

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
January 07, 2014**

A meeting of the Fayetteville City Council will be held on January 07, 2014 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. Election of Vice Mayor

ALDERMAN KINION WAS ELECTED VICE MAYOR

2. Housing Authority Board of Commissioners – The Commission recommends the appointment of Carma Unruh term ending 12/28/18

APPROVED

3. Firemen's Pension and Relief Fund and Policemen's Pension and Relief Fund Report to the Council – Mayor Lioneld Jordan

Agenda Additions:

A. Consent:

1. Approval of the December 17, 2013 City Council meeting minutes.

APPROVED

2. **Water and Sewer Operations Facility Rain Garden:** A resolution to approve and accept a grant of up to \$2,800.00 to pay for the installation of a rain garden at the City Water and Sewer Operations Facility and to approve the attached budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 01-14

3. **Rain Garden Project:** A resolution to approve and accept six grant awards from the Rain Garden Project in the amount up to \$15,000.00 to pay for the installation of four rain gardens at the Noland Wastewater Plant and two rain gardens at the West Side Wastewater Plant and to approve the attached budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 02-14

4. **Stephens, Inc.:** A resolution to approve a contract with Stephens, Inc. to approve bond underwriting and related services as needed through December 31, 2018.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 03-14

5. **Kutak Rock, LLP:** A resolution to approve a contract with Kutak Rock, LLP to approve bond counsel services as needed through December 31, 2018.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 04-14

6. **Bid #14-02 Asphalt Striping Service, LLC:** A resolution awarding Bid #14-02 and authorizing the purchase from Asphalt Striping Service, LLC of reflectorized paint markings in variable amounts for the Transportation Division as needed through the end of calendar year 2014.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 05-14

7. **Bid #14-03 Curb and Gutter Construction:** A resolution to award Bid #14-03 and authorizing the purchase of curb and gutter construction from Sweetser Construction, Inc. as primary supplier and Fochtman Enterprises, Inc. as secondary supplier of variable amounts of curb and gutter construction and authorizing the use of other bidders based upon price and availability throughout 2014.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 06-14

8. **Bid #14-04 Hillside Gravel:** A resolution awarding Bid #14-04 and authorizing the purchase of hillside gravel from Leming & Son Trucking, Inc. for materials picked up and Les Rogers, Inc. for materials delivered for variable unit prices and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 07-14

9. **Bid #14-05 Concrete:** A resolution awarding Bid #14-05 and authorizing the purchase of concrete from Tune Concrete Company as a primary supplier and Beaver Lake Concrete, Inc. as secondary supplier in variable amounts and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 08-14

10. **Bid #14-06 Truck Hauling Services:** A resolution awarding Bid #14-06 and authorizing the purchase of truck hauling services from Les Rogers, Inc., as primary supplier and Leming & Son Trucking as secondary supplier for variable unit prices and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 09-14

11. **Bid #14-07 Aggregate Materials:** A resolution awarding Bid #14-07 and authorizing the purchase of aggregate materials for varying unit prices from various vendors, as needed through the end of calendar year 2014.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 10-14

12. **Bid #14-09 Drainage Pipe:** A resolution awarding Bid #14-09 and authorizing the purchase of drainage pipe for varying unit prices from various vendors, as needed through the end of calendar year 2014.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 11-14

13. **Bid #14-10 Crushed Rock Salt:** A resolution awarding Bid #14-10 and authorizing the purchase of crushed rock salt from North American Salt Company in the amount of \$76.16 per ton, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 12-14

14. **Bid # 14-11 Topsoil:** A resolution awarding Bid #14-11 and authorizing the purchase of topsoil from Les Rogers, Inc. in the amount of \$10.69 per cubic yard in variable amounts and authorizing the use of other bidders based on price and availability, as needed in calendar year 2014.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 13-14

- 15. Arkansas Firewise Grant:** A resolution to accept an Arkansas Firewise Grant for 2013 in the amount of \$500.00 to be used for minor equipment and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 14-14

- 16. Clinton Foundation's Building Retrofit Home Energy Affordability Loan Program:** A resolution to approve a Memorandum of Understanding with and to pay \$5,000.00 to the Clinton Foundation's Building Retrofit Home Energy Affordability Loan Program and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 15-14

- 17. Plante and Moran, PLLC:** A resolution to approve a contract with Plante and Moran, PLLC for information technology services in the amount of \$101,400.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 16-14

- 18. Amend Resolution No. 144-13 Hughmount Developers:** A resolution to amend Resolution No. 144-13 which had approved an amended agreement with the Hughmount Developers to allow access to City of Fayetteville sewerage system in order to approve a second amended agreement.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 17-14

- 19. ADM 13-4566 (3145 W. Salem Rd./Raven Lane Amendment):** A resolution for ADM 13-4566 amending the Master Street Plan relocating Raven Lane, a collector street, approximately 150 feet to the east of the existing residence at 3145 Salem Road, as described and depicted in the attached map.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 18-14

B. Unfinished Business:

- 1. RZN 13-4538 (Razorback Road/Victory Commons):** An ordinance rezoning that property described in rezoning petition RZN 13-4538, for approximately 5.09 acres, located at 731 S. Razorback Road from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare. *This ordinance was left on the First Reading at the December 17, 2013 City Council meeting.*

THIS ORDINANCE WAS LEFT ON THE SECOND READING AND TABLED TO THE FEBRUARY 4, 2014 CITY COUNCIL MEETING

C. New Business:

1. **2014 Asphalt Materials:** An ordinance waiving the requirements of formal competitive bidding during calendar year 2014 for the purchase of asphalt materials for use by the Transportation Division, but requiring informal quarterly bids or quotes.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5644

2. **Watershed Conservation Resource Center Memorandum of Understanding:** An ordinance waiving the requirements of formal competitive bidding and approving a five year Memorandum of Understanding with the Watershed Conservation Resource Center to jointly seek funding and use such funding to design and construct stream restoration projects.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5645

3. **VAC 13-4544 (Harvey's Hill/Center and Duncan):** An ordinance approving VAC 13-4544 submitted by McClelland Consulting Engineers for property located at the intersection of West Center Street and South Hill Avenue to vacate a utility easement.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5646

4. **RZN 13-4546 (4377 Huntsville Rd./Baldwin Church of Christ):** An ordinance rezoning that property described in rezoning petition RZN 13-4546, for approximately 2.07 acres, located at 4377 Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to P-1, Institutional.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5647

5. **RZN 13-4547 (MLK/Beechwood/Easton):** An ordinance rezoning that property described in rezoning petition RZN 13-4547, for approximately 1.54 acres, located at 1541/1555/1561 Martin Luther King Boulevard from I-1, Heavy Commercial/Light Industrial, to CS, Community Services.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5648

6. **RZN 13-4548 (McMillan Estates):** An ordinance rezoning that property described in rezoning petition RZN 13-4548, for approximately 19.61 acres, located at the southeast corner of I-540 and Wedington Drive from C-2, Thoroughfare Commercial, to UT, Urban Thoroughfare.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5649

7. **RZN 13-4552 (Park West):** An ordinance rezoning that property described in rezoning petition RZN 13-4552, for approximately 25.90 acres, located at Hwy 112, north of Truckers Drive from R-PZD Park West, to CS, Community Services.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5650

8. **RZN 13-4553 (Wedington Circle):** An ordinance rezoning that property described in rezoning petition RZN 13-4553, for approximately 6.12 acres, located west of Wedington Drive and Garland Avenue from R-PZD Wedington Circle, to CS, Community Services.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5651

D. City Council Agenda Session Presentations:

1. **Entertainment District/Spring Street Parking Deck Update:** David Jurgens, Utilities Director

E. City Council Tour:

F. Announcements:

Adjournment: 6:57 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the **Rules of Order and Procedure of the Fayetteville City Council** pertaining to City Council meetings:

Agenda additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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

Subject:	Roll				
Alderman Tennant and Adams were absent	Kinion	✓			
	Petty	✓			
	Tennant	absent			
	Schoppmeyer	✓			
	Adams	absent			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Mayor Jordan	✓			

7-0

Subject:	Election of Vice Mayor				
Motion To:		Mark Kinion			
Motion By:		Gray			
Seconded:		Marsh			
Alderman Kinion was elected as Vice Mayor.	Kinion	Kinion			
	Petty	Kinion			
	Tennant	absent			
	Schoppmeyer	Kinion			
	Adams	absent			
	Long	Kinion			
	Gray	Kinion			
	Marsh	Kinion			
	Mayor Jordan				

6-0

Subject:	Housing Authority Board of Commissioners				
Motion To:		<i>Approve</i>			
Motion By:		<i>Gray</i>			
Seconded:		<i>Kinion</i>			
<i>Approved</i>	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>Absent</i>			
	Schoppmeyer	<i>✓</i>			
	Adams	<i>absent</i>			
	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Mayor Jordan				

6-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Marsh				
	Mayor Jordan				

Subject:	Consent				
Motion To:		Approve			
Motion By:		Gray			
Seconded:		Marsh			
Minuten Approved <u>Passed</u> 01-14 thw 18-14	Kinion	✓			
	Petty	✓			
	Tennant	Absent			
	Schoppmeyer	✓			
	Adams	Absent			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Mayor Jordan				

6-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Marsh				
	Mayor Jordan				

Subject:	RZN 13-4538 (Razorback Road/Victory Commons)				
Motion To:		2nd Read	Table 1st Meeting in February		
Motion By:		Petty	Petty		
Seconded:		Long	Long		
B. 1 Unfinished Business <i>Left on</i> <i>Second</i> <i>Reading</i> <i>Tabled to</i> <i>Feb. 4,</i> <i>2014</i>	Kinion	✓	✓		
	Petty	✓	✓		
	Tennant	absent	absent		
	Schoppmeyer	✓	✓		
	Adams	absent	absent		
	Long	✓	✓		
	Gray	✓	✓		
	Marsh	✓	✓		
	Mayor Jordan				

6-0

6-0

Subject:	N/A				
Motion To:					
Motion By:					
Seconded:					
B. 2 Unfinished Business	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Marsh				
	Mayor Jordan				

Subject:	2014 Asphalt Materials				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Long	Gray		
Seconded:		Gray	Kinion		
C. 1 New Business <u>Passed</u> 5644	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	Absent	absent	absent	
	Schoppmeyer	✓	✓	✓	
	Adams	Absent	absent	Absent	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Mayor Jordan				
		6-0	6-0	6-0	

Subject:	Watershed Conservation Resource Center Memorandum of Understanding				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Kinion	Marsh		
Seconded:		Marsh	Long		
C. 2 New Business <u>Passed</u> 5645	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	Absent	absent	Absent	
	Schoppmeyer	✓	✓	✓	
	Adams	Absent	absent	Absent	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Mayor Jordan				
		6-0	6-0	6-0	

Subject:		VAC 13-4544 (Harvey's Hill/Center and Duncan)			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Petty	Long	
Seconded:			Long	Marsh	
C. 3 New Business <u>passed</u> 5046	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	Absent	Absent	Absent	
	Schoppmeyer	✓	✓	✓	
	Adams	Absent	Absent	Absent	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Mayor Jordan				

6-0

6-0

6-0

Subject:		RZN 13-4546 (4377 Huntsville Rd./Baldwin Church of Christ)			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Kinion	Kinion	
Seconded:			Marsh	Marsh	
C. 4 New Business <u>passed</u> 5047	Kinion	✓	✓	✓	
	Petty	Absent during the vote.	✓	✓	
	Tennant	Absent	Absent	Absent	
	Schoppmeyer	✓	✓	✓	
	Adams	Absent	Absent	Absent	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Mayor Jordan	✓			

6-0

6-0

6-0

Subject:		RZN 13-4547 (MLK/Beechwood/Easton)			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Marsh	Long	
Seconded:			Long	Marsh	
C. 5 New Business <u>passed</u> 5648	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	Absent	Absent	Absent	
	Schoppmeyer	✓	✓	✓	
	Adams	Absent	Absent	Absent	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Mayor Jordan				

6-0

6-0

6-0

Subject:		RZN 13-4548 (McMillan Estates)			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Marsh	Gray	
Seconded:			Long	Marsh	
C. 6 New Business <u>passed</u> 5649	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	Absent	Absent	Absent	
	Schoppmeyer	✓	✓	✓	
	Adams	Absent	Absent	Absent	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Mayor Jordan				

6-0

6-0

6-0

Subject:		RZN 13-4552 (Park West)			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Gray	Long	
Seconded:			Long	Gray	
C. 7 New Business <u>passed</u> 5050	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	Absent	Absent	Absent	
	Schoppmeyer	✓	✓	✓	
	Adams	absent	absent	absent	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Mayor Jordan				
		6-0	6-0	6-0	

Subject:		RZN 13-4553 (Wedington Circle)			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Long	Gray	
Seconded:			Gray	Long	
C. 8 New Business <u>passed</u> 5051	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	Absent	Absent	Absent	
	Schoppmeyer	✓	✓	✓	
	Adams	absent	absent	absent	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Mayor Jordan				
		6-0	6-0	6-0	



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: January 8, 2014

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of January 7, 2014

- 1. Water and Sewer Operations Facility Rain Garden:** A resolution to approve and accept a grant of up to \$2,800.00 to pay for the installation of a rain garden at the City Water and Sewer Operations Facility and to approve the attached budget adjustment.
- 2. Rain Garden Project:** A resolution to approve and accept six grant awards from the Rain Garden Project in the amount up to \$15,000.00 to pay for the installation of four rain gardens at the Noland Wastewater Plant and two rain gardens at the West Side Wastewater Plant and to approve the attached budget adjustment.
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City of Fayetteville Arkansas
City Council Meeting
January 07, 2014**

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Call to Order

Roll Call

Pledge of Allegiance

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Agenda Additions:

A. Consent:

- 1. Approval of the December 17, 2013 City Council meeting minutes.**

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

2. **Water and Sewer Operations Facility Rain Garden:** A resolution to approve and accept a grant of up to \$2,800.00 to pay for the installation of a rain garden at the City Water and Sewer Operations Facility and to approve the attached budget adjustment.
3. **Rain Garden Project:** A resolution to approve and accept six grant awards from the Rain Garden Project in the amount up to \$15,000.00 to pay for the installation of four rain gardens at the Noland Wastewater Plant and two rain gardens at the West Side Wastewater Plant and to approve the attached budget adjustment.
4. **Stephens, Inc.:** A resolution to approve a contract with Stephens, Inc. to approve bond underwriting and related services as needed through December 31, 2018.
5. **Kutak Rock, LLP:** A resolution to approve a contract with Kutak Rock, LLP to approve bond counsel services as needed through December 31, 2018.
6. **Bid #14-02 Asphalt Striping Service, LLC:** A resolution awarding Bid #14-02 and authorizing the purchase from Asphalt Striping Service, LLC of reflectorized paint markings in variable amounts for the Transportation Division as needed through the end of calendar year 2014.
7. **Bid #14-03 Curb and Gutter Construction:** A resolution to award Bid #14-03 and authorizing the purchase of curb and gutter construction from Sweetser Construction, Inc. as primary supplier and Fochtman Enterprises, Inc. as secondary supplier of variable amounts of curb and gutter construction and authorizing the use of other bidders based upon price and availability throughout 2014.
8. **Bid #14-04 Hillside Gravel:** A resolution awarding Bid #14-04 and authorizing the purchase of hillside gravel from Leming & Son Trucking, Inc. for materials picked up and Les Rogers, Inc. for materials delivered for variable unit prices and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.
9. **Bid #14-05 Concrete:** A resolution awarding Bid #14-05 and authorizing the purchase of concrete from Tune Concrete Company as a primary supplier and Beaver Lake Concrete, Inc. as secondary supplier in variable amounts and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.
10. **Bid #14-06 Truck Hauling Services:** A resolution awarding Bid #14-06 and authorizing the purchase of truck hauling services from Les Rogers, Inc., as primary supplier and Leming & Son Trucking as secondary supplier for variable unit prices and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.
11. **Bid #14-07 Aggregate Materials:** A resolution awarding Bid #14-07 and authorizing the purchase of aggregate materials for varying unit prices from various vendors, as needed through the end of calendar year 2014.
12. **Bid #14-09 Drainage Pipe:** A resolution awarding Bid #14-09 and authorizing the purchase of drainage pipe for varying unit prices from various vendors, as needed through the end of calendar year 2014.

- 13. Bid #14-10 Crushed Rock Salt:** A resolution awarding Bid #14-10 and authorizing the purchase of crushed rock salt from North American Salt Company in the amount of \$76.16 per ton, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.
- 14. Bid # 14-11 Topsoil:** A resolution awarding Bid #14-11 and authorizing the purchase of topsoil from Les Rogers, Inc. in the amount of \$10.69 per cubic yard in variable amounts and authorizing the use of other bidders based on price and availability, as needed in calendar year 2014.
- 15. Arkansas Firewise Grant:** A resolution to accept an Arkansas Firewise Grant for 2013 in the amount of \$500.00 to be used for minor equipment and to approve a budget adjustment.
- 16. Clinton Foundation's Building Retrofit Home Energy Affordability Loan Program:** A resolution to approve a Memorandum of Understanding with and to pay \$5,000.00 to the Clinton Foundation's Building Retrofit Home Energy Affordability Loan Program and to approve a budget adjustment.
- 17. Plante and Moran, PLLC:** A resolution to approve a contract with Plante and Moran, PLLC for information technology services in the amount of \$101,400.00.
- 18. Amend Resolution No. 144-13 Hughmount Developers:** A resolution to amend Resolution No. 144-13 which had approved an amended agreement with the Hughmount Developers to allow access to City of Fayetteville sewerage system in order to approve a second amended agreement.
- 19. ADM 13-4566 (3145 W. Salem Rd./Raven Lane Amendment):** A resolution for ADM 13-4566 amending the Master Street Plan relocating Raven Lane, a collector street, approximately 150 feet to the east of the existing residence at 3145 Salem Road, as described and depicted in the attached map.

B. Unfinished Business:

- 1. RZN 13-4538 (Razorback Road/Victory Commons):** An ordinance rezoning that property described in rezoning petition RZN 13-4538, for approximately 5.09 acres, located at 731 S. Razorback Road from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare. *This ordinance was left on the First Reading at the December 17, 2013 City Council meeting.*

Left on the First Reading

C. New Business:

- 1. 2014 Asphalt Materials:** An ordinance waiving the requirements of formal competitive bidding during calendar year 2014 for the purchase of asphalt materials for use by the Transportation Division, but requiring informal quarterly bids or quotes.

2. **Watershed Conservation Resource Center Memorandum of Understanding:** An ordinance waiving the requirements of formal competitive bidding and approving a five year Memorandum of Understanding with the Watershed Conservation Resource Center to jointly seek funding and use such funding to design and construct stream restoration projects.
3. **VAC 13-4544 (Harvey's Hill/Center and Duncan):** An ordinance approving VAC 13-4544 submitted by McClelland Consulting Engineers for property located at the intersection of West Center Street and South Hill Avenue to vacate a utility easement.
4. **RZN 13-4546 (4377 Huntsville Rd./Baldwin Church of Christ):** An ordinance rezoning that property described in rezoning petition RZN 13-4546, for approximately 2.07 acres, located at 4377 Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to P-1, Institutional.
5. **RZN 13-4547 (MLK/Beechwood/Easton):** An ordinance rezoning that property described in rezoning petition RZN 13-4547, for approximately 1.54 acres, located at 1541/1555/1561 Martin Luther King Boulevard from I-1, Heavy Commercial/Light Industrial, to CS, Community Services.
6. **RZN 13-4548 (McMillan Estates):** An ordinance rezoning that property described in rezoning petition RZN 13-4548, for approximately 19.61 acres, located at the southeast corner of I-540 and Wedington Drive from C-2, Thoroughfare Commercial, to UT, Urban Thoroughfare.
7. **RZN 13-4552 (Park West):** An ordinance rezoning that property described in rezoning petition RZN 13-4552, for approximately 25.90 acres, located at Hwy 112, north of Truckers Drive from R-PZD Park West, to CS, Community Services.
8. **RZN 13-4553 (Wedington Circle):** An ordinance rezoning that property described in rezoning petition RZN 13-4553, for approximately 6.12 acres, located west of Wedington Drive and Garland Avenue from R-PZD Wedington Circle, to CS, Community Services.

D. City Council Agenda Session Presentations:

1. **Entertainment District/Spring Street Parking Deck Update:** David Jurgens, Utilities Director

E. City Council Tour:

F. Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the **Rules of Order and Procedure of the Fayetteville City Council** pertaining to City Council meetings:

Agenda additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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

AGENDA REQUEST

FOR: COUNCIL MEETING OF JANUARY 7, 2014

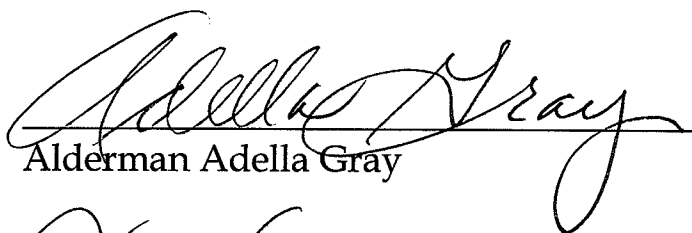
FROM:

ALDERMAN ADELLA GRAY

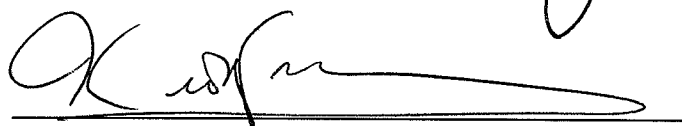
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO AMEND RESOLUTION NO. 144-13 TO APPROVE A SECOND AMENDED AGREEMENT WITH THE HUGHMOUNT DEVELOPERS

APPROVED FOR AGENDA:


Alderman Adella Gray

12.27.13
Date


City Attorney Kit Williams
(as to form)

December 26, 2013
Date

EXHIBIT "A"

**SECOND AMENDMENT TO
AGREEMENT TO ALLOW ACCESS TO CITY SEWERAGE SYSTEM
AND TO IMPOSE DEVELOPMENT REQUIREMENTS**

WHEREAS, the developers/owners of Hughmount Village, whose project is close to, but outside the Fayetteville city limits, desire to be allowed to connect to and use the City of Fayetteville sewerage system's wastewater facilities for their proposed residential development; and

WHEREAS, the City of Fayetteville does not wish to grant owners/developers of Hughmount Village (or any similarly situated development) any advantage over owners/developers who will build and develop property within the City of Fayetteville; and

WHEREAS, on September 4, 2012, the City Council of the City of Fayetteville passed Resolution NO. 183-12 permitting such access, but the terms of the Contract were incompatible with the Conditional Use Permit issued for this development by Washington County so that an Amended Agreement was needed and approved by Resolution NO. 144-13 on June 18, 2013; and

WHEREAS, the Developer now needs to remove the alleys from his development to be able to sell his lots and so slightly redesigned his plat which was approved by the Washington County Planning Board which granted a new Conditional Use for Project #2013-155, and

WHEREAS, the City of Fayetteville is willing to allow developers/owners of Hughmount Village to connect to and utilize the City's wastewater treatment facilities only upon the developers/owners' express agreement to develop their residential project pursuant to all City of Fayetteville requirements for inside the city residential projects including:

- (1) All street frontage, density, lot area requirements, etc. as granted by the Conditional Use Permit approved by the Washington County Planning Board for Project #2013-155.
- (2) Apply for and successfully complete the full preliminary plat/final plat process including payment of all appropriate fees.
- (3) Comply with all grading, stormwater, tree preservation and other development requirements as if this development was occurring within the City of Fayetteville.
- (4) Pay for all normal permits and application fees at the normal time including preliminary/final plat, building fees for each structure, and water, sewer, police, and fire impact fees.
- (5) To satisfy normal parkland dedication requirements, the City of Fayetteville Parks Board approved the dedication of 3.169 acres of land within Common Property 9 at their September 10, 2012 meeting. The exact limits of the park land dedication will be located west of the tree preservation area and will be determined at the Final Plat after drainage and utility improvements are constructed. In addition, the Developer shall dedicate a trail easement

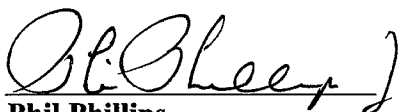
sufficient to connect from the crosswalk at Common Property 8 at Cotton Willow Drive to the southern border of the property to meet a possible trail extension from the south from the Clabber Creek Trail. This trail and parkland shall remain the developer's or Property Owners Association's duty to maintain in good condition (which duty shall be in an irrevocable restrictive covenant in each property's deed until and unless this entire parcel has been annexed into the City of Fayetteville).

- (6) Construct all infrastructure (except alleys which are no longer required to be constructed in Project #2013-155): streets, drainage, sidewalks, water and sewer mains to City of Fayetteville and Washington County standards as previously approved by the Fayetteville Planning Commission on March 25, 2013 (PPL 13-4304) and by the Washington County Planning Board on May 2, 2013 (Project #2013-024) and recently amended by the Washington County Planning Board to Project #2013-155. Water and sewer infrastructure is to be dedicated to the City of Fayetteville, street and drainage infrastructure is to be dedicated to Washington County.

HUGHMOUNT VILLAGE OWNERS/DEVELOPERS, in consideration of being allowed to utilize the City of Fayetteville sewerage system and wastewater facilities for their proposed development, do hereby agree to all terms and conditions stated above and promise to develop their property in full compliance with all requirements of the Unified Development Code as if their development was inside the city limits.

Further developers/owners of Hughmount Village pledge and promise to seek immediate annexation into the City of Fayetteville as soon as it becomes legally possible and to place this requirement within the covenants and deeds for each property within its development. **In agreement with all the terms, conditions, pledges and promises above, the City of Fayetteville and the owners/developers of Hughmount Village sign below.**

**HUGHMOUNT VILLAGE
DEVELOPERS/OWNERS**

By: 
Phil Phillips

Title: 

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: _____
Lioneld Jordan, Mayor

Attest: _____
Sondra E. Smith, City Clerk

Date Signed: 12-27-13

Date Signed: _____

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray

Ward 1 Position 2 – Sarah Marsh

Ward 2 Position 1 – Mark Kinion

Ward 2 Position 2 – Matthew Petty

Ward 3 Position 1 – Justin Tennant

Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.

Ward 4 Position 1 – Rhonda Adams

Ward 4 Position 2 – Alan T. Long

**City of Fayetteville Arkansas
City Council Meeting Minutes
December 17, 2013**

A meeting of the Fayetteville City Council was held on December 17, 2013 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Rhonda Adams, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan asked the students from Ms. Shay Hopper's Woodland Junior High School 9th Grade Pre-AP Civics class to stand and be recognized.

Don Marr, Chief of Staff presented an award to the City of Fayetteville Information Technology Department. He stated the National League of Cities selected the City of Fayetteville in our population category. They selected ten of the top cities for the use of technology, citizen engagement, ability to interact with the public, both in transactions through electronic means. The City of Fayetteville came in second only to Palo Alto, California in the Silicon Valley. He stated we are extremely proud of our IT Department. We received kudos for the creative minds at the city. This is a huge award and we are extremely proud of their work. We would also like to thank the Council for your budget authorizations in technologies over the last several years. We appreciate your support.

City Council Meeting Presentations, Reports and Discussion Items:

City Board of Health – Appointments must be made by the mayor and approved by the City Council to serve during the term of the appointing mayor.

Mayor Jordan read the City Board of Health appointment and recommended Shana Kasparek.

A copy of the report is attached.

Public Facilities Board - Members must be nominated by a majority of the board and appointed by the mayor subject to confirmation of the governing body of the City.

Mayor Jordan read the Public Facilities Board appointment and recommended Hugh Earnest.

A copy of the report is attached.

Nominating Committee Report: Alderman Gray read the Nominating Committee Report and recommended the appointments as submitted.

A copy of the report is attached.

Alderman Gray moved to approve the Nominating Committee Report, City Board of Health appointment and the Public Facilities Board appointment. Alderman Tennant seconded the motion. Upon roll call the motion passed unanimously.

Agenda Additions: None

Consent:

Approval of the December 03, 2013 City Council meeting minutes.

Approved

Police Department Policy: A resolution approving Fayetteville Police Department policy 41.2.9 Foot Pursuit.

Resolution 249-13 as recorded in the office of the City Clerk

Cruse Uniform and Equipment, Inc.: A resolution awarding RFP #13-17 and approving a contract with Cruse Uniform and Equipment, Inc. to serve as quartermaster for the Police Department.

Resolution 250-13 as recorded in the office of the City Clerk

Fayetteville Police Department Donation Revenue: A resolution approving a budget adjustment in the total amount of \$3,050.00 recognizing donation revenue to the Fayetteville Police

Department in support of officer service awards, general recognition and repair of the vandalized police memorial monument.

Resolution 251-13 as recorded in the office of the City Clerk

Safeware: A resolution approving the purchase of a hazardous materials decontamination tent from Safeware through a cooperative purchasing agreement, in the amount of \$42,060.74, and approving a budget adjustment.

Resolution 252-13 as recorded in the office of the City Clerk

Bid #13-54 College Shoe Shop: A resolution awarding Bid #13-54 and approving an agreement with College Shoe Shop in the amount of \$22,000.00 for the purchase of wildland firefighting boots for the Fire Department.

Resolution 253-13 as recorded in the office of the City Clerk

General Construction Solutions, Inc. Change Order No. 3: A resolution approving Change Order No. 3 to the contract with General Construction Solutions, Inc. in the amount of \$7,009.00, and approving an additional project contingency in the amount of \$700.00, for the construction of improvements to Mount Sequoyah Gardens.

Resolution 254-13 as recorded in the office of the City Clerk

CDBG Public Facility Lease Program: A resolution approving an amendment to the lease agreement with Prism Education Center for 2190 S. Razorback Road which is part of the CDBG Public Facility Lease Program.

Resolution 255-13 as recorded in the office of the City Clerk

A&P Bond Special Election: A resolution approving a budget adjustment in the amount of \$14,000.00 to provide funding for payment of costs related to the A&P Bond Special Election.

Resolution 256-13 as recorded in the office of the City Clerk

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

Public Hearing:

Mayor Jordan opened the Public Hearing

Razing and Removal Costs for 515 E. Township Street: A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and

unsafe structure upon the property owned by Marshall Aaron Mahan located at 515 E. Township Street in the City of Fayetteville, Arkansas.

Chad Ball, Code Compliance Administrator gave a brief description of the resolution.

Mayor Jordan closed the Public Hearing

Alderman Long moved to approve the resolution. Alderman Kinion seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 257-13 as recorded in the office of the City Clerk

Mayor Jordan opened the Public Hearing

Razing and Removal Costs for 1717 S. Stirman Avenue: A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Mary Lou Guthery located at 1717 S. Stirman Avenue in the City of Fayetteville, Arkansas.

Chad Ball, Code Compliance Administrator gave a brief description of the resolution.

Aubrey Shepherd: If the City has a lien on it and it goes up for sale, we should try to purchase that land because it is in the flood plain.

Chad Ball: This is the final few steps. It puts a lien on the property to recoup the cost that the city incurred to correct the violation which was an unsafe building.

Aubrey Shepherd: This would be a suitable place that would not cost much to develop as a garden.

Alderman Marsh: Aubrey raises a really good point. This parcel is actually going to be located on our future trail extension and it is in an area where a lot of people are struggling with food insecurity. A community garden would be a tremendous asset to that neighborhood. I would like to see us take some action to implement Aubrey's vision for this sight.

Alderman Marsh: How do we go about making a community garden?

City Attorney Kit Williams: The lien only gives us the right to recoup our cost if the property is sold. It doesn't give us any property interest in the land itself. If the City Council wants to buy land then you can appropriate the money for it and offer to purchase it from the owner.

Alderman Marsh: Maybe we add that to our list for our Parks Department for consideration?

Mayor Jordan closed the Public Hearing

Alderman Schoppmeyer moved to approve the resolution. Alderman Adams seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 258-13 as recorded in the office of the City Clerk

Mayor Jordan opened the Public Hearing

VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas): Public hearing on the petition of the University of Arkansas to vacate Brenda Drive, Court and Walton Street and alley.

Jay Young, Development Consultants: I don't have any comment at this time. When the ordinance comes up I will be available to give my comments at that time.

Mayor Jordan closed the Public Hearing

Unfinished Business:

VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas): An ordinance to approve the University of Arkansas' petition to vacate Brenda Drive, Court Street, Walton Street and a thirty foot wide alley all within property owned by the University of Arkansas. ***This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting. This was left on the Second Reading and Tabled to the December 17, 2013 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Alderman Long: We discussed this at the Ward 4 meeting. The easement on the north side is directly across from a street called Thomas. Thomas is a very narrow street that two cars can't pass at the same time on and can't handle additional traffic. I have heard from multiple constituents that would like the north entrance of Hotz to remain closed. This will also help prevent traffic filtering from the parking lot back in through the neighborhood which has very narrow streets. I would like to make an amendment to the conditions of approval. It would be a condition of approval number four, stating that the north side of the property will not have an outlet or entrance onto Hotz.

Alderman Long moved to amend the ordinance to state on the north side no outlet onto Hotz Drive. Alderman Adams seconded the motion.

Alderman Petty: I would like to hear from the University or the representative how the amendment would impact their plans.

Jay Young, Development Consultants: City Planning is in agreement that the policy of connectivity, that the city has, should be maintained. They are not in favor eliminating this connection to Hotz Street. The day to day traffic that we are anticipating for these parking lots is going to consist mainly of two different characters of parkers. There will be some long term student parking. Those students will leave their car for the whole week. It won't be come and go traffic for those types of parkers. The other types of parkers we anticipate using the parking lots during the day time are going to be students, staff and faculty parking. Those students, staff and faculty parking are more of a come and go throughout the day type traffic. It's not going to be a mad rush in the morning and evening. They are going to be filtering in and out throughout the day. Those people who are going to be traveling from off campus to park here will most likely take the most direct route to these parking lots. The most direct route will be to come right down Razorback Road. We don't anticipate people trying to meander through winding neighborhoods to get back out to a main road somewhere.

This parking lot as a U of A parking lot will be for permit parking during daytime hours on Monday through Friday, 7:00 a.m. to 5:00 p.m. Outside of those hours this is open to anybody to park in which will be a benefit to these neighborhoods. The connection at Hotz specifically we see that as a benefit to the neighborhoods. Those people that are in these neighborhoods now that have to travel outside of their neighborhoods daily, as they leave, they have to go to an uncontrolled intersection at Hotz and Razorback. When we put this connection in, those travelers will be able to turn, go down the new road and have a traffic signal. It will be a controlled way to turn right or left onto Razorback Road. We see that as a benefit for these neighborhoods.

We are putting in sidewalks and pedestrians will benefit. Pedestrians will be able to walk to the same controlled intersection and safely cross the road. During athletic events this is going to be an athletic parking lot. There will be at those times a large amount of parkers who will be entering and leaving. That is no different than what we have today.

By eliminating this connection on the north, with 850 to 900 parking spaces, it will severely limit the ability for people to efficiently maneuver in and out of these parking lots. It gives greater flexibility in case one of these entrances are ever blocked for an emergency of any kind. I would ask the Council not to accept the amendment.

A discussion followed on possible access points for this parking area.

Alderman Long: At the Ward 4 meeting, Jay Hunnicutt had indicated to Alderman Adams and myself that he would be willing to work with the idea of closing the entrance on Hotz.

Jay Young: My conversations with the University is that they would prefer not to close the intersection on Hotz. It is a benefit to their project and they would like it to remain open.

Alderman Marsh: Would the University be willing to fund some sidewalk and street improvements on Thomas Avenue in exchange?

Jay Young: I wouldn't be able to speak to that. That is not currently in the portion of the project that our firm is working on.

Alderman Marsh: It seem that we have some valid pedestrian safety issues there. Maybe if we could provide a safe route for those pedestrians that might alleviate some of the concerns of the neighborhood.

City Attorney Kit Williams: Any condition that the City Council would want to place upon a vacation should be tied directly to the effect that the vacation might be having. If the City Council determines that there is a direct effect upon something then you can place a condition to try to remedy that effect. It needs to be tied to the vacation and not just because we might need it for some other reason.

Alderman Marsh: It seems like a large volume of cars being discharged onto that street would create a direct impact on the pedestrian safety there.

City Attorney Kit Williams: It is up to the City Council to determine that.

Jay Young: We don't anticipate there is going to be this large volume of cars other than on those six major football games. There is already a large volume of cars and those streets that handle it now will continue to handle it.

Alderman Marsh: Do you anticipate any increase in pedestrian traffic along north Thomas Avenue to people who are accessing their cars in that parking lot?

Jay Young: Most of the people who are going to park here are going to be University students and staff. There are no facilities that are due north along Thomas Avenue. Most of those people are probably going to go on the existing sidewalks and continue to walk to the east to access the locations where they are headed.

A discussion followed regarding pedestrian traffic for the area.

Alderman Petty: At the beginning of the gentleman's statement he mentioned that staff was supportive of the University's planned connection to Hotz based on our connectivity policy. Please explain what that policy is, why we have it and why you are supporting this plan based on it.

Jeremy Pate, Director of Development Services: We have a strong policy of connectivity with our streets. We no longer allow dead end streets, cul-de-sacs, and gated communities. We have a strong policy of connecting streets in both neighborhoods and commercial properties. The reasons behind that are founded in distribution of traffic. The more points you can distribute traffic in an area it reduces congestion on any one road network. Staff is strongly supportive of connecting the streets. The Planning Commission voted 8-0 in support of the policy.

Debra Boddington, Ward 4 resident voiced her opinion and addressed her concerns about street connectivity due to neighborhood traffic.

Spouse of Debra Boddington stated he supports and echoes his wife's remarks. He stated if connectivity is the goal, then he would like the Council to consider improving Thomas Avenue

where it can be passable by two vehicles. He stated if safety for citizens is a concern then Thomas Avenue needs to be fixed.

Alderman Adams: When we vote to vacate streets, those items don't come to the Street Committee. It would be wonderful if we had a Street Committee meeting to consider this and hear from our City Engineer who does a fabulous job with our street planning.

City Attorney Kit Williams: Certainly if it's tabled, then the item can be referred to the Street Committee.

Alderman Petty: Thank you for your suggestion. At the start of this I was against the amendment and now I am waffling. The points that have made about pedestrian safety are especially salient. I can't say that I am in complete support of the amendment yet. I would like the opportunity to try and find some middle way to some of these pedestrian improvements that have been mentioned. Also, perhaps keeping the north-south alignment from being too perfect which is a conversation with the Transportation Committee. I defer to the Ward 4 aldermen on the issuing of tabling, but my preference would be to table it with the amendment not being voted on yet.

Alderman Kinion: I have been cutting through this neighborhood for the past 41 years. For those of us who are native to the area that are always looking for short cuts, this isn't an engineering puzzle, this is a neighborhood situation. To think we have 900 parking spaces that are going out onto Palmer where there is a crazy five way intersection. We need to seriously look at the topography here as well as the narrowness of the streets. Hotz is a precarious street going into the neighborhood. There can be improvements the topography is interesting on how you would improve it. It is not an engineering puzzle. I think it valid to discuss this from a neighborhood point of view. I support this amendment and want to hear more input on it. I believe it is fine to go in front of another committee and to table it. He stated it is a real concern because there are 900 vehicles.

Mike Johnson, Ward 2 and Associate Vice Chancellor for Facilities at the University: I am an engineer and I look at engineering solutions. There are not 900 cars going out through the neighborhood and there won't be 900 cars. The net of what is going on is about 600 to 700 cars. As we build this we are trying to create connectivity and to have vehicles flow in different directions so all 900 don't go in any one direction, let alone Hotz. We are putting sidewalks on all these street links on both sides. We need a multitude of streets where people can spread the 900 cars. Rather than trying to design by ordinance and amendment, let the Planning Department work with us. Whatever we do on the north side of the parking lot, the city needs to deal with improvements on Thomas Avenue. The roads should not be designed for five or six football games a year.

Mr. Johnson discussed the traffic flow, the intersections and the sidewalks in this area.

Alderman Petty: You would like us to table this to have an opportunity to address the entrance on the north side?

Mike Johnson: No. What I am suggesting is that we move forward and allow the Planning group for the city to work with us. We have all heard the concerns and issues and see what we can do to properly direct traffic.

Alderman Long: If those spaces turn over every day we could be looking at 1,400 to 2,100 cars filtering into the neighborhoods every day.

Mike Johnson: No sir.

Alderman Long: Being an experienced person that lives in this area, I have to say that I don't agree with you that the traffic is going to go to Razorback if we have this entrance. If we move forward and pass this tonight, we don't have any control at this government level and we wouldn't have a say so after this. I would be fine tabling it, removing the amendment and sending it to the Transportation Committee. I would like this governing body to have a say in this and we don't have that say if we move forward right now.

Alderman Petty: Can you characterize the impacts this would have on your project if we were to table it.

Mike Johnson: In my ten years, we have made it work and try to work with everybody. We don't always agree, but we normally come up with a solution that reaches a consensus. If we want to go back to Transportation Committee, we can go back and work with it. I think there are some ways to force traffic to go to Razorback, but still allow an entry going south so that people can both get into the parking. People are going to want to go the signals so they can merge into traffic. I am committed to trying to make traffic to go to Razorback, because that is where it needs to go.

Alderman Petty: To follow up on that with the attorney. You mentioned earlier that we were entitled to impose conditions on the vacation if they were relevant. Would imposing conditions for restricted turning movements be considered relevant?

City Attorney Kit Williams: It is your call whether it is relevant. I would be happy to try to defend you if someone challenged the discretion of the City Council in determining that was in fact a necessary condition in order to protect the health and safety of citizens.

Alderman Petty: Thank you. Based on what we have heard tonight, my preference would be to impose a condition of restricted turning movements so that nobody could exit on the north intersection. They would only be able to turn right and also only be able to turn in left there.

Mayor Jordan: What we have before us now is an amendment to close the north entry way.

Alderman Marsh: I would like to see us table it without the amendment. I don't feel like I can support the amendment at this time, not to say I couldn't in the future. I appreciate the concerns about trying to direct the exit traffic out to Razorback, but that doesn't do anything about the entrance traffic. I would like to see drawings that showed the proposed configuration next to the proposed Razorback Road improvements so that we could see the long term.

Mike Johnson: Those designs aren't completely done with the AHTD, nor is our parking lot design completely finished.

Alderman Marsh: You were saying that you had turn lanes planned and signal warrants. I would like to see that information because it is relevant to this decision and I don't feel comfortable just trusting the University and the Planning staff in turning over the Council's ability to weigh in on this decision at this point.

Mike Johnson: The University has nothing to do with the design of Razorback Road. It's done to AHTD and Federal standards.

Mayor Jordan: Let's go back to the amendment. If the amendment fails that does not mean the City Council can't table this and discuss this further. You don't have to pass it tonight. We do have to decide on this amendment or pull the amendment. The University has already said that they are willing to go back and look at this again.

Don Marr, Chief of Staff: In a point of order, anyone can make a motion to table and it is the overriding motion regardless of what amendment is on the table.

Mayor Jordan: That is true.

Alderman Adams moved to table the ordinance to the January 21, 2014. Alderman Long seconded the motion.

A discussion followed about the amendment and tabling of the item.

Upon roll call the motion to table failed 3-5. Alderman Marsh, Adams, and Long voting yes. Alderman Kinion, Petty, Tennant, Schoppmeyer, and Gray voting no.

After discussing the previous amendment of no outlet on the north side onto Hotz Drive the motion to amend was withdrawn.

Alderman Petty: The motion I have is in regards to the northern ingress-egress. The motion is to restrict exiting turning movements to right turning movements only and turning movements into the parking lot to left turning movements only. It would have the effect of restricting traffic from the west.

Alderman Petty moved to amend the ordinance to restrict exiting turning movements to right turning movements only and turning movements into the parking lot to left turning movements only. Alderman Long seconded the motion. There was no vote on the motion.

Jay Young: My comment would be on the left entrance only. This would be a very awkward movement and I ask you to reconsider. Let your amendment be for the right turning movements as the exit to go to Razorback only and not restricted to left turn into this roadway.

Alderman Petty: I am not going to adjust my motion. Those who live in the neighborhood can use the street to the west to access the signal on Razorback. I don't see that as cause for concern.

Alderman Long: It will teach people that are trying to cut through the neighborhood to get into that parking lot off of Hotz, that it is not an entrance they can use. This is what we desire to achieve tonight.

Jay Young: As Mr. Kinion knows, he has been cutting through there for a long time. Whether you have an entrance on Hotz or not, people are still going to cut through. What it does is limit the ability of the turning movement on Hotz, which I understand is the intent of the amendment. The restricting to a left turn off the westbound traffic is an awkward movement from an engineering perspective.

Alderman Kinion: The more stoplights you put on Razorback the more I am going to cut through the neighborhood.

Alderman Marsh: We have serious pedestrian safety concerns in this neighborhood, especially along north Thomas Avenue. I noticed there is another University parking lot with entrances and exits along north Thomas Avenue. I would like to see this sent to the Street Committee and look for opportunities for some cost sharing with the University to make sure their students have a safe route to and from school through these parking lots.

Alderman Adams: I agree. I don't know if it is appropriate for us to ask for input from our own City. I would like for this to be a win/win for the University and for the City. I do trust the University. Mike has done what he said he would do on everything, but we need something in writing that we can all look at. We need to have some drawings and input from our own engineer. If there is no rush, what is wrong with tabling this?

City Attorney Kit Williams: My only caution to the City Council is to make sure that everything works together as you wish. I would like to ask our City Engineer about how we would allow left turns and not allow any right turns. What kind of construction would you have to do on Hotz Drive?

Chris Brown, City Engineer: We would have to restrict access somehow on Hotz. It is a challenge and something we would really have to look at. If you allow left turns, then the right turns follow in line. I don't have a good solution right now.

City Attorney Kit Williams: I think it would serve us to go to the Transportation Committee and meet with the engineers and try to get a good exhibit in more detail. I would like more input from the City Engineer as well as the University Engineer to see how what you want can be accomplished.

Mike Johnson: The University would like to request that this go back to the Transportation Committee so that we can meet with Planning, engineers and representatives from the Council.

Debra Boddington stated due to the complication of the issue she would like to get a better visual, more information and input from experts for the project.

David, Spouse of Debra Boddington voiced his opinion about entrances, exits and traffic flows.

Aubrey Shepherd voiced his opinion about maps for the project.

Alderman Adams moved to table the ordinance to the January 21, 2014 City Council meeting. Alderman Long seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was left on the Third Reading and Tabled to the January 21, 2014 City Council meeting.

Amend Chapter 178: An ordinance to repeal §178.03 Sidewalk Vendors and enact a replacement §178.03 Sidewalk Vendors and Food Trucks and to repeal §178.04 Outdoor Mobile Vendors Located on Private Property and enact a replacement §178.04 Outdoor Mobile Vendors Located on Private Property. ***This ordinance was left on the First Reading at the November 19, 2013 City Council meeting and tabled to the December 17, 2013 City Council meeting.***

Alderman Marsh moved to table the ordinance to the January 21, 2014. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was left on the First Reading and Tabled to the January 21, 2014 City Council meeting.

ADM 13-4450 (Pratt Place Inn): An ordinance amending a Commercial Planned Zoning District entitled C-PZD 05-1670 Pratt Place Inn, to revise the hours of operation as listed in Section 1. ***This ordinance was left on the First Reading at the November 19, 2013 City Council meeting. This ordinance was left on the Second Reading at the December 3, 2013 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Julian Archer, 2115 West Markham Road: I want to thank the Planning staff for their work and recommendation to modify the PZD which I hope you will enact this evening. The measure they propose is an appropriate and necessary one. I would like you to consider two things in the proposal that has been submitted to you from the Planning Division. Amend it to remove the two year trial period. We have a trial record already and never has there been an incident that we were shut down by the police. There has never been an arrest or noise violation. I would like you to consider going for an amendment that will allow for ten events a year pre authorized, pre notified to the Planning

Department and the Police Department to go until 2 a.m. I would like to suggest that there be at least two off duty police officers present, either Fayetteville Police Officers or University Police Officers.

Mayor Jordan: You want me to just assign two police officers to your event?

Julian Archer: They have to be paid.

Mayor Jordan: Sure and the city would be paying them?

Julian Archer: No, the people who have the event will pay or we will pay.

Mayor Jordan: That will be something you will have to work out with the off duty police officers.

Julian Archer: If you can't get police officers then we can't have it. Your amendment, I hope would say that we will allow you going until 2 a.m. if you give us one week notice and if you have two off duty police officers at your event.

Mayor Jordan: I want to be clear. I am not going to assign two police officers.

Julian Archer: No, I understand that. They would be hired by us to be present there. We would pay for the officers.

Alderman Long: You are bringing this forward because you said there are some hardships being placed on your business due to the hours of operations and is effecting your business model. Do you think that what you are asking for will fix your business model or do you think you will be asking for more changes in the future?

Julian Archer: This is just one aspect of an improvement. We are being reviewed right now by a very prestigious guide and hope to get in that guide. There are a lot of other places that people have as a choice which do not have the same time constraints. This is sending business away from Fayetteville.

Alderman Long: Last year you requested a lot split off of the PZD and that did pass the Council. I would never had voted for that. I don't believe the PZD should be physically modified after it was created because it was created as a buffer. Will you be requesting anymore modifications to the PZD physically?

Julian Archer: I would hope not. This procedure is challenging and I have no desire to put anything before you.

Alderman Long: Have you had any months where you have had over four events?

Julian Archer: That question is not on the agenda. That is not part of the request that I made to the Planning Department and that is not in their report at all.

Alderman Long: I know and that is why I am asking it.

Julian Archer: It is very hard to persuade someone to get married in January or February.

Alderman Long: It's just something we hadn't talked about and we met several times.

Julian Archer: There are certain times of the year that are more popular than others.

Alderman Long: So yes, there are months when you have over four events?

Julian Archer: There are times. When there is a much greater demand.

Alderman Long: If not modified and the business model is not able to adapt, is there a chance that Pratt Place would no longer exist and the land would have to be subdivided or sold?

Julian Archer: We have put every last penny of our resources into this. There is nothing left and no reserve. If it doesn't make a go of it, then the bank will take the property and put it up for auction.

Tom Overby, 1855 West Pratt: I do appreciate Mr. Archer's honest answer that they have had more than four events. The 2005 PZD which he negotiated with you and neighbors said that there would be four events per month. He has violated that and tried to hide it.

Pratt Place Inn is a very nice place and I would like to see it be successful. It is a commercial enterprise in a neighborhood. There were terms discussed, negotiated and worked out because it is in a neighborhood. The cut off of 10:00 p.m. is the reason why you haven't had as many complaints about noise. If you start having them until midnight and 2 a.m., I think the noise complaints will go up. After an event it is not a good place for extra traffic through the neighborhood.

Aubrey Shepherd voiced his opinion about land being subdivided and the topography.

Lynn Wade, 100 North Sang Avenue: I was impressed this evening with the road discussion about the streets. I think you can clearly see that the conditions that were placed by negotiation are greatly driven by safety issue. We ask that you leave the C-PZD unchanged.

William Feldman, 16 North Sang: The noise problem is partially been resolved of the fact that the regulations of the PZD have not regularly followed. Even though they have not always been regularly followed, they have allowed some protection and I would hate to see that protection lost for the neighborhood. The idea of the PZD, we consider it to be something that would last for a while and now several years later it is suddenly being changed and we are forced to confront this change. I ask that you maintain the PZD as it stands and help protect our neighborhood.

Fran Alexander read the August 31, 2005 City Council Agenda memo for historical purposes. She also referred to the September 20, 2005 City Council meeting on rezoning. Ms. Alexander stated the neighbors were not notified of the midnight hour request by the applicant and believes it is a flaw with city policy. She read the conditions of approval for 2005. She stated that last year

the conditions of approval were not binding anymore when the Council voted to allow a piece of the property to be taken out for subdivision rezoning. She also stated it's not binding anymore because of the hours.

Alderman Adams: This is a sad situation for me. Mr. Archer has visited with me several times and I am not going to be able to support this. I appreciate you visiting with me. Every time I have voted on a zoning issue, the first thing I look at is what the neighborhood wants. When I take a tally of this, every person who has written to me doesn't want it. No one has written for this and asked me to support it except the applicant.

Many of you know who were on the Council a couple years ago, I kind of took a black eye by introducing an amendment that we supported and we voted for. I will support citizens to introduce their idea for change or for what they would like to do with their property, but the power is behind what the people in the neighborhood want. If we can make our decision based on that, then the PZD process has some teeth in it. This is just nicking away at it. I did not vote two years ago for the change that the Council did approve because I did believe that the buffer zones were part of that negotiation of 2005 and I wasn't willing to vote to give up the buffer zones. The buffer zones are not just the land, they include the hours of operation and the number of events that occur. People in my neighborhood want Pratt Place to succeed and appreciates what you have done. They have respect for the process of a PZD. The people's government said this is what you get to do.

Alderman Long: I have heard from people who do support this and people who don't support this that live in the neighborhood. I think a lot of people realize that the Pratt Place Inn does improve their property value and so people want it to succeed. Neighbors don't want it to become another housing development if it doesn't succeed. I think there could be a compromise that we could reach. PZD's have to be modified occasionally to fit the need of the community because that is what a PZD is. One reason I don't like PZD's is because we have to set them apart as different.

I am going to offer an amendment that would change the hours from Monday through Saturday from 7:00 a.m. to 11:00 p.m. and Sunday from 7:00 a.m. to 10:00 p.m. I'm not going to offer an amendment on the number of events that can be held until 1:00 a.m. in the morning. To do that I think much more public input would be needed and we haven't had that.

Alderman Long moved to amend the hours of operation to Monday through Sunday from 7:00 a.m. to 11:00 p.m. and Sunday from 7:00 a.m. to 10:00 p.m. Alderman Schoppmeyer seconded the motion.

Alderman Long revised his amendment to state Sunday through Thursday from 7:00 a.m. to 11:00 p.m. and Friday and Saturday from 7:00 a.m. to midnight.

Alderman Gray: Jeremy, did the original PZD limit the number of events per month?

Jeremy Pate, Director of Development Services: It did. Originally I think there were 16 conditions of approval recommended by staff when this came before the Council. Through a series of neighborhood meetings there were agreed upon I think nine or ten extra conditions of approval to staff's original conditions. Two separate conditions were, the hours of operation which we are

discussing tonight and a different condition of approval that limited it to four events per month. That was a separate condition of approval. I think that was what Mr. Archer was trying to say earlier is that it is a separate condition and he is not requesting to amend that currently.

Alderman Gray: Have we ever had a complaint from the neighborhood about more events than four a month?

Jeremy Pate: We have never had a complaint. We had an inquiry recently as part of this discussion. A neighbor submitted an inquiry about how many events per month and if we have that on record. We don't keep those kinds of records. We sent a letter to Mr. Archer asking what the events were and we have not received a response.

Alderman Gray: I think Alderman Long made several excellent points. I think it does improve the value of your property. I think to have that property sold and subdivided, which it probably will if Pratt Place fails, you are then talking about traffic problems. We hear a lot about unintended consequences. I hope the neighborhood will think hard because you may get some unintended consequences. Pratt Place Inn & Barn is a truly exceptional asset to our community. Please look for some modifications to help it be successful. We never allow ourselves to have our hands tied that something can't be modified. We can listen to concerns, new ideas and suggestions. I hope we will think very seriously about what we are doing tonight. It could be quite tragic.

Alderman Marsh: When it says operating hours 7:00 a.m. to 10:00 p.m., does that mean the event ends at 10:00 p.m. or does that mean staff needs to be gone by 10:00 p.m.?

Jeremy Pate: It is not specific in the condition. We generally mean the event has ended so often times you will see people packing up or setting up before those hours. This is the hours of operation for those type of events.

Alderman Marsh: There would still be people leaving after 10:00 p.m. There is still noise and activity after 10:00 p.m. probably as late as 11:00 p.m. anyway. This gives me a lot of concern. You can tolerate a lot if you know it is going to stop at 10:00 p.m. When you have an 8:00 a.m. to 5:00 p.m. job and you have to get up in the morning, that extra hour of sleep has a lot of value. I appreciate Alderman Long's attempt to find a solution. I think I would be more apt to support something that kept the original hours of operation and then offered the 12 event permits to go till midnight or something in the way of that.

Alderman Long: Jeremy, how far are the neighbors away. One neighbor said they are about four football fields away and they said they could abide by whatever we decided. That is a pretty far distance.

Jeremy Pate: I may have to guess. Mr. Archer may know this because I think he has measured it before. I think several hundred feet is the closest neighbor. The property is surrounded, part of the PZD with 72 acres and part of the consideration by the Council at the time to allow for commercial activities is that the majority of that is tree preservation and green space. No further development can happen on the rest of the 72 acres. There are residences within the area and considered part of the neighborhood.

Alderman Long: I wanted to point that out because Sarah had asked about noise. I wanted to make sure you knew these weren't very close in proximity.

Alderman Marsh: I looked at the Google map and it appears the nearest residence is about 500 feet to 600 feet from the Barn.

A discussion continued about the distances from neighbors to Pratt Place Inn.

Julian Archer: I appreciate your effort to create a compromise, but the compromised proposal is a proposal for disaster. People who are having an event do not want the event to end at 11:00 p.m. on a Friday or Saturday. There is not much demand for events on Monday through Thursday, except for charity events.

Mr. Archer stated that it is a small minority of people from the neighborhood that are speaking negatively and they were the ones who opposed the Inn from the beginning in 2005.

Mayor Jordan: You don't care for the amendment?

Julian Archer: No, I do not.

Alderman Long: I apologize. I misstated what I meant. I meant to say Sunday through Thursday from 7:00 a.m. to 11:00 p.m. and Friday and Saturday night from 7:00 a.m. to midnight. I didn't meant to take away something you were already allowed to have.

Alderman Marsh stated a suggested alternate amendment. Alderman Long stated he did not think the neighbors would be comfortable with the suggested amendment.

Alderman Gray: What was staff recommendation?

Jeremy Pate: We recommended to maintain the Sunday hours 7:00 a.m. to 10:00 p.m. and then extending Monday through Saturday to midnight.

Alderman Gray: I like that.

Mayor Jordan stated he would like Mr. Archer to speak about the new amendment.

Julian Archer: It is an improvement. I prefer the staff recommendation.

Tom Overby spoke in opposition of the proposed amendment.

William Feldman stated he preferred the amendment to the original proposal of midnight. On the other hand I prefer the original PZD.

Lynn Wade spoke in opposition of the proposed amendment.

Aubrey Shepherd stated that Alderman Long's proposed amendment was equitable and fair.

Mayor Jordan: The amendment before us is Sunday through Thursday from 7:00 a.m. to 11:00 p.m. and Friday and Saturday from 7:00 a.m. to midnight.

Alderman Gray: I appreciate the staff research and they feel like that is what the competition is doing. If we are wanting to save this business and make it viable for our city with this historic preservation of Pratt Place Inn, then we should value what our staff has come up with and look at those hours which will help Pratt Place Inn.

Upon roll call the motion failed 4-4. Alderman Kinion, Petty, Schoppmeyer and Long voting yes. Alderman Marsh, Tennant, Adams and Gray voting no.

Alderman Gray moved to remove the two year waiting period. There was no second to the motion.

Jeremy Pate gave a brief description of the current proposal to change hours of operation to Monday through Saturday from 7:00 a.m. to midnight and from 7:00 a.m. to 10:00 p.m. on Sunday. There would be a maximum of one event on New Year's Eve allowed until 1:00 a.m. These new hours are granted for a trial period of two years from the date of City Council approval. One year from the date of approval City Council shall review any valid complaints and or violations and determine if the new operated hours should be extended beyond that two year period.

Alderman Gray: Are the ten events till 2:00 a.m. in there?

Mayor Jordan: Nobody sponsored that.

Alderman Gray: That is not part of the original ordinance?

Mayor Jordan: No.

Alderman Marsh moved to amend the hours of operation to Sunday through Wednesday from 7:00 a.m. to 10:00 p.m. and Thursday through Saturday to 7:00 a.m. to midnight. Alderman Petty seconded the motion.

A discussion followed about the proposed amendment.

Aubrey Shepherd stated it was a good amendment.

Julian Archer spoke in opposition of the new proposed amendment that Alderman Marsh made. He prefers the original proposal that the Planning Department recommended.

Alderman Gray: There is one significant fact that I would like to stress. We are talking about four events a month. I keep hearing about the noise level, but the original PZD is four times a month. There has never been a complaint that there is more than four times a month.

Tom Overby: We don't know how many events he has had because we have no way in the neighborhood to monitor this. We felt like he was having more and we requested an account only for 2013 and nothing was forthcoming. Please amend to have quarterly reporting of number of events.

A discussion followed about noise complaints, traffic and the number of events.

William Feldman stated he has been disturbed by the noise more than four times a month. He stated the measurements of the noise are difficult which is why the restriction on the hours offer some protection.

Alderman Adams: I did go to Jason about what we might do to lower, as an idea of compromise, the decibel level for the events until midnight and the legal response to that was decibel levels don't really hold up in court cases.

City Attorney Kit Williams: I wouldn't say that. We have in fact successfully prosecuted people for noise violations. Part of our noise ordinance says that after a certain period of time you can't have audible noise at your own property line. That was done for the Dickson Street area knowing that just because it's not in violation of noise ordinance, it doesn't mean you can't hear it and it won't keep you awake. It is just at a low enough level that we aren't going to make it criminal.

A discussion continued about the noise ordinance.

Alderman Tennant: Is this amendment only changing one night for one hour?

Mayor Jordan: What I remember from the staff is Monday through Saturday until midnight and Sunday until 10:00 p.m.

Alderman Tennant: The compromise is only Thursday?

Alderman Marsh: No. What it is doing is keeping that 7:00 a.m. to 10:00 p.m. on Sunday through Wednesday. We are protecting them that Sunday through Wednesday. It is three nights.

A discussion followed about the procedure after the amendment is voted on.

Upon roll call the motion passed 6-2. Alderman Marsh, Kinion, Petty, Tennant, Schoppmeyer and Long voting yes. Alderman Adams and Gray voting no.

Alderman Long: You can't please everyone, but I feel like this a good compromise. I will support this. I hope that during the trial period that it has worked well. If it doesn't I will try to change it back.

Alderman Gray: You are supporting the new hours into this ordinance?

Alderman Long: As amended.

Jeremy Pate: Mr. Mayor, do you want to clarify? It says one year from the approval date and if we don't have a Council meeting on December 17th, it is going to be a year from now.

Alderman Adams moved to have quarterly reports filed by the business. Alderman Long seconded the motion.

Alderman Marsh: Would that reporting requirement expire at the end of the probationary period?

Don Marr, Chief of Staff: If you are going to require reporting quarterly, we would ask that you request the coming 90 day period of events so you can see the number of events scheduled. This would give you the ability to know a problem before it arises.

Alderman Long: How about the reporting is both.

Don Marr. That is fine.

Alderman Schoppmeyer: I can't support that reporting requirement. I think it will be burdensome and a catalyst for complaining. It is interesting that the people who are bothered by the noise can't tell us how many times events happen a month. There is a lot of dissention and I am sorry to see that because neighbors should get along. Pratt Place is a wonderful establishment.

Julian Archer spoke in opposition of the reporting of quarterly reports.

Fran Alexander stated if there is a reporting on events there should be one central location for all of this.

Tom Overby spoke in favor of the quarterly reporting.

Alderman Petty: What is the penalty if this is violated?

City Attorney Kit Williams: This is a zoning ordinance and any violation can be prosecuted. We haven't prosecuted very many in the last dozen years. We have had to prosecute some. It is a violation and not a giant fine and no possible jail sentence.

Alderman Long: To add one thing for reporting purposes. When it does come back to us one year for review we will have something to look at to evaluate. Would you be interested in that Alderman Petty?

Alderman Petty: I agree with Alderman Schoppmeyer on this.

Alderman Tennant: How will this reporting take place?

Don Marr: We don't know because this will be the first time.

Alderman Tennant: That leads me to not like the idea. I think what Alderman Schoppmeyer said was a good point. It does add a burden to our city staff. I don't think we would get anything concrete out of it.

Don Marr: There is one entity that we get event information from. It is the Walton Arts Center. They provide us an event for event parking scheduling of upcoming events. We don't have any method of back reporting. We get a report from them going into each quarter of the scheduled events.

Alderman Adams: Our Planning Department recommended a two year period that we have not removed. If we are going to look at this in two years then we should have something in place to look at.

A discussion followed about the way a quarterly report would be furnished to the city.

Upon roll call the motion failed 2-6. Alderman Adams and Long voting yes. Alderman Marsh, Kinion, Petty, Tennant, Schoppmeyer, and Gray voting no.

Julian Archer voiced his opinion and is in favor of the original proposed ordinance.

Mayor Jordan: Mr. Archer, keep in mind the Council has made a decision and they passed an amendment for the hours. The original hours are gone.

Alderman Tennant: I looked at the archives from 2005. I learned a lot and this was not a long time ago. While I understand things do change and PZD's should sometimes be changed, in this particular case I want to protect the integrity of the process that happened. The process was a long and well thought out compromise between a neighborhood and a business. I don't like changing things in the spirit of saving any one business. There are times when you should do everything as a city to create a successful environment, but I think it has already happened.

Mayor Jordan: I was on the Council in 2005. That area was zoned to put about 300 hundred houses up on that hilltop and all the traffic that went with it. I met with the neighbors and we told them that that this would be better for them and we gave them our word that if we passed this, we would keep our word. I remember that. When Fran said it was binding, she was right. We gave our word at that time that we wouldn't change and that is why I didn't support the amendment that came in here about a year or so ago.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 0-8. Alderman Marsh, Kinion, Petty, Tennant, Schoppmeyer, Adams, Long and Gray voting no.

This ordinance failed.

New Business:

Bid #13-56 APAC-Central, Inc.: A resolution awarding Bid #13-56 and approving a contract with APAC-Central, Inc. in the amount of \$4,587,250.02 for construction of Van Asche Drive, approving a ten percent (10%) project contingency, and approving a budget adjustment.

Chris Brown, City Engineer gave a brief description of the resolution. The Transportation Committee and staff are recommending approval.

Alderman Marsh: Are there going to be trees in that green space?

Chris Brown: We did not bid those in the project. That is something we do want to talk about, both trees and street lighting. Sometimes that is left for development, but other times we can include that in the project. That is a discussion item we need to have.

Mayor Jordan: I am very open to that, but we need the money.

Alderman Marsh: It is important to have a buffer between the high speed roadway and pedestrians.

Alderman Tennant: The fact that it is going to be the first part of the city that people see and trees would be great. I hope we look at all options and everyone helps to make it something we can be proud of.

Aubrey Shepherd voiced his opinion about wildflowers and trees.

Mayor Jordan stated this had been worked on a long time. He thanked the former Council and Street Committee for all their efforts.

Alderman Long moved to approve the resolution. Alderman Adams seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 259-13 as recorded in the office of the City Clerk

VAC 13-4533 (2732 & 2734 Wildwood/Legacy): An ordinance approving VAC 13-4533 submitted by Bates and Associates for property located at 2732 and 2734 Wildwood to vacate a utility and drainage easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff and Transportation Committee is recommending approval as well as the Planning Commission with a vote of 8-0.

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

City Attorney Kit Williams read the ordinance.

Aubrey Shepherd stated that without an aerial photo with the topography, the Council is not seeing much unless they have been there and looked at it.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5643 as recorded in the office of the City Clerk

RZN 13-4538 (Razorback Road/Victory Commons): An ordinance rezoning that property described in rezoning petition RZN 13-4538, for approximately 5.09 acres, located at 731 S Razorback Road from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: The applicant requested this item to be left on the first reading.

This ordinance was left on the First Reading.

Solid Waste Services: A resolution to develop a Request For Qualifications or Proposals for the planning of a 10-year expansion of solid waste services to attain a diversion rate of 80% and to delay the scheduled rate study of solid waste services until its completion and adoption or rejection.

Alderman Petty: Citizens have requested we expand our recycling services. If we want to make changes in the next few years it would be prudent that we have a plan in place before we conduct a rate study. The items in here are just suggestions to the administration. I would like to address why the 80% is in there. There is no analysis that gets us to 80%. I would like to make a statement that communicates to the firm we hire that we want to see a plan that is aggressive. A plan that shows us their conclusion if that number can't be achieved, then they tell us why and what we can achieve. I want something meaningful if we are going to do this.

Alderman Petty gave a Seattle example as one of the best in class Solid Waste Divisions in the country and stated their goals.

Alderman Marsh: I think this is fantastic. I like that you used the Seattle example. Their waste system worked much easier from a resident standpoint than what we have here currently. I think 80% is a fantastic place to aim for.

Alderman Tennant: I agree that ease of use is part of the way you can help this. Technology plays a big part and it seems like some of the technology is not there yet to make the return on the investments for some cities possible. Would your intent be to include that in some sort of consultants roadmap of what might be coming in their decision making? Do you think it is more technology driven or is it ease of use?

Alderman Petty: I think it is a combination. I hope we hire somebody competent enough to answer those questions for us. A comprehensive waste reduction education program is number one, regardless of the technology. We have to face the facts that technology improvements are going to be necessary. Maybe the technology isn't there to hit these targets with multi-family. If we are going to set a goal like this, we are not just talking about multi-family anymore. We either don't have the expertise or we don't have the leftover capacity to be able to make these determinations in house. The Solid Waste Division right now has a cash reserve of a little more than four million dollars. We haven't raised the rates in once or twice in the last twenty years. The opportunity to talk about these things is now.

Alderman Kinion: This did go to the Water, Sewer and Solid Waste Committee. There was not a lot of discussion on it, but it was recommended to move forward to the City Council.

Don Marr: As staff we are supportive at identifying expertise in this area and having them help us identify a system. We are extremely proud of the Solid Waste Division and the advancements that we have made. We have to remember that when we are asking people to completely redesign a system or to expand services in an area we have never offered, people are already fulfilling services in 40 hour work weeks. We don't have time to stop, because this is a service that has to be provided everyday of every week of every year. To tell people we would like them go study and develop systems, best in class and travel around the country is something we don't have the capacity to do.

There is a very high standard at the City of Fayetteville for the advancement of recycling. The city has challenges just like the benchmark cities that had been spoken about. If we are going to make process changes then we need to make them before we start investments in capital equipment of that value. The rate study is a five year study of what the cost is to deliver a service and you do not want to change the process in the middle of it. We are supportive of it, but we have concerns as a division. Little Rock lost a million dollars and the city was challenged with how to make it a more feasible operation. We don't want to add an operation that loses money. We like the language of the feasibility of assessing these items before we design a system to automatically do it and then bring the study back to you to make the decision on what it is we are going to do.

Alderman Kinion: We might need to improve the language. We need to see if it is feasible, what is the cost, and the return on the investment. We are looking at the possibility of subsidizing services for recycling. 80% is an aggressive goal and way beyond what anyone would imagine

with the current technology, markets and affordability. As we move forward we need to look at this as a feasibility study and the cost associated with this with the current situation.

Alderman Marsh: Under section three where it says the feasibility analyst, could we add feasibility and cost benefit analysis?

Alderman Kinion: That is more in line of what I would like to see. If we can't afford it then it doesn't mean anything anyway.

A discussion followed about the feasibility and a cost benefit analysis.

Alderman Marsh moved to amend the ordinance to add feasibility and cost benefit analysis. Alderman Kinion seconded the motion.

Aubrey Shepherd stated the amendment was great.

Brian Pugh, Waste Reduction Coordinator: I want to thank you for bringing this forward. My job is trying to get people to recycle more and this gets us on that path. We have to make sure when we are looking at all these materials we have markets for this to go to. We can recycle as much as we can possibly recycle, but if there are no markets for this to go to then it is hard to acknowledge the cost to do it. I do support it and if Council wishes we will implement it.

Upon roll call the motion to amend passed unanimously.

Alderman Kinion: As we move forward it is the intent to study the feasibility.

Alderman Gray: Do we have any idea of what the study will cost?

Mayor Jordan: I do not. Does anyone know?

Alderman Kinion: My hope is it will save on the backend as we go forward with rate study.

Aubrey Shepherd voiced his opinion about recycling.

Alderman Marsh moved to approve the resolution. Alderman Adams seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 260-13 as recorded in the office of the City Clerk

City Council Agenda Session Presentations:

Animal Services Presentation – Justine Lentz, Animal Services Superintendent

City Council Tour: None

Announcements:

Don Marr: Today we received a resignation from our Director of Utilities. He runs our Water Sewer Operations as well as our Parking Operations. David Jurgens has accepted a position in Chesapeake, Virginia as Director of Utilities. He will be leaving the City of Fayetteville in early January. We are sad to see David go. He has a wealth of knowledge and a long tenured employee of the city. As Mayor Jordan has said it is never our intention to hold people back from their dreams or opportunities to make more money. We will be conducting a search to fill this position. It is an extremely important position. We are currently putting together some interim staffing plans. We wish him the best of luck and hate to see him go.

The Senior Giving Tree is December 19, 2013 at 10:00 a.m. at the Fayetteville Senior Center.

The city is giving away energy efficiency weatherization kits that are available for low and moderate income residents of the City of Fayetteville.

An Ordinance Review Committee meeting will be held on December 19, 2013 at 5:15 p.m. in room 219.

We want to remind citizens that Solid Waste rescheduled our Saturday facilities operations for the compost sight to be open this Saturday from 8:00 a.m. to noon since we were closed on the only other Saturday due to inclement weather.

City offices will be closed December 24, 2013 and December 25, 2013. Solid Waste services will run as normal on Monday and Tuesday. Wednesday service will be on Thursday and Thursday service will be on Friday.

A holiday celebration for staff, division and department heads will be Friday, 7:00 p.m. at 1621 North Starr Drive home of Council member Adella Gray.

We will have free parking on the 24th and 25th of December.

Alderman Adams: No Ward 4 meeting for the month of December.

Alderman Marsh: Thank you to our outgoing Environmental Action Committee members.

Mayor Jordan: I would like to thank the Council for a productive year. I wish this Council a happy and safe holiday season.

Adjournment: 10:20 p.m.

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 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
January 07, 2014**

A meeting of the Fayetteville City Council will be held on January 07, 2014 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

- 1. Election of Vice Mayor**
- 2. Housing Authority Board of Commissioners** – The Commission recommends the appointment of Carma Unruh term ending 12/28/18
- 3. Firemen's Pension and Relief Fund and Policemen's Pension and Relief Fund Report to the Council** – Mayor Lioneld Jordan

Agenda Additions:

A. Consent:

1. Approval of the December 17, 2013 City Council meeting minutes.

2. **Water and Sewer Operations Facility Rain Garden:** A resolution to approve and accept a grant of up to \$2,800.00 to pay for the installation of a rain garden at the City Water and Sewer Operations Facility and to approve the attached budget adjustment.
3. **Rain Garden Project:** A resolution to approve and accept six grant awards from the Rain Garden Project in the amount up to \$15,000.00 to pay for the installation of four rain gardens at the Nolan Wastewater Plant and two rain gardens at the West Side Wastewater Plant and to approve the attached budget adjustment.
4. **Stephens, Inc.:** A resolution to approve a contract with Stephens, Inc. to approve bond underwriting and related services as needed through December 31, 2018.
5. **Kutak Rock, LLP:** A resolution to approve a contract with Kutak Rock, LLP to approve bond counsel services as needed through December 31, 2018.
6. **Bid #14-02 Asphalt Striping Service, LLC:** A resolution awarding Bid #14-02 and authorizing the purchase from Asphalt Striping Service, LLC of reflectorized paint markings in variable amounts for the Transportation Division as needed through the end of calendar year 2014.
7. **Bid #14-03 Curb and Gutter Construction:** A resolution to award Bid #14-03 and authorizing the purchase of curb and gutter construction from Sweetser Construction, Inc. as primary supplier and Fochtman Enterprises, Inc. as secondary supplier of variable amounts of curb and gutter construction and authorizing the use of other bidders based upon price and availability throughout 2014.
8. **Bid #14-04 Hillside Gravel:** A resolution awarding Bid #14-04 and authorizing the purchase of hillside gravel from Leming & Son Trucking, Inc. for materials picked up and Les Rogers, Inc. for materials delivered for variable unit prices and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.
9. **Bid #14-05 Concrete:** A resolution awarding Bid #14-05 and authorizing the purchase of concrete from Tune Concrete Company as a primary supplier and Beaver Lake Concrete, Inc. as secondary supplier in variable amounts and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.
10. **Bid #14-06 Truck Hauling Services:** A resolution awarding Bid #14-06 and authorizing the purchase of truck hauling services from Les Rogers, Inc., as primary supplier and Leming & Son Trucking as secondary supplier for variable unit prices and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.
11. **Bid #14-07 Aggregate Materials:** A resolution awarding Bid #14-07 and authorizing the purchase of aggregate materials for varying unit prices from various vendors, as needed through the end of calendar year 2014.
12. **Bid #14-09 Drainage Pipe:** A resolution awarding Bid #14-09 and authorizing the purchase of drainage pipe for varying unit prices from various vendors, as needed through the end of calendar year 2014.

- 13. Bid #14-10 Crushed Rock Salt:** A resolution awarding Bid #14-10 and authorizing the purchase of crushed rock salt from North American Salt Company in the amount of \$76.16 per ton, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.
- 14. Bid # 14-11 Topsoil:** A resolution awarding Bid #14-11 and authorizing the purchase of topsoil from Les Rogers, Inc. in the amount of \$10.69 per cubic yard in variable amounts and authorizing the use of other bidders based on price and availability, as needed in calendar year 2014.
- 15. Arkansas Firewise Grant:** A resolution to accept an Arkansas Firewise Grant for 2013 in the amount of \$500.00 to be used for minor equipment and to approve a budget adjustment.
- 16. Clinton Foundation's Building Retrofit Home Energy Affordability Loan Program:** A resolution to approve a Memorandum of Understanding with and to pay \$5,000.00 to the Clinton Foundation's Building Retrofit Home Energy Affordability Loan Program and to approve a budget adjustment.
- 17. Plante and Moran, PLLC:** A resolution to approve a contract with Plante and Moran, PLLC for information technology services in the amount of \$101,400.00.
- 18. Amend Resolution No. 144-13 Hughmount Developers:** A resolution to amend Resolution No. 144-13 which had approved an amended agreement with the Hughmount Developers to allow access to City of Fayetteville sewerage system in order to approve a second amended agreement.

B. Unfinished Business:

- 1. RZN 13-4538 (Razorback Road/Victory Commons):** An ordinance rezoning that property described in rezoning petition RZN 13-4538, for approximately 5.09 acres, located at 731 S Razorback Road from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare. *This ordinance was left on the First Reading at the December 17, 2013 City Council meeting.*

Left on the First Reading

C. New Business:

- 1. 2014 Asphalt Materials:** An ordinance waiving the requirements of formal competitive bidding during calendar year 2014 for the purchase of asphalt materials for use by the Transportation Division, but requiring informal quarterly bids or quotes.
- 2. Watershed Conservation Resource Center Memorandum of Understanding:** An ordinance waiving the requirements of formal competitive bidding and approving a five

year Memorandum of Understanding with the Watershed Conservation Resource Center to jointly seek funding and use such funding to design and construct stream restoration projects.

3. **VAC 13-4544 (Harvey's Hill/Center and Duncan):** An ordinance approving VAC 13-4544 submitted by McClelland Consulting Engineers for property located at the intersection of West Center Street and South Hill Avenue to vacate a utility easement.
4. **RZN 13-4546 (4377 Huntsville Rd./Baldwin Church of Christ):** An ordinance rezoning that property described in Rezoning Petition RZN 13-4546, for approximately 2.07 acres, located at 4377 Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to P-1, Institutional.
5. **RZN 13-4547 (MLK/Beechwood/Easton):** An ordinance rezoning that property described in Rezoning Petition RZN 13-4547, for approximately 1.54 acres, located at 1541/1555/1561 Martin Luther King Boulevard from I-1, Heavy Commercial/Light Industrial, to CS, Community Services.
6. **RZN 13-4548 (McMillan Estates):** An ordinance rezoning that property described in Rezoning Petition RZN 13-4548, for approximately 19.61 acres, located at the southeast corner of I-540 and Wedington Drive from C-2, Thoroughfare Commercial, to UT, Urban Thoroughfare.
7. **RZN 13-4552 (Park West):** An ordinance rezoning that property described in Rezoning Petition RZN 13-4552, for approximately 25.90 acres, located at Hwy 112, north of Truckers Drive from R-PZD Park West, to CS, Community Services.
8. **RZN 13-4553 (Wedington Circle):** An ordinance rezoning that property described in Rezoning Petition RZN 13-4553, for approximately 6.12 acres, located west of Wedington Drive and Garland Avenue from R-PZD Wedington Circle, to CS, Community Services.
9. **ADM 13-4566 (3145 W. Salem Rd./Raven Lane Amendment):** A resolution for ADM 13-4566 amending the Master Street Plan relocating Raven Lane, a collector street, approximately 150 feet to the east of the existing residence at 3145 Salem Road, as described and depicted in the attached map.

D. City Council Agenda Session Presentations:

1. **Entertainment District/Spring Street Parking Deck Update:** David Jurgens, Utilities Director

E. City Council Tour:

F. Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the **Rules of Order and Procedure of the Fayetteville City Council** pertaining to City Council meetings:

Agenda additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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

FAYETTEVILLE HOUSING AUTHORITY

#1 North School Ave.

Fayetteville, AR 72701-5928

PH: (479) 521-3850 FAX: (479) 442-6771

E-MAIL: fayettevilleha@moregti.net

December 20, 2013

Mayor Lioneld Jordan &
Fayetteville City Council Members
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Dear Mayor Lioneld Jordan & Fayetteville City Council Members:

This letter is to confirm that the Fayetteville Housing Authority's Board has elected a new commissioner at its December 20, 2013, Regular Board Meeting.

The new Commissioner for the Fayetteville Housing Authority Board is Carma Unruh. Carma Unruh was appointed to fill an expired term of five years from December 28, 2013 to December 28, 2018.

The Fayetteville Housing Authority Board requests that this newly elected commissioner, Carma Unruh, be placed on the next City Council Meeting Agenda to be formally confirmed by the municipality's governing body in accordance with the Arkansas State Statue #14-169-208.

If you have any questions, please feel free to call or e-mail.

Sincerely yours,



Fredia Sawin
Executive Director

fs

RECEIVED

NOV 19 2013

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

All information submitted on this application is subject to the
Freedom of Information Act and will be released if requested.

City of Fayetteville Application Form
For appointment to City Boards, Commissions, and Committees

Carma Yurich
Name _____ Spouse name (if applicable) _____ Occupation/Employer Name _____
2619 Quality Lane Fayetteville Ar 72703
Resident Street Address City State Zip Code
2619 Quality Lane #315 Fayetteville Ar 72703
Mailing Address City State Zip Code
479-799-4326 cell
Home phone # _____ Business phone _____ Email Address _____
Housing Authority participant 25 yrs
Choice of Committee Position Length of Residency in the City Limits of Fayetteville

Are you a Fayetteville registered voter? Yes ☒ No ☐

1. What are your qualifications for serving on this committee, including education and expertise in the subject matter?

I am on Section 8

2. Why would you like to be considered for appointment to this committee?

to be able to learn more

References:

Denise Smiley Housing Authority _____
Name Address Phone
Bar Foldray Rodgers Pine 442-5248
Name Address Phone

How did you hear about the opening(s)? NWA Times ☐ Free Weekly ☐ Accessfayetteville.org ☐
Government Channel ☐ Chamber of Commerce ☐ Other ☒ Received letter asking

State statute §21-8-701 requires the following persons shall file a written Statement of Financial Interest upon appointment. The Statement of Financial Interest for the previous calendar year shall be filed by January 31st of each year by the following: Planning Commission, Airport Board, Water or Sewer Board, Utility Board or Civil Service Commission.

If you are applying for the Planning Commission you must also complete and submit a Real Estate Holdings Form which may be obtained on our website at accessfayetteville.org

If you have any questions you may contact the City Clerk office at 575-8323 or by email city_clerk@ci.fayetteville.ar.us

Office Use Only:

Term Begins: _____

Appointed: _____

Term Expires: _____

Replaced: _____

Terminated: _____

Resigned: _____



City of Fayetteville Item Review Form

2013-0238

Registrar File Number

1/7/14

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

David Jurgens

Submitted By

Utilities

Department

Action Required:

A resolution approving and accepting one grant award totaling up to \$2,800 from the Rain Garden Project to install a rain garden at the City of Fayetteville Water and Sewer Operations Facility, and approve a budget adjustment acknowledging receipt of the revenue.

Does this item have a cost? ☒ Yes

Cost of this request

Category or Project Budget

Water & Sewer Ops.

Program or Project Name

\$2,800.00

Water/Sewer

Account Number

Funds Used to Date

Program or Project Category

-\$2,800.00

Water/Sewer

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☒ No

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

Paul A. Berlin 12-19-13

Paul A. Berlin 12-19-2013

Don Man 12-19-13
David Jurgens 12/20/13



RESOLUTION NO. _____

A RESOLUTION TO APPROVE AND ACCEPT A GRANT OF UP TO \$2,800.00 TO PAY FOR THE INSTALLATION OF A RAIN GARDEN AT THE CITY WATER AND SEWER OPERATIONS FACILITY AND TO APPROVE THE ATTACHED 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 accepts the grant of up to \$2,800.00 to pay for the installation of a rain garden at the City Water and Sewer Operations Facility and approves the attached budget adjustment.

PASSED and APPROVED this 7th day of January 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

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

Date: December 17, 2013

Subject: Rain Garden Project grant award up to \$2,800 to install a rain garden at the City of Fayetteville Water and Sewer Operations Facility.

RECOMMENDATION

Staff recommends approving and accepting one grant award totaling up to \$2,800 from the Rain Garden Project to install a rain garden at the City of Fayetteville Water and Sewer Operations Facility, and approve a budget adjustment acknowledging receipt of the revenue.

BACKGROUND

A grant application was submitted to the Rain Garden Project on September 17, 2013 proposing the installation of a rain garden at the City of Fayetteville Water and Sewer Operations Facility. Staff received an email notification from the Rain Garden Project Team awarding up to \$2,800. The Garden Project is funded through Arkansas Natural Resource Commission and the USEPA in partnership with the Beaver Watershed Alliance, the Illinois River Watershed Partnership and the Beaver Water District to install 30 rain gardens each in the White River and Illinois River watersheds.

DISCUSSION

The Rain Garden Project grant seeks to empower students and communities to confront local watershed concerns by implementing demonstration rain gardens in public and quasi-public properties, including schools, churches, and public institutions, within the Illinois River and Beaver Lake Watersheds; and educating the public about the numerous benefits of this alternative stormwater management approach.

The proposed City of Fayetteville Water and Sewer Operations Facility rain garden, located northeast of the facility and on the cul-de-sac will capture building and grounds runoff and enhance the area with native vegetation and educational kiosks. In that this location is also adjacent to the Saint Paul Trail, it is envisioned that as the native vegetation blooms trail users will want to walk the cul-de-sac sidewalk to see butterflies and ruby throated humming birds that frequent the area. Also, the facility is used as a regional training location, and staff from other communities within Northwest Arkansas and others from outside the region will be able to visit the rain garden during classes and events.

The grant money will be used solely to install the rain gardens by June 30, 2014 with the assistance from the Rain Garden Project team. Prior to the installation of the rain garden, Staff will redirect the flow of the facility's roof runoff to the rain garden site. The City is also obligated to maintain and monitor the rain gardens for 5 years.

BUDGET IMPACT

The grant should cover most of the material costs for the installation of the rain gardens. Flow redirection and operational costs will be absorbed into the facilities maintenance costs. The budget adjustment recognizes the grant revenue.

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

A. 2
Water and Sewer Operations
Facility Rain Garden
Legistar
Page 4 of 10

Budget Year BY 2014	Division: Utilities Director Department: Utilities Director	Request Date 1/7/2014	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

A resolution approving and accepting one grant award totaling up to \$2,800 from the Rain Garden Project to install a rain garden at the City of Fayetteville Water and Sewer Operations Facility, and approve a budget adjustment acknowledging receipt of the revenue.

CITY\kspringer 12/18/2013 3:42 PM Prepared By Division Head  CITY\kspringer 12/18/2013 3:42 PM Budget Director	Legistar# / Date: 2013-0238 / 1/7/2014 Legistar Title RAIN_GARDEN_GRANT_WSOPS Budget & Information Management Use Only Type: A B C D E P General Ledger Date Posted to General Ledger Initial Date Checked / Verified Initial Date
--	---

TOTAL BUDGET ADJUSTMENT		2,800	2,800	
		Increase / (Decrease)		
Account Name	Account Number	Expense	Revenue	Project.Sub Number
Fixed assets	5400.1840.5801.00	2,800		14012 . 1
State Grants-Capital	5400.0940.4302.00		2,800	14012 . 1
				.
				.



Water
Water



Rain Garden Project Grant Application

General Information:

Organization: CITY OF FAYETTEVILLE WATER & SEWER	
Contact Name: WILLIAM WINN	Email: WINN@C1.FAYETTEVILLE.AR.US
Office Phone: 479-575-8386	Cell Phone: 479-601-4611
Property Address (where rain garden can be located): 2435 INDUSTRIAL	
City, State: FAYETTEVILLE AR	Zipcode: 72764
Type of Organization: School Church <u>Municipality</u> Quasi-public/Other	
How did you hear about the Rain Garden Grant? BEAVER WATERSHED ALLIANCE	
Where do you plan to locate your rain garden on the property? Example: Front entrance	
FRONT ENTRANCE	
What type of impervious service will be draining to the garden? Please circle as many as needed	
<u>Roof</u> Driveway Parking Lot Other	
Please indicate potential dates for rain garden installation:	
What materials, equipment & labor can you provide for the installation? Ex) Do you have access to mulch? Compost? Backhoe?	
BACKHOE MULCH COMPOST BIOSOLIDS FROM WWTP	
Do you have a standing water problem? Y <u>N</u>	
Do you have an erosion problem? Y <u>N</u>	
Would you allow the Rain Garden Project team to monitor water quality in the rain garden: <u>Y</u> N	
Have you attended a Rain Garden Academy? <u>Y</u> N	
Briefly describe why your organization would like a rain garden:	
NEAR TOWN BRANCH & WHITE RIVER	
WILLIAM IS ON BOARD OF BWA	
Signature: <u>William Winn</u> Date: 17 SEPT 13	

I verify that all of the information provided above is true to the best of my knowledge and understand that completion of this application does not guarantee the financial assistance of a rain garden by the NWA Rain Garden Project.

Agreement:

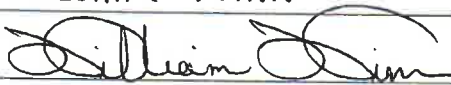
If selected as a Rain Garden Project grant recipient, your organization agrees to:

1. Attend a Rain Garden Academy in the Spring or Fall.
2. Recruit volunteers to provide labor for installation and ongoing maintenance for five years after the installation, which includes watering the rain garden 1" per week during establishment and summer months. Further recommendations for maintenance will be provided by the Rain Garden Project group.

The Rain Garden Project Organizations will not be held responsible for plants that have died due to weather conditions or mis-care (ex. over watering). Replacement plants and mulch will be the responsibility of the Rain Garden Project participant.

3. Submit receipts for all pre-approved material purchases within 30 days of the installation of the rain garden located on the property listed in this application.
4. Receive reimbursements from the Rain Garden Project within 90 days of installation of the rain garden located on the property listed in this application and keep a record of the reimbursement.
5. Allow Rain Garden Project technicians to monitor the rain garden.
6. Allow Rain Garden Project group to photograph or video tape rain garden installation before, during and after installation.

By providing your signature below you agree to the requirements and agreement.

Printed Name:	WILLIAM WINN
Signature:	
Date:	17 SEPT 13
For Official use Only:	

Date received: September, 20 2013

Approved: ☒ Y ☐ N

Received by: Becky Roark, Project Manager

Notes: To be installed by
June 30, 2014

20 10 0 20 Feet



2435

PROPOSED LOCATION
OF
RAIN GARDEN

INDUSTRIAL



Jurgens, David

From: Becky Roark <beckyroark@irwp.org>
Sent: Tuesday, October 29, 2013 4:47 PM
To: Winn, William
Cc: Nyander, Tim; Jurgens, David; Marr, Don; Jewsbury, Gregg; 'Jodi Nimmo'; 'Brad Hufhines'; 'John Pennington'
Subject: RE: Rain Garden @ Fayetteville W&S Aerial of Ops Building (Update - 22 Oct 13)
Attachments: RG Project Funding Request.pdf

Will,

Thank you so much for your time and efforts to help install a rain garden at Trinity and plan one for Water Utilities! Below is the approval letter for the grant, also, if Water Utilities would like for Beaver Watershed Alliance to fund materials up front so that there is no cost to your organization, please see attached form and directions below. Thank you!

Dear Rain Garden Project grant applicant:

Thank you for your application to participate in the Rain Garden Project funded through Arkansas Natural Resource Commission and the US EPA in partnership with the Beaver Water District and the Illinois River Watershed Partnership.

Congratulations! City of Fayetteville Water Utilities has been selected to receive a rain garden grant!

The grant provided will help to cover the costs of installing a rain garden at your pre-approved location. All purchases must be pre-approved to ensure expenditures are allocated to appropriate materials and labor costs, i.e. plant purchases, excavation costs or equipment rental.

For the rain garden grant, your organization may purchase materials and be reimbursed by Beaver Water District within 90 days or your organization may request that all purchases be handled by the Beaver Watershed Alliance. If your organization would be in need of funding up front, please fill out and return the attached funding request to:

John Pennington, *Executive Director of Beaver Watershed Alliance*

614 E. Emma Ave. Suite M438
Springdale, AR 72764

Phone: 479-970-3550

Email: info@beaverwatershedalliance.org

Please contact Becky Roark, Rain Garden Resource Specialist, at 479-215-6623 or beckyroark@irwp.org to discuss your plans for implementing a rain garden at your location. If you have further questions Rain Garden Project grant, please let us know.

Thank you for your application and we look forward to working with you in installing your rain garden by June 30, 2014.

Steps to Install a Rain Garden:

Determine rain garden planting date: Possible Fall Dates include Nov. 15, 18, 19, 20, 21, 22

1. Determine impervious area draining to rain garden site- **Completed**
2. Calculate slope of site- **Completed**
3. Determine square footage of rain garden needed- **Becky can do this with docs supplied**
4. Conduct percolation test- **Could someone from Water Utilities conduct this?**
 - a. Dig a 12" hole with post-hole diggers, fill with water, let drain, fill again and record if water is gone within 24-48 hours.
5. Call Arkansas One Call (dial 811) and stake area with white flags to locate underground utilities- **To be completed by Will Winn**
6. Determine plants for rain garden and soil test- **Becky to design concept for rain garden**
 - a. Native plant brochure
 - b. Soil test during perc test, looking at soil profiles
7. Order materials, decide delivery area and date- **Becky can do this and coordinate with Will**
8. Excavate site at least two days prior to planting event- no volunteers or students for this (approx. 4-6 hours) – **Water Utilities**
9. Planting date for volunteers, plant rain garden and mulch (approximately 2 hours)

Sincerely,

The Rain Garden Project Team

Becky Roark, B.S.L.A.S.
Rain Garden Resource Specialist
Illinois River Watershed Partnership
P.O. Box 205, Cave Springs, AR 72718
(479) 215- 6623

www.irwp.org
Rain Gardens...Nature's Filter

From: Winn, William [mailto:wwinn@fayetteville-ar.gov]
Sent: Tuesday, October 22, 2013 2:00 PM
To: Becky Roark
Cc: Nyander, Tim; Jurgens, David; Winn, William; Marr, Don; Jewsbury, Gregg
Subject: Rain Garden @ Fayetteville W&S Aerial of Ops Building (Update - 22 Oct 13)

Becky –

As promised, please find attached an aerial of the Fayetteville W&S Ops Building with rooftop square footages. Gregg, as always, did a great job of putting it together for us.

I have locates called into Arkansas One Call and should have the utilities located by tomorrow afternoon.

Sorry that Ben and I could only help Sunday with the Rain Garden at TUMC and not at Tri-Cycle Farms. We had to skip out. After Saturday night in the intensive care unit, my Father-in-Law was put in Sunday for a procedure.

I will contact you after the locates are in place and we can discuss location of the Garden at W&S in more detail.

- Will

William C. "Will" Winn, RS
Water & Sewer Division
Utilities Department
City of Fayetteville
479-575-8386
479-684-4730 (fax)
TDD (Telecommunications Device for the Deaf) 479-521-1316



**Know what's below.
Call before you dig.**



Before you print this email think about the environment

City of Fayetteville Item Review Form

2013-0237

Legistar File Number

1/7/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

David Jurgens

Submitted By

Utilities

Department

Action Required:

A resolution approving and accepting six grant awards totaling up to \$15,000 from the Rain Garden Project to install 4 rain gardens at the Paul R. Noland WWTP and 2 rain gardens at the West Side WWTP, and approve a budget adjustment acknowledging receipt of the revenue.

Does this item have a cost?

\$0.00

Cost of this request

5400.5800.5801.00

Account Number

14012.1

Project Number

\$0.00

Category or Project Budget

\$0.00

Funds Used to Date

\$0.00

Remaining Balance

Wastewater Treatment

Program or Project Name

Rain Garden Grant

Program or Project Category

Water/Sewer

Fund Name

Budgeted Item?

Budget Adjustment Attached?

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

 12-19-13
Paul A. Becker 12-19-2013

 12-19-13
 12/20/13




To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

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



Date: December 16, 2013

Subject: Rain Garden Project grant awards up to \$15,000 to install rain gardens at the wastewater treatment plants (WWTPs)

RECOMMENDATION

Staff recommends approving and accepting six grant awards totaling up to \$15,000 from the Rain Garden Project to install 4 rain gardens at the Paul R. Noland WWTP and 2 rain gardens at the West Side WWTP, and approve a budget adjustment acknowledging receipt of the revenue.

BACKGROUND

Grant applications were submitted to the Rain Garden Project in August proposing the installation of 4 rain gardens at the Noland WWTP and 2 rain gardens at the West Side WWTP. Staff received an email notification from the Rain Garden Project Team awarding up to \$10,000 for the Paul R. Noland WWTP and up to \$5,000 for the West Side WWTP. The Rain Garden Project is funded through Arkansas Natural Resource Commission and the USEPA in partnership with the Illinois River Watershed Partnership and the Beaver Watershed Alliance, and the Beaver Water District to install 30 rain gardens each in the White River and Illinois River watersheds.

DISCUSSION

The Rain Garden Project grant seeks to empower students and communities to confront local watershed concerns by implementing demonstration rain gardens in public and quasi-public properties, including schools, churches, and public institutions, within the Illinois River and Beaver Lake Watersheds; and educating the public about the numerous benefits of this alternative stormwater management approach.

The proposed Noland rain gardens, located adjacent to the visitor parking, will strategically capture parking lot run-off, improve existing xeriscape features, and collect a portion of excess runoff from the administration building. The West Side rain gardens will be strategically located along the facility tour route and to eliminate erosion along a drainage bank. Attached are copies of the grant applications, which contain drawings of the proposed rain gardens.

The grant money will be used solely to install the rain gardens by June 30, 2014 with the assistance from the Rain Garden Project team. We are also obligated to maintain and monitor the rain gardens for 5 years.

BUDGET IMPACT

The grants should cover most of the material costs for the installation of the rain gardens. Operational costs, if any, will be absorbed into the facilities maintenance costs in the CH2M Hill operational contract budget. The budget adjustment recognizes the grant revenue.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AND ACCEPT SIX GRANT AWARDS FROM THE RAIN GARDEN PROJECT IN THE AMOUNT UP TO \$15,000.00 TO PAY FOR THE INSTALLATION OF FOUR RAIN GARDENS AT THE NOLAN WASTEWATER PLANT AND TWO RAIN GARDENS AT THE WEST SIDE WASTEWATER PLANT AND TO APPROVE THE ATTACHED 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 accepts six grant awards from the Rain Garden Project in the amount up to \$15,000.00 to pay for the installation of four rain gardens at the Nolan Wastewater Plant and two rain gardens at the West Side Wastewater Plant and approves the attached budget adjustment.

PASSED and APPROVED this 7th day of January 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

A. 3
Rain Garden Project
V13.1030
Page 4 of 32
Legistar

Budget Year BY 2014	Division: Utilities Director Department: Utilities Director	Request Date 1/7/2014	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

A resolution approving and accepting six grant awards totaling up to \$15,000 from the Rain Garden Project to install 4 rain gardens at the Paul R. Noland WWTP and 2 rain gardens at the West Side WWTP, and approve a budget adjustment acknowledging receipt of the revenue.

CITY\kspringer 12/18/2013 3:40 PM Prepared By Division Head  CITY\kspringer 12/18/2013 3:40 PM Budget Director	Legistar# / Date: 2013-0237 / 1/7/2014 Legistar Title: RAIN_GARDEN_GRANT_WWTP Budget & Information Management Use Only Type: A B C D E P General Ledger Date Posted to General Ledger Initial Date Checked / Verified Initial Date
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TOTAL BUDGET ADJUSTMENT		15,000	15,000	
		Increase / (Decrease)		
Account Name	Account Number	Expense	Revenue	Project.Sub Number
Fixed assets	5400.5800.5801.00	15,000		14012 . 1
State Grants-Capital	5400.0940.4302.00		15,000	14012 . 1
				.
				.

From: [Becky Roark](#)
To: [Hickle, Jeff/FAY](#)
Cc: [Tran, Duyen/FAY](#); [Richart, Robert/FAY](#)
Subject: Rain Garden Applications
Date: Friday, August 30, 2013 4:18:50 PM

Dear Rain Garden Project grant applicant:

Thank you for your application to participate in the Rain Garden Project funded through Arkansas Natural Resource Commission and the US EPA in partnership with the Illinois River Watershed Partnership and the Beaver Water District.

Congratulations! City of Fayetteville/CH2M Hill been selected to receive a rain garden grant!

For the Noland Plant: 4 Rain Garden grants approved, award up to \$10,000.00
For the Westside Plant: 2 Rain Garden grants approved, award amount up to \$5,000.00

The grant provided will help to cover the costs of installing a rain garden at your pre-approved location. All purchases must be pre-approved to ensure expenditures are allocated to appropriate materials and labor costs, i.e. plant purchases, excavation costs or equipment rental. By signing the Rain Garden Grant application you agree to maintain the gardens for a minimum of five years for the grant project.

Please contact Becky Roark, Rain Garden Resource Specialist, at 479-215-6623 or beckyroark@irwp.org to continue discussions on your plans for implementing rain gardens at your locations. If you have further questions Rain Garden Project grant, please let us know.

Thank you for your application and we look forward to working with you in installing your rain garden by June 30, 2014.

Sincerely,

The Rain Garden Project Team



Beaver Water District



Rain Garden Project Grant Application

Thank you for your interest in working to protect the water quality of our local streams and lakes. The purpose of the Rain Garden Project grant is to financially assist public and quasi-public properties, including schools, churches and public institutions within the Illinois River and Beaver Lake watershed with the placement of demonstration rain gardens on their property.

The following application consists of:

1. Project Overview
2. Eligibility
3. Requirements
4. Time Line
5. Application Form & Agreement

Project Overview:

A rain garden is a landscaped area designed to capture and hold excess rain water for a short period, allowing it to soak into the soil and recharge the groundwater. Rain gardens help to slow the flow of water from an impervious surface during and after a storm, reducing water pollution and allowing groundwater recharge. Rain gardens are also efficient at removing not only nutrients and sediment but also inorganic metals during runoff events that do not exceed the capacity of rain garden storage. Other benefits include aesthetics and wildlife habitat creation within a rain garden.

The Rain Garden Project seeks to implement a total of sixty demonstration rain gardens in highly visible public and quasi-public (i.e. municipal, school, church) locations within the Illinois River and Beaver Lake watershed. Ten rain gardens will be installed in each watershed per year over the course of a three year period. As a grant recipient, the program will offer reimbursement for materials such as plants, compost and mulch for the installation of the rain garden. The Rain Garden Project will fund up to 75% of the cost of implementing demonstration rain gardens through reimbursement to institutions and non-profit organizations participating in demonstration gardens. Participants will be eligible for reimbursements of rain garden costs upon presentation of receipts provided they document 25% of the total cost as in-kind services. In-kind services will include unpaid man hours for the construction, planting, and maintenance of each cooperating institution. Gardens will vary in size in accordance with site conditions. An anticipated average size is 233 square feet per garden. Informational signs for each demonstration garden will be provided to cooperators. These signs will describe the functions and benefits of rain gardens.

In addition, participants must agree to allow the Rain Garden Project team to monitor selected rain gardens and allow photographic documentation before, during and after the process. Pictures from your rain garden may be included in publications, reports and educational programs.

Through a partnership between the Arkansas Natural Resource Commission, EPA, Illinois River Watershed Partnership and Beaver Water District, the Rain Garden Project grant seeks to empower students and communities to confront local watershed concerns by implementing demonstration rain gardens and educating the public about the numerous benefits of this alternative stormwater management approach. 1

Eligibility:

Candidates to be considered for the Rain Garden Project grant include:

- Schools
- Churches
- Quasi-public spaces
- Municipalities

Property must be located within the Illinois River or Beaver Lake watershed. Priority will be given to those organizations that agree to maintain rain gardens at least five years after installation, provide a site that has a high public visibility and are in close proximity to an impaired waterbody.

Requirements:

1. Complete Rain Garden grant application.

This application consists of three pages which should be completed. In addition to the forms, you will be required to submit a photograph of the area in which you plan to place your garden. If you would like to submit your photo electronically, please email to beckyroark@irwp.org. If you are unable to photograph your property, please contact us as soon as possible, and we will make arrangements to have your property photographed. Applicants are encouraged to keep at least one copy of the grant application for their own records. Applications must be mailed or emailed and must include all completed forms in a single envelope. Please mail or email your completed application to:

Rain Garden Project
C/O IRWP
P. O. Box 8506
Fayetteville, AR 72703
Phone: (479) 215-6623
Email: beckyroark@irwp.org

2. All applicants must attend a Rain Garden Academy.

Two academies will be held per year in the Spring and Fall. Dates will be announced. Academies consist of a one day workshop and will include a showcase of rain gardens as well as a design and implementation "how to." Participants will be able to return to their home or business with all the information needed to construct a rain garden. To encourage participation in the rain garden academies, we will provide coupons for native plants to each attendee.

3. Participants must recruit volunteers to provide labor for installation and ongoing maintenance of the rain garden, including summer months.

4. Participants must obtain and submit receipts for all pre-approved material purchases.

The Rain Garden Project will provide shovels and trowels. Receipts will ensure reimbursement for pre-approved materials purchased.

5. Participants will be required to maintain the rain garden for five years after the installation.

Cooperating partners will be responsible for managing the gardens; *therefore* it is crucial that a representative of your organization attend a Rain Garden Academy to understand how to take care of your garden. Rain gardens require at least 1" of water per week, especially during summer months.

The Rain Garden Project supports the installation of the garden only; *however*, appropriate handouts with management guidelines will be given to you to ensure a successful experience.

Rain Garden Project Time Line:

July 15, 2011 to July 15, 2014

Applications will be accepted at all times throughout the year. Planting/Installation dates are between late March through mid-November. Please plan to have two days selected for installation.

Grant recipients will be notified as selection committee reviews and approves applications.

Checklist:

☒ Fill out pages 4-6 of application. Mail or email to:

Rain Garden Project
C/O IRWP
1200 W. Walnut
Rogers, AR 72756
Phone: (479) 215-6623
Email: beckyroark@irwp.org

☒ Mail or email "before" photograph of site.

☒ Review Requirements (Page 2-3).

☒ Review and Sign for Agreements (Page 6).

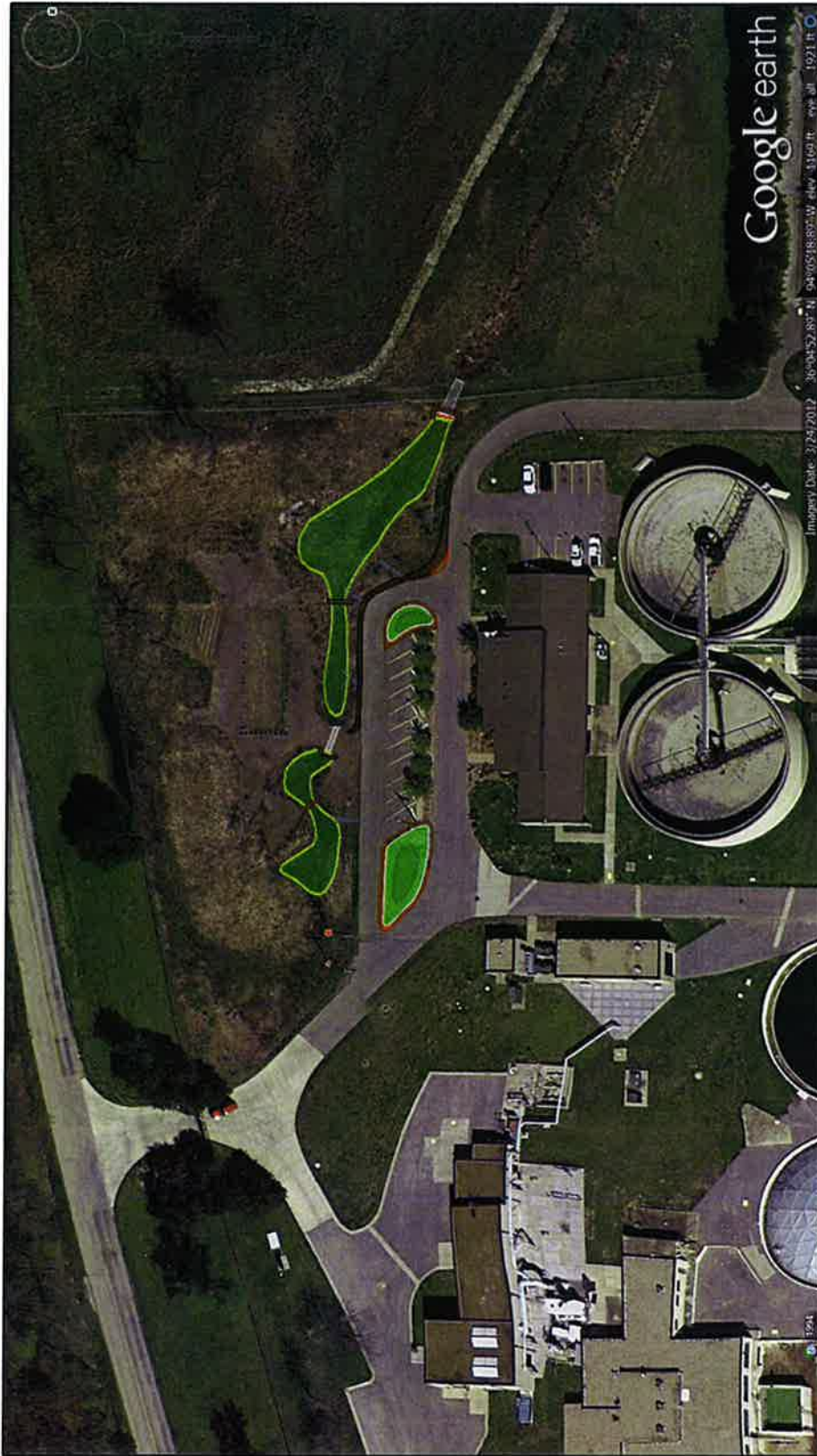
☒ Sign up for a Rain Garden Academy.

Rain Garden Project Grant Application

Briefly describe why your organization would like a rain garden:

We are most excited about placing 2 rain gardens adjacent (north and south) to our visitor parking area. These rain gardens will be welcoming features to all Noland guests. Additionally these rain gardens will capture stormwater run-off and any residual petroleum-based pollutants from our front entrance drive and visitor parking spaces.

Placement of the other rain gardens will be within our current xeriscape with the intentions of helping to improve retention and infiltration of stormwater run-off; enhance ecosystem diversity by encouraging lowland & wetland plant communities; address pooling run-off near visitor parking and stabilize an area of bank erosion.



Noland WWTP Rain Garden Areas

Noland Stormwater Flow to Rain Garden Areas



Rain Garden Area #1

- Placed south of Visitor Parking Area
- Planted with Native Vegetation

Deep Gravel Infiltration for Capturing Stormwater

Improved Soil & Increased Capacity

Gravel Border Along Perimeter

Apprx. 1,000 ft² Rain Garden Retention Area



Rain Garden Area #2

- Placed north of Visitor Parking Area
- Planted with Native Vegetation



Deep Gravel Infiltration for
Collecting Stormwater

Catchment for Residuals
from Vehicle Parking

Improved Soil &
Increased Capacity

Gravel Border Along
Perimeter

Reinforced Gravel-cells for
Widening Turn Radius &
Infiltration

Rain Garden Area #3

- Upper Drainage of Xeriscape
- Planted with Native Lowland & Wetland Vegetation

Flow Control Structure for
Stormwater Retention

Flow Control Structure
Before Culvert Drain

Infiltration Channel to
Decrease Pooling
Stormwater



Rain Garden Area #4

- Lower Drainage of Xeriscape
- Final Stormwater Catchment Before Flowing to Nearby Riparian Zone
- Planted with Native Lowland & Wetland Vegetation



Gravel Infiltration Border
for Collecting Stormwater

Flow Control Structure for
Stormwater Retention

Infiltration Channels to
Decrease Pooling

Reinforced Gravel-cells for
Widening Turn Radius &
Infiltration

Adjustable Flow Control
Structure for Maximizing
Stormwater Retention

Weir & Bank Erosion
Stabilization

Noland Rain Garden Areas (Before)



Agreement:

If selected as a Rain Garden Project grant recipient, your organization agrees to:

1. Attend a Rain Garden Academy in the Spring or Fall.
2. Recruit volunteers to provide labor for installation and ongoing maintenance for five years after the installation, which includes watering the rain garden 1" per week during establishment and summer months. Further recommendations for maintenance will be provided by the Rain Garden Project group.

The Rain Garden Project Organizations will not be held responsible for plants that have died due to weather conditions or mis-care (ex. over watering). Replacement plants and mulch will be the responsibility of the Rain Garden Project participant.

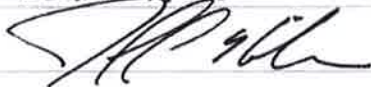
3. Submit receipts for all pre-approved material purchases within 30 days of the installation of the rain garden located on the property listed in this application.
4. Receive reimbursements from the Rain Garden Project within 90 days of installation of the rain garden located on the property listed in this application and keep a record of the reimbursement.
5. Allow Rain Garden Project technicians to monitor the rain garden.
6. Allow Rain Garden Project group to photograph or video tape rain garden installation before, during and after installation.

By providing your signature below you agree to the requirements and agreement.

Printed Name:

Jeff Hickie

Signature:



Date:

8-13-13

For Official use Only:

Date received:

Approved: Y N

Received by:

Notes:



Water



Rain Garden Project Grant Application

Thank you for your interest in working to protect the water quality of our local streams and lakes. The purpose of the Rain Garden Project grant is to financially assist public and quasi-public properties, including schools, churches and public institutions within the Illinois River and Beaver Lake watershed with the placement of demonstration rain gardens on their property.

The following application consists of:

1. Project Overview
2. Eligibility
3. Requirements
4. Time Line
5. Application Form & Agreement

Project Overview:

A rain garden is a landscaped area designed to capture and hold excess rain water for a short period, allowing it to soak into the soil and recharge the groundwater. Rain gardens help to slow the flow of water from an impervious surface during and after a storm, reducing water pollution and allowing groundwater recharge. Rain gardens are also efficient at removing not only nutrients and sediment but also inorganic metals during runoff events that do not exceed the capacity of rain garden storage. Other benefits include aesthetics and wildlife habitat creation within a rain garden.

The Rain Garden Project seeks to implement a total of sixty demonstration rain gardens in highly visible public and quasi-public (i.e. municipal, school, church) locations within the Illinois River and Beaver Lake watershed. Ten rain gardens will be installed in each watershed per year over the course of a three year period. As a grant recipient, the program will offer reimbursement for materials such as plants, compost and mulch for the installation of the rain garden. The Rain Garden Project will fund up to 75% of the cost of implementing demonstration rain gardens through reimbursement to institutions and non-profit organizations participating in demonstration gardens. Participants will be eligible for reimbursements of rain garden costs upon presentation of receipts provided they document 25% of the total cost as in-kind services. In-kind services will include unpaid man hours for the construction, planting, and maintenance of each cooperating institution. Gardens will vary in size in accordance with site conditions. An anticipated average size is 233 square feet per garden. Informational signs for each demonstration garden will be provided to cooperators. These signs will describe the functions and benefits of rain gardens.

In addition, participants must agree to allow the Rain Garden Project team to monitor selected rain gardens and allow photographic documentation before, during and after the process. Pictures from your rain garden may be included in publications, reports and educational programs.

Through a partnership between the Arkansas Natural Resource Commission, EPA, Illinois River Watershed Partnership and Beaver Water District, the Rain Garden Project grant seeks to empower students and communities to confront local watershed concerns by implementing demonstration rain gardens and educating the public about the numerous benefits of this alternative stormwater management approach. 1

Eligibility:

Candidates to be considered for the Rain Garden Project grant include:

- Schools
- Churches
- Quasi-public spaces
- Municipalities

Property must be located within the Illinois River or Beaver Lake watershed. Priority will be given to those organizations that agree to maintain rain gardens at least five years after installation, provide a site that has a high public visibility and are in close proximity to an impaired waterbody.

Requirements:

1. Complete Rain Garden grant application.

This application consists of three pages which should be completed. In addition to the forms, you will be required to submit a photograph of the area in which you plan to place your garden. If you would like to submit your photo electronically, please email to beckyroark@irwp.org. If you are unable to photograph your property, please contact us as soon as possible, and we will make arrangements to have your property photographed. Applicants are encouraged to keep at least one copy of the grant application for their own records. Applications must be mailed or emailed and must include all completed forms in a single envelope. Please mail or email your completed application to:

Rain Garden Project
C/O IRWP
P. O. Box 8506
Fayetteville, AR 72703
Phone: (479) 215-6623
Email: beckyroark@irwp.org

2. All applicants must attend a Rain Garden Academy.

Two academies will be held per year in the Spring and Fall. Dates will be announced. Academies consist of a one day workshop and will include a showcase of rain gardens as well as a design and implementation "how to." Participants will be able to return to their home or business with all the information needed to construct a rain garden. To encourage participation in the rain garden academies, we will provide coupons for native plants to each attendee.

3. Participants must recruit volunteers to provide labor for installation and ongoing maintenance of the rain garden, including summer months.

4. Participants must obtain and submit receipts for all pre-approved material purchases.

The Rain Garden Project will provide shovels and trowels. Receipts will ensure reimbursement for pre-approved materials purchased.

5. Participants will be required to maintain the rain garden for five years after the installation.

Cooperating partners will be responsible for managing the gardens; *therefore* it is crucial that a representative of your organization attend a Rain Garden Academy to understand how to take care of your garden. Rain gardens require at least 1" of water per week, especially during summer months.

The Rain Garden Project supports the installation of the garden only; *however*, appropriate handouts with management guidelines will be given to you to ensure a successful experience.

Rain Garden Project Time Line:

July 15, 2011 to July 15, 2014

Applications will be accepted at all times throughout the year. Planting/Installation dates are between late March through mid-November. Please plan to have two days selected for installation.

Grant recipients will be notified as selection committee reviews and approves applications.

Checklist:



Fill out pages 4-6 of application. Mail or email to:

Rain Garden Project
C/O IRWP
1200 W. Walnut
Rogers, AR 72756
Phone: (479) 215-6623
Email: beckyroark@irwp.org



Mail or email "before" photograph of site.



Review Requirements (Page 2-3).



Review and Sign for Agreements (Page 6).



Sign up for a Rain Garden Academy.



Water
Water



Rain Garden Project Grant Application

General Information:

Organization: <u>City of Fayetteville (CH2M HILL)</u>	
Contact Name: <u>Jeff Hickie</u>	Email: <u>jeff.hickie@ch2m.com</u>
Office Phone: <u>(479) 443-3292</u>	Cell Phone: <u>(479) 445-5676</u>
Property Address (where rain garden can be located): <u>15 S. Broyles Ave</u>	
City, State: <u>Fayetteville, AR</u>	Zipcode: <u>72704</u>
Type of Organization: School Church <u>Municipality</u> Quasi-public/Other	
How did you hear about the Rain Garden Grant? <u>John Pennington, B.W.A.</u>	
Where do you plan to locate your rain garden on the property? Example: Front entrance	
<u>Upper & Lower S.W. Drainage Area and North Clarifier Drainage Area</u>	
What type of impervious service will be draining to the garden? Please circle as many as needed	
☒ Roof ☒ Driveway ☒ Parking Lot ☐ Other	
Please indicate potential dates for rain garden installation: <u>Fall 13'</u>	
What materials, equipment & labor can you provide for the installation? Ex) Do you have access to mulch? Compost? Backhoe?	
<u>Native Plant Starters & Seed, Labor, Backhoe</u>	
Do you have a standing water problem? Y ☒ N	
Do you have an erosion problem? ☒ Y N	
Would you allow the Rain Garden Project team to monitor water quality in the rain garden: ☒ Y N	
Have you attended a Rain Garden Academy? Y ☒ N	
Briefly describe why your organization would like a rain garden:	
<u>See Attached</u>	
Signature: <u>[Signature]</u> Date: <u>8-13-13</u>	

I verify that all of the information provided above is true to the best of my knowledge and understand that completion of this application does not guarantee the financial assistance of a rain garden by the NWA Rain Garden Project.

Rain Garden Project Grant Application

Briefly describe why your organization would like a rain garden:

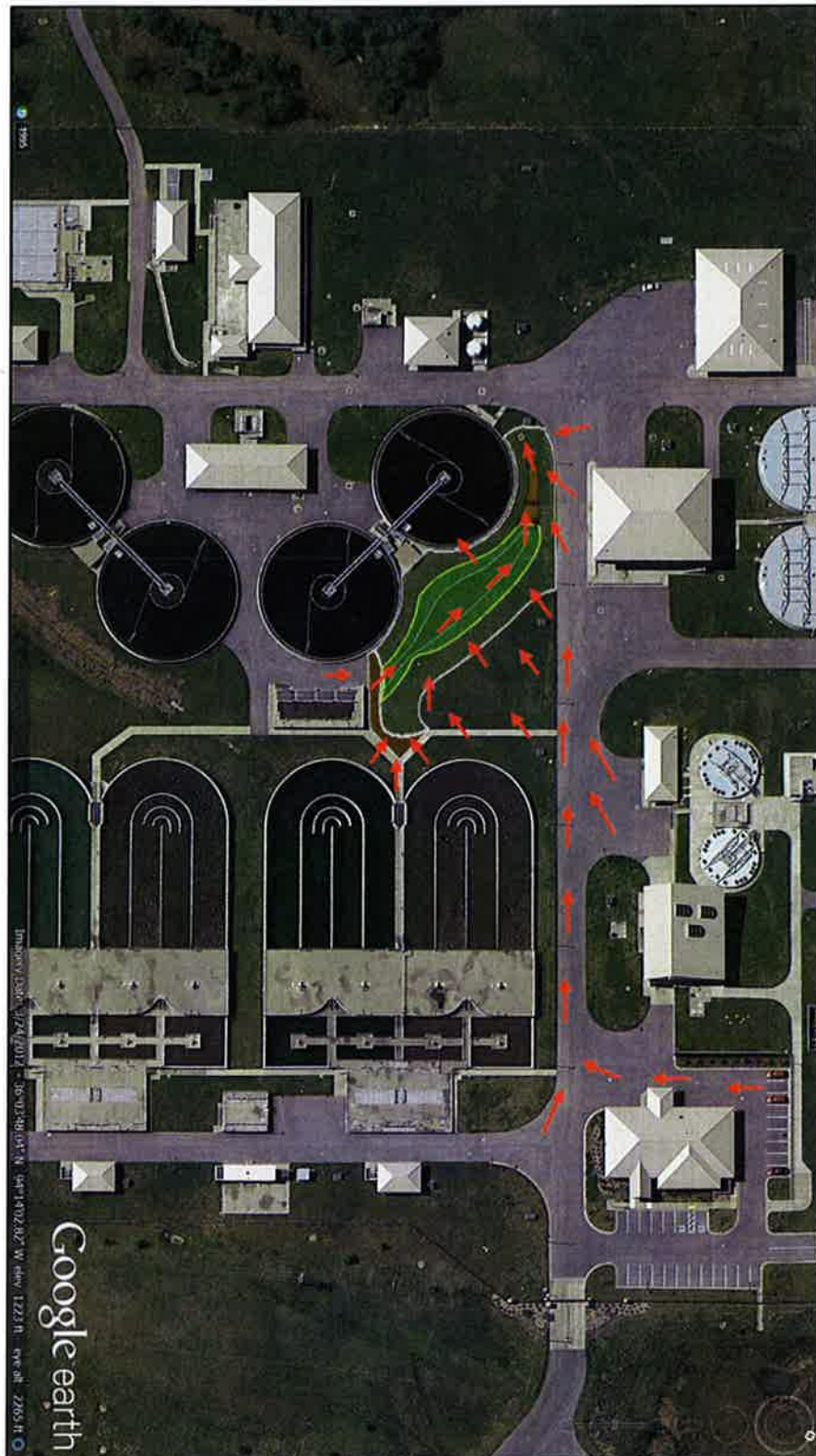
In addition to the functional benefits of collecting stormwater run-off, increasing soil infiltration, and providing pockets of habitat for wildlife the West Side rain gardens will coordinate well with our current xeriscape habitat improvement project. West Side rain gardens could extend our existing 300 foot corridor of naturalized landscape into a nearly 1,000 foot long corridor of habitat. This corridor will be more erosion resistant, able to capture greater volumes of precipitation, and decrease stormwater runoff reaching nearby Goose Creek. The improved soil and native vegetation within the rain gardens will add to our beneficial habitat for small mammals, birds, reptiles and pollinators. The West Side WWTP is also an ideal location for these rain gardens as nearly 500 guests visit annually for plant tours.



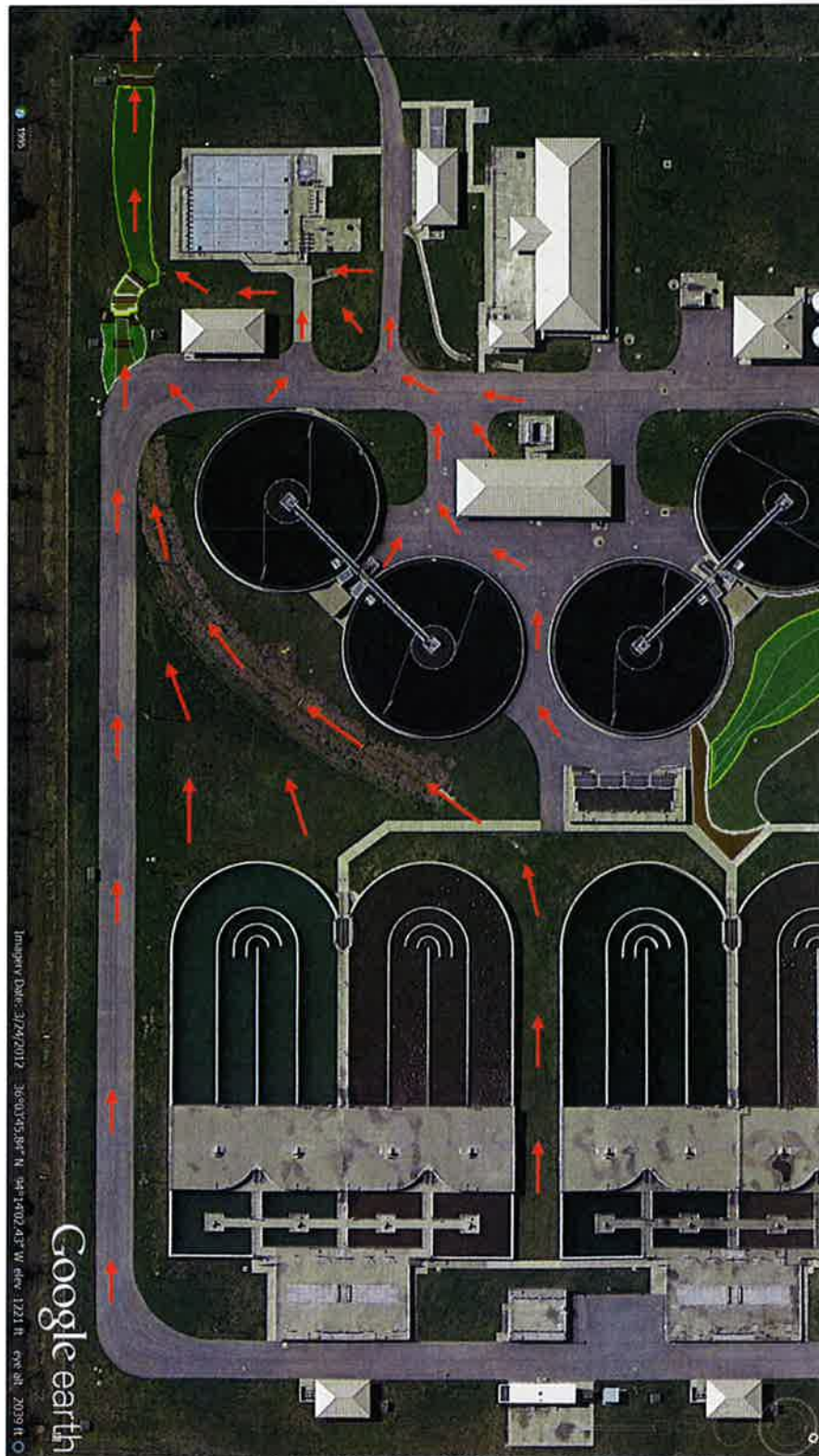
West Side WWTP

Rain Garden Areas

West Side Stormwater Flow to Rain Garden Areas



West Side Stormwater Flow to Rain Garden Areas



Rain Garden Area #1

- Placed within drainage swale north of Clarifiers #1 & #2
- Incorporated into West Side Xeriscape Expansion Project
- Planted with Native Prairie, Lowland & Wetland Vegetation

Gravel Infiltration Channel w/ Flow Control Structures to Storm Drain

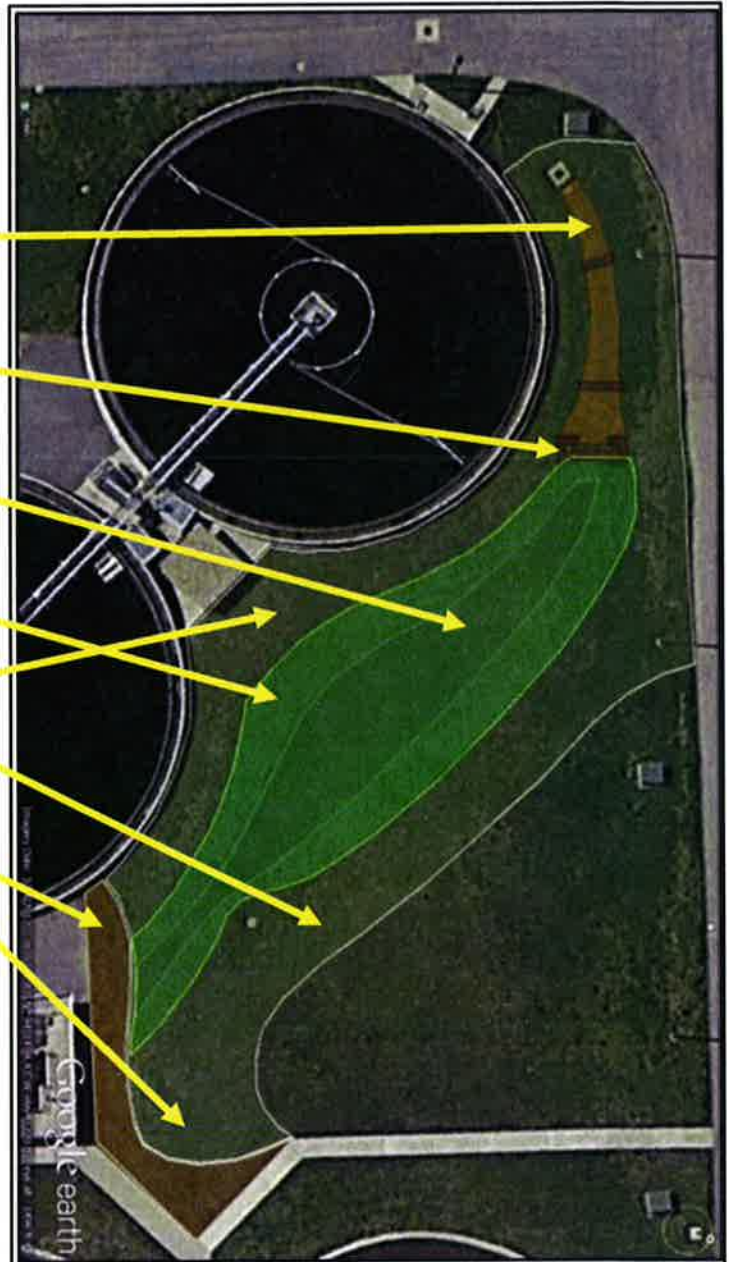
Overflow Weir w/ Erosion Stabilization

Improved Soil & Increased Capacity

Apprx. 6,000 ft² Rain Garden Retention Area

Native Grass-Wildflower Xeriscape (other project)

Permeable Walk – Cart Drive (other project)



Rain Garden Area #2

- South-west Upper Drainage Swale South of Blower Building
- Pre-catchment for Lower Rain Garden Area
- Addresses ongoing Erosion Issue on Steep Drainage Slope

Flow Control Structures on
Drainage Slope

Infiltration & Overflow
Disruptor Basins

Reinforced Overflow Weir
w/ Erosion Stabilization

Rain Garden Retention Area

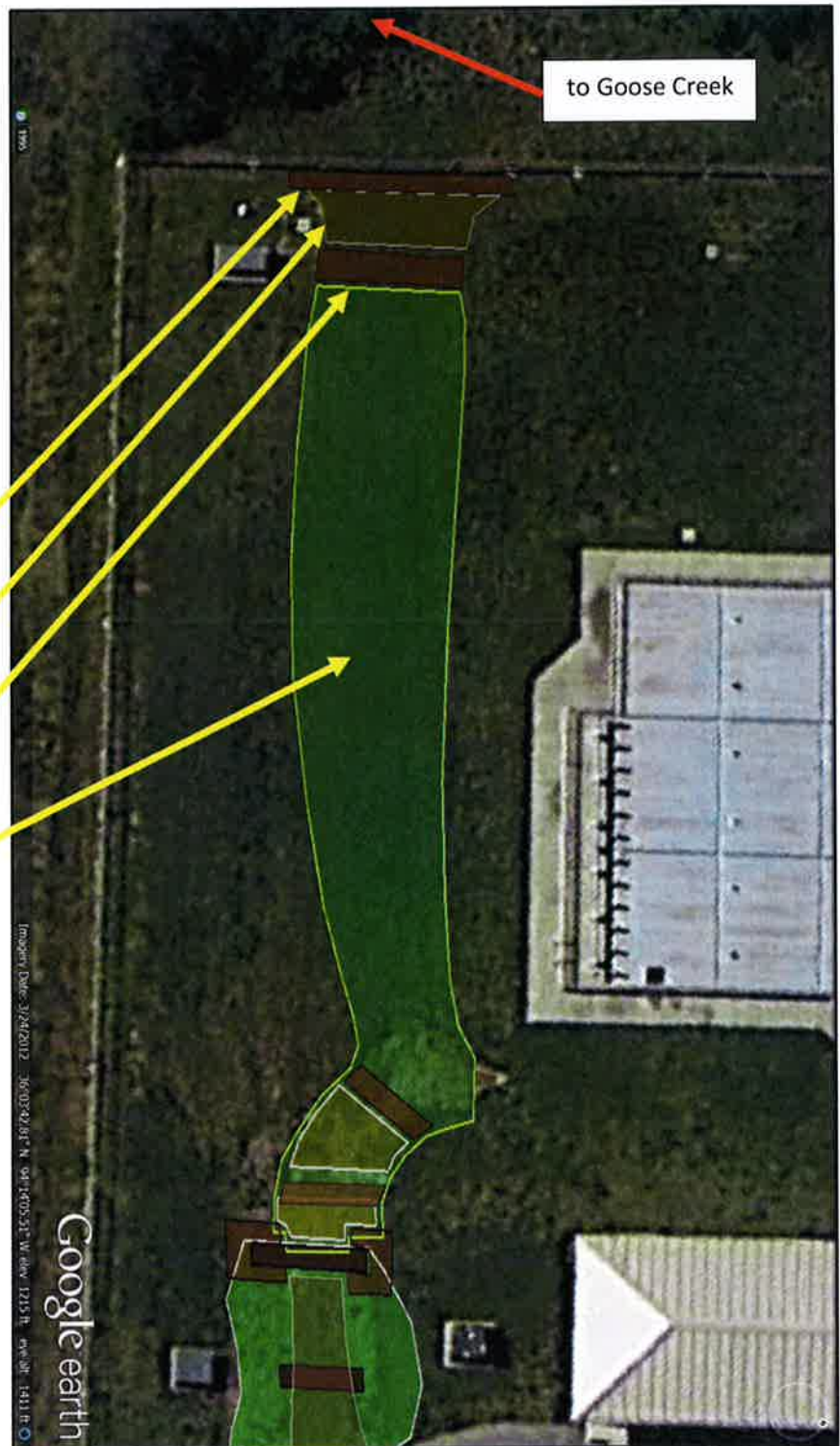
River Stone Infiltration
Channel w/ Flow Control
Structure to Overflow Weir



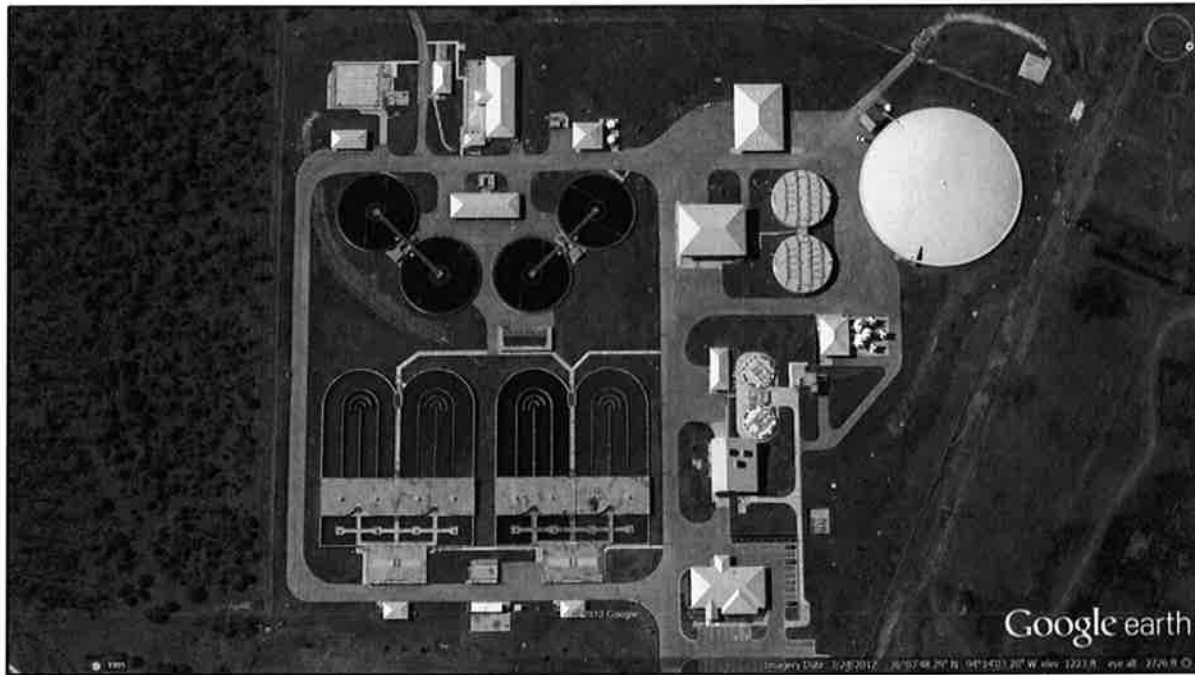
Rain Garden Area #3

- South-west Lower Drainage Swale South of Blower Building
- Final Stormwater Catchment Before Overland Flow to Goose Creek
- Planted with Native Lowland & Wetland Vegetation

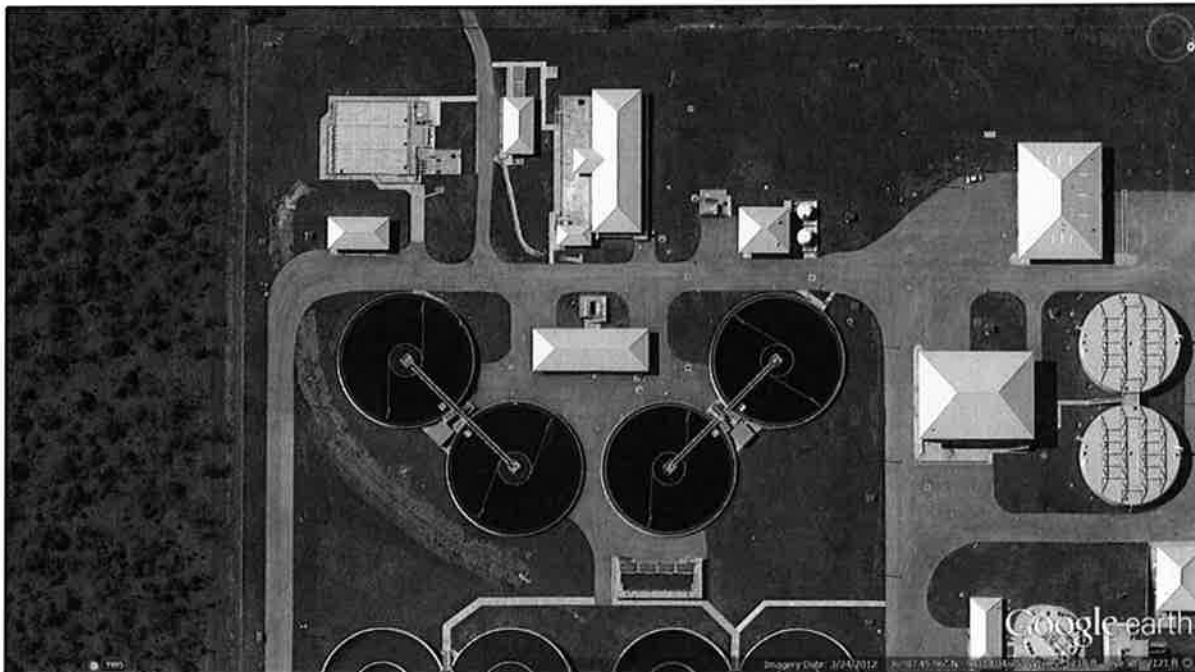
- Wash-out Prevention Structure
- Infiltration & Overflow Disruptor Basin
- Overflow Weir w/ Erosion Stabilization
- Apprx. 2,400 ft² Rain Garden Retention Area



West Side Rain Garden Areas (Before)



Close-Up Before



Agreement:

If selected as a Rain Garden Project grant recipient, your organization agrees to:

1. Attend a Rain Garden Academy in the Spring or Fall.
2. Recruit volunteers to provide labor for installation and ongoing maintenance for five years after the installation, which includes watering the rain garden 1" per week during establishment and summer months. Further recommendations for maintenance will be provided by the Rain Garden Project group.

The Rain Garden Project Organizations will not be held responsible for plants that have died due to weather conditions or mis-care (ex. over watering). Replacement plants and mulch will be the responsibility of the Rain Garden Project participant.

3. Submit receipts for all pre-approved material purchases within 30 days of the installation of the rain garden located on the property listed in this application.
4. Receive reimbursements from the Rain Garden Project within 90 days of installation of the rain garden located on the property listed in this application and keep a record of the reimbursement.
5. Allow Rain Garden Project technicians to monitor the rain garden.
6. Allow Rain Garden Project group to photograph or video tape rain garden installation before, during and after installation.

By providing your signature below you agree to the requirements and agreement.

Printed Name:

Jeff Hickie

Signature:

[Handwritten Signature]

Date:

8-13-13

For Official use Only:

Date received:

Approved: Y N

Received by:

Notes:

City of Fayetteville Item Review Form

2013-0221

Legistar File Number

1/7/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Marsha Hertweck

Submitted By

Finance

Department

Action Required:

Approval of a five year contract with automatic annual renewals with Stephens, Inc. to provide underwriting services for the City during the bond issuance process.

Does this item have a cost? ☒ Yes

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☒ No

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

12-13-13A08:51 RCVD

Comments:

The cost of this service is payable from the proceeds of the successful sale of the City's bonds.

K. [Signature] 12-13-13

Paul a. Baker 12-13-2013

Don Man 12-13-13

Travis Jordan 12/16/13





THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mayor Lioneld Jordan and Fayetteville City Council

Thru: Paul Becker, Finance Director

From: Marsha Hertweck, Accounting Director 

Date: December 10, 2013

Subject: Bond underwriting services

Recommendation

Approval of a five year contract, with automatic annual renewals, with Stephens, Inc. to provide underwriting and related services for the City during the bond issuance process.

Discussion

The City occasionally issues bonds to provide funding for City Council approved projects and there is a need for underwriting services in connection with the bond issuance process. The City's selection committee reviewed and interviewed several firms and selected Stephens, Inc., with Dennis Hunt being the lead staff member for the City's projects.

Budget Impact

The cost of this service is payable from the proceeds of the successful sale of the City's bonds.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONTRACT WITH STEPHENS, INC. TO
APPROVE BOND UNDERWRITING AND RELATED SERVICES AS
NEEDED THROUGH DECEMBER 31, 2018

WHEREAS, Stephens, Inc. has provided excellent bond underwriting and related services for various bonds issued by the City of Fayetteville for the last several years; and

WHEREAS, a City selection committee reviewed applications and interviewed potential bond underwriting firms prior to selecting Stephens, Inc. as bond underwriter subject to City Council approval.

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 selection of Stephens, Inc. as the City's Bond Underwriter and approves the contract with Stephens, Inc. to serve as the City's Bond Underwriter through December 31, 2018.

PASSED and APPROVED this 7th day of January 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

CONTRACT

The City of Fayetteville and Stephens, Inc. agree as follows:

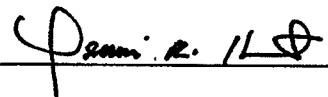
- (1) The City of Fayetteville desires to hire Stephens, Inc. to provide bond underwriting and related services during the term of this agreement. Stephens, Inc. was selected by a City of Fayetteville selection committee after a competitive Request for Proposals (13-15) process. Although Stephens, Inc.'s entire Public Finance Department was considered during this selection process, the City's excellent experience working with Senior Vice President and Manager Dennis Hunt was a major component of the City's selection of Stephens, Inc. as its Bond Underwriter.
- (2) The City of Fayetteville agrees to negotiate with Stephens, Inc. to determine the proper and fair Underwriting Discount (which will usually fall within the proposed \$9.50 - \$10.50 per \$1,000.00 bond) for each proposed bond issue. The Underwriter's Discount may exceed the \$9.50 - \$10.50 range for more complex bond issues which require increased time and effort to plan and execute. The Underwriters Discount to be paid from bond sale proceeds will be the **only** payments made by the City of Fayetteville for Stephens, Inc.'s Bond Underwriting and related services.
- (3) Stephens, Inc. agrees to continue its services to the City of Fayetteville as its Bond Underwriter for its proposed Underwriting Discount and to negotiate with the City for each bond issuance concerning the fair amount of Underwriting Discount for such bond issuance. Stephens, Inc. agrees not to charge further fees (such as Underwriter's Counsel, etc.) without prior written agreement of the City of Fayetteville.
- (4) Stephens, Inc. agrees that its fees shall only become payable and be paid from proceeds from the successful sale of the proposed bond issuance by the City of Fayetteville. If, for whatever reason the proposed bonds are not issued or sold, Stephens, Inc. agrees to make no claim for compensation for its services provided in anticipation of the issuance and sale of Fayetteville's bonds.

TERM OF THIS CONTRACT

This contract shall be effective from the date of its approval by both parties until December 31, 2018. However, if Senior Vice President and Manager Dennis Hunt no longer is the primary assigned person for Fayetteville's proposed bond issues, the City of Fayetteville may terminate this contract with thirty (30) days written notice to Stephens, Inc. and engage in another Request for Proposals selection process. Furthermore, both parties have a right to terminate this contract upon three months' written notice to the other party.

In agreement with all the terms and conditions above, we sign below:

STEPHENS, INC.

By: 
Dennis Hunt SVP
Print Name and Title

12/5/13
Date

CITY OF FAYETTEVILLE

By: _____
Mayor Lioneld Jordan

ATTEST:

By: _____
Sondra E. Smith
City Clerk/Treasurer

Date

City of Fayetteville Item Review Form

2013-0220

Legistar File Number

1/7/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Marsha Hertweck

Submitted By

Finance

Department

Action Required:

Approval of a five year contract with automatic annual renewals with Kutak Rock, LLP to provide legal services for the City during the bond issuance process.

Does this item have a cost? ☒ Yes

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☒ No

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

The cost of this service is payable from the proceeds of the successful sale of the City's bonds.

 12-13-13

Paul A. Becher 12-13-2013

Don Man 12-13-13

Freddie Jordan 12/14/13

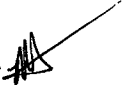




THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mayor Lioneld Jordan and Fayetteville City Council

Thru: Paul Becker, Finance Director

From: Marsha Hertweck, Accounting Director 

Date: December 10, 2013

Subject: Bond counsel legal services

Recommendation

Approval of a five year contract, with automatic annual renewals, with Kutak Rock. LLP to provide outside legal services for the City during the bond issuance process.

Discussion

The City occasionally issues bonds to provide funding for City Council approved projects and there is a need for outside legal services in connection with the bond issuance process. The City's selection committee reviewed and interviewed several firms and selected Kutak Rock, LLP, with Gordon Wilbourn being the lead attorney for the City's projects.

Budget Impact

The cost of this service is payable from the proceeds of the successful sale of the City's bonds.

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A CONTRACT WITH KUTAK ROCK, LLP
TO APPROVE BOND COUNSEL SERVICES AS NEEDED THROUGH
DECEMBER 31, 2018**

WHEREAS, Kutak Rock, LLP has provided excellent bond counsel services for various bonds issued by the City of Fayetteville for the last several years; and

WHEREAS, a City selection committee reviewed applications and interviewed potential bond counsel firms prior to selecting Kutak Rock, LLP as bond counsel subject to City Council approval.

**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 selection of Kutak Rock, LLP as the City's Bond Counsel and approves the contract with Kutak Rock, LLP to serve as the City's Bond Counsel through December 31, 2018.

PASSED and APPROVED this 7th day of January 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

CONTRACT

The **City of Fayetteville** and **Kutak Rock, LLP** agree as follows:

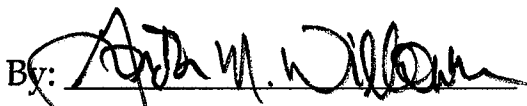
- (1) The City of Fayetteville desires to hire Kutak Rock, LLP to provide bond counsel legal services as explained in RFQ 13-14 during the term of this agreement. Kutak Rock, LLP was selected by a City of Fayetteville selection committee after a competitive Request for Qualifications (13-14) process. Although Kutak Rock, LLP's entire Bond Legal Department was considered during this selection process, the City's excellent experience working with Gordon Wilbourn was a major component of the City's selection of Kutak Rock, LLP as its Bond Counsel.
- (2) The City of Fayetteville agrees to negotiate with Kutak Rock, LLP to determine the proper and fair Bond Counsel Fee for each proposed bond issue. The Bond Counsel Fee to be paid from bond sale proceeds will be the **only** payments made by the City of Fayetteville for Kutak Rock, LLP's Bond Counsel Fee and related services.
- (3) Kutak Rock, LLP agrees to continue its services to the City of Fayetteville as its Bond Counsel and to negotiate with the City for each bond issuance concerning the fair amount of Bond Counsel Fee for such bond issuance. Kutak Rock, LLP agrees not to charge further fees without prior written agreement of the City of Fayetteville.
- (4) Kutak Rock, LLP agrees that its fees shall only become payable and be paid from proceeds from the successful sale of the proposed bond issuance by the City of Fayetteville. If, for whatever reason the proposed bonds are not issued or sold, Kutak Rock, LLP agrees to make no claim for compensation for its services provided in anticipation of the issuance and sale of Fayetteville's bonds.

TERM OF THIS CONTRACT

This contract shall be effective from the date of its approval by both parties until December 31, 2018. However, if Gordon Wilbourn no longer is the primary assigned person for Fayetteville's proposed bond issues, the City of Fayetteville may terminate this contract with thirty (30) days written notice to Kutak Rock, LLP and engage in another Request for Qualifications selection process. Furthermore, both parties have a right to terminate this contract upon three months' written notice to the other party.

In agreement with all the terms and conditions above, we sign below:

KUTAK ROCK, LLP

By: 

Gordon M. Wilbourn, Partner
Print Name and Title

Date

12/4/13

CITY OF FAYETTEVILLE

By: _____
Mayor Lioneld Jordan

ATTEST:

By: _____
Sondra E. Smith
City Clerk/Treasurer

Date

City of Fayetteville Item Review Form

2013-0226

Legistar File Number

January 7, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Terry Gulley

Submitted By

Transportation Services

Department

Action Required:

A resolution awarding Bid #14-02 and authorizing the purchase of Construction - Reflectorized Paint Markings from Asphalt Striping Service, LLC, in variable amounts, for the Transportation Division, as needed through the end of calendar year 2014.

Does this item have a cost? ☒ Yes

Cost of this request

Category or Project Budget

Various Capital Projects

Program or Project Name

Account Number

Funds Used to Date

Transportation Improvements

Program or Project Category

\$0.00

Sales Tax Capital Improvements

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



K. [Signature] 12-19-13

Paul A. [Signature] 12-19-2013

Don [Signature] 12-19-13
Frank [Signature] 12/20/13

WJB

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TG*

Date: January 7, 2014

Subject: Bid #14-02, Reflectorized Paint Markings

PROPOSAL:

A resolution awarding Bid #14-02 and authorizing the purchase from Asphalt Striping Service, LLC of reflectorized paint markings, in variable amounts, for the Transportation Division as needed through the end of calendar year 2014.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the 2013-2017 Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

BUDGET IMPACT:

Funds for the acquisition of materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements Fund and Street Fund operating programs.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #14-02 AND AUTHORIZING THE PURCHASE FROM ASPHALT STRIPING SERVICE, LLC OF REFLECTORIZED PAINT MARKINGS IN VARIABLE AMOUNTS FOR THE TRANSPORTATION DIVISION AS NEEDED THROUGH THE END OF CALENDAR YEAR 2014

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 #14-02 and authorizes the purchase from Asphalt Striping Service, LLC of reflectorized paint markings in variable amounts for the Transportation Division as needed through the end of calendar year 2014.

PASSED and APPROVED this 7th day of January, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 14-02
 DATE: 12/11/13
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE

Bid 14-02, Construction - Reflectorized Paint Markings

Item	Description	Estimated Quantity	Arkansas Line Marking LLC		Asphalt Striping Service, LLC		Time Striping Inc	
1	Reflectorized Paint Marking <u>White</u> (4") - Per Linear Foot	24,200	\$ 0.10	\$ 2,420.00	\$ 0.088	\$ 2,129.60	\$0.100	\$ 2,420.00
2	Reflectorized Paint Marking <u>Yellow</u> (4") - Per Linear Foot	275,500	\$ 0.10	\$ 27,550.00	\$ 0.088	\$ 24,244.00	\$0.100	\$ 27,550.00
3	Reflectorized Paint Marking Arrows - Per Each	95	\$ 35.00	\$ 3,325.00	\$ 45.000	\$ 4,275.00	\$50.00	\$ 4,750.00
4	Reflectorized Paint Marking (Words only: Lane, etc.) - Per Each	10	\$ 100.00	\$ 1,000.00	\$ 45.000	\$ 450.00	\$60.00	\$ 600.00
5	Reflectorized Paint Marking (Symbols only: Bike, ADA, etc.) - Per Each	70	\$ 35.00	\$ 2,450.00	\$ 40.000	\$ 2,800.00	\$80.00	\$ 5,600.00
6	Reflectorized Paint Marking <u>Yellow</u> (4" Walk-Behind Trail Striping) - Per Linear Foot	11,000	\$ 0.25	\$ 2,750.00	\$ 0.250	\$ 2,750.00	\$0.25	\$ 2,750.00
TOTAL BID BASED ON ESTIMATES =				\$ 39,495.00		\$ 36,648.60		\$ 43,670.00

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

CERTIFIED: P. VICE Carly Ref 12-11-13
 P. VICE, PURCHASING AGENT WITNESS DATE

City of Fayetteville Item Review Form

2013-0225

Legistar File Number

January 7, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

John Nelson

Submitted By

Transportation Services

Department

Action Required:

A resolution awarding Bid #14-03 and authorizing the purchase of curb and gutter construction from Sweetser Construction, Inc. as primary suppliers, Fochtman Enterprises, Inc. as secondary supplier, in variable amounts, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.

Does this item have a cost? ☒ Yes

Cost of this request

Category or Project Budget

Various Capital Projects

Program or Project Name

Account Number

Funds Used to Date

Transportation Improvements

Program or Project Category

\$0.00

Sales Tax Capital Improvements

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☒ No

V20130812

Previous Ordinance or Resolution # 07-13

Original Contract Number: _____

Comments:



Paul A. Belen 12-19-13

Paul A. Belen 12-19-2013

Jim Mann 12-19-13

Franklin 12/20/13

14-03-03-45 END

USP



THE CITY OF FAYETTEVILLE, ARKANSAS

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director *TGM*

From: John Nelson, Management Accounting Coordinator

Date: December 16, 2013

Subject: Bid #14-03, Construction – Curb and Gutter

PROPOSAL:

A resolution awarding Bid #14-03 and authorizing the purchase of curb and gutter construction from Sweetser Construction, Inc. as primary supplier, Fochtman Enterprises, Inc. as secondary supplier, in variable amounts, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

BUDGET IMPACT:

Funds for the acquisition of materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements Fund and Street Fund operating programs.

RESOLUTION NO. _____

A RESOLUTION TO AWARD BID #14-03 AND AUTHORIZING THE PURCHASE OF CURB AND GUTTER CONSTRUCTION FROM SWEETSER CONSTRUCTION, INC. AS PRIMARY SUPPLIER AND FOCHTMAN ENTERPRISES, INC. AS SECONDARY SUPPLIER OF VARIABLE AMOUNTS OF CURB AND GUTTER CONSTRUCTION AND AUTHORIZING THE USE OF OTHER BIDDERS BASED UPON PRICE AND AVAILABILITY THROUGHOUT 2014

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 #14-03 and authorizes the purchase of curb and gutter construction from Sweetser Construction, Inc. as primary supplier and Fochtman Enterprises, Inc. as secondary supplier of variable amounts of curb and gutter construction and authorizes the use of other bidders based upon price and availability throughout 2014.

PASSED and APPROVED this 7th day of January 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Bid 14-03, Construction - Curb and Gutter

BID: 14-03
 DATE: 12/11/13
 2:00 PM
 CITY OF FAYETTEVILLE

Item #	Description	Estimated Quantity	Fochtman Enterprises Inc		Sweetser Construction		Tomlinson Asphalt Co	
1	Hand Formed "Type A" Curb and Gutter (per specifications) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing.	5,000	\$9.80	\$49,000.00	\$9.00	\$45,000.00	\$10.50	\$52,500.00
2	Hand Formed "Type D" Curb and Gutter (per specifications) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing.	1,000	\$9.90	\$9,900.00	\$9.90	\$9,900.00	\$10.50	\$10,500.00
3	Flatwork - 4" Thick (Sidewalk, Driveway Approaches, Access Ramps) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing.	10,000	\$3.00	\$30,000.00	\$3.00	\$30,000.00	\$3.25	\$32,500.00
4	Flatwork - 6" Thick (Sidewalk, Driveway Approaches, Access Ramps) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing.	5,000	\$3.75	\$18,750.00	\$3.75	\$18,750.00	\$4.50	\$22,500.00
5	Street Repair - 8" Thick - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing.	2,000	\$5.40	\$10,800.00	\$5.50	\$11,000.00	\$5.00	\$10,000.00
6	Drop Inlet - Max 4' Deep (per specifications) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing.	10	\$2,200.00	\$22,000.00	\$1,800.00	\$18,000.00	\$2,400.00	\$24,000.00
7	4 Foot Inlet Extension (per specifications) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing	5	\$400.00	\$2,000.00	\$600.00	\$3,000.00	\$500.00	\$2,500.00
TOTAL BID BASED ON ESTIMATES=				\$142,450.00		\$135,650.00		\$154,500.00

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

CERTIFIED: P. Vice
 P. Vice, PURCHASING AGENT

Carolyn Reel
 WITNESS

12-11-13
 DATE

City of Fayetteville Item Review Form

2013-0240

Legistar File Number

January 7, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Terry Gulley

Submitted By

Transportation Services

Department

Action Required:

A resolution awarding Bid #14-04 and authorizing the purchase of hillside gravel from Leming & Son Trucking, Inc. for materials picked up and Les Rogers, Inc. for materials delivered, for variable unit prices, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.

Does this item have a cost? ☒ Yes

Cost of this request

Category or Project Budget

Various Capital Projects

Program or Project Name

Account Number

Funds Used to Date

Transportation Improvements

Program or Project Category

\$0.00

Sales Tax Capital Improvements

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

K. [Signature] 12-19-13

Paula [Signature]

12-19-2013

Jim [Signature] 12-19-13
Travis [Signature] 12/20/13



USK

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TG*

Date: January 7, 2014

Subject: Bid #14-04, Hillside Gravel

PROPOSAL:

A resolution awarding Bid #14-04 and authorizing the purchase of hillside gravel from Leming & Son Trucking, Inc. for materials picked up and Les Rogers, Inc. for materials delivered, for variable unit prices, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the 2013-2017 Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

BUDGET IMPACT:

Funds for the acquisition of materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements Fund and Street Fund operating programs.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #14-04 AND AUTHORIZING THE PURCHASE OF HILLSIDE GRAVEL FROM LEMING & SON TRUCKING, INC. FOR MATERIALS PICKED UP AND LES ROGERS, INC. FOR MATERIALS DELIVERED FOR VARIABLE UNIT PRICES AND AUTHORIZING THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY AS NEEDED THROUGH THE END OF CALENDAR YEAR 2014

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 #14-04 and authorizes the purchase of hillside gravel from Leming & Son Trucking, Inc. for materials picked up and Les Rogers, Inc. for materials delivered for variable unit prices as specified in the attached Exhibit "A" and authorizes the use of other bidders based on price and availability as needed through the end of calendar year 2014.

PASSED and APPROVED this 7th day of January, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 14-04
 DATE: 12/11/13
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE

Bid 14-04, Hillside Gravel

	BIDDER	Red Hillside Gravel (Pickup & Loaded on City Truck - Material Cost Only)		Total	Red Hillside Gravel (Delivery Price Only - To be Added to the Cost of Material)		Total	TOTAL BID BASED ON ESTIMATES
		Est. Quantity	Price/Cubic Yd.		Est. Quantity	Price/Cubic Yd.		
1	General Trucking Solutions LLC	15,000	\$ -	\$ -	10,000	\$ 6.00	\$ 60,000.00	\$ 60,000.00
2	Leming & Son Trucking Inc	15,000	\$ 1.25	\$ 18,750.00	10,000	\$ 6.00	\$ 60,000.00	\$ 78,750.00
3	Les Rogers Inc	15,000	\$ 1.49	\$ 22,350.00	10,000	\$ 3.49	\$ 34,900.00	\$ 57,250.00
4	Sweetser Construction, Inc.	15,000	\$ 2.00	\$ 30,000.00	10,000	\$ 4.25	\$ 42,500.00	\$ 72,500.00

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

CERTIFIED:

P. VICE, PURCHASING MANAGER

WITNESS

DATE

P. Vice

Carolyn Reif

12-11-13

City of Fayetteville Item Review Form

2013-0228

Legistar File Number

January 7, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Terry Gulley

Submitted By

Transportation Services

Department

Action Required:

A resolution awarding Bid #14-05 and authorizing the purchase of concrete from Tune Concrete Company as primary supplier, Beaver Lake Concrete, Inc. as secondary supplier, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.

Does this item have a cost? ☒ Yes

Cost of this request

Category or Project Budget

Various Capital Projects

Program or Project Name

Account Number

Funds Used to Date

Transportation Improvements

Program or Project Category

\$0.00

Sales Tax Capital Improvements

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

Paul A. Behm 12-19-13

Paul A. Behm 12-19-2013

Alvin M. M. M. 12-19-13

Frank J. M. M. 12/20/13



W. B.



THE CITY OF FAYETTEVILLE, ARKANSAS

www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TG*

Date: January 7, 2014

Subject: Bid #14-05, Concrete

PROPOSAL:

A resolution awarding Bid #14-05 and authorizing the purchase of concrete from Tune Concrete Company as primary supplier, Beaver Lake Concrete, Inc. as secondary supplier, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the 2013-2017 Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

BUDGET IMPACT:

Funds for the acquisition of materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements Fund and Street Fund operating programs.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #14-05 AND AUTHORIZING THE PURCHASE OF CONCRETE FROM TUNE CONCRETE COMPANY AS A PRIMARY SUPPLIER AND BEAVER LAKE CONCRETE, INC. AS SECONDARY SUPPLIER IN VARIABLE AMOUNTS AND AUTHORIZING THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY AS NEEDED THROUGH THE END OF CALENDAR YEAR 2014

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 #14-05 and authorizes the purchase of concrete from Tune Concrete Company as a primary supplier and Beaver Lake Concrete, Inc. as a secondary supplier in variable amounts as specified in the attached Exhibit "A" and authorizes the use of other bidders based on price and availability as needed through the end of calendar year 2014.

PASSED and APPROVED this 7th day of January, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Bid 14-05, Concrete

BID: 14-05
 DATE: 12/11/13
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE

Item #	Description	Est Qty (cubic yards)	APAC Central		Beaver Lake Concrete		Fudges		GCC/Mid Continent Concrete		Tune Concrete Co	
			Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended
1	3500 PSI 1/1/4" Max. Aggregate Size, 4" Slump	500	\$70.00	\$35,000.00	\$70.00	\$35,000.00			\$77.00	\$38,500.00	\$64.00	\$32,000.00
2	4000 PSI 1/1/4" Max. Aggregate Size, 4" Slump	2,500	\$72.00	\$180,000.00	\$73.00	\$182,500.00			\$77.00	\$192,500.00	\$66.00	\$165,000.00
3	4000 PSI 1/1/4" Max. Aggregate Size With Fiber Reinforcement, 4" Slump	1,000	\$77.00	\$77,000.00	\$78.00	\$78,000.00			\$75.50	\$75,500.00	\$69.50	\$69,500.00
4	5000 PSI 1/1/4" Max. Aggregate Size, 4" Slump	100	\$76.00	\$7,600.00	\$84.00	\$8,400.00			\$79.00	\$7,900.00	\$69.00	\$6,900.00
5	Flowable Fill	50	\$62.00	\$3,100.00	\$60.00	\$3,000.00			\$64.00	\$3,200.00	\$58.00	\$2,900.00
6	1% Calcium Chloride Admixture - price to be added to concrete	100	\$2.50	\$250.00	\$2.50	\$250.00			\$3.00	\$300.00	\$2.00	\$200.00
7	2% Calcium Chloride Admixture - price to be added to concrete	60	\$5.00	\$300.00	\$5.00	\$300.00			\$6.00	\$360.00	\$4.00	\$240.00
8	Air Entraining Admixture - price to be added to concrete	2,500	INCLUDED	\$0.00	INCLUDED	\$0.00			\$0.00	\$0.00	\$0.00	\$0.00
9	Hot Water - price to be added to concrete	500	\$3.00	\$1,500.00	\$3.50	\$1,750.00			\$5.00	\$2,500.00	\$3.00	\$1,500.00
10	Chilled Water - price to be added to concrete	500	\$7.00	\$3,500.00	\$4.00	\$2,000.00			\$5.00	\$2,500.00	\$3.00	\$1,500.00
11	3/4" Rock - price to be added to concrete	3,000	NO CHARGE	\$0.00	\$1.00	\$3,000.00			\$2.00	\$6,000.00	\$1.25	\$3,750.00
12	Exposed Aggregate - price to be added to concrete	50	\$10.00	\$500.00	\$20.00	\$1,000.00			\$15.00	\$750.00	\$15.00	\$750.00
		Est Qty (per ton)	Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended
14	Type I Portland Cement	100	NO BID	\$0.00	\$126.00	\$12,600.00			No Bid	\$0.00	\$130.00	\$13,000.00
15	Concrete Sand	100	\$26.00	\$2,600.00	\$18.00	\$1,800.00			\$25.00	\$2,500.00	\$21.50	\$2,150.00
16	Masonry Sand	50	\$26.00	\$1,300.00	\$18.00	\$900.00			\$25.00	\$1,250.00	\$21.50	\$1,075.00
		Est Qty (each)	Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended
17	Mobilization Fee (After Hours & Weekends)	1	\$500.00	\$500.00	\$250.00	\$250.00			\$500.00	\$500.00	\$250.00	\$250.00
18	Colored Concrete Washout Fee (Per Truck)	1	NO CHARGE	\$0.00	\$0.00	\$0.00			\$0.00	\$0.00	\$0.00	\$0.00
TOTAL BID PRICE=				\$313,150.00		\$330,750.00	NON RESPONSIVE			\$334,260.00		\$300,715.00

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

CERTIFIED:

P. Vice, PURCHASING MGR

WITNESS

DATE

P. Vice

Carolyn Reel

12-16-13

City of Fayetteville Item Review Form

2013-0241

Legistar File Number

January 7, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Terry Gulley

Submitted By

Transportation Services

Department

Action Required:

A resolution awarding Bid #14-06 and authorizing the purchase of truck hauling services from Les Rogers, Inc. as primary supplier, Leming & Son Trucking as secondary supplier and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.

Does this item have a cost? ☒ Yes

Cost of this request

Category or Project Budget

Various Capital Projects

Program or Project Name

Account Number

Funds Used to Date

Transportation Improvements

Program or Project Category

\$0.00

Sales Tax Capital Improvements

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

K. Allen 12-19-13

Paula A. Behn 12-19-2013

Jim Allen 12-19-13

Donald Dyer 12/20/13



WJ

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TG*

Date: January 7, 2014

Subject: Bid #14-06, Truck Hauling Services

PROPOSAL:

A resolution awarding Bid #14-06 and authorizing the purchase of truck hauling services from Les Rogers, Inc. as primary supplier, Leming & Son Trucking as secondary supplier and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the 2013-2017 Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

BUDGET IMPACT:

Funds for the acquisition of materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements Fund and Street Fund operating programs.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #14-06 AND AUTHORIZING THE PURCHASE OF TRUCK HAULING SERVICES FROM LES ROGERS, INC., AS PRIMARY SUPPLIER AND LEMING & SON TRUCKING AS SECONDARY SUPPLIER FOR VARIABLE UNIT PRICES AND AUTHORIZING THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY AS NEEDED THROUGH THE END OF CALENDAR YEAR 2014

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 #14-06 and authorizes the purchase of truck hauling services from Les Rogers, Inc., as primary supplier and Leming & Son Trucking as secondary supplier for variable unit prices as specified in the attached Exhibit "A" and authorizes the use of other bidders based on price and availability as needed through the end of calendar year 2014.

PASSED and APPROVED this 7th day of January, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 14-06
 DATE: 12/11/13
 2:00 PM
 CITY OF FAYETTEVILLE

Bid 14-06, Truck Hauling Services

				Gene Nicholas LLC		General Trucking Solutions		Leming & Son Trucking		Les Rogers Inc		Sweetser Construction	
Item #	DESCRIPTION	Est. Quantity (hours)		UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Truck Hauling Services- Asphalt Hauling hot mix asphalt from plant to paver. Truck bed shall be clean and free of contaminants. No trailer hitches protruding past rear tires. For 2014 calendar year.	1,000		\$70.00	\$70,000.00	NO BID	\$0.00	\$65.00	\$65,000.00	\$64.95	\$64,950.00	\$75.00	\$75,000.00
2	Truck Hauling Services- Misc. Hauling excavation/construction debris - may include rock, dirt, chunks of concrete. EXCLUDES ASPHALT. For 2014 calendar year.	200		\$70.00	\$14,000.00	\$68.00	\$13,600.00	\$65.00	\$13,000.00	\$64.95	\$12,990.00	\$75.00	\$15,000.00
					\$84,000.00		\$13,600.00		\$78,000.00		\$77,940.00		\$90,000.00

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

CERTIFIED:

P. VICE
 P. VICE, PURCHASING MGR

Caroly Reel
 WITNESS

12-16-13
 DATE

City of Fayetteville Item Review Form

2013-0239

Legistar File Number

January 7, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Terry Gulley

Submitted By

Transportation Services

Department

Action Required:

A resolution awarding Bid #14-07, Aggregate on a line item basis as specified in this memo, authorizing the use of other bidders based on price and availability, and approving the purchase of aggregate materials for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2014.

Does this item have a cost? ☒ Yes

Cost of this request

Category or Project Budget

Various Capital Projects

Program or Project Name

Account Number

Funds Used to Date

Transportation Improvements

Program or Project Category

\$0.00

Sales Tax Capital Improvements

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



K. Gulley 12-19-13

Paul a. Bahr 12-19-2013

Don Mann 12-19-13

Lionel J. Taylor 12/20/13

12-18 *WJH*

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council
Thru: Don Marr, Chief of Staff
From: Terry Gulley, Transportation Services Director *TG*
Date: January 7, 2014
Subject: Bid #14-07, Aggregate

PROPOSAL:

The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2014 Annual Budget & Work Program and five-year Capital Improvement Program.

Sealed formal bids for aggregate materials were publicly read and the results are attached to this memo. The following in-house hauling costs were disclosed in the Invitation to Bid for Bid 14-07, Aggregate.

City Costs:

- i. City Staff – Maintenance Worker III (Truck Driver) = \$14.28 / hour
- ii. 10-Wheel Dump Truck (15 ton capacity) = \$10.36 / hour
- iii. Tri-Axle Dump Truck (18 ton capacity) = \$10.89 / hour
- iv. 10-Wheel Dump Truck (15 tons) + Truck Driver = \$24.64 / hour
- v. Tri-Axle Dump Truck (18 tons) + Truck Driver = \$25.17 / hour

The following mileages were calculated based on the distance from each supplier's location to the City of Fayetteville Transportation Division, utilizing Google Maps:

- APAC – Central, Inc. – 17.1 miles, 22 minutes
- Rogers Group, Inc. (Springdale Quarry) – 15.0 miles, 23 minutes
- Rogers Group, Inc. (Hamstring Quarry) – 10.1 miles, 19 minutes

The following City hauling costs were calculated based on the information shown above and added to the unit price per ton in order to fairly evaluate the bids submitted by each potential supplier. The calculation method consisted of converting the mileage and drive time to a percentage of an hour. The resulting percentages were multiplied by the tri-axle dump truck + truck driver cost and divided the dump truck capacity to arrive at the cost per ton added to the original unit price in each bid. Based on the aforementioned method of calculation, the following unit costs were added to the unit bid prices for each potential supplier:

- APAC – Central, Inc. – \$0.52 per ton
- Rogers Group, Inc. (Springdale Quarry – OPT 1) – \$0.53 per ton
- Rogers Group, Inc. (Hamstring Quarry – OPT 2) – \$0.45 per ton

RECOMMENDATION:

Staff recommends awarding the aggregate materials bid on a line item basis as follows:

- | | |
|-------------------------------|--|
| 1. Class 7 Base (SB-2): | Primary Supplier: Hunt-Rogers Materials, LLC – Opt 2
Secondary Supplier: APAC – Central, Inc. |
| 2. Concrete Aggregate – 1.5”: | Primary Supplier: APAC – Central, Inc.
Secondary Supplier: Hunt-Rogers Materials, LLC – Opt 1 |
| 3. Concrete Aggregate – ¾”: | Primary Supplier: APAC – Central, Inc.
Secondary Supplier: Hunt-Rogers Materials, LLC – Opt 2 |
| 4. “B” Stone: | Primary Supplier: APAC – Central, Inc.
Secondary Supplier: Hunt-Rogers Materials, LLC – Opt 2 |
| 5. Abrasives / Grit: | Primary Supplier: Hunt-Rogers Materials, LLC – Opt 1
Secondary Supplier: APAC – Central, Inc. |
| 6. Shot Rock: | Primary Supplier: Hunt-Rogers Materials, LLC – Opt 2
Secondary Supplier: APAC – Central, Inc. |
| 7. Rip Rap – Limestone | Primary Supplier: APAC – Central, Inc.
Secondary Supplier: Hunt-Rogers Materials, LLC – Opt 1 |

Secondary suppliers are awarded for use on an “as needed” basis in the event that the primary supplier cannot provide the necessary materials or services within the time frame required to complete a project.

BUDGET IMPACT:

Funds for the acquisition of these materials have been budgeted in various capital projects within the Sales Tax Capital Improvements fund.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #14-07 AND AUTHORIZING THE PURCHASE OF AGGREGATE MATERIALS FOR VARYING UNIT PRICES FROM VARIOUS VENDORS, AS NEEDED THROUGH THE END OF CALENDAR YEAR 2014

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 #14-07 and authorizes the purchase of aggregate materials for varying unit prices from various vendors, as shown in the attached Exhibit "A", as needed through the end of calendar year 2014.

PASSED and APPROVED this 7th day of January, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Bid 14-07, Aggregate Materials

BID: 14-07
 DATE: 12/11/13
 2:00 PM
 CITY OF FAYETTEVILLE

Item	DESCRIPTION	Estimated Tons	APAC CENTRAL		Hunt Rogers Opt 1		Hunt Rogers Opt 2	
			PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE
1	Class 7 Base (SB-2) - includes wet and dry	30,000	\$7.50	\$225,000.00	\$7.50	\$225,000.00	\$7.50	\$225,000.00
2	Concrete Aggregate - 1.5"	500	\$8.50	\$4,250.00	\$10.50	\$5,250.00	NO BID	\$0.00
3	Concrete Aggregate - 3/4"	500	\$11.00	\$5,500.00	\$11.50	\$5,750.00	\$11.50	\$5,750.00
4	"B" Stone	2,500	\$7.00	\$17,500.00	\$7.75	\$19,375.00	\$7.75	\$19,375.00
5	Abrasives / Grit (1/4" chips)	500	\$7.00	\$3,500.00	\$5.75	\$2,875.00	NO BID	\$0.00
6	Shot Rock	500	\$6.50	\$3,250.00	\$6.50	\$3,250.00	\$6.50	\$3,250.00
7	Rip Rap - Limestone	1,500	\$17.00	\$25,500.00	\$18.00	\$27,000.00	NO BID	\$0.00
8	Rip Rap - HARD SANDSTONE: Rock shall have an average diameter ranging from 6 inches to 24 inches. Rock can be quarried, cut or fieldstone material but shall be brown in color. No limestone will be accepted.	400	\$15.50	\$6,200.00	No Bid	\$0.00	NO BID	\$0.00
TOTAL BASED BID =				\$290,700.00		\$288,500.00		\$253,375.00

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

CERTIFIED:
 P. VICE, PURCHASING MGR

WITNESS

DATE

12-16-13

City of Fayetteville Item Review Form

2013-0243

Legistar File Number

January 7, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Terry Gulley

Submitted By

Transportation Services

Department

Action Required:

A resolution awarding Bid #14-09 and authorizing the purchase of plastic drainage pipe for varying unit prices as shown on lines 27-38 of the attached bid tabulation and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.

Does this item have a cost? ☒ Yes

Cost of this request

Category or Project Budget

Various Capital Projects

Program or Project Name

Account Number

Funds Used to Date

Transportation Improvements

Program or Project Category

\$0.00

Sales Tax Capital Improvements

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

K. Gulley 12-19-13

Paul A. Butler 12-19-2013

Donna M. 12-19-13
Frank J. 12/20/13



WJ

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TG*

Date: January 7, 2014

Subject: Bid #14-09, Drainage Pipe

PROPOSAL:

A resolution awarding Bid #14-09 and authorizing the purchase of plastic drainage pipe for varying unit prices as shown on lines 27-38 of the attached bid tabulation and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014. No bids were received for concrete drainage pipe, as shown on lines 1-26 of the attached bid tabulation. Concrete drainage pipe will likely be re-bid in the near future.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the 2013-2017 Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

BUDGET IMPACT:

Funds for the acquisition of materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements Fund and Street Fund operating programs.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #14-09 AND AUTHORIZING THE PURCHASE OF DRAINAGE PIPE FOR VARYING UNIT PRICES FROM VARIOUS VENDORS, AS NEEDED THROUGH THE END OF CALENDAR YEAR 2014

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 #14-09 and authorizes the purchase of drainage pipe for varying unit prices from various vendors, as shown in the attached Exhibit "A", as needed through the end of calendar year 2014.

PASSED and APPROVED this 7th day of January, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Bid 14-09, Drainage Pipe

BID: 14-09
 DATE: 12/11/13
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE

Item #	Size	Measure	Description	Est Qty	Unit of Measure	Ferguson Waterworks		HD Supply Waterworks	
1	15"	Diameter	Circular Reinforced Concrete Pipe, Class III	90	Feet	NO BID	\$ -	NO BID	\$ -
2	18"	Diameter	Circular Reinforced Concrete Pipe, Class III	180	Feet	NO BID	\$ -	NO BID	\$ -
3	24"	Diameter	Circular Reinforced Concrete Pipe, Class III	180	Feet	NO BID	\$ -	NO BID	\$ -
	30"	Diameter	Circular Reinforced Concrete Pipe, Class III	45	Feet	NO BID	\$ -	NO BID	\$ -
1	36"	Diameter	Circular Reinforced Concrete Pipe, Class III	45	Feet	NO BID	\$ -	NO BID	\$ -
2	42"	Diameter	Circular Reinforced Concrete Pipe, Class III	45	Feet	NO BID	\$ -	NO BID	\$ -
3	48"	Diameter	Circular Reinforced Concrete Pipe, Class III	45	Feet	NO BID	\$ -	NO BID	\$ -
4	15"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	NO BID	\$ -	NO BID	\$ -
5	18"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	NO BID	\$ -	NO BID	\$ -
6	24"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	NO BID	\$ -	NO BID	\$ -
7	30"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	NO BID	\$ -	NO BID	\$ -
8	36"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	NO BID	\$ -	NO BID	\$ -
9	42"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	NO BID	\$ -	NO BID	\$ -
10	48"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	NO BID	\$ -	NO BID	\$ -
	14" x 23"	Rise & Span	Horizontal Elliptical Reinforced Concrete Pipe, Class III	90	Feet	NO BID	\$ -	NO BID	\$ -
1	19" x 30"	Rise & Span	Horizontal Elliptical Reinforced Concrete Pipe, Class III	90	Feet	NO BID	\$ -	NO BID	\$ -
2	24" x 38"	Rise & Span	Horizontal Elliptical Reinforced Concrete Pipe, Class III	45	Feet	NO BID	\$ -	NO BID	\$ -
3	29" x 45"	Rise & Span	Horizontal Elliptical Reinforced Concrete Pipe, Class III	45	Feet	NO BID	\$ -	NO BID	\$ -
4	34" x 53"	Rise & Span	Horizontal Elliptical Reinforced Concrete Pipe, Class III	45	Feet	NO BID	\$ -	NO BID	\$ -
5	38" x 60"	Rise & Span	Horizontal Elliptical Reinforced Concrete Pipe, Class III	45	Feet	NO BID	\$ -	NO BID	\$ -
21	14" x 23"	Rise & Span	Tapered End Section, Horizontal Elliptical RCP, Class III	2	Each	NO BID	\$ -	NO BID	\$ -
22	19" x 30"	Rise & Span	Tapered End Section, Horizontal Elliptical RCP, Class III	2	Each	NO BID	\$ -	NO BID	\$ -
23	24" x 38"	Rise & Span	Tapered End Section, Horizontal Elliptical RCP, Class III	2	Each	NO BID	\$ -	NO BID	\$ -
24	29" x 45"	Rise & Span	Tapered End Section, Horizontal Elliptical RCP, Class III	2	Each	NO BID	\$ -	NO BID	\$ -
25	34" x 53"	Rise & Span	Tapered End Section, Horizontal Elliptical RCP, Class III	2	Each	NO BID	\$ -	NO BID	\$ -
26	38" x 60"	Rise & Span	Tapered End Section, Horizontal Elliptical RCP, Class III	2	Each	NO BID	\$ -	NO BID	\$ -
27	15"	Diameter	Plastic Pipe	100	Feet	\$ 5.48	\$ 548.00	\$ 5.61	\$ 561.00
28	18"	Diameter	Plastic Pipe	500	Feet	\$ 7.51	\$ 3,755.00	\$ 7.69	\$ 3,845.00
29	24"	Diameter	Plastic Pipe	500	Feet	\$ 12.94	\$ 6,470.00	\$ 13.25	\$ 6,625.00
30	30"	Diameter	Plastic Pipe	200	Feet	\$ 18.58	\$ 3,716.00	\$ 19.02	\$ 3,804.00
31	36"	Diameter	Plastic Pipe	100	Feet	\$ 25.62	\$ 2,562.00	\$ 26.24	\$ 2,624.00
32	42"	Diameter	Plastic Pipe	60	Feet	\$ 33.55	\$ 2,013.00	\$ 34.37	\$ 2,062.20
33	48"	Diameter	Plastic Pipe	60	Feet	\$ 38.44	\$ 2,306.40	\$ 39.37	\$ 2,362.20
34	15"	Diameter	Flared End Section, Plastic Pipe	2	Each	\$ 90.45	\$ 180.90	\$ 92.00	\$ 184.00
35	18"	Diameter	Flared End Section, Plastic Pipe	2	Each	\$ 121.50	\$ 243.00	\$ 123.00	\$ 246.00
36	24"	Diameter	Flared End Section, Plastic Pipe	2	Each	\$ 174.00	\$ 348.00	\$ 158.00	\$ 316.00
37	30"	Diameter	Flared End Section, Plastic Pipe	2	Each	\$ 375.00	\$ 750.00	\$ 379.00	\$ 758.00
38	36"	Diameter	Flared End Section, Plastic Pipe	2	Each	\$ 400.00	\$ 800.00	\$ 401.00	\$ 802.00
39	42"	Diameter	Flared End Section, Plastic Pipe	2	Each	NO BID	\$ -	NO BID	\$ -
40	48"	Diameter	Flared End Section, Plastic Pipe	2	Each	NO BID	\$ -	NO BID	\$ -
Total Bid Price =							\$23,692.30		\$24,189.40

CERTIFIED:

P. Vice

P. VICE, PURCHASING MANAGER

Carolyn Reel
 WITNESS

12-16-13

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

City of Fayetteville Item Review Form

2013-0229

Legistar File Number

January 7, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Terry Gulley

Submitted By

Transportation Services

Department

Action Required:

A resolution awarding Bid #14-10 and authorizing the purchase of crushed rock salt from North American Salt Co. and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.

Does this item have a cost? ☒ Yes

Cost of this request

2100.4120.5204.00

Account Number

\$356,123.00

Category or Project Budget

\$0.00

Funds Used to Date

\$356,123.00

Remaining Balance

Street Maintenance

Program or Project Name

Materials & Supplies

Program or Project Category

Street

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



K. [Signature] 12-19-13

Paul A. Baker 12-19-2013

Don [Signature] 12-19-13

Donald Jordan 12/20/13

USK

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TAG*

Date: January 7, 2014

Subject: Bid #14-10, Crushed Rock Salt for Roads

PROPOSAL:

A resolution awarding Bid #14-10 and authorizing the purchase of crushed rock salt from North American Salt Co. and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the 2013-2017 Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

BUDGET IMPACT:

Funds for the acquisition of materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements Fund and Street Fund operating programs.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #14-10 AND AUTHORIZING THE PURCHASE OF CRUSHED ROCK SALT FROM NORTH AMERICAN SALT COMPANY IN THE AMOUNT OF \$76.16 PER TON, AND AUTHORIZING THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY, AS NEEDED THROUGH THE END OF CALENDAR YEAR 2014

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 #14-10 and authorizes the purchase of crushed rock salt from North American Salt Company in the amount of \$76.16 per ton, and authorizing the use of other bidders based on price and availability as shown in the attached Exhibit "A", as needed through the end of calendar year 2014.

PASSED and APPROVED this 7th day of January, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Bid 14-10, Crushed Rock Salt for Bids

BID: 14-10
 DATE: 12/11/13
 2:00 PM
 CITY OF FAYETTEVILLE

Item	DESCRIPTION	Estimated Quantity (tons)	Cargill Inc		Morton Salt Inc		North American Salt		Oakley Fertilizer Inc	
1	Medium crushed clean rock salt for snow and ice removal; maximum size 3/8", meeting AHTD specifications	600	\$85.16	\$51,096.00		NO BID	\$76.16	\$45,696.00	\$95.00	\$57,000.00
TOTAL BASED BID =				\$51,096.00		NO BID		\$45,696.00		\$57,000.00

CERTIFIED: P. Vice Carolyn Keef 12-16-13
 P.VICE, PURCHASING MANAGER WITNESS DATE

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

City of Fayetteville Item Review Form

2013-0230

Legistar File Number

January 7, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Terry Gulley

Submitted By

Transportation Services

Department

Action Required:

A resolution awarding Bid #14-11 and authorizing the purchase of screened topsoil from Les Rogers, Inc. and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.

Does this item have a cost? ☒ Yes

Cost of this request

Category or Project Budget

Various Capital Projects

Program or Project Name

Account Number

Funds Used to Date

Transportation Improvements

Program or Project Category

\$0.00

Sales Tax Capital Improvements

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

K. M. 12-19-13

Paul A. Behn 12-19-2013

John M. 12-19-13
David Jordan 12/20/13



Udy



THE CITY OF FAYETTEVILLE, ARKANSAS

www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TGH*

Date: January 7, 2014

Subject: Bid #14-11, Screened Topsoil

PROPOSAL:

A resolution awarding Bid #14-11 and authorizing the purchase of screened topsoil from Les Rogers, Inc., and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the 2013-2017 Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

BUDGET IMPACT:

Funds for the acquisition of materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements Fund and Street Fund operating programs.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #14-11 AND AUTHORIZING THE PURCHASE OF TOPSOIL FROM LES ROGERS, INC. IN THE AMOUNT OF \$10.69 PER CUBIC YARD IN VARIABLE AMOUNTS AND AUTHORIZING THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY, AS NEEDED IN CALENDAR YEAR 2014

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 #14-11 and authorizes the purchase of topsoil from Les Rogers, Inc. in the amount of \$10.69 per cubic yard in variable amounts and authorizing the use of other bidders based on price and availability as specified in the attached Exhibit "A", as needed in calendar year 2014.

PASSED and APPROVED this 7th day of January, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 14-11
 DATE: 12/11/13
 2:00 PM
 CITY OF FAYETTEVILLE

Bid 14-11, Screened Topsoil

			<i>Evans & Evans Inc</i>		<i>Les Rogers Inc</i>	
Item #	DESCRIPTION	Estimated Quantity (CY)	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	TOPSOIL - PER CUBIC YARD FOR TOP DRESSING AND LANDSCAPING PROJECTS. ALL TOPSOIL TO BE SCREENED TO REMOVE LARGE ROCKS, ROOTS, AND OTHER DEBRIS.	2500	11	\$ 27,500.00	10.69	\$ 26,725.00

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

CERTIFIED:

P. Vice

P. VICE, PURCHASING MANAGER

Carolyn Reel
 WITNESS

12-16-13
 DATE

City of Fayetteville Item Review Form

2013-0233

Legistar File Number

1-7-2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

David Dayringer

Submitted By

Fire

Department

Action Required:

Staff requests approval to accept an Arkansas Forestry Commission Firewise Grant and approval of a Budget Adjustment.

Does this item have a cost? ☐ No

Cost of this request

1010.0001.4302.01

Account Number

32016.2012

Project Number

\$500.00

Category or Project Budget

Funds Used to Date

\$500.00

Remaining Balance

Firewise Grant

Program or Project Name

State Grants-Operational

Program or Project Category

Fund Name

Budgeted Item? ☐ No

Budget Adjustment Attached? ☐ Yes

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

12-17-13 P03:13 RCVD

dm
K. [Signature] 12-18-13
Paul a. Butler 12-18-2013
Don Men 12-18-13
Timothy [Signature] 12/19/13
ENTERED
12/18/13



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

STAFF REVIEW MEMO

To: Mayor Jordan and City Council

From: David Dayringer, Fire Chief *JD*

Date: December 17, 2013

Subject: Staff requests approval to accept the Arkansas Firewise Grant for 2013

PROPOSAL:

The Arkansas Forestry Commission provides financial assistance to help fire departments educate and assist municipalities in becoming fire safe communities through the Firewise Program. The goal of this program is to bring awareness to the dangers of wildland fire within the urban environment. This awareness is brought about through assessing residential and commercial property and identifying hazards that might exist. Once wildland fire hazards have been identified then efforts are made to help facilitate the property owners in reducing their fire danger risk.

RECOMMENDATION:

The Fire Department has been awarded the Arkansas Firewise Grant for 2013. The Fire Department will use the \$500.00 for minor equipment such as special wildland fire rakes, hand tools, posters, and educational materials to assist with assigned job tasks.

BUDGET IMPACT:

There is no requirement for matching funds so there should be no impact to budgeted expenses.

RESOLUTION NO. _____

A RESOLUTION TO ACCEPT AN ARKANSAS FIREWISE GRANT FOR
2013 IN THE AMOUNT OF \$500.00 TO BE USED FOR MINOR
EQUIPMENT AND TO APPROVE 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 accepts the
Arkansas Firewise Grant for 2013 in the amount of \$500.00 to be used for minor equipment and
approves the attached budget adjustment.

PASSED and APPROVED this 7th day of January 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

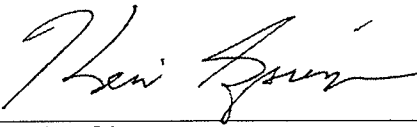
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year BY 2014	Division: Fire Department Department: Fire Department	Request Date 1/7/2014	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

To accept the Firewise Grant from the Arkansas Forestry Commission.

CITY\kspringer 12/17/2013 9:48 AM	Legistar# / Date: 2013-0233 / 1/7/2014
Prepared By	Legistar Title FIREWISE_GRANT
Division Head  CITY\kspringer 12/17/2013 9:48 AM Budget Director	Budget & Information Management Use Only Type: A B C D E P General Ledger Date _____ Posted to General Ledger Checked / Verified
	Initial _____ Date _____ Initial _____ Date _____

TOTAL BUDGET ADJUSTMENT		500	500	Project.Sub Number
		Increase / (Decrease)		
Account Name	Account Number	Expense	Revenue	
Minor equipment	1010.3020.5210.00	500		32016 . 2012
State Grants-Operational	1010.0001.4302.01		500	32016 . 2012
				.
				.

City of Fayetteville Item Review Form

2013-0247

Legistar File Number

01/07/14 *ptm*

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Peter Nierengarten

Submitted By

Sustainability and Strategic Planning

Department

Action Required:

Approval of a Memorandum of Understanding with the Clinton Foundation for delivering a HEAL (Home Energy Affordability Loan) pilot project for up to 50 City of Fayetteville Employees and approval of a Budget Adjustment.

Does this item have a cost? ☒ Yes

\$5,000.00

Cost of this request

\$8,592.00

Category or Project Budget

Program or Project Name

1010.6310.5315.00

Account Number

\$0.00

Funds Used to Date

Program or Project Category

\$3,592.00

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

K. [Signature] 12-19-13

Paul a. Beck 12-19-2013

[Signature] 12-19-13
[Signature] 12/27/13

12-13-13P03:41 RCVD

[Signature]



[Signature]

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan

Thru: Don Marr, Chief of Staff

CC: Paul Becker, Finance Director

From: Peter Nierengarten, Sustainability & Strategic Planning Director *PN*

Date: December 17, 2013

Subject: HEAL Memorandum of Understanding with the Clinton Foundation and Budget Adjustment

RECOMMENDATION

Approval of a Memorandum of Understanding with the Clinton Foundation for delivering a HEAL (Home Energy Affordability Loan) pilot project for up to 50 City of Fayetteville Employees and approval of a Budget Adjustment.

BACKGROUND

Home Energy Affordability Loan (HEAL), a project of the Clinton Foundation's Clinton Climate Initiative- Arkansas (CCI-AR), is a unique, energy-based employee benefits program designed to improve quality of life at the homeowner level, by reducing GHG emissions and improving energy performance of homes. By enlisting employers to offer the HEAL program to qualifying employees, the program is able to make a large-scale and rapid impact in energy usage, GHG emissions and employment opportunities.

The HEAL process begins by identifying energy efficiency improvement opportunities in qualified employees homes through energy audits. The program accesses low interest financing to complete recommended residential efficiency improvements. The employee then retires the debt through payroll deductions, with a "pay as you save" amortization schedule that ties payments to the savings realized through lower utility bills. This effectively increases the participant's disposable income over the life of the improvements.

In late January the Clinton Foundation is schedule to begin the roll out of HEAL for up to 50 City of Fayetteville employees. The program will consist of two information and sign-up meetings for employees on Jan 29th – 31st, residential energy audits for enrolled employees in February, Personal Energy Plan meetings in late February and access to low interest loans for construction of the recommended improvements.

BUDGET IMPACT

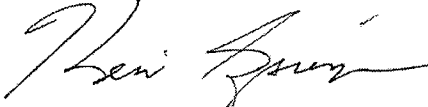
The cost to offer the HEAL program to up to 50 employees is \$5000. A budget adjustment will move funding for the program from Fund Balance to the Sustainability and Strategic Planning Department's Contractual Services Budget.

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

Budget Year BY 2014	Division: Sustainability & Strategic Planning Department: Chief of Staff	Request Date 1/7/2014	Adjustment Number
-------------------------------	---	---------------------------------	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Approval of a Memorandum of Understanding with the Clinton Foundation for delivering a HEAL (Home Energy Affordability Loan) pilot project for up to 50 City of Fayetteville Employees and approval of a Budget Adjustment.

CITY\kspringer 12/18/2013 3:14 PM Prepared By Division Head  CITY\kspringer 12/18/2013 3:14 PM Budget Director	Legistar# / Date: 2013-0247 / 1/7/2014 Legistar Title: HEAL_CONTRACT Budget & Information Management Use Only Type: A B C D E P General Ledger Date Posted to General Ledger Initial Date Checked / Verified Initial Date
--	--

TOTAL BUDGET ADJUSTMENT		5,000	5,000	
		Increase / (Decrease)		
Account Name	Account Number	Expense	Revenue	Project.Sub Number
Contract services	1010.6310.5315.00	5,000		.
Use of fund balance	1010.0001.4999.99		5,000	.
				.
				.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING
WITH AND TO PAY \$5,000.00 TO THE CLINTON FOUNDATION'S
BUILDING RETROFIT HOME ENERGY AFFORDABILITY LOAN
PROGRAM AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the Memorandum of Understanding with the Clinton Foundation's Building Retrofit Home Energy Affordability Loan Program, agrees to pay the Clinton Foundation \$5,000.00 and authorizes Mayor Jordan to sign this attached contract, and approves the attached budget adjustment.

PASSED and APPROVED this 7th day of January 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("**Agreement**") is made by and between the City of Fayetteville ("**Participating Employer**"), and the Clinton Foundation's Building Retrofit Home Energy Affordability Loan program ("**HEAL**") (Participating Employer and HEAL are occasionally referred to herein as "**Parties**").

BACKGROUND

The Clinton Foundation (the "**Foundation**") operates the Clinton Climate Initiative ("**CCI**"), which aims to create and advance solutions to the core issues driving climate change. CCI's HEAL program ("**CCI HEAL**") is the nation's first employer-assisted energy efficiency program. It was designed by CCI to retrofit homes and facilities, create jobs, reduce greenhouse gas emissions, and to overcome the barriers of residential energy savings by bringing a simplified energy efficiency delivery model to the individual homeowner through the workplace.

In order to generate demand for single family energy retrofits, CCI HEAL has identified select employers to participate in HEAL and offer the program to their employees through the workplace ("**Participating Employers**"). Together, CCI HEAL and the Participating Employers market HEAL by educating employees on the benefits of home energy efficiency and enroll them in the program ("Employee Participants"). In order to lower the barrier of residential energy efficiency, CCI HEAL also facilitates access to third party financing for Employee Participants where low interest loans for retrofits are repaid through payroll deductions.

For each Employee Participant, CCI HEAL estimates home energy usage during a site visit by recording a structure's physical attributes using computer energy modeling and simulation software ("**Residential Audit**"). Once a Residential Audit is complete and an Employee Participant decides to move forward in the process, CCI HEAL provides assistance with next steps, which may include: pre-construction improvement definition, rebate estimation, rebate determination and filing, post-construction building performance modeling and post construction quality assurance inspection (collectively, "**Retrofit Services**").

CCI HEAL and Participating Employer desire to work together to offer the HEAL program to employees of the Participating Employer pursuant to the terms of this Agreement.

1. **Participating Employer Deliverables**. In support of the goals of this Agreement, Participating Employer agrees to:
 - a. **Funding**. Remit \$5,000.00 to CCI HEAL to facilitate Residential Audits for up to 50 Employee Participants and Retrofit Services for up to 50 Employee Participants. The full amount shall be due within thirty days of the execution of this Agreement following receipt of an invoice from CCI HEAL.
 - b. **Staff Point of Contact**. Dedicate Participating Employer Staff and provide access to on-site facilities for the purpose of marketing HEAL to Participating Employer's workforce in order to maximize participation in Residential Audit and Retrofit Services;

- c. Employee Outreach. Provide consistent and ongoing marketing and messaging to employees to market and ensure maximum participation in the HEAL program;
 - d. Payroll Deduction Service. Enter into an agreement with a third party financial institution to provide payroll deductions for repayments of Employee Participant retrofit loans;
 - e. Timeline Commitment. Commit to a mutually agreed date for the kick-off presentation of the HEAL program and subsequent recruitment of Employee Participant;
 - f. Data Collection. Assist CCI HEAL in the collection of Employee Participant-specific data required under this Agreement including but not limited to twelve (12) months of utility baseline data, utility reduction information, and at least thirteen (13) months of post-retrofit utility bills.
2. **CCI HEAL Deliverables**. In support of the goals of this Agreement, CCI HEAL agrees to:
- a. Program Development. Work with Participating Employer's designated STAFF contact to develop employee participation eligibility criteria and requirements;
 - b. Employee Outreach. Provide marketing and recruitment sessions for Participating Employer personnel at a mutually agreeable time and location;
 - c. Marketing Materials. Provide marketing materials, if requested, for distribution to eligible employees;
 - d. Program Documents. Provide relevant program documentation, agreements and releases to Employee Participants that are necessary to facilitate the Residential Audits and Retrofit Services;
 - e. Residential Audits. Facilitate Residential Audits of Employee Participant homes and provide Employee Participants with a Personal Energy Plan including specific retrofit recommendations and analysis;
 - f. Retrofit Services. Provide Retrofit Services including the introduction of Employee Participants to HEAL participating contractor(s) and other contractor options and conduct post construction building performance modeling and post construction quality assurance inspection;
 - g. Data Collection. Collect post-retrofit utility usage data for analysis and provide to Participating Employer the resulting estimates of energy savings and greenhouse gas emissions reductions for the homes of Employee Participants.
3. **Joint Commitments**. The Parties agree to jointly undertake the following:
- a. Employee Eligibility. Set appropriate employee eligibility criteria for participation in the HEAL program and jointly promote the program to qualifying employees;
 - b. Financing Options. Work to identify and/or establish low-interest financing options with a third party financial institution through which Participating Employer facilitates repayment of Employee Participant loans from payroll deductions;
 - c. Optimize Participation. Market, promote and implement the HEAL program within the Participating Employer workforce in a manner that maximizes participation of eligible employees;
 - d. Data Collection. Regularly share program results and participation data, activities, milestones and impact between CCI HEAL and Participating Employer;

- e. Program Assessment. Continually review and assess program operations and evaluate additional opportunities to increase program performance;
 - f. Closed-Enrollment Date. Evaluate and advise one another (or mutually agree, as the case may be) to a closed-enrollment date when additional employees will no longer be able to join the program.
4. **Term/Termination**. The term of this Agreement shall commence upon the execution of this Agreement and shall continue through December 31, 2014. Notwithstanding the foregoing, either party may terminate this Agreement upon sixty (60) days prior written notice, provided, however, that during such period the Parties agree to work together in good faith to facilitate a process for collection of post-Retrofit Services data for the period following termination for any Employee Participant homes for which all anticipated data has not already been collected as of the date of termination.
5. **Press/Media**. Any public announcements through press releases, media advisories, media alerts or other similar, press-related means regarding this Agreement or the work of the Parties hereunder shall require the prior written approval of the Parties hereto prior to such announcements.
6. **Other Efforts**. The Parties to this Agreement may from time to time choose to engage in additional efforts to enhance or support the work contemplated by this Agreement. Such additional efforts shall be separately agreed upon, in writing, by the Parties and will be made a part of this Agreement by being attached as an addendum and/or amendment to this Agreement.
7. **Intellectual Property**.
- a. The Parties acknowledge the Foundation's ownership of the Clinton Foundation's name and logos, the name and logos of the Foundation's programs and initiatives, specifically including the HEAL name and logos, and, as President Clinton's, Hillary Rodham Clinton's and Chelsea Clinton's (the "**Clintons**") representative, the name, voice, likeness and images of the Clintons in any format (collectively, the "**Foundation Marks**"). This Agreement shall not be construed to grant any license to use the Foundation Marks without the prior written consent of the Foundation. Any and all requests for use of the Foundation Marks, expressly including images or quotes of the Clintons, shall be submitted to the Foundation and will require its written approval prior to any such use.
 - b. The Foundation acknowledges Participating Employer's ownership of its name and logos and the name and logos of its programs and initiatives ("**Participating Employer Marks**"). This Agreement shall not be construed to grant the Foundation any license to use Participating Employer's Marks except in reference to the Parties' work as set forth in this Agreement, and in such form and manner as may be approved with the prior written consent of the Participating Employer. Any and all requests for use of the Participating Employer's Marks shall be submitted to the Participating Employer and will require the written approval prior to any such use.
8. **Confidentiality**.

- a. During the course of this Agreement, the Parties may make available to each other certain Confidential Information (as hereinafter defined) or one party may otherwise learn of Confidential Information belonging to the other party. For purposes of this Section, "**Confidential Information**" means any and all confidential or proprietary information regarding a party or its business, including, without limitation, all products, patents, trademarks, copyrights, trade secrets, processes, techniques, scientific information, computer programs, databases, software, services, research, development, inventions, financial, purchasing, accounting, marketing, fundraising and other information, whenever conceived, originated, discovered or developed, concerning any aspect of its business, whether or not in written or tangible form; provided, however, that the term "Confidential Information" shall not include information (i) which is or becomes generally available to the public on a non-confidential basis, including from a third party provided that such third party is not in breach of an obligation of confidentiality with respect to such information, (ii) which was independently developed by a party not otherwise in violation or breach of this Agreement or any other obligation of one party to the other, or (iii) which was rightfully known to a party prior to entering into this Agreement.
 - b. Except as otherwise provided herein: (i) the Parties shall hold in strictest confidence any of the other party's Confidential Information; (ii) the Parties shall restrict access to the Confidential Information to those of their personnel with a need to know and engaged in a permitted use of the Confidential Information; (iii) the Parties shall not distribute, disclose or convey Confidential Information to any third party; (iv) the Parties shall not copy or reproduce any Confidential Information except as reasonably necessary to perform any obligations hereunder; and (v) the Parties shall not make use of any Confidential Information for its own benefit or for the benefit of any third party. The foregoing to the contrary notwithstanding, the Parties shall not be in violation of this subsection in the event that a party is legally compelled to disclose any of the Confidential Information, provided that in any such event the disclosing party will provide the other party with reasonably prompt written notice prior to any such disclosure so that the non-disclosing party may obtain a protective order or other confidential treatment for the Confidential Information, and in the event that a protective order or other remedy is not obtained by the non-disclosing party, the disclosing party will furnish only that portion of the Confidential Information which is legally required to be furnished.
9. **Severability.** If, for any reason, any part of this Agreement is held to be invalid, that ruling shall not impair the operation of such other parts of this Agreement as may remain otherwise intelligible.
10. **Waiver.** Any waiver granted by a party hereto shall be without prejudice to any other rights such party may have, will be subject to such party's continuing review and may be revoked, in such party's sole discretion, at any time and for any reason. No party shall be deemed to have waived any right, power or option reserved by this Agreement by virtue of: any custom or practice of the Parties at variance with the terms hereof; any failure, refusal or neglect of the Parties to exercise any right under this Agreement or to insist upon exact compliance by the other with its obligations hereunder.

11. **Choice of Law and Venue.** This Agreement shall be governed by the substantive laws of the State of Arkansas, which shall prevail in the event of any conflict of law. The Parties agree that either may institute any action against the other in any state or federal court of competent subject-matter jurisdiction located in Washington County, Arkansas, and the Parties hereby irrevocably submit to the jurisdiction of such court and waive any objection that it may have to either the jurisdiction of or venue in such court.
12. **No Assignment.** This Agreement may not be transferred or assigned to any other party without the express written permission of the other Parties hereto.
13. **Notice.** All notices and requests in connection with this Agreement shall be given to the Parties via certified mail, return receipt requested, by recognized overnight delivery service, by facsimile, or by hand, at the addresses listed below, or at such other addresses (including e-mail) as set forth below. All notices and requests shall be deemed given the earlier of seven (7) days after duly deposited in the mails properly addressed with postage prepaid, or when actually received.

City of Fayetteville
Name: Peter Nierengarten
Title: Sustainability Director
Address: 113 W. Mountain St.
Fayetteville, AR 72710
Phone: (479) 575-8272
Fax: (479) 575-8202
Email: pnierengarten@fayetteville-ar.gov

Clinton Climate Initiative HEAL Program
Martha Jane Murray, Program Manager
Clinton Foundation
610 President Clinton Avenue, 2nd Floor
Little Rock, AR 72201
(501) 748-0442
(501) 371-9992
mjmurray@clintonfoundation.org

With copy to:
Kit Williams
City Attorney
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701
Phone: (479) 575-8313
kwilliams@fayetteville-ar.gov

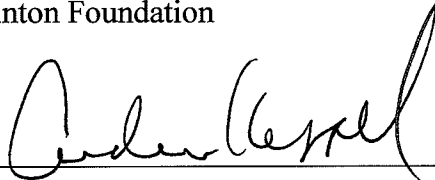
14. **Force Majeure.** Neither party shall be liable to the other party for any delay in or failure of performance if such delay or failure arises from any event beyond the reasonable control of the affected party ("**Force Majeure Event**"), provided that when a Force Majeure Event occurs, the affected party shall promptly give written notice thereof to the other party.
15. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original but which together shall constitute one and the same instrument.

Acknowledged and agreed to this 3 day of Dec., 2013.

City of Fayetteville

Clinton Foundation

By: _____

By:  _____

Lioneld Jordan

Andrew Kessel

Mayor

Chief Financial Officer

City of Fayetteville Item Review Form

2013-0242

Legistar File Number

1/7/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Paul Becker

Submitted By

Finance

Department

Action Required:

Approval of an information technology project and management services contract with Plante & Moran, PLLC.

Does this item have a cost? ☐

\$101,400.00

Cost of this request

\$150,000.00

Category or Project Budget

Program or Project Name

4470.9470.5315.00

Account Number

Funds Used to Date

Program or Project Category

14001-1

Project Number

\$48,600.00

Remaining Balance

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



12-18-13 POC:22 RCVD

dmw

K. Allen 12-19-13

Paul A. Becker 12-19-2013

Don Mann 12-19-13
David Dargatzis 12/20/13



NON-AGENDA ITEM MEMO

To: Mayor Jordan

Thru: Don Marr, Chief of Staff

From: Paul A Becker

Date: December 18, 2013

Subject: Information Technology Project Implementation & Management Services Contract

PROPOSAL:

This request is for the City to enter into an agreement with Plante & Moran to provide Project Management Services to the City. During the 2014 Budget discussions this project was discussed with the Council. As was discussed during the budget, the IT staff has been very short staffed this year and those staffing issues will continue into 2014. In addition the division is in the process of a major project that changes the City's e-mail platform from Novell GroupWise to Microsoft Outlook. The project also includes the implementation of Microsoft 365 and upgrading of Microsoft Office to the latest version. In addition to that project, a telecommunication project which changed the communication carrier from AT & T to Cox Communications was implemented but work on that project remains. We also have other projects planned in the future such as a new ERP system.

This project will support the IT division in the implementation of projects and provide management advise on future projects.

RECOMMENDATION:

Staff recommends that the proposed contract with Plante & Moran, PLC to provide Project Implementation & Management Services be approved.

BUDGET IMPACT

Funds for this project was approved in the 2014 budget. The cost of this request is \$101,400 of the total budget approved which was \$150,000.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONTRACT WITH PLANTE AND MORAN, PLLC FOR INFORMATION TECHNOLOGY SERVICES IN THE AMOUNT OF \$101,400.00

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 attached Contract with Plante and Moran, PLLC for information technology services in the amount of \$101,400.00 and authorizes Mayor Jordan to sign this contract.

PASSED and APPROVED this 7th day of January 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



THE CITY OF FAYETTEVILLE, ARKANSAS

www.accessfayetteville.org

CONTRACT

Reference Bid: RFP 13-16, Information Technology Project Implementation & Management Services

Contractor: Plante & Moran, PLLC

Term: 1 year

This contract executed this ____ day of _____, 2013, between the City of Fayetteville, Arkansas, and *Plante & Moran, PLLC*. In consideration of the mutual covenants contained herein, the parties agree as follows.

WITNESSETH:

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

WHEREAS, City, after soliciting competitive proposals for such services pursuant to City of Fayetteville RFP 13-16 (herein after referred to as Request for Proposal or RFP), City has awarded this contract to *Plante & Moran, PLLC*; and

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

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

1. IT Support Services , as requested and more specifically outlined in the RFP, this agreement, and all subsequent official documents that form the Contract Documents for this Agreement.
2. Time of Service: Services shall be performed in a timely manner, as specified in the RFP and attached in Appendix A.

3. Term of Agreement: Services performed pursuant to this Contract shall commence upon execution of this agreement and continue until project is complete, unless canceled or terminated within thirty (30) days written notice by either party.
4. Amendment of Contract: This Contract may be amended only by mutual agreement of the parties.
5. Assignment and Subcontracting: *Plante & Moran, PLLC* shall perform this contract. No assignment or subcontracting shall be allowed without the prior written consent of the City. In the event of a corporate acquisition and/or merger, *Plante & Moran, PLLC* shall provide written notice to the City within thirty (30) business days of such notice of action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a proposal to a Proposer, which has disclosed its intent to assign or subcontract in its response to the RFP, without exception shall constitute approval for purposes of this Agreement.
6. Cancellation: The City of Fayetteville reserves the right to cancel this Contract, without cause, by giving thirty (30) days notice to *Plante & Moran, PLLC* of the intent to cancel, or with cause if at any time *Plante & Moran, PLLC* fails to fulfill or abide by any of the terms or conditions specified.

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

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

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

7. Compensation: As compensation for *Plante & Moran, PLLC* providing services to the City as described herein, the City shall pay *Plante & Moran, PLLC* in arrears, based on the submission of invoices for work completed and properly authorized. City shall pay *Plante & Moran, PLLC* in an amount not to exceed \$101,400.00, based on a blended consulting rate of \$195 per hour, inclusive of all travel expenses, at an estimated 520 hours. In the event services are provided which do not require travel, the rate shall be less than \$195 per hour as negotiated.

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

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

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

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

12. Severability: The terms and conditions of this agreement shall be deemed to be severable. Consequently, if any clause, term, or condition hereof shall be held to be illegal or void, such determination shall not affect the validity of legality of the remaining terms and conditions, and notwithstanding any such determination, this agreement shall continue in full force and effect unless the particular clause, term, or condition held to be illegal or void renders the balance of the agreement impossible to perform.

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

Services required include assistance to the staff in the evaluation and resolution of problems on current projects. Services would also include new projects assigned by the Chief of Staff and/or the Finance and Internal Services Director of the City. Essentially the services required will require an on-site contract project manager. The contract project manager would both assist staff in problem evaluation and solution as well as assist in the implementation of new projects. The contract manager would be the working manager. Services would also include assisting the Chief of Staff and the Finance and Internal Services Director in the evaluation and solution of new problems encountered as well as advice on long range planning for the Information Technology (IT) Department.

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

15. Freedom of Information Act: Documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, *Plante & Moran, PLLC* will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

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

- 1) City of Fayetteville's Request for Proposal and all of its addenda and attachments issued in reference to RFP 13-16;
- 2) *Plante & Moran, PLLC* 's Certificate of Insurance as required, listing the City as an additional insured;
- 3) *Plante & Moran, PLLC*'s Proposal.

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

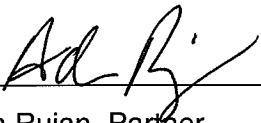
WITNESS OUR HANDS THIS _____ DAY OF _____, 2013.

PLANTE & MORAN, PLLC

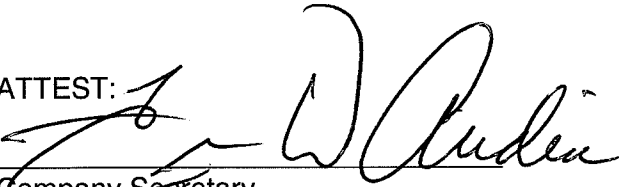
CITY OF FAYETTEVILLE, ARKANSAS

By: _____

LIONELD JORDAN, Mayor



Adam Rujan, Partner

ATTEST: 

Company Secretary

ATTEST:

Sondra Smith, City Clerk

27400 Northwestern Hwy
Business Address

Southfield, MI. 48037
City, State & Zip Code

Date Signed: _____

Date Signed: 12-18-13



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

RFP (REQUEST FOR PROPOSAL)

REQUEST FOR PROPOSAL: RFP 13-16, IT Support Services

DEADLINE: Friday, November 01, 2013 before 2:00:00 PM, local time

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

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

DATE OF ISSUE AND ADVERTISEMENT: Tuesday, October 15, 2013

REQUEST FOR PROPOSAL RFP 13-16, IT Support Services

No late proposals shall be accepted. RFP's shall be submitted in sealed envelopes labeled with the project number and name as well as the name and address of the firm.

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

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

Name of Firm: _____

Contact Person: _____ Title: _____

E-Mail: _____ Phone: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Signature: _____ Date: _____

City of Fayetteville
RFP 13-16, IT Services
Advertisement

**City of Fayetteville, AR
Request for Proposal
RFP 13-16, IT Services**

The City of Fayetteville, Arkansas is requesting proposals from firms capable of providing support services to the Cities' IT function. Services required include but are not limited to assistance to the staff in the evaluation and resolution of problems on current project and new projects assigned by the Finance and Internal Services Director of the City.

To be considered, proposals shall be received at the City Administration Building, City Hall, Purchasing – Room 306, 113 West Mountain, Fayetteville, Arkansas, by **Friday, November 01, 2013 before 2:00:00 PM**, local time. No late submittals shall be accepted.

Forms & addendums can be downloaded from the City's web site at <http://www.accessfayetteville.org>. All questions regarding the process should be directed to Andrea Foren, CPPB, CPPO at aforen@ci.fayetteville.ar.us or (479)575-8220.

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

Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all *qualified* small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to *qualified* small, minority and women business enterprises.

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

CITY OF FAYETTEVILLE

By: Andrea Foren, CPPO, CPPB
Title: Purchasing Agent
Ad date: 10/15/2013

City of Fayetteville
RFP 13-16, IT Support Services
SECTION A: General Terms & Conditions

1. SUBMISSION OF A PROPOSAL SHALL INCLUDE:

- a. A written narrative describing the method or manner in which the Proposer proposes to satisfy requirements of this RFP in the most cost effective manner.
- b. A description of the Proposer's experience in providing the same or similar services as outlined in the RFP. This description should include the names of the person(s) who will provide the services, their qualifications, and the years of experience in performing this type of work. Also, include the reference information requested in this RFP.
- c. Statement should be no more than twenty five (25) pages; single sided, standard, readable, print on standard 8.5x11 papers. Proposers shall also submit a three (3) page (maximum) executive summary. The following items will not count toward the page limitations: appendix, cover sheet, 3-page executive summary, resumes (resumes shall be no more than 1 page per person), and forms provided by the City for completion.
- d. All Proposers shall submit six (6) sets of their proposal as well as one (1) electronic copy on a properly labeled CD or other electronic media device. **The electronic copy submitted should be contained into one (1) file.** The use of Adobe PDF documents is strongly recommended. Files contained on the CD or electronic media shall not be restricted against saving or printing. The electronic copy shall be identical to the original papers submitted. Electronic copies shall not be submitted via e-mail to City employees by the Proposer.
- e. Proposals will be reviewed following the stated deadline, as shown on the cover sheet of this document. Only the names of Proposer's will be available after the deadline until a contract has been awarded by the Fayetteville City Council. All interested parties understand proposal documents will not be available until after a valid contract has been executed.
- f. Proposers shall submit a proposal based on documentation published by the Fayetteville Purchasing Division.
- g. Proposals shall be enclosed in sealed envelopes or packages addressed to the City of Fayetteville, Purchasing Division, Room 306, 113 W. Mountain, Fayetteville, AR 72701. The name, address of the firm and Bid, RFP, or RFQ number shall be on the outside of the packaging as well as on any packages enclosed in shipping containers or boxes.
- h. Proposals must follow the format of the RFP. Proposers should structure their responses to follow the sequence of the RFP.
- i. Proposers shall have experience in work of the same or similar nature, and must provide references that will satisfy the City of Fayetteville. Proposer may furnish a reference list of clients for whom they have performed similar services and must provide information as requested in this document.
- j. Proposer is advised that exceptions to any of the terms contained in this RFP or the attached service agreement must be identified in its response to the RFP. Failure to do so may lead the City to declare any such term non-negotiable. Proposer's desire to take exception to a non-negotiable term will not disqualify it from consideration for award.
- k. Local time shall be defined as the time in Fayetteville, Arkansas on the due date of the deadline. Documents shall be received before the deadline time as shown by the atomic clock located in the Purchasing Division Office.

2. WRITTEN REQUESTS FOR INTERPRETATIONS OR CLARIFICATION:

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

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

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

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

4. EVALUATION CRITERIA:

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

5. COSTS INCURRED BY PROPOSERS:

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

6. ORAL PRESENTATION:

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

7. CONFLICT OF INTEREST:

- a. The Proposer represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance or services required hereunder, as provided in City of Fayetteville Code Section 34.26 titled "Limited Authority of City Employee to Provide Services to the City".
- b. The Proposer shall promptly notify Andrea Foren, City Purchasing Agent, in writing, of all potential conflicts of interest for any prospective business association, interest, or other circumstance which may influence or appear to influence the Proposer's judgment or quality of services being provided. Such written notification shall identify the prospective business association, interest or circumstance, the nature

of which the Proposer may undertake and request an opinion to the City as to whether the association, interest or circumstance would, in the opinion of the City, constitute a conflict of interest if entered into by the Proposer. The City agrees to communicate with the Proposer its opinion via e-mail or first-class mail within thirty days of receipt of notification.

8. WITHDRAWAL OF PROPOSAL:

- a. A proposal may be withdrawn at any time.

9. LATE PROPOSAL OR MODIFICATIONS:

- a. Proposal and modifications received after the time set for the proposal submittal shall not be considered. Modifications in writing received prior to the deadline will be accepted. The City will not be responsible for misdirected bids. Proposers should call the Purchasing Division at (479) 575-8220 to insure receipt of their submittal documents prior to opening time and date listed.
- b. The time set for the deadline shall be local time for Fayetteville, AR on the date listed. All proposals shall be received in the Purchasing Division BEFORE the deadline stated. The official clock to determine local time shall be the atomic clock located in the Purchasing Division, Room 306 of City Hall, 113 W. Mountain, Fayetteville, AR.

10. LOCAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:

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

11. COLLUSION:

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

12. RIGHT TO AUDIT, FOIA, AND JURISDICITON:

- a. The City of Fayetteville reserves the privilege of auditing a vendor's records as such records relate to purchases between the City and said vendor.
- b. Freedom of Information Act: City contracts and documents prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the (Contractor) will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.
- c. Legal jurisdiction to resolve any disputes shall be Arkansas with Arkansas law applying to the case.

13. CITY INDEMNIFICATION:

The successful Proposer(s) agrees to indemnify the City and hold it harmless from and against all claims, liability, loss, damage or expense, including but not limited to counsel fees, arising from or by reason of any actual or claimed

trademark, patent or copyright infringement or litigation based thereon, with respect to the services or any part thereof covered by this order, and such obligation shall survive acceptance of the services and payment thereof by the City.

14. VARIANCE FROM STANDARD TERMS & CONDITIONS:

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

15. ADA REQUIREMENT FOR PUBLIC NOTICES & TRANSLATION:

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

16. PAYMENTS AND INVOICING:

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

17. CANCELLATION:

- a. The City reserves the right to cancel this contract without cause by giving sixty (60) days prior notice to the Contractor in writing of the intention to cancel or with cause if at any time the Contractor fails to fulfill or abide by any of the terms or conditions specified.
- b. Failure of the contractor to comply with any of the provisions of the contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.
- c. In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source, any items and/or services which have not been delivered within the period of time from the date of order as determined by the City of Fayetteville.
- d. In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify the vendor of such occurrence and contract shall terminate of the last day of the current fiscal period without penalty or expense to the City.

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

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

19. NON-EXCLUSIVE CONTRACT:

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

20. ADDITIONAL REQUIREMENTS:

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

21. SERVICES AGREEMENT:

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

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

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

23. OTHER GENERAL CONDITIONS:

- a. Proposers must provide the City with their proposals signed by an employee having legal authority to submit proposals on behalf of the Proposer. The entire cost of preparing and providing responses shall be borne by the Proposer.
- b. The City reserves the right to request any additional information it deems necessary from any or all Proposers after the submission deadline.
- c. The request for statement of qualification is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by Proposer in preparation. It shall be clearly understood that any costs incurred by the Proposer in responding to this request for proposal is at the Proposer's own risk and expense as a cost of doing business. The City of Fayetteville shall not be liable for reimbursement to the Proposer for any expense so incurred, regardless of whether or not the proposal is accepted.
- d. If products, components, or services other than those described in this bid document are proposed, the Proposer must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.
- e. **Any uncertainties shall be brought to the attention to Andrea Foren immediately via telephone (479.575.8220) or e-mail (aforen@ci.fayetteville.ar.us). It is the intent and goal of the City of Fayetteville Purchasing Division to provide documents providing a clear and accurate understanding of the scope of work to be completed and/or goods to be provided. We encourage all interested parties to ask questions to enable all Proposers to be on equal terms.**
- f. Any inquiries or requests for explanation in regard to the City's requirements should be made promptly to Andrea Foren, City of Fayetteville, Purchasing Agent via e-mail (aforen@ci.fayetteville.ar.us) or telephone (479.575.8220). No oral interpretation or clarifications will be given as to the meaning of any part of this request for proposal. All questions, clarifications, and requests, together with answers, if any, will be

provided to all firms via written addendum. Names of firms submitting any questions, clarifications, or requests will not be disclosed until after a contract is in place.

- g. At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews.
- h. Any information provided herein is intended to assist the Proposer in the preparation of proposals necessary to properly respond to this RFP. The RFP is designed to provide qualified Proposers with sufficient basic information to submit proposals meeting minimum specifications and/or test requirements, but is not intended to limit a RFP's content or to exclude any relevant or essential data.
- i. Proposers irrevocably consent that any legal action or proceeding against it under, arising out of or in any manner relating to this Contract shall be controlled by Arkansas law. Proposer hereby expressly and irrevocably waives any claim or defense in any said action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.
- j. The successful Proposer shall not assign the whole or any part of this Contract or any monies due or to become due hereunder without written consent of City of Fayetteville. In case the successful Proposer assigns all or any part of any monies due or to become due under this Contract, the Instrument of assignment shall contain a clause substantially to the effect that is agreed that the right of the assignee in and to any monies due or to become due to the successful Proposer shall be subject to prior liens of all persons, firms, and corporations for services rendered or materials supplied for the performance of the services called for in this contract.
- k. The successful Proposer's attention is directed to the fact that all applicable Federal and State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over the services shall apply to the contract throughout, and they will be deemed to be included in the contract as though written out in full herein. The successful Proposer shall keep himself/herself fully informed of all laws, ordinances and regulations of the Federal, State, and municipal governments or authorities in any manner affecting those engaged or employed in providing these services or in any way affecting the conduct of the services and of all orders and decrees of bodies or tribunals having any jurisdiction or authority over same. If any discrepancy or inconsistency should be discovered in these Contract Documents or in the specifications herein referred to, in relation to any such law, ordinance, regulation, order or decree, s/he shall herewith report the same in writing to City of Fayetteville.

1. The following documents are included with this solicitation: N/A

City of Fayetteville
RFP 13-16, IT Support Services
SECTION B: Scope of Services and General Information

- 1.) OVERVIEW:** The City of Fayetteville is seeking proposals to provide support services to the City's IT function. Services required include assistance to the staff in the evaluation and resolution of problems on current projects. Services would also include new projects assigned by the Chief of Staff and/or the Finance and Internal Services Director of the City. Essentially the services required will require an on-site contract project manager. The contract project manager would both assist staff in problem evaluation and solution as well as assist in the implementation of new projects. The contract manager would be the working manager. Services would also include assisting the Chief of Staff and the Finance and Internal Services Director in the evaluation and solution of new problems encountered as well as advice on long range planning for the Information Technology (IT) Department.

The services requested will require previous hands on experience with hardware and software currently being used by the City of Fayetteville. Proposals should contain an all-inclusive hourly rate.

2.) INTENT:

- a. The City intends to select a primary contract manager for an initial six (6) month term with renewable options in additional six (6) month increments.
- b. The City desires to contract with experienced personnel to optimize the City's operation needs in a timely, highly skilled, and productive manner.

3.) CURRENT TECHNOLOGY INFRASTRUCTURE:

- a. AS400 for central processing
- b. 28 sites exist on the City's network
 - i. Eight (8) are connected through a fiber network
 - ii. Nineteen (19) are on a leased TELCO connections
 - iii. One (1) is connected using site-to-site VPN across the internet

4.) CURRENT TECHNOLOGY APPLICATIONS:

- a. New World System (ERP): The City is running New World System on an AS400 platform which was initially installed in the 1990's. It is the City's intent to purchase and implement a .net solution in the near future; however, a new system has not been procured at this time.
- b. Electronic Data Management System: used for document imaging and management
- c. Hansen Asset Management: Used for several different purposes including generation of work orders, permitting, and in some cases inventory tracking. Currently, the City is using version 7.77 which is being run on a Microsoft SQL server.
- d. The City maintains a website using WEB 1.0 technology.
- e. The City is currently in the process of migrating email platforms from Novell GroupWise to Microsoft Office 365 including upgrading all users to Office 2013. (Current major project).
- f. The City uses NovaTime for time and attendance both to schedule and monitor work hours.

5.) SCOPE OF WORK: In serving this contract, the selected entity will be expected to perform said scope of services as assigned:

- a. Proposer will provide the City with hands on consulting and related professional services for any and all projects specified by the City during the contract period. Proposer shall provide written or oral progress reports as requested by the City.
- b. Awarded Proposer shall be on site as needed within the work week. Amount of time on-site is flexible as long as contract needs are being properly taken care of.
- c. The City estimates approximately 520 hours over the first six (6) month term.

- d. Current major project includes assisting and helping the IT Department manage the e-mail conversion from GroupWise to Outlook.
- e. Provide good customer service to both internal and external customers.
- f. Respond to common inquiries or complaints from users.
- g. Assist in the development of IT applications and business processes in view of evolving technology.
- h. Provide regular weekly and monthly updates to the Chief of Staff and Chief Financial Officer as to the progress of projects, resolution & work plans for problem resolution of issues that arise from the daily operations of the City business & outlines of IT Division priorities outlined for the immediate work period.

6.) PROPOSAL SUBMITTAL: In responding to this request, firms should include the following information in addition to other requested information and pertinent company information related to the selection criteria:

- a. Proposals should be prepared simply and economically, providing a straight forward, concise description its ability to meet the requirements for the project. Fancy bindings, colored displays, and promotional material are not required. Emphasis should be on completeness and clarity of content. All documents should be typewritten on standard 8 1/2" x 11" white papers and bound in one volume. Exceptions would be schematics, exhibits, or other information necessary to facilitate the City of Fayetteville's ability to accurately evaluate the proposal. Limit proposal to twenty-five (25) pages or less, excluding one-page
- b. **References:** A client reference list for which similar work has been performed within the past five (5) years.
- c. **Experience:** Provide a general description of the firm, its history, primary types of work, organizational structure, etc.
- d. **Fees:**
 - i. State **hourly fee** to be charged for services. Fee shall be all inclusive and include all travel, relocation, services, etc. The City shall not pay additional travel expenses. See also fees discussed in the Signature Submittal section.
- e. **Company:**
 - i. **Experience:** Proposer shall provide a detailed description of similar city and/or county projects or contracts that currently use the proposed system, completed and/or presently provided during the past five (5) years. Provide complete contact information, name, address, phone and emails for all references.
 - ii. **Company Principals:** Provide a brief biographic overview of the Company's key principals.
 - iii. **Capabilities:** Proposer shall provide a description of limitations relative to facilities, staff personnel, on-going projects/ contracts, etc. Specifically, provide in RFP response what priority will be placed on this project.
 - iv. **Company Organization:**
 - 1. **Primary Business:** Proposers shall describe company's primary business interest and/or operations including organization and affiliations. Include the magnitude of your operation as it relates to this project.
 - 2. **Company History:** Provide pertinent company historical information that will demonstrate your capability to successfully accomplish this project.
- f. **Personnel:**
 - Staff:** The Proposer shall provide a description of how work will be assigned to effectively facilitate the requirements of this project.
 - i. **Resumes:** The Proposer shall provide maximum one-page resumes of key personnel/person intended to be utilized for this project. One-page resumes do not count towards page restrictions outlined in this RFP. Resumes shall include, at a minimum:

- Position Title
- Tenure with Proposer

- Experience
- Other related information

7.) CONTRACT FORMATION:

- If the negotiation produces mutual agreement, the draft contract as a part of this package will be constructed and forwarded to the Fayetteville City Council for approval. If negotiations with the highest ranking Proposer fail, negotiations shall be initiated with the next highest ranking Proposer until an agreement is reached. The City reserves the right to reject all offers and end the process without executing a contract.

8.) PROPOSAL CONTENT:

- Proposals should be prepared simply and economically, providing a straight forward, concise description its ability to meet the requirements for the project. Fancy bindings, colored displays, and promotional material are not required. Emphasis should be on completeness and clarity of content. All documents should be typewritten on standard 8 ½" x 11" white papers and bound in one volume. Exceptions would be schematics, exhibits, or other information necessary to facilitate the City of Fayetteville's ability to accurately evaluate the proposal. Limit proposal to twenty-five (25) pages or less, excluding one-page team resumes.

9.) TERM OF CONTRACT:

- The initial term of the contract shall be for a six (6) month period. The contract shall be renewable by mutual consent, on a mutually agreed basis. The contract may be terminated by either party by giving the other party written notice of such intent not less than thirty (30) days prior to the effective date of the termination. In the event of termination, claims for compensation owed the consultant by the City shall be limited to verifiable services rendered. The City reserves the right not to use the "primary" contract solely. The City reserves the right to contract with any firm responding to this request, based on specific project needs and experience needed.

10.) DEMONSTRATION & ORAL PRESENTATION:

- Following the evaluation of the proposals, the Selection Committee may request that the top ranking firms make an oral presentation or be interviewed. If presentations are necessary, they will take place in Fayetteville, Arkansas. Notices will be sent by the Purchasing Division.

11.) ANTICIPATED PROJECT TIMELINE: *subject to change*

Date	Time	Description
Tuesday, October 15, 2013	N/A	Advertisement for RFQ
Friday, November 01, 2013	Before 2:00 PM	Deadline to submit a Proposal
Tuesday, November 12, 2013	N/A	Contract negotiations finalized and contract signed by Vendor
Friday, November 15, 2013	4:00 PM	Internal deadline for packet to be turned into City Clerk's Office for 12/03/13 City Council Meeting
Tuesday, November 26, 2013	4:30 PM	Agenda Session for 12/03/13 City Council Meeting
Tuesday, December 03, 2013	6:00 PM	City Council Meeting to consider contract

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

- 25% **Qualifications in Relation to Specific Project to be Performed:** Information reflecting qualifications of the firm. Indicated specialized experience and technical competence of the firm in connection with the type and complexity of the service required. Subcontractors, if used, must be listed with information on their organization.

- 2) 25% **Experience, Competence, and Capacity for Performance:** Information reflecting the names, titles, and qualifications (including experience and technical competence) of the major personnel assigned to this specific project. Provide detailed breakdown of subcontractor's staff to be used and how they are to be used to supplement your staff. This section of the evaluation criteria includes the amount of work presently underway for your firm; please present this in submittal.
- 3) 20% **Proposed Method of Doing Work:** A proposed work plan (description of how the project would be conducted as well as other facts concerning approach to scope you wish to present) indicating methods and schedules for accomplishing scope of work. Include with this the amount of work presently underway.
- 4) 15% **Past Performance:** Previous evaluations shall be considered a significant factor. If previous evaluations with the City are not available, the professional firm's past performance records with City and others will be used, including quality of work, timely performance, diligence, ability to meet past budgets, and any other pertinent information. Firm will provide a list of similar jobs performed and person whom the City can contact for information.
- 5) 15% **Price:** Complete hourly fee to the City for all services described herein including but not limited to fees for services, travel, lodging, re-location fees, etc.

City of Fayetteville
RFP 13-16, IT Support Services
SECTION E: Signature Submittal

1. Disclosure Information

Proposer must disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Proposer response must disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official.

If, to your knowledge, no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

PLEASE CHECK ONE OF THE FOLLOWING TWO OPTIONS, AS IT APPROPRIATELY APPLIES TO YOUR FIRM:

_____ 1) NO KNOWN RELATIONSHIP EXISTS

_____ 2) RELATIONSHIP EXISTS (Please explain): _____

I certify that; as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein are accurate and true; and my organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

2. At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. NOTE: Each Proposer shall submit to the City a primary contact name, e-mail address, and phone number (preferably a cell phone number) where the City selection committee can call for clarification or interview via telephone.

Name of Firm: _____

Name of Primary Contact: _____

Title of Primary Contact: _____

Phone#1 (cell preferred): _____ Phone#2: _____

E-Mail Address: _____

3. Please acknowledge receipt of addenda for this invitation to bid, request for proposal, or request for qualification by signing and dating below. All addendums are hereby made a part of the bid or RFP documents to the same extent as though it were originally included therein. Proposers/Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification.

ADDENDUM NO.	SIGNATURE AND PRINTED NAME	DATE ACKNOWLEDGED

4. PRICE BID: Firm proposes the following all inclusive hourly rate. Rate includes all expenses to the city including but not limited to services, travel, overhead, re-location, etc. The City shall not pay additional fees outside of contracted hourly rate for the services listed in this RFP. In the event of contract extension or renewal, the number of hours will be increased.

Item	Description	Estimated Quantity (# hours in 6 months)	Proposed Hourly Rate	Total Fee for 6 months
1	IT Services as described	520	x \$ _____	= \$ _____

5. As an interested party on this project, you are required to provide debarment/suspension certification indicating in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.

6. Signature certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Questions regarding this form should be directed to the City of Fayetteville Purchasing Division.

NAME: _____

COMPANY: _____

PHYSICAL ADDRESS: _____

MAILING ADDRESS: _____

PHONE: _____ FAX: _____

E-MAIL: _____

SIGNATURE: _____

TITLE: _____

DATE: _____

Proposal to Provide IT Support Services

CITY OF FAYETTEVILLE, AR | NOVEMBER 1, 2013



plante
m
moran



November 1, 2013

Ms. Andrea Foren, CPPO, CPPB
City of Fayetteville, AR
113 W. Mountain – Room 306
Fayetteville, AR 72701

Dear Ms. Foren:

Plante & Moran, PLLC (Plante Moran) is pleased to respond to your Request for Proposal to provide IT Support Services to the City of Fayetteville, AR. We understand that the City is seeking proposals to provide support services to the City's IT function, including assistance to the staff in the evaluation and resolution of problems on current projects. We understand that the services requested will require previous hands on experience with hardware and software currently being used by the City. We are confident that we have a deep understanding of many of the City systems that would be impacted by this contract, including:

- New World Systems (ERP); reviewed as part of the 2010 IT Assessment
- Electronic Data Management System (EDMS); reviewed as part of the 2010 IT Assessment
- Hansen Asset Management; reviewed as part of the 2010 IT Assessment

In addition, Plante Moran assisted the City in soliciting and analyzing vendor proposals for the Microsoft Office 365 initiative. Overall, we feel that our past experience and knowledge of City operations, coupled with our deep project management experience and industry knowledge expertise would help the City effectively implement the important IT projects as defined in the City's project portfolio.

As part of our proposal, we are offering the City an experienced information technology leader, Mr. Dale Vanderford. Dale was Director of Technology and Operations for Washtenaw County, Michigan and spent his last two years prior to joining Plante Moran on implementing and managing the consolidation of the network infrastructure teams and data centers for Washtenaw County and the City of Ann Arbor, MI. Prior to that, Dale managed the operation and management of the County's IT department, a \$9 million, 30 person department. During Dale's tenure in the department, several infrastructure upgrades occurred, including the construction of a 90 mile fiber optic network, two data center moves, several new buildings were brought online, two Microsoft Exchange Upgrades, and the implementation of an Asset management system was completed. There were also several sizeable software selections and implementations, including an ERP System, document management, video surveillance software, and the changing of a Police Records Management system (New World Systems, running on an A/S 400) that coordinated the changing of Police records in 9 separate jurisdictions to one single package. During Dale's tenure, the department consistently received national accolades, including several consecutive year appearances on the Digital Counties Survey top 10 and two consecutive years on CIO Magazine's Top 100 IT departments list. Dale joined the Plante Moran staff in 2011.

PROPOSAL TO PROVIDE IT SERVICES

Plante Moran was founded as a professional services firm in 1924. We have been specializing in assisting municipalities with technology matters for over 30 years. Some highlights of our practice include:

- Significant and recent experience in conducting Project Management, Information Technology Assessments and related Technology Consulting for municipal clients including current and recent engagements for the following entities

- | | |
|-------------------------|-------------------------|
| ○ City of Chandler, AZ | ○ Muskegon County, MI* |
| ○ Ottawa County, MI | ○ City of Carlsbad, CA |
| ○ Town of Hempstead, NY | ○ Washtenaw County, MI* |
| ○ Johnson County, KS* | ○ City of Mesa, AZ* |
| ○ Waukesha County, WI* | ○ Oakland County, MI* |

*** – denotes organizations that have been recognized by the Center for Digital Government as winners for their respective populations served*

- Within the public sector, we are independent from all hardware, software and communications products and solutions allowing us complete independence when recommending solutions for our public sector clients.
- Significant expertise in the area of IT Governance. In fact, our proposed Project Director, Adam Rujan, has recently contributed a chapter on the topic to a recent PTI published book.
- Active participation in numerous organizations serving the technology needs of our municipal clients including Public Technology Institute (PTI), Government Management Information Sciences (GMIS) and Governmental Finance Officers Association (GFOA)

Our proposed team blends the technology and municipal operations knowledge with seasoned, consultants to work on this important initiative. We believe that based upon these experiences and the quality of our proposed team, we are well qualified to provide objective and project management services to the City.

If you have any questions concerning this proposal, please contact:

Mr. Adam Rujan, Partner
27400 Northwestern Hwy.
Southfield, MI 48037-0307
Phone Number: 800.544.0203
adam.rujan@plantemoran.com

Mr. Rujan is authorized to contractually bind the Firm. Plante Moran has provided our standards terms and conditions for the City's review. Our proposal is valid for 90 days from the response date.

Very truly yours,
PLANTE & MORAN, PLLC



Adam Rujan, Partner

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1. References

City of Fayetteville, AR

Mr. Paul Becker
Finance Director
113 West Mountain Street
Fayetteville, AR 72701
479-575-8330
pbecker@ci.fayetteville.ar.us

Information Technology Assessment, Strategic Planning & Implementation

Conducted an Information Technology Assessment for the County that included a review of all aspects of organization, administration and use of technology within the County. As part of the engagement we conducted IT departmental interviews, interviews with all County staff departments, an end-user survey of all County staff and a benchmarking survey of peer County organizations from across the country. Specific areas of focus included IT governance, IT organization structure, enterprise resource planning (ERP), line of business applications (e.g., GIS, courts, etc.), cost allocation methodology, IT infrastructure, project management approach, project portfolio management and identifying opportunities for alternative delivery of services.

Muskegon County, MI

Mr. Eric Stevens
Circuit Court Administrator
141 E. Apple Avenue
Muskegon, MI 49442
(231)724-6293

StevensEr@co.muskegon.mi.us

ECM Software Selection

Assisted the County in the selection of a new Electronic Content Management Software solution. Activities included conducting of interviews, RFP development, proposal analysis and assistance to the County in the due diligence process of reviewing various solutions.

ECM Implementation Management Assistance

Currently assisting the County in the implementation of a new Electronic Content Management Software solution by providing project management assistance, including PMO support, project administration, and business analysis services.

Ottawa County, MI

Mr. Alan Vanderberg
County Administrator
Fillmore Street Complex
12220 Fillmore Street
Room 310
West Olive, MI 49469
616-738-4068

avanderberg@miottawa.org

IT Assessment

As a continuous improvement effort, conducted an Information Technology Assessment that included a review of all aspects of the organization, but specifically focused on creating a roadmap for readying the organization to adopt emerging technologies. Examined the current department technologies process and staffing and provided a 5-year technology plan that will enable the department to embrace the current trends in technology and those that are still evolving. The engagement also included an assessment of the current technologies in use as well as an analysis of the opportunities available for collaboration with other entities such as other cities, townships, villages, and school districts. Specific areas of focus included Organizational Support Structure, Infrastructure, IT Governance, and plan for adoption of new technologies.

PROPOSAL TO PROVIDE IT SERVICES

City of Carlsbad, CA

Ms. Cynthia Haas
Deputy City Manager
1200 Carlsbad Village Dr.
Carlsbad, CA 92008
760-434-2829

IT Assessment

Assisted the City with an information technology assessment and evaluation of IT sourcing options. Activities include conducting an assessment in the areas of organization, administration, infrastructure, and enterprise applications. Compiled interim issues and opportunities and cost savings opportunities and presented these to City management. Conducted comparative research of similar organizations. Prepared a cost of services analysis relative to IT services. Presented IT assessment results and plan to the City management.

City of Mesa, AZ

Ms. Diane Gardner
Chief Information Officer (CIO)
200 South Center Street
Building 2
P.O. Box 1466
Mesa, AZ 85211-1466
480-644-3449

ERP Implementation Management Assistance

Assisted the City in the implementation of the selected ERP solution as part of the city's project management office (PMO). Also had direct project management responsibility for a number of implementation teams.

City of Colorado Springs, CO

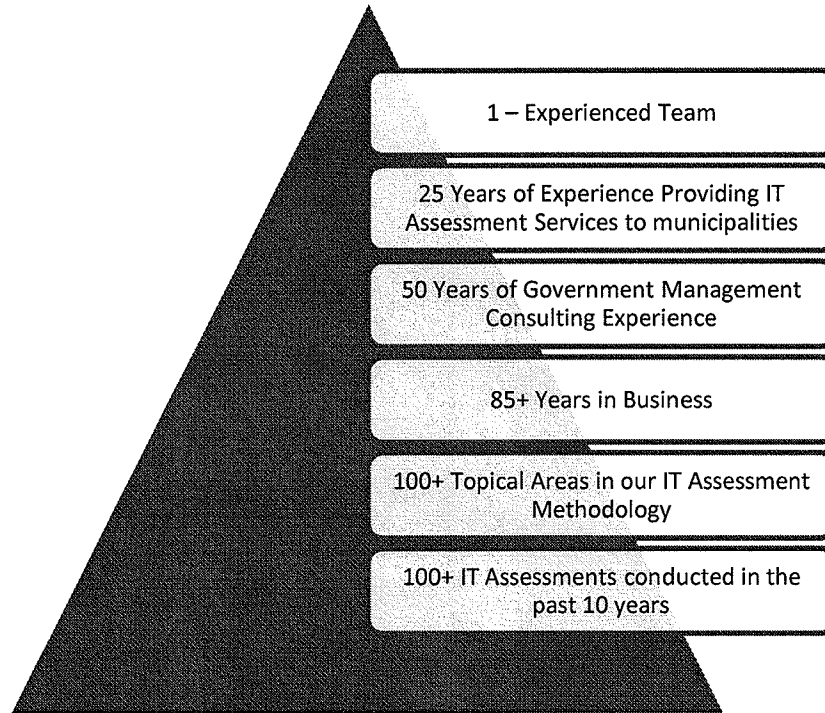
Mr. Jesse James
Interim CIO
30 S. Nevada Ave.
Colorado Springs, CO 80903
719-385-5767

IT Assessment

Assisted the City with an information technology assessment and evaluation of IT sourcing options. Activities include conducting an assessment in the areas of organization, administration, infrastructure, and enterprise applications. Compiled interim issues and opportunities and cost savings opportunities and presented these to City management. Conducted comparative research of similar organizations. Prepared a cost of services analysis relative to IT services. Presented IT assessment results and plan to the City management.

2. Experience

Summary



Plante Moran Background and Experience

Founded in 1924, Plante & Moran, PLLC (Plante Moran) is the twelfth largest management consulting and public accounting firm in the United States. Plante Moran operates as a partnership. Plante Moran's staff of over 1,600 persons is organized into four major service areas: Management Consulting, Accounting and Auditing, Tax Consulting, and Personal Financial Planning Services.

Over the past several years, Plante Moran has continually expanded the scope and experience of its Management Consulting Services Group. The firm is committed to continuing this growth by retaining and attracting qualified professionals to provide the broad range of management and technical services that are necessary to effectively serve the needs of our clients.

Plante Moran takes great pride in the quality of services it provides to its clients. We have a rigorous set of quality controls designed to provide assurance that professional standards are followed and our clients receive a high quality product. Plante Moran takes equal pride in our people and our professional work environment. Some of the facts about our firm that we are proud of include:

- Our partnership group is comprised of 19% women, which is the highest percentage of female equity partners among the nation's largest public accounting firms, according to CPA Personnel Report, a national public accounting trade publication.
- Staff turnover rate below 15% which is significantly lower than that of other national public accounting firms.

PROPOSAL TO PROVIDE IT SERVICES

- The firm has been named to Fortune Magazine's "100 Best Companies to Work for in America" for the last 14 years.
- The firm is ranked 55th on list of Training magazine's "Top 100 Training Organizations"
- Plante Moran's Management Consulting Group, consisting of over 125 dedicated consultants, is a versatile, full service consulting organization with a proven track record for providing quality professional services.

Our emphasis and commitment to management consulting has resulted in the extension of the consulting practice into all major aspects of government and education addressing our clients' unique needs related to information technology, security, compliance, and policy.

Plante Moran has become a leader in providing services to governmental organizations. At present, we work with well over 200 County and local governments. Our professionals have made substantial commitments to working with local, County and state government agencies. Our extensive experience with governmental clients has enabled us to assemble a project team that we believe is uniquely qualified to perform the proposed project.

Government Consulting Services Overview

Plante Moran has assumed a leadership role in providing consulting services to governmental entities. The range of services we provide includes the following:

- | | |
|---|---|
| • Information Technology Consulting | • Human Capital Management and Development |
| • Communications & Networking Services | • Market Research Services |
| • Project Management and Oversight | • Business Planning and Feasibility Analysis |
| • Operations Analysis | • Employee Benefits Analysis |
| • Consolidation Studies | • Assurance Services |
| • Organizational Planning and Development | • Real-estate, Design and Construction Consulting |
| • Financial Management Services | |

Plante & Moran's management consultants have made a significant commitment to assist governmental clients develop and implement appropriate technology. The services we offer address virtually all aspects of information systems including:

- Information Technology Assessments including:
 - Organization
 - Administration
 - Technology
- Strategic Information Technology planning
- Communications and networking including:
 - WAN/LAN architecture and development
 - Network analysis and optimization
 - Telecommunications
 - Voice/data/video integration

PROPOSAL TO PROVIDE IT SERVICES

- Performance assessment
- Bandwidth utilization
- Security assurance including:
 - Information system reviews
 - System trust services
 - Network security reviews
 - SAS/70 reviews
- Solution delivery including:
 - Needs assessment
 - Cost benefit analysis
 - Requirements definition
 - Software selection
 - Contract negotiations
 - Process improvement
 - Implementation management
- Outsourcing analysis
- e-Government Strategy and development
- Technology management
- Project management

We have developed significant research capabilities to assist our clients in new and emerging technologies and issues. In addition, our consultants are very active in making presentations to a variety of governmental organizations on current issues. Our library of resource materials is readily available to our consultants to effectively satisfy our clients' unique needs.

Like many technology project management projects the firm has conducted, clients typically have particular areas of interest to be explored. Our qualifications and capabilities in areas of interest likely to be reviewed as part of the project with the City are as follows:

Area of Interest	Firm Qualifications
Infrastructure	Our Communications and Networking practice includes staff who have been involved on IT planning and assessment projects to conduct a full assessment of IT infrastructure including hardware, data, communications, networking, server, storage and data center environments.
Disaster Recovery	Our Security Assurance practice includes staff who are focused on the development and/or review of Disaster Recovery, Business Continuity and COOP plans.

Area of Interest	Firm Qualifications
Help Desk / ITIL	Our staff have significant experience in conducting help desk assessments and performance metric development. Additionally, we have staff who are ITIL V3 Foundation Certified.
Project and Task Management	Our staff have significant background in project management procedures, methods and tools. We use project management techniques and supporting tools on our technology planning initiatives that are covered in more detail in our project work plan. This includes the use of MS Project and MS SharePoint as a collaborative environment for managing client projects.
Industry Standards	Our Operations Improvement practice within the firm has significant experience in the development and deployment of Balanced Scorecard programs for our clients more specifically in the Manufacturing sector. Our governmental consulting staff have implemented a number of these concepts for our clients although not specifically under the mantra of Balanced Scorecard to include the establishment of metrics for measuring IT performance and the tools and methods for monitoring and reporting on these metrics.
Internet / Intranet	Our Web Services group has experience in developing e-government strategies and significant experience in deploying both Internet and Intranet sites for public sector clients. Additionally, our web assessment projects include the review of a City's overall approach towards Internet, Intranet, e-government, portals and Web 2.0 technologies. Through our involvement at PTI we have also been exposed to creative uses of web technologies by other governmental jurisdictions.
Policies and Service Level Agreement	Our staff have significant experience in the review of IT policies, procedures and service level agreements. Through numerous projects that we have conducted over the last several years we have developed a repository of IT policies and procedures used by other municipal jurisdictions.

Overall, our approach to each consulting engagement is structured to provide the services and level of professional support required to meet the individual needs of the client. Although we have developed well-defined methodologies for conducting consulting engagements, we do not attempt to impose a rigid structure onto each assignment. Rather, we attempt to understand the fundamental challenges and opportunities of our clients and develop an approach that addresses those particular conditions.

3. Fees

Our fee is based on our blended consulting rate of \$195 per hour. This hourly rate is all inclusive and will include all travel and other incidental expenses. At a total of 520 hours, this equates to a total cost for this effort of \$101,400.

These services are expected to commence about January 1, 2014 and continue for 6 months. We anticipate that Mr. Vanderford will be on site every other week, or some other mutually agreeable schedule.

Additional Plante Moran experts can be made available, on an, as needed, and requested basis at this same cost.

4. Company

Experience

Plante Moran has been providing software selection and implementation consulting services to governmental clients for the last thirty years. We provide the full-range of services related to the planning for, selection, contract negotiations and implementation of new technologies and processes for municipal governmental software.

The following matrix identifies desired consultant capabilities, skills and core competencies required as part of this engagement and how our firm matches up against these criteria:

Required Capabilities	Plante Moran Match
1) Experience with governmental systems and implementations with a scope similar to the City's size of project.	Our firm has been involved in assisting governmental clients in the selection and implementation of technology solutions for over 30 years including clients of comparable size and complexity to the City.
2) Strong written and oral communications skills that engage the entire team and maintain efficient communications and decision-making throughout the engagement. The City requires candidates with experience giving technical or executive presentations and practicing disciplined documentation throughout the entire process.	All of the senior staff assigned to the project regularly communicate with Councils, Commissions and Boards and senior management within governmental organizations either as part of the facilitation of projects for the client or in giving oral presentations presenting the results of a project.
3) Ability to form effective working relationships with management, supervisory, operational, and technical personnel from the City, other involved vendors, and any other stakeholders engaged in the success of this project.	Our selection process is a very participatory one that includes senior management, technical staff, operational staff, outside vendors and other relevant stakeholders. We are very adept at working with all of these constituencies.
4) Ability to take direction and then work without immediate supervision to stay focused on meeting the City's requirements with high satisfaction.	Our team includes staff that are experienced and self-motivated requiring little direction while able to lead the project or phases they are responsible for.
5) Demonstrate a willingness to implement innovative program and project management methodologies, approaches and tools.	We regularly look for innovative ways in which to deliver our services in a more efficient and effective manner through the use of newer technologies and methods. For example, as a standard part of all projects performed we provide a collaboration center (e.g. MS SharePoint) in which to manage all activities on the project that is accessed by the client and our team.

PROPOSAL TO PROVIDE IT SERVICES

Required Capabilities	Plante Moran Match
6) Highly disciplined, focused leader, who can effectively assess project risk and take action to mitigate risks.	Staff assigned to the project are experienced in these types of projects and use project management methods including regular assessment of project risk. Furthermore, our significant experience in the selection and implementation of software solutions has resulted in our ability to identify risks common to these types of projects, early in the project.
7) Ability to consistently meet deadlines while exercising strong project and fiscal controls.	Our staff are committed to meeting deadlines that are established by the client for an engagement while meeting both quality and fiscal controls.
8) Professional behavior and appearance.	Plante Moran has a very rigorous hiring process to ensure that there is a fit between the individual and the core values of the firm that stress services to the client in a professional manner.
9) Ability to provide clear direction to multiple stakeholders and hold them accountable for producing the required results.	At the start of the project, we engage the various stakeholders on the project that will be required to provide input during the process to articulate what we will need from them and when. This information is captured in a Project Charter that is developed at the start of the project.
10) Passion for escalating issues appropriately to ensure quick problem resolution.	The process used on our projects ensures that any outstanding issues are quickly escalated such that delays in the project do not occur. This escalation process is defined during the early stages of the project. Furthermore, we will regularly conduct project reviews with client management to identify and discuss outstanding issues and risks.
11) Proven ability to organize large projects, structure the processes for change management, risk management and project controls.	Our staff is adept on the various aspects of managing and delivering large-scale information technology projects within the public sector. We are well aware of both the technical and organizational challenges in implementing a new system and regularly counsel our clients on various dimensions and related to the fact that implementing a new system will affect people, process and technology.

The following list provides a description of the municipal IT projects that our firm has performed over the last several years. Several of these past clients are provided as references in *Section 2* of this proposal response.

Client Name	Project Title	Project Date
City of Pueblo, CO	ERP Due Diligence and Implementation Management Assistance	Mar 2013 – Present
Cape Fear Public Utility Authority, NC	ERP Needs Assessment	Mar 2013 – Present
Village of Northbrook, IL	ERP Selection	Mar 2013 – Present
New Braunfels Utilities, TX	ERP Needs Assessment and Selection	Dec 2012 – Present
City of Grand Rapids, MI	ERP Needs Assessment and Selection	Nov 2012 – Present
County of Sumner, TN	ERP Needs Assessment and Selection	Aug 2012 – Present
City of Ann Arbor, MI	HR/Payroll Software Assessment	Jul 2012 – Dec 2012
City of Corpus Christi, TX	ERP Selection	Jul 2012 – June 2013
Town of Jupiter, FL	Utility Billing and Enterprise Assessment Management Software Selection	May 2012 – Nov 2012
City of Hallandale Beach, FL	ERP Selection	May 2012 – Present
City of Columbia, MO	ERP Needs Assessment and Selection	May 2012 – Present
Livingston County, MI	ERP Selection and Implementation Management Assistance	May 2012 – Present
Horry County, SC	ERP Needs Assessment and Selection	Feb 2012 – Present
City of Oakland Park, FL	ERP Selection	Feb 2012 – Jan 2013
City of Cooper City, FL	ERP Selection	Feb 2012 – Oct 2012
Marin County, CA	ERP Operations Review	Feb 2012 – Present
City of Greenville, NC	ERP Selection	Dec 2011 – Present
Hampton Roads Sanitation District, VA	ERP Needs Assessment and Selection	Jan 2012 – Present
City of East Lansing, MI	ERP Needs Assessment	Dec 2011 – Aug 2012
Broward County, FL	ERP Selection Assistance	July 2011 – Present
City of North Miami Beach, FL	ERP Needs Assessment and System Selection	Apr 2011 – Present
City of Chandler, AZ	Oracle Upgrade Project Management Services	Mar 2011 – Nov 2011
Town of Jupiter, FL	Financial Management System Selection and Implementation Management Assistance	Mar 2011 – Nov 2012
City of Flagstaff, AZ	ERP Due Diligence Assistance	Jan 2011 – Aug 2011
Muskegon County, MI	FMIS Software Selection and Implementation Management Assistance	Jan 2011 – Present
City of Owensboro, KY	ERP Selection	Nov 2010 – Dec 2011

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Client Name	Project Title	Project Date
City of Asheville, NC	Development Services Software Selection	Oct 2010 – Sep 2011
City of Casper, WY	Software System Assessment	Aug 2010 – Aug 2011
City of Alexandria, VA	ERP Needs Assessment and Selection	Aug 2010 – June 2011
Borough of State College, PA	ERP Selection, Contract Negotiations and Implementation Management Assistance	Jul 2010 – Present
City of Miramar, FL	ERP Selection and Implementation Management Assistance	May 2010 – Jul 2012
City of Roswell, GA	ERP Selection, Contract Negotiations and Implementation Management Assistance	Jan 2010 – Present
Town of Hempstead, NY	Tax System Selection and Implementation Mgt.	Jun 2009 – Present
City of Mesa, AZ	ERP Selection and Implementation Management Assistance	Apr 2009 – Aug 2012
Cook County Public Guardian, IL	System Assessment and Selection	Apr 2009 – Present
Village of Mt. Prospect, IL	ERP Selection and Contract Negotiations	May 2009 – Dec 2009
Mid-America Regional Council (MARC)	ERP Selection and Contract Negotiations	Mar 2009 – Dec 2009
City of St. Charles, MO	ERP Selection and Contract Negotiations	Jan 2009 – Dec 2009
Waukesha County, WI	Financial Applications Analysis Study and RFP Development	May 2008 – Mar 2011
City of Asheville, NC	ERP Selection and Implementation Management	Oct 2007 – Dec 2010
St. Louis County, MO	ERP Selection and Implementation Management	Apr 2007 – Feb 2010
City of Sheboygan, WI	ERP Selection and Implementation Management	Mar 2007 – Dec 2008
City of St. Clair Shores, MI	Time and Attendance Software Selection	2007
City of Elgin, IL	FMIS Software Selection Assistance	Jun 2006 – May 2007
City of Cleveland, OH	FMIS Selection and Implementation Management	Oct 2006 – Feb 2010
City of Livonia, MI	Financial System Upgrade Implementation Management Assistance	2006 - 2008
Shelby Township, MI	ERP Selection and Implementation Management Assistance	2006 - 2008
Hancock County, OH	ERP Selection and Contract Negotiations	Jan 2004 – Dec 2004
City of Kalamazoo, MI	ERP Software Selection	2004 - 2005
Dane County, WI	FMIS Software Selection	Sep 2003 – Jan 2004

Company Principals

Plante Moran is guided by our philosophy that is based on certain core values and perhaps best expressed in condensed form by the Golden Rule: "Do unto others as you would have others do unto you." It is symbolized by the Plante Moran gold ruler and implied in the Plante Moran motto: "We care." We care about our clients, we care about our work, we care about our families and our communities, and we care about each other.

Although the Plante Moran philosophy can be summarized by the Golden Rule, it is composed of many principles, such as those in our Statement of Principles, namely: service, ethics, recruitment, compensation, individual progress, advancement, teamwork, delegation, education, leadership, individual freedom, communication, decision making, the common good, and balance.

These important principles include fairness; doing everything reasonable for the individual up to the point of harming the team; helping the individual to become all that he or she is capable of becoming; optimizing, rather than maximizing, or financial success; and doing what is right for the right reasons, with major emphasis on the long-range consequences of our decisions.

Although we will continue to expand and refine the principles embodied in the Plante Moran philosophy, our emphasis will be on communicating, exemplifying, and living the Golden Rule day in and day out.

Capabilities

Plante Moran takes great pride in the quality of services it provides to its clients. We have a rigorous set of quality controls designed to provide assurance that professional standards are followed and our clients receive a high quality product. The following characteristics provided our credentials to deliver IT services to the City:

- **Longevity of Practice:** As a firm, we have over 30 years' experience in assisting clients in conducting IT projects for all areas of governmental operations including Financials, Human Resources / Payroll, Utility Billing, Community Services, Tax and Public Safety.
- **Experienced Project Team:** Our project team has significant and recent experience in performing similar work for other governmental clients. We generally have approximately 15 – 20 projects going on at any one time which allows our consultants to maintain currency related to all facets and phases of a variety of IT projects.
- **Involvement in Complex IT Projects:** We have significant experience in working with ERP solution providers whose solution set involves a complexity of software solutions to meet the entire needs of a large organization. This has translated to involvement in working with clients and the selected vendor in negotiating complex contracts and statements of work. More recently, this has included involvement with clients who are intending to have their entire ERP Solution provided via Managed Services in which Managed Services options have significant variability in what can be provided.
- **Completeness of IT Expertise:** As a full-service consulting and accounting firm, we have both depth and breadth in the types of IT services that we can provide within a single firm. We are able to provide the following set of complementary services that are frequently viewed by our clients as value-add:
 - Chart of Accounts development
 - Business process redesign

PROPOSAL TO PROVIDE IT SERVICES

- Internal controls
- Security
- IT staff assessments to assist clients in understanding the degree to which their IT organizations have the needed skills and certifications to support a new ERP environment
- Organizational assessments to assist clients in restructuring their organization including staff roles and responsibilities
- Change management services to assist client staff in the transition from legacy technologies and business processes to more current technology and redesigned business processes
- Application controls reviews
- Disaster recovery planning
- **Vendor Marketplace Knowledge:** We have extensive knowledge of the ERP software vendor marketplace and system integrator marketplace for those vendors that will be likely providers of software and services to the City. This experience has been gained through a number of activities including work with other clients in selecting and implementing ERP solutions, participation in conferences in which ERP vendors are participating (e.g., GFOA annual conference) and proactive meetings with ERP vendors to understand their latest product and service offerings to governmental clients. For example, over the last several months we have had meetings and/or phone calls with the following vendors to discuss aspects of the current and future plans related to their ERP products and services including:
 - Sungard (on-site meeting in January 2013)
 - Oracle (on-site meeting in December 2012)
 - Microsoft (discussions related to their Dynamics AX product)
 - Workday (conference calls and participation in webinars)
 - Agresso (on-site meeting scheduled for February 2013)
 - Infor (on-site meeting scheduled for February/March 2013)
 - Springbrook (series of conference calls to discuss their current and future plans)
 - New World Systems (meeting at their location)
 - Tyler Technologies (on-going involvement with them related to recent selection initiatives)
- **Tools, Templates and Methods:** We have developed a vast repository of tools, templates and methods that provide significant value and stream-lining to IT projects while ensuring that the integrity and thoroughness of the process is maintained.
- **Independence:** We are completely independent from all providers of IT solutions and system integrators. As a result, we will be working with the City to select a Solution that provides the best overall value to the City and its stakeholders.
- **Best Practice Identification:** We have extensive knowledge of IT-related best practices through involvement in numerous software selection and implementation projects for other governmental clients. Through these projects and through our involvement in governmental operations reviews, we have developed a set of best practices related to execution of the various functional areas including Financial, Human Capital Management and Supply Chain.
- **Client Retention:** The biggest testament to our capabilities and project staff is the desire for our clients to continue using our services after an initial assessment/selection or other

technology-related project. In our client references section, we highlight such clients including those that have used our services in multiple instances due to the high degree of satisfaction with the quality of our services and our staff.

Company Organization

Plante Moran, PLLC is a limited partnership, owned and operated by its partners. Plante Moran has over 2,000 staff firm-wide performing Management Consulting, Assurance and Tax services to clients throughout the U.S. with additional clients around the globe. Our Management Consulting practice area, which will perform the services requested by the City of Fayetteville consists of:

- Over 175 staff and partners
- 17 of which are dedicated to serving governmental clients across the U.S.

We have provided and are currently providing implementation management services to a number of municipal clients. All of our office locations are listed below.

Illinois

Chicago

225 W. Washington Street
Suite 2700
Chicago, IL 60606

Northwest Chicago

2155 Point Boulevard
Suite 200
Elgin, IL 60123

Michigan

Ann Arbor

1000 Oakbrook Dr.
Suite 400
Ann Arbor, MI 48104

Auburn Hills

2601 Cambridge Court
Suite 500
Auburn Hills MI 48326 ,

Detroit

7310 Woodward Ave.
Suite 740
Detroit, MI 48202

East Lansing

1111 Michigan Avenue
East Lansing, MI 48823

Flint

111 E. Court St
Suite 1A
Flint, MI 48502-1647

Grand Rapids

634 Front Avenue NW
Suite 400
Grand Rapids, MI 49504

Kalamazoo

750 Trade Centre Way
Portage, MI 49002

Macomb

19176 Hall Road
Suite 300
Clinton Township, MI 48038

St. Joseph

511 Renaissance Drive
Suite 120
St. Joseph, MI 49085

Southfield

27400 Northwestern Highway
Southfield, MI 48034

Southfield (East Office)

26300 Northwestern Highway
Suite 120
Southfield, MI 48076

Traverse City

600 E. Front Street
Suite 300
Traverse City, MI 49686

Ohio

Cincinnati

537 E. Pete Rose Way
Cincinnati, OH 45202

Cleveland

1111 Superior Ave
Suite 1250
Cleveland, OH 44114

Columbus

65 E. State Street
Suite 600
Columbus, OH 43215

Toledo

3434 Granite Circle
Toledo, OH 43617

5. Personnel

Our staffing approach is designed to assign personnel to areas of the project where their expertise is required. All of the proposed team members have worked together on a number of engagements for municipal clients. Communication, involvement and teamwork characterize our management philosophy and are extremely important on this project internally and with the City.

Overall, we are offering the City an experienced project management and information technology director, Mr. Dale Vanderford. Mr. Vanderford has served as IT Director for Washtenaw County, a county of about 300,000 people during a time of tremendous growth and change and as the Infrastructure Manager in the City of Ann Arbor during the New World Systems ERP Implementation. In addition, we will make available an additional pool of IT professionals to assist in related technical matters, such as security, infrastructure, communications, etc, on an as needed basis at the discretion of your management team. With this management orientation, we believe that all project tasks can be effectively achieved and any issues or problems can be resolved effectively and expediently, resulting in the successful accomplishment of the project objectives. In addition, we assure that all team members will be available for the duration of the project, as need be. All of the consultants identified in this proposal are employees of Plante Moran.

Team Member	Project Role and Responsibility	Relevant References
Adam Rujan Partner Plante & Moran, PLLC Services Exp: 25 yrs	Project Director Overall responsibilities for ensuring that engagement with City remains within schedule and budget and that all project deliverables meet the required quality standards.	City of Cleveland, OH City of Alexandria, VA St. Louis County, MO City of Asheville, NC City of Round Rock, TX County of Chester, PA City of Fayetteville, AR
Dale Vanderford Manager Plante & Moran, PLLC	Project Manager Responsible for leading City technology initiatives and providing professional services for any projects specified by the City during the contract period. Dale will act as the primary day to day contract manager for the City.	Muskegon, MI Ottawa County , MI Broward County, FL Horry County, SC City of Carlsbad, CA Colorado Springs, CO

Dale Vanderford

Manager
Technology Consulting & Solutions



EXPERIENCES INCLUDE:

Mid-size IT Department Management: Served as Director at Washtenaw County, MI, where he directed the work of 30 IT Professionals and managed the needs of 26 disparate County departments. He coordinated a shared services initiative where sharing of services, including outsourced desktop support to other local units of government,, a shared Electronic Content Management System, surveillance camera system, and data center with the City of Ann Arbor, MI were all enacted. Improved the Governance process for IT, so that all technology projects were submitted to a governance board for approval and prioritization, and all projects had a complete Return on Investment/Total Costs of Ownership evaluation performed on them.

IT Organizational Assessment and Strategic Planning: Experience in analyzing IT organizational staffing, process and technology relationships. Knowledge of best in class public sector transaction detail and staffing levels. Expertise in identifying opportunities to enhance current policy and procedure to maximize existing staff expertise or technology infrastructure. Performed Technology reviews in several cities and counties, including Colorado Springs, Colorado, Horry County, SC, Macomb County, MI, and Carlsbad, CA.

IT Governance Review: Expertise in analyzing and designing organizational IT governance, specifically post implementation system support structures.

Business Process Documentation and Reengineering: Experience in documenting as-is business processes and identifying areas for business process improvement. Specialization in implementing a results based budget methodology. Experience in implementing change management techniques to ensure user acceptance of new business processes and/or technology.

New Construction Technology Engineering and Implementation: Oversaw the technology design and implementation of 9 new facilities, ranging from office buildings to detention facilities to data centers. Planned the initial IT and Telecom needs for the new building with users and architects. Worked with construction personnel to design building wiring systems and to design IT closet locations throughout the building. Planned and implemented technology equipment installation and coordinated facility move in.

Software Needs Assessment: Specialization in analyzing the business case for enterprise system improvement or replacement. Experience in facilitating functional area process discussions and identifying opportunities for technology to enable business process improvement. Extensive knowledge of the public sector enterprise system marketplace and intimate knowledge in regard to viable enterprise solutions.

System Selection: Experience in the process of selecting and deploying enterprise systems. Developed technology specifications for inclusion in public sector request for proposal for enterprise systems. Extensive experience in vendor proposal analysis and demonstration script development. Has participated in the system selection process of multiple ERP, ECM, cloud-based security and email, Access Control, SAN, and consulting services.

Technology Implementation Management: Provided implementation management services associated with deployment of newly selected systems. Activities have included, project planning, review of project deliverables, management of the project issues, facilitation of project status review, review and approval of project invoicing and others as dictated by the project. Specifically, managed the technical implementation of New World .NET product, as well as the installation and expansion of the Hyland OnBase Document management system and several Email upgrades of Microsoft Exchange.

Cross Boundary Collaboration: Architected and implemented partnership of multiple local units of governments in regards to Information Technology staffing, resources, and infrastructure utilization cooperation agreements.

EDUCATION:

Eastern Michigan University — Bachelor of Science, Communications Technology

PROFESSIONAL AFFILIATIONS AND CERTIFICATIONS:

- Specialized Training: Effective Communications and Human Relations, Dale Carnegie, Ann Arbor, MI, 2006
- Former Board Member, Washtenaw County Homeland Security Local Response Team
- Member, CIO Council, Public Technology Institute, Washington, D.C.
- Board of Directors, Washtenaw County/EMU Legal Resource Center, Ann Arbor, MI
- Member, Metropolitan Information Exchange

PRIOR ORGANIZATIONAL AFFILIATIONS:

Washtenaw County, MI – Director of Technology and Operations

Directed the operations of the Technology Department to support efficient and effective service delivery for a county government with 1,300 employees and a \$200 million annual budget, serving 340,000 residents. Developed and implemented the 5-year Technology Plan which supported the County's strategic direction by providing technical knowledge, skills, and resources to enhance the ability of internal and external customers to create a positive impact in the community. Hired, trained, and led a team of 34 employees (management, technical, and administrative staff), with an \$9 million annual operating budget, to effectively implement the Plan. Key areas of focus included:

- Employee Help Desk and System Support
- Application and Database Support
- Network Administration
- Voice and Data Communications
- Geographic Information Systems
- IT Services to Local Governments and Community Residents

KEY CLIENTS:

- City of Colorado Springs, CO
- Borough of State College, PA
- City of Carlsbad, CA
- County of Ottawa, MI
- County of Muskegon, MI
- City of Hallandale Beach, FL
- County of Macomb, MI
- County of Broward, FL
- County of Horry, SC
- City of Columbia, MO
- City of Colorado Springs, CO
- Numerous projects as IT Director for Washtenaw County

NOTABLE PROJECTS:

- **City of Colorado Springs, CO:** Dale served as a lead project consultant to assist the City during the process of performing a complete IT Assessment and staffing plan for the city. The result of the work that Dale did was a staffing plan that provided for a realignment of resources to be able to provide better service with the same amount of staff. The other focus of the IT Assessment was on the IT service portfolio, cost of IT services, benchmarking with other governmental and private sector organizations and a determination of strategic sourcing options.
- **Muskegon County, MI:** Dale performed a needs analysis with the County's departments to determine the County's approach and process to transition from a legacy Document Management system. He worked with the County to determine present and future needs and to assist with the procurement process through a steering committee. Subsequently, he is working with the County to finalize project plans and to assist in contract negotiation.
- **City of Carlsbad, CA:** Dale served as a lead project consultant to assist the City in a complete IT assessment of the services that was offering the organization and its citizens and worked with the team to develop a cost of IT services for the city to help in determining what multiple services actually cost the City to deliver.
- **Macomb County, MI:** Dale served as the Project Manager and Lead consultant on an IT assessment that assessed the skill levels of staff, the services that IT was delivering to the county, the state of the infrastructure that was deployed in the county after the departure of the IT Director. The result was a streamlined department that is able to server the staff and constituents in a more productive and effective way.
- **Ottawa County, MI:** Dale served as the Project Manager on this IT Assessment and Strategic Plan development project that examined the current department technologies process and staffing and provided a 5-year technology plan that will enable the department to embrace the current trends in technology and those that are still evolving. The engagement also included an assessment of the current technologies in use as well as an analysis of the opportunities available for collaboration with other entities such as other cities, townships, villages, and school districts.

6. Appendix A – Terms and Conditions

Professional Services Agreement – Consulting Services Addendum to Plante & Moran, PLLC Engagement Agreement Dated <Date>

This Professional Services Agreement is part of the engagement agreement for our consulting services dated <Date> between Plante & Moran, PLLC (referred to herein as “P&M”, “we”, “our” or “us”) and City of Fayetteville (referred to herein as “the City”, “you” and “your”).

1. **Management Responsibilities** – The consulting services we will provide are inherently advisory in nature. We have no responsibility for any management decisions or management functions in connection with our engagement to provide these services. Further, you acknowledge that the City is responsible for all such management decisions and management functions; for evaluating the adequacy and results of the services we will provide and accepting responsibility for the results of those services; and for establishing and maintaining internal controls, including monitoring ongoing activities, in connection with our engagement. You have designated <Designated Project Supervisor, Title> to oversee the services we will provide.
2. **Nature of Services** – Our project activities will be based on information and records provided to us by the City. We will rely on such underlying information and records and our project activities will not include audit or verification of the information and records provided to us in connection with our project activities.

The project activities we will perform will not constitute an examination or audit of any the City financial statements or any other items, including the City's internal controls. This engagement also will not include preparation or review of any tax returns or consulting regarding tax matters. If you require financial statements or other financial information for third-party use, or if you require tax preparation or consulting services, a separate engagement letter will be required. Accordingly, you agree not to associate or make reference to P&M in connection with any financial statements or other financial information of the City. In addition, our engagement is not designed and cannot be relied upon to disclose errors, fraud or illegal acts that may exist. However, we will inform you of any such matters that come to our attention.

3. **Use of Report** – At the conclusion of our project activities, we will provide you with a written report as described in the engagement agreement. Our report will be restricted solely to use by management of the City and you agree that our report will not be distributed to any outside parties for any purpose other than to carry out legal responsibilities of the City. We will have no responsibility to update our report for any events or circumstances that occur or become known subsequent to the date of that report.
4. **Confidentiality, Ownership and Retention of Workpapers** – During the course of this engagement, P&M and P&M staff may have access to proprietary information of the City, including, but not limited to, information regarding trade secrets, business methods, plans, or projects. We acknowledge that such information, regardless of its form, is confidential and proprietary to the City, and we will not use such information for any purpose other than our consulting engagement or disclose such information to any other person or entity without the prior written consent of the City.

In some circumstances, we may use local or international third-party service providers or P&M affiliates to assist us with our engagement. In order to enable these service providers to assist us in this capacity, we must disclose information to these service providers that is relevant to the services they provide. Disclosure of such information shall not constitute a breach of the provisions of this agreement.

In the interest of facilitating our services to you, we may communicate or exchange data by internet, e-mail, facsimile transmission or other methods. While we use our best efforts to keep such communications and transmissions secure in accordance with our obligations under applicable laws and professional standards, you recognize and accept that we have no control over the unauthorized interception of these communications or transmissions once they have been sent, and consent to our use of these electronic devices during this engagement.

Professional standards require that we create and retain certain workpapers for engagements of this nature. All workpapers created in the course of this engagement are and shall remain the property of P&M. We will maintain the confidentiality of all such workpapers as long as they remain in our possession.

Both the City and P&M acknowledge, however, that we may be required to make our workpapers available to regulatory authorities or by court order or subpoena. Disclosure of confidential information in accordance with requirements of regulatory authorities or pursuant to court order or subpoena shall not constitute a breach of the provisions of this agreement. In the event that a request for any confidential information or workpapers covered by this agreement is made by regulatory authorities or pursuant to a court order or subpoena, we agree to inform the City in a timely manner of such request and to cooperate with the City should you attempt, at your cost, to limit such access. This provision will survive the termination of this agreement.

We reserve the right to destroy, and it is understood that we will destroy, workpapers created in the course of this engagement in accordance with our record retention and destruction policies, which are designed to meet all relevant regulatory requirements for retention of workpapers. P&M has no obligation to maintain workpapers other than for its own purposes or to meet those regulatory requirements.

Upon the City's written request, we may, at our sole discretion, allow others to view any workpapers remaining in our possession if there is a specific business purpose for such a review. We will evaluate each written request independently. You acknowledge and agree that we will have no obligation to provide such access or to provide copies of our workpapers, without regard to whether access had been granted with respect to any prior requests.

5. **Fee Estimates** – In any circumstance where we have provided estimated fees, fixed fees or not to exceed fees, these estimated, fixed or not-to-exceed fees are based on the City personnel providing P&M staff the assistance necessary to satisfy the City responsibilities under the scope of services. This assistance includes availability and cooperation of those the City personnel relevant to our project activities and providing needed information to us in a timely and orderly manner. In the event that undisclosed or unforeseeable facts regarding these matters causes the actual work required for this engagement to vary from our estimates, our estimated fees will be adjusted for the additional time we incur as a result.

In any circumstance where our work is rescheduled, we offer no guarantee, express or implied, that we will be able to meet any previously established deadline related to the completion of our work. Because rescheduling our work imposes additional costs on us, in any circumstance where we have provided estimated fees, those estimated fees may be adjusted for additional time we incur as a result of rescheduling our work.

Any fee adjustments will be determined in accordance with the Fee Adjustments provision of this agreement.

6. **Payment Terms** – Our invoices for professional services are due upon receipt unless otherwise specified in our engagement letter. In the event any of our invoices are not paid in accordance with the terms of this agreement, we may elect, at our sole discretion, to suspend work until we receive payment in full for all amounts due or terminate this engagement. In the event that work is suspended, for nonpayment or other reasons, and subsequently resumed, we offer no guarantee, express or implied, that we will be able to meet any previously established deadlines related to the

completion of our consulting work or issuance of our consulting report upon resumption of our work.

7. **Fee Adjustments** – Any fee adjustments for reasons described in this agreement will be determined based on the actual time that P&M staff expends at the hourly rates stated in this agreement, plus all reasonable and necessary travel and out-of-pocket costs incurred, and included as an adjustment to our invoices related to this engagement. You acknowledge and agree that payment for all such fee adjustments will be made in accordance with the payment terms provided in this agreement.
8. **Termination of Engagement** – This agreement may be terminated by either party upon written notice. Upon notification of termination, our services will cease and our engagement will be deemed to have been completed. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket expenditures through the date of termination of this engagement.
9. **Hold Harmless and Indemnification** - As a condition of this engagement, City of Fayetteville agrees to hold P&M, and all of its partners and staff, harmless against any losses, claims, damages, or liabilities, to which P&M may become subject in connection with services performed in the engagement, unless a court having jurisdiction shall have determined in a final judgment that such loss, claim, damage, or liability resulted primarily from the willful misconduct or gross negligence of P&M, or one of its partners or staff. This hold harmless includes the agreement to reimburse P&M for any legal or other expenses incurred by P&M, as incurred, in connection with investigating or defending any such losses, claims, damages, or liabilities. This provision shall survive any termination of this engagement.
10. **Conflicts of Interest** - Our engagement acceptance procedures include a check as to whether any conflicts of interest exists that would prevent our acceptance of this engagement. No such conflicts have been identified. You understand and acknowledge that P&M may be engaged to provide professional services, now or in the future, unrelated to this engagement to parties whose interests may not be consistent with yours.
11. **Agreement Not to Influence** – the City and P&M each agree that each respective organization and its employees will not endeavor to influence the other's employees to seek any employment or other contractual arrangement with it, during this engagement or for a period of one year after termination of the engagement. the City agrees that P&M employees are not "contract for hire." P&M may release the City from these restrictions if the City agrees to reimburse P&M for its recruiting, training, and administrative investment in the applicable employee. In such event, the reimbursement amount shall be equal to two hundred hours of billings at the hourly rate stated in this agreement for the P&M employee.
12. **Governing Law** – This agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

End of Professional Services Agreement – Consulting Services

7. Appendix B – Forms



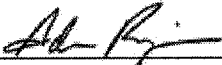
City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8220
TDD (Telecommunication Device for the Deaf): 479.521.1316

RFP (REQUEST FOR PROPOSAL)**REQUEST FOR PROPOSAL: RFP 13-16, IT Support Services****DEADLINE: Friday, November 01, 2013 before 2:00:00 PM, local time****RFP DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701****PURCHASING AGENT: Andrea Foren, CPPO, CPPB, aforen@ci.fayetteville.ar.us****DATE OF ISSUE AND ADVERTISEMENT: Tuesday, October 15, 2013****REQUEST FOR PROPOSAL
RFP 13-16, IT Support Services**

No late proposals shall be accepted. RFP's shall be submitted in sealed envelopes labeled with the project number and name as well as the name and address of the firm.

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

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

Name of Firm: **Plante & Moran, PLLC**Contact Person: **Adam Rujan** Title: **Partner**E-Mail: **adam.rujan@plantemoran.com** Phone: **800.544.0203**Business Address: **27400 Northwestern Hwy**City: **Southfield** State: **MI** Zip: **48034**Signature:  Date: **October 31, 2013**

PROPOSAL TO PROVIDE IT SERVICES

City of Fayetteville
 RFP 13-16, IT Support Services
 SECTION E: Signature Submittal

1. Disclosure Information

Proposer must disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Proposer response must disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official.

If, to your knowledge, no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

PLEASE CHECK ONE OF THE FOLLOWING TWO OPTIONS, AS IT APPROPRIATELY APPLIES TO YOUR FIRM:

☒ 1) NO KNOWN RELATIONSHIP EXISTS

☐ 2) RELATIONSHIP EXISTS (Please explain): _____

I certify that, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein are accurate and true; and my organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

2. At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. NOTE: Each Proposer shall submit to the City a primary contact name, e-mail address, and phone number (preferably a cell phone number) where the City selection committee can call for clarification or interview via telephone.

Name of Firm: Plante & Moran, PLLC

Name of Primary Contact: Adam Rujan

Title of Primary Contact: Partner

Phone#1 (cell preferred): 248.891.0430 Phone#2: 248.223.3328

E-Mail Address: adam.rujan@plantemoran.com

3. Please acknowledge receipt of addenda for this invitation to bid, request for proposal, or request for qualification by signing and dating below. All addendums are hereby made a part of the bid or RFP documents to the same extent as though it were originally included therein. Proposers/Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification.

ADDENDUM NO.	SIGNATURE AND PRINTED NAME	DATE ACKNOWLEDGED

PROPOSAL TO PROVIDE IT SERVICES

4. PRICE BID: Firm proposes the following all inclusive hourly rate. Rate includes all expenses to the city including but not limited to services, travel, overhead, re-location, etc. The City shall not pay additional fees outside of contracted hourly rate for the services listed in this RFP. In the event of contract extension or renewal, the number of hours will be increased.

Item	Description	Estimated Quantity (# hours in 6 months)	Proposed Hourly Rate	Total Fee for 6 months
1	IT Services as described	520	x \$ <u>195.00</u>	= \$ <u>101,400.00</u>

5. As an interested party on this project, you are required to provide debarment/suspension certification indicating in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.

6. Signature certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Questions regarding this form should be directed to the City of Fayetteville Purchasing Division.

NAME: Adam Rujan

COMPANY: Plante & Moran, PLLC

PHYSICAL ADDRESS: 27400 Northwestern Hwy., Southfield, MI 48034

MAILING ADDRESS: 27400 Northwestern Hwy., Southfield, MI 48034

PHONE: 800.544.0203 FAX: 248.233.8587

E-MAIL: adam.rujan@plantemoran.com

SIGNATURE: 

TITLE: Partner

DATE: October 31, 2013

{Thank You!}



For more information contact:

Adam Rujan, Partner

800.544.0203

Adam.rujan@plantemoran.com

plantemoran.com

AGENDA REQUEST

FOR: COUNCIL MEETING OF JANUARY 7, 2014

FROM:

ALDERMAN ADELLA GRAY

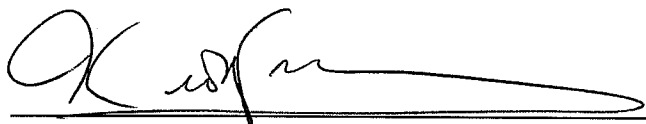
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO AMEND RESOLUTION NO. 144-13 TO APPROVE A
SECOND AMENDED AGREEMENT WITH THE HUGHMOUNT DEVELOPERS

APPROVED FOR AGENDA:

Alderman Adella Gray

Date



City Attorney Kit Williams
(as to form)

December 26, 2013

Date

RESOLUTION NO. _____

A RESOLUTION TO AMEND RESOLUTION NO. 144-13 WHICH HAD APPROVED AN AMENDED AGREEMENT WITH THE HUGHMOUNT DEVELOPERS TO ALLOW ACCESS TO CITY OF FAYETTEVILLE SEWERAGE SYSTEM IN ORDER TO APPROVE A SECOND AMENDED AGREEMENT

WHEREAS, on September 4, 2012, the Fayetteville City Council approved Resolution No. 183-12 which allowed the Hughmount Village Developers access to the City Sewerage System if they fulfilled the terms of the Contract To Allow Access To City Sewerage System; and

WHEREAS, the Contract To Allow Access To The City Sewerage System required: "All street frontage, density, lot area requirements, etc. (be the same) as if their property was zoned Residential Single Family, four units per acre;" and

WHEREAS, the Washington County Conditional Use Permit granted to Hughmount Village was incompatible with RSF-4 zoning; and

WHEREAS, the streets, drainage, sidewalks, water and sewer mains need be built to satisfy both Fayetteville and Washington County standards and the streets and drainage structures need to be dedicated to Washington County all as approved by the Fayetteville Planning Commission; and

WHEREAS, the developer needs to remove the alleys from his plat in order to sell the affected house lots, and the Washington County Planning Board has approved this new plat entitled Project #2013-155.

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 amends Resolution No. 144-13 to cancel the existing Amended Contract To Allow Access To City of Fayetteville Sewerage System which was approved by Resolution NO. 144-13 on June 18, 2013, and replace it with the Second Amended Agreement To Allow Access To City Sewerage System and To Impose Development Requirements, attached as Exhibit A.

Section 2: The City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign this Agreement.

PASSED and APPROVED this 7th day of January, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

SECOND AMENDMENT TO AGREEMENT TO ALLOW ACCESS TO CITY SEWERAGE SYSTEM AND TO IMPOSE DEVELOPMENT REQUIREMENTS

WHEREAS, the developers/owners of Hughmount Village, whose project is close to, but outside the Fayetteville city limits, desire to be allowed to connect to and use the City of Fayetteville sewerage system's wastewater facilities for their proposed residential development; and

WHEREAS, the City of Fayetteville does not wish to grant owners/developers of Hughmount Village (or any similarly situated development) any advantage over owners/developers who will build and develop property within the City of Fayetteville; and

WHEREAS, on September 4, 2012, the City Council of the City of Fayetteville passed Resolution NO. 183-12 permitting such access, but the terms of the Contract were incompatible with the Conditional Use Permit issued for this development by Washington County so that an Amended Agreement was needed and approved by Resolution NO. 144-13 on June 18, 2013; and

WHEREAS, the Developer now needs to remove the alleys from his development to be able to sell his lots and so slightly redesigned his plat which was approved by the Washington County Planning Board which granted a new Conditional Use for Project #2013-155, and

WHEREAS, the City of Fayetteville is willing to allow developers/owners of Hughmount Village to connect to and utilize the City's wastewater treatment facilities only upon the developers/owners' express agreement to develop their residential project pursuant to all City of Fayetteville requirements for inside the city residential projects including:

- (1) All street frontage, density, lot area requirements, etc. as granted by the Conditional Use Permit approved by the Washington County Planning Board for Project #2013-155.
- (2) Apply for and successfully complete the full preliminary plat/final plat process including payment of all appropriate fees.
- (3) Comply with all grading, stormwater, tree preservation and other development requirements as if this development was occurring within the City of Fayetteville.
- (4) Pay for all normal permits and application fees at the normal time including preliminary/final plat, building fees for each structure, and water, sewer, police, and fire impact fees.
- (5) To satisfy normal parkland dedication requirements, the City of Fayetteville Parks Board approved the dedication of 3.169 acres of land within Common Property 9 at their September 10, 2012 meeting. The exact limits of the park land dedication will be located west of the tree preservation area and will be determined at the Final Plat after drainage

and utility improvements are constructed. In addition, the Developer shall dedicate a trail easement sufficient to connect from the crosswalk at Common Property 8 at Cotton Willow Drive to the southern border of the property to meet a possible trail extension from the south from the Clabber Creek Trail. This trail and parkland shall remain the developer's or Property Owners Association's duty to maintain in good condition (which duty shall be in an irrevocable restrictive covenant in each property's deed until and unless this entire parcel has been annexed into the City of Fayetteville).

- (6) Construct all infrastructure (except alleys which are no longer required to be constructed in Project #2013-155): streets, drainage, sidewalks, water and sewer mains to City of Fayetteville and Washington County standards as previously approved by the Fayetteville Planning Commission on March 25, 2013 (PPL 13-4304) and by the Washington County Planning Board on May 2, 2013 (Proj.#2013-024) and recently amended by the Washington County Planning Board to Project #2013-155. Water and sewer infrastructure is to be dedicated to the City of Fayetteville, street and drainage infrastructure is to be dedicated to Washington County.

HUGHMOUNT VILLAGE OWNERS/DEVELOPERS, in consideration of being allowed to utilize the City of Fayetteville sewerage system and wastewater facilities for their proposed development, do hereby agree to all terms and conditions stated above and promise to develop their property in full compliance with all requirements of the Unified Development Code as if their development was inside the city limits.

Further developers/owners of Hughmount Village pledge and promise to seek immediate annexation into the City of Fayetteville as soon as it becomes legally possible and to place this requirement within the covenants and deeds for each property within its development. **In agreement with all the terms, conditions, pledges and promises above, the City of Fayetteville and the owners/developers of Hughmount Village sign below.**

**HUGHMOUNT VILLAGE
DEVELOPERS/OWNERS**

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: _____
Phil Phillips

By: _____
Lioneld Jordan, Mayor

Title: _____

Attest: _____
Sondra E. Smith, City Clerk

Date Signed: _____

Date Signed: _____

Williams, Kit

From: Kim Hesse <kjh@eda-pa.com>
Sent: Thursday, December 26, 2013 11:08 AM
To: Williams, Kit; Fulcher, Jesse; adellag@cox.net
Cc: phil@aadvan.com; 'Steve Hesse '
Subject: RE: Amendment to Resolution 183-12

I hope you all had a very enjoyable holiday. I read through the resolution and exhibit A and all looks good to me.

Thanks

Kim J. Hesse, RLA



134 West Emma Ave.
Springdale, AR 72764
479-756-1266 office

www.eda-pa.com

From: Williams, Kit [mailto:kwilliams@fayetteville-ar.gov]
Sent: Monday, December 23, 2013 6:37 PM
To: Kim Hesse; Fulcher, Jesse; adellag@cox.net
Cc: phil@aadvan.com; 'Steve Hesse '
Subject: RE: Amendment to Resolution 183-12

Kim, Adella, and Jesse,

Attached for your review and approval are a draft of the Second Amended Agreement with Hughmount Village and a Resolution to approve it.

Jesse, will the Planning Commission need to review and approve the plat again since the alleys were removed or can this be approved administratively?

Merry Christmas to all,
Kit

From: Kim Hesse [mailto:kjh@eda-pa.com]
Sent: Friday, December 20, 2013 3:50 PM
To: Fulcher, Jesse; Williams, Kit; adellag@cox.net
Cc: phil@aadvan.com; 'Steve Hesse '
Subject: RE: Amendment to Resolution 183-12

Thanks Jessie, Kit removed that statement in the first amendment and simply stated "All street frontage, density, lot area requirements, etc. as granted by the Conditional Use Permit approved by the Washington County Planning Board, Project 2011-103". So that will need to be revised to Project 2013-155. The agreement does specify the exact park land dedication which would change slightly due to the reduction in lots. No other changes that I can think of but I will review the agreement one more time to be sure.

Thanks again
Kim

From: Fulcher, Jesse [<mailto:jfulcher@fayetteville-ar.gov>]
Sent: Friday, December 20, 2013 3:18 PM
To: Kim Hesse; Williams, Kit; adellag@cox.net
Cc: phil@aadvan.com; Steve Hesse
Subject: RE: Amendment to Resolution 183-12

Kim

To clarify, is an amendment to the bulk and area requirements required as well. I believe the original resolution referred to the RSF-4 zoning criteria? Any other changes?

Jesse

From: Kim Hesse [<mailto:kjh@eda-pa.com>]
Sent: Friday, December 20, 2013 1:56 PM
To: Williams, Kit; adellag@cox.net
Cc: Fulcher, Jesse; phil@aadvan.com; Steve Hesse
Subject: Amendment to Resolution 183-12

Kit – Hughmount Village LLC requested a revision to their Conditional Use Permit through the County to remove alleys proposed within the development. That change reduces the number of lots by 4 from 132 to 128 lots. The revised CUP was approved by the Planning Board and Quorum Court this month. This change will affect the agreement that is a part of Resolution #183-12. The Resolution includes language tying the agreement to the original Washington County CUP #2011-103 which will need to be revised to include the revised Washington County CUP #2013-155. Phil has contacted Alderman Gray to sponsor the agenda request. Sorry to request yet another amendment. If I can assist in preparing anything for the council, please feel free to contact me.

Thanks

Kim J. Hesse, RLA



134 West Emma Ave.
Springdale, AR 72764
479-756-1266 office

www.eda-pa.com

RESOLUTION NO. 144-13

A RESOLUTION TO AMEND RESOLUTION NO. 183-12 WHICH APPROVED A CONTRACT TO ALLOW ACCESS TO CITY OF FAYETTEVILLE SEWERAGE SYSTEM IN ORDER TO APPROVE AN AMENDED AGREEMENT

WHEREAS, on September 4, 2012, the Fayetteville City Council approved Resolution No. 183-12 which allowed the Hughmount Village Developers access to the City Sewerage System if they fulfilled the terms of the Contract To Allow Access To City Sewerage System; and

WHEREAS, the Contract To Allow Access To The City Sewerage System required: "All street frontage, density, lot area requirements, etc. (be the same) as if their property was zoned Residential Single Family, four units per acre;" and

WHEREAS, the Washington County Conditional Use Permit granted to Hughmount Village was incompatible with RSF-4 zoning; and

WHEREAS, the streets, drainage, sidewalks, water and sewer mains need be built to satisfy both Fayetteville and Washington County standards and the streets and drainage structures need to be dedicated to Washington County all as approved by the Fayetteville Planning Commission.

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 amends Resolution No. 183-12 to cancel the existing Contract To Allow Access To City of Fayetteville Sewerage System signed on September 7, 2012 and replace it with the Agreement To Allow Access To City Sewerage System and To Impose Development Requirements, attached as Exhibit A.

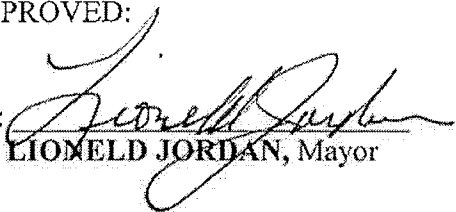
Section 2: The City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign this Agreement.

PASSED and APPROVED this 18th day of June 2013.

APPROVED:

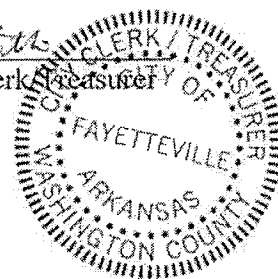
ATTEST:

By:


LIONELD JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer



RESOLUTION NO. 183-12

A RESOLUTION TO APPROVE THE CONTRACT WITH HUGHMOUNT VILLAGE DEVELOPERS TO ALLOW THE EXTENSION OF THE CITY'S SEWERAGE SYSTEM BEYOND THE CITY LIMITS TO THE PROPOSED HUGHMOUNT VILLAGE DEVELOPMENT

WHEREAS, §51.113 **Sewer Service and Extension Policy** states that "the city's sewerage system shall not be extended outside the city's corporate limits except on the express approval of the City Council," and;

WHEREAS, the City Council does not wish to grant the owners/developers of Hughmount Village which is slightly outside the city limits any advantage over owners/developers who will build and develop property within the City of Fayetteville; and

WHEREAS, only if the owners/developers of Hughmount Village will contractually agree to develop its property pursuant to all development criteria required of persons who develop within the City of Fayetteville {including preliminary and final plat process, approval and payment of appropriate fees, building permit fees, all impact fees (fire, police, water, sewer, parkland), tree preservation requirements, drainage requirements, infrastructure improvement and dedication to the City of Fayetteville, etc.} will the City permit the owners/developers of Hughmount Village to utilize the City of Fayetteville sewerage system and its wastewater collection and treatment facilities; and

WHEREAS, because by signing the contract (attached as Exhibit A) the owners/developers of Hughmount Village have agreed to all such terms stated above, the City Council approves the extension of city sewerage system to Hughmount Village by allowing its developers to construct the necessary sewer mains from the appropriate city sewer main to its property and approves the Contract.

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 Contract to Allow Access to the City of Fayetteville Sewerage System, authorizes Mayor Jordan to sign such contract, and agrees to allow the developers of Hughmount Village access to the City's sewerage system and wastewater treatment facilities pursuant to the Contract. Attached as Exhibit B is the legal description for Hughmount Village Development for which access to the City's wastewater treatment facilities is being granted.

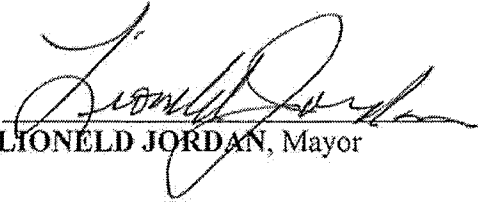
PASSED and APPROVED this 4th day of September, 2012.

Page 2
Resolution No. 183-12

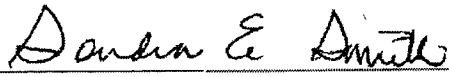
APPROVED:

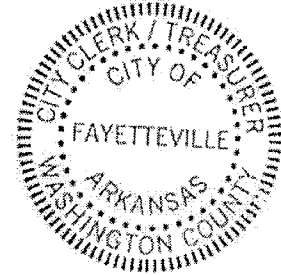
ATTEST:

By:


LIONELD JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer



City of Fayetteville Item Review Form

2013-0197

Legistar File Number

12-17-2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Quin Thompson

Submitted By

Development Services

Department

Action Required:

RZN 13-4538: Rezone (RAZORBACK ROAD/VICTORY COMMONS, 560): Submitted by PARADIGM DEVELOPMENT for property located at 731 RAZORBACK ROAD. The property is zoned I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL and contains approximately 5.09 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

11-27-13 10:18 RCVD

ENTERED

11/27/13

Nov 27, 2013

This ordinance was left on the first reading at the December 17, 2013 City Council Meeting

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Quin Thompson, Current Planner

Date: November 25, 2013

Subject: RZN 13-4538: Rezone (731 S Razorback Road/Victory Commons)

RECOMMENDATION: The Planning Commission and Staff recommend approval of an ordinance to rezone the property to UT, Urban Thoroughfare.

BACKGROUND: The subject property is located at 731 S Razorback Road. The property is within the I-1, Heavy Commercial and Light Industrial zoning district and contains multiple lots totaling approximately 5.09 acres. The property contains an existing warehouse building of approximately 12,500 square feet, built in 1972.

CITY PLAN 2030 FUTURE LAND USE MAP: *City Plan 2030 Future Land Use Plan designates this site as Urban Center Area.*

Urban Center Areas contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. It is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Additionally, infill of existing development centers should be strongly encouraged, since there is greater return for properties already served by public infrastructure.

COMPATIBILITY: This property is currently in various uses typical of light industry, such as warehousing and industrial use. The neighborhood has, however, been developing recently with multi-family housing and a variety of commercial and office buildings. The proposal to rezone the property to UT, Urban Thoroughfare, will allow the property to be used for commercial or residential opportunities that are consistent with surrounding land uses and the City Plan 2030 designation as an *Urban Area*.

The UT zoning district is a significant downzone from I-1, and will provide opportunity for re-development that is more compatible with recent residential and commercial development than the current zoning allows. As discussed, with the recent rezoning and re-development of the adjacent properties to the west from I-1 to CS, Community Services, the rail line spur in this immediate vicinity

has not been used for many years and market demand for industrial use in this neighborhood is not anticipated.

DISCUSSION: On November 25, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT: None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4538, FOR APPROXIMATELY 5.09 ACRES, LOCATED AT 731 S RAZORBACK ROAD FROM I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL, TO UT, URBAN THOROUGHFARE

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from I-1, Heavy Commercial and Light Industrial to UT, Urban Thoroughfare, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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

PASSED and APPROVED this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

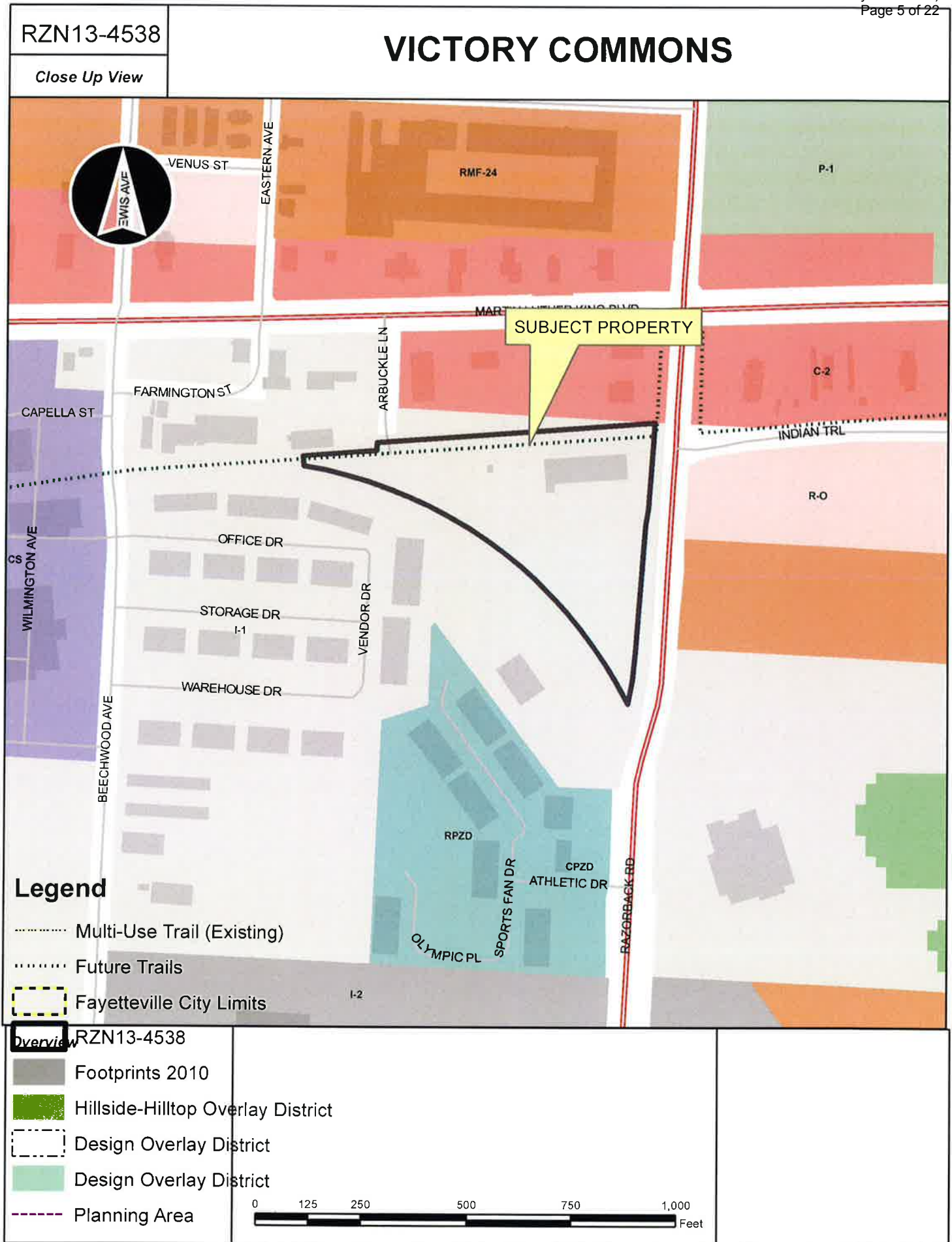


EXHIBIT "B"
RZN 13-4538

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE SOUTH 40.12', THENCE S87°02'22"W 68.57' TO THE RIGHT-OF-WAY OF RAZORBACK ROAD (ARKANSAS STATE HIGHWAY #112) SAID POINT BEING 15' SOUTH OF AND PERPENDICULAR TO THE CENTERLINE OF THE BURLINGTON NORTHERN RAILROAD COMPANY'S FAYETTEVILLE, ARKANSAS TO MUSKOGEE, OKLAHOMA BRANCH LINE MAIN TRACK AND THE POINT OF BEGINNING, THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING: S02°31'07"W 160.59', S06°55'32"W 43.15', S02°47'03"W 304.09', S04°08'22"W 68.30', S09°46'05"W 56.53' TO THE INTERSECTION WITH SAID RIGHT-OF-WAY AND A POINT THAT IS 15' NORTH AND EAST OF AND PARALLEL AND OR CONCENTRIC TO THE CENTERLINE OF THE SOUTH LEG OF THE WYE CONNECTING TRACK OF SAID RAILROAD COMPANY'S FORT SMITH, ARKANSAS TO MUSKOGEE, OKLAHOMA BRANCH LINE, THENCE LEAVING SAID RIGHT-OF-WAY ALONG SAID CONNECTING TRACK ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1057.14' FOR A CHORD BEARING AND DISTANCE OF N55°34'56"W 959.98' TO A FOUND IRON PIN WITH CAP WHICH IS 15' SOUTH OF AND PERPENDICULAR TO THE CENTERLINE OF THE BURLINGTON NORTHERN RAILROAD COMPANY'S FAYETTEVILLE, ARKANSAS TO MUSKOGEE, OKLAHOMA BRANCH LINE MAIN TRACK, THENCE N06°03'38"W 23.64', THENCE N83°27'03"E 176.43' TO AN EXISTING REBAR, THENCE N00°24'08"E 18.62', THENCE N84°00'06"E 666.13' TO THE RIGHT-OF-WAY OF SAID RAZORBACK ROAD, THENCE S02°31'07"W 43.67' ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING, CONTAINING 5.09 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAY AND OTHER RESTRICTIONS OF RECORD OR NOT.



PC Meeting of November 25, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Quin Thompson, Current Planner
THRU: Andrew Garner, Planning Director
DATE: ~~November 18, 2013~~ UPDATED 11-26-2013

RZN 13-4538: Rezone (RAZORBACK RD./VICTORY COMMONS, 560): Submitted by PARADIGM DEVELOPMENT for property located at RAZORBACK ROAD. The property is zoned I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL and contains approximately 5.17 acres. The request is to rezone the property to UT, Urban Thoroughfare.

Planner: Quin Thompson

BACKGROUND:

Property and Background: The subject property is located west of Razorback Road near Martin Luther King Boulevard. The property is within the I-1 zoning district and contains multiple lots totaling approximately 5.17 acres. The property contains an existing warehouse building of approximately 12,500 square feet, built in 1972.

The north edge of the property shows a multi-use trail according to the Fayetteville Alternative Transportation and Trails (FATT) plan. On the south property line there is an existing rail corridor. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Filling Station, Franchise Restaurants	C-2, Thoroughfare Commercial
South	State of Arkansas(DMV), Rail corridor	I-1, Heavy Commercial and Light Industrial
East	Undeveloped	R-O, Residential Office/RMF-24, Residential Multi-family 24 units per acre
West	Commercial Warehouse	I-1, Heavy Commercial and Light Industrial(to be rezoned CS)

Request: The request is to rezone the property from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding RZN 13-4538 to the City Council with a recommendation for **approval** based on findings stated herein.

PLANNING COMMISSION ACTION: Required <u>YES</u>		
Date: <u>November 25, 2013</u>	☐ Tabled	☒ Forwarded ☐ Denied
Motion: CHESSER Second: WINSTON Vote: 8-0-0		
Notes: HOSKINS RECUSED		
CITY COUNCIL ACTION:		
	☐ Approved	☐ Denied
Date:		

INFRASTRUCTURE:

- Streets:** The site has access to Razorback Road, a fully improved five lane city street in this location. Street improvements will be evaluated at the time of redevelopment.
- Water:** Public water is available to the property. There is both an 8" main along Razorback Road and a 12" water main within the property boundary.
- Sewer:** Sanitary sewer is available to the site. There is an 8" sewer main along Razorback Road which joins a 24" sewer main along the subject frontage.
- Drainage:** Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain and the Streamside Protection Zones.
- Fire:** This development will be protected by Engine 6 located at 900 S. Hollywood Dr. It is 2 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.
- Police:** The Police Department made no comment.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as Urban Center Area.*

Urban Center Areas contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although **Urban Center Areas** recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Additionally, infill of existing development centers should be strongly encouraged, since there is greater return for properties already served by public infrastructure.

FINDINGS OF THE STAFF

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

Finding: This property is currently partly developed with a warehouse built in 1972. The proposal to rezone the property to UT, Urban Thoroughfare, will allow the property to be developed with commercial and/or residential uses that are consistent with City policies and goals for the neighborhood. The City Plan 2030 Future Land Use Map designates this area as Urban Center. This designation encourages height, density, and variety of use in order to create compact urban neighborhoods.

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

Finding: The proposed rezoning is justified due to the fact that the area's current industrial zoning designation is becoming incompatible with surrounding properties as redevelopment occurs. The proposed zoning will allow the owner to utilize the property for residential and commercial uses, which are compatible with the City Plan 2030 Future Land Use Map.

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

Finding: The site access has access to Razorback Road, a fully improved five lane street. The proposed zoning would allow uses likely to increase traffic, but it is unlikely that traffic danger or congestion would be appreciably increased. Street improvements will be evaluated at the time of development.

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

Finding: **Rezoning the property from industrial to mixed use will allow for the development of residential and commercial uses, however development should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.**

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: N/A

161.27 District I-1, Heavy Commercial and Light Industrial

(A) *Purpose.* The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The Light Industrial District is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 13	Eating places
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 25	Offices, studios and related services
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 42	Clean technologies

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	50 ft.
Front, when adjoining C, I, or P districts	25 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I, or P districts	10 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(VIII); Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.039; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5472; 12-20-11)

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum. None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building height regulations.*

Building Height Maximum	56/84 ft.*
-------------------------	------------

*A building or a portion of a building that is located between 10 and 15 ft. from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 84 feet.

Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

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

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)

A written description of this request addressing the following items:

- a. Current ownership information and any proposed or pending property sales.

The Property to be rezoned is currently owned by Tracy Hoskins, Victory Commons, LLC, and Allied Bank. No sales are pending.

- b. Reason (need) for requesting the zoning change.

Changes due to market conditions and the property is currently zoned I-1 Industrial. The property is better suited for mixed-use commercial/residential – as designated in our CityPlan 2030.

- c. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

Proposed Zoning will be very compatible to the existing zoning of the surrounding neighborhood in terms of intensity and uses. The immediate area is a redeveloping area of student housing and commercial. The property is located just off of MLK and along the recently widened blvd Razorback Road – two major arterial roads. The requested zoning should not negatively impact existing traffic conditions. This is currently a brown field site. With the appropriate UT zoning, the property can be redeveloped into an attractive and useful enhancement to the community. Signage will be as allowed within the UT regulations.

- d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division.

The property is currently served by a 12" water main along the street frontage (Razorback Road) and 8" and 24" sewer main also along the street frontage (Razorback Road)

- e. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

The property will be rezoned from Industrial to formed-based zoning Urban Thoroughfare – consistent with the 2030 Future Land Use designation of Urban Center Area

- f. Whether the proposed zoning is justified and/or needed at the time of the request.

The Proposed Zoning is justified and needed as the property is currently zoned for Industrial use which is not a desirable or practical zoning for the property, nor is it the highest and best use of the property.

- g. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

The property is located just off of MLK and along the recently widened blvd Razorback Road. The requested zoning should not negatively impact existing traffic conditions.

- h. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

We expect that the property will eventually somewhat increase the population density in the immediate area. However, this is the type of land use and density we as a city are trying to promote.

- i. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

Currently, there are no uses permitted other than those relative and permitted un Industrial zoning. While industrial zoning does include some permitted uses such as limited multifamily, eateries, etc.; the zoning also permits undesirable uses as well – by right.



ALLIED
BANK

**Railroad
Property sold
twice**

Exhibit A



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

Zoning Review

To: Quin Thompson
From: Harley Hunt
Date: October 30, 2013
Re: RZN 13-4538

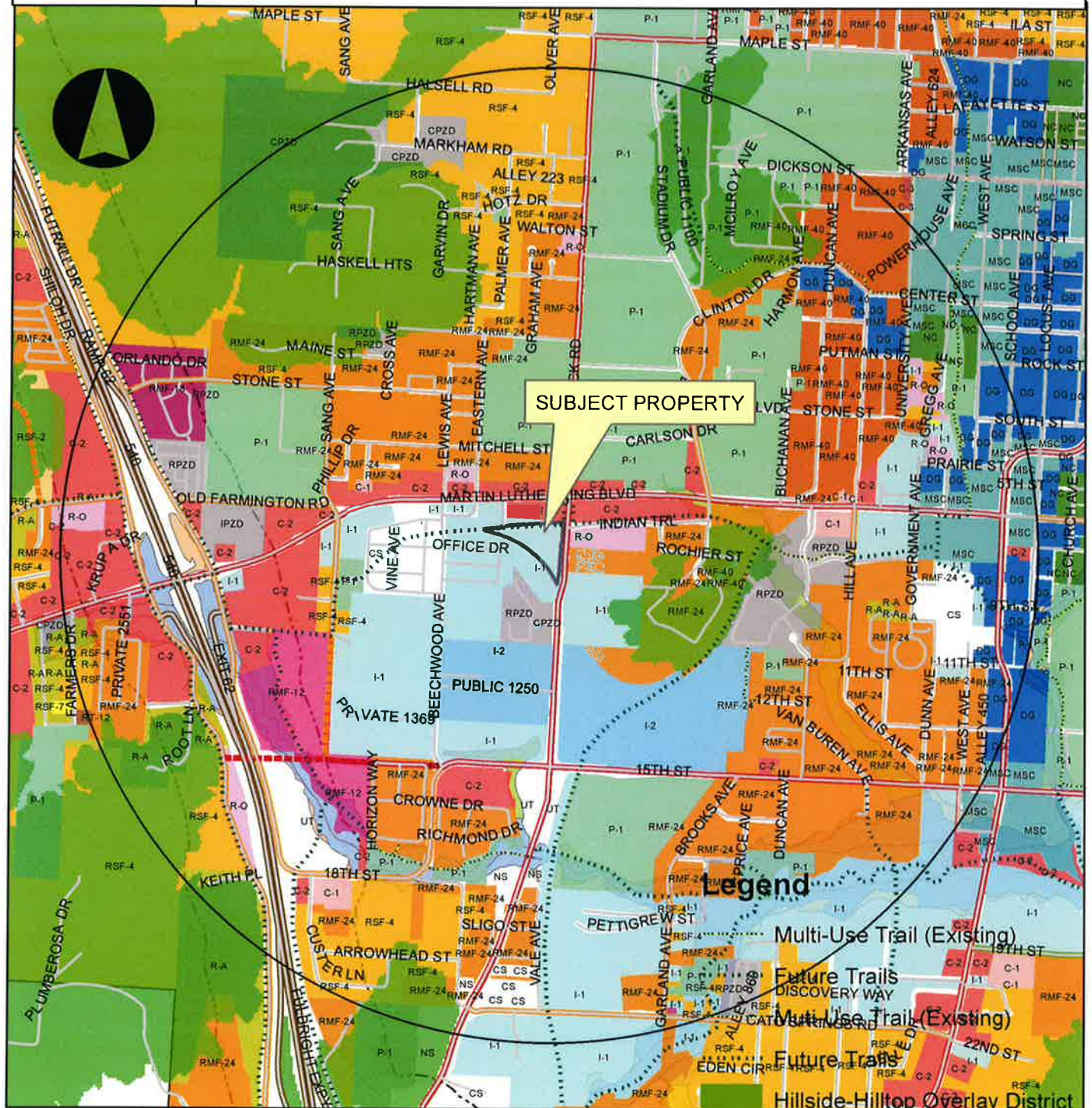
This development will be protected by Engine 6 located at 900 S. Hollywood Dr.
It is 2 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

Battalion Chief H. Hunt
Fire Marshal
Fayetteville Fire Department

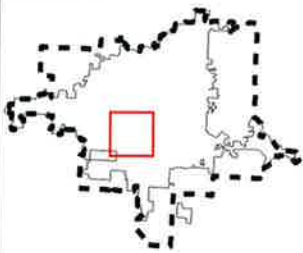
RZN13-4538

VICTORY COMMONS

One Mile View



Overview



Legend

Subject Property



Boundary

0 0.25 0.5



RZN13-4538

Design Overlay District

Planning Area

Fayetteville

Miles

RZN13-4538

VICTORY COMMONS

Close Up View

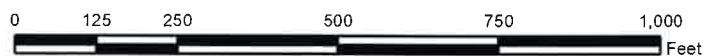


Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN13-4538

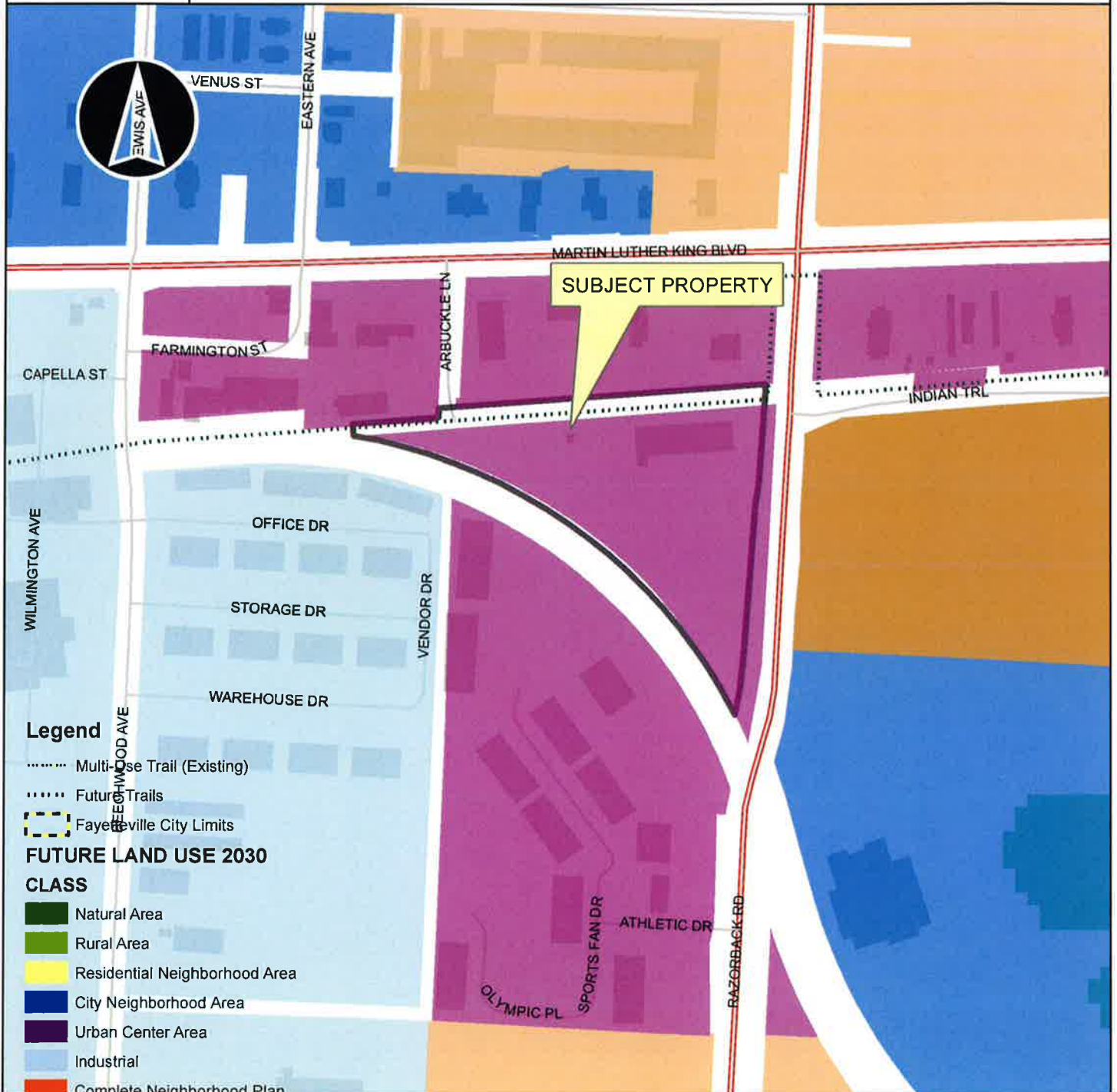
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4538

VICTORY COMMONS

Future Land Use



0 125 250 500 750 1,000 Feet

RZN13-4538

VICTORY COMMONS

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview

RZN13-4538

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 175 350 700 1,050 1,400 Feet

City of Fayetteville Item Review Form

2013-0224

Legistar File Number

January 7, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

John Nelson

Submitted By

Transportation Services

Department

Action Required:

An ordinance waiving the requirements of formal competitive bidding during calendar year 2014 for the purchase of asphalt materials for use by the Transportation Division but requiring informal quarterly bids or quotes.

Does this item have a cost? ☒ Yes

Cost of this request

4470-9470-5417.00

Account Number

02052

Project Number

\$1,551,000.00

Category or Project Budget

Funds Used to Date

\$1,551,000.00

Remaining Balance

In-House Pavement Improvements

Program or Project Name

Transportation Improvements

Program or Project Category

Sales Tax Capital Improvements

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☒ No

V20130812

Previous Ordinance or Resolution # 5561

Original Contract Number:

Comments:

K Nelson 12-19-13

Paul A. Belton 12-19-2013

Ken Mann 12-19-13

Frank Jordan 12/20/13



12-13-13703:45 RCVD

UDH



THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Department Director *TG*

From: John Nelson, Management Accounting Coordinator *JN*

Date: December 16, 2013

Subject: Bid Waiver for Asphalt Materials

PROPOSAL:

Staff proposes an ordinance waiving the requirements of formal competitive bidding during calendar year 2014 for the purchase of asphalt materials for use by the Transportation Division but requiring informal quarterly bids or quotes.

RECOMMENDATION:

Due to the fluctuations in the price of crude oil local asphalt suppliers cannot feasibly guarantee a fixed price over a twelve month period.

Staff recommends bidding asphalt materials on a quarterly basis without the need for further approval of the City Council, awarding the respective low bidder, and allowing for price adjustment requests based on the current bid language.

BUDGET IMPACT:

Funds for the acquisition of asphalt materials are budgeted in the In-House Pavement Improvements and Trail Development capital projects.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING DURING CALENDAR YEAR 2014 FOR THE PURCHASE OF ASPHALT MATERIALS FOR USE BY THE TRANSPORTATION DIVISION, BUT REQUIRING INFORMAL QUARTERLY BIDS OR QUOTES

WHEREAS, the crude oil market continues to experience price volatility; and

WHEREAS, this volatility makes normal competitive bidding procedures unworkable, impractical and not feasible; and

WHEREAS, the Transportation Division proposes to solicit and accept bids on a quarterly basis without the need for further approval of the City Council through calendar year 2014.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where annual competitive bidding is not feasible or practical, and therefore through calendar year 2014, waives the requirements of formal competitive bidding for the purchase of asphalt materials, and authorizes the Transportation Division to solicit informal bids or quotes on a quarterly basis without the need for further approval of the City Council.

PASSED and APPROVED this 7th day of January, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Item Review Form

2013-0244

Legistar File Number

1/7/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Sarah Wrede

Submitted By

Development Services

Department

Action Required:

An ordinance to waive competitive bidding and to enter into a Memorandum of Understanding with the Watershed Conservation Resource Center to establish a general framework for cooperation to seek funding and conduct stream restoration projects and to work together on nonpoint source related issues.

Does this item have a cost? ☐ No

\$0.00

Cost of this request

\$0.00

Category or Project Budget

n/a

Program or Project Name

n/a

\$0.00

Funds Used to Date

n/a

Program or Project Category

Account Number

n/a

\$0.00

Remaining Balance

n/a

Fund Name

Project Number

Budgeted Item? ☐

Budget Adjustment Attached? ☐ No

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

12-18-13 9:52 RCVD

[Handwritten signature]



12-19-13

Paul A. Behr 12-19-2013

12-19-13

12/20/13



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

Council Meeting of January 7, 2014

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Chris Brown, City Engineer

From: Sarah Wrede, Staff Engineer

Date: December 18, 2013

Subject: An ordinance to waive competitive bidding and renew a Memorandum of Understanding with the Watershed Conservation Resource Center to continue a general framework for cooperation to seek funding and conduct stream restoration projects and to work together on nonpoint source related issues.

PROPOSAL

The purpose of this Memorandum of Understanding (MOU) is to establish a general framework for cooperation between the Watershed Conservation Resource Center (WCRC) and the City of Fayetteville to 1) seek funding and conduct stream restoration projects to achieve the common goal of restoring unstable sections of streams to a morphologically stable form utilizing a natural channel design approach and 2) to work together on nonpoint source (NPS) related issues associated with reducing nutrients and improving riparian and other natural areas.

The WCRC is a nonprofit organization that strives to protect, conserve, and restore natural resources by utilizing the watershed approach, environmental outreach, and providing planning and technical assistance to landowners, communities, and government. The WCRC principals are regional experts and local leaders in implementing natural channel design-based stream restorations that meet multiple local and regional objectives relating to river channel instability, water quality, and ecological services. The WCRC and the City have successfully partnered to receive over \$2,300,000 in federal grants for water quality and other environmental improvements. WCRC has been instrumental in securing these funds due to their relationships with Federal grant agencies and their proven track record of successful stream restoration projects. This MOU will establish a continued partnership between the City and WCRC whereby the WCRC will actively seek grant funding for stream restoration projects in the City of Fayetteville, and will allow the City the opportunity to quickly take advantage of opportunities identified. The MOU is effective for a period of five years.

RECOMMENDATION

Staff recommends approval of an ordinance to waive competitive bidding and to renew a Memorandum of Understanding with the Watershed Conservation Resource Center to continue a general framework for cooperation to seek funding and conduct stream restoration projects and to work together on nonpoint source related issues.

BUDGET IMPACT

The proposed agreement will cause no budget impact. As tasks are identified, a Task Order, with associated fee, will be developed for approval by the Mayor and City Council.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A FIVE YEAR MEMORANDUM OF UNDERSTANDING WITH THE WATERSHED CONSERVATION RESOURCE CENTER TO JOINTLY SEEK FUNDING AND USE SUCH FUNDING TO DESIGN AND CONSTRUCT STREAM RESTORATION PROJECTS

WHEREAS, the City of Fayetteville has long worked with the Watershed Conservation Resource Center (WCRC) and funded quality stream restoration projects successfully completed the Center; and

WHEREAS, the provisions of the attached Memorandum of Understanding meet the City of Fayetteville's need for continuing stream restoration projects at little or no cost to the City; and

WHEREAS, the Watershed Conservation Resource Center can efficiently and effectively provide this service at a significant savings to the citizens of Fayetteville.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a Memorandum of Understanding (marked as Exhibit "A" attached hereto and made a part hereof) between the City of Fayetteville, Arkansas and the Watershed Conservation Resource Center to jointly seek funding and use such funding to design and construct stream restoration projects and authorizes Mayor Jordan to sign such Memorandum.

PASSED and APPROVED this 7th day of January, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

MEMORANDUM OF UNDERSTANDING

Between

Watershed Conservation Resource Center

And

City of Fayetteville

This Memorandum of Understanding (MOU) is entered into and executed on the date indicated below the signature block, by and between the Watershed Conservation Resource Center, hereinafter referred to as WCRC, and the CITY OF FAYETTEVILLE.

A. PURPOSE

The purpose of this MOU is to establish a general framework for cooperation between the WCRC and the CITY OF FAYETTEVILLE to 1) seek funding and conduct stream restoration projects to achieve the common goal of restoring unstable sections of streams to a morphologically stable form utilizing a natural channel design approach and 2) to work together on nonpoint source (NPS) related issues associated with reducing nutrients and improving riparian and other natural areas. Innovative approaches will be used in designing and implementing stream restorations that will result in improved water quality of the City's watersheds and will address severe streambank erosion, while restoring aquatic and terrestrial habitat and maintaining a sustainable, natural hydrology. Such cooperation will serve the parties' mutual interest.

B. STATEMENT OF MUTUAL INTERESTS AND BENEFITS

The WCRC is a nonprofit organization that strives to protect, conserve, and restore natural resources by utilizing the watershed approach, conducting environmental outreach, and providing planning and technical assistance to landowners, communities, and government. The WCRC principals are regional experts and local leaders in implementing natural channel design-based stream restorations that meet multiple local and regional objectives relating to river channel instability, water quality, and ecological services. This MOU is of benefit to the CITY OF FAYETTEVILLE because these activities will help to meet the objectives of the City's Nutrient Reduction Plan and will lead to both aquatic and terrestrial habitat restoration, improved water quality in the form of both phosphorus and sediment reductions, reduced streambank erosion, and improve aesthetics of local streams and rivers. This effort will also help to promote the use of alternatives to traditional channel modifications in both urbanizing and rural areas.

The WCRC and the CITY OF FAYETTEVILLE partnered and have obtained several grants for restoring streams within the City and surrounding areas and for assessing streams for stability and contaminant reduction. These projects have brought over \$2,300,000 to the City for water quality and other environmental improvements and have helped to create local partnerships and outreach opportunities in the areas of river restoration, riparian enhancement, and watershed planning. Four stream and streambank restoration projects have been implemented that have resulted in over 4000 tons of sediment and 3,700 lbs of total phosphorus reductions, annually from streambank erosion, restored both aquatic and terrestrial habitat, protected City

infrastructure, and improved aesthetics of City Parks and other properties. The WCRC currently has three active projects with the City and other partners to conduct more river restoration and assess urban streams and riparian areas to identify priority sites in need of restoration. In addition, the WCRC continues to monitor and maintain the four implemented stream restoration sites.

C. FEES AND PAYMENTS

No fee is associated with this MOU. As projects are identified by the City, a Task Order establishing the scope, fee, and payment terms for the project will be developed. The basis of this fee and justification for the fee shall be contained in an Appendix attached to each Task Order. Adjustment of the fee may be made should WCRC establish and the CITY OF FAYETTEVILLE agree that there has been, or is to be, a significant change in scope, complexity or character of the services to be performed; or if the CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment.

In consideration of the above premises, the parties agree as follows:

D. THE WCRC:

1. Shall seek funding opportunities for stream restoration projects and other projects related to reduction of non-point source pollution.
2. Upon approval of specific Task Orders by the Mayor or City Council, as required by the City's procurement requirements, shall provide the services detailed in each Task Order. Said tasks may include:
 - a. Identification of stream reaches that could benefit from stream restoration and prioritize, in streams within the City limits.
 - b. Estimation of phosphorous reduction that would be realized for each priority stream restoration project.
 - c. Assistance in developing grant applications for identified stream restorations and other non-point source pollution assessment projects.
 - d. Assistance to the CITY OF FAYETTEVILLE in addressing other NPS related issues.
3. Shall accomplish other specific tasks as detailed in each Task Order

E. THE CITY OF FAYETTEVILLE:

1. Shall coordinate all activities within the City of Fayetteville Divisions and Departments and between the CITY OF FAYETTEVILLE and the WCRC.
2. Shall assist with project activities and tasks.
3. Shall provide review and input into the final restoration designs.
4. Shall oversee activities and coordinate staff needed for implementation of the restoration designs.
5. Shall provide documentation of all project activities and associated matching funds.
6. Recognizes that their participation in stream restoration and NPS projects acquired is an integral component in carrying out a successful project that will result in improved water quality and habitat restoration.
7. Shall accomplish other specific tasks as detailed in each Task Order.

F. IT IS MUTUALLY AGREED AND UNDERSTOOD BY ALL PARTIES THAT:

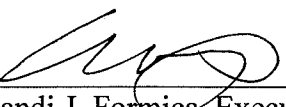
1. FREEDOM OF INFORMATION ACT (FOIA). CITY OF FAYETTEVILLE contract and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, the WCRC will do everything possible 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. Any information furnished to the WCRC under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).
2. MODIFICATION. Modifications within the scope of the instrument shall be made by mutual consent of the parties. Changes, modifications, or amendments in scope (other than as specifically established in this MOU), price or fees to this agreement shall not be allowed without a prior formal contract amendment approved by the Mayor and/or the City Council in advance of the change in scope, cost or fees.
3. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the WCRC or the CITY OF FAYETTEVILLE from participating in similar activities with other public or private agencies, organizations, and individuals.
4. COMMENCEMENT/EXPIRATION DATE. The instrument is executed as of the date of the last signature and is effective for five years.
5. PRINCIPAL CONTACT. The principal contacts for this instrument are:

Sandi Formica, Executive Director
Watershed Conservation Resource Center
380 West Rock Street
Fayetteville, AR 72701
Office Phone: 479-444-1916
Cell Phone: 501-352-5252
Office Fax: 928-396-2546
E-mail: formica@watershedconservation.org

Chris Brown, P.E., City Engineer
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Phone: 479-575-8206
Fax: 479-575-8202
E-mail: cbrown@ci.fayetteville.ar.us

Sarah Wrede, E.I., Staff Engineer
City of Fayetteville
Phone: 479-575-8206
E-mail: swrede@ci.fayetteville.ar.us

6. NONDISCRIMINATION. During the performance of this agreement, all parties will abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of age, race, color, religion, sex, national origin, or disability.



Sandi J. Formica, Executive Director
Watershed Conservation Resource Center

12/18/13

Date

Lioneld Jordan, Mayor
City of Fayetteville

Date

Sondra E. Smith, City Clerk/Treasurer
City of Fayetteville

Date

City of Fayetteville Item Review Form

2013-0232

Legistar File Number

01/07/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Andrew Garner

Submitted By

Development Services

Department

Action Required:

VAC 13-4544: Vacation (HARVEY'S HILL/CENTER AND DUNCAN, 522): Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at the INTERSECTION OF WEST CENTER STREET AND SOUTH HILL AVENUE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE AND DG, DOWNTOWN GENERAL and contains approximately 2.08 acres. The request is to vacate a utility easement.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

-KusPote.

Ken Allen 12/19/13

Paul A. Baker 12/20/13

dmw
KusPote 12-18-13
Paul A. Baker 12-19-2013
ENTERED
12/18/13
P.A.

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Andrew Garner, City Planning Director

Date: December 16, 2013

Subject: VAC 13-4544 (Harvey's Hill/Center and Duncan)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to vacate a utility easement.

BACKGROUND

The subject property is a 25-foot general utility easement traversing east-west across property at the southwest corner of West Center Street and South Hill Avenue. The overall site contains approximately 2.08 acres and is proposed to be developed for the Harvey's Hill multi-family project (LSD 13-4524). The subject utility easement contains a sanitary sewer main that will be relocated with the Harvey's Hill development.

The applicant has submitted the required easement vacation forms to the City Utility Departments and applicable franchise utilities, with no objections. The applicant's request is to vacate the utility easement as indicated on the depicted exhibit.

DISCUSSION

On December 9, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 7-0-0 on consent agenda.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 13-4544 SUBMITTED
BY MCCLELLAND CONSULTING ENGINEERS FOR
PROPERTY LOCATED AT THE INTERSECTION OF WEST
CENTER STREET AND SOUTH HILL AVENUE TO VACATE
A UTILITY EASEMENT

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted utility easement is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described utility easement in Exhibit B (attached).

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit A shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the following conditions of approval and shall not be in effect until the conditions are met.

1. Any relocation or damage to utilities shall be at the owner/developer's expense.
2. A new sanitary sewer line shall be installed as currently proposed with the Harvey's Hill development, to provide sewer to this site. The proposed sewer line shall enter the existing manhole at no less than 90 degrees from the outgoing sewer.

PASSED and **APPROVED** this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

NOR 11

- 765-04782-000
2004-25478
- 765-04781-000
2003-47026
- 765-04780-000
2006-0767
- 765-04779-000
2009-22774
- 765-04778-000
2008-10089
- 765-04777-000
2006-22412

UNIVERSITY OF ARKANSAS
765-04781-000
2003-47026

765-04782-000
2004-25478

LOT 2
HOUSE
BLOCK FOUR
I.W. DUNCAN'S ADD.

N25°33'58"E - 204.00'

R/W

WEST CENTER PARTNERS, LLC
765-04817-000
2013-10877
(UNIVERSITY PLACE APARTMENTS)

SW CORNER
SE1/4, NW1/4
SECTION 16
T-16-N, R-30-W



SCALE: 1" = 50'

EXHIBIT "A"

VAC 13-4544

UTILITY
AS PER
A 25 F
AND LO
COUNTY
BEGRINNI
176.00
25.00 F
176.00
25.00 F

VAC 13-4544 (Harvey's
Hill/ Center and Duncan)
Page 4 of 20

C. 3

UNIVERSITY OF ARKANSAS
765-04780-000
2006-0767

CENTER ST.
44.7 R/W

PROVIDENCE PROPERTIES, LLC
765-04779-000
2009-22774
(CENTER STREET APARTMENTS)

HOUSE
LOT 1
BLOCK FOUR

LOT 4
N87°06'02"W
173.00'

UNIVERSITY OF ARKANSAS
765-04780-000
2006-0767

DOUGLAS A. JAMES RELOCABLE TRUST
765-04780-000
2006-0767

M. HEURY & SALLY A. JOHNSON
765-04780-000
2006-0767

CHARLES PARETTE, ROGER PARETTE & PAUL PARETTE
765-04801-000
2011-18918

PHILIP W. BOWMAN & BOWMAN, JUDICE DEWESE BOWMAN
765-04801-000
2007-32314
(RELOCABLE TRUST)

LOT 10

DUNCAN AVE.
50' R/W

N25°33'58"E - 335.00'

N25°33'58"W - 289.07'

R/W

LOT 23
BLOCK TWO
PUTMAN'S ADD.

LOT 24
TO BE VACATED

LOT 22

LOT 21

LOT 20

N87°06'02"W - 176.00'

TREADWELL STREET
50' R/W

N87°06'02"W - 173.00'

R/W

SE CORNER

EXHIBIT "B"
VAC 13-4544

A 25 FOOT WIDE STRIP OF LAND LYING BETWEEN LOT 1 OF BLOCK 4 IN I.W. DUNCAN'S ADDITION AND LOT 24 OF BLOCK 2 IN PUTMAN'S ADDITION, TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF THE ABOVE SAID LOT 1, THENCE SOUTH 87°06'02" EAST - 176.00 FEET TO THE SE CORNER OF THE ABOVE SAID LOT 1; THENCE SOUTH 2°53'58" WEST - 25.00 FEET TO THE NE CORNER OF THE ABOVE SAID LOT 24; THENCE NORTH 87°06'02" WEST - 176.00 FEET TO THE NW CORNER OF THE ABOVE SAID LOT 24; THENCE NORTH 2°53'58" EAST - 25.00 FEET TO THE POINT OF BEGINNING.



PC Meeting of December 9, 2013

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, City Planning Director
DATE: ~~December 3, 2013~~ *Updated December 10, 2013*

VAC 13-4544: Vacation (HARVEY'S HILL/CENTER & DUNCAN, 522): Submitted by MCCLELLAND CONSULTING ENGINEERS, INC. for property located at the INTERSECTION OF WEST CENTER STREET AND SOUTH HILL AVENUE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and DG, DOWNTOWN GENERAL and contains approximately 2.08 acres. The request is to vacate a 25-foot utility easement.

Planner: Andrew Garner

Findings:

Property and Background: The subject property is a 25-foot general utility easement traversing east-west across property at the southwest corner of West Center Street and South Hill Avenue. The overall site contains approximately 2.08 acres and is proposed to be developed for the Harvey's Hill multi-family project (LSD 13-4524). The subject utility easement contains a sanitary sewer main that will be relocated with the Harvey's Hill development. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	University of Arkansas; Multi-family Residential	RMF-40, Residential Multi-family, 40 du/acre
South	Single and Multi-family Residential	RMF-40, Residential Multi-family, 40 du/acre
East	University of Arkansas; Multi-family Residential	DG, Downtown General RMF-40, Residential Multi-family, 40 du/acre
West	West Center Multi-family development (under construction)	DG, Downtown General; RMF-40, Residential Multi-family, 24 du/acre

Request: The applicant's request is to vacate the existing 25-foot utility easement as indicated on the attached exhibit.

Easement Vacation Approval: The applicant has submitted the required easement vacation forms to the City Utility Departments and applicable franchise utilities, with no objections.

UTILITIES

RESPONSE

Cox Communications	No objections
Southwestern Electric Power Company	No objections
Source Gas	No objections
AT&T	No objections

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer	No objections
Solid Waste	No objections, subject to relocation of the sewer line

Public Comment: No public comment has been received.

Recommendation: Staff recommends forwarding **VAC 13-4544** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities shall be at the owner/developer's expense.
2. A new sanitary sewer line shall be installed as currently proposed with the Harvey's Hill development, to provide sewer to this site. The proposed sewer line shall enter the existing manhole at no less than 90 degrees from the outgoing sewer.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled

Date: December 9, 2013

Motion: Chesser

Second: Cook

Vote: 7-0-0

Notes: On consent agenda



1810 N. College Avenue
P.O. Box 1229
Fayetteville, AR 72703/72702-1229
479-443-2377/Fax 479-443-9241
www.mcclelland-engrs.com

October 28, 2013

RE: LSD00-4524; Harvey's Hill
Easement Vacation

Planning Commission:

As a part of the LSD occurring on the Harvey Hill property near the intersection of Center Street and Duncan Ave, I, along with the developers are seeking to vacate an existing 25' utility easement within the proposed property boundary. Please reference the survey plat provided within this easement vacation submittal package for more detailed description and location of the easement in question.

This 25' utility easement is currently home to a sanitary sewer main. In order to develop the subject property as intended, this sanitary sewer routing will be relocated from its current east/west configuration to a north/south configuration. This new sanitary sewer routing will terminate at a new proposed manhole on the southern side of Center Street. This is more specifically described in the submitted civil documents related to LSD 00-4524, Harvey's Hill.

Please don't hesitate to contact me if there are any questions or concerns at this time.

Sincerely,

Leslie Tabor
ltabor@mcclelland-engrs.com

PETITION TO VACATE AN EASEMENT LOCATED BETWEEN LOT 1 OF BLOCK 4 IN I.W. DUNCAN'S
ADDITION AND LOT 24 OF BLOCK 2 IN PUTMAN'S ADDITION, CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate, being represented by the petitioner's
authorized agent, abutting the EASEMENT hereinafter sought to be abandoned and vacated, lying in
LOCATED BETWEEN LOT 1 OF BLOCK 4 IN I.W. DUNCAN'S ADDITION AND LOT 24 OF BLOCK 2 IN
PUTMAN'S ADDITION, CITY OF FAYETTEVILLE, ARKANSAS , a municipal corporation, petition to vacate
AN EASEMENT which is described as follows:

UTILITY EASEMENT DESCRIPTION
AS PER ORDINANCE NO. 3210

A 25 FOOT WIDE STRIP OF LAND LYING BETWEEN LOT 1 OF BLOCK 4 IN I.W. DUNCAN'S ADDITION AND
LOT 24 OF BLOCK 2 IN PUTMAN'S ADDITION, TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY,
ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF
THE ABOVE SAID LOT 1, THENCE SOUTH 87°06'02" EAST - 176.00 FEET TO THE SE CORNER OF THE
ABOVE SAID LOT 1; THENCE SOUTH 2°53'58" WEST - 25.00 FEET TO THE NE CORNER OF THE ABOVE
SAID LOT 24; THENCE NORTH 87°06'02" WEST - 176.00 FEET TO THE NW CORNER OF THE ABOVE SAID
LOT 24; THENCE NORTH 2°53'58" EAST - 25.00 FEET TO THE POINT OF BEGINNING.

That the abutting real estate affected by said abandonment of the easement are LOT 1 OF BLOCK 4 IN
I.W. DUNCAN'S ADDITION AND LOT 24 OF BLOCK 2 IN PUTMAN'S ADDITION, CITY OF FAYETTEVILLE,
ARKANSAS, used by the public for a period of many years, and that the public interest and welfare would
not be adversely affected by the abandonment of the portion of the above described easement.

The petitioner's authorized agent prays that the City of Fayetteville, Arkansas, abandon and vacate the
above described real estate, subject, however, to the existing utility easements and sewer easements as
required, and that the above described real estate be used for their respective benefit and purpose as
now approved by law.

The petitioner's authorized agent further prays that the above described real estate be vested in the
abutting property owners as provided by law.

SM

WHEREFORE, the undersigned petitioner's authorized agent respectfully prays that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 3RD day of DECEMBER, 20 13.

SETH MIMS

Printed Name (Authorized Agent)


Signature



VICINITY MAP
 SCALE: 1"=1320'

LEGAL DESCRIPTION

LOTS 1, 2, 3 AND 4 IN BLOCK 4 OF L.W. DUNCAN'S ADDITION AND LOTS 20, 21, 22, 23 AND 24 IN BLOCK 2 OF PUTNAM'S ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, ALSO INCLUDING, A VACATED 25 FOOT PLATTED UNOPENED ALLEY AS DESCRIBED IN ORDINANCE NO. 3210 AND FILED IN BOOK 1197 AT PAGES 101 & 102 IN THE OFFICE OF THE CIRCUIT CLERK, WASHINGTON COUNTY, ARKANSAS.

THE ABOVE PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF THE ABOVE SAID LOT 20; THENCE NORTH 176.00 FEET TO THE SW CORNER OF SAID LOT 20; THENCE NORTH 233.58' EAST - 335.00 FEET TO THE SE CORNER OF THE ABOVE SAID LOT 4; THENCE NORTH 87.06'02" WEST - 173.00 FEET TO THE SW CORNER OF THE ABOVE SAID LOT 4; THENCE NORTH 233.58' EAST ALONG THE EAST RIGHT OF WAY LINE OF DUNCAN AVENUE A DISTANCE OF 204.00 FEET TO THE NW CORNER OF THE ABOVE SAID LOT 2; THENCE SOUTH 87.06'02" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF CENTER STREET A DISTANCE OF 173.00 FEET; THENCE SOUTH 87.06'02" EAST CONTINUING ALONG THE SOUTH RIGHT OF WAY LINE OF CENTER STREET TO THE POINT OF BEGINNING, CONTAINING 2.00 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.

UTILITY EASEMENT DESCRIPTION

AS PER ORDINANCE NO. 3210
 A 25 FOOT WIDE STRIP OF LAND LYING BETWEEN LOT 1 OF BLOCK 4 IN L.W. DUNCAN'S ADDITION AND LOT 24 OF BLOCK 2 IN PUTNAM'S ADDITION, TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF THE ABOVE SAID LOT 1; THENCE SOUTH 87.06'02" EAST - 176.00 FEET TO THE SE CORNER OF THE ABOVE SAID LOT 1; THENCE SOUTH 233.58' EAST - 25.00 FEET TO THE NE CORNER OF THE ABOVE SAID LOT 24; THENCE NORTH 87.06'02" WEST - 176.00 FEET TO THE NW CORNER OF THE ABOVE SAID LOT 24; THENCE NORTH 233.58' EAST - 25.00 FEET TO THE POINT OF BEGINNING.

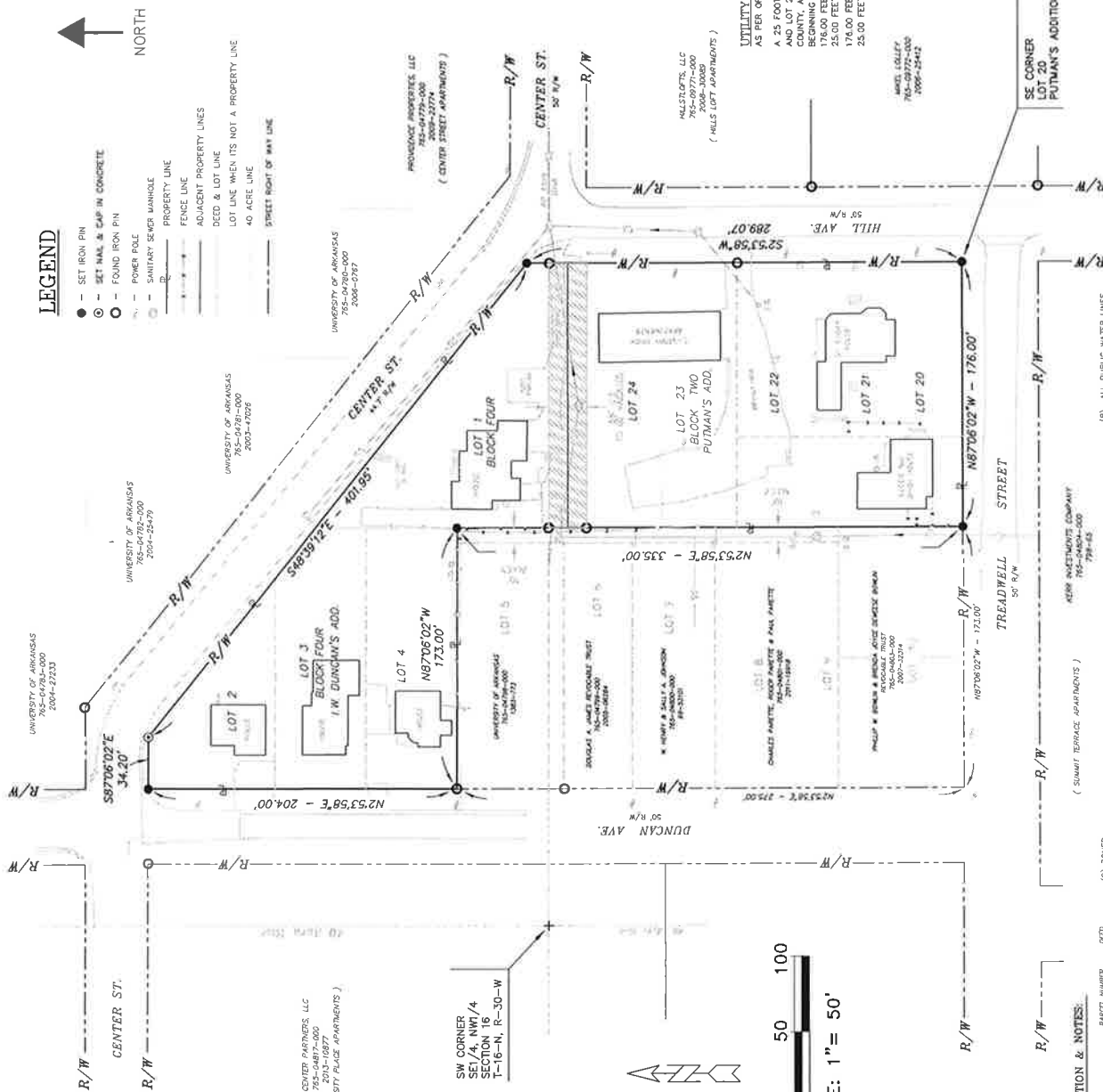
CERTIFICATION

I HEREBY CERTIFY THAT THE HEREON PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION, THAT ALL VISIBLE ENCROACHMENTS ARE SHOWN, AND THAT THE CORNERS WERE FOUND OR SET, AS SHOWN, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND ABILITY.

DATE: _____ SURVEYOR: _____

LEGEND

- SET IRON PIN
- SET NAIL & CAP IN CONCRETE
- FOUND IRON PIN
- POWER POLE
- SANITARY SEWER MANHOLE
- PROPERTY LINE
- FENCE LINE
- ADJACENT PROPERTY LINES
- DCD & LOT LINE
- LOT LINE WHEN ITS NOT A PROPERTY LINE
- 40 ACRE LINE
- STREET RIGHT OF WAY LINE



SCALE: 1"= 50'

PROPERTY INFORMATION & NOTES:

- (1) OWNERS:
 LOT 1 - CLINTON BENNETT
 LOT 2 - WILLIAM KILGORE, JR.
 LOT 3 - E. MARIE KILGORE
 LOT 4 - REVOCABLE TRUST
 WEST 60' OF LOTS 20, 21 & 22 - PAUL GATYER PROPERTIES
 EAST 115' OF REYNOLDS, LLC 22 - REYNOLDS, LLC
 LOTS 23 & 24 - HALL/PLATE, LLC
- (2) ZONED: ZONED CG (COMMERCIAL GENERAL) & RUF-40 (RESIDENTIAL MULTI-FAMILY - 40 UNIT PER ACRE) WITH A MAXIMUM OF 60 UNITS PER ACRE. WEST 60' OF LOTS 20, 21 & 22 WHICH IS ZONED RUF-40.
- (3) ACREAGE: 2.00 ACRES
- (4) BASE OF BEARINGS ARE STATE PLANE COORDINATES
- (5) ADJACENT PROPERTY OWNERS WITH THEIR ASSESSOR'S PARCEL NUMBER AND DEED REFERENCE IS SHOWN ON THIS PLAT OF SURVEY
- (6) FLOOD PLAIN: NO PORTION OF THE PROPERTY IS WITHIN A SPECIAL FLOOD HAZARD AREA, AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) NOS. 15143Z0210F DATED: MAY 16, 2008
- (7) CITY ATLAS PAGE - 483 & 522

- (8) ALL PUBLIC WATER LINES ARE SHOWN ON THIS PLAT.
- (9) THIS PROPERTY IS SUBJECT TO EASEMENTS, ORDINANCES, PLANNING AND ZONING REGULATIONS OF RECORD.

2013JAC

PLAT CODE - 500-16N-30W-0-16-310-72-1130

MCE McCLELLAND CONSULTING ENGINEERS, INC.		PROPERTY SURVEY	
FAYETTEVILLE, ARKANSAS		FAYETTEVILLE, ARKANSAS	
CLIENT: SPECIALIZED REAL ESTATE GROUP, SPRINGDALE, ARKANSAS		SHEET NO. 11	
APPROVED: [Signature]	DATE: 10-25-2013	BY: [Signature]	FIELD BOOK: 1
LITTLE ROCK, AR	1810 N. College	7° 55'	PT 12134

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 10/21/13

UTILITY COMPANY ATT / SWBT

APPLICANT NAME: SETH KIMS ESQ. APPLICANT PHONE: (877) 977-4433
REQUESTED VACATION: (applicant must check all that apply):

☒ Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right-of-way

Alley

Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**):

SE Corner of Center Street & Duncan Ave

(ATTACH legal description and graphic representation of what is being vacated-SEE)

UTILITY COMPANY COMMENTS:

☐ No objections to the vacation(s) described above.

No objections to the vacation(s) described above, provided following described easements are retained
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:

DAMAGE TO OR NEED FOR RELOCATION OF EXISTING ATT FACILITIES
WILL BE CARED FOR AT THE OWNER OR DEVELOPER'S EXPENSE

Susan K. Clouser
Signature of Utility Company Representative

DSP DESIGN ENGINEER
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 10/21/13

UTILITY COMPANY: Cox Communications

APPLICANT NAME: SETH MIMS - SREG APPLICANT PHONE: (479) 966-4439
REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
☐ Alley
☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

****** SE Corner of Center Street & Duncan Ave

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

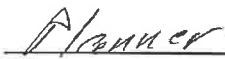
UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:



Signature of Utility Company Representative



Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 10/21/13

UTILITY COMPANY: AEP/SWEPCO

APPLICANT NAME: SETH MIMS - SREG APPLICANT PHONE: (479) 966-4439
REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** SE Corner of Center Street & Duncan Ave

(ATTACH legal description ~~and~~ graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Jim Sargent
Signature of Utility Company Representative

ENGINEER I
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 10/21/13

UTILITY COMPANY: Source Gas

APPLICANT NAME: SETH MIMS - SREG APPLICANT PHONE: (479) 966-4439
REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** SE Corner of Center Street & Duncan Ave

(*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:



Signature of Utility Company Representative

Fayetteville Division Manager

Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 10/21/13

UTILITY COMPANY: Fayetteville Solid Waste + Recycling

APPLICANT NAME: SETH MIMS - SREG APPLICANT PHONE: (479) 966-4439
REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
☐ Alley
☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** SE Corner of Center Street & Duncan Ave

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

[Signature]

Signature of Utility Company Representative

Waste Reduction Coordinator

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 10/21/13

UTILITY COMPANY: City of Fayetteville - Water & Sewer

APPLICANT NAME: SETH MIMS - SREG APPLICANT PHONE: (479) 966-4439
REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

****** SE Corner of Center Street & Duncan Ave

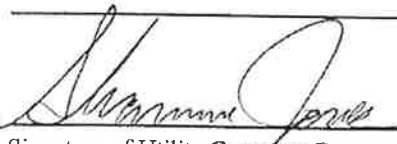
(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:

A new sanitary sewer shall be installed as proposed to provide sewer service to the site. The
proposed sewer shall enter the existing manhole at no less than 90 degrees from the outgoing sewer.



Signature of Utility Company Representative

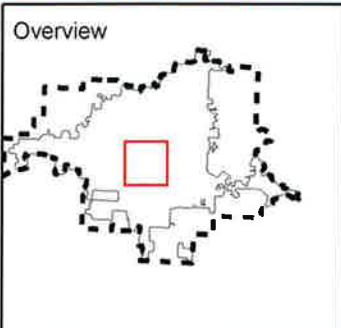
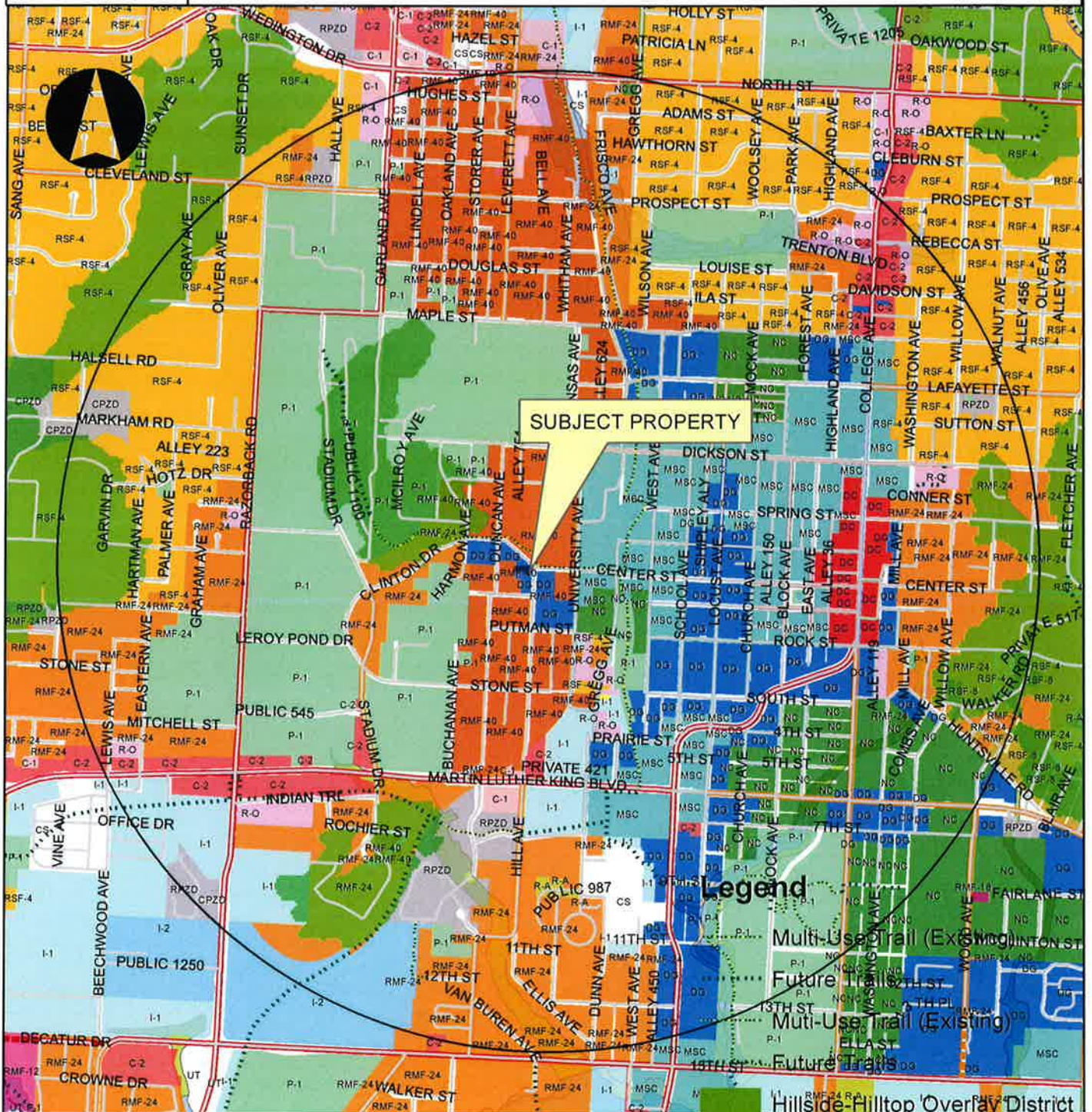
Utilities Engineer

Title

VAC13-4544

CENTER AND DUNCAN

One Mile View



Legend
Subject Property
VAC13-4544

Boundary

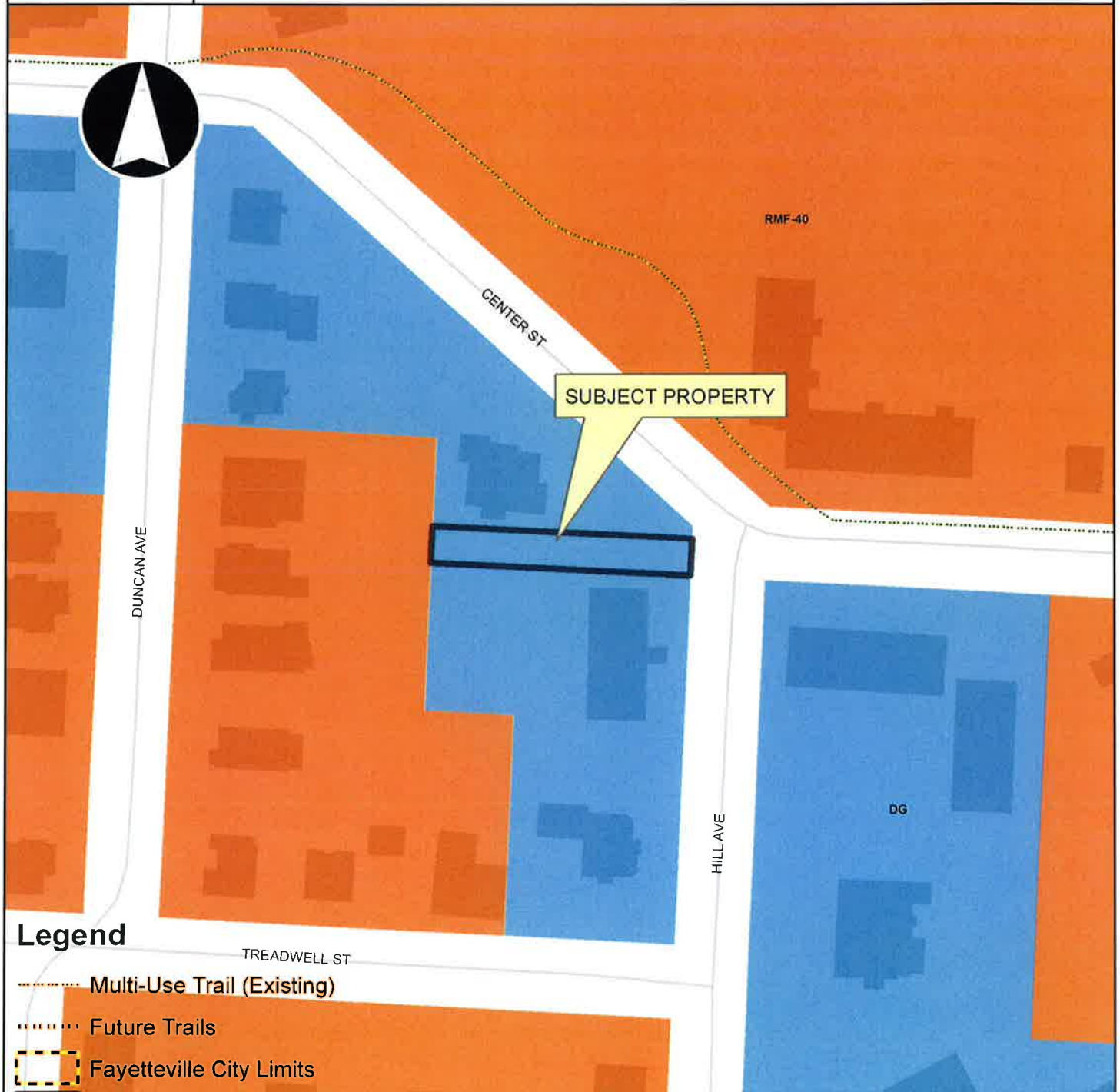


- VAC13-4544
- Design Overlay District
- Planning Area
- Fayetteville

VAC13-4544

CENTER AND DUNCAN

Close Up View

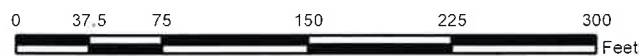


Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview VAC13-4544

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



City of Fayetteville Item Review Form

2013-0234

Legistar File Number

01/07/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Quin Thompson

Submitted By

Development Services

Department

Action Required:

RZN 13-4546: Rezone (4377 HUNTSVILLE RD./BALDWIN CHURCH OF CHRIST, 569): Submitted by JORGENSEN AND ASSOCIATES for property located at 4377 HUNTSVILLE ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 2.07 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

[Signature]
12-18-13
Paul A. Burk 12-19-2013



[Signature]
12/19/13
12/20/13

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Andrew Garner, Director of Planning

From: Quin Thompson, Current Planner

Date: December 16, 2013

Subject: **RZN 13-4546:** Rezone (4377 HUNTSVILLE ROAD/BALDWIN CHURCH OF CHRIST)

RECOMMENDATION: The Planning Commission and Planning Division staff recommend approval of an ordinance to rezone the property to P-1, Institutional.

BACKGROUND: The subject property is located at 4377 Huntsville Road. The property is within the RSF-4 (Residential Single-Family/4 units per acre) zoning district and contains two lots totaling approximately 2.07 acres. The property has been in use by the Baldwin Church of Christ for more than 60 years, and is considered an existing and non-conforming use in the zoning district. The church would like to construct a new sign of a type that is not allowed within the RSF-4 zoning district, and there is no path to seek a variance of the ordinance. The Church is therefore seeking to rezone the property to P-1, Institutional in order to bring the use into conformance with the zoning and to allow for the new sign.

CITY PLAN 2030 FUTURE LAND USE MAP: City Plan 2030 Future Land Use Plan designates this site as *Residential Neighborhood Area*. These areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. **It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood.**

COMPATIBILITY: Baldwin Church of Christ has been a part of this neighborhood for approximately 60 years; no change in that use is proposed. The use and proposed zoning are compatible with the City Plan 2030, which encourages low-intensity non-residential uses intended to serve the surrounding neighborhood. Small community churches in general, and the Baldwin Church of Christ in particular, meet this goal of City Plan 2030.

The proposal to rezone the property to P-1, Institutional will bring the property and use into alignment with zoning ordinance and remove an existing non-conformity.

DISCUSSION: On December 09, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT: None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4546, FOR APPROXIMATELY 2.07 ACRES, LOCATED AT 4377 HUNTSVILLE ROAD FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE, TO P-1, INSTITUTIONAL

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from RSF-4, Residential Single-Family, 4 units per acre to P-1, Institutional, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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

PASSED and **APPROVED** this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

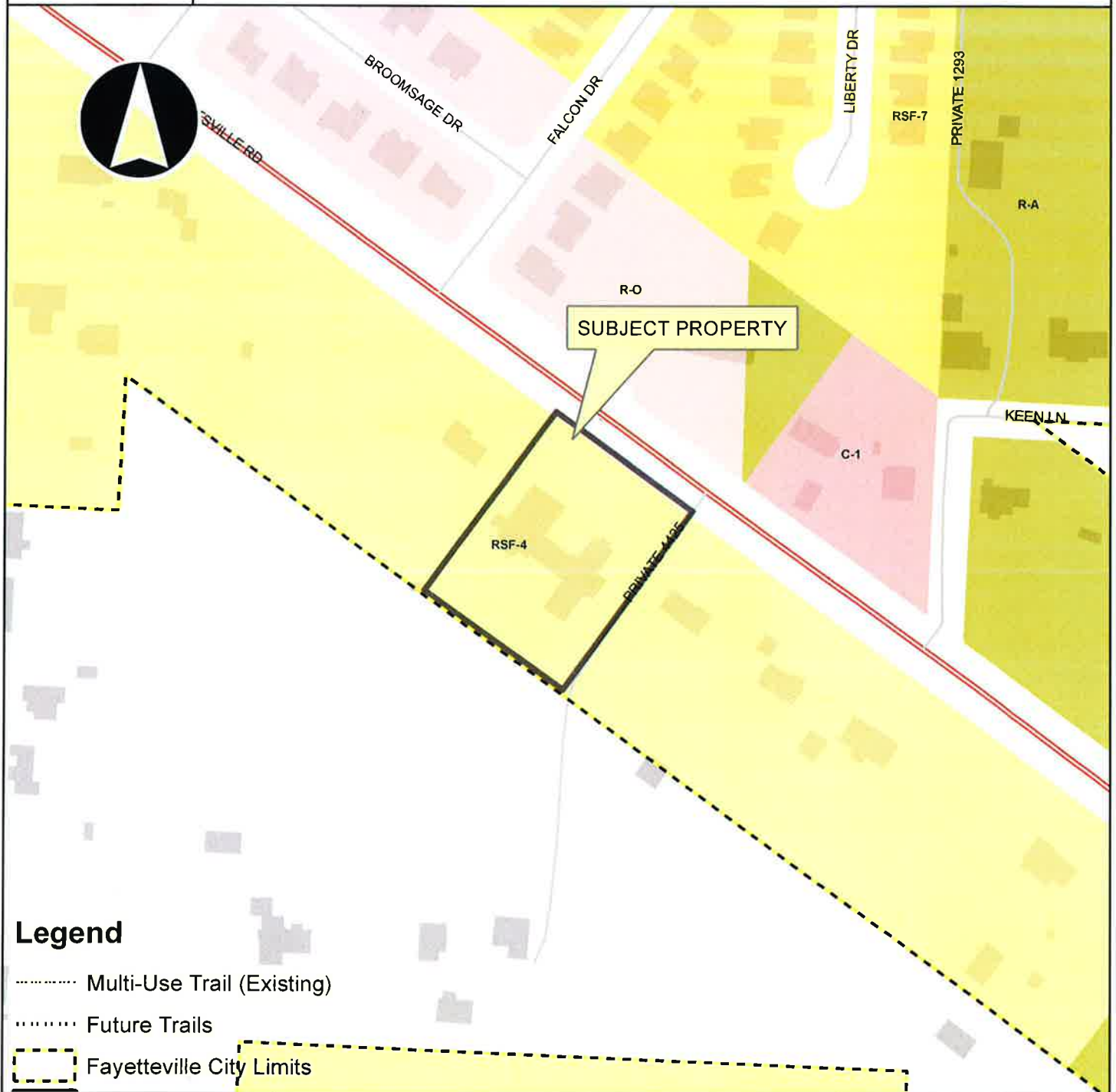
EXHIBIT "A"

C. 4
RZN 13-4546 (4377 Huntsville
Rd./Baldwin Church of Christ)
Page 4 of 18

RZN13-4546

BALDWIN CHURCH OF CHRIST

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN13-4546

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 125 250 500 750 1,000 Feet

EXHIBIT "B"
RZN 13-4546

LEGAL DESCRIPTION (PARCELS # 765-13103-000 & 765-13105-000)
PART OF THE SE1/4, NW1/4 OF SECTION 19, T16N, R29W IN WASHINGTON COUNTY,
ARKANSAS AND BEING DESCRIBED AS FOLLOWS; COMMENCING AT THE SE CONER OF
SAID SE1/4, NW1/4 THENCE NORTH 531.96 FEET, THENCE N 56°30'W 390.00 FEET TO THE
POB; THENCE ALONG THE SOUTH RIGHT OF WAY OF HWY 16 N 56°30'W 230.00 FEET,
THENCE LEAVING SAID R/W S33°30'W 300.00 FEET, THENCE S 56°30'E 230.00 FEET, THENCE
N 33°30'E 300.00 FEET TO THE POB CONTAINING 2.07 ACRES MORE OR LESS SUBJECT TO
EASEMENTS AND RIGHT OF WAY



PC Meeting of December 09, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Quin Thompson, Current Planner
THRU: Andrew Garner, Planning Director
DATE: ~~December 01, 2013~~ UPDATED 12-18-2013

RZN 13-4546: Rezone (4377 HUNTSVILLE ROAD/BALDWIN CHURCH OF CHRIST, 569): Submitted by JORGENSEN & ASSOCIATES for property located at 4377 HUNTSVILLE ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY FOUR UNITS PER ACRE and contains approximately 2.07 acres. The request is to rezone the property to P-1, INSTITUTIONAL.
Planner: Quin Thompson

BACKGROUND:

Property and Background: The subject property is located on the south side of Huntsville Road (AR 16 E) at 4377 Huntsville Road. The property is within the RSF-4 zoning district and contains two lots totaling approximately 2.07 acres. The property is currently developed, and contains a church that has been on the property for over 60 many years.

Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single Family Residential	R-O, Residential Office
South	Undeveloped	None (Washington County)
East	Single Family Residential	RSF-4, Residential Single-Family, 4 units per acre
West	Single Family Residential	RSF-4, Residential Single-Family, 4 units per acre

Request: The request is to rezone the property from RSF-4, Residential Single Family to P-1, Institutional for the installation of a new sign for the existing church. The sign limitation in RDF-4 does not allow the size/type of sign desired by the church and there is not a sign variance option.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding RZN 13-4546 to the City Council with a recommendation for **approval** based on findings stated herein.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>December 09, 2013</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Cook	Second: Chesser	Vote: 8-0-0	
CITY COUNCIL ACTION:		Required	<u>YES</u>
☐ Approved		☐ Denied	
Date: January 07, 2013			

INFRASTRUCTURE:

- Streets:** The site has access to State Highway 16 (Huntsville Road). State Highway 16 is a two lane, unimproved, open-ditch road and any required improvements to the road would be determined at the time of re-development.
- Water:** Public water is available to the property. There is an 8" water main along State Highway 16 on the northeast side of this property.
- Sewer:** Sanitary sewer is available to the site. There is a 6" sewer main that runs across the southwest portion of the parcels, through the existing parking lot.
- Drainage:** Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain or the Streamside Protection Zones.
- Fire:** The Fire Department did not express any concerns with this request.
- Police:** The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **Residential Neighborhood Area**.*

***Residential Neighborhood Areas** are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily*

and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

FINDINGS OF THE STAFF

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

Finding: This property has been used by the Baldwin Church of Christ for many years. The proposal to rezone the property to P-1, Institutional will allow the existing church use to be brought into zoning compliance and allow for the type of new sign desired by the church. The City Plan 2030 Future Land Use Map designates this area as Residential Neighborhood Area. Non-residential uses intended to serve the neighborhood such as a church are permitted in the P-1 zone, and are consistent with this designation.

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

Finding: The proposed rezoning is justified by the fact that the property has been in constant use by the Baldwin Church of Christ for many years, and the approved rezone would bring the property into zoning compliance with the existing use.

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

Finding: The site access has access to Huntsville Road, an unimproved two lane State Highway. The proposed zoning would allow an existing use by right, and is unlikely that increase traffic danger or congestion would be appreciably increased. Street improvements will be assessed at the time of future development.

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

Finding: Rezoning the property from residential to institutional use should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.

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: N/A

Unified Development Code Chapter 161: Zoning Regulations

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

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

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

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

(D) *Bulk and area regulations.*

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

(E) *Setback requirements.*

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

(F) *Building height regulations.*

Building Height Maximum	45 ft.
-------------------------	--------

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

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

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

161.29 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	20 ft.

Side, when contiguous to a residential district	25 ft.
Rear	25 ft.
Rear, from center line of public alley	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 60 % of the total area of such lot.

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5073, 11-06-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10)



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

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

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

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

10/15/13

Att: Jesse Fulcher
Re : Rezoning for Baldwin Church of Christ

Attached please find an application for the rezoning for the Baldwin Church of Christ. The request is to rezone from RSF-4 to P-1 for the installation of a sign.

Please call concerning any questions you may have.

Thank you.

Sincerely;


David L. Jorgensen, P.E.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

C. 4
RZN 13-4546 (4377 Huntsville
Rd./Baldwin Church of Christ)
Page 14 of 18

Zoning Review

To: Quin Thompson
From: Harley Hunt
Date: November 13, 2013
Re: RZN 13-4546

This development will be protected by Ladder 3 located at 1050 S. Happy Hollow.
It is 4 miles from the station with an anticipated response time of 5 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

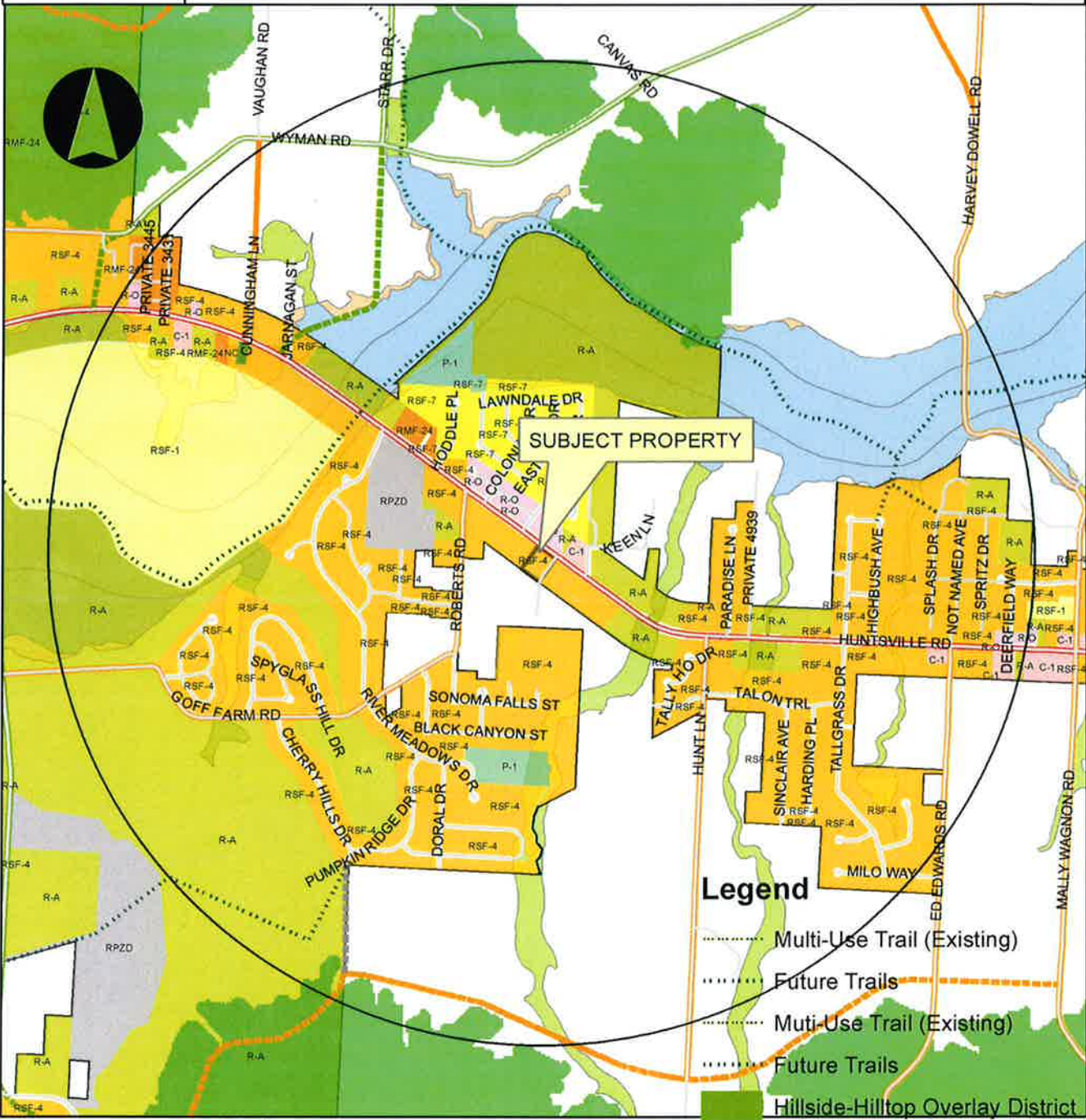
If you have any questions please feel free to contact me.

Battalion Chief H. Hunt
Fire Marshal
Fayetteville Fire Department

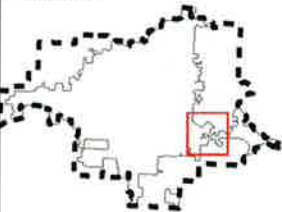
RZN13-4546

One Mile View

BALDWIN CHURCH OF CHRIST



Overview



Legend

Subject Property

RZN13-4546

Boundary

0 0.25 0.5

1 Miles

RZN13-4546

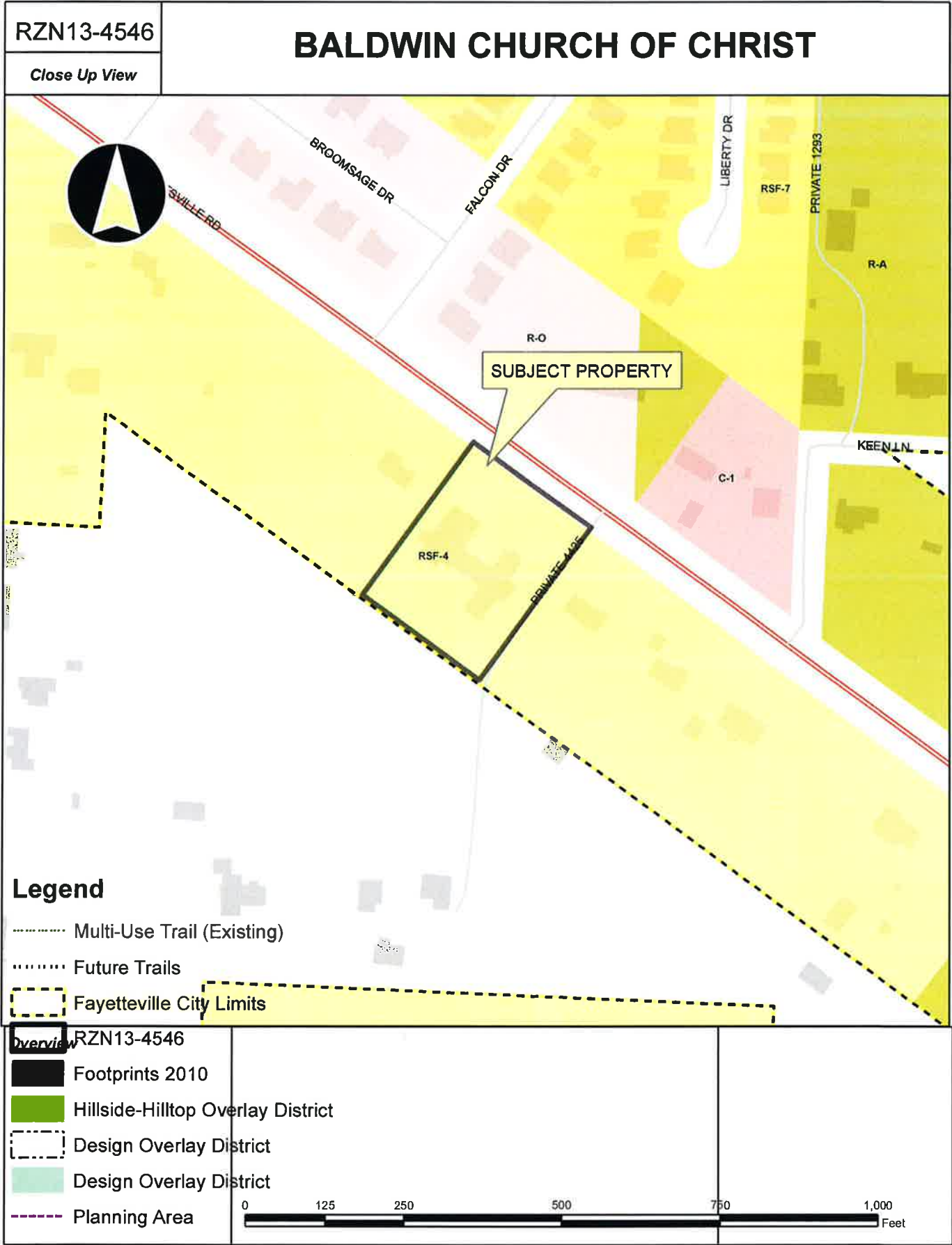
Design Overlay District

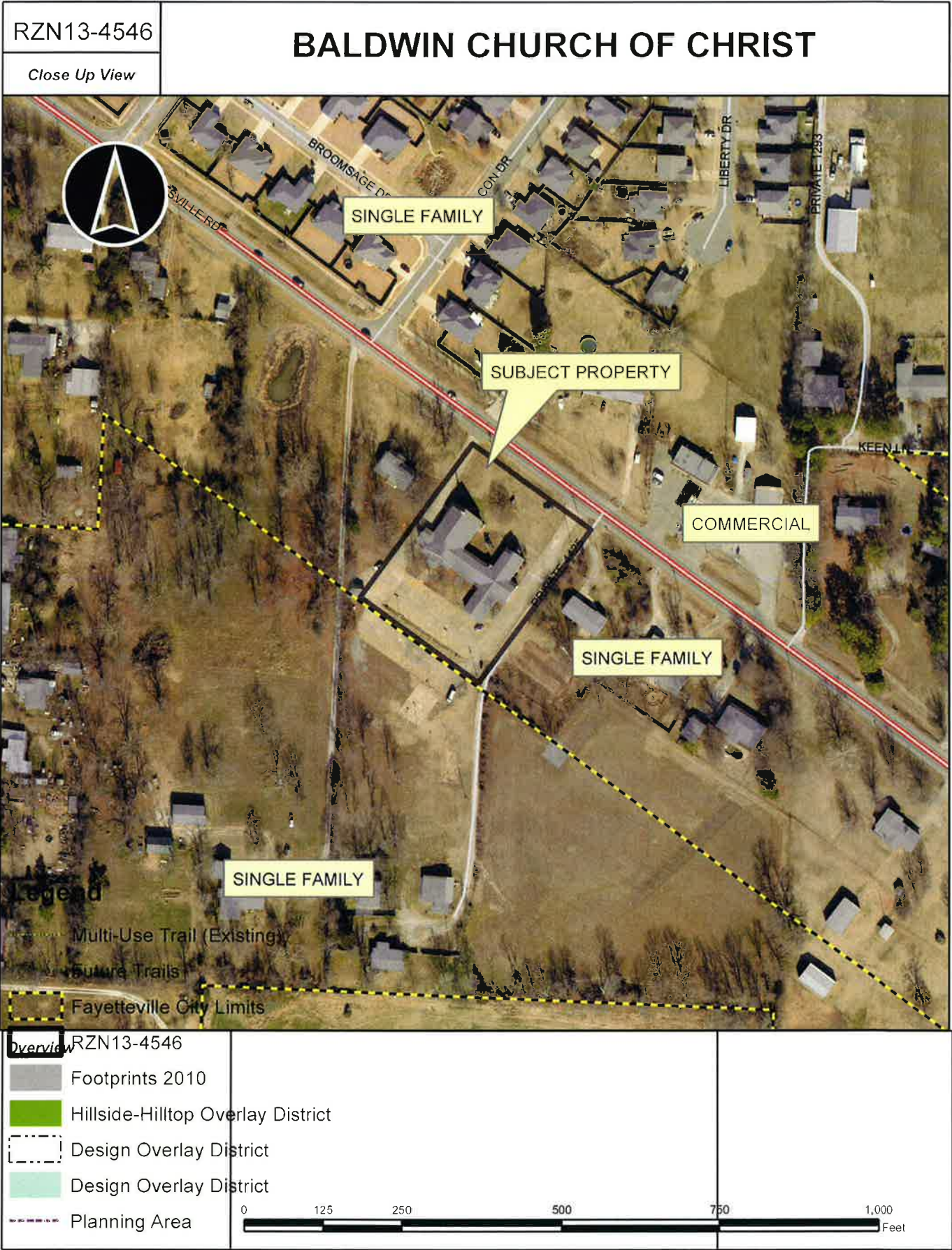
Planning Area

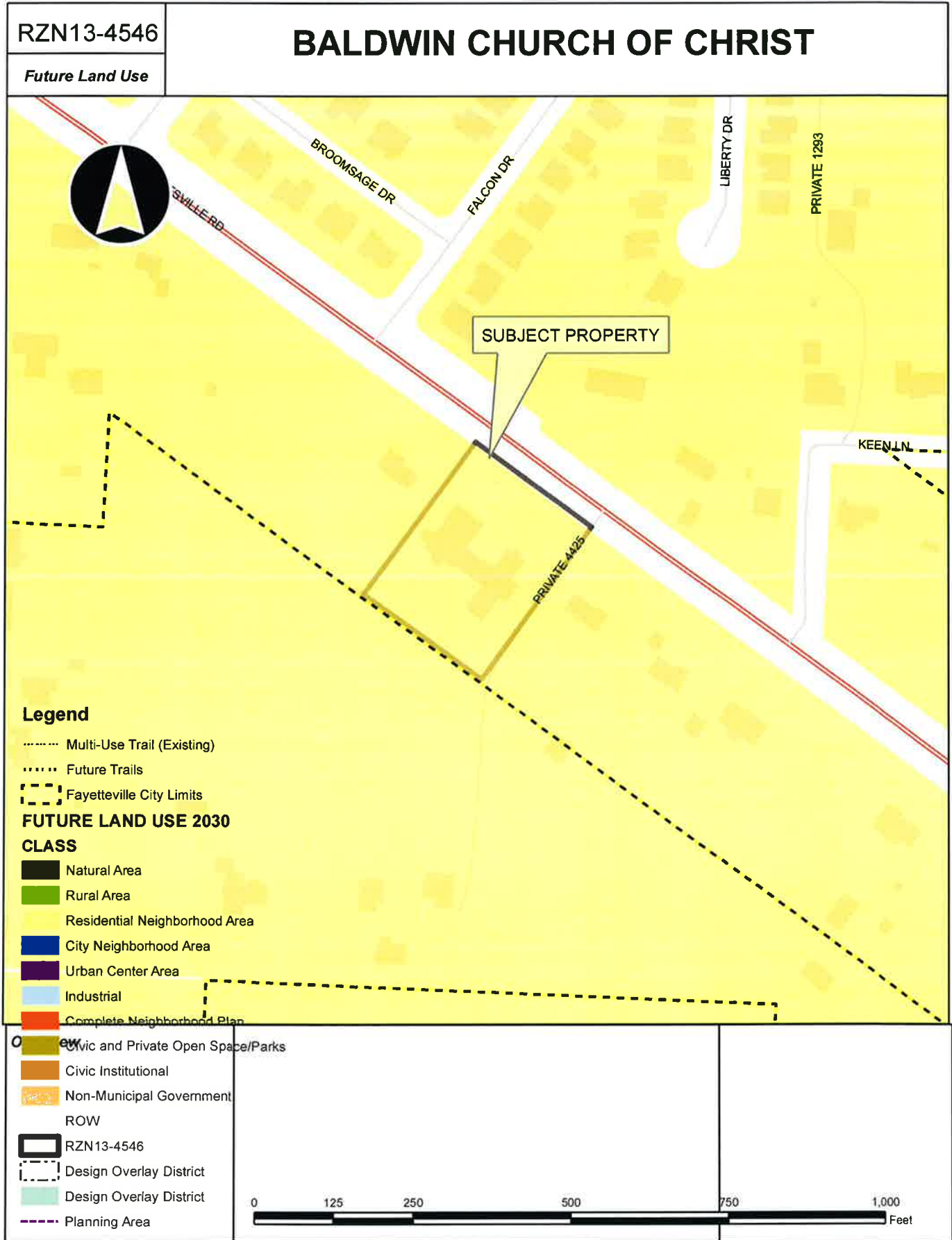
Fayetteville

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Miles







City of Fayetteville Item Review Form

2013-0235
Legistar File Number

01/07/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Quin Thompson

Submitted By

Development Services

Department

Action Required:

RZN 13-4547: Rezone (MLK/BEECHWOOD/EATON, 521): Submitted by JORGENSEN AND ASSOCIATES for property located at 1541/1555/1561 MARTIN LUTHER KING BOULEVARD. The property is zoned I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL and contains approximately 1.54 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

[Signature]

[Signature] 12/19/13
[Signature] 12/20/13

[Signature] 12-18-13



[Signature] 12-19-2013

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Andrew Garner, Director of Planning

From: Quin Thompson, Current Planner

Date: December 16, 2013

Subject: RZN 13-4547: Rezone (1541/1555/1561 MARTIN LUTHER KING BLVD.)

RECOMMENDATION: The Planning Commission and Planning Division staff recommend approval of an ordinance to rezone the property to CS, Community Services.

BACKGROUND: The subject property is located at 1541/1555/1561 Martin Luther King Boulevard. The property is within the I-1(Light Industrial and Heavy Commercial) zoning district and contains three lots totaling approximately 1.54 acres. The properties contain older commercial buildings and a car washing facility.

CITY PLAN 2030 FUTURE LAND USE MAP: The City Plan 2030 Future Land Use Map designates this area as **Urban Center Area**. *Urban Center Areas* contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although Urban Center Areas recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Additionally, infill of existing development centers should be strongly encouraged, since there is greater return for properties already served by public infrastructure.

COMPATIBILITY: This property is currently in various uses typical of light industry, such as warehousing and industrial use. The neighborhood has, however, been developing recently with multi-family housing and a variety of commercial and office buildings. The proposal to rezone the property to CS, Community Services will allow the property to be used for commercial or residential opportunities that are consistent with surrounding land uses.

The CS zoning district is a significant downzone from I-1, and will provide opportunity for re-development that is more compatible with recent residential development in the neighborhood than the current zoning allows. As discussed, with the recent rezoning and re-development of the adjacent property to the east from I-1 to CS, the rail line spur in this immediate vicinity has not been used for many years and market demand for industrial use in this neighborhood is not anticipated.

DISCUSSION: On December 09, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT: None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4547, FOR APPROXIMATELY 1.54 ACRES, LOCATED AT 1541/1555/1561 MARTIN LUTHER KING BOULEVARD FROM I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL, TO CS, COMMUNITY SERVICES

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from I-1, Heavy Commercial/Light Industrial to CS, Community Services, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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

PASSED and **APPROVED** this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

C. 5
RZN 13-4547 (MLK/Beechwood/Easton)
Page 5 of 22

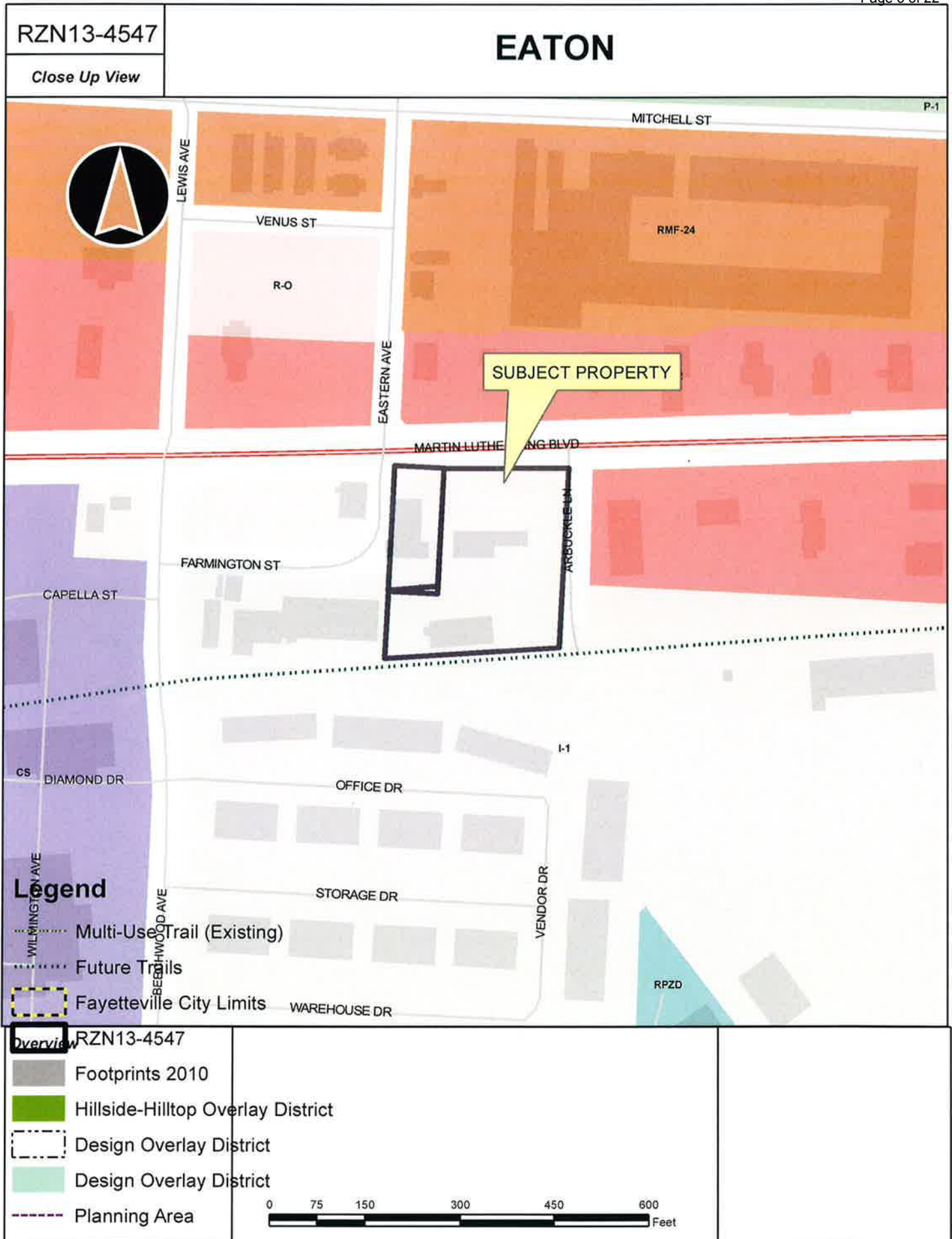


EXHIBIT "B"
RZN 13-4547

1555 W. MARTIN LUTHER KING BLVD. (765-14836-000)

1541 W. MARTIN LUTHER KING BLVD. (765-11238-000)

PART OF THE SW 1/4. OF THE SE 1/4. OF SECTION 17 AND PART OF THE NW 1/4. OF THE NE 1/4. OF SECTION 20, ALL IN TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN WASHINGTON COUNTY, ARKANSAS, AND ALSO DESCRIBED AS LOTS 6, 5, 4, 3, AND PART OF LOT 2 IN BLOCK 8 SUNSET ADDITION TO THE CITY OF FAYETTEVILLE AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF THE SW 1/4. OF THE SE 1/4. OF SAID SECTION 17, THENCE EAST 335.00 FEET, THENCE SOUTH 25.50 FEET TO THE P.O.B., THENCE N8250' EAST 78.00 FEET, THENCE NORTH 188.0 FEET, THENCE N8949'37" EAST 199.80 FEET, THENCE SOUTH 286.40 FEET TO A POINT 8.06 FEET NORTH OF THE CENTER OF THE EXISTING S.L. & S.F. RAILROAD, THENCE S83°27'03" WEST PARALLEL WITH SAID RAILROAD 278.74 FEET, THENCE NORTH 109.34 FEET TO THE P.O.B.; CONTAINING 1.54 ACRES, MORE OR LESS, SUBJECT TO RIGHT-OF-WAY EASEMENTS OF RECORD. LESS AND EXCEPT THAT PORTION OF THE ABOVE TRACT DEEDED TO THE ARKANSAS TRANSPORTATION AND HIGHWAY DEPARTMENT, BEING PARCEL #765-11239-000.

1561 W. MARTIN LUTHER KING BLVD. (765-11237-000)

(765-14551-010, 765-14842-010)

A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION SEVENTEEN (17) AND A PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION TWENTY (20) ALL IN TOWNSHIP SIXTEEN (16) NORTH RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TU-WIT: BEGINNING AT A POINT WHERE THE EAST LINE OF EASTERN AVENUE OF SUNSET ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, INTERSECTS THE SOUTH SIDE OF THE RIGHT OF WAY OF U.S. AND STATE HIGHWAY #62 (FORMERLY THE FARMINGTON ROAD) WHICH POINT IS 331 FEET EAST AND 150.50 FEET NORTH OF THE SOUTHWEST CORNER OF THE SW 1/4 OF THE SE 1/4 OF SECTION SEVENTEEN (17): THENCE SOUTH ALONG THE EASTERN SIDE OF EASTERN AVENUE 200 FEET; THENCE EAST 78 FEET; THENCE NORTH 200 FEET TO THE SOUTH SIDE OF U.S. HIGHWAY #62; THENCE WEST 78 FEET TO THE PLACE OF BEGINNING, THIS AREA INCLUDES ALL OF LOT NUMBERED ONE (1) IN BLOCK NUMBERED EIGHT (8) AND THE WEST 31 1/3 FEET OF LOT NUMBERED TWO (2) OF BLOCK NUMBERED EIGHT (8) OF SUNSET ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX OFFICIO RECORDER

OF WASHINGTON COUNTY, ARKANSAS ALSO 2340 SQUARE FEET OF THE SW 1/4 OF THE SE 1/4 OF SECTION SEVENTEEN (17) ALSO 1521 SQUARE FEET OF SECTION TWENTY (20) ALL IN TOWNSHIP SIXTEEN (16) NORTH RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPLE MERIDIAN. LESS AND EXCEPT: PART OF LOTS 1 AND 2 OF BLOCK 8, SUNSET ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS: STARTING AT THE SOUTHWEST CORNER OF LOT 1 BLOCK 8, SUNSET ADDITION; THENCE NORTH 02 DEGREES 32 MINUTES EAST ALONG THE WEST LINE THERE OF A DISTANCE OF 128.7 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 02 DEGREES 32 MINUTES EAST ALONG SAID WEST LINE A DISTANCE OF 10.0 FEET TO A POINT ON THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY #62; THENCE NORTH 88 DEGREES 11 MINUTES EAST ALONG SAID EXISTING RIGHT OF WAY LINE A DISTANCE OF 75.4 FEET TO A POINT; THENCE SOUTH 03 DEGREES 16 MINUTES WEST OF 10.0 FEET TO A POINT ON THE PROPOSED SOUTHERLY RIGHT OF WAY LINE OF SAID U.S. HIGHWAY #62; THENCE SOUTH 88 DEGREES 11 MINUTES WEST ALONG SAID PROPOSED RIGHT OF WAY LINE A DISTANCE OF 75.2 FEET TO THE POINT OF BEGINNING AND CONTAINING 753 SQUARE FEET, MORE OR LESS.



PC Meeting of December 09, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Quin Thompson, Current Planner
THRU: Andrew Garner, Planning Director
DATE: ~~December 01, 2013~~ UPDATED 12-18-2013

RZN 13-4547: Rezone (MLK/BEECHWOOD/EATON, 521): Submitted by JORGENSEN & ASSOCIATES for property located at 1541/1555/1561 MARTIN LUTHER KING BLVD. The property is zoned I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL and contains approximately 1.54 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.
Planner: Quin Thompson

BACKGROUND:

Property and Background: The subject property is located south of Martin Luther King Boulevard and west of Arbuckle Lane. The property is within the I-1 zoning district and contains multiple lots totaling approximately 1.54 acres. The properties are currently developed, containing various commercial buildings.

Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Retail/Commercial	C-2, Thoroughfare Commercial
South	Rail Road ROW/Warehouses	I-2, General Industrial
East	Commercial	I-1, Heavy Commercial and Light Industrial/ C-2, Thoroughfare Commercial
West	Custom Powder Coating/undeveloped	I-1, Heavy Commercial and Light Industrial

Request: The request is to rezone the property from I-1, Heavy Commercial and Light Industrial, to CS, Community Services.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding RZN 13-4547 to the City Council with a recommendation for **approval** based on findings stated herein.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date:	<u>December 09, 2013</u>	☐ Tabled	☒ Forwarded ☐ Denied
Motion: CHESSER Second: HOSKINS Vote: 8-0-0			
CITY COUNCIL ACTION:		Required	<u>YES</u>
	☐ Approved	☐ Denied	
Date: January 07, 2014			

INFRASTRUCTURE:

Streets: The site has access to State Highway 16 (Martin Luther King Boulevard. This Principal Arterial is a five lane road with curb/gutter and storm drainage. The site also has access to Eastern Avenue and Arbuckle Lane, all of which is unimproved excluding the western side of Arbuckle Lane, which has been improved with curb and gutter. Any required improvements to these roads would be determined at the time of re-development.

Water: Public water is available to the property. There is a 6" water main along Martin Luther King Boulevard on the north side of this property.

Sewer: Sanitary sewer is available to the site. There is a 6" sewer main and manhole located due west of the site in Eastern Avenue as well as a manhole and 6" main due east approximately 100' in an easement.

Drainage: Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain or the Streamside Protection Zones.

Fire: The Fire Department did not express any concerns with this request.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as Urban Center Area.*

Urban Center Areas contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although **Urban Center Areas** recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Additionally, infill of existing development centers should be strongly encouraged, since there is greater return for properties already served by public infrastructure.

FINDINGS OF THE STAFF

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

Finding: This property is currently in various commercial uses. The neighborhood, has, however, been developing recently with multi-family housing and a variety of commercial and office buildings. The proposal to rezone the property to CS, Community Services will allow the property to be used for commercial or residential opportunities that are consistent with surrounding land uses. The City Plan 2030 Future Land Use Map designates this area as Urban Center Area.

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

Finding: The proposed rezoning is justified due to the fact that the area's current industrial zoning designation is becoming incompatible with surrounding properties as redevelopment occurs. The proposed zoning will allow the owner to utilize the property for residential and light commercial uses, which are compatible with the changing neighborhood.

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

Finding: The site access has access to Martin Luther King Boulevard, a fully improved five lane street. The proposed zoning would allow uses likely to increase traffic, but it is unlikely that traffic danger or congestion would be appreciably increased. Street improvements will be assessed at the time of development.

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

Finding: **Rezoning the property from industrial to mixed use will allow for the development of residential and commercial uses, however development should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.**

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: N/A

Unified Development Code Chapter 161: Zoning Regulations

161.27 District I-1, Heavy Commercial and Light Industrial

(A) *Purpose.* The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The Light Industrial District is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 13	Eating places
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 25	Offices, studios and related services
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 42	Clean technologies

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	50 ft.
Front, when adjoining C, I, or P districts	25 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I, or P districts	10 ft.
Rear	25 ft.

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(F) *Height regulations.* There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(VIII); Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.039; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5472; 12-20-11)

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density. None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum. None*

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 ft.
-------------------------	--------

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

.(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

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

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

JUSTIN L. JORGENSEN, P.E.

BLAKE E. JORGENSEN, P.E.

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Rezoning

This letter is in regards to a proposed rezoning and the following required information:

- A. The current owner of this site is as follows:
 - a. 765-11237-000, 765-14551-010, 765-14842-001, 765-14836-000,
765-11238-000: Eaton Properties, LLC
- B. Currently this property is zoned I-1. The reason for the requested *Community Service* zoning is to allow this property to be more marketable to allow for more varieties of potential uses.
- C. The property due west is zoned Community Services and has Student Housing. The property to the north and south is zoned I-1 and a portion of the eastern side has a PRZD zoning. With the addition of the Domain Student Housing development to the west an evaluation of compatibility of Community Services was undertaken and found to be an appropriate zoning, with this finding, we feel that this property would be compatible as well with the requested zoning.
- D. Existing water and sewer are already at this site (8" Water and Sewer run along MLK).
- E. We feel the requested zonings are in line with the goals of the City Plan 2030 for rezoning and development in the future as to be consistent with the recent rezoning of the Domain property to the west from Industrial to Community Services.
- F. The trend of re-utilizing land in this area is an effort to maximize and diversify use and has found to be successful.
- G. With the development of the Domain Student Housing project to the west, improvements to the intersection of Beechwood and Martin Luther King Junior Blvd have decreased traffic danger and congestion.
- H. The potential to increase the population density in this area as a result of this rezoning would aid in supplying a demand to existing commercial uses along Martin Luther King Junior Blvd and would not undesirably increase load on public services.
- I. Industrial zoning limits the use of this land as compared to the mixed available uses found under the Community Services Zoning.

Sincerely;

Blake E. Jorgensen, P.E.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

Zoning Review

To: Quin Thompson
From: Harley Hunt
Date: November 13, 2013
Re: RZN 13-4547

This development will be protected by Engine 6 located at 900 S. Hollywood Drive.
It is 1 mile from the station with an anticipated response time of 3 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

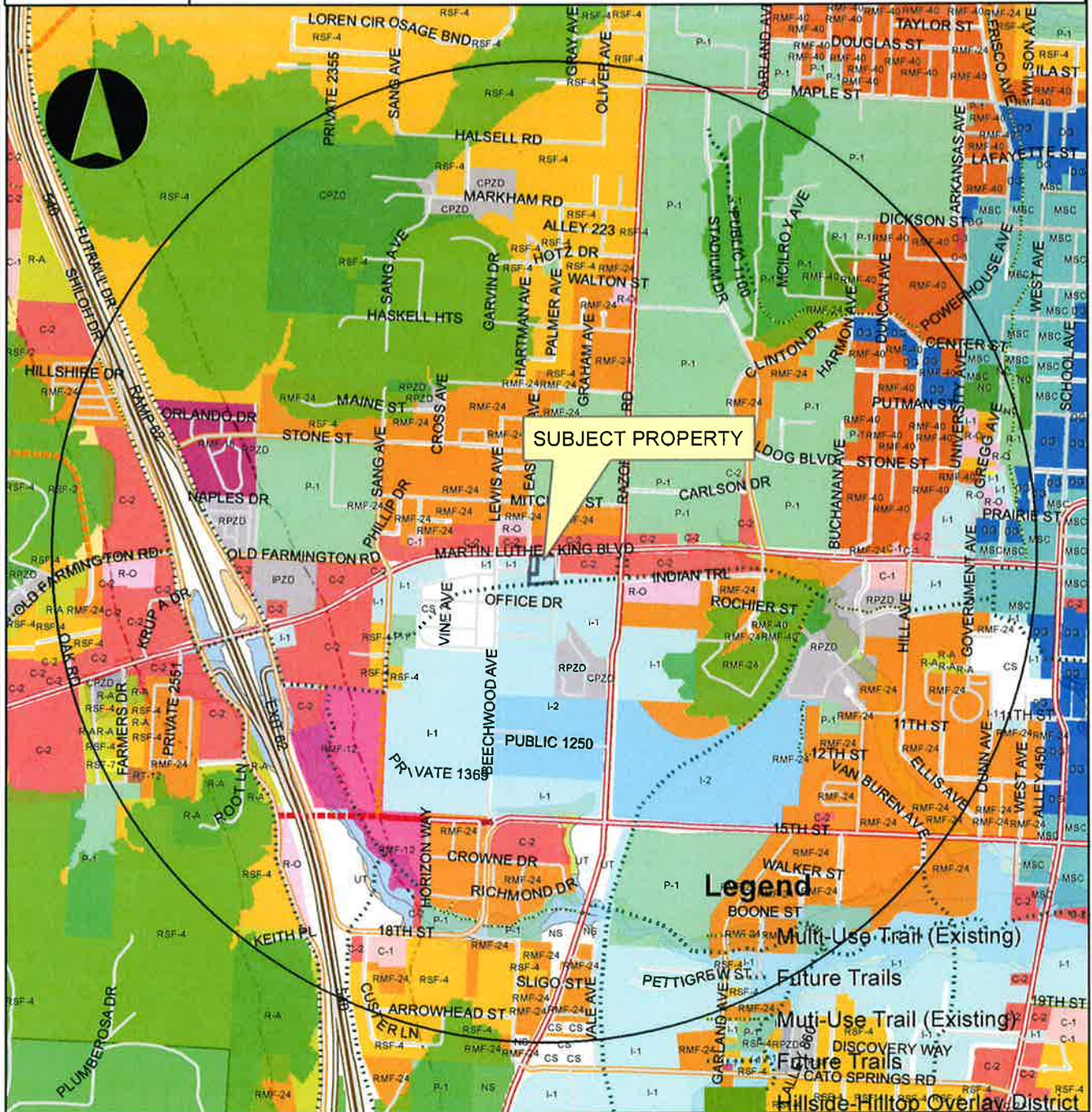
If you have any questions please feel free to contact me.

Battalion Chief H. Hunt
Fire Marshal
Fayetteville Fire Department

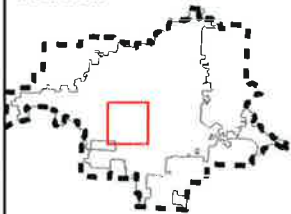
RZN13-4547

EATON

One Mile View



Overview



Legend

Subject Property

RZN13-4547

Boundary

0 0.25 0.5



RZN13-4547



Design Overlay District



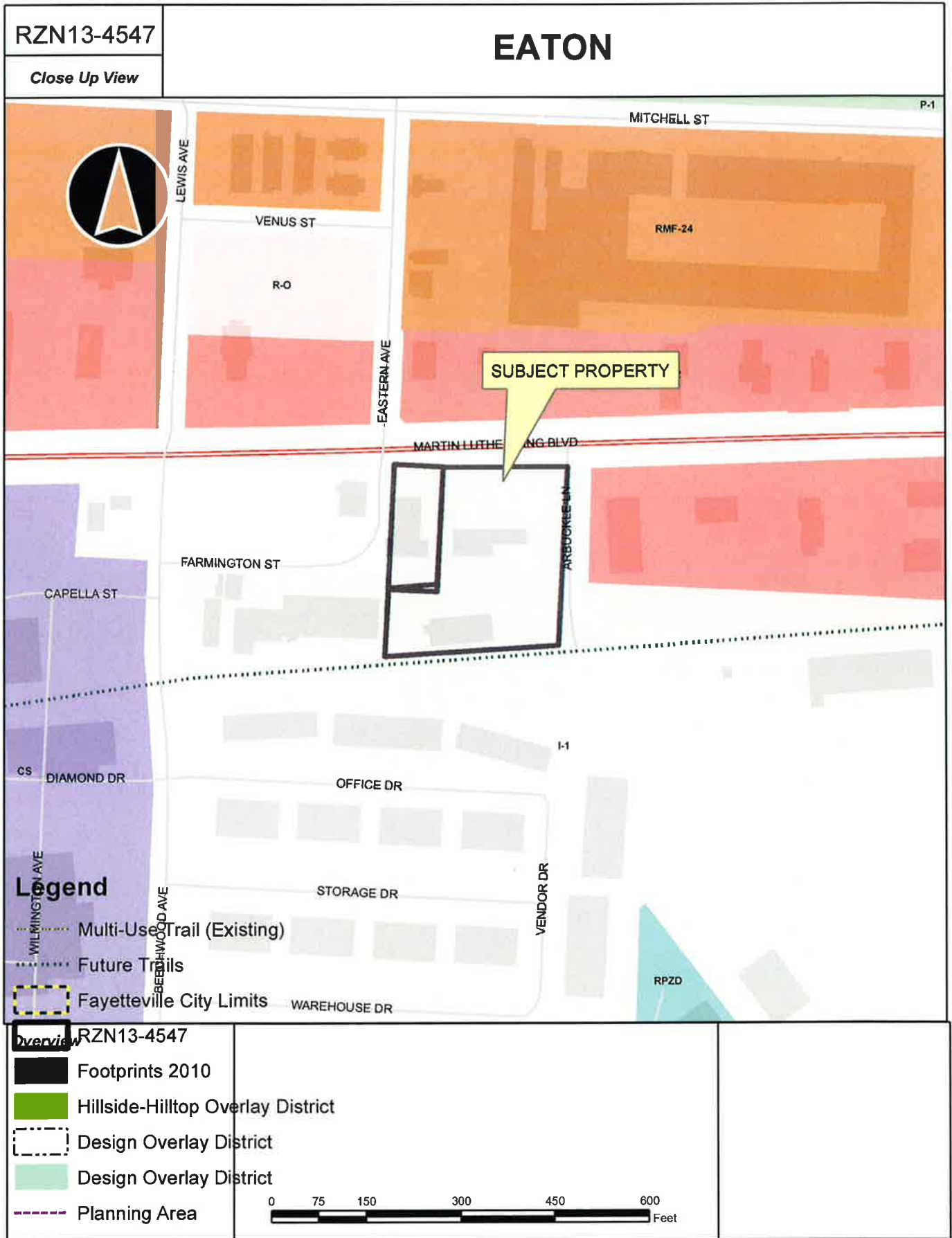
Planning Area

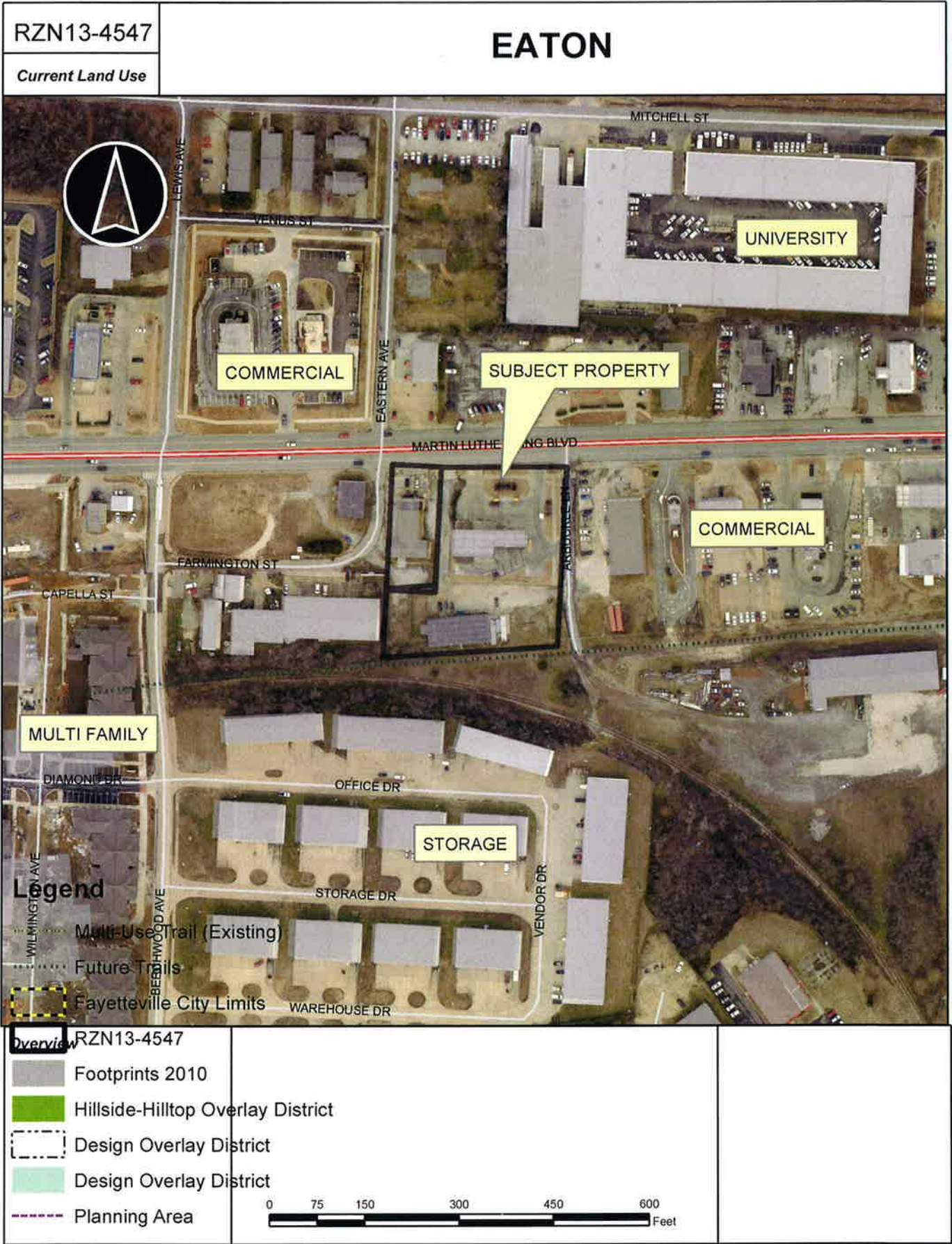


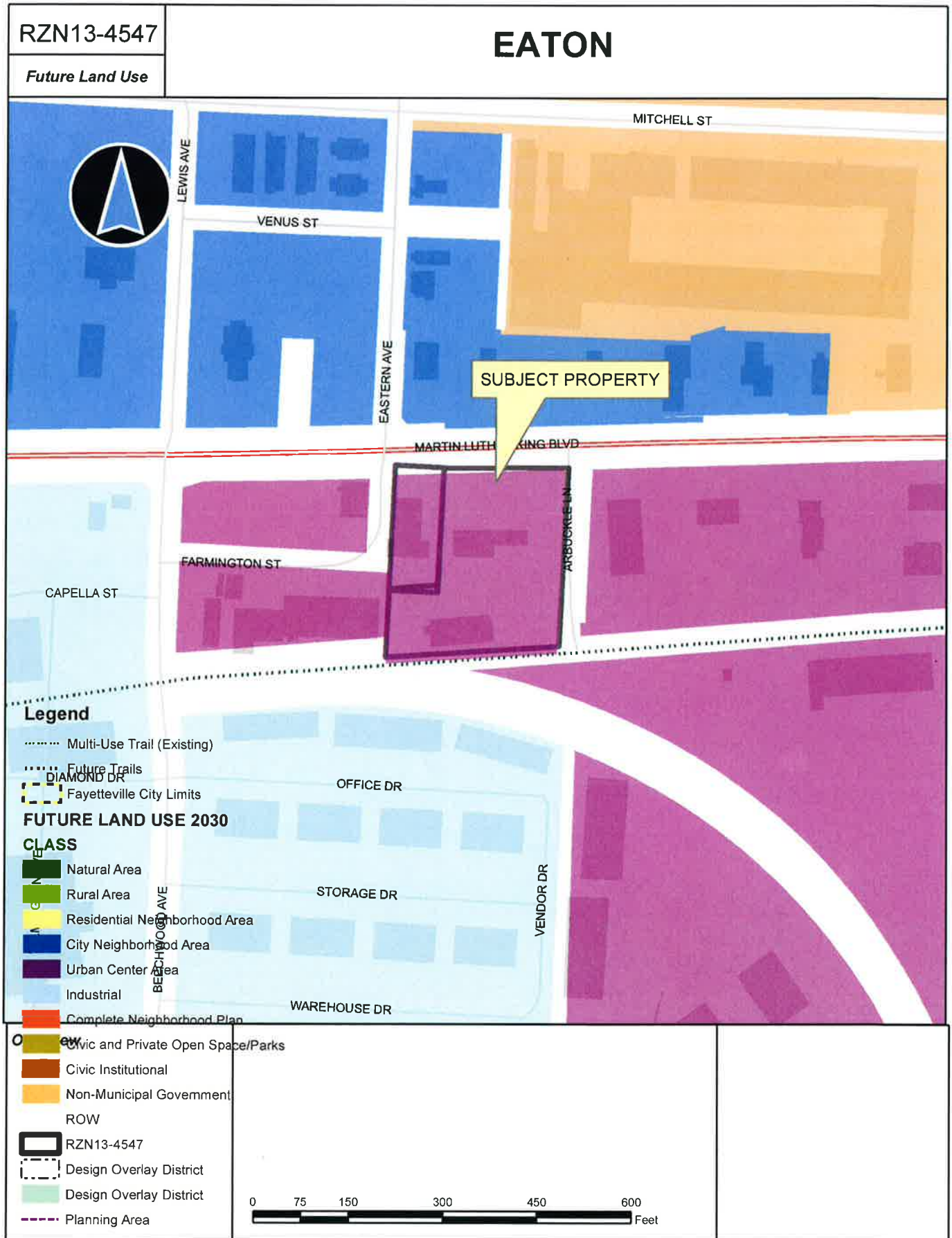
Fayetteville



1 Miles







City of Fayetteville Item Review Form

2013-0236

Legistar File Number

01/07/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Andrew Garner

Submitted By

Development Services

Department

Action Required:

RZN 13-4548: Rezone (MCMILLAN ESTATES, 441): Submitted by JORGENSEN AND ASSOCIATES for property located at the SOUTHEAST CORNER OF I-540 AND WEDINGTON DRIVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 19.61 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

-bus CPK

Don Man 12/19/13
Travis Jorgensen 12/20/13

dmw
Kaplan 12-18-13
Paula Behn 12-19-2013


CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Andrew Garner, City Planning Director

Date: December 16, 2013

Subject: RZN 13-4548 (MCMILLAN ESTATES)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to rezone the property to UT, Urban Thoroughfare.

BACKGROUND

The subject property is located at the southeast corner of I-540 and Wedington Drive. The property contains 19.61 acres and is zoned C-2 Thoroughfare Commercial. In 2002 this property was developed and subdivided into nine commercial lots with all public infrastructure in stalled including two internal streets (McMillan Drive and Pam Angus Drive), utilities, and street lights. The request is to rezone the 19.61 acres from C-2, Thoroughfare Commercial to UT, Urban Thoroughfare. Staff has received some phone calls from interested property owners in the area, with no objections to the proposal.

City Plan 2030 Future Land Use Plan designates this site as **Urban Center Area**. These areas contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking.

DISCUSSION

On December 9, 2013 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4548, FOR APPROXIMATELY 19.61 ACRES, LOCATED AT THE SOUTHEAST CORNER OF I-540 AND WEDINGTON DRIVE FROM C-2, THOROUGHFARE COMMERCIAL, TO UT, URBAN THOROUGHFARE

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from C-2, Thoroughfare Commercial to UT, Urban Thoroughfare, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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

PASSED and APPROVED this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "B"
RZN 13-4548

REZONING LEGAL DESCRIPTION:

LOTS 1-7 AND LOT 9 OF MCMILLAN ESTATES IN FAYETTEVILLE, ARKANSAS, AS
PER PLAT RECORDED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO
RECORDER OF WASHINGTON COUNTY, ARKANSAS.



PC Meeting of December 9, 2013

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, City Planning Director
DATE: December 4, 2013 *Updated December 10, 2013*

RZN 13-4548: Rezone (MCMILLAN ESTATES, 441): Submitted by JORGENSEN & ASSOCIATES for property located at the SOUTHEAST CORNER OF I-540 AND WEDINGTON DRIVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 19.61 acres. The request is to rezone the property to UT, Urban Thoroughfare.
Planner: Andrew Garner

BACKGROUND:

Property and Background: The subject property is located at the southeast corner of I-540 and Wedington Drive. The property contains 19.61 acres and is zoned C-2 Thoroughfare Commercial. In 2002 this property was developed and subdivided into nine commercial lots with all public infrastructure in stalled including two internal streets (McMillan Drive and Pam Angus Drive), utilities, and street lights. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Commercial; Multi-family residential; Single-family residential	C-2 Thoroughfare Commercial; RMF-24, Residential Multi-family; RSF-4, Residential Single-family
South	Rural residential	RSF-4, Residential Single-family
East	Rural residential	R-O, Residential-Office; RSF-4, Residential Single-family
West	I-540 transportation corridor	RMF-24, Residential Multi-family; C-2, Thoroughfare Commercial

Request: The request is to rezone the 19.61 acres from C-2, Thoroughfare Commercial to UT, Urban Thoroughfare.

Public Comment: Staff has received some phone calls from interested property owners in the area, with no objections to the proposal.

RECOMMENDATION:

Staff recommends forwarding RZN 13-4548 to the City Council with a recommendation for **approval** based on findings stated herein.

PLANNING COMMISSION ACTION: Required YES

Date: December 9, 2013 ☐ Tabled ☒ Forwarded ☐ Denied

Motion: Chesser

Second: Pennington

Vote: 8-0-0

Note: Forward with recommendation for approval

CITY COUNCIL ACTION: Required YES

☐ Approved ☐ Denied

Date:

INFRASTRUCTURE:

Streets: The site has access to Wedington Drive, a Principal Arterial, as well as the interstate 'access' road Futrall Drive, a Collector. Wedington Drive is a five lane road with curb/gutter and storm drainage. Any required improvements to these roads would be determined at the time of development.

Water: Public water is available to the property. There is an 8" water main along McMillan Dr. which was installed as a part of the original subdivision improvements.

Sewer: Sanitary sewer is available to the site. There is an 8" sewer main along McMillan Drive which was installed as a part of the original subdivision improvements.

Drainage: Standard improvements and requirements for drainage will be required for any re-development. This property is affected by the 100-year floodplain and the Streamside Protection Zones. A lot within this subdivision (along the North) contains an altered channel to convey a stream through the site.

Fire: This development will be protected by Engine Two located at 708 N. Garland. It is one mile from the station with an anticipated response time of 2 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect calls for service or response times.

Police: The Police Department made no comment.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan* designates this site as *Urban Center Area*.

Urban Center Areas contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although **Urban Center Areas** recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Additionally, infill of existing development centers should be strongly encouraged, since there is greater return for properties already served by public

FINDINGS OF THE STAFF

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

Finding: The proposed Urban Thoroughfare zoning district is very consistent with land use planning objectives, principles and policies. This district will allow a variety of land uses, densities and intensities to be developed on the property, consistent with the Urban Center Area designation. This includes potential commercial or multi-family uses fronting Wedington Drive, and medium to high density residential uses interior to the site.

Further, the Urban Thoroughfare zoning district will allow as-of-right development consistent with the growth and development guidelines of City Plan 2030, including a traditional development pattern that allows multiple land uses that can serve existing surrounding residences and future residential properties.

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

Finding: Rezoning the property to the Urban Thoroughfare zoning district is justified, because it will allow the property to be developed with a variety of land uses, densities and intensities. This is consistent with the future land use designation, and appropriate for a property that is bounded by the I-540 Interstate on one side, a high-volume arterial roadway on another side, and a mixture of commercial, multi-family, and largely underdeveloped rural residential land uses.

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

Finding: The site access is bisected by McMillan Drive and Pam Angus Drive which connect to Wedington Drive, a Principal Arterial. The proposed zoning will not allow uses likely to significantly increase traffic over the existing C-2,

Thoroughfare Commercial zoning. Wedington Drive is a four-lane arterial. Street improvements will be evaluated at the time of development.

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

Finding: Rezoning the property to Urban Thoroughfare will permit a potential increase in population density as it allows for a variety of residential uses, in addition to commercial uses. However, these impacts were evaluated by various City divisions in review of this rezoning and determined that it should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal. Review and improvements to public services will be reviewed at the time of development.

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: N/A

Fayetteville Unified Development Code

161.20 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	75 ft.*
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*Any building which exceeds the height of 20 feet shall be set back from a boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) Permitted uses

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional

uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum. None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building height regulations.*

Building Height Maximum	56/84 ft.*
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*A building or a portion of a building that is located between 10 and 15 ft. from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 84 feet.

Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

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

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

Zoning Review

To: Andrew Garner
From: Harley Hunt
Date: November 13, 2013
Re: RZN 13-4548

This development will be protected by Engine 2 located at 708 N. Garland.
It is 1 mile from the station with an anticipated response time of 2 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

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

Battalion Chief H. Hunt
Fire Marshal
Fayetteville Fire Department



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

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

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

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Rezoning

This letter is in regards to a proposed rezoning and the following required information:

- A. The current owner of this site is as follows:
765-22526-000, 765-22527-000, 765-22528-000, 765-22529-000, 765-22530-000, 765-22531-000, 765-22532-000, 765-22534-000 (owned by Thomas F. James Realty Limited Partnership, LLLP).
- B. Currently this property is zoned C-2. The reason for the requested *Urban Thoroughfare* zoning is to allow this property to be more marketable to allow for more varieties of potential uses.
- C. The property due west of I-540 is zoned RMF-24 and C-2, to the north there is C-2, RMF-24, RSF-4, to the east there is R-O, and the remainder is RSF-4. Urban Thoroughfare will create a softer transition to the adjacent RSF-4 land to the south and east. This zoning is a great fit to the multiple uses that are around it and will provide for a concentration of commercial and mixed uses that will enhance function and appearance along the major thoroughfares.
- D. Existing water and sewer are already at this site and will adequately serve the proposed zoning.
- E. We feel the requested zoning is in line with the goals of the City Plan 2030 as the future land use map calls for this area to be Urban Center Area, which Urban Thoroughfare would appropriately be categorized.
- F. This property has sat vacant for sometime now, and aligning the proposed zoning with the 2030 Future Land Use Map now makes sense and we anticipate this to spur development in this area.
- G. This property is directly adjacent to the highest capacity streets in town and these existing streets will adequately serve any future development.
- H. The potential to increase the population density in this area as a result of this rezoning would not undesirably increase load on public services.
- I. C-2 zoning limits the types of mixed uses of this land as compared to the available uses found under the Urban Thoroughfare zoning.

Sincerely;

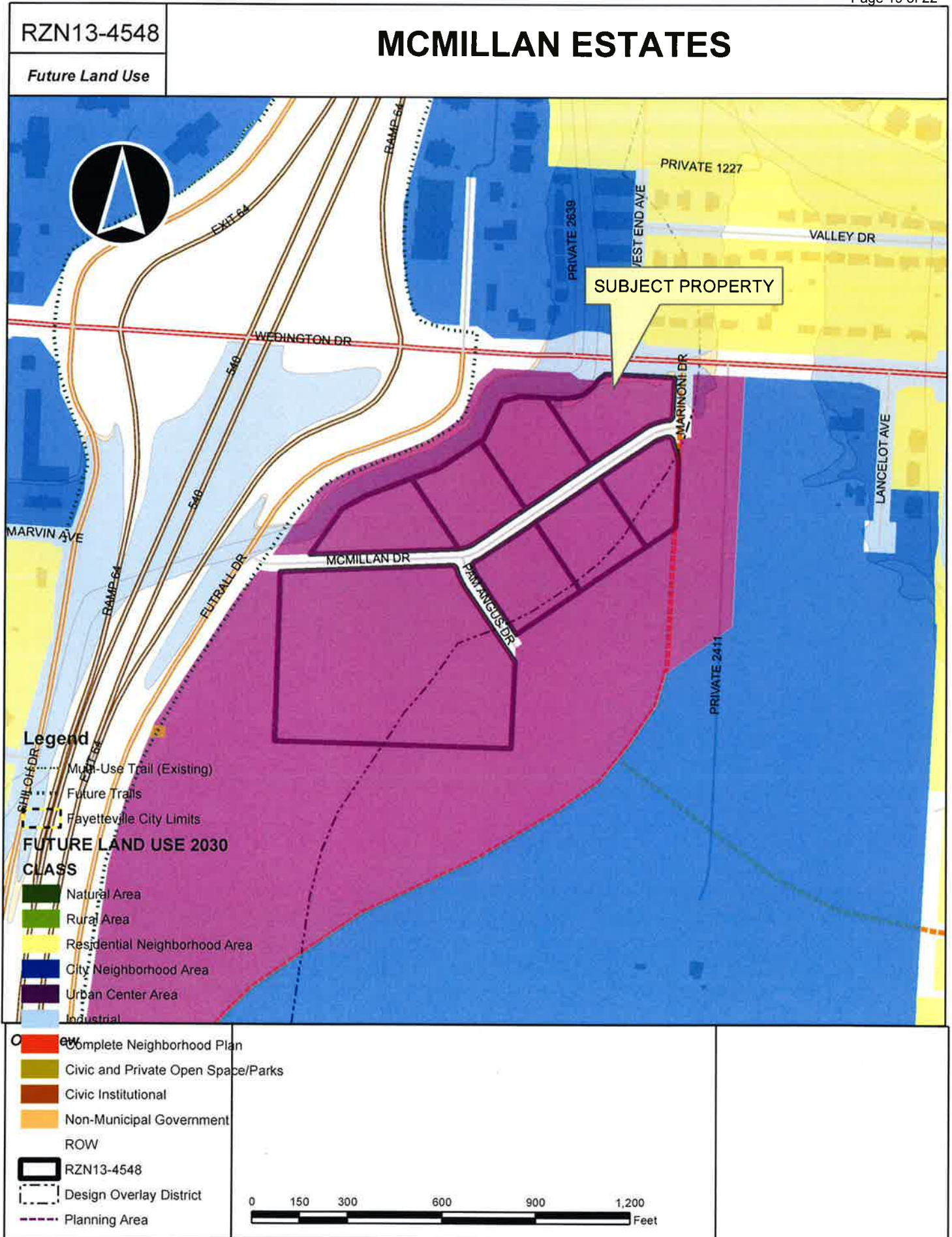
Blake E. Jorgensen, P.E.

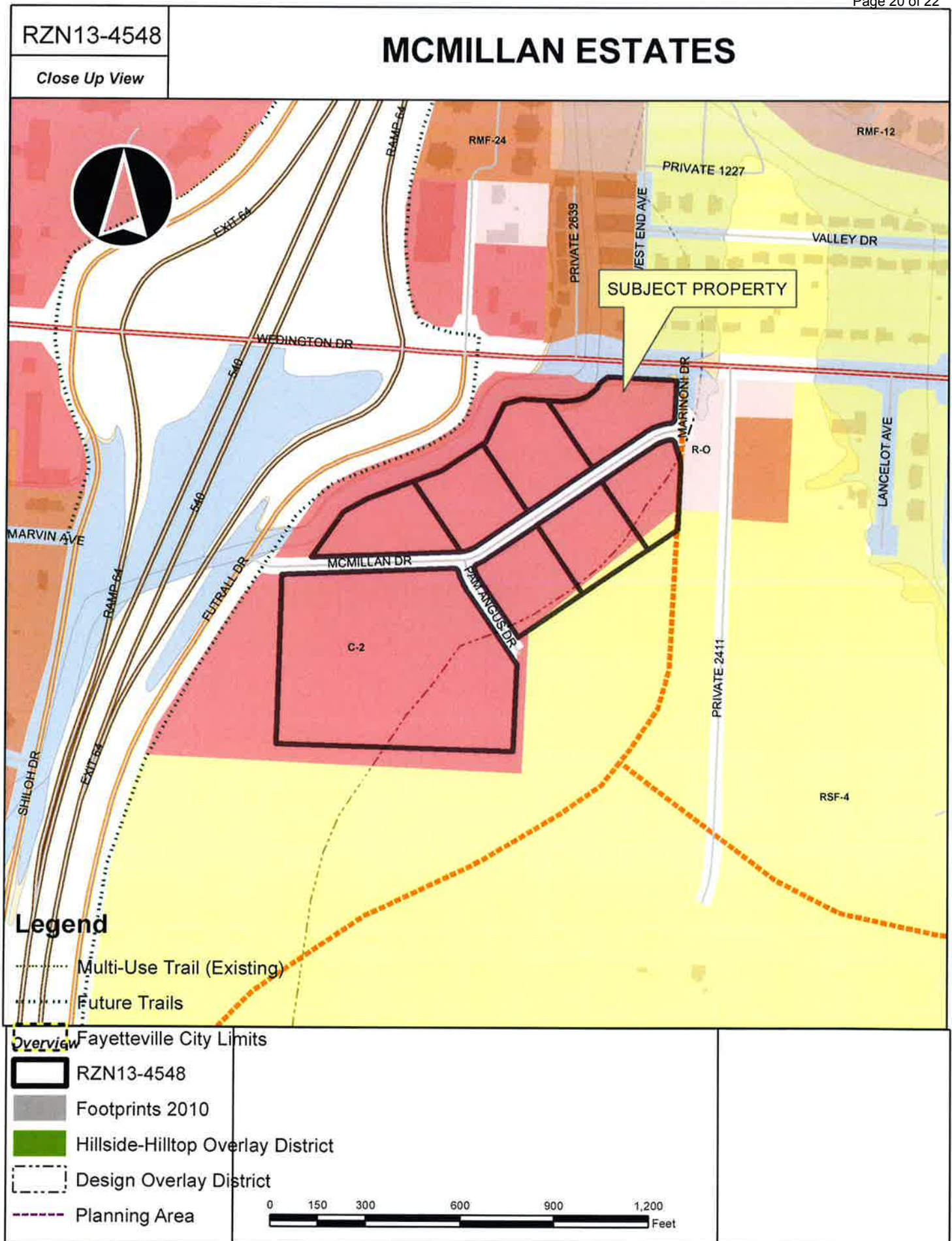
RZN13-4548

MCMILLAN ESTATES

Current Land Use



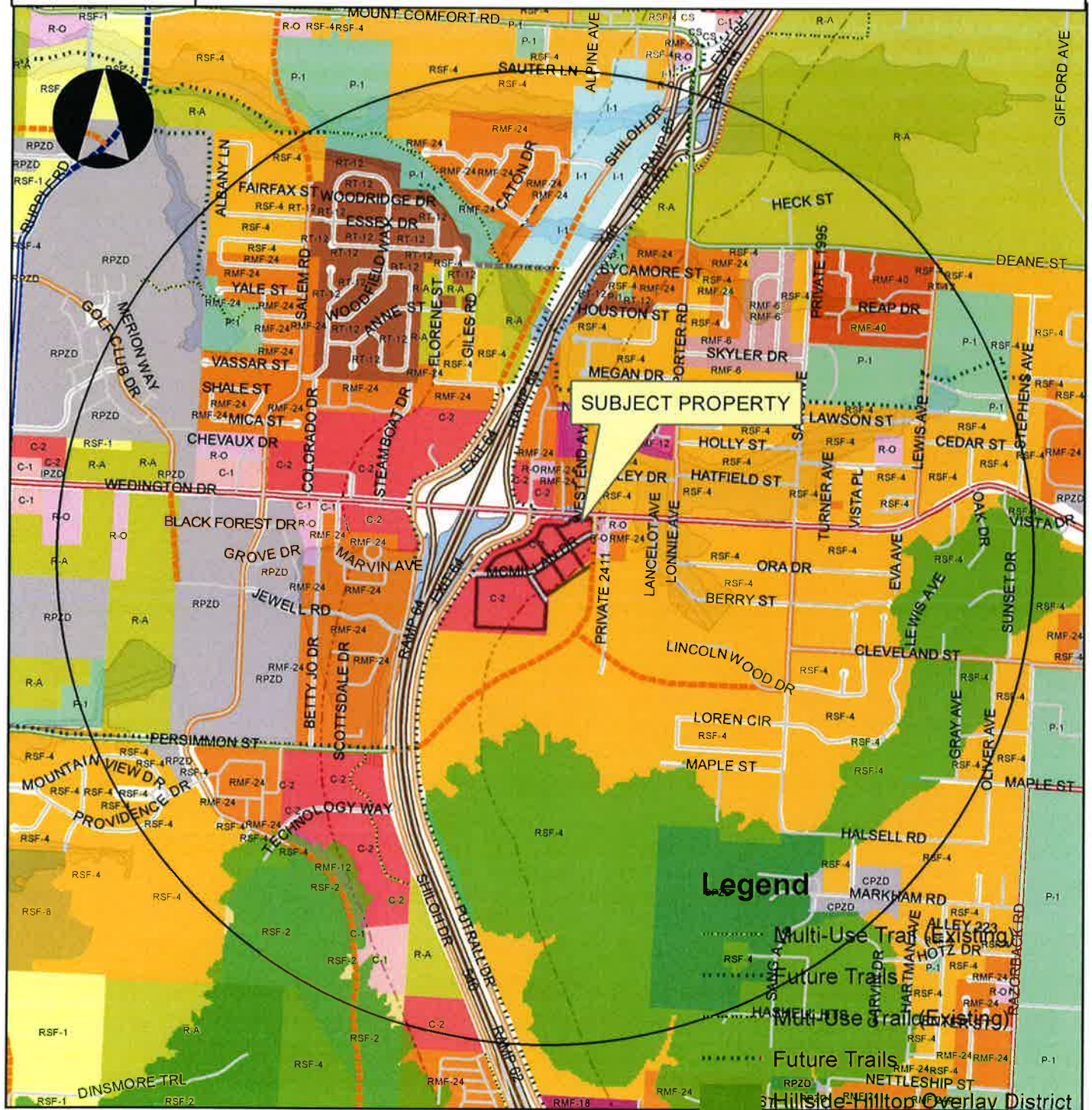




RZN13-4548

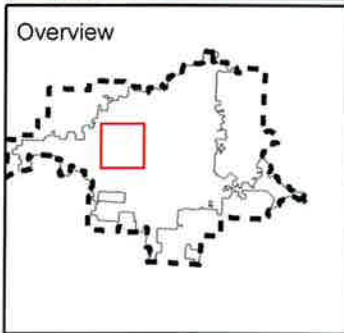
One Mile View

MCMILLAN ESTATES



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails



Legend Subject Property RZN13-4548	Boundary	RZN13-4548 Design Overlay District Planning Area Fayetteville
0 0.25 0.5 1 Miles		

City of Fayetteville Item Review Form

2013-0246

Legistar File Number

01/07/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Fulcher

Submitted By

Development Services

Department

Action Required:

RZN 13-4552: Rezone (PARK WEST, 209): Submitted by ENGINEERING SERVICES for property located at HWY 112, NORTH OF TRUCKERS DRIVE. The property is zoned R-PZD PARK WEST and contains approximately 25.90 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



12-18-13
dm
Kuffner 12-18-13
Paul a. Butler 12-19-2013
Jim Man 12-19-13
Frank Darden 12/20/13



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Jesse Fulcher, Senior Planner

Date: December 16, 2013

Subject: RZN 13-4553 (WEDINGTON CIRCLE)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to rezone the property to CS, Community Services.

BACKGROUND

The subject property is located on Hwy 112, one lot north of Sam's Club. On January 17, 2006 the City Council approved the Park West Residential Planned Zoning District on 140 acres, including the subject property (R-PZD 05-1796). The property was originally zoned R-A, Residential Agricultural. The R-PZD zoning permitted a total of 1,700 dwelling units and 856,000 square feet of commercial space. Construction permits for the project were never obtained and the R-PZD approval has expired. The subject 25.90 acres is located at the north end of the Park West property.

CITY PLAN 2030 FUTURE LAND USE MAP: City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**. These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

COMPATIBILITY: Rezoning the property to Community Services will allow for a similar development pattern and density as permitted by the original Planned Zoning District. This includes intense uses along Highway 112, and likely less dense residential uses on the west side of the property.

In addition, the Community Services zoning district will allow as-of-right development consistent with the growth and development guidelines of City Plan 2030, including a traditional development pattern that allows multiple land uses that can serve existing surrounding residences and future residential properties.

DISCUSSION

On December 9, 2013 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4552, FOR APPROXIMATELY 25.90 ACRES, LOCATED AT HWY 112, NORTH OF TRUCKERS DRIVE FROM R-PZD PARK WEST, TO CS, COMMUNITY SERVICES

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-PZD Park West to CS, Community Services, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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

PASSED and **APPROVED** this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

C. 7
RZN 13-4552 (Park West)
Page 4 of 30

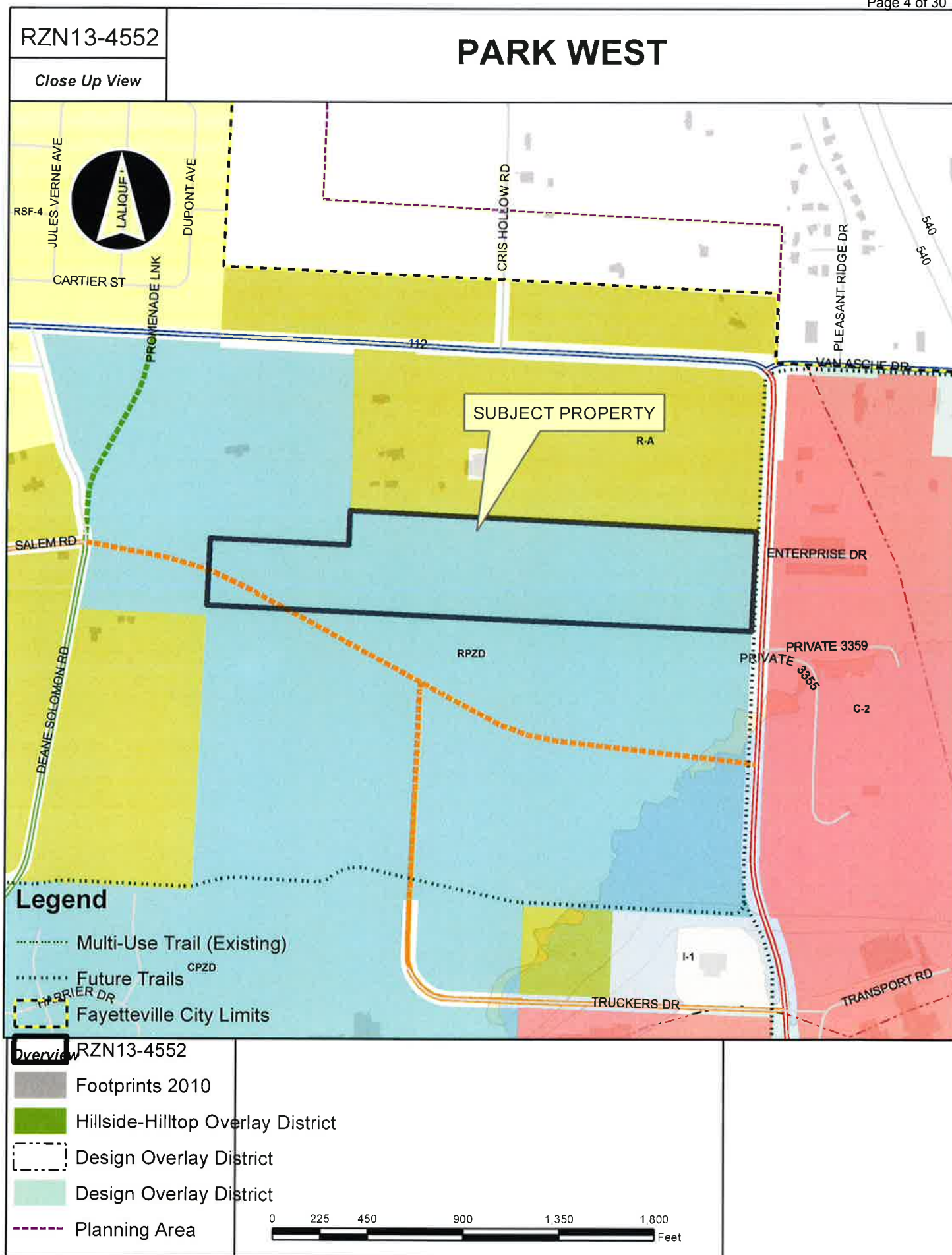


EXHIBIT "B"
RZN 13-4552

PROPOSED PROPERTY REZONE SURVEY DESCRIPTION:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER ALL IN SECTION TWENTY-EIGHT (28), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SAID SECTION 28 BEING A FOUND MAGNAIL IN ASPHALT ROADWAY; THENCE S87°34'31"E A DISTANCE OF 631.02 FEET TO A POINT; THENCE S00°23'08"W A DISTANCE OF 628.16 FEET TO A FOUND STEEL FENCE POST; THENCE S02°10'40"W A DISTANCE OF 178.19 FEET TO A FOUND $\frac{1}{2}$ INCH IRON PIN AND THE POINT OF BEGINNING; THENCE S87°11'04"E A DISTANCE OF 1926.85 FEET TO A FOUND $\frac{1}{2}$ INCH IRON PIN AND THE WESTERN RIGHT OF WAY FOR U.S. HIGHWAY 112 BEING FIFTY-FIVE (55) FEET WEST OF CENTERLINE; THENCE ALONG SAID WESTERN RIGHT OF WAY, S02°43'18"W A DISTANCE OF 474.95 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE LEAVING SAID WESTERN RIGHT OF WAY, N87°19'58"W A DISTANCE OF 2582.01 FEET TO A SET IRON PIN WITH CAP "PLS 1439" AND THE WEST BOUNDARY OF THE EAST HALF (E $\frac{1}{2}$) OF THE SW $\frac{1}{4}$, N02°34'52"E A DISTANCE OF 318.11 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE LEAVING SAID WEST BOUNDARY, S87°13'55"E A DISTANCE OF 656.51 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE N02°31'13"E A DISTANCE OF 162.98 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 25.90 ACRES (1,128,075 SQUARE FEET), MORE OR LESS.



PC Meeting of December 9, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Senior Planner
THRU: Andrew Garner, City Planning Director
DATE: ~~December 9, 2013~~ Updated December 10, 2013

RZN 13-4552: Rezone (PARK WEST, 209): Submitted by ENGINEERING SERVICES for property located at HWY 112, NORTH OF TRUCKERS DRIVE. The property is zoned R-PZD PARK WEST and contains approximately 25.90 acres. The request is to rezone the property to CS, COMMUNITY SERVICES. Planner: Jesse Fulcher

BACKGROUND:

Property and Background: The subject property is located on Hwy 112, one lot north of Sam's Club. On January 17, 2006 the City Council approved the Park West Residential Planned Zoning District on 140 acres, including the subject property (R-PZD 05-1796). The property was originally zoned R-A, Residential Agricultural. The R-PZD zoning permitted a total of 1,700 dwelling units and 856,000 square feet of commercial space. Construction permits for the project were never obtained and the R-PZD approval has expired. The subject 25.90 acres is located at the north end of the Park West property. Surrounding land use and zoning is depicted on *Table 1*.

- Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Manufacturing/Residential	I-1, Heavy Commercial and Light Industrial/R-A, Residential Agricultural
South	Undeveloped	R-PZD Park West
East	Commercial	C-2, Thoroughfare Commercial
West	Undeveloped/Single-family	R-PZD Park West

PZD Revocation: If an approved PZD expires the property does not automatically revert back to the original zoning. The property is unable to be developed or subdivided until the old PZD zoning is removed and a new, valid zoning district is assigned.

Request: The request is to rezone the 25.90 acres from Park West R-PZD to CS, Community Services.

Public Comment: Staff has received questions from two adjoining land owners, but no comments against or in support of the request. Staff also received a phone call from the Ozark Regional Land Trust expressing concerns with the impact that any development on the Park West property could have on sensitive environmental lands they manage adjacent to the overall Park West property.

RECOMMENDATION:

Staff recommends forwarding RZN 13-4552 to the City Council with a recommendation for **approval** based on findings stated herein.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>December 9, 2013</u>				☐ Tabled	☒ Forwarded
				☐ Denied	
Motion: Chesser					
Second: Autry					
Vote: 8-0-0					
CITY COUNCIL ACTION:				Required	<u>YES</u>
				☐ Approved	☐ Denied
Date:					

INFRASTRUCTURE:

- Streets:** The site has access to State Highway 112. Highway 112 is a two-lane, unimproved road with no curb and gutter and open ditches. Street improvements would be determined at the time of development.
- Water:** Public water is available to the property. There is a 6" water main along the east side of Highway 112.
- Sewer:** Sanitary sewer is available to the site. There is a 10" sewer main that runs through the western extent of the parcel and an 8" along the east side of Highway 112.
- Drainage:** Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain, however, there is a creek that runs north-south at the west end of the property that falls within the Streamside Protection Zone.
- Fire:** This development will be protected by Engine 2 located at 708 N. Garland. It is 4 miles from the station with an anticipated response time of 5 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect calls for service or response times.

Police: The Police Department made no comment.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**.*

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

FINDINGS OF THE STAFF

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

Finding: The proposed Community Services zoning district is very consistent with land use planning objectives, principles and policies. This district will allow a variety of land uses, densities and intensities to be developed on the property, consistent with the City Neighborhood designation. This includes intense uses along Highway 112, and likely less dense residential uses on the west side of the property. This designation is also consistent with the Park West development plan originally approved for the property.

Further, the Community Services zoning district will allow as-of-right development consistent with the growth and development guidelines of City Plan 2030, including a traditional development pattern that aggregates multiple land uses that can serve existing surrounding residences and future residential properties.

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

Finding: The proposed rezoning is justified due to the fact that the current R-PZD zoning for Park West has expired, removing all development rights from the property. Rezoning the property to the Community Services zoning district is justified, because it will allow the property to be developed with a variety of land uses, densities and intensities. This is consistent with the future land use designation, and appropriate for a property that is bounded on one end by a high-volume arterial roadway and on the other by residential land uses.

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

Finding: The site access has access to Highway 112, and is located between I-540 and Van Asche Drive. The proposed zoning will allow uses likely to increase traffic, but it is unlikely that traffic danger or congestion would be appreciably increased over the previously approved Park West PZD, which permitted over 1,700 dwelling units and 850,000 square feet of nonresidential space. As the overall property develops, new connections to Truckers Drive to the south and Deane Solomon Road to the west will be made. Street improvements will be evaluated at the time of development.

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

Finding: Rezoning the property to Community Services will allow for a similar development pattern and density as permitted by the original Planned Zoning District and should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.

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.

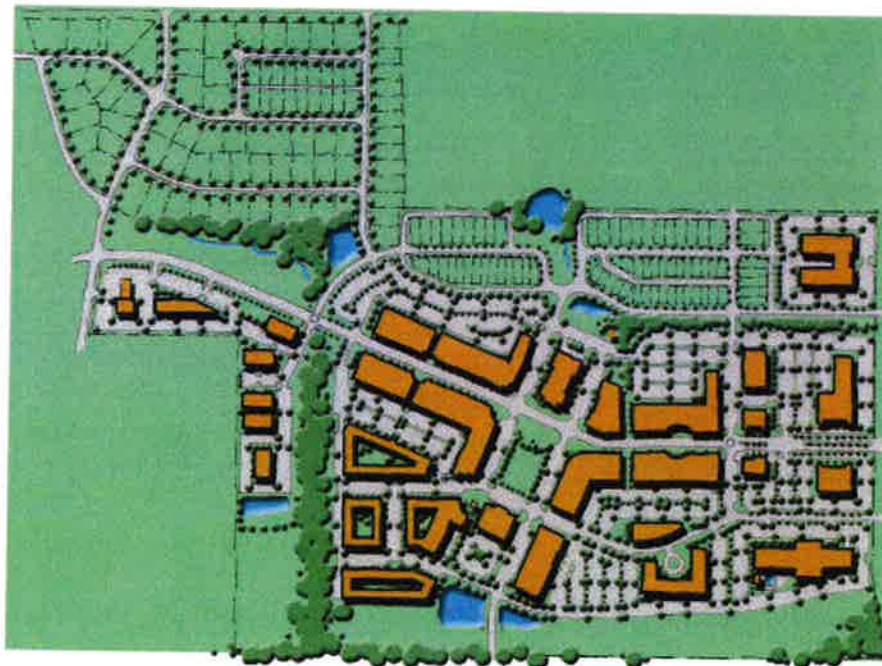
Finding: N/A

Proposed Planning Areas - Zoning and Development Standards

The Park West Development offers several types of residential living, office, retail, and preserved/botanical areas, as depicted on sheet 2, the "Conceptual Site Plan". The community will offer Town Homes, Courtyard and Plaza Condos, Multi-family, Single Family Residential (attached and detached), Commercial Mixed Use including Residential Office, Retail, Neighborhood Commercial, and Thoroughfare Commercial. The following is a summary of the proposed planned areas that will be utilized during the design of the PZD.



MAP – Planning Areas



MAP – Conceptual Plan

Residential Areas

Overview

For most people, their home is their largest investment. Park West has established guidelines to protect that investment. The Guidelines insure that the thought and quality put into each home will not be compromised by insensitive development. These Design Guidelines, and the Covenants and Restrictions that accompany the property deed, will be the documents that outline regulations to all improvements at Park West. The architectural review process is set up to interpret, administer and enforce the guidelines. Since Park West has been designed with compact building lots in order to set aside more green space and make the community more walk-able, in addition to these unique guidelines, careful design is

necessary for a successful project. While "mail-order" or "stock" plans used elsewhere are permitted, it is expected that most homes will require custom designs. The use of "stock" plans will most likely require adjustments to meet the Park West guidelines. Each design will be limited to a single use within Park West, however, a successful plan may be used on more than one lot if the exterior has been modified sufficiently, and repeated uses are on lots distant from the others. Park West has consciously rejected the idea of a pre-designed portfolio of

Planning Area 1 (PA-1) – Single Family Residential

AREA: 26.05 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 24	Home occupations

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
--------	--

(C) *Density.*

	Single-family, Two- and Three-family dwellings
Units per acre	4 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single family	30 ft.
Two-family	30 ft. (per unit)
Three-family	30 ft. (per unit)

(2) *Lot area minimum.*

Townhouse:	
Individual lot	2,500 sq. ft.
Single-family	4,000 sq. ft.
Two-family	2,400 sq. ft. (per unit)
Three-family	2,400 sq. ft. (per unit)

(3) *Land area per dwelling unit.*

Townhouses & apartments	
No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.

(E) *Setback requirements.*

	Front	Side	Rear
Single-family	14' *	6'	Minimum 10' **
Two- and Three-family	14' *	0'	Minimum 10' **

* A build-to line.

** The rear building setbacks may range from 10' to 20' depending on the location of utilities. All structures shall be setback 20' from the centerline of any alley or easement.

(F) *Height.* No structure shall exceed three stories, exclusive of the basement.

(G) *Building area.*

Detached dwelling Units: On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

Attached dwelling Units: On any lot the area occupied by all buildings shall not exceed 80% of the total area of such lot.

(H) *Maximum Dwelling Units:* 91

(I) *Architectural Design Standards:*

Reference the Project Booklet

**Planning Area 2 (PA-2) – Town
Homes/Single Family Attached**

AREA: 12.15 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 24	Home occupations
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
--------	--

(C) *Density.*

	Single-family, Two- and Three-family dwellings
Units per acre	6 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single family	30 ft.
Two-family	30 ft. (per unit)
Three and more	30 ft. (per unit)

(2) *Lot area minimum.*

Townhouse:	
Individual lot	2,700 sq. ft.
Single-family	2,700 sq. ft.
Two-family	2,700 sq. ft. (per unit)
Three or more	2,700 sq. ft. (per unit)

(3) *Land area per dwelling unit.*

Townhouses & apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.

(E) *Setback requirements.*

	Front	Side	Rear
Single-family	10' *	0'	Minimum 20'; 30' from centerline of alley or easement
Two- and Three-family	10' *	0'	Minimum 20'; 30' from centerline of alley or easement

* A build-to line, wherever possible.

(F) *Height.* Minimum two (2) stories.
Maximum 45 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 80% of the total area of such lot.

(H) *Maximum Dwelling Units:* 72

(I) *Architectural Design Standards:*
Reference the Project Booklet

**Planning Area 3 (PA-3) – Plaza
Condominium**

AREA: 4.01 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 25	Professional offices
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 14	Hotel, motel, amusement facilities
Unit 24	Home occupations

(C) *Density.*

Units per acre	40 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single family	30 ft.
Two-family	30 ft.
Three and more	30 ft.
Non-residential	0 ft

(2) *Lot area minimum.*

Townhouse:	
Individual lot	3,000 sq. ft.
Single-family	3,000 sq. ft.
Two-family	3,000 sq. ft.
Three or more	3,000 sq. ft.
Non-Residential	No Minimum

(3) *Land area per dwelling unit.*

Townhouses & apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
20	0'	20'

(F) *Height.* Minimum two (2) stories.
Maximum seven (7) stories.

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:* 160

(I) *Maximum Bedrooms:* 320

(J) *Maximum Intensity:* 26,000 sq. ft. non-residential use

(K) *Architectural Design Standards:*
Reference the Project Booklet

**Planning Area 4 (PA-4) – Courtyard
Multi-Family**

AREA: 7.83 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 25	Professional offices
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations

(C) *Density.*

Units per acre	40 or less
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(E) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single family	30 ft.
Two-family	30 ft.
Three and more	30 ft.

(2) *Lot area minimum.*

Townhouse:	
Individual lot	3,000 sq. ft.
Single-family	3,000 sq. ft.
Two-family	3,000 sq. ft.
Three or more	3,000 sq. ft.
Non-Residential	No Minimum

(3) *Land area per dwelling unit.*

Townhouses & apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
16' from a public street or alley	16'	16'
10' from a private drive or access easement		

(F) *Height.* Minimum two (2) stories.
Maximum four (4) stories.

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:* 313

(I) *Maximum Bedrooms:* 626

(J) *Maximum Intensity:* 25,000 sq. ft. non-residential use

(K) *Architectural Design Standards:*
Reference the Project Booklet

Planning Area 5 (PA-5) – Multi-Family Residential

AREA: 4.79 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 25	Professional offices
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations

(C) *Density.*

Units per acre	36 or less
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(F) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single family	30 ft.
Two-family	30 ft.
Three and more	30 ft.

(2) *Lot area minimum.*

Townhouse:	
Individual lot	3,000 sq. ft.
Single-family	3,000 sq. ft.
Two-family	3,000 sq. ft.
Three or more	3,000 sq. ft.

(3) *Land area per dwelling unit.*

Townhouses & apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
30' from a public street	10'	20'
10' from a private drive or access easement		

(F) *Height.* Minimum two (2) stories.
Maximum 4 stories otherwise.

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:* 172

(I) *Maximum Bedrooms:* 344

(J) *Maximum Intensity:* 10,000 sq. ft. non-residential use

(K) *Architectural Design Standards:*
Reference the Project Booklet

Planning Area 6, 7, 8, 9 (PA-6, PA-7, PA-8, PA-9) – Preserve/Botanical/Detention

AREA:

PA-6: 4.85 acres
PA-7: 1.17 acres
PA-8: 2.31 acres
PA-9: 10.47 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
--------	-------------------------

(2) *Conditional uses.*

Unit 4	Cultural and recreational facilities
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(C) *Density.* None (not applicable)

(G) *Bulk and area regulations.* None (not applicable)

(E) *Setback requirements.*

Front	Side	Rear
15'	10'	15'

(F) *Height.* No maximum height.

(G) *Building area.* No maximum building area.

(H) *Maximum Dwelling Units:* Not applicable

(I) *Maximum Bedrooms:* Not applicable

(J) *Architectural Design Standards:* Not applicable

Planning Area 10 (PA-10) – Civic Lawn

AREA: 1.29

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
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(2) *Conditional uses.*

Unit 4	Cultural and recreational facilities
--------	--------------------------------------

(C) *Density.* None (not applicable)

Bulk and area regulations. None (not applicable)

(E) *Setback requirements.*

Front	Side	Rear
15'	10'	15'

(F) *Height.* No maximum height.

(G) *Building area.* No maximum building area.

(H) *Maximum Dwelling Units:* Not applicable

(I) *Maximum Bedrooms:* Not applicable

(J) *Architectural Design Standards:* Not applicable

**Planning Area 11, 12 (PA-11, PA-12) –
Mixed Use Districts**

AREA:

PA-11: 31.82 acres
PA-12: 5.77 acres

(A) *Purpose.* See project booklet

(B) Uses.

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings
Unit 34	Liquor store

(2) Conditional uses.

Unit 2	City-wide uses by conditional use permit
Unit 5	Government facilities
Unit 18	Gasoline, service stations, and drive-in restaurants
Unit 21	Warehousing and wholesale
Unit 29	Dance halls
Unit 35	Outdoor music establishments

(C) Density.

Units per acre	24 or less
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(H) *Bulk and area regulations.*

(1) Lot width minimum.

Single family	30 ft.
Two-family	30 ft.
Three and more	30 ft.
Non-residential	0 ft.

(2) Lot area minimum.

Townhouse:	
Individual lot	3,000 sq. ft.
Single-family	3,000 sq. ft.
Two-family	3,000 sq. ft.
Three or more	3,000 sq. ft.
Non-residential	0 sq. ft.

(3) Land area per dwelling unit.

Townhouses & apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.

(E) Setback requirements.

Front	Side	Rear
8' to 12' *	20' from public or private access 0' from internal side property lines	5'

* A build-to line

(F) *Height.* Structures immediately adjacent to the civic lawn shall have a minimum height of 30'. Structures adjacent to main streets shall be a minimum two-stories in height. Maximum height of four (4) stories otherwise.

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:*

PA-11: 783
PA-12: 138

(I) *Maximum Intensity:*

PA-11: 520,000 sq. ft.
PA-12: 60,000 sq. ft.

(J) *Architectural Design Standards:*
Reference the Project Booklet

**Planning Area 13 (PA-13) –
Neighborhood Commercial**

AREA: 4.21 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 18	Gasoline, service stations, and drive-in restaurants
Unit 25	Professional offices
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Residential Use – None

Non-residential – None

(2) *Lot area minimum.*

Residential Use – None

Non-residential – None

(3) *Land area per dwelling unit.*

Townhomes or Apartments:	
•No bedroom	1,700 sq. ft.
•One bedroom	1,700 sq. ft.
•Two bedroom	2,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
50'	0' 25' when contiguous to residential district	20'

(F) *Height.* Maximum 4 stories

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:* 15

(I) *Maximum Bedrooms:* 30

(J) *Maximum Intensity:* 15,000 sq. ft.

(K) *Architectural Design Standards:*

Reference the Project Booklet

**Planning Area 14 (PA-14) –
Thoroufare Commercial**

AREA: 15.55 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 18	Gasoline, service stations, and drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Professional offices
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 1	City-wide uses by right
Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities

(C) *Density.* None

(I) *Bulk and area regulations.* None.

(E) *Setback requirements.*

Front	Side	Rear
40'	0' 25' when contiguous to residential district	20' 25' when contiguous to residential district

(F) *Height.* Maximum 7 stories.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 70% of the total area of such lot.

(H) *Maximum Dwelling Units:* Not Applicable

(I) *Maximum Bedrooms:* Not Applicable

(J) *Maximum Intensity:* 200,000 sq. ft.

(J) *Architectural Design Standards:*
Reference the Project Booklet

Planning Area 15 (PA-15) – Parks and Trails

AREA: 7.18 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
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(C) *Density.* None (not applicable)

(D) *Bulk and area regulations.* None (not applicable)

(E) *Setback requirements.*

Front	Side	Rear
15'	10'	15'

(F) *Height.* No maximum height.

(G) *Building area.* No maximum building area.

(H) *Maximum Dwelling Units:* Not applicable

(I) *Maximum Bedrooms:* Not applicable

(J) *Architectural Design Standards:* Not applicable

TITLE XV UNIFIED DEVELOPMENT CODE

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 ft.
-------------------------	--------

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

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

Zoning Review

To: Andrew Garner
From: Harley Hunt
Date: November 13, 2013
Re: RZN 13-4552

This development will be protected by Engine 2 located at 708 N. Garland.
It is 4 mile from the station with an anticipated response time of 5 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

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

Battalion Chief H. Hunt
Fire Marshal
Fayetteville Fire Department

ENGINEERING SERVICES INC.

1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72765-0282

Ph: 479-751-8733 • Fax: 479-751-8746

October 29, 2013

Development Services Department
City of Fayetteville, Arkansas
125 West Mountain
Fayetteville, AR 72701

RE: Rezoning Petition - RPZD to Community Services
Parcel Number 765-15830-000

Dear Mr. Sir or Ma'am,

This letter is intended to serve as a narrative to accompany the rezoning petition for a parcel located in the City of Fayetteville. The property is currently zoned RPZD (Residential Planned Zoning District), and the request is to change the zoning of the property to Community Services. Enclosed, please find the following required materials:

- Completed, Signed Application for Rezoning
- Checks to City of Fayetteville (\$325.00 Application Fee + \$5.00 Sign Fee)
- Legal Description of the Property to be Rezoned
- CD with Legal Description, application, exhibit and adjacent property owner information of Property to be Rezoned.
- Exhibit Showing County Parcel Map and Adjacent Property Owner Information

The following paragraphs address the items required by the rezoning application instructions:

- A) The property is currently owned by Legacy National Bank. The mailing address for the property owner is P.O. Box 6490, Springdale, AR 72766. There is no pending contract for the sale of the property.
- B) The property was rezoned to RPZD in 2007 by a former owner during an attempt to develop the property. The RPZD zoning had a time restriction which has since lapsed, and the approved development plan and RPZD zoning have expired. Any proposed development of the property would therefore require rezoning of the property prior to development.
- C) The proposed rezoning will be consistent with the uses of neighboring properties. The property being rezoned is a portion of an approximately 106 acre tract of land, as shown in the enclosed exhibit. The 106 acre parent tract is vacant pasture land.

The adjacent properties across Highway 112 to the east are zoned C-2 (Thoroughfare Commercial), and the 112 Drive In movie theater is located to the southeast of the property to be rezoned. These properties are commercial uses.

The majority of the property to the north is R-A (Residential-Agricultural), but the primary buildings on this tract are in the I-1 (Light Industrial) district, which is also a commercial use. A portion of the property north of the west end of the 25.9 acres being rezoned is included in the RPZD district.



Jerry W. Martin, P.E.
Chairman of the Board

Philip C. Humbard, P.E., P.L.S.
President

Brian J. Moore, P.E.
Vice President

Tim J. Mays, P.E.
Secretary / Treasurer

Consulting Engineers and Surveyors

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Fayetteville Development Services Department
October 29, 2013
Page 2

The property adjacent to the northwest and at the west end of the tract being rezoned is also included in the RPZD district.

The property to the southwest of the tract being rezoned which is near but not adjacent to the 25.9 acre tract is a single family use in the R-A (Residential-Agricultural) district.

To the south of the property being rezoned is the remainder of the parent tract, which is included in the RPZD district. This property, as noted previously, is currently vacant. Along the south end of the parent tract is a commercial development along Truckers Drive, with CPZD, R-A, and I-1 zoning. South of that development is Sam's Club, a commercial use.

The majority of properties along Highway 112 near the tract being rezoned are commercial uses, which will relate well to proposed zoning for the property. No conflict with adjacent properties regarding land use is anticipated.

The property will be accessed by Highway 112, a major north-south transportation route. The proposed rezoning is not anticipated to adversely impact traffic conditions. The proposed rezoning will not change the appearance of the subject property or adjacent property, and will also not alter signage on the subject property or adjacent properties.

- D) There are existing water and sewer lines in the area which can serve the property. There is an 8" sewer main along the east side of Highway 112 across from the subject property. There is a sewer manhole near the northeast corner of the property on the west side of Hwy. 112, but it is located at an elevation above the majority of the subject property and utilizing this to serve the property would likely require pumping. An existing 48" sewer main runs along the south property line of the parent tract.

An existing 36" concrete water line runs along the west side of Highway 112 across the frontage of the property to be rezoned. No private service lines are allowed to connect to this line, but water extensions can be connected to it. A 6" water main runs along the east side of Highway 112 as well, across the highway from the subject property.

- E) The Future Land Use 2030 information on the City of Fayetteville's GIS site which indicates the property is intended to be used for a "City Neighborhood Area", which is intended to provide a mix of residential and low-intensity uses. The purpose of the Community Services district provided in the Unified Development Code is as follows:

Purpose. The Community Services district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

The Community Services district is consistent with the City Neighborhood Area.



Jerry W. Martin, P.E.
Chairman of the Board

Philip C. Humbard, P.E., P.L.S.
President

Brian J. Moore, P.E.
Vice President

Tim J. Mays, P.E.
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Fayetteville Development Services Department
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- F) Any proposed development of the property will require the rezoning of the property. The rezoning is justified now in order to facilitate development or sale of this property.
- G) This property is located along State Highway 112, an alternate north-south route through northwest Arkansas. There are several commercial uses already located along this section of the highway, and the proposed rezoning is not anticipated to appreciably increase traffic danger or congestion.
- H) The proposed rezoning is not anticipated to undesirable increase the load on public services such as schools, water, or sewer. Information regarding the availability of water and sewer infrastructure in the area is included above. The rezoning will not result in high-density residential development which would potentially affect schools.
- I) The property is currently zoned RZD, but the time limit on development under the approved zoning/development plan has expired. Therefore, and development of the property would require the property to be rezoned.

Please do not hesitate to contact me if you have any questions regarding this application or need anything further.

Thank you,

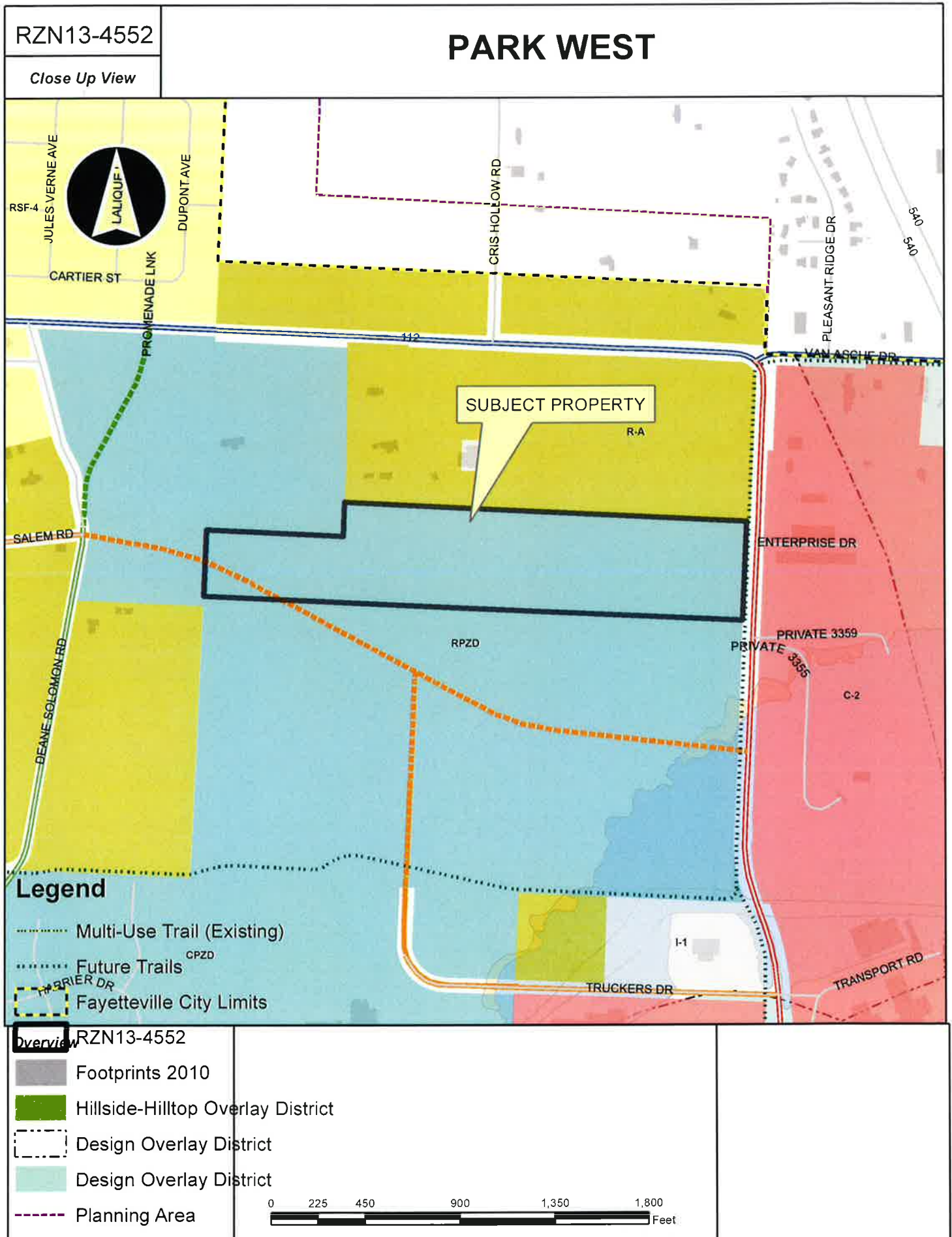


Bo Wilkins, P.E.

Enclosures



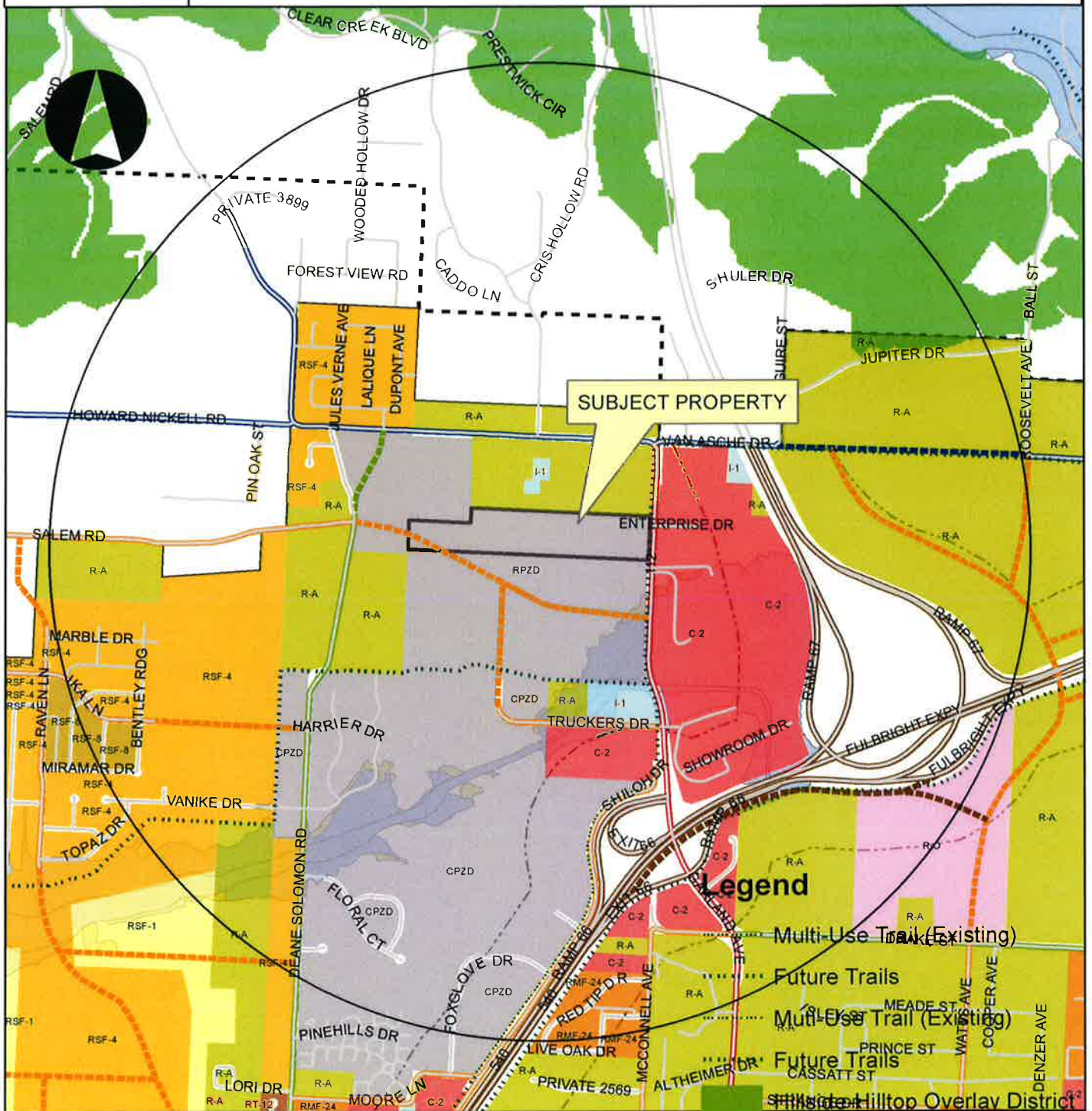




RZN13-4552

PARK WEST

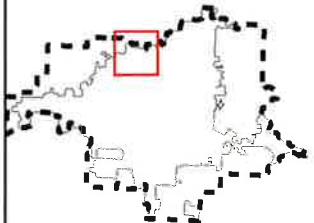
One Mile View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails
- Shiloh Hilltop Overlay District

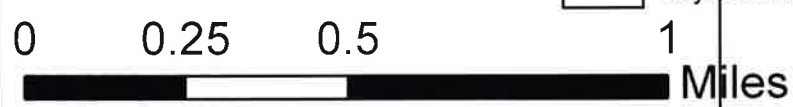
Overview



Legend

- Subject Property
- RZN13-4552

Boundary



- RZN13-4552
- Design Overlay District
- Planning Area
- Fayetteville

City of Fayetteville Item Review Form

2013-0245

Legistar File Number

01/07/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Fulcher

Submitted By

Development Services

Department

Action Required:

RZN 13-4553: Rezone (WEDINGTON CIRCLE, 404): Submitted by JOHN SCHMELZLE for property located WEST OF WEDINGTON DRIVE AND GARLAND AVENUE. The property is zoned R-PZD WEDINGTON CIRCLE and contains approximately 6.12 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

[Handwritten signatures and dates]
12-18-13
12-19-2013
Paul A. Bach
12-19-13
12/20/13
ENTERED
12/18/13



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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Jesse Fulcher, Senior Planner

Date: December 16, 2013

Subject: RZN 13-4553 (WEDINGTON CIRCLE)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to rezone the property to CS, Community Services.

BACKGROUND

The subject property is located just west of the intersection of Wedington Drive and Garland Avenue. On February 7, 2006 the City Council approved the Wedington Circle Residential Planned Zoning District on the subject property (R-PZD 05-1776). The property was originally zoned RMF-24, Residential Multi-family and C-2, Thoroughfare Commercial.

The R-PZD zoning permitted a total of 296 units (428 bedrooms @ 48 units per acre), 10,000 square feet of professional office space, and 6,500 square feet of retail space. Construction permits for the project were never obtained and the R-PZD approval has expired.

CITY PLAN 2030 FUTURE LAND USE MAP: City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**. These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

COMPATIBILITY: Rezoning the property to the Community Services zoning district is appropriate, because it will allow the property to be developed with a variety of land uses, densities and intensities. This is consistent with the future land use designation, and appropriate for a property that is bounded by a high-volume arterial roadway, and commercial uses and multi-family land uses.

Further, the Community Services zoning district is very consistent with land use planning objectives, principles and policies. This district will allow a variety of land uses, densities and intensities to be developed on the property, consistent with the City Neighborhood designation. This includes potential commercial uses fronting Wedington Drive, and medium to high density residential uses interior to the site.

In addition, the Community Services zoning district will allow as-of-right development consistent with the growth and development guidelines of City Plan 2030, including a traditional development pattern that allows multiple land uses that can serve existing surrounding residences and future residential properties.

DISCUSSION

On December 9, 2013 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4553, FOR APPROXIMATELY 6.12 ACRES, LOCATED WEST OF WEDINGTON DRIVE AND GARLAND AVENUE FROM R-PZD WEDINGTON CIRCLE, TO CS, COMMUNITY SERVICES

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-PZD Wedington Circle to CS, Community Services, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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

PASSED and **APPROVED** this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

C. 8
RZN 13-4553 (Wedington Circle)
Page 5 of 20

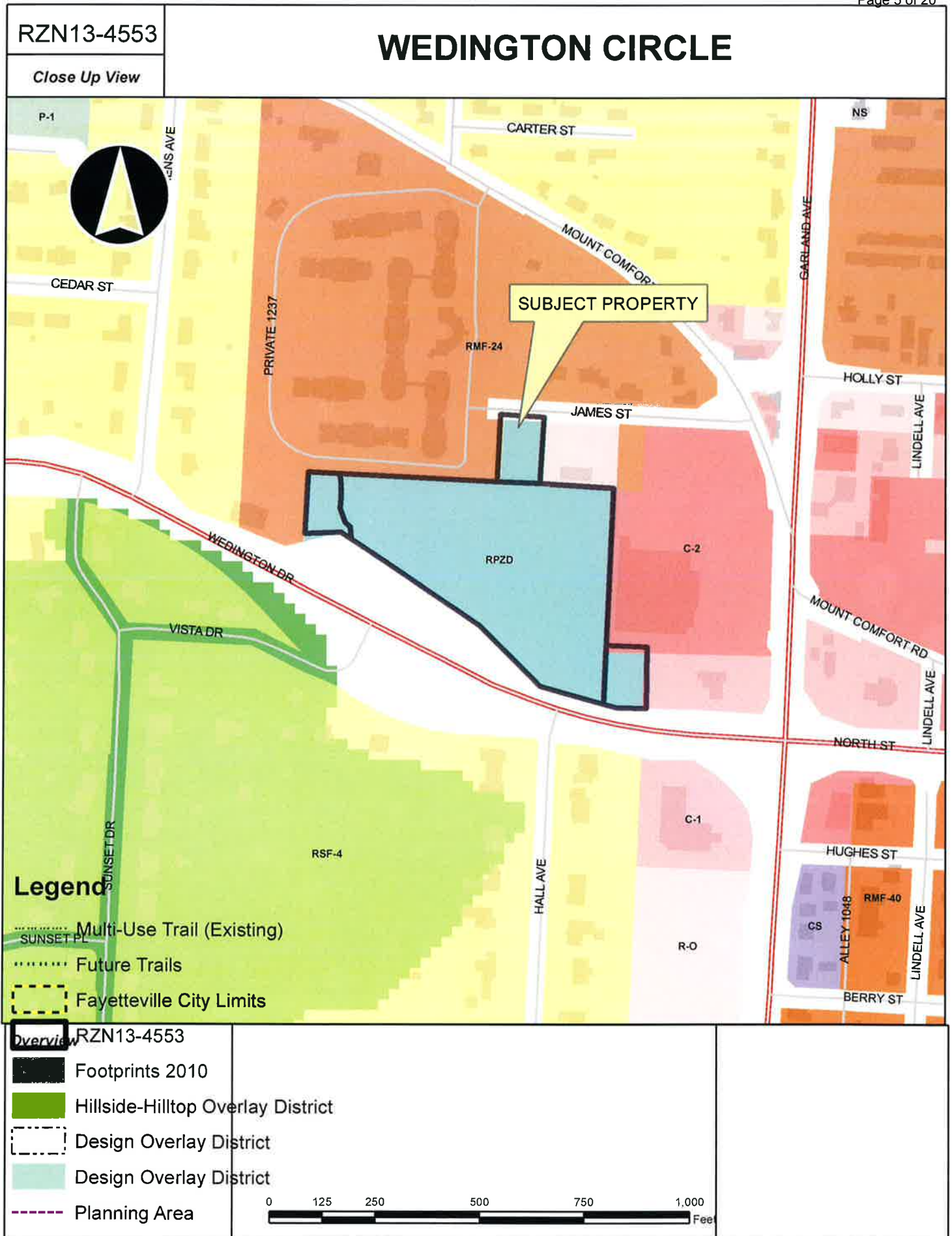


EXHIBIT "B"
RZN 13-4553

SURVEY DESCRIPTION ENTIRE TRACT

A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION EIGHT (8), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE N02°56'35"E ALONG THE WEST LINE OF SAID 40 ACRE TRACT 566.29 FEET; THENCE LEAVING THE WEST LINE OF SAID 40 ACRE TRACT S87°11'29"E 159.72 FEET TO A SET ½" IRON REBAR FOR THE TRUE POINT OF BEGINNING; THENCE S87°11'29"E 75.00 FEET TO A SET ½" IRON REBAR IN THE CENTER OF AN EXISTING DRAINAGE DITCH; THENCE LEAVING THE CENTERLINE OF SAID DITCH S87°11'29"E 376.68 FEET TO A SET ½" IRON REBAR; THENCE N02°56'35"E 161.54 FEET TO A SET ½" IRON REBAR; THENCE S86°36'35"E 104.60 FEET TO AN EXISTING IRON; THENCE S03°35'34"W 160.02 FEET TO AN EXISTING IRON; THENCE S86°36'12"E 177.56 FEET TO A SET ½" IRON REBAR, SAID POINT BEING N86°36'12"W 2.48 FEET FROM AN EXISTING CONCRETE AT THE SOUTHWEST CORNER OF LOT TEN (10) OF MCCORMICK ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE RECORDS OF THE CIRCUIT CLERK OF WASHINGTON COUNTY, ARKANSAS; THENCE S02°37'04"W 376.94 FEET TO A SET ½" IRON REBAR; THENCE S87°16'02"E 96.96 FEET TO A SET ½" IRON REBAR;

THENCE S00°50'04"W 146.31 FEET TO A SET ½" IRON REBAR ON THE NORTH RIGHT-OF-WAY OF ARKANSAS STATE HIGHWAY 16 (WEDINGTON DRIVE); THENCE ALONG SAID RIGHT-OF-WAY LINE, THE FOLLOWING BEARINGS AND DISTANCES:

N89°45'20"W	66.60 FEET TO A SET ½" IRON REBAR;
N74°29'27"W	194.26 FEET TO A SET ½" IRON REBAR;
N44°49'05"W	202.42 FEET TO A SET ½" IRON REBAR;
N56°07'42"W	403.52 FEET TO A SET ½" IRON REBAR,
S87°55'48"W	84.68 FEET TO A SET ½" IRON REBAR;

THENCE LEAVING SAID RIGHT-OF-WAY LINE, N02°56'35"E 147.22 FEET TO THE POINT OF BEGINNING, CONTAINING 6.13 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.



PC Meeting of December 9, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Senior Planner
THRU: Andrew Garner, City Planning Director
DATE: ~~December 9, 2013~~ Updated December 10, 2013

RZN 13-4553: Rezone (WEDINGTON CIRCLE, 404): Submitted by JOHN SCHMELZLE for property located WEST OF WEDINGTON DRIVE AND GARLAND AVENUE. The property is zoned R-PZD WEDINGTON CIRCLE and contains approximately 6.12 acres. The request is to rezone the property to CS, COMMUNITY SERVICES. Planner: Jesse Fulcher

BACKGROUND:

Property and Background: The subject property is located just west of the intersection of Wedington Drive and Garland Avenue. On February 7, 2006 the City Council approved the Wedington Circle Residential Planned Zoning District on the subject property (R-PZD 05-1776). The property was originally zoned RMF-24, Residential Multi-family and C-2, Thoroughfare Commercial.

The R-PZD zoning permitted a total of 296 units (428 bedrooms @ 48 units per acre), 10,000 square feet of professional office space, and 6,500 square feet of retail space. Construction permits for the project were never obtained and the R-PZD approval has expired. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Multi-family/office	RMF-24, Residential Multi-family, Residential Office
South	Single-family	RSF-4, Residential Single-family
East	Commercial	C-2, Thoroughfare Commercial/C-1, Neighborhood Commercial
West	Multi-family	RMF-24, Residential Multi-family, Residential Office

PZD Revocation: If an approved PZD expires the property does not automatically revert back to the original zoning. The property is unable to be developed or subdivided until the old PZD zoning is removed and a new, valid zoning district is assigned.

Request: The request is to rezone the 6.12 acres from R-PZD Wedington Circle to CS, Community Services.

Public Comment: Staff received an e-mail from an adjacent property owner after the Planning Commission meeting. The owner, at the time, objected to the rezoning proposal. However, it is staff's understanding that the applicant for the rezoning has been in contact with the adjacent owner, and he is no longer opposed to the request. Staff has not been able to confirm this.

RECOMMENDATION:

Staff recommends forwarding RZN 13-4553 to the City Council with a recommendation for **approval** based on findings stated herein.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>	
Date: <u>December 9, 2013</u>				☐ Tabled	☒ Forwarded	☐ Denied
Motion: Tracy						
Notes: Chesser						
Vote: 8-0-0						
CITY COUNCIL ACTION:				Required	<u>YES</u>	
☐ Approved		☐ Denied				
Date:						

INFRASTRUCTURE:

Streets: The site has access to Weddington Dr. and James Street. Weddington Dr. is a four lane road with curb/gutter and storm drainage. James Street is an unimproved two-lane street. Any required improvements to this road would be determined at the time of development.

Water: Public water is available to the property. There is an 8" and 12" water main along Wedington Drive.

Sewer: Sanitary sewer is not available to the site. There is an 8" sewer main with a manhole just north of the adjacent Harps store to the East. A short main extension (approximately 15 feet) would be required to bring service to the site's northeast corner.

Drainage: Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain or the Streamside Protection Zones.

Fire: This development will be protected by Engine 2 located at 708 N. Garland. It is 1 mile from the station with an anticipated response time of 2 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect calls for service or response times.

Police: The Police Department made no comment.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**.*

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

FINDINGS OF THE STAFF

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

Finding: The proposed Community Services zoning district is very consistent with land use planning objectives, principles and policies. This district will allow a variety of land uses, densities and intensities to be developed on the property, consistent with the City Neighborhood designation. This includes potential commercial uses fronting Wedington Drive, and medium to high density residential uses interior to the site.

Further, the Community Services zoning district will allow as-of-right development consistent with the growth and development guidelines of City Plan 2030, including a traditional development pattern that allows multiple land uses that can serve existing surrounding residences and future residential properties.

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

Finding: The proposed rezoning is justified due to the fact that the current R-PZD zoning for Wedington Circle has expired, removing all development rights from the property. Rezoning the property to the Community Services zoning district is justified, because it will allow the property to be developed with a variety of land uses, densities and intensities. This is consistent with the future land use designation, and appropriate for a property that is bounded

by a high-volume arterial roadway, and commercial uses and multi-family land uses.

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

Finding: The site access has access to Wedington Drive and James Street. The proposed zoning will allow uses likely to increase traffic, but it is unlikely that traffic danger or congestion would be appreciably increased over the previously approved development, which permitted 428 bedrooms and 15,000 square feet of nonresidential space. Wedington Drive is a four-lane arterial and Garland Avenue is being widened to a four-lane boulevard. Street improvements will be evaluated at the time of development.

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

Finding: Rezoning the property to Community Services will allow for a similar development pattern and density as permitted by the original Planned Zoning District and should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.

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: N/A

be reviewed and approved by the Planning Commission as a large scale development, and may require Preliminary/Final plat approval as well if the applicant wishes to subdivide the property.

Process: The purpose of the subject request is to allow a mixture of uses within the entire project and create an urban environment for those who desire to live close to the University of Arkansas and within one mile of the central downtown area. The density proposed is 48 units per acre, with a maximum 296 units and 428 bedrooms. In order to do so, the Planned Zoning District process was recommended. City Council approval of the proposed Master Development Plan would effectively rezone the property based on the plans and information provided. However, it does not give development approval. The applicant is required to return through the preliminary plat, final plat and large scale development process, in this case, in order for the Planning Commission to confirm that the development plans presented are compliant with the zoning and Master Development Plans approved by the City Council.

The following bulk and area regulations are proposed by the applicant, and are included in detail within the attached submittal:

ZONING CRITERIA: R-PZD 05-1776 (Wedington Circle)
Planning Area 1, 6.13 acres

(A) *Proposed Uses.*

Permitted Uses

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings

Conditional Uses

Unit 2	City-wide uses by conditional use permit
Unit 18	Gasoline service stations and drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collection recyclable materials
Unit 34	Liquor Stores
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities

* Conditional use approval by the Planning Commission required.

(B) *Density/Intensity*

Density (dwelling units)	Intensity (square feet nonresidential)
49* Units/Acre: Maximum 296 dwelling units	Maximum 16,576 SF
<i>Anticipated development (not required by zoning):</i> 428 bedrooms 16 Efficiencies 156 1-bedroom 116 2-bedroom 8 3-bedroom	<i>Anticipated development (not required by zoning):</i> Professional Office: 10,000 SF Retail: 6,576 SF

***Staff has modified the density from 48.3 units per acre to 49 units per acre, with the understanding that the maximum number of dwelling units allowable is 296.**

(C) *Bulk and area regulations.*

Lot width minimum	Lot area minimum	Land area per dwelling unit
None	None	No Bedroom – 800 SF One Bedroom – 800 SF Two Bedroom – 1,000 SF Three Bedroom or more – 1,200 SF

(D) *Setback requirements.*

Front	Side	Rear
0 feet	0 feet	5 feet

(E) *Height.* Maximum height for all structures is six stories.

(F) *Building area.* Maximum 100% building area.

(G) *Signage.* Signage shall comply with the C-2 zoning requirements of the Fayetteville Sign Ordinance. Buildings containing only residential dwellings will adhere to the RMF-24 zoning district requirements of the Fayetteville Sign Ordinance.

(H) *Tree Preservation.* The applicant proposes to potentially preserve approximately 18.4% of the existing canopy on the property, though detailed site work has not been done. The percent canopy required to be preserved in a PZD is 25%. The applicant proposes mitigation of the 6.6% canopy with on-site tree plantings. Additionally, the applicant proposes planting an additional 14,170 square feet of tree canopy within the AHTD right-of-way to provide a buffer between this development and properties to the south, and to provide additional canopy to the property. Due to the difficult nature of this site to develop, staff is generally supportive of this proposal, and will evaluate the development plans to retain as much canopy as possible.

WEDINGTON CIRCLE

226,472 S.F. RESIDENTIAL 93%

10,000 S.F. PROFESSIONAL OFFICES

6,576 S.F. RETAIL

16,576 S.F. COMMERCIAL 7%

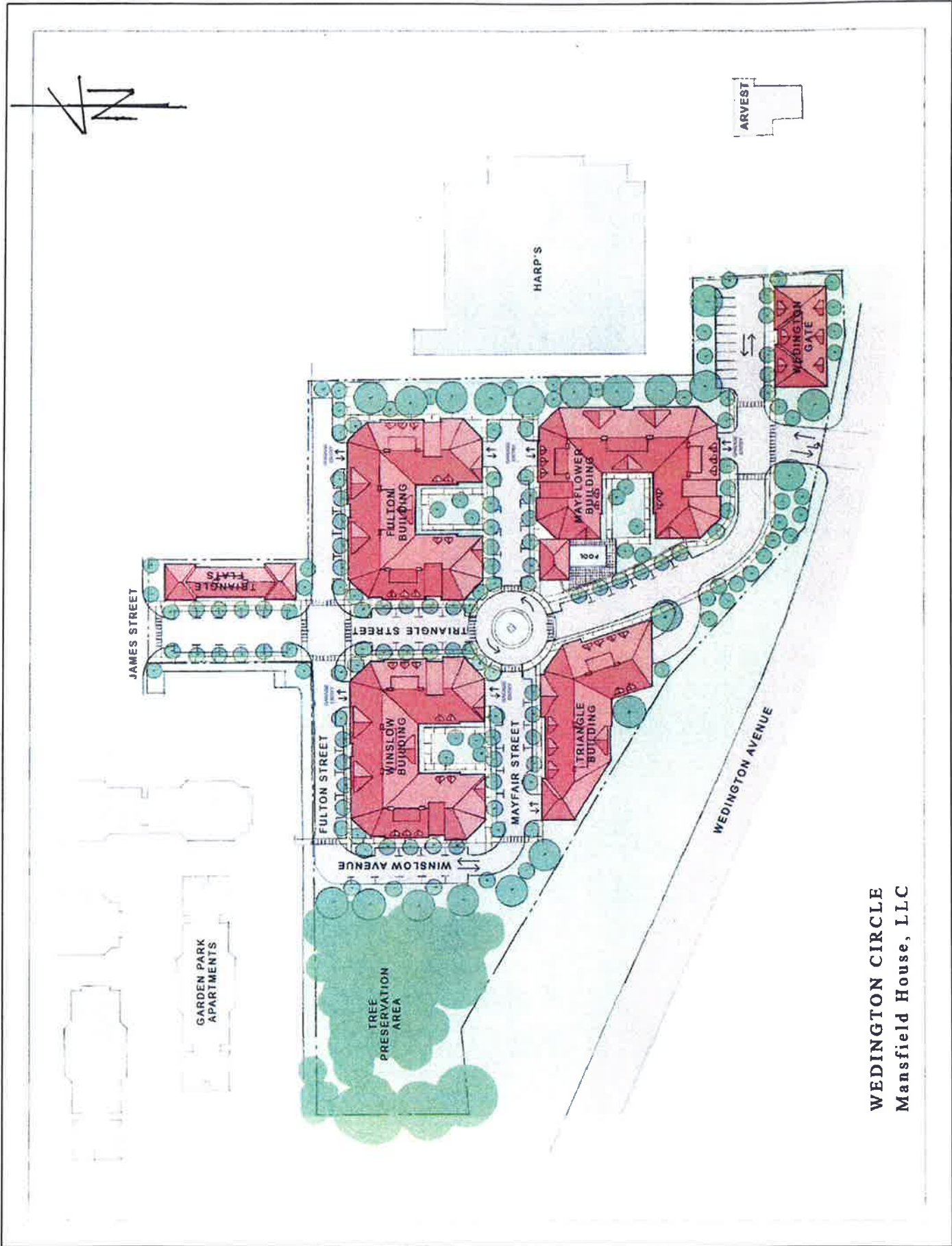
PROPOSED DEVELOPMENT

PARKING REQUIREMENTS

16 EFFICIENCIES	428 BEDROOMS	1:1	428
156 1 BEDROOM	10,000 S.F. OFFICE	1:200	50
116 2 BEDROOM	<u>6,576 S.F. RETAIL</u>	<u>1:250</u>	<u>26</u>
8 3 BEDROOM			504
296 MULTI FAMILY UNITS			
	LESS 30%		-151
428 BEDROOMS TOTAL	PARKING REQUIRED		353

PARKING PROVIDED

ON STREET PARKING	58
WEDINGTON GATES	11
TRIANGLE BUILDING	49
MAYFAIR BUILDING	100
WINSLOW BUILDING	87
<u>FULTON BUILDING</u>	<u>87</u>
TOTAL PARKING PROVIDED	392



WEDINGTON CIRCLE
Mansfield House, LLC

TITLE XV UNIFIED DEVELOPMENT CODE

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 ft.
-------------------------	--------

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

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

Zoning Review

To: Jesse Fulcher
From: Harley Hunt
Date: November 13, 2013
Re: RZN 13-4553

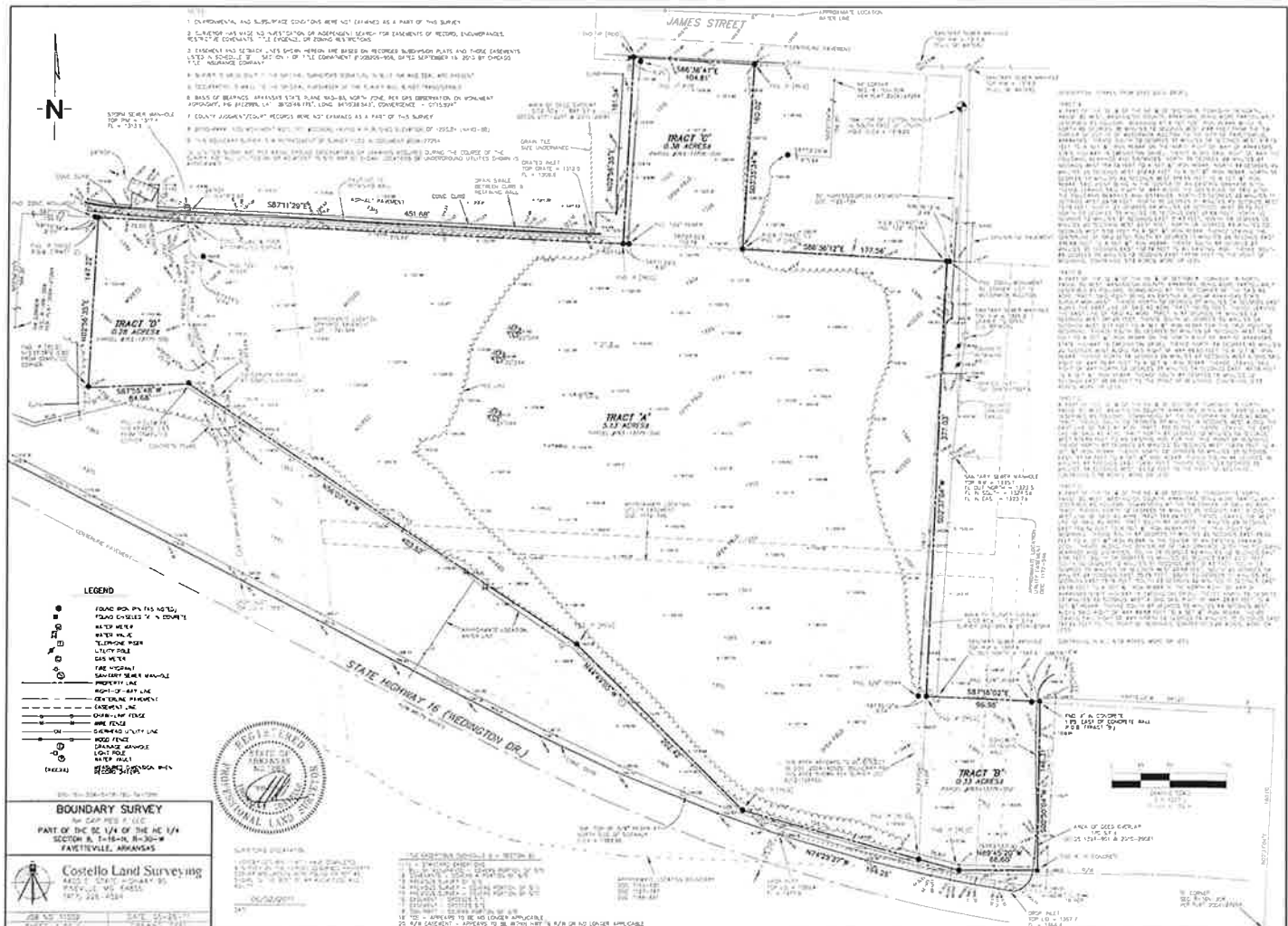
This development will be protected by Engine 2 located at 708 N. Garland.
It is 1 mile from the station with an anticipated response time of 2 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

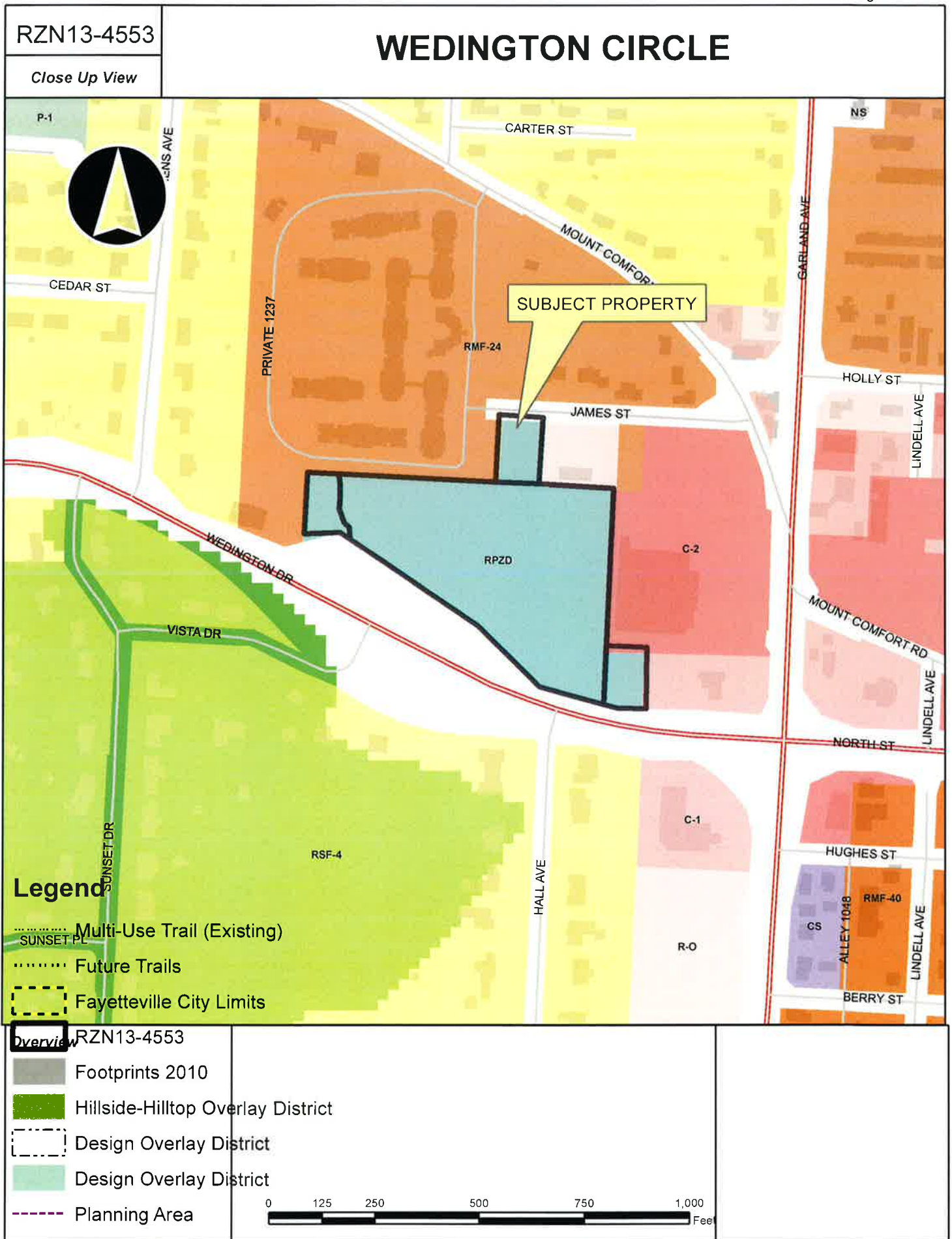
If you have any questions please feel free to contact me.

Battalion Chief H. Hunt
Fire Marshal
Fayetteville Fire Department

CAP REO, I LLC Responses to Question 5 on Rezoning Checklist

- a. Current owner is CAP REO 1, LLC 1308 NW Everett Street Portland, OR 97201. There is currently no proposed or pending sale of this property.
- b. This property is currently unzoned and our understanding is the Planning Department and Development Services is working to reduce the list of properties within the city of Fayetteville with no zoning designation. The previous owner had the property approved under a PZD which has since expired thereby leaving this site with no zoning designation.
- c. The proposed zoning of Community Services appears to conform to the surrounding properties on Weddington which consist of commercial and multifamily and would fall within the guidelines of Community Services.
- d. See attached
- e. According to Jesse Fulcher of the Fayetteville Planning Department, the requested zoning falls within the city's planning objectives, principals, and policies associated with land use and long term zoning plans.
- f. Our request comes after careful consideration of all available zoning designations, discussions with both the Fayetteville Planning Department and Development Services Department about their long term plans for the area and at the request of Jeremy Pate, Development Services Director who requested we submit an application for zoning as his department is assisting in obtaining a zoning designation for the list of parcels in the city currently unzoned.
- g. We have no development plans for the site; however this property was previously approved for a high density multi-family development in a PZD thus indicating the presence of a sufficient infrastructure to handle a future development which would fall into a commercial use under the Community Services zoning designation.
- h. We have no development plans for the site however the above answer applies to this question as well
- i. N/A -This property is currently unzoned





One Mile View

Legend

Multi-Use Trail

Future Trail

DICKSON ST

SPRING ST

RZN13-4553

Boundary

0

0.25

0.5

1

Miles



RZN13-4553

Design Overlay District

Planning Area

Fayetteville

City of Fayetteville Item Review Form

2013-0223

Legistar File Number

January 7, 2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Andrew Garner

Submitted By

Development Services

Department

Action Required:

ADM 13-4566: Administrative Item (3145 W. SALEM RD./RAVEN LANE AMENDMENT, 206):
Submitted by MIK MUCCIO for property located at 3145 WEST SALEM ROAD. The property is in
the PLANNING AREA and contains approximately 6.53 acres. The request is for a slight
realignment of Raven Lane on the Master Street Plan.

Does this item have a cost?

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item?

Budget Adjustment Attached?

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

King PC.



Amended Ordinance

[Signature]

12-18-13

Paul A. Burt 12-19-2013

Don Mann 12-19-13

[Signature] 12/20/13



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Andrew Garner, City Planning Director

Date: December 13, 2013

Subject: ADM 13-4566 (Raven Lane Master Street Plan Amendment)

RECOMMENDATION

The Planning Commission and staff recommend approval of a resolution to amend the Master Street Plan to re-align Raven Lane approximately 150 feet to the east of the existing house at 3145 Salem Road.

BACKGROUND

The subject property is located at 3145 W. Salem Road and is outside the City of Fayetteville and within the Planning Area. The overall property is approximately 6.2 acres and contains a 4,500 square foot house constructed in 1971. Raven Lane is identified on the Master Street Plan as a north-south Collector Street providing connection between Ika Lane and Salem Road. The official Master Street Plan is drawn in the City's Geographic Information System (GIS) at a very broad, conceptual scale of approximately one mile equivalent to two and a half inches. The Master Street Plan does not show final or actual street alignment, but rather indicates the potential location for major street connections. A recent survey/property line adjustment prepared for the property owner revealed the northern end the Raven Lane going through their residence. The property owner has indicated to staff that this survey and the Master Street Plan has caused them difficulty selling their home as potential buyers are concerned with a road taking out the home in the future.

MASTER STREET PLAN AMENDMENT

The property owner proposes an amendment to the Master Street Plan to re-align Raven Lane approximately 150 feet to the east, along their eastern property line. This would move Raven Lane away from the existing residence at 3145 Salem Road, and still provide the necessary connection as intended on the Master Street Plan. The southern portion of Raven Lane is currently being constructed with the Cobblestone III subdivision. This realignment would not affect the portion that is under construction. When Cobblestone IV is developed Raven Lane will be able to be incorporated into the design of this future neighborhood, before it reaches the subject property.

STAFF DISCUSSION

The applicant's proposal would meet the intent of the Master Street Plan to provide a north-south connection between Ika Lane and Salem Road, and the realignment would not require changes to any approved developments. Additionally, the Master Street Plan is not intended to represent the actual constructed location

of a future road, or details such as the potential removal of a home for future street construction. This type of minor request probably does not require an official amendment to the Master Street Plan. However, to accommodate the property owner's request, staff recommends the Master Street Plan be officially amended as requested.

DISCUSSION

On December 9, 2013, the Planning Commission forwarded this Master Street Plan amendment to the City Council with a recommendation for approval with a vote of 7-0-0 on their consent agenda.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION FOR ADM 13-4566 AMENDING THE MASTER STREET PLAN RELOCATING RAVEN LANE, A COLLECTOR STREET, APPROXIMATELY 150 FEET TO THE EAST OF THE EXISTING RESIDENCE AT 3145 SALEM ROAD, AS DESCRIBED AND DEPICTED IN THE ATTACHED MAP

WHEREAS, the City Council finds that the relocation of Raven Lane as indicated in the attached maps maintains the intent of the Master Street Plan for connectivity while moving Raven Lane away from the existing residence at 3145 Salem Road.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends the Master Street Plan by moving Raven Lane about 150 Feet to the East as shown on Exhibit "A," attached hereto and made a part hereof.

PASSED and **APPROVED** this 7th day of January, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Exhibit "A"
ADM 13-4566 Raven Lane Master Street Plan Amendment

Legend



Fayetteville City Limits



PC Meeting of December 9, 2013

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, City Planning Director
DATE: ~~November 25, 2013~~ *Updated December 10, 2013*

ADM 13-4566: Administrative Item (3145 W. SALEM RD./RAVEN LANE AMENDMENT, 206): Submitted by MIK MUCCIO for property located at 3145 WEST SALEM ROAD. The property is in the PLANNING AREA and contains approximately 6.53 acres. The request is for a slight realignment of Raven Lane on the Master Street Plan. Planner: Andrew Garner

Findings:

Property Description: The subject property is located at 3145 W. Salem Road and is outside the City of Fayetteville and within the Planning Area. The overall property is approximately 6.2 acres and contains a 4,500 square foot house constructed in 1971. The surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single family residential	Planning Area
South	Rural residential	Planning Area
West	Single family residential	Planning Area
East	Rural residential	R-A, Residential Agricultural

Master Street Plan: Raven Lane is identified on the Master Street Plan as a north-south Collector Street providing connection between Ika Lane and Salem Road. The official Master Street Plan is drawn in the City's Geographic Information System (GIS) at a very broad, conceptual scale of approximately one mile equivalent to two and a half inches. The Master Street Plan does not show final or actual street alignment, but rather indicates the potential location for major street connections. A recent survey/property line adjustment prepared for the property owner revealed the northern end the Raven Lane going through their residence. The property owner has indicated to staff that this survey and the Master Street Plan has caused them difficulty selling their home as potential buyers are concerned with a road taking out the home in the future.

Proposal: The property owner proposes an amendment to the Master Street Plan to re-align Raven Lane approximately 150 feet to the east, along their eastern property line. This would move Raven Lane away from the existing residence at 3145 Salem Road, and still provide the necessary connection as intended on the Master Street Plan. The southern portion of Raven Lane is currently

being constructed with the Cobblestone III subdivision. This realignment would not affect the portion that is under construction. When Cobblestone IV is developed Raven Lane will be able to be incorporated into the design of this future neighborhood, before it reaches the subject property.

Public Comment: The applicant notified the adjacent property owner to the east that would be immediately affected by the proposed Master Street Plan amendment. The applicant also posted a public notice sign on their property. Staff has not received any public comment.

RECOMMENDATION: Staff recommends the Planning Commission forward ADM 13-4566 to the City Council with a recommendation for approval.

The applicant's proposal would meet the intent of the Master Street Plan to provide a north-south connection between Ika Lane and Salem Road, and the realignment would not require changes to any approved developments. Additionally, the Master Street Plan is not intended to represent the actual constructed location of a future road, or details such as the potential removal of a home for future street construction. This type of minor request probably does not require an official amendment to the Master Street Plan. However, to accommodate the property owner's request, staff recommends the Master Street Plan be officially amended as requested.

Additional Conditions/Comments:

PLANNING COMMISSION ACTION: yes Required

X Forwarded Denied Tabled

Motion: Chesser

Second: Cook

Vote: 7-0-0

Note: On consent agenda

Date: December 9, 2013



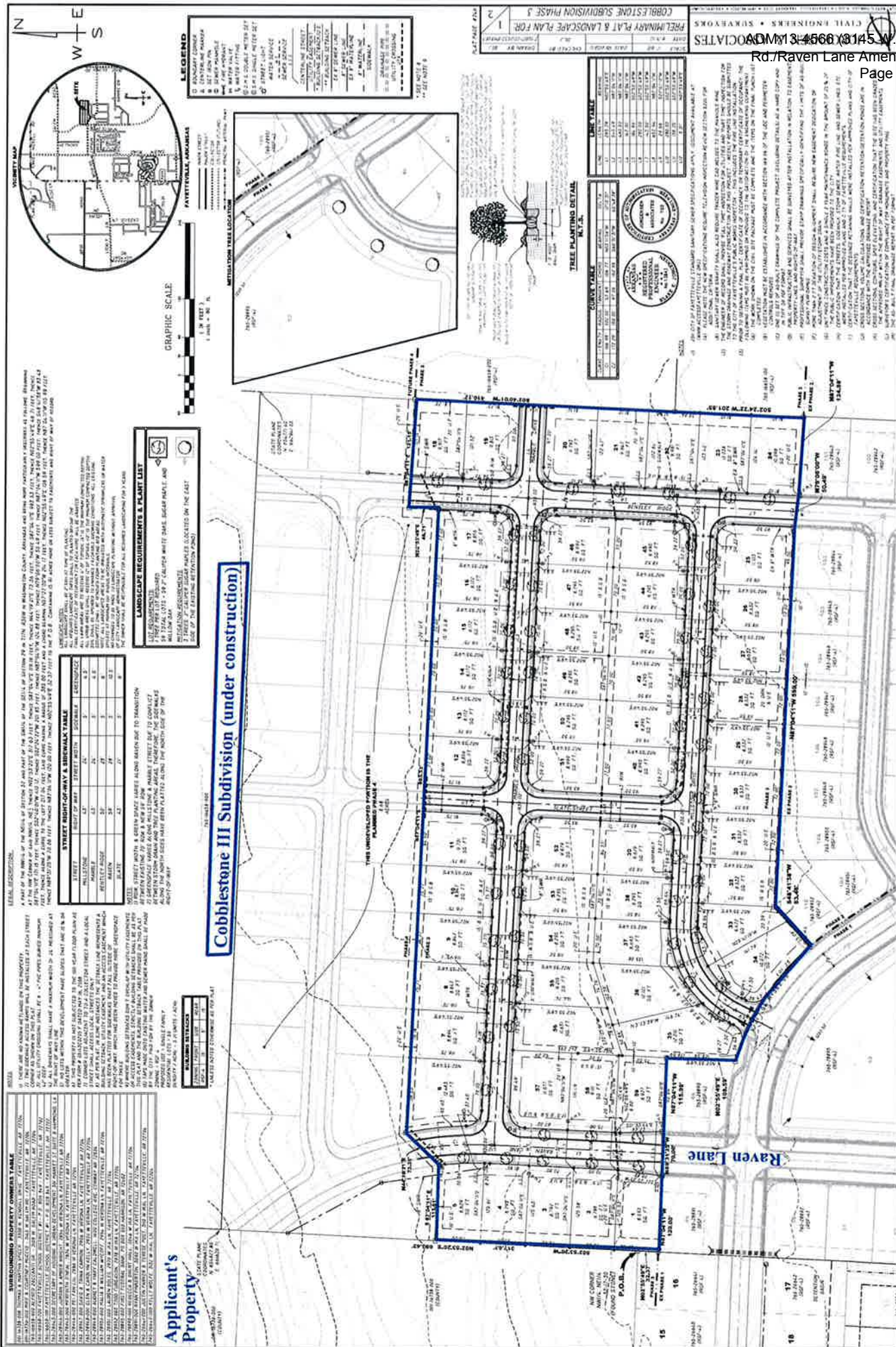
Blew & Associates, P.A.

Civil Engineers

Professional Land Surveyors

524 W. Sycamore Street Suite #4 Fayetteville, AR 72703
PH: 479-443-4506 * FAX: 479-582-1883
<http://www.blewinc.com>

We respectfully request that the location of Raven Lane as currently depicted on the City's Master Street Plan (classified as a Collector street) be slightly relocated to the east property line of the property shown in the attached survey. This request is being made to move the proposed right of way out of the existing residence.



SURVEYING NOTES

STATE RECORDING NUMBER

500-17N-30W-2B-32-72-1532

COMPLETED FIELD WORK:

FEBRUARY 2, 2013

BASIS OF BEARING

ARKANSAS STATE PLANE, NORTH ZONE, NAD83

REFERENCE DOCUMENTS

1. WARRANTY DEED FILED IN DEED BOOK 2003 AT

PAGE 00021532

2. SURVEY PLAT BY MIL-HOLLAND DATED MARCH 15

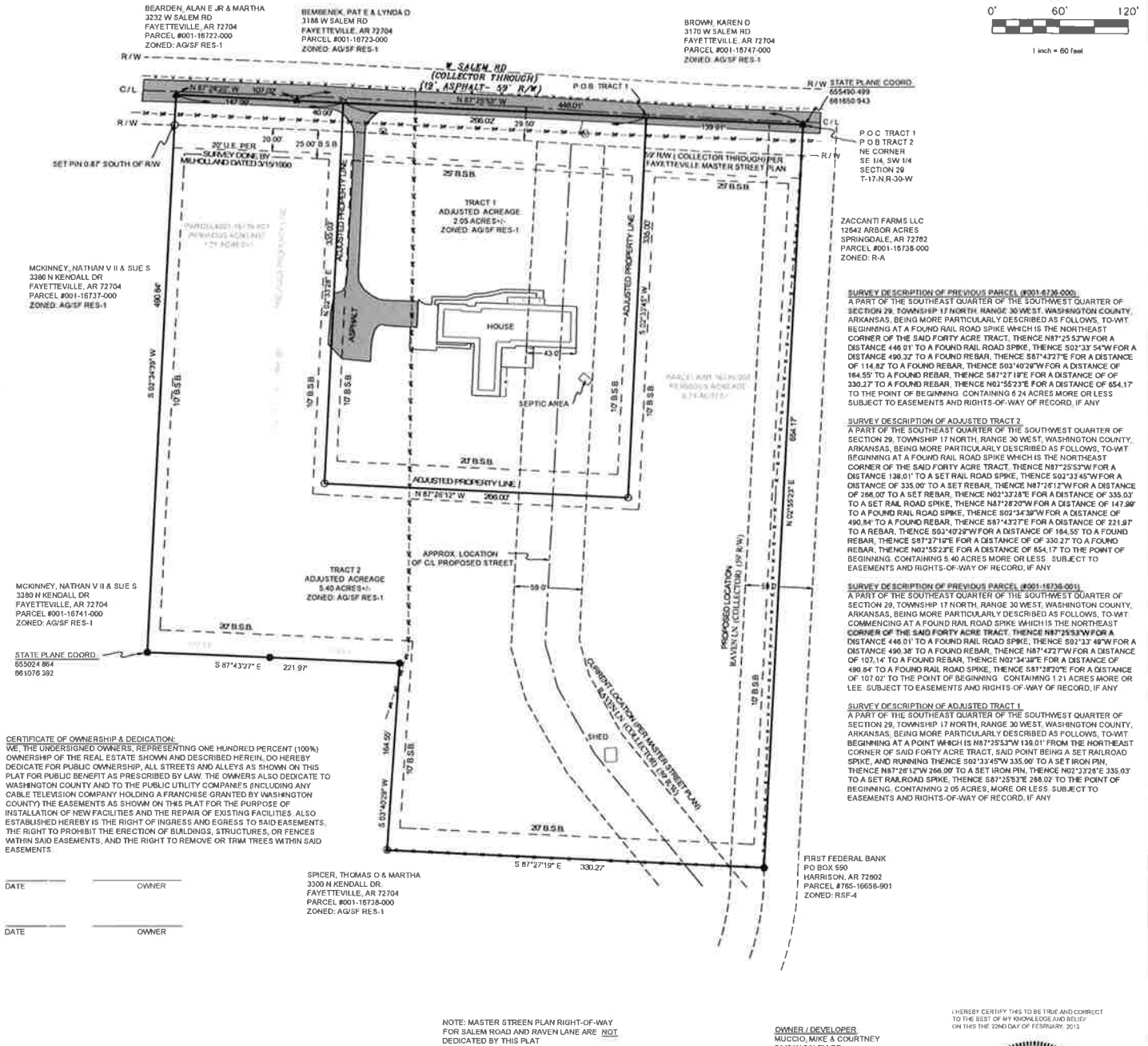
1990, JOB NUMBER 72-14.

FLOOD CERTIFICATION:

PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS.

(FIRM PANEL 06140C0205 DATED MAY 16, 2008)

PROPERTY LINE ADJUSTMENT



CERTIFICATE OF OWNERSHIP & DEDICATION:

WE, THE UNDERSIGNED OWNERS, REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE FOR PUBLIC OWNERSHIP, ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC BENEFIT AS PRESCRIBED BY LAW. THE OWNERS ALSO DEDICATE TO WASHINGTON COUNTY AND TO THE PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY WASHINGTON COUNTY) THE EASEMENTS AS SHOWN ON THIS PLAT FOR THE PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EXISTING FACILITIES. ALSO ESTABLISHED HEREBY IS THE RIGHT OF INGRESS AND EGRESS TO SAID EASEMENTS, THE RIGHT TO PROHIBIT THE ERECTION OF BUILDINGS, STRUCTURES, OR FENCES WITHIN SAID EASEMENTS, AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

DATE _____ OWNER _____

DATE _____ OWNER _____

NOTE: MASTER STREET PLAN RIGHT-OF-WAY FOR SALEM ROAD AND RAVEN LANE ARE NOT DEDICATED BY THIS PLAT

OWNER/DEVELOPER
MUCCO, MIKE & COURTNEY
3145 W SALEM RD
FAYETTEVILLE, AR 72704
PARCEL #001-16738-000
PARCEL #001-16736-001
PLAT PAGE 206

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 22ND DAY OF FEBRUARY, 2013



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE INK OR THE SEAL IS NOT THE SEAL ASSIGNED TO THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.



BLEW & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
524 W SYCAMORE ST SUITE 4
FAYETTEVILLE, AR 72703
PH: (479) 443-6500 FAX: (479) 582-1883
http://www.blewinc.com

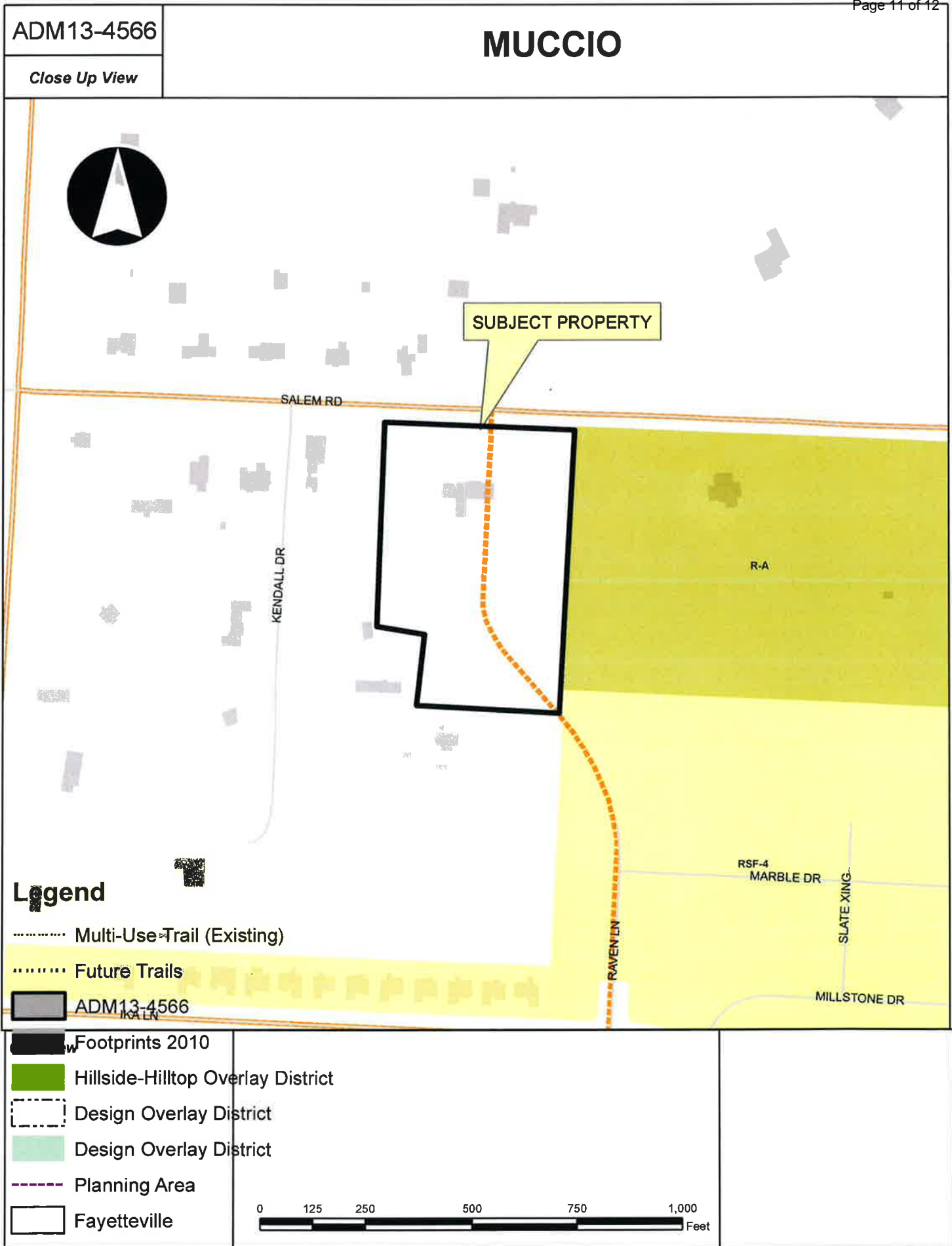
FOR THE USE AND BENEFIT OF:
MIKE MUCCO
JOB # 13-006
DRAWN BY NICK
SURVEYED BY WA
DATE 02/22/2013

VICINITY MAP



STANDARD LEGEND

SURVEY FEATURES	SURVEYING SYMBOLS
BOUNDARY LINE	SET FOUND 10' REBAR
FOURTY LINE	SET FOUND 10' REBAR
CENTERLINE OF ROAD	SET FOUND 10' REBAR
RIGHT-OF-WAY	SET FOUND 10' REBAR
FOURTY LINE	SET FOUND 10' REBAR
FIELD MEASUREMENT	SET FOUND 10' REBAR
RECORDED MEASUREMENT	SET FOUND 10' REBAR
EASEMENTS	UTILITY SYMBOLS
INGRESS & EGRESS EASEMENT	SANITARY SEWER
BUILDING SET BACK	WATER METER
UTILITY EASEMENT	SEPTIC
WATERLINE	WATER VALVE
OVERHEAD POWERLINE	GAS METER
SEWER LINE	TEMP MARK (ELEV.)
FLOW LINE	STAKE ON LINE
GAS LINE	TREE
FIBER OPTIC	
TELEPHONE LINE	
UTILITY LINES	SURVEY FEATURE HATCHES
WATERLINE	ASPHALT
OVERHEAD POWERLINE	CONCRETE
SEWER LINE	ROAD
FLOW LINE	GRAVEL
GAS LINE	FLOOD ZONE
FIBER OPTIC	
TELEPHONE LINE	



Agenda Session 12/31/13

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
January 07, 2014**

A meeting of the Fayetteville City Council will be held on January 07, 2014 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

- ✓ 1. Election of Vice Mayor
- ✓ 2. Housing Authority Board of Commissioners – The Commission recommends the appointment of Carma Unruh term ending 12/28/18
- ✓ 3. Firemen's Pension and Relief Fund and Policemen's Pension and Relief Fund Report to the Council – Mayor Lioneld Jordan

Agenda Additions:

A. Consent:

- ✓ 1. Approval of the December 17, 2013 City Council meeting minutes.

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

2. **Water and Sewer Operations Facility Rain Garden:** A resolution to approve and accept a grant of up to \$2,800.00 to pay for the installation of a rain garden at the City Water and Sewer Operations Facility and to approve the attached budget adjustment.
3. **Rain Garden Project:** A resolution to approve and accept six grant awards from the Rain Garden Project in the amount up to \$15,000.00 to pay for the installation of four rain gardens at the Nolan Wastewater Plant and two rain gardens at the West Side Wastewater Plant and to approve the attached budget adjustment.
4. **Stephens, Inc.:** A resolution to approve a contract with Stephens, Inc. to approve bond underwriting and related services as needed through December 31, 2018.
5. **Kutak Rock, LLP:** A resolution to approve a contract with Kutak Rock, LLP to approve bond counsel services as needed through December 31, 2018.
6. **Bid #14-02 Asphalt Striping Service, LLC:** A resolution awarding Bid #14-02 and authorizing the purchase from Asphalt Striping Service, LLC of reflectorized paint markings in variable amounts for the Transportation Division as needed through the end of calendar year 2014.
7. **Bid #14-03 Curb and Gutter Construction:** A resolution to award Bid #14-03 and authorizing the purchase of curb and gutter construction from Sweetser Construction, Inc. as primary supplier and Fochtman Enterprises, Inc. as secondary supplier of variable amounts of curb and gutter construction and authorizing the use of other bidders based upon price and availability throughout 2014.
8. **Bid #14-04 Hillside Gravel:** A resolution awarding Bid #14-04 and authorizing the purchase of hillside gravel from Leming & Son Trucking, Inc. for materials picked up and Les Rogers, Inc. for materials delivered for variable unit prices and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.
9. **Bid #14-05 Concrete:** A resolution awarding Bid #14-05 and authorizing the purchase of concrete from Tune Concrete Company as a primary supplier and Beaver Lake Concrete, Inc. as secondary supplier in variable amounts and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.
10. **Bid #14-06 Truck Hauling Services:** A resolution awarding Bid #14-06 and authorizing the purchase of truck hauling services from Les Rogers, Inc., as primary supplier and Leming & Son Trucking as secondary supplier for variable unit prices and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.
11. **Bid #14-07 Aggregate Materials:** A resolution awarding Bid #14-07 and authorizing the purchase of aggregate materials for varying unit prices from various vendors, as needed through the end of calendar year 2014.
12. **Bid #14-09 Drainage Pipe:** A resolution awarding Bid #14-09 and authorizing the purchase of drainage pipe for varying unit prices from various vendors, as needed through the end of calendar year 2014.

- ✓ **13. Bid #14-10 Crushed Rock Salt:** A resolution awarding Bid #14-10 and authorizing the purchase of crushed rock salt from North American Salt Company in the amount of \$76.16 per ton, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.
- ✓ **14. Bid # 14-11 Topsoil:** A resolution awarding Bid #14-11 and authorizing the purchase of topsoil from Les Rogers, Inc. in the amount of \$10.69 per cubic yard in variable amounts and authorizing the use of other bidders based on price and availability, as needed in calendar year 2014.
- ✓ **15. Arkansas Firewise Grant:** A resolution to accept an Arkansas Firewise Grant for 2013 in the amount of \$500.00 to be used for minor equipment and to approve a budget adjustment.
- ✓ **16. Clinton Foundation's Building Retrofit Home Energy Affordability Loan Program:** A resolution to approve a Memorandum of Understanding with and to pay \$5,000.00 to the Clinton Foundation's Building Retrofit Home Energy Affordability Loan Program and to approve a budget adjustment.
- ✓ **17. Plante and Moran, PLLC:** A resolution to approve a contract with Plante and Moran, PLLC for information technology services in the amount of \$101,400.00.
- ✓ **18. Amend Resolution No. 144-13 Hughmount Developers:** A resolution to amend Resolution No. 144-13 which had approved an amended agreement with the Hughmount Developers to allow access to City of Fayetteville sewerage system in order to approve a second amended agreement.

B. Unfinished Business:

- ✓ **1. RZN 13-4538 (Razorback Road/Victory Commons):** An ordinance rezoning that property described in rezoning petition RZN 13-4538, for approximately 5.09 acres, located at 731 S. Razorback Road from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare. *This ordinance was left on the First Reading at the December 17, 2013 City Council meeting.*

Left on the First Reading

C. New Business:

- ✓ **1. 2014 Asphalt Materials:** An ordinance waiving the requirements of formal competitive bidding during calendar year 2014 for the purchase of asphalt materials for use by the Transportation Division, but requiring informal quarterly bids or quotes.

2. **Watershed Conservation Resource Center Memorandum of Understanding:** An ordinance waiving the requirements of formal competitive bidding and approving a five year Memorandum of Understanding with the Watershed Conservation Resource Center to jointly seek funding and use such funding to design and construct stream restoration projects.
3. **VAC 13-4544 (Harvey's Hill/Center and Duncan):** An ordinance approving VAC 13-4544 submitted by McClelland Consulting Engineers for property located at the intersection of West Center Street and South Hill Avenue to vacate a utility easement.
4. **RZN 13-4546 (4377 Huntsville Rd./Baldwin Church of Christ):** An ordinance rezoning that property described in Rezoning Petition RZN 13-4546, for approximately 2.07 acres, located at 4377 Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to P-1, Institutional.
5. **RZN 13-4547 (MLK/Beechwood/Easton):** An ordinance rezoning that property described in Rezoning Petition RZN 13-4547, for approximately 1.54 acres, located at 1541/1555/1561 Martin Luther King Boulevard from I-1, Heavy Commercial/Light Industrial, to CS, Community Services.
6. **RZN 13-4548 (McMillan Estates):** An ordinance rezoning that property described in Rezoning Petition RZN 13-4548, for approximately 19.61 acres, located at the southeast corner of I-540 and Wedington Drive from C-2, Thoroughfare Commercial, to UT, Urban Thoroughfare.
7. **RZN 13-4552 (Park West):** An ordinance rezoning that property described in Rezoning Petition RZN 13-4552, for approximately 25.90 acres, located at Hwy 112, north of Truckers Drive from R-PZD Park West, to CS, Community Services.
8. **RZN 13-4553 (Wedington Circle):** An ordinance rezoning that property described in Rezoning Petition RZN 13-4553, for approximately 6.12 acres, located west of Wedington Drive and Garland Avenue from R-PZD Wedington Circle, to CS, Community Services.
9. **ADM 13-4566 (3145 W. Salem Rd./Raven Lane Amendment):** A resolution for ADM 13-4566 amending the Master Street Plan relocating Raven Lane, a collector street, approximately 150 feet to the east of the existing residence at 3145 Salem Road, as described and depicted in the attached map.

D. City Council Agenda Session Presentations:

1. **Entertainment District/Spring Street Parking Deck Update:** David Jurgens, Utilities Director

E. City Council Tour:

F. Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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

Pre Agenda 12/26/13

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
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113 West Mountain Fayetteville, AR 72701 (479) 575-8323 accessfayetteville.org
Telecommunications Device for the Deaf TDD/TTY (479) 521-1316

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6. **Bid #14-02 Asphalt Striping Service, LLC:** A resolution awarding Bid #14-02 and authorizing the purchase from Asphalt Striping Service, LLC of reflectorized paint markings in variable amounts for the Transportation Division as needed through the end of calendar year 2014.
7. **Bid #14-03 Curb and Gutter Construction:** A resolution to award Bid #14-03 and authorizing the purchase of curb and gutter construction from Sweetser Construction, Inc. as primary supplier and Fochtman Enterprises, Inc. as secondary supplier of variable amounts of curb and gutter construction and authorizing the use of other bidders based upon price and availability throughout 2014.
8. **Bid #14-04 Hillside Gravel:** A resolution awarding Bid #14-04 and authorizing the purchase of hillside gravel from Leming & Son Trucking, Inc. for materials picked up and Les Rogers, Inc. for materials delivered for variable unit prices and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.
9. **Bid #14-05 Concrete:** A resolution awarding Bid #14-05 and authorizing the purchase of concrete from Tune Concrete Company as a primary supplier and Beaver Lake Concrete, Inc. as secondary supplier in variable amounts and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.
10. **Bid #14-06 Truck Hauling Services:** A resolution awarding Bid #14-06 and authorizing the purchase of truck hauling services from Les Rogers, Inc., as primary supplier and Leming & Son Trucking as secondary supplier for variable unit prices and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.
11. **Bid #14-07 Aggregate Materials:** A resolution awarding Bid #14-07 and authorizing the purchase of aggregate materials for varying unit prices from various vendors, as needed through the end of calendar year 2014.
12. **Bid #14-09 Drainage Pipe:** A resolution awarding Bid #14-09 and authorizing the purchase of drainage pipe for varying unit prices from various vendors, as needed through the end of calendar year 2014.

✓ **13. Bid #14-10 Crushed Rock Salt:** A resolution awarding Bid #14-10 and authorizing the purchase of crushed rock salt from North American Salt Company in the amount of \$76.16 per ton, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.

✓ **14. Bid # 14-11 Topsoil:** A resolution awarding Bid #14-11 and authorizing the purchase of topsoil from Les Rogers, Inc. in the amount of \$10.69 per cubic yard in variable amounts and authorizing the use of other bidders based on price and availability, as needed in calendar year 2014.

✓ **15. Arkansas Firewise Grant:** A resolution to accept an Arkansas Firewise Grant for 2013 in the amount of \$500.00 to be used for minor equipment and to approve a budget adjustment.

✓ **16. Clinton Foundation's Building Retrofit Home Energy Affordability Loan Program:** A resolution to approve a Memorandum of Understanding with and to pay \$5,000.00 to the Clinton Foundation's Building Retrofit Home Energy Affordability Loan Program and to approve a budget adjustment.

✓ **17. Plante and Moran, PLLC:** A resolution to approve a contract with Plante and Moran, PLLC for information technology services in the amount of \$101,400.00.

✓ **18. Amend Resolution No. 144-13 Hughmount Developers:** A resolution to amend Resolution No. 144-13 which had approved an amended agreement with the Hughmount Developers to allow access to City of Fayetteville sewerage system in order to approve a second amended agreement.

B. Unfinished Business:

✓ **1. RZN 13-4538 (Razorback Road/Victory Commons):** An ordinance rezoning that property described in rezoning petition RZN 13-4538, for approximately 5.09 acres, located at 731 S Razorback Road from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare. *This ordinance was left on the First Reading at the December 17, 2013 City Council meeting.*

Left on the First Reading

C. New Business:

✓ **1. 2014 Asphalt Materials:** An ordinance waiving the requirements of formal competitive bidding during calendar year 2014 for the purchase of asphalt materials for use by the Transportation Division, but requiring informal quarterly bids or quotes.

✓ **2. VAC 13-4544 (Harvey's Hill/Center and Duncan):** An ordinance approving VAC 13-4544 submitted by McClelland Consulting Engineers for property located at the intersection of West Center Street and South Hill Avenue to vacate a utility easement.

- ✓ 3. **RZN 13-4546 (4377 Huntsville Rd./Baldwin Church of Christ):** An ordinance rezoning that property described in Rezoning Petition RZN 13-4546, for approximately 2.07 acres, located at 4377 Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to P-1, Institutional.
- ✓ 4. **RZN 13-4547 (MLK/Beechwood/Easton):** An ordinance rezoning that property described in Rezoning Petition RZN 13-4547, for approximately 1.54 acres, located at 1541/1555/1561 Martin Luther King Boulevard from I-1, Heavy Commercial/Light Industrial, to CS, Community Services.
- ✓ 5. **RZN 13-4548 (McMillan Estates):** An ordinance rezoning that property described in Rezoning Petition RZN 13-4548, for approximately 19.61 acres, located at the southeast corner of I-540 and Wedington Drive from C-2, Thoroughfare Commercial, to UT, Urban Thoroughfare.
- ✓ 6. **RZN 13-4552 (Park West):** An ordinance rezoning that property described in Rezoning Petition RZN 13-4552, for approximately 25.90 acres, located at Hwy 112, north of Truckers Drive from R-PZD Park West, to CS, Community Services.
- ✓ 7. **RZN 13-4553 (Wedington Circle):** An ordinance rezoning that property described in Rezoning Petition RZN 13-4553, for approximately 6.12 acres, located west of Wedington Drive and Garland Avenue from R-PZD Wedington Circle, to CS, Community Services.
- ✓ 8. **ADM 13-4566 (3145 W. Salem Rd./Raven Lane Amendment):** A resolution for ADM 13-4566 amending the Master Street Plan relocating Raven Lane, a collector street, approximately 150 feet to the east of the existing residence at 3145 Salem Road, as described and depicted in the attached map.
- per remove Paul 9. **Amend Large Scale Development:** An ordinance to amend the definition of Large Scale Development in § 151.01, amend § 157.02, § 166.01 (d) and § 166.02 (b)(2) and (3) and to repeal § 94.06 **Flammable and Combustible Liquids** of the Fayetteville Code to clarify what developments are considered large scale developments.
- WB #2 10. **Watershed Conservation Resource Center Memorandum of Understanding:** An ordinance waiving the requirements of formal competitive bidding and approving a five year Memorandum of Understanding with the Watershed Conservation Resource Center to jointly seek funding and use such funding to design and construct stream restoration projects.

D. City Council Agenda Session Presentations:

1. **Entertainment District/Spring Street Parking Deck Update:** David Jurgens, Utilities Director

E. City Council Tour:

F. Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the **Rules of Order and Procedure of the Fayetteville City Council** pertaining to City Council meetings:

Agenda additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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

FAYETTEVILLE HOUSING AUTHORITY

#1 North School Ave.

Fayetteville, AR 72701-5928

PH: (479) 521-3850 FAX: (479) 442-6771

E-MAIL: fayettevilleha@moregti.net

December 20, 2013

Mayor Lioneld Jordan &
Fayetteville City Council Members
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Dear Mayor Lioneld Jordan & Fayetteville City Council Members:

This letter is to confirm that the Fayetteville Housing Authority's Board has elected a new commissioner at its December 20, 2013, Regular Board Meeting.

The new Commissioner for the Fayetteville Housing Authority Board is Carma Unruh. Carma Unruh was appointed to fill an expired term of five years from December 28, 2013 to December 28, 2018.

The Fayetteville Housing Authority Board requests that this newly elected commissioner, Carma Unruh, be placed on the next City Council Meeting Agenda to be formally confirmed by the municipality's governing body in accordance with the Arkansas State Statue #14-169-208.

If you have any questions, please feel free to call or e-mail.

Sincerely yours,



Fredia Sawin
Executive Director

fs

RECEIVED

NOV 19 2013

All information submitted on this application is subject to the Freedom of Information Act and will be released if requested.

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

**City of Fayetteville Application Form
For appointment to City Boards, Commissions, and Committees**

Carma Yurich Name
2619 Quality Lane Fayetteville Ar 72703 Spouse name (if applicable) Resident Street Address City State Zip Code
2619 Quality Lane #315 Fayetteville Ar 72703 Mailing Address City State Zip Code
479-799-4326 cell Home phone # Business phone Email Address
Housing Authority participant Choice of Committee Position 25 yrs Length of Residency in the City Limits of Fayetteville

Are you a Fayetteville registered voter? Yes ☒ No ☐

1. What are your qualifications for serving on this committee, including education and expertise in the subject matter?

I am on Section-8

2. Why would you like to be considered for appointment to this committee?

to be able to learn more

References:

Denise Smiley Name Housing Authority Address 442-5248 Phone
Bar Foldway Name Rodgers Pine Address

How did you hear about the opening(s)? NWA Times ☐ Free Weekly ☐ Accessfayetteville.org ☐
Government Channel ☐ Chamber of Commerce ☐ Other ☒ Received letter asking

State statute §21-8-701 requires the following persons shall file a written Statement of Financial Interest upon appointment. The Statement of Financial Interest for the previous calendar year shall be filed by January 31st of each year by the following: Planning Commission, Airport Board, Water or Sewer Board, Utility Board or Civil Service Commission.

If you are applying for the Planning Commission you must also complete and submit a Real Estate Holdings Form which may be obtained on our website at accessfayetteville.org

If you have any questions you may contact the City Clerk office at 575-8323 or by email city_clerk@ci.fayetteville.ar.us

Office Use Only:

Term Begins: _____

Appointed: _____

Term Expires: _____

Replaced: _____

Terminated: _____

Resigned: _____

