FINAL AGENDA
CITY COUNCIL
OCTOBER 3, 2000

A meeting of the Fayetteville City Council will be held on October 3, 2000 at 6:30 p.m. in room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the September 5, 2000 meeting.

2. **LIBRARY DESIGN:** A resolution approving Phase 2 of an architectural agreement with Meyer, Sherer and Rock Castle LTD of Minneapolis, MN, covering the design and construction phase of the proposed Fayetteville Library. The costs of Phase 2 is $1,450,000 plus expenses not to exceed $95,000. Approval of a budget adjustment in the amount of $1,545,000 is also included.

3. **PANEL SYSTEM:** A resolution approving the purchase of AR112A Panel System from Arkansas Correctional Industries in the amount of $20,588.52 and approval of a budget adjustment.

4. **AUDIT COMMITTEE:** A resolution establishing an Audit Committee as an advisor, regarding compliance and other audit reporting, controls or accounting issues. The charter sets forth the selection process and the responsibilities of the Audit Committee. The Audit Committee is recommended by our outside auditors. Arthur Andersen and Co. and G.A.S.B.

B. OLD BUSINESS

1. **CITY ADMINISTRATION ROOM POLICY:** A resolution approving a new policy for reserving rooms in the City Administration Building.

C. NEW BUSINESS

1. **VA 00-8.00:** An ordinance approving vacation request VA 00-8.00, submitted by Paul Reynolds, Attorney at Law on behalf of Christine Starmer, Estate of Arlan Starmer for property located at 927 West 15th Street. The property is zoned R-2, Medium Density Residential and contains approximately 0.29 acres. The request is to vacate a portion of the un-constructed street right-of-way for Price Avenue.

2. **TELECOMMUNICATIONS SYSTEM:** An ordinance approving a bid waiver and contract award for the lease of the Plexar-Custom Telecommunications System with Southwestern Bell Telephone Company.

3. **MILLAGE:** An ordinance adopting real and personal property tax rates for 2000 for General Fund, Policemen's Pension and Relief Fund and Firemen's Pension and Relief Funds. The rate to be adopted for General Fund is 2.0 mils for real property and 2.0 mils for personal property for one year to fund senior/ community center or senior citizen services. The rate to be adopted for the Policemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils for personal property and the Firemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils for personal property. There is no millage proposed for general government operations.

4. **OFFER AND ACCEPTANCE:** Consideration of a purchase agreement with Burlington Northern and Santa Fe Railway Company.

5. **GOVERNMENT CHANNEL PROGRAMMING POLICY:** A presentation from the Telecommunications Board on the "Policy on the Use of the Government Access Channel."

Meeting of October 3, 2000

Roll			BD HD Consent		
DAVIS	✓		✓		
TRUMBO	✓		✓		
DANIEL	✓		✓		
SANTOS	✓		✓		
YOUNG	✓		✓		
RUSSELL	✓		✓		
REYNOLDS	✓		✓		
AUSTIN	ABSENT.				
HANNA	✓				
			7-0.		

Rooms	KS RR.				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN					
HANNA					
	7-0-				

Meeting of October 3, 2000

VA 00-8	KS 2ND HD.	BD 3RD KS	PASS		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
AUSTIN					
HANNA					
	7-0.	7-0.	7-0.		

TEL. Com Sys.	BD 2ND KR.	KS 3RD HD.	PASS		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
AUSTIN					
HANNA					
	7-0.	7-0.	7-0.		

Meeting of October 3, 2000

MILLAGE	KS 2ND BP.	C4 3RD KS.	PASS.		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
AUSTIN					
HANNA					
	7-0.	7-0.	7-0.		

BOB Swanger.

of/Accept	KR $70,000 for property RR.				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN					
HANNA					
	7-0.				

Meeting of October 3, 2000

Gov. policy					
DAVIS					
TRUMBO					
DANIEL					
SANTOS					
YOUNG					
RUSSELL					
REYNOLDS					
AUSTIN					
HANNA					

DAVIS					
TRUMBO					
DANIEL					
SANTOS					
YOUNG					
RUSSELL					
REYNOLDS					
AUSTIN					
HANNA					

meeting adjourned: 7:30 pm

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA
CITY COUNCIL
OCTOBER 3, 2000

A meeting of the Fayetteville City Council will be held on October 3, 2000 at 6:30 p.m. in room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

pass **A. CONSENT**

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the September 5, 2000 meeting.

132-00 2. **LIBRARY DESIGN:** A resolution approving Phase 2 of an architectural agreement with Meyer, Sherer and Rock Castle LTD of Minneapolis, MN, covering the design and construction phase of the proposed Fayetteville Library. The costs of Phase 2 is $1,450,000 plus expenses not to exceed $95,000. Approval of a budget adjustment in the amount of $1,545,000 is also included.

133-00 3. **PANEL SYSTEM:** A resolution approving the purchase of AR112A Panel System from Arkansas Correctional Industries in the amount of $20,588.52 and approval of a budget adjustment.

134-00 4. **AUDIT COMMITTEE:** A resolution establishing an Audit Committee as an advisor, regarding compliance and other audit reporting, controls or accounting issues. The charter sets forth the selection process and the responsibilities of the Audit Committee. The Audit Committee is recommended by our outside auditors. Arthur Andersen and Co. and G.A.S.B.

B. OLD BUSINESS

pass 135-00 1. **CITY ADMINISTRATION ROOM POLICY:** A resolution approving a new policy for reserving rooms in the City Administration Building.

113 WEST MOUNTAIN 72701 501 521-7700
FAX 501 575-8257

C. **NEW BUSINESS**

PASS 4273 1. VA 00-8.00: An ordinance approving vacation request VA 00-8.00, submitted by Paul Reynolds, Attorney at Law on behalf of Christine Starmer, Estate of Arlan Starmer for property located at 927 West 15th Street. The property is zoned R-2, Medium Density Residential and contains approximately 0.29 acres. The request is to vacate a portion of the un-constructed street right-of-way for Price Avenue.

PASS 4274 2. **TELECOMMUNICATIONS SYSTEM:** An ordinance approving a bid waiver and contract award for the lease of the Plexar-Custom Telecommunications System with Southwestern Bell Telephone Company.

PASS 4275 3. **MILLAGE:** An ordinance adopting real and personal property tax rates for 2000 for General Fund, Policemen's Pension and Relief Fund and Firemen's Pension and Relief Funds. The rate to be adopted for General Fund is 2.0 mils for real property and 2.0 mils for personal property for one year to fund senior/ community center or senior citizen services. The rate to be adopted for the Policemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils for personal property and the Firemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils for personal property. There is no millage proposed for general government operations.

PASS 136-00 4. **OFFER AND ACCEPTANCE:** RESOLUTION Consideration of a purchase agreement with Burlington Northern and Santa Fe Railway Company. ($70,000 for property)

PRESENTATION 5. **GOVERNMENT CHANNEL PROGRAMMING POLICY:** A presentation from the Telecommunications Board on the "Policy on the Use of the Government Access Channel."

meeting adjourned: 7:30.

September 29, 2000

FINAL AGENDA
CITY COUNCIL
OCTOBER 3, 2000

Instructions:

Attached:

1. Final Agenda
2. Minutes: Add to Item A. 1.
3. Government Programming Policy: Add the attached information to Item C. 5.

Agenda Session:

1. Audit Committee: Move Item C.3. Audit Committee in your Tentative Agenda packet to Consent Agenda and number it A.4. and add memo given at Agenda Session.
2. Move Item C.4. Millage in your Tentative Agenda to Number C.3. in your Final Agenda.
3. Remove Item C.5 from your Tentative Agenda.
4. Offer and Acceptance: Place letter entitled "Rail Property Management" under C.4 in your Final Agenda packet.
5. Add Proposed Room Use Policy dated 9/26/00 to Item B.1.

MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
SEPTEMBER 5, 2000

A meeting of the Fayetteville City Council was held on September 5, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Hanna, Aldermen Reynolds, Davis, Trumbo, Daniel, Santos, Young, and Russell, City Attorney Jerry Rose, City Clerk Heather Woodruff, Staff, Press, and Audience.

ABSENT: Alderman Austin.

CONSENT AGENDA

APPROVAL OF THE MINUTES
Approval of the minutes from the August 1, 2000 meeting.

ERNEST LANCASTER DRIVE
A resolution approving a contract for the construction of the "Ernest Lancaster Drive Extension" with Harrison Davis Construction Company in the amount of $243,473.00 with a 15% project contingency of $36,520.00. Authorization for the Mayor to sign the FAA grant upon its arrival and after staff review is also requested.

RESOLUTION 120-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SOLID WASTE BUDGET
A resolution approving a budget adjustment in the amount of $126,769 to adjust the personnel services category of the Solid Waste budget.

RESOLUTION 121-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ROLLBACK SETTLEMENT
A resolution approving a budget adjustment to appropriate funds for the rollback of ad valorem taxes lawsuit for the years 1994 through 1999 settlement approved at the City Council meeting on August 1, 2000.

RESOLUTION 122-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Daniel moved to approve the consent agenda. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

OLD BUSINESS

WINGS AIR, INC.

A resolution approving a lease agreement with Wings Air, Inc. for an above ground facility which they will locate south of the terminal building ramp. This will allow self-service fueling by the pilot using a credit card. Annual compensation will be $384.00 for the ground area with three three-year renewal options. Flowage fees will be remitted to the City as set forth in Section 91.16 of the Code of Fayetteville. The item was tabled at the last meeting.

Alderman Davis asked where the tank would be located on the airfield.

Mr. Schossow, Wings Air, presented an aerial photo and map illustrating the location of the proposed fuel tanks.

Alderman Daniel questioned the life of the tank.

Mr. Schossow replied he was not exactly sure, but elpined it was an above ground system in a containment area, which had a filtering system. He estimated its life at least twenty years or more. Adding they would be inspected regularly.

Alderman Daniel stated the phone calls she had received lead her to believe this was a good thing. She believed in competition.

Alderman Davis stated he like what he saw, but expressed concern about the location. He questioned if having the tank that close to the terminal would deter someone else from opening up an FBO in the terminal?

Mr. Rick McKinney, Airport Board, explained the current FBO was situated mid-field. There was a lot of space next to the terminal inside the fence. There was room for expansion of the self-service units. He did not see it as either a benefit or deterrent. Adding there was little happening at the terminal now.

Mayor Hanna stated he had received several calls from people who were afraid that if they approved this lease that it will cut down on the quality of service they were get from the full service FBO.

Mr. McKinney replied he had received a letter from the current FBO that they were reducing weekend services later this month. He thought this would have happened regardless. They were under tight budgets because of the loss of the airline services. He did not think this would cause the current FBO to feel like they needed to reduce their service, because there was only a small percentage of the general aviation market that would do self-serve fuel. The remainder of them would continue to use the other services provided by the FBO. He added Fayetteville Air Service had the opportunity to do this in 1997. The minutes of the Airport meeting stated that they had discussed it. There had been a survey sent in 1997 to the existing tenants and the response to that survey was that there was not enough support and interest to go to the expense of putting this type of self-service fueling system in. Fayetteville Air had opted not to address it. The Airport Board and the City were mandated by the FFA to make a decision on the lease. Adding, anytime an airport was Federally funded the FFA regulations applied. The regulations stated they could not deny service to someone who wants to come onto the field and provide a business or service to the airport community. If they did, then they stood to lose percentage of their federal funding. It was a Federal regulation. They could not compromise. The board had looked at that. They wanted to stay within the FFA Regulations. Adding, the Airport Board liked the free enterprise aspect and competition did breed some good deals for the consumers.

Alderman Russell asked Mr. McKinney if it was his opinion that they would be in violation of the federal regulations and risk losing their federal funding if they denied this request.

Mr. McKinney replied it would be a percentage of the federal funding. They would definitely lose a percentage of federal funding. They had to allow people to do business at the airport if they wanted to. The business had to follow the minimum standards, which set out the requirements that they had to comply with. The city's ordinances were very tough on the Airport.

Mr. Chuck Chadwick, Fayetteville Air, stated as best he could recall was that they had discussed this three years ago. The position that Fayetteville Air Service had taken was that if it was feasible and the City felt that it was feasible that they would go forward with it. The City had done their own study. It had come back that it was not feasible to do. He stated the city was treating them with two different standards. The location of this proposed tank was going to be all the way across the field from Mr. Schossow avionics shop. To his knowledge, the service aspect was not part of this proposal, he had not seen anything. He had not seen a commitment from Wings Aviation on what they were going to provide except for a self fueling station. That was where Fayetteville Air Services' argument was with this proposal. He questioned if they were going to be required to provide the same services that Fayetteville Air was required to provide.

Alderman Young suggested to Mr. Chadwick that if they were only using two tanks of their four tank that use the remaining two tanks for a self service situation.

Mr. Chadwick replied they had not considered before. Their tanks were owned by the City. They only leased them. When the studies had been done, the feasibility of a self-service tank was non-existent. He thought they were sitting a bad precedent by letting people take fuel sales off the field without providing the services that were normally associated with it.

In response to questions from Alderman Daniel, Mr. McKinney explained the services they were discussing were a loner car, a pilot briefing room with computer availability to weather and radar, restrooms, and mechanical. Those were the types of services and amenities Mr. Chadwick was talking about.

Alderman Daniel asked if Wings Air should be required to provide services like those

Mr. McKinney replied he did not believe someone would pull up to the self-service with the intent to look for other service. Mr. Schossow had told him that he was going to post a sign on the tanks showing what was available across the field. Mr. Schossow had assured him he kept a car there that he called his airport car. It was available for loan. Their building was a city owned with ADA restrooms. He had a computer with weather and radar information available. He also had an avionics shop and mechanical services. There were trade offs such as Fayetteville Air Service did not offer avionics but, Wings Air did. There were a few differences between the two business. These services were across the field from where his fueling station was going to be. From where he was as a tenant, Fayetteville Air Service was across the field. They were looking to service the resident tenants and those that come through. They were wanting them to return. He thought there was a difference of opinion between two business. They needed to provide things that were good for the airport and the community. And not what was best for one business or the other.

Mr. Donald Wilson, attorney for Wings Air, stated the main issue was the lease agreement. Wings Air had stated they would comply with the minimum standards. Everything could not be complied with until they got the service up and operating. They could not have employees, until they were ready. Those requirement would be there. It was part of the lease agreement as well. He read two paragraphs from the FFA assurances which stated they will not permit exclusive right of use of the airport by any person providing or intending to provide aeronautical services to the public. The providing of the services at an airport by a single fixed based operator shall not be construed by an exclusive right if both of the following apply. It would be unreasonable costly and burdensome for more than fixed based operator to provide such services and if allowing more than one fixed based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed based operator at such airport. He submitted to them that the current lease agreement in no way interfered with any present lease agreement. Both of those requirements have not been met. There was no exclusive right for one FBO to operate out there. He felt they met the requirements. His interpretation of the airport assurances were that they could lose FFA funding. There were web sites on the Internet which would give them the cheapest or best routes. The present FBO controlled three of the fueling facilities in the area, Northwest Air, Springdale Air, and Fayetteville Air. The fuel prices were kept at the same level. Where was the incentive for anyone to land in Fayetteville. They were not competing with the current FBO. Their intention were to compete with the people who wanted to go from Memphis to Denver, from Dallas to Saint Louis. They believe more aircrafts would be drawn into Fayetteville. Wings Air was trying to build something of this airport and they were trying to further the facilities that would be available. Wings Air was not waiting for traffic from the Fayetteville hangars to come over and fill their planes. There were looking in a much broader scope. He thought that general aviation would show up here. Wings Air in conjunction with Air BP were putting in this equipment in at their expense under a one year lease agreement with three one-year options. Those options were in the same agreement with the present FBO. If they lost it, the fuel farm went back to Fayetteville. They had spend money in preparing the ground and utilities that someone would have to remove. He did not think comparing the two were fair, because Fayetteville Air was leasing their tanks from the city and they were putting in their own. Wings Air had to comply with the lease agreement. The lease had already been approved by the Airport Board.

Ms. Paula Marinoni, an area resident, stated she was concerned about what was happening to the airport. To her there was an appearance that the City did not know what to do with the Airport and that there was no plan for the Airport. Fayetteville Air had made an investment. They had overhead and fixed cost, regardless of how many people came through there. Since the airlines and a lot of the other business from there had left the FBO was probably not making very much money. This company had three other FBO in the area. The other two were probably carring this one. They were staying because they had customers that had been flying in there a long time. She though if they had chosen to stay there then the City needed to help them. The City did not need to rush into situations just because it was more business. More business did not mean good business. What were the long term affects of this decision? She asked them to set the standard higher rather than settle for anything and to go after business that would help promote the vitality of the Airport.

Alderman Trumbo asked Ms. Marinoni if she had called any of the Airport Board members to asked them why they had recommended to the City Council to approve this lease.

Ms. Marinoni replied to her they appeared to be grasping for straws and looking for anything to come in, whether it was in the long term best interest of the Airport or not. She was speaking from an objective outsider's opinion.

Alderman Davis stated they were in the process of recuiting business to come into the airport. Other pilots that he had spoken with had told him that it was not a problem for them and that they thought it would be good for the airport.

Ms. Marinoni stated the economic development of depressed neighborhoods should encourage the ones that were there. Because if they had someone who had invested in it, they were a stronger link than someone who did not have an investment.

Mr. Chadwick stated they had maintained their fuel prices at Fayetteville by subsiding from their other companies. They did not want Fayetteville to be at a disadvantage when it came to fuel pricing. He asked that the other company be required to provide the same services that they were required to.

Ms. Alett Little, Economic Development Coordinator, stated Economic Development did have a plan for the development of the Airport. One marketing plan had been approved by the City Council in 1995. They also had a marketing plan which had been generated by the Chamber of Commerce which had been presented in June of 1999. She had contacted Don Harris, Project Manager with FFA. He had sent them information stating that FFA compliance guidelines stated that if adequate space was available on the Airport and if the Airport owner is not providing the service the airport is obligated to negotiate on reasonable terms for the lease of space needed by those activities offering services to the public to the extent that there may be a public need for such services. A willingness of prospective tenants to lease the space and to invest in the facilities required by reasonable standards were construded as establishing the need of the public for the services proposed to be offered. In this case it was his understanding that neither the airport nor the existing FBO offered twenty-four hour credit card self-service fueling. She reminded them that they were there to approve a lease. They were not there to talk about how someone else was doing on the field. They were there to talk about serving the people who used Fayetteville Airport. It was not only the people in Fayetteville, but transit customers.

Mr. Schossow stated they had located their business in Fayetteville three years ago when the Fayetteville airport was starting their decline. He had believed in bring their business to Fayetteville because of the possibilities for expansion. They had established their avionic shop. They had grown. He did not want to harm the airport, if he did it would harm his business. He thought if they could give them the opportunity to bring fuel and fair competition the field that they would see the field grow from that. They wanted to put this in this location because it gave them the opportunity to move into the terminal next year. They wanted to bring full service as they moved along. They met all the requirements to operate a full FBO. As soon as the opportunity was there BP had assured them that they would put in a Jet A tank. They wanted to make this a first class FBO. They were starting out with meager beginnings, but they did met all the requirements and they did have all the facilities in place. They were not going to be disappointed.

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

RESOLUTION 123-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

FEE WAIVER

An ordinance waiving Large Scale Development fees for Wings Air, Inc.

Alderman Santos stated that they had covered this at the last meeting and had determined that the fee was not appropriate for the amount of development review that this project required. He thought they should grant the waiver.

Mr. Rose read the ordinance.

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

Mr. Rose read the ordinance.

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

Mr. Rose read the ordiance.

Mayor Hanna asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.
ORDINANCE 4267 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

BOOM LIFT BID WAIVER
An ordinance approving a bid waiver for the purchase of one used self propelled articulated boom lift. This will allow the Mayor to approve the purchase of the unit recommended by the Fleet Operations, Building Maintenance, Parks Division, and the Equipment Committee.

Mr. Rose read the ordinance.

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

Mr. Rose read the ordinance.

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

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

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

ORDINANCE 4268 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

113 S. WILLOW RAZE AND REMOVAL
An resolution approving the raze and removal of the house located at 113 S. Willow Ave. as per

Ordinance 3948.

Alderman Reynolds explained this property was in very bad shape and the kids were playing in them. The property was loaded with trash and brush. They had been asked by the property owners to tear them down, because they could not afford to deal with them. The houses were currantly vacant. There had been numerous violations and the City had not been able to get anything done on them.

Mr. Mike McKinney, City Inspector, stated the buildings had been closed and secured. The property on North Willow had been more recently occupied by a appliance repairman, who finished the property off. At that time they had contacted the property owners. The owners had been unable to care of the property. The owners needed help. They could not do it themselves. He stated there were others within the city that needed the same kind of help.

Alderman Daniel asked if the City was charging the owners anything.

Mr. McKinney replied the process required that the citizens be billed for the work. The city had the option to file a lean on the property up to eighteen months at the county courthouse. The lean would stand on the property for a limited amount of time.

Mr. Rose read from the City's code book, "that a lean may be enforced anytime within eighteen months after work had been done by an action of the Chancery court." He had to ask for a lean enforcement. He could let the lean remain fallow. He could seek judical sell of the propery.

Alderman Young stated that as he recalled, the lean would sit with the property.

Mr. Rose stated the amount of the lean could be determined at a hearing before the City Council held after thirty days written notice by certified mail to the owners. The City Council could try and collect it by taxes. Both methods were brutal. He did not intend to do anything unless they instructed him to as far as lean collection on these properties.

Aldlerman Reynolds stated one of the property owners did not want to be involved if the council chose to go one of those two ways. He did not want to go that route.

Mayor Hanna stated he thought the property should be torn down. It was a public safety issue. After the houses were removed and the bill presented, the City would have to pay it, at that time they could make the decision to file a lean.

Alderman Russell stated he was all for cleaning up the property, but he was not for doing it for free. He did not believe the tax payers should have to pay for people who were not maintaining their property up to code. He thought it was necessary. He thought they should have a lean sit on the property when the property was sold, then the City would recoup their cost.

Mr. Rose stated they could get a judgement lean and then if the property was ever sold then the debt would be settled.

Mayor Hanna added they were increasing the value of the property by having the houses removed.

Mr. Rose stated it was his understanding that he needed to prefect the lean and file it and calendar it so it would not expire.

Mr. McKinney stated the properties were a danger to the community and they were bringing down the remainer of that neighborhood as they exist now. They were limited by a lot of legal restrictions on how they could deal with people and this was the only avenue to deal with them. His only avenue was to condemn the property.

Alderman Trumbo moved to approve the resolution as presented. Alderman Daniel seconded the motion.

Ms. Paula Marinoni, resident, stated she had come before the council over four years ago about another raze and removal. She lived in the middle of town where homes were falling down, because there was no reason to keep them up. To take someone's home and tear it down was a very drastic measure. Would it not be more proactive to encourage people to keep their property up over time and to enforce the City's ordinances. They should have been enforcing these ordinances all along. There were many properties that were in violation and we did not do anything about it. There was a big portion of the city that was falling down. She challenged that the main mechanism available was to do their job and enforce their ordinances. She was very angry because she cared about the old buildings.

Alderman Reynolds stated the people in the these neighborhoods did not have the money to fix up the property. They had been deteriorate over a period of twenty years.

Ms. Marinoni stated that was why they needed to keep them up over a period of time. It was very dangerous to the community. They had to take a more proactive stand on this. If it was done a little bit over time, it would not get to this point. She thought they should put a lean on the property.

Alderman Trumbo stated it was part of the motion to place a lean on the property.

Mr. Rose stated the staff tried extremely hard to work with people and to get things corrected. He did not want to infer that City staff was not enforcing their ordinance. He felt that they were.

Alderman Reynolds stated the inspectors had a tough job. Where would those people go if they were put out of thier houses. Some of the people in those areas were pioneers of this city. They were poor and did not have anything. The City worked with them every day. The City could not put them out of those houses because they would just go some other part of town and do the same thing.

Ms. Marinoni stated if it was done over time it did not get this bad. She suggested giving away free paint. It was not just these two property. It was every where.

Alderman Reynolds stated he would love nothing better than to have them all cleaned up.

In response to questions from Alderman Russell, Mr. Rose explained if they were talking about unsightly or unsanitary conditions, then they were limited by Arkansas Statute 14-54-901. Which set forth what municipalities may do in eliminating unsightly or unsanitary conditions on their property. The City's ordinance virtually tracked that statute. It was a raze and removal statute. It was not very efficient. In the past, they have had problems with judges and trying to get them to agree with them. Some judges felt that a man's home was his castle, no matter how bad that home looked. He thought that the City's staff would agree that there were problems out there, but they had to work with what they had. They had tried very hard. They were limited by statute on what they could do.

Upon roll call the motion passed unanimously.

RESOLUTION 124-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

11 N. WILLOW RAZE AND REMOVAL: An resolution approving the raze and removal of the house located at 11 N. Willow Ave. as per Ordinance 3948.

Alderman Trumbo moved to approve the resolution and to have a lean placed on the property. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 125-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

VOLUME BASED GARBAGE: An ordinance amending Ordinance 4111, 50.2, (B)(1)(a) to allow for the distribution of 104 33-gallon bags to households in the year 2001 and future years and implementation of a bag exchange program.

Mr. Rose read the ordinance.

Alderman Daniel stated she agreed with part of the amendment. She though the larger and stronger bags would make things easier. She did not agree with the increase in the number of bags. This did not prevent people from using more bags, people could still by more bags. They had a local, national and world responsibility on recycling.

Mayor Hanna stated the whole process they were using was still on trial. This was not the final version. They had been experimenting with carts in areas in town. The thirty-gallon trash bags would not fit in most trash cans. That was the reason behind the increase size. The committee and the solid waste division had decided they should keep the 102 bags for the next year in order to collect more data.

Alderman Santos stated they were only eight months into this program. He was willing to go along with keeping the program where it was now because it was not a perfect program. It was not as fair as he would like it to be. It was not as fair to the smaller users. They needed to charge for every bag. The collection of the waste should be shared equally, but the disposal of the waste was something they could measure the volume of and they should charge by the volume. To tighten the program now while people were just getting use to it and accepting it was not the right thing to do. They could wait another year until they had more data.

Alderman Davis stated they were ahead of the Four-County Solid Waste District. The plan was to be in place by 2002. He thought they were doing a wonderful job. Forty percent of the people wanted to continue to have the 102 bags per year. They wanted to have the larger bags to fit over the can. The city was listening to what the people wanted. Eighty-five percent of the citizens were recycling. He thought they should take their recommendation.

Alderman Russell moved to amend the ordinance and to stay with the current ordinance and to have seventy-eight bags rather than the hundred and four bags. Alderman Daniel seconded the motion.

Alderman Young stated he was not concerned about the seventy-eight or the hundred and four bags. His major concern was that they had a policy in place prior to the next year requirements for budgeting. He wanted to change the ordinance to added "for the year 2001".

Ms. Cheryl Zotti, Solid Waste, stated the recycling program was voluntary. The participation rate in most of Fayetteville was in the ninety's. What they would like to do was to keep the program stable and give them time to do research. She thought there would be changes, but until they were permanent changes she thought it was best to allow them to have the stability. When they did come back to them it would be a change that would affect every household. They would like to bring them very specific data and it be a one time change.

Alderman Russell asked if an audit had been done to sample the trash if see if people were recycling.

Ms. Zotti stated people were more conscious and were doing more plastic and paper board and those types of items. Most people were doing newspaper and aluminum. What they have done a better job of was educating people on plastic and paper board. They were planning on doing a citywide audit which they will count the number of bags at a house hold. This was part of their data gathering.

Ms. Anne Littel, resident and Environmental Concerns Committee, stated she thought they should stick with the seventy-eight bags. It was not a change, it was keeping what they said they were going to do in the first place. It was not equable to the small users and it was not fair to those smaller users. The financial incentive would make people recycle if they were going to save money. She thought they should keep pushing to get better at recycling and less volume. The landfill was the only one they could site in the four county solid waste area. There was no place with our geology that we could place a new land fill. They had to face shipping the trash away when it filled up.

Alderman Davis stated they did not know yet if they were going to use carts or bags. That was one of things that the study was going to determine. The people could use their left over bags. The others who have used all their bags were going to have to by bags. There was a cost saving to those individuals who use less bags.

In response to questions from Alderman Reynolds, Ms. Zotti stated comparing the first six months of this year to last year, their waste stream had been reduced by sixteen percent. It was important to note that. Residential waste stream was about thirty percent of the total. It was decreasing each year. The vast majority of what was going to their landfill was commercial waste. That was where the changes were going to have to be made if the wanted to save their landfill. The residents were doing a fabulous job. Sixteen percent was a large number when they were talking about thirty percent of a waste stream.

Mr. Randy Zurcher, resident, stated he was on the Environmental Concerns committee when this ordinance was adopted. They were now talking about increasing the base volume and keeping the same number of bags. This was the opposite of what they were talking about before.

Ms. Brenda Thiel, resident, stated the issue was to reduce the waste flow. She thought the sixteen percent was a fair start considering the lack of education. The citizens could do a better job. She did not feel that they needed to increase the volume. It was ten percent increase. She thought they should at the very least reduce the number of bags by ten percent, the amount of volume that they would acquire with the increase in size.

Mr. Bob Jorden, resident, stated he thought it was a step in the wrong direction to keep the same number of bags and to increase the volume by ten percent. They needed to encourage more recycling and less throwing. The faster they got to the pay as you through system the better they would be.

Ms. Fran Alexander, Friends for Fayetteville, she read a statement from Friends for Fayetteville explaining the importance of recycling and consumers demands. They urged the council to stay with the decision of the Environmental Concerns Committee from last year. She added the larger bags would add six gallons of volume per week to each household or the equivent of ten more bags per year. This would keep the city from going forward in reducing waste. Her personal position was that the program was not stable. If they were adding six more gallons per week they were going to be reeducating people in the wrong direction. In thirty years of volunteer work she could tell them it took five to ten times longer to reeducate people than it did to get it right the first time. They were going the wrong way if they increased the volume. They were assuming the wrong thing about the citizens. They were spending over two months income from the recycling program to supply people with bags. Recycling and reduction was a trickle down. They had to go from consumer to industry. If the consumer refused to by a product because it was not recyclable, then the manufacturer would change their packaging or materials. Recycling was changing merchandising.

Alderman Santos asked Alderman Russell if he would like to change his amendment ninety-one bags, which was half way between the two.

Alderman Russell withdrew his amendment and moved to change the number of bags from one hundred and four to ninety bags and deleting the words "every twelve months" and replacing them with the words "in the year 2001". Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously.

Alderman Santos moved to suspend the rules and go to the second reading. Alderman Trumbo second the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance.

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

Mr. Rose read the ordinance.

Mayor Hanna asked shall the ordinance pass. Upon roll call the ordinance carried.

ORDINANCE 4269 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BID 00-59: A resolution awarding Bid 00-59 to the only qualified bidder, Phoenix Recycling, for the purchase of plastic garbage bags to be used in the 2001 volume based program in the amount of $306,421 and approval of a budget adjustment in the amount of $140,421.

Mr. Rose asked what they were going to do with the $306,421.

Ms. Zotti suggested they chose "an amount not to exceed". What they would do was take the numbers back and go with the ninety bags per household. The bid would be less.

Mr. Rose stated the resolution would now read " in an amount not to exceed".

Alderman Daniel moved to approve the resolution. Alderman Young seconded the motion. Upon roll call the motion carried unanimously.

ORDINANCE 126-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

McDONALDS: An ordinance approving a cost-share agreement and a bid waiver in the amount of $90,015.00 with McDonald's Corporation for the design and widening of approximately 400 feet of Joyce Boulevard and installation of approximately 520 feet of 48" storm pipe along the widened portion of Joyce Boulevard and across Mall Lane.

Mr. Rose read the ordinance.

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

Mr. Rose read the ordinance.

Alderman Santos moved to suspend the rules and move to the third and final reading.

Mr. Rose read the ordinance.

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

ORDINANCE 4270 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

GATHA STEIN REIMBURSEMENT: A resolution authorizing the City to reimburse Ms. Gatha Stein an amount totaling $12,350.81 for doctor and hospital costs due to injuries received when Ms. Stein stepped in a hole at Walker Park resulting in breaking both ankles.

In response to questions, Ms. Connie Edmonston, Parks and Recreation, stated she did not believe their was any negligence done on the part of the Parks Department. It was impossible to comb three thousand acres to make sure there were no holes. Sometimes holes come the naturally, moles, children dig holes. It was impossible. She thought that was way there was tort immunity. She did not know about this until July. When she found out about it, they went out filled the hole with sand. They did have sidewalks that lead to the parking lot. She did not want anyone to get hurt in a park, but it happens and it was a risk they took. She did not believe that the City should be responsible for paying this. She believed if they did it for Ms. Stein, then they would have a lot more.

Ms. Gatha Steins, stated she had been hurt in Walker Park on June 23, 2000. She had been to a tournament, there was not a sidewalk from field seven to the pavilion. She had step in a large hole, fracturing both ankles. She explained her injuries and the surgery which had been required. She itemized her medical expenses which she was requesting reimbursement. She did not believe the accident had been caused by her own carelessness. The hole she had step in was one of four. She thought they had been remaining holes from removal of landscaping. The hole had not been seen because of the thickness of the grass. It was her belief that her injuries were a result of the city's failure to maintain the park. She requested at the very least to be reimbursed her medical bills. Any business would be responsible for her injuries.

Alderman Daniel stated Ms. Stein was not involved in any risky behavior. She thought it was reasonable for a citizen to walk along an area and not fall.

Mr. Rose stated he had a great deal of sympathy for Ms. Steins, the legal part of this was straight forward. Every municipality in the State of Arkansas was given tort immunity. They were capable to pay the damages. They could settle claims. They had not done it in the past. They had paid on occasion peoples deductibles. By ordinance they had a provision for sewer back ups. They were not responsible for natural holes in their park land. If they had caused the hole to be dug, then he would recommend payment.

Ms. Edmonston stated there had never been any trees planted in that area.

Alderman Daniel moved to pass the resolution. Alderman Trumbo seconded the motion. Upon roll call the motion failed by a vote of 1-6-0. Reynolds, Davis, Trumbo, Santos, Young and Russell voting nay.

RESOLUTION FAILED.

CAMPBELL-BELL BUILDING PARKING LEASE: A resolution approving a one-year lease agreement with Campbell-Bell Building LLC, for two parking spaces in the parking lot west of the Campbell Bell Building.

TABLED.

TED BELDEN PARKING LEASE: A resolution approving a one-year lease agreement with Ted Belden (Campbell-Bell Building) for one parking space in the parking lot west of the Campbell Bell Building.

TABLED.

GAIL AND JERRY MOORE PARKING LEASE: A resolution approving a one-year lease with Gail and Jerry Moore (Campbell Bell Building) for two parking spaces west of the

Campbell Bell Building.

TABLED.

Mayor Hanna stated the parking leases had been removed from the agenda.

Alderman Trumbo moved to table the parking leases until the next meeting. Alderman Russell seconded the motion. Upon roll call the motion carried unanimously.

Meeting adjourned at 9:30 p.m.

TO: City of Fayetteville

FROM: Jim Meinecke

RE: Appeal of the Planning Commission

DATE: August 28, 2000

RECEIVED
AUG 29 2000
PLANNING DIV.

RECEIVED
AUG 29 2000
PLANNING DIV.

This is to request an appeal of the Planning Commissions' ruling on the Krueger lot split on Skillern Road.

My address is 1700 Overcrest, Fayetteville, Arkansas, 72703. Thank you!

Heather -
Please include as an agenda item for 9/19/00 CC mtg.

*Appeal of PC conditions of approval for LS 00-25.00: Lot Split (Krueger, pp 255) ~~as~~ submitted by Stanley Krueger for property located at 3169 Skillern Rd. The property is zoned A-1, Agricultural and contains approximately 5 acres. The request is to split into two tracts of 3 acres and 2 acres.

LS 00-25.00: Lot Split (Krueger, pp 255) was submitted by Stanley Krueger for property located at 3169 Skillern Road. The property is zoned A-1, Agricultural and contains approximately 5 acres. The request is to split into two tracts of 3 acres and 2 acres.

Odom: The next item on tonight's agenda is item number 2 under new business. That also is a lot split submitted by Stanley Krueger for property located at 3169 Skillern Road. The property is zoned A-1, Agricultural and contains approximately 5 acres. The request is to split into two tracts of 3 acres and 2 acres. The staff's recommendation is approval subject to seven conditions of approval. Staff do we have any further conditions of approval?

Conklin: There are no further conditions of approval. We do not have a signed conditions of approval. They are asking for a variance request for the sidewalk along Skillern Road. They do have a letter in the packet and will be making a presentation with regard to that.

Odom: Okay. I will ask the applicant then to please come forward at this time.

Meineke: Hi. My name is Jim Meineke. I'm supposed to address the variance request, right?

Odom: Yes. That's correct.

Meineke: Okay. My dilemma is that the sidewalk that's proposed would be in my in-laws front yard not in the front yard where I'm building a house. They don't want a sidewalk. I'm trying to keep the City happy and keep my in-laws happy at the same time. The way things work out, that can't be done. My best avenue to get my house built is to try to get a variance on the sidewalk. I went out there and looked at it. Can I show you a picture?

Odom: Sure. Go ahead and bring it up here and we will circulate it while we are talking.

Meineke: I'll just give you one since it's the most dramatic. That picture is from the west side of the property. Basically, where that telephone pole is it's on the property line and the Brookbury sign, the little rock sitting on top of that picture will be in the center in of the sidewalk if it was extended to the west about three or four feet. The only reason I took that picture was just to illustrate that to get on that sidewalk would be virtually impossible. The money is not an issue. I can put up the money or Bill of Assurance or whatever it would take. All I'm trying to do is postpone tearing up their front yard. Historically, my mother-in-law moved to Skillern Road about thirty years ago. They lived in the Skillern house. They lived in this house since about 1970. Of course all of that development has occurred out there without any sidewalks. This is not her speaking it's me speaking. I would love to have sidewalks. I'm for sidewalks. I don't mind being first. I don't mind spending the money. My concern would be more that we are toward the tale end of the sidewalk business out there. Savannah has already been built. There is no sidewalk. It's about 50% of Skillern Road. It's about 1.1 miles long. Savannah by itself is about 4/10 or 5/10 of a mile. Coming from Old Wire Road going east there is not any sidewalk. That's been developed. In the foreseeable future I don't see a sidewalk there. The City owns the land to the east as a green space between this lot and Savannah. I don't know when the City would plan on putting sidewalk in there. All I'm trying to do is to delay until there will be more sidewalks built and postpone disturbing their front yard.

Odom: Thank you.

PUBLIC COMMENT:

Odom: What I'll do now is ask if there is any member of the audience that would like to address us on this issue to please come forward at this time. Seeing none I'll close the floor to public discussion on this issue and bring it back to the Planning Commission and the staff for questions and comments.

COMMISSION DISCUSSION:

Odom: Staff, do you want to give us Chuck's view or what the staff's position is with regard to the requirement on the sidewalk?

Conklin: The Sidewalk and Trails Coordinator did make a recommendation for the sidewalk to be built at this time. There is also a tract of land that was split a month ago for Mr. Kirby Walker which we did also require a sidewalk to be built at the time the lot develops up front. We did a tandem lot request also. Then we do have our City park in between this and Mr. Kirby Walker's lot so it is staff's opinion that a sidewalk is needed at this location today. The Sidewalk and Trails Coordinator did report to our Subdivision Committee that he has seen recently people walking on Skillern Road because there are not sidewalks. The position of the City is to have the sidewalk built today.

Odom: Staff don't we also have some type of overall plan to ultimately link neighborhoods to City parks and schools as well?

Conklin: That's correct. The focus has been with our sidewalk program to provide sidewalks from neighborhoods to the schools and to our parks. This is consistent with that overall policy.

Odom: Other questions or comments of perhaps the applicant or the staff? Commissioner Ward?

Ward: Tim, if we did not require a sidewalk right now and we did take right-of-way and required the applicant to put the money in some kind of fund. Would that be something that would be appropriate to do as far as giving the okay now and building it later? I know that we haven't in the past.

Conklin: That would be something new. We haven't typically done that in the past. If that's something the Commission is going to consider, yes, I would only support having the money here at the City in an escrow account and not a Bill of Assurance if that's the decision you make. Once again the Sidewalk and Trails Coordinator and my opinion too I think the sidewalk should be built today.

Estes: Tim, if the sidewalk was constructed today approximately how many feet would it set back from the present right-of-way of Skillern Road?

Conklin: It would sit back approximately 39 feet from centerline of the road.

Estes: That would put it in about the middle of Mr. Meineke's front yard or 2/3 of the way into his front yard. Is that about right?

Conklin: I would have to look at the survey. Your statement was, would that put the sidewalk 2/3 into his front yard. The sidewalk that's shown on the survey is actually shown outside of the right-of-way. I think there was a misunderstanding with regard to the ten-foot green space. That sidewalk actually goes into the City right-of-way so it's on public property. I disagree with that it's more like probably 1/4 of the way back into his yard.

Estes: It would be 1/4 of the way back into the lot or into the front yard?

Conklin: Into the front yard. Yes.

Estes: It would be approximately 1/4 of the way into the front yard?

Conklin: Yes. Right now they are showing it ten feet back beyond the forty-five feet of right-of-way dedication. That sidewalk should be within that forty-five feet of right-of-way dedication.

Estes: The second question I have Tim, is in the Capital Improvement Budget are there any plans at present to widen Skillern Road?

Conklin: No there aren't.

Estes: The tandem lot split that was done for Mr. Walker, has there been any construction on the lot facing Skillern Road?

Conklin: No. Not as of today there hasn't been.

Meineke: Can I show a couple more pictures? This kind of shows where the sidewalk would go. This is just a wider view of a shot of that sign. The sidewalk would just go straight behind the sign. I have it marked. I've marked a few x's on that.

MOTION:

Estes: It seems to me that at present there is no compelling and immediate need for the sidewalk. With that in mind I would move that we approve LS 00-25 subject to an amount of money being placed in escrow to be spent for construction of the sidewalk once required by the City. With the amount of the escrow deposit to be determined by the appropriate City agency.

Ward: I'll second that motion.

Odom: We have a motion and second to approve lot split 00-25 subject to staff comments with the additional requirement that an amount be placed into the City escrow fund for the construction of the sidewalk.

Conklin: Typically, those guarantees for delayed improvements are at 150% of the cost. I would recommend that it be at least that therefore in the future we do have enough money to complete that sidewalk.

Odom: I'd ask the applicant to please come forward. We are going to have to get your comment on the Motion we have before us which is to approve this which would require you to place money into the City escrow account for the construction of the sidewalk and the amount that would have to be deposited into the escrow would be 150% of the costs of the construction of the sidewalk.

Meineke: That would be fine. Anything to keep from tearing up the yard.

Bunch: Since we don't have signed Conditions of Approval has the applicant have any problems with any of the other Conditions of Approval? I notice that we don't have on record signed Conditions of Approval.

Meineke: No. Personally, I don't but the Krueger's have asked me several times maybe you can just clarify it now, you have asked for an additional 15 feet setback is that just something that the City takes? Are they giving that to you at the time of the split? I didn't know what to tell them.

Conklin: Yes. As a condition of approval our ordinances require that any time you are along a Master Street Plan street, this happens to be a minor arterial, you are required to dedicate that right-of-way. Yes, the City is asking that to be shown on your survey as a right-of-way dedication and when that survey is filed that will become City property.

Meineke: Okay. Thank you.

Hoover: I have a question about the Motion. When will the sidewalk actually be placed? Is that a condition on when they widen the road? How is that determined is what I'm wondering?

Conklin: I was assuming that would be at the call of our Sidewalk and Trails Coordinator when he deems that appropriate.

Hoover: Wouldn't that be tomorrow?

Conklin: We have the money. Most likely, from what I'm hearing from the Commission, they are saying that it's not needed today. That when Kirby Walker puts his sidewalk in that most likely we will put this sidewalk in. I put that statement for the record that, no I don't think we are going to get the money and go ahead and construct the sidewalk. I think we will wait until the other sidewalk goes in.

Odom: Does that answer your question?

Hoover: Yes.

Odom: Personally, I'm for the lot split. I do feel that there is a compelling and immediate need for the construction of a sidewalk. We have City staff who's specific job is to examine these issues and has personally observed people and children walking along Skillern Road and in my opinion that itself is enough reason to go ahead and require the construction of the sidewalk. I don't want to speak against the Motion because I'm for the lot split but I'm certainly against that portion of the

Motion.

Meineke: I just had one other comment. After being out there and driving up and down the road looking at the likelihood of future sidewalks, I think just from knowledge which I don't know what goes on in the City and workings and what leverage you have over the subdivisions out there, but a reasonable and possibly achievable goal for the City, as far as sidewalks go is, on that street would be to link up Brookbury and Savannah. I think that's a reasonable goal. It would require that the City put a sidewalk on their little peace of green space. To me I would be very happy to build a sidewalk that's a short distance but would link the two major neighborhoods on that street. I don't see how there could be any other major sidewalk any where on the street. I would say it's 90% developed and I don't foresee any lot splits. Savannah is not going to have any lot splits. To the west I don't see any possibility of lot splits so that sidewalks will be built between this lot and Old Wire Road. You are really going to be, in my opinion, I don't see much chance of having a sidewalk between Old Wire Road and this property. I don't see any chance of making Savannah build a sidewalk for their 4/10 mile. Little chance that there will be any connected sidewalk anywhere further to the east. It is possible that you could link up Brookbury and Savannah entrances although their entrances aren't compatible with a sidewalk. At least you could get through that one small section. To me that would be a reasonable time to have me put in a sidewalk and I would be happy to do that at that time.

Odom: Any further discussion? Will you call the roll?

ROLL CALL:

Upon roll call LS 00-25.00 passes on a vote of 7-1-0 with Commissioner Odom voting no.

PC Meeting of 14 Aug 00

FAYETTEVILLE

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

Krueger Lot Split

TO: **Fayetteville Planning Commission Members**
THRU: **Tim Conklin, City Planner**
FROM: **Sara Edwards, Ron Petrie P.E.**
DATE: **August 10, 2000**

Project: **LS 00-25.00: Lot Split (Krueger, pp 255)** was submitted by Stanley Krueger for property located at 3169 Skillern Road. The property is zoned A-1, Agricultural and contains approximately 5 acres. The request is to split into two tracts of 3 acres and 2 acres.

Findings: This property is directly north and east of the Brookbury Woods Subdivision and is located on the northeast corner of Brookbury Crossing and Skillern Road. This split will create a tandem lot for which a conditional use has been requested. Access will be provided from Brookbury Crossing by way of an access easement through property owned by the Brookbury P.O.A.

Recommendation: Approval subject to the conditions listed below

Conditions of Approval:

1. Planning Commission approval of a conditional use allowing for a tandem lot. *This is necessary because the lot does not have the required street frontage. The Brookbury Property Owners Association owns a strip of land between this property and Brookbury Crossing.*

2. Proof of filed easement signed by property owners association allowing access and utilities to the new lot. A signed easement has been provided. However, it has not been filed.

3. The new residence to be located on the 2.068 acre tract shall connect to the public sanitary sewer system.

4. Planning Commission determination of a waiver of the Subdivision Regulations requiring the construction of a sidewalk at the time of approval. The applicant is requesting to build the sidewalk at such time that sidewalks are built along Skillern. There is no time frame indicating when Skillern Road will be improved. Staff has required sidewalk construction in accordance with current standards to include a minimum 10 foot greenspace with a minimum 6 foot sidewalk along Skillern Road. *The sidewalk is shown incorrectly on the*

plat. The center of the sidewalk should be located approximately 39' from the centerline of Skillern Road and be located entirely in the dedicated right-of-way. Staff recommends that the sidewalk be built at this time.

5. Payment of parks fees in the amount of $470.00. (1 single family home at $470)

6. Plat Review and Subdivision comments (to include written staff comments mailed to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications)

7. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.

Background:

The proposed Lot Split was reviewed at the July 19, 2000 Technical Plat review and the August 3, 2000 Subdivision Committee meeting.

Discussion at the Subdivision Committee meeting included the sidewalk requirements.

The Subdivision Committee forwarded the Lot Split to the full Planning Commission subject to staff comments.

INFRASTRUCTURE:

a) Water is existing along the west side of Brookbury Crossing.

b) Sanitary sewer. See the conditions of approval for comments.

c) Streets. Not applicable.

d) Grading and Drainage. Not applicable.

PLANNING COMMISSION ACTION: _yes_ Required
_____Approved _____Denied

Date: ______________

Comments:

____
____
____

CITY COUNCIL ACTION: _no_ Required
______Approved ______Denied

Date: __/__/__

The "CONDITIONS OF APPROVAL", beginning on page one of this report, are accepted in total without exception by the entity requesting approval of this development item.

____
by

____
title

____
date

ARCHITECTURE AND CONSTRUCTION MANAGEMENT
FUGITT AND ASSOCIATES ARCHITECTS
P.O. BOX 1068
FAYETTEVILLE, ARKANSAS 72702

TELEPHONE
(501) 521-6686

August 4, 2000

Fayetteville City Planning
Commission
c/o Tim Conklin
Planning Director
113 West Mountain Street
Fayetteville, Arkansas 72701

Re: LS00-25.00 Lot Split (Krueger, pp 255)
3169 Skillern Road

To the Commission:

As representative for Mr./Mrs. Stanley W. Krueger and Mr./Mrs. Jim Meinecke on the afore-mentioned lot split, I am formally requesting a variance on the six foot wide sidewalk requested in the standard conditions of approval.

Currently, there are no sidewalks on Skillern Road, and to a further extent there are no sidewalks from the intersection of Highway 265 and Old Wire Road East to beyond the "Savannah" subdivision. Both "Savannah" and "Brookbury" subdivisions were built without sidewalks with no plan or recourse by the City to construct sidewalks in those subdivisions. The property joining the subject property to the east is owned by the City with no sidewalk nor plans for a sidewalk. The property located to the east of the City property is owned by Mr. Kirby Walker and has no sidewalk although the City is asking that one be built upon the "development" of that site.

Staff has requested the Kruegers give an additional 15' street right of way from 30' to 45' for the future widening of Skillern Road. In addition to this extended right of way, they are asking for a 10' greenspace where the sidewalk will be located. As a result, the Kruegers will give up 25' of their front yard to the public and construct a six foot sidewalk which will dissect their currently well landscaped and screened front yard with a six foot sidewalk which comes and goes nowhere.

Our desire to contribute to the community is not the issue. We will provide any bill of assurance, bond, line of credit, or other legally building apparatus the City would require which will make provision for the subject six foot sidewalk to be built at the time Skillern Road is widened/improved, and the adjoining properties to the East and West construct sidewalks as well.

Thank you for your patience and consideration in this matter.

Sincerely,

William ~~Kim~~ Fugitt, AIA

WKF:jlh

RECEIVED
JUL 26 2000
PLANNING DIV.

Brookbury Woods
Property Owners Association

2953 Brookbury Crossing
Fayetteville, AR 72703

Tim Conklin
City of Fayetteville Planning Dept.
Fayetteville, AR

Dear Mr. Conklin,

On March 17, 2000 the Brookbury Woods POA board approved the request by James and Donna Meinecke for an easement access, and utilities access for the new construction of their home. The easement is per the plat on Brookbury Crossing. We have contacted our attorney Vickie Bronson she is preparing the document.

If you have any questions regarding this matter you may contact me on my cellular phone 501-409-9933. I will be out of town until Friday afternoon. I know the Meinecke's want to get started as soon as possible, we don't want to hold them back.

Thank you, and best regards.

Sincerely,

Steve Jones
President
Brookbury Woods Property Owners Association.

INGRESS AND EGRESS EASEMENT

On this 2nd day of August, 2000, Brookbury Woods Property Owners Association (hereinafter referred to as "Grantor") grants and conveys to James Meinecke and Donna Meinecke, husband and wife, (hereinafter referred to as "Grantee") and their heirs and assigns forever, a perpetual easement for ingress and egress and for utilities over, under, and across the following described tract of land situated in Washington County, Arkansas:

> Said easement being twenty-five (25) feet of equal and uniform width and being described as: A part of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section Thirty-one (31), Township Seventeen (17) North, Range Twenty-nine (29) West, being more particularly described as follows: Commencing at the Northwest Corner of said 40-acre tract; thence North 89 degrees 49 minutes 54 seconds East along the North line of said 40-acre tract 760.64 feet to a point from which a set iron pin on the South right-of-way of Skillem Road and the boundary of Brookbury Woods Subdivision bears South 00 degrees 14 minutes 39 seconds East 21.97 feet; thence leaving the North line of said 40-acre tract along the boundary of Brookbury Woods Subdivision South 00 degrees 14 minutes 39 seconds East 399.13 feet to the TRUE POINT OF BEGINNING of said easement; thence South 00 degrees 14 minutes 39 seconds East 25 feet; thence West 30.15 feet to the East right-of-way of Brookbury Crossing; thence North along said right-of-way 25 feet; thence leaving said right-of-way East 30.04 feet to the point of beginning.

To have and to hold unto said Grantees, their heirs and assigns forever.

Dated this 2nd day of August, 2000.

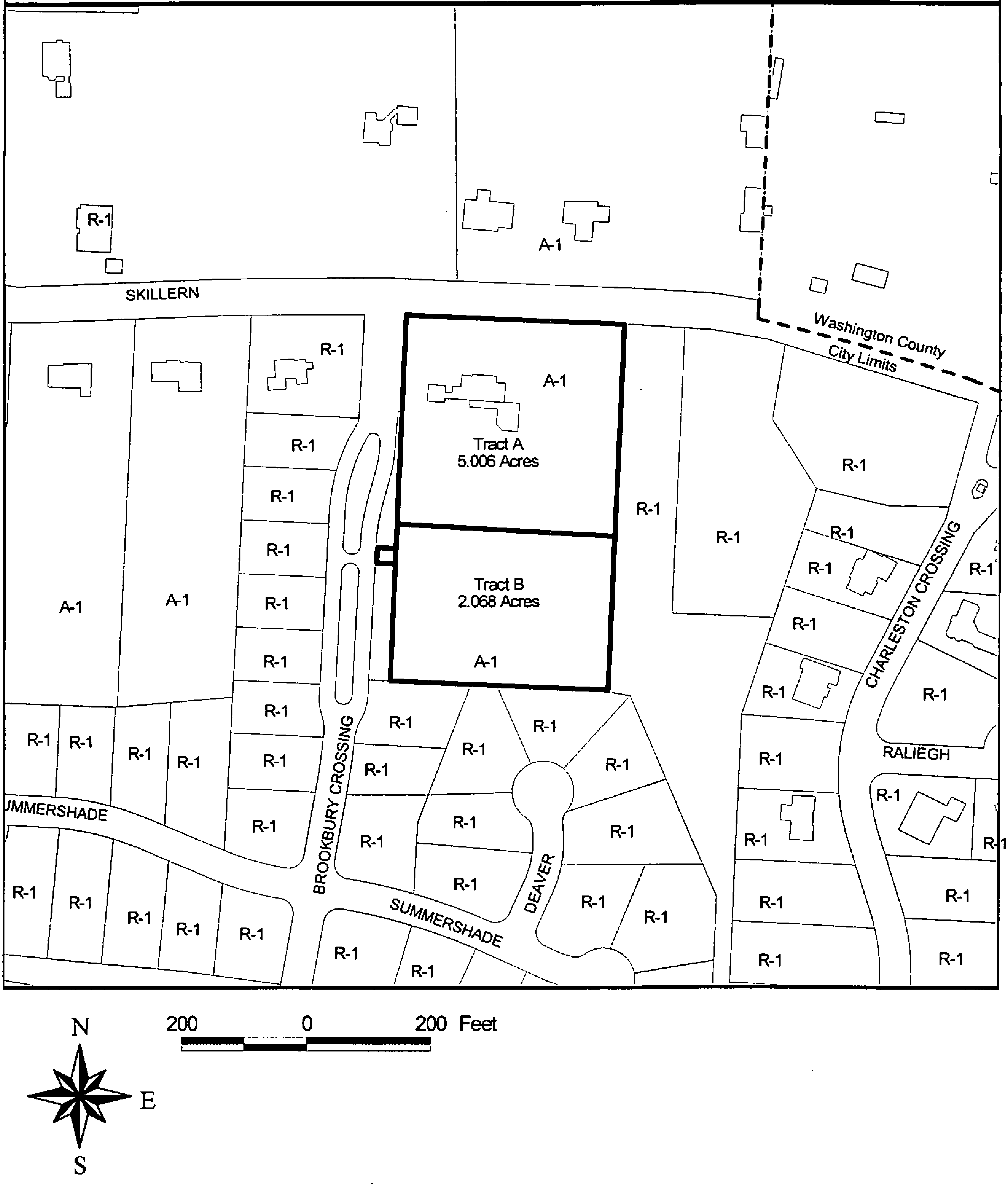
BROOKBURY WOODS PROPERTY
OWNERS ASSOCIATION

By: [signature]
President
Brookbury Woods POA

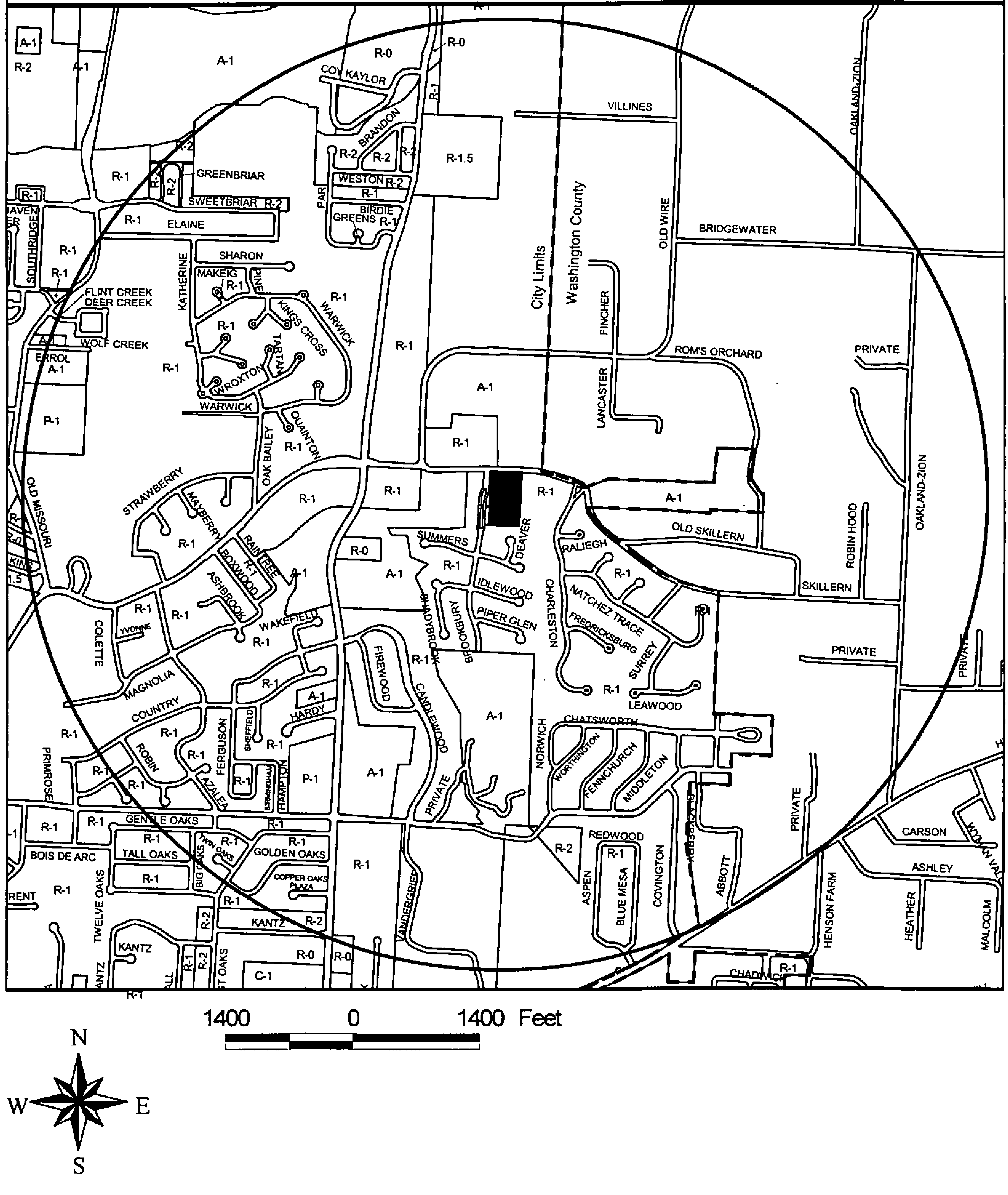
Prepared under direction of
Grantor and Grantee by
Vicki Bronson
Conner & Winters, P.L.L.C.
100 W. Center, Suite 200
Fayetteville, AR 72701

2000064613

LS00-25.00 - Krueger - Close Up



LS00-25.00 - Krueger - One Mile Diameter



STAFF REVIEW FORM

X AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of October 3, 2000

FROM:

Charles Venable		Public Works
Name	Division	Department

ACTION REQUIRED: Approval of Phase II of an Architectural Agreement with Meyer, Sherer & Rockcastle LTD of Minneapolis, MN, covering the design and construction phase of the proposed Fayetteville Library. The costs of Phase II is $1,450,000 plus expenses not to exceed $95,000. Approval of a budget adjustment in the amount of $1,545,000 is also included.

COST TO CITY:

$1,545,000	118,540	NEW CENTRAL LIBRARY Building
Cost of this Request	Category/Project Budget	Category/Project Name
4150-9150-5314-03	118,047	
Account Number	Funds Used To Date	Program Name
99073-10	493	LIBRARY CONSTRUCTION
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ___ Budgeted Item X Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** ___

Marilyn Cramer (signature)	9-19-00		
Accounting Manager	Date	ADA Coordinator	Date
(signature)	9-19-00	Nancy Smith (signature)	9/20/00
City Attorney	Date	Internal Auditor	Date
(signature)	9-19-00		
Purchasing Officer	Date	Grant Officer	Date

STAFF RECOMMENDATION: Recommend approval of the Architectural Agreement covering Phase II.

Division Head	Date	Cross Reference
Charles Venable (signature)	Sept. 18, 2000	New Item: Yes No
Department Director	Date	
(signature)	9/18/00	Prev Ord/Res #: ___
Admin. Svcs Director	Date	
Fred Hanna (signature)	9/18/00	Orig Contract Date: ___
Mayor	Date	

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor Hanna and Members of the City Council

From: Charles Venable, Public Works Director Charles Venable

Date: September 18, 2000

Subject: Architectural Agreement for the Next Phase for the Proposed Library.

During the City Council Meeting of October 5, 1999, Resolution No 130-99 was passed which approved Phase I of an Architectural Agreement with Meyer, Scherer and Rockcastle, LTD of Minneapolis, Minnesota. Phase I covered the preliminary design of the proposed Library up to the stage that funding sources would be secured prior to advancing to Phase II. Phase I has been completed and on August 15, 2000 the citizens of Fayetteville approved a one-cent sales tax to be collected over an eighteen month period to cover paying a portion of the cost of the acquisition of land, and the design, constructing and equipping the Library. Since the funding has been made available, the Architectural Agreement is now ready to be advanced to Phase II..

Phase II will provide for the complete design of the Library including construction plans, specifications, bidding documents, estimated construction costs, and construction administration. The design of the project is expected to be completed by the end of 2001 and it is anticipated bids can be taken in early 2002. The Library should be completed by the summer of 2003 assuming no unforseen problems occur.

The agreement for Phase II is in the amount of $1,450,000 which is a reduction of $70,965 from the original agreement. This change in the fee is due to a reduction in the size of the Library that was originally proposed. In addition to the architectural fee up to $95,000 is included for reimbursable expenses resulting in a total cost of the agreement of $1,545,000.

MS&R

Memorandum

Sent via overnight express

Meyer, Scherer & Rockcastle, Ltd.
Architecture, Interior Design
and Urban Design
119 North 2nd Street
Minneapolis MN 55401.1420

612 375.0336 phone
612 342.2216 fax

August 29, 2000

To: Charlie Venable and Louise Schaper
From: Jeffrey A. Scherer, FAIA
Re: Schedule and Contract Revisions
Copy: file, Sean Wagner, Peter Silver, Tracy Sherber: MS&R
Jim Foster: Foster- WER Architects

Charlie and Louise:

Please find enclosed the project schedule for Phase II. Please review this and let me know your thoughts. This schedule is based on our experience with similarly sized public library projects with a public review process. Please note the following key issues in regards to the schedule:

1. I will be in Fayetteville on November 13 and 14 for a kick-off meeting with the library staff, the City and our consultants. I will prepare an agenda for this meeting later.
2. We will start our work on December 4, 2000. The duration days on the attached Critical Path Schedule are workdays.
3. The entire process from start to finish extends beyond the last date revenue from the tax collections earmarked for this project. We are assuming that there are no legal or practical issues associated with this. In any case, the final completion date could not, in our professional opinion, occur on or before September of 2002.
4. The pubic process and review dates shown on the schedule assumes that there would be presentation to the public, library board, donors and the City Board during those time periods. Please review the time periods and tasks associated with the library and city review of our documents. I have included review periods—but seek your advice if there is sufficient time allocated.
5. We have included three review meetings with the public during Schematic Design and two during Design Development for a total of 5 meetings. Meetings in addition to this (other than regular review meetings with city and library staff are not included in our Basic Services fee. Please also note the meetings during Schematic Design are labeled Review—meaning these will be an active give and take sessions with the public in which they can and will be invited to critique the design choices presented. The meetings during Design Development are labeled Presentation—meaning this will more of an information meeting. This of course does not mean that there will not be changes—merely for us to move this project along (and to our fee and schedule obligations) we are not planning as intense a public process as during the pre-referendum phase.

Contract Update for Phase II

Our contract (Article 1.1.2.5) requires that we revisit the budget assumptions at the conclusion of Phase I. I have attached a comparative spreadsheet showing the Phase I Contract Budget (amounts are as indicated in the Owner-Architect Agreement dated 1 September 1999.) We have made the following adjustments:

1) Changed the gross square footage from 90,000 to 77,200 (line 1)
2) Adjusted the base cost per square foot for the library from $160.00 to $158.00. This reflects the adjustment made during the pre-referendum phase of our work. (line 2)
3) Furniture and Equipment budget is reduced from $1,547,980 to $1,027,474 (line 5)
4) The original contract assumed a mid-point date of construction of July 2002. The revised date for Phase II is October 2002. We do not feel that any further adjustments are necessary. (line 7)
5) Phase II Professional Fees have been reduced to account for the change in the scope of the work. While the building has reduced by 14.3%, our fee has been reduced by 7.5%. There is not a straight line reduction for the following reasons: 4.67%
   a) The parking structure has not been changed.
   b) The scope of the civil and landscaping work has not changed
   c) The building infrastructure, including the mechanical and electrical work is not significantly changed.
   d) The built in-place cabinetry has stayed the same (the reduced areas were assumed to be primarily collection.)
   e) The building envelop is primarily unchanged.
   f) Our fee was based on construction costs for September 2001 (see contract Article 1.1.2.5). Since this project will span almost three years, we have to account for increased cost in our staff's hour rates over this period. Based on the economy, these hourly rates are expanding at a pace that is greater than the Consumer Price Index by nearly 30%.
   g) We exceeded our fee (our internal budgets) for public meeting by approximately 48% (or $50,000) for Phase I. We are not including this shortfall in our calculations—rather making an appropriate adjustment in our assumptions for Phase II to ensure that it does not happen again.

ORIGINAL CONTRACT

Phase I - $113,551

Phase II - 1,520,965

Total $ 1,634,516

REVISED CONTRACT

Phase I - 113,551

Phase II - 1,450,000

1,563,551 - Revise 1.5.1

Reduction - $\frac{70,965}{1,520,965}$ = 0.0466 = 4.67%

Total Reimbursement - Phase I $15,000

Phase II 95,000

$110,000

Totals - Phase I - $128,551

Phase II - 1545,000

Total $ 1,673,551

ORIGINAL

Professional Services Supplement

AIA Document G604 - Electronic Format

HIS DOCUMENT HAS IMPORTANT LEGAL CONSEQUENCES; CONSULTATION WITH AN ATTORNEY IS ENCOURAGED WITH RESPECT TO ITS OMPLETION OR MODIFICATION. AUTHENTICATION OF THIS ELECTRONICALLY DRAFTED AIA DOCUMENT MAY BE MADE BY USING AIA OCUMENT D401.

n accordance with the **AGREEMENT** dated: September 1, 1999

BETWEEN:
City of Fayetteville, Arkansas

nd:
Meyer, Scherer & Rockcastle, Ltd.

or the Project:
Insert Project name and address as it appears in the Agreement.)
A new central library facility, referred to as the Fayetteville Public Library, for the City of Fayetteville Arkansas.

[X] authorization is ~~(requested)~~ (given)
(strike one)

[ ] to proceed with Additional Services
[X] to proceed with revised scope of Basic Services
[ ] to incur Reimbursable Expenses

OR

[ ] notification is made

[ ] of the need to proceed with Contingent Additional services
[ ] of the need for other services

AS FOLLOWS:

The following adjustments shall be made to compensation and time.

Compensation:
(Insert provisions in accordance with the Agreement, or as otherwise agreed by the parties.)
To reflect the change in the gross square footage of the building from 90,000 to 77,200, the Architect's compensation outlined in Article 1.5.1 for Phase II Services is changed to $1,450,000.

Time:
(Insert provisions covering time of commencement and completion of authorized services as applicable.)
Schematic Design to be completed by 2/1/01
Design Development to be completed by 6/6/01
Construction Documents to be completed by 12/13/01
Bidding to be completed by 2/14/02
Constrcution to be completed by 7/31/03

ORIGINAL

'rompt written notice is required if the services indicated are not needed.

;UBMITTED BY:	AUTHORIZATION IS GIVEN or NOTIFICATION IS ACKNOWLEDGED BY:
Signature)	(Signature)
Printed name and title)	(Printed name and title) JEFFREY SCHERER PRESIDENT
Date)	

Fayetteville Public Library Budget Comparison Between Owner-Architect Agreement for Phase I and Phase II

31-Aug-00

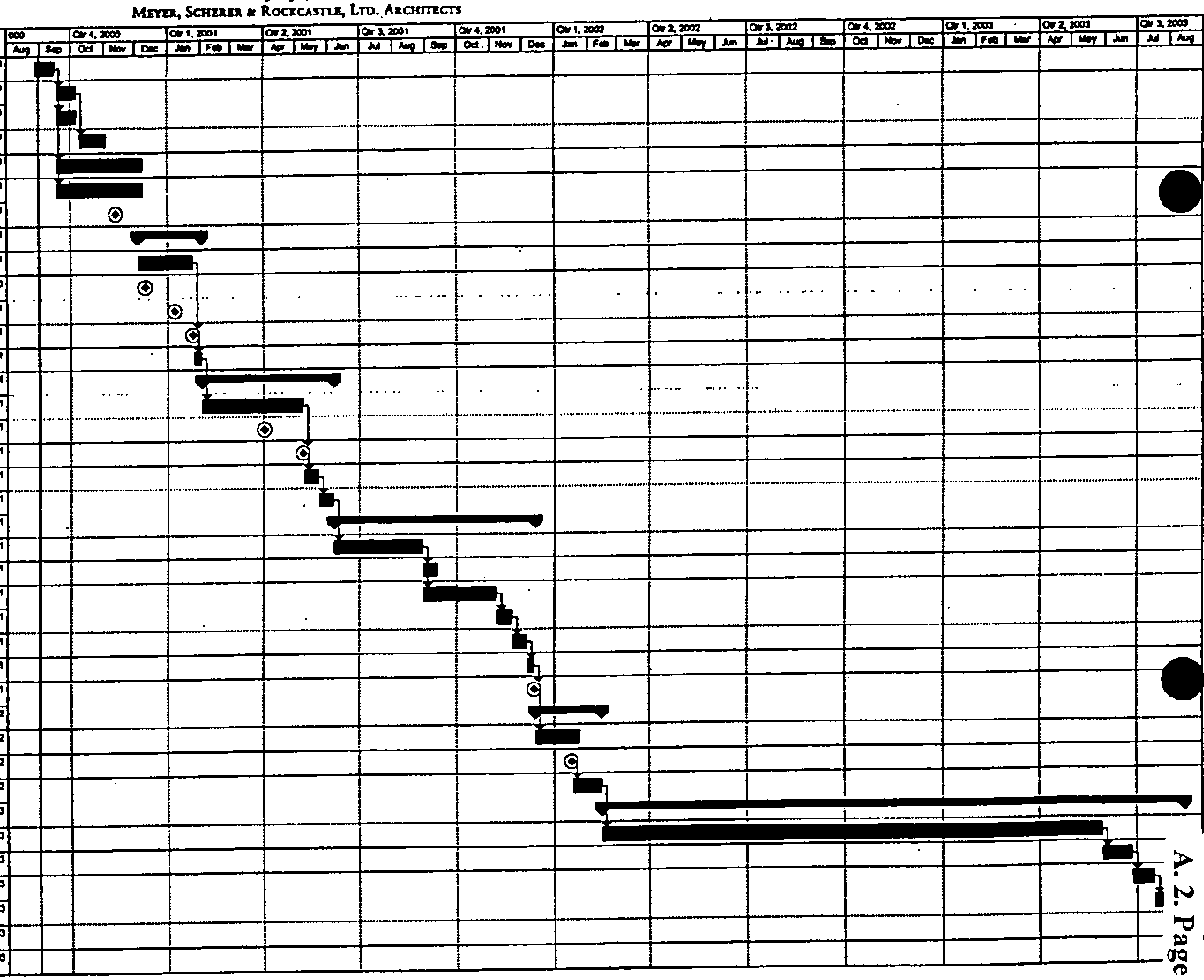
Line Budget Category	Phase I Budget for Contract		%	$/GSF	Phase II Budget		%	$/GSF
1 Area of Building/ Expenses Category		90,000				77,200		
2 Library Building		$ 14,400,000	54.95%	$ 160.00		$ 12,197,600	46.54%	$ 158.00
3 Parking Garage for 212 Cars		$ 2,200,000	8.39%	$ 24.44		$ 2,200,000	8.39%	$ 28.50
4 Library and Parking Building Cost in 1999 Dollars		$ 16,600,000	63.34%	$ 184.44		$ 14,397,600	54.94%	$ 159.97
5 Furniture		$ 1,547,980	5.91%	$ 17.20		$ 1,027,474	3.92%	$ 11.42
6 Total Cost of Construction and Furniture		$ 18,147,980	69.25%	$ 201.64		$ 15,425,074	58.86%	$ 171.39
Escalation from Oct 2000 to July 2002 (mid-point of construction) 7 This remains unchanged for the revised schedule for Phase II		$ 3,027,877	11.55%	$ 33.64		$ 2,573,577	9.82%	$ 28.60
8 Project Budget for Construction and Furniture		$ 21,175,857	80.80%	$ 235.29		$ 17,998,651	68.68%	$ 199.99
9 Allowance for Land Acquisition		$ 268,000	1.02%	$ 2.98		$ 268,000	1.02%	$ 2.98
10 Equipment for Technology Applications		$ 450,000	1.72%	$ 5.00		$ 450,000	1.72%	$ 5.00
11 Contingency for design and unknown conditions	5.00%	$ 981,394	3.74%	$ 10.90	5.00%	$ 848,559	3.24%	$ 9.43
12 Sub Total		$ 22,875,251	87.29%	$ 254.17		$ 19,565,210	74.66%	$ 217.39
13 Other Project Costs								
14 Master Plan		$ 32,000	0.12%	$ 0.36		$ 32,000	0.12%	$ 0.36
15 Site Selection Study		$ 36,000	0.14%	$ 0.40		$ 36,000	0.14%	$ 0.40
16 Site Survey		$ 14,000	0.05%	$ 0.16		$ 14,000	0.05%	$ 0.16
17 Geotechnical Investigation		$ 14,000	0.05%	$ 0.16		$ 14,000	0.05%	$ 0.16
18 Traffic Engineering Study		$ 3,500	0.01%	$ 0.04		$ 3,500	0.01%	$ 0.04
19 Owner Representation for On-site Quality Control		$ 60,000	0.23%	$ 0.67		$ 60,000	0.23%	$ 0.67
20 Moving Costs		$ 30,000	0.11%	$ 0.33		$ 30,000	0.11%	$ 0.33
21 Reimbursable Expenses		$ 110,000	0.42%	$ 1.22		$ 110,000	0.42%	$ 1.22
22 A/E Services - Phase 1		$ 113,551	0.43%	$ 1.26		$ 113,551	0.43%	$ 1.26
23 A/E Services - Phase 2		$ 1,520,965	5.80%	$ 16.90		$ 1,450,000	5.53%	$ 16.11
24 Allowance for Opening Day Collection		$ 150,000	0.57%	$ 1.67		$ 150,000	0.57%	$ 1.67
25 Cost of Bond Issuance		$ -	0.00%	$ -		$ -	0.00%	$ -
26 Sub-total		$ 2,084,016	7.95%	$ 23.16		$ 2,013,051	7.68%	$ 22.37
				$ -				$ -
27 Total Project Cost		$ 24,959,267	95.24%	$ 277.33		$ 21,578,261	82.34%	$ 279.51
28 Project Contingency	5.00%	$ 1,247,963	4.76%	$ 13.87	5.00%	$ 1,078,913	4.12%	$ 13.98
29 Grand Total Project Costs		$ 26,207,230	100.00%	$ 291.19		$ 22,657,174	86.45%	$ 293.49

Fayetteville Public Library Project Schedule

August 31, 2000

MEYER, SCHERER & ROCKCASTLE, LTD. ARCHITECTS

ID	Task Name	Duration	Start	Finish
1	Project Start-up: Contract Amendment	15 days	Mon 8/28/00	Fri 9/15/00
2	Program Review and Update	15 days	Mon 9/18/00	Fri 10/6/00
3	Contract Updates with Consultants	15 days	Mon 9/18/00	Fri 10/6/00
4	Final Update of Program Review and Approved by FPL	20 days	Mon 10/9/00	Fri 11/3/00
5	Authorize and Complete Survey of Site	60 days	Mon 9/18/00	Fri 12/8/00
6	Authorize and Complete Geotechnical Investigation	60 days	Mon 9/18/00	Fri 12/8/00
7	Project Kick-off Meeting: MS&R and FPL	2 days	Mon 11/13/00	Tue 11/14/00
8	Schematic Design	44 days	Mon 12/4/00	Thu 2/1/01
9	Design Process	38 days	Mon 12/4/00	Wed 1/24/01
10	Public / Board Review Meeting Number 1	1 day	Mon 12/11/00	Mon 12/11/00
11	Public / Board Review Meeting Number 2	1 day	Mon 1/8/01	Mon 1/8/01
12	Public / Board Review Meeting Number 3: Final Presentation	1 day	Thu 1/25/01	Thu 1/25/01
13	FPL and City of Fayetteville Review of Documents	5 days	Fri 1/26/01	Thu 2/1/01
14	Design Development	69 days	Fri 3/2/01	Wed 6/6/01
15	Design Process	66 days	Fri 3/2/01	Tue 5/8/01
16	Public / Board Presentation Meeting Number 1	1 day	Mon 4/2/01	Mon 4/2/01
17	Public / Board Presentation Meeting Number 2: Final Presentation	1 day	Wed 5/9/01	Wed 5/9/01
18	Final Code Review and Approval	10 days	Thu 5/10/01	Wed 5/23/01
19	FPL and City of Fayetteville Review of Documents	10 days	Thu 5/24/01	Wed 6/6/01
20	Contract Documents	136 days	Thu 6/7/01	Thu 12/13/01
21	Document Preparation: 50% Completion	60 days	Thu 6/7/01	Wed 8/29/01
22	City and Library Review of 50% CDs	10 days	Thu 8/30/01	Wed 9/12/01
23	Document Preparation: 90% Completion	50 days	Thu 8/30/01	Wed 11/7/01
24	City and Library Review of 90% CDs	10 days	Thu 11/8/01	Wed 11/21/01
25	Completion of CDs and Final Review Set to City & Library	10 days	Thu 11/22/01	Wed 12/5/01
26	City and Library Review of 100% CDs	5 days	Thu 12/6/01	Wed 12/12/01
27	Submission to City Council for Authority to Bid	1 day	Thu 12/13/01	Thu 12/13/01
28	Bidding	45 days	Fri 12/14/01	Thu 2/14/02
29	Bidding	30 days	Fri 12/14/01	Thu 1/24/02
30	Issue Last Addendum	1 day	Thu 1/17/02	Thu 1/17/02
31	Bid Opening and Contract Award	20 days	Fri 1/18/02	Thu 2/14/02
32	Construction	391 days	Fri 2/15/02	Fri 8/15/03
33	Construction Process	335 days	Fri 2/15/02	Thu 5/29/03
34	Substantial Completion	20 days	Fri 5/30/03	Thu 6/26/03
35	Final Punch List and Approvals	15 days	Fri 6/27/03	Thu 7/17/03
36	Final Completion	10 days	Fri 7/18/03	Thu 7/31/03
37	Move-in	10 days	Fri 8/1/03	Thu 8/14/03
38	Grand Opening	1 day	Fri 8/15/03	Fri 8/15/03



Project: contract schedule
Date: Thu 8/31/00

Task | Progress | Summary | Rolled Up Split | Rolled Up Progress | Project Summary
Split | Milestone | Rolled Up Task | Rolled Up Milestone | External Tasks

RESOLUTION NO. 130-99

A RESOLUTION APPROVING AN ARCHITECTURAL AGREEMENT WITH MEYER, SCHERER AND ROCKCASTLE, LTD., OF MINNEAPOLIS, MINNESOTA, FOR THE DESIGN OF THE PROPOSED PUBLIC LIBRARY (PHASE I); AND APPROVAL OF A BUDGET ADJUSTMENT.

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

Section 1. That the City Council hereby approves the architectural agreement with Meyer, Scherer and Rockcastle, Ltd., of Minneapolis, Minnesota, for the design of the proposed public library (Phase I). A copy of the agreement is attached hereto marked Exhibit "A" and made a part hereof.

Section 2. The City Council hereby approves a budget adjustment in the amount of $174,856 increasing Architectural Services, Acct. No. 4470 9470 5314 03, Project No. 99073 20, in the amount of $160,000 and Use of Fund Balance, Acct. No. 4470 0947 4999 99 in the amount of $14,856, by decreasing Street Improvements, Acct. No. 4470 9470 5809 00, Project No. 97032 20. A copy of the budget adjustment is attached hereto marked Exhibit "B" and made a part hereof.

PASSED AND APPROVED this 5th day of October, 1999.

APPROVED:

By: Fred Hanna

Fred Hanna, Mayor

ATTEST:

By: Theresa L. Johnson - Deputy

Heather Woodruff, City Clerk

CITY OF FAYETTEVILLE
WASHINGTON COUNTY, ARK.

STAFF REVIEW FORM

X Agenda Request
Contract Review
Grant Review

FOR THE FAYETTEVILLE CITY COUNCIL MEETING OF October 5, 1999

FROM:

Name	Division	Department
Charles Venable		Public Works

ACTION REQUESTED: Approval of an Architectural Agreement with Meyer, Sherer and Rockcastle, LTD of Minneapolis, Mn, for the design of the City's proposed library. The work will be split into 2 phases, with Phase 1 being the preliminary design sufficient in detail to obtain information necessary to develop fund raising methologys and the actual raising of these funds required to construct the building. Phase 1 costs is $113,551 plus expenses estimated to cost no more than $15,000. Phase 2 is for the actual design and construction of the building and appurtenances. The architect will be authorized to begin work only on Phase 2 subject to acquiring satisfactory funding for the construction. Approval of a budget adjustment in the amount of $130,000 is also included.

COST TO THE CITY:
Phase 1 - $113,551 plus expenses up to $15,000
Phase 2 - $1,520,965
Total Expenses - $110,000

Cost of this request	Category/Project Budget	Category/Project Name
Phase 1 - $113,551 plus expenses up to $15,000; Phase 2 - $1,520,965; Total Expenses - $110,000	-0-	Library Expansion

Account Number	Funds used to date	Program Name
4470-9470-5314-03	-0-	

Project Number	Remaining Balance	Fund
99073-10	-0-	Sales Tax Capital Improvement

BUDGET REVIEW:
Budgeted Item
XX Budget Adjustment Attached

Budget Coordinator
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

	Date		Date
Accounting Manager: Marilyn J. Kramer	9-23-99	Internal Auditor: Yolanda Fields	9-27-99
City Attorney	9.23.99	ADA Coordinator	
Purchasing Officer	9-24-99		

STAFF RECOMMENDATION: Recommend approval of Phase 1

	Date
Division Head	
Department Director: Charles Venable	9-21-99
Administrative Services Director	28SEPT99
Mayor: Fred Hanna	9/29/99

Cross Reference

New Item: Yes No

Prev Ord/Res #:

Orig. Contract Date:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor Hanna and Members of the City Council

From: Charles Venable CV

Date: September 22, 1999

Subject: Architectural Agreement for the Design and construction of the Proposed Library

---

Since the library building will belong to the City of Fayetteville once it is constructed, the Architectural Agreement and subsequently all building plans, specifications, and construction contracts must be approved by the City. Therefore, the attached Architectural Agreement with the Meyer, Scherer and Rockcastle, LTD Architectural Firm, located in Minneapolis, MN, has been negotiated after being selected by a Selection Committee comprised of Trent Trumbo, Jim Beavers, Sid Norbash, Louise Schaper, Louis Gottsponer, Don Bailey, and myself. The agreement is enclosed for your approval.

The work to be done by the architect is divided into two (2) phases. Phase 1 will provide schematic design documents which includes a conceptual site plan, preliminary building plans including elevations, sections, etc. A three dimensional model may also be made. Cost estimates will also be prepared and the architect will work with the Library Board in the development of a fund-raising campaign in an effort to gain public support. The costs of developing Phase 1 is $113,551, plus any expenses incurred by the architect estimated to be approximately $15,000.

Phase 2 is estimated to cost $1,520,965 and the architect will not be authorized to begin work on this segment until the successful completion of Phase 1 and funding has been secured for the construction of the building. Phase 2 covers the costs of the design of the building and parking deck and all appurtenances thereof and including all documents required for the construction. Phase 2 also covers the costs associated with the administration of the construction phase of the building.

The agreement also contains reimbursement for all approved expenses incurred by the architect up to $110,000. Therefore, the total architectural Agreement is as follows:

Phase 1	$113,551
Phase 2	1,520,965
Subtotal	$1,634,516
Phase 1 & 2 Expenses	110,000
Total	$1,744,516

If financing is secured for the library construction, all of the above fees can be included for reimbursement under the construction bonds.

Close coordination with the Library Board will be required during all phases of the work and since the library building will belong to the City of Fayetteville, all approvals including the contract documents for the construction must come from the City.

CV:msm

enclosure

ORIGINAL

ARTICLE 1.5 COMPENSATION

1.5.1 For the Architect's services as described under Article 1.4, compensation shall be computed as follows:
A stipulated sum of one million six hundred thirty-four thousand five hundred sixteen dollars and zero cents ($1,634,516.00). The Architect may make modest adjustments to the approximate percentages of total fee shown below with no change to the total fee except as allowed in Article 1.3.3

Revised Costs

Phase 1 Services:			
Building Program		$30,000 ~~(1.84%)~~	1.92
Traffic Engineering Study		$3,500 ~~(0.01%)~~	0.02
Architecture and Consultants Pre-funding Services		$80,051 ~~(4.93%)~~	5.12
Subtotal for Phase 1 Services		*$113,551* ~~*(6.78%)*~~	7.26
Phase 2 Services:			
Architecture and Consultants Design Services			
Schematic Design	91,579	~~$96,061 (5.94%)~~	5.86
Design Development	228,948	~~$240,152 (14.7%)~~	14.64
Construction Documents	702,105	~~$736,468 (45.1%~~	44.91
Construction Procurement	45,759	~~$48,030 (2.94%)~~	2.92
Construction Administration	381,579	~~$400,254 (24.54%)~~	24.41
Subtotal for Phase 2 Services	1,450,000	~~*$1,520,965 (93.22%)*~~	92.74
Total for both phases	1,563,551	~~*$1,634,516.00*~~ *(100.0%)*	

1.5.1.1 The architect's compensation will be adjusted if the project is increased above 99,000 gross square feet or below 81,000 gross squre feet. This represents a 10% addition or reduction from the building of 90,000 gross square feet.

1.5.1.2 Written authorization by the Owner shall be obtained prior to beginning Phase II work.

1.5.2 If the services of the Architect are changed as described in Subparagraph 1.3.3.1, the Architect's compensation shall be adjusted. Such adjustment shall be calculated as described below or, if no method of adjustment is indicated in this Paragraph 1.5.2, in an equitable manner.
(Insert basis of compensation, including rates and multiples of Direct Personnel Expense for Principals and employees, and identify Principals and classify employees, if required. Identify specific services to which particular methods of compensation apply.)

Principal Architect	$150.00
Supervisory Architect	$80.00 - 100.00
Registered Architect	$53.50 - 76.50
Intern Architect	$37.50 - 72.50
Drafter/Modeler	$28.50 - 35.00
Specification Writer	$85.50
Head Interior Designer	$100.00
Interior Designer	$27.00 - 65.00
CADD Manager	$62.00
Admin / Word Processing	$37.50 - 58.00

1.5.3 For a Change in Services of the Architect's consultants, compensation shall be computed as a multiple of one point one (1.1) times the amounts billed to the Architect for such services.

1.5.4 For Reimbursable Expenses as described in Subparagraph 1.3.9.2, and any other items included in Paragraph 1.5.5 as Reimbursable Expenses, the compensation shall be computed as a multiple of one point zero (1.0) times the expenses incurred by the Architect, and the Architect's employees and consultants. Estimated reimbursable expenses are as follows:

Travel, hotel, meals and transportation	$55,000.00
Postage, in-house reproduction, long-distance	$15,000.00
Models and presentation drawings	$10,000.00
Bid document reproduction & distribution	$30,000.00
Total Reimbursable Budget	*$110,000.00*

Phase 1 - $15,000
Phase 2 - 95,000

1.5.5 Other Reimbursable Expenses, if any, are as follows:
Not Applicable

1.5.6 The rates and multiples for services of the Architect and the Architect's consultants as set forth in this Agreement shall be adjusted in accordance with their normal salary review practices (approximately five percent (5%) per year).

1.5.7 An initial payment zero Dollars ($ 0) shall be made upon execution of this Agreement and is the minimum payment under this Agreement. It shall be credited to the Owner's account at final payment. Subsequent payments for services shall be made monthly, and where applicable, shall be in proportion to services performed on the basis set forth in this Agreement.

1.5.8 Payments are due and payable thirty (30) days from the date of the Architect's invoice. ~~Amounts unpaid ( ) days after the invoice date shall bear interest at the rate entered below, or in the absence thereof at the legal rate prevailing from time to time at the principal place of business of the Architect.~~

(Insert rate of interest agreed upon.)

zero percent

(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 Architect's principal places of business, the location of the Project and elsewhere may affect the validity of this provision. Specific legal advice should be obtained with respect to deletions or modifications, and also regarding requirements such as written disclosures or waivers.)

1.5.9 If the services covered by this Agreement have not been completed thirty-six (36) months of the date hereof, through no fault of the Architect, extension of the Architect's services beyond that time shall be compensated as provided in Paragraph 1.5.2.

This Agreement entered into as of the day and year first written above.

Fred Hanna
OWNER *(Signature)*

FRED HANNA, MAYOR
(Printed name and title)

Jeffrey A. Scherer
ARCHITECT *(Signature)*

Jeffrey A. Scherer, FAIA - President
(Printed name and title)

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Library Construction Fund	Date Requested	Adjustment #
2000	Division:	Oct 3, 2000	
	Program:		

Project or Item Requested:
Approval of a budget adjustment establishing a Library Construction Fund, establishing a project budget for the architectural services for the new central library and recognizing sales tax revenue expected to be collected for the remainder of 2000.

Project or Item Deleted:
None. Recognition of revenue from an additional City sales tax approved by voters on Aug 15, 2000 for the purpose of constructing a new central library.

Justification of this Increase:
This adjustment implements approval authorized by Fayetteville voters in the Aug 15, 2000.

Justification of this Decrease:
None. This adjustment recognozes a new City sales tax and the archirural contract cost associated with the construction of a new central library.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
Architctural Services	1,545,000	4150	9150		5314	03	99008	10

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
Sales Tax Revenue	1,545,000	4150	0915		4104	00		

Approval Signatures

Requested By	Date
Budget Manager	Date 9-19-00
Department Director	Date
Admin. Services Director	Date
Mayor	Date

Budget Office Use Only

Type: A B C D E

Date of Approval

Posted to General Ledger

Posted to Project Accounting

Entered in Category Log

Blue Copy: Budget & Research / Yellow Copy: Requester

H:\BUDGET\PROJECTS\Bud_Adj\BA_2000\LIBRARY.WK4

STAFF REVIEW FORM

X AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council meeting of October 3, 2000

FROM:

Name	Division	Department
Richard L. Watson	Police	Police

ACTION REQUIRED:
City Council approve purchase of AR112A Panel System from Arkansas Correctional Industries in the amount of $20,588.52 and a budget adjustment.

COST TO CITY:

$20,563.52	$ 16,708.00	Capital Improvements Police Office Partitions
Cost of this Request	Category/Project Budget	Category/Project Name
4470-9470-5890.00	$294.00	Capital/Police Office Partitions
Account Number	Funds Used To Date	Program Name
99023	$16,414.00	Capital Improvements
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ____ Budgeted Item X Budget Adjustment Attached

Budget Manager Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Emma Bayley for Marilyn Chatner 9/6/00 Nancy Smith 9/6/00
Accounting Manager Date Internal Auditor Date

9/6/00
City Attorney Date ADA Coordinator Date

9/7/00
Purchasing Officer Date

STAFF RECOMMENDATION: Approval of purchase of AR112A Panel System for the Juvenile Division at the Police Department and the budget adjustment in the amount of $5,000.00

Division Head Date

-Asst Chief 9-6-00
Department Director Date

9/8/00
Administrative Services Director Date

Fred Hanna 9/8/00
Mayor Date

Cross Reference

New Item: Yes No

Prev Ord/Res #:

Orig Contract Date:

Panel System
A. 3. Page 2

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department:	Police	Date Requested	Adjustment #
2000	Division:	Police		
	Program:	Capital Improvements		

Project or Item Requested:

Funds to complete the purchase of the panel system for the Juvenile Division and accessories

Project or Item Deleted:

Live Scan Fingerprinting

Justification of this Increase:

This panel system will convert current three office space into a five office space and provide a file room.

Justification of this Decrease:

Washington County fingerprints all felony arrest and the State may furnish these systems in the future.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
Fixed Assets	5000	4470	9470	5801	00		99023	

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
Fixed Assets	5000	4470	9470	5801	00		99013	

Approval Signatures

	Date
Requested By	9-6-00
Budget Coordinator	9-6-00
Department Director	9/8/00
Admin. Services Director	9/8/00
Mayor	

Budget Office Use Only

Type: A B C D E

Date of Approval

Posted to General Ledger

Posted to Project Accounting

Entered in Category Log

Blue Copy: Budget & Research / Yellow Copy: Requester

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

To: Mayor Hanna and Members of the City Council

by RHoyt

From: Richard L. Watson, Chief of Police

Subject: Approval of Purchase of Panel System

Date: September 6, 2000

I am requesting your approval to purchase AR112A Panel System from Arkansas Correctional Industries. This system will be used to better organize our Juvenile Division.

The Juvenile Division is an open area with three make-shift office cubicles. With current staffing we need to increase the office areas from three to five. I feel we can best accomplish this by purchasing the panel system. This system will enable each Juvenile Officer to have a private work area in which interviews and other work can be conducted. Additionally, this system will provide the Juvenile Officers with a file room.

Accompanying this memo is a Staff Review Form and a Budget Adjustment Form. Thank you for your attention in the matter.

CITY OF FAYETTEVILLE

Purchase Requisition

(not a purchase order)

P.O. Number:

Expected Delivery Date: 09/01/00

Vendor #: 3063

Vendor Name: Ark Correctional Industries

Mail: Yes____ No__XX_

Address: P.O. Box 1000

FOB Point:

Taxable: Yes__XX_ No____

City: Wrightsville

State: AR

Zip: 72183

Ship To Code: 21

Division Head Approval: [signature]

Requester: J. Cohea

*Requester's Employee#: 75

Extension: 510

Item	Description:	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number:	Project/SubProject Number:	Inventory #	Fixed Asset #
1	AR112A Panel System Rev8-11	1	EA	$19,630.60	$19,630.60	4470-9470-5890.00	99023/01		
2					$0.00				
3					$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
11					$0.00				
	SHIPPING/HANDLING				$0.00				

Special Instructions:

Subtotal: $19,630.60

Tax: $1,300.53

TOTAL: $20,931.13

Approvals: (purchasing office use only)

Mayor:

Department Director:

Admin. Services Director:

Budget Coordinator:

Purchasing Manager:

Data Processing Mgr:

590 20,623.79
(1,033.19)
19,630.60
4.65% 907.92
1% county 25.00
20,563.52

ARKANSAS CORRECTIONAL INDUSTRIES
FURNITURE DIVISION
P.O. BOX 1000
WRIGHTSVILLE, AR 72183
PHONE # (501) 897-5806 FAX # (501) 897-5469
TIM LOWERY/FURNITURE PROGRAM MANAGER

****
* OFFICE SYSTEM QUOTE BID *
****

CUSTOMER NAME: FAYETTEVILLE POLICE DEPAR
ADDRESS: 113 W MOUNTAIN STREE
CITY/STATE/ZIP: FAYETTEVILLE AR 72047-
PHONE#:

SALESMAN:
DATE PREPARED: 08/14/2000
QUOTE # : Q0376
FAX#:

ITEM #	DESCRIPTION	QTY	UNIT COST	LINE TOTAL
AR112A	PANEL SYSTEM REV8-11	1	$20,663.79	$20,663.79

REVISED 8-11-00

SUBTOTAL:	$20,663.79
STATE TAX 4.625%	$955.70
LOCAL TAX 1.0%	$25.00
TOTAL:	$21,644.49
Less: 5% discount	<1,033.19>
	< 47.79>
	20,563.52

QUOTE PRICES ARE VALID FOR 30 DAYS FROM DATE OF QUOTE

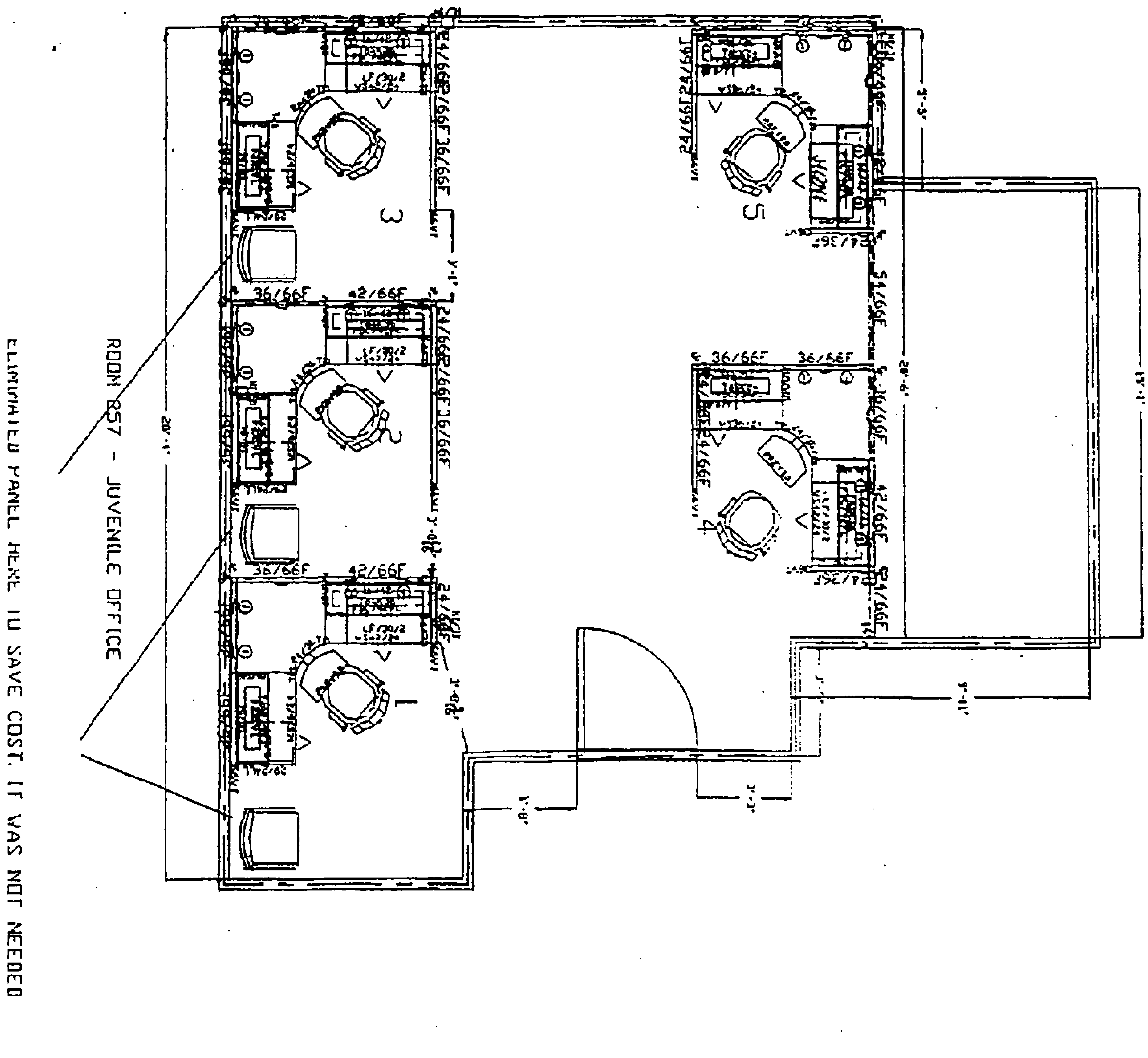
OFFICE PANEL SYSTEM REDESIGN AFTER INITIAL QUOTE WILL INCUR ADDITIONAL COST TO COVER EXPENSE OF AUTOCAD REDRAW

IF CUSTOMER DOES NOT OPERATE OFF OF A PURCHASE ORDER SYSTEM, THEN YOUR SIGNATURE AUTHORIZES PURCHASE OF ABOVE MENTIONED ITEMS.
IF CUSTOMER DOES OPERATE OFF OF PURCHASE ORDER, THEN PLEASE SEND P. O.

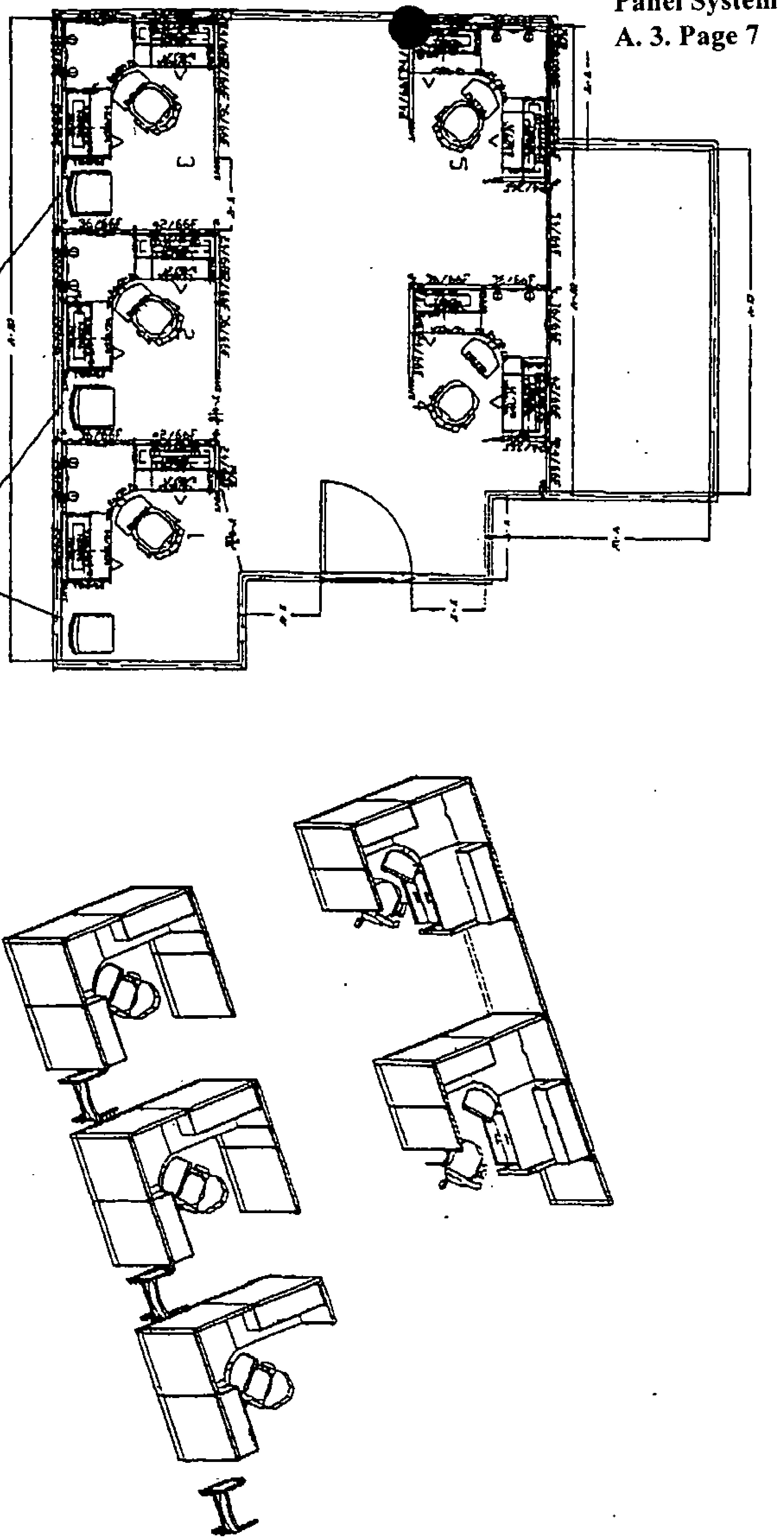
NON-STANDARD, MODIFIED, OR CUSTOM ITEMS REQUIRE A DRAWING AUTHORIZATION SIGNATURE ON EACH DRAWING TO AUTHORIZE PRODUCTION.

SIGNATURE OF PURCHASING OFFICIAL/TITLE

Panel System
A. 3. Page 6



Panel System
A. 3. Page 7



FAYETTEVILLE POLICE DEPARTMENT

SCALE 1/4" = 1'-0"	APPROVED BY:	DRAWN BY DA
DATE 3-29-99		REVISED:
	RV4 6/7/00 TT RV5 6/26/00 LB	DRAWING NUMBER
ARKANSAS CORRECTIONAL INDUSTRIES		AR112A

ARKANSAS CORRECTIONAL INDUSTRIES

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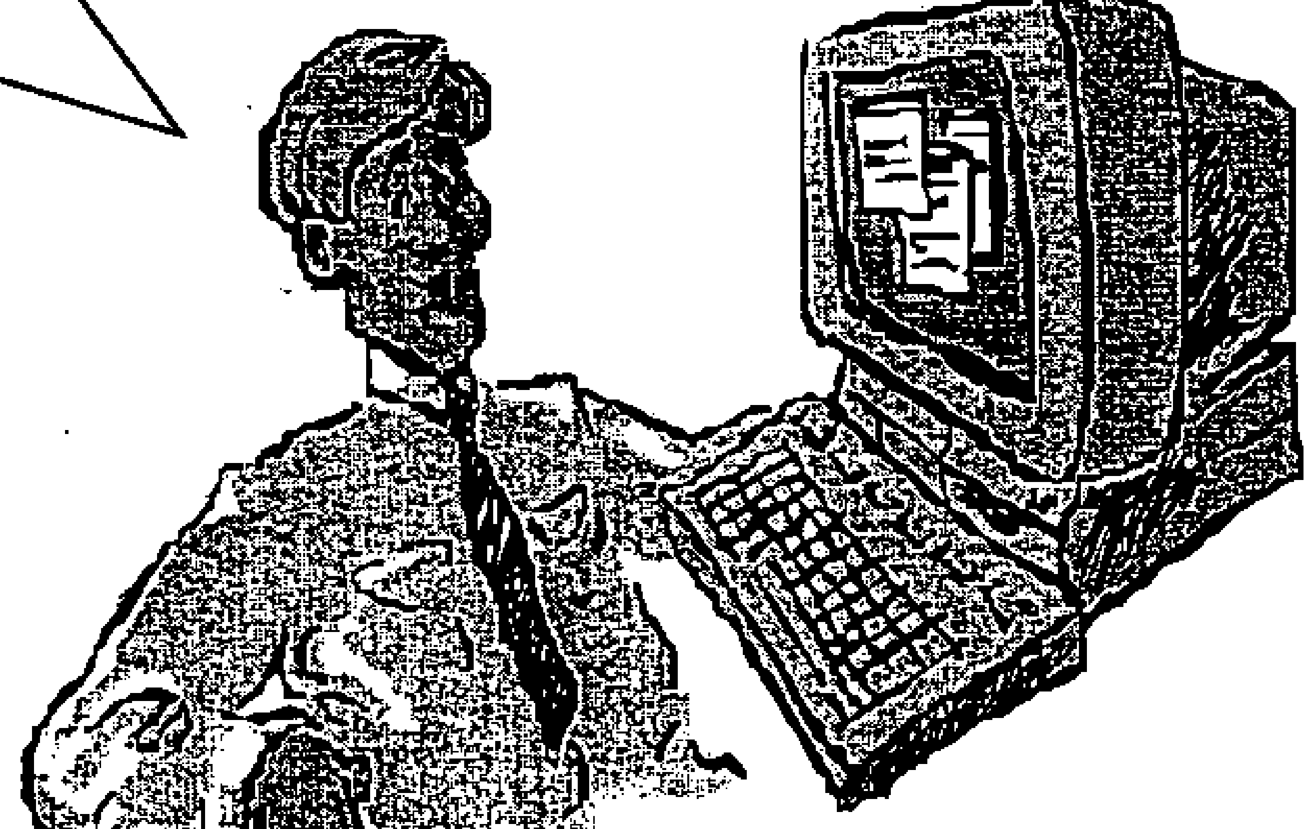

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Or

E-mail us at: adc.industry@mail.state

STAFF REVIEW FORM

X AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council meeting of October 3, 2000

FROM:

John Maguire		Administration
Name	Division	Department

ACTION REQUIRED: Resolution to the City Council establishing an Audit Committee as an advisor, regarding compliance and other audit reporting, controls or accounting issues. The attached charter sets forth the selection process and the responsibilities of the Audit Committee. The Audit Committee is recommended by our outside auditors. Arthur Anderson & Co. and G.A.S.B..

COST TO CITY:

Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ____ Budgeted Item ____ Budget Adjustment Attached

Budget Coordinator	Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Marilyn H Cramer	9-20-00		
Accounting Manager	Date	ADA Coordinator	Date
	9-20-00	Nancy Smith	9/20/00
City Attorney	Date	Internal Auditor	Date
P Vice	9-20-00		
Purchasing Officer	Date	Grant Officer	Date

STAFF RECOMMENDATION:

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

CITY OF FAYETTEVILLE

AUDIT COMMITTEE

I. PURPOSE

The Audit Committee of the City of Fayetteville serves in an advisory capacity between the City Council, the independent auditor, internal auditor and management, as their duties relate to financial accounting and reporting, audit functions, internal controls and compliance. It is to be the City Council's principal agent in assuring the independence of the independent auditor, the integrity of management, and the adequacy of disclosures to the public. In carrying out its advisory function, the Committee shall review the financial reports and information prepared by the City's Accounting Division, the City's system of internal controls regarding finance, accounting, compliance with laws and regulations and with policies that management and the City Council have established. The Audit Committee primarily will fulfill these responsibilites by carrying out the activities enumerated in Section IV.

II. COMPOSITION

The Audit Committee shall be comprised of four individuals, each of whom shall be free from any relationship that, in the opinion of the City Council, would interfere with the exercise of his or her independent judgment as a member of the Committee. One member of the Committee shall be a member of the City Council and three members of the Committee shall be private citizens of Fayetteville selected by the City Council. All members of the Committee shall be able to read and understand fundamental financial statements, including a balance sheet, statement of revenues, expenditures/expenses and changes in fund balances and cash flow statements, or will become able to do so within a reasonable period of time after his or her appointment to the Audit Committe. Additionally, at least one member of the Committee shall be a Certified Public Accountant.

Initially, the private citizen members of the Committee shall serve a one, two or three year term as designated by the City Council. Successor members shall serve three year terms. The City Council member shall serve for the length of his or her elected office term or three years, whichever is shorter. The members of the Committee shall designate a chairperson by majority vote of the full Committee membership.

III. MEETINGS

The Committee shall meet at least three times annually, or more frequently as circumstances dictate. As part of its job to foster open communication, the Committee should meet at least annually with members of management, the internal auditor and a representative of the independent auditors in separate executive sessions to discuss any matters that the Committee or each of these groups believes should be discussed privately. Members of the Committee are to be present at all meetings. Minutes of each meeting are to be prepared and approved by the Committee members and provided to the City Council.

IV. RESPONSIBILITIES AND DUTIES

To fulfill its responsibilities and duties the Audit Committee shall:

1. Review the Charter periodically and update as conditions dictate.

2. Serve on the review committee to select the independent auditors. On an annual basis, the Committee should review and discuss with the auditors all significant relationships the auditors have with the City to determine the auditor's independence. The annual independence review should include a review of all non-audit related consulting fees for nature of services and effect on independence; a review of any and all relationships between members of the audit firm and employees of the City; the obtaining of a formal written statement from the auditors as to their compliance with professional guidelines relating to independence; and discussion with the auditors regarding the firm's own internal controls over monitoring independence.

3. Review the City's annual financial statements and related financial information, including any certification, report, opinion, or review rendered by the independent auditors and any changes in accounting priniciples or the application thereof.

4. Review the performance of the independent auditors. Annually, clarify with the independent auditors that the auditors are ultimately accountable to the City Council and that the City Council has ultimate power in the appointment or removal of the independent auditors.

5. Periodically consult with the independent auditors, outside the presence of management, regarding internal controls and the completeness and accuracy of the organization's financial statements and related disclosures.

6. Review with financial and accounting personnel and the internal auditor the adequacy and effectiveness of the accounting and financial controls of the City, including controls over data processing activities and functions. Make any recommendations for the improvement of such internal control procedures.

7. Establish regular reporting to the Audit Committee by management, the internal auditor and the independent auditors regarding any significant judgments made in financial management's preparation of the financial statements and the view of each as to the appropriateness of such judgments.

8. Following completion of the annual audit, review with managment and the independent auditors financial results for the year, prior to their release to the public. This review is to encompass:

- The City's Comprehensive Annual Financial Report, including the financial statements and supplemental disclosures required by generally accepted accounting principles
- Significant transactions not a normal part of the City's operations
- Selection of, and changes, if any, during the year in the City's accounting principles or their application
- Significant adjustments proposed by the independent auditor's conclusions regarding the reasonableness of those estimates
- Any disagreements between the independent auditor and management about matters that could be significant to the City's financial statements or the auditor's report
- Difficulties encountered in performance of the audit
- Evaluate the cooperation received by the independent auditor during its audit including its access to all requested records, data and information. Also, elicit the comments of management regarding the responsiveness of the independent auditor to the City's needs. Inquire as to whether there have been any disagreements with management that, if not satisfactorily resolved, would have caused the independent auditor to issue a nonstandard report on the City's financial statements.

9. Advise the City Council on any issues reported by the internal auditor and recommendations to improve or correct any situations brought to the Committee's attention by the internal auditor.

10. Perform any other activities consistent with the City's governing law, as the City Council deems necessary or appropriate.

Selection Process for Audit Committee Members

Appointment of private citizens to the Audit Committee shall be as follows:

Private citizen positions on the Audit Committee shall be appointed by the City Council. City staff and City Council members will recommend individuals who reside within the city limits of Fayetteville and have the financial expertise as outlined in the Charter. Names of individuals nominated will be furnished to the Nominating Committee of the City Council. The Nominating Committee will review all recommendations and choose the most qualified candidates to serve on the Audit Committee. The Nominating Committee will submit the number required to the City Council for approval. The individuals chosen by the City Council must agree to serve and abide by the guidelines as set forth in the Charter.

Appointment of a City Council member to the Audit Committee shall be as follows:

The Mayor will appoint a City Council member to serve on the Audit Committee. The appointment will be based on the City Council member's ability to understand financial information and follow the guidelines as set forth in the Charter. The City Council member will serve for the length of his or her elected term or three years, whichever is shorter. At the expiration of his or her elected term or if for any reason he or she cannot continue to serve, the Mayor will appoint another City Council member to serve on the Audit Committee.

MEMORANDUM

FROM: Kyle Russell
TO: City Council
DATE: September 29, 2000
SUBJECT: Minor revisions to City Hall use policy

Yesterday morning, I met with John Maguire, Harold Dahlinger, Rick Hoyt, Mickey Jackson and Steve Davis regarding my most recent proposal for the use of City Hall, dated 9/26/2000, which you received at the agenda session on that date. Attached is a proposal with today's date, in which I have made some minor changes to incorporate suggestions and security concerns raised at yesterday's meeting with staff. This is the draft that I would like the resolution to incorporate and the council to consider at Tuesday's meeting. I have been out of town since yesterday's meeting, so I couldn't get this draft to Heather in time for inclusion in your actual agenda packet.

The minor changes are as follows: Paragraph 2 now includes a sentence giving the City Clerk discretion to designate the room for meetings, as long as the size of the room meets the needs of the group that is meeting. This was a suggestion from Harold Dahlinger to address security concerns. It is my intent that the City Clerk will work with the Facilities Superintendent in designating meeting rooms.

Paragraph 6 now includes a provision that all meetings under paragraph 1.d. will be open to the public. This was a suggestion from Rick Hoyt and is intended to keep the person or people who have requested the meeting with the elected official or staff member from being able to exclude other people who would like to listen in or peacefully express their views. Of course, if there is a disturbance, then there would be a violation of paragraph 4, and the police would become involved. Lt. Hoyt understands this fully. Note that these meetings only require press notification if they involve more than one member of the City Council, or of a city board or commission.

Paragraph 7 now includes a provision allowing elected officials to deny requests for meetings if they are repetitive or harassing in nature. This was another suggestion of Lt. Hoyt and is intended to keep elected officials from being subjected to repeated meeting requests from the same citizens or groups about the same subject, with no new information being discussed.

Finally, I have added a paragraph 8 stating that anyone causing damage to city property while the building is open for meetings under this policy will be financially responsible for the damage caused. In light of tort law, this provision is probably not necessary, but staff members indicated that they would prefer that this principle be made crystal clear.

I am looking forward to a productive discussion and vote on this matter Tuesday night. If you have any last-minute revisions to suggest, please bring them to that meeting. It is my understanding that we can amend the policy before we vote on it if need be.

cc: Mayor Fred Hanna, City Clerk Heather Woodruff, City Attorney Jerry Rose, Administrative Services Director John Maguire

PROPOSED POLICY FOR USE
OF THE FAYETTEVILLE CITY ADMINISTRATION BUILDING

9/29/2000

It is the purpose of this policy to clarify the rules for use of the conference rooms at the City Administration Building, and to prevent any viewpoint-based discrimination or otherwise unconstitutional applications of the policy that has been in force since 1990, which is hereby superseded.

1. The conference rooms at the City Administration Building shall be available for government business only. For purposes of this policy, "government business" includes the following:

a. Regular and special meetings of the City Council, city staff, and boards and commissions created by the Mayor or the City Council to deal with issues of city government, whose members are appointed by the City Council or through a public application process. Examples include the Environmental Concerns Committee, the Juvenile Concerns Committee, the Telecommunications Board, and ad hoc committees created to deal with city ordinances or practices.

b. Meetings of other government entities, such as the U.S. government, the Arkansas state government, the University of Arkansas, or the Fayetteville Public Schools. Examples include U.S. Bankruptcy Court, Fayetteville School Board, etc.

c. Any activity officially sponsored or sanctioned by the City Council, city staff, other elected city officials, or a city board or commission either by financial support (contract for services), or by an official action. Examples include First Night, Community Access Television Board, mayoral proclamations, and neutral forums sponsored by the Telecommunications Board.

d. Any meeting called and presided over by one or more elected city officials or staff members pertaining to city policies, ordinances, budget, or matters currently pending before the City Council.

2. Anyone wishing to reserve a conference room for government business shall make the reservation through the City Clerk. The City Clerk shall accept reservations on a first-come, first-served basis. The City Clerk may deny a room reservation request based on lack of room availability, lack of staff availability after business hours, or because the room is not being requested for government business as defined in paragraph 1. The City Clerk shall have the authority to designate the room for meetings under this policy, provided that the room designated will accommodate the size of the group expected to attend.

3. Meetings of the City Council, city staff and city boards and commissions shall have precedence in room scheduling. Committee chairs and those who call staff meetings shall notify the City Clerk as soon as reasonably possible when they believe they will be needing a conference room for a meeting.

4. The number of people, cars, and noise involved in the planned use must not interfere with regular city usage of the building or the reasonable expectations of the surrounding area.

5. Light refreshments may be served, but must require no facilities for preparation, cooling or cleanup. No alcoholic beverages are allowed.

6. All meetings under paragraph 1.d. of this policy shall be open to the public. In addition, all meetings under this policy involving more than one member of the City Council, or of any city board or commission, shall comply with the requirements of the Arkansas Freedom of Information Act.

7. An elected official may deny citizen requests for meetings under paragraph 1.d. if there is no room available at the time requested, or if he or she is not available to preside over the requested meeting, or if the request is repetitive or harassing in nature, or if the requested meeting does not pertain to city policies, ordinances, budget, or matters currently pending before the City Council as required by that paragraph. However, elected officials shall not deny these requests based on the actual or perceived viewpoint of the citizen or group making the request.

8. Anyone who causes damage to city property while the building is open for meetings under this policy shall be financially responsible for the damage.

PROPOSED POLICY FOR USE OF THE FAYETTEVILLE CITY ADMINISTRATION BUILDING

9/26/2000

It is the purpose of this policy to clarify the rules for use of the conference rooms at the City Administration Building, and to prevent any viewpoint-based discrimination or otherwise unconstitutional applications of the policy that has been in force since 1990, which is hereby superseded.

1. The conference rooms at the City Administration Building shall be available for government business only. For purposes of this policy, "government business" includes the following:

    a. Regular and special meetings of the City Council, city staff, and boards and commissions created by the Mayor or the City Council to deal with issues of city government, whose members are appointed by the City Council or through a public application process. Examples include the Environmental Concerns Committee, the Juvenile Concerns Committee, the Telecommunications Board, and ad hoc committees created to deal with city ordinances or practices.

    b. Meetings of other government entities, such as the U.S. government, the Arkansas state government, the University of Arkansas, or the Fayetteville Public Schools. Examples include U.S. Bankruptcy Court, Fayetteville School Board, etc.

    c. Any activity officially sponsored or sanctioned by the City Council, city staff, other elected city officials, or a city board or commission either by financial support (contract for services), or by an official action. Examples include First Night, Community Access Television Board, mayoral proclamations, and neutral forums sponsored by the Telecommunications Board.

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3. Meetings of the City Council, city staff and city boards and commissions shall have precedence in room scheduling. Committee chairs and those who call staff meetings shall notify the City Clerk as soon as reasonably possible when they believe they will be needing a conference room for a meeting.

4. The number of people, cars, and noise involved in the planned use must not interfere with regular city usage of the building or the reasonable expectations of the surrounding area.

5. Light refreshments may be served, but must require no facilities for preparation, cooling or cleanup. No alcoholic beverages are allowed.

6. Meetings under this policy involving more than one member of the City Council, or of any city board or commission, shall be open to the public and shall comply with the Arkansas Freedom of Information Act.

7. An elected official may deny citizen requests for meetings under paragraph 1.d. if there is no room available at the time requested, or if he or she is not available to preside over the requested meeting, or if the requested meeting does not pertain to city policies, ordinances, budget, or matters currently pending before the City Council as required by that paragraph. However, elected officials shall not deny these requests based on the actual or perceived viewpoint of the citizen or group making the request.

STAFF REVIEW FORM

X AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council meeting of **October 3, 2000**

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUIRED: To approve an ordinance for VA 00-8, submitted by Paul Reynolds, Attorney at Law on behalf of Christine Starmer, Estate of Arlan Starmer for property located at 927 West 15th Street. The property is zoned R-2, Medium Density Residential and contains approximately 0.29 acres. The request is to vacate a portion of the un-constructed street right-of-way for Price Avenue.

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

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Accounting Manager	Date	Internal Auditor	Date
City Attorney	Date 9-15-00	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and Planning Commission unanimously voted 9-0-0 to recommend approval and forward the vacation to the City Council. This item was heard as a part of the consent agenda on September 11, 2000.

Division Head	Date 9-15-00
Department Director	Date 9-18-00
Administrative Services Director	Date 9/18/00
Mayor	Date 9/18/00

Cross Reference

New Item: **Yes**

Prev Ord/Res #:

Orig Contract Date:

Orig Contract Number:

ORDINANCE NO. ________

AN ORDINANCE APPROVING VA00-8.00 TO VACATE A PORTION OF THE UN-CONSTRUCTED STREET RIGHT-OF-WAY FOR PRICE AVENUE LOCATED AT 927 WEST 15TH STREET, AS SUBMITTED BY PAUL REYNOLDS, ATTORNEY AT LAW ON BEHALF OF CHRISTINE STARMER, ESTATE OF ARLAN STARMER.

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 _____________, 2000.

APPROVED:

By______________________________
Fred Hanna, Mayor

ATTEST:

By___________________________
Heather Woodruff, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION FOR VA 00-8

A part of Price Avenue (not constructed) in the Parksdale Addition to the City of Fayetteville, Arkansas, being more particularly described as follows:

Beginning at a set iron at the NE corner of Lot numbered one (1) in Block numbered three (3) in said Parksdale Addition, said point being the intersection of the South right-of-way of 15th Street (as now exists) and the West right-of-way of Price Avenue; thence N89°00'29"E along the South right-of-way of 15th Street 36.60 feet to the center of Price Avenue; thence S33°56'59"W along the center of Price Avenue 212.96 feet; thence S89°30'16"W 36.38 feet to the set iron at the SE corner of said Lot one (1), said point being the intersection of the center of a closed alley and the West right-of-way of Price Avenue; thence N33°56'59"E 212.57 feet to the point of beginning.

MINUTES OF A MEETING OF THE PLANNING COMMISSION

A regular meeting of the Fayetteville Planning Commission was held on September 11, 2000 at 5:30 p.m. in Room 219 of the City Administration Building, 113 W. Mountain, Fayetteville, Arkansas.

ITEMS CONSIDERED	ACTION TAKEN
VA 00-8.00 Vacation (Starmer, pp 600) Page 2	Forwarded
CU 00-18.00 Conditional Use (St. Joseph Catholic Church, pp 373) Page 3	Approved
LSD 00-22.00 Large Scale Development (St. Joseph Catholic Church, pp 373) Page 10	Approved
CU 00-20.00 Conditional Use (Coffey, pp 565) Page 17	Approved
CU 00-23.00 Conditional Use (Lake Hills Church, pp 255) Page 21	Approved

MEMBERS PRESENT	MEMBERS ABSENT
Nancy Allen	
Don Bunch	
Bob Estes	
Conrad Odom	
Loren Shackelford	
Lee Ward	
Sharon Hoover	
Lorel Hoffman	
Don Marr	

STAFF PRESENT	STAFF ABSENT
Tim Conklin	
Dawn Warrick	
Sheri Metheney	
Ron Petrie	

Consent Agenda:
Approval of minutes from the August 28, 2000 meeting.

VA 00-8.00: Vacation (Starmer, pp 600) was submitted by Paul Reynolds, Attorney at Law on behalf of Christine Starmer, Estate of Arlan Starmer for property located at 927 W. 15th Street. The property is zoned R-2, Medium Density Residential and contains approximately 0.29 acres. The request is to vacate a portion of the unconstructed street right-of-way for Price Avenue.

Odom: Welcome everyone to the September 11, 2000, meeting of the Planning Commission. The first thing we are going to go over tonight is the Consent Agenda. These are items that will be approved, without discussion, unless a member of the audience or a member of the Planning Commission wishes to pull them for discussion. We have two items on tonight's Consent Agenda. The first item is the approval of the minutes of the August 28, 2000, meeting and the second item is a vacation. Is that right, Tim? That's the only other item. Is that right?

Conklin: That is correct.

Odom: That vacation is VA 00-8.00 and that was submitted by Paul Reynolds, Attorney at Law on behalf of Christine Starmer, Estate of Arlan Starmer for property located at 927 W. 15th Street. The property is zoned R-2, Medium Density Residential and contains approximately 0.29 acres. The request is to vacate a portion of the unconstructed street right-of-way for Price Avenue. That's the only item that we have on tonight's Consent Agenda.

PUBLIC COMMENT

Odom: Does any member of the audience wish to pull that item from the Consent for discussion. Seeing none, I guess you are all here about something else.

COMMISSION DISCUSSION

Odom: Is there a member of the Planning Commission that wishes to pull either of those items for discussion? Seeing none, would you call the roll?

ROLL CALL:

Upon roll call, the Consent Agenda passes on a vote of 9-0-0

PETITION TO VACATE A STREET LOCATED IN LOT 1, BLOCK 3, PARKSDALE ADDITION, CITY OF FAYETTEVILLE, ARKANSAS

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

I, the undersigned, being the owner of the real estate abutting the street hereinafter sought to be abandoned and vacated, lying in lot 1, block 3, Parksdale Addition in the City of Fayetteville,Arkansas, a municipal corporation, petition to vacate a right-of-way which is described as follows:

Proposed Street Vacation
A part of Price Avenue (not constructed) in the Parksdale Addition to the City of Fayetteville, Arkansas, being more particularly described as follows: beginning at a set iron at the NE corner of Lot numbered one (1) in Block numbered three (3) in said Parksdale Addition, said point being the intersection of the South right-of-way of 15th Street (as now exists) and the West right-of-way of Price Avenue; thence N89°00'29"E along the South right-of-way of 15th Street 36.60 feet to the center of Price Avenue; thence S33°56'59"W along the center of Price Avenue 212.96 feet; thence S89°30'16"W 36.38 feet to the set iron at the SE corner of said Lot one (1), said point being the intersection of the center of a closed alley and the West right-of-way of Price Avenue; thence N33°56'59"E 212.57 feet to the point of beginning.

That the abutting real estate affected by said abandonment of the alley are lot 4 block 2 of the Parksdale Addition to the City of Fayetteville, which has not ever been used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described right-of-way.

The petitioner prays 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 her respective benefit and purpose as now approved by law.

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

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

DATED this 6th day of April, 2000.

Estate of
Christine Starmer

By Paul D Reynolds
Paul R. Reynolds
Attorney at Law
P.O. Box 4670
Fayetteville, AR 72702

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)ss.
COUNTY OF WASHINGTON)

On this 6th day of April, 2000, before me, a notary public, personally appeared Paul R. Reynolds, his identity satisfactorily proven, and he acknowledged that he executed the foregoing document for the purposes herein set forth.

In witness whereof I hereunto set my hand and official seal.

Melisa Rene Nickell
Notary Public

April 5, 2005
My commission expires

OFFICIAL SEAL
MELISA RENE NICKELL
NOTARY PUBLIC - ARKANSAS
WASHINGTON COUNTY
MY COMMISSION EXPIRES: 04-05-2006

State of OREGON

County of LINN

Limited Power Of Attorney

I, Arlan Starmer, of 39141 Golden Valley Dr., Lebanon, Oregon, acting as Executor of the Estate of Christine Starmer, do make, constitute and appoint Paul D. Reynolds of 215 N. East Ave., P.O. Box 4670, Fayetteville, Arkansas, my true and lawful attorney-in-fact, in my name, place and stead to act on my behalf and execute all documents necessary to secure the release of a street right-of-way located adjacent to the real property belonging to the Estate known as 927 West 15th Street, Fayetteville, Arkansas. The specific legal description of the street right of way is as follows:

A part of Price Avenue (not constructed) in the Parksdale Addition to the City of Fayetteville, Arkansas, being more particularly described as follows: beginning at a set iron at the NE corner of Lot numbered one (1) in Block numbered three (3) in said Parksdale Addition, said point being the intersection of the South right-of-way of 15th Street (as now exists) and the West right-of-way of Price Avenue; thence N89°00'29"E along the South right-of-way of 15th Street 36.60 feet to the center of Price Avenue; thence S33°56'59"W along the center of Price Avenue 212.96 feet; thence S89°30'16"W 36.38 feet to the set iron at the SE corner of said Lot one (1), said point being the intersection of the center of a closed alley and the West right-of-way of Price Avenue; thence N33°56'59"E 212.57 feet to the point of beginning.

Date: May 22nd, 2000.

Arlan Starmer, Executor of the
Estate of Christine Starmer

Before me the undersigned Notary Public did appear Arlan Starmer whose identity was satisfactorily proven to me, and in my presence he did sign and execute this document on this 22nd day of May, 2000.

Notary Public

My commission expires: 2-02-03

OFFICIAL SEAL
KIMBERLY J NELSON
NOTARY PUBLIC - OREGON
COMMISSION NO. 320298
MY COMMISSION EXPIRES FEB. 2, 2003

PC Meeting of 11 September 00

FAYETTEVILLE

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

Street Right of Way Vacation
Arlan Starmer Estate

TO:	**Fayetteville Planning Commission Members**
THRU:	**Tim Conklin, City Planner**
FROM:	**Ron Petrie, Staff Engineer**
DATE:	**September 7, 2000**

Project: **VA 00-08.00: Vacation (Arlan Starmer Estate, pp 600)** was submitted by Paul Reynolds for property located at 927 West 15th Street, Lot 1, Block 3, Parksdale Addition. The request is to vacate the western half of the Price Avenue right of way to the east of the applicant's property. See the attached maps and legal descriptions for exact dimensions for the requested right-of-way vacation.

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.

City of Fayetteville:
Water/Sewer - No objections.
Street Department - No objections.
Solid Waste - No objections.

Recommendation: Approval of street right of way vacation.

PLANNING COMMISSION ACTION: __yes__ **Required**
__X__ **Approved** ______ **Denied**

Date: __9/11/00__

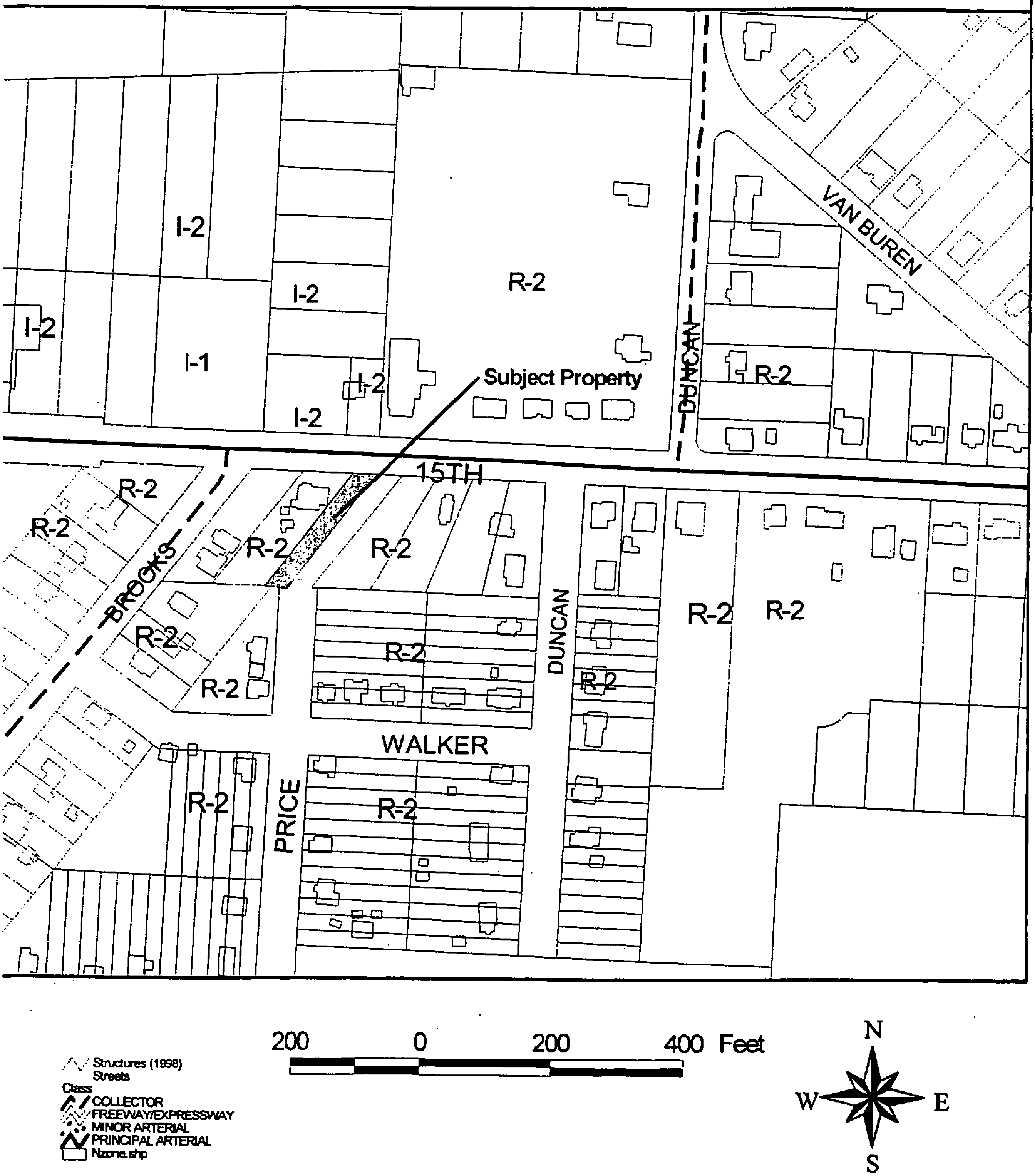
Comments:

____
____
____
_____

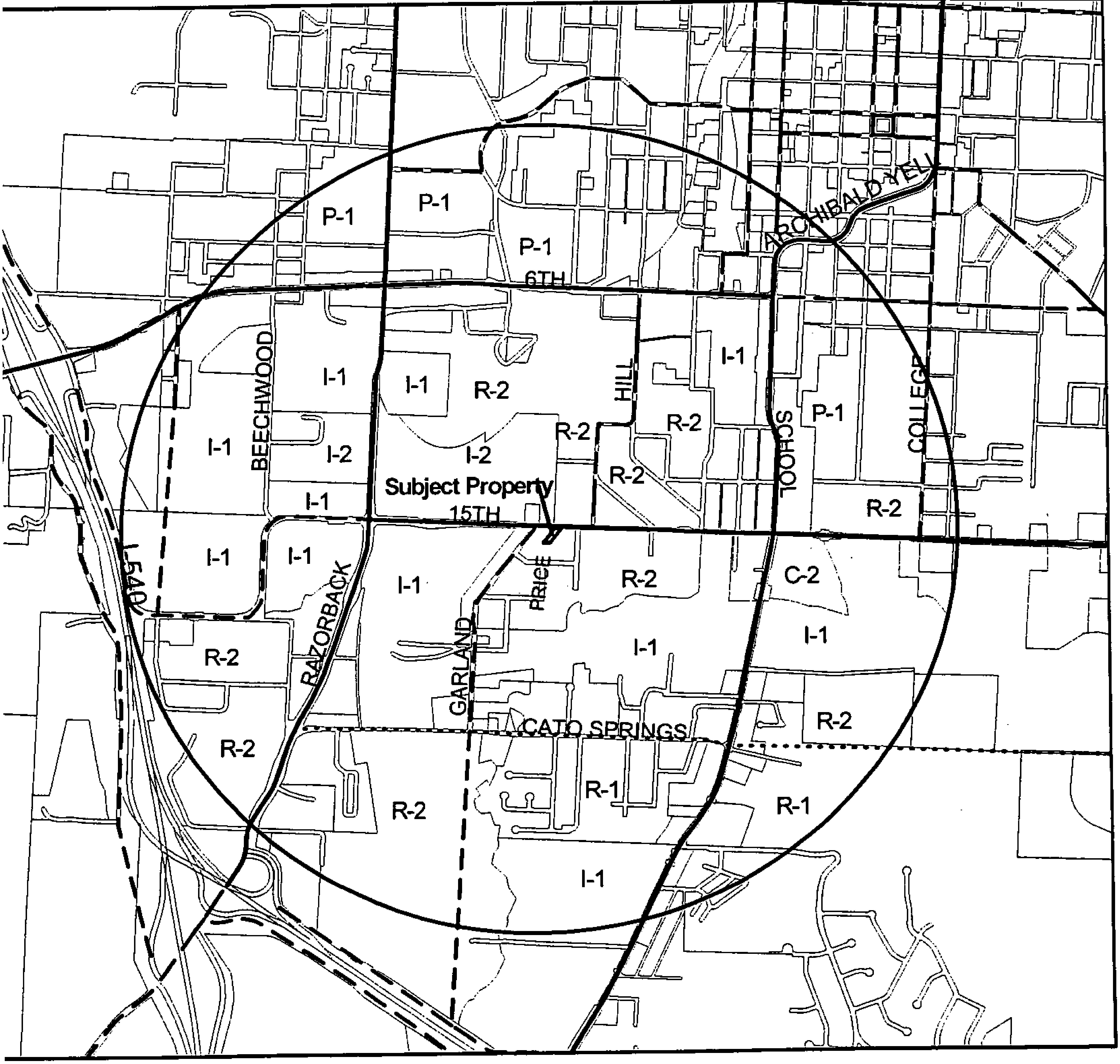
CITY COUNCIL ACTION: __yes___**Required**
_______**Approved** _______**Denied**

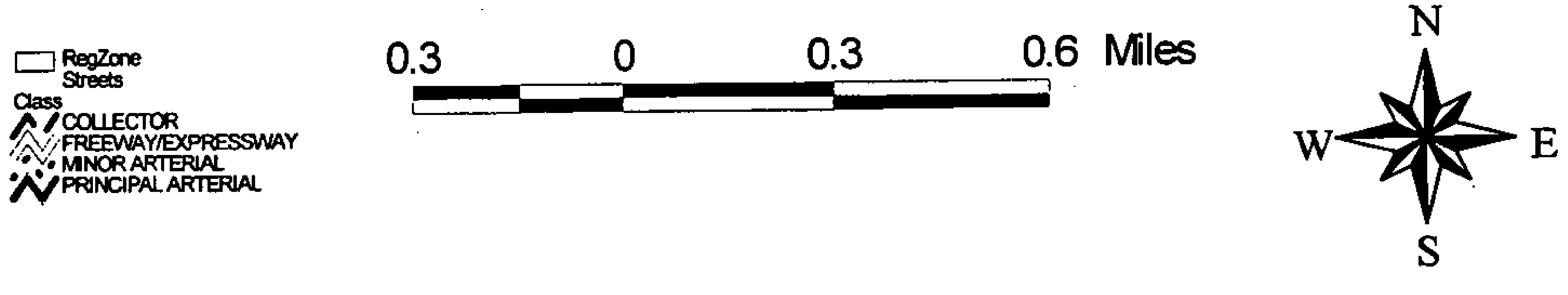
Date: __10/3/00__

VA00-8 - Starmer - Close Up



VA00-8 - Starmer - One Mile Radius





Telecom. System
C. 2. Page 1

STAFF REVIEW FORM

X AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council meeting of October 3, 2000

FROM:

Sharon Crosson	Utilities Management	Administrative Services
Name	Division	Department

ACTION REQUIRED:

Approval of a bid waiver and contract award for the lease of the Plexar-Custom Telecommunications System with Southwestern Bell Telephone Company.

COST TO CITY:

$ 46,750 yr.	$	
Cost of this Request	Category/Project Budget	Category/Project Name
Various funds (5310-01)	$	Utilities Management
Account Number	Funds Used To Date	Program Name
	$	Various funds
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item ____ Budget Adjustment Attached

Stephen Davis 9-15-00
Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Marilyn J Cramer	9-13-00	Nancy Smith	9/14/00
Accounting Manager	Date	Internal Auditor	Date
[illegible signature]	9-14-00		
City Attorney	Date	ADA Coordinator	Date
[illegible signature]	9-14-00		
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Staff recommends the approval of a bid waiver and a contract award for the renewal of a 5-year contract for the lease of the Plexar-Custom Telecommunications System with Southwestern Bell Telephone Company.

Sharon Crosson 9-13-00
Division Head Date

Department Director Date

[illegible signature] 9/18/00
Administrative Services Director Date

Fred Hanna 9/19/00
Mayor Date

Cross Reference

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

Prev Ord/Res #: ________

Orig Contract Date: ________

Orig Contract Number: ________

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FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Fred Hanna

THRU: John Maguire, Administrative Services Director

FROM: Sharon Crosson, Utilities Manager

DATE: September 12, 2000

SUBJECT: **REQUEST FOR APPROVAL OF BID WAIVER AND CONTRACT AWARD FOR THE LEASE OF THE PLEXAR-CUSTOM TELECOMMUNICATION SYSTEM**

City staff recommends the approval of a bid waiver and a contract award for the renewal of a 5-year lease of a Central Office based switching system known as Plexar-Custom Telecommunication System. Approval of this contract would reduce the City's current cost of telephone service from $52,800 per year to $46,750; that is a savings of over $6,000 per year. The Plexar system is the only system whereas such service and switching equipment is based in the office of the company providing the telephone service (Southwestern Bell Telephone Company), thus making it a sole source.

In December, 1989 the City of Fayetteville entered into the original 5-year contract with Southwestern Bell Telephone Company to lease the telecommunication system identified as the Plexar-II System. The system replaced our existing equipment that had reached capacity at 148 telephone lines. With the Plexar-II System located at Southwestern Bell's Central Office, the City no longer needed to provide a facility large enough (approximately 20' x 20') to house the old PBX telecommunications system and equipment. The cost for the Plexar-II service averaged $8.63 per line per month for 148 telephone lines.

In January 1995, the City entered into another 5-year contract with Southwestern Bell for the Plexar-Custom System, which was a continuation of existing services but added the comfort of having unlimited expansion ability. The new rate averaged $8.87 per line per month; we began the new contract with 282 telephone lines.

Today, we average $7.72 per line per month for 427 lines. It is now time to renew the Plexar contract. The contract would have expired at the beginning of the year, but Southwestern Bell has graciously extended that expiration date in order to provide us ample time to thoroughly audit our billings and the details of the Plexar service. Again, after months of research, we cannot find a more economical method of providing telephone service to our many locations. We now have 21 facilities that are serviced by the Plexar-Custom System. At a current count of 427 telephone lines, the new contract proposes a reduction in rates. The new rate at an average of $6.92 per line per month is an enormous 11.5% decrease in line costs. In addition, the cost of access lines (trunks) decreased 12.3%; an additional savings of $1,400 per year. As an added bonus, the new contract provides the City the software to enable us to make our own feature changes on lines, and therefore, eliminated charges incurred for Southwestern Bell to process these changes. This not only saves us another $500-$600 per year, but it also eliminates the 1 to 2 day wait for changes to take effect because all changes will be instantaneous.

The contract for the Plexar-Custom System will be for a term of 5 years beginning October 3, 2000, and ending October 3, 2005. The amount of the contract begins at an amount of $2,953.54 per month for line charges and $942.76 per month for access charges. Any increases to the contract amount would be initiated by growth for additional lines, trunks, and/or features. The monthly cost of $3,896.30 includes our current needs of 428 lines and 28 access trunks.

Attached is the contract(s) for the lease of the Plexar-Custom System. Also attached is the proposal of the Plexar-Custom System to further highlight the special features provided by the system.

If additional information is needed on this item, please feel free to contact me at your convenience. Thank you.

/slc

SOUTHWESTERN BELL TELEPHONE COMPANY PROPOSAL

PLEXAR-CUSTOM SYSTEM HIGHLIGHTS

The Plexar-Custom System is a leased telecommunications system housed in the Fayetteville Central Office which can provide an unlimited number of plexar telephone lines. It is a switched voice communications system provided by an arrangement of exchange access lines, station lines, switching equipment and other facilities located on Telephone Company premises.

The Plexar-Custom System provides efficient internal communications; direct inward dialing and direct outward dialing.

The standard features of the Plexar-Custom System are included in the monthly rate, plus those optional features you have selected. Optional features are at additional costs but are available on a per station basis which eliminates the necessity of installing a feature package when only a few stations need a particular feature. A list of standard and optional features is included.

Southwestern Bell Telephone Company is proposing the Plexar-Custom System for the City of Fayetteville because we feel it has many advantages over a premise-based PBX system. Specifically, we would like to state these advantages as:

1. <u>NO LARGE CAPITAL INVESTMENT REQUIRED</u>

   The Plexar-Custom System is offered under a Rate Stability Plan Lease Arrangement for a period of one, two, three, four, or five years. Therefore, it is not necessary to invest thousands of dollars in a purchased, premise-based PBX system which can quickly become obsolete due to the fast-changing electronic technology. The Rate Stability Plan means that the base charge of your Plexar rate will not change for the duration of the contract.

2. <u>CONTRACT RENEWAL CAPABILITY</u>

   Although you subscribe to a fixed-term rate stability plan, you may, at your option prior to the expiration of the existing contract term, renew the contract for any available term at the time of renewal. A new contract is required and you will be subject to the prevailing rates for the term chosen (a longer contract period will ensure a cheaper rate).

3. <u>MAXIMUM SYSTEM RELIABILITY</u>

   Since the Plexar-Custom System is provided from the Central Office, reserve power is automatically provided from the generators that back-up our Central Office thus providing the City of Fayetteville with the most reliable system available without the added expense of purchasing a premise-based back-up power source for a premise-based PBX system.

4. LOWER MAINTENANCE COSTS

The monthly rate for your Plexar-Custom System includes Southwestern Bell Telephone Company-provided 24-hour monitoring and maintenance on your plexar stations and trunks. The only maintenance costs you will incur will be charged by the equipment vendor for your actual on-premise telephone equipment.

5. NO COSTLY SPACE REQUIREMENTS FOR PLEXAR-CUSTOM SYSTEM

For most on-premise PBX systems, the vendor requires floor space for the equipment. In addition, most electronic systems require this space to be environmentally controlled. Since the Plexar-Custom System is housed in the Fayetteville Central Office, the City will not have to provide space for equipment. All that will be required is wall space for us to place our Network Interface at your building on which your plexar station lines will terminate.

6. FACILITATION OF CHANGES AND ADDITIONS

Orders for station feature changes or additions may be placed with your local Southwestern Bell Telephone Representative. The standard interval for minor changes or additions is three working days. However, Southwestern Bell provides, at no charge, software to the customer to enable them to initiate feature changes in-house and eliminate the standard service charge of $4.50 per feature change. These customer initiated feature changes are instantaneous and eliminate the 2 to 3 day wait.

7. NO ADDITIONAL DIRECT INWARD DIALING CHARGES ARE INCURRED

Trunk line charges for direct inward dialing normally run $49.50 per line per month. With the Plexar-Custom System, all 427 stations are equivalent to a trunk line by offering direct inward dialing capabilities on each individual station, and are all included in the contract price averaging $6.92 per station per month.

8. THE PLEXAR-CUSTOM SYSTEM HAS VIRTUALLY UNLIMITED GROWTH

No longer do you have to worry about the number of station or trunk ports available for growth, the cabinet size, the size of the processor, the number of slots available for trunk cards, the cost of equipment upgrades, or the size of your equipment facility.

9. NO AIR CONDITIONING, HEATING, OR ELECTRICAL COSTS

Since the Plexar-Custom System is housed at the Central Office, the City does not have to provide a facility that is environmentally controlled.

10. SOUTHWESTERN BELL WILL HELP YOU BETTER MANAGE YOUR COMMUNICATIONS

Southwestern Bell will provide you with a monthly printout of all stations and trunks installed on your system and detailed charges incurred for all stations.

11. LOCAL TECHNICIANS PROVIDE THE INSTALLATION AND MAINTENANCE TO THE PLEXAR-CUSTOM SYSTEM

    This will provide faster response times for installation of new lines and maintenance of existing lines.

12. SOUTHWESTERN BELL'S TROUBLE RESPONSE BEGINS AS SOON AS YOU CALL IN THE TROUBLE

    Since the Plexar-Custom System is part of the Central Office, we have full remote diagnostic and maintenance procedures that will help get you back in business quicker. Our average clear-time for most problems is 2 to 4 hours.

Plexar-Custom System Features:

- Station-to-Station Call (call another station by dialing only 3 digits)
- Call Hold (place a call on hold)
- Conference Call (3-Way Call)
- Call Transfer (transfer call to another phone)
- Call Pickup (answer another ringing phone in your group)
- Call Hunting (incoming calls search a group of stations for first available line)
- Call Waiting (allows second call to come in on station already in use)
- Caller Identification (displays the number of the incoming caller)
- Call Forwarding - Variable (forward all calls to another station)
- Call Forwarding - Busy (forward incoming calls when your line is busy)
- Call Forwarding - No answer (forward incoming calls after 3 rings)
- Automatic Call Back (reinitiates call when station you are calling is no longer busy)
- Toll Restriction (restrict certain levels of outward dialing capabilities such as long distance)
- Speed Calling 6 (one button speed calling)
- Speed Calling 30 (two button speed calling)

Plexar®-Custom Service Agreement

I. PREAMBLE

The undersigned hereby agrees to subscribe to Plexar-Custom Service ("SERVICE") as set forth in the following terms and conditions.

II. SCOPE OF SERVICE

Plexar-Custom SERVICE is a central office based business communications system, which serves customers with a minimum of 75 stations within a single serving office.

Plexar-Custom SERVICE is provided utilizing existing SWBT facilities and equipment, construction of new facilities, the purchase of new central office equipment, or any combination thereof. The SERVICE is provided by an arrangement of station lines, switching equipment, customer facility groups, and other facilities located on SWBT's premises. Plexar-Custom SERVICE is offered pursuant to the provisions of SWBT's tariffs and such rules, regulations, rates and charges are hereby made a portion of this Agreement. Should any part of this Agreement be in conflict with the applicable tariffs, the tariffs will govern.

III. GENERAL PROVISIONS

A. SERVICE will be provided to CUSTOMER for a Fixed Rate Term as specified on SWBT form SW-4325C, Services Covered, attached and made a part hereof. This SERVICE is intended for the administrative use by CUSTOMER only and should not be used by or resold to any other entity.

B. This Agreement shall be subject to all applicable Federal, State, and Local laws, ordinances, and regulations, and shall be construed in accordance with the laws of the state in which SERVICE is furnished. The rates and charges, terms and conditions of this Agreement, including form SW-4325C, are subject to the review and/or approval by the regulatory authorities of the State in which SERVICE is furnished.

C. Items specified in the attached SW-4325C will be provided at the rates and charges shown.

IV. CUSTOMER SERVICE LOCATION(S) & PLEXAR STATION QUANTITIES

A. SERVICE shall be provided to CUSTOMER at the locations specified and at the Cutover and Capacity Quantities for Plexar Station types (Digital, Basic, Off-Premises and/or Non-Working Plexar Stations) shown on form SW-4325C attached.

B. Installation of Off-Premises stations will be subject to charges set out in the SW-4325C, charges in applicable sections of SWBT's tariffs, and all other terms and conditions herein.

V. FIXED PAYMENT PLAN PROVISIONS

A. The Fixed Payment Plan provides that CUSTOMER shall pay a Fixed Monthly Rate for SERVICE over the Fixed Rate Term, beginning on the date SERVICE is installed.

B. Installation and Non-Recurring Charges shown for this SERVICE may be deferred over the fixed rate term. For subsequent additions of service items after the system is cutover (Additions), Customer may elect to defer Installation and Non-Recurring Charges over the remaining Fixed Rate Term based on the discount rate referenced on the SW-4325C. Installation and Non-Recurring Charges will be applied each and every time services are installed or reinstalled.

C. Fixed Rates are not subject to rate increases initiated by SWBT during the course of this Agreement.

D. Tariffed exchange access services and/or trunk services and miscellaneous service offerings not specified in the attached SW-4325C are subject to SWBT initiated rate changes.

E. The rates, minimum quantities and maximum capacities specified in the attached SW-4325C are applicable to Additions made during the period of the Fixed Rate Term. Charges for Fixed Monthly Additions begin at installation of the Addition and end at the end of the Fixed Rate Term. For Additions not specified on the SW-4325C, the rate will be established by an addendum to this Agreement at the time of the Customer's request.

VI. PROVISIONS FOR DISCONNECTION'S OR MOVES

A. Disconnection of Plexar Stations

If CUSTOMER disconnects Plexar Stations prior to the expiration of this Agreement, termination liability may apply. Termination liability is applicable only on those Plexar Stations disconnected which result in a reduction in the number of remaining in-service Plexar Stations below 65% of the Cutover Quantity (including all other cutover station quantities resulting from subsequent system additions during the Fixed Rate Term). The termination liability is the present worth of the sum of the station rates for the unexpired portion of the Fixed Rate Term for the number of Plexar Stations determined above. In addition, the present worth of any Installation and Non-Recurring Charges that have been deferred must be paid in full. The discount rate to be used in determining the present worth of these charges is shown on the attached SW-4325C.

Plexar®-Custom Service Agreement

VI. PROVISIONS FOR DISCONNECTION'S OR MOVES (continued)

B. Complete Disconnection of SERVICE

If CUSTOMER disconnects SERVICE in its entirety, termination liability applies. The termination liability is the present worth of the sum of the station rates for the unexpired portion of the Fixed Rate Term for the number of stations determined in VI.A or 65% of the Cutover Quantity (including all other cutover station quantities resulting from subsequent system additions during the duration of the Fixed Rate Term), whichever is greater. In addition, the present worth of any Installation and Non-Recurring Charges that have been deferred must be paid in full. The discount rate to be used in determining the present worth of these charges is shown on the attached SW-4325C. Note: Stations previously disconnected, for which termination liability has already been incurred, should not be included in calculating station termination liability for a complete disconnection of service.

C. Moves of SERVICE to Different CUSTOMER Locations

CUSTOMER may move services from one CUSTOMER location to another where facilities permit, subject to the appropriate Installation, Non-Recurring and Recurring Charges associated with the move, and subject to regulatory approval, where applicable. Fixed Monthly Rates for Plexar Stations at the new location will be established by an addendum to this Service Contract at the time of the request. Fixed monthly rates for features affected by the move will also be established by an addendum to this Service Contract at the time of the request. Termination liability may apply if the 65% condition of paragraph VI.A above is met.

VII. MISCELLANEOUS PROVISIONS

All additions to this Agreement will be made coterminous with the original contract period unless the CUSTOMER initially requests a shorter term.

One primary directory listing will be furnished with this SERVICE in accordance with the regulations set forth in the Directory Listings section of SWBT's tariff.

The assignment of telephone numbers for this SERVICE shall be in accordance with the Rules and Regulations Applying to All Customers' Contracts section of SWBT's tariff.

Sufficient floor space and the necessary wiring, outlets and commercial power for the operation of the SERVICE shall be furnished by the CUSTOMER who assumes all responsibility for the safe condition of such floor space, wiring, outlets and power.

Monthly End User Common Line Charges will be billed to CUSTOMER for each Plexar-Custom station as prescribed by the FCC and set forth in SWBT's Access tariff. An additive equivalent to the Business End User Common Line Charge will apply for each Plexar-Custom Access Line. The difference between these two amounts will be credited to the CUSTOMER's account.

VIII. TERMS OF AGREEMENT

This Agreement shall become effective on October 3, 2000, and expire on October 3, 2005.

IX. ENTIRE AGREEMENT

This Agreement, including SWBT form SW-4325C and any other Attachments, constitute the entire Agreement of the parties for the provision and use of Plexar-Custom Service and can be amended only by a writing signed by the parties hereto.

IN WITNESS WHEREOF, the foregoing Agreement has been executed by the parties hereto, as of the dates set forth below.

Accepted:	[signature]	Accepted:	
Southwestern Bell Telephone Company			
By:	ROBERT A. MAJOR JR	By:	
Title:	SALES MANAGER	Title:	
Date:	OCT. 3, 2000	Date:	

Southwestern Bell
Telephone

PLEXAR® - CUSTOM SERVICE ARRANGEMENT
Services Covered

Date Issued: 12-Sep-00

Customer: City of Fayetteville
Telephone Number: 501 521-7700
Service Order Number:
Type of Service: Plexar Custom
CSP #: 00-BAR-1083A

Cutover Quantity	Capacity Quantity	USOC Code	Description	Unit Non-Recurring Charges	Unit Service Connection Charges	Unit Fixed Rate	Total Service Connection & Non-Recurring Charges	Total Fixed Rate
300	400	SHWCF	140 W. ROCK			$4.37	$ -	$ 1,311.00
1	4	SHWCF	100 SUMMIT AV.			$5.15	$ -	$ 5.15
10	20	SHWCF	101 W. ROCK			$4.41	$ -	$ 44.10
14	35	SHWCF	1475 W. CATO SPRINGS RD.			$13.25	$ -	$ 185.50
41	65	SHWCF	1525 HAPPY HOLLOW RD.			$14.05	$ -	$ 576.05
12	25	SHWCF	1560 HAPPY HOLLOW RD.			$14.05	$ -	$ 168.60
7	15	SHWCF	1640 ARMSTRONG			$26.36	$ -	$ 184.52
2	10	SHWCF	240 E. ROCK			$12.93	$ -	$ 25.86
2	15	SHWCF	303 W. CENTER			$4.24	$ -	$ 8.48
3	6	SHWCF	3385 N. PLAINVIEW AV.			$18.77	$ -	$ 56.31
2	6	SHWCF	385 W. ERNEST LANCASTER DR.			$14.21	$ -	$ 28.42
1	4	SHWCF	401 W. ERNEST LANCASTER DR.			$13.01	$ -	$ 13.01
9	20	SHWCF	4201 N. SHILOH DR.			$13.52	$ -	$ 121.68
12	40	SHWCF	4500 N. SCHOOL AV.			$8.05	$ -	$ 96.60
1	4	SHWCF	4780 N. COLLEGE AV.			$7.47	$ -	$ 7.47
1	4	SHWCF	650 WILSON AV.			$4.32	$ -	$ 4.32
1	4	SHWCF	6608 E. LAKE SEQUOYAH DR.			$12.86	$ -	$ 12.86
2	6	SHWCF	708 N. GARLAND AV.			$12.56	$ -	$ 25.12

Southwestern Bell
Telephone

PLEXAR® - CUSTOM SERVICE ARRANGEMENT
Services Covered

Date Issued: 12-Sep

Customer: City of Fayetteville
Telephone Number: 501 521-7700
Service Order Number:
Type of Service: Plexar Custom
CSP #: 00-BAR-1083A

Cutover Quantity	Capacity Quantity	USOC Code	Description	Unit Non-Recurring Charges	Unit Service Connection Charges	Unit Fixed Rate	Total Service Connection & Non-Recurring Charges	Total Fixed Rate
3	6	SHWCF	900 S. HOLLYWOOD AV.			$12.25	$ -	$ 36.75
2	6	SHWCF	833 N. CROSSOVER RD.			$18.65	$ -	$ 37.30
1	4	SHWCF	901 S. COLLEGE AV.			$4.44	$ -	$ 4.44
							$ -	
							$ -	$ -
							$ -	$ -
							$ -	$ -
						GRAND TOTAL:	$ -	$ 2,953.54

Initial installation discount rate: N/A
- To be used in determining the present worth of Termination Liability pursuant to Paragraph VI of the Agreement.
- To be used in determining the Annuity Factor for Deferral of initial installation and/or non-recurring charges pursuant to Paragraph V of the Agreement.

Customer Elects to defer the following amount of Installation and Non-Recurring charges over the Plexar-Custom Contract Period: N/A

Plan Effective Date: 03-Oct-00

Plan Expiration Date: 03-Oct-05

This addendum may be reissued, as required, to reflect service and/or equipment changes ordered by the customer.

Date
Customer Signature

09/12/2000
Date
Southwestern Bell Representative

SW4325C
(5-99)

Southwestern Bell
Telephone

PLEXAR® - CUSTOM SERVICE ARRANGEMENT
Services Covered

Page 1 of 1
Date Issued: 12-Sep-00

Customer: City of Fayetteville
Telephone Number: 501 521-7700
Service Order Number:
Type of Service: Plexar Custom
CSP #: 00-BAR-1083A

Cutover Quantity	Capacity Quantity	USOC Code	Description	Unit Non-Recurring Charges	Unit Service Connection Charges	Unit Fixed Rate	Total Service Connection & Non-Recurring Charges	Total Fixed Rate
		SHWCF	BASIC PLEXAR STATION	$18.00	$19.25		$37.25	$ -
		SOWSO	STATION CHANGE CHARGE	$2.00	$2.50		$4.50	$ -
		SOWSW	SYSTEM CHANGE CHARGE	$11.00	$2.50		$14.50	$ -
		SWZL4	CALLER ID ADDITIONS	$5.00	$4.20		$9.20	$ -
							$ -	$ -
							$ -	$ -
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SCHEDULE 1

The following Discounts Apply To The Trunk Rate Only, NOT the EAS and EUCL:
12 Mo. = 4%, 24 Mo. = 6%, 36 Mo. = 7%, 48 Mo. = 9%, 60 Mo. = 11%
Rate shown below does not include EAS and EUCL.

BILLING TELEPHONE NUMBER	LOCATION	TYPE OF TRUNKS	NUMBER OF TRUNKS	MONTHLY RATE	TOTAL
501 521-7700	140 W. Rock, Fayetteville, Ar.	Two-Way	25	$33.67	$841.75
501 521-7700	140 W. Rock, Fayetteville, Ar.	Out-Dial	3	$33.67	$101.01

NON-APPROPRIATION

In the event sufficient funds shall not be appropriated for the payment of the fees due pursuant to this Agreement, and if the City has no funds legally available for payments from other sources, the City may terminate this Agreement on any of the anniversary dates which arise during the five (5) year term of this contract and the City shall not be obligated to make payment of the fees provided for in this Agreement beyond the anniversary date. The City agrees to deliver written notice by certified mail to Southwestern Bell located at 138 N. East Av., Fayetteville, Arkansas 72701, of such termination at least ninety (90) days prior to the then current anniversary date. To the extent lawful, the City shall not, for one year after the termination of this Agreement, expend any funds for the purchase or use of equipment similar to the equipment subject to this Agreement.

Southwestern Bell Telephone Co.	City of Fayetteville
Date	Date

1995 Contract

ORDINANCE NO. 3848

AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT FOR TELECOMMUNICATIONS SERVICES WITH SOUTHWESTERN BELL TELEPHONE CO. AND DECLARING AN EMERGENCY.

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

Section 1. That the City Council hereby waives the requirements of competitive bidding for the Plexar II - Custom Telecommunication System for the reason that said requirements are not feasible or practical. The Plexar II System is the only system which provides service and switching equipment based in the office of the company providing the telephone service, thus making it a sole source.

Section 2. That the Mayor and City Clerk are hereby authorized to execute a contract with Southwestern Bell Telephone Co. to provide telecommunication services. A copy of the Contract is attached as Exhibit "A" and made a part hereof.

Section 3. That the City Council hereby determines that the necessity for central office based telecommunications service to the City of Fayetteville is necessary to protect the public health, safety and welfare of the people of Fayetteville. Therefore, an emergency is hereby declared to exist, and this ordinance being necessary for the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 7th day of December, 1994.

APPROVED:

By: Fred Hanna
Fred Hanna, Mayor

ATTEST:

By: Traci Paul
Traci Paul, ~~City Clerk~~

CITY OF FAYETTEVILLE ARKANSAS
SEAL

94072520

STAFF REVIEW FORM

XX AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council meeting of October 3, 2000

FROM:

Stephen Davis	Budget & Research	Admin Services Department
Name	Division	Department

ACTION REQUIRED: Council Action is requested to adopt real and personal property tax rates for 2000 for General Fund, Policemen's Pension and Relief Fund and Firemen's Pension and Relief Funds. The rate to be adopted for General Fund is 2.0 mils for real property and 2.0 mils for personal property for one year to fund senior/community center or senior citizen services. The rate to be adopted for the Policemen's Pension and Relief Fund is a 0.4 mils for real property and 0.4 mils for personal property and the Firemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils for personal property. There is no millage proposed for general government operations.

COST TO CITY:

$N/A		
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

Stephen Davis
Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Marilyn J Cramer	9-20-00	Nancy Smith	9/20/00
Accounting Manager	Date	Internal Auditor	Date
	9-20-00		
City Attorney	Date	ADA Coordinator	Date
P Vice	9-20-00		
Purchasing Officer	Date	Grant Coordinator	Date

STAFF RECOMMENDATION: Staff recommends adoption of millage rates.

Stephen Davis	9-20-00
Division Head	Date
Department Director	Date
Administrative Services Director	Date
Mayor	Date

Cross Reference

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

Prev Ord/Res #:

Orig Contract Date:

Orig Contract Number:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Fred Hanna, Mayor
John Maguire, Administrative Services Director

From: Budget & Research

Re: 2000 Millage Levy

Date: September 20, 2000

Each year the City must approve an ordinance to renew the levy of ad valorem taxes on real and personal property within the City. This request will provide for such levy on property assessed during 2000.

The total assessed value of real and personal property located within the city limits of Fayetteville, as of August 1, 2000, is approximately $578 million. The assessed valuation is before the Washington County Board of Equalization has made all the changes to the County Assessors Abstract.

A millage levy ordinance must be approved by City Council in order for the City to continue to collect property taxes for the Policemen's Pension and Relief Fund and the Firemen's Pension and Relief Fund. The millage levy for the Policemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils on personal property. The millage levy for the Firemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils on personal property. Additionally, for 2000, City Council is requested to reauthorize the levy of 2.0 mils for General Fund. The millage levy for General Fund is for one (1) year and is to provide funds for senior/community center and/or senior citizens services. City Council previously authorized the levy by enacting Ordinance 4244. City Council needs to re-authorize the levy for senior/community center and/or senior citizens services along with authorize the millage levy for the Fire and Police Pension funds. The City levy will be added to the levies by Washington County, the various school districts, improvement districts and other cities within the County when the Washington County Quorum Court adopts its millage levy for 2000.

If you have any questions concerning this agenda request please contact Stephen Davis at 575-8296.

City of Fayetteville
Property Tax Revenue per Mil
September 20, 2000

Millage	Approximate Revenue
0.10	$53,000
0.20	$106,000
0.30	$159,000
0.40	$212,000
0.50	$265,000
0.60	$318,000
0.70	$371,000
0.80	$424,000
0.90	$477,000
1.00	$530,000

The millage revenue reflected above is based on the Washington County Preliminary Summary Report of County assessments for the Year 2000 dated August 1, 2000 and excludes real and personal property for Utilities. The City Council can approve up to 5.0 mils for operations. The table assumes a 95% collection rate. Total real and personal property assessments for 2000 amount to approximately $557 million excluding real estate and personal property for utilities.

The change in assessed value, for real estate, from 1999 to 2000 is approximately $19 million or 3.0%. The change in assessed real estate value is due to newly discovered, newly constructed property.

Property Tax Impact Illustration

	Appraised Value	Assessed Value	1 Mil Tax/Year
Single Family Home	$75,000.00	$15,000.00	$15.00
Single Family Home	$100,000.00	$20,000.00	$20.00
Single Family Home	$150,000.00	$30,000.00	$30.00

RAIL PROPERTY MANAGEMENT

Roslynn M. Schaefer

57 Ogden Avenue
Clarendon Hills, IL 60514
Direct Line: 630-325-6741
Fax: 630-325-6908
e-mail:sales@railproperty.com

September 19, 2000

Mr. Chuck Rutheford
City of Fayetteville
Sidewalk and Trail Division
1525 Happy Hollow Rd.
Fayetteville, AR 72701

Dear Mr. Rutheford,

Enclosed please find a copy of The Burlington Northern & Santa Fe Railway Company's "Standard Offer to Purchase Agreement", along with an "Exhibit A" sale print showing the property in Fayetteville, Arkansas; as outlined in "Yellow". The Burlington Northern & Santa Fe Railway Company will consider an offer of $70,000.00.

Please review this contract and if acceptable execute all three (3) copies and return two (2) copies to Rail Property Management along with your earnest money deposit check in the amount of $7,000.00 payable to The Burlington Northern & Santa Fe Railway Company.

Upon receipt of the above I will present your offer to The Burlington Northern & Santa Fe Railway Company for their consideration and hopeful acceptance. If your offer is accepted you will receive a fully executed original of the contract and a mutually agreeable closing date will be determined. If your offer is rejected, your earnest money will be promptly returned.

Please do not regard this letter as an acceptance of your offer by the Railway, only a written acceptance by Burlington Northern and Santa Fe Railway Company shall prevail.

Please call me at 630-325-6741 if you have any questions regarding this matter.

Sincerely;

Roslynn M. Schaefer

Roslynn M. Schaefer

encl;contract
exhibit

DEPARTMENTAL CORRESPONDENCE

TO: MAYOR HANNA

FROM: MARVIN HILTON, CABLE ADMINISTRATOR MH 9-1-00

SUBJECT: GOVERNMENT CHANNEL PROGRAMMING POLICY

DATE: SEPTEMBER 1, 2000

The Telecommunications Board has requested to be placed on the City Council Agenda, in order to present the "Policy On the Use of the Government Access Channel" as an informational item.

The Telecommunications Board has recently revised the programming policy for the Government Access Channel 3. This was done in an effort to more clearly state the eligibility for forums to be televised on the Government Channel 3. Although the entire document has been changed to some degree, most of the changes have been made to section "II. ELIGIBILITY FOR USE."

See the attached "Policy on the Use and Programming of the Government Access Channel."

To: Fred Hanna, Mayor
Jerry Rose, City Attorney
John Maguire, Administrative Services Director
City Council

From: Barbara Stripling, Chair
Fayetteville Telecommunications Board

RE: Government Access Channel Policy

Date: August 30, 2000

We are pleased to send you a revised copy of the Government Access Channel Policy, approved by the Telecommunications Board at our last meeting on August 17, with a couple of minor revisions approved on August 30.

Our Board decided to review the Government Access Channel policy when we discovered that our old policy was unclear and open to varying interpretations. Our emphasis in this revision was to define clearly what programs can appear on the government channel under what circumstances. We benefited from advice by Jerry Rose as well as public comment at several board meetings.

If you have any questions, please let us know.

POLICY ON THE USE AND PROGRAMMING OF
THE GOVERNMENT ACCESS CHANNEL
FAYETTEVILLE, ARKANSAS
Revised August 30, 2000

The City of Fayetteville Government Access Channel is intended to give Fayetteville citizens information about City government services, programs, and activities and their relationships within the community. The channel is administered by the City's Cable Administrator under guidelines established by and interpreted by the Telecommunications Board and City Council. The Cable Administrator schedules and manages the facilities and staff of the Government Access Channel for videotaping or other cable-based coverage of appropriate programs, events, and spots under the provisions outlined in this policy.

I. TELECOMMUNICATIONS BOARD

The Fayetteville Telecommunications Board was created under Ordinance 4219, Section 1 (33.205) "to advise the Council on telecommunications issues and to coordinate and oversee telecommunications franchise systems and use of the public rights of way designated for public, educational and governmental use in the City of Fayetteville." The seven-member Telecommunications Board also serves directly in an appeal process that considers and interprets issues regarding exceptions, variations, or modifications to this Policy Statement. Appeals to decisions made under this policy will follow the process outlined in this policy.

II. ELIGIBILITY FOR USE

A. First priority for use of the channel will be given to requests by the mayor, the City Council, individual council members, City Departments, or City Divisions. The Government Access Channel has a standing agreement to cablecast certain official city government meetings. Other meetings concerning city business will be cablecast if they meet Freedom of Information (FOI) criteria and are requested by any one of the following: the mayor, the City Council, one individual council member, a department or division head, or any elected city official.

B. Second priority for use of the Government Access Channel will be given to meetings and official functions of the Fayetteville Public Schools Board of Education.

C. Third priority for use is given to other government units presenting programs about government services or activities that are non-partisan in nature and that affect the City of Fayetteville. These governmental units must submit requests for cablecasting programs or meetings directly to the Cable Administrator through one of the other City officials or agencies noted above.

D. Fourth priority will be given to citizens, outside agencies, or groups with whom the City of Fayetteville contracts or to whom it grants money to provide city services or activities. In such cases, the program should be non-partisan in nature or a limited public forum (see criteria for limited public forum below).

E. Fifth priority will be given to two types of limited public forums: candidate forums and issue forums. Declared candidates for any public office, and persons advocating any cause, viewpoint, or proposed policy of a particular nature, will be eligible to appear only in a limited public forum venue.

A limited public forum has the following criteria:

- It is devoted to public expression and the free exchange of ideas and is conducted in a public place.
- All candidates or sides of an issue are given an equal opportunity to appear..
- Reasonable time, place, manner, and format restrictions will be applied without reference to content.
- The forum will be moderated by a non-partisan individual who will ensure equity. All candidates and entities participating in a forum will have the right of approval of the moderator from a list prepared by the Cable Administration Division. During the forum, the moderator will time the debate, solicit and select audience input, and decide points of order.

Candidate forums:

- For purposes of this policy, a person is considered to be a candidate from the time of announcing publicly for any public office until the election has been held.
- This restriction that candidates can appear only in a limited public forum does not apply to persons who receive incidental air time as part of public meetings being cablecast on the channel, nor to officials acting as part of their regular duties when such activities do not involve partisan politics.
- Ongoing series or programs featuring any elected City official may not be broadcast within 30 days of a contested primary or general election involving seats on the council or the mayor.
- The City, through the Cable Administration Division, may conduct one candidate forum for each contested city office before each general election. These are the only candidate forums that will appear on the Government Access Channel.
- Candidate forums for any contested city office must be requested in writing by at least one of the declared candidates for that office.
- The Cable Administrator may contact a non-partisan organization to organize the forum.
- No candidate forums will be held before the last filing deadline.

Issue forums :
In addition to the limited public forum criteria:

- Issue forums must be requested by at least two elected city officials.
- The issue must be related to government ordinances, policies, or activities, thereby serving a compelling government interest.
- Issue forums must be arranged by entities outside the Government Channel staff. They may be sponsored by non-partisan or partisan entities, but they must satisfy all criteria listed above for limited public forums, with particular attention to all sides of the issue being given equal opportunity to appear and to the moderator being mutually agreeable to all entities involved in the forum.
- Requests for issue forums must be made to the Cable Administration Division at least two weeks in advance. The Cable Administrator will verify that all criteria have been met and that resources are available to record the event (on a first come, first served and fifth-priority basis). If resources are not available, the forum will not be taped by the Government Channel staff or broadcast on the Government Access Channel.
- All decisions by the Cable Administrator will be communicated in writing to the requesting parties. Appeals to the Administrator's decisions will follow the appeal process outlined in this policy.

III. SCHEDULING

A. The Cable Administration Division will be responsible for scheduling appropriate programs and spots on the Government Access Channel and for publicizing the schedule.

B. Programs will be scheduled for cablecasting according to the following order of priority.

1. Announcements or programs concerning emergencies affecting residents' health or safety.

2. Regularly scheduled, recurring programs including informational series and cablecasts of regular public meetings.

3. One-time, special, or non-regular informational programs or cablecasts of meetings or other activities by government units.

4. Public service announcements.

5. Programs produced by persons, agencies, or groups outside of Fayetteville City government with whom the City contracts or to whom it grants money. These programs must be submitted and approved for use on the Government Access Channel (See procedures for submission and approval of programming below).

6. Limited public forums for both candidates and issues.

7. The "Government Channel Bulletin Board" service giving printed information about both City and community events and services when other programs are not being cablecast.

C. The "Government Channel Bulletin Board" is primarily intended to inform residents of government activities, meetings, and events. The Bulletin Board may also be used to inform residents of other "free" community events and activities sponsored by Fayetteville-based nonprofit, service, or charitable organizations. Bulletin Board announcements / messages will be aired at the discretion of the Cable Administration Division and will be subject to the following guidelines:

1. Announcements / messages must be submitted in writing to the Cable Administration Division at least two days prior to their first airing.

2. Due to the limited space on the Bulletin Board, announcement / messages should be limited to space available on the Message Board Request Form.

3. Community announcements / messages may not run more than 2 weeks. If they are to run more than 2 weeks, announcements / messages should be resubmitted or special arrangements made with the Cable Administration staff.

4. Cable Administration staff reserves the right to edit for reasons of style and length all announcements / messages submitted for airing on the Government Channel Bulletin Board.

IV. CONTENT AND PRODUCTION OF GOVERNMENT CHANNEL PROGRAMS

A. Because the staff of the Fayetteville Cable Administration Division is small, City Departments and Divisions requesting the production of a program must be willing to assist in the production of the program if asked to do so. This may include furnishing necessary information, gathering together persons and props to be used in the program, making on-air presentations, videotaping or editing the program, or paying for services provided.

B. Except when (1) the intent is to use brief excerpts as part of a larger program or (2) when technical difficulties interfere, the public portions of any City Council meeting or other public meetings receiving coverage on the channel, including limited public forums, will be cablecast in their entirety, without editing or subjective comment. All other programming is subject to editing by the Cable Administration as long as such editing does not alter the factual content or overall intent of the material being cablecast.

C. No promotion, endorsement or advertising for any private business, commercial service or product, or any profit-making activity, will be allowed on the Government Access Channel. However, brief audio and video credit may be given at the end of a program where special materials or assistance has been donated by a commercial or charitable enterprise.

D. When questions arise as to the admissibility of material or language in this regard, the Cable Administrator will make a decision on whether it is to be cablecast. Appeals of these decisions may be made to the Telecommunications Board and City Council through the process outlined in this policy.

V. USE OF EQUIPMENT, FACILITIES, AND STAFF

A. City of Fayetteville employees wishing to use the video equipment and studio facilities shall make arrangements through the Cable Administrator. Loaning of equipment for personal or outside use shall not be authorized under these policies. Other citizens, groups, and organizations may apply to the Community Access Television provider for use of the equipment, facilities, and staff.

VI. SUBMISSION AND APPROVAL FOR CABLECAST OF PROGRAMMING PRODUCED BY OUTSIDE AGENCIES

A. Before a program or other spot is scheduled for cablecasting, it must meet minimum technical and broadcast aesthetic standards. These standards will be determined by the Cable Administration Division. Where a tape, slide show or film has been furnished by an entity other than city government, it must be viewed by the Cable Administration Division before it is scheduled or cablecast to ensure that it meets those standards. Programming of forums produced by outside agencies of declared candidates for any public office and persons advocating any cause, viewpoint or proposed policy of a particular nature will not be eligible for cable casting on the Government Access Channel.

B. All outside agencies, groups, or citizens desiring to cablecast programming other than forums on the Government Access Channel shall complete and submit a Cablecast Request Form from the Cable Administration Division no later than one week prior to the requested air date.

C. This information should include the name and contact information of the person or group responsible for the production under consideration.

D. The producer(s) will ensure the Cable Administration Division of the program's eligibility under the criteria and requirements listed above.

E. The producer(s) will ensure that the program has obtained all necessary copyright clearances and permissions where legally required.

F. The Cable Administration Division shall review the program, decide whether to grant or deny the request, and notify the producer(s) in writing within five business days of receiving a request.

VII. APPEAL PROCESS FOR TAPING AND CABLECASTING

A. The path for interpretation, decision making, and appeals under this policy includes first the Cable Administrator, followed by the Telecommunications Board, and finally the City Council.

B. Any appeals to decisions by the Cable Administrator must be submitted in writing to the Fayetteville Telecommunications Board.

C. The Telecommunications Board will consider appeals in a timely manner.

D. If a programming request is not approved for cablecast on the Government Access Channel, the requesting party can request the program be videotaped pending the outcome of an appeal to the Telecommunications Board. All efforts will be made to videotape such programs based on available staff, equipment, or other production resources. The program will not be cablecast until the appeal process has been concluded with a reversal of the Cable Administrator's decision.

E. Producer(s) or other entities wishing to appeal decisions of the Telecommunications Board should forward their appeal to the Fayetteville City Council. The City Council will make the final decision based on its interpretation of this policy.

VIII. CHANNEL OPERATING HOURS

A. It is the goal of the City of Fayetteville to program the government access channel fully. Reaching this goal will be a multi-step process so that, over time, Fayetteville's government channel will be programmed 24 hours a day.

IX. PUBLIC MEETING RECORDING PROCEDURES

A. Council desk audio coverage is gavel-to-gavel only. Ambient microphone will not be used to transmit general room noise before and after the actual meeting.

B. Video of room as it fills up or empties is acceptable, but Council microphones are closed. Only wide shots of the room are acceptable before and after a meeting to minimize the possibility of visually editorializing.

C. The person speaking will be on camera.

D. Individual reaction shots (shots of those not actually speaking or being addressed) are not allowed.

E. A brief wide shot of the room is acceptable to break up a long, spoken delivery or as a transition between agenda items and shots.

F. If a person is being directly addressed, a brief shot can be taken of that person in anticipation of that person's response.

X. TAPE RETENTION

A. Videotapes that have been made of public meetings, informational programs, limited public forums, and other spots will be kept intact for three weeks after their final cablecast and are then subject to erasure unless other arrangements have been made in advance. Any tapes of public meetings are unofficial and will not serve as an official record of the meetings.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA
CITY COUNCIL
OCTOBER 3, 2000

A meeting of the Fayetteville City Council will be held on October 3, 2000 at 6:30 p.m. in room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the September 5, 2000 meeting.

2. **LIBRARY DESIGN:** A resolution approving Phase 2 of an architectural agreement with Meyer, Sherer and Rock Castle LTD of Minneapolis, MN, covering the design and construction phase of the proposed Fayetteville Library. The costs of Phase 2 is $1,450,000 plus expenses not to exceed $95,000. Approval of a budget adjustment in the amount of $1,545,000 is also included.

3. **PANEL SYSTEM:** A resolution approving the purchase of AR112A Panel System from Arkansas Correctional Industries in the amount of $20,588.52 and approval of a budget adjustment.

B. OLD BUSINESS

1. **CITY ADMINISTRATION ROOM POLICY:** A resolution approving a new policy for reserving rooms in the City Administration Building.

C. NEW BUSINESS

1. **VA 00-8.00:** An ordinance approving vacation request VA 00-8.00, submitted by Paul Reynolds, Attorney at Law on behalf of Christine Starmer, Estate of Arlan Starmer for property located at 927 West 15th Street. The property is zoned R-2, Medium Density Residential and contains approximately 0.29 acres. The request is to vacate a portion of the un-constructed street right-of-way for Price Avenue.

2. **TELECOMMUNICATIONS SYSTEM:** An ordinance approving a bid waiver and contract award for the lease of the Plexar-Custom Telecommunications System with Southwestern Bell Telephone Company.

113 WEST MOUNTAIN 72701 501 521-7700
FAX 501 575-8257

Consent

3. **AUDIT COMMITTEE:** A resolution establishing an Audit Committee as an advisor, regarding compliance and other audit reporting, controls or accounting issues. The charter sets forth the selection process and the responsibilities of the Audit Committee. The Audit Committee is recommended by our outside auditors. Arthur Andersen and Co. and G.A.S.B.

4. **MILLAGE:** An ordinance adopting real and personal property tax rates for 2000 for General Fund, Policemen's Pension and Relief Fund and Firemen's Pension and Relief Funds. The rate to be adopted for General Fund is 2.0 mils for real property and 2.0 mils for personal property for one year to fund senior/ community center or senior citizen services. The rate to be adopted for the Policemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils for personal property and the Firemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils for personal property. There is no millage proposed for general government operations.

5. **TELECOMMUNICATION SERVICES:** An ordinance providing for the management and preservation of the City's rights-of-way and public places with respect to telecommunications services; providing for terms and conditions under which telecommunications providers and lessees may occupy the city's rights-of-way and public places; providing for compensations to the city on a competitively neutral and nondiscriminatory basis; creating an offense and providing penalties.

Remove / OLD BUSINESS NEXT MEETING.

6). TRAIL - RAIL ROAD PROPERTY / PRAIRIE St. TRAIL.

NEED. COPIES FOR TRAIL & AUDIT Committee.

September 26, 2000

AGENDA SESSION
FOR
CITY COUNCIL
OCTOBER 3, 2000

NEW ITEMS:

NEW BUSINESS

1. **OFFER AND ACCEPTANCE:** Consideration of a standard offer to purchase agreement with Burlington Northern and Santa Fe Railway Company.

ADDITIONAL INFORMATION:

1. **ROOM POLICY:** Revised room policy for Item B. 1.
2. **AUDIT COMMITTEE:** Additional information for Item C. 3.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Send letter to Ad Hoc. See Jerry for ord. on Grading & drainage.

TENTATIVE AGENDA
CITY COUNCIL
OCTOBER 3, 2000

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3. ✓ **PANEL SYSTEM:** A resolution approving the purchase of AR112A Panel System from Arkansas Correctional Industries in the amount of $20,588.52 and approval of a budget adjustment.

B. OLD BUSINESS

1. ✓ **CITY ADMINISTRATION ROOM POLICY:** A resolution approving a new policy for reserving rooms in the City Administration Building. need old policy.

C. NEW BUSINESS

1. ✓ **VA 00-8.00:** An ordinance approving vacation request VA 00-8.00, submitted by Paul Reynolds, Attorney at Law on behalf of Christine Starmer, Estate of Arlan Starmer for property located at 927 West 15th Street. The property is zoned R-2, Medium Density Residential and contains approximately 0.29 acres. The request is to vacate a portion of the un-constructed street right-of-way for Price Avenue.

2. ✓ **TELECOMMUNICATIONS SYSTEM:** An ordinance approving a bid waiver and contract award for the lease of the Plexar-Custom Telecommunications System with Southwestern Bell Telephone Company.

113 WEST MOUNTAIN 72701 501 521-7700
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move to Consent

3. ✓ **AUDIT COMMITTEE:** A resolution establishing an Audit Committee as an advisor, regarding compliance and other audit reporting, controls or accounting issues. The charter sets forth the selection process and the responsibilities of the Audit Committee. The Audit Committee is recommended by our outside auditors. Arthur Andersen and Co. and G.A.S.B.

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REMOVE FROM AGENDA PLACE ON NEXT AGENDA OLD BUSINESS

6). offer & acceptance - railroad right of way for prop. trail.

7). Telecom. presentation - policy.

ORD REVIEW (2ND) 1 Oct 10.
1). grading drainage reports
2). tower. ord.

Street com. (1st) - oct 10.

DRAFT TENTATIVE AGENDA
CITY COUNCIL
OCTOBER 3, 2000

A meeting of the Fayetteville City Council will be held on October 3, 2000 at 6:30 p.m. in room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

A. CONSENT

– minutes –

1. **LIBRARY DESIGN:** A resolution approving Phase 2 of an architectural agreement with Meyer, Sherer and Rock Castle LTD of Minneapolis, MN, covering the design and construction phase of the proposed Fayetteville Library. The costs of Phase 2 is $1,450,000 plus expenses not to exceed $95,000. Approval of a budget adjustment in the amount of $1,545,000 is also included.

2. **PANEL SYSTEM:** A resolution approving the purchase of AR112A Panel System from Arkansas Correctional Industries in the amount of $20,588.52 and approval of a budget adjustment.

B. OLD BUSINESS

C. NEW BUSINESS

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2. **TELECOMMUNICATIONS SYSTEM:** An ordinance approving a bid waiver and contract award for the lease of the Plexar-Custom Telecommunications System with Southwestern Bell Telephone Company.

3. **STEELE BOULEVARD & VAN ASCHE DR.:** An ordinance approving A) the City's share of the 50/50 cost-share for the final pavement, drainage and other construction for the boulevard sections of Steele Boulevard and Van Asche Drive at the CMN development in the amount of $572,815.18. The cost-share will cover construction costs only. All cost-share improvements shall be located within the right-of-way and/or drainage easements. B) Approval of, and authorization for the Mayor to expend, a 10% project contingency in the amount of $57,281.52. C) Approval of a bid waiver for the negotiated construction costs for the final pavement, drainage and other construction for the boulevard sections of Steele Boulevard and Van Asche Drive at the CMN development in the amount of $630,096.70, plus a 10% contingency of $57,281.52. D) Approval of a budget adjustment in the amount of $322,630.70.

1 move

John Maguire * audit committee policy. – resolution

To Heather
From Sherry
for 10-3-00

PROOF
NORTHWEST ARKANSAS TIMES
Proof Copy-Please Approve/Correct
and Fax Back to (501) 442-5477
By 4:30 p.m. Today
Questions (501)442-1700
Approved by ______ Date______

FINAL AGENDA FOR CITY COUNCIL OCTOBER 3, 2000

A meeting of the Fayetteville City Council will be held on Oct. 3, 2000 at 6:30 p.m. of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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4. **OFFER AND ACCEPTANCE:** Consideration of a purchase agreement with Burlington Northern and Santa Fe Railway Company.
5. **GOVERNMENT CHANNEL PROGRAMMING POLICY:** A *presentation* from the Telecommunications Board on the "Policy on the Use of the Government Access Channel."

Northwest Arkansas Times, Tues., October 3, 2000
Fayetteville, Arkansas

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