

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

**FINAL AGENDA
CITY COUNCIL
FEBRUARY 19, 2002**
(Revisions in italics)

A meeting of the Fayetteville City Council will be held on February 19, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF THE MINUTES** 1/2/02.
2. **SANITATION TRUCKS:** *A resolution awarding Bid No. 02-01 to two qualified bidders. Item #1- Arkansas Power Steering Mack Chassis with Labrie Body, (\$348,677.30) and Item #2- Shipley Motor equipment - Mack Chassis with Heil Body (\$298,242.50). Total purchase of \$646,919.80.*
3. **LIBRARY:** A resolution supporting cooperation with the Chemical Engineering Department of the University of Arkansas and the Fayetteville Public Library related to distributed power options for the new Library Building.
4. **INFRASTRUCTURE GRANT:** A resolution approving an Economic Infrastructure Grant from Arkansas Department of Economic Development for \$100,000 to replace a water distribution main. The work will enable Pinnacle Foods to expand and add 134 jobs.

B. OLD BUSINESS

1. **CABLE RATES:** A resolution expressing the City Council's opposition to the seventy-five percent (75%) rate increase for basic tier cable television service proposed by Cox Communications, Inc., to authorize hiring an expert to audit and challenge the increase before the FCC and to approve a budget adjustment of \$6,000.00. The item was tabled at the February 5, 2002, meeting.
2. **RZN 02-1.00:** An ordinance approving RZN 02-1.00 as submitted by Robert Schmitt for property located at 1140 Hendrix and 1110 Hendrix. The property is zoned R-1, Low Density Residential, and contains approximately 1.36 acres. The request is rezoned to R-1.5, Moderate Density Residential. The ordinance was left on the first reading at the February 5, 2002, meeting.

3. **RZN 02-2.00:** An ordinance approving rezoning request RZN 02-2.00 as submitted by Craig Hull of Nickle-Hill Group on behalf of Andy Bethell for property located at the northeast corner of Joyce Blvd. and Crossover Road. The property is zoned C-1, Neighborhood Commercial and contains approximately 1.94 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the first reading at the February 5, 2002, meeting.

C. NEW BUSINESS

1. **CIVIL SERVICE:** An ordinance adding two additional members to the Fayetteville Civil Service Commission.
2. **ROLLFORWARD:** A resolution approving a budget adjustment which will allow for the rollforward and re-budget of all projects for items in progress which were appropriated in the 2001 Budget. The items which are approved will become part of the 2002 Budget.
3. **BURDITT ASSOCIATES:** A resolution authorizing a contract change with Burditt Associates in the amount of \$33,000 to complete the city-wide tree inventory and to provide software and management plan.
4. **MUDD CREEK:** A resolution showing support for the Mudd Creek Trail Project and giving the authority to the Mayor to enter into a contractual agreement with AHTD.
5. **SWIMMING POOL FEES:** An ordinance amending Section 97.017 of the Code of Fayetteville to allow the Mayor or his designee to establish fees for the city swimming pool.
6. **PARKS MASTER PLAN:** A resolution approving the Parks and Recreation Ten-Year Master Plan with guiding policies and implementation strategies.
7. **BOYS AND GIRLS CLUB:** An ordinance waiving the requirement of formal competitive bidding and approving a contract between the City of Fayetteville and Boys and Girls Club to provide public recreation.
8. **COUNCIL ON AGING:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville and Council on Aging in the amount of \$30,999.96 to provide public recreations for the senior citizens of Fayetteville for 2002.
9. **FAYETTE TREE AND TRENCH:** An ordinance to waive competitive bidding requirements for a contract to repair and replace the sewer main running under I-540 and to declare an emergency.
10. **FAYETTE TREE AND TRENCH:** A resolution to approve a contract with Fayette Tree and Trench in the amount of \$205,650.40 with a 15% project contingency

amount of \$30,847.60 for a total of \$236,498.00 and to approve a budget adjustment in the amount of \$236,498.00.

11. **DEAD HORSE MOUNTAIN BRIDGE:** A resolution approving an agreement with the Arkansas Highway and Transportation Department regarding the design and funding for the replacement of the Dead Horse Mountain Bridge. Costs to consist of the deposit payment to AHTD at the start of the preliminary design.
12. **WARD BOUNDARIES:** Discussion regarding Ward Boundaries.

City Council February 19, 2002

	<i>Roll</i>				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Zurcher	✓				
Coody	✓				

<i>Consent</i>	<i>BD KS.</i>				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Zurcher	✓				
Coody					

City Council February 19, 2002

<u>CABLE RATES</u>	PZ BT.				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Zurcher	✓				
Coody					

6-2-0

PZ 2-1.00.	CY 2000 BD.				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓	left 2000			
Young	✓				
Zurcher	✓				
Coody					

City Council February 19, 2002

<i>PZN 02-2:00</i>	<i># 2ND LG.</i>	<i># 3RD LG.</i>	<i>PASS</i>		
Trumbo	✓	✓			
Davis	✓	✓	✓		
Santos	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Thiel	✓	✓	✓		
Young	✓	✓	✓		
Zurcher	✓	✓	✓		
Coody					

<i>Waco Banquet</i>	<i># 3D. Second Rule</i>				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Zurcher	✓				
Coody					

City Council February 19, 2002

Civil Service Com.					
Trumbo					
Davis					
Santos					
Jordan	left 1st. on				
Reynolds					
Thiel					
Young					
Zurcher					
Coody					

Roll Forward	KS BD				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Zurcher	✓				
Coody					

City Council February 19, 2002

Burdi [#] Assoc	RE KS.				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Zurcher	✓				
Coody					

Mudd Creek	# BD.				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Zurcher	✓				
Coody					

City Council February 19, 2002

<i>Swimming pool fees.</i>	<i># 2nd LG.</i>	<i># 3rd LG.</i>	<i>press</i>		
Trumbo	✓	✓	✓		
Davis	✓	✓	✓		
Santos	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Thiel	✓	✓	✓		
Young	✓	✓	✓		
Zurcher	✓	✓	✓		
Coody					

<i>Park maint. plan</i>	<i>ICS BD.</i>				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Zurcher	✓				
Coody					

City Council February 19, 2002

<u>Boys & Girls Club</u>	<u>H LG. 2ND</u>	<u>BD PR 3RD</u>	<u>PASS</u>		
Trumbo	✓	✓	✓		
Davis	✓	✓	✓		
Santos	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Thiel	✓	✓	✓		
Young	✓	✓	✓		
Zurcher	✓	✓	✓		
Coody					

<u>Council on Aging</u>	<u>KS 2ND LG</u>	<u>KS 3RD LG</u>	<u>PASS</u>		
Trumbo	✓	✓	✓		
Davis	✓	✓	✓		
Santos	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Thiel	✓	✓	✓		
Young	✓	✓	✓		
Zurcher	✓	✓	✓		
Coody					

City Council February 19, 2002

<i>FRAYETTE TREE TRUNK</i>	<i>H 22</i>	<i>H 3RD BD.</i>	<i>PASS</i>	<i>H 22 GIVING</i>	<i>BT.</i>	<i>Recommend no</i>
Trumbo	✓	✓	✓	✓	✓	✓
Davis	✓	✓	✓	✓	✓	✓
Santos	✓	✓	✓	✓	✓	✓
Jordan	✓	✓	✓	✓	✓	✓
Reynolds	✓	✓	✓	✓	✓	✓
Thiel	✓	✓	✓	✓	✓	✓
Young	✓	✓	✓	✓	✓	✓
Zurcher	✓	✓	✓	✓	✓	✓
Coody	✓	✓		5-3-0. failed.		

<i>FRAYETTE TREE TRUNK</i>	<i>no more recommend.</i>				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Zurcher	✓				
Coody					

failed

*noting
signature*

City Council February 19, 2002,

DEPT HORSE BRIDGE	BT #.				
Trumbo	☒				
Davis	☒				
Santos	☒				
Jordan	☒				
Reynolds	☒				
Thiel	☒				
Young	☒				
Zurcher	☒				
Coody					

gavel.

Trumbo					
Davis					
Santos					
Jordan					
Reynolds					
Thiel					
Young					
Zurcher					
Coody					

mtg adjourned.
10:55

City Council February 19, 2002

Trumbo					
Davis					
Santos					
Jordan					
Reynolds					
Thiel					
Young					
Zurcher					
Coody					

Trumbo					
Davis					
Santos					
Jordan					
Reynolds					
Thiel					
Young					
Zurcher					
Coody					

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL FEBRUARY 19, 2002

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A. CONSENT

1. **APPROVAL OF THE MINUTES**
2. **SANITATION TRUCKS:** A resolution awarding Bid No. 02-01 to Shipley Motor Equipment for two front load and two rear load style cab and chassis with mounted sanitation bodies in the amount of \$646,919.
3. **LIBRARY:** A resolution supporting cooperation with the Chemical Engineering Department of the University of Arkansas and the Fayetteville Public Library related to distributed power options for the new Library Building.
4. **INFRASTRUCTURE GRANT:** A resolution approving an Economic Infrastructure Grant from Arkansas Department of Economic Development for \$100,000 to replace a water distribution main. The work will enable Pinnacle Foods to expand and add 134 jobs.

B. OLD BUSINESS

1. **CABLE RATES:** A resolution expressing the City Council's opposition to the seventy-five percent (76%) rate increase for basic tier cable television service proposed by Cox Communications, Inc., to authorize hiring an expert to audit and challenge the increase before the FCC and to approve a budget adjustment of \$6,000.00. The item was tabled at the February 5, 2002, meeting.
2. **RZN 02-1.00:** An ordinance approving RZN 02-1.00 as submitted by Robert Schmitt for property located at 1140 Hendrix and 1110 Hendrix. The property is zoned R-1, Low Density Residential, and contains approximately 1.36 acres. The request is rezoned to R-1.5, Moderate Density Residential. The ordinance was left on the first reading at the February 5, 2002, meeting.

3. **RZN 02-2.00:** An ordinance approving rezoning request RZN 02-2.00 as submitted by Craig Hull of Nickle-Hill Group on behalf of Andy Bethell for property located at the northeast corner of Joyce Blvd. and Crossover Road. The property is zoned C-1, Neighborhood Commercial and contains approximately 1.94 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the first reading at the February 5, 2002, meeting.

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12. **WARD BOUNDARIES:** Discussion regarding Ward Boundaries.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

*Final
Council
Meeting
Tuesday
afternoon*

FINAL AGENDA CITY COUNCIL FEBRUARY 19, 2002 (Revisions in italics)

AWARD - DAVID WRIGHT P.R.

A meeting of the Fayetteville City Council will be held on February 19, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

A. CONSENT

- RES. 23-02* 1. **APPROVAL OF THE MINUTES - JAN. 2, 2002**
- RES. 24-02* 2. **SANITATION TRUCKS:** *A resolution* awarding Bid No. 02-01 to two qualified bidders. Item #1- Arkansas Power Steering Mack Chassis with Labrie Body, (\$348,677.30) and Item #2- Shipley Motor equipment - Mack Chassis with Heil Body (\$298,242.50). Total purchase of \$646,919.80.
- RES. 25-02* 3. **LIBRARY:** *A resolution* supporting cooperation with the Chemical Engineering Department of the University of Arkansas and the Fayetteville Public Library related to distributed power options for the new Library Building.
- RES. 26-02* 4. **INFRASTRUCTURE GRANT:** *A resolution* approving an Economic Infrastructure Grant from Arkansas Department of Economic Development for \$100,000 to replace a water distribution main. The work will enable Pinnacle Foods to expand and add 134 jobs.

B. OLD BUSINESS

- RES. 27-02* 1. **CABLE RATES:** *A resolution* expressing the City Council's opposition to the seventy-five percent (75%) rate increase for basic tier cable television service proposed by Cox Communications, Inc., to authorize hiring an expert to audit and challenge the increase before the FCC and to approve a budget adjustment of \$6,000.00. The item was tabled at the February 5, 2002, meeting.
- RES. 28-02* 2. **RZN 02-1.00:** An ordinance approving RZN 02-1.00 as submitted by Robert Schmitt for property located at 1140 Hendrix and 1110 Hendrix. The property is zoned R-1, Low Density Residential, and contains approximately 1.36 acres. The request is rezone to R-1.5, Moderate Density Residential. The ordinance was left on the first reading at the February 5, 2002, meeting.

(Rick Osburn attorney)

- PASS* 3. **RZN 02-2.00:** An ordinance approving rezoning request RZN 02-2.00 as submitted by Craig Hull of Nickle-Hill Group on behalf of Andy Bethell for property located at the northeast corner of Joyce Blvd. and Crossover Road. The property is zoned C-1, Neighborhood Commercial and contains approximately 1.94 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the first reading at the February 5, 2002, meeting.

C. NEW BUSINESS

left on 1st reading **CIVIL SERVICE:** An ordinance adding two additional members to the Fayetteville Civil Service Commission.

- PASS* 2. **ROLLFORWARD:** A resolution approving a budget adjustment which will allow for the rollforward and re-budget of all projects for items in progress which were appropriated in the 2001 Budget. The items which are approved will become part of the 2002 Budget.

- PASS* 3. **BURDITT ASSOCIATES:** A resolution authorizing a contract change with Burditt Associates in the amount of \$33,000 to complete the city-wide tree inventory and to provide software and management plan.

- PASS* 4. **MUDD CREEK:** A resolution showing support for the Mudd Creek Trail Project and giving the authority to the Mayor to enter into a contractual agreement with AHTD.

- PASS* 5. **SWIMMING POOL FEES:** An ordinance amending Section 97.017 of the Code of Fayetteville to allow the Mayor or his designee to establish fees for the city swimming pool.

- PASS* 6. **PARKS MASTER PLAN:** A resolution approving the Parks and Recreation Ten-Year Master Plan with guiding policies and implementation strategies.

- PASS* 7. **BOYS AND GIRLS CLUB:** An ordinance waiving the requirement of formal competitive bidding and approving a contract between the City of Fayetteville and Boys and Girls Club to provide public recreation.

- PASS* 8. **COUNCIL ON AGING:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville and Council on Aging in the amount of \$30,999.96 to provide public recreations for the senior citizens of Fayetteville for 2002.

ordinance failed **FAYETTE TREE AND TRENCH:** An ordinance to waive competitive bidding requirements for a contract to repair and replace the sewer main running under I-540 and to declare an emergency.

- X/A* 10. **FAYETTE TREE AND TRENCH:** A resolution to approve a contract with Fayette Tree and Trench in the amount of \$205,650.40 with a 15% project contingency

amount of \$30,847.60 for a total of \$236,498.00 and to approve a budget adjustment in the amount of \$236,498.00.

- failed*
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RES. 24-02 3. **LIBRARY:** A resolution supporting cooperation with the Chemical Engineering Department of the University of Arkansas and the Fayetteville Public Library related to distributed power options for the new Library Building.

RES. 25-02 4. **INFRASTRUCTURE GRANT:** A resolution approving an Economic Infrastructure Grant from Arkansas Department of Economic Development for \$100,000 to replace a water distribution main. The work will enable Pinnacle Foods to expand and add 134 jobs.

B. OLD BUSINESS

RES. 26-02 1. **CABLE RATES:** A resolution expressing the City Council's opposition to the seventy-five percent (75%) rate increase for basic tier cable television service proposed by Cox Communications, Inc., to authorize hiring an expert to audit and challenge the increase before the FCC and to approve a budget adjustment of \$6,000.00. The item was tabled at the February 5, 2002, meeting.

LEFT
ON
2ND
READING

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C. NEW BUSINESS

- LEFT ON
1st READING
- RES. 27-02 1. **CIVIL SERVICE:** An ordinance adding two additional members to the Fayetteville Civil Service Commission.
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- FAILED 9. **FAYETTE TREE AND TRENCH:** An ordinance to waive competitive bidding requirements for a contract to repair and replace the sewer main running under I-540 and to declare an emergency.
- FAILED 10. **FAYETTE TREE AND TRENCH:** A resolution to approve a contract with Fayette Tree and Trench in the amount of \$205,650.40 with a 15% project contingency

amount of \$30,847.60 for a total of \$236,498.00 and to approve a budget adjustment in the amount of \$236,498.00.

FAILED

11. **DEAD HORSE MOUNTAIN BRIDGE:** A resolution approving an agreement with the Arkansas Highway and Transportation Department regarding the design and funding for the replacement of the Dead Horse Mountain Bridge. Costs to consist of the deposit payment to AHTD at the start of the preliminary design.

NO ACTION

12. **WARD BOUNDARIES:** Discussion regarding Ward Boundaries.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL FEBRUARY 19, 2002

A meeting of the Fayetteville City Council will be held on February 19, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

A. CONSENT

- 1. APPROVAL OF THE MINUTES**
- 2. SANITATION TRUCKS:** A resolution awarding Bid No. 02-01 to Shipley Motor Equipment for two front load and two rear load style cab and chassis with mounted sanitation bodies in the amount of \$646,919.
- 3. LIBRARY:** A resolution supporting cooperation with the Chemical Engineering Department of the University of Arkansas and the Fayetteville Public Library related to distributed power options for the new Library Building.
- 4. INFRASTRUCTURE GRANT:** A resolution approving an Economic Infrastructure Grant from Arkansas Department of Economic Development for \$100,000 to replace a water distribution main. The work will enable Pinnacle Foods to expand and add 134 jobs.

B. OLD BUSINESS

- 1. CABLE RATES:** A resolution expressing the City Council's opposition to the seventy-five percent (76%) rate increase for basic tier cable television service proposed by Cox Communications, Inc., to authorize hiring an expert to audit and challenge the increase before the FCC and to approve a budget adjustment of \$6,000.00. The item was tabled at the February 5, 2002, meeting.
- 2. RZN 02-1.00:** An ordinance approving RZN 02-1.00 as submitted by Robert Schmitt for property located at 1140 Hendrix and 1110 Hendrix. The property is zoned R-1, Low Density Residential, and contains approximately 1.36 acres. The request is rezone to R-1.5, Moderate Density Residential. The ordinance was left on the first reading at the February 5, 2002, meeting.

3. **RZN 02-2.00:** An ordinance approving rezoning request RZN 02-2.00 as submitted by Craig Hull of Nickle-Hill Group on behalf of Andy Bethell for property located at the northeast corner of Joyce Blvd. and Crossover Road. The property is zoned C-1, Neighborhood Commercial and contains approximately 1.94 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the first reading at the February 5, 2002, meeting.

C. NEW BUSINESS

1. **CIVIL SERVICE:** An ordinance adding two additional members to the Fayetteville Civil Service Commission.
2. **ROLLFORWARD:** A resolution approving a budget adjustment which will allow for the rollforward and re-budget of all projects for items in progress which were appropriated in the 2001 Budget. The items which are approved will become part of the 2002 Budget.
3. **BURDITT ASSOCIATES:** A resolution authorizing a contract change with Burditt Associates in the amount of \$33,000 to complete the city wide tree inventory and to provide software and management plan.
4. **MUDD CREEK:** A resolution showing support for the Mudd Creek Trail Project and giving the authority to the Mayor to enter into a contractual agreement with AHTD.
5. **SWIMMING POOL FEES:** An ordinance amending Section 97.017 of the Code of Fayetteville to allow the Mayor or his designee to establish fees for the city swimming pool.
6. **PARKS MASTER PLAN:** A resolution approving the Parks and Recreation Ten-Year Master Plan with guiding policies and implementation strategies.
7. **BOYS AND GIRLS CLUB:** An ordinance waiving the requirement of formal competitive bidding and approving a contract between the City of Fayetteville and Boys and Girls Club to provide public recreation.
8. **COUNCIL ON AGING:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville and Council on Aging in the amount of \$30,999.96 to provide public recreations for the senior citizens of Fayetteville for 2002.
9. **FAYETTE TREE AND TRENCH:** An ordinance to waive competitive bidding requirements for a contract to repair and replace the sewer main running under I-540 and to declare an emergency.
10. **FAYETTE TREE AND TRENCH:** A resolution to approve a contract with Fayette Tree and Trench in the amount of \$205,650.40 with a 15% project contingency amount of \$30,847.60 for a total of \$236,498.00 and to approve a budget adjustment in the amount of \$236,498.00.

11. **DEAD HORSE MOUNTAIN BRIDGE:** A resolution approving an agreement with the Arkansas Highway and Transportation Department regarding the design and funding for the replacement of the Dead Horse Mountain Bridge. Costs to consist of the deposit payment to AHTD at the start of the preliminary design.
12. **WARD BOUNDARIES:** Discussion regarding Ward Boundaries.

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE CITY COUNCIL'S
OPPOSITION TO THE SEVENTY-SIX PERCENT (76%)
RATE INCREASE FOR THE BASIC TIER CABLE TELEVISION
SERVICE BY COX COMMUNICATIONS, INC., TO AUTHORIZE
HIRING AN EXPERT TO AUDIT AND CHALLENGE THE
INCREASE BEFORE THE FCC AND TO APPROVE A BUDGET
ADJUSTMENT OF \$6,000.00

WHEREAS, the programming on the Fayetteville Government Channel and Community Access Television is currently available only to Cox Cable subscribers; and

WHEREAS, the low and moderate income residents of the City of Fayetteville have come to rely on the availability of a reasonably priced basic cable rate plan in order to receive the programming on the Fayetteville Government Channel and Community Access Television; and

WHEREAS, the proposed Seventy-Six percent (76%) rate increase for basic cable television service proposed by Cox Communications, Inc. is not justified and would place a significant financial burden on low and moderate income residents wishing to receive said programming; and

WHEREAS, Cox Communications, Inc. submitted FCC forms 1240 and 1205 with 34 pages of complex accounting to justify its rate increase; and

WHEREAS, it will be necessary to hire an expert in the accounting procedures and rules of the FCC to analyze and challenge this basic tier rate increase.

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 expresses its opposition to the proposed Seventy-Six Percent (76%) rate increase for basic cable television service proposed by Cox Communications, Inc.

Section 2. That the City Council of the City of Fayetteville, Arkansas authorizes and directs the Mayor to challenge this increase in cable rates for the basic tier, to hire a specialist to conduct an audit and examination of FCC forms

1240 and 1205 and supporting documents from Cox, and to file a complaint or challenge based upon this audit with the FCC.

Section 3. That the City Council of the City of Fayetteville, Arkansas approves a budget adjustment in the amount of Six Thousand Dollars (\$6,000.00) to pay some or all of the expert's fee to audit, examine, and challenge the rate increase for the basic tier cable fee increase.

PASSED and APPROVED this ____ day of January, 2002.

APPROVED:

By: _____

DRAFT
DAN COODY, Mayor

ATTEST:

By: _____

Heather Woodruff, City Clerk

STAFF REVIEW FORM

xx AGENDA REQUEST
 X CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2002

FROM:

Connie Edmonston	Parks and Recreation	Public Works
Name	Division	Department

ACTION REQUIRED:

~~A Resolution~~ ^{and an ordinance} to approve an agreement with the Council on Aging to provide public recreation for the citizens of Fayetteville ~~and an Ordinance~~ to waive competitive bidding for the payment to the Council on Aging in 2002 for the provision of public recreation.

COST TO CITY:

\$31,000	\$7,750	
Cost of this Request	\$23,250	Category/Project Name
1010-5220-5718-00	Category/Project Budget	Athletic/ Rec Transfer
2250-9250-5718-00	\$0	Park Development
Account Number	Funds Used To Date	Program Name
NA	\$31,000	General
Project Number	Remaining Balance	Park Development
		Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

[Signature] 2/1/02
 Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature]
 Accounting Manager

2/1/02
 Date

[Signature]
 Internal Auditor

2/1/02
 Date

[Signature]
 City Attorney

2/8/02
 Date

[Signature]
 ADA Coordinator

[Signature]
 Date

[Signature]
 Purchasing Officer

2/12/02
 Date

STAFF RECOMMENDATION:

Approval of Council on Aging agreement and an ordinance to waive competitive bidding for the Council on Aging.

[Signature]
 Division Head

1-31-02
 Date

[Signature]
 Department Director

1-31-02
 Date

[Signature]
 Administrative Services Director

2/12/02
 Date

[Signature]
 Mayor

2/12/02
 Date

Cross Reference

New Item: Yes No

Prev Ord/Res #:

Orig Contract Date:

Orig Contract Number:

Consent Agenda
 New Business

STAFF REVIEW FORM

Description Adult Center Agreement with Parks Meeting Date February 19, 2002

Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Reference Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council

THRU: Hugh Earnest, Urban Development Director

FROM: Connie Edmonston, Parks & Recreation Superintendent *C.E.*

DATE: January 31, 2002

RE: Council on Aging Agreement and Ordinance to Waive Competitive Bidding

Background

The City of Fayetteville has provided financial support for the Council on Aging since Hillcrest Towers was built in 1972. This cooperative agreement between our two agencies has worked extremely well throughout the years in serving the recreational needs of our senior citizens. It is the goal of both parties to work in cooperation to enhance the recreation facilities and programs in our City in order to meet the needs of the senior citizens of Fayetteville. It is the intent to work together for the common good of the citizens by not providing public funding for multiple competing program offerings. If the Council on Aging were not providing recreational services for our senior citizens, the City would need to assume the responsibility.

Current Status

The 2002 budget includes \$31,000 to be transferred to the Council on Aging to purchase public recreational services for the senior citizens of Fayetteville. In addition, the City provides a bus for program transportation. A resolution for contractual services as well as an ordinance to waive competitive bidding is needed. The contract outlines the services the Council on Aging is providing for the City. We are requesting a waiver of competitive bids to secure the continuity of services provided and because the Council on Aging has adequately served our senior citizens since 1972.

Recommendation

Parks and Recreation staff recommends approval of the contract with the Council on Aging to provide public recreation services for the senior citizens of Fayetteville and an ordinance to waive competitive bidding for these services.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE COUNCIL ON AGING IN THE AMOUNT OF THIRTY THOUSAND NINE HUNDRED NINETY-NINE DOLLARS AND NINETY-SIX CENTS (\$30,999.96) TO PROVIDE PUBLIC RECREATION SERVICES FOR THE SENIOR CITIZENS OF FAYETTEVILLE FOR 2002.

WHEREAS, providing quality recreational opportunities to the senior citizens of our community is of mutual interest to the City of Fayetteville and the Council on Aging, and;

WHEREAS, the Council on Aging and the City of Fayetteville have developed a working relationship over the past thirty years, and;

WHEREAS, this relationship allows for a continuity of services vital to the efficient provision of recreational opportunities, and;

WHEREAS, were it not for the services offered by the Council on Aging, the City of Fayetteville would be required to assume the duty of providing staff, programming, promotion, and development for senior citizen recreational services;

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

Section 1. That the City Council hereby waives the requirements of formal competitive bidding and approves a contract between the City of Fayetteville, Arkansas and the Council on Aging in the amount of Thirty Thousand Nine Hundred Ninety-Nine Dollars and Ninety-Six Cents (\$30,999.96) to provide public recreation services for the senior citizens of Fayetteville for 2002. A copy of said contract marked exhibit "A" is attached hereto and made a part hereof.

Section 2. That the City Council hereby authorizes the Mayor to sign said agreement with the Council on Aging.

PASSED and APPROVED this 15th day of January, 2002

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
HEATHER WOODRUFF, City Clerk

CONTRACT

Between The City of Fayetteville and Council on Aging, Inc.

WHEREAS, the City of Fayetteville has long been associated with and worked with the Council on Aging, Inc. to provide public recreation for the citizens of Fayetteville; and

WHEREAS, the Council on Aging, Inc. has long provided public recreation to the senior citizens of Fayetteville; and

WHEREAS, it remains in the best interest of the City of Fayetteville and its citizens to provide operating, promotion and development revenues to the Council on Aging, Inc. in consideration for the substantial recreational programs provided by the Council on Aging, Inc. to the senior citizens of Fayetteville.

NOW, THEREFORE, IT IS AGREED:

The City of Fayetteville shall provide the sum of \$2,583.33 monthly to the Council on Aging, Inc. throughout the year of 2002 in consideration of the following duties and obligations to be performed by the Council on Aging, Inc.:

- A. The Council on Aging, Inc., promises to be responsible for providing staff, programming, promotion, and development for the Hillcrest Towers and Walker Park Community Centers. The Council on Aging, Inc. agrees to use funding from the City to pay for the promotion and development of recreational programs designed specifically for senior citizens.
- B. The Council on Aging, Inc. promises to make substantial portions of its programs or facilities available to Fayetteville citizens (the public) at little or no cost for needy senior citizens. The Council on Aging, Inc. shall report on a quarterly basis the approximate number of Fayetteville citizens served by its programs.
- C. The Council on Aging, Inc. shall follow the general Working Procedures and Responsibilities for the City of Fayetteville Parks and Recreation Division and the Council on Aging, Inc. which is attached as Exhibit A.

CITY OF FAYETTEVILLE

By: _____
DAN COODY, Mayor

COUNCIL ON AGING, INC.

By: _____

Title

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT A

RECREATION IN FAYETTEVILLE

**WORKING PROCEDURES AND RESPONSIBILITIES FOR THE
CITY OF FAYETTEVILLE PARKS AND RECREATION DIVISION
AND THE COUNCIL ON AGING, INC.**

This Agreement is made and entered into between the City of Fayetteville Parks and Recreation Division (Parks and Recreation) and the Council On Aging (hereinafter COA).

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

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

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

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

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

1. COA will be responsible for providing staffing, programming, promotion and development of recreational programs for senior citizens which includes, but is not limited to, recreational trips, arts and crafts, music, and games.

2. Parks and Recreation will be responsible for providing or approving the staffing, programming, maintenance, promotion and development of the parks systems within the city and the recreational events occurring within the city for all ages.

3. The COA Executive Director and Parks and Recreation Superintendent shall have periodic meetings to ensure communication between the two entities.

4. It is understood and agreed that the City's annual purchase of services will be negotiated on a yearly basis. COA shall provide liability insurance for vehicles provided by the City of Fayetteville.

5. The COA Board of Directors is responsible for the management and operation of the annual funding allocation to COA from the City of Fayetteville and shall have the responsibility for prioritizing the use of such funds. However, 75 percent of the funding must be expended for promotion and development of recreation.

6. COA shall schedule a meeting and submit an annual financial report to the Urban Development Director on or before April of each year. Such report shall detail COA's use of the City of Fayetteville's funding allocation.

7. COA shall comply with the schedules and procedures established by the Budget & Research Division of the City of Fayetteville for annual funding requests.

8. The working procedures and responsibilities contained herein shall become effective January 1, 2002.

CITY OF FAYETTEVILLE

BY: _____

Attest:

BY: _____

COUNCIL ON AGING, INC.

BY: _____

ATTEST:

BY: _____

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2001

FROM:

Jim Beavers
 Name

Engineering
 Division

Public Works
 Department

ACTION REQUIRED:

1. Approval of an ordinance waiving competitive bidding.
2. Declaring an emergency for public health and safety (adding an emergency clause to the ordinance).
3. Approval of a negotiated contract with Fayette Tree and Trench in the estimated amount of \$205,650.40 for emergency repairs to replace the existing sanitary sewer crossing under AHTD Highway I-540 located north of Highway 62 (6th Street) and South of Highway 16 West (Wedington).
4. Approval of a 15% project contingency in the amount of \$ 30,848.00 to cover administrative costs including engineering and inspection, permits and any necessary field changes.
5. Approval of a budget adjustment in the amount of \$236,498.00.

COST TO CITY:

\$ 236,498
 Cost of this Request
5400-5700-5811.00
 Account Number
02040-0020
 Project Number

\$ 0 **
 Category/Project Budget
\$ 0
 Funds Used To Date
\$ 0
 Remaining Balance

Sanitary Sewer Replacement
 Category/Project Name
Sewer Improvements
 Program Name
Water & Sewer
 Fund

** Budget adjustment to be attached. Source of Funds - Mt. Sequoyah Water/Sewer, Project 01023.

BUDGET REVIEW:

☐ Budgeted Item

☒ Budget Adjustment Attached

[Signature]
 Budget Manager

[Signature]
 Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

Masha Farthing 2/13/02
 Accounting Manager Date
[Signature] 2/15/02
 City Attorney Date
[Signature] 2/15/02
 Purchasing Officer Date

GRANTING AGENCY:

[Signature] 2/14/02
 Internal Auditor Date
 _____ Date
 ADA Coordinator
 _____ Date
 Grant Coordinator

STAFF RECOMMENDATION: Approval

Jim Beavers
Division Head

02-13-02

Date

Cross Reference

Gay Ballab
Department Director

2-15-02

Date

New Item: Yes x No

Administrative Services Director

Date

Prev Ord/Res #:

Mayor

Date

Orig Contract Date:

Orig Contract No:

STAFF REVIEW FORM

Description I-540 Sanitary Sewer Replacement (Crossing) Meeting Date February 19, 2002

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Grant Coordinator

ORDINANCE NO. _____

AN ORDINANCE TO WAIVE THE COMPETITIVE
BIDDING REQUIREMENTS FOR A CONTRACT TO
REPAIR AND REPLACE THE SEWER MAIN RUNNING
UNDER I-540 AND TO DECLARE AN EMERGENCY

WHEREAS, the major sanitary sewer (20" main) running under Interstate 540 between Highway 62 West and Highway 16 West has recently been discovered to be so deteriorated that it cannot be repaired in place; and

WHEREAS, if this sanitary sewer main collapsed as is possible in the near future, substantial portions of West Fayetteville could lose sewer service and a portion of I-540 might be substantially damaged; and

WHEREAS, the City Council determines in light of the sudden and unexpected discovery of the deteriorated sewer main, this is an exceptional situation in which normal competitive bidding is neither feasible nor practical; and

WHEREAS, unless this ordinance waiving the requirements of competitive bidding is effective immediately, corrective work to replace this sewer main and fill in the deteriorated line might come too late to prevent collapse of the existing line causing dangerous and unhealthy sewage overflows, damage to Interstate 540, and other serious problems.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that the need to quickly replace and repair the

deteriorated sewer main under Interstate 540 is an exceptional situation in which statutory competitive bidding requirements are deemed not feasible or practical. Therefore, the City Council waives the normal competitive bidding procedure and authorizes the Mayor to contract for rapid correction of this serious problem.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby finds that the seriously deteriorated condition of the sewer main running under Interstate 540 was recently discovered and requires rapid replacement and repair in order not to further imperil the public's peace, health and safety. Therefore, the City Council of the City of Fayetteville, Arkansas hereby declares an Emergency exists such that this ordinance, being necessary for the preservation of the public peace, health and safety, shall become effective immediately and be in full force and effect upon its execution by the Mayor.

PASSED and APPROVED this the 19th day of February, 2002.

APPROVED:

By: **DRAFT**
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.

Fayetteville, AR 72701

Engineering Division

To: Dan Coody, Mayor

Thru: Greg Boettcher, Public Works Director
Contract Review

From: Jim Beavers, City Engineer *Jim Beavers*

Date: February 11, 2002

Re: City Council Meeting February 19, 2002
Sanitary sewer main replacement and repairs, I-540 crossing:

The existing sanitary sewer crossing located under I-540 north of Highway 62 (6th Street) and South of Highway 16 West (Wedington Drive) has deteriorated to the extent that a new crossing must be installed. (Please refer to enclosed vicinity map). This crossing carries the waste from the Porter Road pump station and a significant portion of the west side of Fayetteville.

The existing sanitary sewer crossing consists of 20 inch ductile iron carrier pipe and 36 inch corrugated metal encasement pipe. The crossing was originally installed in 1973 and extended east in 1980. The effects of hydrogen sulfide gas have deteriorated both the carrier pipe (ductile iron) and the encasement (corrugated metal culvert). The City experienced failures of the pipe on December 28 and January 15. Short-term, temporary repairs have been installed by the Water/Sewer maintenance Division. At the time of the two failures, it was reported that a section of the carrier pipe no longer existed and that the top of the encasement pipe, west of the pavement, had failed.

The existing carrier pipe and encasement pipe and proposed solutions have been reviewed by the Water/Sewer Maintenance Division, City Engineering, Fayette Tree and Trench and the Public Works Director. Alternatives have been reviewed including:

In situ repair.

An in situ repair (form in-place or slip line) cannot be performed due to the poor conditions of the existing carrier pipe.

Replacement within same encasement.

The existing carrier pipe cannot be pulled from the existing bore due to poor conditions of both the ductile iron and the corrugated metal pipes. Additionally, the infill and the use of corrugated metal instead of today's standard of smooth encasement pipe encumber the removal of the carrier pipe.

Bore in place.

The bore cannot economically be placed in the same location due to problems of attempting to bore thru the remaining ductile iron pipe and corrugated metal encasement.

Extending the sewer line south to the existing crossing.

The existing crossing located at 6th Street (Highway 62) is a 12 inch diameter crossing which carries the City of Farmington. In addition to the new pipe required to reach this area the same, or larger, bore and replacement would be required. Please refer to the enclosed map.

Requested contract.

The selected alternative, as designed in-house, provides for:

- a. New 30 inch diameter bore, smooth steel encasement, new 18 inch diameter PVC sanitary sewer located approximately 15 feet north of the existing crossing.
- b. Expose the existing pipe between traffic lanes and pressure grout the existing encasement with concrete grout to protect the highway from future settlement.

This will require specialized construction which cannot be performed with in-house construction crews.

Contractor:

The City of Fayetteville has a long and successful history of work with local contractors, including Fayette Tree and Trench. Fayette Tree and Trench also has a history of being low bidders on City projects, including both sanitary sewer and water mains. At this time, Fayette Tree and Trench is working on two water main replacement projects for the City of Fayetteville (Hinkle and East Ridgeway) of which Fayette Tree and Trench was low bidder. Fayette Tree and Trench has the ability to move quickly on this project.

Subcontractor:

Bob Main, Main boring. Mr. Main also has a successful history of working with, and for, many area contractors and the City of Fayetteville. Mr. Main is typically the bore contractor for all area General contractors.

Price:

The negotiated price with Fayette Tree and Trench is as follows:

A. New sanitary sewer crossing:

360 lf 30 inch bore with steel encasement	\$310 lf	\$111,600.00
360 lf 18 inch C905 PVC pipe	20.65	7,434.00

Manhole 17	2,200.00
Manhole 18	2,400.00
Tie ins, including pipe	5,200.00
Abandon existing manhole	500.00
Trench Safety	2,000.00
Clean up, mobilization, Traffic Control, erosion control, all other costs with bore and pipe line	14,940.00
Performance and Payment bond	1,800.00
Maintenance bond	652.50
subtotal A	\$149,726.50
B. Pressure fill existing encasement with grout	
Grout existing line	\$28,325.00
Trench Safety	5,000.00
Traffic Control, mobilization, erosion control, clean-up, surface restoration, and all other costs with pressure grouting	21,716.00
Performance and Payment bonds	648.00
Maintenance bond	234.90
Subtotal B	\$55,923.90

Total A+B = \$205,650.40

Engineering has reviewed the proposal prepared by Fayette Tree and Trench and believes that the proposed prices are fair and reasonable. The proposed prices compare favorably to bids for similar work. For example, the bids for 36 inch bore and steel encasement for the Highway 265 water/sewer relocation project, September 1999 ranged from \$300 lf to \$425 lf. The successful, total bidder's unit price was \$330 lf.

Budget:

The emergency replacement is unbudgeted. Staff requests a budget adjustment of \$236,498.00 to be taken from project number 01023, Mount Sequoyah Water/Sewer replacements, current budget \$2,400,000.00.

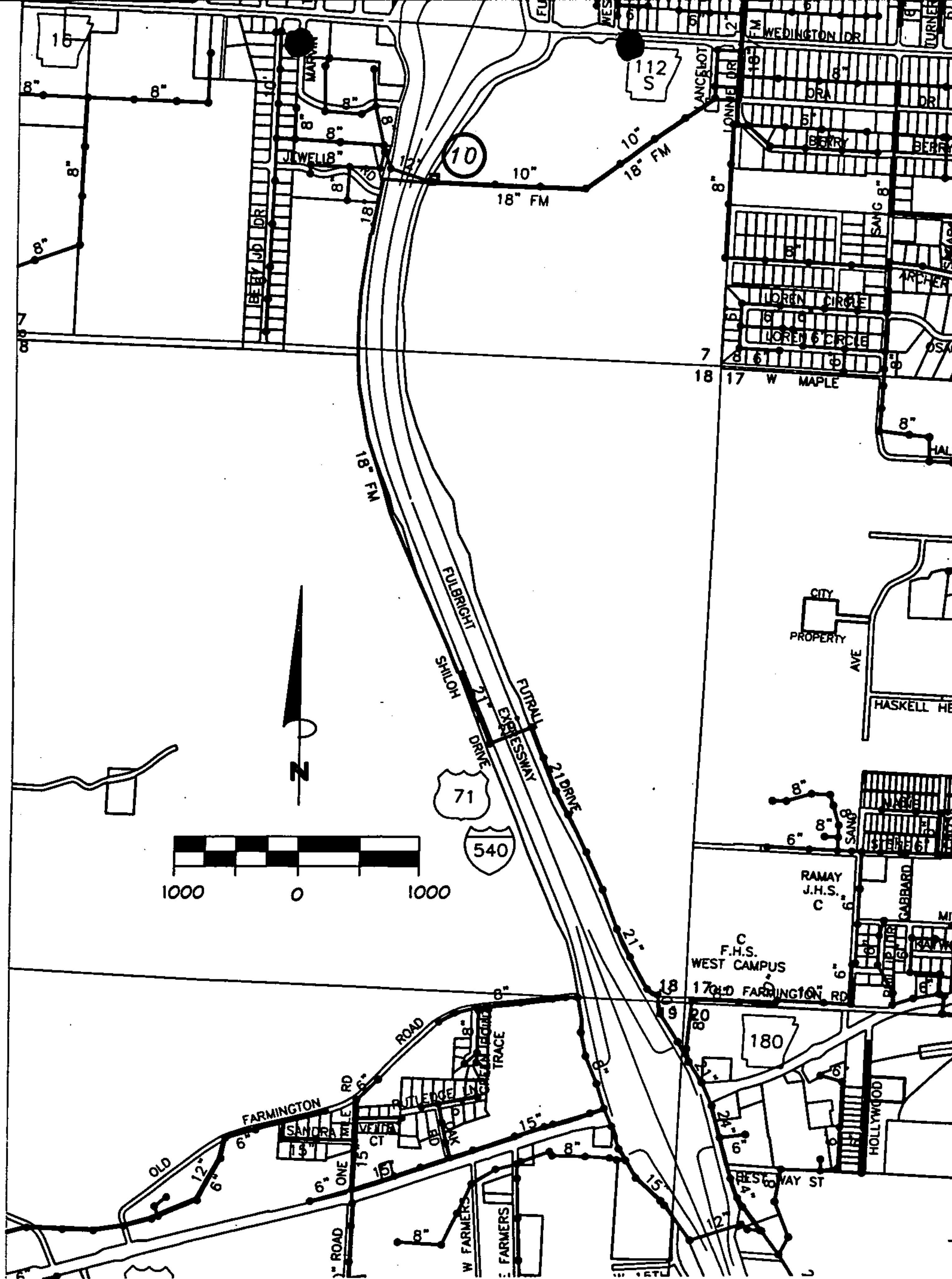
The budget adjustment will cover the construction costs (\$205,650.40 and a 15% contingency for engineering design, drafting and inspection (in-house, \$5000 approximate), permits and any necessary field changes.

Staff requests that the City Council approve:

1. Approval of an ordinance waiving competitive bidding.
2. Declaring an emergency for public health and safety (adding an emergency clause to the ordinance).
3. Approval of a negotiated contract with Fayette Tree and Trench in the estimated amount of \$205,650.40 for emergency repairs to replace the existing sanitary sewer crossing under AHTD Highway I-540 located north of Highway 62 (6th Street) and South of Highway 16 West (Wedington).
4. Approval of a 15% project contingency in the amount of \$ 30,848.00 to cover administrative costs including engineering and inspection, permits and any necessary field changes.
5. Approval of a budget adjustment in the amount of \$236,498.00.

Enclosures:

1. Vicinity Map
2. Contractor's proposal
3. Contract (One original contract is attached. Three additional contracts have been forwarded to the City Clerk's Office.)



Fayette Tree & Trench, Inc.

P. O. Box 471

Fayetteville, AR 72702-0471

BID PROPOSAL

DATE

2/12/02

ARKANSAS STATE CONTRACTORS LICENSE # 0000610802

NAME / ADDRESS

CITY OF FAY.
113 WEST MOUNTAIN
FAYETTEVILLE, AR 72701
DEPT. ENGINEERS
ATTENTION: JIM BEAVER

FAYETTE TREE & TRENCH, INC.
P. O. BOX 471
FAYETTEVILLE, ARKANSAS 72702

Eugene Nottenkamper

EUGENE NOTTENKAMPER, PRESIDENT

DESCRIPTION	QTY	RATE	TOTAL
BORE & REPI ACE LINE UNDER HWY 540			
360 L. F. 30" BORE AT 310.00 L.F.	360	310.00	111600.00
MANHOLE 17: CONSTRUCT NEW MANHOLE		3,200.00	3,200.00
MANHOLE 18: CONSTRUCT NEW MANHOLE		2,400.00	2,400.00
TIE IN PIPE AT NEW MANHOLE 17 TO OLD MANHOLE 17 AND AT MANHOLE 18		5,200.00	5,200.00
REMOVE TOP OFF OLD MANHOLE 18 & FILL WITH S.B. 2		500.00	500.00
360 L.F. 18" D.R. 25 C. 905	360	20.65	7,434.00
OSHA SAFETY SHORING		2,000.00	2,000.00
SUPERVISION, CLEAN UP & ADDITIONAL EXPENSE		14,940.00	14940.00
MAINTANCE BOND		652.50	652.50
PERFORMANCE & PAYMENT BOND		1,800.00	1,800.00
TOTAL			\$149,726.50

Fayette Tree & Trench, Inc.

P. O. Box 471

Fayetteville, AR 72702-0471

BID PROPOSAL

DATE

2/12/02

ARKANSAS STATE CONTRACTORS LICENSE # 0000610802

NAME / ADDRESS

CITY OF FAY.
113 WEST MOUNTAIN
FAYETTEVILLE, AR 72701
DEPT. ENGINEERS
ATTENTION: JIM BEAVER

FAYETTE TREE & TRENCH, INC.
P. O. BOX 471
FAYETTEVILLE, ARKANSAS 72702

Eugene Nottenkamper

EUGENE NOTTENKAMPER, PRESIDENT

DESCRIPTION	QTY	RATE	TOTAL
BORE & REPLACE LINE UNDER HWY 540			
360 L. F. 30" BORE AT 310.00 L.F.	360	310.00	111600.00
MANHOLE 17: CONSTRUCT NEW MANHOLE		3,200.00	3,200.00
MANHOLE 18: CONSTRUCT NEW MANHOLE		2,400.00	2,400.00
TIE IN PIPE AT NEW MANHOLE 17 TO OLD MANHOLE 17 AND AT MANHOLE 18		5,200.00	5,200.00
REMOVE TOP OFF OLD MANHOLE 18 & FILL WITH S.B. 2		500.00	500.00
360 L.F. 18" D.R. 25 C. 905	360	20.65	7,434.00
OSHA SAFETY SHORING		2,000.00	2,000.00
SUPERVISION, CLEAN UP & ADDITIONAL EXPENSE		14,940.00	14940.00
MAINTANCE BOND		652.50	652.50
PERFORMANCE & PAYMENT BOND		1,800.00	1,800.00

TOTAL

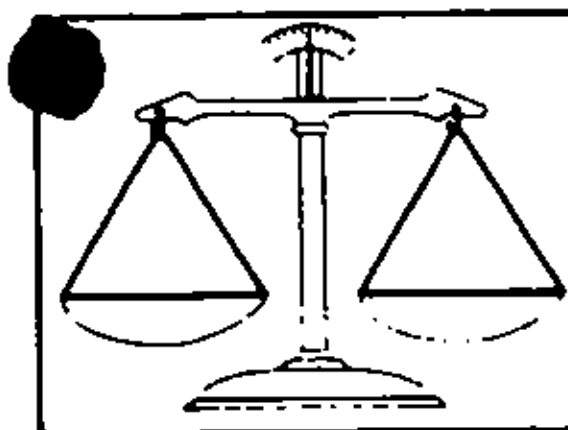
\$149,726.50

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor
City Council Members

FROM: Kit Williams, City Attorney

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

DATE: February 14, 2002

RE: Waiving the requirements of competitive bidding
Emergency clauses

Because you must periodically decide whether or not to waive the normal statutory requirement for competitive bidding in an exceptional situation, I thought I should briefly explain the statutory requirement.

A.C.A. §14-58-303 (attached) sets forth the requirements that we must follow to purchase goods and services and generally enter into contracts. Below \$10,000.00, the Mayor must follow the procedures established by the City Council. Above \$10,000.00, we must invite competitive bidding by advertising in the local newspapers. However, "in exceptional situations where this (competitive bidding) procedure is deemed not feasible or practical," the City Council may waive the requirements of normal competitive bidding. A.C.A. §14-58-303 (b)(2)(B).

The City of Fayetteville lost a case involving this issue in 1987 when we mistakenly believed that a contract for professional archeological services to survey a prehistoric archeological site was exempt from competitive bidding. The Arkansas Supreme Court held:

“(W)e hold that a city is required to solicit bids for all contracts except where there is an affirmative showing by enactment of a separate ordinance that the solicitation of bids is not feasible or practical.”

Klinger v. City of Fayetteville, 293 Ark. 128, 732 S.W. 2d, 859, 860 (1987).

Therefore, the City Council needs to be able to find that this is an “exceptional situation” and that the normal procedure of competitive bidding is “not feasible or practical.” This must be determined on a case-by-case basis by the City Council based upon facts and information provided by City Staff and others.

Normal factors could include **time considerations** (an emergency situation when delay could be dangerous or costly). Another supporting consideration would be when the City already owns substantial equipment from a manufacturer and needs to purchase additional **compatible equipment** (such as the radio communications system). Still others would be when a particular supplier provides a **fairly unique service** and has substantial and long-standing cooperation and relationships with the City (such as the Fayetteville Youth Center and the Council on Aging) and especially when these are non-profit or governmental entities.

The bottom line is that you must be satisfied that the normal competitive biddings rules established to prevent favoritism and to conserve taxpayer dollars are not feasible or practical concerning the proposed contract or purchase before you may waive the bidding process.

EMERGENCY CLAUSE

The ordinance to waive competitive bidding for the sewer replacement contract also contains an emergency clause so the ordinance will take effect immediately. If you look back at old ordinances passed in the eighties, it seems they all had emergency clauses. I have been reluctant to include such an emergency clause without strong factual support.

Amendment 7 to the State Constitution set forth the legal requirements.

"If it shall be necessary for the preservation of the public peace, health and safety then a measure shall become effective without delay, such necessity shall be stated It shall be necessary, however, to state the fact which constitutes such emergency."

An emergency clause requires the separate affirmative vote of six of the eight aldermen. The mayor has no vote.

The Arkansas Supreme Court has addressed this issue a few times and mainly emphasized the Constitutional requirement that the facts constituting the emergency must be stated.

"(A)n emergency clause which does not state a fact that constitutes an emergency is invalid." Burroughs v. Ingram, 319 Ark. 530, 533 893 S.W. 2d 319 (1995) {citing Jumper v. McCollum, 179 Ark. 837, 18 S.W. 2d 359 (1929)}.

The Arkansas Supreme Court has set forth a clear test that gives deference to the judgment of a City Council.

"(W)e set out the test for determining if a real emergency has been stated. We said that if reasonable

people might disagree about whether the enunciated fact states an emergency, the clause will be upheld.”
Id. at 534

The Arkansas Attorney General rendered his Opinion #2000-250 on October 6, 2000 on this issue.

“It is my opinion that in order to justify the inclusion of an emergency clause in a municipal ordinance, the city council must rely upon facts that show ‘some sudden or unexpected happening that creates a need for action.’ ”

...

“The court has also described an emergency as ‘a condition or fact which, if ignored, would imperil the public peace, health and safety.’ ”

It is your decision whether such an emergency condition exists. If you decide the facts warrant passing the emergency clause, a Court will uphold your decision “if reasonable people might disagree about whether the enunciated fact states an emergency.” Burroughs v. Ingram, supra.

THREATENED LAWSUIT

Mr. John Everett representing Basic Construction Company has threatened to sue the City if the City Council approves this contract “on an emergency basis without bidding” A copy of his letter is attached.

History. Acts 1959, No. 28, § 8; A.S.A. 1947, § 19-4428.

14-58-302. Annual report by mayor.

(a) The mayor of a first class city shall prepare and submit to the municipal governing body within sixty (60) days after the end of each fiscal year a complete report on the finances and administrative activities of the city during the previous fiscal year.

(b) The mayor shall also keep the governing body advised as to the financial condition and future needs of the city and make such recommendations as to him may be desirable.

History. Acts 1959, No. 28, § 4; A.S.A. 1947, § 19-4424.

14-58-303. Purchases and contracts generally.

(a) In a city of the first class, the mayor or his duly authorized representative shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials, and other things requisite for public purposes in and for the city and to make all necessary contracts for work or labor to be done or material or other necessary things to be furnished for the benefit of the city, or in carrying out any work or undertaking of a public nature therein.

(b)(1) The municipal governing body shall provide, by ordinance, the procedure for making all purchases which do not exceed the sum of ten thousand dollars (\$10,000).

(2)(A)(i) Where the amount of expenditure for any purpose or contract exceeds the sum of ten thousand dollars (\$10,000), the mayor or his duly authorized representative shall invite competitive bidding thereon by legal advertisement in any local newspaper.

(ii) Bids received pursuant to the advertisement shall be opened and read on the date set for receiving the bids in the presence of the mayor or his duly authorized representative.

(iii) The mayor or his duly authorized representative shall have exclusive power to award the bid to the lowest responsible bidder, but may reject any and all bids received.

(B) The governing body, by ordinance, may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical.

History. Acts 1959, No. 28, § 5; 1979, No. 154, § 1; 1985, No. 745, § 3; A.S.A. 1947, § 19-4425; Acts 1995, No. 812, § 1. **Amendments.** The 1995 amendment substituted "ten thousand dollars (\$10,000)" for "five thousand dollars (\$5,000)" in (b)(1) and (b)(2)(A)(i); rewrote (b)(2)(A)(iii); and deleted former (b)(2)(A)(iv).

FAYETTEVILLE



THE CITY OF FAYETTEVILLE, ARKANSAS

Kit Williams
CITY ATTORNEY

CITY ATTORNEY DIVISION
113 WEST MOUNTAIN, 72701
PHONE: 501-575-8313
FAX: 501-575-8315

February 15, 2002

Honorable John Everett
Everett Law Firm
P.O. Box 8370
Fayetteville, AR 72703-8370

By FAX: 587-9339

RE: Sewer line replacement

Dear John:

Enclosed please find a copy of my memo concerning the waiver of competitive bidding requirements and when emergency clauses are justified. If you believe I have misstated the law concerning these issues, please let me know and I will so inform the City Council of the proper legal considerations.

With kindest regards,

Kit Williams
Fayetteville City Attorney

KW/jh

Enclosure

EVERETT LAW FIRM

Attorneys at Law

Post Office Box 8370 • 1944 East Joyce Blvd. • Fayetteville, Arkansas 72703-8370

Tel: (479) 443-0292 Fax: (479) 443-0564 email: john@everettfirm.com

John C. Everett
Jason H. Wales, P.A.
John M. Scott, P.A.
Elizabeth Storey Bryan, P.A.

G. Chadd Mason
of Counsel
1944 East Joyce Blvd., Post Office Box 8896
Fayetteville, Arkansas 72703-8896
Tel: (479) 587-9300 Fax: (479) 587-9339

February 13, 2002

VIA FACSIMILE
575-8315

Kit Williams
Fayetteville City Attorney
113 West Mountain, Room 302
Fayetteville, AR 72701

Re: Northwest Arkansas Times News Article

Dear Kit:

I tried to call you this morning about an article in the *Northwest Arkansas Times* this morning regarding an application for "emergency" funding for purposes of putting a sewer line under Interstate 540. The newspaper article says that the City has received only one bid from Fayetteville Tree & Trench for \$136,000. I represent Basic Construction Company. Basic Construction Company has worked for the City forever; has the skills, equipment and capability to do this work; and would like to bid on the project. From my understanding of the problem, there truly is no emergency in this situation as it has presumably existed for some time and the City has ample opportunity to take competitive bids.

I wanted to put the City on notice that if you allow this to go through on an emergency funding basis without bidding, I propose to file a lawsuit against the City of Fayetteville on behalf of Basic Construction Company.

Please call me about this if you want to but this is the information I wanted to communicate to you.

Kit Williams
February 13, 2002
Page Two

Sincerely,

EVERETT LAW FIRM



John C. Everett

JCE:tcw

cc: Gary Combs (*via facsimile*)

FAYETTEVILLE



THE CITY OF FAYETTEVILLE, ARKANSAS

CITY ATTORNEY DIVISION
113 WEST MOUNTAIN, 72701
PHONE: 501-575-8313
FAX: 501-575-8315

Kit Williams
CITY ATTORNEY

February 13, 2002

Honorable John Everett
Everett Law Firm
Fayetteville, AR 72702-8370

By FAX: 587-9339

RE: Sewer line replacement

Dear John:

Thank you very much for your letter of 2-13-02. Unless you object, I will provide a copy of this letter to the Mayor and City Council.

I will explain what I believe the law is concerning waiver of competitive bidding and passage of emergency clauses to the City Council at their meeting next Tuesday evening. I would certainly invite your comments on this issue, plus any information from your client or others about the facts.

The City Administration must then present sufficient facts and information to convince the City Council to waive competitive bidding and pass an emergency clause.

With kindest regards,

Kit Williams
Fayetteville City Attorney

KW/jh

cc: Dan Coody, Mayor

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONTRACT WITH
FAYETTE TREE AND TRENCH IN THE AMOUNT OF
\$205,650.40 WITH A 15% PROJECT CONTINGENCY
AMOUNT OF \$30,847.60 FOR A TOTAL OF \$236,498.00
AND TO APPROVE A BUDGET ADJUSTMENT IN THE
AMOUNT OF \$236,498.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a negotiated contract with Fayette Tree and Trench, Inc. for emergency repairs to replace the existing sanitary sewer main crossing under I-540 in the amount of \$205,650.40 with a project contingency amount of \$30,847.60 and authorizes the mayor to execute said contract.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment (attached as Exhibit A) in the amount of \$236,498.00 to pay for this emergency repair and replacement of the sewer main.

PASSED and APPROVED this the 19th day of February, 2002.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

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

Budget Year	Department: Public Works	Date Requested	Adjustment #
2002	Division: Engineering	02/19/2002	
	Program: Water & Sewer Capital		

Project or Item Requested: \$236,498 in the I-540 Sewer Main Replacement capital project.	Project or Item Deleted: \$236,498 from the Mt. Sequoyah Water/Sewer capital project.
---	---

Justification of this Increase: The funding is needed to perform some emergency sanitary sewer maintenance to the lines at Highway I-540.	Justification of this Decrease: Due to the Health and safety problems that the I-540 project contains, the Mt. Sequoyah project is a lessor priority.
---	---

Increase Expense (Decrease Revenue)

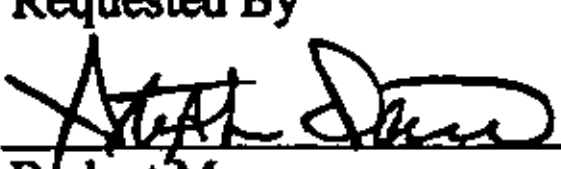
Account Name	Amount	Account Number	Project Number
Sewer Improvements	236,498	5400 5700 5817 00	02040 20

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number	Project Number
Water Line Improvements	236,498	5400 5600 5808 00	01023 20

Approval Signatures

Budget Office Use Only

Requested By	Date
	2-13-02
Budget Manager	Date
Department Director	Date
Admin. Services Director	Date
Mayor	Date

Type:	A	B	C	<u>D</u>	E
Date of Approval					
Posted to General Ledger					
Posted to Project Accounting					
Entered in Category Log					

DETAILED SPECIFICATIONS

AND

CONTRACT DOCUMENTS

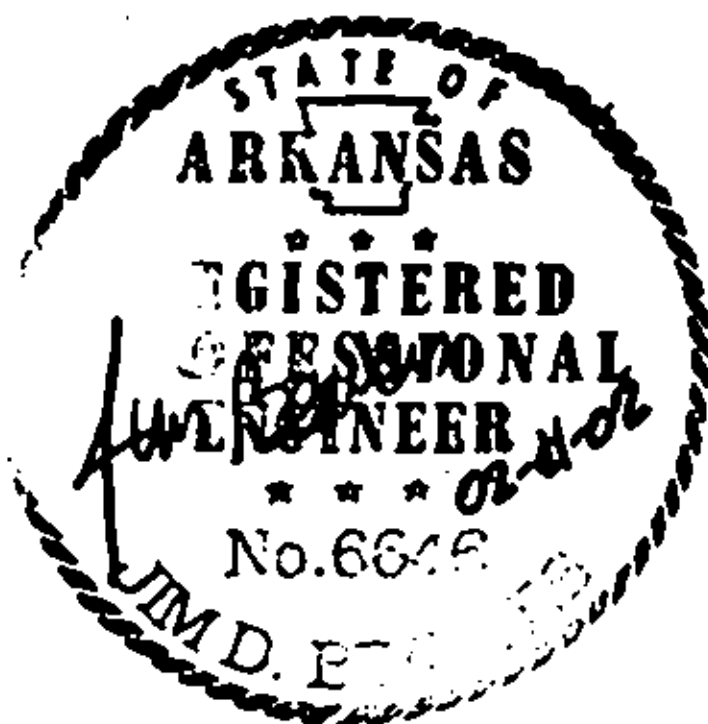
I-540 SANITARY SEWER LINE REPLACEMENT (CROSSING)

CITY OF FAYETTEVILLE, ARKANSAS

FEBRUARY, 2002

CITY OF FAYETTEVILLE ENGINEERING DIVISION

CAPITAL IMPROVEMENT PROGRAM



Wage Rate Determination

Mike Huckabee
GovernorJames L. Salkeld
Director

STATE OF ARKANSAS

ARKANSAS DEPARTMENT OF LABOR

10421 WEST MARKHAM • LITTLE ROCK, ARKANSAS 72205-2100
(501) 682-4500 • FAX: (501) 682-4535 • TDD: (800) 285-1131

February 11, 2002

Jim Beavers, City Engineer
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701Re: I-540 Sanitary Sewer Replacement
Fayetteville, Arkansas
Washington County

Dear Mr. Beavers:

In response to your request, enclosed is Arkansas Prevailing Wage Determination Number 01-275 establishing the minimum wage rates to be paid on the above-referenced project. These rates were established pursuant to the Arkansas Prevailing Wage Law, Ark. Code Ann. §§ 22-9-301 to 22-9-315 and the administrative regulations promulgated thereunder.

If the work is subject to the Arkansas Prevailing Wage Law, every specification shall include minimum prevailing wage rates for each craft or type of worker as determined by the Arkansas Department of Labor Ark. Code Ann. § 22-9-308 (b) (2). Also, the public body awarding the contract shall cause to be inserted in the contract a stipulation to the effect that not less than the prevailing hourly rate of wages shall be paid to all workers performing work under the contract. Ark. Code Ann. § 22-9-308 (c).

Additionally, the scale of wages shall be posted by the contractor in a prominent and easily accessible place at the work site. Ark. Code Ann. § 22-9-309 (a).

Also enclosed is a "Statement of Intent to Pay Prevailing Wages" form that should be put in your specifications along with the wage determination. The General/Prime Contractor is responsible for getting this form filled out and returned to this office within 30 days of the Notice to Proceed for this project.

When you issue the Notice to Proceed for this project, please mail or fax a copy of the notice to my office.

If you have any questions, please call me at (501) 682-4536 or fax (501) 682-4508.

Sincerely,

A handwritten signature in cursive script that reads "Don Cash".

Don Cash
Prevailing Wage Supervisor

Enclosures

Page 1 of 1

ARKANSAS DEPARTMENT OF LABOR PREVAILING WAGE DETERMINATION - HEAVY RATES

DATE: February 11, 2002
PROJECT: I-540 Sanitary Sewer Replacement
 Fayetteville, Arkansas

DETERMINATION #: 01-275
COUNTY: Washington
EXPIRATION DATE: 8-11-02
SURVEY #: 701-AH05

CLASSIFICATION

Bricklayer/Pointer, Cleaner, Caulker

Carpenter

Concrete Finisher/Cement Mason

Electrician/Alarm Installer

Ironworker (Including Reinforcing Work)

Laborer

Pipelayer

Truck Driver

BASIC HOURLY RATE

8.50

9.35

9.40

13.30

17.25

8.50

10.30

11.90

FRINGE BENEFITS

.72

1.00

Power Equipment Operators:

Backhoe, Rubber tired 1 yd. or less

Bulldozer, Finish

Bulldozer, Rough

Crane, Derrick, Dragline,

Shovel & Backhoe, 1-1/2 yds. or less

Crane, Derrick, Dragline,

Shovel & Backhoe, Over 1-1/2 yds.

Distributor

Front End Loader, Finish

Front End Loader, Rough

Mechanic

Motor Patrol, Finish

Motor Patrol, Rough

Roller

Scraper, Finish

Scraper, Rough

12.15

13.15

10.25

11.65

11.20

12.35

9.65

10.40

14.70

13.05

9.00

11.15

11.75

11.25

.17

Welders—receive rate prescribed for craft performing operation to which welding is incidental.

Certified July 2, 2001

Classifications that are required, but not listed above, must be requested in writing from the Arkansas Department of Labor, Prevailing Wage Division. Call (501) 682-4536 or 682-4599 for a request form.

STATEMENT OF INTENT TO PAY PREVAILING WAGES

PROJECT: I-540 Sanitary Sewer Replacement
 Fayetteville, Arkansas
 Washington County

This is to certify that we, the following listed contractors, are aware of the wage requirements of the Arkansas Prevailing Wage Law and by signature below indicate our intent to pay no less than the rates established by *Arkansas Prevailing Wage Determination Number 01-275* for work performed on the above noted public project. I understand that contractors who violate prevailing wage laws, i.e., incorrect classification/scope of work of workers, improper payments of prevailing wages, etc., are subject to fines and will be required to pay back wages due to workers.

Signature and Title
 of Business Official

Business Name Address Phone#
 PO Box 491 Fayetteville, AR 72702 (479) 521-5559

General/Prime Contractor

Fayette Tree & Branch Fayetteville, AR 72702

Electrical Subcontractor

2035 Pleasant Valley Rd (501) 474-7495

~~Boce~~ Subcontractor

BC Main Construction, LLC, 10421 W. Markham, Little Rock, AR 72205

Plumbing Subcontractor

Roofing/
 Sheet Metal Subcontractor

THE GENERAL/PRIME CONTRACTOR IS RESPONSIBLE FOR GETTING THIS FORM FILLED OUT AND RETURNING IT TO THE ARKANSAS DEPARTMENT OF LABOR WITHIN 30 DAYS OF THE NOTICE TO PROCEED FOR THIS PROJECT. RETURN COMPLETED FORM TO THE ARKANSAS DEPARTMENT OF LABOR, PREVAILING WAGE DIVISION, 10421 W. MARKHAM, LITTLE ROCK, ARKANSAS, 72205.

Proposal

Fayette Tree & Trench, Inc.

P. O. Box 471

Fayetteville, AR 72702-0471

BID PROPOSAL

DATE

2/11/02

ARKANSAS STATE CONTRACTORS LICENSE # 0000610802

NAME / ADDRESS

CITY OF FAY.
113 WEST MOUNTAIN
FAYETTEVILLE, AR 72701
DEPT. ENGINEERS
ATTENTION: JIM BEAVER

FAYETTE TREE & TRENCH, INC.
P. O. BOX 471
FAYETTEVILLE, ARKANSAS 72702



EUGENE NOTTENKAMPER, PRESIDENT

DESCRIPTION	QTY	RATE	TOTAL
1 EACH GROUTING EXISTING LINE FOR ABANDONMENT UNDER HWY540 & SHILO & FURTURAL		28,325.00	28325.00
1 EACH SAFETY SHORING		5,000.00	5,000.00
1 EACH ADDITIONAL WORK ON SUPPERVISION, PLACING TRAFFIC SIGNS, FLAGGING,& HANDLING TRAFFIC FOR CONTROL, DIGGING WORK PITS, BACKFILLING WORK PITS SEWERAGE CONTAINMENT & CLEAN UP, RESTORE CLEAN UP WORK, SOIL CONTAINMENT, MISC. WORK AS NEEDED		21,716.00	21716.00
MAINTANCE BOND		234.90	234.90
PERFORMANCE & PAYMENT BOND		648.00	648.00
TOTAL			\$55,923.90

Fayette Tree & Trench, Inc.

P. O. Box 471

Fayetteville, AR 72702-0471

BID PROPOSAL

DATE

2/12/02

ARKANSAS STATE CONTRACTORS LICENSE # 0000610802

NAME / ADDRESS

CITY OF FAY.
113 WEST MOUNTAIN
FAYETTEVILLE, AR 72701
DEPT. ENGINEERS
ATTENTION: JIM BEAVER

FAYETTE TREE & TRENCH, INC.
P. O. BOX 471
FAYETTEVILLE, ARKANSAS 72702

Eugene Nottenkamper

EUGENE NOTTENKAMPER, PRESIDENT

DESCRIPTION	QTY	RATE	TOTAL
BORE & REPLACE LINE UNDER HWY 540			
360 L. F. 30" BORE AT 310.00 L.F.	360	310.00	111600.00
MANHOLE 17: CONSTRUCT NEW MANHOLE		3,200.00	3,200.00
MANHOLE 18: CONSTRUCT NEW MANHOLE		2,400.00	2,400.00
TIE IN PIPE AT NEW MANHOLE 17 TO OLD MANHOLE 17 AND AT MANHOLE 18		5,200.00	5,200.00
REMOVE TOP OFF OLD MANHOLE 18 & FILL WITH S.B. 2		500.00	500.00
360 L.F. 18" D.R. 25 C. 905	360	20.65	7,434.00
OSHA SAFETY SHORING		2,000.00	2,000.00
SUPERVISION, CLEAN UP & ADDITIONAL EXPENSE		14,940.00	14940.00
MAINTANCE BOND		652.50	652.50
PERFORMANCE & PAYMENT BOND		1,800.00	1,800.00
TOTAL			\$149,726.50

CONTRACT

THIS AGREEMENT, made and entered into the _____ day of _____, 20_____, by and between the City of Fayetteville, County of Washington, State of Arkansas, Party of the First Part, hereinafter called the Owner, and _____, of the City of _____, Party of the Second Part, hereinafter called the Contractor.

The Contractor agrees with the Owner to commence and complete the construction of:

I-540 Sanitary Sewer Line Replacement (Crossing), Fayetteville, Arkansas; including all Work required for a complete and acceptable installation, and for abandonment of the existing crossing, for the unit and lump sum prices bid in the Bid Proposal, all of which become and are a part of this Contract, the total sum thus being

_____ dollars (\$ _____), such sum being the agreed amount upon which bonds and liabilities are based, and at his own cost and expense furnish all materials, supplies, labor, machinery, equipment, tools, supervision, bonds, insurance and other accessories and services necessary to complete the said construction in accordance with the conditions and prices stated in the Bid attached hereto and made a part hereof, and in accordance with the Plans, which include all maps, plats, blueprints, and other drawings, and written or printed explanatory matter thereof.

The Contractor agrees to commence work under this contract within ten days of the issuance of the Notice to Proceed and totally complete all work within forty-five (45) calendar days.

The Owner agrees to pay the Contractor in current funds for the performance of the contract in accordance with the accepted Bid therefor, subject to additions and deductions, as provided in the Specifications, and to make payment on account thereof as provided below.

As soon as is practicable after the first of each calendar month, and in accordance with the Contract Specifications, the Owner will make partial payments to the Contractor for work performed during the preceding calendar month, based upon the Engineer's estimate of work completed, said estimate being certified by the Contractor and accepted by the Owner. Retainage shall be withheld from the partial payments as provided by Arkansas state laws by the Owner until final completion and acceptance by the Owner and Engineer. The Engineer shall then issue a Final Estimate of work done based upon the original contract and subsequent changes made and agreed upon, if any.

Time is hereby expressly declared to be of the essence of this contract, and the time of beginning, manner of progress and time of completion of the work hereunder shall be and are essential conditions hereof.

The Contractor agrees to commence work within ten (10) calendar days from the date of the Notice to Proceed and to proceed with the construction of the work and to prosecute the work with an adequate force and in a manner so as to complete the work within the time stipulated herein. If the Contractor fails in completing the contract within the time stipulated herein, the Contractor agrees to pay the Owner, as liquidated damages the sum of fifty dollars (\$50.00) per day for each calendar day of delay in completion, said amounts being fixed and agreed upon by and between the parties hereto. Because of the impracticability and extreme difficulty in fixing and ascertaining the actual damages Owner would in such event sustain, said amounts are to be presumed by the parties to this contract to be the amounts of damage Owner would sustain. Said amounts of liquidated damages shall be deductible from any amount due the Contractor under the Final Estimate of said work, after the completion thereof, and Contractor shall be entitled to the Final Estimate less such amounts of liquidated damages.

If the Contractor be delayed at any time in the progress of the work by any act or neglect of the Owner or of the Owner's employees, or by any other Contractor employed by the Owner, or by changes ordered in the work, or by strikes, lockouts, fire, unusual delay in transportation, unavoidable casualties or any causes beyond the Contractor's control, or by delay authorized by the Engineer pending arbitration, or by any cause which the Engineer shall decide to justify the delay, then the time of completion shall be extended for such reasonable time as the Engineer may decide.

No such extension shall be made for delay occurring more than seven days before claim therefor is made in writing to the Engineer. In the case of a continuing cause for delay, only one claim is necessary.

In the event the Contractor abandons the work hereunder or fails, neglects or refuses to continue the work after ten (10) days written notice, given the Contractor by the Owner or by the Engineer, then the Owner shall have the option of 1) declaring this contract at an end, in which event the Owner shall not be liable to the Contractor for any work theretofore performed, or 2) requiring the surety hereto, upon ten (10) days notice, to complete and carry out the contract of Contractor; and in that event, should the surety fail, neglect or refuse to carry out said contract, 3) said Owner may complete the contract as its own expense and maintain an action against the Contractor and the surety hereto for the actual cost of same, together with any damages or other expense sustained or incurred by Owner in completing this contract, less the total amount provided for hereunder to be paid Contractor upon the completion of this contract.

This contract shall be binding upon the heirs, representatives, successors or assigns of the parties hereto, including the surety.

IN WITNESS WHEREOF, the Owner and Contractor have hereto set their hands and seals, respectively.

Fayette Tree & Trunk Inc,
Firm Name

By Eugene Matherkamp
Pres,

Sue Pitter

Witnesses*

*If corporation, secretary should attest.

CITY OF FAYETTEVILLE, ARKANSAS

Attest: Sue Pitter

Dan Coody, Mayor

Heather Woodruff, City Clerk

End of Contract

**MINUTES OF A MEETING
OF THE
CITY COUNCIL
JANUARY 2, 2002**

A meeting of the Fayetteville City Council was held on January 2, 2002, at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

PRESENT: Mayor Coody, Aldermen Thiel, Young, Zurcher, Trumbo, Davis, Santos, Jordan, and Reynolds, Interim City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press and Audience.

AWARD PRESENTATION: Marsha Farthing presented the GFOA Certificate of Achievement for Excellence in Financial Reporting.

CONSENT

APPROVAL OF THE MINUTES

CRICKET COMMUNICATIONS: A resolution approving an agreement with Cricket Communications for the lease of tower space on the Township Water Tank. The proposed lease amount is for \$1,500.00 per month.

RESOLUTION 1-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PINNACLE FOODS: A resolution certifying local government endorsement of business to participate in the Advantage Arkansas Program, also known as the Arkansas Enterprise Zone Program.

RESOLUTION 2-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Davis moved to approve the Consent Agenda. Alderman Santos seconded. Upon roll call the motion carried unanimously.

Alderman Jordan stated he had received a memo from the City Attorney stating they were to nominate a Vice Mayor every year.

Mr. Williams stated the statute stated the council shall assemble and organize. In their rules of procedure it stated the council shall elect one of its members as vice-mayor. He read, "each council member shall vote by naming his or her choice by voice vote, if there is more than one nominee for the position. A majority of the City Council shall be required for election.

Alderman Reynolds moved to table the item. Alderman Thiel seconded. The motion failed by a vote of 4-4. Zurcher, Trumbo, Santos, and Jordan voting nay.

First roll call: Thiel-Thiel, Young-Davis, Zurcher-Santos, Trumbo-Davis, Davis-Davis, Santos-Santos, Jordan-Santos, and Reynolds-Thiel.

Second roll call: Thiel-Santos, Young-Davis, Zurcher-Santos, Trumbo-Davis, Davis-Davis, Santos-Santos, Jordan-Santos, Reynolds-Davis, Mayor Coody-Santos.

ALDERMAN SANTOS APPOINTED VICE-MAYOR.

OLD BUSINESS

SALE OF MUNICIPALLY OWNED PROPERTY: An ordinance amending Chapter 34, Finance and Revenue, of the Code of Fayetteville to establish a formal process for the sale of municipally owned real property. The ordinance was left on the first reading as amended at the December 18, 2001, meeting.

Alderman Trumbo moved to suspend the rules and move to the second reading. Alderman Zurcher seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance as amended

Ms. Fran Alexander, an area resident, H.1. The Sale of Industrial, Business, and Technology Park Land. They really needed to say, "Industrial Park, Business Park, and Technology Park." or they needed to put a hyphen between Park and Land."

Mr. Williams stated it was clear to the Council that this related to their Industrial Park, Business Park and Technology Park.

Ms. Alexander replied that was this Council. If the public was reading this they needed to have the words as clearly defined as possible.

Alderman Young stated he was concerned about the business park. If the city happened to own land that was a business, but it was not in a park, it was just one lot. He thought that one single lot should be sold like all the rest of them and not like the Industrial Park.

Mr. Williams stated if they were concerned that it was not clear, they would use "Park" after each one of those.

Alderman Young moved to amend the ordinance by adding "park" after Business, and Industrial. Alderman Zurcher seconded. Upon roll call the motion carried unanimously.

Ms. Alexander stated under Section 1, C. they should add that it was the "city" obtaining the appraisal.

Alderman Zurcher moved to amend the ordinance by adding, "by the city". Alderman Thiel

seconded the motion. Upon roll call the motion carried unanimously.

Alderman Zurcher moved to suspend the rules and move to the third and final reading. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance.

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

ORDINANCE 4358 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ANX 01-5.00: An ordinance approving annexation request ANX 01-5.00 as submitted by Raymond C. Smith on behalf of Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city. The ordinance was left on the second reading at the December 18, 2001, meeting.

Alderman Santos moved to suspend the rules and move to the third and final reading. Alderman Davis seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance for the third and final time.

Alderman Zurcher stated a lot of people felt there was nothing they could do about the westward expansion of Fayetteville. They should stop annexing land out there until they knew they had infrastructure there to support the growth. He would be voting "no" on this and on any other annexation that came before them until they were able to satisfy those issues.

Alderman Santos stated they needed to hurry with their impact fees so that they stopped subsidizing growth, but this was growth that they did not need to stop. It was in their General Land Use Plan as residential development. They have known for several years that was what they expected out there and they were working towards suppling the infrastructure. The only real problem seems to be the way they were paying for the infrastructure. He was not ready to start blanket voting "no" against all annexations, but they needed to do something about the way they were paying for new development.

Mr. Huge Earnest, Urban Development Director, stated they have asked for a final copy of the impact fees related to the water and waste water. The consultant will hold a discussion on February 6, with the Commission, Council and others so that they could open a long discussion on merits and problems associated with impact fees. It was no secret that the discussion will be lengthy and comprehensive.

Alderman Davis stated it was his understanding that the stakeholders will have the opportunity to

go through this written proposal.

Mr. Earnest stated that they have had the basic report before them for several months. They will be meeting earlier that day on the 6th to discuss not only water and wastewater, but also the ongoing discussion on impact fees for streets. This demanded a lot of discussion.

Alderman Santos stated the Planning Commission had voted unanimously to pass this and it was recommended by the staff. The item was consistent with the Land Use Plan. He thought that this one was okay, but they might not vote in any more annexations until they got their impact fee ordinance in place.

Alderman Thiel stated she felt that the rezoning coming up was more critical than this annexation.

Mr. Geary Lowery, an area resident, stated he concurred with Alderman Santos. Currently, they were expanding exponentially. They did not have the city services to grow at the rate they were growing. They were having problems meeting their sewer capacity and they were having problems with their growth. Impact fees impacted the people who bought the new homes. The people where they were building, but they also impacted the developers to the point to where they were cautious about building outside the city limits and they try to stay within the city limits. Until they learned to manage and control their growth, they were going to find it getting away from them. They needed impact fees. They needed to make the developers responsible and to put their infrastructure within the city before expanding into the growth area.

Alderman Thiel stated most of this development was within the city limits. She thought the infrastructure for this was already out there. This was only bringing in a small portion that was not already in the city limits.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed by a vote of 6-2. Zurcher and Jordan voting nay.

ORDINANCE 4359 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 01-24.00: An ordinance approving rezoning request RZN 01-24.00 as submitted by Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential. The ordinance was left on the second reading at the December 18, 2001, meeting.

Alderman Trumbo moved to suspend the rules and move to the third reading. Alderman Davis seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed by a vote of 6-2-0. Zurcher and Jordan voting nay.

ORDINANCE 4360 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 01-27.00: An ordinance approving rezoning request RZN 01-27.00 as submitted by Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential. The ordinance was left on the second reading at the December 18, 2001, meeting.

Alderman Davis moved to suspend the rules and move to the third reading. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance for the third time.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed by a vote of 6-2. Zurcher and Jordan voting nay.

ORDINANCE 4361 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 01-26.00: An ordinance approving rezoning request RZN 01-26.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 12.08 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the second reading at the December 18, 2001, meeting.

Alderman Davis moved to suspend the rules and move to the third and final reading. Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Thiel stated this was along 540 and in the Overlay District.

In response to questions, Mr. Conklin stated C-2 allowed restaurants, hotels, car sells, etc. They had amended their code to require that mini-storage units were a conditional use. He and his staff did not recommend C-2 for storage units. The city had developed design standards for all commercial development throughout Fayetteville. There were a lot of controls. The Planning Commission did a tremendous job of insuring quality development.

Alderman Santos stated it was consistent with the Land Use Plan. Where else would they have Thoroughfare Commercial if they did not have it along the biggest highway in town. This was appropriate for this area.

Ms. Patricia Roberts stated they kept moving Fayetteville further west. People moved out because they did not want to live in Fayetteville.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed by a vote of 6-2. Zurcher and Jordan voting nay.

ORDINANCE 4362 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 01-28.00: An ordinance approving rezoning request RZN 01-28.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 11.68 acres. The request is to rezone to R-2, Medium Density Residential. The ordinance was left on the second reading at the December 18, 2001, meeting.

In response to questions, Mr. Jorgensen stated he had not seen the plan and did not know the number of units proposed for the development. He added, they had Tree Preservation and Storm detention that they had to do. There were parking requirements and various other things. To give them an idea the Shiloh Project is to the south of Cambridge Apartments. That one had fifteen units per acre. It was zoned R-2. Corner Stone Apartments were approximately fourteen units per acre. Very seldom could they get twenty-four units per acre because of the other requirements that they had to do.

Alderman Davis moved to suspend the rules and move to the third reading. Alderman Trumbo seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed by a vote of 6-2. Zurcher and Jordan voting nay.

ORDINANCE 4363 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

MOTOR VEHICULAR RACEWAYS: An ordinance to regulate motor vehicular raceways.

Mr. Williams read the ordinance.

Alderman Thiel stated this ordinance would not shut down the race track. It will not regulate the

sound level at the race track, which regularly exceeds what their current noise ordinance allowed. This ordinance will only require the track to operate from noon until 10:00 p.m. allowing ample time to run races. The races will not be allowed more than one weekend a night a week. She thought they would make some amendments to this ordinance. Under Section 2.a. it should be changed to read, "racing season which shall be within the months of March through October." They might also consider allowing them to start at 10:00 a.m. to 10:00 p.m. that would give them a full twelve hours. Under Section 2.v. it reads, "up to three additional special racing events per year may be authorized by City Council resolution." She would not be opposed to them dropping the "by City Council resolution". In other words, they can have three additional special races per year. Under Section 2, she would like to add to Item D, "Make up sessions for regularly scheduled races canceled because of rain or other weather conditions shall be held during the following week and shall only be allowed to operate during the period of 10:00 a.m. to 10:00 p.m." Constituents had been concerned about make up times being on the weekend because that gave them no day during the weekend to have any kind of activity in their home. She thought make up races should be during the week.

Mr. Williams stated in Section A they were allowed to operate once a week if they were rained out. So if they have not raced because of rain, then they have not used up their one day per week.

Alderman Davis stated in that case they would have two races during one week.

Mr. Williams stated he sent this draft ordinance to Mr. Evans who represented the owner of the race track. In his letter he asked for the racing manager to inform them of the racing calendar for the year 2002. He had not heard anything from them.

Alderman Reynolds stated they represented a large ward. They had to represent the population. They were supporting those people. He hoped the owner or the operator would agree to start early and to close this at 10:00 p.m. which would avoid a lot of problems.

Ms. Crystal Ramsey, an area resident, stated the Council's Rules of Order and Procedure stated that "no member of the City Council with a direct or indirect personal or financial interest on any item before the City Council shall participate in the discussion of or the voting on such matters." One alderman lived directly across the street and she felt that was a personal interest. She presented a petition. A lot of people that she had spoken with did not agree with this. A lot of people had not been asked to sign the original petition.

Ms. Judy Berry, an area resident, stated she and her husband owned the race track. She wanted to let them know that it was not their intent to bother anyone. It was their intent to have a place for families and children to enjoy themselves. Nascar was very popular in the world. It was tracks like theirs that makes Nascar. She preferred to be in bed by 10:00 p.m. which was their intent. It did not always happen that way. It was their intent to be out by 10:00. They will be out by 10:00 if it was at all possible. As a good neighbor she would have expected someone to come to her if there had been a problem, but that did not happen.

Ms. Retia Hempton, an area resident, stated she was concerned that they were in front of the City Council again. They needed to share the sound space. The noise was trespassing on their property. They were trying to come up with a fair way of sharing that space. She thought the ordinance needed to designate the weekend day that the track operated. One of the problems that they have had in the past was that agreements have been made with owners of the track, then the property would change hands and they had to start over again. If the ordinance did not specify the day the track was going to run, then the days could vary and the people who lived within sound distance needed to be able to plan. As it was they all knew that they could not plan on using their backyards, deck or outside spaces on Saturday night because that was the night the track normally ran. They just planned things for other nights. They should also designate the make up days. If nothing was designated then people were in danger of having their evening messed up. People needed reliability. They needed to know ahead of time when that was going to be. If it was possible to reduce the level of noise, then those changes should be implemented.

Alderman Davis asked if she was aware of the track being there when she bought her home.

Ms. Hempton stated she was not. They bought their home in the winter.

Ms. Pat Roberts, an area resident, stated she lived only two streets from the track and she nor her neighbors were not asked to sign the petition. She did not believe the track had depreciated her property. She believed that only a certain economic class had been asked to sign the petition and if they were bothered by it.

Ms. Beth Miller, an area resident, stated she had never called Mr. Berry because she was under the understanding that there was already an ordinance in affect and that ordinance had been ignored since it had been put into affect thirty years ago. She asked that they consider the young children during the make up days.

Mr. Berry, property owner, stated the petition that they had passed around had approximately one hundred and fifty signatures. He had twelve hundred signatures in favor of the race track. Ms. Miller's husband grew up next to the race track. They chose to build a home closer to the race track. He stated they should get out of the county business and get back to the city's business. They had taken a lot of time discussing this. This was not just a game. This was a business. There was profit and loss.

In response to questions, Mr. Williams stated our Rules of Order and Procedure, Section G, Code of Ethics, talked about ethics. "Council members shall refrain from making use of special knowledge or information before it was made available to the general public. There was also another section, which was a very broad section under Duties and Privileges of Aldermen at City Council Meetings, Personal Interest, 'No member of the City Council with a direct or indirect financial or personal interest shall participate in the discussion or voting of such matters.' Financial he understood. Personal interest, he did not exactly understand what that meant. There were many items that came up that aldermen were interested in. Alderman Zurcher was interested in

annexations and problems like that. They had many aldermen who had personal interests in issues or they would not be aldermen. He was not sure what that meant. He suggested the council look at that and define what they meant. He stated ethical rules almost always had to do with money. That certainly was prevented.

Alderman Young stated the courts have left it to the political process, meaning that the individual makes that decision. If the public did not like what they did, then they could vote them out of office. That was basically what the courts have decided.

Mr. Mike Baker, lessee of Thunder Valley Speedway, stated he had put everyone on a strict muffler rule for this next year. They were going to start at 6:00 p.m. He has had this track before in 1998 and 1999. They never went to 11:00 p.m. They will be as early as they can be done. He has already scheduled five two nights shows for this season. There will never be a race down there on a Sunday night. There will be no practice during the week. They had to make up the rain nights. It took two night shows at this track in order to make it during the season. They could not do it on a Saturday night only. They were going to start at 6:00 and will be done by 10:00 unless the ambulance had to leave. If they had to wait for an ambulance this would take time away from them. The noise was a big issue to him. He was trying to get it quieted down.

Mr. Williams asked Mr. Baker to contact him to work on the ordinance.

Alderman Santos stated an agreement sounded better to him, than an ordinance.

Alderman Thiel stated the problem with the old lawsuit was that it did not continue. There was no continuity.

Ms. Berry stated this track had been there for thirty years. They wanted to work out something fair for everyone.

Mr. Geary Lowery, an area resident, stated they needed to look at the big picture. He suggested a binding arbitration on this and make this a record of the court, so that the binding arbitration would have the affect of law.

Alderman Santos stated he thought this was a private nuisance issue. He thought the ordinance was a bad idea to extend their powers beyond city limits. The statute that Kit had found allowed them to enforce all their ordinances a mile outside city limits.

Mr. Williams stated the only thing that they could do was to abate an ordinance. They could not extend their other ordinances beyond city limits, except for some planning ordinances. The other thing to keep in mind was that the city did have proper standing to file a suit. This ordinance can be much easier to enforce than a court order. This ordinance would apply to any motor vehicle raceway.

ORDINANCE WAS LEFT ON THE FIRST READING.

CABLE RATE INCREASE: A resolution expressing the City Council's opposition to the proposed 75% rate increase for basic cable television services proposed by Cox Communications, Inc.

Alderman Zurcher stated if they were talking about a rate increase on the second tier of the cable he would not want to challenge it. They had to subscribe to cable for basic service. What he saw Cox Communications doing was trying to make more money. They were forcing the people to buy more channels. He felt the seventy-six percentage price increase was unreasonable. The individuals who subscribe to only the basic tier are not being provided a choice and have not requested the additional channels. What he would like to see happen would be for Cox Communications to respond to the citizens rights to have a basic tier and then provide a very basic tier. If they had to take a few of the channels off and leaving the price the same or a reasonable raise in the rate would be fine. If people wanted more cable they were going to buy more cable. He recommended that they pass this or challenge this.

Alderman Thiel stated she agreed with Randy that this was not fair. They just added channels that probably people did not even want. However, many people on the basic tier were on there because they wanted the Government Channel and CAT and local news station. She suggested getting the PEG station on a low signal transmitter. People had the right to see their government in action.

In response to questions, Mr. Earnest stated the Telecommunications Board had three meetings on this. They had decided that it was not in the city's best interest to pursue this at this time.

Alderman Young stated if they were looking at it from the money stand point, then they were probably right. But, if they looked at the larger issue of the whole relationship between the City of Fayetteville and the cable company, and if they did an audit, it would put them on notice that the city is interested and concerned about this. He has watched this from way back. It seemed that the city felt that they could not do anything. If they did an audit at the very least it would give a base line on future audits. They may be able to justify the first increase, but then when they come back a few years from now with another rate increase, they may not be able to justify it. Based on numbers generated from the first audit, if they did not have an audit now, they would not have a base line for future audits.

Alderman Santos stated he would like to see Cox Communications agree to a lower tier of basic channels. Cut it down to the six must carry channels and then throw in the two or three PEG channels. That would be a basic bottom user tier to get. These added channels, four of the seven were shopping channels that pay the cable company to be on there. ESPN looked like the only real addition that they were getting for doubling the bill.

Alderman Davis stated he would like Hugh to get with Cox Communications and see if they could get ABC, NBC, CBS, the government channel and CAT for one price, the lower basic rate. He would like to see them do that.

Mr. Earnest stated he would try that and in the next couple of weeks he would make a report at a Council meeting.

Alderman Jordan asked if they could get the figures on what Cox Communications made a year in this city and how it would increase with the rate increase.

Mr. Marvin Hilton stated the city was paid five percent on the gross revenue. This year it was approximately \$378,000. That was really all they knew.

Alderman Young stated that information would come out in an audit.

Alderman Jordan stated they needed an audit and then an explanation on why it was going to be raised seventy-six percent on the low income people in this city.

Mr. Hilton stated they did an audit in 1994 and they paid \$4,000 for that audit. There had been nothing found that was not justified.

Alderman Young stated he thought the city needed to go on record that they were going to be watching. They may be able to justify all their cost increases this time around.

Alderman Zurcher stated Cox Communications used their right-of-way to run their cable, that was the only reason that they had a say.

Mr. Williams stated the city charged them five percent for using their right-of-way.

Mr. David LaRue, Telecommunications Board, stated he could not speak how the board has voted as a whole. Recently, it has been proposed that they suggest to them they spend approximately \$10,000 in fact finding funds to determine the viability of regulating basic cable. It was hard to justify such a large expenditure on a small percentage of the cable subscribers. Only the basic tier can be regulated.

Mr. Geary Lowery, an area resident, stated one of the things that they may not have realized that there were a lot of areas in town where they could not pick up the local channels. People looked to the local channels to get warning and local information. He supported the idea of doing an audit.

Mr. Ferguson stated he worked for the cable company when they first started here. As soon as it was deregulated the customers got inflated prices on every thing that they did. It was business. He thought that the Council should put some teeth in this and ask to see the figures. No inflated figures.

Alderman Thiel stated they would only be doing an audit on the basic tier. She did not know what that would show them.

Mr. Williams stated he thought six thousand dollars would give them a basic audit so they would

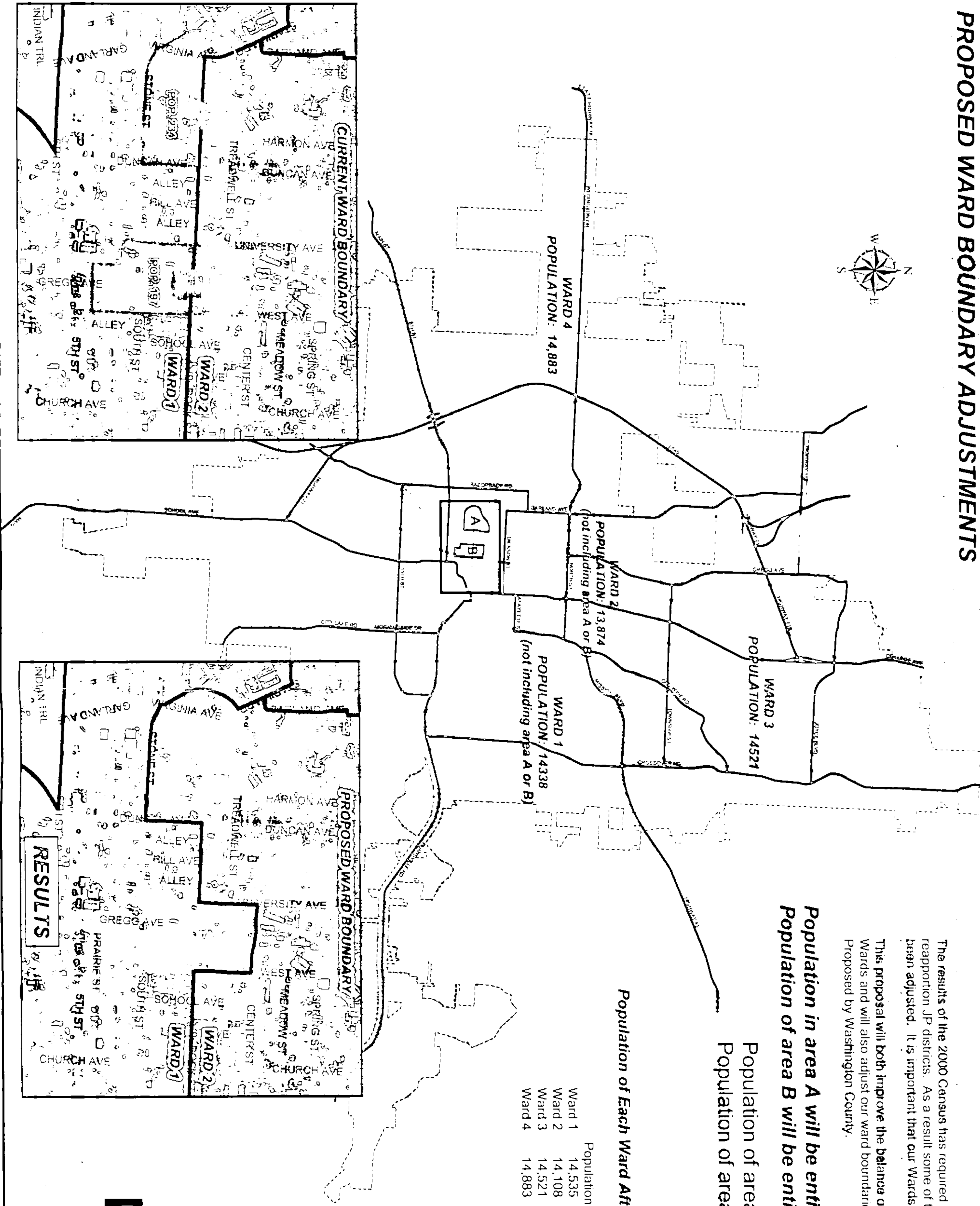
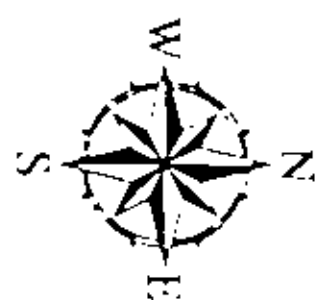
know what to do at that point. If they had any case at all and wanted to proceed to the FCC they would be looking at more money.

Mr. Earnest stated he would see if they could get a more basic tier. The Cox Communications contract and the appeal of the basic rates were not necessarily tied together.

Alderman Zurcher moved to table the item. Alderman Santos seconded. Upon roll call the motion carried unanimously.

RESOLUTION WAS TABLED UNTIL THE NEXT MEETING.

PROPOSED WARD BOUNDARY ADJUSTMENTS



The results of the 2000 Census has required that Washington County reapportion JP districts. As a result some of the voting precincts have been adjusted. It is important that our Wards also follow Precinct Boundaries. This proposal will both improve the balance of population between the Wards and will also adjust our ward boundaries to match the Precincts Proposed by Washington County.

Population in area A will be entirely included in Ward 2
Population of area B will be entirely included in Ward 1

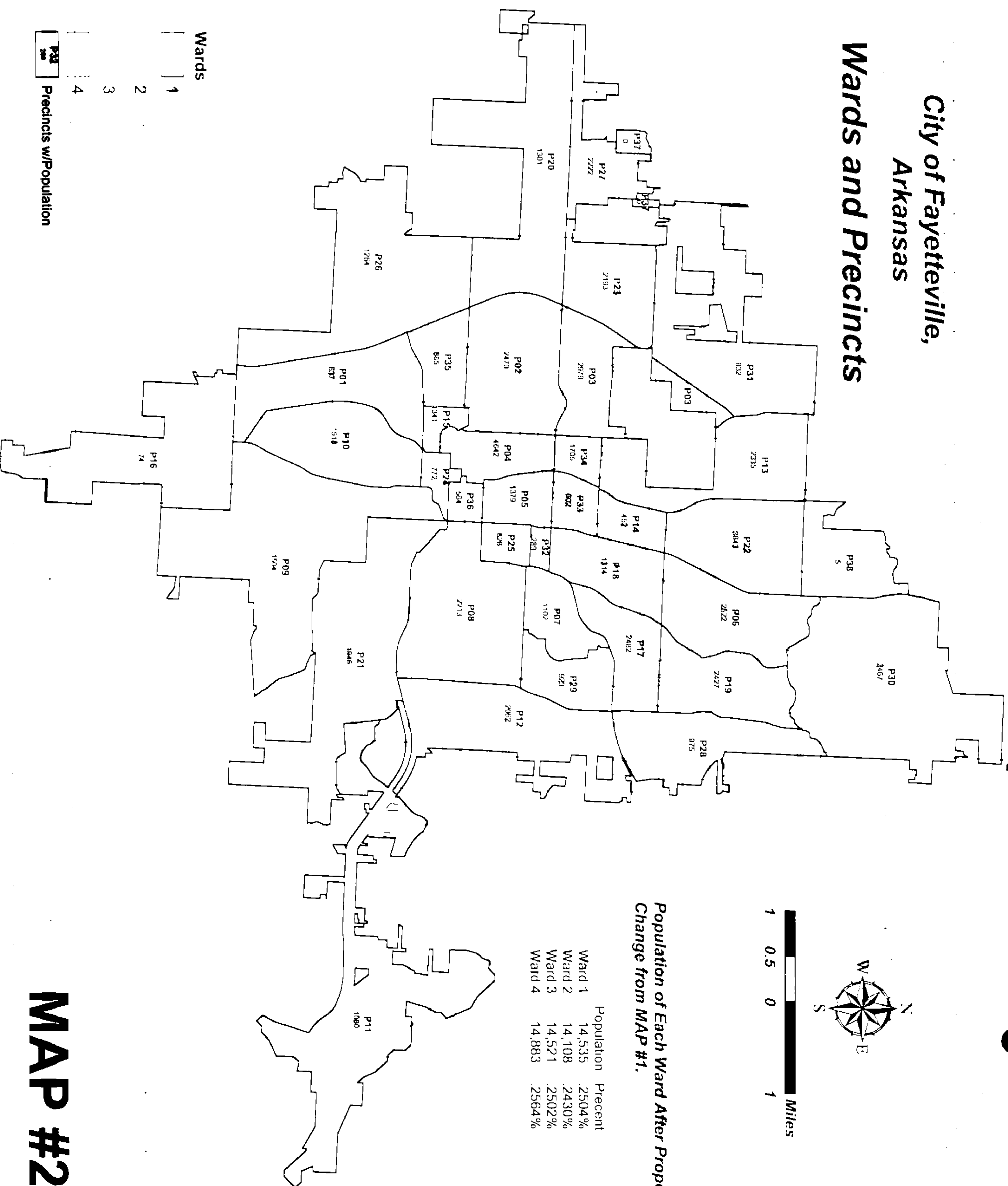
Population of area A: 234
Population of area B: 197

Population of Each Ward After Proposed Change.

	Population	Percent
Ward 1	14,535	2504%
Ward 2	14,108	2430%
Ward 3	14,521	2502%
Ward 4	14,883	2564%

City of Fayetteville, Arkansas

Wards and Precincts



MAP #2

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: City Council
FROM: Mayor Dan Coody
DATE: February 19, 2002
RE: Public Art

I just wanted to let you know how Hot Springs is going about acquiring public art to enhance their community. Hot Springs is becoming Arkansas' "City of the Arts" because they see the value of developing a tourism business based, in part, on quality artwork. Their enormous convention center capitalizes on high-quality public art and it adds a unique element to their center-and their city-that nothing else can.

This is something we need to consider for Fayetteville. We should use to our advantage the artistic community we are fortunate to have here. This would increase our presence in the cultural tourism market as well as enhance the livability factor for Fayetteville.

Please let me know what you think.

Dan Coody



City of Hot Springs

REQUEST FOR PROPOSALS

and

STATEMENT OF QUALIFICATIONS

for

DOWNTOWN PUBLIC ART PROJECT

HOT SPRINGS, ARKANSAS

January 18, 2002

ADVERTISEMENT & NOTICE

REQUEST FOR PROPOSALS (RFP)
and
STATEMENTS OF QUALIFICATIONS
DOWNTOWN PUBLIC ART PROJECT
City of Hot Springs, Arkansas

The City of Hot Springs, Arkansas is hereby soliciting sealed proposals and statements of qualifications for the provision of artwork for a **DOWNTOWN PUBLIC ART PROJECT**. Proposals will be received by the Office of the City Manager until 5:00 p.m. (CDT) on March 12, 2002.

The project involves the design, construction and installation of a new sculpture in a pedestrian walkway area that will be constructed in downtown Hot Springs. This walkway will link a new 250 vehicle parking deck with Central Avenue and the Hot Springs National Park.

All proposals and statements of qualifications must be submitted in accordance with the RFP specifications which may be obtained during normal business hours from:

Office of City Manager
Post Office Box 700
City Hall Building
133 Convention Boulevard
Hot Springs, Arkansas 71902
(501) 321-6810

Proposals will be evaluated in accordance with the specifications.

The City reserves the right to accept part or all of any specific proposal(s). The City further reserves the right to reject all proposals or part or all of any specific proposal, to hold all proposals in force and effect for sixty (60) calendar days after date of opening, to waive any informalities in the proposal(s) and to postpone or cancel the bid opening date for cause of convenience.

The City of Hot Springs, Arkansas is an Equal Opportunity/Affirmative Action Employer.

negotiate substantive portions of an applicant's proposal and to rely on the information submitted in these proposals in awarding a contract.

9. The City reserves the right to award the contract without further discussion on the proposals submitted. The City and its designees also reserve the right to reject and/or accept any and all proposals received or parts thereof. The City retains the right to waive any minor irregularities in any proposal submitted.
10. All proposals will become part of the official file on this matter without obligation to the City. All proposals are also considered as public information under the requirements of the State of Arkansas Freedom of Information Act.
11. This solicitation does not commit the City to pay any costs incurred in preparing and submitting the proposal or to contract for the services specified.
12. Acceptance by the successful proposer of an award from this proposal indicates that the successful candidate is in no way currently indebted to the City, Garland County or the State of Arkansas. Indebtedness to any of the above shall be basis for non-award and/or cancellation of any award.
13. It is the City's policy to encourage the involvement of Disadvantaged Business Enterprises (DBE [minority-owned and women-owned businesses]) in contracts awarded. DBE's are particularly invited to submit proposals to perform work outlined in this RFP, either as a prime contractor, subcontractor, or as part of a joint venture. Non-DBE firms are encouraged to arrange subcontracts or joint ventures with DBE's prior to submission of their proposal. DBE's must submit a copy of their DBE certification.
14. ANY QUESTIONS CONCERNING PROPOSAL RESULTS SHOULD BE DIRECTED TO City Manager, City of Hot Springs, City Hall Building, Hot Springs, AR 71901, (501) 321-6810.
15. Requests for clarification of any items, requirements or specifications contained herein must be received by the City, **IN WRITING**, no later than the close of business on February 15, 2002. Upon receipt of a request for clarification, the City shall respond in writing no later than March 1, 2002, and shall furnish a copy of said response to all prospective respondents who have obtained copies of the "Request for Proposals" at the time the City's response is mailed. The procedure outlined above shall be followed in order to ensure competitive fairness by providing all prospective respondents with the same information.
16. Proposals must be signed by a corporate officer authorized to commit the submitting firm and shall remain in full force and effect for ninety (90) calendar days following the date of opening.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL FEBRUARY 19, 2002

A meeting of the Fayetteville City Council will be held on February 19, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

A. CONSENT

1. APPROVAL OF THE MINUTES

2. **MUDD CREEK:** A resolution showing support for the Mudd Creek Trail Project and giving the authority to the Mayor to enter into a contractual agreement with AHTD.

3. **SANITATION TRUCKS:** A resolution awarding Bid No. 02-01 to Shipley Motor Equipment for two front load and two rear load style cab and chassis with mounted sanitation bodies in the amount of \$645,868.

4. **LIBRARY:** A resolution supporting cooperation with the Chemical Engineering Department of the University of Arkansas and the Fayetteville Public Library related to distributed power options for the new Library Building.

5. **BURDITT ASSOCIATES:** A resolution authorizing a contract change with Burditt Associates in the amount of \$33,000 to complete the city wide tree inventory and to provide software and management plan.

6. **INFRASTRUCTURE GRANT:** A resolution approving an Economic Infrastructure Grant from Arkansas Department of Economic Development for \$100,000 to replace a water distribution main. The work will enable Pinnacle Foods to expand and add 134 jobs.

B. OLD BUSINESS

1. **CABLE RATES:** A resolution expressing the City Council's opposition to the proposed seventy-five percent rate increase for basic cable television service proposed by Cox Communications, Inc. The item was tabled at the February 5, 2002, meeting.

2. **RZN 02-1.00:** An ordinance approving RZN 02-1.00 as submitted by Robert chmitt for property located at 1140 Hendrix and 1110 Hendrix. The property is zoned R-1, Low Density Residential, and contains approximately 1.36 acres. The request is to rezone to R-1.5, Moderate Density Residential. The ordinance was left on the first reading at the February 5, 2002, meeting.

3. **RZN 02-2.00:** An ordinance approving rezoning request RZN 02-2.00 as submitted by Craig Hull of Nickle-Hill Group on behalf of Andy Bethell for property located at the northeast corner of Joyce Blvd. and Crossover Road. The property is zoned C-1, Neighborhood Commercial and contains approximately 1.94 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the first reading at the February 5, 2002, meeting.

C. NEW BUSINESS

1. **SWIMMING POOL FEES:** An ordinance amending Section 97.017 of the Code of Fayetteville to allow the Mayor or his designee to establish fees for the city swimming pool.
2. **ROLLFORWARD:** A resolution approving a budget adjustment which will allow for the rollforward and re-budget of all projects for items in progress which were appropriated in the 2001 Budget. The items which are approved will become part of the 2002 Budget.
3. **PARKS MASTER PLAN:** A resolution approving the Parks and Recreation Ten-Year Master Plan with guiding policies and implementation strategies.
4. **BOYS AND GIRLS CLUB:** An ordinance waiving the requirement of formal competitive bidding and approving a contract between the City of Fayetteville and Boys and Girls Club to provide public recreation.
5. **COUNCIL ON AGING:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville and Council on Aging in the amount of \$30,999.96 to provide public recreations for the senior citizens of Fayetteville for 2002.
6. **FAYETTE TREE AND TRENCH:** An ordinance waiving competitive bidding, declaring an emergency for public health and safety and the approval of a negotiated contract with Fayette Tree and Trench in the estimated amount of ???? plus a 15% contingency for a total of ????? for emergency repairs to replace the existing sanitary sewer crossing under AHTD Highway I-540 located north of Highway 62 and south of Highway 16 West.
7. **DEAD HORSE MOUNTAIN BRIDGE:** A resolution approving an agreement with the Arkansas Highway and Transportation Department regarding the design and funding for the replacement of the Dead Horse Mountain Bridge. Costs to consist of the deposit payment to AHTD at the start of the preliminary design.
8. **WARD BOUNDARIES:** Discussion regarding Warding Boundaries.

STAFF REVIEW FORM

Mudd Creek
A. 2. Page 1

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2002

FROM:

Steve Hatfield

Name

Parks and Recreation

Division

Urban Development

Department

ACTION REQUIRED:

Approval of a resolution showing support for the Mud Creek West Trail project and giving the authority to the Mayor to enter into a contractual agreement with AHTD.

COST TO CITY:

\$ 40,000

Cost of this Request

\$ 500,000

Category/Project Budget

Trail/Greenway/Parkland
Acquisition & Development
Category/Project Name

4470-9470-5806-00

Account Number

\$ 0

Funds Used To Date

Park Improvements
Program Name

02016

Project Number

\$ 500,000

Remaining Balance

Sales Tax
Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Steve Hatfield 1/31/02
Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marsha Fanning
Accounting Manager

2/1/02
Date

Danny Smith
Internal Auditor

2/1/02
Date

D. J. White
City Attorney

2/1/02
Date

ADA Coordinator

Date

Police
Purchasing Officer

1-31-02
Date

STAFF RECOMMENDATION:

Approval of Resolution

Bonnie Edmonston
Division Head

1-28-02
Date

Thyl Ernest
Department Director

1-31-02
Date

Chris Miller
Administrative Services Director

2/4/02
Date

Sam Coody
Mayor

2/4/02
Date

Cross Reference

New Item: Yes No

Prev Ord/Res #:

Orig Contract Date:

Orig Contract Number:

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council
THRU: Hugh Earnest, Urban Development Director
Connie Edmonston, Parks and Recreation Superintendent *C.E.*
FROM: Steve Hatfield, Park Landscape Architect
DATE: January 29, 2002
SUBJECT: Federal-Aid Enhancement funds for West Mud Creek Multi-use Trail

Background

In October 2001, the Parks and Recreation Division applied for an TEA-21 80/20 matching grant from the Arkansas State Highway and Transportation Department. A funding request in the amount of \$ 400,000 was submitted for the Mud Creek West Trail. The Mud Creek West Trail will provide an outstanding multi-use trail for our City by creating recreation and transportation opportunities between residential areas and the Steel Creek commercial development.

Current Status

In January 2002, the Parks and Recreation Division was notified of a grant award in the amount of \$200,000 for this project. The matching funds, \$40,000, for this project will come from the Parks and Recreation Sales Tax Capital Improvement Fund.

Recommendation

The Parks and Recreation Division seeks City Council approval in the form of a resolution showing support for the project and giving the authority to the Mayor to enter into a contractual agreement with the Arkansas State and Highway and Transportation Department to utilize matching federal-aid enhancement monies. If you have any questions or need additional information, please call me at 718-7688 or Connie Edmonston at 444-3473.

ARKANSAS STATE HIGHWAY COMMISSION

Mudd Creek
A. 2. Page 3

JOHN "M" LIPTON, CHAIRMAN
WARREN

J.W. "BUDDY" BENAFIELD, VICE CHAIRMAN
HICKORY PLAINS

MARY P. "PRISSY" HICKERSON
TEXARKANA



JAN 22 2002

JONATHAN BARNETT
SILOAM SPRINGS

CARL S. ROSENBAUM
LITTLE ROCK

DAN FLOWERS
DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

P.O. Box 2261
LITTLE ROCK, ARKANSAS 72203-2261
TELEPHONE No. (501) 569-2000
FAX No. (501) 569-2400

January 17, 2002

The Honorable Dan Coody
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

COPY

Dear Mayor Coody:

Reference is made to Commissioner Barnett's recent letter approving your transportation enhancement project.

At this point, a resolution from your City Council is required. The resolution should indicate support for the project and give you the authority to enter into contractual agreements with the Department (see enclosed sample). A signed, sealed copy of the approved resolution should be forwarded to:

Mr. Frank Vozel
Programs and Contracts Division
Arkansas State Highway and Transportation Department
P. O. Box 2261
Little Rock, AR 72203

Once we have received your resolution, we will set a meeting with you or your representative to discuss the project and applicable requirements. Please do not begin work on the project at this time. You will receive a formal notice to proceed after our meeting. No reimbursement will be made for any work done prior to the date of the notice to proceed.

Sincerely,

A handwritten signature in cursive script, reading "Dan Flowers".

Dan Flowers
Director of Highways
and Transportation

Enclosure

c: Commissioner Jonathan Barnett
Chief Engineer

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF

(Sponsor)

TO UTILIZE FEDERAL-AID ENHANCEMENT MONIES

WHEREAS, _____ understands Federal-aid Surface
(Sponsor's Governing Authority)

Transportation Enhancement funds are available at 80% federal participation and 20% local cash match for the following project: _____

NOW, THEREFORE, BE IT RESOLVED BY THE _____
(Sponsor's Governing Authority), **THAT:**

SECTION I: _____ will participate in
(Sponsor)

accordance with its designated responsibility, including maintenance of this project.

SECTION II: _____ or their designee is
(Title of Sponsor's CEO/CAO)

hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated improvement.

SECTION III: _____ pledges its full
(Sponsor's Governing Authority)

support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of _____, 2002.

(Sponsor's CEO/CAO)

ATTEST: _____

(SEAL)

RESOLUTION NO. 142-01

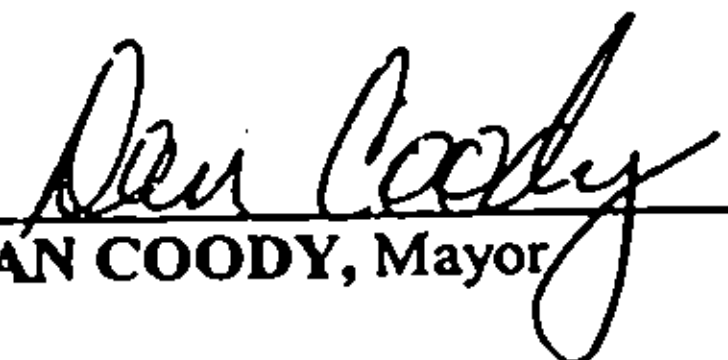
A RESOLUTION AUTHORIZING THE FAYETTEVILLE PARKS AND RECREATION AND SIDEWALK AND TRAILS DIVISIONS TO APPLY FOR A TEA-21 GRANT FROM THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT FOR ADDITIONAL FUNDING FOR THE MUD CREEK WEST MULTI-USE TRAIL OR ADDITIONAL SIDEWALK PROJECTS.

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

Section 1. That the City Council hereby authorizes the Fayetteville Parks and Recreation and Sidewalk and Trails Divisions to apply for a Tea-21 Grant from the Arkansas Highway And Transportation Department for additional funding for the Mud Creek West Multi-Use Trail or additional sidewalk projects.

PASSED AND APPROVED this 16th day of October, 2001.

APPROVED:

By: 
DAN COODY, Mayor

ATTEST:

By: 
HEATHER WOODRUFF, City Clerk



ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

MY
COPY

Dan Flowers
Director
Telephone (501) 569-2000



P.O. Box 2251
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400

January 21, 2000

Sample

The Honorable Fred Hanna
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Dear Mayor Hanna:

Reference is made to your latest request to allow three separate construction contracts for the enhancement trails. This is acceptable. The following job names and numbers should be used to track the individual projects.

Job 040313, F.A.P. STPE-ENHN(154) Fayetteville Raven & Gulley Park Trails (ATEP-95)(S)

Job 040318, F.A.P. STPE-ENHN(160) Fayetteville Joyce Blvd. & Eastern Mud Creek Trails (ATEP-95)(S)

Job 040319, F.A.P. STPE-ENHN(161) Fayetteville Western Mud Creek Trail (ATEP-95)(S)

As shown in the enclosed Agreement of Understanding, there is a combined total of \$600,000 in Federal-aid available for construction of all three projects. The City now has 9 months to submit final plans, specifications and cost estimates and should have all work under contract within 15 months. — *APRIL 21, 2001* *OCT 2*

If you have any questions, please contact Steven Morgan or Bill Bradberry at (501) 569-2261.

Yours truly,

Robert L. Walters
Chief Engineer

Enclosure

c: Commissioner Jonathan Barnett
Director

Deputy City Clerk
Jim Benvers
Charles Rutledge
Don Allen

RECEIVED
JAN 27 2000
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

AGREEMENT OF UNDERSTANDING
BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U. S. Department of Transportation
Federal Highway Administration

RELATIVE TO

Implementation of Job 040313, Fayetteville Multi-use Trails (ATEP-95) (S), F.A.P. STPE-ENHN(154), (hereinafter called "the project") as a Federal-aid transportation enhancement project.

WHEREAS, the Arkansas State Highway Commission has made available 80% Federal-aid funds to be matched with 20% non-federal funds (cash match) for certain transportation enhancement projects, and

WHEREAS, the City of Fayetteville (hereinafter called "Sponsor") has expressed its desire to use Federal-aid funds for the eligible project and to provide necessary matching cash share for such funds, and

WHEREAS, funding participation will be as follows, subject to a limit of \$600,000.00 maximum Federal-aid approved for the project:

	<u>Federal %</u>	<u>Sponsor %</u>
Project Design:	0	100
Right-of-Way/Utilities:	0	100
Project Implementation:	30	20
Project Inspection:	0	100
Department Administrative Cost (1% of Total):	0	100

, and

WHEREAS, the Sponsor knows of no legal impediments to the completion of the project, and

WHEREAS, the Sponsor understands that the Arkansas State Highway and Transportation Department (hereinafter called the "Department") is willing to undertake all plan review, project bidding and construction inspection subject to reimbursement by the Sponsor and within a time schedule established by the Department. However, the Sponsor desires to accept responsibility for all project phases in order to expedite project implementation, and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions of any part of the agreement to create the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement, and

WHEREAS, it is understood that the Sponsor and the Department will adhere to the General

Requirements for Recipients and Sub-Recipients Concerning Minority Business Enterprises (MBEs) (Attachment A) and that, as part of these requirements, the Department may set goals for MBE participation in the project ranging from 0% to 100% that are practical and related to the potential availability of MBEs in desired areas of expertise.

IT IS HEREBY AGREED that the Sponsor and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation of the project and will accept the responsibilities and assigned duties as described hereinafter.

THE SPONSOR WILL:

1. Submit a letter to the Right-of-Way Division of the Department which either (1) stipulates the services relative to right-of-way acquisition, appraisal, relocation, and utilities that the Sponsor will assume or (2) requests that the Department handle some or all of these services. Acquisition of property must be accomplished in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (commonly referred to as the "Uniform Act"). NOTE: Failure to notify the Department prior to initiating this phase of work may result in all project expenditures being declared non-participating in federal funds.
2. Provide a copy of the registered deed or an appropriate certification stating the Sponsor's clear and unencumbered title to any right-of-way to be used for the project.
3. Contact the Arkansas Historic Preservation Program (AHPP) to execute a Deed of Conservation Easement for enhancement projects involving certified historic properties or obtain a waiver from the AHPP.
4. Prepare plans, specifications, and a cost estimate for construction. A registered professional engineer or a licensed architect must sign the plans and specifications for the project. (See Attachment B for items to be included in the bid proposal.)
5. Certify that the plans and specifications comply with the Americans with Disabilities Act (ADA), the American Association of State Highway and Transportation Officials (AASHTO) design standards, and all other applicable state and federal regulations, including Airport Clearance when necessary, for the type of work involved.
6. Submit a certification letter (Attachment C), including all items noted, to the Department when requesting authority to advertise the project for construction bids.
7. Advertise for bids in accordance with federal procedures as shown in Attachment D.
8. Forward a copy of all addenda to the project during the advertisement to the Department.
9. After bids are opened and reviewed, submit a certification (Attachment E), including all items noted, to the Department and request concurrence in award of the contract.
10. Maintain accounting records to adequately support reimbursement with Federal-aid funds and be responsible for the inspection, measurement and documentation of pay items, and certification of all work in accordance with the plans and specifications for the project and for monitoring the Contractor and subcontractor(s) for compliance with the provisions of

FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements.

11. Make payments to the contractor for work accomplished in accordance with the plans and specifications and then request reimbursement from the Department on the Enhancement Construction Certification and Reimbursement Request form (Attachment E).
12. Submit change orders to the contract to the Department's Resident Engineer in charge of reimbursements for review and approval for program eligibility.
13. Upon completion of the project, submit the Final Estimate and certify that the project was accomplished in accordance with the plans and specifications. (See Attachment F.)
14. Indemnify and hold harmless the Arkansas State Highway Commission, the Department and its officers and employees from all suits, actions, or claims of any character brought because of any damage sustained on account of the operations or actions of the said Sponsor, or because of any act of omission, neglect, or misconduct of said Sponsor, or from any claims or amounts arising or recovered under any law, ordinance, order, or decree. The Sponsor and Department shall at all times protect as sacred the immunity from civil suits afforded the State of Arkansas and its several Agencies, Commissions and Departments, such as the Department, the Arkansas State Highway Commission, and the Sponsor, as mandated by Article 5, §20 of the Constitution of Arkansas, Ark. Code Ann. §19-10-305, and the 11th Amendment of the Constitution of the United States. Any claim awarded against the Arkansas State Highway Commission or the Department or its officers and employees for the above, including but not limited to, claims before the Arkansas State Claims Commission shall be borne by the Sponsor.
15. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.
16. Retain all records relating to inspection and certification, the Contractor's billing statements, and any other files necessary to document the performance and completion of the work in accordance with requirements of 49 CFR 13.42 - Retention and access requirements for records (Attachment G).
17. Grant the right of access to Sponsor's records pertinent to this project and the right to audit by the Department and Federal Highway Administration officials.
18. Be responsible for its portion of the total project cost and 1% of the award amount for Department administration.
19. Be responsible for 100% of all project costs incurred should the project not be completed as specified.
20. Be responsible for 100% of any and all expenditures which are declared non-participating in federal funds, including awards by the State Claims Commission.

8. Visually verify (insofar as is reasonably possible) that the work meets contract requirements before reimbursement is made to the Sponsor.
9. Reimburse the Sponsor 80% (Federal-aid share) for eligible costs up to the maximum Federal-aid amount as approved in the Enhancement Construction Certification and Reimbursement Request form (Attachment F).
10. Pay the Sponsor the remaining amount due upon completion of the project and submittal of the certified Final Estimate.

IT IS FURTHER AGREED that should the Sponsor fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure may disqualify the Sponsor from receiving all future Federal-aid funds administered by the Department.

IT IS FURTHER AGREED that should the Sponsor fail to pay to the Department any required funds due for implementation of the project or fail to complete the project as specified in this Agreement or fail to adequately maintain or operate the project, the Department may cause funds as may be required to be withheld from the Sponsor's gasoline tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement on this 10th
day of January, 2000
~~1999~~

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT

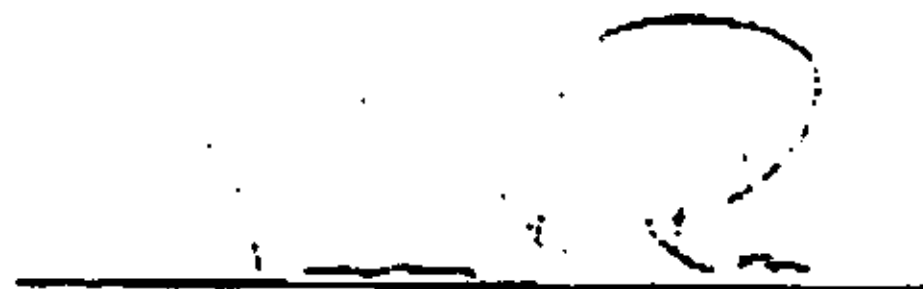
CITY OF FAYETTEVILLE

RECOMMENDED:

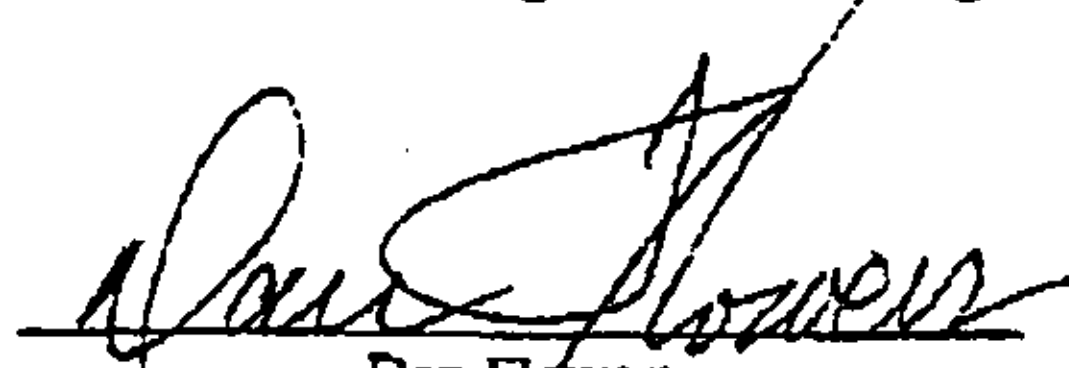
RECOMMENDED:



Steve League
Assistant Chief Engineer for Planning



City Attorney



Dan Flowers
Director of Highways and Transportation

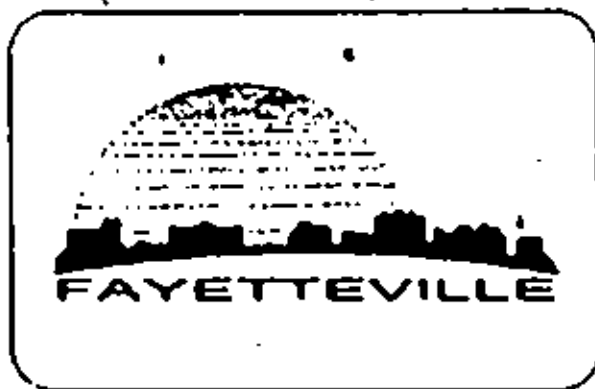


Fred Hanna
Mayor

21. Repay to the Department the federal share of the cost of any portion of this project if, for any reason, federal participation is removed due to actions or inactions of the Sponsor, its agents, its employees, or its assigns or the Sponsor's consultants or contractors or their agents. Such actions or inactions shall include, but are not limited to, federal non-participation arising from problems with design plans, specifications, construction, change orders, construction inspection, or contractor payment procedures. The Sponsor understands and agrees that the Department may cause necessary funds to be withheld from the Sponsor's gasoline tax allotment should the Sponsor fail to pay to the Department any required funds, fail to complete the project as specified, or fail to adequately maintain or operate the project.
22. Repay all federal funds if this is determined necessary for any reason.
23. Retain total, direct control over the project throughout the life of the improvements and not, without prior approval from the Department:
 - sell, transfer, or otherwise abandon any portion of the project;
 - change the intended use of the project as stated in the approved project application;
 - make significant alterations to any improvements constructed with Federal-aid funds; or
 - cease maintenance or operation of a project due to the project's obsolescence.
24. Be responsible for satisfactory maintenance and operation of all improvements and for adopting regulations and ordinances as necessary to ensure this. Failure to adequately maintain and operate the project in accordance with Federal-aid requirements may result in the Sponsor's repayment of federal funds and may result in withholding all future Federal-aid.
25. Promptly notify the Department if the project is rendered unfit for continued use by natural disaster or other cause.

THE DEPARTMENT WILL:

1. Be responsible for administering Federal-aid funds.
2. Provide the appropriate environmental documentation for the project.
3. When requested, provide the necessary services relative to right-of-way acquisition, appraisal, relocation, and utility adjustments in accordance with the Uniform Act and be reimbursed for costs involved in performing these services.
4. Upon receipt of the Sponsor's certification of right-of-way (property) ownership, provide the appropriate documentation to the file.
5. Review plans and specifications for project/program eligibility.
6. Advise the Sponsor when to proceed with advertisement of the project for construction bids.
7. Review bid tabulations and concur in award of the construction contract for the project.



STAFF REVIEW FORM

XXX AGENDA REQUEST
 CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council meeting: February 19, 2002

Sanitation Truck
A. 3. Page 1



FROM:

W.A. Oestreich
Name

Fleet Operations
Division

Administrative Services
Department

ACTION REQUIRED:

Acceptance of the qualified Bidders for 2 Front Load and 2 Rear Load Style Cab & Chassis with Mounted Sanitation Bodies per Bid 02-01 - Item # 1 - Arkansas Power Steering - Mack Chassis with Labrie Body, (\$348,677.30) and Item # 2 - Shipley Motor Equipment - Mack Chassis with Heil Body (\$298,242.50) Total Purchase of \$649,919.80. Authorization is hereby granted to purchase these items.

COST TO CITY: 646,919.80

646,919.80

\$ 645,868.76
Cost of this Request

\$ 1,120,000.00
Category/Project Budget

Repl/Exp Sanitation Equipment
Category/Project Name

9700-1920-5802.00
Account Number

\$ —00.00—
Funds Used To Date

Vehicles & Equipment
Program Name

98067
Project Number

\$ 1,120,000.00
Remaining Balance

Shop
Fund

BUDGET REVIEW:

XX Budgeted Item

 Budget Adjustment Attached

[Signature]
Budget Coordinator

Administrative Services Director

[Signature] 2/1/02
Accounting Manager Date

ADA Coordinator Date

[Signature] 2/1/02
City Attorney Date

[Signature] 2/1/02
Internal Auditor Date

[Signature] 2/5/02
Purchasing Officer Date

STAFF RECOMMENDATION:

Acceptance of Bid 02-01 with the Authorization to Purchase Items #1 and #2.

[Signature] Jan 31-2002
Division Head Date

Cross Reference

Department Director Date

New Item: Yes No

Administrative Services Director Date

Prev Ord/Res #:

Mayor Date

Orig Contract Date:



STAFF REVIEW FORM

Description: Solid Waste Vehicles

Meeting Date: February 19, 2002

Comments:

Budget Coordinator:

Accounting Manager:

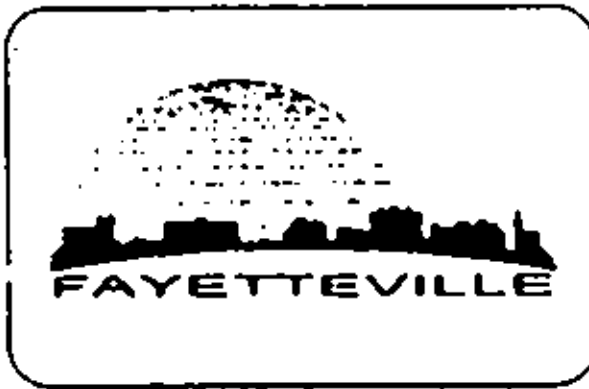
City Attorney:

Purchasing Officer:

ADA Coordinator:

Internal Auditor:

Reference Comments:



CITY OF
FAYETTEVILLE



FLEET OPERATIONS

501.444.3495

INTER-OFFICE MEMORANDUM

FAX: 501.444.3425

TO: Mayor/City Council

THRU: Greg Boettcher, Public Works Director

THRU: Peggy Vice, Purchasing Manager

FROM: W. A. Oestreich, Fleet Operations Superintendent

DATE: February 6, 2002

SUBJECT: BID AWARD RECOMMENDATION 02-01 Project 98067

Reference Bid Award Recommendation dated January 31, 2002.

The representative of Arkansas Power Steering of Little Rock utilized the following paragraph of our Specifications - Terms and Conditions:

Field demonstrations of currently operational units which are offered as a substitute, variation, or deviation may be required as part of Staff analysis at the option of Staff members or other qualified interested parties. Properly documented referrals may be required of vendors which allows field evaluation of units in a comparable operational area.

A request was made by their representative, Mr. Larry Jackson, to provide the City with a demonstrator unit which he felt would be superior to the lowest priced bid. He indicated that the dollar difference would be to the advantage of the City in operator convenience, efficiency and weight reduction. A comparison demonstration was made by a senior operator (Darrell Lackey) to obtain a comparison on equal ground by an unbiased operator. As Mr. Lackey would be an operator of one of the purchased units, his input would be in the best interest of the City Staff to allow a properly managed evaluation.

His operation of the Labrie Unit on Saturday, February 2, 2002 and of the Heil Unit on Tuesday, February 5, 2002 gave an excellent opportunity to compare each on an equal basis. His comments proved to be well based in ease of operation, speed of action and utilization of the automated set down abilities with the low RPM pump. (1000 RPM) This pump with the Automated Self Leveling Device was indicated in the bid as a \$4,200.00 option over the Base Price of \$167,925.00 for a total of \$172,125.00. In addition, the following packaged options were available on the chassis; Poly Belt Tensioner, Transmission Level Sensor, Transmission Probe, Transmission Range Inhibitor and Light Weight Skid Plate at a total package price of \$313.65.

This gave a total delivered cost of the Unit as bid of \$172,438.65 which is \$1,115.52 above the Low bid of the Heil Unit with the options listed.

As it was the decision of Solid Waste and Fleet Personnel to further investigate the validity of the claims of the Labrie Dealer, the referrals were checked with the following:

LeMay, Inc.
Tacoma, WA
Mr. LeMay

City of San Bernardino
San Bernardino, CA
Don Johnson

Superior Services
Hartland, WI
Jeff Parrott

Steppe Equipment
Menomonee Falls, WI
Ed Kavanaugh

Very positive comments were received regarding operation, durability, parts availability and factory support. A question raised by the Fleet Operations Division regarding the durability of the lighter weight floor was also put to rest with positive comments by other users.

An inspection had previously been made of this Bidders Facility along with stocking assurances for all wear parts. The Bidder will also provide Cylinders on consignment for the warranty period and make available an extended warranty on the Cylinders.

In view of the above listed information, the previous recommendation for the Heil Front Load Unit has been set aside as the price differential would provide the City with a Unit that would give superior service for the dollars spent.

Therefore, the Agenda Request should be adjusted as follows:

Item #1	Arkansas Power Steering - Labrie		
	2 Units @ \$172,438.65		
	Total	\$344,877.30	
	Extended Warranty	\$ 3,800.00	
			\$348,677.30
Item #2	Shipley Motor Equipment - Heil		
	2 Units @ \$147,221.25		
	Total	\$294,442.50	
	Extended Warranty	\$ 3,800.00	
			\$298,242.50
	TOTAL BID AWARD		\$646,919.80

THE CITY OF FAYETTEVILLE, ARKANSAS

February 6, 2002

TO: - Bill Oestreich

FROM:  Carrol Hill
Solid Waste & Recycling Division

SUBJECT: LaBrie Trucks

Demonstration of the LaBrie Front Loader was reviewed by various members of the Equipment Committee on February 1, 2002 at the Solid Waste Facility and driver testing took place on Saturday, February 2, 2002 on an actual route. Since the demonstration truck was equipped with forks instead of a triangle, we made arrangements with Waste Management for our drivers to meet, and take the demonstration vehicle on one of their heaviest tonnage routes.

Our driver Darrell Lackey reported the following:

After testing both of the trucks, he definitely preferred the LaBrie. It handled very well, and the use of the forks versus the triangle was far superior. It was a much smoother operation, took less time per container. The forks seemed to handle the heaviest of restaurant containers without any noticeable strain. The cycle time for the loader and packer was very fast, thus able to compact much tighter and as a result could hold significantly more per load, and would result in less route time.

In speaking with the City of San Bernardino, who use 6 LaBrie front loaders and 28 Automated trucks. They are pleased with the vehicle, and their mechanics and drivers unanimously voted for the LaBrie purchase after sampling three other vehicles over the same time period. They have had no significant service problems, and feel that they have received better service response from LaBrie who is 3,000 miles away than they had with their old vendors who are 10 minutes from their yard.

-2-

We were unable to preview the LaBrie vehicle earlier due to schedule conflicts of the Equipment Committee and availability of the vehicle. We have listened to our drivers who drove the test vehicles. The LaBrie weight reduction of 4,000 lbs which Fleet and Solid Waste have recommended exceeds the original estimates presented to the Equipment Committee. The weight reduction was of particular interest to the Equipment Committee as well as the Fleet and Solid Waste Divisions.

The low bidder did not measure up to driver testing. Therefore we decline our initial recommendation, and change the recommendation to the LaBrie.



CITY OF
FAYETTEVILLE



FLEET OPERATIONS

501.444.3495

INTER-OFFICE MEMORANDUM

FAX: 501.444.3425

TO: Mayor/City Council
THRU: Greg Boettcher, Public Works Director
THRU: Peggy Vice, Purchasing Manager
FROM: W. A. Oestreich, Fleet Operations Superintendent
DATE: January 31, 2002
SUBJECT: BID AWARD RECOMMENDATION 02-01 Project 98067

Reference the attached Agenda Request for the Award of Bid 02-01, Items #1 and #2, to the lowest qualified bidder meeting specifications. This Vendor is Shipley Motor Equipment, P.O.Box 250, Lowell, AR 72745. (Vendor #1785). These are budgeted items.

The Bid Tabulation Sheet dated January 29, 2002, is included along with a copy of the formal bid that was sent to each of the vendors on the Bidders List. Also attached is a completed copy of the successful bid. Please note the pricing details listed which are not reflected on the Tabulation Sheet.

The lowest priced items which are the recommended items, comply with the minimum specification developed by the Fleet Operations Division and the Solid Waste Division. Some of the specifics with which vendors did not comply are noted. These minimums were set up with precise objectives in mind, such as utilizing the 40 GPM @ 800 RPM Hydraulic Pump, thus allowing quiet operation in the early morning hours and engine wear savings, as well. In addition, Also the requirement of 145,000 psi and 150,000 psi steel was to provide more resistance to wear, providing longer life; larger pivot pins and hinge pins were utilized for this purpose also. Failure to comply with minimum requirements are noted for each vendor in the following order: ITEM/REQUESTED/RESPONSE

Item #1.

Arkansas Power Steering - McClain EZ Pak	\$172,419.00
Does not include 40 GPM @ 800 RPM Pump	\$ 4,200.00
Total Cost	\$176,619.00
HOPPER SIDES/ 150,000 PSI	100,000 PSI
PACK W/CLOSED HOPPER	NOT AVAILABLE

PACKING BLADE	150,000 PSI	1000,000 PSI
SAFETY CABLE		NOT AVAILABLE
GATE SEALS	61"	41"
ENGINE ACCESS	ANY POSITION	UP ONLY

Shibley Motor Equipment - Pak Mor	\$170,459.48
Does not include 40 GPM @ 800 RPM Pump	\$ 4,200.00
Total Cost	\$174,659.48

SLIDING TOP DOOR		NOT AVAILABLE
TAILGATE PINS	2"	1-1/4"
WEAR BARS	150,000 PSI	80, 000 PSI
COMPACTOR PLATE	150,000 PSI	100,000 PSI
SAFETY CABLE		NOT AVAILABLE
HOPPER FLOOR	150,000 PSI	100,000 PSI

Arkansas Power Steering - Labrie	\$167,925.00
Does not include 40 GPM @ 800 RPM Pump	\$ 4,200.00
Total Cost	\$172,125.00

BODY FLOOR	1/4"-150,000 PSI	3/16"-50,000 PSI
HOPPER	150,000 PSI	100,000 PSI
GATE PINS	2"	1-1/4"
GATE CYLS.	3"	2-1/2"
SAFETY CABLE		NOT AVAILABLE

RECOMMENDED:

Shibley Motor Equipment - Heil	\$170,459.48
Optional Equipment: Upper Box Teeth	\$ 230.00
Flood Lights	\$ 320.00
Poly Tensioner	\$ 61.00
Trans Level Sensor	\$ 136.00
Trans Probe	\$ 26.65
Light Weight Skid Plate	\$ 90.00
Trans Range Inhibitor	N/C
Total Cost	\$171,323.13

Item #2.

Arkansas Power Steering - McClain EZ Pak	\$142,621.00
Does not include 40 GPM @ 800 RPM Pump	\$ 4,200.00
Container Lift	\$ 3,246.00
Total Cost	\$150,067.00

HOPPER	150,000 PSI	100,000 PSI
BLADE PINS	2" & 3"	1" & 1-1/2"
CYLINDER CUSHION		NOT AVAILABLE

Shibley Motor Equipment - Leach	\$144,987.60
Does not include 40 GPM @ 800 RPM Pump	\$ 4,200.00
Total Cost	\$149,187.60

ELECTRIC WINCH	NOT AVAILABLE
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BODY FLOOR	150,000 PSI	50,000 PSI
Shibley Motor Equipment - Pak Mor		\$143,422.60
Does not include 40 GPM @ 800 RPM Pump		\$ 4,200.00
	Total Cost	\$147,622.60
HOPPER	150,000 PSI	100,000 PSI
TELESCOPIC CYLS.		NOT AVAILABLE

RECOMMENDED:

Shibley Motor Equipment - Heil	\$146,907.60
Optional Equipment: Poly Tensioner	\$ 61.00
Trans Level Sensor	\$ 136.00
Trans Probe	\$ 28.65
Light Weight Skid Plate	\$ 90.00
Trans Range Inhibitor	N/C
Total Cost	\$147,221.25

An extended warranty of 5 years has been offered by the manufacturer to supplement the standard 1 year warranty requested. It would be to the City's benefit to utilize this extended warranty at the following rate:

Front Loader	\$2,500.00 per Unit	Total	\$5,000.00
Rear Loader	\$1,900.00 per Unit	Total	\$3,800.00

These items have been evaluated for compliance with original specifications along with anticipated Manufacturer and Dealer support necessary to maintain them in a proper and efficient manner.

A post bid conference was also held with the Bidder and the Representative for the Units bid to assure the compliance with our needs.

It has been with an objective attitude that this bid has been evaluated. This recommendation has been reviewed by Representatives of the Solid Waste Division, Fleet Operations Division and the Equipment Committee.

Therefore, the following is submitted for purchase approval by the Council:

ITEM 1. Front Load Solid Waste Equipment
 ** Shibley Motor Equipment
 2002 Mack MR688S with Mounted Heil Half-Pack @
 \$171,323.13. This Bid was accepted as it met original
 Specifications. This should provide units that will be efficient,
 reliable and compatible to our operations.

ITEM 2. Rear Load Solid Waste Equipment

**

Shipleigh Motor Equipment

2002 Mack MR688S with Mounted Heil 5000 @ \$147,221.25.

This Bid was accepted as it met original Specifications. This should provide unit that will be efficient, reliable and compatible to our operations.

SUMMARY

TO BE DELIVERED AS COMPLETE UNITS:

ITEM 1.	Shipleigh Motor & Equip. - 2 Units at \$171,323.13	\$342,626.26
ITEM 2.	Shipleigh Motor & Equip. - 2 Units at \$147,221.25	\$294,442.50
	Extended Warranty	\$ 8,800.00

TOTAL BID AWARD: \$645,868.76

The budgeted amount for items of this type is \$1,120,000.00 in account 9700-1920-5802.00, Project 98067-001. With the purchase of these items at \$645,868.76 we will have a balance remaining of \$474,131.24.

THE CITY OF FAYETTEVILLE, ARKANSAS

February 4, 2002

TO: Bill Oestreich

FROM:  Carol Hill

SUBJECT: Vehicle Recommendation

We have reviewed and evaluated the operation of the two units demonstrated at our facility in the last two weeks. Therefore we are recommending that you proceed with the purchase of the Heils.

Solid Waste Refuse Vehicles

Bid 02-01

11:00 a.m. Jan. 29th, 2002

	Item #1- Heavy Duty Cab/Chassis w/mounted Front Load Sanitation Body	Item #2- Heavy Duty Cab/Chassis w/mounted Rear Load Sanitation Body
Arkansas Power Steering 900 Fiber Optic Drive N. Little Rock, AR 72114	\$172,419 + 4,200 Oper/Idle = \$176,619 McClain E-Z Pack Front Loader	\$142,621 + 3,246 Roll Bar = \$145,867 McClain E-Z Pack Rear Loader
Arkansas Power Steering 900 Fiber Optic Drive N. Little Rock, AR 72114	\$167,925 + 4,200 Oper/Idle = \$172,125 La Brie Front Loader	\$142,621 + 3,246 Roll Bar = \$145,867 McClain E-Z Pack Rear Loader
Peterbilt of Springdale 333 W Henri De Tonti Blvd. Tontitown, AR 72770	No Bid	No Bid
RDK Truck Sales & Service 3214 Adamo Drive Tampa, FL 33605	No Bid	No Bid
Shipley Motor Equipment Co PO Box 250 Lowell, AR 72745	\$170,104.48 Mack MR688S-2003 w/Rivercity Hydraulic Body Heil Half Pack Front Loader	\$146,907.60 Mack MR688S-2003 w/Rivercity Hydraulic Body Heil Rear Loader
Shipley Motor Equipment Co PO Box 250 Lowell, AR 72745	\$170,459.48 Mack MR688S-2003 w/Downing Sales Body PAK-MOR FPE840 Front Loader	\$143,422.60 Mack MR688S-2003 w/Downing Sales Body PAK-MOR R320B Rear Loader
Shipley Motor Equipment Co PO Box 250 Lowell, AR 72745	No Bid	\$144,987.60 Mack MR688S-2003 w/Key Equipment Sales Body Leach 20 YD 2RH Rear Loader

BID CERTIFIED BY:

PVies

eggy Vice, Purchasing Manager

Witness

02/04/2002

VEH NO.	UNIT DESCRIPTION	PURCH YEAR	VEH LIFE	PURCHASE PRICE	REPLACEMENT COST	REPLACEMENT COST/MO.	SCHEDULED REPLACEMENT	MONTHLY MAINT & O.H.	MINIMUM MONTHLY	REPLACEMENT PER MILE	MAINT & O.H. PER MILE
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4COM	PROPOSED REAR LOAD	2000	8	\$147,221.00	\$178,809.62	\$1,870.83	2008	\$1,170.65	\$3,047.59	\$1.87	\$1.18
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4COM	PROPOSED FRT LOAD	2000	8	\$171,323.00	\$208,014.08	\$2,177.23	2008	\$1,351.88	\$3,528.91	\$2.18	\$1.35
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EQUIPMENT
Sales - Service - Repairs

Name: City of Fayetteville Date: 1.31.02
Address: 113 West Mountain Date Required: _____
City: Fayetteville State: Ar Zip: 72701
Telephone #: 479.841-2731 Fax #: 479-444-3489
Contact: Bill Oestreich

QTY	DESCRIPTION	PRICE
-----	-------------	-------

We will supply City of Fayetteville Ar
A complete set of cylinders At NO
charge until 5 year warranty expires.
At that time the city can purchase
cylinders, or return to River City
Hydraulics.

Hydraulic Lines will be rerouted
for spill troughs on side of tailgate.
(Both sides)

Quoted By: _____

Subtotal: _____

Accepted By: _____

FET: _____

Financed By: _____

Freight: _____

Contact Person: _____

Tax: _____

Phone No.: _____

Total: _____



EQUIPMENT
Sales - Service - Repairs

Name: _____ Date: _____

Address: _____ Date Required: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Fax #: _____

Contact: _____

QTY	DESCRIPTION	PRICE
	Kick Bar Roller - 2 part # 003-4526	
	5" OD x 3" ID x 5" Long	
	Material UHMW (Ultra High Molecular Weight)	
	Cross Linked and Filled	
	Powder Blue Color	

Winch Specifications

6000 Pull Line Pull
MANF. WARN INDUSTRIES
MODEL - M6000
SERIES - 45880
Drive - 3 stage Planetary

Quoted By: _____

Subtotal: _____

Accepted By: _____

FET: _____

Financed By: _____

Freight: _____

Contact Person: _____

Tax: _____

Phone No.: _____

Total: _____

BIDDERS LIST

HEAVY DUTY TRUCK CHASSIS

1. RON BLACKWELL FORD TRUCK CENTER
 P.O.BOX 608
 BENTONVILLE, AR 72712
 ATTN: LARRY EDEN
 501-756-9461
2. OZARK TRUCK SALES
 P.O. BOX 6247
 SPRINGDALE, AR 72766
 501-756-1200
3. River City Hydraulics, Inc.
 P.O.Box 6033
 Sherwood, AR 72124
 Attn: Roger Williams
 501.835.5230
4. SHIPLEY MOTOR EQUIPMENT CO.
 P.O.BOX 250
 LOWELL, AR 72745
 Attn: Jim Lollis
 501-631-7653
5. Arkansas Power Steering & Hydraulics, Inc.
 900 Fiber Optic Drive
 North Little Rock, AR 72117
 Attn: Larry Jackson
 800.734.9411
6. Peterbilt of Springdale
 P.O.Box 6310
 Springdale, AR 72766
 Attn: Landon Logan
 501.361.5077
7. J & R Equipment
 25-C N. Council
 Oklahoma City, OK 73127
 Attn: Nick Pontikos
 405.495.5110

8. RDK Truck Sales & Service, Inc.
3214 Adamo Dr.
Tampa, FL 33605
Attn: Tom Mascunana
888.735.8789
9. Crane Carrier Company
P.O.Box 582891
Tulsa, OK 74158
Attn: Butch Butler
918.836.1651
10. McNeilus Truck & Manufacturing Co.
P.O.Box 458
Hutchins, TX 75141
972.225.2313
10. Total Truck & Trailer Equipment
P.O.Box 720660
Norman, OK 73070-4500
Attn: Bob Stavino
405.329.3775



CITY OF FAYETTEVILLE

**113 W. Mountain St.
Fayetteville, AR 72701**

**FLEET OPERATIONS
501-444-3494
INVITATION TO BID**

BID #: 02-01

DATE ISSUED: January 9, 2002

DATE & TIME OF OPENING: January 29, 2002 - 11:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306 - (501) 575-8289

DATE REQUIRED AS COMPLETE UNIT: 90 Days from receipt of order.

F.O.B.: Fayetteville, AR

***Guaranteed Delivery Date: APPROXIMATELY 200 DAYS FROM ORDER**

ITEM:	DESCRIPTION:	QTY.	* PRICE PER UNIT
1.	Heavy Duty Cab/Chassis w/Mounted Front Load Sanitation Body per Item #1 of Specifications attached:	2	<u>\$ 170,104.48</u>
2.	Heavy Duty Cab/Chassis w/Mounted Rear Load Sanitation Body per Item #2 of Specifications attached:	2	<u>\$ 146,907.60</u>

***PLEASE NOTE THE OPTIONAL BODY BIDS ON THE NEXT PAGE**

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including terms and standard conditions, and pertinent information regarding the article being bid on. Unsigned bids will be rejected.

OPTIONAL BODY BID PRICING

CITY OF FAYETTEVILLE

BID#: 02-01

ALL OF THE FOLLOWING BIDS ARE WITH A 2003 MACK MR688S FROM SHIPLEY MOTOR EQUIPMENT COMPANY, AS PER THE SPECIFICATIONS AND EXCEPTIONS IN OUR ORIGINAL BID PACKAGE.

ORIGINAL QUOTE IN BID PACKAGE

RIVERCITY HYDRAULICS

- | | |
|-----------------|--------------------|
| a. FRONT LOADER | \$ 170,104.48 each |
| b. REAR LOADER | \$ 146,907.60 each |

OPTIONAL BODY BID PRICING

1. DOWNING SALES AND SERVICE

- | | |
|----------------------------------|--------------------|
| c. FRONT LOADER - PAK-MOR FPE840 | \$ 170,459.48 each |
| d. REAR LOADER - PAK-MOR R320B | \$ 143,422.60 each |

2. KEY EQUIPMENT & SUPPLY

- | | |
|-------------------------------------|--------------------|
| a. FRONT LOADER | NO BID |
| b. REAR LOADER LEACH 20 YD 2RII *** | \$ 144,987.60 each |

***** PLEASE NOTE THAT THE LEACH DEALER HAS SUBMITTED A QUOTE WITHOUT THE CITY SPECIFICATION SHEET DUE TO THE LEACH EQUIPMENT NOT MEETING SPECIFICATION TO THE EXTENT THAT HE FELT IT BEST TO SUBMIT A ENTIRELY DIFFERENT QUOTE. *****

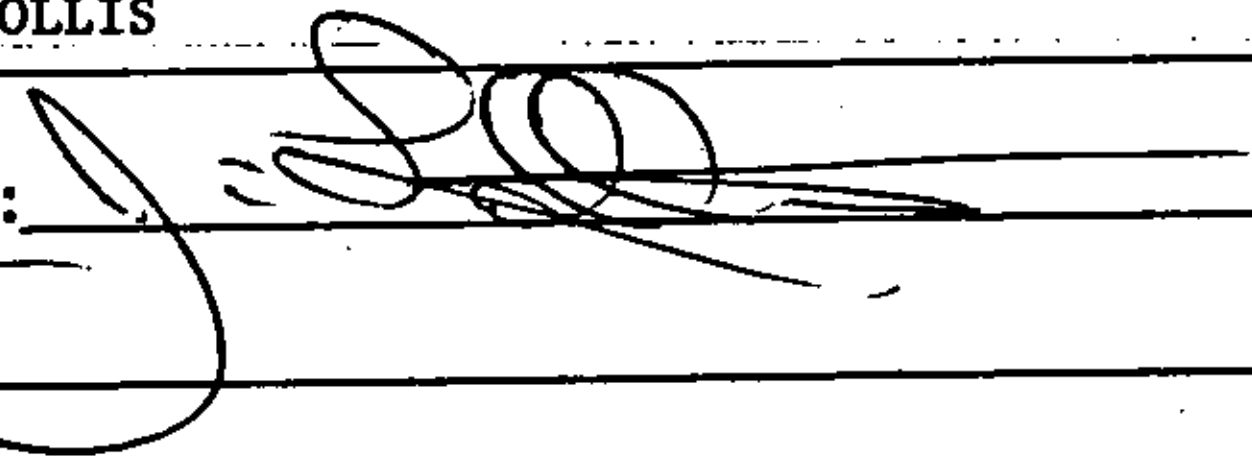
*NAME OF FIRM: SHIPLEY MOTOR EQUIPMENT COMPANY

*BUSINESS ADDRESS: P.O. BOX 250

*CITY: LOWELL *STATE: AR *ZIP: 72745

*PHONE: 479-770-6040 *FAX: 479-770-6146

*PRINTED NAME: JIM LOLLIS

*AUTHORIZED SIGNATURE: 

*TITLE: V.P. OPERATION

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENTS FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

THIS REQUEST FOR BID IS NOT TO BE CONSTRUED AS AN OFFER, A CONTRACT, OR A COMMITMENT OF ANY KIND; NOR DOES IT COMMIT THE CITY TO PAY ANY COSTS INCURRED BY THE BIDDER IN THE PREPARATION OF THIS BID.

- 1. All bids shall be submitted on forms provided by the City with the item bid and the bid number stated on the face of the sealed envelope. Bidders MUST provide the City with their bids signed by an employee or officer having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.
- 2. Bidders shall include all applicable local, state, and federal sales tax in this bid. Tax amount MUST show as a separate item.
- 3. Bids received after the date and time set for receiving bids will NOT be considered. The City will NOT be responsible for misdirected bids.

MAIL OR DELIVER BIDS TO:

CITY OF FAYETTEVILLE
PURCHASING OFFICE - ROOM 306
113 W. MOUNTAIN
FAYETTEVILLE, AR 72701

Vendor should call the Purchasing Office at 501.575.8289 to insure receipt of their bid documents prior to opening date and time listed on the bid form.



CITY OF FAYETTEVILLE

*113 W. Mountain St.
Fayetteville, AR 72701*

**FLEET OPERATIONS
501-444-3494
INVITATION TO BID**

BID #: 02-01

DATE ISSUED: January 9, 2002

DATE & TIME OF OPENING: January 29, 2002 - 11:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306 - (501) 575-8289

DATE REQUIRED AS COMPLETE UNIT: 90 Days from receipt of order.

F.O.B.: Fayetteville, AR

***Guaranteed Delivery Date:** _____

ITEM:	DESCRIPTION:	QTY.	* PRICE PER UNIT
1.	Heavy Duty Cab/Chassis w/Mounted Front Load Sanitation Body per Item #1 of Specifications attached:	2	_____
2.	Heavy Duty Cab/Chassis w/Mounted Rear Load Sanitation Body per Item #2 of Specifications attached:	2	_____

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including terms and standard conditions, and pertinent information regarding the article being bid on. Unsigned bids will be rejected.

*NAME OF FIRM: _____

*BUSINESS ADDRESS: _____

*CITY: _____ *STATE: _____ *ZIP: _____

*PHONE: _____ *FAX: _____

*PRINTED NAME: _____

*AUTHORIZED SIGNATURE: _____

*TITLE: _____

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENTS FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

THIS REQUEST FOR BID IS NOT TO BE CONSTRUED AS AN OFFER, A CONTRACT, OR A COMMITMENT OF ANY KIND; NOR DOES IT COMMIT THE CITY TO PAY ANY COSTS INCURRED BY THE BIDDER IN THE PREPARATION OF THIS BID.

1. All bids shall be submitted on forms provided by the City with the item bid and the bid number stated on the face of the sealed envelope. Bidders MUST provide the City with their bids signed by an employee or officer having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.
2. Bidders shall include all applicable local, state, and federal sales tax in this bid. Tax amount MUST show as a separate item.
3. Bids received after the date and time set for receiving bids will NOT be considered. The City will NOT be responsible for misdirected bids.

MAIL OR DELIVER BIDS TO:

**CITY OF FAYETTEVILLE
PURCHASING OFFICE - ROOM 306
113 W. MOUNTAIN
FAYETTEVILLE, AR 72701**

Vendor should call the Purchasing Office at 501.575.8289 to insure receipt of their bid documents prior to opening date and time listed on the bid form.

4. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds.
5. Each bidder MUST state on the face of the bid form the anticipated number of days from the date of receipt of order for delivery of the completed units to the City of Fayetteville, Arkansas.
6. Time is specifically made of the essence of this contract and failure to deliver on or before the time specified in the contract may subject the contractor to the payment of damages.
7. All bid prices shall be FOB Fleet Operations, 1525 S. Happy Hollow Rd., Fayetteville, AR, 72701, and shall include all dealer preparation charges, labor, materials, overhead, profit, insurance, inspection fees, etc., to cover the furnishing of the unit/units bid.
8. Standard Manufacturers Warranty shall apply to each unit as specified. A copy of the applicable warranty MUST accompany the bid with any exception to the warranty clearly noted on the Bid Form. Warranty on accessories/equipment furnished by an after market vendor MUST be noted.
9. Any exceptions to the requirements of the City of Fayetteville MUST be noted on the Bid Form. If products and/or components other than those described on this bid document are proposed, the bidder must include complete descriptive literature and technical specifications. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
10. Installation of Dealership/Distributorship Logo is PROHIBITED.
11. The completed unit/units delivered to the City of Fayetteville shall comply with all accepted commercial standards for materials and supplies which are new and unused except for normal testing and evaluation needed to prior to release for delivery.
12. All items marked "MANDATORY REQUIREMENT FOR CONSIDERATION OF BID" MUST be completed and returned with the bid or the bid may be considered as non-responsive and rejected on that basis.
13. Service Manuals (Either printed or CD) shall be provided to cover the Chassis, Power train, Body and any modifications to production items.
14. A training session shall be provided at a City of Fayetteville Facility to familiarize City Employees with the operational and maintenance needs of any special equipment furnished.

BID # 02-01

BASIC SPECIFICATIONS

General Specification Requirements are as follows:

HEAVY DUTY TRUCK CAB/CHASSIS WITH SANITATION BODY

THESE ARE MINIMUM SPECIFICATIONS ONLY and are not limited or restricted to the following.

ALL UPGRADE OR DOWNGRADE VARIATIONS/DEVIATIONS/SUBSTITUTIONS MUST BE CLEARLY ANNOTATED. IN THE ABSENCE OF SUCH STATEMENTS, THE BID SHALL BE ACCEPTED AS IN STRICT COMPLIANCE WITH ALL TERMS, CONDITIONS, AND SPECIFICATIONS AND THE SUPPLIER SHALL BE HELD LIABLE.

Alternates will be considered provided each Supplier clearly states on the face of his proposal exactly what he proposes to furnish and forwards necessary descriptive material which will clearly indicate the character of the article covered by his bid. All Bids are subject to Staff analysis. Fleet standardization requirements, replacement parts availability, warranty service availability and Manufacturer/Distributor/Dealer Field support of operational units will be considered.

All Units Bid shall show deviations to line item specifications on the "Minimum Specification" attached with referral to each item. Utilizing a copy of these specifications with variations "hi-lited" and specifics noted is suggested.

All equipment shall be new and unused and of the Manufacturers Current Model Year and shall include all standard equipment as advertised by the Manufacturer. All vehicles and equipment listed herein shall comply with applicable Federal and State Safety, Emission and Pollution Control Requirements in effect at time of delivery. Standard Manufacturer's Warranty shall be furnished. Minimum Warranty period shall be no less than 1 year.

Field demonstrations of currently operational units which are offered as a substitute, variation, or deviation may be required as part of Staff analysis at the option of Staff members or other qualified interested parties. Properly documented referrals may be required of vendors which allows field evaluation of units in a comparable operational area.

The City of Fayetteville reserves the right to accept the best bid for the City, and is not required to accept the lowest priced bid.

The City also reserves the right to reject any or all bids and will be the sole judge of what comprises the best and most advantageous unit to meet the needs of the City.

GENERAL PROVISIONS AND REQUIREMENTS

1. GENERAL

It is the intent and purpose of these specifications to secure for the purchaser the necessary equipment and accessories which will be capable of performing in a safe, practical and efficient manner consistent with accepted commercial standards.

2. MATERIALS AND WORKMANSHIP

All equipment, materials and workmanship shall be of the highest grade in accordance with modern practice . The equipment supplied will be new and unused except for the necessary testing, calibration and transportation.

3. WARRANTY

All items furnished in accordance with these specifications shall be covered by the manufacturer's and/or supplier's standard warranty or guarantee on new equipment. The minimum warranty period on new equipment must be one year. Warranty which will be honored by other than the supplier bidding must be annotated.

4. PARTS AND SERVICE

To best service the requirements of the purchaser, it is the intent of these specifications to secure equipment, which can be properly maintained and serviced without the necessity of stocking an expensive parts inventory or being subjected to long periods of interrupted service due to the lack of spare parts.

All suppliers submitting proposals must have available a parts and service facility within an area to allow 1 day service on any parts or service needs. The facility shall be staffed with full time technical personnel, as well as order and shipping personnel, during regular business hours and days.

ANY BIDDER, WHETHER A MANUFACTURER OR DESIGNATED DEALER, WHO CAN PROVIDE MATERIALS , FEATURES OR OPTIONS TO MEET THE SPECIFICATIONS OUTLINED HEREIN AND WILFULLY FAILS TO DO SO BECAUSE OF PRICE OR TO GAIN A PRICING ADVANTAGE IN A COMPETITIVE BID SITUATION WILL BE DEEMED NON-RESPONSIVE. ANY FURTHER CONSIDERATION OF THEIR BID SUBMISSION WILL NOT BE CONSIDERED. SHOULD THEIR CURRENT LITERATURE OR PRICE LISTS FOR MATERIALS, FEATURES, OR OPTIONS INDICATE THEIR ABILITY TO PROVIDE SAME TO MEET THESE SPECIFICATIONS, AND THEY FAIL TO DO SO, THEY WILL BE DEEMED NON-RESPONSIVE AND DECLARED INELIGIBLE TO RECEIVE THE AWARD FOR THE UNIT SPECIFIED. FINALLY, ANY CLAIMS THAT AN ITEM BID EXCEEDS THE STATED SPECIFICATION MUST BE DEMONSTRATED IN A PERFORMANCE DEMONSTRATION IN DIRECT COMPETITION WITH OTHER UNITS BID BY OTHER MANUFACTURERS PRIOR TO AN AWARD OR THE BID WILL BE DEEMED UNRESPONSIVE FOR FAILURE TO SUBSTANTIATE THE CLAIM.

COMPLIANCE WITH APPLICABLE FEDERAL / STATE / LOCAL SAFETY REQUIREMENTS, SUPERSEDES THE REQUIREMENTS AS LISTED BELOW.

**ITEM 1. HEAVY DUTY TRUCK CHASSIS WITH MOUNTED FRONT LOADER
 STYLE WASTE DISPOSAL BODY**

**COMPLIANCE WITH APPLICABLE FMVSS SUPERSEDES
REQUIREMENTS AS LISTED BELOW.**

MINIMUM SPECIFICATIONS ONLY

BODY STYLE: Low Cab Forward Cab/Chassis

WHEELBASE: As Required to conform to requirements of Body listed below.

CAB/AXLE DIMENSION: As Required to conform to requirements of Body listed below.

DIESEL ENGINE: 6 CYL. **MINIMUM ONLY:** 728 C.I.D. Displacement, 350 H.P. @ 1800 R.P.M., 1360 lb-ft Torque @ 1200 R.P.M.-120 Volt 1500 Watt Engine Block Heater, Dry Type Air Cleaner with Restriction Indicator, Automatic Warning System with Automatic Shut Down, Spin-On Fuel Filters, Air to Air Intercooler, key type shut off, underframe exhaust.

**MANDATORY REQUIREMENT FOR CONSIDERATION.
PLEASE STATE:**

MANUFACTURER:_____

MODEL DESIGNATION:_____

C.I.D. DISPLACEMENT:_____

H.P. RATING:_____ @ _____ **R.P.M.**

TORQUE RATING:_____ @ _____ **R.P.M.**

TRANSMISSION: 6 Speed Automatic Allison HD-4060PR-6 with External Auxiliary Cooler, Replaceable element Oil Filter, Output Retarder, Oil Level Sensor, Rear Support, Remote Shift Selector, Power Take off drive provision as required for body listed.

GVW RATING: 82,000 LBS

FRAME: 13.25" X 3.25" X .3125 Steel Combined Rating w/1/4" inside channel reinforcement Section Modulus 26.06 cu.in./RBM 2,870,000 in lb per rail.

AXLES:

TANDEM DRIVE: 46,000 LB. Cap. - CRDPC 200 Carrier - 4.17 Ratio - Mack Tandem Model S-462 or equal, with Camelback anti-sway Suspension or equal, Bronze Trunnion Bushings with Transverse Torque Rod.

INTERMEDIATE: 18,000 LB. Cap. Air lift/Air down with manual control and air gauge mounted in an easily accessible location for the driver.

FRONT: 20,000 LB. Cap. Model FAW-20 Multi Leaf Spring Suspension

ALTERNATOR: 160 AMP.

BATTERIES: 3 - Group 31 - 1900 CCA. w/Aluminum Covered Box

FUEL SYSTEM: 70 Gal. Cap Aluminum Tank

COOLING SYSTEM: 1050 Sq. In. 3 Row Core Radiator, Silicone Hoses, Filter/Conditioner.

STEERING: 592S Sheppard Integral Hydraulic Power Assist 20.1:1 Ratio

WHEELS & TIRES: 8.25" Aluminum Disc 10 Hole Hub Pilot Type With 11-24.5 G-124 Goodyear Steel Belt Radial Tires on Drive Wheels and Intermediate axle, 12.25" Aluminum Disc 10 Hole Aluminum Hub Pilot with 425/65R22.5 G-288 Goodyear Steel Belt Radial Tires on Steer Axles with necessary Ply Rating and Load Range Rating to be compatible with required GVW. Steel Belt Radial Tires of necessary Ply Rating and Load Range Rating to be compatible with required GVW.

RADIO: O.E.M. AM/FM

FLOOR COVERING: Non-Skid Vinyl/Rubber

SEAT: H.D Vinyl High Back Air Ride Drivers Seat, Low Back Stationary Passenger Seat.

CAB: Standard Manufacturers Current Model Year, Equipped with O.E.M. Heater and Air Conditioner capable of maintaining sufficient temperature control and air flow for operator comfort.

COLOR: EXTERIOR-White Urethane - with Clear Coat INTERIOR-Grey

WIPERS: 2 Speed Intermittent

MIRRORS: Left/Right Heated West Coast Style, with 4" Convex Spot Mirrors Arm Mounted above and below the standard mirrors.

GLASS: Tinted, Maximum Glass area offered by the Manufacturer shall be made available, including Visibility Window in Right Hand Door.

BRAKE SYSTEM: Bendix TF - 750 - 16.5 CFM Compressor or equal. Aluminum Air Tanks, S-Cam 16-1/2" X 5" Front, S-Cam 16-1/2" X 7" Rear, 4 Rear Spring Style Parking Brake Chambers, Heated Air Drier, heated automatic drain valves.

SAFETY EQUIPMENT: Electronic Back-Up Alarm, 7 Marker Lamps, Front Tow Hooks, Dual Air Horns, 3 Point Retractable Seat Belts, Interior Sun Visor-Both Sides, Manual Reset Circuit Breakers, Skid Plate under Radiator, Waterproof connectors

40 CUBIC YARD HYDRAULICALLY OPERATED FRONT END LOADER

MINIMUM SPECIFICATIONS ONLY

PACKER BODY GENERAL DESCRIPTION: 28 Yard Body Capacity with 12 Yard Hopper Capacity, Capable of handling 1 to 10 yard containers - Hopper: 80" width - 92" length - 92" depth, Full Eject Style, with 8 Gauge 80,000 PSI Steel Roof, 8 Gauge 80,000 PSI Steel Body sides, Floor 1/4" 150,000 PSI Steel, Lower Hopper Sides of 3/16" 150,000 PSI Steel, Upper Hopper Sides 12 ga. 80,000 PSI, Hopper Floor of 1/4" 150,000 PSI Steel. 96" - Lift/Tilt system with support props shall be provided.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION:

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

AUTOMATIC HOPPER COVER: The body shall be equipped with an automatically actuated sliding hopper cover that will close the hopper opening in the roof of the body whenever the compaction mechanism is actuated for compressing the refuse. A means must be provided that will prevent the operator from dumping a container when either the hopper cover is not fully open or the body compactor plate is not in its fully forward retracted position. Automatic means must also be provided wherein the body compactor plate will not move rearward to compress the refuse material in the body unless the hopper cover is closed. Top door cylinder shall be 2-1/2" Bore X 90" w/1-1/2" Chrome plated rod. Door to be constructed of 12 Ga. HR w/2" X 2" X 1/8" Structural Tube frame w/guide track of 7 Ga - 80,000 PSI steel.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

TAILGATE: The tailgate shall be one piece top hinged to open 30 degrees above horizontal . 2 sets of hinges with 2" hinge pins at roof line. Constructed of 10 GA 80,000 PSI w/1/4" 80,000 PSI Box Braces. A replaceable compression style seal shall be provided to prevent leakage and shall extend across the full width of the bottom and up the sides a minimum of 68". It shall be automatically latched and unlatched in sequence with the rear door hydraulic lift cylinders. The tailgate shall be provided with two (2) double acting hydraulic cylinders of 3" Dia. X 28-1/4" Stroke, with one cylinder on each side of the body. Cylinder design shall prevent the rapid descent of the rear door in the event of a hydraulic failure. Lock Cylinders shall be 3" X 3-5/8" W/1-1/2" Chrome Plated Rod. An approved under ride guard shall be bolted to the bottom of the door to be clear of all refuse during load ejection.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

CAB PROTECTOR: The body shall be equipped with a 53" cab protector that is rigidly attached to the front of the body. The cab protector shall afford protection to the truck cab against accidental spillage out of the container. The cab protector shall extend forward of the body sufficiently to fully cover the cab windshield. The cab protector shall be constructed of expanded metal of sufficient strength to allow weight of personnel without bending or sagging.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

SIDE ACCESS DOOR AND STEP RUNGS: The body shall have a minimum of one (1) hinged side access door, located on the right hand side of the body toward the forward end. The door clear opening shall be not less than 27 x 31 inches. Step rungs must be provided under the access door. Ladder rungs shall be provided on the left forward side of the body for access to the top forward section of the hopper..

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

OIL RESERVOIR: An oil reservoir shall be provided with a total liquid capacity of not less than 47 gallons, with filtration of 140 micron suction line strainer and 10 micron in line filter. The reservoir must be equipped with a suitable filter type air breather that will permit an adequate amount of air to enter and exhaust from the tank when the body compaction cylinder is operated without allowing entrance of dust and dirt into the tank. An oil level gauge and shut off valve shall be provided.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

TELESCOPIC CYLINDERS AND COMPACTOR PLATE: The body shall be equipped with a hydraulically actuated packer traversing a minimum l of 83" into the body from the front head and shall clear the hopper in 26 seconds or less. Lower panel face to be 3/16" - 321 Brinell - 150,000 PSI Min abrasion resistant steel plate. Upper to be 7 ga. 80,000 PSI Min and reinforced with structural members for rigidity. 2 Packer rail guides of 3/8" - 50,000 PSI angle welded to 3-1/2" x 3-1/2" x 1/4" ASTM A500 Grade B structural tubing which is a continuous length of 128". Abrasion resistant wear bars of 145,000 PSI shall

be clad to lower guide rails 1/4" thick x 3-1/2" wide located 3-1/2" above floor at corner and upper 1/4" thick x 2-1/2" wide, vertical outer of 1/4" thick x 2-1/2" wide, with ejection rails of 3/8" 50,000 PSI structural angle welded to the full length 3-1/2" x 3-1/2" x 3/16" ASTM A500 B Structural tube with a 1/4" x 2-1/2" HR wear bar on inside vertical surface of tube. Panel to be guided w/3" x 6" x 1/4" ASTM A500 B clad w/ 145,000 PSI as follows: lower 3/8" x 3" x 41", upper 1/4" x 3" x 41" vertical - 2 each side 1/4" x 2" x 8" - Bolt on lugs to be provided for the 2 double acting 5-1/2" x 182" packing cylinders which are attached with 2" Pins. Bulkhead also to have bolt on lugs w/spherical bearings. A 3/4" safety cable w/32 ton rating shall be provided to retain cylinders within body in case of mechanical failure of pin, packer or cylinder. Packing force shall be a minimum of 105,000 lbs.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

BODY STRUCTURE: The packer body shall be of general welded construction and properly reinforced in order to withstand continuous operation at maximum imposed loads without evidence of permanent deformation or excessive wear. All exterior bracing on the sidewalls, roof and tailgate of the body shall be continuously seam welded. The body interior must have a smooth, easily cleanable surface.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

BODY OPERATING CONTROLS: Controls must be conveniently located inside of the truck cab, Single Lever Joy Stick Style with auto pack. The complete operations of compacting and ejecting must be able to be performed by the operator from within the cab.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

FRONT END LOADER: Lift capacity 8,000 lbs. minimum. The truck mounted hydraulic front end loader must be of the single point, vertical acting, triangular coupler type. The triangular coupling method provided shall permit the truck driver-operator to couple containers that are up to thirty (30) degrees out of axial alignment with the truck chassis and also permit a lateral misalignment of not less than ten (10) inches left or right of the centerline of the container. The front end loader must be able to handle individual container in sizes ranging from 1 cubic yard through 10 cubic yards capacity. The loader shall be so designed that no part of any size container, as mentioned above, shall come into contact with the truck cab or hood when raising or lowering the container regardless of the tilt position of the container when coupled to the front end loader through any portion of the loader's hoisting and lowering arc. A Safety Windshield Guard with Ladder shall be provided to prevent damage in event of container failure. The front loader must be so designed as to permit complete access to the truck engine regardless of the loader position. The front loader shall be capable of handling containers on or off loading docks that are up to fifty-four (54) inches in height above ground level without special attachments or adjustments. The loader boom arms are to be of a box type construction and hydraulically actuated for raising and lowering by means of 2 double-acting cylinders. Automatic Container locking devices shall be furnished to operate on initiation of lift cycle, and release at completion of cycle. In cab visual and audible warning shall be provided to indicate arm location above body.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

UNIT CLEARANCE HEIGHT: The front loader and the compactor body hopper cover must be of such a design as to be less than twenty (20) feet in height above the ground at all times when operated throughout its complete performance cycle in order to facilitate functional testing and/or servicing of the truck chassis, packer body or front end loader.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

HYDRAULIC POWER: Hot Shift style with controls located in a convenient location for the driver with adequate indication of operation. Power take off and hydraulic system to furnish hydraulic power for operating both loader and packer body. Hydraulic pump: "Operate at Idle" style. capacity: 40 GPM. @ 800 RPM. System Max. Operating Pressure: 3500 PSI. A poppet style valve shall be provided to unload system at specified RPM, 2-1/2" Min. Suction line w/1" min. pressure line - Pump to be mounted to PTO. All hydraulic hoses shall be S.A.E. standard for designed pressures.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

MOUNTING: Mounting is to be done at the factory of the body manufacturer or at a factory AUTHORIZED location to assure compliance with all requirements to validate warranty. Modifications to the Cab/Chassis that will void/invalidate/compromise the manufacturers warranty on either unit will not be permitted. Mounting shall be of 6 point suspension design and incorporate lateral restraint front mounts.

LIGHTS: Standard lights shall be supplied in accordance with applicable FMVSS 108. Upper Light Bar with 2 Amber LED Turn Lamps/2 Red LED Stop/Tail Lamps, 3 LED Marker Lamps to be included.

Body Front Lights, Container Light, Mid-Body Turn/Indicator Light and Rotating Beacon shall be furnished.

MIRRORS: Pedestal Mounted Convex Safety Mirrors shall be mounted at each rear corner of body to be visible to the driver utilizing Cab/Chassis Mounted West Coast Mirrors.

PAINT: The complete unit shall be clear of all weld slag and shall be painted with one (1) coat of primer and two (2) coats of enamel. Color: White of acceptable High Grade Commercial Standard.

MANUALS: One each of the following shall be furnished:

Maintenance Manual

2. Parts Manual
3. Operators Manual
4. Electrical Diagram
5. Hydraulic Diagram

1

**ITEM 2. HEAVY DUTY TRUCK CHASSIS WITH MOUNTED REAR LOADER
STYLE WASTE DISPOSAL BODY**

**COMPLIANCE WITH APPLICABLE FMVSS SUPERSEDES
REQUIREMENTS AS LISTED BELOW.**

MINIMUM SPECIFICATIONS ONLY

BODY STYLE: Low Cab Forward Cab/Chassis

WHEELBASE: As Required to conform to requirements of Body listed below.

CAB/AXLE DIMENSION: As Required to conform to requirements of Body listed below.

DIESEL ENGINE: 6 CYL. MINIMUM ONLY: 728 C.I.D. Displacement, 350 H.P. @ 1800 R.P.M., 1360 lb-ft Torque @ 1200 R.P.M.-120 Volt 1500 Watt Engine Block Heater, Dry Type Air Cleaner with Restriction Indicator, Automatic Warning System with Automatic Shut Down, Spin-On Fuel Filters, Air to Air Intercooler, key type shut off, underframe exhaust.

**MANDATORY REQUIREMENT FOR CONSIDERATION.
PLEASE STATE:**

MANUFACTURER: _____

MODEL DESIGNATION: _____

C.I.D. DISPLACEMENT: _____

H.P. RATING: _____ @ _____ R.P.M.

TORQUE RATING: _____ @ _____ R.P.M.

TRANSMISSION: 6 Speed Automatic Allison HD-4060PR-6 with External Auxiliary Cooler,

Replaceable element Oil Filter, Output Retarder, Oil Level Sensor, Rear Support, Remote Shift Selector, Power Take off drive provision as required by body listed.

GVW RATING: 60,000 LBS

FRAME: 13.25" X 3.25" X .3125 Steel Combined Rating w/1/4" inside channel reinforcement
Section Modulus 26.06 cu.in./RBM 2,870,000 in lb per rail.

AXLES:
TANDEM DRIVE: 46,000 LB. Cap. CRDPC 200 Carrier 4.17 Ratio - Mack Tandem
Model S-462 or equal, with Camelback anti-sway Suspension or
equal, Bronze Trunnion Bushings with Transverse Torque Rod.

FRONT: 20,000 LB. Cap. Model FAW-20 Multi Leaf Spring Suspension

ALTERNATOR: 160 AMP.

BATTERIES: 3 - Group 31 - 1900 CCA.

FUEL SYSTEM: 70 Gal. Cap Aluminum Tank

COOLING SYSTEM: 1050 Sq. In. 3 Row Core Radiator, Silicone Hoses, Filter/Conditioner.

STEERING: 592S Sheppard Integral Hydraulic Power Assist 20.1:1 Ratio

WHEELS & TIRES: 8.25" Aluminum Disc 10 Hole Hub Pilot Type With 11-24.5 G-124
Goodyear Steel Belt Radial Tires on Drive Wheels, 12.25" Aluminum Disc
10 Hole Aluminum Hub Pilot with 11-24.5 G-286 Goodyear Steel Belt
Radial Tires on Steer Axle.

RADIO: O.E.M. AM/FM

FLOOR COVERING: Non-Skid Vinyl/Rubber

SEAT: H.D Vinyl High Back Air Ride Drivers Seat, Low Back Stationary Passenger Seat.

CAB: Standard Manufacturers Current Model Year, Equipped with O.E.M. Heater and Air
Conditioner capable of maintaining sufficient temperature control and air flow for
operator comfort.

COLOR: EXTERIOR-White Urethane - with Clear Coat INTERIOR-Grey

WIPERS: 2 Speed Intermittent

MIRRORS: Left/Right Heated West Coast Style, with 4" Convex Spot Mirrors Arm Mounted
above and below the standard mirrors.

GLASS: Tinted, Maximum Glass area offered by the Manufacturer shall be made available,
including Visibility Window in Right Hand Door.

BRAKE SYSTEM: Bendix 13.2 CFM Compressor or equal. Aluminum Air Tanks - S-Cam 16-1/2" X 5" Front, S-Cam 16-1/2" X 7" Rear, 4 Rear Spring Style Parking Brake Chambers, Heated Air Drier, automatic heated drain valves..

SAFETY EQUIPMENT: Electronic Back-Up Alarm, 7 Marker Lamps, Front Tow Hooks, Dual Air Homs, 3 Point Retractable Seat Belts, Interior Sun Visor-Both Sides, Manual Reset Circuit Breakers, Skid Plate under Radiator. Waterproof electrical connectors.

HIGH COMPACTION BULK REFUSE TYPE REAR LOADING TRUCK BODY

MINIMUM SPECIFICATIONS ONLY

GENERAL: Equipment shall conform to ANSI Safety Standard Z245.1-1992. Body shall have a gross weight of 15,000 lb. or less. The Structural integrity of the body shall allow high density loading of up to 1,000 pounds per cubic yard capacity of 20 cubic yards, exclusive of the tailgate loading area and the space occupied by the ejection panel. The Hopper shall have a minimum capacity of 3.0 cubic yards. Container Lift Attachment with 6 Yard Container Capacity, Planetary Gear style Electric Winch mounted above Hopper with a minimum capacity of 6,000 lb., Two (2) Bayne Thinline Cart Lifters-Model BTL or equal.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

BODY MATERIALS: Maximum overall width shall not exceed 96 inches. Maximum overall height above the chassis frame shall not exceed 96 inches. A roof of 10 gauge high tensile steel shall be connected to the body sides with integral full length roof rails to contain and dissipate the high density side loading forces equally throughout the body structure. The body floor shall be fabricated from 7 gauge high tensile wear resistant steel. The body floor shall be supported by a cross members of 7 gauge high tensile steel interlaced through long members. Long members of 7 gauge high tensile steel interlaced construction affording maximum floor support. The front wall structure shall provide access to the body interior along with a left side access door for inspection and sanitary maintenance.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

TAILGATE: The operating controls are designed to accomplish the normal packing cycle in two steps with one handed operation. The controls also provide the operator the capability of complete control of either the packing panel or blade, as well as short cycling the compaction sequence. Control linkage shall require a minimum of mechanical adjustments. The tailgate shall be top hinged, and have a loading sill height at least 3-3/4" (3.8 inches) lower than the chassis frame height. The hopper opening width should be not less than 80" and provide a 55" clear load opening height for large bulk material transferred into the body. Tailgate sides to be fabricated of 3/16" abrasion resistant high strength steel with a minimum yield strength of 150,000 PSI. The hopper floor shall be fabricated of 3/16" high strength steel with a minimum yield strength of 150,000 PSI. The packing blade and upper panel surfaces shall be fabricated of identical gauge and type steel used in the hopper floor to preclude premature wear of all associated steel surfaces and assure uniform capability to resist the shearing and breaking forces of large objects during compaction cycle. Compaction cycle shall be 28-32 seconds and allow for reloading within 9-11 seconds of actuation. The tailgate shall be mechanically locked with 2 - 1" turnbuckles to the body to provide a water tight seal for at least 21" above body floor. A self cleaning step and a bar shall be provided on each side for loaders to ride between loading points.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

PACKING BLADE: The upper packing blade is to be mounted to the tailgate with 2 sets of upper and lower link arms. Each upper arms shall be secured to the panel with two 2" Dia. Pins of C-1045 Cold Drawn steel and the lower with the same to the tailgate an 2-5/6" #4030 CR to the panel. Primary compaction will be with 2 double acting 5" X 36" cylinders located outside the hopper area and protected with hinged side doors. The lower packing blade shall be hinged with 3" CR 4340 Pins. And activated with 2 double acting 5-1/2" X 24" cylinders. All mechanism links will be equipped with replaceable Hardened Steel Bushings. Maximum packing pressure must be achieved with each cycle during compaction from the first through the last hopper load to assure uniform density throughout the payload. The ejector panel will automatically advance utilizing an unloader valve without attention by the operator. The ejector cylinder shall be a double acting telescopic 4 stage - 6" X 107.2" controllable in both directions at all times during operation. Attachment shall be with CR C-1045 pins of 1-1/2" diameter. The packing blade and ejector panel shall be able to compress each hopper full of material automatically by means of a relief valve. No operator action shall be required.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

UNDER BODY CONTROLS: Power take off controls mounted in the cab shall be conveniently located preferably to the right of the driver. Ejector and tailgate controls shall be mounted outside the body on the left front side. A device to automatically raise engine speed to proper RPM during packing cycle shall be supplied.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

HYDRAULIC POWER: Hot Shift style with controls located in a convenient location for the driver with adequate indication of operation. Power take off and hydraulic system to furnish hydraulic power for operating packer body. Hydraulic pump: "Operate at Idle" style. capacity: 40 GPM. @ 800 RPM. System Max. Operating Pressure: 3500 PSI. A poppet style valve shall be provided to unload system at specified RPM, 2-1/2" Min. Suction line w/1" min. pressure line - Pump to be mounted to PTO. All hydraulic hoses shall be S.A.E. standard for designed pressures.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

HYDRAULIC CYLINDERS: Cylinders: Two required tailgate raise cylinders, chrome plated. Two required packing blade cylinders, induction hardened and chrome plated. One required telescopic ejection cylinder, chrome plated sleeves. All cylinders must have a manufacturer's working pressure rating of no less than 2,500 PSI. Packing blade cylinders must be of internal cushion design so that hydraulic shock and audible noise is minimized. This shall be accomplished by a design which will decrease the speed of the cylinder for the last one-half inch of stroke of cylinder travel. Rods of packing blade and panel cylinders must be induction hardened to surface hardness of 55-60 Rockwell C scale. All cylinders shall have chrome plated piston rods and sleeves. Pin mounting connections of packing blade and panel cylinders

shall incorporate hardened steel bushings (50 minimum Rockwell C) with grease provisions.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

MOUNTING: Mounting is to be done at the factory of the body manufacturer or at a factory AUTHORIZED location to assure compliance with all requirements to validate warranty. Modifications to the Cab/Chassis that will void/invalidate/compromise the manufacturers warranty on either unit will not be permitted. Mounting shall be of solid suspension design and incorporate lateral restraint front mounts.

LIGHTS: Standard lights shall be supplied in accordance with applicable FMVSS. Including Top Mount New York style Stop/Directional Lamps.

MIRRORS: Pedestal Mounted 8" Convex Safety Mirrors shall be mounted at each rear corner of body to be visible to the driver utilizing Cab/Chassis Mounted West Coast Mirrors.

PAINT: The complete unit shall be clear of all weld slag and shall be painted with one (1) coat of primer and two (2) coats of enamel. Color: White of acceptable High Grade Commercial Standard.

MANUALS: One each of the following shall be furnished:
Maintenance Manual

1

2. Parts Manual
3. Operators Manual
4. Electrical Diagram
5. Hydraulic Diagram

Solid Waste Refuse Vehicles

Bid 02-01
11:00 a.m. Jan. 29th, 2002

	Item #1- Heavy Duty Cab/Chassis w/mounted Front Load Sanitation Body	Item #2- Heavy Duty Cab/Chassis w/mounted Rear Load Sanitation Body
Arkansas Power Steering 900 Fiber Optic Drive N. Little Rock, AR 72114	\$172,419 + 4,200 Oper/Idle = \$176,619 McClain E-Z Pack Front Loader	\$142,621 + 3,246 Roll Bar = \$145,867 McClain E-Z Pack Rear Loader
Arkansas Power Steering 900 Fiber Optic Drive N. Little Rock, AR 72114	\$167,925 + 4,200 Oper/Idle = \$172,125 La Brie Front Loader	\$142,621 + 3,246 Roll Bar = \$145,867 McClain E-Z Pack Rear Loader
Peterbilt of Springdale 333 W Henri De Tonti Blvd. Tontitown, AR 72770	No Bid	No Bid
RDK Truck Sales & Service 3214 Adamo Drive Tampa, FL 33605	No Bid	No Bid
Shibley Motor Equipment Co PO Box 250 Lowell, AR 72745	\$170,104.48 Mack MR688S-2003 w/Rivercity Hydraulic Body Heil Half Pack Front Loader	\$146,907.60 Mack MR688S-2003 w/Rivercity Hydraulic Body Heil Rear Loader
Shibley Motor Equipment Co PO Box 250 Lowell, AR 72745	\$170,459.48 Mack MR688S-2003 w/Downing Sales Body PAK-MOR FPE840 Front Loader	\$143,422.60 Mack MR688S-2003 w/Downing Sales Body PAK-MOR R320B Rear Loader
Shibley Motor Equipment Co PO Box 250 Lowell, AR 72745	No Bid	\$144,987.60 Mack MR688S-2003 w/Key Equipment Sales Body Leach 20 YD 2RH Rear Loader

BID CERTIFIED BY:

PVice

Peggy Vice, Purchasing Manager

Witness

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2002

FROM:

Louise Schaper
NameLibrary
DivisionUrban Development
Department*Cooperation with* K.M.

ACTION REQUIRED: Approve a resolution supporting a partnership between the Chemical Engineering Department at the University of Arkansas and the Fayetteville Public Library Related to Distributed Power Options for the New Library Building.

COST TO CITY:

0
Cost of this Request\$
Category/Project BudgetServices and Charges
Category/Project NameAccount Number\$
Funds Used To DateNew Library
Program NameN/A
Project Number\$
Remaining BalanceGeneral
Fund

BUDGET REVIEW: N/A Budgeted Item N/A Budget Adjustment Attached

Steph...
Budget CoordinatorAdministrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marsha Farthing 1/31/02
Accounting Manager Date*Nancy Smith* 1/31/02
Internal Auditor Date*See Attached memo* 2/1/02
City Attorney Date*Pluse* 2/1/02
Purchasing Manager DateADA Coordinator Date

STAFF RECOMMENDATION: Staff recommends approval.

Division HeadDateCross Reference*Angel Earnest*
Department Director1-31-02
Date

New Item: Yes No

G. O. Miller
Administrative Services Director2/4/02
Date

Prev Ord/Res #:

Don Coody
Mayor2/4/02
Date

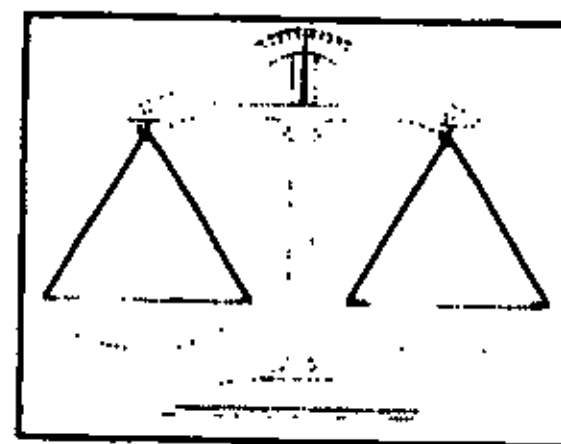
Orig Contract Date:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Louise Schaper, Library
Hugh Earnest, Urban Development Director

FROM: Kit Williams, City Attorney

A handwritten signature in dark ink, appearing to be "Kit Williams", is written over the printed name.

DATE: February 1, 2002

RE: Resolution on cooperation with the Chemical Engineering
Department of U of A

We need to be careful about using terms like "partnership" which have well defined legal meanings. Partnerships need to have clearly defined written agreements in place to avoid problems and potential liabilities. Neither the City nor the U of A need such agreement to work cooperatively together as outlined in Professor Robert Cross's letter. I did not see Professor Cross using "partnership" in his letter to you.

I believe a Resolution that we will work cooperatively together should be sufficient.



DEPARTMENTAL CORRESPONDENCE

TO: City Council
FROM: Louise Schaper, Library Director
DATE: January 31, 2002

SUBJECT: Distributed Power Options for the New Library Building

On January 22, the Trustees of the Fayetteville Public Library voted unanimously to recommend that the City Council approve a partnership proposed in the attached memo by Professor Robert Cross and Research Assistant Natasha Lavelle of the University of Arkansas Chemical Engineering Department. They propose to:

1. Provide an assessment of fuel cell technology applications for backup and/or whole building power in the new library.
2. Identify possible funding sources and partnerships.
3. Formulate an action plan.
4. Prepare funding/grant proposals.*
5. Help design an educational in-library display if a fuel cell application is implemented.

The Library Board of Trustees asks for your approval of a resolution in support of this project. The Board and staff gratefully acknowledge your support of the new library and our quest to ensure the building is energy efficient and sustainable.

*With Library/City Council approval.



3202 Bell Engineering Center • Fayetteville, Arkansas 72701-1201 • (501) 575-4951 • (501) 575-7926 (FAX)

College of Engineering
Department of Chemical Engineering

January 16, 2002

Board of Trustees
Fayetteville Public Library
217 East Dickson Street
Fayetteville, AR 72701

**Subject: Proposed Cooperation Between the Chemical Engineering
Department at the University of Arkansas and the Fayetteville
Public Library Related to Distributed Power Options for the New
Library Building**

Dear Trustees:

Background:

The Fayetteville Public Library, the City of Fayetteville and the public desire that the new library building have a high level of "green" certification. One of the factors in this certification is the use of efficient and environmentally sound electrical energy generation. An emerging technology that offers the possibility of high efficiency electrical energy generation is the fuel cell. While only a few systems are commercially available and costs are high compared to conventional systems, the efficiency of fuel conversion to electricity is approximately twice as high as that of conventional systems, i.e., approximately 80% vs. 40%. As well as high efficiency, fuel cells offer very clean emissions.

The Plan:

We, propose that we work with the Library in the following ways:

- After ascertaining the Library's normal and peak demand for power as well as the requirement for emergency power, we will carry out an in-depth assessment of fuel cell systems that are on the market now. Systems that could become available in the next five years will also be considered. The assessment will include prices, installation and operating costs, maintenance costs, reliability, fuel needs, efficiencies, safety, and projected lifetime and space requirements. With respect to emergency power systems, we will compare the foregoing factors to those of conventional systems. In the study of emergency power systems, we will also consider the recently introduced microturbine systems. Reportedly, these systems, even though of lower

efficiency than fuel cells, have high reliability, are of lower costs than fuel cells, and produce a very low level of greenhouse gases when running on natural gas.

- Recognizing that today's installed costs for fuel cells are high and that operating costs per kilowatt-hour are significantly higher than the cost of grid energy, we will investigate potential funding sources that would enable the Library to install and operate a fuel cell system for normal and/or emergency power requirements. We will look for potential federal, state, and private foundation support in the form of grants or subsidies. We will discuss with appropriate individuals in the agencies the probability of receiving funding and will determine application procedures and deadlines. In some cases the Library's desire to build an educational program around a fuel cell installation may enhance applications to some funding agencies. For example, the National Science Foundation funds programs for K12, undergraduate and graduate education including equipment and teaching aids.
- As another approach to obtaining support for a fuel cell installation, we will look into the possibility of forming a consortium of people, companies and agencies who could help the project along with funds or other means of support. For example, perhaps we could convince a fuel cell manufacturer to donate a system or to sell at a reduced price, the natural gas company to provide fuel free or below the market price, a local service company to provide maintenance, an individual or charitable organization to provide educational materials. Appropriate publicity for these partners surrounding what would probably be the first fuel cell installation in Northwest Arkansas would be the incentive. We will investigate this possibility.
- After completing (or getting well into) the three tasks above, we will meet with Louise Schaper, the architects and others you may designate to formulate an action plan. On the assumption that the plan would include grant proposals, subsidy proposals, formation of a consortium or all three, we would be prepared to write proposals and/or to try to form the consortium. In the search for funding agencies and in proposal preparation we would have the help of the University's Office of Research and Sponsored Programs, Office of Government Relations, and, if needed, the University's lobbyist in Washington. All work would be coordinated with appropriate Library and City of Fayetteville people.

Time Schedule

We would complete the first three tasks above in three to four months and then begin to work on proposals. However, if we uncovered an opportunity early in our work, it might be desirable to proceed with a proposal early in the year. In any case, we would plan to complete all tasks and write all indicated proposals by August 31, 2002. Follow-up would be needed after that date.

Additional Work

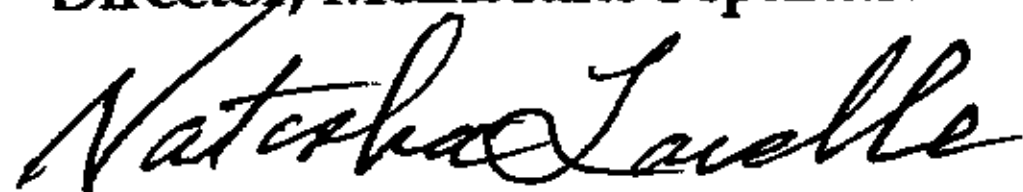
If together we are able to obtain the support necessary to install a fuel cell system in the new library, we would like to continue to work with you to put together the educational program, not only related to the fuel cell but also to other green concepts.

We welcome your questions, comments and suggestions and hope you will approve this plan.

Sincerely,



Robert Cross
Research Professor
Director, Membrane Separations Center



Natasha Lavelle
Research Assistant

STAFF VIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of: 19-Feb-02

FROM: Kim J. Hesse Public Lands - Landscape Urban Development
Name Division Department

ACTION REQUIRED: Approve a Resolution authorizing a contract change with Burditt Assoc. in the amount of \$33,000. to complete the city wide tree inventory and provide software and management plan.

COST TO CITY:

<u>\$33,000.00</u> Cost of this request	<u>60,000</u> Category/Project Budget	<u>Forestry Program</u> Category/Project Name
<u>4470-9470-5315-00</u> Account Number	<u>- 0 -</u> Funds Used to Date	<u>Other CIP</u> Program Name
<u>96084</u> Project Number	<u>60,000</u> Remaining Balance	<u>Sales Tax Capital</u> Fund

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached

[Signature] 1/31/02
Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:

<u>Marsha Fetting</u> Accounting Manager	<u>1/31/02</u> Date	<u>ADA Coordinator</u> Date
<u>D. J. Whitel</u> City Attorney	<u>2/1/02</u> Date	<u>Jenny Smith</u> <u>1/31/02</u> Internal Auditor Date
<u>P. Lince</u> Purchasing Officer	<u>2/1/02</u> Date	<u>Grants Coordinator</u> Date

STAFF RECOMMENDATION:

<u>[Signature]</u> Division Head	<u>1-31-02</u> Date	Cross Reference
<u>[Signature]</u> Department Director	<u>1-31-02</u> Date	New Item: YES NO
<u>[Signature]</u> ① Administrative Services Director	<u>2/5/02</u> Date	Prev Ord/Res #: _____
<u>[Signature]</u> Mayor	<u>2/6/02</u> Date	Orig. Contract Date: _____

The Hansen project has been initiated since this Tree Inventory Project started. Hansen Software may provide Tree Inventory functionality. I recommend that Burditt Assoc assess how their work will mesh with the Hansen functionality; or we should determine any cost associated with this interface.

STAFF REVIEW FORM

Description: _____ **Meeting Date:** _____

Comments:

Reference Comments:

Budget Coordinator:

Accounting Manager:

City Attorney:

Purchasing Officer:

ADA Coordinator:

Internal Auditor:

Grants Coordinator

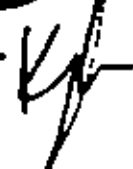
FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8330

URBAN DEVELOPMENT DEPARTMENT CORRESPONDENCE

To: Fayetteville City Council

FROM: Hugh Earnest, Urban Development Director 
Kim Hesse, Tree and Landscape Administrator 

DATE: January 31, 2002

SUBJECT: City-wide Tree Inventory

Background

On May 15th, 2001 the Council approved a resolution to award a contract to Burditt Association not to exceed \$25,000.00, to conduct a City-wide street tree inventory. That contract amount was based on a per tree basis assuming that the city had approximately 4500 trees within the rights-of-way. The number of trees used in calculating the cost came from an earlier inventory done by Natural Path Forestry Consultants. The contract also included inventory of appropriate locations for future tree planting projects, a management plan for existing trees, and a software package that could combine with our GIS system. Work began on this effort in July of last year and continued until September 10, 2001, when the contractor was told to stop any work. The reason for the stoppage was the receipt of an invoice in excess of the amount authorized by council. No payment over the authorized amount has been made. A principal factor in this overage is that the number of trees inventoried by the consultant is now over 9,000 with slightly more than 60% of the city inventoried. Simply put, we made an error in our original estimate of our tree inventory. That inventory has been ongoing and we find that the city contains possibly three times the trees originally assumed. Monthly statements should have been requested from the contractor, which would have enabled us to better manage the contract. We have corrected this situation.

In our original presentaion to the Council for this project, we pointed out that this inventory and management plan will provide us with a guide as to which areas of town we should concentrate efforts for tree maintenance. The CIP affords \$60,000 yearly toward the Urban Forestry program, which includes tree pruning and removal of hazardous trees. Currently we respond to complaints and concerns about dead or hazardous trees. The crews for the Street Department spend several hours after each storm, sometime during the night and on weekends, removing tree limbs from roadways. The City should be pruning dead limbs and removing hazardous trees before problems

occur. This inventory and the accompanying software and management plan will details key areas of concern and guide us towards determining how much of our funds should go towards maintenance and how much toward tree planting projects. In summary, this effort will enable us to do some level of pre-planning for tree maintenance and replacement.

Current Status

We are requesting that the Council approve additional funds to continue the inventory and complete the contract. In order to reduce the size and cost of the project, we are suggesting the remaining inventory include only the existing trees and discontinue the inventory of potential planting spaces. We will attempt to complete the planting space inventory through use of interns or as part of a college project. We do have several parts of town that are heavily tree covered and that need to be counted including Mt. Sequoia and the area west of the University of Arkansas. We also will need the software and management plan to implement a maintenance program for the trees.

Recommendation

We believe that this project is important in our overall effort to maintain Fayetteville's deserved reputation as a Tree City. In order to ensure that both staff and council are comfortable with the direction and scope of this project, we have requested that the principal in Burditt Association be present at the Council meeting to make a brief presentation and answer any questions that the Council may have. In order to complete this effort we are recommending that an additional \$33,000 be added to the contract. In the event that a decision is made to discontinue this effort, we would ask that the council authorize the payment of the \$8,000 that is in excess of the original amount.

AMENDMENT TO THE
AGREEMENT WITH Burditt Associates

AMENDMENT # 1

This is an amendment to the Agreement for A city wide street tree
inventory.

executed on the 15th day of MAY 2001 between the City of
Fayetteville, Arkansas and Burditt Associates.

Additional services required due to An unanticipated
number of street trees.

The charge for the additional services shall not exceed
\$ 33,000.00.

CITY OF FAYETTEVILLE:

Mayor Date _____

Company:

Date _____

Title

FOR OFFICE USE ONLY	
Existing P.O. #	_____
Contract #	_____

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2002

FROM:

Greg Boettcher Public Works Public Works
 Name Division Department

ACTION REQUIRED: Approval of a Economic Infrastructure Grant #EIF 200208, from Arkansas Department of Economic Development for \$100,000.00 to replace a water distribution main. Work shall enable Pinnacle Foods to expand and add 134 jobs.

COST TO CITY:

Cash flow for Project Const.

<u>\$0.00</u>	<u>-0-</u>	<u>Pinnacle Foods-ADED Grant</u>
Cost of this Request	Category/Project Budget	Category/Project Name
<u> </u>	<u>-0-</u>	<u>Capital Water Mains</u>
Account Number	Funds Used To Date	Program Name
<u> </u>	<u>-0-</u>	<u>Water and Sewer</u>
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

 Budget Coordinator

 Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

<u> </u>	<u> </u>	<u> </u>	<u> </u>
Accounting Manager	Date	ADA Coordinator	Date
<u> </u>	<u> </u>	<u> </u>	<u> </u>
City Attorney	Date	Internal Auditor	Date
<u> </u>	<u> </u>	<u> </u>	<u> </u>
Purchasing Officer	Date	Grant Officer	Date

STAFF RECOMMENDATION: Approval of the Contract with City Administration to perform Bidding/Financial Management.

<u> </u>	<u> </u>	<u>Cross Reference</u>
Division Head	Date	
<u> </u>	<u> </u>	New Item: <u>Yes</u> No
Department Director	Date	
<u> </u>	<u> </u>	Prev Ord/Res #: _____
Admin. Svcs Director	Date	
<u> </u>	<u> </u>	Orig Contract Date: _____
Mayor	Date	

Description _____ Meeting Date _____

Comments:

Budget Coordinator

Reference Comments:

Accounting Manager

Reference Comments:

City Attorney

Reference Comments:

Purchasing Officer

Reference Comments:

ADA Coordinator

Reference Comments:

Internal Auditor

Reference Comments:

Grants Offcier

Reference Comments:

ECONOMIC INFRASTRUCTURE FUND GRANT PROGRAM GRANT AGREEMENT

PART I Signatory Page

Grantee: City of Fayetteville

Grant Control: #EIF 200208

Grant Amount: \$100,000

Activity Type: Water

GRANTOR

Arkansas Department of Economic Development
One Capitol Mall, Room 4B206
Little Rock, AR 72201
Phone: (501) 682-1211

GRANTEE

Name: **City of Fayetteville**
Address: **113 West Mountain Street
Fayetteville, AR 72701**
County: **Washington**
Phone: **(501) 521-7700/8330**

1. This Grant Agreement, is entered into by the Arkansas Department of Economic Development, Grantor, and the City of Fayetteville, Grantee, for the purpose of providing funds to Grantee to undertake public works projects which support private sector job creation opportunities pursuant to Act 1381 of 1999 and its successors. The Grantee agrees to initiate and complete a public works project in accordance with the terms of this Grant Agreement.
2. The Grantee further warrants it will conduct and administer the grant in accordance with this Agreement and all applicable State laws and regulations.

ARKANSAS DEPARTMENT OF ECONOMIC DEVELOPMENT

CITY OF FAYETTEVILLE

BY:

Signature

Jim Pickens
Name

Director
Title

Date

BY:

Signature

Dan Coody
Name

Mayor
Title

Date

JA

PART II - GRANT AGREEMENT GENERAL TERMS AND CONDITIONS

In consideration of the general terms and conditions hereinafter contained, the Grantor and the Grantee agree as follows:

1. **COMPENSATION AND METHOD OF PAYMENT.** The Grantor will utilize a grant request for payment procedure and will authorize the Grantee to draw up to **\$100,000** against a Grant Award through the State Treasury, consistent with all fiscal requirements stipulated herein. The Grantee may request and receive authorized grant funds by submitting appropriate forms and documentation, subject to approval by the Grantor, for payments of allowable expenses incurred by the Grantee while undertaking approved project activities in accordance with this Grant Agreement. These expenses must be identified by line item categories, which correspond to the line item categories on this Grant Agreement's Scope of Work-Budget. Requisitions will be mailed to the Grantor, and the Grantor will review and approve the requisitions before issuing Payment to the Grantee.

It is expressly understood that Grantor will honor requests for payment and disburse funds only to the extent that funds have been released to Grantor therefore, consistent with the requirements of the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law and any other applicable fiscal control laws and regulations promulgated by the Department of Finance and Administration.
2. **LEGAL AUTHORITY.** By signing the Grant Agreement Document's Signatory Sheet, the Grantee certifies that it possesses legal authority to accept grant funds and to execute the project described in this Grant Agreement. This act of signing will also certify that the Grantee will comply with all parts of this Agreement.
3. **WAIVERS.** No conditions or provisions of this Grant Agreement may be waived unless approved by the Grantor, in writing.
4. **ASSIGNABILITY.** The Grantee will not assign any interest in this Grant Agreement and will not transfer any interest in the same (whether by assignment or novation).
5. **SPECIAL CONDITIONS.** The Grantee will comply with all special conditions and attachments incorporated herein to this grant award. Compliance approval and clearance of special conditions will be given by the Grantor in writing after receipt and review of evidence of compliance from the Grantee. Official notification of a special condition and the Grantor's approval and/or clearance of special conditions must be retained by the Grantee in its files.
6. **FINANCIAL MANAGEMENT AND ACCOUNTING.** The Grantee will establish and maintain a financial management and accounting system, which conforms to generally accepted accounting principles and complies with all applicable State requirements.
7. **ALLOWABLE COSTS.** All costs necessary to carry out the eligible activities in the project must be consistent with and not exceed the limitations imposed by special conditions, scope of work and budget.
8. **AMENDMENTS AND MODIFICATIONS.** The Grantor will consider project amendments if they are necessitated by actions beyond the control of a Grantee. The Grantee may request or the Grantor may require an amendment or modification of the Grant Agreement. However, such amendment or modification will not take effect until approved, in writing, by the Grantor. The Grantee must sign and return the amendment to the Department of Economic Development within three days. The Grantee must request prior approval for all amendments or modifications. Amendments will not be approved

which would materially alter the circumstances under which the grant was originally funded.

9. **RECORD KEEPING.** The Grantee agrees to keep such records as the Grantor may require. All such records, and other records pertinent to the grant and work undertaken as part of the project, will be retained by the Grantee for a period of three years after the final audit of the program.
10. **ACCESS TO RECORDS.** The Grantor and duly authorized officials of the State will have full access and the right to examine any pertinent documents, papers, records, and books of the Grantee and of persons or organizations with which the Grantee may contract, which involve transactions related to this Grant Agreement. The Grantee's contract with other persons or organizations must specifically provide for the Grantor's access to documents as provided herein.
11. **REPORTS.** The Grantee, at such times and in such forms as the Grantor may require, will furnish the Grantor with such periodic reports as it may request pertaining to the activities undertaken pursuant to this Grant Agreement, the costs and obligations incurred in connection therewith, and any other matters covered by this Grant Agreement.
12. **OBLIGATIONS REGARDING THIRD PARTY RELATIONSHIPS.** The Grantee will remain fully obligated under the provisions of the Grant Agreement notwithstanding its designation of any third party or parties for the undertaking of all or any part of the project described herein. Any subcontractor who is not the Grantee will comply with all lawful requirements of the Grantee necessary to ensure that the project is carried out in accordance with the provisions of this Grant Agreement. Failure to comply will result in sanction upon Grantee, Administrator, Engineer/Architect or Sub Contractor. This sanction will result in the Department of Economic Development not working with said persons, for a period of not less than one year or more than five years and/or a suspension of existing funding.

The Grantee shall secure all such services in accordance with applicable State law and the provisions of this Grant Agreement, and shall notify the Grantor, in writing, of the method utilized to secure services, the name and address of the service provider(s), the scope of work anticipated and the terms of compensation.
13. **CONFLICT OF INTEREST.** No officer or employee of the Grantor, no member, officer, or employee of the Grantee or its designees or agents, no member of the governing body of the jurisdiction in which the project is undertaken or located and no other official of such locality or localities who exercises any functions or responsibilities with respect to the project during his tenure, will have any personal or pecuniary gain or interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the project assisted under this agreement. The Grantee will incorporate, or cause to incorporate, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purpose of this provision. The Grantor reserves the right to waive certain provisions of this clause in the event of a situation once justified as unavoidable by the Grantee, and approved by the Grantor which necessitates such a waiver.
14. **POLITICAL ACTIVITY.** No portion of the funds provided hereunder will be used for any partisan political activity or to further the election or defeat of any candidate for public office or influence the approval or defeat of any ballot issue.
15. **NOTICES.** The Grantee will comply with all public notices or notices to individuals required by applicable State laws.
16. **PROHIBITION AGAINST PAYMENTS OF BONUS OR COMMISSION.** The assistance provided under this Grant Agreement will not be used in payment of any bonus or commission for the purpose of obtaining approval of the application for such assistance or any other approval or concurrence under this Grant Agreement.

17. **TERMINATION BY MUTUAL AGREEMENT.** This Grant Agreement may be terminated, in whole or in part, prior to the completion of project activities when the Grantor determines that continuation is not feasible or would not produce beneficial results commensurate with the further expenditure of funds. The Grantee will not incur new obligations for the terminated portion after the effective date, and will cancel as many outstanding obligations as possible. The Grantor will make funds available to the Grantee to pay for allowable expenses incurred before the effective date of termination.

18. **TERMINATION FOR CAUSE.** If the Grantee fails to comply with the terms of the Grant Agreement, or fails to use the grant for only those purposes set forth herein, the Grantor may:

(a) Suspend Grant Payments - After notice to the Grantee, suspend the grant and withhold any further payment or prohibit the Grantee from incurring additional obligations of grant funds, pending corrective action by the Grantee or a decision to terminate by the Grantor.

(b) Terminate in toto - Terminate the grant in whole, or in part at any time before the final grant payment is made.

The Grantor will promptly notify the Grantee in writing of its determination to terminate, the reason for such termination, and the effective date of the termination.

Payments made to the Grantee or recoveries by the Grantor will be in accordance with the legal rights and liabilities of the parties.

19. **RECOVERY OF FUNDS.** In the event of a default or violation of the terms of the Grant Agreement by the Grantee, the Grantor may institute actions to recover all or part of the proper funds paid to the Grantee.

20. **DISPUTES.** Except as otherwise provided in this agreement, any dispute concerning a question of fact arising under this agreement which is not disposed of by provision of the Grant Agreement, will be decided by the Grantor which will reduce its decision to writing and mail or otherwise furnish a copy thereof to the Grantee. The decision of the Grantor will be final and conclusive. This does not preclude the consideration of questions of law in connection with decisions provided for in the preceding paragraph; provided that nothing in this Grant Agreement will be construed as making final the decision of any administrative official, representative, or board on a question of law.

21. **INDEMNIFICATION.** The Grantee will defend, protect, and save harmless the Grantor from and against all claims, suits, and actions arising from any act or omission of the Grantee or any employee or agents of either in the performance of this Grant Agreement. However, this clause shall not be construed to waive A.C.A. § 21-9-301 (1991 supp.).

22. **SEVERABILITY.** If any provision under this Grant Agreement or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect other provisions of the Grant Agreement, which can be given effect without the invalid provision.

23. **PERFORMANCE.** The Grantor's failure to insist upon the strict performance of any provision of this contract or to exercise any right based upon breach thereof or the acceptance of any performance during such breach, will not constitute a waiver of any rights under this Grant Agreement.

24. **ENFORCEMENT.** If the Grantor determines that a Grantee's performance fails to meet the terms and conditions of its Grant Agreement, several courses of action may be pursued in order to resolve the problem. The Grantor may take any of the following actions, severally or in combination:

- (a) Request additional information from the Grantee to verify the nature of inadequate performance;
 - (b) Conduct a site visit to examine pertinent records and recommend remedial cause of action;
 - (c) Issue a letter of warning, advising the Grantee of the deficiency, recommendations for corrections, date by which performance must be corrected and notice that more serious sanctions may be imposed if the situation continues or is repeated;
 - (d) Suspend funding of questioned activities until remedies are effected;
 - (e) Establish sanctions upon Grantee, Administrator, Engineer/Architect or Sub Contractor. This sanction will be for a period of not less than one year but not more than five years. Require reimbursement of funds improperly spent; or
 - (f) Refer the matter to the Attorney General of Arkansas with a recommendation that a civil action be instituted.
25. **AUDIT.** The Grantee will be responsible for the conduct of a financial and compliance audit within a reasonable period after completion of project activities. Such audit must be performed by a certified public accountant whose services are secured through procedures consistent with state law. The Grantor reserves the right to recover any unspent or questioned balance of grant funds, if any, from the Grantee after final audit.
26. **CLOSE-OUT.** The Grantor will advise the Grantee to initiate close-out procedures when the Grantor determines, in consultation with the Grantee, that there are no impediments to close-out and that the following criteria have been met or soon will be met:
- (a) All costs to be paid with grant funds have been incurred with the exception of any unsettled third party claims against the Grantee. Costs are incurred when goods and services are received and/or contract work is performed;
 - (b) The last required progress report has been submitted. The Grantee's failure to submit or update will not preclude the Grantor from effecting closeout if it is deemed to be in the State's interest. Any excess grant amount which may be in the Grantee's possession will be returned in the event of the Grantee's failure to furnish or update the report; and
 - (c) Other responsibilities of the Grantee under this Grant Agreement and any close-out agreement, and applicable laws and regulations appear to have been carried out satisfactorily or there is no further State interest in keeping the grant open for the purpose of securing performance.
27. The Grantee agrees, as a condition of receiving grant assistance, to abide by and adhere to any policy directives, rules, regulations or other requirements which may be issued from time to time by the Grantor, and which in the opinion of the Grantor are necessary to efficient or legal execution of the project.
28. The Grantee agrees to see that all work is performed and completed in a manner consistent with timelines established at the Grants inception. Failure to meet these timelines without acceptable justification may result in sanction and or deobligation of funding to Grantee and/or Sub Contractors.

PART III SCOPE OF WORK, SPECIAL CONDITIONS, BUDGET, AND PROJECT SCHEDULE

SECTION A - SCOPE OF WORK

Grantee: City of Fayetteville

Amendment # N/A

Control #: EIF 200208

Amendment Date N/A

The project described more fully herein consists of a grant to the City of Fayetteville to assist with the construction of a water line to support the expansion of Pinnacle Foods. In return, Pinnacle Foods agrees to create 134 new, full-time, permanent jobs in the area. A map outlining the improvement site is attached to this agreement.

Construction

Up to \$100,000 from the state Economic Infrastructure Fund (EIF) may be used for construction of the water line. Construction costs in excess of \$100,000 are the responsibility of the Grantee and the Company.

Design Services

No EIF funds may be used for necessary design services. Funding for these activities are the responsibility of the Grantee and the Company.

Job Creation

The Company, Pinnacle Foods, agrees to create 134, new, full-time, permanent, jobs within the area within 24 months of beginning operation.

Audit

No EIF funds may be used toward procurement and/or completion of an audit.

SECTION B - SPECIAL CONDITIONS

Grantee: City of Fayetteville

Control #: EIF 200208

-
1. The Grantee shall ensure that all Requests for Payment are accompanied by pay estimates that have been approved by the Grantee. Pay estimates must accompany the Requests for Payment before the Grantor will honor the request.
 2. The Grantee must conduct an audit of the EIF grant funds at project completion and submit a copy of the audit report to the Grantor. The audit will be conducted at the Grantee's expense.
 3. The Grantee must receive, from the Company, job creation information which will then be forwarded to the Grantor. The information is to include, at a minimum, the following:
 - the total number of jobs on the Company payroll at the start of the project;
 - the total number of jobs on the Company payroll at the end of the project;
 - the total number of jobs on the Company payroll at the end of each calendar quarter until the goal has been reached.

SECTION C - BUDGET

Grantee: City of Fayetteville

Amendment: #

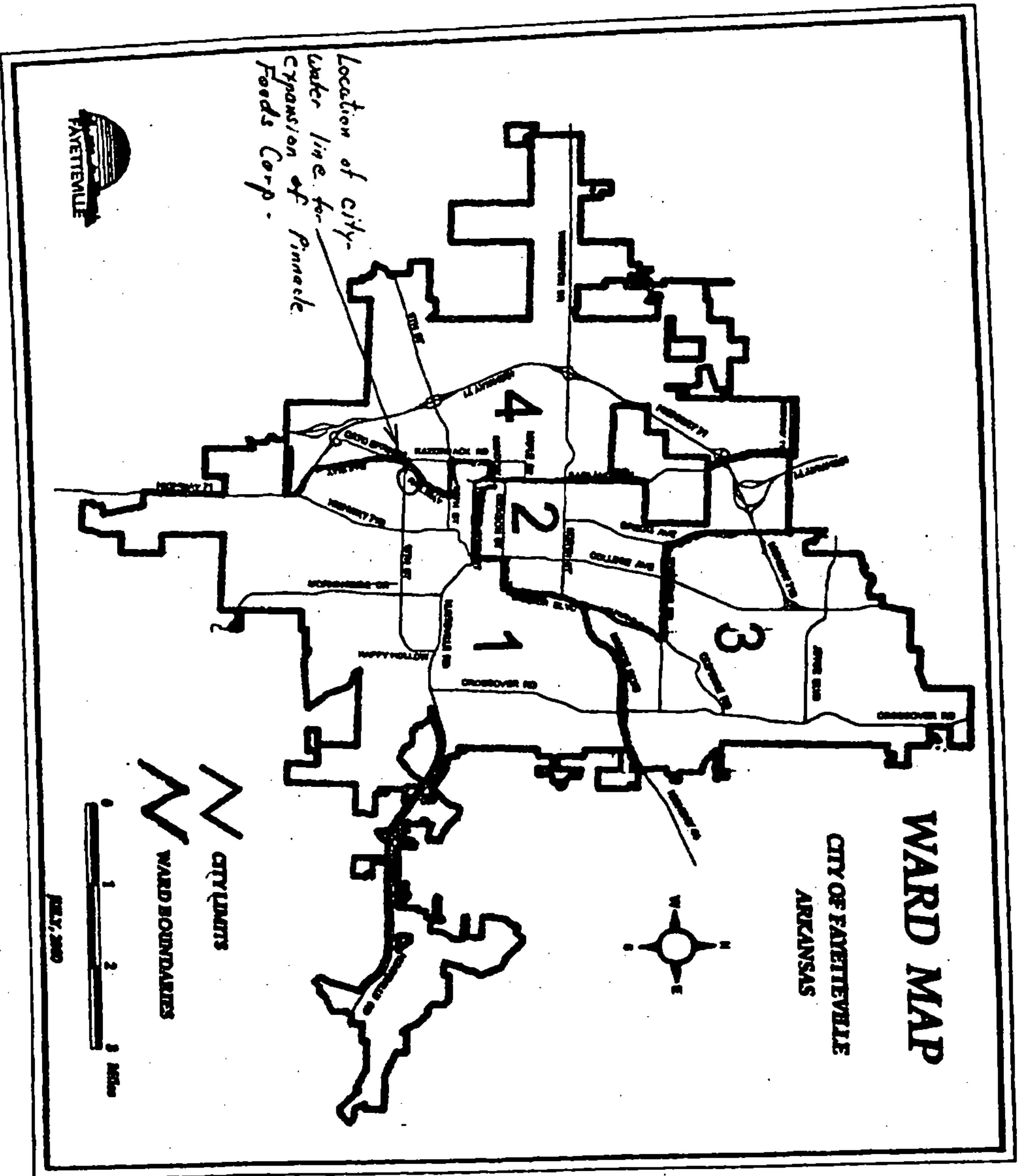
Grant Control #EIF 200208

Category:

Housing Economic Development Community Facility Planning

Activity: Water

Source of Funds			
Cost Classification Sub-Costs	EIF		Total
Construction	\$100,000		\$100,000
Totals	\$100,000		\$100,000



STAFF REVIEW FORM

XX AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2002
FROM:

Connie Edmonston Parks & Recreation Urban Development
Name Division Department

ACTION REQUIRED:

Approval of an ordinance amending 97.017 of the Code of Fayetteville, to allow the Mayor or his designee to establish fees for City Swimming Pools.

COST TO CITY:

SN/A	\$	[Category/Project Name]
Cost of this Request	Category/Project Budget	Category/Project Name
[Account Number]	\$	[Program Name]
Account Number	Funds Used To Date	Program Name
[Project Number]	\$	[Fund]
Project Number	Remaining Balance	Fund

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached

Budget Manager Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager	Date	Internal Auditor	Date
City Attorney	Date	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Approval of Ordinance.

Connie Edmonston 2-16-02
Division Head Date

Department Director Date

Administrative Services Director Date

Mayor Date

Cross Reference

New Item: Yes No

Prev Ord/Res #: 97.017

Orig Contract Date: [Orig Contract Date]

Orig Contract Number: [Orig Contract #]

ORDINANCE NO. _____

AN ORDINANCE AMENDING §97.017 OF THE CODE OF FAYETTEVILLE, TO ALLOW THE MAYOR OR HIS DESIGNEE TO ESTABLISH FEES FOR CITY SWIMMING POOLS.

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

Section 1. That §97.017 Fees for City Swimming Pools., of the Code of Fayetteville, is hereby repealed and the following is inserted in its stead:

§ 97.017 FEES FOR CITY SWIMMING POOLS.

Upon the recommendation of the Parks and Recreation Advisory Board, the Mayor or his designee shall establish and make periodic adjustments to the schedule of fees charged for the use of city swimming pools.

PASSED AND APPROVED this _____ day of _____, 2007

APPROVED:

By

DAN COOPER, Mayor

ATTEST:

By

HEATHER WOODRUFF, City Clerk

DRAFT

STAFF REVIEW FORM

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2002

FROM:

<u>Steve Davis</u>	<u>Budget & Research</u>	<u>Administrative Services</u>
Name	Division	Department

ACTION REQUIRED:

The City Council is requested to approve a budget adjustment which will allow for the rollforward and re-budget of all projects or items in progress which were appropriated in the 2001 Budget. The items which are approved will become part of the 2002 Budget.

COST TO CITY:

<u>\$ See Attachment</u>	<u>See Attachment</u>	<u>See Attachment</u>
Cost of this Request	Category/Project Budget	Category/Project Name
<u>See Attachment</u>	<u>See Attachment</u>	<u>See Attachment</u>
Account Number	Funds Used To Date	Program Name
<u>See Attachment</u>	<u>See Attachment</u>	<u>See Attachment</u>
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item X Budget Adjustment Attached

[Signature]
Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marsha Fathery
Accounting Manager
[Signature]
City Attorney
[Signature]
Purchasing Officer

1/18/02
Date
[Signature]
Internal Auditor
1/18/02
Date
[Signature]
ADA Coordinator
2/1/02
Date

1/18/02
Date

Date

STAFF RECOMMENDATION:

Staff recommends approval of the rollforward budget adjustment.

Division Head	Date
Department Director	Date
<u>[Signature]</u> Administrative Services Director	<u>1/21/02</u> Date
<u>[Signature]</u> Mayor	<u>1/21/02</u> Date

Cross Reference

New Item: **Yes** **No**

Prev Ord/Res #: _____

Orig Contract Date: _____

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Council

THRU: Dan Coody, Mayor
Ted H. Webber, Administrative Services Director

FROM: Budget & Research

DATE: February 6, 2002

SUBJECT: 2001 Re-budget/Rollforward Request



Please find attached a schedule of operating and capital amounts by fund which were included in the 2001 Budget but did not incur a financial obligation during the 2001 fiscal year. The 2001 estimated unreserved fund balance/retained earnings for the respective funds reflects the cost of the requested re-budget/rollforwards. Therefore, approval for these items to be made part of the 2002 appropriations, will not impact the City's budgeted financial position except for the Parks Development Fund and the Sales Tax Capital Improvements Fund. These funds will have approximately \$40,000 and \$124,000 less resources available for future projects planned after 2002 than what was previous projected for December 31, 2002.

The rollforward/re-budget of prior year's appropriated projects and items is a normal operating procedure and is generally for one-time expenses. Approval of this request will allow the 2002 Budget to be increased to reflect the attached information. Several of the requested re-budget/rollforwards include a revenue offset in the form of grant revenues. This years' re-budget/rollforward process provides the City the opportunity to supplement funding removed during the 2002 Annual Budget review and approval process conducted in November/December 2001.

In order to more adequately match revenues and expenses for 2002, approximately \$1.6 million in funding City-wide was reduced to meet 2002 budgeted revenues. Additionally, \$455,000 in operating expenses for 2002 were transferred from General Fund to other funds. City Council was advised that some of the funding would be requested to be replenished during the rollforward process. The current request before you replenishes some of the funding reduced in developing the 2002 Annual Budget. In addition to the 2002 reductions, other requests for re-budgets have been made to fund projected cost increases not anticipated as part of the 2002 Annual Budget. For example, the U.S. Postal Service is anticipating a postage increase for mid-year 2002, the cost of the increase to the City is approximately \$25,000. Also, the City will incur additional cost in accruing sick and vacation expense at the end of 2002. The General Fund portion is estimated at approximately \$68,000. Both the increased postage cost and increased sick and vacation accrual are budgeted in General Fund. Funding for these additional costs have been included in this rollforward/re-budget request.

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The following criteria was utilized to develop this re-budget/rollforward proposal to City Council:

1. Funding for projects or work items that were planned for 2001 but that were postponed until 2002.
2. Materials and equipment necessary to address any issues/concerns that improve the safety of patrons/citizens.
3. Materials, equipment, and maintenance funding necessary to perform program functions.
4. Travel & Training and Publications & Dues funds for staff that need the funding to maintain registrations, skill set retention, quality of work, etc.
5. Materials and equipment needed to upgrade staff efficiency.
6. Restore funding for extra services and contracted services where the current funding level will present a hardship on existing staff to perform routine duties.

Total requested re-budgets/rollforwards for all funds are \$27,360,598 as reflected in the following two tables. A summary of all re-budget/rollforwards requiring City Council action is described in the table below.

City Council Approval Requested (Unobligated Re-budget Rollforwards)

Funding Source	Amount
General	\$ 951,587
Street	152,201
Off Street Parking	357,692
Community Development - Grant Revenue	(567,263)
Community Development - Grant Expenses	567,263
Parks Development	956,889
Sales Tax Construction - Grant Revenue	(1,561,235)
Sales Tax Construction	11,318,596
Water & Sewer	5,947,644
Solid Waste	309,993
Airport - Grant Revenue	(411,059)
Airport	1,417,956
Shop	2,856,627
Total All Funds	\$ 22,296,891

In addition to the projects and items discussed above, \$5,063,707 of projects and items were in progress at the end of the year. The unexpended budget on these financial obligations will also be rolled forward and become a part of the 2002 budget. These items do not require additional action by Council because these items have either a contractual agreement or have been authorized by purchase order. For your information, a summary by funding source is included in the table below.

Contractually Obligated Rollforwards

Funding Source	Amount
General - Land Sale	\$ (459,000)
General	607,941
Street	1,518
Community Development - Grant Revenue	(153,963)
Community Development - Grant Expenses	153,963
Parks Development	420,444
Library Construction	931,809
Sales Tax Construction	2,850,739
Water & Sewer	543,248
Airport	160,425
Shop	6,583
Total All Funds	\$ 5,063,707

Please note that the actual non-obligated (\$22,296,891) and obligated (\$5,063,707) amounts to be rolled forward may be less than what is requested in this memo. The actual amounts will not be determined until all of the December 2001 expenses are processed. Once a final listing has been made, it will be submitted to the Mayor for approval before the appropriation is implemented. This submitted request is to prevent any time delays in City operations and projects that would occur if prior year funding was not re-appropriated.

If you have any questions concerning the attachment or the procedure, please feel free to contact the Budget & Research Division. Thank you.

Three Year Comparison of Roll Forwards

	1999 To 2000	2000 To 2001	2001 To 2002
Rebudget Amount	17,622,762	20,748,849	22,296,891
Roll Forward Amount	15,229,199	7,518,254	5,063,707
Totals	<u>32,851,961</u>	<u>28,267,103</u>	<u>27,360,598</u>

City of Fayetteville, Arkansas
Budget Workpapers

Governmental and Proprietary Funds

Cash & Investments @ 12/31/2001

Net Difference AR - AP (AP>AR = Use)

Less: Projected Operating Expense Accruals

Less: Reserve & Escrow Amounts @ Year End

Adjustments to Cash & Investments

Net Cash & Investments @ 12/31/01

Rollforward/Re-budget Proposed - Operations

Rollforward/Re-budget Proposed - Capital

Rollforward/Re-budget Approved - 2002 (previous City Council meetings)

Rollforward/Re-budget Proposed - Grant Revenue

Total Rollforward/Re-budget Proposed

2002 Budget

Revenue

Expenditures - Operations

Expenditures - Capital

Projected Cash & Investments @12/31/02

Fund Balance Projection @12/31/02 (Budget Document)

Preferred Balance - 60 Days Cash & Investments

General Fund	Street Fund	Parks Development	Library Construction	Sales Tax Capital
10,140,949	2,325,208	1,611,240	12,091,445	14,488,711
(217,740)	64,037	(96,418)	824,810	781,849
38,574	8,700	7,472	3,812	49,143
9,961,783	2,397,945	1,522,294	12,920,067	15,319,703
(1,056,558)	(153,719)	(2,381)	0	0
(43,969)	0	(1,374,952)	(931,809)	(14,169,335)
79,246	0	0	0	(1,755,902)
0	0	0	0	1,561,235
(1,021,281)	(153,719)	(1,377,333)	(931,809)	(14,364,002)
20,130,500	3,410,000	1,417,000	8,585,603	12,650,000
(22,027,849)	(3,544,588)	(958,860)	0	(2,996,000)
0	0	(549,000)	(20,417,000)	(10,338,000)
7,043,153	2,109,638	54,101	156,861	271,701
6,004,953	2,038,510	94,250	*	395,479

* The Sales Tax Capital Improvement Fund balance at 12/31/01 included \$679,200 in grant revenue received by the City for use at the Research & Technology Park. The corresponding expenditure was not included in the estimated cost at that time. City Council has been requested to approve a budget adjustment that recognizes the grant related expenditures in 2002. If the grant related expenditures had been recognized in 2001, fund balance for the Sales Tax Capital Improvement Fund would have been \$395,479.

City of Fayetteville, Arkansas - Budget Workpapers

2002 Annual Budget

Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
1010-0001-4881-02	General Rev.	Gain on Sale of Assets	\$ 0	(459,000)	(459,000)
1010-0150-5100-00	Mayor's Office	Salaries & Wages (50% Information Clerk)	8,271	0	8,271
1010-0150-5105-00	Mayor's Office	FICA (50% Information Clerk)	637	0	637
1010-0150-5107-00	Mayor's Office	Life Insurance (50% Information Clerk)	39	0	39
1010-0150-5108-00	Mayor's Office	Health Benefit (50% Information Clerk)	1,997	0	1,997
1010-0150-5108-01	Mayor's Office	LTD Insurance (50% Information Clerk)	38	0	38
1010-0150-5108-02	Mayor's Office	AD&D Insurance (50% Information Clerk)	9	0	9
1010-0150-5109-06	Mayor's Office	Retirement (50% Information Clerk)	992	0	992
1010-0150-5209-00	Mayor's Office	Software	500	0	500
1010-0150-5304-00	Mayor's Office	Travel & Training	8,000	0	8,000
1010-0150-5329-00	Mayor's Office	Employee Recognition	5,420	0	5,420
1010-0150-5331-00	Mayor's Office	Motor Pool Charges - Mayor's Vehicle Allowance	5,000	0	5,000
1010-0160-5200-00	City Council	Office Supplies & Printing	366	0	366
1010-0160-5303-00	City Council	Publications & Dues	500	0	500
1010-0160-5304-00	City Council	Travel & Training	3,000	0	3,000
1010-0160-5315-00	City Council	Contract Services	4,500	0	4,500
1010-0210-5200-00	City Attorney	Office Supplies & Printing	1,149	0	1,149
1010-0210-5209-00	City Attorney	Software	250	0	250
1010-0210-5303-00	City Attorney	Publications & Dues	1,714	0	1,714
1010-0210-5304-00	City Attorney	Travel & Training	3,456	0	3,456
1010-0210-5314-00	City Attorney	Professional Services	1,334	0	1,334
1010-0210-5314-01	City Attorney	Legal Services	3,000	0	3,000
1010-0210-5416-00	City Attorney	Software Maintenance	5,268	0	5,268
1010-0310-5304-00	City Prosecutor	Travel & Training	3,045	0	3,045
1010-0310-5315-00	City Prosecutor	Contract Services (Domestic Violence Coordinator)	3,500	0	3,500
1010-0350-5303-00	Hot Check	Publications & Dues	250	0	250
1010-0350-5304-00	Hot Check	Travel & Training	1,860	0	1,860
1010-0400-5304-00	District Judge	Travel & Training	335	0	335
1010-0400-5315-00	District Judge	Contract Services (Sit In District Judge)	4,340	0	4,340
1010-0550-5314-01	Urban Dev. Dir.	Legal Services (Cable Franchise Negotiations)	0	12,954	12,954
1010-0550-5331-00	Urban Dev. Dir.	Motor Pool Charges	415	0	415

City of Fayetteville, Arkansas - Budget Workpapers
2002 Annual Budget
Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
1010-0550-5331-01	Urban Dev. Dir.	Replacement Charges	850	0	850
1010-0550-5890-00	Urban Dev. Dir.	Minor Equipment	2,500	0	2,500
1010-0600-5200-00	Cable Admin.	Office Supplies & Printing	1,200	0	1,200
1010-0600-5304-00	Cable Admin.	Travel & Training	1,000	0	1,000
1010-0600-5314-00	Cable Admin.	Professional Services	400	0	400
1010-0600-5320-01	Cable Admin.	Telephone	500	0	500
1010-0600-5400-00	Cable Admin.	Building & Grounds Maintenance	900	0	900
1010-0700-5200-00	Gen. Svcs. Dir.	Office Supplies & Printing	150	0	150
1010-0700-5209-00	Gen. Svcs. Dir.	Software	325	0	325
1010-0700-5304-00	Gen. Svcs. Dir.	Travel & Training	3,000	0	3,000
1010-0700-5331-00	Gen. Svcs. Dir.	Motor Pool Charges	415	0	415
1010-0700-5331-01	Gen. Svcs. Dir.	Replacement Charges	815	0	815
1010-1100-5200-00	Adm. Svcs. Dir.	Office Supplies & Printing	300	0	300
1010-1100-5304-00	Adm. Svcs. Dir.	Travel & Training	2,900	0	2,900
1010-1100-5331-00	Adm. Svcs. Dir.	Motor Pool Charges	416	0	416
1010-1100-5331-01	Adm. Svcs. Dir.	Replacement Charges	866	0	866
1010-1100-5890-00	Adm. Svcs. Dir.	Minor Equipment	1,000	0	1,000
1010-1210-5200-00	Personnel	Office Supplies & Printing	2,500	0	2,500
1010-1210-5304-00	Personnel	Travel and Training (City-wide \$10,000)	11,000	0	11,000
1010-1210-5314-01	Personnel	Legal Services (Pension Plan Services 2001)	0	2,000	2,000
1010-1210-5314-01	Personnel	Legal Services	1,690	0	1,690
1010-1210-5315-00	Personnel	Contract Services (Pay Plan Review)	0	25,000	25,000
1010-1210-5315-00	Personnel	Contract Services (Benefits Administration)	20,000	0	20,000
1010-1210-5329-00	Personnel	Employee Recognition	600	0	600
1010-1210-5360-00	Personnel	Safety Program	25,000	0	25,000
1010-1210-5890-00	Personnel	Minor Equipment (New Space)	8,500	0	8,500
1010-1310-5103-00	Accounting	Overtime	3,000	0	3,000
1010-1310-5200-00	Accounting	Office Supplies & Printing (Envelopes, Printing)	2,000	0	2,000
1010-1310-5200-00	Accounting	Office Supplies & Printing	600	0	600
1010-1310-5209-00	Accounting	Software	1,000	0	1,000
1010-1310-5301-00	Accounting	Public Notification (Newspaper Advertising)	1,600	0	1,600

City of Fayetteville, Arkansas - Budget Workpapers
2002 Annual Budget
Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
1010-1310-5303-00	Accounting	Publications & Dues	500	0	500
1010-1310-5304-00	Accounting	Travel & Training	3,400	0	3,400
1010-1310-5307-00	Accounting	Audit Expense	500	0	500
1010-1310-5401-00	Accounting	Office machine Maintenance	130	0	130
1010-1310-5890-00	Accounting	Minor Equipment	700	0	700
1010-1330-5303-00	Budget	Publications & Dues	200	0	200
1010-1330-5304-00	Budget	Travel & Training (GFOA/AGFOA Conferences)	3,500	0	3,500
1010-1330-5304-00	Budget	Travel & Training (Budget Software/WSIP/etc)	1,500	0	1,500
1010-1330-5304-00	Budget	Travel & Training (APAC - 8 classes)	2,880	0	2,880
1010-1350-5102-00	Bus. Office	Extra Services	4,000	0	4,000
1010-1350-5103-00	Bus. Office	Overtime	4,500	0	4,500
1010-1350-5200-00	Bus. Office	Office Supplies & Printing	2,532	0	2,532
1010-1350-5200-01	Bus. Office	Copier Supplies & Lease	2,500	0	2,500
1010-1350-5301-00	Bus. Office	Public Notification	2,500	0	2,500
1010-1350-5304-00	Bus. Office	Travel & Training (AWWA Section Meeting)	2,500	0	2,500
1010-1350-5304-00	Bus. Office	Travel & Training (Staff)	2,500	0	2,500
1010-1350-5305-00	Bus. Office	Postage	25,000	0	25,000
1010-1350-5401-00	Bus. Office	Office Machine Maintenance	3,500	0	3,500
1010-1350-5890-00	Bus. Office	Minor Equipment (Furniture & Equipment - New Offices)	15,000	0	15,000
1010-1350-5890-00	Bus. Office	Minor Equipment (Monitors & Cash Registers)	4,000	0	4,000
1010-1360-5200-00	Internal Audit	Office Supplies & Printing	318	0	318
1010-1360-5209-00	Internal Audit	Software	350	0	350
1010-1360-5303-00	Internal Audit	Publications & Dues	208	0	208
1010-1360-5304-00	Internal Audit	Travel & Training	1,626	0	1,626
1010-1360-5314-00	Internal Audit	Professional Services (Risk Analysis)	15,000	0	15,000
1010-1360-5890-00	Internal Audit	Minor Equipment	519	0	519
1010-1380-5209-00	Utility Mgt.	Software	1,000	0	1,000
1010-1380-5302-00	Utility Mgt.	Uniforms & Personal Equipment	400	0	400
1010-1380-5304-00	Utility Mgt.	Travel & Training (Norstar and RCDD Certification)	2,000	0	2,000
1010-1380-5310-01	Utility Mgt.	Telephone Expense	8,000	0	8,000
1010-1380-5315-00	Utility Mgt.	Contract Services	2,000	0	2,000

City of Fayetteville, Arkansas - Budget Workpapers
2002 Annual Budget
Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
1010-1380-5890-00	Utility Mgt.	Minor Equipment (Phone Replacement)	5,000	0	5,000
1010-1410-5103-00	Bld. Maint.	Overtime	5,000	0	5,000
1010-1410-5301-00	Bld. Maint.	Public Notification	200	0	200
1010-1410-5302-00	Bld. Maint.	Uniforms & Personal Equipment	600	0	600
1010-1410-5303-00	Bld. Maint.	Publications & Dues	200	0	200
1010-1410-5304-00	Bld. Maint.	Travel & Training	2,700	0	2,700
1010-1410-5402-00	Bld. Maint.	Radio Maintenance	100	0	100
1010-1410-5890-00	Bld. Maint.	Minor Equipment	1,800	0	1,800
1010-1420-5103-00	Bld. Maint.	Overtime	3,000	0	3,000
1010-1420-5109-06	Bld. Maint.	Retirement	2,000	0	2,000
1010-1420-5204-00	Bld. Maint.	Chemicals	200	0	200
1010-1420-5890-00	Bld. Maint.	Minor Equipment	1,200	0	1,200
1010-1510-5200-00	City Clerk	Office Supplies & Printing	2,068	0	2,068
1010-1510-5200-00	City Clerk	Office Supplies & Printing (Code of Ordinances)	910	0	910
1010-1510-5301-00	City Clerk	Public Notification	9,000	0	9,000
1010-1510-5303-00	City Clerk	Publications & Dues	65	0	65
1010-1510-5304-00	City Clerk	Travel & Training	2,059	0	2,059
1010-1510-5308-00	City Clerk	Rent	126	0	126
1010-1510-5315-00	City Clerk	Contract Services	582	0	582
1010-1510-5318-00	City Clerk	Election Cost	513	0	513
1010-1510-5401-00	City Clerk	Office Machine Maintenance	1,083	0	1,083
1010-1510-5890-00	City Clerk	Minor Equipment	656	0	656
1010-1710-5301-00	Info. Tech.	Public Notification	90	0	90
1010-1710-5303-00	Info. Tech.	Publications & Dues	500	0	500
1010-1710-5304-00	Info. Tech.	Travel & Training (Hanson)	3,000	0	3,000
1010-1710-5304-00	Info. Tech.	Travel & Training	12,000	0	12,000
1010-1710-5315-00	Info. Tech.	Contract Services (Web Hosting)	6,000	0	6,000
1010-1710-5315-00	Info. Tech.	Contract Services (CADIS)	12,000	0	12,000
1010-1710-5416-00	Info. Tech.	Software Maintenance (MMS)	11,000	0	11,000
1010-1710-5416-00	Info. Tech.	Software Maintenance (Court and PC)	10,990	0	10,990
1010-1710-5890-00	Info. Tech.	Minor Equipment	4,250	0	4,250

City of Fayetteville, Arkansas - Budget Workpapers
2002 Annual Budget
Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
1010-2010-5219-00	District Crt.	Municipal BAC Lab	3,391	0	3,391
1010-2010-5304-00	District Crt.	Travel & Training (Statewide Court Computer System)	500	0	500
1010-2010-5401-00	District Crt.	Office Machine Maintenance	500	0	500
1010-2010-5890-00	District Crt.	Minor Equipment	204	0	204
1010-2020-5304-00	District Crt.	Travel & Training (Routine Skillset)	500	0	500
1010-2030-5200-00	District Crt.	Office Supplies & Printing	1,000	0	1,000
1010-2030-5401-00	District Crt.	Office Machine Maintenance	400	0	400
1010-2030-5890-00	District Crt.	Minor Equipment	500	0	500
1010-2600-5200-00	Dispatch	Office Supplies & Printing	300	0	300
1010-2600-5303-00	Dispatch	Publications & Dues	120	0	120
1010-2600-5304-00	Dispatch	Travel & Training	5,000	0	5,000
1010-2600-5309-00	Dispatch	Lease Expense	10,000	0	10,000
1010-2600-5401-00	Dispatch	Office Machine Maintenance	3,000	0	3,000
1010-2710-5103-00	Animal Svcs.	Overtime	12,500	0	12,500
1010-2710-5105-00	Animal Svcs.	FICA	1,540	0	1,540
1010-2710-5304-00	Animal Svcs.	Travel & Training	3,500	0	3,500
1010-2710-5310-01	Animal Svcs.	Telephone Expense	1,000	0	1,000
1010-2710-5402-00	Animal Svcs.	Radio Maintenance	800	0	800
1010-2720-5200-00	Animal Svcs.	Office Supplies & Printing (ID Bands)	0	131	131
1010-2720-5200-00	Animal Svcs.	Office Supplies & Printing (City Animal License Tags)	0	294	294
1010-2720-5200-00	Animal Svcs.	Office Supplies & Printing (Leashes)	0	232	232
1010-2720-5200-01	Animal Svcs.	Copier Supplies & Lease	500	962	1,462
1010-2720-5203-00	Animal Svcs.	Cleaning Supplies (Disinfectant, Lemon Quad)	0	56	56
1010-2720-5203-00	Animal Svcs.	Cleaning Supplies (Disinfectant, Lemon Quad)	0	112	112
1010-2720-5205-00	Animal Svcs.	Dog Food Supplies	0	4,465	4,465
1010-2720-5303-00	Animal Svcs.	Publications & Dues	350	0	350
1010-2720-5304-00	Animal Svcs.	Travel & Training	3,000	0	3,000
1010-2720-5315-00	Animal Svcs.	Contract Services (Cleaning Animal Shelter Office)	0	6,965	6,965
1010-2720-5315-00	Animal Svcs.	Contract Services (Animal Shelter Security Monitoring)	0	1,293	1,293
1010-2720-5315-00	Animal Svcs.	Contract Services	5,000	0	5,000
1010-2720-5315-00	Animal Svcs.	Contract Services (Infectious Waste Disposal 2001)	0	584	584

City of Fayetteville, Arkansas - Budget Workpapers
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Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
1010-2720-5401-00	Animal Svcs.	Office Machine Maintenance	100	0	100
1010-2720-5407-00	Animal Svcs.	Small Equipment Maintenance	500	0	500
1010-2720-5890-00	Animal Svcs.	Minor Equipment	500	0	500
1010-2730-5103-00	Animal Svcs.	Overtime	2,000	0	2,000
1010-2730-5200-03	Animal Svcs.	Veterinary Supplies	20,000	8,485	28,485
1010-2730-5200-03	Animal Svcs.	Veterinary Supplies	700	0	700
1010-2730-5302-00	Animal Svcs.	Uniforms & Personal Equipment	1,000	0	1,000
1010-2730-5303-00	Animal Svcs.	Publications & Dues	250	0	250
1010-2730-5315-00	Animal Svcs.	Contract Services (Veterinary Services)	0	5,250	5,250
1010-2730-5890-00	Animal Svcs.	Minor Equipment	1,250	0	1,250
1010-2900-5200-00	Police	Office Supplies & Printing	3,000	0	3,000
1010-2900-5315-00	Police	Contract Services (School Crossing Guard)	4,682	0	4,682
1010-2900-5890-00	Police	Minor Equipment	5,000	0	5,000
1010-2940-5201-00	Police	DARE and Crime Prevention Materials	7,000	0	7,000
1010-2940-5304-00	Police	Travel & Training	27,500	0	27,500
1010-2940-5315-00	Police	Contract Services (School Crossing Guard)	(4,682)	0	(4,682)
1010-2940-5890-00	Police	Minor Equipment	5,000	0	5,000
1010-3010-5890-00	Fire	Minor Equipment	3,000	0	3,000
1010-3020-5200-00	Fire	Office Supplies & Printing	9,000	0	9,000
1010-3020-5203-00	Fire	Cleaning Supplies	14,000	0	14,000
1010-3020-5209-00	Fire	Software	1,151	0	1,151
1010-3020-5218-00	Fire	Firefighting Supplies	7,000	0	7,000
1010-3020-5302-00	Fire	Uniforms & Personal Equipment	7,100	0	7,100
1010-3020-5304-00	Fire	Travel & Training	12,566	0	12,566
1010-3020-5310-01	Fire	Telephone Expense	3,000	0	3,000
1010-3020-5403-00	Fire	Vehicle & Machine Maintenance	18,600	0	18,600
1010-5220-5102-00	Parks	Extra Services	5,256	0	5,256
1010-5220-5200-05	Parks	Tournament Awards/Supplies	18,901	0	18,901
1010-5220-5303-00	Parks	Publications & Dues	9,113	0	9,113
1010-5240-5314-01	Library	Legal Services	0	15,000	15,000
1010-5250-5400-00	Parks	Building & Grounds Maintenance	1,000	0	1,000

City of Fayetteville, Arkansas - Budget Workpapers
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Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
1010-5260-5302-00	Parks	Uniforms & Personal Equipment	3,240	0	3,240
1010-5260-5412-00	Parks	Turf Maintenance	10,000	0	10,000
1010-5260-5890-00	Parks	Minor Equipment	1,450	0	1,450
1010-5300-5100-00	Parking	Salaries and Wages	3,640	0	3,640
1010-5300-5105-00	Parking	FICA	280	0	280
1010-5300-5304-00	Parking	Travel & Training	1,400	0	1,400
1010-5300-5407-00	Parking	Small Equipment Maintenance	1,000	0	1,000
1010-5320-5202-00	Traffic	Janitorial Supplies for Shop	175	0	175
1010-5320-5203-00	Traffic	Cleaning Supplies	50	0	50
1010-5320-5211-00	Traffic	Parking Lot Striping Paint	325	0	325
1010-5320-5212-00	Traffic	Signs (Misc. Signs & Street Marker Brackets)	1,365	0	1,365
1010-5320-5217-00	Traffic	Vests, Flags, Barricades, etc.	28	0	28
1010-5320-5304-00	Traffic	Travel & Training (MOVITE Meetings & IMSA Certification;	400	0	400
1010-5320-5308-00	Traffic	Equipment Rental (Emergency Repairs)	400	0	400
1010-5320-5404-00	Traffic	Traffic Control Maintenance	3,000	0	3,000
1010-5320-5404-00	Traffic	Traffic Control Maintenance	0	216	216
1010-5320-5890-00	Traffic	Minor Equipment (Miscellaneous Hand Tools)	70	0	70
1010-5450-5220-00	Public Lands	Landscape Materials	19,500	0	19,500
1010-5450-5302-00	Public Lands	Uniforms & Personal Equipment	450	0	450
1010-5450-5303-00	Public Lands	Publications & Dues	750	0	750
1010-5450-5304-00	Public Lands	Travel & Training	2,000	0	2,000
1010-5450-5315-00	Public Lands	Contract Services	1,000	0	1,000
1010-5450-5407-00	Public Lands	Small Equipment Maintenance	500	0	500
1010-5450-5890-00	Public Lands	Minor Equipment	1,000	0	1,000
1010-6200-5200-00	Pub. Wks. Dir.	Office Supplies & Printing	500	0	500
1010-6200-5304-00	Pub. Wks. Dir.	Travel & Training	4,000	0	4,000
1010-6200-5331-00	Pub. Wks. Dir.	Motor Pool Charges	832	0	832
1010-6200-5331-01	Pub. Wks. Dir.	Replacement Charges	425	0	425
1010-6200-5890-00	Pub. Wks. Dir.	Minor Equipment	800	0	800
1010-6220-5209-00	Engineering	Software	8,000	0	8,000
1010-6220-5209-00	Engineering	Software (Update and Eagle Point Training)	0	9,883	9,883

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Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
1010-6220-5304-00	Engineering	Travel & Training	6,000	0	6,000
1010-6220-5331-00	Engineering	Motor Pool Charges	3,750	0	3,750
1010-6220-5331-01	Engineering	Replacement Charges	2,700	0	2,700
1010-6220-5890-00	Engineering	Fixed Assets	2,500	0	2,500
1010-6220-5890-00	Engineering	Minor Equipment	2,500	0	2,500
1010-6230-5314-00	Engineering	Professional Services	5,000	0	5,000
1010-6300-5103-00	Planning	Overtime	1,960	0	1,960
1010-6300-5200-00	Planning	Office Supplies & Printing	0	1,621	1,621
1010-6300-5200-00	Planning	Office Supplies & Printing (Coffee Service)	0	649	649
1010-6300-5200-00	Planning	Office Supplies & Printing (General Plan, Dev. Manual)	4,000	0	4,000
1010-6300-5301-00	Planning	Public Notification (Advertising)	4,000	8,323	12,323
1010-6300-5304-00	Planning	Travel & Training	6,253	0	6,253
1010-6300-5315-00	Planning	Contract Services (Fayetteville Focus)	5,000	0	5,000
1010-6300-5400-00	Planning	Building & Grounds Maintenance	220	0	220
1010-6300-5890-00	Planning	Minor Equipment (New Office, Kiosk)	24,128	496	24,624
1010-6400-5209-00	Inspections	Software Expense	2,000	0	2,000
1010-6400-5209-00	Inspections	Software	1,000	0	1,000
1010-6400-5303-00	Inspections	Publications & Dues	880	0	880
1010-6400-5304-00	Inspections	Travel & Training	10,870	0	10,870
1010-6400-5311-01	Inspections	Insurance -- Self	1,000	0	1,000
1010-6400-5890-00	Inspections	Minor Equipment	2,007	0	2,007
1010-6600-5100-01	Misc.	Salary Contingency	68,780	0	68,780
1010-6600-5310-01	Misc.	Telephone Expense (Connecting Outlying Facilities)	40,000	0	40,000
1010-6600-5314-00	Misc.	Research & Technology Park	0	142,970	142,970
1010-6600-5314-00	Misc.	Professional Services	10,000	0	10,000
1010-6600-5314-01	Misc.	Legal Services	5,000	0	5,000
1010-6600-5315-00	Misc.	Contract Services (Demolition)	10,000	0	10,000
1010-6600-5315-00	Misc.	Contract Services (PICCS)	20,000	0	20,000
1010-6600-5315-00	Misc.	Contract Services (Litter)	7,000	0	7,000
1010-6600-5400-00	Misc.	Building & Grounds Maintenance	5,000	0	5,000
1010-6600-5734-00	Misc.	Downtown/Dickson Enhancement Project	20,000	0	20,000

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Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
1010-6600-5805-00	Misc.	Land Purchase	0	360,000	360,000
			951,587	148,941	1,100,528
2100-4100-5100-01	Street	Salary Contingency	8,991	0	8,991
2100-4100-5204-00	Street	Chemicals	100	0	100
2100-4100-5209-00	Street	Software	500	0	500
2100-4100-5217-00	Street	Safety Devices	3,000	0	3,000
2100-4100-5304-00	Street	Travel & Training	3,098	0	3,098
2100-4100-5304-30	Street	Education Reimbursement	1,000	0	1,000
2100-4100-5329-00	Street	Employee Recognition	800	0	800
2100-4100-5400-00	Street	Building & Grounds Maintenance	2,000	0	2,000
2100-4100-5401-00	Street	Office Machine Maintenance	100	0	100
2100-4100-5402-00	Street	Radio Maintenance	1,700	0	1,700
2100-4100-5405-00	Street	Lighting Equipment Maintenance	2,500	0	2,500
2100-4100-5890-00	Street	Minor Equipment	1,500	0	1,500
2100-4110-5204-00	Street	Chemicals	1,485	0	1,485
2100-4110-5403-00	Street	Vehicle & Machine Maintenance	2,500	0	2,500
2100-4110-5890-00	Street	Minor Equipment	2,500	0	2,500
2100-4120-5204-00	Street	Chemicals	5,361	0	5,361
2100-4120-5215-00	Street	Hot Mix Asphalt	60,000	0	60,000
2100-4120-5216-00	Street	Construction Materials	20,000	0	20,000
2100-4120-5308-03	Street	Equipment Rental	6,000	0	6,000
2100-4120-5890-00	Street	Minor Equipment	2,500	0	2,500
2100-4130-5216-00	Street	Construction Materials	4,000	0	4,000
2100-4130-5220-00	Street	Landscape Materials	12,000	0	12,000
2100-4130-5315-00	Street	Contract Services	1,000	0	1,000
2100-4130-5890-00	Street	Minor Equipment	1,000	0	1,000
2100-5530-5217-00	Sidewalks	Safety Devices	100	0	100
2100-5530-5217-00	Sidewalks	Safety Devices	100	0	100
2100-5530-5302-00	Sidewalks	Uniforms & Personal Equipment	473	0	473

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Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
2100-5530-5302-00	Sidewalks	Uniforms & Personal Equipment	0	536	536
2100-5530-5303-00	Sidewalks	Publications & Dues	393	0	393
2100-5530-5304-00	Sidewalks	Travel & Training	3,500	0	3,500
2100-5530-5407-00	Sidewalks	Small Equipment Maintenance	0	712	712
2100-5530-5890-00	Sidewalks	Minor Equipment (Blower/ Vacuum)	0	270	270
2100-5530-5890-00	Sidewalks	Minor Equipment	4,000	0	4,000
			152,201	1,518	153,719
2130-9130-5200-00	Off-Street	Office Supplies & Printing	3,290	0	3,290
2130-9130-5209-00	Off-Street	Software	2,300	0	2,300
2130-9130-5314-00	Off-Street	Parking Garage(s)	30,000	0	30,000
2130-9130-5315-00	Off-Street	Contract Services (Cleanup)	2,500	0	2,500
2130-9130-5315-00	Off-Street	Downtown Parking Master Plan	35,772	0	35,772
2130-9130-5343-00	Off-Street	Deck Operating Expense	22,000	0	22,000
2130-9130-5400-00	Off-Street	Building & Grounds Maintenance	1,750	0	1,750
2130-9130-5404-00	Off-Street	Traffic Control Maintenance	3,379	0	3,379
2130-9130-5407-00	Off-Street	Small Equipment Maintenance	1,000	0	1,000
2130-9130-5411-00	Off-Street	Parking Deck Rehabilitation	160,454	0	160,454
2130-9130-5416-00	Off-Street	Software Maintenance	1,190	0	1,190
2130-9130-5819-00	Off-Street	Parking Lot Overlays	53,000	0	53,000
2130-9130-5890-00	Off-Street	Minor Equipment	5,426	0	5,426
2130-9130-5890-00	Off-Street	Parking Deck Automation Equipment	7,631	0	7,631
2130-9130-5890-00	Off-Street	Gated Parking Conversion	28,000	0	28,000
			357,692	0	357,692
2180-0918-4320-00	Com. Dev.	CDBG Grant Funding	(567,263)	(153,963)	(721,226)
2180-4990-5390-24	Com. Dev.	S.E. Community Center - Addition	104,194	0	104,194
2180-4990-5390-27	Com. Dev.	Domestic Violence Shelter	457,093	328	457,421

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Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
2180-4990-5390-30	Com. Dev.	Sage House	0	153,635	153,635
2180-4990-5722-00	Com. Dev.	Walker Park Senior Complex	5,976	0	5,976
			0	0	0
2250-9250-5100-01	Parks. Dev.	Salary Contingency	2,381		2,381
2250-9250-5314-00	Parks. Dev.	Tennis/Basketball Surface Renovation	4,445	8,999	13,444
2250-9250-5400-00	Parks. Dev.	Lake Fay Softball Complex Improvements	15,680	0	15,680
2250-9250-5804-00	Parks. Dev.	Walker Park Senior Complex	0	321,051	321,051
2250-9250-5804-00	Parks. Dev.	Fayetteville Boys & Girls Club Expansion	395,000	0	395,000
2250-9250-5805-00	Parks. Dev.	Park Land Acquisitions	40,000	0	40,000
2250-9250-5806-00	Parks. Dev.	Playground Renovations	3,941	0	3,941
2250-9250-5806-00	Parks. Dev.	Bundrick Park Development	5,000	0	5,000
2250-9250-5806-00	Parks. Dev.	Lake Fay Softball Complex Improvements	184,490	0	184,490
2250-9250-5806-00	Parks. Dev.	Tennis/Basketball Surface Renovation	33,773	80,316	114,089
2250-9250-5806-00	Parks. Dev.	Red Oak Park Development	17,918	0	17,918
2250-9250-5806-00	Parks. Dev.	Skate Park	50,270	9,141	59,411
2250-9250-5806-00	Parks. Dev.	Wilson Park Improvements	0	937	937
2250-9250-5814-00	Parks. Dev.	Lake Fayetteville Trail	72,886	0	72,886
2250-9250-5819-00	Parks. Dev.	Gary Hampton Softball Complex	122,524	0	122,524
2250-9250-5890-00	Parks. Dev.	Gary Hampton Softball Complex	939	0	939
2250-9250-5890-00	Parks. Dev.	Red Oak Park Development	7,642	0	7,642
			956,889	420,444	1,377,333
4150-9150-5314-03	Library	New Central Library Building	0	656,809	656,809
4150-9150-5805-00	Library	New Central Library Building		275,000	275,000
			0	931,809	931,809

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Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
4470-0947-4309-00	Sales Tax	Grant Funding - Multi-Use Trail	(600,000)	0	(600,000)
4470-0947-4309-00	Sales Tax	Grant Funding - Local Law Enforcement	(31,235)	0	(31,235)
4470-0947-4309-00	Sales Tax	Grant Funding - Dickson Street Enhancements	(930,000)	0	(930,000)
4470-9470-5200-00	Sales Tax	Forestry Program	7,534	18	7,552
4470-9470-5209-00	Sales Tax	Police Computer & Network Upgrade	4,829	0	4,829
4470-9470-5209-00	Sales Tax	Software Upgrades - City Wide	30,422	60,736	91,158
4470-9470-5212-00	Sales Tax	M U T C D Sign Machine Material	23,879	0	23,879
4470-9470-5220-00	Sales Tax	Forestry Program	46,802	2,658	49,460
4470-9470-5301-00	Sales Tax	Sanitary Sewer Rehabilitation	253	0	253
4470-9470-5308-03	Sales Tax	School Zone Thermoplastic Imprvs	93	1,140	1,233
4470-9470-5314-00	Sales Tax	Impact Fee Study - City Wide	0	4,072	4,072
4470-9470-5314-00	Sales Tax	Library Master Plan Development	3,473	0	3,473
4470-9470-5314-00	Sales Tax	Drainage Study And Master Plan	381,789	0	381,789
4470-9470-5314-00	Sales Tax	Radio System Replacement	78,606	77,526	156,132
4470-9470-5314-00	Sales Tax	Lk. Fay. Dam - Emergency Action Plan	5,954	0	5,954
4470-9470-5314-02	Sales Tax	Multi-Level Parking Deck	0	226,939	226,939
4470-9470-5314-03	Sales Tax	New Central Library Building	0	5,827	5,827
4470-9470-5315-00	Sales Tax	N.W.S. Supplemental Software	18,051	0	18,051
4470-9470-5315-00	Sales Tax	Website Design & Content System	99,000	0	99,000
4470-9470-5315-00	Sales Tax	In-House Pavement Improvements	460	0	460
4470-9470-5315-00	Sales Tax	Forestry Program	6,358	0	6,358
4470-9470-5400-00	Sales Tax	Lake Fayetteville/Sequoyah Imps	62,117	0	62,117
4470-9470-5400-00	Sales Tax	Building Improvements - Leased Buildings	9,878	0	9,878
4470-9470-5400-00	Sales Tax	Kennel Cage Doors - Woven Wire Repl	9,600	0	9,600
4470-9470-5400-00	Sales Tax	Police Building Improvements	65,378	0	65,378
4470-9470-5400-00	Sales Tax	Concession/Restroom Improvements	5,000	0	5,000
4470-9470-5400-00	Sales Tax	Fire Facility Maintenance	8,147	4,644	12,791
4470-9470-5400-00	Sales Tax	Building Improvements	132,080	0	132,080
4470-9470-5720-00	Sales Tax	Library Hvac Replacement & Improvement	4,353	0	4,353

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Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
4470-9470-5801-00	Sales Tax	Radio System Replacement	26,267	39,341	65,608
4470-9470-5801-00	Sales Tax	W & S Improvements - Defined By Study	9,892	0	9,892
4470-9470-5801-00	Sales Tax	Traffic Signal Improvements	22,076	0	22,076
4470-9470-5801-00	Sales Tax	Animal Shelter A/C Replacement	1,492	750	2,242
4470-9470-5801-00	Sales Tax	Police Building Improvements	53,746	8,235	61,981
4470-9470-5801-00	Sales Tax	Interactive Voice Reponse System	65,000	0	65,000
4470-9470-5801-00	Sales Tax	Forestry Program	314	0	314
4470-9470-5801-00	Sales Tax	Economic Development Matches	75,000	0	75,000
4470-9470-5801-00	Sales Tax	Document Imaging System	88,188	0	88,188
4470-9470-5802-00	Sales Tax	Aerial Ladder Fire Apparatus - Repl	557,304	0	557,304
4470-9470-5804-00	Sales Tax	T.C.A. Building - Renovation Improvements	283,330	20,895	304,225
4470-9470-5804-00	Sales Tax	Fire Station - #7 Escrow Funds	20,000	0	20,000
4470-9470-5804-00	Sales Tax	Lewis/Asbell Athletic Complex	57,717	0	57,717
4470-9470-5804-00	Sales Tax	Blue Building Renovation	9,718	0	9,718
4470-9470-5804-00	Sales Tax	Walker Park Senior Complex	162,192	1,229,189	1,391,381
4470-9470-5805-00	Sales Tax	Employee Parking Lot	147,600	0	147,600
4470-9470-5806-00	Sales Tax	Wilson Pool Improvements	217	2,669	2,886
4470-9470-5806-00	Sales Tax	Wilson Park Improvements	13,768	0	13,768
4470-9470-5808-00	Sales Tax	Double Springs Road Bridge Replacement	0	7,279	7,279
4470-9470-5808-00	Sales Tax	Double Springs Road Bridge Replacement	51,600	0	51,600
4470-9470-5809-00	Sales Tax	Research & Technology Park	331,975	0	331,975
4470-9470-5808-00	Sales Tax	Fayetteville Boys & Girls Club W/S Imprvs	124,000	0	124,000
4470-9470-5808-00	Sales Tax	W & S Improvements - Defined By Study	19,330	76,729	96,059
4470-9470-5808-00	Sales Tax	Water And Sewer Cost Sharing	24,542	0	24,542
4470-9470-5808-00	Sales Tax	Lake Fayetteville Dam - Monitor Wells	30,718	0	30,718
4470-9470-5809-00	Sales Tax	Street Row / Intersection / Cost Sharing	277,670	24,666	302,336
4470-9470-5809-00	Sales Tax	Gregg Avenue - Highway 71 To Mud Creek	35,000	0	35,000
4470-9470-5809-00	Sales Tax	Cleveland Improvements - Leverett To Hall	768,339	0	768,339
4470-9470-5809-00	Sales Tax	Cleveland Street - Garland To Frisco	0	10,340	10,340
4470-9470-5809-00	Sales Tax	Dickson Street Enhancements	2,904,836	0	2,904,836
4470-9470-5809-00	Sales Tax	Hollywood Str - 6th & Sang Ave Intersection	410,559	0	410,559

City of Fayetteville, Arkansas - Budget Workpapers
2002 Annual Budget
Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
4470-9470-5809-00	Sales Tax	In-House Pavement Improvements	233,978	0	233,978
4470-9470-5809-00	Sales Tax	Kings Drive Reconstruction	531,227	4,367	535,594
4470-9470-5809-00	Sales Tax	Steele Property - Street Improvements	0	74,182	74,182
4470-9470-5809-00	Sales Tax	Starr Drive Street Improvements	61,200	0	61,200
4470-9470-5809-00	Sales Tax	Old Missouri Road Improvements	1,231,192	156,177	1,387,369
4470-9470-5814-00	Sales Tax	Sidewalk Improvements	164,405	71,547	235,952
4470-9470-5814-00	Sales Tax	Park Trail Development	180,000	0	180,000
4470-9470-5814-00	Sales Tax	Fayetteville Multi-Use Trail	382,330	546,299	928,629
4470-9470-5815-00	Sales Tax	Sanitary Sewer Rehabilitation	0	32,932	32,932
4470-9470-5817-00	Sales Tax	Miscellaneous Drainage Improvements	94,631	67,372	162,003
4470-9470-5817-00	Sales Tax	Double Springs Road Bridge Replacement	22,207	2,539	24,746
4470-9470-5817-00	Sales Tax	Drainage Study And Master Plan	128,727	0	128,727
4470-9470-5817-00	Sales Tax	Ora Drive Drainage Improvements	148,342	0	148,342
4470-9470-5817-00	Sales Tax	Stonebridge - Street & Drainage Imprvs	173,434	0	173,434
4470-9470-5817-00	Sales Tax	Sequoyah Meadows Drainage Imprvs	1,443	16,000	17,443
4470-9470-5821-00	Sales Tax	Geographic Information System	26,153	0	26,153
4470-9470-5890-00	Sales Tax	Traffic Signal Improvements	116,934	5,484	122,418
4470-9470-5890-00	Sales Tax	Mobile Data Terminal - Communications Sys	10,828	9,800	20,628
4470-9470-5890-00	Sales Tax	Geographic Information System	58,858	316	59,174
4470-9470-5890-00	Sales Tax	Kennel Cage Doors - Woven Wire Repl	6,284	0	6,284
4470-9470-5890-00	Sales Tax	Forestry Program	2,510	0	2,510
4470-9470-5890-00	Sales Tax	Microcomputer Replacements	6,982	940	7,922
4470-9470-5890-00	Sales Tax	Police Building Improvements	10,561	0	10,561
4470-9470-5890-00	Sales Tax	Radio System Replacement	2,914	58	2,972
4470-9470-5890-00	Sales Tax	Local Access Network (LAN) Upgrades	60,000	0	60,000
4470-9470-5890-00	Sales Tax	Police Computer & Network Upgrade	32,608	0	32,608

City of Fayetteville, Arkansas - Budget Workpapers

2002 Annual Budget

Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
4470-9470-5890-00	Sales Tax	Printer Replacements	14,915	0	14,915
4470-9470-5890-00	Sales Tax	P.E.G. Television Center - Equipment	35,999	10	36,009
4470-9470-5890-00	Sales Tax	Police Handgun Replacements	3,488	59,063	62,551
			9,757,361	2,850,739	12,608,100
5400-1820-5100-01	Meter	Salary Contingency	14,000	0	14,000
5400-1820-5102-00	Meter	Extra Services	8,000	0	8,000
5400-1820-5103-00	Meter	Overtime	6,000	0	6,000
5400-1820-5302-00	Meter	Uniforms & Personal Equipment	3,000	0	3,000
5400-1820-5304-00	Meter	Travel & Training (License Requirements/AWWA)	3,000	0	3,000
5400-1820-5304-00	Meter	Travel & Training (Staff Development)	3,000	0	3,000
5400-1820-5304-00	Meter	Travel & Training (WEF/AWWA Joint Conference)	1,162	0	1,162
5400-1820-5310-01	Meter	Telephone Expense	1,000	0	1,000
5400-1820-5311-01	Meter	Insurance - Self	1,500	0	1,500
5400-1820-5314-00	Meter	Impact Fee Study - City Wide	0	11,126	11,126
5400-1820-5314-00	Meter	W & S Operations/Rate Study	51,039	0	51,039
5400-1820-5314-00	Meter	Professional Services (Impact Fee Study - Phase II)	0	30,020	30,020
5400-1820-5319-00	Meter	Bad Debt Expense	49,000	0	49,000
5400-1820-5320-01	Meter	Bank Service Charges	1,000	0	1,000
5400-1820-5333-00	Meter	Collection Expense	2,000	0	2,000
5400-1820-5403-00	Meter	Vehicle & Machine Maintenance	2,000	0	2,000
5400-1820-5811-00	Meter	Water Meters	172,194	0	172,194
5400-1820-5890-00	Meter	Cash Register Replacement	8,197	0	8,197
5400-1820-5890-00	Meter	Minor Equipment (New Office Requirements)	25,000	0	25,000
5400-1820-5890-00	Meter	Minor Equipment	9,000	0	9,000
5400-1830-5216-00	Backflow	Construction Materials	25,000	0	25,000
5400-1830-5302-00	Backflow	Uniforms & Personal Equipment	1,000	0	1,000
5400-1830-5304-00	Backflow	Travel & Training (License Requirements/AWWA)	3,000	0	3,000
5400-1830-5304-00	Backflow	Travel & Training (Staff Development)	3,000	0	3,000

City of Fayetteville, Arkansas - Budget Workpapers
2002 Annual Budget
Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
5400-1830-5311-00	Backflow	Insurance - Self	2,000	0	2,000
5400-1830-5403-00	Backflow	Vehicle & Machine Maintenance	5,000	0	5,000
5400-1830-5801-00	Backflow	Backflow Prevention Assemblies	40,748	0	40,748
5400-1830-5801-00	Backflow	Fixed Assets	5,000	0	5,000
5400-1830-5890-00	Backflow	Backflow Prevention Assemblies	13,000	0	13,000
5400-1830-5890-00	Backflow	Minor Equipment	25,000	0	25,000
5400-4000-5100-01	W&S Maint.	Salary Contingency	11,852	0	11,852
5400-4000-5103-00	W&S Maint.	Overtime	15,000	0	15,000
5400-4000-5200-00	W&S Maint.	Office Supplies & Printing	10,000	0	10,000
5400-4000-5217-00	W&S Maint.	Safety Devices	8,000	0	8,000
5400-4000-5304-00	W&S Maint.	Travel & Training	5,000	0	5,000
5400-4000-5314-00	W&S Maint.	Professional Services	20,000	0	20,000
5400-4000-5314-02	W&S Maint.	Engineering Services	10,000	0	10,000
5400-4000-5315-00	W&S Maint.	Contract Services	16,000	0	16,000
5400-4310-5103-00	W&S Maint.	Overtime	23,000	0	23,000
5400-4310-5216-00	W&S Maint.	Construction Materials	65,000	0	65,000
5400-4310-5315-00	W&S Maint.	Contract Services	3,000	0	3,000
5400-4310-5403-00	W&S Maint.	Vehicle & Machine Maintenance	2,000	0	2,000
5400-4310-5810-00	W&S Maint.	Easements	2,500	0	2,500
5400-4330-5215-00	W&S Maint.	Construction Materials	1,000	0	1,000
5400-4330-5315-00	W&S Maint.	Contract Services	10,000	0	10,000
5400-4330-5890-00	W&S Maint.	Minor Equipment	1,500	0	1,500
5400-4410-5103-00	W&S Maint.	Overtime	28,000	0	28,000
5400-4410-5216-00	W&S Maint.	Construction Materials	25,000	0	25,000
5400-4410-5403-00	W&S Maint.	Vehicle & Machine Maintenance	2,000	0	2,000
5400-5100-5328-01	WWTP	Special Purchases (Odor Control)	120,000	0	120,000
5400-5600-5314-00	W&S Capital	Water & Sewer Operations Building	23,100	61,099	84,199
5400-5600-5804-00	W&S Capital	Water & Sewer Operations Building	1,966,814	0	1,966,814
5400-5600-5808-00	W&S Capital	Ash St Backup Generator & WI Crossings	67,155	0	67,155
5400-5600-5808-00	W&S Capital	Garland Ave - Water/Sewer Relocations	389,407	0	389,407
5400-5600-5808-00	W&S Capital	East Ridgeway - Water Line Extension	273,579	0	273,579

City of Fayetteville, Arkansas - Budget Workpapers
2002 Annual Budget
Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
5400-5600-5808-00	W&S Capital	36" Water Line Replacement & Protection	1,084,427	0	1,084,427
5400-5600-5808-00	W&S Capital	White River Bridge - 45 East Waterline	71,691	89,381	161,072
5400-5600-5808-00	W&S Capital	Water And Sewer Cost Sharing	175,476	26,380	201,856
5400-5600-5808-00	W&S Capital	Highway 265 - Water/Sewer Relocations	0	49,780	49,780
5400-5600-5808-00	W&S Capital	Hinkle Mobile Home - Water Line Repl	43,694	85,111	128,805
5400-5600-5808-00	W&S Capital	Mount Sequoyah W/S System Upgrade	405,000	0	405,000
5400-5610-5801-00	W&S Maint.	Fixed Assets	13,000	0	13,000
5400-5620-5215-00	W&S Maint.	Construction Materials	6,000	0	6,000
5400-5620-5315-00	W&S Maint.	Contract Services	1,000	0	1,000
5400-5700-5314-00	W&S Capital	Wastewater Treatment Plant - Engineering	0	69,418	69,418
5400-5700-5314-01	W&S Capital	Wastewater Treatment Plant - Engineering	0	21,500	21,500
5400-5700-5315-00	W&S Capital	S.C.A.D.A. System Upgrade	3,222	0	3,222
5400-5700-5815-00	W&S Capital	Sanitary Sewer Rehabilitation	425,000	95,132	520,132
5400-5800-5801-00	WWTP	Plant Pumps And Equipment	1,104	0	1,104
5400-5800-5801-00	WWTP	Ultraviolet Disinfection System	54,184	0	54,184
5400-5800-5890-00	WWTP	Testing Equipment	7,873	0	7,873
5400-5800-5890-00	WWTP	Plant Pumps And Equipment	46,110	4,301	50,411
5400-5800-5890-00	WWTP	W.W.T.P. Computer Sys Upgrade/Maint	10,532	0	10,532
5400-5800-5890-00	WWTP	Safety Equipment Improvements	17,584	0	17,584
			5,947,644	543,248	6,490,892
5500-5000-5100-01	Solid Waste	Salary Contingency	13,968	0	13,968
5500-5000-5103-00	Solid Waste	Overtime	1,000	0	1,000
5500-5000-5200-00	Solid Waste	Office Supplies & Printing	2,000	0	2,000
5500-5000-5301-00	Solid Waste	Public Notification	2,500	0	2,500
5500-5000-5304-00	Solid Waste	Travel & Training	4,000	0	4,000
5500-5000-5314-00	Solid Waste	Professional Services	10,000	0	10,000
5500-5000-5314-00	Solid Waste	Solid Waste Rate Study	14,771	0	14,771
5500-5000-5314-00	Solid Waste	City Wide Waste Audit	35,000	0	35,000
5500-5000-5400-00	Solid Waste	Building & Grounds Maintenance	2,000	0	2,000

City of Fayetteville, Arkansas - Budget Workpapers
2002 Annual Budget
Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
5500-5000-5890-00	Solid Waste	Minor Equipment	2,000	0	2,000
5500-5010-5801-00	Solid Waste	Commercial Cart Program	12,859	0	12,859
5500-5010-5870-00	Solid Waste	Commercial Cart Program	7,999	0	7,999
5500-5020-5302-00	Solid Waste	Uniforms & Personal Equipment	7,000	0	7,000
5500-5020-5890-00	Solid Waste	Minor Equipment	2,000	0	2,000
5500-5060-5212-00	Solid Waste	Signs (Supplies)	1,000	0	1,000
5500-5060-5225-00	Solid Waste	Recycling Materials	10,000	0	10,000
5500-5060-5301-00	Solid Waste	Public Notification	1,500	0	1,500
5500-5060-5302-00	Solid Waste	Uniforms & Personal Equipment	3,150	0	3,150
5500-5060-5304-00	Solid Waste	Travel & Training	1,500	0	1,500
5500-5060-5314-00	Solid Waste	Professional Services	10,000	0	10,000
5500-5060-5342-00	Solid Waste	Promotional Activities	2,000	0	2,000
5500-5060-5816-00	Solid Waste	Dumpster Lease Program	50,000	0	50,000
5500-5060-5816-00	Solid Waste	Curbside Recycling Improvements	35,000	0	35,000
5500-5060-5890-00	Solid Waste	Roll-Off Containers	6,894	0	6,894
5500-5060-5890-00	Solid Waste	Collection Bins	10,000	0	10,000
5500-5070-5304-00	Solid Waste	Travel & Training	2,000	0	2,000
5500-5070-5342-00	Solid Waste	Promotional Activities	3,000	0	3,000
5500-5070-5400-00	Solid Waste	Building & Grounds Maintenance	1,000	0	1,000
5500-5070-5816-00	Solid Waste	Composting Site Improvements	55,852	0	55,852
			309,993	0	309,993
5550-0955-6803-00	Airport	State Grants on Federal Projects	(21,635)	(115,809)	(137,444)
5550-0955-6820-25	Airport	AIP Grant - Airfield Lighting Rehabilitation	(139,942)	0	(139,942)
5550-0955-6820-28	Airport	AIP Grant - Ernest Lancaster Drive	(133,422)	0	(133,422)
5550-0955-6820-29	Airport	AIP Grant - Pavement Maintenance	(116,060)	(2,084,566)	(2,200,626)
5550-3940-5209-00	Airport	Software	500	0	500
5550-3940-5240-00	Airport	Chemicals	100	0	100
5550-3940-5302-00	Airport	Uniforms & Personal Equipment	1,486	0	1,486

City of Fayetteville, Arkansas - Budget Workpapers
2002 Annual Budget
Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
5550-3940-5304-00	Airport	Travel & Training (Moving expense)	10,000	0	10,000
5550-3940-5314-00	Airport	Professional Services	1,500	0	1,500
5550-3940-5319-00	Airport	Bad Debt Expense	500	0	500
5550-3940-5342-00	Airport	Promotional Activities	1,211	0	1,211
5550-3940-5400-00	Airport	Building & Grounds Maintenance	20,000	0	20,000
5550-3940-5407-00	Airport	Small Equipment Maintenance	291	0	291
5550-3940-5890-00	Airport	Minor Equipment	1,305	0	1,305
5550-3950-5308-03	Airport	Equipment Rental	2,000	0	2,000
5550-3950-5314-00	Airport	Professional Services	1,000	0	1,000
5550-3950-5402-00	Airport	Radio Maintenance	102	0	102
5550-3950-5403-00	Airport	Vehicle & Machine Maintenance	500	0	500
5550-3950-5405-00	Airport	Lighting Equipment Maintenance	1,355	0	1,355
5550-3950-5407-00	Airport	Small Equipment Maintenance	395	0	395
5550-3950-5890-00	Airport	Minor Equipment	627	0	627
5550-3960-5314-00	Airport	Professional Services	271,578	0	271,578
5550-3960-5314-00	Airport	T-Hangar Unit	0	3,594	3,594
5550-3960-5400-00	Airport	Hangar Rehabilitation	186,317	0	186,317
5550-3960-5804-00	Airport	T-Hangar Unit	63,493	41,022	104,515
5550-3960-5804-00	Airport	Individual Hangar	371,003	0	371,003
5550-3960-7820-25	Airport	Airfield Lighting Rehabilitation - A.I.P. #25	155,491	0	155,491
5550-3960-7820-28	Airport	Ernest Lancaster Drive Extension	148,247	0	148,247
5550-3960-7820-29	Airport	Pavement Maintenance & Rehabilitation	128,955	2,316,184	2,445,139
5550-3960-7820-30	Airport	High Intensity Runway Lights	50,000	0	50,000
			1,006,897	160,425	1,167,322
9700-1910-5100-01	Fleet Ops.	Salary Contingency	7,991	0	7,991
9700-1910-5200-00	Fleet Ops.	Office Supplies & Printing	2,250	0	2,250
9700-1910-5202-00	Fleet Ops.	Shop Supplies	2,000	0	2,000
9700-1910-5203-00	Fleet Ops.	Cleaning Supplies	14,000	0	14,000

City of Fayetteville, Arkansas - Budget Workpapers
2002 Annual Budget
Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
9700-1910-5209-00	Fleet Ops.	Software	1,500	0	1,500
9700-1910-5212-00	Fleet Ops.	Signs	3,000	0	3,000
9700-1910-5213-00	Fleet Ops.	Gasoline	14,985	0	14,985
9700-1910-5213-01	Fleet Ops.	Diesel	29,000	0	29,000
9700-1910-5214-00	Fleet Ops.	Parts, Oil, and Accessories (Vehicle Part Re-Ordered)	0	508	508
9700-1910-5214-00	Fleet Ops.	Parts, Oil, and Accessories	100,000	0	100,000
9700-1910-5214-01	Fleet Ops.	Tires	14,500	0	14,500
9700-1910-5302-00	Fleet Ops.	Uniforms & Personal Equipment	1,000	0	1,000
9700-1910-5304-00	Fleet Ops.	Travel & Training	10,000	0	10,000
9700-1910-5308-03	Fleet Ops.	Equipment Rental	1,500	0	1,500
9700-1910-5309-00	Fleet Ops.	Lease Expense	2,500	0	2,500
9700-1910-5315-00	Fleet Ops.	Contract Services	25,000	0	25,000
9700-1910-5400-00	Fleet Ops.	Building & Grounds Maintenance	2,000	0	2,000
9700-1910-5401-00	Fleet Ops.	Office Machine Maintenance	350	0	350
9700-1910-5402-00	Fleet Ops.	Radio Maintenance	300	0	300
9700-1910-5890-00	Fleet Ops.	Minor Equipment	18,500	0	18,500
9700-1920-5301-00	Fleet Ops.	Light/Medium Utility Vehicles - Repl / Exp	314	0	314
9700-1920-5801-00	Fleet Ops.	Fuel Storage - Repl.	20,630	0	20,630
9700-1920-5801-00	Fleet Ops.	Fleet Operations Maintenance System	70,659	0	70,659
9700-1920-5802-00	Fleet Ops.	Medium/Heavy Utility Vehicles - Repl / Exp	538,461	0	538,461
9700-1920-5802-00	Fleet Ops.	Back Hoe/Loaders - Repl / Exp	29,605	0	29,605
9700-1920-5802-00	Fleet Ops.	Construction Equipment - Exp	85,525	0	85,525
9700-1920-5802-00	Fleet Ops.	Fire Vehicles/Equipment - Replacement	91,299	0	91,299
9700-1920-5802-00	Fleet Ops.	Police/Passenger Vehicles - Repl / Exp	220,875	0	220,875
9700-1920-5802-00	Fleet Ops.	Light/Medium Utility Vehicles - Repl / Exp	395,612	0	395,612
9700-1920-5802-00	Fleet Ops.	Sanitation Vehicles/Equipment - Repl / Exp	697,711	0	697,711
9700-1920-5802-00	Fleet Ops.	Tractor/Mower - Repl / Exp	197,532	0	197,532
9700-1920-5802-00	Fleet Ops.	Other Vehicles/Equipment - Repl / Exp	217,938	6,075	224,013
9700-1920-5804-00	Fleet Ops.	Wash Bay & Covered Storage Improvements	40,090	0	40,090
			2,856,627	6,583	2,863,210

City of Fayetteville, Arkansas - Budget Workpapers
2002 Annual Budget
Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
\$	22,296,891	\$	5,063,707	\$	27,360,598

STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2002

FROM:

<u>Eric J. Schuldt</u>	<u>Parks and Recreation</u>	<u>Urban Development</u>
Name	Division	Department

ACTION REQUIRED:

Approval of the Parks and Recreation Ten-Year Master Plan with guiding policies and implementation strategies.

COST TO CITY:		
0	\$105,036	Park Master Plan
Cost of this Request	Category/Project Budget	Category/Project Name
4470-9470-5315-00	\$104,848	Park Improvements
Account Number	Funds Used To Date	Program Name
00017-1	\$188	Sales Tax
Project Number	Remaining Balance	Fund

BUDGET REVIEW:	Budgeted Item	Budget Adjustment Attached
<u>Stephan 1/31/02</u>		
Budget Manager	Administrative Services Director	

CONTRACT/GRANT/LEASE REVIEW:	GRANTING AGENCY:		
<u>Marsha Fathig</u>	<u>1/31/02</u>	<u>Nancy Smith</u>	<u>1/31/02</u>
Accounting Manager	Date	Internal Auditor	Date
<u>D. J. Whitel</u>	<u>1/31/02</u>		
City Attorney	Date	ADA Coordinator	Date
<u>P. Lee</u>	<u>1/31/02</u>		
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Approval of Contract

<u>Connie Edmonston</u>	<u>1-27-02</u>	Cross Reference
Division Head	Date	
<u>Hugh Earnest</u>	<u>1-31-02</u>	New Item: Yes ☒ No
Department Director	Date	
<u>Dan Coody</u>	<u>2/2/02</u>	Prev Ord/Res #: 83-00
Administrative Services Director	Date	Orig Contract Date: June 20, 2000
Mayor		Orig Contract Number: 763

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council
THRU: Hugh Earnest, Urban Development Director
Connie Edmonston, Parks and Recreation Superintendent *C.E.*
FROM: Eric J. Schuldt, Parks Development Coordinator *ES*
DATE: January 21, 2002
SUBJECT: Parks and Recreation Master Plan

Background

During the past two years, the Parks and Recreation Division has been working with the Master Planning Team of Lose & Associates and the citizens of Fayetteville to develop a ten-year planning document for Fayetteville Parks and Recreation. The Parks and Recreation Master Plan recommendations were generated from numerous public input sessions including ten public meetings, over 5,900 mailed surveys, interviews with City Council, City Officials, Parks and Recreation Advisory Board members, Park Staff, and an all day Steering Committee Workshop with 47 Fayetteville citizens.

Current Status

The Parks and Recreation Master Plan was approved by the Parks and Recreation Advisory Board on April 26, 2001. After initial review by the Planning Commission, staff members from the Urban Development Department formatted, utilizing recommendations from Lose & Associates, a list of guiding policies and implementation strategies. This information was approved by the Parks and Recreation Advisory Board on November 5, 2001 and by the Planning Commission on November 26, 2001. These guiding policies and procedures can be found at the front of the Master Plan Executive Summary and will be placed in the General Plan 2020.

Recommendation

The Parks and Recreation Division seeks approval of the Parks and Recreation Master Plan with guiding policies and implementation strategies. Upon receiving approval from City Council, Parks and Recreation will utilize the Master Plan to serve the citizens of Fayetteville. If you have any questions or need additional information, please call me at 444-3472 or Connie Edmonston at 444-3473.

Attachments:

Parks and Recreation Master Plan

Parks and Recreation Advisory Board Meeting Minutes, April 26, 2001

Parks and Recreation Advisory Board Meeting Minutes, November 5, 2001

Planning Commission Meeting Minutes, November 26, 2001

**MINUTES OF A MEETING
OF THE
PARKS AND RECREATION ADVISORY BOARD**

APRIL 26, 2001

A meeting of the Fayetteville Parks and Recreation Advisory Board was held on April 26, 2001 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Parks and Recreation Advisory Board members Colwell, Ackerman, Shoulders, Cook, Hill, Nickell, Eads and Mauritsen; City staff Edmonston, Gulley, Schuldt, Nelson, Press, and Audience.

AGENDA

I. Introduction

Parks and Recreation Advisory Board Chairman Wade Colwell introduced advisory board members.

II. Welcome - Mayor Dan Coody

Mayor Dan Coody expressed appreciation for the work of the Parks and Recreation Advisory Board. He said he was looking forward to trying to enact some of the ideas presented and continue efforts to make Parks and Recreation even more responsive to the public.

III. Staff & Audience Introductions

Parks and Recreation Superintendent Connie Edmonston introduced Turf & Facility Coordinator, Terry Gulley; Parks Development Coordinator, Eric Schuldt; Operations Assistant, John Nelson; Master Plan Steering Committee members John Lewis, Jennifer Michaels, and Beverly Milton; Ward 1 Alderman Brenda Thiel; City Planner, Tim Conklin; Urban Development Director, Hugh Earnest; and Celia Silkwood of Washington County Planning.

Chris Camp, Vice President of Lose & Associates, introduced associates John Lavender and George Brogdon. Marvin Billups who also participated as a recreation specialist in the development of the comprehensive master plan was not present.

IV. Presentation/Discussion/Public Comments: Chris Camp

Mr. Camp said the plan was developed utilizing public input by conducting a series of public meetings, by hosting a steering committee workshop, by interviewing city board and staff members, and by distributing a survey to approximately 5,900 citizens.

The presentation included a demographic analysis, a history of planning, public input findings, an

analysis of the Parks and Recreation Division, park assessments and recommendations, and project funding recommendations. The master plan outlines a ten-year spending plan recommending new construction and renovation projects totaling \$34.8 million.¹ A copy of the preliminary park master plan is on file at the Parks and Recreation office.

Review of the demographic profile of the community reveals more than 90 percent of the population is under the age of 65, with nearly 46 percent under the age of 24. These statistics reveal a large group of residents who would participate in organized team and individual-based sports. Public input suggested a need for increased programs for the adult population.²

Steering Committee participants were asked to develop and prioritize a list of operation and facility additions and improvements. Facility priorities included a multi-sports complex with field sports, a city/regional trail network, an indoor sports complex, a water park, the development of neighborhood parks, a Lake Fayetteville perimeter trail, et al. Program priorities included coaches education, community after school/summer in the park, a volunteer coordinator staff position, unified sports, et al.

A twenty-one-question survey was distributed throughout the city at random. Approximately 5,900 surveys were distributed, and 19 percent were returned. Respondents identified the equal development of community and neighborhood parks as most important followed by the development of linear parks and trails throughout the city, the purchase and development of community parks more than ten acres in size, and the purchase and development of neighborhood parks less than ten acres in size. Survey results also suggested respondents supported land being acquired and set aside strictly for land preservation. Public input findings suggests the construction of a city trail network providing safe pedestrian passage between neighborhoods, parks, and schools, preservation of natural areas and increased open space, along with a better mix of community parks combined with more developed neighborhood parks are viewed as significant elements of a park system.³

An analysis of Parks and Recreation staff organization resulted in recommendations of additional personnel including a Greenway Supervisor, a Greenway Coordinator, a Planning Supervisor, additional secretary/clerical support, et al. Title changes for key personnel and consolidating arborist and landscape/horticulturist positions were also recommended.

An analysis of programs and providers (Parks and Recreation, Fayetteville Boys and Girls Club, the Walton Arts Center, the Botanical Garden Society of the Ozarks, the Community Adult Center, the

¹Lose & Associates, Inc. "Fayetteville Arkansas - Comprehensive Parks and Recreation Master Plan". p. 8.1.

²Lose & Associates, Inc. "Fayetteville Arkansas - Comprehensive Parks and Recreation Master Plan". pp. 2.3-2.4.

³Lose & Associates, Inc. "Fayetteville Arkansas - Comprehensive Parks and Recreation Master Plan." pp. 4.18-4.26.

Yvonne Richardson Center) revealed a variety of recreation opportunities are available to the public. The master plan recommends placing the Yvonne Richardson Center under the supervision of Parks and Recreation or the Fayetteville Boys Club to maximize its potential and continue city funding for all expenses incurred by the Center.

The total land area of more than 2,500 acres and water area of 739 acres provides a wide variety of recreational opportunities. With 55 acres for every 1,000 residents, the current parks system exceeds the national average of 10 1/4 acres for every 1,000 residents developed by the National Recreation and Park Association. Examination of the four city quadrants reveals a slight deficiency of park acreage in the northwest district (-16.56 acres) and an even larger shortage in the southwest park district (-160.01 acres). A surplus of 131.19 acres and 1,645.10 acres were found in the northeast and southeast park districts respectively. General park evaluations and observations of existing park facilities revealed a lack of fully accessible park facilities as defined by the Americans with Disabilities Act guidelines, lack of consistency in maintenance, signage, picnic shelters, tennis courts, et al.⁴ The master plan recommends developing some existing undeveloped park land, acquiring additional acreage at Gary Hampton Softball Complex to create a community park, and the construction of a community park on the land adjacent to the proposed new sewage treatment facility. The creation of this park would provide acreage in the southwest district and allow safety and maintenance problems at Walker Park to be addressed. The proposed location would allow development of tournament facilities for youth baseball/softball, soccer, tennis, pavilions and picnic shelters, a playground, a swimming pool, trails, etc. Baseball fields at Walker Park could be used as practice fields along with the soccer fields at Lewis Soccer Complex.⁵

If current funding levels continue, recommended facility expansion and improvements with no debt service could be obtained within a period ranging from approximately 12 to 31 years. Funding alternatives included general bond programs paid back with tax revenue and revenue generated by park facilities or through a combination of dedicated sales tax or millage-income. Higher program and user fees could also be utilized. Other funding recommendations include zoning and regulatory funding, grants, and private donations and partnerships.⁶ Greenway development, developing neighborhood parks, working toward compliance with ADA and other safety issues regarding playgrounds, providing more tennis courts, pavilions, and other amenities, and improve safety and condition of current athletic facilities are recommended priorities if funding does not increase.

Parks and Recreation Advisory Board Chairman Wade Colwell questioned the feasibility of additional swimming pools since climates restricts usage to only three months out of a year. He said a large number

⁴Lose & Associates, Inc. "Fayetteville Arkansas - Comprehensive Parks and Recreation Master Plan". pp. 6.1-6.15.

⁵Lose & Associates, Inc. "Fayetteville Arkansas - Comprehensive Parks and Recreation Master Plan". pp. 6.75-6.78.

⁶Lose & Associates, Inc. "Fayetteville Arkansas - Comprehensive Parks and Recreation Master Plan." pp. 8.1-8.7.

of pools were located in apartment complexes, private residences, the Fayetteville Boys and Girls Club, the University of Arkansas, and private organizations and country clubs which meets swimming needs for some individuals. High labor and maintenance costs were a concern. Mr. Colwell suggested possibly creating swim beaches at Lake Sequoyah or Lake Wilson, if water quality allowed, to meet swimming needs of many people instead of constructing new swimming pools. Mr. Camp said adding pools at Gary Hampton and the proposed sewage treatment plant site were recommended because these locations will be tournament sites and will have potential to generate revenue. Mr. Camp said the current swimming pool admission fees were extremely low when compared to other facilities.

Mr. Hill commented on survey responses indicating 60 percent of people did not participate in youth or adult programs. Mr. Camp said the number could be a reflection of individual recreation. The city's natural setting also provides recreational needs, i.e. kayaking, hiking, mountain biking et al. Mr. Camp said some people who participate in walking, fishing or special events may not have considered those activities as organized programs. The city also offers a unique blending of providers such as the Walton Arts Center for cultural arts and other activities outside of parks.

Mr. Camp said current open space studies indicate a 20 to 40 percent increase in property values when located by a passive park or open space; locations adjacent to active park facilities neutralize property values. A local realtor disagreed. She said neighborhood parks cost homeowners within the subdivision considerably and should be considered for selling. She said property owners do not want to be located next to a park and those pieces of real estate have a lower market value.

Ms. Ann Lawler said property owners at past Sidewalks & Trails meetings had encouraged construction of the Prairie Trail because they expected it to raise their property values. Parks are often used to market homes, Ms. Lawler said. She said greenways between parks for walking were very favorable.

Ms. Beverly Melton said every public meeting began with a request for trails. She said she does not participate in adult programs, but she watches her grandchildren play. She said consideration needed to be given to those who are active in the parks but who are not participating.

Ms. Jennifer Michaels favored passive use parks along with trails and greenspace. Recognizing a need for a concentrated sports facility, Ms. Michaels said it would help parents juggling schedules and take the pressure off of other parks. She also suggested freeing staff time to participate in seminars and discuss new ideas and technologies. Mr. Gulley said all the sports facilities in Fayetteville amount to approximately four percent of current park land.

Mr. Cook expressed maintenance budget concerns. Mr. Camp said hopefully most maintenance costs would be recaptured by revenue generation. Consolidation and proper equipment purchases are also ways to cut maintenance costs.

Ms. Nickell said she liked the idea of uniform signage to help create an identity for the parks system.

Staff recommends approval of the master plan as a working tool.

V. Parks and Recreation Advisory Board Recommendation

MOTION:

Ms. Nickell moved to accept the preliminary Parks and Recreation Master Plan as a working model and present it to City Council.

Mr. Shoulders seconded the motion.

Upon roll call, the motion was approved unanimously 7-0-0, with board members Colwell, Shoulders, Cook, Hill, Nickell, Eads, and Mauritsen voting 'yes'.

Mr. Schuldt said two preliminary plans were available for viewing at the public library.

VI. Adjournment

Mr. Colwell adjourned the meeting at 8:25 p.m.

MINUTES APPROVED: MAY 7 2001

MINUTES TAKEN BY:

John Nelson
John Nelson

**MINUTES OF A MEETING
OF THE
PARKS AND RECREATION ADVISORY BOARD**

November 5, 2001

A meeting of the Fayetteville Parks and Recreation Advisory Board was held on November 5, 2001 at 5:15 p.m. at Genesis Technology Incubator - Engineering Research Center, 700 Research Center Boulevard, Fayetteville, Arkansas.

PRESENT: Parks and Recreation Advisory Board members Colwell, Cook, Hill, Nickell, Shoulders and Mauritsen; City Staff Edmonston, Hatfield, Schuldt, Nelson; Press; and Audience.

ABSENT: Eads

AGENDA

I. Approval of PRAB October 8, 2001 meeting minutes.

MOTION:

Mr. Ackerman moved to approve the Parks and Recreation Advisory Board October 8, 2001 meeting minutes as distributed.

Mr. Cook seconded the motion.

The motion was approved 5-0-0 (Shoulders and Mauritsen arrived later).

II. Park Master Plan Guiding Policies and Implementation Strategies:

A copy of the Parks and Recreation Master Plan Guiding Policies and Implementation Strategies was included in the agenda packet. The master plan information is devised in a new format to match the City's 2020 Plan Guidelines as requested by the Planning Commission.

MOTION:

Mr. Hill moved to approve the Parks and Recreation Master Plan Guiding Policies and Implementation Strategies.

Mr. Ackerman seconded the motion.

Upon roll call, the motion was approved 5-0-0

- III. Botanical Garden Society of the Ozarks, Inc. Annual Report: Donna Porter
Botanical Garden Society of the Ozarks, Inc. Executive Director Donna Porter presented an annual report as required by the land lease agreement.

Master Planning

The Master Plan for the Botanical Garden Society of the Ozarks is completed as of October, 2001.

The Plan includes:

- History, Location, Geological and Climatic Conditions, Site Analysis
- Mission and Goals
- Interpretive Theme
- Plant Collections (Collections Planning and Development, Native Plant, Core Collections)
- Master Plan (Design Goals, Visitor Experience Narrative, Architectural Elements, Garden Descriptions)
- Garden Implementation Strategies (Cost Estimates, Phasing Strategies)
- Market and Financial Analysis (Feasibility Report)
- Illustrated Site Plan, Core Collections Plan, Site Analysis, Circulations Plan, Land Use Plan, Cross-Sections and other illustrations

Next Step - Design Committee

Goals & Objectives:

- to determine the best approach for Phase One design
- to produce a list of potential firms or design teams to contact for Request for Proposals submission for Design One features
- to review all proposals submitted and short list
- to interview short-listed firms
- to select the firm or team for Phase One design of the botanical garden
- to assist in the design process by offering ideas and helping to resolve Phase One design issues

Design work will correlate with funding availability. Plans are to begin design work by spring of 2002.

BGSO will continue to consult with Corp of Engineers and City Planning throughout the design process and stay in compliance with appropriate regulations.

BGSO Site

With the hiring of a part-time Site Manager (24 hrs/week) in February 2001 the following has been accomplished:

- maintenance shed completed
- bay area being added to the shed
- a new trail (Skyler Trail) has been constructed, marked, and manicured
- smaller path with a bench near the lake has been constructed
- maintenance of overall site has improved
- flowerbed around "Future Home of..." sign enlarged
- additional signs added to site entrance and shed
- fields hayed twice a year

Site Manager has been assisted regularly by:

- Youth Bridge
- Washington County Juvenile Court
- Washington County Master Gardeners
- Botanical Garden Volunteers
- Northwest Arkansas Community College

New site projects for 2002:

- to introduce electric on-site
- to construct and install comfort facility with two composting toilet units

Ms. Porter stated although meetings with bicyclist groups indicated a desire for a multi-use trail, the consulting firm recommended diverting the public trail around the perimeter of the gardens.

Mr. Ackerman said issues regarding trail routes will have to be addressed by the Trails Committee and urged Ms. Porter to involve other user groups in the finalization of the master plan.

Ms. Edmonston reminded the Parks and Recreation Advisory Board that plans will be submitted for review by both the Parks and Recreation Advisory Board and City Council.

Ms. Porter said the Botanical Garden is working with other concerned parties to regain and maintain the health of Lake Fayetteville.

Mr. Colwell said a current Parks & Recreation Advisory Board member is required to serve on the Society's Board of Directors. An appointment will be made at the December 3, 2001 regular meeting.

IV. Community Park Work Day:

Prairie/Center trail cleanup in conjunction with the Bicycle Coalition of the Ozarks is tentatively scheduled for December 8. Mr. Hatfield said volunteers would clear brush and rails would be salvaged. Money from salvaged materials would be put into an escrow account for future use toward trail construction.

Mr. Mauritsen commented on the City of Gravette's efforts to raise money for construction of an overpass by selling railroad spikes.

V. Community Development Block Grant Funds:

Community Development has awarded Parks and Recreation with \$40,000 this year for replacement of the playground by baseball field #8 at Walker Park North. An additional \$50,000 will also be awarded in 2002.

Ms. Edmonston said a small playground would replace the one by field #8 and a larger one would replace the existing apparatus by the north pavilion to serve the BMX and Skate Park areas.

VI. Other Business:

The possibility of relocating the playground at Bates Park was discussed. There are many variables connected with this Park Land Dedication funded project which will need to be addressed.

A special Parks and Recreation Advisory Board meeting was scheduled for Tuesday, November 13, 2001 at 12:00 noon at the Parks Office to discuss Park Land Dedication requirements for the David Lyle Duplex Addition.

VII. Adjournment

The meeting adjourned at 5:55 p.m.

MINUTES APPROVED: DEC 3 2001

MINUTES TAKEN BY: John Nelson

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Roll call and approval of the minutes from November 26, 2001.

Estes: Welcome to the Monday evening, November 26, 2001 meeting of your Fayetteville Planning Commission. The first item of business will be to call the roll. Renee, would you call take care of that please?

ROLL CALL: Upon the calling of roll six Commissioners were present with Commissioner Hoover being absent, Commissioner Bunch arrived at 5:45 p.m and Commissioner Shackelford arrived at 5:55 p.m.

Estes: Six members being in attendance, a quorum is present, the next item of business will be approval of the minutes from the November 13, 2001 meeting. Are there any changes, additions, comments regarding the minutes from the November 13, 2001 meeting? Seeing none they will be approved.

ADM 01-27.00 Administrative Item (Master Parks Plan) was submitted by the Parks and Recreation Division on behalf of the City of Fayetteville. The request is to adopt guiding policies and implementation strategies to replace the current Parks component of the General Plan 2020.

Estes: The first item of new business is an administrative item submitted by the Parks and Recreation Division on behalf of the City of Fayetteville. The request is to adopt guiding principles, policies and implementation strategies to replace the current parks component of the general plan 2020. Tim, do you have a presentation that you would like to make?

Conklin: Yes I would. If you will recall, several months ago the Parks Division did bring forward the ten year Master Parks Plan to the Fayetteville Planning Commission. At that meeting, several Commissioners were concerned with regard to having something that was more familiar to them and would actually offer guiding policies and strategies when you look at development items up here at the Planning Commission. What we have done was to go back and take a look at what Lose & Associates developed and we had a meeting with the Parks Division, Planning staff along with the Urban Development Director and sat down and pulled out of their ten year Master Parks Plan guiding policies and implementation strategies. You can find those in your agenda starting on page 1.2. What we're trying to do here is to make sure that when we do bring forward master plans, they are consistent with our Fayetteville General Plan that you worked on. Within this document there are a set of guiding policies and implementation strategies. What we proposed to do is to bring these policies, strategies to you this evening. These will replace what is currently in your General Plan 2020. Those will also be inserted into the ten year Master Parks Plan. I would like to briefly go over those guiding policies and

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implementation strategies. You'll note that there is similar terminology and format that has been used to develop these. One of the things we are trying to do is to make sure that all our long range planning documents are consistent with format and consistent internally within each document and, in order to make sure that we do have these long range planning documents we don't have any inconsistencies. Starting on page 1.2, the first guiding policy that we pulled out and developed was to "develop a city wide trails and greenway network". Under there are implementation strategies to actually achieve this; they include hiring a greenways and trails coordinator, it also includes our park land dedication ordinance. I won't go through them all. Another guiding policy is to "increase park safety and accessibility". It talks about the park patrol, our ADA standards, design standards another policy is to "upgrade existing and provide additional community and neighborhood parks" and it talks about implementing the detailed recommendations of the Parks and Recreation Master Plan. It talks about providing neighborhood parks within ½ mile radius of all residential areas. It talks about community parks being provided within a two mile radius of all residential areas. It also incorporates the park land dedication ordinance we currently use to actually add these parks into our system, and other funding alternatives. Another guiding policy was to "provide a multisports complex". The strategies include actively seeking land to provide this type of complex, provide multiple recreational activities on one site. Partner with user groups, develop multi sports complex, seek various funding sources to develop these multi sports complexes. Another guiding policy that was brought out from the ten year master plan was to "preserve open space". That includes utilizing our park land dedication ordinance, evaluating existing and future open space needs in Fayetteville, providing adequate ongoing management and maintenance resources for open space preservation, coordinate with the Planning Division and develop strategies to preserve open space, encourage developers to preserve open space, use existing funding and alternative funding sources for land acquisition and review opportunities for conservation easements. Many of these activities we're currently looking at with our tree settlement lawsuit with regard to conservation easements and open space preservation. Another guiding policy is to "increase program diversity". That includes improve and clarify the partnership agreements with other agencies and associations, anticipate future program needs, seek various funding sources to expand existing programs and initiate new programs. Another guiding policy is to "eliminate duplication" throughout the program areas where duplication exists. Those are the guiding policies, implementation strategies that we have developed internally as staff and working with the consultant. These have been to the Parks Board and approved. We are asking you, this evening, to approve these guiding policies and implementation strategies which will become part of our General Plan 2020 and also will become part of the ten year Master Parks and Recreation Plan. That is all I have, if you have any questions I would be happy to answer them.

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Estes: Commissioners, do you have any questions of Mr. Conklin at this time?

Hoffman: I have a couple of questions. Thank you for putting this in the text of the general plan. The guiding policies, are they in order of priority? Have they been prioritized or is this an overall strategy?

Conklin: We did not prioritize these guiding policies and implementation strategies. That is consistent with how we look at our general plan 2020. Each of these are important. Each of these policies, strategies, the city wants to attempt to implement and achieve. There is no ranking of those priorities. It was interesting though, the survey results that came back, I believe it talked about greenways and trails and open space as some of the areas that the citizens really were concerned about and trying to make sure that we implement a greenway and trail program which one of the strategies is to develop that within one year, a master plan for trails and greenways. There is no prioritization of these guiding policies.

Hoffman: Back when we had our comprehensive meeting, I think it was really important, one of the points that I got from it is that the Planning Department is kind of hidden here in the middle of the preservation of open space is to coordinate with the Planning Division and to develop strategies to preserve open space. Could we add that to the mission statement or is that not appropriate at this time? This has obviously been approved and passed on by the Parks Board and I think it is really a good document. I just want to emphasize that long range planning and coordination with the Planning Department and the various boards and commissions that are associated with planning seem to be important.

Conklin: I'm not opposed to adding that if you want to add that term in there. We did have our joint meeting with the different committees and boards to talk about trails and greenways. There are quite a few strategies that we are currently using to provide open space preservation, greenway development that goes into the park system. It is also going into private open space areas when we do tree preservation areas and we record those on the easement plats or on the final plat.

Hoffman: What I think I would like to do is take that sentence verbatim under the mission statement, just add an overall guiding policy would be and I'm not really sure how, without another committee looking at it, I don't want to hold it up or anything but it seems that in Subdivision Committee and in Planning Commission meetings that we have had issues that could be really well coordinated at technical plat review level, and I know that you're doing that, and at Subdivision and Planning Commission that will ensure that all of these things can occur as they come to us or that we know that they are a big priority. That is one request that I have. I'm going to vote for this regardless of what we do with the

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wording. The other question that I have, and this may be for somebody in the Parks Department, can you tell me what sports would be involved in the multi sports complex?

Edmonston: Back to your question about working with Planning. I see that as part of visionary planning, us working close with the Planning Commission and with Tim and the planning office in environmental stewardship, in taking care of those open spaces. That is how I envisioned our mission statement as taking care of that. Then it gets clearer in with the implementation strategy as to exactly how we do that.

Hoffman: I just want to make sure that we go on record as knowing that that is an overall concern. We enjoy working with the Parks Board and the Parks Department in enhancing our quality of life.

Edmonston: Yes. We see it very much a part too. I feel very strongly that it is up in that area but if you would like to add it to it, I already envisioned it in our mission statement, as part of the visionary planning. As to multisport, what would be in it would be softball, baseball, you know, there has been talk about Walker Park, the safety concerns, the way the fields are configured, the lighting is very poor, it was the original lighting that was up in the 1960s. It needs to be corrected. It will be baseball, soccer too. Now that we're probably moving our Lewis soccer fields it would be over there. We would also look at possibly more tennis courts. In our master plan it said that more tennis courts are needed within our city. We would also even stem out with our trails. Trails have been requested by citizens, adding that, depending on the parcel and how large the parcel of land that we would get. Those would be the basic multisports that have been requested.

Hoffman: We would concentrate this to Walker Park? This is kind of targeted to the Walker Park area?

Edmonston: No it would not be. It would be taking the major part of baseball out of Walker Park into another park. Right now Walker Park does not have any room to grow. For us to totally go back through and reconfigure it to make it a safe playing field there is not room enough for future growth. We could no longer grow there. We would have to start over in another spot and have two spots to play in.

Hoffman: Ok, thank you.

Estes: Thank you Connie.

Allen: I have a couple of questions. I would like to know more about Walker Park, what is

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going to happen there and the other thing that I wondered about is by what means to you propose to encourage the realtors to preserve open space, what methods?

Edmonston: What plans we have for Walker Park?

Allen: Right.

Edmonston: It just depends on our budget.

Allen: What is your vision for that area?

Edmonston: Our vision for Walker Park is to keep some fields there. Move the league play out but leave fields there for practice fields. We never have enough practice fields. Kids are pretty well limited to the number of times that they can practice and the days that they can practice. We would like to leave some fields in, take the poor fields out, kind of open that area up a little bit more. There are a lot of things that go on in there, at Walker Park, community wise, a lot of family gatherings and all.

Allen: It just seems like such an essential part of town where there is really a need and I was interested.

Edmonston: We have met with the Fayetteville Youth Baseball Association in reference to what they wanted to do. We asked them, "Do you want us to renovate these fields or would you rather go somewhere else?" They pretty much stamped that they would like to go somewhere else and stated that they would like to be a part of it, to help in fund raising for it. They see that there is no room for the program to grow at Walker Park. We can't add any more fields in currently, they are all squished in right now.

Allen: They, being the people in the surrounding area of Walker Park?

Edmonston: No, the soccer fields are all squished in there. The people that want to move are the baseball board. Is that what you asked?

Allen: I'm just not real clear as to how you plan to long term utilize or hope to long term utilize that area. I think it is just a real important location in town where there are some needs to be served.

Edmonston: Yes, and it would continue to be a place for baseball, for practices. League games probably would not be played there because people seem to want all of the games to be

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played in one location. Once we would get a field, a complex located in another location, we would slowly take out a couple of those fields but make it still a practice area. There are many times that people would like to have pick up games but they can not because we have already lined the fields for league play. There is just very little room for play outside of league play. There are a lot of kids that would just like to go pick up some games during the day time and on weekends but fields are not available.

Allen: Is that a high priority?

Edmonston: Yes it is a high priority. That and to move soccer. We're probably not going to have Lewis soccer fields any longer. Those would be the two high priorities. Probably soccer first because we're on a time frame with the University and then Walker Park would be the second.

Allen: Ok, then the other thing that I wondered about was the way that you thought that you could go about encouraging developers to set aside open spaces. I wondered what means or ideas that you had.

Edmonston: Through our Parks Master Plan, we sit down with the park land dedication ordinance, in fact, we looked at three properties just today. We look at our Park Master Plan and see if land is needed in that area to serve as a park and then we look at land that is conducive for park purposes, that would make a good park. We try to encourage it if a park is needed in that area. Of course, we have got to make certain that a park is needed in that area. If there is another park that is close at hand then it could serve those people in that subdivision.

Allen: What is their incentive?

Edmonston: Well, their incentive, I guess it helps them sell lots, we know that. It has been proven that having a park in a close vicinity of a neighborhood increases the property value and they sell well.

Allen: So basically, that is the strategy that you have decided upon at this point?

Edmonston: Pretty much so. We also look at trails too. When we're looking at park land dedication land, we also look at a possibility of trails and once we get our Trail Master Plan approved and we go through that process, then that is also considered when we're looking at land. Not only do we look for parks purposes but also for open space, conservation easements and also for trails.

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Allen: Right. Well, I'm all for all this. I just don't want us to have real idealistic language. I want us to have some teeth in an approach and some ideas that we're going to do rather than just sounding good. I guess I'm not real clear, I would like to know a little more.

Conklin: I didn't go into detail but it talks about developing strategies to preserve open space. We have gone back and amended our ordinances for example, the flood plain ordinance. We allow people to cluster their homes outside the floodplain and keep the same density. We've done the same thing in the grading ordinance to preserve steep hillsides. The land use development ordinance, The Cliffs that we recently saw. This is kind of why I had that. If you recall at that meeting at Genesis, I had that extra box there that talked about private open space. We have an ordinance that required, in order to, as an incentive to have increased density and to preserve open space. We have the planning and development ordinances. I think in that one they saved about 40% open space in that phase of the Cliffs. I can throw out some other ones but they are more regulatory, the tree preservation ordinance is preserving open space. Developments now are meeting the minimum percent canopy and that is going to be preserved to perpetuity. Trying to go back to the incentive thing, I think developers have learned that if they follow the ordinances, they can get their projects through the process. We have saved quite a few areas of trees in Fayetteville. The park land dedication ordinance, as Connie mentioned, item number three on your agenda, you'll see a subdivision where that land is not suitable for a conventional park. It is a bluff, it is floodplain, it is floodway. There are very unique environmental resources there and we're utilizing that ordinance and working with the developer to save an area for a potential trail and greenway system which will become part park but it will be more passive. Instead of developing ball fields, we'll be saving habitat and environmental resources in that area. I think those are the strategies that we're looking at. We're always looking at coming up with additional incentives for developers to preserve open space. We have quite a few things already that we currently are doing that are working to provide open space in Fayetteville.

Estes: Thank you Tim. Thank you Connie. Eric, before I ask for public comment, this document comes through you as our Parks Development Coordinator, is there anything that you would like to add to Tim's comments or Connie's comments?

Schuldt: No.

Estes: Alright. Is there any member of the public who would like to comment on proposed park and recreation guiding policies and implement strategies? Seeing none, I'll bring it back to the Commission for discussions, comments, questions of staff. Commissioners?

Planning Commission
November 26, 2001
Page 10

- Marr:** First, I want to thank the Parks Department, Parks Board and city staff. I actually am thrilled with the format that this came back. I think it matches better to our 2020 format that makes it a good checkpoint for us when we look at developments. I also think that it very clearly states guiding policies and implementation strategies for which I think is much better than just a consultive study report. I also like that it is not prioritized because I think that in a long term plan that priorities change drastically based on funding and donations and things of that matter. I actually think it is stepped out there. To Lorel's comment, I too read the mission statement as visionary planning as encompassing the whole planning process and I agree with Lorel's comment of making an emphasis on it, but I'm not sure that I would support taking that statement out because I think it takes one guiding policy and makes it almost a priority because it is open space within that item. I think that all of these are priorities and I think it already encompasses that. With all that said, I am going to recommend approval of ADM 01-27.00, subject to this report by the staff, and I thank you for your work on it.
- Estes:** We have a motion by Commissioner Marr to approve ADM 01-27.00, that is to approve and to forward to the City Council the Parks and Recreation Guiding Policies and Implementation Strategies. Is there a second?
- Bunch:** I'll second.
- Estes:** We have a second by Commissioner Bunch. Is there any discussion? We have a motion by Commissioner Marr and a second by Commissioner Bunch to approve the Parks and Recreation Guiding Policies and Implementation Strategies and forward the same onto City Council, any comments any discussions? Would you call the roll Renee?
- Roll Call:** Upon the completion of roll call the motion to forward ADM 01-27.00 to the City Council is approved by a vote of 7-0-0.
- Estes:** The motion passes by a unanimous vote. Renee, would you allow the record to show that Commissioner Bunch is now in attendance please?
- Thomas:** Yes.

STAFF REVIEW FORM

XX AGENDA REQUEST
XX CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2002

FROM:

Connie Edmonston
Name

Parks & Recreation
Division

Urban Development
Department

ACTION REQUIRED:

A Resolution to approve an agreement with the Fayetteville Boys and Girls Club to provide public recreation for the citizens of Fayetteville and an Ordinance to waive competitive bidding for the payment to the Fayetteville Boys and Girls Club in 2002 for the provision of public recreation.

COST TO CITY:

\$186,362
Cost of this Request
1010-5220-5718.00
2250-9250-5718.00
Account Number

NA
Project Number

\$54,341
\$163,021
Category/Project Budget

\$0
Funds Used To Date

\$186,367
Remaining Balance

TransfersYouth/AdultCenters
Category/Project Name
Athletic\RecreationTrans
Parks Development
Program Name
General
Parks Development
Fund

BUDGET REVIEW: xx Budgeted Item Budget Adjustment Attached
Budget Manager
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:
Accounting Manager
Date
Internal Auditor
Date
City Attorney
Date
ADA Coordinator
Date
Purchasing Officer
Date

STAFF RECOMMENDATION:

Approval of Fayetteville Boys and Girls Club agreement and an ordinance to waive competitive bidding for the Fayetteville Boys and Girls Club.

Connie Edmonston
Division Head
Nigel Everett
Department Director

1-31-02
Date

1-31-02
Date

Cross Reference

New Item: Yes NoPrev Ord/Res #: [Prev Ord/Res #]Orig Contract Date: [Orig Contract Date]Orig Contract Number: [Contract #]
Administrative Services Director
Date
Mayor
Date

STAFF REVIEW FORM

xx AGENDA REQUEST
 X CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2002

FROM:

Connie Edmonston	Parks and Recreation	Public Works
Name	Division	Department

ACTION REQUIRED:

A Resolution to approve an agreement with the Council on Aging to provide public recreation for the citizens of Fayetteville and an Ordinance to waive competitive bidding for the payment to the Council on Aging in 2002 for the provision of public recreation.

COST TO CITY:

\$31,000	\$7,750	
Cost of this Request	\$23,250	Category/Project Name
1010-5220-5718-00	Category/Project Budget	Athletic/ Rec Transfer
2250-9250-5718-00	\$0	Park Development
Account Number	Funds Used To Date	Program Name
NA	\$31,000	General
Project Number	Remaining Balance	Park Development
		Fund

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached

Budget Manager Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:

Accounting Manager Date Internal Auditor Date

City Attorney Date ADA Coordinator Date

Purchasing Officer Date

STAFF RECOMMENDATION:

Approval of Council on Aging agreement and an ordinance to waive competitive bidding for the Council on Aging.

Connie Edmonston
 Division Head
Hugh Earnest
 Department Director

1-31-02
 Date

1-31-02
 Date

Cross Reference

New Item: Yes No

Prev Ord/Res #:

Orig Contract Date:

Orig Contract Number:

Administrative Services Director Date

Mayor Date

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE COUNCIL ON AGING IN THE AMOUNT OF THIRTY THOUSAND NINE HUNDRED NINETY-NINE DOLLARS AND NINETY-SIX CENTS (\$30,999.96) TO PROVIDE PUBLIC RECREATION SERVICES FOR THE SENIOR CITIZENS OF FAYETTEVILLE FOR 2002.

WHEREAS, providing quality recreational opportunities to the senior citizens of our community is of mutual interest to the City of Fayetteville and the Council on Aging, and;

WHEREAS, the Council on Aging and the City of Fayetteville have developed a long working relationship over the past thirty years, and;

WHEREAS, this relationship allows for a continuity of services vital to the efficient provision of recreational opportunities, and;

WHEREAS, were it not for the services offered by the Council on Aging, the City of Fayetteville would be required to assume the duty of providing staff, programming, promotion, and development for senior citizen recreational services;

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

Section 1. That the City Council hereby waives the requirements of formal competitive bidding and approves a contract between the City of Fayetteville, Arkansas and the Council on Aging in the amount of Thirty Thousand Nine Hundred Ninety-Nine Dollars and Ninety-Six Cents (\$30,999.96) to provide public recreation services for the senior citizens of Fayetteville for 2002. A copy of said contract marked exhibit "A" is attached hereto and made a part hereof.

Section 2. That the City Council hereby authorizes the Mayor to sign said agreement with the Council on Aging.

PASSED and APPROVED this _____ day of _____, 2002

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
HEATHER WOODRUFF, City Clerk

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2001

*Advance copy
original forth coming*

*Jim Beavers
ext 208*

FROM:

Jim Beavers
Name

Engineering
Division

Public Works
Department

ACTION REQUIRED:

1. Approval of an ordinance waiving competitive bidding.
2. Declaring and emergency for public health and safety (adding an emergency clause to the ordinance).
3. Approval of a negotiated contract with Fayette Tree and Trench in the estimated amount of \$ _____ plus a 15% contingency for a total of _____ for emergency repairs to replace the existing sanitary sewer crossing under AHTD Highway I-540 located north of Highway 62 (6th Street) and South of Highway 16 West (Wedington).

COST TO CITY:

\$ _____
Cost of this Request

\$ 0 **
Category/Project Budget

Sanitary Sewer Replacment
Category/Project Name

5400-5600-5800.00
Account Number

\$ 0
Funds Used To Date

Program Name

02040-0020
Project Number

\$ 0
Remaining Balance

Fund

** Budget adjustment attached. Source of Funds - Mt. Sequoyah Water/Sewer, Project 01023.

BUDGET REVIEW:

☒ Budgeted Item

☒ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

Grant Coordinator

Date

STAFF RECOMMENDATION: Approval

Division Head

Date

Cross Reference

Department Director

Date

New Item: Yes ☒ No ☐

Prev Ord/Res #: _____

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONTRACT WITH
FAYETTE TREE AND TRENCH IN THE AMOUNT OF
\$205,650.40 WITH A 15% PROJECT CONTINGENCY
AMOUNT OF \$30,847.60 FOR A TOTAL OF \$236,498.00
AND TO APPROVE A BUDGET ADJUSTMENT IN THE
AMOUNT OF \$236,498.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a negotiated contract with Fayette Tree and Trench, Inc. for emergency repairs to replace the existing sanitary sewer main crossing under I-540 in the amount of \$205,650.40 with a project contingency amount of \$30,847.60 and authorizes the mayor to execute said contract.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment (attached as Exhibit A) in the amount of \$236,498.00 to pay for this emergency repair and replacement of the sewer main.

PASSED and APPROVED this the 19th day of February, 2002.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

97 ORD. FAILED

By: _____
Heather Woodruff, City Clerk

This was #10.

(N/A)

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

Budget Year 2002	Department: Public Works Division: Engineering Program: Water & Sewer Capital	Date Requested 02/19/2002	Adjustment #
----------------------------	--	-------------------------------------	--------------

Project or Item Requested:

\$236,498 in the I-540 Sewer Main Replacement capital project.

Project or Item Deleted:

\$236,498 from the Mt. Sequoyah Water/Sewer capital project.

Justification of this Increase:

The funding is needed to perform some emergency sanitary sewer maintenance to the lines at Highway I-540.

Justification of this Decrease:

Due to the Health and safety problems that the I-540 project contains, the Mt. Sequoyah project is a lessor priority.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number				Project Number	
Sewer Improvements	236,498	5400	5700	5817	00	02040	20

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number				Project Number	
Water Line Improvements	236,498	5400	5600	5808	00	01023	20

Approval Signatures

Requested By	Date
	2-13-02
Budget Manager	Date
Department Director	Date
Admin. Services Director	Date
Mayor	Date

Budget Office Use Only

Type: A B C D E

Date of Approval _____

Posted to General Ledger _____

Posted to Project Accounting _____

Entered in Category Log _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor Dan Coody
Fayetteville City Council

From: Greg Boettcher
Public Works Director

Date: February 15, 2002

Subject: Sewer Reconstruction and Abandonment
Highway 540 Pipeline Crossing
Fayetteville Tree and Trench, Inc.

EXECUTIVE SUMMARY

- Field activities have validated the deteriorated condition of a 36-inch encasement pipe and a 21-inch sanitary sewer beneath Shiloh Drive, Highway 540 and Futrall Drive.
- There is a potential for continuing pipeline failures, the character of which could cause sanitary sewer overflow volumes of 800,000 gallons per day for an extended period of time.
- These exceptional conditions justify immediate corrective actions to protect public safety, health and welfare.
- Competitive bidding procedures are not deemed feasible or practical in light of this exceptional situation.
- It is recommended that competitive bidding procedures be waived, that the emergency clause provisions be enacted to allow immediate award of a negotiated contract to Fayetteville Tree and Trench, Inc. and that a budget adjustment to fund this action be approved in the amount of \$236,498.00.

BACKGROUND

On December 28, 2001 the Water and Sewer Division responded to a report of sanitary sewer problem along Futrall Drive, north of Sixth Street. Wastewater was flowing out of the ground between Futrall Drive and the northbound lane of Highway 540. Crews attempted to clean and remove the pipeline blockage using conventional equipment, however, such maintenance efforts were not successful. Crews then excavated at the site to expose the pipeline, finding the failure to be the result of a combined failure of the steel encasement (36" steel) and the carrier pipe (20" ductile iron pipe). The poor condition of the piping required improvised repair procedures. Upon completion of the temporary repair work, it was deemed prudent to immediately proceed with detailed investigation into the condition of this piping system, placing a high priority on development of rehabilitation/repair strategies. The records of construction, the age of the facilities and related background information was compiled.

After an evaluation of available background information and an assessment of feasible correction strategies, it was concluded that re-construction of the utility crossing was necessary, at a location immediately adjacent to the current facilities. The decision to re-construct was based upon a collective review of numerous factors, including: (1) additional test excavations to verify poor pipeline condition, (2) the exceptionally deteriorated condition of the piping, (3) the large volume of wastewater transported by this piping network, (4) the necessity of maintaining wastewater system operation during the course of the work and (5) the high levels of risk associated with non-conventional approaches.

The urgency of the matter was further evidenced by a second failure of the pipeline on January 15, 2002. This second failure again required the Water and Sewer Division's crews to excavate and expose a section of piping to enable temporary repairs. This second failure's occurrence confirmed the imminent threat of catastrophic failure, and placed a high priority on the completion of needed reconstruction in the shortest possible time frame.

The Public Works Director, City Engineer and Interim Water and Sewer Superintendent discussed the emergency nature of this situation, including its possible adverse impacts upon the environment, public health, public safety and public welfare. To minimize the public's exposure to such risks, the Public Works Director advised the Engineering Division to develop outline designs/specifications for needed work in such detail as may allow the negotiation of a cost for an identifiable scope of work. The negotiations of costs, in the interest of time, was limited to Fayetteville Tree and Trench, Inc. based upon a number of factors, including: (1) contractor's successful completion of utility work in Fayetteville, (2) contractor's history of providing competitive bid prices for utility construction, (3) contractor's knowledge of municipal contracting standards, (4) contractor's record of timely completion of work, (5) contractor's possession of adequate equipment, labor and resources to perform in a timely manner on short notice, and (6) contractor's confirmation of immediate availability to perform. Using outline design drawings and specifications, the contractor submitted a bid proposal for the requested scope of work (copy attached). The unit prices for the work have been reviewed with respect to competitive prices for similar work and are deemed reasonable for the scope and context of the project.

The Public Works Director informed the Fayetteville Water and Sewer Committee, at its February 11, 2002 meeting of the situation and the proposed negotiation of a contract price with Fayetteville Tree and Trench, Inc. for the necessary work. The Water and Sewer Committee concurred with the recommended approach due to the exceptional nature of the situation and the need for immediate action. Final pricing and information was planned to be available for the City Council Agenda Session on February 12, 2002. At the February 12, 2002 meeting the Fayetteville City Council was provided with the Agenda Request Form, the City Engineer's cover letter dated February 11, 2002 and the contractor's bid proposals dated February 12, 2002. It is to be noted that the requested waiver of competitive bidding is the only process being set aside in the interest of timely completion. The proposed project shall include all other basic elements of the City Procurement practices including: (1) construction drawings, (2) specifications, (3) standard contract agreement between City and Contractor, (4) performance and payment bonds,

(5) one-year maintenance bond, and (6) compliance with applicable requirements of the City and the Arkansas Highway and Transportation Department. To fund the unforeseen activity, a budget adjustment shall be required.

DISCUSSION

The designation of an emergency condition is deemed appropriate due to the exceptional nature of this situation under which a failure could occur at any time, creating significant adverse impacts of an enduring nature. In this context, time is of the essence and warrants the waiver of the competitive bidding process to minimize the duration of the public's exposure to risk. A cost analysis indicates the waiver of the competitive bidding process will not forego the city's ability to secure competitive pricing for the work. In consideration of the fact that the pipeline in question carries approximately 800,000 gallons per day of untreated wastewater, it is imperative that the provision of a reliable transportation system be completed in the shortest possible time frame.

The significance of the waiver of competitive bidding for the matter has been estimated. If the City Council were to decide to follow the competitive bidding process, the following schedule may be attainable:

<u>Date</u>	<u>Action</u>
February 19, 2002	Use of Competitive Bidding process
February 28, 2002	Final Detailed Drawing and Specifications ready for bidding
March 2, 2002	First advertisement in newspaper – 15 days
March 17, 2002	Open Bids
March 19, 2002	Review bids, prepare tabulations, evaluate low bidder, prepare recommendations
March 21, 2002	Water and Sewer Committee meeting
March 26, 2002	Special City Council meeting to award contract (or delay until April 2, 2002)
March 27, 2002	Issue notice of award to low bidder
April 1, 2002	Receive bonds and insurance from low bidder
April 2, 2002	Pre-construction meeting, issue notice to proceed

If the competitive bidding process is not waived, it is estimated that the work on this project could be delayed from 6 to 8 weeks.

RECOMMENDATION

It is recommended that the Fayetteville City Council consider the waiver of competitive bidding requirements for the sewer line reconstruction and abandonment work at Highway 540, and use an emergency clause to enable the award of a negotiated contract to Fayetteville Tree and Trench, Inc. in the amount of \$205,650.40. A budget adjustment in the amount of \$236,498.00 is requested to provide a project contingency.

To: Dan Coody, Mayor

Thru: Greg Boettcher, Public Works Director
Contract Review

From: Jim Beavers, City Engineer

Date: February 11, 2002

Re: City Council Meeting February 19, 2002
Sanitary sewer main replacement and repairs, I-540 crossing:

The existing sanitary sewer crossing located under I-540 north of Highway 62 (6th Street) and South of Highway 16 West (Wedington Drive) has deteriorated to the extent that a new crossing must be installed. (Please refer to enclosed vicinity map). This crossing carries the waste from the Porter Road pump station and a significant portion of the west side of Fayetteville.

The existing sanitary sewer crossing consists of 20 inch ductile iron carrier pipe and 36 inch corrugated metal encasement pipe. The crossing was originally installed in 1973 and extended east in 1980. The effects of hydrogen sulfide gas have deteriorated both the carrier pipe (ductile iron) and the encasement (corrugated metal culvert). The City experienced failures of the pipe on December 28 and January 15. Short-term, temporary repairs have been installed by the Water/Sewer maintenance Division. At the time of the two failures, it was reported that a section of the carrier pipe no longer existed and that the top of the encasement pipe, west of the pavement, had failed.

The existing carrier pipe and encasement pipe and proposed solutions have been reviewed by the Water/Sewer Maintenance Division, City Engineering, Fayette Tree and Trench and the Public Works Director. Alternatives have been reviewed including:

In situ repair.

An in situ repair (form in-place or slip line) cannot be performed due to the poor conditions of the existing carrier pipe.

Replacement within same encasement.

The existing carrier pipe cannot be pulled from the existing bore due to poor conditions of both the ductile iron and the corrugated metal pipes. Additionally, the infill and the use of corrugated metal instead of today's standard of smooth encasement pipe encumber the removal of the carrier pipe.

Bore in place.

The bore cannot economically be placed in the same location due to problems of attempting to bore thru the

remaining ductile iron pipe and corrugated metal encasement.

Extending the sewer line south to the existing crossing.

The existing crossing located at 6th Street (Highway 62) is a 12 inch diameter crossing which carries the City of Farmington. In addition to the new pipe required to reach this area the same, or larger, bore and replacement would be required. Please refer to the enclosed map.

Requested contract.

The selected alternative, as designed in-house, provides for:

- a. New 30 inch diameter bore, smooth steel encasement, new 18 inch diameter PVC sanitary sewer located approximately 15 feet north of the existing crossing.
- b. Expose the existing pipe between traffic lanes and pressure grout the existing encasement with concrete grout to protect the highway from future settlement.

This will require specialized construction which cannot be performed with in-house construction crews.

Contractor:

The City of Fayetteville has a long and successful history of work with local contractors, including Fayette Tree and Trench. Fayette Tree and Trench also has a history of being low bidders on City projects, including both sanitary sewer and water mains. At this time, Fayette Tree and Trench is working on two water main replacement projects for the City of Fayetteville (Hinkle and East Ridgeway) of which Fayette Tree and Trench was low bidder. Fayette Tree and Trench has the ability to move quickly on this project.

Subcontractor:

Bob Main, Main boring. Mr. Main also has a successful history of working with, and for, many area contractors and the City of Fayetteville. Mr. Main is typically the bore contractor for all area General contractors.

Price:

The negotiated price with Fayette Tree and Trench is as follows:

A. New sanitary sewer crossing:

360 lf 30 inch bore with steel encasement	\$310 lf	\$111,600.00
360 lf 18 inch C905 PVC pipe	20.65	7,434.00
Manhole 17		3,200.00
Manhole 18		2,400.00
Tie ins, including pipe		5,200.00
Abandon existing manhole		500.00

Trench Safety	2,000.00
Clean up, mobilization, Traffic Control, erosion control, all other costs with bore and pipe line	14,940.00
Performance and Payment bond	1,800.00
Maintenance bond	652.50
subtotal A	\$149,726.50

B. Pressure fill existing encasement with grout

Grout esiting line	\$28,325.00
Trench Safety	5,000.00
Traffic Control, mobilization, erosion control, clean-up , surface restoration, and all other costs with pressure grouting	21,716.00
Performance and Payment bonds	648.00
Maintenance bond	234.90
Subtotal B	\$55,923.90

Total A+B = \$205,650.40

Engineering has reviewed the proposal prepared by Fayette Tree and Trench and believes that the proposed prices are fair and reasonable. The prosed prices compare favorably to bids for similar work. For example, the bids for 36 inch bore and steel encasement for the Highway 265 water/sewer relocation project, September 1999 ranged from \$300 lf to \$425 lf. The successful, total bidder's unit price was \$330 lf.

Budget:

The emergency replacement is unbudgeted. Staff requests a budget adjustment of \$236,498.00 to be taken from project number 01023, Mount Sequoyah Water/Sewer replacements, current budget \$2,400,000.00.

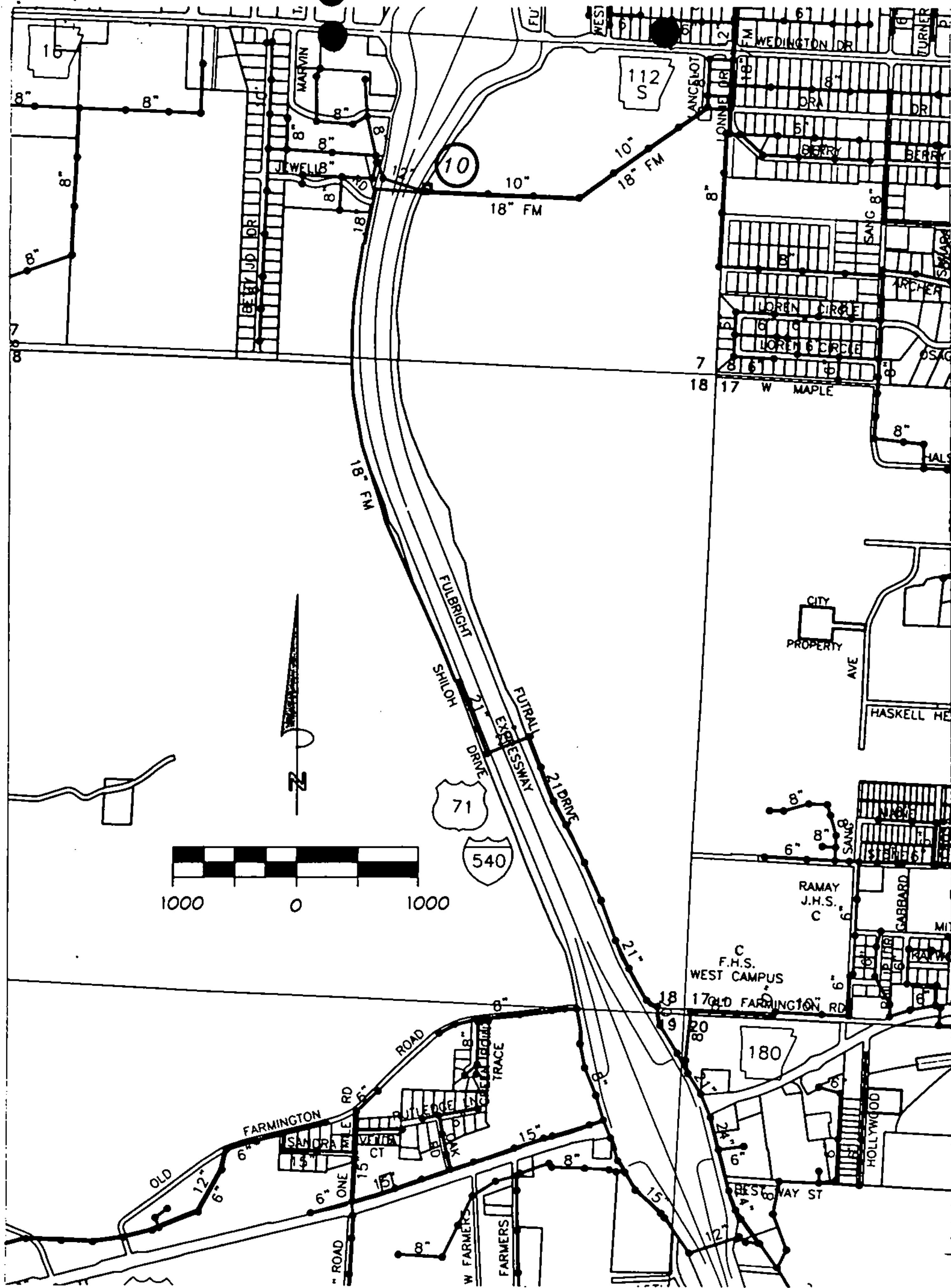
The budget adjustment will cover the construction costs (\$205,650.40 and a 15% contingency for engineering design, drafting and inspection (in-house, \$5000 approximate), permits and any necessary field changes.

Staff requests that the City Council approve:

1. Approval of an ordinance waiving competitive bidding.
2. Declaring an emergency for public health and safety (adding an emergency clause to the ordinance).
3. Approval of a negotiated contract with Fayette Tree and Trench in the estimated amount of \$205,650.40 for emergency repairs to replace the existing sanitary sewer crossing under AHTD Highway I-540 located north of Highway 62 (6th Street) and South of Highway 16 West (Wedington).
4. Approval of a 15% project contingency in the amount of \$ 30,848.00 to cover administrative costs including engineering and inspection, permits and any necessary field changes.
5. Approval of a budget adjustment in the amount of \$236,498.00.

Enclosures:

1. Vicinity Map
2. Contract (One original contract is attached. Three additional contracts have been forwarded to the City Clerk's Office.)



Fayette Tree & Trench, Inc.

P. O. Box 471

Fayetteville, AR 72702-0471

BID PROPOSAL

DATE

2/12/02

ARKANSAS STATE CONTRACTORS LICENSE # 0000610802

NAME / ADDRESS

CITY OF FAY.
113 WEST MOUNTAIN
FAYETTEVILLE, AR 72701
DEPT. ENGINEERS
ATTENTION: JIM BEAVER

FAYETTE TREE & TRENCH, INC.
P. O. BOX 471
FAYETTEVILLE, ARKANSAS 72702

Eugene Nottenkamper

EUGENE NOTTENKAMPER, PRESIDENT

DESCRIPTION	QTY	RATE	TOTAL
BORE & REPLACE LINE UNDER HWY 540			
360 L. F. 30" BORE AT 310.00 L.F.	360	310.00	111600.00
MANHOLE 17: CONSTRUCT NEW MANHOLE		3,200.00	3,200.00
MANHOLE 18: CONSTRUCT NEW MANHOLE		2,400.00	2,400.00
TIE IN PIPE AT NEW MANHOLE 17 TO OLD MANHOLE 17 AND AT MANHOLE 18		5,200.00	5,200.00
REMOVE TOP OFF OLD MANHOLE 18 & FILL WITH S.B. 2		500.00	500.00
360 L.F. 18" D.R. 25 C. 905	360	20.65	7,434.00
OSHA SAFETY SHORING		2,000.00	2,000.00
SUPERVISION, CLEAN UP & ADDITIONAL EXPENSE		14,940.00	14940.00
MAINTANCE BOND		652.50	652.50
PERFORMANCE & PAYMENT BOND		1,800.00	1,800.00

TOTAL

\$149,726.50

Fayette Tree & Trench, Inc.

P. O. Box 471

Fayetteville, AR 72702-0471

BID PROPOSAL

DATE

2/11/02

ARKANSAS STATE CONTRACTORS LICENSE # 0000610802

NAME / ADDRESS

CITY OF FAY.
113 WEST MOUNTAIN
FAYETTEVILLE, AR 72701
DEPT. ENGINEERS
ATTENTION: JIM BEAVER

FAYETTE TREE & TRENCH, INC.

P. O. BOX 471

FAYETTEVILLE, ARKANSAS 72702



EUGENE NOTTENKAMPER, PRESIDENT

DESCRIPTION	QTY	RATE	TOTAL
1 EACH GROUTING EXISTING LINE FOR ABANDONMENT UNDER HWY540 & SHILO & FURTURAL		28,325.00	28325.00
1 EACH SAFETY SHORING		5,000.00	5,000.00
1 EACH ADDITIONAL WORK ON SUPPERVISION, PLACING TRAFFIC SIGNS, FLAGGING,& HANDLING TRAFFIC FOR CONTROL, DIGGING WORK PITS, BACKFILLING WORK PITS SEWERAGE CONTAINMENT & CLEAN UP, RESTORE CLEAN UP WORK, SOIL CONTAINMENT, MISC. WORK AS NEEDED		21,716.00	21716.00
MAINTANCE BOND		234.90	234.90
PERFORMANCE & PAYMENT BOND		648.00	648.00
TOTAL			\$55,923.90

Highway 540 - 20" Sewer Crossing

Crossing
Location

Sixth Street

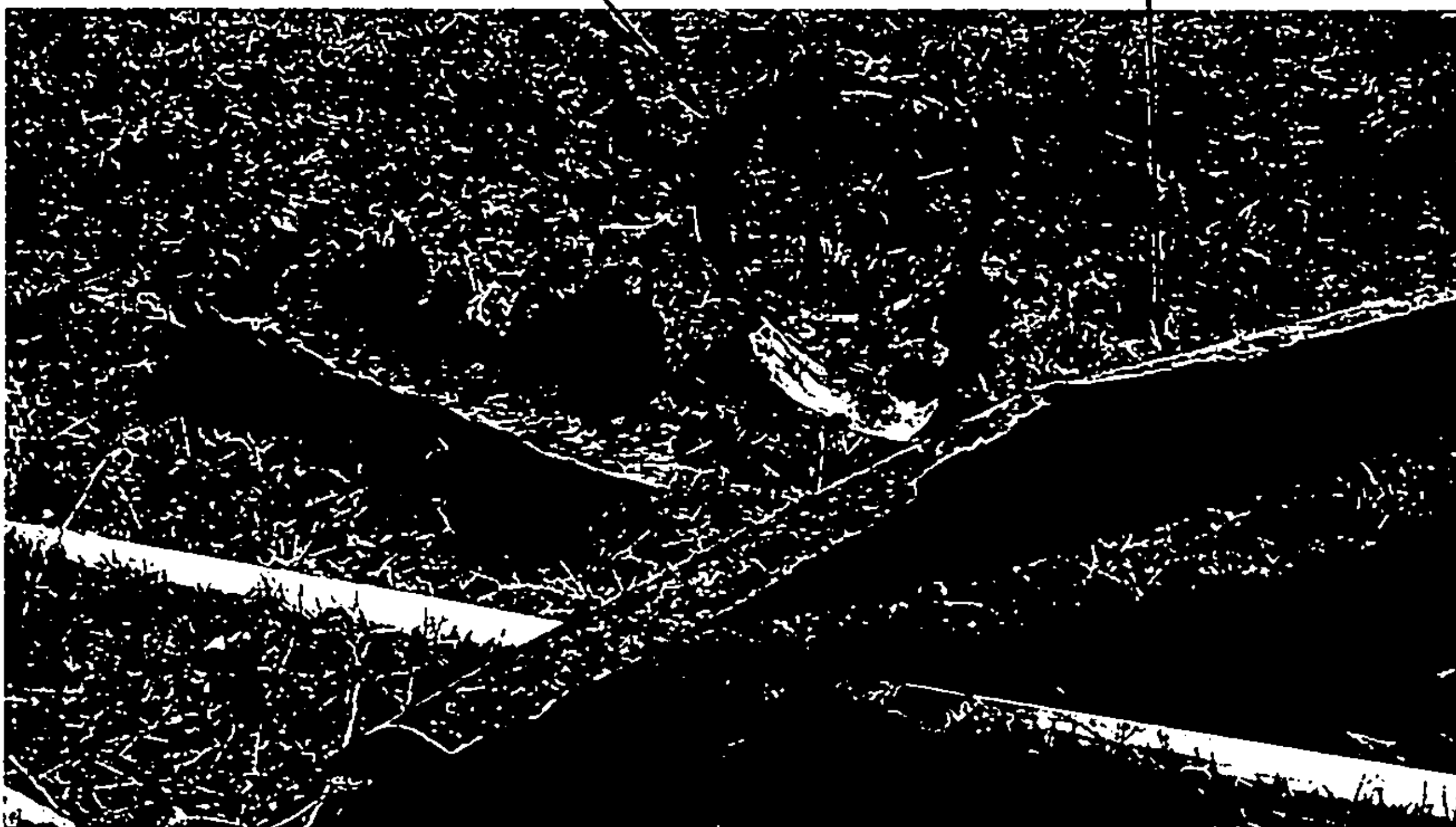
Highway
540



20" Ductile Iron Pipe Failure - Highway 540 Crossing

Pipe Bell

20" Ductile
Iron Pipe



STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2001

FROM:

Jim Beavers

Engineering

Public Works

Name

Division

Department

ACTION REQUIRED:

1. Approval of an ordinance waiving competitive bidding.
2. Declaring an emergency for public health and safety (adding an emergency clause to the ordinance).
3. Approval of a negotiated contract with Fayette Tree and Trench in the estimated amount of \$205,650.40 for emergency repairs to replace the existing sanitary sewer crossing under AHTD Highway I-540 located north of Highway 62 (6th Street) and South of Highway 16 West (Wedington).
4. Approval of a 15% project contingency in the amount of \$ 30,848.00 to cover administrative costs including engineering and inspection, permits and any necessary field changes.
5. Approval of a budget adjustment in the amount of \$236,498.00.

COST TO CITY:

\$ 236,498

Cost of this Request

\$ 0 **

Category/Project Budget

Sanitary Sewer Replacement

Category/Project Name

5400-5700-5A11.00

Account Number

\$ 0

Funds Used To Date

Sewer Improvements

Program Name

02040-0020

Project Number

\$ 0

Remaining Balance

Water & Sewer

Fund

** Budget adjustment to be attached. Source of Funds - Mt. Sequoyah Water/Sewer, Project 01023.

BUDGET REVIEW:

☐ Budgeted Item

☒ Budget Adjustment Attached

[Signature]
Budget Manager

[Signature]
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

Masha Fathin 2/13/02
Accounting Manager Date

[Signature] 2/15/02
City Attorney Date

[Signature] 2/15/02
Purchasing Officer Date

GRANTING AGENCY:

Danay Smith 2/14/02
Internal Auditor Date

ADA Coordinator Date

Grant Coordinator Date

STAFF RECOMMENDATION: Approval

Jim Beavers 02-13-02
Division Head Date

Jim Boellke 2-15-02
Department Director Date

Administrative Services Director Date

Mayor Date

Cross Reference

New Item: Yes x No _____

Prev Ord/Res #: _____

Orig Contract Date: _____

Orig Contract No: _____

STAFF REVIEW FORM

Description I-540 Sanitary Sewer Replacement (Crossing) Meeting Date February 19, 2002

Comments:	Reference Comments:
Budget Manager	
Accounting Manager	
City Attorney	
Purchasing Officer	
ADA Coordinator	
Internal Auditor	
Grant Coordinator	

ORDINANCE NO. _____

AN ORDINANCE TO WAIVE THE COMPETITIVE
BIDDING REQUIREMENTS FOR A CONTRACT TO
REPAIR AND REPLACE THE SEWER MAIN RUNNING
UNDER I-540 AND TO DECLARE AN EMERGENCY

WHEREAS, the major sanitary sewer (20" main) running under Interstate 540 between Highway 62 West and Highway 16 West has recently been discovered to be so deteriorated that it cannot be repaired in place; and

WHEREAS, if this sanitary sewer main collapsed as is possible in the near future, substantial portions of West Fayetteville could lose sewer service and a portion of I-540 might be substantially damaged; and

WHEREAS, the City Council determines in light of the sudden and unexpected discovery of the deteriorated sewer main, this is an exceptional situation in which normal competitive bidding is neither feasible nor practical; and

WHEREAS, unless this ordinance waiving the requirements of competitive bidding is effective immediately, corrective work to replace this sewer main and fill in the deteriorated line might come too late to prevent collapse of the existing line causing dangerous and unhealthy sewage overflows, damage to Interstate 540, and other serious problems.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that the need to quickly replace and repair the

deteriorated sewer main under Interstate 540 is an exceptional situation in which statutory competitive bidding requirements are deemed not feasible or practical. Therefore, the City Council waives the normal competitive bidding procedure and authorizes the Mayor to contract for rapid correction of this serious problem.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby finds that the seriously deteriorated condition of the sewer main running under Interstate 540 was recently discovered and requires rapid replacement and repair in order not to further imperil the public's peace, health and safety. Therefore, the City Council of the City of Fayetteville, Arkansas hereby declares an Emergency exists such that this ordinance, being necessary for the preservation of the public peace, health and safety, shall become effective immediately and be in full force and effect upon its execution by the Mayor.

PASSED and APPROVED this the 19th day of February, 2002.

APPROVED:

By: **DRAFT**
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.

Fayetteville, AR 72701

Engineering Division

To: Dan Coody, Mayor

Thru: Greg Boettcher, Public Works Director
Contract Review

From: Jim Beavers, City Engineer *Jim Beavers*

Date: February 11, 2002

Re: City Council Meeting February 19, 2002
Sanitary sewer main replacement and repairs, I-540 crossing:

The existing sanitary sewer crossing located under I-540 north of Highway 62 (6th Street) and South of Highway 16 West (Wedington Drive) has deteriorated to the extent that a new crossing must be installed. (Please refer to enclosed vicinity map). This crossing carries the waste from the Porter Road pump station and a significant portion of the west side of Fayetteville.

The existing sanitary sewer crossing consists of 20 inch ductile iron carrier pipe and 36 inch corrugated metal encasement pipe. The crossing was originally installed in 1973 and extended east in 1980. The effects of hydrogen sulfide gas have deteriorated both the carrier pipe (ductile iron) and the encasement (corrugated metal culvert). The City experienced failures of the pipe on December 28 and January 15. Short-term, temporary repairs have been installed by the Water/Sewer maintenance Division. At the time of the two failures, it was reported that a section of the carrier pipe no longer existed and that the top of the encasement pipe, west of the pavement, had failed.

The existing carrier pipe and encasement pipe and proposed solutions have been reviewed by the Water/Sewer Maintenance Division, City Engineering, Fayette Tree and Trench and the Public Works Director. Alternatives have been reviewed including:

In situ repair.

An in situ repair (form in-place or slip line) cannot be performed due to the poor conditions of the existing carrier pipe.

Replacement within same encasement.

The existing carrier pipe cannot be pulled from the existing bore due to poor conditions of both the ductile iron and the corrugated metal pipes. Additionally, the infill and the use of corrugated metal instead of today's standard of smooth encasement pipe encumber the removal of the carrier pipe.

Bore in place.

The bore cannot economically be placed in the same location due to problems of attempting to bore thru the remaining ductile iron pipe and corrugated metal encasement.

Extending the sewer line south to the existing crossing.

The existing crossing located at 6th Street (Highway 62) is a 12 inch diameter crossing which carries the City of Farmington. In addition to the new pipe required to reach this area the same, or larger, bore and replacement would be required. Please refer to the enclosed map.

Requested contract.

The selected alternative, as designed in-house, provides for:

a. New 30 inch diameter bore, smooth steel encasement, new 18 inch diameter PVC sanitary sewer located approximately 15 feet north of the existing crossing.

b. Expose the existing pipe between traffic lanes and pressure grout the existing encasement with concrete grout to protect the highway from future settlement.

This will require specialized construction which cannot be performed with in-house construction crews.

Contractor:

The City of Fayetteville has a long and successful history of work with local contractors, including Fayette Tree and Trench. Fayette Tree and Trench also has a history of being low bidders on City projects, including both sanitary sewer and water mains. At this time, Fayette Tree and Trench is working on two water main replacement projects for the City of Fayetteville (Hinkle and East Ridgeway) of which Fayette Tree and Trench was low bidder. Fayette Tree and Trench has the ability to move quickly on this project.

Subcontractor:

Bob Main, Main boring. Mr. Main also has a successful history of working with, and for, many area contractors and the City of Fayetteville. Mr. Main is typically the bore contractor for all area General contractors.

Price:

The negotiated price with Fayette Tree and Trench is as follows:

A. New sanitary sewer crossing:

360 lf 30 inch bore with steel encasement	\$310 lf	\$111,600.00
360 lf 18 inch C905 PVC pipe	20.65	7,434.00

Manhole 17	3,200.00
Manhole 18	2,400.00
Tie ins, including pipe	5,200.00
Abandon existing manhole	500.00
Trench Safety	2,000.00
Clean up, mobilization, Traffic Control, erosion control, all other costs with bore and pipe line	14,940.00
Performance and Payment bond	1,800.00
Maintenance bond	652.50
subtotal A	\$149,726.50
B. Pressure fill existing encasement with grout	
Grout existing line	\$28,325.00
Trench Safety	5,000.00
Traffic Control, mobilization, erosion control, clean-up, surface restoration, and all other costs with pressure grouting	21,716.00
Performance and Payment bonds	648.00
Maintenance bond	234.90
Subtotal B	\$55,923.90

Total A+B = \$205,650.40

Engineering has reviewed the proposal prepared by Fayette Tree and Trench and believes that the proposed prices are fair and reasonable. The proposed prices compare favorably to bids for similar work. For example, the bids for 36 inch bore and steel encasement for the Highway 265 water/sewer relocation project, September 1999 ranged from \$300 lf to \$425 lf. The successful, total bidder's unit price was \$330 lf.

Budget:

The emergency replacement is unbudgeted. Staff requests a budget adjustment of \$236,498.00 to be taken from project number 01023, Mount Sequoyah Water/Sewer replacements, current budget \$2,400,000.00.

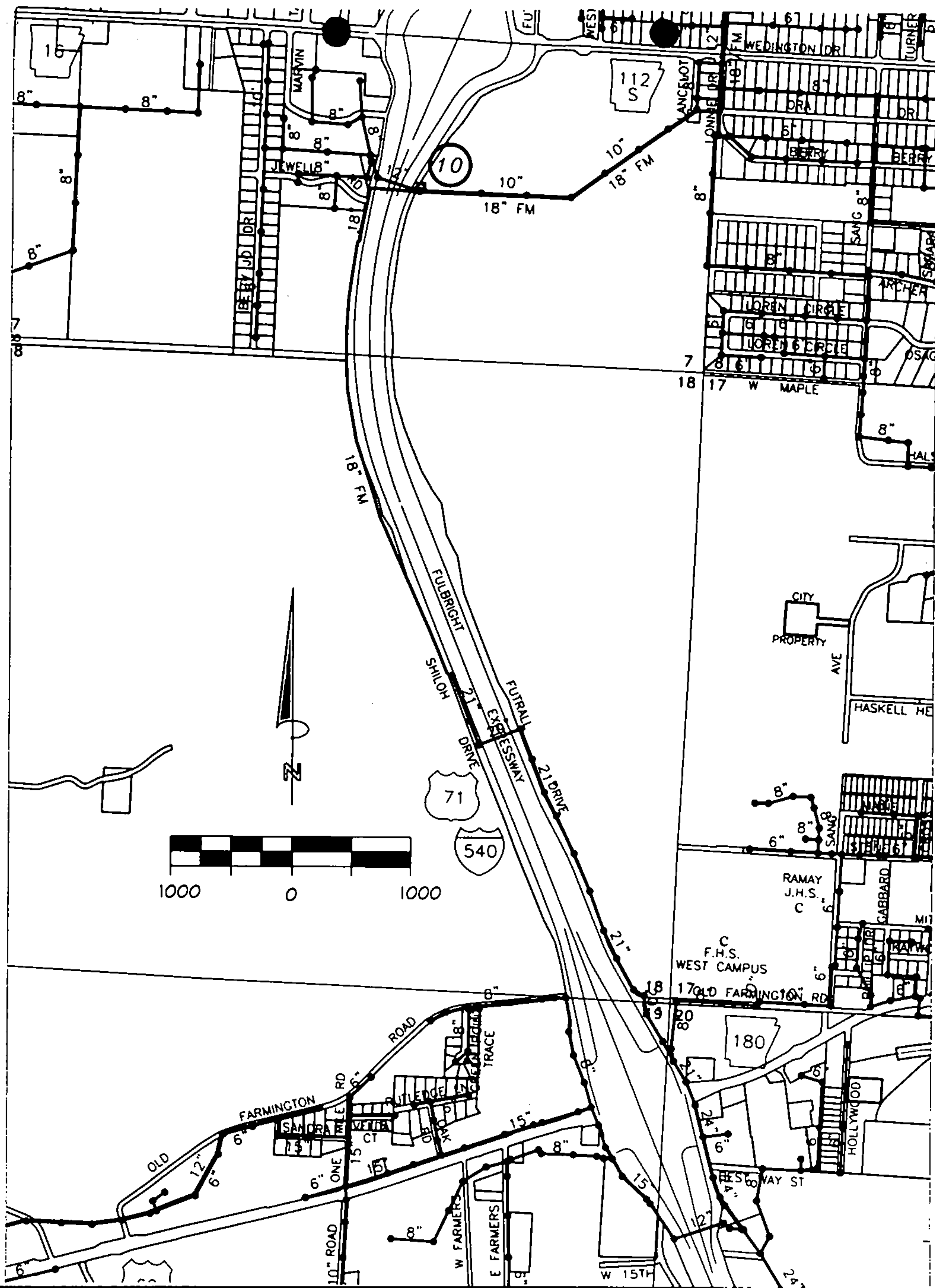
The budget adjustment will cover the construction costs (\$205,650.40 and 15% contingency for engineering design, drafting and inspection (in-house, \$5000 approximate), permits and any necessary field changes.

Staff requests that the City Council approve:

1. Approval of an ordinance waiving competitive bidding.
2. Declaring an emergency for public health and safety (adding an emergency clause to the ordinance).
3. Approval of a negotiated contract with Fayette Tree and Trench in the estimated amount of \$205,650.40 for emergency repairs to replace the existing sanitary sewer crossing under AHTD Highway I-540 located north of Highway 62 (6th Street) and South of Highway 16 West (Wedington).
4. Approval of a 15% project contingency in the amount of \$ 30,848.00 to cover administrative costs including engineering and inspection, permits and any necessary field changes.
5. Approval of a budget adjustment in the amount of \$236,498.00.

Enclosures:

1. Vicinity Map
2. Contractor's proposal
3. Contract (One original contract is attached. Three additional contracts have been forwarded to the City Clerk's Office.)



Fayette Tree & Trench, Inc.

P. O. Box 471

Fayetteville, AR 72702-0471

BID PROPOSAL

DATE

2/12/02

ARKANSAS STATE CONTRACTORS LICENSE # 0000610802

NAME / ADDRESS

CITY OF FAY.
113 WEST MOUNTAIN
FAYETTEVILLE, AR 72701
DEPT. ENGINEERS
ATTENTION: JIM BEAVER

FAYETTE TREE & TRENCH, .INC.
P. O. BOX 471
FAYETTEVILLE, ARKANSAS 72702

Eugene Nottenkamper

EUGENE NOTTENKAMPER, PRESIDENT

DESCRIPTION	QTY	RATE	TOTAL
BORE & REPLACE LINE UNDER HWY 540			
360 L. F. 30" BORE AT 310.00 L.F.	360	310.00	111600.00
MANHOLE 17: CONSTRUCT NEW MANHOLE		3,200.00	3,200.00
MANHOLE 18: CONSTRUCT NEW MANHOLE		2,400.00	2,400.00
TIE IN PIPE AT NEW MANHOLE 17 TO OLD MANHOLE 17 AND AT MANHOLE 18		5,200.00	5,200.00
REMOVE TOP OFF OLD MANHOLE 18 & FILL WITH S.B. 2		500.00	500.00
360 L.F. 18" D.R. 25 C. 905	360	20.65	7,434.00
OSHA SAFETY SHORING		2,000.00	2,000.00
SUPERVISION, CLEAN UP & ADDITIONAL EXPENSE		14,940.00	14940.00
MAINTANCE BOND		652.50	652.50
PERFORMANCE & PAYMENT BOND		1,800.00	1,800.00
TOTAL			\$149,726.50

Fayette Tree & Trench, Inc.

P. O. Box 471

Fayetteville, AR 72702-0471

BID PROPOSAL

DATE

2/12/02

ARKANSAS STATE CONTRACTORS LICENSE # 0000610802

NAME / ADDRESS

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113 WEST MOUNTAIN
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P. O. BOX 471
FAYETTEVILLE, ARKANSAS 72702

Eugene Nottenkamper

EUGENE NOTTENKAMPER, PRESIDENT

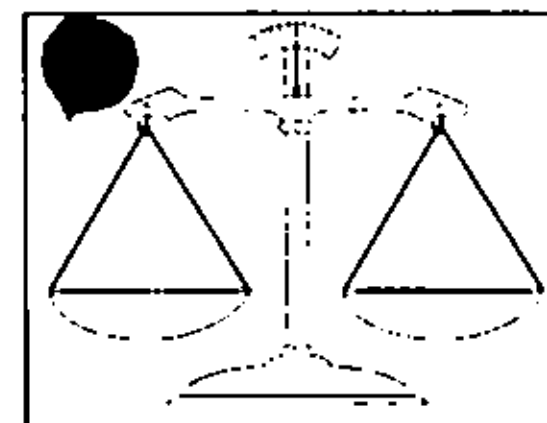
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FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor
City Council Members

FROM: Kit Williams, City Attorney

DATE: February 14, 2002

RE: **Waiving the requirements of competitive bidding**
Emergency clauses

Because you must periodically decide whether or not to waive the normal statutory requirement for competitive bidding in an exceptional situation, I thought I should briefly explain the statutory requirement.

A.C.A. §14-58-303 (attached) sets forth the requirements that we must follow to purchase goods and services and generally enter into contracts. Below \$10,000.00, the Mayor must follow the procedures established by the City Council. Above \$10,000.00, we must invite competitive bidding by advertising in the local newspapers. However, "in exceptional situations where this (competitive bidding) procedure is deemed not feasible or practical," the City Council may waive the requirements of normal competitive bidding. A.C.A. §14-58-303 (b)(2)(B).

The City of Fayetteville lost a case involving this issue in 1987 when we mistakenly believed that a contract for professional archeological services to survey a prehistoric archeological site was exempt from competitive bidding. The Arkansas Supreme Court held:

“(W)e hold that a city is required to solicit bids for all contracts except where there is an affirmative showing by enactment of a separate ordinance that the solicitation of bids is not feasible or practical.”

Klinger v. City of Fayetteville, 293 Ark. 128, 732 S.W. 2d, 859, 860 (1987).

Therefore, the City Council needs to be able to find that this is an “exceptional situation” and that the normal procedure of competitive bidding is “not feasible or practical.” This must be determined on a case-by-case basis by the City Council based upon facts and information provided by City Staff and others.

Normal factors could include **time considerations** (an emergency situation when delay could be dangerous or costly). Another supporting consideration would be when the City already owns substantial equipment from a manufacturer and needs to purchase additional **compatible equipment** (such as the radio communications system). Still others would be when a particular supplier provides a fairly **unique service** and has substantial and long-standing cooperation and relationships with the City (such as the Fayetteville Youth Center and the Council on Aging) and especially when these are non-profit or governmental entities.

The bottom line is that you must be satisfied that the normal competitive biddings rules established to prevent favoritism and to conserve taxpayer dollars are not feasible or practical concerning the proposed contract or purchase before you may waive the bidding process.

EMERGENCY CLAUSE

The ordinance to waive competitive bidding for the sewer replacement contract also contains an emergency clause so the ordinance will take effect immediately. If you look back at old ordinances passed in the eighties, it seems they all had emergency clauses. I have been reluctant to include such an emergency clause without strong factual support.

Amendment 7 to the State Constitution set forth the legal requirements.

"If it shall be necessary for the preservation of the public peace, health and safety then a measure shall become effective without delay, such necessity shall be stated It shall be necessary, however, to state the fact which constitutes such emergency."

An emergency clause requires the separate affirmative vote of six of the eight aldermen. The mayor has no vote.

The Arkansas Supreme Court has addressed this issue a few times and mainly emphasized the Constitutional requirement that the facts constituting the emergency must be stated.

"(A)n emergency clause which does not state a fact that constitutes an emergency is invalid." Burroughs v. Ingram, 319 Ark. 530, 533 893 S.W. 2d 319 (1995) {citing Jumper v. McCollum, 179 Ark. 837, 18 S.W. 2d 359 (1929)}.

The Arkansas Supreme Court has set forth a clear test that gives deference to the judgment of a City Council.

"(W)e set out the test for determining if a real emergency has been stated. We said that if reasonable

people might disagree about whether the enunciated fact states an emergency, the clause will be upheld.”
Id. at 534

The Arkansas Attorney General rendered his Opinion #2000-250 on October 6, 2000 on this issue.

“It is my opinion that in order to justify the inclusion of an emergency clause in a municipal ordinance, the city council must rely upon facts that show ‘some sudden or unexpected happening that creates a need for action.’ ”

...

“The court has also described an emergency as ‘a condition or fact which, if ignored, would imperil the public peace, health and safety.’ ”

It is your decision whether such an emergency condition exists. If you decide the facts warrant passing the emergency clause, a Court will uphold your decision “if reasonable people might disagree about whether the enunciated fact states an emergency.” Burroughs v. Ingram, supra.

THREATENED LAWSUIT

Mr. John Everett representing Basic Construction Company has threatened to sue the City if the City Council approves this contract “on an emergency basis without bidding” A copy of his letter is attached.

History. Acts 1959, No. 28, § 8; A.S.A. 1947, § 19-4428.

14-58-302. Annual report by mayor.

(a) The mayor of a first class city shall prepare and submit to the municipal governing body within sixty (60) days after the end of each fiscal year a complete report on the finances and administrative activities of the city during the previous fiscal year.

(b) The mayor shall also keep the governing body advised as to the financial condition and future needs of the city and make such recommendations as to him may be desirable.

History. Acts 1959, No. 28, § 4; A.S.A. 1947, § 19-4424.

14-58-303. Purchases and contracts generally.

(a) In a city of the first class, the mayor or his duly authorized representative shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials, and other things requisite for public purposes in and for the city and to make all necessary contracts for work or labor to be done or material or other necessary things to be furnished for the benefit of the city, or in carrying out any work or undertaking of a public nature therein.

(b)(1) The municipal governing body shall provide, by ordinance, the procedure for making all purchases which do not exceed the sum of ten thousand dollars (\$10,000).

(2)(A)(i) Where the amount of expenditure for any purpose or contract exceeds the sum of ten thousand dollars (\$10,000), the mayor or his duly authorized representative shall invite competitive bidding thereon by legal advertisement in any local newspaper.

(ii) Bids received pursuant to the advertisement shall be opened and read on the date set for receiving the bids in the presence of the mayor or his duly authorized representative.

(iii) The mayor or his duly authorized representative shall have exclusive power to award the bid to the lowest responsible bidder, but may reject any and all bids received.

(B) The governing body, by ordinance, may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical.

History. Acts 1959, No. 28, § 5; 1979, No. 154, § 1; 1985, No. 745, § 3; A.S.A. 1947, § 19-4425; Acts 1995, No. 812, § 1. **Amendments.** The 1995 amendment substituted "ten thousand dollars (\$10,000)" for "five thousand dollars (\$5,000)" in (b)(1) and (b)(2)(A)(i); rewrote (b)(2)(A)(iii); and deleted former (b)(2)(A)(iv).

FAYETTEVILLE



THE CITY OF FAYETTEVILLE, ARKANSAS

Kit Williams
CITY ATTORNEY

CITY ATTORNEY DIVISION
113 WEST MOUNTAIN, 72701
PHONE: 501-575-8313
FAX: 501-575-8315

February 15, 2002

Honorable John Everett
Everett Law Firm
P.O. Box 8370
Fayetteville, AR 72703-8370

By FAX: 587-9339

RE: Sewer line replacement

Dear John:

Enclosed please find a copy of my memo concerning the waiver of competitive bidding requirements and when emergency clauses are justified. If you believe I have misstated the law concerning these issues, please let me know and I will so inform the City Council of the proper legal considerations.

With kindest regards,

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

Kit Williams
Fayetteville City Attorney

KW/jh

Enclosure

EVERETT LAW FIRM

Attorneys at Law

Post Office Box 8370 · 1944 East Joyce Blvd. · Fayetteville, Arkansas 72703-8370
Tel: (479) 443-0292 Fax: (479) 443-0564 email: john@everettfirm.com

John C. Everett
Jason H. Wales, P.A.
John M. Scott, P.A.
Elizabeth Storey Bryan, P.A.

G. Chadd Mason
of Counsel
1944 East Joyce Blvd., Post Office Box 8896
Fayetteville, Arkansas 72703-8896
Tel: (479) 587-9300 Fax: (479) 587-9339

February 13, 2002

VIA FACSIMILE
575-8315

Kit Williams
Fayetteville City Attorney
113 West Mountain, Room 302
Fayetteville, AR 72701

Re: Northwest Arkansas Times News Article

Dear Kit:

I tried to call you this morning about an article in the *Northwest Arkansas Times* this morning regarding an application for "emergency" funding for purposes of putting a sewer line under Interstate 540. The newspaper article says that the City has received only one bid from Fayetteville Tree & Trench for \$136,000. I represent Basic Construction Company. Basic Construction Company has worked for the City forever; has the skills, equipment and capability to do this work; and would like to bid on the project. From my understanding of the problem, there truly is no emergency in this situation as it has presumably existed for some time and the City has ample opportunity to take competitive bids.

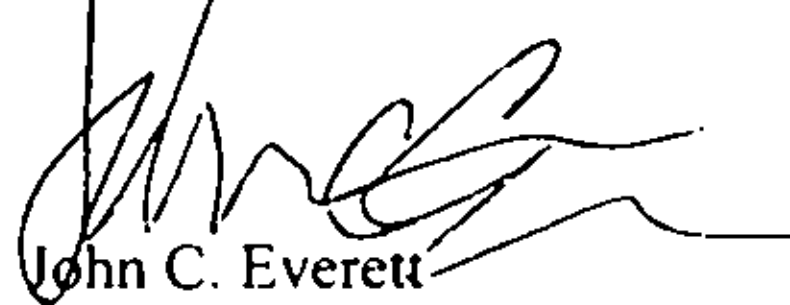
I wanted to put the City on notice that if you allow this to go through on an emergency funding basis without bidding, I propose to file a lawsuit against the City of Fayetteville on behalf of Basic Construction Company.

Please call me about this if you want to but this is the information I wanted to communicate to you.

Kit Williams
February 13, 2002
Page Two

Sincerely,

EVERETT LAW FIRM



John C. Everett

JCE:tcw

cc: Gary Combs (*via facsimile*)

FAYETTEVILLE



THE CITY OF FAYETTEVILLE, ARKANSAS

Kit Williams
CITY ATTORNEY

CITY ATTORNEY DIVISION
113 WEST MOUNTAIN, 72701
PHONE: 501-575-8313
FAX: 501-575-8315

February 13, 2002

Honorable John Everett
Everett Law Firm
Fayetteville, AR 72702-8370

By FAX: 587-9339

RE: Sewer line replacement

Dear John:

Thank you very much for your letter of 2-13-02. Unless you object, I will provide a copy of this letter to the Mayor and City Council.

I will explain what I believe the law is concerning waiver of competitive bidding and passage of emergency clauses to the City Council at their meeting next Tuesday evening. I would certainly invite your comments on this issue, plus any information from your client or others about the facts.

The City Administration must then present sufficient facts and information to convince the City Council to waive competitive bidding and pass an emergency clause.

With kindest regards,

Kit Williams
Fayetteville City Attorney

KW/jh

cc: Dan Coody, Mayor

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2001

FROM:

Jim Beavers

Name

Engineering

Division

Public Works

Department

ACTION REQUIRED:

1. Approval of an ordinance waiving competitive bidding.
2. Declaring an emergency for public health and safety (adding an emergency clause to the ordinance).
3. Approval of a negotiated contract with Fayette Tree and Trench in the estimated amount of \$205,650.40 for emergency repairs to replace the existing sanitary sewer crossing under AHTD Highway I-540 located north of Highway 62 (6th Street) and South of Highway 16 West (Wedington).
4. Approval of a 15% project contingency in the amount of \$ 30,848.00 to cover administrative costs including engineering and inspection, permits and any necessary field changes.
5. Approval of a budget adjustment in the amount of \$236,498.00.

COST TO CITY:

\$ 236,498

Cost of this Request

\$ 0 **

Category/Project

Sanitary Sewer Replacement

Category/Project Name

5400-5600-5800.00

Account Number

Program Name

02040-0020

Project Number

Fund

** Budget adjustment to be attached.

Project 01023.

BUDGET REVIEW:

Budget Adjustment Attached

Budget Manager

City Director

CONTRACT/GRANT/LEASE REVIEW

Y:

Accounting Manager

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

Grant Coordinator

Date

STAFF RECOMMENDATION: Approval

Division Head

Date

Cross Reference

*Look
FOR
SIGNED
ORIG.
PACKET.*

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2001

FROM:

Jim Beavers

Name

Engineering

Division

Public Works

Department

ACTION REQUIRED:

1. Approval of an ordinance waiving competitive bidding.
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5. Approval of a budget adjustment in the amount of \$236,498.00.

COST TO CITY:

\$ 236,498

Cost of this Request

\$ 0 **

Category/Project Budget

Sanitary Sewer Replacement

Category/Project Name

5400-5600-5800.00

Account Number

\$ 0

Funds Used To Date

Program Name

02040-0020

Project Number

\$ 0

Remaining Balance

Fund

** Budget adjustment to be attached. Source of Funds - Mt. Sequoyah Water/Sewer, Project 01023.

BUDGET REVIEW:

☐ Budgeted Item

☒ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

Grant Coordinator

Date

STAFF RECOMMENDATION: Approval

Division Head

Date

Cross Reference

Look
for
signed
0214
packet

Fayetteville to allow the Mayor or his designee to establish fees for the city swimming pool.

2. **ROLLFORWARD:** A resolution approving a budget adjustment which will allow for the rollforward and re-budget of all projects for items in progress which were appropriated in the 2001 Budget. The items which are approved will become part of the 2002 Budget.

3. **PARKS MASTER PLAN:** A resolution approving the Parks and Recreation Ten-Year Master Plan with guiding policies and implementation strategies.

4. **BOYS AND GIRLS CLUB:** An ordinance waiving the requirement of formal competitive bidding and approving a contract between the City of Fayetteville and Boys and Girls Club to provide public recreation.

5. **COUNCIL ON AGING:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville and Council on Aging in the amount of \$30,999.96 to provide public recreations for the senior citizens of Fayetteville for 2002.

6. **FAYETTE TREE AND TRENCH:** An ordinance waiving competitive bidding, declaring an emergency for public health and safety and the approval of a negotiated contract with Fayette Tree and Trench in the estimated amount of \$??? plus a 15% contingency for a total of \$???? for emergency repairs to replace the existing sanitary sewer crossing under AHTD Highway I-540 located north of Highway 62 and south of Highway 16 West.

7. **DEAD HORSE MOUNTAIN BRIDGE:** A resolution approving an agreement with the Arkansas Highway and Transportation Department regarding the design and funding for the replacement of the Dead Horse Mountain Bridge. Costs to consist of the deposit payment to AHTD at the start of the preliminary design.

8. **WARD BOUNDARIES:** Discussion regarding Warding Boundaries.

PUBLIC MEETINGS FOR THE WEEK OF FEBRUARY 11, 2002

MONDAY, FEBRUARY 11

2:00 p.m.	A & P Commission	Director's Room/Town Center
4:30 p.m.	Equipment Committee	Tim's Pizza on the Square
5:30 p.m.	Planning Commission	219

TUESDAY, FEBRUARY 12

12:00-1:30	Outdoor Lighting Subcommittee	111
4:00 p.m.	Construction Board of Adjustments & Appeals	111
4:30 p.m.	City Council Agenda Session	326
5:00 p.m.	Ordinance Review Committee	326
7:30 p.m.	Youth Advocacy Committee	326

WEDNESDAY, FEBRUARY 13

9:00 a.m.	Technical Plat Review	111
4:00 p.m.	Sidewalk & Trails Committee	326

THURSDAY, FEBRUARY 14

8:30 a.m.	Subdivision Committee	111
-----------	-----------------------	-----

Please change
this to match
the attached
revision.

Thank you,
Jim B.

From: Heather Woodruff
To: agenda list
Date: 2/8/02 4:02PM
Subject: City Council Agenda and Meeting List
Place: Municipal Mgmt Software Interviews

TENTATIVE AGENDA
CITY COUNCIL
FEBRUARY 19, 2002

A meeting of the Fayetteville City Council will be held on February 19, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

A. CONSENT

1. APPROVAL OF THE MINUTES
2. MUDD CREEK: A resolution showing support for the Mudd Creek Trail Project and giving the authority to the Mayor to enter into a contractual agreement with AHTD.
3. SANITATION TRUCKS: A resolution awarding Bid No. 02-01 to Shipley Motor Equipment for two front load and two rear load style cab and chassis with mounted sanitation bodies in the amount of \$645,868.
4. LIBRARY: A resolution supporting cooperation with the Chemical Engineering Department of the University of Arkansas and the Fayetteville Public Library related to distributed power options for the new Library Building.
5. BURDITT ASSOCIATES: A resolution authorizing a contract change with Burditt Associates in the amount of \$33,000 to complete the city wide tree inventory and to provide software and management plan.
6. INFRASTRUCTURE GRANT: A resolution approving an Economic Infrastructure Grant from Arkansas Department of Economic Development for \$100,000 to replace a water distribution main. The work will enable Pinnacle Foods to expand and add 134 jobs.

B. OLD BUSINESS

1. CABLE RATES: A resolution expressing the City Council's opposition to the proposed seventy-five percent rate increase for basic cable television service proposed by Cox Communications, Inc. The item was tabled at the February 5, 2002, meeting.
2. RZN 02-1.00: An ordinance approving RZN 02-1.00 as submitted by Robert chmitt for property located at 1140 Hendrix and 1110 Hendrix. The property is zoned R-1, Low Density Residential, and contains approximately 1.36 acres. The request is to rezone to R-1.5, Moderate Density Residential. The ordinance was left on the first reading at the February 5, 2002, meeting.
3. RZN 02-2.00: An ordinance approving rezoning request RZN 02-2.00 as submitted by Craig Hull of Nickle-Hill Group on behalf of Andy Bethell for property located at the northeast corner of Joyce Blvd. and Crossover Road. The property is zoned C-1, Neighborhood Commercial and contains approximately 1.94 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the first reading at the February 5, 2002, meeting.

C. NEW BUSINESS

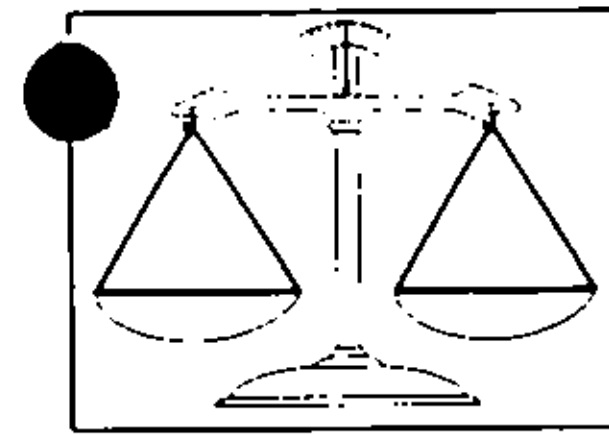
1. SWIMMING POOL FEES: An ordinance amending Section 97.017 of the Code of

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Brenda Thiel, Alderman

FROM: Kit Williams, City Attorney

DATE: January 17, 2002

RE: Proposed Ordinance to increase number of Civil Service
Commissioners to seven (7)

Attached is a proposed Ordinance to accomplish your request
(and the Fayetteville FOP's request) to increase the number of Civil
Service Commissioners to seven (7).

If you approve of this please provide it to Heather for the
Agenda.

*Left on
1st Reading*

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

FOR: COUNCIL MEETING OF February 5, 2002 MAYOR'S APPROVAL _____

FROM:

Brenda Thiel

Alderman

Name

Division

Department

ACTION REQUIRED: An Ordinance To Add Two More Members To The Fayetteville Civil Service Commission

COST TO CITY:

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used to Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

Division Head

Date

Department Director

Date

Administrative Services Director

Date

Mayor

Date

CROSS REFERENCE

New Item: **Yes** No

Previous Ordinance/Resolution No.: _____

ORDINANCE NO. _____

AN ORDINANCE TO ADD TWO MORE MEMBERS
TO THE FAYETTEVILLE CIVIL SERVICE COMMISSION

WHEREAS, the City Council of the City of Fayetteville, Arkansas may add two additional members to its established Board of the Civil Service Commission so that the total number of Commissioners will be seven; and

WHEREAS, the City Council of the City of Fayetteville, Arkansas determines it is in the best interest of the citizens of Fayetteville and the fire and police employees to broaden the Board of the Civil Service Commission to seven members.

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 exercises its power pursuant to A.C.A. §14-51-201(c) to add two more members to its civil service commission to serve pursuant to the requirements of state law.

PASSED and APPROVED this the _____ day of February, 2002.

APPROVED:

By: _____ **DRAFT**
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

Effective Dates. Acts 1989, No. 432, § 4: Mar. 9, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the chairmanship of many city civil service commissions changes during the first week in May; that this act provides that the chairmen should be selected by the commission; and that this act must go into effect immediately in order to coincide with the change in chairmanships. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 439, § 5: Mar. 9, 1989. Emergency clause provided: "It is hereby

found and determined by the General Assembly that the powers and duties of Civil Service Commissions established pursuant to Act 28 of 1933, as amended, require immediate clarification in that such commissions' interference with the day to day operations and management of police and fire departments is contrary to the efficient and effective operation of such departments and is injurious to the public health, safety and welfare. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

CASE NOTES

In General

There is nothing in this subchapter creating an enforceable expectation of continued employment; it merely gives employ-

ees certain procedural rights surrounding termination. *Dalton v. City of Russellville*, 290 Ark. 603, 720 S.W.2d 918 (1986).

14-51-201. Appointment of members.

(a) In all cities of the first class having a civil service system, the city's governing body shall, by ordinance, name five (5) upright and intelligent citizens of their cities as a board of civil service commissioners for the police and fire departments or the nonuniformed employees.

(b) The commissioners shall hold office as follows:

(1) One (1) shall hold office until the first Monday in April of the second year after his appointment;

(2) One (1) shall hold office until the first Monday in April of the fourth year after his appointment;

(3) One (1) shall hold office until the first Monday in April of the sixth year after his appointment;

(4) One (1) shall hold office until the first Monday in April of the eighth year after his appointment; and

(5) One (1) shall hold office until the first Monday in April of the tenth year after his appointment.

(c)(1) In all cities of the first class having a civil service system, the governing body may, by ordinance, add two (2) more members to its civil service commission. The law applicable to the commission shall apply to the additional members, except that in each such city, the first two (2) additional members appointed pursuant to this subsection shall serve staggered terms to be determined by lot so that one (1) will serve a three-year term and one (1) a six-year term, and their successors shall serve six-year terms.

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

FOR: COUNCIL MEETING OF February 5, 2002 MAYOR'S APPROVAL _____

FROM:

Brenda Thiel

Alderman

Name

Division

Department

ACTION REQUIRED: An Ordinance To Add Two More Members To The Fayetteville Civil Service Commission

COST TO CITY:

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used to Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

Division Head

Date

Department Director

Date

Administrative Services Director

Date

Mayor

Date

CROSS REFERENCE

New Item: **Yes** No

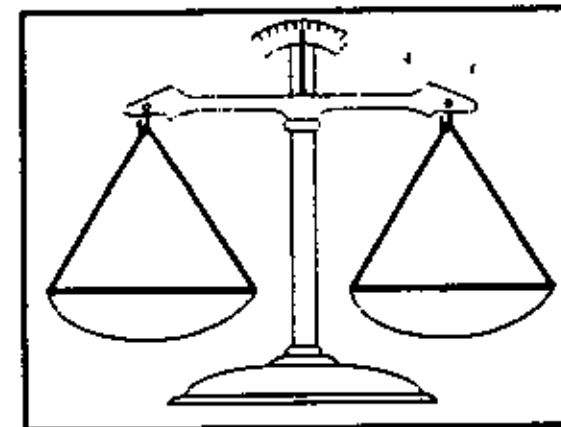
Previous Ordinance/Resolution No.: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Brenda Thiel, Alderman

FROM: Kit Williams, City Attorney

DATE: January 17, 2002

RE: Proposed Ordinance to increase number of Civil Service
Commissioners to seven (7)

Attached is a proposed Ordinance to accomplish your request
(and the Fayetteville FOP's request) to increase the number of Civil
Service Commissioners to seven (7).

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ORDINANCE NO. _____

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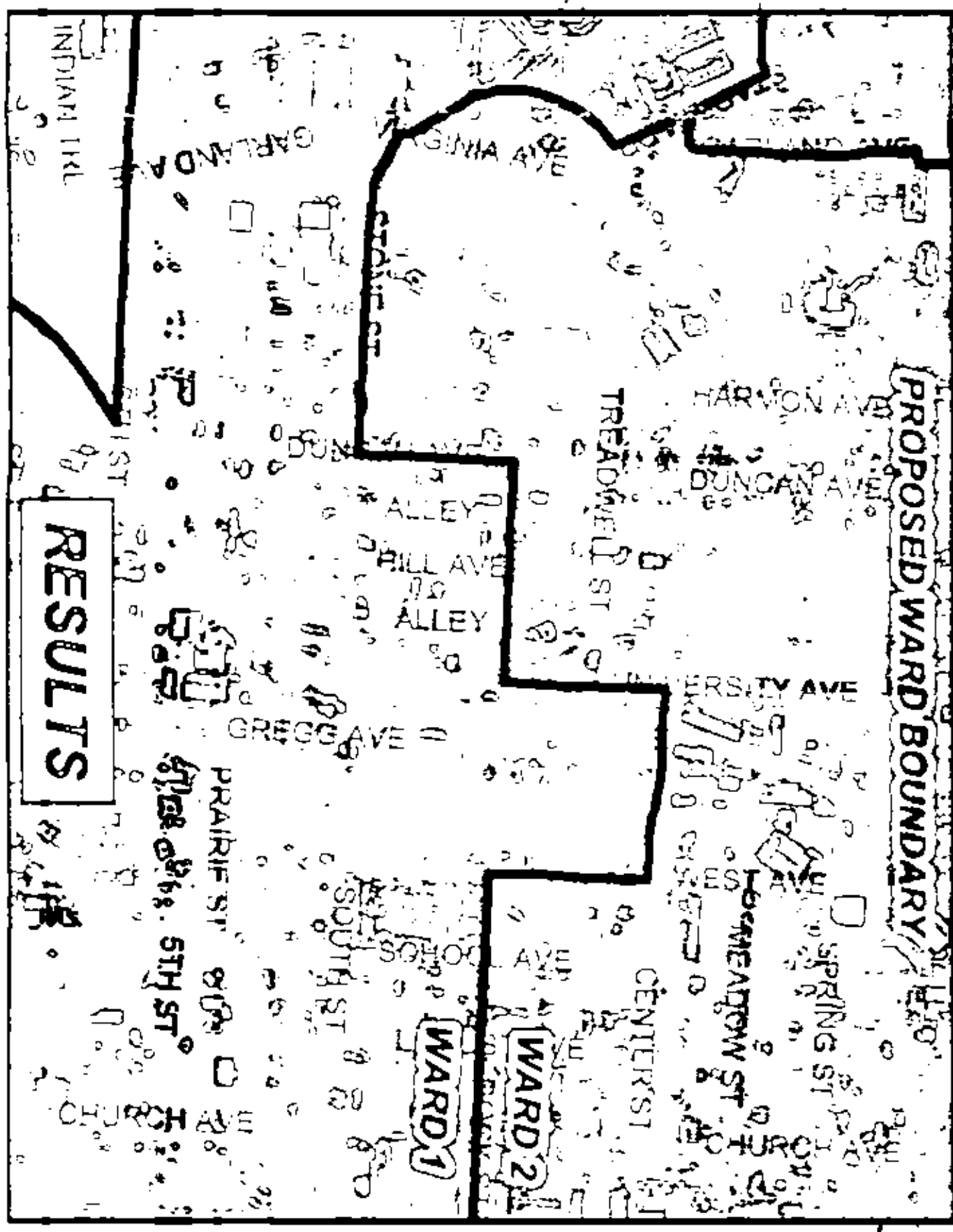
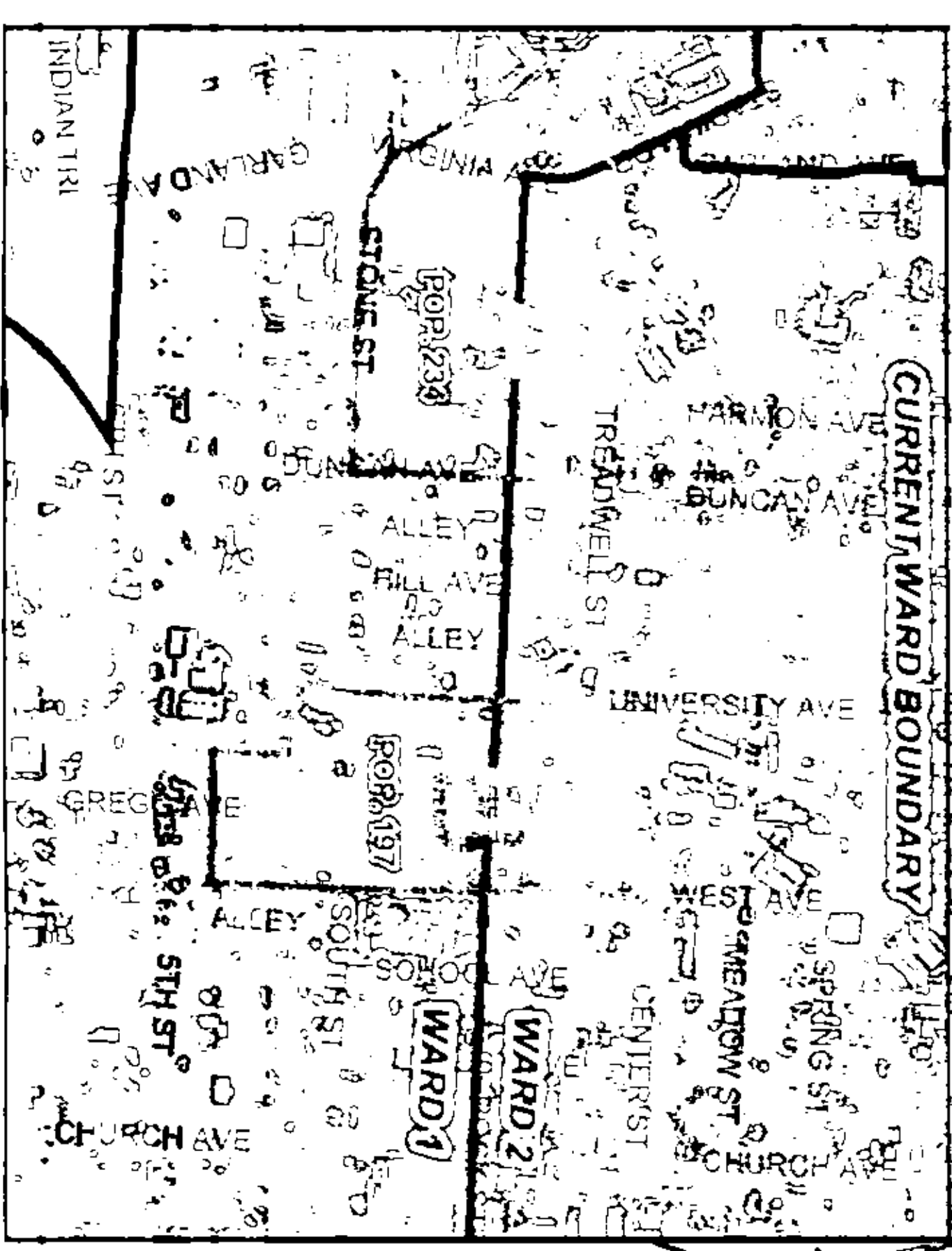
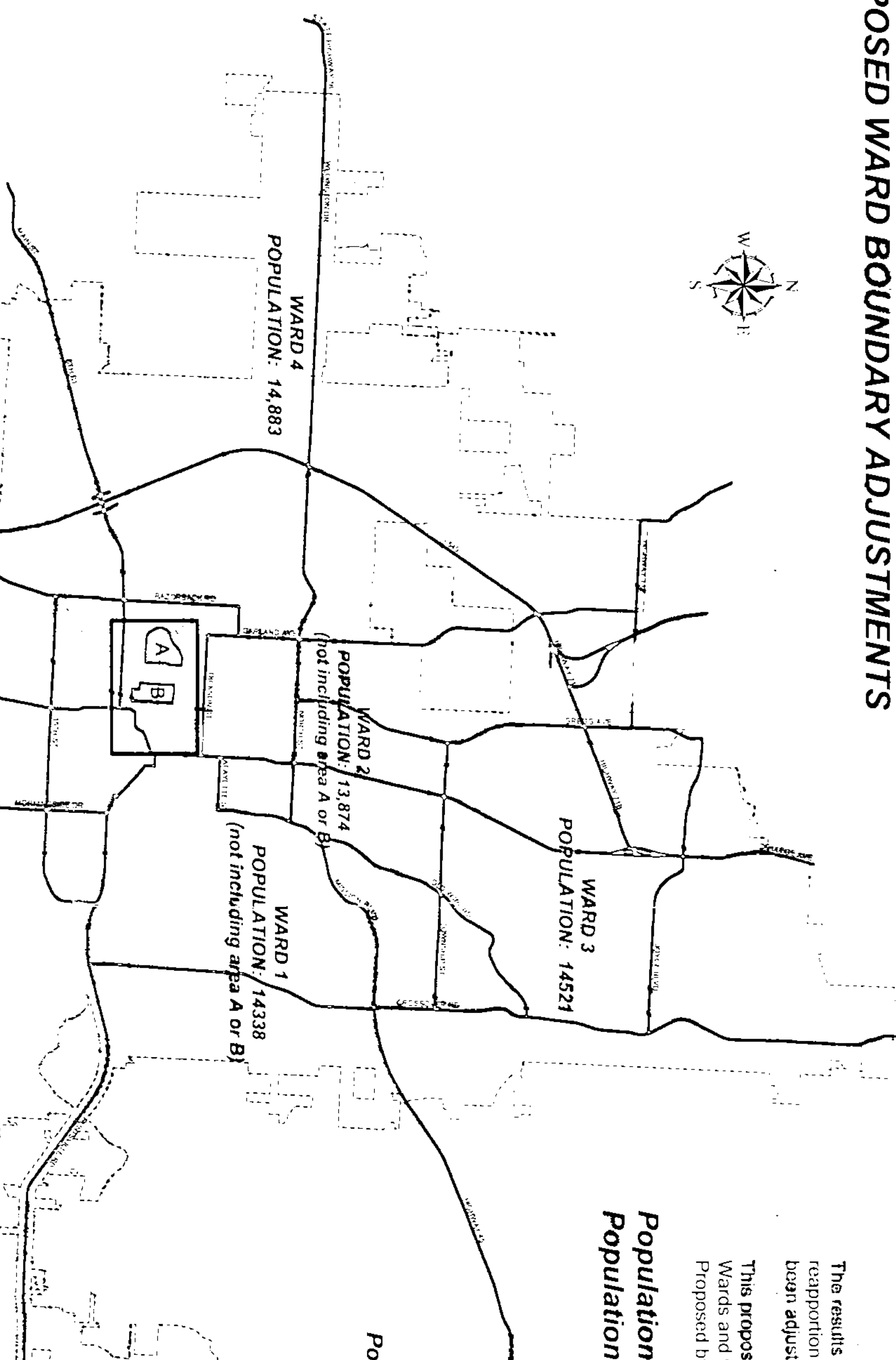
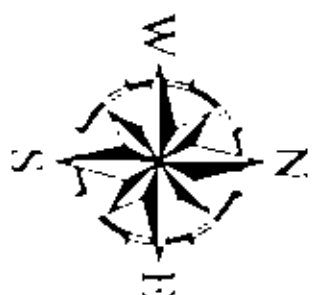
APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

PROPOSED WARD BOUNDARY ADJUSTMENTS



RESULTS

The results of the 2000 Census has required that Washington County reapportion JP districts. As a result some of the voting precincts have been adjusted. It is important that our Wards also follow Precinct Boundaries.

This proposal will both improve the balance of population between the Wards and will also adjust our ward boundaries to match the Precincts Proposed by Washington County.

Population in area A will be entirely included in Ward 2
Population of area B will be entirely included in Ward 1

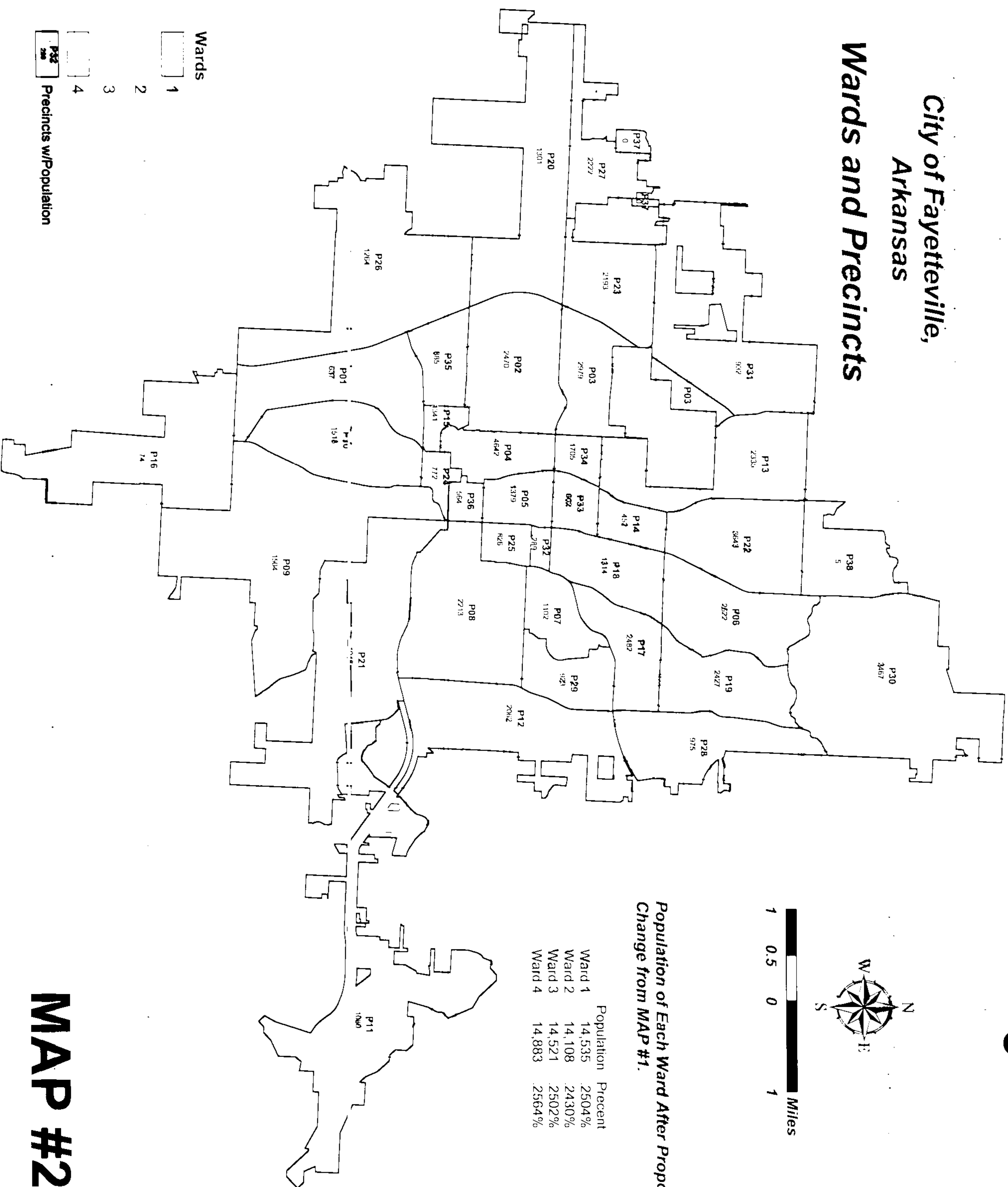
Population of area A: 234
Population of area B: 197

Population of Each Ward After Proposed Change.

Ward	Population	Percent
Ward 1	14,535	.2504%
Ward 2	14,108	.2430%
Ward 3	14,521	.2502%
Ward 4	14,883	.2564%

City of Fayetteville, Arkansas

Wards and Precincts



February 12, 2002

**AGENDA SESSION
CITY COUNCIL
FEBRUARY 19, 2002**

NEW ITEMS:

1. **CIVIL SERVICE:** An ordinance adding two additional members to the Fayetteville Civil Service Commission.

ADDITIONAL INFORMATION:

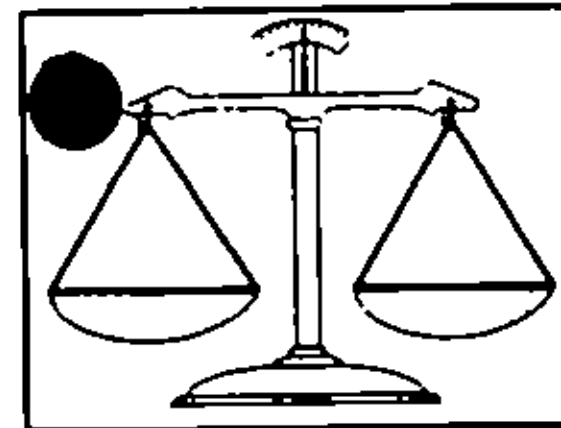
1. **SWIMMING POOL FEES:** Additional information for Item C. 1.
2. **BOYS AND GIRLS CLUB:** Additional information for Item C. 4.
3. **WARD BOUNDARIES:** Maps for item C. 8.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

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FROM: Kit Williams, City Attorney

DATE: January 17, 2002

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STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

FOR: COUNCIL MEETING OF February 5, 2002 MAYOR'S APPROVAL _____

FROM:

Brenda Thiel

Alderman

Name

Division

Department

ACTION REQUIRED: An Ordinance To Add Two More Members To The Fayetteville Civil Service Commission

COST TO CITY:

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used to Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

CROSS REFERENCE

Division Head

Date

New Item:

Yes

No

Department Director

Date

Previous Ordinance/Resolution No.: _____

Administrative Services Director

Date

Mayor

Date

ORDINANCE NO. _____

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PASSED and APPROVED this the _____ day of February, 2002.

APPROVED:

By: _____

DRAFT
DAN COODY, Mayor

ATTEST:

By: _____

Heather Woodruff, City Clerk

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FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council

THRU: Hugh Earnest, Urban Development Director *HE*

FROM: Connie Edmonston, Parks & Recreation Superintendent *CE*

DATE: January 31, 2002

RE: Fayetteville Boys and Girls Club Agreement and Ordinance to Waive Competitive Bidding

Background

The City of Fayetteville has provided financial support for the Fayetteville Boys and Girls Club since 1967 when the Parks and Recreation Division was created. Both shared the same director, as well as other program employees, until the two agencies were split in 1998. This cooperative agreement between our two agencies has worked extremely well throughout the years in serving the recreational needs of our citizens. It is the goal of both parties to work in cooperation to enhance the recreation facilities and programs in our City in order to meet the needs of the citizens of Fayetteville. It is the intent to work together for the common good of the citizens by not providing public funding for multiple competing program offerings. If the Boys and Girls Club were not providing recreational services for our youth as well as adults, the City would need to assume the responsibility.

Current Status

The 2002 budget includes \$186,362 to be transferred to the Fayetteville Boys and Girls Club to purchase public recreational services for the citizens of Fayetteville. In addition, the City provides the club with buses and vans for program transportation. A resolution for contractual services as well as an ordinance to waive competitive bidding is needed. The contract outlines the services the Boys and Girls Club is providing for the City. We are requesting a waiver of competitive bids to secure the continuity of services provided and because the Boys and Girls Club has adequately served our citizens since 1944 when it was created.

Recommendation

Parks and Recreation staff recommends approval of the contract with the Fayetteville Boys and Girls Club to provide public recreation services for the citizens of Fayetteville and an ordinance to waive competitive bidding for the services.

STAFF REVIEW FORM

XX AGENDA REQUEST
XX CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2002

FROM:

Connie Edmonston
 Name

Parks & Recreation
 Division

Urban Development
 Department

ACTION REQUIRED:

A Resolution to approve an agreement with the Fayetteville Boys and Girls Club to provide public recreation for the citizens of Fayetteville and an Ordinance to waive competitive bidding for the payment to the Fayetteville Boys and Girls Club in 2002 for the provision of public recreation.

COST TO CITY:

<u>\$186,362</u>	<u>\$54,341</u>	
Cost of this Request	<u>\$163,021</u>	<u>TransfersYouth/AdultCenters</u>
1010-5220-5718.00	Category/Project Budget	Category/Project Name
2250-9250-5718.00		Athletic\RecreationTrans
Account Number	<u>\$0</u>	Parks Development
	Funds Used To Date	Program Name
NA		General
Project Number	<u>\$186,367</u>	Parks Development
	Remaining Balance	Fund

BUDGET REVIEW: xx Budgeted Item Budget Adjustment Attached

Stephen 2/1/02
 Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Maria Fitching
 Accounting Manager

2/1/02
 Date

Nancy Smith
 Internal Auditor

2/1/02
 Date

K. [Signature]
 City Attorney

2/12/02
 Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

Approval of Fayetteville Boys and Girls Club agreement and an ordinance to waive competitive bidding for the Fayetteville Boys and Girls Club.

Connie Edmonston
 Division Head

1-31-02
 Date

Cross Reference

Nigel Earnest
 Department Director

1-31-02
 Date

New Item: Yes No

Administrative Services Director

Date

Prev Ord/Res #: [Prev Ord/Res #]

Orig Contract Date: [Orig Contract Date]

Mayor

Date

Orig Contract Number: [Contract #]

ORDINANCE NO. _____

AN ORDINANCE AMENDING §97.017 OF THE CODE OF FAYETTEVILLE, TO ALLOW THE MAYOR OR HIS DESIGNEE TO ESTABLISH FEES FOR CITY SWIMMING POOLS.

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

Section 1. That §97.017 Fees for City Swimming Pools., of the Code of Fayetteville, is hereby repealed and the following is inserted in its stead:

§ 97.017 FEES FOR CITY SWIMMING POOLS.

Upon the recommendation of the Parks and Recreation Advisory Board, the Mayor or his designee shall establish and make periodic adjustments to the schedule of fees charged for the use of city swimming pools.

PASSED AND APPROVED this _____ day of _____, 2011

APPROVED:

By _____
DEN COOD, Mayor

WITNESSED:

By _____
HEATHER WOODRUFF, City Clerk

DRAFT

FAYETTEVILLE



THE CITY OF FAYETTEVILLE, ARKANSAS

Kit Williams
CITY ATTORNEY

CITY ATTORNEY DIVISION
113 WEST MOUNTAIN, 72701
PHONE: 501-575-8313
FAX: 501-575-8315

DATE: 2/11/2002
TO: Connie Edmonston, Parks & Recreation
CC: Hugh Earnest, Urban Development Director; File
FROM: David J. Whitaker, Assistant City Attorney *D.J.W.*
RE: SWIMMING POOL FEES

While reviewing your Staff Review Form requesting an increase in the swimming pool user fees at Wilson Park, I learned that in August 1998, the City Council amended the process for establishing fees for the use of City ballfields. It is my recommendation that §97.017 of the City Code be amended in the same manner. This would introduce a greater degree of flexibility into the process, and eliminate the confusion inherent in having multiple and differing methods for fixing the various park fees.

I have attached a copy of the proposed language. Let me know if our office can be of further assistance.

DJW

ATTACHMENT

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENT OF
FORMAL COMPETITIVE BIDDING AND APPROVING A
CONTRACT BETWEEN THE CITY OF FAYETTEVILLE
AND THE FAYETTEVILLE YOUTH CENTER, INC. IN
THE AMOUNT OF \$186,362.00

WHEREAS, the City of Fayetteville has worked cooperatively with the Fayetteville Youth Center, Inc. d/b/a/ the Fayetteville Boys and Girls Club, Inc. to provide public recreation for Fayetteville citizens for over thirty years; and

WHEREAS, the City of Fayetteville determines that this long-standing, unique relationship provides by far the most efficient use of public money to secure the maximum amount of public recreation for its citizens at the least possible public cost; and

WHEREAS, the City Council of the City of Fayetteville determines that in light of the City's unique, lengthy and productive working relationship with the Fayetteville Youth Center, Inc. that the necessity of formal competitive bidding should be waived for this contract as requested by the Fayetteville Parks and Recreation Department.

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 waives the requirement of formal competitive bidding and approves the contract with the Fayetteville Youth Center, Inc. in the amount of \$186,363.00 to provide public recreation for Fayetteville Citizens throughout 2002. A copy of this contract is attached as Exhibit A.

PASSED and APPROVED this the 19th day of February, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

CONTRACT

***Between The City of Fayetteville
and
Fayetteville Youth Center, Inc.***

WHEREAS, the City of Fayetteville has long been associated with and worked with the Fayetteville Youth Center, Inc. to provide public recreation for the citizens of Fayetteville; and

WHEREAS, the Fayetteville Youth Center, Inc. has long provided public recreation to the youth and citizens of Fayetteville; and

WHEREAS, it remains in the best interest of the City of Fayetteville and its citizens to provide operating, promotion and development revenues to the Fayetteville Youth Center, Inc. in consideration for the substantial recreational programs provided by the Fayetteville Youth Center, Inc. to the youth and citizens of Fayetteville.

NOW, THEREFORE, IT IS AGREED:

The City of Fayetteville shall provide the sum of \$15,530.16 monthly to the Fayetteville Youth Center, Inc. throughout the year of 2002 in consideration of the following duties and obligations to be performed by the Fayetteville Youth Center, Inc.:

- A. The Fayetteville Youth Center, Inc. promises to be jointly responsible with the Fayetteville School System to provide staffing, programming, maintenance, promotion, and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium and the main facility of the Boys and Girls Club on California Drive. The Fayetteville Youth Center, Inc. agrees to use funding from the City to pay for gymnasium supervisors and custodians at these sites.
- B. The Fayetteville Youth Center, Inc. promises to make substantial portions of its programs or facilities available to Fayetteville citizens (the public) at little or no cost for needy youth. Although basic membership fees may be required for many Fayetteville residents, no needy youth wishing to participate at the Fayetteville Youth Center, Inc. facility shall be denied access solely because he or she does not have sufficient funds to pay for a regular membership. The Fayetteville Youth Center, Inc. shall report on a quarterly basis

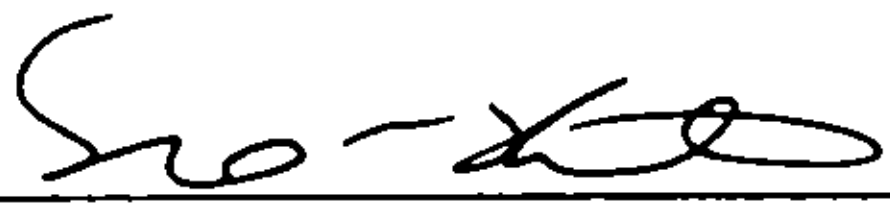
the approximate number of Fayetteville citizens served by its programs and shall include the number of "scholarships" or free memberships provided to Fayetteville citizens.

- C. The Fayetteville Youth Center, Inc. shall continue to follow the general Working Procedures and Responsibilities for the City of Fayetteville Parks and Recreation Division and The Fayetteville Youth Center, Inc. which is attached as Exhibit A.

CITY OF FAYETTEVILLE

By: _____
DAN COODY, Mayor

FAYETTEVILLE YOUTH CENTER, INC.

By: 
Pres. dent
Title

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT A

RECREATION IN FAYETTEVILLE

**WORKING PROCEDURES AND RESPONSIBILITIES FOR THE
CITY OF FAYETTEVILLE PARKS AND RECREATION DIVISION
AND THE FAYETTEVILLE YOUTH CENTER, INC.**

This Agreement is made and entered into between the City of Fayetteville Parks and Recreation Division (Parks and Recreation) and the Fayetteville Youth Center, Inc., d/b/a Fayetteville Boys & Girls Club, (hereinafter FYC).

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

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

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

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

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

1. FYC will be responsible for working with the Fayetteville School System to provide staffing, programming, maintenance, promotion and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium, and the Youth Center. FYC will assume responsibility for the hiring, evaluating, and supervising of gymnasium supervisors and custodians at Holcomb, Asbell, and Vandergriff Gymnasiums.

2. Parks and Recreation will be responsible for providing or approving the staffing, programming, maintenance, promotion and development for the city and school parks, including the following facilities which are utilized for sport programming; Asbell Soccer/Softball Complex, Lake Fayetteville Softball Complex, Gary Hampton Softball Complex, Lewis Street

Soccer Complex, Walker Baseball/Soccer Complex, White River Baseball Complex, and the Wilson Softball Field. Parks and Recreation shall be responsible for outdoor facilities owned or leased by the City of Fayetteville, excluding the property leased to FYC pursuant to written agreements.

3. FYC will be responsible for providing or approving the management, staffing, and promotion and development of the following programs and activities. FYC will coordinate with the Fayetteville School System for use of their facilities. FYC will be responsible for the majority of sports and activities held at indoor recreation facilities, including but not limited to the following:

- Basketball
- Baton
- Camps (Environmental Study, Spring Break, Christmas Break, Summer)
- Cheerleading
- Dance
- Fishing Rodeo
- Flag Football (Youth)
- Golf
- Gymnastics
- Karate
- Ping Pong
- School Kids Connection
- Swim Lessons
- Volleyball
- Tackle Football
- Track
- Special Events
- FYC programs which do not compete with those listed in paragraph 4.

4. Parks and Recreation will be responsible for providing or approving the management, staffing and promotion and development of the following programs and activities. Parks and Recreation will be responsible for the majority of sports and activities held at outdoor recreation facilities, including but not limited to the following:

- Baseball
- Softball
- Flag Football (Adult)
- Hobby Use Groups
- Sand Volleyball
- Soccer
- Special Events

- Swim Lessons
- Tennis Lessons

5. FYC agrees not to establish a program that competes with an established program provided by Parks and Recreation. Moreover, FYC agrees to provide Parks and Recreation with information relating to any of its programs including roster of players, coaches, rules of the league and similar relevant data upon request by Parks and Recreation. It is the intent of both parties to work together for the common good of the citizens of Fayetteville by not providing public funding for multiple competing program offerings. It is understood that FYC and Parks and Recreation both currently provide swim lessons and pool programs and that both parties agree to work together for the common good of both parties.

6. In the event the FYC wishes to allow programs which fall in the general description of paragraph 5 above, which does not believe competes with current City programs, FYC will provide advance notice of intent to start the program to the City providing the City with time to determine whether it is a competing program or not. In the event that FYC offers a program that the Parks and Recreation Division believes is a competing program within the meaning of this document, Parks and Recreation Staff shall give FYC written notice of its assessment. FYC shall either cease operating such program within 30 days of such notice or shall provide a written response to Parks and Recreation that disputes whether such program is in fact a competing program. If FYC fails to cease such program or respond to the assessment from Parks and Recreation, City may discontinue funding for FYC on the 31st day after such notice. If FYC files a dispute, the issue shall be resolved by City Council and the finding of City Council shall be final and not subject to appeal. If FYC fails to cease operation of such a program within 30 days of a decision requiring such cessation by City Council, then the City may stop annual funding to FYC.

7. The FYC Executive Director and Parks and Recreation Superintendent shall have periodic meetings to ensure communication between the two entities.

8. It is understood and agreed that the City's annual purchase of services will be negotiated on a yearly basis. FYC shall provide liability insurance for buses and vans provided by the City of Fayetteville.

9. The FYC Board of Directors is responsible for the management and operation of the annual funding allocation to FYC from the City of Fayetteville and shall have the responsibility for prioritizing the use of such funds. However, 75 percent of the funding must be expended for promotion and development of recreation.

10. As part of the annual funding, FYC agrees to make its facilities available to residents of the City of Fayetteville for a nominal daily fee without the need to purchase a membership to the club.

11. FYC shall schedule a meeting and submit an annual financial report to the Urban Development Director on or before April of each year. Such report shall detail FYC's use of the City of Fayetteville's funding allocation.

12. FYC shall comply with the schedules and procedures established by the Budget & Research Division of the City of Fayetteville for annual funding requests.

13. The working procedures and responsibilities contained herein shall become effective January 1, 2002.

CITY OF FAYETTEVILLE

BY: _____

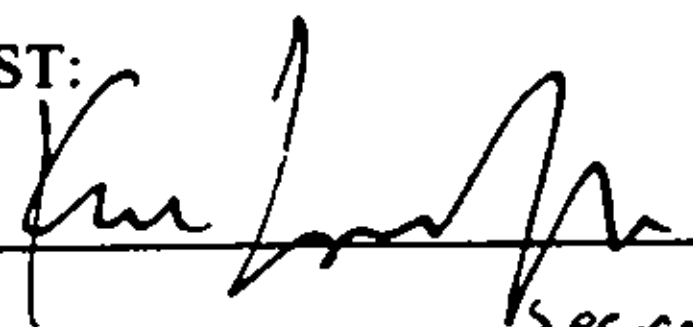
Attest:

BY: _____

FAYETTEVILLE YOUTH CENTER, INC.

BY: 
President

ATTEST:

BY: 
Secretary

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Date: February 8, 2002
To: Fayetteville City Council
From: Dan Coody, Mayor
Subject: DDEP

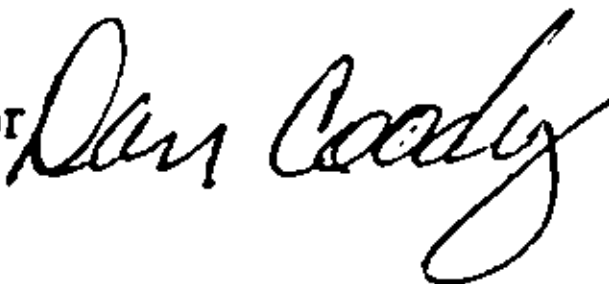


You are in receipt of a January 30th memo from my office discussing the Downtown Dickson Enhancement Project. The memo provides a great deal of background information relative to this excellent local effort that is focused on downtown revitalization, a topic that all of us endorse. The support given by this Council and earlier administrations in focusing on this effort is noteworthy and should be continued. To that end, I am supporting an additional \$20,000 in local funding for 2002. That number is included in the information on budget roll forwards that you will be receiving with your Agenda material..

c.c.: James Foster, Downtown/Dickson Enhancement Project, Inc.
Carl Collier, Dickson Street Central Business Improvement District
Lamar Pettus, Off-Street Parking Development District No. 1
Hugh Earnest, Urban Development Director
Ted Webber, Administrative Services Director

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

FROM: Dan Coody, Mayor 

DATE: January 30, 2002

SUBJECT: Downtown/Dickson Enhancement Project, Inc. - Annual Operations Funding

Background

Downtown/Dickson Enhancement Project, Inc. (DDEP) was incorporated in 1997 to:

“Develop and implement a master plan to enhance and promote the development and marketing of the Downtown/Dickson Street area.”

Extracted from the Constitution and Bylaws of Downtown/Dickson Enhancement Project, Inc.

DDEP was instrumental in the City receiving federal enhancement moneys to improve Dickson Street. The grant, worth up to \$1.5 million on a cost reimbursable basis, was awarded to the City in 1998. The grant is for streetscape improvements on Dickson Street. The work is scheduled for bid this spring. Additionally, DDEP has actively assisted various festivals that have been held in the downtown-Dickson Street area.

In addition to the federal enhancement funds for the project, the City will invest an additional \$2+ million in the streetscape and associated improvements for the project. The City's investment in the streetscape, sidewalks, and water & sewer lines along Dickson Street builds on the investment the City made in the early 1990's in the Walton Arts Center and supporting parking lots (approximately \$6.2 million). Additionally, private donations and funding from the University of Arkansas have been used to complete the development of the Walton Arts Center properties along Dickson Street and West Avenue.

Organizations such as DDEP can provide cities a range of services that are often difficult for a large organization to address and deal with. A properly functioning and correctly organized entity with a clearly defined and focused set of objectives can be of great assistance to the public. DDEP began receiving operational funding from the City in 1997. The table on the following page lists DDEP funding from 1997 to 2002. The table also lists City funding in dollars and as a percentage of total DDEP funding for the same time period. DDEP and the City signed a contract in 2001 that calls for DDEP to provide planning, design and economic development services within the geographic boundaries of the downtown-Dickson Street areas. To aid the City and DDEP in developing a longer funding view, City Council could agree to fund DDEP at either a specified dollar level or a predetermined percentage of their budget. City funding of DDEP operations has ranged from \$12,500 (2002 Adopted Budget) to \$35,000 (2001 Adopted Budget). DDEP's revenues or revenue

needs have ranged from \$41,887 (1998) to \$136,100 (2002). If City Council establishes a percentage of budget to fund, then some oversight over DDEP's budget may need to exist within the City.

Year	City Funding	DDEP Total Budget	% of City Funding to Total
1997	15,000	48,500	30.93%
1998	15,000	41,887	35.81%
1999	15,000	65,575	22.87%
2000	25,000	113,709	21.99%
2001	35,000	117,000 Budget submission	29.91%
2002	12,500	136,100 Budget submission	9.18%
1997-2002	117,500 Total City Funding	522,771 Total Funding	22.48%

Current Conditions

DDEP requested \$40,000 in City funds to provide operations cost for 2002. The 2002 City Budget contains \$12,500. In addition to the planning services DDEP performs for the City, they also provide festival management and coordination services for several festivals that use the downtown-Dickson Street areas.

Dickson Street Central Business Improvement District (DSID) and Off-Street Parking Development District No. 1 (OSPD) are examples of existing self assessment business improvement districts that encompass portions of the DDEP area.

The City's General Fund budget for 2002 utilizes approximately \$1.9 million of reserves to fund on-going operations leaving the City with approximately \$6.0 million in reserves at the end of 2002.

In view of the additional funding requested by DDEP, the City's General Fund reserves, and the projection of the reserve balance for the next few years, staff has researched how downtown organizations are funded.

Findings

The most common funding mechanism, as measured by percent of annual operating budget for downtown business organizations, is through the use of special assessment districts, followed by city funding, memberships, and other revenue. The City's current operations funding for DDEP is consistent with city funding levels for similar organizations across the nation. Currently, DDEP does

not receive any special assessment district revenue for operations. The table below lists the relative percentages of operating funds for downtown business organizations:

Funding Source	% Receiving Funds	% Receiving 51% to 100% Funding
Special Assessment Districts	42%	65%
City Funds	58%	26%
Membership Dues	42%	17%
Event Revenue	34%	6%
Other Government Funds	25%	7%
Other Funds	25%	0%

Future Conditions

The completion of the current street enhancement (Dickson Street) effort may bring requests for additional City services to maintain the new improvements. Concurrent with the need for City services in the downtown area, citizens are requesting more services in their individual neighborhoods. Streetscape enhancements similar to those being implemented for Dickson Street are being contemplated for Block Avenue, West Avenue, Mountain Street, East Avenue and Center Street. The streetscape enhancements will likely require different maintenance procedures than those currently performed. The City's maintenance efforts will need to be supplemented to properly maintain the enhancements as near pristine as feasible.

Next Steps

The continued funding of an organization clearly committed to downtown revitalization is a policy decision that is made each year with the adoption of the City's budget. While this organization has stated in the past that public funding could be eliminated, it is my recommendation that the City continue funding for at least the 2002 budget cycle. The benefits to the city in continuing to assist this group is in the public interest. We have had several conversations with DDEP representatives and they are aware that the group must begin to seriously explore the creation or re-activation of a business improvement district this year. If the City's overall revenues remain as currently projected, the City will have an ever more difficult time finding funds for DDEP operations. Critical public safety services and other City services are likely to need more incremental funding as time moves forward.

If the stakeholders in the City's downtown/Dickson Street area desire to continue enhancement of the vibrancy of the area, DSID/OSPD/DDEP might consider reforming or creating a new business improvement district. City staff can be available to assist DSID/OSPD/DDEP, business owners and/or property owners in developing a business improvement district (BID).

Creation of a BID or special assessment district would provide a funding source dedicated to operating the BID and also provide the supplemental maintenance funding for the streetscape improvements. The members of the BID would control the funding and would be the beneficiaries of the assessments.

cc:

James Foster, Downtown/Dickson Enhancement Project, Inc.
Carl Collier, Dickson Street Central Business Improvement District
Lamar Pettus, Off -Street Parking Development District No. 1
Hugh Earnest, Urban Development Director
Ted Webber, Administrative Services Director

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENT OF
FORMAL COMPETITIVE BIDDING AND APPROVING A
CONTRACT BETWEEN THE CITY OF FAYETTEVILLE
AND THE FAYETTEVILLE YOUTH CENTER, INC. IN
THE AMOUNT OF \$186,362.00

WHEREAS, the City of Fayetteville has worked cooperatively with the Fayetteville Youth Center, Inc. d/b/a/ the Fayetteville Boys and Girls Club, Inc. to provide public recreation for Fayetteville citizens for over thirty years; and

WHEREAS, the City of Fayetteville determines that this long-standing, unique relationship provides by far the most efficient use of public money to secure the maximum amount of public recreation for its citizens at the least possible public cost; and

WHEREAS, the City Council of the City of Fayetteville determines that in light of the City's unique, lengthy and productive working relationship with the Fayetteville Youth Center, Inc. that the necessity of formal competitive bidding should be waived for this contract as requested by the Fayetteville Parks and Recreation Department.

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 waives the requirement of formal competitive bidding and approves the contract with the Fayetteville Youth Center, Inc. in the amount of \$186,363.00 to provide public recreation for Fayetteville Citizens throughout 2002. A copy of this contract is attached as Exhibit A.

PASSED and APPROVED this the 19th day of February, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

CONTRACT

***Between The City of Fayetteville
and
Fayetteville Youth Center, Inc.***

WHEREAS, the City of Fayetteville has long been associated with and worked with the Fayetteville Youth Center, Inc. to provide public recreation for the citizens of Fayetteville; and

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CITY OF FAYETTEVILLE

By: _____
DAN COODY, Mayor

FAYETTEVILLE YOUTH CENTER, INC.

By: 
President
Title

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT A

RECREATION IN FAYETTEVILLE

**WORKING PROCEDURES AND RESPONSIBILITIES FOR THE
CITY OF FAYETTEVILLE PARKS AND RECREATION DIVISION
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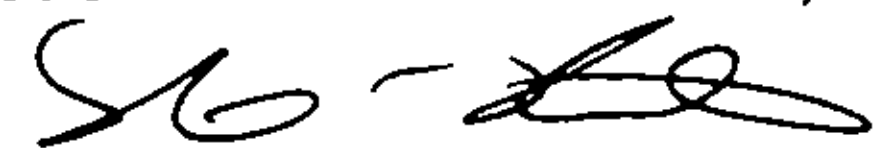
CITY OF FAYETTEVILLE

BY: _____

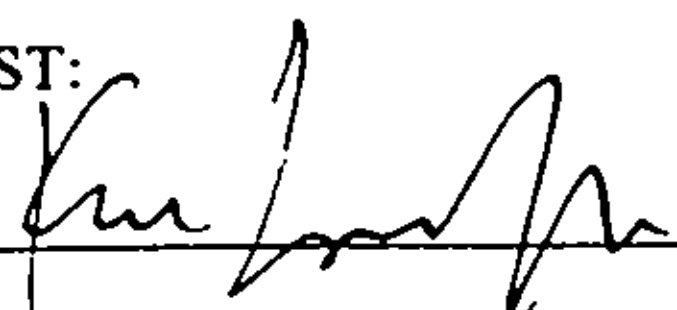
Attest:

BY: _____

FAYETTEVILLE YOUTH CENTER, INC.

BY: 
President

ATTEST:

BY: 
Secretary

We, the undersigned, oppose the rezoning of 1110 Hendrix and 1140 Hendrix on the grounds that the proposed development would result in a significant increase in traffic on Hendrix and Garland; there are no sidewalks on Hendrix; there are already a large number of apartment complexes in that area; there is a large amount of crime directly east of this area; and the water runoff caused by the displacement of top soil would aggravate the already existing drainage problems for the residents between Hendrix and South Maxwell. We particularly note that it is presently very difficult, and sometimes dangerous, to attempt to turn from Hendrix onto Garland and from Garland to Hendrix, and that the proposed project will greatly increase this problem.

Name	Address	Phone number
Bob E. Hume	1686 Stephens	442-8395
Emma Sue Hume	1686 Stephens	442-8395
Darlene Terry	1660 Stephens	443-4986
James W. Terry	1660 Stephens	443-4986
Betty R. Steward	1633 Stephens	442-4090
Max D. Steward	1633 Stephens	442-4090
Nianne Prain	1619 Stephens	442-8021
Novella Miller	1620 Stephens	442-2316
Stan Miller	1620 Stephens	442-2316
Kathy Miller	1620 Stephens	442-2316
Willie Sismore	1283 Hendrix	442-2438
Emma A. Sismore	1283 Hendrix St.	442-2438
Sheri Arlt	1722 N. Stephens Ave.	521-7187
Janey Kimball	1525 Stephens Ave.	770-6726
Raymond Fitch	1525 STEPHENS AVE	442-6625

We, the undersigned, oppose the rezoning of 1110 Hendrix and 1140 Hendrix on the grounds that the proposed development would result in a significant increase in traffic on Hendrix and Garland; there are no sidewalks on Hendrix; there are already a large number of apartment complexes in that area; there is a large amount of crime directly east of this area; and the water runoff caused by the displacement of top soil would aggravate the already existing drainage problems for the residents between Hendrix and South Maxwell. We particularly note that it is presently very difficult, and sometimes dangerous, to attempt to turn from Hendrix onto Garland and from Garland to Hendrix, and that the proposed project will greatly increase this problem.

Name	Address	Phone number
Rubin Drain	1619 Stephens St	442-8021
Robert Drain	Same	"
Stephanie Drain	1619 Stephens	582-1367
Johnny Drain	"	442-8021

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Name	Address	Phone number
Victoria Pannell	1517 Stephens Ave	587-8556
Genie Donovan	1503 Cedar	521-3296
Jeff A. Fry	1333 Stephens	442-4751
Shirley Lockhart	1335 Stephens	443-4165
Jack Lockhart	1335 Stephens	443-4165
Valerie D. Sawyer	1224 Hendrix	443-7783
Ramsey L. Sealy	1356 N. Stephens	443-2154
Pauline M. Smith	1351 N. Stephens	443-3677
Brenten Stevens	1238 N STEPHENS	442-3648
David Jamieson	1661 Stephens	442-6624
Judi Jamieson	1661 Stephens	442-6624
LAURA TERRY	1617 N. MAXWELL	587.0494
Kevin Brown	" "	" "
Rick Engeler	1245 S. Maxwell	442-3822
Michelle Payne	1207 S Maxwell	444-0875

We, the undersigned, oppose the rezoning of 1110 Hendrix and 1140 Hendrix on the grounds that the proposed development would result in a significant increase in traffic on Hendrix and Garland; there are no sidewalks on Hendrix; there are already a large number of apartment complexes in that area; there is a large amount of crime to the east of this area; and the water runoff caused by the displacement of top soil would aggravate the already existing drainage problems for the residents between Hendrix and South Maxwell. We particularly note that it is presently very difficult, and sometimes dangerous, to attempt to turn from Hendrix onto Garland and from Garland to Hendrix, and that the proposed project will greatly increase this problem.

Name, Address, Phone number

JARED LAYNE 1247 S. Maxwell FAY, AR 72701
Wanda F Wilson 1246 S. Maxwell Fay Ark 72701
Lucille Wilson 1246 So Maxwell Fayetteville 72701
Jimmie Q Park 1244 So Maxwell Fay 72701
Linda Parish 1244 So Maxwell Fay 72701
Alison Richards 1231 S. Maxwell Fay 72703 521-0281
Robert D. Linder 1231 S. Maxwell Fay 72703 521-0281

We, the undersigned, oppose the rezoning of 1110 Hendrix and 1140 Hendrix on the grounds that the proposed development would result in a significant increase in traffic on Hendrix and Garland; there are no sidewalks on Hendrix; there are already a large number of apartment complexes in that area; there is a large amount of crime directly east of this area; and the water runoff caused by the displacement of top soil would aggravate the already existing drainage problems for the residents between Hendrix and South Maxwell. We particularly note that it is presently very difficult, and sometimes dangerous, to attempt to turn from Hendrix onto Garland and from Garland to Hendrix, and that the proposed project will greatly increase this problem.

Name	Address	Phone number	
1 Janet Bowls	1226 S. Maxwell Ave.	442-7253	1964
2 Peter Paulsen	1609 N. Maxwell	442-4069	1956
3 Mike Bill	1348 N. Maxwell	444-2547	2/01
4 Ashley Dyer	"	"	"
5 Carolyn Adams	1340 N. Maxwell	521-0987	1990
6 Jimmy Glass	1242 N. Maxwell		1987
7 Carlene Jones	1230 N. Maxwell	575-0859	1986
8 Paul & Nancy McKay	1207 N. Maxwell	442-4050	1984
9 Lemaire Miller	1157 N. Maxwell	443-1806	1979
10 Bob Rogen	1206 S. Maxwell	521-9861	1991
11 Cheryl Rogers	1105 S. Maxwell	521-9861	1991
12 Marcus Mistasi	1227 S. Maxwell	582-2513	2001
13 Zola Morn	1242 S. Maxwell	587-8319	1999
14 Elizabeth Dorech	1242 S. Maxwell	587-8319	1999
15 D.J. R. Galt	1207 S. Maxwell	521-1739	1991

We, the undersigned, oppose the rezoning of 1110 Hendrix and 1140 Hendrix on the grounds that the proposed development would result in a significant increase in traffic on Hendrix and Garland; there are no sidewalks on Hendrix; there are already a large number of apartment complexes in that area; there is a large amount of crime directly east of this area; and the water runoff caused by the displacement of top soil would aggravate the already existing drainage problems for the residents between Hendrix and South Maxwell. We particularly note that it is presently very difficult, and sometimes dangerous, to attempt to turn from Hendrix onto Garland and from Garland to Hendrix, and that the proposed project will greatly increase this problem.

	Name	Address	Phone number
17.	Bruce Callaway	205 S. Maxwell	441-8615
18.	Craig Shipley	1631 Garland	443-6441
19.	Joan Little	1135 N Maxwell	443-3070 1961
20.	Molly Gibson	1134 N. Maxwell	973-9124 2001
21.	Eugene & Dيفون	1146 N. Maxwell	521-3250 1972
22.	Carla Gray	1243 S Maxwell	583-1483 2000

We, the undersigned, oppose the rezoning of 1110 Hendrix and 1140 Hendrix on the grounds that the proposed development would result in a significant increase in traffic on Hendrix and Garland; there are no sidewalks on Hendrix; there are already a large number of apartment complexes in that area; there is a large amount of crime directly east of this area; and the water runoff caused by the displacement of top soil would aggravate the already existing drainage problems for the residents between Hendrix and South Maxwell. We particularly note that it is presently very difficult, and sometimes dangerous, to attempt to turn from Hendrix onto Garland and from Garland to Hendrix, and that the proposed project will greatly increase this problem.

Name	Address	Phone number	
Frances S. Talley	1634 Stephens	442-9256	1969
James Fisher	1379 Hendrix	443 45 75	6 yrs.
Freida S. Toranzo	1335 Hendrix	251-8811	6 yrs.
Beverly McBroom	1332 Hendrix	442-9228	1950
William R. R. R.	1525 N. Garland	521-4384	1985
Lynnaire Hartsell	1525 N. Garland	521-4384	1985
Mona York	1505 N. Garland	582-4704	2001
Joan R.	1196 Hendrix St.	582-8034	2001 Aug
Shirley R.	1230 Hendrix St.	587 8190	2001 Oct
W. H. R.	1218 Carter	443-7222	1992
Joyce Richards	1673 No. Stephens	521-4347	1974
Richard Richards	1673 No. Stephens	521-4347	1974

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Name	Address	Phone number
Deanna Stevens	1301 N. Oak Ave.	521-1433
Bill Stevens	1301 N. Oak Ave.	521-1433
Pam Jenkins	1552 Cedar St	521-5231
Alfina Page	1604 Cedar	521-8116
W. H. Page	" "	" "
Tim M. H.	1605 Cedar St	442-2165
Charles L. Stulte	1605 Cedar St	" "
Dr. Ann B. Dubois	1302 N. Oak Ave Fayetteville, AR 72703	521-0872
Jerre Steiner	1235 Stephens	582-1355
Jennifer Steiner	1235 Stephens	582-1355
W. H. H.	1616 Cedar	442-0232
Jimmy Roberts	1413 Stephens	575-0370
Mauri Dier + Andre'	1250 Stephens	521-3787
W. H. H.	1616 Cedar	442-0232
Melvin E. Smith	1358 N. Lewis	443-3671
Allan Hendrix	1346 N. Lewis	442-9882
Reno Hendrix	1346 N. Lewis	442-9882

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Name

Address

Phone number

Larry Roberts
John Schenck
Dolores Merritt

1413 Stephens 575-0370
1425 Stephens 527-9929
1332 Stephen 443-4046

Stephanie Moore

1234 Stephen 521-1116

Carl J. Osh

1216 N Stephens 587-8712

Mario Moreno

1223 N Stephens 521-3491

Ramona Gills

1247 Stephens 443-3713

Dorinda Ann 2 Law

1502 W Cedar St 442-6073

Bill Hill

1530 W. Cedar St 444-7981

Chris Ciabattari

1540 W. CEDAR ST 443-0410

Richard Dabner

1302 N Oak 521-0872

Gene Foster

1246 N OAK 521-0570

Saleh Faur

1244 Oak 521-2190

Elvise Faur

1244 Oak 521-2190

Thomas S. Galt

1224 N. OAK 957-7675

Virginia Giesinger

1247 Oak Ave 443-4156

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Name	Address	Phone number
Robert Guadagnini	1718 W. LAWSON	582-9093
Henry Canell	1616 Cedar	443 5139
John Holland	1447 Mt. Comfort	443-4168
Golden Smith	1416 Mt. Comfort	443-5426
Lenny	1342 Mt. Comfort	412-2877
Ann Hart	1332 " Comfort	575-4751
Lela Thomas	1324 Mt. Comfort Rd	442-8029
Troy Thomas	1324 Mt. Comfort Rd	442-8029

We, the undersigned, oppose the rezoning of 1110 Hendrix and 1140 Hendrix on the grounds that the proposed development would result in a significant increase in traffic on Hendrix and Garland; there are no sidewalks on Hendrix; there are already a large number of apartment complexes in that area; there is a large amount of crime directly east of this area; and the water runoff caused by the displacement of top soil would aggravate the already existing drainage problems for the residents between Hendrix and South Maxwell. We particularly note that it is presently very difficult, and sometimes dangerous, to attempt to turn from Hendrix onto Garland and from Garland to Hendrix, and that the proposed project will greatly increase this problem.

Name	Address	Phone number
Elma Carter	1314 Mt. Comfort Rd.	479-442-7538
Russell Carter	" " "	" " 50+
Ethel C. Goode	1525 - Nepley St.	(479) 442 9337 (1959)

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2002

FROM:

Greg Boettcher

Public Works

Street Dept.

Name

Division

Department

ACTION REQUIRED: Approval of an agreement with the Arkansas Highway and Transportation Department regarding design and funding for the replacement of the Dead Horse Mountain Bridge (Bridge No.17332). Schedule for Project subject to AHTD, targeted date to be Fiscal Year 2003. Costs to consist of deposit payment to AHTD at start of Preliminary design.

COST TO CITY:

\$-0-

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used To Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW:

☒ Budgeted Item

☐ Budget Adjustment Attached

Keith Davis
Budget Coordinator

1/29/02

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Maisha Furling
Accounting Manager

1/31/02
Date

ADA Coordinator

Date

D. Whit
City Attorney

1/31/02
Date

Nancy Smith
Internal Auditor

1/31/02
Date

Wico
Purchasing Officer

1/31/02
Date

Grant Officer

Date

STAFF RECOMMENDATION: Approval of agreement with Arkansas Highway and Transportation Department.

Division Head

Date

Cross Reference

Greg Boettcher
Department Director

01-31-02
Date

New Item: **Yes** **No**

Chris Hill
Admin Svcs Director

1/31/02
Date

Prev Ord/Res #: _____

Dan Coody
Mayor

1/01/02
Date

Orig Contract Date: _____

Failed

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Board of Aldermen
City of Fayetteville, Arkansas

FROM: Greg Boettcher, P.E.,
Public Works Director

Date: January 23 2002

RE: **Federal-Aid Bridge Replacement Project
Dead Horse Mountain Road Bridge (No. 17332)
Resolution to Utilize Federal -Aid Monies**

BACKGROUND

The City of Fayetteville, Arkansas Contracts with the Arkansas Highway and Transportation Department to perform annual inspections of bridges within the corporate limits. These inspection services are provided by qualified state personnel, with inspection reports documenting the condition of bridge structures. These inspection services represent an annual expense of \$1000 to \$1400 per year.

These regular inspections provide guidance for bridge maintenance activities by the Street Division; identify bridge structures that are nearing the end of service life; and evaluate adequacy of the structures for current loads. In addition to the operating guidance provided by this inspection program, this inspection results provide guidance in setting priorities for maintenance and replacement projects.

DISCUSSION

The Arkansas Highway and Transportation Department's inspection of the bridge over the West Fork of the White River on Dead Horse Mountain Road has found the structure to be in such a condition as to warrant replacement under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program. The deteriorated conditions of the Dead Horse Mountain Road Bridge have been verified by the Street Division, including recent repair activities on the center support piers.

The Capital Improvements Plan for 2002-2006 has identified this project for funding in fiscal year 2003. With the deteriorated condition of the bridge structure, coupled with the possible construction of a major institutional facility in this area, the replacement of this bridge remains a priority for the Fayetteville Street System.

The proposed agreement, attached hereto, provides 80% grant funding on eligible costs, and will allow Arkansas Highway and Transportation Department to formally place this project in the work schedule. The City of Fayetteville shall be required to pay a deposit at such time as the preliminary design commences.

RECOMMENDATION

It is recommended that the City Council approve this agreement and authorize the Mayor's execution of the "Agreement of Understanding between the City of Fayetteville and the Arkansas Highway and Transportation Department".

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

JAN 07 2002

Dan Flowers
Director
Telephone (501) 569-2000



P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400

January 2, 2002

The Honorable Dan Coody
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Dear Mayor Coody:

Reference is made to your recent request for a bridge replacement project for Bridge No. 17332 over the West Fork of the White River on Dead Horse Mountain Road. This bridge is eligible for replacement under the Federal-aid Highway Bridge Replacement and Rehabilitation Program.

Preliminary engineering, including an environmental review, right-of-way acquisition and plan preparation, takes approximately two to three years for a project of this type. Also, there is an upper limit of \$1 million in Federal-aid available for the project.

In order to proceed with programming this Federal-aid bridge replacement project, your City Council must adopt a resolution for the project (sample enclosed) and then the enclosed Agreement of Understanding should be signed. Upon receipt of a signed and sealed copy of the resolution and the signed Agreement, State and Federal-aid numbers will be assigned and a copy of the executed Agreement will be returned to you. We will request a deposit from the City prior to beginning preliminary engineering.

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

Yours truly,

Robert L. Walters
Chief Engineer

Enclosures

c: Director

AGREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U.S. Department of Transportation, Federal Highway Administration

RELATIVE TO

The improvement of **Bridge Number 17332 over West Fork of White River on Dead Horse Mountain Road** (hereinafter called "the project") utilizing Federal-aid Highway Bridge Replacement and Rehabilitation funds.

WHEREAS, the Transportation Equity Act for the Twenty-First Century (TEA-21) provides 80% Federal-aid funds to be matched with 20% non-federal funds (cash match) for certain bridge replacement and rehabilitation projects, and

WHEREAS, the City of Fayetteville (hereinafter called "City") has expressed its desire to use Federal-aid funds for an eligible project and to provide necessary matching cash share for such funds, and

WHEREAS, each project phase will be funded as follows:

	<u>Federal %</u>	<u>City %</u>
Preliminary Engineering:	80	20
Right-of-Way:	0	100
Utilities:	0	100
Construction:	80	20
Construction Supervision:	80	20 , and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions or any part of the agreement to make the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement, and

WHEREAS, the City understands that the Arkansas State Highway and Transportation Department (hereinafter called "Department") will adhere to the General Requirements for Recipients and Sub-recipients Concerning Minority Business Enterprises as stated on Attachment A,

IT IS HEREBY AGREED that the City and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation and will accept the responsibilities and assigned duties as described hereinafter.

THE CITY WILL:

1. Transmit to the Department a signed and sealed copy of the Resolution from the City Council (see Attachment B) which requests a project and authorizes the Mayor to execute agreements and contracts with the Department for this project.
2. Submit a \$35,000 deposit to the Department before preliminary engineering begins and the local matching share of the total estimated cost before a contract is awarded for construction.
3. Be responsible for 100% of the cost for appraisal and acquisition of right-of-way, relocation services (when required), adjustment of all man-made improvements, including utilities. Be responsible for 20% of the cost for preliminary engineering, construction, and construction engineering.

NOTE: The maximum amount of Federal-aid funds available for this project is \$1 million.

4. Submit a letter to the Right of Way Division of the Department which either (1) stipulates the services relative to right-of-way acquisition, appraisal, relocation, and utilities that the City will assume or (2) requests that the Department handle some or all of these services.
5. Be responsible for 100% of all preliminary engineering, right-of-way, and other costs incurred should the City not enter into the construction phase of the project.
6. Bear any claim awarded against the Arkansas State Highway Commission or the Department or its officers and employees because of any damage sustained on account of the operations or actions of the City; or because of any act of omission, neglect, or misconduct of said City; or from any claims or amounts arising or recovered under any law, ordinance, order, or decree including but not limited to, claims before the Arkansas State Claims Commission; provided, however, that the City and Department shall at all times protect as sacred the immunity from civil suits afforded the State of Arkansas and its several Agencies, Commissions and Departments, such as the Department and the Arkansas State Highway Commission, as mandated by Article 5, § 20 of the Constitution of Arkansas, Ark. Code Ann. § 19-10-305, and the 11th Amendment of the Constitution of the United States.
7. Repay to the Department the federal share of the cost of this project if for any reason the Federal Highway Administration removes federal participation.
8. Be responsible for all costs not provided by the Federal Highway Administration.
9. Be responsible for satisfactory maintenance and operation of all improvements on that portion of the project not on the Arkansas Highway System. Failure to adequately maintain and operate the facility in accordance with Federal-aid requirements will result in withholding future Federal-aid highway funds.
10. Make no alterations to the improvements constructed with Federal-aid funds without first consulting with the Department.
11. Maintain or adopt regulations and ordinances as necessary for proper maintenance and operation of the improvements.
12. Be responsible for the necessary enforcement of operations as required by improvements on the Arkansas State Highway System and City Streets.

13. Hereby attest that the employment policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, creed, or national origin.

THE DEPARTMENT WILL:

1. Be responsible for administering Federal-aid funds and for project construction supervision.
2. Be responsible for preparing plans and specifications for this project.
3. When requested, provide the necessary services relative to right-of-way acquisition, appraisal, relocation, and utility adjustments and will be reimbursed for costs involved in performing these services.

IT IS FURTHER AGREED that should the City fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure will disqualify the City from receiving future Federal-aid highway funds.

IT IS FURTHER AGREED, that should the City fail to pay to the Department any required funds due for project implementation or fail to complete the project as specified in this Agreement, the Department may cause such funds as may be required to be withheld from the City's gasoline tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement this _____ day of _____, 2002.

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT

CITY OF FAYETTEVILLE

Dan Flowers
Director of Highways and Transportation

Dan Coody
Mayor

**GENERAL REQUIREMENTS
FOR
RECIPIENTS AND SUB-RECIPIENTS
CONCERNING MINORITY BUSINESS ENTERPRISES**

It is the policy of the U. S. Department of Transportation that minority business enterprises (MBEs) as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the MBE requirements of 49 CFR Part 23 apply to this Agreement.

The recipient or its contractor agrees to ensure that MBEs as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that MBEs have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

If as a condition of assistance the recipient has submitted and the Department has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 CFR Part 23, Subpart E, which sanctions may include termination of the Agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance.

The recipient shall advise each sub-recipient, contractor or subcontractor that failure to carry out the requirements set forth in Subsection 23.43(a) shall constitute a breach of contract and after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(NOTE: Where appropriate, the term "recipient" may be modified to mean "sub-recipient", and the term "contractor" modified to include "subcontractor".)

FEDERAL-AID PROJECT RESOLUTION

RESOLUTION NO. _____

**A RESOLUTION EXPRESSING THE WILLINGNESS OF
THE CITY OF FAYETTEVILLE
TO UTILIZE FEDERAL-AID MONIES
FOR THE FOLLOWING CITY PROJECT:**

Replacement of Bridge No. 17332 over West Fork of White River on Dead Horse Mountain Road

WHEREAS, the City of Fayetteville understands Federal-aid Highway Bridge Replacement and Rehabilitation funds are available for certain qualified city bridges at the following federal participating ratios:

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

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

SECTION I: The City will participate in accordance with its designated responsibilities in this project.

SECTION II: Mayor Dan Coody is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this city project.

SECTION III: The City pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of _____, 2002.

Mayor Dan Coody

ATTEST: _____

(SEAL)

Description _____ Meeting Date _____

Comments:

Budget Coordinator

Reference Comments:

Accounting Manager

Reference Comments:

City Attorney

Reference Comments:

Purchasing Officer

Reference Comments:

ADA Coordinator

Reference Comments:

Internal Auditor

Reference Comments:

Grants Officer

Reference Comments:

X AGENDA REQUEST
 CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2002
FROM:

<u>Greg Boettcher</u>	<u>Public Works</u>	<u>Street Dept.</u>
<u>Name</u>	<u>Division</u>	<u>Department</u>
ACTION REQUIRED: Approval of an agreement with the Arkansas Highway and Transportation Department regarding design and funding for the replacement of the Dead Horse Mountain Bridge (Bridge No.17332). Schedule for Project subject to AHTD, targeted date to be Fiscal Year 2003. Costs to consist of deposit payment to AHTD at start of Preliminary design.		

COST TO CITY:

<u>S-0-</u>		
<u>Cost of this Request</u>	<u>Category/Project Budget</u>	<u>Category/Project Name</u>
<u>Account Number</u>	<u>Funds Used To Date</u>	<u>Program Name</u>
<u>Project Number</u>	<u>Remaining Balance</u>	<u>Fund</u>

BUDGET REVIEW: X Budgeted Item _____ Budget Adjustment Attached

[Signature] 1/29/02

Budget Coordinator _____ Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:		GRANTING AGENCY: _____	
<u><i>Marsha Fanning</i></u>	<u>1/31/02</u>	_____	_____
Accounting Manager	Date	ADA Coordinator	Date
<u><i>D. J. White</i></u>	<u>1/31/02</u>	<u><i>Nancy Smith</i></u>	<u>1/31/02</u>
City Attorney	Date	Internal Auditor	Date
<u><i>Ellie</i></u>	<u>1/31/02</u>	_____	_____
Purchasing Officer	Date	Grant Officer	Date

STAFF RECOMMENDATION: Approval of agreement with Arkansas Highway and Transportation Department.

Division Head	Date	<u>Cross Reference</u>
<u>My Boelter</u>	<u>01-31-02</u>	
Department Director	Date	New Item: Yes No
<u>Crishulhu</u>	<u>1/31/02</u>	
Admin Svcs Director	Date	Prev Ord/Res #: _____
<u>Don Coody</u>	<u>2/01/02</u>	
Mayor	Date	Orig Contract Date: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Board of Aldermen
City of Fayetteville, Arkansas

FROM: Greg Boettcher, P.E.,
Public Works Director

Date: January 23 2002

RE: Federal-Aid Bridge Replacement Project
Dead Horse Mountain Road Bridge (No. 17332)
Resolution to Utilize Federal -Aid Monies

BACKGROUND

The City of Fayetteville, Arkansas Contracts with the Arkansas Highway and Transportation Department to perform annual inspections of bridges within the corporate limits. These inspection services are provided by qualified state personnel, with inspection reports documenting the condition of bridge structures. These inspection services represent an annual expense of \$1000 to \$1400 per year.

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Federal-Aid Bridge Replacement Project
Dead Horse Mountain Road Bridge (No. 17332)
Page 2

DISCUSSION

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The Capital Improvements Plan for 2002-2006 has identified this project for funding in fiscal year 2003. With the deteriorated condition of the bridge structure, coupled with the possible construction of an major institutional facility in this area, the replacement of this bridge remains a priority for the Fayetteville Street System.

The proposed agreement, attached hereto, provides 80% grant funding on eligible costs, and will allow Arkansas Highway and Transportation Department to formally place this project in the work schedule. The City of Fayetteville shall be required to pay a deposit at such time as the preliminary design commences.

RECOMMENDATION

It is recommended that the City Council approve this agreement and authorize the Mayor's execution of the "Agreement of Understanding between the City of Fayetteville and the Arkansas Highway and Transportation Department".

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

JAN 07 2002

Dan Flowers
Director
Telephone (501) 569-2000



P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400

January 2, 2002

The Honorable Dan Coody
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Dear Mayor Coody:

Reference is made to your recent request for a bridge replacement project for Bridge No. 17332 over the West Fork of the White River on Dead Horse Mountain Road. This bridge is eligible for replacement under the Federal-aid Highway Bridge Replacement and Rehabilitation Program.

Preliminary engineering, including an environmental review, right-of-way acquisition and plan preparation, takes approximately two to three years for a project of this type. Also, there is an upper limit of \$1 million in Federal-aid available for the project.

In order to proceed with programming this Federal-aid bridge replacement project, your City Council must adopt a resolution for the project (sample enclosed) and then the enclosed Agreement of Understanding should be signed. Upon receipt of a signed and sealed copy of the resolution and the signed Agreement, State and Federal-aid numbers will be assigned and a copy of the executed Agreement will be returned to you. We will request a deposit from the City prior to beginning preliminary engineering.

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

Yours truly,

Robert L. Walters
Chief Engineer

Enclosures

c: Director

AGREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U.S. Department of Transportation, Federal Highway Administration

RELATIVE TO

The improvement of Bridge Number 17332 over West Fork of White River on Dead Horse Mountain Road (hereinafter called "the project") utilizing Federal-aid Highway Bridge Replacement and Rehabilitation funds.

WHEREAS, the Transportation Equity Act for the Twenty-First Century (TEA-21) provides 80% Federal-aid funds to be matched with 20% non-federal funds (cash match) for certain bridge replacement and rehabilitation projects, and

WHEREAS, the City of Fayetteville (hereinafter called "City") has expressed its desire to use Federal-aid funds for an eligible project and to provide necessary matching cash share for such funds, and

WHEREAS, each project phase will be funded as follows:

	<u>Federal %</u>	<u>City %</u>
Preliminary Engineering:	80	20
Right-of-Way:	0	100
Utilities:	0	100
Construction:	80	20
Construction Supervision:	80	20 , and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions or any part of the agreement to make the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement, and

WHEREAS, the City understands that the Arkansas State Highway and Transportation Department (hereinafter called "Department") will adhere to the General Requirements for Recipients and Sub-recipients Concerning Minority Business Enterprises as stated on Attachment A,

IT IS HEREBY AGREED that the City and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation and will accept the responsibilities and assigned duties as described hereinafter.

THE CITY WILL:

1. Transmit to the Department a signed and sealed copy of the Resolution from the City Council (see Attachment B) which requests a project and authorizes the Mayor to execute agreements and contracts with the Department for this project.
2. Submit a \$35,000 deposit to the Department before preliminary engineering begins and the local matching share of the total estimated cost before a contract is awarded for construction.
3. Be responsible for 100% of the cost for appraisal and acquisition of right-of-way, relocation services (when required), adjustment of all man-made improvements, including utilities. Be responsible for 20% of the cost for preliminary engineering, construction, and construction engineering.
NOTE: The maximum amount of Federal-aid funds available for this project is \$1 million.
4. Submit a letter to the Right of Way Division of the Department which either (1) stipulates the services relative to right-of-way acquisition, appraisal, relocation, and utilities that the City will assume or (2) requests that the Department handle some or all of these services.
5. Be responsible for 100% of all preliminary engineering, right-of-way, and other costs incurred should the City not enter into the construction phase of the project.
6. Bear any claim awarded against the Arkansas State Highway Commission or the Department or its officers and employees because of any damage sustained on account of the operations or actions of the City; or because of any act of omission, neglect, or misconduct of said City; or from any claims or amounts arising or recovered under any law, ordinance, order, or decree including but not limited to, claims before the Arkansas State Claims Commission; provided, however, that the City and Department shall at all times protect as sacred the immunity from civil suits afforded the State of Arkansas and its several Agencies, Commissions and Departments, such as the Department and the Arkansas State Highway Commission, as mandated by Article 5, § 20 of the Constitution of Arkansas, Ark. Code Ann. § 19-10-305, and the 11th Amendment of the Constitution of the United States.
7. Repay to the Department the federal share of the cost of this project if for any reason the Federal Highway Administration removes federal participation.
8. Be responsible for all costs not provided by the Federal Highway Administration.
9. Be responsible for satisfactory maintenance and operation of all improvements on that portion of the project not on the Arkansas Highway System. Failure to adequately maintain and operate the facility in accordance with Federal-aid requirements will result in withholding future Federal-aid highway funds.
10. Make no alterations to the improvements constructed with Federal-aid funds without first consulting with the Department.
11. Maintain or adopt regulations and ordinances as necessary for proper maintenance and operation of the improvements.
12. Be responsible for the necessary enforcement of operations as required by improvements on the Arkansas State Highway System and City Streets.

13. Hereby attest that the employment policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, creed, or national origin.

THE DEPARTMENT WILL:

1. Be responsible for administering Federal-aid funds and for project construction supervision.
2. Be responsible for preparing plans and specifications for this project.
3. When requested, provide the necessary services relative to right-of-way acquisition, appraisal, relocation, and utility adjustments and will be reimbursed for costs involved in performing these services.

IT IS FURTHER AGREED that should the City fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure will disqualify the City from receiving future Federal-aid highway funds.

IT IS FURTHER AGREED, that should the City fail to pay to the Department any required funds due for project implementation or fail to complete the project as specified in this Agreement, the Department may cause such funds as may be required to be withheld from the City's gasoline tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement this _____ day of _____, 2002.

**ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT**

CITY OF FAYETTEVILLE

Dan Flowers
Director of Highways and Transportation

Dan Coody
Mayor

**GENERAL REQUIREMENTS
FOR
RECIPIENTS AND SUB-RECIPIENTS
CONCERNING MINORITY BUSINESS ENTERPRISES**

It is the policy of the U. S. Department of Transportation that minority business enterprises (MBEs) as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the MBE requirements of 49 CFR Part 23 apply to this Agreement.

The recipient or its contractor agrees to ensure that MBEs as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that MBEs have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

If as a condition of assistance the recipient has submitted and the Department has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 CFR Part 23, Subpart E, which sanctions may include termination of the Agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance.

The recipient shall advise each sub-recipient, contractor or subcontractor that failure to carry out the requirements set forth in Subsection 23.43(a) shall constitute a breach of contract and after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(NOTE: Where appropriate, the term "recipient" may be modified to mean "sub-recipient", and the term "contractor" modified to include "subcontractor".)

RESOLUTION NO. _____

**A RESOLUTION EXPRESSING THE WILLINGNESS OF
THE CITY OF FAYETTEVILLE
TO UTILIZE FEDERAL-AID MONIES
FOR THE FOLLOWING CITY PROJECT:**

Replacement of Bridge No. 17332 over West Fork of White River on Dead Horse Mountain Road

WHEREAS, the City of Fayetteville understands Federal-aid Highway Bridge Replacement and Rehabilitation funds are available for certain qualified city bridges at the following federal participating ratios:

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

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

SECTION I: The City will participate in accordance with its designated responsibilities in this project.

SECTION II: Mayor Dan Coody is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this city project.

SECTION III: The City pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of _____, 2002.

Mayor Dan Coody

ATTEST: _____

(SEAL)

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL FEBRUARY 19, 2002

A meeting of the Fayetteville City Council will be held on February 19, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

A. CONSENT

1. APPROVAL OF THE MINUTES

Remove from Consent 2. **MUDD CREEK:** A resolution showing support for the Mudd Creek Trail Project and giving the authority to the Mayor to enter into a contractual agreement with AHTD.

3. **SANITATION TRUCKS:** A resolution awarding Bid No. 02-01 to Shipley Motor Equipment for two front load and two rear load style cab and chassis with mounted sanitation bodies in the amount of ~~\$645,868~~ *Oct 8.*

4. **LIBRARY:** A resolution supporting cooperation with the Chemical Engineering Department of the University of Arkansas and the Fayetteville Public Library related to distributed power options for the new Library Building.

Remove from Consent 5. **BURDITT ASSOCIATES:** A resolution authorizing a contract change with Burditt Associates in the amount of \$33,000 to complete the city wide tree inventory and to provide software and management plan.

6. **INFRASTRUCTURE GRANT:** A resolution approving an Economic Infrastructure Grant from Arkansas Department of Economic Development for \$100,000 to replace a water distribution main. The work will enable Pinnacle Foods to expand and add 134 jobs.

B. OLD BUSINESS

look at resolution (see list for council resolution)
1. **CABLE RATES:** A resolution expressing the City Council's opposition to the proposed seventy-five percent rate increase for basic cable television service proposed by Cox Communications, Inc. The item was tabled at the February 5, 2002, meeting.
Change wording.

2. **RZN 02-1.00:** An ordinance approving RZN 02-1.00 as submitted by Robert Schmitt for property located at 1140 Hendrix and 1110 Hendrix. The property is zoned R-1, Low Density Residential, and contains approximately 1.36 acres. The request is to rezone to R-1.5, Moderate Density Residential. The ordinance was left on the first reading at the February 5, 2002, meeting.

3. **RZN 02-2.00:** An ordinance approving rezoning request RZN 02-2.00 as submitted by Craig Hull of Nickle-Hill Group on behalf of Andy Bethell for property located at the northeast corner of Joyce Blvd. and Crossover Road. The property is zoned C-1, Neighborhood Commercial and contains approximately 1.94 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the first reading at the February 5, 2002, meeting.

C. **NEW BUSINESS**

1. *CIVIL SERVICE. - I add memo*

1. **SWIMMING POOL FEES:** An ordinance amending Section 97.017 of the Code of Fayetteville to allow the Mayor or his designee to establish fees for the city swimming pool.

2. **ROLLFORWARD:** A resolution approving a budget adjustment which will allow for the rollforward and re-budget of all projects for items in progress which were appropriated in the 2001 Budget. The items which are approved will become part of the 2002 Budget.

3. **PARKS MASTER PLAN:** A resolution approving the Parks and Recreation Ten-Year Master Plan with guiding policies and implementation strategies.

4. **BOYS AND GIRLS CLUB:** An ordinance waiving the requirement of formal competitive bidding and approving a contract between the City of Fayetteville and Boys and Girls Club to provide public recreation. *Working see me for this*

5. **COUNCIL ON AGING:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville and Council on Aging in the amount of \$30,999.96 to provide public recreations for the senior citizens of Fayetteville for 2002.

6. **FAYETTE TREE AND TRENCH:** An ordinance waiving competitive bidding, declaring an emergency for public health and safety and the approval of a negotiated contract with Fayette Tree and Trench in the estimated amount of \$??? plus a 15% contingency for a total of \$???? for emergency repairs to replace the existing sanitary sewer crossing under AHTD Highway I-540 located north of Highway 62 and south of Highway 16 West. *Need info emergency clause Budget delay*

7. **DEAD HORSE MOUNTAIN BRIDGE:** A resolution approving an agreement with the Arkansas Highway and Transportation Department regarding the design and funding for the replacement of the Dead Horse Mountain Bridge. Costs to consist of the deposit payment to AHTD at the start of the preliminary design.

8. **WARD BOUNDARIES:** Discussion regarding Ward ~~Boundaries~~ Boundaries.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL FEBRUARY 19, 2002

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2. MUDD CREEK: A resolution showing support for the Mudd Creek Trail Project and giving the authority to the Mayor to enter into a contractual agreement with AHTD.

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4. remove
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5. remove
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3. **RZN 02-2.00:** An ordinance approving rezoning request RZN 02-2.00 as submitted by Craig Hull of Nickle-Hill Group on behalf of Andy Bethell for property located at the northeast corner of Joyce Blvd. and Crossover Road. The property is zoned C-1, Neighborhood Commercial and contains approximately 1.94 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the first reading at the February 5, 2002, meeting.

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4. ^{YOUTH CENTER}
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^{YOUTH CENTER}
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7. ⁷⁻ ~~Res. approving contract~~
DEAD HORSE MOUNTAIN BRIDGE: A resolution approving an agreement with the Arkansas Highway and Transportation Department regarding the design and funding for the replacement of the Dead Horse Mountain Bridge. Costs to consist of the deposit payment to AHTD at the start of the preliminary design. ^(consent)
8. **WARD BOUNDARIES:** Discussion regarding Ward ~~1~~ Boundaries.

remove from agenda
maps

9. CIVIL SERVICE ^(Punch)

February 12, 2002

**AGENDA SESSION
CITY COUNCIL
FEBRUARY 19, 2002**

NEW ITEMS:

1. **CIVIL SERVICE:** An ordinance adding two additional members to the Fayetteville Civil Service Commission.

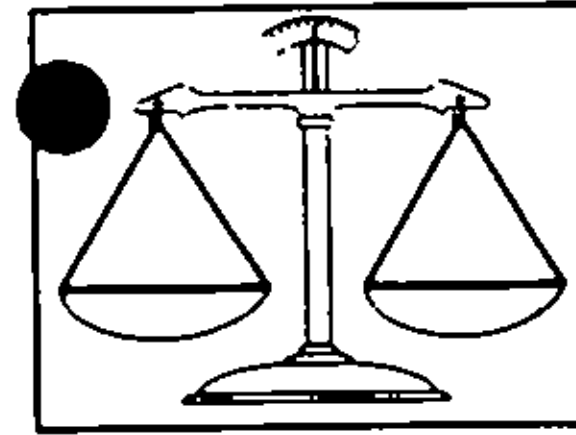
ADDITIONAL INFORMATION:

1. **SWIMMING POOL FEES:** Additional information for Item C. 1.
2. **BOYS AND GIRLS CLUB:** Additional information for Item C. 4.
3. **WARD BOUNDARIES:** Maps for item C. 8.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Brenda Thiel, Alderman

FROM: Kit Williams, City Attorney

DATE: January 17, 2002

RE: Proposed Ordinance to increase number of Civil Service
Commissioners to seven (7)

Attached is a proposed Ordinance to accomplish your request
(and the Fayetteville FOP's request) to increase the number of Civil
Service Commissioners to seven (7).

If you approve of this please provide it to Heather for the
Agenda.

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

FOR: COUNCIL MEETING OF February 5, 2002 MAYOR'S APPROVAL

FROM:

Brenda Thiel
Name

Alderman
Division

Department

ACTION REQUIRED: An Ordinance To Add Two More Members To The Fayetteville Civil Service Commission

COST TO CITY:

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used to Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

CROSS REFERENCE

Division Head

Date

New Item:

Yes

No

Department Director

Date

Previous Ordinance/Resolution No.:

Administrative Services Director

Date

Mayor

Date

ORDINANCE NO. _____

AN ORDINANCE TO ADD TWO MORE MEMBERS
TO THE FAYETTEVILLE CIVIL SERVICE COMMISSION

WHEREAS, the City Council of the City of Fayetteville, Arkansas may add two additional members to its established Board of the Civil Service Commission so that the total number of Commissioners will be seven; and

WHEREAS, the City Council of the City of Fayetteville, Arkansas determines it is in the best interest of the citizens of Fayetteville and the fire and police employees to broaden the Board of the Civil Service Commission to seven members.

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 exercises its power pursuant to A.C.A. §14-51-201(c) to add two more members to its civil service commission to serve pursuant to the requirements of state law.

PASSED and APPROVED this the _____ day of February, 2002.

APPROVED:

By: _____

DRAFT
DAN COODY, Mayor

ATTEST:

By: _____

Heather Woodruff, City Clerk

Effective Dates. Acts 1989, No. 432, § 4: Mar. 9, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the chairmanship of many city civil service commissions changes during the first week in May; that this act provides that the chairmen should be selected by the commission; and that this act must go into effect immediately in order to coincide with the change in chairmanships. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 439, § 5: Mar. 9, 1989. Emergency clause provided: "It is hereby

found and determined by the General Assembly that the powers and duties of Civil Service Commissions established pursuant to Act 28 of 1933, as amended, require immediate clarification in that such commissions' interference with the day to day operations and management of police and fire departments is contrary to the efficient and effective operation of such departments and is injurious to the public health, safety and welfare. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

CASE NOTES

In General.

There is nothing in this subchapter creating an enforceable expectation of continued employment; it merely gives employ-

ees certain procedural rights surrounding termination. *Dalton v. City of Russellville*, 290 Ark. 603, 720 S.W.2d 918 (1986).

14-51-201. Appointment of members.

(a) In all cities of the first class having a civil service system, the city's governing body shall, by ordinance, name five (5) upright and intelligent citizens of their cities as a board of civil service commissioners for the police and fire departments or the nonuniformed employees.

(b) The commissioners shall hold office as follows:

(1) One (1) shall hold office until the first Monday in April of the second year after his appointment;

(2) One (1) shall hold office until the first Monday in April of the fourth year after his appointment;

(3) One (1) shall hold office until the first Monday in April of the sixth year after his appointment;

(4) One (1) shall hold office until the first Monday in April of the eighth year after his appointment; and

(5) One (1) shall hold office until the first Monday in April of the tenth year after his appointment.

(c)(1) In all cities of the first class having a civil service system, the governing body may, by ordinance, add two (2) more members to its civil service commission. The law applicable to the commission shall apply to the additional members, except that in each such city, the first two (2) additional members appointed pursuant to this subsection shall serve staggered terms to be determined by lot so that one (1) will serve a three-year term and one (1) a six-year term, and their successors shall serve six-year terms.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council

THRU: Hugh Earnest, Urban Development Director *HE*

FROM: Connie Edmonston, Parks & Recreation Superintendent *CE*

DATE: January 31, 2002

RE: Fayetteville Boys and Girls Club Agreement and Ordinance to Waive Competitive Bidding

Background

The City of Fayetteville has provided financial support for the Fayetteville Boys and Girls Club since 1967 when the Parks and Recreation Division was created. Both shared the same director, as well as other program employees, until the two agencies were split in 1998. This cooperative agreement between our two agencies has worked extremely well throughout the years in serving the recreational needs of our citizens. It is the goal of both parties to work in cooperation to enhance the recreation facilities and programs in our City in order to meet the needs of the citizens of Fayetteville. It is the intent to work together for the common good of the citizens by not providing public funding for multiple competing program offerings. If the Boys and Girls Club were not providing recreational services for our youth as well as adults, the City would need to assume the responsibility.

Current Status

The 2002 budget includes \$186,362 to be transferred to the Fayetteville Boys and Girls Club to purchase public recreational services for the citizens of Fayetteville. In addition, the City provides the club with buses and vans for program transportation. A resolution for contractual services as well as an ordinance to waive competitive bidding is needed. The contract outlines the services the Boys and Girls Club is providing for the City. We are requesting a waiver of competitive bids to secure the continuity of services provided and because the Boys and Girls Club has adequately served our citizens since 1944 when it was created.

Recommendation

Parks and Recreation staff recommends approval of the contract with the Fayetteville Boys and Girls Club to provide public recreation services for the citizens of Fayetteville and an ordinance to waive competitive bidding for the services.

STAFF REVIEW FORM

XX AGENDA REQUEST
XX CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council meeting of February 19, 2002

FROM:

Connie Edmonston
 Name

Parks & Recreation
 Division

Urban Development
 Department

ACTION REQUIRED:

A Resolution to approve an agreement with the Fayetteville Boys and Girls Club to provide public recreation for the citizens of Fayetteville and an Ordinance to waive competitive bidding for the payment to the Fayetteville Boys and Girls Club in 2002 for the provision of public recreation.

COST TO CITY:

\$186,362
 Cost of this Request
 1010-5220-5718.00
 2250-9250-5718.00
 Account Number
 NA
 Project Number

\$54,341
\$163,021
 Category/Project Budget
\$0
 Funds Used To Date
\$186,367
 Remaining Balance

TransfersYouth/AdultCenters
 Category/Project Name
 Athletic\RecreationTrans
 Parks Development
 Program Name
 General
 Parks Development
 Fund

BUDGET REVIEW: xx Budgeted Item Budget Adjustment Attached

[Signature] 2/1/02
 Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature]
 Accounting Manager

2/1/02
 Date

[Signature]
 Internal Auditor

2/1/02
 Date

[Signature]
 City Attorney

2/12/02
 Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

Approval of Fayetteville Boys and Girls Club agreement and an ordinance to waive competitive bidding for the Fayetteville Boys and Girls Club.

[Signature]
 Division Head
[Signature]
 Department Director

1-31-02
 Date

1-31-02
 Date

Cross Reference

New Item: Yes No

Administrative Services Director

Date

Mayor

Date

Prev Ord/Res #: [Prev Ord/Res #]

Orig Contract Date: [Orig Contract Date]

Orig Contract Number: [Contract #]

ORDINANCE NO. _____

AN ORDINANCE AMENDING §97.017 OF THE CODE OF FAYETTEVILLE, TO ALLOW THE MAYOR OR HIS DESIGNEE TO ESTABLISH FEES FOR CITY SWIMMING POOLS.

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

Section 1. That §97.017 Fees for City Swimming Pools., of the Code of Fayetteville, is hereby repealed and the following is inserted in its stead:

§ 97.017 FEES FOR CITY SWIMMING POOLS.

Upon the recommendation of the Parks and Recreation Advisory Board, the Mayor or his designee shall establish and make periodic adjustments to the schedule of fees charged for the use of city swimming pools.

PASSED AND APPROVED this _____ day of _____, 2009

APPROVED:

By _____
DAN COODY, Mayor

ATTEST:

By _____
HEATHER WOODRUFF, City Clerk

DRAFT

FAYETTEVILLE



THE CITY OF FAYETTEVILLE, ARKANSAS

Kit Williams
CITY ATTORNEY

CITY ATTORNEY DIVISION
113 WEST MOUNTAIN, 72701
PHONE: 501-575-8313
FAX: 501-575-8315

DATE: 2/11/2002
TO: Connie Edmonston, Parks & Recreation
CC: Hugh Earnest, Urban Development Director; File
FROM: David J. Whitaker, Assistant City Attorney *D.J.W.*
RE: SWIMMING POOL FEES

While reviewing your Staff Review Form requesting an increase in the swimming pool user fees at Wilson Park, I learned that in August 1998, the City Council amended the process for establishing fees for the use of City ballfields. It is my recommendation that §97.017 of the City Code be amended in the same manner. This would introduce a greater degree of flexibility into the process, and eliminate the confusion inherent in having multiple and differing methods for fixing the various park fees.

I have attached a copy of the proposed language. Let me know if our office can be of further assistance.

DJW

ATTACHMENT

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENT OF
FORMAL COMPETITIVE BIDDING AND APPROVING A
CONTRACT BETWEEN THE CITY OF FAYETTEVILLE
AND THE FAYETTEVILLE YOUTH CENTER, INC. IN
THE AMOUNT OF \$186,362.00

WHEREAS, the City of Fayetteville has worked cooperatively with the Fayetteville Youth Center, Inc. d/b/a/ the Fayetteville Boys and Girls Club, Inc. to provide public recreation for Fayetteville citizens for over thirty years; and

WHEREAS, the City of Fayetteville determines that this long-standing, unique relationship provides by far the most efficient use of public money to secure the maximum amount of public recreation for its citizens at the least possible public cost; and

WHEREAS, the City Council of the City of Fayetteville determines that in light of the City's unique, lengthy and productive working relationship with the Fayetteville Youth Center, Inc. that the necessity of formal competitive bidding should be waived for this contract as requested by the Fayetteville Parks and Recreation Department.

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 waives the requirement of formal competitive bidding and approves the contract with the Fayetteville Youth Center, Inc. in the amount of \$186,363.00 to provide public recreation for Fayetteville Citizens throughout 2002. A copy of this contract is attached as Exhibit A.

PASSED and APPROVED this the 19th day of February, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

CONTRACT

*Between The City of Fayetteville
and
Fayetteville Youth Center, Inc.*

WHEREAS, the City of Fayetteville has long been associated with and worked with the Fayetteville Youth Center, Inc. to provide public recreation for the citizens of Fayetteville; and

WHEREAS, the Fayetteville Youth Center, Inc. has long provided public recreation to the youth and citizens of Fayetteville; and

WHEREAS, it remains in the best interest of the City of Fayetteville and its citizens to provide operating, promotion and development revenues to the Fayetteville Youth Center, Inc. in consideration for the substantial recreational programs provided by the Fayetteville Youth Center, Inc. to the youth and citizens of Fayetteville.

NOW, THEREFORE, IT IS AGREED:

The City of Fayetteville shall provide the sum of \$15,530.16 monthly to the Fayetteville Youth Center, Inc. throughout the year of 2002 in consideration of the following duties and obligations to be performed by the Fayetteville Youth Center, Inc.:

- A. The Fayetteville Youth Center, Inc. promises to be jointly responsible with the Fayetteville School System to provide staffing, programming, maintenance, promotion, and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium and the main facility of the Boys and Girls Club on California Drive. The Fayetteville Youth Center, Inc. agrees to use funding from the City to pay for gymnasium supervisors and custodians at these sites.
- B. The Fayetteville Youth Center, Inc. promises to make substantial portions of its programs or facilities available to Fayetteville citizens (the public) at little or no cost for needy youth. Although basic membership fees may be required for many Fayetteville residents, no needy youth wishing to participate at the Fayetteville Youth Center, Inc. facility shall be denied access solely because he or she does not have sufficient funds to pay for a regular membership. The Fayetteville Youth Center, Inc. shall report on a quarterly basis

the approximate number of Fayetteville citizens served by its programs and shall include the number of "scholarships" or free memberships provided to Fayetteville citizens.

- C. The Fayetteville Youth Center, Inc. shall continue to follow the general Working Procedures and Responsibilities for the City of Fayetteville Parks and Recreation Division and The Fayetteville Youth Center, Inc. which is attached as Exhibit A.

CITY OF FAYETTEVILLE

By: _____
DAN COODY, Mayor

FAYETTEVILLE YOUTH CENTER, INC.

By: 
Pres. dent
Title

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT A

RECREATION IN FAYETTEVILLE

**WORKING PROCEDURES AND RESPONSIBILITIES FOR THE
CITY OF FAYETTEVILLE PARKS AND RECREATION DIVISION
AND THE FAYETTEVILLE YOUTH CENTER, INC.**

This Agreement is made and entered into between the City of Fayetteville Parks and Recreation Division (Parks and Recreation) and the Fayetteville Youth Center, Inc., d/b/a Fayetteville Boys & Girls Club, (hereinafter FYC).

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

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

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

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

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

1. FYC will be responsible for working with the Fayetteville School System to provide staffing, programming, maintenance, promotion and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium, and the Youth Center. FYC will assume responsibility for the hiring, evaluating, and supervising of gymnasium supervisors and custodians at Holcomb, Asbell, and Vandergriff Gymnasiums.

2. Parks and Recreation will be responsible for providing or approving the staffing, programming, maintenance, promotion and development for the city and school parks, including the following facilities which are utilized for sport programming; Asbell Soccer/Softball Complex, Lake Fayetteville Softball Complex, Gary Hampton Softball Complex, Lewis Street

Soccer Complex, Walker Baseball/Soccer Complex, White River Baseball Complex, and the Wilson Softball Field. Parks and Recreation shall be responsible for outdoor facilities owned or leased by the City of Fayetteville, excluding the property leased to FYC pursuant to written agreements.

3. FYC will be responsible for providing or approving the management, staffing, and promotion and development of the following programs and activities. FYC will coordinate with the Fayetteville School System for use of their facilities. FYC will be responsible for the majority of sports and activities held at indoor recreation facilities, including but not limited to the following:

- Basketball
- Baton
- Camps (Environmental Study, Spring Break, Christmas Break, Summer)
- Cheerleading
- Dance
- Fishing Rodeo
- Flag Football (Youth)
- Golf
- Gymnastics
- Karate
- Ping Pong
- School Kids Connection
- Swim Lessons
- Volleyball
- Tackle Football
- Track
- Special Events
- FYC programs which do not compete with those listed in paragraph 4.

4. Parks and Recreation will be responsible for providing or approving the management, staffing and promotion and development of the following programs and activities. Parks and Recreation will be responsible for the majority of sports and activities held at outdoor recreation facilities, including but not limited to the following:

- Baseball
- Softball
- Flag Football (Adult)
- Hobby Use Groups
- Sand Volleyball
- Soccer
- Special Events

- Swim Lessons
- Tennis Lessons

5. FYC agrees not to establish a program that competes with an established program provided by Parks and Recreation. Moreover, FYC agrees to provide Parks and Recreation with information relating to any of its programs including roster of players, coaches, rules of the league and similar relevant data upon request by Parks and Recreation. It is the intent of both parties to work together for the common good of the citizens of Fayetteville by not providing public funding for multiple competing program offerings. It is understood that FYC and Parks and Recreation both currently provide swim lessons and pool programs and that both parties agree to work together for the common good of both parties.

6. In the event the FYC wishes to allow programs which fall in the general description of paragraph 5 above, which does not believe competes with current City programs, FYC will provide advance notice of intent to start the program to the City providing the City with time to determine whether it is a competing program or not. In the event that FYC offers a program that the Parks and Recreation Division believes is a competing program within the meaning of this document, Parks and Recreation Staff shall give FYC written notice of its assessment. FYC shall either cease operating such program within 30 days of such notice or shall provide a written response to Parks and Recreation that disputes whether such program is in fact a competing program. If FYC fails to cease such program or respond to the assessment from Parks and Recreation, City may discontinue funding for FYC on the 31st day after such notice. If FYC files a dispute, the issue shall be resolved by City Council and the finding of City Council shall be final and not subject to appeal. If FYC fails to cease operation of such a program within 30 days of a decision requiring such cessation by City Council, then the City may stop annual funding to FYC.

7. The FYC Executive Director and Parks and Recreation Superintendent shall have periodic meetings to ensure communication between the two entities.

8. It is understood and agreed that the City's annual purchase of services will be negotiated on a yearly basis. FYC shall provide liability insurance for buses and vans provided by the City of Fayetteville.

9. The FYC Board of Directors is responsible for the management and operation of the annual funding allocation to FYC from the City of Fayetteville and shall have the responsibility for prioritizing the use of such funds. However, 75 percent of the funding must be expended for promotion and development of recreation.

10. As part of the annual funding, FYC agrees to make its facilities available to residents of the City of Fayetteville for a nominal daily fee without the need to purchase a membership to the club.

11. FYC shall schedule a meeting and submit an annual financial report to the Urban Development Director on or before April of each year. Such report shall detail FYC's use of the City of Fayetteville's funding allocation.

12. FYC shall comply with the schedules and procedures established by the Budget & Research Division of the City of Fayetteville for annual funding requests.

13. The working procedures and responsibilities contained herein shall become effective January 1, 2002.

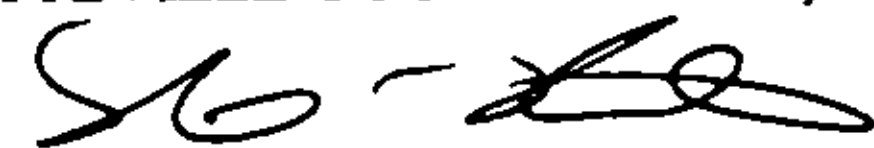
CITY OF FAYETTEVILLE

BY: _____

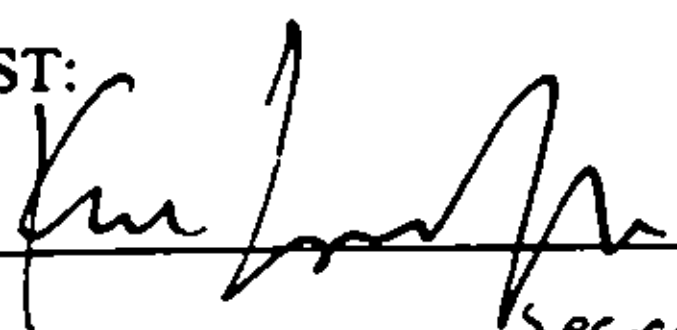
Attest:

BY: _____

FAYETTEVILLE YOUTH CENTER, INC.

BY: 
President

ATTEST:

BY: 
Secretary

*New inventory
Kin Hume*

**DRAFT TENTATIVE AGENDA
CITY COUNCIL
FEBRUARY 19, 2002**

A meeting of the Fayetteville City Council will be held on February 19, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

Just in

A. CONSENT

1. APPROVAL OF THE MINUTES

2. **MUDD CREEK:** A resolution showing support for the Mudd Creek Trail project and giving the authority to the Mayor to enter into a contractual agreement with AHTD.

3. **SANITATION TRUCKS:** A resolution awarding the 02-01 to Shipley Motor Equipment for two front load and two rear load style cab and chassis with mounted sanitation bodies in the amount of \$645,868.

4. **LIBRARY:** A resolution supporting cooperation with the Chemical Engineering Department of the University of Arkansas and the Fayetteville Public Library related to distributed power options for the new Library Building.

B. OLD BUSINESS

C. NEW BUSINESS

1. **WILSON PARK POOL FEE INCREASE**

2. **ROLL FORWARD:** A resolution approving a budget adjustment which will allow for the rollforward and re-budget of all projects for items in progress which were appropriated in the 2001 Budget. The items which are approved will become part of the 2002 Budget.

3. **PARKS MASTER PLAN:** A resolution approving the Parks and Recreation Ten-Year Master Plan with guiding policies and implementation strategies.

4. **BOYS AND GIRLS CLUB:** A resolution approving an agreement with the Fayetteville Boys and Girls Club to provide public recreation for the citizens of Fayetteville.

5.

BOYS AND GIRLS CLUB: An ordinance waiving competitive bidding for the payment to the Fayetteville Boys and Girls Club in 2002 for the provision of public recreation.

6.

COUNCIL ON AGING: A resolution approving an agreement with the Council on Aging to provide public recreation for the citizens of Fayetteville.

7.

COUNCIL ON AGING: An ordinance waiving competitive bidding for the payment to the Council on Aging in 2002 for the provision of public recreation.

8.

FAYETTE TREE AND TRENCH: An ordinance waiving competitive bidding, declaring an emergency for public health and safety and the approval of a negotiated contract with Fayette Tree and Trench in the estimated amount of ??? plus a 15% contingency for a total of ????? for emergency repairs to replace the existing sanitary sewer crossing under AHTD Highway I-540 located north of Highway 62 and South of Highway 16 West.

9.

DEADHORSE MOUNTAIN BRIDGE: A resolution approving an agreement with the Arkansas Highway and Transportation Department regarding the design and funding for the replacement of the Dead Horse Mountain Bridge. Costs to consist of the deposit payment to AHTD at start of Preliminary design.

Space

info later. ✓

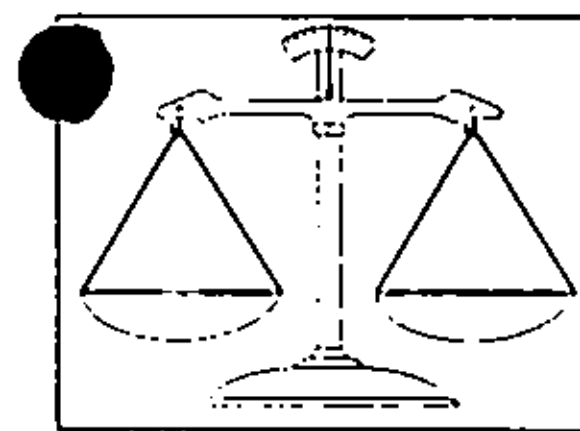
✓ 10: Tree - urban forestry see Hux.
✓ 11: Grant DED - Pinnacle Foods
100,000. - large donation. →

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor

THRU: Heather Woodruff, City Clerk

FROM: Kit Williams, City Attorney

DATE: February 20, 2002

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

RE: Passed Ordinances and Resolutions from City Council
meeting of February 19, 2002

The following Ordinances and Resolutions were passed at the last City Council meeting and are ready for the mayor's signature.

Enclosed are:

- | | |
|-------------------|---|
| <i>RES. 23-02</i> | 1. Sanitation Trucks: Resolution awarding bid 02-01 to two qualified bidders - Arkansas Power Steering and Shipley Motor Equipment - total purchase \$646,919.80 |
| <i>RES. 24-02</i> | 2. Library: Resolution supporting cooperation w/Chemical Engineering Department of U of A |
| <i>RES. 25-02</i> | 3. Infrastructure Grant: Resolution approving Economic Infrastructure Grant from Arkansas Department of Economic Development for \$100,000 to replace water line |
| <i>RES. 26-02</i> | 4. Cable Rates: Resolution expressing City Council's opposition to rate increase for basic tier cable TV service and authorizes hiring expert to audit and challenge increase and approve budget adjustment of \$6,000 |

ORD. 4370

5. RZN 02-2.00: Ordinance approving rezoning as submitted by Craig Hull on behalf of Andy Bethell; property is zoned C-1 and request is to rezone to C-2

RES. 27-02

6. Rollforward: Resolution approving budget adjustment which will allow rollforward and re-budget of all projects for items in progress which were appropriated in 2001 Budget and items approved will become part of 2002 budget

RES. 28-02

7. Burditt Associates: Resolution authorizing contract change w/ Burditt in amount of \$33,000 to complete citywide tree inventory and to provide software and management plan

RES. 29-02

8. Mud Creek: Resolution showing support for Mud Creek Trail Project and giving authority to Mayor to enter into contractual agreement w/ AHTD

ORD. 4371

9. Swimming Pool Fees: Ordinance amending §97.017 of Code of Fayetteville allowing Mayor or his designee to establish fees for city swimming pool

RES. 30-02

10. Parks Master Plan: Resolution approving Parks & Recreation Ten-Year Master Plan w/ guiding policies and implementation strategies

ORD. 4372

11. Boys & Girls Club: Ordinance waiving requirement of formal competitive bidding and approving contract between City of Fayetteville and Boys & Girls Club to provide public recreation

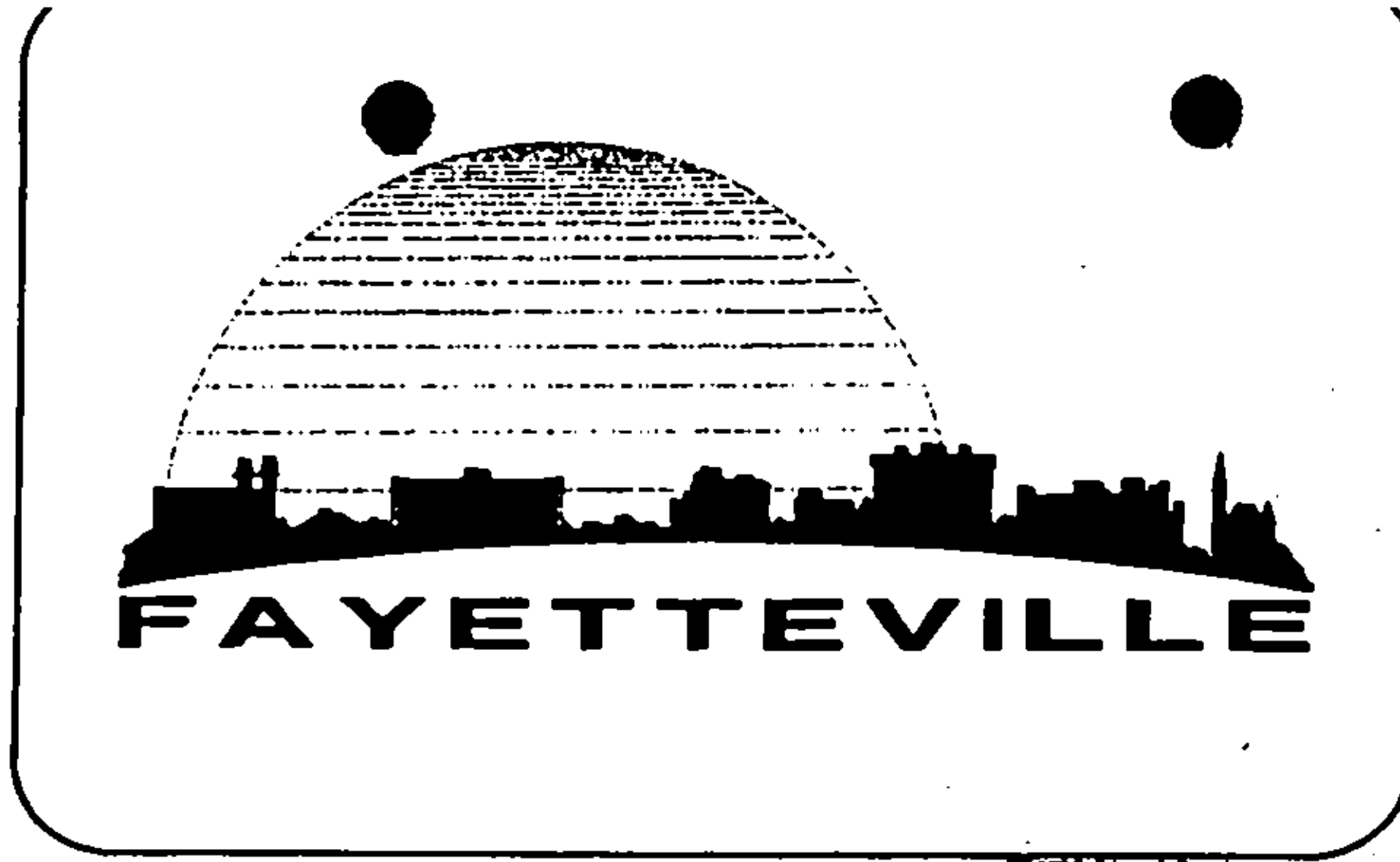
ORD. 4373

12. Council on Aging: Ordinance waiving requirements of formal competitive bidding and approving contract between City of Fayetteville and Council on Aging in amount of \$30,999.96 to provide public recreations for senior citizens of Fayetteville for 2002

Sel	Ref.	Date	Item	Action	Brief Description	Sel - (B=Browse) (P=Print)
-	-	-	-	-	-	-
-	ORD	1/02/2002	4358		AMEND CHAPTER 34/FINANCE & REVENUE	
-	ORD	1/02/2002	4359		ANX 01-5.00/DOUBLE SPGS RD/OWL CRK	
-	ORD	1/02/2002	4360		RZN 01-24.00/DOUBLE SPGS & OWL CRK	
-	ORD	1/02/2002	4361		RZN 01-27.00/DOUBLE SPRNGS/OWL CRK	
-	ORD	1/02/2002	4362		RZN 01-26.00/SHILOH DR & PORTER RD	
-	ORD	1/02/2002	4363		RZN 01-28.00/SHILOH DRIVE & PORTER	
-	ORD	1/15/2002	4364		CIVIL SERVICE COMMISSION	
-	ORD	1/15/2002	4365		RESEARCH AND TECHNOLOGY PARK	
-	ORD	2/05/2002	4366		REGULATING MOTOR VEHICLE RACING	
-	ORD	2/05/2002	4367		RZN 01-3.00/2684 W SIXTH STREET	
-	ORD	2/05/2002	4368		AMENDING TITLE XV/UDO	
-	ORD	2/05/2002	4369		FORMAL COMPETITIVE BIDDING/UDB	
-						
-						
-						

start w / 4370

2/20/2002



City of Fayetteville

CITY CLERK'S OFFICE

113 W. Mountain St.
Phone: (501) 575-8323

Fayetteville, AR 72701
Fax #: (501) 718-7695

Fax Cover Sheet

To: Doug Wallace / Replax Ads

Company: Northwest Arkansas Times

Fax #: 442-1743 (Display Ads)

From: Heather Woodruff

Date: 02-15-2002

Number of Pages (including cover sheet): (4)

Notes: ① Please run in Monday's Paper (2-18-02)

② Please fax back a proof as soon as possible for our review.

Thanks!

P.O. # 02-0000275-001

If transmission cannot be read clearly, please call back as soon as possible.

Thank you.

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Job # 02184528

CITY OF FAYETTEVILLE
FINAL AGENDA
CITY COUNCIL
FEBRUARY 19, 2002

A Meeting of the Fayetteville City Council will be held on February 19, 2002 at 4:30 p.m. in Room 219 of the City Administration Building located at 115 West Mountain, Fayetteville, Arkansas.

A. CONSENT

1. APPROVAL OF THE MINUTES

2. SANITATION TRUCKS: A resolution awarding bid No. 02-01 to Staley Motor Equipment for two front load and two rear load style cab and chassis with enclosed sanitation bodies in the amount of \$666,919.

3. LIBRARY: A resolution supporting cooperation with the Chemical Engineering Department of the University of Arkansas and the Fayetteville Public Library related to distributed power options for the new Library Building.

4. INFRASTRUCTURE GRANT: A resolution approving an Economic Infrastructure Grant from Arkansas Department of Economic Development for \$100,000 to replace a water distribution main. The work will create Potomac Ponds to expand and add 134 jobs.

B. OLD BUSINESS

1. CABLE RATES: A resolution expressing the City Council's opposition to the twenty-five percent (75%) rate increase for basic tier cable television service proposed by Cox Communications, Inc., to encourage hiring an expert to audit and challenge the increase before the FCC and to approve a budget adjustment of \$6,000.00. The item was tabled at the February 5, 2002 meeting.

2. RZN 02-1.00: An ordinance approving RZN 02-1.00 as submitted by Robert Schmitt for property located at 1140 Hendrix and 1110 Monks. The property is zoned R-1, Low Density Residential, and contains approximately 1.34 acres. The request is to rezone to R-1.5, Moderate Density Residential. The ordinance was left on the first reading at the February 5, 2002 meeting.

3. RZN 02-2.00: An ordinance approving rezoning request RZN 02-2.00 as submitted by Craig Hall of Nicks-Hall group on behalf of Andy Barfield for property located at the northeast corner of Joyce Blvd. and Crosswater Road. The property is zoned C-1, Neighborhood Commercial and contains approximately 1.94 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the first reading at the February 5, 2002 meeting.

C. NEW BUSINESS

1. CIVIL SERVICE: An ordinance adding two additional members to the Fayetteville Civil Service Commission.

2. ROLLFORWARD: A resolution approving a budget adjustment which will allow for the rollforward and re-budget of all projects for items in progress which were appropriated in the 2001 Budget. The items which are approved will become part of the 2002 budget.

3. BURDITT ASSOCIATES: A resolution authorizing a contract change with Burditt Associates in the amount of \$33,000 to complete the city wide tree inventory and to provide software and management plan.

4. MUDD CREEK: A resolution showing support for the Mudd Creek Trail Project and giving the authority to the Mayor to enter into a recreational agreement with AHTD.

5. SWIMMING POOL FEES: An ordinance amending Section 97.017 of the Code of Fayetteville to allow the mayor or his designee to establish fees for the city swimming pool.

6. PARKS MASTER PLAN: A resolution approving the parks and Recreation Ten-Year Master Plan with guiding policies and implementation strategies.

7. BOYS AND GIRLS CLUB: An ordinance waiving the requirement of formal competitive bidding and approving a contract between the city of Fayetteville and Boys and Girls Club to provide public recreation.

8. COUNCIL ON AGING: An ordinance waiving the requirement of formal competitive bidding and approving a contract between the City of Fayetteville and Council on Aging in the amount of \$30,999.96 to provide public recreation for the senior citizens of Fayetteville for 2002.

9. FAYETTE TREE AND TRENCH: An ordinance to waive competitive bidding requirements for a contract to repair and replace the sewer main running under I-540 and to declare an emergency.

10. FAYETTE TREE AND TRENCH: A resolution to approve a contract with Fayette Tree and Trench in the amount of \$205,650.40 with a 15% project contingency amount of \$30,847.60 for a total of \$236,498.00 and to approve a budget adjustment in the amount of \$236,498.00.

11. DEAD HORSE MOUNTAIN BRIDGE: A resolution approving an agreement with the Arkansas Highway and Transportation Department regarding the design and funding for the replacement of the Dead Horse Mountain Bridge. Costs to consist of the deposit payment to AHTD at the start of the preliminary design.

12. WARD BOUNDARIES: Discussion regarding Ward Boundaries.



**CITY OF FAYETTEVILLE
FINAL AGENDA
CITY COUNCIL
FEBRUARY 19, 2002**

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