

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
August 18, 2009**

A meeting of the Fayetteville City Council will be held on August 18, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Second Quarter 2009 Report of Financial Condition of the City – City Clerk
2. Confirmation of the Advertising and Promotion Commission appointment.
APPROVED.

A. Consent:

1. Approval of the August 4, 2009 City Council meeting minutes. **APPROVED.**
2. **Bid # 09-47 Williams Tractor:** A resolution awarding Bid # 09-47 and approving the purchase of one (1) long-arm compact track excavator from Williams Tractor in the amount of \$51,425.91 for use by Trails; and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 173-09

3. **Bid # 09-50 Alpha Building Corporation:** A resolution awarding Bid # 09-50 and approving a contract with Alpha Building Corporation in the amount of \$173,076.00 for construction of restrooms at Bryce Davis Park; and approving a 10% project contingency in the amount of \$17,307.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 174-09

4. **Reed and Associates, Inc.:** A resolution approving an agreement with Reed & Associates, Inc. in the amount of \$45,250.00 for appraisal services associated with the Cato Springs Road Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 175-09

5. **Arkansas Highway & Transportation Department (AHTD):** A resolution approving a payment in the amount of \$5,000,000.00 to the Arkansas Highway & Transportation Department (AHTD) for the City's portion of the project costs associated with widening Crossover Road from Mission Boulevard to Joyce Street.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 176-09

6. **State Forfeiture Revenue:** A resolution approving a budget adjustment to recognize state forfeiture revenue for Q2/2009 in the amount of \$10,717.00 for use by the Fayetteville Police Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 177-09

7. **Federal Forfeiture Revenue:** A resolution approving a budget adjustment to recognize federal forfeiture revenue for Q2/2009 in the amount of approximately \$1,392.00 for the Fayetteville Police Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 178-09

8. **Vehicle Repair Expenses:** A resolution approving a budget adjustment recognizing the receipt of insurance reimbursement in the amount of \$2,839.00 and appropriating a like amount for vehicle repair expenses for Unit # 1144.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 179-09

9. **AT&T District Court/Prosecutor Facility:** A resolution approving the purchase through the state contract of a Nortel SRG System and Voice Over Internet Phone (VOIP) sets in the amount of \$28,017.00 for the new District Court/City Prosecutor facility.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 180-09

B. Unfinished Business:

1. **RZN 09-3271 (Sale Barn/Campus Crest LLC, 562):** An ordinance rezoning that property described in rezoning petition RZN 09-3271, for approximately 8.87 acres, located at the old Washington County Sale Barn, north and east of 11th Avenue and Government Avenue from I-1, Heavy Commercial/Light Industrial, to DG, Downtown General. *This ordinance was left on the First Reading at the June 16, 2009 City Council meeting. This ordinance was left on the Second Reading at the July 7, 2009 City Council meeting. This ordinance was left on the Third Reading at the July 21, 2009 City Council meeting and tabled to the August 18, 2009 City Council meeting.*

THIS ITEM WAS TABLED TO THE SEPTEMBER 15, 2009 CITY COUNCIL MEETING.

C. New Business:

1. **City Prosecutor's Office Furniture:** A resolution to approve the purchase of \$24,551.00 in new equipment and furniture for the City Prosecutor's office from the Norman Company, plus freight, delivery and installation charges and applicable sales tax.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 181-09

2. **District Court Office Furniture:** A resolution approving the purchase of furniture for the new District Court offices from the Norman Company through U.S. Communities in the amount of \$79,268.36; and approving a contingency in the amount of \$5,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 182-09

3. **RZN 09-3344 (Madewell):** An ordinance rezoning that property described in rezoning petition RZN 09-3344, for approximately 0.60 acres, located at 3695 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to NC, Neighborhood Conservation.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5266

4. **R-PZD 07-2452 Links at Fayetteville:** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2452 Links at Fayetteville to allow the addition of Use Unit #14, Hotel, Motel and Amusement Facilities as a permitted use in Planning Area III, as described herein.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5267

Agenda Additions:

Announcements:

1. **City Council Tour: August 17, 2009 – New Courts Building**

113 West Mountain 72701 (479) 575-8323 accessfayetteville.org
TDD (Telecommunications Device for the Deaf) (479) 521-1316

Adjournment: Meeting adjourned at 6:52 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

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

9-0

Subject:	a & p Commission Appointment				
Motion To:		Approve			
Motion By:		Cook			
Seconded:		Ferrell			
Approved	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Mayor Jordan				

8-0

Subject:	Consent				
Motion To:		Approve			
Motion By:		Gray			
Seconded:		Lewis			
Minutes Approved <u>Passed</u> 173-09 - 180-09	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Mayor Jordan				

8-0

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

Subject:		RZN 09-3271 (Sale Barn/Campus Crest LLC, 562)			
Motion To:		Table to			
Motion By:		September 15, 2009			
Seconded:		Thiel			
Seconded:		Ferrell			
B. 1 Unfinished Business Tabled to September 15, 2009	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	N			
	Ferrell	✓			
	Mayor Jordan				

7-1

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

Subject:		City Prosecutor's Office Furniture			
Motion To:		Approve			
Motion By:		Thiel			
Seconded:		Petty			
C. 1 New Business <u>passed</u>	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
181-09	Mayor Jordan				

8-0

Subject:		District Court Office Furniture			
Motion To:		Approve			
Motion By:		Thiel			
Seconded:		Petty			
C. 2 New Business <u>passed</u>	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
182-09	Mayor Jordan				

8-0

Subject:		RZN 09-3344 (Madewell)			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Thiel	Gray	
Seconded:			Ferrell	Lucas	
C. 3 New Business <u>passed</u>	Lucas	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Petty	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Mayor Jordan				
5266		8-0	8-0	8-0	

Subject:		R-PZD 07-2452 Links at Fayetteville			
Motion To:		Amend to add shall pay HMR Tax	2nd Read	3rd Read	Pass
Motion By:		Thiel	Thiel	Lucas	
Seconded:		Lucas	Cook	Lewis	
C. 4 New Business	Lucas	✓	✓	✓	✓
	Lewis	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Thiel	✓	✓	✓	✓
	Cook	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Rhoads	✓	✓	✓	✓
	Ferrell	✓	✓	✓	✓
	Mayor Jordan				
5267		8-0	8-0	8-0	8-0

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Lioneld Jordan**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

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

DATE: **August 19, 2009**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of August 18, 2009**

1. **Bid #09-47 Williams Tractor:** A resolution awarding Bid #09-47 and approving the purchase of one long-arm compact track excavator from Williams Tractor in the amount of \$51,425.91 for use by trails; and approving a budget adjustment;
2. **Bib #09-50 Alpha Building Corporation:** A resolution awarding Bid #09-50 and approving a contract with Alpha Building Corporation in the amount of \$173,076.00 for construction of restrooms at Bryce Davis Park; and approving a 10% project contingency in the amount of \$17,307.00;
3. **Reed and Associates, Inc.:** A resolution approving an agreement with Reed & Associates, Inc. in the amount of \$45,250.00 for appraisal services associated with the Cato Springs Road project;
4. **Arkansas Highway & Transportation Dept.:** A resolution approving a payment in the amount of \$5,000,000.00 to the AHTD for the City's portion of the project costs associated with widening Crossover Road from Mission Boulevard to Joyce Street;
5. **State Forfeiture Revenue:** A resolution approving a budget adjustment to recognize State Forfeiture Revenue for Q2/2009 in the amount of \$10,717.00 for use by the Fayetteville Police Department;

6. Federal Forfeiture Revenue: A resolution approving a budget adjustment to recognize Federal Forfeiture Revenue for Q2/2009 in the amount of approximately \$1,392.00 for the Fayetteville Police Department;

7. Vehicle Repair Expenses: A resolution approving a budget adjustment recognizing the receipt of insurance reimbursement in the amount of \$2,839.00 and appropriating a like amount for vehicle repair expenses for Unit #1144;

8. AT&T District Court/City Prosecutor Facility: A resolution approving the purchase through the state contract of a Nortel SRG System and Voice-over Internet Phone sets in the amount of \$28,017.00 for the new District Court/City Prosecutor Facility;

9. City Prosecutor's Office Furniture: A resolution to approve the purchase of \$24,551.00 in new equipment and furniture for the City Prosecutor's Office from the Norman Company, plus freight, delivery and installation charges and applicable sales tax;

10. District Court Office Furniture: A resolution approving the purchase of furniture for the new District Court Offices from the Norman Company through U.S. Communities in the amount of \$79,268.36; and approving a contingency in the amount of \$5,000.00;

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2. Confirmation of the Advertising and Promotion Commission appointment.

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This Ordinance was left on the Third Reading.

C. New Business:

1. **City Prosecutor's Office Furniture:** A resolution to approve the purchase of \$24,551.00 in new equipment and furniture for the City Prosecutor's office from the Norman Company, plus freight, delivery and installation charges and applicable sales tax.

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4. **R-PZD 07-2452 Links at Fayetteville:** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2452 Links at Fayetteville to allow the addition of Use Unit #14, Hotel, Motel and Amusement Facilities as a permitted use in Planning Area III, as described herein.

Agenda Additions:

Announcements:

1. **City Council Tour: August 17, 2009 – New Courts Building**

Adjournment:

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Handed out at Agenda
Session 8-11-09

City Council Meeting of August 18, 2009
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Jeremy C. Pate, Development Services Director X

Date: July 29, 2009

Subject: Links at Fayetteville R-PZD Amendment No. 2: Permit Use Unit #14

RECOMMENDATION

Staff recommends approval of an ordinance amending the Residential Planned Zoning District for the Links at Fayetteville (R-PZD 07-2452), permitting Use Unit #14, Hotel, Motel and Amusement Facilities, as a use by right in the first phase of Planning Area III.

BACKGROUND

Lindsey Management Company, Inc. has submitted a request to amend the approved (and partially constructed) R-PZD, Residential Planned Zoning District for the Links at Fayetteville. The project was approved by City Council on May 15, 2007 on appeal from the Planning Commission's denial of the project. The project consists of a residential development with 1,221 dwellings as well as 91,880 square feet of non-residential/commercial space, and 16,388 square feet of recreational buildings.

The request is to allow for 50 of the multi-family residential units (Planning Area III) that have already been constructed as part of Phase I to be utilized for short term rentals/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 as a permitted or conditional use in Planning Area III, Multi-Family/Golf Course.

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. As proposed by the applicant, a condition states that a maximum of 50 out of 1,221 (4.0%), of the units will be operated as an extended stay motel type operation which will ensure that the predominantly residential nature of the development will be maintained.

DISCUSSION

This item was not considered by the Planning Commission.

BUDGET IMPACT

None.

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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**City of Fayetteville Arkansas
City Council Meeting Minutes
August 4, 2009**

A meeting of the Fayetteville City Council was held on August 4, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

ABSENT: Alderman Petty and Lucas.

Alderman Gray arrived at 6:40 p.m.

Alderman Rhoads arrived at 6:55 p.m.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

Mayor Jordan announced that the position for Communications Director for the City of Fayetteville has been filled by Lindsley Smith.

Lindsley Smith, Communications Director stated I am excited to be here and I am looking forward to meeting with all of you to see how in my role I can help you.

Alderman Cook listed the current openings on the Fayetteville Boards and Committees.

Alderman Lewis announced "First Thursdays in Fayetteville" on the Fayetteville Square. She encouraged everyone to attend.

David Jurgens, Utilities Department Director announced that the City of Fayetteville received the Governor's 2009 Corporate Conservationist of the Year Award. He stated it is the first time in all the history of this award that a City has been nominated or selected. The award is for the Woolsey Wet Prairie Mitigation site that was developed as a part of WSIP.

Don Marr, Chief of Staff: A part of the Fayetteville Forward Summit, an action item of the Council voted on as a priority, was to outsource economic development opportunities and issue a City RFP for services. That was done last Thursday so the City is currently in the open bid process of taking responses for that. Don encouraged all entities interested to respond to the RFP.

Presentations, Reports and Discussion Items:

First Thursday Fayetteville – Art, Theatre, Film, and Music on the Square Thursday, August 6, 2009 - Events start at 5:00 p.m.

Consent:

Approval of the July 7, 2009 and the July 21, 2009 City Council meeting minutes.

Approved

Bid # 09-46 Oil Capital Electric: A resolution awarding Bid # 09-46 and approving a contract with Oil Capital Electric in the amount of \$27,750.00 for replacement of an electrical buss at the Noland Wastewater Treatment Plant; and approving a contingency in the amount of \$2,775.00.

Resolution 163-09 as Recorded in the office of the City Clerk.

Bid # 09-49 North Point Ford Lincoln Mercury: A resolution awarding Bid # 09-49 and approving the purchase of one (1) extended cab truck from North Point Ford Lincoln Mercury of North Little Rock in the amount of \$22,618.28 for use by the Fayetteville Police Department.

Resolution 164-09 as Recorded in the office of the City Clerk.

Mutual Aid Police Protection Agreement: A resolution approving a Mutual Aid Police Protection Agreement between the City of Fayetteville, Arkansas and the City of Rogers, Arkansas.

Resolution 165-09 as Recorded in the office of the City Clerk.

Bryce Davis Park Outdoor Recreation Grant: A resolution authorizing the Mayor to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$250,000.00 for the development of Bryce Davis Park.

Resolution 166-09 as Recorded in the office of the City Clerk.

Arkansas Historic Preservation Grant: A resolution approving a grant agreement with the Arkansas Historic Preservation Program in the amount of \$5,500.00 for travel and training expenses and publication of educational materials in support of the Fayetteville Historic District Commission; and approving a budget adjustment recognizing the grant revenue.

Resolution 167-09 as Recorded in the office of the City Clerk.

U.S. Marshal Service Reimbursement: A resolution approving a budget adjustment for the Fayetteville Police Department in an amount not to exceed \$25,000.00 to recognize reimbursement from the U.S. Marshal Service to cover detective overtime expenses.

Resolution 168-09 as Recorded in the office of the City Clerk.

City Employee Benefits for 2010: A resolution approving renewal of Blue Cross/Blue Shield Health Insurance, Delta Dental Insurance, Reliance Standard City Paid Life Insurance and Reliance Standard City Paid Long Term Disability Insurance; adopting staff recommendations for apportionment of costs for the renewed products; approving the selection of a new employee paid life insurance carrier; approving adding an employee paid long term care product to employee benefits offerings; and approving the status quo continuation of all other benefits offerings and benefits administrative services.

Resolution 169-09 as Recorded in the office of the City Clerk.

ADM 09-3384 (812 W. Cleveland Street ROW Variance): A resolution approving a variance of the Unified Development Code Section 164.12 (F) Nonconforming Uses and Structures, Repairs and Maintenance, and Section 166.18 Master Street Plan Setbacks, allowing the existing structure located at 812 W. Cleveland Street to remain within the Master Street Plan right-of-way and to be improved greater than the 10% replacement cost allowed by code, within the existing limits of the structure.

Resolution 170-09 as Recorded in the office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda as read. Alderman Thiel seconded the motion. Upon roll call the motion passed 5-0. Mayor Jordan voted yes to approve the Consent Agenda. Alderman Gray and Rhoads were absent during the vote. Alderman Petty and Lucas were absent.

Unfinished Business:

Wastewater Collection and Treatment Services Amendment: A resolution approving an amendment to the Wastewater Collection and Treatment Services Contract with the City of Farmington, Arkansas. ***This resolution was tabled at the July 21, 2009 City Council meeting to the August 4, 2009 City Council meeting.***

David Jurgens, Utilities Director gave a brief description of the amendment. He stated this brings the current agreement up to date.

Alderman Cook: The Water and Sewer Committee looked over this and no one had any negative comments. This is really just bringing us up to speed with where we are now compared to when we made our original agreement with Farmington.

Alderman Ferrell: It's basically just a continuation of that process isn't it?

Alderman Cook: It is, it brings the impact fees up to where it needs to be and also distributes the collection from the lift station work we did out there. The multiple points of connection is a little different.

David Jurgens: The relations between the two cities through this whole process have been outstanding.

Alderman Cook moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed 5-0. Mayor Jordan voted yes to approve the Resolution. Alderman Gray and Rhoads were absent during the vote. Alderman Petty and Lucas were absent.

Resolution 171-09 as Recorded in the office of the City Clerk.

New Business:

Amend Chapter 111: An ordinance to amend §111.30 of the Code of Fayetteville related to caterers serving a large meeting or attendance facility.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I brought this through because of the extensive changes that the State Legislature made in the last session.

Mayor Jordan: We will leave it on the first reading of the ordinance.

This ordinance was passed at the end of the meeting when additional Aldermen arrived at the meeting.

ADM 09-3332 (Urban Residential Design Standards): An ordinance amending the Unified Development Code of the City of Fayetteville, to amend Chapter 161: Zoning Regulations, and 166 Development, to amend certain building form and placement standards for urban residential development.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Department Director gave a brief summary of the Code change.

Alderman Thiel: We recently had a developer that incurred a problem on the construction aspect of such a reduced setback in front. Do you see problems like this? We live in a hilly terrain and there is a lot of development on slopes and hillsides and I wonder if this is not going to incur some problems with sidewalks and other things.

Jeremy Pate: The clarification that needs to be made is that usually the swells, sidewalk, and curb and gutter are located within the right of way which is separate from the building setback area so there is a difference there. This building setback in hilly terrain, we would hope that the developer would recognize that and place the building closer to the street. We are reviewing all of those details at the time that it comes through the planning process.

Alderman Lewis: I think it is a good idea. I was wondering if you can think of another example in Fayetteville.

Jeremy Pate: The primary example is that someone had to request a PZD to get this in the past. We are trying to build this into the Code so that applicants do not have to be unique. We are trying to establish a standard that allows that flexibility in design but also produces a result that citizens and the Council can come to expect when a zoning district is proposed.

This ordinance was passed at the end of the meeting when additional Aldermen arrived at the meeting.

ADM 09-3366 (Abshier Heights Amendment No. 3): An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-1883, Abshier Heights, located at the NW corner of Abshier Drive and Hillcrest Avenue, containing approximately 4.11 acres, to reflect revised lot width, lot area and internal setback requirements as described and depicted herein.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief summary of the amendment. Jeremy stated this proposal changes the way units can be occupied and sold.

Alderman Thiel asked if the Council could take a recess until some additional Council members arrive.

Mayor Jordan recessed the meeting.

Mayor Jordan called the meeting back to order.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voted yes

to move to the second reading. Alderman Rhoads was absent during the vote. Alderman Petty and Lucas were absent.

City Attorney Kit Williams read the ordinance.

Alderman Cook 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. Mayor Jordan voted yes to move to the third reading. Alderman Rhoads was absent during the vote. Alderman Petty and Lucas were absent.

City Attorney Kit Williams read the ordinance.

Alderman Lewis: It sounds like a good opportunity for people to own their own home.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Alderman Rhoads was absent during the vote. Alderman Lucas and Petty were absent.

Ordinance 5263 as Recorded in the office of the City Clerk.

ADM 09-3386 (Amberwood R-PZD Amendment No. 1): An ordinance amending a Residential Planned Zoning District entitled R-PZD 08-2965, Amberwood, located south and east of Double Springs Road and Dot Tipton Road, containing approximately 40 acres, to reflect revised alignment of private drive number 8, revised planning area boundaries, and a modified rear building setback.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief summary of the amendment. He stated staff is recommending approval.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voted yes to move to the second reading. Alderman Rhoads was absent during the vote. Alderman Petty and Lucas were absent.

City Attorney Kit Williams read the ordinance.

Alderman Cook 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. Mayor Jordan voted yes to move to the third reading. Alderman Rhoads was absent during the vote. Alderman Petty and Lucas were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Alderman Rhoads was absent during the vote. Alderman Lucas and Petty were absent.

Ordinance 5264 as Recorded in the office of the City Clerk.

ADM 09-3390 (Amberwood R-PZD Amendment No. 2): An ordinance amending a Residential Planned Zoning District entitled R-PZD 08-2965, Amberwood, located south and east of Double Springs Road and Dot Tipton Road, containing approximately 40 acres, to modify condition of approval No. 1, Street Improvements.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief summary of the amendment. He stated staff is recommending approval.

Alderman Thiel: A section of this is going to have the gutter done before the City does the construction of the road. The \$150,000 will be contributed before the City does anything?

Jeremy Pate: Regarding the \$150,000 that is correct. Prior to us doing any work out there we would have to receive that contribution and process that contribution before we pave the street. In terms of the timing of asphalt or curb and guttering going in first that is something our Transportation Director would work out with the developer to see which one makes the most economic sense to do first and be the most efficient for the City and the developer.

Alderman Lewis: Is alternative storm water drainage being considered and how is that tying in?

Jeremy Pate: The reference to the green space lots they essentially will help to convey some of the storm water in a different manner than we are accustomed. The drainage from the curb and gutter and Dot Tipton Road would likely be placed within those areas. Some of the streets within this development do not have curb and gutter to allow drainage to ditches and bioswells along this area. That is something we will have to review to ensure it does not create an erosion problem.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5265 as Recorded in the office of the City Clerk.

Medians in Garland Avenue: A resolution reaffirming the City Council's support for medians in Garland Avenue.

Mayor Jordan stated this is something Matthew Petty asked me to bring forward. He gave a brief history of the Garland Avenue road project. He stated you can move the project to a different phase but you can not move the money.

Don Marr, Chief of Staff read an email from Matthew Petty. In his email Alderman Petty stated this is the right plan. In the email Alderman Petty thanked the Mayor and City Engineer Chris Brown for their work on the project.

Alderman Ferrell: What you are going to suggest to the Highway Department is no intermittent medians, just continuous medians?

Mayor Jordan: When we say continuous medians that does not necessarily mean a continuous median. A continuous median is like Highway 265 but it has certain breaks in it. Each one of the breaks is where turns are going to be made so that we have access management.

Don Marr: The Highway Department's terminology of continuous medians speaks to a limited number of breaks in the median within a certain distance. Never at any time were the discussions of a continuous median to be a median from the start of the project to the end of the project with no breaks. Under the States definition you would look at a break at a quarter mile basis. The intermittent medians are medians that allow more frequent breaks than that quarter mile distance.

Alderman Ferrell: We don't want to be in jeopardy of losing the matching funds so I support you going down there and doing this.

Mayor Jordan: Keep in mind that the median now is wider.

City Attorney Kit Williams: I think our City Engineer prepared a plan. To make it more clear to the State and also the Highway Department you might want to add at the end of Section 1 *as shown on Exhibit "B" attached hereto* to show that this is the plan that in fact has been recommended by the City Council.

Alderman Lewis moved to amend the resolution to add in Section 1 as shown on Exhibit "B" attached hereto. Alderman Ferrell seconded the motion. Upon roll call the motion to amend passed 6-0. Alderman Lucas and Petty were absent.

Jeremy Pate explained the median for further clarification for the citizens watching at home.

Alderman Cook: After we saw the model from the Highway Department a three lane cross section was not going to be adequate. If we are going to spend the money now we might as well spend it right. If we are going to widen it I want to give that neighborhood and the City as good a street as we can. I think the 83 foot section with the three foot green space between the sidewalk and the curb and the nine foot median with the trees in it will give a good street and will certainly serve us well into the future.

Glen David Wilson, property owner near North Garland stated I wondered if it would be possible to minimize that median or eliminate it so there would be no medians all the way from North Street to Holly Street.

Alderman Thiel: The Street Department has discussed this issue with Glen David and our consensus was that we make the breaks where it was recommended by the Engineering Department, not a continuous break.

Mayor Jordan: When present this plan the State is going to come back with their recommendation and then they are going to have another public meeting.

Glen David Wilson: My concern is that the public have easy access to both parts drafted.

Terry Falon, with Maxwell asked is there any idea of when Phase I construction would start.

Mayor Jordan: I got a letter from the Highway Department and they did not think they could start the project until 2010.

Terry Falon: You said 2010.

Mayor Jordan: I think that is what they said.

Terry Falon: What is the Engineer's estimate on the current plan and how long will that take to construct?

Jeremy Pate: To be honest I don't know that we have gotten to that amount of detail yet. If you look at the plans they are very conceptual in nature.

Terry Falon: Once that is done how long would it take before Phase II takes it from Janice to I-540?

Mayor Jordan: I don't have a good answer for you.

Terry Falon: The way the plans are displayed on the proposal that you are going to take to the State are they subject to movement?

Mayor Jordan: There will be another public meeting and the State will come back. They are going to look this plan over and make their recommendations. Then it will come here and we will have public comment.

Don Marr: The breaks that are shown on the current map are the breaks planned to be discussed in Little Rock.

Terry Falon: It does include sidewalks and bike lanes on both sides?

Mayor Jordan: Yes.

Susan Dewer, resident of Mt. Comfort Road expressed her concerns on the affects this would have on pedestrians. She asked where the pedestrian crossings were going to be.

Jeremy Pate: We have indicated in the plans there is a couple of bus stop areas and that is one. What we would like to do is concentrate those crossings more in specific areas as opposed to everyone just crossing as they choose.

Susan Dewer: Will the pedestrian crossings have a light to allow people who are slow to get across all the lanes?

Mayor Jordan: It takes about 16 seconds to cross a road and that is why we want the medians there. People can cross to the medians in about eight seconds and have a place to stand as the cars go by and clear.

Susan Dewer: Hopefully there will be a safe crossing place for North Street as well.

Robert McKay, a resident of 1207 North Maxwell stated one entrance to Maxwell would be blocked due to the median. He stated there are 44 households in that neighborhood with one way in and out. That should be considered.

Mayor Jordan: It is going to have some breaks in it if you have looked at the plans.

Robert McKay: I would like to be able to turn left.

Alderman Cook: The State is going to be designing this road. They will bring it back and there will be a public process. What we are taking to the State now is just a concept of what we want to see.

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

Resolution 172-09 as Recorded in the office of the City Clerk.

Alderman Ferrell moved to place the following two ordinances back before the Council because they now had enough members of the City Council present to suspend the rules and go to the second and third readings. Due to the lack of sufficient City Council members present, they had been left on the first reading: Amend Chapter 111 and ADM 09-3332 (Urban Residential Design Standards). Alderman Cook seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Lucas were absent.

Amend Chapter 111: An ordinance to amend §111.30 of the Code of Fayetteville related to caterers serving a large meeting or attendance facility.

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

City Attorney Kit Williams read the ordinance.

Alderman Ferrell 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 Petty and Lucas 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 Lucas and Petty were absent.

Ordinance 5261 as Recorded in the office of the City Clerk.

ADM 09-3332 (Urban Residential Design Standards): An ordinance amending the Unified Development Code of the City of Fayetteville, to amend Chapter 161: Zoning Regulations, and 166 Development, to amend certain building form and placement standards for urban residential development.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked Jeremy Pate to give a brief overview for the two Aldermen that were not present during the previous discussion.

Jeremy Pate gave a brief description of the item.

Alderman Ferrell: I think you have put a lot of work into this and done a great job. This will serve everyone very well.

Jeremy Pate: I will tell our staff, thank you very much.

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

Ordinance 5262 as Recorded in the office of the City Clerk.

Agenda Additions:

Announcements:

The meeting adjourned at 7:40 PM

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
August 18, 2009**

A meeting of the Fayetteville City Council will be held on August 18, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

1. Second Quarter 2009 Report of Financial Condition of the City – Paul Becker

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Second Quarter 2009 Report of Financial Condition of the City – City Clerk

A. Consent:

1. Approval of the August 4, 2009 City Council meeting minutes.
2. **Bid # 09-47 Williams Tractor:** A resolution awarding Bid # 09-47 and approving the purchase of one (1) long-arm compact track excavator from Williams Tractor in the amount of \$51,425.91 for use by Trails; and approving a budget adjustment.

3. **Bid # 09-50 Alpha Building Corporation:** A resolution awarding Bid # 09-50 and approving a contract with Alpha Building Corporation in the amount of \$173,076.00 for construction of restrooms at Bryce Davis Park; and approving a 10% project contingency in the amount of \$17,307.00.
4. **Bid # 09-53:** A resolution awarding Bid # 09-53 and approving the purchase of one (1) refuse roll-off truck from XXXXXXXX in the amount of \$XXX,XXX.XX for use by the Solid Waste Division; and approving a budget adjustment.
5. **Reed and Associates, Inc.:** A resolution approving an agreement with Reed & Associates, Inc. in the amount of \$45,250.00 for appraisal services associated with the Cato Springs Road Project.
6. **Arkansas Highway & Transportation Department (AHTD):** A resolution approving a payment in the amount of \$5,000,000.00 to the Arkansas Highway & Transportation Department (AHTD) for the City's portion of the project costs associated with widening Crossover Road from Mission Boulevard to Joyce Street.
7. **State Forfeiture Revenue:** A resolution approving a budget adjustment to recognize state forfeiture revenue for Q2/2009 in the amount of \$10,717.00 for use by the Fayetteville Police Department.
8. **Federal Forfeiture Revenue:** A resolution approving a budget adjustment to recognize federal forfeiture revenue for Q2/2009 in the amount of approximately \$1,392.00 for the Fayetteville Police Department.
9. **Vehicle Repair Expenses:** A resolution approving a budget adjustment recognizing the receipt of insurance reimbursement in the amount of \$2,839.00 and appropriating a like amount for vehicle repair expenses for Unit # 1144.
10. **AT&T District Court/Prosecutor Facility:** A resolution approving the purchase through the state contract of a Nortel SRG System and Voice Over Internet Phone (VOIP) sets in the amount of \$28,017.00 for the new District Court/City Prosecutor facility.

B. Unfinished Business:

1. **RZN 09-3271 (Sale Barn/Campus Crest LLC, 562):** An ordinance rezoning that property described in rezoning petition RZN 09-3271, for approximately 8.87 acres, located at the old Washington County Sale Barn, north and east of 11th Avenue and Government Avenue from I-1, Heavy Commercial/Light Industrial, to DG, Downtown General. *This ordinance was left on the First Reading at the June 16, 2009 City Council meeting. This ordinance was left on the Second Reading at the July 7, 2009 City Council meeting. This ordinance was left on the Third Reading at the July 21, 2009 City Council meeting and tabled to the August 18, 2009 City Council meeting.*

This Ordinance was left on the Third Reading.

C. New Business:

- 1. City Prosecutor's Office Furniture:** A resolution to approve the purchase of \$24,551.00 in new equipment and furniture for the City Prosecutor's office from the Norman Company, plus freight, delivery and installation charges and applicable sales tax.
- 2. District Court Office Furniture:** A resolution approving the purchase of furniture for the new District Court offices from the Norman Company through U.S. Communities in the amount of \$79,268.36; and approving a contingency in the amount of \$5,000.00.
- 3. RZN 09-3344 (Madewell):** An ordinance rezoning that property described in rezoning petition RZN 09-3344, for approximately 0.60 acres, located at 3695 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to NC, Neighborhood Conservation.
- 4. R-PZD 07-2452 Links at Fayetteville:** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2452 Links at Fayetteville to allow the addition of Use Unit #14, Hotel, Motel and Amusement Facilities as a permitted use in Planning Area III, as described herein.

Agenda Additions:

Announcements:

- 1. City Council Tour: August 17, 2009**

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**City of Fayetteville Arkansas
City Council Meeting Minutes
August 4, 2009**

A meeting of the Fayetteville City Council was held on August 4, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

ABSENT: Alderman Petty and Lucas.

Alderman Gray arrived at 6:40 p.m.
Alderman Rhoads arrived at 6:55 p.m.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

Mayor Jordan announced that the position for Communications Director for the City of Fayetteville has been filled by Lindsley Smith.

Lindsley Smith, Communications Director stated I am excited to be here and I am looking forward to meeting with all of you to see how in my role I can help you.

Alderman Cook listed the current openings on the Fayetteville Boards and Committees.

Alderman Lewis announced "First Thursdays in Fayetteville" on the Fayetteville Square. She encouraged everyone to attend.

David Jurgens, Utilities Department Director announced that the City of Fayetteville received the Governor's 2009 Corporate Conservationist of the Year Award. He stated it is the first time in all the history of this award that a City has been nominated or selected. The award is for the Woolsey Wet Prairie Mitigation site that was developed as a part of WSIP.

Don Marr, Chief of Staff: A part of the Fayetteville Forward Summit, an action item of the Council voted on as a priority, was to outsource economic development opportunities and issue a City RFP for services. That was done last Thursday so the City is currently in the open bid process of taking responses for that. Don encouraged all entities interested to respond to the RFP.

Presentations, Reports and Discussion Items:

First Thursday Fayetteville – Art, Theatre, Film, and Music on the Square Thursday, August 6, 2009 - Events start at 5:00 p.m.

Consent:

Approval of the July 7, 2009 and the July 21, 2009 City Council meeting minutes.

Approved

Bid # 09-46 Oil Capital Electric: A resolution awarding Bid # 09-46 and approving a contract with Oil Capital Electric in the amount of \$27,750.00 for replacement of an electrical buss at the Noland Wastewater Treatment Plant; and approving a contingency in the amount of \$2,775.00.

Resolution 163-09 as Recorded in the office of the City Clerk.

Bid # 09-49 North Point Ford Lincoln Mercury: A resolution awarding Bid # 09-49 and approving the purchase of one (1) extended cab truck from North Point Ford Lincoln Mercury of North Little Rock in the amount of \$22,618.28 for use by the Fayetteville Police Department.

Resolution 164-09 as Recorded in the office of the City Clerk.

Mutual Aid Police Protection Agreement: A resolution approving a Mutual Aid Police Protection Agreement between the City of Fayetteville, Arkansas and the City of Rogers, Arkansas.

Resolution 165-09 as Recorded in the office of the City Clerk.

Bryce Davis Park Outdoor Recreation Grant: A resolution authorizing the Mayor to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$250,000.00 for the development of Bryce Davis Park.

Resolution 166-09 as Recorded in the office of the City Clerk.

Arkansas Historic Preservation Grant: A resolution approving a grant agreement with the Arkansas Historic Preservation Program in the amount of \$5,500.00 for travel and training expenses and publication of educational materials in support of the Fayetteville Historic District Commission; and approving a budget adjustment recognizing the grant revenue.

Resolution 167-09 as Recorded in the office of the City Clerk.

U.S. Marshal Service Reimbursement: A resolution approving a budget adjustment for the Fayetteville Police Department in an amount not to exceed \$25,000.00 to recognize reimbursement from the U.S. Marshal Service to cover detective overtime expenses.

Resolution 168-09 as Recorded in the office of the City Clerk.

City Employee Benefits for 2010: A resolution approving renewal of Blue Cross/Blue Shield Health Insurance, Delta Dental Insurance, Reliance Standard City Paid Life Insurance and Reliance Standard City Paid Long Term Disability Insurance; adopting staff recommendations for apportionment of costs for the renewed products; approving the selection of a new employee paid life insurance carrier; approving adding an employee paid long term care product to employee benefits offerings; and approving the status quo continuation of all other benefits offerings and benefits administrative services.

Resolution 169-09 as Recorded in the office of the City Clerk.

ADM 09-3384 (812 W. Cleveland Street ROW Variance): A resolution approving a variance of the Unified Development Code Section 164.12 (F) Nonconforming Uses and Structures, Repairs and Maintenance, and Section 166.18 Master Street Plan Setbacks, allowing the existing structure located at 812 W. Cleveland Street to remain within the Master Street Plan right-of-way and to be improved greater than the 10% replacement cost allowed by code, within the existing limits of the structure.

Resolution 170-09 as Recorded in the office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda as read. Alderman Thiel seconded the motion. Upon roll call the motion passed 5-0. Mayor Jordan voted yes to approve the Consent Agenda. Alderman Gray and Rhoads were absent during the vote. Alderman Petty and Lucas were absent.

Unfinished Business:

Wastewater Collection and Treatment Services Amendment: A resolution approving an amendment to the Wastewater Collection and Treatment Services Contract with the City of Farmington, Arkansas. *This resolution was tabled at the July 21, 2009 City Council meeting to the August 4, 2009 City Council meeting.*

David Jurgens, Utilities Director gave a brief description of the amendment. He stated this brings the current agreement up to date.

Alderman Cook: The Water and Sewer Committee looked over this and no one had any negative comments. This is really just bringing us up to speed with where we are now compared to when we made our original agreement with Farmington.

Alderman Ferrell: It's basically just a continuation of that process isn't it?

Alderman Cook: It is, it brings the impact fees up to where it needs to be and also distributes the collection from the lift station work we did out there. The multiple points of connection is a little different.

David Jurgens: The relations between the two cities through this whole process have been outstanding.

Alderman Cook moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed 5-0. Mayor Jordan voted yes to approve the Resolution. Alderman Gray and Rhoads were absent during the vote. Alderman Petty and Lucas were absent.

Resolution 171-09 as Recorded in the office of the City Clerk.

New Business:

Amend Chapter 111: An ordinance to amend §111.30 of the Code of Fayetteville related to caterers serving a large meeting or attendance facility.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I brought this through because of the extensive changes that the State Legislature made in the last session.

Mayor Jordan: We will leave it on the first reading of the ordinance.

This ordinance was passed at the end of the meeting when additional Aldermen arrived at the meeting.

ADM 09-3332 (Urban Residential Design Standards): An ordinance amending the Unified Development Code of the City of Fayetteville, to amend Chapter 161: Zoning Regulations, and 166 Development, to amend certain building form and placement standards for urban residential development.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Department Director gave a brief summary of the Code change.

Alderman Thiel: We recently had a developer that incurred a problem on the construction aspect of such a reduced setback in front. Do you see problems like this? We live in a hilly terrain and there is a lot of development on slopes and hillsides and I wonder if this is not going to incur some problems with sidewalks and other things.

Jeremy Pate: The clarification that needs to be made is that usually the swells, sidewalk, and curb and gutter are located within the right of way which is separate from the building setback area so there is a difference there. This building setback in hilly terrain, we would hope that the developer would recognize that and place the building closer to the street. We are reviewing all of those details at the time that it comes through the planning process.

Alderman Lewis: I think it is a good idea. I was wondering if you can think of another example in Fayetteville.

Jeremy Pate: The primary example is that someone had to request a PZD to get this in the past. We are trying to build this into the Code so that applicants do not have to be unique. We are trying to establish a standard that allows that flexibility in design but also produces a result that citizens and the Council can come to expect when a zoning district is proposed.

This ordinance was passed at the end of the meeting when additional Aldermen arrived at the meeting.

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City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief summary of the amendment. Jeremy stated this proposal changes the way units can be occupied and sold.

Alderman Thiel asked if the Council could take a recess until some additional Council members arrive.

Mayor Jordan recessed the meeting.

Mayor Jordan called the meeting back to order.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voted yes

to move to the second reading. Alderman Rhoads was absent during the vote. Alderman Petty and Lucas were absent.

City Attorney Kit Williams read the ordinance.

Alderman Cook 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. Mayor Jordan voted yes to move to the third reading. Alderman Rhoads was absent during the vote. Alderman Petty and Lucas were absent.

City Attorney Kit Williams read the ordinance.

Alderman Lewis: It sounds like a good opportunity for people to own their own home.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Alderman Rhoads was absent during the vote. Alderman Lucas and Petty were absent.

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Jeremy Pate gave a brief summary of the amendment. He stated staff is recommending approval.

Alderman Thiel: A section of this is going to have the gutter done before the City does the construction of the road. The \$150,000 will be contributed before the City does anything?

Jeremy Pate: Regarding the \$150,000 that is correct. Prior to us doing any work out there we would have to receive that contribution and process that contribution before we pave the street. In terms of the timing of asphalt or curb and guttering going in first that is something our Transportation Director would work out with the developer to see which one makes the most economic sense to do first and be the most efficient for the City and the developer.

Alderman Lewis: Is alternative storm water drainage being considered and how is that tying in?

Jeremy Pate: The reference to the green space lots they essentially will help to convey some of the storm water in a different manner than we are accustomed. The drainage from the curb and gutter and Dot Tipton Road would likely be placed within those areas. Some of the streets within this development do not have curb and gutter to allow drainage to ditches and bioswells along this area. That is something we will have to review to ensure it does not create an erosion problem.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5265 as Recorded in the office of the City Clerk.

Medians in Garland Avenue: A resolution reaffirming the City Council's support for medians in Garland Avenue.

Mayor Jordan stated this is something Matthew Petty asked me to bring forward. He gave a brief history of the Garland Avenue road project. He stated you can move the project to a different phase but you can not move the money.

Don Marr, Chief of Staff read an email from Matthew Petty. In his email Alderman Petty stated this is the right plan. In the email Alderman Petty thanked the Mayor and City Engineer Chris Brown for their work on the project.

Alderman Ferrell: What you are going to suggest to the Highway Department is no intermittent medians, just continuous medians?

Mayor Jordan: When we say continuous medians that does not necessarily mean a continuous median. A continuous median is like Highway 265 but it has certain breaks in it. Each one of the breaks is where turns are going to be made so that we have access management.

Don Marr: The Highway Department's terminology of continuous medians speaks to a limited number of breaks in the median within a certain distance. Never at any time were the discussions of a continuous median to be a median from the start of the project to the end of the project with no breaks. Under the States definition you would look at a break at a quarter mile basis. The intermittent medians are medians that allow more frequent breaks than that quarter mile distance.

Alderman Ferrell: We don't want to be in jeopardy of losing the matching funds so I support you going down there and doing this.

Mayor Jordan: Keep in mind that the median now is wider.

City Attorney Kit Williams: I think our City Engineer prepared a plan. To make it more clear to the State and also the Highway Department you might want to add at the end of Section 1 *as shown on Exhibit "B" attached hereto* to show that this is the plan that in fact has been recommended by the City Council.

Alderman Lewis moved to amend the resolution to add in Section 1 *as shown on Exhibit "B" attached hereto*. **Alderman Ferrell** seconded the motion. Upon roll call the motion to amend passed 6-0. **Alderman Lucas and Petty** were absent.

Jeremy Pate explained the median for further clarification for the citizens watching at home.

Alderman Cook: After we saw the model from the Highway Department a three lane cross section was not going to be adequate. If we are going to spend the money now we might as well spend it right. If we are going to widen it I want to give that neighborhood and the City as good a street as we can. I think the 83 foot section with the three foot green space between the sidewalk and the curb and the nine foot median with the trees in it will give a good street and will certainly serve us well into the future.

Glen David Wilson, property owner near North Garland stated I wondered if it¹ would be possible to minimize that median or eliminate it so there would be no medians all the way from North Street to Holly Street.

Alderman Thiel: The Street Department has discussed this issue with Glen David and our consensus was that we make the breaks where it was recommended by the Engineering Department, not a continuous break.

Mayor Jordan: When we present this plan the State is going to come back with their recommendation and then they are going to have another public meeting.

Glen David Wilson: My concern is that the public have easy access to both parts drafted.

Terry Falon, with Maxwell asked if there is any idea of when Phase I construction would start.

Mayor Jordan: I got a letter from the Highway Department and they did not think they could start the project until 2010.

Terry Falon: You said 2010.

Mayor Jordan: I think that is what they said.

Terry Falon: What is the Engineer's estimate on the current plan and how long will that take to construct?

Jeremy Pate: To be honest I don't know that we have gotten to that amount of detail yet. If you look at the plans they are very conceptual in nature.

Terry Falon: Once that is done how long would it take before Phase II takes it from Janice to I-540?

Mayor Jordan: I don't have a good answer for you.

Terry Falon: The way the plans are displayed on the proposal that you are going to take to the State are they subject to movement?

Mayor Jordan: There will be another public meeting and the State will come back. They are going to look this plan over and make their recommendations. Then it will come here and we will have public comment.

Don Marr: The breaks that are shown on the current map are the breaks planned to be discussed in Little Rock.

Terry Falon: It does include sidewalks and bike lanes on both sides?

Mayor Jordan: Yes.

Susan Dewer, resident of Mt. Comfort Road expressed her concerns on the effects this would have on pedestrians. She asked where the pedestrian crossings were going to be.

Jeremy Pate: There are a couple of bus stop areas and that is one. What we would like to do is concentrate those crossings more in specific areas as opposed to everyone just crossing as they choose.

Susan Dewer: Will the pedestrian crossings have a light to allow people who are slow to get across all the lanes?

Mayor Jordan: It takes about 16 seconds to cross a road and that is why we want the medians there. People can cross to the medians in about eight seconds and have a place to stand as the cars go by and clear.

Susan Dewer: Hopefully there will be a safe crossing place for North Street as well.

Robert McKay, a resident of 1207 North Maxwell stated one entrance to Maxwell would be blocked due to the median. He stated there are 44 households in that neighborhood with one way in and out. That should be considered.

Mayor Jordan: It is going to have some breaks in it if you have looked at the plans.

Robert McKay: I would like to be able to turn left.

Alderman Cook: The State is going to be designing this road. They will bring it back and there will be a public process. What we are taking to the State now is just a concept of what we want to see.

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

Resolution 172-09 as Recorded in the office of the City Clerk.

Alderman Ferrell moved to place the following two ordinances back before the Council because they now had enough members of the City Council present to suspend the rules and go to the second and third readings. Due to the lack of sufficient City Council members present, they had been left on the first reading: Amend Chapter 111 and ADM 09-3332 (Urban Residential Design Standards). **Alderman Cook** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Petty** and **Lucas** were absent.

Amend Chapter 111: An ordinance to amend §111.30 of the Code of Fayetteville related to caterers serving a large meeting or attendance facility.

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

City Attorney Kit Williams read the ordinance.

Alderman Ferrell 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 Petty** and **Lucas** 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 Lucas** and **Petty** were absent.

Ordinance 5261 as Recorded in the office of the City Clerk.

ADM 09-3332 (Urban Residential Design Standards): An ordinance amending the Unified Development Code of the City of Fayetteville, to amend Chapter 161: Zoning Regulations, and 166 Development, to amend certain building form and placement standards for urban residential development.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked **Jeremy Pate** to give a brief overview for the two Aldermen that were not present during the previous discussion.

Jeremy Pate gave a brief description of the item.

Alderman Ferrell: I think you have put a lot of work into this and done a great job. This will serve everyone very well.

Jeremy Pate: I will tell our staff, thank you very much.

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

City Attorney Kit Williams read the ordinance.

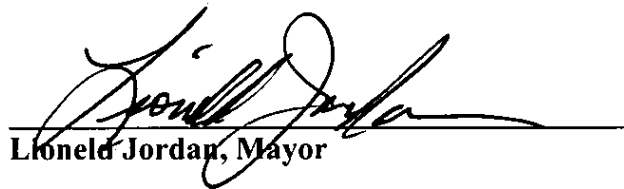
Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. **Alderman Lucas** and **Petty** were absent.

Ordinance 5262 as Recorded in the office of the City Clerk.

Agenda Additions:

Announcements:

The meeting adjourned at 7:40 PM


Lionel Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer

City of Fayetteville Staff Review Form

A. 2
 Bid # 09-47 Williams Tractor
 Page 1 of 6

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

8/18/2009

City Council Meeting Date
 Agenda Items Only

Dennis Pratt / Barbara Olsen
 Submitted By

Fleet Operations
 Division

Transportation
 Department

Action Required:

A resolution awarding Bid #09-47 to Williams Tractor of Fayetteville, AR in the amount of \$51,425.91 for the purchase of a long arm compact track excavator for use by Trails, and approval of budget adjustment to recognize revenue from the insurance payment and to move funds to the Fleet expense account.

\$ 51,426.00
 Cost of this request

\$ 301,000.00
 Category / Project Budget

Construction Equipment
 Program Category / Project Name

9700.1920.5802.00
 Account Number

\$ 300,269.00
 Funds Used to Date

Vehicles and Equipment
 Program / Project Category Name

02077.2009
 Project Number

\$ 731.00
 Remaining Balance

Shop Fund
 Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒

Tony J. Bully 7-31-09
 Department Director Date

Previous Ordinance or Resolution # _____

P. W. Bully 8/3/09
 City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Besh 8-3-2009
 Finance and Internal Services Director Date

Received in City Clerk's Office
 ENTERED 8/3/09 LMB

Don Mann 8/3/09
 Chief of Staff Date

Received in Mayor's Office
 ENTERED 8/3/09 PH

Timothy Jordan 8/3/09
 Mayor Date

Comments:



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



Williams Tractor

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: TERRY GULLEY, DIRECTOR OF TRANSPORTATION

FROM: DENNIS PRATT, FLEET OPERATIONS SUPT. 

DATE: JULY 31, 2009

SUBJECT: PURCHASE OF COMPACT TRACK EXCAVATOR

RECOMMENDATION: That City Council approve the purchase of one long arm compact track excavator for Trails Division in the amount of \$51,425.91.

BACKGROUND: Bid #09-47 was opened June 26th, 2009 for one compact track Excavator – Long Arm. Seven bid responses were received. A detailed bid tabulation sheet is attached. This unit is for use by Trails.

The low bid that meets specs is from Williams Tractor. I recommend acceptance of the bid from Williams Tractor in the amount of \$51,425.91.

This unit is a replacement for #9047 which was stolen from the job site last November. Although this was not a planned replacement, there are sufficient funds for the purchase with the combined amount that Fleet has collected for replacement and the check from the insurance company. The user Division is budgeting operating funds for the replacement for 2010.

A Budget Adjustment has been completed to move the funds into Project 02077 – Construction Equipment.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #09-47 AND APPROVING THE PURCHASE OF ONE (1) LONG-ARM COMPACT TRACK EXCAVATOR FROM WILLIAMS TRACTOR IN THE AMOUNT OF \$51,425.91 FOR USE BY TRAILS; 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 awards Bid #09-47 and approves the purchase of one (1) long-arm compact track excavator from Williams Tractor in the amount of \$51,425.91 for use by Trails.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment recognizing revenue from the insurance payment.

PASSED and **APPROVED** this 18th day of August, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

A. 2
Bid # 09-47 Williams Tractor

Budget Year 2009	Department: Operations Division: Fleet Operations Program: Capital Expense	Date Requested 7/13/2009	Adjustment Number 0000016
----------------------------	---	------------------------------------	-------------------------------------

Project or Item Added/Increased: \$51,426 is requested in Project 02077 - Construction Equipment for the purchase of an Excavator. Fleet is recognizing revenue due to the insurance payment for the stolen unit.	Project or Item Deleted/Reduced: Reduce Shop fund balance by \$35,481 to purchase the excavator.
---	--

Justification of this Increase: Trails unit #9047 was stolen from the jobsite in Nov. 2008 - it needs to be replaced.	Justification of this Decrease: The amount already collected for replacement plus the amount of the insurance payment is sufficient to cover the purchase price of the replacement unit. Sufficient funds are available to meet City objectives.
---	--

Increase Budget							
Account Name	Account Number				Amount	Project Number	
Vehicles And Equipment	9700	1920	5802	00	51,426	02077	2009
Decrease Budget							
Account Name	Account Number				Amount	Project Number	
Use of Fund Balance	9700	0970	4999	99	35,481		
Gain/loss sale of assets	9700	0970	6881	02	15,945	02077	2009

_____ Division Head Date: 7-14-09	Budget & Research Use Only Type: A B C <u>D</u> E Requested By <u>B. Olsen</u> General Ledger Date _____ Posted to General Ledger _____ Posted to Project Accounting _____
_____ Budget Director Date: 7/15/09	
_____ Department Director Date: 7-15-09	
_____ Finance Director Date: 8-3-2009	
_____ Chief of Staff Date: 8/1/09	
_____ Mayor Date: 8/3/09	Initial Date Initial Date

BID: 09-47
6/26/2009
2:00 PM
CITY OF FAYETTEVILLE



Bid 09-47, Compact Track Excavator - Long Arm

BIDDER	Manufacturer	Model	Total Price
1 H & E Equipment Services	Komatsu	PC45MR-3	\$59,757.00
2 Hugg & Hall Equipment	Volvo	ECR48C	\$59,310.00
3 Riggs Cat	Caterpillar	305CCRA	\$60,719.00
4 Scott Construction Equipment - OPT 1	Case	CX50B	\$60,999.84
5 Scott Construction Equipment - OPT 2	Kobelco	SK50	\$65,987.00
6 Warrior of Arkansas, Inc.	This bid has been rejected.		
7 Williams Tractor, Inc.	Bobcat	435 Fastrak Long Arm	\$51,425.91

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

CERTIFIED:

P. Vice
P. VICE, PURCH MGR

A. Faren
WITNESS

6/26/09
DATE

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

Requisition No.:	Date: A. 2 7/31/2009	Bid # 09-47 Williams Tractor
P.O Number:	Expected Delivery Date: 6 of 6	

Vendor #: 11133	Vendor Name: WILLIAMS TRACTOR	Mail Yes: _____
Address:	Fob Point:	Taxable Yes: _____ No: <u>X</u>
City:	State:	Quotes Attached Yes: _____ No: _____
Zip Code:	Ship to code: 50	Division Head Approval: 
Requester: BARBARA OLSEN	Requester's Employee #: 1940	Extension: 485

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	BOBCAT 435 FASTRAK LONG ARM COMPACT	1	EA	51,425.91	\$51,425.91	9700.1920.5802.00	02077.2009		
2	TRACK EXCAVATOR, PER BID 09-47. TO BE				\$0.00				
3	UNIT #819, FIXED ASSET #700819				\$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: \$51,425.91
Tax: EXEMPT
Total: \$51,425.91

Approvals:

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

City of Fayetteville Staff Review Form

A. 3
 Bid # 09-50 Alpha Building Corporation
 Page 1 of 12

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

8/18/2009

**City Council Meeting Date
 Agenda Items Only**

Alison Jumper

Submitted By

Park Planning

Division

Parks and Recreation

Department**Action Required:**

A resolution awarding Bid #09-50 and approval of a contract with Alpha Building Corporation in the amount of \$173,076, with a 10% project contingency of \$17,307 for a total project cost of \$190,383 for the construction of Bryce Davis Park Restroom

\$ 190,383.00
 Cost of this request

\$ 395,000.00
 Category / Project Budget

Neighborhood Park Development
 Program Category / Project Name

2250.9255.5806.00
 Account Number

\$ -
 Funds Used to Date

Parks Development
 Program / Project Category Name

02013.0802
 Project Number

\$ 395,000.00
 Remaining Balance

Parks Development/ PLDO (NW)
 Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

Alison Jumper
 Department Director

7/31/09
 Date

Previous Ordinance or Resolution #

S. P. White
 City Attorney

8/4/09
 Date

Original Contract Date:

Original Contract Number:

Paul A. Babin
 Finance and Internal Services Director

8-4-2009
 Date

Received in City
 Clerk's Office



Ann M. ...
 Chief of Staff

8-4-09
 Date

Received in
 Mayor's Office



Frederick Jordan
 Mayor

8/4/09
 Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council
Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director
From: Alison Jumper, Park Planner *aj*
Date: July 31, 2009
RE: Bryce Davis Park Restroom Construction

RECOMMENDATION

A resolution awarding Bid #09-50 and approval of a contract with Alpha Building Corporation in the amount of \$173,076, with a 10% project contingency of \$17,307 for a total project cost of \$190,383 for the construction of Bryce Davis Park Restroom.

BACKGROUND

Bryce Davis Park was the first park to be dedicated through the Park Land Dedication Ordinance in 1988 and originally contained 9.2 acres. The City received an additional 16.95 acres adjacent to the west side of Bryce Davis in 2008. The park is located in the northwest quadrant on the north side of Wedington Drive and west of Salem Road. With the additional acreage, Bryce Davis Park will now serve the northwest quadrant as a community park.

A public meeting was held on February 26th to solicit input from the neighborhood and assess the community's needs and desires for amenities within the park. Staff also attended the Ward 4 meeting on March 30th to gain additional information. Based on the findings, staff designed a master plan to complement the existing amenities on the east side of the park. Proposed amenities include the City's newest dog park, walking trail, pavilions, picnic areas, labyrinth, and fishing pier. Restrooms are an amenity typically provided in a community park such as Gulley Park or Walker Park.

Current Status

The project was advertised on July 13th and July 20th and bids were opened on July 30th. Four bids were received including Benchmark Construction, HDI Contractors, Alpha Building Corporation and Rick Pershall Building. Alpha Building Corporation was the low bid in the amount of \$173,076. If approved, construction of the project will begin in September 2009 and will be completed in December 2009.

BUDGET IMPACT

This project is funded with Park Land Dedication Funds (\$395,000). Total project cost including a 10 % project contingency is \$190,383.

Attachments:

Bid Tab
Purchase Requisition
Agreement
Page 1 of 1

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #09-50 AND APPROVING A CONTRACT WITH ALPHA BUILDING CORPORATION IN THE AMOUNT OF \$173,076.00 FOR CONSTRUCTION OF RESTROOMS AT BRYCE DAVIS PARK; AND APPROVING A 10% PROJECT CONTINGENCY IN THE AMOUNT OF \$17,307.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby awards Bid #09-50 and approves a contract with Oil Capital Electric in the amount of \$173,076.00 for construction of restrooms at Bryce Davis Park. A copy of the contract, marked Exhibit "A," is attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby approves a 10% project contingency in the amount of \$17,307.00.

PASSED and APPROVED this 18th day of August, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDON, Mayor

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

BID: 09-50
7/31/2009
2:00 PM, Local Time
CITY OF FAYETTEVILLE



Bid 09-50, Bryce Davis Park Restroom Construction

BIDDER	TOTAL BASE BID
1 Alpha Building Corporation	\$173,076.00
2 Benchmark Construction of NWA, Inc.	\$174,675.00
3 HDI Contractors	\$188,859.00
4 Rick Pershall Building Co.	\$235,400.00

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

CERTIFIED:


A. FOREN - PURCH AGENT


WITNESS

07/31/09
DATE

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

Requisition No.:

Date: Bid # 09-50 Alpha Building Corporation

Page 5 of 12

P.O Number:

Expected Delivery Date:

Vendor #:

NEW

Vendor Name:

Alpha Building Corporation

Mail

Yes:___

No:___

Address:

Fob Point:

Taxable

Yes:___

No:___

Quotes Attached

Yes: x

No:___

City:

Fayetteville

State:

AR

Zip Code:

Ship to code:

Division Head Approval:

Requester:

Alison Jumper

Requester's Employee #:

2369

Extension:

469

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Construction of Bryce Davis Park Restroom Per Bid 09-50	1	I.s.	173,076.00	\$173,076.00	2250.9255.5806.00	02013.0802		
2					\$0.00				
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal:

\$173,076.00

Tax:

Total:

\$173,076.00

Approvals:

Mayor: _____

Department Director: 

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

Section 00 52 13

AGREEMENT

BETWEEN CITY OF FAYETTEVILLE AND CONTRACTOR

THIS AGREEMENT is dated as of the ____ day of _____ in the year 2009 by and between the City of Fayetteville, Arkansas (hereinafter called CITY OF FAYETTEVILLE) and **Alpha Building Corporation** (herein after called CONTRACTOR).

CITY OF FAYETTEVILLE and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. WORK.

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents.

The work generally consists of the construction of a restroom and associated site work at **Bryce Davis Park** and all items indicated in the Drawings and Specifications.

Article 2. ENGINEER.

The Project has been designed by

City of Fayetteville Parks and Recreation Division
1455 South Happy Hollow Road
Fayetteville, Arkansas 72701

will be hereinafter called PARKS AND RECREATION DIVISION PROJECT MANAGER and who is to act as CITY OF FAYETTEVILLE's representative, assume all duties and responsibilities, and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract documents.

Article 3. CONTRACT TIME.

3.1. The Work for Bryce Davis Park Restroom Construction shall be substantially completed within 120 consecutive calendar days after the date when the Contract Time commences to run as provided in paragraph 2.03 of the General Conditions, and completed and ready for final payment in accordance with paragraphs 14.07.B & C of the General Conditions within 140 consecutive calendar days after the date when the Contract Time commences to run.

3.2. *Liquidated Damages.* CITY OF FAYETTEVILLE and CONTRACTOR recognize that time is of the essence of the Agreement and that CITY OF FAYETTEVILLE will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus and extensions thereof allowed in accordance with Article 12 of 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 CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars (\$250.00) for each day that expires after the time specified in paragraph 3.1 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if CONTRACTOR shall neglect, refuse or fail to complete the remaining Work within the time specified in paragraph 3.1 for completion and readiness for final payment or any proper extension thereof granted by CITY OF FAYETTEVILLE, CONTRACTOR shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars (\$250.00) for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment.

Article 4. CONTRACT PRICE.

CITY OF FAYETTEVILLE shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined from the following Schedule of Values pursuant to paragraphs 4.1 and 4.2 below:

4.1. For all Work other than Unit Price Work, an amount equal to the sum of the established lump sums for each separately identified item of Lump Sum Work; and

4.2. For all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the estimated quantity of that item as indicated in this paragraph 4.2.

PAYMENT ITEMS

Bryce Davis Restroom				Alpha Building Corp.	
Item #	Item Description	UNITS	QUAN.	Unit Price	Total
1	MOBILIZATION	L.S.	1	\$5,500.00	\$5,500.00
2	BID BONDS AND INSURANCE	L.S.	1	\$7,174.00	\$7,174.00
3	EXCAVATION SAFETY	L.S.	1	\$2,900.00	\$2,900.00
4	SITE PREPARATION	L.S.	1	\$5,200.00	\$5,200.00
5	UNCLASSIFIED EXCAVATION	C.Y.	52	\$12.00	\$624.00
6	IMPORTED HILLSIDE	C.Y.	35	\$7.00	\$245.00
7	PRE-ENGINEERED RESTROOM COMPLETE IN PLACE W/FOOTINGS AND S	L.S.	1	\$98,424.00	\$98,424.00
8	RESTROOM INSTALLATION	L.S.	1	\$29,734.00	\$29,734.00
9	CLASS 7 SB2	C.Y.	25	\$11.00	\$275.00
10	CONCRETE 4" THICK	S.Y.	10	\$60.00	\$600.00
11	1" WATER LINE AND CONNECTION (Approx. 480 l.f.)	L.S.	1	\$7,000.00	\$7,000.00
12	4" SEWER LINE AND CONNECTION (Approx. 180 l.f.)	L.S.	1	\$4,500.00	\$4,500.00
13	ELECTRICAL CONNECTION (Approx. 270 l.f.)	L.S.	1	\$4,300.00	\$4,300.00
14	SITE RESTORATION	L.S.	1	\$6,600.00	\$6,600.00

TOTAL

\$173,076.00

As provided in paragraph 11.03 of the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by PARKS AND RECREATION DIVISION PROJECT MANAGER as provided in

paragraph 9.08 of the General Conditions. Unit prices have been computed as provided in paragraph 11.03.B of the General Conditions.

Article 5. PAYMENT PROCEDURES

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions or as modified in the Supplementary Conditions. Applications for Payment will be processed by PARKS AND RECREATION DIVISION PROJECT MANAGER as provided in the General Conditions.

5.1. *Progress Payments.* CITY OF FAYETTEVILLE shall make progress payments on account of the Contract Price on the basis of CONTRACTOR's Applications for Payment as recommended by PARKS AND RECREATION DIVISION PROJECT MANAGER, on or about the 1st day of each month during construction as provided in paragraphs 5.1.1 and 5.1.2 below and SC-14.02 . All such payments will be measured by the schedule of values established in paragraph 2.07 of the General Conditions and based on the number of units completed in the case of Unit Price Work or, in the event there is no schedule of values, as provided in the General Requirements.

5.1.1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in case, less the aggregate of payments previously made and less such amounts as PARKS AND RECREATION DIVISION PROJECT MANAGER shall determine, or CITY OF FAYETTEVILLE may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

90 percent of Work completed (with the balance of 10 percent being retainage), If Work has been 50 percent completed as determined by the PARKS AND RECREATION DIVISION PROJECT MANAGER, and if the character and progress of the Work have been satisfactory to CITY OF FAYETTEVILLE and PARKS AND RECREATION DIVISION PROJECT MANAGER, CITY OF FAYETTEVILLE, on recommendation of PARKS AND RECREATION DIVISION PROJECT MANAGER, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no additional retainage on account of work completed, in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 100 percent of the Work completed.

100 percent of materials and equipment not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to CITY OF FAYETTEVILLE as provided in paragraphs 14.02.B.5 & 14.02.D of the General Conditions. That is, if any such items are setup for that type payment in the Specifications.

5.1.2. Upon Substantial Completion, in an amount sufficient to increase total payments to CONTRACTOR to 98 percent of the Contract Price (with

the balance of 2 percent being retainage), less such amounts as PARKS AND RECREATION DIVISION PROJECT MANAGER shall determine, or CITY OF FAYETTEVILLE may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

5.3 Final Payment. Upon final completion and acceptance of the Work in accordance with paragraphs 14.07.B & C of the General Conditions, CITY OF FAYETTEVILLE shall pay the remainder of the Contract Price as recommended by PARKS AND RECREATION DIVISION PROJECT MANAGER as provided in said paragraphs 14.07.B & C.

Article 6. CONTRACTOR'S REPRESENTATIONS.

In order to induce CITY OF FAYETTEVILLE to enter into this Agreement CONTRACTOR makes the following representations:

6.1. CONTRACTOR has examined and carefully studied the Contract Documents (including the Addenda listed in Article 7) and the other related data identified in the Bidding Documents including "technical data."

6.2. CONTRACTOR has visited the site and become familiar with and is satisfied as to the general, local, and site conditions that may affect cost, progress, performance, or furnishing of the Work.

6.3. CONTRACTOR is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

6.4. CONTRACTOR has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site which have been identified in the Supplementary Conditions as provided in paragraph 4.02.A of the General Conditions. CONTRACTOR accepts the determination set forth in paragraph SC-4.02 of the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which CONTRACTOR is entitled to rely as provided in paragraph 4.02 of the General Conditions.

CONTRACTOR acknowledges that such reports and drawings are not Contract Documents and may not be complete for CONTRACTOR's purposes. CONTRACTOR acknowledges that CITY OF FAYETTEVILLE and PARKS AND RECREATION DIVISION PROJECT MANAGER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by CONTRACTOR and safety precautions and

programs incident thereto. CONTRACTOR does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

6.5. CONTRACTOR is aware of the general nature of work to be performed by CITY OF FAYETTEVILLE and others at the site that relates to the Work as indicated in the Contract Documents.

6.6. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

6.7. CONTRACTOR has given PARKS AND RECREATION DIVISION PROJECT MANAGER written notice of all conflicts, errors, ambiguities, or discrepancies that CONTRACTOR has discovered in the Contract Documents and the written resolution thereof by PARKS AND RECREATION DIVISION PROJECT MANAGER is acceptable to CONTRACTOR and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

Article 7. CONTRACT DOCUMENTS

The Contract Documents which comprise the entire agreement between CITY OF FAYETTEVILLE and CONTRACTOR concerning the Work consist of the following:

- 7.1. This Agreement (pages 1 to 5, inclusive).
- 7.2. Performance and Payment Bonds, (Exhibits A and B respectively).
- 7.3. Certificates of Insurance, (Exhibit C).
- 7.4. Documentation submitted by CONTRACTOR prior to Notice of Award (Exhibit D).
- 7.5. General Conditions (pages 1 to 42, inclusive).
- 7.6. Supplementary Conditions (pages 1 to 13 inclusive).
- 7.7. Specifications consisting of Divisions 1 through 31 as listed in table of contents thereof.
- 7.8. Addenda numbers 1-2, inclusive.
- 7.9. One set of drawings (not attached hereto) consisting of: a cover sheet and additional sheets numbered two through nine with each sheet bearing the following general title: Bryce Davis Restroom Construction.

7.10. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto:

7.10.1. Notice to Proceed

7.10.2 All Written Amendments and other documents amending, modifying or supplementing the Contract Documents pursuant to paragraph 3.04 of the General Conditions.

The documents listed in paragraphs 7.2 et seq. above are attached to this Agreement (except as expressly noted otherwise above).

There are no Contract Documents other than those listed above in this Article 7. The Contract Documents may only be amended, modified or supplemented as provided in paragraph 3.04 of the General Conditions.

Article 8. MISCELLANEOUS.

8.1. Terms used in the Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.

8.2. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.3. CITY OF FAYETTEVILLE and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

8.4. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon stricken provision or part thereof with a valid and enforceable provision that comes as close as possible expressing the intention of the stricken provision.

8.5. 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.

8.6. Freedom of Information Act. City contract and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, CONTRACTOR will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of

Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

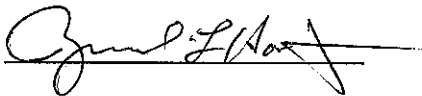
IN WITNESS WHEREOF, CITY OF FAYETTEVILLE and CONTRACTOR have signed this Agreement in quadruplicate. One counterpart each has been delivered to CITY OF FAYETTEVILLE and PARKS AND RECREATION DIVISION PROJECT MANAGER, and two counterparts have been delivered to CONTRACTOR. All portions of the Contract Documents have been signed, initialed, or identified by CITY OF FAYETTEVILLE and CONTRACTOR or identified by PARKS AND RECREATION DIVISION PROJECT MANAGER on their behalf.

This Agreement will be effective on _____, 2009 (which is the Effective Date of The Agreement).

CITY OF FAYETTEVILLE:

CONTRACTOR

By: _____
Mayor

By: 

[CORPORATE SEAL]

[CORPORATE SEAL]

Attest _____

*Attest _____

Secretary.

* If a Corporation, attest by the

Address for giving notices

Address for giving notices

(If CITY OF FAYETTEVILLE is a public body, attach License No. _____ evidence of authority to sign and resolution or other documents Agent for service of process: authorizing execution of Agreement.)

(If CONTRACTOR is a corporation, attach evidence of authority to sign.)

City of Fayetteville Staff Review Form

A. 4
Bid # 09-53
Page 1 of 4City Council Agenda Items
and
Contracts, Leases or Agreements

8/18/2009

City Council Meeting Date
Agenda Items OnlyDennis Pratt / Barbara Olsen
Submitted ByFleet Operations
DivisionTransportation
Department

Action Required:

A resolution approving Bid #09-53 to _____, in the amount of _____ for the purchase of one Refuse Roll-off truck for use by the Solid Waste Division, and approval of a budget adjustment to recognize revenue from the insurance payment and to move funds to the Fleet expense account.

_____	\$ _____	_____
Cost of this request	221,000.00	Solid Waste Vehicles & Equipment
	Category / Project Budget	Program Category / Project Name
_____	\$ _____	_____
9700.1920.5802.00	220,890.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
_____	\$ _____	_____
02082.2009	110.00	Shop Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒
Ty 2 Gully
 Department Director

7-31-09
 Date

Previous Ordinance or Resolution # _____

D. P. White
 City Attorney

8/5/09
 Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Beck
 Finance and Internal Services Director

8-5-2009
 Date
Received in City
Clerk's Office
 ENTERED
 7-31-09
 [Signature]

Ann Marie
 Chief of Staff

8/5/09
 Date
Received in
Mayor's Office
 ENTERED
 8/5/09
 [Signature]

Donald J. [Signature]
 Mayor

8/5/09
 Date

Comments:



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



Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: TERRY GULLEY, DIRECTOR OF TRANSPORTATION

FROM: DENNIS PRATT, FLEET OPERATIONS SUPT. *[Signature]*

DATE: JULY 31, 2009

SUBJECT: PURCHASE OF ONE REFUSE ROLL-OFF TRUCK

RECOMMENDATION: That City Council approve the purchase of one refuse roll-off truck for use by Solid Waste Division from the lowest responsible bidder, and approve the budget adjustment to move funds to the Fleet expense account.

BACKGROUND: Roll-off truck #480 was in an accident. The insurance adjuster has inspected the truck.

Bid #09-53 will be opened on August 11th, 2009 at 10:00 AM. After bid opening on August 11th, Fleet will submit a new Staff Review form, detailed bid tab sheet, purchase order request and Budget Adjustment to the City Clerk's office for distribution at the Agenda session.

Fleet is requesting permission to purchase the lowest bid that meets specs.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #09-53 AND APPROVING THE PURCHASE OF ONE (1) REFUSE ROLL-OFF TRUCK FROM XXXXXXXXXX IN THE AMOUNT OF \$XXX,XXX.XX FOR USE BY THE SOLID WASTE DIVISION; 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 awards Bid #09-53 and approves the purchase of one (1) refuse roll-off truck from xxxxxxxxxx in the amount of \$xxx,xxx.xx for use by the Solid Waste Division.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of xx,xxx.xx recognizing revenue from an insurance payment.

PASSED and APPROVED this 18th day of August, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Staff Review Form

A. 5
 Reed and Associates, Inc.
 Page 1 of 20

City Council Agenda Items
 and
 Contracts, Leases or Agreements

8/18/2009

City Council Meeting Date
 Agenda Items Only

Chris Brown

Submitted By

Engineering

Division

Development Services

Department

Action Required:

A resolution authorizing execution of an Agreement with Reed and Associates, Inc. for appraisal services in the amount of \$45,250.00 for Cato Springs Road (South School to Razorback).

\$45,250.00

Cost of this request

\$ 19,343,175.00

Category / Project Budget

Transportation Bonds

Program Category / Project Name

4520.9520.5805.00

Account Number

\$ 9,841,786.59

Funds Used to Date

Transportation Bonds

Program / Project Category Name

06035.1200

Project Number

\$ 9,501,388.41

Remaining Balance

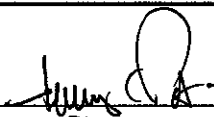
Sales Tax Construction

Fund Name

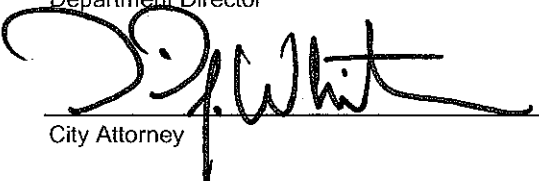
Budgeted Item

☐

Budget Adjustment Attached

☐

 Department Director
07-30-09
Date

Previous Ordinance or Resolution #

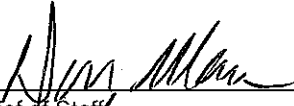

 City Attorney
08/03/09
Date

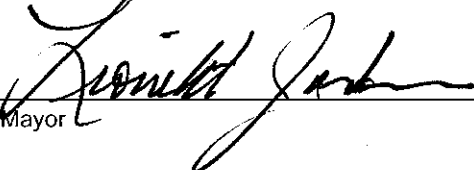
Original Contract Date:

Original Contract Number:


 Finance and Internal Services Director
8-3-2009
Date
 Received in City
 Clerk's Office


 7-30-09


 Chief of Staff
8-4-09
Date
 Received in
 Mayor's Office


 Mayor
8/4/09
Date

Comments:



CITY OF FAYETTEVILLE, ARKANSAS
ENGINEERING DIVISION

113 West Mountain
Fayetteville, AR 72701
Ph: (479) 575-8206
FAX: (479) 575-8202
TDD (Telecommunications Device for the Deaf): (479) 521-1316

Date: July 29, 2009

To: Mayor and City Council

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

From: Chris Brown, City Engineer CB

Subject: A resolution authorizing execution of an Agreement with Reed and Associates, Inc. for appraisal services in the amount of \$45,250.00 for Cato Springs Road (South School to Razorback).

RECOMMENDATION

Staff recommends approval of the Agreement for appraisal services with Reed and Associates, Inc. in the amount of \$45,250.00 for Cato Springs Road (South School to Razorback).

BACKGROUND

The Cato Springs Road Project is included in the Transportation Improvement Bond Program. This street runs along the south side of the Arkansas Research and Technology Park, and provides the main access to the Technology Park from I-540. The City has received federal funding for this street under the project name "UofA Technology Corridor." The federal funding will be administered by the Arkansas Highway and Transportation Department (AHTD).

The improvements to Cato Springs Road have been designed, and right of way acquisition is ready to begin.

DISCUSSION

Additional street right-of-way is to be acquired from 43 tracts of land along Cato Springs (South School to Razorback). These right-of-way takings need to be appraised to determine fee title value upon which to base offer amounts. All appraisals will be reviewed and approved by the Arkansas Highway and Transportation Department (AHTD) prior to offers being made.

Proposals for RFP 09-15, Right of Way Appraisal Services were opened July 14, 2009. A Selection Committee consisting of City Staff and Alderman Brenda Thiel met July 23, 2009 to discuss the six proposals received. After a review of qualifications and past experience, Reed and Associates, Inc. was selected as the most qualified applicant.

Staff has negotiated the work scope and fee with Reed and Associates. The total proposed contract amount is \$45,250.00. The fee is based on a per tract cost of \$750 for restricted used reports and \$1,250 per tract for summary reports. This is a maximum fee; the fee may be less depending on the types of appraisal reports actually required.

The type of report required is based on the estimated cost of acquisition. For tracts that have an acquisition cost of less than \$10,000, a restricted use report may be used. For tracts that have an acquisition cost of more than \$10,000, a full summary report will be required. These requirements are in accordance with federal requirements as set forth in the Uniform Act.

Any supplemental appraisals or testimony for any judicial proceedings will be negotiated through a supplemental contract, if necessary.

BUDGET IMPACT

This contract will be paid for out of the Transportation Bond Fund.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AGREEMENT WITH REED & ASSOCIATES, INC. IN THE AMOUNT OF \$45,250.00 FOR APPRAISAL SERVICES ASSOCIATED WITH THE CATO SPRINGS ROAD 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 approves an Agreement with Reed & Associates, Inc. in the amount of \$45,250.00 for appraisal services associated with the Cato Springs Road Project. A copy of the Agreement is attached hereto as Exhibit "A," and made a part hereof.

PASSED and APPROVED this 18th day of August, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

AGREEMENT

THIS AGREEMENT, entered into this _____ day of _____, 2009, by the **CITY OF FAYETTEVILLE, ARKANSAS** (as Owner), and **REED AND ASSOCIATES, INC.** (as Appraiser).

WITNESSETH that:

WHEREAS, the CITY OF FAYETTEVILLE, ARKANSAS, is in a program of acquisition of land for right of way in Fayetteville, Arkansas, in connection with Cato Springs Road (S. School to Razorback), (hereinafter referred to as the "Project"); and

WHEREAS, REED AND ASSOCIATES, INC. has agreed to perform said appraisal services under the terms and conditions hereinafter set forth.

NOW, THEREFORE, the parties do mutually agree as follows:

ARTICLE 1

PURPOSE, PREPARATION AND DELIVERY OF APPRAISAL REPORTS

- A. REED AND ASSOCIATES, INC. shall furnish an original and one copy to the CITY OF FAYETTEVILLE, ARKANSAS detailed appraisal reports covering certain real property described in Right of Way plans for the Project (Schedule A), which is attached to and made a part of this Agreement, within 60 days of receipt of data to be furnished by the CITY OF FAYETTEVILLE, ARKANSAS that is described in Article 2 and written Notice to Proceed.
- B. The purpose of appraisal is to determine damage to market value, if any, of the designated tracts on Schedule A as a result of the acquisition of property interests by the City of Fayetteville.
- C. In determining damage to market value, consideration shall be given to benefits which may accrue to the remaining lands by the construction of or rehabilitation of the project. The date used for determination of the damage to market value shall not be greater than thirty (30) days prior to the date of delivery of appraisal to the CITY OF FAYETTEVILLE, ARKANSAS.
- D. It is agreed and understood that the just compensation estimated by REED AND ASSOCIATES, INC. in the appraisal report may be affected by subsequent changes in law, regulations, or economic changes.

ARTICLE 2

DATA TO BE FURNISHED BY THE CITY OF FAYETTEVILLE, ARKANSAS

- A. Assessor's card and deed(s) of record for each parcel to be appraised.
- B. Legal description of property to be acquired.
- C. Right of way plans.
- D. Construction plans.

ARTICLE 3

CONTENT AND FORM OF APPRAISAL REPORTS

- A. REED AND ASSOCIATES, INC. agrees to furnish an original and one copy of the appraisal reports. Appraisals shall be made in conformity with current Arkansas laws and regulations. Appraisal reports shall generally utilize the methods and techniques advocated by the leading appraisal organizations and recommended in the Uniform Standards of Professional Appraisal Practice.
- B. Each appraisal report (both Restricted Use Reports and Summary Reports) will, among other things, include the following:
- 1) Name and address of ostensible owners.
 - 2) Legal description of the land.
 - 3) Current zoning of land.
 - 4) Appraiser's certificate as to the market value of the fee title.
 - 5) The land value estimate which will be broken down to classification, grade and unit value.
 - 6) Assessed valuation of damages resulting from acquisition including, but not limited to, landscaping to be removed, fences and/or signs to be relocated, pavement to be removed, etc.
 - 7) A summary of all important facts and conclusions, a discussion of the appraisal process and an analysis of applicable sales, rentals, and listings of comparable properties.
 - 8) The latest assessed valuation of each tract including a discussion of any established ratio between the assessed and fair market evaluation.
 - 9) Photographs of each tract of land appraised; such photographs shall measure not less than 2¼ by 3¼ inches.

ARTICLE 4

TESTIMONY IN JUDICIAL PROCEEDINGS

Upon request by the CITY OF FAYETTEVILLE, ARKANSAS, REED AND ASSOCIATES, INC. agrees to furnish testimony as to the value of any and all property on which appraisal reports are furnished in any judicial proceedings involving a determination of the value of the aforementioned property.

Upon request by the CITY OF FAYETTEVILLE, ARKANSAS, REED AND ASSOCIATES, INC. shall furnish detailed reports of the type specified by the CITY OF FAYETTEVILLE, ARKANSAS. The CITY OF FAYETTEVILLE, ARKANSAS will specify all or part of the following items to update:

- A. Re-analyze land value.
- B. Re-analyze improvement estimate.
- C. Re-analyze damage estimate.
- D. Re-analyze pecuniary position.

- E. Analyze defendant's claim.
- F. Inspect defendant's comparables.
- G. Prepare court exhibits.
- H. Write and assemble report consisting of any of the above.

A supplemental contract for any of the above items will be negotiated with REED AND ASSOCIATES, INC. based on the hourly rate for court testimony set forth in the letter for appraisal services (Schedule B).

ARTICLE 5

APPRAISAL REPORTS TO BE CONFIDENTIAL

- A. All information contained in the appraisal reports to be made hereunder and all parts thereof are to be treated as confidential. REED AND ASSOCIATES, INC. shall take all necessary steps to insure that no member of their staff or organization will divulge any information concerning such appraisal reports to any person other than a duly authorized representative of the CITY OF FAYETTEVILLE, ARKANSAS.
- B. All City contracts and documents, including internal documents and documents of subcontractors and sub-consultants, prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, ARKANSAS, REED AND ASSOCIATES, 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 costs pursuant to the FOIA may be assessed for this compliance.

ARTICLE 6

CHANGES

- A. Changes, modifications or amendments in scope, price or fees to this Agreement shall not be allowed without a formal contract amendment approved by the Mayor and City Council of the CITY OF FAYETTEVILLE, ARKANSAS in advance of the change in scope, cost, fees, or delivery schedule.

ARTICLE 7

PAYMENT

- A. In consideration of the performances of REED AND ASSOCIATES, INC. under this Agreement, REED AND ASSOCIATES, INC. shall be paid for each appraisal at the rates as set forth in the attached letter for appraisal services from REED & ASSOCIATES, INC., dated July 28, 2009. Payment will not exceed an average of \$750.00 for a Restricted Use Report or \$1,250.00 for a Summary Report. Total maximum compensation, based on forty-three (43) tracts, will be

\$45,250.00. Compensation for appraisals of additional tracts beyond the contract number will be based on the contract price per tract. Therefore, the total maximum compensation will be adjusted up or down based on the actual number of tracts appraised. City Council approval will be required for additional work that will increase the maximum compensation amount. No work shall begin on said additional tract(s) unless and until approved by City Council.

- B. Payment will be made within thirty (30) days after receipt of completed appraisals and accompanying invoice.
- C. REED AND ASSOCIATES, INC. agrees to attend depositions, conferences preliminary to trial, prepare court exhibits, update and assemble reports for court, and to testify, as requested, should these additional services be required. The compensation for such work shall be for the actual hours incurred at the rates set forth in the attached letter for appraisal services from Reed & Associates, Inc., dated July 28, 2009, attached hereto and made a part of this Agreement (Schedule B). Any supplemental Agreement(s) will require City Council approval.

ARTICLE 8

DELIVERY

Time being of the essence, REED AND ASSOCIATES, INC. shall mail or deliver to the CITY OF FAYETTEVILLE, ARKANSAS completed appraisal reports no later than the due date shown in Article 1A. If, due to circumstances beyond REED AND ASSOCIATES, INC.'s control, additional time is required, a request for additional time shall be made in writing by REED AND ASSOCIATES, INC. to the CITY OF FAYETTEVILLE, ARKANSAS. This request shall include reasons for the delays and a revised schedule for completion of the contract. The CITY OF FAYETTEVILLE, ARKANSAS will make a determination as to the validity of the request and will submit this determination in writing to REED AND ASSOCIATES, INC.

ARTICLE 9

TERMINATION

- A. CITY OF FAYETTEVILLE, ARKANSAS may terminate this Agreement at any time and for any cause or no cause by a seven (7) calendar day's written notice from the CITY OF FAYETTEVILLE, ARKANSAS to REED AND ASSOCIATES, INC. Upon receipt of such notice, REED AND ASSOCIATES, INC. shall, unless the notice directs otherwise, immediately discontinue all work and services and turn over to the CITY OF FAYETTEVILLE, ARKANSAS, that portion of the appraisal(s) completed as of the time of the termination.
- B. If the Agreement is terminated for the convenience of the CITY OF FAYETTEVILLE, ARKANSAS, payment to REED AND ASSOCIATES, INC. will be made promptly for that portion of the work and services required under the Agreement which the work and services actually performed bear to the total work and services required under the Agreement, less any payment previously made.

- C. If this Agreement is terminated because of the failure on the part of REED AND ASSOCIATES, INC. to fulfill their undertaking under this Agreement, the CITY OF FAYETTEVILLE, ARKANSAS, may take over the work and services and prosecute the same to completion by agreement, or otherwise, and REED AND ASSOCIATES, INC. shall be liable to the CITY OF FAYETTEVILLE, ARKANSAS for any excess cost occasioned thereby.

OWNER: **City of Fayetteville**
113 W. Mountain
Fayetteville, AR 72701

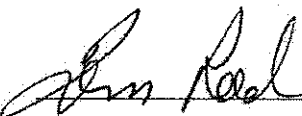
By: _____

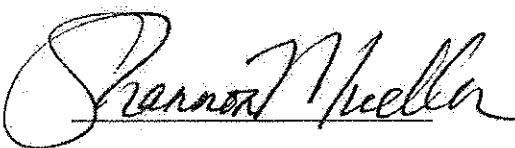
Attest: _____

Title: _____

Title: _____

APPRAISER: **Reed & Associates, Inc.**
3739 N. Steele Blvd., Suite 140
Fayetteville, AR 72703

By: 

Attest: 

Title: President

Title: Vice President

Reed & Associates, Inc.

Real Estate Appraisers – Consultants

*3739 N. Steele Blvd., Suite 140, Fayetteville, AR 72703 * 479-521-6313 * Fax: 479-521-6315 * www.reedappraisal.biz
Tom Reed, MAI • Ray Fletcher, MAI • Brett Billings • Barbara Rhoads • Shannon Mueller • Jordan Karnes*

July 28, 2009

Chris Brown
City Engineer
City of Fayetteville
113 West Mountain
Fayetteville, AR. 72701

RE: Appraisal Services; Right-of-Way Acquisition In Connection With Proposed
Road Improvements To Cato Springs Road From South School Avenue To
Razorback Road, Fayetteville, AR.

Dear Mr. Brown:

We are estimating the total appraisal fee, with the exception of court testimony, for the above captioned project to be as follows:

17 Compensation Estimates (Restricted Use Reports)	= \$12,750
26 Detailed Appraisals (Summary Reports)	= \$32,500
Total (43 Appraisals)	= \$45,250

The hourly rate for court testimony is \$175.00.

The time frame for completion of the appraisal work is 8 weeks or less from written notification to proceed and providing the necessary legal descriptions, right-of-way maps, property contact information, etc.

We look forward to working with you on this project.

Sincerely,



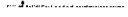
Tom Reed, MAI
Reed & Associates, Inc.

RIGHT OF WAY PLANS CATO SPRINGS ROAD

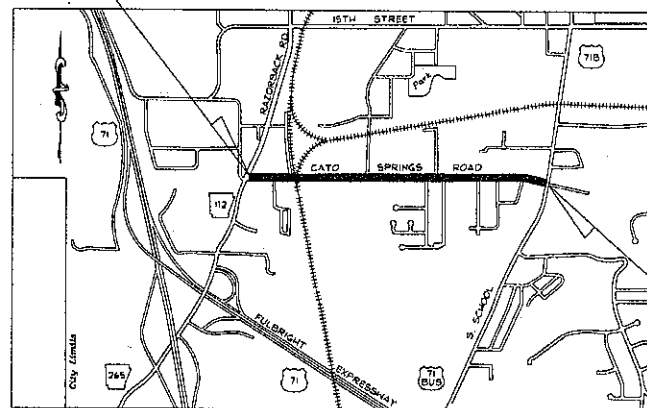
for the
City of Fayetteville

A.H.T.D. JOB No. 040496
 F.A.P. HPP2-1298(1) & HPP2-3758(1)
 HWY 112-HWY 71B
 CATO SPRINGS ROAD
 WASHINGTON COUNTY

LEGEND

-  SECTION CORNER
-  QUARTER CORNER
-  QUARTER QUARTER CORNER
-  SECTION 1/4 OR 1/16 LINE
-  PROPERTY LINE
-  EXISTING R/W LINE
-  PROPOSED R/W LINE
-  EXISTING ROAD
-  FENCE
-  CREEK
-  RESIDENTIAL OR COMMERCIAL BUILDING
-  DECIDUOUS TREE
-  EVERGREEN TREE
-  TREE LINE
-  FOUND IRON PIN
-  SET AHTD R/W MONUMENT
-  TEMPORARY EASEMENT POINT
-  CALCULATED CORNER

STA. 11+33.31
 BEG. R/W ACQ.
 JOB 040496



VICINITY MAP

STA. 62+48.46
 END R/W ACQ.
 JOB 040496

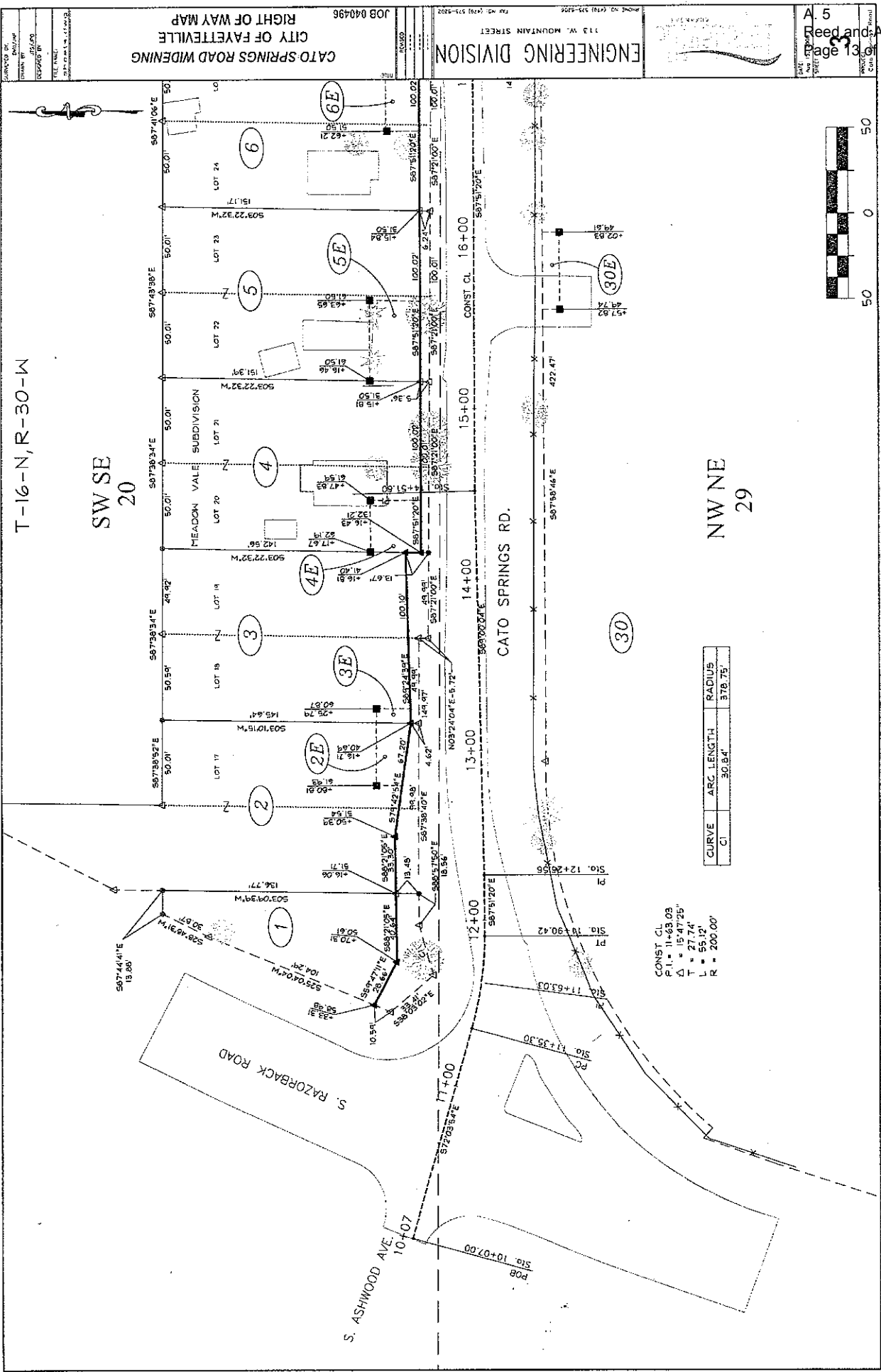
ARKANSAS

ENGINEERING DIVISION

PHONE: (479) 575-0206

FAX NO. (479) 757-5202

TRACT NO.	OWNER	CERT. NO.	TOTAL PARCEL TO ACQUIRE AREA IN ACRES	TOTAL PARCEL TO ACQUIRE AREA IN SQ. FT.	REMARKS	SHEET NO.
56	EARL F. & MURLENE WEBB	57	0.87	37,907	2,483	10
55	SHARON K. WALKER STEWART	56	0.41	18,052		10
54	THOMAS E. & E. HELEN HAYES	55	0.31	13,858		9
53	CAROLYN J. & W. DOUGLAS JONES	54	0.62	27,169		9
52	GREGORY S. BELDERS	53	0.25	10,877		9
51	CAROLYN S. STEPHENS	52	0.40	17,377		9
50	BOB DONAGHE	51	0.40	17,377		8
49	SARA H. SANDOVAL	50	0.40	17,231		8
48	JUDITH C. PAZ	49	0.66	37,040	4,348	8
47	CHAD L. & ALISON A. HAMMONTREE	48	0.33	14,500		7
46	TRISHA G. & HERMAN D. SMITH	47	0.18	8,008		7
45	PAMELA HOULE	46	0.18	8,008		7
44	JENNIFER N. ALEXANDER	45	1.24	53,915		7
43	WYNNE KELLER	44	2.21	98,095		7
42	JERRY STOPPEL & HERMAN A. STOPPEL	43	0.36	15,278	1,524	6
41	ALEX & LOBI MAHLER	42	1.87	81,889	8,573	6
40	DAVID A. HELLMAN & LARRY V. HORN	41	0.87	37,860	3,820	6
39	STEPHEN & TAMMIE B. BOSTIAN	40	1.02	44,603	3,266	6
38	ORVAL A. & BETTY JEAN CARNES	39	0.51	22,050	1,481	6
37	MARION HOMER & MARY K. DOSS	38	0.43	18,900	986	5
36	JUN Q. XIA & YONG J. SHEN	37	7.87	342,817	754	5
35	FUNLAND R.S., INC.	36	16.95	738,674	3,493	5
34	HARLEY W. & DORIS J. VAN BRUNT	35	2.99	130,143	890	5
33	HARLEY W. & DORIS J. VAN BRUNT	34	1.42	61,622	508	4
32	HARLEY W. & DORIS J. VAN BRUNT	33	2.56	111,462	4,766	4
31	RONALD TROUTMAN	32	1.52	66,038	6,943	4
30	BIOSBASE REALTY, LLC	31	18.2	792,792	2,741	10
29	AZZEH FARZAD	30	0.41	17,648		10
28	JEFFERY E. MINCY	29	0.48	21,026	3,650	10
27	JEFFERY E. MINCY	28	0.44	19,271	4,232	10
26	UNIV. OF ARKANSAS BOARD OF TRUSTEES	27	3.1	134,389	6,657	9
25	UNIV. OF ARKANSAS BOARD OF TRUSTEES	26	18.7	814,447	51,025	8
24	UNIV. OF ARKANSAS BOARD OF TRUSTEES	25	7.25	315,764	20,012	8
23	UNIV. OF ARKANSAS BOARD OF TRUSTEES	24	0.35	15,248	5,065	8
22	UNIV. OF ARKANSAS BOARD OF TRUSTEES	23	0.27	11,700	2,915	7
21	RICHARD LEE WATSON	22	0.27	11,700	894	7
20	THE BUNALOWS AT CATO SPRINGS, LLC	21	2.76	119,891		7
19	CITY OF FAYETTEVILLE	20	1.45	63,143	983	7
18	RICHARD LEE & GAIL ANNETTE LONDON	19	0.39	16,786	1,995	6
17	AARON SCOTT HILL	18	0.2	8,550	1,270	6
16	BILLY PORTER & JUDY KAY ROSS	17	0.29	12,750	2,173	6
15	STEINER VENTURES, LLC	16	0.17	7,500	1,544	6
14	JUDY MAHLE GAMBLE	15	0.17	7,500	1,764	6
13	NICOLE J. HENDRICKSON	14	0.20	8,756	1,903	6
12	NORTHWEST PROPERTY MANAGEMENT	13	0.31	13,443		6
11	GARLAND SQUARE PROPERTIES	12	4.06	176,854	5,728	5
10	JACKSON W. BOFF	11	2.26	98,010	8,303	5
9	ARKANSAS & MISSOURI RAILROAD	10	5.19	226,076	19,889	4
8B	BURLINGTON NORTHERN & SANTA FE	9	0.06		2,508	4
8A	ARKANSAS & MISSOURI RAILROAD	8	0.11	16,465	4,379	4
7	DAVID DRUING, SUSAN DRUING	7	0.38	15,650	1,261	4
6	RICKY LEON & DAWN SPARKS	6	0.36	15,804	1,195	4
5	BETTY A. FIELDS	5	0.32	13,804		3
4	MELDY LYNN MODERAK	4	0.35	15,207	1,129	3
3	JAMERSON PROPERTIES	3	0.35	15,350	1,845	3
2	JAMERSON PROPERTIES	2	0.43	18,922	2,273	3
1	L. MAUPIN CLIMMINGS ETAL	1	0.16	6,945	1,618	3



T-16-N, R-30-W

SW SE
20

NW NE
29

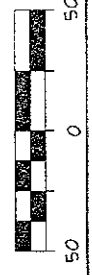
CATO SPRINGS ROAD WIDENING
CITY OF FAYETTEVILLE
RIGHT OF WAY MAP
JOB 040496

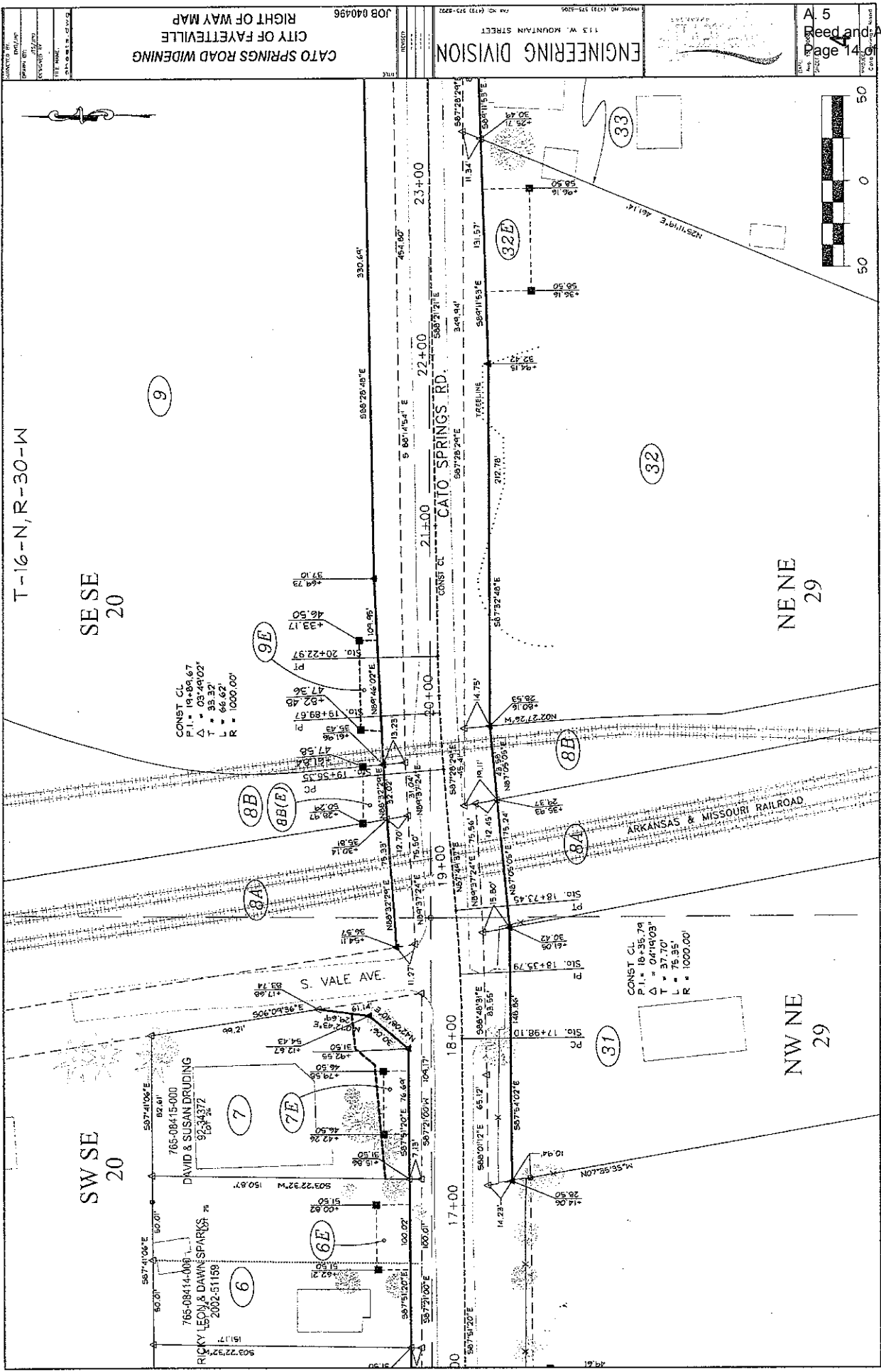
ENGINEERING DIVISION
113 W. MOUNTAIN STREET
FAYETTEVILLE, AR 72701-5502
PHONE NO. (479) 575-5505
FAX NO. (479) 575-5502

A. 5
Reed and Associates, Inc.
Page 13 of 20

CURVE	ARC LENGTH	RADIUS
C1	30.84'	378.75'

CONST. CL
P.I. = 11+63.03
Δ = 15°47'25"
T = 27.74'
L = 55.12'
R = 200.00'





CATO SPRINGS ROAD WIDENING
CITY OF FAYETTEVILLE
RIGHT OF WAY MAP
JOB 040496

ENGINEERING DIVISION
113 W. MOUNTAIN STREET
FAYETTEVILLE, AR 72701-3000
PHONE (501) 373-1000
FAX (501) 373-3021

A. 5
Reed and Associates, Inc.
Page 14 of 20

DATE: 12/27/01
DRAWN BY: JLD
CHECKED BY: JLD
FILE NAME: 040496.dwg
C:\PROJECTS\040496\040496.dwg

T-16-N, R-30-W

SW SE 20

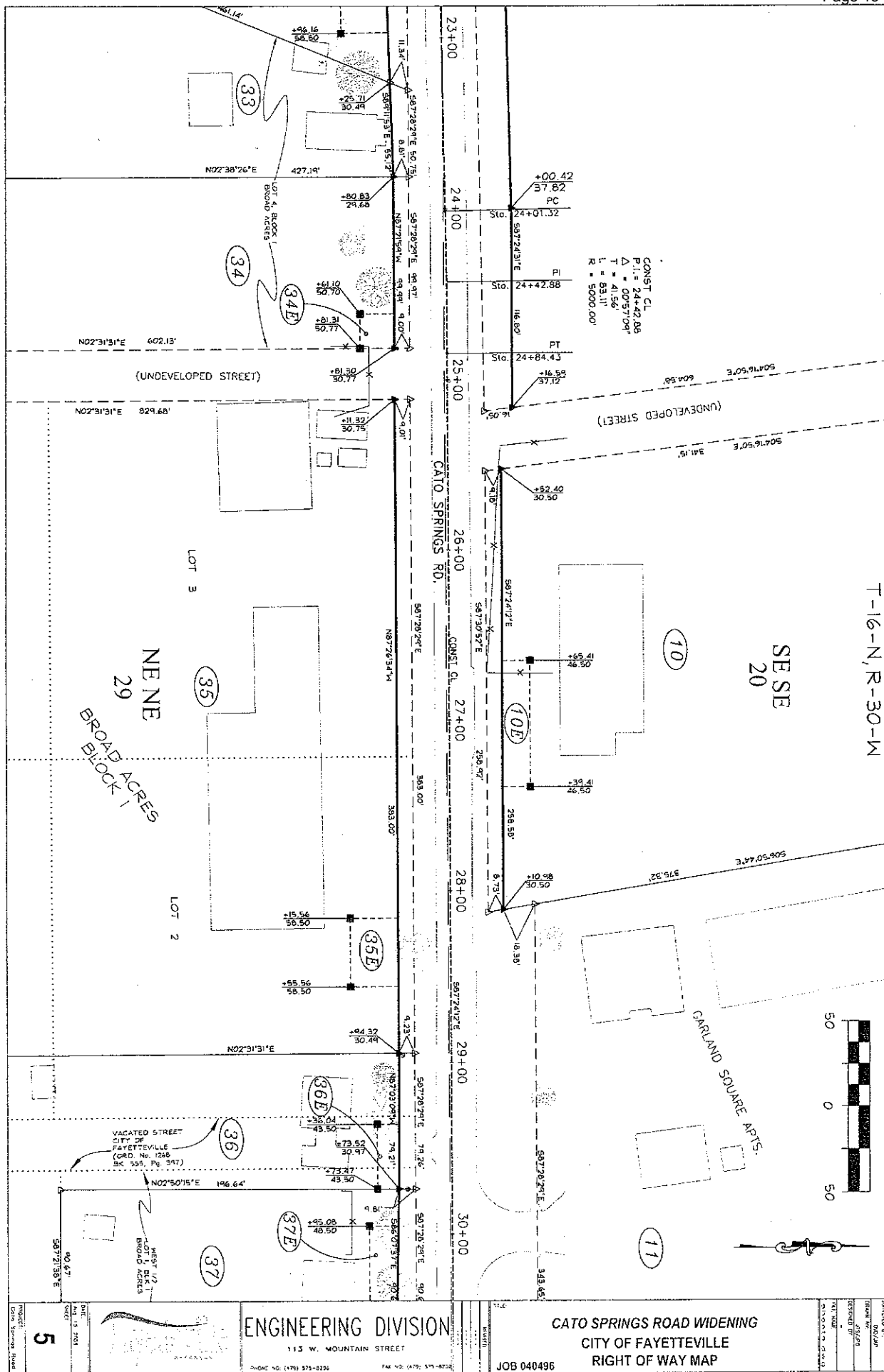
SE SE 20

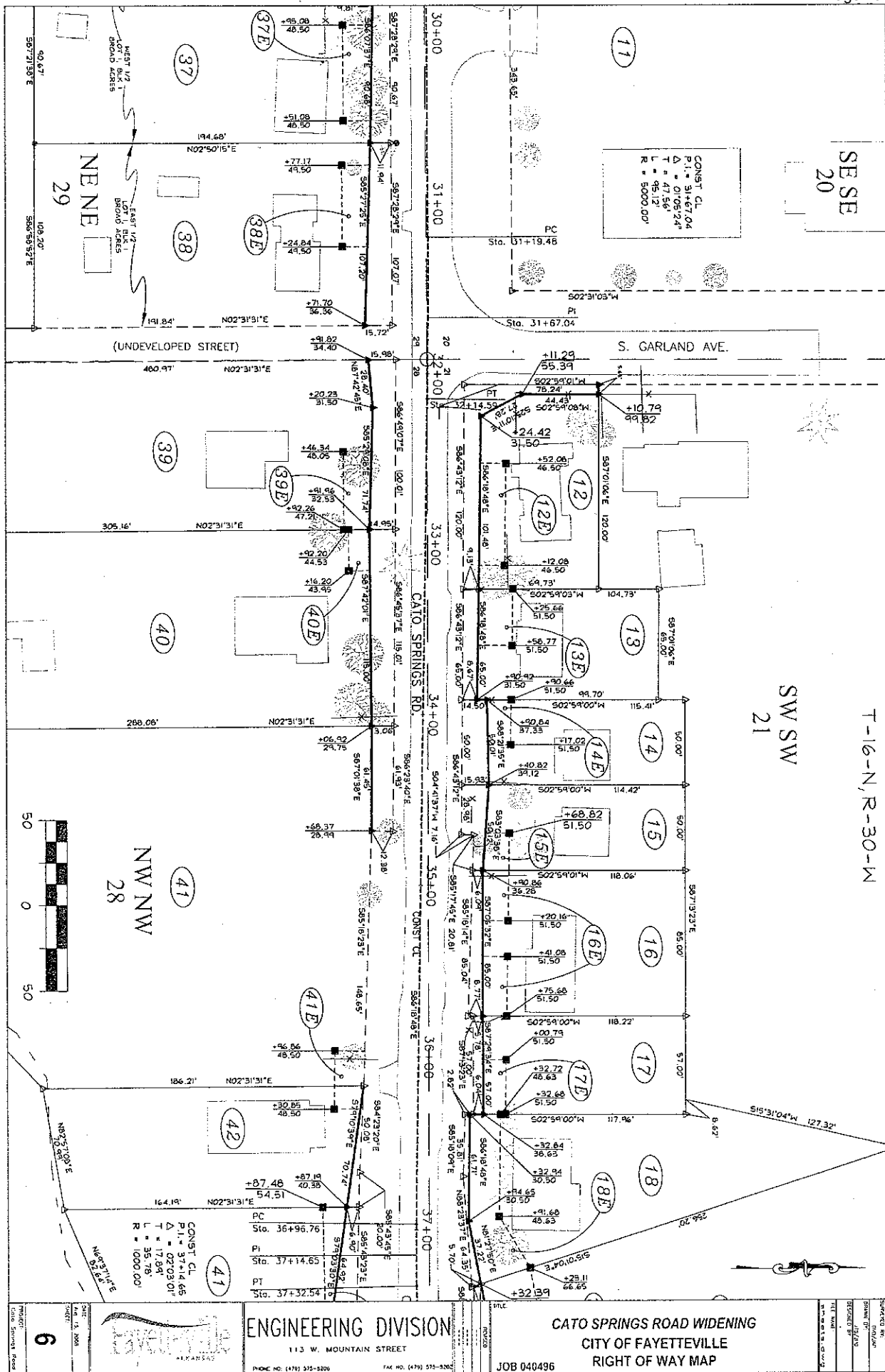
NW NE 29

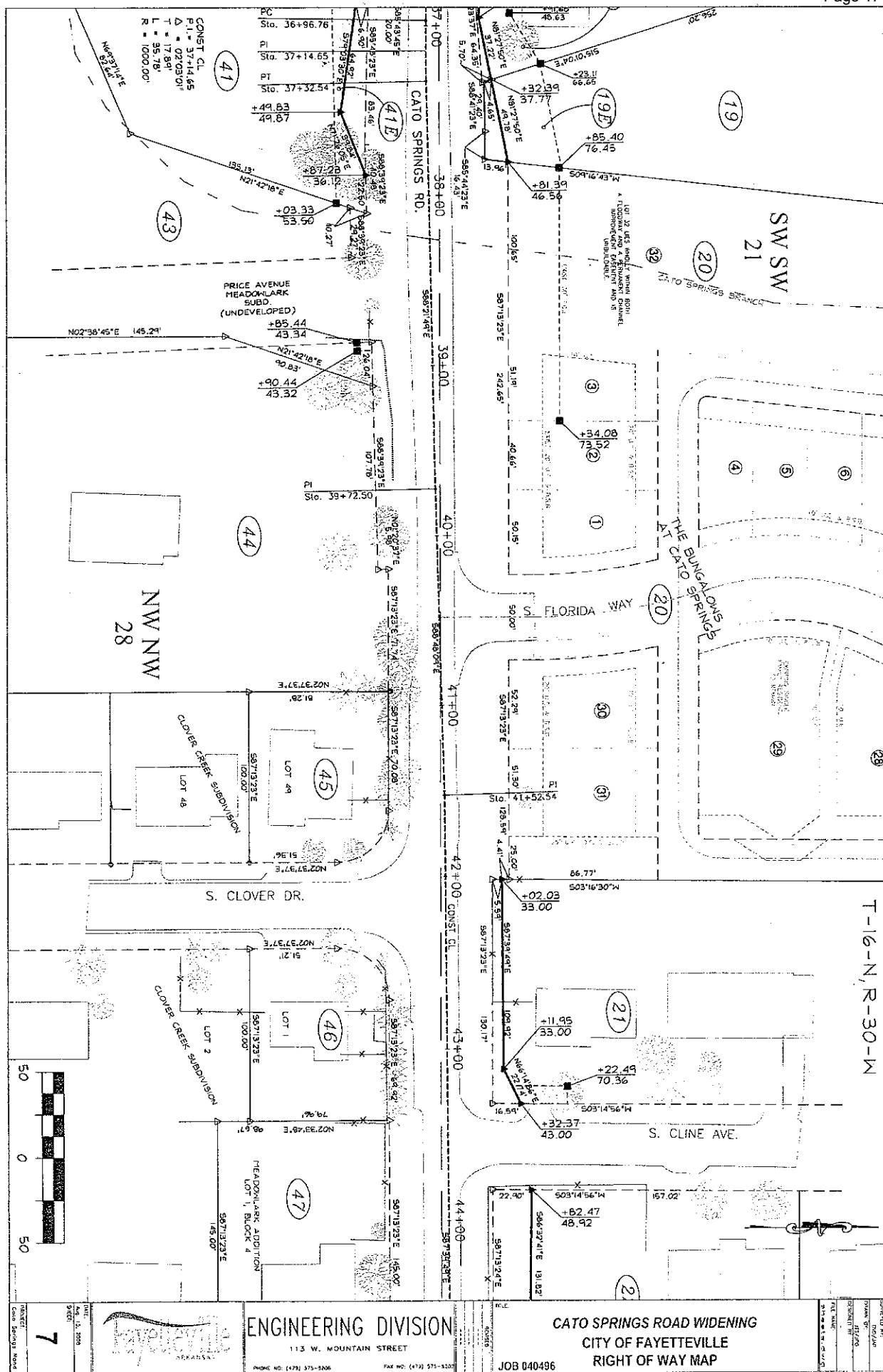
NE NE 29

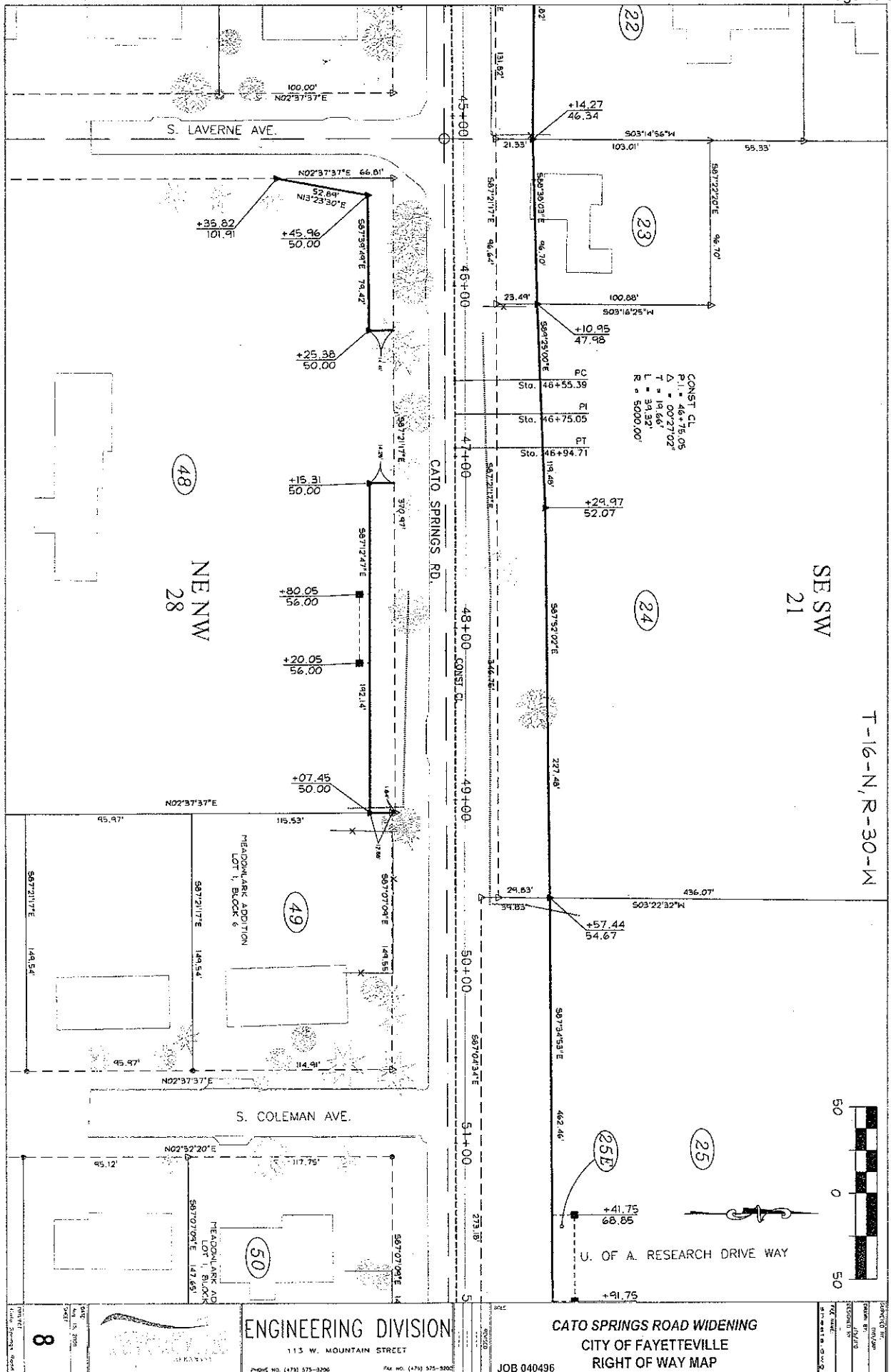
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Δ = 03°49'02"
T = 35.32'
L = 66.62'
R = 1000.00'

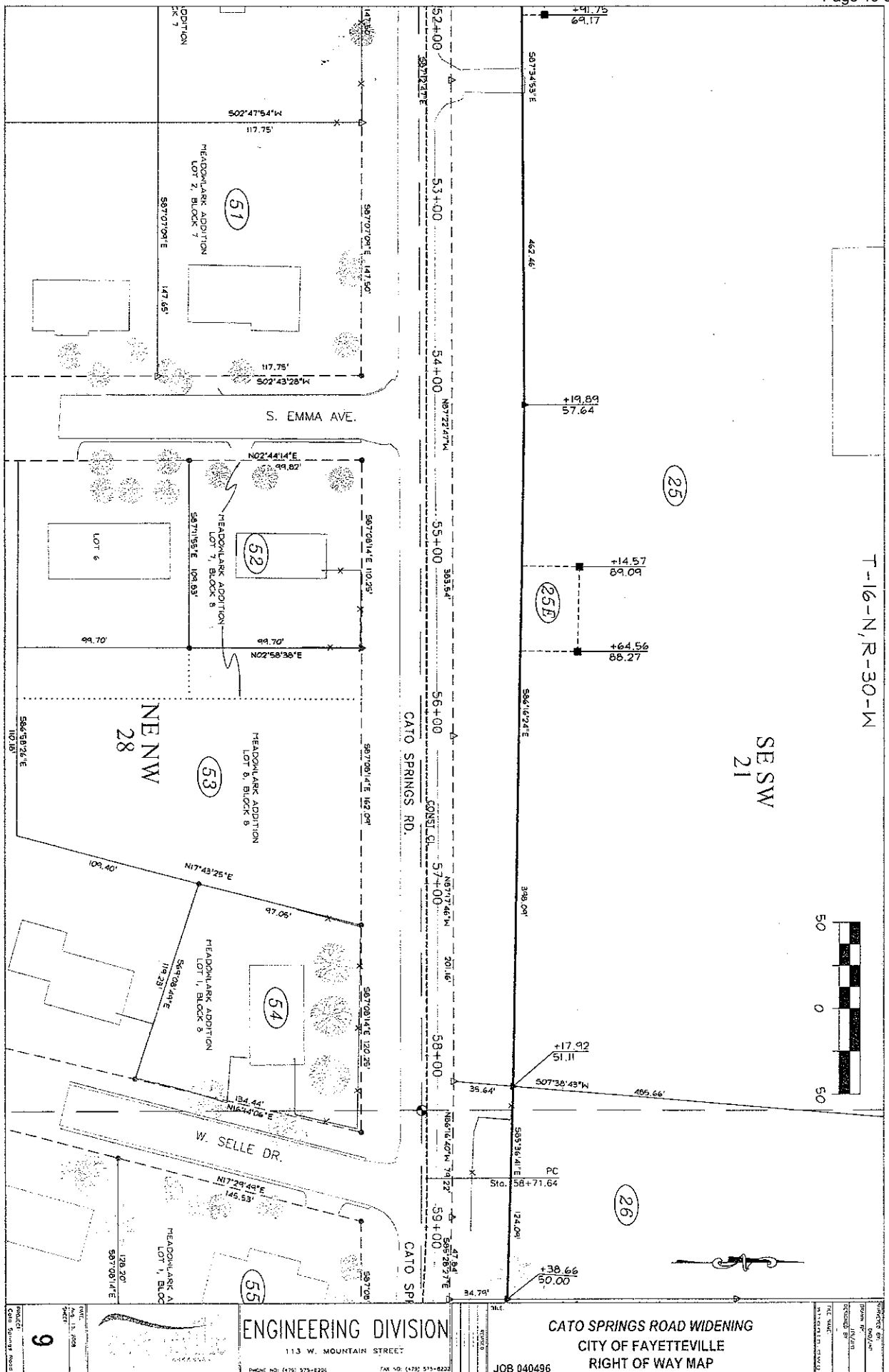
CONST. CL
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T = 37.70'
L = 75.35'
R = 1000.00'











ENGINEERING DIVISION
 113 W. MOUNTAIN STREET

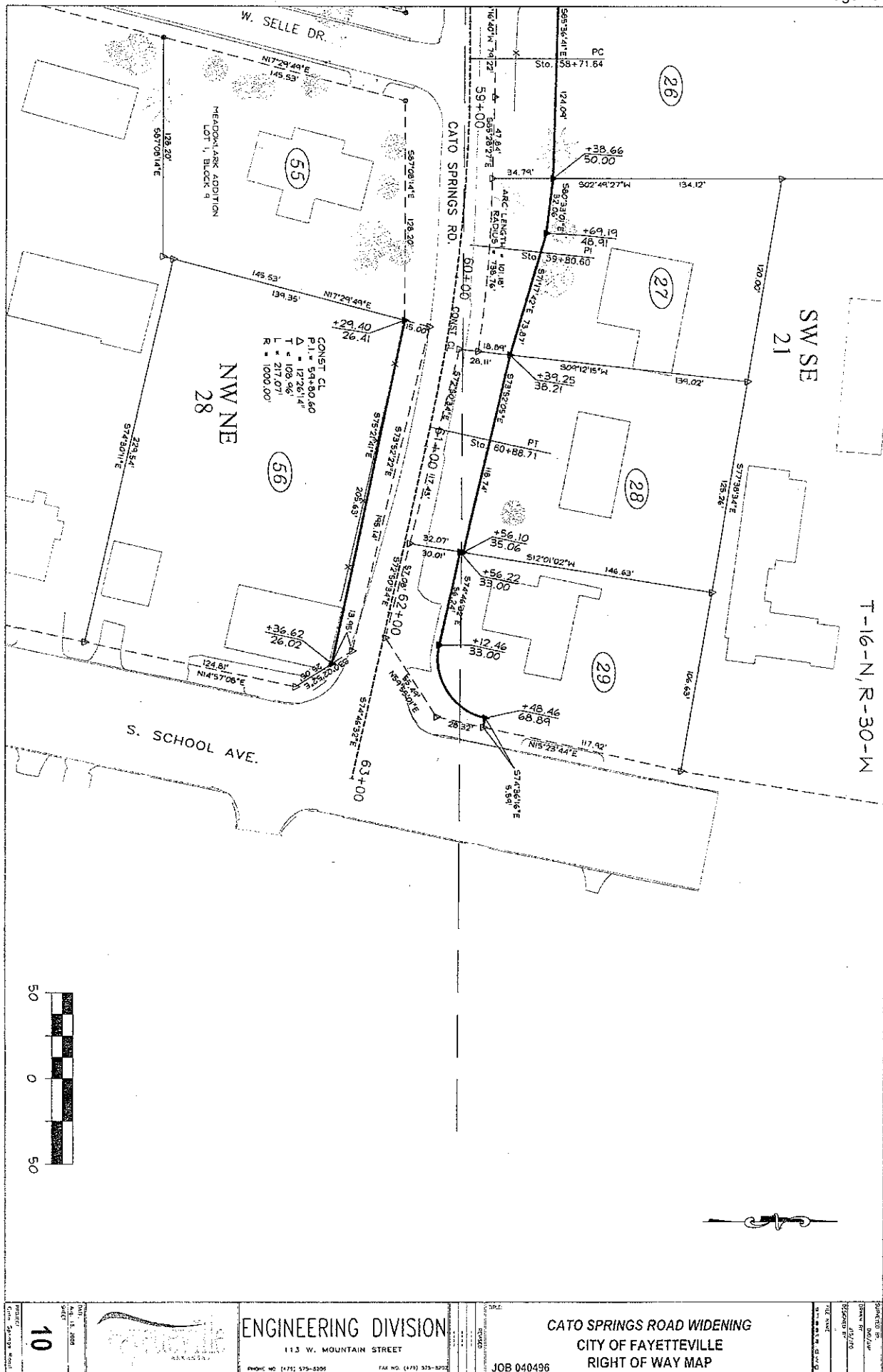
CATO SPRINGS ROAD WIDENING
 CITY OF FAYETTEVILLE
 RIGHT OF WAY MAP

JOB 040496

PHONE NO: (479) 575-8226

FAX NO: (479) 575-8228

9



City of Fayetteville Staff Review Form

A. 6
Arkansas Highway & Transportation
Department (AHTD)
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

8/18/2009

City Council Meeting Date
Agenda Items Only

Chris Brown

Submitted By

Engineering

Division

Development Services

Department

Action Required:

A resolution approving a payment in the amount of \$5.0 million to the Arkansas State Highway & Transportation Department for the City's portion of the project costs associated with widening Crossover Road (Hwy 265) from Mission Boulevard to Joyce Street.

\$ 5,000,000.00

Cost of this request

\$ 19,343,175.00

Category / Project Budget

Transportation Bonds

Program Category / Project Name

4520.9520.5809.00

Account Number

\$ 9,841,786.59

Funds Used to Date

Transportation Bonds

Program / Project Category Name

06035.2000

Project Number

\$ 9,501,388.41

Remaining Balance

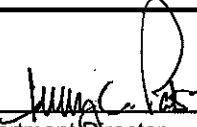
Sales Tax Construction

Fund Name

Budgeted Item

☒

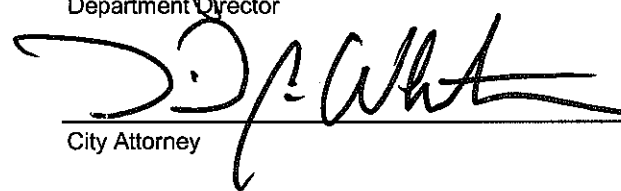
Budget Adjustment Attached

☐

Department Director

07-30-09

Date

Previous Ordinance or Resolution #

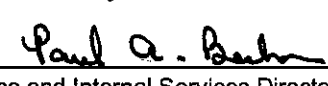

City Attorney

8/3/09

Date

Original Contract Date:

Original Contract Number:

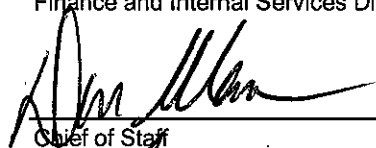

Finance and Internal Services Director

8-3-2009

Date

 Received in City
Clerk's Office

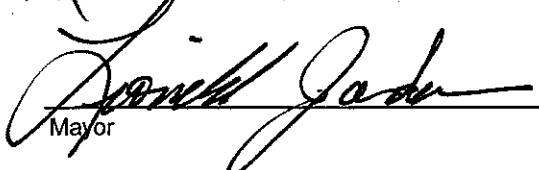
17-30-09 Wm


Chief of Staff

8/3/09

Date

 Received in
Mayor's Office


Mayor

8/3/09

Date



Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

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

From: Chris Brown, City Engineer *CB*

Date: July 30, 2009

Subject: A resolution approving a payment in the amount of \$5.0M to the Arkansas State Highway & Transportation Department for the City's portion of the project costs associated with widening Crossover Road (Hwy 265) from Mission Boulevard to Joyce Street.

RECOMMENDATION:

Staff recommends approval of the initial payment of \$5.0M to the Arkansas State Highway & Transportation Department (AHTD) to widen Crossover Road (Hwy 265) from Mission Boulevard to Joyce Street.

BACKGROUND:

On September 7, 2004, the City Council passed Resolution No. 137-04 that expressed *"the intent of the Fayetteville City Council to participate with the Arkansas Highway and Transportation Department on Improvements to Highway 265 from Highway 45 to the Northern City Limits."* Based on this resolution, the City of Fayetteville included \$7.7M in the Transportation Bond Program for this cost share which was approved on September 12, 2006 by ballot.

On July 3, 2007, the City Council passed Resolution No. 122-07 that reaffirmed *"the adopted policy of the City of Fayetteville that Highway 265 North of Mission Boulevard be widened as a principal arterial as depicted on the City Master Street Plan and as shown as Alternate H-1 by the Arkansas Highway & Transportation Department."*

On March 18, 2008, the City Council passed Resolution No. 71-08 that reaffirmed the City's commitment of \$7.7M, and changed the original project limits of Highway 45 to the City limits to the reduced project limits of Highway 45 to Joyce Boulevard.

DISCUSSION:

The City received a letter dated July 21, 2009 from the Arkansas State Highway & Transportation Department requesting that the City make its initial payment of \$5.0M at this time. AHTD is nearing completion of the right-of-way plans and has begun real estate appraisals in preparation for land acquisition this fall. Utility adjustments should begin in mid-2010. AHTD hopes to let the construction contract by mid-2011.

BUDGET IMPACT:

The City currently has \$7.7M budgeted for this project through the Transportation Bond Program. The additional \$2.7M is expected to be paid at the time construction begins on the project.

The Transportation Bond Fund currently has approximately \$9.5M remaining of the original \$24.5M in the first bond issue. After making this \$5.0M payment, the Transportation Bond Fund will have a balance of approximately \$4.5M. A second bond issue will provide additional funding in late 2009/early 2010.

RESOLUTION NO. _____

A RESOLUTION APPROVING A PAYMENT IN THE AMOUNT OF \$5,000,000.00 TO THE ARKANSAS HIGHWAY & TRANSPORTATION DEPARTMENT (AHTD) FOR THE CITY'S PORTION OF THE PROJECT COSTS ASSOCIATED WITH WIDENING CROSSOVER ROAD FROM MISSION BOULEVARD TO JOYCE STREET.

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 payment in the amount of \$5,000,000.00 to the Arkansas Highway & Transportation Department (AHTD) for the City's portion of the project costs associated with widening Crossover Road from Mission Boulevard to Joyce Street.

PASSED and APPROVED this 18th day of August, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

A. 6
Arkansas Highway & Transportation
Department (AHTD)
Page 5 of 6

Dan Flowers
Director
Phone (501) 569-2000 Fax (501) 569-2400



P.O. Box 2261
Little Rock, Arkansas 72203-2261
WWW.ARKANSASHIGHWAYS.COM

July 21, 2009

The Honorable Lioneld Jordan
Mayor of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Re: Job 040517
F.A.P. STP-9142(24)
Hwy. 45-E. Joyce Blvd. (Fayetteville) (S)
Washington County

Dear Mayor Jordan:

As you are aware, the City has agreed to provide 50% of project costs up to \$7.7 million for the referenced project.

The development of right of way plans is nearing completion, and appraisals and acquisitions are scheduled to begin this fall. Utility adjustments should then begin in mid-2010. If utility adjustments are completed in a timely manner, the project should be ready to let to contract by mid-2011.

At this time, the Department requests an initial payment in the amount of \$5,000,000.00 from the City for this project. Please submit a check in the amount of \$5,000,000.00 (made payable to the Arkansas State Highway and Transportation Department) to this office.

If you have any questions, please contact Trey Foster in our Programs and Contracts Division at (501) 569-2261.

Sincerely,


for Frank Vozel

Deputy Director and
Chief Engineer

c: Assistant Chief Engineer-Planning
Programs and Contracts
Planning and Research
Fiscal Services (2)
Right of Way
District 4
Job 040517 'C' File
Mr. Chris Brown, Fayetteville City Engineer

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-6 7/30/2009
P.O Number:	Arkansas Highway & Transportation Department (AHTD) Expected Delivery Date: Page 6 of 6

Vendor #: 11196	Vendor Name: Arkansas Highway and Transportation Department	Mail Yes: No: X
--------------------	--	--------------------

Address: PO Box 2261	Fob Point:	Taxable Yes: No: X	Quotes Attached Yes: No:
-------------------------	------------	-----------------------	-----------------------------

City: Little Rock	State: AR	Zip Code: 7203-2261	Ship to code: 90	Division Head Approval:
----------------------	--------------	------------------------	---------------------	-------------------------

Requester: Paul Libertini	Requester's Employee #: 1516	Extension: 419
------------------------------	---------------------------------	-------------------

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Crossover (Mission/Joyce)	1	LS		\$5,000,000.00	4520.9520.5809.00	6035.2000		
2									
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$5,000,000.00
Tax: \$0.00
Total: \$5,000,000.00

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. 7
State Forfeiture Revenue
Page 1 of 6City Council Agenda Items
and
Contracts, Leases or Agreements

8/18/2009

City Council Meeting Date
Agenda Items OnlyG Tabor
Submitted BySupport Services
DivisionPolice
Department

Action Required:

Approval of a budget adjustment to record state forfeiture revenue received during the second quarter of 2009 and appropriate expenses in the amount of \$10,717.

\$ 10,717.00
Cost of this request\$ 50,841.00
Category / Project BudgetPD Law Enf. State Forfeitures
Program Category / Project Name1010-2920-5802.00
Account Number\$ 12,814.51
Funds Used to DateDonations
Program / Project Category Name03045-1
Project Number\$ 38,026.49
Remaining BalanceGeneral
Fund NameBudgeted Item ☐Budget Adjustment Attached ☒

Department Director

Date

Previous Ordinance or Resolution #

City Attorney

Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

Date

Received in City
Clerk's Office

ENTERED

Chief of Staff

Date

Received in
Mayor's Office

Mayor

Date

Comments:



Departmental Correspondence

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Police Chief 

Date: July 31, 2009

Re: **Approval of a Budget Adjustment to recognize State Forfeitures**

Background

The Fayetteville Police Department receives forfeitures as a result of civil proceedings concerning cash or property seized during a criminal investigation. Most of the forfeitures we have received in the past are a direct result from the efforts of the officers we assign to the 4th Judicial District Drug Task Force (4th DTF) and the local office of the Federal Drug Enforcement Agency (DEA).

Discussion

By statute, state forfeitures are to be spent for law enforcement purposes only. All purchases utilizing these funds must follow the City of Fayetteville Purchasing Policy.

Recommendation

Staff recommends approval of a budget adjustment to record state forfeiture revenue received during the second quarter of 2009 and appropriate expenses in the amount of \$10,717.

Budget Impact

Increase expenses to correspond with state forfeiture revenue received during the second quarter of 2009.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT TO RECOGNIZE
STATE FORFEITURE REVENUE FOR Q2/2009 IN THE AMOUNT OF
\$10,717.00 FOR USE BY THE FAYETTEVILLE POLICE DEPARTMENT.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a
budget adjustment to recognize State Forfeiture Revenue for Q2/2009 in the amount of
\$10,717.00 for use by the Fayetteville Police Department.

PASSED and **APPROVED** this 18th day of August, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

7/29/09

General Ledger Inquiry

A.7

Revenue Account

Account Status : ACTIVE

State Forfeiture Revenue

1010.0001.4308.02

Budgeted Account/Org. Level: Acct Class 2

Page 4 of 6

Police Law Enforce Trust

Fiscal Start Month/Year End: 01 2009

Month	Budget	Amendments	Revenues	YTD Balance
Jan :	.00	.00	12110.32	12110.32-
Feb :	.00	.00	9007.43	21117.75-
Mar :	.00	.00	.00	21117.75-
Apr :	.00	21118.00	.00	.25
May :	.00	.00	.00	.25
June :	.00	.00	.00	.25
July :	.00	.00	10717.07	10716.82-
Aug :	.00	.00	.00	10716.82-
Sept :	.00	.00	.00	10716.82-
Oct :	.00	.00	.00	10716.82-
Nov :	.00	.00	.00	10716.82-
Dec :	.00	.00	.00	10716.82-
Total	.00	21118.00	31834.82	10716.82-

F3=Exit F10=MTD Bal. F11=Transactions F12=Cancel F22=More Functions

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

A. 7
State Forfeiture Revenue
Page 5 of 8

Budget Year 2009	Department: Police Division: Police Program: Police/Animal Projects	Date Requested 8/18/2009	Adjustment Number
--------------------------------	---	--	-------------------

Project or Item Added/Increased: Vehicles and Equipment	Project or Item Deleted/Reduced: State Forfeiture Revenue
--	--

Justification of this Increase: State forfeiture funds are required to be used for law enforcement uses only.	Justification of this Decrease: Revenue resulting from the disbursement of seized cash/property made by FPD and 4th Judicial DTF by court order.
--	---

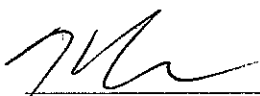
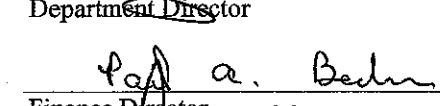
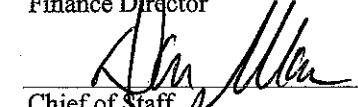
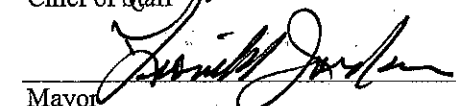
Increase Budget

Account Name	Account Number				Amount	Project Number	
Vehicles And Equipment	1010	2920	5802	00	10,717	03045	1

Decrease Budget

Account Name	Account Number				Amount	Project Number	
Police Law Enforcement Trust	1010	0001	4308	02	10,717	03045	1

Approval Signatures

	_____	Date	_____
Budget Director			
	_____	Date	7-31-09
Department Director			
	_____	Date	8-5-2009
Finance Director			
	_____	Date	8/5/09
Chief of Staff			
	_____	Date	8/5/09
Mayor			

Budget & Research Use Only

Type: A B C D E

Requested By _____

General Ledger Date _____

Posted to General Ledger

Initial _____ Date _____

Posted to Project Accounting

Initial _____ Date _____

City of Fayetteville Staff Review Form

A. 8
Federal Forfeiture Revenue
Page 1 of 6

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

8/18/2009

City Council Meeting Date
Agenda Items Only

G Tabor
Submitted By

Support Services
Division

Police
Department

Action Required:

Approval of a budget adjustment to record federal forfeiture revenue received during the second quarter of 2009 and appropriate expenses in the amount of \$1,392.

\$ 1,392.00
Cost of this request

\$ 59,946.00
Category / Project Budget

PD Law Enf. Federal Forfeitures
Program Category / Project Name

1010-2920-5802.00
Account Number

\$ -
Funds Used to Date

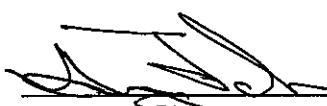
Donations
Program / Project Category Name

03046-1
Project Number

\$ 59,946.00
Remaining Balance

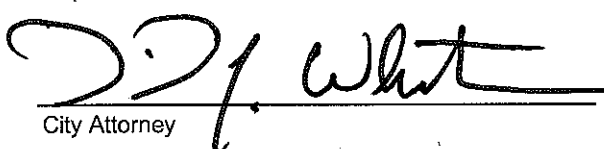
General
Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒


Department Director

7-31-09
Date

Previous Ordinance or Resolution # _____


City Attorney

8/4/09
Date

Original Contract Date: _____

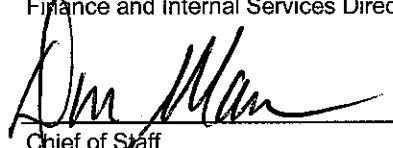
Original Contract Number: _____

Paul A. Becker
Finance and Internal Services Director

8-5-2009
Date

Received in City
Clerk's Office

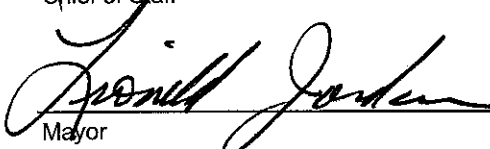
ENTERED


Chief of Staff

8/5/07
Date

Received in
Mayor's Office

ENTERED


Mayor

8/5/09
Date

Comments:



Fayetteville Police Department

100-A West Rock Forfeiture Revenue

Fayetteville, AR 72701

Telephone: (479) 587-3555

Fax: (479) 587-3563

Departmental Correspondence

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Police Chief 

Date: July 31, 2009

Re: Approval of a Budget Adjustment to recognize Federal Forfeitures

Background

The Fayetteville Police Department receives forfeitures as a result of civil proceedings concerning cash or property seized during a criminal investigation. Most of the forfeitures we have received in the past are a direct result from the efforts of the officers we assign to the 4th Judicial District Drug Task Force (4th DTF) and the local office of the Federal Drug Enforcement Agency (DEA).

Discussion

We must follow the Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies to spend federal forfeitures. All purchases utilizing these funds will follow the City of Fayetteville Purchasing Policy.

Recommendation

Staff recommends approval of a budget adjustment to record federal forfeiture revenue received during the second quarter of 2009 and appropriate expenses in the amount of \$1,392.

Budget Impact

Increase expenses to correspond with federal forfeiture revenue received during the second quarter of 2009.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT TO RECOGNIZE
FEDERAL FORFEITURE REVENUE FOR Q2/2009 IN THE AMOUNT OF
APPROXIMATELY \$1,392.00 FOR THE FAYETTEVILLE POLICE
DEPARTMENT.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a
budget adjustment to recognize Federal Forfeiture Revenue for Q2/2009 in the amount of
approximately \$1,392.00 for the Fayetteville Police Department.

PASSED and APPROVED this 18th day of August, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

7/29/09

General Ledger Inquiry

A. 8

Revenue Account

Account Status

: ACTIVE

Federal Forfeiture Revenue

1010.0001.4504.00

Budgeted Account/Org. Level:

Acct Class 2

Federal Forfeitures

Fiscal Start Month/Year End: 01 2009

Page 4 of 6

Month	Budget	Amendments	Revenues	YTD Balance
Jan :	.00	.00	475.53	475.53-
Feb :	.00	.00	336.83	812.36-
Mar :	.00	.00	.00	812.36-
Apr :	.00	812.00	.00	.36-
May :	.00	.00	1391.81	1392.17-
June:	.00	.00	.00	1392.17-
July:	.00	.00	.00	1392.17-
Aug :	.00	.00	.00	1392.17-
Sept:	.00	.00	.00	1392.17-
Oct :	.00	.00	.00	1392.17-
Nov :	.00	.00	.00	1392.17-
Dec :	.00	.00	.00	1392.17-
Total	.00	812.00	2204.17	1392.17-

F3=Exit F10=MTD Bal. F11=Transactions F12=Cancel F22=More Functions

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

A. 8
Federal Forfeiture Revenue
Page 5 of 6

Budget Year 2009	Department: Police Division: Police Program: Police/Animal Projects	Date Requested 8/18/2009	Adjustment Number
--------------------------------	---	--	-------------------

Project or Item Added/Increased: Vehicles and Equipment	Project or Item Deleted/Reduced: Federal Forfeiture Revenue
--	--

Justification of this Increase: Federal forfeiture funds are required to be used for law enforcement uses only.	Justification of this Decrease: Revenue resulting from the court ordered disbursement of federally seized cash/property made by DEA, 4th Judicial DTF, and /or FPD.
--	--

Increase Budget

Account Name	Account Number				Amount	Project Number	
Vehicles And Equipment	1010	2920	5802	00	1,392	03046	1

Decrease Budget

Account Name	Account Number				Amount	Project Number	
Federal Forfeitures	1010	0001	4504	00	1,392	03046	1

Approval Signatures

Budget Director

Date

Department Director

Date

Finance Director

Date

Chief of Staff

Date

Mayor

Date

Budget & Research Use Only

Type: A B C D E

Requested By

General Ledger Date

Posted to General Ledger

Initial Date

Posted to Project Accounting

Initial Date

City of Fayetteville Staff Review Form

A. 9
Vehicle Repair Expenses
Page 1 of 6City Council Agenda Items
and
Contracts, Leases or Agreements

8/18/2009

City Council Meeting Date
Agenda Items OnlyG Tabor
Submitted ByPatrol
DivisionPolice
Department

Action Required:

Approval of a budget adjustment to record insurance revenue received on vehicle accident and appropriate vehicle repair expenses to Unit #1144 in the amount of \$2,839.

\$ 2,839.00
Cost of this request\$ 181,820.00
Category / Project BudgetServices and Charges
Program Category / Project Name1010-2940-5311.01
Account Number\$ 74,314.56
Funds Used to DatePolice Patrol
Program / Project Category Name

Project Number

\$ 107,505.44
Remaining BalanceGeneral
Fund NameBudgeted Item ☒Budget Adjustment Attached ☒

Department Director

Date

Previous Ordinance or Resolution #

City Attorney

Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

Date

Received in City
Clerk's Office

ENTERED

Chief of Staff

Date

Received in
Mayor's OfficeENTERED
8/15/09
PH

Mayor

Date

Comments:



Fayetteville Police Department
100-A West Rock
Fayetteville, AR 72701
Telephone: (479) 587-3555
Fax: (479) 587-3563

Departmental Correspondence

To: Mayor Lioneld Jordan and Members of the City Council
From: Greg Tabor, Police Chief 
Date: July 31, 2009
Re: **Approval of a Budget Adjustment to repair Unit #1144**

Background

The Fayetteville Police Department maintains several unmarked, non-motor pool vehicles used for undercover operations including covert surveillance, drug buys, and investigations. These vehicles are maintained privately in order to insure their confidentiality.

Discussion

Unit #1144 was involved in a motor vehicle accident and required some repair. The insurance companies involved with the accident forwarded settlement checks that were deposited into the City's General Fund. The funds needed to repair this unit caused our self insurance account to go over budget, however, recognition of the insurance funds and approval of the attached budget adjustment will rectify our budget shortfall.

Recommendation

Staff recommends approval of attached budget adjustment to record insurance revenue received on this vehicle accident and appropriate vehicle repair expenses to Unit #1144 in the amount of \$2,839.

Budget Impact

Increase expenses to correspond with insurance revenue received due to motor vehicle accident involving Unit #1144.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT
RECOGNIZING THE RECEIPT OF INSURANCE
REIMBURSEMENT IN THE AMOUNT OF \$2,839.00 AND
APPROPRIATING A LIKE AMOUNT FOR VEHICLE REPAIR
EXPENSES FOR UNIT #1144.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas
hereby approves a budget adjustment recognizing the receipt of insurance
reimbursement in the amount of \$2,839.00 and appropriating a like amount for
vehicle repair expenses for Unit #1144.

PASSED and APPROVED this 18th day of August, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

General Ledger Transaction Inquiry

A-9 GL1520S1-
Vehicle Repair Expenses
Page 4 of 8

General Ledger Transaction Detail

G/L Account	G/L Account	1010.0001.4996.00
Transaction		Misc Rev - Police Dept.
Type option	G/L Amount	1,921.99-
5=Display	G/L Date	7/14/2009
23=Journal	Transaction Type . . .	RA
	Journal Number	0903603
	Trans Source	Misc Recpt
	Trans Description . . .	Municipal Veh-Unit 1144
Opt	Project/Sub Project:	
7/15/	Contract Number . . .	
7/15/	Pay #/Pay Type/Bank:	
5 7/14/	Quantity/Comment . . .	
7/13/	Transfer Fund	
7/09/	Transfer Division . . .	
7/07/	Transfer Made	NO
7/01/	Tracking Date	7/14/2009
6/30/	Tracking Code	090213022
*=Docume	F23=Journal Documents	F24=Transaction Documents
F3=Exit, F4=	F3=Exit, F9=Source, F12=Cancel, F22=More Keys	

-A- GL 1520S1-
 'Vehicle' Repair Expenses
 -GL 1550S1-
 'Page 5 of 8'

Page 5 of 6

G/L Account . . . : 1010.0001.4996.00
Misc Rev - Police Dept.
G/L Amount . . . : 917.07-

Misc Rev - Police Dept.

G/L Amount : 917.07-

Transaction Type : RA

Journal Number . . : 0902963

Trans Source . . . : Misc Recpt

Trans Description : Travelers-Unit#1144 DOL5/

Project/Sub Project:

Contract Number . :

Pay #/Pay Type/Bank:

Quantity/Comment :

Transfer Fund . . :

Transfer Division :

Transfer Made : NO

Tracking Date . . : 6/10/2009

Tracking Code . . : 090175684

F23=Journal Documents F24=Transaction Documents

-F3=Exit... F9=Source... F12=Cancel... F22=More Keys...

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

A. 9
Vehicle Repair Expenses
Page 6 of 8

Budget Year 2009	Department: Police Division: Police Program: Patrol	Date Requested 8/18/2009	Adjustment Number
--------------------------------	---	--	-------------------

Project or Item Added/Increased: Insurance Self - City Vehicles	Project or Item Deleted/Reduced: Misc. Revenue - Police Department
--	---

Justification of this Increase: Repair damage to undercover unit #1144 involved in a motor vehicle accident.	Justification of this Decrease: Insurance settlement revenue received to repair undercover unit #1144 resulting from motor vehicle accident.
---	---

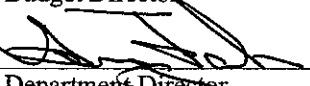
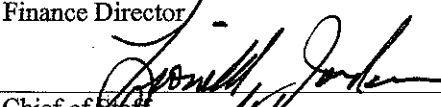
Increase Budget

Account Name	Account Number				Amount	Project Number
Insurance Self - City Vehicles	1010	2940	5311	01	2,839	

Decrease Budget

Account Name	Account Number				Amount	Project Number
Miscellaneous Revenue - Police Department	1010	0001	4996	00	2,839	

V.090403

Division Head	Date
	
Budget Director	Date
	7-31-09
Department Director	Date
Paul A. Becker	8-5-2009
Finance Director	Date
	8/5/09
Chief of Staff	Date
	8/5/09

Budget & Research Use Only

Type:	A	B	C	<u>D</u>	E
Requested By					
General Ledger Date					
Posted to General Ledger					
	Initial	Date			

City of Fayetteville Staff Review Form

A. 10
AT&T District Court/Prosecutor Facility
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

8/18/2009

City Council Meeting Date
Agenda Items Only

Lynn Hyke

Submitted By

Building Services

Division

Building Services

Department

Action Required:

Approval of a purchase order to AT&T for the voice over IP phone system for the new District Court/Prosecutor Facility.

\$ 28,017.00

Cost of this request

\$ 3,940,762.00

Category / Project Budget

District Court/Prosecutor Facility

Program Category / Project Name

4470.9470.5210.00

Account Number

\$ 3,612,634.00

Funds Used to Date

District Court

Program / Project Category Name

04008.0801

Project Number

\$ 328,128.00

Remaining Balance

Sales Tax Capital Improvement

Fund Name

Budgeted Item ☒ XXBudget Adjustment Attached ☐

Lynn A. Hyke
Department Director

7/30/09
Date

Previous Ordinance or Resolution #

D.J. White
City Attorney

8/3/09
Date

Original Contract Date:

Original Contract Number:

Paul A. Bueh
Finance and Internal Services Director

8-3-2009
Date

Received in City
Clerk's Office

ENTERED
7/30/09
Ser

Don Man
Chief of Staff

8/4/09
Date

Received in
Mayor's Office

ENTERED
8/3/09
PH

David Jordan
Mayor

8/4/09
Date

Comments:



Telecommunications System Equipment Purchase
August 18, 2009 Council Meeting

AGENDA REQUEST MEMO

TO: Mayor Lioneld Jordan

FROM: Lynn Hyke, Construction Manager *LN*
Sharon Crosson, Telecommunications & Parking Manager *SC*

DATE: July 30, 2009

SUBJECT: Approval to Purchase Telecommunications System for District Court/Prosecutor Facility

RECOMMENDATION

Staff recommends approving the purchase of a Nortel SRG system and VOIP telephone sets for the new District Court/Prosecutor Facility. This equipment does not require formal bids as it is an expansion of the current CS1000 system already in place, plus it is being purchased on the State Contract No. 4600008637.

BACKGROUND

The District Court/Prosecutor Building construction phase has reached the point that it is time to order the phone system equipment. This equipment needs to be compatible with the City-wide upgrade that is currently underway.

DISCUSSION

The City currently has a CS1000 Telecommunications System that is the backbone for the integration of all City facilities to the new VOIP System. We have converted 4 of the 16 telecommunication systems that service the City's various facilities. The new Courts Building will be our 5th facility to go online. This system provides voice communications and voice mail services to all City employees at all City facility locations and integrates all users onto one phone system. Upgrades to these systems are essential to ensure no "down time" due to failing or obsolete software and/or hardware, and to ensure that all software versions are kept current to provide the most up-to-date technology.

BUDGET IMPACT

Budget funds are available from the contingency funds in the project and are detailed on the Staff Review form.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE THROUGH THE STATE CONTRACT OF A NORTEL SRG SYSTEM AND VOICE OVER INTERNET PHONE (VOIP) SETS IN THE AMOUNT OF \$28,017.00 FOR THE NEW DISTRICT COURT/CITY PROSECUTOR FACILITY.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase through the State Contract of a Nortel SRG System and Voice Over Internet Phone (VOIP) sets in the amount of \$28,017.00 for the new District Court/City Prosecutor Facility.

PASSED and APPROVED this 18th day of August, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Court Building: SRG

Equipment Code	Description	QTY	Customer Unit Price	Customer Total Price
Main Equipment Section				
NTE906EA	1 Enh IP Set License -R5	25	113.66	2,841.50
N0119677	CP 5.0 Keycode	1	0.00	0.00
NTZE07BA	CP(F) 2 Add Fax Channels	1	587.27	587.27
NTZE10HB	CP FAX Capability - 20 Users	1	120.29	120.29
NTZE10LA	CP 10 Fax Seats	1	59.67	59.67
NTZE11HA	CP Desktop Messaging 20 Users	1	1,169.80	1,169.80
NTZE11LA	CP 10 Desktop Seats	1	586.32	586.32
NTZE19AA	Multimedia Mailbox /Voice-20	1	1,169.80	1,169.80
NTZE19JA	CP 10 Voice Seats	1	586.32	586.32
NTZE4002	CP Upgrade Code (NO Charge)	1	0.00	0.00
MPR10010	Universal Discount	1	0.00	0.00
N0021175	Power Cord (C5) NA	1	5.68	5.68
NT9T4001E6	BCM50 Power Supply Wall Mount	1	17.05	17.05
NT9T6700E5	BCM50 Wallmount Bracket	1	41.68	41.68
NTDW93BA	R3.0 NA CS1000 Bdle	1	1,420.80	1,420.80
NTYS05BCE6	IP 1140E Eng Text KCaps w/o PS	25	340.99	8,524.75

Ancillary Equipment Section

	SMART1500RMXL2UA TRIPP LITE UPS 1500VA			
	INTELLIGENT LINE INTERACTIVE RACKMOUNT			
AA0079575	EXPANDABLE RUNTIME 36 VOLT VERSION	1	613.56	613.56
AA0079585	BP36V15-2U TRIPP LITE BATTERY PACK	1	312.95	312.95
AA0140519	Great Lakes Wire & Cab. Blue CAT5E Patch Cord - 15 ft.	2	2.21	4.42

Total Main Equipment Section	\$	17,130.93
Total Ancillary Equipment Section	\$	930.93
Total Equipment Before Discount	\$	18,061.86
Less System Discount	\$	0.00
Equipment Price	\$	18,061.86
Installation	\$	9,076.20
Training	\$	509.46
Estimated Shipping & Handling	\$	369.22
Total System Price	\$	28,016.73

Taxes, if applicable, to be invoiced on final bill.

Quote valid until ~~June 30, 2009~~

July 31

City of Fayetteville Court Building: SRG

Equipment Code	Description	QTY	Customer Unit Price	Customer Total Price
-------------------	-------------	-----	------------------------	-------------------------

The proposed equipment list has been engineered
and compiled for use with or on the system with
serial no.: **318811570**

RESTRICTED - PROPRIETARY INFORMATION
This document contains Proprietary Information which is
provided solely in connection with the specific
opportunity identified herein. AT&T provides this
proprietary information to the organization named, solely
for its use in connection with this opportunity and it may
not be disclosed to anyone outside the disclosed to party
without the prior written consent of AT&T.

City of Fayetteville Staff Review Form

B. 1
RZN 09-3271 (Sale Barn/
Campus Crest LLC, 562)
Page 1 of 30

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

6/16/2009

City Council Meeting Date
Agenda Items Only

Dara Sanders
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 09-3271: (Sale Barn/Campus Crest LLC, 562): Submitted by Jorgensen & Associates for property located at the old Washington County Sale Barn, north and east of 11th Avenue and Government Avenue. The property is zoned I-1, Heavy Commercial/Light Industrial, and contains approximately 8.87 acres. The request is to rezone the subject property to DG, Downtown General.

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

05-29-09
Date

Previous Ordinance or Resolution #

[Signature]
City Attorney

5-24-09
Date

Original Contract Date:

Original Contract Number:

Paul A. Belin
Finance and Internal Services Director

6-1-2009
Date

Received in City
Clerk's Office

ENTERED

[Signature]
Chief of Staff

6-1-09
Date

Received in
Mayor's Office

ENTERED

[Signature]
Mayor

6/1/09
Date

Comments:

Tabled to Aug 18, 2009 CC Mtg. & the 7/21/09
left on second reading & the 7/27/09 CC Mtg.
left on first reading & the 6/16/09 CC Mtg.

Revised January 15, 2009

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy C. Pate, Director of Development Services

From: Dara Sanders, Current Planner

Date: May 28, 2009

Subject: Rezoning for Washington County Sale Barn (RZN 09-3271)

RECOMMENDATION

Staff and the Planning Commission recommend approval of rezoning the subject property, located at north of 11th Street and east of Government Avenue, from I-1, Heavy Commercial/Light Industrial to DG, Downtown General.

BACKGROUND

The subject property, located south of Martin Luther King Jr. Boulevard and west of South School, was developed in 1950 as the Washington County Sale Barn (see attached aerial imagery). The 8.87-acre tract has frontage onto 11th Street, Dunn Avenue, National Street, and Government Avenue.

Initially, the applicant proposed to rezone the property from I-1, Heavy Commercial/Light Industrial to RMF-24, Residential Multi-family, 24 units/acre. Staff did not recommend in favor of the requested RMF-24 zoning district, finding that, while the multi-family use would be compatible with the surrounding uses and consistent with the City Neighborhood zoning district, the RMF-24 zoning district in this area would permit a development form that would be contrary to the City's adopted land use planning objectives and principles of City Plan 2025. City Plan 2025 encourages pedestrian-friendly buildings with entrances that address the street, utilizing principles of traditional residential urban design to create compatible, livable and accessible neighborhoods. This includes adequate transition to existing neighborhoods. The RMF-24 zoning district, when applied to large tracts of land, still permits the conventional, car-oriented development form that is clearly discouraged by the City's adopted goals and policies, and which would be inappropriate and incompatible with the form of development existing within this surrounding neighborhood.

The applicant submitted an official request for the Downtown General zoning district prior to the planning Commission meeting, and staff recommended that the Planning Commission forward the request to the City Council with a recommendation of approval.

The Downtown General zoning district, which allows by right the same residential uses as the RMF-24 zoning district, will more likely result in a development form that is consistent with the City's adopted land use planning objectives and principles of City Plan 2025. The build-to-zone and minimum building street frontage requirements of the Downtown General zoning district will ensure a traditional urban design and provide a

pedestrian friendly streetscape, while also providing the potential for low-intensity nonresidential uses that in this form would be compatible with the established single-family neighborhood to the south and the higher intensity non-residential uses to the north and east. Staff finds that down zoning the subject property from I-1, Heavy Commercial/Light Industrial to the Downtown General zoning district will result in an appropriate transition in scale and use from the commercial uses along Martin Luther King Jr. Boulevard and South School Street to the residential uses to the west and south, while providing the potential for low-intensity nonresidential uses that could serve the surrounding neighborhood.

DISCUSSION

This item was heard at the regular Planning Commission meeting on May 26, 2009. The Planning Commission voted 6-1-0 to forward this rezoning request to the City Council, with Commissioner Cabe voting "no".

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 09-3271, FOR APPROXIMATELY 8.87 ACRES, LOCATED AT THE OLD WASHINGTON COUNTY SALE BARN, NORTH AND EAST OF 11TH AVENUE AND GOVERNMENT AVENUE FROM I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL, TO DG, DOWNTOWN GENERAL

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

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

From I-1, Heavy Commercial/Light Industrial to DG, Downtown General, as shown and described on attached exhibits "A" and "B".

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

PASSED and APPROVED this day of , 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

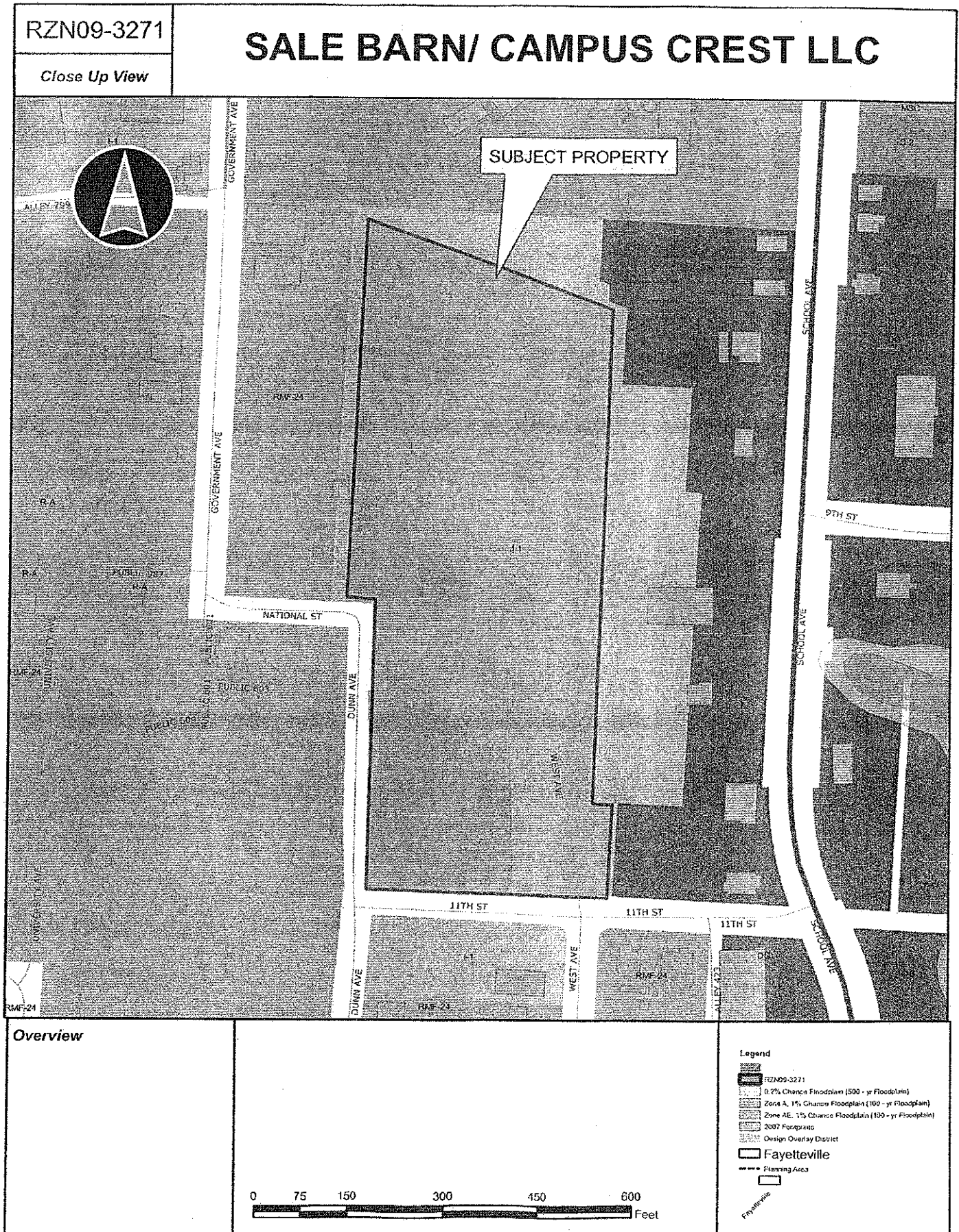


EXHIBIT "B"
RZN 09-3271

LEGAL DESCRIPTION: (I-1 TO DG)

A PART OF THE NW1/4 OF THE NE1/4 OF SECTION 21, T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID NW1/4, NE1/4 THENCE S00°46'21"W 230.00 FEET, THENCE S71°53'27"E 18.86 FEET TO THE P.O.B., THENCE S71°53'27"E 414.70 FEET TO A POINT WHICH IS 16.00 FEET EAST OF THE NW CORNER OF BLOCK 16 OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, THENCE S00°07'02"E 795.21 FEET TO THE SOUTH LINE OF LOT 16, BLOCK 17 OF SAID FERGUSON'S ADDITION, THENCE S89°10'06"E 32.00 FEET, THENCE S00°49'54"W 149.32 FEET, THENCE S89°57'52"W 380.45 FEET, THENCE N00°49'05"W 465.04 FEET, THENCE N87°19'20"W 46.76 FEET, THENCE N00°46'21"E 607.00 FEET TO THE P.O.B.; CONTAINING 8.87 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

161.22 Downtown General.

(A) *Purpose.* *Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center*. *Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation*. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the *Downtown General* district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Professional offices
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	Trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

Unit 40 Sidewalk Cafes

(C) *Density.* *None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types) 18 ft.

(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 the front property line and a line 25 ft. from the front property line.
Side, facing street	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, internal	None
Rear, without easement or alley	5 ft.
Rear, from center line of an easement or alley	12 ft.

(F) *Minimum buildable street frontage.* 50% of lot width.

(G) *Height regulations.* Maximum height is 4 stories or 56 feet which ever is less.

(H) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.

LAW OFFICE OF BOB ESTES
ONE EAST CENTER STREET, SUITE 200, FAYETTEVILLE, AR 72701-5302
TELEPHONE (479) 521-4900
FAX (479) 587-0700
email bobestes@arkansas.net

May 22, 2009

Mr. Jeremy Pate
Development Services Department Director
125 West Mountain
Fayetteville, AR 72701

VIA E-MAIL
AND HAND DELIVERED

Re: RZN 09-3271 (Sale Barn/Campus Crest LLC 562)

Dear Director Pate:

As you know this attorney represents the applicant, Campus Crest LLC in the entitled rezoning request.

Please accept this letter as an amendment to the March 30, 2009 Rezoning Application to rezone that portion of the subject property that is now zoned I-1 to RMF-24 to a request to rezone that portion of the property to Downtown General.

Please accept this letter as my further request that this amendment be made a part of the March 30, 2009 Application, and be included in the Tuesday evening May 26, 2009 Staff Report to the Commission.

With warmest regards.

Yours truly,



Bob Estes

BE:skd

cc: Mr. Alex B. Eyssen
David L. Jorgensen, P.E.

VIA E-MAIL
VIA E-MAIL



PC Meeting of May 26, 2009

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dara Sanders, Current Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: May 18, 2009 Update May 28, 2009

RZN 09-3271: (SALE BARN / CAMPUS CREST LLC, 562): Submitted by JORGENSEN & ASSOC for property located at THE OLD WASHINGTON COUNTY SALE BARN, N & E OF 11TH AVENUE AND GOVERNMENT AVENUE. The property is zoned I-1, HEAVY COMMERCIAL/LIGHT INDUST and contains approximately 8.87 acres. The request is to rezone the subject property to RMF-24, Residential Multi-family 24 units per acre.

Planner: Dara Sanders

BACKGROUND:

Property Description: The subject property, located south of Martin Luther King Jr. Boulevard and west of South School, was developed in 1950 as the Washington County Sale Barn (see attached aerial imagery). The 8.87-acre tract has frontage onto 11th Street, Dunn Avenue, National Street, and Government Avenue.

SURROUNDING LAND USE AND ZONING:

Direction from Site	Land Use	Zoning
North	Farmer's Cooperative	Main Street/Center
South	Residential	I-1, Light Industrial RMF-24, Residential Multi-family 24 units/acre
East	Offices, Restaurants	Downtown General
West	National Cemetery Residential	RMF-24, Residential Multi-family 24 units/acre R-A, Residential Agricultural

Proposal: The applicant proposes to rezone the property from I-1, Heavy Commercial/Light Industrial to RMF-24, Residential Multi-family, 24 units/acre. Currently, a portion of the Sale Barn property is zoned RMF-24, Residential Multi-family, 24 units/acre.

Public Comment: Staff has received public comment in opposition of the proposed zoning district based on the type of development that is produced by the requested RMF-24 zoning district. Staff has not received opposition to the proposed multi-family use. The applicant did present this request at a neighborhood meeting.

Discussion: Staff finds that the residential uses permitted in the RMF-24 zoning district would be compatible with the surrounding properties that are zoned RMF-24 and Downtown General, and include various commercial businesses and the National Cemetery. Additionally, these uses would be consistent with the City Neighborhood Area land use designation, which encourages a denser and primarily residential urban fabric. However, it is staff's opinion that the RMF-24 zoning district in this area would permit a development form that would be contrary to the City's adopted land use planning objectives and principles of City Plan 2025. City Plan 2025 encourages pedestrian-friendly buildings with entrances that address the street, utilizing principles of traditional residential urban design to create compatible, livable and accessible neighborhoods. This includes adequate transition to existing neighborhoods. The RMF-24 zoning district, when applied to large tracts of land, still permits the conventional, car-oriented development form that is clearly discouraged by the City's adopted goals and policies, and which would be inappropriate and incompatible with the form of development existing within this surrounding neighborhood.

The Downtown General zoning district, however, which allows by right the same residential uses as the RMF-24 zoning district, will more likely result in a development form that is consistent with the City's adopted land use planning objectives and principles of City Plan 2025. The build-to-zone and minimum building street frontage requirements of the Downtown General zoning district will ensure a traditional urban design and provide a pedestrian friendly streetscape, while also providing the potential for low-intensity nonresidential uses that in this form would be compatible with the established single-family neighborhood to the south and the higher intensity non-residential uses to the north and east.

RECOMMENDATION:

Staff recommends denial of the requested RMF-24 zoning district (RZN 09-3271 Sale Barn) based on findings stated herein, but does find that the City's adopted policies and objectives of City Plan 2025 support a Downtown General zoning district on this property.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>May 26, 2009</u>	☐ Tabled	☒ Forwarded	☐ Denied		
Motion: _____	Second: _____	Vote: <u>6-1-0</u>			
CITY COUNCIL ACTION:				Required	<u>YES</u>
				☒ Approved	☐ Denied
Date: _____					

INFRASTRUCTURE:

Streets: The site has access to National St, Dunn Ave. and 11th St. These are older partially

improved city streets. Street improvements will be evaluated with development submittal.

- Water:** Public water is available to the property. There is a 6" main along National St., Dunn Ave. and 11th St. The capacity of this main will need to be evaluated at the time of development to insure adequate flow for domestic and fire flows.
- Sewer:** Sanitary sewer is available to the site. There is a 6" public main along 11th St. The capacity of this line will need to be evaluated at the time of development.
- Drainage:** Standard improvements and requirements for drainage will be required for the development. This property is affected by the 100-year floodplain.
- Police:** It is the opinion of the Fayetteville Police Department that this RZN could substantially alter the population density, and will create an appreciable or undesirable increase in the load on police services. This RZN may create an appreciable increase in traffic danger and congestion. Concerns cited include an increase in traffic on these local streets and potential for accident/injury with the elevated traffic numbers.
- Fire:** This development will be protected by Engine 1 & Ladder 1 located at 303 W. Center. It is 1 mile from the station with an anticipated response time of 4 minutes to the beginning of the development. The Fire Department anticipates 39(25 EMS – 14 Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 – 18 months, after the development is started, before maximum build-out and the service impact to occur. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as City Neighborhood Area, which encourages a denser and primarily residential urban fabric within a complete, compact and connected neighborhood.*

FINDINGS OF THE STAFF

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

Finding: Staff finds that the residential uses permitted in the RMF-24 zoning district would be compatible with the surrounding properties that are zoned RMF-24 and Downtown General, which include various commercial businesses, single and small multi-family residential units and the National Cemetery. Additionally, these uses would be consistent with the City Neighborhood Area land use designation, which encourages a denser and primarily residential

urban fabric. However, it is staff's opinion that the RMF-24 zoning district on a relatively large tract of land would permit a development form that would be contrary to the City's adopted land use planning objectives and principles of City Plan 2025, specifically related to the surrounding established land uses.

City Plan 2025 outlines actions that will assist the City in achieving its goal to make site-sensitive, appropriate infill a priority. Action III, to develop and implement a form-based code, was taken when the City adopted the Downtown zoning districts in 2007, which were specifically designed to preserve and maintain the character of Fayetteville's older neighborhoods in and near the downtown area. Staff finds that the conventional development product of the RMF-24 zoning district will not reflect the existing community character of the surrounding neighborhood dating back to the 1930s, particularly in an area that is transitional in use, from higher intensity commercial along a busy arterial to a single-family neighborhood. The fact that the existing neighborhood are also zoned RMF complicates matters; however, it is clear that the conventional form of a multi-family development pattern is not desirable nor appropriate in this area, even if the use is.

Goal 2, to discourage suburban sprawl, and Goal 3, to make traditional town form the standard, refer specifically to the practice of separating uses. Staff finds that a rezoning action should consider the short-term as well as the long-term redevelopment potential of a property. Staff does not support utilizing a conventional zoning district that promotes the separation of uses on a property that is adjacent to the Downtown Master Plan area, the Main Street/Center zoning district, and the Downtown General zoning district.

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

Finding: Staff finds that a rezoning request for the subject property is justified and needed at this time, as the I-1 zoning designation is not consistent with the City Neighborhood Area land use designation for the subject property and permits uses that are not compatible with the adjacent properties. Furthermore, land use and development has shifted significantly since the 1950 development of the subject property for the sale of livestock. However, staff finds that an appropriate rezoning request for the subject property should result in a development form that is supported by City Plan 2025.

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

Finding: It is expected that the request could result in the potential for an increase in traffic compared with that allowed under the existing zoning. However, if the

rezoning request is approved, staff and the Planning Commission will review development of the site at the time of Large Scale Development request, during which the proposed request will be expected to meet the minimum Access Management requirements of Chapter 166.08 Development and to provide street improvements to alleviate any potential detrimental impact.

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

Finding: Staff finds that the proposed zoning would not create undesirable impacts to public services, or a density that is incompatible with the surrounding area, based on a review of infrastructure, existing land uses, and the development potential of the property. The change in zoning to RMF-24 would not adversely impact public services.

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

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

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

Finding: While staff finds that the uses permitted under the I-1, Light Industrial zoning district are not desirable in this location due to the surrounding residential uses, staff also finds that the development form resulting from the conventional bulk and area requirements permitted in the RMF-24 zoning district is not compatible with the existing neighborhood, platted in 1934 and developed over time with a mixture of small single- and multi-family residential types.

Adjacent to the subject property are the Downtown Master Plan Area and the Main Street/Center zoning district to the north and the Downtown General zoning district to the east. Staff finds that extending the adjacent Downtown General zoning district would be more appropriate for the redevelopment of the subject property and would be more consistent with City Plan 2025.

RZN 09-3271: Rezoning (SALE BARN / CAMPUS CREST LLC, 562): Submitted by JORGENSEN & ASSOCIATES for property located at THE OLD WASHINGTON COUNTY SALE BARN, N & E OF 11TH AVENUE AND GOVERNMENT AVENUE. The property is zoned I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL and contains approximately 8.87 acres. The request is to rezone the subject property to RMF-24, Residential Multi-Family 24 Units per Acre. Planner: Dara Sanders

Public water is available to the property. There is a 6" main along National St., Dunn Ave. and 11th St. The capacity of this main will need to be evaluated at the time of development to insure adequate flow for domestic and fire flows.

Sanitary sewer is available to the site. There is a 6" public main along 11th St. The capacity of this line will need to be evaluated at the time of development.

The site has access to National St, Dunn Ave. and 11th St. These are older partially improved city streets. Street improvements will be evaluated with development submittal.

Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain.



The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701

Phone (479) 575-8365 Fax (479) 575-0471

B. 1
RZN 09-3271 (Sale Barn/
Campus Crest LLC, 562)
Page 5 of 30

To: Dara Sanders, Andrew Garner, Jeremy Pate, and Jesse Fulcher
From: David Williams
Date: May 19, 2009
Re: RZN 09-3271: Rezoning (SALE BARN / CAMPUS CREST LLC, 562)

This development will be protected by Engine 1 & Ladder 1 located at 303 W. Center. It is 1 miles from the station with an anticipated response time of 4minutes to the beginning of the development.

The Fire Department anticipates 39(25 EMS – 14 Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 – 18 months, after the development is started, before maximum build-out and the service impact to occur.

The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Fire Marshal
Fayetteville Fire Department

Date 5/19/09

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

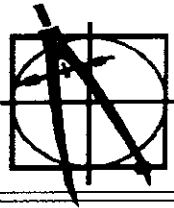
Dear Director Pate,

This document is in response to the request for comments on proposed R-PZD 09-3271 (Sale Barn / Campus Crest LLC, 562) Submitted by Jorgensen & Associates for property located at the old Washington County Sale Barn, N & E of 11th Street and Government Avenue.

It is the opinion of the Fayetteville Police Department that this RZN could substantially alter the population density, and will create an appreciable or undesirable increase in the load on police services. This RZN may create an appreciable increase in traffic danger and congestion in the area.

Sincerely,

Captain William Brown
Fayetteville Police Department



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

B. 1
RZN 09-3271 (Sale Barn/
Campus Crest LLC, 562)
Page 17 of 30

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.

3/30/09

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

Attn: Planning Department
Re: Rezoning of Washington County Sale Barn

Attached please find the application and documents for the rezoning of a part of what is presently called the Washington County Sale Barn. This property is located east of Government Street and North 11th Street. A portion of this property is RMF-24 and the remainder is I-1 which is the portion that we are requesting to be rezoned to RMF-24. There is an existing 6" waterline on 11th Street, Dunn Avenue and Government Avenue. There is an existing 8" sewer on Government and also to the north there is an existing 8" sewer. Access to this property is by 11th Street, Dunn Avenue and Government Avenue. Property to the east is zoned Downtown General, to the south is I-1 and RMF-24, to the west is the National Cemetery (RMF-24) and to the north is MSC.

Please call concerning any questions you may have.

Thank you.

Sincerely;

David L. Jorgensen, P.E.

From: Andrew Garner
To: Sanders, Dara
CC: Monreal, Cindy
Date: 4/20/2009 1:18 PM
Subject: Fwd: [Form mail from AccessFayetteville] - Apartments/Student housing proposals

Dara,
Please print this comments and place in the RZN file for the sale barn.

Cindy,
Please respond to this comment and let the person know that we will review their comments and also share them with the Planning Commission when the requested rezoning on the property is heard at a public hearing.

Thanks,
Andrew

Andrew M. Garner
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

>>> Planning 4/16/2009 1:52 PM >>>

Hi Andrew,
I got this one and I know we do not handle this side of it, but was not sure how to answer it.
Could you advise?
Cin

>>> <haletownhill@yahoo.com> 4/15/2009 12:34 PM >>>

From: Scott Hill
Email: haletownhill@yahoo.com
To: planning@ci.fayetteville.ar.us
Subject: Apartments/Student housing proposals

Message:

Hello:

I am aware of the proposed "student housing" apartment complex for the site of the sale barn in south Fayetteville.

I am not opposed to student housing, or apartments, but I am opposed to the way they are built in Fayetteville.

Please take a look at the Cotton District which is adjacent to Mississippi State University in Starkville, Mississippi. Here is a link:
<http://www.thecottondistrict.net/photos.php>

Please take a look at this. It is so great. And its an example of how student oriented, studio and 1 and 2 br apartments can be made into a valued part of the community, rather than a walled-off, generic, depressing fortress.

The Cotton District has become so popular, that it is home to city festivals, art walks, etc.

http://www.tndtownpaper.com/Volume4/new_towns_cotton_district.htm

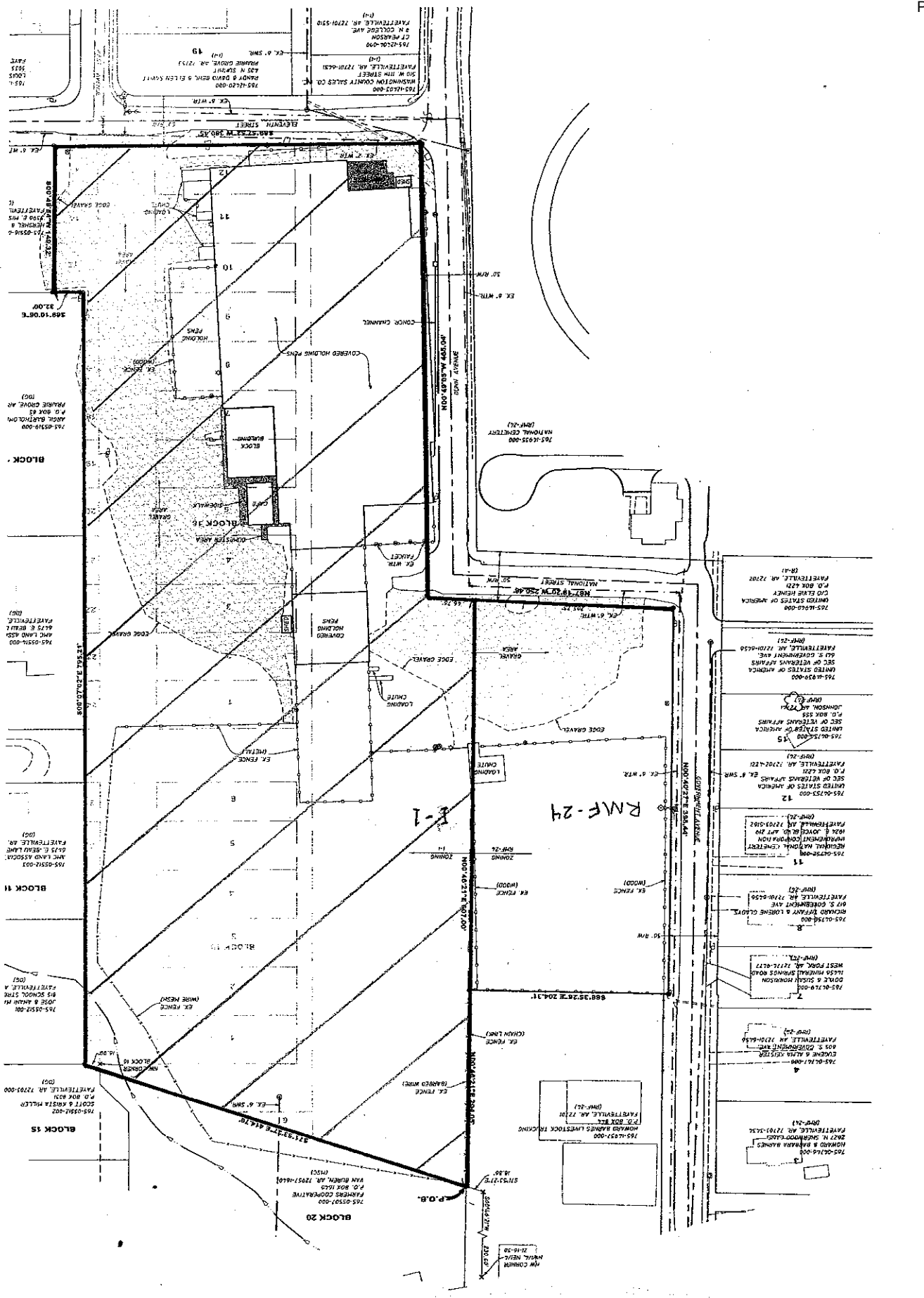
Google "Dan Camp" and "Cotton District" for research.

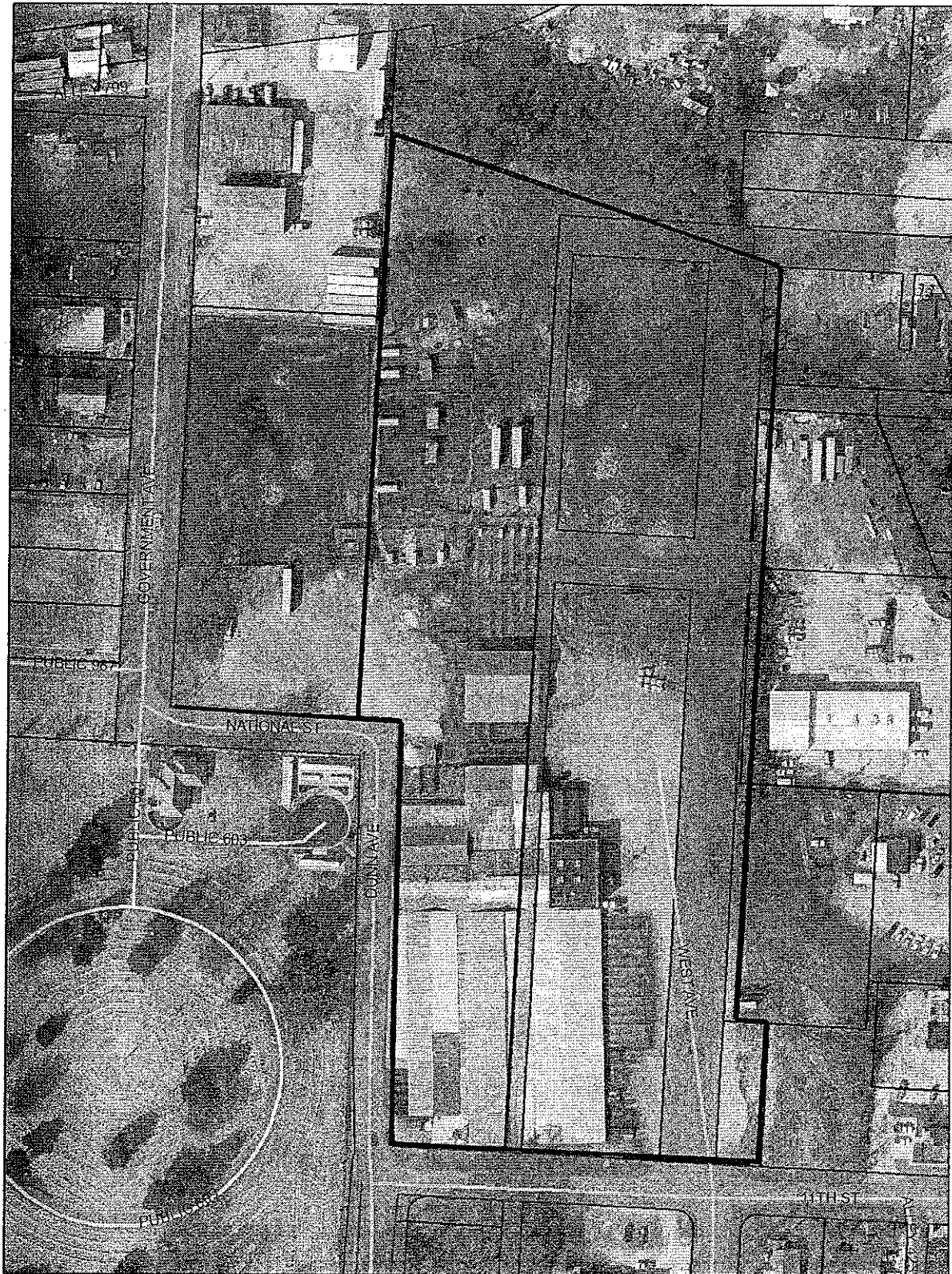
Public
comment

I really see how the areas north of the campus, along Leverett, and the areas to the south could be transitioned into something wonderful like The Cotton District with the proper planning.

Thanks for your hard work to make our city better.

Scott





RZN 09-3271 (Sale Barn)



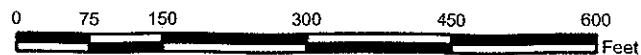
RZN09-3271

SALE BARN/ CAMPUS CREST LLC

Close Up View



Overview



Legend

- RZN09-3271
- 0.2% Chance Floodplain (500 - yr Floodplain)
- Zone A, 1% Chance Floodplain (100 - yr Floodplain)
- Zone AE, 1% Chance Floodplain (100 - yr Floodplain)
- 2007 Footprints
- Design Overlay District
- Fayetteville
- Planning Area

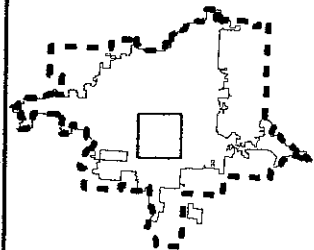
RZN09-3271

One Mile View

SALE BARN/ CAMPUS CREST LLC



Overview



Legend

Subject Property

RZN09-3271

Boundary

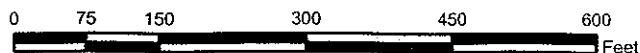
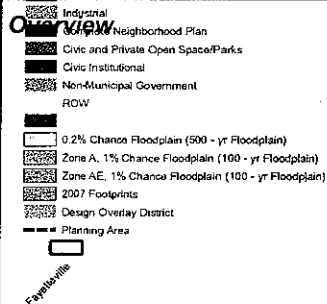
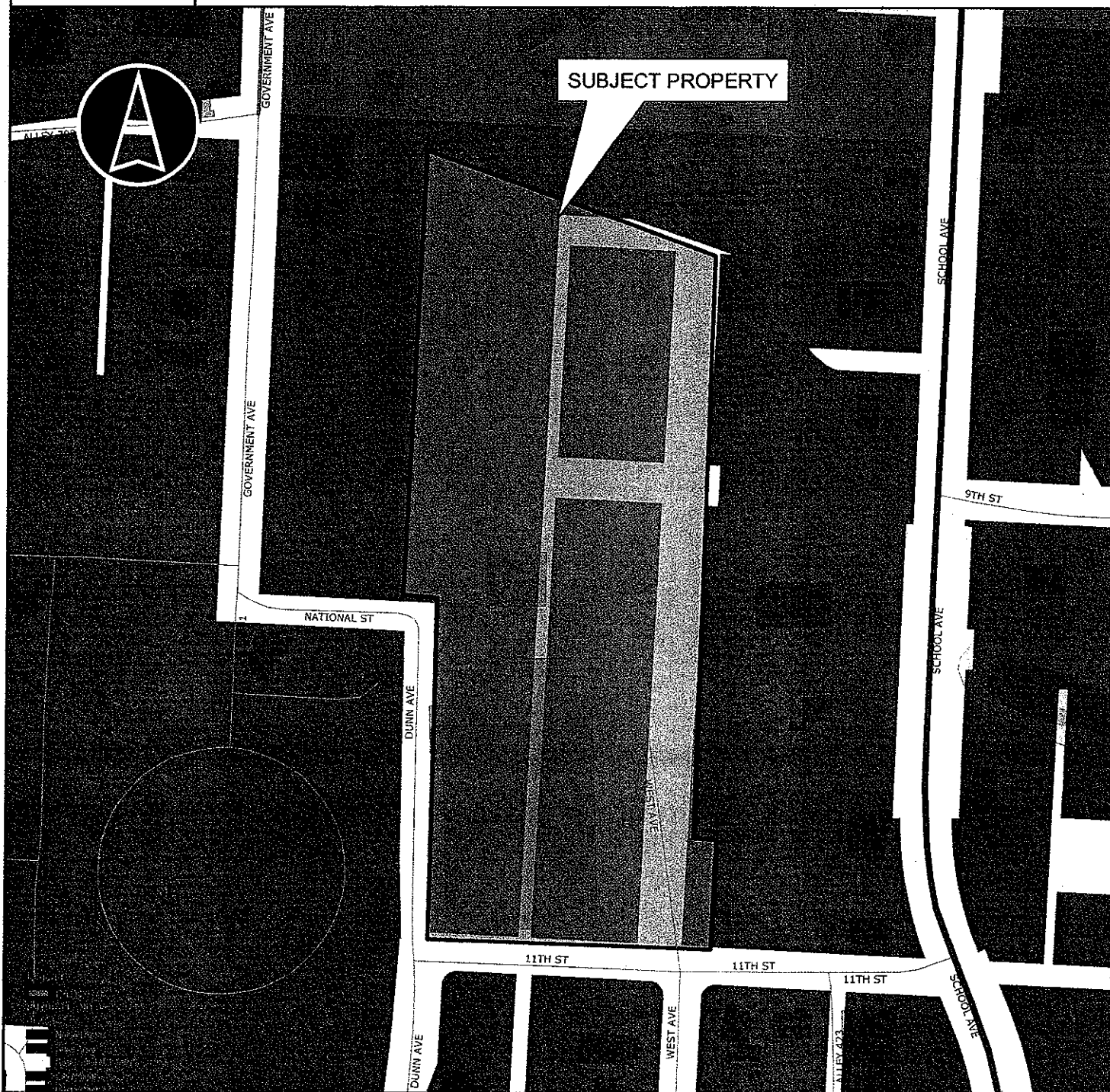
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RZN09-3271

SALE BARN/ CAMPUS CREST LLC

Future Land Use

SUBJECT PROPERTY



City Clerk - Please do not vote for Downtown General zoning of sale-barnproperty next to cemeteries

From: Lauren Hawkins <ldhdesign@hotmail.com>
To: <adellag@cox.net>, <ward1_pos1@ci.fayetteville.ar.us>,
<bthiel@cox.net>, <ward3_pos2@ci.fayetteville.ar.us>,
<ward2_pos1@ci.fayetteville.ar.us>,
<citycouncil@matthewpetty.org>, <rrroads@hallestill.com>,
<sarah@springlinegroup.com>, <sel01@uark.edu>,
<sarah.lewis@spring-line.com>, <slucasward4@aol.com>,
<ward4_pos1@ci.fayetteville.ar.us>, <city_clerk@ci.fayetteville.ar.us>
Date: 7/6/2009 12:49 AM
Subject: Please do not vote for Downtown General zoning of sale-barnproperty next to cemeteries

Dear members of the Fayetteville City Council:

I am a homeowner on the south side of Fayetteville — a field away from Pinnacle Foods, the train track, a neighborhood vest-pocket park and with the sale barn.

The blocks that separate me from the sale barn are mostly in the Fayetteville National Cemetery. The cemetery is one of only a few hundred across the country. It is on the National Register of Historic Places and now recognized as a National Shrine.

Many homes in this neighborhood were here when the sale barn was built. The cemetery was. My house was. Two close neighbor's houses were, though one was moved about 200 feet east by mules about the time sale barn was built. A house or two up the road were here to see the Butterfield stagecoach deliver mail. The rest of the neighborhood has grown up with the sale barn as its neighbor.

It is a quiet single-family neighborhood primarily, with a mix of light-industrial, agricultural, a few duplexes and a 12-unit single-story apartment building. The population includes a mix of young families, middle-aged and older folks living here.

This unique neighborhood is one that deserves to be preserved, as we see new developments attempt to emulate much of what we have.

The sale barn has met a few battles as Fayetteville grew up around it, I gather. Established use and preservation of a way of life have won its favor many a time.

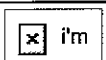
The only thing that makes a bit of sense is to rezone the whole area to neighborhood conservation. Period.

The proposal to rezone the parcel to allow such things as rent-by-the-room student apartments is simply incompatible with the surroundings. We owe our veterans' final resting place as much.

Present estimates of the Fayetteville National Cemetery are for capacity to meet demand for the next decade. Will we have our troops out of harm's way by then?

I urge the Fayetteville City Council to be good stewards and take the opportunity to rezone to neighborhood conservation and nothing less.

Lauren Hawkins



EMAILING FOR THE GREATER GOOD

[Join me](#)

June 25, 2009

Chris B. Traxson

805 Riviera Dr.

Rogers, AR 72758

Attn: City Council

City of Fayetteville

113 W. Mountain St.

Fayetteville, AR 72701

Dear City Council:

I saw on KNWA news the evening of June 24, 2009 about proposed plans to build an apartment complex across from the National Veterans Cemetery in Fayetteville. I am absolutely opposed to building an apartment complex across from the sacred ground of the veteran's cemetery. Building an apartment complex would cheapen the land around the cemetery and is a slap in the face to the honorable men and women laid to rest there, and the families of these individuals.

I don't live in Fayetteville but I am a disabled veteran who was injured by a roadside bomb while fighting against terrorists in Iraq. I have a very good friend who rests in that cemetery and I oppose this development in his honor. It's a proven fact that where an apartment complex is built, crime increases. I don't want to see an increase in crime near the cemetery where the potential for vandalism of gravesites would increase. The noise around the cemetery would also increase which would take away from the serenity and peacefulness of visiting the cemetery.

As a show of respect for those resting forever in the cemetery, please oppose this plan and build somewhere else. Thanks for your time.

Respectfully,

Chris B. Traxson

Chris B. Traxson – USMC (ret.)

From: Sondra Smith
To: Pate, Jeremy
CC: Aldermen
Date: 7/13/2009 4:52 PM
Subject: Campus Crest Application
Attachments: Campus Crest Request to Table.doc; Sondra Smith.vcf

Hello all

Campus Crest would like their item tabled to the first meeting in August. I told them that the City Council will have to vote to table this at the City Council meeting on July 21, 2009 and that it would be the City Council's decision whether to table it or not.

Sondra Smith CAMC, CMC
City Clerk/Treasurer
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

(479) 575-8323
ssmith@ci.fayetteville.ar.us

>>> "Bob Estes" <bobestes@arkansas.net> 7/13/2009 4:10 PM >>>

Bob Estes

One East Center Street, Suite 200

Fayetteville, AR 72701-5302

Phone 479-521-4900

Facsimile 479-587-0700

email bobestes@arkansas.net

NOTICE:

This email is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521 and is legally privileged. The information contained in this email is intended only for the use of the individual or entity named above. If you are not the intended recipient, you must not review, retransmit, convert to hard copy, copy, and use or disseminate this email or any attachments to it. If you have received this email in error, please immediately notify us by return email or by telephone and delete this message, as well as any attachments.

Thank you.

From: Chris Russ [<mailto:chris.russ@campuscrest.com>]
Sent: Monday, July 13, 2009 2:44 PM
To: Bob Estes

Cc: alex@browningeyssen.com
Subject: Campus Crest Application

Please let this serve as our request to have our re-zone application postponed from the July 21, 2009 City Council meeting to the next regularly scheduled meeting. Thank you for your assistance.

Regards,

Chris Russ, PE

<<http://www.gogrove.com>>

GoGrove

Chris Russ, PE
Development Manager

Campus Crest Development, LLC

<<http://maps.yahoo.com/py/maps.py?Pyt=Tmap&addr=2100+Rexford+Road&csz=Charlotte%2C+NC+28211&country=us>> 2100 Rexford Road
Suite 414
Charlotte, NC 28211

<<mailto:Chris.Russ@campuscrest.com>> Chris.Russ@campuscrest.com

tel:
mobile:

<http://www.plaxo.com/click_to_call?lang=en&src=jj_signature&To=704%2E496%2E2528&Email=chris.russ@campuscrest.com> 704.496.2528

<http://www.plaxo.com/click_to_call?lang=en&src=jj_signature&To=704%2E578%2E3161&Email=chris.russ@campuscrest.com> 704.578.3161

<http://www.plaxo.com/signature?src=client_sig_212_1_banner_sig<=en> Want a signature like this?

Checked by AVG - www.avg.com

Version: 8.5.387 / Virus Database: 270.13.8/2227 - Release Date: 07/13/09

05:56:00

City of Fayetteville Staff Review Form

C. 1
City Prosecutor's Office Furniture
Page 1 of 36

City Council Agenda Items
and
Contracts, Leases or Agreements

8/18/2009

City Council Meeting Date
Agenda Items Only

Casey Jones

Submitted By

City Attorney

Division

City Prosecutor

Department

Action Required:

A Resolution To Approve The Purchase Of \$24,551.00 In New Equipment And Furniture For The City Prosecutor's Office From The Normal Company, Plus Freight, Delivery And Installation Charges And Applicable Sales Tax

\$24,551.00

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

8-4-09

Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

8-4-09

Date

Original Contract Number:

Finance and Internal Services Director

8-4-2009

Date

Received in City
Clerk's Office

ENTERED
8-4-09
WJ

Chief of Staff

8-4-09

Date

Received in
Mayor's Office

ENTERED
8/4/09
PK

Mayor

8/4/09

Date

Comments:

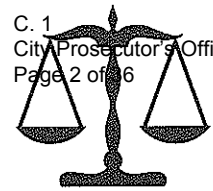
FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

C. 1
City Prosecutor's Office Furniture
Page 2 of 16



LEGAL DEPARTMENT

TO: **Lioneld Jordan**, Mayor
City Council

CC: **Casey Jones**, City Prosecuting Attorney

FROM: **Kit Williams**, City Attorney

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

DATE: **August 4, 2009**

RE: **City Prosecutor's Office Furniture for new building**

I believe that the City Council approved a tentative budget of about \$150,000.00 to purchase furniture for the new District Court and Prosecutor building when it approved its construction. The District Judge and City Prosecutor equitably divided this amount taking into consideration that the City Prosecutor's staff is 9 full time equivalents while the District Court is 11.5 and that there is a somewhat greater need for public furniture for the Court. The original division was \$63,378.70 (including tax, freight, delivery and installation) for the City Prosecutor and \$79,268.36 for the District Court for a total of \$142,647.06 which was within the tentative budget provided for furniture.

The building's budget was set when economic times were better. I am notoriously cheap and with sales tax receipts still in decline, I asked City Prosecutor Casey Jones to review this proposed expenditure to remove any new items if their current desk, chair, bookcase or other equipment was serviceable and could be moved to the new building rather than be replaced. Mayor Jordan and I also toured the City Prosecutor's Office with City Prosecutor Casey Jones and Assistant Prosecutor Brian Thomas and inspected their current furniture and equipment.

Casey and Brian took a hard look at all of their current furniture and equipment and were able to make \$32,101.54 in reductions out of the initial cost of \$56,652.54 (before freight and taxes). This is over a **56% reduction** for which I thank them.

Thus, instead of requesting \$56,652.54 plus freight and installation of \$1,350.00 and taxes of \$5,366.16 for a total of \$63,378.70, the City Prosecutor's Office is now requesting **\$24,551.00** plus a proportionally smaller freight and sales tax add on. (I estimate \$594.00 for freight and installation and \$2,361.10 for sales tax which would yield a total of \$27,506.11 rather than the \$63,378.70 initially requested).

I can now recommend approval of the City Prosecutor's request for new and replacement furniture for the new District Court and Prosecutor's Building in the amount of \$24,551.00 plus freight, installation and sales tax. Attached is a memo from the City Prosecutor showing the items deleted (and those remaining) from the original \$63,378.70 proposed expenditure.

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE THE PURCHASE OF \$24,551.00
IN NEW EQUIPMENT AND FURNITURE FOR THE CITY
PROSECUTOR'S OFFICE FROM THE NORMAL COMPANY,
PLUS FREIGHT, DELIVERY AND INSTALLATION CHARGES
AND APPLICABLE SALES TAX**

WHEREAS, the City Prosecutor's Office needs new and replacement furniture when it moves into the new Fayetteville District Court and Prosecutor's Office building; and

WHEREAS, the City Prosecutor has reduced its original request based upon the tentative budget for new furniture and equipment by 56%.

**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 purchase of \$24,551.00 in new equipment and furniture for the City Prosecutor's Office from the Norman Company, plus freight, delivery and installation charges and applicable sales tax.

PASSED and APPROVED this 18th day of August, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



**CITY OF FAYETTEVILLE
OFFICE OF THE PROSECUTING ATTORNEY**

C. 1
City Prosecutor's Office Furniture
Page 5 of 36

CLINTON K. JONES
CITY PROSECUTOR
BRIAN THOMAS
DEPUTY CITY PROSECUTOR

MANDY FINKLEA
OFFICE ADMINISTRATOR
E-mail: hotcheck@ci.fayetteville.ar.us
101 W. Mountain, Suite 202
FAYETTEVILLE, ARKANSAS 72701
PHONE: (479) 575-8377
(479) 575-8378
(479) 575-8374
(479) 575-8375
Hot Checks: (479) 575-8254
FAX #: (479) 575-8373

MEMO

TO: Kit Williams
City Attorney

FROM: Casey Jones
City Prosecutor

DATE: August 3, 2009

SUBJECT: Furniture

Kit - enclosed please find a copy of the original list for the furniture with the items marked through which we have deleted.

The cost was originally \$58,000.00. We have knocked it down to \$24,500.00.

If you have any questions give me a call.

178.00 +
216.20 +
712.00 +
399.00 +
769.30 +
1,119.00 +
1,028.18 +
1,999.00 +
2,083.97 +
715.40 +
370.56 +
406.21 +
406.21 +
696.78 +
1,372.80 +
310.84 +
268.14 +
325.66 +
464.03 +
696.78 +
1,525.86 +
829.57 +
465.12 +
1,511.16 +
464.03 +
343.49 +
370.08 +
85.95 +
99.00 +
144.00 +
791.10 +
129.00 +
138.00 +
399.00 +
755.58 +
724.50 +
1,237.50 +

037

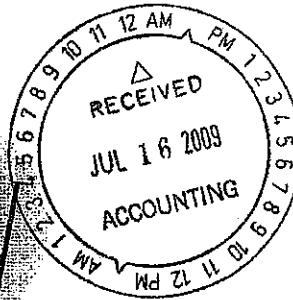
24,551.00 *

+ Freight
001 1,350.00 +

~~1,350.00~~ *

norman company

PROFESSIONAL OFFICE INTERIORS



PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

INSTALL AT:

City of Fayetteville - Prosecutors Office
176 S. Church
Suite 2
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
1	2.00	BASE ONLY, BLACK (Page 162) Tagging: PROSECUT BREAKRM	89.00	178.00
2	2.00	TOP ONLY, 30X48 CB/GREY NEB (Page 162) Tagging: PROSECUT BREAKRM	108.10	216.20
3	8.00	CHAIR, BK METAL FRAME, BURG (Page 162) Tagging: PROSECUT BREAKRM	89.00	712.00
4	1.00	CHROMCRAFT ICON DESK CHAIR Tagging: PROSECUT BRIAN	399.00	399.00
5	2.00	STORAGE BOOKCASE Tagging: PROSECUT BRIAN	999.00	1,998.00
6	2.00	LEGACY GUEST CHAIR, W/ARMS VC VINTAGE CHERRY B Grade B 5 Perk Patterns PER12 Perk Ebony ~ NO SELECTION OF OPTION	384.65	769.30

CONTINUED...

PAG 1

7600 Ball Road, Fort Smith, AR 72908
Phone 479/424-1600 Fax 479/424-2471

700 S.E. Walton Blvd., Suite 8, Bentonville, Arkansas 72712
Phone 479/424-1600 Fax 479/845-7060

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - Prosecutors Office
City of Fayetteville - Prosecutors Office
176 S. Church
Suite 2
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		Tagging: PROSECUT BRIAN		
7	1.00	FULL STORAGE CREDENZA	1,119.00	1,119.00
		Tagging: PROSECUT BRIAN		
8	1.00	72" OVERHEAD STORAGE W/GLASS (Page 36)	1,028.18	1,028.18
		Tagging: PROSECUT BRIAN		
9	1.00	RIGHT EXECUTIVE "L" DESK (Page 36)	1,999.00	1,999.00
		Tagging: PROSECUT BRIAN		
101.00		ZODY TASK CHAIR, FABRIC BACK	597.60	597.60

(702MA1)
,XG-
012
,MA-
001
,XG-
012
AD ARM, PNU BK, FM/ADJ, STD/HARD
CHR FAB BRISA
BLACK ONYX
ZODY MESH
SUPPORT
CHR FAB BRISA
BLACK ONYX

CONTINUED...

PROPOSAL: 22679B

DATE: 07/16/09

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INSTALL AT:

City of Fayetteville - Prosecutors Office
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176 S. Church
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Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		, TR- SURFACE 4		
		00F BLACK		
		(2) TRIM SURFACE 5		
		, TR- SURFACE 5		
		00F BLACK		
		Tagging: PROSECUT CASEY		
111.00		Executive Left Return, 24D x 48W x 30H	1,003.03	1,003.03
		(1) Cherry Wood Veneer		
		ECC Ember Cherry		
		M Transitional		
		SN Satin Nickel		
		~ No Selection of Option		
		~ No Selection of Option		
		~ No Selection of Option		
		~ No Selection of Option		
		~ No Selection of Option		
		~ No Selection of Option		
		Tagging: PROSECUT CASEY		
121.00		Lateral File, 24D x 36W x 54H	1,521.45	1,521.45
		(1) Cherry Wood Veneer		
		CONTINUED...		

PROPOSAL: 22679B

DATE: 07/16/09

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PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - Prosecutors Office
176 S. Church
Suite 2
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		ECC Ember Cherry		
		M Transitional		
		SN Satin Nickel		
		~ No Selection of Option		
		~ No Selection of Option		
		~ No Selection of Option		
		~ No Selection of Option		
		Tagging: PROSECUT CASEY		
131.00		Package, 15D x 36W x 72H	1,075.55	1,075.55
		(1) Cherry Wood Veneer		
		ECC Ember Cherry		
		M Transitional		
		~ No Selection of Option		
		~ No Selection of Option		
		~ No Selection of Option		
		~ No Selection of Option		
		Tagging: PROSECUT CASEY		
141.00		Video Console, 24D x 36W x 72H	2,083.97	2,083.97
		(1) Cherry Wood Veneer		
		ECC Ember Cherry		
		M Transitional		

CONTINUED...

PROPOSAL: 22679B

DATE: 07/16/09

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City of Fayetteville - Prosecutors Office
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SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
	SN	Satin Nickel		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
		Tagging: PROSECUT CASEY		
151.00		Right Pedestal Box Desk 42D x 72W x 30H	1,723.33	1,723.33
	(1)	Cherry Wood Veneer		
	ECC	Escher Cherry		
	M	Transitional		
	SN	Satin Nickel		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
		Tagging: PROSECUT CASEY		

PROPOSAL: 22679B

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176 S. Church
Suite 2
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
161.00		HUDSON THREE SEAT	1,287.72	1,287.72
	NC	NATURAL CHERRY		
	B	Grade B		
	1	Basis Patterns		
	BSS04	Basis Garnet		
		Tagging: PROSECUT CASEY		
172.00		KENDALL SIDE CHAIR, UPH SEAT/BACK	357.70	715.40
	NC	NATURAL CHERRY		
	B	Grade B		
	1	Basis Patterns		
	BSS04	Basis Garnet		
	~	NO SELECTION OF OPTION		
		Tagging: PROSECUT CASEY		
181.00		ZODY TASK CHAIR, FABRIC SEAT/MESH BACK	370.56	370.56
	(002MA1)	PNU BK, FM/ADJ, STD/HARD	0.00	
	,IC-	CHR FAB - ICON		
	~	UNDECIDED COLOR		
	,MA-	ZODY MESH		
	~	UNDECIDED COLOR		

CONTINUED...

PROPOSAL: 22679B

DATE: 07/16/09

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176 S. Church
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Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		,TR- SURFACE 3 ~ UNDECIDED COLOR (2) TRIM SURFACE 4 ,TR- SURFACE 4 ~ UNDECIDED COLOR		
		Tagging: PROSECUT CINDY		
191.00		TRANSITIONAL 40	150.92	150.92
		Tagging: PROSECUT CINDY		
201.00		72" STORAGE OVERHEAD CABINET LAMINATE	508.62	508.62
		Brighton Cherry Laminate No Selection of Option		
		Tagging: PROSECUT CINDY		
211.00		84" TRANSITIONAL LEFT PULL FINISH - LAMINATE	397.88	397.88
		Brighton Cherry Laminate Transitional Edge Fluent Pull Satin Nickel Pull Finish		

CONTINUED...

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - Prosecutors Office
176 S. Church
Suite 2
Fayetteville, AR 72701

City of Fayetteville - Prosecutors Office
176 S. Church
Suite 2
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		Tagging: PROSECUT CINDY		
221.00		30" X 66" DESK - BRIGHT CHERRY LAMINATE	741.37	741.37
	BRL	Brighton Cherry Laminate		
	C3	Transitional Edge		
	F5	Fluent Pull		
	SN	Satin Nickel Pull Finish		
		Tagging: PROSECUT CINDY		
231.00		30" X 66" DESK - BRIGHT CHERRY LAMINATE	562.52	562.52
	BRL	Brighton Cherry Laminate		
	C3	Transitional Edge		
	F5	Fluent Pull		
	SN	Satin Nickel Pull Finish		
		Tagging: PROSECUT CINDY		
241.00		36" 2-DRAWER LATERAL FILE - LAMINATE	406.21	406.21
	BRL	Brighton Cherry Laminate		
		CONTINUED...		

X2

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - Prosecutors Office
176 S. Church
Suite 2
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
	F5 SN	Fluent Pull Satin Nickel Pull Finish Tagging: PROSECUT CINDY		
252.00		SULTAN SIDE CHAIR, OPEN ARMS, UPH SEAT/BACK	348.39	696.78
	~ E ~	NO SELECTION OF OPTION Grade E No Selection Tagging: PROSECUT CINDY		
261.00		Articulated Keyboard Shelf w/ Sliding Memo Tray, Black	198.00	198.00
		Tagging: PROSECUT CINDY		
271.00		Change Guard, Full Pedestals, 24D x 72W x 30H	1,268.61	1,268.61
	(2) NMM C 1 ??	Maple Wood Veneer Natural Maple Transitional Arch INCOMPLETE OPTIONS		

CONTINUED...

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - Prosecutors Office
176 S. Church
Suite 2
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		Tagging: PROSECUT CONFIRM		
284.00		Backrest, 15D, 26H, 22W	715.89	2,863.56
	(2)	Maple Wood Veneer		
	NMM	Natural Maple		
	C	Transitional		
	??	INCOMPLETE OPTIONS		
		Tagging: PROSECUT CONFIRM		
298.00		CHAIR, HIBACK LTHR, BLK "KD" (Page 126)	171.60	1,372.80
		Tagging: PROSECUT CONFIRM		
304.00		X CARRIES PEDESTAL ATTACHED BOX (P OX) FILE 24"D, 1 LOCK	200.64	802.56
	(S1)	PAD FRT, ELLIPSE PULL		
	, TR-	SURFACE 1		
	~	UNDECIDED COLOR		
	, TR-	SURFACE 2		
	~	UNDECIDED COLOR		
	, LR-	LOCK PLUG & RING COLORS		
		CONTINUED...		

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - Prosecutors Office
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Suite 2
Fayetteville, AR 72701

City of Fayetteville - Prosecutors Office
176 S. Church
Suite 2
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
	OBP	CHROME (BRIGHT NICKEL PLATE)		
		Tagging: PROSECUT LEGAL		
314.00		CHAIR HIRAGE, 17" W, BLK "KD" (Page 126)	171.60	686.40
		Tagging: PROSECUT LEGAL		
321.00		PAGE FERR MIDDLE LADDER	57.92	57.92
	(B)	POWER BASE		
		Tagging: PROSECUT LEGAL		
332.00		MONO POWER SO. TOR CAP, W/POWER, 24"W X 32"H	185.92	371.84
	(B)	POWER BASE		
	,C1-	STRAIE,	GRADE A	
	~	UNDECIDED COLOR		
	,C1-	STRIAT	GRADE A	
	~	UNDECIDED COLOR		
	,TR-	SURFACE 3		
	~	UNDECIDED COLOR		
	,TR-	SURFACE 4		
	~	UNDECIDED COLOR		

CONTINUED...

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - Prosecutors Office
176 S. Church
Suite 2
Fayetteville, AR 72701

City of Fayetteville - Prosecutors Office
176 S. Church
Suite 2
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		Tagging: PROSECUT LEGAL		
342.00		MONO PANEL 60 TOP GRD. 1/2" (20" x 24" x 24")	214.08	428.16
	(B)	POWER BASE		
	,C1-	STRIAE,	GRADE A	
	~	UNDECIDED COLOR		
	,C1-	STRIAE,	GRADE A	
	~	UNDECIDED COLOR		
	,TR-	SURFACE 3		
	~	UNDECIDED COLOR		
	,TR-	SURFACE 4		
	~	UNDECIDED COLOR		
		Tagging: PROSECUT LEGAL		
352.00		MONO PANEL 60 TOP GRD. 1/2" (20" x 24" x 24")	230.72	461.44
	(B)	POWER BASE		
	,C1-	STRIAE,	GRADE A	
	~	UNDECIDED COLOR		
	,C1-	STRIAE,	GRADE A	
	~	UNDECIDED COLOR		
	,TR-	SURFACE		
		CONTINUED.		
		PAG 12		

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

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Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		UNDECIDED COLOR SURFACE UNDECIDED COLOR Tagging: PROSECUT LEGAL		
364.00		DRIVER SIDE SUBSTRATE 36 X 42	75.52	302.08
		SURFACE 1 UNDECIDED COLOR Tagging: PROSECUT LEGAL		
372.00		CORNER, CODEC WRAP AROUND EXTENDED WORKSURFACE 36 X 42	227.84	455.68
		(LJSAL44) LAM, EDGBND, STO, WRWAY, LH, 24, 24 LAMINATE UNDECIDED COLOR LAMINATE EDGE UNDECIDED COLOR Tagging: PROSECUT LEGAL		
382.00		CORNER, CODEC WRAP AROUND EXTENDED WORKSURFACE 36 X 42	227.84	455.68

CONTINUED...

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

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Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		(LJSAR44) LAM, EDGBND, STD, W/WIREWAY, RH, 24, 24 , OH- LAMINATE ~ UNDECIDED COLOR , HP- LAMINATE/EDGE ~ UNDECIDED COLOR Tagging: PROSECUT LEGAL		
394.00		CONFERENCE END WORKSHEET 50 X 30	176.00	704.00
		(LJSA) LAM, EDGBND, STD CORE, W/WIREWAY , OH- LAMINATE ~ UNDECIDED COLOR , HP- LAMINATE/EDGE ~ UNDECIDED COLOR Tagging: PROSECUT LEGAL		
404.00		CONFERENCE END WORKSHEET 50 X 30	64.64	258.56
		(LJSA) LAM, EDGBND, STD CORE, W/WIREWAY , OH- LAMINATE ~ UNDECIDED COLOR , HP- LAMINATE/EDGE ~ UNDECIDED COLOR		

CONTINUED...

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

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QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		Tagging: PROSECUT LEGAL		
4112.0		CHIEF	25.60	307.20
		PAINTED PAIR		
	(PP)	PAINTED PAIR		
		Tagging: PROSECUT LEGAL		
424.00		PAINTED PAIR	4.80	19.20
		PAINTED PAIR		
	(PN)	PAINTED NON-HANDED		
		Tagging: PROSECUT LEGAL		
438.00		PAINTED NON-HANDED	6.40	51.20
		PAINTED NON-HANDED		
	(PN)	PAINTED NON-HANDED		
		Tagging: PROSECUT LEGAL		
444.00		PAINTED NON-HANDED	99.00	396.00
		(Page 89)		

CONTINUED...

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

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CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
486.00		STACK CHAIR, ARMS, BLK VINYL (Page 158)	44.69	268.14
		Tagging: PROSECUT LOBBY		
491.00		ZODY TASK CHAIR, FABRIC SEAT/MESH BACK	325.66	325.66
	(012MA1)	LMB ADJ, PNU BK, FM/ADJ, STD/HARD		
	,3A-	TELLURE		
	018	BLACK		
	,MA-	ZODY MESH		
	001	SUPPORT		
	,TR-	SURFACE 3		
	00F	BLACK		
	(2)	TRIM SURFACE 4		
	,TR-	SURFACE 4		
	00F	BLACK		
		Tagging: PROSECUT LYNN		
501.00		24 X 48 BROWN LAMINATE	16.58	397.88
		- LAMINATE		
	BRL	Brighton Cherry Laminate		
	C3	Transitional Edge		
	F5	Fluent Pull		
	SN	Satin Nickel Pull Finish		

CONTINUED.

PAGE 17

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - Prosecutors Office
176 S. Church
Suite 2
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SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		Tagging: PROSECUT LYNN		
511.00		88" W DRAWER LATERAL FILE	755.58	755.58
	BRL	Brighton Cherry Laminate		
	F5	Fluent Pull		
	SN	Satin Nickel Pull Finish		
		Tagging: PROSECUT LYNN		
521.00		72" WALLMOUNT OVERHEAD - LAMINATE	464.03	464.03
	BRL	Brighton Cherry Laminate		
	~	No Selection of Option		
		Tagging: PROSECUT LYNN		
531.00		88" W DESK RIGHT PEDESTAL	594.37	594.37
	BRL	Brighton Cherry Laminate		
	C3	Transitional Edge		
	F5	Fluent Pull		
	SN	Satin Nickel Pull Finish		

CONTINUED..

PROPOSAL: 22679B

DATE: 07/16/09

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PROPOSAL FOR:

INSTALL AT:

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176 S. Church
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CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		Tagging: PROSECUT LYNN		
541.00		20 X 16 CHERRY LAMINATE TRANSACTION LAMINATE	244.02	244.02
	BRL	Brighton Cherry Laminate		
		Tagging: PROSECUT LYNN		
552.00		SULTAN SIDE CHAIR, OPEN ARMS, UPH SEAT/BACK	348.39	696.78
	~	NO SELECTION OF OPTION		
	E	Grade E		
	~	No Selection		
		Tagging: PROSECUT LYNN		
561.00		4D ARM, PNU FR, FM/ADJ, STD/HARD RAVENNA GRADE A/1	399.00	399.00
	(702MA1)	MELANGE		
	, 3E-	ZODY MESH		
	004	SUPPORT		
	, MA-	SURFACE		
	001			
	, TR-			
		CONTINUED		

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

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176 S. Church
Suite 2
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CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
	00F (2) ,TR- 00F	BLACK TRIM SURFACE 4 SURFACE 4 BLACK		
		Tagging: PROSECUT MANDY		
571.00		Task Light	157.29	157.29
		Tagging: PROSECUT MANDY		
581.00		42 (SOLID DOORS)	1,093.19	1,093.19
	NCC C ~ ~ ~ ~ ~ ~ BL 1	Natural Cherry on Cherry Transitional No Selection of Option No Selection of Option No Selection of Option No Selection of Option No Selection of Option No Selection of Option Black Slatted		
		Tagging: PROSECUT MANDY		

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - Prosecutors Office
176 S. Church
Suite 2
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
591.00		TRANSITIONAL RETURN, 24 X 48 X 30, LEFT	864.36	864.36
	NCC	Natural Cherry on Cherry		
	C	Transitional		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	??	INCOMPLETE OPTIONS		
		Tagging: PROSECUT MANDY		
601.00		Lateral File Credenza 24 X 72 X 30	1,525.86	1,525.86
	NCC	Natural Cherry on Cherry		
	C	Transitional		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	BL	Black		
	1	Slotted		
	~	No Selection of Option		

CONTINUED...

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

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INSTALL AT:

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176 S. Church
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SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
	1	Slotted		
	~	No Selection of Option		
		Tagging: PROSECUT MANDY		
632.00		CHRYSLER SEAT CUSHION, OPEN HEAD, UPH SEAT/BACK	348.39	696.78
	~	NO SELECTION OF OPTION		
	E	Grade E		
	~	No Selection		
		Tagging: PROSECUT MANDY		
641.00		Keyboard Shelf w/ Sliding Mouse Tray, Black	198.00	198.00
		Tagging: PROSECUT MANDY		
651.00		HB H.E., PNEU, HA, FLIPPER W/VNL, HARD CSTRS, BACK LOCK	465.12	465.12
	, IC-	CHR FAB - ICON		
	~	UNDECIDED COLOR		
	, TR-	SURFACE 2		
	~	UNDECIDED COLOR		

CONTINUED...

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - Prosecutors Office
176 S. Church
Suite 2
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		Tagging: PROSECUT MARSHA		
661.00		24" 4-DRAWER LATERAL FILE - PEDESTAL - LAMINATE	397.88	397.88
	BRL	Brighton Cherry Laminate		
	C3	Transitional Edge		
	F5	Fluent Pull		
	SN	Satin Nickel Pull Finish		
		Tagging: PROSECUT MARSHA		
672.00		36" 4-DRAWER LATERAL FILE - LAMINATE	755.58	1,511.16
	BRL	Brighton Cherry Laminate		
	F5	Fluent Pull		
	SN	Satin Nickel Pull Finish		
		Tagging: PROSECUT MARSHA		
681.00		72" WALLMOUNT OVERHEAD - LAMINATE	464.03	464.03
	BRL	Brighton Cherry Laminate		
	~	No Selection of Option		

CONTINUED...

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - Prosecutors Office
176 S. Church
Suite 2
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City of Fayetteville - Prosecutors Office
176 S. Church
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Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		Tagging: PROSECUT MARSHA		
691.00		20 X 16 STORAGE TOWER INSERT / TRANSACTION - LAMINATE	244.02	244.02
	BRL	Brighton Cherry Laminate		
		Tagging: PROSECUT MARSHA		
701.00		36 X 72 DESK - LEFT PEDESTAL LAMINATE	594.37	594.37
	BRL	Brighton Cherry Laminate		
	C3	Transitional Edge		
	F5	Fluent Full		
	SN	Satin Nickel Full Finish		
		Tagging: PROSECUT MARSHA		
711.00		BENTLEY 24" END TABLE	343.49	343.49
	A	Wood (Std)		
	~	NO SELECTION OF OPTION		
		Tagging: PROSECUT MARSHA		

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - Prosecutors Office
176 S. Church
Suite 2
Fayetteville, AR 72701

City of Fayetteville - Prosecutors Office
176 S. Church
Suite 2
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
722.00		OFFICE SIDE CHAIR, OPEN ARMS, UPH SEAT/BACK	348.39	696.78
	~	NO SELECTION OF OPTION		
	E	Grade E		
	~	No Selection		
		Tagging: PROSECUT MARSHA		
731.00		Art Keybd Arms / Glide, Black	85.95	85.95
		Tagging: PROSECUT MARSHA		
741.00		LOOK, MID-BACK, SYNCHRO, HGT ADJ ARM, HARD CASTER, NO LOCK	370.08	370.08
	,3A- 018 ,TR- 00F	TELLURE BLACK SURFACE 2 BLACK	GRADE A/1	
		Tagging: PROSECUT NIKKI		
751.00		Art Keybd Arms / Glide, Black	85.95	85.95
		Tagging: PROSECUT NIKKI		

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - Prosecutors Office	City of Fayetteville - Prosecutors Office
176 S. Church	176 S. Church
Suite 2	Suite 2
Fayetteville, AR 72701	Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
761.00		STEEL ADJUSTABLE CPU HOLDER (Page 89) Tagging: PROSECUT NIKKI	99.00	99.00
771.00		TOPS FOR SIDE-TO-SIDE LAT FILE Tagging: PROSECUT OPEN OFFICE	144.00	144.00
782.00		3 DRAWER LATERAL FILE P01 Crystal Black 0 Tagging: PROSECUT OPEN OFFICE	395.55	791.10
791.00		HI BK CHAIR,BLK VNYL,SPRG TILT (Page 154) Tagging: PROSECUT SCREENING	129.00	129.00
802.00		GUEST CHAIR,BLACK FABRIC (Page 158) Tagging: PROSECUT SCREENING	69.00	138.00
811.00		CHROMCRAFT ICON DESK CHAIR Tagging: PROSECUT SHAWN	399.00	399.00

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - Prosecutors Office
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SALESPERSON:
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CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
821.00		24" X 48" DESK - LAMINATE PEDESTAL - LAMINATE	397.88	397.88
	BRL	Brighton Cherry Laminate		
	C3	Transitional Edge		
	F5	Fluent Pull		
	SN	Satin Nickel Pull Finish		
		Tagging: PROSECUT SHAWN		
831.00		36" 4-DRAWER LATERAL FILE - LAMINATE	755.58	755.58
	BRL	Brighton Cherry Laminate		
	F5	Fluent Pull		
	SN	Satin Nickel Pull Finish		
		Tagging: PROSECUT SHAWN		
841.00		36" X 72" DESK - LAMINATE LAMINATE	594.37	594.37
	BRL	Brighton Cherry Laminate		
	C3	Transitional Edge		
	F5	Fluent Pull		
	SN	Satin Nickel Pull Finish		
		Tagging: PROSECUT SHAWN		

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - Prosecutors Office
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SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
852.00		GREEN SIDE CHAIR, OPEN ARMED, UPH SEAT/BACK	248.39	696.78
	~	NO SELECTION OF OPTION		
	E	Grade E		
	~	No Selection		
		Tagging: PROSECUT SHAWN		
861.00		CHAIR W/BACK LEAD, BLK "KID"	171.60	171.60
		(Page 126)		
		Tagging: PROSECUT VIDEO REVIEW		
871.00		Stg/Lat File Unit 2 Shlvs, 2 Drws, M2/Nickel, 36W x 24D	724.50	724.50
	CER	Cherry	0	
		Tagging: PROSECUT VIDEO REVIEW		
882.00		Stg/Wdrb Unit, 4 Shlvs, Hng Bar, M2/Nickel D Hdl, 36W x 24D	618.75	1,237.50
	CER	Cherry	0	
		Tagging: PROSECUT VIDEO REVIEW		

PROPOSAL: 22679B

DATE: 07/16/09

PROJECT #: 6-277

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - Prosecutors Office
176 S. Church
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176 S. Church
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Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
891.00		LABOR FOR FREIGHT, DELIVERY AND INSTALLATION	1,350.00	1,350.00

Tagging: PROSECUT LABOR

Note: All products are special order. Returns, refunds, and restocking fees subject to Vendors Terms.

DEPOSIT REQUIRED: 29,006.00

SUBTOTAL....: 58,012.54

ACCEPTED BY: _____ SALES TAX....: 5,366.16

DATE ACCEPTED: _____ TOTAL.....: 63,378.70

City Council Agenda Items
and
Contracts, Leases or Agreements

8/18/2009

City Council Meeting Date
Agenda Items Only

Judge Rudy Moore

Submitted By

District Court

Division

District Court

Department

Action Required:

Approval of the purchase of new furniture for District Court in the amount of \$79,268.36, with a contingency of \$5000.00. The furniture will be purchased from the Norman Company.

\$ 84,268.36

Cost of this request

\$ 3,940,762.00

Category / Project Budget

District Court/Prosecutor Facility

Program Category / Project Name

4470.9470.58210.00

Account Number

\$ 3,609,834.23

Funds Used to Date

District Court

Program / Project Category Name

04008.0821

Project Number

\$ 330,927.77

Remaining Balance

Sales Tax Capital Improvement

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

City Attorney

Date

Original Contract Number:

Finance and Internal Services Director

Date

Received in City
Clerk's Office

Chief of Staff

Date

Received in
Mayor's Office

Mayor

Date

Comments:



CONTRACT REVIEW MEMO

To: Mayor Lioneld Jordan and City Council

From: Dena Stockalper

Through: Judge Rudy Moore

Date: August 5, 2009

Subject: Approval of furniture purchases for District Court offices in new District Court Building

RECOMMENDATION

I recommend approval of furniture purchase for District Court & City Prosecutor offices in new District Court Building. The vendor will be Norman Company, with offices in Fort Smith and Bentonville.

BACKGROUND

Norman Company is a local participant in U.S. Communities. U.S. Communities is a nonprofit purchasing cooperative that assists public agencies in reducing the cost of purchased goods and services through pooling the purchasing power of public agencies nationwide. This cooperative applies competitive principals which satisfy the competitive solicitation requirements.

DISCUSSION

Within the District Court/Prosecutor Facility budget, there was an amount identified of \$150,000 for furniture purchases. District Court and the City Prosecutor offices carefully assessed the needs of their respective offices while keeping the target in mind. District Court has determined that their purchases will be a total of \$71,206.71. Norman Company has a one time charge of \$1350 for freight, delivery and installation. There is sales tax of \$6711.65, for a grand total of \$79,268.36, within the budgeted amount. We would like to identify a \$5000 contingency. Lead time from order to delivery is expected to be approximately 12 weeks. Norman Co. will warehouse the items in the case of early delivery or construction delay. Payment will be made using the P Card of the respective offices, which will result in a 1% rebate at year's end into the fund. The list of furniture items are attached.

BUDGET IMPACT

Budget is available and is detailed on the Staff Review form.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF FURNITURE FOR THE NEW DISTRICT COURT OFFICES FROM THE NORMAN COMPANY THROUGH U. S. COMMUNITIES IN THE AMOUNT OF \$79,268.36; AND APPROVING A CONTINGENCY IN THE AMOUNT OF \$5,000.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of furniture for the new District Court Offices from The Norman Company through U. S. Communities in the amount of \$79,268.36.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a contingency in the amount of \$5,000.

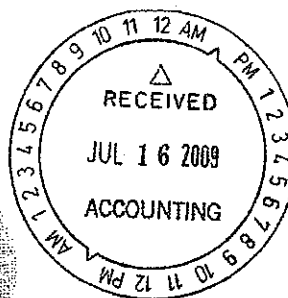
PASSED and APPROVED this 18th day of August, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



norman company

PROFESSIONAL OFFICE INTERIORS

PROPOSAL: 22679

DATE: 07/16/09

PROJECT #: 6-181

INSTALL AT:

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
1	2.00	SLED BASE, ARMS, POLY OUTER	180.88	361.76
	()	STANDARD VERSION		
	,3H-	ESOTERIA	GRADE A/1	
	011	SIRROCO		
	,TR-	SURFACE 2		
	00F	BLACK		
		Tagging: COURTS ATTORNEY CLIENT		
2	1.00	CHAIR, HIBACK LTHR, BLK "KD" (Page 126)	171.60	171.60
		Tagging: COURTS ATTORNEY CLIENT		
3	1.00	36 X 72 DESK - TABLE - LAMINATE	691.88	691.88
	BRL	Brighton Cherry Laminate		
	C3	Transitional Edge		
		Tagging: COURTS ATTORNEY CLIENT		
4	1.00	450 TABLE, SQUARE, X BASE 36" X 36"	263.59	263.59
	(E4S0)	BLNS PVC, 29"H, STAT, GLD		
	(3)	LAMINATE SURFACE 1		
	,0H-	LAMINATE		

CONTINUED...

PAG 1

PROPOSAL: 22679

DATE: 07/16/09

PROJECT #: 6-181

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		~ UNDECIDED COLOR		
		,TR- SURFACE 2		
		~ UNDECIDED COLOR		
	(2)	TRIM SURFACE 3		
	,TR-	SURFACE 3		
	~	UNDECIDED COLOR		
		Tagging: COURTS BREAKROOM		
5	4.00	STACKER, POLY SHELL, W/O ARMS, NON-GANGING	63.84	255.36
		,TR- SURFACE 1		
		~ UNDECIDED COLOR		
	(2)	TRIM SURFACE 2		
	,TR-	SURFACE 2		
	~	UNDECIDED COLOR		
		Tagging: COURTS BREAKROOM		
6	1.00	HELLO, LOUNGE, 2-SEAT, STD ARMS	1,081.43	1,081.43
	()	STANDARD VERSION		
	,IC-	CHR FAB - ICON		
	~	UNDECIDED COLOR		
	,TR-	SURFACE 2		
	OLE	METALLIC SILVER		

CONTINUED...

PROPOSAL: 22679

DATE: 07/16/09

PROJECT #: 6-181

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		Tagging: COURTS BREAKROOM		
7	1.00	Conference Table, 42D x 96W x 30H	909.93	909.93
	~ TWW	No Selection of Option Traditional Walnut		
		Tagging: COURTS CONFRM		
8	1.00	Kneespace Credenza, 24D x 66W x 30H	1,116.22	1,116.22
	WT TWW	Finished Walnut Wood Top Traditional Walnut		
		Tagging: COURTS CONFRM		
9	8.00	CHAIR, HIBACK LTHR, BLK "KD" (Page 126)	171.60	1,372.80
		Tagging: COURTS CONFRM		
102	.00	KENDALL SIDE CHAIR, UPH SEAT/BACK	357.70	715.40

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PROPOSAL: 22679

DATE: 07/16/09

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CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		TW TRADITIONAL WALNUT		
		B Grade B		
		?? INCOMPLETE OPTIONS		
		Tagging: COURTS COURT ADMIN		
111.00		ZODY TASK CHAIR, FABRIC SEAT/MESH BACK	468.48	468.48
	(702MA1)	4D ARM, PNU BK, FM/ADJ, STD/HARD		
	, 3E-	RAVENNA GRADE A/1		
	004	MELANGE		
	, MA-	ZODY MESH		
	001	SUPPORT		
	, TR-	SURFACE 3		
	00F	BLACK		
	(2)	TRIM SURFACE 4		
	, TR-	SURFACE 4		
	00F	BLACK		
		Tagging: COURTS COURT ADMIN		
121.00		Task Light	157.29	157.29
		Tagging: COURTS COURT ADMIN		

PROPOSAL: 22679

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CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
131.00		Open Overhead Cabinet, 15D x 72W x 42H	1,034.39	1,034.39
	(2) TWW ??	Walnut Wood Veneer Traditional Walnut INCOMPLETE OPTIONS		
		Tagging: COURTS COURT ADMIN		
141.00		Lateral File Credenza, 24D x 72W x 30H	1,502.34	1,502.34
	(2) TWW ??	Walnut Wood Veneer Traditional Walnut INCOMPLETE OPTIONS		
		Tagging: COURTS COURT ADMIN		
151.00		Lateral File, 24D x 36W x 30H	889.35	889.35
	(2) TWW ??	Walnut Wood Veneer Traditional Walnut INCOMPLETE OPTIONS		
		Tagging: COURTS COURT ADMIN		

PROPOSAL: 22679

DATE: 07/16/09

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CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
161.00		Bookcase Overhead, 18D x 36W x 42H	441.49	441.49
	(2)	Walnut Wood Veneer		
	TWW	Traditional Walnut		
	??	INCOMPLETE OPTIONS		
		Tagging: COURTS COURT ADMIN		
171.00		Table Desk, 36D x 72W x 30H	1,150.52	1,150.52
	(1)	Cherry Wood Veneer		
	NCC	Natural Cherry		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	AB	Antique Brass Pull (Std)		
		Tagging: COURTS COURT ADMIN		
181.00		Tackboard, -3/8D x 66-1/4W x 17-5/8H	206.29	206.29
	B	Tackboard Grade B Fabric		
	~	Contact JSI for Color Details		

CONTINUED...

PROPOSAL: 22679

DATE: 07/16/09

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QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		Tagging: COURTS COURT ADMIN		
191.00		STORAGE TOWER - PAPER MANAGEMENT, FOR 72" HUTCH	492.45	492.45
	NCC	Natural Cherry on Cherry		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
		Tagging: COURTS COURT ADMIN		
208.00		X SERIES, PEDESTAL, ATTACHED, BOX/B OX/FILE 24"D, 1 LOCK	200.64	1,605.12
	(S1)	PTD FRT, ELLIPSE PULL		
	, TR-	SURFACE 1		
	00K	CHARCOAL		
	, TR-	SURFACE 2		
	00K	CHARCOAL		
	, LR-	LOCK PLUG & RING COLORS		
	OBP	CHROME (BRIGHT NICKEL PLATE)		

Tagging: COURTS COURT CLERKS

PROPOSAL: 22679

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12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
218.00		X SERIES, PEDESTAL, ATTACHED, FILE/ FILE 24"D, 1 LOCK	188.48	1,507.84
	(S1)	PTD FRT, ELLIPSE PULL		
	,TR-	SURFACE 1		
	00K	CHARCOAL		
	,TR-	SURFACE 2		
	00K	CHARCOAL		
	,LR-	LOCK PLUG & RING COLORS		
	0BP	CHROME (BRIGHT NICKEL PLATE)		
		Tagging: COURTS COURT CLERKS		
224.00		ADD-ON PANEL, GLAZED, 24"W X 16"H	179.84	719.36
	(F)	ATTACH TO FABRIC PANEL		
	(1)	GLAZE SURFACE 1		
	,SK-	PLEXIGLAS		
	01C	CLEAR		
	,TR-	SURFACE 2		
	00K	CHARCOAL		
		Tagging: COURTS COURT CLERKS		

PROPOSAL: 22679

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12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
2332.0		ADD-ON PANEL, GLAZED, 36"W X 16"H	194.24	6,215.68
	(F)	ATTACH TO FABRIC PANEL		
	(1)	GLAZE SURFACE 1		
	,SK-	PLEXIGLAS		
	01C	CLEAR		
	,TR-	SURFACE 2		
	00K	CHARCOAL		
		Tagging: COURTS COURT CLERKS		
243.00		TOP FEED MODULE, 3-CIRCUIT, PANEL HEIGHT 40"-56"	112.64	337.92
	,TR-	SURFACE 1		
	00K	CHARCOAL		
	,TR-	SURFACE 2		
	00K	CHARCOAL		
		Tagging: COURTS COURT CLERKS		
254.00		MONO PANEL, SQ TOP CAP, W/POWER, 24"W X 40"H	209.60	838.40
	(B)	POWER BASE		
	,WZ-	SYS FABRIC - TRAFFIC GRADE B		
		CONTINUED...		

PROPOSAL: 22679

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CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
	007	FREEWAY		
	,WZ-	SYS FABRIC - TRAFFIC GRADE B		
	007	FREEWAY		
	,TR-	SURFACE 3		
	00K	CHARCOAL		
	,TR-	SURFACE 4		
	00K	CHARCOAL		
		Tagging: COURTS COURT CLERKS		
2632.0		MONO PANEL, SQ TOP	238.72	7,639.04
		CAP, W/POWER, 36"W X 40"H		
	(B)	POWER BASE		
	,WZ-	SYS FABRIC - TRAFFIC GRADE B		
	007	FREEWAY		
	,WZ-	SYS FABRIC - TRAFFIC GRADE B		
	007	FREEWAY		
	,TR-	SURFACE 3		
	00K	CHARCOAL		
	,TR-	SURFACE 4		
	00K	CHARCOAL		

Tagging: COURTS COURT CLERKS

PROPOSAL: 22679

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12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
274.00		DUPLEX RECEPTACLES (BOX OF 6)	41.60	166.40
	(B) ,TR- 00K	POWER BASE SURFACE 1 CHARCOAL		
		Tagging: COURTS COURT CLERKS		
282.00		POWER RECEPTACLE - IGR DUPLEX (BOX OF 6)	43.84	87.68
	(B) ,TR- 00K	POWER BASE SURFACE 1 CHARCOAL		
		Tagging: COURTS COURT CLERKS		
2916.0		CORNER, 90DEG WRAP-AROUND WORKSURFACE 36 X 36	123.20	1,971.20
	{LTSAN44} ,OH- 0AD ,HP- 0AD	LAM, T-MOLD, STD, WRWY, NHND, 24, 24 LAMINATE CHERRY LAMINATE/EDGE MEDIUM CHERRY		
		Tagging: COURTS COURT CLERKS		

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12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
308.00		RECT WORKSURFACE 24D X 24W	57.92	463.36
	(LTSA)	LAM, T-MOLD, STD CORE, W/WIREWAY		
	, OH-	LAMINATE		
	OAD	CHERRY		
	, HP-	LAMINATE/EDGE		
	OAD	MEDIUM CHERRY		
		Tagging: COURTS COURT CLERKS		
3116.0		RECT WORKSURFACE 24D X 36W	69.76	1,116.16
	(LTSA)	LAM, T-MOLD, STD CORE, W/WIREWAY		
	, OH-	LAMINATE		
	OAD	CHERRY		
	, HP-	LAMINATE/EDGE		
	OAD	MEDIUM CHERRY		
		Tagging: COURTS COURT CLERKS		
3248.0		CNTLVR	25.60	1,228.80
		BRKT, UNIGROUP/TOO/PLACES, STAND		
		ARD, 16.5"D		
	(PP)	PAINTED, PAIR		
		Tagging: COURTS COURT CLERKS		

PROPOSAL: 22679

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QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
3316.0		BRACKET, UNIGROUP/TOO/PLACES, RE AR-CORNER	4.80	76.80
	(PN)	PAINTED, NON-HANDED		
		Tagging: COURTS COURT CLERKS		
342.00		24' X 72 CREDENZA - DOOR - LAMINATE	720.79	1,441.58
	BRL	Brighton Cherry Laminate		
	C3	Transitional Edge		
	F5	Fluent Pull		
	SN	Satin Nickel Pull Finish		
		Tagging: COURTS COURT CLERKS		
357.00		ZODY TASK CHAIR, FABRIC SEAT/MESH BACK	468.48	3,279.36
	(702MA1)	4D ARM, PNU BK, FM/ADJ, STD/HARD		
	, 3E-	RAVENNA		GRADE A/1
	004	MELANGE		
	, MA-	ZODY MESH		
	001	SUPPORT		
	, TR-	SURFACE 3		
	00F	BLACK		
	(2)	TRIM SURFACE 4		

CONTINUED...

PROPOSAL: 22679

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QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		,TR- 00F SURFACE 4 BLACK		
		Tagging: COURTS COURT CLERKS		
361.00		ZODY TASK CHAIR, FABRIC SEAT/MESH BACK	370.56	370.56
	(002MA1)	PNU BK, FM/ADJ, STD/HARD	0.00	
	,3E-	RAVENNA	GRADE A/1	
	004	MELANGE		
	,MA-	ZODY MESH		
	001	SUPPORT		
	,TR-	SURFACE 3		
	00F	BLACK		
	(2)	TRIM SURFACE 4		
	,TR-	SURFACE 4		
	00F	BLACK		
		Tagging: COURTS COURT CLERKS		
372.00		SLED BASE, ARMS, POLY OUTER	180.88	361.76
	()	STANDARD VERSION		
	,3H-	ESOTERIA	GRADE A/1	
	011	SIRROCO		
	,TR-	SURFACE 2		
		CONTINUED...		

PROPOSAL: 22679

DATE: 07/16/09

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INSTALL AT:

City of Fayetteville - District Courts
176 S. Church
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SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
	00F	BLACK		
		Tagging: COURTS COURT OFFICER		
381.00		ZODY TASK CHAIR, FABRIC SEAT/MESH BACK	370.56	370.56
	(002MA1)	PNU BK, FM/ADJ, STD/HARD	0.00	
	, 3E-	RAVENNA	GRADE A/1	
	004	MELANGE		
	, MA-	ZODY MESH		
	001	SUPPORT		
	, TR-	SURFACE 3		
	00F	BLACK		
	(2)	TRIM SURFACE 4		
	, TR-	SURFACE 4		
	00F	BLACK		
		Tagging: COURTS COURT OFFICER		
391.00		Rgt Lat File Credenza, M2/Nickel Hdl, 72W x 20D x 29-1/2H	537.75	537.75
	CER	Cherry	0	
	CER	Cherry	0	

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PROPOSAL: 22679

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QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		Tagging: COURTS COURT OFFICER		
401.00		Lft Sgl Ped Desk- B/B/F, M2/Nickel Hdl, 72W x 30D x 29-1/2H	542.25	542.25
	CER	Cherry	0	
	CER	Cherry	0	
		Tagging: COURTS COURT OFFICER		
411.00		BELLE EXEC SWIVEL, FULLY UPH ARM	915.81	915.81
	EC	EMBER CHERRY		
	E	Grade E		
	10	Ultraleather Patterns		
	ULL01	Ultraleather Admiral		
	~	NO SELECTION OF OPTION		
	~	No Selection of Option		
		Tagging: COURTS COURTRM		
426.00		CHAIR, HIBACK LTHR, BLK "KD" (Page 126)	171.60	1,029.60
		CONTINUED...		

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12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		Tagging: COURTS COURTRM		
432.00		CHAIR,GUEST,LTHR, BLK (Page 126)	155.94	311.88
		Tagging: COURTS COURTRM		
443.00		3 DRAWER LATERAL FILE	419.40	1,258.20
	P01	Crystal Black 0		
		Tagging: COURTS FILE ROOM		
455.00		4 DRAWER LATERAL FILE	513.90	2,569.50
	P01	Crystal Black 0		
		Tagging: COURTS FILE ROOM		
462.00		SLED BASE,ARMS,POLY OUTER	180.88	361.76
	()	STANDARD VERSION		
	,3H-	ESOTERIA	GRADE A/1	
	011	SIRROCO		
	,TR-	SURFACE 2		
	00F	BLACK		

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PROPOSAL: 22679

DATE: 07/16/09

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PROPOSAL FOR:

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City of Fayetteville - District Courts
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CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		Tagging: COURTS INTERVIEW 1005		
471.00		CHAIR, HIBACK LTHR, BLK "KD" (Page 126)	171.60	171.60
		Tagging: COURTS INTERVIEW 1005		
481.00		36 X 72 DESK - TABLE - LAMINATE	691.88	691.88
	BRL C3	Brighton Cherry Laminate Transitional Edge		
		Tagging: COURTS INTERVIEW 1005		
492.00		SLED BASE, ARMS, POLY OUTER	180.88	361.76
	() ,3H- 001 ,TR- 00F	STANDARD VERSION ESOTERIA CRYPTIC SURFACE 2 BLACK	GRADE A/1	
		Tagging: COURTS INTERVIEW 1057		

PROPOSAL: 22679

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SALESPERSON:
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CUSTOMER P/O:

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#	QTY	DESCRIPTION	SELL	EXTENDED
501.00		CHAIR, HIBACK LTHR, BLK "KD" (Page 126)	171.60	171.60
		Tagging: COURTS INTERVIEW 1057		
511.00		36 X 72 DESK - TABLE - LAMINATE	691.88	691.88
	BRL C3	Brighton Cherry Laminate Transitional Edge		
		Tagging: COURTS INTERVIEW 1057		
522.00		LEGACY GUEST CHAIR, W/ARMS	464.03	928.06
	~	NO SELECTION OF OPTION		
	E	Grade E		
	~	No Selection		
	~	NO SELECTION OF OPTION		
		Tagging: COURTS JUDGES CHAMBERS		
531.00		Storage Credenza, 24D x 72W x 30H	1,990.87	1,990.87
	NCC	Natural Cherry		
	NCC	Natural Cherry		
	BL	Black		

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PROPOSAL: 22679

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QUOTE VALID THROUGH:
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#	QTY	DESCRIPTION	SELL	EXTENDED
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
		Tagging: COURTS JUDGES CHAMBERS		
541.00		Bookcase, 15D x 36W x 72H	1,421.98	1,421.98
	NCC	Natural Cherry		
	NCC	Natural Cherry		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
		Tagging: COURTS JUDGES CHAMBERS		
551.00		Left Pedestal Desk, 36D x 72W x 30H	2,013.90	2,013.90
	NCC	Natural Cherry		
	NCC	Natural Cherry		
	BL	Black		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		

CONTINUED...

PROPOSAL: 22679

DATE: 07/16/09

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PROPOSAL FOR:

INSTALL AT:

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Fayetteville, AR 72701

SALESPERSON:
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CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
	~	No Selection of Option		
	~	No Selection of Option		
		Tagging: COURTS JUDGES CHAMBERS		
561.00		Executive Left Return, 24D x 48W x 30H	1,137.78	1,137.78
	??	INCOMPLETE OPTIONS		
		Tagging: COURTS JUDGES CHAMBERS		
571.00		Glass Door Overhead Cabinet, 18D x 72W x 42H	2,112.88	2,112.88
	NCC	Natural Cherry		
	NCC	Natural Cherry		
	BL	Black		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
		Tagging: COURTS JUDGES CHAMBERS		

PROPOSAL: 22679

DATE: 07/16/09

PROJECT #: 6-181

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
581.00		Magazine Table, 20D x 42W x 16H	782.04	782.04
	NCC	Natural Cherry		
	NCC	Natural Cherry		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
		Tagging: COURTS JUDGES CHAMBERS		
592.00		SULTAN SIDE CHAIR, OPEN ARMS, UPH SEAT/BACK	348.39	696.78
	TW	TRADITIONAL WALNUT		
	E	Grade E		
	??	INCOMPLETE OPTIONS		
		Tagging: COURTS LEAD CLERK		
601.00		ZODY TASK CHAIR, FABRIC SEAT/MESH BACK	468.48	468.48
	(702MA1)	4D ARM, PNU BK, FM/ADJ, STD/HARD		
	,3E-	RAVENNA GRADE A/1		
	004	MELANGE		
	,MA-	ZODY MESH		
	001	SUPPORT		

CONTINUED...

PROPOSAL: 22679

DATE: 07/16/09

PROJECT #: 6-181

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		,TR- 00F (2) ,TR- 00F		
		SURFACE 3 BLACK TRIM SURFACE 4 SURFACE 4 BLACK		
		Tagging: COURTS LEAD CLERK		
611.00		Task Light	157.29	157.29
		Tagging: COURTS LEAD CLERK		
621.00		Storage Overhead Cabinet, 15D x 72W x 42H	1,020.67	1,020.67
	~ TWW	No Selection of Option Traditional Walnut		
		Tagging: COURTS LEAD CLERK		
631.00		Executive Bridge, 24D x 45W x 30H	382.20	382.20
	~ TWW	No Selection of Option Traditional Walnut		
		Tagging: COURTS LEAD CLERK		

PROPOSAL: 22679

DATE: 07/16/09

PROJECT #: 6-181

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
641.00		Left Pedestal Credenza, 24D x 72W x 30H	910.91	910.91
	~ TWW	No Selection of Option Traditional Walnut		
		Tagging: COURTS LEAD CLERK		
651.00		Lateral File, 24D x 36W x 30H	658.56	658.56
	~ TWW	No Selection of Option Traditional Walnut		
		Tagging: COURTS LEAD CLERK		
661.00		Right Pedestal Desk, 36D x 72W x 30H	967.75	967.75
	~ TWW	No Selection of Option Traditional Walnut		
		Tagging: COURTS LEAD CLERK		
671.00		Tackboard, 3/8D x 66-1/2W x 15-3/4H	206.29	206.29
	B ~	Tackboard Grade B Fabric Contact JSI for Color Details		

CONTINUED...

PROPOSAL: 22679

DATE: 07/16/09

PROJECT #: 6-181

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		Tagging: COURTS LEAD CLERK		
681.00		STORAGE TOWER - PAPER MANAGEMENT, FOR 72" HUTCH	492.45	492.45
	NCC	Natural Cherry on Cherry		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
	~	No Selection of Option		
		Tagging: COURTS LEAD CLERK		
692.00		SLED BASE, ARMS, POLY OUTER	180.88	361.76
	()	STANDARD VERSION		
	,3H-	ESOTERIA	GRADE A/1	
	011	SIRROCO		
	,TR-	SURFACE 2		
	00F	BLACK		
		Tagging: COURTS PROSECUT WIT		
701.00		CHAIR, HIBACK LTHR, BLK "KD" (Page 126)	171.60	171.60

CONTINUED...

PROPOSAL: 22679

DATE: 07/16/09

PROJECT #: 6-181

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
		Tagging: COURTS PROSECUT WIT		
711.00		36 X 72 DESK - TABLE - LAMINATE	691.88	691.88
	BRL C3	Brighton Cherry Laminate Transitional Edge		
		Tagging: COURTS PROSECUT WIT		
722.00		ZODY TASK CHAIR, FABRIC SEAT/MESH BACK	468.48	936.96
	(702MA1) ,3E- 004 ,MA- 001 ,TR- 00F (2) ,TR- 00F	4D ARM, PNU BK, FM/ADJ, STD/HARD RAVENNA MELANGE ZODY MESH SUPPORT SURFACE 3 BLACK TRIM SURFACE 4 SURFACE 4 BLACK		

Tagging: COURTS TELLER AREA

PROPOSAL: 22679

DATE: 07/16/09

PROJECT #: 6-181

PROPOSAL FOR:

INSTALL AT:

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

City of Fayetteville - District Courts
176 S. Church
Fayetteville, AR 72701

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
12/31/09

#	QTY	DESCRIPTION	SELL	EXTENDED
731.00		LABOR FOR FREIGHT, DELIVERY AND INSTALLATION	1,350.00	1,350.00

Tagging: COURTS LABOR

Note: All products are special order. Returns, refunds, and restocking fees subject to Vendors Terms.

DEPOSIT REQUIRED: 36,278.00

SUBTOTAL.....:	72,556.71
----------------	-----------

ACCEPTED BY: _____	SALES TAX....	6,711.65
		=====
DATE ACCEPTED: _____	TOTAL.....:	79,268.36

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

8/18/2009

City Council Meeting Date
Agenda Items Only

Jesse Fulcher

Submitted By

Planning

Division

Development Services

Department

Action Required:

RZN 09-3344: (Madewell, 529): Submitted by Eric Heller for property located at 3695 East Huntsville Road. The property is zoned RSF-4, Residential Single-Family, 4 units per acre, and contains approximately 0.60 acres. The request is to rezone the subject property to NC, Neighborhood Conservation.

Cost of this request

\$

-

Category / Project Budget

Program Category / Project Name

Account Number

\$

-

Funds Used to Date

Program / Project Category Name

Project Number

\$

-

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

08-30-09

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

8/3/09

Date

Finance and Internal Services Director

8-4-2009

Date

Received in City
Clerk's Office

7-30-09



Chief of Staff

8-4-09

Date

Received in
Mayor's Office



Mayor

8/4/09

Date

Comments:

City Council Meeting of August 18, 2009
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy C. Pate, Development Services Director 

From: Jesse Fulcher, Current Planner

Date: July 30, 2009

Subject: Rezoning for Madewell (RZN 09-3344)

RECOMMENDATION

Staff and the Planning Commission recommend approval of rezoning the subject property from RSF-4, Residential Single-family to NC, Neighborhood Conservation, located on the at 3695 E. Huntsville Road.

BACKGROUND

The Planning Commission reviewed a request to rezone the subject property to R-O, Residential Office on July 13, 2009. The Planning Commission tabled the request to allow the applicant and staff additional time to discuss other options for rezoning that could allow for office development on the property, but without rezoning the property to Residential Office.

The subject property is located at 3695 E. Huntsville and is currently developed with one single-family home constructed in 1946. Surrounding properties in this area consist of single-family residences and undeveloped pastures, although there are several nonresidential uses periodically found along E. Huntsville Road.

DISCUSSION

This item was heard at the regular Planning Commission meeting on July 27, 2009. The Planning Commission voted 8-0-0 to forward this rezoning request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 09-3344, FOR APPROXIMATELY 0.60 ACRES, LOCATED AT 3695 EAST HUNTSVILLE ROAD FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE, TO NC, NEIGHBORHOOD CONSERVATION

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

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

From RSF-4, Residential Single-Family, 4 units per acre to NC, Neighborhood Conservation, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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

PASSED and APPROVED this day of , 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

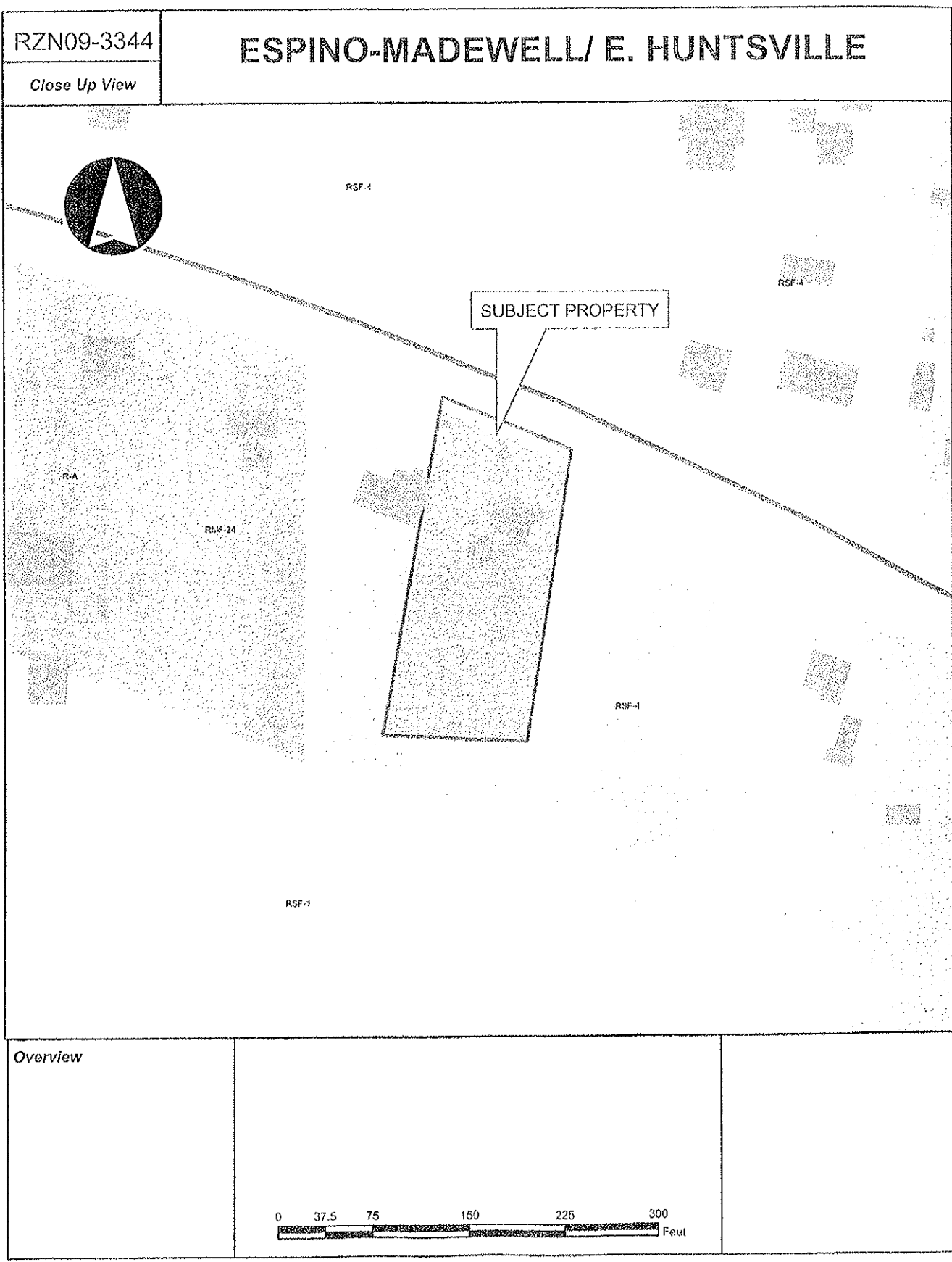


EXHIBIT "B"
RZN 09-3344

PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION THIRTEEN (13), IN TOWNSHIP SIXTEEN (16) NORTH OF RANGE THIRTY (30) WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT 43.5 FEET WEST OF THE SOUTHEAST CORNER OF SAID 40 ACRE TRACT, AND RUNNING THENCE NORTH 06° EAST 234.54 FEET TO AN IRON STAKE ON THE SOUTH LINE OF THE RIGHT OF WAY OF STATE HIGHWAY #16, THENCE NORTH 70°30' WEST ALONG THE SOUTH RIGHT OF WAY LINE OF SAID HIGHWAY 110 FEET TO AN IRON STAKE, THENCE SOUTH 7° WEST ALONG AN EXISTING FENCE LINE 272 FEET TO THE SOUTH LINE OF SAID FORTY ACRE TRACT (SAID POINT BEING 229' EAST OF THE SOUTHWEST CORNER OF A FIVE ACRE TRACT CONVEYED TO MRS. NOLA E. THOMAS BY G.A. LAWSON AND ALLIE LAWSON, HIS WIFE, SAID DEED RECORDED IN THE RECORD BOOK 338 PAGE 392), THENCE EAST 112.5 FEET TO THE POINT OF BEGINNING, CONTAINING 0.64 ACRES, MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS.



PC Meeting of July 27, 2009

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~July 22, 2009~~ Updated July 30, 2009

RZN 09-3344: (MADEWELL/E.HUNTSVILLE, 529): Submitted by ERIC HELLER for property located at 3695 E. HUNTSVILLE ROAD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 0.64 acres. The request is to rezone the subject property to NC, NEIGHBORHOOD CONSERVATION. Planner: Jesse Fulcher

BACKGROUND:

The Planning Commission reviewed a request to rezone the subject property to R-O, Residential Office on July 13, 2009. The Planning Commission tabled the request to allow the applicant and staff additional time to discuss other options for rezoning that could allow for office development on the property, but without rezoning the property to Residential Office.

Property Description: The subject property is located at 3695 E. Huntsville and is currently developed with one single-family home constructed in 1946. Surrounding properties in this area consist of single-family residences and undeveloped pastures, although there are several nonresidential uses periodically found along E. Huntsville Road.

SURROUNDING LAND USE AND ZONING:

Direction from Site	Land Use	Zoning
North	Vacant	RSF-4
South	Residential/Commercial	RSF-4
East	Residential/	RSF-4
West	Residential	RSF-4

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

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends approval of the rezoning request to NC, Neighborhood Conservation (RZN 09-3344 Tammy Madewell) based on the findings stated herein.

PLANNING COMMISSION ACTION: Required YES

Date: July 27, 2009 ☐ Tabled ☒ Forwarded ☐ Denied

Motion: Graves Second: Zant Vote: 8-0-0

CITY COUNCIL ACTION: Required YES
☐ Approved ☐ Denied

Date: August 18, 2009

INFRASTRUCTURE:

Streets: The site has access to Huntsville Road, which is a two-lane paved state highway. Street improvements would be evaluated at the time of development.

Water: Public water is available to the property. There is an 8" main on the north side of Huntsville Road. A water main may need to be extended through the property to provide domestic and fire flow for any proposed development.

Sewer: Sanitary sewer is available to the site. There is a 12" public main running through the property.

Drainage: Standard improvements and requirements for drainage will be required for the development. This property is affected by the 100-year floodplain.

Police: It is the opinion of the Fayetteville Police Department that this RZN will not substantially alter the population density, and will not create an appreciable or undesirable increase in the load on police services. The extent of any added traffic congestion will depend on the type of business.

Fire: This property will be covered by Engine #3 located at 1050 S. Happy Hollow. It is 1.75 miles from the station with an anticipated response time of 4 minutes. The Fire Department does not feel that this rezoning will affect the calls for service or response times.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as **Residential Neighborhood Area**, which are almost exclusively residential in nature. These zones recognize conventional subdivision development but encourage traditional neighborhood development that incorporates low-intensity non-residential uses.*

FINDINGS OF THE STAFF

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

Finding: Staff finds the proposed Neighborhood Conservation zoning to be consistent with the Residential Neighborhood Area land use designation, which almost exclusively supports residential land uses. A low intensity non-residential land use could also be permitted by conditional use permit, which would provide staff and the Planning Commission the ability to review a specific project to ensure compatibility with surrounding properties.

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

Finding: The subject property has been utilized for a single-family residence for approximately 60 years, although it is currently vacant and for sale. A rezoning to Neighborhood Conservation would allow the applicant to continue using the existing single-family residence, or redevelop the property for a two-family dwelling. Additionally, the applicant could request a conditional use permit through the Planning Commission for a three-family dwelling, or a low intensity non-residential use. In staff's opinion, the Neighborhood Conservation zoning district provides a greater opportunity for redevelopment of this property, while retaining protections and compatibility of land use with adjacent and nearby properties through the zoning regulations.

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

Finding: A rezoning from RSF-4 to Neighborhood Conservation could result in the potential for a slight increase in traffic compared with that allowed under the existing zoning. The degree to which the change in zoning would affect existing traffic conditions on Huntsville Road, which is a busy state highway, would depend on the size of the new development and the associated uses. A greater number of turning movements into and out of the property could lead to increased congestion along Huntsville Road. Access to the site will be reviewed in accordance with the City's adopted standards at the time of development and may include shared and cross access points.

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 residential density that is incompatible with the surrounding area, based on a review of infrastructure, existing land uses, and the development potential of the property. The property is currently zoned for single-family dwellings. The change in zoning to Neighborhood Conservation will continue to allow for residential use of the property, and provide an opportunity for a low intensity nonresidential land use.

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

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

Finding: **Staff finds it is not impractical to utilize the property for the existing use, as similar uses are found along Huntsville Rd. in the nearby vicinity, including those directly surrounding. However, the Neighborhood Conservation zoning district provides a greater opportunity for redevelopment, which in staff's opinion, would be a desirable change given the current condition of the structure on the property.**

(7/22/2009) Jesse Fulcher - RE: Espino Rezoning (Out of the office)

From: "Eric" <erich@hgmci.com>
To: "Jesse Fulcher" <jfulcher@ci.fayetteville.ar.us>
CC: "Tammy" <espinot@yahoo.com>
Date: 7/16/2009 3:50 PM
Subject: RE: Espino Rezoning (Out of the office)

Jesse,

Please re-state our intention to request an RSF-4 CN zoning request. Please send me a copy of the regs that are attached to this....

Eric Heller
129 W. Boles Apt A
Fayetteville, Ar. 72701
1-479-387-4361

"WHEN YOU WANT YOUR PROJECT DONE RIGHT ON TIME"

-----Original Message-----

From: Jesse Fulcher [mailto:jfulcher@ci.fayetteville.ar.us]
Sent: Monday, July 13, 2009 3:30 PM
To: erich@hgmci.com
Subject: RE: Espino Rezoning (Out of the office)

Eric,

I wanted to make sure that you had received a copy of the staff report and were aware that staff was not supportive of the rezoning request. Please let me know if you have any questions before the meeting tonight.

Thanks, Jesse

>>> <erich@hgmci.com> 6/24/2009 4:26 PM >>>
Jesse,

Here is a revised legal description for the rezoning of the Madewell/Espino property. If I remember correctly, you said I do not need to be at the subdivision meeting as there is really nothing to discuss.

If you have any questions please let me know. I will be out until the 6th of July so please call with any concerns.

I really can't see any problems arising though.

Have a great fourth.

Eric Heller
129 W. Boles Apt A
Fayetteville, Ar. 72701
1-479-387-4361

"WHEN YOU WANT YOUR PROJECT DONE RIGHT ON TIME"

-----Original Message-----



The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701
Phone (479) 575-8365 Fax (479) 575-0471

**To: Karl Lintvedt, Dara Sanders, Andrew Garner, Jeremy Pate, and
Jesse Fulcher**

From: Captain Mark Stevens

Date: July 9, 2009

Re: RZN 09-3344 (ESPINO-MADEWELL / HUNTSVILLE, 529):

This development will be protected by Ladder 3 located at 1050 S. Happy Hollow.
It is 1.75 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Mark Stevens

Captain
Fayetteville Fire Department

Honor, Commitment, Courage;
Our people make the difference!

Date 6/22/09

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request comments on the proposed RZN 09-3344: (Espino-Madewell / Huntsville, 529), submitted by Eric Heller for property located at 3695 E. Huntsville Road.

It is the opinion of the Fayetteville Police Department that this RZN will not alter the population density, and will not create an appreciable or undesirable increase in the load on police services. The extent of any added traffic congestion will depend on the type of business that opens there.

Sincerely,

Captain William Brown
Fayetteville Police Department

RZN 09-3344: (ESPINO-MADWELL / HUNTSVILLE, 529): Submitted by ERIC HELLER for property located at 3695 E. HUNTSVILLE ROAD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 0.64 acres. The request is to rezone the subject property to R-O, Residential Office. Planner: Jesse Fulcher

Public water is available to the property. There is an 8" main at on the north side of Huntsville Rd. Public water may need to be extended through the property to provide domestic and fire flow for any proposed development.

Sanitary sewer is available to the site. There is a 12" public main running through this property. Public mains may need to be extended through the property to serve any proposed development.

The site has access to Huntsville Rd. Huntsville is a two lane paved state highway in this location. Street improvements will be evaluated with development submittal.

Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain.

City Of Fayetteville
ATTN: Planning Division
125 W. Mountain St
Fayetteville, AR 72701

RE: Re-Zoning Application
ADDRESS: 3695 E. Huntsville Rd
Parcel Id: 765-142243

To Planning Commission,

Please find the attached responses to the concerns in question five regarding the rezoning of the property at 3695 E. Huntsville Rd.

- A. Current ownership information and any pending property sales.
- The 0.64 acres of property is currently on the market with a pending contract to be sold from Sharon Ogden Franklin, to Tammie Madewell pending the planning commission's acceptance to re-zone the property from Rsf-4 to R-O (residential-office).
- B. Reason for requesting the zoning change.
- As stated above the sale is pending upon the approval for Tammy Madewell to be able to tear down the existing structure as it is of no value, and clean up the lot and build a small real estate office. This zoning request falls under Section 161-16(B)(25).
- C. How will the property relate to the surrounding properties in terms of land use, traffic, appearance, and sign-age.
- The 0.64 acres of property located just west of the White river is located directly off Highway 16 with 110' of frontage access. As witnessed by the development that's sprawling towards Elkins a small real estate office would be a benefit to the area. The proposed building would be a small real estate office for a company with only 4 agents and 1 broker and who have been in business for approximately 5 years with no change in size. These agents mostly work from home as well. If approved the office will be used mostly for 2 secretaries to do clerical and accounting work. Thus, this approval would have no significant impact on the existing traffic along Highway 16.
 - Existing property along Highway 16 just east of this property is currently zoned both R-O and C-1. Thus this is not a significant re-zoning of the property.
 - The existing building on the property is of no value to the sale. If approved Tammy Madewell plans to submit a large scale development through the City of Fayetteville to construct the new office at which time the property will be re-surveyed and the appropriated 55' from centerline will be deeded to the City of Fayetteville as well.
- D. Availability of water and sewer to the property.
- There is existing water service serving the property, with an 8" water line running along Highway 16. There is also access to existing sanitary sewer line running along the South side of the property line. With the size of the existing lines the proposed re-zoning will have no impact on either utility.

In recapping the project highlights we will be:

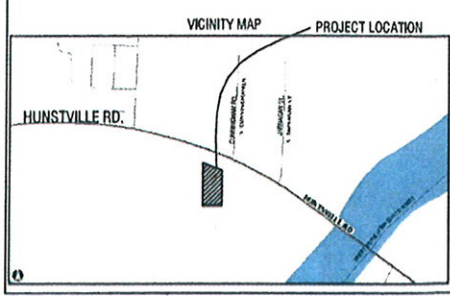
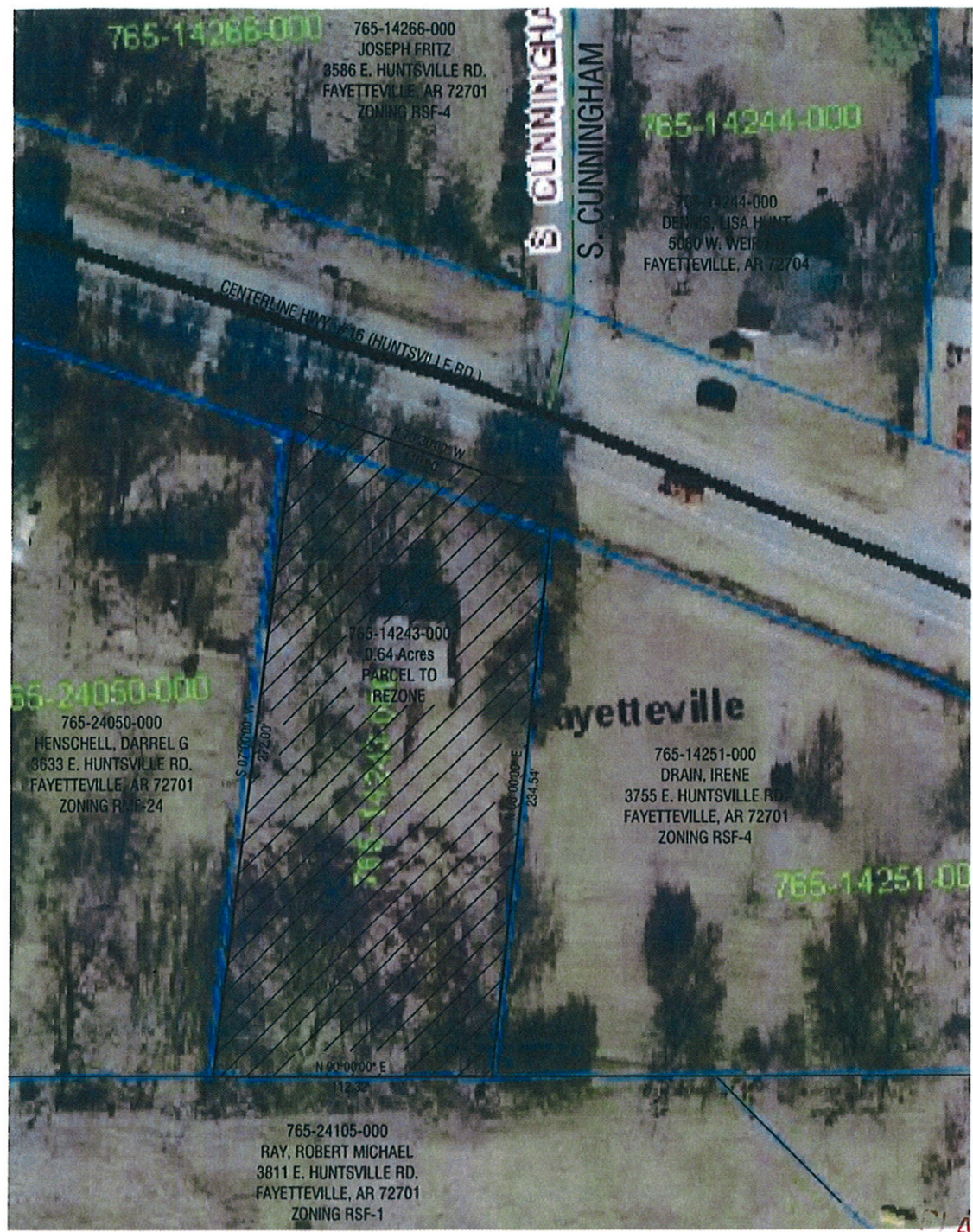
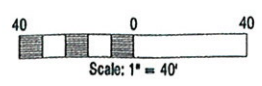
- Improving the existing property and community
- Construction of a brand new facility
- Donating ROW along Huntsville Rd. to the City of Fayetteville
- Absolutely no negative impact to the surrounding community

Respectfully,

Eric Heller
HELLER CAD CONSULTING
129 W. BOLES ST. FAYETTEVILLE, AR 72701
PH 1.479.387.4361
FX:1.479.527.6421

LEGEND

 CENTERLINE
 BOUNDARY LINE



LEGAL DESCRIPTION:
 PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTEEN (13), IN TOWNSHIP SIXTEEN (16) NORTH OF RANGE THIRTY (30) WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT 43.5 FEET WEST OF THE SOUTHEAST CORNER OF SAID 40 ACRE TRACT, AND RUNNING THENCE NORTH 00° EAST 234.54 FEET TO AN IRON STAKE ON THE SOUTH LINE OF THE RIGHT OF WAY OF STATE HIGHWAY #16, THENCE NORTH 70°30' WEST ALONG THE SOUTH RIGHT OF WAY LINE OF SAID HIGHWAY 110 FEET TO AN IRON STAKE, THENCE SOUTH 7° WEST ALONG AN EXISTING FENCE LINE 272 FEET TO THE SOUTH LINE OF SAID FORTY ACRE TRACT (SAID POINT BEING 229' EAST OF THE SOUTHWEST CORNER OF A FIVE ACRE TRACT CONVEYED TO MRS. NOLA E. THOMAS BY G.A. LAWSON AND ALLIE LAWSON, HIS WIFE, SAID DEED RECORDED IN THE RECORD BOOK 338 PAGE 392), THENCE EAST 112.5 FEET TO THE POINT OF BEGINNING, CONTAINING 0.64 ACRES, MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS.

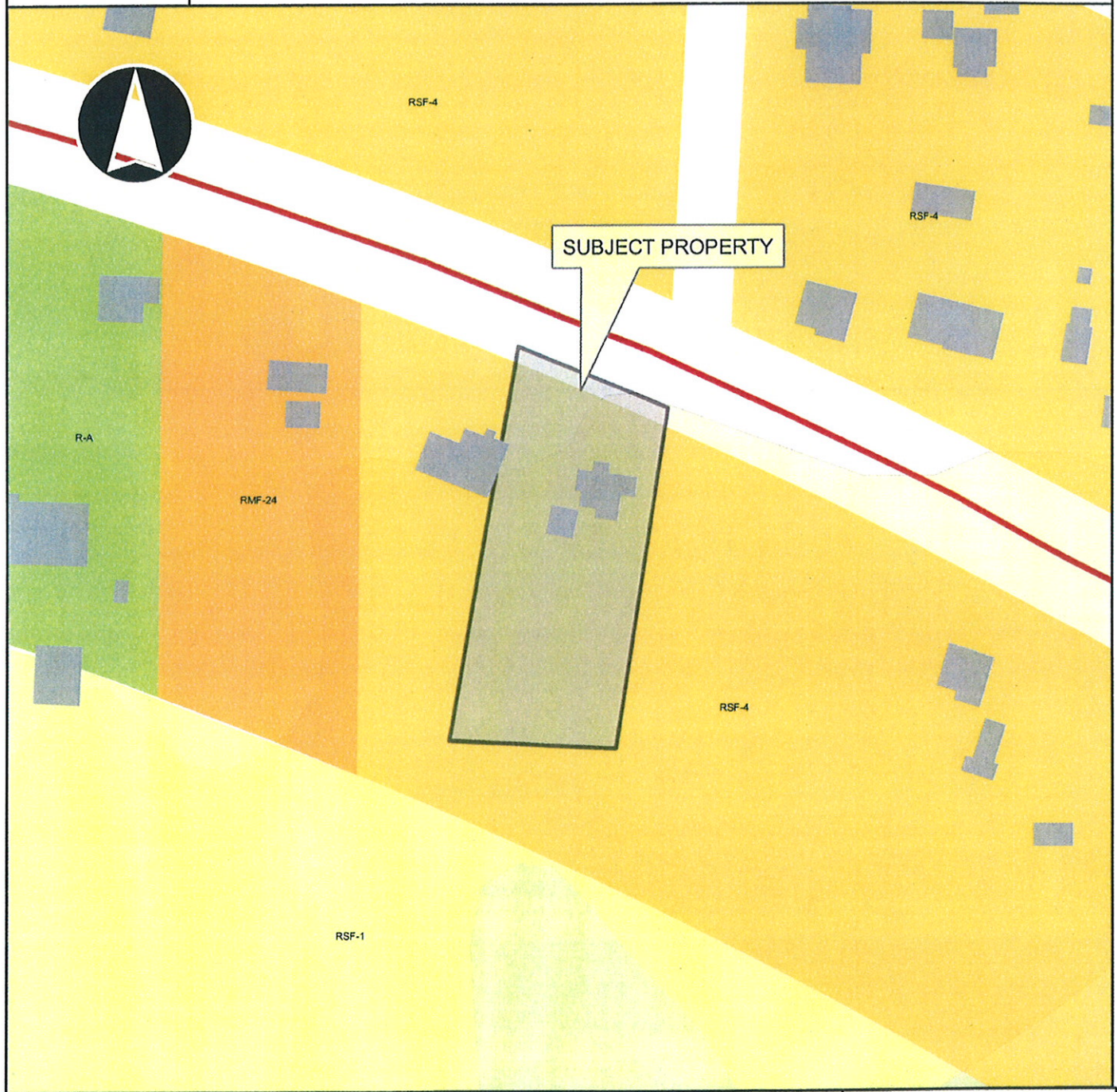
REZONING REQUEST	
FOR TAMMY ESPINO	
HELLER CAD CONSULTING 129 W. BOLES ST. FAYETTEVILLE, AR 72701 PH 1.479.387.4361	DATE: 06/03/09 DRWN BY: ETH DATE: 1"=60' JOB #: 09-01

PLANNING DIV.
JUL 07 2009
APPROVED

RZN09-3344

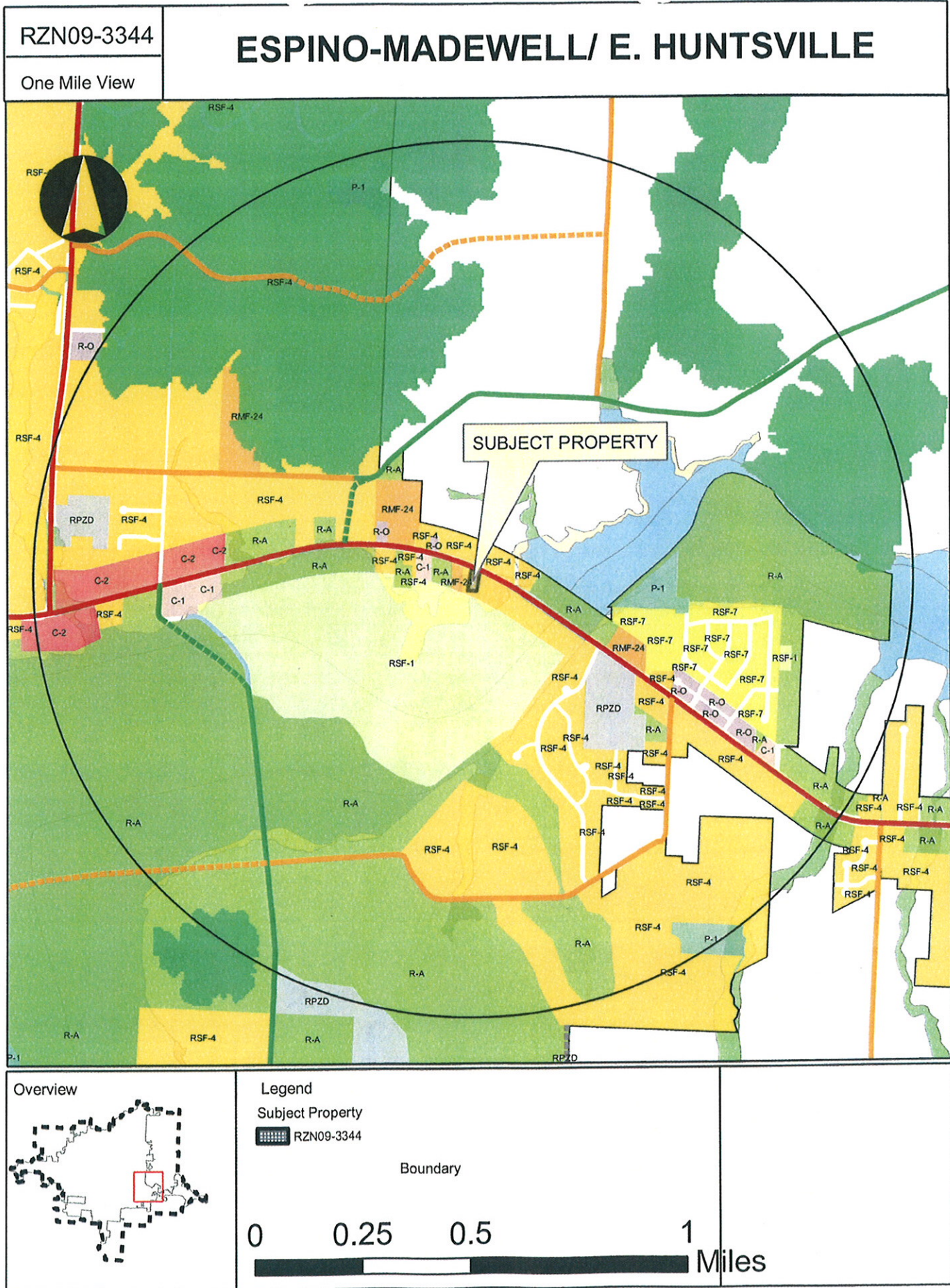
ESPINO-MADEWELL/ E. HUNTSVILLE

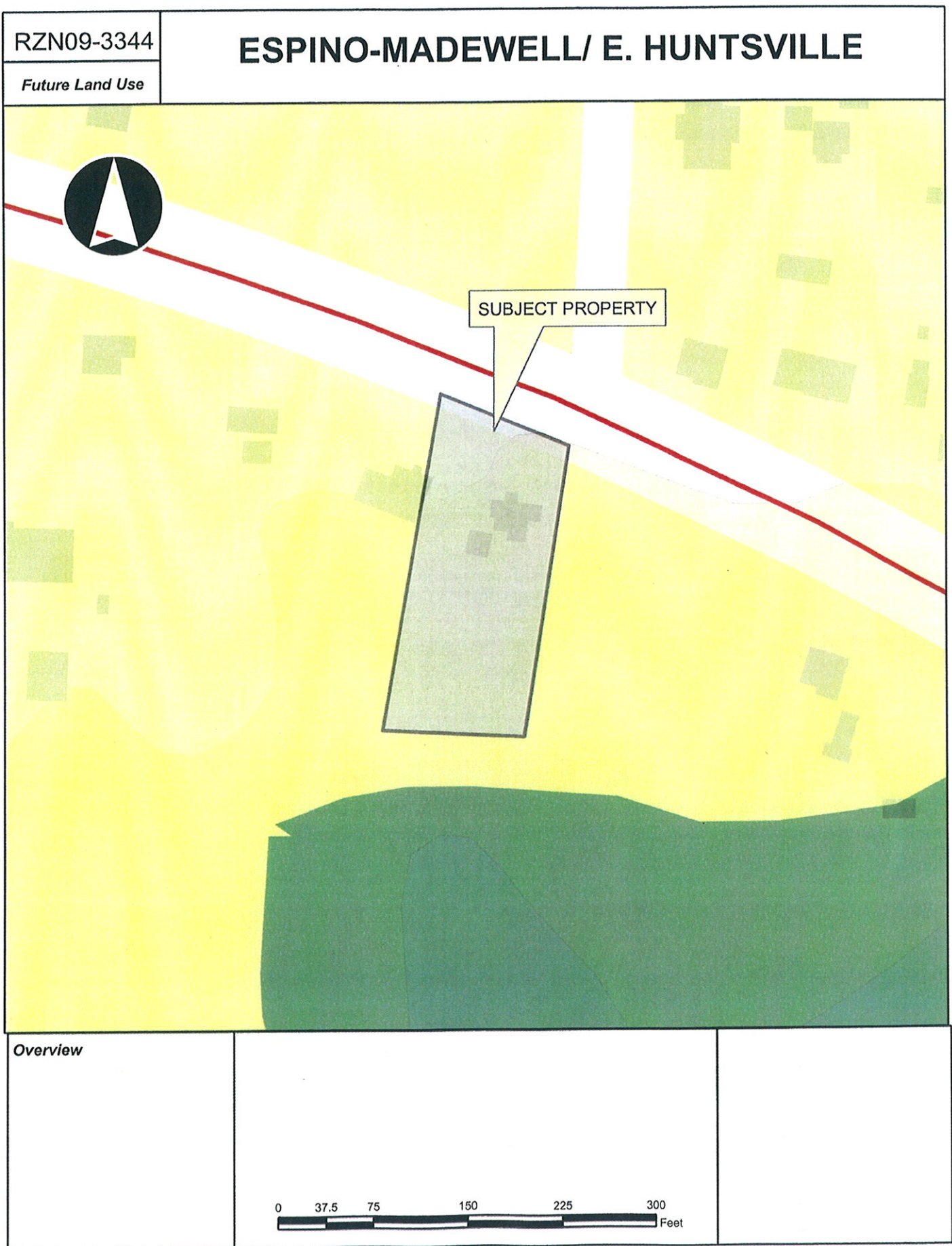
Close Up View



Overview







City of Fayetteville Staff Review Form

C. 4
R-PZD 07-2452 Links at Fayetteville
Page 1 of 18

City Council Agenda Items
and
Contracts, Leases or Agreements

8/18/2009

City Council Meeting Date
Agenda Items Only

Andrew Garner
Submitted By

Planning
Division

Development Services
Department

Action Required:

ADM 09-3363: Links at Fayetteville R-PZD Amendment No. 2: Submitted by Lindsey Management Company, Inc. for property located north of Wedington Drive and east of Ruppel Road. The request is to approve an ordinance amending the approved R-PZD 07-2452 Links at Fayetteville, to permit Use Unit #14, Hotel, Motel and Amusement Facilities as a permitted use in Planning Area III.

_____	\$ _____	_____
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

James C. A.
Department Director

07-30-09
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

I would like to see HMA taxer required - length of stay limited to 30 days in one unit
City Attorney

7-30-07
Date

Paul A. Becken
Finance and Internal Services Director

8-3-2009
Date

Received in City
Clerk's Office

ENTERED

Ann Mann
Chief of Staff

8/5/09
Date

Received in
Mayor's Office

ENTERED
7/30/09
PH.

Lionel J. Jackson
Mayor

8/5/09
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Jeremy C. Pate, Development Services Director *JK*

Date: July 29, 2009

Subject: Links at Fayetteville R-PZD Amendment No. 2: Permit Use Unit #14

RECOMMENDATION

Staff recommends approval of an ordinance amending the Residential Planned Zoning District for the Links at Fayetteville (R-PZD 07-2452), permitting Use Unit #14, Hotel, Motel and Amusement Facilities, as a use by right in the first phase of Planning Area III.

BACKGROUND

Lindsey Management Company, Inc. has submitted a request to amend the approved (and partially constructed) R-PZD, Residential Planned Zoning District for the Links at Fayetteville. The project was approved by City Council on May 15, 2007 on appeal from the Planning Commission's denial of the project. The project consists of a residential development with 1,221 dwellings as well as 91,880 square feet of non-residential/commercial space, and 16,388 square feet of recreational buildings.

The request is to allow for 50 of the multi-family residential units (Planning Area III) that have already been constructed as part of Phase I to be utilized for short term rentals/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 as a permitted or conditional use in Planning Area III, Multi-Family/Golf Course.

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. As proposed by the applicant, a condition states that a maximum of 50 out of 1,221 (4.0%), of the units will be operated as an extended stay motel type operation which will ensure that the predominantly residential nature of the development will be maintained.

DISCUSSION

This item was not considered by the Planning Commission.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 07-2452 LINKS AT FAYETTEVILLE TO ALLOW THE ADDITION OF USE UNIT #14, HOTEL, MOTEL AND AMUSEMENT FACILITIES AS A PERMITTED USE IN PLANNING AREA III, 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 Planning Area III R-PZD 07-2452, Links at Fayetteville.

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 50 of the multi-family residential units approved in Phase I as shown on Exhibit "A", in order to retain the residential nature of the development, as proposed and approved with the original Planned Zoning District for the Links at Fayetteville.

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 , 2009.

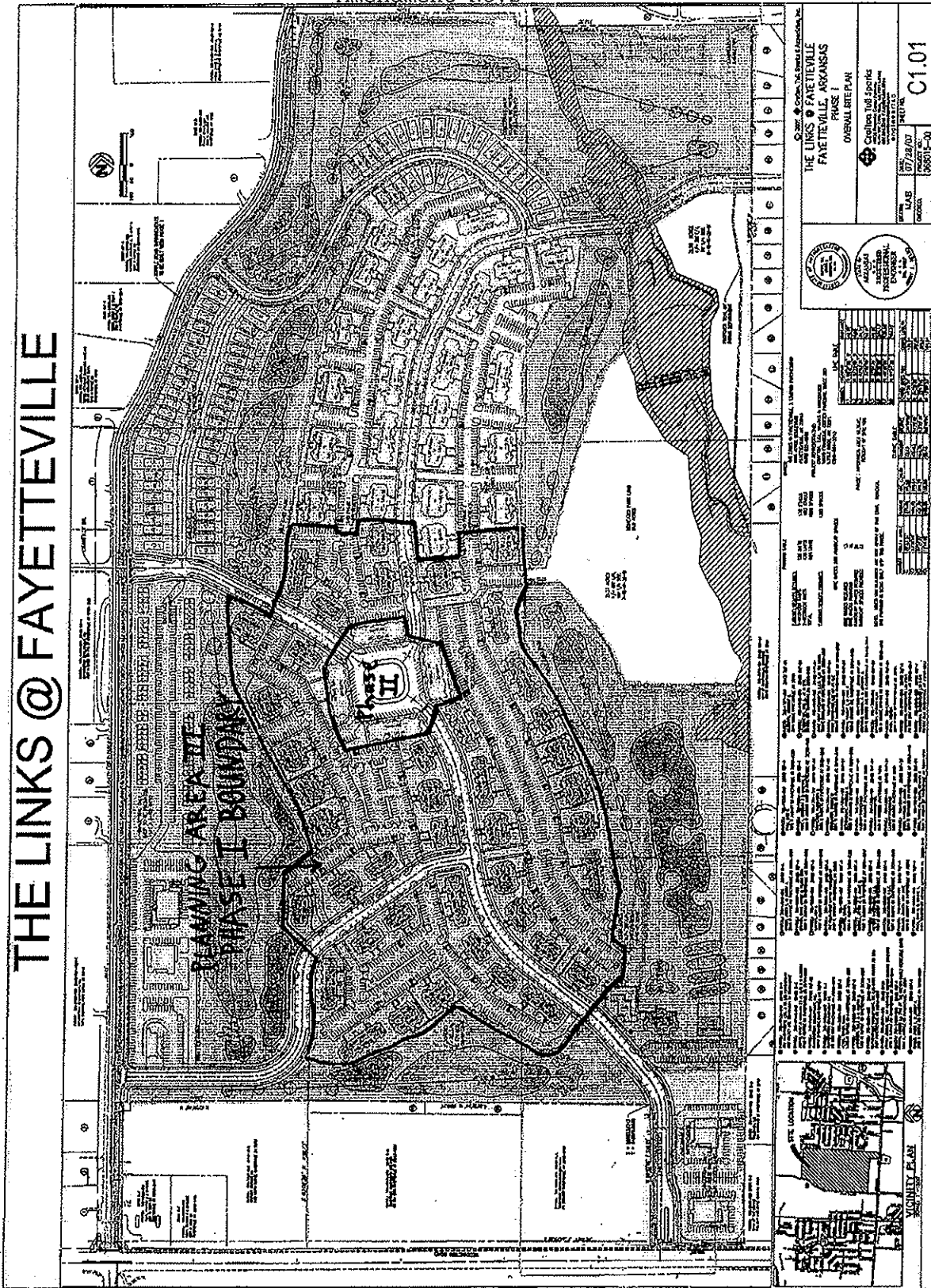
APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A" Links at Fayetteville R-PZD Amendment No. 2



Lindsey Management Co., Inc.

1200 E. Joyce Boulevard ■ P.O. Box 13000 ■ Fayetteville, AR 72703 ■ (479) 521-6686 ■ Fax (479) 527-8840

June 17, 2009

Mr. Jeremy Pate
Director of Current Planning
113 West Mountain Street
Fayetteville, AR 72701

RE: Modification of Links at Fayetteville PZD

Dear Mr. Pate:

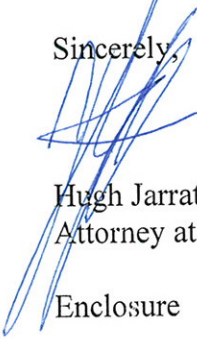
Lindsey Management Company, Inc., (Lindsey Company) on behalf of The Links at Fayetteville, a Limited Partnership, would like to request a modification of the Links at Fayetteville PZD, to allow Use Unit 14, Hotel, Motel, and Amusement facilities as a permitted use for a certain part of the ~~residential~~ residential portion of the project. The Lindsey Company is requesting proper zoning in order to operate short term rentals know as Executive Units. The Lindsey Company has offered Executive Units at The Links at Fayetteville since it has opened for business, however, we have only recently been made aware that we need to add the Use Unit 14 to operate short term rentals.

The Links at Fayetteville is seeking to make the current use of the property in full compliance with the City's zoning regulations. There will be no change in use or appearance of The Links at Fayetteville.

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
Attorney at Law

Enclosure



Planning Commission Meeting
March 12, 2007

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
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~March 7, 2007~~ *Conditions of Approval Updated March 28, 2007*

R-PZD 07-2452: Planned Zoning District (THE LINKS AT FAYETTEVILLE, 400.401.361.362): Submitted by CRAFTON, TULL, SPARKS & ASSOCIATES for property located at THE NORTHEAST CORNER OF WEDINGTON AND RUPPLE ROAD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 05-1636 (WELLSPRING) and contains approximately 152.23 acres. The request is for zoning and land use approval only for a new R-PZD. The proposed R-PZD would allow 1,221 residential dwelling units, 91,800 square feet of non-residential/commercial space, and 16,388 square feet of recreational buildings. The non-residential and recreational portions of the development would contain a golf course, a commercial 'market' area, green space, park, and associated parking.

Property Owner: Lindsey Management Company, Inc.
Planner: Andrew Garner

Findings:

February 26, 2007 Planning Commission Meeting: This item was tabled by the Planning Commission on February 26, 2007. The main issues of concern to be addressed in the next submittal included: additional public street connections in the northwest and southwest corners of the site; address how the retail/commercial interacts with surrounding and proposed onsite residences; scale, mass, buildings, and unit types should be more varied; and commercial out-lots on the southern end of Ruppel Road would be encouraged.

March 12, 2007 Planning Commission Revisions: The applicant has revised the proposed Master Development Plan with the following items:

1. Eliminated the mixed use and apartment buildings along Ruppel Road and provided 166 townhouses/rowhouses, and three commercial/retail buildings.
2. Introduced a 4-story version of the "Churchill Building" to provide alternative massing throughout the development with the 3-story "Churchill Building".
3. Thirty percent of the multi-family units will be offered for sale as condominiums for each phase of the development.

4. Revised the layout of the tennis court and clubhouse area to provide additional tree preservation.
5. Added a public street connection from the northern portion of the public street, west to Ruppel Road.
6. Added a private street connection between the two private parking lots in the southern portion of the site. These parking lots connect the public street with Ruppel Road.
7. These changes reduced the number of dwelling units from 1,420 to 1,221 and reduced the amount of non-residential square feet from 140,013 to 108,188.

Background: This property was rezoned from RSF-1, Single-Family One Units Per Acre and R-A, Residential-Agricultural to Residential Planned Zoning District (R-PZD) 05-1636, Wellspring on March 7, 2006. The approved R-PZD zoning criteria allows for a mixed use residential development in seven Planning Areas, each with its own unique permitted and conditional uses, building setbacks, lot width and area, density, intensity of nonresidential space, maximum number of dwelling units, phasing density, intensity of nonresidential space, maximum number of dwelling units, and phasing for construction. The approved zoning allows for a total of 1,175 dwelling units for the site, a maximum of 548,000 square feet of nonresidential space. Approximately 40 acres (26% of the site) has been designated for city parks, community greenspace, trail systems and/or tree preservation and undisturbed areas. The approved Master Development Plan is centered on a pedestrian-friendly, traditional urban design approach utilizing a mixture of uses in the same area, while providing for a variety of home styles and types. The applicant for this project proposes an entirely new R-PZD Master Development Plan and zoning criteria.

Property: The subject property contains 152.23 acres. The property is located on the north side of Wedington Drive and east of Ruppel Road, with frontage on both of those streets. The property is undeveloped, with primarily agricultural pasture land. There are large groupings of high priority/significant trees located in areas on the site, but a majority of the property exists in pasture, with a few remaining single family homes. A creek enters the property from the east and travels north to Hamestring Creek. Bryce Davis Park is located directly adjacent to the east, as well as some single family subdivisions and multi-family development. To the north is undeveloped farmland. Surrounding land use and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Largely agricultural	RSF-1, RSF-4, R-A
South	Commercial strip center, mini-storage	C-2, R-A
East	Single family, multi-family homes	RSF-4, R-O, C-1
West	Developing subdivisions and single family homes	RSF-4, RSF-1

Proposal: The request is rezoning and land use approval only for a Master Development Plan of a Residential Planned Zoning District with 1,221 attached dwellings as well as 91,800 square feet of non-residential/commercial space, and 16,388 square feet of recreational buildings. If the PZD be approved as proposed the project would be required to go through Large Scale Development and/or subdivision approval prior to development.

Master Development Plan: The proposed uses over the site are listed in *Table 2*.

Table 2
Master Development Plan

TYPE OF USE	PLANNING AREA	RESIDENTIAL DENSITY (UNITS/ACRE)	RESIDENTIAL UNITS	NON-RESIDENTIAL INTENSITY (SQ.FT./ACRE)	NON-RESIDENTIAL SQUARE FEET	ACRES	% OF SITE
Multi-family/Golf Course	PA-4	9.12	978	NA	9 hole golf course (49.18 acres)	107.27	70.47%
Dedicated parks	PA-6	NA	NA	NA	NA	17.32	11.38%
Club House	PA-3	0.19	1	3,170	16,388	5.17	3.40%
Mixed Use	PA-5	25.00	76	8,651	26,300	3.04	2.00%
Commercial	PA-1, 2	N/A	N/A	8,260	65,500	7.93	5.21%
Town Homes	PA-7	15.00	166	NA	NA	11.5	7.55%
TOTAL		8.02	1,221	711	108,188	152.23	100.00%

The mixture of uses on the project provides for multi-family buildings, mixed use buildings with commercial/retail space at the street level and residences in the upper levels, townhouses, and solely commercial buildings. The project also proposes a nine-hole golf course, a swimming pool, a tennis court, and a club house. Additional amenities include lakes, playgrounds, and picnic areas.

The Master Development Plan generally clusters the development along Ruppel Road and interior to the site, with the nine-hole golf course and park area around the perimeter. Zoning Criteria for each Planning Area is provided in duplicate on the PZD booklets and plats submitted. The structures are generally located facing either onto the three main public streets or the golf course around the perimeter of the development.

Adjacent Master Street Plan Streets: Ruppel Road (Principal Arterial), Wedington Drive (Principal Arterial).

Access: Access to the site is provided from Ruppel Road and Wedington Drive (State Highway 16). There is also a stub-out to the property from a subdivision to the northeast that would be connected with this R-PZD. Primary access points are to be by way of public streets into the development, which will become primary entrances in two locations, one on Wedington Drive and one on Ruppel Road. There are also three other proposed entrances onto Ruppel Road in the 0.7 miles of frontage, with the potential for traffic signalization on Ruppel Road, and at the project's entrance onto Wedington Drive, subject to city approval. The developer will be responsible for significant improvements to Ruppel Road and signalization as permitted to be at the cost of the developer, based on the traffic generated by this development. A detailed,

updated traffic study will be required at the time of development.

A Master Street Plan Amendment to re-align Ruppel Road at the north end of the site was approved by City Council as part of the Wellspring project. The approved re-alignment is consistent with the configuration of Ruppel Road as indicated on the proposed plats.

Interior to the project, three primary public streets are proposed, one off of Wedington Drive and one off of Ruppel Road, and a third connecting to an existing stub-out in the neighborhood to the northeast. These three streets connect around a traffic circle in the central portion of the site. Parking lot drive aisles provide access to a majority of the multi-family buildings, as well as interior connectivity throughout the development. Since the previous submittal, a public street connection from the northern portion of main north-south street west to Ruppel Road has been added. There is also a private street connection between two private parking lots in the southwestern portion of the site

Right-of-way to be dedicated: 55' from centerline right-of-way along the project's Ruppel Road and Wedington Drive frontages. Dedication by warranty deed is required along Wedington Drive as it is a State Highway (Hwy. 16), dedication of right-of-way for interior streets.

Connectivity: Four points of access are provided to the west on Ruppel Road. The existing street stub-out in the subdivision to the east will be connected to this development and pedestrian and park connection will be provided to the east. The property would access Wedington Drive in the southeast corner of the property. No connection is currently being provided to the north, due to the design of the golf course.

Parking: Parallel parking for the mixed use, residential, and commercial areas is proposed along the public streets interior to the project. In addition, parking lots are located interior to the project. The majority of off-street parking lots are located behind the buildings so that they are screened from public view.

Phasing: Three phases are planned for Links at Fayetteville over the next several years as listed below and provided in the PZD Booklet. All permits required for development within these phases are required to be obtained within the specified timeframe. A one-year extension may be permitted, subject to Planning Commission approval.

<u>Phase No.</u>	<u>Year</u>
Phase 1	2008
Phase 2	2014
Phase 3	2018

Water & Sewer: Water and sewer lines would be extended to serve the development.

Parks: The Park and Recreation Advisory Board (PRAB) recommended on January 8, 2007 to accept a combination of land and money in lieu of land for this project. The developer has agreed to the following:

- The developer shall dedicate approximately 17.32 acres of land adjacent to Bryce Davis

Park. In addition, the developer would pay the City \$138,000 money in lieu for the remaining 3.45 acres of required land dedication (20.77 acres required – 17.32 acres dedicated = 3.45 acres short/0.017 acres = 202.94 units X \$680.00 = \$138,000.00).

- The developer shall construct a 6' high wrought iron fence between the proposed golf course and the proposed park area.
- The existing lake located within the proposed park land area shall remain with the following conditions:
 - Overflow from said lake shall flow to a second lake to be constructed off park land from which the developer will draw irrigation waters.
 - A well shall be constructed off park land and maintained by the developer from which water will be deposited into the existing lake to maintain an elevation to be agreed upon by the developer and Parks Board. Said well will also provide water to the "lower" irrigation lake via a second line.
 - The existing lake shall be altered only to the degree necessary to provide storm water detention for the drainage area it now serves.
 - If requested by the City, a "shelf" shall be constructed in the existing lake that is 1' below the established water level indicated in above and extends 3' – 5' from the existing shoreline at the developer's expense.
- An agreement will be necessary to provide the flow of water from the pond on the park property to the irrigation pond.
- On-street parking shall be constructed by the developer along a section of public street bordering the proposed park land. A minimum of eight spaces shall be provided.

Solid Waste Service: In its review of this R-PZD, the Solid Waste Division recommended considering compactor service, and also stated that if dumpsters are used they must all be angled in the same way on each street.

Tree Preservation: The R-PZD indicates the general location of several tree preservation areas throughout the site. This development will be required to comply with the Tree Preservation requirements as set forth in the Unified Development Code at the time of development.

Public Comment: City staff has not received public comment on this R-PZD.

Recommendation: Finding that the proposed rezoning and development approval does not meet some of the primary goals of the Planned Zoning District ordinance and policies adopted within the City Plan 2025 as noted herein, staff recommends denial of **R-PZD 07-2452**.

Should the Planning Commission forward this project to the City Council with a recommendation for approval, staff recommends the following conditions of approval:

Conditions of Approval:

1. Planning Commission determination of street improvements. Street improvements at the time of development shall include those determined necessary by the Planning Commission, based upon the development proposed. A traffic study shall be prepared

based on the proposed development. Staff will recommend street improvements warranted with development of the subject property. *Based on the traffic study for the Wellspring PZD on the property which is close in residential trips generated, staff will likely recommend the following street improvements:*

- a. *Installation of new traffic signals on Ruppel Road and on Wedington, as determined through development review;*
 - b. *Constructing the eastern half of Ruppel Road to its Master Street Plan designation along the project frontage (two travel lanes and half of a boulevard);*
 - c. *Construction of street improvements south of Ruppel to Wedington with appropriate transition lanes and relocation of existing signal to accommodate additional lanes.*
2. Planning Commission determination of adequate connectivity. Four points of access are provided to the west on Ruppel Road. The existing street stub-out in the subdivision to the east will be connect to this development and pedestrian and park connection to the east. The property would access Wedington Drive in the southeast corner of the property. No access to the north is provided due to the location of the golf course.
3. Planning Commission determination of a waiver of minimum street design standards. The applicant requests a waiver to allow a different street cross section than are required by the current Master Street Plan standard (UDC §166.06 (K)(10)(a) and 166.08(C)(14)). The applicant proposes a 60' public right-of-way for the three public streets. This street section would provide for two traffic lanes and parallel parking on either side of the street. This street section is currently not included in the City's Master Street Plan and would require a waiver of the street design standards. *Staff is in support of the requested 60' street section finding that parallel parking along either side of the street and two travel lanes would provide for safe ingress/egress through the development. Additional design review and recommendations regarding the Town Center "square" will occur at the time of development, and may require revision after a detailed evaluation.*
4. This project is required to go through Large Scale Development and/or subdivision review and approval prior to construction.
5. The applicant shall dedicate right-of-way a minimum of 55' from centerline of Ruppel Road and Wedington Drive. Right-of-way width for the internal public streets would be 60' to accommodate the on-street parallel parking. Right-of-way shall be dedicated by easement plat for Ruppel Road and the internal public streets, and by separate document for Wedington Drive (State Highway 16).
6. The project is subject to the project phasing listed in the project booklet and noted below. All permits required for development within these phases are required to be obtained within the specified timeframe. A one-year extension may be permitted, subject to Planning Commission approval.

<u>Phase No.</u>	<u>Year</u>
Phase 1	2008
Phase 2	2014
Phase 3	2018

7. All trash enclosure locations and dimensions shall be fully reviewed and approved by the Solid Waste Division at the time of development.
8. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
9. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Building elevations will be reviewed at the time of large scale development and building permit.
10. The Park and Recreation Advisory Board (PRAB) recommended on January 8, 2007 to accept a combination of land and money in lieu of land for this project. The developer has agreed to the following:
 - a. The developer shall dedicate approximately 17.32 acres of land adjacent to Bryce Davis Park. In addition, the developer would pay the City \$138,000 money in lieu for the remaining 3.45 acres of required land dedication (20.77 acres required – 17.32 acres dedicated = 3.45 acres short/0.017 acres = 202.94 units X \$680.00 = \$138,000.00).
 - b. The developer shall construct a 6' high wrought iron fence between the proposed golf course and the proposed park area.
 - c. The existing lake located within the proposed park land area shall remain with the following conditions:
 - i. Overflow from said lake shall flow to a second lake to be constructed off park land from which the developer will draw irrigation waters.
 - ii. A well shall be constructed off park land and maintained by the developer from which water will be deposited into the existing lake to maintain an elevation to be agreed upon by the developer and Parks Board. Said well will also provide water to the “lower” irrigation lake via a second line.
 - iii. The existing lake shall be altered only to the degree necessary to provide storm water detention for the drainage area it now serves.
 - iv. If requested by the City, a “shelf” shall be constructed in the existing lake that is 1' below the established water level indicated in above and extends 3' – 5' from the existing shoreline at the developer's expense.
 - d. An agreement will be necessary to provide the flow of water from the pond on the park property to the irrigation pond.
 - e. On-street parking shall be constructed by the developer along a section of public street bordering the proposed park land. A minimum of eight spaces shall be provided.
11. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified

Development Code.

12. Depending on the time of development, the developer may be responsible for contributing to the interim solution for wastewater capacity issues in the Hamestring basin, as determined by Engineering staff and Planning Commission at the time of development.
13. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
14. This development shall be required to comply with the Tree Preservation requirements as set forth in the Unified Development Code at the time of development.
15. Street trees shall be provided along public streets pursuant to city codes at the time of development.
- ~~16. Plat/booklet revisions:~~
 - ~~a. Add Use Unit No. 4 to PA III~~
 - ~~b. Reconcile build to zone in PA IV with stated minimum building setbacks. One solution may be to change the front setback to a build to zone.~~
 - ~~c. Booklet: Page 24 revise reference to General Plan 2020 to City Plan 2025
Page 25 No private solid waste in City of Fayetteville remove reference.
Page 6 Delete the comma at the end of the first paragraph.
Page 20 Permitted Uses. Delete Use Units 8, 9, and 10 and single family, two family, and three family dwellings are not proposed. Incorporate this change on the zoning criteria provided on the plat as well.
Cover Change the date to reflect the current date of revision.~~
 - ~~d. Can PA I and II be combined? What is the difference?~~
 - ~~e. Plat and booklet: change the total number of residential units, non-residential square footage, intensity, density, etc. to reflect the Table 2 in the staff report, based on the numbers provided in the zoning criteria information. It appears that the land use table on sheet C1.03 has some addition errors, which are reflected elsewhere in the application.~~
 - ~~f. Revise tree preservation canopy percentage reference to a minimum of 25% canopy requirement.~~

The items in this condition have been addressed in the revised plats and booklets.

Standard Conditions of Approval:

17. 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).
18. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street.
19. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
20. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
21. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
22. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.
23. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area.
 - d. Project Disk with all final revisions
 - e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission Action:

☒ Tabled Forwarded to C.C. (recommendation for approval) Denied

Motion: Anthes

Second: Ostner

Vote: 4-3 (Graves, Trumbo, Lack voted 'No')

Meeting Date: March 12, 2007

Comments: _____

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

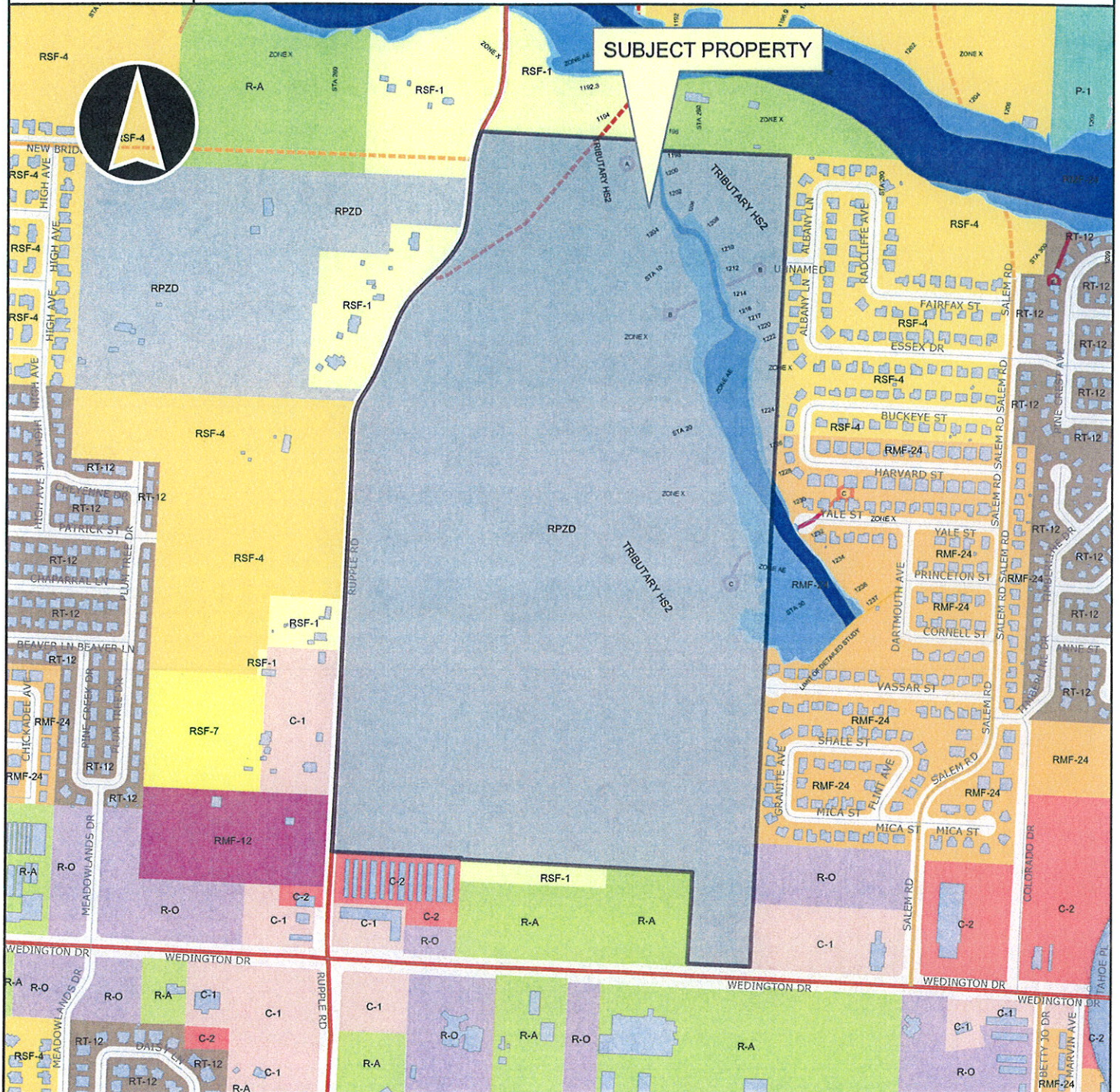
Signature

Date

RPZD07-2452

Close Up View

THE LINKS AT FAYETTEVILLE



Overview

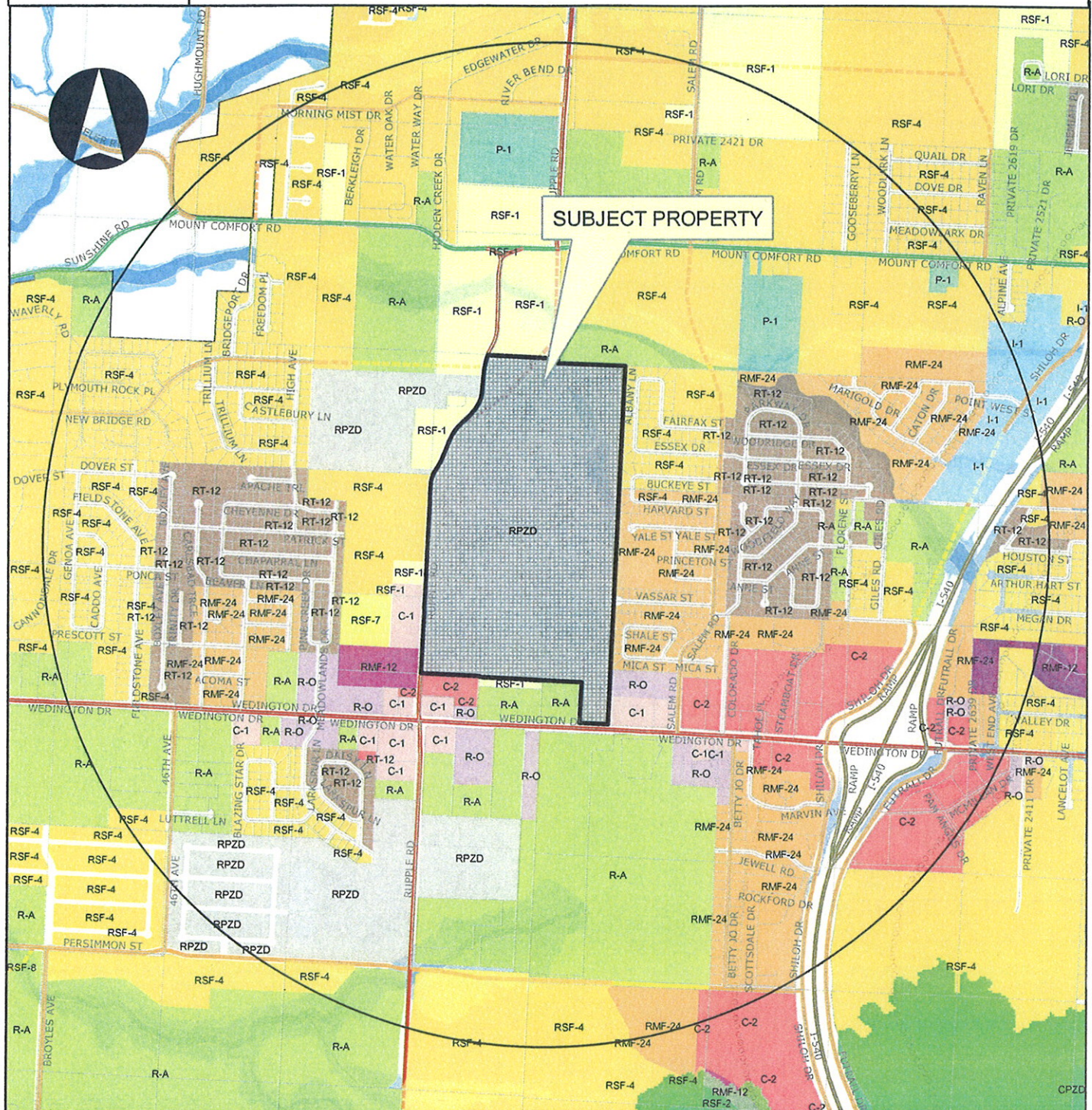


0 250 500 1,000 1,500 2,000
Feet

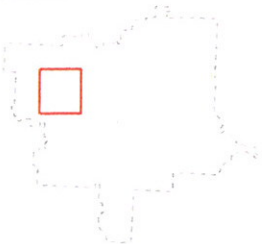
RPZD07-2452

One Mile View

THE LINKS AT FAYETTEVILLE



Overview



Legend

Subject Property



D07-2452

Boundary



- Planning Area



Outside City



Legend

 Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

Agenda Session 8/11/09

Aldermen

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
August 18, 2009**

A meeting of the Fayetteville City Council will be held on August 18, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

- ~~1. Second Quarter 2009 Report of Financial Condition of the City – Paul Becker~~

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

- ✓ 1. Second Quarter 2009 Report of Financial Condition of the City – City Clerk

A. Consent:

- ✓ 1. Approval of the August 4, 2009 City Council meeting minutes.
- ✓ 2. **Bid # 09-47 Williams Tractor:** A resolution awarding Bid # 09-47 and approving the purchase of one (1) long-arm compact track excavator from Williams Tractor in the amount of \$51,425.91 for use by Trails; and approving a budget adjustment.

C. New Business:

1. **City Prosecutor's Office Furniture:** A resolution to approve the purchase of \$24,551.00 in new equipment and furniture for the City Prosecutor's office from the Norman Company, plus freight, delivery and installation charges and applicable sales tax.
2. **District Court Office Furniture:** A resolution approving the purchase of furniture for the new District Court offices from the Norman Company through U.S. Communities in the amount of \$79,268.36; and approving a contingency in the amount of \$5,000.00.
3. **RZN 09-3344 (Madewell):** An ordinance rezoning that property described in rezoning petition RZN 09-3344, for approximately 0.60 acres, located at 3695 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to NC, Neighborhood Conservation.
4. **R-PZD 07-2452 Links at Fayetteville:** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2452 Links at Fayetteville to allow the addition of Use Unit #14, Hotel, Motel and Amusement Facilities as a permitted use in Planning Area III, as described herein.

Agenda Additions:

Announcements:

1. City Council Tour: August 17, 2009 — *New Courts Building*

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.

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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 8-5-09

Aldermen

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
August 18, 2009**

A meeting of the Fayetteville City Council will be held on August 18, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Second Quarter 2009 Report of Financial Condition of the City – City Clerk

Paul Becker is at Council Meeting with City Clerk

A. Consent:

1. Approval of the August 4, 2009 City Council meeting minutes.
2. **Bid # 09-47 Williams Tractor:** A resolution awarding Bid # 09-47 and approving the purchase of one (1) long-arm compact track excavator from Williams Tractor in the amount of \$51,425.91 for use by Trails; and approving a budget adjustment.
3. **Bid # 09-50 Alpha Building Corporation:** A resolution awarding Bid # 09-50 and approving a contract with Alpha Building Corporation in the amount of \$173,076.00 for

construction of restrooms at Bryce Davis Park; and approving a 10% project contingency in the amount of \$17,307.00.

☒ **Bid # 09-53:**

5. **Reed and Associates, Inc.:** A resolution approving an agreement with Reed & Associated, Inc. in the amount of \$45,250.00 for appraisal services associated with the Cato Springs Road Project.
6. **Arkansas Highway & Transportation Department (AHTD):** A resolution approving a payment in the amount of \$5,000,000.00 to the Arkansas Highway & Transportation Department (AHTD) for the City's portion of the project costs associated with widening Crossover Road from Mission Boulevard to Joyce Street.
- ☒ **State Forfeiture Revenue:** A resolution approving a budget adjustment to recognize state forfeiture revenue for Q2/2009 in the amount of \$10,717.00 for use by the Fayetteville Police Department.
- ☒ **Federal Forfeiture Revenue:** A resolution approving a budget adjustment to recognize federal forfeiture revenue for Q2/2009 in the amount of approximately \$1,392.00 for the Fayetteville Police Department.
- ☒ **Vehicle Repair Expenses:** A resolution approving a budget recognizing the receipt of insurance reimbursement in the amount of \$2,839.00 and appropriating a like amount for vehicle repair expenses for Unit #1144.
10. **AT&T District Court/Prosecutor Facility:** A resolution approving the purchase through the state contract of a Nortel SRG System and Voice Over Internet Phone (VOIP) sets in the amount of \$28,017.000 for the new District Court/City Prosecutor facility.
11. **City Prosecutor's Office Furniture:** A resolution approving the purchase of \$24,551.00 in new equipment and furniture for the City Prosecutor's Office from the Norman Company, plus freight, delivery and installation charges and applicable sales tax.
- ☒ **District Court Office Furniture:** A resolution approving the purchase of furniture for the new District Court offices from the Norman Company through U. S. Communities in the amount of \$79,268.36; and approving a contingency in the amount of \$7,352.95.

B. Unfinished Business:

1. **RZN 09-3271 (Sale Barn/Campus Crest LLC, 562):** An ordinance rezoning that property described in rezoning petition RZN 09-3271, for approximately 8.87 acres, located at the old Washington County Sale Barn, north and east of 11th Avenue and Government Avenue from I-1, Heavy Commercial/Light Industrial, to DG, Downtown General. *This ordinance was left on the First Reading at the June 16, 2009 City Council meeting. This ordinance was left on the Second Reading at the July 7, 2009 City Council meeting. This ordinance was left on the Third Reading at the July 21, 2009 City Council meeting.*

This Ordinance was left on the Third Reading.

C. New Business:

NB#4
NB#5
① **RZN 09-3344 (Madewell):** An ordinance rezoning that property described in rezoning petition RZN 09-3344, for approximately 0.60 acres, located at 3695 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to NC, Neighborhood Conservation.

ⓧ **R-PZD 07-2452 Links at Fayetteville:** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2452 Links at Fayetteville to allow the addition of Use Unit #14, Hotel, Motel and Amusement Facilities as a permitted use in Planning Area III, as described herein.

NB#1
ⓧ **Economic Infrastructure Fund Grant:**

Agenda Additions:

Announcements:

1. City Council Tour: August 17, 2009

Adjournment:

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