

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
April 1, 2014**

A meeting of the Fayetteville City Council will be held on April 1, 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. NWA Area Agency Contract:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and The Area Agency on Aging of Northwest Arkansas in the amount of \$55,735.47 to provide public recreation services for the senior citizens of Fayetteville from April 1, 2014 until December 31, 2014.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5674

2. **Proposed Highway 16 and I-540 Interchange Improvement:** A resolution to express the City Council's agreement with the recommendations of Mayor Jordan, Development Director Jeremy Pate and City Engineer Chris Brown concerning the proposed Highway 16W and I-540 interchange improvements and the Highway 62 and I-540 interchange improvements.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 67-14

A. Consent:

1. Approval of the March 18, 2014 City Council meeting minutes. **APPROVED**
2. **Bid #14-17 to Chevrolet of Fayetteville:** A resolution to award Bid #14-17 to Chevrolet of Fayetteville for the purchase of one (1) Chevrolet 2500HD pickup truck with topper and Jotto cargo slide in the total amount of \$34,350.00 for use by the Fire Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 68-14

3. **Bid #14-18 Hilbilt Sales Corp. – Arkansas:** A resolution to award Bid #14-18 to Hilbilt Sales Corp. - Arkansas of Benton, Arkansas for the purchase of one (1) Clement Industries Starlite hydraulic end dump trailer in the total amount of \$43,559.78 for use by the Westside Wastewater Treatment Plant.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 69-14

4. **Bid #14-19 Lewis Ford Sales, Inc.:** A resolution to award Bid #14-19 to Lewis Ford Sales, Inc. of Fayetteville, Arkansas for the purchase of three (3) Ford F250 4x4 pickup trucks with Meyer snow plows in the total amount of \$98,707.86 for use by the Parks and Transportation Divisions.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 70-14

5. **Williams Tractor of Fayetteville:** A resolution to approve the purchase of one (1) Hustler Trimstar mower and four (4) Hustler Super Z mowers from Williams Tractor of Fayetteville in the total amount of \$58,627.21 pursuant to a state procurement contract, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 71-14

6. **Professional Turf Products:** A resolution to authorize the purchase of two (2) Toro Sand Pro 5040 Bunker Rakes and one (1) Toro Lip Broom from Professional Turf Products of Lenexa, Kansas in the total amount of \$38,979.00 pursuant to National IPA Contract #120535 for use by the Parks and Recreation Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 72-14

7. **North Point Ford:** A resolution to authorize the purchase of one (1) Ford F-250 extended cab pickup truck from North Point Ford of North Little Rock in the amount of \$21,191.00 pursuant to a state procurement contract for use by the Water and Sewer Division, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 73-14

8. **Fayetteville Advertising and Promotion Commission:** A resolution to approve a five year agreement with the Fayetteville Advertising and Promotion Commission to furnish collection and accounting services for the Hotel, Motel, and Restaurant taxes collected for the A & P Commission for a fee of 2% of such collections.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 74-14

B. Unfinished Business:

1. **ADM 13-4602 (UDC Amendment Chapter 161.32 and Chapter 166.06):** An ordinance to Amend §161.32 Planned Zoning District and §166.06 Planned Zoning District of the Unified Development Code to clearly separate the zoning and development approvals for Planned Zoning Districts and to simplify and reduce current regulations. ***This ordinance was left on the First Reading at the March 18, 2014 City Council meeting.***

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5675

C. New Business:

1. **Garver, LLC Amendment No. 2:** A resolution to approve Amendment No. 2 to the contract with Garver, LLC in an amount not to exceed \$69,825.00 for additional design services on the Spring Street Parking Deck Project, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 75-14

D. City Council Agenda Session Presentations:

1. **Update on Resolution for Funding Energy Improvements to City Buildings and HEAL Program–** Peter Nierengarten and Paul Becker

E. City Council Tour:

F. Announcements:

Adjournment: 6:44 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

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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.

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City Council Meeting:

April 1, 2014

Adjourn: 6:44 p.m.

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

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

City Council Meeting:

Subject:		NWA Area Agency Contract.			
Motion To:		Add to Agenda	2nd Read	3rd Read	Pass
Motion By:		Long	Gray	Long	
Seconded:		Tennant	Marsh	Gray	
passed	Gray	✓	✓	✓	✓
	Marsh	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	absent	absent	absent	absent
	Tennant	✓	✓	✓	✓
	Schoppmeyer	✓	✓	✓	✓
	Adams	absent	absent	absent	absent
	Long	✓	✓	✓	✓
	Mayor Jordan				

5074

Subject:		Proposed Highway 16W and I-540 Interchange Improvements			
Motion To:		Add to Agenda	Approve		
Motion By:		Marsh	Tennant		
Seconded:		Gray	Marsh		
passed	Gray	✓	✓		
	Marsh	✓	✓		
	Kinion	✓	✓		
	Petty	absent	absent		
	Tennant	✓	✓		
	Schoppmeyer	✓	✓		
	Adams	absent	absent		
	Long	✓	✓		
	Mayor Jordan				

U7-14

Subject:	Consent				
Motion To:		Approve			
Motion By:		Marsh			
Seconded:		Gray			
<i>Minutes Approved</i> <i>passed</i> <i>08-14</i> <i>4:00</i> <i>74-14</i>	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	absent			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	absent			
	Long	✓			
	Mayor Jordan				

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

Subject:		ADM 13-4602 (UDC Amendment Chapter 161.32 and Chapter 166.06)			
Motion To:		2 nd Read	Amend to add Emergency Clause	3 rd Read	Pass
Motion By:		Tennant	Gray	Tennant	
Seconded:		Marsh	Schoppmeyer	Schoppmeyer	
B. 1 Unfinished Business 5/6/15	Gray	✓	✓	✓	✓
	Marsh	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	absent	absent	absent	absent
	Tennant	✓	✓	✓	✓
	Schoppmeyer	✓	✓	✓	✓
	Adams	absent	absent	absent	absent
	Long	✓	✓	✓	✓
	Mayor Jordan				

Subject:		ADM 13-4602 (UDC Amendment Chapter 161.32 and Chapter 166.06)			
Motion To:		Amend Emergency Clause			
Motion By:		Marsh			
Seconded:		Long			
passed	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	absent			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	absent			
	Long	✓			
	Mayor Jordan				

Subject:	Garver, LLC Amendment No. 2				
Motion To:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Gray</i>			
C. 1 New Business <i>passed</i> 75-14	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>absent</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>✓</i>			
	Adams	<i>absent</i>			
	Long	<i>✓</i>			
	Mayor Jordan				

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



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: April 2, 2014

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of April 1, 2014

1. **Agenda Addition:** A resolution to express the City Council's agreement with the recommendations of Mayor Jordan, Development Director Jeremy Pate and City Engineer Chris Brown concerning the proposed Highway 16W and I-540 interchange improvements and the Highway 62 and I-540 interchange improvements.
2. **Agenda Addition:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Area Agency on Aging of Northwest Arkansas in the amount of \$55,735.47 to provide public recreation services for the senior citizens of Fayetteville from April 1, 2014 until December 31, 2014.
3. **Bid #14-17 to Chevrolet of Fayetteville:** A resolution to award Bid #14-17 to Chevrolet of Fayetteville for the purchase of one (1) Chevrolet 2500HD pickup truck with topper and Jotto cargo slide in the total amount of \$34,350.00 for use by the Fire Department.
4. **Bid #14-18 Hilbilt Sales Corp. – Arkansas:** A resolution to award Bid #14-18 to Hilbilt Sales Corp. - Arkansas of Benton, Arkansas for the purchase of one (1) Clement Industries Starlite hydraulic end dump trailer in the total amount of \$43,559.78 for use by the Westside Wastewater Treatment Plant.
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Fayetteville in the total amount of \$58,627.21 pursuant to a state procurement contract, and to approve a budget adjustment.

7. **Professional Turf Products:** A resolution to authorize the purchase of two (2) Toro Sand Pro 5040 Bunker Rakes and one (1) Toro Lip Broom from Professional Turf Products of Lenexa, Kansas in the total amount of \$38,979.00 pursuant to National IPA Contract #120535 for use by the Parks and Recreation Division.
8. **North Point Ford:** A resolution to authorize the purchase of one (1) Ford F-250 extended cab pickup truck from North Point Ford of North Little Rock in the amount of \$21,191.00 pursuant to a state procurement contract for use by the Water and Sewer Division, and to approve a budget adjustment.
9. **Fayetteville Advertising and Promotion Commission:** A resolution to approve a five year agreement with the Fayetteville Advertising and Promotion Commission to furnish collection and accounting services for the Hotel, Motel, and Restaurant taxes collected for the A & P Commission for a fee of 2% of such collections.
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11. **Garver, LLC Amendment No. 2:** A resolution to approve Amendment No. 2 to the contract with Garver, LLC in an amount not to exceed \$69,825.00 for additional design services on the Spring Street Parking Deck Project, and to approve a budget adjustment.

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C. New Business:

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D. City Council Agenda Session Presentations:

- 1. Update on Resolution for Funding Energy Improvements to City Buildings and HEAL Program–** Peter Nierengarten and Paul Becker

E. City Council Tour:

F. Announcements:

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**City of Fayetteville Arkansas
City Council Meeting Minutes
March 18, 2014**

A meeting of the Fayetteville City Council was held on March 18, 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:

Purple Heart City Proclamation by Mayor Jordan and presentation to the City by the Military Order of the Purple Heart

Mayor Jordan read the Purple Heart Proclamation. He stated the City of Fayetteville wishes to pledge its strong support to the Military Order of the Purple Heart and for those who put their lives at risk in service of their country and their fellow citizens.

Commander Jose J. Martinez, Department of the Arkansas Military Order of the Purple Heart thanked and recognized the City of Fayetteville for the support that is given to veterans of the state and city.

Mayor Jordan recognized University of Arkansas students from Ray Minor and Gina Skelton's News One classes.

City Council Meeting Presentations, Reports and Discussion Items: None

Nominating Committee Report

Alderman Gray recognized Alderman Justin Tennant as the newly elected Nominating Committee Chair.

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

A copy of the report is attached.

Alderman Long moved to approve the Nominating Committee report. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Agenda Additions: None

Consent:

Approval of the March 04, 2014 City Council meeting minutes.

Approved

2013 Internet Crimes Against Children Task Force Program Grant: A resolution to authorize acceptance of a non-matching continuation subgrant for 2013 from the Internet Crimes Against Children Task Force Program Grant in the amount of \$13,507.53, and to approve a budget adjustment.

Resolution 58-14 as recorded in the office of the City Clerk

Gulf Coast High Intensity Drug Trafficking Area: A resolution to approve a budget adjustment in the amount of \$115,952.00 recognizing revenue from the Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area.

Resolution 59-14 as recorded in the office of the City Clerk

State Drug Crime Enforcement and Prosecution Fund Grant: A resolution to approve a \$56,250.00 grant from the State Drug Crime Enforcement and Prosecution Fund to be matched by \$14,062.50 from City funds to be used by the 4th Judicial District Drug Task Force, and to approve a budget adjustment.

Resolution 60-14 as recorded in the office of the City Clerk

Insituform Technologies, Inc.: A resolution to approve a contract extension with Insituform Technologies, Inc. in an amount not to exceed \$330,000.00 for sanitary sewer lining services for cured-in-place sanitary sewer linings.

Resolution 61-14 as recorded in the office of the City Clerk

Arkansas State Highway Commission: A resolution authorizing the sale of approximately 4.28 acres of right-of-way and a temporary construction easement to the Arkansas State Highway Commission for the total amount of \$15,050.00 to facilitate the replacement of the Highway 16 bridge across the Middle Fork of the White River.

Resolution 62-14 as recorded in the office of the City Clerk

Arkansas State Highway and Transportation Department: A resolution to approve the payment of \$580,000.00 to the Arkansas State Highway and Transportation Department representing the City's portion of construction costs related to the widening of Razorback Road, to approve a project contingency in the amount of \$50,000.00, and to approve a budget adjustment.

Resolution 63-14 as recorded in the office of the City Clerk

Fayetteville Alert System: A resolution to approve a budget adjustment in the amount of \$66,500.00 to provide funding for a marketing and communication campaign for the Fayetteville Alert System.

Resolution 64-14 as recorded in the office of the City Clerk

Sourcegas Arkansas, Inc.: A resolution to approve a cost-share utility work agreement with Sourcegas Arkansas, Inc. in the amount of \$72,277.19 for the relocation of gas mains and facilities necessary for the Van Asche Drive Project, and to approve a project contingency of \$14,455.00.

Resolution 65-14 as recorded in the office of the City Clerk

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

Unfinished Business:

Amend Chapter 178: An ordinance to repeal §178.04 Outdoor Mobile Vendors Located on Private Property and enact a replacement §178.04 Outdoor Mobile Vendors Located on Private Property, to enact §178.05 Food Truck Limited Time Permit, to change the section number of Transient Merchants from §178.05 to §178.06 and to amend §97.086 Vending and Peddling. ***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. This ordinance was left on the First Reading at the January 21, 2014 City Council meeting and Tabled to the February 18, 2014 City Council meeting. This***

ordinance was left on the First Reading at the February 18, 2014 City Council meeting and Tabled to the March 18, 2014 City Council meeting.

Alderman Petty 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 Petty moved to amend the ordinance as recommended by the Ordinance Review Committee. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the amended ordinance.

Peter Nierengarten, Director of Sustainability & Strategic Planning gave a brief description of the amended ordinance.

Suzanne Clark, Lawyer for the Yacht Club: I want to thank the Ordinance Review Committee, Council and Planning for the work that has gone into the revisions of this ordinance. I want to raise as a caution, the introduction of the language regarding the Americans with Disabilities Act. I think the language is superfluous, but the language itself is not problematic. My client is telling me it's being interpreted to imply that these trailers can't allow the public in, unless they are fully equipped with ramps and able to navigate wheelchairs inside. I ask that our City Attorney discuss with Planning staff some of the exceptions within ADA and why we should be able to allow public in the trailers.

City Attorney Kit Williams: My understanding with this is that they must comply with the ADA. The ADA has many different sections within it. There are reasonable commendations and there are things not required. Planning understands that and hopefully we will make sure we won't have any mistakes on that.

Cynthia Morris, Landlord of the Yacht Club thanked everyone for their time and effort on the ordinance.

Alderman Petty: I would like to thank Alderman Long for chairing our Ordinance Review Committee meetings. We got a lot of work done in those meetings and made this ordinance a lot better.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Long 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 5666 as Recorded in the office of the City Clerk

RZN 13-4538 (Razorback Road/Victory Commons): An ordinance rezoning that property described in rezoning petition RZN 13-4538, for approximately 5.09 acres, located at 731 S. Razorback Road from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare. ***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. This ordinance was left on the Second Reading at the February 5, 2014 City Council meeting and Tabled to the February 18, 2014 City Council meeting. This ordinance was Tabled Indefinitely at the February 18, 2014 City Council meeting.***

Alderman Tennant moved to remove the ordinance from the table. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission voted 8-0 and staff is recommending approval of this rezoning request.

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

City Attorney Kit Williams read the ordinance.

Tracy Hoskins, Applicant: This is a project that was before you previously and I had a few things that needed to be worked out.

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

Ordinance 5667 as Recorded in the office of the City Clerk

ADM 13-4331 Amend Chapters 151, 162, 163 and 164: An ordinance to amend §164.10 Garage and/or Agricultural and Produce Sales; §161.10 (X) Unit 24 Home Occupation; §163.08 Home Occupations and §164.04 Urban Agriculture (fowl, bees, and goats) of the Unified Development Code. ***This ordinance was left on the First Reading at the February 18, 2014 City Council meeting. This ordinance was left on the Third Reading at the March 4, 2014 City Council meeting and Tabled to the March 18, 2014 City Council meeting.***

Peter Nierengarten, Director of Sustainability & Strategic Planning gave a brief description of the ordinance.

Jeffrey Huber, Ward 4 resident spoke in favor of the ordinance. He stated the opportunity with this ordinance is for greater food production that is appropriately scaled to the city. He stated development supported agriculture focuses on establishing a sustainable model of land use that

preserves farming culture, agriculture land, food security as well as resiliency. He believes it encourages a new generation of farmers.

Suzanne Clark, Ward 1 resident spoke in opposition of the ordinance. She stated she lives by a golf course and believes that if twenty chickens and three goats were next door to her, it would be detrimental to her property value. She stated her issue is in regards to the property rights of people who do not have restricted covenants in their neighborhood and to be able to use their property as they expected when they purchased it. She stated if a property owner has a legitimate concern about their property interest, there should be an opportunity for objection if it is going into the neighborhood.

Alderman Adams: Could you tell us how that would work.

Suzanne Clark: Anyone who is going to be putting animals in their backyard should request a permit through Planning.

Tracy Hoskins, stated he had an issue with the number of animals you can have based on the size of the lot, due to the definition of the ordinance and create overpopulation.

Jerry Bailey, spoke in favor of the ordinance.

Marietta Camillieri spoke in favor of the ordinance.

Adrienne Shaunfield, Ward 3 resident and Director of Feed Fayetteville spoke in favor of the ordinance.

Alderman Tennant: My concern about this having an effect on hunger is based purely on participation. If this does pass tonight, I hope there is high participation and adds to the solution rather than create a problem.

Mayor Jordan: Where is Washington County in food insecurity in the state?

Adrienne Shaunfield: We are number three in the state after Benton County.

Don Bennett, Founder & Director of Tri Cycle Farms spoke in favor of the ordinance. He read a letter from Jody Cohen, President of the Board of Tri Cycle Farms and a real estate agent who is in favor of the ordinance.

Quinn Montana spoke in favor of the ordinance.

Sarah Lewis, Managing Director of Research and Integration at the Sustainability Consortium spoke in favor of the ordinance. She stated it enables people to support green infrastructure and to educate our community.

Alderman Marsh read an article called, Plant your own “victory garden” from the Arkansas Living magazine. She stated urban agriculture gives many people the opportunity to eat better than they might otherwise be able to afford too.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-2. **Alderman Tennant and Schoppmeyer** voting no.

Ordinance 5668 as Recorded in the office of the City Clerk

Amend §92.01 Definitions, §92.23 Impoundment and §92.24 Redemption of Animals: An ordinance to Amend §92.01 **Definitions**, §92.23 **Impoundment** and §92.24 **Redemption of Animals** of the Fayetteville Code to authorize the Animal Shelter to accept livestock and set the redemption fee for their release. *This ordinance was left on the First Reading at the February 18, 2014 City Council meeting. This ordinance was left on the Second Reading at the March 04, 2014 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Alderman Long: Now that we have passed the Urban Agriculture ordinance, it is very important to enact this so that our Animal Shelter can accept these animals as well.

Alderman Kinion: Of course we have to pass this, but we need to be aware there is going to be a cost enforcing this. We will have to have additional ways to take the livestock into the Animal Shelter. We will have to make sure the Animal Shelter has the capacity in order to humanely keep these animals that may be impounded.

Alderman Gray: Alderman Long, do you have an estimate of what it is going to cost?

Alderman Long: No, I don't. I have spoken extensively with Planning, Yolanda Fields, Director of the Animal Services Division and Justine Middleton, the Animal Services Superintendent. They will probably need a trailer because the current method of catching a dog or cat would not work for a goat.

Jeremy Pate: The two primary things we have discussed, with goats being the primary concern, are transportation cost and potentially a separate pen at the shelter. We have some ballpark cost, but we would like to see what the impact is before we go purchase a lot. We think we have temporary measures in place now. We will monitor and keep track of calls.

Alderman Gray: There are many dogs that are much bigger than an 80 pound goat. I am glad to hear that we are going to monitor things and see what we need.

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

Ordinance 5669 as Recorded in the office of the City Clerk

New Business:

Northwest Arkansas Regional Planning Commission Contract: An ordinance waiving the requirements of formal competitive bidding and approving a one-year contract with the Northwest Arkansas Regional Planning Commission in the amount of \$46,766.73 for a Stormwater Education Program.

City Attorney Kit Williams read the ordinance.

Chris Brown, City Engineer gave a brief description of the ordinance and is recommending approval.

Alderman Kinion: This has traditionally been supported by the Water, Sewer & Solid Waste Committee.

Aubrey Shepherd: In addition to spending this money for professional guidance in educating the public, we need to do more on the Government Channel. We need to educate developers.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5670 as Recorded in the office of the City Clerk

U.S. Geological Survey: An ordinance waiving the requirements of formal competitive bidding and approving an agreement with the U.S. Geological Survey (U.S. Department of the Interior) in the amount of \$21,528.00 for the operation and maintenance of three (3) urban stream gauging stations in the City for calendar year 2014.

City Attorney Kit Williams read the ordinance.

Chris Brown, City Engineer gave a brief description of the ordinance and is recommending approval.

Alderman Kinion: The Water, Sewer & Solid Waste Committee supports this.

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Adams 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 Long 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 5671 as Recorded in the office of the City Clerk

Rupple Road Cross Section: A resolution to reaffirm the cross section of Rupple Road from Martin Luther King Boulevard to Wedington Drive as a four lane boulevard.

Chris Brown, City Engineer gave a brief description of the resolution. He stated Rupple Road is designated as a principal arterial four lane roadway on the city's Master Street Plan and on the Regional Plan. He stated the voters approved the Transportation Bond issue with Rupple Road included as a four lane boulevard cross section. He stated funding for the four lane is in place and is part of the bond program and is budgeted now. He stated staff is recommending approval of the resolution.

Alderman Long: Thank you Chris. I know you and your staff have done a lot of work on this and the Council before us. I appreciate all the data you put together for us to help make a decision. I believe in building it right the first time. Since this was put to a special election in 2006 and we held meetings to explain it to the public, the intention was clear.

Alderman Kinion: When was the last approval of the Master Street Plan?

Jeremy Pate: I believe it may have started in 2011 and actually adopted it in 2012.

Alderman Kinion: In 2012 I was on the Council and we discussed this as it is presented today in the Master Street Plan. There was a great deal of discussion at that time. In 2013 is when we got the federal aid project for the northern end of this.

Alderman Marsh: Chris, do you have a slide that shows us the enduring green network overlay? A large part of this project bisects our enduring green network.

Chris Brown: We don't have that, but we could possibly pull it up.

Alderman Marsh: I know that Peter Nierengarten had put one together that we used for our discussion at the Environmental Action Committee meeting. It is an important part of this discussion since our enduring green network is goal number four on our 2030 City Plan.

Alderman Marsh read recommendations for Environmental Best Practices for the road extension that was developed at the Environmental Action Committee meeting. She stated that City Clerk Sondra Smith forwarded a copy of the recommendations to the City Council.

Alderman Petty: I appreciate the history of this project. I have always tried to be thoughtful of our future and I am passionate about my service here. People sometimes have this simple mental model of politics where they want to think one side is being pitted against another. I know that some of that has come out in this discussion. This project has been so important to Mayor Jordan. I want everyone to know that I have the upmost respect for Mayor Jordan.

Mayor Jordan: Thank you Matthew.

Alderman Petty gave a presentation on how he believes that the bond issue funding would be more beneficial to be used on College Avenue.

Alderman Gray: I called Chris today to find out exactly how much money we had set aside for College at this time. I'm assuming that it is the \$2.1 million that has been talked about.

Mayor Jordan: Let me explain College. We had the proposal for the bond program. We did the first phase of College and it was in the bond program. Everything else was outside the bond program, any other extensions to College. In 2006 I was the Ward 4 representative and everybody wanted something. Folks wanted Cato Springs Road and Highway 265 done. Ruppel Road was the most expensive piece and we had many public meetings. There are three phases in the bond issue and Ruppel Road is the last part of that. People have waited ten years out there for improvements on Ruppel Road.

I came to staff about a year ago and asked if there is any money that we come up with for College. Chris Brown and Jeremy Pate said we have some savings from one of the other projects of the bond issue we can apply to College Avenue. I told them to make it happen. It was decided to put \$2.1 million into more improvements, which will start in late 2015. I support the improvements.

We still have not kept our promise to the people in the western part of this city. When I give you my word on something that is what I am going to do. I made a promise a long time ago for Ruppel Road.

Alderman Gray: Chris has said we are in the design phase. I feel that is important for people to know we are working on College. We have had that money allocated for a while. We can't do everything at once. We have construction all over the city right now and that is something that we need to remember.

Alderman Adams: To reemphasis something Chris said. It takes ten years to complete a project after the problem is identified.

Chris Brown: I use Highway 265 as an example for taking ten years to complete. They don't all take that long.

A discussion followed about the traffic study report and the amount of travel time saved if Ruppel Road became a four lane.

Alderman Kinion: I know we are looking at travel time on Ruppel Road, but that is not the problem. The problem is not Ruppel Road, it is Martin Luther and Wedington. The intersection at I-540 going to Salem is havoc. The problem we have right now is looking at alternative routes to get some of the traffic away from these snarling intersections. They are so dangerous and we need to offer an opportunity for people from Salem to travel north and south. We need to relieve the congestion and come up with a plan of connectivity so that we can have alternative routes.

Bobby Ferrell, 2413 Twin Oak Court spoke in favor of the resolution. He stated when you tell people you are going to do something, you better do it.

Rob Moore, Environmental Action Committee asked that things are planned out ahead of time before starting to build the road.

Rex Dodge, Rolling Hills Drive spoke in favor of the resolution.

Jerry Bailey stated that pedestrian use needed to be taken more seriously. He stated that if the four lane is built on Ruppel Road, then the opinions of pedestrians should be considered when building sidewalks and to develop a plan for maintaining them.

Jeffrey Huber, 3691 Tower Circle spoke in opposition of the resolution. He asked the Council to consider if they would support an alternative design if it had a different funding source.

Garnett Wise, 3190 North Sheryl and a member of the Environmental Action Committee stated that he wanted Council to remember and not disregard the six points for the 2030 goals.

Paul Rossi, a business man spoke in favor of the resolution.

Charlie Sloan, Ward 4 spoke in favor of the resolution and stated that connectivity is needed.

Shirley Lucas, Former Ward 4 Alderman spoke in favor of the resolution. She stated we need to look ahead and plan for the future. She believes the main thing is the trust of the people. She stated it is important if you want people to follow you on another issue later, you better follow through with what they voted on.

City Attorney Kit Williams: I enjoyed serving with you Shirley. I appreciate your service to the City Council.

Aaron Worth, Cobblestone Homes spoke in favor of the resolution.

Donna Daniels, Ward 4 spoke in favor of the resolution.

Gary Head, Local Business man spoke in favor of the resolution. He stated that when people vote for something, it becomes really important to them and people voted for this to be a four lane.

Pam Henson, Ward 4 resident spoke in favor of the resolution.

Tracy Hoskins stated he would rather see a fully connected two lane road than a partially built four lane road in hopes of getting the other half one of these days.

Steve Clark, Ward 1 resident and President of the Fayetteville Chamber of Commerce spoke in favor of the resolution.

Aubrey Shepherd voiced his opinion about the City Plan 2030 goals. He stated we should follow through with the plan that was made and promised, but don't do it at any cost.

Don Marr: I listened to the public and I think there are points being made that are passionate and important. What I loved hearing from Matthew was factual decision making. It is important to realize as elected officials that leadership and unity is important for the public to have confidence in us and our decision making.

We have the opportunity to have a four lane discussion for the first time in my life here in Fayetteville and we have an opportunity to develop from the beginning correctly. I think the city has a responsibility as leaders to help us build our major networks.

The enduring green network was an action that the Council made and reaffirmed a master street plan with that knowledge of this enduring green network being here and the opportunity to show it can be built correctly with consideration from the beginning.

I hope what is not lost in Matthew's presentation tonight is this factual decision making in consideration for College Avenue. I think that is why all of you have supported the \$2 million. I think the message he is saying is, let's not just stop with that and consider we are done. I don't think we should do it at the expense of what our Council did, what we went to the public with and the public trust.

Michael Brown asked the Council to view literature about Dignity Village.

Marilyn Shoffit, Ward 2 resident stated we do need to keep our word, but doesn't agree with all of it.

Alderman Kinion: The vision we have for College Avenue is grand and it is not going to be forgotten. I know that College Avenue is the main street for the heritage of our city. I also know

from being from the west side of the county, the growth has been incredible. We have to stand by our word.

The Environmental Action Committee came forward with a great document to offer a vision.

Alderman Petty committed a great deal of time and he brings the most exciting opportunities. I appreciate the information I get from him. I think doing the four lane will save us in the long run and we can develop it correctly.

Alderman Tennant: I will be voting to reaffirm this. I want to thank Alderman Petty. The main reason I began to consider both sides was because of the initial conversations and items he's brought forward. Matthew is always very detailed in his research and brings forth a lot of really good ideas. The College idea he has is an out of the box thinking idea that we need to keep alive and keep in continual motion. North College needs attention.

Alderman Gray: I want to thank Matthew and I appreciate all the hard work he did in preparing this. I had originally thought I wanted the two lanes, but the more I listened to the commitment made, I knew that is what we had to do. We have to keep our four lane highway and keep those other things in mind as we go. I will be voting to affirm the four lane.

Alderman Adams: It is a pleasure to work with Matthew on the Street Committee. I think some of these things we have heard tonight will be brought back to the Street Committee. Chris Brown does a fabulous job with that committee.

Alderman Petty: I do believe unity is the most important thing. Coming up with this proposal, we hadn't really heard from a lot of people about how important the bond issue was. I don't want anybody to think that I am deaf to public input. I will vote for this if that is what the Council wants and I am proud to do it. I am grateful that we have seen the Council tonight affirm that we need to honor the wishes of the public, but that we have larger and more complicated issues. The future is bright for us.

Alderman Marsh: There has been quite a bit of discussion tonight about promises and we also made another promise. We made a promise to uphold the City Plan 2030 and the goals aren't posted in our Council chambers for decoration. They are here to remind us of the guiding principles that our citizens have set forth for us. It tells us to make appropriate infill and revitalization our highest priority. I am not a fan of the four lane proposal, but I recognize the need to honor our bond issue.

Mayor Jordan: We worked so hard to pass the bond issue in 2006. We had never seen anything like that. So many projects, we had 13 or 14 projects on the list that the Street Committee put together. I was the representative for Ward 4 and on that committee. It was probably the most expensive road project and everybody wanted different things in their wards, so I gave up building that road. The people waited and they were patient. When you build something, you build it once, build it right and you build it forever. This is what we are going to do with this road.

A discussion followed about amending the resolution for staff to develop a rezoning study.

Alderman Petty moved to amend the resolution for staff to bring forth a rezoning study prior to contract approval. Alderman Marsh seconded the motion. This motion was withdrawn.

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

Resolution 66-14 as recorded in the office of the City Clerk

VAC 14-4617 (1144 N. Futrall Dr./Cornerstone): An ordinance approving VAC 14-4617 submitted by Blew and Associates for property located at 1114 N. Futrall Drive to vacate portions of utility easements, a total of 967.3 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission voted 7-0 for approval and staff is recommending approval.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Marsh was absent during the vote.

Ordinance 5672 as Recorded in the office of the City Clerk

VAC 14-4621 (East of Beechwood/South of Railroad Tracks/Specialized Real Estate): An ordinance approving VAC 14-4621 submitted by Jorgensen & Associates for property located east of Beechwood Avenue to vacate 20' utility easements throughout the property.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission and staff are recommending approval.

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 Long 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 5673 as Recorded in the office of the City Clerk

ADM 13-4602 (UDC Amendment Chapter 161.32 and Chapter 166.06): An ordinance to Amend §161.32 Planned Zoning District and §166.06 Planned Zoning District of the Unified Development Code to clearly separate the zoning and development approvals for Planned Zoning Districts and to simplify and reduce current regulations.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission and staff is recommending approval.

City Attorney Kit Williams: Thank you to Andrew Garner, Jeremy Pate and Jesse Fulcher who worked very hard on this. I was concerned that the City Council zoning decision in granting a PZD might not be given the deference that it should be in court. It should be considered as a legislative action and have the protection where it will not be reversed unless it is arbitrary capricious.

When our wheel clamp ordinance got challenged, it was good that it was a legislative decision and the judge granted you great discretion and deference and upheld the wheel clamp ordinance. Unfortunately, when we got into the case involving the Cleveland Street apartments, there was some confusion at the judicial level and there was some thought that the standard was not going to be that you are giving any deference whatsoever. It was going to be a standard of a brand new jury trial as if they were you and make all the decisions, even though a lot of them wouldn't be Fayetteville residents and none of them would have any experience in development. I knew that was not a good situation.

I spoke with Jeremy and told him we need to make it clear for the decision making process so that there can be no mistake in the future when you all make the zoning decision to zone

something as a PZD. We want to make sure that when you make a decision, it is going to be upheld in court. Same thing about the Planning Commission. If they approve a development based on your PZD and they follow all the rules. I recommend that you approve it.

Alderman Long: I appreciate everybody working so hard on this. I think it is important that we do adjust the code. It is a big change. I would like for the Council to hold this for two weeks so we can make sure everyone understands what we are doing.

City Attorney Kit Williams: There is no rush to get this done. I have no objection to wait.

Alderman Adams: Would this impact anything in Planning right now?

Jeremy Pate: No.

This ordinance was left on the First Reading.

Street Name Change: A resolution to change the name of Arbuckle Lane to Woodward Lane.

Greg Mitchell, GIS Coordinator gave a brief description of the resolution. He stated that there was a committee made up from the GIS Department, Fire Department and Police Department dispatchers who look at all proposed street names. He stated that all the names that were proposed were rejected by the committee. He stated that in a dispatch situation, you want a very unique name that can't be confused with an existing street name. He stated there is also a proposed connection for Arbuckle Lane and will most likely continue through the Beechwood Apartments development.

Don Marr, Chief of Staff: How many residents are planned for that development?

Greg Mitchell: 700 units in the whole complex I believe. I don't know how many on this particular street.

Don Marr continued to speak about the policy of street name changes.

Alderman Marsh: I think that our street naming committee has raised some valid points and I am not in support of this name change.

Alderman Long: How do you feel about this Adella? I know you brought this forward, but a lot of times we bring things forward that we are not passionate about. We do it for the citizens.

Alderman Gray: I did try to discourage this because I have been in conversation with Mr. Mitchell and we explored many names. I think Mr. Woodward will be understanding that we tried to help, but it just wasn't a good plan.

Mayor Jordan stated Mr. Woodward contacted him and he was open to the idea, but when the committee said it could create an emergency issue, safety has to be his top priority.

Alderman Gray moved to approve the resolution. Alderman Kinion seconded the motion. Upon roll call the resolution failed unanimously.

City Council Agenda Session Presentations: None

City Council Tour: None

Announcements:

Kit Williams: I sent a memo to the City Council about First Thursday's use of the Old Post Office patio area. They have a right to lease that unless the City Council objects by passing a resolution. I didn't think there would be any objection. Since our meeting will be two days before First Thursday, I wanted to confirm that no one is intending to ask me to write a resolution to reject First Thursday's use of the OPO patio area.

Don Marr: The Arkansas Highway and Transportation Department is having a public meeting March 20, 2014 from 4:00 p.m. to 7:00 p.m. at Asbell Elementary. The topic of discussion is the Wedington and Martin Luther King I-540 interchange redesign. We encourage citizens to participate and attend the meeting.

We will be having our first spring Ward cleanup on March 22, 2014 at Owl Creek School and the Recycling & Trash Collection facility. The other dates for cleanup will be April 5th, April 19th and May 3, 2014.

Alderman Marsh: I would suggest to Mr. Michael Brown with Dignity Village to email his information to the City Clerk for distribution to the Council.

Adjournment: 10:42 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

City of Fayetteville Item Review Fo

2014-0155

Legistar File Number

April 1, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Connie Edmonston

Submitted By

Action Required:

Sondra -
This is the Walk-on
item for April 1st City
Council Agenda. Included
is a memo justifying
a walk-on. The original
signed copies of the
contract should be here
Friday or Monday when
it arrives. Thanks - Connie

An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Area Agency on Aging of Northwest Arkansas in the amount of \$55,735 to provide public recreation services for senior citizens of Fayetteville for the remaining months of 2014.

Does this item have a cost? ☒ Yes

\$55,735.00

Cost of this request

1010.6600.5718.01

Account Number

409014004

Project Number

\$74,317.00

Category or Project Budget

\$18,578.00

Funds Used to Date

\$4.00

Remaining Balance

Transfer to Outside Services

Program or Project Name

Transfer to Council on Aging

Program or Project Category

General Fund

Fund Name

Budgeted Item? ☒ YesBudget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution # 5640

Original Contract Number:

Comments:

WALK ON AGENDA ITEM: The original contract to provide public recreation services in 2014 at the Walker Park Senior Activity and Wellness Center and Hillcrest Towers was with the Northwest Arkansas Economic Development District (NWAEDD). On March 26, 2014, Parks and Recreation received notice that NWAEDD was terminating their contract effective on March 31, 2014. The Area Agency on Aging of Northwest Arkansas, who currently has the lease agreement for the Senior Center building (Resolution No. 248-08), is requesting to provide the same recreational services under this new contract on April 1, 2014. It is imperative for the Senior Centers to continue recreational programs without a delay in service.



3-27-14
Paul A. Brehm 3-27-2014



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 1, 2014

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Connie Edmonston, Parks and Recreation Director *C.E.*

DATE: March 27, 2014

SUBJECT: Walk-On April 1 Agenda Item Justification

The original contract to provide public recreation services in 2014 at the Walker Park Senior Activity and Wellness Center and Hillcrest Towers was with the Northwest Arkansas Economic Development District (NWAEDD).

On March 26, 2014, I received notice that NWAEDD was terminating their contract effective on March 31, 2014. The Area Agency on Aging of Northwest Arkansas, who currently has the lease agreement for the Senior Center building (Resolution No. 248-08), is requesting to provide the same recreational services under this new contract on April 1, 2014. It is imperative for the Senior Centers to continue recreational programs without a delay in service, therefore I am requesting to walk-on this item at the April 1 City Council Meeting. Payment by the City for these services are made at the beginning of each month and the Area Agency on Aging needs the contracted funds to operate as soon as possible. Mayor Jordan and Kit Williams understand the urgency of this agenda item and have approved my request.



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 1, 2014

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Connie Edmonston, Parks and Recreation Director *CE*

DATE: March 27, 2014

SUBJECT: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Area Agency on Aging of Northwest Arkansas in the amount of \$55,735 to provide public recreation services for senior citizens of Fayetteville for the remaining months of 2014.

RECOMMENDATION:

Approval of an ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Area Agency on Aging of Northwest Arkansas (AAA) in the amount of \$55,735 to provide public recreation services for senior citizens of Fayetteville for the remaining months of 2014.

BACKGROUND:

The City of Fayetteville began providing financial support for the Council on Aging, Inc. in 1972 for recreation services to senior citizens at the Hillcrest Towers and later the Walker Park Senior Activity and Wellness Center which was built in 2003. The City leases the Walker Park building to the Area Agency on Aging of Northwest Arkansas (Resolution No. 248-08).

On December 3, 2013, City Council approved Ordinance #5640 to waive requirements of formal competitive bidding and a contract with the Northwest Arkansas Economic Development District (NWAEDD) to provide recreation for senior citizens at the Walker Park Senior Activity and Wellness Center and Hillcrest Towers during 2014.

On March 26, 2014, Parks and Recreation received a phone call that NWAEDD was terminating their contract effective on March 31, 2014. The Area Agency on Aging of Northwest Arkansas is proposing to provide the same recreational services under a new contract starting on April 1, 2014 until the remainder of the year. See attached letter from Jerry L. Mitchell, Executive Director. The contract outlines the services AAA is providing to the City and the senior citizens of Fayetteville. The language and cost of the new contract are in line with the contract with NWAEDD. A statement was added to the new contract that states there will be no delays or decrease in recreation services for the senior citizens due to the change in contractor. Performance will be evaluated by the achievement of the goals established for services provided by AAA in the contract.

DISCUSSION:

It is imperative for the Walker Park Senior Activity and Wellness Center and Hillcrest Towers to receive recreational programs serving senior citizens without delays in service. AAA has proposed to provide the same services as currently offered. It is the intent of AAA and the Parks and Recreation Department to work in cooperation to enhance the recreation facilities and programs in our City, while not duplicating services in an effort to spend taxpayers' money as efficiently as possible. If AAA was not serving our senior citizen population, the City would need to assume responsibility.

BUDGET/STAFF IMPACT:

The contract amount remains the same, therefore there is no impact on the budget or staff.

Attachments:

Contract Agreement

Letter from AAA Executive Director

AREA AGENCY ON AGING OF NORTHWEST ARKANSAS

With support from the Area Agency on Aging Foundation

1510 Rock Springs Road

P.O. Box 1795

Harrison, Arkansas 72602-1795

Jerry L. Mitchell, Executive Director



March 26, 2014

(870) 741-1144

1-800-432-9721

Fax: (870) 741-6214

TDD: (870) 741-1346

Connie Edmonston
Parks and Recreation Director
City of Fayetteville, AR
113 West Mountain Street
Fayetteville, AR 72701

Dear Ms. Edmonston:

The Northwest Arkansas Economic Development District (NWAEDD) has been providing senior activity and wellness services in Washington County through a contractual arrangement with the Area Agency on Aging of Northwest Arkansas. This includes the services for the Walker Park Senior Activity and Wellness Center. NWAEDD has notified us that they will terminate their contract with us to provide senior activity and wellness services in Washington County effective March 31, 2014, and will no longer be performing senior activity and wellness services.

We will be providing direct services to the Walker Park Senior Activity and Wellness Center effective April 1, 2014. The services will remain the same as those now being provided to the seniors. We have met with the staff at the Walker Park Senior Activity and Wellness Center, taken their applications for employment and anticipate they will be working for us on April 1, 2014.

Since the contract that NWAEDD has with the City of Fayetteville is to provide recreational services through the Walker Park Senior Activity and Wellness Center, I am asking that this arrangement continue with the Area Agency on Aging of Northwest Arkansas since it such a vital part of the operations.

Please contact me if you need additional information.

Sincerely,

Jerry L. Mitchell
Executive Director

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE AREA AGENCY ON AGING OF NORTHWEST ARKANSAS IN THE AMOUNT OF \$55,735.47 TO PROVIDE PUBLIC RECREATION SERVICES FOR THE SENIOR CITIZENS OF FAYETTEVILLE FROM APRIL 1, 2014 UNTIL DECEMBER 31, 2014

WHEREAS, providing quality recreational opportunities to the senior citizens of our community is of mutual interest to the City of Fayetteville and the Area Agency On Aging of Northwest Arkansas (hereinafter Area Agency on Aging), and;

WHEREAS, the previous contractor has defaulted and will not provide the promised services after March 31, 2014, and the Area Agency on Aging has agreed to immediately take over and provided these necessary services for our seniors; and

WHEREAS, the Area Agency on Aging is very qualified and uniquely able to provide the immediate continuity of services vital to the efficient provision of recreational opportunities to the senior citizens of Fayetteville.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds the above circumstances make competitive bidding not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a contract between the City of Fayetteville, Arkansas and the Area Agency on Aging of Northwest Arkansas in the amount of \$55,735.47 to provide public recreation services for the senior citizens of Fayetteville from April 1, 2014 until December 31, 2014, and authorizes Mayor Jordan to sign this Agreement.

PASSED and APPROVED this 1st day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

CONTRACT

*Between The City of Fayetteville and the
Area Agency on Aging of Northwest Arkansas (AAA)*

WHEREAS, the Area Agency on Aging of Northwest Arkansas (AAA) is uniquely qualified to provide the full range of public recreation opportunities to the senior citizens of Fayetteville; and,

WHEREAS, it is in the best interest of the City of Fayetteville and its citizens to provide operating revenues to the AAA in consideration for the substantial recreational programs provided by the AAA to the senior citizens of Fayetteville.

NOW, THEREFORE, IT IS AGREED:

The City of Fayetteville shall provide the sum of \$6,192.83 monthly to the AAA from April 1 until December 31, 2014 in consideration of the following duties and obligations to be performed by the AAA:

- A. The AAA shall be responsible for providing staff, programming, promotion, and development for Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Towers Community Center. AAA agrees to use funding from the City to pay for recreational programs designed specifically for senior citizens.
- B. AAA shall make substantial portions of its programs or facilities available to Fayetteville citizens (the public) at little or no cost for the needy senior citizens. AAA shall report on a quarterly basis the approximate number of Fayetteville citizens served by its programs.
- C. AAA shall provide Walker Park's Fayetteville Senior Activity and Wellness Center as an emergency shelter when deemed necessary by the City of Fayetteville.
- D. The AAA shall follow the general Working Procedures and Responsibilities for the City of Fayetteville Parks and Recreation Division and the AAA which is attached as Exhibit A, and is made a part hereof, as if set forth word for word in its entirety.

CITY OF FAYETTEVILLE

BY: _____

LIONELD JORDAN, Mayor

AREA AGENCY ON AGING OF
NORTHWEST ARKANSAS

BY: _____

Jerry L Mitchell
Executive Director

ATTEST: _____

BY: _____

Sondra E. Smith, City Clerk / Treasurer

EXHIBIT A

RECREATION IN FAYETTEVILLE

WORKING PROCEDURES AND RESPONSIBILITIES FOR THE CITY OF FAYETTEVILLE PARKS AND RECREATION DIVISION AND THE AREA AGENCY ON AGING OF NORTHWEST ARKANSAS

This agreement is made and entered into between the City of Fayetteville Parks and Recreation Department (Parks and Recreation) and the Area Agency on Aging of Northwest Arkansas (hereinafter referred to as AAA).

WHEREAS, the parties are two of the providers of recreational programs for the citizens of Fayetteville and wish to define a working agreement which may be revised and modified each year upon mutual agreement between the Parks and Recreation Director and the Executive Director of the AAA; and,

WHEREAS, it is the goal of both parties to work in cooperation to enhance the recreation facilities and programs offered by the parties and to act together in meeting the needs of the citizens of Fayetteville; and,

WHEREAS, Walker Park's Fayetteville Senior Activity and Wellness Center has been designated as an emergency shelter for the City of Fayetteville due to the location and facility available to house citizens; and

WHEREAS, increased communications and a new set of operating procedures will assist with the working relationship and will benefit both agencies and their operations; and,

WHEREAS, Parks and Recreation believes the goals of Parks and Recreation and AAA would best be accomplished by defining and streamlining responsibilities and procedures; and, is therefore recommending the merging of facility and program management for all recreation offerings, thereby providing administrative accountability for all services provided to the citizens.

NOW, THEREFORE, in order to define and improve the current working relationship between Parks and Recreation and AAA, the following set of detailed operating procedures and responsibilities are hereby established.

1. AAA shall be responsible for providing staffing, programming and promotion, and development of recreational programs for senior citizens including but not limited to, recreational trips, arts and crafts, music and games.
2. There will be no delays or decrease in public recreational services provided to senior citizens due to the change in contractor.
3. Parks and Recreation shall be responsible for providing or approving the staffing, programming, maintenance, promotion and development of the parks system within the city and the recreational events occurring within the city for all ages.

4. The AAA Executive Director and Parks and Recreation Director shall have periodic meetings to ensure communication between the two entities.
5. It is understood and agreed that the City's annual purchase of services will be negotiated on a yearly basis.
6. The AAA is responsible for the management and operation of annual funding allocation to AAA from the City of Fayetteville and shall have the responsibility for prioritizing the use of such funds.
7. The Fayetteville Senior Activity and Wellness Center Director and Parks and Recreation Director will work jointly in opening Walker Park's Fayetteville Senior Activity and Wellness Center as an emergency shelter as deemed necessary by the City of Fayetteville. AAA will utilize funds appropriated by the City of Fayetteville for operational costs as necessary for the emergency shelter.
8. AAA shall schedule a meeting and submit an annual financial report to the Parks and Recreation Director no more than thirty (30) days after the end of the AAA fiscal year, which ends on June 30, 2014. Such report shall detail AAA's use of the City of Fayetteville's funding allocation and accomplishment of performance measures as stated below in number 10.
9. AAA shall comply with the schedules and procedures established by the Budget and Research Division of the City of Fayetteville for annual funding requests.
10. Quarterly reports shall be submitted to the Parks and Recreation Director on, or before, the following dates: April 15, July 15, October 15, and January 15 (2015). These reports shall detail the following performance measures:
 - A. Operation of a full service senior center at Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Towers locations to include socialization (recreation) by hosting daily social activities such as bingo, table games, exercise classes, and wellness programs. During the course of the year, an estimated 700 elderly citizens will participate at the two locations.
 - B. Recreation opportunities at the Walker Park location will continue to provide such wellness recreational activities as Tai Chi. Formal exercise classes and Use It or Lose It classes will be provided on a weekly basis. L.I.F.T Classes will be provided on a bi-weekly basis. Dances and music activities will be provided weekly at the Walker Park location.
 - C. Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Tower locations will seek partnerships with outside organizations or community groups to assist in a variety of recreation programs and wellness classes.

- D. Transportation will be provided at both the Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Towers for recreational trips and special interest trips, as well as transporting seniors for necessary appointments as scheduled through the Fayetteville Senior Activity and Wellness Center.
- E. AAA shall acknowledge the City of Fayetteville's contribution on general marketing flyers, brochures and other general marketing materials.
11. The working procedures and responsibilities contained herein must continue without delays in service and shall become effective April 1, 2014.

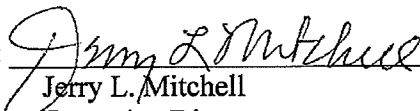
CITY OF FAYETTEVILLE

BY: _____
LIONELD JORDAN, Mayor

Attest:

BY: _____
Sondra E. Smith, City Clerk / Treasurer

AREA AGENCY ON AGING OF
NORTHWEST ARKANSAS

BY:  _____
Jerry L. Mitchell
Executive Director

Attest:

BY:  _____

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: 3/26/2014	
						P.O Number: _____		Expected Delivery Date: _____	
Vendor #: 24275		Vendor Name: Area Agency on Aging of NWA				Mail Yes: _____ No: _____			
Address: 1510 Rock Springs Road / P. O. Box 1795						Fob Point: _____		Taxable Yes: _____ No: _____	
City: Harrison		State: AR		Zip Code: 72602		Ship to code: _____		Quotes Attached Yes: _____ No: _____	
Requester: Alan Bearden						Requester's Employee #: 3664		Division Head Approval: _____	
						Extension: 3406			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Contract Payment for Public Recreation per Ordinance	9	MO	6,192.83	\$55,735.47	1010.6600.5718.01	40901.4004		
2					\$0.00				
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				
Special Instructions: This is the successor agency which will replace the NWA Economic Dev Dist Inc beginning 4-1-14.						Subtotal: \$55,735.47 Tax: \$0.00 Total: \$55,735.47			
Approvals:									
Mayor: _____		Department Director: _____		Purchasing Manager: _____					
Finance & Internal Services Director: _____		Budget Manager: _____		IT Manager: _____					
Dispatch Manager: _____		Utilities Manager: _____		Other: _____					

AGENDA REQUEST

FOR: COUNCIL MEETING OF April 1, 2014

FROM:

CITY COUNCIL MEMBER Alan Long

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

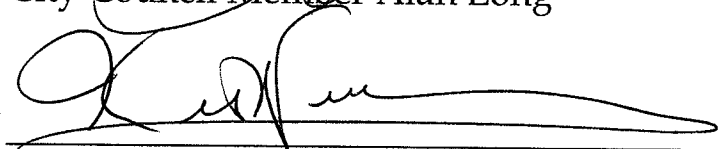
A RESOLUTION TO EXPRESS THE CITY COUNCIL'S AGREEMENT WITH THE RECOMMENDATIONS OF MAYOR JORDAN, DEVELOPMENT DIRECTOR JEREMY PATE AND CITY ENGINEER CHRIS BROWN CONCERNING THE PROPOSED HIGHWAY 16W AND I-540 INTERCHANGE IMPROVEMENTS AND THE HIGHWAY 62 AND I-540 INTERCHANGE IMPROVEMENTS

APPROVED FOR AGENDA:



City Council Member Alan Long

March 31, 2014
Date



City Attorney Kit Williams
(as to form)

March 31, 2014
Date

Williams, Kit

From: Long Ward 4 <longward4@gmail.com>
Sent: Tuesday, March 25, 2014 12:12 PM
To: Williams, Kit
Subject: Fwd: I-540 Interchange Comments

Kit, can we fashion these comments into a positive resolution to send to the Arkansas highway department?

Alan T Long
City of Fayetteville, AR
City Council, Alderman- Ward 4
ward4_pos2@fayetteville-ar.gov

Begin forwarded message:

From: "Pate, Jeremy" <jpate@fayetteville-ar.gov>
Date: March 25, 2014 at 11:58:20 AM CDT
To: Alan Long <longward4@gmail.com>
Cc: "Marr, Don" <dmarr@fayetteville-ar.gov>, "Brown, Chris" <cbrown@fayetteville-ar.gov>
Subject: I-540 Interchange Comments

Alan,

Below are some of the comments that we have or will articulate to the AHTD related to the interchange improvements with Wedington and MLK, Jr Blvd. These are not intended to be all-inclusive, as we are still working through the drawing review, but they should provide a good sense of the major items that we want the Department to consider as they continue working on design drawings.

- Provision of bicycle and pedestrian access across I-540 is a major goal. The lack of adequate bicycle and pedestrian connections currently is a significant safety issue, and has been a source of numerous public comments. Due to the volume of traffic and increased number of lanes proposed, the City recommends that a 16' shared use trail be constructed on one side of the roadway at both interchanges, to separate bicycle/pedestrian movements from vehicular movements. It is intended that this 12-16' wide shared use trail be constructed within the same right-of-way as is currently proposed, and the proposed bicycle lanes and sidewalks be removed, with adequate crossings installed to provide for safe movements.
- The City is supportive of access management in this area to reduce turning conflicts and crashes. However, the limitation on access should be balanced with providing existing and future businesses with adequate provisions for the public to enter and exit their property. This may require more local cross-access connections to make the traffic movement flow efficiently.

Hwy 16/112S (Wedington) Interchange Comments

- The City understands the value of access management, but is also concerned with adequate access to both commercial establishments and residents.
- Consider a median break at Hwy 16 and Tahoe Circle. The City recognizes the need for a traffic signal at the offset intersection of Tahoe Place & Marvin Avenue with a pedestrian phase to safely accommodate citizens wanting to cross this busy arterial. This was a clear desire of citizens from a public input process recently conducted by the City of Fayetteville for Wedington Drive.
- The City would like the Department to consider converting Shiloh Drive to a two-way street from Wedington Drive to Persimmon Street, to assist with traffic movement that will be greatly affected by the median.

- The City prefers a multi-use trail on the north side of the Wedington, which should be physically separated from vehicle traffic to safely cross I-540, rather than separate bike lanes within the traffic. The 16' wide path should extend to both ends of the project, separated from the road by a parapet wall across the bridge, with a 12' wide path on the roadway portions. Wedington Drive houses a great number of students and others that travel to the University across I-540.
- Transit routing should be considered and the Department should engage Ozark Regional Transit and Razorback Transit for their input.

Hwy 62 (MLK Jr. Blvd) Interchange Comments

- The City is concerned with the flyover option's impact to adjacent businesses and properties. The solid retaining wall access ramp rising above the existing properties onto the flyover bridge will block all access and visibility for these properties. If the flyover option is the chosen option, the following should be considered:
 - Increasing the steepness of the ramp to reduce its length along Hwy 62.
 - Provide for better access to Wal-Mart, to avoid creating a congestion problem at Hwy 16/One Mile Road intersection. The City would like further discussions before moving forward with cutting off the main access driveway to the Wal-Mart Supercenter. If this is not resolved with a signalized intersection and appropriate turn lanes, certainly improvements to the Finger Road access should be implemented and more detailed analysis of the One-Mile Road should be further undertaken.
 - Mitigate some of the loss of highway access from existing businesses and residents by adding cross connections between businesses, to reduce the need for vehicles to travel long distances in many cases that appear to be minor compared to the risk of additional right of way damages. Minor cross-connections will also reduce the number of u-turns, providing for better operations at the Highway intersections.
- Loop ramp option – consider adjusting the loop design speed and/or additional acquisition to eliminate the need to move the main lanes on I-540
- The City prefers a multiuse trail on the north side of the Hwy 16 if the flyover option is chosen or on the south side if the loop option is chosen, which should be physically separated from vehicle traffic (e.g. concrete parapet) to safely cross I-540, rather than bike lanes. The 16' wide path should extend to both ends of the project, separated from the road by a parapet wall across the bridge, with a 12' wide path on the roadway portions.
- Transit routing should be considered and the Department should engage Ozark Regional Transit and Razorback Transit for their input.

Please let me know if you have any questions.

Jeremy C. Pate
Development Services Director
City of Fayetteville, Arkansas

Please save my new email address: jpate@fayetteville-ar.gov

RESOLUTION NO. _____

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S AGREEMENT WITH THE RECOMMENDATIONS OF MAYOR JORDAN, DEVELOPMENT DIRECTOR JEREMY PATE AND CITY ENGINEER CHRIS BROWN CONCERNING THE PROPOSED HIGHWAY 16W AND I-540 INTERCHANGE IMPROVEMENTS AND THE HIGHWAY 62 AND I-540 INTERCHANGE IMPROVEMENTS

WHEREAS, the Fayetteville City Council thanks the Arkansas Highway Commission and the Arkansas Highway and Transportation Department for their plans and commitment to improve the I-540 interchanges with Highway 62 (MLK) and Highway 16 (Wedington); and

WHEREAS, the City Council also thanks the Arkansas Highway and Transportation Department for providing us an opportunity to comment upon the proposals and for its willingness to listen to local citizens, business, government concerning these two vitally important highway improvements.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby reports that it has studied the current proposals for the I-540 interchanges with Highway 62 and Highway 16 as well as the analysis of suggested improvements by Mayor Jordan, Development Services Director Jeremy Pate and City Engineer Chris Brown and hereby have determined that the suggested changes by the City of Fayetteville Administration are reasonable and pragmatic and should increase safety, diminish congestion, better accommodate bicycle and pedestrian traffic through these interchanges.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby requests that the Arkansas Highway and Transportation Division incorporate as many and as much of the City of Fayetteville proposals (attached as Exhibit A) into its final design as are feasible and practical.

PASSED and APPROVED this 1st day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Exhibit A
To
Resolution NO. _____

The Fayetteville City Council supports the Arkansas Highway and Transportation Department in its efforts to improve the interchanges at Highway 16 and Highway 62 along I-540, but requests that the following comments be considered during the design:

- 1) Provision of bicycle and pedestrian access across I-540: Due to the volume of traffic and increased number of lanes proposed, a shared use trail on one side of the roadway at both interchanges is preferred over traditional bike lanes.
- 2) Use of Median for Access Management. Medians for access management are recognized as an important feature for safety and traffic management. However, the limitation on access should be balanced with providing existing and future businesses with adequate provisions for the public to enter and exit their property:
 - a) Consider a signalized median break at Hwy 16 and Tahoe Circle, to provide access for both vehicular traffic and pedestrians onto and across Highway 16.
 - b) Consider an additional median break on Highway 62 at the eastern entrance to Wal-Mart, and additional cross connections between businesses near the Highway 62/I-540 interchange to minimize u-turns and long "out of the way" travel distances.
- 3) Conversion of Shiloh Drive from Persimmon Street to Highway 16 from 1-way traffic to 2-way traffic: Allowing traffic to use Shiloh to access the right turn loop ramp at Highway 16 will potentially reduce the traffic on Highway 16.
- 4) Transit Accommodations: Transit routing should be considered and the Department should engage Ozark Regional Transit and Razorback Transit for their input.
- 5) Highway 62 Interchange: The loop ramp option is preferred over the flyover option.

The City Council requests that these comments, supplemented by additional detailed comments provided by City Staff and the Mayor, be incorporated into the final design for the Highway 16 and Highway 62 interchanges.

Williams, Kit

From: Williams, Kit
Sent: Monday, March 31, 2014 6:51 PM
To: Smith, Sondra; Schoppmeyer, Martin; Long, Alan
Cc: Brown, Chris; Marr, Don
Subject: RE: April 1 City Council Meeting Proposed Walk On for the Agenda

Marty,

Chris Brown informed us at the Mayor's staff meeting this morning that the comment period for AHTD would expire before your April 15th meeting. Thus, if the City Council wishes to express its opinion on these interchanges during the normal comment period, it must act tomorrow evening. I so informed Alan, and he decided to go forward to help support the Administration's positions.

I asked Sondra to notify everyone ASAP so you would have some time to consider this before your meeting.

Kit Williams

Fayetteville City Attorney
479.575.8313

From: Smith, Sondra
Sent: Monday, March 31, 2014 5:37 PM
To: Schoppmeyer, Martin; Williams, Kit; Long, Alan
Subject: RE: April 1 City Council Meeting Proposed Walk On for the Agenda

Hi Marty

I did not speak to Alan. Kit has been working with Alan and brought the agenda request in and asked that we email it.

Alan can you or Kit answer Marty's question about the proposed walk on.

Thank you!

Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
ssmith@fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

CITY OF
Fayetteville
ARKANSAS
www.fayetteville-ar.gov

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

Tentative Agenda City of Fayetteville Arkansas City Council Meeting April 1, 2014

A meeting of the Fayetteville City Council will be held on April 1, 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 March 18, 2014 City Council meeting minutes.
2. **Bid #14-17 to Chevrolet of Fayetteville:** A resolution to award Bid #14-17 to Chevrolet of Fayetteville for the purchase of one (1) Chevrolet 2500HD pickup truck with topper and Jotto cargo slide in the total amount of \$34,350.00 for use by the Fire Department.
3. **Bid #14-18 Hilbilt Sales Corp. – Arkansas:** A resolution to award Bid #14-18 to Hilbilt Sales Corp. - Arkansas of Benton, Arkansas for the purchase of one (1) Clement Industries Starlite hydraulic end dump trailer in the total amount of \$43,559.78 for use by the Westside Wastewater Treatment Plant.

4. **Bid #14-19 Lewis Ford Sales, Inc.:** A resolution to award Bid #14-19 to Lewis Ford Sales, Inc. of Fayetteville, Arkansas for the purchase of three (3) Ford F250 4x4 pickup trucks with Meyer snow plows in the total amount of \$98,707.86 for use by the Parks and Transportation Divisions.
5. **Williams Tractor of Fayetteville:** A resolution to approve the purchase of one (1) Hustler Trimstar mower and four (4) Hustler Super Z mowers from Williams Tractor of Fayetteville in the total amount of \$58,627.21 pursuant to a state procurement contract, and to approve a budget adjustment.
6. **Professional Turf Products:** A resolution to authorize the purchase of two (2) Toro Sand Pro 5040 Bunker Rakes and one (1) Toro Lip Broom from Professional Turf Products of Lenexa, Kansas in the total amount of \$38,979.00 pursuant to National IPA Contract #120535 for use by the Parks and Recreation Division.
7. **North Point Ford:** A resolution to authorize the purchase of one (1) Ford F-250 extended cab pickup truck from North Point Ford of North Little Rock in the amount of \$21,191.00 pursuant to a state procurement contract for use by the Water and Sewer Division, and to approve a budget adjustment.
8. **Fayetteville Advertising and Promotion Commission:** A resolution to approve a five year agreement with the Fayetteville Advertising and Promotion Commission to furnish collection and accounting services for the Hotel, Motel, and Restaurant taxes collected for the A & P Commission for a fee of 2% of such collections.

B. Unfinished Business:

1. **ADM 13-4602 (UDC Amendment Chapter 161.32 and Chapter 166.06):** An ordinance to Amend §161.32 Planned Zoning District and §166.06 Planned Zoning District of the Unified Development Code to clearly separate the zoning and development approvals for Planned Zoning Districts and to simplify and reduce current regulations. ***This ordinance was left on the First Reading at the March 18, 2014 City Council meeting.***

C. New Business:

1. **Garver, LLC Amendment No. 2:** A resolution to approve Amendment No. 2 to the contract with Garver, LLC in an amount not to exceed \$69,825.00 for additional design services on the Spring Street Parking Deck Project, and to approve a budget adjustment.

D. City Council Agenda Session Presentations:

1. **Update on Resolution for Funding Energy Improvements to City Buildings and HEAL Program**– Peter Nierengarten and Paul Becker

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

2014-0129

Legistar File Number

April 1, 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 Bid #14-17 to Chevrolet of Fayetteville for the purchase of one Chevrolet 2500HD Pickup with topper and Jotto slide in the amount of \$34,350 for use by Fire Department.

Does this item have a cost? ☒ Yes

\$34,350.00

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

\$110,713.00

Funds Used to Date

Vehicles and Equipment

Program or Project Category

02078.2014

Project Number

\$639,937.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐ No

V20130812

Previous Ordinance or Resolution #

Original Contract Number:



Comments:

[Signature] 3/14/14

Paul A. Beeks 3-14-2014

[Signature] 3/17/14
[Signature]

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 1, 2014

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent JB
DATE: March 12, 2014
SUBJECT: Purchase of one pickup for Fire Department

RECOMMENDATION:

That City Council approve the purchase off Bid #14-17 of one Chevrolet 2500HD Pickup with topper and Jotto slide from Chevrolet of Fayetteville in the amount of \$34,350.

BACKGROUND:

Unit 1116 is a 2004 Ford Expedition that was due for replacement in 2012 but was pushed back to 2014. It needs to be replaced with a ¾ ton pickup. During 2011, the Fire Department worked with Fleet to evaluate their emergency response vehicles. It was determined that a standardized pickup best fits the needs of the Department when considering all the equipment that is needed on emergency scenes and the ability to pull Fire Department trailers.

DISCUSSION:

Bid 14-17 was opened February 19th; a copy of the Bid Tab is attached. Chevrolet of Fayetteville was the low bidder and their bid meets all specs.

Fleet recommends the purchase of one Chevrolet 2500HD Pickup with topper and Jotto slide from Chevrolet of Fayetteville in the amount of \$34,350.

BUDGET/STAFF IMPACT:

Sufficient replacement funds have been collected for this purchase; it has been budgeted for on the operating and capital sides.

Attachments:

Bid #14-17 Bid Tab sheet

RESOLUTION NO. _____

A RESOLUTION TO AWARD BID #14-17 TO CHEVROLET OF FAYETTEVILLE FOR THE PURCHASE OF ONE (1) CHEVROLET 2500HD PICKUP TRUCK WITH TOPPER AND JOTTO CARGO SLIDE IN THE TOTAL AMOUNT OF \$34,350.00 FOR USE BY THE FIRE DEPARTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #14-17 to Chevrolet of Fayetteville and approves the purchase of one (1) Chevrolet 2500 HD pickup truck with topper and Jotto cargo slide in the total amount of \$34,350.00 for use by the Fire Department.

PASSED and APPROVED this 1st day of April, 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: 3/11/2014	A-2 Bid #14-17 to Chevrolet of Fayetteville
P.O Number:	Expected Delivery Date:	Page 4 of 6

Vendor #: 17009	Vendor Name: CHEVROLET OF FAYETTEVILLE	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	Division Head Approval: <i>[Signature]</i>
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Requester: BARBARA OLSEN	Requester's Employee #: 1940	Extension: 3485
------------------------------------	--	---------------------------

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2014 CHEVROLET 2500HD PICKUP WITH	1	EA	34,350.00	\$34,350.00	9700.1920.5802.00	02078.2014		702175
2	TOPPER AND JOTTO SLIDE PER BID SPECS ON				\$0.00				
3	BID #14-17, TO BE UNIT 2175, FA 702175				\$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: **\$34,350.00**

Total: **\$34,350.00**

Approvals:

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



Bid: 14-17
2/19/2014
2:00 PM
City of Fayetteville

BID 14-17 HEAVY DUTY 4X4 PICKUP

BIDDER	Manufacturer	Model	Qty	Price Each	Total Bid
Breeden Dodge Chrysler Jeep Ram	Ram	DJ7H91	1	\$ 37,317.00	\$ 37,317.00
Chevrolet of Fayetteville	Chevrolet	2500 HD	1	\$ 34,350.00	\$ 34,350.00
Terex	Ford	F250	1	\$ 42,770.00	\$ 42,770.00

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

CERTIFIED:

P. Vice

P. VICE, Purchasing MGR

Carolyn Ref

Witness

2/19/14

Date

City of Fayetteville Item Review Form

2014-0128

Legistar File Number

April 1, 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 Bid #14-18 to Hilbilt Sales Corp of Benton, AR for the purchase of one Clement Industries Starlight hydraulic end dump Trailer in the amount of \$43,560 (tax included) for use by Wastewater Treatment Plant.

Does this item have a cost? ☒ Yes

\$43,560.00

Cost of this request

\$192,000.00

Category or Project Budget

Other Vehicles/Equipment

Program or Project Name

9700.1920.5802.00

Account Number

\$0.00

Funds Used to Date

Vehicles and Equipment

Program or Project Category

02080.2014

Project Number

\$148,440.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐ No

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

[Signature] 3/14/14

Paula A. Beeks 3-14-2014

Don Man 3-17-14

[Signature]

V20130812



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 1, 2014

TO: Mayor and City Council
THRU: Terry Gölley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent JB
DATE: March 12, 2014
SUBJECT: Purchase of one end dump Trailer for Wastewater

RECOMMENDATION:

That City Council approve the purchase off Bid #14-18 of one Clement Industries end dump Trailer from Hilbilt Sales Corp of Benton, AR in the amount of \$43,560 tax included.

BACKGROUND:

Unit #9106 is a 2004 Lufkin Trailer that is past due for replacement; this is the last unit that OMI purchased and sold to the City.

DISCUSSION:

Bid 14-18 was opened February 26, 2014; a bid tab sheet is attached. Hilbilt Sales Corp was the low bidder and their bid meets all specs.

Fleet recommends the purchase of one 2014 Clement Industries Starlight hydraulic end dump trailer from Hilbilt Sales Corp of Benton, AR in the amount of \$43,560 tax included.

BUDGET/STAFF IMPACT:

There is a shortfall of \$4,500 of replacement collected on this unit which should be covered by the amount received when the old unit is sold on GovDeals. If the unit doesn't bring enough on GovDeals, the balance will be added to the amount to collect on the new unit, per Fleet policy.

Attachments:

Bid #14-18 Bid Tab sheet

RESOLUTION NO. _____

A RESOLUTION TO AWARD BID #14-18 TO HILBILT SALES CORP. - ARKANSAS OF BENTON, ARKANSAS FOR THE PURCHASE OF ONE (1) CLEMENT INDUSTRIES STARLITE HYDRAULIC END DUMP TRAILER IN THE TOTAL AMOUNT OF \$43,559.78 FOR USE BY THE WESTSIDE WASTEWATER TREATMENT PLANT

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 #14-18 to HilBilt Sales Corp. – Arkansas of Benton, Arkansas and approves the purchase of one (1) Clement Industries StarLite hydraulic end dump trailer in the total amount of \$43,559.78 for use by the Westside Wastewater Treatment Plant.

PASSED and APPROVED this 1st day of April, 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:	A. 3
Bid #1418	Hilbilt Sales Corp. - Arkansas	
P.O Number:	Expected Delivery Date:	Page 4 of 6

Vendor #:	13491	Vendor Name:	HILBILT SALES CORP	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:
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Requester:	Requester's Employee #:	Extension:
BARBARA OLSEN	1940	3485

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2014 CLEMENT INDUSTRIES STARLIGHT*	1	EA*	39,690.00	\$39,690.00	9700.1920.5802.00	02080.2014		709193
2	HYDRAULIC END DUMP TRAILER PER BID SPECS				\$0.00				
3	BID #14-18, TO BE UNIT 9193, FA 709193				\$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: **\$39,690.00**
Tax: **\$3,869.78**
Total: **\$43,559.78**

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



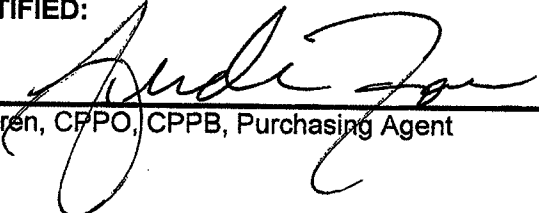
Bid: 14-18
2/26/2014
2:00 PM
City of Fayetteville

Bid 14-18, Dump Trailer

BIDDER		Total Base Bid
Fudges Freight Brokerage, Inc. -- Option 1	\$	59,480.00
Fudges Freight Brokerage, Inc. -- Option 2	\$	71,863.00
HilBilt Sales Corp. AR	\$	39,690.00

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

CERTIFIED:


A. Foren, CPPO, CPPB, Purchasing Agent


Witness

2/26/14
Date

City of Fayetteville Item Review Form

2014-0126

Legistar File Number

April 1, 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 Bid #14-19 to Lewis Ford of Fayetteville, AR for the purchase of three Ford F250 4x4 pickups with Meyer snow plows in the amount of \$32,902.62 each for a total of \$98,707.86.

Does this item have a cost? ☒ Yes

\$98,707.86

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

\$166,254.00

Funds Used to Date

Vehicles and Equipment

Program or Project Category

02078.2014

Project Number

\$520,038.14

Remaining Balance

Shop Fund

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☒ No

V20130812

Previous Ordinance or Resolution #

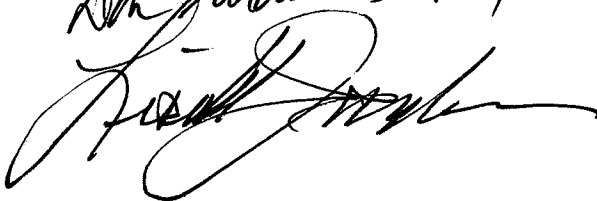
Original Contract Number:

Comments:

 3/14/14

Paul A. Beek 3-14-2014

 3-17-14





CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 1, 2014

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent *JB*
DATE: March 12, 2014
SUBJECT: Purchase of three pickups with snow plows

RECOMMENDATION:

That City Council approve the purchase off bid #14-19 of three Ford F250 4x4 pickups with Meyer snow plows from Lewis Ford Sales of Fayetteville, AR in the amount of \$98,707.86.

BACKGROUND:

Unit #2053 is a 2002 Ford F250 4x4 pickup used by Parks division which was scheduled for replacement in 2012 but was pushed back to 2014. It is worn out and needs to be replaced now.

Units #2064 and #2065 are both 2004 F250 4x4 pickups used by Transportation division which are worn out and need to be replaced.

DISCUSSION:

Bid #14-19 was opened March 6th; a bid tab sheet is attached. Lewis Ford is the low bidder that meets all specifications. They quoted on a Meyer snow plow which is the same unit that is used by the City on our light / medium snow removal equipment. Interchangeability of parts by purchasing the same brand snow plow allows us to add plows without having to add another line of snow plow repair parts.

Fleet recommends the purchase of three 2014 Ford F250 4x4 pickups with Meyer snow plows from Lewis Ford Sales of Fayetteville, AR off Bid #14-19 in the amount of \$32,902.62 each for a total of \$98,707.86.

BUDGET/STAFF IMPACT:

These units were budgeted on both capital and operating sides.

RESOLUTION NO. _____

A RESOLUTION TO AWARD BID #14-19 TO LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS FOR THE PURCHASE OF THREE (3) FORD F250 4X4 PICKUP TRUCKS WITH MEYER SNOW PLOWS IN THE TOTAL AMOUNT OF \$98,707.86 FOR USE BY THE PARKS 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 awards Bid #14-19 to Lewis Ford Sales, Inc. of Fayetteville, Arkansas and approves the purchase of three (3) Ford F250 4x4 pickup trucks with Meyer snow plows in the total amount of \$98,707.86 for use by the Parks and Transportation Divisions.

PASSED and APPROVED this 1st day of April, 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: 3/4/2014
Bid #14-19 Lewis Ford Sales, Inc.
P.O Number:
Expected Delivery Date: Page 4 of 6

Vendor #: 7040 Vendor Name: LEWIS FORD
Mail Yes: No: X

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

City: State: Zip Code: Ship to code: 50 Division Head Approval: Requester's Employee #: 1940 Extension: 3485

Requester: BARBARA OLSEN

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2014 F250 4X4 PICKUP WITH MEYER SNOW	3	EA	32,902.62	\$98,707.86	9700.1920.5802.00	02078.2014		
2	PLOW, PER SPECS, BID #14-19, TO BE UNITS:				\$0.00				702180
3	2180, FIXED ASSET 702180, UNIT 2181, FIXED				\$0.00				702181
4	ASSET 702181, UNIT 2182, FIXED ASSET 702182				\$0.00				702182
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: \$98,707.86

Total: \$98,707.86

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____



Bid: 14-19
3/6/2014
2:00 PM
City of Fayetteville

BID 14-19, Pickup Trucks with Snow Plows

BIDDER	Manufacturer	Model	Qty	Price Each	Total Bid
2 Lewis Ford Sales Inc	Ford	F250	3	\$ 32,902.62	\$ 98,707.86
1 Lindsay Ford Inc	Ford	F250	3	\$ 32,487.00	\$ 97,461.00
3 Scruggs Equipment Company	Ford	F250	3	\$ 35,387.25	\$ 106,161.75

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

CERTIFIED:

A. Foren, Purchasing Agent Carolyn Reef 3/07/14
A. Foren, Purchasing Agent Witness Date

City of Fayetteville Item Review Form

2014-0127

Legistar File Number

April 1, 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 to purchase one Hustler Trimstar Mower and 4 Hustler Super Z HD 60" Mowers from Williams Tractor of Fayetteville, AR off the state contract #4600031554 in the amount of \$58,627.21, and approval of a Budget Adjustment to move funds to the Fleet expense account

Does this item have a cost? ☒ Yes

\$58,628.00

Cost of this request

\$161,000.00

Category or Project Budget

Tractors / Mowers

Program or Project Name

9700.1920.5802.00

Account Number

\$38,979.00

Funds Used to Date

Vehicles and Equipment

Program or Project Category

02083.2014

Project Number

\$63,393.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



[Signature] 3/14/14

Paul A. Beeks 3-14-2014

Don Alan 3-17-14

[Signature]

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 1, 2014

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent *JB*
DATE: March 12, 2014
SUBJECT: Purchase of five Mowers for Transportation and Water & Sewer

RECOMMENDATION:

That City Council approve the purchase of one Hustler Trimstar Mower and 4 Hustler Super Z HD 60" Mowers from Williams Tractor of Fayetteville off State Contract in the amount of \$58,628 for use by Transportation and Water & Sewer, and approve a budget adjustment to move funds to the Fleet expense account.

BACKGROUND:

Unit 597 is a 2006 Hustler ATZ mower used by Transportation that was due for replacement in 2013 but was pushed back to 2015. A Hustler Trimstar mower is available off the State contract from Williams Tractor of Fayetteville for \$5,882.

Transportation Division staff have identified the need for three expansion Hustler Super Z 60" mowers due to an increase in areas the division is now responsible for mowing beside new sidewalks and increased areas on the boulevard islands.

Unit 584 is a 2004 Hustler mower used by W&S that was due for replacement in 2011, but was pushed back. It will be replaced with a Hustler Super Z 60" mower. These mowers are available off state contract from Williams Tractor for \$13,186 each.

DISCUSSION:

Fleet recommends the purchase of one Hustler Trimstar mower for \$5,882, and four Hustler Super Z mowers for Transportation and Water & Sewer for \$13,186.36 each off state contract #4600031554 from Williams Tractor for a total of \$58,627.21. Williams Tractor quote sheets are attached. ***These quoted prices include conversion to propane.***

BUDGET/STAFF IMPACT:

As these mowers are expansions, a Budget Adjustment is needed to move capital funds into Fleet's expense project. Fleet has prepared one BA for these mowers and the mower mentioned in the above paragraph.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE PURCHASE OF ONE (1) HUSTLER TRIMSTAR MOWER AND FOUR (4) HUSTLER SUPER Z MOWERS FROM WILLIAMS TRACTOR OF FAYETTEVILLE IN THE TOTAL AMOUNT OF \$58,627.21 PURSUANT TO A STATE PROCUREMENT CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of one (1) Hustler Trimstar mower and four (4) Hustler Super Z mowers from Williams Tractor of Fayetteville in the total amount of \$58,627.21, pursuant to a state procurement contract.

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

PASSED and APPROVED this 1st day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

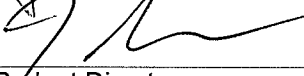
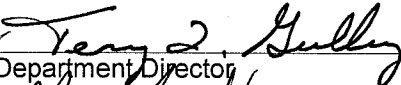
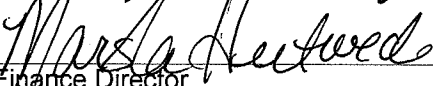
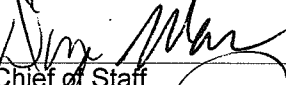
**City of Fayetteville, Arkansas
Budget Adjustment Form**

V12.0724A. 5
Williams Tractor of Fayetteville
Page 4 of 8

Budget Year 2014	Division: Fleet Operations Department: Transportation Services	Request Date 4/1/2014	Adjustment Number
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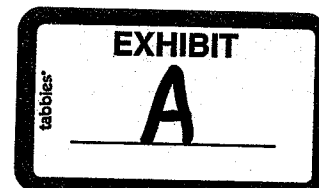
BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Funds are requested to be moved from fund balance into Fleet's tractor/mower project to purchase three expansion mowers for Transportation and to replace one mower which was scheduled for replacement in 2015. Sufficient funds remain to meet City objectives.

 Division Head	3/3/14 Date	Prepared By: Barbara Olsen  Olsen, Barbara
 Budget Director	3/3/14 Date	Reference:
 Department Director	3/4/14 Date	Budget & Research Use Only
 Finance Director	3/19/14 Date	Type: A B C D E P
 Chief of Staff	3/19/14 Date	General Ledger Date
 Mayor	3/20/14 Date	Posted to General Ledger
		Initial Date
		Checked / Verified
		Initial Date

TOTAL BUDGET ADJUSTMENT

		TOTAL BUDGET ADJUSTMENT		46,500	46,500	
				Increase / (Decrease)		Project.Sub
Account Name	Account Number		Expense	Revenue		Number
Vehicles and equipment	9700.1920.5802.00	EX	46,500	-		02083 . 2014
Use of fund balance	9700.0970.4999.99	RE	-	46,500		.
						.
						.



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: Williams Tractor of Fayetteville 3/11/2014
P.O Number:	Expected Delivery Date: Page 5 of 8

Vendor #: 11133	Vendor Name: WILLIAMS TRACTOR	Mail Yes: No: X
--------------------	----------------------------------	-----------------

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: Jesse Bach
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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 HUSTLER TRIMSTAR MODEL #930388	1	EA	5,881.77	\$5,881.77	9700.1920.5802.00	02083.2014		705051
2	PER QUOTE, TO BE UNIT 5051, FA 705051				\$0.00				
3	2014 HUSTLER SUPR Z HD MODEL #932178				\$0.00				
4	MOWER PER QUOTE, TO BE UNITS:	4	EA	13,186.36	\$52,745.44	9700.1920.5802.00	02083.2014		705052
5	5052. FA 705052, UNIT 5053 - FA 705053,				\$0.00				705053
6	UNIT 5054 - FA 705054, UNIT 5055, FA 705055				\$0.00				705054
7	ALL UNITS TO BE CONVERTED TO PROPANE				\$0.00				705055
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$58,627.21

Total: \$58,627.21

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



STATE OF ARKANSAS

Term Contract

Vendor No. 100206373
Contact JOSH SCHMIDT @ 620 327 1248
Your reference SP-14-0053R

HUSTLER TURF EQUIPMENT LLC
PO Box 641989
HESSTON KS 67062

Contract No. 4600031554
Date 02/24/2014

Contact Anna Hawthorne
Telephone 501-371-6054
Fax 501-324-9311

Our ref. ST
Incoterms FOB
DESTINATION

Send Invoice To:

Ordering entity as specified in purchase order

Ship To:

STATEWIDE DELIVERY
LITTLE ROCK AR 72201

Valid from: 03/01/2014
Valid to: 02/28/2015

VENDOR: Hustler Turf Equipment
AWARD NO: SP-14-0053R
COMMODITY: COMMERCIAL LAWN CARE EQUIPMENT

Vendor Contact: Josh Schmidt
Phone: 620-327-1248
E-mail: jschmidt@excelii.com

THIS IS A TERM CONTRACT ISSUED BY THE OFFICE OF STATE PROCUREMENT. THIS DOES NOT REPRESENT YOUR AUTHORITY TO SHIP. THE ORDERING AGENCY WILL ISSUE A PURCHASE ORDER TO AUTHORIZE SHIPMENT. THIS CONTRACT CONSTITUTES ACCEPTANCE OF YOUR BID ALONG WITH ALL TERMS AND CONDITIONS THERIN AND SIGNIFIES THE OFFERER'S KNOWLEDGE AND ACCEPTANCE OF ALL TERMS AND CONDITIONS SET FORTH WITHIN THE INVITATION FOR BID.

CONTRACT PERIOD

The contract will be a one (1) year term contract from the date of award. Upon mutual agreement by the contractor and OSP, the contract may be renewed on a year-to-year basis, for up to six (6) additional one (1) year terms or a portion thereof. In no event shall the total contract term be more than seven (7) years.

SCOPE

This is a non-mandatory term contract with Product Manufacturers to purchase Commercial Lawn Care Equipment, replacement parts, and attachments for all State entities and cooperative purchasing program participants within Arkansas.

GENERAL CONDITIONS AND INSTRUCTIONS TO VENDOR:

All purchasing rules and regulations defined by the State of Arkansas apply to this document.

Purchasing Official/Fiscal Officer

Date



2501 N. Shiloh Drive/P.O. Box 1346
Fayetteville, Ar 72702
479-442-8284
dspears@williamstractor.com
2/28/2014

City of Fayetteville
Purchasing
Attn: Jessie Beeks
jbeeks@ci.fayetteville.ar.us
Arkansas State Bid Contract #4600031554

Please accept this bid on the following mowing equipment

1 Hustler Trimstar Model # 930388 14.5HP Pull Start Kawasaki 36" Side Discharge
Deck Hydrostatic Drive with Ride On Bullrider Sulky Converted to Propane Less Tank
\$5,881.77 Sub Total

3 Hustler Super Z HD Model # 932178 FX1000 Kawasaki 60" Rear Discharge
w/Propane Conversion Less Tanks

\$13,186.36 Each
3x \$39,559.08 Sub Total
\$45,440.85 Total
Plus Tax If Applicable

Please call me if you have any questions and thank you considering Williams Tractor for
your equipment needs.

Thank You
Danny Spears
479-442-8284
479-442-6013 Fax
479-841-7054 cell



2501 N. Shiloh Drive/P.O. Box 1346
Fayetteville, Ar 72702
479-442-8284
dspears@williamstractor.com
2/28/2014

City of Fayetteville
Purchasing
Attn: Jessie Beeks
jbeeks@ci.fayetteville.ar.us
Arkansas State Bid Contract #4600031554

Please accept this bid on the following mowing equipment

1 Hustler Super Z HD Model # 932178 FX1000 Kawasaki 60" Rear Discharge
w/Propane Conversion Less Tanks

\$13,186.36

-
Plus Tax If Applicable

Please call me if you have any questions and thank you considering Williams Tractor for your equipment needs.

Thank You
Danny Spears
479-442-8284
479-442-6013 Fax
479-841-7054 cell

City of Fayetteville Item Review Form

2014-0130

Legistar File Number

April 1, 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 to purchase two Sand Pro 5040's including one Lip Broom off the National IPA Contract #120535 in the amount of \$38,979 from Professional Turf Products of Lenexa, Kansas.

Does this item have a cost? ☒ Yes

\$38,979.00

Cost of this request

\$161,000.00

Category or Project Budget

Tractors / Mowers

Program or Project Name

9700.1920.5802.00

Account Number

\$0.00

Funds Used to Date

Vehicles and Equipment

Program or Project Category

02083.2014

Project Number

\$122,021.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐ No

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



3/14/14

Maria Hestweck 3/19/14

Don Allen 3/18/14

Frank [signature]

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 1, 2014

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent JB

DATE: March 12, 2014

SUBJECT: Purchase of 2 Sand Pro's and 1 Lip Broom for Parks & Recreation

RECOMMENDATION:

That City Council approve the purchase off the NIPA contract #120535 from Professional Turf Products of Lenexa, Kansas of 2 Toro Sand Pro's and 1 Lip Broom in the amount of \$38,979.

BACKGROUND:

Parks has two 2007 John Deere bunker rakes (units #5004 and #5006) that were due for replacement in 2012 but were pushed back until 2014. They are both worn out and need to be replaced. Parks also has a 2007 Hustler Mower (unit 599) which is past due for replacement. Parks wants to replace it with a Toro Lip Broom which will be used on one of the above Sand Pro's.

DISCUSSION:

The bunker rakes will be replaced with the same type equipment: Toro Sand Pro 5040's which are available off the NIPA contract #120535 for \$16,016 each from Professional Turf Products of Lenexa, Kansas. The Lip Broom is used to sweep sand back onto the ball fields where it has blown into the grass around the edges. The Lip Broom is available off the same contract from Professional Turf Products for \$6,947. A copy of the quote is attached.

Fleet recommends the purchase of two Sand Pro 5040's and one Lip Broom off NIPA contract #120535 from Professional Turf Products of Lenexa, Kansas for a total of \$38,979.

BUDGET/STAFF IMPACT:

There is a small shortfall in replacement funds collected (\$3,500 for all three units) which should be covered by the amount received when the old units are sold on GovDeals. If the units don't bring enough on GovDeals, the balance will be added to the amount to collect on the new units, per Fleet policy.

Attachments:

Quote from Professional Turf Products
National IPA contract 120535

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE THE PURCHASE OF TWO (2) TORO SAND PRO 5040 BUNKER RAKES AND ONE (1) TORO LIP BROOM FROM PROFESSIONAL TURF PRODUCTS OF LENEXA, KANSAS IN THE TOTAL AMOUNT OF \$38,979.00 PURSUANT TO NATIONAL IPA CONTRACT #120535 FOR USE BY THE PARKS AND RECREATION DIVISION

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of two (2) Toro Sand Pro 5040 Bunker Rakes and one (1) Toro Lip Broom from Professional Turf Products of Lenexa, Kansas in the total amount of \$38,979.00 pursuant to National IPA Contract #120535 for use by the Parks and Recreation Division.

PASSED and APPROVED this 1st day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Professional Turf Products, L.P.

10935 Eicher Dr.
Lenexa, Kansas 66219
Paul Downard
(888) 776-8873 ext. 5472
downardp@proturf.com



Count on it.

Ship To	City Of Fayetteville - Fleet Services	Date	2/6/2014
Bill To	NAT'L IPA #120535	Tax Rate	
Contact	Jesse Beeks, Byron Humphries	Destination	2.50%
Address	1525 South Happy Hollow Rd.	Trade-In	
City	Fayetteville, AR	Finance	
State	AR	Account Type	Corp
Postal Code	72701	Comments: Configured to adapt JD-GL650-1200H Rahn Groomer to Toro Sand Pro. Use lift arms from JD-GL650-1200H plus TS-GL650-T7-1 attachment below. Contact Rahn at 800-298-1707 for location of additional lift arm hole that increases convenience of attachment process.	
Phone			
Fax			

Proposal

Qty	Model #	Description	Unit	Extended
1	08703	Sand Pro 3040 <i>Too Small</i>	\$13,455.62	\$13,455.62
1	30035	400 Hour Filter Maintenance Kit	\$88.26	\$88.26
1	TS GL650 T7-1	Hitch for Rahn Groomer to mate with Toro QAS attachment system	\$578.55	\$578.55
		SandPro 3040 - Destination Included - Tax Additional		\$14,122.43
1	08705	Sand Pro 5040	\$15,437.05	\$15,437.05
1	30035	400 Hour Filter Maintenance Kit	\$88.26	<i>TAX</i> \$88.26 <i>PARTS</i>
1	TS GL650 T7-1	Hitch for Rahn Groomer to mate with Toro QAS attachment system	\$578.55	\$578.55
		SandPro 5040 - Destination Included - Tax Additional		<i>16015.60</i> \$16,103.86
1	LB-100-5040	Lip Broom - Front Mount Complete	\$3,552.50	\$3,552.50
1	08712	Front Lift Frame ASM	\$1,386.68	\$1,386.68
1	08781	Rear Remote Hydro	\$1,502.10	\$1,502.10
1	08782	Front Remote Hydraulics	\$505.78	\$505.78
		Lip Broom Assembly for SandPro 5040 - Destination Included - Tax Additional		\$6,947.06

Comments:

For all New Equipment, Demo units may be available for up to 20% savings.
For all New Equipment, Refurbished units may be available for up to 40% savings.

Terms & Conditions:

1. Pricing, including finance options, valid for 30 days from time of quotation.
2. After 30 days all prices are subject to change without notice.
3. Used and Demo equipment is in high demand and availability is subject to change.
 - A. Upon firm customer commitment to purchase, said equipment availability will be determined and "locked".
 - B. In the event equipment is unavailable at time of order, PTP will employ every resource to secure an acceptable substitute.
 - C. PTP strongly advises the customer to issue a firm PO as quickly as possible after acceptance of quotation.
4. "Trade In Allowances" will be treated as a credit for future parts purchases on PTP account unless other arrangements have been made.

Returns Policy:

1. All returns are subject to restocking, refurbishing, usage, and shipping fees.
2. All returns must be able to be sold as new.
3. Items missing parts are non returnable.
4. Professional Turf Products will have sole discretion as to the resalable condition of the product.
5. This policy does not apply to items that are defective, or shipped incorrectly by PTP or one of its vendors.

Payment:

1. Terms are net 10 unless prior arrangements have been made.
2. Quoted prices are subject to credit approval.
 - A. PTP will work with third party financial institutions to secure leases when requested to do so.
 - B. When using third party financiers, documentation fees & advance payments may be required.
 - C. For convenience, monthly payments are estimated based on third party rate factors in effect at time of the quotation.
 - D. PTP assumes no liability in the event credit becomes unavailable or rates change during the approval process.
 - E. New equipment delivery time is estimated at six weeks from the time credit is approved & documents are executed.
3. There will be a service charge equal to 1.5% per month (18% per annum) on all past due invoices.
4. By Law we are required to file a "Notice to Owner" of our intent to file lien in the event of payment default.
This notice must be sent within 60 days of the date the original invoice and will happen automatically regardless of any special payment arrangements that may have been made.



Groundskeeping, Golf and Sports Field Maintenance Equipment
Executive Summary

Lead Agency: City of Tucson, AZ
RFP Issued: May 4, 2012
Date Open: June 12, 2012

Solicitation: RFP #120535
Pre-Proposal Date: May 22, 2012
Proposals Received: 3



Count on it.

Awarded to:

The City of Tucson, AZ Department of Procurement issued RFP #120535 on May 4, 2012 to establish a national cooperative contract for groundskeeping, golf and sports field maintenance equipment.

Notice of the solicitation was sent to potential offerors, as well as advertised in the following:

- City of Tucson, AZ website
- Hawaii Tribune-Herald, HI
- Daily Journal of Commerce, OR
- The State, SC
- The Olympian, WA
- National IPA website

On June 12, 2012 proposals were received from the following offerors:

- Jacobsen Textron Company
- R&R Products
- The Toro Company

The proposals were evaluated by an evaluation committee. Using the evaluation criteria established in the RFP, the committee elected to enter into interview and equipment demonstrations with the top two ranked firms, Jacobsen Textron Company and The Toro Company.

At the conclusion of the interviews and demonstrations, the evaluation committee individually scored and ranked the short-listed firms. As a result, the committee recommended entering into exclusive negotiations with the intent to award to the top ranked firm, The Toro Company.

The City of Tucson, AZ, National IPA and The Toro Company successfully negotiated a contract and the City of Tucson executed the agreement with a contract effective date of November 27, 2012.



Count on it.

Contract includes: Groundskeeping, golf and sports field maintenance equipment

Term:

Initial one year agreement from November 27, 2012 through November 26, 2013, with option to renew for four (4) additional one-year periods through November 26, 2017.

Pricing/Discount:

Discount off Toro MSRP for Commercial, Landscape Contract Equipment and Compact Utility Equipment.

Serviced and supported by local Toro distributors/dealers.

Value Added Services:

- Used equipment
- Financing options
- Smart Value Program volume incentive program

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: 3/11/2014	A. 6
P.O Number:	Expected Delivery Date:	Professional Turf Products Page 8 of 8

Vendor #: 20157	Vendor Name: PROFESSIONAL TURF PRODUCTS	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: <i>Jesse Burke</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	SAND PRO 5040 08705 COMPLETE WITH	1	EA	16,015.60	\$16,015.60	9700.1920.5802.00	02083.2014		
2	HITCH TS GL650 T7-1, TO BE UNIT 5048, FIXED				\$0.00				705048
3	ASSET #705048 AND COMPLETE WITH				\$0.00				
4	LB-100-5040 LIP BROOM, UNIT 5049, FA705049	1	EA	6,947.06	\$6,947.06	9700.1920.5802.00	02083.2014		705049
5	SAND PRO 5040 08705 COMPLETE WITH	1	EA	16,015.60	\$16,015.60	9700.1920.5802.00	02083.2014		705050
6	HITCH TS GL650 T7-1, TO BE UNIT 5050, FIXED				\$0.00				
7	705050				\$0.00				
8	400 HOUR FILTER MAINTENANCE KIT #30035	2	KIT	88.26	\$176.52	9700.1910.5214.00			
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$39,154.78
Tax ON FILTERS: \$17.21
Total: \$39,171.99

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

2014-0131

Legistar File Number

April 1, 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 to purchase a Ford F250 extended cab pickup from North Point Ford of North Little Rock, AR off the State contract (item #17) in the amount of \$21,191 for use by Water & Sewer, and approval of a Budget Adjustment to move funds to the Fleet Expense account.

Does this item have a cost? ☒ Yes

\$21,191.00

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

\$145,063.00

Funds Used to Date

Vehicles and Equipment

Program or Project Category

02078.2014

Project Number

\$618,746.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



Paul A. Barker 3-14-2014

Alan Olsen 3/14/14
Jesse Beeks

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 1, 2014

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent JB
DATE: March 12, 2014
SUBJECT: Purchase of one pickup for Water & Sewer

RECOMMENDATION:

That City Council approve the purchase of one Ford F250 Extended Cab 4x2 Pickup from North Point Ford of North Little Rock, AR off the State contract (item #17) in the amount of \$21,191 for use by Water & Sewer division, and approve a budget adjustment to move funds to the Fleet expense account.

BACKGROUND:

Unit 2104 is a 2006 Ford E250 panel van that was put in service with a 10 year life. The panel van is not the best suited vehicle for this application but Water & Sewer has been "making do" until time to replace it. W&S would like to have it replaced with a ¾ ton 4x2 pickup with topper and bed slider.

Fleet approached W&S to replace their van early as it will be a good fit for Cable Administration to purchase as a used unit. Cable Administration was approved to purchase a used van for 2014 to be used to haul equipment. Cable Admin doesn't use a vehicle enough to justify purchasing a brand new van. Previously cable employees were using their own personal vehicles to haul equipment. Cable Admin will purchase the used unit for the 10% salvage value and a few incidentals to upfit it for them.

DISCUSSION:

Fleet recommends the purchase off state contract item #17 of one Ford F250 Extended cab 4x2 pickup in the amount of \$21,191 from North Point Ford of North Little Rock, AR. (The topper and bed slider cost is not included in this amount; they will be purchased locally.)

BUDGET/STAFF IMPACT:

Fleet budgeted for this replacement on the capital side, but the purchase price was underestimated. A Budget Adjustment is required to move the balance needed from Fleet fund balance to the Fleet expense project. Per Fleet policy the shortfall in replacement collected will be added on to the amount to be collected on the new unit, based on actual purchase price once the truck is placed in service.

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE THE PURCHASE OF ONE (1) FORD F-250 EXTENDED CAB PICKUP TRUCK FROM NORTH POINT FORD OF NORTH LITTLE ROCK IN THE AMOUNT OF \$21,191.00 PURSUANT TO A STATE PROCUREMENT CONTRACT FOR USE BY THE WATER AND SEWER DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of one (1) Ford F-250 extended cab pickup truck from North Point Ford of North Little Rock in the amount of \$21,191.00 pursuant to a state procurement contract for use by the Water and Sewer Division.

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", to move funds to the fleet expense account.

PASSED and APPROVED this 1st day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

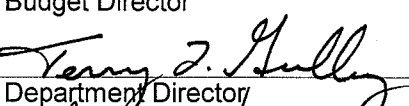
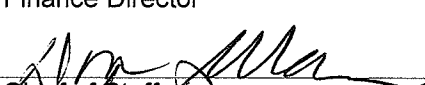
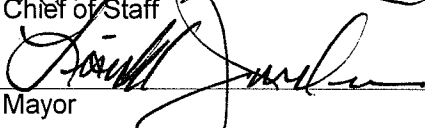
V12.0724A. 7
North Point Ford
Page 4 of 6

Budget Year BY 2014	Division: Fleet Operations Department: Transportation Services	Request Date 4/1/2014	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

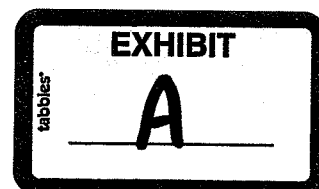
Unit #2104 is a 2006 Ford panel van that is being replaced early. It will be purchased by Cable Administration to haul their equipment. As the replacement cost for 2104 was underestimated in the 2014 capital budget, \$13,000 is requested to be moved from fund balance to Fleet expense account.

Cable Administration is purchasing the used unit for \$2,500 which is the 10% salvage value estimated to be received if unit was sold on gov deals, plus some incidentals to upfit it for their use. Sufficient funds remain to meet City objectives.

 Division Head	3/4/14 Date	Prepared By: Barbara Olsen	Olsen, Barbara
 Budget Director	3-17- Date	Reference:	
 Department Director	3/5/14 Date	Budget & Research Use Only	
 Finance Director	3/19/14 Date	Type: A B C D E P	
 Chief of Staff	3/19/14 Date	General Ledger Date	
 Mayor	3/20/14 Date	Posted to General Ledger	Initial Date
		Checked / Verified	Initial Date

TOTAL BUDGET ADJUSTMENT

		15,500		15,500	
		Increase / (Decrease)			
Account Name	Account Number	Expense	Revenue	Project.Sub Number	
Vehicles and equipment	9700.1920.5802.00	EX 13,000	-	02078 . 2014	
Use of fund balance	9700.0970.4999.99	RI -	13,000	.	
Fixed assets	1010.6600.5801.00	EX (2,500)		.	
Transfer to Shop	1010.6600.7602.70	EX 2,500		57032 . 2014	
Vehicles and equipment	9700.1920.5802.00	EX 2,500		02078 . 2014	
Transfer from General	9700.0970.6602.01	RI	2,500	02078 . 2014	
				.	
				.	



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: 3/11/2014	A. 7 North Point Ford
P.O Number:	Expected Delivery Date: Page 5 of 6	

Vendor #: 6481	Vendor Name: NORTH POINT FORD	Mail Yes: ☐ No: ☒	
Address:		Fob Point:	Taxable Yes: ☐ No: ☒
City:	State:	Zip Code:	Ship to code: 50
Requester: BARBARA OLSEN		Requester's Employee #: 1940	Division Head Approval:
		Extension: 3485	Quotes Attached Yes: ☐ No: ☒

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2014 F250 EXTENDED CAB PICKUP OFF STATE	1	EA	21,191.00	\$21,191.00	9700.1920.5802.00	02078.2014		
2	CONTRACT (PJB) WITH LS-LIMITED SLIP DIFF,				\$0.00				
3	AT-ALL TERRAIN TIRES, WHITE EXTERIOR				\$0.00				
4	TO BE U NIT 2183, FIXED ASSET 702183				\$0.00				702183
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: **\$21,191.00**

Total: **\$21,191.00**

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

**Arkansas Office of State Procurement
2014 State Vehicle Contract Awards Summary**

Vendor	Contact Name	Phone	Email	Vendor #	OA #	Awarded Items
Red River Dodge 105 S. 7th Street Heber Springs, AR 72543	Brad West	501-362-5522	brad@redriverdodge.com	100158685	4600030977	66,67, 74
Riser Ford 4201 Central Hot Springs, AR 71913	Dennie Spencer	501-520-3539	denniespencer@riserford.com	100072101	4600030968	24,37,38,75,76,77,81,82,83
Bale Chevrolet 13101 Chenal Pkwy. Little Rock, AR 72211	David Broyles	501-221-9191 Ext. 4282	dbroyles@balechevrolet.com	100095671	4600030961	2,4,31,32,34,43,46,47,71, 78,79
Landers Chevrolet PO Box 1649 Benton, AR 72018	Rick Layton	501-316-4400	ricklayton@penskeautomotive.com	100029958	4600030973	33,36,42,65
Landers Toyota 10825 Colonel Glenn Little Rock, AR 72204	Roy Spann	501-569-4018	rspann@landerscorp.com	100149950	4600030966	6,7,8,50
North Point Ford 4400 Landers Rd. N. Little Rock, AR 72117	Jerry Smith Kelly Penn	501-945-8213 501-955-7715	gsmith4@northpointcars.com kpenn@northpointcars.com	100052169	4600030967	10,11,13,16,17,18,19,20
Landers Dodge Jeep PO Box 1649 Benton, AR 72018	Rick Layton	501-316-4400	ricklayton@penskeautomotive.com	100032541	4600030962	3,9,12,14,15,21,39,40,41, 44,45,64
Landers Ford PO Box 1649 Benton, AR 72018	Rick Layton	501-316-4400	ricklayton@penskeautomotive.com	100069180	4600030986	1,22,23,25,26,27,28,29,30 35,48,69,70
Caldwell Toyota 1355 Exchange Ave. Conway, AR 72032	Jonathan Webb	501-327-3900	jmwebb@caldwellcares.com	100120925	4600030976	62
George Nunnally Chevy 2700 SE Moberly Ln. Bentonville, AR 72712	Don Clark	479-273-5555	dclark@justtryme.com	100004710	4600030974	51,58

City of Fayetteville Item Review Form

2014-0041

Legistar File Number

~~2/18/2014~~ 4.1.14 Jm

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Shelly Turberville

Submitted By

Finance

Department

Action Required:

To renew the contract with the Advertising and Promotion Commission.

Does this item have a cost? ☒ Yes

\$52,656.03

Cost of this request

Category or Project Budget

Program or Project Name

1010.0001.4400.00

Account Number

Funds Used to Date

Program or Project Category

-\$52,656.03

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

The 52,656.03 figure is revenue collected in 2013.



[Signature] 3-17-14

Paula Becker 3-17-2014

[Signature] 3-17-14
[Signature]



THE CITY OF FAYETTEVILLE, ARKANSAS

To: Lioneld Jordan, Mayor

From: Shelly Turberville, Accounting Manager 

Thru: Paul Becker, Finance Director

Date: March 14, 2014

Re: Renew Agreement with A&P Commission to collect its 1% HMR tax

The existing Agreement with the A&P Commission is up for renewal. The last Agreement was signed January 5, 2010. The new Agreement will be for a five year time period and automatically renewed for an additional five years unless either party notified the other in writing prior to the expiration of the agreement.

The City of Fayetteville's agreement with the A&P Commission was established to help the A&P Commission collect Hotel, Motel, and Restaurant taxes due and to compensate the City of Fayetteville for the collection and reporting of the HMR taxes. The City of Fayetteville received a total of \$52,656.03 in 2013 for the 2% collection fee stated in the agreement.

The City of Fayetteville and the A&P Commission need to have a new agreement.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A FIVE YEAR AGREEMENT WITH THE FAYETTEVILLE ADVERTISING AND PROMOTION COMMISSION TO FURNISH COLLECTION AND ACCOUNTING SERVICES FOR THE HOTEL, MOTEL, AND RESTAURANT TAXES COLLECTED FOR THE A & P COMMISSION FOR A FEE OF 2% OF SUCH COLLECTIONS

WHEREAS, the City of Fayetteville has long collected the Hotel, Motel and Restaurant tax for the A & P Commission for a fee of 2% of such collections.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached Agreement with the Fayetteville Advertising and Promotion Commission to furnish collection and accounting services for the Hotel, Motel and Restaurant taxes for 2% of the amount collected.

PASSED and **APPROVED** this 1st day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

AGREEMENT

This Agreement, made and entered into this 15th day of April, 2014, by and between the City of Fayetteville, Arkansas, a municipal corporation, and the Fayetteville Advertising and Promotion (A&P) Commission.

WITNESSETH, IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

1. This agreement continues the existing agreement of the City and the A&P Commission entered into on January 5, 2010 under the same terms and conditions and shall remain in full force and effect for an initial term of five years from the above date. Upon completion of the initial term, this agreement will automatically be renewed for an additional five year term unless either party notifies the other party in writing at least sixty (60) days prior to the expiration of the initial term that no renewal is desired.

2. The A&P Commission agrees to pay 2% of the A&P portion of the Hotel, Motel, Restaurant (HMR) taxes collected by the City in consideration of the following duties and obligations to be performed by the City:

- a. Provide reporting forms and handle all communications with the tax remitters concerning the HMR tax;
- b. Receive tax reports and remittances from the tax remitters;
- c. Check tax reports for accuracy and timely reporting;
- d. Invoice tax remitters for underpaid taxes and/or penalties and interest if applicable;
- e. Perform collection efforts in accordance with established procedures as described in Exhibit "A";
- f. Disburse funds to Bond Trustees for debt service on outstanding bonds supported by the A&P Commission's portion of the HMR taxes;
- g. Provide a monthly accounting of all revenues collected for the previous month and remit the collections less the bond payments and collection fees to the A&P Commission by the 15th of the month;

- h. Invest funds not needed for immediate expenditures as part of the City's pooled investments and allocate interest on the basis of percentage of ownership in the pool.

3. The City of Fayetteville and the Fayetteville Advertising and Promotion Commission agree to work collaboratively to develop necessary rules and regulations to implement Sections 35.26 and 35.27 of the Code of Fayetteville.

4. Neither party may assign any of its rights or obligations under this agreement, without the express written consent of the other.

5. The parties agree and understand that this Agreement is exclusive of any and all other agreements, and that it in no way alters, amends or abridges any rights, obligations or duties of the parties contained in such agreements.

6. A waiver by either party of any of the terms or conditions herein shall be limited to that particular instance, and shall not be construed as a general waiver of any other breaches by either party.

7. This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this agreement shall be valid unless made in writing and signed by the duly authorized agents of the City and the A&P Commission.

IN WITNESS WHEREOF, the City of Fayetteville and the Advertising and Promotion Commission have executed this Agreement on or as of the date first written above.

**FAYETTEVILLE
ADVERTISING & PROMOTION
COMMISSION**

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: _____
CHING MONG, Chairman

By: _____
LIONELD JORDAN, Mayor

Attest:

Attest:

By: _____
Marilyn Heifner, Executive Director

By: _____
Sondra Smith, City Clerk/Treasurer

Exhibit "A"

HMR COLLECTION PROCEDURES

ACCOUNTING DIVISION

At the end of each month, after balancing collections with General Ledger accounts:

1. Analyze listing of payments received for the year to determine which establishments are delinquent.
2. Prepare a list of all establishments that are delinquent. If an establishment has had to be prosecuted within the last two years, immediately refer to the City Prosecutor. Indicate on the list if the delinquent establishment also has an alcoholic beverage permit. If an establishment has a private club or an on premises consumption permit, also indicate if they are delinquent in their supplement beverage tax payments.
3. Send notices to all establishments that are delinquent in their HMR remittances. This notice shall advise each establishment of the date (21 days after notice mailed) delinquent taxes must be paid to avoid referring the case to the City Prosecutor.
4. If delinquent taxes are not paid by the stated date, refer the case to the City Prosecutor's Office.

CITY PROSECUTOR'S OFFICE

5. Upon receipt of the delinquent HMR file, the City Prosecutor may send a letter/notice that charges will be filed unless delinquent taxes are paid within thirty (or fewer) days. Prosecutions should commence within sixty or fewer days from the initial delinquency discovered by the Accounting Department.

RESOLUTION NO. 08-10

A RESOLUTION TO APPROVE AN AGREEMENT WITH THE FAYETTEVILLE ADVERTISING AND PROMOTION COMMISSION TO FURNISH COLLECTION AND ACCOUNTING SERVICES FOR THE HOTEL, MOTEL, AND RESTAURANT TAXES COLLECTED FOR THE A & P COMMISSION

WHEREAS, the City of Fayetteville has long collected the Hotel, Motel and Restaurant tax for the A & P Commission for a fee of 2% of such collections.

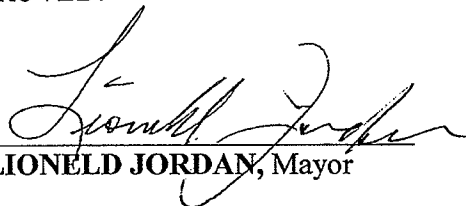
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

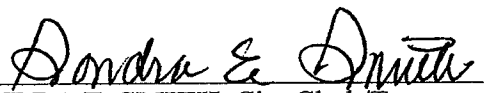
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached Agreement with the Fayetteville Advertising and Promotion Commission to furnish collection and accounting services for the Hotel, Motel and Restaurant taxes for 2% of the amount collected.

PASSED and APPROVED this 5th day of January, 2010.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



AGREEMENT

This Agreement, made and entered into this 5th day of January, 2010, by and between the City of Fayetteville, Arkansas, a municipal corporation, and the Fayetteville Advertising and Promotion (A&P) Commission.

WITNESSETH, IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

1. This agreement shall remain in full force and effect for an initial term of two years from the above date. Upon completion of the initial term, this agreement will automatically be renewed for an additional two year term unless either party notifies the other party in writing prior to the expiration of the initial term that no renewal is desired.

2. The A&P Commission agrees to pay 2% of the A&P portion of the Hotel, Motel, Restaurant (HMR) taxes collected by the City in consideration of the following duties and obligations to be performed by the City:

- a. Provide reporting forms and handle all communications with the tax remitters concerning the HMR tax;
- b. Receive tax reports and remittances from the tax remitters;
- c. Check tax reports for accuracy and timely reporting;
- d. Invoice tax remitters for underpaid taxes and/or penalties and interest if applicable;
- e. Perform collection efforts in accordance with established procedures as described in Exhibit "A";
- f. Disburse funds to Bond Trustees for debt service on outstanding bonds supported by the A&P Commission's portion of the HMR taxes;
- g. Provide a monthly accounting of all revenues collected for the previous month and remit the collections less the bond payments and collection fees to the A&P Commission by the 15th of the month;
- h. Invest funds not needed for immediate expenditures as part of the City's pooled investments and allocate interest on the basis of percentage of ownership in the pool.

3. The City of Fayetteville and the Fayetteville Advertising and Promotion Commission agree to work collaboratively to develop necessary rules and regulations to implement Sections 35.26 and 35.27 of the Code of Fayetteville.

4. Neither party may assign any of its rights or obligations under this agreement, without the express written consent of the other.

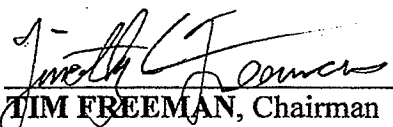
5. The parties agree and understand that this Agreement is exclusive of any and all other agreements, and that it in no way alters, amends or abridges any rights, obligations or duties of the parties contained in such agreements.

6. A waiver by either party of any of the terms or conditions herein shall be limited to that particular instance, and shall not be construed as a general waiver of any other breaches by either party.

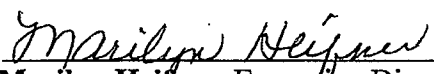
7. This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this agreement shall be valid unless made in writing and signed by the duly authorized agents of the City and the A&P Commission.

IN WITNESS WHEREOF, the City of Fayetteville and the Advertising and Promotion Commission have executed this Agreement on or as of the date first written above.

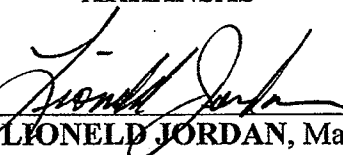
**FAYETTEVILLE
ADVERTISING & PROMOTION
COMMISSION**

By: 
TIM FREEMAN, Chairman

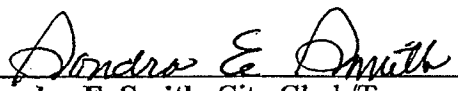
Attest:

By: 
Marilyn Heifner, Executive Director

**CITY OF
FAYETTEVILLE,
ARKANSAS**

By: 
LIONELD JORDAN, Mayor

Attest:

By: 
Sondra E. Smith, City Clerk/Treasurer

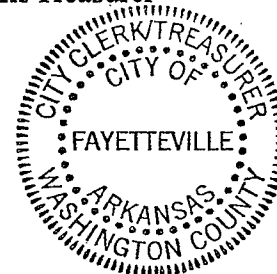


Exhibit "A"

HMR COLLECTION PROCEDURES

ACCOUNTING DIVISION

At the end of each month, after balancing collections with General Ledger accounts:

1. Analyze listing of payments received for the year to determine which establishments are delinquent.

2. Prepare a list of all establishments that are delinquent. If an establishment has had to be prosecuted within the last two years, immediately refer to the City Prosecutor. Indicate on the list if the delinquent establishment also has an alcoholic beverage permit. If an establishment has a private club or an on premises consumption permit, also indicate if they are delinquent in their supplement beverage tax payments.

3. Send notices to all establishments that are delinquent in their HMR remittances. This notice shall advise each establishment of the date (21 days after notice mailed) delinquent taxes must be paid to avoid referring the case to the City Prosecutor.

4. If delinquent taxes are not paid by the stated date, refer the case to the City Prosecutor's Office.

CITY PROSECUTOR'S OFFICE

5. Upon receipt of the delinquent HMR file, the City Prosecutor may send a letter/notice that charges will be filed unless delinquent taxes are paid within thirty (or fewer) days. Prosecutions should commence within sixty or fewer days from the initial delinquency discovered by the Accounting Department.

City of Fayetteville Item Review Form

2014-0118

Legistar File Number

03/18/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Fulcher

Submitted By

Development Services

Department

Action Required:

ADM 13-4602 Administrative Item (UDC AMENDMENT CHAPTER 161.32 PLANNED ZONING DISTRICT and CHAPTER 166.06 PLANNED ZONING DISTRICT): Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapter 161.32 and 166.06. The proposal is to categorize the zoning and development requirements of a Planned Zoning District application into the appropriate zoning and development chapters of the Unified Development Code.

Does this item have a cost?

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item?

Budget Adjustment Attached?

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

[Signature] 3-3-14

Paul A. Besh 3-3-2014

Ann Man 3-4-14
Lionel Jordan



This ordinance was left on the 1st reading at the 3/18/14 City Council Meeting.

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

Jeremy Pate, Development Services Director 

From: Jesse Fulcher, Senior Planner

Date: February 28, 2014

Subject: ADM 13-4602 (UDC Amendment: Chapter 161.32 Planned Zoning District and Chapter 166.06 Planned Zoning District)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to amend the Planned Zoning District (PZD) regulations. The amendments are significant; however, it is staff's opinion that the PZD remains a valuable tool to retain the ability for the Council to see a zoning and development item processed concurrently. The Council makes important legislative decisions related to zoning: building height, setbacks from adjacent properties, permitted and conditional uses, etc. A PZD proposal is a unique custom zoning district, allowing the City Council to review and approve or deny the proposal with neighborhood, staff and applicant input.

BACKGROUND

The City of Fayetteville adopted the Planned Zoning District (PZD) ordinance in November 2002 by Ordinance No. 4434. The PZD ordinance replaced the Planned Unit Development (PUD) process that had been in place for several decades. Planned Zoning Districts and Planned Unit Developments are but two names used to identify master development plan processes, which are employed by municipalities across the nation.

The primary reasons that the PZD ordinance was adopted was to allow customized zoning districts for unique development, to allow concurrent processing of zoning and development plans, and to provide the City Council with an opportunity to make policy decisions related to land use. Under the PUD ordinance, these policy decisions were built into the ordinance and were approved by the Planning Commission. This was very different from a rezoning request where the Planning Commission makes only a recommendation on the zoning amendment and the City Council makes the final legislative zoning decision. The PZD process reestablished the Council's role in master development plan zoning decisions and provided a streamlined review process for the development community.

In 2012, after the approval of a Planned Zoning District, a lawsuit was filed challenging the City's PZD ordinance. In response to this action, the City Attorney requested Planning Staff amend portions of the Unified Development Code to clearly separate the zoning and development standards in the ordinance.

PROPOSAL

Staff's primary goal with these code amendments is to group all of the "zoning" standards in Chapter 161, Zoning Regulations, and all "development" standards in Chapter 166, Development. Currently, terminology associated with "zoning" and "development" crosses into both chapters, creating confusion in the code and in the decision making process. The end result should be a PZD process that includes a pure zoning decision by the City Council and a separate development plan decision by the Planning Commission. This process already exists for similar applications. Large scale developments and preliminary plats only require Planning Commission approval and zoning decisions are made by the City Council after a recommendation by the Planning Commission.

A second goal is to streamline Chapters 161.32 and 166.08. Currently, 161.32 outlines many of the findings for a PZD which is appropriate. However, it also includes categories and standards for residential, commercial, and industrial PZD's. These groups are all based on the primary land use, and ultimately provide only a name for the type of PZD, but little else. The remaining standards are related to compatibility with surrounding properties, which is a finding already under 161.32(B). Staff is proposing to remove all of 161.32(C), (D), and (E).

Chapter 166.06 Planned Zoning District is currently over nine pages long. The largest part of this code is dedicated to items found in the PZD application – essentially instructions. This includes instructions to submit copies of the PZD plan, to complete a PZD application and pay the required filing fees listed in Chapter 159. Similar requirements exist for all types of applications (large scale developments, lot splits, etc.), however, this is the only application type with instructions listed in the ordinance. Staff is proposing to eliminate all such items from Chapter 166.

Staff is also recommending that the allowance for private streets within PZD's be removed. Currently all private streets must be constructed to the same standards as public streets, so there is no cost savings to the developer. However, the long term maintenance responsibility is given to a limited number of property owners within the development, most of which don't realize that they are financially responsible for the street. This does not preclude the use of private drives such as those found within multi-family developments.

Staff is proposing to remove all references to covenants, trusts and homeowner associations. These terms and regulations all deal with private agreements between private property owners. The City does not enforce private party agreements.

One final change is to amend the modification requirements and remove PZD revocation. The Unified Development Code already provides regulations for modifications for both development plans and zoning regulations. Modifications to development plans may be minor or major and can be approved by planning staff or the Planning Commission respectively. A development plan that is part of a PZD action should not have different standards. A request to vary the zoning standards should be brought before the Board of Adjustment, which is the requirement for all zoning variances. Significant changes to a PZD zoning code would likely require a new zoning action by the City Council.

Revocation of a PZD is unnecessary in staff's opinion, because the zoning decision by the City Council should not expire. Once a property is rezoned the zoning remains until a zoning amendment is made by the City Council. This is the case for all other zoning amendments. However, the development approval should expire, as provided by Chapter 166.20. Should a development plan proposed as part of a PZD expire, then the applicant would have to resubmit the development plan through the appropriate process and receive a new approval. For a large property, the applicant can process the zoning request for the entire property and only submit a

development application for the first phase of development. Separate development applications would be submitted for each subsequent phase.

Changes to the Unified Development Code are shown in ~~strikeout~~ and **highlight** in the attached document.

DISCUSSION

On February 24, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-1 with Commission Chessser voting 'no'.

BUDGET IMPACT

None.



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Andrew Garner, City Planning Director
Jesse Fulcher, Senior Planner
Quin Thompson, Planner-Current Planning

FROM: Kit Williams, City Attorney

DATE: March 3, 2014

**RE: Amending the Planned Zoning District Unified Development Code
Sections (§ 161.32 & § 166.06)**

I want to thank Jeremy Pate, Andrew Garner, Jesse Fulcher and Quin Thompson for their extensive work to clarify and shorten the Planned Zoning District regulations in the UDC. During the appeal of the Cleveland Street PZD, it became apparent that confusion could arise about what review standard should be used when the City Council passes a Planned Zoning District ordinance. My position was and is that the City Council's approval of a PZD ordinance was a legislative action and thus entitled to great deference by the Courts.

We just prevailed in the appeal of the Wheel Clamp/Booting Regulation ordinance in large part because your legislative decision was properly entitled to great weight and could only be reversed if there was no rational basis to support the ordinance. The City Council obviously had substantial and compelling reasons to regulate wheel clamping activities, and the appeal was denied.

Last year, I proposed a clarification of the proper method and review standards set forth in state statutes, and Representative David Whitaker sponsored and worked successfully to pass this amendment to the state statute in the last legislative session. To ensure your Planned Zoning District decisions take advantage of the amended statutory review standards (Is there any rational basis for your decision?), we need to clearly separate your zoning decision from the development approval (based upon the requirements of the PZD) by the Planning Commission.

The development approval by the Planning Commission (or City Council on appeal) may be appealed to the Circuit Court for a brand new jury trial. However, if the proposed development meets all the development criteria in the UDC (and any applicable PZD or other zoning regulation of the property), the development **must be approved**. {Even the City Council must approve a development proposed that meets UDC requirements whether or not any Alderman likes the proposed development.} Therefore, it is likely I could prevail for the City in a pure development appeal **as a matter of law** (by motion for summary judgment) so that twelve jurors with no development approval experience (and who may not even reside in Fayetteville) would not have to sit as a one-time super Planning Commission or City Council to decide whether a development should be built in Fayetteville.

In order to clarify and simplify the Planned Zoning District's regulations and to strengthen both your zoning decision and the Planning Commission's development approval (contingent on your PZD approval), Planning Staff and I worked hard to revise the two PZD sections that are now proposed to you for extensive amendments. This was a harder and longer task than I anticipated, but I believe what Planning Staff and the Planning Commission are recommending to you is a significant improvement and clarification of Planned Zoning Districts.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 161.32 **PLANNED ZONING DISTRICT**
AND § 166.06 **PLANNED ZONING DISTRICT** OF THE UNIFIED
DEVELOPMENT CODE TO CLEARLY SEPARATE THE ZONING AND
DEVELOPMENT APPROVALS FOR PLANNED ZONING DISTRICTS AND
TO SIMPLIFY AND REDUCE CURRENT REGULATIONS

WHEREAS, the Planned Zoning District ordinance was established to allow concurrent processing of zoning and development plans; and

WHEREAS, the City of Fayetteville Planning Commission may grant approval of development applications; and

WHEREAS, the City of Fayetteville City Council may approve and enact zoning amendments; and

WHEREAS, the City of Fayetteville desires to establish clear boundaries in the development and zoning review process of a Planned Zoning District request; and

WHEREAS, the Unified Development Code's regulations should be clarified, simplified and shortened whenever possible and feasible.

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 repeals § 161.32 **Planned Zoning District** in its entirety and enacts a replacement § 161.32 **Planned Zoning District** as shown in Exhibit "A."

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 166.06 **Planned Zoning District** in its entirety and enacts a replacement § 166.06 **Planned Zoning District** as shown in Exhibit "B."

Page 2
Ordinance No.

PASSED and **APPROVED** this 18th day of March, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT 'A'

CHAPTER 161: ZONING REGULATIONS

161.32 Planned Zoning District

(A) *Applicability.* To be considered for a Planned Zoning District, the applicant shall meet all of the following criteria:

(1) *Location.* Any property located within the city limits is eligible for a Planned Zoning District. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a Planned Zoning District application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville.

(2) *Size.* There shall be no minimum or maximum tract size for a PZD application.

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

(1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) *Compatibility.* Providing for compatibility with the surrounding land uses.

(3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) *No negative impact.* Does not have a negative effect upon the future development of the area;

(6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private

developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.

(10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

(11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

(C) *Rezoning.* Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 154, Amendments.

(1) Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and zoning standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of zoning standards and a specific master plan.

(2) All uses identified within §162 Use Units of the Unified Development Code may be allowed as permissible uses or conditional uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

(a) The densities of surrounding development;

(b) the densities allowed under the current zoning;

EXHIBIT 'A'

- (c) the urban development goals and other policies of the city's Future Land Use Plan;
 - (d) the topography and character of the natural environment; and
 - (e) the impact of a given density on the specific site and adjacent properties.
- (4) **Building setback.** There shall be no minimum building setback except as may be determined by the Planning Commission and City Council during review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. Greater setbacks may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate separation from adjacent properties.
- (5) **Building height.** There shall be no maximum building height except as may be determined by the Planning Commission and City Council during the review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.
- (6) **Building area.** The Planning Commission and City Council shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

(Ord. No. 4434, §1 (Ex. A), 11-19-02; Ord. 4717, 7-5-05; Ord. 4764, 09-20-05; Ord. 4783, 10-18-05; Ord. 5312, 4-20-10)

161.33-161.99 Reserved

(Ord. 4930, 10-03-06 repealed and re-adopted the entire chapter

166.06 Planned Zoning District (PZD)

(A) General Requirements.

- (1) A development application may be concurrently processed with a rezoning application through the PZD process and may be conditionally approved, subject to City Council approval of the Planned Zoning District zoning standards.
- (2) Development plans submitted with a PZD may include more restrictive development regulations than that which are included in other sections of the UDC, but standards shall not be established that fall below these minimum standards.

(B) Modifications to development plan.

- (1) *Minor Modifications.* Minor modifications to an approved PZD development plan shall follow the criteria established for the specific development category.
- (2) *Major Modifications.* Major modifications to an approved PZD development plan shall be submitted to the Planning Commission in a form which compares the approved submission with the desired changes.

(C) Construction of community amenities. Unless otherwise approved by the Planning Commission, community amenities offered as part of a PZD development plan shall be constructed with the first phase of development.

(Ord. 4717, 7-5-05; Ord. 4779, 10-18-05; Ord. 4919, 9-05-06; Ord. 5104, 1-15-08)



PC Meeting of February 24, 2014

THE CITY OF FAYETTEVILLE, ARKANSAS
PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Senior Planner
THRU: Andrew Garner, City Planning Director
DATE: ~~February 19, 2014~~ *Updated February 28, 2014*

ADM 13-4602 Administrative Item (UDC AMENDMENT CHAPTER 161.32 PLANNED ZONING DISTRICT and CHAPTER 166.06 PLANNED ZONING DISTRICT): Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapter 161.32 and 166.06. The proposal is to categorize the zoning and development requirements of a Planned Zoning District application into the appropriate zoning and development chapters of the Unified Development Code.

City Planner: Jesse Fulcher

BACKGROUND

The City of Fayetteville adopted the Planned Zoning District (PZD) ordinance in November 2002 by Ordinance No. 4434. The PZD ordinance replaced the Planned Unit Development (PUD) process that had been in place for several decades. Planned Zoning Districts and Planned Unit Developments are but two names used to identify master development plan processes, which are employed by municipalities across the nation.

The primary reasons that the PZD ordinance was adopted was to allow customized zoning districts for unique development, to allow concurrent processing of zoning and development plans, and to provide the City Council with an opportunity to make policy decisions related to land use. Under the PUD ordinance, these policy decisions were built into the ordinance and were approved by the Planning Commission. This was very different from a rezoning request where the Planning Commission makes only a recommendation on the zoning amendment and the City Council makes the final legislative zoning decision. The PZD process reestablished the Council's role in master development plan zoning decisions and provided a streamlined review process for the development community.

In 2012, after the approval of a Planned Zoning District, a lawsuit was filed challenging the City's PZD ordinance. In response to this action, the City Attorney requested Planning Staff amend portions of the Unified Development Code to clearly separate the zoning and development standards in the ordinance.

PROPOSAL

- 1) Staff's primary goal with these code amendments is to group all of the "zoning" standards in Chapter 161, Zoning Regulations, and all "development" standards in Chapter 166, Development. Currently, terminology associated with "zoning" and "development" crosses into both chapters, creating confusion in the code and in the decision making process. The end result should be a PZD process that includes a pure zoning decision by the City Council and a separate development plan decision by the Planning Commission. This process already exists for similar applications. Large scale developments and preliminary plats only require Planning Commission approval and zoning decisions are made by the City Council after a recommendation by the Planning Commission.
- 2) A second goal is to streamline Chapters 161.32 and 166.08. Currently, 161.32 outlines many of the findings for a PZD which is appropriate. However, it also includes categories and standards for residential, commercial, and industrial PZD's. These groups are all based on the primary land use, and ultimately provide only a name for the type of PZD, but little else. The remaining standards are related to compatibility with surrounding properties, which is a finding already under 161.32(B). Staff is proposing to remove all of 161.32(C), (D), and (E).

Chapter 166.06 Planned Zoning District is currently over nine pages long. The largest part of this code is dedicated to items found in the PZD application – essentially instructions. This includes instructions to submit copies of the PZD plan, to complete a PZD application and pay the required filing fees listed in Chapter 159. Similar requirements exist for all types of applications (large scale developments, lot splits, etc.), however, this is the only application type with instructions listed in the ordinance. Staff is proposing to eliminate all such items from Chapter 166.

Staff is also recommending that the allowance for private streets within PZD's be removed. Currently all private streets must be constructed to the same standards as public streets, so there is no cost savings to the developer. However, the long term maintenance responsibility is given to a limited number of property owners within the development, most of which don't realize that they are financially responsible for the street. This does not preclude the use of private drives such as those found within multi-family developments.

Staff is proposing to remove all references to covenants, trusts and homeowner associations. These terms and regulations all deal with private agreements between private property owners. The City does not enforce private party agreements.

One final change is to amend the modification requirements and remove PZD revocation. The Unified Development Code already provides regulations for modifications for both development plans and zoning regulations. Modifications

to development plans may be minor or major and can be approved by planning staff or the Planning Commission respectively. A development plan that is part of a PZD action should not have different standards. A request to vary the zoning standards should be brought before the Board of Adjustment, which is the requirement for all zoning variances. Significant changes to a PZD zoning code would likely require a new zoning action by the City Council.

Revocation of a PZD is unnecessary in staff's opinion, because the zoning decision by the City Council should not expire. Once a property is rezoned the zoning remains until a zoning amendment is made by the City Council. This is the case for all other zoning amendments. However, the development approval should expire, as provided by Chapter 166.20. Should a development plan proposed as part of a PZD expire, then the applicant would have to resubmit the development plan through the appropriate process and receive a new approval. For a large property, the applicant can process the zoning request for the entire property and only submit a development application for the first phase of development. Separate development applications would be submitted for each subsequent phase.

Changes to the Unified Development Code are shown in ~~strikeout~~ and highlight in the attached document.

RECOMMENDATION

Staff recommends that the Planning Commission forward **ADM 13-4602** to the City Council with a recommendation for approval.

Planning Commission Action: ☒ **Forwarded** ☐ **Denied** ☐ **Tabled**
Motion: Hoskins
Second: Autry
Vote: 6-0-1 (Chesser voted 'no')
Meeting Date: February 24, 2014

AMENDMENTS

CLEAN

CHAPTER 161: ZONING REGULATIONS

161.32 Planned Zoning District

(A) *Applicability.* To be considered for a Planned Zoning District, the applicant shall meet all of the following criteria:

(1) *Location.* Any property located within the city limits is eligible for a Planned Zoning District. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a Planned Zoning District application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville.

(2) *Size.* There shall be no minimum or maximum tract size for a PZD application.

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

(1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) *Compatibility.* Providing for compatibility with the surrounding land uses.

(3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) *No negative impact.* Does not have a negative effect upon the future development of the area;

(6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands

and in the renewal of existing deteriorating areas.

(7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.

(10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

(11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

(C) *Rezoning.* Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 154, Amendments.

(1) Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and zoning standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of zoning standards and a specific master plan.

(2) All uses identified within §162 Use Units of the Unified Development Code may be allowed as permissible uses or conditional uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

(a) The densities of surrounding development;

(b) the densities allowed under the current zoning;

- (c) the urban development goals and other policies of the city's Future Land Use Plan;
 - (d) the topography and character of the natural environment; and
 - (e) the impact of a given density on the specific site and adjacent properties.
- (4) **Building setback.** There shall be no minimum building setback except as may be determined by the Planning Commission and City Council during review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. Greater setbacks may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate separation from adjacent properties.
- (5) **Building height.** There shall be no maximum building height except as may be determined by the Planning Commission and City Council during the review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.
- (6) **Building area.** The Planning Commission and City Council shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

(Ord. No. 4434, §1 (Ex. A), 11-19-02; Ord. 4717, 7-5-05; Ord. 4764, 09-20-05; Ord. 4783, 10-18-05; Ord. 5312, 4-20-10)

161.33-161.99 Reserved

(Ord. 4930, 10-03-06 repealed and re-adopted the entire chapter

TITLE XV UNIFIED DEVELOPMENT CODE

166.06 Planned Zoning District (PZD)

(A) General Requirements.

- (1) A development application may be concurrently processed with a rezoning application through the PZD process and may be conditionally approved, subject to City Council approval of the Planned Zoning District zoning standards.
- (2) Development plans submitted with a PZD may include more restrictive development regulations than that which are included in other sections of the UDC, but standards shall not be established that fall below these minimum standards.

(B) Modifications to development plan.

- (1) *Minor Modifications.* Minor modifications to an approved PZD development plan shall follow the criteria established for the specific development category.
- (2) *Major Modifications.* Major modifications to an approved PZD development plan shall be submitted to the Planning Commission in a form which compares the approved submission with the desired changes.

(C) Construction of community amenities. Unless otherwise approved by the Planning Commission, community amenities offered as part of a PZD development plan shall be constructed with the first phase of development.

(Ord. 4717, 7-5-05; Ord. 4779, 10-18-05; Ord. 4919, 9-05-06; Ord. 5104, 1-15-08)

AMENDMENTS

~~MARK-UP~~

CHAPTER 161: ZONING REGULATIONS

161.32 Planned Zoning District

(A) *Applicability.* To be considered for a Planned Zoning District, the applicant shall meet all of the following criteria:

(1) *Location.* Any property located within the city limits is eligible for a Planned Zoning District. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a Planned Zoning District application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville.

(2) *Size.* There shall be no minimum or maximum tract size for a PZD application.

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals. The City Council may consider any of the following factors in review of a Planned Zoning District application.

(1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) *Compatibility.* Providing for compatibility with the surrounding land uses.

(3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) *No negative impact.* Does not have a negative effect upon the future development of the area;

(6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) ~~General Plan.~~ *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the ~~General Plan~~ *Future Land Use Plan*.

(10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

(11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

(C) *Rezoning.* Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development 154, Amendments.

(1) Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and zoning development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and zoning development standards and a specific master plan.

(2) All permitted uses identified within §162 Use Units of the Unified Development Code shall may be allowed as permissible uses or conditional uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(D) ~~R-PZD, Residential Planned Zoning District.~~

(1) ~~Purpose and intent.~~ The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

- (a) ~~To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's General Plan and the orderly development of the city.~~
- (b) ~~To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.~~
- (c) ~~To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.~~
- (d) ~~To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.~~
- (e) ~~To encourage the efficient use of those public facilities required in connection with new residential development.~~

(2) ~~All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.~~

(3) ~~Condition.~~ In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

(4) ~~Conditional Uses.~~ All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

(E) ~~C-PZD, Commercial Planned Zoning District~~

(1) ~~Purpose and intent.~~ The C-PZD is intended to accommodate mixed-use developments containing any combination, including multiple combinations of commercial, office or residential uses in a carefully planned configuration in such a manner as to protect and enhance the availability of each independent use. The C-PZD is also intended to accommodate single use commercial developments that are determined to be more appropriate for a PZD application than a general commercial rezone. The legislative purposes, intent and application of this district include, but are not limited to, the following:

- (a) ~~To encourage the clustering of commercial and office activities within areas specifically designated to accommodate such uses and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas.~~
- (b) ~~To provide for orderly development in order to minimize adverse impact on surrounding areas and on the general flow of traffic.~~
- (c) ~~To encourage orderly and systematic commercial, office or mixed use development design or a combination thereof, providing for the rational placement of activities, vehicular and pedestrian circulation, access and egress, loading, landscaping and buffering strips.~~
- (d) ~~To encourage commercial development which is consistent with the city's General Plan.~~
- (e) ~~To accommodate larger scale suburban developments of mixed uses in a harmonious relationship.~~

(2) ~~All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.~~

(3) ~~Conditions.~~

- (a) ~~In no instance shall the commercial or office use area be less than fifty-one percent (51%) of the gross leaseable floor area within the development.~~

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- ~~(b) Residential uses must be appropriate to the design of the project.~~
 - ~~(c) Warehousing and light industrial uses shall have a gross area per use that does not exceed five thousand (5,000) square feet and at least twenty percent (20%) of the floor area used for retail sales.~~
 - ~~(4) Conditional Uses. All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.~~
- ~~(F) I-PZD Industrial Planned Zoning District.~~
- ~~(1) Purpose and intent. The I-PZD is intended to accommodate industrial parks and single use industrial developments that are determined to be more appropriate for a PZD application than a general industrial rezone. The legislative purpose, intent and application of this district include, but are not limited to, the following:~~
 - ~~(a) To provide for manufacturing activities in a manner compatible with the surrounding area.~~
 - ~~(b) To encourage the application of sound planning and design principles in the orderly development of industrial activities.~~
 - ~~(c) To maximize manufacturing potential without adversely affecting the living environment of the community.~~
 - ~~(d) To encourage industrial development that is consistent with the city's General Plan.~~
 - ~~(2) All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.~~
 - ~~(3) Conditions.~~
 - ~~(a) In no instance shall the industrial use area be less than fifty-one percent (51%) of the gross leaseable floor area within the development.~~
- ~~(b) Ancillary commercial and office uses shall be compatible with the design and scale of the project.~~
 - ~~(c) Residential uses must be appropriate to the scope and character of the development.~~
 - ~~(4) Conditional Uses. All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.~~
- ~~(F) Bulk and area regulations.~~
- ~~(2) Residential density. Residential densities shall be determined on the basis of the following considerations:~~
 - ~~(a) The densities of surrounding development;~~
 - ~~(b) the densities allowed under the current zoning;~~
 - ~~(c) the urban development goals and other policies of the city's General Plan **Future Land Use Plan**;~~
 - ~~(d) the topography and character of the natural environment; and~~
 - ~~(e) the impact of a given density on the specific site and adjacent properties.~~
 - ~~(2) Lot area and yard requirements. Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.~~
 - ~~(3) Building setback. There shall be no minimum building setback except as may be determined by the Planning Commission and City Council during review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. Greater setbacks may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate separation from adjacent properties.~~
 - ~~(3) Building height. There shall be no maximum building height except as may be determined by the Planning Commission and City~~

Council during the review of the preliminary development zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

- (4) *Building area.* The Planning Commission and City Council shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

(Ord. No. 4434, §1 (Ex. A), 11-19-02; Ord. 4717, 7-5-05; Ord. 4764, 09-20-05; Ord. 4783, 10-18-05; Ord. 5312, 4-20-10)

161.33-161.99 Reserved

(Ord. 4930, 10-03-06 repealed and re-adopted the entire chapter

TITLE XV UNIFIED DEVELOPMENT CODE

CHAPTER 166: DEVELOPMENT

166.06 Planned Zoning District (PZD)

~~(A) Applicability. To be considered for a planned zoning district, the applicant shall meet all of the following criteria:~~

~~(1) Location. Any property located within the city limits is eligible for a planned zoning district. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a planned zoning district application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville.~~

~~(2) Ownership. Eligible applicants for preliminary plan review shall be a landowner of record or an authorized agent. The approved PZD master development plan shall be binding on all subsequent owners of the land until revised or modified.~~

~~(3) Size. There shall be no minimum or maximum tract size for a PZD application.~~

~~(B) Application. The initial application for a PZD shall include the following items:~~

~~(1) Application. Complete application form to request a PZD.~~

~~(2) Copies. Copies of a PZD master development plan in accordance with the submission requirements on the project application form.~~

~~(3) Fee. Applicant shall pay all required filing fees for a planned zoning district as set forth in Chapter 159 Fees of the UDC. If a subdivision or large scale development is proposed, a fee for that application shall also be paid.~~

~~(C) Review and approval procedures.~~

~~(1) Pre-application meeting. Before submitting an application the landowner or authorized agent shall confer with the Planning Division in order to become familiar with the PZD process. The staff shall inform the applicant of any perceived problems that may arise. A further purpose of the pre-application meeting is to make sure the applicant has, or will be able to, submit the necessary information for filing the application. The intent of this conference is to provide guidance to the applicant prior to incurring~~

~~substantial expense in the preparation of plans, surveys and other data required in a PZD master development plan.~~

~~(2) Zoning and Land Use Approval Only. For PZD Master Development Plans that are processed without a request for development approval, the Planning Commission shall hold a public hearing and make recommendations to the City Council on the proposed request.~~

~~(3) Zoning, Land Use and Development Approval. PZD Master Development Plans that are processed with a preliminary plat or large scale development shall follow the procedures for large scale development and preliminary plat approval through the Planning Commission when processed concurrently as set forth in Chapter 166 of the UDC.~~

~~(4) City Council. If the PZD master development plan is approved by the Planning Commission, it shall be forwarded to the City Council for review. The City Council may grant or deny as submitted, or as they may so amend, defer for requested changes or more information, or return the application to the Planning Commission for further study. The applicant shall not modify to a design other than that reviewed and approved by the Planning Commission prior to City Council review. The City Council may direct the Planning Commission to reconsider specific aspects of the plan. If the master development plan is approved, an ordinance shall be prepared which incorporates the plan, statement of commitments, development and architectural standards, and conditions.~~

~~(5) Development and Subdivision Approval. Regardless of size, Preliminary Plat and/or Large Scale development approval is required for all PZD Master Development Plans.~~

~~(6) Appeals. Appeals from the action of the Planning Commission shall be in accordance with Chapter 155 Appeals of the UDC.~~

~~(7) Repeals. The owner of an approved planned zoning district may, for cause, request repeal of the ordinance establishing the development when it has been determined that the development will not occur. A written request may be filed with the city clerk at any time up to three (3) years after the date of adoption of the ordinance~~

~~creating the planned zoning district. The request shall be addressed to the Mayor and City Council, setting forth the cause for repeal.~~

The request shall be set for a public hearing at the earliest possible time to expedite the required action. The owner of the subject planned zoning district zoned land shall provide notice of hearing to adjacent property owners. Notice to others as required by law shall be provided by city staff and signs shall be posted.

(D) General Requirements.

- (1) Application of a Planned Zoning District is permitted only in accordance with a master development plan prepared and approved in accordance with the provisions herein. A development Large Scale Development and/or Preliminary Plat approval application may be concurrently processed with a rezoning application through the PZD process and may be conditionally approved, subject to City Council approval of the Planned Zoning District zoning standards.
- (2) Planned Zoning Districts may be controlled by one or more owners and shall be developed under unified control or by a unified master development plan. The owners, successors, heirs, or assigns shall be bound by the approved master development plan, including any modifications or amendments thereto as approved by the Zoning and Development Administrator or City Council.
- (3) Master Development plans submitted with a PZD may include more restrictive development regulations than that which is are included in other sections of the UDC, but standards shall not be established that fall below these minimum standards.

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the Comprehensive Land Use Plan;
- (2) Whether the application is in compliance with all applicable statutory provisions;

(3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

(4) Whether the proposed rezoning is compatible with the surrounding land uses;

(5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

(6) Whether the intended land use would create traffic congestion or burden the existing road network;

(7) Whether the planned development provides for unified development control under a unified plan.

(8) Whether any other recognized zoning consideration would be violated in this PZD.

(F) Master Development Plan Summary and Required Information

Master Development Plan (MDP) is a useful tool for both developers and planners to reach consensus and agreement about the way an area is developed, where a variety of uses and impacts may be proposed on one property. They differ from engineered site plans in that they address the bigger picture, rather than the minutia of a detailed engineered site plan. A MDP should depict the larger planning issues such as basic densities, open space, access, internal circulation, availability and location of existing water and sewer, existing topography, drainage, and the general location of uses, while giving the developer some leeway to address grading, utility construction, street construction, building placement, driveways, and number and location of parking spaces further along at the development review or building permit stage.

The following information shall be submitted by the applicant in written narrative form:

(1) The name and address of:

- (a) landowner/applicant
- (b) representative, if applicable

(2) General project concept:

- (a) Street and Lot Layout
- (b) Site Plan Showing Proposed Improvements
- (c) Buffer Areas
- (d) Tree Preservation Areas
- (e) Storm Water Detention Areas and Drainage
- (f) Undisturbed Natural Areas

- ~~(g) Existing and Proposed Utility Connections and Extensions~~
- ~~(h) Development and Architectural Design Standards~~
- ~~(i) Building Elevations~~

~~(3) Proposed development phasing and time frame~~

~~(4) Proposed Planning Areas, described and depicted (Planning Areas (PA) are those areas within an MDP designated with specific zoning and development standards, as required herein. Any number of PA's may be allowed within an MDP, subject to approval by the City Council.)~~

~~(5) Relationship to the existing and adjacent land uses~~

~~(6) Impacts on City services~~

~~(7) A traffic study when required by the Planning/Engineering Divisions.~~

~~(8) An analysis of the site characteristics related to the proposal, including any environmentally hazardous, sensitive or natural resource areas. Describe any natural or manmade hazards.~~

~~(9) Compliance with the Fayetteville Comprehensive Land Use Plan~~

~~(10) A description of the recreational facilities, including existing and proposed park sites, open space and accessibility to parks and open space areas.~~

~~(11) Proposed Zoning and Development Standards~~

~~(12) A chart comparing the proposed master development plan to the current zoning district requirements.~~

~~(13) Any other required information as applicable when other applications are processed in conjunction with the PZD master development plan application (i.e. preliminary plat, large scale development).~~

~~(G) Master Development Plan Level of Detail~~

~~(1) Sheet 1~~

- ~~(a) The name of the proposed master development plan shall be centered at the top of the sheet along the long dimension of the sheet.~~

- ~~(b) The following wording shall be placed verbatim on the sheet:~~

GENERAL PROVISIONS

Authority

~~This PZD master development plan is authorized by Sections 161 and 166 Planned Zoning Districts of the City of Fayetteville Unified Development Code. The provisions of this PZD master development plan shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this master development plan, as amended and approved by the City Council.~~

Adoption

~~The adoption of this PZD master development plan shall evidence the findings and decision of the Fayetteville City Council that this Planned Zoning District for (name of development) is in general conformity with the Fayetteville Comprehensive Land Use Plan; is authorized by the provisions of Sections 161 and 166 of the City of Fayetteville Unified Development Code.~~

~~The provisions of this PZD master development plan shall prevail and govern the development of (name of development), provided, however, that where the provisions of this Master development plan do not address a particular subject, the relevant provisions of the City of Fayetteville Unified Development Code, as amended, or any other applicable resolutions or regulations of the City of Fayetteville, shall be applicable.~~

Enforcement

~~To further the mutual interest of the residents, occupants, and owners of the PZD Master development plan and of the public in the preservation of the integrity of the Plan, the provisions of this Plan relating to the use of land, statement of commitments, development and architectural standards, and the location of common open space shall run in favor of the City of Fayetteville and shall be enforceable at law or in equity by the City without limitation on any power or regulation otherwise granted by law.~~

Conflict

~~Where there is more than one provision within the PZD Master Development Plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements~~

shall govern unless determined otherwise by the Zoning and Development Administrator.

be provided on a separate sheet, if lengthy.

Maximum Level of Development

The total number of dwellings or the total commercial, business, or industrial intensity approved for development within the Planning Areas is the maximum development requested for platting or construction. The actual number of dwellings or level of development for commercial, business, or industrial properties may be less due to subdivision or site improvement plan requirements or other requirements of the City Council.

Project Tracking

At the time of subdivision final plat or large scale development the applicant shall provide a summary of the development, to date, to the Planning Division, in order to assure maximum development limits are not exceeded.

(2) Sheet 2 Zoning and Development Standards by Planning Area

- (a) The name of the proposed PZD master development plan shall be centered at the top of the sheet along the long dimension of the sheet. The proposed zoning and development standards shall be formatted to follow the established UDC zoning format. Beginning in the upper left hand column of the sheet, state the following for each Planning Area category, e.g., single-family:

- (1) Permitted uses by Use Unit
- (2) Conditional uses by Use Unit
- (3) Land Use Density and/or Intensity
- (4) Bulk and area regulations
- (5) Lot width minimum
- (6) Lot area minimum
- (7) Land area per dwelling
- (8) Setback requirements
- (9) Height
- (10) Building area
- (11) Landscaping
- (12) Parking
- (13) Site Planning
- (14) Architectural Design Standards
- (15) Other standards or requirements provided in the UDC shall apply to this PZD Master Development Plan
- (16) Complete legal description. The staff planner may allow this to

(3) Sheet 3 Master Development Plan.

(The name of the proposed PZD master development plan shall be centered at the top of the sheet along the long dimension of the sheet. This sheet shall graphically depict the site and include the following:

- (a) A block in the lower right hand corner, or along the right hand margin, which includes the following:

North Arrow

Graphic and written scale at 1" = 100' or 1" = 200' or as otherwise approved by the Zoning and Development Administrator or staff planner Date of Preparation

- (b) Vicinity map that depict the relationship to the surrounding area within a 1 mile radius.

The vicinity map shall be superimposed on a current City of Fayetteville Plat Page, on a current City of Fayetteville Zoning Map, and on a current City of Fayetteville Master Street Plan maintaining the same scale.

- (c) Dimensions, bearings, and control points along all exterior property lines.

- (d) Topography shall be shown at maximum 10' contour intervals, including high and low spot elevations and shadow areas of 15% or greater slope. The staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.

(e) Access

- (1) Arterials and collectors shall be depicted in all planning areas.
- (2) Trails as coordinated with the Parks Division

(f) Existing easements/right-of-way

- (g) 100 year floodplains, floodway, and stream/creek centerline

(h) Proposed Land/ROW/Easement Dedication

- (i) Public or private, regional and community parks, open space and trails shall be depicted and referenced by number, letter or symbol. Local park

~~dedication shall be determined at the time of platting/development.~~

~~(j) Planning Areas — Areas Identified for a Specified Permitted and/or Conditional Uses~~

~~All planning areas and open space areas shall be shown overlaid on topography at a scale that clearly delineates the planning area boundaries so that they can be located on the site.~~

~~For each planning area shown on the development plan or within a separate table, indicate the following, as applicable:~~

- ~~(i) Acreage~~
- ~~(ii) Number of dwelling units~~
- ~~(iii) Land use designation~~
- ~~(iv) Residential density~~
- ~~(v) Nonresidential square footage~~

~~NOTE: The number of dwellings indicated in the Planning Areas is the maximum number of dwellings requested, the total of which cannot exceed the total number approved for the proposed PZD. The density range for each Planning Area, when calculated to the maximum proposed, shall not exceed the total number of dwellings for the entire PZD. The actual number of dwellings approved by the Council may be less than shown on the plan due to subdivision or site improvement plan requirements or other requirements of the Council and Planning Commission.~~

~~(4) Land Use Table~~

~~A separate land use table, which indicates the total land use for the planned development, shall be prepared as follows utilizing the following categories and symbols: Partial Example:~~

SYMBOL	LAND-USE	DENSITY	UNITS	ACRES	%
SF	Single Family	3	120	40.0	26%
MF	Multifamily	9	765	35.0	23%
DP	Dedicated Parks			42.5	28%
Subtotal		8.38	885	117.5	77%
G	Commercial	566,280 sq. ft.		25.0	17%
I	Industrial	217,800 sq. ft.		9.0	6%
O	Office				
M.U	Mixed-Use				34%
Subtotal		784,080			

		sq. ft.			
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~~(H) Statement of Commitments.~~

~~The statement of commitments shall be provided in the following format:~~

~~"STATEMENT OF COMMITMENTS"~~

~~The statement of commitments shall, in all cases, describe the development commitments including a method for assigning responsibility to heirs, successors, or assigns, and timing of the fulfillment of these commitments for the following:~~

- ~~(1) Dedication: Proposed public dedication for parks, streets, drainage, sewer, water, etc., either in specific acreage dedication (referenced by symbol) or specific cash in lieu of land or facilities. Describe the proposed ownership, utility provision, improvement schedule, and maintenance provision. In all cases, dedicated land shall be conveyed to the City of Fayetteville.~~
- ~~(2) On or off site improvements: Provision shall be made for the construction of, or payment of fees for, community or off site improvements through current UDC requirements for guarantee of improvements at the time of development.~~
- ~~(3) Natural Resources and Environmental Sensitive Areas Such as Trees, Wetlands, Floodplain~~
- ~~(4) Project phasing restrictions~~
- ~~(5) Fire protection~~
- ~~(6) Other commitments imposed by the City~~
- ~~(7) Parks/Trails/Open Space Commitments~~
- ~~(8) Proposed Preliminary Building Elevations (Residential and Commercial)~~

~~(I) Amendments to the PZD Master Development Plan.~~

~~The Zoning and Development Administrator shall determine whether an amendment request shall be considered a minor modification or a PZD City Council rezoning based on the criteria established herein. The applicant may appeal the Zoning and Development Administrator's decision to deny an administrative modification within 10 working days of said decision to the City Council, in writing.~~

~~(1) Minor Modification — Criteria~~

~~An amendment request may be considered as an administrative minor modification if it meets the following criteria:~~

- ~~(a) Building Setbacks An increase or decrease of the required building setback when such modification is no more than a 20% change to the originally approved setback.~~
- ~~(b) Minimum Lot Size An increase or decrease of the minimum lot size when such modification is no more than a 20% change to the originally approved minimum lot size.~~
- ~~(c) Building Height An increase or decrease of the building height when such modification is no more than a 20% change to the originally approved maximum building height.~~
- ~~(d) Increased Number of Dwelling Units An increase of the number of dwelling units in a planning area of 20% or less. Such increase shall be accompanied by a corresponding decrease in dwelling units in another planning area located within the same approved PZD Master Development Plan.~~
- ~~(e) Decreased Number of Dwelling Units A decrease of the number of dwelling units in a planning area up to 20%. Such decrease shall result in a net loss of dwelling units unless these units are concurrently approved as an increase of units in another planning area.~~
- ~~(f) Commercial/Non-residential Development Intensity An increase or decrease of the square footage of development intensity when such modification is no more than a 20% change to the originally approved development intensity.~~
- ~~(g) Text Changes Insubstantial changes to the text, as determined by the Zoning and Development Administrator, to add clarity, when such changes do not change the commitments.~~
- ~~(h) Street Alignment The Zoning and Development Administrator upon review by the City Engineer shall determine whether an insignificant shift in the alignment of a street shall be considered as a minor modification.~~

- ~~(2) City Council Approval. Rezoning through the PZD process is required to modify any aspect of the PZD which is not allowed~~

~~under the Minor Modification process. A planning area within a Master Development Plan may be amended separately from the remainder of the approved master development plan with City Council approval.~~

(I) Modifications to development plan.

- (1) Minor Modifications.** Minor modifications to an approved PZD development plan shall follow the criteria established for the specific development category.

- (2) Major Modifications.** Major modifications to an approved PZD development plan shall be submitted to the Planning Commission in a form which compares the approved submission with the desired changes.

- ~~(J) Phasing. Phasing of a PZD master development plan may vary from the requirements of Chapter 166 of the UDC with regard to the expiration of permits and plans only when phasing has been identified, described, and approved as part of the PZD master development plan process.~~

~~(K) Development standards, conditions and review guidelines~~

- ~~(1) Generally. The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.~~

- ~~(2) Screening and landscaping. In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the~~

~~Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.~~

~~(3) Traffic circulation. The following traffic circulation guidelines shall apply:~~

~~(a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.~~

~~(b) The traffic circulation system shall be comprised of a hierarchical scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.~~

~~(c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.~~

~~(d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.~~

~~(e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.~~

~~(f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.~~

~~(4) Parking standards. The off-street parking and loading standards found in Chapter 172 Parking and Loading shall be used as general guidelines to establish parking and loading standards for the PZD master development plan.~~

~~(5) Perimeter treatment. Notwithstanding any other provisions of a planned zoning district,~~

~~all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.~~

~~(6) Sidewalks. As required by §166.03.~~

~~(7) Street Lights. As required by §166.03.~~

~~(8) Water. As required by §166.03.~~

~~(9) Sewer. As required by §166.03.~~

~~(10) Streets and Drainage. Streets within a PZD may be either public or private.~~

~~(a) Public Streets. Public streets shall be constructed according to the adopted standards of the City unless otherwise approved by the City Council as part PZD master development plan.~~

~~(b) Private Streets. Private streets within a residential PZD shall be permitted subject to the following conditions:~~

~~(i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.~~

~~(ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.~~

~~(iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.~~

~~(iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.~~

~~(v) The plat of the planned development shall designate each private street as a "private street."~~

~~(vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA)~~

and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants.

- (vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.

- (viii) The width of private streets may vary according to the density served.

The following standard shall be used:

— Paving Width

Dwelling Units	One-Way	Two-Way
1-20	14'	22'
21+	14'	24'

(No On-Street Parking)

*Note: If on-street parking is desired, a minimum 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating

the street a "private street" which shall be clearly visible to motor vehicular traffic.

- (11) Construction of nonresidential facilities community amenities. Unless otherwise approved by the Planning Commission, community amenities offered as part of a PZD development plan shall be constructed with the first phase of development. Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall guarantee to the City completion of the nonresidential facilities in the amount no less than 150% of the estimated cost of said facilities.

- (12) Tree preservation. All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

- (13) Commercial design standards. All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

- (14) View protection. The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

(L) Revocation.

- (1) Causes for revocation as enforcement action. The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:
- (a) Building permit. If no building permit has been issued within the time allowed.
- (b) Phased development schedule. If the applicant does not adhere to the phased

~~master development plan schedule as stated in the approved development plan.~~

- (c) ~~Open space and recreational facilities. If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.~~

~~Planning staff may report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.~~

- (2) ~~Procedures. Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.~~

- (3) ~~Effect. In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.~~

- (M) ~~Covenants, trusts and homeowner associations.~~

- (1) ~~Legal entities. The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, detention ponds, drainage structures, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally owned facilities may be approved by the City Attorney. The Planning Commission shall consider and approve the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.~~

- (2) ~~Common areas. If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:~~

- (a) ~~The homeowner's association must be legally established before building permits are granted.~~

- (b) ~~Membership and fees must be mandatory for each home buyer and successive buyer.~~

- (c) ~~The open space restrictions must be permanent, rather than for a period of years.~~

- (d) ~~The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.~~

- (e) ~~Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association~~

~~must be stipulated as a potential lien on
the property.~~

~~The association must be able to adjust the
assessment to meet changing needs.~~

(Ord. 4717, 7-5-05; Ord. 4779, 10-18-05; Ord. 4919, 9-05-
06; Ord. 5104, 1-15-08)

CURRENT PZD APPLICATION

Zoning and Development Approval

CITY OF FAYETTEVILLE, ARKANSAS
PLANNED ZONING DISTRICT
Zoning and Development Approval

FOR STAFF USE ONLY

Date Application Submitted: _____
Date Accepted as Complete: _____
Case / Appeal Number: _____
Public Hearing Date: _____

FEE: \$525 - \$1,125
SIGN FEE: \$5.00 per sign
S-T-R: _____
PP#: _____
Zone: _____

Background:

The Planned Zoning District/Large Scale Development/Preliminary Plat (PZD/LSD/PPL) application provides master plan and engineering level of detail with standard processing through Planning Commission prior to City Council decision on zoning. Planning Commission provides recommendation on development plan and rezoning simultaneously, with the City Council providing ultimate decision on zoning.

Instruction:

Please fill out this form completely, supplying all necessary information and documentation to support your request. **It is highly recommended the applicant conduct a meeting with nearby neighborhoods to discuss the proposed development prior to application submittal. Your application will not be placed on the applicable agenda until necessary information is furnished.**

Application:

Indicate one contact person for this request: _____ Applicant _____ Representative

Applicant (person making request):

Name- _____

Address - _____

E-mail: _____
Phone - _____
() _____
() _____
Fax -- () _____

Representative (engineer, surveyor, realtor, etc.):

Name- _____

Address - _____

E-mail: _____
Phone - _____
() _____
() _____
Fax -() _____

Zoning and Development Approval

PZD Zoning and Development Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:

PZD

<u>Non-residential</u>		\$1,125.00
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<u>Residential</u>	10 units/lots or less	\$525.00
	25 units/lots or less	\$725.00
	More than 25 units/lots	\$1,125.00

Public Notification Sign Fee (per sign)		\$5.00
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Grading & Drainage

	Up to 0.5 acre:	\$75.00
	0.5 acre to 1.0 acre:	\$100.00
	Over 1 acre:	\$200.00

Tree Preservation:		\$120.00
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- (2) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels within 100 feet of the project boundary should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every parcel within 100 feet of the project boundary shall be shown on this map. (See the notification requirements section of this application.)
- (3) One (1) hard copy and one (1) digital copy in PDF format of the proposed PZD plats, booklets, signed application, and any other items submitted with this project. These plats and booklets should include all required information for a PZD listed in Section 166.02 of the Fayetteville Unified Development Code. These requirements are also listed on the PZD Plat and Booklet Requirements checklist pages in this application.
- (4) A disk with all information in AutoCAD and PDF format must be submitted with your application.
- (5) A legal description of the property to be re-zoned should be signed by the owner/representative, and the legal description provided to the Planning Division in MS Word on a CD.
- (6) Application signed by current property owner of record or written verification signed by such owner designating a project representative.
- (7) The applicant is responsible for meeting the public notification requirements for a PZD listed on the Notification Requirements pages in this application.

Zoning and Development Approval

BOOKLET INFORMATION

A project booklet describing the project in narrative/bullet form is required, in addition to the submittal of plats. Much of the same information is to be included in duplicate in both formats. Please contact a staff planner if you have questions.

- 1. A **project booklet** describing this request addressing the following items:
- a. Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales.
 - b. Summary description of the scope, nature and intent of the proposal.
 - c. General project concept:
 - (1) Street and Lot Layout.
 - (2) Site Plan Showing Proposed Improvements.
 - (3) Buffer Areas.
 - (4) Tree Preservation Areas.
 - (5) Storm Water Detention Areas and Drainage.
 - (6) Undisturbed Natural Areas.
 - (7) Existing and Proposed Utility Connections and Extensions.
 - (8) Development and Architectural Design Standards.
 - (9) Building Elevations.
 - d. Proposed development phasing and time frame.
 - e. Proposed Planning Areas (PA's), described in this booklet and depicted on Sheet 2 of the site plan information (PA's are those areas within an MDP designated with specific zoning and development standards, as required herein. Any number of PA's may be allowed within an MDP, subject to approval by the City Council).
 - f. Proposed Zoning and Development Standards for each PA (listed in the City's UDC zoning format). *See sheet 2 layout for specific information.*
 - g. A chart comparing the proposed master development plan to the current zoning district requirements (uses, setbacks, density, intensity, bulk and area regulations, etc.)An analysis of the site characteristics related to the proposal, including any environmentally hazardous, sensitive or natural resource areas. Describe any natural or manmade hazards.
 - h. A description of the recreational facilities, including existing and proposed park sites, open space and accessibility to parks and open space areas.
 - i. Reason (need) for requesting the zoning change.
 - j. Statement of how the development will relate to existing and surrounding properties in terms of land use, traffic, appearance, and signage.
 - k. Statement of the project's compliance with the Fayetteville City Plan 2025.
 - l. A traffic study when required by the Planning/Engineering Divisions (consult with staff prior to submittal).
 - m. Impacts on City services, including the availability of water and sewer (state size of lines). This information is available from the City Engineering Division.
 - n. Statement of Commitments - The statement of commitments shall be provided in the following format:

"STATEMENT OF COMMITMENTS"

The statement of commitments shall, in all cases, describe the development commitments including a method for assigning responsibility to heirs, successors, or assigns, and timing of the fulfillment of these commitments for the following:

- (1) Dedication: Proposed public dedication for parks, streets, drainage, sewer, water, etc., either in specific acreage dedication (referenced by symbol) or specific cash in lieu of land or facilities. Describe the proposed ownership, utility provision, improvement schedule, and maintenance provision. In all cases, dedicated land shall be conveyed to the City of Fayetteville.

Zoning and Development Approval

- (2) On or off site improvements: Provision shall be made for the construction of, or payment of fees for, community or off site improvements through current UDC requirements for guarantee of improvements at the time of development.
 - (3) Natural Resources and Environmental Sensitive Areas Such as Trees, Wetlands, Floodplain.
 - (4) Project phasing restrictions.
 - (5) Fire protection.
 - (6) Other commitments imposed by the City.
 - (7) Parks/Trails/Open Space Commitments.
 - (8) Proposed Preliminary Building Elevations (Residential and Commercial).
- o. Conceptual Description of Development Standards, Conditions and Review Guidelines
- (1) Screening and Landscaping.
 - (2) Traffic and Circulation.
 - (3) Parking Standards.
 - (4) Perimeter Treatment.
 - (5) Sidewalks.
 - (6) Streetlights.
 - (7) Water.
 - (8) Sewer.
 - (9) Streets and Drainage.
 - (10) Construction of Nonresidential Facilities.
 - (11) Tree Preservation.
 - (12) Architectural Design Standards.
 - (13) Proposed Signage (type and size)
 - (14) View Protection.
 - (15) Revocations.
 - (16) Covenants, Trusts, and Homeowner Associations.
- p. Response as to how the proposal fulfills the intent/purpose of the Planned Zoning District, as outlined in the attached ordinance.

PLAT INFORMATION

2. A **concept/master plan** of the proposed PZD is required containing sheets detailed as follows:
- a. **Sheet 1 – Cover Sheet/General Provisions**
 - (1) The name of the proposed master development plan shall be centered at the top of the sheet along the long dimension of the sheet.
 - (2) Any pertinent information regarding applicant/owner, site plat, etc. may be provided on this sheet.
 - (3) Complete survey/legal description of the property to be rezoned with two points being state plane coordinates. The staff planner may allow this to be provided on a separate sheet, if lengthy. See legal description requirements section of this application.
 - (4) The following wording shall be placed verbatim on Sheet 1:

GENERAL PROVISIONS

Authority

This PZD master development plan is authorized by Sections 161 and 166 Planned Zoning Districts of the City of Fayetteville Unified Development Code. The provisions of this PZD master development plan shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this master development plan, as amended and approved by the City Council.

Adoption

The adoption of this PZD master development plan shall evidence the findings and decision of the Fayetteville City Council that this Planned Zoning District for (name of development) is in general conformity with the Fayetteville

Zoning and Development Approval

City Plan 2025; is authorized by the provisions of Sections 161 and 166 of the City of Fayetteville Unified Development Code.

The provisions of this PZD master development plan shall prevail and govern the development of (name of development), provided, however, that where the provisions of this Master development plan do not address a particular subject, the relevant provisions of the City of Fayetteville Unified Development Code, as amended, or any other applicable resolutions or regulations of the City of Fayetteville, shall be applicable.

Enforcement

To further the mutual interest of the residents, occupants, and owners of the PZD Master development plan and of the public in the preservation of the integrity of the Plan, the provisions of this Plan relating to the use of land, statement of commitments, development and architectural standards, and the location of common open space shall run in favor of the City of Fayetteville and shall be enforceable at law or in equity by the City without limitation on any power or regulation otherwise granted by law.

Conflict

Where there is more than one provision within the PZD Master Development Plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by the Zoning and Development Administrator.

Maximum Level of Development

The total number of dwellings or the total commercial, business, or industrial intensity approved for development within the Planning Areas is the maximum development requested for platting or construction. The actual number of dwellings or level of development for commercial, business, or industrial properties may be less due to subdivision or site improvement plan requirements or other requirements of the City Council.

Project Tracking

At the time of subdivision final plat or large scale development the applicant shall provide a summary of the development, to date, to the Planning Division, in order to assure maximum development limits are not exceeded.

b. Sheet 2 – Zoning and Development Standards by Planning Area

- (1) A conceptual drawing depicting the project site and proposed development with the PA's delineated and called-out.
- (2) The name of the proposed PZD master development plan shall be centered at the top of the sheet along the long dimension of the sheet. The proposed zoning and development standards shall be formatted to follow the established UDC zoning format. Beginning in the upper left hand column of the sheet, state the following for each Planning Area category:

Land use designation (name of Planning Area)

- (a) Permitted uses by Use Unit.
- (b) Conditional uses by Use Unit.
- (c) Residential Density and/or Non residential Intensity.
 - Acreage
 - Number of dwelling units
 - Nonresidential square feet
 - Density/Intensity (DU/Acre and/or SF/Acre)

Bulk and area regulations.

- (d) Lot width minimum.
- (e) Lot area minimum.
- (f) Land area per dwelling.
- (g) Setback requirements.

Zoning and Development Approval

- (h) Height regulations.
- (i) Building area.

Site Planning.

- (j) Landscaping.
- (k) Parking.
- (l) Architectural Design Standards.
- (m) Signage.

NOTE: Other standards or requirements provided in the UDC shall apply to this PZD Master Development Plan. This information shall be provided, in duplicate, within the project booklet.

NOTE: The number of dwellings indicated in the Planning Areas is the maximum number of dwellings requested, the total of which cannot exceed the total number approved for the proposed PZD. The density range for each Planning Area, when calculated to the maximum proposed, shall not exceed the total number of dwellings for the entire PZD. The actual number of dwellings approved by the Council may be less than shown on the plan due to subdivision or site improvement plan requirements or other requirements of the Council and Planning Commission.

c. Sheet 3 – Master Development Plan

- (1) The name of the proposed master development plan shall be centered at the top of the sheet along the long dimension of the sheet.
- (2) Sheet 3 shall graphically depict the site and include the following:
 - (a) A block in the lower right hand corner, or along the right hand margin, which includes the following:
 - 1. North Arrow.
 - 2. Graphic and written scale at 1" = 100' or 1" = 200' or as otherwise approved by the Zoning and Development Administrator or staff planner.
 - 3. Date of Preparation.
 - (b) Vicinity map that depict the relationship to the surrounding area within a 1 mile radius.
 - 1. The vicinity map shall be superimposed on a current City of Fayetteville Plat Page, on a current City of Fayetteville Zoning Map, and on a current City of Fayetteville Master Street Plan maintaining the same scale.
 - (c) Dimensions, bearings, and control points along all exterior property lines.
 - (d) Topography shall be shown at maximum 10' contour intervals, including high and low spot elevations and shadow areas of 15% or greater slope. The staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.
 - (e) Access:
 - 1. Arterials and collectors shall be depicted in all planning areas.
 - 2. Trails as coordinated with the Parks Division.
 - (f) Existing easements/right-of-way.
 - (g) 100-year floodplains, floodway, and stream/creek centerline.
 - (h) Proposed Land/ROW/Easement Dedication.
 - (i) Public or private, regional and community parks, open space and trails shall be depicted and referenced by number, letter or symbol. Local park dedication shall be determined at the time of platting/development.
 - (j) Planning Areas – Areas Identified for a Specified Permitted and/or Conditional Uses:
 - 1. All planning areas and open space areas shall be shown overlaid on topography at a scale that clearly delineates the planning area boundaries so that they can be located on the site.
 - (k) Land Use Table. A separate land use table, which indicates the total land use for the planned development, shall be prepared as follows utilizing the following categories and symbols: Partial Example (next page):

Zoning and Development Approval

SYMBOL	LAND USE	DENSITY/INTENSITY	UNITS/SF	ACRES	%
SF	Single Family	3	120	40.0	26%
MF	Multifamily	22	765	35.0	23%
DP	Dedicated Parks	-	-	42.5	28%
Subtotal		12.5	885	117.5	77%
C	Commercial	22,651	566,280 sq. ft.	25.0	17%
I	Industrial	24,200	217,800 sq. ft.	9.0	6%
O	Office				
M.U	Mixed Use				34%
Subtotal		23,426	784,080 sq. ft.	34	



3. **Detailed civil site plans for the Large Scale Development and/or Preliminary Plat.** These engineered plans should be collated and attached after the PZD plats and titled as Large Scale Development or Preliminary Plat. These plans shall contain the information in accordance with the Plat Requirements checklist in Section 166.03 of the Unified Development Code for a Large Scale Development or Preliminary Plat including the following:

General

- a. Names, addresses, telephone numbers, of owner(s), developer(s) and project representative.
- b. North arrow, scale (graphic and written), date of preparation, zoning classification, and proposed use.
- c. Title block located in the lower right hand corner indicating the name and type of project, scale, firm or individual preparing drawing, date, and revisions.
- d. Provide a complete and accurate legend.
- e. A vicinity map of the project with a radius of 1.5 miles from the project. This map shall include any Master Street Plan streets as well as the 100-year flood plain boundary.
- f. Street right-of-way lines clearly labeled. The drawing shall depict any future R.O.W. needs as determined by the AHTD and Master Street Plan. Future R.O.W. as well as existing R.O.W. and center lines should be shown and dimensioned.
- g. The location of all existing structures. Show the location of proposed buildings, square feet and height. Dimension buildings from the roof overhang and setbacks to property lines.
- h. Site coverage note indicating the percentage of site that is covered by both buildings and surfaced area.
- i. Legal description.

Floodplain/Floodway/Wetlands

- j. Show 100-yr floodplain and / or floodway and base flood elevations. Reference the FIRM panel number and effective date.
- k. Note regarding wetlands, if applicable. Note if Army Corps of Engineers determination is in progress.

Topographic Information

- l. Existing and proposed topographic information with source of the information noted.
 Show:
 1. Two-foot contour interval for ground slope between level and ten percent.
 2. Five-foot contour interval for ground slope exceeding ten percent.
- m. Spot elevations at grade breaks along existing road centerlines, gutter lines and top of curbs or edge of pavement.

Zoning and Development Approval

- n. Contours of adjacent land within 100 feet of the project shall also be shown. Contour information may be available at the City in a digital format. Check with the drafting department for availability and associated cost.

Tree Preservation Plans

- o. A Site Analysis drawing and Analysis report is required of all developments that have existing trees present. If no existing trees are present, a Tree Preservation Fee Waiver Form shall be submitted with the plans.
 - 1. A site analysis drawing must clearly show the locations and types of all existing natural features on the site including features 100' beyond the property lines that may be affected by the design. A complete list of the information required to be shown on the Site Analysis may be found in the City of Fayetteville Landscape Manual available free of charge from the Tree and Landscape Department.
 - (a) The analysis report is a written description of design decisions and how they affect the preservation of existing natural resources on the site
- p. The Tree Preservation Plan, which should be incorporated with the Grading plan and be titled Grading/Tree Preservation Plan, is a depiction of the existing tree coverage of the site and the areas established for preservation. All existing trees must be shown on the plan. Groupings of trees may be indicated by the edge of the overall canopy although trees within the grouping that meet the definition of significant must be individually located and the spread of their canopy indicated on the drawing. The species, canopy spread, trunk diameter and average health of the tree must be shown in a chart on the plan. Tree preservation measures must also be shown on the drawing along with mitigation information if mitigation is approved by the Landscape Administrator. A complete list of the information required to be shown on the Tree Preservation Plan may be found in the City of Fayetteville Landscape Manual.

Landscape Plans

- q. Landscape plan requirements for the Off Street Parking Ordinance, the Overlay District, and Commercial Design Standards are to be approved by the Planning Commission with a recommendation by the Landscape Administrator. The conceptual design may be reviewed by the Planning Commission however a detailed plan must be approved by the Landscape Administrator prior to the issuance of the building permit. The conceptual plan shall show the general layout of the plant material and shall include proposed plant species (common names are acceptable) and size. Existing and proposed utility lines shall be shown on the plan. When an ordinance requires shrubs or other screening material, show the layout of planting beds (it is recommended that shrubs be within defined planting beds for ease of maintenance) The detailed plan shall also include approved planting details and notes and particulars for irrigation.
- r. Landscape proposals for parking lots and/or tree replacement requirements shall include proposed plant species (common names are acceptable) and size. Existing and proposed utility lines shall be shown on the plan. State the method for irrigating the plant material on the plan. When an ordinance requires shrubs or other screening material, show the layout of planting beds (it is recommended that shrubs be within defined planting beds for ease of maintenance).

Utilities – Existing

- s. Show on the drawing all known on-site and off-site existing utilities and easements (dimensioned) and provide the structures locations, types, and condition and note them as "existing" on the plat.
- t. Existing easements shall show the name of the easement holder, purpose of the easement, and the book and page number for the easement. If an easement is blanket or indeterminate in nature, a note to this effect shall be placed on the plat or plan.

Utilities - Proposed

- u. Show all storm sewer structures, sanitary sewer structures and drainage structures:
- v. Show all Sanitary sewer systems

Zoning and Development Approval

- w. Note the occurrence of any previous overflow problems on-site or in the proximity of the site. (Also, contact the Water / Sewer Superintendent, at 575-8386).
- x. Water systems, on or near the site.
- y. Provide pipe locations, types, and sizes.
- z. Note the static pressure and flow of the nearest hydrant
- aa. Show location of proposed fire hydrants and meters.
- bb. Underground or surface utility transmission lines:
(Note: This category includes, but is not limited to Telephone, Electrical, Natural Gas, and TV Cable)
- cc. Locations of all related structures (pedestals, poles, etc.)
- dd. Locations of all lines (note whether the line is below or above ground)
- ee. A note shall be placed where streets will be placed under the existing overhead facilities and the approximate change in grade for the proposed street.
- ff. State the width, location, and purpose of all proposed easements or rights of way for utilities, drainage, sewers, flood control, ingress/egress or other public purposes within and adjacent to the project.

Streets, Rights-of-way, and Easements

- gg. The location, widths, grades, and names of all existing and proposed streets (avoid using first names of people for new streets), alleys, paths, and other rights-of-way, whether public or private, within and adjacent to the project; private easements within and adjacent to the project; and the radius of each centerline curve. Private streets shall be clearly indicated and named. Names of streets should be approved by the 911 Coordinator.
- hh. A layout of adjoining property (within 300') in sufficient detail to show the effect of proposed and existing streets (including those on the master street plan), adjoining lots, and off-site easements. This information can be obtained from the Master Street Plan, Aerial Photos, and the City Plat Pages located in the Planning Office if requested.
- ii. The location of all existing and proposed street lights. Street lights are required at every intersection, cul-de-sac and every 300', and associated easements required to serve each light.

Site Specific Information

- jj. Provide a note of any known existing erosion problems on-site or within 300' downstream of the property.
- kk. The location of known existing or abandoned water wells, sumps, cesspools, springs, water impoundments, and underground structures within the project.
- ll. The location of known existing or proposed ground leases or access agreements, if known. (e.g. shared parking lots, drives, areas of land that will be leased)
- mm. The location of all known potentially dangerous areas, including areas subject to flooding, slope stability, settlement, excessive noise, previously filled areas and the means of mitigating the hazards (abatement wall, signage, etc.).
- nn. The boundaries, acreage, and the use of existing and proposed public areas in and adjacent to the project. If land is to be offered for dedication for park and recreation purposes it shall be designated.
- oo. For large scale residential development, indicate the use and list in a table the number of units and bedrooms.
- pp. For non-residential use, indicate the gross floor area, and if for multiple uses, the floor area devoted to each type of use.
- qq. The location and size of existing and proposed signs, if any.
- rr. Location and width of curb cuts and driveways. Dimension all driveways and curb cuts from side property line and surrounding intersections.
- ss. The location and number of bike racks provided and required.
- tt. Location, size, surfacing, landscaping, and arrangement of parking and loading areas. Indicate pattern of traffic flow; include a table showing required, provided, and handicapped accessible parking spaces.

Zoning and Development Approval

- uu. Location of buffer strips, fences or screen walls, where required (check Unified Development Ordinance for specific requirements).
- vv. Indicate location and type of garbage service. Dimension turnaround area at dumpster location.
- ww. A description of commonly held areas, if applicable.
- xx. Draft of covenants, conditions, and restrictions, if any.
- yy. A written description of requested waivers from any city requirement.
- zz. Show required building setbacks for large scale developments. Provide a note on the plat of the current setback requirements for the subdivision. A variance is necessary from the Board of Adjustment for proposed setbacks less than those set forth in the zoning district.
- aaa. Preliminary grading and drainage plans and reports as required in the City Engineer's Office.

NOTIFICATION REQUIREMENTS

- ☐ 4. The developer is required to meet the notifications requirements for a PZD. The requirements are attached to this application.

LEGAL DESCRIPTION REQUIREMENTS

- ☐ 5. Written legal descriptions including area in square feet or acres that read clockwise. This shall be provided on the plat. (Note: If the project is contained in more than one tract, the legal for each individual tract and a total tract description must be provided.)
- ☐ 6. Boundary survey of the property shown on the plat. The surveyor shall seal, sign, and date the survey. The survey shall be tied to state plane coordinates.
- ☐ 7. Provide a benchmark, clearly defined with an accuracy of 1/100'. This benchmark must be tied to USC & GS Datum. Benchmarks include but are not limited to the following: fire hydrant, man hole, etc.
- ☐ 8. Each plat shall have 2 points described in State Plane Coordinates, Arkansas, North, North American Datum, 1983 (NAD 83).
- ☐ 9. Point-of-beginning from a permanent well-defined reference point. This P.O.B. shall be clearly labeled on the drawing.
- ☐ 10. Curve data for any street which forms a project boundary.

OTHER REQUIREMENTS

- ☐ 11. Any other data or reports as deemed necessary for project review by the Zoning & Development Administrator or City Engineer.

The Zoning & Development Administrator and City Engineer may waive any of these application requirements when, in their discretion, any such requirement is not necessary due to the nature of the proposed project, or other circumstances justify such waiver. A pre-application conference is required to review the proposed project and discuss the checklist requirements.

(Note: As this request goes through the review process, revised copies of the project plat, and elevations, if applicable, will be required)

Notice:

Resources including current zoning regulations, City Plan 2025, Future Land Use Plan, Master Street Plan and Zoning maps are available for review in the Planning Office.

City of Fayetteville Item Review Form

C. 1
Garver, LLC Amendment No. 2
Page 1 of 14

2014-0134

Legistar File Number

April 1, 2014

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

Jeremy Pate

Submitted By

Development Services

Department

Action Required:

A RESOLUTION APPROVING CONTRACT AMENDMENT NO. 2 WITH GARVER, LLC IN AN AMOUNT NOT TO EXCEED \$69,825.00 FOR ADDITIONAL DESIGN SERVICES ON THE SPRING STREET PARKING DECK, AND TO APPROVE A BUDGET ADJUSTMENT.

Does this item have a cost? ☒ Yes

\$69,825.00

Cost of this request

\$695,000.00

Category or Project Budget

Entertainment District Parking Deck

Program or Project Name

4560.9560.5314.00

Account Number

\$675,652.00

Funds Used to Date

Parking Deck Project Expenses

Program or Project Category

11028.1202

Project Number

-\$50,477.00

Remaining Balance

Parking Deck Revenue Bonds

Fund Name

Budgeted Item? ☐Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution #

42-12, 252-12

Original Contract Number:

2230

Comments:



Kim J.

3/14/14

Paula Barber 3-14-2014

Doug Mann 3-17-14

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 1, 2014

TO: Mayor and City Council

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

FROM: Chris Brown, City Engineer

DATE: March 14, 2014

SUBJECT: Spring Street Parking Deck-Amendment No. 2 to the Contract with Garver, LLC for additional design services

RECOMMENDATION:

Staff recommends approval of a resolution to approve a contract amendment with Garver, LLC, in the amount of \$69,825 for additional design services on the Spring Street Parking Deck, and to approve a budget adjustment. Additional services are summarized as follows:

- Environmental Site Assessment and report of findings for the existing Walton Arts Center Administrative Offices
- Preparation of a property line adjustment survey plat to adjust property lines around the deck and eastern liner building
- Re-design to add the east liner building shell.
- Re-design of rain water storage and re-use tanks, to change the proposed location from the east side of the parking deck.
- Architectural services related to expansion of the north liner building from a 10,500 sf 2-story facility to 3-stories and 15,500 sf.

BACKGROUND:

The City of Fayetteville is constructing a parking deck in the downtown area/entertainment district to relieve current parking shortfalls and allow for increased parking demand in the area. A request for qualifications for professional design services was published in November, 2011. Eleven statements of qualification were received; the selection committee selected the team led by Garver engineers. Engineering services under this selection cover all three phases for the overall outcome of a designed parking deck in downtown Fayetteville: Phase 1, Site Selection & Preliminary Design; Phase 2, Schematic Design & Project Development; and Phase 3, Construction Administration Services. The contract for Phase 1, Site Selection & Preliminary Design, was awarded on February 12, 2012; the Garver team completed the Site Selection Study. On December 4, 2012 the City Council selected the Theater Lot – the lot on which the Walton Arts Center theater is located – as the location on which the deck will be built.

The contract amendment for Phase 2, Schematic Design & Project Development, with the objective of designing the structure, and performing all associated work required to develop the design and construct the project, was approved in December 2012.

DISCUSSION:

As discussed with the Council in January, staff has anticipated a contract amendment with Garver to provide the design services necessary to continue this project as directed. This contract amendment will increase the compensation to Garver, LLC and its sub-consultants as detailed in the attached amendment. This amendment is necessary to compensate Garver for design services that are necessary to provide additional services which were not originally contemplated, to redesign certain elements of the project that have changed or may potentially change, and for the addition of square footage in the north liner builder that was not in the design contract.

BUDGET/STAFF IMPACT:

Funding for this portion of the contract is coming from parking revenue bond proceeds. The attached budget adjustment moves funds from the construction subproject to the design subproject.

Attachments:

Contract Amendment No. 2

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE CONTRACT WITH GARVER, LLC IN AN AMOUNT NOT TO EXCEED \$69,825.00 FOR ADDITIONAL DESIGN SERVICES ON THE SPRING STREET PARKING DECK PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Amendment No. 2 to the contract with Garver, LLC in an amount not to exceed \$69,825.00 for additional design services on the Spring Street Parking Deck project.

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

PASSED and APPROVED this 1st day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

**AMENDMENT TO AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS
Project No. 11047180**

**SPRING STREET PARKING DECK
CONTRACT AMENDMENT NO. 2**

This Contract Amendment No. 2, dated _____, 2014 shall amend the original contract between the **CITY OF FAYETTEVILLE** (Owner) and **GARVER, LLC** (Engineer), dated February 21, 2012 referred to in the following paragraphs as the original contract.

This Contract Amendment No. 2 adds additional design services for the:

Construction of a Parking Deck to be located in the Downtown/Dickson Street area including the associated liner buildings and infrastructure improvements.

The original contract is hereby modified as follows:

SECTION 5 – PAYMENTS TO GARVER

5.1 Compensation

Increase the not to exceed amount by \$69,825.

EXHIBIT A – SCOPE OF SERVICES

Add Section 1.2.6 to the *Exhibit A - Scope of Services* for additional services as follows:

1.2 PHASE 2 – SCHEMATIC DESIGN AND PROJECT DEVELOPMENT

1.2.6 Additional Services

- A. Perform a Phase I Environmental Site Assessment for the existing WAC Administrative Offices and provide a report of findings.
- B. Prepare a Property Line Adjustment survey and plat to adjust the property lines to reflect the footprint of the Parking Deck and the eastern Liner Building in accordance with the City of Fayetteville Planning requirements.
- C. Redesign the existing 60% Design Development (DD) plans to remove the open patio area and replace with a liner building shell on the east side of the parking deck.
- D. Redesign the underground storage and reuse rainwater tanks to be relocated on the east side of the parking deck structure to allow for potential future development along the east side of the parking deck.

- E. Architectural Services related to the expansion of the Northern Liner Building from a 10,500-sf two-story facility to a 15,500-sf three-story facility.

EXHIBIT B – SUMMARY OF COSTS

Add the Exhibit B sheets attached hereto to Exhibit B contained in the original contract and Amendment No. 1.

This Agreement may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

OWNER

CITY OF FAYETTEVILLE

By: _____

Title: _____

ATTEST: _____

ENGINEER

GARVER, LLC

By: Brian Hall

Title: EXEC VP

ATTEST: RDS

EXHIBIT B - AMENDMENT NO. 2

CITY OF FAYETTEVILLE SPRING STREET PARKING DECK

FEE SUMMARY

	Original Agreement	Amendment 1	Amendment 2	Totals
Phase 1 - Site Selection				
<i>Geotechnical Services (Grubbs, Hoskyn, Barton & Wyatt)</i>	\$76,000.00	\$0.00	\$0.00	\$76,000.00
<i>Architectural Services (AFHJ Architects/KB Architects)</i>	\$64,900.00	\$0.00	\$0.00	\$64,900.00
<i>Parking Garage Specialist (Carl Walker, Inc.)</i>	\$55,000.00	\$0.00	\$0.00	\$55,000.00
<i>Prime Consultant - Garver</i>	\$40,000.00	\$0.00	\$0.00	\$40,000.00
Subtotal for Phase 1 Services	\$235,900.00	\$0.00	\$0.00	\$235,900.00
Phase 2 - Schematic Design and Project Development				
<i>Utility Marking (ARKUPS)</i>	\$0.00	\$750.00	\$0.00	\$750.00
<i>Title Research (Elite Title)</i>	\$0.00	\$250.00	\$0.00	\$250.00
<i>Geotechnical Services (Grubbs, Hoskyn, Barton & Wyatt)</i>	\$0.00	\$28,000.00	\$0.00	\$28,000.00
<i>Surveys</i>	\$0.00	\$15,000.00	\$0.00	\$15,000.00
<i>Property Line Adjustment</i>	\$0.00	\$0.00	\$6,000.00	\$6,000.00
Schematic Design Development				
<i>Garver</i>	\$0.00	\$79,700.00	\$0.00	
<i>Carl Walker - Parking Deck Specialist</i>	\$0.00	\$38,400.00	\$0.00	
<i>AFHJ Architects</i>	\$0.00	\$28,100.00	\$0.00	\$146,200.00
Preliminary Project Design				
<i>Garver</i>	\$0.00	\$102,300.00	\$0.00	
<i>Carl Walker - Parking Deck Specialist</i>	\$0.00	\$45,000.00	\$0.00	
<i>AFHJ Architects</i>	\$0.00	\$37,500.00	\$0.00	\$184,800.00
Construction Documents				
<i>Garver</i>	\$0.00	\$106,100.00	\$0.00	
<i>Carl Walker - Parking Deck Specialist</i>	\$0.00	\$86,700.00	\$0.00	
<i>AFHJ Architects</i>	\$0.00	\$75,000.00	\$0.00	\$267,800.00
Additional Services				
<i>Garver</i>	\$0.00	\$0.00	\$17,300.00	
<i>Carl Walker - Parking Deck Specialist</i>	\$0.00	\$0.00	\$0.00	
<i>AFHJ Architects</i>	\$0.00	\$0.00	\$46,525.00	\$63,825.00
Construction Contract Procurement				
<i>Garver</i>	\$0.00	\$17,900.00	\$0.00	
<i>Carl Walker - Parking Deck Specialist</i>	\$0.00	\$4,900.00	\$0.00	
<i>AFHJ Architects</i>	\$0.00	\$9,400.00	\$0.00	\$32,200.00
Subtotal for Phase 2 Services	\$0.00	\$675,000.00	\$69,825.00	\$744,825.00
Phase 3 - Construction Administration Services				
<i>Construction Materials Testing</i>	\$0.00	\$0.00	\$0.00	\$0.00
<i>Construction Phase Services</i>	\$0.00	\$0.00	\$0.00	\$0.00
<i>Project Close-Out</i>	\$0.00	\$0.00	\$0.00	\$0.00
<i>Post-Occupancy Review</i>	\$0.00	\$0.00	\$0.00	\$0.00
Subtotal for Phase 3 Services	\$0.00	\$0.00	\$0.00	\$0.00

EXHIBIT B - AMENDMENT NO. 2

CITY OF FAYETTEVILLE
SPRING STREET PARKING DECK

PROPERTY LINE ADJUSTMENT

WORK TASK DESCRIPTION	E-6	E-5	T-2	T-1	S-5	S-4	S-3	S-2	S-1	2-Man Crew (Survey)	3-Man Crew (Survey)	MANHOUR SUBTOTALS
	\$220.00	\$180.00	\$95.00	\$73.00	\$130.00	\$102.00	\$71.00	\$54.00	\$43.00	\$164.00	\$203.00	
	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	
1. Surveys - Topographic												
Horizontal and Vertical Control												
Topographic Survey Data Collection												
Utility Locations												
Data Processing/DTM Preparation												
Platting and LSD Preparation												
Subtotal - Surveying	0	0	0	0	0	0	0	0	0	0	0	
2. Surveys - Property												
Coordinate and Analyze Proposed Lot Configuration		1			6							
Set Lot Corners					2					10		
Data Processing/Property Delineation					4							
Platting and Planning Requirements		1		16	4	6						
Subtotal - Surveying	0	2	0	16	16	6	0	0	0	10	0	
Hours	0	2	0	16	16	6	0	0	0	10	0	50
Salary Costs	\$0.00	\$360.00	\$0.00	\$1,168.00	\$2,080.00	\$612.00	\$0.00	\$0.00	\$0.00	\$1,640.00	\$0.00	\$5,860.00
SUBTOTAL - SALARIES: \$5,860.00												
DIRECT NON-LABOR EXPENSES												
Document Printing/Reproduction/Assembly	\$60.00											
Survey Supplies	\$40.00											
Postage/Freight/Courier	\$0.00											
Travel Costs	\$40.00											
SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$140.00												
TOTAL FEE: \$6,000.00												

EXHIBIT B - AMENDMENT NO. 2

**CITY OF FAYETTEVILLE
SPRING STREET PARKING DECK**

ADDITIONAL SERVICES

WORK TASK DESCRIPTION	E-6	E-5	E-4	E-3	E-2	E-1	P-2	P-1	T-2	T-1	X-1	MANHOUR SUBTOTALS
	\$229.00	\$188.00	\$153.00	\$132.00	\$110.00	\$94.00	\$134.00	\$112.00	\$99.00	\$76.00	\$54.00	
	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	
1. Phase 1 - Environmental Site Assessment												
Site Visit								4				
Environmental Databases Review								1				
Historical Research Information								2				
Interviews								1				
Report preparation								24				
2. Redesign - Eastern Liner Building												
Drainage Redesign				4	20					10		
Structural Foundation Redesign			10	16						12		
Site Plan Redesign				4	8					8		
Additional Coordination Meetings		12		8								
Subtotal - Civil Engineering	0	12	10	32	28	0	0	32	0	30	0	
Hours	0	12	10	32	28	0	0	32	0	30	0	144
Salary Costs	\$0.00	\$2,256.00	\$1,530.00	\$4,224.00	\$3,080.00	\$0.00	\$0.00	\$3,584.00	\$0.00	\$2,280.00	\$0.00	\$16,954.00
SUBTOTAL - SALARIES:		\$16,954.00										
DIRECT NON-LABOR EXPENSES												
Document Printing/Reproduction/Assembly	\$20.00											
Enviromental Database	\$300.00											
Postage/Freight/Courier	\$16.00											
Travel Costs	\$10.00											
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		\$346.00										
TOTAL FEE:		\$17,300.00										



**City of Fayetteville Parking Deck
Additional Architectural Services**

3/13/2014

Mr. Ron Petrie, PE
Senior Project Manager
Garver
2049 East Joyce Blvd, Suite 400
Fayetteville, AR 72703

Re: City of Fayetteville Spring Street Parking Deck
Additional Architectural Services

Dear Ron,

There have been numerous revisions to the project scope that has resulted in the need to request an amendment to our agreement to provide Architectural Services for this project. The attached sheets provide a detailed breakdown of the amended tasks with the corresponding hours to perform the task. The amended services are related to changes in the northern liner building and the eastern liner building as summarized below along the associated fees:

NORTHERN LINER BUILDING

The original scope of services was approved with the plan that the WAC Architect was to provide programming for the entire northern liner building and that AFHJ was to provide production design of the interior and exterior of the facility. Since the agreement was approved, the facility size has increased from a two-story facility which included 6,000-sf of office replacement space and a 4,500-sf basement shell to a three-story facility with 15,500-sf of finished out office/back of house space. The scope for AFHJ was reduced to exclude the production design for the interior finish-out for the facility but the programming services was increased in order to finalize a facility that was acceptable to all parties along with the full design of the building exterior. A summary of the fees includes:

Fees associated with the Additional Services	\$60,125
Reduction in Fees associated with the Reduced Services	(\$27,500)
<u>Additional Liability Insurance Coverage</u>	<u>\$ 2,000</u>
NET INCREASE IN ARCHITECTURAL SERVICES	\$34,625

EASTERN LINER BUILDING

At the request of the City, the existing Design Development (DD) plans for the eastern liner building are to be redesigned to replace the open patio area with a liner building shell on the east side of the parking deck. The architectural fees for the redesign have been estimated to be \$11,900.

Therefore we respectfully request a total net fee amendment in the amount of **\$46,525** for the amended services.

Sincerely Yours,

Laleh Amirmoez, AIA
President

AFHJ ARCHITECTS + PLANNERS

Attachments: AFHJ Fee Spreadsheets

Fayetteville Spring Street Parking - North Liner Building Scope Change - Architectural Services

Phase	Original and New Scope of Services	Original Hours	Amended Hours	Difference	Amended Fee
SD	Coordination meetings for scope definition	4	14	10	
	Internal Coordination mtgs/calls with WAC Architects	0	10	10	
	Coordination meetings of division of funding and division of responsibility	0	15	15	
	Schematic elevations for various options, review with WAC architects,	20	40	20	
	Research on existing WAC size and construction type to determine maximum allowable size for the North Liner	0	20	20	
	Building and fire separation requirements	8	30	22	
	Research on North liner building overhang over exg building	0	10	10	
	Coordination of the elevations with the evolving floor plans	10	30	20	
	Analysis of options for the space between the parking and the the liner building	0	10	10	
	SD PHASE TOTALS			137	\$17,125.00
DD	Research for fire rated windows, review options	0	15	15	
	Research for the updated exterior skin	0	10	10	
	Building system design for the upgraded construction type	0	10	10	
	Shifting, redrawing and redesigning the parking deck layout due to increased foot print of the North Liner Building	0	20	20	
	Study of the light well and space between the deck and the liner building	0	15	15	
	Changes in core design to accommodate plan changes	5	20	15	
	Cost analysis, value engineering	8	40	32	
	DD Wall sections exterior details	40	60	20	
	DD Exterior Elevations, details notes dimensions	20	40	20	
	Floor plans interior dimensions and coordination	40	20	-20	
	Enlarged plans, internal stairs	40	40	0	
	Coordination issues due to increased size resulting in close proximity to existing chillers	0	10	10	
	Roof plan and details	20	30	10	
	Interior elevations	20	0	-20	
	Interior materials specifications for liner building	40	0	-40	
	Window schedule and details, variation in window design	20	30	10	
	Exterior and interior door schedule and details	20	10	-10	
	Details related to increased complexity of the skin design	0	10	10	
	Specification for exterior skin system	20	20	0	
	DD PHASE TOTALS			107	\$13,375.00
CD	Details related to fire rated windows	0	10	10	
	Details and documentation related to the required fire rating of building systems	0	10	10	
	Specification for fire rated windows	0	16	16	
	Specification for required fire proofing	0	16	16	
	Details related to increased complexity of the skin design	0	10	10	
	Detailed Wall sections exterior details, notes and dimensions	40	80	40	
	Detailed interior Elevations, details notes dimensions	20	40	20	
	Floor plans interior dimensions and coordination	80	20	-60	
	Interior elevations	20	0	-20	
	interior materials specifications for liner building	40	0	-40	
	window schedule and details, variation in window design	20	30	10	
	Exterior and interior door schedule and details	20	10	-10	
	Details related to increased size resulting in close proximity to existing chillers	0	15	15	
	CD PHASE TOTALS			17	\$2,125.00
Additional Liability Insurance Coverage					\$2,000.00
TOTALS					\$34,625.00

Memorandum

From: AFHJ Architects
Project: Fayetteville Spring Street Parking
Project No: 1201.2
Date: 02.12.14
To: Ron Petrie
Garver

Re: Additional services related to the redesign of the East Liner Building addition

EAST LINER BUILDING

Coordination meetings	10
Redesign elevations and plans	40
Revised building sections	15
Coordination with engineering disciplines	10
Coordinate connection to deck	10
Coordination with grading	10

<u>Total Additional East Liner Building</u>	<u>95 hrs</u>	<u>\$11,900</u>
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Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith



ALDERMEN

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Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
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**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
April 1, 2014**

A meeting of the Fayetteville City Council will be held on April 1, 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 March 18, 2014 City Council meeting minutes.
2. **Bid #14-17 to Chevrolet of Fayetteville:** A resolution to award Bid #14-17 to Chevrolet of Fayetteville for the purchase of one (1) Chevrolet 2500HD pickup truck with topper and Jotto cargo slide in the total amount of \$34,350.00 for use by the Fire Department.
3. **Bid #14-18 Hilbilt Sales Corp. – Arkansas:** A resolution to award Bid #14-18 to Hilbilt Sales Corp. - Arkansas of Benton, Arkansas for the purchase of one (1) Clement Industries Starlite hydraulic end dump trailer in the total amount of \$43,559.78 for use by the Westside Wastewater Treatment Plant.

4. **Bid #14-19 Lewis Ford Sales, Inc.:** A resolution to award Bid #14-19 to Lewis Ford Sales, Inc. of Fayetteville, Arkansas for the purchase of three (3) Ford F250 4x4 pickup trucks with Meyer snow plows in the total amount of \$98,707.86 for use by the Parks and Transportation Divisions.
5. **Williams Tractor of Fayetteville:** A resolution to approve the purchase of one (1) Hustler Trimstar mower and four (4) Hustler Super Z mowers from Williams Tractor of Fayetteville in the total amount of \$58,627.21 pursuant to a state procurement contract, and to approve a budget adjustment.
6. **Professional Turf Products:** A resolution to authorize the purchase of two (2) Toro Sand Pro 5040 Bunker Rakes and one (1) Toro Lip Broom from Professional Turf Products of Lenexa, Kansas in the total amount of \$38,979.00 pursuant to National IPA Contract #120535 for use by the Parks and Recreation Division.
7. **North Point Ford:** A resolution to authorize the purchase of one (1) Ford F-250 extended cab pickup truck from North Point Ford of North Little Rock in the amount of \$21,191.00 pursuant to a state procurement contract for use by the Water and Sewer Division, and to approve a budget adjustment.
8. **Fayetteville Advertising and Promotion Commission:** A resolution to approve a five year agreement with the Fayetteville Advertising and Promotion Commission to furnish collection and accounting services for the Hotel, Motel, and Restaurant taxes collected for the A & P Commission for a fee of 2% of such collections.

B. Unfinished Business:

1. **ADM 13-4602 (UDC Amendment Chapter 161.32 and Chapter 166.06):** An ordinance to Amend §161.32 Planned Zoning District and §166.06 Planned Zoning District of the Unified Development Code to clearly separate the zoning and development approvals for Planned Zoning Districts and to simplify and reduce current regulations. *This ordinance was left on the First Reading at the March 18, 2014 City Council meeting.*

C. New Business:

1. **Garver, LLC Amendment No. 2:** A resolution to approve Amendment No. 2 to the contract with Garver, LLC in an amount not to exceed \$69,825.00 for additional design services on the Spring Street Parking Deck Project, and to approve a budget adjustment.

D. City Council Agenda Session Presentations:

1. **Update on Resolution for Funding Energy Improvements to City Buildings and HEAL Program—** Peter Nierengarten and Paul Becker

E. City Council Tour:

F. Announcements:

Adjournment:

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Pre Agenda Meeting 3-19-14

Mayor Lioneld Jordan
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TO: Mayor Lioneld Jordan and Members of the City Council
Don Marr, Chief of Staff

FROM: Paul A. Becker, Finance Director *Paul A. Becker*

DATE: March 21, 2014

SUBJECT: **January Sales Taxes Received In February 2014 by the State**

The following key points need to be communicated regarding sales tax collections:

FAYETTEVILLE SALES TAX ACTIVITY

1. Sales tax collections remitted for sales tax subject to the 1 cent City tax in February, 2014 were down \$98,960 / -6.95% as compared to the same month prior year. These collections represent January, 2014
2. Sales tax collections remitted to the City for the City's share of County tax collections in February, 2014 were down \$55,785 / -6.05% as compared to the same month prior year. These collections represent January, 2014 sales.
3. When compared to budget for the month, sales tax collections were down a total of \$201,699 / -8.43%. The year to date budget impact for the two months is down a total of \$329,849 / -6.24%.

1% City / 1% County (Combined)	Budget	Actual	\$ Difference	% Difference
December, 2013	\$ 2,894,900	\$ 2,766,751	\$ (128,149)	(4.43%)
January, 2014	2,393,200	2,191,501	(201,699)	(8.43%)
February, 2014				
March, 2014				
April, 2014				
May, 2014				
June, 2014				
July, 2014				
August, 2014				
September, 2014				
October, 2014				
November, 2014				
YTD Budget to Actual	\$ 5,288,100	\$ 4,958,251	\$ (329,849)	(6.24%)
Funding Source	Budget	Actual	\$ Difference	% Difference
General Fund: 1% City (60% Split)	\$ 1,947,100	\$ 1,823,396	\$ (123,704)	(6.35%)
1% County	2,042,900	1,919,257	(123,643)	(6.05%)
	\$ 3,990,000	\$ 3,742,654	\$ (247,346)	(6.20%)
ST Capital: 1% City (40% Split)	\$ 1,298,100	\$ 1,215,598	\$ (82,502)	(6.36%)
Total General/ST Capital Funds:	\$ 5,288,100	\$ 4,958,251	\$ (329,849)	(6.24%)

NWA REGION SALES TAX ACTIVITY - JANUARY 2014 COLLECTIONS

4. January, 2014 1% City Sales Tax collections as compared to the surrounding areas were as follows:

<u>City Sales Tax Collections:</u>		<u>January 2013</u>	<u>January 2014</u>	<u>\$ Difference</u>	<u>% Difference</u>
1% City:	Fayetteville	\$ 1,424,472	\$ 1,325,512	\$ (98,960)	(6.95%)
	Springdale	\$ 784,254	\$ 813,815	\$ 29,562	3.77%
	Bentonville	\$ 1,078,177	\$ 762,246	\$ (315,931)	(29.30%)
	Rogers	\$ 1,070,159	\$ 1,037,374	\$ (32,785)	(3.06%)

5. January, 2014 1% County Sales Tax collections as compared to the surrounding areas were as follows:

<u>County Sales Tax Collections:</u>		<u>January 2013</u>	<u>January 2014</u>	<u>\$ Difference</u>	<u>% Difference</u>
Washington	Fayetteville	\$ 921,774	\$ 865,989	\$ (55,785)	(6.05%)
Washington	Springdale	\$ 798,541	\$ 750,214	\$ (48,327)	(6.05%)
Benton	Bentonville	\$ 495,647	\$ 446,022	\$ (49,625)	(10.01%)
Benton	Rogers	\$ 785,768	\$ 707,095	\$ (78,673)	(10.01%)

6. January, 2014 countywide collections for the combined Washington and Benton Counties were as follows:

<u>County Sales Tax Collections:</u>		<u>January 2013</u>	<u>January 2014</u>	<u>\$ Difference</u>	<u>% Difference</u>
Washington County		\$ 2,543,898	\$ 2,389,944	\$ (153,954)	(6.05%)
Benton County		3,107,731	2,796,579	(311,152)	(10.01%)
		<u>\$ 5,651,629</u>	<u>\$ 5,186,523</u>	<u>\$ (465,106)</u>	<u>(8.23%)</u>

NWA REGION SALES TAX ACTIVITY - YEAR-TO-DATE (TWO MONTHS) COLLECTIONS

7. Year-to-Date (two months) collections as compared to the surrounding areas were as follows:

<u>City Sales Tax Collections:</u>		<u>(Two Months) YTD 2013</u>	<u>(Two Months) YTD 2014</u>	<u>\$ Increase (Decrease)</u>	<u>% Increase (Decrease)</u>
1% City:	Fayetteville	\$ 3,181,479	\$ 3,038,994	\$ (142,485)	(4.48%)
	Springdale	\$ 1,700,303	\$ 1,692,851	\$ (7,452)	(0.44%)
	Bentonville	\$ 2,014,546	\$ 1,655,507	\$ (359,039)	(17.82%)
	Rogers	\$ 2,536,251	\$ 2,446,486	\$ (89,765)	(3.54%)

8. Year-to-Date (two months) for the combined Washington and Benton Counties, sales were down -\$552,363 / -4.62%.

<u>Sales Tax Collections:</u>		<u>(Two Months) YTD 2013</u>	<u>(Two Months) YTD 2014</u>	<u>\$ Increase (Decrease)</u>	<u>% Increase (Decrease)</u>
Washington County		\$ 5,527,446	\$ 5,296,739	\$ (230,707)	(4.17%)
Benton County		6,427,659	6,106,003	(321,656)	(5.00%)
		<u>\$ 11,955,105</u>	<u>\$ 11,402,742</u>	<u>\$ (552,363)</u>	<u>(4.62%)</u>