

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL MAY 21, 2002

A meeting of the Fayetteville City Council will be held on May 21, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

APPOINTMENT OF DON MARR TO COUNCIL

NOMINATING COMMITTEE REPORT

A. CONSENT

1. APPROVAL OF THE MINUTES

2. **CAMERON ASHLEY BUILDING PRODUCTS:** A resolution approving an agreement with Cameron Ashley Building products in an amount not to exceed \$65,000 for the purchase of vinyl windows and vinyl siding for housing rehabilitation projects.

B. OLD BUSINESS

1. **SALES AND USE TAX:** An ordinance providing for the levy of a one percent sales and use tax and providing for an expiration date for such replacement Sales and Use Tax of June 30, 2013. The ordinance was left on the first reading at the May 7, 2002 meeting.
2. **SPECIAL ELECTION:** An ordinance calling for a special election on the question of levying a one percent Sales and Use Tax within the City of Fayetteville, to replace the one percent Sales and Use Tax expiring on June 30, 2003 and providing for an expiration date for such tax of June 30, 2013. The ordinance was left on the first reading at the May 7, 2002 meeting.
3. **RESOLUTION OF INTENT FOR SALES TAX:** A resolution to identify the City's intent to use tax collections if the current 1% city sales tax is extended for a second ten year term by the voters.

4. **RZN 02-9.00:** An ordinance approving rezoning RZN 02-9.00 as submitted by Julian and Jane Archer for property located at 2231 Markham Road. The property is zoned R-1, Low Density Residential and contains approximately 18.80 acres. The request is to rezone to A-1, Agricultural. The ordinance was left on the second reading at the May 7, 2002 meeting.
5. **RZN 02-12.00:** An ordinance approving rezoning request RZN 02-12.00 as submitted by Julian and Jan Archer for property located at 2231 Markham Road. The property is zoned R-1, Low Density Residential and contains approximately 4.10 acres. The request is to rezone to A-1, Agricultural. The ordinance was left on the second reading at the May 7, 2002 meeting.

C. NEW BUSINESS

1. **RZN 02-10.00:** An ordinance approving rezoning request RZN 02-10.00 as submitted by Richard Grubbs on behalf of Mid-America Management Company for property located in the 100 Block of Appleby Road, west of Northwest Nursing Center. The property is zoned A-1, Agricultural and contains approximately 0.14 acres. The request is to rezone to R-O, Residential Office.
2. **RZN 02-11.00:** An ordinance approving rezoning RZN 02-11.00 as submitted by the City of Fayetteville for property located on S. School at Drake Field. The property is zoned C-2, Thoroughfare Commercial and contains approximately 3 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.
3. **TROLLEY:** A resolution authorizing the city staff to develop a working agreement with Ozark Regional Transit to operate the Trolley System and for other purposes.
4. **ASPHALT PAVING MACHINE:** A resolution to purchase an asphalt paving machine, trading the existing unit in on a demonstration unit that shall carry a new machine warranty. Proposed demonstration unit has 150 hours, is Pro-Pav model meeting specifications. Competitive bids received on April 29, 2002, immediate delivery. Net purchase cost of \$187,225.00.
5. **LIBRARY:** A resolution approving a contract in the amount of \$17,633,562 with Crossland Construction Company Inc. for the construction of the new Fayetteville Public Library at 401 W. Mountain; approval of a project contingency in the amount of \$700,000; and approval of a budget adjustment to fund the off-site improvements contained within this contract.

6. **PONY RIDES:** An ordinance revision of the non-motorized transport services section to include pony rides.
7. **SOLID WASTE CART PROGRAM:** A resolution authorizing the purchase of carts from Toter Inc. for the automated residential waste collection program. Final cost will be determined by the individual customer choices.
8. **ARKANSAS POWER STEERING & HYDRAULICS:** A resolution awarding Bid 02-24, Item 1 to Arkansas Power Steering and Hydraulics for the purchase of 7, 2003 Mack LE613 with mounted Labrie Automated Solid Waste Bodies for a total purchase price of \$1,375,416.

City Council May 21, 2002

	<u>Roll</u>		<u>Nonmember</u> <u>Comments</u> <u>Rec.</u>		
Davis	✓		✓		
Santos	✓		✓		
Jordan	✓		✓		
Reynolds	✓		✓		
Thiel	✓		✓		
Young	✓		✓		
Marr	✓		✓		
Coody	✓				

<u>Consent</u>	<u>BD</u> <u>LG</u>				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Marr	✓				
Coody					

City Council May 21, 2002

SALES TAX	KS 2ND				
Davis	N				
Santos	✓				
Jordan	✓				
Reynolds	N				
Thiel	✓				
Young	N				
Marr	✓				
Coody	left m				
	2ND				

Sp. Election	KS 2ND				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Marr	✓				
Coody					

City Council May 21, 2002

Handwritten notes above table:
 1st of 2nd sales for
 BD KS. *deleted Sept 4*
 KS BD. *Table*

Davis	✓	✓			
Santos	✓	✓			
Jordan	✓	✓			
Reynolds	✓	✓			
Thiel	✓	✓			
Young	✓	✓			
Marr	✓	✓			
Coody					

Handwritten notes above table:
 PZN 02-9.00
 KS *7.20*
 P. 7.20
 Pass

Davis	✓	✓			
Santos	✓	✓			
Jordan	✓	✓			
Reynolds	✓	✓			
Thiel	✓	✓			
Young	✓	✓			
Marr	✓	✓			
Coody					

City Council May 21, 2002

<u>PZW</u> 2	<u>BD 300</u>	<u>PASS</u>			
Davis	✓	✓	*		
Santos	✓	✓			
Jordan	✓	✓			
Reynolds	✓	✓			
Thiel	✓	✓			
Young	✓	✓			
Marr	✓	✓			
Coody					

<u>PZW</u> 02-10.00	<u>ZPD</u>	<u>BD 300</u> <u>P.R.</u>	<u>PASS</u>		
Davis	✓	✓	✓		
Santos	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Thiel	✓	✓	✓		
Young	✓	✓	✓		
Marr	✓	✓	✓		
Coody					

City Council May 21, 2002

2003 2-11-00	BT KS 2nd	KS 3rd RR.	Page		
Davis	✓	✓	✓		
Santos	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Thiel	✓	✓	✓		
Young	✓	✓	✓		
Marr	✓	✓	✓		
Coody					

2003	KS BD.				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Marr	✓				
Coody					

City Council May 21, 2002

<i>PAVING MACHINES</i>	<i>KS</i>				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Marr	✓				
Coody					

<i>LIBRARY</i>	<i>KS</i>				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Marr	✓				
Coody					

City Council May 21, 2002

Port Rides	CS 2nd	LA 2nd	Pres		
Davis	✓	✓	✓		
Santos	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Thiel	✓	✓	✓		
Young	✓	✓	✓		
Marr	✓	✓	✓		
Coody					

Gov program	CS 2nd				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Marr	✓				
Coody					

City Council May 21, 2002

Handwritten notes above table:
 CS for mass withdraw file
 CS LG
 CS

Davis		✓			
Santos		✓			
Jordan		✓			
Reynolds		✓			
Thiel		✓			
Young		✓			
Marr		✓			
Coody					

Davis					
Santos					
Jordan					
Reynolds					
Thiel					
Young					
Marr					
Coody					

Handwritten notes:
 adjourned.
 10:10.

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passed A. CONSENT

1. APPROVAL OF THE MINUTES

2. CAMERON ASHLEY BUILDING PRODUCTS: A resolution approving an agreement with Cameron Ashley Building products in an amount not to exceed \$65,000 for the purchase of vinyl windows and vinyl siding for housing rehabilitation projects.

*Yolanda
Fields
Urban Dev.
(original)*

B. OLD BUSINESS

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left on 2nd

2. SPECIAL ELECTION: An ordinance calling for a special election on the question of levying a one percent Sales and Use Tax within the City of Fayetteville, to replace the one percent Sales and Use Tax expiring on June 30, 2003 and providing for an expiration date for such tax of June 30, 2013. The ordinance was left on the first reading at the May 7, 2002 meeting.

left on 2nd

3. RESOLUTION OF INTENT FOR SALES TAX: A resolution to identify the City's intent to use tax collections if the current 1% city sales tax is extended for a second ten year term by the voters.

*tabled
not*

4. *PASS* **RZN 02-9.00:** An ordinance approving rezoning RZN 02-9.00 as submitted by Julian and Jane Archer for property located at 2231 Markham Road. The property is zoned R-1, Low Density Residential and contains approximately 18.80 acres. The request is to rezone to A-1, Agricultural. The ordinance was left on the second reading at the May 7, 2002 meeting. *Jim Conklin*

5. *PASS* **RZN 02-12.00:** An ordinance approving rezoning request RZN 02-12.00 as submitted by Julian and Jan Archer for property located at 2231 Markham Road. The property is zoned R-1, Low Density Residential and contains approximately 4.10 acres. The request is to rezone to A-1, Agricultural. The ordinance was left on the second reading at the May 7, 2002 meeting. *Jim Conklin*

C. NEW BUSINESS

1. *PASS* **RZN 02-10.00:** An ordinance approving rezoning request RZN 02-10.00 as submitted by Richard Grubbs on behalf of Mid-America Management Company for property located in the 100 Block of Appleby Road, west of Northwest Nursing Center. The property is zoned A-1, Agricultural and contains approximately 0.14 acres. The request is to rezone to R-O, Residential Office. *Jim Conklin*

2. *PASS* **RZN 02-11.00:** An ordinance approving rezoning RZN 02-11.00 as submitted by the City of Fayetteville for property located on S. School at Drake Field. The property is zoned C-2, Thoroughfare Commercial and contains approximately 3 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial. *Jim Conklin*

3. *PASS* **TROLLEY:** A resolution authorizing the city staff to develop a working agreement with Ozark Regional Transit to operate the Trolley System and for other purposes. *Per Kit Wms. this is authority to negotiate*

4. *PASS* **ASPHALT PAVING MACHINE:** A resolution to purchase an asphalt paving machine, trading the existing unit in on a demonstration unit that shall carry a new machine warranty. Proposed demonstration unit has 150 hours, is Pro-Pav model meeting specifications. Competitive bids received on April 29, 2002, immediate delivery. Net purchase cost of \$187,225.00. *Budget subject matter*

5. *PASS* **LIBRARY:** A resolution approving a contract in the amount of \$17,633,931 with Crossland Construction Company Inc. for the construction of the new Fayetteville Public Library at 401 W. Mountain; approval of a project contingency in the amount of \$700,000; and approval of a budget adjustment to fund the off-site improvements contained within this contract. *Louise Schaper Library Urban Rev.*

*[Keep original contract]
(Send Louise (3))*

6. **PONY RIDES:** An ordinance revision of the non-motorized transport services section to include pony rides.

cc: Clarice

*Jim Hayfield
Animal Services
General Services*

7. **SOLID WASTE CART PROGRAM:** A resolution authorizing the purchase of carts from Toter Inc. for the automated residential waste collection program. Final cost will be determined by the individual customer choices.

*tabled
by
staff*

8. **ARKANSAS POWER STEERING & HYDRAULICS:** A resolution awarding Bid 02-24, Item 1 to Arkansas Power Steering and Hydraulics for the purchase of 7, 2003 Mack LE613 with mounted Labrie Automated Solid Waste Bodies for a total purchase price of \$1,375,416.

*Fully
not
approved
ms.*

*approved
10/10.*

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2. *Pass* ✓ **RZN 02-11.00:** An ordinance approving rezoning RZN 02-11.00 as submitted by the City of Fayetteville for property located on S. School at Drake Field. The property is zoned C-2, Thoroughfare Commercial and contains approximately 3 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.

3. *Pass* ✓ **TROLLEY:** A resolution authorizing the city staff to develop a working agreement with Ozark Regional Transit to operate the Trolley System and for other purposes.

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5. *17,633,931* *Pass* ✓ **LIBRARY:** A resolution approving a contract in the amount of \$17,633,562 with Crossland Construction Company Inc. for the construction of the new Fayetteville Public Library at 401 W. Mountain; approval of a project contingency in the amount of \$700,000; and approval of a budget adjustment to fund the off-site improvements contained within this contract.

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*Added
next
month.*

*Adopted
10.10.*

**NOMINATING COMMITTEE REPORT
CITY COUNCIL MEETING
MAY 21, 2002**

CIVIL SERVICE COMMISSION

Steven A. Coppinger - One six-year term ending 03/31/08

ENVIRONMENTAL CONCERNS COMMITTEE

Bruce Manchon - Re-appointed/One three-year Environmental Law term ending 06/30/05

Roxana S. Willis - Re-appointed/One three-year Citizen-at-Large term ending 06/30/05

TELECOMMUNICATIONS BOARD

Craig A. Brown - One two-year term ending 06/30/04

TREE AND LANDSCAPE ADVISORY COMMITTEE

Terry Delany - One unexpired Land Development term ending 12/31/03

WALTON ARTS CENTER COUNCIL, INC.

Marla K. Hunt - Re-appointed/One three-year term ending 06/30/05

WALTON ARTS CENTER FOUNDATION, INC.

Brian Cole - One three-year term ending 06/30/05

May 17, 2002

To the City Clerk and Fayetteville City Council,

I would like to take this opportunity to resign from the appointment to the Fayetteville Planning Commission. Having just completed a successful campaign to become the City Alderman for Ward 2 Position 2 in Fayetteville I feel that it is important to resign from my position as City Planning Commissioner. I believe that there exist potential conflicts of interest since numerous items can be appealed to the Fayetteville City Council, where I would have to cast a vote as well. I believe to best represent my constituents of Ward 2, I will resign effective immediately since the certification of the election is now complete.

Thank you for the opportunity to serve the City in this volunteer role, and I appreciate the experience and knowledge I gained through this opportunity. My best wishes to my fellow commissioners. They are truly a professional group of individuals.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Marr", with a long, sweeping horizontal line extending to the right.

Don Marr

**MINUTES OF A MEETING
OF THE
CITY COUNCIL
APRIL 16, 2002**

A meeting of the Fayetteville City Council was held on April 16, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

Mayor Coody stated the Arkansas Chapter of the American Planning Association presented the Comprehensive Plan Development Award to the Fayetteville Tree Preservation and Protection Ordinance Committee.

NOMINATING COMMITTEE REPORT
Alderman Santos moved to appoint:

PUBLIC LIBRARY BOARD OF TRUSTEES

Anne de Noble - One five-year Full term ending 03/31/07

PLANNING COMMISSION

Donald A. Marr, Jr. - One three-year Full term ending 03/31/05

Bob Estes - One three-year Full term ending 03/31/05

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

Mr. Loren Shackelford, Planning Commissioners, stated he was a life long resident. He felt he had a unique perspective that has benefited the commission. He was proud of the growth that his home town has had during his lifetime. He looked forward to vibrant growth in the future. It had been brought to his attention that he would not be nominated for a second term as Planning Commissioner. His attendance had been one of the factors in that decision. He felt that there had been some misinformation. He had pulled the attendance records. During his three-year term, he had attended fifty-five of the possible sixty-seven meeting that were held. Comparing his attendance to Don Marr and Bob Estes, during that same time period, Marr attended fifty-five of the sixty-seven meeting. Commissioner Estes attended only two more, at fifty-seven of the sixty-seven. Given his job and family requirements he was proud of his attendance. They never lacked a quorum. He did not feel that his attendance should be an issue for removal from the Planning Commission. He understood that the Council could appoint whoever they wanted, but he asked that the facts be set straight on his attendance.

Alderman Thiel stated she liked to reappoint people to committees. She also liked to listen to recommendations made by commissions and boards. In this case, she had been called by Mr. Estes

and been informed that his attendance record was not that good. She had taken his word. She felt she had been in error in making the decision that she did. She would always support someone who had been on a committee and done well.

Alderman Santos stated he felt this was something that should be done in executive session. He had heard complaints that he was not prepared for the meetings and was always late.

Mr. Shackelford stated the meetings that he had been tardy he had never missed a vote. The tardiness were usually only five minutes due to the fact that he worked at the corner of Hwy 265 and Hwy 45. it was very difficult to rap of a business day and get there by the start of the meeting. Agenda Sessions were not mandatory. He had work responsibilities on Thursdays that make Agenda Sessions very difficult for them. He did take time out of his schedule to review the items and property. He did not believe he had done the position a disservice by handling things in this nature.

Alderman Young stated he did not base his vote on his attendance. He based his vote on his observation of him on the Planning Commission. He had observed numerous time that he had voted in hand. He had already made his mind up before he got there. He did not believe he listened to the neighbors and that he was impartial.

Mr. Shackelford stated the people did deserve someone who was impartial. He did not feel that he came into meetings with his mind made up. He listened to the facts, staff and the public comment. He then makes the decision he felt was right to make.

Mr. Don Marr, Planning Commissioner, stated he sat next to Loren at the Planning Commission meetings. He felt Mr. Shackelford came prepared. He thought all of their attendance was good. He thought if they were going to have professionals and people who had to work for a living that they were going to have meetings that are missed. They currently had a good balance on the Planning Commission even when they disagreed on things. He did not look at the chairs roll as evaluating other commissioner's performance. It was the council's job. The chair's job was to run their meeting. He thought it would be good in the future to have guidelines for attendance. He also agreed with Alderman Young. The council had to make decisions on whether the commissions that they appointed reflected the views of those that got elected.

Mr. Williams stated in instances where there is more than one nominee for a position either by the Nominating Committee or by other nominations, each council member shall vote by naming his or her choice by nomination. It was not a motion. Each council member shall vote by naming the person they want to serve on the Planning Commission.

Upon roll call: Reynolds-Shackelford, Thiel-Shackelford, Young-Wilson, Davis-Shackelford, Santos-Wilson, Jordan-Wilson, Mayor Coody-Shackelford.

Mr. Shackelford was appointed to the Planning Commission.

CONSENT

APPROVAL OF THE MINUTES

TCA CABLE BUILDING: A resolution awarding a bid for renovation to the TCA Building to Neil Hefner Construction in the amount of \$195,464 and approval of a project contingency in the amount of \$15,000.

RESOLUTION 59-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

GARLAND AVE.: A resolution authorizing the sale of City owned real estate and a construction easement along Garland Avenue to the Arkansas State Highway and Transportation Department for a contractual amount of \$3,400.

RESOLUTION 60-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BULLETPROOF VESTS: A resolution approving a grant application with the Department of Justice Bulletproof Vests Partnership Program. This is a four year grant and can be utilized at any time during the four years.

RESOLUTION 61-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

LEGACY POINTE: A resolution waiving Ordinance 3793 to accept land and money in lieu as the park land requirement for the Legacy Pointe Development.

RESOLUTION 62-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ELLIS DEVELOPMENT: A resolution waving Ordinance 3793 to accept land and money in lieu of the park land requirement for the Ellis Development.

RESOLUTION 63-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CALL CENTER POSITION: A resolution to approve the filling of the non-emergency call center position to take full advantage of the new software recently purchased and to provide support for the Business Office.

REMOVED FROM THE CONSENT AGENDA.

ORGANIZATIONAL PLANNER: A resolution approving an aggressive litter control program with education, cleanup, and enforcement options, and to assist in the market development analysis and the development of operational plans for commercial glass recycling.

RESOLUTION 64-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Young asked to remove the Call Center Position from the Consent Agenda.

Alderman Santos moved to approve the Consent Agenda with the removal of the Call Center Position. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

CALL CENTER POSITION: A resolution to approve the filling of the non-emergency call center position to take full advantage of the new software recently purchased and to provide support for the Business Office.

Alderman Young stated they have spent a lot of money on this equipment and, now they were wanting to hire another person. He wanted someone to explain if they were going to have people answering the phone or machines. If they were going to have people answering the phone, why were they buying the fancy equipment.

Mayor Coody stated this would be a multifaceted position. They would be at the front door to assist people. They would be able to direct people through the maze of city hall. Twice a year the city hired temporary help when the student came into town. This person would take care of that. A lot of the cost of this position was already being paid by hiring temporary help. They would also be working with Hansen and Teleworks.

Mr. Ted Webber, Administrative Services Director, gave a brief explanation of the new systems and how they were to interact with each other.

In response to questions, Mr. Steve Davis stated the cost for this position was going to be approximately \$20,000 per year, including benefits. The cost of the part-time person they hired from July through Labor Day has run around \$5,000. By hiring this full-time person they would not have to hire this part-time person during their peak period. May through August, the average increase in work orders processed by the Business Office increased 50%. This year was going to be more critical, approximately 25% of the staff was going to be on extended medical leave.

Alderman Davis asked what kind of turn over they anticipated by only paying \$20,000 a year and what kind of professionalism did they expect to attract.

Mr. Davis stated that salary range was a little more than what they currently paid their customer service reps in the Business Office. He felt they had a great deal of professionalism at that rate.

Alderman Santos moved to approve the resolution. Alderman Reynolds seconded. Upon roll call the motion carried unanimously.

RESOLUTION 65-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OLD BUSINESS

RZN 02-6.00: An ordinance approving rezoning request RZN 02-6.00 as submitted by Terry Carpenter of US Infrastructure, Inc. for property located at 415 Longview Street. The property is zoned A-1, Agricultural and contains approximately 38.6 acres. The request is to rezone to R-O, Residential Office.

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

Mr. Williams read the ordinance for the second time.

Alderman Young 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 Davis stated this was in his ward. This fit with the existing developments. He had not received any complaints or calls regarding this issue. The Planning Commission passed it 8-0. He recommended that the council pass the ordinance.

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

ORDINANCE 4385 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

THUNDER VALLEY: An ordinance allowing a special thirty-year anniversary two-day racing event at Thunder Valley Raceway with closing times of 11:30 p.m.

Mr. Williams read the ordinance.

Alderman Thiel stated this thirty year event was important. She has had some calls. She asked if they had finished their makeup races.

Mr. Baker stated he had finished four races from March 30.

Alderman Thiel stated she was concerned about some of the actions of the drivers and fans after the races. There had been a lot of honking and noise when they were leaving.

Mr. Baker stated he did not have any control.

Alderman Thiel stated she hoped the fans appreciated them passing this ordinance and any future requests. She asked if they were using a quieter series muffler.

Mr. Baker stated all the cars had mufflers this year.

Alderman Young asked if they were going to run this July race if it was rain or shine?

Mr. Baker stated they would have to cancel if it rained. He would have to run a regular Saturday night race. If it rained it would be over.

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

Mr. Williams read the ordinance for the second time.

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

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

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

ORDINANCE 4386 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SIDEWALK CONSTRUCTION: An ordinance repealing Section 171.12 of the UDO, Property Owner to Construct Sidewalk or Contribute Cost of Sidewalk, and adopting a replacement Section 171.12 of the UDO.

Mr. Williams read the ordinance for the first time.

Alderman Davis stated his concern on A.3.c., if they could allow for an individual to supply the city a surety bond. Ensuring the city that the sidewalk would be put in sometime in the future, but it would not have to be something that they had to do at this point in time. He would hate to lose a good company because they were having to put in \$100,000 sidewalk.

Mr. Tim Conklin stated sidewalks were one of the items that could be guaranteed. They could

guarantee them through cash in escrow, a letter of credit, or a surety bond. Typically they see cash or a letter of credit being issued. The planning staff maintained them in their office. It was a provision in the UDO. It was typically done on new subdivisions. Typically, they did not want to build sidewalks up front with all the home construction. The developer was allowed to guarantee those improvements. In regards to a large scale development, the sidewalk was required. They did need to go ahead and build those sidewalks. One of their challenges was to make sure that their letters of credit did not expire. It did make the city responsible to make sure that they keep track of those and that they were able to get the developers to renew those.

Mr. Williams asked if there was not provision for a letter of credit or a bond was that the UDO would cover this.

Mr. Conklin stated on a large scale development they could guarantee the improvements. They required guarantee of the improvements before they would issue permits.

Alderman Young stated they were assuming that the sidewalk was going to be built. In here they had a waiver provision. One of the things to consider was the existence of a sidewalk network in the area.

Mr. Conklin stated this ordinance did not go along with their subdivision regulations and their large scale development regulations, which required sidewalks.

Mr. Williams stated this ordinance was mainly for infill developments. This did not happen very often.

Alderman Young asked when a developer came up with a large scale development and did not want to build the sidewalks and he went to this ordinance.

Mr. Williams stated it would not be relevant. This was in a different part of the UDO. This only required sidewalks to be built in certain circumstances when they were not required elsewhere. He did not believe this would be a problem.

Alderman Davis asked if the staff told the developers if they had the option of getting a letter of credit or a bond.

Alderman Santos moved to suspend the rules and move to the second reading. Alderman Thiel seconded the motion. Upon roll call the motion carried by a vote of 6-1, Young voting nay and Mayor Coody voting yea.

Mr. Williams read the ordinance for the second time.

Alderman Young stated Section 3.c., they only got per square foot. He was wanting to see single-

family and duplexes reviewed. He suggested changing "within five years" to "at least every five years".

Mr. Williams stated the amendment would read, "the amount per square foot in the amounts for a single-family home and duplex shall be reviewed by the city council at least every five years".

Alderman Young moved to pass the amendment. Alderman Santos seconded. Upon roll call the motion carried unanimously.

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

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

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

ORDINANCE 4387 AS RECORDED IN THE CITY CLERKS OFFICE.

RZN 02-7.00: An ordinance approving rezoning request RZN 02-7.00 as submitted by Lindsey and Associates on behalf of the Estate of Marie Frankie Hughes for property located west of Porter Road and north of Valley Drive. The property is zoned R-1, Low Density Residential and contains approximately 11.94 acres. The request is to rezone to RMF-12, Moderate Density Family Residential.

Mr. Williams read the ordinance for the first time.

Mr. Jim Lindsey, applicant, stated his son Lindy was the buyer for this property. They had met the neighborhood and had a good meeting. This property did join Corner Stone Properties. They would like for this to go through all three reading and not to have anything waived.

Mr. Richard Maynard, an area resident, stated he was speaking on behalf of the Asbell Neighborhood Association. They had been asked about what should go in their neighborhood. Mr. Lindsey has stated at the meeting that if the neighborhood did not like this development, then it would end here. Something was going to go in there, if it had to be apartments, they would rather it be Lindsey development because they hung onto their property and maintained them. Everyone had said it was okay to do this development, but they needed to do it right-drainage. They asked the city to take care of their infrastructure problems.

Mr. Tim Conklin stated a bill of assurance had been offered by the applicant. The density would be limited to nine, twelve unit apartments. It has other information with regard to landscaping, fencing and screening within the bill of assurance.

Mr. Maynard stated if for some reason they decided not to do this development, that this bill of assurance is a contract between this neighborhood and this developer. If this proposal did not work, they would as that the property go back to R-1.

ORDINANCE WAS LEFT ON THE FIRST READING.

VA 02-1.00: An ordinance approving vacation request VA 02-1.00 as submitted by Ken and Kathie Marvin for property in Rochier Heights Subdivision. The request is to vacate the alley between Lots 8, 9, 10 and 11.

REMOVED FROM THE AGENDA.

PARKING REGULATIONS: An ordinance amending Chapter 72: Parking Regulations, Code of Fayetteville, to authorize the impoundment of vehicles illegally stored in public parking decks and lots, changing parking enforcement hours to 7:00 a.m. to 6:00 p.m. and increasing the penalty for parking violations from \$2.00 to \$5.00.

Mr. Williams read the ordinance for the first time.

Mayor Coody stated the people who were wanting to do business on the square were not able to find parking. There were under utilized parking lots all around the square.

Ms. Sharon Crosson stated they would like for the ordinance to begin July 1, 2002. They needed time to order forms and to give people notice that the fines would be going up.

Alderman Davis asked if Lot 13 was going to be free.

Ms. Crosson stated they were not looking to penalize the people who were parking down town, they were wanting to encourage them to park in the proper areas, which was the long term meters or the free parking that is on the outer realm of the downtown square area. One of the things that had been requested in their public meetings was that they provide more free parking. A lot of employees could not afford thirty dollars per month for their parking programs. Lot 13, they will remove thirty-six meters and make it free parking all day long. Depending on the usage of that lot, then they might expand that.

Mr. Williams proposed an amendment, "this ordinance shall not be affective until July 1, 2002.

Alderman Davis asked how they arrived at the forty-eight hours before towing.

Ms. Crosson stated it had been discussed at the four public meetings that they had. It was what some of the other cities in the area were doing. It was also what the Town Center had put in their policies.

Mr. Williams stated the only thing that was changed in that section was the "parking lot". The forty-eight hours was already there for the streets.

Alderman Santos moved to amend the ordinance to become affective on July 1, 2002. Alderman Young seconded. Upon roll call the motion carried unanimously.

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

Mr. Williams read the ordinance.

Alderman Davis stated he was concerned about forty-eight hour limit.

Ms. Crosson stated they have left notices on cars after forty-eight hours. That gave them an additional twenty-four hours notice. They really get more than the forty-eight hours. They did not want to put the notice on their vehicle before forty-eight hours. There really was not much of a problem on the square, but the gated lots were more of a problem.

Alderman Davis moved to amend the ordinance to seventy-two hours. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

Alderman Davis moved to go to the third and final reading. Alderman Santos seconded. Upon 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 4388 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BURNS AND MCDONNELL: A resolution approving an agreement with Burns and McDonnell to perform program management services in connection with the Wastewater System Improvement Project.

ITEM WAS REMOVED FROM THE AGENDA.

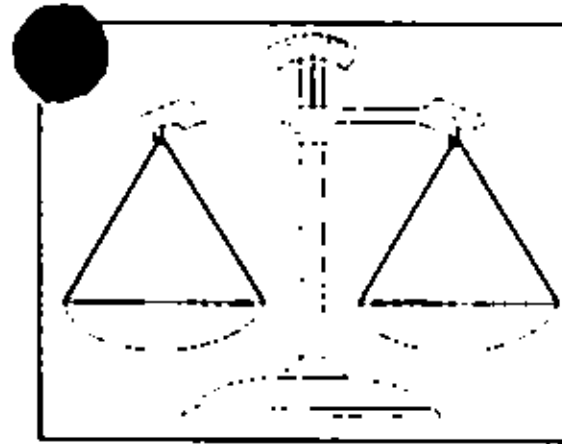
Meeting adjourned at 8:30 p.m.

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

cc: **Steve Davis, Budget Manager**

FROM: **Kit Williams, City Attorney**

DATE: **May 10, 2002**

RE: **Resolution to identify City's intent to use tax collections
if the current 1% city sales tax is extended for a second ten
year term by the voters**

Pursuant to your instructions at the last City Council meeting, I have taken a stab at drafting a proposed Resolution that would express the City's intent to split the sales tax collections from this 1% Sales and Use tax 50/50 between capital spending and operating expenses through 2006. Beginning in 2007, the City Council could revise this division according to the needs at that time.

I included an **optional** sentence in the Resolution denoted Option A in Section 3 that would limit the changes to 10% from the preceding year's division of tax receipts. This means that in 2007, the City Council could not use more than 60% of the tax receipts for operational costs. (There is **no** top limit to what percentage could be used for capital spending pursuant to this Resolution or Resolution #34-93 passed on March 23, 1993.)

I also included an optional overall base of 30% below which capital spending could not sink. If this is feasible, the City could assure our citizens that **several million dollars** from this Sales and Use tax **would always be committed annually to the capital needs** that our growing city desperately needs.

The Resolution denoted Option B omits the sentence in Section 3 that places limits on how the division of tax proceeds would be accomplished in the year 2007 and afterwards. Option B would allow the City Council to annually decide how the Sales and Use tax would need to be apportioned between capital spending and operational spending.

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE CITY'S INTENT AS
TO THE USE OF COLLECTIONS OF THE PROPOSED
RENEWAL OF THE CITY WIDE SALES TAX AND USE TAX

WHEREAS, the City Council of the City of Fayetteville, Arkansas (the "City") has passed on May 21, 2002, Ordinance No. _____ providing for continuing the levy of a 1% Sales and Use tax within the City (the "Tax") if approved by the voters; and

WHEREAS, the Tax will continue to be levied under Title 26, Chapter 75, subchapter 2 of the Arkansas Code of 1987 Annotated and may be used by the City for any purpose for which the City's general funds may be used, and;

WHEREAS, after public hearings and a vote of the City Council, the City updates yearly a five year plan of capital improvements which lists the specific capital improvement goals of the City and prioritizes the need for such capital improvement projects, and;

WHEREAS, the purpose of this resolution is to clarify for the Fayetteville voters some of the purposes for which the City Council expects to finance and/or maintain with tax collections.

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

Section 1: The City hereby expresses its intent to utilize 50% of Tax collections in each calendar year through December 31, 2006 for the financing of capital improvements as set forth in the City's five year Capital Improvement Program. It is the City's further intent that these funds be accounted for separately and used only for capital improvement projects.

Section 2: The City hereby further expresses its intent to utilize the remaining 50% of tax collections in each calendar year for City operations and maintenance and, should such collections exceed any need for such purpose, the remaining amounts may be used for financing capital improvements.

OPTION A

Section 3: The City Council shall reexamine the revenue needs of the City in reference to both capital improvements and operating expenses and needs for budget year 2007 and thereafter and may adjust the division of the sales tax collections between capital improvements and operating expenses as needed. However, no yearly adjustment may exceed ten percent (10%) from the division existing in the previous year and the amount devoted to capital improvements shall never drop below thirty percent (30%).

Section 4: The following is a list of some of the areas of capital improvements, included in the City's current five year capital improvement program, for which the tax collections are expected by the City Council to be expended. This list is not in any order of priority and is not set forth as an exclusive list for which tax collections may be expended.

A. Acquisition of lands and rights of way for, and for engineering or construction of:

- ◆ Streets, including sidewalks and gutters;
- ◆ Drainage control facilities, including bridges, culverts, curb inlets and ditches;
- ◆ Sewer lines and sewer lift stations;
- ◆ Water lines, water storage tanks and pump stations;
- ◆ Traffic signals and intersection improvements;
- ◆ Walking, jogging, or biking trails;
- ◆ Solid waste facilities and equipment.

B. Acquisition or enhancements to:

- ◆ Public safety improvements including, police equipment, vehicles and facilities;
- ◆ Fire stations, fire fighting equipment and vehicles;
- ◆ Parks including swimming pools and other amenities;
- ◆ Ball fields;
- ◆ City facilities;
- ◆ Information processing equipment and related software.

OPTION B

Section 3: The City Council shall reexamine the revenue needs of the City in reference to both capital improvements and operating expenses and needs for budget year 2007 and thereafter and may adjust the division of the sales tax collections between capital improvements and operating expenses as needed.

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- ◆ Parks including swimming pools and other amenities;
- ◆ Ball fields;
- ◆ City facilities;
- ◆ Information processing equipment and related software.

Section 5: It is the City's intent to finance these capital improvements on a pay-as-you-go basis without the necessity of a bond issue.

PASSED and **APPROVED** this the _____ day of May, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

STAFF REVIEW FORM

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of May 21, 2002

FROM:

Rick Hoyt
 Name

Police
 Division

Police
 Department

ACTION REQUIRED: Adopt a resolution moving the City of Fayetteville Police LOPFI retirement benefits from plan 1 to plan 2 as of August 1, 2002. This resolution is requested contingent upon the passage of the renewal of the City 1% Sales Tax.

COST TO CITY:

\$67,500.00	\$4,341,913.00	Personnel
Cost of this Request	Category/Project Budget	Category/Project Name
1010-2940-5109.03	\$1,534,097.00	Patrol
Account Number	Funds Used To Date	Program Name
	\$2,807,816.00	General
Project Number	Remaining Balance	Fund

BUDGET REVIEW:

X Budgeted Item _____ Budget Adjustment Attached

[Signature]
 Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature]
 Accounting Manager

5/3/02
 Date

Internal Auditor

Date

[Signature]
 City Attorney

5/3/02
 Date ADA Coordinator

Date

[Signature]
 Purchasing Officer

5/3/02
 Date Grants Coordinator

Date

STAFF RECOMMENDATION: City Council approve a resolution moving the Police Department sworn officers from LOPFI benefit Program 1 to LOPFI Benefit Program 2 beginning August 1, 2002 contingent upon the renewal of the City 1% Sales Tax.

Division Head

Date

Cross Reference

[Signature]
 Department Director

5-3-02
 Date

New Item: Yes No

[Signature]
 Administrative Services Director

5/3/02
 Date

Prev Ord/Res #:

[Signature]
 Mayor

5/6/02
 Date

Orig Contract Date:

STAFF REVIEW FORM

Description Adopting LOPFI Benefit plan 2 Meeting Date May 21, 2002

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

Internal Auditor

ADA Coordinator

Grants Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

TO: Mayor Dan Coody and Members of the City Council

FROM: Rick Hoyt, Interim Chief of Police *RHoyt*

DATE: May 3, 2002

SUBJECT: Police Pension System - LOPFI Benefit Program 2

Attached you will find a resolution authorizing the Police Department to improve its pension plan benefits by taking advantage of a State retirement plan called Benefit Program 2.

All police officers hired since 1983 are required to participate in the statewide retirement system known as LOPFI (Local Police and Fire).

The basic provisions of the current plan are this:

Final benefits are based upon the officer's number of years of service multiplied by a factor of 2.2% and the result is the percentage the officer would draw of their final average salary. Example: 20 years of service X 2.2% = 44% of final average pay. Officers with less than 28 years of service must wait until age 55 to draw any benefits.

Benefit Program 2 will increase the multiplier to 3.0%. With that multiplier, an officer with 20 years of service would draw 60% of final average pay. A worksheet is attached that shows various examples of the retirement amount differences between Program 1 and Program 2.

The idea for going to Program 2 was first advanced by the Local Fraternal Order of Police Lodge who contacted Mayor Coody. The mayor requested a cost valuation from LOPFI to see what additional costs the City would have if this plan were approved. Police Department administration has been fully in support of this idea from the beginning and advanced it further with a funding request in the 2002 budget process and rated it a #1 priority on our list of Target Overruns. However, because of budget shortfalls it was unfunded.

In December of 2001, the City was notified LOPFI was reducing

the normal percentage the City was required to submit to LOPFI on a monthly basis. LOPFI reduced the amount to 6% of payroll. The City had expected to pay the usual percentage of 8.83% of payroll and the Police department had budgeted that greater amount. What this means is; adequate funds are already available in the Police budget to cover the additional cost of moving to Benefit Program 2 for the last 5 months of 2002 and no budget adjustment is necessary. However, you will also notice the resolution is tied to the upcoming July vote to re-authorize continuance of the City 1% sales tax. If the tax doesn't pass, Benefit Program 2 would not go into effect. Without continuation of the sales tax, the Police Department will have to seek other methods of financing this needed change.

Retirement benefits are an important part of the total employee compensation package. We believe a move to Benefit Program 2 is a positive one for the City and will enhance our ability to attract and retain the best employees. We have an above-average work force and changing to the best retirement plan the State has available will further enhance officer satisfaction and continued professionalism.

Attachments (2)

LOPFI

Illustrations of benefit amounts for paid service not covered by Social Security

Final Average Pay	LOPFI Benefit Program 1*	LOPFI Benefit Program 2**
28 Years of Service \$1,000.00	\$616.00	\$840.00
20 Years of Service \$1,000.00	\$440.00	\$600.00
15 Years of Service \$1,000.00	\$330.00	\$450.00

* LOPFI Benefit Program 1 equals years of service times 2.2% times final average pay.

** LOPFI Benefit Program 2 equals years of service times 3% times final average pay.

TARGET OVERRUN
(BUDFORM TO)

Department. . . : Police
Fund. : General
Program(s). . . : Patrol and Warrant
Prepared by . . : R. Watson
Account Number: 1010 2940 5109.01
Cost. : \$137,097.00
Priority. . . . : 2

DESCRIPTION OF REQUEST

Increase city's contribution to police pension fund. This would increase an officer's retirement benefit from 2.2% to 3.0% of his/her final average pay per year. Currently a topped out patrolman with 28 years of service earns \$35,852.00. That officer's annual retirement amount would equal 61.6% or \$22,085.00.

An officer earning the aforementioned salary under this new proposal could retire at the yearly amount of \$28,682.00. (In no case can the retirement amount exceed 80% of salary.)

JUSTIFICATION OF REQUEST

To aid in the recruitment of new officers we believe this additional contribution will be an added enticement. We further believe by increasing an officer's retirement package, more officers will have incentive to complete their law enforcement careers here instead of with agencies that currently have more lucrative retirement packages. Rank and file officers are very interested in this increase which resulted in Mayor Coody requesting a cost analysis from LOPFI. Police department administration is in full support of this benefit increase.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Date: May 17, 2002
To: The Mayor and Council
From: Hugh Earnest 
Urban Development Director
Subject: City Trolley

The attachment contains information on the trolleys owned by the city. The ridership numbers have been furnished by employees of Jones Transportation.

We will be prepared Tuesday night to discuss with the Council how best to handle the transfer of these assets to Ozark Regional Transit.

Attachment

TROLLEY BACKGROUND INFORMATION

Vehicle No.	Description	Purchase Price	Purchase Date	Source of Funds	Total Maintenance Costs
2012	1997 DoubleK/Freightliner	24,149.23	7/1/97	20% Match of State Funds	26,049.93
2031	1994 Ford E 350 Goshen Coach	28,388.00	5/1/00	Fleet Paid	22,490.72
2035	1996 Ford Champion Bus/15 Passenger	21,100.00	8/1/01	Fleet Paid	5,698.87
2036	1996 Ford Champion Bus/15 Passenger	21,100.00	8/1/01	Fleet Paid	4,672.84

TOTAL TROLLEY EXPENSE	
1999	\$49,388.00
2000	\$112,748.00
2001	\$123,711.00
2002	\$65,000.00

2001 TROLLEY RIDERSHIP	
Poppy Route	11,601
Dogwood Route	14,758
Total 2001 Ridership	26,357

May 14, 2002

**AGENDA SESSION
CITY COUNCIL
MAY 21, 2002**

NEW ITEM:

1. USE OF COLLECTIONS OF THE SALES AND USE TAX: A resolution expressing the City's intent as to the use of collections of the proposed renewal of the City Wide Sales Tax and Use Tax.

ADDITIONAL INFORMATION:

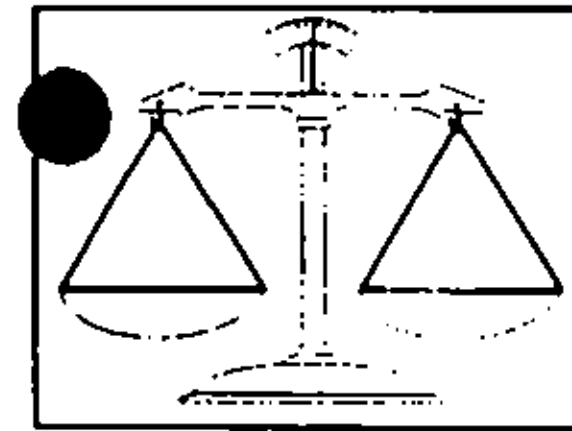
- 1. SALES AND USE TAX:** Additional information for Item B.1.
- 2. ASPHALT PAVING MACHINE:** Additional information for Item C.5.
- 3. COUNCIL TOUR:** Council Tour discussion.

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

cc: Steve Davis, Budget Manager

FROM: Kit Williams, City Attorney

DATE: May 10, 2002

RE: Resolution to identify City's intent to use tax collections
if the current 1% city sales tax is extended for a second ten
year term by the voters

Pursuant to your instructions at the last City Council meeting, I have taken a stab at drafting a proposed Resolution that would express the City's intent to split the sales tax collections from this 1% Sales and Use tax 50/50 between capital spending and operating expenses through 2006. Beginning in 2007, the City Council could revise this division according to the needs at that time.

I included an optional sentence in the Resolution denoted Option A in Section 3 that would limit the changes to 10% from the preceding year's division of tax receipts. This means that in 2007, the City Council could not use more than 60% of the tax receipts for operational costs. (There is no top limit to what percentage could be used for capital spending pursuant to this Resolution or Resolution #34-93 passed on March 23, 1993.)

I also included an optional overall base of 30% below which capital spending could not sink. If this is feasible, the City could assure our citizens that **several million dollars** from this Sales and Use tax **would always be committed annually to the capital needs** that our growing city desperately needs.

The Resolution denoted Option B omits the sentence in Section 3 that places limits on how the division of tax proceeds would be accomplished in the year 2007 and afterwards. Option B would allow the City Council to annually decide how the Sales and Use tax would need to be apportioned between capital spending and operational spending.

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE CITY'S INTENT AS
TO THE USE OF COLLECTIONS OF THE PROPOSED
RENEWAL OF THE CITY WIDE SALES TAX AND USE TAX

WHEREAS, the City Council of the City of Fayetteville, Arkansas (the "City") has passed on May 21, 2002, Ordinance No. _____ providing for continuing the levy of a 1% Sales and Use tax within the City (the "Tax") if approved by the voters; and

WHEREAS, the Tax will continue to be levied under Title 26, Chapter 75, subchapter 2 of the Arkansas Code of 1987 Annotated and may be used by the City for any purpose for which the City's general funds may be used, and;

WHEREAS, after public hearings and a vote of the City Council, the City updates yearly a five year plan of capital improvements which lists the specific capital improvement goals of the City and prioritizes the need for such capital improvement projects, and;

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OPTION A

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OPTION B

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A. Acquisition of lands and rights of way for, and for engineering or construction of:

- ◆ Streets, including sidewalks and gutters;
- ◆ Drainage control facilities, including bridges, culverts, curb inlets and ditches;
- ◆ Sewer lines and sewer lift stations;
- ◆ Water lines, water storage tanks and pump stations;
- ◆ Traffic signals and intersection improvements;
- ◆ Walking, jogging, or biking trails;
- ◆ Solid waste facilities and equipment.

B. Acquisition or enhancements to:

- ◆ Public safety improvements including, police equipment, vehicles and facilities;
- ◆ Fire stations, fire fighting equipment and vehicles;
- ◆ Parks including swimming pools and other amenities;
- ◆ Ball fields;
- ◆ City facilities;
- ◆ Information processing equipment and related software.

Section 5: It is the City's intent to finance these capital improvements on a pay-as-you-go basis without the necessity of a bond issue.

PASSED and APPROVED this the _____ day of May, 2002.

APPROVED:

By: _____

DRAFT
DAN COODY, Mayor

ATTEST:

By: _____

Heather Woodruff, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor

THROUGH: Ted H. Webber, Administrative Services Director 

FROM: Stephen Davis, Budget Manager 

DATE: May 10, 2002

SUBJECT: City Sales Tax

The existing City sales and use tax was authorized in a special election held on March 23, 1993 with a expiration date of June 30, 2003. Sales & Use tax collections from this tax are projected to be in excess of \$94 million. Additionally, approximately \$12 million has or will be generated from investment earnings, grant revenues, property tax millage and other revenue for a total of approximately \$106 million available for capital and operations. The money collected has been used to fund capital improvements in excess of \$85 million as well as provide approximately \$21 million for citizen services funded in General Fund over the past 8 ½ years.

The table below provides summary information, by project type, of the uses of City sales tax revenues over since 1993 and the improvements planned 2003-2006.

Project Type	Amount Invested 1993-2002	Amount Planned 2003-2006	Total Invested and Planned
Street Improvements	27,711,674	10,448,000	38,159,674
Water & Sewer Improvements	12,652,134	0	12,652,134
In-House Street and Sidewalk Improvements	8,640,006	5,564,000	14,204,006
Parks & Recreation Improvements	6,428,091	2,771,000	9,199,091
Bridge and Drainage Improvements	5,097,134	2,681,000	7,778,134
Police Improvements	4,522,302	860,000	5,382,302
Fire Improvements	4,011,344	1,793,000	5,804,344
Information Technology Improvements	3,040,783	851,000	3,891,783
Business & Technology Park	2,186,111	0	2,186,111
Solid Waste Improvements	2,143,045	0	2,143,045

Transportation Improvements	1,597,191	636,000	2,233,191
Building Improvements	1,481,771	600,000	2,081,771
Library Improvements	1,344,628	1,435,000	2,779,628
TCA Building & Renovations	732,545	0	732,545
Town Center/ Parking Garage	450,374	0	450,374
Tree Settlement	450,000	0	450,000
Forestry Program	392,000	220,000	612,000
Animal Shelter Improvements	374,169	0	374,169
Economic Development Matches	305,000	300,000	605,000
Multi-Level Parking Deck	282,758	0	282,758
P.E.G. Television Center - Equipment	221,280	228,000	449,280
Community Centers	210,000	0	210,000
Other Capital Improvements	1,435,013	0	1,435,013
Total	\$85,709,353	\$28,387,000	\$114,096,353

The attached table lists each City division/program, any associated revenue/cost reimbursement and the general tax/revenue support required to fully fund the services provided.

2002 General Fund Operations Budgets (By Program Allocation)

Departments & Programs	2002 Amended Budget	Cost Allocation (c)	Program Revenue	Net Program Cost
General Government Department				
Office of the Mayor	\$ 319,729	\$ (141,053)	\$	\$ 178,676
City Council	82,544			82,544
City Attorney	211,314	(33,272)		178,042
City Prosecutor	456,592		(145,964)	310,628
Economic Development	94,632	(51,176)		43,456
City Clerk/Treasurer	276,869	(59,118)		217,751
District Judge & Court	451,125		(232,933)	218,192
Miscellaneous:				
Salary Contingency	1,392,353			1,392,353
Research & Tech Park Project	142,970			142,970
Land Acquisition	386,513		(614,000)	(227,487)
C.E.M.S. Service	145,237			145,237
Downtown Dickson Enhancement Project	32,500			32,500
Other	117,778			117,778
Transfer to Arts Center Bond Fund	282,640			282,640
Transfer to Replacement Fund	16,800			16,800
Total General Government Department	4,409,596	(284,619)	(992,897)	3,132,080
Urban Development				
Urban Development Director	143,785	(10,255)		133,530
Cable Administration	218,276		(2,000)	216,276
Parks & Recreation	1,445,149		(326,000)	1,119,149
Library	713,720			713,720
Community Development: Y.R.C.C	102,719		(10,000)	92,719
Public Lands Maintenance	340,037		(44,000)	296,037
Planning	452,632		(68,000) (a)	384,632
Inspections	611,694		(710,000) (b)	(98,306)
Total Urban Development Department	4,028,012	(10,255)	(1,160,000)	2,857,757
General Services				
General Services Director	64,145	(33,098)		31,047
Utilities Management	357,018	(6,718)		350,300
Animal Services	626,994		(83,000)	543,994
Parking Management	98,145		(155,000)	(56,855)
Total General Services Department	1,146,302	(39,816)	(238,000)	868,486
Administrative Services Department				
Administrative Services Director	110,825	(9,854)		100,971
Human Resources	651,503	(140,123)		511,380
Accounting & Audit	443,705	(249,488)	(151,000)	43,217
Budget and Research	201,091	(87,158)		113,933
Billing & Collections	575,161	(456,630)		118,531
Program Integrity	82,928	(31,149)		51,779
Building Maintenance	500,950	(89,632)	(21,000)	390,318
Purchasing	132,429	(75,753)		56,676
Information Technology	630,673	(179,355)		451,318
Total Administrative Services Department	3,329,265	(1,319,142)	(172,000)	1,838,123

2002 General Fund Operations Budgets (By Program Allocation)

<u>Departments & Programs</u>	<u>2002 Amended Budget</u>	<u>Cost Allocation (c)</u>	<u>Program Revenue</u>	<u>Net Program Cost</u>
<u>Police Department</u>				
Central Dispatch	781,221	(29,014)	(233,000)	519,207
Support Services	1,554,260		(232,160)	1,322,100
Patrol/Warrant	4,830,093		(1,235,943)	3,594,150
Total Police Department	<u>7,165,574</u>	<u>(29,014)</u>	<u>(1,701,103)</u>	<u>5,435,457</u>
<u>Fire Department</u>				
Prevention	223,261			223,261
Operations	4,352,316		(201,593)	4,150,723
Training & Education	92,529			92,529
Total Fire Department	<u>4,668,106</u>	<u>0</u>	<u>(201,593)</u>	<u>4,466,513</u>
<u>Public Works Department</u>				
Public Works Director	146,030	(114,592)		31,438
Traffic	454,136			454,136
Engineering:	842,857	(744,030)	(10,000)	88,827
Total Public Works Department	<u>1,443,023</u>	<u>(858,622)</u>	<u>(10,000)</u>	<u>574,401</u>
<u>Undefined City Revenues:</u>				
City Sales Taxes:				
1% County Tax			(8,325,000)	(8,325,000)
Alcoholic Beverage Tax			(290,000)	(290,000)
City Sales Tax (25% Portion)			(2,841,000)	(2,841,000)
Franchise Taxes:				
SWEPCO			(892,000)	(892,000)
Southwestern Bell			(411,000)	(411,000)
Arkansas Western Gas			(465,000)	(465,000)
Cable			(402,000)	(402,000)
Ozark Electric			(319,000)	(319,000)
In Lieu of Franchise Tax			(705,000)	(705,000)
Other Revenues:				
Other Permits / Licenses			(5,000)	(5,000)
Miscellaneous			(95,000)	(95,000)
State Turnback			(958,000)	(958,000)
Interest - Checking Accounts			(23,000)	(23,000)
Interest - Investment			(279,000)	(279,000)
Interest - Cash Management Tru			(120,000)	(120,000)
Rent Of Property			(16,000)	(16,000)
Total Undefined Revenues			<u>(16,146,000)</u>	<u>(16,146,000)</u>
 Total General Fund Expenditures	 <u>\$ 26,189,878</u>	 <u>\$ (2,541,468)</u>	 <u>\$ (20,621,593)</u>	 <u>\$ 3,026,817</u>

2002 General Fund Operations Budgets (By Program Allocation)

<u>Departments & Programs</u>	<u>2002 Amended Budget</u>	<u>Cost Allocation (c)</u>	<u>Program Revenue</u>	<u>Net Program Cost</u>
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Notes and Comments:

- a. The Planning Office Fees of \$68,000 is based on the combined activities of the Planning and Engineering Divisions.
- b. The Building Permits revenue of \$707,000 is based on the combined activities of the Inspections, Engineering, and Planning Divisions.
- c. The cost allocation represents the amount of work performed to divisions that are budgeted outside General Fund. The amounts do not include work performed by General Fund divisions for other divisions that are funded in General Fund.

General Fund Revenues (By Program)

Account Number	Account Title	Budget 2002 Amended
<u>General Governmental Purposes:</u>		
1010-0001-4102-00	1% County Tax	\$ 8,325,000
1010-0001-4103-00	Alcoholic Beverage Tax	290,000
1010-0001-4105-00	SWEPCO	892,000
1010-0001-4105-01	Southwestern Bell	411,000
1010-0001-4105-02	Arkansas Western Gas	465,000
1010-0001-4105-03	Cable	402,000
1010-0001-4105-04	Ozark Electric	319,000
1010-0001-4105-05	In Lieu of Franchise Tax	705,000
1010-0001-4205-00	Other Permits / Licenses	5,000
1010-0001-4881-02	Gain/Loss Sale of Assets (Land)	459,000
"	Gain/Loss Sale of Assets (I-Park)	155,000
1010-0001-4999-00	Miscellaneous	95,000
1010-0001-4302-00	State Grants	5,500
1010-0001-4306-00	State Turnback	958,000
1010-0001-4705-00	Interest - Checking Accounts	23,000
1010-0001-4708-00	Interest - Investment	279,000
1010-0001-4708-99	Interest - Cash Management Tru	120,000
1010-0001-4450-00	Rent Of Property	16,000
1010-0001-6602-47	25% of City Sales Tax	2,841,000
		<u>16,765,500</u>
<u>Inspections:</u>		
1010-0001-4201-00	Building Permits	707,000
1010-0001-4407-00	Constr educ act admin fee	3,000
		<u>710,000</u>
<u>Animal Services:</u>		
1010-0001-4204-00	Animal Licenses	10,000
1010-0001-4390-00	Animal Shelter - Fair Share	25,000
1010-0001-4442-00	Intake Fees - Animal Shelter	1,000
1010-0001-4443-00	Boarding Fees - Animal Shelter	5,000
1010-0001-4444-00	Impound Fees - Animal Shelter	9,000
1010-0001-4445-00	Adoption Fees - Animal Shelter	7,000
1010-0001-4446-00	Spay / Neuter Fees - Animal Sh	7,000
1010-0001-4447-00	Rabies Fees - Animal Shelter	1,000
1010-0001-4998-00	Miscellaneous - Animal Shelter	14,000
1010-0001-4808-00	Donations - Animal Shelter	4,000
		<u>83,000</u>
<u>Police & Central Dispatch:</u>		
1010-0001-4301-02	Police - State Insurance Turnback	239,000
1010-0001-4501-04	Warrant Fee	43,000
1010-0001-4501-00	Court Fines (21.36%)	226,660
1010-0001-4501-00	Court Fines (68.04%)	721,943
1010-0001-4309-00	Federal Grants	232,000
1010-0001-4401-01	E 911 Salary Reimbursements	233,000
		<u>1,695,603</u>

General Fund Revenues (By Program)

<u>Account Number</u>	<u>Account Title</u>	<u>Budget 2002 Amended</u>
<u>Fire Department:</u>		
1010-0001-4301-01	Fire - State Insurance Turnback	107,000
1010-0001-4881-02	Gain/Loss Sale of Assets (Fire App)	14,593
1010-0001-4401-02	Hazmat Reimbursement	14,000
1010-0001-4433-00	Fire Hydrant & Protection - Ou	66,000
		<u>201,593</u>
<u>Accounting</u>		
1010-0001-4200-00	Alcoholic Beverages License	99,000
1010-0001-4400-00	HMR Administration Charge	52,000
		<u>151,000</u>
<u>District Court:</u>		
1010-0001-4401-00	County Fees Municipal Court	142,500
1010-0001-4425-00	Municipal Court Fees	4,000
1010-0001-4501-00	Court Fines (1.26%)	13,323
1010-0001-4501-00	Court Fines (2.54%)	26,977
1010-0001-4501-00	Court Fines (0.58%)	6,128
1010-0001-4501-00	Court Fines (1.89%)	20,005
1010-0001-4501-05	Garnishment Fee	20,000
		<u>232,933</u>
<u>Building Maintenance:</u>		
1010-0001-4408-04	Building Maintenance Revenues	21,000
		<u>21,000</u>
<u>Planning:</u>		
1010-0001-4409-00	Planning Office Fees	68,000
		<u>68,000</u>
<u>Public Lands Maintenance:</u>		
1010-0001-4409-02	Tree Preservation Fee	4,000
1010-0001-4490-00	Contract Services (Reimb)	35,000
1010-0001-4814-00	Square Garden Maint Contributi	5,000
		<u>44,000</u>
<u>Parking Management:</u>		
1010-0001-6602-13	Transfer from OSP	34,000
1010-0001-4410-00	Parking Meters On Street	74,000
1010-0001-4500-00	Parking Fines	47,000
		<u>155,000</u>
<u>Engineering</u>		
1010-0001-4409-01	Drainage/Grading Plan Fee	10,000
		<u>10,000</u>
<u>Prosecutor's Office:</u>		
1010-0001-4418-01	Prosecutor Fees Hot Check	100,000
1010-0001-4501-00	Court Fines (4.33%)	45,964
		<u>145,964</u>

General Fund Revenues (By Program)

Account Number	Account Title	Budget 2002 Amended
<u>Cable Administration:</u>		
1010-0001-4498-00	Cable Admin Revenue	2,000
		<u>2,000</u>
<u>Yvonne Richardson Center:</u>		
1010-0001-6602-18	Transfer from CDBG	10,000
		<u>10,000</u>
<u>Parks & Recreation:</u>		
1010-0001-4402-00	Boat Stall Rental - Lk Fay	12,000
1010-0001-4402-01	Boat Stall Rental - Lk Seq	5,000
1010-0001-4403-00	Daily Permit - Lk Fay	11,000
1010-0001-4403-01	Daily Permit - Lk Seq	9,000
1010-0001-4404-00	Season Permit - Lk Fay	8,000
1010-0001-4404-01	Season Permit - Lk Seq	8,000
1010-0001-4411-00	Athletic Recreation League Fees	115,000
1010-0001-4412-00	Athletic rentals	16,000
1010-0001-4413-00	Swimming Pool	40,000
1010-0001-4414-00	Pool Concession	2,000
1010-0001-4414-01	Park Concession	3,000
1010-0001-4414-04	Hampton concessions	8,000
1010-0001-4415-00	Tennis Court Fees	1,000
1010-0001-4416-00	Soccer fees	85,000
1010-0001-4997-00	Miscellaneous - Parks	3,000
		<u>326,000</u>
		<u>\$ 20,621,593</u>

Court Fines Splitout (Based on Program Budgets):

1010-0001-4501-00	Court Fines Revenue	1,061,000		
Program	2002 Budget	Court Fines Split on %	%	
District Judge	\$ 86,324	\$ 13,323	1.26%	
Criminal Cases	174,790	26,977	2.54%	
Probation & Fine Collection	39,701	6,128	0.58%	
Small Claims & Civil Cases	129,620	20,005	1.89%	
City Prosecutor	297,810	45,964	4.33%	
Police Support Services	1,468,581	226,660	21.36%	
Police Patrol/Warrant	4,677,629	721,943	68.04%	
	<u>\$ 6,874,455</u>	<u>\$ 1,061,000</u>	<u>100.00%</u>	

City of Fayetteville, Arkansas
General Fund Information

Revenue Growth and Selected Expense Items

	2001	2000	Amount Inc/(Dec)	% Change
General Fund Revenue	<u>20,317,376</u>	<u>19,940,638</u>	<u>376,738</u>	1.89%
Group Benefit Cost Increase - City-wide	<u>263,320</u>			
General Fund Group Benefit Cost (70% of City-wide Total)			184,324	
Utilities	615,824	545,581	70,243	12.87%
Insurance	285,703	267,817	17,886	6.68%
Fuel	205,233	185,802	19,431	10.46%
Salaries, Overtime & Payroll Taxes	14,971,607	13,896,238	1,075,369	7.74%

General Fund Balance - Projection

City Sales Tax begins 50/50 July of 2003

Roll Forward Amounts are included in Future Years

	Actual 2000	Actual 2001	Amended Budget 2002	Rollforward Adjustment	Projected 2003	Projected 2004	Projected 2005	Projected 2006	Projected 2007	Projected 2008
Beginning Fund Balance	\$ 9,823,405	\$ 10,160,318	\$ 9,583,107	\$	\$ 6,947,655	\$ 5,089,398	\$ 3,698,755	\$ 2,163,206	\$ (818,389)	\$ (4,350,769)

Resources

Revenues										
Property Tax	0	19	0		0	0	0	0	0	0
Sales Tax - County	8,465,406	8,642,833	8,945,332		9,258,000	9,582,000	9,917,000	10,264,000	10,623,000	10,995,000
Sales Tax - City	2,856,000	2,983,968	2,841,000		4,634,000	6,367,000	6,590,000	6,821,000	7,060,000	7,307,000
Franchise Fees	2,886,576	3,335,148	3,194,000		3,274,000	3,365,733	3,450,000	3,536,000	3,624,000	3,715,000
Licenses & Permits	785,160	755,604	821,000		842,000	867,000	889,000	916,000	943,000	971,000
Intergovernmental	1,677,957	1,558,970	1,566,500		1,606,000	1,654,000	1,695,000	1,746,000	1,798,000	1,852,000
Charges for Services	1,077,970	1,080,418	1,197,500		1,227,000	1,264,000	1,296,000	1,335,000	1,375,000	1,416,000
Fines & Forfeitures	1,160,239	1,247,063	1,171,000		1,200,000	1,236,000	1,267,000	1,305,000	1,344,000	1,384,000
Investment Earnings	617,764	504,808	422,000		306,000	224,000	163,000	95,000	0	0
Miscellaneous	393,456	141,246	749,593		121,000	121,000	121,000	121,000	121,000	121,000
Phase II Stormwater Utility	0	0	0		0	218,400	227,100	236,200	236,200	236,200
Total Revenue	19,920,528	20,250,077	20,907,925		22,468,000	24,899,133	25,615,100	26,375,200	27,124,200	27,997,200
Operating Transfers In										
Off Street Parking	20,110	39,105	34,000		34,000	34,000	34,000	34,000	34,000	34,000
Community Development - YRCC	0	28,194	10,000		10,000	10,000	10,000	10,000	10,000	10,000
Total Transfers In	20,110	67,299	44,000		44,000	44,000	44,000	44,000	44,000	44,000
Total Resources	19,940,638	20,317,376	20,951,925		22,512,000	24,943,133	25,659,100	26,419,200	27,168,200	28,041,200

General Fund Balance - Projection

City Sales Tax begins 50/50 July of 2003
Roll Forward Amounts are included in Future Years

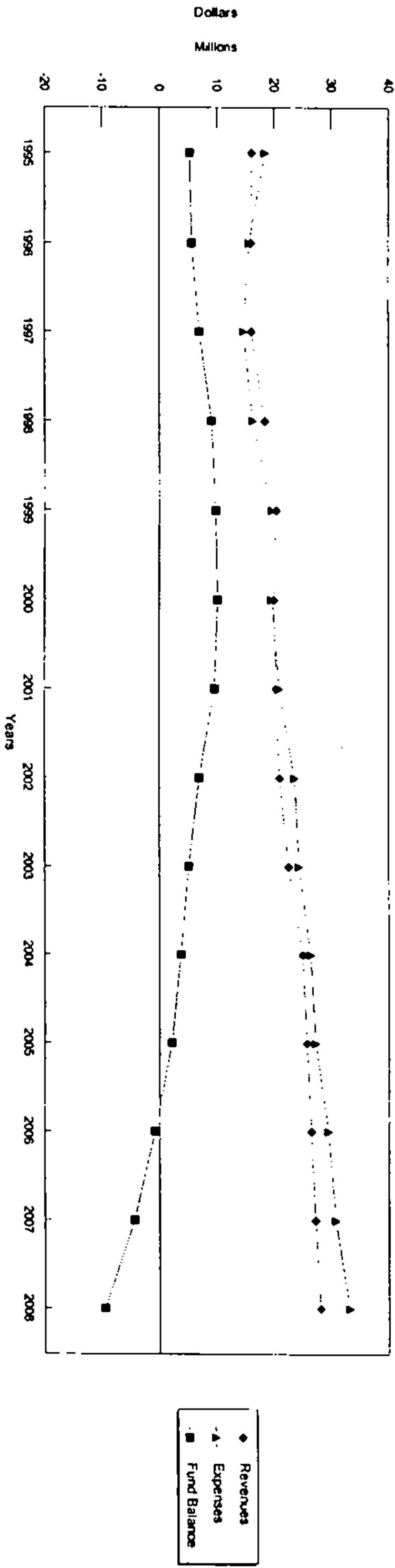
Uses	Actual	Actual	Amended	Rollforward	Projected	Projected	Projected	Projected	Projected	Projected
	2000	2001	Budget 2002	Adjustment	2003	2004	2005	2006	2007	2008
Expenditures										
General Government	1,789,904	1,913,586	2,476,630	(40,000)	2,361,000	2,455,000	2,553,000	2,655,000	2,761,000	2,871,000
Salary Contingency (Routine Raises)			568,000		596,400	626,220	657,531	690,408	724,928	761,174
Future Cost of 2002 Pay Plan & Benefit Increases			824,153		865,361	908,629	954,060	1,001,763	1,051,851	1,104,444
Future Cost of 2004 Pay Plan & Benefit Increases						908,629	954,060	1,001,763	1,051,851	1,104,444
Future Cost of 2006 Pay Plan & Benefit Increases								1,001,763	1,051,851	1,104,444
Future Cost of 2008 Pay Plan & Benefit Increases									1,051,851	1,104,444
Settlements	153,200	157,847			0	0	0	0	0	0
Capital Improvements - Research Tech Park	59,425	188,982	353,600		0	0	0	0	0	0
Capital Improvements - TCA Building	5,509	500			0	0	0	0	0	0
Grant Expense-Aviation Tech School	170,000				0	0	0	0	0	0
Transfer to Art Center Bond	306,820	319,200	282,640		288,000	288,000	0	0	0	0
Transfer to CDBG	0				0	0	0	0	0	0
Transfer to Walker Park Senior Center	0				0	0	0	0	0	0
Transfer to Replacement Fund			16,800		16,800	16,800	16,800	16,800	16,800	16,800
Cost Reimbursements	(2,195,858)	(2,420,448)	(2,541,468)		(2,643,000)	(2,749,000)	(2,859,000)	(2,973,000)	(3,092,000)	(3,216,000)
Administrative Services	2,343,327	2,801,031	3,132,805	(49,940)	3,208,060	3,336,000	3,469,000	3,608,000	3,752,000	3,902,000
Workers Compensation Insurance	106,452	101,810	157,500		157,500	157,500	157,500	157,500	157,500	157,500
Police	6,421,296	6,813,929	6,964,818		7,313,000	7,679,000	8,063,000	8,466,000	8,889,000	9,333,000
Transfer to Drug Law Enforcement Fund	44,346	34,803	53,000		47,400	47,400	47,400	47,400	47,400	47,400
Fire	4,174,907	4,420,829	4,576,082		4,805,000	5,045,000	5,297,000	5,562,000	5,840,000	6,132,000
Fire Station 7 (Six Firefighters)					237,000	249,000	261,000	274,000	288,000	302,000
Transfer to CEMS	143,545	145,237	145,237		145,237	145,237	145,237	145,237	145,237	145,237
Public Works	1,406,075	1,335,079	1,421,922	(9,883)	1,469,117	1,528,000	1,589,000	1,653,000	1,719,000	1,788,000
Phase II Stormwater	0				210,000	218,400	227,100	236,200	236,200	236,200
Urban Development	2,474,975	2,830,011	3,244,094	(37,578)	3,336,422	3,470,000	3,609,000	3,753,000	3,903,000	4,059,000
Fayetteville Public Library	594,300	639,300	691,120		691,120	691,120	691,120	691,120	691,120	691,120
Fayetteville Boys & Girls Club	118,503	95,278	46,591		46,591	46,591	46,591	46,591	46,591	46,591
Council on Aging	31,000	46,000	7,750		7,750	7,750	7,750	7,750	7,750	7,750
First Night	15,000	27,000	0		0	0	0	0	0	0
Downtown/Dickson Enhancement	25,000	35,000	32,500		32,500	32,500	32,500	32,500	32,500	32,500
Arkansas Athletics Outreach	10,000	0	0		0	0	0	0	0	0
General Services	758,312	739,958	1,133,603		1,179,000	1,226,000	1,275,000	1,326,000	1,379,000	1,434,000
Air Museum	0	7,000	0		0	0	0	0	0	0
Public Transportation	134,751	113,519	Transferred to Street							
Total Uses	19,603,725	20,894,587	23,587,377	(137,401)	24,370,258	26,333,775	27,194,649	29,400,795	30,700,580	33,165,048
Net Resources (Uses)	336,913	(577,211)	(2,635,452)		(1,858,258)	(1,390,642)	(1,535,549)	(2,981,595)	(3,532,380)	(5,123,848)
Ending Fund Balance	\$ 10,160,318	\$ 9,583,107	\$ 6,947,655		\$ 5,089,398	\$ 3,698,755	\$ 2,163,206	\$ (818,389)	\$ (4,350,769)	\$ (9,474,616)
Minimum Fund Balance Requirement	\$ 1,960,000	\$ 2,089,000	\$ 2,359,000		\$ 2,437,000	\$ 2,633,000	\$ 2,719,000	\$ 2,940,000	\$ 3,070,000	\$ 3,317,000
Preferred Fund Balance Requirement	\$ 3,267,288	\$ 3,482,431	\$ 3,931,230		\$ 4,061,710	\$ 4,388,963	\$ 4,532,442	\$ 4,900,132	\$ 5,116,763	\$ 5,527,508
(60 days expenditures)										

General Fund Balance - Projection

City Sales Tax begins 50/50 July of 2003
Roll Forward Amounts are included in Future Years

Actual	Actual	Amended	Rollforward	Projected	Projected	Projected	Projected	Projected
2000	2001	Budget 2002	Adjustment	2003	2004	2005	2006	2007
								2008

General Fund 1995-2008
Revenue, Expenditures and Fund Balance





CITY OF FAYETTEVILLE



INTER-OFFICE MEMORANDUM

TO: Mayor/City Council
THRU: Peggy Vice, Purchasing Manager
FROM: Greg Boettcher, Public Works Director *Greg Boettcher*
DATE: May 10, 2002
SUBJECT: BID AWARD RECOMMENDATION 02-31 - Project 01024

Reference the attached Agenda Request for the Award of Bid 02-31, Item #2, to the qualified bidder meeting specifications. This Vendor is Rushing & Mason Equipment, 7720 Interstate 30, Little Rock, AR 72209.

The Bid Tabulation Sheet dated April 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.

This item has been evaluated for compliance with original specifications along with anticipated Manufacturer and Dealer support necessary to maintain it in a proper and efficient manner.

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

Item 2:

Rushing & Mason Equipment - Vogele Pro-Pave Series 1110RTB Swiftrac Demonstrator/Used Unit w/Approx. 150 Hrs @ \$225,225.00 Less Trade Allowance for Unit #63 - 1993 Cedar Rapids Model CR461 Tracked Hot Mix Paver - Credit of \$38,000.00 for a net amount of \$187,225.00

SUMMARY

TO BE DELIVERED AS A COMPLETE UNIT:

ITEM 2. Rushing & Mason Equipment - 1 Unit at \$187,225.00 - NET

TOTAL BID AWARD: \$187,225.00

The amount for this item is in account 9700-1920-5802.00, Project 01024, Budget Adjustment attached. H:\02-31 Bid Award IOM.wpd

City of Fayetteville, Arkansas
Request for Expansion/Replacement Equipment

Department: <u>PUBLIC WORKS</u>		Date of Request <u>5/10/02</u>
Division: <u>STREET</u>		
Program:		
Circle One: <u>Expansion or Replacement</u> If replacement, unit # to be replaced <u>63</u> Date required:		
Current Veh. Monthly chgs.: Motor Pool Replacement Amount Budgeted \$		
Replcmt. Veh. Monthly chgs.: Motor Pool <u>\$5003.29</u> Replacement <u>\$2440.00</u> Amount Budgeted \$		
Description of the equipment to be purchased/transferred: <u>VOGELE PRO-PAVE SERIES 1110RTB SWIFTRAC</u> <u>DEMONSTRATOR, Used</u>		
Justification for this equipment:		
Approval Signatures: _____ Division Head Date _____ Fleet Operations Superintendent Date _____ Budget Manager Date		Approval Signatures: _____ Department Director Date _____ Admin. Services Director Date _____ Mayor Date

K:\Forms\VehExpansion Request.WK4

BID: 02-31
DATE: 4/29/02
TIME: 11:30 AM
CITY OF FAYETTEVILLE

DESCRIPTION: HOT MIX PAVER W/SALE OR TRADE

BIDDER	ITEM #1 (NEW)	ITEM #2 (USED)	ITEM #3 (TRADE-IN)
--------	---------------	----------------	--------------------

HEAD & ENGQUIST-Springdale	\$257,647.00 Dyna Pac F30C	no bid	\$15,000.00
MIDWESTERN - Tulsa	no bid	\$199,000.00 Pro Pav-1110 (450 hours)	\$44,000.00
MITCHELL MACHINERY - Van Buren	\$249,500.00 CR-461R Cedar Rapids	no bid	\$17,500.00
RUSHING & MASON - Little Rock	\$251,525.00 Pro Pav 1110	225,225.00 Pro Pav (149 hours)	\$38,000.00
TRAKSAN- Springfield & Little Rock	no bid	no bid	no bid
RIGGS - Little Rock	no bid	\$281,000.00 Cat AP1055B (220 hours)	\$15,000.00

Certified by P Vice P Vice Purch Mgr

R Williams
Witness

4/29/02
Date



CITY OF FAYETTEVILLE

113 W. Mountain St.
Fayetteville, AR 72701

FLEET OPERATIONS

501-444-3494

INVITATION TO BID

BID #: 02-31

DATE ISSUED: April 19, 2002

DATE & TIME OF OPENING: April 29, 2002 - 11:30 A.M.

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

DATE REQUIRED AS COMPLETE UNIT: 15 Days from receipt of order.

F.O.B.: Fayetteville, AR

***Guaranteed Delivery Date: _____**

THIS INVITATION TO BID IS BASED ON THE NEED FOR 1 UNIT AS LISTED IN SPECIFICATIONS ATTACHED. HOWEVER, 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.

ITEM:	DESCRIPTION:	QTY.	* PRICE PER UNIT
1.	Rubber Track Hot Mix Paving Machine as listed in Item #1 of Specifications Attached	1	\$ _____

PLEASE SPECIFY:

***MANUFACTURER: _____**

***MODEL: _____**

2. Rubber Track Hot Mix
Paving Machine
as listed in Item #1 of
Specifications Attached
Demonstrator Unit Maximum
100 Hour Machine

1 \$ _____

PLEASE SPECIFY:

***MANUFACTURER:** _____

***MODEL:** _____

Sale or Trade will be considered on the following:

3. Unit # 63 - 1993 Cedar Rapids
Model CR461 Tracked Hot
Mix Paver

CREDIT \$ _____

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that he/she has read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agrees to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

***NAME OF FIRM:** _____

***BUSINESS ADDRESS:** _____

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

***PHONE:** _____ ***FAX:** _____

*BY:(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.

SPECIAL TERMS & CONDITIONS - ITEMS 1 & 2

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. The responsibility of payment shall remain with the successful bidder. Tax amount **MUST** be shown 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. Vendor may call the Purchasing Office at (501) 575-8289 to determine if their bid documents have been received prior to opening date and time listed on the bid form.

Bids must be sent to:

**City of Fayetteville
Purchasing Office - Room 306
113 West Mountain St.
Fayetteville, AR 72701**

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 to the date of 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 Manufacturer's 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. Full New Unit Warranty shall apply regardless of operating hours shown at time of delivery.
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 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 prior to release for delivery.
11. 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.
12. Parts and Service Manuals shall be provided to cover the Chassis, Power train, Body and any modifications to production items.
13. 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.

SPECIAL TERMS & CONDITIONS - ITEM 3

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. Bids received after the date and time set for receiving bids will **NOT** be considered. The City will **NOT** be responsible for misdirected bids. 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.

Bids must be sent to:

**City of Fayetteville
Purchasing Office - Room 306
113 West Mountain St.
Fayetteville, AR 72701**

3. 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.
4. The City assumes no responsibility for the safety of the Bidder during inspection of the item listed herein.
5. The items listed will be sold "AS IS-WHERE IS" with no warranty either express or implied.
6. Arrangements for inspection may be made by appointment with Fayetteville Fleet Operations Division, 1525 S. Happy Hollow Road, Fayetteville, AR., 501-444-3494 & 501-444-3496, between 9:00 A.M. and 4:00 P.M. MONDAY THROUGH FRIDAY, UNTIL FRIDAY, APRIL 26, 2001.
7. Questions regarding these items may be directed to the Fleet Operations Division, 1525 S. Happy Hollow Road, Fayetteville, AR., 72701 501-444-3494 & 501-444-3496
8. Notification of bid award will not be made prior to proper approval of the acceptance of this bid by the City. Therefore, the following provisions for payment and possession are contingent on required approval by the City of Fayetteville.
 - A. Payment for the item/items listed herein shall be made after notification of bid award and prior to release of the item/items awarded.
 - B. Removal of the item/items listed herein awarded to the successful bidder shall be the sole responsibility of said successful bidder.
9. The item bid and the bid number shall be stated on the face of the sealed bid envelope.

BASIC SPECIFICATIONS RUBBER TRACK HOT MIX PAVING MACHINE

General Specification Requirements are as follows for a Crawler Style Paving Machine. 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.

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. NO FURTHER CONSIDERATION OF THEIR BID SUBMISSION WILL BE MADE. 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.

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 extensive 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.

A complete set of Parts and Service Manuals are to be provided for each unit.

5. TRAINING

Supplier shall provide the necessary training required for a full work crew of this equipment. Such training will be on an operational work site which shall be mutually selected and is to provide sufficient background training in all areas of use. This training is to allow the crews performance to be considered as satisfactory and to comply with accepted commercial standards of operation. Supervised Training is required until the Supplier is assured of the competency of the operating crew. Replacement personnel will be scheduled with the supplier for training which is to be provided within 5 working days of crew replacement.

RUBBER TRACK HOT MIX PAVER

COMPLIANCE WITH APPLICABLE FMVSS SUPERSEDES REQUIREMENTS AS LISTED BELOW.

MINIMUM SPECIFICATIONS ONLY

WIDTH:	10' 4"
BASE WEIGHT:	38,000 lbs. min.
LENGTH:	19' 7"
SCREED:	Unit to be capable of laying either asphaltic or base materials to grade from a depth of 1/4" to 12". Hydraulic extendable screed shall extend 10' to 19' - 6" without add-on extensions. High speed (2800 vibrations per minute) hydraulic vibrators shall be provided. Attack angle of 5' hydraulic extensions must be independently adjustable that of the main 10' screed section. Four heaters w/glow plug ignition shall provide 274,000 BTU to the screed bottom. End plate must be quick bleeding to deliver material at will from ends of screed. Realignment of 5' extensions will be provided. Match height, center crown and 5' slope adjustments to be power activated. Automatic screed controls and screed counterbalance kit, Sonic Proportional feed control. Power Crown, Slope, Match Height, auger override switch and screed assist including dual grade sensors. Vandal covers for full screed.
DIESEL ENGINE:	6 CYL. MINIMUM ONLY: 5.9 Liter Displacement, 200 H.P. @ 2200 R.P.M., Electric Start, Safety Shut Down, full instrumentation, readily accessible oil and fuel filter and severe duty air cleaner, Heavy Duty Muffler and 64 Gallon Fuel Capacity.

MANDATORY REQUIREMENT FOR CONSIDERATION.

PLEASE STATE:

MANUFACTURER: _____

MODEL DESIGNATION: _____

C.I.D. DISPLACEMENT: _____

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

TRACTION DRIVE: Replaceable 18" wide rubber track, Self Adjusting track tensioning system, Crawler mounted Cross Frame Dual Track suspension, Oscillating bogie wheel assembly, Independent hydrostatic transmission drive for each track to allow counter rotation, planetary drives in sprocket hub, hydrostatic drive for travel and paving speed, Adjustable spreading auger height via frame raise, independent parking brake, Paving speed shall be adjustable from 0 to 275 FPM, and travel speed from 0 to 10 MPH. Travel speed shall be attainable in forward or reverse.

HYDRAULIC SYSTEM: Engine mounted enclosed pump drive, variable displacement pumps for tractor drives, right an left feed systems and auxiliary circuits. Fixed displacement pump for vibrator circuit with flow control valve for frequency adjustment. Centralized filter locations - primary/secondary fuel, engine oil, hydraulic system, Remote control solenoids with function-check LED light for system diagnosis.

BRAKES: Wet type multiple disc brakes shall be inherent in the drive system and be automatically applied from the operators station.

CONTROLS: All electric controls shall be provided in a sliding console which moves to either side of the paver. Electric toggle switch controls to be provided for screed vibrators, screed lift, hopper wings, throttle, feed conveyors, etc. Paving speed and travel speed, left and right, are to be variable and regulated at the console. Control areas to be color coded and internationally symbolized. Material no-flow indicators. Digital readouts of fuel level, hydraulic temperature, water temperature, engine oil pressure, engine hour meter and engine RPM to be provided in console. Protection shall be provided with an umbrella for the operator. Sonic Feed Control. Fume recovery and ventilation system. Unit shall be equipped with full sonic grade and slope control system, consisting of two sonic grade sensors, one gravity reference slope sensor with forward and aft mounting positions, including all mounting hardware and storage container for sensors and controls. It shall also include a thirty foot multi-foot grade reference ski.

HOPPER:

Minimum capacity of 14 Tons of asphaltic material with hydraulic powered folding hopper wings controlled at operator console. Front of hopper to be 10' wide, with oscillating push rollers for truck dump box alignment Including 1 set of 2" and 1 set of 4" Spacer Blocks. Two separate power adjusted flow gates to be provided at rear of hopper.

AUGER CONVEYOR:

Hopper floor and conveyor tunnel shall be AR-400 High Abrasion steel. Augers to be 16" diameter, 5/8" thick. Feed tunnels to be minimum of 30" wide each. Heavy duty slat bars of 1-1/2" X 2-1/2" to be provided. Separate automatic proportional hydrostatic auger and conveyor drives for both left and right conveyor systems to be controlled from operator console, with limit control switches mounted in auger area for automatic material feed control. High alloy liners to be provided for extensions.

MATERIAL HANDLING:

6' of 16" diameter auger extensions 12" long (3R & 3L) with outboard auger supports which incorporate material retaining plates.

CUT OFF SHOES:

One 12" section and one 24" section.

MAINTENANCE ITEMS:

Unit shall come with a suggested wear item list. Four complete sets of PM filters to provide coverage for each application of the machine.



CITY OF FAYETTEVILLE

113 W. Mountain St.
Fayetteville, AR 72701

FLEET OPERATIONS
501-444-3494
INVITATION TO BID

BID #: 02-31

DATE ISSUED: April 19, 2002

DATE & TIME OF OPENING: April 29, 2002 - 11:30 A.M.

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

DATE REQUIRED AS COMPLETE UNIT: 15 Days from receipt of order.

F.O.B.: Fayetteville, AR

***Guaranteed Delivery Date: 21 DAYS**

THIS INVITATION TO BID IS BASED ON THE NEED FOR 1 UNIT AS LISTED IN SPECIFICATIONS ATTACHED. HOWEVER, 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.

ITEM:	DESCRIPTION:	QTY.	* PRICE PER UNIT
1.	Rubber Track Hot Mix Paving Machine as listed in Item #1 of Specifications Attached	1	\$ <u>251,525.00</u>

PLEASE SPECIFY:

***MANUFACTURER: VOGELE PRO-PAVE SERIES 1110RTB**

***MODEL: 1110RTB SWIFTRAC**

2.

Rubber Track Hot Mix
Paving Machine
as listed in Item #1 of
Specifications Attached
Demonstrator Unit Maximum
100 Hour Machine

1

\$ 225,225.00

PLEASE SPECIFY:

***MANUFACTURER:** VOGELE PRO-PAV SERIES 1110RTB

***MODEL:** 1110RTB SWIFTRAC

Sale or Trade will be considered on the following:

3.

Unit # 63 - 1993 Cedar Rapids
Model CR461 Tracked Hot
Mix Paver

CREDIT \$ 38,000.00

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that he/she has read and agree to the requirements set forth in this bid proposal, including specifications ,terms and standard conditions, and pertinent information regarding the articles being bid on, and agrees to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

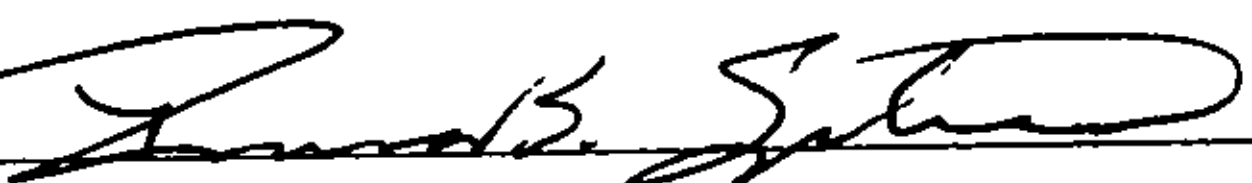
***NAME OF FIRM:** RUSHING & MASON EQUIPMENT

***BUSINESS ADDRESS:** 7720 INTERSTATE 30

***CITY:** LITTLE ROCK ***STATE:** ARKANSAS ***ZIP:** 72209

***PHONE:** 501-562-4500 ***FAX:** 501-568-6500

*BY:(PRINTED NAME) Richard B. SPICKARD

*AUTHORIZED SIGNATURE: 

*TITLE: SALES MANAGER

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

SPECIAL TERMS & CONDITIONS - ITEMS 1 & 2

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. The responsibility of payment shall remain with the successful bidder. Tax amount **MUST** be shown 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. Vendor may call the Purchasing Office at (501) 575-8289 to determine if their bid documents have been received prior to opening date and time listed on the bid form.

Bids must be sent to:

**City of Fayetteville
Purchasing Office - Room 306
113 West Mountain St.
Fayetteville, AR 72701**

May 14, 2002

**AGENDA SESSION
CITY COUNCIL
MAY 21, 2002**

NEW ITEM:

1. USE OF COLLECTIONS OF THE SALES AND USE TAX: A resolution expressing the City's intent as to the use of collections of the proposed renewal of the City Wide Sales Tax and Use Tax.

ADDITIONAL INFORMATION:

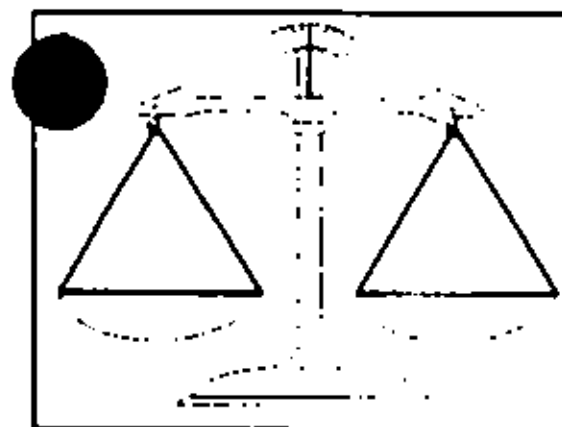
- 1. SALES AND USE TAX:** Additional information for Item B.1.
- 2. ASPHALT PAVING MACHINE:** Additional information for Item C.5.
- 3. COUNCIL TOUR:** Council Tour discussion.

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**

cc: Steve Davis, Budget Manager

FROM: Kit Williams, City Attorney

DATE: May 10, 2002

**RE: Resolution to identify City's intent to use tax collections
if the current 1% city sales tax is extended for a second ten
year term by the voters**

Pursuant to your instructions at the last City Council meeting, I have taken a stab at drafting a proposed Resolution that would express the City's intent to split the sales tax collections from this 1% Sales and Use tax 50/50 between capital spending and operating expenses through 2006. Beginning in 2007, the City Council could revise this division according to the needs at that time.

I included an **optional** sentence in the Resolution denoted Option A in Section 3 that would limit the changes to 10% from the preceding year's division of tax receipts. This means that in 2007, the City Council could not use more than 60% of the tax receipts for operational costs. (There is **no** top limit to what percentage could be used for capital spending pursuant to this Resolution or Resolution #34-93 passed on March 23, 1993.)

I also included an optional overall base of 30% below which capital spending could not sink. If this is feasible, the City could assure our citizens that **several million dollars** from this Sales and Use tax **would always be committed annually to the capital needs** that our growing city desperately needs.

The Resolution denoted Option B omits the sentence in Section 3 that places limits on how the division of tax proceeds would be accomplished in the year 2007 and afterwards. Option B would allow the City Council to annually decide how the Sales and Use tax would need to be apportioned between capital spending and operational spending.

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE CITY'S INTENT AS
TO THE USE OF COLLECTIONS OF THE PROPOSED
RENEWAL OF THE CITY WIDE SALES TAX AND USE TAX

WHEREAS, the City Council of the City of Fayetteville, Arkansas (the "City") has passed on May 21, 2002, Ordinance No. _____ providing for continuing the levy of a 1% Sales and Use tax within the City (the "Tax") if approved by the voters; and

WHEREAS, the Tax will continue to be levied under Title 26, Chapter 75, subchapter 2 of the Arkansas Code of 1987 Annotated and may be used by the City for any purpose for which the City's general funds may be used, and;

WHEREAS, after public hearings and a vote of the City Council, the City updates yearly a five year plan of capital improvements which lists the specific capital improvement goals of the City and prioritizes the need for such capital improvement projects, and;

WHEREAS, the purpose of this resolution is to clarify for the Fayetteville voters some of the purposes for which the City Council expects to finance and/or maintain with tax collections.

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

Section 1: The City hereby expresses its intent to utilize 50% of Tax collections in each calendar year through December 31, 2006 for the financing of capital improvements as set forth in the City's five year Capital Improvement Program. It is the City's further intent that these funds be accounted for separately and used only for capital improvement projects.

Section 2: The City hereby further expresses its intent to utilize the remaining 50% of tax collections in each calendar year for City operations and maintenance and, should such collections exceed any need for such purpose, the remaining amounts may be used for financing capital improvements.

OPTION A

Section 3: The City Council shall reexamine the revenue needs of the City in reference to both capital improvements and operating expenses and needs for budget year 2007 and thereafter and may adjust the division of the sales tax collections between capital improvements and operating expenses as needed. However, no yearly adjustment may exceed ten percent (10%) from the division existing in the previous year and the amount devoted to capital improvements shall never drop below thirty percent (30%).

Section 4: The following is a list of some of the areas of capital improvements, included in the City's current five year capital improvement program, for which the tax collections are expected by the City Council to be expended. This list is not in any order of priority and is not set forth as an exclusive list for which tax collections may be expended.

A. Acquisition of lands and rights of way for, and for engineering or construction of:

- ◆ Streets, including sidewalks and gutters;
- ◆ Drainage control facilities, including bridges, culverts, curb inlets and ditches;
- ◆ Sewer lines and sewer lift stations;
- ◆ Water lines, water storage tanks and pump stations;
- ◆ Traffic signals and intersection improvements;
- ◆ Walking, jogging, or biking trails;
- ◆ Solid waste facilities and equipment.

B. Acquisition or enhancements to:

- ◆ Public safety improvements including, police equipment, vehicles and facilities;
- ◆ Fire stations, fire fighting equipment and vehicles;
- ◆ Parks including swimming pools and other amenities;
- ◆ Ball fields;
- ◆ City facilities;
- ◆ Information processing equipment and related software.

OPTION B

Section 3: The City Council shall reexamine the revenue needs of the City in reference to both capital improvements and operating expenses and needs for budget year 2007 and thereafter and may adjust the division of the sales tax collections between capital improvements and operating expenses as needed.

Section 4: The following is a list of some of the areas of capital improvements, included in the City's current five year capital improvement program, for which the tax collections are expected by the City Council to be expended. This list is not in any order of priority and is not set forth as an exclusive list for which tax collections may be expended.

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- ◆ Sewer lines and sewer lift stations;
- ◆ Water lines, water storage tanks and pump stations;
- ◆ Traffic signals and intersection improvements;
- ◆ Walking, jogging, or biking trails;
- ◆ Solid waste facilities and equipment.

B. Acquisition or enhancements to:

- ◆ Public safety improvements including, police equipment, vehicles and facilities;
- ◆ Fire stations, fire fighting equipment and vehicles;
- ◆ Parks including swimming pools and other amenities;
- ◆ Ball fields;
- ◆ City facilities;
- ◆ Information processing equipment and related software.

Section 5: It is the City's intent to finance these capital improvements on a pay-as-you-go basis without the necessity of a bond issue.

PASSED and APPROVED this the _____ day of May, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

DRAFT

ATTEST:

By: _____
Heather Woodruff, City Clerk



CITY OF FAYETTEVILLE



INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: Peggy Vice, Purchasing Manager

FROM: Greg Boettcher, Public Works Director *Greg Boettcher*

DATE: May 10, 2002

SUBJECT: BID AWARD RECOMMENDATION 02-31 - Project 01024

Reference the attached Agenda Request for the Award of Bid 02-31, Item #2, to the qualified bidder meeting specifications. This Vendor is Rushing & Mason Equipment, 7720 Interstate 30, Little Rock, AR 72209.

The Bid Tabulation Sheet dated April 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.

This item has been evaluated for compliance with original specifications along with anticipated Manufacturer and Dealer support necessary to maintain it in a proper and efficient manner.

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

Item 2:

Rushing & Mason Equipment - Vogele Pro-Pave Series 1110RTB Swiftrac Demonstrator/Used Unit w/Approx. 150 Hrs @ \$225,225.00 Less Trade Allowance for Unit #63 - 1993 Cedar Rapids Model CR461 Tracked Hot Mix Paver - Credit of \$38,000.00 for a net amount of \$187,225.00

SUMMARY

TO BE DELIVERED AS A COMPLETE UNIT:

ITEM 2. Rushing & Mason Equipment - 1 Unit at \$187,225.00 - NET

TOTAL BID AWARD: \$187,225.00

The amount for this item is in account 9700-1920-5802.00, Project 01024, Budget Adjustment attached. H 102-31 Bid Award IOM wpd

City of Fayetteville, Arkansas
Request for Expansion/Replacement Equipment

Department: <u>PUBLIC WORKS</u>	Date of Request
Division: <u>STREET</u>	<u>5/10/02</u>
Program:	

Circle One:
Expansion or Replacement If replacement, unit # to be replaced 63 Date required:

Current Veh. Monthly chgs.: Motor Pool	Replacement	Amount Budgeted \$
--	-------------	--------------------

Replcmt. Veh. Monthly chgs.: Motor Pool	\$5003.29	Replacement	\$2440.00	Amount Budgeted \$
---	-----------	-------------	-----------	--------------------

Description of the equipment to be purchased/transferred:

VOGELE PRO-PAVE SERIES 1110RTB SWIFTRAC
DEMONSTRATOR, USED

Justification for this equipment:

Approval Signatures:		Approval Signatures:	
_____ Division Head	_____ Date	_____ Department Director	_____ Date
_____ Fleet Operations Superintendent	_____ Date	_____ Admin. Services Director	_____ Date
_____ Budget Manager	_____ Date	_____ Mayor	_____ Date

K:\Forms\VehExpansion Request.WK4

BID: 02-31
DATE: 4/29/02
TIME: 11:30 AM
CITY OF FAYETTEVILLE

DESCRIPTION: HOT MIX PAVER W/SALE OR TRADE

BIDDER	ITEM #1 (NEW)	ITEM #2 (USED)	ITEM #3 (TRADE-IN)
HEAD & ENGQUIST-Springdale	\$257,647.00 Dyna Pac F30C	no bid	\$15,000.00
MIDWESTERN - Tulsa	no bid	\$199,000.00 Pro Pav-1110 (450 hours)	\$44,000.00
MITCHELL MACHINERY - Van Buren	\$249,500.00 CR-461R Cedar Rapids	no bid	\$17,500.00
RUSHING & MASON - Little Rock	\$251,525.00 Pro Pav 1110	225,225.00 Pro Pav (149 hours)	\$38,000.00
TRAKSAN- Springfield & Little Rock	no bid	no bid	no bid
RIGGS - Little Rock	no bid	\$281,000.00 Cat AP1055B (220 hours)	\$15,000.00

Certified by P Vice P Vice Purch Mgr

R Williams
Witness

4/29/02
Date



CITY OF FAYETTEVILLE

113 W. Mountain St.

Fayetteville, AR 72701

FLEET OPERATIONS

501-444-3494

INVITATION TO BID

BID #: 02-31

DATE ISSUED: April 19, 2002

DATE & TIME OF OPENING: April 29, 2002 - 11:30 A.M.

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

DATE REQUIRED AS COMPLETE UNIT: 15 Days from receipt of order.

F.O.B.: Fayetteville, AR

***Guaranteed Delivery Date: _____**

THIS INVITATION TO BID IS BASED ON THE NEED FOR 1 UNIT AS LISTED IN SPECIFICATIONS ATTACHED. HOWEVER, 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.

ITEM:	DESCRIPTION:	QTY.	* PRICE PER UNIT
1.	Rubber Track Hot Mix Paving Machine as listed in Item #1 of Specifications Attached	1	\$ _____

PLEASE SPECIFY:

***MANUFACTURER: _____**

***MODEL: _____**

2. Rubber Track Hot Mix
Paving Machine
as listed in Item #1 of
Specifications Attached
Demonstrator Unit Maximum
100 Hour Machine

1 \$ _____

PLEASE SPECIFY:

***MANUFACTURER:** _____

***MODEL:** _____

Sale or Trade will be considered on the following:

3. Unit # 63 - 1993 Cedar Rapids
Model CR461 Tracked Hot
Mix Paver

CREDIT \$ _____

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that he/she has read and agree to the requirements set forth in this bid proposal, including specifications ,terms and standard conditions, and pertinent information regarding the articles being bid on, and agrees to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

***NAME OF FIRM:** _____

***BUSINESS ADDRESS:** _____

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

***PHONE:** _____ ***FAX:** _____

*BY:(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.

SPECIAL TERMS & CONDITIONS - ITEMS 1 & 2

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. The responsibility of payment shall remain with the successful bidder. Tax amount **MUST** be shown 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. Vendor may call the Purchasing Office at (501) 575-8289 to determine if their bid documents have been received prior to opening date and time listed on the bid form.

Bids must be sent to:

**City of Fayetteville
Purchasing Office - Room 306
113 West Mountain St.
Fayetteville, AR 72701**

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 to the date of 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 Manufacturer's 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. Full New Unit Warranty shall apply regardless of operating hours shown at time of delivery.
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 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 prior to release for delivery.
11. 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.
12. Parts and Service Manuals shall be provided to cover the Chassis, Power train, Body and any modifications to production items.
13. 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.

SPECIAL TERMS & CONDITIONS - ITEM 3

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. Bids received after the date and time set for receiving bids will **NOT** be considered. The City will **NOT** be responsible for misdirected bids. 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.

Bids must be sent to:

**City of Fayetteville
Purchasing Office - Room 306
113 West Mountain St.
Fayetteville, AR 72701**

3. 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.
4. The City assumes no responsibility for the safety of the Bidder during inspection of the item listed herein.
5. The items listed will be sold "AS IS-WHERE IS" with no warranty either express or implied.
6. Arrangements for inspection may be made by appointment with Fayetteville Fleet Operations Division, 1525 S. Happy Hollow Road, Fayetteville, AR., 501-444-3494 & 501-444-3496, between 9:00 A.M. and 4:00 P.M. MONDAY THROUGH FRIDAY, UNTIL FRIDAY, APRIL 26, 2001.
7. Questions regarding these items may be directed to the Fleet Operations Division, 1525 S. Happy Hollow Road, Fayetteville, AR., 72701 501-444-3494 & 501-444-3496
8. Notification of bid award will not be made prior to proper approval of the acceptance of this bid by the City. Therefore, the following provisions for payment and possession are contingent on required approval by the City of Fayetteville.
 - A. Payment for the item/items listed herein shall be made after notification of bid award and prior to release of the item/items awarded.
 - B. Removal of the item/items listed herein awarded to the successful bidder shall be the sole responsibility of said successful bidder.
9. The item bid and the bid number shall be stated on the face of the sealed bid envelope.

BASIC SPECIFICATIONS RUBBER TRACK HOT MIX PAVING MACHINE

General Specification Requirements are as follows for a Crawler Style Paving Machine. 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.

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. NO FURTHER CONSIDERATION OF THEIR BID SUBMISSION WILL BE MADE. 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.

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 extensive 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.

A complete set of Parts and Service Manuals are to be provided for each unit.

5. TRAINING

Supplier shall provide the necessary training required for a full work crew of this equipment. Such training will be on an operational work site which shall be mutually selected and is to provide sufficient background training in all areas of use. This training is to allow the crews performance to be considered as satisfactory and to comply with accepted commercial standards of operation. Supervised Training is required until the Supplier is assured of the competency of the operating crew. Replacement personnel will be scheduled with the supplier for training which is to be provided within 5 working days of crew replacement.

RUBBER TRACK HOT MIX PAVER

COMPLIANCE WITH APPLICABLE FMVSS SUPERSEDES REQUIREMENTS AS LISTED BELOW.

MINIMUM SPECIFICATIONS ONLY

WIDTH:	10' 4"
BASE WEIGHT:	38,000 lbs. min.
LENGTH:	19' 7"
SCREED:	Unit to be capable of laying either asphaltic or base materials to grade from a depth of 1/4" to 12". Hydraulic extendable screed shall extend 10' to 19' - 6" without add-on extensions. High speed (2800 vibrations per minute) hydraulic vibrators shall be provided. Attack angle of 5' hydraulic extensions must be independently adjustable that of the main 10' screed section. Four heaters w/glow plug ignition shall provide 274,000 BTU to the screed bottom. End plate must be quick bleeding to deliver material at will from ends of screed. Realignment of 5' extensions will be provided. Match height, center crown and 5' slope adjustments to be power activated. Automatic screed controls and screed counterbalance kit, Sonic Proportional feed control. Power Crown, Slope, Match Height, auger override switch and screed assist including dual grade sensors. Vandal covers for full screed.
DIESEL ENGINE:	6 CYL. MINIMUM ONLY: 5.9 Liter Displacement, 200 H.P. @ 2200 R.P.M., Electric Start, Safety Shut Down, full instrumentation, readily accessible oil and fuel filter and severe duty air cleaner, Heavy Duty Muffler and 64 Gallon Fuel Capacity.

MANDATORY REQUIREMENT FOR CONSIDERATION.
PLEASE STATE:

MANUFACTURER: _____
MODEL DESIGNATION: _____
C.I.D. DISPLACEMENT: _____
H.P. RATING: _____ @ _____ R.P.M.

TRACTION DRIVE: Replaceable 18" wide rubber track, Self Adjusting track tensioning system, Crawler mounted Cross Frame Dual Track suspension, Oscillating bogie wheel assembly, Independent hydrostatic transmission drive for each track to allow counter rotation, planetary drives in sprocket hub, hydrostatic drive for travel and paving speed, Adjustable spreading auger height via frame raise, independent parking brake, Paving speed shall be adjustable from 0 to 275 FPM, and travel speed from 0 to 10 MPH. Travel speed shall be attainable in forward or reverse.

HYDRAULIC SYSTEM: Engine mounted enclosed pump drive, variable displacement pumps for tractor drives, right an left feed systems and auxiliary circuits. Fixed displacement pump for vibrator circuit with flow control valve for frequency adjustment. Centralized filter locations - primary/secondary fuel, engine oil, hydraulic system, Remote control solenoids with function-check LED light for system diagnosis.

BRAKES: Wet type multiple disc brakes shall be inherent in the drive system and be automatically applied from the operators station.

CONTROLS: All electric controls shall be provided in a sliding console which moves to either side of the paver. Electric toggle switch controls to be provided for screed vibrators, screed lift, hopper wings, throttle, feed conveyors, etc. Paving speed and travel speed, left and right, are to be variable and regulated at the console. Control areas to be color coded and internationally symbolized. Material no-flow indicators. Digital readouts of fuel level, hydraulic temperature, water temperature, engine oil pressure, engine hour meter and engine RPM to be provided in console. Protection shall be provided with an umbrella for the operator. Sonic Feed Control. Fume recovery and ventilation system. Unit shall be equipped with full sonic grade and slope control system, consisting of two sonic grade sensors, one gravity reference slope sensor with forward and aft mounting positions, including all mounting hardware and storage container for sensors and controls. It shall also include a thirty foot multi-foot grade reference ski.

HOPPER:

Minimum capacity of 14 Tons of asphaltic material with hydraulic powered folding hopper wings controlled at operator console. Front of hopper to be 10' wide, with oscillating push rollers for truck dump box alignment Including 1 set of 2" and 1 set of 4" Spacer Blocks. Two separate power adjusted flow gates to be provided at rear of hopper.

AUGER CONVEYOR:

Hopper floor and conveyor tunnel shall be AR-400 High Abrasion steel. Augers to be 16" diameter, 5/8" thick. Feed tunnels to be minimum of 30" wide each. Heavy duty slat bars of 1-1/2" X 2-1/2" to be provided. Separate automatic proportional hydrostatic auger and conveyor drives for both left and right conveyor systems to be controlled from operator console, with limit control switches mounted in auger area for automatic material feed control. High alloy liners to be provided for extensions.

MATERIAL HANDLING:

6' of 16" diameter auger extensions 12" long (3R & 3L) with outboard auger supports which incorporate material retaining plates.

CUT OFF SHOES:

One 12" section and one 24" section.

MAINTENANCE ITEMS:

Unit shall come with a suggested wear item list. Four complete sets of PM filters to provide coverage for each application of the machine.



CITY OF FAYETTEVILLE

113 W. Mountain St.

Fayetteville, AR 72701

FLEET OPERATIONS

501-444-3494

INVITATION TO BID

BID #: 02-31

DATE ISSUED: April 19, 2002

DATE & TIME OF OPENING: April 29, 2002 - 11:30 A.M.

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

DATE REQUIRED AS COMPLETE UNIT: 15 Days from receipt of order.

F.O.B.: Fayetteville, AR

***Guaranteed Delivery Date: 21 DAYS**

THIS INVITATION TO BID IS BASED ON THE NEED FOR 1 UNIT AS LISTED IN SPECIFICATIONS ATTACHED. HOWEVER, 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.

ITEM:	DESCRIPTION:	QTY.	* PRICE PER UNIT
1.	Rubber Track Hot Mix Paving Machine as listed in Item #1 of Specifications Attached	1	\$ 251,525.00

PLEASE SPECIFY:

***MANUFACTURER: VOGELE PRO-PAVE SERIES 1110RTB**

***MODEL: 1110RTB SWIFTRAC**

2. Rubber Track Hot Mix
Paving Machine
as listed in Item #1 of
Specifications Attached
Demonstrator Unit Maximum
100 Hour Machine 1 \$ 225,225.00

PLEASE SPECIFY:

***MANUFACTURER:** VOGELE PRO-PAV SERIES 1110RTB

***MODEL:** 1110RTB SWIFTRAC

Sale or Trade will be considered on the following:

3. Unit # 63 - 1993 Cedar Rapids
Model CR461 Tracked Hot
Mix Paver CREDIT \$ 38,000.00

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that he/she has read and agree to the requirements set forth in this bid proposal, including specifications ,terms and standard conditions, and pertinent information regarding the articles being bid on, and agrees to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

***NAME OF FIRM:** RUSHING & MASON EQUIPMENT

***BUSINESS ADDRESS:** 7720 INTERSTATE 30

***CITY:** LITTLE ROCK ***STATE:** ARKANSAS ***ZIP:** 72209

***PHONE:** 501-562-4500 ***FAX:** 501-568-6500

*BY:(PRINTED NAME) Richard B. Spickard

*AUTHORIZED SIGNATURE: 

*TITLE: SALES MANAGER

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

SPECIAL TERMS & CONDITIONS - ITEMS 1 & 2

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. The responsibility of payment shall remain with the successful bidder. Tax amount **MUST** be shown 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. Vendor may call the Purchasing Office at (501) 575-8289 to determine if their bid documents have been received prior to opening date and time listed on the bid form.

Bids must be sent to:

City of Fayetteville
Purchasing Office - Room 306
113 West Mountain St.
Fayetteville, AR 72701



Join Fayetteville in the first National Beautification Program

PARTICIPATION PACKET

ABOUT AMERICA IN BLOOM

Welcome! Congratulations on participating in the first Annual America in Bloom Program. Citizens, businesses, and community groups are excited to be taking part in this national contest.

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Municipalities compete with similar sized cities, towns and villages. This year the U.S. has over 40 cities registered from across the nation. Two other cities are in Fayetteville's population category: Meriden, CT and Lee's Summit, Mo. All of the communities will be visited and judged by a team of trained and experienced judges. Their goal is to help us improve, they provide positive input that we will be able to utilize in following years.

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Enclosed in this packet you will find general information on the eight criteria, participation information and registration form. We will provide additional information concerning the judge's visit and a calendar of events during the AIB Kick Off event, which is scheduled for May 18 at the Town Center Plaza. Thank you for your participation!

Let's Plant, Tidy Up and Help One Another!!

For more information about the America in Bloom Program visit the web site at americainbloom.org



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America in Bloom's Objectives are:

To improve the visual appeal of America's neighborhoods, parks, open spaces and streets through the imaginative use of flowers, plants and trees.

To encourage involvement and co-ordinated action by citizens of all ages, municipal governments, local organizations and businesses.

To emphasize environmental awareness and preservation of heritage and culture a key parts of the program.

PARTICIPATING COMMUNITIES ARE AWARDED A BLOOM RATING BASED ON COMMUNITY EFFORT IN EIGHT CATEGORIES:

FLORAL DISPLAYS

Arrangements of flowers and plants, originality, distribution, location, diversity and balance, harmony, quality and maintenance. This pertains to flower beds, carpet bedding, containers, baskets, window boxes—annual, perennials, bulbs, ornamental grasses etc.

COMMUNITY INVOLVEMENT

Volunteers involved in long and short-term projects (Clean-up Day etc.) and recreational programs.

ENVIRONMENTAL AWARENESS

Sustainable development, policies and by-laws, waste reduction, landfill sites, hazardous waste collection, sewage disposal, transfer/recycle stations, recycling initiatives. Integrated Pest Management (IPM), water source, treatment and conservation, naturalization, environmental clean up activities, environmentally friendly transportation.

HERITAGE EFFORTS

To preserve heritage within the community. Support and attention to museums, archives, history books and interpretative programs, policies and bylaws, preservation and restoration of buildings, cemeteries, parks, heritage gardens, trees, monuments and artifacts, historical societies and advisory committees.

LANDSCAPES

Creating an environment where the plants form an essential element of the whole surroundings.

TREES

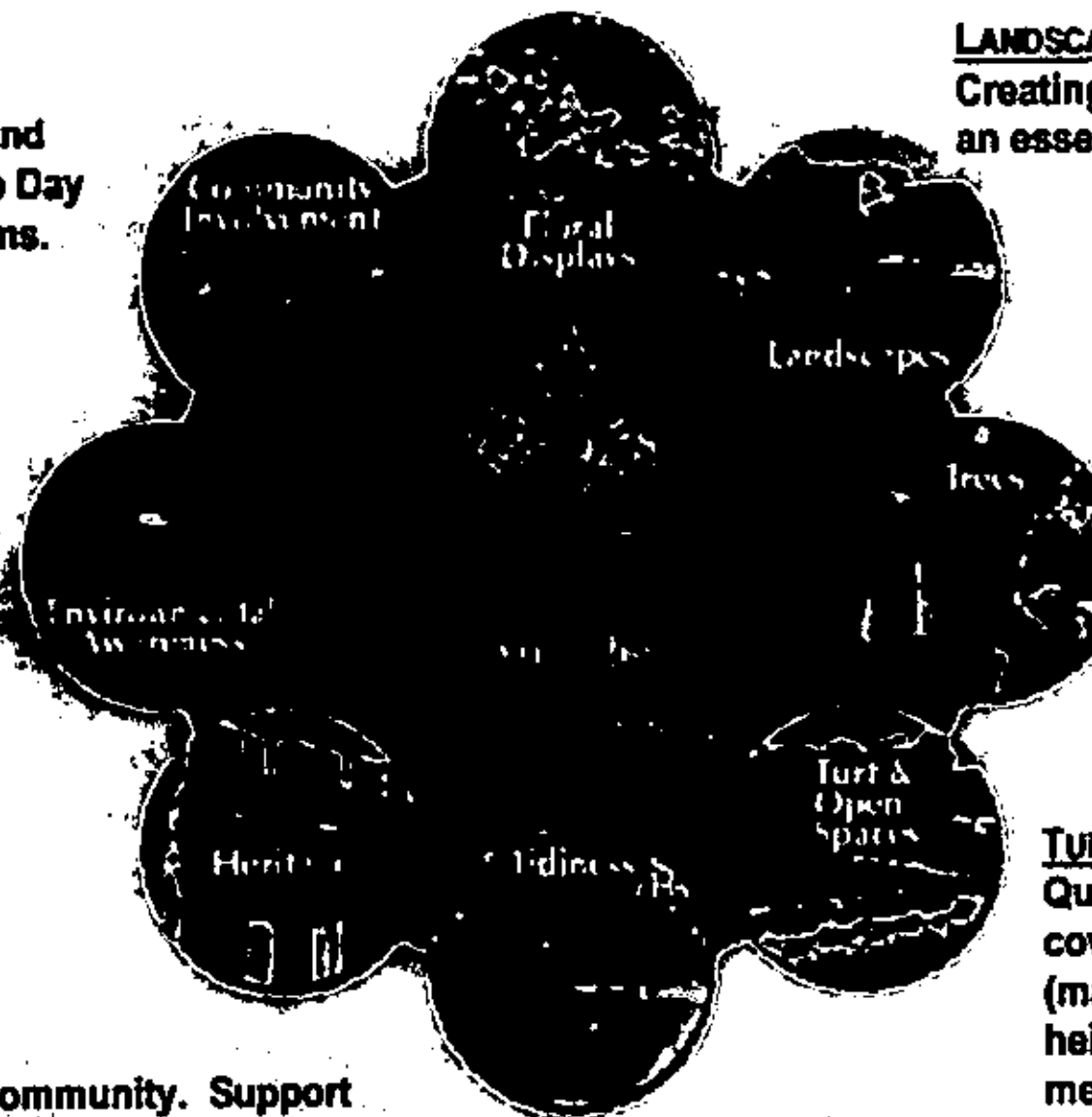
Any written policies, by-laws and regulations, short and long-term plans, maintenance (IPM, pruning, etc), new plantings, heritage trees and woodlots, preservation of trees and succession planting. An effort in developing concepts and designs around existing trees or to include new plantings.

TURF AND OPEN SPACES

Quality of naturalization, the use of ground covers and wild flowers, turf management (manicured to rough), maintenance (mowing height/frequency. Integrated Pest Management (IPM), fertilization programs, irrigation, water restrictions)

TIDINESS

Overall tidiness effort of green spaces (parks, etc), medians, streets, sidewalks, ditches, road shoulders, signage, vacant lots and buildings with regard to garbage, weeds, maintenance and repair, dog droppings, notices/posters, graffiti and vandalism.



PARTICIPATION REGISTRATION INFORMATION

This form is provided to register in local competitions. Categories and rules are listed below



ENTRY RULES

1. Multiple categories may be entered, a separate form must be submitted For each entry.
2. All entries must be received by 5:00 p.m. on Monday, June 24, 2002.
3. Entries must be submitted by mail or in person to Marla Dollar in room 11 of The City Administration Building at 113 W. Mountain Street, Fayetteville AR.
4. Three (3) to six (6) before and after photos are required for each entry, the photos will be in color, matte finish, and 4" X 6" in size. All photos will become the property of America in Bloom, Fayetteville committee. Photos should be submitted in a 6-cell, clear photo album sheet, labeled clearly for identification of entry.
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6. In 500 words or less, include information regarding how the project was initiated and carried through. If volunteers were utilized state how many total hours were donated and who they were.

ADDITIONAL INFORMATION

- A. First, Second and Third place prizes will be awarded to winners.
- B. The winning locations will be included in a tour and portfolio given to the national judges in July.
- C. Winners will be asked to join a judges luncheon and information session on July 23 or 24 in Fayetteville.
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CONTEST CATEGORIES

1. Homeowners
 - a. Grandest Garden Competition (landscape and turf or groundcover areas)
 - b. Best Bloomin' Boxes (containers or hanging baskets)
2. Corporations and Businesses
 - a. Best Landscape Design and Maintenance (includes turf and groundcover areas)
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3. Community Groups (includes garden clubs, Boys and Girls Scouts, Youth Groups, Botanical Garden, Firefighters, Police Stations etc.)
 - a. Best of Show on initiated project (this includes volunteers, community service, Environmental awareness, tidiness)
 - b. Best Adopt-a-Spot (areas for consideration include train depot on Dickson St., exit area of the abandoned Mountain Inn, Rose Fence at the Veterans Administration Hospital, barren or little-used parking lots, nursing homes and churches for planting trees and tidiness, assist businesses or homeowners with projects related to America in Bloom)

PARTICIPATION REGISTRATION FORM (copies may be made of this form)

Project Name: _____

Project Location: _____

Contact Person: _____

Date _____ Phone: _____ E-mail: _____

Address(Mailing) _____

Category of Entry: (See Participation Registration information sheet. Please circle and register one entry per sheet.)

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Garden Competition
Container Competition

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Best of Show
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Please provide a brief description of the project.



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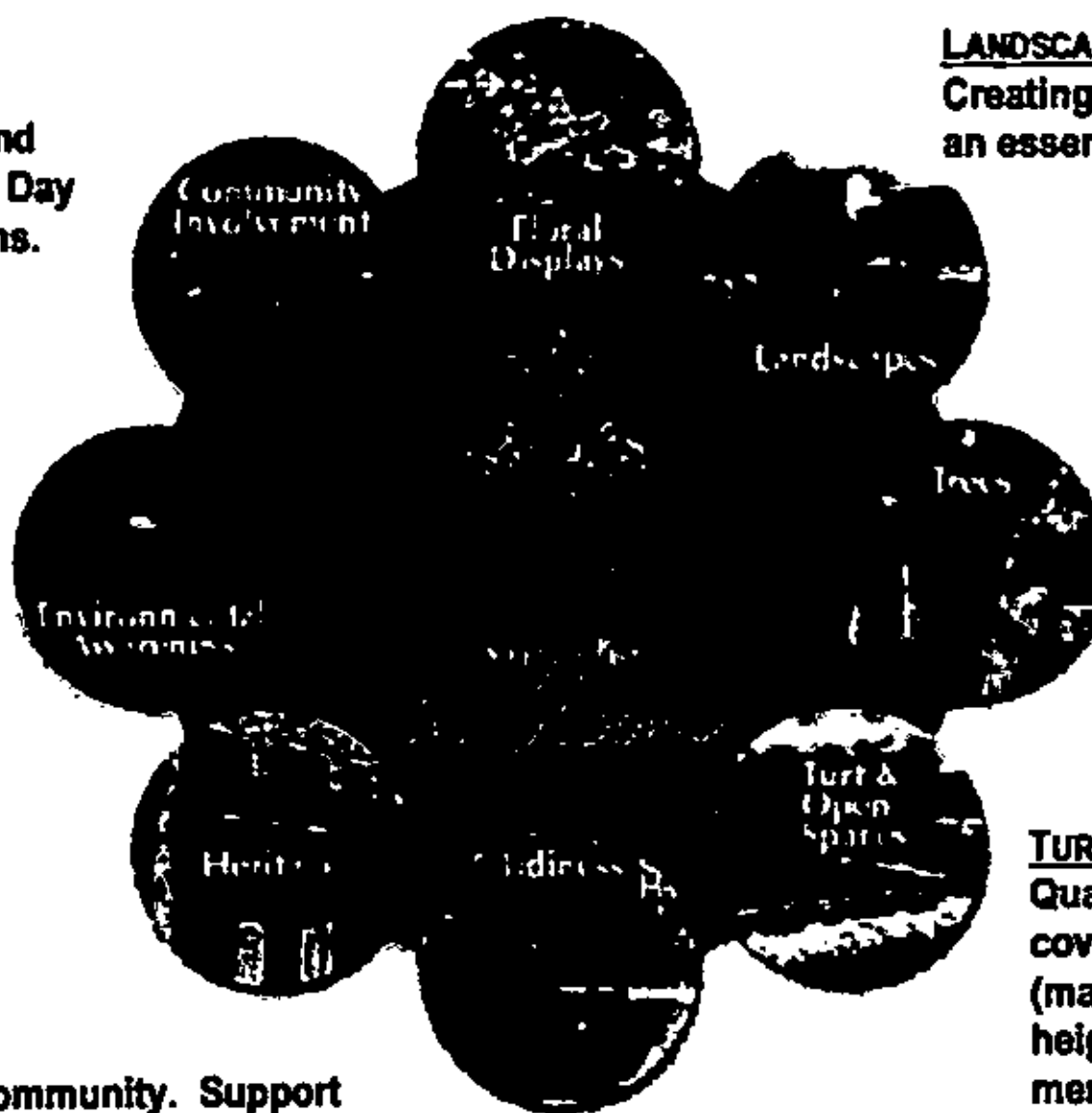
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Best of Show
Best Adopt-a-Spot



Please provide a brief description of the project.

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

Session May 14

For the Fayetteville City Council meeting of **Agenda Session May 14, 2002**
 FROM:

Connie Edmonston
 Name

Parks & Recreation
 Division

Urban Development
 Department

ACTION REQUIRED: NONE - This is an informational presentation.
 Lisa Paschal, Parks Horticulturist, will give a brief presentation of the America in Bloom program in which the City is participating. America in Bloom is a national program that serves to uniform community beautification efforts.

COST TO CITY:

\$[Cost of this Request]
 Cost of this Request

\$
 Category/Project Budget

[Category/Project Name]
 Category/Project Name

[Account Number]
 Account Number

\$
 Funds Used To Date

[Program Name]
 Program Name

[Project Number]
 Project Number

\$
 Remaining Balance

[Fund]
 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:
 n/a

Agenda Session - May 14 - Only

Connie Edmonston
 Division Head

5-7-02
 Date

Cross Reference

New Item: Yes No

Department Director

Date

Prev Ord/Res #: [Prev Ord/Res #]

Administrative Services Director

Date

Orig Contract Date: [Orig Contract Date]

Mayor

Date

Orig Contract Number: [Contract #]

From: Greg Boettcher
To: Woodruff, Heather
Date: 5/8/02 4:29PM
Subject: OMI Annual Report and Presentation of Refund Payment for 2001

Billy Ammons will be at the agenda session on May 14, 2002 to give a brief overview of the wastewater plant operation for the last fiscal year and to present a check to the City for its share of the cost underrun (\$23,099.83). The agenda session should include provisions for this activity, possibly at the commencement of the meeting. The Mayor indicated that this could be the first order of business at the agenda session.

Thanks

Greg Boettcher

CC: Broyles, Lana; Davis, Steve; Smith, Nancy

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of May 21, 2002

FROM:

Rick Hoyt
 Name

Police
 Division

Police
 Department

ACTION REQUIRED: Adopt a resolution moving the City of Fayetteville Police LOPFI retirement benefits from plan 1 to plan 2 as of August 1, 2002. This resolution is requested contingent upon the passage of the renewal of the City 1% Sales Tax.

COST TO CITY:

\$67,500.00	\$4,341,913.00	Personnel
Cost of this Request	Category/Project Budget	Category/Project Name
1010-2940-5109.03	\$1,534,097.00	Patrol
Account Number	Funds Used To Date	Program Name
	\$2,807,816.00	General
Project Number	Remaining Balance	Fund

BUDGET REVIEW:

☒

Budgeted Item

Budget Adjustment Attached

[Signature]
 Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature]
 Accounting Manager

5/3/02
 Date

Internal Auditor

Date

[Signature]
 City Attorney

5/3/02
 Date ADA Coordinator

Date

[Signature]
 Purchasing Officer

5/3/02
 Date Grants Coordinator

Date

STAFF RECOMMENDATION: City Council approve a resolution moving the Police Department sworn officers from LOPFI benefit Program 1 to LOPFI Benefit Program 2 beginning August 1, 2002 contingent upon the renewal of the City 1% Sales Tax.

Division Head

Date

[Signature]
 Department Director

5-3-02
 Date

[Signature]
 Administrative Services Director

5/3/02
 Date

Mayor

Date

Cross Reference

New Item: Yes No

Prev Ord/Res #:

Orig Contract Date:

**NOMINATING COMMITTEE REPORT
CITY COUNCIL MEETING
MAY 21, 2002**

CIVIL SERVICE COMMISSION

Steven A. Coppinger - One six-year term ending 03/31/08

ENVIRONMENTAL CONCERNS COMMITTEE

Bruce Manchon - Re-appointed/One three-year Environmental Law term ending 06/30/05

Roxana S. Willis - Re-appointed/One three-year Citizen-at-Large term ending 06/30/05

TELECOMMUNICATIONS BOARD

Craig A. Brown - One two-year term ending 06/30/04

TREE AND LANDSCAPE ADVISORY COMMITTEE

Terry Delany - One unexpired Land Development term ending 12/31/03

WALTON ARTS CENTER COUNCIL, INC.

Marla K. Hunt - Re-appointed/One three-year term ending 06/30/05

WALTON ARTS CENTER FOUNDATION, INC.

Brian Cole - One three-year term ending 06/30/05

including one spare and one small-automated vehicle, which would be used in congested areas with narrow streets where large equipment is difficult to handle. Currently, the narrow congested areas offer great difficulty for our existing equipment.

Rationale for Change to Automation

Inability to Maintain Necessary Staffing Levels

As mentioned above, the Sanitation Route Worker will load from 12 to 20 tons each day into the back of the rear loader. The pay for this employee grade is from \$8.20 to \$11.56 per hour, somewhat comparable to fast food service pay rates. Because of the low pay, employees are difficult to hire and even more difficult to keep. This creates a serious staffing and training problem. With a continuous staff turnover rate, safety training is consequently compromised in order to get new hires in place. This minimal training leads to higher rates of personal injury accidents, sprained ankles, sprained knees, shoulder injuries, etc. These all contribute to the Worker's Compensation costs, health costs, and lost job time. This perpetuates a downward spiral of labor shortages, minimal training and on-the-job injuries.

Worker's Compensation Losses

The injuries that occur have created a serious expense and lost work problem. Some injuries are a part of the job, but not of the magnitude that are currently being experienced in the Solid Waste Division. The work required of each employee at this staffing level is more than should be reasonably expected. Either staff and number of routes need to be increased, or the manner in which the work is done must be made more efficient. The most cost effective approach is through the use of automation.

The Solid Waste Division costs for Worker's Compensation premiums are based upon State of Arkansas losses within municipal Solid Waste Departments from throughout the State. Solid waste activities in this pool have the highest injury incidence of any municipal work group. The local experience has historically reflected a similar incident ratio. The Fayetteville Solid Waste Division premium in 2000 was \$76,890. Due primarily, but not solely, to the number of job related injuries in the Solid Waste Division, the City has been placed into a high-risk pool. This placement mandates a program to reduce job related injuries and can result in very significant increases in our Worker's Compensation premium if the program is not effective.

The lost time costs and medical expenses from 7-1-99 to 6-30-01 were \$133,029.50 as provided by the Personnel Department.

According to a summary report from the Little Rock Solid Waste Division, when that department went to automation their medical expenses dropped from \$198,589 to \$45,144. A similar report from Edmond Oklahoma reported similar findings as their Worker's compensation related injuries dropped from a high of 25 in fy89-90 to three in fy00-01.

Worker Safety

Some employee injuries are caused by exhaustion, carelessness, lack of training, etc. Others are caused by the actions of others. Some of the most frightening of these involve hypodermic needles in waste and recycling materials. To date this year, four employees received medical treatment for incidents with customer needles in the waste stream. The short-term healthcare costs of these incidents and follow-up costs for regular examinations have not been significant, ranging from \$700 to \$2,450 per incident. To date no transmittable diseases have been present

nor have been manifested. If an employee were to be infected by some contagion however, the cost could be very substantial. Two of these incidents were in the Recycling Section and two in the Residential Trash Program.

Community Litter

The current bag program creates a certain image for the streetscape. Some bags are placed in inappropriate locations and neighborhood animals tend to tear open pink bags on a regular basis. This creates an unsightly litter problem for some neighborhoods and our community at large.

Scheduled Fleet Replacement

The waste fleet is currently scheduled for replacement and can be replaced with fully automated vehicles (one truck driver with the aid of an articulating arm on the vehicle will be able to serve each route), freeing five Sanitation Route Workers for other needed duties.

As our recycling services grow, the Solid Waste Division is in a position to role model waste reduction practices. Automated waste collection routes reduce staffing needs in waste operations and create the potential for former waste haulers to become available staff for needs in current recycling operations. Based on community demand, the recycling operations are currently in need of two additional residential routes, a commercial paper route and assistance in the materials recovery facility.

Labor Costs

The residential waste collection labor costs will drop substantially. This labor cost savings of five Sanitation Route Workers will help offset necessary staffing increases proposed in the Recycling Collections/ Materials Recovery Facility, in the Composting area, and the additional smaller vehicle for residential trash collection.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council

From: Gary Dumas

Date: Tuesday, May 21, 2002

Subject: Issues to be Addressed with Implementation of Automated Residential Solid Waste Pick-up

Several issues must be resolved with the implementation of a new cart based program.

These include:

Rate Structure:

During the Council discussion in the fall of 2001 there were questions about the rate structure outlined in the report. Those questions concerned the current cost to large volume users vs. the proposed future costs. In response to that question the following is proposed for Council consideration.

Current Rate			
	Volume	Monthly Rate	
	56	\$9.25	
	Additional gal/month	\$0.1875	
	Ex. 64 gal	\$10.75	
	Ex. 96 gal	\$16.75	

General Services Department
113 West Mountain Street
Fayetteville, Arkansas 72701

Telephone: 479-575-8330
Fax: 479-575-8257
Email: gdumas@ci.fayetteville.ar.us

In the November Report the following rates were discussed. These rates allowed for a discount from the current rate structure for the larger volume users

Rates from November 2001 Report

Estimated # of users	Container Volume	Monthly Rate	
660	20	\$5.85	
1760	32	\$6.98	
16940	64	\$10.01	
2640	96	\$13.03	
		Annual Revenue	\$2,627,199.72
		Annual Revenue Need	\$3,675,145.17
		Annual Subsidy	\$1,047,945.45

In order to address the Council concerns the following rate structure is proposed. This structure provides for a discount for the low volume users while maintaining the same current costs for the larger volume users.

Rates with Costs per Gallon and \$3.75 Base Rate Adjustment for 20 and 32 Gallon

Estimated # of users	Container Volume	Monthly Rate	
660	20	\$7.04	
1760	32	\$9.05	
16940	64	\$10.75	
2640	96	\$16.75	

		Annual Revenue	\$2,962,598.57
		Annual Revenue Need	\$3,675,145.17
		Annual Subsidy	\$712,546.60

Deposit or Security for Cart Retrieval

The Council during the fall discussion was concerned with the need to retain the carts given the significant portion of our customer base which is transient. Several options are available: customer purchase of the carts from the City; customer deposit for the carts, either lump sum or paid over time; or capitalized system expense. What is being proposed is a combination of deposit and capitalized system expense. The concern is not the long-term customer with good credit history, but rather the transient customer or the customer with a poor credit history. In order to accommodate all three customer types, the following is proposed:

- Customers with 3 consecutive years of good payment history with the City's Utility Billing System would pay no deposit.
- Customers with less than 3 consecutive years of good payment history with the City's Utility Billing System would pay either a lump sum deposit of \$45.00 or three equal payments of \$15.00. At the end of 3 consecutive years of good payment history the deposit would be returned.
- For new and transient customers a lump sum deposit of \$45.00 would be required. If the current deposit process for water and sewer utilities is modified to accept prior good credit from other similar utilities, the cart deposit would also be adjusted.

Excess Trash Events

Some communities with automated systems do not permit bags outside the cart. The program being proposed would allow for those events, provided they did not occur more than twice each year. A fee structure for this additional service would need to be developed. This fee structure could be a tag program, in which tags were purchased from Solid Waste and attached to the bags outside of the cart. The costs of these tags would be approximately \$2.00 for a 32 gallon bag. Council discussion and input into this program is requested.

Service Activities until Implementation of Automation

The last distribution of pink trash bags was in December 2001. That supply, if used

based on the annual allocation of 56 gallons per week, will be depleted by June 30. The plan is to have additional bags available until the City's supply is depleted at the Solid Waste Field Office on Happy Hollow for those customers who need additional bags. No citywide distribution is planned. When the City stock is depleted, customers would be permitted to use trash bags available at retail outlets until the new automated system is in place, most likely in late October.

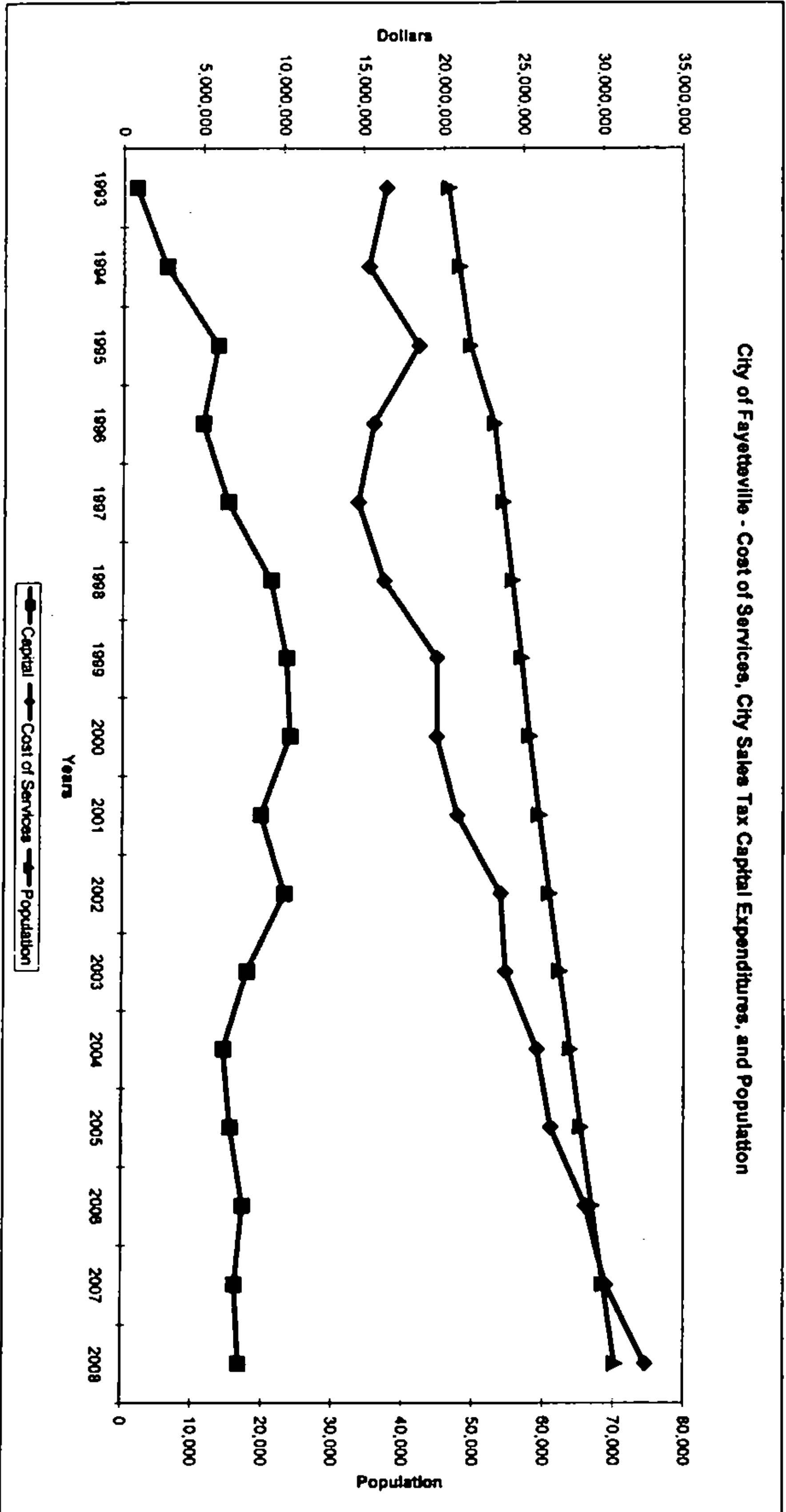
Carts Left at Curbside

Some concerns have been expressed concerning carts which may be left at curbside after the collection day. In reality this will probably occur, since it occurs now with the recycling bins. There are City Ordinances which currently require containers to be removed after the collection. The Ordinance is not being uniformly adhered to. If this becomes a problem which the Council wishes addressed, a procedure could be put into place which will help resolve this issue. The use of carts however should not create a problem any greater than that which existed before the bag program in which most customers had some kind of garbage can.

cc 5/21/02

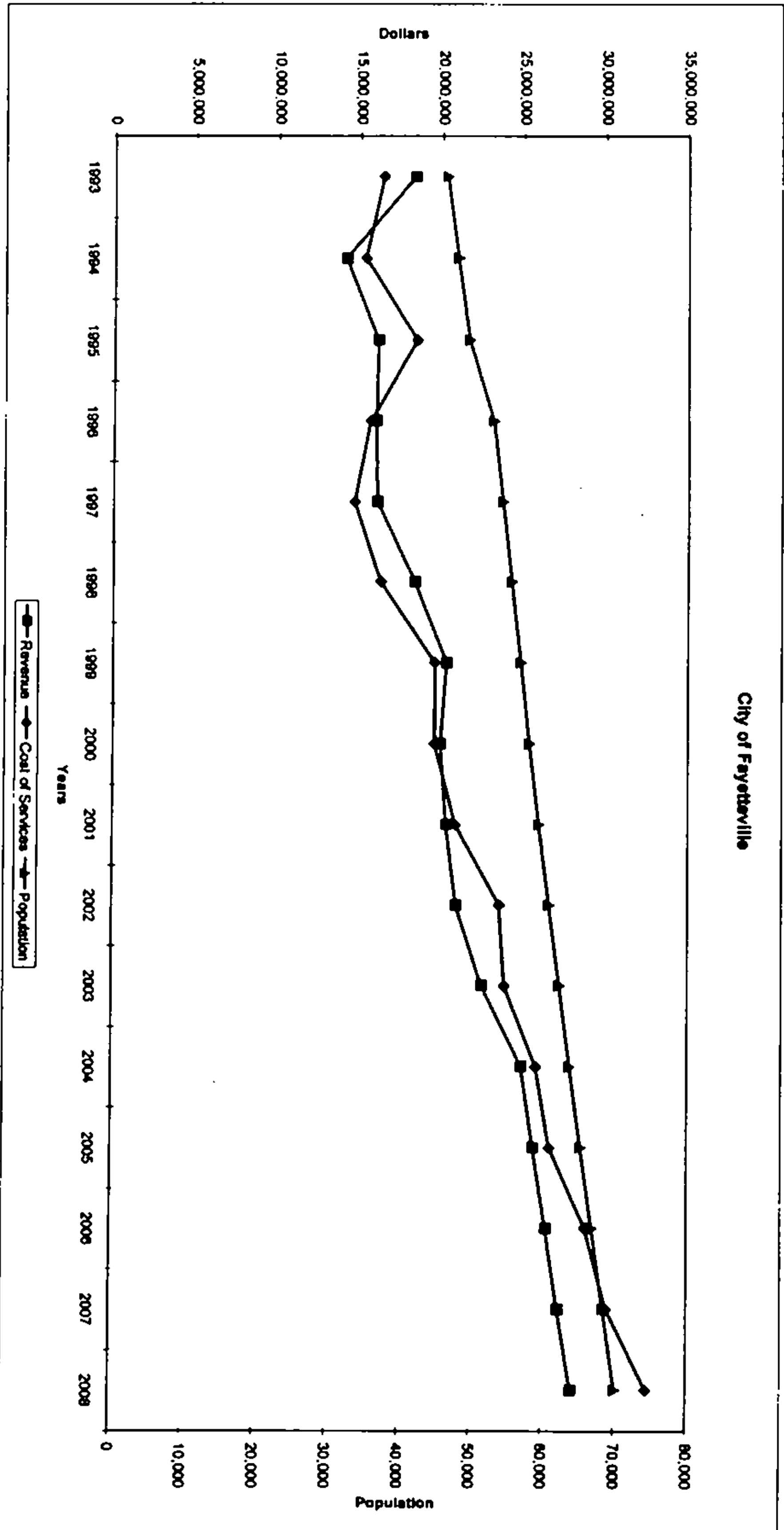
City of Fayetteville Cost of Services for General Fund and City Sales Tax Capital Expenditures

	1983	1984	1985	1986	1987	1988	1989	2000	2001	2002	2003	2004	2005	2006	2007	2008
Capital	813,384	2,702,583	5,887,143	4,984,121	6,540,440	9,220,255	10,189,804	10,430,080	8,618,852	10,108,000	7,780,000	6,318,000	6,762,000	7,527,000	7,080,000	7,307,000
Cost of Services	16,400,610	15,317,538	16,446,422	15,624,886	14,661,860	16,283,861	19,606,533	18,603,725	20,884,587	23,587,377	23,911,258	25,853,775	26,683,849	28,676,795	30,154,580	32,594,048
Population	46,406	47,937	48,518	52,978	54,247	55,549	56,883	58,047	59,440	60,667	62,327	63,823	65,355	66,924	68,530	70,175

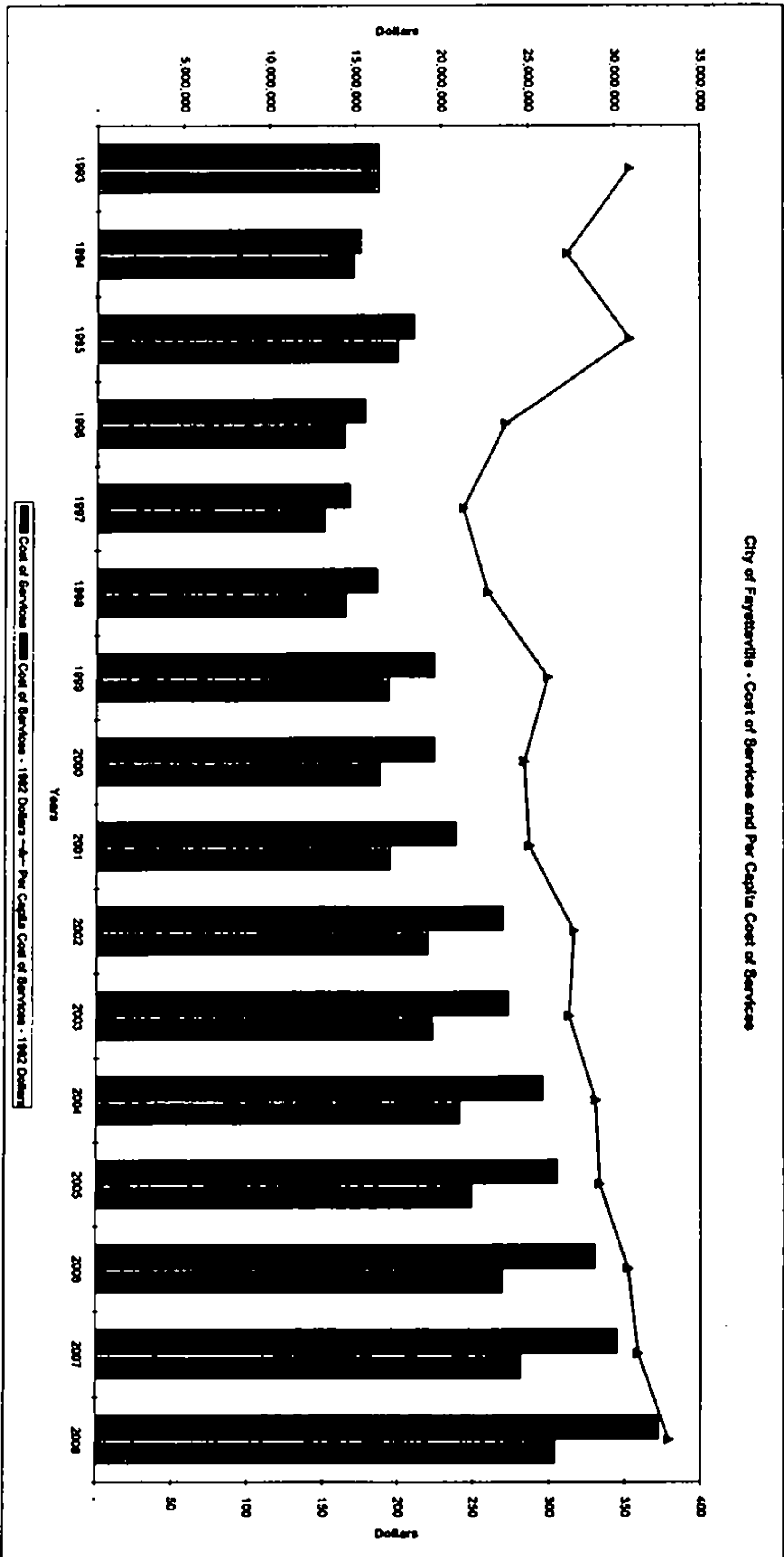


City of Fayetteville Revenue, Cost of Services and Population for General Fund

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Revenue	18,318,369	14,118,401	16,086,235	15,973,503	16,041,828	18,371,358	20,338,865	19,640,638	20,317,376	20,851,925	22,512,000	24,963,133	25,701,100	26,485,200	27,224,200	28,041,200
Cost of Services	18,400,810	15,317,539	18,446,422	15,824,999	14,981,860	16,283,891	19,006,533	19,803,725	20,884,587	23,587,377	23,911,258	25,853,775	26,693,648	26,876,785	30,154,580	32,594,048
Population	46,408	47,937	49,519	52,976	54,247	55,549	56,863	58,047	59,440	60,867	62,327	63,823	65,355	66,924	68,530	70,175



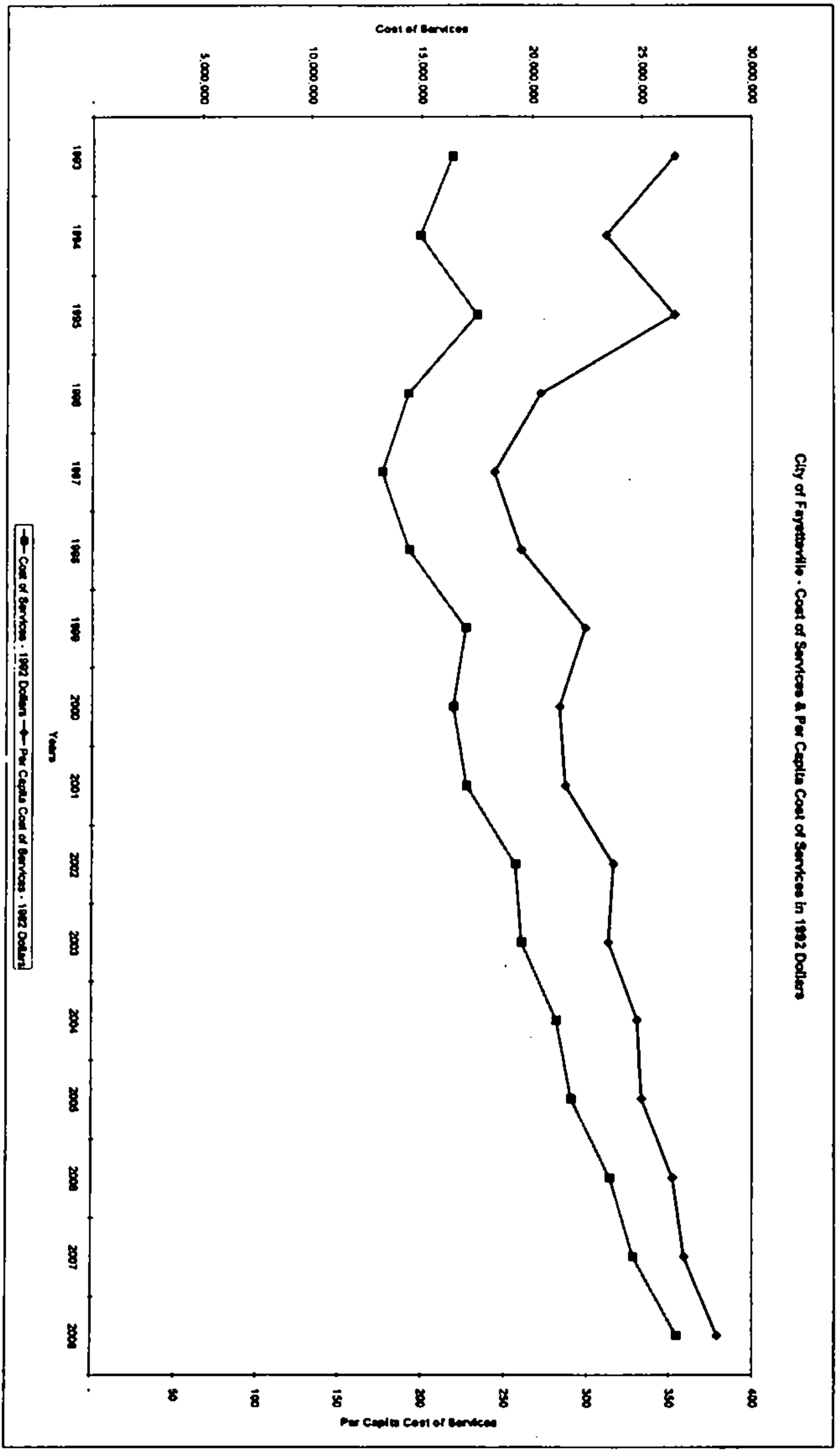
City of Fayetteville									
Cost of Services/Per Capita Cost of Services Projected to 2008									
	1993	1994	1995	1996	1997	1998	1999	2000	2001
Cost of Services	16,400,810	15,317,339	16,446,422	15,624,846	14,681,860	16,233,861	19,608,533	19,603,725	20,894,687
Cost of Services - 1992 Dollars	16,400,810	14,923,117	17,480,210	14,380,022	13,216,248	14,433,683	17,005,688	18,450,200	17,048,378
Per Capita Cost of Services	353	320	373	285	271	283	345	326	332
Per Capita Cost of Services - 1992 Dollars	353	312	353	272	244	260	299	283	287
	2002	2003	2004	2005	2006	2007	2008	2009	2010
Cost of Services	22,587,377	23,871,256	25,633,775	28,893,646	28,876,765	30,154,580	32,544,044		
Cost of Services - 1992 Dollars	18,245,446	18,508,751	21,084,863	21,778,868	23,581,247	24,803,822	26,584,240		
Per Capita Cost of Services	316	313	405	408	431	440	464		
Per Capita Cost of Services - 1992 Dollars	316	313	331	333	352	359	379		



Cost of Services
 Cost of Services - 1992 Dollars
 Per Capita Cost of Services
 Per Capita Cost of Services - 1992 Dollars

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
16,400,610	15,317,539	16,446,422	15,624,848	14,641,860	16,283,861	16,606,533	18,603,725	20,604,567	21,367,377	21,911,258	23,833,775	26,663,648	28,876,765	30,154,580	32,594,048
16,400,610	14,835,117	17,490,210	14,380,032	13,218,248	14,435,683	17,005,098	16,450,280	17,044,378	19,245,488	18,509,791	21,084,885	21,778,868	23,581,247	24,803,822	26,644,240
353	320	373	285	271	283	345	338	352	368	364	409	408	431	440	464
353	312	353	272	244	280	298	283	287	316	313	331	333	352	359	379

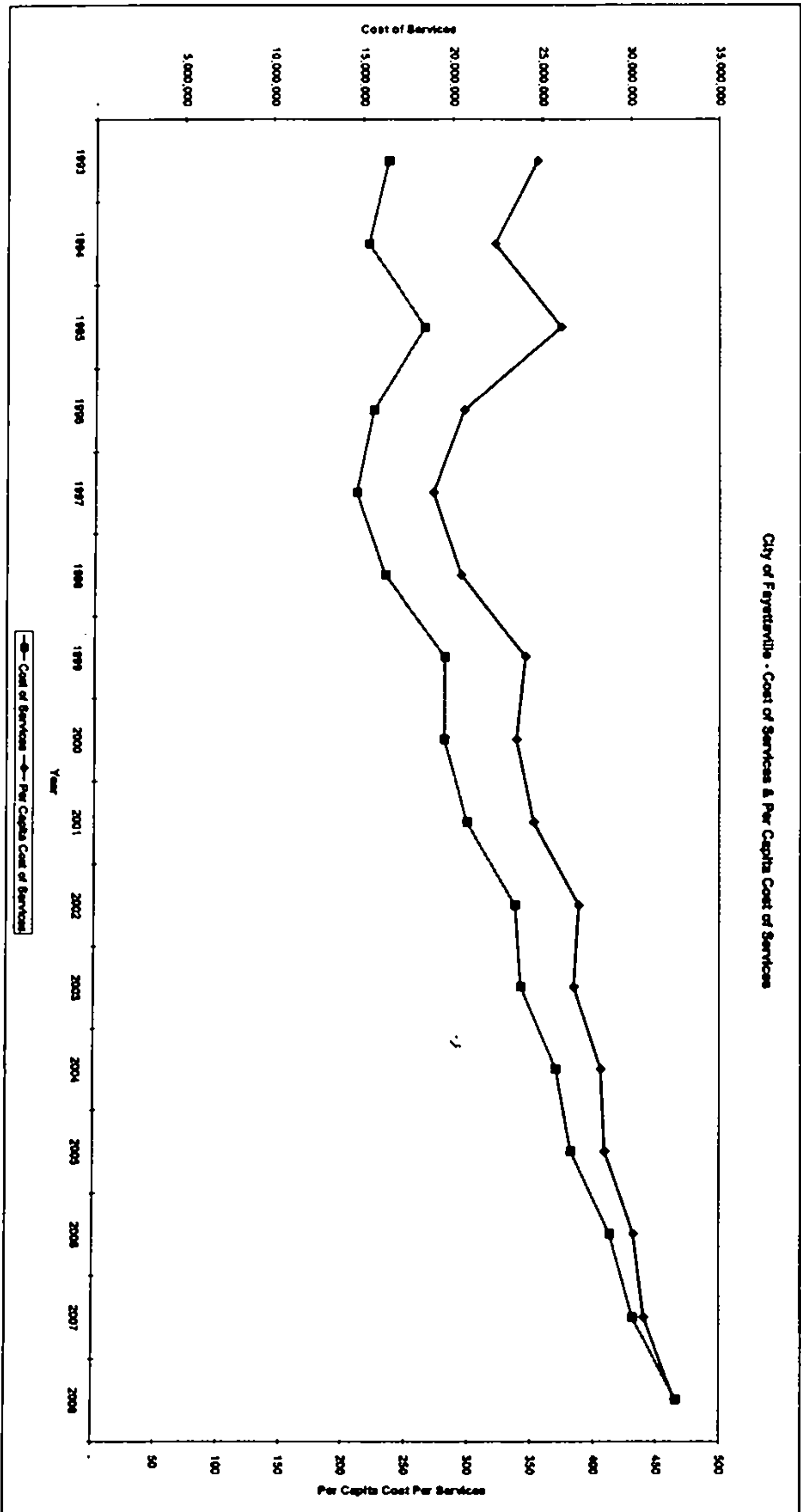
City of Fayetteville
 Cost of Services/Per Capita Cost of Services Projected to 2008



Cost of Services
Cost of Services - 1992 Dollars
Per Capita Cost of Services
Per Capita Cost of Services - 1992 Dollars

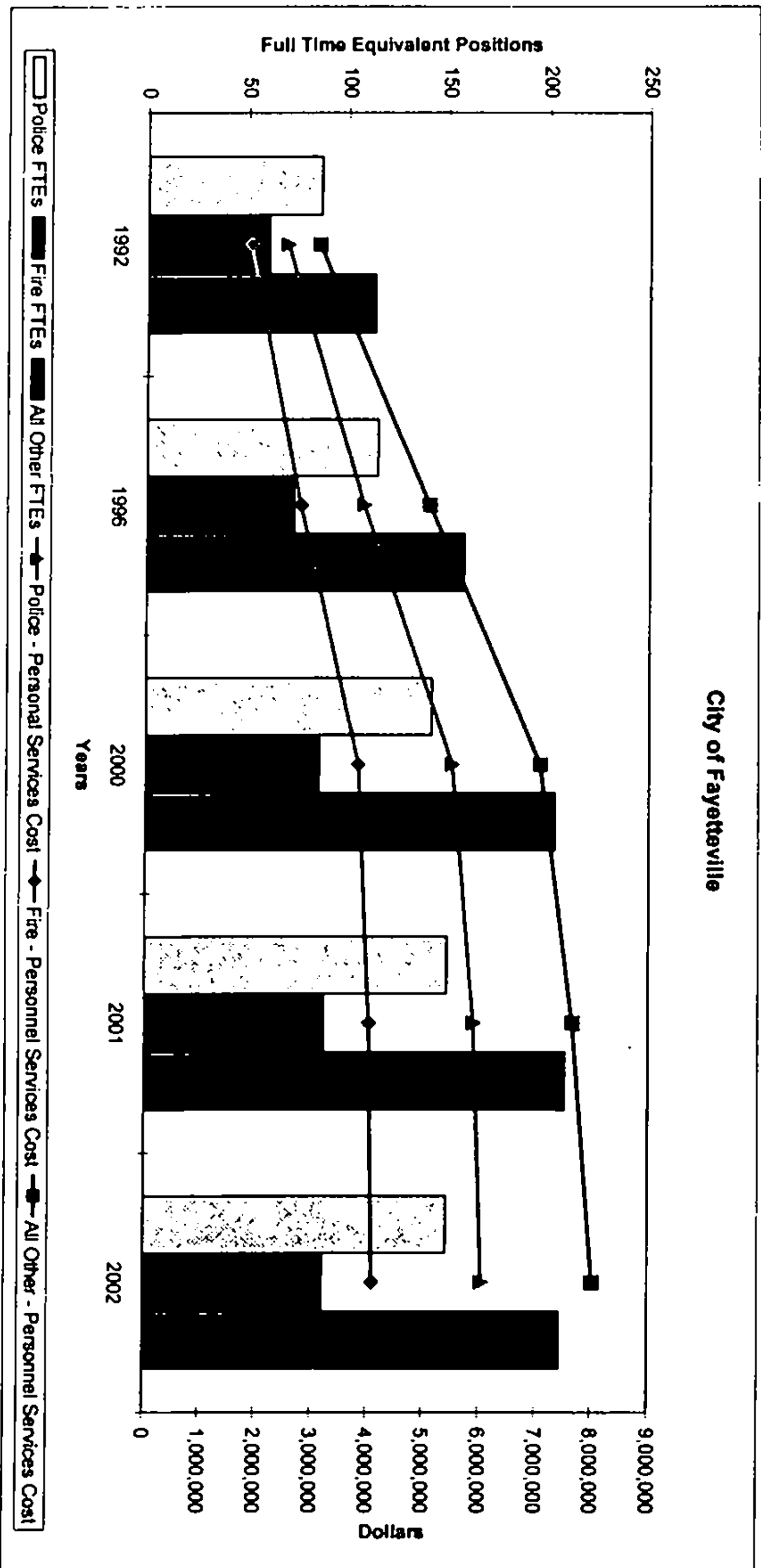
1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
16,400,810	15,317,538	16,446,422	15,624,686	14,681,660	16,283,661	16,006,533	16,603,725	20,694,567	22,567,377	23,611,256	25,633,775	26,663,646	28,676,765	30,154,540	32,564,048
18,400,810	14,833,117	17,480,210	14,360,032	13,216,246	14,433,663	17,005,666	16,450,260	17,046,376	18,245,446	19,506,761	21,064,666	21,776,666	23,561,247	24,603,622	26,564,246
353	320	373	265	271	260	345	336	352	346	364	405	406	431	440	464
353	312	353	272	244	260	296	283	287	316	313	331	333	352	356	379

City of Fayetteville
Cost of Services/Per Capita Cost of Services Projected to 2008



City of Fayetteville **Full Time Equivalent Positions and Dollar Amount for General Fund Personnel Services**

	1992		1996		2000		2001		Budgeted 2002	
	FTEs	Dollars	FTEs	Dollars	FTEs	Dollars	FTEs	Dollars	FTEs	Dollars
Police Department	86.00	2,491,262	114.73	3,888,510	142.33	5,491,998	150.33	5,892,690	150.33	6,049,164
Fire Department	60.00	1,834,162	73.00	2,745,834	86.00	3,807,294	89.00	4,020,987	89.00	4,096,195
All Other General Fund Personnel	113.05	3,063,134	157.83	5,068,901	203.65	7,062,835	208.95	7,660,826	206.40	8,026,684
Salary Contingency will be allocated to each department as needed										
Totals	259.05	7,388,558	345.56	11,703,245	431.98	16,362,127	448.28	17,574,503	445.73	19,817,701
									1,645,658	



City of Fayetteville **History of Pay Range Changes (1992 - 2002)**

	Minimum Pay Range						% Pay Range Change						Average Increase
	1992	1994	1996	1998	2000	2002	1994	1996	1998	2000	2002	1990-2002	
PW Crew Leader (NC9)	17,616	17,745	18,871	19,906	20,821	25,153	1.0%	6.0%	5.0%	4.6%	20.8%	42.8%	7.5%
Firefighter (Step A)	17,309	19,396	20,948	21,995	23,535	25,868	12.0%	8.0%	5.0%	7.0%	10.0%	49.6%	8.4%
Police Officer (Step A)	17,951	19,756	21,732	22,383	25,293	26,810	10.0%	10.0%	3.0%	13.0%	6.0%	49.4%	8.4%

Map Legend
City of Fayetteville & Ozark Regional Transit's
Job Access/Welfare to Work

Razorback Transit routes are highlighted



A: Hospitals, Dr. offices and Clinics: Red Star



B: Employment- Major: Green Star



C: Childcare facilities: Pink Dot



D. Job Training, Retention: Blue Star



E. Shopping: Gold Star



E. Education (Colleges, Vo-Tech, Elementary, Jr., and Senior High schools: Silver Star



F. Social Services Agencies, Welfare, DHS, Social Security, etc.: Blue Flag



G. Assisted living facilities: Yellow flag



H. High density housing: Red Flag



I. Community Centers: Green Flag
Jones Ctr., Richardson Ctr., Youth club.

Not graphed, but considered in final route development are individuals with mobility impairments.

Main Office
1103 S. E. 15th Street
Bentonville, AR 72712
(501) 273-0338 Fax: (501) 271-0819
Toll Free: 1-800-748-9768

Arkansas Support Network



*"Supporting choices and opportunities for
individuals with disabilities and their families"*

Family Support Program
614 E. Emma, Suite 235
Springdale, AR 72764
(501) 927-1004 Fax: (501) 927-1373
Toll Free: 1-800-759-8788

May 1, 2002

Ozark Regional Transit
ATTN: Mr. Phil Pumphry
2423 East Robinson
Springdale, AR 72764

Dear Mr. Pumphry

Arkansas Support Network, Inc. is a private, non-profit agency dedicated to serving individuals with disabilities in the community. Our mission statement reads, "All persons have the right to be included in the life of the community." With that said, we recognize one of the primary barriers to community inclusion is transportation. Today, we currently serve 112 individuals in our community support program in a four-county area in northwest Arkansas. Of those individuals, 40 live and work in the Fayetteville area. Without a public transportation system, individuals we serve must rely on paid staff for community interaction and participation.

As northwest Arkansas continues to grow and prosper, employers and industry leaders will need to find employees. One of the most underutilized resources is that of individuals at or near the poverty line. A transportation system that allows individuals access to personal and professional advancement would greatly enhance the whole community. We strongly support Ozark Transit's position in providing a much needed transportation system.

Sincerely,

James E. Mather II
Program Manager
Arkansas Support Network, Inc.



Emily Williams-Fayetteville Public Schools' Homeless Liaison
P. O. Box 849
Fayetteville, AR 72702
973-8653
ewilliams@fayar.net

March 27, 2002

Dear Mr. Pumphrey,

It is my understanding that your agency has applied for a grant to help with the long-term transportation needs of low-income residents. As the Homeless Liaison for the Fayetteville Public Schools I see many of the transportation-related problems that area residents are faced with on a daily basis. It has been my observation that a lack of reliable transportation may be the single biggest roadblock to finding and keeping a job. Without a job one is unable to get transportation, without transportation one is often unable to get a job.

The inability to get children to child-care is another, often overlooked, hurdle for families without transportation. The adult may find a job and may find someone willing to baby-sit but can not get the child(ren) to the baby-sitter. Conversely, the parent may need to get to the child in an emergency and have no way of doing so.

In my program we work only with the parent's of school-age children. Of the 125 families we have worked with 33% of the families had no transportation. Of those who had transportation most of them reported not paying rent in order to pay for repairs on their vehicles. Many report losing jobs because of missed work due to break-downs. Trying to maintain vehicles becomes a tremendous burden for low-to-moderate-income families. Sometimes it appears that parents are working just to support the car. These vehicles are often unlicensed and the owners carry no insurance. It is fairly common for low-income drivers to be issued a citation that they cannot pay which can lead to having a warrant issued for their arrest based on the car-ownership.

A system that enables those willing and wanting to work the ability to reliably get to an interview or a job would be invaluable to the community. The entire community suffers when individuals, especially parents, are not able to provide adequately for their families.

Our region is going to have to address this issue at some point for all of the citizens not just those with lower incomes. Addressing it now, while we still have time to make plans for future needs, only makes sense and benefits a segment of the population who is often thought of last, if at all.

If I can provide you with any other information that you feel would be helpful please let me know and I will do so gladly.

Emily Williams





LIFE STYLES

Together, The Dream Continues

May 10, 2002

Phil Pumphrey
Ozark Regional Transit
2423 E. Robinson Avenue
Springdale, AR 72764

To Whom It May Concern:

For people with disabilities, accessing the community is often difficult and many times impossible without support. Life Styles, Inc. enthusiastically supports Ozark Transit's application to the Federal Transit Administration for funding transportation services in Northwest Arkansas.

Since 1976, Life Styles, Inc. has been serving individuals with developmental disabilities in Northwest Arkansas. Of the over 100 individuals that we currently serve, only two are licensed and have a vehicle. The others are dependent on Life Styles vans, staff, Ozark Transit and Razorback Transit. Even with these resources, transportation continues to be a growing and critical need.

It is because of our success in integrating people with disabilities into our community that transportation is such a complex and necessary entity. Many individuals served by Life Styles are employed in competitive jobs in our community. Some start work at 6:00am, others finish at 8:00pm. Some live in Fayetteville but work in Springdale. Individuals are working at the Northwest Arkansas Mall in the north to Hanna's in the South. From Lowe's to the Jim's Razorback Pizza in the west. Our vans run from morning to night and make at least three trips to Springdale daily.

As our community grows, Life Styles finds it more and more difficult to meet the transportation needs of our population. Life Styles supports Ozark Transit in this application and urges the cities and counties of Northwest Arkansas to provide the financial support to match this grant. Transportation and access to our community for all our citizens enriches us all.

Sincerely,



Carol Hart
Executive Director



Project for Victims of Family Violence, Inc.

"DOMESTIC VIOLENCE IS *EVERYONE'S* BUSINESS"

1977-2002
25th Anniversary

2002 Board of Directors

Chair
Patricia Petretic-
Jackson, Ph.D.

Secretary
Lenthon Clark

Bob Donaghe
Tim Hudson
Chandra Johnson
Tanya Mims
Linda Nelson,
Stephanie Thomas
Melissa Waldron

Judith Selle
*Chief Executive
Officer*

Project Staff

Loren Clark
*Chief Operations
Officer*

Audrey Murphree
Chief Financial Officer

Kristen Speer
*Director of Program
Services*

Nora Bryant
*Director of
Volunteer Programs*

Sarah Thomas
*Adults' Services
Advocate*

Angela Black
*Adults' Services
Advocate*

Sarah Cox
*Children's Services
Advocate*

Megan Hicks
*Children's Services
Advocate*

Chris Williams
Court Advocate

Darrell Smothers
Shelter Advocate

Mary Bruder
Thrift Store Manager

Kim Harner
*Inventory Control
Clerk*

Anne Reynolds
Thrift Store Staff

Phil Pumphrey
Ozark Regional Transit
P.O. Box 785
Springdale, AR 72765

Dear Mr. Pumphrey:

The Project for Victims of Family Violence is pleased to support your organizations efforts to secure financial support to expand transportation options for low income residents of our community.

Our shelter which serves women and children who need safe shelter from domestic violence has been serving this community for twenty-five years. Last year we provided over 3500 safe nights of shelter.

Most of our clients are very low income. Over 60% of our adult clients have no means of financial support when they arrive in our shelter. They most often do not have cars, and there is no public transportation option for them near our location.

Our clients need regularly scheduled transportation to attend legal appointments, seek housing and employment and/or report for jobs or school. Transportation, or rather the lack of it, is a major obstacle for our residents.

We support your proposal and will help in any way that we can to see it through to reality.

Thanks for your efforts.

Judith Selle
CEO

Project for Victims of Family Violence



P. O. BOX 1923
FAYETTEVILLE, AR 72702
BUSINESS/HOTLINE 479-442-9811
FAX 479-587-1817
E-MAIL PVFV@NWARD.COM

QUALITY LIFE ASSOCIATES, INC.

2623 N. Gregg St.
Fayetteville, AR 72703
479-571-4455

May 17, 2002

Mr. Phillip O. Pumphrey
General Manager
Ozark Regional Transit
2423 East Robinson Avenue
Springdale, AR 72764

Dear Mr. Pumphrey:

Thank you for including Quality Life Associates, Inc in your consideration of the transit routing services being planned for the Fayetteville area. Quality Life Associates, Inc is a non-profit healthcare organization dedicated to the retraining of individuals who have suffered a Traumatic Brain Injury. Many of our clients are unable to drive a personal vehicle and rely on other means of transportation to bring them to our retraining sessions and then take them back to their place of residence. Quality Life Associates, Inc considers public transportation to be a critical service to our clients and their families. Without these services many of our clients will have to rely upon family members and friends for transportation, placing unnecessary hardship upon those individuals. In addition, if reliable transportation is not available to our clients they may not be able to access the services delivered by Quality Life Associates, Inc.

I look forward to continuing the dialog regarding this important community service and the discussion that is scheduled to take place on Friday, May 24th, in Springdale. Again, thank you for including Quality Life Associates, Inc in this discussion. If there is anything I can do to assist further in this matter, please call me at (479) 646-9791.

Regards,



Mike Goings
President & COO

Cc: Lynne Alexander



Seven Hills Homeless Shelter

March 24, 2002

Philip O. Pumphrey, General Manager
Ozark Regional Transit
2423 East Robinson Avenue
Springdale, Arkansas 72764

Dear Mr. Pumphrey,

Our mission is to provide a place of shelter and support where those in need will receive the compassion, guidance, information, and assistance that will allow them to fully express their highest potential.

I am writing to express the great need of our clients at Seven Hills for affordable transportation to essential destinations such as work, job interviews, social services, and psychological and medical assistance.

Our clients access the Fayetteville Trolley, the Razorback Transit buses, and Ozark Regional Transit buses on a daily basis, and depend upon these providers in their transition back to stability in housing and work. However, the drawbacks of these transit systems are that they do not cover a wide enough time period each day, and that their range is geographically limited. Many people are unable to accept available jobs because they are unable to get to and from work early in the morning, late in the evening, or in locations not served by the local transit providers.

We are hopeful that soon the Northwest Arkansas metroplex will have a full-service transit system that is affordable to all individuals in need of its services. Please let me know if Seven Hills can be of help in this essential pursuit.

Sincerely,

Kimberly Gross
Executive Director

Cc: Hugh Earnest, City of Fayetteville



1918 Birch Avenue • Fayetteville, AR 72703 • 501/ 442-5600 (V/TDD) • 501/ 442-5192 (FAX)

May 3, 2002

Philip O. Pumphrey, General Manager
Ozark Regional Transit
2423 E. Robinson Avenue
Springdale, AR
72764

Mr. Pumphrey:

We at Sources serve individuals with disabilities. One of our programs involves helping our consumers get into the workforce. We can see how this Job Access Transit System would greatly benefit our consumers who are unable to work now only because they do not have transportation. We support your efforts in getting this dream to become a reality.

Sincerely,

Sherry Priestaf
Sources for Community
Independent Living



A United Way
Agency

Philip Pumphrey

From: "Kathy Grisham" <kgrisham@jtlshop.jonesnet.org>
To: "Phil Pumphrey" <ppumphrey@ozark.org>
Sent: Wednesday, May 01, 2002 4:55 PM
Subject: April 19 meeting

Phil,

I was not able to attend the meeting held April 19, but was interested in what took place. Are you still in need of stakeholders? Our clinic is located in Springdale. Would this be of assistance to you? I know that medical care was not addressed in the paper sent out, but medical care is certainly affected by a lack of transportation.

Please let me know if we need to continue this conversation.

Kathy Grisham
Director
Community Clinic at St. Francis House
479-751-7417

5/2/02

Stakeholders / Job Access

Name	address	phone number	email address
1. Linda Farcell	210 yman Ln. Bella Vista, AR 72714	855-7809	puffa@cox-internet.com
GLOBRIA Project			
2. LFB Hon	23 E 5th St Fayetteville AR 72701	575-9657	libhona@webtv.net
Humane Society of the Ozarks			
3. Yolanda Fields	113 W Mountain Way AR 72701	575-8290	yfields@ci.fayetteville.ar.us
4. Brenda Thiel	172 E. Willoughby Way 72701	442-3095	bthiele@ipa.net
Kangas Ciley Council - Grand 1 Alderman			
5. Jim Martin	1103 SE 15th Street Bentonville, AR 72712	278-0388	jmartin@supnet.org
Alexander Sullivan Services, Inc.			
6. Sherry Priestess	1918 Birch Way, AR 72703	442-5600	priestess@resources.org
Sources for Community Independent Living			
ARK 10th Girl Scouts	11051 Century State 72706	750-2442	ark10thgs@hotmail.com
8. Humbert Gross/Seventhills Homeless Shelter	479-251-7776	seven-hills@subell.net	
PO Box 474 Fayetteville, AR 72701			
9. Emily Williams	Fay. Public Schools PO Box 849 Fay. AR 72702	973-8653	ewilliams@fayar.net
10.			
11. Karen Takemoto	kite styles 2471 W. Symmar Fayetteville AR 72703	521-3581	ktakemoto@hotmail.com
12. Don Dwing	Board Member Wash Plaza & Pts. 12554 Shambelin Fayetteville 251-1318		dodwings@junc.com
13. Gisette Havel, Dis, Washington Plaza, 1735-A Reap F-Ville 72703			havel@zech@hotmail.com
Farming Center		521-3323	

-
14. Theresa Oliver 2423 N. Gregg Ave, Fayetteville, AR 72703 571-4455 qualityliteassociates@alltel.net
- 15.
-

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL MAY 21, 2002

A meeting of the Fayetteville City Council will be held on May 21, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

OMI ANNUAL REPORT: Report from Billy Ammons giving a brief overview of the wastewater plan operation for the last fiscal year and presentation of a check in the amount of \$23,099.83 for cost under-runs.

A. CONSENT

1. **APPROVAL OF THE MINUTES**
2. **CAMERON ASHLEY BUILDING PRODUCTS:** A resolution approving an agreement with Cameron Ashley Building products in an amount not to exceed \$65,000 for the purchase of vinyl windows and vinyl siding for housing rehabilitation projects.
3. **SOLID WASTE CART PROGRAM:** A resolution authorizing the purchase of carts from Toter Inc. for the automated residential waste collection program. Final cost will be determined by the individual customer choices.

B. OLD BUSINESS

1. **SALES AND USE TAX:** An ordinance providing for the levy of a one percent sales and use tax and providing for an expiration date for such replacement Sales and Use Tax of June 30, 2013. The ordinance was left on the first reading at the May 7, 2002 meeting.
2. **SPECIAL ELECTION:** An ordinance calling for a special election on the question of levying a one percent Sales and Use Tax within the City of Fayetteville, to replace the one percent Sales and Use Tax expiring on June 30, 2003 and providing for an expiration date for such tax of June 30, 2013. The ordinance was left on the first reading at the May 7, 2002 meeting.

3. **RZN 02-9.00:** An ordinance approving rezoning RZN 02-9.00 as submitted by Julian and Jane Archer for property located at 2231 Markham Road. The property is zoned R-1, Low Density Residential and contains approximately 18.80 acres. The request is to rezone to A-1, Agricultural. The ordinance was left on the second reading at the May 7, 2002 meeting.
4. **RZN 02-12.00:** An ordinance approving rezoning request RZN 02-12.00 as submitted by Julian and Jan Archer for property located at 2231 Markham Road. The property is zoned R-1, Low Density Residential and contains approximately 4.10 acres. The request is to rezone to A-1, Agricultural. The ordinance was left on the second reading at the May 7, 2002 meeting.

C. NEW BUSINESS

1. **VA 01-1.00:** An ordinance approving vacation request VA 01-1.00 as submitted by Ken and Kathie Marvin for property located between Lots 8,9,10, and 11 of Block 5 of Rochier Heights Subdivision. The request is to vacate the alley.
2. **RZN 02-10.00:** An ordinance approving rezoning request RZN 02-10.00 as submitted by Richard Grubbs on behalf of Mid-America Management Company for property located in the 100 Block of Appleby Road, west of Northwest Nursing Center. The property is zoned A-1, Agricultural and contains approximately 0.14 acres. The request is to rezone to R-O, Residential Office.
3. **RZN 02-11.00:** An ordinance approving rezoning RZN 02-11.00 as submitted by the City of Fayetteville for property located on S. School at Drake Field. The property is zoned C-2, Thoroughfare Commercial and contains approximately 3 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.
4. **TROLLEY:** A resolution authorizing the city staff to develop a working agreement with Ozark Regional Transit to operate the Trolley System and for other purposes.
5. **ASPHALT PAVING MACHINE:** A resolution to purchase an asphalt paving machine, trading the existing unit in on a demonstration unit that shall carry a new machine warranty. Proposed demonstration unit has 150 hours, is Pro-Pav model meeting specifications. Competitive bids received on April 29, 2002, immediate delivery. Net purchase cost of \$187,225.00.

6. **LIBRARY:** A resolution approving a contract in the amount of \$17,633,562 with Crossland Construction Company Inc. for the construction of the new Fayetteville Public Library at 401 W. Mountain; approval of a project contingency in the amount of \$700,000; and approval of a budget adjustment to fund the off-site improvements contained within this contract.
7. **PONY RIDES:** An ordinance revision of the non-motorized transport services section to include pony rides.
8. **ARKANSAS POWER STEERING & HYDRAULICS:** A resolution awarding Bid 02-24, Item 1 to Arkansas Power Steering and Hydraulics for the purchase of 7, 2003 Mack LE613 with mounted Labrie Automated Solid Waste Bodies for a total purchase price of \$1,375,416.

D. INFORMATIONAL ITEMS

1. **FESTIVAL COMMITTEE:** An airport lease contract with Festival Committee for the purpose of hosting an outdoor concert featuring BB King.
2. **PILOT SHOP:** An airport lease contract with H. Marie Wilson for space in the terminal shop for the purpose of setting up a pilot shop.
3. **OZARK MILITARY MUSEUM:** An airport lease contact with Ozark Military Museum for the purpose of displaying historical memorabilia.
4. **AMERICA IN BLOOM:** Lisa Paschal, Parks Horticulturist, will give a presentation of the America in Bloom program in which the city is participating. The America in Bloom is a national program that serves to uniform community beautification efforts.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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3. **RZN 02-9.00:** An ordinance approving rezoning RZN 02-9.00 as submitted by Julian and Jane Archer for property located at 2231 Markham Road. The property is zoned R-1, Low Density Residential and contains approximately 18.80 acres. The request is to rezone to A-1, Agricultural. The ordinance was left on the second reading at the May 7, 2002 meeting.
4. **RZN 02-12.00:** An ordinance approving rezoning request RZN 02-12.00 as submitted by Julian and Jan Archer for property located at 2231 Markham Road. The property is zoned R-1, Low Density Residential and contains approximately 4.10 acres. The request is to rezone to A-1, Agricultural. The ordinance was left on the second reading at the May 7, 2002 meeting.

C. NEW BUSINESS

1. **VA 01-1.00:** An ordinance approving vacation request VA 01-1.00 as submitted by Ken and Kathie Marvin for property located between Lots 8,9,10, and 11 of Block 5 of Rochier Heights Subdivision. The request is to vacate the alley.
2. **RZN 02-10.00:** An ordinance approving rezoning request RZN 02-10.00 as submitted by Richard Grubbs on behalf of Mid-America Management Company for property located in the 100 Block of Appleby Road, west of Northwest Nursing Center. The property is zoned A-1, Agricultural and contains approximately 0.14 acres. The request is to rezone to R-O, Residential Office.
3. **RZN 02-11.00:** An ordinance approving rezoning RZN 02-11.00 as submitted by the City of Fayetteville for property located on S. School at Drake Field. The property is zoned C-2, Thoroughfare Commercial and contains approximately 3 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.
4. **TROLLEY:** A resolution authorizing the city staff to develop a working agreement with Ozark Regional Transit to operate the Trolley System and for other purposes.
5. **ASPHALT PAVING MACHINE:** A resolution to purchase an asphalt paving machine, trading the existing unit in on a demonstration unit that shall carry a new machine warranty. Proposed demonstration unit has 150 hours, is Pro-Pav model meeting specifications. Competitive bids received on April 29, 2002, immediate delivery. Net purchase cost of \$187,225.00.

6. **LIBRARY:** A resolution approving a contract in the amount of \$17,633,562 with Crossland Construction Company Inc. for the construction of the new Fayetteville Public Library at 401 W. Mountain; approval of a project contingency in the amount of \$700,000; and approval of a budget adjustment to fund the off-site improvements contained within this contract.
7. **PONY RIDES:** An ordinance revision of the non-motorized transport services section to include pony rides.
8. **ARKANSAS POWER STEERING & HYDRAULICS:** A resolution awarding Bid 02-24, Item 1 to Arkansas Power Steering and Hydraulics for the purchase of 7, 2003 Mack LE613 with mounted Labrie Automated Solid Waste Bodies for a total purchase price of \$1,375,416.

D. INFORMATIONAL ITEMS

1. **FESTIVAL COMMITTEE:** An airport lease contract with Festival Committee for the purpose of hosting an outdoor concert featuring BB King.
2. **PILOT SHOP:** An airport lease contract with H. Marie Wilson for space in the terminal shop for the purpose of setting up a pilot shop.
3. **OZARK MILITARY MUSEUM:** An airport lease contact with Ozark Military Museum for the purpose of displaying historical memorabilia.
4. **AMERICA IN BLOOM:** Lisa Paschal, Parks Horticulturist, will give a presentation of the America in Bloom program in which the city is participating. The America in Bloom is a national program that serves to uniform community beautification efforts.

STAFF REVIEW FORM

XX AGENDA REQUEST
XX CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council meeting of 5-21-02

FROM:

Yolanda Fields
Name

Community Development
Division

Urban Development
Department

ACTION REQUIRED:

Approval of this agreement between the City and Cameron Ashley Bricklay Products ~~Razorback Siding Supply~~ for the purchase of vinyl windows and vinyl siding for Housing Rehabilitation projects.

COST TO CITY:

\$65,000 NTE

\$65,000.00

LBP & Energy Conser.

Cost of this Request

Category/Project

Category/Project Name

2180-4940-5315-00

Housing Rehab

Account Number

Funds Used To Date

Program Name

Project Number

\$65,000.00
Remaining Balance

Comm. Dev.

Fund

BUDGET REVIEW:

X Budgeted Item Budget Adjustment Attached

[Signature] 4-22-01
Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marta Farthing
Accounting Manager

4/19/02
Date

Nancy Smith
Internal Auditor

4/19/02
Date

[Signature]
City Attorney

4/19/02
Date

ADA Coordinator

Date

[Signature]
Purchasing Officer

4-19-02
Date

Grants Coordinator

Date

STAFF RECOMMENDATION: Approval of this agreement.

[Signature]
Division Head
[Signature]
Department Director

4-24-02
Date

[Signature]
Administrative Services Director

Date

[Signature]
Mayor

5/7/02
Date

Cross Reference

New Item: Yes

Prev Ord/Res #:

Orig Contract Date:

Consent [Signature]
New

DEPARTMENTAL CORRESPONDENCE

DATE: April 19, 2002

TO: The Mayor and Council

THRU: Hugh Earnest, Urban Development Director

FROM: Yolanda Fields, Community Development Manager

SUBJECT: Purchase of vinyl windows and siding.

Background

The City's Community Development (CD) Division hires contractors to supply and install windows and siding on homes owned and occupied by low-income homeowners. The installer adds a handling fee to the cost of the windows and siding. The general contractor adds markup to the cost of the windows and siding.

Current Status

The council is being asked to approve an agreement with Cameron Ashley Building Products. This will provide a savings to the City's Community Development (CD) Division on the purchase of windows and siding directly from a supplier. CD is required to improve the energy efficiency, weatherization, and reduce lead-based paint hazards. Buying directly from a supplier will be a cost saving measure. CD currently has 31 homes that require window replacement and 26 siding installation projects.

Recommendation

The staff recommends approval of this agreement.



City of Fayetteville
Community Development Division
Housing Rehabilitation Program
113 W. Mountain Street
Fayetteville, AR 72701



Helping to build a better Community

AGREEMENT FOR WINDOWS, VINYL SIDING AND RELATED MATERIAL

This agreement, executed this _____ day of _____, 2002, between the City of Fayetteville, Arkansas, hereinafter called the "City" and Cameron Ashley Building Products, hereinafter called "Supplier" and having an address at 418 S. Bloomington St, Lowell Arkansas 72762.

In consideration of the following covenants contained herein the parties agree as follows:

1. The Supplier shall at the written request of the City, supply white, vinyl, single hung windows and/or white, vinyl, single slider windows for specific projects.

(a) White, vinyl, double hung windows shall be based on a price of \$1.40 per united inch.

(b) White, vinyl, single slider windows shall be based on a price of \$1.80 per united inch.

2. The supplier shall supply vinyl siding and all required accessories for specific projects. Color to be chosen by the homeowner(s) from stocked colors.

(a) Vinyl siding shall be based on \$49.95 per square.

(b) 3/4" thick insulation board shall be based on \$1.50 per 4' x 4' board.

(c) Rolls of white coil stock shall be based on \$46.00 per 2' x 50' roll.

3. The Supplier shall deliver windows and vinyl siding material to the addresses specified in writing by the City.

4. Community Development shall submit a request for payment to the City upon the receipt of an invoice. No payments shall be made until delivery of all required windows and/or siding.

5. The contract documents includes this agreement and the Bid Form identified as Invitation to Bid 3-1-02 including the General Conditions.

6. The first term of this agreement shall be from award of contract through December 31, 2002. The City has the option to renew this contract for 3 consecutive one year terms. Annual increases will be allowed based on the Consumer Price Index for all Urban Consumers (Index) as published by the U.S. Department of Labor, Bureau of Labor Statistics, published as of October 31, using 1982-84 as the base year. The initial index to be used is October 1999.

7. These contract documents constitute the entire agreement between the City and the Supplier and may be modified only by a duly executed written instrument signed by the City and Supplier.

8. The Supplier shall not assign his/her duties under the terms of this agreement.
9. Supplier agrees to hold the City of Fayetteville and the Department of Housing & Urban Development (HUD) harmless and indemnify the City and HUD against all such claims for property damage, personal injury or death, arising from Supplier's performance of this agreement.
10. The City shall have the right to terminate this agreement for City's convenience upon written notice of Supplier, and Supplier shall terminate performance of supplies on a schedule acceptable to the City. In the event of termination for City's convenience City shall pay Supplier for all material delivered to date of termination.
11. All material called for herein shall be coordinated directly with the Project Manager for each project as designated by the City.
12. Nothing in this agreement shall be construed to give any rights or benefits to anyone other than the City and Supplier.

IN WITNESS THEREOF, City and Supplier have executed this agreement, the effective date of which shall be _____.

Cameron Ashley Building Products

City of Fayetteville

Dan Coody, Mayor

ATTEST BY:

INVITATION TO BID

DATE ISSUED: March 29, 2002

BID NUMBER: 3-1-02

BUYER'S PHONE # (479) 575-8270

RECEIPT OF BIDS:

April 12, 2002, 4:00 p.m.
Community Development Division
125 West Mountain Street
Fayetteville, Arkansas 72701

BUYER: City of Fayetteville, Arkansas, Community Development Division

SCOPE: During the course of this year, The City of Fayetteville, Community Development Division, will purchase approximately 145 vinyl windows of various sizes to be installed in 10 homes and 136 squares of vinyl siding in various colors to be installed on 8 homes, located in the South Fayetteville area.

Provide a manufacturer's specification sheet on the windows and siding.

ITEM # / DESCRIPTION	* PRICES ARE FOR MATERIAL ONLY	
A. Supply white, single-hung, double pane, replacement windows with screens. Price per united inch		1.40
L3200 Series		
B. Supply white, single-slider, double pane, replacement windows with screens. Price per united inch		1.80
L123 Series		
C. Supply in stock colors of 44mil, minimum 4 over 4 vinyl siding.		Price per square 49.95
D. Supply a minimum 3/4" thick insulation board.	4' X 4'	Price per piece 1.50
E. Supply rolls of white coil stock.	Smooth - ?	Price per roll 46.00
F. Supply vented soffit?	1/2" X 1/2' Vinyl	Price per piece 6.00
G. Deliver a minimum order of eight windows.		Price per delivery 0
H. Deliver a minimum of 10 squares of vinyl siding.		Price per delivery 0

Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated above for the remainder of the year 2002.

Name of Firm: Cameron Ashley Building Pro. Phone # 501-770-4505

Complete Business Address: 418 S. Bloomington Lowell AR 72762

Authorized Signature: Christina Baxell Title: Sales

Federal ID #: 58-1984957 Date: 4/9/02

* Prices are for material only. we do not install.

COST COMPARISON

Windows	Cameron Ashley	Razorback Siding
bedroom	86ui x \$1.40 = \$120.40	86ui x \$1.39 = \$119.54
bedroom	86ui x \$1.40 = \$120.40	86ui x \$1.39 = \$119.54
kitchen	62ui x \$1.40 = \$ 86.80	62ui x \$1.39 = \$ 86.18
bathroom	58ui x \$1.40 = \$ 81.20	58ui x \$1.39 = \$ 80.62
bedroom	80ui x \$1.40 = \$112.00	80ui x \$1.39 = \$111.20
dining area	86ui x \$1.40 = \$120.40	86ui x \$1.39 = \$119.54
living room	86ui x \$1.40 = \$120.40	86ui x \$1.39 = \$119.54
living room	80ui x \$1.40 = \$112.00	80ui x \$1.39 = \$111.20
living room	80ui x \$1.40 = \$112.00	80ui x \$1.39 = \$111.20
Total cost of windows	\$985.60	\$978.56

	Cameron Ashley	Razorback Siding
vinyl siding	\$49.95 per sq x 13 sq = \$649.35	\$49.95 per sq x 13 sq = \$649.35
insulation board	\$ 1.50 per pc x 78 pcs = \$117.00	\$ 1.95 per pc x 78 pcs = \$152.10
coil stock	\$46.00 per roll x 3 ros = \$138.00	\$50.00 per roll x 3 ros = \$150.00
vented soffit	\$ 6.00 per pc x 21 pcs = \$126.00	\$ 6.00 per pc x 21 pcs = \$126.00
Total cost of siding	\$1,030.35	\$1,077.45

	Cameron Ashley	Razorback Siding
Total cost of windows	\$985.60	\$978.56
Total cost of siding	\$1,030.35	\$1,077.45
Total project cost	\$2,015.95	\$2,056.01

\$2,056.01 Razorback Siding

(\$2,015.95) Cameron Ashley

\$40.06 savings on one project, we currently have 33 projects, savings of more than \$1,321.98

INVITATION TO BID

DATE ISSUED: March 29, 2002

RECEIPT OF BIDS:

April 12, 2002, 4:00 p.m.
Community Development Division
125 West Mountain Street
Fayetteville, Arkansas 72701

BID NUMBER: 3-1-02

BUYER'S PHONE # (479) 575-8270

BUYER: City of Fayetteville, Arkansas, Community Development Division

SCOPE: During the course of this year, The City of Fayetteville, Community Development Division, will purchase approximately 145 vinyl windows of various sizes to be installed in 10 homes and 136 squares of vinyl siding in various colors to be installed on 8 homes, located in the South Fayetteville area.

Provide a manufacturer's specification sheet on the windows and siding.

ITEM # / DESCRIPTION

- | | | |
|--|--------------------|------------------------|
| A. Supply white, single-hung, double pane, replacement windows with screens. | Price per unit | inch <u>1.39</u> |
| B. Supply white, single-slider, double pane, replacement windows with screens. | Price per unit | inch <u>1.39</u> |
| C. Supply in stock colors of 44mil, minimum 4 over 4 vinyl siding. | Price per square | <u>49⁹⁵</u> |
| D. Supply a minimum 3/4" thick insulation board. | Price per piece | <u>1⁹⁵</u> |
| E. Supply rolls of white coil stock. | Price per roll | <u>50</u> |
| F. Supply vented soffit? | Price per piece | <u>6⁰⁰</u> |
| G. Deliver a minimum order of eight windows. | Price per delivery | <u>[REDACTED]</u> |
| H. Deliver a minimum of 10 squares of vinyl siding. | Price per delivery | <u>[REDACTED]</u> |

Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated above for the remainder of the year 2002.

Name of Firm: Razorback Siding Supply Phone # 800 687 0573

Complete Business Address: 524 South Lincoln, Lowell Ar. 72745

Authorized Signature: [Signature] Title: manager

Federal ID #: 91-0770671 Date: 4/2/02

For the Fayetteville City Council meeting of: May 21, 2002

FROM:

Gary Dumas
Name

Solid Waste and Recycling
Division

General Services
Department

ACTION REQUIRED: Approve resolution authorizing the purchase of carts for the automated residential waste collection program from the low bidder, Toter Inc. Toter will supply 25,000 carts with 4 volume capacities, 96, gallon, 65 gallon, 32 gallon, and 20 gallon. The number of each capacity cart will be based on a customer survey. Final costs will be determined by the individual customer choices.

COST TO CITY:

\$880,250 estimated
Cost of this Request

\$880,000
Category/Project Budget

Residential Carts-Volume Based Program
Category/Project Name

5500-5020-5890-00
Account Number

\$0
Funds Used to Date

Solid Waste
Program Name

02035-1
Project Number

\$880,000
Remaining Balance

Solid Waste Improvements
Fund

BUDGET REVIEW:

☒ Budgeted Item ☐ Budget Adjustment Attached

[Signature] 5/6/02
Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:

Maura Fanning 5/6/02
Accounting Manager Date

ADA Coordinator Date

[Signature] 5/7/02
City Attorney Date

[Signature] 5/7/02
Internal Auditor Date

[Signature] 5/7/02
Purchasing Officer Date

Date

STAFF RECOMMENDATION: Approve Resolution authorizing purchase

Division Head

Date

Cross Reference

[Signature] 5/7/02
Department Director Date

New Item: XXXXX Yes No

[Signature] 5/7/02
Administrative Services Director Date

Prev Ord/Res #:
Orig Contract Date:

[Signature] 5/8/02
Mayor Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council
From: Gary Dumas 
Date: Monday, May 06, 2002
Subject: Residential Carts-Volume Based Program

Background

There are two items on the Council for May 21 related to the automation of the residential waste collection program. This item pertaining to the various sized volume based carts and the following item pertaining to the automated route collection vehicle.

These issues were discussed during the budget session late last fall. The staff was directed to solicit bids and return to Council for action.

Discussion

The bids for the volume based carts came in substantially less than anticipated. The bid is for 25,000 carts of various sizes which will be determined by each customer's choice. Approximately 22,000 carts will be distributed by the successful bidder, who will also mark where the cart should be placed for pickup. The successful bidder will also help to develop necessary public information material for the customer's use. The remaining approximate 3,000 carts will be used for customer requested change outs and for new customers.

During discussions with the Council last fall concerning this program three issues remained to be resolved. The first issue concerned the requirement of a deposit for the cart. The cart costs to the City will range from \$27.17 to \$39.94. A deposit of 100% of the cost would not seem to be extreme. The deposit for existing customers could be billed over 3 to 4 months in the normal billing cycle. A refund could be provided following the payment of the final billing for the customer, provided the cart was recovered by the City. The second issue concerned the monthly rate to be charged based upon the container volume. There was some discussion by the Council that the rate should be designed to more aggressively encourage trash volume reduction. Guidance from the Council is requested concerning this question. The third issue concerns excess

trash beyond the volume of the container. Many cities simply do not allow trash to be placed in bags beside the container. Their policy is to require the customer to retain the excess for the next collection cycle. The option proposed by staff during the discussions last fall would allow additional bags to be placed next to the container, if the bags were purchased from the City maintaining the volume based program. If this is to be the policy a fee structure for this added service will need to be developed based upon the container fee structure. Additionally, repetitive use of additional bags would require purchase of an additional container or an increase in the size of the customer's container.

These are issues that will need to be addressed. The final costs of this purchase can not be finalized until the customer survey is conducted to determine what volume, of how many carts will be required. This survey will be conducted at convenient locations throughout the community to give the customers an opportunity to see the various cart sizes and choose for themselves their individual needs. Prior to this survey the Council will need to finalize the monthly rate and the excess trash issue, since these questions will have an impact on the individual customer's volume choices.

Recommendation

Staff recommends approval of the resolution authorizing purchase of the residential carts from Toter, Inc.

DATE: 02-32
 DATE: 5/03/02
 TIME: 11:00 AM
 CITY OF FAYETTEVILLE

DESCRIPTION:

BIDDER	ITEM #1	ITEM #2	ITEM #3	ITEM #4	ITEM #5	ITEM #6	ITEM #7	ITEM #8
OTTO INDUSTRIES	\$42.00	\$40.00	\$32.00	\$43.60	\$39.00	\$37.00	\$29.00	\$40.35
ROTO INDUSTRIES	\$42.00	\$39.00	\$34.00	no bid	\$40.00	\$37.00	\$32.00	no bid
NOTER INC	\$39.94	\$35.77	\$27.17	\$39.17	\$37.44	\$33.27	\$24.67	\$36.67

Certified by PVice P Vice Purch & Witness Date 5/3/02

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council
From: Gary Dumas (GD)
Date: Tuesday, May 07, 2002
Subject: Attached Memo from Otto Industries

Background

A representative of Otto Industries, a cart manufacturer, has voiced concern about the bid specification defining the cart which would be acceptable to the City of Fayetteville for the automated residential trash collection. Otto Industries' concerns are well outlined in their attached memo and will not be repeated.

Discussion

As the Council is aware due to the invitations to view various demonstrations of automated equipment for this modified program, the Solid Waste Division with the Equipment committee and the Fleet Division have been evaluating automation equipment for the past several months. This equipment has included not only truck chassis's, bodies, and types of automation, but also various cart types and manufacturing processes.

The various carts types were evaluated with the various types of equipment in both hot and cold temperatures. After discussions internally on the performance of the carts to withstand the anticipated use and abuse, to retain their shape after misuse, and general maneuverability when loaded, specific features in construction and design were decided upon.

One of the primary features viewed as necessary for a long-lasting economical cart was the construction process, rotational molding as opposed to injection molding. Other features were a minimum 10 inch wheel size and minimum bar length. These two features were determined necessary to assure ease of customer use and compatibility with our systems semi-automated commercial cart program.

While it is certainly true that other design features could have been developed which

would have resulted in a workable cart, the testing performed by the Division supervisors and drivers, concluded that these features in the bid documents would result in the best cart for our particular situation.

One argument in the Otto Industries memo indicated that the City would be unable to receive competitive pricing with the bid specifications as published. From the bid tab included in the packet, it is clear that the city did receive competitive pricing. The two higher bidders were for injection molded products. Otto Industries did submit one of those bids. The staff is of the opinion that the bid specifications were proper to assure an appropriate product for the community's use and that the pricing is competitive.

Recommendation

This memo is for informational purposes only. Staff is available to answer any questions that the Council may have.

FAX COVER SHEET

TO

COMPANY

FAX NUMBER 15015758241

FROM Warren Webster

DATE 2002-05-03

RE Bid # 02-32

COVER MESSAGE

Please distribute to Mayor and Council Members

Warren Webster



May 2nd, 2002

Mayor and City Representatives
City of Fayetteville
113 W. Mountain Street
Fayetteville, Arkansas 72701

Via Fax Transmission

Ladies and Gentlemen:

We are corresponding with you directly regarding because our attempts to discuss our concerns with Staff by phone and in writing have been ignored.

The City's bid specification (Bid No. 02-32) for automated refuse containers is proprietary, and is clearly intended to eliminate all vendors except Toter. It is our strong belief that the City's citizens are poorly served by a bid procedure that is neither open nor intended to foster competition among vendors.

The following examples of specification items bear out our concerns:

- Several request were made for the City to hold a common practice of a "pre-bid conference" with all potential bidders so items that preclude competition could be eliminated. These request have been ignored.
- The specification requires the successful bidder to meet cart specifications that only one manufacture can meet. This lack of available competition lends itself to a higher cost to the City and a tendency from other bidders not to display their lowest price to competitors on a bid they cannot win.

- The specification calls for a metal bar of 10" in length, which again is only offered by one manufacture. A lengthy lower lift bar does not add to the value of a cart. The opposite is actually the case. By increasing the length of the lower lift bar the cart has the ability to shift from side to side which allows the carts to fall off into the hopper. In a fully automated system the lower lift bar does not come into play. It is our understanding that there is an additional bid out at this time for refuse trucks. Those trucks being fully automated. This specification serves no purpose other than to eliminate prospective bidders.
- The specification requires that the 32-gallon cart have 10-inch wheels. We know of no cart on the market that has a 10-inch wheel. It is items like this that could have been avoided with a pre bid meeting.

We believe you will agree that the purpose of the competitive bidding process is to ensure that taxpayers get the best value for their tax dollars. Specifications such as the one distributed by Staff serve primarily to disparage this policy. By so tightly drafting its specifications to the advantage of one vendor, the current specification is anything but "in the public interest." Indeed, such over-limited specification will be likely to cost the taxpayers substantially more than if the bidding process is open and truly competitive. As it stands, the chosen vendor is hardly likely to feel competitive pricing pressure, and the citizens of Fayetteville will suffer.

The bid opening scheduled for May 3rd, 2002 should be cancelled, a new pre-bid conference should be scheduled, and a bid specification intended to give your residents the benefit of competitive bidding should be published.

We look forward to presenting our offer based on publication of a specification intended to foster rather than eliminate competition.

Yours truly,

Warren Webster

Warren Webster
Otto Industries.



STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of April 17, 2002.

FROM:

Tim Conklin

Planning

Urban Development

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for VA02-1, submitted by Ken and Kathie Marvin for property located between lots 8, 9, 10 and 11 of Block 5 of Rochier Heights Subdivision. The request is to vacate the alley between lots 8, 9, 10 and 11 as shown and described on the attached maps and legal descriptions.

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

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and on March 25, 2002, Planning Commission voted 9-0-0 to recommend and forward the vacation to the City Council.

Division Head

3-28-02

Department Director

Date

Administrative Services Director

Date

Mayor

Date

"

Date

Cross Reference

New Item: Yes No

Prev Ord/Res#:

Orig Contract Date:

Consent _____
New Business _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING VA02-1.00 TO VACATE AND ABANDON A 10' WIDE ALLEY LOCATED BEHIND LOTS 8-9 AND 10-11 OF ROCHIER HEIGHTS SUBDIVISION, CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON THE ATTACHED MAP.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described right-of-way is not required for corporate purposes.

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

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons all of its rights together with the rights of the public generally, in and to the following described right-of-way:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. That a copy of this Ordinance duly certified by the City Clerk shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2002.

APPROVED:

DRAFT

By _____
Dan Coody, Mayor

ATTEST:

By _____
Heather Woodruff, City Clerk

EXHIBIT "A"

THE PLATTED ALLEYWAY BETWEEN LOTS 8-9 AND 10-11 IN BLOCK 5 OF PREVIOUS
PLATTED ROCHIER HEIGHTS IN THE NE $\frac{1}{4}$, NE $\frac{1}{4}$ OF SECTION 20, T-16-N, R-30-W, IN
WASHINGTON COUNTY, ARKANSAS.

Estes: The next item on the agenda is item number eight, this was a conditional use request submitted by Robert Schmitt on behalf of Brian Dandy for property located at the southwest corner of Fletcher Ave. and Rodgers Dr. this item was to be heard only if item number eight on the agenda, the large scale development was approved. Because the motion to approve the LSD failed by a vote of five to four, item number nine is removed from the agenda.

VAC 02-1.00: Vacation (Marvin, pp 560) was submitted by Ken and Kathie Marvin for property located east of Rose and south of Rochier. The property is zoned R-2, Medium Density Residential and contains approximately 0.05 acres. The request is to vacate the alley between lots 8,9 10 and 11 of Block 5 of Rochier Heights.

Estes: Item number ten on the agenda is a vacation request. This is VAC -2-1.00, alley vacation submitted by Ken Marvin for property located at 828 and 830 S. Rose Ave., lots 8-11, block 5, Rochier Heights addition. The request is to vacate a 20' wide unimproved alley located to the south of lots eight and nine and to the north of lots 10 and 11 in the above-described subdivision. The recommendation is that the proposed alley vacation be forwarded to the City Council with recommendation for approval. Is the applicant or applicant's representative present? Yes Sir, do you have a presentation that you would like to make? If so, please state your name and provide us with the benefit of your presentation.

Marvin: I am Ken Marvin and I am going to make it real short. I have a four-pled on Rochier, I have an alley way behind my four-plex which I want to vacate so I can put another four-plex above it. That is short.

Estes: Thank you Mr. Marvin. Is there any member of the audience who would like to provide public comment on this requested alley vacation? Seeing none, I will bring it back to the Commission for discussions, motions. Commissioners?

Hoffman: At the risk of being run out of the Commission on a rail, I do have a question. I was up driving and talking to Tim on the cell phone trying to find this today and this is indeed a paper subdivision and there is nothing else there. My only question is are we going to block access to anybody else's property that doesn't have a road built to it by vacating this alley? Which I think I actually found.

Conklin: No.

Hoffman: We are not going to create land locking?

Conklin: The only way to get to the alley is on a paper street which doesn't exist so

by vacating the alley you are not vacating any current access on this entire hilltop.

Hoffman: When you look at a plat and you vacate the alley, if any of this was built, because that was all somebody's idea or dream at one time. Would you land lock any property where we are going to come back and have a problem?

Conklin: No, if you look at page 10.7a, those bigger lines are street right-of-way. These are all lots up there on paper street right-of-way. It is not going to block any individual parcels.

Hoffman: That is all I wanted to know. Thank you very much.

Marvin: I have a survey if you want to see it.

Hoffman: I don't need it, thank you.

Conklin: I just do want to make you aware, we did receive one letter concerned about this question that Commissioner Hoffman asked, it blocking access to their property. That is on page 10.4. Once again, I don't understand how it would block access when we have all this paper street right-of-way on this entire hillside. I did want to make you aware of that.

Estes: Thank you Mr. Conklin. Is there any other discussion? Any motions?

Motion:

Hoffman: I make a motion to approve this alley vacation 02-1.00.

Estes: We have a motion by Commissioner Hoffman to approve VAC 02-1.00, is there a second?

Ward: Second.

Estes: We have a second by Commissioner Ward. Is there any discussion? We have a motion by Commissioner Hoffman and a second by Commissioner Ward to approve VAC 02-1.00. Will the motion the pass? Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to recommend approval of VAC 02-1.00 to the City Council was approved by a vote of 9-0-0.

Estes: The motion passes by a unanimous vote. This will be forwarded to the Fayetteville City Council with recommendation for approval of the alley vacation request. Thank you Mr. Marvin.

PC Meeting of 25 March 02

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

Alley Right of Way Vacation
Ken & Kathie Marvin

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner
Sara Edwards, Associate Planner
FROM: Ron Petrie, Staff Engineer
DATE: March 21, 2002

Project: VA 02-01.00: Alley Vacation (Ken & Kathie Marvin, pp 560) was submitted by Ken Marvin for property located at 828 and 830 South Rose Avenue, Lots 8-11, Block 5, Rochier Heights Addition. The request is to vacate a 20' wide unimproved alley located to the south of Lots 8 & 9 and to the north of Lots 10 & 11 in the above described Subdivision. See the attached maps and legal descriptions for the exact locations of the requested alley vacation.

A letter was received from an adjacent property owner that objects to the requested alley vacation. This letter has been included in the report.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric - Not applicable.

Southwestern Electric Power Company - No objections.

Arkansas Western Gas - No objections.

SW Bell - No objections.

Cox Communications - No objections, provided that "any damage to or relocations of Cox facilities will be at the Owner's expense."

City of Fayetteville:

Water/Sewer - No objections.

Street Department - No objections.

Solid Waste - No objections.

Recommendation: Forward to City Council with Recommendation for Approval

PLANNING COMMISSION ACTION: yes Required
_____ Approved _____ Denied

Date: 03/25/02

Comments:

CITY COUNCIL ACTION: yes **Required**
 Approved **Denied**

Date: / /

PETITION TO VACATE an alley between Lots 8-9 and 10-11 in Block (5) of previous platted Rochier Heights in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section (20), T-16-N, R-30-W, in Washington County, Arkansas.

TO: The Fayetteville City Planning Commission and The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the alley sought to be abandoned and vacated, lying in between Lots 8-9 and 10-11 in Block (5) of previous platted Rochier Heights in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section (20), T-16-N, R-30-W, in the City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an alley.

That the abutting real estate affected by said abandonment of the alley are Lots 8-9 and 10-11 in Block (5) of previous platted Rochier Heights in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section (20), T-16-N, R-30-W, in the City of Fayetteville, Arkansas and never used by the public, remaining a field to this day, and the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described alley.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

We, the petitioners, have already constructed and rent a fourplex on lots Lots 8-9, Block 5, and would like to be able to place a driveway over the afore mentioned alleyway to construct a fourplex on lots 10-11, Block 5.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 21 day of March 2002.

Kathie Marvin

Kathie Marvin

Ken Marvin

Ken Marvin



MAR 21 2002

UROLOGY ASSOCIATES

220 McAuley Court
Hot Springs National Park, AR 71913
Phone (501) 623-8110 - Fax (501) 623-2296

PLANNING DIV.

PHILIP A. WOODWARD, M.D.

CHARLES C. WRIGHT, JR., M.D.

NIRMAL K. KILAMBI, M.D.

Date: March 18, 2002

To: The Fayetteville Planning Commission
113 West Mountain
Fayetteville, AR 72701

Dear Commissioner's:

This is in response to a public hearing notice which affects my property involving Rochier Heights. This property is currently under consideration by perspective buyers. The property involved in the proposed VACATION would affect public and private access to my property. This is a public safety issue. This alley allows additional access to my property and there is concern as to limiting fire and police access. I have consulted with commercial realtors who are working with me and they concur. We ask that you vote in opposition to the proposed VACATION adjacent to my property.

Sincerely,

Charles C. Wright

**WASHINGTON COUNTY ABSTRACT
& TITLE COMPANY, INC.**

**212 West Emma Avenue
P.O. Box 348
Springdale, AR 72764**

**Phone (479) 751-2183
Fax (479) 756-2918**

Visit our Website "wacotitle.com"

March 21st, 2002

City Engineer/Planning Director
The City of Fayetteville
Fayetteville, AR

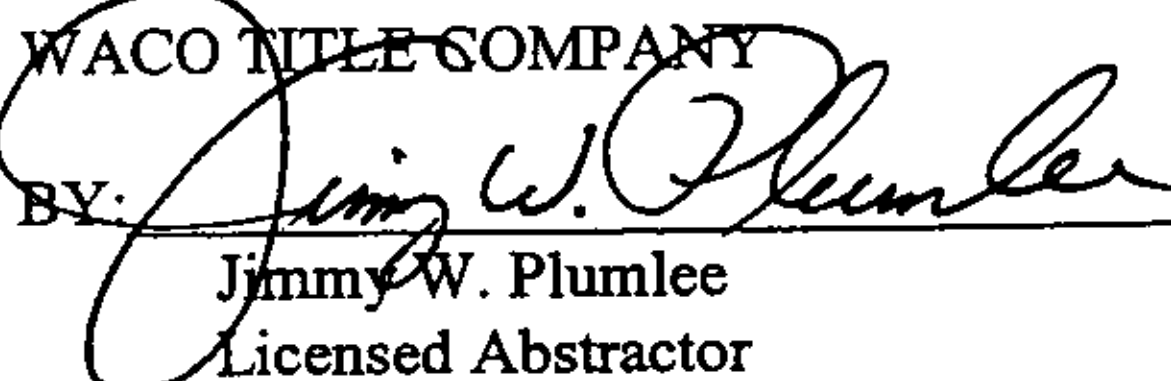
Re: Kathie Anne Marvin & Kenneth E. Marvin, Wife & Husband
Lots 8, 9, 10 & 11, Block 5, Rochier Heights

We hereby certify that we have searched the Washington County land records as of March 21st, 2002, and find that the following described lands, situated in Washington County, Arkansas, and more particularly described as follows:

Lots Numbered Eight (8), Nine (9), Ten (10) and Eleven (11), Block
Numbered Five (5), Rochier Heights, Fayetteville, Arkansas,

are owned by Kathie Anne Marvin and Kenneth E. Marvin, Wife and Husband, by Deeds filed for record as Land Document No. 97005456 and Land Document No. 97005461 (Copies Attached) and that said property is listed on the Washington County Tax Rolls as Tax Parcel No. 765-10099-000 (Copy Attached).

Dated and certified this 21st day of March, 2002, at 8:00 A.M.

WACO TITLE COMPANY
BY: 
Jimmy W. Plumlee
Licensed Abstractor

NORTHWEST ARKANSAS' TITLE COMPANY OF THE PAST, PRESENT & FUTURE

VAC02-01.00

Close Up View

MARVIN



1-1

ROSE AVE

ROCHIER ST

R-2

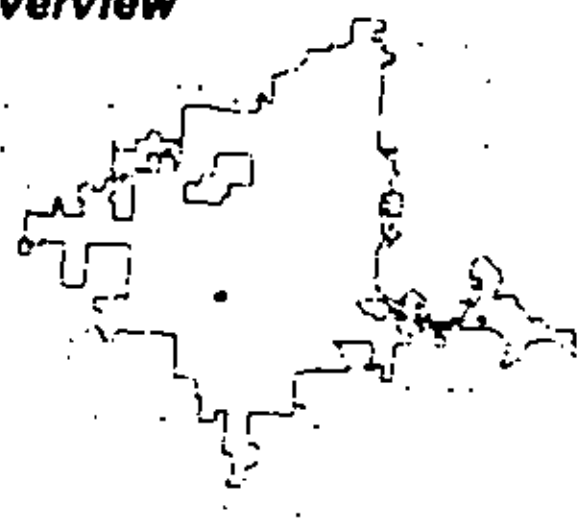
R-2

PARIS AVE

Subject Property

R-2

Overview



Legend

Subject Property

VAC02-01.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

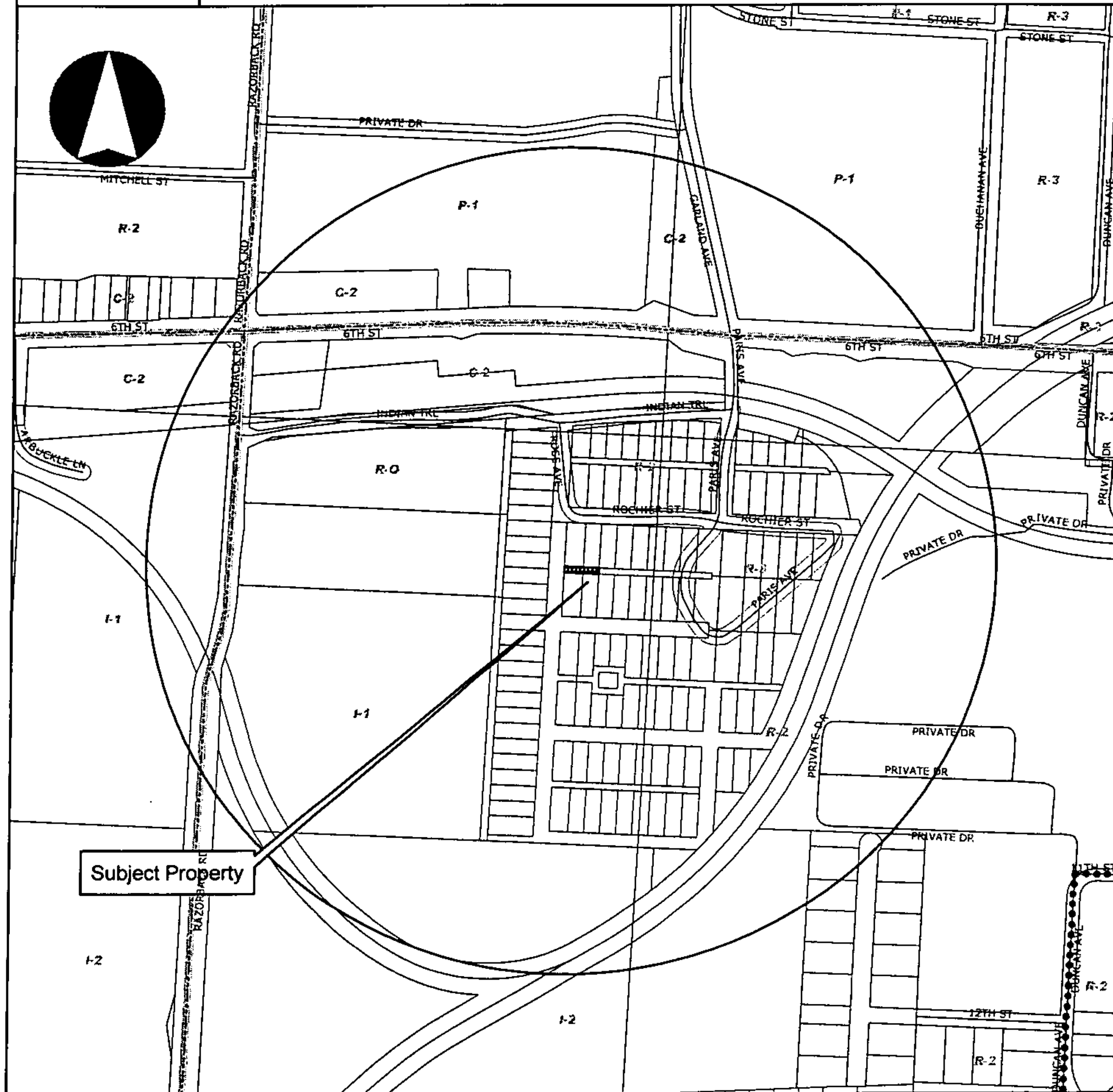
Historic Collector

0 37.5 75 150 225 300 Feet

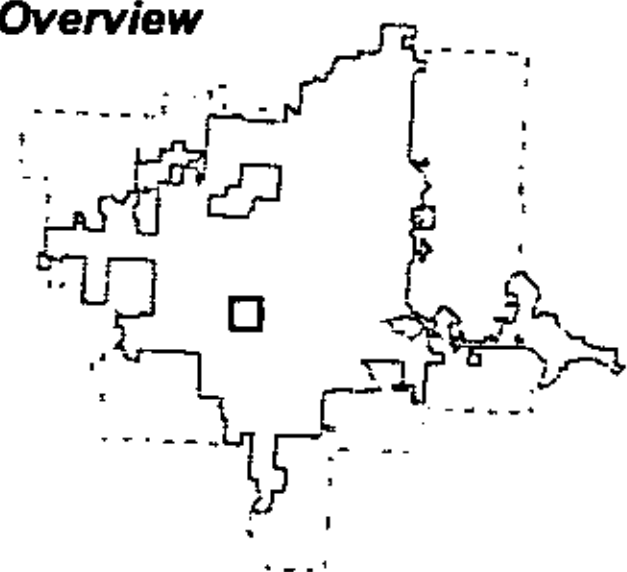
VAC02-01.00

One Mile View

MARVIN



Overview



Legend

Subject Property

VAC02-01.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.035 0.07 0.14 0.21 0.28 Miles

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville City Council
FROM: Tim Conklin, City Planner
THRU: Hugh Earnest, Urban Development Director
DATE: May 3, 2002

BACKGROUND

RZN 02-10.00 was submitted by Richard Grubbs on behalf of Mid-America Management Company for property located in the 100 Block of Appleby Road, west of Northwest Nursing Center. The property is zoned A-1, Agricultural and contains approximately 0.14 acres. The request is to rezone to R-O, Residential Office.

A property line adjustment and successful rezoning for the property adjoining this tract in June of 2000, resulted in the property to the west being zoned R-O, Residential Office. Recently, the applicant has adjusted the property further in order to acquire approximately 20' of land from the Northwest Nursing Center on the east. This request is for that 20' strip of property to also be rezoned to R-O, Residential Office in order for the resulting tract to have uniform zoning.

CURRENT STATUS

The Planning Commission voted 8-0-0 to recommend to the City Council approval of the requested rezoning.

RECOMMENDATION

Staff and the Planning Commission recommend approval of the requested rezoning.

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of May 21, 2002.

FROM:

Tim Conklin

Planning

Urban Development

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for RZN 02-10.00 as submitted by Richard Grubbs on behalf of Mid-America Management Company for property located in the 100 Block of Appleby Road, west of Northwest Nursing Center. The property is zoned A-1, Agricultural and contains approximately 0.14 acres. The request is to rezone to R-O, Residential Office.

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

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

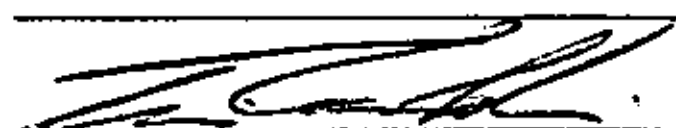
Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and on April 22, 2002 the Planning Commission voted 8-0-0 to recommend the rezoning be approved by the City Council.


 Division Head

 5-3-02
 Date
Cross Reference

Department Director

Date

New Item: Yes No

Administrative Services
Director

Date

Prev Ord/Res#: _____

Mayor

Date

Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 02-10.00 FOR A PARCEL
CONTAINING APPROXIMATELY 0.14 ACRES LOCATED IN THE 100
BLOCK OF APPLEBY ROAD, WEST OF NORTHWEST NURSING
CENTER, FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY RICHARD
GRUBBS ON BEHALF OF MID-AMERICA MANAGEMENT COMPANY.

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

Section 1: That the zone classification of the following described
property is hereby changed as follows:

From A-1, Agricultural to R-O, Residential Office as shown in Exhibit A
attached hereto and made a part hereof.

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

PASSED AND APPROVED this _____ day of _____, 2002.

APPROVED:

By: **DRAFT**
DAN COODY, Mayor

ATTEST:

By: **DRAFT**
Heather Woodruff, City Clerk

EXHIBIT "A"

A part of the S1/2 of the NW1/4 of the NW1/4 of Section 35, Township 17 North, Range 30 West in Washington County, Arkansas, being more particularly described as follows: Commencing at the Northwest corner of said S1/2 of the NW1/4 of the NW1/4; thence N 88°53'22" E 731.88 feet to the Point of Beginning; thence N 88°53'22" E 19.73 feet; thence S 01°13'00" E 309.68 feet; thence S 89°13'00" W 20.46 feet; thence N 01°04'50" W 309.56 feet to the Point of Beginning, being a point in Appleby Road, containing 0.14 Acres, more or less. Subject to the road right-of-way for Appleby Road and all easements of record.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Senior Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: April 13, 2002

RZN 02-10.00: Rezoning (Mid-America, pp 251) was submitted by Richard Grubbs on behalf of Mid-America Management Company for property located in the 100 Block of Appleby Road, west of Northwest Nursing Center. The property is zoned A-1, Agricultural and contains approximately 0.14 acres. The request is to rezone to R-O, Residential Office.

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION:	Required <u>YES</u>	☐ Approved	☐ Denied
Date: <u>April 22, 2002</u>			
CITY COUNCIL ACTION:	Required <u>YES</u>	☐ Approved	☐ Denied
Date: <u>May 21, 2002 (1st reading)</u>			

Comments: _____

BACKGROUND:

A property line adjustment and successful rezoning for the property adjoining this tract in June of 2000, resulted in the property to the west being zoned R-O, Residential Office. Recently, the applicant has adjusted the property further in order to acquire approximately 20' of land from the Northwest Nursing Center on the east. This request is for that 20' strip of property to also be rezoned to R-O, Residential Office in order for the resulting tract to have uniform zoning.

SURROUNDING LAND USE AND ZONING

North:	WRMC (under construction), R-O
South:	North Heights (townhomes), R-2
East:	Northwest Nursing Center, A-1
West:	Vacant, R-O

INFRASTRUCTURE:

Streets:	This property is adjacent to Appleby Dr. which is designated on the Master Street Plan as a collector. Collector streets are designed to handle 4,000 - 6,000 vehicles per day with a total right-of-way of 70'.
Water:	6" line along Appleby Dr.
Sewer:	10" line along Appleby Dr. to the east / Sewer is also accessible from the rear of the property through an easement secured by the applicant through lots 13B and 14A of the North Heights Addition.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to R-O, Residential Office is consistent with the land use plan.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning is consistent with the General Plan 2020. R-O zoning will provide flexibility for the property owner to develop either residentially or in a manner consistent with neighboring office developments.

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

rezoning is proposed.

Finding: **The proposed zoning is justified and needed at this time. The need for medical and similar offices to serve the surrounding residential neighborhoods is increasing in this area due to the construction of the new hospital and other facilities in this area.**

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

Finding: **The proposed zoning would not create or appreciably increase traffic danger or congestion.**

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

Finding: **The proposed zoning would not alter population density and thereby undesirably increase the load on public services.**

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

Finding: **N/A**

§161.12 DISTRICT R-O RESIDENTIAL OFFICE.

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

B. Uses.**1. Uses Permitted.**

Unit 1	City-Wide Uses by Right
Unit 5	Government Facilities
Unit 8	Single-Family and Two-Family Dwellings
Unit 12	Offices, Studios and Related Services
Unit 25	Professional Offices

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 9	Multi-Family Dwelling - Medium Density
Unit 10	Multi-Family Dwelling - High Density
Unit 13	Eating Places

C. Bulk and Area Regulations.
(Per Dwelling Unit for Residential Structures)

Lot Minimum Width:	Mobile Home Park	100 ft.
	Lot Within a Mobile Home Park	50 ft.

Lot Minimum Width:	Mobile Home Park	100 ft.
	One Family	60 ft.
	Two Family	60 ft.
	Three or More	90 ft.
Lot Area Minimum:	Mobile Home Park	3 acres
	Lot Within a Mobile Home Park	4200 sq. ft.
	Row Houses: Development Individual Lot	10,000 sq. ft. 2500 sq. ft.
	Single Family	6000 sq. ft.
	Two Family	6500 sq. ft.
	Three or More	8000 sq. ft.
	Fraternity or Sorority	1 acres
Land Area Per Dwelling Unit:	Mobile Home	3000 sq. ft.
	Row Houses & Apartments: Two or More Bedrooms One Bedroom No Bedroom	1200 sq. ft. 1000 sq. ft. 1000 sq. ft.
	Fraternity or Sorority	500 sq. ft., per resident

D. Bulk and Area Regulations/ Setbacks.

Setback lines shall meet the following minimum requirements.

From Street ROW	30 ft.
From Street ROW if Parking is Allowed Between the ROW and the Building	50 ft.
From Side Property Line	10 ft.
From Side Property Line When Contiguous to a R-1, R-2 or R-3 District	15 ft.
From Back Property Line Without Easement or Alley	25 ft.
From Center Line of Public Alley	10 ft.

E. Building Area. On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

F. Height Regulations. There shall be no maximum height limits in R-O Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any R-1, R-2, or R-3 District an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, §160.041; Code 1965, App. A, Art. 5(x); Ord. No. 1747, 6-29-89; Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80)

RECEIVED
APR 16 2002
PLANNING DIV.

ARKANSAS COMMERCIAL
REAL ESTATE
P.O. Box 328
Fayetteville, AR 72702
(501) 790-1122

April 1, 2002

The City of Fayetteville, Arkansas
Office of City Planning
113 West Mountain
Fayetteville, AR 72701

Dear Friend:

The following information is for a request to rezone property owned by Mid-America Management Associates, LLC.

The request is to rezone a strip of land approximately 20 feet by 310 feet (.14 acre) that has been removed from parcel # 765-15950-001 (Northwest Nursing Center) and added to parcel # 765-15950-003 in a recent lot line adjustment.

The requested zoning is a R-O zoning to match the zoning of the remaining parcel and allow this .14-acre to be utilized at its highest and best use.

Availability of water and sewer is shown on the enclosed map supplied by the engineering department. The water line (8") on the north side of Appleby Road and the Sewer line (10") located on Cydnee Street will serve this property. After consulting with Ron Petrie, a 20' sewer easement located between Lot 13B and Lot 14A of the North Heights Addition was obtained and filed for record on October 19, 2001. Please refer to the enclosed Easements.

Sincerely,

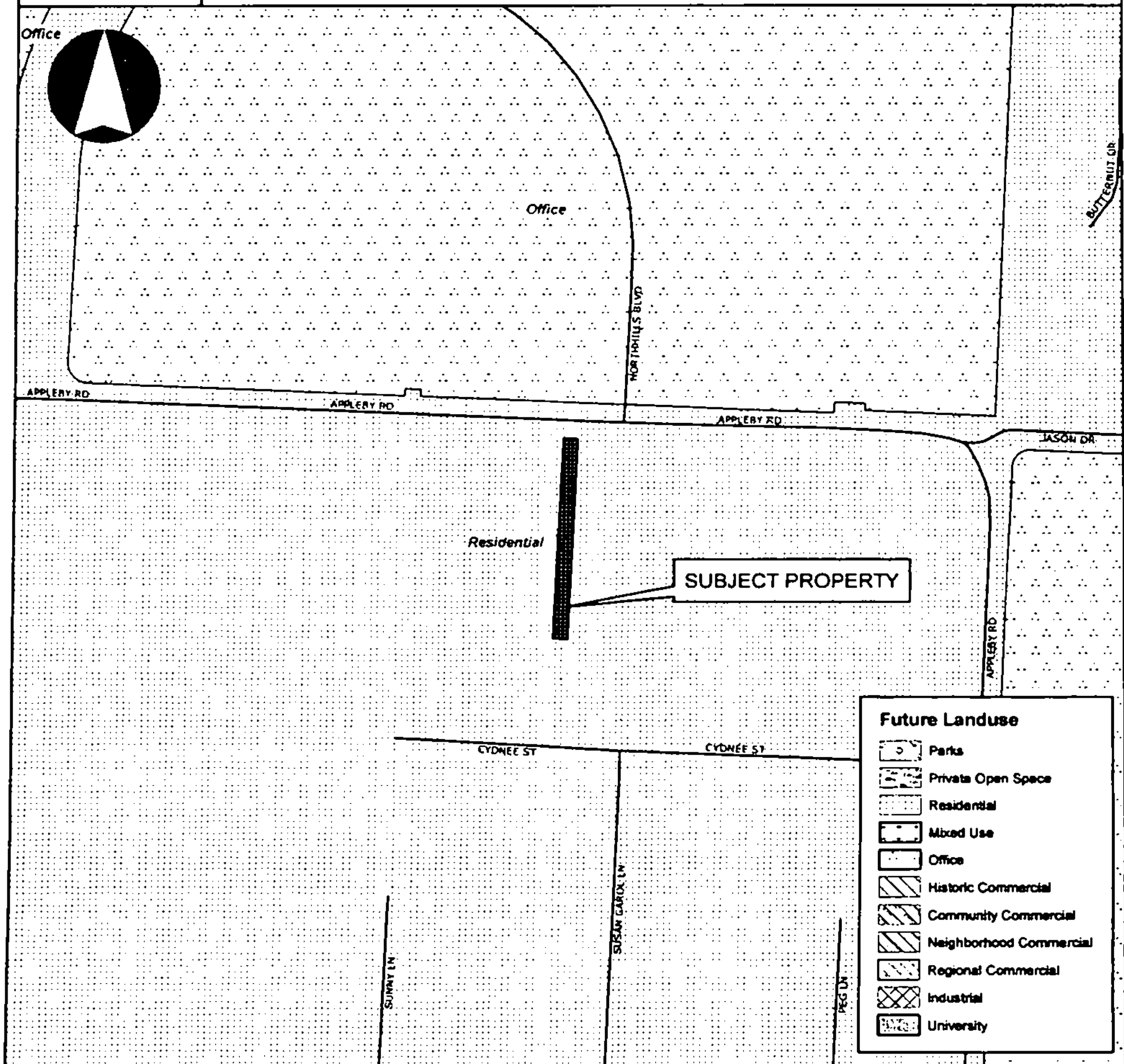


Richard L. Grubbs
Owner
rich@arkansascommercial.com

RZN02-10.00

Future Landuse

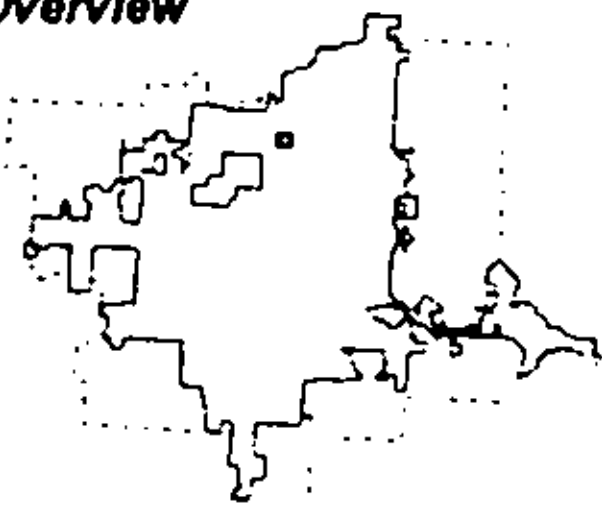
MID-AMERICA MANAGEMENT COMPANY



Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview



Legend

Subject Property

RZN02-10.00

Streets

- Existing
- Planned

Boundary

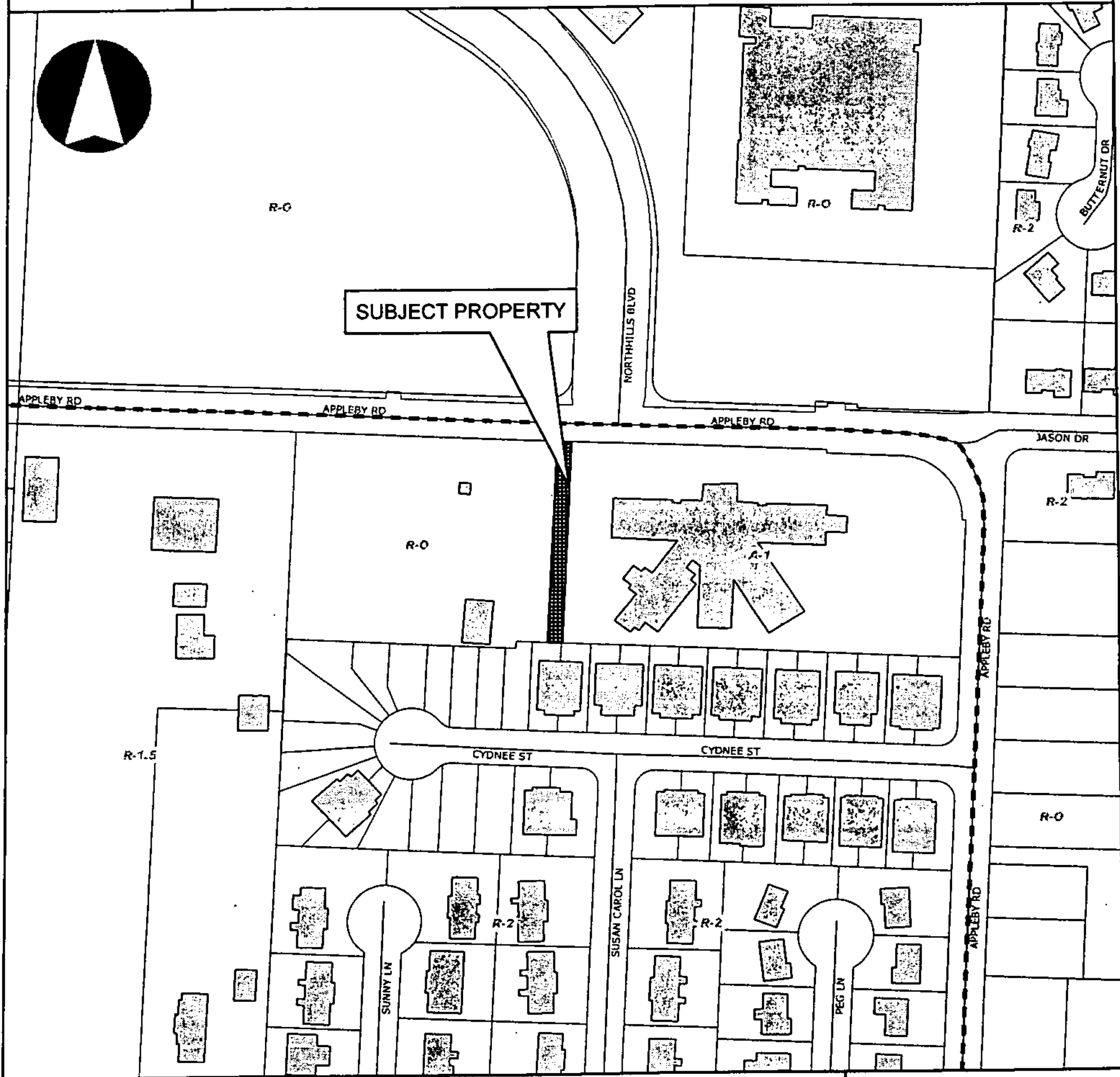
- Planning Area
- Overlay District
- City Limits

0 80 160 320 480 640 Feet

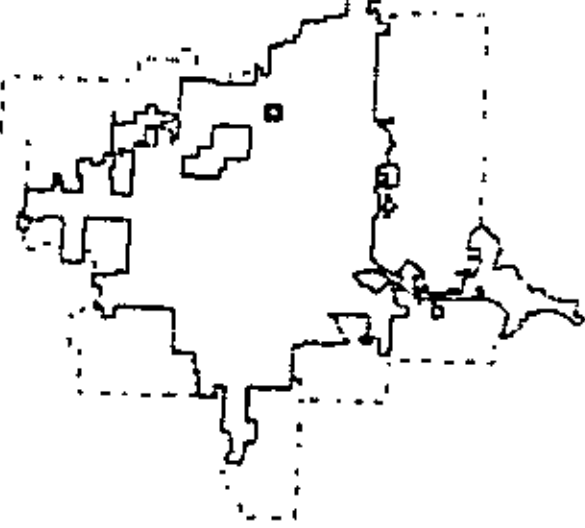
RZN02-10.00

Close Up View

MID-AMERICA MANAGEMENT COMPANY



Overview



Legend

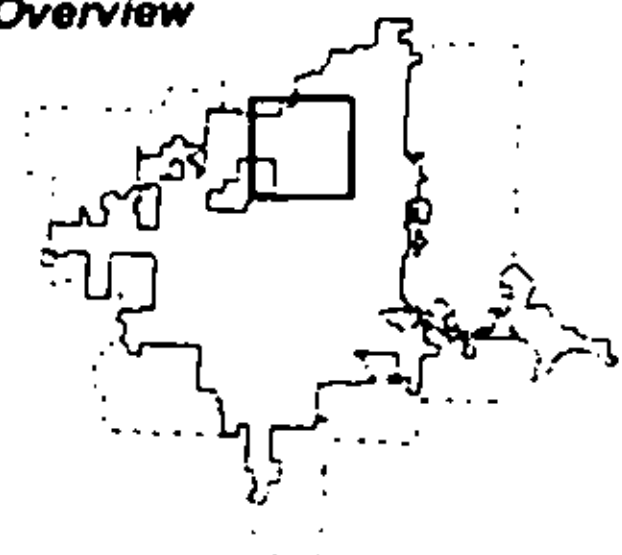
- | | | |
|--|------------------|---------------------------|
| Subject Property | Boundary | Master Street Plan |
| RZN02-10.00 | Planning Area | Freeway/Expressway |
| Streets | Overlay District | Principal Arterial |
| Existing | City Limits | Minor Arterial |
| Planned | Outside City | Collector |
| | | Historic Collector |
| <div style="display: flex; justify-content: space-between; width: 100%;">0 70 140 280 420 560Feet</div> | | |

One Mile View

MID-AMERICA MANAGEMENT COMPANY



Overview



Subject Property

RZN02-10.00

Streets

Existing

 Planned

Boundary

Planning Area

Overlay District

City Limits

☐ Outside City

Master Street Plan

 Freeway/Expressway Principal Arterial Minor Arterial

Collector

 Historic Collector

0 0.125 0.25 0.5 0.75 1 Miles

Hoffman: The next item on the agenda tonight is RZN 02-10.00 for Mid-America, which was submitted by Richard Grubbs on behalf of Mid-America Management Company for property located in the 100 block of Appleby Road, west of Northwest Nursing Center. The property is zoned A-1, Agricultural and contains approximately .14 acres. The request is to rezone to R-O, Residential Office. Staff recommends approval of the requested rezoning based on the findings included as a part of this report which we have. Would you please state your name and do you have a presentation?

Grubbs: Rich Grubbs with Arkansas Commercial Real Estate and no, I am just here to answer any questions.

Hoffman: Ok, thank you Mr. Grubbs. Is there any member of the audience that wishes to address us on this rezoning? I will remind everybody that a rezoning is a recommendation that would be forwarded to City Council, either pro or con at their next regularly scheduled meeting. I will bring it back to the Commission for motions or discussion.

Motion:

Estes: This request is to rezone a strip of land approximately 20' x 310' that was removed from a parcel and added to an adjacent parcel in a recent lot line adjustment. It is landlocked. I see it as an administrative matter almost and would move for approval of RZN 02-10.00.

Hoffman: I have a motion to approve RZN 02-10.00 by Commissioner Estes.

Bunch: I will second.

Hoffman: I have a second by Commissioner Bunch. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to approve RZN 02-10.00 was approved by a vote of 8-0-0.

Hoffman: The motion carries unanimously with a vote of eight to zero. Thank you very much.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville City Council
FROM: Tim Conklin, City Planner
THRU: Hugh Earnest, Urban Development Director
DATE: May 3, 2002

BACKGROUND

RZN 02-11.00 was submitted by Ray Boudreaux of the City of Fayetteville for property located on South School at Drake Field. The property is zoned C-2, Thoroughfare Commercial and contains approximately 3 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.

The subject property is the site of a parking lot which is no longer needed to serve the activities at Drake Field. The City proposes to redevelop this property into hanger space and new taxiways. These projects would be leased out to private corporations or individuals. This rezoning is being requested at this time because these activities are not permitted under the current zoning and the City's adopted General Plan has designated this area for industrial development.

CURRENT STATUS

The Planning Commission voted 8-0-0 to recommend to the City Council approval of the requested rezoning.

RECOMMENDATION

Staff and the Planning Commission recommend approval of the requested rezoning.

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of May 21, 2002.

FROM:

Tim Conklin

Planning

Urban Development

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for RZN 02-11.00 as submitted by Ray Boudreaux on behalf of the City of Fayetteville for property located at Drake Field on South School Avenue. The property is zoned C-2, Thoroughfare Commercial and contains approximately three acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.

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

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

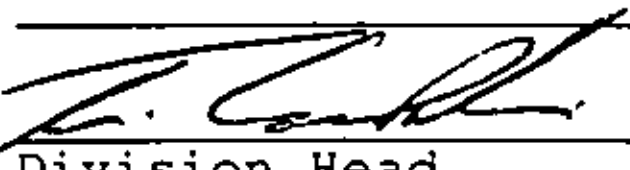
Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and on April 22, 2002 the Planning Commission voted 8-0-0 to recommend the rezoning be approved by the City Council.


Division Head

5-3-02

Date

Cross Reference

Department Director

Date

New Item: Yes No

Administrative Services
Director

Date

Prev Ord/Res#: _____

Mayor

Date

Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 02-11.00 FOR A PARCEL
CONTAINING APPROXIMATELY 3.00 ACRES LOCATED AT DRAKE
FIELD ON SOUTH SCHOOL STREET, FAYETTEVILLE, ARKANSAS, AS
SUBMITTED BY RAY BOUDREAUX ON BEHALF OF THE CITY OF
FAYETTEVILLE.

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

Section 1: That the zone classification of the following described
property is hereby changed as follows:

From C-2, Thoroughfare Commercial to I-1, Heavy Commercial, Light
Industrial, as shown in Exhibit A attached hereto and made a part hereof.

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

PASSED AND APPROVED this _____ day of _____, 2002.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

DRAFT

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"

PART OF THE NORTH HALF (N ½) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION FOUR (4) IN TOWNSHIP FIFTEEN (15) NORTH OF RANGE THIRTY (30) WEST OF THE 5TH PRINCIPAL MERIDIAN BEING DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION, TOWNSHIP AND RANGE, AND RUNNING THENCE WEST 186 FEET TO THE EAST LINE OF THE 80 FOOT RIGHT OF WAY OF U.S. HIGHWAY NO. 71, SAID LINE BEING 40 FEET FROM THE CENTER LINE OF THE PRESENT 18 FOOT CONCRETE PAVEMENT; THENCE NORTH 02 DEGREES AND 11 MINUTES EAST PARALLEL WITH SAID HIGHWAY 208.9 FEET; THENCE EAST 622.1 FEET; THENCE SOUTH 208.7 FEET TO THE SOUTH LINE OF SAID 80 ACRE TRACT; THENCE WEST 444.1 FEET TO THE POINT OF BEGINNING, CONTAINNG AN AREA OF THREE (3) ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD, AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Senior Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: April 11, 2002

RZN 02-11.00: Rezoning (City of Fayetteville, pp 834) was submitted by Ray Boudreaux of the City of Fayetteville for property located on South School at Drake Field. The property is zoned C-2, Thoroughfare Commercial and contains approximately 3 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION:	Required <u>YES</u>	☐ Approved	☐ Denied
Date: <u>April 22, 2002</u>			
CITY COUNCIL ACTION:	Required <u>YES</u>	☐ Approved	☐ Denied
Date: <u>May 21, 2002 (1st reading)</u>			

Comments: _____

BACKGROUND:

The subject property is the site of an under used parking lot which is no longer needed to serve the activities at Drake Field. The City proposes to redevelop this property into hanger space and new taxiways. These projects would be leased out to private corporations or individuals. This rezoning is being requested at this time because these activities are not permitted under the current zoning and the City's adopted General Plan has designated this area for industrial development.

SURROUNDING LAND USE AND ZONING

North: Drake Field property, C-1
South: Greenland (outside City)
East: Drake Field property, I-1
West: Greenland (outside City)

INFRASTRUCTURE:

Access to this site is from Hwy 71S which is classified a principal arterial on the Master Street Plan. Utilities are available and currently serve other facilities on the overall site.

LAND USE PLAN: General Plan 2020 designates this site Industrial. Rezoning this property to I-1, Heavy Commercial Light Industrial is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning is consistent with land use planning objectives, principles and policies and with land use and zoning plans.

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

Finding: The proposed zoning is justified in order to plan for the redevelopment of this area in a manner consistent with the adopted objectives of the City.

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

Finding: The proposed zoning will not create or appreciably increase traffic danger

and congestion.

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

Finding: The proposed zoning will not alter population density.

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

Finding: N/A

§161.17 DISTRICT I-1 HEAVY COMMERCIAL AND LIGHT INDUSTRIAL.

A. Purpose. The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The light industrial district is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 3	Public Protection and Utility Facilities.
Unit 4	Cultural and Recreational Facilities
Unit 6	Agriculture
Unit 12	Offices, Studios and Related Services
Unit 13	Eating Places
Unit 17	Trades and Services
Unit 18	Gas Service Stations and Drive-In Restaurants
Unit 21	Warehousing and Wholesale
Unit 22	Manufacturing
Unit 25	Professional Offices
Unit 27	Wholesale Bulk Petroleum Storage Facilities with Underground Storage Tanks

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 19	Commercial Recreation
Unit 20	Commercial Recreation-Large Sites
Unit 28	Center for Collecting Recyclable Materials

C. Bulk and Area Regulations/Setbacks. Setback lines shall meet the following minimum requirements:

From Street R-O-W (when adjoining A or R districts)	50 ft.
From Street R-O-W (when adjoining C, I or P districts)	25 ft.
Side (when adjoining A or R districts)	50 ft.
Side (when adjoining C, I or P districts)	10 ft.
Rear (when adjoining C, I or P districts)	10 ft.

D. Height Regulations. There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(Code 1991, §160.039; Code 1965, App. A, Art. 5(VIII); Ord. No. 1747, 6-29-89; Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79)

FAYETTEVILLE

AIRPORT ADMINISTRATION OFFICE
THE CITY OF FAYETTEVILLE, ARKANSAS

April 1, 2001

Tim Conklin
Planning Division Director
City of Fayetteville

VIA FACSIMILE

Dear Mr. Conklin:

We are planning to develop a former parking lot into a Corporate Hangar area with new taxiways, fencing and lots for lease on which to build hangars. The smallest hangar is to be 8,000 square feet, the largest 20,000 square feet.

The airport acquired this parcel in the recent past and failed to re-zone it from C-2 to I-1. Hangars are typically industrial usage.

Please effect the change from C-2 to I-1. If additional information is needed please contact me at 718-7642.

Thank you for your assistance in this matter.

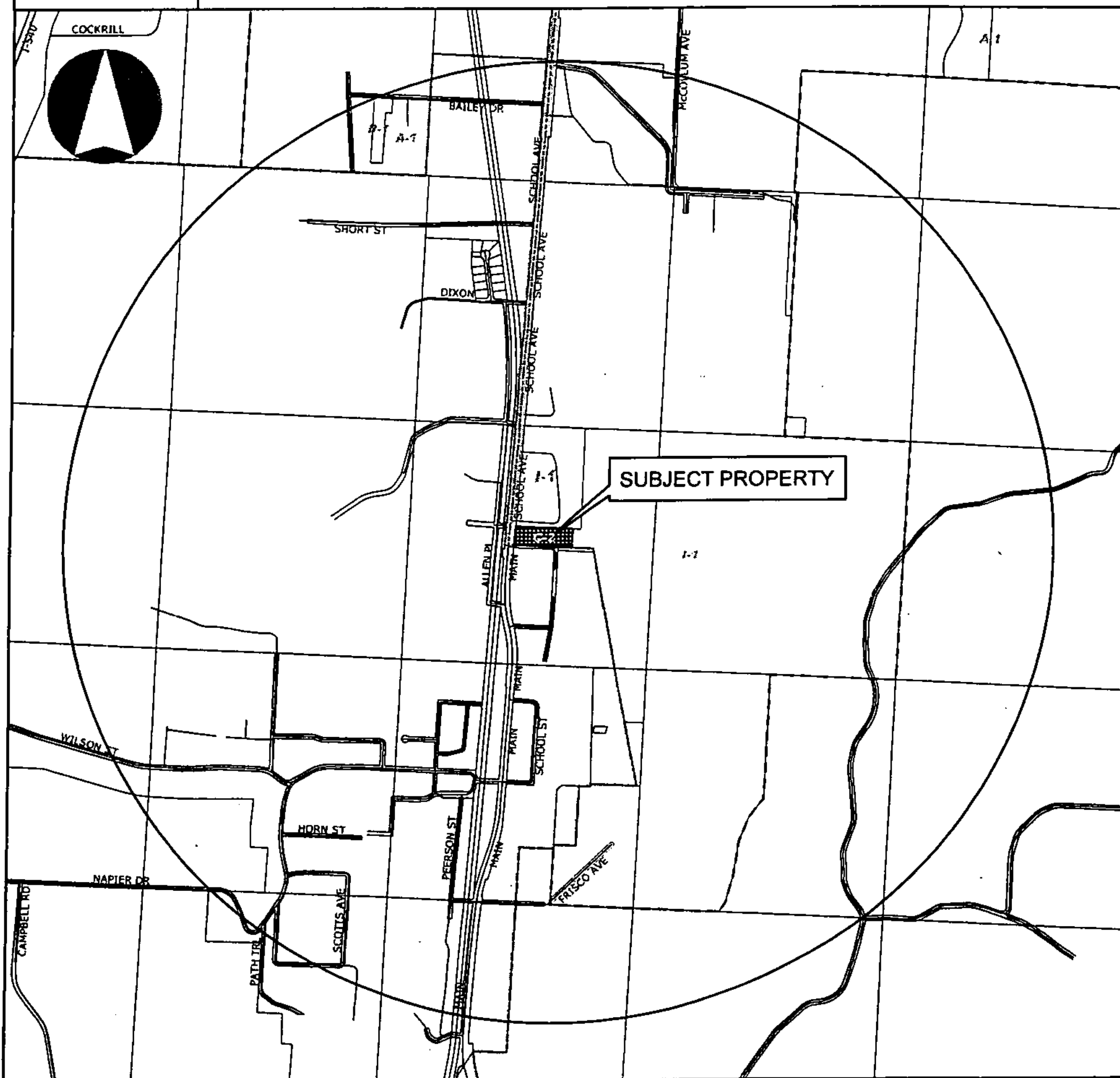


Ray M. Boudreaux, Director
Aviation and Economic Development

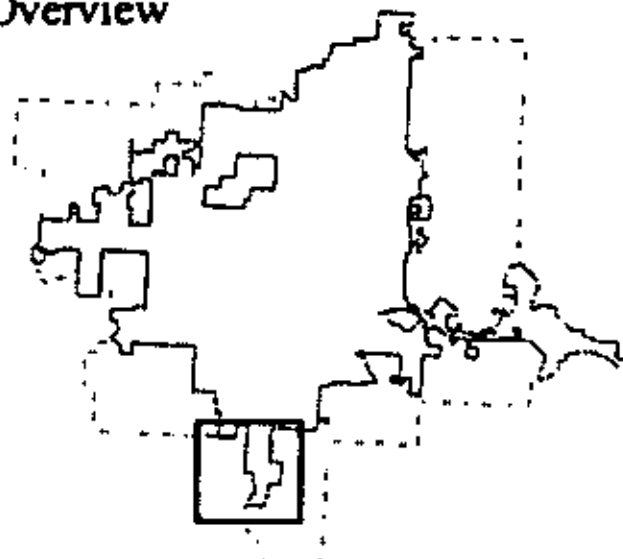
RZN02-11.00

One Mile View

CITY OF FAYETTEVILLE AIRPORT



Overview



Legend

Subject Property

RZN02-11.00

Streets

Existing
 Planned

Boundary

Planning Area
 Overlay District
 City Limits
 Outside City

Master Street Plan

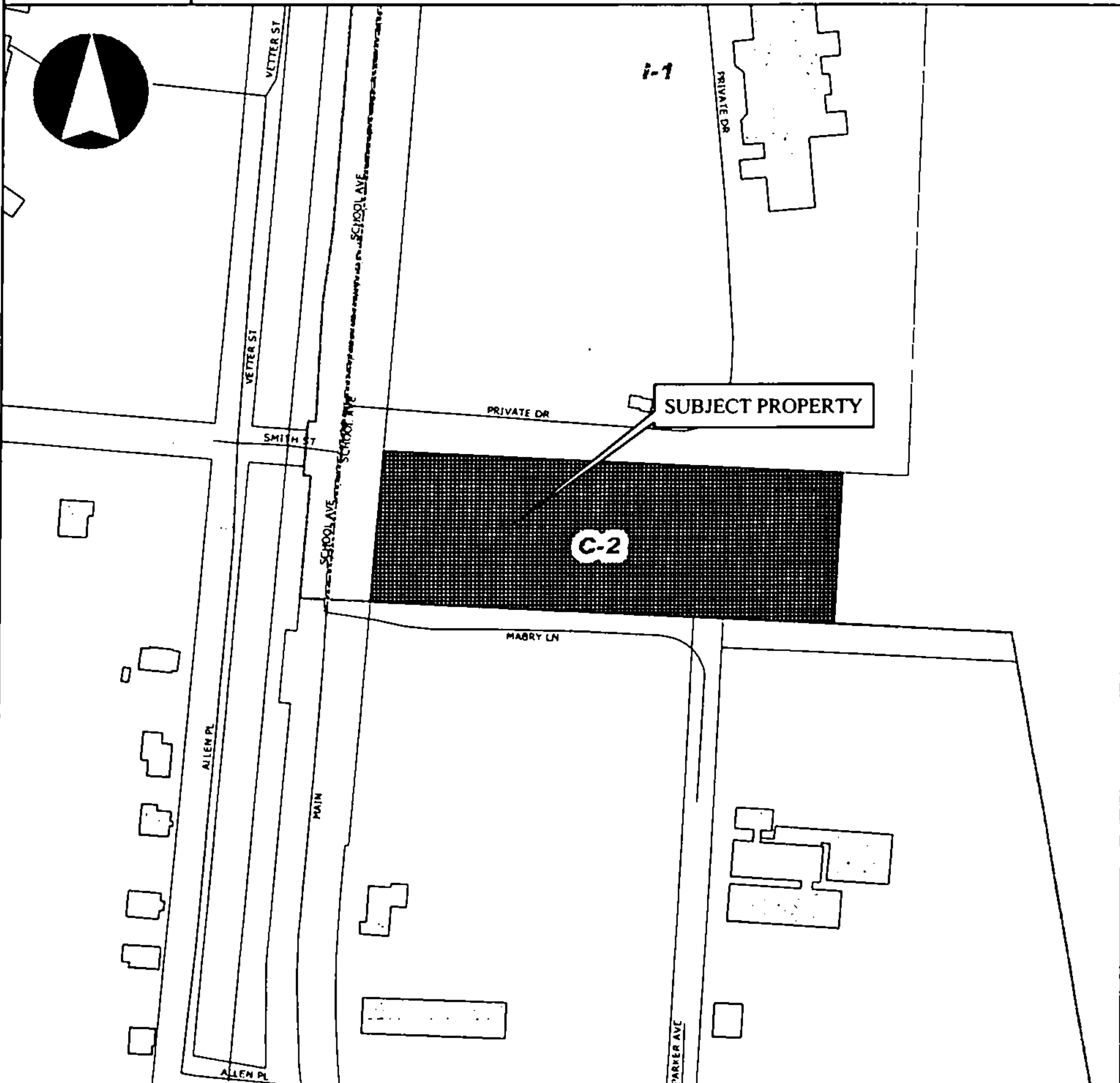
Freeway/Expressway
 Principal Arterial
 Minor Arterial
 Collector
 Historic Collector

0 0.125 0.25 0.5 0.75 1 Miles

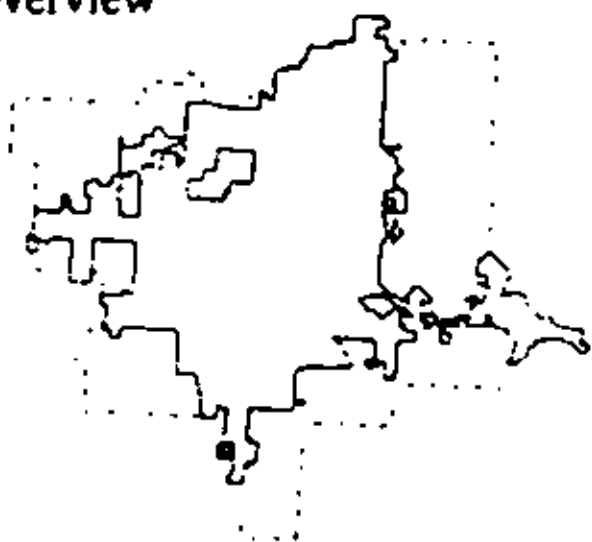
RZN02-11.00

Close Up View

CITY OF FAYETTEVILLE AIRPORT



Overview



Legend

Subject Property

RZN02-11.00



Boundary

- Planning Area
- Overlay District
- City Limits
- Outside City

Master Street Plan

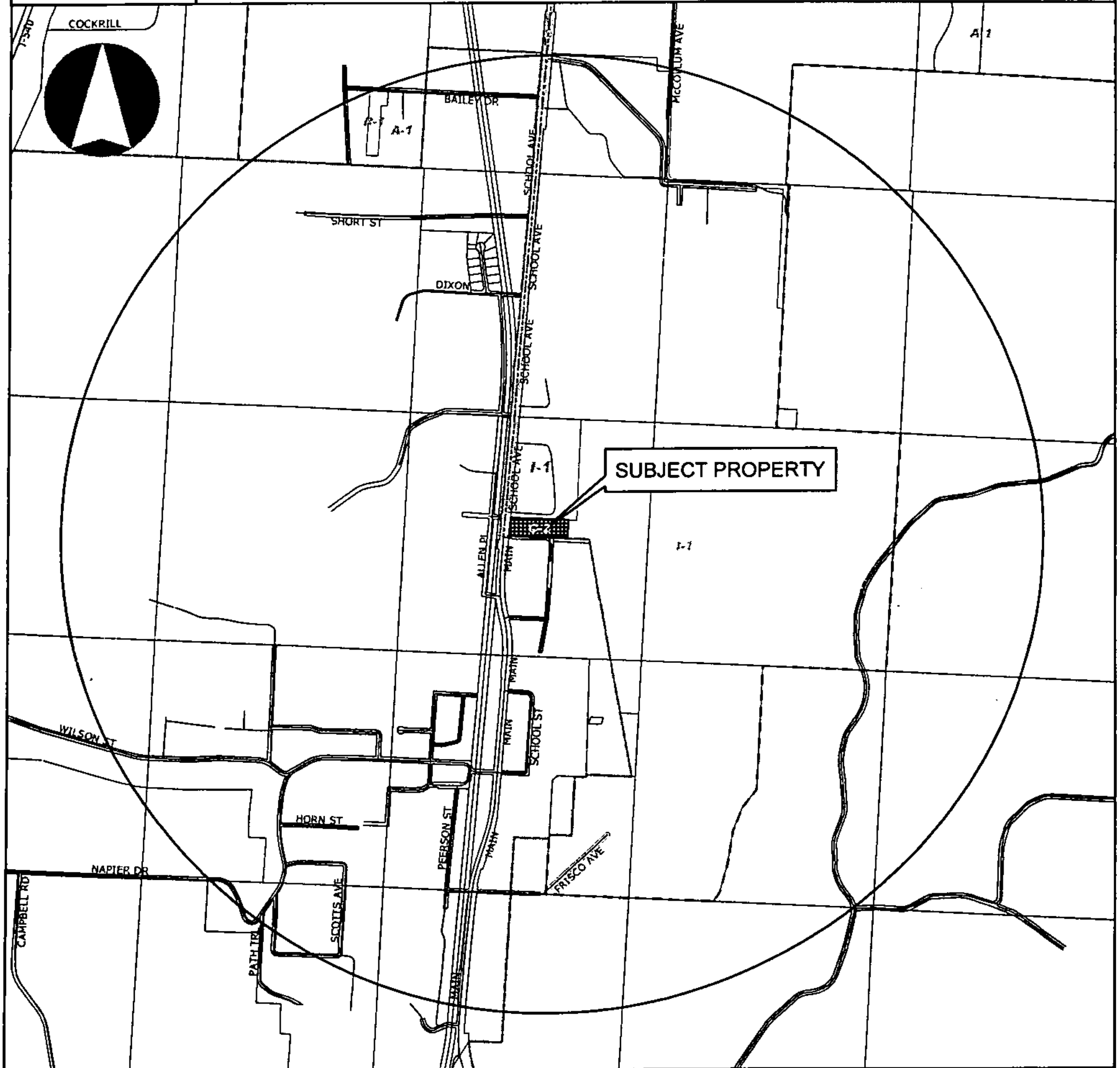
- Feeder/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Minor Collector



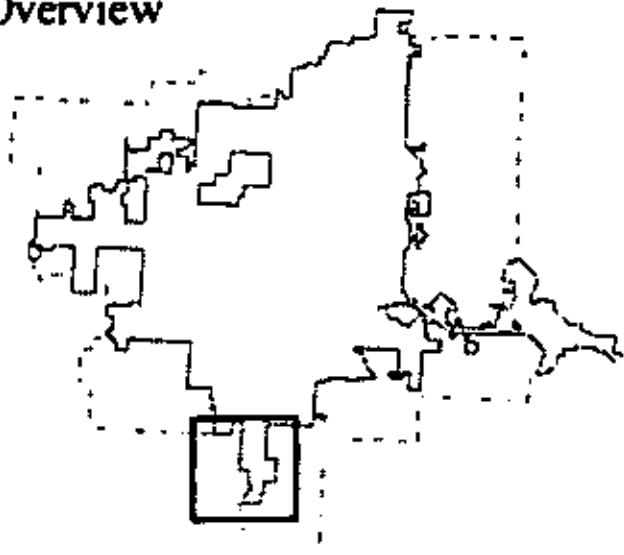
RZN02-11.00

One Mile View

CITY OF FAYETTEVILLE AIRPORT



Overview



Legend

Subject Property

RZN02-11.00

Streets

Existing
Planned

Boundary

Planning Area
Overlay District
City Limits
Outside City

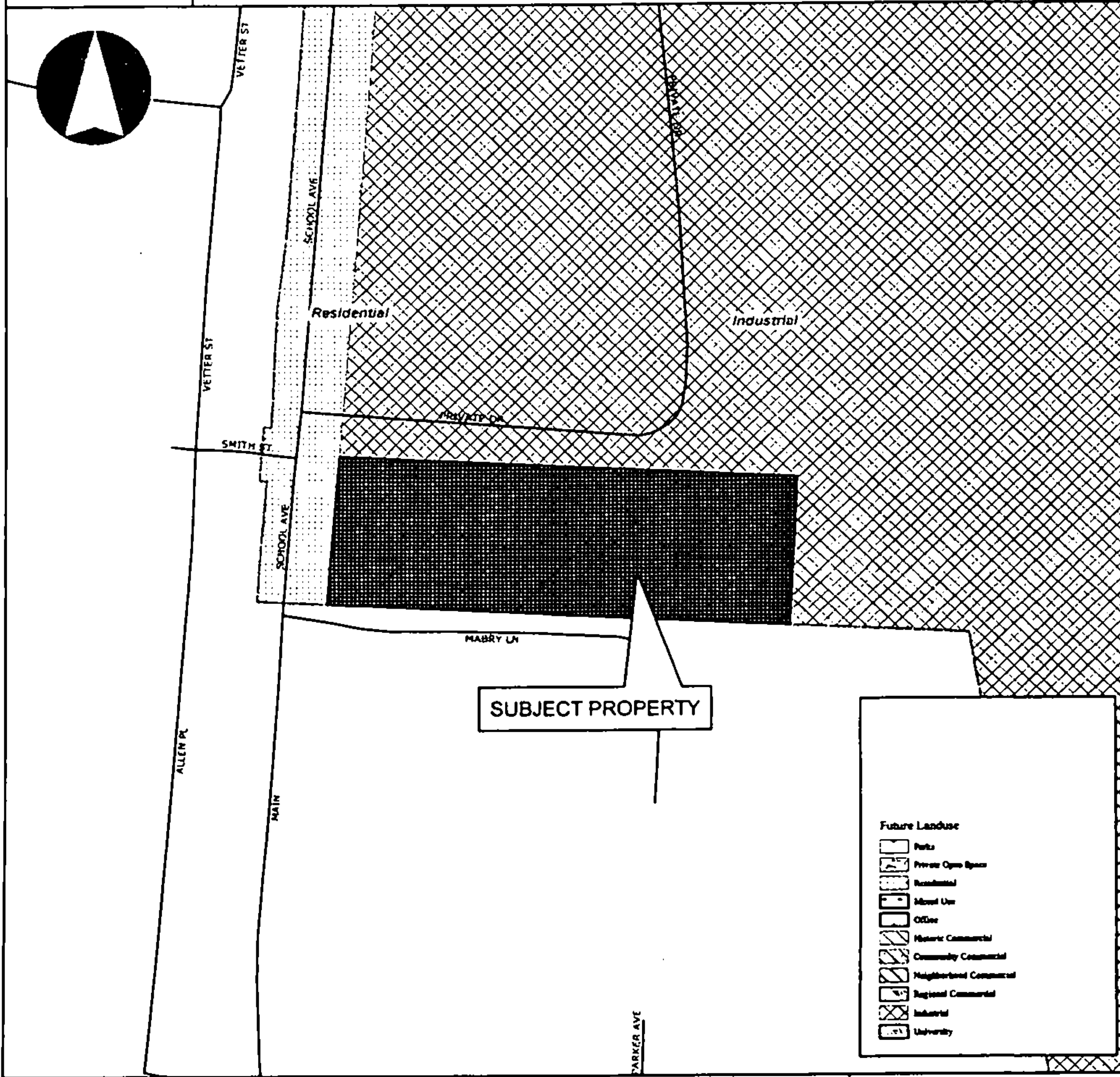
Master Street Plan

Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

0 0.125 0.25 0.5 0.75 1 Miles

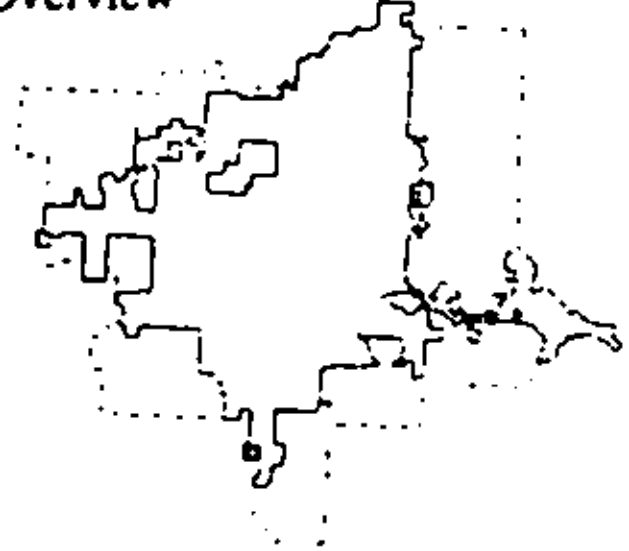
RZN02-11.00
Future Landuse

CITY OF FAYETTEVILLE AIRPORT



- Future Landuse**
- Parks
 - Private Open Space
 - Residential
 - Mixed Use
 - Office
 - Historic Commercial
 - Community Commercial
 - Neighborhood Commercial
 - Regional Commercial
 - Industrial
 - University

Overview



Legend

- Subject Property
- RZN02-11.00
- Stream
- Boundary
- Planning Area
- Overlay District
- City Limits



RZN 02-11.00: Rezoning (City of Fayetteville, pp 834) was submitted by Ray Boudreaux of the City of Fayetteville for property located on South School at Drake Field. The property is zoned C-2, Thoroughfare Commercial and contains approximately 3 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.

Hoffman: Our final item on our agenda tonight is RZN 02-11.00, which is a rezoning for the City of Fayetteville which was submitted by Ray Boudreaux of the City of Fayetteville for property located on South School at Drake Field. The property is zoned C-2, Thoroughfare Commercial and contains approximately three acres. The request is to rezone to I-1, Heavy Commercial, Light Industrial. Staff recommends the approval of the requested zoning based on findings included as a part of this report. Tim, can you enlighten us on this one please?

Conklin: Sure. There is an existing tract of land at the airport, approximately three acres that is currently zoned C-2, Thoroughfare Commercial. We have been working with our Airport and Economic Development Director, regarding a proposed new city project to build hangar space in this location. It was discovered that at the time the rest of the airport was rezoned from A-1 and C-1 to I-1 a few years ago this small piece of property was left as C-2 so the rest of the airport is currently zoned I-1. That is why we have brought this forward to you. At this time I would like to introduce Mr. Ray Boudreaux, our Airport and Economic Development Director, he can give you more information regarding this proposed project that he is working on. Thank you.

Boudreaux: Thank you Tim and Madam Chairman. I think that what this is, as Tim indicated, is kind of an administrative oversight like Commissioner Estes said earlier. Whenever the entire property was rezoned Industrial it just was left out somehow or else it was acquired after it was all done. What we are going to try to do down there is a large scale development and we kind of farked up the application so we are back in regrouping and getting that done right. We want to make sure that we are following the proper procedure but this is part of the process as well is to get the zoning changed. I humbly request that change.

Hoffman: Thank you very much. Is there any member of the audience that would wish to speak to this matter? I don't see anybody so we will bring it back to you and to the Planning Commission for discussion, motions or more information.

Motion:

Ward: I assume this is going to be more hangars? Anything we can do to revitalize the airport would be fantastic and I will go ahead and

recommend approval of RZN 02-11.00 for rezoning for the City of Fayetteville three acres at Drake Field.

Hoffman: I have a motion for approval by Commissioner Ward.

Allen: I will second.

Hoffman: I have a second by Commissioner Allen, is there any further discussion?

Bunch: I realize that this may be putting a cart a little early, but this lot is covered with trees, how are we going to address that? I realize that this is just a rezoning and when this does come through on large scale some of the city departments have been rather deficient in the past about following the same procedures that we require developers to follow so I just want to make sure that we are aware that tree preservation issues will be covered on this.

Boudreaux: Those are really nice ones too. I would love to have them in the backyard of my new place however, we are going to move them out of those little squares where they are, which they are really not doing very well and put them along the road, they will be really nice there. We are going to preserve every one that is alive. Some of them that have been planted in those little squares are not doing very well but we will move them around.

Hoover: I have a few questions for staff. Is I-1 the only unit use that an airport can be in?

Conklin: The airport was rezoned a few years ago with the idea of developing that airport ground with additional industrial airport related uses. At that time Allett Little was the Economic Development Director and we brought that forward to revitalize the airport. We are looking at light manufacturing type uses. Ray Boudreaux probably could give you more information on that but those are the type of uses that are allowed in I-1, heavy commercial light industrial, which allows that light type manufacturing.

Boudreaux: Can I also add a little something? In addition to that it has got hangars in there so you need to have I in order to have hangars. However, I might add that airports sometimes have their own zonings since they are special, they are a little bit different, they don't develop like residential or industrial or commercial. They kind of develop like special use of some kind and where I just came from it was called airport and airport support, the two zoning specifications on our airport. This I works and if that is what the City and the staff have recommended and wish it to be that is fine. It works fine.

Page 56

Hoover: I guess what I have concerns about is this I-1 will go up to the road to School Street. There is no buffer between it and a major thoroughfare.

Boudreaux: It is already there Ma'am.

Conklin: That is correct and this is consistent with the remainder of the airport all the way north of the property.

Hoover: I guess I am having a hard time visualizing a hangar up there in front, up in front of the building. Are there going to be more hangars up there and will the next step be to put a hangar where the rest of the parking lot is?

Boudreaux: This is very premature. This is way, way premature.

Bunch: We will be looking at a LSD when it does come through?

Boudreaux: Yes Sir.

Hoover: Staff, in an I-1 zoning on a LSD what are the requirements in general for landscaping, for screening, that kind of thing?

Conklin: The site design standards still apply but the commercial design part, the architectural review part does not apply for industrial buildings. There will be landscaping along School Street.

Boudreaux: And sidewalks.

Hoover: That is a tree every 30' correct?

Conklin: Yes.

Hoover: Is there a master plan for the airport on where the rest of the hangars are going?

Boudreaux: Yes Ma'am, would you like to see that? It is not complete and I can show you. To explain how airports are done, typically airports have to comply with state and federal aviation regulations. Because of that, anything near or around the airport is a little bit different than other industrial or commercial or residential development, it just has to comply with different things. What we typically have to do, and what is required by the FAR is that we have what is called an airport layout plan and a five year master plan. The idea is that if you want to get any money from the federal government for your improvements, you have to be in the NPIAS, which is the National Plan of Integrated Airport Systems, and that is where your five year plan is. And, they require anytime that you have an airport

landing strip that allows public to use that space that you have an airport layout plan. I can show it to you, it doesn't have everything on it.

Hoover: I guess if you could just tell me, are there going to be any other hangars along 71B, that is my big question.

Boudreaux: There are lots of other hangars on 71B.

Hoover: I mean proposed in the future.

Boudreaux: Yes.

Hoover: I do want to see those plans then.

Boudreaux: The idea is to have a plan for the next five years. This is your airport terminal here. This is the ground that needs rezoned. The first area to develop is here. We are reskinning these hangars along 71B along the road right now. Those are really ugly hangars, really ugly! I am not into ugly! We are reskinning those. We have got 50/50 money out of the state and we are spending some of our money and spending some of the state money. We are going to pay to reskin those. There are going to be more hangars.

Hoover: Is there more going back where the rest of the hangars are?

Boudreaux: These are already built except for this one and you know your forest service? This is for that.

Bunch: What about sidewalks along 71?

Boudreaux: Yes, we need sidewalks. There are kids walking to school along 71 going to Greenland.

Hoffman: Can I get you to step back up to the microphone now? Mr. Boudreaux if you could pass the plans to the other side but I want to keep you at the microphone so everything can be heard. Sometimes the logistics just don't work.

Bunch: I would like to question sidewalks and also if we are getting various money coming in, normally our city when we do rezonings or various things, at that time we call for sidewalks where sidewalks are not existing. What is the deal on putting sidewalks in?

Boudreaux: That is in the large scale development Sir. This is just the rezoning request but we will be doing that.

Conklin: With regard to the sidewalk issue and we've talked about this with Mr. Boudreaux, back when we built T hangars on the east side of the airport there was a formula that was derived that money was set aside into an account to build sidewalks in the future. I am not sure when you say there will be sidewalks if we are talking about, are you building the sidewalk in front of the entire airport at this time or are we putting money into this fund?

Boudreaux: We are contributing to that fund to get those done.

Conklin: I just want to make sure that everybody understands that, that we as the City are not planning to build a sidewalk at this point in time. With regard to the other ordinances that they have to comply with, they will comply with all city ordinances with regard to grading, stormwater, subdivision, large scale development. We have been in contact with Mr. Boudreaux, the city has hired a local engineering firm to do a large scale development to bring that project through. Yes, it will comply with our city ordinances.

Bunch: One of my concerns is because anytime something comes before us we have used that as a mechanism to trigger getting sidewalks and we have sometimes leaned fairly heavily on people and put a big dent in their budgets and I just want to make sure that the city is applying the same rules to itself that we are requiring of other entities.

Hoffman: We have in the past. I remember several airport developments that did. With that being said, since we have a motion and a second on the floor, unless there is any further discussion...

Marr: I have one more question. Do we actually have any type of current commitment for these hangars? We have one for two? Ok, thank you.

Hoffman: Ok, is there anybody else? Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to approve RZN 02-11.00 was approved by a vote of 8-0-0.

Hoffman: Thank you. The motion carries unanimously and will be forwarded to City Council.

STAFF REVIEW FORM

Trolley
C. 4. Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of May 21, 2002

FROM:

Hugh Earnest

Name

Urban Dev.

Division

Urban Dev.

Department

ACTION REQUIRED:

A Resolution authorizing City Staff to develop a working agreement with Ozark Regional Transit to operate the Trolley System and for other purposes.

COST TO CITY:

\$0.00

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

Stephan

Budget Coordinator

NO BUDGET IMPACT AT
THIS TIME. 5/3/02

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marcia Farthing

Accounting Manager

5/6/02

Date

ADA Coordinator

Date

K. A. [Signature]

City Attorney

5/7/02

Date

Nancy Smith

Internal Auditor

5/6/02

Date

Purchasing Officer

Date

Grant Officer

Date

STAFF RECOMMENDATION:

Division Head

Date

Cross Reference

Hugh Earnest5-2-02

Department Director

Date

New Item: **Yes** **No**Stephan5/7/02

Prev Ord/Res #: _____

Admin. Svcs Director

Date

Orig Contract Date: _____

Dan Coody5/8/02

Mayor

Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

Date: April 30, 2002

To: The Mayor and City Council

From: Hugh Earnest 
Urban Development Director

Subject: Fayetteville Trolley

Background

The City of Fayetteville has supported a public Trolley system with two routes since the spring of 2000. The two routes are the Poppy Route covering the north part of the City and the Dogwood Route covering the southern portion of the City. The Trolleys are also used at various times to move groups of individuals from location to location in the City. The City currently has a contract for operation of the system with Jones Transportation. The City expended some \$113,800 operating the trolleys in 2001. The Council opted in the 2002 budget to fund this particular function for only 6 months. This was done in order to investigate other options for continuing this service.

The City has also participated for several years as a principal partner in a regional transit service that has as its primary client base individuals and organizations requiring assistance in transportation. Over the past year, this service, which was provided by the Community Resource Group in Springdale, through a subsidiary called Ozark Regional Transit, opted to discontinue providing the service. In order to insure that this necessary public service continues, the Mayors of Bentonville, Rogers, Springdale and Fayetteville and the County Judges of Benton, Washington, Madison and Carroll counties have formed, as an interim step, a not-for-profit organization that has been filed with the Secretary of State and its status as a 501c3 is pending. The organization has contracted with First Transit, a large national organization specializing in Transit management to operate the service.

Several of the member counties and cities have also initiated the steps necessary to form a Regional Transit Authority to assume the oversight management of this function. This issue will be discussed with the City Council at a later date.

Current Situation

Because of the Council mandate to investigate other options for providing this service, we have had a number of discussions with University representatives concerning a closer working relationship with Razorback Transit involving their assuming the responsibility for the existing North route. They have indicated a willingness to do this. However, there are some details relative to coverage and routing that remain to be hammered out between the parties. We expect to have the details resolved by June 1st.

The larger issue which is also being discussed is how the City can best position itself to continue to provide this needed service across the City. To that end, we have been discussing with Ozark Regional Transit the option of turning over our assets to them with the understanding that they would provide a superior level of service on the Southern route and couple that with a new Job Access to Work/Welfare to Work grant. Any changes in service/routes will better enable the citizen clients of human service agencies to reach their work locations, job training and retention, child care and medical services. Mr. Pumphrey, with the assistance of Mrs. Fields, has hosted a number of meetings with several organizations in order to identify the areas and groups that need the type of assistance that can be offered by an Access to Work program. Mr. Pumphrey has, as part of this effort, also been in discussion with the Arkansas Highway and Transportation Department and has been given some assurances that up to \$250,000 can be made available to the organization for use in Access to Work programs. The money will be made available on a 50-50 match basis.

Recommendation

It is my opinion that the public interest in this transit issue will be best served by the following set of recommendations:

1. The assets currently owned by the City should be transferred to the Ozark Regional Transit not-for-profit organization.
2. The City will modify the contract for services with Razorback Transit in order to clarify the responsibility that the University is willing to accept in providing transit service in the area currently served by the City.
3. The current allocation approved by the Council relative to the expenditure of CDBG funds will be modified to allow the use of \$100,000 placed by earlier staff action in 1998 as money to be expended for improvements to the Yvonne Richardson Center. This money will be re-allocated for match to secure an equivalent amount from the state.
4. The pledge of this money will cover the operation of the trolley through the remainder of this year and 2003.

5. Ozark Regional Transit has committed to offering employment opportunities to drivers of Jones Transportation.
6. City staff will meet with all interested groups in the service areas to insure that no gaps in service occur.
7. City staff and Ozark Regional Transit will negotiate an arrangement that will enable the city and others to utilize the trolleys for tours and other special requests.

While some of the recommendations stand on their own and call for no explanation, such is not the case with numbers 3 and 4.

Recommendation number 3 essentially calls for a re-allocation of monies that were reserved by action of City staff several years ago. Recently, as the Council knows, we were advised, and correctly so, that the Housing and Urban Development Dept (HUD) will be looking with some disfavor on those entitlement cities that fail to allocate monies in a timely fashion. This particular allocation, for possible expansion of the Center, has little or no chance of being utilized in this federal fiscal year. Its use in the CDBG target area for an Access to Work program, meets a need that has been identified in community meetings. In addition, while there is a need to expand the physical facility at the Center, no work has been initiated to identify a long term building plan for the facility. The City can address at least a portion of any future project costs out of later federal entitlements. In addition, under federal guidelines, the re-allocation will require the city staff to go through a public notification and public hearing process.

Recommendation number 4 should be taken with the understanding that this is not necessarily a long term solution to the issue of funding this service. Ozark Regional Transit has committed to operation of their portion of the system only through our next fiscal year. While it is possible that other assistance can be secured from other federal or private sources, the Council should be aware that we again receive a request to assist in the funding of this service.

This item will be placed on the agenda for May 21st. At that time, representative from Ozark Regional Transit, the University of Arkansas and the City will make a short presentation to the City Council.

Asphalt Paving
C. 5. Page 1

For the Fayetteville City Council meeting of May 21, 2002

<u>Greg Boettcher</u>	<u>Public Works</u>	<u>Fleet Operations</u>
Name	Division	Department

COST TO CITY:

BUDGET REVIEW:	<u> </u> Budgeted Item	<u>X</u> Budget Adjustment Attached
-----------------------	----------------------------	-------------------------------------

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

STAFF RECOMMENDATION: Approval of the Resolution and Budget Adjustment

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

STAFF REVIEW FORM

Library
C. 6. Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of May 21, 2002

FROM:

Louise Schaper

Name

Library

Division

Urban Development

Department

ACTION REQUIRED: (1) Approve a contract in the amount of \$17,633,562 with Crossland Construction Company Inc. for the construction of the new Fayetteville Public Library at 401 W. Mountain; (2) approve a project contingency in the amount of \$700,000; and (3) approve a budget adjustment to fund the off site improvements contained within this contract.

COST TO CITY:

\$17,285,078 cash/ investments

\$ 221,995 CIP*

\$18,333,562

Cost of this Request

\$ 1,824,531 FPL Foundation

\$19,331,604 Category/Project Budget

New Library

Category/Project Name

4150-9150-580400 (library fund)4470-9470-5720-00 (CIP)

Account Number

\$998,042

Funds Used To Date

New Library

Program Name

99073-1

Project Number

\$ 18,333,562

Remaining Balance

Library Construction FundSales Tax Improvement Fund

Fund

BUDGET REVIEW:

☒ Budgeted Item☒ Budget Adjustment Attached*

Committed in 2003 CIP. Need approval for contract award.

Reviewed as to budget only.

Budget Coordinator

Administrative Services Director

5/10/02

Reviewed contract documents, budget adjustment and funding approved by the FPL Foundation.

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marsha Fetting
Accounting Manager

5/10/02
Date

Danney Smith
Internal Auditor

5/10/02
Date

D. J. White
City Attorney

5/10/02
Date

ADA Coordinator

Date

P. White
Purchasing Manager

5/10/02
Date

STAFF RECOMMENDATION:

Staff recommends approval.

Jeanie Schaper
Division Head

5/2/02
Date

Cross Reference

Hugh Everett
Department Director

5-2-02
Date

New Item: Yes No

Prev Ord/Res #:

Administrative Services Director

Date

Orig Contract Date:

Mayor

Date



DEPARTMENTAL CORRESPONDENCE

TO: Hugh Earnest
FROM: Louise Schaper, Library Director
DATE: May 2, 2002

SUBJECT: (1) Approval of a contract in the amount of \$17,633,562 with Crossland Construction Company Inc. for the construction of the new Fayetteville Public Library at 401 W. Mountain. (2) approval of a project contingency in the amount of \$700,000; (3) approval of a budget adjustment to fund the off site improvements contained within this contract.

Background

Four years ago the new Library building was estimated to be a \$23M turnkey project including professional fees, furnishings, equipment, reimbursable expenses, moving costs and so forth. A temporary 1% sales tax to raise funds toward the estimated \$23M project was approved by the voters on August 15, 2000. The Planning Commission approved the project on August 27, 2001.

On March 27, 2002 the bids were opened and the apparent low bidder was Crossland Construction Company Inc. at \$19,787,000. The funds certified for the construction contract were \$17,400,000. However, the bid included \$221,995 of work authorized through the 2003 CIP. The bid expires on May 27, 2002.

Current Status

Today, the Library Board of Trustees voted to recommend to the City Council a contract with Crossland Construction in the amount of \$17,633,562. The Library staff and design team worked closely to make \$2.1M in contract reductions including deletions, changes, and deferrals to arrive at this contract amount. The deferred items are budgeted and include landscape, low voltage systems, exterior replacement cladding for the stairwells, interior signage, AV equipment and meeting room partition. They will be incorporated later either separately or through the general contractor. While the total project budget remains estimated at \$23M, approximately \$341,000 is needed to fully implement the smart library technologies and conveyor system needed for future labor avoidance.

The City has set aside \$572,000 in the 2003 CIP for off-site improvements; \$221,995 of this amount is needed to fully fund the portion of the off-site work included in the Crossland contract.

Recommendation

The Library Board of Trustees requests City Council approval for the attached contract, contingency and the budget adjustment recognizing the City's participation in the off-site improvements at its May 21, 2002 meeting.

FAYETTEVILLE
PUBLIC
LIBRARY
FOUNDATION

The Capital Campaign

Library
C. 6. Page 3

Fayetteville, AR 72701
Phone: 479.442.2242 x33

Chair

Ann Henry

May 6, 2002

Honorary Chairs

Clark and Marie McClinton

Mayor Dan Coody
113 W. Mountain
Fayetteville, AR 72701

Advisory Committee

Jim Blair
Linda Gaddy
Gina Pendergraft
Archie Schaffer, III
Billie Starr
Joe Fred Starr
Carolyn Walton

Dear Mayor Coody,

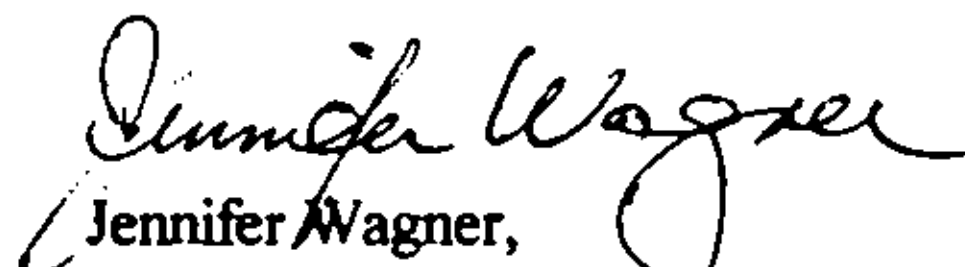
The Fayetteville Public Library Foundation is pleased to confirm \$1,824,531 in financial commitment to help fund the contract to Crossland Construction Company. These funds would be made available through the completion of the construction.

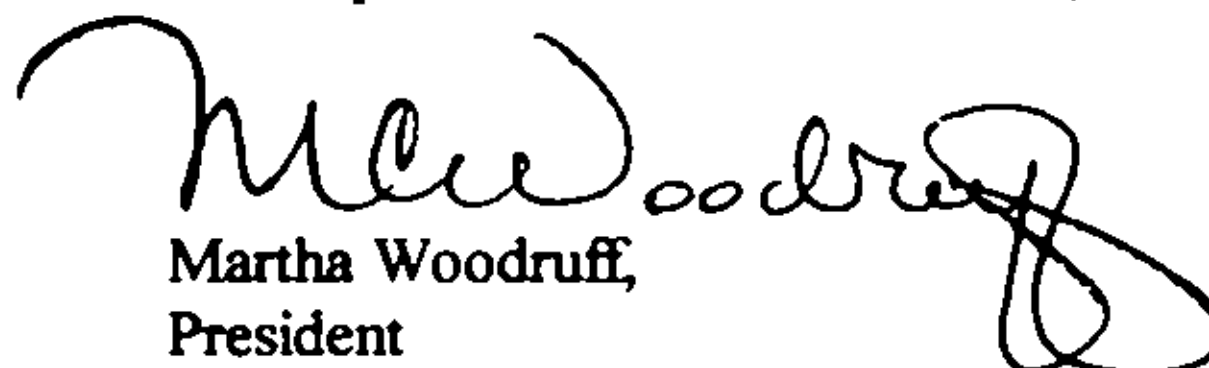
Leadership Committee

Lou Alward
Mina Baledge
Bill and Maryann Bassett
Martha Brewer
Vince Chadick
Roy Clinton
Rita Davis
Jacqueline Douglas
Andrea Fournet
Willard and Lu Gatewood
William N. Harrison
Gary Head
Morris Henry
Oscar T. Leverenz
John and Helen Lewis
Laura Lindsey
Karen Lewis McDonald
Janet Mitchener
Kay Pickett
Nolan Richardson
Butch Robertson
Ann Ternes Rosao
Ruth Ann and Bass Trumbo
Harry and Anne Vandergriff
Fred Vorsanger
Andy Wagner
Dottie Wood

Thank you for all you are doing to help us have a great new library.

Sincerely,


Jennifer Wagner,
Development Director


Martha Woodruff,
President

Director of Development

Jennifer Hansen Wagner

Budget Year 2002	Department: Library Construction Division: Library Program: Library	Date Requested 05/07/2002	Adjustment #
---------------------	---	------------------------------	--------------

Project or Item Requested:

\$221,995 is requested in the New Library Construction project.

Project or Item Deleted:

\$221,995 from use of fund balance. The site improvement project for 2003 will be reduced by this amount.

Justification of this Increase:

The item is requested for site improvements.

Justification of this Decrease:

Sufficient fund balance remains to comply with City policy and objectives.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number	Project Number
Transfer to Library Board	221,995	4470 9470 5720 00	99073 20

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number	Project Number
Use of Fund Balance	221,995	4470 0947 4999 99	

Approval Signatures		Budget Office Use Only	
Requested By 	Date 5-7-02	Type: A B C D E	
Budget Manager	Date	Date of Approval	
Department Director	Date	Posted to General Ledger	
Admin. Services Director	Date	Posted to Project Accounting	
Mayor	Date	Entered in Category Log	

AIA DOCUMENT A101-1997**Standard Form of Agreement Between Owner and Contractor**
where the basis of payment is a STIPULATED SUM

AGREEMENT made as of the **TWENTY FIRST** day of **MAY**
in the year **TWO THOUSAND TWO**
(In words, indicate day, month and year)

BETWEEN the Owner:
(Name, address and other information)

CITY OF FAYETTEVILLE
113 WEST MOUNTAIN STREET
FAYETTEVILLE, ARKANSAS 72701

and the Contractor:
(Name, address and other information)

CROSSLAND CONSTRUCTION COMPANY, INC.
833 S.E. AVENUE - PO BOX 45
COLUMBUS, KS 66725

The Project is:
(Name and location)

FAYETTEVILLE PUBLIC LIBRARY
401 WEST MOUNTAIN STREET
FAYETTEVILLE, ARKANSAS 72701

The Architect is:
(Name, address and other information)

MEYER, SCHERER & ROCKCASTLE, LTD.
119 NORTH 2ND STREET
MINNEAPOLIS, MN 55401

The Owner and Contractor agree as follows.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AIA Document A201-1997, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

This document has been approved and endorsed by The Associated General Contractors of America.



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AGREEMENT

The American Institute
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1735 New York Avenue, N.W.
Washington, D.C. 20006-5292

ARTICLE 1 THE CONTRACT DOCUMENTS

The Contract Documents consist of this Agreement, Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications, Addenda issued prior to execution of this Agreement, other documents listed in this Agreement and Modifications issued after execution of this Agreement; these form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. An enumeration of the Contract Documents, other than Modifications, appears in Article 8.

ARTICLE 2 THE WORK OF THIS CONTRACT

The Contractor shall fully execute the Work described in the Contract Documents, except to the extent specifically indicated in the Contract Documents to be the responsibility of others.

ARTICLE 3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

3.1 The date of commencement of the Work shall be the date of this Agreement unless a different date is stated below or provision is made for the date to be fixed in a notice to proceed issued by the Owner.

(Insert the date of commencement if it differs from the date of this Agreement or, if applicable, state that the date will be fixed in a notice to proceed.)

OWNER WILL ISSUE A NOTICE TO PROCEED

If, prior to the commencement of the Work, the Owner requires time to file mortgages, mechanic's liens and other security interests, the Owner's time requirement shall be as follows:

N/A

3.2 The Contract Time shall be measured from the date of commencement.

3.3 The Contractor shall achieve Substantial Completion of the entire Work not later than

**** SEE BELOW...** ~~days from the date of commencement, or as follows:~~

(Insert number of calendar days. Alternatively, a calendar date may be used when coordinated with the date of commencement. Unless stated elsewhere in the Contract Documents, insert any requirements for earlier Substantial Completion of certain portions of the Work.)

****SEVEN HUNDRED (700) CALENDAR DAYS FROM DATE OF NOTICE TO PROCEED.**

, subject to adjustments of this Contract Time as provided in the Contract Documents.

(Insert provisions, if any, for liquidated damages relating to failure to complete on time or for bonus payments for early completion of the Work.)

CONTRACTOR SHALL PAY ONE HUNDRED DOLLARS (\$100.00) PER CALENDAR DAY AS LIQUIDATED DAMAGES FOR EACH AND EVERY CALENDAR DAY THAT CONTRACTOR IS IN DEFAULT AFTER THE DATE STIPULATED FOR SUBSTANTIALLY COMPLETING WORK.



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ARTICLE 4 CONTRACT SUM

4.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor's performance of the Contract. The Contract Sum shall be **SEVENTEEN MILLION SIX HUNDRED THIRTY THREE THOUSAND NINE HUNDRED THIRTY ONE** Dollars (\$ 17,633,931.00), subject to additions and deductions as provided in the Contract Documents.

4.2 The Contract Sum is based upon the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner:
(State the numbers or other identification of accepted alternates. If decisions on other alternates are to be made by the Owner subsequent to the execution of this Agreement, attach a schedule of such other alternates showing the amount for each and the date when that amount expires.)

DEDUCTIVE ALTERNATES 1 AND 2 ARE ACCEPTED.

4.3 Unit prices, if any, are as follows:

AS INDICATED ON CONTRACTOR'S BID.

ARTICLE 5 PAYMENTS

5.1 PROGRESS PAYMENTS

5.1.1 Based upon Applications for Payment submitted to the Architect by the Contractor and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided below and elsewhere in the Contract Documents. **AS INDICATED IN GENERAL CONDITIONS ARTICLE 9.3 AS MODIFIED BY SUPPLEMENTARY GENERAL CONDITIONS.**

5.1.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, ~~or as follows:~~

~~5.1.3 Provided that an Application for Payment is received by the Architect not later than the day of a month, the Owner shall make payment to the Contractor not later than the day of the month. If an Application for Payment is received by the Architect after the application date fixed above, payment shall be made by the Owner not later than days after the Architect receives the Application for Payment.~~

OWNER SHALL MAKE PAYMENT TO CONTRACTOR WITHIN THIRTY (30) DAYS AFTER RECEIPT OF CERTIFICATE OF PAYMENT FROM ARCHITECT.

5.1.4 Each Application for Payment shall be based on the most recent schedule of values submitted by the Contractor in accordance with the Contract Documents. The schedule of values shall allocate the entire Contract Sum among the various portions of the Work. The schedule of values shall be prepared in such form and supported by such data to substantiate its accuracy as the Architect may require. This schedule, unless objected to by the Architect, shall be used as a basis for reviewing the Contractor's Applications for Payment.



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5.1.5 Applications for Payment shall indicate the percentage of completion of each portion of the Work as of the end of the period covered by the Application for Payment.

5.1.6 Subject to other provisions of the Contract Documents, the amount of each progress payment shall be computed as follows:

- .1 Take that portion of the Contract Sum properly allocable to completed Work as determined by multiplying the percentage completion of each portion of the Work by the share of the Contract Sum allocated to that portion of the Work in the schedule of values, less retainage of **TEN** percent (**10** %). Pending final determination of cost to the Owner of changes in the Work, amounts not in dispute shall be included as provided in Subparagraph 7.3.8 of AIA Document A201-1997;
- .2 Add that portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction (or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing), less retainage of **TEN** percent (**10** %);
- .3 Subtract the aggregate of previous payments made by the Owner; and
- .4 Subtract amounts, if any, for which the Architect has withheld or nullified a Certificate for Payment as provided in Paragraph 9.5 of AIA Document A201-1997.

5.1.7 The progress payment amount determined in accordance with Subparagraph 5.1.6 shall be further modified under the following circumstances:

- .1 Add, upon Substantial Completion of the Work, a sum sufficient to increase the total payments to the full amount of the Contract Sum, less such amounts as the Architect shall determine for incomplete Work, retainage applicable to such work and unsettled claims; and (*Subparagraph 9.8.5 of AIA Document A201-1997 requires release of applicable retainage upon Substantial Completion of Work with consent of surety, if any.*)
- .2 Add, if final completion of the Work is thereafter materially delayed through no fault of the Contractor, any additional amounts payable in accordance with Subparagraph 9.10.3 of AIA Document A201-1997.

5.1.8 Reduction or limitation of retainage, if any, shall be as follows:

(If it is intended, prior to Substantial Completion of the entire Work, to reduce or limit the retainage resulting from the percentages inserted in Clauses 5.1.6.1 and 5.1.6.2 above, and this is not explained elsewhere in the Contract Documents, insert here provisions for such reduction or limitation.)

AS PROVIDED IN SUPPLEMENTARY CONDITIONS 9.3.4.

5.1.9 Except with the Owner's prior approval, the Contractor shall not make advance payments to suppliers for materials or equipment which have not been delivered and stored at the site.

5.2 FINAL PAYMENT

5.2.1 Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Contractor when:

- .1 the Contractor has fully performed the Contract except for the Contractor's responsibility to correct Work as provided in Subparagraph 12.2.2 of AIA Document A201-1997, and to satisfy other requirements, if any, which extend beyond final payment; and
- .2 a final Certificate for Payment has been issued by the Architect.



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5.2.2 The Owner's final payment to the Contractor shall be made no later than 30 days after the issuance of the Architect's final Certificate for Payment, ~~or as follows:~~

ARTICLE 6 TERMINATION OR SUSPENSION

6.1 The Contract may be terminated by the Owner or the Contractor as provided in Article 14 of AIA Document A201-1997.

6.2 The Work may be suspended by the Owner as provided in Article 14 of AIA Document A201-1997.

ARTICLE 7 MISCELLANEOUS PROVISIONS

7.1 Where reference is made in this Agreement to a provision of AIA Document A201-1997 or another Contract Document, the reference refers to that provision as amended or supplemented by other provisions of the Contract Documents.

7.2 Payments due and unpaid under the Contract shall bear interest from the date payment is due at the rate stated below, or in the absence thereof, at the legal rate prevailing from time to time at the place where the Project is located.

(Insert rate of interest agreed upon, if any.)

(Usury laws and requirements under the Federal Truth in Lending Act, similar state and local consumer credit laws and other regulations at the Owner's and Contractor's principal places of business, the location of the Project and elsewhere may affect the validity of this provision. Legal advice should be obtained with respect to deletions or modifications, and also regarding requirements such as written disclosures or waivers.)

7.3 The Owner's representative is:

(Name, address and other information)

**HUGH EARNEST, DIRECTOR OF URBAN DEVELOPMENT
CITY OF FAYETTEVILLE
113 WEST MOUNTAIN STREET
FAYETTEVILLE, ARKANSAS 72701**

7.4 The Contractor's representative is:

(Name, address and other information)

**BENNIE CROSSLAND, VICE PRESIDENT
CROSSLAND CONSTRUCTION COMPANY, INC.
PO BOX 45
COLUMBUS, KS 66725**

7.5 Neither the Owner's nor the Contractor's representative shall be changed without ten days' written notice to the other party.

7.6 Other provisions:



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ARTICLE 8 ENUMERATION OF CONTRACT DOCUMENTS

8.1 The Contract Documents, except for Modifications issued after execution of this Agreement, are enumerated as follows:

8.1.1 The Agreement is this executed 1997 edition of the Standard Form of Agreement Between Owner and Contractor, AIA Document A101-1997.

8.1.2 The General Conditions are the 1997 edition of the General Conditions of the Contract for Construction, AIA Document A201-1997.

8.1.3 The Supplementary and other Conditions of the Contract are those contained in the Project Manual dated **FEBRUARY 14, 2002**, and are as follows:

Document	Title	Pages
REFER TO "EXHIBIT A"		

8.1.4 The Specifications are those contained in the Project Manual dated as in Subparagraph 8.1.3, and are as follows:

(Either list the Specifications here or refer to an exhibit attached to this Agreement.)

Section	Title	Pages
REFER TO "EXHIBIT A"		

8.1.5 The Drawings are as follows, and are dated **FEBRUARY 14, 2002** unless a different date is shown below:

(Either list the Drawings here or refer to an exhibit attached to this Agreement.)

Number	Title	Date
REFER TO "EXHIBIT B"		



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8.1.6 The Addenda, if any, are as follows:

Number	Date	Pages
1	MARCH 5, 2002	2
2	MARCH 12, 2002	6
3	MARCH 18, 2002	10

Portions of Addenda relating to bidding requirements are not part of the Contract Documents unless the bidding requirements are also enumerated in this Article 8.

8.1.7 Other documents, if any, forming part of the Contract Documents are as follows:
(List here any additional documents that are intended to form part of the Contract Documents. AIA Document A201-1997 provides that bidding requirements such as advertisement or invitation to bid, Instructions to Bidders, sample forms and the Contractor's bid are not part of the Contract Documents unless enumerated in this Agreement. They should be listed here only if intended to be part of the Contract Documents.)

- 8.1.7.1 NEGOTIATED CHANGES TO CONTRACT DOCUMENTS AND BID
– REFER TO "EXHIBIT C" ATTACHED.
- 8.1.7.2 INSTRUCTION TO BIDDERS
- 8.1.7.3 SUPPLEMENTARY INSTRUCTION TO BIDDERS
- 8.1.7.4 CONTRACTOR'S BID INCLUDING UNIT PRICES – REFER TO "EXHIBIT D"
ATTACHED

This Agreement is entered into as of the day and year first written above and is executed in at least three original copies, of which one is to be delivered to the Contractor, one to the Architect for use in the administration of the Contract, and the remainder to the Owner.

OWNER (Signature)

DAN COODY, MAYOR

(Printed name and title)

Bennie Crossland

CONTRACTOR (Signature)

BENNIE CROSSLAND, VP

BENNIE CROSSLAND V.P.

(Printed name and title)

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**EXHIBIT A
TO
AGREEMENT BETWEEN OWNER & CONTRACTOR
FOR THE
FAYETTEVILLE PUBLIC LIBRARY**

SUPPLEMENTARY AND OTHER CONDITIONS OF THE CONTRACT

00700 Conditions of the Contract for Construction
00800 Supplementary Conditions

SPECIFICATIONS

DIVISION 1 - GENERAL REQUIREMENTS

01100 Summary of Work
01210 Allowances
01230 Alternates
01250 Contract Modification Procedures
01270 Unit Prices
01290 Payment Procedures
01310 Coordination
01315 Project Meetings
01320 Construction Progress Documentation
01330 Submittal Procedures
01331 Submittal Transmittal Form
01332 CADD Release Statement
01355 Environmental Requirements
01400 Quality Requirements
01410 Regulatory Requirements
01420 References
01500 Temporary Facilities and Controls
01505 Construction Waste Management Procedures
01506 Construction Waste Recycling Worksheet
01600 Product Requirements
01630 Product Substitution Procedures
01631 Substitution Request Form
01700 Execution Requirements
01732 Cutting and Patching Procedures
01770 Closeout Procedures
01781 Project Record Documents
01782 Operation and Maintenance Data
01810 Building Commissioning

01820 Demonstration and Training

DIVISION 2 - SITE WORK

02220 Excavation and Embankment
02230 Site Clearing
02260 Excavation Support Systems
02300 Earthwork
02315 Pipe Bedding and Aggregate Base Course
02361 Termite Control
02370 Slope Protection and Erosion Control
02466 Drilled Piers
02580 Traffic Marking Paint
02590 Paving Joint Sealants
02620 Foundation Drainage
02630 Storm Drainage
02730 Sanitary Sewer Service Lines
02740 Hot-Mixed Asphalt Paving
02750 Portland Cement Concrete Paving
02780 Unit Pavers
02810 Irrigation System
02820 Architectural Fence and Gates
02830 Chain Link Fences and Gates
02840 Traffic Control and Signs
02870 Site Furnishings
02900 Landscape Work

(Addendum No. 2)

DIVISION 3 - CONCRETE

03300 Cast-In-Place Concrete
03380 Post-Tensioned Concrete
03450 Architectural Precast Concrete

DIVISION 4 - MASONRY

04210 Brick Masonry Units
04220 Concrete Masonry Units
04410 Stone Masonry Veneer

DIVISION 5 - METALS

05120 Structural Steel
05210 Steel Joists
05310 Steel Deck
05400 Cold Formed Metal Framing
05500 Metal Fabrications
05515 Pre-Engineered Metal Stairs

05700 Ornamental Metal
05720 Ornamental Railings

DIVISION 6 - WOODS AND PLASTICS

06060 Wood Veneer
06100 Rough Carpentry
06230 Interior Finish Carpentry
06410 Architectural Woodwork
06415 Custom Architectural Millwork Not Issued (NIC)

DIVISION 7 - THERMAL AND MOISTURE PROTECTION

07135 Composite Sheet Waterproofing
07140 Fluid Applied Waterproofing
07210 Building Insulation
07412 Metal Wall Panels
07535 Plaza and Garden Roof System
07540 Thermoplastic Membrane Roofing
07600 Flashing and Sheet Metal Trim
07720 Roof Specialties and Accessories
07815 Sprayed Fireproofing
07840 Fire Stopping
07900 Joint Sealants

DIVISION 8 - DOORS AND WINDOWS

08110 Steel Doors and Frames
08210 Wood Doors
08310 Access Doors and Panels
08330 Overhead Coiling Doors
08430 Interior Glass Wall System
08460 Automatic Sliding Entrance Doors (Addendum No.1)
08710 Finish Hardware (Addendum No.3)
08800 Glass and Glazing
08920 Glazed Aluminum Curtain Walls

DIVISION 9 - FINISHES

09215 Gypsum Veneer Plaster
09220 Portland Cement Plaster (Addendum No. 2)
09235 Glass Fiber Reinforced Gypsum Fabrications
09260 Gypsum Board Assemblies
09270 Gypsum Board Shaftwall Assemblies

09310 Ceramic Tile
09402 Epoxy Terrazzo
09510 Acoustical Ceilings
09650 Resilient Flooring
09680 Carpet
09750 Stone Countertops
09900 Painting

DIVISION 10 - SPECIALTIES

10155 Toilet Compartments
10200 Louvers and Vents
10260 Wall and Corner Guards
10300 Fireplaces
10430 Signage
10500 Lockers
10520 Fire Protection Specialties
10651 Operable Panel Partitions
10705 Exterior Sun Control Devices
10750 Telephone Specialties
10800 Toilet and Building Accessories

Not Issued (Allowance Item)

DIVISION 11 - EQUIPMENT

11010 Window Washing Equipment
11050 Library Equipment
11052 Book Theft Detection Equipment
11060 Theater and Stage Equipment
11130 Audio -Visual Equipment
11132 Projection Screens
11160 Loading Dock Equipment
11450 Residential Equipment

Not Issued (NIC)

Not Issued (NIC)

Not Issued (Allowance Item)

DIVISION 12 - FURNISHINGS

12482 Entrance Mats and Grilles
12491 Horizontal Louver Blinds
12495 Manual and Motorized Roller Shades

DIVISION 14 - CONVEYING SYSTEMS

14240 Hydraulic Elevators

(Addendum No.1)

DIVISION 15 - MECHANICAL

15010	General Mechanical Requirements
15240	Vibration Isolation
15250	Mechanical Insulation
15330	Wet Pipe and Pre-Action Sprinkler Systems
15410	Roof and Storm Drainage System
15411	Sanitary Drain, Waste and Vent Piping System
15412	Domestic Water Piping System
15413	Natural Gas Piping System
15440	Plumbing Fixtures and Trim
15458	Commercial Electric Water Heaters
15510	Hydronic System with Water Treatment
15553	Natural Gas Fired Boilers
15629	Electric Unit Heaters
15674	Air Cooled Condensers
15787	Large Packaged VAV Heating and Cooling Units
15792	Packaged Self Contained Air Conditioning - Air Cooled
15810	Humidity Control
15855	Modular Air Handling Units with Coils
15860	Fans
15891	Low and Medium Pressure Ductwork and Accessories
15932	VAV Box with Dual Duct
15949	BAS System

DIVISION 16 - ELECTRICAL

16010	General Electrical Requirements
16110	Raceways
16120	Wires and Cables
16130	Boxes and Enclosures
16131	Cable Tray
16140	Wiring Devices
16170	Disconnect Switches
16190	Supporting Devices
16195	Electrical Identification
16421	Underground Electrical Services
16422	Transient Voltage Surge Suppressor, High Exposure

16424	Transient Voltage Surge Suppressor
16425	Multi- Switchboards
16450	Grounding
16460	Transformers, Dry Type
16463	Transformers, Harmonic Cancellation
16471	Circuit Breaker Panelboards, 240 VAC
16472	Circuit Breaker Power Distribution
16473	Lighting and Power Panelboards
16476	Fuses
16481	Motor Starters, Full Voltage
16485	Contactors
16511	Interior Lighting Fixtures
16521	Exterior Lighting Fixtures
16530	
16570	Architectural Lighting Control Systems
16621	Engine-Generator Set, Packaged
16627	Automatic Transfer Switch
16635	Uninterruptible Power Supply
16720	Fire Alarm and Detection System
16726	Security Intrusion Detection System
16729	Closed Circuit Monitoring System
16740	Voice and Data Cabling Systems

END OF EXHIBIT A

**EXHIBIT B
TO
AGREEMENT BETWEEN OWNER & CONTRACTOR
FOR THE
FAYETTEVILLE PUBLIC LIBRARY**

SHEET NUMBER	SHEET TITLE
	GENERAL
G001	Title Sheet
GR100	Code Summary, Fire Egress & General Notes - Not Issued, See Spec. Section 01410 (Addendum #3)
GR101	Soil Boring Location Information
	CIVIL
C100	Design Survey, Dated 02/05/02
C101	Traffic Control Plan, Dated 02/05/02
C102	Tree Preservation & Erosion Control, Dated 02/05/02
C103	Demolition Plan, Dated 2/08/02
C104	Grading & Drainage Plan, Dated 02/05/02
C105	Plat Of Survey, Dated 11/29/99
C106	Site Plan, Dated 02/05/02
C107	Site Plan- North Detail Sheet, Dated 02/05/02
C108	Site Plan- South Detail Sheet, Dated 02/05/02
C109	Waterline Plan & Profile, Dated 02/05/02
C110	Roadway Typical Section, Dated 02/05/02
C111	Mountain Street Plan & Profile, Dated 02/05/02
C112	Rock Street Plan & Profile, Dated 02/05/02
C113	Miscellaneous Details 1, Dated 02/05/02
C114	Miscellaneous Details 2, Dated 02/05/02
C115	Drainage Details, Dated 02/05/02
C116	Water Line Details, Dated 02/05/02
	LANDSCAPE
L101	Overall Landscape Plan, Dated 02/05/02
L102	Hardscape Plan; Dim. & Elev., Dated 02/05/02
L201	Irrigation Plan, Dated 02/05/02
L202	Irrigation Details, Dated 02/05/02
L301	Planting Plan & Plant Schedule, Dated 02/05/02
L302	Planting Details, Dated 02/05/02
	ARCHITECTURAL
A001	Architectural Site Plan
A101	Floor Plan - Level 100
A101.5	Floor Plan - Level 150
A102	Floor Plan - Level 200
A103	Floor Plan - Level 300
A104	Floor Plan - Level 400
A104.5	Floor Plan - Level 450
A105	Floor Plan - Level 500

SHEET NUMBER	SHEET TITLE
	ARCHITECTURAL
A101C	Reflected Ceiling Plan – Level 100
A101.5C	Reflected Ceiling Plan – Level 150
A102C	Reflected Ceiling Plan – Level 200
A103C	Reflected Ceiling Plan – Level 300
A104C	Reflected Ceiling Plan – Level 400
A101F	Finish Plan – Level 100
A101.5F	Finish Plan – Level 150
A102F	Finish Plan – Level 200
A103F	Finish Plan – Level 300
A104F	Finish Plan – Level 400
A101FR	Furniture Plan – Level 100
A102FR	Furniture Plan – Level 200
A103FR	Furniture Plan – Level 300
A104FR	Furniture Plan – Level 400
A201	Interior Elevations – Parking Levels
A202	Interior Elevations – Parking Levels
A203	Interior Elevations – Parking Levels
A204	Interior Elevations – Parking Levels
A207	Interior Elevations – Level 300
A208	Interior Elevations – Level 300
A209	Interior Elevations – Level 300
A210	Interior Elevations – Level 300
A211	Interior Elevations – Level 300
A212	Interior Elevations – Level 400
A213	Interior Elevations – Level 400
A214	Interior Elevations – Level 400
A215	Interior Elevations – Level 400
A216	Interior Elevations – Level 400
A251	Exterior Elevations – North & East
A252	Exterior Elevations – South & West
A253	Partial Exterior Elevations
A254	Partial Exterior Elevations
A301	Building Sections
A302	Building Sections
A303	Building Sections
A351	Exterior Wall Sections
A352	Exterior Wall Sections
A353	Exterior Wall Sections
A354	Exterior Wall Sections
A355	Exterior Wall Sections
A356	Exterior Wall Sections
A357	Exterior Wall Sections
A358	Enlarged Plans & Sections
A401	Stair 1 – Plans & Sections
A402	Stair 1 & 2 – Plans & Sections
A403	Stair 4 – Plans & Sections
A404	Stair 5,2,6, &7 Plans & Section

SHEET NUMBER	SHEET TITLE
	ARCHITECTURAL
A405	Stair 9, 10, 11, 12, 13, & 14 – Plans & Sections
A406	Stair 3 – Plans & Sections
A407	Stair 3 Details
A408	Stair 3 Details
A410	Stair Details
A451	Enlarged Plans Level 300 & 400, Typ. Mtng Hghts
A452	Enlarged Plans L 200, 300 & 400
A453	Elevator Plans & Sections
A454	Elevator Plans & Sections
A501	Exterior Details
A502	Exterior Details
A503	Exterior Details
A504	Exterior Details
A505	Exterior Details
A505.1	Exterior Details
A506	Exterior Details
A507	Exterior Details
A508	Exterior Details
A509	Exterior Details
A510	Exterior Details
A511	Exterior Details
A512	Exterior Details
A513	Exterior Details
A514	Exterior Details
A515	Exterior Details
A551	Ceiling Details
A552	Ceiling Details
A575	Interior Details
A576	Interior Details
A577	Interior Details
A578	Interior Details, Dated 03/12/02
A601	Partition Types
A602	Exterior Wall Types
A603	Door & Frame Types, Dated 03/12/02
A604	Door & Window Schedules, Dated 03/12/02
A605	Exterior Frame Types
A701	Millwork
A702	Millwork
A703	Millwork
A704	Millwork
A705	Millwork
A706	Millwork
A707	Millwork
A708	Millwork
A709	Millwork
A720	Millwork Details
A721	Millwork Details
A722	Millwork Details

SHEET NUMBER	SHEET TITLE
	STRUCTURAL
S001	General Notes, Dated 02/11/02
S002	Site Plan, Dated 02/11/02
S101	Level 100 Level 0.5/1.5 Foundation Plan, Dated 02/11/02
S101.5	Level 1.5/2.0 Foundation & Framing Plan, Dated 02/11/02
S102	Level 200/2.5/3.0 Foundation & Framing Plan, Dated 02/11/02
S103	Level 300 Framing Plan, Dated 02/11/02
S104	Level 400 Framing Plan, Dated 02/11/02
S104.5	Level 450 Low Roof Framing Plan, Dated 02/11/02
S105	Level 500 High Roof Framing Plan, Dated 02/11/02
S201	Foundation Details, Dated 02/11/02
S202	Column Details, Dated 02/11/02
S203	Foundation Details, Dated 02/11/02
S204	Frame Elevations Grids 1 & 2, Dated 02/11/02
S205	Frame Elevations Grids 3 & 4, Dated 02/11/02
S206	Frame Elevations Grids 5 & 6, Dated 02/11/02
S207	Frame Elevations Grids 7 & 8.4, Dated 02/11/02
S208	Frame Elevations Grids 4 & A.4, Dated 02/11/02
S301	Post-Tension Details, Notes & Schedules, Dated 02/11/02
S302	Beam & Joists Details, Notes & Schedules, Dated 02/11/02
S302.5	Beam & Joists Details, Notes & Schedules, Dated 02/11/02
S303	Framing Details, Dated 02/11/02
S304	Framing Details, Dated 02/11/02
S305	Framing Details, Dated 02/11/02
S306	Framing Details, Dated 02/11/02
S307	Framing Details, Dated 02/11/02
S308	Framing Details, Dated 02/11/02
S309	Framing Details, Dated 02/11/02
S401	Enlarged Stair Plans, Dated 03/12/02
S402	Enlarged Foundation Plans, Dated 03/12/02
	MECHANICAL
U101	Building Utilities/ Site Lighting Plan, Dated 02/13/02
P101	Level 100 & Level 0.5/1.0 Plumbing Drain Plan, Dated 02/13/02
P101.5	Level 1.5/2.0 Plumbing Drain Plan, Dated 02/13/02
P102	Level 200 & Level 2.5/3.0 Plumbing Drain Plan, Dated 02/13/02
P103	Level 300 Plumbing Drain Plan, Dated 02/13/02
P104	Level 400 Plumbing Drain Plan, Dated 02/13/02
P104.5	Penthouse/Rooftop Plumbing Drain Plan, Dated 02/13/02
P201	Level 100 & Level 0.5/1.0 Plumbing Supply Plan, Dated 02/13/02
P202	Level 200 & Level 2.5/3.0 Plumbing Supply Plan, Dated 02/13/02
P203	Level 300 Plumbing Supply Plan, Dated 02/13/02
P204	Level 400 Plumbing Supply Plan, Dated 02/13/02
P204.5	Penthouse Plumbing Supply Plan, Dated 02/13/02
P301	Plumbing Details, Dated 02/13/02
P302	Plumbing Diagrams, Dated 02/13/02
P303	Plumbing Riser Diagrams, Dated 02/13/02
P304	Plumbing Riser Diagrams, Dated 02/13/02
P305	Plumbing Riser Diagrams, Dated 02/13/02
P401	Plumbing Schedules, Dated 02/13/02

SHEET NUMBER	SHEET TITLE
	MECHANICAL
M101	Level 100 & Level 0.5/1.0 Mechanical Plan, Dated 02/13/02
M102	Level 200, Level 1.5/2.0 & 2.5/3.0 Mechanical Plan, Dated 02/13/02
M103	Level 300 Mechanical Plan, Dated 02/13/02
M104	Level 400 Mechanical Plan, Dated 02/13/02
M104.5	Penthouse / Rooftop Mechanical Plan, Dated 02/13/02
M201	Mechanical Details, Dated 02/13/02
M202	Mechanical Details, Dated 02/13/02
M203	Mechanical Control Details, Dated 02/13/02
M204	Mechanical Control Details, Dated 02/13/02
M301	Mechanical Schedules, Dated 02/13/02
M302	Mechanical Schedules, Dated 02/13/02
	ELECTRICAL
E101	Level 100 & Level 0.5/1.0 Electrical Power & Communication Plan, Dated 02/13/02
E101.5	Level 1.5/2.0 Electrical Power & Communication Plan, Dated 02/13/02
E102	Level 200 & Level 2.5/3.0 Electrical Power & Communication Plan, Dated 02/13/02
E103	Level 300 Electrical Power & Communication Plan, Dated 02/13/02
E104	Level 400 Electrical Power & Communication Plan, Dated 02/13/02
E104.5	Penthouse & Rooftop Electrical Plan, Dated 02/13/02
E201	Level 100 & Level 0.5/1.0 Lighting Plan, Dated 02/13/02
E201.5	Level 1.5/2.0 Lighting Plan, Dated 02/13/02
E202	Level 200 & Level 2.5/3.0 Lighting Plan, Dated 02/13/02
E203	Level 300 Lighting Plan, Dated 02/13/02
E204	Level 400 Lighting Plan, Dated 02/13/02
E301	Electrical Riser Diagram and Feeder Schedule, Dated 02/13/02
E302	Electrical Details & Equipment Schedules, Dated 02/13/02
E303	Electrical Details & Diagrams, Dated 02/13/02
E304	Electrical Details, Dated 02/13/02
E305	Electrical Notes, Legend, & Details, Dated 02/13/02
E306	Lighting Control Details, Dated 02/13/02
E401	Electrical Lighting Fixture Schedule, Dated 02/13/02
E402	Exterior Lighting Fixture Schedule, Dated 02/13/02
E403	Electrical Panelboard Schedules, Dated 02/13/02
E404	Electrical Panelboard Schedules, Dated 02/13/02

END OF DOCUMENT

5 May 2002

Mr. Bennie Crossland, Vice President
Crossland Construction Company, Inc.
Hwy. 69, PO Box 45
Columbus, KS 66725

Re: **EXHIBIT 'C'**
Negotiated Changes to Contract Documents and Bid
Fayetteville Public Library

Dear Mr. Crossland:

The following is a detailed summary of changes to the Contract Documents dated February 14th, 2002 including Addenda 1, 2, and 3 issued during the Bidding Phase of the Work; and as priced in your bid dated March 27th, 2002. This letter represents the entire agreement for modifications to the documents listed above, and shall be incorporated and referenced in AIA Document A101, paragraph 8.1.7 as Exhibit C.

Changes of materials from those indicated in the Contract Documents maintain the same role and responsibilities of all parties as indicated in Section 01630 of the Specifications. Where entire specification sections have been omitted, scope of change covered is limited only to the Section omitted. Work of related Sections shall remain unless noted otherwise. Unless otherwise noted, changes to the Contract Documents as bid during negotiations are limited to the following descriptions:

- 8.1.7.1 Negotiated Changes to Contract Documents and Bid. The Contract Sum listed in AIA Document A101, paragraph 4.1 reflects the bid amount submitted by the Contractor less the total value of the changes. The total value of the changes is two million one hundred fifty-three thousand sixty-nine dollars and zero cents (\$2,153,069.00). The Contractor and the Owner agree that any item or scope of work removed from the bid amount may be added back into the project, at any point after the Notice to Proceed, and prior to Substantial Completion, at a cost to be determined at the time of the Change, which would include no more than two point five percent (2.5%) mark-up for profit and zero percent (0%) mark-up for overhead. Changes in the Work beyond those listed below shall be subject to the General and Supplementary Conditions of this Contract.
- 8.1.7.1.1 Remove the sum of ninety-nine thousand three hundred dollars and zero cents (\$99,300.00) from the bid amount allocated for SWEPCO underground utility work along West Avenue. This work will be contracted directly between the Owner and the utility company.
- 8.1.7.1.2 Remove the sum of nine hundred seventy thousand dollars and zero cents (\$970,000.00) from the bid amount allocated for lighting fixture materials and lamps as specified in Section 16511, Section 16521, and as indicated on Sheet E401. Provide a material allowance for the scheduled fixtures in the amount of five hundred ninety-four thousand nine hundred forty-five dollars and zero cents (\$594,945.00). This allowance amount shall cover shipping, contractor and distributor mark-ups, and sales tax.
- 8.1.7.1.3 Remove the sum of one hundred forty-one thousand nine hundred fifty dollars and zero cents (\$141,950.00) from the bid amount for landscape and irrigation work as specified in Section 02810 and Section 02900; and as shown on Sheets L101, L201, L202, L301, and L302. Work shown in the drawings, but not removed from the Contract, include: tree protection work shown on Sheet

L101; stone retaining walls, steps, and seating shown on L101; hardscaping, paving, and irrigation sleeves shown on L102; and mechanical and electrical work related to the irrigation system shown on Sheet L201 and shown elsewhere in the Contract Documents.

- 8.1.7.1.4 Remove the sum of one hundred ten thousand five hundred fifty dollars and zero cents (\$110,500.00) from the bid amount for the following modifications to Section 07412 and Section 08920: provide thickness of aluminum composite panel to 4mm; provide aluminum composite panel to 2-part Kynar finish to match clear anodized aluminum; provide flat segmented aluminum composite panels at columns G-K and AA-DD; provide 2" by 4.5" thermally broken aluminum frames of same manufacturer for frames #1-15 and #28-45.
- 8.1.7.1.5 Remove the sum of three hundred forty thousand dollars and zero cents (\$340,000.00) from the bid amount for fire alarm and detection systems, security intrusion systems, closed circuit television systems, and voice and data cabling systems work as required by Section 16720, Section 16726, Section 16729, and Section 16740.
- 8.1.7.1.6 Remove the sum of six hundred fifty thousand dollars and zero cents (\$650,000.00) from the bid amount for architectural precast materials only as specified in Section 03450. Labor for the scope of Work indicated in the Documents shall remain in the bid.
- 8.1.7.1.7 Remove the sum of thirty thousand dollars and zero cents (\$30,000.00) from the bid amount for the following modifications: Reference Drawing 8/A253 and Drawing 10/A253, provide painted steel trellis assembly painted to match clear anodized aluminum for the trellis structure identified as "anodized aluminum trellis."
- 8.1.7.1.8 Remove the sum of eighteen thousand dollars and zero cents (\$18,000.00) from the bid amount for the following modifications: Reference Window Type 48 on Sheet A605, and Section 05700, provide Ornamental exterior garage screens of a type and design as shown on Sheet A605, and omit the requirements of Section 05700, 2.1, B.3 (addendum No.3).
- 8.1.7.1.9 Remove the sum of fifteen thousand dollars and zero cents (\$15,000.00) from the bid amount for the following modifications: Reference Drawing S101: Change the parking deck slab on grade to be 5" in lieu of 6" thick; change all grade beam and slab on grade concrete design mix from 4000 psi to 3000 psi; change concrete tie spacing to 10" o.c. (from 5" o.c.) where column is cast integral with a wall (at pilasters); and delete rebar ties around column dowels below the top of drilled piers and the top of footings.
- 8.1.7.1.10 Remove the sum of forty-eight thousand dollars and zero cents (\$48,000.00) from the bid amount for the following modifications: acceptance of Alternate No. 1: Provide complete "ACT-1" ceiling system as specified in Section 09510 in lieu of "PVC-1" ceiling system as specified in Section 09510 and as indicated in drawings on Level 300 and Level 400.
- 8.1.7.1.11 Remove the sum of seventy-four thousand dollars and zero cents (\$74,000.00) from the bid amount for the following modifications: acceptance of Alternate No. 2: Provide painted gypsum board wall finish as specified in Section 09260 and Section 09900 in lieu of "Metal Panel" as specified in Section 07412 for interior wall finishes as indicated in drawings on Level 300 and Level 400.
- 8.1.7.1.12 Remove the sum of fourteen thousand forty-two dollars and zero cents (\$14,042.00) from the bid amount for removing the work specified in Section 10500 for wood lockers shown in Room 218.

- 8.1.7.1.13 Remove the sum of twenty thousand dollars and zero cents (\$20,000.00) from the bid amount for the following: reference Section 08800, paragraph 2.7 (c) and (d) as modified by Addendum 2; provide Pattern 62 obscure glass in lieu of material specified. Code and performance requirements for tempered and laminated glazing remain unchanged.
- 8.1.7.1.14 Remove the sum of eleven thousand eight hundred dollars and zero cents (\$11,800) from the bid amount for the following: reference Section 14240 (Addendum 2); provide Cars A & B of dual jack hole-less type; provide car riding lanterns in lieu of hall position indicators for all cars; and provide aluminum sills for all cars.
- 8.1.7.1.15 Remove the sum of five thousand dollars and zero cents (\$5,000.00) from the bid amount for the following: reference Drawing 17/A408 (et.al.) provide _ inch fully tempered glass panels in lieu of _ inch Lexan panels as noted.
- 8.1.7.1.16 Remove the sum of six thousand dollars and zero cents (\$6,000.00) from the bid amount for the following: Reference Section 16463, provide five (5) Square-D non-linear type transformers in lieu of five (5) harmonic mitigating transformers.
- 8.1.7.1.17 Remove the sum of ten thousand dollars and zero cents (\$10,000.00) from the bid amount for the following: reference Section 07540 Roof Type 1, and Drawing 11/A505 (typical), omit the glass faced gypsum board (SHTG-4) installed over new concrete deck only.
- 8.1.7.1.18 Remove the sum of thirty-four thousand seven hundred eight dollars and zero cents (\$34,708.00) from the bid amount for the following: reference Section 10651, omit the operable partition only as indicated for Room 309.
- 8.1.7.1.19 Remove the sum of twelve thousand dollars and zero cents (\$12,000.00) from the bid amount for the following: reference Section 01210; omit Allowance No. 1 for Custom Interior Signage.
- 8.1.7.1.20 Remove the sum of sixty thousand dollars and zero cents (\$60,000.00) from the bid amount for the following: reference Section 01210; omit Allowance No. 4 for Audio / Visual Equipment.
- 8.1.7.1.21 Remove the sum of twenty thousand dollars and zero cents (\$20,000.00) from the bid amount for the following: reference Section 16131; omit the cable tray as specified.
- 8.1.7.1.22 Remove the sum of five thousand dollars and zero cents (\$5,000.00) from the bid amount for the following: reference Sheet A701, Millwork Schedule, Item 'MW-318, reduce quantity to 12; and Item 'FURN#180, reduce quantity to 30.
- 8.1.7.1.23 Remove the amount of fifty-two thousand five hundred fourteen dollars and zero cents (\$52,514.00) from the bid amount for profit reduction on items listed above representing two point five percent (2.5%) of the subtotal.

END OF EXHIBIT 'C'

DOCUMENT 00410
BID FORM

EXHIBIT D

TO

DATE: March 27, 2002
(Insert date on above line)

AGREEMENT BETWEEN OWNER & CONTRACTOR

PROJECT: Fayetteville Public Library
401 West Mountain Street
Fayetteville, AR 72701

FOR THE
FAYETTEVILLE PUBLIC LIBRARY

BID TO: City of Fayetteville, Arkansas
Peggy Vice, Director
Purchasing Department
113 West Mountain Street
Fayetteville, AR 72701

BID FROM:

Crossland Construction Co., Inc.
(Name of firm or company submitting bid)

833 S.E. Ave.
(Address of firm or company submitting bid)

Columbus, KS 66725
(City, State, Zip Code)

Steve Houser (620)429-1414 fax (620)429-1412
(Contact Person, Telephone Number, Fax Number)

The undersigned, having carefully examined the site of the Work and the Bidding and Contract Documents and other conditions affecting the Work, proposes to furnish in compliance with these documents, all Work described by the Contract Documents for the Project.

BASE BID: (In Dollars) \$ 19,787,000 *Nineteen million seven hundred eighty-seven thousand.*

UNIT PRICES

Refer to Section 01270 - Unit Prices for complete description of Unit Prices.

Unit Price 1: Additional excavation and material disposal according to Section 02300 - Earthwork.

Add	Dollars	\$ <u>8.00</u>	<i>eight dollars</i>
Deduct	Dollars	\$ <u>-0-</u>	<i>zero dollars</i>

Unit Price 2: Addition and/or reduction of depth of drilled piers according to Section 02466 – Drilled Piers.

Add for 24" diameter per foot of depth	<i>fifty-six</i>	Dollars	\$ <i>56.</i> ⁰⁰
Deduct for 24" diameter per foot of depth	<i>twenty-one</i>	Dollars	\$ <i>21.</i> ⁰⁰
Add for 48" diameter per foot of depth	<i>one hundred sixty</i>	Dollars	\$ <i>160.</i> ⁰⁰
Deduct for 48" diameter per foot of depth	<i>forty-one</i>	Dollars	\$ <i>41.</i> ⁰⁰
Add for 60" diameter per foot of depth	<i>two hundred fifty</i>	Dollars	\$ <i>250.</i> ⁰⁰
Deduct for 60" diameter per foot of depth	<i>sixty-one</i>	Dollars	\$ <i>61.</i> ⁰⁰

Unit Price 3: Addition for special or obstruction excavation for drilled piers according to Section 02466 - Drilled Piers. .

Add for 24" diameter per foot of depth	<i>three hundred ninety</i>	Dollars	\$ <i>390.</i> ⁰⁰
Add for 48" diameter per foot of depth	<i>six hundred thirty-five</i>	Dollars	\$ <i>635.</i> ⁰⁰
Add for 60" diameter per foot of depth	<i>eight hundred twenty</i>	Dollars	\$ <i>820.</i> ⁰⁰

ALTERNATES

Refer to Section 01230 - Alternates for complete description of Alternates.

Alternate 1: Provide complete ACT-1 ceiling system in lieu of PVC-1 ceiling system as shown on drawings (Level 300 and 400).

Deduct	Dollars	\$ <i>48,000.</i> ⁰⁰
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Alternate 2: Provide 5/8" painted gypsum wallboard in lieu of Metal Panel indicated as an interior finish material as shown on drawings (Level 300 and 400).

Deduct	Dollars	\$ <i>74,000.</i>
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Alternate 3: Provide CPT-1 in all areas on Level 300 shown to receive Cork-1 in lieu of Cork-1.

Deduct	Dollars	\$ <i>10,000.</i> ⁰⁰
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ACKNOWLEDGMENTS

In submitting this bid, we understand that the right is reserved by the Owner to accept or reject any or all bids and that this bid may not be withdrawn for a period of 60 calendar days after the Bid Date.

We hereby acknowledge receipt of Addenda Numbers #1-#3

Failure to show indicate receipt of Addenda will invalidate the bid.

COMPLETION

We agree to commence Work under Base Bid when directed by Owner to proceed, and to achieve Substantial Completion of said Work within the time schedule specified in the Project Manual, and further agrees to the imposition of liquidated damages as stated in Supplementary General Conditions.

TRENCHING OR EXCAVATION SAFETY SYSTEMS

In compliance with Arkansas code annotated § 22-9-212, the following separate pay item is included in the base bid:

Trenching or excavation
Safety systems: (\$ 5000.⁰⁰ Five thousand dollars)
Failure to show this cost will invalidate the bid.

MAJOR SUBCONTRACTORS

If awarded the Contract, in compliance with Arkansas Annotated Code § 22-9-204, the firms named below will be employed as subcontractors for their respective trades. Consult Supplementary Instructions to Bidders regarding this form. Failure to fill out this form correctly shall cause the bid to be declared non-responsive and the bid will not receive consideration.

	Name	License No.
A. Mechanical: (Indicative of HVAC)	<u>Nabeo</u>	<u>025860403</u>
	<u>Beaver Electric</u>	Is amount of work \$20,000 or over: Yes ☒ No ☐
B. Electrical: (Indicative of wiring and illuminating fixtures)	<u>Nabeo</u>	<u>025860403</u> <u>0013240203</u>
		Is amount of work \$20,000 or over: Yes ☒ No ☐
C. Plumbing:	<u>Nabeo</u>	<u>025860403</u>
		Is amount of work \$20,000 or over: Yes ☒ No ☐
D. Standing Seam Metal Roofing/Sheet Metal (Indicative of roofing applications)	<u>Franklin & Son</u>	<u>0029380303</u>
		Is the amount of work \$20,000 or over: Yes ☒ No ☐

If awarded the contract, I agree to enter into and execute a Contract on the basis of this bid, and to furnish bonds and proof of insurance in accordance with the Instruction to Bidders and the General Conditions of the Contract for Construction.

I have completed the Bid and have attached bid security, in specified amount, and copy of Surety Agent's Power of Attorney.

ADDITIONAL MAJOR SUBCONTRACTORS

We will use the following third tier subcontractors or suppliers, if our Base bid is accepted, for which the Bidding Documents require designation.

Contractor Masonry Contractor

Company Name: Walton Masonry

Address: Prairie Grove, Ar

Contractor Audio-Visual Contractor

Company Name:

~~Beaver Ebert~~ Beaver Ebert

Address:

Fayetteville

Contractor Fire Protection Contractor

Company Name:

Perkins Fire Pro

Address:

Ft. Rock, Ar

CONTRACTOR ON-SITE PERSONNEL

Project Manager's Name:

Joe Gibbons

Superintendent's Name:

Brad Hamilton

PERFORMANCE & PAYMENT BONDING COMPANY AND AGENT

We have included with this bid identification of Performance and Payment Bonding Company and agent to indicate compliance with Document 00800, Supplementary Conditions 11.5.1.

BIDDER IDENTIFICATION

We are:

- ☒ incorporated in the State of Kansas
☐ a Partnership
☐ a Proprietorship

Company
Name

Crossland Construction Co., Inc.

By:

Ivan Crossland Corporate Seal

Signed:

Ivan Crossland, Jr.

Title:

President

Company
Address:

833 S.E. Ave.

Columbus, KS 66725

License No.:

48-0908190

ARK License NO. - 0019621102

END OF DOCUMENT

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of May 21, 2002

FROM:

Jill Hatfield

Name

Animal Services

Division

General Services

Department

ACTION REQUIRED: To approve an ordinance revision of the non-motorized transport services section to include pony rides.

COST TO CITY:

\$ 0.00

Cost of this Request

\$ 0.00

Category/Project Budget

Category/Project Name

Account Number

\$ 0.00

Funds Used to Date

Program Name

Project Number

\$ 0.00

Remaining Balance

Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

5/6/02
Date

ADA Coordinator

Date

City Attorney

5/6/02
Date

Internal Auditor

5/6/02
Date

Purchasing Officer

5/6/02
Date

STAFF RECOMMENDATION: Approval of the Resolution and Budget Adjustment

Division Head

Date

Cross Reference

Department Director

5/6/02
Date

New Item: Yes No

Administrative Services Director

5/6/02
Date

Prev Ord/Res #: _____

Mayor

5/7/02
Date

Orig Contract Date: _____

MEMO

TO: Gary Dumas, General Services Director
FROM: Jill Hatfield, Animal Services Superintendent 
DATE: April 29, 2002
RE: Revision of Non-Motorized Transportation Services Ordinance

The current non-motorized services ordinance does not include stipulations for pony rides for children. There are concerns for the safety of the riders and handlers of these horses along with the health of the ponies that have not been addressed in the past.

The revised non-motorized transportation services ordinance includes the existing codes for horse drawn carriage rides along with new codes for pony rides.

cc: files

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XI: BUSINESS REGULATIONS, OF THE CODE OF FAYETTEVILLE, TO PROVIDE AMENDMENTS TO VARIOUS PROVISIONS REGULATING THE OPERATION OF NONMOTORIZED PASSENGER TRANSPORT SERVICES.

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

Section 1. That §§ 117.80-117.92 of the Code of Fayetteville, are hereby repealed and Exhibit "A" attached hereto and made a part hereof, is adopted and inserted in their stead.

PASSED and APPROVED this _____ day of April, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
HEATHER WOODRUFF, City Clerk

DRAFT

NONMOTORIZED PASSENGER TRANSPORT SERVICES

§ 117.80 Definitions.

For the purposes of this subchapter, the following words and terms have the meaning ascribed thereto:

Driver. An individual who operates a nonmotorized passenger transport vehicle.

Handler. An individual who leads and controls a pony working as a part of a nonmotorized passenger transport service.

Holder. A person who is granted a certificate of public convenience and necessity under this subchapter to provide nonmotorized passenger transport service in the city.

Horse. Any member of the Genus Equus or any hybrid thereof, including but not limited to burros, donkeys, ponies, and mules.

Nonmotorized passenger transport vehicle.
Example: a horse-drawn carriage.

Nonmotorized passenger transport service.
The business of offering or providing transportation of persons for hire, either in a nonmotorized transport vehicle or on horseback, when:

(1) A driver or handler is furnished as part of the service; and

(2) The service is offered only in accordance with a preapproved route.

Nonmotorized passenger transport vehicle drivers permit. A permit issued to an individual by the chief of police to operate a nonmotorized passenger transport vehicle for hire in the city.

Operate. To drive or be in physical control of a nonmotorized passenger transport vehicle.

Permittee. An individual who has been issued a nonmotorized passenger transport vehicle drivers permit under this subchapter.

Person. An individual, corporation, government or governmental subdivision, or an agency, trust, partnership, or two or more persons having a common economic interest.

Preapproved Route. Nonmotorized passenger transport service operating on a predetermined schedule with fixed pickup and destination points located on a route approved by and on file with the traffic superintendent.

§ 117.81 Certificate of public convenience and necessity.

(A) No person shall operate a nonmotorized passenger transport service within the city without first obtaining a current certificate of public convenience and necessity from the public transit board established by Section 117.31 of the Code of Fayetteville.

(B) To obtain a certificate of public convenience and necessity for a nonmotorized passenger transport service, a person who owns, controls or operates a proposed nonmotorized passenger transport service, must submit a proposal which shall be verified and contain the following information:

(1) A statement of the type of nonmotorized passenger transport service for which application is made;

(2) The form of business of the applicant; if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a direct interest in the business;

(3) The name, address, and verified signature of the applicant;

(4) A description of any past business experience of the applicant, particularly in providing passenger transportation service;

(5) The number and description of vehicles the applicant proposes to use in the operation of the service including year, make, model, manufacturer's rated seating capacity, and state license registration number for each vehicle;

(6) The number of horses the applicant proposes to use in the operation of the service with a description, including age, color, and breed or photograph; and a state certificate of veterinarian inspection for each horse;

(7) A description of the proposed service, including routes, rates or fares to be charged, and schedules, where applicable;

(8) Documentary evidence from an insurance company indicating a willingness to provide liability insurance as required by this chapter;

(9) Such additional information as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted; and,

(10) Such additional information as may be determined to be necessary to assist or promote the implementation or enforcement of this ordinance or the protection of the public safety.

(C) In deciding whether to issue or deny an application for a certificate of public convenience and necessity to operate a nonmotorized passenger transport service, the public transit board shall consider, but not be limited to, the following:

(1) Whether the public convenience and necessity requires the proposed service;

(2) Whether the applicant has complied with all requirements of this ordinance for providing the service applied for;

(3) The current safety record of the applicant, and the previous safety record, if the applicant has operated a nonmotorized passenger transport service in the past;

(4) Number and description of all nonmotorized passenger transport vehicles to be used, where applicable;

(5) Number and description of all horses to be used;

(6) If nonmotorized passenger transport vehicles are employed, the number of passengers that may be safely transported in each vehicle based on the size of the vehicle and the type of horse pulling it;

(7) Customers to be served;

(8) Places for loading or unloading passengers;

(9) Hours of operation;

(10) Schedules and routes to be followed;

(11) Rates to be charged;

(12) The use of special safety equipment;

(13) The use of special sanitary devices and special care procedures for horses; and

(14) Special conditions or limitations.

(D) The public transit board shall issue a certificate of public convenience and necessity to the applicant, if it is determined that:

(1) The applicant has complied with all requirements for issuance of the certificate;

(2) That public convenience and necessity require the operation of the proposed service; and

(3) The applicant has not made a false statement as to a material matter in an application for a certificate.

(E) If the public transit board determines that the requirements set forth above have not been met, the public transit board shall deny the certificate.

§ 117.82 Route approval.

(A) All routes shall be approved by the city's traffic superintendent.

(B) Holders shall submit to the city's traffic superintendent all requests for temporary changes in authorized routes, hours of operation, or for participation in special events such as festivals, parades or weddings, not less than three (3) days before the effective date of the change or event.

§117.83 Nonmotorized passenger transport vehicle drivers permit.

(A) No person shall operate a nonmotorized passenger transport vehicle for hire upon the streets of the city, and no person who owns or controls a nonmotorized passenger transport vehicle shall permit it to be so operated, and no nonmotorized passenger transport vehicle licensed by the city shall be so operated at any time for hire, unless the driver of said vehicle shall have first obtained and shall have then in force a nonmotorized passenger transport vehicle drivers permit issued under the provisions of this chapter.

(B) (1) An application for a nonmotorized passenger transport vehicle drivers permit shall be filed with the chief of police on forms provided by the city and such application shall be verified under oath and shall contain the following information:

a. The names and addresses of four (4) residents of the county, who have known the applicant for a period of one (1) year and who will vouch for the sobriety, honesty, and general good character of the applicant; and

b. A concise history of his/her employment.

(C) The police department shall conduct an investigation of each applicant for a nonmotorized passenger transport vehicle drivers permit, and a report of such investigation with a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the chief of police.

(D) The chief of police shall, upon consideration of the application and the reports required to be attached thereto, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the mayor to offer evidence why his application should be reconsidered.

(E) (1) Upon approval of an application for a nonmotorized passenger transport vehicle drivers permit, the chief of police shall issue a permit to the applicant which shall bear the name, address, age, signature, and photograph of the applicant.

(2) Such permit shall be in effect for the remainder of the year. A permit for every calendar year thereafter shall be issued upon the payment of \$2.00 unless the permit for the preceding year has been revoked.

(F) When a drivers permit is issued, the application and supporting information shall be returned to the holder of the certificate of public convenience and necessity to be held by the certificate holder so long as the driver is employed by the certificate holder.

§ 117.84 Display of permit.

Every permittee under this subchapter shall post his or her drivers permit in such a place as to be in full view of all passengers while the driver is operating a nonmotorized passenger transport vehicle.

§ 117.85 Insurance requirements.

(A) A holder shall procure and keep in full force and effect commercial general liability insurance written by an insurance company approved by the State of Arkansas and acceptable to the city and issued in the standard form approved by the State Board of Insurance. All provisions of the policy must be acceptable to the city. The insured provisions of the policy must name the city as additional insured and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a nonmotorized passenger transport service by the holder.

(B) The commercial general liability insurance must provide combined single limits of liability for bodily injury and property damage of not less than \$1,000,000.00 for each occurrence, or the equivalent, and include coverage for premises operations, independent contractors, products, completed operations, personal injury, contractual liability, and medical payments. Coverage for medical payments must include a minimum limit of \$5,000.00 per person. Aggregate limits of liability are prohibited.

(C) Insurance required under this section must include:

(1) A cancellation provision in which the insurance company is required to notify the city in writing not fewer than 30 days before canceling, failing to renew, or making a material change to the insurance policy; and,

(2) A provision to cover all horses and vehicles, whether owned or not owned by the holder, operated under the holder's certificate of public convenience and necessity.

(D) No insurance required by this section may be obtained from an assigned risk pool.

(E) A certificate of public convenience and necessity will not be granted or renewed unless the applicant or holder furnishes the city with such proof of insurance as the city considers necessary to determine whether the applicant or holder is adequately insured under this section.

(F) If the insurance of the holder lapses or is cancelled and new insurance is not obtained, the certificate of public convenience and necessity shall be suspended until insurance coverage required by this section has been obtained. A person shall not operate a nonmotorized passenger transport service while the certificate is suspended under this section.

(G) The holder shall provide adequate employer's liability insurance for the employees as provided by law.

§ 117.86 Conduct of drivers and handlers.

Drivers and handlers shall at all times;

(1) Act in a reasonable, prudent, and courteous manner;

(2) Maintain a sanitary and well-groomed appearance;

(3) Not inhale or consume an alcoholic beverage, drug, or other substance that could adversely affect his or her ability to operate a nonmotorized passenger transport vehicle, or handle a horse.

(4) Not permit a person other than another employee of the nonmotorized passenger transport service to operate a vehicle or handle a horse under his or her control;

(5) Not permit any person on the back of a horse while it is pulling a nonmotorized passenger transport vehicle.

(6) Not leave a horse untethered and unattended except when confined to a stable or other enclosure;

(7) Pick up all horse droppings immediately with appropriate equipment.

§ 117.87 Horses, vehicles, and equipment.

(A) Horses.

(1) Before any horse may be used in a nonmotorized passenger transport service, the holder must furnish the animal services director with:

a. A state certificate of veterinarian inspection with a photograph or drawing of the horse showing identifying markings of the horse and showing that the horse has been examined at least once within the preceding three months by a veterinarian licensed by the State of Arkansas who specializes in equine medicine; and,

b. An Equine Vaccination Certificate from a licensed veterinarian showing proof that the pony has had tetanus, rabies, and Eastern-Western encephalitis vaccinations; further, proof of a negative Coggins test must be submitted annually.

(2) A horse used in a nonmotorized passenger transport service must:

a. Be appropriately shod to work on paved streets; if a horse loses a shoe while working, an "eazy" type boot may be used to finish the scheduled work day;

b. Not have any open wound, oozing sore, cut below skin level or bleeding wound;

c. Not have evidence of lameness, such as but not limited to head bobbing or irregular rhythm;

d. Be offered not less than five gallons of drinking water at least every two hours;

e. Have at least a 10 minute rest period after every 50 minutes worked;

f. Not work longer than six hours in a 24 hour period with a minimum of 12 hours rest;

g. Have the appropriate bridle, bit, halter, or harness equipment properly fitted and in good repair with no deficiencies that could reasonably be deemed a safety hazard;

h. Be properly cleaned with no offensive odors or caked dirt or mud;

i. Not work when the outside temperature exceeds 90 degrees Fahrenheit, or the thermal heat index exceeds 110; and,

j. Be examined at least once every three months by a veterinarian licensed by the State of Arkansas who specializes in equine medicine and receive a state certificate of veterinarian inspection, which must be submitted to the Animal Services Director.

(3) The Animal Services Director may require a holder, driver, or handler to remove from service any pony that appears to be ill, overtired, undernourished, overloaded, injured, or lame or whose health or life, in the opinion of a veterinarian or qualified equine animal services officer, is in imminent danger. To reinstate a horse removed from service, the horse must be re-examined and a new state certificate of veterinarian inspection issued for the horse by a veterinarian licensed by the State of Arkansas and specializing in equine medicine, which certificate must be submitted to the Animal Control Officer.

(4) For purposes of this section, a horse is considered to be working any time it is on the public street or sidewalk, or other public right-of-way, during any hour of operation of the nonmotorized passenger transport service that is authorized by and on file with the traffic superintendent.

(B) Vehicle inspection and maintenance.
Each vehicle shall comply with all the safety

requirements imposed by all state, federal or local laws applicable to the vehicle involved.

(C) *Required Equipment.*

(1) *Nonmotorized passenger transport vehicles.*

a. A holder or driver shall, at all times, provide and maintain in good operating condition the following equipment for each nonmotorized passenger transport vehicle:

1. Headlights;
2. Taillights;
3. Flashing lights;
4. Approved braking system;
5. Rubber on all wheels;
6. A "slow moving vehicle" sign attached to the rear of the vehicle;
7. Evidence of insurance;
8. A copy of this chapter of the Code of Fayetteville; and
9. The company name and unit number conspicuously located on the rear of the vehicle in letters not less than two (2) inches high.

(2) *Horses.* The holder or handler shall ensure that every rider wears a bicycle-type safety helmet while riding on horseback.

§ 117.88 *Transfer of certificate.*

No certificate of public convenience and necessity may be sold, assigned, mortgaged, or otherwise transferred without the consent of the public transit board.

§ 117.89 *License fees.*

No certificate shall be issued or continued in operation unless the holder

thereof has paid an annual license fee of \$250.00 for the right to operate a nonmotorized passenger transport service under a certificate of public convenience and necessity. The license fees shall be for the calendar year and shall be in addition to any other license fees or charges established by proper authority and applicable to the holder.

§ 117.90 *Suspension, revocation of certificate.*

(A) A certificate issued under the provisions of this subchapter may be revoked or suspended by the Public Transit Board if the holder thereof has:

(1) Violated any of the provisions of this subchapter;

(2) Violated any ordinances of the city, or the laws, federal or state, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.

(C) Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

§ 117.91 *ADA compliance.*

Holder shall comply with all applicable provisions of the Americans with Disabilities Act.

§ 117.92 *Enforcement.*

The Police Department is hereby given the authority and is instructed to watch and observe the conduct of holders, drivers, and handlers operating under this subchapter. Upon discovering a violation of the provisions of this subchapter, the Police Department shall report the same to the City Attorney, who will order or take appropriate action.



STAFF REVIEW FORM

XXX AGENDA REQUEST
 CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council meeting: May 21, 2002

FROM:

W.A. Oestreich
Name

Fleet Operations
Division

Public Works
Department

ACTION REQUIRED:

Acceptance of the qualified Bidder meeting specifications - Bid 02-24, Item #1 - 2003 Mack LE613 w/mounted Labrie Automated Solid Waste Bodies - 7 Units @ \$196,488.00 for a total purchase price of \$1,375,416.00, with the authorization to purchase item #1. The Vendor will be Arkansas Power Steering & Hydraulics, 900 Fiber Optic Drive, N. Little Rock, AR 72114, Vendor #9822

COST TO CITY:
\$ 360,000.00
\$ 100,000.00
\$ 100,000.00
\$ 1,375,416.00
Cost of this Request

5500-5060-5802.00
5500-5010-5802.00
5500-5020-5802.00
9700-1920-5802.00
Account Number
02033
02082
Project Number

\$ 1,817,711.00
Category/Project Budget

\$ 646,920.00
Funds Used To Date
\$ 560,000.00
\$ 1,170,791.00
Remaining Balance

Repl/Exp Sanitation Equipment
Category/Project Name

Vehicles & Equipment
Program Name
Solid Waste
Shop
Fund

BUDGET REVIEW: XX Budgeted Item

 Budget Adjustment Attached

[Signature] 5-3-02
Budget Coordinator

Administrative Services Director

[Signature] 5/3/02
Accounting Manager
[Signature] 5/3/02
City Attorney
[Signature] 5/3/02
Purchasing Officer

ADA Coordinator Date
[Signature] 5/3/02
Internal Auditor Date

STAFF RECOMMENDATION:

Acceptance of Bid 02-24 with the Authorization to Purchase Item #1.

[Signature] 5/6/02
Division Head
[Signature] 5-6-02
Department Director
[Signature] 5/6/02
Administrative Services Director
[Signature] 5/7/02
Mayor

Cross Reference

New Item: Yes No

Prev Ord/Res #:

Orig Contract Date:



C I T Y O F
FAYETTEVILLE
FLEET OPERATIONS



479.444.3495 INTER-OFFICE MEMORANDUM FAX: 479.444.3425

TO: Mayor/City Council

THRU: Greg Boettcher, Public Works Director

THRU: Peggy Vice, Purchasing Manager

FROM: W. A. Oestreich, Fleet Operations Superintendent
C. L. Hill, Solid Waste & Recycling Administrator

DATE: April 27, 2002

SUBJECT: BID AWARD RECOMMENDATION 02-24 - Project 02082

Reference the attached Agenda Request for the Award of Bid 02-24, Item #1, to the lowest qualified bidder meeting specifications. This Vendor is Arkansas Power Steering & Hydraulics, 900 Fiber Optic Dr., N. Little Rock, AR 72114. (Vendor #9822).

The Bid Tabulation Sheet dated April 19, 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.

Specification Deviations: Peterbilt of Springdale

Frame thickness was increased which would add weight to body. Right hand drive seat is a stand up seat with folding door. Full Steel inner liner which will add weight to the body. Jake brake not retarder. Bidder does not show exceptions for Rear and Front Suspensions. Other items too numerous to include in this memo.

Specification Deviations: McNeilus

300 Horsepower not 350. Stand up right hand drive. Exceeds requirements on most steel gauges, which adds additional weight. Articulated arm (Cart grabber) does not go above and below grade. Decreased capacities in hydraulic reservoir. Other items too numerous to include in this memo.

Specification Deviations: Shipley Motor Equipment Company

Exceeds specifications on most steel gauges which increases total body weight. Articulating

arm does not allow operation below grade and has longer cycle time. Other items too numerous to include in this memo.

Specification Deviations: **Arkansas Power Steering & Hydraulics Inc.**

No Deviations from Bid Specifications.

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:

Arkansas Power Steering & Hydraulics - 2003 Mack LE-613 w/Labrie
Automated Side Loader @ \$196,488.00

SUMMARY

TO BE DELIVERED AS COMPLETE UNITS:

ITEM 1. Arkansas Power Steering & Hydraulics - 7 Units at \$196,488.00

TOTAL BID AWARD: **\$1,375,416.00**

The budgeted amount for items of this type is in account 9700-1920-5802.00, Project 02082, 5500-5010-5802.00, 5500-5020-5802.00 & 5500-5060-5802.00, Project 02033.

BID: 02-24
DATE: 04/19/02
TIME: 11:30 AM
CITY OF FAYETTEVILLE

DESCRIPTION: SOLID WASTE EQUIPMENT

BIDDER	ITEM ONE	MODEL
ARK POWER STEERING & HYDRAULICS	\$196,488.00	Mack LE613 w/LaBrie Body del-120-210 days
MCNEILUS COMPANIES	\$157,930.00	Mack LE 613 w/McNeilus Body del-60-90 days
PETERBILT OF SPRINGDALE	\$179,990.00	Peterbilt 320 w/LaBrie Body del-150 days
SHIPLEY MOTOR EQUIP COMPANY	\$170,759.00	Mack LE613 w/Bridgeport Body del-220 days

Certified by P. Vies P Vice Purch Mgr

William
Witness

4/19/02
Date

DEPARTMENTAL CORRESPONDENCE

TO: Carol Hill
FROM: Barbara Olsen
DATE: April 22, 2002
SUBJECT: **Monthly Maintenance Charges**

The figure of \$1039.00 per month for maintenance and overhead charges was arrived at by averaging the actual maintenance costs for all the trash trucks over a three year period (taking into consideration the number of months that each vehicle was in service during the three years.) The overhead charges included in this figure (\$169.00) are the maintenance related overhead charges averaged for all city vehicles and equipment.

Respectfully,



Barbara

City of Fayetteville, Arkansas
Request for Expansion/Replacement Equipment

Department: <u>UTILITIES SERVICES</u>		Date of Request <u>4/22/02</u>
Division: <u>SOLID WASTE</u>		
Program:		
Circle One: <u>7 UNITS</u>		
Expansion or Replacement		If replacement, unit # to be replaced
Current Veh. Monthly chgs.: Motor Pool <u>642.49</u>		Replacement <u>651.57</u>
EXPANSION - EACH: <u>1252.01</u>		Amount Budgeted \$ <u>1272.44</u>
Replmt. Veh. Monthly chgs.: Motor Pool <u>\$1039.00</u>		Replacement <u>\$2497.04</u>
		Amount Budgeted \$
Description of the equipment to be purchased/transferred: <u>Fully automated residential side loading Mack trash trucks w/ LaBrie bodies.</u>		
Justification for this equipment: <u>To implement automation and reduce residential waste pickup labor costs and reduce Workers Compensation costs.</u>		
Approval Signatures: <u>Carroll L. Lee</u> Division Head <u>Joe Osburn</u> Fleet Operations Superintendent _____ Budget Manager		Approval Signatures: _____ Department Director _____ Admin. Services Director _____ Mayor
Date <u>5/3/02</u> Date <u>5-3-02</u> Date		Date _____ Date _____ Date

K:\Forms\VehExpansion Request.WK4



CITY OF FAYETTEVILLE

113 W. Mountain St.
Fayetteville, AR 72701

FLEET OPERATIONS
501-444-3494
INVITATION TO BID

BID #: 02-24

DATE ISSUED: April 8, 2002

DATE & TIME OF OPENING: April 19, 2002 - 11:30 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:** 120 - 210 Days A.R.O.

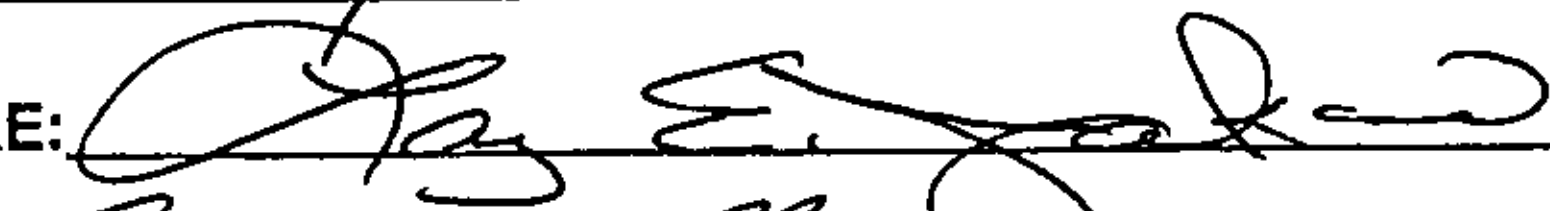
ITEM:	DESCRIPTION:	QTY.	* PRICE PER UNIT
1.	Heavy Duty Cab/Chassis w/Mounted Automated Sanitation Body per Item #1 of Specifications attached:	7	<u>196488.-</u>

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:** ARKANSAS POWER STEERING & HYDRAULICS INC.
***BUSINESS ADDRESS:** 900 FIBER OPTIC DR.
***CITY:** N. LITTLE ROCK ***STATE:** AR ***ZIP:** 72114

*PHONE: 501-372-4828 *FAX: 501-372-2886

*PRINTED NAME: LARRY E. JACKSON

*AUTHORIZED SIGNATURE: 

*TITLE: SALES MGR.

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.



CITY OF FAYETTEVILLE

113 W. Mountain St.
Fayetteville, AR 72701

FLEET OPERATIONS
501-444-3494
INVITATION TO BID

BID #: 02-24

DATE ISSUED: April 8, 2002

DATE & TIME OF OPENING: April 19, 2002 - 11:30 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 Automated Sanitation Body per Item #1 of Specifications attached:	7	_____

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.

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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 # 02-24

BASIC SPECIFICATIONS

General Specification Requirements are as follows:

HEAVY DUTY TRUCK CAB/CHASSIS WITH AUTOMATED 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 AUTOMATED
 STYLE WASTE DISPOSAL BODY

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

MINIMUM SPECIFICATIONS ONLY

BODY STYLE: Low Entry Cab Forward Cab/Chassis w/LH Drive & RH Operating Position with
Phone Booth style Door.

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: 64,000 LBS

FRAME: 13.375" X 3.25" X .375 Steel Section Modulus 23.49 cu.in./RBM 2,580,000 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. 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 11-22.5 G-124

Goodyear Steel Belt Radial Tires on Drive Wheels, 12.25" Aluminum Disc
10 Hole Aluminum Hub Pilot with 425/65R22.5 G-286 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, Air Suspended RH Operators 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 Power Operating Adjustment 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.

BRAKE SYSTEM: Meritor/Wabco 318 - 14 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

SIDE LOADING AUTOMATED REFUSE PACKER BODY - STRAIGHT FRAME CAPACITY 27 CU.YD

1. Body capacity

The minimum capacity of the body shall be 27 cu. yd. excluding hopper area.

Hopper capacity shall be 6.5 cu. yd.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

2. Body dimensions

The body shall be tapered to facilitate the unloading of the material.
Total taper dimension of the body sides shall be 12".
Inside body width at front shall be 75-3/4", inside body width at rear shall be 88".
Outside body width shall be 96".
The inside body height shall be 96-1/2".
The outside body height above frame shall be 101".
The overall length including hopper shall be 275-1/2"

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____COMPLY AS PER MINIMUM SPECIFICATIONS STATED.
_____DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

3. Floor construction

The hopper floor shall be made of abrasion resistant steel, grade shall be S-107.
Hopper floor thickness shall be 1/4", floor yield strength shall be 65,000 psi.
The body floor shall be rounded, thickness shall be 10 ga.
Body floor steel grade shall be ASTM A-715 GR-80F, floor yield strength shall be 80,000 psi.
The body long sills shall be HSS Tubing 6" X 2" X 3/8".

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____COMPLY AS PER MINIMUM SPECIFICATIONS STATED.
_____DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

4. Side construction

Body wall thickness shall be 12 ga.

Body wall steel grade shall be ASTM A-715 GR 80F, yield strength shall be 80,000 psi.

Rub rail thickness shall be 12 ga.

Rub rail steel grade shall be A-569.

Rub rail dimensions shall be 8" X 3-3/16" X 9-7/8".

A body window, made of expanded metal, of 8" X 8" shall be installed on the front wall of the body, to indicate when body is full.

A hopper access door shall be installed to permit the driver to have access to the hopper if something falls off the cart.

The hopper access door thickness shall be 14 ga.

The hopper access door steel grade shall be A569.

The hopper access door dimensions shall be 32 X 44".

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

5. Roof construction

Body roof shall be rounded and made of high tensile steel to ensure strength when material is packing against it. Roof thickness shall be 12 ga.

The roof steel grade shall be ASTM A-715 GR 80F, yield strength shall be 80,000 psi.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

6. Rear tailgate

The rear tailgate shall be hydraulically operated, bustle type with an automatic lock mechanism and hydraulic safety locks Tailgate thickness shall be 12 ga.

The tailgate steel shall be ASTM A-715 GR 80F, yield strength shall be 80,000 psi.

The tailgate shall be operated by 2 cylinders. Tailgate cylinders shall be chromed

Tailgate cylinder bore diameter shall be 2-1/2", rod diameter shall be 1-3/4", stroke shall be 39".

Tailgate cycle time at idle shall be 55 sec.

A rubber seal shall be installed on the tailgate to prevent liquid leakage and banging on back of body: Tailgate seal shall extend across the entire bottom and vertically up each side at least 30 inches.

A cab mounted and audible alarm shall be provided to indicate that the tailgate is unlocked.

A manual control with safety lock shall be installed in the cab to prevent accidental activation.

Tailgate safety prop shall be provided.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

7. Packer

The packer shall be 24" high providing 75 400 lbs of force on material, ensuring efficient packing. The packer shall be unitized, integral with body and shall be guided by 2 rails in which wear plates are made of steel grade AR500.

Wear plates thickness shall be 1/4".

Rail dimensions shall be 3-1/2" X 2-3/16".

Packer wear shoes steel grade shall be AR 425.

Packer wear shoes thickness shall be 3/8".

Packer shall be operated by 2 cylinders. Packer cylinders shall be chromed.

Cylinder bore diameter shall be 4", diameter shall be 2-1/2", stroke shall be 40".

Maximum operation pressure shall be 3,000 psi.

Maximum compaction of refuse shall be 900 lbs/cu.yd.

Inside width of packing ram shall be 65-1/2", Inside height of packing ram shall be 24".

Packing ram stroke shall be 52".

Packing ram top steel grade shall be A-514 / CHT-100.

Packing ram top thickness shall be 1/4".

Packing ram top yield strength shall be 1000,000 psi.

Packing face plate steel grade shall be A514 / CHT-100.

Packing face plate thickness shall be 1/4".

Packing face plate yield strength shall be 100,000 psi.

Packing ram swept volume shall be 1.75 cu. yd.

Penetration of the ram into body shall be 12".

Packer ram cycle time shall be 14 sec.

Packer shall be reinforced with a combination of structural members for maximum rigidity.

Auto Retract of packer after pick up of cart.

Packer controls shall consist of start, retract and emergency stop. Emergency red button shall be provided to stop packer ram movement at any time.

One complete set of Dual Side Moveable Joy Stick packer control located in cab shall be provided and shall be operable from left to right control stations.

Control buttons shall be heavy duty, industrial type, color coded, corrosion proof and weather resistant:

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

8. Hydraulic system

The hydraulic system shall be designed to ensure easy maintenance. Shall be composed of 2 pumps with a combination of fixed displacement vane pump for the body functions and a variable piston pump for the arm, pumps shall have a common suction port.

Vane pump shall deliver 40 gpm @1500 rpm.

Piston pump shall deliver 11.5 gpm @700 rpm.

Hydraulic system pressure relief valve for the arm shall be 3000 psi.

Hydraulic system pressure relief valve for the body shall be 3000 psi.

Capacity of hydraulic reservoir shall be 65 Gal.

Hydraulic reservoir shall be equipped with magnetic drain plug, oil level sight gauge and shut-off valves in suction line.

The in tank return line filter capacity shall be 150 gpm.

Nominal filtration rating shall be 7 mic.

Beta filtration ratio per ISO 16889 shall be >200.

Suction line strainer size shall be 100 mesh, Pall filter 100 gal. cap in tank without breather on return line..

All hoses shall be double braided wire minimum, high burst capacity and reinforced with nylon wrap to prevent chafing.

Hydraulic tubing shall be used where flexibility is not needed All pipes shall be zinc coated to prevent corrosion. All hydraulic tubing shall be securely clamped to prevent vibration, abrasion and excessive noise.

All hydraulic hoses shall conform to S.A.E. standards for designed pressure, bends shall not be less than recommended by S.A.E. standards.

Hydraulic system shall operate at an acceptable temperature without the need for external hydraulic oil cooling devices.

Quick disconnect fittings shall be provided so that a pressure gauge can be easily connected without the use of tools or the need to remove hydraulic fittings.

Mounted Hydraulic Pressure Gauge and Temperature Gauge shall be provided.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

Recommended hydraulic pump flow rate for the grab shall be 4 gpm.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

10. Body lifting mechanism

The hoist cylinder shall be front mounted with outer cover and bottom lifting for greater stability of the tipped body. Body shall be raised by one single acting front mounted telescopic cylinder. Cylinder shall be 4-stages with a stroke of 180".

Body cylinder bore diameter shall be 6-1/2".

Body dump angle shall be 45 deg.

Safety prop shall be supplied to support the body in the raised position.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

11. Electrical system

All stop, directional, tail and clearance lights shall be LED Lighting, recessed mount and watertight.

Rear Amber alternating flashing LED Lights, Work light inside hopper, Work light on body side, Top Body Bar Lights (New York Style) with LED Stop -turn - tail, Mid Body Turn Signals, and 6" dia. Strobe rear mounted. .

Light in cab when emergency button activated.

All lights shall be provided following FMVSS #108.

Rear lights to be integrated to tailgate structure:

Back-up alarm shall be provided:

Proximity switches shall be heavy duty, industrial type, water tight for packer, tailgate and dumping body.

All circuits shall be properly fused and wiring shall be color coded and numbered.

Wiring shall conform to SAE J 1128.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

12. Accessories to be provided.

Mud guards shall be supplied in front of rear axle and at rear of rear axle.

Flare Kit, Safety triangle Kit, First Aid Kit, 20 lb. Fire extinguisher.

Broom & Shovel Brackets.

24" X 24" X 30" Toolbox mounted underbody.

2 full sets of all replacement filters for each vehicle.

List of recommended stock of normal wear replacement parts.

Ground Level grease block for tailgate and Hopper door.

Dual mounted Intec vision camera system for Hopper and arm.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____ COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____ DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

13. Painting

The truck shall be properly cleaned of all dirt, grease, and weld slag, Body and hopper shall be steel gritblasted.

One coat of polyurethane primer Imron 5000 shall be applied, One finish coat of polyurethane paint Imron 5000 shall be applied, Finish paintcoat shall be baked, painted one color with 6" width Blue Reflective Vinyl applied the perimeter of body.

CHECK AS APPLICABLE:

MANDATORY REQUIREMENT FOR CONSIDERATION.

_____COMPLY AS PER MINIMUM SPECIFICATIONS STATED.

_____DEVIATIONS/VARIATIONS/SUBSTITUTIONS LISTED AS FOLLOWS:

14. Manuals

Parts, service and operator's manual shall be supplied for the refuse packer and chassis.

15. Lubrication

All body hinges, cylinder rod ends, cylinder base trunnions and pivot points shall be supplied with grease fittings.

16. Warranty

Length of warranty on defective parts shall not be less than 1 year.

Length of warranty on hydraulic cylinders shall not be less than 5 years.

Length of warranty on automated arm shall not be less than 1 year.

Replacement Cylinder of each type shall be placed in stock with the City of Fayetteville Fleet Operations Division for the entire warranty period.

17. Certification

The body manufacturer shall be certified ISO 9001

All internal inspection documents such as intermediate inspection booklets made at the body manufacturer shall be available and filed per vehicle.

2001

Annual Report

prepared by **OMI** may 2002

**Presented to the
City of Fayetteville, Arkansas**



2001 Annual Report

prepared by **OMI** may 2002

**Presented to the
City of Fayetteville, Arkansas**



Proprietary Notice

The information, ideas, and material contained in this document are the property of Operations Management International, Inc. (OMI) and may not be distributed, copied, or disclosed, in whole or in part, for any reason without written consent of OMI.

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Current Wastewater Operations and Maintenance Information

Owner: City of Fayetteville, Arkansas

Contact Person: Mr. Greg Boettcher
Director of Public Works
113 West Mountain Street
Fayetteville, AR 72701
501/575-8302

Operator: Operations Management International, Inc. (OMI)

Contact Person: Billy L. Ammons
Project Manager
1500 North Fox Hunter Road
Fayetteville, AR 72701
501/443-3292

Staff Size: 26

Hours of Operation: 24 hours per day, 7 days per week

Type of Facility: Biological nutrient removal (A/O process)/
aerobic digestion

Major Process Equipment: Influent screening, grit removal, primary clarification,
biological reactors, secondary clarification, post
aeration, effluent filtration, ultra-violet disinfection,
split discharge to receiving streams, aerobic digestion
of sludge, chemical odor scrubbing, land application
of biosolids

No. of Sewer Lift Stations: 32

Type: Wetwell, drywell, submersible

Other Permitted Programs: Industrial pretreatment program and land application

Contract Start Date: January 1987

Renewal Date(s): January 1989, August 1994, January 2001

Completion Date: December 2004

Executive Summary

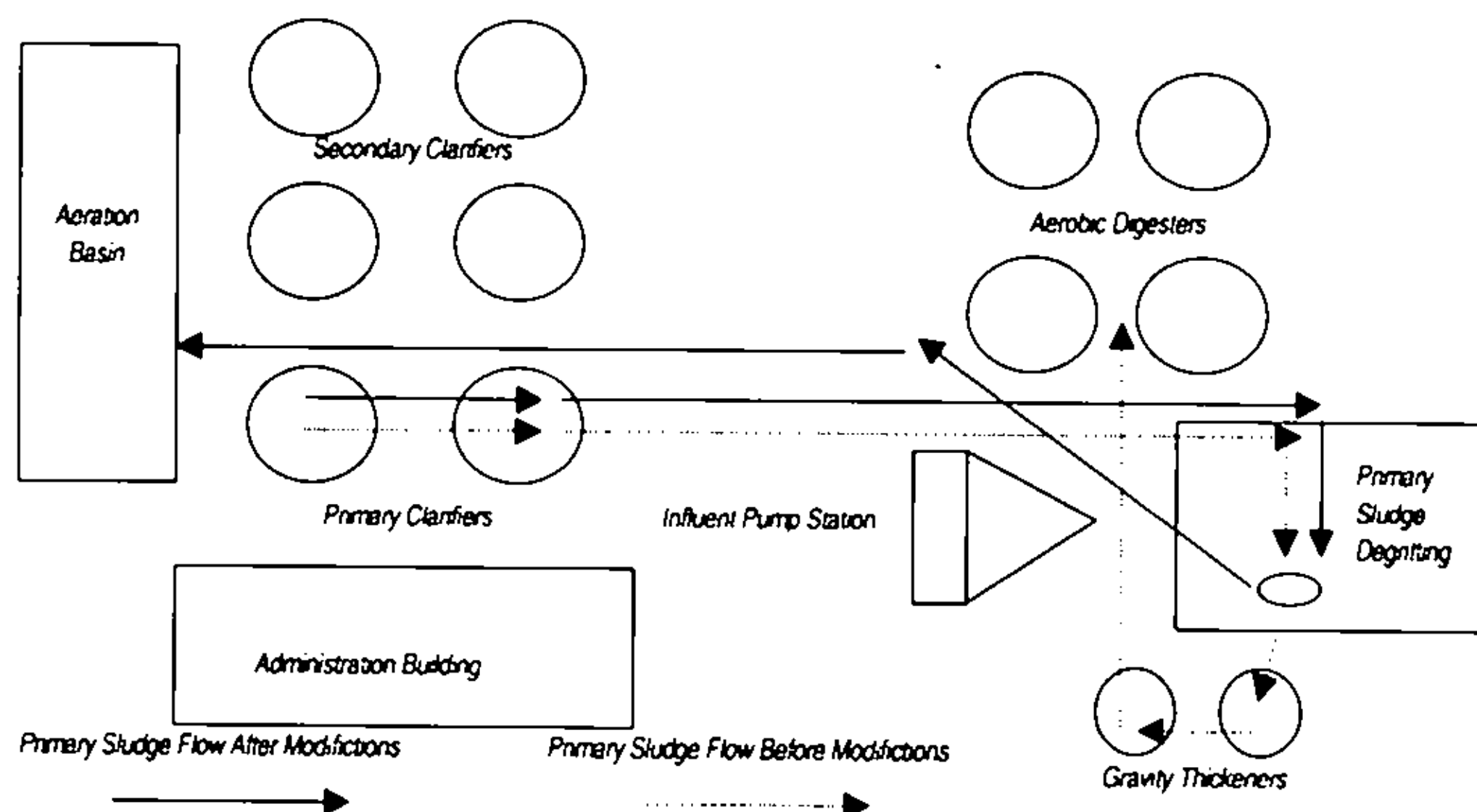
Operations Management International (OMI) and the City of Fayetteville completed 15 years of successful partnering for the operation and maintenance (O&M) of the City's wastewater treatment facility (WWTF) December 31. This report summarizes the overall activities associated with this partnership, particularly relating to the 2001 contract year. Generally speaking, the WWTF O&M for 2001 was successful and under budget (see attached reconciliation form). The WWTF was involved in several activities during the calendar year 2001 that are noteworthy, the most significant are listed and briefly explained as follows:

- Treatment process was modified to more closely emulate other designs that have proven to be more predictable and less susceptible to upset

It has been clear for a number of years that the Fayetteville WWTF was susceptible to upset conditions which affected the nitrification process. These upsets occurred during relatively low flow/low loading periods, when the biological process should have been operating very smoothly. After consultation with various engineering resources, including Black & Veatch and CH2M HILL, OMI concluded the cause of the upset condition was most likely a normally present constituent of the WWTF influent. The low flow/low loading periods of the year, however, probably produced a biomass that was less robust, which developed during more stressful flow and loading periods. This less robust biomass, in turn, was more likely to have an adverse reaction to sudden changes in influent characteristics.

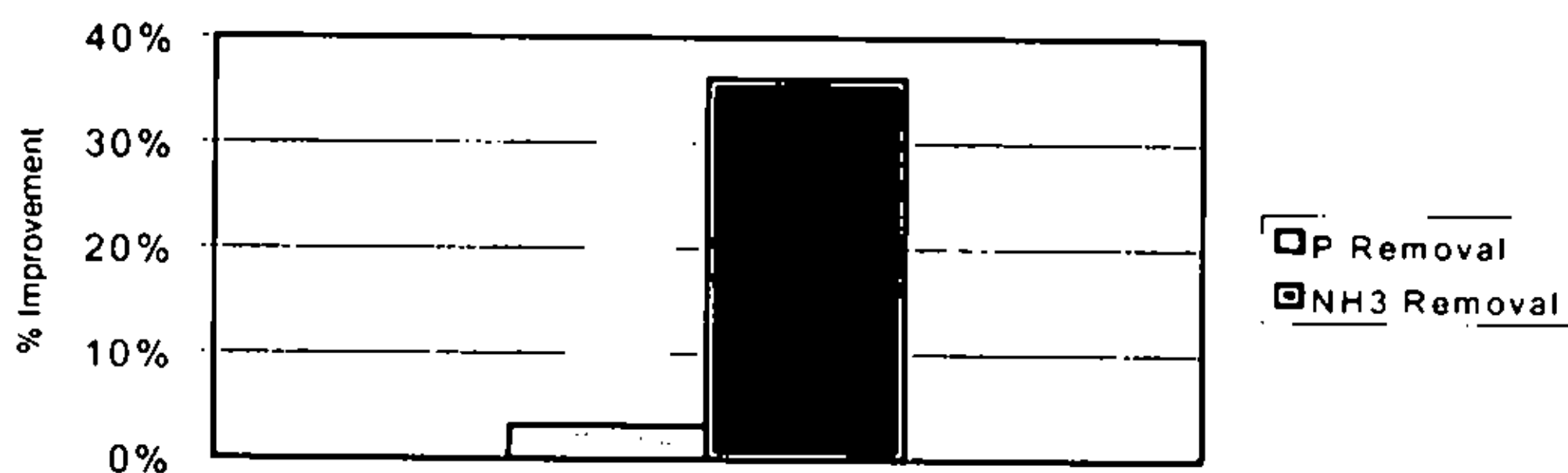
OMI researched the practical application and accuracy of this concept and developed a plan to modify the treatment process to alleviate the existing situation. The basic premise was to eliminate the removal of the primary sludge from the influent flow, thus increasing the organic loading on the secondary system on a routine basis. The complicating factor for Fayetteville proved to be the ultimate removal of grit from the incoming flow, which has plagued the facility since its opening. The current system for grit removal requires primary sludge be collected in the primary clarifiers, and dewatered with available equipment. Obviously, the grit must be removed from the flow before introduction into the secondary system since enormous complications would result from grit accumulating in clarifiers, tanks, and pipelines that are not designed to handle that type of material. Therefore, the current system could not be abandoned.

OMI staff developed a plan whereby the existing system could be modified with minimal expense to allow the dewatered primary sludge to be introduced into the secondary system, instead of into the digestion system as before. This plan required two pumps be modified with larger motors, different impellers, and an altered pulley arrangement to produce adequate pumping capacity to push the dewatered sludge to its intended destination.



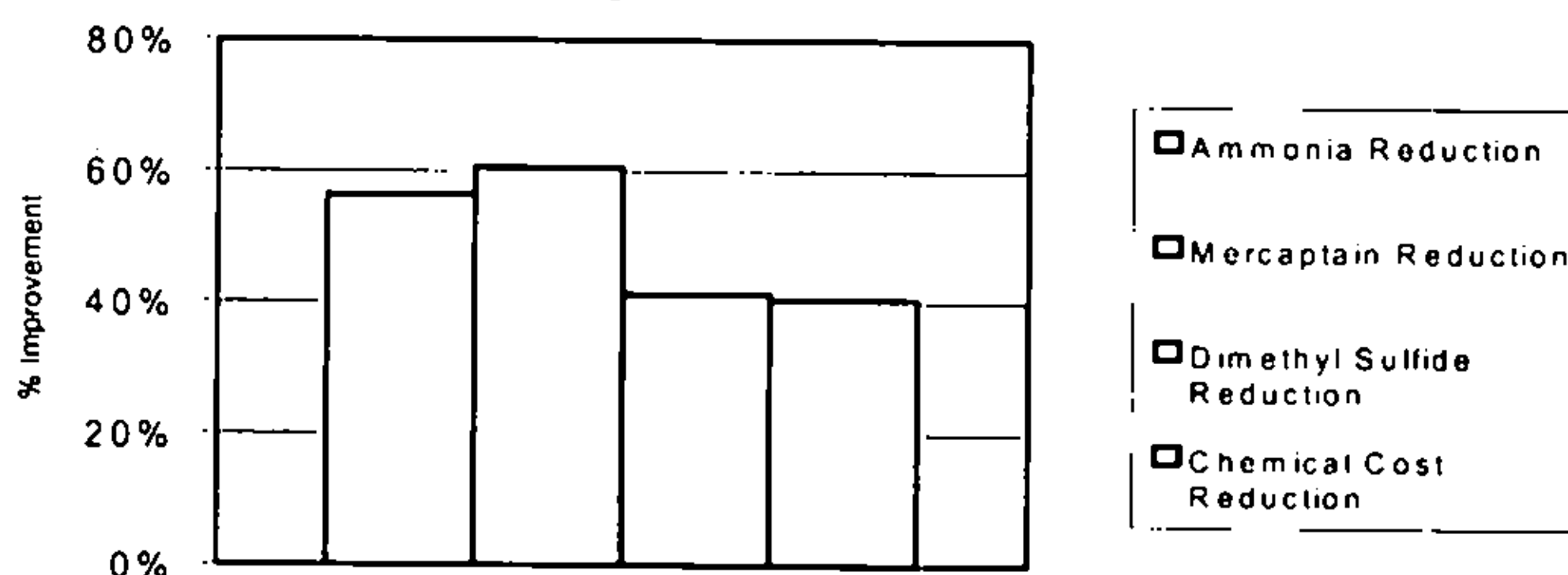
OMI constructed a temporary pipeline to transport the sludge. Various other changes had to be made, such as developing new influent sampling strategies, methods of handling waste activated sludge, return activated sludge pumping and monitoring, and an overall new plan for process control.

Process Performance

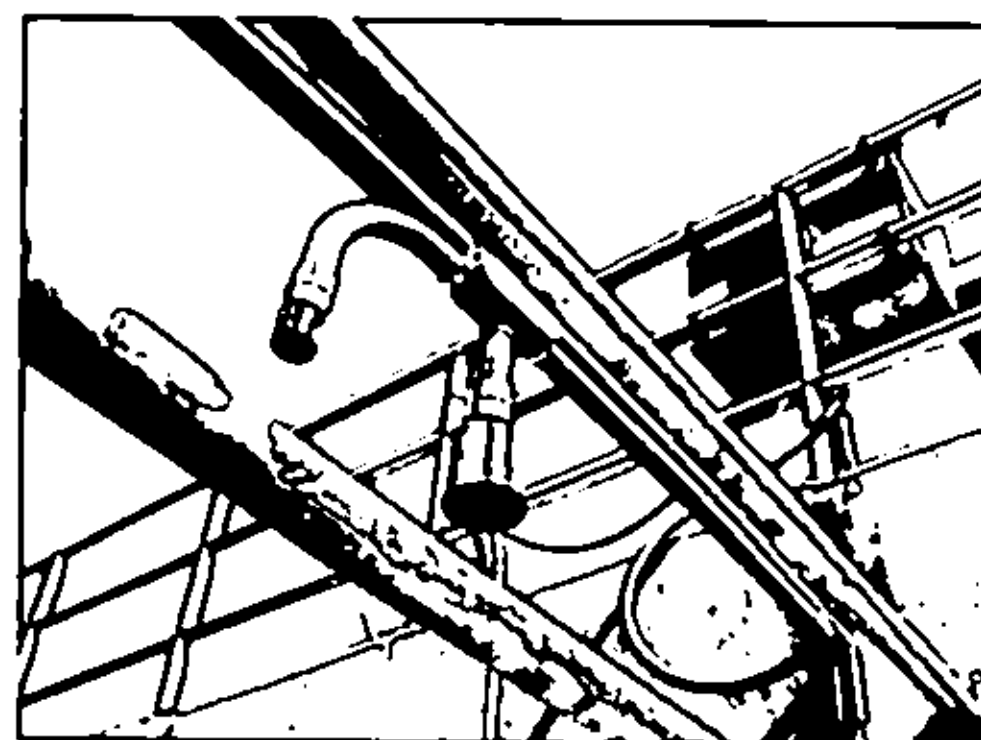
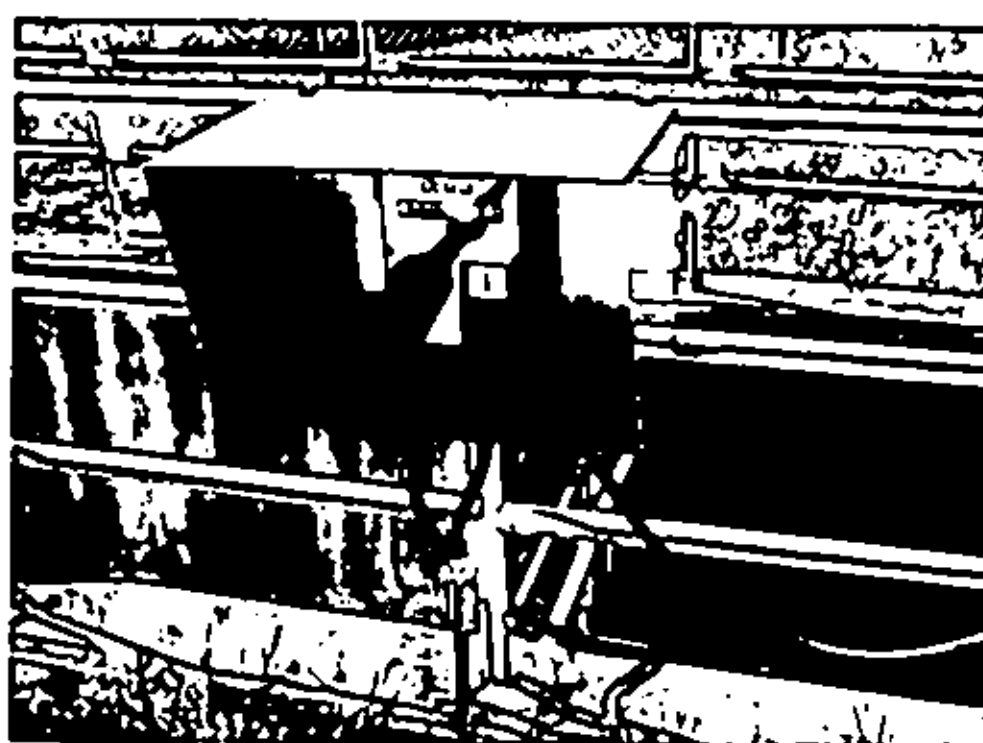


Refining these needs took several months, but the results have been impressive. The WWTF process has been much more stable and predictable. Odors from the facility have been drastically reduced. Chemical costs for thickening and odor control have also been reduced. There have been several adjustments to the operating strategy that were not initially anticipated, but the overall impact of this significant process change has been very positive.

Scrubber Loading/Chemical Cost Reduction



- Installation of new effluent flow monitoring device

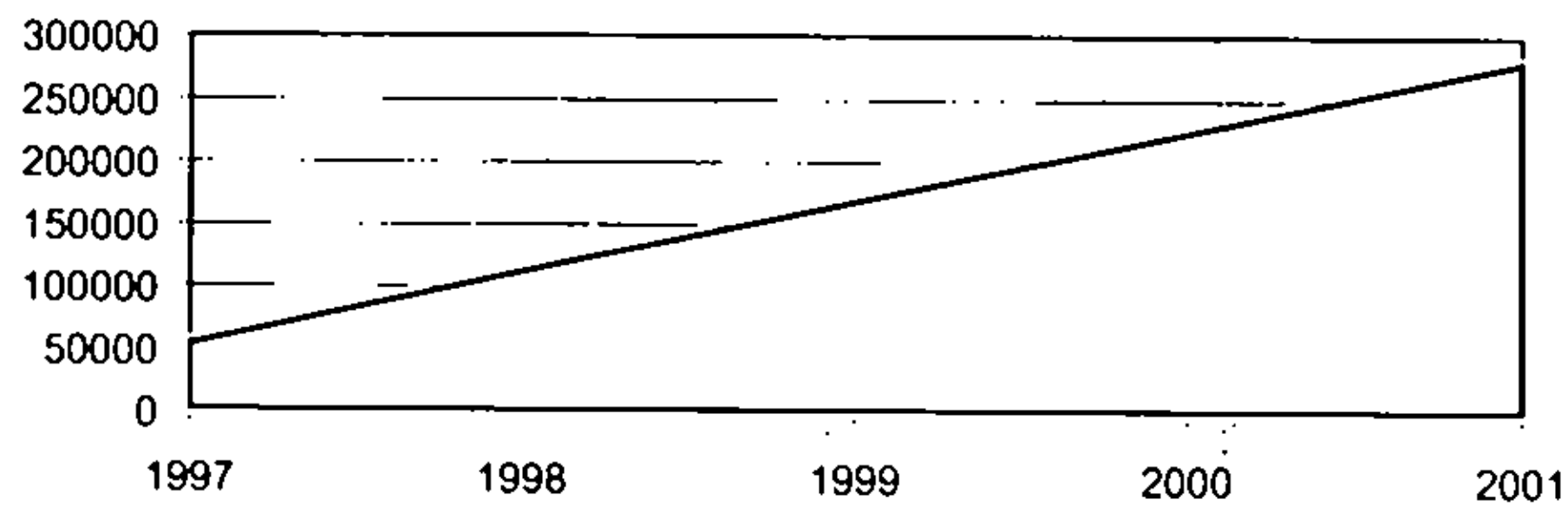


The Parshall flume originally installed to measure flow discharged to the White River was designed to gauge the depth of the water going through the flume via a resistance strip located on the side of the flume. Don Morgan, the ADEQ inspector for Washington County, was not pleased with the flume calibration achieved by just observing the device. Mr. Morgan indicated he preferred to manually 'stick' the flume for calibration purposes and wanted to see a direct measurement device instead of the resistance strip. Accordingly, OMI installed an ultrasonic flow measurement device manufactured by Milltronics to perform this function.

- Incurred no work-related lost-time injuries in 2001

The entire OMI staff was able to accomplish their varied set of responsibilities in all types of weather conditions with absolutely zero work-related lost-time injuries. The facility has now had no lost-time injuries for nearly 5 calendar years.

Cumulative Work Hours w/No Lost Time



- Celebrated winning the Malcolm Baldrige National Quality Award

OMI is very proud to be the recipient of the 2000 Malcolm Baldrige National Quality Award. This is a prestigious national quality award given to companies with service that exemplifies the highest quality in customer care and performance. For OMI Fayetteville, the achievement of this award is a reminder of our commitment to continuous improvement in the service we provide to the City of Fayetteville.



The OMI Fayetteville team celebrates receiving the Malcolm Baldrige National Quality Award with Mayor Dan Coody and Assistant Public Works Director Don Bunn.

OMI is pleased to be able to provide an extremely positive report concerning WWTF activities for 2001. We look forward to the challenges in 2002 and the opportunity of providing excellent service to the City of Fayetteville.

Plant Overview

The Paul R. Noland WWTF has been operated and maintained by OMI since the plant first began treating wastewater February 25, 1988. In 2001, this facility served more than 65,512 people from the City of Fayetteville and neighboring communities of Greenland, Farmington, Elkins, and Johnson. The wastewater treatment process consists of influent screening, primary clarification for the purpose of grit removal, biological nutrient removal, secondary clarification, effluent filtration, ultra-violet disinfection, post aeration, gravity sludge thickening, gravity-belt sludge thickening, high-rate aerobic digestion, chemical scrubbing for odor control, and land application of digested biosolids.

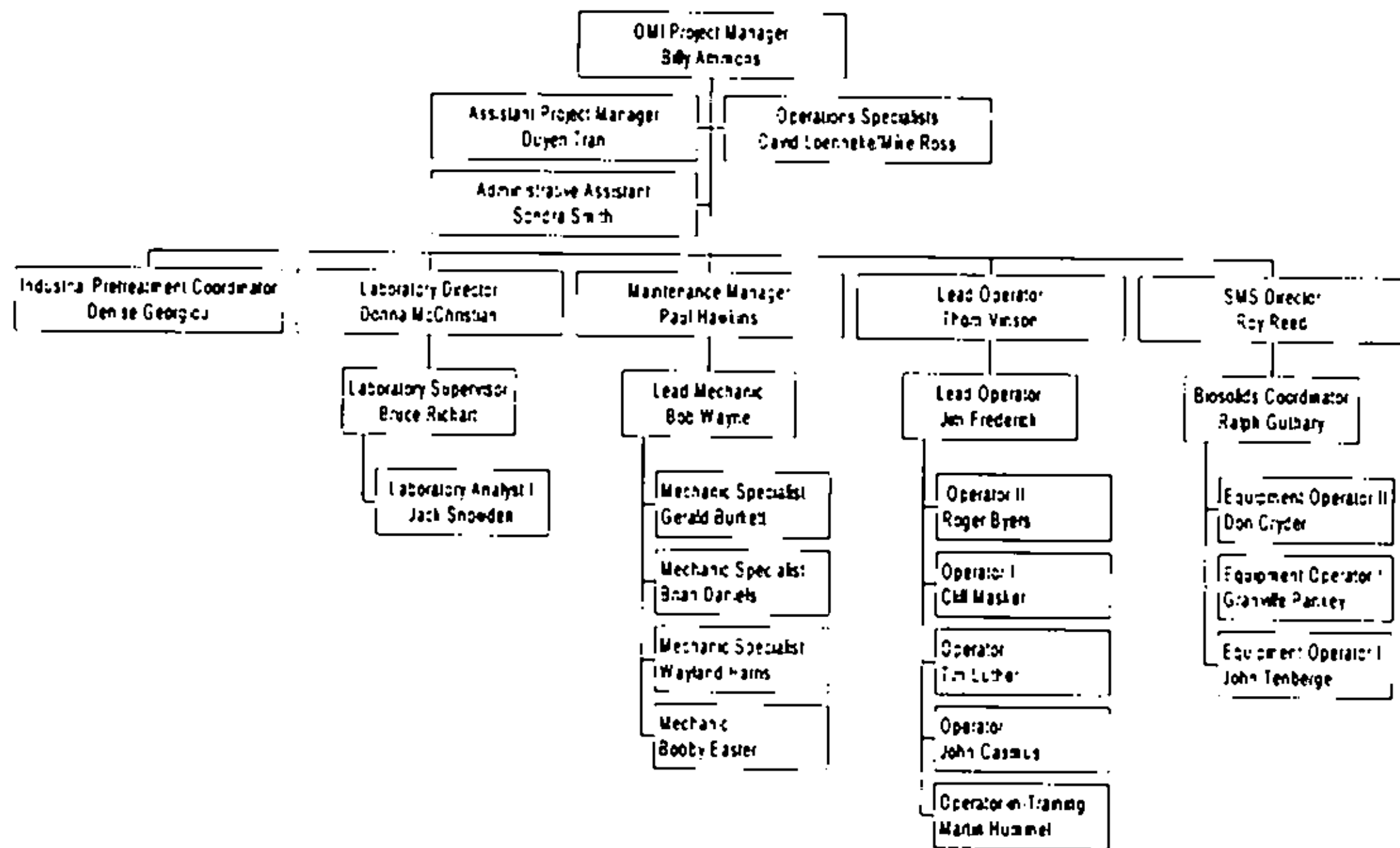
The Fayetteville area receives about 44 inches of rainfall per year and has a temperate climate. Typical daytime high temperatures are 40° F in January and 90° F in July. Fayetteville is primarily a residential community with associated commercial activity, and has a small, but significant, industrial mixture including 11 significant industrial users. Rapid growth has challenged the public works infrastructure. Continuing construction is expected to increase the metropolitan area population by nearly 60 percent in the next 20 years.

The City was required to construct the existing wastewater treatment plant in the mid-1980s to produce an effluent that meets stringent receiving stream standards. OMI is providing complete O&M, including staff training, computerized maintenance management and inventory control, industrial pretreatment program management, installation of standard OMI management systems, operation of sludge management system (including hay harvesting and marketing), and public awareness assistance. OMI operates the facility to consistently meet effluent permit limits of 5, 5, 2, and 1 mg/L (CBOD₅, TSS, ammonia nitrogen, and phosphorous).

Staffing Plan

To achieve the high level of performance demanded by the City of Fayetteville, OMI has adequately staffed the project with 26 people. The total number of OMI associates has decreased, even though the workload has increased numerous times over the past several years and the present scope of work is much greater than the original contract. This reduced staffing level has been possible due to an increase in efficiency in several key areas, most notably by using more automation for plant operations, modernized analytical equipment in the laboratory, and the application of total quality management (TQM) principles.

The following chart indicates the current OMI Fayetteville staff assignments:



Departmental Overviews

Operations

Solids Production and Digestion

Sludge production continued to increase in 2001 due largely to the continued increase in biological loadings. The covered digestion system consistently produced sludge that met 40 CFR Part 503 requirements for land application, even though considerable fluctuation in loading occurred throughout the year.

Plant Performance/Permit Compliance

Overall, the facility produced high quality effluent on a consistent basis in 2001. There were two minor NPDES permit violations, which had to be reported as violations of the 7-day average values for fecal coliform and total suspended solids even though the numbers were within tolerances for any 7-day period of discharge. However, the State requires a 7-day average value based on a calendar week and these problems occurred on a week with only two discharge days.

As mentioned in the Executive Summary, the treatment process was modified to allow virtually the entire incoming organic load be treated in the secondary system. The performance of the secondary system has stabilized nicely since that time. In addition, since primary sludge is no longer produced as a separate component, the gravity thickening units have been pressed into service for waste activated sludge (WAS). This allows the discontinuation of use of the belt-thickener, allowing for a reduction in overall chemical costs since no polymer is required for the gravity thickening operation. One final benefit from the primary sludge bypass system also has to do with WAS. Because gravity thickening can be a 'flow-through' process that is constantly on-line, the process of wasting sludge on a daily basis has been largely automated, requiring very little operator intervention or oversight.

Electricity

Electrical use was up about 8.9 percent for 2001, with a total usage of 15,414,000 kW hours. The cost for electricity was up about 11.86 percent to \$749,646, or \$2,054 per day. The two largest causes for the increase in electrical usage were the overall increased flow in to and out of the WWTF and the constant need for both aeration basins for the entire year. However, the largest influence in total cost was the increase in the fuel-cost adjustment applied to the WWTP electric bill from Ozarks Electric Cooperative. These charges totaled more than \$46,000 more than the same period in 2000, and were unplanned as well as unavoidable. OMI was still able to keep the overall project expenses

less than the planned budget, however, due to the chemical costs saved by the above-mentioned process modification.

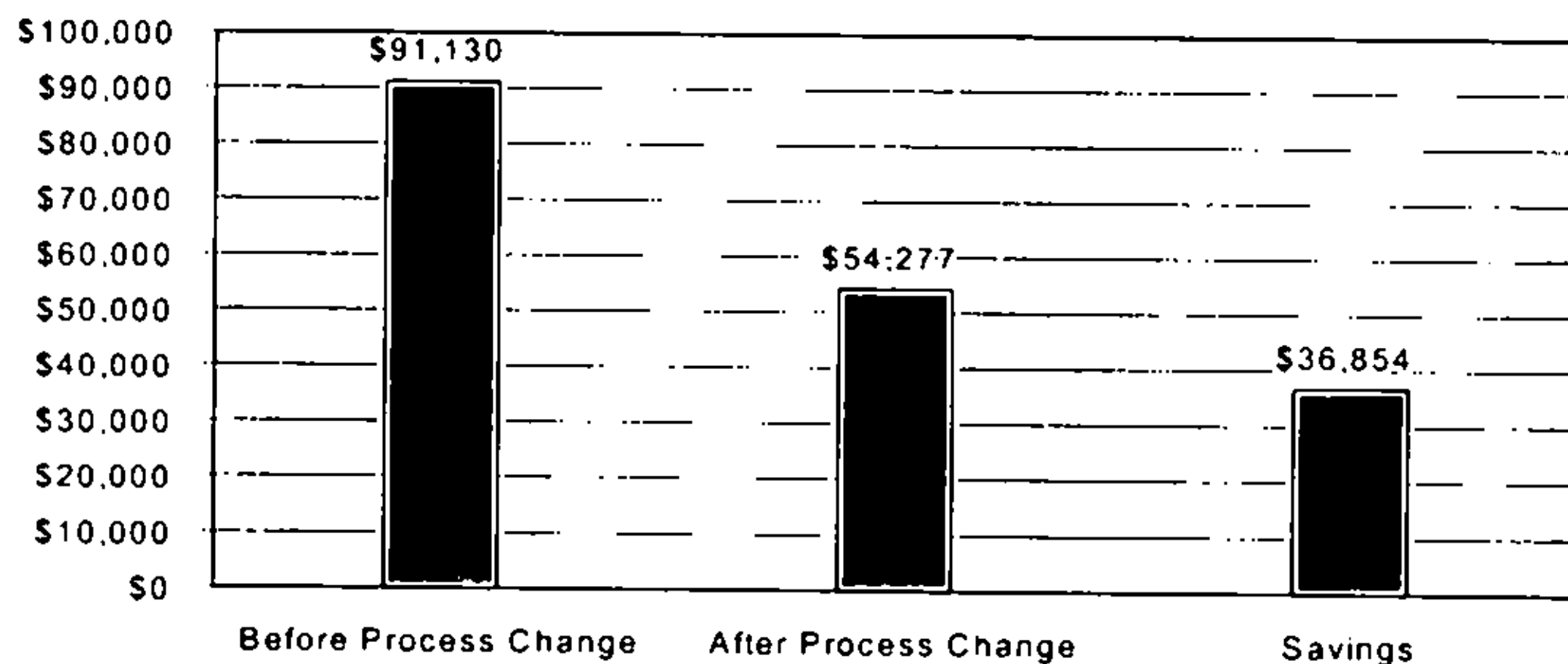
Chemical Use

The quantity of chemicals used for odor control—sulfuric acid down 30 percent, sodium hypochlorite down 27 percent, and sodium hydroxide down 63 percent—was different than expected. Additional chemical costs include \$4,495 on sodium hypochlorite for filter cell cleaning, \$6,662 on ozone for additional odor scrubbing, and \$5,632 on Liquid-Live Microorganism to supplement the nitrification process. Less alum was used than normal, due to the overall improvement in process control stabilization, and the overall usage was down 41 percent from 2000. Overall, chemical costs at the WWTP were reduced by \$36,854, which allowed the project to stay under budget.

Plant Loadings

The average daily flow to the wastewater treatment plant was slightly higher than in 2000, and the dry weather flow significantly higher. The lowest monthly average flow in 2001 was 10.3 mgd in July. The highest monthly average flow of 18.3 mgd occurred in February. The annual average influent flow for 2001 was 12.5 mgd, just under the annual average rated capacity of the WWTP of 12.6 mgd. The highest monthly average BOD load for 2001 was 21,679 lbs/day, less than the design of 27,500. For TSS, the highest monthly average was 22,118, compared to the design of 23,200 lbs/day.

Total In-Plant Chemical Costs



Public/Professional Activities

OMI associates conducted approximately 50 plant tours in 2001. As usual, tours were given to Fayetteville elementary schools, Fayetteville High School science classes, and the University of Arkansas civil engineering classes. In addition, several home-school groups and a number of other civic groups and individuals visited the facility.

OMI continued to be active at both the district and state level in wastewater activities in 2001. Billy Ammons served as a member of the Board of Directors of the Northwest District of the Arkansas Water Works and Arkansas Water Environment Association (AWW & AWEA), while Duyen Tran and Kim Kilpatrick continued to serve on the training committee. Duyen also was elected to serve as a Vice Chair for the Northwest District AWW & AWEA in 2002, and was also selected to speak at the annual U.S. EPA Industrial Pretreatment Program (IPP) conference in San Antonio, Texas. Billy taught a 12-hour training class on advanced activated sludge and 12-hour course on wastewater management, and Donna McChristian gave a presentation at the annual AWW & AWEA Short School in Hot Springs, Arkansas. Roy Reed served as chairperson of the state AWEA Operations Challenge committee and was elected to serve as an officer of the State AWEA committee in 2002. OMI expects to remain active in providing training for district water and wastewater personnel by teaching Arkansas Environmental Academy classes and organizing district meetings.

Other involvement in public education included presentations at middle schools upon request, participating as science judges in local Science Fairs, participating in the Chamber of Commerce's Vital Link program by offering wastewater operations experience to four junior high school students from Ramay and Woodland schools, and remained active in the Pollution Prevention Partners group in the continuous effort to educate the public on environmental protection.

OMI continued to support the City's Curb-the-Clutter program by cleaning a section of Old Wire Road near Highway 265, and maintaining an unofficial commitment to clean Fox Hunter Road near the plant on an annual basis. Additionally in 2001, OMI displayed the trailer-mounted 9-hole miniature golf course, with each hole patterned after a step in the overall wastewater treatment process, at several community events. This educational tool was enjoyed by over 500 people at Autumfest alone in 2001, demonstrated at a visit to a local middle school and was included as a tour stop for several classes of elementary students that come to the WWTF.

As part of the IPP education program, OMI conducted the ninth annual Industrial Awareness seminar in September. The meeting was well attended by 15 representatives from several industries, and Greg Boettcher and Don Bunn of the City of Fayetteville.

OMI also participated in the City's annual United Way campaign, provided assistance to the Battered Women's Shelter for Christmas, helped the Meals-on-Wheels program deliver food to several elderly people, and donated money to several local charitable organizations.

Training

In keeping with OMI's continued emphasis on staying abreast of new technological and regulatory developments, OMI provides training for all associates. Ten OMI associates have attained the highest license level (Class IV) within the State. Training necessary to qualify for upgrading licenses was given through classes by the Arkansas Environmental Academy and attendance at monthly district meetings of the Northwest District of the AWW & AWEA. Additional informal training also was obtained through in-house training sessions. Each OMI associate attends a minimum of 30 hours of training every year.

Laboratory

In-House Services

The Fayetteville laboratory received a total of 6,849 samples in 2001 from various sources, including, operations (process control and NDPES permit required), maintenance (unusual influent, lift station odor control), industrial pretreatment (regulatory compliance and surcharge data), and City of Fayetteville solid waste (yard-waste composting). A total of 19,024 analyses were performed on these samples. The Fayetteville laboratory has the capability to analyze 38 parameters, including alkalinity, chloride, ammonia, biochemical oxygen demand (BOD/CBOD), chemical oxygen demand (COD), diazinon scan, dissolved oxygen (DO), fecal coliform, nitrate, nitrite, pH, phosphorus, ortho-phosphorus, specific conductance, total residual chlorine, total solids, total suspended solids, volatile suspended solids, total dissolved solids, antimony, arsenic, beryllium, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, potassium, selenium, silver, thallium, zinc, and non-quantitative test kits for cyanide, total phenolics, nitrate, nitrite, and sulfide.

The following analyses and services were performed by outside companies in 2001:

Biomonitoring	\$ 6,270
Organics	\$ 2,963
Inhibition investigation	\$ 176
Soil analyses	\$ 1,808
Cyanide/phenols/mercury	\$ 3,348
Sludge	\$ 2,941
Oil and grease	\$ 135
Miscellaneous (investigative)	\$ 3,636
Total	\$21,277

Laboratory Significant Events

- Passed the annual State audit conducted by Arkansas Department of Environmental Quality (ADEQ) and the U.S. EPA
- Passed the U.S. EPA-required water performance studies for all permitted parameters
- Received an OMI laboratory excellence award for the year 2001

Industrial Pretreatment Program

The IPP department conducted and supervised a total of 11 compliance inspections, 119 compliance sampling events, and investigation of 25 unusual discharge or influent cases. The WWTF also accepted 174 loads of hauled waste, which is supervised through the IPP department.

The 11 permitted industrial users in 2001 were Ayrshire Electronics LLC, Cooper Power Systems/Kearney Operation, Elkhart Products Corporation, Hiland Dairy Company, K-D Tools, Marshalltown Tools, Tyson's Mexican Original—East, Superior Industries International, Tyson Foods—South, Pinnacle Foods Corporation, and Waste Management.

There were six liquid waste haulers that discharged to the WWTF in 2001 AAA Septic Tank Service Inc., A-1st National Rooter, American Plumbing, Johnny-on-the-Spot, Roto-Rooter, and Best Jet.

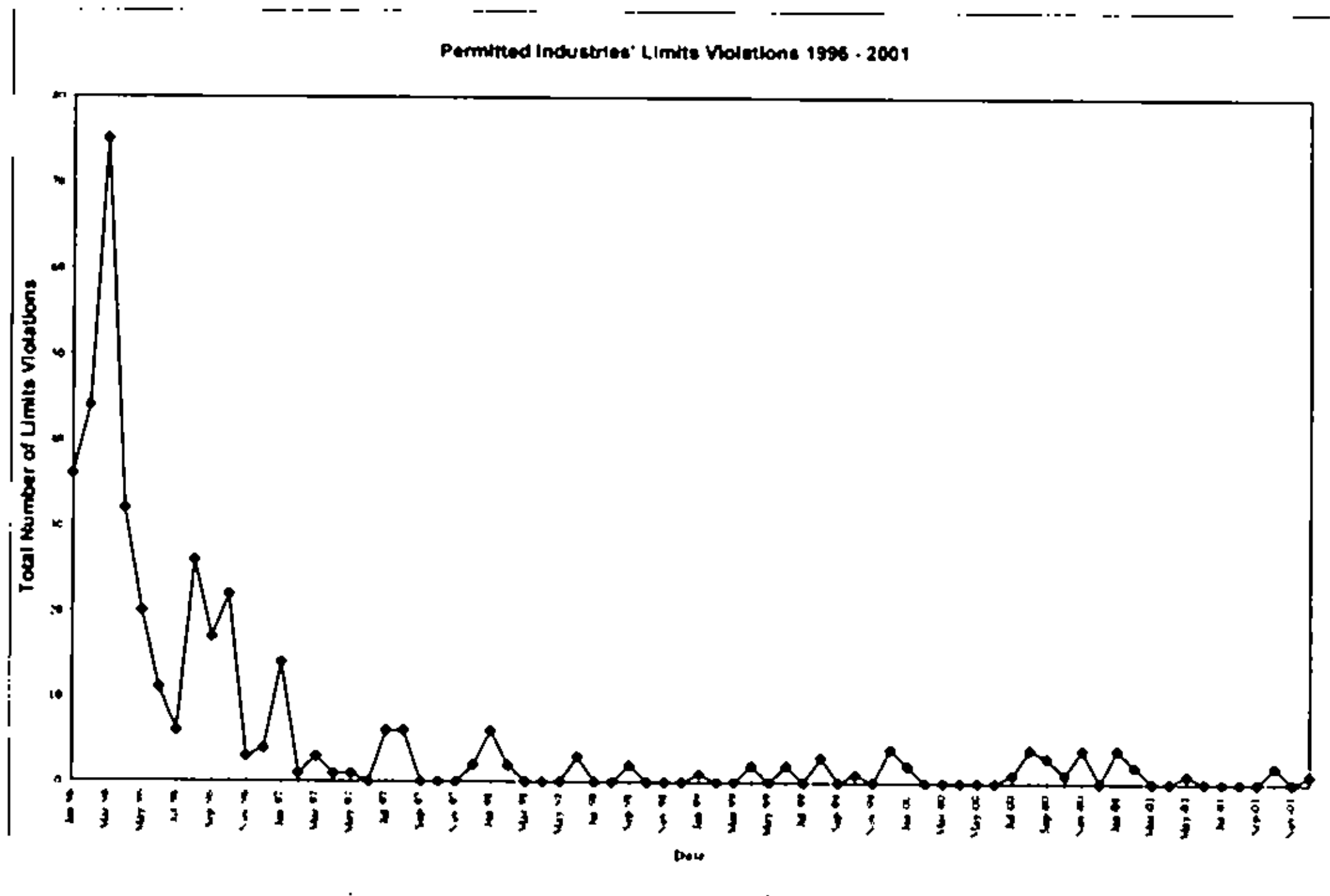
Revenue Summary*

Industrial Surcharge Fees:	\$ 321,416
Hauled Wastewater Fees:	\$ 8,700
Application Fees:	\$ 1,700
Administrative Fines:	\$ 0
Total:	\$ 331,816

*Note: The City of Fayetteville directly collected all funds

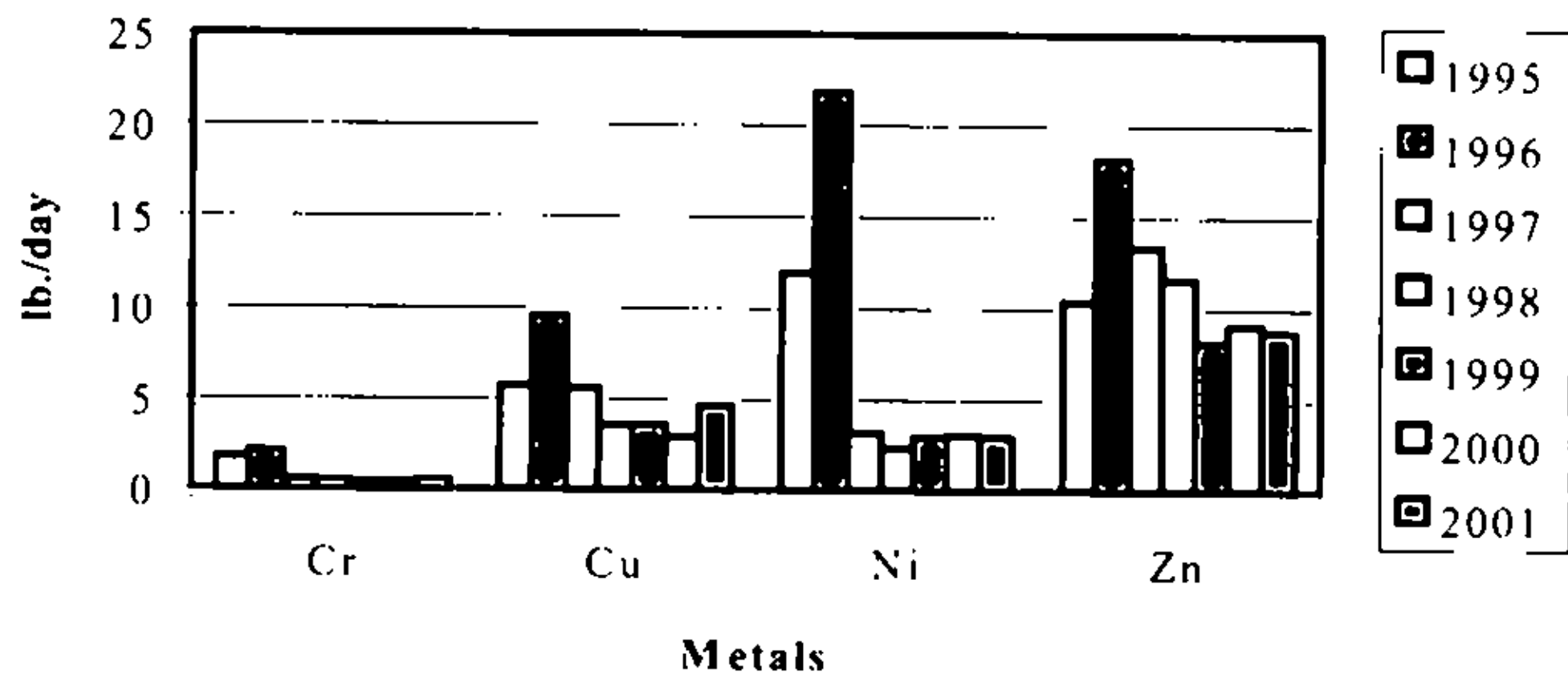
IPP Significant Events

- Summer inhibition of the biological process was averted in part through frequent communication with the industrial users, including information and education provided at the ninth annual Industrial Awareness Seminar.
- Instituted OMI's Industrial Pretreatment Quality Control (IPQC) workbook for tracking influent, domestic, and industrial loading. The IPQC workbook displays graphs that compare the average monthly influent loading to the maximum allowable headworks loading and to statistical warning and control limits. The graphs make loading trends and potential problems more conspicuous than just reviewing data.



- Worked with industrial users to maintain a high-level of industrial user compliance with permit limits
- Presented Industrial Achievement Awards to four industries with 100 percent compliance
- Maintained consistent low metal loadings

WWTF Metals Loadings



Maintenance

The Fayetteville WWTF continued to use a new software package, MP2[®] from DataStream, to track the maintenance workload and keep the flow of work orders between departments smooth and efficient.

The Fayetteville maintenance and operations staff continued to perform preventive maintenance tasks on over 4,000 individual pieces of equipment in 2001. Maintenance personnel also completed 316 corrective maintenance work orders during the year.

The most expensive repair for 2001 was the replacement of over 500 feet of deteriorated steel gas line with new plastic line at a cost of over \$14,600. The leaks caused by the old pipe kept the facility without natural gas service for about two months and undoubtedly contributed to the \$10,000 overrun in the natural gas line item budget. Other costly repair items for 2001 included:

- Rebuilding of a large two speed aerator motor (\$9,974)
- Repair of several lift station pumps (\$14,615)
- Replacing one RAS flow meter (\$6,900)
- New impellers for the old pumps at Lift Station No. 9 (Porter and Hatfield \$6,800)
- New VFD for Lift Station No. 8 (North Street \$5,900)

Equipment Improvements

- New emergency generators were installed at Lift Stations No. 8 and No. 9 (North Street and Porter/Hatfield respectively). The installation helped to prevent an overflow on the day generators were first started. These two stations have been susceptible to power outages in the past, especially in the summer season. Overflows during the summer can cause severe environmental complications and the installation of these two generators should help prevent such occurrences. Additionally, the generators can be moved to other locations for long-term power interruptions.
- The existing grit conveyor belt was modified to use a belting material similar to that on a belt filter press. This modification allows most of the trapped water in the grit to drain away from the grit material back to the head of the plant, instead of being placed in the hopper being transported to the landfill. Excess water in the hopper had become a large problem, especially during high flow events when the existing grit system is somewhat overwhelmed.
- The impellers at Lift Stations No. 11 and No. 12, both located in Farmington, were upgraded to larger units capable of pumping more water. This allowed an additional increase in overall capacity at this critical point in the overall collection system, and is thought to have helped to at least reduce the severity of overflows from that area during rainfall events.

Sludge Management

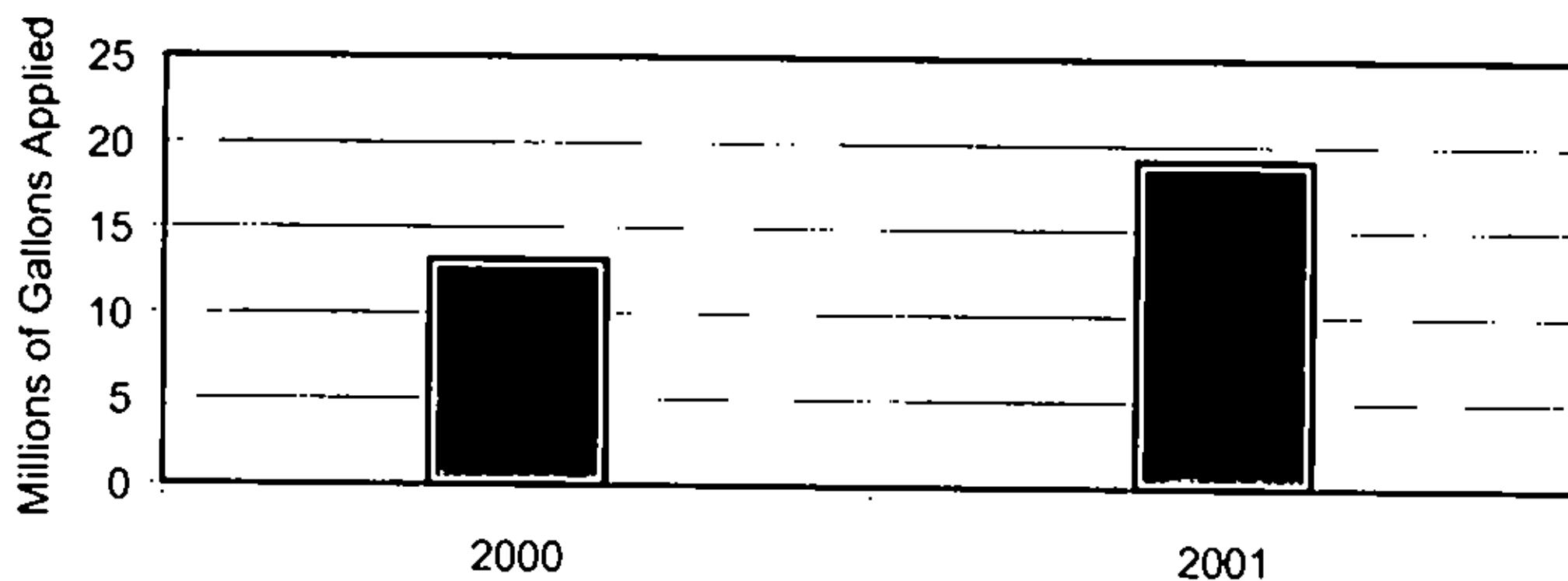
During 2001, no complaints were received from the adjacent landowners or the general public concerning odors, land application, or irrigation.

The total pounds of plant available nitrogen (PAN), which can be applied to the site in any given year, is 104,370 pounds. The amount applied in 2001 was 83,743 pounds. The average loading for 2001 was 159 pounds PAN per acre.

Metals contained in the sludge were tested and tracked in accordance with 40 CFR Part 503 regulations. Testing determined the sludge to be well within the Table 3 (clean sludge) limits, which allows application of the sludge according to PAN requirements of the cover crop instead of a maximum allowable loading based on heavy metals concentration.

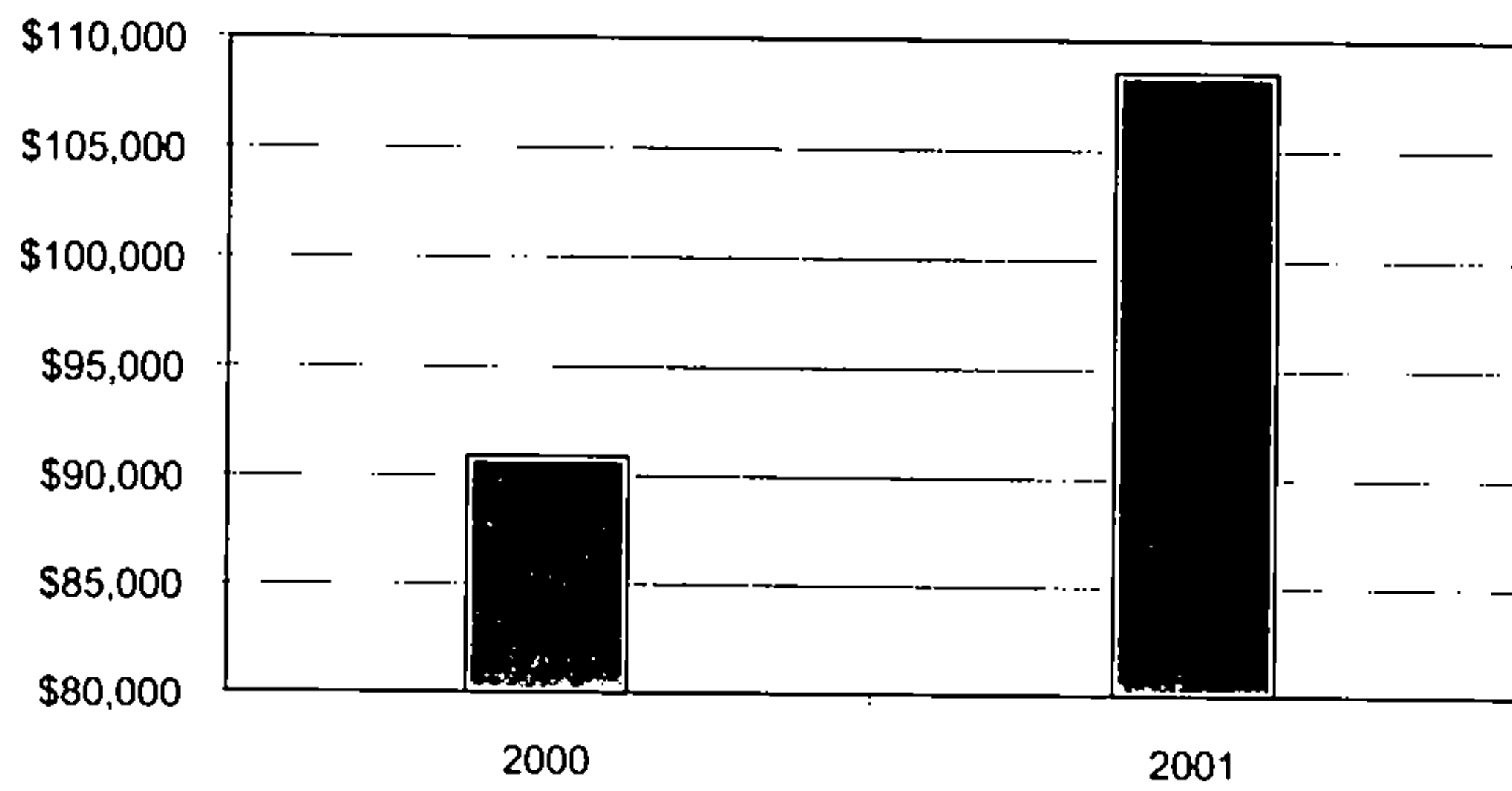
Soil sampling indicated several areas at the SMS needed lime application to increase the pH to meet State recommendations. Lime was applied in these areas using standard agronomic rates and practices.

Total Sludge Application



The amount of sludge applied in 2001 was 19,084,595 gallons, or 36,122 gallons per acre. The application of sludge promotes crop growth, which then must be removed from the site. The Midland Bermuda grass crop is cut and harvested as hay and sold to local farmers. The site produced 2,136 tons of hay, and the sales produced total revenue of \$108,522. The price per ton average was \$50.80, up slightly from 2000. This price average was higher because: the SMS had no insect infestation, much less rainfall during was experienced the month of June, and no drought conditions were during the summer. These three factors allowed for greater production and less damage to the crop during harvesting operations.

Total Hay Revenue



Projections for 2002

The total organic and hydraulic loading to the WWTF is expected to slowly increase during 2002 as the population of the City and surrounding communities continues to grow. Ongoing sewer collection system rehabilitation efforts also are expected to continue, which will force more wastewater to the WWTF as overflows in the system are eliminated. At the beginning of 2002, there remained some flexibility at the existing facility for treating additional organic loading. However, the continued increase in loading now requires both treatment 'trains' on a full-time basis.

Control of odors, both at the WWTF and in the collection system, will continue to be a major focus during 2002. Every effort will be expended to refine the current method of odor scrubber operation, with the goal of further enhancing scrubber performance and reducing operation and maintenance costs. Odor control at the sewer lift stations should improve with the purchase and installation of an iron salt addition system at lift station No. 7, as well as an increase in the iron salt addition at the two existing locations. It should be noted that OMI has offered to perform these services for the City at no overhead cost, and will reimburse to the City any money not spent from the allocated amount.

The only large ongoing CIP project involves the SCADA system for the proposed new water valve and pressure monitoring stations. There are a number of ongoing projects, however, that will continue to receive appropriate attention and direction.

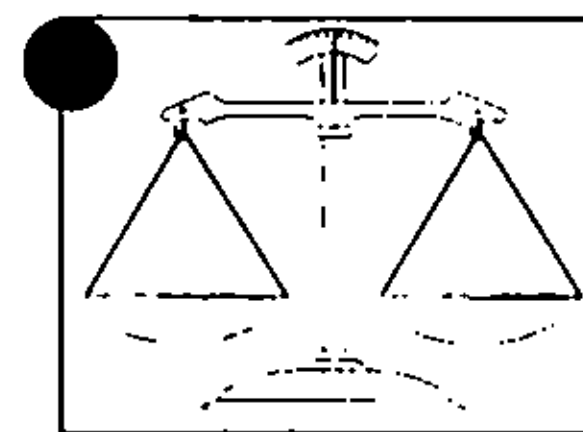
OMI is honored to be in partnership with the City of Fayetteville and provide outstanding service for operation and maintenance of the City's wastewater facilities. The year 2001 was an extremely successful year for both OMI and the City in this area and the trend of success is expected to continue into 2002 and beyond. With the help and support that OMI and the City's partnership can provide, area citizens can look forward to the continued protection of Northwest Arkansas' valuable water resources.

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: May 22, 2002

RE: Passed Ordinances and Resolutions from City Council
meeting of May 21, 2002

The following Ordinances and Resolutions were passed at the last City Council meeting and are ready for the mayor's signature.

Enclosed are:

1. **Cameron Ashley Building Products:** Resolution approving agreement in amount not to exceed \$65,000 for purchase of vinyl windows and siding for housing rehabilitation projects.
2. **RZN 02-9.00:** Ordinance approving rezoning for property located at 2231 Markham Road and contains 18.80 acres.
3. **RZN 02-12.00:** Ordinance approving rezoning for property located at 2231 Markham Road and contains 4.10 acres.
4. **RZN 02-10.00:** Ordinance approving rezoning for property located in the 100 block of Appleby road and contains approximately 0.14 acres.

5. **RZN 02-11.00:** Ordinance approving rezoning for property located on S. School at Drake Field and contains approximately 3 acres.
6. **Trolley:** Resolution authorizing city staff to develop a working agreement w/Ozark Regional Transit to operate Trolley System and for other purposes.
7. **Asphalt Paving Machine:** Resolution to purchase asphalt paving machine from Rushing & Mason in amount of \$187,225.00 and a budget adjust in amount of \$16,700.00.
8. **Library:** Resolution approving contract in amount of \$17,633,562 with Crossland Construction Company for new Fayetteville Public Library with contingency amount of \$700,000.00.
9. **Pony Rides:** Ordinance revision of the non-motorized transport services section to include pony rides.

**DRAFT AGENDA
CITY COUNCIL
MAY 21, 2002**

A meeting of the Fayetteville City Council will be held on May 21, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. APPROVAL OF THE MINUTES

B. OLD BUSINESS

C. NEW BUSINESS

- VA 02-100 - Ken Martin*
1. **RZN 02-10.00:** An ordinance approving rezoning request RZN 02-10.00 as submitted by Richard Grubbs on behalf of Mid-America Management Company for property located in the 100 Block of Appleby Road, west of Northwest Nursing Center. The property is zoned A-1, Agricultural and contains approximately 0.14 acres. The request is to rezone to R-O, Residential Office.
 2. **RZN 02-11.00:** An ordinance approving rezoning RZN 02-11.00 as submitted by the City of Fayetteville for property located on S. School at Drake Field. The property is zoned C-2, Thoroughfare Commercial and contains approximately 3 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.
 3. **TROLLEY:** A resolution authorizing the City Staff to develop a working agreement with Ozark Regional Transit to operate the Trolley System and for other purposes.
 4. **ASPHALT PAVING MACHINE:** A resolution to purchase an asphalt paving machine, trading the existing unit in on a demonstration unit that shall carry a new machine warranty. Proposed demonstration unit has 150 hours, is Pro-Pav model meeting specifications. Competitive bids received on April 29, 2002, immediate delivery. Net purchase cost of \$187,225.00.
 5. **LOPFI RETIREMENT:** A resolution moving the City of Fayetteville Police LOPFI retirement benefits from plan 1 to plan 2 as of August 1, 2002. this resolution is requested contingent upon the passage of the renewal of the City 1% Sales Tax.

Consent →

*Move to
June 4th
meeting
per Rick H.
June 4th - see 5-10-02
Fris - only Friday - see chair.*

6. **LIBRARY:** A resolution approving a contract in the amount of \$17,633,562 with Crossland Construction Company Inc. for the construction of the new Fayetteville Public Library at 401 W. Mountain; approval of a project contingency in the amount of \$700,000; and approval of a budget adjustment to fund the off-site improvements contained within this contract.

presentation of agenda item.

D. **INFORMATIONAL ITEMS**

- agenda item.*
1. **FESTIVAL COMMITTEE:** An airport lease contract with Festival Committee for the purpose of hosting an outdoor concert featuring BB King.
 2. **PILOT SHOP:** An airport lease contract with H. Marie Wilson for space in the terminal shop for the purpose of setting up a pilot shop.
 3. **OZARK MILITARY MUSEUM:** An airport lease *contract* with Ozark Military Museum for the purpose of displaying historical memorabilia.

Consent → - essential carts. -

Consent. → - B Razor back siding. - county department

informational → America in Moon. - Lisa / Parks.

→ agenda item
- presentation - from Gary 540 - report - Sue Dumas. -

** last item:*

** Board tour. **
** sites to tour:*