, the landscape plan says 289 spaces, and the tree preservation plan says 173 spaces.
16. Dimension the size and location of proposed sidewalks on the site plan and landscape plan.
17. Add a note to the plat that all utilities shall be installed underground and that any existing utilities over 12 kV shall be relocated underground.
18. Trash service shall be coordinated with the Solid Waste Division. All trash enclosures shall be screened from view with materials that are compatible with and complementary to the proposed buildings. Dimension turnaround areas at dumpster location. Dumpster pads need to be a minimum of 15' in length.
19. The numbers and percentage on the site coverage note do not add up. For example, the building area, sidewalk area, paving area, and greenspace numbers add up to 198,997 square feet, and the total site is listed as 203,695. Please revise to make the numbers and percentages for the site total accurately.

Standard Conditions of Approval:

20. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
21. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer; fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements.
22. Payment of parks fees in the amount of \$29,868 shall be required prior to building permit. Prior to R-PZD approval, this amount shall be considered and approved by the Parks and Recreation Advisory Board and City Council to meet ordinance requirements for over 100 residential units.

Additional Conditions:

- a. _____
 - b. _____
-

Planning Commission

September 12, 2005

Page 35

R-PZD 05-1543: Planned Zoning District (Vantage Center, pp 136): Submitted by Jerry Kelso of Crafton, Tull & Associates for property located at the east end of Shepherd Lane. The property is zoned C-1, neighborhood Commercial and contains approximately 4.68 acres. The request is to approve a Residential Planned Zoning District with 26,932 sq.ft. retail space, 124 bedrooms and 196 parking spaces.

Ostner: The next item on our agenda is R-PZD for Vantage Center. If we could have the staff report please.

Garner: This site is located at the end of Shepherd Lane between Frontage Road and Stearns Street. The site is zoned C-1 and R-A and is largely undeveloped with the communications residential office building and a gravel drive located on the western portion of the site and mature trees turning south on the eastern portion of the site. On page 13.1 the site is surrounded by a mixture of commercial and residential uses. Immediately to the west of this site is the commercial corridor and Appleby's restaurant and to the east is Stearns Street apartments. The applicant requests rezoning and Preliminary Plat for a residential subdivision within a unique R-PZD zoning district. The proposed use of this site is for a mixed use development consisting of four buildings. Each of the buildings will contain approximately 6,700 sq.ft. of retail commercial space, 12 two bedroom units and 7 one bedroom units. The building in general with regard to access concerns would have two means of access with Shepherd Lane running east/west through the development and a main streetscape linking Frontage Road to the west and Stearns Street to the east. Shepherd Lane would incorporate parallel parking, a widened sidewalk with the majority of the parking located to the rear of the structures. Additionally, two greenspace areas in the center of the structures would be utilized as gathering area and storm water detention. The intent of the development is to be a mixed use development with commercial and residential structures together and using the same infrastructure and streets. Table 3 on page 13.3 of your packet describes the zoning criteria proposed with this development. You can see the use units allowed would provide a mix of office, shopping, eating places and residences. Setback regulations would be a 25' setback along Frontage Road, a 0' setback along Shepherd, 8' setbacks along the sides and a 25' setback along the rear property lines. The building area should read 20%. The height regulation would be a maximum of 42'. We are recommending approval of this R-PZD with several conditions. Planning Commission determination of commercial design standards. As you can see from the elevations, there are some material samples of the bricks that will be used and the types of buildings. Staff finds that they meet Commercial Design Standards with a variety of structures and materials and articulation. Condition two, Planning Commission determination of a waiver request. There is a waiver request for the intersection of Shepherd Street into the curb cut coming into this development and staff is in support of the request for the proposed curb

Planning Commission
September 12, 2005
Page 36

cut and we find that with the pedestrian access and the way that the development is laid out it would be an appropriate and safe means of access. Condition five specifies all zoning criteria in this report as depicted in table 3 are binding with the approval of this R-PZD. The conditions are relatively straight forward other than that.

Ostner: Is the applicant present?

Kelso: I am Jerry Kelso with Crafton, Tull & Associates representing the owner on this one. As staff had said, this is a true mixed use development where we have got commercial on the bottom and residential apartments on top. We have four buildings. The elevations that you see there are both the front and the back so it would be the same on both sides. We are in agreement with the conditions of approval.

Ostner: At this point I am going to call for public comment. Seeing none, I will close the public comment session and bring it back to the Commission.

Anthes: How long has the current property owner owned this piece of property?

Kelso: Mr. Lindsey has owned it for at least a couple of years.

Anthes: Do you know when this lot was cleared of trees?

Kelso: I do not know. I do know that there have been no trees taken down since he has had ownership of it.

Anthes: Mr. Pate, do you know when this was cleared? I believe this was a wooded parcel and this lot was cleared without a development plan. Do you know the time frame on that and what is the statute of limitations on that?

Pate: Five years. If the property was cleared within five years by the owner or developer they would be penalized at the time of development.

Anthes: Has anybody researched that?

Pate: Not that I'm aware. The urban forester reviewed that and can answer that question.

Anthes: What do you do in a case like that Mr. Williams?

Williams: The ordinance would require replacing the canopy plus the 10% increase in the normal requirement if it was done within five years without an agricultural purpose or with intent to get around the tree ordinance.

Planning Commission
September 12, 2005
Page 37

- Anthes: Is that something that we can determine after we pass the project?
- Williams: No, because this project is dependent upon not having as much land devoted to tree preservation area I think.
- Kelso: We have done a tree preservation based upon what is out there.
- Williams: How long has the owner owned this property?
- Kelso: I don't know for sure. We started the apartments next to it about three years ago and I think that is about the time he purchased it.
- Williams: I can't tell you how long it has been cleared at this point.
- Anthes: What do we do if we have a question about that?
- Williams: We do have some aerial maps, but they might not be from five years ago. That would be some evidence at some point in time that there were trees on it when the aerial was done. That doesn't mean that the next day someone didn't clear the land. I don't know what our evidence would be on this.
- Anthes: I just remember it happened and I don't know whether it is within that five year period or not and when I saw this development come through I just had a question about it. Since it wasn't in the staff report I thought I needed to ask.
- Pate: We did not pick up on that at all in our investigation. We do typically look at aerials, we don't always look at every site five years prior and obviously, that did not occur on this site.
- Kelso: I will say that since Mr. Lindsey purchased it he has not cut anything.
- Anthes: What happens if a land owner clears a parcel and sells it the next day and a development comes through immediately on that?
- Williams: I don't think you can have someone else clear it and sell it and nothing happens, I think that would be against the spirit of that particular part of the ordinance. On the other hand, we have to have some definite evidence to be able to say that you have to do this and at this point I don't think staff has any evidence that this was cleared within the last five years.
- Anthes: My question was more for future to find out if we check that as a matter of course and what the ramifications would be.
- Pate: I honestly cannot say whether or not we have checked that.

Planning Commission
September 12, 2005
Page 38

Anthes: How do these buildings differ, if at all, from the corner of 6th Street and I-540?

Kelso: These are the same buildings.

Pate: One of the conditions of approval from the Planning Commission was to alter those side elevations, those have been altered pretty dramatically, I don't think this Commission ever saw that.

Clark: Are you in agreement with the conditions of approval?

Kelso: Yes.

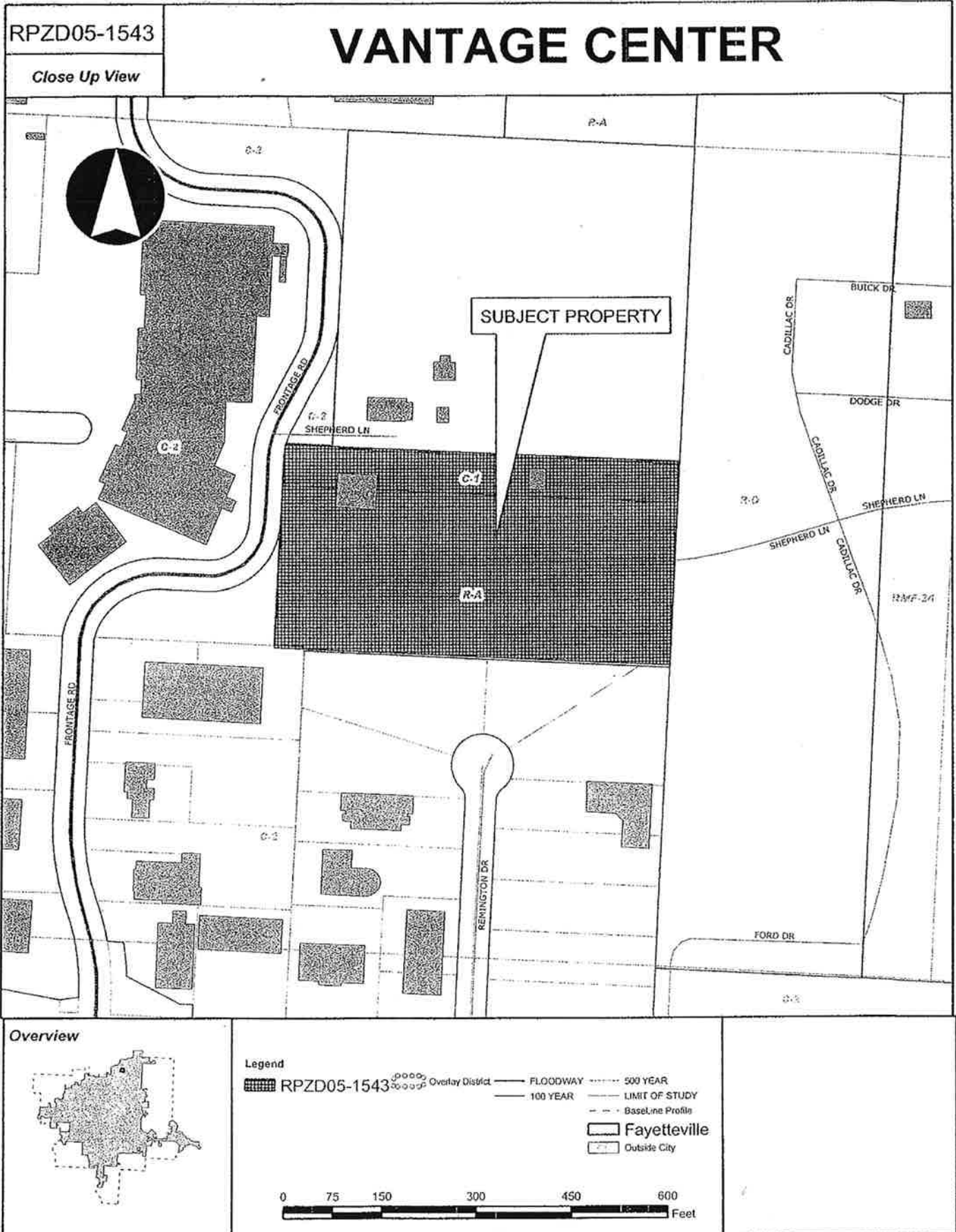
Clark: I will move that we forward R-PZD 05-1543 with the stated conditions and findings of fact as indicated in the staff report.

Myres: I will second.

Ostner: Is there further discussion? Will you call the roll?

Roll Call: Upon the completion of roll call the motion to forward R-PZD 05-1543 to the City Council was approved by a vote of 8-0-0.

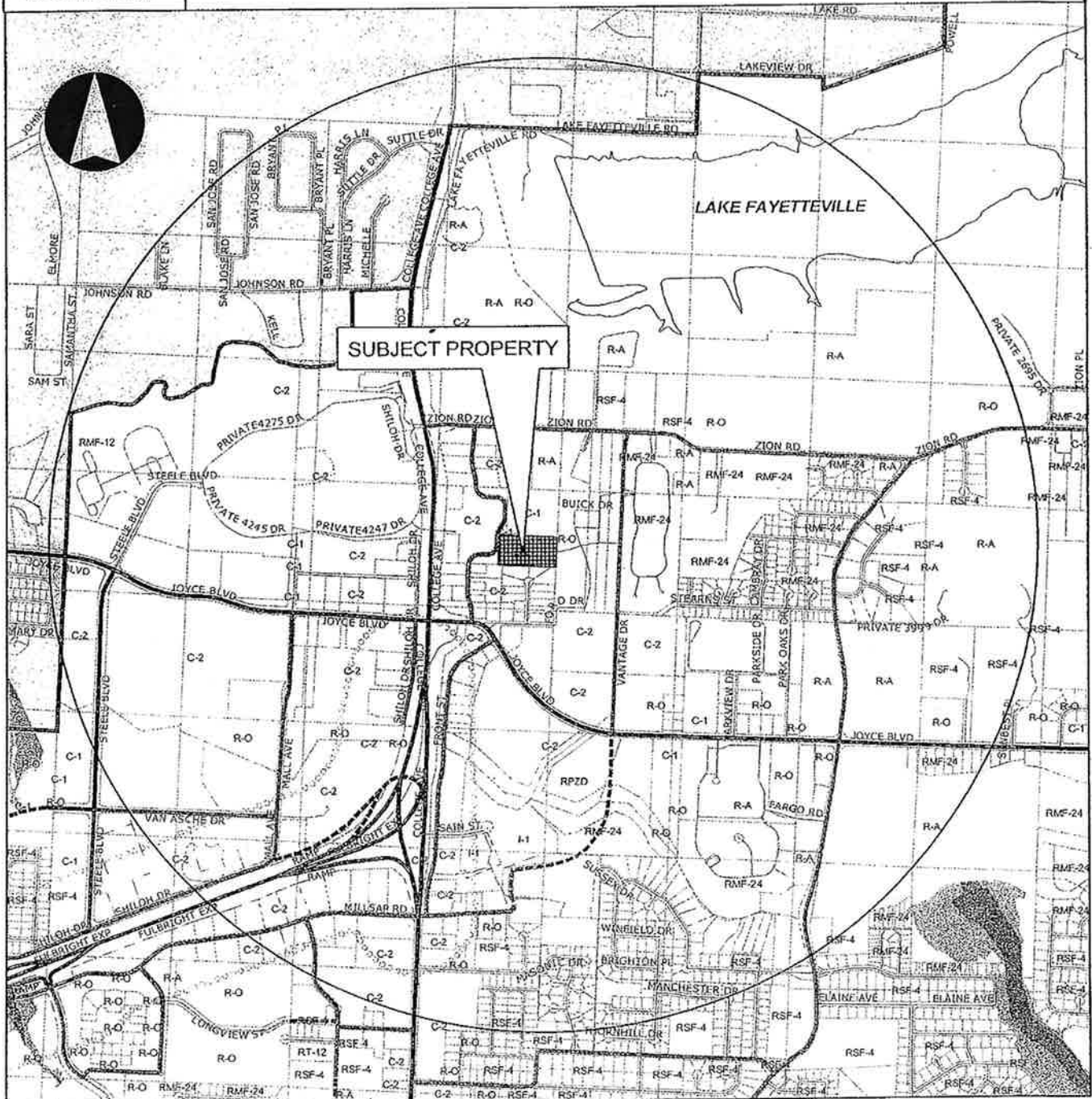
Morgan: The motion carries.



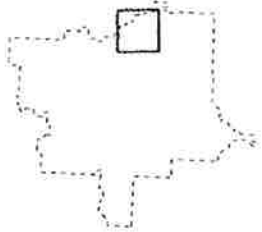
RPZD05-1543

VANTAGE CENTER

One Mile View



Overview



Legend

Subject Property

RPZD05-1543

Boundary

Planning Area

Overlay District

Outside City

Legend

0.0 0.125 0.25

0.5

0.75

1

Miles

Lindsey Management Co., Inc.

1200 E. Joyce Boulevard ■ P.O. Box 13000 ■ Fayetteville, AR 72703 ■ (479) 521-6686 ■ Fax (479) 527-8840

October 4, 2007

Mr. Jeremy Pate
City of Fayetteville
125 West Mountain Street
Fayetteville, AR 72701

RE: Modification of Vantage Center PZD

Dear Mr. Pate:

Lindsey Management Co., Inc., the "Lindsey Company") on behalf of Vantage Center, a Limited Partnership would like to request a modification of the Vantage Center PZD, to allow multifamily residential as a permitted use for up to seventy-five percent (75%) of the first floor of the proposed development. The remaining twenty-five percent (25%) of the first floor would retain the current permitted uses. I have attached a copy of the proposed site plan to this letter as Exhibit A.

The only part of these buildings that will be affected by the allowance of an additional permitted use will be a portion of the first floor only. No changes are being sought for the second or third floors. The Lindsey Company is committed to the mixed use concept which has been championed by the City of Fayetteville, and we look forward to working with the City to make these types of developments successful for the City as well as the Lindsey Company.

If there is any other information that can be provided, or any way that I can help, please let me know.

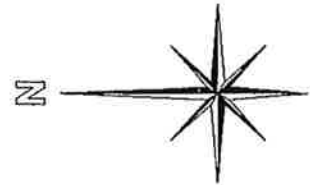
Thank you.

Sincerely,


Hugh Jarratt
Corporate Attorney

Enclosure

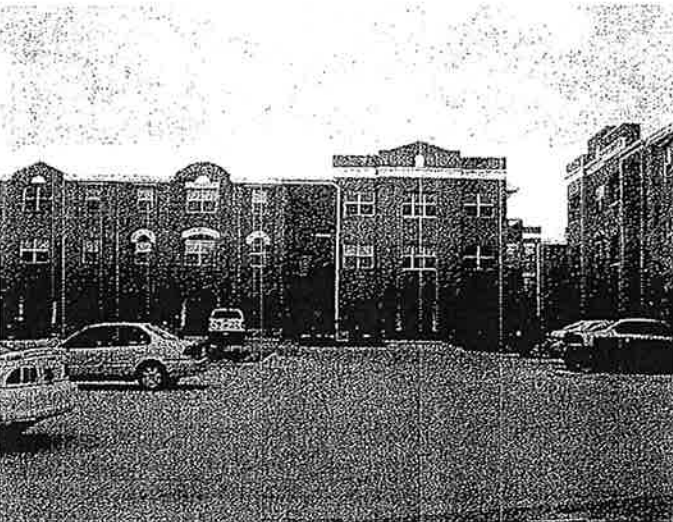
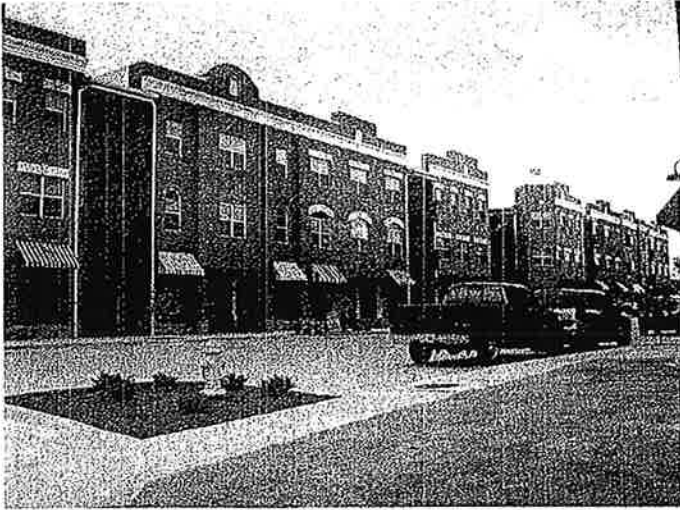
SITE LAYOUT



ADM 07-2806
Supplementary Information
Vantage Center PZD Site Plan

Southern View II PZD

(Example of Vantage Center architecture)



02 November 2007

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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
September 20, 2011**

A meeting of the Fayetteville City Council will be held on September 20, 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. Nominating Committee Report

Agenda Additions:

A. Consent:

1. ✓ Approval of the September 6, 2011 City Council meeting minutes.
2. ✓ **Repeal Resolution No. 59-11; Bid #11-52:** A resolution repealing Resolution No. 59-11, awarding Bid #11-52 and authorizing a contract with George Nunnally Chevrolet, Inc. in the amount of \$16,960.00 for the purchase of one (1) 2012 Chevrolet Colorado pickup truck, and approving a budget adjustment.

3. **Repeal Resolution No. 60-11; Bid #11-51:** A resolution repealing Resolution No. 60-11, and awarding Bid #11-51 and authorizing a contract with George Nunnally Chevrolet, Inc. in the amount of \$19,950.00 for the purchase of one (1) 4x4 2012 Chevrolet Colorado pickup truck for use by the Meter Division.
4. **Repeal Resolution No. 61-11; Bid #11-51:** A resolution repealing Resolution No. 61-11, and awarding Bid #11-51 and authorizing a contract with George Nunnally Chevrolet, Inc. in the amount of \$19,950.00 for the purchase of one (1) 4x4 2012 Chevrolet Colorado pickup truck for use by the Transportation Division.
5. **Time Striping, Inc.:** A resolution approving a contract and change order no. 1 with Time Striping, Inc. for runway pavement rehabilitation and re-marking at Drake Field, and approving a budget adjustment recognizing FAA and Arkansas Department of Aeronautics grant revenue.
6. **2011-2012 Selective Traffic Enforcement Program (STEP) Grant:** A resolution to approve and accept the 2011-2012 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$104,200.00 in federal funding and \$13,500.00 in state funding and to approve the attached budget adjustment in the amount of \$117,700.00 to recognize this revenue.

B. Public Hearing:

1. A Public Hearing regarding Section § 51.137 Monthly Sewer Rates: Amending Section 51.137 Monthly Sewer Rates of the Code of Fayetteville Table F3, Extra Strength Surcharges, Specifically Changing the Industrial Biological Oxygen Demand (BOD) Surcharge.

C. Unfinished Business:

1. **Amend § 51.137 Monthly Sewer Rates:** An ordinance amending Section 51.137 Monthly Sewer Rates of the Code of Fayetteville by reducing certain extra strength surcharges to sewer rates, and providing for an effective date. *This ordinance was left on the First Reading at the September 6, 2011 City Council meeting.*

Left on the First Reading

2. **Revised Ward Boundaries:** A resolution to approve revised ward boundaries to equalize ward populations after the 2010 Federal Census. *This resolution was tabled at the September 6, 2011 City Council meeting to the September 20, 2011 City Council meeting.*

*Will
be
tabled
indef.
Should
be an
Ordinance*

D. New Business:

1. **AEP/SWEPCO & Ozarks Electric:** An ordinance waiving competitive bidding for this payment and all future payments to or contracts with AEP/SWEPCO and Ozarks Electric Cooperative for the relocation costs for electric utility poles and power lines necessitated by road reconstruction or widening projects within AEP/SWEPCO's or Ozark Electric's area of service, to approve this payment in the amount not to exceed \$142,953.21 and to approve a budget adjustment.
2. **Amend Chapter 34:** An ordinance amending section 34.25: Sales of Article II: Purchase and Sale of City Property; contracts of Chapter 34: Finance and Revenue of the Code of Fayetteville to provide authority and procedures for the sale of biosolids.
3. **RZN 11-3866 (2013 E. Mission Blvd./Ruskin Heights):** An ordinance rezoning that property described in rezoning petition RZN 11-3866, for approximately 28.93 acres located at 2013 East Mission Boulevard from R-PZD, Residential Planned Zoning District (R-PZD 06-2299 Ruskin Heights), to CS, Community Services; NC, Neighborhood Conservation; and RSF-4, Residential Single Family, 4 units/acre, subject to a Bill of Assurance.
4. **RZN 11-3901 (S. Beechwood Ave./Love Box):** An ordinance rezoning that property described in rezoning petition RZN 11-3901, for approximately 16.24 acres, located at 811 and 833 South Beechwood Avenue from I-1, Heavy Commercial and Light Industrial and I-2, General Industrial, to CS, Community Services.
5. **ADM 11-3941 (Vantage Center PZD Amendment #2):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 05-1543, Vantage Center located at the end of Shepard Lane adjacent to Frontage Road, containing approximately 4.68 acres, to allow the addition of Use Unit #26, multi-family dwellings, as a permitted use throughout all of the space in the four existing mixed-use buildings on the subject property, as described herein.

E. City Council Agenda Session Presentations:

1. **Police Department Report on future space needs for the Police Department.**
2. **Powerpoint and Presentations by citizens.**

City Council Tour: Wednesday, September 14, 2011 at 4:30 p.m. The Council will tour the "Teen Library, Decline Conveyor, and Sorting System"

Announcements:

Adjournment:

Add: NB #1 - Revised Ward Boundaries - Ordinance

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

Pre Agenda Meeting 9-7-11

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
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6. **Riggins Construction Appeal/Variance:** A resolution to grant the appeal/variance request by Riggins Construction from the Urban Forester's decision not to recommend a variance from the Tree Preservation and Protection Chapter's requirements.

Res. needs
to be changed
also.

Will
Call by
4:00

E. City Council Agenda Session Presentations:

1. Police Department Report on future space needs for the Police Department.
2. Powerpoint and Presentations by citizens

City Council Tour: Wednesday, September 14, 2011 at 4:30 p.m. The Council will tour the "Teen Library, Decline Conveyor, and Sorting System"

Announcements:

Adjournment:

City Clerk - Sept. Library Tour

From: Lindsley Smith
To: city_clerk@ci.fayetteville.ar.us
Date: 8/9/2011 10:07 AM
Subject: Sept. Library Tour

City Clerk,

The City Council moved the Sept. 19 (4:30-6 pm) library tour to Wednesday, Sept. 14, at the same time of 4:30-6 pm). Please mark that change on the public calendar and in the Clerk's records. Thanks.

Lindsley

Lindsley Smith
Communication Director
City of Fayetteville
lsmith@ci.fayetteville.ar.us
PHONE 479-575-8330
FAX 479-575-8257
TDD 479-521-1316



**FIND IT
IN
FAYETTEVILLE**

Sondra Smith - RE: Council tour

From: "Shawna Thorup" <sthorup@faylib.org>
To: "Sondra Smith" <:ssmith@ci.fayetteville.ar.us>
Date: 5/5/2011 9:58 AM
Subject: RE: Council tour
CC: "Kimberly Johnson" <kjohnson@ci.fayetteville.ar.us>, "Lisa Branson" <lbranson@ci.fayetteville.ar.us>, "Lindsley Smith" <lsmith@ci.fayetteville.ar.us>

September 19. Please confirm the arrival time and how long we have them.

For sure they will be seeing the new Teen Library and the 150' decline conveyor and sorting system, a one-of-a-kind set up!

Thanks,
Shawna

From: Sondra Smith [mailto:ssmith@ci.fayetteville.ar.us]
Sent: Wednesday, May 04, 2011 4:11 PM
To: Shawna Thorup
Cc: Kimberly Johnson; Lisa Branson; Lindsley Smith
Subject: Re: Council tour

Hi Shawna

We have the following dates open:

September 5 (This is a City holiday and therefore may not be a good date to plan a tour)
September 19
October 3
October 17
October 31
November 14
December 5
December 19

Let me know what date you would like to book the tour and we will add it to our calendar and City Council agenda. Have a wonderful day!

Sondra E. Smith CAMC, CMC
City Clerk Treasurer

City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
ssmith@ci.fayetteville.ar.us

TDD (Telecommunications Device for the Deaf): (479) 521-1316

>>> "Shawna Thorup" <sthorup@faylib.org> 5/4/2011 8:02 AM >>>

Sondra,

Please let me know what dates are available for Council tours. I'd love to show them the new Teen Library and the conveyor system, which is one-of-a-kind.

Thanks,

Shawna

Sondra Smith - Re: The book all Fayetteville will be reading

From: Don Marr
To: Smith, Sondra
Date: 9/12/2011 12:18 PM
Subject: Re: The book all Fayetteville will be reading

Thanks, Sondra!
D

Don Marr



Chief of Staff for Mayor Jordan
113 W Mountain Street
Fayetteville, AR 72701
Office: 479-575-8330
For TDD: (Telecommunications Device for the Deaf)
Dial 479-521-1316
Email: dmarr@ci.fayetteville.ar.us
Website: www.accessfayetteville.org

>>> Sondra Smith 9/12/2011 10:56 AM >>>

As we discussed this morning in the Mayor's staff meeting Maylon Rice would like to present the book tomorrow at Agenda Session (September 13, 2011) instead of October 11, 2011. I will give him a call and let me know he is good to go for tomorrow.

Sondra E. Smith CAMC, CMC
City Clerk Treasurer
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
ssmith@ci.fayetteville.ar.us

TDD (Telecommunications Device for the Deaf): (479) 521-1316

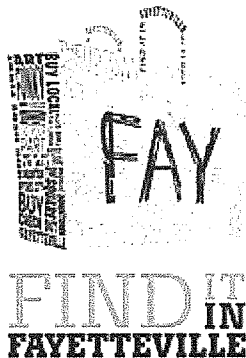


>>> Don Marr 9/12/2011 8:11 AM >>>

We approve this request

Don

Don Marr



Chief of Staff for Mayor Jordan

113 W Mountain Street

Fayetteville, AR 72701

Office: 479-575-8330

For TDD: (Telecommunications Device for the Deaf)

Dial 479-521-1316

Email: dmarr@ci.fayetteville.ar.us

Website: www.accessfayetteville.org

>>> Sondra Smith 9/9/2011 4:07 PM >>>

Mayor and Don

We need approval to add the following as an announcement at Agenda Session.

“The Book All Fayetteville should read..”

Maylon Rice

Sondra E. Smith CAMC, CMC

City Clerk Treasurer

City of Fayetteville

113 West Mountain

Fayetteville, AR 72701

(479) 575-8323

ssmith@ci.fayetteville.ar.us

TDD (Telecommunications Device for the Deaf): (479) 521-1316



>>> Lana Broyles 9/9/2011 2:56 PM >>>

I checked with him and he said he would be out of town on Sept. 27 but could do it on Oct 11. Will that work?

Lana Broyles
Mayor's Office Administrator
City of Fayetteville
479-575-8331
479-575-8257 (fax)
TDD (Telecommunications Device for the Deaf)
479-521-1316

>>> Sondra Smith 9/9/2011 1:48 PM >>>

Hi Lana,

We have already sent out the Tentative Agenda for the September 20, 2011 City Council meeting. The next Agenda Session will be September 27, 2011. Do you want him added to that Agenda Session?

Sondra E. Smith CAMC, CMC
City Clerk Treasurer
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
ssmith@ci.fayetteville.ar.us

TDD (Telecommunications Device for the Deaf): (479) 521-1316



>>> Lana Broyles 9/9/2011 9:00 AM >>>

Sondra, can we add Maylon Rice to the an upcoming Agenda Session so he can make the announcement below? He's the director of Boston Mountain Solid Waste but I assume in this case he will be acting as a representative of the Library Board. Let me know what date will work and I'll get back with him.

Thanks

lana

Lana Broyles

Mayor's Office Administrator

City of Fayetteville

479-575-8331

479-575-8257 (fax)

TDD (Telecommunications Device for the Deaf)

479-521-1316

>>> Lioneld Jordan 9/8/2011 1:26 PM >>>

yes

Lioneld Jordan, Mayor

113 W. Mountain St.

Fayetteville, AR 72701

479-575-8331 Phone

479-575-8257 Fax

TDD (Telecommunications Device for the Deaf) 479-521-1316

>>> Lana Broyles 9/8/2011 12:42 PM >>>

Do you want to put him on the agenda for this announcement? He said we did it last year.

lana

Lana Broyles

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>>> "Maylon Rice" <mrice@BMSWD.com> 9/8/2011 10:35 AM >>>

Mayor Jordan:

It is time for the annual reading of "The Book All Fayetteville should read.." is ready to be presented to the City Council
I would like to do so in an agenda session as we did last year.
Can you get me dates of the next sessions...

Thanks

Maylon Rice

Director

Boston Mountain Solid Waste District

11398 Bond Road - Prairie Grove, Ark. 72753

(o) 479 846 4617 (c) 479 387 5494

Fax 479 846 4614

mrice@bmswd.com

From: David Jurgens
To: City Clerk
CC: Atha, Allison; Branson, Lisa
Date: 8/24/2011 3:41 PM
Subject: September 20 Public Hearing in City Council Meeting

Lisa,

We need to have a public hearing in the September 20 City Council meeting, in order to comply with the specific requirements of the state code pertaining to changing the industrial surcharge.

The title should be public hearing to discuss an Ordinance Changing Section 51.137 Table F3, Extra Strength Surcharges, Specifically Changing the Industrial Biological Oxygen Demand (BOD) Surcharge.

The public hearing has to occur before the second reading of this ordinance- which I think means it will have to be in the middle of old business.

Thanks,

David