

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra E. 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
February 04, 2014**

**(This meeting was rescheduled to a Special City Council meeting to be held on
Wednesday, February 5, 2014 due to inclement weather conditions)**

A meeting of the Fayetteville City Council will be held on February 04, 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:

Agenda Additions:

1. **David Clark McClinton Settlement Agreement:** A resolution to approve a settlement agreement with David Clark McClinton concerning condemnation litigation filed as part of the Van Ashe Drive construction project in the total amount of \$1,420.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 22-14

A. Consent:

1. Approval of the January 21, 2014 City Council meeting minutes. **APPROVED**
2. **Bid #14-12 Hanson Pipe & Precast and Scurlock Industries:** A resolution to award Bid #14-12 to Hanson Pipe & Precast and Scurlock Industries authorizing the purchase of drainage pipe for varying 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. 23-14

3. **George Nunnally Chevrolet of Bentonville:** A resolution to authorize the purchase of one (1) Chevrolet Equinox at the same price as the state procurement contract, in the amount of \$21,699.00, from George Nunnally Chevrolet of Bentonville for use by the Wastewater Treatment Plant, and approving a budget adjustment in the amount of \$21,699.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 24-14

4. **Caldwell Toyota of Conway:** A resolution to authorize the purchase of one (1) 2014 Toyota Camry Hybrid from Caldwell Toyota of Conway in the amount of \$25,498.00 for use by the Fayetteville Police Department, and approving a budget adjustment in the amount of \$25,498.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 25-14

5. **North Point Ford of North Little Rock:** A resolution to authorize the purchase of two (2) Ford F-150 2x4 pickup trucks from North Point Ford of North Little Rock in the amount of \$34,128.00, pursuant to a state procurement contract, for use by the Solid Waste and Transportation Divisions.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 26-14

6. **Landers Toyota of Little Rock:** A resolution to authorize the purchase of three (3) Toyota Tacoma pickup trucks from Landers Toyota of Little Rock in the amount of \$76,585.00, pursuant to a state procurement contract, for use by the Meter and Transportation Divisions.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 27-14

7. **Bid #13-55 S.M.I.L.E.S of Fort Smith:** A resolution to award Section C and Section F of Bid #13-55 and authorizing the purchase of light bars and cameras from S.M.I.L.E.S. of Fort Smith in the amount of \$22,726.00 for the upfitting of Police Department vehicles.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 28-14

8. **Animal Services Donation Revenue:** A resolution to approve a budget adjustment in the total amount of \$35,287.00 representing donation revenue to Animal Services for the third and fourth quarters of 2013.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 29-14

9. **Fayetteville District Court Technology Upgrades:** A resolution approving a budget adjustment for the Fayetteville District Court in the amount of \$20,000.00 to recognize revenue from the Court Automation Fund for the purchase of technology upgrades including computer monitors, hard drives, printers and wireless components.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 30-14

10. **Bid #13-58 ARCO Excavation & Paving, Inc.:** A resolution to award Bid #13-58 and authorizing a contract with ARCO Excavation & Paving, Inc. for the construction of the Town Branch Trail in the amount of \$779,645.25, and approving a contract contingency in the amount of \$93,557.43.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 31-14

11. **Gordon Long Park:** A resolution expressing the willingness of the City of Fayetteville to utilize federal-aid funds for the design of restrooms and expanded parking at Gordon Long Park, and to approve a budget adjustment in the amount of \$22,314.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 32-14

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 at the January 7, 2014 City Council meeting and Tabled to the February 4, 2014 City Council meeting.*

LEFT ON THE SECOND READING AND TABLED TO THE FEBRUARY 18, 2014 CITY COUNCIL MEETING

C. New Business:

1. **New World Systems:** An ordinance to waive competitive bidding and to approve a three year contract with New World Systems for Public Safety Software Maintenance in the total amount of \$341,760.00 payable over three years.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5655

2. **RZN 13-4571 (Northwest Corner of W. Wedington Drive and N. Golf Club Drive/Wedington):** An ordinance rezoning that property described in rezoning petition RZN 13-4571, for approximately 11.30 acres, located at the northwest corner of West Wedington Drive and North Golf Club Drive from R-A, Residential Agricultural and RSF-1, Residential Single-Family, 1 unit per acre to UT, Urban Thoroughfare

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5656

3. **RZN 13-4572 (Northwest Corner of W. Wedington Drive and N. Ruppel Road/Wedington Neighborhood Plan Zone):** An ordinance rezoning that property described in rezoning petition RZN 13-4572, for approximately 5.65 acres, located at the northwest corner of West Wedington Drive and North Ruppel Road from R-O, Residential-Office, C-1, Neighborhood Commercial, and C-2, Thoroughfare Commercial, to CS, Community Services.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5657

4. **RZN 13-4573 (825 S. Stonebridge Road/Hammans):** An ordinance rezoning that property described in rezoning petition RZN 13-4573, for approximately 0.84 acres, located at 825 South Stonebridge Road from R-A, Residential Agricultural, to NS, Neighborhood Services.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5658

5. **RZN 13-4578 (6316 W. Wedington Drive/Morlan):** An ordinance rezoning that property described in rezoning petition RZN 13-4578, for approximately 0.87 acres, located at 6316 West Wedington Drive from R-A, Residential Agricultural, to RSF-4, Residential Single-Family, 4 units per acre.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5659

6. **VAC 13-4567 (1851 E. Huntsville Road/Kum and Go):** An ordinance approving VAC 13-4567 submitted by CEI Engineering for property located at 1851 East Huntsville Road to vacate water/sewer easement, a total of 7,193 square feet.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5660

7. **VAC 13-4587 (1285 E. Millsap Road/Christian Life Cathedral):** An ordinance approving VAC 13-4587 submitted by Jorgensen and Associates for property located at 1285 East Millsap Road, to vacate unconstructed right-of-way for Millsap Road, a total of 1.58 acres.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5661

D. City Council Agenda Session Presentations:

1. **Spring Street Municipal Parking Deck discussion – Jeremy Pate**

E. City Council Tour:

F. Announcements:

Adjournment: 6:55 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.

Februray 4, 2014 City Council
Meeting rescheduled to February 5,
2014 Special Meeting

City Council Meeting:

Adjourn: 6:55 p.m.

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

8-0

Subject:	David Clark McClinton Settlement				
Motion To:		Add to Agenda	Approve		
Motion By:		Adams	Tennant		
Seconded:		Tennant	Long		
Added at the City Council Meeting <u>Passed</u> 22-14	Tennant	✓	✓		
	Schoppmeyer	✓	✓		
	Adams	✓	✓		
	Long	✓	✓		
	Gray	Absent	absent		
	Marsh	✓	✓		
	Kinion	✓	✓		
	Petty	✓	✓		
	Mayor Jordan				

7-0

7-0

Februray 4, 2014 City Council
Meeting rescheduled to February 5,
2014 Special Meeting

City Council Meeting:

Subject:	Consent				
Motion To:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Long</i>			
<i>passed</i> <i>23-14 thru, 32-14</i>	Tennant	<i>✓</i>			
	Schoppmeyer	<i>✓</i>			
	Adams	<i>✓</i>			
	Long	<i>✓</i>			
	Gray	<i>absent</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Mayor Jordan				

7-0

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

**Februray 4, 2014 City Council
Meeting rescheduled to February 5,
2014 Special Meeting**

City Council Meeting:

Subject:	RZN 13-4538 (Razorback Road/Victory Commons)				
Motion To:		<i>Added to Feb. 18, 2014</i>			
Motion By:		<i>Adams</i>			
Seconded:		<i>Tennant</i>			
B. 1 Unfinished Business <i>Added to Feb. 18, 2014</i>	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	<i>Absent</i>			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Mayor Jordan				

7-0

Subject:	None				
Motion To:					
Motion By:					
Seconded:					
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Mayor Jordan				

**Februray 4, 2014 City Council
Meeting rescheduled to February 5,
2014 Special Meeting**

City Council Meeting:

Subject:	New World Systems				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Long</i>	<i>Tennant</i>		
Seconded:		<i>Tennant</i>	<i>Long</i>		
C. 1 New Business <i>Passed</i> <i>5/155</i>	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	<i>Absent</i>	<i>Absent</i>	<i>absent</i>	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Mayor Jordan				
		<i>7-0</i>	<i>7-0</i>	<i>7-0</i>	

Subject:	RZN 13-4571 (Northwest Corner of W. Wedington Drive and N. Golf Club Drive/Wedington)				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Tennant</i>	<i>Tennant</i>		
Seconded:		<i>Marsh</i>	<i>Adams</i>		
C. 2 New Business <i>Passed</i> <i>5/156</i>	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	<i>Absent</i>	<i>Absent</i>	<i>Absent</i>	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Mayor Jordan				
		<i>7-0</i>	<i>7-0</i>	<i>7-0</i>	

Februray 4, 2014 City Council
Meeting rescheduled to February 5,
2014 Special Meeting

City Council Meeting:

Subject:		RZN 13-4572 (NW Corner of W. Wedington Dr and N. Ruppel Rd/Wedington Neighborhood Plan Zone)			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Adams	Tennant		
Seconded:		Tennant	Marsh		
C. 3 New Business <u>passed</u> 5057	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	Absent	absent	absent	
	Marsh			✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Mayor Jordan				
		7-0	7-0	7-0	

Subject:		RZN 13-4573 (825 S. Stonebridge Road/Hammans)			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Tennant	Petty		
Seconded:		Long	Tennant		
C. 4 New Business <u>passed</u> 5058	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	Absent	absent	absent	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Mayor Jordan				
		7-0	7-0	7-0	

Februray 4, 2014 City Council
Meeting rescheduled to February 5,
2014 Special Meeting

City Council Meeting:

Subject: RZN 13-4578 (6316 W. Wedington Drive/Morlan)					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Long	Adams		
Seconded:		Adams	Tennant		
C. 5 New Business <u>passed</u> 51059	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	absent	absent	absent	
	Marsh	✓	✓	✓	
	Kinion	✓	absent during the vote.	absent during the vote.	
	Petty	✓	✓	N	
	Mayor Jordan				

7-0

6-0

5-1

Subject: VAC 13-4567 (1851 E. Huntsville Road/Kum and Go)					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Petty	Tennant		
Seconded:		Tennant	Petty		
C. 6 New Business <u>passed</u> 51060	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	absent	absent	absent	
	Marsh	✓	✓	✓	
	Kinion	absent during the vote.			
	Petty	✓	✓	✓	
	Mayor Jordan				

6-0

6-0

6-0

**Februray 4, 2014 City Council
Meeting rescheduled to February 5,
2014 Special Meeting**

City Council Meeting:

Subject:	VAC 13-4587 (1285 E. Millsap Road/Christian Life Cathedral)				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Tennant</i>	<i>Tennant</i>		
Seconded:		<i>Schoppmeyer</i>	<i>Adams</i>		
C. 7 New Business <i>passed</i> <i>5:40</i>	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	<i>absent</i>	<i>absent</i>	<i>absent</i>	
	Marsh	✓	✓	✓	
	Kinion	<i>absent during the vote</i>			
	Petty	✓	✓	✓	
	Mayor Jordan				
		<i>6-0</i>	<i>6-0</i>	<i>6-0</i>	

Subject:	None				
Motion To:					
Motion By:					
Seconded:					
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Mayor Jordan				



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: February 6, 2014

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of February 5, 2014

1. **David C. McClinton Condemnation Settlement:** A resolution to approve a settlement agreement with David Clark McClinton concerning condemnation litigation filed as part of the Van Asche Drive construction project in the total amount of \$1,420.00.
2. **Bid #14-12 Hanson Pipe & Precast and Scurlock Industries:** A resolution to award Bid #14-12 to Hanson Pipe & Precast and Scurlock Industries authorizing the purchase of drainage pipe for varying unit prices and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.
3. **George Nunnally Chevrolet of Bentonville:** A resolution to authorize the purchase of one (1) Chevrolet Equinox at the same price as the state procurement contract, in the amount of \$21,699.00, from George Nunnally Chevrolet of Bentonville for use by the Wastewater Treatment Plant, and approving a budget adjustment in the amount of \$21,699.00.
4. **Caldwell Toyota of Conway:** A resolution to authorize the purchase of one (1) 2014 Toyota Camry Hybrid from Caldwell Toyota of Conway in the amount of \$25,498.00 for use by the Fayetteville Police Department, and approving a budget adjustment in the amount of \$25,498.00.
5. **North Point Ford of North Little Rock:** A resolution to authorize the purchase of two (2) Ford F-150 2x4 pickup trucks from North Point Ford of North Little Rock in the amount of \$34,128.00, pursuant to a state procurement contract, for use by the Solid Waste and Transportation Divisions.

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8. **Animal Services Donation Revenue:** A resolution to approve a budget adjustment in the total amount of \$35,287.00 representing donation revenue to Animal Services for the third and fourth quarters of 2013.
9. **Fayetteville District Court Technology Upgrades:** A resolution approving a budget adjustment for the Fayetteville District Court in the amount of \$20,000.00 to recognize revenue from the Court Automation Fund for the purchase of technology upgrades including computer monitors, hard drives, printers and wireless components.
10. **Bid #13-58 ARCO Excavation & Paving, Inc.:** A resolution to award Bid #13-58 and authorizing a contract with ARCO Excavation & Paving, Inc. for the construction of the Town Branch Trail in the amount of \$779,645.25, and approving a contract contingency in the amount of \$93,557.43.
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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

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City of Fayetteville Arkansas
City Council Meeting
February 04, 2014**

(This meeting was rescheduled to a
Special City Council meeting to be
held on Wednesday, February 5, 2014
due to inclement weather conditions)

A meeting of the Fayetteville City Council will be held on February 04, 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:

Agenda Additions:

A. Consent:

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Left on the Second Reading

C. New Business:

1. **New World Systems:** An ordinance to waive competitive bidding and to approve a three year contract with New World Systems for Public Safety Software Maintenance in the total amount of \$341,760.00 payable over three years.
2. **RZN 13-4571 (Northwest Corner of W. Wedington Drive and N. Golf Club Drive/Wedington):** An ordinance rezoning that property described in rezoning petition RZN 13-4571, for approximately 11.30 acres, located at the northwest corner of West Wedington Drive and North Golf Club Drive from R-A, Residential Agricultural and RSF-1, Residential Single-Family, 1 unit per acre to UT, Urban Thoroughfare
3. **RZN 13-4572 (Northwest Corner of W. Wedington Drive and N. Ruppel Road/Wedington Neighborhood Plan Zone):** An ordinance rezoning that property described in rezoning petition RZN 13-4572, for approximately 5.65 acres, located at the northwest corner of West Wedington Drive and North Ruppel Road from R-O, Residential-Office, C-1, Neighborhood Commercial, and C-2, Thoroughfare Commercial, to CS, Community Services.
4. **RZN 13-4573 (825 S. Stonebridge Road/Hammans):** An ordinance rezoning that property described in rezoning petition RZN 13-4573, for approximately 0.84 acres, located at 825 South Stonebridge Road from R-A, Residential Agricultural, to NS, Neighborhood Services.
5. **RZN 13-4578 (6316 W. Wedington Drive/Morlan):** An ordinance rezoning that property described in rezoning petition RZN 13-4578, for approximately 0.87 acres, located at 6316 West Wedington Drive from R-A, Residential Agricultural, to RSF-4, Residential Single-Family, 4 units per acre.
6. **VAC 13-4567 (1851 E. Huntsville Road/Kum and Go):** An ordinance approving VAC 13-4567 submitted by CEI Engineering for property located at 1851 East Huntsville Road to vacate water/sewer easement, a total of 7,193 square feet.
7. **VAC 13-4587 (1285 E. Millsap Road/Christian Life Cathedral):** An ordinance approving VAC 13-4587 submitted by Jorgensen and Associates for property located at 1285 East Millsap Road, to vacate unconstructed right-of-way for Millsap Road, a total of 1.58 acres.

D. City Council Agenda Session Presentations:

1. Spring Street Municipal Parking Deck discussion – Jeremy Pate

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.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT FOR THE FAYETTEVILLE DISTRICT COURT IN THE AMOUNT OF \$20,000.00 TO RECOGNIZE REVENUE FROM THE COURT AUTOMATION FUND FOR THE PURCHASE OF TECHNOLOGY UPGRADES INCLUDING COMPUTER MONITORS, HARD DRIVES, PRINTERS AND WIRELESS COMPONENTS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment for the Fayetteville District Court in the amount of \$20,000.00 to recognize revenue from the Court Automation Fund for the purchase of technology upgrades including computer monitors, hard drives, printers and wireless components.

PASSED and APPROVED this 4th day of February 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
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

**City of Fayetteville Arkansas
City Council Meeting Minutes
January 21, 2014**

A meeting of the Fayetteville City Council was held on January 21, 2014 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:

City Council Meeting Presentations, Reports and Discussion Items:

State of the City Address – Mayor Lioneld Jordan

Mayor Lioneld Jordan read the State of the City Address. A copy is attached.

City Attorney Kit Williams thanked the Mayor and City Council for all their hard work and leadership.

Presentation of the City of Fayetteville Martin Luther King Brotherhood Award - Presented by City Attorney Kit Williams

City Attorney Kit Williams: Since March 2001 it has been my honor and pleasure to select a City of Fayetteville employee to receive the Dr. Martin Luther King Jr. Brotherhood award. This year's honoree exemplifies Dr. Martin Luther King's spirit of equality and legacy of service. She has managed one of our most important community outreach facilities and has worked diligently and creatively to expand its services to even more of our citizens.

Mr. Williams presented the Dr. Martin Luther King Jr. Brotherhood award to Tenisha Gist, Director of the Yvonne Richardson Community Center.

Tenisha Gist, Director of the Yvonne Richardson Community Center thanked everyone and was honored to receive the award. She stated she had a lot of support and accepts the award for all those who believe in equality and trying to do what is right.

Mayor Jordan: Tenisha has done a tremendous job at the Yvonne Richardson Center. She has a great heart for people and an understanding for what their needs are. Congratulations and thank you for your service.

Agenda Additions: None

Consent:

Approval of the January 07, 2013 City Council meeting minutes.

Approved

Bid #13-59 NAFECO: A resolution to award Bid #13-59 and to approve the purchase of wildland fire gear backpacks from NAFECO in the amount of \$22,319.64 and to approve a budget adjustment.

Resolution 19-14 as recorded in the office of the City Clerk

Bid #13-59 Emergency Vehicle Specialists: A resolution to award Bid #13-59 and to approve the purchase of wildland fire gear which includes helmets, goggles, gloves, shelters, coats and trousers from Emergency Vehicle Specialists in the amount of \$115,190.86.

Resolution 20-14 as recorded in the office of the City Clerk

Gulf State Distributors: A resolution to approve the purchase of ammunition needed by the Fayetteville Police Department during 2014 from Gulf State Distributors in the amount of \$50,770.35 pursuant to the State of Arkansas ammunition contract.

Resolution 21-14 as recorded in the office of the City Clerk

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

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. This ordinance was left on the Third Reading at the December 17, 2013 City Council meeting and Tabled to the January 21, 2014 City Council meeting.*

Mayor Jordan: This went to the Transportation Committee.

Alderman Petty: We voted on a recommendation as an unanimous vote to restrict access on the northern border of the property.

City Attorney Kit Williams: We would need to change one of the conditions for approval. It is my understanding that they do not want Condition #1 any longer. You do not want to have a document showing how you will design the lot.

Jay Young, Development Consultants: That is correct. The Exhibit that was in the packet was a conceptual site plan to show our idea of how this would come together. That Exhibit is no longer reflecting how that is going to be designed. If you are going to suggest an amendment that is going to restrict access to Hotz that would be the condition.

City Attorney Kit Williams: Does this meet your approval? There shall be no entrance or exit to Hotz from this parcel now or in the future without express City Council approval in the form of a resolution. Would that meet the requirements you would like?

Jay Young, Development Consultants: Yes.

City Attorney Kit Williams: Then I suggest you change Condition #1 to that condition.

Alderman Petty moved to amend the ordinance to state there shall be no entrance or exit to Hotz from this parcel now or in the future without express City Council approval in the form of a resolution. Alderman Adams seconded the motion.

David Boddington, Hotz Drive and Ward 4 resident stated we believe that the Transportation Committees recommendation to not allow any vehicle or bus to enter or exit on to Hotz from the north end of the proposed project is a wise and responsible recommendation. Tonight we urge you to listen to the recommendation of the Transportation Committee and to vote against any northern egress on to Hotz Drive.

City Attorney Kit Williams: I want to make sure that the Council understands that originally Planning had worked with the University and had come to an agreement for the construction dedication of two public streets as shown on Exhibit C. This new change would say the University does not have to build any public streets in this parking lot. I have one minor change

to what my suggestion was. I want to put there should be no motor vehicle entrance or exit, rather than no entrance or exit. Obviously, I don't think anybody here wants to restrict pedestrians. I want to give our Development Services Director an opportunity to weigh in with any comments he might have before City Council votes.

Jeremy Pate, Director of Development Services: We have stated our recommendation position on the record before. We made the recommendation for the connection to Hotz based on your policy of connectivity. We understand the circumstances surrounding each and every connection to any street are contact sensitive. We respect the Transportation Committees recommendation in this particular case, from our perspective we still support the connection. I think the pedestrian enhancement for a future trail and/or pedestrian connection there will certainly be positive and warranted. I think leaving it up to the City Council or a future City Council possibly to open this up to a Meadow Drive signal in the future could come back to you all as an item. We believe the neighborhood will want that in the future. We are not in the future, we are here today so we respect that decision.

Alderman Petty: Do we need to change the motion to reflect your new language?

City Attorney Kit Williams: This will be Condition of Approval #1. There shall be no motor vehicle entrance or exit to Hotz from this parcel now or in the future without express City Council approval in the form of a resolution.

After discussion the previous motion was changed to say there shall be no *motor vehicle* entrance or exit to Hotz from this parcel now or in the future without express City Council approval in the form of a resolution. Upon roll call the motion to amend passed unanimously.

Alderman Adams: This was a very good exercise between Town and Gown relationships. The University came to a Ward 4 meeting and listened to the residents. Thank you Mike and your team for doing that. You showed us that the University cares about our Town and Gown relationship. We listened to citizens on the street and that live in the neighborhood. Alderman Long and I both have had emails and input. I met with Jeremy and we talked about the future. We do think when Razorback Drive is made into a four lane there may come a day when we need to cross over to go north and we will be glad that we can get out of there from that neighborhood in different ways. Thank you Council for supporting what Alderman Long and I want to see done, that is to protect our neighborhood from more cars and encourage traffic to go to the main roads.

Alderman Tennant: This is a great example of compromise between a neighborhood that is feeling the effects of growth and a University that is dealing with the effects of growth. Thank you to the University.

Alderman Long: The University spent an incredible amount of time and I appreciate it. It shows that the University wanted to be a part of our neighborhood. I appreciate the Transportation Committee listening to all the concerns and the City Council being flexible.

Alderman Gray: I want to thank Mike Johnson and his team for his patience in letting us work through this. This particular option, that we bring forward tonight, might seem a little bit drastic, but at this particular time in this particular situation this is the best way to go for our neighborhood. It is a great example of us working together. I wanted to listen to Ward 4, especially Mrs. Adams who lives in the midst of these streets.

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

Ordinance 5652 as Recorded in the office of the City Clerk

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. This ordinance was left on the First Reading at the December 17, 2013 City Council meeting and Tabled to the January 21, 2014 City Council meeting.***

Jeremy Pate, Director of Development Services: We would like to table this item. It is going to the February 5, 2014 Ordinance Review Committee meeting. We request this be tabled to February 18, 2014.

Alderman Petty: I think we should table it, but we have a couple of members in the audience tonight who would like to address the full Council.

Suzanne Clark, Fayetteville Resident and Lawyer for the Yacht Club: The Yacht Club is located at 617 North College. As the ordinance is currently drafted, this ordinance will put the Yacht Club out of business. There are three things I would like for you to consider in terms of how it is drafted. First, the requirement that these permits be granted to both mobile vendor and the property owner jointly be decoupled. Also, to ensure that the language imposing obligations on the property owner are reasonable based on the use of the property. Finally, consider whether or not it is appropriate to include language regarding the American with Disabilities Act in this particular section of code.

Imposing obligations on the property owner as that section of the ordinance reads it is exceptionally broad and allows the Planning Commission as a condition of granting a permit to a mobile vendor to impose requirements for permanent or semi-permanent improvements on the property owner that may include sidewalk improvements, permanent bathrooms, and landscaping. At the whim of what the Planning Commission may decide to impose, it opens the door to any manner of obligation that will put the Yacht Club out of business. At the December 9, 2013 Planning Commission meeting there was discussion about what obligations potentially should be imposed specifically on the Yacht Club. A vacant lot with temporary structures is not the same as a large scale development. There has been a lot of discussion about that particular

issue and there are some Commissioners on the Planning Commission who believe they should be treated identically.

Alderman Petty: I agree with everything you said. Some of the things that the Planning Commission has required, that I actually think are okay, are temporary landscaping improvements. Do you think that crosses the line?

Suzanne Clark: Not at all. In fact, Ms. Morris did temporary landscaping entirely voluntarily. This is something she wanted to do to spruce up the property.

Alderman Petty: I was at the Planning Commission meeting where we discussed the ordinance. In talking with other Commissioners, I know that some of them think that vendors at the Yacht Club are practically permanent. They don't move every night like a food truck might. Can you explain why we should consider them strictly temporary?

Suzanne Clark: When you can hitch a trailer up to it and move it off and it is no longer an operational business there, it is temporary. It is not a brick and mortar business. It is not something the owner has invested in as a permanent operation. It can be moved off sight in a day.

Alderman Adams: In your research, is there any other time that we drive up and down College and say we need you to improve your property? Do we have any other examples of that?

Suzanne Clark: No and that is part of my concern with the language. Paragraph C (3) opens up the door to let's decide what we want the property owner to do. It doesn't reference any specific code. I don't see that there is any other surrounding business that is under the same requirement. The comparisons I think unfairly have been made to say that this is a business operation that should have to comply with what the brick and mortar businesses are doing, this even goes beyond that and is requiring things that those brick and mortar businesses are not seeing. We don't say you have to show up before Planning and we decide if there are some other improvements we need you to make this year.

City Attorney Kit Williams: I agree with many of the comments that Mrs. Clark has stated. The thing that the city has that's most comparable to the Yacht Club is a mobile home park. The city can place requirements on a mobile home park for certain infrastructure improvements in order to be able to have mobile homes placed on the pads and pay rent. Everything must be proportional. I share a lot of concerns with some of the things that have been talked about, especially restrooms which seems to be kind of contrary to mobile vending. Most mobile vendors don't contemplate having restrooms. If they have food they need to have a place to wash, but that is required by the Health Department, not us. A lot of this is a matter of degree. They were asked to dedicate right of way to the city. The city is going to use the right of way that was dedicated to build new sidewalks there and increase the value of their property by taxpayer money to build the sidewalks. That would have been more difficult if we had not got this dedication. We appreciate the dedication, but I don't think that was an onerous burden. I do agree that there are problems with the way this particular ordinance has been drafted and that is why it is up before Ordinance Review Committee. I would encourage you to look at section

178.04 very carefully. There are some things that I would like to change in it and will suggest at the Ordinance Review Committee meeting. I hope this will be one of the provisions that you will be looking at as well as the food trucks.

Alderman Tennant: There is a RV park in south Fayetteville that I consider a recreational vehicle that you can go in and stay for a week. Do we put the same burden on the owner of that RV Park as we would on somebody with a trailer park?

City Attorney Kit Williams: I doubt it. I would have to defer to our Planning Department to give you the firm answer. I think what Planning Commissioners look at when they talk about permanent is not whether it can be moved or not, but whether they are moved. Year after year there are these airstream trailers that are sitting at the lots. They aren't exactly the same as an RV or mobile home. I think they are in between. I would ask Jeremy if he knows about what we require if there is an establishment of an RV park in Fayetteville.

Jeremy Pate: We haven't seen one in many years. The Planning Commission did approve one several years ago that was never constructed. We looked at the traffic generated by that and looked at it as a Large Scale Development.

Alderman Petty: The way we regulate mobile home parks, is that a use unit or a conditional use permit?

Jeremy Pate: It is a use unit and it has its own specific chapter. Most of them now are federally regulated and we have very little oversight in terms of the construction. We don't issue building permits for the homes. However, in connection to our utility systems, ADA accessible requirements we do inspect. That is part of our parking and building code.

Alderman Petty: Is it fair to say that the Council regulates mobile home parks in zoning decisions?

Jeremy Pate: It is both in zoning decisions and development. You can have a Large Scale Development that we look at and require improvements. We haven't had one of those since the 70's I think. We have them and there have been improvements required of them as part of the development process. Generally there aren't requirements for later tenants, which is what the point here is. The improvements are made up front. Like a retail strip center along College Avenue, each tenant we don't look at for future improvements because the decision was made for those improvements at the time when the use and development was established.

Alderman Petty: That is exactly the point I wanted to make. If we want to treat them similarly to mobile home parks, for the property it is a zoning decision and development decision. Beyond that it is just checking to make sure the vendor is putting together the right application, that they have gone to the Health Department and have gotten their business license. Beyond that, I am not sure what the city needs to be looking at. I know there are Commissioners that feel differently, but if you go back and watch the video, seven out of nine of them were adamant that the ordinance that proposed had these sorts of problems and needed to be fixed. They passed it to us the same night with the understanding that we were going to send it to Ordinance Review and

address these things. I am pleased to hear some of these concerns being brought up in such a clear manner.

Suzanne Clark: In regards to the ADA compliance. The accessibility issues under ADA require access that is readily achievable. In terms of how these businesses operate, the ADA specifically contemplates circumstances where providing that access could put that particular business operator out of business and allows for those exceptions. If that language is included, I ask that there also be language that specifically says that it is not intended to detract from or remove any exceptions that also exist within the ADA.

Cynthia Morris, Property Owner of the Yacht Club at College: Back in March 2012 I purchased this as a vacant lot. There were already three airstream trailers on the property when I purchased it. The money that I have received from rent I have put back into the property for improvements. I have added water, more electricity and movable landscaping.

On Friday, January 10, 2014 I got a message from the city that in order to renew the soup girls' permit on that Monday night I had to agree to take up concrete in front of my parking lot and add trees. I was given a 24 hour notice to get this done. I had no time to talk to the Urban Forester to see what they would want. There was no way to get a bid to know what kind of cost we were talking about. If I didn't say that was okay, then they would not renew her permit. That was also the kind of thing that happened when I deeded the property over to the city. I was given 30 days to get that completed.

Mayor Jordan: You had a 24 hour notice to take out your drive and plant trees?

Cynthia Morris: I had to agree to it. I got the notice on Friday morning, January 10, 2014. The Planning Commission meeting was going to be that Monday night. I had a person up to redo their permit. When there's a permit up, they think of what they want to tell me I have to do next. I feel that was an unreasonable amount of time for me to make a business decision.

Jeremy Pate: What improvements have the Planning Commission required on that property?

Cynthia Morris: I have done everything myself. I have tried to stay ahead of the curve. I have kept them informed on what I have done. The deeding of 2,000 square feet of my property to the city has been the biggest thing. They have discussed what kind of awning should be on the trailers, what kind of materials they should be made out of, should they use the original airstream fabric. They are always coming up with ideas off the cuff at Planning Commission. This is not the way a Planning Commission should work. There has been a lot of micromanagement items that have been unique to our lot and not to other businesses in the city.

Mayor Jordan: We will look into that.

A discussion followed on the proposed improvements to the property that were requested by the Planning Commission.

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Clayton Scott, Best Frickin Chicken in Town: When I filed for my extension and was awarded that by the Planning Commission it was imposed upon me to put in two bicycle racks. At the meeting, bicycle racks was the term. I got online and ordered two bicycle racks, but what Planning Commission meant was city coded bicycle racks. I was shut down until I found the correct bicycle racks.

A discussion continued about bicycle racks.

Clayton Scott, Best Frickin Chicken in Town: I think the Planning Commission and City Council need to come up with ways to help the process be easier and economically fair so that we can keep this thing going in our city.

Mayor Jordan: That is the reason why we trying to table this and take it to the Ordinance Review to look at some of these situations.

Clayton Scott, Best Frickin Chicken in Town: It would be nice to have representation from people who have properties as well as mobile vendors and bring us together as a committee.

Mayor Jordan: All of our meeting are open to the public. When they meet, you can express the same concerns that you are doing now. Your input is welcome.

Alderman Long: Mr. Clayton, we will be having a meeting on February 5, 2014 at 5:15 p.m. in Room 326 and please come.

Alderman Tennant: I am one of the first to praise our Planning Commission on occasion for things that they do, but this one troubles me. To expect business owners to put in permanent bathrooms and treat vacant lots the same way that you treat other things bothers me a great deal. A lot of people have told me for years to change the way North College looks. If we want vacant lots to be used car lots and self-storage units, then by all means let's follow the Planning Commission idea here. I don't want that. I think this is a great idea for our city to have these creative places where people can try a business and if they are successful, then move to brick and mortar. This is a classic case of over legislating something.

Jeremy Pate: This is one of the very reasons that we wanted to bring this ordinance forward. The current language that you all have adopted, that the City Attorney drafted, is much broader. We were trying to add specificity about what type of improvements. Right now the ordinance says when granting a variance, the Planning Commission may require semi-permanent or permanent improvements to the property. That could be just about anything they dream up. The objective was to try add some more specificity and that was feedback from mobile vendors.

City Attorney Kit Williams: I don't think they have turned down a variance for a mobile vendor permit to have it renewed.

Jeremy Pate: That is correct.

City Attorney Kit Williams: The only permanent improvement that has been requested was the dedication of the ten feet of right of way along College Avenue. If this property was ever sold and going to be developed, then it would have to be dedicated at that time. Now it won't have to be dedicated again and in fact now it will have a sidewalk built by the city taxpayers.

I know there has been some confusion on this. I am sorry the Frickin Chicken man did not realize when he agreed to the conditions of approval for the two bike racks it meant two bike racks as described by the city code. In fairness to the Planning Commission they have always approved these requests. The City Council long ago passed a provision that if anything that our city Unified Development Code requests of a landowner is more than what should be requested, they have a right to ask the Planning Commission to review that and reduce the amount the code would normally ask for to the constitutionally allowed amount.

I would like the Ordinance Review committee to consider is if you are going to put requirements on a vendor's court it seems like it should have the same right as you do with a mobile home court. The individual vendors shouldn't have to come in and get permits all the time. If this is a mobile vendor's court, then people should be able to sell just like if it is a strip center.

Alderman Adams: Could we make clear who speaks and participates at Ordinance Review meetings?

A discussion followed about the procedures and participation in an Ordinance Review Committee meeting.

Alderman Kinion: I talked with Cynthia after she purchased the property. I think we need to be sensible and not over restrictive. If anyone recalls what was at the corner of Trenton and College it was undesirable and it is now very desirable. It has become a destination in the neighborhood I live in and the Ward I represent. I think this is an excellent model to look at as we move forward in what could happen to any lot, to improve an area rather than have a vacancy.

Alderman Adams moved to table the ordinance to the February 18, 2014 City Council meeting. Alderman Long seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled to the February 18, 2014 City Council meeting.

New Business:

ADM 13-4565 (UDC Amendment: Large Scale Development/Parkland Dedication Applicability): 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.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Parks & Recreation Board and the Planning Commission both voted unanimously in favor of the request.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5653 as Recorded in the office of the City Clerk

Amend §157.04: An ordinance to amend §157.04 of the Unified Development Code to require notification for Planned Zoning District amendments.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff supports this request.

Alderman Adams: Thank you to Jeremy for working on this and Kit too. We have seen a couple of examples where this would have been a good thing to have our citizens notified. Any time we can do something to make sure our citizens are notified of changes that have an impact on their neighborhood, then we should do all we can as a city to notify them.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5654 as Recorded in the office of the City Clerk

City Council Agenda Session Presentations:

National League of Cities Report presented by Alderman Sarah Marsh

City Council Tour: None

Announcements:

Jeremy Pate: The Municipal League meeting is next week. It is in Northwest Arkansas. I urge you to attend if at all possible. I want to thank all of the elected officials. The State of the City is sound and we could not do it without your support.

Alderman Gray: There will be a Ward 1 meeting Thursday at 6:00 p.m. at the Senior Center on College.

Alderman Adams: There will be a Ward 4 meeting Monday night at 6:00 p.m. in Room 111.

Alderman Long: Today is a special day. I want to wish Alderwoman Gray a very Happy Birthday.

Mayor Jordan: I leave tomorrow for Washington D.C. for the U.S. Conference of Mayors. I sit on two committees. One is Urban Housing and the other is Arts, Parks and Tourism. It is always a good learning time.

Adjournment: 8:25 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

FROM: Blake Pennington, Assistant City Attorney

A handwritten signature in black ink, appearing to be 'BP', with a horizontal line extending to the right.

DATE: February 3, 2014

RE: Approval of Settlement with David C. McClinton for Purchase of Right of Way and Drainage Easement for Van Asche Drive Construction Project

Our office has asked that the above-referenced agenda item be walked on for the February 4, 2014 City Council meeting. Pursuant to City Council Rules of Order and Procedure #A.7, I am providing an explanation for our request for expedited consideration by the Council.

In the City Council's agenda session on January 28, the City Attorney mentioned that we had reached a tentative settlement with Mr. David Clark McClinton to obtain property for the Van Asche Drive Construction Project, but required Council approval to finalize the agreement. Our office would prefer to conclude all litigation as quickly as possible once the parties have reached a tentative agreement, particularly when it is a lawsuit against one of our residents.

If the Council approves this settlement with Mr. McClinton, we will still have to file notice with the Court and obtain an order releasing the funds we paid into the Court registry when we filed the condemnation lawsuit. Therefore, we believe it is important to get this before the Council this week rather than wait two more weeks to seek authority to resolve this lawsuit. The amount of the settlement, \$1,420.00, is the same amount as a previous offer to Mr. McClinton by the City and we believe it is a reasonable amount of compensation for this property.

City of Fayetteville Item Review Form

2014-0050

Legistar File Number

2/4/14

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

Submitted By

Development Services

Department

Action Required:

A Resolution Approving a Settlement with David Clark McClinton for Purchase of Right of Way and Drainage Easement along Van Asche Drive.

Does this item have a cost? ☒ Yes

\$920.00

Cost of this request

\$225,468.89

Category or Project Budget

Van Asche (Garland to Gregg)

Program or Project Name

4520.9555.5805.00

Account Number

\$0.00

Funds Used to Date

Street Improvements

Program or Project Category

06035.2500

Project Number

\$224,548.89

Remaining Balance

Street Sales Tax 2013

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

01-29-14 P04:31 RCVD

Comments:


Paul A. Dehn




CITY COUNCIL AGENDA MEMO

City Council Meeting of February 4, 2014

To: Mayor Jordan and City Council

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

From: Chris Brown *CB*

Date: January 29, 2014

Subject: Approval of a Settlement with David Clark McClinton for Purchase of Right of Way and Drainage Easement along Van Asche Drive

PROPOSAL:

Van Asche Drive is planned for improvement from Gregg Ave. to Garland Ave. as a part of the Transportation Improvement Bond Program. Right of way acquisition was required from many of the property owners along the route. In order to move forward with the project to bidding and construction, condemnation action on some of the properties was approved by the City Council. The City Attorney filed condemnation suits for these properties, and received Orders of Possession from the Circuit Court so that the project could move forward.

In the case of the McClinton's property, \$500.00, representing the City's appraised value for the right of way, and drainage easement was deposited with the Court at the time of the filing. Since that time, staff has corresponded with Mr. McClinton's attorney, and they have agreed to accept an additional \$920.00 to the appraised value of \$500.00 for the right of way and drainage easement. The total amount of compensation would be \$1,420.00.

This item is being walked on to the agenda at the recommendation of the City Attorney in order to quickly act on the settlement offer.

RECOMMENDATION:

Staff recommends approval of a Resolution authorizing the settlement of the McClinton Condemnation Case.

BUDGET IMPACT:

The payment for land acquisition will be made from the project budget allocated for the Van Asche Drive project, which is funded by the Transportation Bond Fund. 2014 budget numbers are not yet available, but the Transportation Bond Funding is available for this project.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A SETTLEMENT AGREEMENT WITH DAVID CLARK MCCLINTON CONCERNING CONDEMNATION LITIGATION FILED AS PART OF THE VAN ASCHE DRIVE CONSTRUCTION PROJECT IN THE TOTAL AMOUNT OF \$1,420.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an agreement with David Clark McClinton in the total amount of \$1,420.00, as full and final settlement of condemnation litigation (City of Fayetteville v. McClinton, Washington County Circuit Court Case No. CV-2013-2267-7) filed as part of the Van Asche Drive Construction Project.

Section 2: That the City Council of the City of Fayetteville, Arkansas, in furtherance of the settlement, hereby approves payment of an additional \$920.00, over and above the \$500.00 placed on deposit with the court.

PASSED and APPROVED this 4th day of February, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Casey, Matt

From: Casey, Matt
Sent: Wednesday, January 29, 2014 10:04 AM
To: Casey, Matt
Subject: FW: City of Fayetteville v. McClinton

From: Amy Driver [<mailto:ADriver@co.washington.ar.us>]
Sent: Tuesday, January 28, 2014 4:22 PM
To: Pennington, Blake
Subject: RE: City of Fayetteville v. McClinton

It is confirmed. Thank you.

From: Pennington, Blake [<mailto:bpennington@fayetteville-ar.gov>]
Sent: Tuesday, January 28, 2014 4:22 PM
To: Amy Driver
Cc: Brown, Chris
Subject: City of Fayetteville v. McClinton

Amy,

I just wanted to follow up with you about the settlement of the condemnation suit for your father's property. I went back and looked at the file notes and saw that the previous offer was \$1,350.00 for the right of way and an additional \$70.00 for a permanent drainage easement. I wanted to make sure we settled for the full amount that the city had offered previously. Would you please confirm that we are settled at \$1,420.00? Once I have your confirmation, we can take this to the Council for approval.

Thank you,

Blake

Blake E. Pennington
Assistant City Attorney
113 W. Mountain St., Suite 302
Fayetteville, Arkansas 72701

Email: bpennington@fayetteville-ar.gov
Telephone (479) 575-8313
Facsimile (479) 575-8315
TDD (479) 521-1316



WARRANTY DEED

BE IT KNOWN BY THESE PRESENTS:

THAT **David C. McClinton**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

A part of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section Twenty-Seven (27), Township Seventeen (17) North, Range Thirty (30) West, Washington County, Arkansas, being more particularly described as follows:

Commencing at a found iron pin being the Southwest Corner of said forty (40) acre tract as per Instrument No. 2002-167672 filed with the Circuit Clerk of said county; thence along the Westerly line of said tract North 02°31'13" East 47.32 feet to the POINT OF BEGINNING; thence continuing along said Westerly line North 01°10'43" East 100.73 feet; thence leaving said Westerly line South 89°57'06" East 24.81 feet; thence South 00°02'54" West 101.15 feet to the Northerly line of a property described in Instrument No. 2010-26154 as filed with said Circuit Clerk; thence along said Northerly line North 88°18'42" West 29.15 feet to the Point of Beginning, containing 2,718 square feet, more or less, consisting of 1,278 square feet, more or less, of existing city maintained right-of-way and 1,440 square feet, more or less, of new right-of-way.

TO HAVE AND TO HOLD the said lands and appurtenances hereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And the said Grantors, hereby covenant that they are lawfully seized of said lands and premises; that the same is unencumbered, and that the Grantors will forever warrant and defend the title to the said lands against all legal claims whatever.

WITNESS the execution hereof on this _____ day of _____, 2014.

REVENUE STAMPS AFFIDAVIT

The foregoing deed has the correct amount of Revenue
Stamps affixed to it or is exempt from such stamps.

David C. McClinton

Signed: _____
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

(spouse)

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF WASHINGTON

}
ss.
}

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **David C. McClinton and _____**, to me well known as the person(s) who executed the foregoing document, and who stated and acknowledged that he/they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth

WITNESS my hand and seal on this _____ day of _____, 2014.

MY COMMISSION EXPIRES:

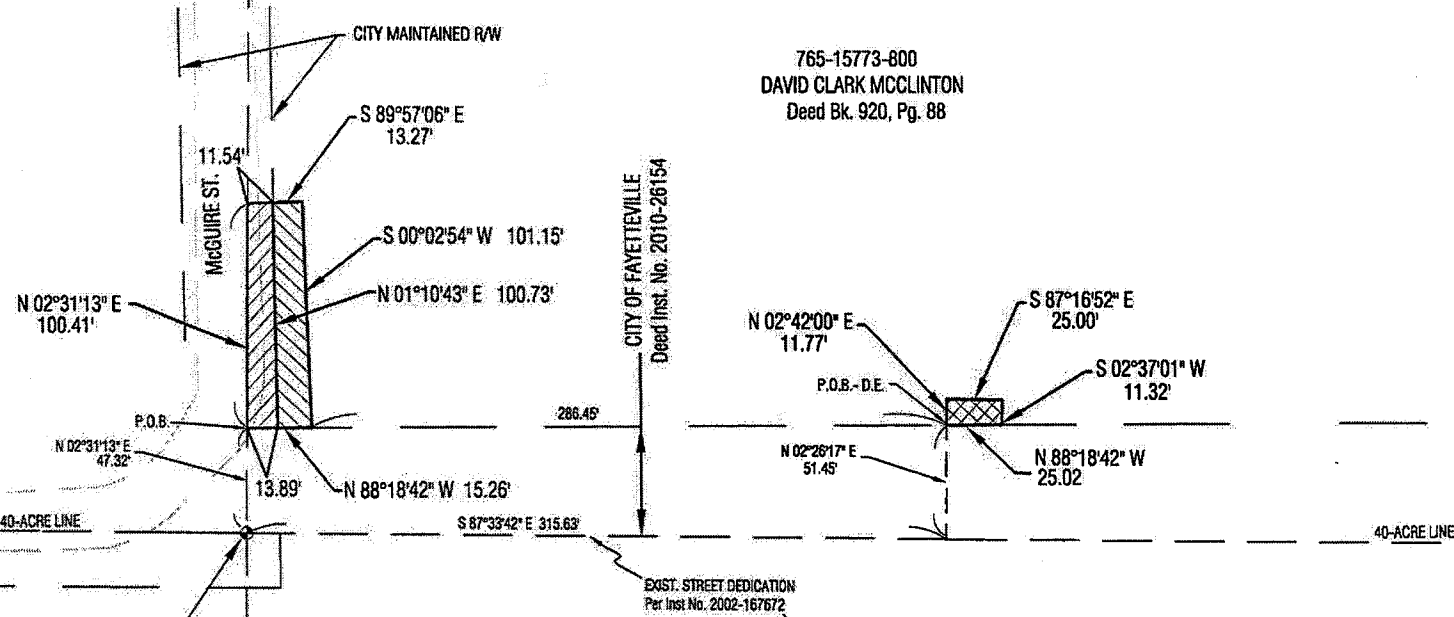
Notary Public

SW 1/4, NW 1/4
SECTION 27
T-17-N, R-30-W

765-15773-800
DAVID CLARK MCCLINTON
Deed Bk. 920, Pg. 88

Not to Scale

765-15783-500
WG LAND COMPANY LIMITED



W 1/4 CORNER
SECTION 27
T-17-N, R-30-W
2002-167672

765-15820-000
GOLDIE F. HARRISON

Section 28
Section 27

765-15804-000
JUDY EAGLE;
KIRK EAGLE

765-15804-001
TRIKOZ INC

765-15783-000
WG LAND COMPANY LIMITED



PROP. R/W --- 1440 S.F.



EXIST CITY MAINTAINED R/W
--- 1278 S.F.



DRAINAGE EASEMENT
--- 289 S.F.

EXHIBIT
AUG. 2013

LAND ACQUISITION AND
DRAINAGE EASEMENT
DAVID CLARK MCCLINTON

INTERSTATE 540

DRAINAGE EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT **David C. McClinton**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby GRANT, SELL and CONVEY unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement to construct, maintain, repair and/or replace an earthen retaining levee, drainage pipe, open ditch, concrete channel and/or concrete inlet box, and appurtenances thereto, on over, across, under and through the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Deed Book 920 at Page 88)

The West Half of the Southwest Quarter of the Northwest Quarter of Section Twenty-seven (27) in Township Seventeen (17) North, of Range Thirty (30) West of the 5th Principal Meridian, containing twenty (20) acres.

PERMANENT EASEMENT DESCRIPTION:

A part of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section Twenty-Seven (27), Township Seventeen (17) North, Range Thirty (30) West, Washington County, Arkansas, being more particularly described as follows:

Commencing at a found iron pin being the Southwest Corner of said forty (40) acre tract as per Instrument No. 2002-167672 filed with the Circuit Clerk of said county; thence along the Southerly line of said forty (40) acre tract South 87°33'42" East 315.63 feet; thence leaving said Southerly line North 02°26'17" East 51.45 feet to the POINT OF BEGINNING; thence North 02°42'00" East 11.77 feet; thence South 87°16'25" East 25.00 feet; thence South 02°37'01" West 11.32 feet to the Northerly line of a property described in Instrument No. 2010-26154 as filed with said Circuit Clerk; thence along said Northerly line North 88°18'42" West 25.02 feet to the Point of Beginning, containing 289 square feet, more or less.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee.

The Grantor agrees not to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional drainage structures within the above described permanent easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the _____ day of _____, 2014.

David C. McClinton

[spouse]

ACKNOWLEDGMENT

STATE OF ARKANSAS

)
)

ss.

COUNTY OF WASHINGTON

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **David C. McClinton and** _____, to me well known as the person(s) who executed the foregoing document, and who stated and acknowledged that he/they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2014.

MY COMMISSION EXPIRES:

Notary Public

5

765-15783-500
WG LAND COMPANY LIMITED

--- CITY OF FAYETTEVILLE
Deed Inst. No. 2010-26154

S 87°33'42" E 315.63'

40-ACRE LINE

EXIST. STREET DEDICATION
Per Inst No. 2002-167672

Section 28

765-15804-001
TRKDZ INC

765-15783-000
WG LAND COMPANY LIMITED

EXHIBIT
AUG. 2013

LAND ACQUISITION AND
DRAINAGE EASEMENT
DAVID CLARK McCLINTON

 PROP. R/W --- 1440 S.F.
 EXIST CITY MAINTAINED R/W
 --- 1278 S.F.
 DRAINAGE EASEMENT
 --- 289 S.F.

INTERSTATE 540

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
February 04, 2014**

A meeting of the Fayetteville City Council will be held on February 04, 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:

Agenda Additions:

A. Consent:

1. Approval of the January 21, 2014 City Council meeting minutes.
2. **Bid #14-12 Hanson Pipe & Precast and Scurlock Industries:** A resolution to award Bid #14-12 to Hanson Pipe & Precast and Scurlock Industries authorizing the purchase of drainage pipe for varying unit prices and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.

3. **George Nunnally Chevrolet of Bentonville:** A resolution to authorize the purchase of one (1) Chevrolet Equinox at the same price as the state procurement contract, in the amount of \$21,699.00, from George Nunnally Chevrolet of Bentonville for use by the Wastewater Treatment Plant, and approving a budget adjustment in the amount of \$21,699.00.
4. **Caldwell Toyota of Conway:** A resolution to authorize the purchase of one (1) 2014 Toyota Camry Hybrid from Caldwell Toyota of Conway in the amount of \$25,498.00 for use by the Fayetteville Police Department, and approving a budget adjustment in the amount of \$25,498.00.
5. **North Point Ford of North Little Rock:** A resolution to authorize the purchase of two (2) Ford F-150 2x4 pickup trucks from North Point Ford of North Little Rock in the amount of \$34,128.00, pursuant to a state procurement contract, for use by the Solid Waste and Transportation Divisions.
6. **Landers Toyota of Little Rock:** A resolution to authorize the purchase of three (3) Toyota Tacoma pickup trucks from Landers Toyota of Little Rock in the amount of \$76,585.00, pursuant to a state procurement contract, for use by the Meter and Transportation Divisions.
7. **Bid #13-55 S.M.I.L.E.S of Fort Smith:** A resolution to award Section C and Section F of Bid #13-55 and authorizing the purchase of light bars and cameras from S.M.I.L.E.S. of Fort Smith in the amount of \$22,726.00 for the upfitting of Police Department vehicles.
8. **Animal Services Donation Revenue:** A resolution to approve a budget adjustment in the total amount of \$35,287.00 representing donation revenue to Animal Services for the third and fourth quarters of 2013.
9. **Fayetteville District Court Technology Upgrades:** A resolution approving a budget adjustment for the Fayetteville District Court in the amount of \$10,000.00 to recognize revenue from the Court Automation Fund for the purchase of technology upgrades including computer monitors, hard drives, printers and wireless components.
10. **Bid #13-58 ARCO Excavation & Paving, Inc.:** A resolution to award Bid #13-58 and authorizing a contract with ARCO Excavation & Paving, Inc. for the construction of the Town Branch Trail in the amount of \$779,645.25, and approving a contract contingency in the amount of \$93,557.43.
11. **Gordon Long Park:** A resolution expressing the willingness of the City of Fayetteville to utilize federal-aid funds for the design of restrooms and expanded parking at Gordon Long Park, and to approve a budget adjustment in the amount of \$22,314.00.

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 at the January 7, 2014 City Council meeting and Tabled to the February 4, 2014 City Council meeting.***

Left on the Second Reading

C. New Business:

1. **New World Systems:** An ordinance to waive competitive bidding and to approve a three year contract with New World Systems for Public Safety Software Maintenance in the total amount of \$341,760.00 payable over three years.
2. **RZN 13-4571 (Northwest Corner of W. Wedington Drive and N. Golf Club Drive/Wedington):** An ordinance rezoning that property described in rezoning petition RZN 13-4571, for approximately 11.30 acres, located at the northwest corner of West Wedington Drive and North Golf Club Drive from R-A, Residential Agricultural and RSF-1, Residential Single-Family, 1 unit per acre to UT, Urban Thoroughfare
3. **RZN 13-4572 (Northwest Corner of W. Wedington Drive and N. Ruppel Road/Wedington Neighborhood Plan Zone):** An ordinance rezoning that property described in rezoning petition RZN 13-4572, for approximately 5.65 acres, located at the northwest corner of West Wedington Drive and North Ruppel Road from R-O, Residential-Office, C-1, Neighborhood Commercial, and C-2, Thoroughfare Commercial, to CS, Community Services.
4. **RZN 13-4573 (825 S. Stonebridge Road/Hammans):** An ordinance rezoning that property described in rezoning petition RZN 13-4573, for approximately 0.84 acres, located at 825 South Stonebridge Road from R-A, Residential Agricultural, to NS, Neighborhood Services.
5. **RZN 13-4578 (6316 W. Wedington Drive/Morlan):** An ordinance rezoning that property described in rezoning petition RZN 13-4578, for approximately 0.87 acres, located at 6316 West Wedington Drive from R-A, Residential Agricultural, to RSF-4, Residential Single-Family, 4 units per acre.
6. **VAC 13-4567 (1851 E. Huntsville Road/Kum and Go):** An ordinance approving VAC 13-4567 submitted by CEI Engineering for property located at 1851 East Huntsville Road to vacate water/sewer easement, a total of 7,193 square feet.
7. **VAC 13-4587 (1285 E. Millsap Road/Christian Life Cathedral):** An ordinance approving VAC 13-4587 submitted by Jorgensen and Associates for property located at 1285 East Millsap Road, to vacate unconstructed right-of-way for Millsap Road, a total of 1.58 acres.

D. City Council Agenda Session Presentations:

1. Spring Street Municipal Parking Deck discussion – Jeremy Pate

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.

City of Fayetteville Item Review Form

2014-0027

Legistar File Number

February 4, 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 #14-12 and authorizing the purchase of drainage pipe for varying unit prices and from various vendors as shown on 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 #

01-17-14P12:52 RCV

Original Contract Number:

Comments:

Paul A. Beeler

Paul A. Beeler for Dan Mann

David J. Mann



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director

Date: February 4, 2014

Subject: Bid #14-12, Drainage Pipe

PROPOSAL:

A resolution awarding Bid #14-12 and authorizing the purchase of drainage pipe for varying unit prices and from various vendors as shown on 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.

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 TO AWARD BID #14-12 TO HANSON PIPE & PRECAST AND SCURLOCK INDUSTRIES AUTHORIZING THE PURCHASE OF DRAINAGE PIPE FOR VARYING 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 #14-12 to Hanson Pipe & Precast and Scurlock Industries for the purchase of drain pipe at varying prices as set forth in the certified bid sheet, a copy of which is attached as Exhibit "A."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the use of other bidders based on price and availability as needed through the end of calendar year 2014.

PASSED and APPROVED this 4th day of February, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Bid 14-12, Drainage Pipe

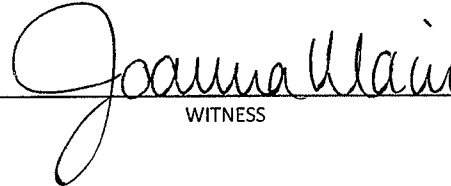
BID: 14-12
 DATE: 01/14/14
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE

Item #	Size	Measure	Description	Estimated Quantity	Unit of Measure	Hanson Pipe & Precast		Scurlock Industries	
						Unit Price	Extended Price	Unit Price	Extended Price
1	15"	Diameter	Circular Reinforced Concrete Pipe, Class III	90	Feet	\$ 11.55	\$ 1,039.50	\$ 10.15	\$ 913.50
2	18"	Diameter	Circular Reinforced Concrete Pipe, Class III	180	Feet	\$ 14.89	\$ 2,680.20	\$ 12.25	\$ 2,205.00
3	24"	Diameter	Circular Reinforced Concrete Pipe, Class III	180	Feet	\$ 23.58	\$ 4,244.40	\$ 17.75	\$ 3,195.00
4	30"	Diameter	Circular Reinforced Concrete Pipe, Class III	45	Feet	\$ 33.96	\$ 1,528.20	\$ 26.25	\$ 1,181.25
5	36"	Diameter	Circular Reinforced Concrete Pipe, Class III	45	Feet	\$ 46.76	\$ 2,104.20	\$ 39.35	\$ 1,770.75
6	42"	Diameter	Circular Reinforced Concrete Pipe, Class III	45	Feet	\$ 58.38	\$ 2,627.10	\$ 49.75	\$ 2,238.75
7	48"	Diameter	Circular Reinforced Concrete Pipe, Class III	45	Feet	\$ 74.02	\$ 3,330.90	\$ 60.45	\$ 2,720.25
8	15"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	\$ 289.44	\$ 578.88	\$ 236.00	\$ 472.00
9	18"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	\$ 317.45	\$ 634.90	\$ 268.50	\$ 537.00
10	24"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	\$ 360.30	\$ 720.60	\$ 336.00	\$ 672.00
11	30"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	\$ 400.98	\$ 801.96	\$ 397.00	\$ 794.00
12	36"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	\$ 732.22	\$ 1,464.44	\$ 746.50	\$ 1,493.00
13	42"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	\$ 968.55	\$ 1,937.10	\$ 957.00	\$ 1,914.00
14	48"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	\$ 1,140.73	\$ 2,281.46	\$ 1,132.00	\$ 2,264.00
15	42"	Diameter	Flared End Section, Plastic Pipe	2	Each	\$ 968.55	\$ 1,937.10	NO BID	\$ -
16	48"	Diameter	Flared End Section, Plastic Pipe	2	Each	\$ 1,140.73	\$ 2,281.46	NO BID	\$ -
17	6 Feet	Feet	Box Culvert, 6 ft. Sections (6x7)	4	Each	\$ 2,808.00	\$ 11,232.00	\$ 1,800.00	\$ 7,200.00
18	5 Feet	Feet	Box Culvert, 5 ft. Sections (3x12)	9	Each	\$ 5,400.00	\$ 48,600.00	\$ 2,150.00	\$ 19,350.00
19	4 Feet	Feet	Junction Box, 4 ft. Sections (4x4x4)	10	Each	NO BID	\$ -	\$ 900.00	\$ 9,000.00
20	4 Feet	Feet	Inlet Box, 4 ft. Sections (4x4x4)	10	Each	NO BID	\$ -	\$ 900.00	\$ 9,000.00
Total Bid Price =							\$90,024.40		\$66,920.50

Indicates Bid Correction

CERTIFIED:


 A. FOREN, PURCHASING AGENT


 WITNESS

1-14-14
 DATE

City of Fayetteville Item Review Form

2014-0010

Legistar File Number

February 4, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks / Barbara Olsen

Submitted By

Transportation Services

Department

Action Required:

A resolution approving the purchase of one Chevrolet Equinox off the State contract in the amount of \$21,699 from Nunnally Chevrolet of Bentonville, AR for use by the Wastewater Plant.

Does this item have a cost? ☒ Yes

\$21,699.00

Cost of this request

\$300,000.00

Category or Project Budget

Police / Passenger Vehicles

Program or Project Name

9700.1920.5802.00

Account Number

\$0.00

Funds Used to Date

Vehicles and Equipment

Program or Project Category

02081.2014

Project Number

\$278,301.00

Remaining Balance

Shop

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

01-17-14P12:52 RCVD

dm
[Signature] 1/17/14



Paul a. Beeler
Paul a. Beeler for Don Mann
[Signature]

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation *TG*

From: Jesse Beeks, Fleet Operations Superintendent

Date: January 15, 2014

Subject: Purchase of one Chevy Equinox off State contract for Wastewater Plant

PROPOSAL: That City Council approve the purchase of one Chevrolet Equinox off the State contract for use by the Wastewater Plant in the amount of \$21,699 from Nunnally Chevrolet of Bentonville, AR.

RECOMMENDATION: Unit 1092 is a 2002 Ford Explorer 4x4 with over 126,000 miles. It is worn out and needs to be replaced. This unit is located at the Wastewater Treatment Plant. This unit should have been replaced in 2012. A Chevrolet Equinox AWD vehicle is available on the State purchase contract from Bale Chevrolet in Little Rock, AR in the amount of \$21,699. Our local dealer, George Nunnally Chevrolet from Bentonville, has advised that he will be able to sell it to us at the state contract price also.

As CMH2Hill does their own maintenance, those costs do not automatically show up in FASTER (our Fleet Management System.) These costs are used to help calculate when a unit needs to be replaced. Beginning in 2009, Fleet asked CH2 to provide us with maintenance costs so that we can enter the data into FASTER to track it. Since no repairs were entered for 2002 to 2008, this unit was not flagged as needing to be replaced. Since it wasn't scheduled for replacement, a Budget Adjustment is needed for the capital cost. Sufficient replacement funds have been collected for this purchase.

Fleet recommends the purchase of one Chevy Equinox at the state contract price from Nunnally Chevrolet of Bentonville for a total price of \$21,699.

This purchase was approved by the Equipment Committee on January 14, 2014.

BUDGET IMPACT: Sufficient capital funds have been collected for this purchase. Operating funds have been budgeted for the 2014 year.

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE THE PURCHASE OF ONE (1) CHEVROLET EQUINOX AT THE SAME PRICE AS THE STATE PROCUREMENT CONTRACT, IN THE AMOUNT OF \$21,699.00, FROM GEORGE NUNNALLY CHEVROLET OF BENTONVILLE FOR USE BY THE WASTEWATER TREATMENT PLANT, AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$21,699.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of one (1) Chevrolet Equinox at the same price as the state procurement contract, in the amount of \$21,699.00, from George Nunnally Chevrolet of Bentonville for use by the Wastewater Treatment Plant.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A", in the amount of \$21,699.00.

PASSED and APPROVED this 4th day of February 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

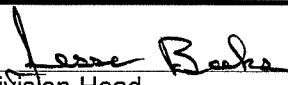
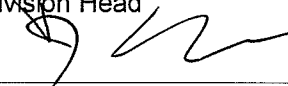
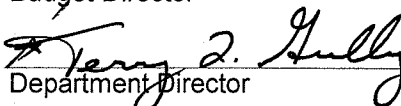
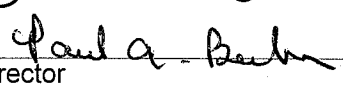
V12.0724 A. 3
George Nunnally Chevrolet
of Bentonville
Page 4 of 6

Budget Year BY 2014	Division: Fleet Operations Department: Transportation Services	Request Date 1/7/2014	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Unit #1092 (WWTP_F025) is a 2002 Ford Explorer with over 126,000 miles that needs to be replaced. It was not scheduled for replacement in 2014, but needs to go now as it is worn out. Funds are needed in project 02081.2014 for the purchase.

Sufficient funds remain to meet City objectives.

 Division Head	<u>12/30/13</u> Date	Prepared By: <u>Barbara Olsen</u>  Olsen, Barbara
 Budget Director	<u>1-21-14</u> Date	Reference: _____
 Department Director	<u>12/30/13</u> Date	Budget & Research Use Only
 Finance Director	<u>1-22-2014</u> Date	Type: A B C D E P
Chief of Staff	Date	General Ledger Date _____
Mayor	Date	Posted to General Ledger Initial Date
		Checked / Verified Initial Date

TOTAL BUDGET ADJUSTMENT		23,000	23,000	Project.Sub Number
		Increase / (Decrease)		
Account Name	Account Number	Expense	Revenue	
Vehicles and equipment	9700.1920.5802.00	23,000	-	02081 . 2014
Use of fund balance	9700.0970.4999.99	-	23,000	.
				.
				.

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

Chevrolet
 Fayetteville
 Page 5 of 6

Vendor #: 21341 Vendor Name: GEORGE NUNNALLY CHEVROLET

Address: 21341

City: State: Zip Code: 50

Requester: BARBARA OLSEN

Requester's Employee #: 1940 Extension: 485

Account Numbers: 9700.1920.5802.00

Project/Subproject #: 02081.2014

Inventory #: 701274

Fixed Asset #

Quantity: 1 Unit of Issue: EA Unit Cost: \$21,699.00 Extended Cost: \$21,699.00

Item Description: 2014 CHEVROLET EQUINOX PER SPECS ON

STATE CONTRACT

TO BE UNIT #1274, FIXED ASSET 701274

Unit Cost: \$0.00 Extended Cost: \$0.00

Unit Cost: \$0.00 Extended Cost: \$0.00

Unit Cost: \$0.00 Extended Cost: \$0.00

Unit Cost: \$0.00 Extended Cost: \$0.00

Unit Cost: \$0.00 Extended Cost: \$0.00

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Unit Cost: \$0.00 Extended Cost: \$0.00

Unit Cost: \$0.00 Extended Cost: \$0.00

Unit Cost: \$0.00 Extended Cost: \$0.00

Unit Cost: \$0.00 Extended Cost: \$0.00

Requisition No.: Date: 1/14/2014

P.O Number: Expected Delivery Date:

Mail Yes: No: X

Taxable Yes: No: X

Quotes Attached Yes: No: X

Division Head Approval: [Signature]

Extension: 485

Project/Subproject #: 02081.2014

Inventory #: 701274

Fixed Asset #

Quantity: 1

Unit of Issue: EA

Unit Cost: \$21,699.00

Extended Cost: \$21,699.00

Account Numbers: 9700.1920.5802.00

Project/Subproject #: 02081.2014

Inventory #: 701274

Fixed Asset #

Quantity: 1

Unit of Issue: EA

Unit Cost: \$21,699.00

Extended Cost: \$21,699.00

Account Numbers: 9700.1920.5802.00

Project/Subproject #: 02081.2014

Inventory #: 701274

Fixed Asset #

Quantity: 1

Unit of Issue: EA

Unit Cost: \$21,699.00

Extended Cost: \$21,699.00

Account Numbers: 9700.1920.5802.00

Project/Subproject #: 02081.2014

Inventory #: 701274

Fixed Asset #

Subtotal: \$21,699.00

Total: \$21,699.00

Special Instructions:

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

City of Fayetteville Item Review Form

2014-0015

Legistar File Number

February 4, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks / Barbara Olsen

Submitted By

Transportation Services

Department

Action Required:

A resolution approving the purchase of one Toyota Camry Hybrid off the State contract in the amount of \$25,498 from Caldwell Toyota of Conway, AR for use by Police Department.

Does this item have a cost? ☒ Yes

\$25,498.00

Cost of this request

\$300,000.00

Category or Project Budget

Police / Passenger Vehicles

Program or Project Name

9700.1920.5802.00

Account Number

\$21,699.00

Funds Used to Date

Vehicles and Equipment

Program or Project Category

02081.2014

Project Number

\$252,803.00

Remaining Balance

Shop

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

01-17-14 P12:53 RCVD



[Signature] 1/17/14

Paula Beeks
Paula Beeks for Don Mann
[Signature]

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation

From: Jesse Beeks, Fleet Operations Superintendent

Date: January 15, 2014

Subject: Purchase of one Toyota Camry Hybrid off State contract for Police Department

PROPOSAL: That City Council approve the purchase of one Toyota Camry Hybrid off the State contract in the amount of \$25,498 from Caldwell Toyota of Conway, AR for use by Police Department.

RECOMMENDATION: Unit 1155 is a 2006 Ford Crown Interceptor detective unit that needs to be replaced. Police and Fleet wish to replace it with a Toyota Camry Hybrid off the state contract. The hybrid should get 40 to 43 mpg compared to 16 mpg for unit #1155.

This unit had been pushed back to 2015, but it needs to go now. As it was not budgeted on the capital side, a budget adjustment is needed to move funds into the 2014 subproject. There is a small shortfall in replacement collected that will be covered by the sale proceeds when 1155 is sold on Gov deals.

Fleet recommends the purchase off the state contract of one Toyota Camry Hybrid in the amount of \$25,498 from Caldwell Toyota of Conway, AR

This purchase was approved by the Equipment Committee on January 14, 2014.

BUDGET IMPACT: Sufficient replacement funds are available for this purchase. Operating funds have been budgeted for 2014.

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE THE PURCHASE OF ONE (1) 2014 TOYOTA CAMRY HYBRID FROM CALDWELL TOYOTA OF CONWAY IN THE AMOUNT OF \$25,498.00 FOR USE BY THE FAYETTEVILLE POLICE DEPARTMENT, AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$25,498.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of one (1) 2014 Toyota Camry Hybrid from Caldwell Toyota of Conway in the amount of \$25,498.00 for use by the Fayetteville Police Department.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A", in the amount of \$25,498.00.

PASSED and APPROVED this 4th day of February 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

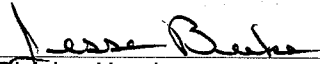
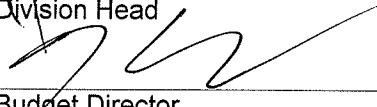
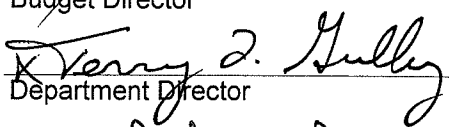
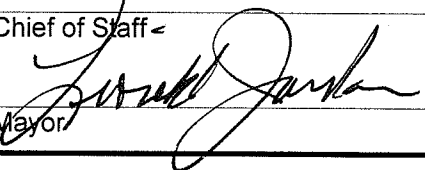
**City of Fayetteville, Arkansas
Budget Adjustment Form**

V12.0724A. 4
Caldwell Toyota of Conway
Page 4 of 6

Budget Year BY 2014	Division: Fleet Operations Department: Transportation Services	Request Date 2/4/2014	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Unit #1155 (POLC_F006) is a 2006 Ford Crown Vic Interceptor detective unit that needs to be replaced. It was scheduled for replacement in 2015, but needs to go now. Funds are needed in project 02081.2014 for the purchase. Sufficient funds remain to meet City objectives.

 Division Head	12/30/13 Date	Prepared By: Barbara Olsen  Olsen, Barbara
 Budget Director	1-21-14 Date	Reference: _____
 Department Director	12/30/13 Date	Budget & Research Use Only
 Finance Director	1-22-2014 Date	Type: A B C D E P
Chief of Staff - 	1/21/14 Date	General Ledger Date _____
Mayor		Posted to General Ledger _____ Initial _____ Date _____
		Checked / Verified _____ Initial _____ Date _____

TOTAL BUDGET ADJUSTMENT

		TOTAL BUDGET ADJUSTMENT		26,000	26,000	
				Increase / (Decrease)		Project.Sub
Account Name	Account Number	Expense	Revenue			Number
Vehicles and equipment	9700.1920.5802.00	26,000	-			02081 . 2014
Use of fund balance	9700.0970.4999.99	-	26,000			.
						.
						.

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

Requisition No.:	Date: 1/14/2014 A. 4
P.O Number:	Expected Delivery Date: Page 5 of 6

Vendor #:	Vendor Name: CALDWELL TOYOTA	Mail Yes: ☐ No: ☒
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Address:	Fob Point:	Taxable Yes: ☐ No: ☒	Quotes Attached Yes: ☐ No: ☒
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City:	State:	Zip Code:	Ship to code: 50	Divison Head Approval: <i>B. Olsen</i>
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Requester: BARBARA OLSEN	Requester's Employee #: 1940	Extension: 485
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Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2014 TOYOTA CAMRY HYBRID PER SPECS ON	1	EA	25,498.00	\$25,498.00	9700.1920.5802.00	02081.2014		701275
2	STATE VEHICLE CONTRACT, COSMIC GRAY				\$0.00				
3	COLOR, TO BE UNIT 1275, FIXED ASSET #701275				\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: **\$25,498.00**

Total: **\$25,498.00**

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

City of Fayetteville Item Review Form

2014-0016

Legistar File Number

February 4, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks / Barbara Olsen

Submitted By

Transportation Services

Department

Action Required:

A resolution approving the purchase of two Ford F150 2x4 pickups off the State contract from North Point Ford of North Little Rock, in the amount of \$17,064 each for a total of \$34,128 for use by Solid Waste and Transportation divisions.

Does this item have a cost? ☒ Yes

\$34,128.00

Cost of this request

\$785,000.00

Category or Project Budget

Light / Medium Utility Vehicles

Program or Project Name

9700.1920.5802.00

Account Number

Funds Used to Date

Vehicles and Equipment

Program or Project Category

02078.2014

Project Number

\$750,872.00

Remaining Balance

Shop

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐ No

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

01-17-14P12:53 RCVD

dm
[Signature] 1/17/14
ENTERED
1-17-14
[Signature]

Paul a. Beeks
Paul Beeks for Don Mann
[Signature]

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation

From: Jesse Beeks, Fleet Operations Superintendent

Date: January 15, 2014

Subject: Purchase of two Ford F150 2x4 pickups for Solid Waste and Transportation

PROPOSAL: That City Council approve the purchase of two Ford F150 ½ ton 2x4 pickups off the State vehicle contract from North Point Ford of North Little Rock in the amount of \$17,064 each for a total of \$34,128.

RECOMMENDATION: Unit 2062 is a 2004 Ford F250 ¾ ton 4x4 pickup that needs to be replaced. Solid Waste and Fleet wish to replace it with an F150 ½ ton 2x4 pickup.

Unit 2063 is also a 2004 F250 ¾ ton 4x4 pickup that needs to be replaced. Transportation and Fleet wish to replace it with an F150 ½ ton 2x4 pickup.

These trucks are available off the state contract from North Point Ford of North Little Rock.

Fleet recommends the purchase of two Ford F150 2x4 pickups from North Point Ford of N. Little Rock in the amount of \$17,064 each for a total of \$34,128.

This purchase was approved by the Equipment Committee on January 14, 2014.

BUDGET IMPACT: These trucks have been budgeted for on both the capital and the operating sides.

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE THE PURCHASE OF TWO (2) FORD F-150 2x4 PICKUP TRUCKS FROM NORTH POINT FORD OF NORTH LITTLE ROCK IN THE AMOUNT OF \$34,128.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE SOLID WASTE AND TRANSPORTATION DIVISIONS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of two (2) Ford F-150 2x4 pickup trucks from North Point Ford of North Little Rock in the amount of \$34,128.00, pursuant to a state procurement contract, for use by the Solid Waste and Transportation Divisions.

PASSED and APPROVED this 4th day of February 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

Requisition No.:	Date: North Point Ford of 1/15/2014 North Little Rock
P.O Number:	Expected Delivery Date: Page 4 of 4

Vendor #: 6481	Vendor Name: NORTH POINT FORD	Mail Yes:___ No: <u>X</u>
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Address:	Fob Point:	Taxable Yes:___ No: <u>X</u>	Quotes Attached Yes:___ No: <u>x</u>
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City:	State:	Zip Code:	Ship to code: 50	Divison Head Approval: <i>B Olsen</i>
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Requester: BARBARA OLSEN	Requester's Employee #: 1940	Extension: 3485
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Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2014 FORD F150 2x4 EXTENDED CAB PICKUPS	2	EA	17,064.00	\$34,128.00	9700.1920.5802.00	02078.2014		
2	PER STATE CONTRACT, WHITE COLOR				\$0.00				
3	TO BE UNITS 2176, FIXED ASSET 702176 AND				\$0.00				702176
4	UNIT 2178, FIXED ASSET 702178				\$0.00				702178
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$34,128.00

Total: \$34,128.00

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

City of Fayetteville Item Review Form

2014-0023

Legistar File Number

February 4, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks / Barbara Olsen

Submitted By

Transportation Services

Department

Action Required:

A resolution approving the purchase of three Toyota Tacoma pickups off the State contract from Landers Toyota of Little Rock, AR for a total amount of \$76,585 for use by Meter and Transportation Divisions.

Does this item have a cost? ☒ Yes

\$76,858.00

Cost of this request

\$785,000.00

Category or Project Budget

Light / Medium Utility Vehicles

Program or Project Name

9700.1920.5802.00

Account Number

\$34,128.00

Funds Used to Date

Vehicles and Equipment

Program or Project Category

02078.2014

Project Number

\$674,014.00

Remaining Balance

Shop

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐ No

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

01-17-14P12:53 RCVD



[Signature] 1/17/14

Paul a. Beeks
Paul a. Beeks for Don Mann
[Signature]

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation

From: Jesse Beeks, Fleet Operations Superintendent

Date: January 15, 2014

Subject: Purchase of Three Toyota Tacoma pickups for Water & Sewer and Transportation

PROPOSAL: That City Council approve the purchase of three Toyota Tacoma pickups (one 2x4 and two 4x4s) off the State contract from Landers Toyota of Little Rock, AR for a total amount of \$76,585.

RECOMMENDATION: Unit #2127 is a 2008 Ford Ranger with over 104,000 miles that is worn out and needs to be replaced. This unit is a 2x4 and will be replaced with a 2x4 for Meter Division.

Unit #2072 (another Meter unit) is a 2005 Ford Ranger with over 107,000 miles on it. Unit #2046 (a Transportation unit) is a 2002 Ford Ranger. Both these units are worn out and need to be replaced. These two units are both 4x4 and need to be replaced with 4x4s.

The only compact pickups available this year are the Toyota Tacomas on the State Contract for \$21,793 for the 2x4 and \$27,396 for the 4x4s. Full size pickups do not work as efficiently for Meter as they are too big to get in many of the places Meter Trucks have to go. Transportation needs to keep this unit a compact pickup as well. Fleet plans to have all three trucks converted to propane.

Sufficient replacement funds are available for these purchases.

Fleet recommends the purchase of one 2x4 and two 4x4 Toyota Tacoma pickups off the state vehicle contract from Landers Toyota of Little Rock, AR for a total amount of \$76,585.

This purchase was approved by the Equipment Committee on January 14, 2014.

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

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE THE PURCHASE OF THREE (3) TOYOTA TACOMA PICKUP TRUCKS FROM LANDERS TOYOTA OF LITTLE ROCK IN THE AMOUNT OF \$76,585.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE METER AND TRANSPORTATION DIVISIONS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of three (3) Toyota Tacoma pickup trucks from Landers Toyota of Little Rock in the amount of \$76,858.00, pursuant to a state procurement contract, for use by the Meter and Transportation Divisions.

PASSED and APPROVED this 4th day of February 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

Requisition No.:	Date: 1/15/2014	A. 6
P.O Number:	Expected Delivery Date:	Landers Toyota of Little Rock Page 4 of 4

Vendor #:	18148	Vendor Name:	LANDERS TOYOTA	Mail Yes: ☐ No: ☒
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Address:	Fob Point:	Taxable Yes: ☐ No: ☒	Quotes Attached Yes: ☐ No: ☒
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City:	State:	Zip Code:	Ship to code: 50	Divison Head Approval: <i>B. Olsen</i>
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Requester: BARBARA OLSEN	Requester's Employee #: 1940	Extension: 3485
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Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2014 TOYOTA TACOMA ACCESS CAB PICKUP 2x4	1	EA	21,793.00	\$21,793.00	9700.1920.5802.00	02078.2014		
2	PER STATE CONTRACT, WHITE COLOR, TO BE				\$0.00				
3	UNIT 2174, FIXED ASSET 702174				\$0.00				702174
4	2014 TOYOTA TACOMA ACCESS CAB PICKUPS	2	ea	27,396.00	\$54,792.00	9700.1920.5802.00	02078.2014		
5	4x4, PER STATE CONTRACT, WHITE COLOR, TO				\$0.00				
6	BE UNIT 2173 FIXED ASSET 702173 AND UNIT				\$0.00				702173
7	2177, FIXED ASSET 702177				\$0.00				702177
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$76,585.00

Total: \$76,585.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

City of Fayetteville Item Review Form

2014-0024

Legistar File Number

February 4, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks / Barbara Olsen

Submitted By

Transportation Services

Department

Action Required:

A resolution awarding Section C and Section F of Bid 13-55 to SMILES of Fort Smith in the amount of \$22,528.80 plus tax to upfit Police Chevy Tahoes with light bars and cameras.

Does this item have a cost? ☒ Yes

\$24,726.00

Cost of this request

\$480,110.00

Category or Project Budget

Police / Passenger Vehicles

Program or Project Name

9700.1920.5802.00

Account Number

\$367,567.00

Funds Used to Date

Vehicles and Equipment

Program or Project Category

02081.2013

Project Number

\$87,817.00

Remaining Balance

Shop

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐ No

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

V20130812

01-17-14P12:53 RCVD



[Handwritten signature]
[Handwritten signature]

1/17/14

Paul a. Beek

Paul a. Beek for Dan Mason

[Handwritten signature]

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation

From: Jesse Beeks, Fleet Operations Superintendent

Date: January 15, 2014

Subject: Purchase of light bars and cameras for Police Tahoes

PROPOSAL: That City Council approve the purchase of light bars and cameras to upfit seven Police Tahoes from S.M.I.L.E.S. of Fort Smith off Bid 13-55, Sections C and F.

RECOMMENDATION: Bid #13-55 was opened 11/13/2013. The bid was divided into 7 sections with the intent to award each section separately. A bid tab sheet is attached.

Section A – Prisoner partitions - Fleet Safety was low bid, under \$20,000 will not come to Council

Section B – Jotto console - will be rebid, there were some errors on bids

Section C – Light bars - lowest bid did not meet specs. S.M.I.L.E.S. was the low bid that DID meet specs.

Section D – Tuff Box – Light Em Up was low bid, under \$20,000 – will not come to Council

Section E – Hide-away lights – two lowest bids did not meet specs. Will be rebid, as there was some confusion on requirements

Section F – Camera & monitor - lowest bid did not meet specs. S.M.I.L.E.S. was the low bid that DID meet specs.

Section G - Wiring – Light Em Up was low bid, under \$20,000 – will not come to Council

Fleet recommends the purchase of light bars and cameras (Sections C and F) to upfit seven Police Tahoes from S.M.I.L.E.S. of Fort Smith in the amount of \$22,528.80 plus tax, for a total of \$24,726.

This purchase was approved by the Equipment Committee on January 14, 2014.

BUDGET IMPACT: These upfit items were budgeted for on the capital side. There is no impact on the operating side, as the upfit items are included in the replacement charges collected each month.

RESOLUTION NO. _____

**A RESOLUTION TO AWARD SECTION C AND SECTION F OF BID #13-55
AND AUTHORIZING THE PURCHASE OF LIGHT BARS AND CAMERAS
FROM S.M.I.L.E.S. OF FORT SMITH IN THE AMOUNT OF \$24,726.00 FOR
THE UPFITTING OF POLICE DEPARTMENT VEHICLES**

**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 Section C and Section F of Bid #13-55 and authorizes the purchase of light bars and cameras from S.M.I.L.E.S. of Fort Smith in the amount of \$24,726.00 for the upfitting of Police Department vehicles.

PASSED and APPROVED this 4th day of February, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



13-55, Police SUV Upfit Equipment
BIDDER:

	EMERGENCY SIGHT AND SOUND, LLC	FLEET SAFETY EQUIPMENT INC	LIGHT 'EM UP INC.	NUNALLY CHEVROLET	S.M.I.L.E.S.
SECTION A PARTITION	NO BID				
SECTION B DDTIO CONSOLE	NOT AS SPEC'D \$5,978.70	NO BID	\$10,672.98	\$13,397.65	\$12,700.80
SECTION C LIGHT BAR	\$18,907.00	\$22,685.60	ERROR - WITH REBID - SEC B \$3,023.51	\$5,470.15	\$5,399.80 REBID
SECTION D TUFF BOX	\$8,050.00	\$5,598.95	\$20,957.58	\$27,484.10	\$19,456.50
SECTION E LIGHTS	\$3,633.00	NOT AS SPEC'D \$3,644.34	\$5,425.00	NO BID	\$6,246.66
SECTION F CAMERA	\$2,621.50	\$4,611.60	\$6,859.30	NO BID	\$5,278.00 REBID
SECTION G WIRING	NO BID	NO BID	\$3,562.86	NO BID	\$3,072.30
			\$1,456.00	\$1,534.00	NO BID

** Color indicates calculation correction

CERTIFIED:

P. Vice

P. VICE, PURCHASING

April Fourn

WITNESS

11/14/13

DATE

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

Requisition No.:	Date: A-7 Bid # 13-55 S.M.I.L.E.S of Fort Smith 7/14/2014
P.O Number:	Expected Delivery Date: Page 5 of 6

Vendor #:	Vendor Name: S.M.I.L.E.S.	Mail Yes: No: X
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Address:	Fob Point:	Taxable Yes: No: X	Quotes Attached Yes: No: x
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City:	State:	Zip Code:	Ship to code: 50	Division Head Approval: B Olsen
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Requester: BARBARA OLSEN	Requester's Employee #: 1940	Extension: 3485
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Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	WHELEN WECAN 55" LIBERTY LIGHT BAR	7	EA	1,350.00	\$9,450.00	9700.1920.5802.00	02081.2013		
2	CCSRN3 WECAN CONTROLLERS	7	EA	450.00	\$3,150.00	9700.1920.5802.00	02081.2013		
3	SA315P SIREN	7	EA	170.00	\$1,190.00	9700.1920.5802.00	02081.2013		
4	SAK24 100 WATT BLACK POLY SPEAKER	7	EA	15.00	\$105.00	9700.1920.5802.00	02081.2013		
5	DBKT4 DOMINATOR SERIES MOUNTING BRACKET	7	EA	14.50	\$101.50	9700.1920.5802.00	02081.2013		
6	TA-TAD P88B TRAFFIC ADVISOR	7	EA	780.00	\$5,460.00	9700.1920.5802.00	02081.2013		
7	VTL422HD BOYO REAR CAMERA	7	EA	55.90	\$391.30	9700.1920.5802.00	02081.2013		
8	VTB44M BOYO MONITOR	7	EA	117.00	\$819.00	9700.1920.5802.00	02081.2013		
9	PDU42WB POWER DISTRIBUTION UNIT	7	EA	266.00	\$1,862.00	9700.1920.5802.00	02081.2013		
10	PER BID SPECS 13-55				\$0.00	9700.1920.5802.00	02081.2013		
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$22,528.80
Tax: \$2,196.56
Total: \$24,725.36

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

City of Fayetteville Item Review Form

2014-0011

Legistar File Number

2/4/14

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

Justine Lentz

Submitted By

Development Services

Department

Action Required:

Recognize and allocate donation revenue from citizens and businesses made to the Fayetteville Animal Services Program in the third and fourth quarters of 2013. Approval of a Budget Adjustment in the total amount of \$35,287.

Does this item have a cost? ☒ Yes

\$35,287.00

Cost of this request

see attached detail

Account Number

see attached detail

Project Number

Category or Project Budget

Funds Used to Date

-\$35,287.00

Remaining Balance

Animal Services Donations

Program or Project Name

Animal Services Project

Program or Project Category

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution #

01-17-14 A11:10 RC

Original Contract Number:

Comments:

Staff recommends approval of the budget adjustment in the amount of 35,287.00



Paul A. Berlin

Paul A. Berlin for Don Moore

Kevin J. [Signature]



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Jeremy Pate, Dir. Community Development

From: Justine Lentz, Animal Services Superintendent

Date: January 3, 2014

Subject: Approval of a Budget Adjustment for Animal Services Division

PROPOSAL:

Animal Services would like to recognize donation revenue from citizens and businesses made during the third and fourth quarters of 2013. These funds are donated by private citizens and organizations to benefit the animals cared for by Animal Services. All of the funds, except those donated specifically for our income based spay/neuter program, are going into the building and ground maintenance donation expense account.

RECOMMENDATION:

Staff recommends approval of a budget adjustment to budget the Animal Services Donation Revenue.

BUDGET IMPACT:

Recognize Animal Shelter Donations in the amount of \$35,287.00

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL
AMOUNT OF \$35,287.00 REPRESENTING DONATION REVENUE TO
ANIMAL SERVICES FOR THE THIRD AND FOURTH QUARTERS OF 2013**

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A", in the total amount of \$35,287.00 representing donation revenue to Animal Services for the third and fourth quarters of 2013.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby expresses its sincere appreciation for the donations.

PASSED and APPROVED this 18th day of February, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Item Review Form

2014-0028
Legistar File Number

2-4-14
City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Dena Stockalper

Submitted By

District Court

Department

Action Required:

A resolution approving a budget adjustment for the Fayetteville District Court in the amount of \$20,000.00 to recognize and appropriate revenue from the Court Automation Fund for automation and electronic equipment upgrades. The Courtroom upgrades will include two (2) TV/monitors, wireless HDMI for the monitors, computer upgrades, and a wireless keyboard/mouse. Additionally, two (2) printers, six (6) computer monitors, and several hard drive upgrades are requested for the clerk/support staff.

Does this item have a cost? ☒ Yes

\$20,000.00

Cost of this request

\$20,000.00

Category or Project Budget

Court Automation

Program or Project Name

1010-0400-5210.00

Account Number

\$0.00

Funds Used to Date

Court Automation

Program or Project Category

\$0.00

Remaining Balance

General Fund

Fund Name

Budgeted Item? ☒ No

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution # 51-09

Original Contract Number: _____

Comments:

Paul A. Beiler
Paul A. Beiler for Dan Mann
David J. [Signature]

01-17-14 P01:01 RCVD

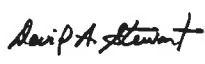


[Signature]
1/17/14

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan
Administrative Staff &
City Council

Thru: David A. Stewart, District Court Judge

From: Dena Stockalper, Chief Clerk 

Date: January 17, 2014

Subject: Fayetteville District Court Budget Adjustment

PROPOSAL:

Budget adjustment for the Fayetteville District Court in the amount of \$20,000.00 to recognize and appropriate revenue from the Court Automation Fund for automation and electronic equipment upgrades.

RECOMMENDATION:

The Courtroom upgrades will include two (2) TV/monitors, wireless HDMI for the monitors, computer upgrades, and a wireless keyboard/mouse. Additionally, two (2) printers, six (6) computer monitors, and several hard drive upgrades are requested for the clerk/support staff.

BUDGET IMPACT:

None

According to Arkansas state statute 16-13-704 funds collected by the District Court are deposited in a fund entitled District Court Automation to be used solely for district court-related technology.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT FOR THE FAYETTEVILLE DISTRICT COURT IN THE AMOUNT OF \$10,000.00 TO RECOGNIZE REVENUE FROM THE COURT AUTOMATION FUND FOR THE PURCHASE OF TECHNOLOGY UPGRADES INCLUDING COMPUTER MONITORS, HARD DRIVES, PRINTERS AND WIRELESS COMPONENTS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment for the Fayetteville District Court in the amount of \$20,000.00 to recognize revenue from the Court Automation Fund for the purchase of technology upgrades including computer monitors, hard drives, printers and wireless components.

PASSED and APPROVED this 4th day of February 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

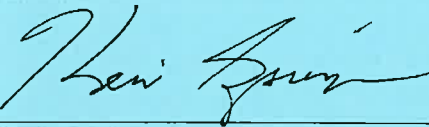
**City of Fayetteville, Arkansas
Budget Adjustment Form**

A. 9
Fayetteville District Court
Technology Upgrades
Page 4 of 10
Legistar

Budget Year BY 2014	Division: Transportation Services Department: Transportation Services	Request Date 2/4/2014	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Purchases and upgrades for the Fayetteville District court which will include but not limited to the following items; 2 television monitors, wireless HDMI, computers, wireless keyboard/mouse, printer, computer monitors, and hard drive upgrades. Purchases and upgrades will be for office, staff and courtroom.

Prepared By	Legistar# / Date: 2014-0028 / 2/4/2014				
	Legistar Title <i>District_Court_Budget_Adjustment</i>				
Division Head  CITY\bfell 1/17/2014 4:32 PM Budget Director	Budget & Information Management Use Only Type: A B C D E P General Ledger Date _____ Posted to General Ledger <table border="1"> <tr> <td>Initial</td> <td>Date</td> </tr> </table> Checked / Verified <table border="1"> <tr> <td>Initial</td> <td>Date</td> </tr> </table>	Initial	Date	Initial	Date
	Initial	Date			
Initial	Date				

TOTAL BUDGET ADJUSTMENT		20,000	20,000	Project.Sub Number
		Increase / (Decrease)		
Account Name	Account Number	Expense	Revenue	
Minor equipment	1010.0400.5210.00	20,000		39012 . 901
Miscellaneous revenue	1010.0001.4999.00		20,000	.
				.
				.

(ii) Expenditures may be made for indirect expenses related to implementation of new court-related technology, including overtime pay, personnel or travel expenses, and technology-related supplies.

(c) A defendant who has been authorized by the court to pay a fine by installments shall be considered to have irrevocably appointed the clerk of the court as his or her agent upon whom all papers affecting his or her liability may be served, and the clerk shall forthwith notify the defendant thereof by ordinary mail at his or her last known address.

(d) "Ability to pay" means that the resources of the defendant, including all available income and resources, are sufficient to pay the fine and provide the defendant and his or her dependents with a reasonable subsistence compatible with health and decency.

History. Acts 1995, No. 1262, § 3; 2001, No. 1809, § 13; 2003, No. 1185, § 94; 2003, No. 1765, § 10; 2005, No. 1934, § 7; 2009, No. 633, § 8.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Amendments. The 2005 amendment added present (b)(1)(B), (b)(1)(C), (b)(2)(B), (b)(3)(B)(ii) and (b)(3)(D) and (b)(3)(E) and made related changes; inserted "circuit" twice in (b)(2)(A); substituted "16-13-712" for "6-13-712" in (b)(3)(A); in (b)(3)(B)(i), inserted "collected in district court" "of the city in which the district court is located" and "district" twice; and inserted "of the county in which the district court is located" in (b)(3)(C).

The 2009 amendment, in (b), inserted "on the first day of each month" in

(b)(1)(A), inserted "and shall be authorized ... technology related supplies" in (b)(2)(B)(i), deleted (b)(2)(B)(iii), which read: "All expenditures from the circuit court automation fund shall be authorized, pursuant to the county accounting law, by the quorum court," inserted (b)(3)(D)(ii) and (b)(2)(E)(ii), redesignated the remaining text of (b)(3)(D) and (b)(3)(E), and substituted "and paid, under state laws governing the appropriation and payment of county or municipal expenditures" for "pursuant to state accounting law" in (b)(31)(D)(i) and (b)(3)(E)(i); and made related and minor stylistic changes.

Effective Dates. Acts 2003, No. 1185, § 94: Jan. 1, 2005, by its own terms.

CASE NOTES

Right to Appeal.

City could not rely on the application of this section to claim that defendants' appeal had to be dismissed for the failure of defendants to pay an appeal bond because, even though the court had the right

to order installment payments, nothing in this section authorizes a district court to demand payment of the fine as a prerequisite for taking an appeal to circuit court. *Velek v. State*, 364 Ark. 531, 222 S.W.3d 182 (2006).

16-13-704. Installment payments. [Effective January 1, 2012.]

(a)(1) If the court concludes that the defendant has the ability to pay the fine, but that requiring the defendant to make immediate payment in full would cause a severe and undue hardship for the defendant and the defendant's dependents, the court may authorize payment of the fine by means of installment payments in accordance with this subchapter.

(2)(A) When a court authorizes payment of a fine by means of installment payments, it shall issue, without a separate disclosure

hearing, an order that the fine be paid in full by a date certain and that in default of payment, the defendant must appear in court to explain the failure to pay.

(B) In fixing the date of payment, the court shall issue an order which will complete payment of the fine as promptly as possible without creating a severe and undue hardship for the defendant and the defendant's dependents.

(b)(1)(A) In addition to the fine and any other assessments authorized by this subchapter, an installment fee of five dollars (\$5.00) per month shall be assessed on each person who is authorized to pay a fine on an installment basis.

(B) This fee shall be collected in full each month in which a defendant makes an installment payment.

(C) This fee shall accrue each month that a defendant does not make an installment payment and the fine has not been paid in full.

(2)(A)(i) One-half ($\frac{1}{2}$) of the installment fee collected in circuit court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by that office, for deposit in the Judicial Fine Collection Enhancement Fund established by § 16-13-712.

(ii) The other half of the installment fee shall be remitted by the tenth day of each month to the county treasurer to be deposited in a fund entitled the circuit court automation fund to be used solely for circuit court-related technology.

(B)(i) Expenditures from the circuit court automation fund shall be approved by the administrative circuit judge of each judicial circuit.

(ii) Funds in each county in a judicial circuit may be pooled for expenditure pursuant to a circuit-wide technology plan approved by the administrative circuit judge.

(iii) All expenditures from the circuit court automation fund shall be authorized, pursuant to the county accounting law, by the quorum court.

(3)(A) One-half ($\frac{1}{2}$) of the installment fee collected in district court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section, on a form provided by that section, for deposit in the Judicial Fine Collection Enhancement Fund established by § 16-13-712.

(B) The other half of the installment fee collected in district court shall be remitted by the tenth day of each month to the city treasurer of the city in which the district court is located to be deposited in a fund entitled the district court automation fund to be used solely for district court-related technology.

(C) In any district court which is funded solely by the county, the other half of this fee shall be remitted by the tenth day of each month to the county treasurer of the county in which the district court is located to be deposited in the district court automation fund to be used solely for district court-related technology.

(D) Expenditures from the district court automation fund shall be approved by a district judge and shall be authorized, pursuant to state accounting law, by the governing body or, if applicable, governing bodies which contribute to the expenses of a district court.

(c) Any defendant who has been authorized by the court to pay a fine by installments shall be considered to have irrevocably appointed the clerk of the court as his or her agent upon whom all papers affecting his or her liability may be served, and the clerk shall forthwith notify the defendant thereof by ordinary mail at his or her last known address.

(d) "Ability to pay" means that the resources of the defendant, including all available income and resources, are sufficient to pay the fine and provide the defendant and his or her dependents with a reasonable subsistence compatible with health and decency.

History. Acts 1995, No. 1262, § 3; 2001, No. 1809, § 13; 2003, No. 1185, § 94; 2003, No. 1765, § 10; 2005, No. 1934, § 7; 2007, No. 663, § 32.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment deleted "or city court" following "district court" in (b)(3)(A); deleted former (b)(3)(B)(ii) and (b)(3)(E); and made related changes.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

CASE NOTES

Right to Appeal.

City could not rely on the application of this section to claim that defendants' appeal had to be dismissed for the failure of defendants to pay an appeal bond because, even though the court had the right

to order installment payments, nothing in this section authorizes a district court to demand payment of the fine as a prerequisite for taking an appeal to circuit court. *Velek v. State*, 364 Ark. 531, 222 S.W.3d 182 (2006).

16-13-705. Personal checks.

(a) The court shall accept personal checks drawn in the favor of a designated official, as provided in § 16-13-709, in payment of any fine or associated charge assessed by the court if the person issuing the check furnishes satisfactory proof of residence in this state and if the personal check is drawn on a banking institution located in this state.

(b)(1) If any personal check offered in payment pursuant to this section is returned without payment, for any reason, a reasonable charge for the returned check, not to exceed the actual costs incurred by the court or designated agency, may be imposed to recover processing and collection costs.

Stricken language would be deleted from and underlined language would be added to present law.
Act 282 of the Regular Session

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

As Engrossed: S2/18/13

A Bill

SENATE BILL 307

4
5 By: Senators D. Johnson, J. Hutchinson
6 By: Representatives Vines, Wright, Steel, Westerman
7

For An Act To Be Entitled

8
9 AN ACT CONCERNING FUNDING FOR COURTS AND COURT-
10 RELATED SERVICES; TO AMEND THE ASSESSMENT,
11 COLLECTION, AND REMITTANCE OF FUNDING FOR THE STATE
12 ADMINISTRATION OF JUSTICE FUND; TO DECLARE AN
13 EMERGENCY; AND FOR OTHER PURPOSES.
14

Subtitle

15
16
17 CONCERNING FUNDING FOR COURTS AND COURT-
18 RELATED SERVICES; TO AMEND THE
19 ASSESSMENT, COLLECTION, AND REMITTANCE OF
20 FUNDING FOR THE STATE ADMINISTRATION OF
21 JUSTICE FUND; TO DECLARE AN EMERGENCY.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 9-9-205(a), concerning jurisdiction of
27 adoption of minors, is amended to add a new subdivision to read as follows:

28 (4) A petition for adoption may not be asserted in a guardianship
29 proceeding, but a separate action shall be filed, and the clerk shall assign
30 a new case number and charge a filing fee unless the filing fee is waived
31 under Rule 72 of the Arkansas Rules of Civil Procedure.
32

33 SECTION 2. Arkansas Code § 9-15-202 is amended to read as follows:
34 9-15-202. Filing fees.

35 (a)(1) The court, clerks of the court, and law enforcement agencies
36 shall not require any initial filing fees or service costs.



As Engrossed: S2/18/13

SB307

1 (e) The county shall remit on or before the fifteenth day of each
2 month all sums received in excess of the amounts necessary to fund the
3 expenses enumerated in subsections (b) and (c) of this section during the
4 previous month from the uniform filing fees provided for in §§ 21-6-403 and
5 9-15-202, and the uniform court costs provided for in § 16-10-305 to the
6 Administration of Justice Funds Section of the Office of Administrative
7 Services of the Department of Finance and Administration, Administration of
8 Justice Funds Section, for deposit in into the State Administration of
9 Justice Fund.

10
11 SECTION 8. Arkansas Code § 16-10-308(c)(1)(B)(ii), concerning the city
12 administration of justice fund, is amended to read as follows:

13 (ii) Except as provided in subdivision (c)(1)(B)(iii) of this
14 section, for calendar years beginning 2006 2014 and each calendar year
15 thereafter, an additional amount shall be added to the amount to be retained
16 based upon the lesser of the average percentage increase in the Consumer
17 Price Index for All Urban Consumers or its successor, as published by the
18 United States Department of Labor for the two (2) years immediately preceding
19 or the percentage rate of increase in collections of the State Administration
20 of Justice Fund for the two (2) years immediately preceding.

21
22 SECTION 9. Arkansas Code § 16-13-704(b)(3)(E), concerning installment
23 payments of fines is amended to read as follows:

24 (E)(i) In circuit court only, an installment fee of an additional five
25 dollars (\$5.00) per month shall also be assessed on the first day of each
26 month on each person who ~~is authorized to~~ is ordered to pay a fine on an
27 installment basis with the additional five dollars (\$5.00) to be remitted to
28 the collecting official to be used to defray the cost of fine collection.

29 (ii) In district court only, an installment fee of an additional
30 five dollars (\$5.00) per month shall also be assessed on the first day of
31 each month on each person who is ordered to pay a fine on an installment
32 basis with the additional five dollars (\$5.00) to be remitted by the tenth
33 day of each month to the Administration of Justice Funds Section of the
34 Office of Administrative Services of the Department of Finance and
35 Administration on a form provided by that section for deposit into the State
36 Administration of Justice Fund.

City of Fayetteville Item Review Form

2014-0021

Legistar File Number

February 4, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Mihalevich

Submitted By

Development Services

Department

Action Required:

Staff recommends a resolution awarding Bid #13-58 and authorizing a contract with ARCO Excavation & Paving, Inc. in the amount of \$779,645.25 for the construction of the Town Branch Trail from Greathouse Park to South School contingent on concurrence from the Arkansas State Highway and Transportation Department, approving a twelve percent (12%) project contingency in the amount of \$93,557.43 and approving a budget adjustment recognizing \$352,647 in federal revenue.

Does this item have a cost? ☒ Yes

\$779,645.25

Cost of this request

\$676,836.00

Category or Project Budget

Town Branch Trail (Greathouse to 71B)

Program or Project Name

4470.9470.5814.05

Account Number

\$29,501.95

Funds Used to Date

Trail Development

Program or Project Category

02016.1102

Project Number

-\$132,311.20

Remaining Balance

Sales Tax Capital Imp

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution # 131-11

Original Contract Number: _____

Comments:

LMCPS

Paul a. Baker

Paul a. Baker for Don Mann

Donald Jordan



01-17-14P03:32 RCVD

dm

1/21/14

CITY COUNCIL AGENDA MEMO

Council Meeting of February 4, 2014

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Chris Brown, City Engineer

From: Matt Mihalevich, Trails Coordinator *mm*

Date: January 16th, 2014

Subject: Town Branch Trail bid award

RECOMMENDATION:

Staff recommends a resolution awarding Bid #13-58 and authorizing a contract with ARCO Excavation & Paving, Inc. in the amount of **\$779,645.25** for the construction of the Town Branch Trail from Greathouse Park to South School contingent on concurrence from the Arkansas State Highway and Transportation Department, approving a twelve percent (12%) project contingency in the amount of **\$93,557.43** and approving a budget adjustment recognizing \$352,647 in federal revenue.

PROPOSAL:

Town Branch Trail is shown on the Fayetteville Alternative Transportation and Trails (FATT) Master plan as the primary east-west trail for the southern part of Fayetteville. In its entirety, the Town Branch Trail will be 2.8 miles long connecting to existing trail at Razorback Road and extending east through Greathouse Park and the University of Arkansas Research and Technology Park with a connection to Walker Park and St. Paul Trail at City Lake Road. Due to the length, the Town Branch Trail will be constructed in phases. The current phase includes a 0.54 mile trail section from Greathouse Park to South School (see attached map). Town Branch Trail will also become part of the 36 mile Razorback Regional Greenway and provide connectivity to the future regional park. Construction is estimated to begin in late March with completion in September of 2014.

In February of 2012 resolution number 28-12 authorized Garver, LLC to begin the design work on the structural engineering elements of the Town Branch Trail. The remainder of the project was designed in-house by the Engineering Division and is being administered through the Arkansas State Highway and Transportation Department.

Six bidders responded to the request for formal bids and ARCO Excavation & Paving, Inc. was the lowest responsive bidder. The base bid total for ARCO Excavation & Paving, Inc. has been corrected due to an adding error in their total price - see attached detailed bid tab. The bid for ARCO Excavation & Paving, Inc. was adjusted from \$779,644.15 to \$779,645.25, an increase of \$1.10.

BUDGET IMPACT:

In August of 2011, resolution number 131-11 authorized the acceptance of \$270,000.00 in Federal-aid funding through the Transportation Enhancements (TE) Program for the Town Branch Trail. This funding will be combined with \$352,647 in funding from the Transportation Alternatives Program (TAP) for a total of **\$622,647** in federal funding at 80%. The City portion of the funding including the 20% local match totals **\$156,998.25** and has been budgeted through the Trail Development Capital Improvement Program along with the a **\$93,557.43** contingency. A budget adjustment is included to recognize the \$352,647 of additional funding from the Northwest Arkansas Regional Planning Commission through the TAP program.

RESOLUTION NO. _____

A RESOLUTION TO AWARD BID #13-58 AND AUTHORIZING A CONTRACT WITH ARCO EXCAVATION & PAVING, INC. FOR THE CONSTRUCTION OF THE TOWN BRANCH TRAIL IN THE AMOUNT OF \$779,645.25, AND APPROVING A CONTRACT CONTINGENCY IN THE AMOUNT OF \$93,557.43

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 #13-58 to ARCO Excavation & Paving, Inc. in the amount of \$779,645.25 for the construction of the Town Branch Trail, and further approves a twelve percent (12%) contract contingency in the amount of \$93,557.43.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, attached hereto as Exhibit A, recognizing \$352,647.00 in federal revenue.

PASSED and APPROVED this 4th day of February, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

V13.1030
Legistar A. 10
Bid #13-58 ARCO Excavation & Paving, Inc.
Page 5 of 22

Budget Year BY 2014	Division: Transportation Services Department: Transportation Services	Request Date 2/4/2014	Adjustment Number
-------------------------------	--	---------------------------------	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

This budget adjustment recognizes federal Transportation Alternative Program (TAP) revenue from the Northwest Arkansas Regional Planning Commission to be combined with Transportation Enhancement Program funds for the Town Branch Trail

Prepared By Division Head  CITYkspringer 1/17/2014 11:38 AM Budget Director	Matt Mihalevich Legistar# / Date: 2014-0021 / 2/4/2014 Legistar Title TAP_AWARD_TOWN_BRANCH_TRAIL 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		352,647	352,647	Project.Sub Number
		Increase / (Decrease)		
Account Name	Account Number	Expense	Revenue	
Trails	4470.9470.5814.05	352,647		02016 . 1102
Federal Grants-Capital	4470.0947.4309.00		352,647	02016 . 1102
				.
				.



City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)
All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)
All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Vendor #: 21189		Vendor Name: ARCO Excavation & Paving		Fob Point:		Requisition No.:		Date: 1/16/2014	
Address:		10287 E. Hwy 72		State: AR		P.O Number:		Expected Delivery Date:	
City: Bentonville		Quantity: 1		Unit of Issue: LOT		Ship to code: 72712		Taxable Yes: XX No: XX	
Requester: Matt Mihalevich		Extended Cost: \$779,645.25		Unit Cost: 779,645.25		Requester's Employee #: 2509		Division Head Approval: <i>Kerry J. Gully</i>	
Item Description		Quantity		Unit of Issue		Account Numbers		Extension: 3416	
1	Town Branch Trail	1	LOT			4470.9470.5814.05	02016.1102		
2	This project is grant funded								
3									
4									
5									
6									
7									
8									
9									
10									
*	Shipping/Handling		Lot						
Special Instructions:									
Subtotal: \$779,645.25						Inventory #			
Tax: \$779,645.25						Fixed Asset #			
Total: \$779,645.25						No: Bid 13-58			

Approvals: _____

Mayor: _____ Department Director: _____

Finance & Internal Services Director: _____ Budget Manager: _____

Dispatch Manager: _____ Utilities Manager: _____

Purchasing Manager: _____ IT Manager: _____ Other: _____

City of Fayetteville - Bid 13-58
Town Branch Trail - Bid Tabulation
Bid Opening - January 14th, 2014 at 2:00pm

ITEM NO.	SPEC. REF.	DESCRIPTION	UNIT	EST. QTY	Engineers Estimate		ARCO Excavation & Paving	
					ESTIMATED UNIT PRICE	ESTIMATED TOTAL	UNIT PRICE	TOTAL
1	112	Trench and Excavation Safety Systems	LS	1	\$5,000	\$5,000	\$1,250.00	\$1,250.00
2	201	Clearing, Grubbing & Demolition	LS	1	\$20,000	\$20,000	\$7,500.00	\$7,500.00
3	202	Unclassified Excavation (Plan Quantity)	CY	3,000	\$10	\$30,000	\$7.25	\$21,750.00
4	202	Select Fill (Plan Quantity)	CY	2,726	\$14	\$38,164	\$11.75	\$32,030.50
5	204	4" Topsoil Placement & Select Grading (Existing soil may be used)	SY	5,842	\$2	\$11,684	\$1.30	\$7,594.60
6	205	Undercut and Stone Backfill (as directed)	Ton	100	\$35	\$3,500	\$30.00	\$3,000.00
7	301	24" Reinforced Concrete Pipe	LF	24	\$50	\$1,200	\$72.00	\$1,728.00
8	301	24" Reinforced Concrete Pipe Flared End	EA	2	\$500	\$1,000	\$685.00	\$1,370.00
9	401	4" Class 7 Aggregate Base	SY	5,206	\$5	\$26,030	\$3.75	\$19,522.50
10	303	10' wide x 7' tall Precast Concrete Box Culvert	LF	50	\$300	\$15,000	\$595.00	\$29,750.00
11	303	8' wide x 3' tall Precast Concrete Box Culvert	LF	36	\$250	\$9,000	\$420.00	\$15,120.00
12	303	Wing Walls & Appurtenances	LS	1	\$7,000	\$7,000	\$15,000.00	\$15,000.00
13	505	Solid Sod (Staked) (Bermuda)	SY	1,111	\$3	\$3,333	\$3.65	\$4,055.15
14	505	Seeding and Mulching	Acre	2	\$1,000	\$2,000	\$3,750.00	\$7,500.00
15	509	Erosion control BMP's	LS	1	\$3,000	\$3,000	\$8,085.00	\$8,085.00
16	511	Mobilization (not to exceed 5% of contract price)	LS	1	\$20,000	\$20,000	\$15,000.00	\$15,000.00
17	517	Tree Protection Fencing	LS	1	\$1,500	\$1,500	\$2,500.00	\$2,500.00
18	507	4" Trail Centerline Stripe (Yellow Paint)	LF	3,082	\$1	\$3,082	\$1.20	\$3,698.40
19	508	Trail Signs with U-Channel Post	EA	17	\$200	\$3,400	\$275.00	\$4,675.00
20	601	4" Concrete Trail	SF	35,622	\$5.00	\$178,110	\$3.25	\$115,771.50
21	SP-1 SP-2 SP-3 SP-16	New Bridge Construction	LS	1	\$104,060	\$104,060	\$76,500.00	\$76,500.00
22	SP-1 SP-4	Truss Redecking	LS	1	\$45,430	\$45,430	\$60,200.00	\$60,200.00
23	SP-1 SP-5	Retaining Wall Construction (Cast in Place)	LS	1	\$185,075	\$185,075	\$58,500.00	\$58,500.00
24	SP-7	Handrail	LF	280	\$35	\$9,800	\$83.00	\$23,240.00
25	SP-8	6' Ornamental Welded Steel Fence W/Gate	LF	440	\$26	\$11,440	\$55.00	\$24,200.00
26	SP-9	Rip Rap (Native Sandstone)	SY	40	\$100	\$4,000	\$80.00	\$3,200.00
27	SP-10 SP-11	Light Fixture and Pole, Type A	EA	38	\$2,000	\$76,000	\$3,800.00	\$144,400.00
28	SP-10 SP-11	Light Fixture, Type B	EA	3	\$1,200	\$3,600	\$1,500.00	\$4,500.00
29	SP-12	1 1/2" Electrical Conduit (Schedule 40 PVC)	LF	3,082	\$4	\$12,328	\$6.50	\$20,033.00
30	SP-12	9" x 11" Fiberglass/Polymer Concrete Pull Box	EA	38	\$150	\$5,700	\$155.00	\$5,890.00
31	SP-13	3/4" Galvanized Rigid Steel Conduit	LF	208	\$6	\$1,248	\$9.75	\$2,028.00
32	SP-14	No. 8 AWG Copper Conductor	LF	8,721	\$1.50	\$13,082	\$1.60	\$13,953.60
33	SP-10 SP-12 SP-15	Electrical Service Equipment Pedestals	EA	2	\$2,000	\$4,000	\$5,550.00	\$11,100.00
34	See Terms	Insurance & Bonding	LS	1	\$5,000	\$5,000	\$15,000.00	\$15,000.00
					Estimated Total	\$862,765.50	Total	\$779,645.25

Corrected Price Increased by \$1.10

Boulder Construction		Dean Crowder Co.		General Construction Serv		Tomlinson Asphalt Co.		Township Builders, Inc.	
UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
\$4,735.00	\$4,735.00	\$15,000.00	\$15,000.00	\$4,900.00	\$4,900.00	\$1,000.00	\$1,000.00	\$2,000.00	\$2,000.00
\$30,542.00	\$30,542.00	\$110,000.00	\$110,000.00	\$50,026.07	\$50,026.07	\$15,000.00	\$15,000.00	\$45,000.00	\$45,000.00
\$9.26	\$27,780.00	\$24.00	\$72,000.00	\$11.44	\$34,320.00	\$13.40	\$40,200.00	\$10.00	\$30,000.00
\$14.12	\$38,491.12	\$50.00	\$136,300.00	\$16.03	\$43,697.78	\$20.00	\$54,520.00	\$18.00	\$49,068.00
\$2.65	\$15,481.30	\$8.65	\$50,533.30	\$4.05	\$23,660.10	\$3.50	\$20,447.00	\$2.00	\$11,684.00
\$53.00	\$5,300.00	\$62.00	\$6,200.00	\$62.79	\$6,279.00	\$50.00	\$5,000.00	\$45.00	\$4,500.00
\$73.00	\$1,752.00	\$134.00	\$3,216.00	\$121.63	\$2,919.12	\$80.00	\$1,920.00	\$58.00	\$1,392.00
\$867.00	\$1,734.00	\$984.00	\$1,968.00	\$886.56	\$1,773.12	\$800.00	\$1,600.00	\$1,000.00	\$2,000.00
\$4.85	\$25,249.10	\$12.25	\$63,773.50	\$6.34	\$33,006.04	\$5.00	\$26,030.00	\$4.00	\$20,824.00
\$1,077.00	\$53,850.00	\$765.00	\$38,250.00	\$806.25	\$40,312.50	\$910.00	\$45,500.00	\$850.00	\$42,500.00
\$574.00	\$20,664.00	\$575.00	\$20,700.00	\$589.38	\$21,217.68	\$600.00	\$21,600.00	\$450.00	\$16,200.00
\$25,947.00	\$25,947.00	\$51,000.00	\$51,000.00	\$13,413.00	\$13,413.00	\$24,000.00	\$24,000.00	\$28,000.00	\$28,000.00
\$2.94	\$3,266.34	\$4.00	\$4,444.00	\$5.00	\$5,555.00	\$4.00	\$4,444.00	\$3.00	\$3,333.00
\$3,846.00	\$7,692.00	\$10,000.00	\$20,000.00	\$10,118.03	\$20,236.06	\$2,000.00	\$4,000.00	\$2,200.00	\$4,400.00
\$5,828.00	\$5,828.00	\$50,100.00	\$50,100.00	\$13,068.99	\$13,068.99	\$16,800.00	\$16,800.00	\$7,000.00	\$7,000.00
\$44,871.50	\$44,871.50	\$6,000.00	\$6,000.00	\$38,125.00	\$38,125.00	\$21,000.00	\$21,000.00	\$45,288.00	\$45,288.00
\$1,244.00	\$1,244.00	\$42,120.00	\$42,120.00	\$1,595.06	\$1,595.06	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00
\$0.35	\$1,078.70	\$1.50	\$4,623.00	\$0.38	\$1,171.16	\$1.00	\$3,082.00	\$1.00	\$3,082.00
\$312.00	\$5,304.00	\$350.00	\$5,950.00	\$331.25	\$5,631.25	\$225.00	\$3,825.00	\$250.00	\$4,250.00
\$3.30	\$117,552.60	\$6.00	\$213,732.00	\$3.45	\$122,895.90	\$3.00	\$106,866.00	\$5.00	\$178,110.00
\$99,435.00	\$99,435.00	\$223,750.00	\$223,750.00	\$107,798.02	\$107,798.02	\$101,720.00	\$101,720.00	\$148,673.00	\$148,673.00
\$27,007.00	\$27,007.00	\$48,000.00	\$48,000.00	\$7,240.04	\$7,240.04	\$18,200.00	\$18,200.00	\$31,000.00	\$31,000.00
\$97,636.00	\$97,636.00	\$220,000.00	\$220,000.00	\$120,261.39	\$120,261.39	\$169,980.00	\$169,980.00	\$125,000.00	\$125,000.00
\$77.00	\$21,560.00	\$336.00	\$94,080.00	\$92.88	\$26,006.40	\$65.00	\$18,200.00	\$70.00	\$19,600.00
\$40.00	\$17,600.00	\$51.00	\$22,440.00	\$42.46	\$18,682.40	\$37.00	\$16,280.00	\$50.00	\$22,000.00
\$97.00	\$3,880.00	\$330.00	\$13,200.00	\$83.37	\$3,334.80	\$150.00	\$6,000.00	\$57.00	\$2,280.00
\$4,067.00	\$154,546.00	\$4,500.00	\$171,000.00	\$3,480.00	\$132,240.00	\$3,320.00	\$126,160.00	\$3,300.00	\$125,400.00
\$1,388.00	\$4,164.00	\$1,500.00	\$4,500.00	\$1,128.00	\$3,384.00	\$1,000.00	\$3,000.00	\$900.00	\$2,700.00
\$7.00	\$21,574.00	\$7.00	\$21,574.00	\$7.26	\$22,375.32	\$7.25	\$22,344.50	\$7.00	\$21,574.00
\$165.00	\$6,270.00	\$175.00	\$6,650.00	\$325.00	\$12,350.00	\$265.00	\$10,070.00	\$200.00	\$7,600.00
\$10.00	\$2,080.00	\$11.00	\$2,288.00	\$12.00	\$2,496.00	\$11.00	\$2,288.00	\$15.00	\$3,120.00
\$1.54	\$13,430.34	\$2.00	\$17,442.00	\$1.80	\$15,697.80	\$1.70	\$14,825.70	\$2.00	\$17,442.00
\$5,203.00	\$10,406.00	\$5,500.00	\$11,000.00	\$2,400.00	\$4,800.00	\$2,140.40	\$4,280.80	\$2,000.00	\$4,000.00
\$20,582.00	\$20,582.00	\$20,000.00	\$20,000.00	\$13,000.00	\$13,000.00	\$16,750.00	\$16,750.00	\$19,000.00	\$19,000.00
Total	\$938,533.00	Total	\$1,791,833.80	Total	\$973,469.00	Total	\$947,933.00	Total	\$1,049,520.00



1311 CLAYTON ST. • SPRINGDALE, ARKANSAS 72762

(479) 751-7125

FAX (479) 751-7150

April 5, 2013

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

Re: Fayetteville Town Branch Trail – FY2013 Transportation Alternatives Program (TAP)

Dear Mayor Jordan:

Reference is made to your request for federal Transportation Alternatives Program (TAP) funds for the Fayetteville Town Branch Trail Project. As you know these funds come to the region because the population of our urbanized area now exceeds 200,000. Projects are subject to a competitive selection process and must be approved by the Northwest Arkansas Regional Planning Commission – Policy Committee.

I am pleased to inform you the Fayetteville Town Branch Trail Project was approved by the RPC/Policy Committee on March 27, 2013. This project will utilize \$352,647 in Transportation Alternatives Program (TAP) funding and requires a 20% local match by the City of Fayetteville. The TAP funding is subject to an obligation limitation and the total available funds may change after final FFY2013 funding is published.

These funds are required to be obligated by the end of the Federal Fiscal Year which ends on September 30, 2013. All required AHTD submittals and required approvals for this project should be completed by August 15, 2013 in order to allow sufficient time to obligate the TAP funds for this project.

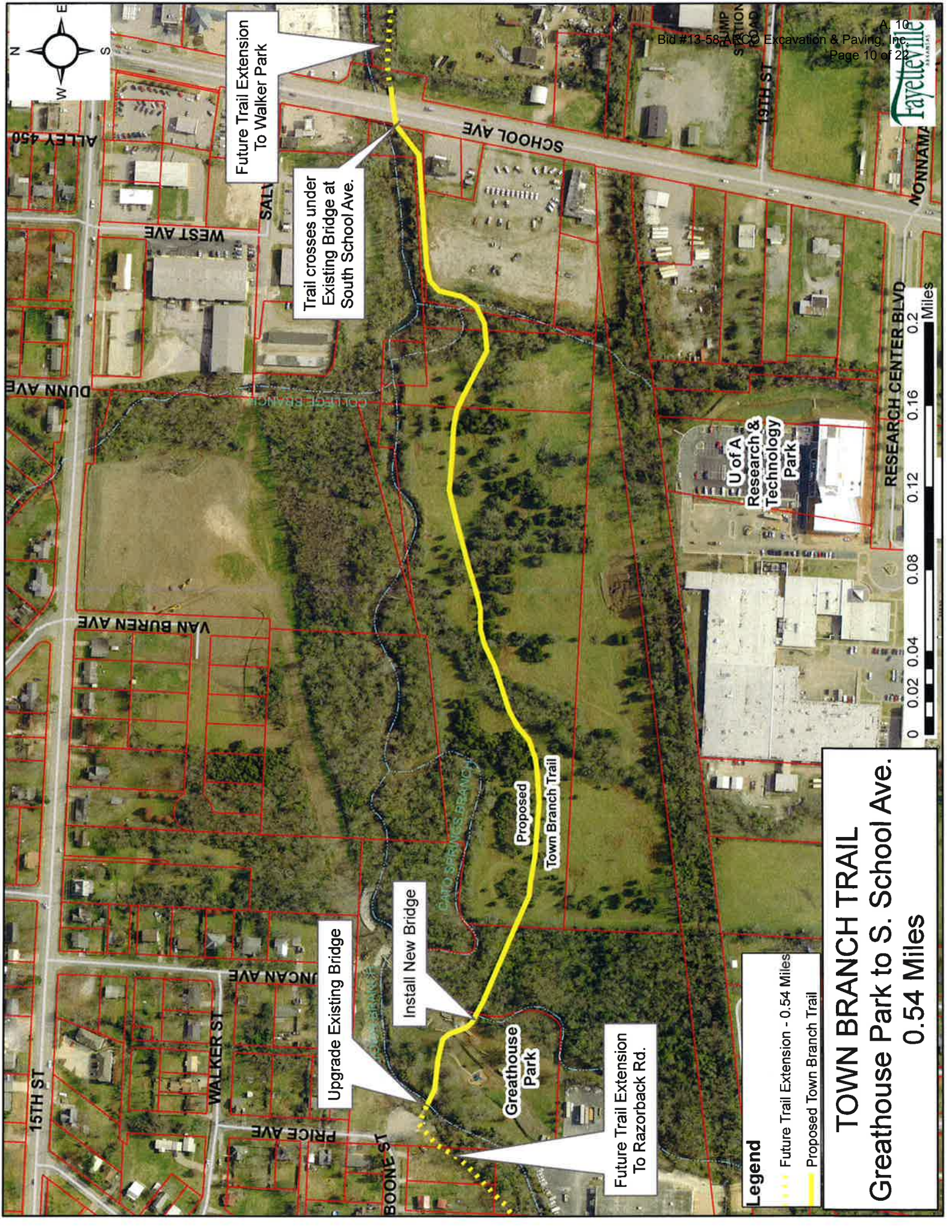
Please note that TAP projects "...must comply with applicable provisions in title 23, such as project agreements, authorization to proceed prior to incurring costs, prevailing wage rates (Davis-Bacon), competitive bidding, and other contracting requirements, regardless of whether the projects are located within the right-of-way of a Federal-aid highway."

Please let us know if you have any questions or need additional information regarding this program.

Sincerely,

Jeff Hawkins
Director

Cc: Mr. Alan Meadors, AHTD
Mr. Daniel Byram, AHTD



Legend

- Future Trail Extension - 0.54 Miles
- Proposed Town Branch Trail

TOWN BRANCH TRAIL
Greathouse Park to S. School Ave.
0.54 Miles

DOCUMENT 00500 – AGREEMENT

BETWEEN OWNER AND CONTRACTOR

Contract Name/Title: TOWN BRANCH TRAIL

Contract No.: 040603

THIS AGREEMENT is dated as of the 17th day of JANUARY in the year 2013 by and
between The City of Fayetteville, Arkansas and **ARCO EXCAVATION AND PAVING, INC**
(hereinafter called Contractor).
**10287 EAST HIGHWAY 72
BENTONVILLE, AR 72712
479-451-8000**

ARTICLE 1 - WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The work under this Contract includes, but is not limited to:

1. Mobilization/Demobilization
2. Clearing & Grubbing of vegetation in the damaged area.
3. Excavation of unsuitable soil down to rock or unyielding subgrade.
4. Select Fill under the trail.
5. Installation of a new trail bridge including concrete deck, foundation, abutment and wing walls. Rehabilitation of existing trail bridge including steel upgrades and concrete deck.
6. Installation of a storm drainage pipe, box culverts and junction boxes.
7. Installation of a cast-in place wall including foundation, wall rock, drain pipes, select backfill, handrail, and trail under the 71B bridge.
8. Trail subgrade preparation and concrete paving.
9. Site restoration including, topsoil, select grading, sod and seed.
10. Fence reinstallation.
11. Trail Lighting and service panels

City of Fayetteville
Town Branch Trail

00500 - 1
Addendum No. 1

DOCUMENT 00500 – AGREEMENT (continued)

ARTICLE 2 - ENGINEER

- 2.01 The Project has been designed by the City of Fayetteville, Engineering Division, who is hereinafter called Engineer. The Engineer assumes all duties and responsibilities, and has the rights and authority assigned to Engineer in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 3 - CONTRACT TIME

3.01 TIME OF THE ESSENCE:

- A. All time limits for milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 DATES FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:

- A. The Work will be Substantially Completed within **150** calendar days after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS, and completed and ready for final payment in accordance with the GENERAL CONDITIONS within **180** calendar days after the date when the Contract Times commence to run.

3.03 LIQUIDATED DAMAGES:

- A. Owner and Contractor recognize that time is of the essence of this Agreement and that The City of Fayetteville will suffer financial loss if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by The City of Fayetteville if the Work is not Substantially Completed on time. Accordingly, instead of requiring any such proof, The City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay The City of Fayetteville Two Hundred Dollars (\$200.00) for each calendar day that expires after the time specified above in Paragraph 3.02 for Substantial

DOCUMENT 00500 – AGREEMENT (continued)

Completion until the Work is Substantially Complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by The City of Fayetteville, Contractor shall pay The City of Fayetteville Two Hundred Dollars (\$200.00) for each calendar day that expires after the time specified for completion and readiness for final payment.

ARTICLE 4 - CONTRACT PRICE

- 4.01 The CITY OF FAYETTEVILLE agrees to pay, and the CONTRACTOR agrees to accept, as full and final compensation for all work done under this agreement, the amount based on the prices bid in the Proposal (BID FORM) which is hereto attached, for the actual amount accomplished under each pay item, said payments to be made in lawful money of the United States at the time and in the manner set forth in the Specifications.
- 4.02 As provided in the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in the General Conditions. Unit prices have been computed as provided in the General Conditions.
- 4.03 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.

ARTICLE 5 - PAYMENT PROCEDURES

- 5.01 SUBMITTAL AND PROCESSING OF PAYMENTS:
- A. Contractor shall submit Applications for Payment in accordance with the GENERAL CONDITIONS. Applications for Payment will be processed by Engineer as provided in the GENERAL CONDITIONS.

DOCUMENT 00500 – AGREEMENT (continued)

5.02 PROGRESS PAYMENTS, RETAINAGE:

- A. The City of Fayetteville shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 15th day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.
- 1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.
 - a. 90% of Work Completed (with the balance being retainage). If Work has been 50% completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to The City of Fayetteville and Engineer, The City of Fayetteville on recommendation of Engineer, may determine that as long as the character and progress of the Work subsequently remain satisfactory to them, there will be no additional retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be an amount equal to 100% of the Work Completed less the aggregate of payments previously made; and
 - b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to The City of Fayetteville as provided in the GENERAL CONDITIONS.

DOCUMENT 00500 – AGREEMENT (continued)

2. Upon Substantial Completion, The City of Fayetteville shall pay an amount sufficient to increase total payments to Contractor to 95% of the Contract Price (with the balance being retainage), less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.

5.03 **FINAL PAYMENT:**

- A. Upon final completion and acceptance of the Work in accordance with the GENERAL CONDITIONS, The City of Fayetteville shall pay the remainder of the Contract Price as recommended by Engineer and as provided in the GENERAL CONDITIONS.

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

- 6.01 In order to induce The City of Fayetteville to enter into this Agreement, Contractor makes the following representations:
 - A. Contractor has examined and carefully studied the Contract Documents including the Addenda and other related data identified in the Bid Documents.
 - B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
 - C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
 - D. Contractor has carefully studied all:
 - (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and

DOCUMENT 00500 – AGREEMENT (continued)

- (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Contractor acknowledges that The City of Fayetteville and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the Site.
- E. Contractor has obtained and carefully studied (or assumes responsibility of having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, and furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.
- F. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performing and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- G. Contractor is aware of the general nature of work to be performed by The City of Fayetteville and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract

DOCUMENT 00500 – AGREEMENT (continued)

Documents and the written resolution thereof by Engineer is acceptable to Contractor.

- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 CONTENTS:

- A. The Contract Documents which comprise the entire Agreement between The City of Fayetteville and Contractor concerning the Work consist of the following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:
1. This Agreement.
 2. Exhibits to this Agreement (enumerated as follows):
 - a. Notice to Proceed.
 - b. Contractor's Bid.
 - c. Documentation submitted by Contractor prior to Notice of Award.
 3. Performance, Payment, and other Bonds.
 4. General Conditions.
 5. Supplementary Conditions.
 6. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.

DOCUMENT 00500 – AGREEMENT (continued)

7. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general title:

TOWN BRANCH TRAIL

8. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

ARTICLE 8 - MISCELLANEOUS

8.01 TERMS:

- A. Terms used in this Agreement which are defined in the GENERAL CONDITIONS shall have the meanings stated in the GENERAL CONDITIONS.

8.02 ASSIGNMENT OF CONTRACT:

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

8.03 SUCCESSORS AND ASSIGNS:

- A. The City of Fayetteville and Contractor each binds himself, his partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

DOCUMENT 00500 – AGREEMENT (continued)

8.04 SEVERABILITY:

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon The City of Fayetteville and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

8.05 FREEDOM OF INFORMATION ACT:

- A. 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.

OTHER PROVISIONS: Not Applicable.

IN WITNESS WHEREOF, The City of Fayetteville and Contractor have signed this Agreement in quadruplicate. One counterpart each has been delivered to Contractor and Engineer. Two counterparts each has been delivered to The City of Fayetteville. All portions of the Contract Documents have been signed, initialed, or identified by The City of Fayetteville and Contractor or identified by Engineer on their behalf.

DOCUMENT 00500 – AGREEMENT (continued)

This Agreement will be effective on _____, 20__, which is the
Effective Date of the Agreement.

ARCO Excavation & Paving

CITY OF FAYETTEVILLE _____

Name Written: Chris McDaniel

Name Written: Lionel Jordan

Signature: [Signature]

Signature: _____

Title: CFO

Title: Mayor

(SEAL)
Attest [Signature]

(SEAL)
Attest _____

DOCUMENT 00500 – AGREEMENT (continued)

Address for giving notices

Address for giving notices

ARCO EXCAVATION AND PAVING, INC

**10287 EAST HIGHWAY 72
BENTONVILLE, AR 72712
479-451-8000**

113 W. Mountain Street

Fayetteville AR, 72701

License No. _____

(attach evidence of authority to
sign and resolution or other documents
authorizing execution of Agreement)

Agent for Service of process

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

Approved As to Form:

By: _____

Attorney For: _____

END OF DOCUMENT 00500

City of Fayetteville Item Review Form

2014-0020

Legistar File Number

February 4, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Mihalevich

Submitted By

Development Services

Department

Action Required:

Staff recommends approval of the attached resolution to utilize Federal-Aid funds for the design of restrooms and expanded parking at Gordon Long Park at a participating ratio of 80% Federal - 20% City and authorizing for the Mayor to sign all appropriate agreements and contracts and approval of a budget adjustment to recognize the revenue.

Does this item have a cost? ☒ Yes

\$27,670.00

Cost of this request

\$0.00

Category or Project Budget

Gordon Long Park Trailhead

Program or Project Name

4470.9470.5814.05

Account Number

\$0.00

Funds Used to Date

Trail Development

Program or Project Category

02016.1401

Project Number

-\$27,670.00

Remaining Balance

Sales Tax Capital Imp

Fund Name

Budgeted Item? ☒ No

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



01-17-14P03:32 RCVD

John
[Signature] 1/21/14

long

Paul A. Beek

Paul A. Beek for Don Mann

[Signature]

CITY COUNCIL AGENDA MEMO

Council Meeting of February 4, 2014

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Chris Brown, City Engineer

From: Matt Mihalevich, Trails Coordinator *MM*

Date: January 16th, 2014

Subject: **A Resolution expressing the willingness of the City of Fayetteville to utilize Federal-aid funds for the design of restrooms and expanded parking at Gordon Long Park.**

RECOMMENDATION:

Staff recommends approval of the attached resolution to utilize Federal-Aid funds for the design of restrooms and expanded parking at Gordon Long Park at a participating ratio of 80% Federal - 20% City and authorizing for the Mayor to sign all appropriate agreements and contracts and approval of a budget adjustment to recognize the revenue.

PROPOSAL:

Federal Aid – Transportation Alternatives Program (TAP) funds are now available to Northwest Arkansas after the Census Bureau determined the urbanized population to be over 200,000 and the FHWA designated Northwest Arkansas as a Transportation Management Area (TMA). In becoming a TMA, the Northwest Arkansas Regional Planning Commission, of which Fayetteville is a member, will have TAP discretionary funding available at approximately \$450,000 per year.

An application for federal funding through the TAP program for the Gordon Long Park Trailhead was submitted to and approved by the Northwest Arkansas Regional Planning Commission. On December 17, the NWARPC approved funding of the project for \$22,314 (80%) from the Transportation Alternatives Program (TAP), but the City must provide a 20% match of \$5,578.50 (20%). The total project estimate is \$262,500 so additional funding will be requested from future years of TAP funding. This initial funding will allow the project approval process to begin including environmental clearance and right of way acquisition with the goal of having the project construction ready for future TAP funding.

BUDGET IMPACT:

This project will be based on an Agreement of Understanding with AHTD in which Federal-aid money will pay 80% of the project amount and the City will pay 20%. Based on the total estimate of \$262,500, the Federal-aid portion will ultimately be \$210,000 and the City's portion \$52,437.20. (These numbers are subject to change as

the project is developed and more detailed estimates are provided.) This initial federal funding award of \$22,314 with 20% city match of \$5,355.36 will enable the federal project approval process begin with the goal of having a construction ready project to request additional federal funding. The federal portion will be paid from the Transportation Alternatives Program (TAP) funds. City funds will be from the Trail Development Capital Improvement Program.

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID FUNDS FOR THE DESIGN OF RESTROOMS AND EXPANDED PARKING AT GORDON LONG PARK, AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$22,314.00

WHEREAS, the City of Fayetteville understands that Federal Aid Transportation Alternatives Program (TAP) funds are available for certain city projects at the following Federal and City participating ratios:

	<u>Work Phase</u>	<u>Federal %</u>	<u>City %</u>
Construction of City Projects	Preliminary Engineering	0%	100%
	Right-of-Way	80%	20%
	Utilities	80%	20%
	Construction	80%	20%
	Construction Engineering	0%	100%
City projects programmed but not let to contract	All Phases	0%	100%

and

WHEREAS, the Northwest Arkansas Regional Planning Commission has approved the initial funding of improvements to the Gordon Long Park Trailhead in the amount of \$22,314.00, which requires the City to provide matching funds in the amount of \$5,578.50; and

WHEREAS, the total project estimate is \$262,500.00 and additional funding will be requested from future years of TAP funding.

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 expresses its willingness to participate in accordance with its designated responsibilities in this project.

Section 2: That the City Council of the City of Fayetteville, Arkansas authorizes the Mayor and City Clerk to execute all appropriate agreements with the Arkansas Highway and Transportation Department to expedite the construction of the above-stated improvements.

Section 3: That the City Council of the City of Fayetteville, Arkansas pledges its full support and hereby authorizes Arkansas Highway and Transportation Department to initiate action to implement this project.

Section 4: That the City Council of the City of Fayetteville, Arkansas approves a budget adjustment, attached hereto as Exhibit A, recognizing \$22,314.00 in federal revenue.

PASSED and **APPROVED** this 4th day of February 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

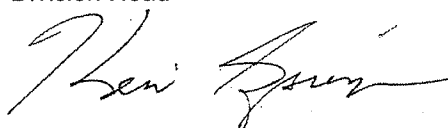
**City of Fayetteville, Arkansas
Budget Adjustment Form**

V13.1030
Legistar A. 11
Gordon Long Park
Page 6 of 10

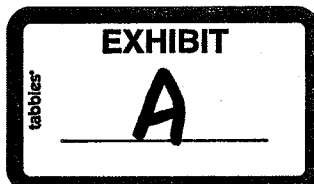
Budget Year BY 2014	Division: Transportation Services Department: Transportation Services	Request Date 2/4/2014	Adjustment Number
-------------------------------	--	---------------------------------	--------------------------

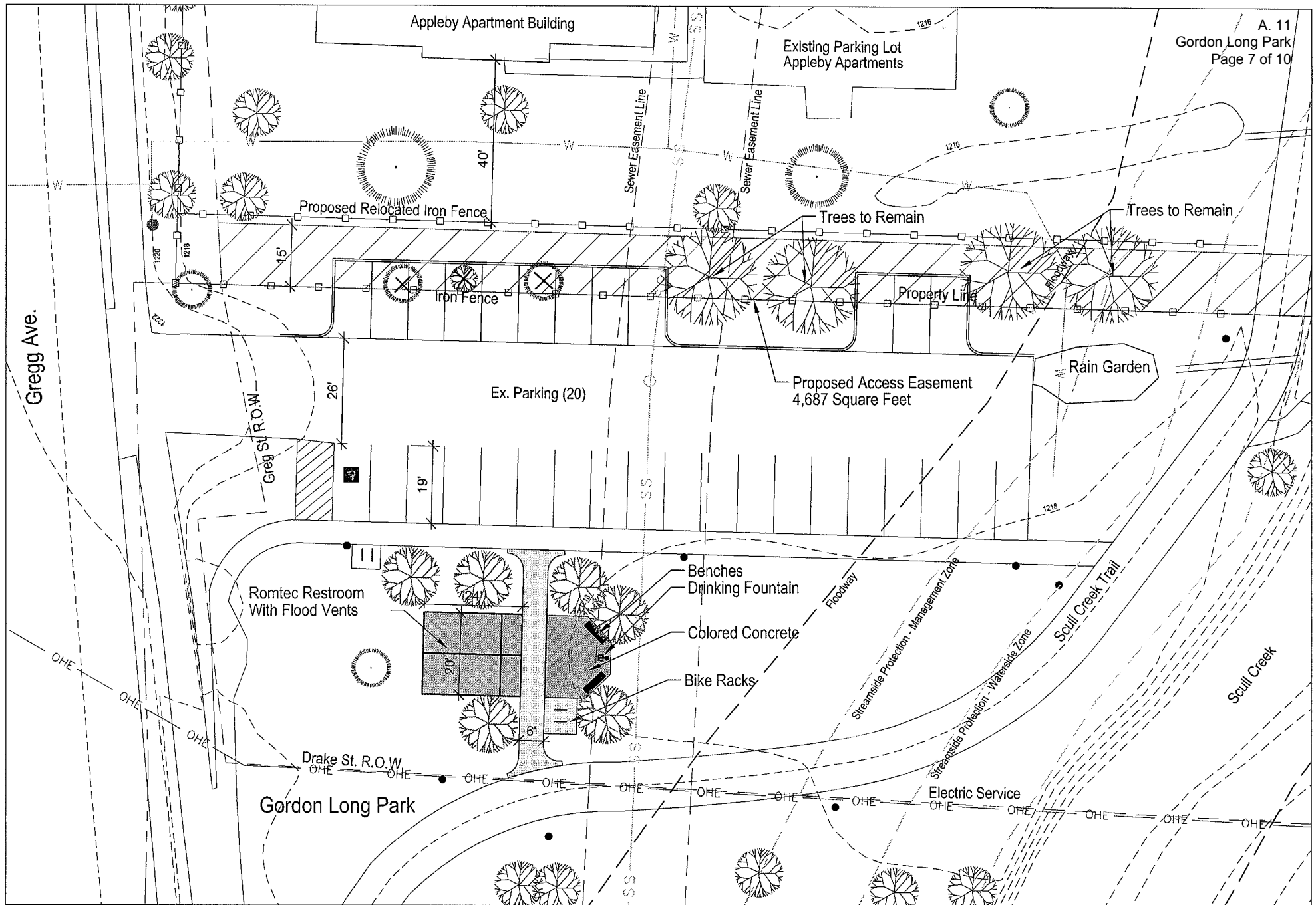
BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

The Northwest Arkansas Regional Planning Commission approved the City's application for Federal-aid Transportation Alternatives Program (TAP) funding in the amount of \$22,314 for the Gordon Long Park Trailhead. This is an 80/20 matching reimbursement grant.

Prepared By Matt Mihalevich Division Head  CITYkspringer 1/17/2014 11:31 AM Budget Director	Legistar# / Date: 2014-0020 / 2/4/2014 Legistar Title TAP_AWARD_GORDON_PARK 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		22,314	22,314	Project.Sub Number
		Increase / (Decrease)		
Account Name	Account Number	Expense	Revenue	
Trails	4470.9470.5814.05	27,670		02016 . 1401
Trails	4470.9470.5814.05	(5,356)		02016 . 1
Federal Grants-Capital	4470.0947.4309.00		22,314	02016 . 1401





City of Fayetteville
Engineering Division
113 W. Mountain
Fayetteville, AR 72701
479-575-8206

Gordon Long Park Trailhead



August 2013



RECEIVED

DEC 20 2013

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

1311 CLAYTON ST. • SPRINGDALE, ARKANSAS 72762

(479) 751-7125

FAX (479) 751-7150

December 17, 2013

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

Re: Gordon Long Park Trailhead - Construction (Restroom and Additional Parking) - FY 2014
Transportation Alternatives Program (TAP)

Dear Mayor Jordan:

Reference is made to your request for federal FY 2014 Transportation Alternatives Program (TAP) funds for the Gordon Long Park Trailhead Construction Project.

I am pleased to inform you the Gordon Long Park Trailhead Project was selected by the RPC/Policy Committee on October 23, 2013 subject to being programmed in the FY 2013-2016 Transportation Improvement Program. Please find below the total project cost and TAP funds awarded:

TAP	\$22,314
City	<u>\$240,186</u>
Total	\$262,500

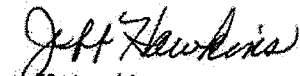
The TAP funding is subject to an obligation limitation and the total available funds may change after final FFY2014 funding is published.

These funds are required to be obligated by the end of the Federal Fiscal Year which ends on September 30, 2014. All required AHTD submittals and required approvals for this project should be completed by August 15, 2014 in order to allow sufficient time to obligate the TAP funds for this project.

Please note that TAP projects "...must comply with applicable provisions in Title 23, such as project agreements, authorization to proceed prior to incurring costs, prevailing wage rates (Davis-Bacon), competitive bidding, and other contracting requirements, regardless of whether the projects are located within the right-of-way of a Federal-aid highway."

Please let us know if you have any questions or need additional information regarding this program.

Sincerely,

A handwritten signature in black ink that reads "Jeff Hawkins". The signature is written in a cursive, flowing style.

Jeff Hawkins
Director

Cc: Mr. Paul Simms, AHTD

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 PM RCV2

Nov 27, 2013

ENTERED

11/27/13

This ordinance was left on the 2nd reading
stalled to the Feb. 4, 2014 City Council mtg.
at the January 7, 2014 City Council mtg.

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"

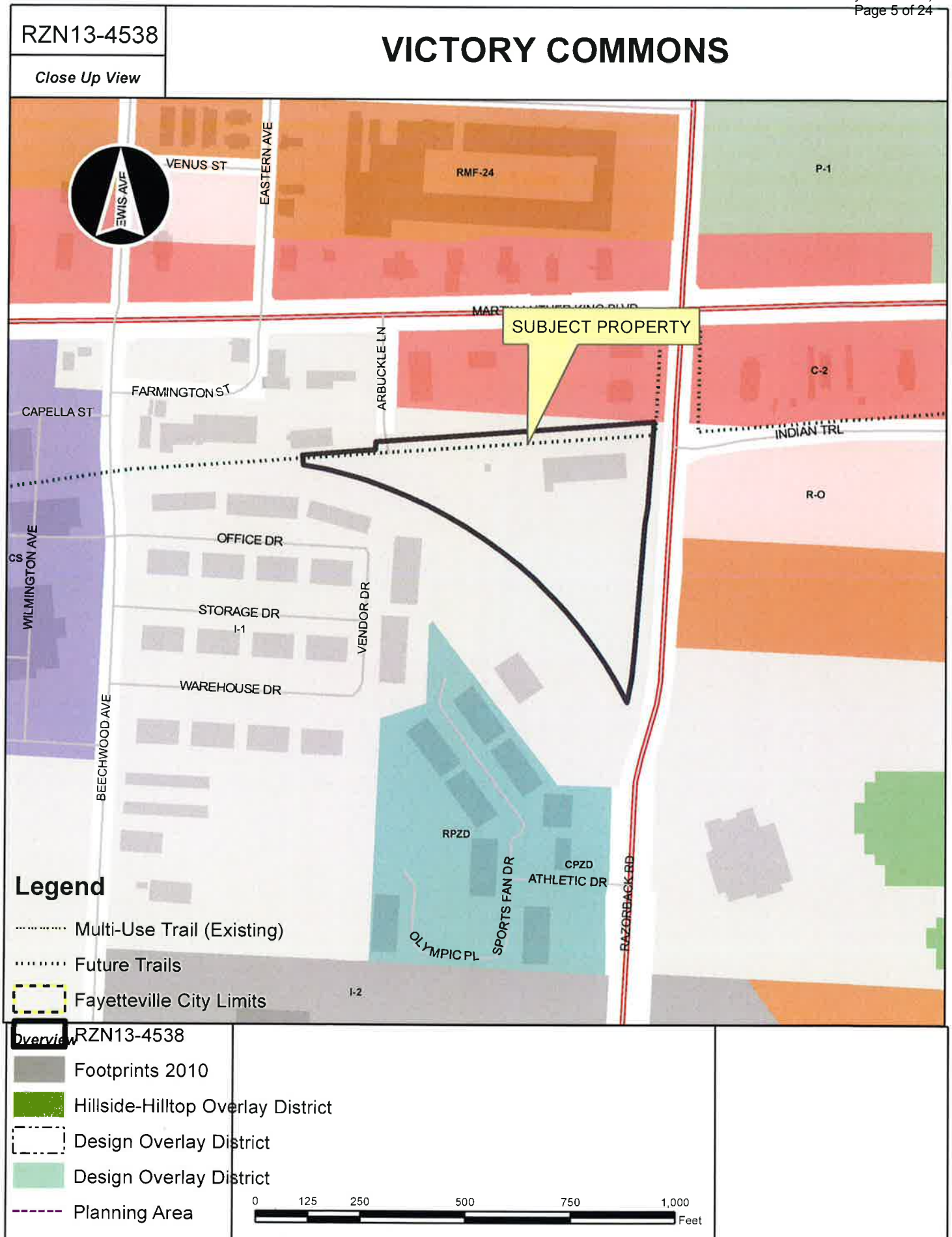


EXHIBIT "B"
RZN 13-4538

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:		Required	<u>YES</u>
	☐ 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.

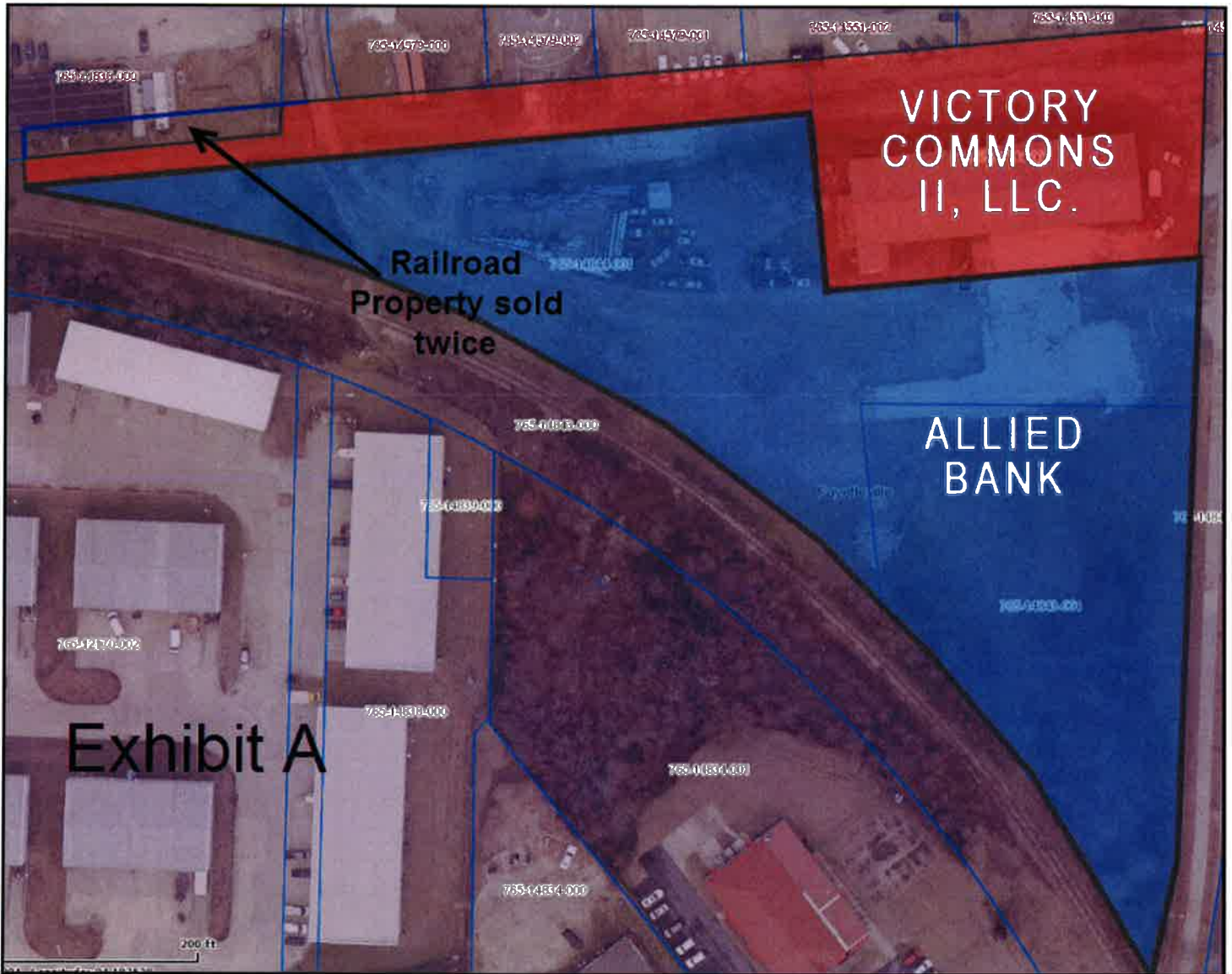
The property is located just off of MLK and along the recently widened blvd Razorback Road. The requested zoning should not negatively impact existing traffic conditions.

- 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.





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

B. 1
RZN 13-4538 (Razorback
Road/Victory Commons)
Page 18 of 24

Zoning Review

To: Quin Thompson
From: Harley Hunt
Date: October 30, 2013
Re: RZN 13-4538

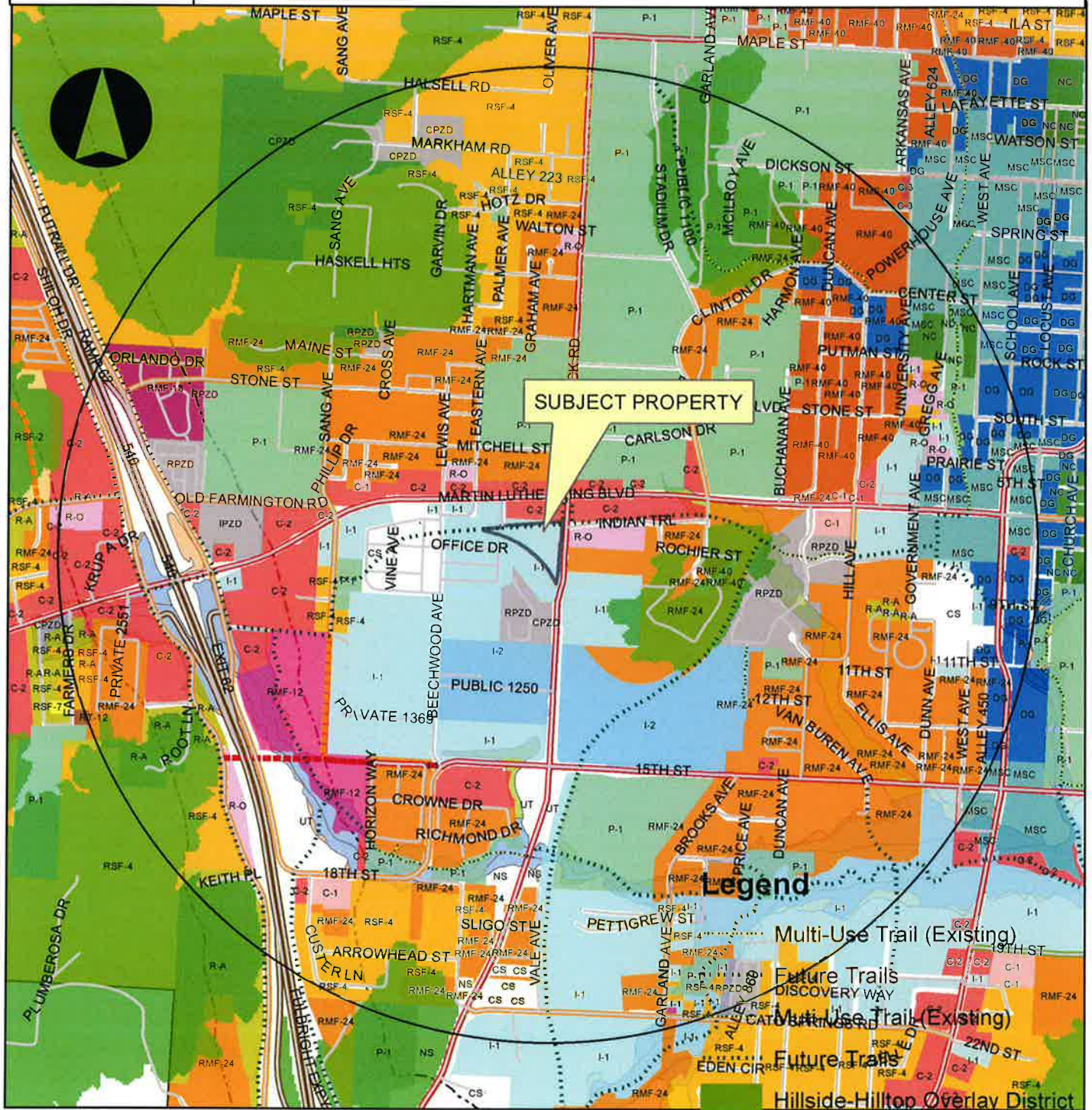
This development will be protected by Engine 6 located at 900 S. Hollywood Dr.
It is 2 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

Battalion Chief H. Hunt
Fire Marshal
Fayetteville Fire Department

RZN13-4538

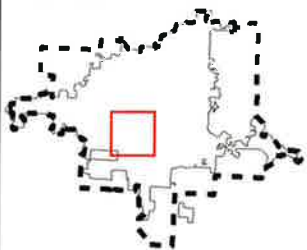
VICTORY COMMONS

One Mile View



- Legend**
- Multi-Use Trail (Existing)
 - Future Trails
 - Discovery Way
 - Multi-Use Trail (Existing)
 - Future Trails
 - Hillside-Hilltop Overlay District

Overview



Legend

Subject Property
 RZN13-4538

Boundary

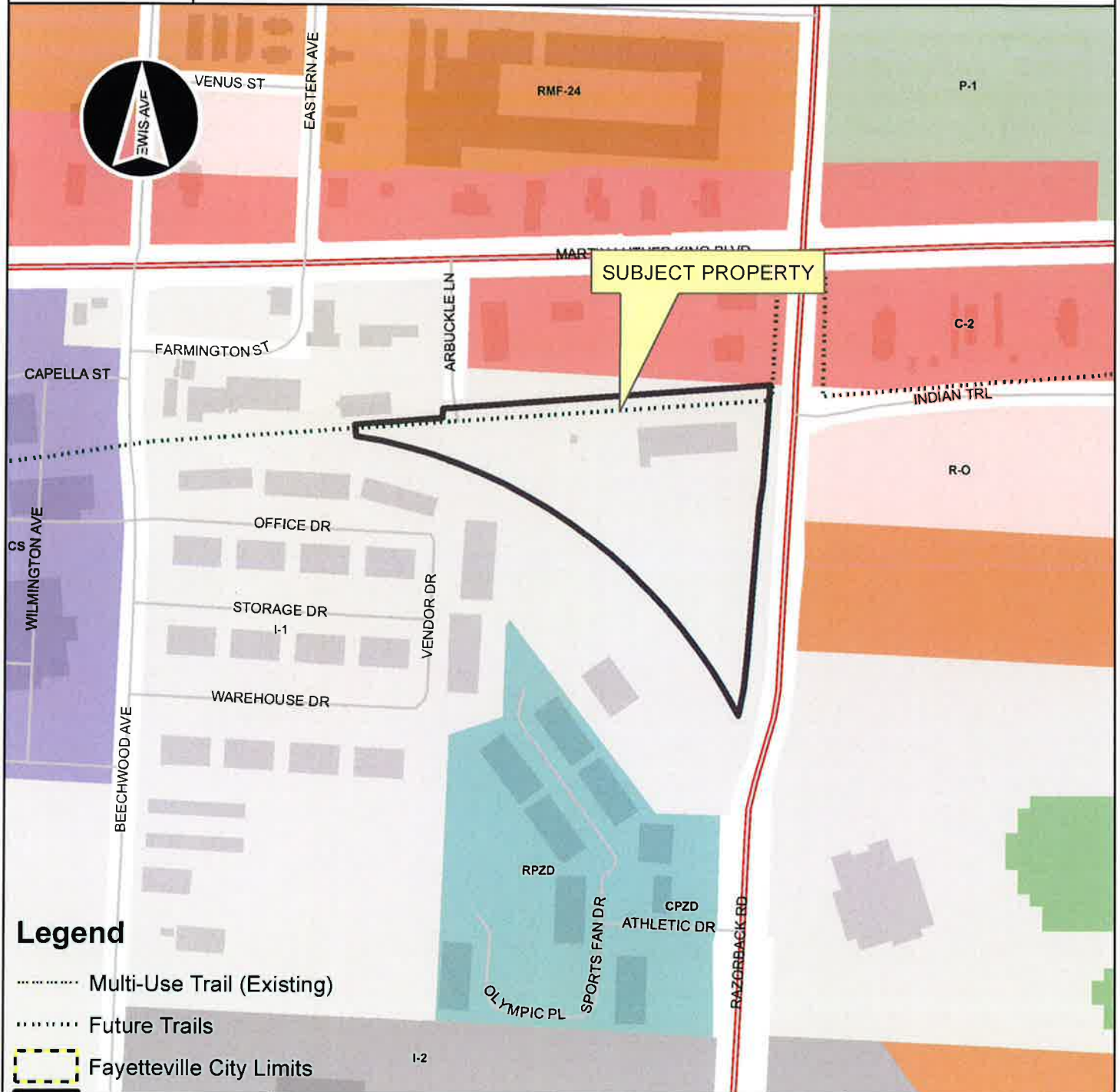


- RZN13-4538
- Design Overlay District
- Planning Area
- Fayetteville

RZN13-4538

VICTORY COMMONS

Close Up View



Legend

Multi-Use Trail (Existing)

Future Trails

Fayetteville City Limits

RZN13-4538

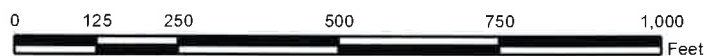
Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

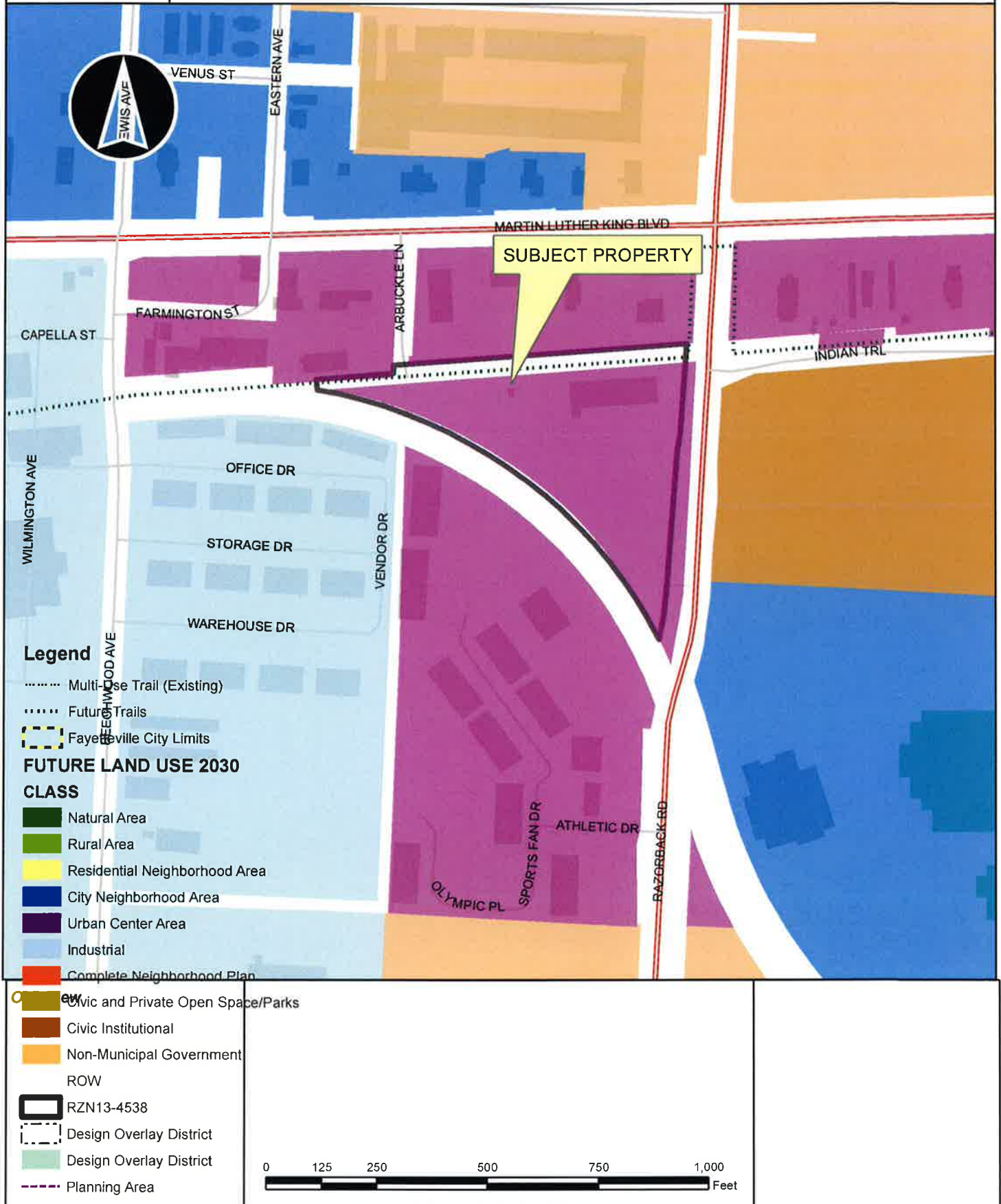
Planning Area



RZN13-4538

VICTORY COMMONS

Future Land Use



RZN13-4538

Close Up View

VICTORY COMMONS



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits
- Planning Area

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

McCoy, Dee

From: City_Clerk
Sent: Tuesday, January 07, 2014 4:33 PM
To: Adams, Rhonda; Branson, Lisa; Broyles, Lana; Eads, Gail; Gray, Adella; Johnson, Kimberly; Mayor; Kinion, Mark; Long, Alan; Marr, Don; Marsh, Sarah; McCoy, Dee; Mulford, Patti; Petty, Matthew; Roberts, Gina; Schoppmeyer, Martin; Smith, Lindsley; Smith, Sondra; Tennant, Justin; Williams, Kit
Subject: FW: RZN 13-4538 (Razorback Road/Victory Commons)

Dear City Clerk -

Due to circumstances beyond my control, I will not be able to attend tonight's City Council meeting. Due to this and other issues, I respectfully request that my application for rezoning, RZN - 4538 for Razorback Road/Victory Commons, be tabled for three weeks, or the closest City Council meeting a minimum of three weeks away.

Thanks!

Tracy K. Hoskins - president

Paradigm
COMPANIES

1907 Best Friend Lane, Fayetteville, Arkansas 72704
(479) 521-7007 office (479) 236-6636 cell



City of Fayetteville Item Review Form

C. 1
New World Systems
Page 1 of 12

2013-0190

Legistar File Number

02/04/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Greg Tabor

Submitted By

Police

Department

Action Required:

Approval of the Standard Software Maintenance Agreement for Public Safety with New World Systems Corporation for a period of three (3) years to begin on 01/01/2014. Funding for this maintenance agreement is requested each year through the Fire and Police Department's operating budget process.

Does this item have a cost? ☒ Yes

\$108,410.00

Cost of this request

\$108,410.00

Category or Project Budget

Software Maintenance

Program or Project Name

1010-2900/3020-5416.00

Account Number

\$0.00

Funds Used to Date

Maintenance

Program or Project Category

\$0.00

Remaining Balance

General

Fund Name

Budgeted Item? ☒ YesBudget Adjustment Attached? ☐

01-17-14 A09:07 RCVD V20130812

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Comments:

Paula A. Butler
Paula A. Butler for Don Mann
Frederick J. Janssen





www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council Members

From: Greg Tabor, Chief of Police 

Date: January 17, 2014

Subject: Approval of a three (3) year contract with New World Systems for Public Safety Software Maintenance

PROPOSAL:

City Administration has maintained a software maintenance agreement with New World Systems since 1992. Public Safety began using New World in 1996. Since that time we have added several enhancements such as mobile computing and electronic ticketing. New World Systems is a very stable company with the resources to supply support for the needs of the Police Department.

Service and maintenance fees are necessary to keep software current. These fees allow the City to receive updates and enhancements to the software as they become available. In addition, service and maintenance fees provide for technical phone support, problem troubleshooting and resolution. The software products that we have purchased from New World Systems are essential to all aspects of Public Safety's day to day operations and it is important that we keep these assets current.

RECOMMENDATION:

Staff recommends approval of a three (3) year contract with New World Systems Corporation for Public Safety Software Maintenance in the following amounts: 2014 -\$108,410; 2015 - \$113,830; and 2016 - \$119,520.

BUDGET IMPACT:

This item is currently budgeted in our 2014 Operating Budget. Future funding will be requested within the Fire and Police Department's annual operating budgets.

ORDINANCE NO. _____

**AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND TO APPROVE
A THREE YEAR CONTRACT WITH NEW WORLD SYSTEMS FOR PUBLIC
SAFETY SOFTWARE MAINTENANCE IN THE TOTAL AMOUNT OF
\$341,760.00 PAYABLE OVER THREE YEARS**

WHEREAS, the Police Department has used New World Systems Public Safety Software since 1996 and only New World can provide required maintenance for such software.

**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 that because New World Systems is the sole company that can provide maintenance for its Public Safety Software, formal competitive bidding is not feasible or practical and therefore waives competitive bidding and approves the attached three year contract with New World Systems for Public Safety Software Maintenance in the total amount of \$341,760.00 payable over three years.

PASSED and APPROVED this 4th day of February, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

NEW WORLD SYSTEMS CORPORATION **STANDARD SOFTWARE MAINTENANCE AGREEMENT**

This Standard Software Maintenance Agreement (SSMA) between **New World Systems Corporation** (New World) and **Fayetteville, AR Police Department** (**Customer**) sets forth the standard software maintenance support services provided by **New World**.

1. Service Period

This SSMA shall remain in effect for a period of three (3) consecutive one (1) year terms beginning on 1/1/14 and automatically renewing thereafter unless **Customer** provides **New World** written notice of its intent to not renew a period ninety (90) days prior to the start of said period.

2. Services Include

The following services or features are available under this SSMA:

- (a) Upgrades, including new releases, to the Licensed Standard Software (prior releases of Licensed Standard Software application packages are supported no longer than nine (9) months after a new release is announced by **New World**).
- (b) Temporary fixes to Licensed Standard Software (see paragraph 6 below). Software fixes will be delivered electronically.
- (c) Revisions to Licensed Documentation. Documentation will be delivered electronically.
- (d) Reasonable telephone support for Licensed Standard Software on Monday through Friday from 8:00 a.m. to 8:00 p.m. (Eastern Time Zone).
- (e) Invitation to and participation in user group meetings.
- (f) Includes ESRI Integration for the ESRI software that is part of Exhibit A Licensed Standard Software.

Items a, b, and c above will be provided to **Customer** by electronic means.

Additional support services are available as requested by **Customer** using the then-current hourly rates or applicable fees.

3. Maintenance for Modified Licensed Standard Software and Custom Software

Customer is advised that if it requests or makes changes or modifications to the Licensed Standard Software, these changes or modifications (no matter who makes them) make the modified Licensed Standard Software more difficult to maintain. If **New World** agrees to provide maintenance support for Custom Software or Licensed Standard Software modified at **Customer's** request, then the additional **New World** maintenance or support services provided shall be billed at the then-current hourly fees plus reasonable expenses.

4. Billing

Maintenance costs will be billed annually as detailed on the following page. If taxes are imposed, they are the responsibility of the **Customer** and will be remitted to **New World** upon being invoiced.

5. Additions of Software to Maintenance Agreement

Additional Licensed Standard Software licensed from **New World** will be added to the SSMA per the terms of the contract adding the software. Maintenance costs for the additional software will be billed to **Customer** on a pro rata basis for the remainder of the current maintenance year and on a full year basis thereafter.

6. Requests for Software Correction on Licensed Standard Software

At any time during the SSMA period, if **Customer** believes that the Licensed Standard Software does not conform to the current specifications set forth in the user manuals, **Customer** must notify **New World** in writing that there is a claimed defect and specify which feature and/or report **Customer** believes to be defective. Before any notice is sent to **New World**, it must be reviewed and approved by the **Customer** Liaison. Documented examples of the claimed defect must accompany each notice. **New World** will review the documented notice and when a feature or report does not conform to the published specifications, **New World** will provide software correction service at no charge. A non-warranty request is handled as a billable Request for Service (RFS).

The no charge software correction service does not apply to any of the following:

- (a) situations where the Licensed Standard Software has been changed by anyone other than **New World** personnel;
- (b) situations where **Customer's** use or operations error causes incorrect information or reports to be generated; and;
- (c) requests that go beyond the scope of the specifications set forth in the current User Manuals.

7. Maintenance Costs for Licensed Standard Software Packages Covered for 400 Server

New World agrees to provide software maintenance at the costs listed below for the following **New World** Standard Software packages licensed by the **Customer**:

<u>Application Package</u>	<u>Number of Modules</u>
1. Aegis® Computer Aided Dispatch (CAD)	17
2. Aegis® Law Enforcement Records Software	24
3. Aegis® Fire Records Software	2
4. Aegis® Public Safety Interface Software	2
5. Aegis® Photo Imaging Software	2
6. Aegis® Data Management and Retrieval Tools	2
7. Aegis® Mobile Management Server Software	2
8. Aegis® Mobile Software on the RS6000	3
9. Aegis® Mobile Client Laptop Software	4
10. Aegis® Mobile Software on the 400 or MSP Server	3
11. Aegis® ESRI Embedded Applications - New	2
12. Aegis® ESRI Embedded Applications - Upgrades	3

ANNUAL
MAINTENANCE COST: See Below

<u>Period Covered</u>	<u>Annual Amount</u>	<u>Billing Date</u>
1/1/2014 to 12/31/2014	\$108,410	12/15/2013
1/1/2015 to 12/31/2015	\$113,830	12/15/2014
1/1/2016 to 12/31/2016	\$119,520	12/15/2015

Note: Unless extended by **New World**, the above costs are available for 90 days after submission of the costs to **Customer**. After 90 days, **New World** may change the costs.

ALL INVOICES ARE DUE FIFTEEN (15) DAYS FROM BILLING DATE.

8. Terms and Conditions

This Agreement is covered by the Terms and Conditions specified in the Licensing Agreement(s) for the software contained herein.

ACCEPTED BY:

Customer: Fayetteville, AR Police Department

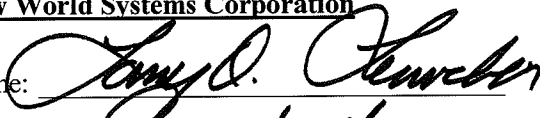
Name: _____

Title: _____

Date: _____

ACCEPTED BY:

New World Systems Corporation

Name: 

Title: President

Date: 01-18-14

By signing above, each of us agrees to the terms and conditions of this Agreement and as incorporated herein. Each individual signing represents that (s)he has the requisite authority to execute this Agreement on behalf of the organization for which (s)he represents and that all the necessary formalities have been met. If the individual is not so authorized then (s)he assumes personal liability for compliance under this Agreement.

Fayetteville, AR Police Department

Licensed Application Software

At October, 2013

1. Aegis® Computer Aided Dispatch (CAD)

- Combined LE/Fire/EMS CAD Multi-Jurisdiction
 - Base
 - Call Scheduling Module
 - Call Stacking Module
 - Geo-File Verification Module
 - Hazard and Location Alerts Module
 - Hydrant Inventory Module
 - Interface to Aegis® Law Enforcement Records Module
 - Interface to Aegis® Fire/EMS Records Module
 - Note Pads Module
 - Rip-N-Run Module
 - Run Cards Module
 - Tone Alerts Module
 - Unit Control Panel Module
 - Unit Recommendations Module
- Service Vehicle Rotation
- CAD Redundancy
- CAD Mapping (ESRI)

2. Aegis® Law Enforcement Records Software

- LE Records Single Jurisdiction Base
 - Base
 - Accidents Module
 - Arrest Module
 - Business Registry Module
 - Case Processing Module
 - Computer Aided Investigations Module
 - Federal Reports (UCR/IBR) Module
 - Geo-File Verification Module
 - Impounded Vehicles Module
 - Incident Tracking Module
 - Jacket Processing Module
 - Personnel / Education Module
 - Property Module
 - Traffic Tickets and Citations Module
 - Wants and Warrants Module
- LE Records Federal & State Compliance
- Field Investigations
- Case Management
- GEO File Verification
- Activity Reporting and Scheduling
- Property Room Bar Coding
- Hazardous Materials
- Paperless Automated Case Entry (PACE)
- Ticket Writer Interface

Fayetteville, AR Police Department

Licensed Application Software

At October, 2013

3. **Aegis® Fire Records Software**
 - Fire Records Base Package
 - Fire Records Compliance
4. **Aegis® Public Safety Interface Software**
 - AS/400 State/NCIC Interface
 - On-Line CAD Interface to State/NCIC
5. **Aegis® Photo Imaging Software**
 - Capture/View Stations
 - Public Safety Line Ups/Mug Shots
 - Digital Imaging
6. **Aegis® Data Management and Retrieval Tools**
 - Microsoft Word Interface
 - Data Analysis and Mapping
7. **Mobile Management Server Software**
 - AVL Mapping Server
 - Base CAD/NCIC/Messaging
8. **Mobile Software on the RS6000**
 - Base Message Switch to NCIC
 - **New World** CAD Interface for Aegis/400
 - AVL Interface
9. **Mobile Client Laptop Software**
 - LE State/NCIC via Switch 27 User(s)
 - LE CAD Via Switch 29 User(s)
 - In Car Mapping 2 User(s)
 - Ticket Writer Interface 1 User(s)
10. **Mobile Software on the 400 or MSP Server**
 - MDT/MCT Base LE CAD Interface
 - AVL CAD Interface
 - MDT/MCT Base CAD/RMS Interface
11. **Aegis® ESRI Embedded Applications**
 - CAD Mapping Integration
 - Mobile In-Car Mapping Integration
12. **Aegis® ESRI Embedded Applications**
 - CAD Mapping Integration
 - Data Analysis / Mapping Integration
 - ArcGIS Runtime Desktop

SOLE SOURCE JUSTIFICATION

PURPOSE:

This form, with one or more categories completed, must accompany purchase requisitions for the sole source procurement of equipment, services or supplies exceeding \$1000 (purchased from State Contract vendors excepted). The purpose of sole source justification is to show that competitive bidding is impractical because only one product or service provider can meet a specific need. Therefore, an equitable evaluation of comparable products or services must be made and documented by the requester who shows that rejection of other products or services is based solely on their failure to meet that need. In cases where no other comparable source can be identified, a technical description of the product requested and a listing of those companies which were considered as alternative sources must be provided. Quality can be a subjective evaluation based upon opinion. Municipal (public) procurement law requires price considerations be evaluated via competitive quoting or bidding.

While all sole source justifications are subject to review, sole source justified purchases of \$20,000.00 or more must be publicly bid or a bid waiver approved by Council. Justifications must contain clear, in-depth, and accurate information in order to avoid protests and the possibility of delaying the procurement.

INSTRUCTIONS:

1. Please type or print legible in ink.
2. Complete all categories and sections that apply.
3. Provide full explanation, complete descriptions, and/or list all relevant reasons where space has been provided. Sole Source Justification forms lacking sufficient detail cannot be approved.
4. Sign and date the form in the space provided for "signature".
5. Improperly completed, and/or unsigned forms will be returned to the sender.

TO: Purchasing Division Date: 12-31-2014
FROM: Willie Newman Dept: Greg Tabor
Names of Requisitioner and Dept. Head
SUBJECT: Sole Source Justification
Purchase Requisition Yes (attached)
Proposed Vendor New World Systems
Product Description Maintenance and service fees for Public
Safety Software Modules.

STATEMENT

I am aware that Fayetteville Code of Ordinances, Title III Administration, Chapter 34, Article II mandates that the procurement of services, materials, equipment and supplies be via competitive quotes whenever the amount is over \$1,000.00. However, I am requesting sole source procurement based on the following criteria. (Attach additional sheets as necessary):

1. The requested product is an integral repair part or accessory compatible with existing equipment. (please state the manufacturer and model number of existing equipment):

2. The requested product has special design/performance features which are essential to my needs.

Both A and B portions of this category must be completed.

- A. These features are:

New World Systems is the only maintenance and service provider of
their software modules. Fayetteville Police and Fire have used New World
Systems software since 1996.

- B. In addition to the product requested, I have contacted other suppliers and considered their product of similar capabilities. I find their product unacceptable for the following reasons (identify companies contacted, individuals contacted, model number and specific technical deficiency).

New World Systems software is proprietary; therefore, no other suppliers
are available for this maintenance and service.

3. I have standardized the requested product/service; the use of another would require considerable time and money to evaluate.

Explain: _____

4. The requested product is one which I (or my staff) have specialized training and/or extensive experience. Retraining would incur substantial cost in money and/or time.

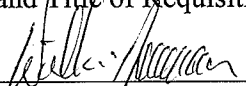
Explain: _____

5. Please consider sole source approval for this reason(s) (e.g. trade-in allowance; availability of services, parts and maintenance; product is a prototype; inventory of parts are maintained, etc.):

No other suppliers are available for the maintenance and service of the
Public Safety software modules used by the Police and Fire Departments.

Authorization:

Full Name and Title of Requisitioner Willie Newman, Asst. Support Services Mgr.

Signature  (typed or printed in ink) Date 1-17-2014

Full Name of Division Head Chief Greg Tabor

Signature  (typed or printed in ink) Date 1-17-14

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

City Of Fayetteville - Purchase Order (PO) Request (Not a Purchase Order) All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions) All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us						Requisition No.: P.O Number:		Date: 2/4/2014 Expected Delivery Date:	
Vendor #: 236		Vendor Name: New World Systems				Mail Yes: ☒ X No: ☐		New World Systems Page 12 of 12	
Address: 888 W Big Beaver, Ste 600						Fob Point:		Taxable Yes: ☐ No: ☐	
City: Troy		State: MI		Zip Code: 48084		Ship to code:		Quotes Attached Yes: ☐ No: ☐	
Requester: W Newman						Requester's Employee #: 2888		Extension: 3579	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Public Safety Software Maintenance - Police	1	LS	98,270.00	\$98,270.00	1010-2900-5416.00			
2	Public Safety Software Maintenance - Fire	1	LS	10,140.00	\$10,140.00	1010-3020-5416.00			
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling				\$0.00				
Special Instructions: 2014 Purchase Request						Subtotal: \$108,410.00 Tax: _____ Total: \$108,410.00			
Approvals:									
Mayor: _____			Department Director: _____			Purchasing Manager: _____			
Finance & Internal Services Director: _____			Budget Manager: _____			IT Manager: _____			
Dispatch Manager: _____			Utilities Manager: _____			Other: _____			

City of Fayetteville Item Review Form

2014-0007

Legistar File Number

02/04/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Quin Thompson

Submitted By

Development Services

Department

Action Required:

RZN 13-4571: Rezone (NORTHWEST CORNER OF W. WEDINGTON DRIVE AND N. GOLF CLUB DRIVE/WEDINGTON NEIGHBORHOOD PLAN ZONE 1, 400): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for properties located at the NORTHWEST CORNER OF W. WEDINGTON DRIVE AND N. GOLF CLUB DRIVE. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL AND RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE and contain approximately 11.30 acres. The request is to rezone the properties 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:



01-17-14 P03:35 RCVD

[Handwritten signature]
1-19-14

[Handwritten signature]

Paul a. Becker

Paul a. Becker for Dan Mann

[Handwritten signature]

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Director of Development Services
Andrew Garner, City Planning Director

From: Quin Thompson, Current Planner

Date: January 16, 2014

Subject: RZN 13-4571: Rezone (Wedington Dr. / ZONE 1)

RECOMMENDATION: The Planning Commission and Planning Division staff recommend approval of an ordinance to rezone the property to UT, Urban Thoroughfare.

BACKGROUND: The subject property is located on the northwest corner of West Wedington Drive and North Golf Club Drive, in the Wedington Corridor Master Plan Area. The property is zoned R-A, Residential Agricultural and FSF-1, Residential Single Family/One Unit per Acre and contains a total of approximately 11.30 forested and undeveloped acres.

Research and Planning Process: After adoption of the Downtown Master Plan, Walker Park Master Plan, and Fayette Junction Master Plan, the City of Fayetteville rezoned numerous properties within the project boundary to zoning districts that were consistent with the vision and goals of each plan. The Wedington Corridor Master Plan area was one of the fastest growing areas in the City of Fayetteville in the last decade, and still contains a significant amount of undeveloped land that is expected to receive increased development pressure in the near future.

When beginning the process for the rezoning proposal, Planning staff identified priority areas that are considered critical to the success of the Wedington Corridor Master Plan vision. Staff found that several of those properties were regulated by zoning districts that are not consistent with the Wedington Corridor Master Plan. Based on this information, staff determined the most appropriate zoning district(s) that would bring the properties into alignment with the Wedington Corridor Master Plan and the goals of City Plan 2030.

Notification and Public Comment: Planning staff sent an initial letter via certified mail to each subject property owner on October 29, 2013, summarizing the key elements of the Wedington Neighborhood Plan and describing staff's rezoning proposal for the specific property. A second letter was sent via certified mail to the property owner on December 9, 2013 repeating previously provided information and noting the January 13, 2014 hearing date, time, and location. Sample letters are included in this staff report. Planning staff received one phone call from an adjoining property owner, who expressed no concerns with the proposed rezone. Staff has not received comment from the subject property owner.

LAND USE ANALYSIS: *City Plan 2030 Future Land Use Plan designates this site as the **Complete Neighborhood Plan/Wedington Corridor Plan Area**.* The Wedington Corridor plan document and illustrative map provide a vision and a framework for transforming and taming an arterial roadway and interstate interchange while creating a more livable neighborhood that is complete and connected.

The UT zoning district is consistent with planning objectives, principles, and policies put forward in the Wedington Neighborhood Plan, which states that “The utilization of the City’s form based zoning districts will be essential to ensure that the development pattern prescribed here is walkable and urban. Form based zoning districts are also much more flexible in allowing for a variety of residential and commercial densities and intensities. This encourages a diverse mixture of building types, scales and uses that are not separated from each other but instead are co-mingled to create a unified, sustainable and cohesive whole.”

The proposed zoning is compatible and consistent with the Wedington Corridor Plan vision for this property which calls for a variety and mix of nonresidential and residential uses.

DISCUSSION: On January 13, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 7-0-0.

BUDGET IMPACT: None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4571, FOR APPROXIMATELY 11.30 ACRES, LOCATED AT THE NORTHWEST CORNER OF WEST WEDINGTON DRIVE AND NORTH GOLF CLUB DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL AND RSF-1, RESIDENTIAL SINGLE-FAMILY, 1 UNIT PER ACRE 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 R-A, Residential Agricultural and RSF-1, Residential Single-Family, 1 units per acre to UT, Urban Thoroughfare, as shown on Exhibit "A" 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 , 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

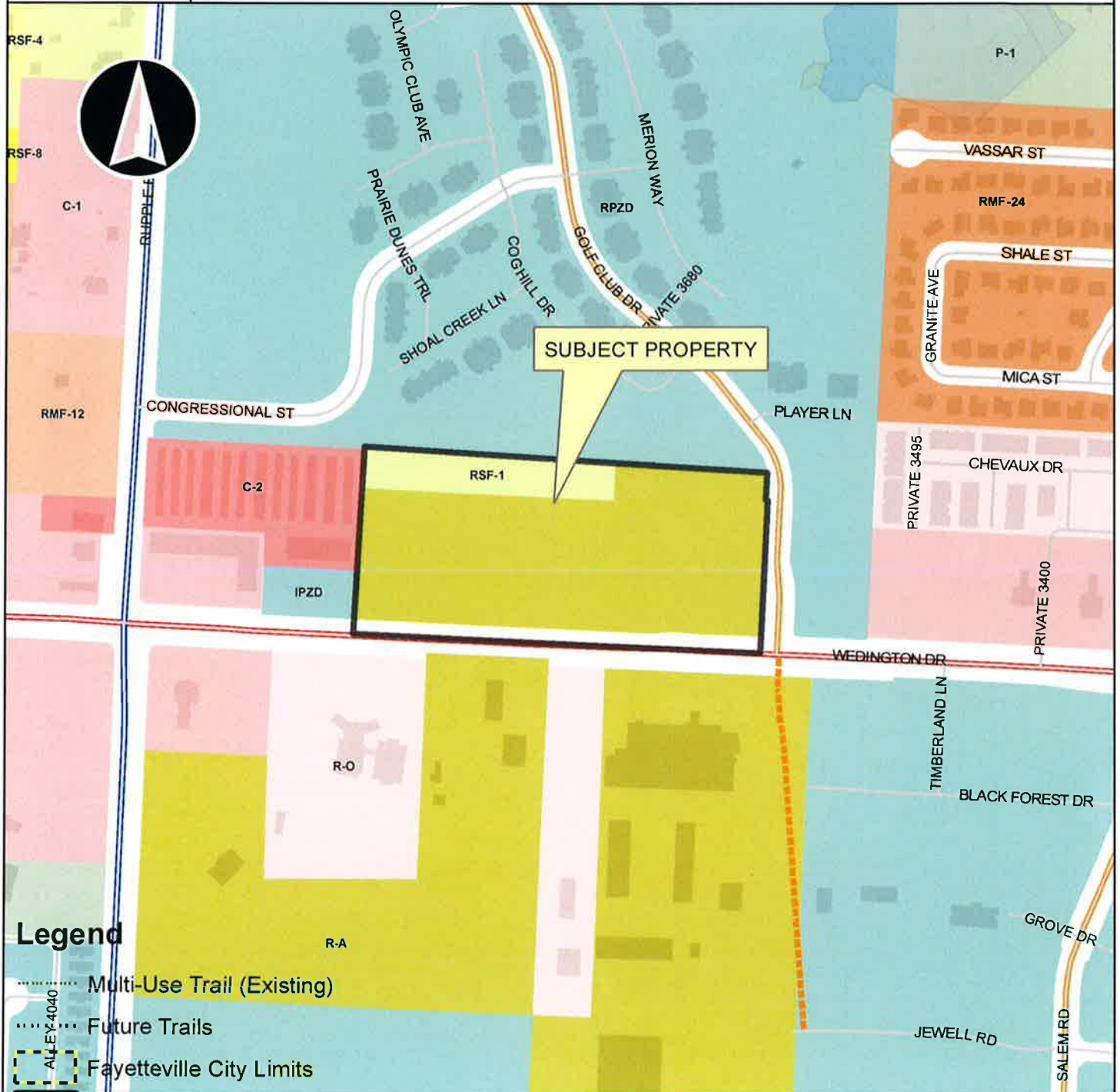
EXHIBIT "A"

C. 2
RZN 13-4571 (Northwest Corner
of W. Wedington Drive and N.
Golf Club Drive/Wedington)
Page 5 of 24

RZN13-4571

WEDINGTON NEIGHBORHOOD PLAN ZN 1

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN13-4571

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area





PC Meeting of January 13, 2014

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Subdivision Committee
FROM: Quin Thompson, Current Planner
THRU: Andrew Garner, Planning Director
DATE: ~~December 19, 2013~~ **UPDATED January 16, 2014**

RZN 13-4571: Rezone (NORTHWEST CORNER OF W. WEDINGTON DRIVE AND N. GOLF CLUB DRIVE/WEDINGTON NEIGHBORHOOD PLAN ZONE 1, 400): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for properties located at the NORTHWEST CORNER OF W. WEDINGTON DRIVE AND N. GOLF CLUB DRIVE. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL AND RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE and contain approximately 11.30 acres. The request is to rezone the properties to UT, URBAN THOROUGHFARE.
Planner: Quin Thompson

BACKGROUND:

Property: The subject property is located north of Wedington Drive at the intersection of Wedington Drive and Golf Club Drive. The property is zoned R-A, Residential Agricultural and ~~C-1, Neighborhood Commercial~~ **RSF-1, Residential Single Family/1 Unit per Acre** and contains a total of approximately 11.30 forested and undeveloped acres.

Wedington Neighborhood: Since 2006, The City's comprehensive land use plan (currently known as City Plan 2030) has set a goal of using a charrette process to generate a complete neighborhood plans or corridor plans on a regular basis for key areas of the City. These plans were intended to incorporate key principles of City Plan 2025, including appropriate infill and revitalization, traditional neighborhood development, growing a livable transportation network, assembling an enduring green network, and attainable housing. On Thursday, October 25, 2012, the City of Fayetteville began the planning process for the Wedington Corridor Neighborhood Master Plan, a complete neighborhood plan that incorporates the key principles, goals, and objects of City Plan 2030. During the week of October 25 through November 1, 2012, more than 100 citizens offered input on the vision for the Wedington Corridor Neighborhood Master Plan area during a charrette process that included a hands-on design session, an open design studio, and a work-in-progress session.

Through this collaborative process, Wedington Corridor is envisioned as an area that integrates the built and natural environment to encourage this area to develop as a complete, compact and connected neighborhood with civic, residential and commercial uses. The vision document provides implementations steps for the near-term (0-5 years) and long-term (5-20 years). One of the first short-term goals identified as crucial for the implementation of the Wedington Corridor Plan vision is a city-initiated rezoning in key locations to enable development in traditional form and to enhance opportunities for protection of the natural environment, responsible growth, and

revitalization within the area. The Illustrative Master Plan is included in this staff report.

Research and Planning Process: After adoption of the Downtown Master Plan, Walker Park Master Plan, and Fayette Junction Master Plan, the City of Fayetteville rezoned numerous properties within the project boundary to zoning districts that were consistent with the vision and goals of each plan. The Wedington Corridor Master Plan area was one of the fastest growing areas in the City of Fayetteville in the last decade, and still contains a significant amount of undeveloped land that is expected to receive increased development pressure in the near future.

When beginning the planning process for the rezoning proposal, Planning staff identified priority areas that are considered critical to the success of the Wedington Corridor Master Plan vision. Staff found that several of those properties were regulated by zoning districts that are not consistent with the Wedington Corridor Master Plan. Based on this information, staff determined the most appropriate zoning district(s) that would bring the properties into alignment with the Wedington Corridor Master Plan and the goals of City Plan 2030.

Notification and Public Comment: Planning staff sent an initial letter via certified mail to each subject property owner, summarizing the key elements of the Wedington Neighborhood Plan and describing staff's rezoning proposal for the specific property. A second letter was sent via certified mail to the property owner repeating previously provided information and noting the public hearing date, time, and location. Sample letters are included in this staff report. Planning staff received one phone call from an adjacent property owner, who expressed no concerns with the proposed rezone. Staff has not received and comment from the subject property owner.

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 Residential (Links at Fayetteville)	R-PZD, Residential Planned Zoning District (Links at Fayetteville)
South	Commercial/Industrial	R-A, Residential Agricultural/R-O, Residential Office
East	Undeveloped Commercial lots (Future Slim Chicken's)	R-PZD, Residential Planned Zoning District (Links at Fayetteville)
West	Commercial (self-storage)/Undeveloped	C-2, Thoroughfare Commercial/expired I-PZD

Request: The applicant requests to rezone approximately 11.30 acres to UT, Urban Thoroughfare.

RECOMMENDATION:

Staff recommends forwarding the rezoning request (RZN 13-4571) to the City Council with a recommendation of approval based on findings stated herein.

PLANNING COMMISSION ACTION: Required YES

Date: January 13, 2014 ☐ Tabled ☒ Forwarded ☐ Denied

Motion: WINSTON **Second:** HOSKINS **Vote:** 7-0-0

CITY COUNCIL ACTION: Required YES

☐ Approved ☐ Denied

Date: February 04, 2014

INFRASTRUCTURE:

Streets: The site has access to State Highway 16 (Wedington Drive,) a principal arterial. Wedington Drive is a five lane, fully-improved road with curb/gutter, sidewalk, and storm drainage. The site also has access to Golf Club Drive, a fully improved two lane Collector street with a turn lane at the un-signalized intersection of Wedington Drive. Any required improvements to adjacent streets would be determined at the time of re-development.

Water: Public water is available to the easternmost parcel only. There is a 12" water main on the north side of Wedington Drive which runs west and stops at the easternmost property boundary. If lot lines are not adjusted, main extensions would be required to serve the westernmost parcels.

Sewer: Sanitary sewer is not available to the site. Sanitary sewer main extensions would be required and could feasibly come from the west, north, or east through adjacent parcels.

Drainage: Standard improvements and requirements for drainage will be required for any new 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 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as the **Complete Neighborhood Plan/Wedington Corridor Plan Area**. The Wedington Corridor plan document and illustrative map provide a vision and a framework for transforming and taming an arterial roadway and interstate interchange while creating a more livable neighborhood that is complete and connected.*

WEDINGTON CORRIDOR PLAN: Wedington Corridor Illustrative Plan, approved March 19, 2013 by the City Council, identifies an area northwest of the Ruppel Road and Wedington Drive intersection as the future ‘heart’ of the west Wedington neighborhood, and encourages a walkable residential and commercial destination that would serve as a central node in this expanding part of the City.

Wedington Corridor Plan, pg. 37:

At the [Wedington Corridor Design] charrette the public overwhelmingly expressed a desire to see a walkable urban center develop at the intersection of Wedington Drive and Ruppel Road. At this time, a number of sizable parcels of land are undeveloped northwest of this intersection. The illustrative plan envisions this area as a complete, compact and connected neighborhood with civic, residential and commercial uses. The utilization of the City’s form based zoning districts will be essential to ensure that the development pattern prescribed here is walkable and urban. Form based zoning districts are also much more flexible in allowing for a variety of residential and commercial densities and intensities. This encourages a diverse mixture of building types, scales and uses that are not separated from each other but instead are co-mingled to create a unified, sustainable and cohesive whole.

FINDINGS OF THE STAFF

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

Finding: Staff finds that the proposed zone is consistent with planning objectives, principles, and policies put forward in the Wedington Neighborhood Plan, which states that “The utilization of the City’s form based zoning districts will be essential to ensure that the development pattern prescribed here is walkable and urban. Form based zoning districts are also much more flexible in allowing for a variety of residential and commercial densities and intensities. This encourages a diverse mixture of building types, scales and uses that are not separated from each other but instead are co-mingled to create a unified, sustainable and cohesive whole.”

The proposed zoning is compatible and consistent with the Wedington Corridor Plan vision for this property which calls for a variety and mix of nonresidential and residential uses.

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

Finding: **Wedington Corridor Plan implementation:** Staff finds that the proposed zoning is justified and needed as the first step of implementation for the

Wedington Corridor Plan, as adopted by the Fayetteville City Council, to allow for the continuance of the existing land uses, and to encourage the future redevelopment of specific properties in accordance with the City's planning policies and objectives.

City Plan 2030 goal number three calls for “making traditional town form the standard.” Traditional town form is identified by an urban development pattern that prioritizes an interconnected street network with buildings that are placed near the street and parking located to the side or preferably the rear of the site. Currently, the Wedington Corridor is primarily zoned utilizing suburban commercial, office and multi-family zoning districts. These zoning districts prescribe the existing suburban development pattern seen today along the corridor and it has created unintended consequences that should not be repeated going forward if the goal is to create a walkable urban core in this area.” In order to encourage the desired development patterns, it is critical to implement form-based zoning codes that designed for this purpose.

The Wedington Corridor Plan indicates that this area should be planned as part of the commercial and social ‘heart’ of the wider Wedington neighborhood. The property is currently zoned as R-A, Residential Agricultural and RSF-1, Residential Single Family, 1 unit per acre. These are rural and very low-density zoning districts and are incompatible the Wedington Corridor Plan.

The proposed UT, Urban Thoroughfare, zoning district would allow for a variety of residential types, offices, and commercial businesses that are located adjacent to the street instead of being set back in a typical automobile-oriented development pattern that discourages pedestrian traffic and re-creates sprawling thoroughfare development as seen throughout the Wedington corridor where development has taken place in recent years. Several properties have recently been rezoned, or rezoning has been requested, within the Plan boundary that do not meet current policies and objectives. It is critical to the success of the Wedington Corridor Plan to have appropriate zoning in place before development is initiated.

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

Finding: The property is undeveloped land, so any development will increase traffic in the vicinity of the site. In staff's opinion, the increase in traffic will not appreciably increase traffic danger or congestion, given that all of the surrounding streets have been recently improved.

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

Finding: **The proposed rezoning should not increase population density and thereby undesirably increase the load on public services, in staff's opinion. The expectation is that commercial development will occur on this property at some future date, which will provide goods and services to nearby residents.**

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

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half
----------------	----------

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5195, 11-6-08; Ord. 5238, 5-5-09; Ord. 5479, 2-7-12)

161.05 District RSF-1, Residential Single-Family – One Unit Per Acre

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(C) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(D) *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 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(E) *Density.*

Units per acre	1
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(F) *Bulk and area regulations.*

Lot width minimum	150 ft.
Lot area minimum	35,720 Sq. Ft.
Land area per dwelling unit	35,720 Sq. Ft.

(G) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(H) Building height regulations.

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

(I) Building area. None.

(Code 1965, §160.44; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5462, 12-6-11)

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	Home occupations

24	
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

December 9, 2013

Traditional Investments, LTD
PO Box 8167
Fayetteville, AR 72703-0003

Re: Wedington Corridor Neighborhood Master Plan:

Dear property owner,

This letter is in reference to your properties, parcel numbers 765-16230-000, 765-24087-000, 765-24078-000, and 765-13724-010 located at the northwest corner of Wedington and Golf Club Drives within the Wedington Corridor Neighborhood Master Plan area. On Thursday, October 25, 2012, the City of Fayetteville began the planning process for the Wedington Corridor Neighborhood Master Plan, a complete neighborhood plan that incorporates the key principles, goals, and objects of City Plan 2030. During the week of October 25 through November 1, 2012, more than 100 citizens offered input on the vision for the Wedington Corridor Neighborhood Master Plan area during a charrette process that included a hands-on design session, an open design studio, and a work-in-progress session.

As an initial step in the process of building this vision, planning staff will bring forward a rezoning proposal to the Planning Commission on **January 13, 2013**, and propose to rezone your property (the parcels referenced above) from R-A, Residential Agricultural, to UT, Urban Thoroughfare. Please contact Quin Thompson, Current Planner, with any questions or concerns.

Project Description:

The City of Fayetteville proposes to rezone select properties, being within the Wedington Corridor Neighborhood Master Plan area, from R-A, Residential Agricultural to UT, Urban Thoroughfare.

Public Hearings:

The first scheduled public hearing on the rezoning proposal is the Planning Commission meeting at 5:30 PM on January 13, 2014; 113 West Mountain Street (City Administration Building, Rm 219) Fayetteville, AR 72701.

Review Location:

Additional project information is available for public review at the City of Fayetteville Planning Division, 125 West Mountain Street, Fayetteville, AR 72701, Monday - Friday between 8:00 AM and 5:00 PM.

Regards,

Quin Thompson
City of Fayetteville
(479) 575-8327
qthompson@fayetteville-ar.gov

www.accessfayetteville.org

October 29, 2013

Traditional Investments, LTD
PO Box 8167
Fayetteville, AR 72703-0003

RE: Wedington Plan Rezoning

Dear Property Owner,

This letter is in reference to your properties, parcel numbers 765-16230-000, 765-24087-000, 765-24078-000, and 765-13724-010 located at the northwest corner of Wedington and Golf Club Drives within the Wedington Corridor Neighborhood Master Plan area. On Thursday, October 25, 2012, the City of Fayetteville began the planning process for the Wedington Corridor Neighborhood Master Plan, a complete neighborhood plan that incorporates the key principles, goals, and objects of City Plan 2030. During the week of October 25 through November 1, 2012, more than 100 citizens offered input on the vision for the Wedington Corridor Neighborhood Master Plan area during a charrette process that included a hands-on design session, an open design studio, and a work-in-progress session.

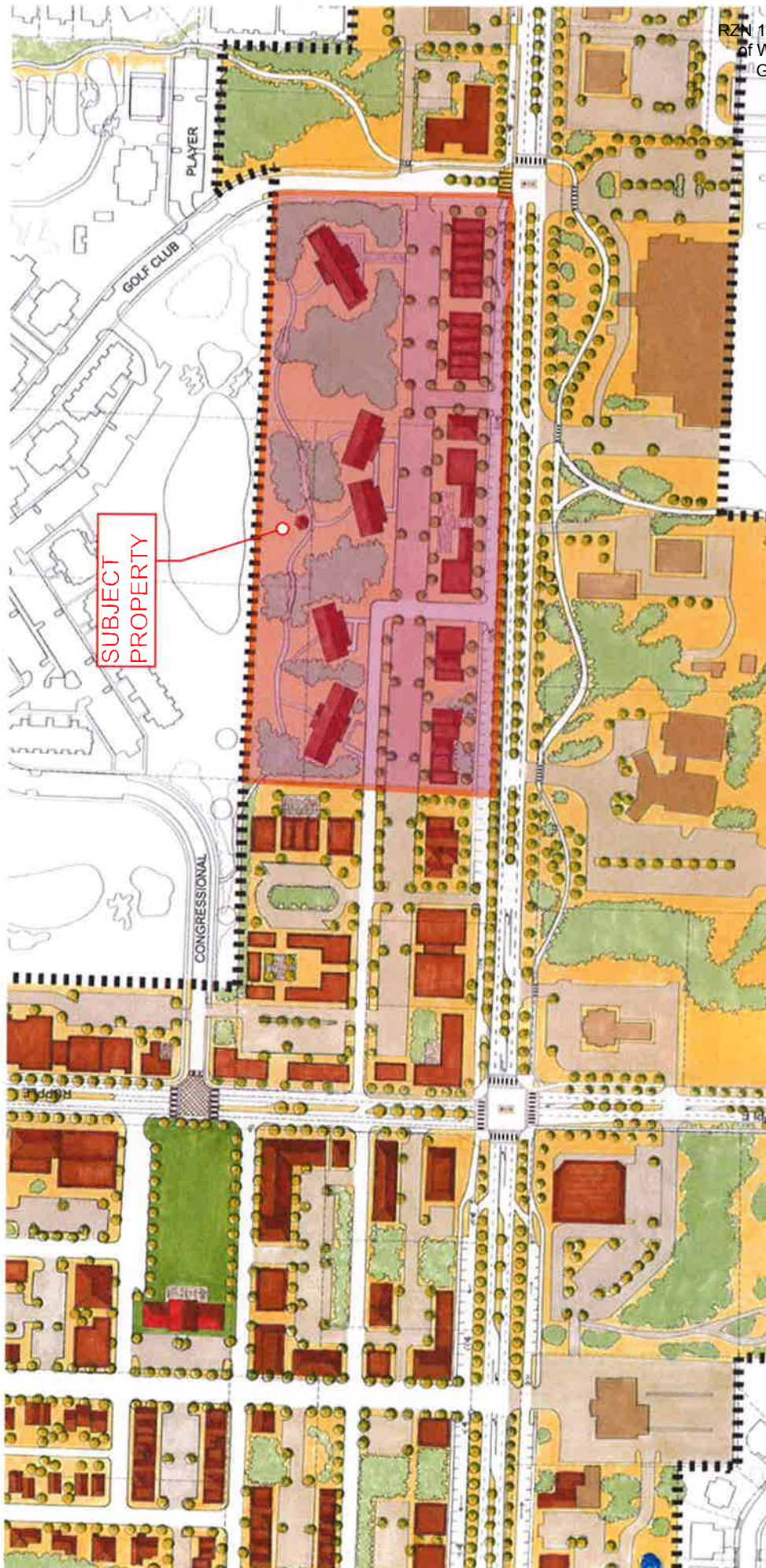
As an initial step in the process of building this vision, planning staff will bring forward a rezoning proposal to the Planning Commission this year and propose to rezone your property (the parcels referenced above) from RA, Residential Agricultural, to UT, Urban Thoroughfare. Included in this letter are the uses and criteria for the current zoning district (RA, Residential-Agricultural) and the proposed zoning district (UT, Urban Thoroughfare.) Should you have any questions or concerns about this information, please contact the Planning Division at (479) 575-8237 within 30 days of your receipt of this letter to further discuss this matter with the Planning staff. Prior to the rezoning being discussed by the Planning Commission, you will receive another letter from our office notifying you of the meeting details.

Regards,

Quin Thompson
Current Planner
City of Fayetteville
qthompson@ci.fayetteville.ar.us

att: RA Zoning District
UT Zoning District





RZN13-4571

WEDINGTON NEIGHBORHOOD PLAN ZN 1

Current Land Use



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN13-4571

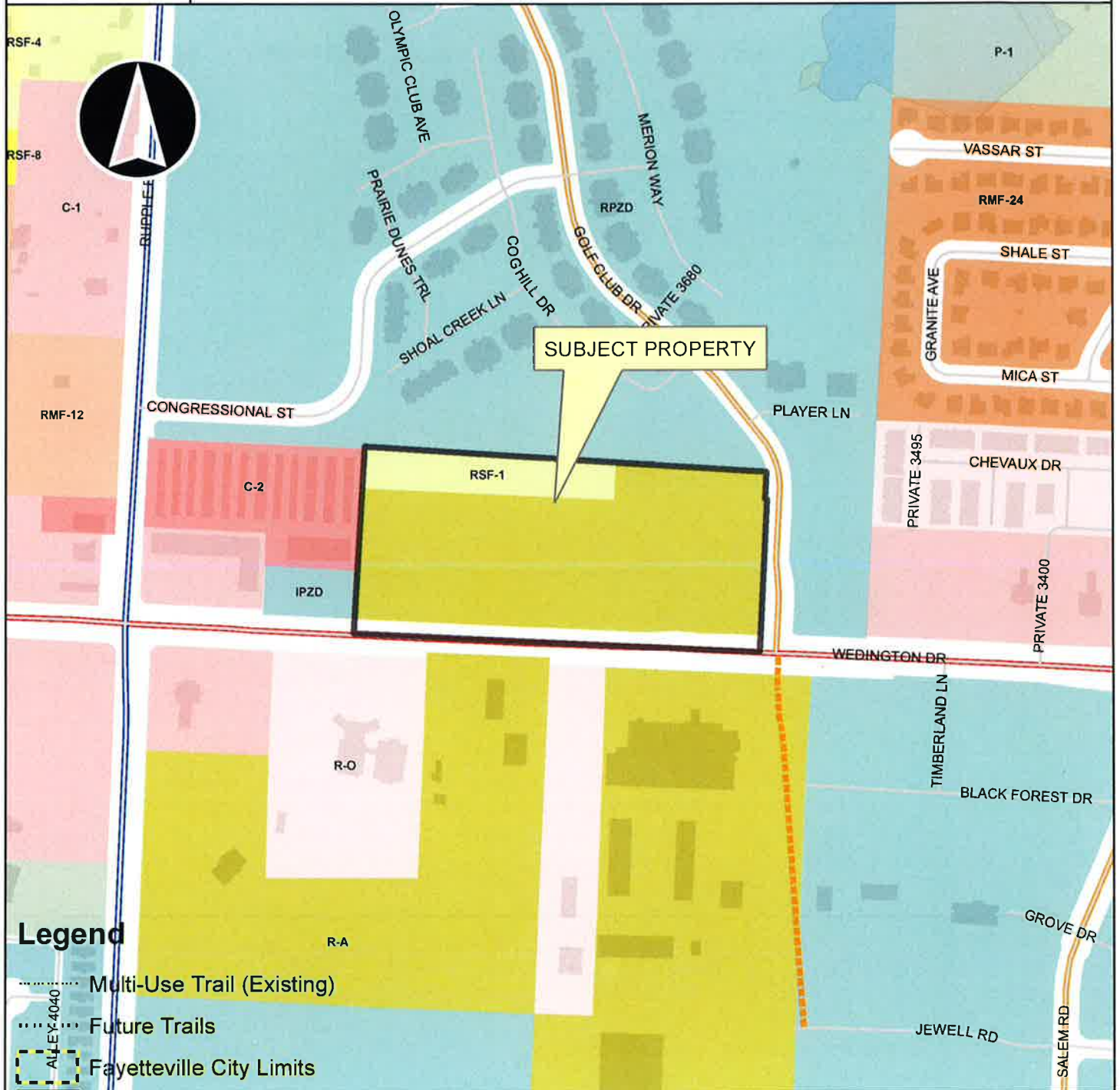
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4571

WEDINGTON NEIGHBORHOOD PLAN ZN 1

Close Up View

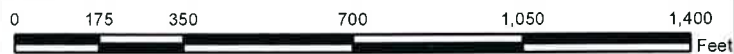


Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

RZN13-4571

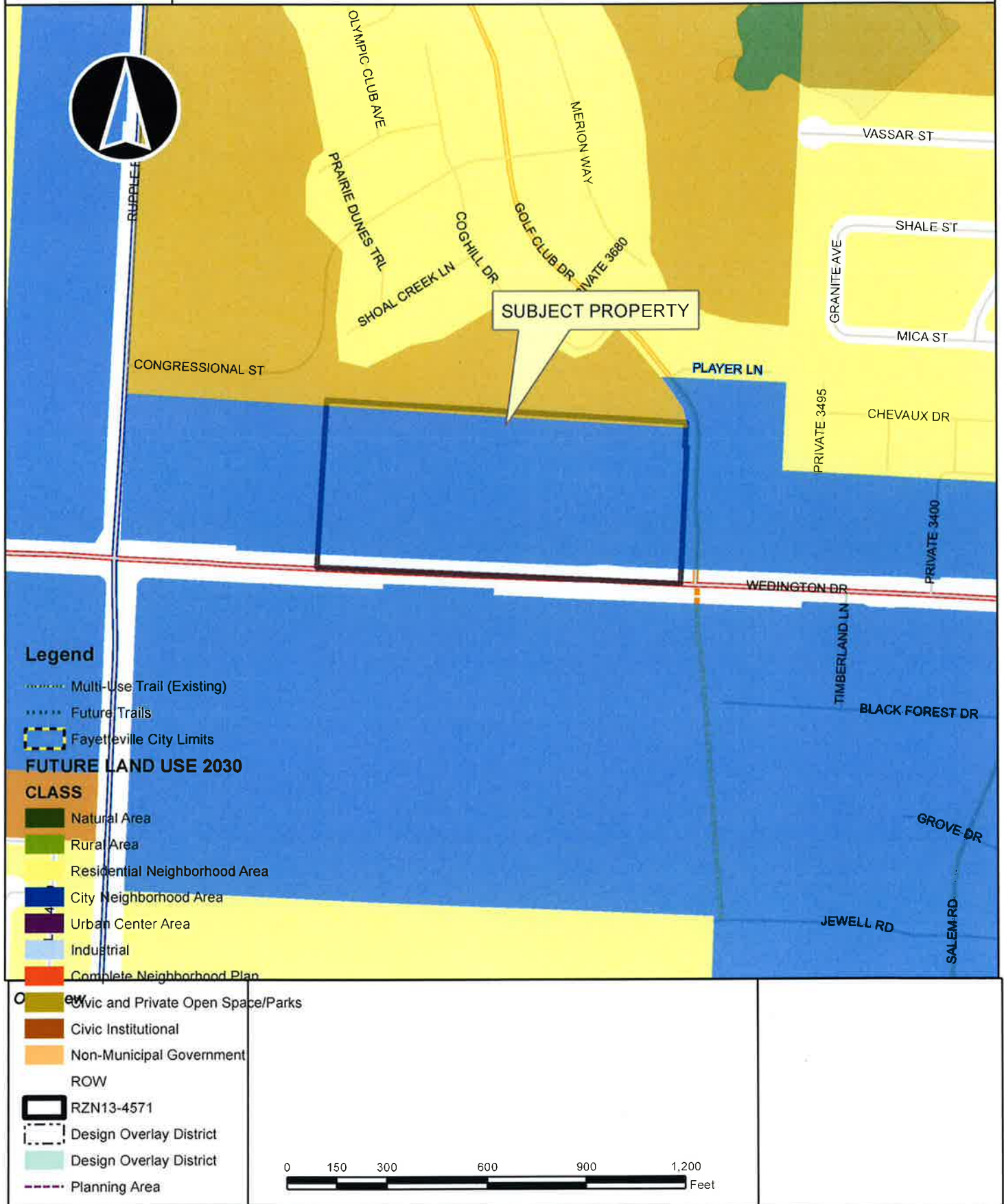
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4571

WEDINGTON NEIGHBORHOOD PLAN ZN 1

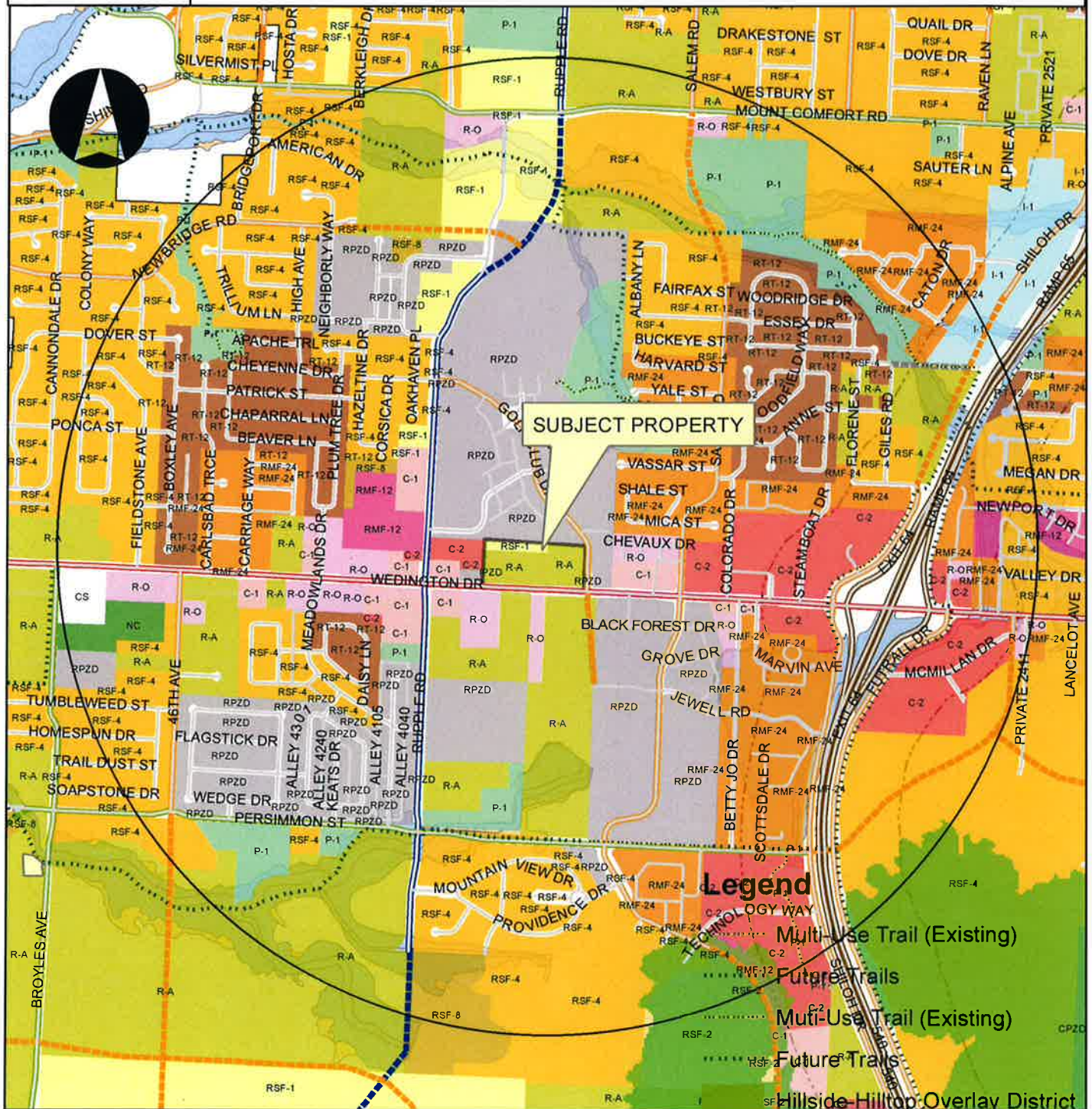
Future Land Use



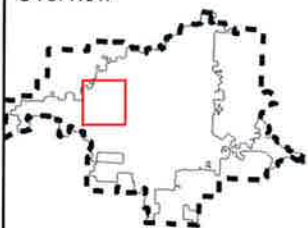
RZN13-4571

WEDINGTON NEIGHBORHOOD PLAN ZN 1

One Mile View



Overview



Legend

Subject Property

RZN13-4571

Boundary

0 0.25 0.5 1

Miles

RZN13-4571

Design Overlay District

Planning Area

Fayetteville

City of Fayetteville Item Review Form

2014-0008

Legistar File Number

02/04/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Quin Thompson

Submitted By

Development Services

Department

Action Required:

RZN 13-4572: Rezone (NORTHWEST CORNER OF W. WEDINGTON DRIVE AND N. RUPPEL ROAD/WEDINGTON NEIGHBORHOOD PLAN ZONE 3, 400): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for properties located at the NORTHWEST CORNER OF W. WEDINGTON DRIVE AND N. RUPPEL ROAD. The properties are zoned R-O, RESIDENTIAL OFFICE, C-1, NEIGHBORHOOD COMMERCIAL, AND C-2, THOROUGHFARE COMMERCIAL and contain approximately 5.65 acres. The request is to rezone the properties 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:



01-17-14 P03:35 RCVD

[Handwritten signature]
1-19-14

[Handwritten signature]

Paul A. Becher

Paula Becher for Dan Mann

[Handwritten signature]



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Director of Development Services
Andrew Garner, City Planning Director

From: Quin Thompson, Current Planner

Date: January 16, 2014

Subject: RZN 13-4572: Rezone (Wedington Dr. / ZONE 3)

RECOMMENDATION: The Planning Commission and Planning Division staff recommend approval of an ordinance to rezone the property to CS, Commercial Services.

BACKGROUND: The subject property is located north of Wedington and west of Ruppel Road in the Wedington Corridor Master Plan Area. The properties are zoned R-O, Residential Office, C-1 Neighborhood Commercial, and C-2, Thoroughfare Commercial and contain a total of approximately 5.65 acres. The property directly at the northwest corner of Wedington Drive and Ruppel Road is developed with a gas station and convenience store, the property to the north of the gas station is an electrical contracting business; the remainder of the property is undeveloped.

Research and Planning Process: After adoption of the Downtown Master Plan, Walker Park Master Plan, and Fayette Junction Master Plan, the City of Fayetteville rezoned numerous properties within the project boundary to zoning districts that were consistent with the vision and goals of each plan. The Wedington Corridor Master Plan area was one of the fastest growing areas in the City of Fayetteville in the last decade, and still contains a significant amount of undeveloped land that is expected to receive increased development pressure in the near future.

When beginning the process for the rezoning proposal, Planning staff identified priority areas that are considered critical to the success of the Wedington Corridor Master Plan vision. Staff found that several of those properties were regulated by zoning districts that are not consistent with the Wedington Corridor Master Plan. Based on this information, staff determined the most appropriate zoning district(s) that would bring the properties into alignment with the Wedington Corridor Master Plan and the goals of City Plan 2030.

Notification and Public Comment: Planning staff sent an initial letter via certified mail to each subject property owner on October 29, 2013, summarizing the key elements of the Wedington Neighborhood Plan and describing staff's rezoning proposal for the specific property. A second letter was sent via certified mail to the property owner on December 9, 2013 repeating previously provided information and noting the January 13, 2014 hearing date, time, and location. Sample letters are included in this staff report. Planning staff received a phone call from one of the subject property owners (Rahat), who had concerns about future land use, which staff answered to the satisfaction of the caller. The property owner expressed his approval of the proposed zoning.

LAND USE ANALYSIS: *City Plan 2030 Future Land Use Plan* designates this site as the ***Complete Neighborhood Plan/Wedington Corridor Plan Area***. The Wedington Corridor plan document and illustrative map provide a vision and a framework for transforming and taming an arterial roadway and interstate interchange while creating a more livable neighborhood that is complete and connected.

The CS zoning district is consistent with planning objectives, principles, and policies put forward in the Wedington Neighborhood Plan, which states that “The utilization of the City’s form based zoning districts will be essential to ensure that the development pattern prescribed here is walkable and urban. Form based zoning districts are also much more flexible in allowing for a variety of residential and commercial densities and intensities. This encourages a diverse mixture of building types, scales and uses that are not separated from each other but instead are co-mingled to create a unified, sustainable and cohesive whole.”

The proposed zoning is compatible and consistent with the Wedington Corridor Plan vision for this property which calls for a variety and mix of nonresidential and residential uses.

DISCUSSION: On January 13, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 7-0-0.

BUDGET IMPACT: None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4572, FOR APPROXIMATELY 5.65 ACRES, LOCATED AT THE NORTHWEST CORNER OF WEST WEDINGTON DRIVE AND NORTH RUPPLE ROAD FROM R-O, RESIDENTIAL-OFFICE, C-1, NEIGHBORHOOD COMMERCIAL, AND C-2, THOROUGHFARE COMMERCIAL, 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-O, Residential-Office, C-1, Neighborhood Commercial, and C-2, Thoroughfare Commercial to CS, Community Services, as shown on Exhibit "A" 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 , 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

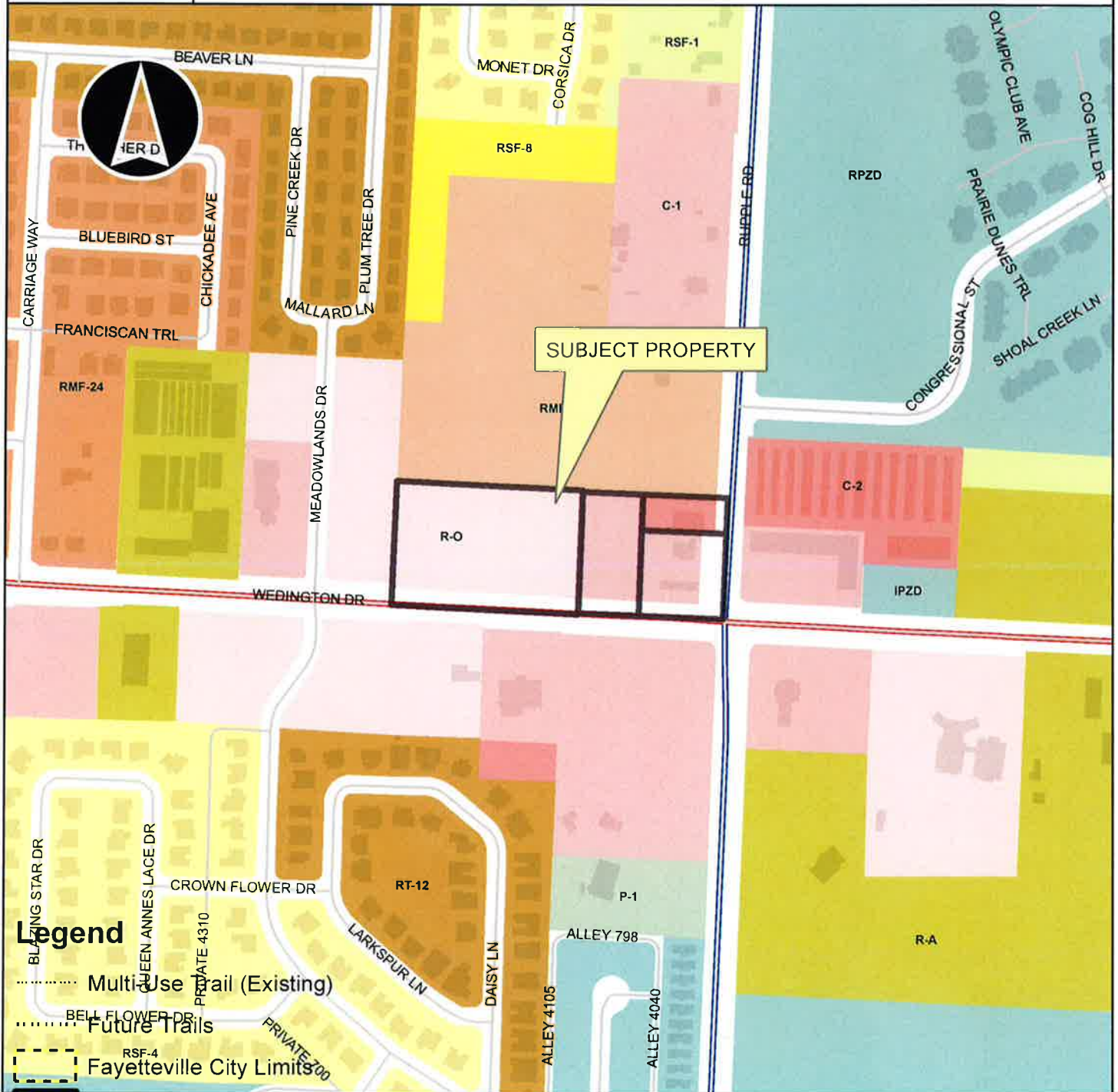
EXHIBIT "A"

C. 3
RZN 13-4572 (Northwest Corner of
W. Wedington Drive and N. Ruppel
Road/Wedington Neighborhood
Plan Zone)
Page 5 of 28

RZN13-4572

WEDINGTON NEIGHBORHOOD PLAN ZN 3

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN13-4572

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 175 350 700 1,050 1,400 Feet



PC Meeting of January 13, 2014

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Subdivision Committee
FROM: Quin Thompson, Current Planner
THRU: Andrew Garner, Planning Director
DATE: ~~December 19, 2013~~ UPDATED January 16, 2014

RZN 13-4572: Rezone (NORTHWEST CORNER OF W. WEDINGTON DRIVE AND N. RUPPLE ROAD/WEDINGTON NEIGHBORHOOD PLAN ZONE 3, 400): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for properties located at the NORTHWEST CORNER OF W. WEDINGTON DRIVE AND N. RUPPLE ROAD. The properties are zoned R-O, RESIDENTIAL OFFICE, C-1, NEIGHBORHOOD COMMERCIAL, AND C-2, THOROUGHFARE COMMERCIAL and contain approximately 5.65 acres. The request is to rezone the properties to CS, COMMUNITY SERVICES.

Planner: Quin Thompson

BACKGROUND:

Property and Background: The subject property is located north of Wedington and west of Ruppel Road. The properties are zoned R-O, Residential Office, C-1 Neighborhood Commercial, and C-2, Thoroughfare Commercial and contain a total of approximately 5.65 acres. The property directly at the northwest corner of Wedington Drive and Ruppel Road is developed with a gas station and convenience store, the property to the north of the gas station is an electrical contracting business; the remainder of the property is undeveloped. Surrounding land use and zoning is depicted on *Table 1*.

Wedington Neighborhood: Since 2006, The City's comprehensive land use plan (currently known as City Plan 2030) has set a goal of using a charrette process to generate a complete neighborhood plans or corridor plans on a regular basis for key areas of the City. These plans were intended to incorporate key principles of City Plan 2025, including appropriate infill and revitalization, traditional neighborhood development, growing a livable transportation network, assembling an enduring green network, and attainable housing. On Thursday, October 25, 2012, the City of Fayetteville began the planning process for the Wedington Corridor Neighborhood Master Plan, a complete neighborhood plan that incorporates the key principles, goals, and objects of City Plan 2030. During the week of October 25 through November 1, 2012, more than 100 citizens offered input on the vision for the Wedington Corridor Neighborhood Master Plan area during a charrette process that included a hands-on design session, an open design studio, and a work-in-progress session.

Through this collaborative process, Wedington Corridor is envisioned as an area that integrates the built and natural environment to encourage this area to develop as a complete, compact and connected neighborhood with civic, residential and commercial uses. The vision document

provides implementations steps for the near-term (0-5 years) and long-term (5-20 years). One of the first short-term goals identified as crucial for the implementation of the Wedington Corridor Plan vision is a city-initiated rezoning in key locations to enable development in traditional form and to enhance opportunities for protection of the natural environment, responsible growth, and revitalization within the area. The Illustrative Master Plan is included in this staff report.

Research and Planning Process: After adoption of the Downtown Master Plan, Walker Park Master Plan, and Fayette Junction Master Plan, the City of Fayetteville rezoned numerous properties within the project boundary to zoning districts that were consistent with the vision and goals of each plan. The Wedington Corridor Master Plan area was one of the fastest growing areas in the City of Fayetteville in the last decade, and still contains a significant amount of undeveloped land that is expected to receive increased development pressure in the near future.

When beginning the planning process for the rezoning proposal, Planning staff identified priority areas that are considered critical to the success of the Wedington Corridor Master Plan vision. Staff found that several of those properties were regulated by zoning districts that are not consistent with the Wedington Corridor Master Plan. Based on this information, staff determined the most appropriate zoning district(s) that would bring the properties into alignment with the Wedington Corridor Master Plan and the goals of City Plan 2030.

Notification and Public Comment: Planning staff sent an initial letter via certified mail to each subject property owner, summarizing the key elements of the Wedington Neighborhood Plan and describing staff's rezoning proposal for the specific property. A second letter was sent via certified mail to the property owner repeating previously provided information and noting the public hearing date, time, and location. Sample letters are included in this staff report. Planning staff received a phone call from one of the subject property owners (Rahat), who had concerns about future land use, which staff answered to the satisfaction of the caller. The property owner expressed his approval of the proposed zoning.

Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped	RMF-12, Residential Multi-Family, 24 units/acre
South	Commercial	C-1, Neighborhood Commercial/ R-O, Residential Office
East	Commercial	C-1, Neighborhood Commercial/ R-O, Residential Office
West	Undeveloped	R-O, Residential Office

Request: The applicant requests to rezone approximately 5.65 acres CS, Community Services.

RECOMMENDATION:

Staff recommends forwarding the rezoning request (RZN 13-4572) to the City Council with a recommendation of approval based on findings stated herein.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 13, 2014</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: WINSTON	Second: COOK	Vote: 7-0-0	
CITY COUNCIL ACTION:		Required	<u>YES</u>
☐ Approved		☐ Denied	
Date: February 04, 2014			

INFRASTRUCTURE:

- Streets:** The site has access to State Highway 16 (Wedington Drive,) a principal arterial. Wedington Drive is a four lane, fully-improved road with curb/gutter, sidewalk, and storm drainage. The site also has access to Ruppel Road, a principal arterial. Ruppel Road is a four lane, partially improved road with a turn lane at the signalized intersection of Wedington Drive. Any required improvements to adjacent streets would be determined at the time of re-development.
- Water:** Public water is available to the property. There is a 6" water main just east of the property in Ruppel Road. Additionally, there is an 8" water main that extends to the northwest corner of the westernmost parcel.
- Sewer:** Sanitary sewer is available to the site. There is a 6" sanitary sewer main that runs along the property frontage on the north side of Wedington Drive.
- Drainage:** Standard improvements and requirements for drainage will be required for any new 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 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as the **Complete Neighborhood Plan/Wedington Corridor Plan Area**. The Wedington Corridor plan document and illustrative map provide a vision and a framework for transforming and taming an arterial roadway and interstate interchange while creating a more livable neighborhood that is complete and connected.*

WEDINGTON CORRIDOR PLAN: Wedington Corridor Illustrative Plan, approved March 19, 2013 by the City Council, identifies an area northwest of the Ruppel Road & Wedington Drive intersection as the future ‘heart’ of the west Wedington neighborhood, and encourages a walkable residential and commercial destination that would serve as a central node in this expanding part of the City.

Wedington Corridor Plan, pg. 37:

At the [Wedington Corridor Design] charrette the public overwhelmingly expressed a desire to see a walkable urban center develop at the intersection of Wedington Drive and Ruppel Road. At this time, a number of sizable parcels of land are undeveloped northwest of this intersection. The illustrative plan envisions this area as a complete, compact and connected neighborhood with civic, residential and commercial uses. The utilization of the City’s form based zoning districts will be essential to ensure that the development pattern prescribed here is walkable and urban. Form based zoning districts are also much more flexible in allowing for a variety of residential and commercial densities and intensities. This encourages a diverse mixture of building types, scales and uses that are not separated from each other but instead are co-mingled to create a unified, sustainable and cohesive whole.

FINDINGS OF THE STAFF

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

Finding: Staff finds that the proposed zone is consistent with planning objectives, principles, and policies put forward in the Wedington Neighborhood Plan, which states that “The utilization of the City’s form based zoning districts will be essential to ensure that the development pattern prescribed here is walkable and urban. Form based zoning districts are also much more flexible in allowing for a variety of residential and commercial densities and intensities. This encourages a diverse mixture of building types, scales and uses that are not separated from each other but instead are co-mingled to create a unified, sustainable and cohesive whole.”

The proposed zoning is compatible and consistent with the Wedington Corridor Plan vision for this property which calls for a variety and mix of nonresidential and residential uses.

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

Finding: Wedington Corridor Plan implementation: Staff finds that the proposed zoning is justified and needed as the first step of implementation for the Wedington Corridor Plan, as adopted by the Fayetteville City Council, to

allow for the continuance of the existing land uses, and to encourage the future redevelopment of specific properties in accordance with the City's planning policies and objectives.

City Plan 2030 goal number three calls for “making traditional town form the standard.” Traditional town form is identified by an urban development pattern that prioritizes an interconnected street network with buildings that are placed near the street and parking located to the side or preferably the rear of the site. Currently, the Wedington Corridor is primarily zoned utilizing suburban commercial, office and multi-family zoning districts. These zoning districts prescribe the existing suburban development pattern seen today along the corridor and it has created unintended consequences that should not be repeated going forward if the goal is to create a walkable urban core in this area. In order to encourage the desired development patterns, it is critical to implement form-based zoning codes that designed for this purpose.

The Wedington Corridor Plan indicates that this area should be planned as part of the commercial and social ‘heart’ of the wider Wedington neighborhood. The properties are currently zoned as R-O, Residential Office, and C-1, Neighborhood Commercial, and C-2, Thoroughfare Commercial. These zones do not encourage the type of development patterns envisioned within the Wedington Corridor Plan.

The proposed CS, Community Services, zoning district would allow for a variety of residential types, offices, and commercial businesses that are located adjacent to the street instead of being set back in a typical automobile-oriented development pattern that discourages pedestrian traffic and re-creates sprawling thoroughfare development as seen throughout the Wedington corridor where development has taken place in recent years. Several properties have recently been rezoned, or rezoning has been requested, within the Plan boundary that do not meet current policies and objectives. It is critical to the success of the Wedington Corridor Plan to have appropriate zoning in place before development is initiated.

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

Finding: The property is undeveloped land, so any development will increase traffic in the vicinity of the site. In staff's opinion, the increase in traffic will not appreciably increase traffic danger or congestion, given that all of the surrounding streets have been recently improved.

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

Finding: The proposed rezoning should not increase population density and thereby

undesirably increase the load on public services, in staff's opinion. The expectation is that commercial development will occur on this property at some future date, which will provide goods and services to nearby residents.

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

161.17 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 25	Offices, studios, and related services
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*

(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

Building Height Maximum	60 ft.
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Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code No. 1965, App. A, Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. 4943, 11-07-06; Ord. 5079, 11-20-07; Ord. 5195, 11-6-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

161.18 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	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	10 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	56 ft.*
-------------------------	---------

*Any building which exceeds the height of 20 feet shall be setback from any boundary line

of any residential district a distance of one foot for each foot of height in excess of 20 feet.

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

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)

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.
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(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)

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)

www.accessfayetteville.org

December 02, 2013

City of Fayetteville, Development Services
Fayetteville, AR 72701

Craig Honchell, Chair
Planning Commission
City of Fayetteville, Arkansas
113 W. Mountain St
Fayetteville, AR 72701

Re: Rezone Request-Wedington Road

Dear Planning Commission Chair,

Please accept this letter as a formal request to allow the rezoning of property located at the intersection of Wedington Road and Meadowlands Drive, from RO, Residential Office to CS, Community Services. The area has developed extensively around this property and the current zoning no longer matches City of Fayetteville planning goals and principles as adopted with the Wedington Corridor Master Plan (October 25, 2012.)

In order to implement the adopted goals of the Wedington Corridor Master Plan, planning staff is working to rezone properties within the boundaries of Master Plan area. The property is currently undeveloped, however, this area of Fayetteville has recently experienced significant development pressure which staff expects to continue.

While additional traffic can be expected with any future development, the impacted sections Wedington Road and Meadowlands Drive are fully improved and have adequate capacity to handle additional traffic impacts created by future development typical of uses allowed under CS zoning regulations.

The City Plan 2030 Future Land Use Map designates this property and surrounding properties as City Neighborhood Area.

Should any additional information be required to process this request, please do not hesitate to contact me.

Craig Honchell, Chair

Page 2

December 02

Sincerely, 

Quin Thompson
Associate Planner
City of Fayetteville Development Services
qthompson@ci.fayetteville.ar.us
479-575-8327

Cc: Jeremy Pate
Kit Williams



www.accessfayetteville.org

November 04, 2013

Robin Zahra Rahat
14366 Delaware Drive
Moorpark, CA 93021

RE: Wedington Plan Rezoning

Dear Property Owner,

This letter is in reference to your property, parcel number 765-16234-000 located at the northwest corner of Wedington Drive and Ruppel Road, within the Wedington Corridor Neighborhood Master Plan area. On Thursday, October 25, 2012, the City of Fayetteville began the planning process for the Wedington Corridor Neighborhood Master Plan, a complete neighborhood plan that incorporates the key principles, goals, and objects of City Plan 2030. During the week of October 25 through November 1, 2012, more than 100 citizens offered input on the vision for the Wedington Corridor Neighborhood Master Plan area during a charrette process that included a hands-on design session, an open design studio, and a work-in-progress session.

As an initial step in the process of building this vision, planning staff will bring forward a rezoning proposal to the Planning Commission this year and propose to rezone your property (the parcels referenced above) from R-O, Residential Office, to CS, Community Services. Included in this letter are the uses and criteria for the current zoning district (R-O, Residential Office) and the proposed zoning district CS, Community Services.) Should you have any questions or concerns about this information, please contact the Planning Division at (479) 575-8237 within 30 days of your receipt of this letter to further discuss this matter with the Planning staff. Prior to the rezoning being discussed by the Planning Commission, you will receive another letter from our office notifying you of the meeting details.

Regards,

Quin Thompson
Current Planner
City of Fayetteville
qthompson@fayetteville-ar.gov

att: R-O Zoning District
CS Zoning District



www.accessfayetteville.org

December 9, 2013

Robin Zahra Rahat
14366 Delaware Drive
Moorpark, CA 93021

Re: Wedington Corridor Neighborhood Master Plan:

Dear property owner,

This letter is in reference to your property, parcel number 765-16234-000 located at the northwest corner of Wedington and Ruppel Road within the Wedington Corridor Neighborhood Master Plan area. On Thursday, October 25, 2012, the City of Fayetteville began the planning process for the Wedington Corridor Neighborhood Master Plan, a complete neighborhood plan that incorporates the key principles, goals, and objects of City Plan 2030. During the week of October 25 through November 1, 2012, more than 100 citizens offered input on the vision for the Wedington Corridor Neighborhood Master Plan area during a charrette process that included a hands-on design session, an open design studio, and a work-in-progress session.

As an initial step in the process of building this vision, planning staff will bring forward a rezoning proposal to the Planning Commission on **January 13, 2013**, and propose to rezone your property (the parcel referenced above) from R-O, Residential Office to CS, Community Services. Please contact Quin Thompson, Current Planner, with any questions or concerns.

Project Description:

The City of Fayetteville proposes to rezone the property described above, being within the Wedington Corridor Neighborhood Master Plan area, from R-O, Residential Office to CS, Community Services.

Public Hearings:

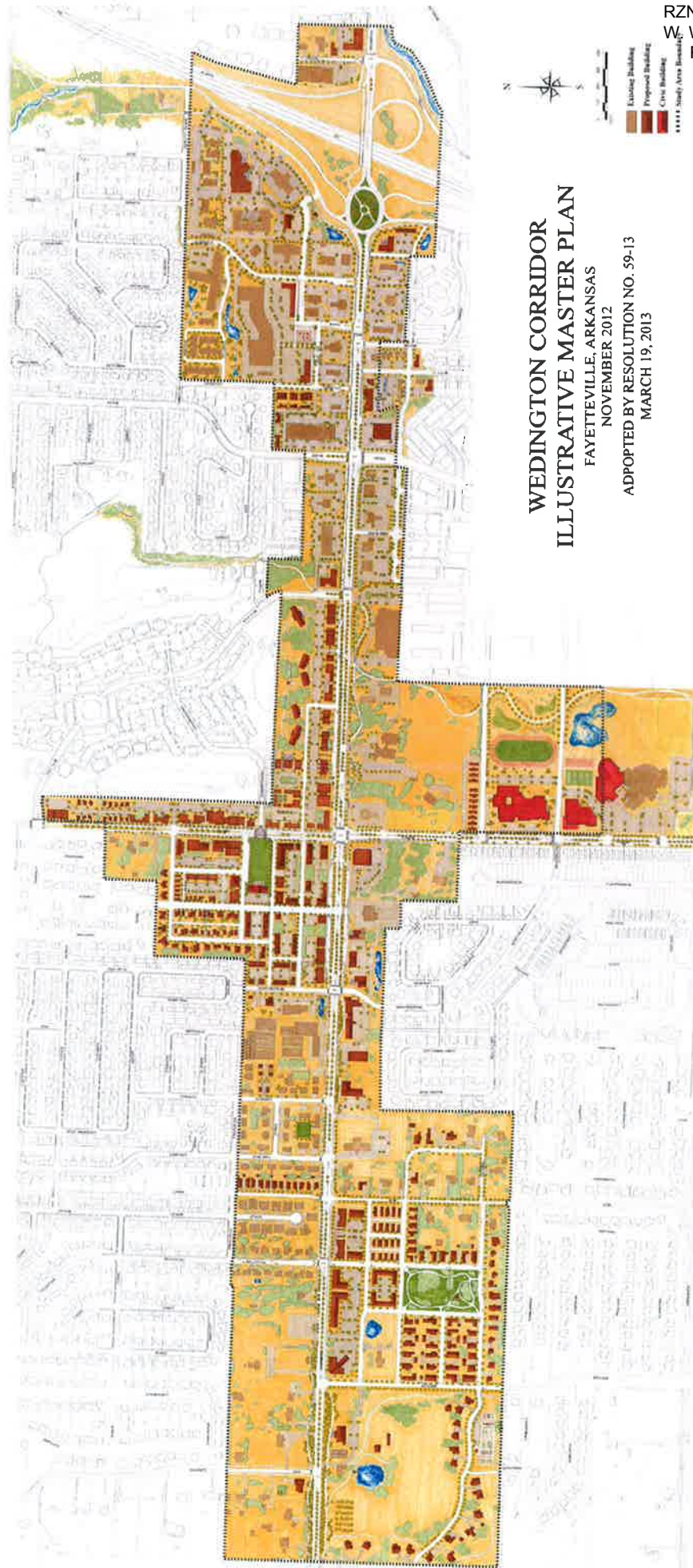
The first scheduled public hearing on the rezoning proposal is the Planning Commission meeting at 5:30 PM on January 13, 2014; 113 West Mountain Street (City Administration Building, Rm 219) Fayetteville, AR 72701.

Review Location:

Additional project information is available for public review at the City of Fayetteville Planning Division, 125 West Mountain Street, Fayetteville, AR 72701, Monday - Friday between 8:00 AM and 5:00 PM.

Regards,

Quin Thompson
City of Fayetteville
Phone: (479) 575-8327
Email: qthompson@fayetteville-ar.gov



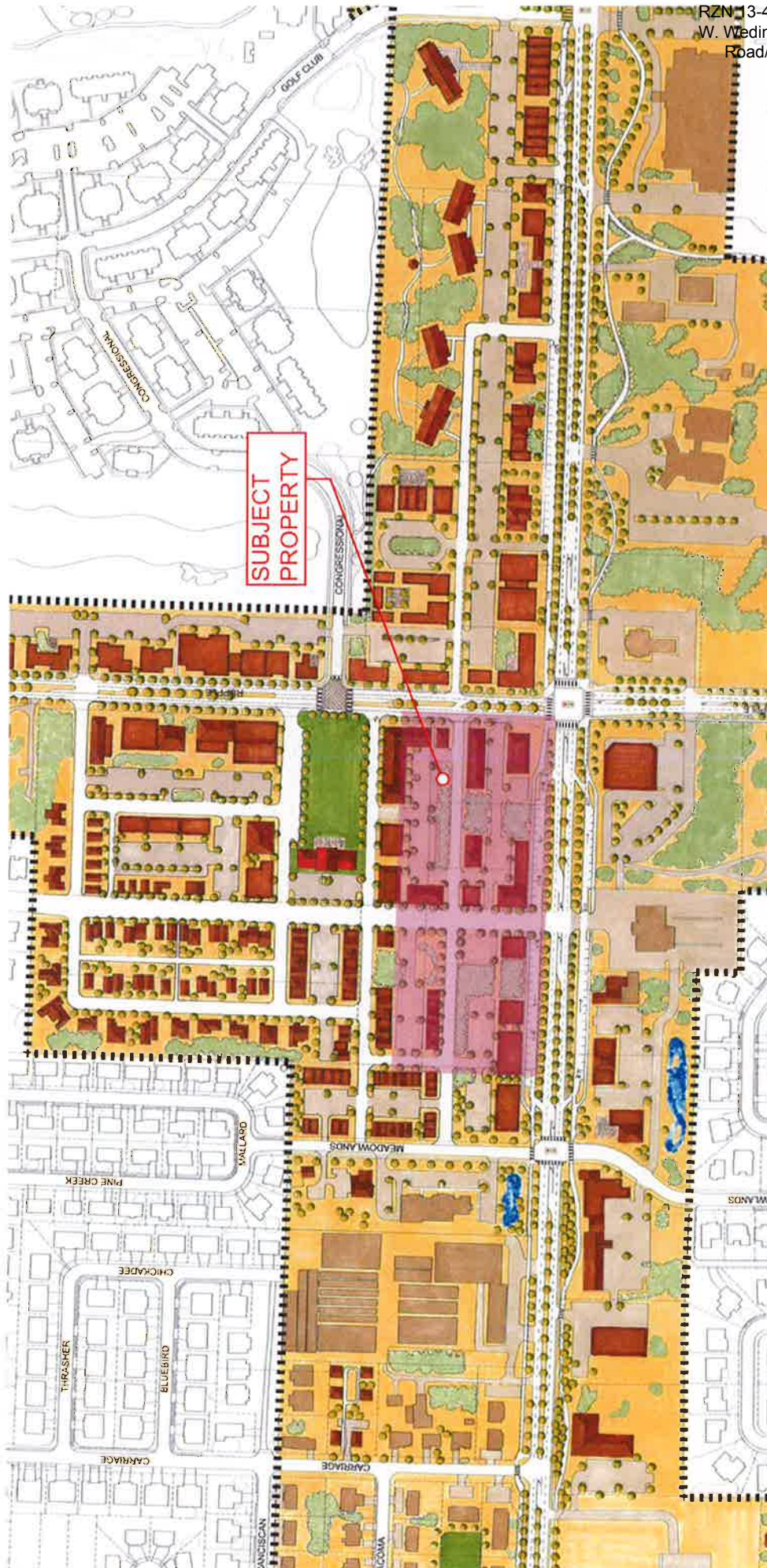
**WEDINGTON CORRIDOR
ILLUSTRATIVE MASTER PLAN**

FAYETTEVILLE, ARKANSAS

NOVEMBER 2012

ADOPTED BY RESOLUTION NO. 59-13

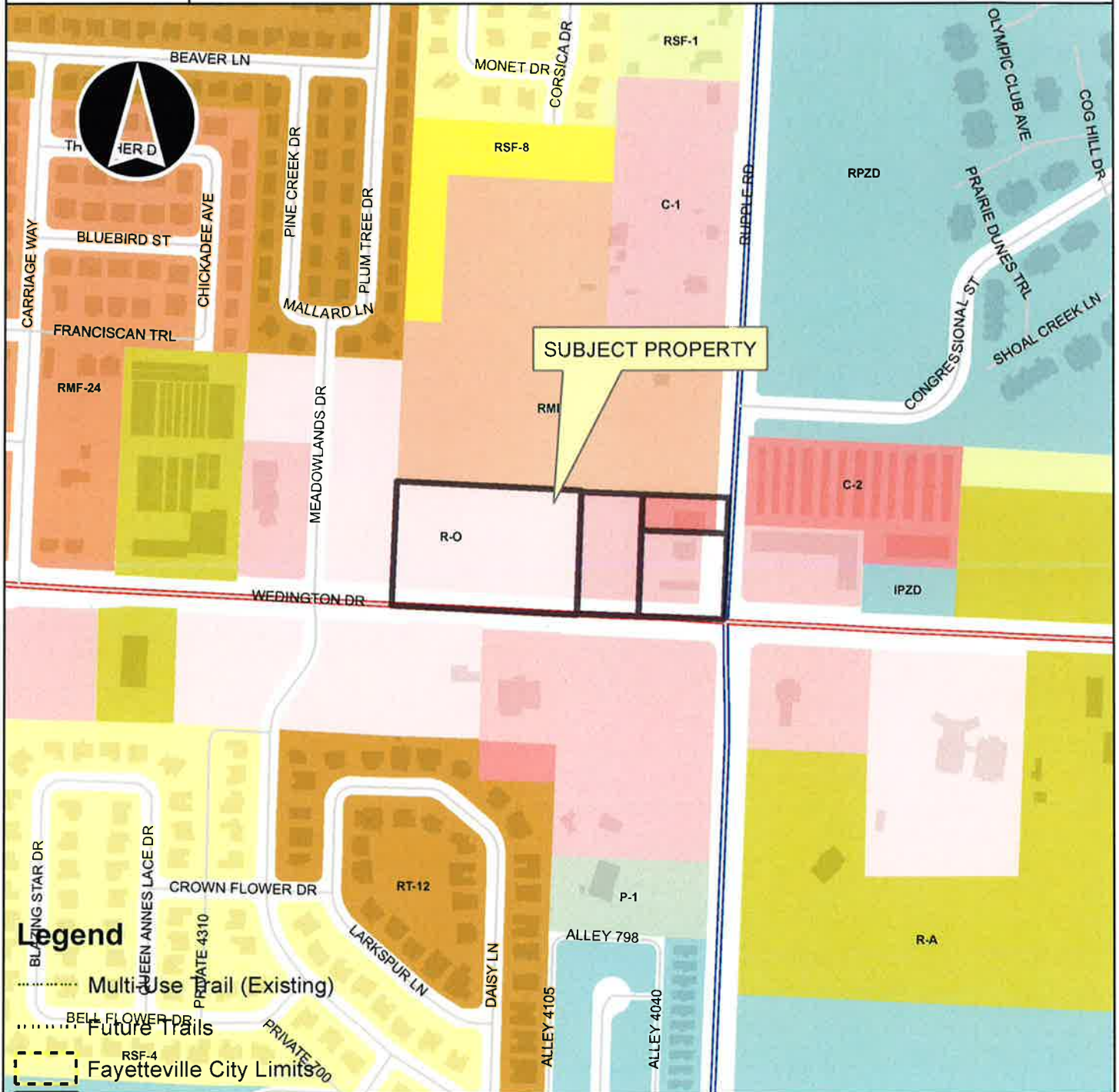
MARCH 19, 2013



RZN13-4572

WEDINGTON NEIGHBORHOOD PLAN ZN 3

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN13-4572

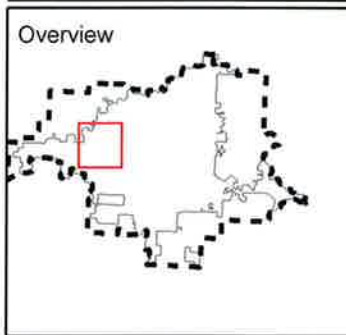
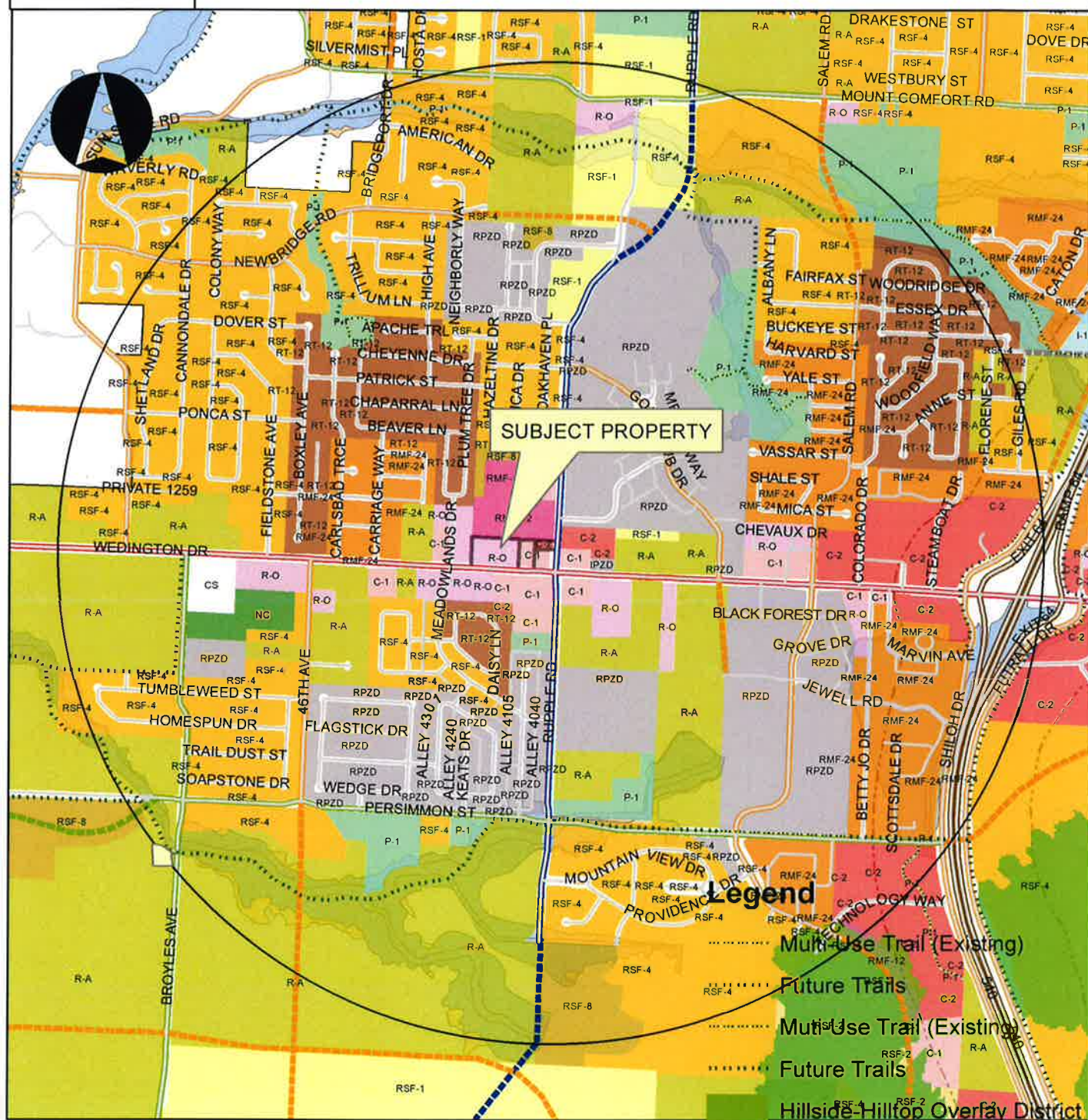
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 175 350 700 1,050 1,400 Feet

RZN13-4572

WEDINGTON NEIGHBORHOOD PLAN ZN 3

One Mile View



Legend

Subject Property

RZN13-4572

Boundary

0

0.25

0.5

1

Miles



RZN13-4572



Design Overlay District



Planning Area



Fayetteville



Future Trails



Multi-Use Trail (Existing)



Hillside-Hilltop Overlay District

RZN13-4572

WEDINGTON NEIGHBORHOOD PLAN ZN 3

Current Land Use



Legend

- Multi-Use Mall (Existing)
- Future Trans
- Fayetteville City Limits

Overview RZN13-4572

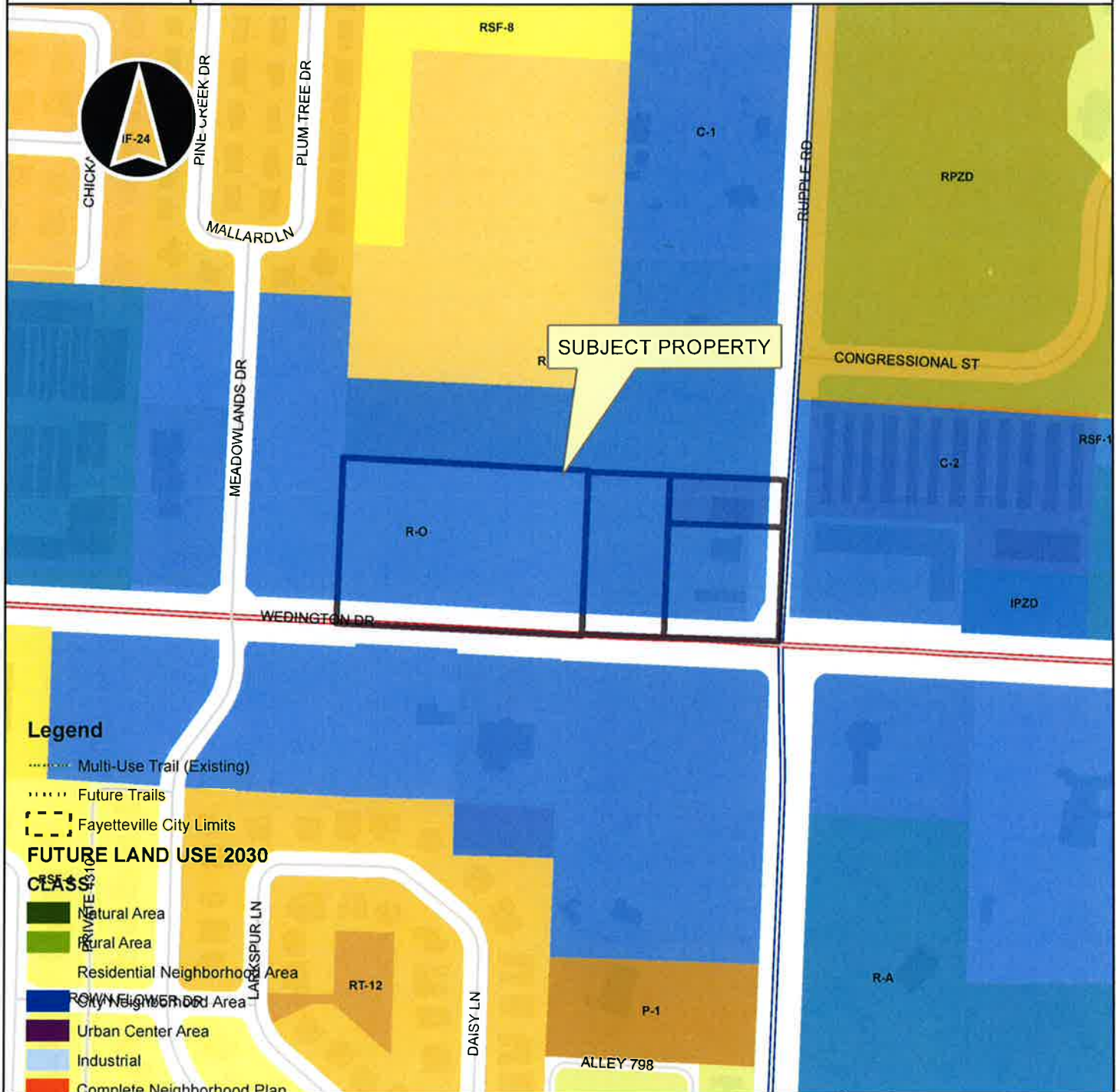
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4572

WEDINGTON NEIGHBORHOOD PLAN ZN 3

Future Land Use



Legend

..... Multi-Use Trail (Existing)

..... Future Trails

..... Fayetteville City Limits

FUTURE LAND USE 2030

CLASS

..... Natural Area

..... Rural Area

..... Residential Neighborhood Area

..... ROW Neighborhood Area

..... Urban Center Area

..... Industrial

..... Complete Neighborhood Plan

..... Civic and Private Open Space/Parks

..... Civic Institutional

..... Non-Municipal Government

..... ROW

..... RZN13-4572

..... Design Overlay District

..... Design Overlay District

..... Planning Area



City of Fayetteville Item Review Form

2014-0014

Legistar File Number

02/04/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Andrew Garner

Submitted By

Development Services

Department

Action Required:

RZN 13-4573: Rezone (825 S. STONEBRIDGE ROAD/HAMMANS, 566): Submitted by HOWARD HAMMANS JR. for property located at 825 SOUTH STONEBRIDGE ROAD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.84 acres. The request is to rezone the property to NS, NEIGHBORHOOD 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:

01-17-14P03:35 RCY



1-19-14

IMGCPR
Paul a. Becher
Paul a. Becher for Don Mann
David Jordan

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: January 16, 2014

Subject: RZN 13-4573: Rezone (825 S. Stonebridge Road/Hammans)

RECOMMENDATION: The Planning Commission and Planning Division staff recommend approval of an ordinance to rezone the property from R-A, Residential Agricultural to NS, Neighborhood Services.

BACKGROUND: The subject property is located at the southwest corner of State Highway 16 (Huntsville Road)/Stonebridge Road. The overall parcel is a rural residential property with a 1,195 square foot residence and several outbuildings on approximately 2.8 acres of primarily cleared fields. The applicant has submitted an application to rezone 0.84 acres of the property immediately surrounding the existing house from R-A, Residential Agricultural to NS, Neighborhood Services. On January 13, 2014 the Planning Commission approved a conditional use permit for a retail plant nursery use on this property. The applicant's intent as indicated in their submittal documents is to convert the existing house into a retail store for antiques and sale of plants along with the construction of a parking lot. The property around the house would remain largely undeveloped except for agricultural uses such as greenhouses and growing plants for the nursery.

LAND USE ANALYSIS: *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. The Future Land Use Plan anticipates the potential for a dense urban neighborhood around the intersection of Crossover Road and Huntsville Road. This is depicted with the City Neighborhood designation extending in a pedestrian-shed approximately 1/4-mile around the intersection, continuing into the pedestrian-shed of another intense node of development at the intersection of Huntsville Road/Stonebridge Road (the subject property). The land use transect quickly transitions to rural areas associated with farming in the White River floodplain to the south and more rural residential areas to the east.

The applicant's request to rezone the property from a low density R-A zoning district to a mixed use zoning district that would allow small-scale commercial uses is consistent with the City's planning objectives and principles, and Future Land Use Plan designation of City Neighborhood Area. The NS district would allow for a variety of residential and light nonresidential uses at a busy corner intersection of two arterial roadways. The request is also compatible with the surrounding undeveloped commercial properties at the other three corners of this intersection.

DISCUSSION: On January 13, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 7-0-0.

BUDGET IMPACT: None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4573, FOR APPROXIMATELY 0.84 ACRES, LOCATED AT 825 SOUTH STONEBRIDGE ROAD FROM R-A, RESIDENTIAL AGRICULTURAL, TO NS, NEIGHBORHOOD 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-A, Residential Agricultural to NS, Neighborhood 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 , 2014

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

C. 4
RZN 13-4573 (825 S.
Stonebridge Road/Hammans)
Page 4 of 18

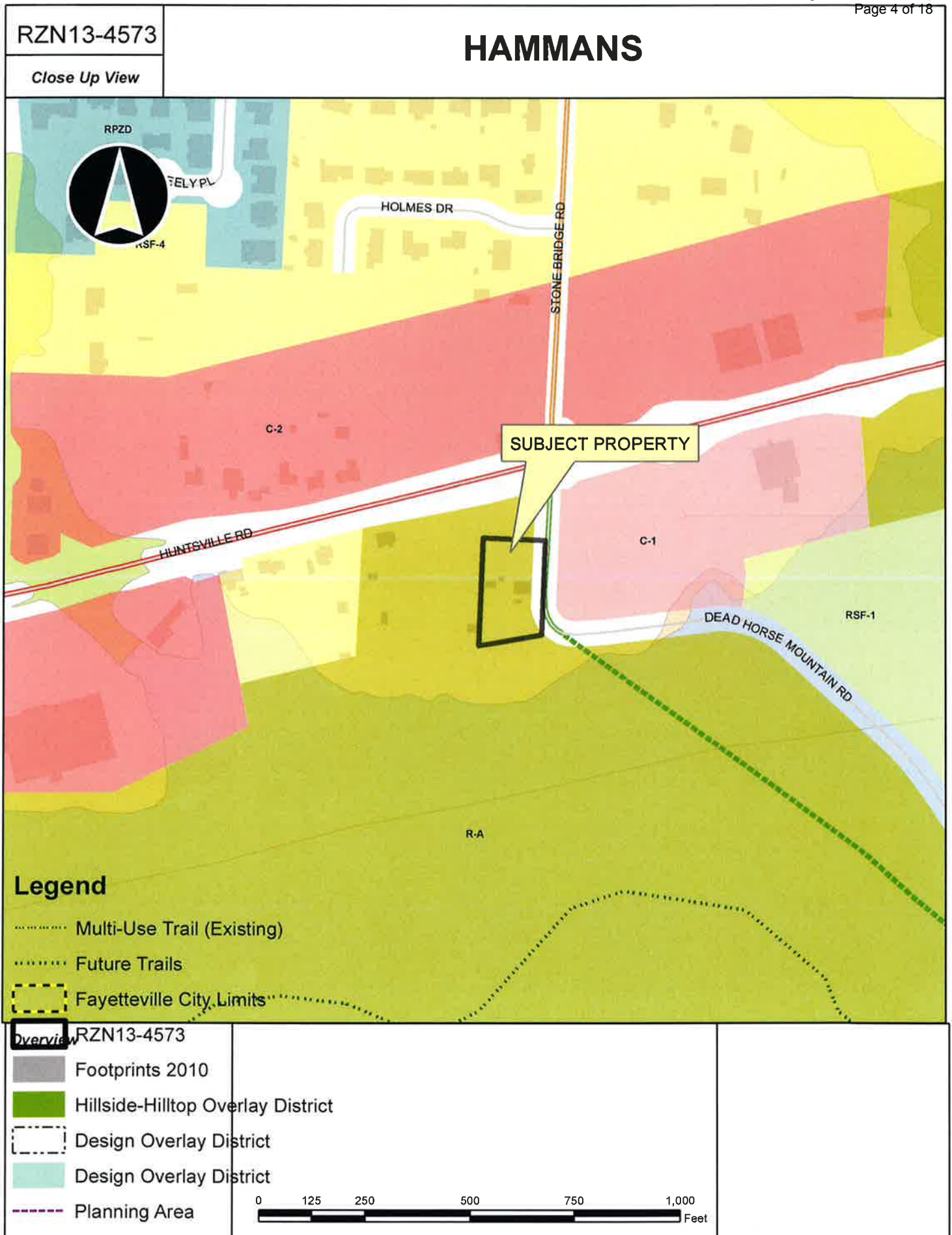


EXHIBIT "B"
RZN 13-4573

A PART OF LOT 35 IN THE PLAT OF THE W.E. ANDERSON FARM, LYING SOUTH OF THE ARKANSAS STATE HIGHWAY NO. 16, ALSO BEING A PART OF THE NE1/4 OF THE NE1/4 OF SECTION 23, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NE1/4 OF THE NE1/4; THENCE SOUTH 287.53 FEET ALONG THE EAST LINE OF SAID NE1/4 OF THE NE1/4 TO THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE SOUTH 227.62 FEET TO THE SOUTH LINE OF SAID LOT 35; THENCE ALONG SAID SOUTH LINE S78°00'00"W 153.35 FEET; THENCE NORTH 259.50 FEET; THENCE EAST 150.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.84 ACRES, MORE OR LESS. SUBJECT TO THE S. STONE BRIDGE ROAD RIGHT-OF-WAY ALONG THE EAST LINE, A SEWER/WATER LINE EASEMENT ALONG THE SOUTH LINE FILED 2008-395 IN THE OFFICE OF THE CIRCUIT CLERK, WASHINGTON COUNTY, ARKANSAS, AND ANY OTHER EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.



PC Meeting of January 13, 2014

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 26, 2013~~ Updated January 16, 2014

RZN 13-4573: Rezone (825 S. STONEBRIDGE ROAD/HAMMANS, 566): Submitted by HOWARD HAMMANS JR. for property located at 825 SOUTH STONEBRIDGE ROAD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.84 acres. The request is to rezone the property to NS, NEIGHBORHOOD SERVICES.

Planner: Andrew Garner

BACKGROUND:

Property Description and History: The subject property is located at the southwest corner of State Highway 16 (Huntsville Road)/Stonebridge Road. The overall parcel is a rural residential property with a 1,195 square foot residence and several outbuildings on approximately 2.8 acres of primarily cleared fields. Surrounding land uses and zoning are depicted in *Table 1*.

**TABLE 1
SURROUNDING LAND USE AND ZONING**

Direction	Land Use	Zoning
North	Undeveloped	C-2, Thoroughfare Commercial
South	Undeveloped floodplain; hay fields	R-A, Residential Agricultural
East	Undeveloped	C-1, Neighborhood Commercial
West	Single family residence	R-A, Residential Agricultural

Proposal: The applicant has submitted an application to rezone 0.84 acres of the property immediately surrounding the existing house from R-A, Residential Agricultural to NS, Neighborhood Services. The applicant has also submitted an application for a conditional use permit for a retail plant nursery use on this property. The applicant's intent as indicated in their submittal documents is to convert the existing house into a retail store for antiques and sale of plants along with the construction of a parking lot. The property around the house would be largely undeveloped except for agricultural uses such as greenhouses and growing plants for the nursery.

Public Comment: Staff has not received public comment.

G:\ETC\Development Services Review\2013\Development Review\13-4573 RZN 825 S Stonebridge Rd (Hammans)\03 Planning Commission\01-13-2014\Comments and Redlines\13-4573 PLNG Comments

RECOMMENDATION:

Based on the findings herein, staff recommends that the Planning Commission forward **RZN 13-4573** to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>January 13, 2014</u>		☐ Tabled	☒ Forwarded	☐ Denied	
Motion: <u>Winston</u>					
Second: <u>Cook</u>					
Vote: <u>7-0-0</u>					
CITY COUNCIL ACTION:				Required	<u>YES</u>
Date:		☐ Approved	☐ Denied		

INFRASTRUCTURE:

Streets: The site has access to State Highway 16 (Huntsville Road) a Principal Arterial, and Stonebridge Road, a Minor Arterial. Huntsville Road is a two lane, unimproved state highway with open ditches but is in the process of being improved by the Arkansas State Highway and Transportation Department. Upon completion Huntsville Road will be a fully improved four-lane road with sidewalks on both sides. Additionally, a traffic signal will be installed at the intersection of Stonebridge Road. Stonebridge Road is an unimproved two-lane road but will be widened with the state highway improvements to accommodate a turn lane at the traffic signal. Any additional required improvements would be determined at the time of development.

Water: Public water is not available to the property. There is an 8-inch water main north of the property on the north side of State Highway 16 (Huntsville Road). This line is inaccessible for direct tap. A main extension would be required across the highway and would be permitted through the Arkansas State Highway and Transportation Department.

Sewer: Sanitary sewer is not available to the site. There are sanitary sewer mains to the east and west that could be extended to the site through an easement on adjacent private property.

Drainage: Standard improvements and requirements for drainage will be required for any new development. This property is not affected by the 100-year floodplain or the Streamside Protection Zones.

Police: The Fayetteville Police Department did not comment on this request.

Fire: The Fayetteville Fire Department did not comment on this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: *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.*

FINDINGS OF THE STAFF

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

Finding: Staff finds that the applicant's request to rezone the property from a low density Residential-Agricultural zoning district to a mixed use zoning district that would allow small-scale commercial uses (NS, Neighborhood Services) is consistent with the City's planning objectives and principles, and Future Land Use Plan designation of City Neighborhood Area. The NS district would allow for a variety of residential and light nonresidential uses at a busy corner intersection of two arterial roadways. This is consistent with the City Neighborhood Area land use designation and compatible with the surrounding undeveloped commercial properties at the other three corners of this intersection.

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

Finding: The Future Land Use Plan map does not anticipate this property remaining agricultural or rural into the future. Therefore the proposed zoning is justified and needed to allow this property to be utilized for higher density and/or non-residential intensity. The applicant's intent is to utilize the small area being rezoned to NS for retail sale of plants grown on the land surrounding the existing home, in addition to antique sales in the store. This is a unique situation because the property owner wants to use this overall parcel for agricultural and retail uses. The rezoning is needed to accomplish the retail use as Use Unit 12, Limited Business, is not a permitted or conditional use in the R-A zoning district.

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

Finding: **Redevelopment of the subject property for a use greater than the existing single-family dwelling and agricultural uses would result in an increase in traffic to and from the property. However, staff does not find that the request would create or increase traffic danger and congestion. The site is adjacent to two principal arterials and the improvements to Huntsville Road along with the installation of a traffic signal at Stonebridge Road will accommodate high volumes of traffic.**

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

Finding: **The request results in the potential for increased demand on public services. The Engineering Division, Police Department, and Fire Department reviewed this rezoning request and it is not anticipated that adverse impacts to public services will result. Depending on the scale of development, improvements to water and sewer will likely be required to be completed by the developer.**

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

Finding: **Not applicable. Staff recommends approval of the applicant's request.**

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half
----------------	----------

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5195, 11-6-08; Ord. 5238, 5-5-09; Ord. 5479, 2-7-12)

161.16 Neighborhood Services

(A) *Purpose.* The Neighborhood Services district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(B) *Uses*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units

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
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes

(C) *Density.*

Units per acre	10 or less
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(D) *Bulk and Area*

(1) *Lot width minimum*

Single-family	35 feet
Two-family	70 feet
Three or more	90 feet
All other uses	None

(2) *Lot area minimum.*

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback regulations*

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot.

(Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)

(L) Unit 12. Limited business.

- (1) *Description.* Unit 12 consists of small-scale establishments offering commercial goods and services that are accessible for the convenience of individuals living in residential districts, while compatible in size, scale and appearance with the surrounding neighborhood. These uses shall be subject to the regulations in Chapter 164. All uses classified under Unit 12 must be within a building containing 3,000 square feet or less.

area of 3000 square feet)	•Music •Photography •Pottery
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(2) *Included uses.*

Personal Services: (Maximum gross floor area of 1500 square feet)	•Day care •Dry Cleaning •Salon/Barber shop •Tailoring
Specialized Retail: (Maximum gross floor area of 2000 square feet)	•Antique/home decor sales •Apparel •Art/architectural supplies •Bakery, Pastry shops •Bicycle Shops •Book store •Coffee shop •Delicatessen •Drugstore •Food specialty stores •Florist •Grocery •Hardware •Health food store •Hobby /Craft Stores •Ice cream •Meat Market •Restaurant/café •Small appliance repair •Stationary Store •Toy store •Video rental
Professional Offices: (Maximum gross floor area of 3000 square feet)	•Accountant •Architect •Attorney •Broker •Business/Mgmt Consultant •Doctor •Dentist •Engineer •Insurance Sales •Interior Designer •Optometrist •Realtor •Welfare agency
Studios for: (Maximum gross floor area of 3000 square feet)	•Art •Dance

Rezoning Application for 825 South Stonebridge Road, Fayetteville, AR 72701

Questions:

5a- Current Owner: Howard S. Hammans Jr., 1300 South Paradise Lane, Fayetteville, AR 72701

5b-I am requesting this zone change from agricultural/residential to neighborhood services because I want to open an Antiques/Gift Shop and a specialized plant nursery with the present house on the property being the sales center for both.

5c- The proposed rezoning will relate to the surrounding properties in the following ways in terms of land use, traffic, appearance and signage:

In terms of land use , the surrounding properties are a mixed bag:

- 1) Agricultural open pasture/flood plain to the south,
- 2) An empty-for-several-years undeveloped commercial lot to the east (former vet clinic was demolished) and the lot filled and upgraded, repossessed by the bank and for sale for years now with no takers.
- 3) The northeast caddy-cornered lot has been empty for years and only in the last year has it been cleaned up and stockpiled soil has been stored there -- no doubt due to the impending Hwy 16 widening and the intersection remake/ traffic light installation at the Stonebridge/ Hwy. 16 intersection. One supposes the soil will be used in the road construction.
- 4) The northern adjacent commercial lot had a now-demolished mechanic's shop and has been empty for a few years and is presently for sale.
- 5) To the west an occupied residence is across my field. The owner hopes to sell his house for commercial development.

My property is desired to be a mixed bag as well: Specialized plant nursery and antique store on the southeast portion of the land surrounding the house with the rest of the land to remain residential/ agricultural zoning. Both the plant nursery and antique store should be quiet, low-traffic businesses with little obvious change in land use except for the required limited parking/ landscaping and minimal signage the city allows.

Traffic generated due to the rezoning should be minimal due to the limited focus of the nursery (old garden roses, daylilies, and some native plants) and the limited size of the antique store/ nursery sales office (less than 1200 square feet). The house will be repainted and parking and walking paths will be installed as needed. Appearances will be little changed other than the paths, required parking and landscaping and minimal signage.

5d- City water available: 8" pipe available
City sewer available 8" pipe available

5e- The degree to which the proposed zoning is consistent with land use planning objectives, principles and policies and with land use and zoning plans.

Answer: high, moving towards more commercial use of land and away from residential along busy corridors.

5f- The proposed zoning is justified and needed due to the changing of the frontage areas of Highway 16 being increasingly exposed to more and more traffic due to increased population passing by 825 South Stonebridge particularly during rush hour times of the morning and evening when people are commuting to school and work and then home. The vehicle noise, velocity and density make the residential zoning undesirable and backward. Increased housing construction to the southeast of the site has increased the volume of traffic markedly on South Stonebridge Rd over the past 15 years. Increased housing growth to the east of the site even past Elkins has increased Hwy 16's traffic as well.

5g- The proposed zoning will not appreciably increase traffic danger nor congestion further than it has already arrived. The proposed traffic light at the intersection of 16 E and Stonebridge Rd. (corner of the site petitioning zoning change) should help the resolution of the traffic congestion considerably. Widening 16 E even further to the east of the site should help as well as public budgets and tax income allow.

5h- The proposed zoning will not alter the population density as no one will live on site as has been the case for the last 6+ years. As to use of public services increasing, I doubt it as my family living on the site was more taxing use than the proposed zoning.

5i- It is impractical to use the land for residential use due to the quantity of vehicular traffic and resultant noise and commotion. As for agricultural use the plot is small (approximately 2.6 acres) and yet suitable for retail plant nursery use if not larger heavier agricultural uses that might generate animal waste odors or noise offensive to the residents nearby.

RZN13-4573

HAMMANS

Current Land Use



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN13-4573

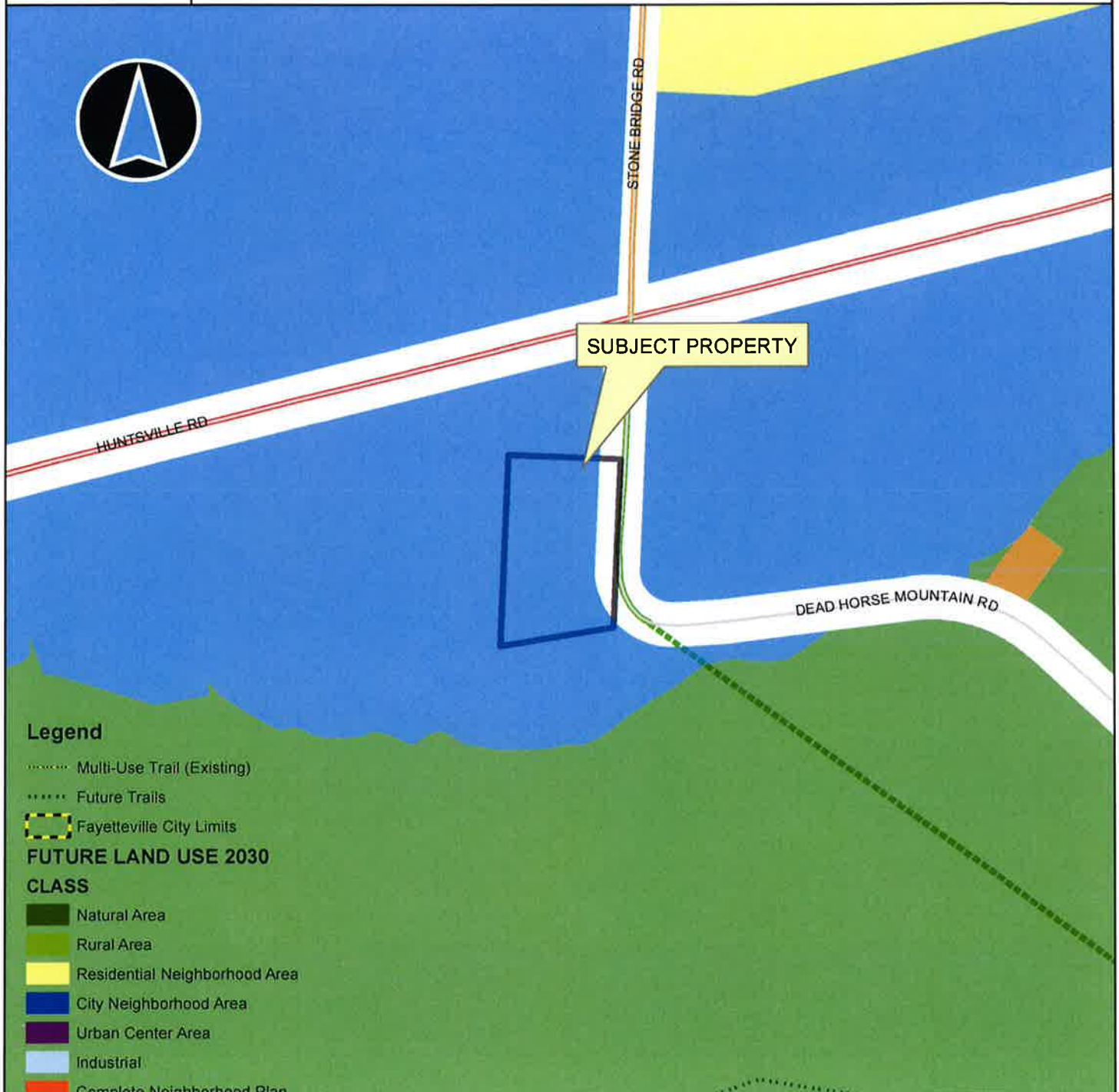
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4573

HAMMANS

Future Land Use



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

FUTURE LAND USE 2030

CLASS

- Natural Area
- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Urban Center Area
- Industrial
- Complete Neighborhood Plan

ew Civic and Private Open Space/Parks

- Civic Institutional
- Non-Municipal Government

ROW

RZN13-4573

Design Overlay District

Design Overlay District

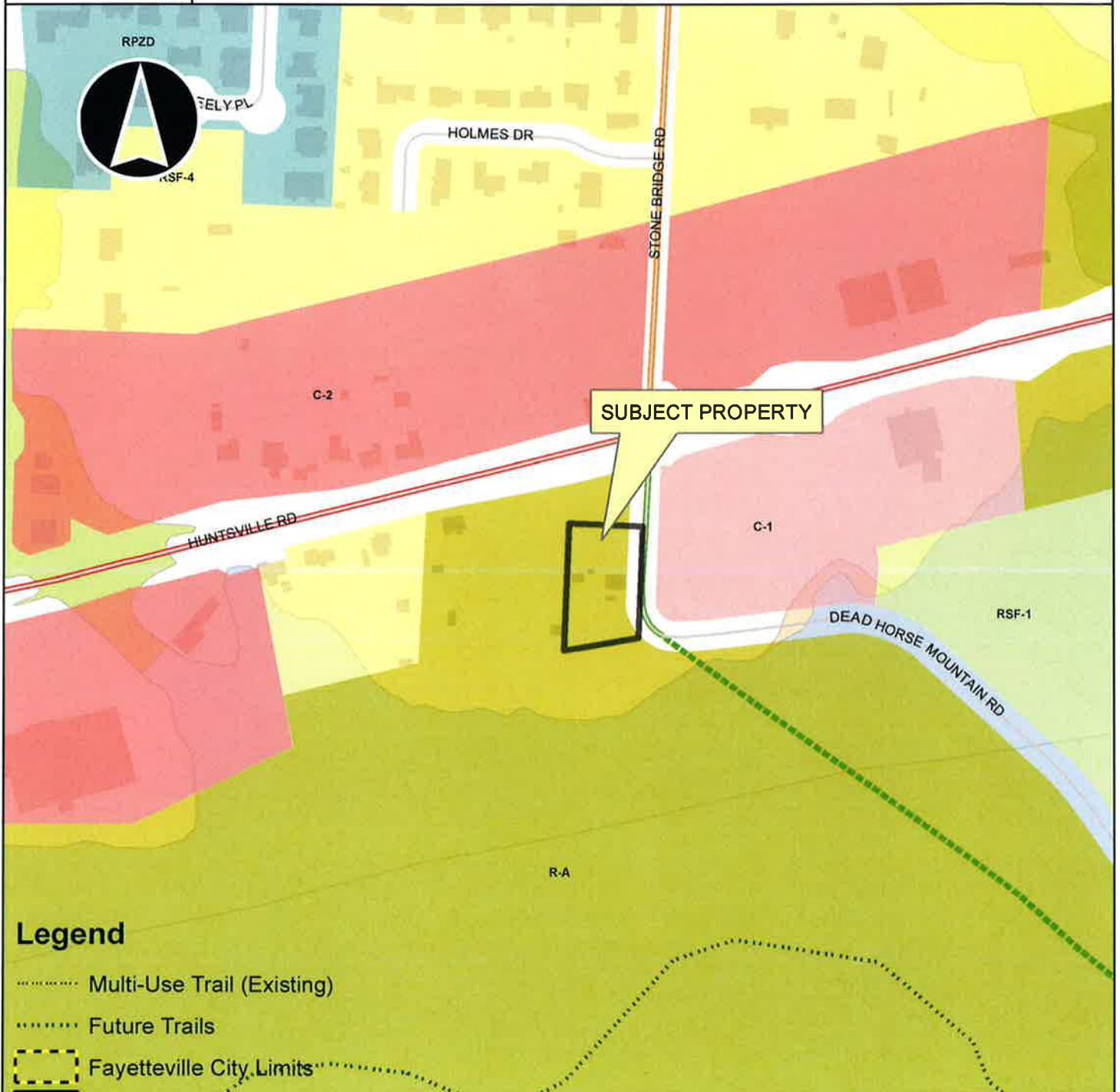
Planning Area



RZN13-4573

HAMMANS

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN13-4573

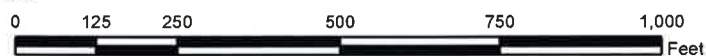
Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

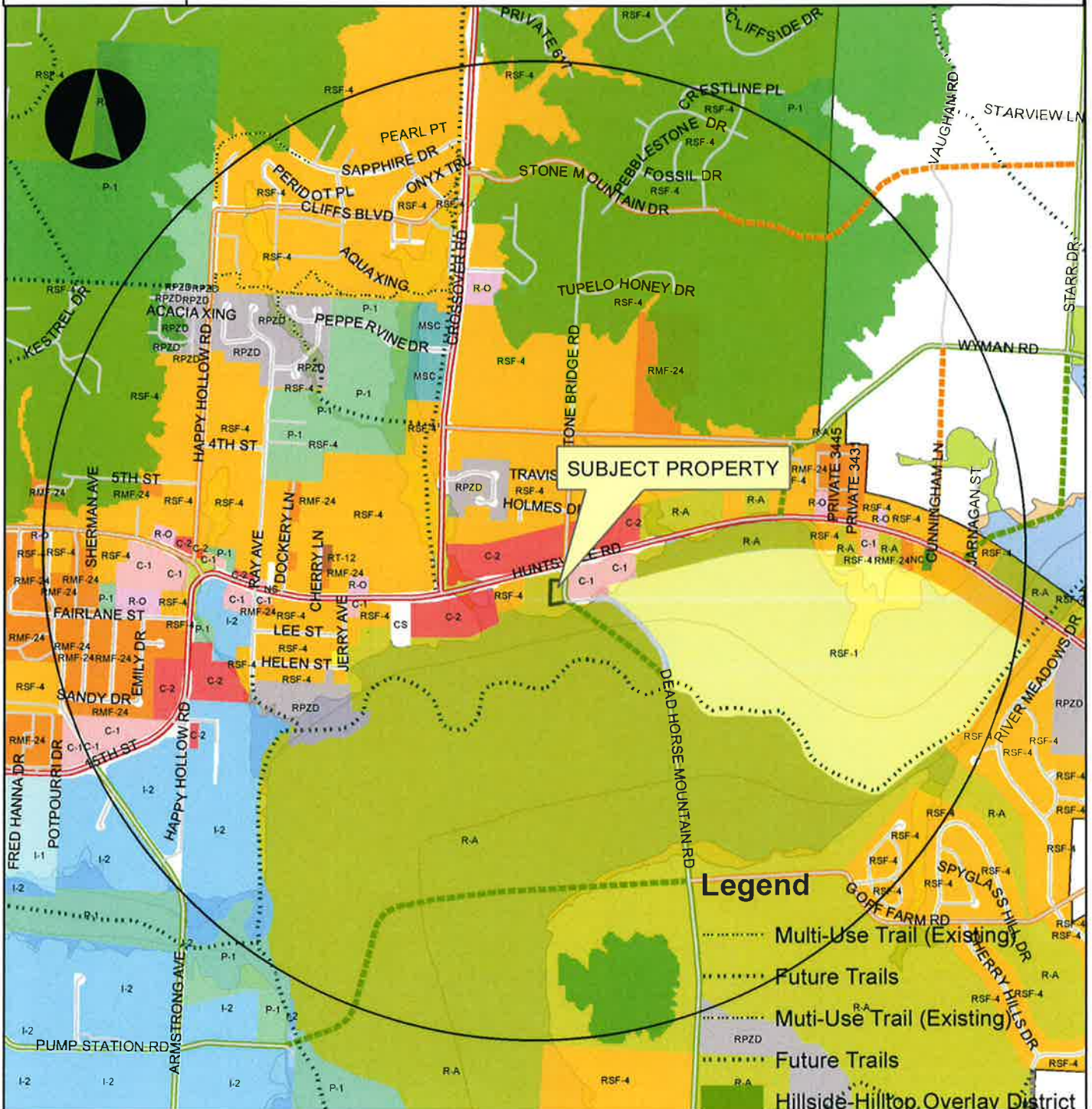
Planning Area



RZN13-4573

HAMMANS

One Mile View



Legend

Multi-Use Trail (Existing)

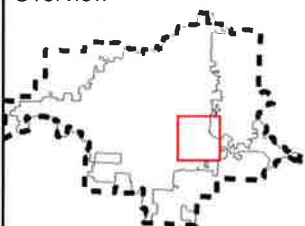
Future Trails

Muti-Use Trail (Existing)

Future Trails

Hillside-Hilltop Overlay District

Overview



Legend

Subject Property

RZN13-4573

Boundary

0 0.25 0.5



RZN13-4573

Design Overlay District

Planning Area

Fayetteville

1

Miles

City of Fayetteville Item Review Form

2014-0009

Registar File Number

02/04/2014

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

Quin Thompson

Submitted By

Development Services

Department

Action Required:

RZN 13-4578: Rezone (6316 W. WEDINGTON DRIVE/MORLAN, 396): Submitted by WILLIAM JENKINS for property located at 6316 W. WEDINGTON DRIVE. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.87 acre. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE.

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:

01-21-14 P02:38 RCVD



[Signature]

Paul A. Baker

Paul A. Baker for Dan Mann

[Signature]

[Signature] 1-21-14

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Director of Development Services
Andrew Garner, City Planning Director

From: Quin Thompson, Current Planner

Date: January 16, 2014

Subject: RZN 13-4578: Rezone (6316 W. Wedington Dr./Morlan)

RECOMMENDATION: The Planning Commission and Planning Division staff recommend approval of an ordinance to rezone the property to RSF-4, Residential Single-family/4 Units per Acre.

BACKGROUND: The subject property is located on the north side of Wedington Drive (AR 62 W) at 6316 W. Wedington Drive. The property is within the Residential Agricultural (R-A) zoning district and contains approximately 0.87 acres. The property is currently developed with a single-family home constructed in 1951, and was annexed into the City in 1982.

LAND USE ANALYSIS: *City Plan 2030 Future Land Use Plan designates this site as **Rural Area**.* Rural Areas consist of lands in an open or cultivated state or sparsely settled. These may include woodland, agricultural lands or grasslands. These areas only have infrastructure and public services to support low-density zoning (i.e. 1 home per 15 acres or more). They do not have adequate transportation or public services to support urban development patterns at this time. Developments in these areas are not in close proximity to commercial services. This area encourages conservation and preservation in any development pattern.

The property is a non-conforming lot within the R-A zoning district. The proposed rezoning would bring the lot into compliance with zoning codes. The City Plan 2030 Future Land Use Map designates this area as Rural Area. While Rural Areas are intended for very low density development, a single-family home has been located on this property for approximately 63 years. It is consistent with the City's land use objectives to bring nonconforming property into compliance, and to encourage re-use and redevelopment of property, which would be encouraged with this rezoning.

DISCUSSION: On January 13, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 7-0-0.

BUDGET IMPACT: None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4578, FOR APPROXIMATELY 0.87 ACRES, LOCATED AT 6316 WEST WEDINGTON DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL, TO RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE

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-A, Residential Agricultural to RSF-4, Residential Single-Family, 4 units per acre, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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

PASSED and **APPROVED** this day of , 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

C. 5
RZN 13-4578 (6316 W.
Wedington Drive/Morlan)
Page 4 of 18

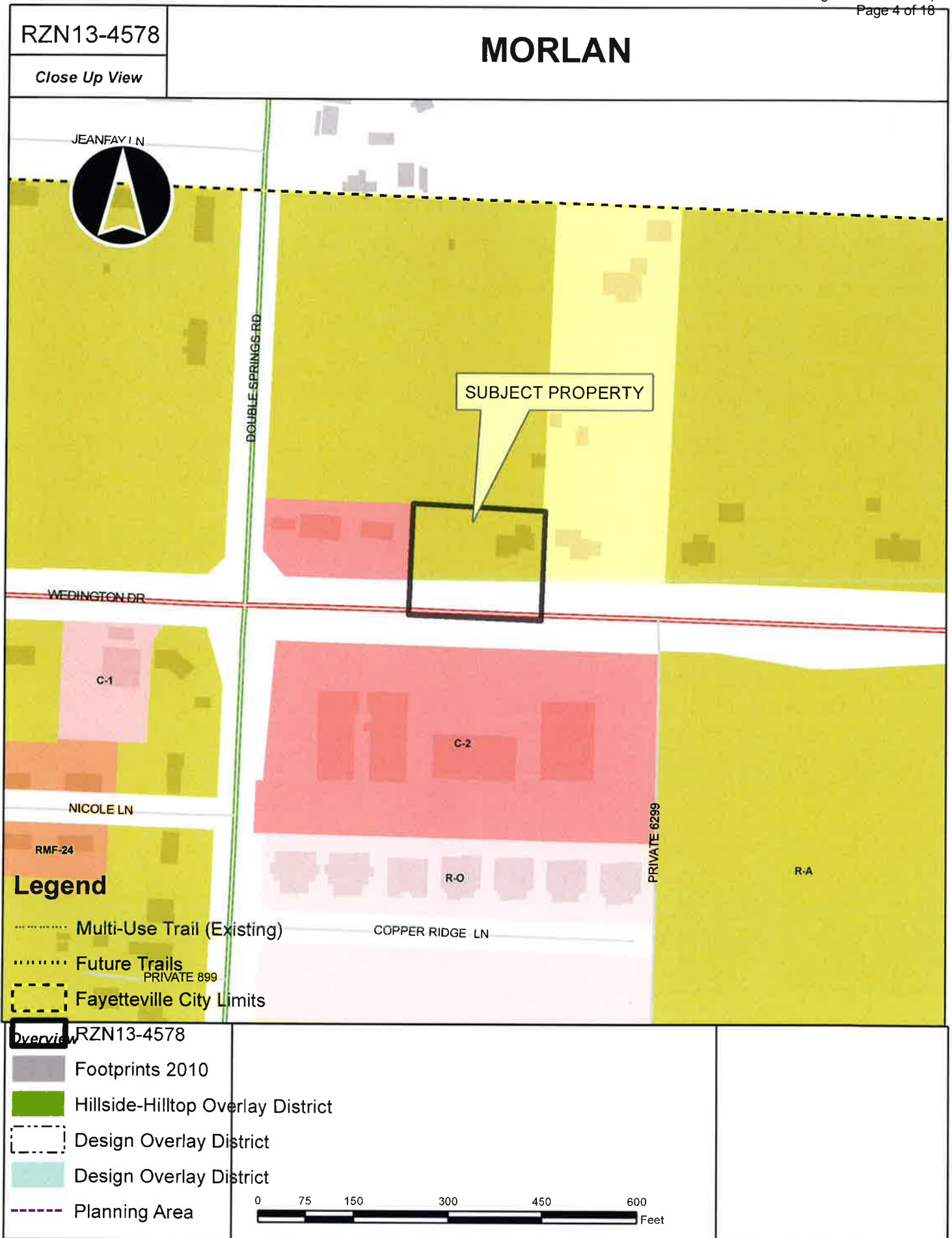


EXHIBIT "B"
RZN 13-4578

PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION TEN (10), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT WHICH IS NORTH 183.60 FEET AND SOUTH 89°01'26" EAST 259.81 FEET FROM THE SOUTHWEST CONER OF SAID 40 ACRE TRACT AND RUNNING THENCE NORTH 89°01 '26" EAST 212.98 FEET. THENCE SOUTH 00°10' EAST 175.55 FEET, THENCE SOUTH 89°59'58" WEST 213.46 FEET, THENCE NORTH 179.18 FEET TO THE POINT OF BEGINNING, CONTAINING 0.87 OF AN ACRE, MORE OR LESS, SUBJECT TO THAT PORTION CONTAINED IN HIGHWAY 16 WEST ON THE SOUTH SIDE HERE OF.



PC Meeting of January 13, 2014

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: January 05, 2014 UPDATED JANUARY 16, 2014

RZN 13-4578: Rezone (6316 W. WEDINGTON DRIVE/MORLAN, 396): Submitted by WILLIAM JENKINS for property located at 6316 W. WEDINGTON DRIVE. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.87 acre. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE.
Planner: Quin Thompson

BACKGROUND:

Property and Background: The subject property is located on the north side of Wedington Drive (AR 62 W) at 6316 W. Wedington Drive. The property is within the Residential Agricultural (R-A) zoning district and contains approximately 0.87 acres. The property is currently developed with a single-family home constructed in 1951, and was annexed into the City in 1982.

The lot has neither the minimum frontage nor area required under the existing R-A zoning code. The owner intends to split the lot if the rezone request is approved, as stated in the request letter.

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/Agricultural	R-A, Residential Agricultural
South	Commercial Strip Center	C-2, Thoroughfare Commercial
East	Single Family Residential	RSF-4, Residential Single-Family, 4 units per acre
West	Commercial/Auto Repair	C-2, Thoroughfare Commercial

Request: The request is to rezone the property from R-A, Residential Agricultural to RSF-4, Residential Single Family Institutional to bring the existing property into conformance.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding RZN 13-4578 to the City Council with a recommendation for **approval** based on findings stated herein.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>January 13, 2014</u>		☐ Tabled	☒ Forwarded	☐ Denied	
Motion: Winston		Second: Autry	Vote: 7-0-0		
CITY COUNCIL ACTION:				Required	<u>YES</u>
		☐ Approved	☐ Denied		
Date: February 04, 2014					

INFRASTRUCTURE:

Streets: The site has access to State Highway 16 (Wedington Drive). Wedington Drive is a five lane, fully-improved road with curb/gutter, asphalt trail on both sides, and storm drainage. 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 a 2" and an 8" water main running through the south portion of the parcel along Wedington Drive.

Sewer: Sanitary sewer is available to the site. There is a 6" sewer main running through the south portion of the parcel along Wedington Drive.

Drainage: Standard improvements and requirements for drainage will be required for any new 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 **Rural Area**.*

Rural Areas consist of lands in an open or cultivated state or sparsely settled. These may include woodland, agricultural lands or grasslands. These areas only have infrastructure and public services to support low-density zoning (i.e. 1 home per 15 acres or more). They do not have adequate transportation or public services to support urban development patterns at this time. Developments in these areas are not in close proximity to commercial services. This area encourages conservation and preservation in any development pattern.

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 property is a non-conforming lot within the R-A zoning district. The proposed rezoning would bring the lot into compliance with zoning codes. The City Plan 2030 Future Land Use Map designates this area as Rural Area. While Rural Areas are intended for very low density development, a single-family home has been located on this property for approximately 63 years. It is consistent with the City's land use objectives to bring nonconforming property into compliance, and to encourage re-use and redevelopment of property, which would be encouraged with this rezoning.

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 as the property is currently not conforming to the existing R-A zoning. An approved rezone would bring the property and use into zoning compliance, eliminating an existing nonconforming condition. In addition, it would allow the property to be split in future.

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, a fully improved five 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 R-A to RSF-4 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

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half
----------------	----------

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5195, 11-6-08; Ord. 5238, 5-5-09; Ord. 5479, 2-7-12)

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)

a. David Morlan aka Morlan Enterprises is requesting rezoning to allow a potential track split to allow the sale of a portion of the tract containing the residential structure, while maintaining a portion of the existing land.

b. Rezoning from R-A to RSF-4 to allow potential tract split.

c. No foreseeable impacts on surrounding properties in regards to land use, traffic, appearance, and signage. Mr. Morlan owns adjacent properties to the West and North sides with Wedington Drive situated on the South. There is a one story frame house located on the East side of the tract we are requesting rezoning on.

d. Water and sewer already in place (2" water and 4" sewer) running along the North side of Wedington Drive through the property.

e. Property to be rezoned contains frame house located on the East side facing Wedington Drive. Planning for the area should allow smaller lots with a house with no disruptions which allows consistency with neighboring tracts.

f. Rezoning to RSF-4 is the only way to split tract with current zoning specifications.

g. No increased traffic or demands on public services are anticipated with new zoning.

h. No increased population density is anticipated with new zoning, rental house is in place.

i. Rezoning should allow the necessary transition from agricultural land to urban development.

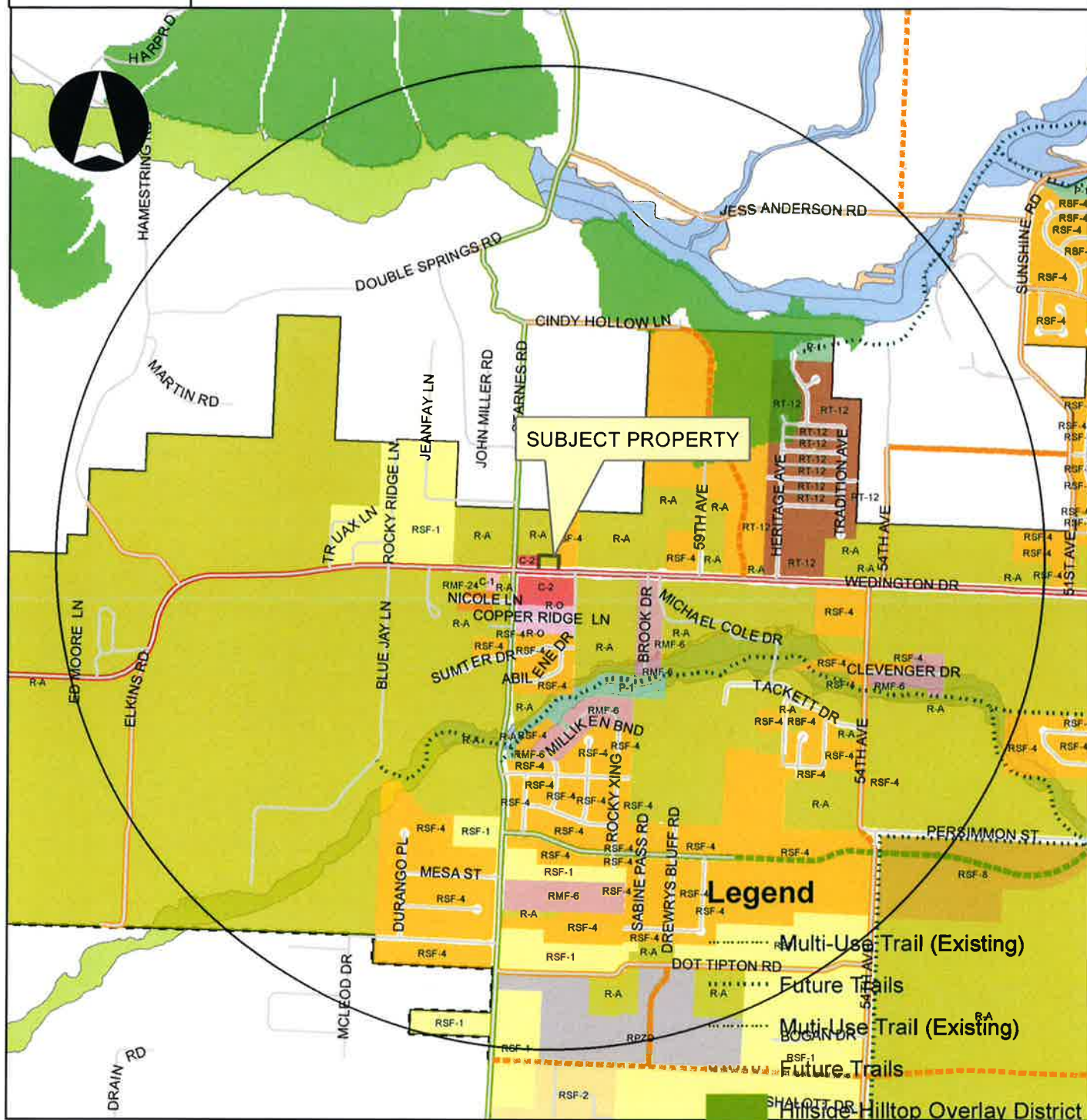
1 inch = 30 feet



RZN13-4578

MORLAN

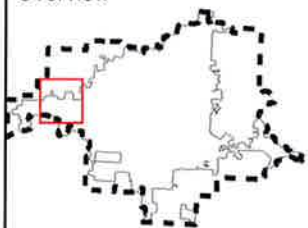
One Mile View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails
- Hillside Hilltop Overlay District

Overview



Legend

Subject Property
RZN13-4578

Boundary

0 0.25 0.5

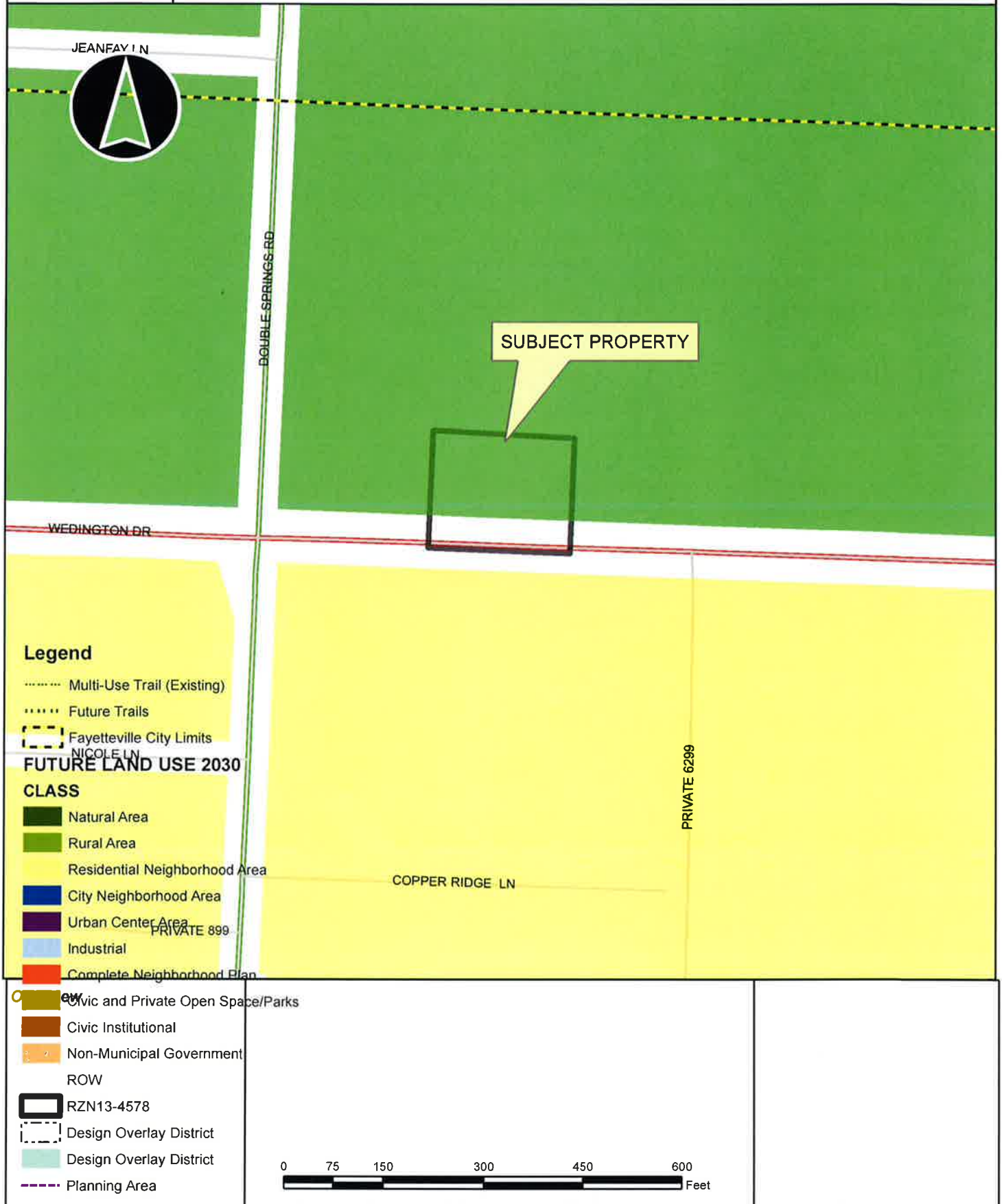
1 Miles

- RZN13-4578
- Design Overlay District
- Planning Area
- Fayetteville

RZN13-4578

MORLAN

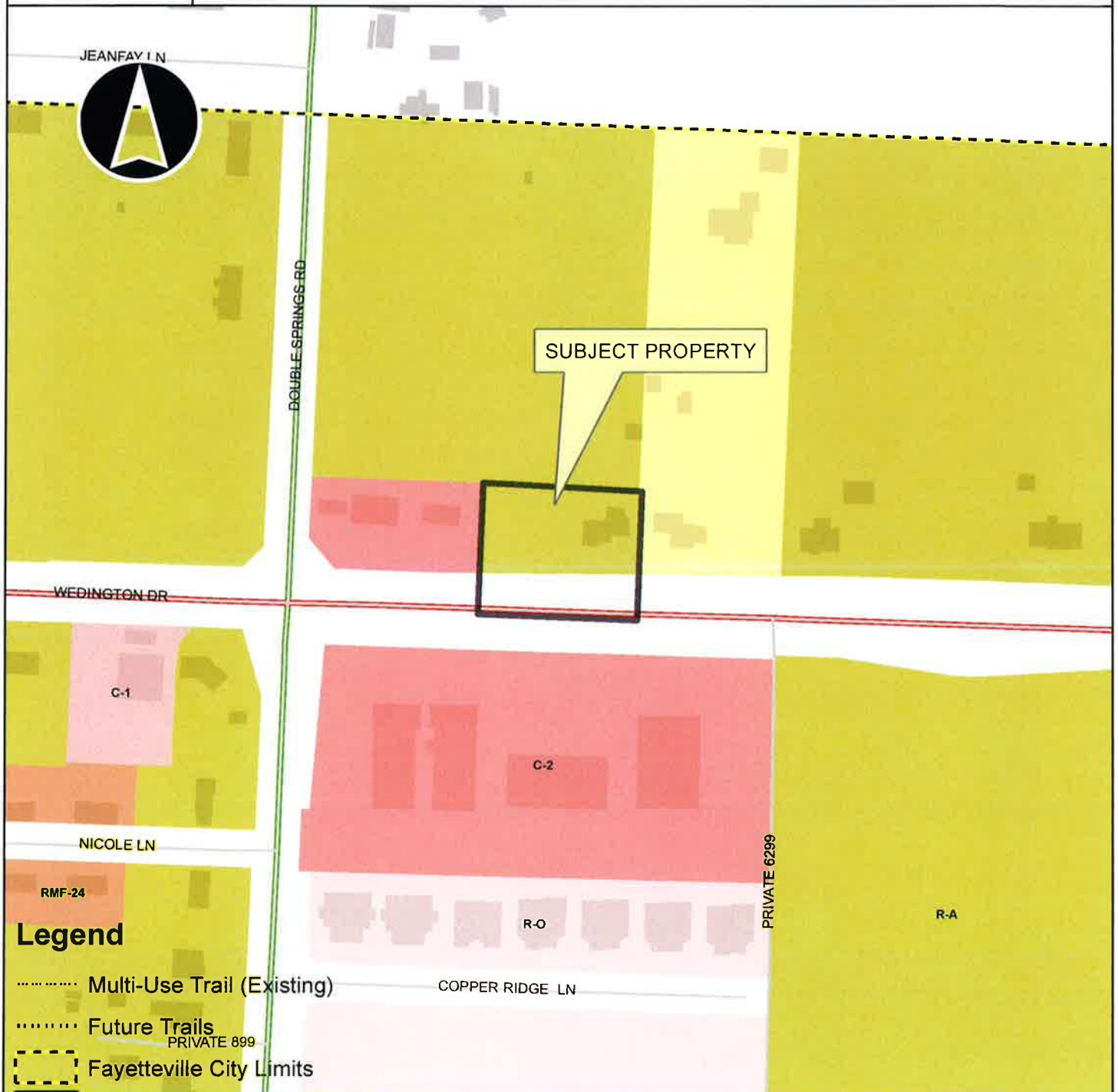
Future Land Use



RZN13-4578

MORLAN

Close Up View

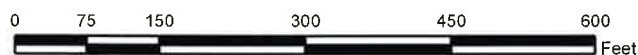


Legend

- Multi-Use Trail (Existing)
- Future Trails
- PRIVATE 899
- Fayetteville City Limits

Overview RZN13-4578

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4578

MORLAN

Current Land Use

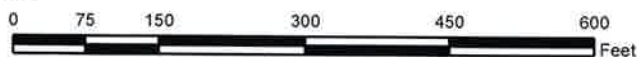


Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits
- Planning Area

Overview RZN13-4578

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District



City of Fayetteville Item Review Form

2014-0022

Legistar File Number

02/04/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Fulcher

Submitted By

Development Services

Department

Action Required:

VAC 13-4567: Vacation (1851 E. HUNTSVILLE ROAD/KUM AND GO, 565): Submitted by CEI ENGINEERING for property located at 1851 EAST HUNTSVILLE ROAD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 1.93 acres. The request is to vacate a water/sewer 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

01-17-14 11:23 RCVD

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

Paul A. Buben

Paul A. Buben for Dan Mann

David Jackson

[Handwritten signature]
1-17-14
ENTERED
1-17-14
[Handwritten initials]



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Jesse Fulcher, Senior Planner

Date: January 16, 2014

Subject: VAC 13-4567: Vacation (1851 E. Huntsville/Kum & Go)

RECOMMENDATION:

The Planning Commission and Planning Division staff recommend approval of an ordinance to vacate two existing water and sewer easements.

BACKGROUND:

The subject property is located at the southeast corner of Huntsville Road and Happy Hollow Road and is owned by the City of Fayetteville. A large scale development application for Kum & Go convenience store was recently permitted by the Planning Commission and a land sale agreement is in place. Within the property there are two 20-foot wide water and sewer easements that will conflict with the development of the property. There are no utilities within either of the easements.

The applicant's request is to vacate the existing 20-foot water and sewer easements as indicated on the attached exhibit.

DISCUSSION:

On January 13, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 7-0-0.

BUDGET IMPACT:

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 13-4567 SUBMITTED
BY CEI ENGINEERING FOR PROPERTY LOCATED AT 1851
EAST HUNTSVILLE ROAD TO VACATE WATER/SEWER
EASEMENT, A TOTAL OF 7,193 SQUARE FEET

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 water/sewer 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 water/sewer 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.

PASSED and **APPROVED** this day of , 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A" VAC 13-4567

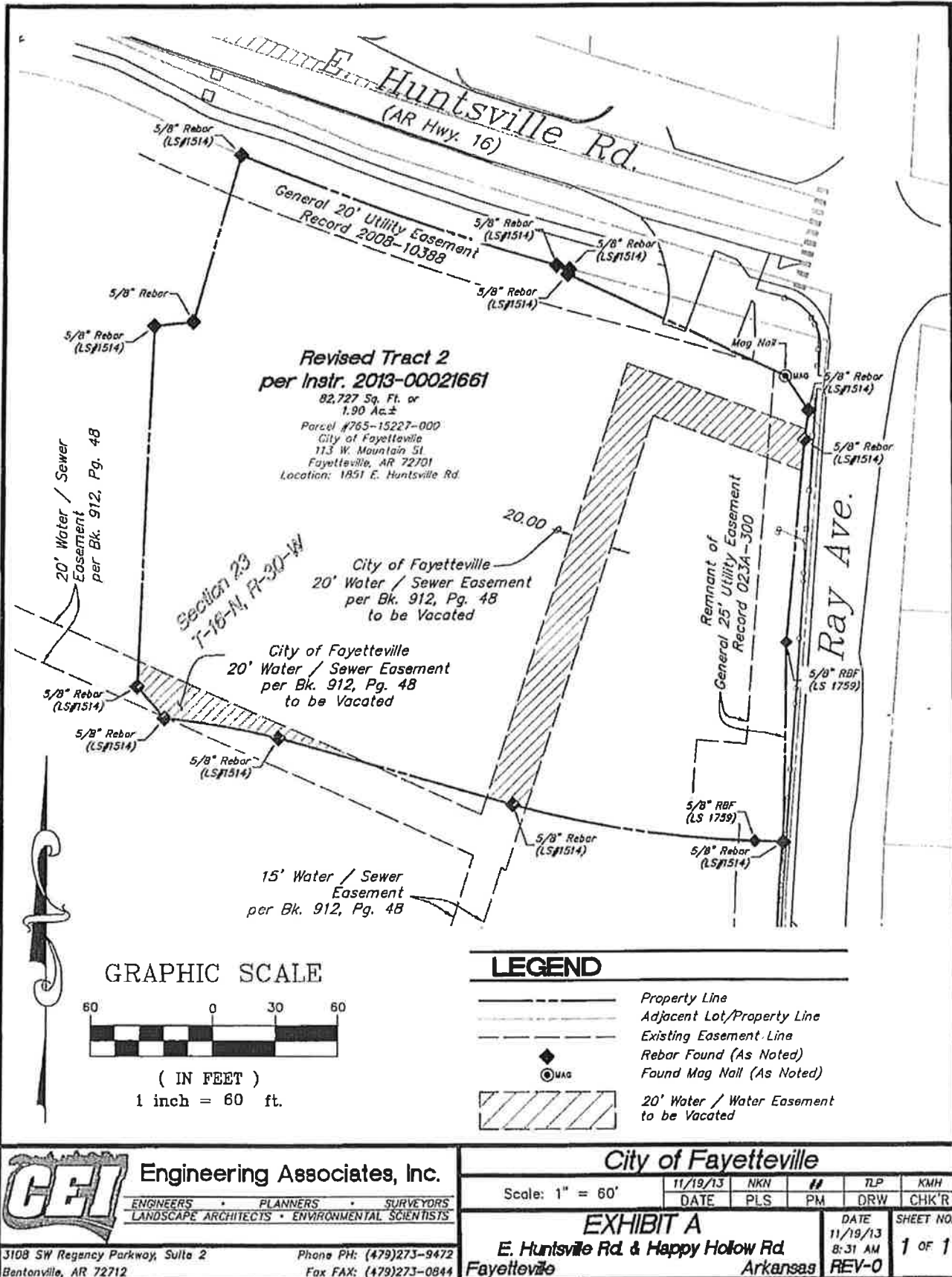


EXHIBIT "B"
VAC 13-4567

TRACT OF LAND SITUATED IN A PART OF THE NE1/4 OF THE NW1/4 OF SECTION 23, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 323.8 FEET SOUTH OF THE NW CORNER OF THE SAID NE¼ OF THE NW¼ OF ABOVE DESCRIBED SECTION 23, THENCE SOUTH 68°08' EAST 220 FEET, THENCE SOUTH 70°10' EAST 225 FEET, THENCE SOUTH 76°43' EAST 214 FEET, THENCE SOUTH 1°08' EAST 700 FEET, THENCE NORTH 89° WEST 325 FEET, THENCE NORTH 45° WEST 475 FEET, MORE OR LESS, TO A POINT 550 FEET SOUTH OF THE POINT OF BEGINNING, THENCE NORTH 550 FEET TO THE POINT OF BEGINNING, CONTAINING 9.5 ACRES, MORE OR LESS.

A PERMANENT EASEMENT OF 15 FEET IN WIDTH, BEING 7½ FEET EITHER SIDE OF A CENTERLINE. SAID CENTERLINE BEGINNING AT A POINT ON THE EAST PROPERTY LINE OF THE ABOVE DESCRIBED REAL ESTATE, SAID POINT BEING SOUTH 1°08' EAST 79 FEET, FROM THE NE CORNER OF SAID REAL ESTATE; RUNNING THENCE NORTH 72°45' WEST 94 FEET, THENCE SOUTH 15°10' WEST 335 FEET TO A POINT.

ALSO A PERMANENT EASEMENT OF 20 FEET WIDTH, BEING 10 FEET EITHER SIDE OF A CENTERLINE. SAID CENTERLINE BEGINNING AT A POINT WHICH IS SOUTH 1°08' EAST 79 FEET, THENCE NORTH 72°45' WEST 94 FEET, THENCE SOUTH 15°10' WEST 235 FEET FROM THE NE CORNER OF SAID REAL ESTATE AND RUNNING THENCE NORTH 68°45' WEST 341 FEET, THENCE NORTH 81°00' WEST TO THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 16 BYPASS, TO A POINT, SAID POINT BEING APPROXIMATELY 25 FEET EAST 347 FEET SOUTH OF THE NW CORNER OF THE ABOVE DESCRIBED REAL ESTATE.



PC Meeting of January 13, 2014

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
DATE: January 3, 2014 Updated January 16, 2014

VAC 13-4567: Vacation (1851 E. HUNTSVILLE ROAD/KUM AND GO, 565): Submitted by CEI ENGINEERING for property located at 1851 EAST HUNTSVILLE ROAD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 1.93 acres. The request is to vacate a water/sewer easement. Planner: Jesse Fulcher

Findings:

Property and Background: The subject property is located at the southeast corner of Huntsville Road and Happy Hollow Road and is owned by the City of Fayetteville. A large scale development application for Kum & Go convenience store was recently permitted by the Planning Commission and a land sale agreement is in place. Within the property there are two 20 foot wide water and sewer easements that will conflict with the development of the property. There are no utilities within either of the easements. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Church	C-1, Neighborhood Commercial, C-2, Thoroughfare Commercial and P-1, Institutional
South	Fire Station, Warehouse, Single-family home	P-1, Institutional, C-2, Thoroughfare Commercial, RSF-4, Residential Single-family
East	Residential	C-1, Neighborhood Commercial, RMF-24, Residential Multi-family and RSF-4, Residential Single-family
West	Funeral Home	C-1, Neighborhood Commercial and RSF-4

Request: The applicant's request is to vacate the existing 20-foot water and sewer easements 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	N/A
Southwestern Electric Power Company	N/A
Source Gas	N/A
AT&T	N/A

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer	No objections
Solid Waste	No objections

Public Comment: No public comment has been received.

Recommendation: Staff recommends forwarding **VAC 13-4567** to the City Council with a recommendation for approval.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: ☒ **Forwarded** ☐ **Denied** ☐ **Tabled**

Date: January 13, 2014

Motion: Winston

Second: Cook

Vote: 7-0-0

Notes: Removed from consent to answer questions from neighbor.

PETITION TO VACATE AN easement LOCATED IN book 912 at page 48 at Washington County, Arkansas
Circuit Clerk's Office and dated June 14, 1976, CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the (*alley, easement, right-of-way*) hereinafter
sought to be abandoned and vacated, lying in (*lot, block, subdivision*), City of Fayetteville, Arkansas, a municipal
corporation, petition to vacate a(n) (*alley, easement, right-of-way*) which is described as follows:

(Legal Description of area to be vacated)

THAT ENTIRE PORTION OF A 15 FEET WIDE PERMANENT EASEMENT AND THAT ENTIRE PORTION OF A 20 FEET WIDE
PERMANENT EASEMENT, RECORDED IN BOOK 912 AT PAGE 48 AT WASHINGTON COUNTY, ARKANSAS CIRCUIT CLERK'S
OFFICE, AND DATED JUNE 14, 1976, OVER, UPON, AND ACROSS REVISED TRACT 2 OF MEXICAN ORIGINAL PROPERTY
LINE ADJUSTMENT, ACCORDING TO INSTRUMENT 2013-00021661, AND BEING A PART OF THE NORTHEAST QUARTER
(NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY THERE (23), TOWNSHIP SIXTEEN (16) NORTH,
RANGE THIRTY (30) WEST, FIFTH PRINCIPAL MERIDIAN.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate,
subject, however, to the existing utility easements and sewer easements as required, and that the above described real
estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as
provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville,
Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that
title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as
to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 12 day of December, 2013.

Siobhan Harman

Printed Name

Signature

Printed Name

Signature

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 11/19/13

UTILITY COMPANY: City of Fayetteville Water and Sewer

APPLICANT NAME: Siobhan Harmon, Kum & Go, L.C. APPLICANT PHONE: (515) 457-6232
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**)

** 1851 East Huntsville Road, Fayetteville, Arkansas 72701

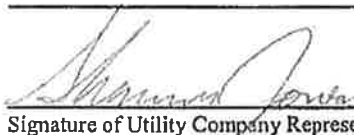
(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

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.)

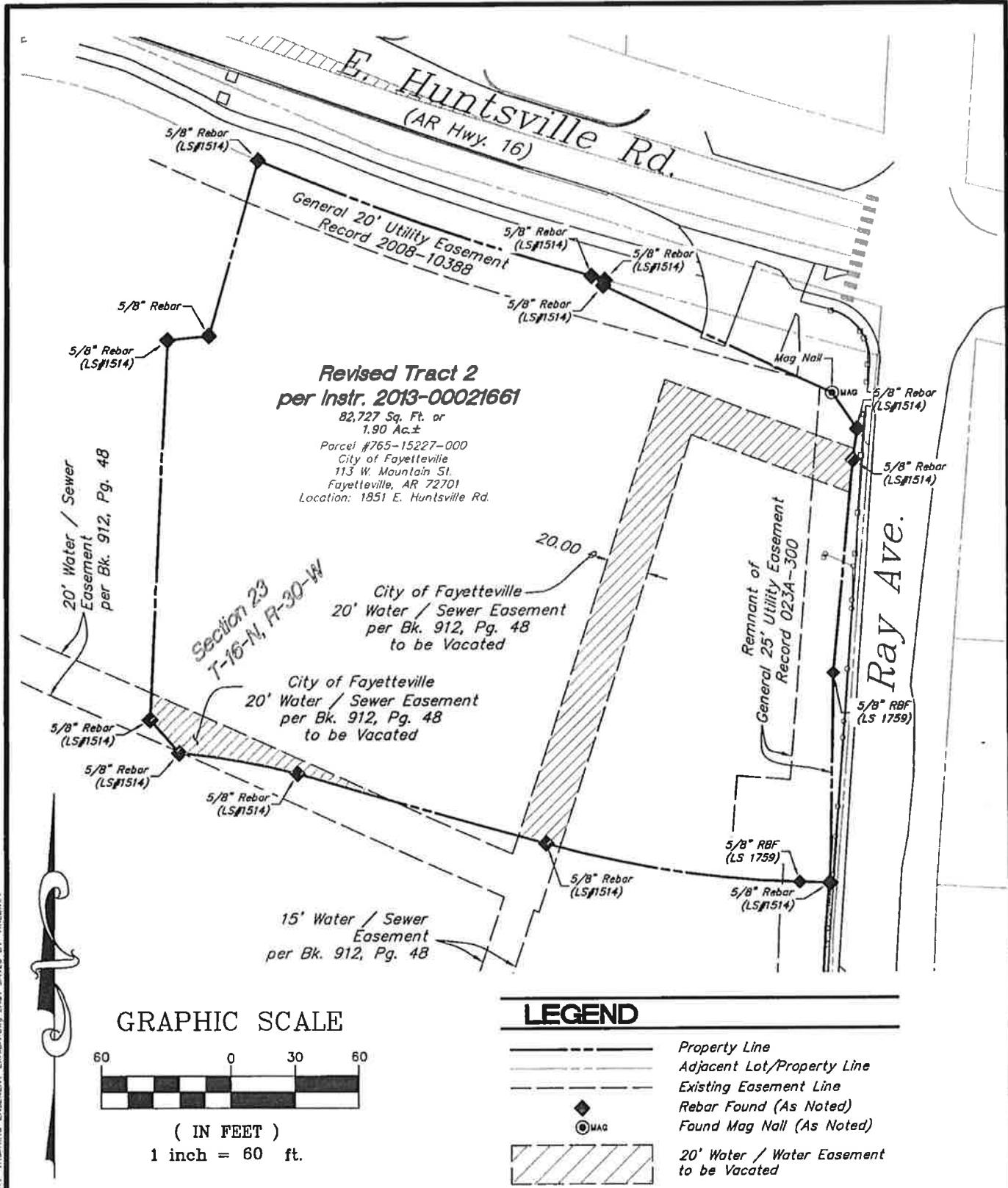
No objections provided the following conditions are met:



Signature of Utility Company Representative

Utilities Engineer

Title



CEI Engineering Associates, Inc. ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS 3108 SW Regency Parkway, Suite 2 Bentonville, AR 72712 Phone PH: (479)273-9472 Fax FAX: (479)273-0844	City of Fayetteville						
	Scale: 1" = 60'		11/19/13 DATE	NKN PLS	PM PM	TLP DRW	KMH CHK'R
	EXHIBIT A E. Huntsville Rd. & Happy Hollow Rd Fayetteville Arkansas						DATE 11/19/13 8:31 AM REV-0

Easement Vacation Description:

Kum & Go, L.C., Store #418

Fayetteville, Washington County, AR

THAT ENTIRE PORTION OF A 15 FEET WIDE PERMANENT EASEMENT AND THAT ENTIRE PORTION OF A 20 FEET WIDE PERMANENT EASEMENT, RECORDED IN BOOK 912 AT PAGE 48 AT WASHINGTON COUNTY, ARKANSAS CIRCUIT CLERK'S OFFICE, AND DATED JUNE 14, 1976, OVER, UPON, AND ACROSS REVISED TRACT 2 OF MEXICAN ORIGINAL PROPERTY LINE ADJUSTMENT, ACCORDING TO INSTRUMENT 2013-00021661, AND BEING A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY THREE (23), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, FIFTH PRINCIPAL MERIDIAN.



ENGINEERS ■ SURVEYORS ■ PLANNERS
LANDSCAPE ARCHITECTS ■ ENVIRONMENTAL SCIENTISTS

3108 S.W. Regency Parkway, Suite 2
Bentonville, AR 72712
479.273.9472 Fax 479.273.0844

DISTRIBUTION:
RER/File
Kum & Go, 418

December 2, 2013

City of Fayetteville
Planning Commission and City Council
113 W. Mountain Street
Fayetteville, AR 72701
Attn: Chair of the Board

Re: Kum & Go #418 – General Utility Easement Vacation Request
1851 East Huntsville Road
Fayetteville, Arkansas 72701
CEI Project No. 27547.0

To the Fayetteville City Planning Commission and City Council:

This is a formal request for a vacation of a portion of the water/sewer utility easement located within the Parcel #765-15227-000. A portion of this 7.66± acre site will include the proposed Kum & Go property. The area of the easement to be vacated contains no utilities that impact any of the surrounding parcels; the easement was dedicated as part of a previous Large Scale Development plan. Kum & Go requests the easement vacation in order to construct a 4,991 s.f. convenience store with 8 fuel pumps and on-site parking.

Large Scale Development plans were submitted to the City Planning Department (LSD 13-4414) on December 4, 2013 and shall be considered inclusive of this request.

We appreciate your consideration in this matter, and if you have questions or concerns, please do not hesitate to call.

Respectfully submitted,

CEI Engineering Associated, Inc.


Mike Clotfelter, Project Designer

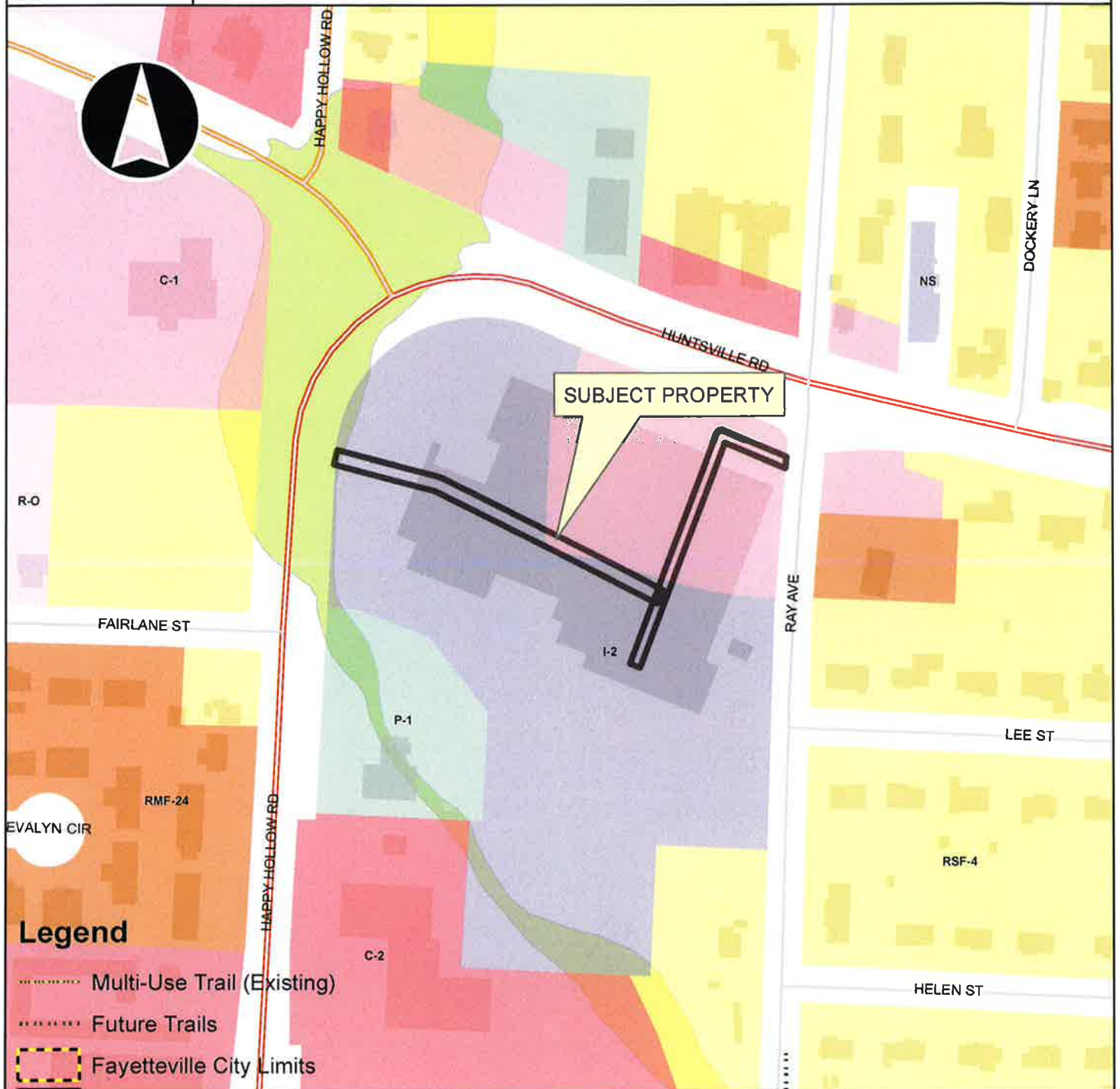
Providing Comprehensive Land Development Services

CALIFORNIA ■ ARIZONA ■ TEXAS ■ ARKANSAS ■ ILLINOIS ■ GEORGIA ■ INDIANA

VAC13-4567

KUM AND GO

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview VAC13-4567

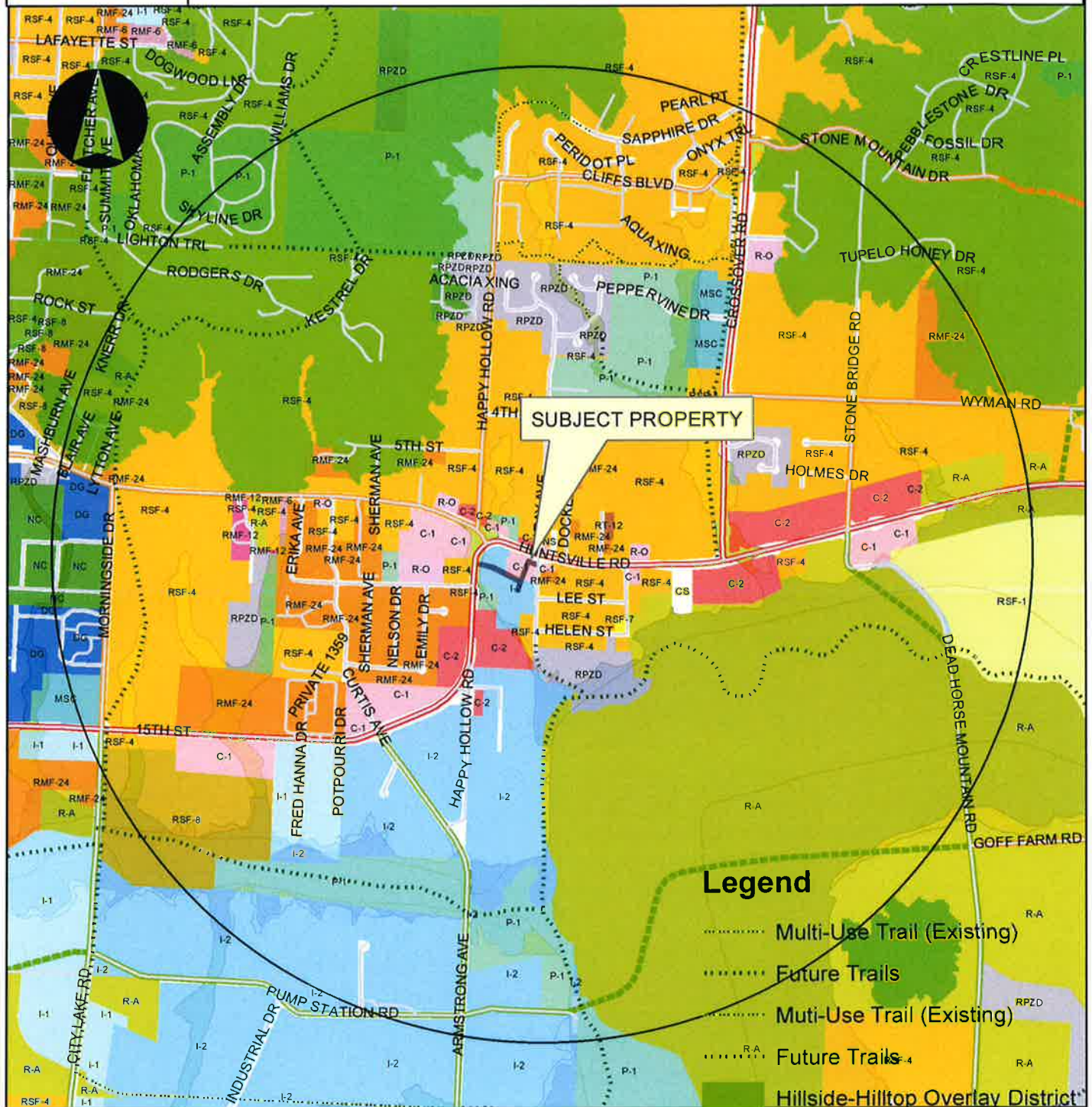
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 37.5 75 150 225 300 Feet

VAC13-4567

KUM AND GO

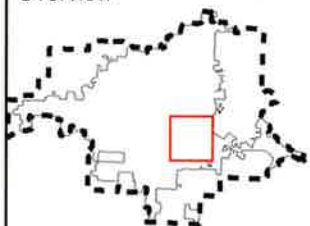
One Mile View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails
- Hillside-Hilltop Overlay District

Overview



Legend

- Subject Property
- VAC13-4567

Boundary

0 0.25 0.5 1 Miles

- VAC13-4567
- Design Overlay District
- Planning Area
- Fayetteville

City of Fayetteville Item Review Form

2014-0025

Legistar File Number

02/04/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Fulcher

Submitted By

Development Services

Department

Action Required:

VAC 13-4587: Vacation (1285 E. MILLSAP ROAD/CHRISTIAN LIFE CATHEDRAL, 213): Submitted by JORGENSEN AND ASSOCIATES for property located at 1285 E. MILLSAP ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 14 acres. The request is to vacate unconstructed right-of-way.

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? ☐

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

01-17-14 11:28 V20130812

dmw
K. [unclear] 1-17-14

ENTERED
1-17-14
QA

MSCR

Paul a. Bech

Paul a. Bech for Don Mann

Timothy [unclear]

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Andrew Garner, Director of Planning *amy*

From: Jesse Fulcher, Senior Planner

Date: January 16, 2014

Subject: VAC 13-4587: Vacation (1285 E. Millsap Road/Christian Life Cathedral)

RECOMMENDATION:

The Planning Commission and Planning Division staff recommend approval of an ordinance to vacate unconstructed right-of-way for Millsap Road.

BACKGROUND:

The subject property is located at the east end of Millsap Road and is developed with a church and parking lot. The church and the unconstructed right-of-way for Millsap Road date back to 1984 when Millsap Road only extended to Hemlock Street. At that time the church was approved to construct a new building and parking lot, subject to extending Millsap Road to their west property line. Additionally, right-of-way for the future extension of Millsap Road was required to the east property line (see attached). There is a small gap of property between the church property and Sussex that is a remnant piece of common area property for an adjacent development (Summerhill Subdivision).

Then in 1989, a second phase of development was approved for the church, and the City agreed to vacate the existing right-of-way, subject to the church dedicating right-of-way for Millsap Road along the north side of the property and providing a stub-out to the north and east (see attached).

Since that time, Brookhaven Subdivision was constructed to the east of the property, providing a stub-out for connectivity. Only a small section of this street (Sussex Drive) was constructed due to steep topography. No additional development has occurred on the church property and Millsap Road still ends at their west property line.

The applicant's request is to vacate the existing 50 foot right-of-way for Millsap Road. The church has plans to construct additional facilities, walking paths and parking areas on the east and northeast portions of the property. The current location of the Millsap Road right-of-way conflicts with these future plans.

RECOMMENDATION:

City staff strongly supports street connectivity, especially in locations where there is a lack of east/west connections, which Millsap could provide. However, in this particular situation, extending Millsap Road approximately 1,500 feet and over a deep ravine is highly unlikely especially if you consider that the cost of this project would either be borne by the property owner or by the City of Fayetteville. Given that the church property has already seen two phases of development and has never been required to extend Millsap through the property, it is highly unlikely that any future development would warrant constructing a quarter of a mile of

street. It is also very unlikely that the City would dedicate Capital Improvement Funds or street bond money to a local street connection.

In staff's opinion there's also a more feasible option to increase connectivity in the area. Rather than connecting Millsap and Sussex, a shorter and less difficult connection would be to the north where Vantage Drive is proposed to be extended to connect to Sain Street. This would increase east/west connectivity and provide surrounding neighborhoods with convenient access to several surrounding major streets and commercial districts.

DISCUSSION:

On January 13, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 7-0-0.

BUDGET IMPACT:

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 13-4587 SUBMITTED BY JORGENSEN AND ASSOCIATES FOR PROPERTY LOCATED AT 1285 EAST MILLSAP ROAD, TO VACATE UNCONSTRUCTED RIGHT-OF-WAY FOR MILLSAP ROAD, A TOTAL OF 1.58 ACRES.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted right-of-way is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described right-of-way 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 Condition of Approval and shall not be in effect until the condition is met.

1. The right-of-way for Millsap Road shall remain until it crosses Private Drive 1285, which provides a private drive connection to Sain Street.
2. Any relocation or damage to utilities shall be at the owner/developer's expense.
3. A new water and sewer easement shall be dedicated over the existing water line with final approval required by the Utilities Department. This vacation is not valid until this easement is recorded.

Pg. 2

PASSED and **APPROVED** this day of , 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

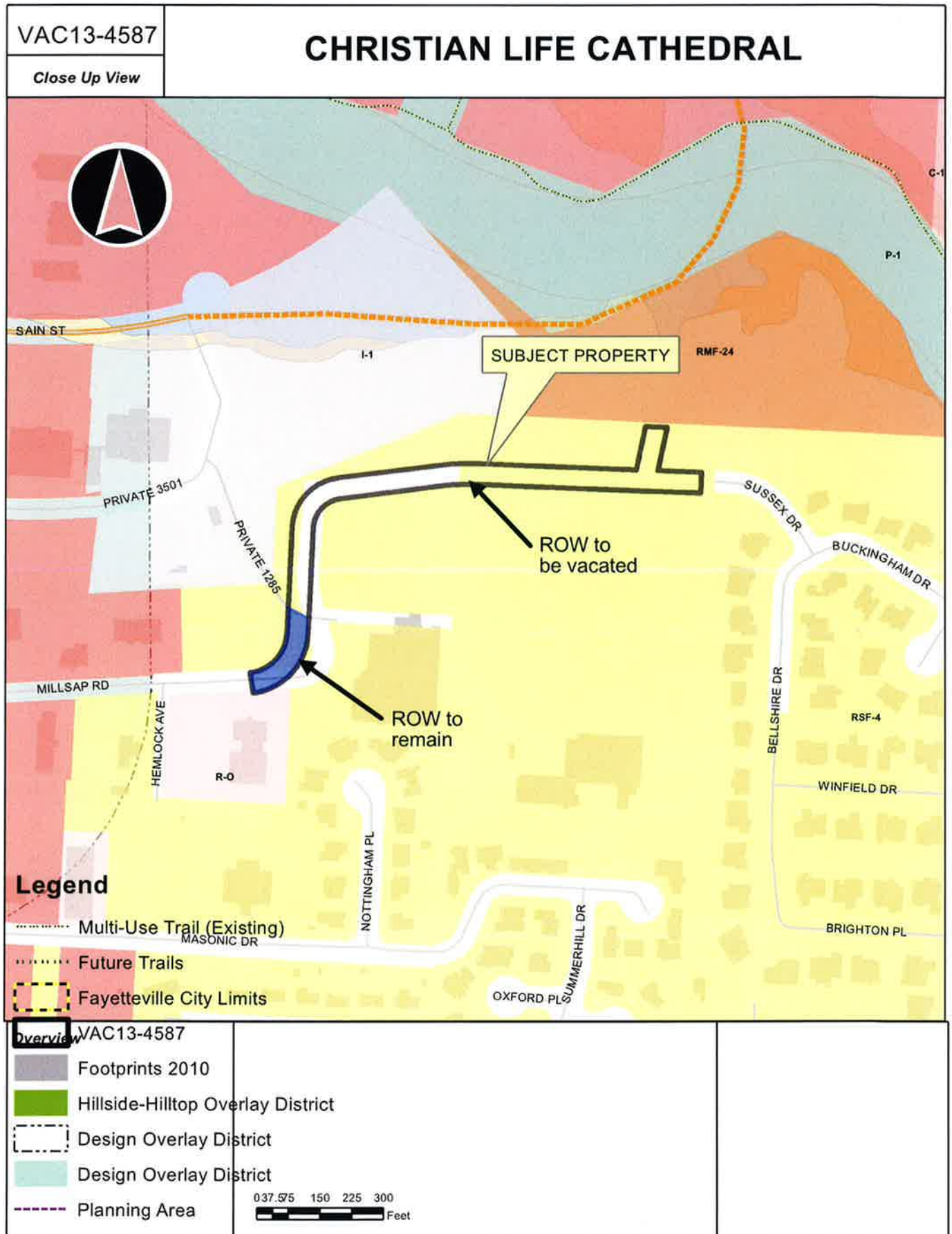


EXHIBIT "B"
VAC 13-4587

A 50' RIGHT OF WAY DEDICATED FOR RIGHT OF WAY PURPOSES AND BEING DESCRIBED AS FOLLOWS, PART OF THE NE 1/4, SE 1/4 OF SECTION 26 AND PART OF THE NW 1/4, SW 1/4 OF SECTION 25, T17N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID NE 1/4, SE 1/4 THENCE WEST 468.62 FEET, THENCE SOUTH 660.77 FEET TO THE P.O.B., WHICH IS ON THE CENTER OF SAID 50' RIGHT OF WAY, THENCE ALONG A CURVE TO THE LEFT 174.12 FEET, SAID CURVE HAVING A RADIUS OF 125.00 FEET AND A CHORD BEARING AND DISTANCE OF N39°54'19"E 160.38 FEET, THENCE NORTH 256.56 FEET, THENCE ALONG A CURVE TO THE RIGHT 139.63 FEET, SAID CURVE HAVING A RADIUS OF 100.00 FEET AND A CHORD BEARING AND DISTANCE OF N40°00'04"E 128.56 FEET, THENCE N80°00'00"E 244.73 FEET, THENCE ALONG A CURVE TO THE RIGHT 82.78 FEET, SAID CURVE HAVING A RADIUS OF 500.00 FEET AND A CHORD BEARING AND DISTANCE OF N84°44'35"E 82.69 FEET, THENCE N89°29'09" 539.23 FEET TO THE END OF SAID RIGHT OF WAY. ALSO, A 50' RIGHT OF WAY TO THE NORTH BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID NE 1/4, SE 1/4 THENCE N89°29'09"E 467.88 FEET TO THE P.O.B., WHICH IS AT THE CENTER OF SAID 50' RIGHT OF WAY, THENCE S08°33'30"W 134.66 FEET TO THE INTERSECTION OF THE PREVIOUSLY DESCRIBED CENTER.



PC Meeting of January 13, 2014

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Andrew Garner, City Planning Director
DATE: ~~January 3, 2014~~ Updated January 16, 2014

VAC 13-4587: Vacation (1285 E. MILLSAP ROAD/CHRISTIAN LIFE CATHEDRAL, 213): Submitted by JORGENSEN AND ASSOCIATES for property located at 1285 E. MILLSAP ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 14.00 acres. The request is to vacate unconstructed right-of-way for Millsap Road. Planner: Jesse Fulcher

Findings:

Property and Background: The subject property is located at the east end of Millsap Road and is developed with a church and parking lot. The church and the unconstructed right-of-way for Millsap Road date back to 1984 when Millsap Road only extended to Hemlock Street. At that time the church was approved to construct a new building and parking lot, subject to extending Millsap Road to their west property line. Additionally, right-of-way for the future extension of Millsap Road was required to the east property line (see attached). There is a small gap of property between the church property and Sussex that is a remnant piece of common area property for an adjacent development (Summerhill Subdivision).

Then in 1989, a second phase of development was approved for the church, and the City agreed to vacate the existing right-of-way, subject to the church dedicating right-of-way for Millsap Road along the north side of the property and providing a stub-out to the north and east (see attached).

Since that time, Brookhaven Subdivision was constructed to the east of the property, providing a stub-out for connectivity. Only a small section of this street (Sussex Drive) was constructed due to steep topography. No additional development has occurred on the church property and Millsap Road still ends at their west property line. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped	I-1, Heavy Commercial/Light Industrial/RMF-24, Residential Multi-family
South	Residential/Summerhill Racquet Club	RSF-4, Residential Single-family
East	Residential	RSF-4, Residential Single-family
West	Office/Undeveloped	RSF-4, Residential Single-family

Request: The applicant's request is to vacate the existing 50 foot right-of-way for Millsap Road. The church has plans to construct additional facilities, walking paths and parking areas on the east and northeast portions of the property. The current location of the Millsap Road right-of-way conflicts with these future plans.

Right-of-way Vacation Approval: The applicant has submitted the required vacation forms to the City Utility Departments and applicable franchise utilities, with no objections. The area being vacated is surrounded entirely by property owned by the applicant, with the exception of a small sliver of undeveloped property between each right-of-way.

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. Subject to retaining a 10 foot easement east of the existing water line.
Solid Waste	No objections

Public Comment: No public comment has been received.

Recommendation: City staff strongly supports street connectivity, especially in locations where there is a lack of east/west connections, which Millsap could provide. However, in this particular situation, extending Millsap Road approximately 1,500 feet and over a deep ravine is highly unlikely especially if you consider that the cost of this project would either be borne by the property owner or by the City of Fayetteville. Given that the church property has already seen two phases of development and has never been required to extend Millsap through the property, it is highly unlikely that any future development would warrant constructing a quarter of a mile of street. It is also very unlikely that the City would dedicate Capital Improvement Funds or street bond money to a local street connection.

In staff's opinion there's also a more feasible option to increase connectivity in the area. Rather than connecting Millsap and Sussex, a shorter and less difficult connection would be to the north where Vantage Drive is proposed to be extended to connect to Sain Street. This would increase east/west connectivity and provide surrounding neighborhoods with convenient access to several surrounding major streets and commercial districts.

Based on this information, staff recommends forwarding **VAC 13-4587** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. The existing right-of-way for Millsap Road shall remain until it crosses Private Drive 1285, which provides a private drive connection to Sain Street.
2. Any relocation or damage to utilities shall be at the owner/developer's expense.
3. A new water and sewer easement shall be dedicated over the existing water line with final approval required by the Utilities Department. This vacation is not valid until this easement is recorded.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled

Date: January 13, 2014

Motion: Cook

Second: Autry

Vote: 7-0-0

Notes:

PROJECT HISTORY



FAYETTEVILLE, ARKANSAS

P. O. DRAWER F

72701

[501] 521-7700

November 9, 1984

Mr. Red Dixon
Christian Life Center
P. O. Box 1213
Springdale, AR 72764

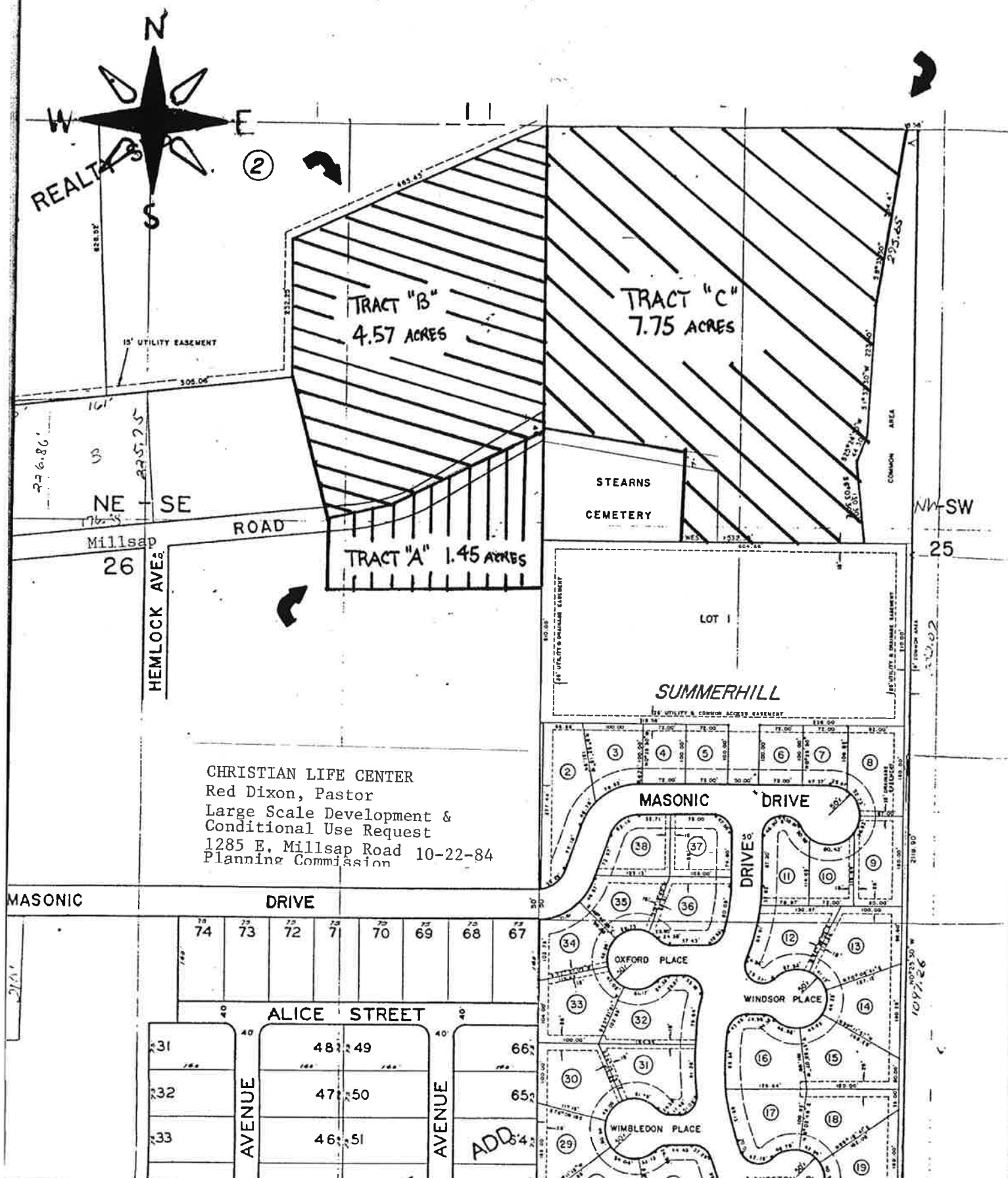
Re: Church at 1285 East Millsap Road

Dear Mr. Dixon:

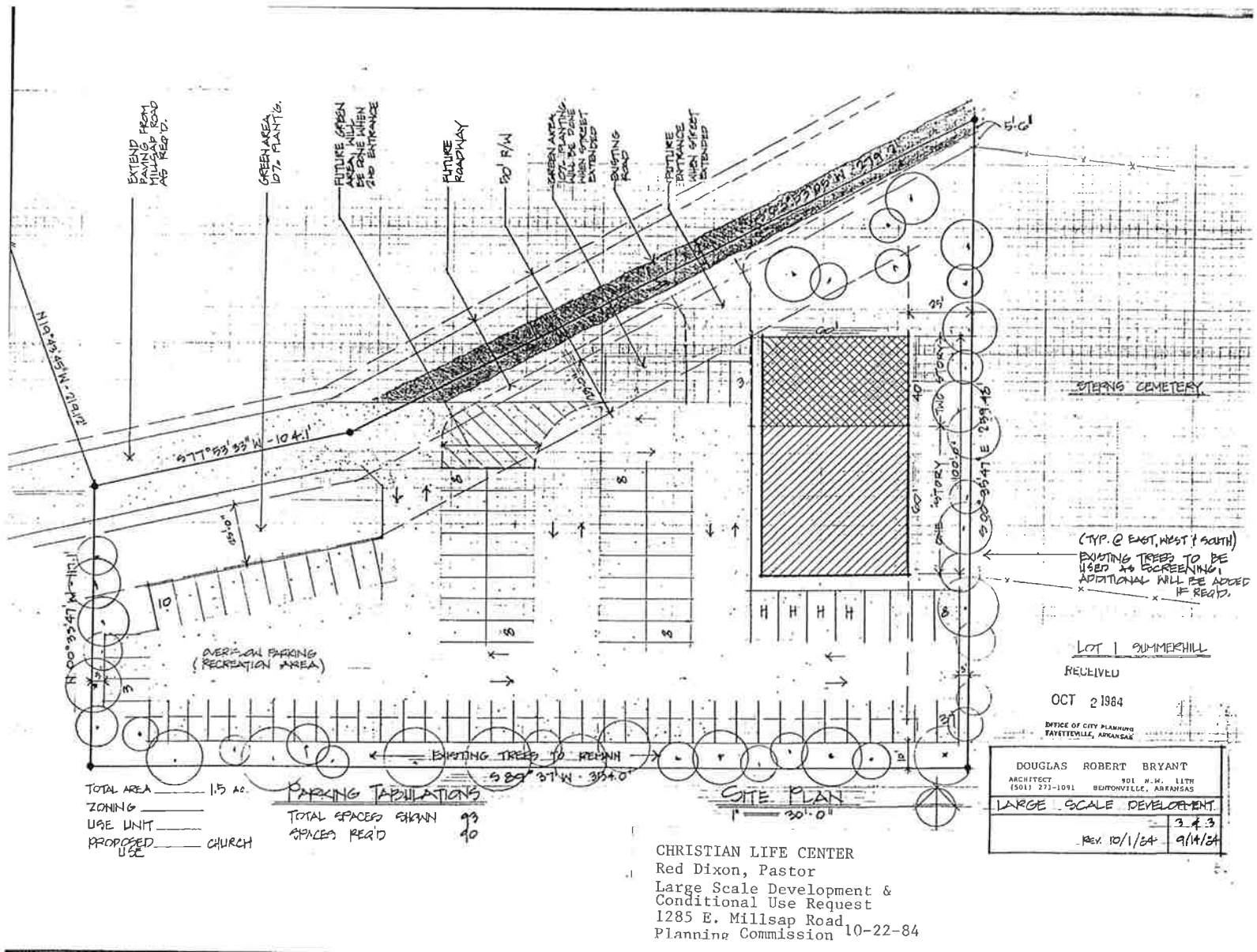
The Planning Commission approved your conditional use request to construct a church at 1285 East Millsap Road on October 8, 1984. Please note that this approval is for a church only and does not include approval for any parochial school or child care facility, both of which are also conditional uses in this R-1, Low Density Residential District.

On October 22, 1984, the Planning Commission approved your large scale development plan for the construction of a church building conditioned upon:

1. Compliance with Plat Review Comments of September 20, 1984.
2. Installation of two 18-inch diameter drainage culverts across Millsap Road as shown on the plan.
3. Sewage disposal being taken care of in one of two ways:
 - a. By a septic tank and leach field approved by the County Sanitarian's Office; or
 - b. By a septic tank to handle the solids and a pump to pump liquids only into the City's sewer main. This would require the approval of both the County Sanitarian and the City Engineer.
4. You dedicate a 50 ft. right-of-way for the future extension of Millsap Road to the east line of this development site. When the street is built in the future, it may be necessary for you and the City to clarify and/or adjust this right-of-way location should the street not align as dedicated at this time.
5. A waiver of the requirement that the building be located 50 ft. from any property zoned "R" be granted to enable the building to be 25 ft. from the East property line.
6. The requirement that the East, South and West property lines be screened with a view-obscuring fence or vegetation be waived, and that permanent landscaping of 10% of the area of those lines be required in lieu of screening.



1984
C. 7



1990

C. 7

VAC 13-4587 (1285 E. Millsap
Road/Christian Life Cathedral)
Page 15 of 42

FILED FOR RECORD

'90 APR 27 PM 3 36

ORDINANCE NO. 3469

WASHINGTON GO AR
A. KOLLMEYER

AN ORDINANCE VACATING AND ABANDONING A PORTION
OF THE STREET RIGHT-OF-WAY FOR A PORTION OF
MILLSAP ROAD AND DEDICATING A NEW PORTION TO
ALLOW FUTURE DEVELOPMENT.

WHEREAS, the Board of Directors has the authority under
Ark. Code Ann. §14-54-104 (1987) to vacate portions of streets
which are not required for corporate purposes; and

WHEREAS, the Board of Directors has determined that the
following described portion of the street right-of-way on Millsap
Road be vacated and to accept the dedication of a new right-of-way
on Millsap Road.

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

Section 1. That the City of Fayetteville hereby vacates
and abandons all of its rights together with the rights of the
public generally, subject to the reservation of a utility easement
in and to the Millsap Road right-of-way attached hereto as Exhibit
"A" and made a part hereof.

Section 2. The City of Fayetteville hereby accepts the
dedication of a new 50 foot right-of-way on Millsap Road as shown
in Exhibit "B" attached hereto and made a part hereof.

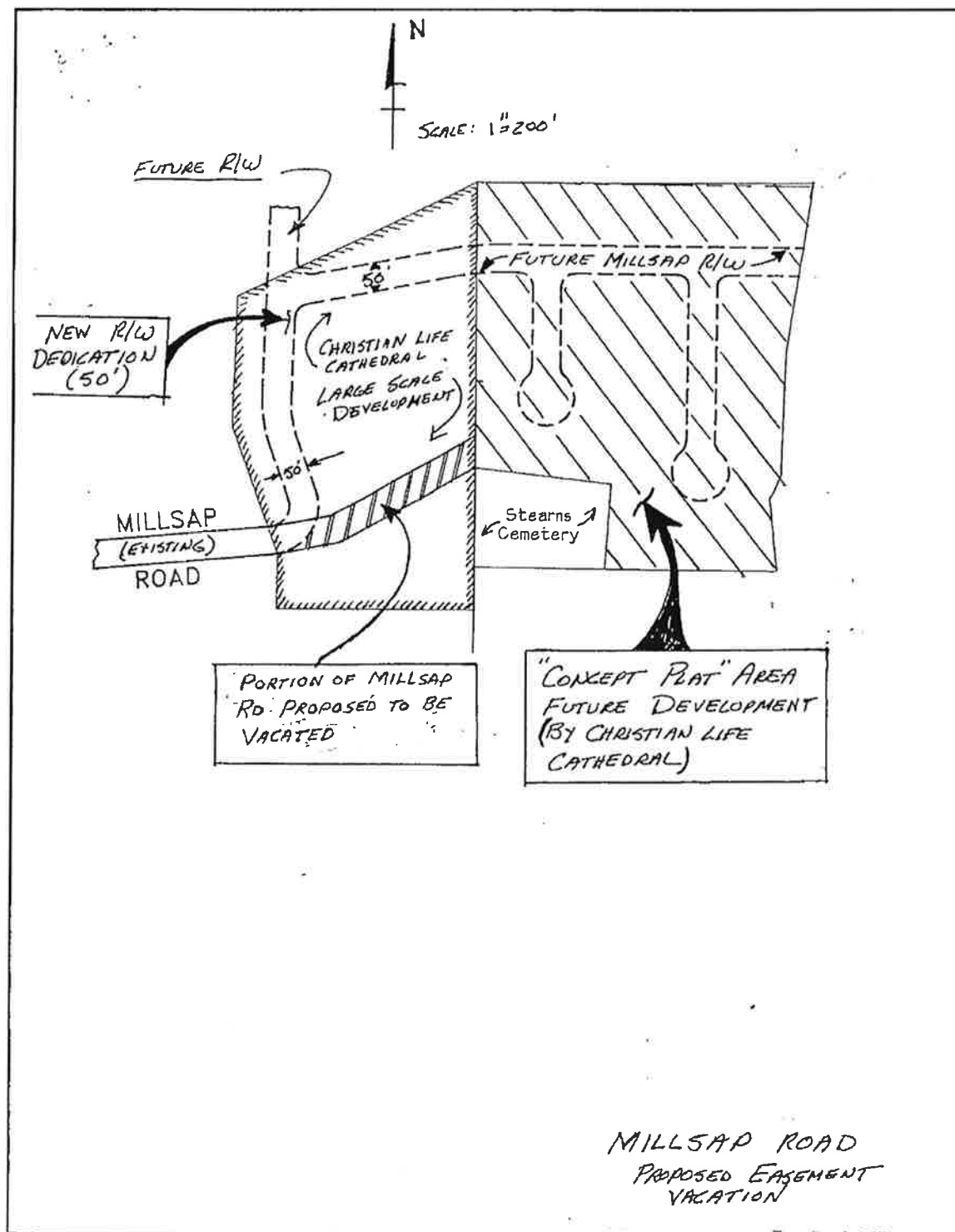
Section 3. The City of Fayetteville reserves an easement
on, over, across and under the above described street right-of-
ways to construct, lay, remove, relay, enlarge, and maintain
public utility lines.

Section 4. As a condition of the abandonment of said
street right-of-way the City shall be held free and harmless from
liability as to any claims of the contiguous property owners for
damages to the property described herein, which damage may result
from the City, or other utility companies removing and relocating
public utility lines located in or upon said vacated street right-
of-way.

Section 5. A copy of this Ordinance duly certified by the
City Clerk shall be filed in the office of the Recorder of the
County and recorded in the Deed Records of the County.

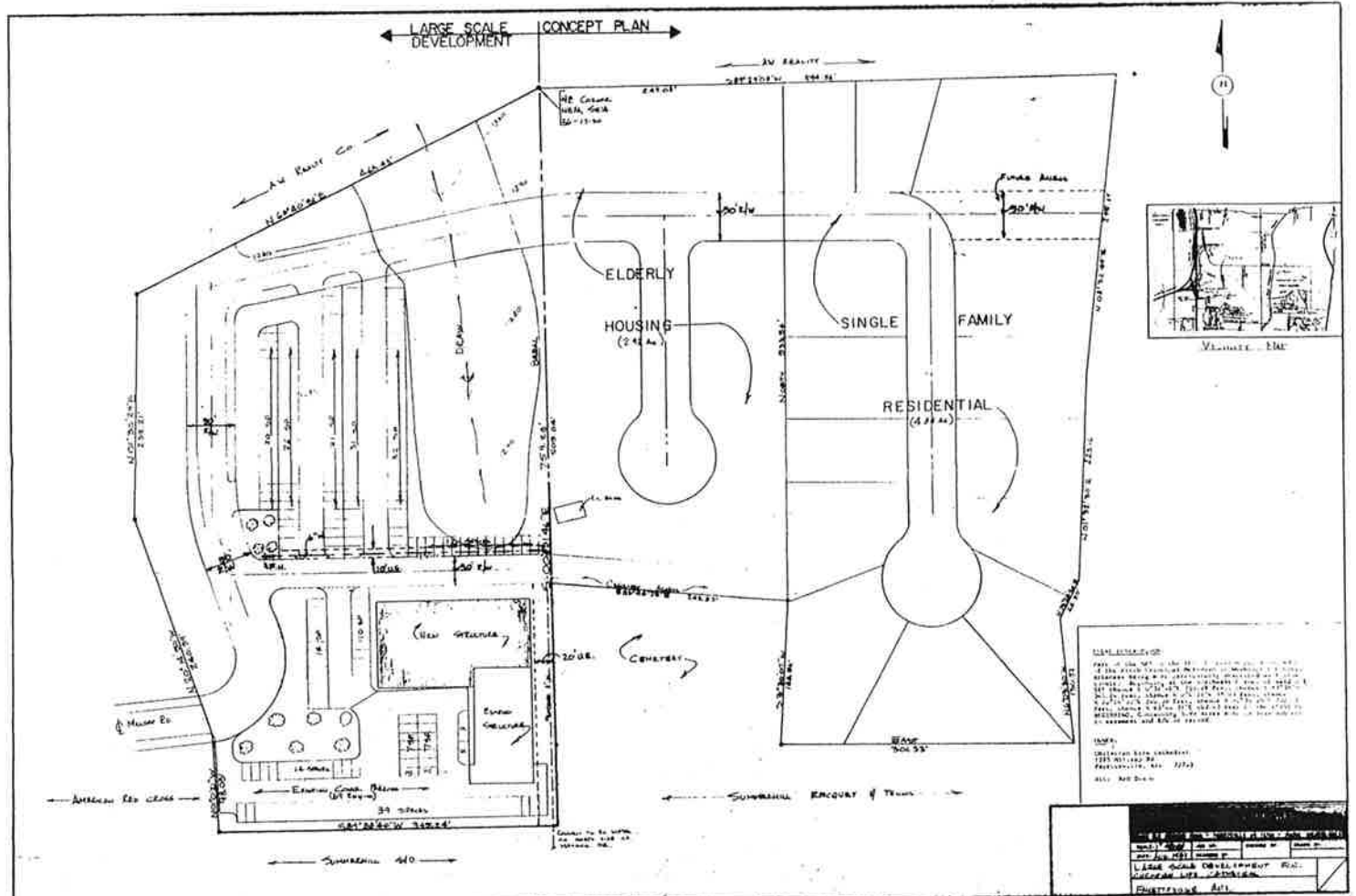
PASSED AND APPROVED this 16th day of January, 1990.

LIBER 1364 PAGE 211



1989

C. 7



DOS BUREAU
REVISED 10/1/88
P.C. 10-25-88

Planning Commission
September 25, 1989
Page 10

cemetery. Chairman Jacks clarified that Mr. Dockery is saying that the 30' right-of-way that is being suggested to be closed really belongs to the cemetery. Mr. Dockery added that Mr. Jorgensen had told him that there were no plans to run the road all the way through there.

Commissioner Hanna stated that the plat shows the road running way to the North of the cemetery so the right-of-way that they are giving to get to the cemetery will end at the cemetery property. Chairman Jacks advised that the right-of-way that they are asking to be vacated is only on Christian Life Property not in front of the cemetery. Mr. Bunn stated that is correct. Mr. Dockery was shown a copy of the plat reflecting this.

Mr. Dockery stated that he was mistaken and they have no other opposition to this.

MOTION

Commissioner Hanna moved to approve the large scale development plan subject to the recommendations of the staff, that the Board of Directors close the existing 50' right-of-way, extension of fire protection, dedication on a separate instrument moving the road to the north for access to the east, construction of the road to the North being done subject to a Bill of Assurance by the church that it will be built as the need arises, the recording of the instruments as requested by staff, seconded by Seiff. The motion passed 8-0-0.

Don Bunn asked if they have a comment on the concept plat. Chairman Jacks noted that it wasn't on their agenda. Mr. Bunn stated that he felt they should discuss it. He added that there weren't that many comments on it except a note that they were recommending a 50' right-of-way shown on the plat which extends to the east and would tie those together. Also, on the large scale development itself, there is a little spur right-of-way that goes to the North that could tie into Vantage Square.

Commissioner Hanna clarified that this would give access to the North to the Arkansas Western development and also to the East possibly behind Stubblefield. Mr. Bunn stated that was correct. Commissioner Hanna stated that the only cul-de-sac that they might need a variance on is if they develop down that single-family area shown on the plat which would have to be addressed when they bring in the plan on it. According to the drawing that Mr. Bunn submitted, there is another possible connection to the East which would really give another access to this development if they needed it. When and if the concept plat is brought in for large scale development as a R-1 subdivision, they should consider cutting the road through to the East.

WAIVER OF THE SUBDIVISION REGULATIONS - LOT SPLITS #1 & 2 JOHN DOCKERY - DOCKERY LANE, N OF HUNTSVILLE RD, E OF RAY AVE

The sixth item on the agenda was a request for a waiver of the subdivision regulations - Lot Splits 1 & 2 submitted by John Dockery and represented by

DISCUSSION:

The proposed addition to the Church is located on street right of way dedicated to the City by the Christian Life Cathedral in 1984. In order to complete the project as shown that right of way must be abandoned by the Fayetteville City Board. The street shown around to the north and east appears to meet the intent of the original street dedication and the Staff would have no objections to the closing in order to construct the addition.

The Concept Plat is somewhat of a problem because it extends an existing cul-de-sac with not much promise of an eventual tie to any other street. The street shown extending to the north will depend upon whether one particular lot in Vantage Square is developed and upon development in between. No connection is shown to the east.

I have attached a Plat which shows possible future development to the east and how that lines up with this concept plat. As seen on the Plat, there is a street which nearly lines up with Millsap Road as shown to be extended. The problem with the extension is that there is a ravine between the two developments which would be expensive to cross. However, I believe that regardless of the extra expense that might be involved provisions should be made for the possible tie. Therefore the Staff would recommend that a 50 foot right of way be dedicated which would allow for the extension of Millsap Road on to the east.

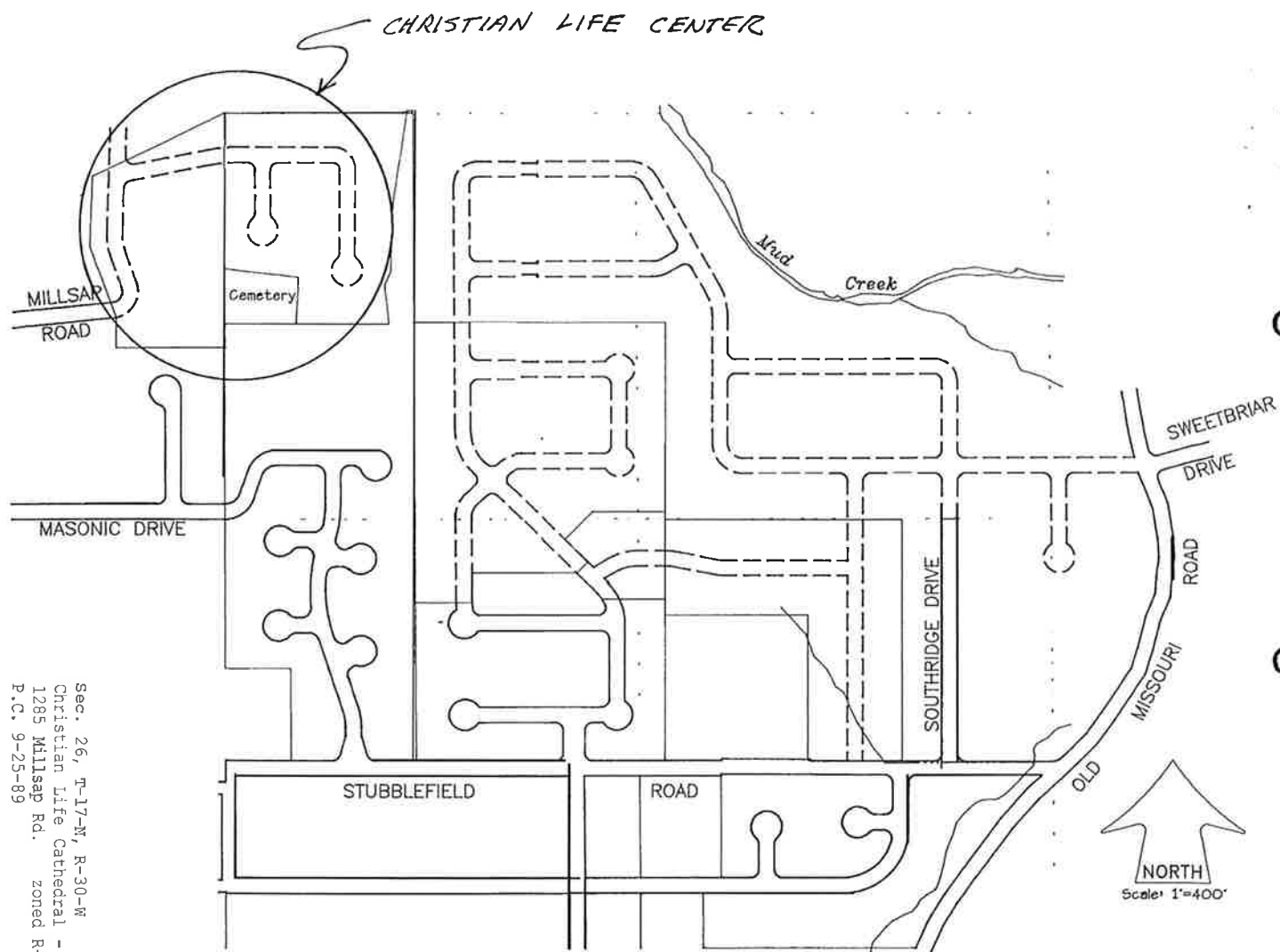
It is the recommendation of the Staff that the Large Scale Development be approved subject to:

1. Board of Director's closing of the existing 50 foot right of way,
2. The extension of fire protection to the development,
3. Dedication by separate instrument of a 50 foot street easement across the property as shown in the Plat,
4. The construction of Millsap Road at least to the northwest corner of the development with a Bill of Assurance for the construction of the entire street the rest of the way through the property,
5. Approval of a Conditional Use for the Church if one is not already in place, and
6. The recording of an legal instrument granting the existing Cemetery Association and the general public permanent access to the Cemetery.

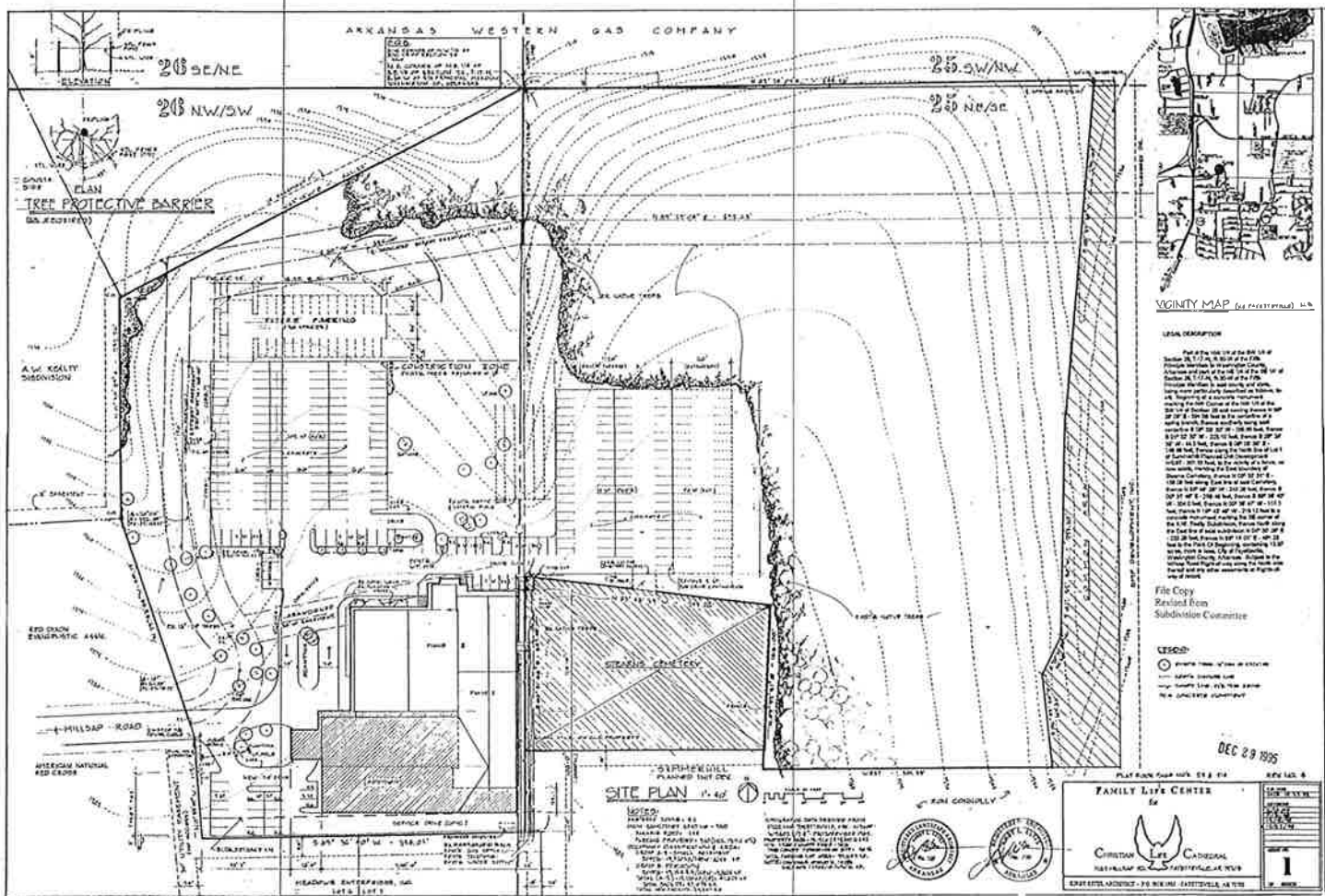
1989

C. 7

VAC 13-4587 (1285 E. Millsap
Road/Christian Life Cathedral)
Page 20 of 42



Sec. 26, T-17-N, R-30-W
Christian Life Cathedral - LSD
1285 Millsap Rd. zoned R-1
P.C. 9-25-89



APPLICANT'S DOCUMENTS

PETITION TO VACATE street right of way shown by the attached easement vacation plat LOCATED IN the CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being the owners of the real estate of the attached easement vacation plat hereinafter sought to be abandoned and vacated as shown on attached easement vacation plat, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate said right of way easements which is shown on the attached easement vacation plat.

(SEE ATTACHED)

That the abutting real estate affected by said vacation would not be adversely affected.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate said right of way easement, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, 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 right of way.

Dated this 6th day of January, 2014.

STEVEN D. DIXON

Printed Name

Signature

(RED) C. L. DIXON

Printed Name

Signature

RIGHT OF WAY VACATION

A 50' RIGHT OF WAY DEDICATED FOR RIGHT OF WAY PURPOSES AND BEING DESCRIBED AS FOLLOWS. PART OF THE NE1/4, SE1/4 OF SECTION 26 AND PART OF THE NW1/4, SW1/4 OF SECTION 25, T17N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID NE1/4, SE1/4 THENCE WEST 468.62 FEET, THENCE SOUTH 660.77 FEET TO THE P.O.B., WHICH IS ON THE CENTER OF SAID 50' RIGHT OF WAY, THENCE ALONG A CURVE TO THE LEFT 174.12 FEET, SAID CURVE HAVING A RADIUS OF 125.00 FEET AND A CHORD BEARING AND DISTANCE OF N39°54'19"E 160.38 FEET, THENCE NORTH 256.56 FEET, THENCE ALONG A CURVE TO THE RIGHT 139.63 FEET, SAID CURVE HAVING A RADIUS OF 100.00 FEET AND A CHORD BEARING AND DISTANCE OF N40°00'04"E 128.56 FEET, THENCE N80°00'00"E 244.73 FEET, THENCE ALONG A CURVE TO THE RIGHT 82.78 FEET, SAID CURVE HAVING A RADIUS OF 500.00 FEET AND A CHORD BEARING AND DISTANCE OF N84°44'35"E 82.69 FEET, THENCE N89°29'09" 539.23 FEET TO THE END OF SAID RIGHT OF WAY. ALSO, A 50' RIGHT OF WAY TO THE NORTH BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID NE1/4, SE1/4 THENCE N89°29'09"E 467.88 FEET TO THE P.O.B., WHICH IS AT THE CENTER OF SAID 50' RIGHT OF WAY, THENCE S08°33'30"W 134.66 FEET TO THE INTERSECTION OF THE PREVIOUSLY DESCRIBED CENTER.



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

10/24/13

Att: Jesse Fulcher
Re : Christian Life Cathedral

On behalf of the church, we are requesting the vacation of the MSP right of way that crosses their property. As you know, the church has requested removal of this ROW due to terrain etc. I notice that you mentioned to Andy Lack (Architect) that the staff said that there is limited benefit of this extension and this construction would be very challenging. The church is interested in granting ROW as required and if needed in the NE Corner of their property.

Therefore on their behalf we are requesting this vacation of the ROW

Thank you.

Sincerely;


David L. Jorgensen, P.E.

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 11/4/2013

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Christian Life Cathedral

APPLICANT PHONE: dave@442-9127

REQUESTED VACATION (applicant must check all that apply):

dave@jorgensenassoc.com

- ☐ 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**)

** LLC Property (See Attached)

(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:

Any damage to or relocations of existing facilities will be at owners/developers expense.

Chad A. Hargis
Signature of Utility Company Representative

Construction Planner III NWA
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 11/5/13

UTILITY COMPANY: AEP

APPLICANT NAME: Christian Life Cathedral APPLICANT PHONE: dave@442-9127
REQUESTED VACATION (applicant must check all that apply): dave@jorgensenassoc.com

- ☐ 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**)

** LLC Property (See Attached)

(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:

John Rye
Signature of Utility Company Representative

Dist. Engineer
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 11-6-13

UTILITY COMPANY: OZARKS ELECTRIC

APPLICANT NAME: Christian Life Cathedral
REQUESTED VACATION (applicant must check all that apply):

APPLICANT PHONE: dave@442-9127
dave@jorgensenassoc.com

- ☐ 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**)

** 244 Property (See Attached)

(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:

Mike Phypers
Signature of Utility Company Representative

SYSTEM STAKING TECH
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: _____

UTILITY COMPANY: Source Gas

APPLICANT NAME: Christian Life Cathedral APPLICANT PHONE: jorgensen & assoc.
REQUESTED VACATION (applicant must check all that apply): dave@jorgensenassoc.com
442-9127

☐ 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**)

** City Property (See Attached)

(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

Division Manager
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 11-14-2013

UTILITY COMPANY: AT&T

APPLICANT NAME: Christian Life Cathedral
REQUESTED VACATION (applicant must check all that apply):

APPLICANT PHONE: dave @ 442-9127
dave@jorgensenassoc.com

- ☐ 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**)

** LLC Property (See Attached)

(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:

DAMAGE TO OR RELOCATION OF ANY EXISTING AT&T /
SWBT FACILITIES WILL BE CARED FOR AT THE PROPERTY
OWNER'S EXPENSE

Susan K Clouser
Signature of Utility Company Representative

DSP DESIGN
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 11-8-13

UTILITY COMPANY: Franklinville Solid Waste

APPLICANT NAME: Christian Life Cathedral
REQUESTED VACATION (applicant must check all that apply):

APPLICANT PHONE: dave@442-9127
dave@jorgensenassoc.com

- ☐ 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**)

** 266 Property (See Attached)

(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:

Brian Papp
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 11/12/2013

UTILITY COMPANY: FAYETTEVILLE WATER & SEWER

APPLICANT NAME: Christian Life Cathedral

APPLICANT PHONE: dave@442-9127

REQUESTED VACATION (applicant must check all that apply):

dave@jorgensenassoc.com

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

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** 2-LL Property (See Attached)

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

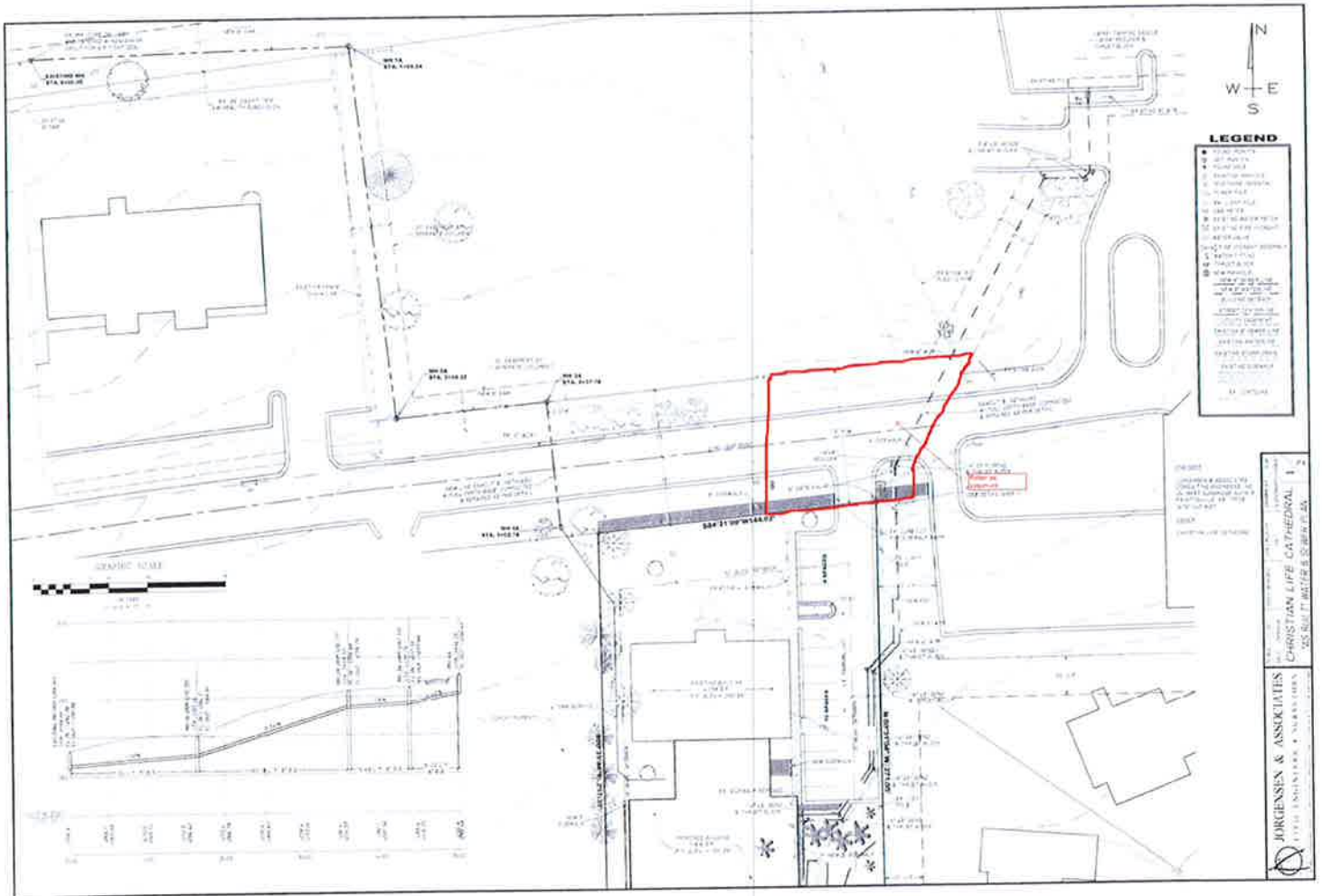
- ☐ No objections to the vacation(s) described above.
- ☒ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

Retain easement 10' east of existing water line to west boundary of
vacation request

- ☐ No objections provided the following conditions are met:

Shannon J. Jones
Signature of Utility Company Representative

Utilities Engineer
Title



ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT-OF-WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: 11/4/13

Address / location of vacation: 50' RIGHT OF WAY THROUGH CLLC

Adjacent property address: CRAIG CURZON @ 3235 N. Warwick Way

Lot: — Block: — Subdivision: Parcel # 765-19595-001

REQUESTED VACATION:

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

(Include legal description and graphic representation of what is being vacated)

ADJACENT PROPERTY OWNERS COMMENTS:

☐ I have been notified of the requested vacation and decline to comment.

☒ I do not object to the vacation described above.

☐ I do object to the requested vacation because:

Project Name

Craig Curzon
Name of Adjacent Property Owner (printed)

Craig Curzon
Signature of Adjacent Property Owner

Applicant Name

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT-OF-WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: 11/4/13

Address / location of vacation: 50' RIGHT OF WAY THROUGH CLC

Adjacent property address: 3595 N. Bellshire Dr.

Lot: — Block: — Subdivision: Parcel # 765-19595-001

REQUESTED VACATION:

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

(Include legal description and graphic representation of what is being vacated)

ADJACENT PROPERTY OWNERS COMMENTS:

☐ I have been notified of the requested vacation and decline to comment.

☒ I do not object to the vacation described above.

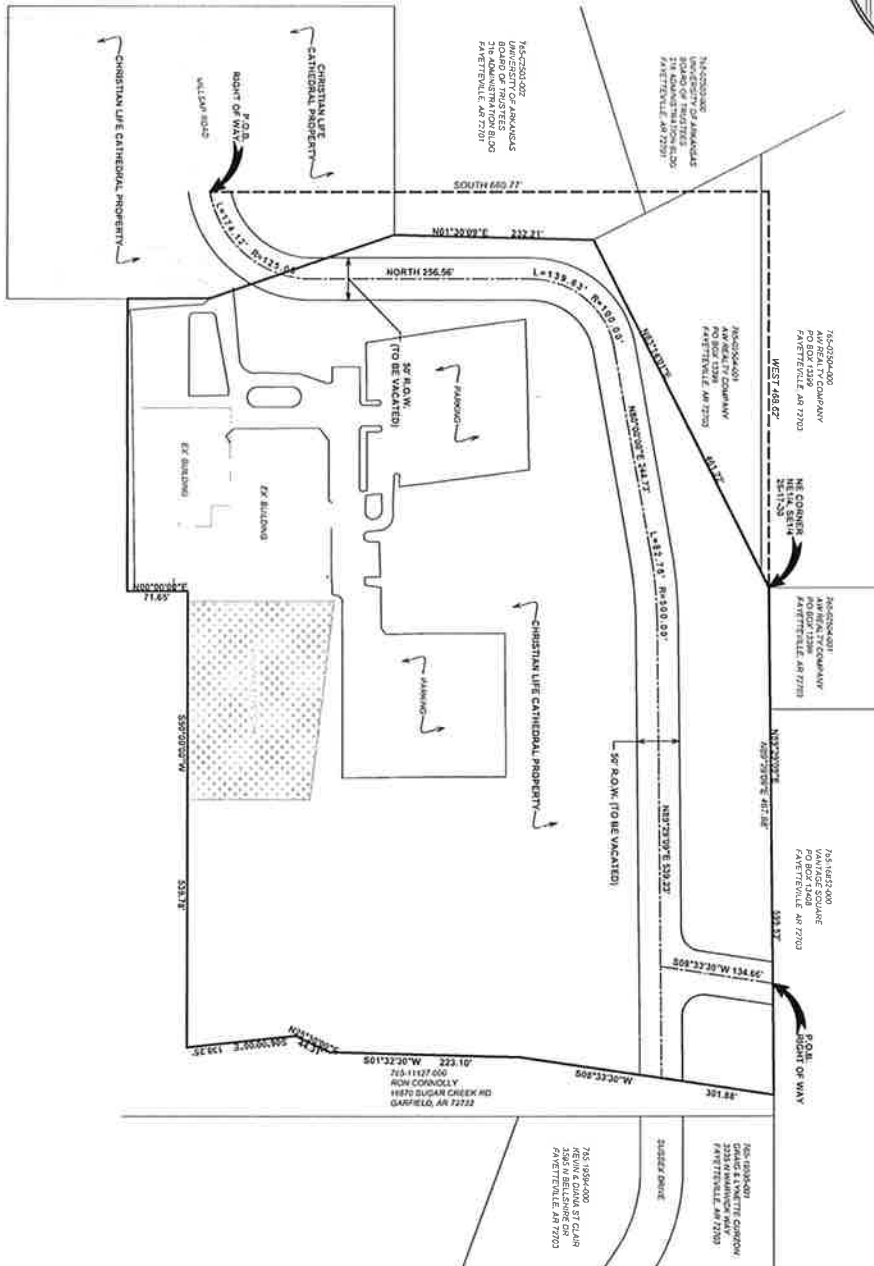
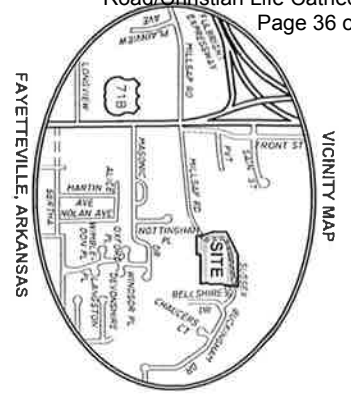
☐ I do object to the requested vacation because:

Project Name Diana St. Cor

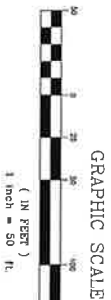
Name of Adjacent Property Owner (*printed*)

Diana
Signature of Adjacent Property Owner

Applicant Name

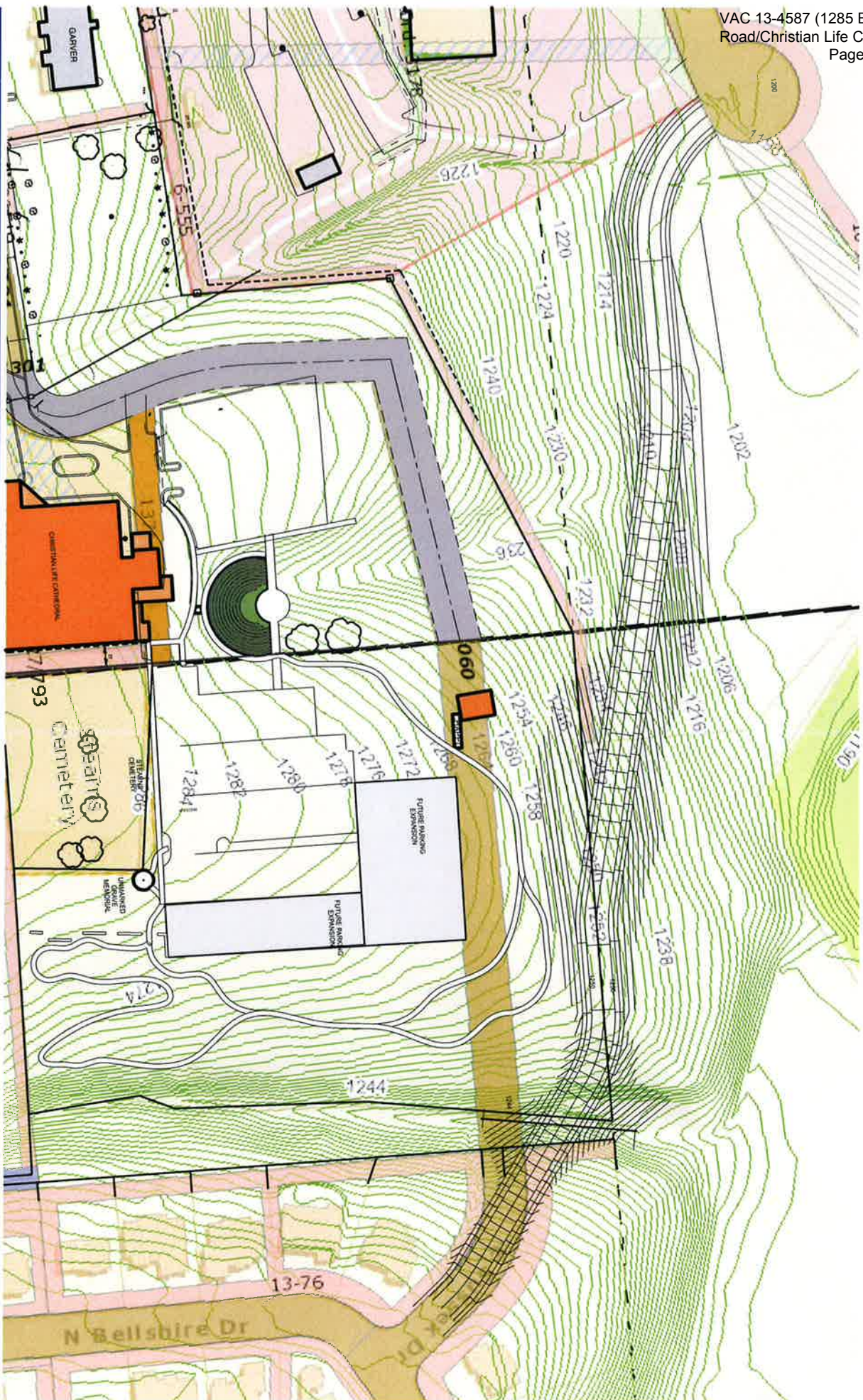


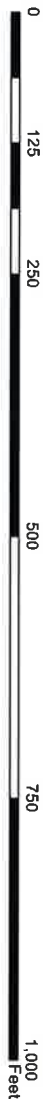
A 50' RIGHT OF WAY DEDICATED FOR RIGHT OF WAY PURPOSES AND BEING DESCRIBED AS FOLLOWS:
PART OF THE NE1/4, SEC. 24, T. 10N., R. 10E., S. 10E., BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE
NORTH CORNER OF SAID SECTION 24, THENCE ALONG THE NORTH LINE OF SAID SECTION 24, A
CURVE HAVING A RADIUS OF 125.00 FEET AND A CHORD BEARING AND DISTANCE OF
N01°30'09\"/>



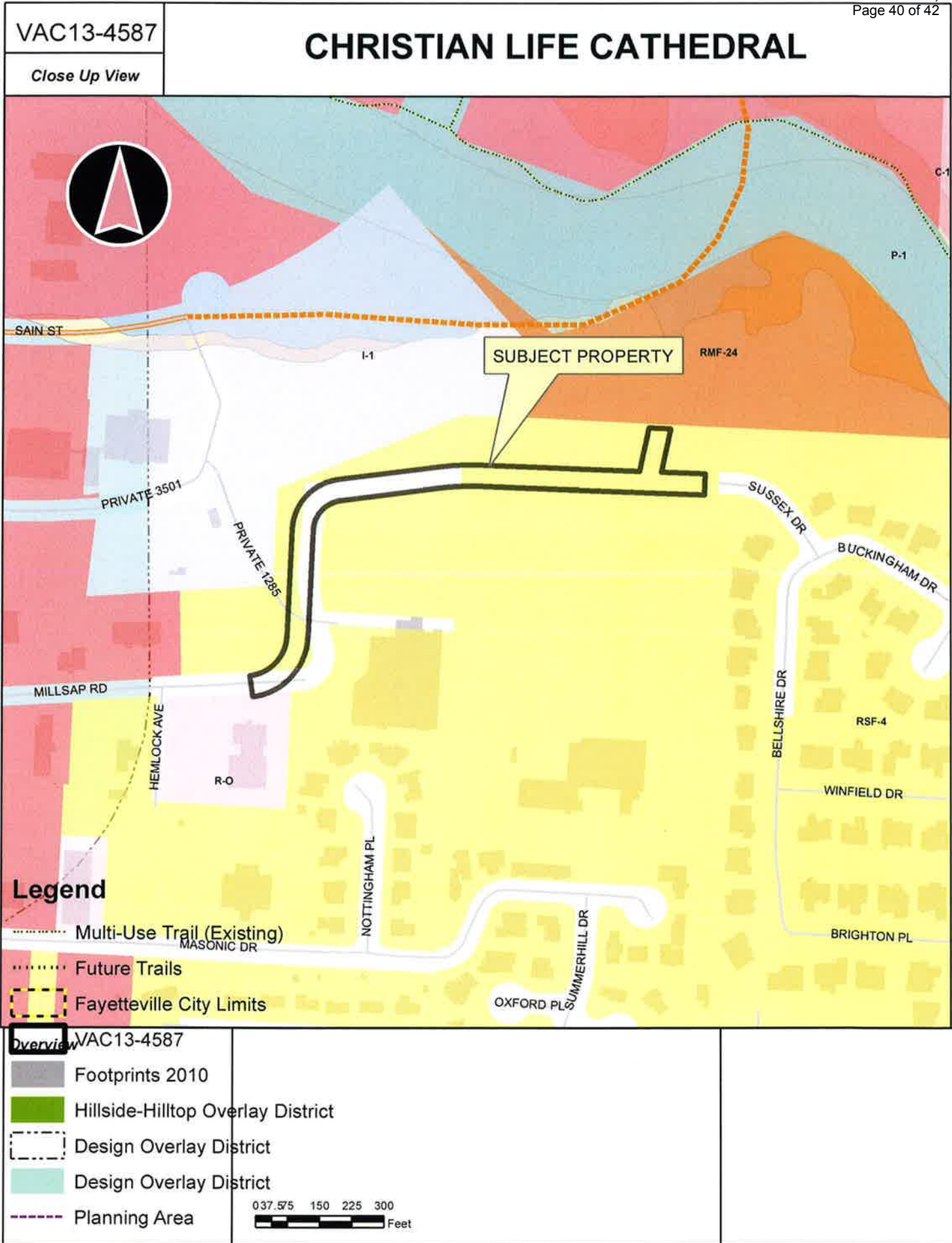
APPROVED
By Todd Jorgensen at 11:29 am, Dec 19, 2013







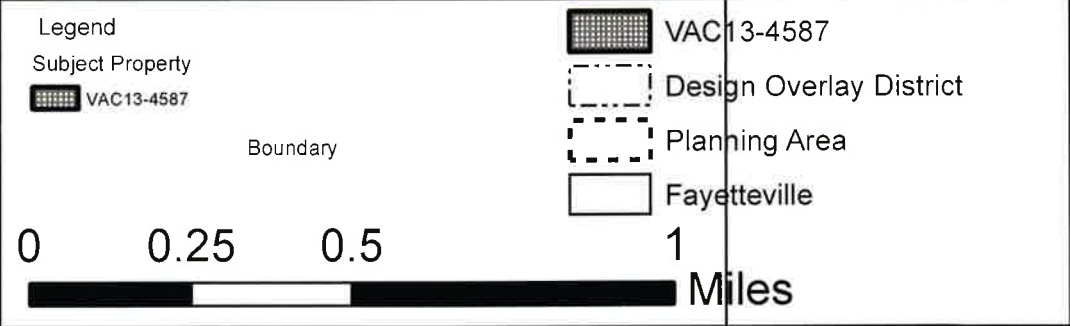
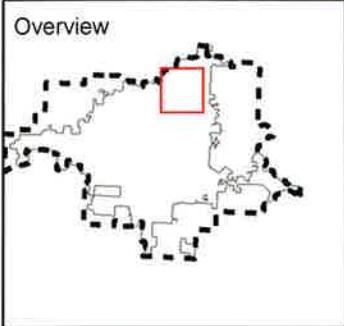
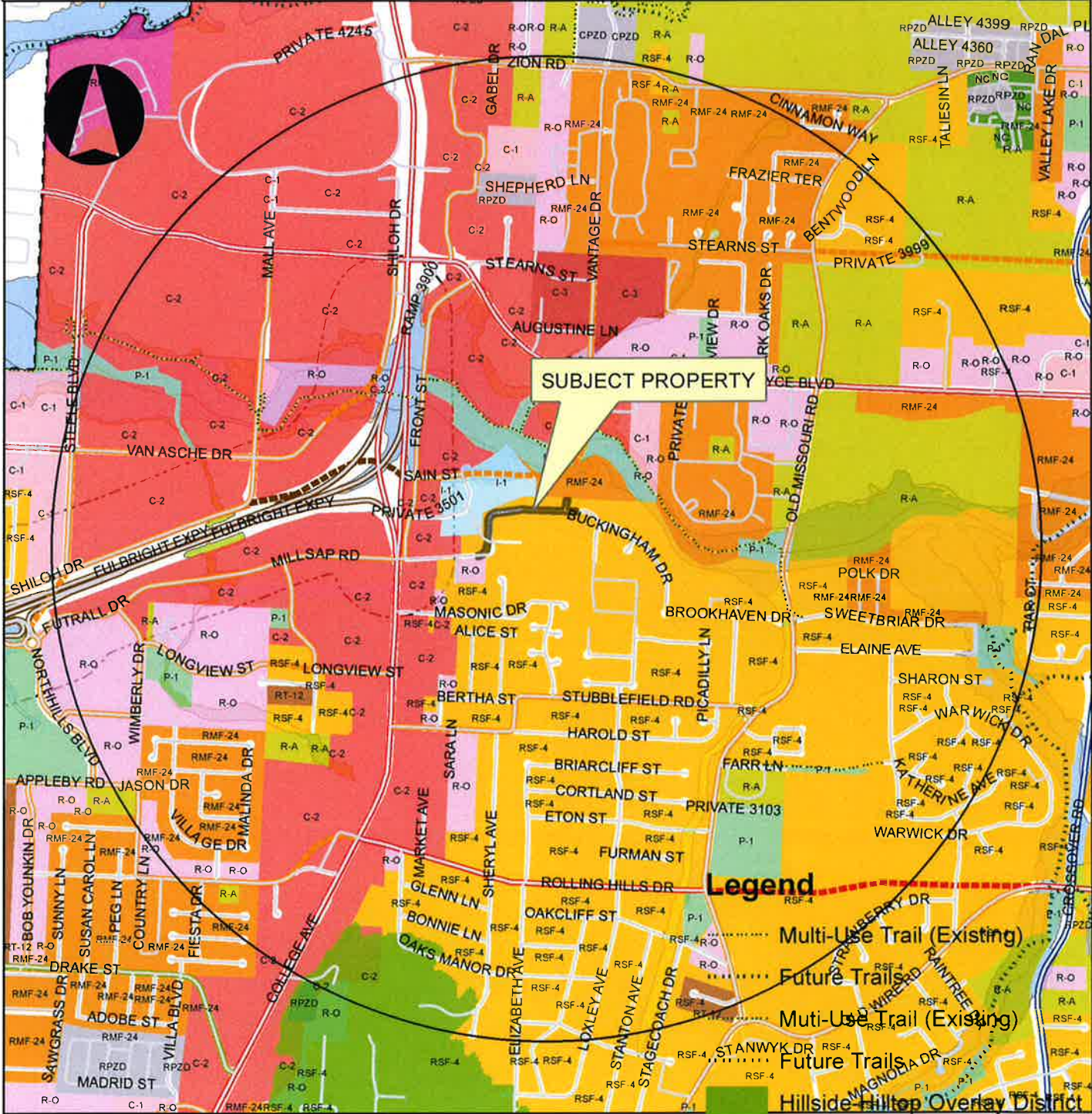




VAC13-4587

One Mile View

CHRISTIAN LIFE CATHEDRAL



There will be
a walk on at
the City Council meeting.
Per Kit

Final Agenda
Agenda Session
01/28/14

Mayor Leonoid Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

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, J
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
February 04, 2014**

A meeting of the Fayetteville City Council will be held on February 04, 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:

Agenda Additions:

A. Consent:

1. Approval of the January 21, 2014 City Council meeting minutes.
2. **Bid #14-12 Hanson Pipe & Precast and Scurlock Industries:** A resolution to award Bid #14-12 to Hanson Pipe & Precast and Scurlock Industries authorizing the purchase of drainage pipe for varying unit prices and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.

3. **George Nunnally Chevrolet of Bentonville:** A resolution to authorize the purchase of one (1) Chevrolet Equinox at the same price as the state procurement contract, in the amount of \$21,699.00, from George Nunnally Chevrolet of Bentonville for use by the Wastewater Treatment Plant, and approving a budget adjustment in the amount of \$21,699.00.
4. **Caldwell Toyota of Conway:** A resolution to authorize the purchase of one (1) 2014 Toyota Camry Hybrid from Caldwell Toyota of Conway in the amount of \$25,498.00 for use by the Fayetteville Police Department, and approving a budget adjustment in the amount of \$25,498.00.
5. **North Point Ford of North Little Rock:** A resolution to authorize the purchase of two (2) Ford F-150 2x4 pickup trucks from North Point Ford of North Little Rock in the amount of \$34,128.00, pursuant to a state procurement contract, for use by the Solid Waste and Transportation Divisions.
6. **Landers Toyota of Little Rock:** A resolution to authorize the purchase of three (3) Toyota Tacoma pickup trucks from Landers Toyota of Little Rock in the amount of \$76,585.00, pursuant to a state procurement contract, for use by the Meter and Transportation Divisions.
7. **Bid #13-55 S.M.I.L.E.S of Fort Smith:** A resolution to award Section C and Section F of Bid #13-55 and authorizing the purchase of light bars and cameras from S.M.I.L.E.S. of Fort Smith in the amount of \$22,726.00 for the upfitting of Police Department vehicles.
8. **Animal Services Donation Revenue:** A resolution to approve a budget adjustment in the total amount of \$35,287.00 representing donation revenue to Animal Services for the third and fourth quarters of 2013.
9. **Fayetteville District Court Technology Upgrades:** A resolution approving a budget adjustment for the Fayetteville District Court in the amount of \$10,000.00 to recognize revenue from the Court Automation Fund for the purchase of technology upgrades including computer monitors, hard drives, printers and wireless components.
10. **Bid #13-58 ARCO Excavation & Paving, Inc.:** A resolution to award Bid #13-58 and authorizing a contract with ARCO Excavation & Paving, Inc. for the construction of the Town Branch Trail in the amount of \$779,645.25, and approving a contract contingency in the amount of \$93,557.43.
11. **Gordon Long Park:** A resolution expressing the willingness of the City of Fayetteville to utilize federal-aid funds for the design of restrooms and expanded parking at Gordon Long Park, and to approve a budget adjustment in the amount of \$22,314.00.

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 at the January 7, 2014 City Council meeting and Tabled to the February 4, 2014 City Council meeting.*

Left on the Second Reading

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1. **New World Systems:** An ordinance to waive competitive bidding and to approve a three year contract with New World Systems for Public Safety Software Maintenance in the total amount of \$341,760.00 payable over three years.
2. **RZN 13-4571 (Northwest Corner of W. Wedington Drive and N. Golf Club Drive/Wedington):** An ordinance rezoning that property described in rezoning petition RZN 13-4571, for approximately 11.30 acres, located at the northwest corner of West Wedington Drive and North Golf Club Drive from R-A, Residential Agricultural and RSF-1, Residential Single-Family, 1 unit per acre to UT, Urban Thoroughfare
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4. **RZN 13-4573 (825 S. Stonebridge Road/Hammans):** An ordinance rezoning that property described in rezoning petition RZN 13-4573, for approximately 0.84 acres, located at 825 South Stonebridge Road from R-A, Residential Agricultural, to NS, Neighborhood Services.
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6. **VAC 13-4567 (1851 E. Huntsville Road/Kum and Go):** An ordinance approving VAC 13-4567 submitted by CEI Engineering for property located at 1851 East Huntsville Road to vacate water/sewer easement, a total of 7,193 square feet.
7. **VAC 13-4587 (1285 E. Millsap Road/Christian Life Cathedral):** An ordinance approving VAC 13-4587 submitted by Jorgensen and Associates for property located at 1285 East Millsap Road, to vacate unconstructed right-of-way for Millsap Road, a total of 1.58 acres.

D. City Council Agenda Session Presentations:

1. Spring Street Municipal Parking Deck discussion – Jeremy Pate

E. City Council Tour:

F. Announcements:

Adjournment:

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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.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT FOR THE FAYETTEVILLE DISTRICT COURT IN THE AMOUNT OF \$20,000.00 TO RECOGNIZE REVENUE FROM THE COURT AUTOMATION FUND FOR THE PURCHASE OF TECHNOLOGY UPGRADES INCLUDING COMPUTER MONITORS, HARD DRIVES, PRINTERS AND WIRELESS COMPONENTS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment for the Fayetteville District Court in the amount of \$20,000.00 to recognize revenue from the Court Automation Fund for the purchase of technology upgrades including computer monitors, hard drives, printers and wireless components.

PASSED and APPROVED this 4th day of February 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

The Agenda Meeting 1-22-14

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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Ward 1 Position 2 – Sarah Marsh
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2/18/14
move to
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D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

Adjournment:

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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.

DRAFT

Branson, Lisa

From: Pate, Jeremy
Sent: Thursday, January 23, 2014 8:38 AM
To: Branson, Lisa
Subject: 02/04/2014 CC Tentative Agenda

Lisa,
Please add the following to the tentative agenda, under Agenda session presentations:

Spring Street Municipal Parking Deck discussion – Jeremy Pate

Thank you,
jp



Jeremy C. Pate
Development Services Director
City of Fayetteville, Arkansas

Please save my new email address: jpate@fayetteville-ar.gov