

Alderman Adella Gray  
Ward 1 Position 1

Alderman Sarah Marsh  
Ward 1 Position 2

Alderman Mark Kinion  
Ward 2 Position 1

Alderman Matthew Petty  
Ward 2 Position 2



Mayor Lioneld Jordan  
City Attorney Kit Williams  
City Clerk Sondra E. Smith

Alderman Justin Tennant  
Ward 3 Position 1

Alderman Sarah Bunch  
Ward 3 Position 2

Alderman John La Tour  
Ward 4 Position 1

Alderman Alan T. Long  
Ward 4 Position 2

**City of Fayetteville Arkansas  
City Council Meeting  
July 18, 2017**

**A meeting of the Fayetteville City Council was held on July 18, 2017 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.**

**Call to Order**

**Roll Call**

**Pledge of Allegiance**

**Mayor's Announcements, Proclamations and Recognitions**

**City Council Meeting Presentations, Reports, and Discussion Items.**

1. 2016 Audit Report - Paul Becker

**Agenda Additions**

**A. Consent:**

1. Approval of the July 6, 2017 City Council Meeting Minutes.

***Approved***

2. **FAYETTEVILLE POLICE DEPARTMENT AMMUNITION:** A resolution to approve the purchase of ammunition as needed by the Fayetteville Police Department from various manufacturers, pursuant to the State of Arkansas Ammunition Contract, through January 22, 2018 and as renewed by the state for up to four additional one year terms.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 138-17**

3. **RUPPLE MEADOWS SUBDIVISION STREET IMPROVEMENTS:** A resolution to approve a budget adjustment in the amount of \$72,321.00 as the developer's share to widen Ruppel Road, install storm water drainage and construct a trail at the total cost of \$143,973.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 139-17**

4. **SPECIAL NEEDS ASSISTANCE PROGRAM (SNAP):** A resolution to approve the renewal of four special needs assistance program grant agreements with the U.S. Department of Housing and Urban Development in the total amount of \$305,348.00 for the city to administer programs to assist homeless Fayetteville residents, and to approve a budget adjustment.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 140-17**

5. **KIMBEL MECHANICAL SYSTEMS, INC.:** A resolution to approve and certify the participation of Kimbel Mechanical Systems, Inc. in the Arkansas Tax Back Program and to agree to authorize the Arkansas Department of Finance and Administration to refund city sales tax back to Kimbel Mechanical Systems, Inc. for qualified.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 141-17**

6. **TAXIWAY B WIDENING AND REHAB GRANT OFFER:** A resolution to authorize Mayor Jordan to accept a 90/10 matching grant from the Federal Aviation Administration to provide funding in the amount of \$137,520.00 for the Taxiway B Widening and Rehabilitation Project at Drake Field, and to approve a budget.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 142-17**

**B. Unfinished Business:**

1. **RZN 17-5803: (E. OF OLD MISSOURI RD. & ROLLING HILLS DR. KEENAN):** An ordinance to rezone that property described in rezoning petition RZN 17-5803 for approximately 10.86 acres located east of the intersection of Old Missouri Road and Rolling Hills Drive from rsf-4, residential single family, 4 units per acre to ns-g, neighborhood services, general.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5987**

**C. New Business:**

1. **BOSTON MOUNTAIN SOLID WASTE DISTRICT:** A resolution to approve a one year contract with the Boston Mountain Solid Waste District in the amount of \$36,790.00 with automatic renewals for up to five additional one year terms based on a rate of fifty cents per resident per year for solid waste services provided to the City of Fayetteville as a member of the district.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 143-17**

2. **RZN 17-5837 (521 N. SHADY AVE./WCR DEVELOPMENT):** An ordinance to rezone that property described in rezoning petition RZN 17-5837 for approximately 0.23 acres located at 521 North Shady Avenue from rsf-4, residential single family, 4 units per acre to nc, neighborhood conservation.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5988**

3. **WALTON FAMILY FOUNDATION GRANT AGREEMENT:** A resolution to thank the Walton Family Foundation, to approve the grant agreement with the Walton Family Foundation in the amount of up to \$1,361,428.00 as a 50/50 matching grant for the construction of a model two-way cycle track along old wire road and to approve a budget adjustment.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 144-17**

4. **POSITION CONTROL INCREASE:** A resolution to authorize the addition of 1.0 full time equivalent position to the Police Department to provide a second Crime Scene Technician, 2.0 full time equivalent positions to the Recycling & Trash Collection Division to provide two route drivers, and a temporary part time position in the Finance & Internal Services Department, and to approve a budget adjustment.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 145-17**

**MOTION TO REMOVE FROM TABLE FOR DISCUSSION:**

An ordinance to amend the Unified Development Code to create a new zoning district, Urban Thoroughfare Light; UT-l, to change or amend definitions of “building height” and stories”

**THIS ORINANCE WAS TABLED INDEFINETLY AND SENT TO PLANNING COMMISSION**

**D. City Council Agenda Session Presentations:**

1. Agenda session presentation - Audit Committee Report - Michael White

**E. City Council Tour: 4:00 PM July 17, 2017 City Hall**

**F. Announcements**

**Adjournment: 6:22 p.m.**



| Subject: | Roll         |   |  |  |  |
|----------|--------------|---|--|--|--|
|          | Kinion       | ✓ |  |  |  |
|          | Petty        | ✓ |  |  |  |
|          | Tennant      | ✓ |  |  |  |
|          | Bunch        | ✓ |  |  |  |
|          | La Tour      | ✓ |  |  |  |
|          | Long         | ✓ |  |  |  |
|          | Gray         | ✓ |  |  |  |
|          | Marsh        | ✓ |  |  |  |
|          | Mayor Jordan | ✓ |  |  |  |

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| Subject:   |              |  |  |  |  |
|------------|--------------|--|--|--|--|
| Motion To: |              |  |  |  |  |
| Motion By: |              |  |  |  |  |
| Seconded:  |              |  |  |  |  |
|            | Kinion       |  |  |  |  |
|            | Petty        |  |  |  |  |
|            | Tennant      |  |  |  |  |
|            | Bunch        |  |  |  |  |
|            | La Tour      |  |  |  |  |
|            | Long         |  |  |  |  |
|            | Gray         |  |  |  |  |
|            | Marsh        |  |  |  |  |
|            | Mayor Jordan |  |  |  |  |

|                                                                             |                     |         |  |  |  |
|-----------------------------------------------------------------------------|---------------------|---------|--|--|--|
| <b>Subject:</b>                                                             | <b>Consent</b>      |         |  |  |  |
| <b>Motion To:</b>                                                           |                     | Approve |  |  |  |
| <b>Motion By:</b>                                                           |                     | Marsh   |  |  |  |
| <b>Seconded:</b>                                                            |                     | Tennant |  |  |  |
| <b>Consent</b><br><b>A.1-A.6</b><br><br><u>Approved</u><br>138-17<br>142-17 | <b>Kinion</b>       | ✓       |  |  |  |
|                                                                             | <b>Petty</b>        | ✓       |  |  |  |
|                                                                             | <b>Tennant</b>      | ✓       |  |  |  |
|                                                                             | <b>Bunch</b>        | ✓       |  |  |  |
|                                                                             | <b>La Tour</b>      | ✓       |  |  |  |
|                                                                             | <b>Long</b>         | ✓       |  |  |  |
|                                                                             | <b>Gray</b>         | ✓       |  |  |  |
|                                                                             | <b>Marsh</b>        | ✓       |  |  |  |
|                                                                             | <b>Mayor Jordan</b> |         |  |  |  |

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|                   |                     |  |  |  |  |
|-------------------|---------------------|--|--|--|--|
| <b>Subject:</b>   |                     |  |  |  |  |
| <b>Motion To:</b> |                     |  |  |  |  |
| <b>Motion By:</b> |                     |  |  |  |  |
| <b>Seconded:</b>  |                     |  |  |  |  |
|                   | <b>Kinion</b>       |  |  |  |  |
|                   | <b>Petty</b>        |  |  |  |  |
|                   | <b>Tennant</b>      |  |  |  |  |
|                   | <b>Bunch</b>        |  |  |  |  |
|                   | <b>La Tour</b>      |  |  |  |  |
|                   | <b>Long</b>         |  |  |  |  |
|                   | <b>Gray</b>         |  |  |  |  |
|                   | <b>Marsh</b>        |  |  |  |  |
|                   | <b>Mayor Jordan</b> |  |  |  |  |

|                                                                                               |                     |                                                                             |                 |                |  |
|-----------------------------------------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------|-----------------|----------------|--|
| <b>Subject:</b>                                                                               |                     | <b>RZN 17-5803: (E. OF OLD MISSOURI RD. &amp; ROLLING HILLS DR. KEENAN)</b> |                 |                |  |
| <b>Motion To:</b>                                                                             |                     | <i>2nd Read</i>                                                             | <i>3rd Read</i> | <i>Approve</i> |  |
| <b>Motion By:</b>                                                                             |                     | <i>Long</i>                                                                 | <i>Tennant</i>  |                |  |
| <b>Seconded:</b>                                                                              |                     | <i>Marsh</i>                                                                | <i>Marsh</i>    |                |  |
| <b>B. 1</b><br><b>Unfinished</b><br><b>Business</b><br><br><i>Approved</i><br><br><i>5987</i> | <b>Kinion</b>       | ✓                                                                           | ✓               | ✓              |  |
|                                                                                               | <b>Petty</b>        | ✓                                                                           | ✓               | ✓              |  |
|                                                                                               | <b>Tennant</b>      | ✓                                                                           | ✓               | ✓              |  |
|                                                                                               | <b>Bunch</b>        | ✓                                                                           | ✓               | ✓              |  |
|                                                                                               | <b>La Tour</b>      | ✓                                                                           | ✓               | ✓              |  |
|                                                                                               | <b>Long</b>         | ✓                                                                           | ✓               | ✓              |  |
|                                                                                               | <b>Gray</b>         | ✓                                                                           | ✓               | ✓              |  |
|                                                                                               | <b>Marsh</b>        | ✓                                                                           | ✓               | ✓              |  |
|                                                                                               | <b>Mayor Jordan</b> |                                                                             |                 |                |  |

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|                                      |                     |  |  |  |  |
|--------------------------------------|---------------------|--|--|--|--|
| <b>Subject:</b>                      |                     |  |  |  |  |
| <b>Motion To:</b>                    |                     |  |  |  |  |
| <b>Motion By:</b>                    |                     |  |  |  |  |
| <b>Seconded:</b>                     |                     |  |  |  |  |
| <b>Unfinished</b><br><b>Business</b> | <b>Kinion</b>       |  |  |  |  |
|                                      | <b>Petty</b>        |  |  |  |  |
|                                      | <b>Tennant</b>      |  |  |  |  |
|                                      | <b>Bunch</b>        |  |  |  |  |
|                                      | <b>La Tour</b>      |  |  |  |  |
|                                      | <b>Long</b>         |  |  |  |  |
|                                      | <b>Gray</b>         |  |  |  |  |
|                                      | <b>Marsh</b>        |  |  |  |  |
|                                      | <b>Mayor Jordan</b> |  |  |  |  |

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|----------------------------------------------------------------------------------|---------------------------------------------|----------------|--|--|--|
| <b>Subject:</b>                                                                  | <b>BOSTON MOUNTAIN SOLID WASTE DISTRICT</b> |                |  |  |  |
| <b>Motion To:</b>                                                                |                                             | <i>Approve</i> |  |  |  |
| <b>Motion By:</b>                                                                |                                             | <i>Marsh</i>   |  |  |  |
| <b>Seconded:</b>                                                                 |                                             | <i>Kinion</i>  |  |  |  |
| <b>C. 1</b><br><b>New</b><br><b>Business</b><br><i>Approved</i><br><i>143-17</i> | <b>Kinion</b>                               | ✓              |  |  |  |
|                                                                                  | <b>Petty</b>                                | ✓              |  |  |  |
|                                                                                  | <b>Tennant</b>                              | ✓              |  |  |  |
|                                                                                  | <b>Bunch</b>                                | ✓              |  |  |  |
|                                                                                  | <b>La Tour</b>                              | ✓              |  |  |  |
|                                                                                  | <b>Long</b>                                 | ✓              |  |  |  |
|                                                                                  | <b>Gray</b>                                 | ✓              |  |  |  |
|                                                                                  | <b>Marsh</b>                                | ✓              |  |  |  |
|                                                                                  | <b>Mayor Jordan</b>                         |                |  |  |  |

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|--------------------------------------------------------------------------------|--------------------------------------------------------|-----------------|-----------------|----------------|--|
| <b>Subject:</b>                                                                | <b>RZN 17-5837 (521 N. SHADY AVE./WCR DEVELOPMENT)</b> |                 |                 |                |  |
| <b>Motion To:</b>                                                              |                                                        | <i>2nd Read</i> | <i>3rd Read</i> | <i>Approve</i> |  |
| <b>Motion By:</b>                                                              |                                                        | <i>Marsh</i>    | <i>Marsh</i>    |                |  |
| <b>Seconded:</b>                                                               |                                                        | <i>Gray</i>     | <i>Long</i>     |                |  |
| <b>C. 2</b><br><b>New</b><br><b>Business</b><br><i>Approved</i><br><i>5988</i> | <b>Kinion</b>                                          | ✓               | ✓               | ✓              |  |
|                                                                                | <b>Petty</b>                                           | ✓               | ✓               | ✓              |  |
|                                                                                | <b>Tennant</b>                                         | ✓               | ✓               | ✓              |  |
|                                                                                | <b>Bunch</b>                                           | ✓               | ✓               | ✓              |  |
|                                                                                | <b>La Tour</b>                                         | ✓               | ✓               | ✓              |  |
|                                                                                | <b>Long</b>                                            | ✓               | ✓               | ✓              |  |
|                                                                                | <b>Gray</b>                                            | ✓               | ✓               | ✓              |  |
|                                                                                | <b>Marsh</b>                                           | ✓               | ✓               | ✓              |  |
|                                                                                | <b>Mayor Jordan</b>                                    |                 |                 |                |  |

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|----------------------------------------------------------|--------------|--------------------------------------------------|--|--|--|
| <b>Subject:</b>                                          |              | <b>WALTON FAMILY FOUNDATION GRANT AGREEMENT:</b> |  |  |  |
| <b>Motion To:</b>                                        |              | Approve                                          |  |  |  |
| <b>Motion By:</b>                                        |              | Marsh                                            |  |  |  |
| <b>Seconded:</b>                                         |              | Long                                             |  |  |  |
| C. 3<br>New<br>Business<br><br><u>Approved</u><br>144-17 | Kinion       | ✓                                                |  |  |  |
|                                                          | Petty        | ✓                                                |  |  |  |
|                                                          | Tennant      | ✓                                                |  |  |  |
|                                                          | Bunch        | ✓                                                |  |  |  |
|                                                          | La Tour      | ✓                                                |  |  |  |
|                                                          | Long         | ✓                                                |  |  |  |
|                                                          | Gray         | ✓                                                |  |  |  |
|                                                          | Marsh        | ✓                                                |  |  |  |
|                                                          | Mayor Jordan |                                                  |  |  |  |

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|                                                          |              |                                  |  |  |  |
|----------------------------------------------------------|--------------|----------------------------------|--|--|--|
| <b>Subject:</b>                                          |              | <b>POSITION CONTROL INCREASE</b> |  |  |  |
| <b>Motion To:</b>                                        |              | Approve                          |  |  |  |
| <b>Motion By:</b>                                        |              | Marsh                            |  |  |  |
| <b>Seconded:</b>                                         |              | Gray                             |  |  |  |
| C. 4<br>New<br>Business<br><br><u>Approved</u><br>145-17 | Kinion       | ✓                                |  |  |  |
|                                                          | Petty        | ✓                                |  |  |  |
|                                                          | Tennant      | ✓                                |  |  |  |
|                                                          | Bunch        | ✓                                |  |  |  |
|                                                          | La Tour      | ✓                                |  |  |  |
|                                                          | Long         | ✓                                |  |  |  |
|                                                          | Gray         | ✓                                |  |  |  |
|                                                          | Marsh        | ✓                                |  |  |  |
|                                                          | Mayor Jordan |                                  |  |  |  |

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|                        |                                      |                                               |  |  |                    |
|------------------------|--------------------------------------|-----------------------------------------------|--|--|--------------------|
| <b>Subject:</b>        | Remove from Table - Amend UDC: Urban |                                               |  |  |                    |
| <b>Motion To:</b>      |                                      | Remove from Table send to Planning Commission |  |  | Thoroughfare Light |
| <b>Motion By:</b>      |                                      | Jennant                                       |  |  |                    |
| <b>Seconded:</b>       |                                      | La Tour                                       |  |  |                    |
| Approve to send to PC. | <b>Kinion</b>                        | ✓                                             |  |  |                    |
|                        | <b>Petty</b>                         | ✓                                             |  |  |                    |
|                        | <b>Tennant</b>                       | ✓                                             |  |  |                    |
|                        | <b>Bunch</b>                         | ✓                                             |  |  |                    |
|                        | <b>La Tour</b>                       | ✓                                             |  |  |                    |
|                        | <b>Long</b>                          | ✓                                             |  |  |                    |
|                        | <b>Gray</b>                          | ✓                                             |  |  |                    |
|                        | <b>Marsh</b>                         | ✓                                             |  |  |                    |
|                        | <b>Mayor Jordan</b>                  |                                               |  |  |                    |

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|-------------------|---------------------|--|--|--|--|
| <b>Subject:</b>   |                     |  |  |  |  |
| <b>Motion To:</b> |                     |  |  |  |  |
| <b>Motion By:</b> |                     |  |  |  |  |
| <b>Seconded:</b>  |                     |  |  |  |  |
|                   | <b>Kinion</b>       |  |  |  |  |
|                   | <b>Petty</b>        |  |  |  |  |
|                   | <b>Tennant</b>      |  |  |  |  |
|                   | <b>Bunch</b>        |  |  |  |  |
|                   | <b>La Tour</b>      |  |  |  |  |
|                   | <b>Long</b>         |  |  |  |  |
|                   | <b>Gray</b>         |  |  |  |  |
|                   | <b>Marsh</b>        |  |  |  |  |
|                   | <b>Mayor Jordan</b> |  |  |  |  |



OFFICE OF THE  
CITY ATTORNEY

## DEPARTMENTAL CORRESPONDENCE



Kit Williams  
City Attorney

Blake Pennington  
Assistant City Attorney

Rhonda Lynch  
Paralegal

TO: **Mayor Jordan**

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **July 19, 2017**

**RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of July 18, 2017**

1. A resolution to approve the purchase of ammunition as needed by the Fayetteville Police Department from various manufacturers, pursuant to the State of Arkansas Ammunition Contract, through January 22, 2018 and as renewed by the State for up to four additional one year terms.
2. A resolution to approve a budget adjustment in the amount of \$72,321.00 as the developer's share to widen Ruppel Road, install storm water drainage and construct a trail at the total cost of \$143,973.20.
3. A resolution to approve the renewal of four special needs assistance program grant agreements with the U.S. Department of Housing and Urban Development in the total amount of \$305,348.00 for the City to administer programs to assist homeless Fayetteville residents, and to approve a budget adjustment.
4. A resolution to approve and certify the participation of Kimbel Mechanical Systems, Inc. in the Arkansas Tax Back Program and to agree to authorize the Arkansas Department of Finance and Administration to refund city sales tax back to Kimbel Mechanical Systems, Inc. for qualified purchases.
5. A resolution to authorize Mayor Jordan to accept a 90/10 Matching Grant from the Federal Aviation Administration to provide funding in the amount of \$137,520.00 for the Taxiway B widening and rehabilitation project at Drake Field, and to approve a budget adjustment.
6. An ordinance to rezone that property described in rezoning petition RZN 17-5803 for approximately 10.86 acres located east of the intersection of Old Missouri Road and Rolling Hills Drive from RSF-4, Residential Single Family, 4 units per acre to NS-G, Neighborhood Services, General.

7. A resolution to approve a one year contract with the Boston Mountain Solid Waste District in the amount of \$36,790.00 with automatic renewals for up to five additional one year terms based on a rate of fifty cents per resident per year for solid waste services provided to the City of Fayetteville as a member of the district.

8. An ordinance to rezone that property described in rezoning petition RZN 17-5837 for approximately 0.23 acres located at 521 North Shady Avenue from RSF-4, Residential Single Family, 4 units per acre to NC, Neighborhood Conservation.

9. A resolution to thank the Walton Family Foundation, to approve the grant agreement with the Walton Family Foundation in the amount of up to \$1,361,428.00 as a 50/50 Matching Grant for the construction of a model two-way cycle track along Old Wire Road and to approve a budget adjustment.

10. A resolution to authorize the addition of 1.0 full time equivalent position to the police department to provide a second Crime Scene Technician, 2.0 full time equivalent positions to the Recycling & Trash Collection Division to provide two route drivers, and a temporary part time position in the Finance & Internal Services Department, and to approve a budget adjustment.

11. A motion to remove an ordinance to amend the Unified Development Code to create a new zoning district, Urban Thoroughfare Light; UT-L and to change or amend definitions of "building height" and "stories" from the table and then refer it back to the Planning Commission was passed unanimously.



# City of Fayetteville, Arkansas

*113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323*



## Meeting Agenda - Final Agenda

**Tuesday, July 18, 2017**

**5:30 PM**

**City Hall Room 219**

### **City Council Meeting**

*Adella Gray Ward 1  
Sarah Marsh Ward 1  
Mark Kinion Ward 2  
Matthew Petty Ward 2  
Justin Tennant Ward 3  
Sarah Bunch Ward 3  
John S. La Tour Ward 4  
Alan Long Ward 4*

#### ***ELECTED OFFICIALS:***

*Mayor Lioneld Jordan  
City Attorney Kit Williams  
City Clerk Sondra Smith*

**Call To Order****Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****1.       [2017-0323](#)**

2016 AUDIT REPORT - PAUL BECKER

**Agenda Additions:****A. Consent:****A. 1       [2016-0579](#)**

APPROVAL OF THE JULY 6, 2017 CITY COUNCIL MEETING MINUTES.

**A. 2       [2017-0334](#)****FAYETTEVILLE POLICE DEPARTMENT AMMUNITION:**

A RESOLUTION TO APPROVE THE PURCHASE OF AMMUNITION AS NEEDED BY THE FAYETTEVILLE POLICE DEPARTMENT FROM VARIOUS MANUFACTURERS, PURSUANT TO THE STATE OF ARKANSAS AMMUNITION CONTRACT, THROUGH JANUARY 22, 2018 AND AS RENEWED BY THE STATE FOR UP TO FOUR ADDITIONAL ONE YEAR TERMS

**Attachments:**       [FAYETTEVILLE POLICE DEPARTMENT AMMUNITION](#)

**A. 3**      [2017-0368](#)**RUPPLE MEADOWS SUBDIVISION STREET IMPROVEMENTS:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$72,321.00 AS THE DEVELOPER'S SHARE TO WIDEN RUPPLE ROAD, INSTALL STORM WATER DRAINAGE AND CONSTRUCT A TRAIL AT THE TOTAL COST OF \$143,973.20

**Attachments:**              [RUPPLE MEADOWS SUBDIVISION STREET IMPROVEMENTS](#)  
                                     [BA\\_RUPPLE MEADOWS SUBDIVISION STREET IMPROVEMENTS](#)

**A. 4**      [2017-0370](#)**SPECIAL NEEDS ASSISTANCE PROGRAM (SNAP) GRANT:**

A RESOLUTION TO APPROVE THE RENEWAL OF FOUR SPECIAL NEEDS ASSISTANCE PROGRAM GRANT AGREEMENTS WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN THE TOTAL AMOUNT OF \$305,348.00 FOR THE CITY TO ADMINISTER PROGRAMS TO ASSIST HOMELESS FAYETTEVILLE RESIDENTS, AND TO APPROVE A BUDGET ADJUSTMENT

**Attachments:**              [SPECIAL NEEDS ASSISTANCE PROGRAM \(SNAP\) GRANT](#)  
                                     [BA\\_SPECIAL NEEDS ASSISTANCE PROGRAM \(SNAP\) GRANT](#)

**A. 5**      [2017-0355](#)**KIMBEL MECHANICAL SYSTEMS, INC.:**

A RESOLUTION TO APPROVE AND CERTIFY THE PARTICIPATION OF KIMBEL MECHANICAL SYSTEMS, INC. IN THE ARKANSAS TAX BACK PROGRAM AND TO AGREE TO AUTHORIZE THE ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION TO REFUND CITY SALES TAX BACK TO KIMBEL MECHANICAL SYSTEMS, INC. FOR QUALIFIED PURCHASES

**Attachments:**              [KIMBEL MECHANICAL SYSTEMS, INC.](#)

**A. 6**      [2017-0380](#)**TAXIWAY B WIDENING AND REHAB GRANT OFFER:**

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO ACCEPT A 90/10 MATCHING GRANT FROM THE FEDERAL AVIATION ADMINISTRATION TO PROVIDE FUNDING IN THE AMOUNT OF \$137,520.00 FOR THE TAXIWAY B WIDENING AND REHABILITATION PROJECT AT DRAKE FIELD, AND TO APPROVE A BUDGET ADJUSTMENT

**Attachments:**[TAXIWAY B WIDENING AND REHAB GRANT OFFER](#)[BA TAXIWAY B WIDENING AND REHAB GRANT OFFER](#)**B. Unfinished Business:****B. 1**      [2017-0335](#)**RZN 17-5803: (E. OF OLD MISSOURI RD. & ROLLING HILLS DR. KEENAN):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5803 FOR APPROXIMATELY 10.86 ACRES LOCATED EAST OF THE INTERSECTION OF OLD MISSOURI ROAD AND ROLLING HILLS DRIVE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NS-G, NEIGHBORHOOD SERVICES, GENERAL

**Attachments:**[RZN 17-5803 \(E. OF OLD MISSOURI RD. & ROLLING HILLS DR./ KEENAN\)](#)[ADDITIONAL\\_RZN 17-5803 E. OF OLD MISSOURI RD. & ROLLING HILLS DR. KEENAN](#)

*At the July 6, 2017 City Council Meeting this ordinance was left on the first reading.*

**C. New Business:**

**C. 1**      [2017-0362](#)**BOSTON MOUNTAIN SOLID WASTE DISTRICT:**

A RESOLUTION TO APPROVE A ONE YEAR CONTRACT WITH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT IN THE AMOUNT OF \$36,790.00 WITH AUTOMATIC RENEWALS FOR UP TO FIVE ADDITIONAL ONE YEAR TERMS BASED ON A RATE OF FIFTY CENTS PER RESIDENT PER YEAR FOR SOLID WASTE SERVICES PROVIDED TO THE CITY OF FAYETTEVILLE AS A MEMBER OF THE DISTRICT

Attachments:            [BOSTON MOUNTAIN SOLID WASTE DISTRICT](#)

**C. 2**      [2017-0361](#)**RZN 17-5837 (521 N. SHADY AVE./WCR DEVELOPMENT):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5837 FOR APPROXIMATELY 0.23 ACRES LOCATED AT 521 NORTH SHADY AVENUE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

Attachments:            [RZN 17-5837 \(521 N. SHADY AVE./WCR DEVELOPMENT\)](#)

**C. 3**      [2017-0366](#)**WALTON FAMILY FOUNDATION GRANT AGREEMENT:**

A RESOLUTION TO THANK THE WALTON FAMILY FOUNDATION, TO APPROVE THE GRANT AGREEMENT WITH THE WALTON FAMILY FOUNDATION IN THE AMOUNT OF UP TO \$1,361,428.00 AS A 50/50 MATCHING GRANT FOR THE CONSTRUCTION OF A MODEL TWO-WAY CYCLE TRACK ALONG OLD WIRE ROAD AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:            [WALTON FAMILY FOUNDATION GRANT](#)  
                                 [BA\\_WALTON FAMILY FOUNDATION GRANT](#)

**C. 4**      [2017-0329](#)**POSITION CONTROL INCREASE:**

A RESOLUTION TO AUTHORIZE THE ADDITION OF 1.0 FULL TIME EQUIVALENT POSITION TO THE POLICE DEPARTMENT TO PROVIDE A SECOND CRIME SCENE TECHNICIAN, 2.0 FULL TIME EQUIVALENT POSITIONS TO THE RECYCLING & TRASH COLLECTION DIVISION TO PROVIDE TWO ROUTE DRIVERS, AND A TEMPORARY PART TIME POSITION IN THE FINANCE & INTERNAL SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:      [POSITION CONTROL INCREASE](#)  
                         [BA\\_POSITION CONTROL INCREASE](#)

**D. City Council Agenda Session Presentations:****D. 1**      [2017-0330](#)

AGENDA SESSION PRESENTATION AUDIT COMMITTEE REPORT - MICHAEL WHITE

**E. City Council Tour: 4:00 PM July 17, 2017 City Hall****F. Announcements:****G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

All interested persons may appear and address the City Council on Unfinished Business, New Business, and Public Hearings at City Council meetings. If you wish to address the City Council on an agenda item, please wait for the Mayor or Chair to request public comment then queue behind the podium. When the Mayor or Chair recognizes you, approach the podium and give your name and address. Comments are to be addressed to the Mayor or Chair. The Mayor or Chair will direct your comments to the appropriate elected officials, staff, or others for response. Keep your comments respectful, brief, to the point, and relevant to the agenda item being considered. Each speaker from the public will be allowed one turn at the microphone for discussion of an agenda item.

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.

**Unfinished 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 a City Council member later to answer questions. City staff, City Council members, and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item.

**Public Comments:** Public comment shall be allowed for all members of the audience on all items of unfinished and new business and subjects of public hearings. A simple majority of the City Council members, present and voting, may authorize a representative of a Fayetteville citizens' group opposing the ordinance or resolution to present an electronic visual aid not to exceed five minutes, but no other electronic visual aid presentations will be allowed; however, 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's 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 City Council member 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 Telecommunications Device for the Deaf (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 479-575-8330.

A copy of the complete City Council agenda is available on our website at [www.fayetteville-ar.gov](http://www.fayetteville-ar.gov) or in the Office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas (479) 575-8323.

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

Alderman Adella Gray  
Ward 1 Position 1

Alderman Sarah Marsh  
Ward 1 Position 2

Alderman Mark Kinion  
Ward 2 Position 1

Alderman Matthew Petty  
Ward 2 Position 2



Alderman Justin Tennant  
Ward 3 Position 1

Alderman Sarah Bunch  
Ward 3 Position 2

Alderman John La Tour  
Ward 4 Position 1

Alderman Alan T. Long  
Ward 4 Position 2

Mayor Lioneld Jordan  
City Attorney Kit Williams  
City Clerk Sondra E. Smith

**City of Fayetteville Arkansas  
City Council Meeting  
July 6, 2017**

**A meeting of the Fayetteville City Council was held on July 6, 2017 at 5:30 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, Sarah Bunch, John La Tour, 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: None**

**City Council Meeting Presentations, Reports, and Discussion Items: None**

**Agenda Additions: None**

**Consent:**

**Mayor Jordan** stated **Bid #17-34 Grand Truck Equipment Company, LLC** was being requested to be removed from Consent for discussion.

**City Attorney Kit Williams:** The resolution needed to have a budget adjustment approval. I have handed out a copy of the resolution to be amended.

**Alderman Long moved to remove Bid #17-34 Grand Truck Equipment Company, LLC from the Consent Agenda for discussion. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.**



**Mayor Jordan:** Why are we pulling it, Kit?

**City Attorney Kit Williams:** There was not a budget adjustment attached, but there is now.

**Bid #17-34 Grand Truck Equipment Company, LLC** was pulled from Consent for discussion.

**Approval of the June 20, 2017 City Council Meeting Minutes.**

***Approved***

**Bid #17-33 Vance Brothers, Inc.:** A resolution to award Bid #17-33 and authorize a contract with Vance Brothers, Inc. for asphalt microsurfacing of city streets at a cost of \$2.28 per square foot as needed through the end of 2017.

***Resolution 129-17 as recorded in the office of the City Clerk***

**Bid #17-35 Lewis Ford Sales, Inc.:** A resolution to award Bid #17-35 and authorize the purchase of a Ford E350 Box Truck from Lewis Ford Sales, Inc. of Fayetteville, Arkansas in the amount of \$37,007.00 for use by the Recycling and Trash Collection Division.

***Resolution 131-17 as recorded in the office of the City Clerk***

**Bid #17-36 Altec Industries, Inc.:** A resolution to award Bid #17-36 and authorize the purchase of a Ford F750 with Altec Aerial Platform from Altec Industries, Inc. of Creedmoor, North Carolina in the amount of \$132,212.00 for use by the Parks and Recreation Department and the Transportation Department.

***Resolution 132-17 as recorded in the office of the City Clerk***

**Arkansas Occupational Medicine Services, P.A. d/b/a Arkansas Occupational Health Clinic:** A resolution to authorize a one year contract with an option to renew for up to four additional one year terms with Arkansas Occupational Medicine Services, P.A. d/b/a Arkansas Occupational Health Clinic in an amount not to exceed \$50,000.00 for physical exams and health screenings for Fire Department employees at a cost of \$264.00 to \$575.00 per exam.

***Resolution 133-17 as recorded in the office of the City Clerk***

**Alderman Marsh moved to accept the Consent Agenda as read. Alderman Tennant seconded the motion. Upon roll call the motion passed unanimously.**

**Bid #17-34 Grand Truck Equipment Company, LLC was removed from the Consent Agenda for Discussion**

**Bid #17-34 Grand Truck Equipment Company, LLC:** A resolution to award Bid #17-34 and authorize the purchase of a Ford F550 with Dakota Body and Aerial Platform from Grand Truck Equipment Company, LLC of Afton, Oklahoma in the amount of \$103,115.00 for use by the Transportation Department.

**City Attorney Kit Williams** restated the necessity of an amendment to add a budget adjustment to the resolution.

**Alderman Marsh moved to amend the resolution by adding a budget adjustment. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.**

***Mayor Jordan read the resolution.***

**Terry Gulley**, Transportation Services Director gave a brief description of the resolution.

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

***Resolution 130-17 as recorded in the office of the City Clerk***

**Unfinished Business:**

**17-5776: (1320 S. College Ave./Sugarland Properties):** An ordinance to rezone that property described in rezoning petition RZN 17-5776 for approximately 0.31 acres located at 1320 South College Avenue from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban. *At the June 20, 2017 City Council Meeting this ordinance was left on the second reading. At the June 6, 2017 City Council Meeting this ordinance was left on the first reading.*

**Alderman Petty** stated he would like to recuse himself from the discussion.

**Alderman Marsh moved to suspend the rules and go to the third and final reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Marsh, Kinion, Tennant, Bunch, La Tour, Long, and Gray voting yes. Alderman Petty recused.**

***City Attorney Kit Williams read the ordinance.***

**Jesse Millwee**, Citizen believes the rezoning will be positive for the neighborhood and the community. He spoke in favor of the rezoning.

**Keaton Smith**, Citizen is in support of the rezoning. He stated he is a property owner in the neighborhood.

**Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Marsh, Kinion, Tennant, Bunch, La Tour, Long, and Gray voting yes. Alderman Petty recused.**

***Ordinance 5983 as Recorded in the office of the City Clerk***

**New Business:**

**Bid #17-37 Countryside Farm and Lawn Equipment Company, Inc.:** A resolution to award Bid #17-37 and authorize the purchase of a John Deere 5100E Tractor with mowing attachment and a John Deere 6110M Tractor with mowing attachment from Countryside Farm and Lawn Equipment company, Inc. in the total amount of \$202,099.00 for use by the Transportation Department.

**Terry Gulley,** Transportation Services Director gave a brief description of the resolution.

**Alderman La Tour:** Describe for me the process when one of our departments comes to you and says they need new mowers and tractors. What is the procedure of letting people around the state know you are in the market for tractors? Do you send emails or letters stating we are taking bids?

**Terry Gulley:** I will defer the question about how it is sent out to Andrea who is our Purchasing Director. The Transportation Division uses this equipment. When an item comes up for replacement we try to utilize the Fleet Department's knowledge. This was last replaced in 2004 and has lasted 13 years. We look at what is being used in the market place currently that wasn't available in 2004. The bid package is put together and it is sent to the Purchasing Department.

**Andrea Rennie,** Purchasing Director: The first process of any city bid when we get it in is to talk with any department that is involved and then it goes into the classified section of the Northwest Arkansas Times statewide. We have a Purchasing mailing list that is distributed to over 1,800 vendors. We touch base personally with any vendor we know that may sell that piece of equipment or commodity.

**Alderman La Tour:** When you are drawing up the bid sheets and listing the specifications, do you list those specifications or do you solicit help from somebody else?

**Andrea Rennie:** It mainly comes from Fleet and Transportation before it gets to the Purchasing Department.

**Alderman La Tour:** Fleet and Transportation say what characteristics they want?

**Andrea Rennie:** Yes.

**Alderman La Tour:** Where do you get your list of characteristics of everything you want in a piece of equipment?

**Jesse Beeks**, Fleet Operations Superintendent: It depends on the piece of equipment. If we have looked at a specific piece of equipment, everybody wants to write the spec for it. We try to generalize it as much as possible.

**Alderman La Tour:** When you say everybody, do you mean all the people trying to sell it to you?

**Jesse Beeks:** Yes.

**Alderman La Tour:** You have vendors that write specifications?

**Jesse Beeks:** They would like too.

**Alderman La Tour:** Of course they would specify things that just are characteristic of their piece of equipment.

**Jesse Beeks:** That's right.

**Alderman La Tour:** You don't let that happen, right?

**Jesse Beeks:** I try not too.

**Alderman La Tour:** Do we ever give preference to local vendors that might be a few dollars higher and keep the money in the local economy?

**Jesse Beeks:** Local as defined in the Purchasing Department is the State of Arkansas. As far as I'm aware the City of Fayetteville does not have an ordinance allowing us to give preference for the city.

**Andrea Rennie:** State Procurement Code talks about that in reference to a resident vender and a non-resident vendor. A resident vendor being considered a vendor doing business in the state within itself. Non-resident will be out of state. All three vendors for this bid were all in state residents or in state vendors.

**Tim Bailey**, Williams Tractor located in Ward 4 stated he is concerned that local government overspends at times and overlooks local businesses that the local businesses fund. He gave a brief description of the equipment and bid he submitted to the City of Fayetteville. He stated when it came time to research specifications, Fleet and Transportation traveled to Little Rock to research specifications and never considered coming across town to look at what was being replaced by an adequate tractor. His company wants to support and have a good relationship with the city. He stated he has loaned equipment to the diverse activities of the city. He serves a meal to the Police Department and Fire Department once a month. He believes his bid was the better choice financially and environmentally for the City of Fayetteville.

**Mayor Jordan** stated Mr. Bailey's five minute speaking time limit was expired.

**Alderman La Tour:** It is your contention that we accepted a bid that was higher than your bid for basically the same thing?

**Tim Bailey:** Yes, sir. The tractors were comparable.

**Alderman La Tour:** When you say comparable, I can't tell the difference between a Chevrolet and a Ford. They are basically the same thing. Is that what you mean by comparable?

**Tim Bailey:** Exactly. Both will do the same amount of work and the same performance specifications, but mine is more efficient in fuel economy.

**Alderman La Tour:** You would think we would want that, right?

**Tim Bailey:** Absolutely.

**Alderman La Tour:** It would be cheaper to operate.

**Tim Bailey:** Yes, sir.

**Alderman La Tour:** We went to Little Rock to buy it and ignored our local business.

**Tim Bailey:** Yes, that is my contention.

**Alderman La Tour:** That looks bad, Mayor. Is there anything else you want to tell us?

**Tim Bailey:** Yes, if I had the opportunity.

**Mayor Jordan:** The speaker's time is up unless you make a motion to give him more time.

**Alderman La Tour moved to allow an additional three minutes for the speaker. Alderman Long seconded the motion. Upon roll call the motion passed unanimously.**

**Tim Bailey:** Our company has paid \$100,000 worth of sales tax this calendar year to the city. The city has to recognize there is some intrinsic value. Even though the State of Arkansas considers the other bidders as local, none of their revenue comes into the City of Fayetteville. We are truly the only local vendor. I'm not asking for any kind of preference. If I am the high bidder and someone else offers a better value, I completely understand that. I ask for this item to be tabled and sent back to the Equipment Committee for re-evaluation. In the future I would like to be involved in the equipment purchases that we have proven to provide.

**Alderman Tennant:** For years I haven't liked the State Procurement contract. Not just for tractors, but for a lot of different things. I investigated this years ago when I was with a technology company and I didn't understand why our hands were tied on rewarding contracts. I was told if I wanted to change it, then I would have to try to change it at the state level. I don't think that is something we can change locally. I would be interested in investigating that. I think we should have some leeway to decide on our own. I would rather give business to a local group or a regional group rather than somebody in Little Rock, Pine Bluff or wherever. This particular situation we

are discussing, it smells like there is more to this. I trust the city staff, but Terry what swung it the other way?

**Terry Gulley:** The three bidders were from Springdale and Fayetteville. There was no Little Rock bidder. We went to Pulaski County so we could compare equipment that other municipalities were using that were newer than what we had been using. It was to evaluate the equipment. We put out our bid specs. We made a determination and went with cubic inch displacement on the engines. We did not pick horsepower. We put out this bid and those companies filled it out. Out of the three that filled it out one was from Williams Tractor. One of the questions asked if the engine met the specifications. They wrote no. Another question asked if the tractor had an integrated park position. They answered no. We asked if it had a park lock. They wrote no. This is the bid they submitted. Springdale Tractor also bid smaller CID engines and did not meet the specs either. Countryside was the only one that answered yes to all bid specifications put out equally to all bidders that wanted to bid on it. Fleet does not just look at purchase price when we are looking at what we are going to invest in and in this case, for at least the next ten years. We try to look at the whole picture of what it is going to cost us in the end. The tractor we currently have has had serious issues in the last year. We have a seven month window where we are out doing this type of work with these tractors. The tractor was at Williams Tractor being repaired for 6.5 weeks which is 23% of our mowing season. We went all that time period without and we don't have a backup. It is not cost effective to have another tractor sitting and not being used all the time. It stated in two paragraphs that any questions could be addressed by calling Les in Purchasing. If we felt like it was something that needed to be addressed we could have put out an addendum for it. Fifty five days after the bid was submitted is when they contacted Les. The bottom line is that they did not meet the specs of the bid so we are not able to grant them this. We had one bidder that did meet that. By law we can't buy from a company if they do not meet the specs. We don't do bells and whistles on equipment. We put out the bids for the minimum things we need.

**Alderman Tennant:** As I assumed there is a lot more to the story. At some point I'd like to revisit how we do state contracts on everything. In this particular case, it went through the Equipment Committee and I would have a tough time sending it back to them. I trust the Equipment Committee and city staff.

**Alderman La Tour:** How is Pulaski County going to maintain our equipment?

**Terry Gulley** stated Pulaski County had nothing to do with this. He reiterated that they looked at equipment that was similar to what the city wanted to purchase. He stated the City of Fayetteville is buying from a local vendor.

**Alderman La Tour:** The people who bid on it are all from Northwest Arkansas?

**Terry Gulley:** They are all in Washington County.

**Alderman La Tour** requested for Tim Bailey to return to the podium to explain his customer service.



**Tim Bailey** stated they were working on a tractor that had 6,400 hours on it and fixed numerous problems, which took a long time to repair. He stated he has made a commitment to do better in his service to the City of Fayetteville. He spoke about engines, horsepower, and technology.

**Alderman Long:** I work in procurement. Looking at the background of this story it seems like the process was followed the way it was supposed to be done. I spoke with Mr. Williams on the phone and referred him to members of the Equipment Committee and Chief of Staff because I wasn't part of this bid process. We need to look at the way these are done going forward. There are communication issues that need to be worked out between Williams Tractor and the City of Fayetteville, specifically when looking at the addendums to the contract. I'm not going to vote to send this back to the Equipment Committee.

**Tim Bailey:** I sit down with Fleet Operations to talk about some of these issues. I did not go to Les in Purchasing. I have tried to call Fleet and tell them I was going to send this to Council for a conversation. Communication is very difficult.

**Alderman Long:** I think keeping Purchasing in the loop in those conversations is very important. They control the bid process.

**Don Marr,** Chief of Staff: I feel like it's an attack on the integrity of the staff and their ability to follow the process. Andrea, specifically tell the Council what has to be done to give purchasing preference to City of Fayetteville located businesses.

**Andrea Rennie:** It goes back to our State Procurement Code that is put out by the state. It talks about resident and non-resident. I don't know the legality of awarding something to someone just because they are in the City of Fayetteville limits.

**Don Mar:** We can talk with our local delegation of elected officials, but this will require a state law change. This is not something you can do as a City Council unless a state law gives us the ability to do so or our City Attorney finds some other mechanism for us to do. It sounds like Alderman La Tour and Alderman Long might want to be sponsoring Council members for that legislation if we are able to do something locally. Otherwise, this is the type of item we would put in a legislative package with our state legislators. We are proud to be partners with Williams Tractor. What is coming across tonight in this conversation is frustration on their side feeling like the staff purposefully is not wanting to use Williams Tractor, which is not the case. We had equipment that extended its life, but that is due to the great performance of our Fleet management. 81% of the equipment we bought in 2006 was for equipment that extended the original life when we purchased it. Due to our Fleet management we have one of the top 15 Fleets in the nation. In terms of writing the specifications, I meet with vendors all the time who want a specific way of something to be written in hopes that theirs is the only piece of equipment or item that could be bid. We have a checkpoint in the Purchasing Department to review it to make sure our specifications are not written so specifically that we rule out the ability to get good competitive bidding on these processes. When they are, they kick them back and they escalate those to me if someone has done that so I can ask questions about why we have to operationally have that specification. The park lock on the tractor is something we don't want to compromise on because it is a safety mechanism. We use a comprehensive evaluation when making a decision. If we

accepted a bid from someone who wrote no on the requirements, how do we legally defend against the bidder who met all the requirements? This isn't personal with Williams Tractor. The Purchasing Department is our coordinator and the point of contact during the bidding process to make sure we are being fair. We look at equipment all over this country to ensure we have the best return and operational efficiency when we make these decisions.

**Alderman Gray:** I am the Transportation Committee Chairman. I would be delighted to bring this item back to the committee if I felt like we had not properly done our homework. It gives me comfort to know I can count on Terry Gulley, Jesse Beeks, and Andrea Rennie for taking care of things and following the law exactly. I appreciate all the things they take in consideration and not just the price. I am always happy when we can give the bids to someone in Fayetteville.

**Alderman La Tour:** One of our primary functions on the City Council is to safeguard the public purse. I sit on the Equipment Committee and I always ask Jesse, do we really need it. When I have a local vendor come to me and say they bid lower with more horsepower, but just a few cubic inches, it sounds like the addendum process is what we need to be implementing. I want the local guys to win, but I want them to do it legitimately.

**Alderman Petty:** If we were to vote to rebid this how long would that take?

**Andrea Rennie** gave a brief description of the bid process.

**Alderman Petty:** Are we looking at 12 weeks?

**Andrea Rennie:** Possibly.

**Alderman Petty:** After an order is placed how long would it take for a piece of equipment to be delivered?

**Jesse Beeks:** It could take up to 180 days for delivery and getting it ready.

**Alderman Petty:** If we restart this process, we are looking at 24-36 weeks potentially before we can get a piece of equipment. There is a legal consideration to other bidders. It is compelling that we could save five digits worth of money for something that does the same work and has virtually the same functionality. It seems that 24 weeks of work and waiting probably washes out any savings we might get. If we could open this bid back up today and have this thing solved on virtually the same timeline, I would probably vote to do it for the savings.

**Andrea Rennie:** The city does a lot of business with Williams Tractor. Year to date we have spent \$92,955.12 with Williams Tractor.

**Alderman La Tour moved to table the ordinance. Alderman Long seconded the motion. Upon roll call the motion to table failed 1-7. Alderman La Tour voting yes. Alderman Marsh, Kinion, Petty, Tennant, Bunch, Long, and Gray voting no.**



**Mayor Jordan:** I want to apologize to the staff. I trust the staff and they do a great job. That is why we have one of the best Fleets in the nation. We don't try to rig anything to help our buddy out. We are straight forward and honest. I appreciate staffs' work.

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

***Resolution 134-17 as recorded in the office of the City Clerk***

**Bid #17-32 Goins Enterprises, Inc.:** A resolution to award Bid #17-32 and authorize a contract with Goins Enterprises, Inc. in the amount of \$1,919,872.00 for the construction of the Martin Luther King, Jr. Boulevard, Huntsville Road, and Garden Park Apartments Waterline Improvement Projects, to approve a project contingency in the amount of \$288,000.00, and to approve a budget adjustment.

**Tim Nyander,** Utilities Director gave a brief description of the resolution. The Water, Sewer & Solid Waste Committee voted to forward to City Council with recommendation of approval.

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

***Resolution 135-17 as recorded in the office of the City Clerk***

**Community Access Television, Inc. d/b/a Your Media:** A resolution to approve a change in the City's public access television policy and to amend the contract with Community Access Television, Inc. d/b/a Your Media to expand public access services to residents of Washington County and Benton County for an annual fee of \$50.00.

**Doug Bankston,** Media Services Director gave a brief description of the resolution. He stated the Telecommunications Board endorsed the change unanimously.

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

***Resolution 136-17 as recorded in the office of the City Clerk***

**RZN 17-5802: (147 E. Spring St./Teague):** An ordinance to rezone that property described in rezoning petition RZN 17-5802 for approximately 0.31 acres located at 147 East Spring Street from RMF-24, Residential multifamily, 24 units per acre to RI-U, Residential Intermediate, Urban.

***City Attorney Kit Williams read the ordinance.***

**Andrew Garner**, City Planning Director gave a brief description of the ordinance. The Planning Commission and staff recommend approval.

**Brian Teague**, Applicant stated he lives at 201 East Spring Street which is next door to the property. He gave a brief description of his proposed project.

**Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Marsh, Kinion, Tennant, Bunch, La Tour, and Gray voting yes. Alderman Petty and Long were absent.**

*City Attorney Kit Williams read the ordinance.*

**Alderman Marsh moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Marsh, Kinion, Tennant, Bunch, La Tour, and Gray voting yes. Alderman Petty and Long were absent.**

*City Attorney Kit Williams read the ordinance.*

**Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Marsh, Kinion, Tennant, Bunch, La Tour, Long, and Gray voting yes. Alderman Petty was absent.**

*Ordinance 5984 as Recorded in the office of the City Clerk*

**RZN 17-5803: (E. of Old Missouri Rd. & Rolling Hills Dr. Keenan):** An ordinance to rezone that property described in rezoning petition RZN 17-5803 for approximately 10.86 acres located east of the intersection of Old Missouri Road and Rolling Hills Drive from RSF-4, Residential Single Family, 4 units per acre to NS-G, Neighborhood Services, General.

*City Attorney Kit Williams read the ordinance.*

**Andrew Garner**, City Planning Director gave a brief description of the ordinance. The Planning Commission and staff recommend approval.

**Mitch Weigel**, Downtown Properties representing the applicant gave a brief description of the proposed project.

**Alderman Tennant:** I have gotten a few calls on this. I also got a few calls about the extension itself. I believe there was a little bit of confusion on one relating to the other. Do we have a timeframe for the Rolling Hills Road extension and if not, what are our long term next steps?

**Andrew Garner:** The Mobility Plan is towards the end of the study and this particular connection was a part of that study. You will see some recommendations from the Traffic Consultant. We do not have a timeframe for extending Rolling Hills at this time through this property. Like many of our streets on our Master Street Plan it is desired for a connection to improve east and west

connectivity from Crossover towards the core of the city. There will be some decisions for City Council as you look at the upcoming bond program and where you are putting your money and how you want to disperse those funds.

**Alderman Tennant:** I appreciate that because it will alleviate some of the concerns of people thinking it was a more immediate situation than it was. I would exercise caution. This is a one shot deal where we want to make sure we develop things right in that area. This is a very complicated spot.

**Alderman Bunch:** I have gotten quite a few calls and emails about this piece of property. In response to one of the emails I got, I requested we do a tour of the site. I would like to keep it here until we take a tour.

***This ordinance was left on the First Reading***

**VAC 17-5815 (429 N. Vinson Ave./Merritt):** An ordinance to approve VAC 17-5815 for property located at 492 North Vinson Avenue to vacate a portion of a street right-of-way.

***City Attorney Kit Williams read the ordinance.***

**Andrew Garner,** City Planning Director gave a brief description of the ordinance. The Planning Commission and staff recommend approval.

**Alderman Marsh 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 Long moved to suspend the rules and go to the third and final reading. Alderman Marsh 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 5985 as Recorded in the office of the City Clerk***

**Amend Chapter 167: Tree Preservation and Protection:** An ordinance to amend Chapter 167 **Tree Preservation and Protection** of the Unified Development Code to make clerical revisions including defining certain terms, removing definitions of terms that are defined in other portions of the Unified Development Code, and correcting ambiguous or unclear names and terms.

***City Attorney Kit Williams read the ordinance.***

**John Scott**, Urban Forester gave a brief description of the ordinance. He stated this ordinance will be the first of four parts of Chapter 167 and Chapter 177 changes that they would like to make.

**Alderman La Tour:** Are you our Urban Forester?

**John Scott:** I am.

**Alderman La Tour:** Have you ever held a memorial service for a tree?

**John Scott:** I have not, but I have heard of such things.

**Alderman La Tour:** In our city?

**John Scott:** Yes.

**Alderman La Tour:** Will this ordinance make developers happier or less happy?

**John Scott:** I believe it will make them happy because it provides clarity.

**Alderman La Tour:** Is it reducing the regulations they have to comply with or increasing regulations they have to comply with?

**John Scott** stated neither. He explained that it would reduce some redundancy in language and gave some examples of terminology.

**Alderman La Tour:** This is the first of four installments?

**John Scott** Yes.

**City Attorney Kit Williams:** The rest are going to be much shorter. The reason this was so long is because it was the entire chapter. If we had attached an Exhibit A, it would have gone on many pages and been very expensive to publish. We made it as short as we could, but still covered all the changes requested by the Urban Forester.

**Alderman La Tour:** Do you agree with our Urban Forester's assessment that this will not have any changes on regulations for our developers?

**City Attorney Kit Williams:** Yes. These aren't substantive changes. There will be substantive changes coming forward. I am going to recommend a substantive change to you in the future.

**Don Marr**, Chief of Staff stated clarity is really important in terms of our development community. He stated it needs to be clearer for people to understand.

**Alderman Long moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-1. Alderman Marsh, Kinion, Petty, Tennant, Bunch, Long, and Gray voting yes. Alderman La Tour voting no.**

*City Attorney Kit Williams read the ordinance.*

**Alderman Marsh moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-1. Alderman Marsh, Kinion, Petty, Tennant, Bunch, Long, and Gray voting yes. Alderman La Tour voting no.**

*City Attorney Kit Williams read the ordinance.*

**Mayor Jordan** thanked staff for the work they did on the ordinance.

**Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Marsh, Kinion, Petty, Tennant, Bunch, Long, and Gray voting yes. Alderman La Tour voting no.**

*Ordinance 5986 as Recorded in the office of the City Clerk*

**Traffic Calming Installation:** A resolution to express the intention of the City Council to include funding in the 2018 budget for additional traffic calming installation within city streets.

**Alderman Long:** I appreciate Alderman Petty co-sponsoring this with me. One of the number one request I receive is for infrastructures, specifically related to traffic safety. The lack of infrastructure for traffic calming and traffic safety prevents us from having as great of pedestrian mobility as we could have in the City of Fayetteville. At Agenda Session a lot of people spoke about the amount of money, but I don't have a specific amount in mind. Staff is capable of determining what they think is necessary. We have tried pilot programs in the past that can address specific problem areas. We need the ability to try some solutions and give staff the flexibility of coming up with ideas. One thing that came up last year and we were able to address it was over by Holcomb Elementary. We needed to put in a temporary speed table. What ended up happening was that there was a \$600 fee to buy the bolts to install it. The POA that lived next to it ended up writing a check to the City of Fayetteville to pay for the bolts. Things like that are a good example of what the city should be paying for and not just the neighborhoods around the schools. We should have a small amount of money set aside and try to come up with solutions in the upcoming year.

**Alderman Petty:** This has been a discussion for some time and we have talked about how we should maybe put something in the budget. We have been asked to submit comments on the five year CIP and that is one potential source and it will be included in my comments. I believe this resolution is appropriate because there are a lot of other sources of that kind of funding. There might be some more creative ways of administering a traffic calming program if we were to fund it. For an example, in the Transportation Bond Program is \$500,000 that has been set aside generally for intersection improvements with no further specification about what might happen

there and that's a potential source. The Street Fund with part of our Overlay Program is another potential source. We have a brand new program where we allow anyone in the community to submit an application to design public improvements of a temporary nature to test out ideas that might be traffic calming. We allow them to install those after the application process if they meet design requirements. This is the only forum we have until we get into real budget discussions. Sending a signal that we think it is important and it can be met in a variety of ways is the appropriate role for us to take as a Council when we talk about budget. This is a priority and it should be elevated a little higher than the Council has elevated it in the past. My hope would be that we come up with a funding amount and a process for administering up to a dozen traffic calming projects per year.

**Don Marr, Chief of Staff:** In 2007 the City Council passed a resolution to put \$187,760 into traffic calming, specifically to the Wilson Park and Washington Willow Neighborhood Association as a part of the Transportation Department Bond Program. In 2008 the City Council approved in the Transportation operating budget in its Overlay Program, \$50,000 for traffic calming. It is important to have CIP information and share with us what items you would remove to fund these items you want to add. It is still the \$8 to \$9 million we have. The Transportation Division where this money has typically been funded has been under pressure. We are hoping to be able to catch up in some of the overlay we deferred.

**Alderman La Tour:** We do have a fixed pie with our budget. None of us like traffic, but if you live in a city, traffic is part of the equation. I don't want our traffic calming to slide so far that it becomes traffic impeding. We do want to slow things down around schools and sensitive areas. Speed bumps don't really work unless you live right in front of a speed bump. I want us to look at other traffic calming techniques like crosswalks or parking on both sides of the street.

**Alderman Marsh:** I am supportive of the intent of this resolution. Citizens contact me and request traffic calming in their neighborhoods. I would be excited for the potential of a Bike and Pedestrian Coordinator. At the Active Transportation Advisory Committee meeting we unanimously endorsed the creation of that position. That individual could help with traffic calming. I want to see us move away from the speed humps and look at other solutions. I'm hoping our Mobility Plan will help us design better streets to fit the desired speeds we are trying to achieve.

**Alderman Long:** The reason I requested for speed tables to be left in the resolution was because it is sometimes necessary for bicycles.

**Mayor Jordan:** One of the biggest complaints we got from citizens in 2008 was about speed tables. I know you all are getting a lot of folks wanting speed tables, but back when I was running for office that was not the case. I think when you start installing them again you are going to get a few challenges. I am not a big fan of the speed tables. I want everyone to remember we have \$8 million to work with in the CIP and that is it.

**Alderman Petty:** Back whenever we did traffic calming the first time around the only way we thought we had to do it was speed tables, but now technology has evolved substantially. Speed tables should be used in very limited circumstances because they are not a preferred way to traffic calm. There is not just a CIP to consider because there are other funding sources besides this one.

A discussion followed about speed tables and speed bumps.

**Don Marr:** I ask that the Transportation Committee members in our Mobility Study really look at the recommended process for approving where we use these items. There are two steps to this that we hear from citizens. One is about funding to do it, but the more important item is, my neighborhood can never qualify to get it.

**Mayor Jordan:** I don't want anyone thinking I am not in favor of traffic calming because I am. My first experience with it was not a good one.

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

***Resolution 137-17 as recorded in the office of the City Clerk***

**Announcements:**

**Don Marr,** Chief of Staff: On July 7, 2017 is a Dive-In Movie at Wilson Park.

On July 13, 2017 is the Gulley Park Concerts Series.

We currently have an active survey on our website for our Fayetteville's Future Transportation Strategies and Priorities. We would like all citizen feedback.

There will be a garden walking tour for sustainable landscapes on July 15, 2017.

**City Council Agenda Session Presentations:**

Agenda Session Presentation - CH2M Annual Report, Steve Carpenter.

Agenda Session Presentation - Summary of the April 29, 2017 flooding event.

**City Council Tour:** None

**Adjournment:** 7:55 p.m.

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**Lionel Jordan, Mayor**

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**Sondra E. Smith, City Clerk Treasurer**





OFFICE OF THE  
CITY ATTORNEY

## DEPARTMENTAL CORRESPONDENCE



Kit Williams  
*City Attorney*

Blake Pennington  
*Assistant City Attorney*

Rhonda Lynch  
*Paralegal*

TO: **Mayor Jordan**  
**City Council**

CC: **Don Marr**, Chief of Staff  
**Andrew Garner**, Planning Director

FROM: **Kit Williams**, City Attorney

DATE: **June 1, 2017**

RE: **Urban Thoroughfare Lite**

Pursuant to the request of several City Council Members, I have redrafted the ordinance which is included in your Final Agenda to have it refer only to enacting the new zoning district and amending or adding the necessary definitions for this new zoning district as proposed by the Planning Department.

If still desired to only consider enacting this new zoning district and not get into the rezoning issue, please move to amend the ordinance supplied with the Final Agenda to the ordinance attached to this memo.

Potential changes to this proposed new zoning district may be made at the meeting or the proposed ordinance could be referred to the Ordinance Review Committee.



Removed from Table  
7-18-17 City Council Meeting

**ORDINANCE NO.** \_\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO CREATE A NEW ZONING DISTRICT, URBAN THOROUGHFARE LIGHT; UT-L AND TO CHANGE OR AMEND DEFINITIONS OF "BUILDING HEIGHT" AND "STORIES"

**WHEREAS**, the Planning Commission requested that the Planning Department examine the zoning districts along College Avenue from North Street to Maple Street and recommend rezoning these parcels; and

**WHEREAS**, the Planning Department presented its proposed rezoning to the Planning Commission on April 10, 2017 and received much public comment opposing the possibility of tall apartment buildings being constructed adjoining the historic single family neighborhoods; and

**WHEREAS**, the Planning Department adjusted its recommendations and proposed the creation of new zoning district, Urban Thoroughfare Light, which reduces the allowed height of the current Urban Thoroughfare to lessen potential density; and

**WHEREAS**, at the end of the third Planning Commission meeting on this issue, the Planning Commission recommend approval of the proposed rezoning and the creation of a new zoning district, Urban Thoroughfare – Light.

**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 enacts a new zoning district, Urban Thoroughfare Light; UT-L, as shown on Exhibit B of the Planning Departments' memo.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 151.01 Definitions to change or add definition of "building height" and "stories" as shown on Exhibit D of Planning Department's memo.

**PASSED and APPROVED** this 6<sup>th</sup> day of June, 2017.

**APPROVED:**

**ATTEST:**

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA SMITH**, City Clerk/Treasurer

# City of Fayetteville, Arkansas

*113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323*



## Meeting Agenda - Tentative Agenda

**Tuesday, July 11, 2017**

**4:30 PM**

**City Hall Room 326**

### **City Council Agenda Session**

*Adella Gray Ward 1  
Sarah Marsh Ward 1  
Mark Kinion Ward 2  
Matthew Petty Ward 2  
Justin Tennant Ward 3  
Sarah Bunch Ward 3  
John S. La Tour Ward 4  
Alan Long Ward 4*

#### ***ELECTED OFFICIALS:***

*Mayor Lioneld Jordan  
City Attorney Kit Williams  
City Clerk Sondra Smith*

**Call To Order**

**Roll Call**

**Pledge of Allegiance**

**Mayor's Announcements, Proclamations and Recognitions**

**City Council Meeting Presentations, Reports and Discussion Items:**

**1.        [2017-0323](#)**

2016 AUDIT REPORT - PAUL BECKER

**Agenda Additions**

**A. Consent:**

**A. 1        [2016-0579](#)**

APPROVAL OF THE JULY 6, 2017 CITY COUNCIL MEETING MINUTES.

**A. 2        [2017-0334](#)**

**FAYETTEVILLE POLICE DEPARTMENT AMMUNITION:**

A RESOLUTION TO APPROVE THE PURCHASE OF AMMUNITION AS NEEDED BY THE FAYETTEVILLE POLICE DEPARTMENT FROM VARIOUS MANUFACTURERS, PURSUANT TO THE STATE OF ARKANSAS AMMUNITION CONTRACT, THROUGH JANUARY 22, 2018 AND AS RENEWED BY THE STATE FOR UP TO FOUR ADDITIONAL ONE YEAR TERMS

Attachments:        [FAYETTEVILLE POLICE DEPARTMENT AMMUNITION](#)

**A. 3**     [2017-0362](#)**BOSTON MOUNTAIN SOLID WASTE DISTRICT:**

A RESOLUTION TO APPROVE A ONE YEAR CONTRACT WITH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT IN THE AMOUNT OF \$36,790.00 WITH AUTOMATIC RENEWALS FOR UP TO FIVE ADDITIONAL ONE YEAR TERMS BASED ON A RATE OF FIFTY CENTS PER RESIDENT PER YEAR FOR SOLID WASTE SERVICES PROVIDED TO THE CITY OF FAYETTEVILLE AS A MEMBER OF THE DISTRICT

Attachments:            [BOSTON MOUNTAIN SOLID WASTE DISTRICT](#)

**A. 4**     [2017-0368](#)**RUPPLE MEADOWS SUBDIVISION STREET IMPROVEMENTS:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$72,321.00 AS THE DEVELOPER'S SHARE TO WIDEN RUPPLE ROAD, INSTALL STORM WATER DRAINAGE AND CONSTRUCT A TRAIL AT THE TOTAL COST OF \$143,973.20

Attachments:            [RUPPLE MEADOWS SUBDIVISION STREET IMPROVEMENTS](#)  
                                 [BA\\_RUPPLE MEADOWS SUBDIVISION STREET IMPROVEMENTS](#)

**A. 5**     [2017-0370](#)**SPECIAL NEEDS ASSISTANCE PROGRAM (SNAP) GRANT:**

A RESOLUTION TO APPROVE THE RENEWAL OF FOUR SPECIAL NEEDS ASSISTANCE PROGRAM GRANT AGREEMENTS WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN THE TOTAL AMOUNT OF \$305,348.00 FOR THE CITY TO ADMINISTER PROGRAMS TO ASSIST HOMELESS FAYETTEVILLE RESIDENTS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:            [SPECIAL NEEDS ASSISTANCE PROGRAM \(SNAP\) GRANT](#)  
                                 [BA\\_SPECIAL NEEDS ASSISTANCE PROGRAM \(SNAP\) GRANT](#)

**B. Unfinished Business:**

**B. 1**      [2017-0335](#)**RZN 17-5803: (E. OF OLD MISSOURI RD. & ROLLING HILLS DR. KEENAN):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5803 FOR APPROXIMATELY 10.86 ACRES LOCATED EAST OF THE INTERSECTION OF OLD MISSOURI ROAD AND ROLLING HILLS DRIVE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NS-G, NEIGHBORHOOD SERVICES, GENERAL

Attachments:            [RZN 17-5803 \(E. OF OLD MISSOURI RD. & ROLLING HILLS DR./ KEENAN\)](#)  
[ADDITIONAL\\_RZN 17-5803 E. OF OLD MISSOURI RD. & ROLLING HILLS DR.\]](#)

*At the July 6, 2017 City Council Meeting this ordinance was was left on the first reading.*

**C. New Business:****C. 1**      [2017-0355](#)**KIMBEL MECHANICAL SYSTEMS, INC.:**

A RESOLUTION TO APPROVE AND CERTIFY THE PARTICIPATION OF KIMBEL MECHANICAL SYSTEMS, INC. IN THE ARKANSAS TAX BACK PROGRAM AND TO AGREE TO AUTHORIZE THE ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION TO REFUND CITY SALES TAX BACK TO KIMBEL MECHANICAL SYSTEMS, INC. FOR QUALIFIED PURCHASES

Attachments:            [KIMBEL MECHANICAL SYSTEMS, INC.](#)

**C. 2**      [2017-0361](#)**RZN 17-5837 (521 N. SHADY AVE./WCR DEVELOPMENT):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5837 FOR APPROXIMATELY 0.23 ACRES LOCATED AT 521 NORTH SHADY AVENUE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

Attachments:            [RZN 17-5837 \(521 N. SHADY AVE./WCR DEVELOPMENT\)](#)

**C. 3**      [2017-0366](#)**WALTON FAMILY FOUNDATION GRANT AGREEMENT:**

A RESOLUTION TO THANK THE WALTON FAMILY FOUNDATION, TO APPROVE THE GRANT AGREEMENT WITH THE WALTON FAMILY FOUNDATION IN THE AMOUNT OF UP TO \$1,361,428.00 AS A 50/50 MATCHING GRANT FOR THE CONSTRUCTION OF A MODEL TWO-WAY CYCLE TRACK ALONG OLD WIRE ROAD AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:              [WALTON FAMILY FOUNDATION GRANT](#)  
                                      [BA\\_WALTON FAMILY FOUNDATION GRANT](#)

**C. 4**      [2017-0329](#)**POSITION CONTROL INCREASE:**

A RESOLUTION TO AUTHORIZE THE ADDITION OF 1.0 FULL TIME EQUIVALENT POSITION TO THE POLICE DEPARTMENT TO PROVIDE A SECOND CRIME SCENE TECHNICIAN, 2.0 FULL TIME EQUIVALENT POSITIONS TO THE RECYCLING & TRASH COLLECTION DIVISION TO PROVIDE TWO ROUTE DRIVERS, AND A TEMPORARY PART TIME POSITION IN THE FINANCE & INTERNAL SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:              [POSITION CONTROL INCREASE](#)  
                                      [BA\\_POSITION CONTROL INCREASE](#)

**D. City Council Agenda Session Presentations:****D. 1**      [2017-0330](#)

AGENDA SESSION PRESENTATION AUDIT COMMITTEE REPORT - MICHAEL WHITE

**E. City Council Tour:****F. Announcements:****G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**



# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

## Text File

**File Number: 2017-0323**

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**Agenda Date:** 7/18/2017

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Report

**Agenda Number:** 1.

2016 AUDIT REPORT - PAUL BECKER



# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

## Text File

**File Number: 2016-0579**

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**Agenda Date:** 7/18/2017

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Minutes

**Agenda Number:** A. 1

APPROVAL OF THE JULY 6, 2017 CITY COUNCIL MEETING MINUTES.





# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

## Text File

File Number: 2017-0334

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**Agenda Date:** 7/18/2017

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Resolution

**Agenda Number:** A. 2

### **FAYETTEVILLE POLICE DEPARTMENT AMMUNITION:**

A RESOLUTION TO APPROVE THE PURCHASE OF AMMUNITION AS NEEDED BY THE FAYETTEVILLE POLICE DEPARTMENT FROM VARIOUS MANUFACTURERS, PURSUANT TO THE STATE OF ARKANSAS AMMUNITION CONTRACT, THROUGH JANUARY 22, 2018 AND AS RENEWED BY THE STATE FOR UP TO FOUR ADDITIONAL ONE YEAR TERMS

**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 ammunition as needed by the Fayetteville Police Department from various manufacturers, pursuant to the State of Arkansas ammunition contract, through January 22, 2018 and as renewed by the State for up to four additional one year terms.

**City of Fayetteville Staff Review Form**

**2017-0334**

**Legistar File ID**

**7/18/2017**

**City Council Meeting Date - Agenda Item Only**

**N/A for Non-Agenda Item**

**Greg Tabor**

**6/19/2017**

**Police /**

**Police Department**

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

Authorization to utilize state contract SP-15-0032 through January 22, 2018 and as renewed under existing agreements by the State of Arkansas, for ammunition purchases from multiple manufacturers on an as needed basis for use by the Fayetteville Police Department. This is a term contract currently in the second of six possible renewals. The contract may be renewed on a year-to-year basis, for up to four (4) additional one (1) year terms or a portion thereof. In no event shall the total contract term be more than seven (7) years.

**Budget Impact:**

**Account Number**

**Fund**

**Project Number**

**Project Title**

**Budgeted Item?** NA

**Current Budget** \$ -

**Funds Obligated** \$ -

**Current Balance** \$ -

**Does item have a cost?** NA

**Item Cost**

**Budget Adjustment Attached?** NA

**Budget Adjustment**

**Remaining Budget** \$ -

**Previous Ordinance or Resolution #** \_\_\_\_\_

V20140710

**Original Contract Number:** \_\_\_\_\_

**Approval Date:** \_\_\_\_\_

**Comments:**



CITY OF  
**FAYETTEVILLE**  
**ARKANSAS**

**CITY COUNCIL MEMO**

**MEETING OF JULY 06, 2017**

**TO:** Mayor and City Council  
**FROM:** Greg Tabor, Chief of Police   
**DATE:** June 16, 2017  
**SUBJECT:** Approval of utilization of state contract SP-15-0032

---

**RECOMMENDATION:**

Authorization to utilize state contract SP-15-0032 through January 22, 2018 and as renewed under existing agreements by the State of Arkansas, for ammunition purchases from multiple manufacturers on an as needed basis for use by the Fayetteville Police Department. This is a term contract currently in the second of six possible renewals. The contract may be renewed on a year-to-year basis, for up to four (4) additional one (1) year terms or a portion thereof. In no event shall the total contract term be more than seven (7) years.

**BACKGROUND:**

The ammunition contracts were bid through the Department of Finance and Administration, Office of State Procurement and may be utilized by all state agencies and cooperative participants including cities, counties, schools (K-12), colleges and universities to carry out those inherent duties related to their jobs. Contract SP-15-0032 was awarded to multiple ammunition manufacturers. All purchases and invoices resulting from these contracts will be made through the authorized dealer. Prices quoted are per thousand round. Prices quoted do not include any federal excise taxes.

**DISCUSSION:**

The Fayetteville Police Department primarily purchases from the Gulf States Distributors, Inc. for ammunition purchases; therefore, details of that portion of the contract have been provided. Similar state contracts have been approved for use by City Council including the WEX Fuel Card, copier purchases, tires, information technology items, and furniture.

**BUDGET/STAFF IMPACT:**

All purchases associated with this state contract will be subject to budgeted funds within the approved 2017 operating budget. There is no staff impact related to this item.

**Attachments:**

State Contract SP-15-0032 Pricing for all manufacturers  
State Contract SP-15-0032 Contract Terms for Gulf States Distributors, Inc.



# STATE OF ARKANSAS

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## Term Contract

Vendor No. 100145319  
Contact Tommy Trammell  
Your reference SP-15-0032

GULF STATES DISTRIBUTORS INC  
PO Box 241387  
MONTGOMERY AL 36117

Contract No. 4600033839  
Date 01/21/2015

Contact Timothy O'Brien  
Telephone 501-324-9320  
Fax 501-324-9311

Our ref. ST  
Incoterms FOB  
DESTINATION

Send Invoice To:  
as specified on PO

Ship To:  
GULF STATES DISTRIBUTORS INC  
6000 E SHIRLEY LN  
MONTGOMERY AL 36117

Valid from: 01/23/2015  
Valid to: 01/22/2018

Reference Tracking SP-15-0032

Commodity: Gulf State FEDERAL Ammunition

This is a term contract issued by the office of State Procurement. This is not authority to ship. A separate purchase order will be issued. This contract constitutes acceptance of your bid along with all terms and conditions therein and signifies the offerer's knowledge and acceptance of all terms and conditions set forth within the Invitation for Bid.

Type of Contract: Term

Contract Period: January 23, 2017 through January 22, 2018.

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 four (4) additional one (1) year terms or a portion thereof. In no event shall the total contract term be more than seven (7) years.

Tommy Trammell  
Manager  
Gulf States Distributors Inc.  
6000 East Shirley Lane  
Montgomery AL 36117  
800-223-7869  
334-279-9267 Fax

Contact Information:  
Tim O'Brien, Statewide Procurement Specialist  
(P) 501-324-9320(F) 501-324-9311  
Timothy.O'Brien@dfa.arkansas.gov

### 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

01/22/2015



## STATE OF ARKANSAS

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## Term Contract

Vendor No. 100145319  
Contact Tommy Trammell  
Your reference SP-15-0032

Contract No. 4600033839  
Date 01/21/2015  
Our reference ST

| Item | Material/Description                                 | Target Qty | UM       | Unit Price | Amount      |
|------|------------------------------------------------------|------------|----------|------------|-------------|
| 0001 | 10100063<br>AMMUNITION,,38SPECIAL,130GRAIN,TC,50/BOX | 3,000.00   | Lump Sum | 1.00       | \$ 3,000.00 |
| 0002 | 10100068<br>AMMUNITION,,9MM LUGER,124GRN,+P HP,25/BX | 3,925.00   | Lump Sum | 1.00       | \$ 3,925.00 |
| 0003 | 10100074<br>AMMUNITION,,40S&W,165GRAIN,HP,25/BOX     | 500.00     | Lump Sum | 1.00       | \$ 500.00   |
| 0004 | 10126762<br>AMMUNITION, 40 S&W ,180GR ,HP            | 2,500.00   | Lump Sum | 1.00       | \$ 2,500.00 |
| 0005 | 10100076<br>AMMUNITION,,45AUTO,230GRAIN,TC,50/BOX    | 2,625.00   | Lump Sum | 1.00       | \$ 2,625.00 |
| 0006 | 10100077<br>AMMUNITION,,45AUTO,230GRAIN,HP,50/BOX    | 2,950.00   | Lump Sum | 1.00       | \$ 2,950.00 |
| 0007 | 10124523<br>AMMUNITION,,223/5.56 ,55 GR BALLISTIC    | 2,500.00   | Lump Sum | 1.00       | \$ 2,500.00 |
| 0008 | 10124524<br>AMMUNITION,,223/5.56 ,62 GR TCMC         | 500.00     | Lump Sum | 1.00       | \$ 500.00   |
| 0009 | 10100081<br>AMMUNITION,,223/5.56,62GRAIN,HP,20/BOX   | 3,000.00   | Lump Sum | 1.00       | \$ 3,000.00 |
| 0010 | 10100084<br>AMMUNITION,,308,168GRAIN,HP,20/BOX       | 3,275.00   | Lump Sum | 1.00       | \$ 3,275.00 |
| 0011 | 10100085<br>AMMUNITION,SKEET,#9,12GAUGE,HL,PH,25/BOX | 3,600.00   | Lump Sum | 1.00       | \$ 3,600.00 |
| 0012 | 10100088<br>AMMUNITION,BUCKSHOT,12G,9P,00BUCK,2-3/4" | 1,250.00   | Lump Sum | 1.00       | \$ 1,250.00 |
| 0013 | 10100089<br>AMMUNITION,BUCKSHOT,12G,RR9P,2-3/4"      | 2,500.00   | Lump Sum | 1.00       | \$ 2,500.00 |

## GENERAL CONDITIONS AND INSTRUCTIONS TO VENDOR:

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



## STATE OF ARKANSAS

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## Term Contract

Vendor No. 100145319  
Contact Tommy Trammell  
Your reference SP-15-0032

Contract No. 4600033839  
Date 01/21/2015  
Our reference ST

| Item                | Material/Description                                      | Target Qty | UM       | Unit Price | Amount      |
|---------------------|-----------------------------------------------------------|------------|----------|------------|-------------|
| 0014                | 10100090<br>AMMUNITION, BUCKSHOT, 12G, RR8P, 2-3/4"       | 1,500.00   | Lump Sum | 1.00       | \$ 1,500.00 |
| 0015                | 10100092<br>AMMUNITION, SLUGS, 12G, 1OZ FOSTER, 25/BOX    | 1,500.00   | Lump Sum | 1.00       | \$ 1,500.00 |
| 0016                | 10100067<br>AMMUNITION, .9MM LUGER, 124GRAIN, HP, 25/BX   | 3,000.00   | Lump Sum | 1.00       | \$ 3,000.00 |
| 0017                | 10100071<br>AMMUNITION, 10MM SEMIAUTO, 180GR, TC, 50/BOX  | 3,000.00   | Lump Sum | 1.00       | \$ 3,000.00 |
| 0018                | 10100080<br>AMMUNITION, .223/5.56, 55GRAIN, FM, 50/BOX    | 3,000.00   | Lump Sum | 1.00       | \$ 3,000.00 |
| 0019                | 10126766<br>AMMUNITION, .223/5.56 62 GR, FULL METAL       | 3,000.00   | Lump Sum | 1.00       | \$ 3,000.00 |
| 0020                | 10126767<br>AMMUNITION, .223/5.56 62 GR, SOFT POINT       | 3,000      | each     | 1.00       | \$ 3,000.00 |
| 0022                | 10100091<br>AMMUNITION, SLUGS, 12G, 1OZ HP, 2-3/4", 5/BOX | 3,000.00   | Lump Sum | 1.00       | \$ 3,000.00 |
| 0023                | 10100083<br>AMMUNITION, .308, 150GRAIN, SP, 20/BOX        | 300.00     | Lump Sum | 1.00       | \$ 300.00   |
| Estimated Net Value |                                                           |            |          |            | 53,425.00   |

Office of State Procurement  
Paul Coulter  
paul.coulter@dfa.arkansas.gov  
(P) 501-683-0084  
(F) 501-324-9311

## TERM AWARD TERMS AND CONDITIONS

1. GENERAL: All terms and conditions stated in the invitation for bid govern this contract.

## GENERAL CONDITIONS AND INSTRUCTIONS TO VENDOR:

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



# STATE OF ARKANSAS

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## Term Contract

Vendor No. 100145319  
Contact Tommy Trammell  
Your reference SP-15-0032

Contract No. 4600033839  
Date 01/21/2015  
Our reference ST

2. **PRICES:** Prices are firm and not subject to escalation, unless otherwise specified in the invitation for bid.
3. **DISCOUNTS:** All cash discounts offered will be taken if earned.
4. **TAXES:** Most state agencies must pay state sales tax. Before billing, the contractor should contact the ordering agency to find out if that agency must pay sales tax. Itemize state sales tax when applicable on invoices.
5. **BRAND NAME REFERENCES:** The contractor guarantees that the commodity delivered is the same as specified in the bid.
6. **GUARANTY:** All items delivered are to be newly manufactured, in first-class condition, latest model and design, including, where applicable, containers suitable for shipment and storage unless otherwise indicated in the bid invitation. The contractor guarantees that everything furnished hereunder will be free from defects in design, workmanship, and material; that if sold by drawing, sample or specification, it will conform thereto and will serve the function for which furnished. The contractor further guarantees that if the items furnished hereunder are to be installed by the contractor, such items will function properly when installed. The contractor also guarantees that all applicable laws have been complied with relating to construction, packaging, labeling, and registration. The contractor's obligations under this paragraph shall survive for a period of one year from the date of delivery, unless otherwise specified in the invitation for bid.
7. **AWARD:** This contract award does not authorize shipment. Shipment against this contract is authorized by the receipt of a purchase order from the ordering agency. A written purchase order mailed or otherwise furnished to the contractor results in a binding obligation without further action by either party.
8. **DELIVERY:** The term of the contract is shown on the face of the contract award. The contractor is required to supply the state's needs during this term. The number of days required to place the commodity in the receiving agency's designated location under normal conditions is also shown. Consistent failure to meet delivery without a valid reason may cause removal from the bidders' list or suspension of eligibility for award.
9. **BACK ORDERS OR DELAY IN DELIVERY:** Back orders or failure to deliver within the time required may be default of the contract. The contractor must give written notice to the Office of State Procurement and ordering agency of the reason and the expected delivery date. If the reason is not acceptable, the contractor is in default. The Office of State Procurement has the right to extend delivery if reasons appear valid. If the date is not acceptable, the agency may buy elsewhere.
10. **DELIVERY REQUIREMENTS:** No substitutions or cancellations are permitted without written approval of the Office of State Procurement. Delivery shall be made during agency work hours only, 8:00 a.m. to 4:30 p.m., unless prior approval for other delivery has been obtained from the agency. Packing memoranda shall be enclosed with each shipment.
11. **STORAGE:** The ordering agency is responsible for storage if the contractor delivers within the time required and the agency cannot accept delivery.
12. **DEFAULT:** All commodities furnished will be subject to inspection and acceptance of the ordering agency after delivery. Default in promised delivery or failure to meet specifications authorizes the Office of State Procurement to cancel this contract or any portion of same and reasonably purchase commodities elsewhere and charge full

### GENERAL CONDITIONS AND INSTRUCTIONS TO VENDOR:

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



# STATE OF ARKANSAS

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## Term Contract

Vendor No. 100145319  
Contact Tommy Trammell  
Your reference SP-15-0032

Contract No. 4600033839  
Date 01/21/2015  
Our reference ST

increase, if any, in cost and handling to the defaulting contractor.

13. **VARIATION IN QUANTITY:** The state assumes no liability for commodities produced, processed or shipped in excess of the amount specified herein.

14. **INVOICING:** The contractor shall submit an original and two copies of an itemized invoice showing the bid number and purchase request number when itemized in the invitation for bid. Invoices must be sent to "Invoice to" point shown on the purchase order.

15. **STATE PROPERTY:** Any specifications, drawing, technical information, dies, cuts, negatives, positives, data or any other commodity furnished to the contractor hereunder or in contemplation hereof or developed by the contractor for the use hereunder shall remain property of the state, be kept confidential, be used only as expressly authorized, and be returned at the contractor's expense to the F.O.B. point, properly identifying what is being returned.

16. **ASSIGNMENT:** This contract is not assignable nor the duties hereunder delegable by either party without the written consent of the other party to the contract.

17. **OTHER REMEDIES:** In addition to the remedies outlined herein, the contractor and the state have the right to pursue any other remedy permitted by law or in equity.

18. **LACK OF FUNDS:** The state may cancel this contract to the extent funds are no longer legally available for expenditures under this contract. Any delivered but unpaid for goods will be returned in normal condition to the contractor by the state. If the state is unable to return the commodities in normal condition and there are no funds legally available to pay for the goods, the contractor may file a claim with the Arkansas Claims Commission. If the contractor has provided services and there are no longer funds legally available to pay for the services, the contractor may file a claim.

19. **QUANTITIES:** The state may order more or less than the estimated quantity in the invitation for bid.

20. **DISCLOSURE:** Failure to make any disclosure required by the Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that order, shall be a material breach of the terms of this contract. Any contractor, whether an individual or entity, who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the agency.

### GENERAL CONDITIONS AND INSTRUCTIONS TO VENDOR:

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





# STATE OF ARKANSAS

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## Term Contract

Vendor No. 100145319  
Contact Tommy Trammell  
Your reference SP-15-0032

GULF STATES DISTRIBUTORS INC  
PO Box 241387  
MONTGOMERY AL 36117

Contract No. 4600033834  
Date 01/20/2015

Contact Timothy O'Brien  
Telephone 501-324-9320  
Fax 501-324-9311

Our ref. ST  
Incoterms FOB  
DESTINATION

Send Invoice To:  
as specified on PO

Ship To:  
GULF STATES DISTRIBUTORS INC  
6000 E SHIRLEY LN  
MONTGOMERY AL 36117

Valid from: 01/23/2015  
Valid to: 01/22/2018

Reference Tracking SP-15-0032

Commodity: Gulf States SPEER Ammunition

This is a term contract issued by the office of State Procurement. This is not authority to ship. A separate purchase order will be issued. This contract constitutes acceptance of your bid along with all terms and conditions therein and signifies the offerer's knowledge and acceptance of all terms and conditions set forth within the Invitation for Bid.

Type of Contract: Term

Contract Period: January 23, 2017 through January 22, 2018

This is the second of six possible renewals. Upon mutual agreement by the contractor and OSP, the contract may be renewed on a year-to-year basis, for up to four (4) additional one (1) year terms or a portion thereof. In no event shall the total contract term be more than seven (7) years.

Vendor Contract Contact Information:

Tommy Trammell  
Manager  
Gulf States Distributors Inc.  
6000 East Shirley Lane  
Montgomery Al, 36117  
800-223-7869  
334-279-9267 Fax

OSP Contact Information:

Tim O'Brien, Statewide Procurement Specialist  
(P) 501-324-9320(F) 501-324-9311

### 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

01/22/2015



## STATE OF ARKANSAS

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## Term Contract

Vendor No. 100145319  
Contact Tommy Trammell  
Your reference SP-15-0032

Contract No. 4600033834  
Date 01/20/2015  
Our reference ST

| Timothy.O'Brien@dfa.arkansas.gov |                                                      |            |          |            |               |
|----------------------------------|------------------------------------------------------|------------|----------|------------|---------------|
| Item                             | Material/Description                                 | Target Qty | UM       | Unit Price | Amount        |
| 0001                             | 10100060<br>AMMUNITION,,357MAGNUM,125 GRAIN,HP,25/BX | 4,000.00   | Lump Sum | 1.00       | \$ 4,000.00   |
| 0002                             | 10100062<br>AMMUNITION,,357SIG,125GRAIN,50/BOX       | 1,600.00   | Lump Sum | 1.00       | \$ 1,600.00   |
| 0003                             | 10100061<br>AMMUNITION,,357SIG,125 GRAIN,HP,BONDED   | 350.00     | Lump Sum | 1.00       | \$ 350.00     |
| 0004                             | 10100064<br>AMMUNITION,,38SPECIAL,125GRAIN,HP,25/BOX | 4,100.00   | Lump Sum | 1.00       | \$ 4,100.00   |
| 0005                             | 10100066<br>AMMUNITION,.9MM LUGER,115GRAIN,TC,50/BX  | 16,000.00  | Lump Sum | 1.00       | \$ 16,000.00  |
| 0006                             | 10124520<br>AMMUNITION,9MM LUGER,124GR,TCMC,50 BOX   | 21,500.00  | Lump Sum | 1.00       | \$ 21,500.00  |
| 0007                             | 10100069<br>AMMUNITION,.9MM LUGER,125GR,+P HP,BONDED | 4,400.00   | Lump Sum | 1.00       | \$ 4,400.00   |
| 0008                             | 10100070<br>AMMUNITION,.9MM LUGER,147GR,HP,BONDED    | 1,500.00   | Lump Sum | 1.00       | \$ 1,500.00   |
| 0009                             | 10100073<br>AMMUNITION,.40S&W,165GRAIN,TC,50/BOX     | 343,500.00 | Lump Sum | 1.00       | \$ 343,500.00 |
| 0010                             | 10124521<br>AMMUNITION,40 CALIBER,165 GR,BJHP,BONDED | 95,150.00  | Lump Sum | 1.00       | \$ 95,150.00  |
| 0011                             | 10126761<br>AMMUNITION, 40 S&W ,180GR ,FMJ           | 390,300.00 | Lump Sum | 1.00       | \$ 390,300.00 |
| 0012                             | 10100075<br>AMMUNITION,.40S&W,180GR,HP,BONDED,25/BOX | 167,000.00 | Lump Sum | 1.00       | \$ 167,000.00 |
| 0013                             | 10124522<br>AMMUNITION,45 CALIBER,185 GR,TCMC        | 119,050.00 | Lump Sum | 1.00       | \$ 119,050.00 |

## GENERAL CONDITIONS AND INSTRUCTIONS TO VENDOR:

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## STATE OF ARKANSAS

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## Term Contract

Vendor No. 100145319  
Contact Tommy Trammell  
Your reference SP-15-0032

Contract No. 4600033834  
Date 01/20/2015  
Our reference ST

| Item | Material/Description                                       | Target Qty | UM       | Unit Price | Amount       |
|------|------------------------------------------------------------|------------|----------|------------|--------------|
| 0014 | 10100079<br>AMMUNITION, .45 AUTO, 230GR, HP, BONDED, 25/BX | 2,850.00   | Lump Sum | 1.00       | \$ 2,850.00  |
| 0015 | 10126764<br>AMMUNITION, 45 AUTO, 185GR, HP, BONDED         | 5,000.00   | Lump Sum | 1.00       | \$ 5,000.00  |
| 0016 | 10126760<br>AMMUNITION, 9MM, LUGER, 147GR, FMJ             | 21,500.00  | Lump Sum | 1.00       | \$ 21,500.00 |

Estimated Net Value 1,197,800.00

## OSP Contact Information:

Tim O'Brien, Statewide Procurement Specialist  
(P) 501-324-9320 (F) 501-324-9311  
Timothy.O'Brien@dfa.arkansas.gov

## TERM AWARD TERMS AND CONDITIONS

1. GENERAL: All terms and conditions stated in the invitation for bid govern this contract.
2. PRICES: Prices are firm and not subject to escalation, unless otherwise specified in the invitation for bid.
3. DISCOUNTS: All cash discounts offered will be taken if earned.
4. TAXES: Most state agencies must pay state sales tax. Before billing, the contractor should contact the ordering agency to find out if that agency must pay sales tax. Itemize state sales tax when applicable on invoices.
5. BRAND NAME REFERENCES: The contractor guarantees that the commodity delivered is the same as specified in the bid.
6. GUARANTY: All items delivered are to be newly manufactured, in first-class condition, latest model and design, including, where applicable, containers suitable for shipment and storage unless otherwise indicated in the bid invitation. The contractor guarantees that everything furnished hereunder will be free from defects in design, workmanship, and material; that if sold by drawing, sample or specification, it will conform thereto and will serve the function for which furnished. The contractor further guarantees that if the items furnished hereunder are to be installed by the contractor, such items will function properly when installed. The contractor also guarantees that all applicable laws have been complied with relating to construction, packaging, labeling, and registration. The contractor's obligations under this paragraph shall survive for a period of one year from the date of delivery, unless otherwise specified in the invitation for bid.

## GENERAL CONDITIONS AND INSTRUCTIONS TO VENDOR:

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# STATE OF ARKANSAS

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## Term Contract

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Contract No. 4600033834  
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7. **AWARD:** This contract award does not authorize shipment. Shipment against this contract is authorized by the receipt of a purchase order from the ordering agency. A written purchase order mailed or otherwise furnished to the contractor results in a binding obligation without further action by either party.

8. **DELIVERY:** The term of the contract is shown on the face of the contract award. The contractor is required to supply the state's needs during this term. The number of days required to place the commodity in the receiving agency's designated location under normal conditions is also shown. Consistent failure to meet delivery without a valid reason may cause removal from the bidders' list or suspension of eligibility for award.

9. **BACK ORDERS OR DELAY IN DELIVERY:** Back orders or failure to deliver within the time required may be default of the contract. The contractor must give written notice to the Office of State Procurement and ordering agency of the reason and the expected delivery date. If the reason is not acceptable, the contractor is in default. The Office of State Procurement has the right to extend delivery if reasons appear valid. If the date is not acceptable, the agency may buy elsewhere.

10. **DELIVERY REQUIREMENTS:** No substitutions or cancellations are permitted without written approval of the Office of State Procurement. Delivery shall be made during agency work hours only, 8:00 a.m. to 4:30 p.m., unless prior approval for other delivery has been obtained from the agency. Packing memoranda shall be enclosed with each shipment.

11. **STORAGE:** The ordering agency is responsible for storage if the contractor delivers within the time required and the agency cannot accept delivery.

12. **DEFAULT:** All commodities furnished will be subject to inspection and acceptance of the ordering agency after delivery. Default in promised delivery or failure to meet specifications authorizes the Office of State Procurement to cancel this contract or any portion of same and reasonably purchase commodities elsewhere and charge full increase, if any, in cost and handling to the defaulting contractor.

13. **VARIATION IN QUANTITY:** The state assumes no liability for commodities produced, processed or shipped in excess of the amount specified herein.

14. **INVOICING:** The contractor shall submit an original and two copies of an itemized invoice showing the bid number and purchase request number when itemized in the invitation for bid. Invoices must be sent to "Invoice to" point shown on the purchase order.

15. **STATE PROPERTY:** Any specifications, drawing, technical information, dies, cuts, negatives, positives, data or any other commodity furnished to the contractor hereunder or in contemplation hereof or developed by the contractor for the use hereunder shall remain property of the state, be kept confidential, be used only as expressly authorized, and be returned at the contractor's expense to the F.O.B. point, properly identifying what is being returned.

16. **ASSIGNMENT:** This contract is not assignable nor the duties hereunder delegable by either party without the written consent of the other party to the contract.

17. **OTHER REMEDIES:** In addition to the remedies outlined herein, the contractor and the state have the right to pursue any other remedy permitted by law or in equity.

18. **LACK OF FUNDS:** The state may cancel this contract to the extent funds are no longer legally available for

### GENERAL CONDITIONS AND INSTRUCTIONS TO VENDOR:

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# STATE OF ARKANSAS

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## Term Contract

Vendor No. 100145319  
Contact Tommy Trammell  
Your reference SP-15-0032

Contract No. 4600033834  
Date 01/20/2015  
Our reference ST

expenditures under this contract. Any delivered but unpaid for goods will be returned in normal condition to the contractor by the state. If the state is unable to return the commodities in normal condition and there are no funds legally available to pay for the goods, the contractor may file a claim with the Arkansas Claims Commission. If the contractor has provided services and there are no longer funds legally available to pay for the services, the contractor may file a claim.

19. QUANTITIES: The state may order more or less than the estimated quantity in the invitation for bid.

20. DISCLOSURE: Failure to make any disclosure required by the Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that order, shall be a material breach of the terms of this contract. Any contractor, whether an individual or entity, who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the agency.

### GENERAL CONDITIONS AND INSTRUCTIONS TO VENDOR:

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



# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

## Text File

File Number: 2017-0362

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**Agenda Date:** 7/18/2017

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Resolution

**Agenda Number:** A. 3

### **BOSTON MOUNTAIN SOLID WASTE DISTRICT:**

A RESOLUTION TO APPROVE A ONE YEAR CONTRACT WITH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT IN THE AMOUNT OF \$36,790.00 WITH AUTOMATIC RENEWALS FOR UP TO FIVE ADDITIONAL ONE YEAR TERMS BASED ON A RATE OF FIFTY CENTS PER RESIDENT PER YEAR FOR SOLID WASTE SERVICES PROVIDED TO THE CITY OF FAYETTEVILLE AS A MEMBER OF THE DISTRICT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a one year contract, a copy of which is attached to this Resolution, with the Boston Mountain Solid Waste District in the amount of \$36,790.00 with automatic renewals for up to five additional one year terms based on a rate of fifty cents (\$0.50) per resident per year for solid waste services provided to the City of Fayetteville as a member of the District.

City of Fayetteville Staff Review Form

2017-0362

Legistar File ID

July 18th, 2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Brian Pugh

6/28/2017

RECYCLING/TRASH COLLECTION (750)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approve Resolution for paying Boston Mountain Solid Waste District annual fees for local contributions. The terms of performance expires on December 31, 2017 but shall be automatically renewed and extended for up to an additional five (5) one year terms if the City's budget containing funding for the service is approved by the City Council for the next year.

Budget Impact:

5500.750.5000-5303.00

Recycling and Trash Collections

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 64,464.00

Funds Obligated \$ 27,977.70

Current Balance \$ 36,486.30

Does item have a cost? Yes

Item Cost \$ 27,592.50

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 8,893.80

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



**MEETING OF JULY 18<sup>TH</sup>, 2017**

**TO:** Mayor and City Council

**THRU:** Terry Gulley, Transportation Director

**FROM:** Jeff Coles, Recycling and Trash Collection Director

**DATE:** June 28<sup>th</sup>, 2017

**SUBJECT:** **Approve Resolution for paying Boston Mountain Solid Waste District Annual fees for local contributions.**

---

**RECOMMENDATION:**

Approve a resolution to pay Boston Mountain Solid Waste District annual fees for local contributions.

**BACKGROUND:**

The City of Fayetteville is located in the jurisdiction of the Boston Mountain Solid Waste District that includes Washington and Madison counties. Member governments in the Boston Mountain Solid Waste District are required to pay annual fees for local contributions based on regulations adopted by the District in prior years.

**DISCUSSION:**

The Purchasing Division recently brought to the attention of staff that the local contributions paid to the Boston Mountain Solid Waste District were over the threshold of \$20,000 and needed to be approved through City Council in order to be paid. These contributions have been paid by the City since the inception of the fees and the District in the early 90's.

This is now coming to the City Council to be in compliance with City policies regarding payments over \$20,000. These fees are also paid by the other member governments inside the District which includes class 1 cities in Washington and Madison counties and the county governments of both counties. The fee is assessed based on population and is charged at 50 cents per person per year.

The terms of performance for the agreement expires on December 31, 2017 but shall be automatically renewed and extended for up to an additional five (5) one- year terms if the City's budget containing funding for the service is approved by the City Council for the next year.

**BUDGET/STAFF IMPACT:**

The local contributions are budgeted each year in account # 5500.750.5000-5303.00. The fee is paid quarterly at \$9,197.50 or \$36,790 per year.



**Attachments:**

Boston Mountain Contract

Boston Mountain Resolution 2011-01

Boston Mountain Census data



**CITY OF  
FAYETTEVILLE  
ARKANSAS**

**Contract for Services**

**Between:** City of Fayetteville, AR &  
Boston Mountain Solid Waste District

**Term:** One year with four one year renewals

This agreement is entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2017 between the City of Fayetteville, hereinafter known as the "City" and the Boston Mountain Solid Waste District, hereinafter known as "BMSWD", an Arkansas governmental unit.

WHEREAS, every ten (10) Years the United States Government sets forth new census figures as the official U.S. Census figures from each city and county in the Boston Mountain Solid Waste District; and

WHEREAS, BMSWD passed Resolution No. 2011-01 on the 25<sup>th</sup> of February, 2011, setting forth the 2010 Census Data as the official statistics for BMSWD and such Resolution passed by BMSWD;

WHEREAS, the City of Fayetteville is considered a District member of the Boston Mountain Solid Waste District; and

WHEREAS, BMSWD serves the citizens of Fayetteville.

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

1. The following documents are hereby incorporated as part of this agreement:
  - a. Appendix A (2 total pages): Boston Mountain Solid Waste District Resolution No. 2011-01 and corresponding memo on quarterly local contributions
2. The City agrees to pay BMSWD at a rate of fifty cents (\$.50) per citizen, per year rate to be billed quarterly. Statements are intended to be provided to the City within 45 days after the beginning of each quarter. Payments are due to BMSWD by the end of the quarter.
3. The BMSWD has a vital need to use the U.S. Census population figures, as a correct base for various numerical calculations.
4. BMSWD shall utilize the U.S. Census population figures, to plan for future and current programming needs.
5. The City and BMSWD understand the U.S. Census data rarely changes. Contributions shall be based on the 2010 Census or the most recent published data by the U.S. Census.
6. BMSWD passed Resolution No. 2011-01 stating "there appears to be "no known inconsistencies" within the recently completed 2010 U.S. Census, these figures are thus, sufficient to set the quarterly membership assessment, starting in the 2<sup>nd</sup> quarter of 2011, for District members, Madison County and Washington County, as well as the cities of Fayetteville...".
7. BMSWD agrees to make available all records pertaining to the district plans for providing service, except those restricted by federal regulations, for review by the City and City auditors as requested. BMSWD agrees to comply with the Arkansas Freedom of Information Act as applicable.

8. For the purpose of the Agreement, the Project Coordinator for the City will be the Mayor or his/her designee. The Project Coordinator for BMSWD will be Robyn Reed or his/her designee. Communications pertaining to this agreement will be through the respective Project Coordinators for the City and BMSWD.
9. **Terms of performance.** The term of performance for this agreement will expire December 31, 2017 but shall be automatically be renewed and extended for up to an additional five (5) one- year terms if the City's budget containing funding for the service is approved by the City Council for the next year.
10. BMSWD shall provide and maintain in force at all times during the term of the agreement, for its own employees, coverage for worker's compensation to the extent required by law.
11. Notices. All notices required or permitted under this agreement will be submitted in writing to the other party in this agreement by personal delivery or the address below, or by certified mail, return receipt requested, in which case notice will be effective three (3) business days after deposit therein address to the following:

Mayor  
City of Fayetteville, AR  
113 Mountain  
Fayetteville, AR 72701

Judge <sup>Frank</sup> ~~Earl~~ Weaver  
BMSWD  
11398 Bond Road  
Prairie Grove, AR 72753

12. Neither party may assign any of its rights or obligations under this agreement without the express written consent of the other, nor shall this agreement be construed to bestow any rights or benefits upon anyone other than BMSWD and the City.
13. 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.
14. 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 breeches by either party.
15. 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 BMSWD and the City.
16. Severability. Each paragraph of this agreement is severable from all other paragraphs. If any paragraph or subparagraph is found to be invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs will remain in full force and effect.
17. Interpretation. The contract shall be interpreted according to and enforced under the laws of the State of Arkansas, in Washington County.

IN WITNESS WHEREOF, we have hereunto set our hands on the date first written above.

BOSTON MOUNTAIN SOLID WASTE DISTRICT

CITY OF FAYETTEVILLE, AR

By: Frank Weaver  
JUDGE <sup>Frank</sup> WEAVER, CHAIRMAN

By: \_\_\_\_\_  
LIONELD JORDAN, MAYOR

ATTEST:

By: Melissa A. McCarville  
BOARD SECRETARY

ATTEST:

By: \_\_\_\_\_  
Sondra E. Smith, City Clerk, Treasurer

Printed Name: Melissa A. McCarville

Title: \_\_\_\_\_





## **RESOLUTION 2011-01**

### **A Resolution setting forth the 2010 Census Data as the official statistics for Boston Mountain Solid Waste District**

Every ten (10) years, the U.S. Government sets forth new census figures as the official U.S. Census figures from each city and county in the Boston Mountain Solid Waste District.

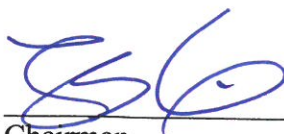
**BE IT RESOLVED**, that the Boston Mountain Solid Waste District has a vital need to use the U.S. Census population figures, as a correct base for various numerical calculations, and;

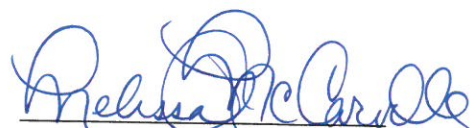
**BE IT RESOLVED**, that the Boston Mountain Solid Waste District shall utilize U.S. Census population figures, to plan for future and current programming needs. The U.S. Census data, rarely changes for the next 10 years; and,

**BE IT RESOLVED**, as there appears to be "no known inconsistencies" within the recently completed 2010 U.S. Census, these figures are thus, sufficient to set the quarterly membership assessment, starting in the 2<sup>nd</sup> quarter of 2011, for District members, Madison County and Washington County, as well as the cities of Fayetteville, Springdale, Johnson, Huntsville, West Fork, Farmington, Lincoln, Prairie Grove, Elkins and Tontitown, all other cities and communities and;

**BE IT RESOLVED**, that the Official U.S. Census of 2010, shall be used to calculate and in conjunction with other District regulations, to possibly add to the Boston Mountain Solid Waste District Board membership, and;

**BE IT FURTHER RESOLVED**, that the Boston Mountain Solid Waste District by approval of this resolution, on the 25<sup>th</sup> of February, 2011, hereby designate the 2010 Census totals as a guideline for structuring its membership; calculating present needs and planning for the future of the District.

  
Chairman

  
Secretary



### **Memo on quarterly local contributions**

To: Mr. Larry Oelrich, chairman, Prairie Grove Utilities Director; Judge Marilyn Edwards, Washington County; Ms. Melissa McCarville, City Administrator, Farmington; Judge Frank Weaver, Madison County; Mayor Kevin Hatfield, Huntsville; Mayor Bruce Ledford, Elkins; Mayor Lioneld Jordan, Fayetteville; Mayor Lonnie Barron, Johnson; Chuck Wood, City Administrator Lincoln; Mayor Doug Sprouse, Springdale; Mayor Tommy Granada, Tontitown; Mayor Frances Hime, West Fork;

Today is 1 March 2011

Board Members of the Boston Mountain Solid Waste District:

Accompanying this letter is the 1<sup>st</sup> quarter statement under the new 2011 U.S. Census figures as compiled by the Northwest Arkansas Planning and Development District office in Springdale.

Should this statement have a different department head or administration destination, I just wanted you to see the impact the 2010 U.S. Census has made on your county or city within the Boston Mountain Solid Waste District. The statement will be mailed, as usual to the correct department head or administrator on your county/city staff.

For new board members and those elected in last November's General Election, this quarterly statement is mailed on the 45<sup>th</sup> day of each quarter. As an example statements should have gone out Feb. 15<sup>th</sup> for the first mailing date of the first quarter of 2011. All payments are due to the district by the end of the quarter or early per your payment cycle.

The total population for your county/city is assessed a 50 cents per citizen, per year rate which is billed quarterly, hence the 12.5 percent figure in calculating your total population each quarter.

Please look over the statement and if there are any questions, please do not hesitate to contact me:

Maylon Rice, Director

(479) 846-3005  
(479) 846-4614 (fax)

11398 Bond Rd.  
Prairie Grove, AR 72753-9345

[www.bmswd.com](http://www.bmswd.com)



# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

## Text File

File Number: 2017-0368

**Agenda Date:** 7/18/2017

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Resolution

**Agenda Number:** A. 4

### **RUPPLE MEADOWS SUBDIVISION STREET IMPROVEMENTS:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$72,321.00 AS THE DEVELOPER'S SHARE TO WIDEN RUPPLE ROAD, INSTALL STORM WATER DRAINAGE AND CONSTRUCT A TRAIL AT THE TOTAL COST OF \$143,973.20

**WHEREAS**, rather than having the developer of Ruppel Meadows Subdivision construct their portion of the Ruppel Road widening with storm water drainage and a trail, the Engineering Department seeks to use its contractor, Sweetser Construction Company, to add this construction to its current street widening construction for efficiency and uniformity purposes; and

**WHEREAS**, the developer at Ruppel Meadows Subdivision has agreed to pay \$72,321.00 as its fair share of these costs as the rough proportion of its development's impact upon the City's infrastructure.

**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 Budget Adjustment in the amount of \$72,321.00 from the developer of Ruppel Meadows Subdivision and agrees to a change order to the Sweetser Construction Company's contract in the amount of \$143,973.20 to widen a portion of Ruppel Road, construct storm water drainage and trail improvements.

City of Fayetteville Staff Review Form

2017-0368

Legistar File ID

7/18/2017

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

Jonathan Ely

6/28/2017

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a Budget Adjustment, and Recognition of Revenue for Payment In-Lieu of Street Improvements for the Ruppel Meadows Subdivision

Budget Impact:

4470.800.8835.5809.00

Capital Improvement Fund

Account Number

Fund

Ruppel Road (Persimmon to Congressional)

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 2,159,646.00

Funds Obligated \$ 2,137,122.59

Current Balance \$ 22,523.41

Does item have a cost? No

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ 72,321.00

Remaining Budget \$ 94,844.41

V20140710

Previous Ordinance or Resolution # 197-16

Original Contract Number: 74-16

Approval Date:

Comments:





**TO:** Mayor Jordan

**THRU:** Don Marr, Chief of Staff  
Chris Brown, City Engineer

**FROM:** Jonathan Ely, Development and Construction Manager

**DATE:** June 30, 2017

**SUBJECT:** **Recognition of Revenue for Payment In-Lieu of Street Improvements for the Ruppel Meadows Subdivision**

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**RECOMMENDATION:**

Staff recommends City Council approval of a resolution to recognize revenue in the amount of \$72,321 for Payment In-Lieu of Street Improvements for the Ruppel Meadows Subdivision.

**BACKGROUND:**

In April 2016, the Planning Division received a Preliminary Plat submittal for a new single family residential subdivision near the northern end of the Ruppel Road Improvement Project. The subdivision is called Ruppel Meadows, and as part of their project approval, the development was required to complete the street improvements along their property frontage.

Over the past year, the developer has received construction permits, and completed construction of the streets and utilities for the subdivision. During review of the final plat, the engineering division recommended payment in lieu of the proposed improvements so that money could be used in conjunction with additional city funds to complete this section of roadway and trail.

**DISCUSSION:**

While typically the developer is responsible to hire a contractor to complete the required street improvements, the engineering division recognized this as an opportunity to connect to and extend the Ruppel Road Phase II project further north. By accepting payment in-lieu of improvements, it allows the city to use their contractor (Sweetser) to complete the improvements which would result in a more uniform and consistent roadway, with less disruption to the citizens and traffic in the area.

The total funds to be provided by the developer of the Ruppel Meadows Subdivision will be \$72,320.10, which covers costs of road widening, storm drainage installation, and trail construction along the property frontage.

Approval of the change order for the expanded scope of work will be processed as a separate request, and is anticipated to be a total of \$143,973.20, the remaining \$71,653.10 would be

funded from the Transportation Bond fund to cover costs of completing the median, asphalt overlay, and tapers at the northern end of the project.

**BUDGET/STAFF IMPACT:**

This revenue would be used in conjunction with funds from the Transportation Bond Program to pay for a change order to extend the improvements to Ruppel Road further north.

**Attachments:**

Approved Cost Estimate for Ruppel Meadows portion of the Ruppel Road Improvements



March 6, 2017

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

Re: Engineers Estimate of Public Improvements – Ruppel Road  
Fayetteville, AR  
CTA Job No. 16102000

Dear Mr. Ely,

This letter is in response to the request of a quantity and cost estimate to widen Ruppel Road through the new Ruppel Meadows residential development, just north of W. Wedington Drive. Below is a table listing all quantities and their respective unit price.

| Item Number                                            | Item Description                               | Estimated Quantity | Unit | Unit Price | Total Amount       |
|--------------------------------------------------------|------------------------------------------------|--------------------|------|------------|--------------------|
| 1.0                                                    | 12" TRAIL (4" THICK CONCRETE, 4" CLASS 7 BASE) | 427                | SY   | \$45.00    | \$19,215.00        |
| 2.0                                                    | SOILD SOD                                      | 374                | SY   | \$3.75     | \$1,402.50         |
| 3.0                                                    | 4' DIAMETER REINFORCED CONCRETE CURB INLET     | 1                  | EA   | \$2,400.00 | \$2,400.00         |
| 4.0                                                    | 8' CURB INLET EXTENSION                        | 1                  | EA   | \$1,200.00 | \$1,200.00         |
| 5.0                                                    | 18" RCP CLASS III                              | 317                | LF   | \$37.00    | \$11,729.00        |
| 6.0                                                    | 18" RCP FLARED END SECTION                     | 0                  | EA   | \$1,000.00 | \$0.00             |
| 7.0                                                    | 6" CURB AND GUTTER                             | 550                | LF   | \$16.00    | \$8,800.00         |
| 8.0                                                    | SELECT EMBANKMENT                              | 217                | CY   | \$8.00     | \$1,736.00         |
| 9.0                                                    | 3" HMAC SURFACE COURSE (1/2" MIX)              | 58                 | TON  | \$74.25    | \$4,306.50         |
| 10.0                                                   | 4" HMAC BINDER COURSE (1" MIX)                 | 77                 | TON  | \$61.00    | \$4,697.00         |
| 11.0                                                   | 6" CLASS 7 AGGREGATE BASE COURSE               | 327                | SY   | \$7.50     | \$2,452.50         |
| 12.0                                                   | SUBGRADE PREPARATION                           | 327                | SY   | \$2.00     | \$654.00           |
| 13.0                                                   | UNCLASSIFIED EXCAVATION                        | 418                | CY   | \$8.00     | \$3,344.00         |
| 14.0                                                   | SEEDING AND MULCHING                           | 0.06               | AC   | \$2,100.00 | \$126.00           |
| 15.0                                                   | 4" TOPSOIL PLACEMENT                           | 642                | SY   | \$1.50     | \$963.00           |
| 16.0                                                   | MAILBOX REMOVAL                                | 1                  | EA   | \$110.00   | \$110.00           |
| 17.0                                                   | MAILBOX INSTALLATION                           | 1                  | EA   | \$375.00   | \$375.00           |
| 18.0                                                   | 2" ASPHALT MILLING                             | 209                | SY   | \$3.40     | \$710.60           |
| 19.0                                                   | 1' CONCRETE VALLEY GUTTER                      | 65                 | LF   | \$6.60     | \$429.00           |
| 20.0                                                   | 4" PAVEMENT MARKING (THERMOPLASTIC)            | 320                | LF   | \$1.00     | \$320.00           |
| 21.0                                                   | 4" TRAIL SKIP MARKING (YELLOW PAINT)           | 320                | LF   | \$4.00     | \$1,280.00         |
| 22.0                                                   | CAST IN PLACE DETECTABLE WARNING DEVICES       | 48                 | SF   | \$15.00    | \$720.00           |
| 23.0                                                   | EROSION CONTROL                                | 1                  | LS   | \$1,650.00 | \$1,650.00         |
| 24.0                                                   | ROADWAY CONSTRUCTION CONTROL                   | 1                  | LS   | \$2,500.00 | \$2,500.00         |
| 25.0                                                   | TRAFFIC CONTROL                                | 1                  | LS   | \$1,200.00 | \$1,200.00         |
| <b>ESTIMATE OF TOTAL RUPPEL ROAD IMPROVEMENTS COST</b> |                                                |                    |      |            | <b>\$72,320.10</b> |





**Crafton Tull**  
architecture | engineering | surveying

901 N 47th Street, Suite 200  
Rogers, AR 72756

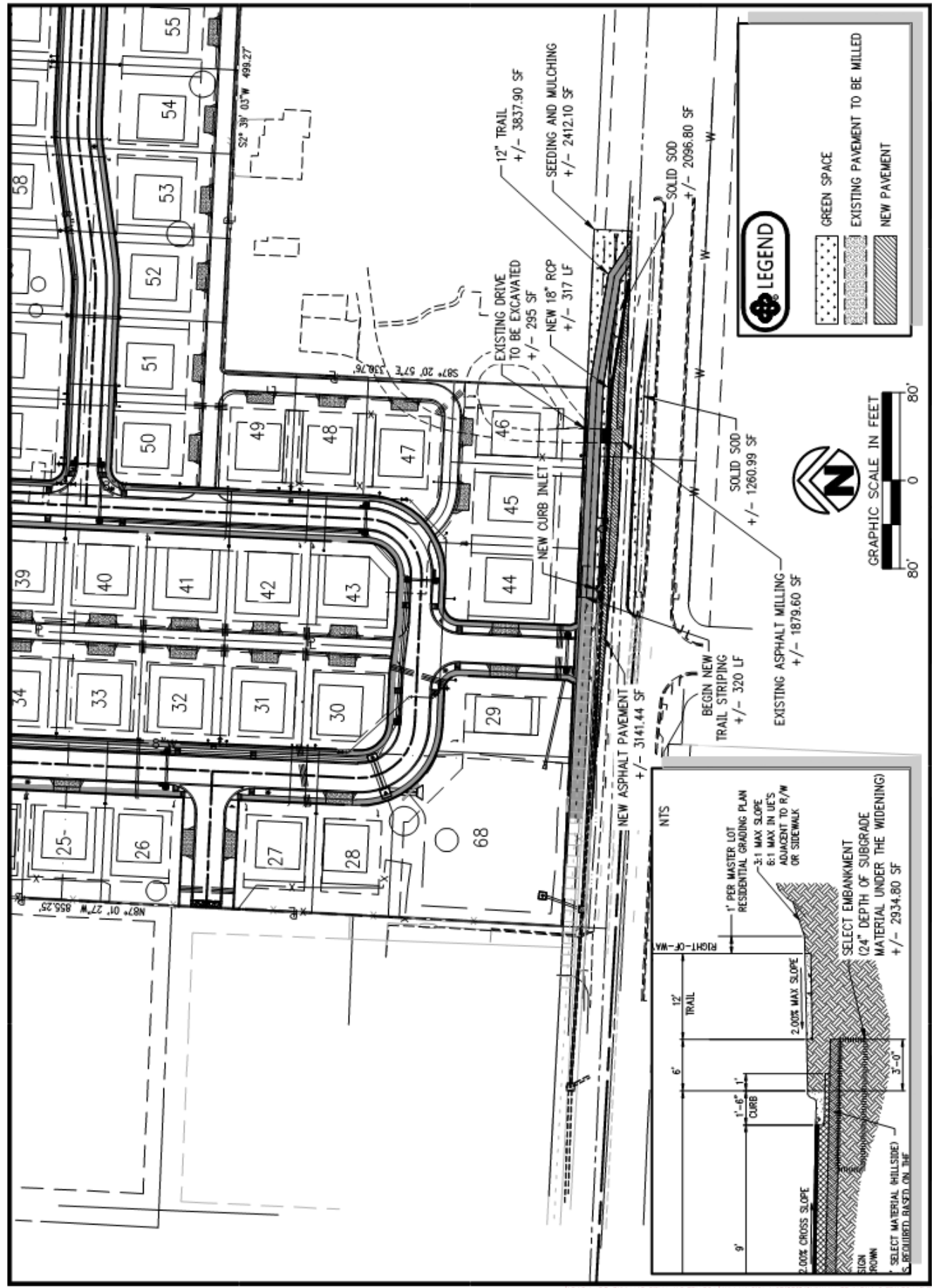
479.636.4838 (ph)  
479.631.6224 (fax)

Should you have any questions or require any additional information, please feel free to contact us at your convenience.

Sincerely,  
Crafton Tull

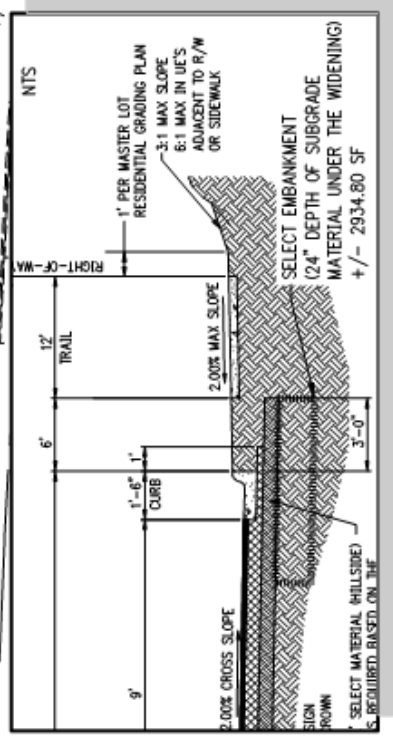


Thomas A. Hennelly, P.E.  
Vice President



**LEGEND**

- GREEN SPACE
- EXISTING PAVEMENT TO BE MILLED
- NEW PAVEMENT



|                    |                                              |                          |
|--------------------|----------------------------------------------|--------------------------|
| <b>Budget Year</b> | <b>Division</b>                              | <b>Adjustment Number</b> |
| 2017               | ENGINEERING (621)                            |                          |
|                    | <b>/Org2</b>                                 |                          |
|                    | <b>Requestor:</b> Chris Brown / Jonathan Ely |                          |

Revenue from an adjacent development is being recognized so that it can be used for Ruppel Road improvements. This payment is in lieu of required improvements along Ruppel Road.

|                      |                    |                         |
|----------------------|--------------------|-------------------------|
|                      | COUNCIL DATE:      | 7/18/2017               |
|                      | LEGISTAR FILE ID#: | <b>2017-0368</b>        |
|                      |                    | <i>Barbara Fell</i>     |
|                      |                    | <i>7/3/2017 2:49 PM</i> |
|                      | Budget Director    | Date                    |
|                      | TYPE:              |                         |
|                      | DESCRIPTION:       |                         |
|                      | GLDATE:            |                         |
|                      | POSTED:            | <i>/</i>                |
| RESOLUTION/ORDINANCE |                    |                         |

[illegible]



# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

## Text File

File Number: 2017-0370

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**Agenda Date:** 7/18/2017

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Resolution

**Agenda Number:** A. 5

### **SPECIAL NEEDS ASSISTANCE PROGRAM (SNAP) GRANT:**

A RESOLUTION TO APPROVE THE RENEWAL OF FOUR SPECIAL NEEDS ASSISTANCE PROGRAM GRANT AGREEMENTS WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN THE TOTAL AMOUNT OF \$305,348.00 FOR THE CITY TO ADMINISTER PROGRAMS TO ASSIST HOMELESS FAYETTEVILLE RESIDENTS, AND TO APPROVE A BUDGET ADJUSTMENT

### **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 authorizes Mayor Jordan to sign the four Special Needs Assistance Program grant agreements with the U.S. Department of Housing and Urban Development, copies of which are attached to this Resolution and made a part hereof, in the total amount of \$305,348.00 for the City to administer programs to assist homeless Fayetteville residents.

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.

City of Fayetteville Staff Review Form

2017-0370

Legistar File ID

7/18/2017

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

Yolanda Fields

6/30/2017

COMMUNITY RESOURCES (642)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of the grant agreement renewals for Special Needs Assistance Program (SNAP) grants AR0038L6F011604, AR0043L6F011602, AR0039L6F011603, and AR0044L6F011602; staff recommends approval of a budget adjustment to reflect new SNAP grant amounts.

Budget Impact:

2180.642.4955 2180.642.4956  
2180.642.4957 2180.642.4958

CDBG - Hearth

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 581,112.00

Funds Obligated

Current Balance

\$ 581,112.00

Does item have a cost? No

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment

\$ (264,245.00)

Remaining Budget

\$ 316,867.00

V20140710

Previous Ordinance or Resolution # 217-16

Original Contract Number:

Approval Date:

Comments:





**MEETING OF JULY 18, 2017**

**TO:** Mayor and City Council  
**THRU:** Don Marr, Chief of Staff  
**FROM:** Yolanda Fields, Community Resources Director  
**DATE:** June 30, 2017  
**SUBJECT:** **Renewed Special Needs Assistance Program Grant Agreements**

---

**RECOMMENDATION:**

Staff recommends approval of the Special Needs Assistance Program (SNAP) grant agreement renewals.

**BACKGROUND:**

Renewal of City of Fayetteville Hearth Program funding requires approval of continuation grant agreements.

**DISCUSSION:**

The renewal grants are: SNAP Grant AR0038L6F011604 in the amount of \$40,494, SNAP Grant AR0043L6F011602 in the amount of \$194,360, SNAP Grant AR0039L6F011603 in the amount of \$33,489, and SNAP Grant AR0044L6F011602 in the amount of \$37,005. The grant agreements must be executed for the continuation of funding to maintain our efforts to house the homeless.

**BUDGET/STAFF IMPACT:**

Budget Adjustment of \$264,245 due to modification of rebudgets and budgeting for new SNAP grants

**Attachments:**

Renewal Grant Agreements  
Budget Adjustment

**Tax ID No.:** 71-6018462

**CoC Program Grant Number:** AR0039L6F011603

**Effective Date:**

**DUNS No.:** 141310578

**Component:** PSH

**Recipient:** City of Fayetteville

Official Contact Person and Title: Ms. Yolanda Fields, Community Resources Administrator

Telephone Number: (479) 575-8290

Fax Number: (479) 444-3445

E-mail Address: [yfields@fayetteville-ar.gov](mailto:yfields@fayetteville-ar.gov)

**Operating Start Date:** September 1, 2017

**Project Location(s):** Fayetteville, Arkansas and Northwest Arkansas CoC

## CONTINUUM OF CARE PROGRAM Grant Agreement

This Grant Agreement ("this Agreement") is made by and between the United States Department of Housing and Urban Development ("HUD") and **City of Fayetteville** (the "Recipient").

This Agreement is governed by title IV of the McKinney-Vento Homeless Assistance Act 42 U.S.C. 11301 *et seq.* (the "Act") and the Continuum of Care Program rule (the "Rule").

The terms "Grant " or "Grant Funds" mean the funds that are provided under this Agreement. The term "Application" means the application submissions on the basis of which the Grant was approved by HUD, including the certifications, assurances, and any information or documentation required to meet any grant award condition. All other terms shall have the meanings given in the Rule.

The Application is incorporated herein as part of this Agreement, except that only those projects listed, and only in the amounts listed on a Scope of Work exhibit, are funded by this Agreement. In the event of any conflict between any application provision and any provision contained in this Agreement, this Agreement shall control.

Exhibit 1, the FY2016 Scope of Work, is attached hereto and made a part hereof. If in the future appropriations are made available for Continuum of Care grants; if the Recipient applies under a Notice of Funds Availability published by HUD; and, if pursuant to the selection criteria in the Notice of Funds Availability, HUD selects the Recipient and one or more projects listed on Exhibit 1 for renewal, then additional Scope of Work exhibits may be attached to this Agreement. Those additional exhibits, when attached, will also become a part hereof.

The effective date of the Agreement shall be the date of execution by HUD and it is the date the usage of funds under this Agreement may begin. Each project will have a performance period that will be listed on the Scope of Work exhibit(s) to this Agreement. For renewal projects, the period of performance shall begin at the end of the Recipient's final operating year for the project being renewed and eligible costs incurred for a project between the end of the Recipient's final operating year under the grant being renewed and the execution of this Agreement may be paid with funds from the first operating year of this Agreement.

For each new project funded under this Agreement, the Recipient and HUD will set an operating start date in eLOCCS, which will be used to track expenditures, to establish the project performance period and to determine when a project is eligible for renewal. The Recipient hereby authorizes HUD to insert the project performance period for new projects into the exhibit without the Recipient's signature, after the operating start date is established in eLOCCS.

This Agreement shall remain in effect until termination either: 1) by agreement of the parties; 2) by HUD alone, acting under the authority of 24 CFR 578.107; 3) upon expiration of the final performance period for all projects funded under this Agreement; or 4) upon the expiration of the period of availability of funds for all projects funded under this Agreement.

The Recipient agrees:

1. To ensure the operation of the project(s) listed on the Scope of Work in accordance with the provisions of the Act and all requirements of the Rule;
2. To monitor and report the progress of the project(s) to the Continuum of Care and HUD;
3. To ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;
4. To require certification from all subrecipients that:
  - a. Subrecipients will maintain the confidentiality of records pertaining to any individual or family that was provided family violence prevention or treatment services through the project;
  - b. The address or location of any family violence project assisted with grant funds will not be made public, except with written authorization of the person responsible for the operation of such project;
  - c. Subrecipients will establish policies and practices that are consistent with, and do not restrict, the exercise of rights provided by subtitle B of title VII of the Act and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;
  - d. In the case of projects that provide housing or services to families, subrecipients will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of the Act;
  - e. The subrecipient, its officers and employees are not debarred or suspended from doing business with the Federal Government; and

- f. Subrecipients will provide information, such as data and reports, as required by HUD;
- 5. To establish such fiscal control and accounting procedures as may be necessary to assure the proper disbursement of, and accounting for grant funds in order to ensure that all financial transactions are conducted, and records maintained in accordance with generally accepted accounting principles if the Recipient is a Unified Funding Agency;
- 6. To monitor subrecipient match and report on match to HUD;
- 7. To take the educational needs of children into account when families are placed in housing and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education;
- 8. To monitor subrecipients at least annually;
- 9. To use the centralized or coordinated assessment system established by the Continuum of Care as required by the Rule. A victim service provider may choose not to use the Continuum of Care's centralized or coordinated assessment system, provided that victim service providers in the area use a centralized or coordinated assessment system that meets HUD's minimum requirements;
- 10. To follow the written standards, developed by the Continuum of Care, for providing Continuum of Care assistance, including those required by the Rule;
- 11. Enter into subrecipient agreements requiring subrecipients to operate the project(s) in accordance with the provisions of this Act and all requirements of the Rule; and
- 12. To comply with such other terms and conditions as HUD may have established in the applicable Notice of Funds Availability.

HUD notifications to the Recipient shall be to the address of the Recipient as stated in the Application, unless HUD is otherwise advised in writing. Recipient notifications to HUD shall be to the HUD Field Office responsible for executing the Agreement. No right, benefit, or advantage of the Recipient hereunder may be assigned without prior written approval of HUD.

The Agreement constitutes the entire agreement between the parties hereto, and may be amended only in writing executed by HUD and the Recipient.

By signing below, Recipients that are states and units of local government certify that they are following a current HUD approved CHAS (Consolidated Plan).

This agreement is hereby executed on behalf of the parties as follows:

**UNITED STATES OF AMERICA,**  
**Secretary of Housing and Urban Development**

BY:

\_\_\_\_\_  
(Signature)

Clinton E. Johnson, Community Planning and Development Director

(Typed Name and Title)

\_\_\_\_\_  
(Date)

**RECIPIENT**

City of Fayetteville

(Name of Organization)

BY:

\_\_\_\_\_  
(Signature of Authorized Official)

Honorable Lioneld Jordan, Mayor

(Typed Name and Title of Authorized Official)

\_\_\_\_\_  
(Date)

**Tax ID No.:** 71-6012481

**CoC Program Grant Number:** AR0039L6F011603

**Effective Date:**

**DUNS No.:** 053504945

**EXHIBIT 1**  
**SCOPE OF WORK for FY2016 COMPETITION**

1. The project listed on this Scope of Work is governed by the Continuum of Care program Interim Rule attached hereto and made a part hereof as Exhibit 1a. Upon publication for effect of a Final Rule for the Continuum of Care program, the Final Rule will govern this Agreement instead of the Interim Rule. The project listed on this Exhibit at 4 below, is also subject to the terms of the Notice of Funds Availability for the fiscal year listed above.
2. The Continuum that designated Recipient to apply for grant funds has not been designated a high performing community by HUD for the applicable fiscal year.
3. Recipient is not the only Recipient for the Continuum of Care. HUD's total funding obligation for this grant and project is **\$33,489**, allocated between budget line items, as indicated in 4. below. In accordance with the Rule, the Recipient is prohibited from moving more than 10% from one budget line item in a project's approved budget to another without a written amendment to this Agreement.
4. Subject to the terms of this Agreement, HUD agrees to provide the Grant funds, in the amount specified for the project application listed, to be used during the performance period established below. However, no funds for new projects may be drawn down by Recipient until HUD has approved site control pursuant to the Rule and no funds for renewal projects may be drawn down by Recipient before the end date of the project's final operating year under the grant that has been renewed

| <b>Project No.</b>                                                                                         | <b>Performance Period</b> |
|------------------------------------------------------------------------------------------------------------|---------------------------|
| (AR0039L6F011603)                                                                                          | (09-1-2017 – 08-31-2018)  |
| allocated between budget line items as follows:                                                            |                           |
| a. Continuum of Care planning activities                                                                   | \$0                       |
| b. UFA costs                                                                                               | \$0                       |
| c. Acquisition                                                                                             | \$0                       |
| d. Rehabilitation                                                                                          | \$0                       |
| e. New construction                                                                                        | \$0                       |
| f. Leasing                                                                                                 | \$0                       |
| g. Rental assistance                                                                                       | \$28,236                  |
| (of which \$_____ is for short-term and medium-term rental assistance for persons at risk of homelessness) |                           |
| h. Supportive services                                                                                     | \$5,253                   |
| i. Operating costs                                                                                         | \$0                       |

|                                                  |     |
|--------------------------------------------------|-----|
| j. Homeless Management Information System        | \$0 |
| k. Administrative costs                          | \$0 |
| l. Relocation costs                              | \$0 |
| m. Housing relocation and stabilization services | \$0 |

5. If grant funds will be used for payment of indirect costs, pursuant to 2 CFR 200, Subpart E - Cost Principles, the Recipient is authorized to insert the Recipient's federally recognized indirect cost rates (including if the de minimis rate is charged per 2 CFR §200.414) on the attached Federally Recognized Indirect Cost Rates Schedule, which Schedule shall be incorporated herein and made a part of the Agreement. No indirect costs may be charged to the grant by the Recipient if their federally recognized cost rate is not listed on the Schedule. Do not include indirect cost rates for Subrecipients; however, Subrecipients may not charge indirect costs to the grant if they do not also have a federally recognized indirect cost rate.
6. The following project has not been awarded project-based rental assistance for a term of fifteen (15) years. Funding is provided under this Scope of Work for the performance period stated in paragraph 4. Additional funding is subject to the availability of annual appropriations.
7. Program income earned during the grant term shall be retained by the recipient and used for eligible activities. Program income may also be counted as match.

**Tax ID No.:** 71-6018462

**CoC Program Grant Number:** AR0044L6F011602

**Effective Date:**

**DUNS No.:** 141310578

**Component:** PSH

**Recipient:** City of Fayetteville

Official Contact Person and Title: Ms. Yolanda Fields, Community Resources Administrator

Telephone Number: (479) 575-8290

Fax Number: (479) 444-3445

E-mail Address: [yfields@fayetteville-ar.gov](mailto:yfields@fayetteville-ar.gov)

**Operating Start Date:** September 1, 2017

**Project Location(s):** Fayetteville, Arkansas and Northwest Arkansas CoC

## CONTINUUM OF CARE PROGRAM Grant Agreement

This Grant Agreement ("this Agreement") is made by and between the United States Department of Housing and Urban Development ("HUD") and **City of Fayetteville** (the "Recipient").

This Agreement is governed by title IV of the McKinney-Vento Homeless Assistance Act 42 U.S.C. 11301 *et seq.* (the "Act") and the Continuum of Care Program rule (the "Rule").

The terms "Grant " or "Grant Funds" mean the funds that are provided under this Agreement. The term "Application" means the application submissions on the basis of which the Grant was approved by HUD, including the certifications, assurances, and any information or documentation required to meet any grant award condition. All other terms shall have the meanings given in the Rule.

The Application is incorporated herein as part of this Agreement, except that only those projects listed, and only in the amounts listed on a Scope of Work exhibit, are funded by this Agreement. In the event of any conflict between any application provision and any provision contained in this Agreement, this Agreement shall control.

Exhibit 1, the FY2016 Scope of Work, is attached hereto and made a part hereof. If in the future appropriations are made available for Continuum of Care grants; if the Recipient applies under a Notice of Funds Availability published by HUD; and, if pursuant to the selection criteria in the Notice of Funds Availability, HUD selects the Recipient and one or more projects listed on Exhibit 1 for renewal, then additional Scope of Work exhibits may be attached to this Agreement. Those additional exhibits, when attached, will also become a part hereof.

The effective date of the Agreement shall be the date of execution by HUD and it is the date the usage of funds under this Agreement may begin. Each project will have a performance period that will be listed on the Scope of Work exhibit(s) to this Agreement. For renewal projects, the period of performance shall begin at the end of the Recipient's final operating year for the project being renewed and eligible costs incurred for a project between the end of the Recipient's final operating year under the grant being renewed and the execution of this Agreement may be paid with funds from the first operating year of this Agreement.



For each new project funded under this Agreement, the Recipient and HUD will set an operating start date in eLOCCS, which will be used to track expenditures, to establish the project performance period and to determine when a project is eligible for renewal. The Recipient hereby authorizes HUD to insert the project performance period for new projects into the exhibit without the Recipient's signature, after the operating start date is established in eLOCCS.

This Agreement shall remain in effect until termination either: 1) by agreement of the parties; 2) by HUD alone, acting under the authority of 24 CFR 578.107; 3) upon expiration of the final performance period for all projects funded under this Agreement; or 4) upon the expiration of the period of availability of funds for all projects funded under this Agreement.

The Recipient agrees:

1. To ensure the operation of the project(s) listed on the Scope of Work in accordance with the provisions of the Act and all requirements of the Rule;
2. To monitor and report the progress of the project(s) to the Continuum of Care and HUD;
3. To ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;
4. To require certification from all subrecipients that:
  - a. Subrecipients will maintain the confidentiality of records pertaining to any individual or family that was provided family violence prevention or treatment services through the project;
  - b. The address or location of any family violence project assisted with grant funds will not be made public, except with written authorization of the person responsible for the operation of such project;
  - c. Subrecipients will establish policies and practices that are consistent with, and do not restrict, the exercise of rights provided by subtitle B of title VII of the Act and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;
  - d. In the case of projects that provide housing or services to families, subrecipients will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of the Act;
  - e. The subrecipient, its officers and employees are not debarred or suspended from doing business with the Federal Government; and

- f. Subrecipients will provide information, such as data and reports, as required by HUD;
5. To establish such fiscal control and accounting procedures as may be necessary to assure the proper disbursement of, and accounting for grant funds in order to ensure that all financial transactions are conducted, and records maintained in accordance with generally accepted accounting principles if the Recipient is a Unified Funding Agency;
6. To monitor subrecipient match and report on match to HUD;
7. To take the educational needs of children into account when families are placed in housing and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education;
8. To monitor subrecipients at least annually;
9. To use the centralized or coordinated assessment system established by the Continuum of Care as required by the Rule. A victim service provider may choose not to use the Continuum of Care's centralized or coordinated assessment system, provided that victim service providers in the area use a centralized or coordinated assessment system that meets HUD's minimum requirements;
10. To follow the written standards, developed by the Continuum of Care, for providing Continuum of Care assistance, including those required by the Rule;
11. Enter into subrecipient agreements requiring subrecipients to operate the project(s) in accordance with the provisions of this Act and all requirements of the Rule; and
12. To comply with such other terms and conditions as HUD may have established in the applicable Notice of Funds Availability.

HUD notifications to the Recipient shall be to the address of the Recipient as stated in the Application, unless HUD is otherwise advised in writing. Recipient notifications to HUD shall be to the HUD Field Office responsible for executing the Agreement. No right, benefit, or advantage of the Recipient hereunder may be assigned without prior written approval of HUD.

The Agreement constitutes the entire agreement between the parties hereto, and may be amended only in writing executed by HUD and the Recipient.

By signing below, Recipients that are states and units of local government certify that they are following a current HUD approved CHAS (Consolidated Plan).

**Tax ID No.:** 71-6012481

**CoC Program Grant Number:** AR0044L6F011602

**Effective Date:**

**DUNS No.:** 053504945

**EXHIBIT 1**  
**SCOPE OF WORK for FY2016 COMPETITION**

1. The project listed on this Scope of Work is governed by the Continuum of Care program Interim Rule attached hereto and made a part hereof as Exhibit 1a. Upon publication for effect of a Final Rule for the Continuum of Care program, the Final Rule will govern this Agreement instead of the Interim Rule. The project listed on this Exhibit at 4 below, is also subject to the terms of the Notice of Funds Availability for the fiscal year listed above.
2. The Continuum that designated Recipient to apply for grant funds has not been designated a high performing community by HUD for the applicable fiscal year.
3. Recipient is not the only Recipient for the Continuum of Care. HUD's total funding obligation for this grant and project is **\$37,005**, allocated between budget line items, as indicated in 4. below. In accordance with the Rule, the Recipient is prohibited from moving more than 10% from one budget line item in a project's approved budget to another without a written amendment to this Agreement.
4. Subject to the terms of this Agreement, HUD agrees to provide the Grant funds, in the amount specified for the project application listed, to be used during the performance period established below. However, no funds for new projects may be drawn down by Recipient until HUD has approved site control pursuant to the Rule and no funds for renewal projects may be drawn down by Recipient before the end date of the project's final operating year under the grant that has been renewed

| <u>Project No.</u>                                                                                         | <u>Performance Period</u> |
|------------------------------------------------------------------------------------------------------------|---------------------------|
| (AR0039L6F011603)                                                                                          | (09-1-2017 – 08-31-2018)  |
| allocated between budget line items as follows:                                                            |                           |
| a. Continuum of Care planning activities                                                                   | \$0                       |
| b. UFA costs                                                                                               | \$0                       |
| c. Acquisition                                                                                             | \$0                       |
| d. Rehabilitation                                                                                          | \$0                       |
| e. New construction                                                                                        | \$0                       |
| f. Leasing                                                                                                 | \$0                       |
| g. Rental assistance                                                                                       | \$28,236                  |
| (of which \$_____ is for short-term and medium-term rental assistance for persons at risk of homelessness) |                           |
| h. Supportive services                                                                                     | \$6,492                   |
| i. Operating costs                                                                                         | \$0                       |

|                                                  |         |
|--------------------------------------------------|---------|
| j. Homeless Management Information System        | \$0     |
| k. Administrative costs                          | \$2,277 |
| l. Relocation costs                              | \$0     |
| m. Housing relocation and stabilization services | \$0     |

5. If grant funds will be used for payment of indirect costs, pursuant to 2 CFR 200, Subpart E - Cost Principles, the Recipient is authorized to insert the Recipient's federally recognized indirect cost rates (including if the de minimis rate is charged per 2 CFR §200.414) on the attached Federally Recognized Indirect Cost Rates Schedule, which Schedule shall be incorporated herein and made a part of the Agreement. No indirect costs may be charged to the grant by the Recipient if their federally recognized cost rate is not listed on the Schedule. Do not include indirect cost rates for Subrecipients; however, Subrecipients may not charge indirect costs to the grant if they do not also have a federally recognized indirect cost rate.
6. The following project has not been awarded project-based rental assistance for a term of fifteen (15) years. Funding is provided under this Scope of Work for the performance period stated in paragraph 4. Additional funding is subject to the availability of annual appropriations.
7. Program income earned during the grant term shall be retained by the recipient and used for eligible activities. Program income may also be counted as match.

**Tax ID No.:** 71-6012481

**CoC Program Grant Number:** AR0044L6F011602

**Effective Date:**

**DUNS No.:** 053504945

**FEDERALLY RECOGNIZED INDIRECT COST RATE SCHEDULE**

| <b>Grant No.</b> | <b>Recipient Name</b> | <b>Indirect cost rate</b> | <b>Cost Base</b> |
|------------------|-----------------------|---------------------------|------------------|
| <hr/>            | <hr/>                 | <hr/> %                   | <hr/>            |

UNITED STATES OF AMERICA,  
Secretary of Housing and Urban Development

BY: \_\_\_\_\_

(Signature)

Clinton E. Johnson, Community Planning and Development Director

(Typed Name and Title)

\_\_\_\_\_  
(Date)

RECIPIENT

City of Fayetteville

(Name of Organization)

BY: \_\_\_\_\_

(Signature of Authorized Official)

Honorable Lioneld Jordan, Mayor

(Typed Name and Title of Authorized Official)

\_\_\_\_\_  
(Date)

**Tax ID No.:** 71-6018462

**CoC Program Grant Number:** AR0043L6F011602

**Effective Date:**

**DUNS No.:** 141310578

**Component:** PSH

**Recipient:** City of Fayetteville

Official Contact Person and Title: Ms. Yolanda Fields, Community Resources Administrator

Telephone Number: (479) 575-8290

Fax Number: (479) 444-3445

E-mail Address: [yfields@fayetteville-ar.gov](mailto:yfields@fayetteville-ar.gov)

**Operating Start Date:** June 1, 2017

**Project Location(s):** Fayetteville, Arkansas and Northwest Arkansas CoC

## CONTINUUM OF CARE PROGRAM Grant Agreement

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For each new project funded under this Agreement, the Recipient and HUD will set an operating start date in eLOCCS, which will be used to track expenditures, to establish the project performance period and to determine when a project is eligible for renewal. The Recipient hereby authorizes HUD to insert the project performance period for new projects into the exhibit without the Recipient's signature, after the operating start date is established in eLOCCS.

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1. To ensure the operation of the project(s) listed on the Scope of Work in accordance with the provisions of the Act and all requirements of the Rule;
2. To monitor and report the progress of the project(s) to the Continuum of Care and HUD;
3. To ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;
4. To require certification from all subrecipients that:
  - a. Subrecipients will maintain the confidentiality of records pertaining to any individual or family that was provided family violence prevention or treatment services through the project;
  - b. The address or location of any family violence project assisted with grant funds will not be made public, except with written authorization of the person responsible for the operation of such project;
  - c. Subrecipients will establish policies and practices that are consistent with, and do not restrict, the exercise of rights provided by subtitle B of title VII of the Act and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;
  - d. In the case of projects that provide housing or services to families, subrecipients will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of the Act;
  - e. The subrecipient, its officers and employees are not debarred or suspended from doing business with the Federal Government; and



- f. Subrecipients will provide information, such as data and reports, as required by HUD;
5. To establish such fiscal control and accounting procedures as may be necessary to assure the proper disbursement of, and accounting for grant funds in order to ensure that all financial transactions are conducted, and records maintained in accordance with generally accepted accounting principles if the Recipient is a Unified Funding Agency;
6. To monitor subrecipient match and report on match to HUD;
7. To take the educational needs of children into account when families are placed in housing and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education;
8. To monitor subrecipients at least annually;
9. To use the centralized or coordinated assessment system established by the Continuum of Care as required by the Rule. A victim service provider may choose not to use the Continuum of Care's centralized or coordinated assessment system, provided that victim service providers in the area use a centralized or coordinated assessment system that meets HUD's minimum requirements;
10. To follow the written standards, developed by the Continuum of Care, for providing Continuum of Care assistance, including those required by the Rule;
11. Enter into subrecipient agreements requiring subrecipients to operate the project(s) in accordance with the provisions of this Act and all requirements of the Rule; and
12. To comply with such other terms and conditions as HUD may have established in the applicable Notice of Funds Availability.

HUD notifications to the Recipient shall be to the address of the Recipient as stated in the Application, unless HUD is otherwise advised in writing. Recipient notifications to HUD shall be to the HUD Field Office responsible for executing the Agreement. No right, benefit, or advantage of the Recipient hereunder may be assigned without prior written approval of HUD.

The Agreement constitutes the entire agreement between the parties hereto, and may be amended only in writing executed by HUD and the Recipient.

By signing below, Recipients that are states and units of local government certify that they are following a current HUD approved CHAS (Consolidated Plan).

**Tax ID No.:** 71-6012481  
**CoC Program Grant Number:** AR0043L6F011602  
**Effective Date:**  
**DUNS No.:** 053504945

**EXHIBIT 1**  
**SCOPE OF WORK for FY2016 COMPETITION**

1. The project listed on this Scope of Work is governed by the Continuum of Care program Interim Rule attached hereto and made a part hereof as Exhibit 1a. Upon publication for effect of a Final Rule for the Continuum of Care program, the Final Rule will govern this Agreement instead of the Interim Rule. The project listed on this Exhibit at 4 below, is also subject to the terms of the Notice of Funds Availability for the fiscal year listed above.
2. The Continuum that designated Recipient to apply for grant funds has not been designated a high performing community by HUD for the applicable fiscal year.
3. Recipient is not the only Recipient for the Continuum of Care. HUD's total funding obligation for this grant and project is **\$194,360**, allocated between budget line items, as indicated in 4. below. In accordance with the Rule, the Recipient is prohibited from moving more than 10% from one budget line item in a project's approved budget to another without a written amendment to this Agreement.
4. Subject to the terms of this Agreement, HUD agrees to provide the Grant funds, in the amount specified for the project application listed, to be used during the performance period established below. However, no funds for new projects may be drawn down by Recipient until HUD has approved site control pursuant to the Rule and no funds for renewal projects may be drawn down by Recipient before the end date of the project's final operating year under the grant that has been renewed

| <b>Project No.</b>                                                                                         | <b>Performance Period</b> |
|------------------------------------------------------------------------------------------------------------|---------------------------|
| (AR0039L6F011603)                                                                                          | (09-1-2017 – 08-31-2018)  |
| allocated between budget line items as follows:                                                            |                           |
| a. Continuum of Care planning activities                                                                   | \$0                       |
| b. UFA costs                                                                                               | \$0                       |
| c. Acquisition                                                                                             | \$0                       |
| d. Rehabilitation                                                                                          | \$0                       |
| e. New construction                                                                                        | \$0                       |
| f. Leasing                                                                                                 | \$0                       |
| g. Rental assistance                                                                                       | \$138,036                 |
| (of which \$_____ is for short-term and medium-term rental assistance for persons at risk of homelessness) |                           |
| h. Supportive services                                                                                     | \$44,507                  |
| i. Operating costs                                                                                         | \$0                       |

|                                                  |          |
|--------------------------------------------------|----------|
| j. Homeless Management Information System        | \$0      |
| k. Administrative costs                          | \$11,817 |
| l. Relocation costs                              | \$0      |
| m. Housing relocation and stabilization services | \$0      |

5. If grant funds will be used for payment of indirect costs, pursuant to 2 CFR 200, Subpart E - Cost Principles, the Recipient is authorized to insert the Recipient's federally recognized indirect cost rates (including if the de minimis rate is charged per 2 CFR §200.414) on the attached Federally Recognized Indirect Cost Rates Schedule, which Schedule shall be incorporated herein and made a part of the Agreement. No indirect costs may be charged to the grant by the Recipient if their federally recognized cost rate is not listed on the Schedule. Do not include indirect cost rates for Subrecipients; however, Subrecipients may not charge indirect costs to the grant if they do not also have a federally recognized indirect cost rate.
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7. Program income earned during the grant term shall be retained by the recipient and used for eligible activities. Program income may also be counted as match.

UNITED STATES OF AMERICA,  
Secretary of Housing and Urban Development

BY: \_\_\_\_\_

(Signature)

Clinton E. Johnson, Community Planning and Development Director

(Typed Name and Title)

\_\_\_\_\_  
(Date)

RECIPIENT

City of Fayetteville

(Name of Organization)

BY: \_\_\_\_\_

(Signature of Authorized Official)

Honorable Lioneld Jordan, Mayor

(Typed Name and Title of Authorized Official)

\_\_\_\_\_  
(Date)

**Tax ID No.:** 71-6018462

**CoC Program Grant Number:** AR0043L6F011602

**Effective Date:**

**DUNS No.:** 141310578

**Component:** PSH

**Recipient:** City of Fayetteville

Official Contact Person and Title: Ms. Yolanda Fields, Community Resources Administrator

Telephone Number: (479) 575-8290

Fax Number: (479) 444-3445

E-mail Address: [yfields@fayetteville-ar.gov](mailto:yfields@fayetteville-ar.gov)

**Operating Start Date:** June 1, 2017

**Project Location(s):** Fayetteville, Arkansas and Northwest Arkansas CoC

## CONTINUUM OF CARE PROGRAM Grant Agreement

This Grant Agreement ("this Agreement") is made by and between the United States Department of Housing and Urban Development ("HUD") and **City of Fayetteville** (the "Recipient").

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The Recipient agrees:

1. To ensure the operation of the project(s) listed on the Scope of Work in accordance with the provisions of the Act and all requirements of the Rule;
2. To monitor and report the progress of the project(s) to the Continuum of Care and HUD;
3. To ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;
4. To require certification from all subrecipients that:
  - a. Subrecipients will maintain the confidentiality of records pertaining to any individual or family that was provided family violence prevention or treatment services through the project;
  - b. The address or location of any family violence project assisted with grant funds will not be made public, except with written authorization of the person responsible for the operation of such project;
  - c. Subrecipients will establish policies and practices that are consistent with, and do not restrict, the exercise of rights provided by subtitle B of title VII of the Act and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;
  - d. In the case of projects that provide housing or services to families, subrecipients will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of the Act;
  - e. The subrecipient, its officers and employees are not debarred or suspended from doing business with the Federal Government; and

- f. Subrecipients will provide information, such as data and reports, as required by HUD;
- 5. To establish such fiscal control and accounting procedures as may be necessary to assure the proper disbursement of, and accounting for grant funds in order to ensure that all financial transactions are conducted, and records maintained in accordance with generally accepted accounting principles if the Recipient is a Unified Funding Agency;
- 6. To monitor subrecipient match and report on match to HUD;
- 7. To take the educational needs of children into account when families are placed in housing and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education;
- 8. To monitor subrecipients at least annually;
- 9. To use the centralized or coordinated assessment system established by the Continuum of Care as required by the Rule. A victim service provider may choose not to use the Continuum of Care's centralized or coordinated assessment system, provided that victim service providers in the area use a centralized or coordinated assessment system that meets HUD's minimum requirements;
- 10. To follow the written standards, developed by the Continuum of Care, for providing Continuum of Care assistance, including those required by the Rule;
- 11. Enter into subrecipient agreements requiring subrecipients to operate the project(s) in accordance with the provisions of this Act and all requirements of the Rule; and
- 12. To comply with such other terms and conditions as HUD may have established in the applicable Notice of Funds Availability.

HUD notifications to the Recipient shall be to the address of the Recipient as stated in the Application, unless HUD is otherwise advised in writing. Recipient notifications to HUD shall be to the HUD Field Office responsible for executing the Agreement. No right, benefit, or advantage of the Recipient hereunder may be assigned without prior written approval of HUD.

The Agreement constitutes the entire agreement between the parties hereto, and may be amended only in writing executed by HUD and the Recipient.

By signing below, Recipients that are states and units of local government certify that they are following a current HUD approved CHAS (Consolidated Plan).

This agreement is hereby executed on behalf of the parties as follows:

**UNITED STATES OF AMERICA,  
Secretary of Housing and Urban Development**

BY:

\_\_\_\_\_  
(Signature)

Clinton E. Johnson, Community Planning and Development Director

(Typed Name and Title)

\_\_\_\_\_  
(Date)

**RECIPIENT**

City of Fayetteville

(Name of Organization)

BY:

\_\_\_\_\_  
(Signature of Authorized Official)

Honorable Lioneld Jordan, Mayor

(Typed Name and Title of Authorized Official)

\_\_\_\_\_  
(Date)



**Tax ID No.:** 71-6012481

**CoC Program Grant Number:** AR0043L6F011602

**Effective Date:**

**DUNS No.:** 053504945

**EXHIBIT 1**  
**SCOPE OF WORK for FY2016 COMPETITION**

1. The project listed on this Scope of Work is governed by the Continuum of Care program Interim Rule attached hereto and made a part hereof as Exhibit 1a. Upon publication for effect of a Final Rule for the Continuum of Care program, the Final Rule will govern this Agreement instead of the Interim Rule. The project listed on this Exhibit at 4 below, is also subject to the terms of the Notice of Funds Availability for the fiscal year listed above.
2. The Continuum that designated Recipient to apply for grant funds has not been designated a high performing community by HUD for the applicable fiscal year.
3. Recipient is not the only Recipient for the Continuum of Care. HUD's total funding obligation for this grant and project is **\$194,360**, allocated between budget line items, as indicated in 4. below. In accordance with the Rule, the Recipient is prohibited from moving more than 10% from one budget line item in a project's approved budget to another without a written amendment to this Agreement.
4. Subject to the terms of this Agreement, HUD agrees to provide the Grant funds, in the amount specified for the project application listed, to be used during the performance period established below. However, no funds for new projects may be drawn down by Recipient until HUD has approved site control pursuant to the Rule and no funds for renewal projects may be drawn down by Recipient before the end date of the project's final operating year under the grant that has been renewed

| <b><u>Project No.</u></b>                                                                                  | <b><u>Performance Period</u></b> |
|------------------------------------------------------------------------------------------------------------|----------------------------------|
| (AR0039L6F011603)                                                                                          | (09-1-2017 – 08-31-2018)         |
| allocated between budget line items as follows:                                                            |                                  |
| a. Continuum of Care planning activities                                                                   | \$0_____                         |
| b. UFA costs                                                                                               | \$0_____                         |
| c. Acquisition                                                                                             | \$0_____                         |
| d. Rehabilitation                                                                                          | \$0_____                         |
| e. New construction                                                                                        | \$0_____                         |
| f. Leasing                                                                                                 | \$0_____                         |
| g. Rental assistance                                                                                       | \$138,036_____                   |
| (of which \$_____ is for short-term and medium-term rental assistance for persons at risk of homelessness) |                                  |
| h. Supportive services                                                                                     | \$44,507_____                    |
| i. Operating costs                                                                                         | \$0_____                         |

|                                                  |          |
|--------------------------------------------------|----------|
| j. Homeless Management Information System        | \$0      |
| k. Administrative costs                          | \$11,817 |
| l. Relocation costs                              | \$0      |
| m. Housing relocation and stabilization services | \$0      |

5. If grant funds will be used for payment of indirect costs, pursuant to 2 CFR 200, Subpart E - Cost Principles, the Recipient is authorized to insert the Recipient's federally recognized indirect cost rates (including if the de minimis rate is charged per 2 CFR §200.414) on the attached Federally Recognized Indirect Cost Rates Schedule, which Schedule shall be incorporated herein and made a part of the Agreement. No indirect costs may be charged to the grant by the Recipient if their federally recognized cost rate is not listed on the Schedule. Do not include indirect cost rates for Subrecipients; however, Subrecipients may not charge indirect costs to the grant if they do not also have a federally recognized indirect cost rate.
6. The following project has not been awarded project-based rental assistance for a term of fifteen (15) years. Funding is provided under this Scope of Work for the performance period stated in paragraph 4. Additional funding is subject to the availability of annual appropriations.
7. Program income earned during the grant term shall be retained by the recipient and used for eligible activities. Program income may also be counted as match.

Tax ID No.: 71-6012481  
CoC Program Grant Number: AR0043L6F011602  
Effective Date:  
DUNS No.: 053504945

| FEDERALLY RECOGNIZED INDIRECT COST RATE SCHEDULE |                |                    |           |
|--------------------------------------------------|----------------|--------------------|-----------|
| Grant No.                                        | Recipient Name | Indirect cost rate | Cost Base |
|                                                  |                | %                  |           |

UNITED STATES OF AMERICA,  
Secretary of Housing and Urban Development

BY: \_\_\_\_\_  
(Signature)  
Clinton E. Johnson, Community Planning and Development Director  
(Typed Name and Title)  
\_\_\_\_\_  
(Date)

RECIPIENT  
City of Fayetteville  
(Name of Organization)

BY: \_\_\_\_\_  
(Signature of Authorized Official)  
Honorable Lioneld Jordan, Mayor  
(Typed Name and Title of Authorized Official)  
\_\_\_\_\_  
(Date)

# City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

|                            |                                                                                      |                          |
|----------------------------|--------------------------------------------------------------------------------------|--------------------------|
| <b>Budget Year</b><br>2017 | <b>Division /Org2</b><br>COMMUNITY RESOURCES (642)<br><b>Requestor:</b> Cherrell Lee | <b>Adjustment Number</b> |
|----------------------------|--------------------------------------------------------------------------------------|--------------------------|

## BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Budget adjustment to reflect new SNAP grant budget once new grants are approved by City Council.

|                      |                                         |           |
|----------------------|-----------------------------------------|-----------|
| RESOLUTION/ORDINANCE | COUNCIL DATE:                           | 7/18/2017 |
|                      | LEGISTAR FILE ID#:                      | 2017-0370 |
|                      | <i>Barbara Fell</i><br>7/6/2017 4:24 PM |           |
|                      | Budget Director                         | Date      |
|                      | TYPE:                                   |           |
|                      | DESCRIPTION:                            |           |
|                      | GLDATE:                                 |           |
|                      | POSTED:                                 | /         |

| TOTAL                 | (264,245)             | (264,245) | v.20161220   |     |    |                                |
|-----------------------|-----------------------|-----------|--------------|-----|----|--------------------------------|
| Account Number        | Increase / (Decrease) |           | Project.Sub# |     | AT | Account Name                   |
|                       | Expense               | Revenue   | Project      | Sub |    |                                |
| 2180.642.4955-4333.38 | -                     | (123,833) |              |     | RE | HEARTH Grant Funding - AR0038  |
| 2180.642.4956-4333.43 | -                     | (110,259) |              |     | RE | HEARTH Grant Funding - AR0043  |
| 2180.642.4957-4333.44 | -                     | (30,129)  |              |     | RE | HEARTH Grant Funding - AR0044  |
| 2180.642.4958-4333.39 | -                     | (24)      |              |     | RE | HEARTH Grant Funding - AR0039  |
| 2180.642.4955-5303.00 | 3,059                 | -         |              |     | EX | **Publications & Dues - :      |
| 2180.642.4955-5308.90 | (122,221)             | -         |              |     | EX | Rental - Rent Assistance       |
| 2180.642.4955-5310.90 | (3,109)               | -         |              |     | EX | Utilities - Utility Assistance |
| 2180.642.4956-5303.00 | 11,317                | -         |              |     | EX | **Publications & Dues - :      |
| 2180.642.4956-5308.90 | (150,781)             | -         |              |     | EX | Rental - Rent Assistance       |
| 2180.642.4956-5310.90 | 27,643                | -         |              |     | EX | Utilities - Utility Assistance |
| 2180.642.4957-5308.90 | (35,913)              | -         |              |     | EX | Rental - Rent Assistance       |
| 2180.642.4957-5310.90 | 3,507                 | -         |              |     | EX | Utilities - Utility Assistance |
| 2180.642.4957-5303.00 | 2,277                 | -         |              |     | EX | **Publications & Dues - :      |
| 2180.642.4958-5308.90 | (2,412)               | -         |              |     | EX | Rental - Rent Assistance       |
| 2180.642.4958-5310.90 | 2,388                 | -         |              |     | EX | Utilities - Utility Assistance |



# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

## Text File

File Number: 2017-0335

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**Agenda Date:** 7/18/2017

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Ordinance

**Agenda Number:** B. 1

### **RZN 17-5803: (E. OF OLD MISSOURI RD. & ROLLING HILLS DR. KEENAN):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5803 FOR APPROXIMATELY 10.86 ACRES LOCATED EAST OF THE INTERSECTION OF OLD MISSOURI ROAD AND ROLLING HILLS DRIVE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NS-G, NEIGHBORHOOD SERVICES, GENERAL

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RSF-4, Residential Single Family, 4 units per acre to NS-G, Neighborhood Services, General.

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

City of Fayetteville Staff Review Form

2017-0335

Legistar File ID

7/6/2017

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

Andrew Garner

6/16/2017

City Planning /  
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5803: Rezone (E. OF OLD MISSOURI RD. & ROLLING HILLS DR./KEENAN, 253- 254): Submitted by JORGENSEN & ASSOCIATES for property EAST OF OLD MISSOURI RD. & ROLLING HILLS DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 10.86 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES, GENERAL.

Budget Impact:

|                             |    |                   |      |
|-----------------------------|----|-------------------|------|
| Account Number              |    | Fund              |      |
| Project Number              |    | Project Title     |      |
| Budgeted Item?              | NA | Current Budget    | \$ - |
|                             |    | Funds Obligated   | \$ - |
|                             |    | Current Balance   | \$ - |
| Does item have a cost?      | No | Item Cost         |      |
| Budget Adjustment Attached? | NA | Budget Adjustment |      |
|                             |    | Remaining Budget  | \$ - |

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



## CITY COUNCIL AGENDA MEMO

### MEETING OF JULY 6, 2017

**TO:** Mayor, Fayetteville City Council

**THRU:** Andrew Garner, Planning Director

**FROM:** Jonathan Curth, Senior Planner

**DATE:** June 16, 2017

**SUBJECT: RZN 17-5803: Rezone (E. OF OLD MISSOURI RD. & ROLLING HILLS DR./KEENAN, 253- 254):** Submitted by JORGENSEN & ASSOCIATES for property EAST OF OLD MISSOURI RD. & ROLLING HILLS DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 10.86 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES, GENERAL.

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### RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to NS-G, Neighborhood Services, General, as shown in the attached Exhibits 'A' and 'B'.

### BACKGROUND:

The proposed rezoning request is an approximately 11-acre portion of a larger 50-acre parcel to the east of Old Missouri Road, between Rolling Hills Drive to the north and Oakcliff Street to the south. The property is currently undeveloped and zoned RSF-4, Residential Single-family, 4 Units per Acre. Along with 11,000 acres of other property on the periphery of the City's boundaries, the subject property was annexed in to Fayetteville in 1967. To the subject property's north, the City's Master Street Plan indicates a Planned Principal Arterial link connecting Rolling Hills Drive in the west with Old Wire and Crossover Roads to the east. Although not identified as being within Hillside-Hilltop Overlay District, the property is heavily-vegetated with a significant downward grade from southeast to northwest.

*Request:* The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre to NS-G, Neighborhood Services, General, in order prepare the parcel for development.

*Land Use Compatibility:* The proposed zoning is compatible with surrounding land use patterns in this area, which includes a mixture of residential and non-residential development. Although this area of Fayetteville is predominantly detached single-family in character, those properties in close vicinity to the requested rezoning range from office and institutional uses the west, undeveloped and school properties to the north, and attached housing to the southwest. The proposal of NS-G zoning with access to the Collector-classified Old Missouri Road, between a Collector, Old Wire Road, to the south, and a Principal Arterial, Rolling Hills Drive, to the north



can take advantage of existing infrastructure and minimize future traffic needing to enter or pass through low-volume residential streets. Furthermore, by locating potentially low- to medium-intensity residential and non-residential uses on the subject property, a natural transition can be created from the aforementioned major transportation routes to future growth on undeveloped properties to the east.

*Land Use Plan Analysis:* The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with the Residential Neighborhood Area designation of the subject property and surrounding area. The location of the requested rezoning is complimentary of the guidelines of City Plan 2030 for higher intensity non-residential uses along connecting corridors. As mentioned, the subject property can access the Collector-classified Old Missouri Road, and is within an 1/8<sup>th</sup> of a mile of two other major transportation routes: Old Wire Road and Rolling Hills Drive. Additionally, this rezoning request addresses the future extension of Rolling Hills Drive eastward as indicated by the Master Street Plan, which will place the subject property on a potentially significant intersection serving a large area of residential housing.

Among the goals in City Plan 2030, the proposed rezoning represents the potential for appropriate infill development, development in a traditional town form pattern, and a means of discouraging suburban sprawl. Although a sanitary sewer extension is likely needed to facilitate development, other City infrastructure and amenities are already in place and available for access, thereby reducing the strain on City infrastructure and amenities that would result from similar development in a sprawl location. Similarly, the requested NS-G zoning district encourages patterns of development that result in realizing the City's goal of making traditional town form the standard. This includes the expectation that buildings be located at the street and on corners, thereby creating an environment appealing to pedestrians and reducing the visual impact of parking areas, while also limiting permitted uses to those that are complementary to adjacent neighborhoods. A mixture of residential and commercial uses, which is permitted by the NS-G zoning district, is typical in a traditional urban form, with buildings addressing the street.

#### **DISCUSSION:**

On June 12, 2017, the Planning Commission forwarded the proposal to City Council with a recommendation for approval passed by a vote of 6-1-0. Commissioner Belden voted 'no'.

#### **BUDGET/STAFF IMPACT:**

N/A

#### **Attachments:**

- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

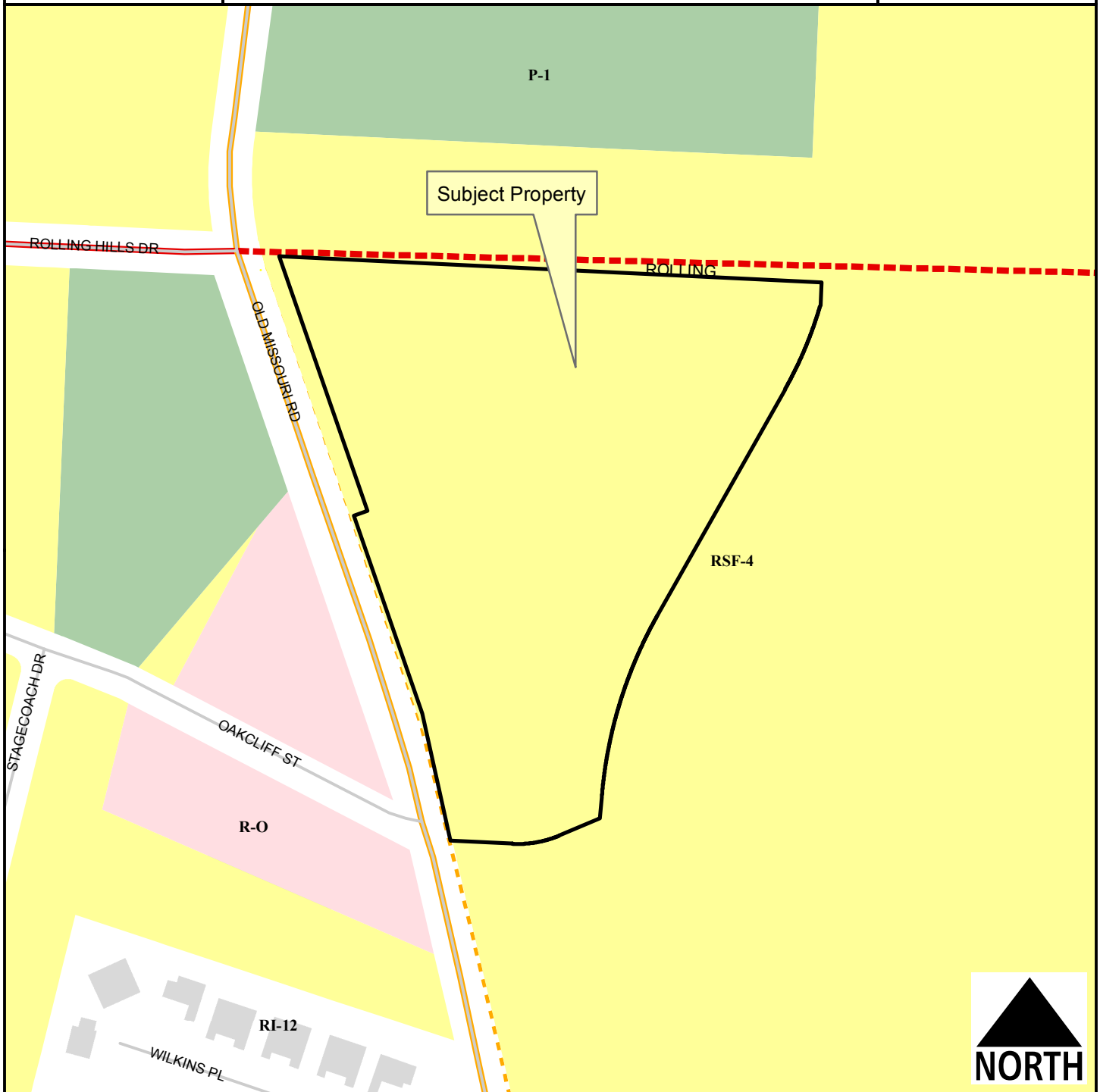
RZN 17-5803

# KEENAN

17-5803

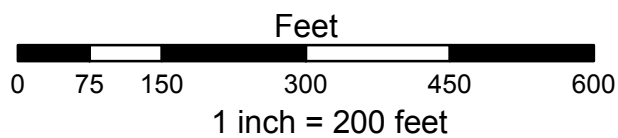
Close Up View

EXHIBIT 'A'



## Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



- RSF-4
- Residential-Office
- P-1

**17-5803**  
**EXHIBIT 'B'**

LEGAL DESCRIPTION: (REZONE TO NSG)

A part of the SW1/4 of the NE1/4 of Section 36, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of said SW1/4, NE1/4, thence S47°19'01"W 103.51 feet, thence N12°31'05"W 460.21 feet to the POINT OF BEGINNING ; thence N12°31'05"W 178.91 feet, thence N19°07'20"W 288.26 feet, thence N70°52'39"E 20.00 feet, thence N19°07'21"W 370.00 feet, thence S87°14'50"E 745.99 feet, thence S02°45'10"W 32.12 feet, thence along a non tangent curve to the right 125.32 feet, said curve having a radius of 538.69 feet and chord bearing and distance of S22°49'33"W125.04 feet, thence S29°29'25"W 355.66 feet to a point of curve to the left264.88 feet, said curve having a radius of 608.69 feet and a chord bearing and distance of S17°01'25"W 262.80 feet, thence S04°33'25"W 28.59 feet, thence S67°13'38"W 59.92 feet to a point of curve to the right66.83 feet, said curve having a radius of 150.00 feet and a chord bearing and distance of S79°59'24"W 66.27 feet, thence N87°14'50"W 84.85 feet to the POINT OF BEGINNING, Containing 8.08 acres, more or less, subject to easements and right of ways of record.

CITY OF FAYETTEVILLE, ARKANSAS

# REZONING

#330

|                                                                                                                                         |                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| <b>FOR STAFF USE ONLY</b><br>Date Application Submitted:<br>Date Accepted as Complete:<br>Case / Appeal Number:<br>Public Hearing Date: | FEE: \$325.00<br>Sign Fee: \$5.00<br>S-T-R:<br>PP#:<br>Zone: |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|

Please fill out this form completely, supplying all necessary information and documentation to support your request. Your application will not be placed on the Planning Commission agenda until this information is furnished.

## Application:

Indicate one contact person for this request: \_\_\_\_\_ Applicant ☒ Representative

Applicant (person making request):

Name: James Keenan

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Phone: \_\_\_\_\_

( ) \_\_\_\_\_

Fax: \_\_\_\_\_

( ) \_\_\_\_\_

Site Address / Location: \_\_\_\_\_

Current Zoning District: RSF-4

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

Name: Jorgensen & Assoc

Address: 124 W. Sunbridge  
FAYETTEVILLE, AR  
72703

E-mail: dave@jorgensenassoc.com

Phone: 442-9127

( ) \_\_\_\_\_

Fax: \_\_\_\_\_

( ) \_\_\_\_\_

Requested Zoning District: NSG

Assessor's Parcel Number(s) for subject property: 765-16065-012

## FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**APPLICANT / REPRESENTATIVE:** I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): James T. Keenan, Trustee Date: 4/18/17

✓ Signature: [Signature]

**PROPERTY OWNER(S) / AUTHORIZED AGENT:** I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Property Owners of Record (attach additional info if necessary):

✓ Name (printed): James T. Keenan Address: \_\_\_\_\_

Signature: [Signature] \_\_\_\_\_

Date: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Name (printed): \_\_\_\_\_ Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

### Rezoning Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
  - \$325.00 application fee
  - \$5.00 public notification sign fee
- (2) A legal description of the property to be rezoned. A survey may be required if the property description can not accurately be platted or if it is described by referring to other deeds.
- (3) CD containing a copy of the legal description in MS Word and all required submittal items should be also included on the CD in PDF format.
- (4) 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](http://www.co.washington.ar.us)). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.



## PLANNING COMMISSION MEMO

**TO:** City of Fayetteville Planning Commission

**THRU:** Andrew Garner, City Planning Director

**FROM:** Jonathan Curth, Senior Planner

**MEETING DATE:** June 12, 2017 (Updated with Planning Commission Results)

**SUBJECT:** **RZN 17-5803: Rezone (E. OF OLD MISSOURI RD. & ROLLING HILLS DR./KEENAN, 253- 254):** Submitted by JORGENSEN & ASSOCIATES for property EAST OF OLD MISSOURI RD. & ROLLING HILLS DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 10.86 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES, GENERAL

---

### RECOMMENDATION:

Staff recommends forwarding **RZN 17-5803** to the City Council with a recommendation of approval, based on the findings herein.

### BACKGROUND:

The proposed rezoning request is an approximately 11-acre portion of a larger 50-acre parcel to the east of Old Missouri Road, between Rolling Hills Drive to the north and Oakcliff Street to the south. The property is currently undeveloped and zoned RSF-4, Residential Single-family, 4 Units per Acre. Along with 11,000 acres of other property on the periphery of the City's boundaries, the subject property was annexed in to Fayetteville in 1967. To the subject property's north, the City's Master Street Plan indicates a Planned Principal Arterial link connecting Rolling Hills Drive in the west with Old Wire and Crossover Roads to the east. Although not identified as being within Hillside-Hilltop Overlay District, the property is heavily-vegetated with a significant downward grade from southeast to northwest. Surrounding land use and zoning is provided on *Table 1*.

**Table 1**  
**Surrounding Land Use and Zoning**

| Direction | Land Use                                                  | Zoning                                             |
|-----------|-----------------------------------------------------------|----------------------------------------------------|
| North     | Undeveloped                                               | RSF-4, Residential Single-family, 4 Units per Acre |
| South     | Undeveloped                                               | RSF-4, Residential Single-family, 4 Units per Acre |
| East      | Undeveloped                                               | RSF-4, Residential Single-family, 4 Units per Acre |
| West      | Good Shepard Lutheran Church<br>Butterfield Plaza Offices | P-1, Institutional<br>R-O, Residential Office      |

*Request:* The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre to NS-G, Neighborhood Services, General, in order prepare the parcel for development.



*Public Comment:* Staff has received comment from one individual who is expressly opposed to the request. Their opposition stems from a desire to not live next to commercial development or attached residential housing, both of which are permitted within the NS-G zoning district.

## INFRASTRUCTURE:

**Streets:** The subject portion of this parcel has access to Old Missouri Road, an improved Collector-classified street with full right-of-way, curb, and gutter. Sidewalk however, is not present along the subject property's frontage. Any street improvements required in this area will be determined at the time of development proposal.

**Water:** Public water is available to the site. A 6-inch water main runs along the Old Missouri Road right-of-way and is available for service. To the east is a large 36-inch transmission line within a 40-foot easement which is not available for connection.

**Sewer:** Public sewer is not currently available to the site. The nearest sanitary sewer access is a 6-inch sewer main that terminates at the east end of Rolling Hills Drive. Development of this property will likely necessitate an extension of existing sanitary sewer mains.

**Drainage:** Any additional improvements or requirements for drainage would be determined at the time of development. No portion of the subject property lies within the FEMA designated 100-yr floodplain and no protected streams are present on the subject property. Although no portion of the property is designated as Hillside-Hilltop Overlay District (HHOD), there are some areas of 15% or greater slope.

**Fire:** The Fire Department did not express any concerns with this request.

**Police:** The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **Residential Neighborhood Area**.*

**Residential Neighborhood Areas** are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and row-houses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. *It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.* This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

## FINDINGS OF THE STAFF

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

**Finding:** *Land Use Compatibility:* The proposed zoning is compatible with surrounding land use patterns in this area, which includes a mixture of residential and non-residential development. Although this area of Fayetteville is predominantly detached single-family in character, those properties in close vicinity to the requested rezoning range from office and institutional uses the west, undeveloped and school properties to the north, and attached housing to the southwest. The proposal of NS-G zoning with access to the Collector-classified Old Missouri Road, between a Collector, Old Wire Road, to the south, and a Principal Arterial, Rolling Hills Drive, to the north can take advantage of existing infrastructure and minimize future traffic needing to enter or pass through low-volume residential streets. Furthermore, by locating potentially low- to medium-intensity residential and non-residential uses on the subject property, a natural transition can be created from the aforementioned major transportation routes to future growth on undeveloped properties to the east.

*Land Use Plan Analysis:* The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with the Residential Neighborhood Area designation of the subject property and surrounding area. The location of the requested rezoning is complimentary of the guidelines of City Plan 2030 for higher intensity non-residential uses along connecting corridors. As mentioned, the subject property can access the Collector-classified Old Missouri Road, and is within an 1/8<sup>th</sup> of a mile of two other major transportation routes: Old Wire Road and Rolling Hills Drive.

Among the goals in City Plan 2030, the proposed rezoning represents the potential for appropriate infill development, development in a traditional town form pattern, and a means of discouraging suburban sprawl. Although a sanitary sewer extension is likely needed to facilitate development, other City infrastructure and amenities are already in place and available for access, thereby reducing the strain on City infrastructure and amenities that would result from similar development in a sprawl location. Similarly, the requested NS-G zoning district encourages patterns of development that result in realizing the City's goal of making traditional town form the standard. This includes the expectation that buildings be located at the street and on corners, thereby creating an environment appealing to pedestrians and reducing the visual impact of parking areas, while also limiting permitted uses to those that are complementary to adjacent neighborhoods. A mixture of residential and commercial uses, which is permitted by the NS-G zoning district, is typical in a traditional urban form, with buildings addressing the street.

Lastly, this area of the City has many residents living in large numbers of low- to medium-density single-family homes without ready access to non-residential goods. The nearest retail and services are along the College Avenue corridor approximately a mile to the west. This development pattern has resulted in many residents being required to drive to meet any daily needs, and contributing to congestion along Rolling Hills Drive and other routes. The FLUM designation of this area as Residential Neighborhood recognizes this issue in encouraging appropriate non-residential uses, and



**the applicant's proposal for NS-G along this connecting corridor could help alleviate the lack of accessible services in the area.**

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

**Finding:** The applicant has requested the zoning change to allow for mixed-uses and to promote walkable developments, which are generally not permitted by-right under the existing RSF-4 zoning district. The proposed NS-G, Neighborhood Services, General, zoning will encourage appropriate commercial or residential development on a parcel with direct access to major connecting corridors and in an area that has seen limited provision of retail and services. The NS-G zoning district is designed primarily to promote neighborhood businesses that are complementary and compatible in scale, aesthetics, and use with surrounding land uses.

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

**Finding:** The NS-G zoning district allows a limited range of commercial activity and a residential density that is greater than that allowed under the current RSF-4 zoning district. Given the property's undeveloped state, any development would invariably create the potential for increased traffic in the area. That said, and as previously noted, the property is located on Old Missouri Road, a Collector-classified street, and in close proximity to Rolling Hills Drive and Old Wire Road, Arterial and Collector streets respectively. There are not currently any signalized intersections in the immediate vicinity of the subject property, but this may change and be required in association with a proposed development submittal. While there will be an appreciable increase in traffic with any development, direct access to Old Missouri Road will likely limit the intrusion of through traffic into adjacent neighborhoods.

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

**Finding:** Due to the property being currently undeveloped, development under the current zoning or the proposed zoning will result in an increase in the load on public services. That said, this increase has the potential to be greater than under the existing RSF-4 zoning, depending on the type of development. For example, a non-residential development would not create any density nor adversely increase the load on schools compared to single-family housing, but may place greater demands on public water and sewer. In the instance of residential housing being developed, a rezoning to NS-G may increase the population density to an amount greater than the existing RSF-4. NS-G allows for 18 units per acre, while RSF-4 allows 4 units per acre. Despite these potential and varying impacts, the subject property has access to existing infrastructure, and is an area where staff does not feel a development would have significant adverse impacts on public services or facilities. Additionally, neither the Police nor Fire Departments have expressed objections to the proposal.

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

**Finding:** N/A

**RECOMMENDATION:** Staff recommends forwarding RZN 17-5803 to the City Council with a recommendation of approval, based on the findings discussed throughout this report.

|                                                        |                                   |                                               |                                 |
|--------------------------------------------------------|-----------------------------------|-----------------------------------------------|---------------------------------|
| <b>PLANNING COMMISSION ACTION: Required <u>YES</u></b> |                                   |                                               |                                 |
| <b>Date: <u>June 12, 2017</u></b>                      | <input type="checkbox"/> Tabled   | <input checked="" type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |
| <b>Motion: Quinlan</b>                                 |                                   |                                               |                                 |
| <b>Second: Brown</b>                                   |                                   |                                               |                                 |
| <b>Vote: 6-1-0</b>                                     |                                   |                                               |                                 |
| <b>CITY COUNCIL ACTION: Required <u>YES</u></b>        |                                   |                                               |                                 |
| <b>Date: <u>July 6, 2017 (planned)</u></b>             | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied               |                                 |

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - o §161.03, RSF-4, Residential Single-family, 4 Units per Acre
  - o §161.20, NS-G, Neighborhood Services – General
  - o §162.01, Unit 12b, General Business
- Request letter
- Rezone Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

**161.07 - District RSF-4, Residential Single-Family - Four (4) Units Per Acre**

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 3  | Public protection and utility facilities |
| Unit 4  | Cultural and recreational facilities     |
| Unit 5  | Government facilities                    |
| Unit 9  | Two-family dwellings                     |
| Unit 12 | Limited business                         |
| Unit 24 | Home occupations                         |
| Unit 36 | Wireless communications facilities       |
| Unit 44 | Cluster Housing Development              |

(C) *Density.*

|                |                         |                          |
|----------------|-------------------------|--------------------------|
|                | Single-family dwellings | Two (2) family dwellings |
| Units per acre | 4 or less               | 7 or less                |

(D) *Bulk and Area Regulations.*

|                                             |                         |                          |
|---------------------------------------------|-------------------------|--------------------------|
|                                             | Single-family dwellings | Two (2) family dwellings |
| Lot minimum width                           | 70 feet                 | 80 feet                  |
| Lot area minimum                            | 8,000 square feet       | 12,000 square feet       |
| Land area per dwelling unit                 | 8,000 square feet       | 6,000 square feet        |
| Hillside Overlay District Lot minimum width | 60 feet                 | 70 feet                  |

|                                            |                   |                    |
|--------------------------------------------|-------------------|--------------------|
| Hillside Overlay District Lot area minimum | 8,000 square feet | 12,000 square feet |
| Land area per dwelling unit                | 8,000 square feet | 6,000 square feet  |

(E) *Setback Requirements.*

|         |        |         |
|---------|--------|---------|
| Front   | Side   | Rear    |
| 15 feet | 5 feet | 15 feet |

(F) *Building Height Regulations.*

|                         |         |
|-------------------------|---------|
| Building Height Maximum | 45 feet |
|-------------------------|---------|

*Height Regulations.* Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.

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

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. [5921](#), §1, 11-1-16)

### 161.19 - Neighborhood Services – General

(A) *Purpose.* The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Service, General promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

|          |                                         |
|----------|-----------------------------------------|
| Unit 1   | City-wide uses by right                 |
| Unit 8   | Single-family dwellings                 |
| Unit 9   | Two (2) family dwellings                |
| Unit 10  | Three (3) and four (4) family dwellings |
| Unit 12b | General Business                        |
| Unit 24  | Home occupations                        |
| Unit 41  | Accessory dwelling units                |
| Unit 44  | Cluster Housing Development             |

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use        |
| Unit 3  | Public protection and utility facilities |
| Unit 4  | Cultural and recreational facilities     |
| Unit 5  | Government Facilities                    |
| Unit 13 | Eating places                            |
| Unit 16 | Shopping Goods                           |
| Unit 19 | Commercial recreation, small sites       |
| Unit 25 | Offices, studios and related services    |
| Unit 26 | Multi-family dwellings                   |
| Unit 36 | Wireless communication facilities*       |
| Unit 40 | Sidewalk cafes                           |
| Unit 45 | Small scale production                   |

(C) *Density.* Eighteen (18) or less per acre.

(D) *Bulk and Area.*

(1) *Lot Width Minimum.*

|                |         |
|----------------|---------|
| All Dwellings  | 35 feet |
| All other uses | None    |

(2) *Lot Area Minimum.*

|                        |                                     |
|------------------------|-------------------------------------|
| Single-family          | 4,000 square feet                   |
| Two (2) family or more | 3,000 square feet per dwelling unit |
| All other uses         | None                                |

(E) *Setback Regulations.*

| Front:                                                                                                          | Side   | Side-Zero Lot Line                                                                                                                                                          | Rear | Rear, when contiguous to a single-family residential district |
|-----------------------------------------------------------------------------------------------------------------|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|---------------------------------------------------------------|
| A build-to-zone that is located between the front property line and a line 25 ft. from the front property line. | 5 feet | A setback of less than five feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed. The remaining side setback shall be 10 feet. | None | 15 feet                                                       |

(F) *Building height Regulations.*

|                         |         |
|-------------------------|---------|
| Building Height Maximum | 45 feet |
|-------------------------|---------|

(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

## 162.01 - Establishment/Listing

...

### (L) Unit 12b. General Business.

- (1) *Description.* Unit 12b consists of small-scale establishments offering commercial goods and services that are accessible for the convenience of individuals living in residential districts, while compatible in size, scale and appearance with the surrounding neighborhood. These uses shall be subject to the regulations in Chapter 164. All uses classified under Unit 12b must be within a building containing 8,000 square feet or less, excluding area dedicated to residential uses.

### (2) *Included Uses.*

|                                                                         |                              |
|-------------------------------------------------------------------------|------------------------------|
| Personal Services:<br>(Maximum gross floor area of 1500 square feet)    | • Day care                   |
|                                                                         | • Dry Cleaning               |
|                                                                         | • Salon/Barber shop          |
|                                                                         | • Tailoring                  |
| Specialized Retail:<br>(Maximum gross floor area of 2,000 square feet)  | • Antique/home decor sales   |
|                                                                         | • Apparel                    |
|                                                                         | • Art/architectural supplies |
|                                                                         | • Bakery, Pastry shops       |
|                                                                         | • Bicycle Shops              |
|                                                                         | • Bookstore                  |
|                                                                         | • Coffee shop                |
|                                                                         | • Delicatessen               |
|                                                                         | • Drugstore                  |
|                                                                         | • Florist                    |
|                                                                         | • Food specialty stores      |
|                                                                         | • Grocery                    |
|                                                                         | • Hardware                   |
|                                                                         | • Health food store          |
|                                                                         | • Hobby/Craft Stores         |
|                                                                         | • Ice cream                  |
|                                                                         | • Meat Market                |
|                                                                         | • Restaurant/café            |
|                                                                         | • Small appliance repair     |
|                                                                         | • Stationary Store           |
|                                                                         | • Toy store                  |
|                                                                         | • Video rental               |
| Professional Offices:<br>(Maximum gross floor area of 3000 square feet) | • Accountant                 |
|                                                                         | • Architect                  |
|                                                                         | • Attorney                   |

|  |                               |
|--|-------------------------------|
|  | • Broker                      |
|  | • Business/Mgmt<br>Consultant |
|  | • Doctor                      |





**JORGENSEN  
+ASSOCIATES**  
Civil Engineering + Surveying

RZN 17-5803

## Request Letter

124 W Sunbridge Drive, Suite 5  
Fayetteville, AR 72703  
Office: 479.442.9127  
Fax: 479.582.4807  
[www.jorgensenassoc.com](http://www.jorgensenassoc.com)

4/13/17

City of Fayetteville  
113 W Mountain  
Fayetteville, AR. 72701

Att: Planning Dept.  
Re: Rezoning Request (Keenan)

Attached please find information pertaining to a rezoning request for James Keenan. This property consists of 10.86 acres and Old Missouri Rd runs along the south boundary. An 8" water line runs along this street. Sewer is available at the intersection of Rolling Hills and Old Missouri Rd. The existing property is RSF-4 and the request is to rezone to Neighborhood Services-General. This new zoning will allow a mixed use area of medium intensity which promotes a walkable development.

Please place this on the agenda for review.

Thank you.

Sincerely;

  
David L. Jorgensen, P.E.



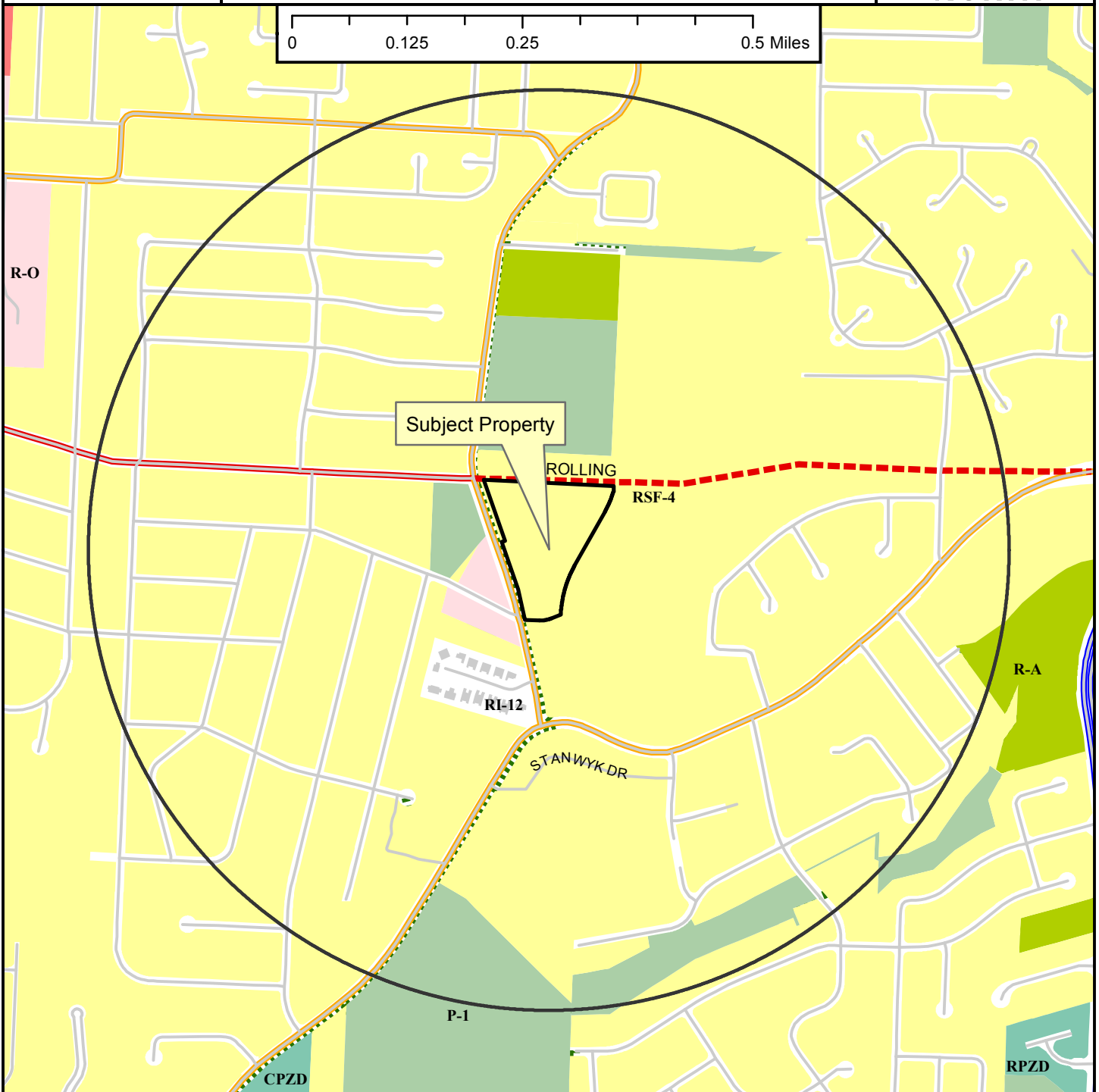
RZN 17-5803

One Mile View

# KEENAN

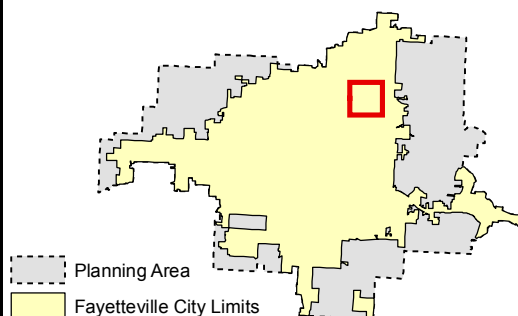


0 0.125 0.25 0.5 Miles



## Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint

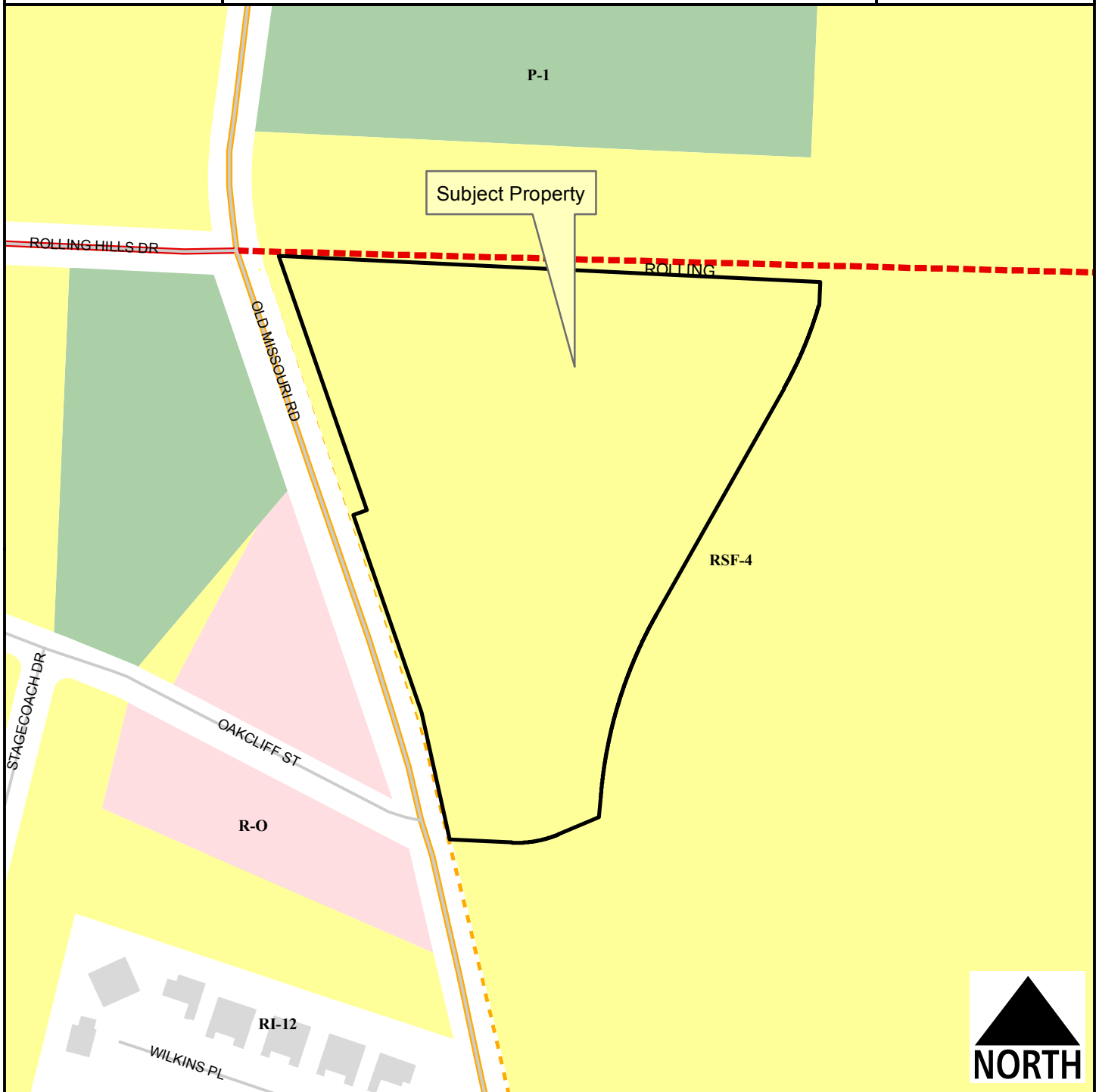


- |                                           |                                     |
|-------------------------------------------|-------------------------------------|
| <b>Zoning</b>                             | <b>EXTRACTION</b>                   |
| <b>RESIDENTIAL SINGLE-FAMILY</b>          | E-1                                 |
| RSF-5                                     | <b>COMMERCIAL</b>                   |
| RSF-1                                     | Residential-Office                  |
| RSF-2                                     | C-1                                 |
| RSF-4                                     | C-2                                 |
| RSF-7                                     | C-3                                 |
| RSF-8                                     | <b>FORM BASED DISTRICTS</b>         |
| RSF-18                                    | Downtown Core                       |
| <b>RESIDENTIAL MULTI-FAMILY</b>           | Urban Thoroughfare                  |
| RT-12 Residential Two and Three-family    | Main Street Center                  |
| RMF-6                                     | Downtown General                    |
| RMF-12                                    | Community Services                  |
| RMF-18                                    | Neighborhood Services               |
| RMF-24                                    | Neighborhood Conservation           |
| RMF-40                                    | <b>PLANNED ZONING DISTRICTS</b>     |
| <b>INDUSTRIAL</b>                         | Commercial, Industrial, Residential |
| I-1 Heavy Commercial and Light Industrial | <b>INSTITUTIONAL</b>                |
| I-2 General Industrial                    | P-1                                 |

RZN 17-5803

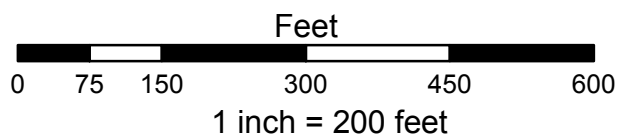
# KEENAN

Close Up View



## Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



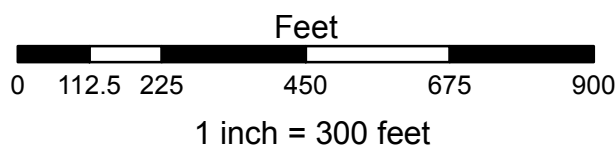
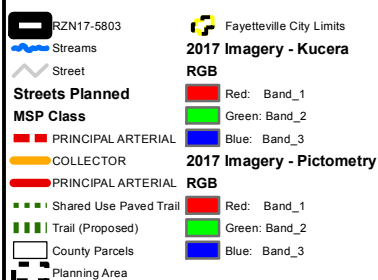
- RSF-4
- Residential-Office
- P-1



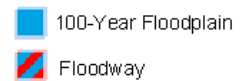
RZN 17-5803

Current Land Use

# KEENAN



## FEMA Flood Hazard Data



Dear Andrew

My name is Tanya Owen and I am writing about a proposed rezoning issue on your agenda tonight. I have spoken with Jorgensen & Associates and I believe I understand what is being requested. My home will be approximately 1100 ft from this development.

I am personally very concerned about increasing traffic flow on the already congested Old Missouri/ Old Wire interchange. Further, I do not see the need for additional commercial space in Fayetteville, when the center directly across the street from this proposed rezoning already has multiple places that are usually (as they are now) unoccupied. Finally and selfishly, I am concerned about bringing additional commercial traffic to this area, which is so near to Butterfield Elementary. While my children have aged out of this school, this is our neighborhood school and having commercial entities so close to the children is entirely unnecessary, given the numerous commercial spaces for lease in Fayetteville. My husband and I are both small business owners in Fayetteville and we have numerous choices when looking for office space, such as what is being proposed. I see no need for more.

Thank you for your consideration.

Tanya

--

Tanya Rutherford Owen, Ph.D., CRC, CLCP, LPC  
Owen Vocational Services, Inc.  
1130 E Millsap  
Fayetteville, AR 72703  
(479) 695-1772  
Fax (501) 421-6043





# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

## Text File

File Number: 2017-0355

**Agenda Date:** 7/18/2017

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Resolution

**Agenda Number:** C. 1

### **KIMBEL MECHANICAL SYSTEMS, INC.:**

A RESOLUTION TO APPROVE AND CERTIFY THE PARTICIPATION OF KIMBEL MECHANICAL SYSTEMS, INC. IN THE ARKANSAS TAX BACK PROGRAM AND TO AGREE TO AUTHORIZE THE ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION TO REFUND CITY SALES TAX BACK TO KIMBEL MECHANICAL SYSTEMS, INC. FOR QUALIFIED PURCHASES

**WHEREAS**, Kimbel Mechanical Systems, Inc., a construction mechanical contractor that designs and constructs plumbing, electrical, and HVAC work for the residential and commercial housing sectors, has moved its national headquarters to Fayetteville and has planned a total investment of \$580,000.00 in improvements to an existing building; and

**WHEREAS**, Kimbel Mechanical Systems, Inc. is committed to creating 55 new jobs paying an average hourly wage of \$27.37 for a total annual payroll of approximately \$3,100,000.00 and the company trains its entry level employees for licensing in plumbing and electrical work, contributing to the development of a skilled workforce in the City of Fayetteville; and

**WHEREAS**, in order to certify Kimbel Mechanical Systems, Inc. to participate in the sales and use tax refund program, either Washington County or the City of Fayetteville, or both, must "(s)pecify that the Department of Finance and Administration is authorized to refund local sales taxes to the qualified business." {A.C.A.

§15-4-2706 (d)(B)(ii)}; and

**WHEREAS**, the City of Fayetteville or Washington County must also endorse Kimbel Mechanical Systems, Inc.'s participation in this state and local sales and use tax refund program; and

**WHEREAS**, bond indentures prevent diversion of sales tax proceeds from the city's bonded penny sales and use tax.

**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 endorses Kimbel Mechanical Systems, Inc.'s participation in the sales and use tax refund program authorized by A.C.A.

§15-4-2706(d) in relation to its renovations, equipping and hiring at its new facility in Fayetteville, Arkansas.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby specifies that the Department of Finance and Administration is authorized to refund the non-bonded penny city sales tax to Kimbel Mechanical Systems, Inc. for qualified construction and equipment purchased for its facility in Fayetteville, Arkansas.



City of Fayetteville Staff Review Form

2017-0355

Legistar File ID

7/18/2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Devin Howland

6/26/2017

ECONOMIC DEVELOPMENT (050)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Resolution of the City of Fayetteville certifying local government endorsement of Kimbel Mechanical Systems, Inc. to participate in the State of Arkansas Tax Back Program (as authorized by Section 15-4 2706(d) of the Consolidated Incentive Act of 2003) and authorizing the Department of Finance and Administration to refund local sales and use taxes to Kimbel Mechanical Systems, Inc.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



**CITY OF  
FAYETTEVILLE  
ARKANSAS**

**STAFF MEMO**

**TO:** Mayor; Fayetteville City Council

**THRU:** Don Marr, Chief of Staff

**FROM:** Devin Howland, Director of Economic Vitality

**DATE:** June 26, 2017

**SUBJECT:** Kimbel Mechanical Systems, Inc. Tax Back Program

---

**RECOMMENDATION:**

The City Staff and Administration recommend on behalf of the Mayor's office that the City Council of the City of Fayetteville pass a resolution in support of Kimbel Mechanical Systems, Inc. to participate in the State of Arkansas Tax Back Program. The Arkansas Economic Development Commission seeks local support for the Tax Back Program, and the City Council's action to support this application will result in their approval.

**BACKGROUND:**

The City of Fayetteville was contacted by Steve Clark, President and CEO of the Fayetteville Chamber of Commerce and Chung Tan, Director of Economic Development with the Fayetteville Chamber of Commerce, seeking endorsement of Kimbel Mechanical Systems Inc. to participate in the State of Arkansas Tax Back Program of the Consolidated Incentive Act of 2003.

Kimbel Mechanical Systems, Inc. is a US company which was previously headquartered in Springdale. Kimbel Mechanical Systems (KMS) has moved its national headquarters to 1936 N Shiloh Drive. KMS is a construction mechanical contractor where they design and construct plumbing, electrical, and HVAC for the residential housing sector and commercial sector. During an expansion phase, KMS considered several sites and chose to locate its new facility in Fayetteville on North Shiloh Drive. With this proposal, KMS is committed to creating 55 new jobs which pay an average hourly wage of \$27.37 for a total annual payroll of \$3,131,128. In addition, they will be investing \$580,000 on renovating and updating the existing building. Furthermore, KMS trains their entry level employees for licensing in plumbing and electrical, contributing to the development of a skilled workforce in the City of Fayetteville.

**DISCUSSION:**

Kimbel Mechanical Systems, Inc. meets the Fayetteville First Plan's goals of attracting corporate services and developing a skilled workforce.

**BUDGET/STAFF IMPACT:**

We believe the budget impact will be neutral. The job growth will spur new sales tax growth from the new employees but most importantly may lead to further expansion in this area supporting KMS's needs.

**Attachments:**

Exhibit A: Chamber of Commerce Support Letter

Exhibit B: Consolidated Incentive Act of 2003 Incentive Application



June 13, 2017

Mayor Lioneld Jordan  
Fayetteville City Council  
113 West Mountain  
Fayetteville, AR 72701

Dear Mayor Jordan and Council Aldermen:

I am pleased to inform you that Kimbel Mechanical Systems, Inc. (KMS), a company previously headquartered in Springdale, has moved its national headquarters to Fayetteville at 1936 N Shiloh Drive. KMS is a new construction mechanical contractor where they design and/or execute plumbing, HVAC and electrical work for the residential and commercial housing sector.

This expansion project includes the purchase of property in Fayetteville, \$580,000 in improvements and new construction to the existing building as well as creating 55 new jobs in the process. Average hourly wage of the new employees will be \$27.37 resulting in a new payroll of \$3.1 million annually.

KMS has applied for the Arkansas Tax Back program and the Fayetteville Chamber is very much in favor of supporting its application. I strongly recommend that the City leaders approve a resolution to refund sales and use taxes to KMS for qualified purchases under this program.

Such action allows KMS to reinvest the funds in its expansion program and spur economic development in Fayetteville. KMS meets Fayetteville First's goals of attracting corporate services to Fayetteville and providing workforce training. KMS trains its entry level employees for licensing in plumbing and electrical thus contributes towards building a trained workforce in Fayetteville. KMS has the capabilities and expertise to successfully operate and manage the company as evidenced by this expansion exercise. I anticipate KMS to grow and expand even more in the future. Last but not least, KMS is a valuable asset that we can leverage when we attract new and complementary businesses to the city.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steve Clark'.

Steve Clark, IOM  
President/CEO

bh



# Consolidated Incentive Act of 2003 Incentive Application

## OFFICE USE ONLY

Project #

Project Manager

Date Received

### Incentive Program

Please select which of the following program(s) are applicable to this application:

#### Job Creation:

☒ **Advantage Arkansas** (Income Tax Credit program)

Investment: (construction, expansion, modernization)

Applicants may only select one of the following programs:

☒ **Tax Back** (Sales and Use Tax Refund program)  
For new or expanding businesses with a \$100,000 minimum investment

OR

☐ **InvestArk** (Sales and Use Tax Credit program)  
For existing businesses only, with two (2) or more years of operating in Arkansas, investing a minimum of \$5,000,000 and obtaining a direct-pay sales/use tax permit.

### Applicant

Kimbel Mechanical Systems, Inc.  
Local Operating Name of Company

1936 N. Shiloh Drive Fayetteville, AR 72704  
Mailing Address City/State Zip

Same  
Physical Location of Project City/State/Zip County

Eric Barnes 479-409-6062  
Name and Title of Local Company Contact Phone Fax

eric.barnes@kimbelmechanical.com www.kimbelmechanical.com  
Company Contact e-mail address Company Website

Complete Company Name, if company is filing for tax credit under a different name

**Project****Cost****Estimate**

Land .....\$ \_\_\_\_\_  
Building (a) New construction .....\$ \_\_\_\_\_  
          (b) Existing building\* .....\$ 580,000  
Equipment .....\$ \_\_\_\_\_

**TOTAL** .....\$ 580,000

*\* Much of this cost relates to improvements/new construction in the building acquired.*

**Employment\***

Present employment: 195

Number of new employees resulting from this project: 55

Average Hourly wage of new employees hired for this project: \$ 27.37

Total annual payroll of new employees hired for this project: \$ 3,131,128

**NOTE:** To qualify for the income tax credits provided by the Advantage Arkansas program, the company must be an eligible business and meet the minimum payroll requirements for the Tier (county) in which the project is located. The Tier Map is available on line at [www.ArkansasEDC.com](http://www.ArkansasEDC.com).

*\* All numbers relate to Arkansas employment.*

**NAICS****Classification****Code**

551114

*New construction mechanical contractor, performing plumbing, HVAC and electrical work on residential and commercial housing.*  
Description of principal business activity, products manufactured, etc.  
What percentage of the applicant's gross sales are retail sales to the public? 0 %  
(An eligible company must not derive more than 10% of its revenue from sales to the general public)

If the applicant is a computer-related company, a distribution center, office sector business, motion picture company or a scientific and technical services business, 75% of the applicant's sales revenue must be derived from out of state.

What percentage of the applicant's sales is derived from out of state? 50 %

**NOTE:** Information contained in this application is subject to audit by the Arkansas Department of Finance and Administration. If any of the above information is found to be inaccurate and does not qualify, the business will be decertified and shall not receive any benefits and may be required to repay any benefits received, plus penalty.

**I.D. Numbers**

Employer's Federal I.D. Number

Arkansas Sales or Consumer Use Tax Number

**Information  
for Income Tax  
Credit****Ownership of Company** (Please check the appropriate box.)☐ Individual☐ Partnership☐ LLC☐ Taxable Corporation  
(C Corporation)☒ Small Business Corporation  
(Sub S Corporation)

If ownership of company is Individual, Partnership, LLC or Small Business Corporation, please  
provide the following information (a separate attachment may be submitted if necessary):

Name(s)  
of Owner(s)Social Security Number or  
Federal Tax I.D. Number

Brad Smith  
Dustin Hughes

When does your tax year end?

12  
Month31  
Date**Consultant  
Information**  
(If Applicable)N/A

Name of Consultant filing this application

Phone

Fax

Consultant Firm Name

Mailing Address

City/ State/ Zip

Consultant E-mail address

## Project Plan

Please indicate the activity planned by the company associated with this application.  
(Check all that apply)

☐ New Construction
 ☒ Expansion of existing business
 ☒ Modernization

Estimated Start Date of Project: \_\_\_\_\_ Estimated Completion Date of Project: \_\_\_\_\_

**Project Description:**

*Expansion of offices in Northwest Arkansas to allow for further growth of the Company's corporate and operations management personnel, and to provide for meeting, training and classroom facilities.*

**Project Cost Estimates:**

|                                         |                                                    |            |
|-----------------------------------------|----------------------------------------------------|------------|
| <b>Land:</b>                            | <b>Description:</b>                                |            |
|                                         |                                                    | \$         |
| <i>Land Total:</i>                      |                                                    | \$         |
| <b>Building:</b>                        | <b>New construction:</b>                           |            |
|                                         |                                                    | \$         |
|                                         | <b>Expansion or Purchase of existing facility:</b> |            |
|                                         | <i>See attached schedule</i>                       |            |
|                                         |                                                    | \$ 580,000 |
| <i>Building Total:</i>                  |                                                    | \$ 580,000 |
| <b>Machinery and Equipment:</b>         | <b>Description:</b>                                |            |
|                                         |                                                    | \$         |
| <i>Machinery &amp; Equipment Total:</i> |                                                    | \$         |
| <b>Total Estimated Project Cost:</b>    |                                                    | \$ 580,000 |



---

**Certification**

The undersigned authority, Eric Barnes acknowledges that he/she is  
Company Official (Printed Name)  
the owner or authorized official of the applicant company that has the authority to act on behalf of  
the applicant.

This affidavit is made for the specific purpose of verifying that the information contained in this application is true and correct. The applicant acknowledges that only those eligible project costs incurred and/or employees hired after the date this application is received by the Commission will be considered for refund or credit. The Advantage Arkansas program requires a separate financial incentive agreement, signed by the applicant company and the Commission, before hiring any new, full-time, permanent employees. **The applicant company does hereby agree to report new job creation and investment figures annually to the Arkansas Department of Finance and Administration for the term of the incentive agreement and to the Arkansas Economic Development Commission upon request.**

Eric Barnes  
Signature of Company Official

CFO  
Title

5/26/17  
Date

---

**Contract Disclosure**

Any individual contracting with the State of Arkansas must make full disclosure if he or she is a current or former: member of the General Assembly, Constitutional Officer, Board or Commission member, State employee, or the spouse or immediate family member of any of the persons described herein; or if such persons having any position of control or any ownership interest of ten percent (10%) or greater in the entity currently applying to contract with the State. Please indicate if this disclosure is required for this application. Failure to disclose such information is a criminal offense and shall render any contract with the State of Arkansas null and void.

Disclosure Required?: ☐ Yes or ☒ No

---

**Press Release Disclosure**

I ☐ do ☒ do not authorize the Arkansas Economic Development Commission to release to the press the new job creation and investment figures.

(Signing this authorization to release job creation and investment numbers is not mandatory. However, information about benefits received is public information and may be obtained through a Freedom of Information request filed with the Arkansas Department of Finance and Administration.)

\_\_\_\_\_  
Signature of Company Official

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

If you have questions about the incentive programs included in this application, please call the Arkansas Economic Development Commission at 501-682-7675 or visit the Commission's website at [www.ArkansasEDC.com](http://www.ArkansasEDC.com).

Submit this application to:  
**Business Development Division**  
**Arkansas Economic Development Commission**  
**900 West Capitol, Suite 400**  
**Little Rock, AR 72201**

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#### **AEDC APPROVAL**

The Commission's approval of this application is based upon its content. The eligibility provisions of the individual incentive programs will be administered by the Arkansas Department of Finance and Administration upon audit at a later date.

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Signature of AEDC Incentives Manager

**Kimbel Mechanical Systems, Inc.**  
**Advantage Arkansas Program**  
**Tax Back Program**

**Project Description**

Expansion of offices in Northwest Arkansas to allow for further growth of the Company's corporate and operations management personnel, and to provide for meeting, training and classroom facilities.

**Project Cost Estimate**

|                        |    |                |
|------------------------|----|----------------|
| Land                   | \$ | -              |
| Building:              |    |                |
| (a) New construction*  |    | -              |
| (b) Existing building* |    | 580,000        |
| Equipment              |    | -              |
| Total                  | \$ | <u>580,000</u> |

**\* Project Cost Estimates**

|                                                  |    |         |                   |
|--------------------------------------------------|----|---------|-------------------|
| 1. Refurbishment                                 |    |         |                   |
| A. New HVAC units                                | \$ | 50,000  |                   |
| B. Remodel / paint / repairs                     |    | 50,000  |                   |
| C. Repave parking lot                            |    | 10,000  |                   |
| D. Furniture / fixtures - relocate               |    | 10,000  |                   |
| E. Roof repair                                   |    | 15,000  |                   |
| F. Electrical repair                             |    | 37,500  |                   |
| G. Fire safety                                   |    | 25,000  |                   |
| H. Clean-up                                      |    | 3,000   | 200,500           |
| 2. Improvements / new construction               |    |         |                   |
| A. New meeting room and classroom                |    | 77,000  |                   |
| B. Office and file room wall partitioning        |    | 10,000  |                   |
| C. Flooring                                      |    | 75,000  |                   |
| D. Signage                                       |    | 10,000  |                   |
| E. Electrical upgrade                            |    | 37,500  |                   |
| F. Low voltage cabling                           |    | 7,000   |                   |
| G. Network engineering                           |    | 18,000  |                   |
| H. Security                                      |    | 25,000  |                   |
| I. Audio / visual for meeting room and classroom |    | 100,000 |                   |
| J. Kitchen / break room upgrade                  |    | 20,000  | 379,500           |
| Total Project Cost Estimate                      |    |         | <u>\$ 580,000</u> |

**Kimbel Mechanical Systems, Inc.**  
**Advantage Arkansas Program**  
**Tax Back Program**

**Employment**

|                                                          |                     |
|----------------------------------------------------------|---------------------|
| Present employment in Arkansas                           | 195                 |
| Number of new Arkansas employees over the next 5 years** | 55                  |
| Average hourly wage of new employees                     | \$ 27.37            |
| Total annual payroll of new employees                    | <u>\$ 3,131,128</u> |

**\*\* Estimated New Jobs**

| Year          | Cumulative<br>Jobs | Average<br>Hourly<br>Wage | Payroll<br>Estimates    | Tax<br>Credit<br>Estimates |
|---------------|--------------------|---------------------------|-------------------------|----------------------------|
| 1             | 12                 | \$ 27.37                  | \$ 683,155.20           | \$ 6,831.55                |
| 2             | 28                 | \$ 27.37                  | \$ 1,594,028.80         | \$ 15,940.29               |
| 3             | 38                 | \$ 27.37                  | \$ 2,163,324.80         | \$ 21,633.25               |
| 4             | 47                 | \$ 27.37                  | \$ 2,675,691.20         | \$ 26,756.91               |
| 5             | 55                 | \$ 27.37                  | \$ 3,131,128.00         | \$ 31,311.28               |
| <b>Totals</b> |                    |                           | <b>\$ 10,247,328.00</b> | <b>\$ 102,473.28</b>       |



# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

## Text File

File Number: 2017-0361

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**Agenda Date:** 7/18/2017

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Ordinance

**Agenda Number:** C. 2

### **RZN 17-5837 (521 N. SHADY AVE./WCR DEVELOPMENT):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5837 FOR APPROXIMATELY 0.23 ACRES LOCATED AT 521 NORTH SHADY AVENUE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RSF-4, Residential Single Family, 4 Units per Acre to NC, Neighborhood Conservation.

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

City of Fayetteville Staff Review Form

2017-0361

Legistar File ID

7/18/2017

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

Andrew Garner

6/30/2017

City Planning /  
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5837: Rezone (521 N. SHADY AVE./WCR DEVELOPMENT, 445): Submitted by ENGINEERING SERVICES, INC. for property at 521 N. SHADY AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.23 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



## CITY COUNCIL AGENDA MEMO

### MEETING OF JULY 18, 2017

**TO:** Mayor, Fayetteville City Council

**THRU:** Andrew Garner, Planning Director

**FROM:** Quin Thompson, Planner

**DATE:** June 30, 2017

**SUBJECT: RZN 17-5837: Rezone (521 N. SHADY AVE./WCR DEVELOPMENT, 445):** Submitted by ENGINEERING SERVICES, INC. for property at 521 N. SHADY AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.23 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

---

### RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to NC, Neighborhood Conservation, as shown in the attached Exhibits 'A' and 'B'.

### BACKGROUND:

The subject property is located southwest corner of Ila Street and Shady Avenue in the Wilson Park neighborhood. The approximately 0.23 Acre parcel is within the RSF-4 zoning district. The property contains a 5-unit apartment built in 1931. The building appears to have been built for this use, although it is possible that it was sub-divided years ago, either way the structure has contained multiple tenants for several decades. The apartment is considered an existing and non-conforming use within the RSF-4 zoning district.

*Request:* The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre to NC, Neighborhood Conservation. The applicant stated that the intent is to facilitate future re-development of the site.

*Land Use Compatibility:* The proposed zoning is compatible with surrounding land use pattern in this area, which consists generally of single-family residential properties and two small multi-family apartment units, including that on the subject property. In the immediate area, typical lot sizes are around 0.25 acres, with many larger and some significantly smaller. The subject property is typical at 0.23 acres; the NC zoning district would allow the property to be subdivided in to two lots of approximately 4,791 square feet.

*Land Use Plan Analysis:* The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with the Residential Neighborhood Area designation of the subject property and surrounding area, which encourages a wide variety of residential types within a

traditional neighborhood pattern. City Plan 2030 encourages appropriate infill development and re-development in a traditional form, further, appropriate infill is the highest priority of the City Plan 2030. The proposed rezone would, however, allow the property to be redeveloped with two single-family homes, which would somewhat reduce the variety of housing types available in the neighborhood.

**DISCUSSION:**

On June 26, 2017, the Planning Commission forwarded the proposal to City Council with a recommendation for approval passed by a vote of 8-0-0.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report



RZN 17-5837

# WCR DEVELOPMENT

17-5837

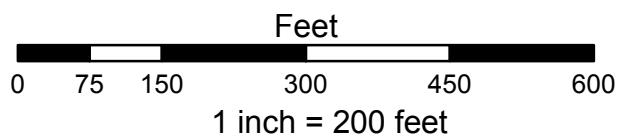
Close Up View

EXHIBIT 'A'



## Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



- RSF-4
- RMF-40
- Downtown General
- Neighborhood Conservation
- P-1

**17-5837**  
**EXHIBIT 'B'**

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED  
(FROM LOT LINE ADJUSTMENT AT BOOK 2007 PAGE 44887)

PART OF LOT 1 AND PART OF LOT 2 IN BLOCK 4 OF THE ENGLEWOOD ADDITION IN FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION RECORDED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE NE CORNER OF SAID ORIGINAL LOT 1, THENCE SOUTH 132.00 FEET, THENCE N89°17'21"W 82.70 FEET, THENCE NORTH 132.00 FEET, THENCE S89°17'21"E 82.70 FEET TO THE POB, CONTAINING 10,916 SQUARE FEET, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

CITY OF FAYETTEVILLE, ARKANSAS

# REZONING

**FOR STAFF USE ONLY**

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

**FEE: \$325.00****Sign Fee: \$5.00**

S-T-R:

PP#:

Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request.  
***Your application will not be placed on the Planning Commission agenda until this information is furnished.***

**Application:**Indicate one contact person for this request: \_\_\_\_\_ Applicant ☒ Representative***Applicant (person making request):***

Name: WCR Development, LLC

Address: 2120 S.Waldron, Suite 6B  
Fort Smith, AR 72903

E-mail:

Phone:  
( 479 ) 461-3171

( )

Fax:

( )

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

Name: Engineering Services, Inc.

Attn: Jason Appel

Address: 1207 S. Old Missouri Road (Physical)  
P.O. Box 282  
Springdale, AR 72765-0282 (Mailing)

E-mail: jappel@engineeringservices.com

Phone:  
( 479 ) 751-8733

( )

Fax:

( 479 ) 751-8746

Site Address / Location: 521 N. Shady Avenue, Fayetteville, Washington County, Arkansas

Current Zoning District: RSF-4

Requested Zoning District: NC

Assessor's Parcel Number(s) for subject property: 765-05102-000

***FINANCIAL INTERESTS***

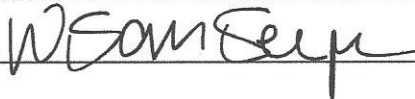
The following entities and / or people have financial interest in this project:

Owners and Applicant

**APPLICANT / REPRESENTATIVE:** I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): SAM SEEGER

Date: 5/23/17

Signature: 

**PROPERTY OWNER(S) / AUTHORIZED AGENT:** I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. *(If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)*

**Property Owners of Record (attach additional info if necessary):**

Name (printed): MAX PARKER

Address: 1680 E SHADOWRIDGE DR

FAYETTEVILLE, AR 72701-2635

Signature: 

Phone:

(479) 799-6918

Date: MAY 23, 2017

Name (printed): \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Phone:

( )

Date: \_\_\_\_\_

### Rezoning Checklist:

*Attach the following items to this application:*

- (1) Payment in full of applicable fees for processing the application:  
\$325.00 application fee  
\$5.00 public notification sign fee
- (2) A legal description of the property to be rezoned. A survey may be required if the property description can not accurately be platted or if it is described by referring to other deeds.
- (3) CD containing a copy of the legal description in MS Word and all required submittal items should be also included on the CD in PDF format.
- (4) 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](http://www.co.washington.ar.us)). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.



## PLANNING COMMISSION MEMO

**TO:** City of Fayetteville Planning Commission

**THRU:** Andrew Garner, City Planning Director

**FROM:** Quin Thompson, Planner

**MEETING DATE:** ~~June 26, 2017~~ **UPDATED 6-28-2017**

**SUBJECT:** **RZN 17-5837: Rezone (521 N. SHADY AVE./WCR DEVELOPMENT, 445):** Submitted by ENGINEERING SERVICES, INC. for property at 521 N. SHADY AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.23 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

---

### RECOMMENDATION:

Staff recommends forwarding **RZN 17-5837** to the City Council with a recommendation of approval, based on the findings herein.

### BACKGROUND:

The subject property is located southeast of the intersection of Washington Avenue and Spring Street. The approximately 0.23 acre parcel is within the RSF-4 zoning district. The property contains a 5 unit apartment built in 1931. The building appears to have been built for this use, although it is possible that it was sub-divided years ago, either way the structure has contained multiple tenants for several decades. The apartment is considered an existing and non-conforming use within the RSF-4 zoning district. The surrounding land use and zoning is depicted on *Table 1*.

**Table 1**  
**Surrounding Land Use and Zoning**

| Direction | Land Use                  | Zoning                           |
|-----------|---------------------------|----------------------------------|
| North     | Single-family Residential | RSF-4, Single-family Residential |
| South     | Single-family Residential | RMF-40, Multi-family Residential |
| East      | Single-family Residential | RSF-4, Single-family Residential |
| West      | Single-family Residential | RSF-4, Single-family Residential |

*Request:* The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre to NC, Neighborhood Conservation. The applicant stated that the intent is to facilitate future re-development of the site.

*Public Comment:* Neighbor comments have been supportive of the rezone, noting that the apartment has been a disruptive element in the neighborhood for a number of years.

## INFRASTRUCTURE:

- Streets:** The subject parcel has access to W. Ila Street, and N. Shady Street, both of which are improved with curb, gutter, storm drainage, and sidewalks.
- Water:** Public water is available to the site, although it is limited in capacity. There is an existing 2-inch cast iron pipe located under Shady Avenue, which is the line the existing apartment building gets its service from. There is also a separate 1.5-inch galvanized main along W. Ila Street. Neither line would be able to support fire demands if development of the property would require a fire sprinkler system.
- Sewer:** Sanitary Sewer is available to the site by means of an existing 6-inch diameter pipe along N. Shady Avenue.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. No portion of this property is identified as FEMA regulated floodplains. An unnamed protected stream runs east-west along the southern side of this property. No portion of this parcel lies within the Hillside-Hilltop Overlay District.
- Fire:** The Fire Department did not comment on this request.
- Police:** The Police Department did not comment on this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **Residential Neighborhood Area**.* These areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single-family, multi-family and rowhouses. The Residential Neighborhood Area designation encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

## FINDINGS OF THE STAFF

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

**Finding:** ***Land Use Compatibility:** The proposed zoning is compatible with surrounding land use patterns in this area, which consists generally of single-family residential properties and two small multi-family apartment units, including that on the subject property. In the immediate area, typical lot sizes are around 0.25 acres, with many larger and some significantly smaller. The subject property is typical at 0.22 acres; the NC zoning district would allow the property to be subdivided into two lots of approximately 4,791 square feet.*

**Land Use Plan Analysis:** The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with the Residential Neighborhood Area designation of the subject property and surrounding area, which encourages a wide variety of residential types within a dense urban environment. City Plan 2030 encourages both infill development and re-development in a traditional urban form, further, infill development is the highest priority of the City Plan 2030. The proposed rezone would, however, allow the property to be redeveloped with two single-family homes, which would somewhat reduce the variety of housing types available in the neighborhood.

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

**Finding:** The applicant has requested the NC zoning to allow reduced lot size which would allow for the re-development of the lot for two single-family homes.

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

**Finding:** The proposed zone is not expected to lead to increased traffic danger or congestion in the area. The property is currently developed with a five-unit apartment building, and the proposed zoning will allow a maximum of two single-family homes on the parcel if the apartment is removed.

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

**Finding:** With consideration for the subject property's existing development density, a rezoning the property is likely to lead to a decreased load on public services and decreased population density. Additionally, the development is not expected to have undesirable adverse impacts on public services or facilities, as an overall reduction in development density is likely. The Police and Fire Departments have not expressed objections to the proposed zoning.

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

**Finding:** N/A



**RECOMMENDATION:** Staff recommends forwarding RZN 17-5837 to the City Council with a recommendation of approval, based on the findings discussed throughout this report.

|                                                        |                                   |                                               |                                 |
|--------------------------------------------------------|-----------------------------------|-----------------------------------------------|---------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u> |                                   |                                               |                                 |
| Date: <u>June 26, 2017</u>                             | <input type="checkbox"/> Tabled   | <input checked="" type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |
| Motion: <b>HOFFMAN</b>                                 |                                   |                                               |                                 |
| Second: <b>QUINLAN</b>                                 |                                   |                                               |                                 |
| Vote: <b>8-0-0</b>                                     |                                   |                                               |                                 |
| <b>CITY COUNCIL ACTION:</b> Required <u>YES</u>        |                                   |                                               |                                 |
| Date: <u>July 18, 2017</u>                             | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied               |                                 |

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- UDC 161.07, RSF-4 Residential Single-family / 4 Units per Acre
- UDC 161.29, Neighborhood Conservation
- Public comment
- Request letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map



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

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

(B) *Uses.*

(1) *Permitted Uses .*

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

(2) *Conditional Uses .*

|          |                                          |
|----------|------------------------------------------|
| Unit 2   | City-wide uses by conditional use permit |
| Unit 3   | Public protection and utility facilities |
| Unit 4   | Cultural and recreational facilities     |
| Unit 5   | Government facilities                    |
| Unit 9   | Two-family dwellings                     |
| Unit 12a | Limited business                         |
| Unit 24  | Home occupations                         |
| Unit 36  | Wireless communications facilities       |
| Unit 44  | Cluster Housing Development              |

(C) *Density.*

|                | Single-family dwellings | Two (2) family dwellings |
|----------------|-------------------------|--------------------------|
| Units per acre | 4 or less               | 7 or less                |

(D) *Bulk and Area Regulations.*

|                                             | Single-family dwellings | Two (2) family dwellings |
|---------------------------------------------|-------------------------|--------------------------|
| Lot minimum width                           | 70 feet                 | 80 feet                  |
| Lot area minimum                            | 8,000 square feet       | 12,000 square feet       |
| Land area per dwelling unit                 | 8,000 square feet       | 6,000 square feet        |
| Hillside Overlay District Lot minimum width | 60 feet                 | 70 feet                  |
| Hillside Overlay District Lot area minimum  | 8,000 square feet       | 12,000 square feet       |
| Land area per dwelling unit                 | 8,000 square feet       | 6,000 square feet        |

(E) *Setback Requirements.*

| Front   | Side   | Rear    |
|---------|--------|---------|
| 15 feet | 5 feet | 15 feet |

(F) *Building Height Regulations .*

|                         |         |
|-------------------------|---------|
| Building Height Maximum | 45 feet |
|-------------------------|---------|

*Height Regulations.* Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.

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

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §8, 1-17-17)

### 161.29 - Neighborhood Conservation

(A) *Purpose.* The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

|          |                                            |
|----------|--------------------------------------------|
| Unit 2   | City-wide uses by conditional use permit   |
| Unit 3   | Public protection and utility facilities   |
| Unit 4   | Cultural and recreational facilities       |
| Unit 9   | Two (2) family dwellings                   |
| Unit 10  | Three (3) and four (4) family dwellings    |
| Unit 12a | Limited business*                          |
| Unit 24  | Home occupations                           |
| Unit 25  | Offices, studios, and related services     |
| Unit 28  | Center for collecting recyclable materials |
| Unit 36  | Wireless communication facilities          |
| Unit 44  | Cluster Housing Development                |

(C) *Density .* Ten (10) Units Per Acre.

(D) *Bulk and Area Regulations .*

(1) *Lot Width Minimum.*

|               |         |
|---------------|---------|
| Single Family | 40 feet |
| Two Family    | 80 feet |
| Three Family  | 90 feet |

(2) *Lot Area Minimum . 4,000 square feet*

(E) *Setback Regulations .*

|                                    |                                                                                                                  |
|------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Front                              | A build-to zone that is located between the front property line and a line 25 feet from the front property line. |
| Side                               | 5 feet                                                                                                           |
| Rear                               | 5 feet                                                                                                           |
| Rear, from center line of an alley | 12 feet                                                                                                          |

(F) *Building Height Regulations .*

|                         |         |
|-------------------------|---------|
| Building Height Maximum | 45 feet |
|-------------------------|---------|

(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. [5800](#), § 1(Exh. A), 10-6-15>; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §§ 5, 7—9, 1-17-17)

06/11/2017

City of Fayetteville Planning Division  
125 West Mountain St.  
Fayetteville, AR 72701

To Whom It May Concern:

My name is Alan Pruitt and I reside at 513 N Shady Ave.

I highly recommend that the property on the southwest corner of the intersection of Ila Street and North Shady Avenue be rezoned to NC (neighborhood conservation district)

This property is directly adjacent to mine and in my opinion is an eyesore to the neighborhood. The yard is barely kept and trash lines not only the yard but also the street. It also has multiple people coming and going at all hours of the day and night.

I hope that you will give this rezoning your most thoughtful consideration. I believe that it will upgrade the neighborhood and help make the Wilson Park area more family orientated.

Yours truly,



Alan Pruitt  
513 North Shady Ave.  
Fayetteville, AR 72701  
479-650-2949

Comments from Jerry Patton 6-14-2017

Re: RZN 17-5837

Mr. Patton called to discuss the proposed NC zoning. He expressed his support for the request.

May 30, 2017

Fayetteville Planning Division  
125 W. Mountain Street  
Fayetteville, Arkansas 72701

RE: 521 N. Shady Avenue Rezoning Application

Dear Sir or Ma'am,

On behalf of our client, we are submitting application materials to rezone 521 N. Shady Avenue from the RSF-4 district to the Neighborhood Conservation District.

This 10,916 s.f. property consists of Lot 1 and a portion of Lot 2 of the Englewood Addition to the City of Fayetteville as shown in the Lot Line Adjustment filed at Book 2007 Page 44887. The property lies along the south side of Ila Street, the west side of N. Shady Avenue, and the north side of a 12' wide alleyway.

An existing, non-conforming multi-family structure on the property will be removed if the rezoning application is approved.

The following section provides additional information regarding the property and this application as required by the rezoning application instructions:

- A) Property is currently owned by Max A. and Cynthia S Parker and is under contract to be sold To WCR Development, LLC.
- B) Rezoning is being requested to facilitate future development of the property once the apartment building is removed.
- C) The neighborhood and adjacent properties are primarily residential with a mix of single family and multi-family uses. Requested zoning district allows single family residential use by right, which is consistent with and conforms to existing uses in the area. There is a large area of neighborhood commercial located slightly southeast of the subject property on the south side of Maple Avenue.



D) Sufficient water and sewer to serve the property are available on site, as evidenced by existing apartment building on the parcel served by existing water and sewer mains. There is an existing 8" gravity sewer main along the north side of Ila Street and an existing 6" sewer main along Shady Avenue. There is an existing 1.5" water main along the north side of Ila Street and an existing 2" water main along Shady Avenue. It appears the existing water meter for the building is connected to the water main along Shady Avenue.

E) The apartment building on site is a non-conforming use within the RSF-4 district. Proposal to remove the building will eliminate a non-conforming use. Rezoning to the Neighborhood Conservation district will bring property into one of the newer form-based zoning districts the City of Fayetteville has been moving toward in recent years and will allow for single family construction on the property in line with the design principles being encouraged by planning staff and elected officials for new construction. Future land use plan designates this area as a "Residential Neighborhood Area". No conflict exists between Land Use Plan and objectives for this area and the requested zoning district.

F) Rezoning is necessary to allow development of the property.

G) If property is rezoned, existing multi-family building will be removed. Requested zoning does not allow multi-family use without a conditional use permit. The result of rezoning will therefore be a reduction of the number of residential units and most likely impact, if any, would be a negligible/slight decrease in the amount of traffic and congestion.

H) As with traffic and congestion, the reduction in total number of residential units would tend to moderately decrease the load on water/sewer infrastructure and city services such as schools.

I) Applicant believes the highest and best use of the land will be possible under the requested zoning district.

521 N. Shady Avenue Rezoning Application

May 30, 2017

Page 3

Enclosed with this letter are:

- Check to City of Fayetteville in the amount of \$330 (\$325 plus \$5 Sign Fee)
- Signed rezoning application form
- 2007 Lot Line Adjustment including boundary and legal description
- Scaled drawing showing adjacent property parcel and ownership information
- PDF copies of all application materials, including drawings, and .doc file of the Legal Description on CD

Please contact me if you have any questions, or need additional information.



Jason Appel, P.E.  
Secretary / Treasurer

Enclosures



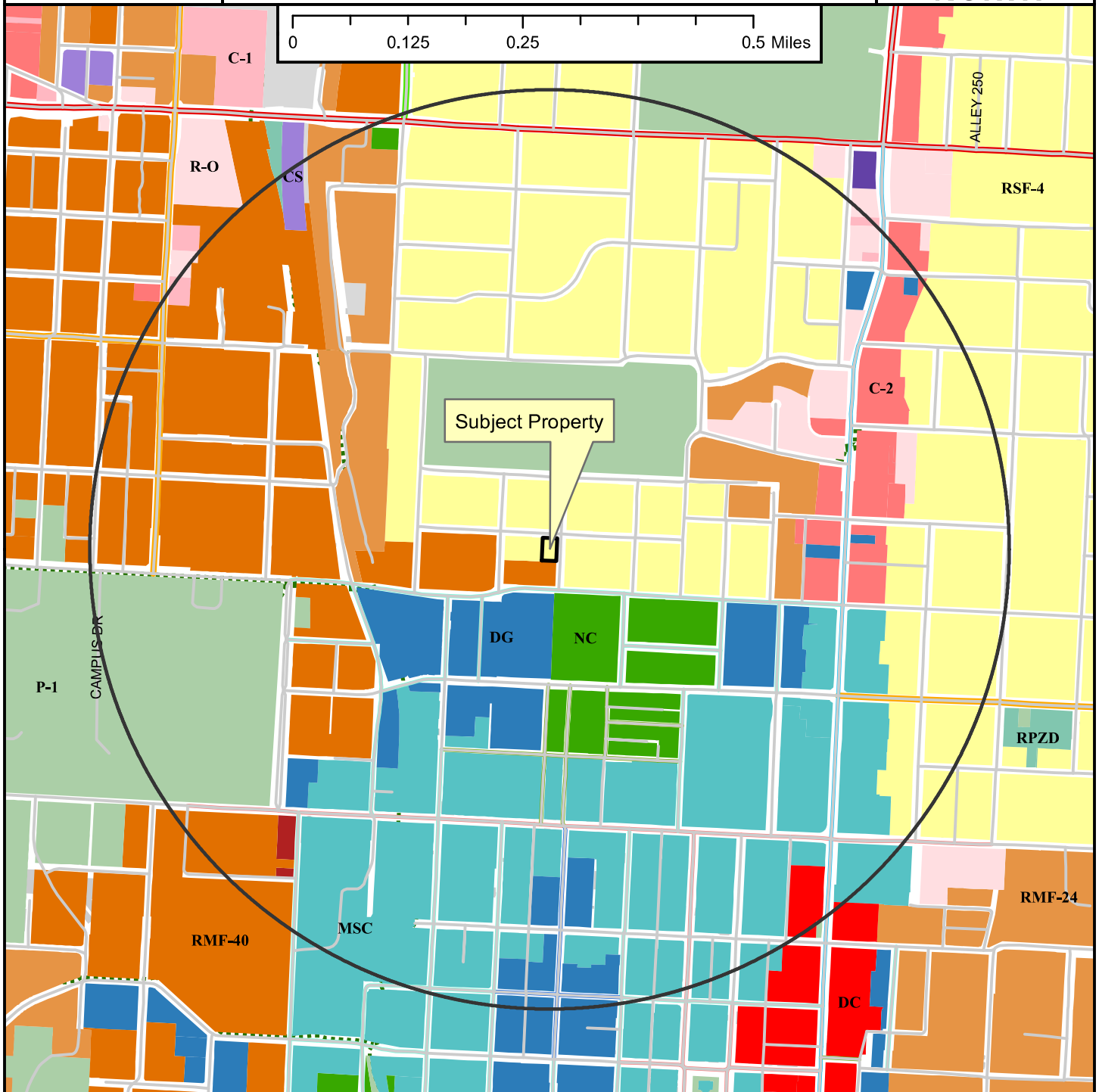
RZN 17-5837

One Mile View

# WCR DEVELOPMENT

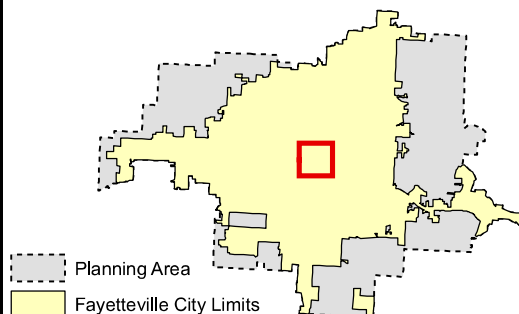


0 0.125 0.25 0.5 Miles



## Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



- Planning Area
- Fayetteville City Limits

- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
    - Residential-Agricultural
    - RSF-5
    - RSF-1
    - RSF-2
    - RSF-4
    - RSF-7
    - RSF-8
    - RSF-18
  - RESIDENTIAL MULTI-FAMILY**
    - RT-12 Residential Two and Three-family
    - RMF-6
    - RMF-12
    - RMF-18
    - RMF-24
    - RMF-40
  - INDUSTRIAL**
    - I-1 Heavy Commercial and Light Industrial
    - I-2 General Industrial
- EXTRACTION**
- E-1
- COMMERCIAL**
- Residential-Office
  - C-1
  - C-2
  - C-3
- FORM BASED DISTRICTS**
- Downtown Core
  - Urban Thoroughfare
  - Main Street Center
  - Downtown General
  - Community Services
  - Neighborhood Services
  - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
- INSTITUTIONAL**
- P-1

RZN 17-5837

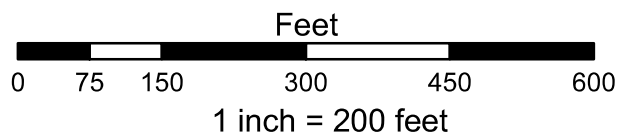
# WCR DEVELOPMENT

Close Up View



## Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



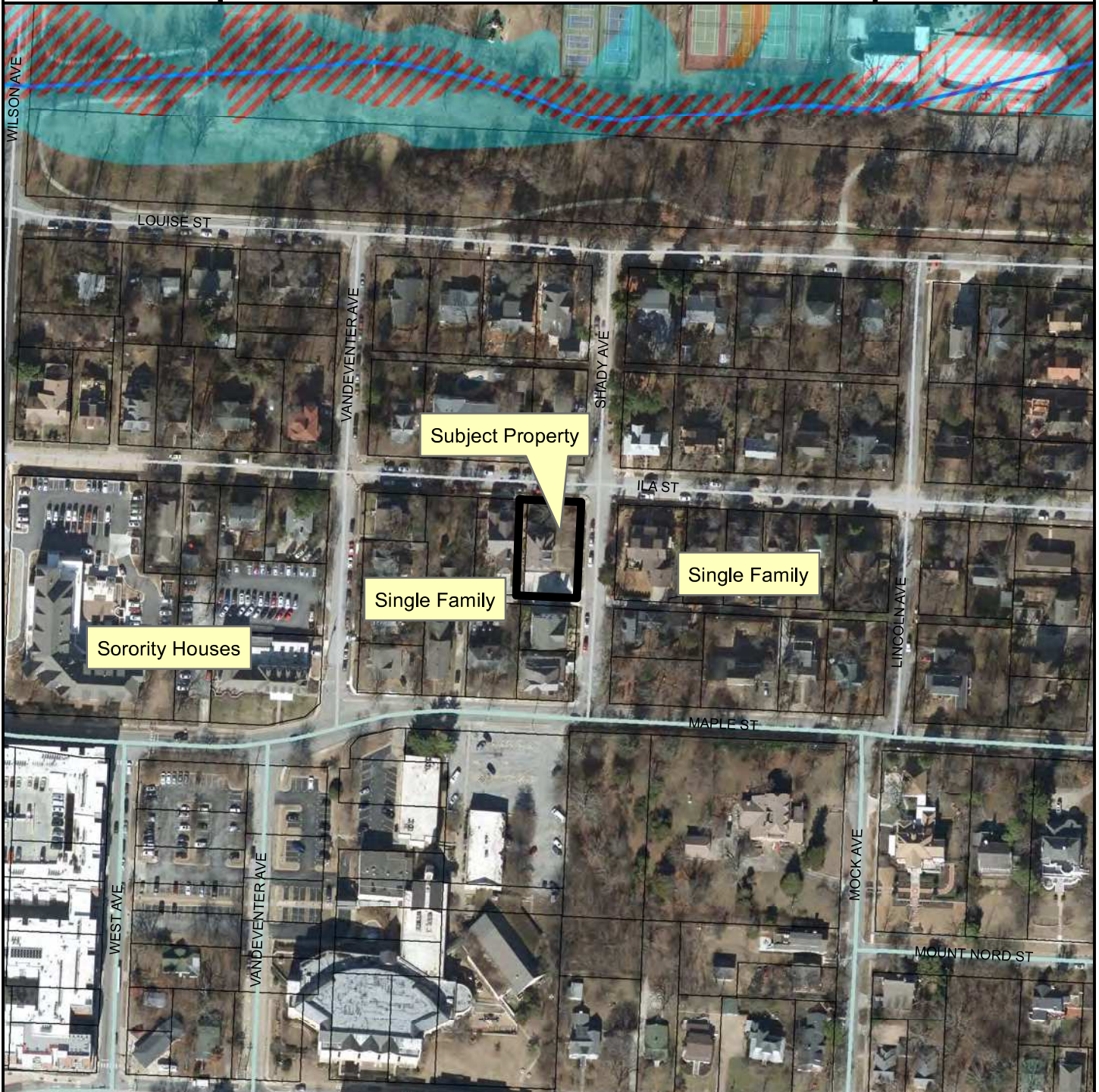
- RSF-4
- RMF-40
- Downtown General
- Neighborhood Conservation
- P-1



RZN 17-5837

Current Land Use

# WCR DEVELOPMENT



RZN17-5837

Streams

Street

Downtown Master Plan

MSP Class

STREET 45

County Parcels

Planning Area

Fayetteville City Limits

2017 Imagery - Kucera

RGB

Red: Band\_1

Green: Band\_2

Blue: Band\_3

2017 Imagery - Pictometry

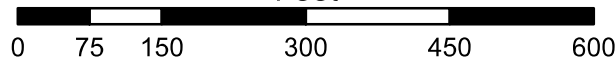
RGB

Red: Band\_1

Green: Band\_2

Blue: Band\_3

Feet



1 inch = 200 feet

## FEMA Flood Hazard Data

100-Year Floodplain

Floodway

Planning Commission

June 26, 2017

Agenda Item 7

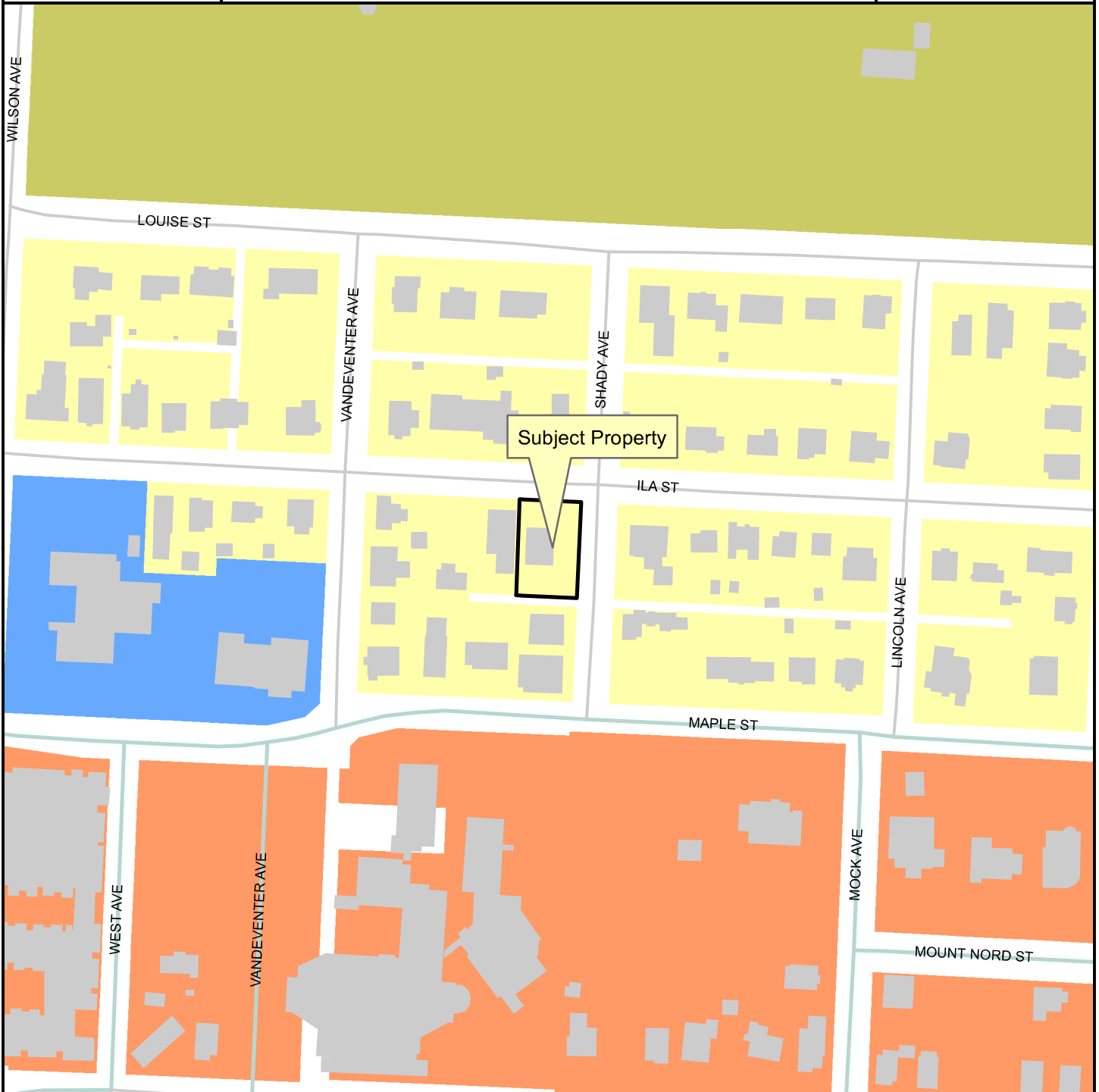
17-5837 WCR Dev.

Page 18 of 19

RZN 17-5837

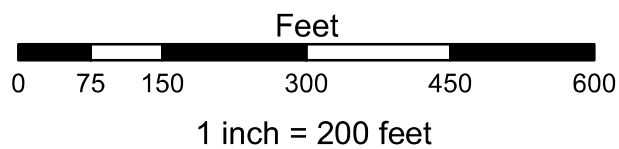
Future Land Use

# WCR DEVELOPMENT



## Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



## FUTURE LAND USE 2030

- Residential Neighborhood Area
- City Neighborhood Area
- Complete Neighborhood Plan
- Civic and Private Open Space/Parks



# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

## Text File

File Number: 2017-0366

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**Agenda Date:** 7/18/2017

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Resolution

**Agenda Number:** C. 3

### **WALTON FAMILY FOUNDATION GRANT AGREEMENT:**

A RESOLUTION TO THANK THE WALTON FAMILY FOUNDATION, TO APPROVE THE GRANT AGREEMENT WITH THE WALTON FAMILY FOUNDATION IN THE AMOUNT OF UP TO \$1,361,428.00 AS A 50/50 MATCHING GRANT FOR THE CONSTRUCTION OF A MODEL TWO-WAY CYCLE TRACK ALONG OLD WIRE ROAD 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 thanks the Walton Family Foundation, and approves the Grant Agreement with the Walton Family Foundation in the amount of up to \$1,361,428.00 as a 50/50 matching grant for the construction of a model two-way cycle track along Old Wire Road.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves the budget adjustment attached to this Resolution.



City of Fayetteville Staff Review Form

2017-0366

Legistar File ID

7/18/2017

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

Chris Brown

6/29/2017

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a budget adjustment recognizing grant revenue from the Walton Family Foundation, and approval of the grant agreement for the Old Wire Road cycle track.

Budget Impact:

4470.800.8835-5809.00

Sales Tax

Account Number

Fund

06035.2600

Trans. Bond Program/Old Wire Road

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 2,455,014.00

Funds Obligated \$ 2,129,678.00

Current Balance \$ 325,336.00

Does item have a cost? No

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ 1,361,428.00

Remaining Budget \$ 1,686,764.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



**MEETING OF JULY 18, 2017**

**TO:** Mayor and City Council

**THRU:** Don Marr, Chief of Staff

**FROM:** Chris Brown, City Engineer

**DATE:** June 29, 2017

**SUBJECT: Old Wire Road-Walton Family Foundation Grant  
Approval of Grant Agreement and Recognition of Revenue**

---

**RECOMMENDATION:**

Staff recommends approval of grant agreement #2016-1797 with the Walton Family Foundation in the amount of up to \$1,361,428.00 and approval of a budget adjustment to recognize this revenue. The grant funds will be used for the construction of a cycle track along Old Wire Road, between Ash Street and Gulley Park.

**BACKGROUND:**

Improvements to Old Wire Road, between Mission Blvd. and Crossover Road, are part of the Transportation Bond Program. Improvements are in various stages of completion. When all work is complete, the Old Wire Road corridor will have improvements for vehicular traffic, including signalization at Mission, intersection improvements at Township Street, and a turn lane at Ash Street; for pedestrians, including sidewalks on at least one side for the entire route, and improved crossings at Old Missouri Road and at Stanton Avenue; and for bicycles, by construction of bike lanes, a multi-use path, and a two-way cycle track on various segments of the project.

The two-way cycle track planned between Ash Street and Gulley Park will be an enhanced bikeway that will provide a protected facility, separated from both cars and pedestrians, which will create the safest possible environment for all users. The cycle track will be constructed with several enhancements for safety and efficiency, to provide a world-class facility that can be used as a template elsewhere in the City and by other jurisdictions in the region.

**DISCUSSION:**

The City has partnered with the Walton Family Foundation multiple times on alternative transportation and other projects that enhance the quality of life in the City; the proposed partnership on this project is the next great opportunity to further those efforts. The proposed 50/50 matching grant, in the amount of up to \$1,361,428, is to pay for the cost of the cycle track and necessary appurtenances, including bicycle signals at Township Street, safety markings at other intersections, a concrete buffer between the street and the cycle track, and numerous other elements. The grant is payable in 2 installments: upon completion of right of way acquisition and permitting, and at 50% completion of construction.

**BUDGET/STAFF IMPACT:**

The Walton Family Foundation Grant is a 50/50 matching grant program. The City's portion of the matching funds is available through the Transportation Bond Program.

**Attachments:**

Cycle track renderings and cross section

Walton Family Foundation Grant #2016-1797 agreement

Budget Adjustment



June 27, 2017

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

RE: Grant #2016-1797

Dear Mayor Lioneld Jordan,

It is my pleasure to inform you that the Walton Family Foundation, Inc. ("Foundation") has approved a grant of up to \$1,361,428.00 to the City of Fayetteville ("Grantee"). The project term will be June 30, 2017 to June 30, 2019. This grant is subject to the following terms and conditions:

- Purpose:** The purpose of the grant is to construct the Old Wire Cycle Track, an initial phase of the East Fayetteville Loop. This grant is more fully described in Grantee's proposal dated October 28, 2016. Grantee agrees to use all grant funds exclusively for the grant's purposes. Any changes in these purposes must be authorized in advance by the Foundation in writing.
- Amount: Up To One Million, Three Hundred Sixty-One Thousand, Four Hundred Twenty-Eight Dollars (\$1,361,428.00).**

Grant payments will be made as follows:

| Installment | Amount             | Requirement         | Date       |
|-------------|--------------------|---------------------|------------|
| #1          | Up to \$680,714.00 | See Installment One | 11/30/2017 |
| #2          | Up to \$680,714.00 | See Installment Two | 6/30/2018  |

- Matching Grant Payable:** The Foundation will match revenue collected by Grantee according to the conditions outlined below:

**Installment One** (November 30, 2017): One dollar for every one dollar of revenue collected from all sources, up to \$1,361,428.00. This payment of up to \$680,714.00 shall be payable upon the receipt of this completed letter from Grantee acknowledging the terms and conditions set forth herein, as well as written documentation of matching funds collected, and evidence that all required permits and approvals have been secured, a commitment from the City to maintain all aspects of the project, a bid and construction schedule, and a copy of final completed construction plans.

**Expiration:** Qualifying matching contributions for Installment One must be collected and documented for the Foundation by November 30, 2017. In the event the matching contributions are not documented by this deadline, all outstanding obligations of the Foundation will terminate.

**Installment Two** (June 30, 2018): \$680,714.00 shall be contingent upon the Foundation's approval of Grantee's activities as evidenced by the reports described in paragraph 5 below and other information the Foundation may gather, as well as a construction contract with a qualified and experienced contractor must be executed, documentation from a qualified third party showing that no less than 50% of the project is complete, and upon inspection and approval the Foundation will fund the remaining costs of construction not to exceed the remaining grant amount.

Funds collected and applied to other Foundation match requirements may not be used to satisfy this match requirement.

4. **Accounting:** (a) The Foundation encourages, whenever feasible, the deposit of grant funds in an interest-bearing account. For purposes of this letter, the term "grant funds" includes the grant and any income earned thereon.

(b) Grantee will maintain records of receipts and expenditures made in connection with the grant funds and will keep these records during the period covered by the Grantee's reporting obligations specified in paragraph 5 and for at least four years thereafter ("Maintenance Period"). Grantee will make its books and records in connection with the grant funds available for inspection by the Foundation during normal business hours as the Foundation may request at any time during the Maintenance Period.

5. **Reporting and Evaluation:** Grantee will provide the Foundation with financial and narrative reports by the due dates listed in the report schedule below. Each report shall include an account of expenditures of grant funds, and a brief narrative of what was accomplished (including a description of progress made in fulfilling the purposes of the grant and a confirmation of Grantee's compliance with the terms of the grant).

| Report Date | Report Type                     |
|-------------|---------------------------------|
| 11/30/2017  | Match                           |
| 3/1/2018    | Update                          |
| 5/31/2018   | Interim Financial and Narrative |
| 1/31/2019   | Final Financial and Narrative   |
| 6/30/2019   | Update                          |

Success will be measured against the outputs and outcomes described in Appendix A.

All reports will be sent electronically to HomeRegion@wffmail.com. Please reference Grant #2016-1797 on all reports submitted.

In addition to matching requirements, Grantee payments are always contingent upon the Foundation's approval of Grantee's operations based on the above reports and the Foundation's satisfaction with such information as it chooses to obtain from other sources.

6. **Representations:** Grantee represents and warrants to the Foundation that:

(a) Grantee is an organization in good standing, is either an organization described in section 501(c) (3) of the Internal Revenue Code ("Code") or a governmental unit, and is not a

“private foundation” described in section 509(a) of the Code. Grantee will promptly notify the Foundation of any change in Grantee’s tax status under the Code.

- (b) In no event will Grantee use any grant funds:
  - (i) to carry on propaganda, or otherwise to attempt, to influence legislation;
  - (ii) to influence the outcome of any specific public election or to carry on, directly or indirectly, any voter registration drive; or
  - (iii) to undertake any activity other than for a charitable, educational or other exempt purpose specified in section 170(c)(2)(B) of the Code.
- (c) Grantee will comply with all applicable laws and regulations.

7. **Repayment:** Grantee agrees to repay to the Foundation any portion of the grant funds not used for the grant’s purposes. In addition, the Foundation may discontinue any further payments to Grantee, and may direct Grantee to repay any unexpended grant funds to the Foundation, if any of the following events occurs:

- (a) Grantee ceases to maintain its tax-exempt status as described in paragraph 6(a) above;
- (b) Grantee fails to comply with the terms of this letter; or
- (c) There is a material change in Grantee’s key personnel that in the sole opinion of the Foundation adversely affects Grantee’s management of the grant.

8. **Release and Indemnity:** Unless prohibited by law, Grantee shall release, indemnify, defend and hold harmless the Foundation and its directors, officers, employees and agents from and against any and all claims, actions, suits, demands, damages, losses, expenses and liabilities, arising out of or related in any way to the actions or omissions of Grantee (or its directors, officers, employees, agents or contractors) in connection with the Grant and the project funded by the Grant, except to the extent caused by the Foundation’s (or its directors’, officers’, employees’ or agents’) negligent actions or omissions. Grantee further agrees to carry insurance in such forms and amounts as are commercially reasonable and appropriate to cover Grantee’s operations and to enable Grantee to indemnify and defend the Foundation as provided hereunder.

9. **Grant Publicity:** Grant publicity related to this grant consistent with Grantee’s normal practice is permitted, subject to the following provisions. The Foundation expects any announcements and other publicity to focus on Grantee’s work and the project or issue funded by the grant. Recognition of the Foundation’s role in funding the project is permitted, provided that the timing, content and strategic focus of such publicity should be approved by the Foundation contact listed in paragraph 11. Publicizing the grant and the Foundation in Grantee’s publications and communications in a manner consistent with similar grants obtained by Grantee is permitted.

The Foundation may ask Grantee to provide illustrations, photographs, videos, recordings, information or other materials related to the grant (collectively "Grant Work Product") for use in Foundation communications including the Foundation's website, annual report, newsletters, board materials, presentations, communications and other publications. Grantee agrees to provide the Foundation with such items upon the Foundation's reasonable request and hereby grants to the Foundation and anyone acting under the authority of the Foundation a fully paid-up, world-wide, right and license to use, reproduce, display and distribute the Grant Work Product in connection with the Foundation's charitable operations and activities. In connection therewith, Grantee shall be responsible for obtaining all necessary rights and permissions from third parties for the Foundation to use the Grant Work Product for these purposes. By signing this Agreement, Grantee also acknowledges and agrees to use by the Foundation of historical, programmatic and other information relating to Grantee and the grant hereunder.

10. **Gratuities:** The Foundation desires that all of Grantee's resources be dedicated to accomplishing its philanthropic purposes. Therefore, Grantee agrees that it will not furnish the Foundation or its Board of Directors, officers, staff or affiliates with any type of benefit related to this grant including tickets, tables, memberships, commemorative items, recognition items, or any other benefit or gratuity of any kind.

11. **Contact:** For all communications regarding this grant, please contact the Foundation by email at HomeRegion@wffmail.com. Please reference Grant #2016-1797 in your communication.

By electronically signing this letter the Grantee acknowledges and agrees to the terms and conditions herein. A copy of the completed document will be emailed to the Grantee through DocuSign. If the electronic signing of this letter is not completed by July 21, 2017 the Foundation will consider the Grantee to have declined the grant.

On behalf of the Foundation, I extend every good wish for the success of your organization's endeavors.

Sincerely,

Kyle J. Peterson  
Executive Director

ACKNOWLEDGED AND AGREED

By: \_\_\_\_\_  
Mayor Lioneld Jordan (Date)  
City of Fayetteville

**Appendix A: City of Fayetteville  
Old Wire Cycle Track**

| Outputs And Outcomes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |            |                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---------------------------------------------------------------------------------------------------------------------------------|
| Who will do what and how much?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | By when?   | Measured or evaluated by?                                                                                                       |
| Goal: East Fayetteville Loop - Phase I                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |            |                                                                                                                                 |
| <b>Outputs</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |            |                                                                                                                                 |
| The City will acquire all rights-of-way or easements and permits needed to complete the Old Wire Cycle track/East Fayetteville Loop Phase I.                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 11/30/17   | The City of Fayetteville will provide a copy of any applicable public documents at the request of the Walton Family Foundation. |
| The City will enter into a construction contract with a qualified and experienced Construction company.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 03/01/2018 | Signed Construction Contract with a qualified General Contractor                                                                |
| The City will establish a baseline of bicycle usage along the Old Wire Road corridor in hourly and daily increments, using electronic counters or similar means. Measurements shall be taken over a period of time (subject to WFF input) to capture reliable data accounting for weather and time of year, and shall commence a minimum of 45 days prior to construction.                                                                                                                                                                                                                              | 03/01/2018 | Program records                                                                                                                 |
| The City of Fayetteville will construct approximately 4,600 linear feet, or 0.87 miles of 8.5-foot wide concrete cycle track and adjacent 6-foot wide sidewalk with buffer strip and lighting. Bicycle specific signals will be installed at Township Street and enhanced pavement markings, protected crossings and other design features shall be installed along the corridor as warranted. The cycle track will meet the uniform design and construction standards outlined in the "Trails Design Resource notebook" developed by ALTA Planning and utilized for the Razorback Regional Greenway as | 12/31/18   | A third party consultant will provide verification to the foundation.                                                           |

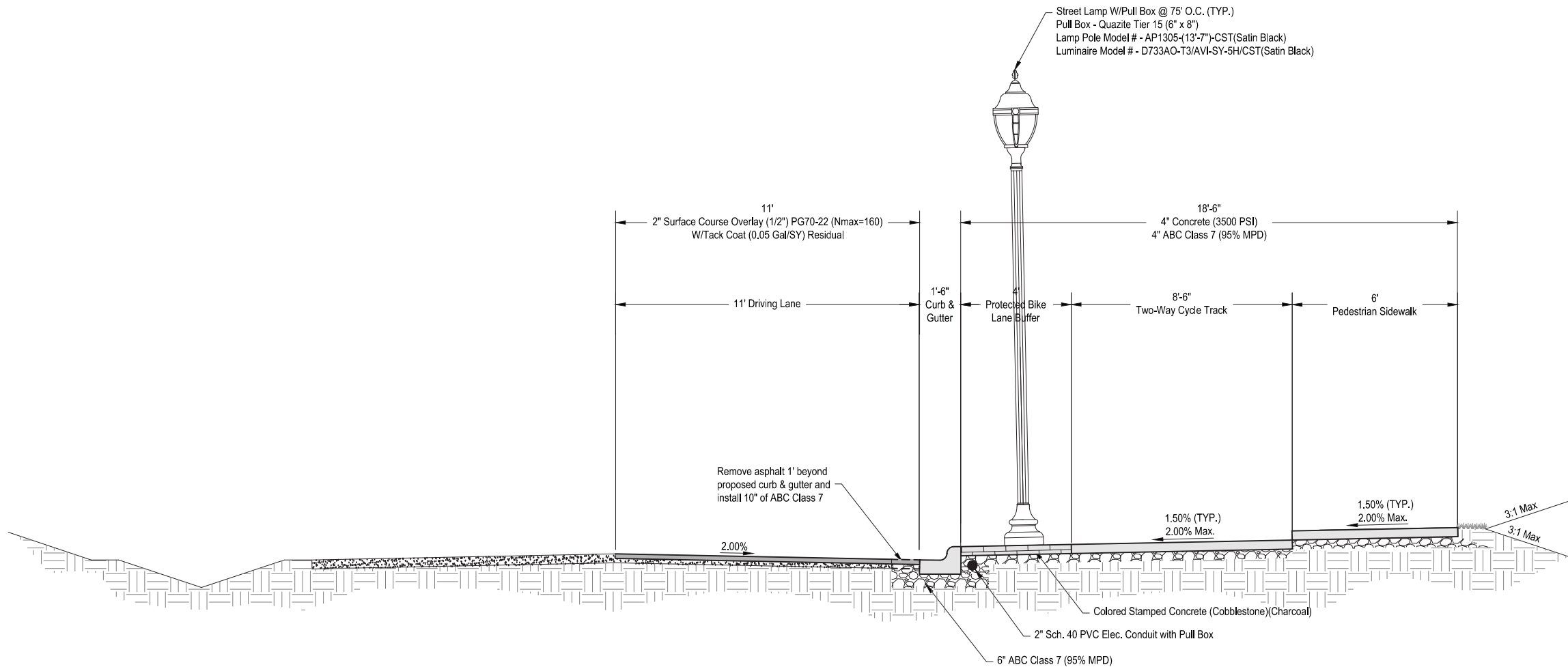


|                                                                                                                                                                                                         |            |                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------------------------------------------------------------------|
| evidenced by inspection of a Walton Family Foundation consultant.                                                                                                                                       |            |                                                                         |
| <b>Outcomes</b>                                                                                                                                                                                         |            |                                                                         |
| The City of Fayetteville will commit to manage and maintain this section of the East Fayetteville Loop – Phase I (Old Wire Cycle Track) to the same standards as the Razorback Regional Greenway.       | 09/08/17   | A letter from the Mayor expressing the City's commitment to maintenance |
| The City of Fayetteville will commit match funding in the amount of up to \$1,361,428 for this project.                                                                                                 | 09/08/17   | A signed letter from the Mayor                                          |
| General and commuting usage of the cycle track along Old Wire Road will increase in the six months following completion of construction at 100% of the baseline established by the initial measurement. | 06/30/2019 | Program records                                                         |









**TYPICAL SECTION**  
Old Wire Road Protected Bike Lane & Sidewalk  
STATIONS  
1+25 to 49+00

|                                                                                                                      |  |
|----------------------------------------------------------------------------------------------------------------------|--|
| SURVEYED BY: DD                                                                                                      |  |
| DRAWN BY: MB                                                                                                         |  |
| DESIGNED BY: MC                                                                                                      |  |
|                                                                                                                      |  |
| <div>OLD WIRE ROAD PROTECTED BIKE LANE &amp; SIDEWALK PROJECT<br/>(ASH ST. TO GULLEY PARK)<br/>TYPICAL SECTION</div> |  |
| TITLE:                                                                                                               |  |
| REVISED                                                                                                              |  |
|                                                                                                                      |  |
|                                                                                                                      |  |
|                                                                                                                      |  |
| <div>STATE OF ARKANSAS<br/>REGISTERED PROFESSIONAL ENGINEER<br/>No. 10424<br/>MATTHEW D. CASEY</div>                 |  |
| <div>CITY OF FAYETTEVILLE ARKANSAS</div> <div></div>                                                                 |  |
| DATE: May 22, 2017                                                                                                   |  |
| SHEET: 004                                                                                                           |  |
| DRAWING: Typical Sections                                                                                            |  |

|                    |                               |                          |
|--------------------|-------------------------------|--------------------------|
| <b>Budget Year</b> | <b>Division</b>               | <b>Adjustment Number</b> |
| 2017               | ENGINEERING (621)             |                          |
|                    | <b>/Org2</b>                  |                          |
|                    | <b>Requestor:</b> Chris Brown |                          |

Recognition of Grant Revenue from the Walton Family Foundation for expenses on the Old Wire Road Bond Project.

|                      |                    |                         |
|----------------------|--------------------|-------------------------|
|                      | COUNCIL DATE:      | 6/29/2017               |
|                      | LEGISTAR FILE ID#: | <b>2017-0366</b>        |
|                      |                    | <i>Barbara Fell</i>     |
|                      |                    | <i>7/3/2017 8:15 AM</i> |
|                      |                    |                         |
|                      | Budget Director    | Date                    |
|                      | TYPE:              |                         |
|                      | DESCRIPTION:       |                         |
|                      | GLDATE:            |                         |
|                      | POSTED:            | /                       |
| RESOLUTION/ORDINANCE |                    |                         |

[illegible]



# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

## Text File

File Number: 2017-0329

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**Agenda Date:** 7/18/2017

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Resolution

**Agenda Number:** C. 4

### **POSITION CONTROL INCREASE:**

A RESOLUTION TO AUTHORIZE THE ADDITION OF 1.0 FULL TIME EQUIVALENT POSITION TO THE POLICE DEPARTMENT TO PROVIDE A SECOND CRIME SCENE TECHNICIAN, 2.0 FULL TIME EQUIVALENT POSITIONS TO THE RECYCLING & TRASH COLLECTION DIVISION TO PROVIDE TWO ROUTE DRIVERS, AND A TEMPORARY PART TIME POSITION IN THE FINANCE & INTERNAL SERVICES DEPARTMENT, 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 addition of 1.0 full time equivalent position to the Police Department to add a crime scene technician, 2.0 full time equivalent positions to the Recycling & Trash Collection Division to provide two route drivers, and a temporary part time position to the Finance & Internal Services Department to assist with the Payroll and Pension Accounting Manager's transition to retirement.

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.

City of Fayetteville Staff Review Form

2017-0329

Legistar File ID

7/18/2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Paul Becker

6/29/2017

Chief Financial Officer /  
Finance & Internal Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of request to increase the Police Department's staffing count in General Fund by 1.00 FTE for a Crime Scene Technician, increase Recycling & Trash Collection Division's staffing count by 2.00 FTE's for two Route Drivers in the the Recycling & Trash Collection Fund. In addition a request for the approval of a temporary part-time position in the Finance & Internal Services Department to help with the transition of the retirement of the Payroll Manager which is funded in General Fund. Approval of a budget adjustment.

Budget Impact:

1010.131.1310-5100.00

General

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 746,236.00

Funds Obligated \$ 384,487.00

Current Balance \$ 361,749.00

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ 38,000.00

Remaining Budget \$ 399,749.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



**CITY OF  
FAYETTEVILLE  
ARKANSAS**

**CITY COUNCIL MEMO**

**MEETING OF JULY 18<sup>TH</sup>, 2017**

**TO:** Mayor and City Council  
**FROM:** Paul Becker, Finance and Internal Services Director  
**DATE:** June 16, 2017  
**SUBJECT:** Request to increase position control

---

**RECOMMENDATION:**

Approval of a temporary position in the Finance and Internal Services Department to help with the transition when the Payroll and Pension Accounting Manager retires at year end and to help with technology and special projects through 2018.

**BACKGROUND:**

The Payroll and Pension Accounting Manager will be retiring at the end of 2017. Her replacement will need time and assistance to learn the new payroll system implemented by the City in September 2016, as well as other complex accounting duties required in this position.

**DISCUSSION:**

I am requesting one additional temporary position for the Finance and Internal Services Department. The implementation of the new ERP system created many modifications to internal processes, especially in the payroll processing area. In addition, the Accounting Manager over payroll and pension is retiring at the end of the year. Processing payroll bi-weekly is a complicated technological process for which our current Payroll Manager has been trained and has become proficient in the process. The department needs to have the Payroll Manager on board to train her replacement in 2017, to ensure a successful transition with no disruption to payroll production and reporting requirements.

I am requesting this temporary position to be funded through 2018. The position would be full time for the remainder of 2017 and part time (maximum 50%) for 2018. The responsibilities of this position would encompass not only payroll procedures and accounting processes but would also include problem resolution and special projects as assigned by the Directors in Accounting, Budgeting and Utility Financial Services.

**BUDGET/STAFF IMPACT:**

This position would primarily be funded in savings in the current budget relating to a currently unfilled vacancy in the Budget Division with the balance coming from reserves. A budget adjustment which would accomplish that is attached for your consideration.

**Attachments:**

Staff Review form  
City Council Memo  
Budget Adjustment





**MEETING OF JULY 18, 2017**

**TO:** Mayor and City Council

**FROM:** Greg Tabor, Chief of Police 

**DATE:** May 31, 2017

**SUBJECT:** Police Department Crime Scene Technicians

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**RECOMMENDATION:**

Staff recommends converting the Police Department's one Senior Crime Scene Technician (1 FTE) to two Crime Scene Technicians (2 FTEs)

**BACKGROUND:**

The Police Department has employed a Crime Scene Technician since March 5, 2001. Several years later, this position was upgraded to a Senior Crime Scene Technician. The Senior Crime Scene Technician position was recently vacated by an employee who was at the top of the position's pay range.

**DISCUSSION:**

The Crime Scene Technician responds to all major crime scenes, and assists detectives with searching, photographing, sketching, and the collection and transportation of evidence. Crime Scene Technicians also package and submit evidence to the Arkansas State Crime Lab, and monitor databases for results of forensic testing. Crime Scene Technicians are required to write detailed reports, and testify in court cases where evidence was collected and analyzed. The Crime Scene Technician trains detectives and patrol officers on evidence recovery procedures. The Crime Scene Technician's responsibilities help relieve detectives of the duties of crime scene processing. This allows detectives more time to concentrate on other important, time-sensitive tasks, such as assisting and interviewing crime victims and witnesses, neighborhood canvassing, and tracking down suspects.

The Crime Scene Technician is on call 24 hours a day, 365 days a year. This can be stressful, hectic and tiresome for a single individual. It can interfere with any sort of planning for the scheduling of training, or any personal time off. When the Crime Scene Technician is sick, on vacation, training, or otherwise unavailable, an additional detective must be assigned to the case to process the scene and handle all the evidence.

Two Crime Scene Technicians will allow the flexibility of assigning them to two separate scenes or investigations simultaneously. The addition of a second Crime Scene Technician would allow the on-call schedule to be split between both employees, reducing the chances a detective will be called out to cover the Crime Scene Technician's duties. This will also reduce the stress of 24/7 on-call status, and allow more flexibility for personal time off for both employees. I believe these reasons benefit both the department and the wellness of the employees.

**BUDGET/STAFF IMPACT:**

For the remainder of 2017, a budget savings of approximately of \$9,154 will be recognized. The new employees will not be eligible for retirement, and will have a much lower starting salary than that of the previous employee. There will be additional salary savings during the vacancy of the previous employee. Future costs of the new employees will be addressed during the 2018 budgeting process.

**Attachments:**

None

**TO:** Lioneld Jordan, Mayor

**THRU:** Terry Gulley, Transportation Director

**FROM:** Jeff Coles, Recycling and Trash Collection Director

**DATE:** June 22, 2017

**SUBJECT:** Recycling and Trash Collections request regarding two additional Full Time Employee to keep up with recycling growth in the City.

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**RECOMMENDATION:**

Recycle and trash Collections recommends two additional Full Time Employees (FTE) for the curb sort recycling program to keep up with the increase of current and future growth within the City.

**BACKGROUND:**

The City's Recycling Curbside program utilizes one driver and one truck to pick up recyclables curbside. The average time per stop in the latest evaluation of program services was 1 minute per stop. Each driver is expected to collect an average of 350 homes per day. The drivers operate on a 10 hour work day and in addition to collecting and sorting recyclables are expected to perform pre and post CDL inspections on their trucks, unloading of materials upon returning to the recycling center, fueling and washing the vehicle each day during the 10 hour period.

**DISCUSSION:**

The growth in the City has had many impacts on Recycling and Trash Collection services. In regards to recycling, in 2012 our average city wide weekly recycling bin pickup for the 10 residential recycling routes was 13,700 bins. This represents roughly a 56% participation rate. In 2016 the count for 10 residential recycling routes was a city wide average of 16,000 per week. That represents an increase of 2,300 additional recycling bins placed out for service at residential homes weekly for pickup since 2012.

That increase does not include the small business curbside recycling that was added to our service line in 2008. In 2012, there were 192 businesses signed up for the recycling service. As of today we are servicing 332 businesses for an increase of 140 businesses or a 42% increase to our curb sort program.

The Recycling and Trash Collection Division has delivered over 9,000 bins to businesses and residential homes in the last 3 years alone. These bins are inclusive of all bin handouts for replacements, extra bins and businesses and residential homes. It is quite possible that not all of these bins are placed at the curb each week but still represent a cost to the program.

We have not added an additional residential recycling route to our curb sort program since 2006. The route drivers have absorbed the growth up to this point, putting an additional strain on our work force which causes higher turnover in this field. In fact, over the last 10 years we have had an average of 50% turnover for the recycling driver position.

Fatigue leads to injuries in addition to turnover. Staff anticipates by adding two FTE's to accommodate the growth experienced within the system, the Division will be better equipped to service the recycling program.

Below is a table produced from our G.I.S. Department that illustrates the growth in the City in terms of residential units. As shown below since 2013, the City has added 2093 homes and duplexes that directly affect the curbside recycling program.

| In city<br>Limits | Residential Addresses (as of 20170602) |      |                  |        |                  |        |                  |
|-------------------|----------------------------------------|------|------------------|--------|------------------|--------|------------------|
|                   | Year                                   |      | Single<br>Family | Duplex | Multi-<br>Family | Mobile | Group<br>Housing |
|                   | 2013                                   | 121  | 100              | 11     | 10               |        |                  |
|                   |                                        |      |                  |        |                  |        |                  |
|                   | 2014                                   | 637  | 220              | 116    | 300              |        | 1                |
|                   |                                        |      |                  |        |                  |        |                  |
|                   | 2015                                   | 1067 | 428              | 612    | 22               | 1      | 4                |
|                   |                                        |      |                  |        |                  |        |                  |
| 2016              | 1719                                   | 319  | 52               | 1348   |                  |        |                  |
|                   |                                        |      |                  |        |                  |        |                  |
| 2017              | 349                                    | 204  | 31               | 114    |                  |        |                  |

Below is a table produced from the Building Safety Division that shows the number of permits that were issued for construction of new development. These numbers help to show what could be expected to be placed into service once the construction is complete.

|                            | 2015 | 2016 | 2017 to date through May |
|----------------------------|------|------|--------------------------|
| New Single-Family Detached | 357  | 484  | 225                      |
| New Single Family Attached | 14   | 0    | 5                        |
| New Two Family (Duplexes)  | 4    | 22   | 18                       |
| New Apartments             | 5    | 47   | 81                       |
| New Commercial             | 29   | 37   | 9                        |

**BUDGET/STAFF IMPACT:**

None

# City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

|                            |                                                                                    |                          |
|----------------------------|------------------------------------------------------------------------------------|--------------------------|
| <b>Budget Year</b><br>2017 | <b>Division /Org2</b> ACCOUNTING & AUDIT (131)<br><b>Requestor:</b> Kevin Springer | <b>Adjustment Number</b> |
|----------------------------|------------------------------------------------------------------------------------|--------------------------|

## BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

\$38,000 is requested in the Accounting & Audit division for the addition of a part-time FTE to be used for the transition of duties related to payroll. The budget is coming from the Budget & Information Management division due to staff turnover of a budget analyst position.

|                      |                                            |
|----------------------|--------------------------------------------|
| RESOLUTION/ORDINANCE | COUNCIL DATE: 7/18/2017                    |
|                      | LEGISTAR FILE ID#: 2017-0329               |
|                      | <i>Kevin Springer</i><br>6/28/2017 3:21 PM |
|                      | Budget Director _____ Date _____           |
|                      | TYPE: _____                                |
|                      | DESCRIPTION: _____                         |
|                      | GLDATE: _____                              |
|                      | POSTED: _____ / _____                      |

| TOTAL                 |                       | -       | -            |     |    |                              | v.20170606 |
|-----------------------|-----------------------|---------|--------------|-----|----|------------------------------|------------|
| Account Number        | Increase / (Decrease) |         | Project.Sub# |     | AT | Account Name                 |            |
|                       | Expense               | Revenue | Project      | Sub |    |                              |            |
| 1010.131.1310-5100.00 | 30,300                |         |              |     | EX | Salaries/Wages - FT, Regular |            |
| 1010.131.1310-5108.00 | 3,700                 |         |              |     | EX | Emp Insurance - Health       |            |
| 1010.131.1310-5109.06 | 4,000                 |         |              |     | EX | Pension - Retirement Savings |            |
| 1010.133.1330-5100.00 | (30,000)              |         |              |     | EX | Salaries/Wages - FT, Regular |            |
| 1010.133.1330-5108.00 | (5,000)               |         |              |     | EX | Emp Insurance - Health       |            |
| 1010.133.1330-5109.06 | (3,000)               |         |              |     | EX | Pension - Retirement Savings |            |
|                       | -                     | -       |              |     |    |                              |            |
|                       | -                     | -       |              |     |    |                              |            |
|                       | -                     | -       |              |     |    |                              |            |
|                       | -                     | -       |              |     |    |                              |            |
|                       | -                     | -       |              |     |    |                              |            |



# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

## Text File

**File Number: 2017-0330**

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**Agenda Date:** 7/18/2017

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Presentation

**Agenda Number:** D. 1

AGENDA SESSION PRESENTATION AUDIT COMMITTEE REPORT - MICHAEL WHITE

## **City of Fayetteville, Arkansas**

*113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323*



### **Meeting Agenda - Tentative Agenda**

**Tuesday, July 11, 2017**

**4:30 PM**

**City Hall Room 326**

### **City Council Agenda Session**

*Adella Gray Ward 1*

*Sarah Marsh Ward 1*

*Mark Kinion Ward 2*

*Matthew Petty Ward 2*

*Justin Tennant Ward 3*

*Sarah Bunch Ward 3*

*John S. La Tour Ward 4*

*Alan Long Ward 4*

#### **ELECTED OFFICIALS:**

*Mayor Lioneld Jordan*

*City Attorney Kit Williams*

*City Clerk Sondra Smith*

**Call To Order****Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****1.        2017-0323**

2016 AUDIT REPORT - PAUL BECKER

**Agenda Additions****A. Consent:****~~A.~~ 1        2016-0579**

APPROVAL OF THE JULY 6, 2017 CITY COUNCIL MEETING MINUTES.

**~~A.~~ 2        2017-0334****FAYETTEVILLE POLICE DEPARTMENT AMMUNITION:**

A RESOLUTION TO APPROVE THE PURCHASE OF AMMUNITION AS NEEDED BY THE FAYETTEVILLE POLICE DEPARTMENT FROM VARIOUS MANUFACTURERS, PURSUANT TO THE STATE OF ARKANSAS AMMUNITION CONTRACT, THROUGH JANUARY 22, 2018 AND AS RENEWED BY THE STATE FOR UP TO FOUR ADDITIONAL ONE YEAR TERMS

Attachments:        FAYETTEVILLE POLICE DEPARTMENT AMMUNITION



A. 3

2017-0362

NB-1

**BOSTON MOUNTAIN SOLID WASTE DISTRICT:**

A RESOLUTION TO APPROVE A ONE YEAR CONTRACT WITH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT IN THE AMOUNT OF \$36,790.00 WITH AUTOMATIC RENEWALS FOR UP TO FIVE ADDITIONAL ONE YEAR TERMS BASED ON A RATE OF FIFTY CENTS PER RESIDENT PER YEAR FOR SOLID WASTE SERVICES PROVIDED TO THE CITY OF FAYETTEVILLE AS A MEMBER OF THE DISTRICT

Attachments:

BOSTON MOUNTAIN SOLID WASTE DISTRICT

A. 4

2017-0368

**RUPPLE MEADOWS SUBDIVISION STREET IMPROVEMENTS:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$72,321.00 AS THE DEVELOPER'S SHARE TO WIDEN RUPPLE ROAD, INSTALL STORM WATER DRAINAGE AND CONSTRUCT A TRAIL AT THE TOTAL COST OF \$143,973.20

Attachments:

RUPPLE MEADOWS SUBDIVISION STREET IMPROVEMENTS

BA\_RUPPLE MEADOWS SUBDIVISION STREET IMPROVEMENTS

A. 5

2017-0370

**SPECIAL NEEDS ASSISTANCE PROGRAM (SNAP) GRANT:**

A RESOLUTION TO APPROVE THE RENEWAL OF FOUR SPECIAL NEEDS ASSISTANCE PROGRAM GRANT AGREEMENTS WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN THE TOTAL AMOUNT OF \$305,348.00 FOR THE CITY TO ADMINISTER PROGRAMS TO ASSIST HOMELESS FAYETTEVILLE RESIDENTS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

SPECIAL NEEDS ASSISTANCE PROGRAM (SNAP) GRANT

BA\_SPECIAL NEEDS ASSISTANCE PROGRAM (SNAP) GRANT

**B. Unfinished Business:**

**✓B.1**     2017-0335**RZN 17-5803: (E. OF OLD MISSOURI RD. & ROLLING HILLS DR. KEENAN):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5803 FOR APPROXIMATELY 10.86 ACRES LOCATED EAST OF THE INTERSECTION OF OLD MISSOURI ROAD AND ROLLING HILLS DRIVE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NS-G, NEIGHBORHOOD SERVICES, GENERAL

Attachments:RZN 17-5803 (E. OF OLD MISSOURI RD. & ROLLING HILLS DR./KEENAN)ADDITIONAL RZN 17-5803 E. OF OLD MISSOURI RD. & ROLLING HILLS DR.]

*At the July 6, 2017 City Council Meeting this ordinance was was left on the first reading.*

**C. New Business:****✓C.1**     2017-0355*Consent***KIMBEL MECHANICAL SYSTEMS, INC.:**

A RESOLUTION TO APPROVE AND CERTIFY THE PARTICIPATION OF KIMBEL MECHANICAL SYSTEMS, INC. IN THE ARKANSAS TAX BACK PROGRAM AND TO AGREE TO AUTHORIZE THE ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION TO REFUND CITY SALES TAX BACK TO KIMBEL MECHANICAL SYSTEMS, INC. FOR QUALIFIED PURCHASES

Attachments:KIMBEL MECHANICAL SYSTEMS, INC.**✓C.2**     2017-0361**RZN 17-5837 (521 N. SHADY AVE./WCR DEVELOPMENT):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5837 FOR APPROXIMATELY 0.23 ACRES LOCATED AT 521 NORTH SHADY AVENUE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

Attachments:RZN 17-5837 (521 N. SHADY AVE./WCR DEVELOPMENT)

C.3 2017-0366

**WALTON FAMILY FOUNDATION GRANT AGREEMENT:**

A RESOLUTION TO THANK THE WALTON FAMILY FOUNDATION, TO APPROVE THE GRANT AGREEMENT WITH THE WALTON FAMILY FOUNDATION IN THE AMOUNT OF UP TO \$1,361,428.00 AS A 50/50 MATCHING GRANT FOR THE CONSTRUCTION OF A MODEL TWO-WAY CYCLE TRACK ALONG OLD WIRE ROAD AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: WALTON FAMILY FOUNDATION GRANT  
BA WALTON FAMILY FOUNDATION GRANT

C.4 2017-0329

**POSITION CONTROL INCREASE:**

A RESOLUTION TO AUTHORIZE THE ADDITION OF 1.0 FULL TIME EQUIVALENT POSITION TO THE POLICE DEPARTMENT TO PROVIDE A SECOND CRIME SCENE TECHNICIAN, 2.0 FULL TIME EQUIVALENT POSITIONS TO THE RECYCLING & TRASH COLLECTION DIVISION TO PROVIDE TWO ROUTE DRIVERS, AND A TEMPORARY PART TIME POSITION IN THE FINANCE & INTERNAL SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: POSITION CONTROL INCREASE  
BA POSITION CONTROL INCREASE

**D. City Council Agenda Session Presentations:**

D.1 2017-0330

AGENDA SESSION PRESENTATION AUDIT COMMITTEE REPORT - MICHAEL WHITE

**E. City Council Tour:**

**F. Announcements:**

**G. Adjournment**

**NOTICE TO MEMBERS OF THE AUDIENCE**

Consent Agenda Walk-on  
FAA Grant - \$137,520<sup>00</sup> Taxiway B

City Council Tour - 4:00 pm  
July 17, 2017 City Hall

*The Agenda Meeting 7-5-17*

## **City of Fayetteville, Arkansas**

*113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323*



### **Meeting Agenda - Tentative Agenda**

**Tuesday, July 11, 2017**

**4:30 PM**

**City Hall Room 326**

### **City Council Agenda Session**

*Adella Gray Ward 1  
Sarah Marsh Ward 1  
Mark Kinion Ward 2  
Matthew Petty Ward 2  
Justin Tennant Ward 3  
Sarah Bunch Ward 3  
John S. La Tour Ward 4  
Alan Long Ward 4*

#### ***ELECTED OFFICIALS:***

*Mayor Lioneld Jordan  
City Attorney Kit Williams  
City Clerk Sondra Smith*

**Call To Order**

**Roll Call**

**Pledge of Allegiance**

**Mayor's Announcements, Proclamations and Recognitions**

**City Council Meeting Presentations, Reports and Discussion Items:**

✕ 2017-0323

2016 AUDIT REPORT - PAUL BECKER

**Agenda Additions**

**A. Consent:**

✕ A.1 2016-0579

APPROVAL OF THE JULY 6, 2017 CITY COUNCIL MEETING MINUTES.

✕ A.2 2017-0334

**FAYETTEVILLE POLICE DEPARTMENT AMMUNITION:**

A RESOLUTION TO APPROVE THE PURCHASE OF AMMUNITION AS NEEDED BY THE FAYETTEVILLE POLICE DEPARTMENT FROM VARIOUS MANUFACTURERS, PURSUANT TO THE STATE OF ARKANSAS AMMUNITION CONTRACT, THROUGH JANUARY 22, 2018 AND AS RENEWED BY THE STATE FOR UP TO FOUR ADDITIONAL ONE YEAR TERMS

Attachments: SRP - Ammo per State Contract

NO  
#1  
A.3 2017-0355

**KIMBEL MECHANICAL SYSTEMS, INC.:**

A RESOLUTION TO APPROVE AND CERTIFY THE PARTICIPATION OF KIMBEL MECHANICAL SYSTEMS, INC. IN THE ARKANSAS TAX BACK PROGRAM AND TO AGREE TO AUTHORIZE THE ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION TO REFUND CITY SALES TAX BACK TO KIMBEL MECHANICAL SYSTEMS, INC. FOR QUALIFIED PURCHASES

AV4  
✓  
Attachments: KMS Packet

2017-0362

**BOSTON MOUNTAIN SOLID WASTE DISTRICT:**

A RESOLUTION TO APPROVE A ONE YEAR CONTRACT WITH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT IN THE AMOUNT OF \$36,790.00 WITH AUTOMATIC RENEWALS FOR UP TO FIVE ADDITIONAL ONE YEAR TERMS BASED ON A RATE OF FIFTY CENTS PER RESIDENT PER YEAR FOR SOLID WASTE SERVICES PROVIDED TO THE CITY OF FAYETTEVILLE AS A MEMBER OF THE DISTRICT

AV5  
✓  
Attachments: BOSTON MOUNTAIN SOLID WASTE DISTRICT

2017-0368

**RUPPLE MEADOWS SUBDIVISION STREET IMPROVEMENTS:**

Attachments: RUPPLE MEADOWS SUBDIVISION STREET IMPROVEMENTS  
BA\_RUPPLE MEADOWS SUBDIVISION STREET IMPROVEMENTS

AV6  
✓  
A.6 2017-0370

**SPECIAL NEEDS ASSISTANCE PROGRAM (SNAP) GRANT:**

Attachments: SPECIAL NEEDS ASSISTANCE PROGRAM (SNAP) GRANT  
BA\_SPECIAL NEEDS ASSISTANCE PROGRAM (SNAP) GRANT

B. Unfinished Business: TBD

C. New Business:

✓  
C.1 2017-0361**RZN 17-5837 (521 N. SHADY AVE./WCR DEVELOPMENT):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5837 FOR APPROXIMATELY 0.23 ACRES LOCATED AT 521 NORTH SHADY AVENUE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

Attachments: 17-5837 CC Agenda Package

✓  
C.2 2017-0366**WALTON FAMILY FOUNDATION GRANT AGREEMENT:**

A RESOLUTION TO THANK THE WALTON FAMILY FOUNDATION, TO APPROVE THE GRANT AGREEMENT WITH THE WALTON FAMILY FOUNDATION IN THE AMOUNT OF UP TO \$1,361,428.00 AS A 50/50 MATCHING GRANT FOR THE CONSTRUCTION OF A MODEL TWO-WAY CYCLE TRACK ALONG OLD WIRE ROAD AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: WALTON FAMILY FOUNDATION GRANT  
BA\_WALTON FAMILY FOUNDATION GRANT

✓  
C.3 2017-0329**POSITION CONTROL INCREASE:**

A RESOLUTION TO AUTHORIZE THE ADDITION OF 1.0 FULL TIME EQUIVALENT POSITION TO THE POLICE DEPARTMENT TO PROVIDE A SECOND CRIME SCENE TECHNICIAN, 2.0 FULL TIME EQUIVALENT POSITIONS TO THE RECYCLING & TRASH COLLECTION DIVISION TO PROVIDE TWO ROUTE DRIVERS, AND A TEMPORARY PART TIME POSITION IN THE FINANCE & INTERNAL SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: POSITION CONTROL INCREASE  
BA\_POSITION CONTROL INCREASE

**D. City Council Agenda Session Presentations:**

D.1 2017-0330

**E. City Council Tour:****F. Announcements:**

**G. Adjournment**

**NOTICE TO MEMBERS OF THE AUDIENCE**