

**FINAL AGENDA
CITY COUNCIL
FEBRUARY 6, 2001**

A meeting of the Fayetteville City Council will be held on February 6, 2001 at 6:30 p.m. in Room 219 in the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the December 19, 2000, January 2 and January 16, 2001 meetings.
2. **UTILITY AGREEMENT:** A resolution approving a City-Utility agreement between the City of Fayetteville and Ozarks Electric Coop. Corp., for the necessary adjustments for the Double Springs Road bridge over Owl Creek.
3. **AIRFIELD PAVEMENT REHAB:** A resolution approving Task Order #8 to the McClelland Consulting Engineering contract in the amount of \$138,620.00 with a 15% contingency of \$20,793.00 for a total (not to exceed) of \$159,413.00 for the engineering of the Airfield Pavement Rehabilitation.
4. **LIBRARY AGREEMENT:** A resolution approving an interlocal agreement to participate in a joint county/city library system between Washington County Arkansas, and the cities of Fayetteville, Springdale, Elkins, Lincoln, Prairie Grove and West Fork.
5. **WASTEWATER ENGINEERING:** A resolution approving Amendment No. 1 to the engineering contract with Garver Engineers for the Wastewater Improvement Project.
6. **NW REGIONAL SOLID WASTE MANAGEMENT BOARD:** A resolution appointing Mayor Coody to serve as the City's authorized representative to the Four-County Regional Solid Waste Management Board.

B. OLD BUSINESS

C. NEW BUSINESS

1. **BOYS AND GIRLS CLUB BUS:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of used diesel powered forward control passenger vehicles to be utilized by the Fayetteville Boys and Girls Club.
2. **OVER THE ROAD TRACTOR:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of a used diesel powered over the road tractor to be utilized by the Fayetteville Street Maintenance Division.
4. **GARLAND AVE.:** A resolution approving Amendment No. 1 (which also includes addition of Double Springs Road project) to the engineering contract with Hawkins-Weir Engineering, Inc. for Garland Ave. (Maple to North Street) water and sewer relocation project.
5. **AIRPORT BOARD:** A resolution readopting the creation of the Airport Board; and establishing the purpose, general terms of membership, duties, authority, and policies and procedures for the Airport Board.
6. **UNDERGROUND UTILITIES:** A resolution supporting SB 53, State of Arkansas 83rd General Assembly: An act to create the Study Commission on Underground Electric Lines sponsored by Senator J. Jeffress.

The Voting log for the City Council Meeting on February 6, 2001 was misplaced or lost.
Attached to this Agenda Pack is a copy of the minutes.

Thank You

**MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
FEBRUARY 6, 2001**

A meeting of the Fayetteville City Council was held on February 6, 2001 at 6:30 p.m. in Room 219 in the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Coody, Aldermen, Reynolds, Theil, Young, Zurcher, Trumbo, Davis, Santos, Jordan, City Attorney Jerry Rose, City Clerk Heather Woodruff, Staff, Press, and Aldermen.\

CONSENT

APPROVAL OF THE MINUTES: Approval of the minutes from the December 19, 2000, and January 16, 2001 meetings.

UTILITY AGREEMENT: A resolution approving a City-Utility agreement between the City of Fayetteville and Ozarks Electric Coop. Corp., for the necessary adjustments for the Double Springs Road bridge over Owl Creek.

RESOLUTION 8-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

AIRFIELD PAVEMENT REHAB: A resolution approving Task Order #8 to the McClelland Consulting Engineering contract in the amount of \$138,620.00 with a 15% contingency of \$20,793.00 for a total (not to exceed) of \$159,413.00 for the engineering of the Airfield Pavement Rehabilitation.

RESOLUTION 9-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

LIBRARY AGREEMENT: A resolution approving an interlocal agreement to participate in a joint county/city library system between Washington County Arkansas, and the cities of Fayetteville, Springdale, Elkins, Lincoln, Prairie Grove and West Fork.

RESOLUTION 10-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

WASTEWATER ENGINEERING: A resolution approving Amendment No. 1 to the engineering contract with Garver Engineers for the Wastewater Improvement Project.

RESOLUTION 11-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NW REGIONAL SOLID WASTE MANAGEMENT BOARD: A resolution appointing Mayor Coody to serve as the City's authorized representative to the Four-County Regional Solid Waste Management Board.

RESOLUTION 12-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Zurcher moved to approve the consent agenda. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.

OLD BUSINESS

NEW BUSINESS

BOYS AND GIRLS CLUB BUS: An ordinance waiving the requirements of formal competitive bidding and approving the purchase of used diesel powered forward control passenger vehicles to be utilized by the Fayetteville Boys and Girls Club.

Mr. Rose read the ordinance for the first time.

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

Mr. Rose read the ordinance for the second time.

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

Alderman Reynolds stated the Equipment Committee had reviewed this and recommended approval.

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

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

ORDINANCE 4288 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OVER THE ROAD TRACTOR: An ordinance waiving the requirements of formal competitive bidding and approving the purchase of a used diesel powered over the road tractor to be utilized by the Fayetteville Street Maintenance Division.

Mr. Rose read the ordinance for the first time.

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

Mr. Rose read the ordinance for the second time.

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 ordinance for the third and final time.

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

ORDINANCE 4289 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

GARLAND AVE.: A resolution approving Amendment No.1 (which also includes addition of Double Springs Road project) to the engineering contract with Hawkins-Weir Engineering, Inc. for Garland Ave. (Maple to North Street) water and sewer relocation project.

Alderman Young stated they had revised the contract. The sewer plant was the main reason that he was concerned about this. They had added some words to their standard contract. They were going to add some words for the construction phase. He wanted to make sure that the engineers and the contractors were held responsible for that contract. He thought it would be okay.

Alderman Santos asked if he wanted the engineers to be responsible for supervising and inspecting the construction.

Alderman Young stated they had to be responsible for the job. The local engineering firms were being held responsible for their job. It was called a level playing field. They had to be held to the same standard.

Alderman Santos stated there would be a public hearing on Garland widening, Thursday, March 15.

Alderman Davis moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 13-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

AIRPORT BOARD: A resolution re-adopting the creation of the Airport Board; and establishing the purpose, general terms of membership, duties, authority, and policies and procedures for the Airport Board.

Alderman Young stated the Ordinance Review Committee had reviewed this and referred it to the City Council. One item the council needed to discuss was whether to allow members to be outside the city limits.

Mr. Bobby Ferrell, an area resident, stated he thought there needed to be clear rules and boundaries when placing people on boards and commissions. He thought the burden of paying for government and services were the burden of the residences of the city. He believed the decision that affected the citizens of Fayetteville should be made by citizens of Fayetteville. To his knowledge other communities did not have non-residents serving on their boards.

Mr. Rose stated they had a rule that they did not have any membership on their committees other than city residents. There was not a thing wrong to change that general rule and make this an exception to that rule.

Alderman Theil asked about other cities.

Mr. Rose replied he did not really know. It was his guess that Mr. Ferrell was right in that few if any did that. In response to questions, he stated they had the rules printed on the applications for the committees.

Alderman Santos asked if the existing people on boards and commission which did not live inside city limits, did they let them serve out their terms?

Alderman Zurcher stated he would shy away from being exclusive on their committees. A lot of those people who lived just outside the city limits did everything inside the city, except live inside the city. Anything the city did affected them greatly. He suggested including the people in the Planning Area.

Alderman Theil stated the members on the Airport Board were further out than that. Their problem had been finding people to meet the qualifications that they were asking for to serve on the board. She did not know if they could make exceptions for certain board because they needed a higher expertise.

Mr. Rose asked what their purpose was? What was before them tonight was the Airport Board specifically. In adopting this resolution they would be saying for some good reason why they did not wish to follow their rule and why it should be varied in this instance. They were not changing their rules and regulations. They were changing it for this one purpose. They should

have some articulate reason for doing that.

Mr. Dave Fulton, an area resident, stated he could see no reason to remove their requirement for citizenship. There were other airports in the county and other cities. He found it difficult to believe that they could not find qualified members of that board within the city of Fayetteville. He could see no need to spread the playing field that wide.

Mr. Charles Wallas, Airport Board Chair, he thought there were three reasons behind their reasons for this portion of the resolution. They had considered every item which has come before them. They would not want this to be a make or break issue. The three reasons are: they would like the Airport Board to have as much expertise and diversity as possible. By including residents of Washington County. They would include people which are active in the Fayetteville Aviation community and were very involved. As an Airport Board they already had two members which were outside the city limits. Their third reason was to be as broad as they could be to allow people to participate without that restriction. The most important part of this resolution was that it gave the Airport Board more responsibility and accountability.

Alderman Davis stated just because a person did not live inside city limits did not keep them from coming to their board meetings and expressing their thoughts. They could still have valuable input into the Airport.

Alderman Santos moved to amend the resolution to make the members qualified electors of the City of Fayetteville rather than Washington County. Alderman Theil seconded the motion. Upon roll call the motion carried by a vote of 6-2, Zurcher and Jordan voting nay.

Alderman Young moved to amend the resolution to replace "qualified elector" with "residents" of City of Fayetteville. Alderman Zurcher seconded the motion. Upon roll call the motion carried by a vote of 7-1, Santos voting nay.

Ms. Louise Weiss stated the best person for the job should get it without regard where they live.

Alderman Santos moved to pass the resolution. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 14-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

UNDERGROUND UTILITIES: A resolution supporting SB 53, State of Arkansas 83rd General Assembly: An act to create the Study Commission on Underground Electric Lines sponsored by Senator J. Jeffress.

Mayor Coody stated he wanted to get support for this because during the last ice storm they had a

lot of residents without power for several days. The Fire Department had responded to nearly fifty wire fires.

Alderman Davis stated it was important for people to know that the committee would not report to the governor until 2002.

Alderman Theil stated it was a good bill and she would support the idea of a study.

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

RESOLUTION 15-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Meeting adjourned at 7:10p.m.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL FEBRUARY 6, 2001

A meeting of the Fayetteville City Council will be held on February 6, 2001 at 6:30 p.m. in Room 219 in the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

~~ADMINISTRATIVE COMMITTEE REPORT~~ CONSENT

- Jan 2
2001
Approved
8-01*
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 2. ☒ **UTILITY AGREEMENT:** A resolution approving a City-Utility agreement between the City of Fayetteville and Ozarks Electric Coop. Corp., for the necessary adjustments for the Double Springs Road bridge over Owl Creek.
 3. ☒ **AIRFIELD PAVEMENT REHAB:** A resolution approving Task Order #8 to the McClelland Consulting Engineering contract in the amount of \$138,620.00 with a 15% contingency of \$20,793.00 for a total (not to exceed) of \$159,413.00 for the engineering of the Airfield Pavement Rehabilitation.
9-01
 4. **LIBRARY AGREEMENT:** A resolution approving an interlocal agreement to participate in a joint county/city library system between Washington County Arkansas, and the cities of Fayetteville, Springdale, Elkins, Lincoln, Prairie Grove and West Fork.
10-01
 5. ☒ **WASTEWATER ENGINEERING:** A resolution approving Amendment No. 1 to the engineering contract with Garver Engineers for the Wastewater Improvement Project.
11-01
 6. ☒ **NW REGIONAL SOLID WASTE MANAGEMENT BOARD:** A resolution appointing Mayor Coody to serve as the City's authorized representative to the Four-County Regional Solid Waste Management Board.
12-01

B. OLD BUSINESS

C. NEW BUSINESS

- PASS*
4288 ✓
1. **BOYS AND GIRLS CLUB BUS:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of used diesel powered forward control passenger vehicles to be utilized by the Fayetteville Boys and Girls Club.
- PASS*
4289 ✓
2. **OVER THE ROAD TRACTOR:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of a used diesel powered over the road tractor to be utilized by the Fayetteville Street Maintenance Division.
- PASS*
13-01
3. **GARLAND AVE.:** A resolution approving Amendment No.1 (which also includes addition of Double Springs Road project) to the engineering contract with Hawkins-Weir Engineering, Inc. for Garland Ave. (Maple to North Street) water and sewer relocation project.
- PASS*
14-01
4. **AIRPORT BOARD:** A resolution readopting the creation of the Airport Board; and establishing the purpose, general terms of membership, duties, authority, and policies and procedures for the Airport Board.
- PASS*
15-01 ✓
5. **UNDERGROUND UTILITIES:** A resolution supporting SB 53, State of Arkansas 83rd General Assembly: An act to create the Study Commission on Underground Electric Lines sponsored by Senator J. Jeffress.

Craig Mauer-Tson

Parks Board

**MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
JANUARY 16, 2001**

A meeting of the Fayetteville City Council was held on January 16, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street Fayetteville, Arkansas.

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

CONSENT AGENDA

APPROVAL OF THE MINUTES: Approval of the minutes from the December 19, 2000 City Council Meeting. *(Removed at the request of the City Clerk)*

BID 00-79: A resolution awarding a contract to Harrison Davis Construction Co. of Fayetteville for their low bid of \$1,982,600.00 for the construction of the Fayetteville Senior Center. An approval of a budget adjustment in the amount of \$78,083.00 which is funded by the Council on Aging.

RESOLUTION 4-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

LAND PURCHASE: A resolution approving an Offer and Acceptance contract between the City of Fayetteville and Rosie Dorsey, Rowie Howard, William Barker and Alice McClelland for the purchase of 18.88 acres of land off Huntsville Road in the amount of \$151,000.

RESOLUTION 5-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

GRANT APPLICATION: A resolution authorizing the Mayor to apply for a federal grant to continue funding of the 4th Judicial District Drug Task Force.

RESOLUTION 6-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Zurcher moved to approve the consent agenda. Alderman Davis seconded the motion. Upon roll call the motion carried by a vote of 7-0-1. Thiel abstained.

Alderman Thiel explained she was abstaining from the Consent Agenda because her and her husband owned Thiel Construction Management which was working with Darrell Rantis on the Senior Center Project.

OLD BUSINESS

RZ00-25.00: An ordinance approving rezoning request RZ00-25.00 as submitted by Dennis Caudle for property located at 1192 Rupple Road. The property is zoned R-O, Residential Office and contains approximately 0.52 acres. The request is to rezone to C-2, Thoroughfare Commercial. This ordinance was left on the first reading at the January 2, 2001.

Mr. Rose read the ordinance for the second time.

Alderman Young 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.

Alderman Santos stated he thought the plan for that part of the town had changed and he felt that it did fit in with what was going in out there.

Alderman Jordan asked if the owner was planning to put up a fence.

Mr. Conklin stated the city had a Bill of Assurance for this rezoning. The Bill of Assurance did state that the Planning Commission would take a look at what type of screening is appropriate when the conditional use was applied for the storage facility. In regard to the distance from the street, it was 138 feet from Wedington to the new boundary line, which would be developed. It was approximately .88 acres.

Alderman Thiel stated her biggest concern was the curb cut which had been made and the fact that there was a driveway built back to this. The owner had stated he was not going to use that and had put up a temporary gate. She was concerned that people would be using the driveway in a few years. The fact that the garage doors faced out to the street also concerned her. She wished there was some assurance that they could have that the drive would never be used.

Mr. Conklin stated there had been a Bill of Assurance which had been entered into in 1990 that stated that access to the storage facility would be from Rupple Road and not Wedington. As with all Bills of Assurances, the staff had to monitor them and make sure that they were being enforced. In this instance, when it was discovered that the Highway Department built a curb cut and a drive back to the facility they brought it to the owners attention. The owner had blocked the drive. That Bill of Assurance was still in effect, if he violated the Bill of Assurance, then the City would take enforcement action to correct the situation.

Alderman Davis stated they could look at the curb cut as being a prudent business decision. The drive would help Mr. Caudle in future development. He did not look at it as a negative on the

owners part. He hoped that with the Bill of Assurance the owner was looking toward the future and that the curb cut would help with his development cost. Curb cuts were expensive.

Mr. Conklin stated that was the owners explanation, that when the Highway Department came in and widened Wedington Road they had asked him what his future plans were and if he would need a curb cut. The Bill of Assurance did not discuss having a curb cut on Wedington. It talked about a driveway to the storage facility, which had been blocked off at this time.

Alderman Reynolds stated that what bothered him was that the owner had agreed to enter from Ruppel, then there had been a gate put up facing Wedington. When this proposal first came through it was for all heated units. Those plans had been changed to include some without climate control. He was not going to support this request.

Alderman Zurcher asked if staff still supported their staff findings in their report.

Mr. Conklin stated the staff still agreed with their findings. This past fall he had brought forward an ordinance to allow additional commercial uses in C-1 zoning in order to provide neighborhood type retail services for the residential homes in that area and other C-1 areas. Typically they had argued that they needed C-2 in order to allow different types of uses. He tried to correct that this past fall. If this was shown as commercial on their Land Use Plan, the staff would be recommending C-1 and not C-2 zoning. C-2 zoning was required in order to have the storage use on this property. With regard to compatibility and their Land Use Plan, it did not meet their current Land Use Plan, which had been adopted December 19, 2000.

Alderman Zurcher asked if staff still supported their finding on traffic.

Mr. Conklin stated that they still supported that finding. With regard to potential and future traffic it was always difficult to determine at the rezoning time. There were many different uses in C-1 and C-2 that would be on this property. It was always difficult to make a finding that it will cause traffic congestion and danger.

Alderman Davis stated he assumed that Ruppel Road would have a stop light in the future.

Mr. Dennis Caudle, owner, stated when the highway was being constructed the State had told him that was the time to put in the driveway to serve that property. They were fixing to build on the lot adjacent to it and there would be no access to that property. As far as the gate being put in, it was put in at that time for the emergency entrance. They could read the minutes from 1990, the Fire Chief required fire hydrants. It was to be used as an emergency exit. It was not going to be used as an entrance or an exist. It was strictly for emergency use. The fence would be moved when the new building was constructed.

Alderman Young stated another concern was changing the use from climate controlled to just regular storage.

Mr. Caudle stated that was never changed. It was climate controlled in the middle and the outer was regular storage units. This design would help insulate the building and secure the intersection.

Alderman Young stated they had been under the impression that it was all climate controlled.

Mr. Caudle stated he thought that they had discussed it when they discussed the doors facing the highway. A true climate controlled building had no doors on the outside.

Mr. Conklin stated when they had worked on the Bill of Assurance with the applicant, that was when he discovered that this facility also included the mini-storage units on the north and south sides. As with all Bills of Assurance, the staff could not request or require the applicant to sign. It had to be voluntarily offered by the applicant. They had modified the Bill of Assurance and put in a "climate controlled facility and/or mini-storage units." That was what Mr. Caudle had agreed to and that was the Bill of Assurance being offered. He was concerned when he discovered that this also contained mini-storage because at Planning Commission they had discussed the type of assurance being offered. There were three or four places in the minutes where he had talked about the applicant offering them a climate controlled storage facility Bill of Assurance that the property would be used for this purpose. Now they were discussing mini-storage and climate controlled. He thought one of main arguments had been that he had existing mini-storage and that was a new use that was needed in Fayetteville and it was a climate controlled facility. It was one of the things the Planning Commission had considered when they recommended that the property be rezoned to C-2.

Alderman Zurcher stated he was inclined to decline this request. The City had a 2020 Plan and if they decided it was not a good plan for them, then they needed to go back and change it. Until that happened, he felt pretty good about sticking to that plan.

Alderman Davis asked what percentage of the facility was going to climate controlled.

Mr. Caudle replied it was approximately half climate controlled and half regular type storage, similar to the existing buildings. He added there was a need for this type of storage in the area. If there was a misunderstanding, that was exactly what it was, a misunderstanding. There was a strong need for the additional units. There would not be a unit available to rent, of any nature, during the summer season. West Side Storage was completely full during the summer months, from April to August. This building would contain eighty-four units. Forty of those would be climate controlled. The climate controlled would be inside the building surrounded by the regular units.

Mr. Conklin stated it was his understanding the building would look like a mini-storage building surrounding the perimeter of the building, then within the center of the building would be the climate controlled storage facility.

In response to questions from Alderman Thiel, Mr. Conklin stated there was 138 feet in front of the proposed storage facility, which was enough for a professional office building with parking. In regards to screening, Mr. Caudle did have some proposed screening for the site. Staff would also be making a recommendation to the Planning Commission. The Planning Commission would also debate the type of screening required for this facility.

Mr. Caudle stated the screening that he was most attracted to was the concrete pillars with regular privacy type fence between them.

Alderman Jordan stated he had thought it was all going to be climate controlled. He wondered how much of that swayed the Planning Commission.

Mr. Bob Estes, Planning Commissioner, stated he recalled that they had discussed that it was climate controlled. It was his recollection that the area had been rezoned some time ago for this purpose. He recalled that it was to be climate controlled. It was not a determining factor in his vote. What was, was the rezoning some years ago for this purpose.

Alderman Davis stated that in today's society there were many people who had to travel across town to store their extra possessions in a storage unit. It was not a high traffic use. If traffic were to drive by during the day, they would never see a lot of cars sitting there. As far as traffic problems, there really should not be a whole lot of congestion due to this. In time, they would see a stop light at Ruppel Road.

Alderman Zurcher stated there was probably more C-2 land in Fayetteville than what could be used in the next few years.

Mr. Conklin stated there was quiet a bit of land zoned C-2 that was undeveloped or could be redeveloped.

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

ORDINANCE 4287 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

FIRST NIGHT: A resolution approving a budget adjustment in the amount of \$15,000.

Alderman Trumbo stated this resolution was being brought forward by himself and Randy Zurcher.

Dr. David Williams was there to make a few comments about First Night and how it impacted various families.

Mr. Williams stated for the past thirty years he had been in the business of restoring mental health to communities and individuals. One reality for the past ten years was that they had a lot more individuals and communities suffering from mental disorders and community violence. Research was continuing to report it as a problem. People were continuing to feel less connected and less safe than they did ten years ago. He was interested in communities that connected more. It was his belief that the First Night event was one of those real ways that they did as the governing body that created ways for people to feel more connected, for them to feel safer. It was an opportunity for people to be united and lifted and inspired by the diversity of arts and celebration that both helped their diversity be more of a strength and their enjoyment more of their daily life or whether it was more of an opportunity for them to get out on the streets and say "hi" to their neighbors.

Ms. Joanne Comiskey stated she had the opportunity to work with the children at Washington Plaza on the giant puppet. It had been a group project. The puppet had been designed by the children. This project was a wonderful example of how the children had worked together. They became a community. What they would see at First Night was only one aspect of what they had done. They had come up with new ideas and expressed themselves. She had enjoyed working with the children.

Ms. Rebecca Weaver, Washington Plaza manager, stated this was the second year for the kids at their complex for them to work on a First Night Project. It was wonderful to see how the kids had grown from working on these projects. She stated she thought the kids received a sense of community involvement and being apart of their community. That was what they all wanted. This was the ounce of prevention that they all hoped for. It costs a lot less for the ounce of prevention than for the pound of cure.

Alderman Davis asked what the total cost was to put on First Night.

Alderman Trumbo stated their total budget was approximately \$115,000. They would be having it March 31 this year. He hoped they would be able to incorporate more with the University of Arkansas and bring in the University. They were hoping for fifteen to twenty thousand visitors this year.

Ms. Tobi Kaufman, First Night, explained the story of April Fools Eve. There were dozens of youth groups involved in First Night. They had other outreach programs. This was their youth

outreach program. They also had Button Outreach. They distributed 15,000 buttons to low income families and at-risk youth. They also had multi-cultural outreach. They were of the highest quality. They could be very proud of the kinds of performers that were performing in their community. This was an area that they wished to expand. They also had Community Outreach. They worked to present an event to the community that was as high quality and low costs as possible. They wanted the event to be affordable and accessible. What they charged for the buttons did not even begin to cover the expenses. They wanted to subsidize them. In addition their Community Outreach meant they had approximately two hundred and fifty volunteers that worked on First Night. They encouraged families to come and volunteer as families.

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

RESOLUTION 7-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

FOI: Informational item on the Freedom of Information Act.

Mayor Coody stated he had requested an informational tutorial on the Freedom of Information laws so they could all do a better job knowing what the press should expect and what the public should expect.

Mr. Rose introduced Professor John Watkins, University of Arkansas. He has written *The Arkansas Freedom of Information Act, Third Edition*. Without question this book was the bible on the Freedom of Information Act in the State of Arkansas. It was the source that City Attorneys across this state went to when they had an FOI question.

Mr. John Watkins stated he had given talks on the Freedom of Information Act whenever anyone asked him to. He was willing to do more than just this session. He wanted to primarily answer questions on the Freedom of Information Act. He wanted to let them know that things were likely to get a bit more complicated after this session of the General Assembly. He and Jerry Rose had been appointed by the Governor to serve on the Electronic Records Study Commission. That commission had been charged with recommending to the General Assembly changes to the Freedom of Information Act to bring it into the electronic age. The current act had been passed in 1967 for a paper environment. They were in a totally different environment now and the act needed to catch up. This will be the most significant change in the law since its enactment. There was going to be a learning curve for everyone if the proposal was to become law. His experience had been with school districts and county bodies. Most of the questions involving FOI involved meetings. The act had two parts. One deals with records. One deals with meetings. It seemed that the meeting part raised most of the questions. In part it had not been interpreted very much by the Supreme Court. What they had to go on by way of guidance were

opinions of the Attorney General. The Attorney General's opinions were not law. They were simply the opinions of the State's attorney on what the law was. Lots of issues involving meetings were unsettled, which meant there was not a black and white answer.

Alderman Thiel asked if it was legal for two aldermen to talk one-on-one about an issue.

Mr. Watkins replied that had not been directly answered under the act. There was a popular misconception about this. The FOI did not say a word about how many members of a governing body needed to be present before the act kicked in. He quoted from the act, "accept as otherwise specifically provided by law all meetings of the governing bodies of municipalities and various other entities shall be public meetings." What was a "governing body"? They, the Council, was for sure. There was nothing in the statute that defined how many members had to be present before there was a meeting for FOI purposes. The Supreme Court had ruled that they did not need a quorum present before the FOI applied. The court had not addressed the issue about less than a quorum, but less than two. The Attorney General had answered that question in an opinion in 1999. Mark Pryor had stated that he believed the inquiry would focus on not the number of attendees at the meeting, but instead on the extent to which the facts suggest the potential evasion of the Freedom of Information Act. Routine discussion of public business by two members of the governing body did not violate the FOI. In other words, it was possible for two members of the council to discuss official business as long as there was not an attempt to do so for the purpose of evading a public discussion. For instance, there was a Supreme Court case that involved an entity that had met on a certain issue and voted on it. There had been a motion to petition by one of the interested parties to reconsider. The executive secretary of the body called each member one at a time, and asked how they voted on the reconsideration. The Arkansas Supreme Court had said that was a violation of the FOI. That voting should have been done in public. Not by a series of phone conversations. Building on that opinion the Attorney General had reasoned that there was a potential for abuse involving successive meetings of two members, in person or on the phone. On the other hand, government would grind to a halt if every time a question arose they would have to call a public meeting. What the Attorney General had proposed was a case-by-case basis. There may be case where a discussion between two aldermen was just fine. As an example, as resident of Ward 4 he called an Alderman from Ward 1 because he knew him and asked for his help. Then the Alderman from Ward 1 called Ward 4 alderman to tell him of the citizens complain. This is an example of a conversation between two aldermen involving a matter of official city business. If the FOI were to apply to this conversation, they could not have city government. The Attorney General has recognized this. They could talk among themselves about City business, but they could not do so in a way where they would decide the issue before they got to the City Council chambers. Those decisions had to be made in public where the public could listen and see what they had to say about those issues. It was a very broad and fuzzy line.

Alderman Zurcher stated he knew First Night needed money, he called Alderman Trumbo on the phone and asked if they could do something together to get First Night more money. Was the law broken on that phone call?

Mr. Watkins stated that was a matter that was going to come before the Council for a decision. He assumed in the conversation that he did not call other aldermen asking for their support. As long as he did not engage in those types of subsequent conversations he was okay. He was talking about an item of official business. What the Attorney General calls routine general discussion of public business. Even though it was going to be acted on by the Council, he had not pre-ordained anything. That was what the act was suppose to prevent. They were not to make these decisions in private, then go through a charade in public where they reconfirmed what they had already decided behind closed doors.

Alderman Young stated he was pointing out some of the problems. Where was the line? The examples they were giving were simple things like a street or First Night. What about something like CMN Business Park and trees, which were major political issues in Fayetteville. Did that change anything?

Mr. Watkins replied the Attorney General has stated that as long as there is not evidence of an intent to evade the FOI, then they were probably okay. Even if it was a complex and controversial issue. He did not think the nature of the issue determined the question, rather it was the attempt or the appearance of trying to evade the public meeting requirement.

Alderman Young stated that put a heavy burden on the public because it would be impossible to prove that was not happening.

Mr. Watkins replied that was true, but it also put the burden on the public official to make sure that the substance of the conversation they may have had with another alderman was made public at the meeting. The public then has access to that same point. On the other hand if he were to call another alderman and no one ever reveals the discussion then they had a potential problem, because the idea was that as much public discussion as possible on issues were to be decided in the public arena.

Mr. Rose stated his advice to them was a little more pragmatic. He knew a couple of pragmatic facts. They had one of the most active media anywhere in Arkansas. They had a number of newspapers and video outlets as well. What they did was under intense scrutiny. They also had a very informed public who also takes advantage of the Freedom of Information Act, unlike many cities in Arkansas. We had civilians, not just the professional media, that looked at them. Coupled with that, he knew the questions were simply tough to deal with and they were on an individual basis. He knew full well that as long as they were talking about sex and football they were fine. His advice was a little more pragmatic than John's. In an overabundance of caution.

If they were asking him in this over litigious society that they lived in, how they could avoid the problem, it was not by avoiding their fellow alderman, but by simply avoiding talking about city business. He was not sure that was the law, but he did know that his advice would keep them out of trouble.

Mr. Watkins added that would be exactly the same advice he would give them. If they were his client, he would give the same advice. Don't do it. If they were going take action, error on the side of caution. Caution would be to avoid those one-on-one discussions on matters that were likely to come before the Council for final decision. On the other hand that just because they did it, did not mean they had violated the law. Sometimes he believed the press interpreted the FOI the way they wished it was instead of the way it is. They sometimes go a little overboard in saying that when any two of them got together in a room, there was a violation of the FOI. That was not true. Even if there were two of them in a room and they discussed a matter of public concern, that was not a violation of public concern, but to avoid any controversy, don't do it.

Alderman Young stated in the past, it had been the City Attorney's opinion, that because the Mayor had a vote on the governing body, that the Mayor was in the same boat as the Alderman.

Mr. Watkins stated there were a couple of Attorney General's opinions, one dealing with a city with a City Manager form of government, which the mayor's role was different than it was in the Mayor/Council form, but in both situations the Attorney General has taken the position that the Mayor was a member of the Council for FOI purposes. There was not an opinion directly on that question regarding a city of the first class that had the Mayor/Council form. There was a city of the second class Mayor/Council opinion. The statute did not differ enough on that point to have a different outcome. The Attorney General has opined that the Mayor is a member of the Council for FOI purposes.

Mayor Coody asked in the hypothetical where say Swifty called the Mayor rather than another alderman, was that more or less?

Mr. Watkins answered, it was not a violation if he called Mr. Jordan to report that there was an upset citizen in his ward and wanted his street fixed yesterday, that was a matter of official business. What was important to a lot of citizens was basic City services. It was at the heart of City business, so if he called or talked to Mr. Jordan and raised that issue, it was not a violation of FOI, then there would not be a violation if he called the Mayor and raised the issue with him. There was not an attempt to hide anything from the public. When the matter came before the appropriate City committee or Council, you knew where he was going to be. There was nothing hidden in that situation. It did not matter if it was a Councilman to Councilman or Mayor to Councilman, as long as there were two of them, there was the potential for an FOI violation. But just because they talked about City business, does not mean you have automatically violated the FOI. That was the point the Attorney General was trying to make.

Alderman Trumbo asked if the meeting that precipitated this tonight, which he found very enlighten, when they had three board members from the Youth Center, which received money from the City of Fayetteville, with the Mayor and Alderman was that subject to FOI.

Mr. Watkins asked, was what subject to FOI?

Alderman Trumbo replied the meeting where there were three members of a board, which receive money from the City of Fayetteville, the Mayor and an Alderman.

Mr. Watkins replied that was a complicated question, because it involved potentially a meeting that was public, even though there were no Aldermen there. The Board of Directors of certain non-profit organizations that were supported in whole or part by public funds, were also subject to the FOI law.

Alderman Zurcher asked for clarification in that meeting. As he understood it the Boys and Girls Club had not been notifying the press and had not been under the FOI as far as they were concerned, up to that point. He did not think that up to that point that they had been notifying the press of their meetings.

Mr. Watkins stated if a body was clearly subject to the FOI, it only needed to give notice of their meetings to people who have asked for it. If no one asked for notice, they did not have to give notice. The Supreme Court so held in the 1970's and reconfirmed that in 1999. If no one asked for notice of a meeting, they did not have to give notice. They might not have given notice, because no one asked for notice.

Mr. Rose added, remember that they had asked for notice as far as City meetings and they had a standing request. The City Clerk had the list for City meetings.

Alderman Reynolds stated in that meeting the Mayor and Bob Davis were already there and Trent was going to attend that meeting, so he called the press.

Mr. Watkins stated this was why this was a complex situation, it is possible that the Board of Directors of the Boys and Girls Club would have to meet in public anyway. No matter who was there. That was a factual question. It was determined, not just on the basis on whether the Boys and Girls Club received public funds, that was one requirement, but there was another requirement according to the Arkansas Supreme Court that there be an intertwining between the City and the non-profit. Was there a close relationship, so in effect the public business was being carried on by this private nonprofit corporation. It was not just the receipt of public money, by itself. What they wanted to avoid was public business being shunted off into private organizations in the theory that they could avoid public scrutiny by having private groups do the work that the City would normally do. For example the many lawsuits involving the Incinerator

matter, the City retained some outside lawyers from Chicago and DC to advise them on complex issues regarding the disengagement from that project. The Arkansas Supreme Court ruled that the records of the law firm that the City had retained were opened to the public under the FOI, because the law firms were in affect the functional equivalent of the City Attorney. The ideal was that theoretically, the City Attorney could have provided the advice. If he had produced memoranda for the City, those records that supported him in his files, would have been subject to the FOI. They could not change that result, by hiring an outside law firm. The idea was that they could be evading the openness requirement by doing business through a private entity rather than his own staff. The reason why the FOI extended to the private organizations was to stop the notion that City's or other entities doing their business through a private organization, thereby, evading the openness requirements of the FOI. He did not know enough of the facts to offer any kind of opinion on the status of the Boys and Girls Club, but it was possible that they would be considered an entity subject to the FOI by themselves. They at least met one requirement, they received public funds in support of their activities. It may have well been subject to the FOI just because of the status of the Boys and Girls Club as a recipient of public funds. The other question was, let us assume that was not the case, and the Board of the Boys and Girls Club was not required to meet in public; does that change because the Mayor and a couple of Aldermen attend a meeting with the Board of Directors of the Boys and Girls Club. The answer was, no, it doesn't mean that it was a meeting of this governing body. It was a meeting of the Board of the Boys and Girls Club where other people were in attendance, including members of this body. In other words, the question is Who's meeting is it? The fact that they may attend a meeting with another group did not mean that it was their meeting for FOI purposes. On the other hand, if while they were there at someone else's meeting and they discussed matters that were likely to come before the Council, then they ran the risk of stepping over the board and fuzzy line. In this situation he would not advise doing that. He urged that while they were at some other meeting, not to discuss matters which could come before Council. It would be the safest thing to do. Their mere presence at someone else's meeting did not convert it into their meeting.

Alderman Young stated one of the things he had been thinking about. Sometimes a committee that was not subject to the FOI would be discussing a topic which would come before the Council, and an Alderman showed up and did not participate in the discussion, but just listened. Sometimes they were invited to neighborhood meetings to listen to their concerns.

Mr. Watkins stated he did not have a problem with that. If a neighborhood association invited them to attend a meeting, and they just listened, even if three of them showed up, it was still not their meeting. If they did not talk to each other, there was not FOI violation. When he was on the Planning Commission he discouraged that. He would ask the citizen to say it to the whole Planning Commission, so they could all hear it. If they wanted to write them a letter, he would read it at the Planning Commission Meeting. So that way everyone in the decision making body would have the some benefit of that information. But if he just listened to someone on the phone it was not a violation of the FOI.

Alderman Trumbo stated that by the sound of it, Mr. Stockland did not have to resign in order to go to the meeting in order to keep from complying from the FOI. He was on the Parks Board with another individual. He had been told that he could not go. If there were two members of the Parks Board, they would have to give notice of a public meeting.

Mr. Watkins stated that was playing it safe. He did not think it was a violation of the act. Would he have advised the meeting to take place without giving FOI notice? No, he probably would not have. But after the fact, did he conclude that it was a violation? No.

Alderman Santos asked if a meeting were called and the press was there and the meeting was adjourned and they were milling around talking and he wanted to ask the Mayor something about the City Attorney selection, and the press were there, but they were not listening to them, could they discuss things like that? When the press had been notified that they were meeting, were they free to discuss anything at that meeting?

Mr. Watkins stated there was an interesting question about whether they had actually started a new meeting or not at that point. Technically, what they may have is where one meeting had ended, now they have another meeting. Technically, if that was true, then notice would have to be given, two hours.

Alderman Thiel stated, but actually, Kevin, that meeting, she was kind of a part of too, they were asking questions about tonight's meeting. Procedural questions.

Mr. Watkins stated that was the kind of routine business that the Attorney General had envisioned as not being subject to FOI. That was going to be common when they had new members of the governing body. That was the kind of thing that was going to raise to the level of an FOI violation.

Alderman Trumbo stated if in the future there was a meeting going on and he or she were interested in listening, can he or she walk into the room and just listen?

Mr. Watkins replied it depended on who's meeting it was.

Alderman Trumbo replied, say it was the Mayor's meeting and he was talking to some people and a constituent called and asked them to go and listen. Could they go listen?

Mr. Watkins stated his advice would be that if the meeting was not required to be in public, an example, say the Mayor met once a week with the Directors of the various departments, and the Mayor called these meetings on a regular basis to find out what was up and one of the aldermen wanted to come sit in the meeting, it was the Mayor's call. It was his meeting. That meeting was not open to the public under the FOI, because that was not a governing body. So the Mayor can

determine who he wanted to have at his meeting. If they did not have to meet in public then they did not have to let anyone in. He would argue that just because he was an alderman did not mean that he had a right to attend that meeting, than he would have as a member of the general public. The question would be who's meeting is it? Remember the FOI only applied to meetings of governing bodies. The hallmark of a governing body is that it had final decision making authority. There were lots of meeting which took place every day in this building that were not open to public under the FOI, because they did not involve a governing body. One of the other misconceptions is that just because they were meeting in a public building, the meeting was open to the public. That was not true. It was a question of whether they had a governing body.

Alderman Zurcher asked that if by inviting the press once or twice or ten or twenty times, if they were not setting a prescience where they had to invite the press.

Mr. Watkins replied, no, but it would not be advisable as a political matter to say all of a sudden they were cutting off the water. His advice to them was when in doubt error on the side of openness. That was the best advice they could get. The Arkansas Supreme Court used a similar approach when it interpreted the FOI Law. When it was ambiguous as it was in many places, the Supreme Court had a general rule that said, this law was passed in the public interest to make government more accessible to citizens. So they were going to keep that in mind when we interpret it. If there are any ambiguity in the law, we were going to resolve that ambiguity in favor of openness. That was the same thing that they should do. When there was an ambiguity, resolve it in favor of public access and openness.

Alderman Trumbo stated he found it interesting that the Arkansas Municipal League recommended to it's clients that if the Mayor and Aldermen were discussing something, that they comply with the FOI, just as an overabundance of caution.

Mr. Watkins stated that was the position Jerry had taken and he agreed with him completely. He knew the Municipal League disagreed with the Attorney General's opinion on the Mayor's status as a member of the Council. In the Mayor/Council form of government the Mayor was the CEO of the City. The analogy would be if they were in State government the Council would be the legislature and the Mayor would be the Governor. The trouble was that with cities, unlike in State government, the Mayor also played a role at the Council level. That was where the ambiguity came in.

Mr. Rose suggested that they take Professor Watkins up on his suggestion that he meet with them at their Agenda Session.

Mr. Watkins stated he would be glad to do it. They could then talk about the records issue. He could give them a briefing on what could be expected under the new law that they had been working on involving electronic records. He expected it in some form to pass this session.

Alderman Thiel asked as far as the Council members wanting to have a meeting, did they do the notifying?

Ms. Woodruff replied if they would call her she would be glad to notify the public. They had a standard procedure that they followed.

Mr. Watkins stated one thing that was clear from the Supreme Court decision, say that they create a special committee comprised of three aldermen to study a certain issue and then report back to the full council. Even though that three member committee did not have any formal decision making power, and was just making a report or recommendation to the council. The Supreme Court had said since the committee was composed of all members of the governing body, the council, then the FOI also applied to the committee. Even though it was not a standing committee, it was a special committee, then they had to give notice to the people who had requested it.

Mayor Coody asked if any members of the press had any questions?

Mr. Charlie Alison, Morning News, stated he agreed with most of what had been said, especially the pragmatic part. If they wanted to avoid any entanglements with the press regarding FOI do their meetings in public. They had more committees in this City than any five others in the State combined. If they could do their work in the committees and in public where people could hear what their thoughts were, he would not try and sort out what their intent was, if they met with someone else. He would assume the worst. He was a very cynical public. He would assume they were trying to meet to avoid FOI requirements and he would take them to task for it. He thought members of the public will too, because they were the ones that wanted to know what they thought and why they thought it. If two of them were meeting, how did their colleagues know what their thoughts were and how did their constituents know and how did the public know. He agreed with Jerry and Dr. Watkins with the regard to the pragmatic thing and giving the advice to meet in public. For his part, he appreciated all the effort they had done to be public about their meetings and to provide documents in a timely fashion. He had never had any complaints and hoped to never have any in the future.

Mr. Rose stated he had been here twelve years. They lather it on thick. He did not know of another city in Arkansas that tries harder to liberally apply our Freedom of Information Act. They write it into our ordinances when they created things that were not covered by the Act. When they gave money to people, they required them to be subject to the Freedom of Information Act. They lathered it on heavy. That had been the feeling of every City Council member that he had in the last twelve years and every Mayor and every Administration he had been associated with. Certainly this Administration's goal is of openness. It was a good act.

Mr. Watkins stated there were a lot of cynics out there in the public and press that will always assume the worst. It was not a legal issue they were getting into, it was a political issue. Even if they were fine on the law and they have not violated the act, you may have created a firestorm which detracted from the good things they were trying to do as aldermen. If they could avoid those firestorms, the better off for everyone.

Alderman Zurcher stated he wanted to point out to the public that up until recently all Freedom of Information Acts were routed through the Mayor's office, for whatever reason. He wanted to let the public know that the Mayor had sent out that our Mayor had sent out a directive that ends that practice, that if they as a citizen wanted any kind of document that was a public document, then they could go directly to that department. That should make their request more timely. He wanted to thank him for that.

Mayor Coody stated he wanted to add to that if someone wanted documentation that would come from several different departments, instead of having to go to several different departments, then they could come to the Mayor's office, they could then distribute the FOI and combine all the paper work at one place and present one package of information, rather than having someone go to several different departments. Other than that the building is open and there was no need for all the paper work. He would like to add that he thought people would find that this was going to be a more open and FOI friendly administration than a lot of cities.

Mr. Watkins thanked the Mayor for having him.

Mr. George Weiss, 1614 Sawyer Lane, asked if the two aldermen Kevin and Lioneld wanted to know from their constituents, and they invited all of them to a meeting, was that FOI?

Mr. Watkins replied, he would say, no. Because what they were doing was seeking input. He could invite everyone to error on the side of safety. When they were not discussing anything among themselves, but were listening. It was hard to say that was a meeting of the group, when the aldermen were attending the session.

Mr. Weiss stated this was the distinction he was trying to make. So informational gathering was okay?

Mr. Watkins replied, no. That was going too far. Too broad of a statement. A government body had to meet in public even if it took no action. Even if it was in an informational gathering mode. Governments were fond of having government retreats. Those meetings were not designed to have any immediate kind of action, the real purpose of those meetings were to sit back and get the big picture and do some informational gathering. That was going to be subject to the FOI, if that is something that was organized by the Council. On the other hand, just because two aldermen in response to constituent request decide to gather with a citizens group,

doesn't mean that they had violated the two person rule. If it were the two aldermen who were calling the meeting and he was advising the aldermen, he would say notify the press and everyone, open it up to whoever wanted to come.

Mr. Weiss asked if there was a real FOI violation, what were the penalties?

Mr. Watkins replied a violation of the FOI is a crime, if it was a negligent violation. A negligent violation did not mean negligent in tort law, it meant gross or reckless violation. It was punishable by so many days in jail and a fine. The judge could impose a sentence of public education. One example was in a town where the Mayor of a town held an executive session to talk about personnel issues, those were allowable under the terms of the FOI, you could go into executive session to make certain personnel decisions about a specific person. That was what they did, then they got to talking about other stuff that had nothing to do with the purpose of the executive session. So at that point, it became an illegal closed meeting. They went in legitimately, but then they started talking about something beyond the scope of the executive session. The mayor was convicted of violating the FOI because the law was clear that if they had an executive session for personnel matters, that was what they could talk about and that was all. The judge sentenced him among other things to read the Freedom of Information and to attend a seminar on the law. It was possible to have a sentence of jail time, but it was very rare.

Mr. Jeff Erf stated his question was a document related question and the charge for photo copies.

Mr. Watkins replied when he did a program, what he usually did was talk about both the records part and the meetings part of the act.

Mayor Coody thanked Mr. Watkins and stated he had learned a lot tonight.

INTERIM CITY ATTORNEY: Interviews with Interim City Attorney candidates.

Mayor Coody stated there was one item that they were going to discuss before they went into executive session. That was the ordinance which they had on the books concerning the salary for this position.

Five minute recess.

Mayor Coody stated they needed to discuss the salary.

Mr. Rose stated his job was governed by a thing called the Hay Plan. The Hay Plan was by their personnel department did a survey of all the City Attorneys in Arkansas of cities of this size, plus two or three surrounding states. From that their Personnel Director set a low range and a high range on salary. The low range was somewhere around \$55,000. The high range was

approximately \$75,000. After being here for twelve years, he was ceiling out. He was at the top at \$75,000 per year. They had an ordinance on the books which stated that the salary for a newly elected official was established at the minimum of the pay range determined by the most recent public sector survey conducted by the City, that was the Hay Plan. The ordinance stated, "newly elected official". He did not think that what they were doing tonight, was newly electing anybody. A newly elected official was one elected at a general election of the people. He did not think that the ordinance applied to that. Therefore, it was his recommendation to them that they set the salary for this official. That they were going to select as the new city attorney. He thought they set the salary. He suggested that it be somewhere on that range and that they did not go above or below that range, but within that range they could do whatever they wished. It had been pointed out to him that if they currently say they should give someone a \$70,000 salary to do their job, they would then run in November of 2002 and get a \$20,000 reduction in pay under this ordinance. They did have a year and a half to change this ordinance. His guess was that they would be under some degree of pressure to change the ordinance.

Alderman Reynolds asked how did they do the Mayor's salary?

Mr. Rose stated the Mayor's salary was an amalgam of a combination of the highest paid executives in the City.

Mayor Coody stated since they were missing Charlie Venable it turned, they took the next one.

Mr. Rose stated they gave the Mayor a salary of five percent over and above those salaries. There was a real advantage to the Hay Plan. He liked it very much. It took his salary out of the political arena and into an administrative arena. He liked it a lot. I might rob him of some pay, but politically he enjoyed it very much. He liked the fact his salary was taken out of the political area. It struck him that depending on who they selected and their degree of experience in Municipal Law and their degree of experience generally. There was nothing wrong with making a professional selection, then bargaining with them over a salary. Then bringing it back to the Council. Or they could set a certain salary.

Alderman Davis stated that was the way he would like to do, depending on their experience. It was going to take someone awhile to get Jerry's expertise.

Mayor Coody stated basically the folks applying for the job were going in without knowing what the salary was going to be. He thought it would be a fair assessment that it would be in the middle or above, to give them an idea.

Alderman Santos stated he did not believe it should be above. Some of the candidates might not be interested and they might want to drop out of the process now.

Mayor Coody stated he tended to believe with an attorney, and the amount they made. The qualified folks they had applying a mid-range of the salary would not be unfair. That was his personal take on it. He would defer to the Council on the choice on the City Attorney and the choice of the salary though.

Alderman Reynolds stated they would have to think about working for \$55,000 to \$75,000 and then going back to \$55,000 after the election.

Mr. Rose stated he assumed they might want to change the ordinance.

Alderman Zurcher stated from his point of view \$65,000, sure. If the City Attorney ran for this office and won, then he would want to make some kind of provision so there would not be that kind of pay cut, if the person were elected.

Mr. Rose explained about executive session. Executive Sessions are a noted exception, actually it was the only exception to open public meeting in the Freedom of Information Act. They may go into executive session, which means they go into a private session. And they could do that only in considering employment, appointment, promotion, demotion, discipline, or resignation. So the purpose of their executive session would be the employment of the new City Attorney until the next general election. The specific purpose of that executive session has to be announced in public before going into executive session. He would like one of them to articulate that, even though he just did, as to why they were doing it. He thought it would be wise if they voted to go into executive session as opposed to just going. He had been asked by the press to tell them they did not have to go into executive session, however, in the past they had done so. It was therefore the legal reason of developing a degree of candor in private over these kinds of employment matters. There might be some private things they might want to ask or be said, during those. The decision was up to them. They did not have to do that. Only the City Council members will be in the session. That was the eight of them and the Mayor. He would not be there. You will be on their own. There were five candidates for the position for the City Attorney. He had in his hat, numbers one through five. He thought, with their permission, that they would draw. As to how long they take with each interview, that was purely up to them. At the Agenda Session they had talked about fifteen minutes per person. Certainly, that too was not etched in stone. At the end of each individual interview just send them out and at the end of the fifth interview, if they would deliberate on what they wanted to do and who they wanted to select. At the end of their deliberations, they must come back in here and go into public session again. It required a public vote to whom they select. They need a motion and a second and an individual voice vote.

Alderman Trumbo stated it was his understanding that when they were in executive session that the eight aldermen vote and then they selectively tailor down to the least amount of votes and they just kept voting until there were two and then one and then they come out and the vote would be unanimous.

Mr. Rose replied there was no set procedure that he was aware of as to how they were to do that. Certainly, that method that he mentioned sounded logical and certainly was one that could be followed. There was nothing that was etched in stone as to any particular way in which it must be done, just that they make a decision and that they come out here and make that decision formal.

Alderman Trumbo asked what would happen if it was 4-4 vote.

Mr. Rose stated the Mayor may certainly vote under those circumstances. If they could not arrive at a conclusion.

Alderman Thiel stated he was also saying the Mayor could come out here and cast the vote for the whole.

Mr. Rose stated the Mayor may appear with them. Again, only if his vote was needed for the passage of a measure.

Alderman Young asked if he was correct in that they did not have to vote tonight.

Mr. Rose replied they did not.

Alderman Davis asked if they were allowed if they desired when they went into executive session to set the ground rules that they wanted to vote on.

Mr. Rose replied yes. They could vote for them anyway they wanted to, as long as it was not for an unconstitutional reason.

Alderman Reynolds asked when they went into the executive session, they were not allowed to talk about wages any further. They had to do that out here.

Mr. Rose replied, yes, in the sense that the only thing they could talk about was employment. It was an interesting question where or not, and it was his guess that once they got out of the session that the press was going to ask them what went on back there. The FOI was completely silent to whether or not they were to or can or can not reveal what went on back there. He would think, and his advice to them would be that they went into executive session for a good reason and that good reason continues. His advice to them would be to be discreet with that

information. However, he knew of no legal compunction or any bad thing that would happen to them if they did not.

Alderman Reynolds stated he would like for them to consider the figure of \$69,000 for a City Attorney. They had a municipal judge which worked part time that made \$65,000. He thought an eight to five attorney would respectfully earn \$69,000.

Mr. Rose stated he started out at \$50,000 per year. He thought that would be a good job, coming from the Attorney General's office. He had come in at the bottom twelve years ago. He only reminded them that the scale was there independently of him or anyone else. The scale had not been made up out of thin air. It went to other city's and determined what other cities were getting their City Attorney for.

Alderman Santos stated this session was Council meeting chaired by the Mayor and not a Nominating Committee meeting.

Mr. Rose replied it was a City Council meeting in executive session.

Mr. Estes asked if it was a correct understanding that the salary for this interim position would be \$65,000.

Mayor Coody asked if they should determine a number before they went into executive session.

Mr. Rose replied it was dealers choice. They were breaking new ground here. They needed to decide what they wanted to do.

Alderman Davis stated they had indicated that they wanted to leave it around \$65,000, then they could negotiate, depending on the experience they had.

Alderman Santos moved to set the salary at \$65,000. Alderman Thiel seconded the motion.

Alderman Young asked Mr. Rose if he was topped out under the Hay Plan.

Mr. Rose replied yes. He added the nice thing about the Hay Plan was that it was revised very two years. So ever two years he could move out from under that ceiling.

Mayor Coody stated there was a motion to set the salary at \$65,000.

Upon roll call the motion passed by a vote of 5-3. Reynolds, Davis, Trumbo voting nay.

Mr. Bob Estes stated he must withdraw his name from consideration.

Mr. Rose stated he needed a motion from someone to go into executive session, if that was their desire.

Alderman Davis moved that they go into executive session to discuss the employment of a City Attorney. Alderman Zurcher seconded the motion. Upon roll call the motion carried unanimously.

Executive session.

Mayor Coody asked if they needed to move to come into discussion.

Mr. Rose stated they needed a motion and a second and a vote and discussion if they wished.

Mayor Coody stated the announcement was that they had some excellent candidates and there was a lot of discussion. Everybody was well regarded. The decision was made that Kit Williams would be their City Attorney.

Mr. Rose stated they needed a motion, a second and a vote.

Alderman Zurcher moved to accept Kit Williams as City Attorney. Alderman Thiel seconded the motion. Upon roll call the motion carried unanimously.

Meeting adjourned at 10:45 p.m.

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 6, 2001

FROM:
Sid Norbash *SN* Engineering Public Works
Name Division Department

ACTION REQUIRED: Approval of the **City-Utility Agreement** between the City of Fayetteville, and Ozarks Electric Coop. Corp., for the necessary adjustments for the **Double Springs Rd. Bridge over Owl Creek** - (An 80%-20% AHTD Project)

COST TO CITY: \$2,539.77 Double Springs Rd. Bridge
(20% of \$12,698.85) \$137,600 Over Owl Creek- Sewer Adjts.
Cost of this Request Category/Project Budget Category/Project Name

4470-9470-5817-00 - 0 - Sewer Improvements
Account Number Funds Used To Date Program Name
98036-20 \$ 137,600 Sales Tax
Project Number Remaining Balance Fund

BUDGET REVIEW: ☒ Budgeted Item ☐ Budget Adjustment Attached

Steph Davis Administrative Services Director
Budget Coordinator

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marya Fathning 1/11/01 ADA Coordinator 1/11/01
Accounting Manager Date Date
Steph Davis 1/11/01 Nancy Smith 1/11/01
City Attorney Date Internal Auditor Date
Ellie 1/15/01
Purchasing Officer Date

STAFF RECOMMENDATION: Approval of the Agreement with Ozarks Electric.

Ann Beaman 01/09/01 Cross Reference
Division Head Date
Ann Beaman 1/16/01 New Item: Yes ☒ No ☐
Department Director Date
Ann Beaman 1/16/01 Prev Ord/Res #:
Administrative Services Director Date
Ann Beaman 1/16/01 Orig Contract Date:
Mayor Date
Ann Beaman 1/16/01 Orig Contract

Staff Review Form

Description/ Double Springs Rd. Bridge
Project Name Contract with Ozarks Elec.

Meeting Date 2-6-2001

Comments:

Reference Comments:

Budget Director

Accounting Manager

City Attorney

chasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Dan coody, Mayor *As's*
Don Bunn, ~~Interim~~ PWD *DRB*
Jim Beavers, City Engineer *JB*

From: Sid Norbash, Staff Engineer *SN*

Date: January 8, 2001

Re: **Double Springs Rd. Bridge (AHTD Project)**
City-Utility Contract with Ozarks Electric

The above referenced project is a Highway Department Project with 80%-20% cost share with the City of Fayetteville.

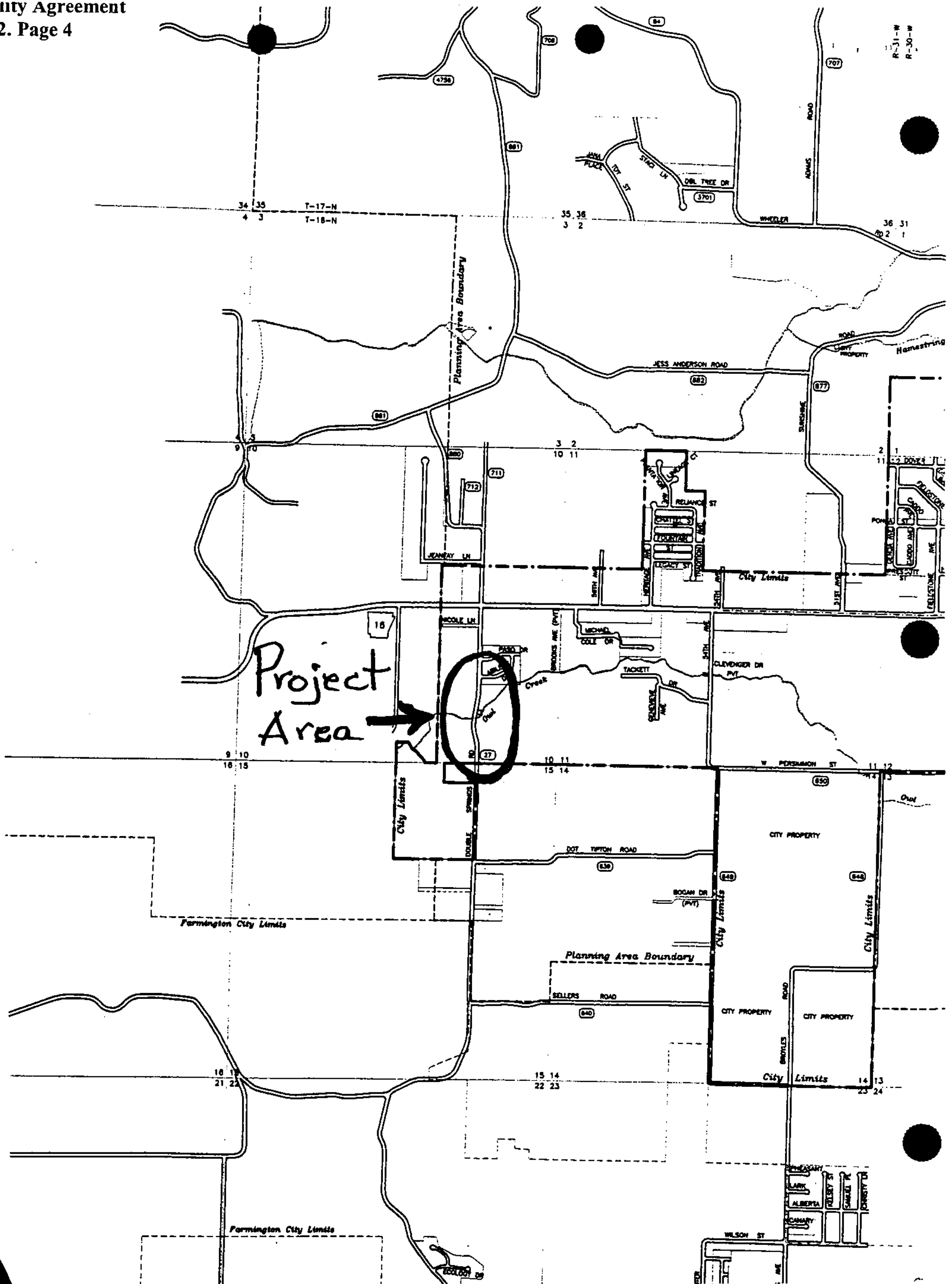
This project includes a new bridge to replace the existing bridge over the Owl Creek, and some street improvements as well.

The Highway Department has prepared the attached agreement between Ozarks Electric and the City of Fayetteville. Similar agreements with the other utility companies involved with this project will soon follow.

The cost of this agreement to the City will be 20% of \$12,698.85 or \$2,539.77.

The Staff is requesting the Council's approval of the attached agreement with Ozarks Electric.

SN/sn
attachments: vicinity map
Agreement



AC ☒

LS ☐

CITY-UTILITY RELOCATION AGREEMENT

Between
City of Fayetteville
And
Ozarks Electric Coop. Corp.

Project No. 040152 Location Owl Creek Str. & Apprs.
FAUS BRN-9142 (1) (Fayetteville) (S)

THIS AGREEMENT, made and entered into _____ day of _____, 20____, by and between the *City of Fayetteville* of Arkansas, acting by and through its duly authorized officials, hereinafter referred to as the "City", and the *Ozarks Electric Coop. Corp.* acting by and through its duly authorized representatives, hereinafter referred to as the "Owner",

The City proposes to make city street improvements as specified under the above referenced job number, and the "Owner" will adjust or relocate its existing facilities as set out in the attached plans and cost estimate.

The "City" has requested that the Arkansas State Highway and Transportation Department assist the "City" by providing technical assistance for cost estimate and plan approval, for making the contractual arrangements between "City" and "Owner", and for processing billing for reimbursement.

This agreement is governed by all applicable State and Federal laws, rules, and regulations including the Arkansas State Highway Commission Utility Accommodation Policy adopted by Commission Minute Order 96-167 as amended and supplemented, the Federal Aid Program Guide on Utility Adjustments and Accommodation on Federal Aid Highway Projects as amended and supplemented, and the provisions of 23 CFR § 645 as amended and supplemented.

DESCRIPTION OF WORK:

Remove nine (9) existing poles with attachments to clear highway construction. Restore the function by installing ten (10) poles with attachments. Of the nine (9) existing poles, five (5) poles are located on private right of way; therefore, the pro rata factor is 5/9 or 55.55%. Work to be by force account.

The required adjustment is 5/9 eligible for reimbursement for the actual cost which is estimated to be \$22,857.94 of which \$12,698.85 is to be paid by the City and \$10,159.09 is to be borne by Owner.

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

Task Order #8
Pavement Rehabilitation
McClelland Engineering Contract

For the Fayetteville City Council meeting of February 6, 2001

FROM:

Alett Little
Name

Airport
Division

Economic Development
Department

ACTION REQUIRED: Request approval of Task Order #8 to the McClelland Consulting Engineers contract in the amount of \$138,620.00 with a 15% contingency of \$20,793.00 for a total (not to exceed) of \$159,413.00 for the engineering of the Airfield Pavement Rehabilitation. Task Order #8 is eligible for FAA AIP (grant) funding of 90% . Staff will apply for 5% funding from the State of Arkansas Aeronautics Commission, and pay the remaining 5% from Airport funds.

COST TO CITY:

\$ 159,413.00

Cost of this Request

5550- 3960-7820-28

Account Number

00029

Project Number

\$ 562,000.00

Category/Project Budget

\$ 0.00

Funds used to date

\$ 562,000.00

Remaining Balance

Pavement Main. & Rehab.

Category/Project Name

Capital Improvement

Program Name

Airport

Fund

BUDGET REVIEW:

☒ Budgeted Item

☐ Budget Adjustment Attached

Budget Manager

Date

Administrative Services Dir.

Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager

Date

Internal Auditor

Date

GRANTING AGENCY

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

Grants Coordinator

Date

STAFF RECOMMENDATION: The Staff recommends approval of this project. The Airport Board at their January 4th meeting recommended approval and submission of Task Order #8 to the City Council for approval.

Department Director

Date

Administrative Services Director

Date

Mayor

Date

Cross Reference

New Item:

Yes

No

Prev. Ord/Res#:

Orig Cont. Date:

Orig Cont #:

STAFF REVIEW FORM

Page 2

Description:

Meeting Date: February 6, 2001

Task Order #8 to McClelland Engineers contract for Airfield Pavement Rehabilitation

Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Officer

Internal Auditor

ADA Coordinator

Grants Coordinator

Reference Comments:

Reference Comments:

Reference Comments:

Reference Comments:

Reference Comments

Reference Comments:

Reference Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

4500 S. School Ave., Ste. A
Fayetteville, AR 72701
Telephone: 501-575-8301
Fax: 501-575-8304
e-mail: alittle@ci.fayetteville.ar.us

Economic Development Department
Alett S. Little, Director

TO: CITY COUNCIL

THRU: DAN COODY, MAYOR

FROM: ALETT LITTLE, ECONOMIC DEVELOPMENT DIRECTOR *al*

DATE: JANUARY 19, 2001

SUBJECT: TASK ORDER #8 / McCLELLAND ENGINEERING CONTRACT
FOR ENGINEERING OF AIRFIELD PAVEMENT REHABILITATION

Action Requested: Request approval of Task Order #8 to the McClelland Consulting Engineers contract for the engineering of the Airfield Pavement Rehabilitation in the amount of 138,620.00 with a 15% contingency of \$20,793.00 for a total not to exceed project cost of \$159,413.00. The engineering items for Task Order #8 include expanding existing ramps and rehabilitation of taxiways and work on the runway as recommended by the Drake Field Pavement Management Program (an FAA required program for the airport) and as recommended by our engineering consulting firm. The overall objective for Task Order #8 is to maintain existing surfaces to FAA standards which will extend the life of the ramps, taxiways, and runway to FAA standards, and also expand some existing ramps to allow further aviation development and growth at Drake Field.

This project and the engineering is eligible for an FAA Airport Improvement Project (AIP) grant of 90% funding. As with most AIP grants, 5% funding is anticipated from the State of Arkansas Aeronautics Commission. The City (Airport funds) will be responsible for the remaining 5% funding.

Staff Recommendation: Staff recommends approval of this Task Order to the McClelland contract for engineering services. The Airport Board recommended approval of Task Order #8 to the engineering contract at their January 4th meeting. This project is a necessary maintenance item for the airfield and should put the pavement in good order for the next several years.

AL/lp

Attachments: Copy of Contract

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

4500 S. School Ave., Ste. A
Fayetteville, AR 72701
Telephone: 501-575-8301
Fax: 501-575-8304
e-mail: alittle@ci.fayetteville.ar.us

Economic Development Department
Alett S. Little, Director

TO: Airport Board

FROM: Alett Little, Airport Manager

DATE: January 2, 2001

SUBJECT: Airfield Pavement Rehabilitation

Task Order #8 with McClelland Engineers is for engineering services for Airfield Pavement Rehabilitation, Replacement, and Expansion in the amount of \$138,620.00 with a 15% contingency of \$20,793.00 for a total not to exceed project cost of \$159,413.00. The project has been recommended by our project manager at the FAA as an advisable use of AIP funds. The scope of the project is to review and evaluate the current condition of existing airfield pavement including the pavement study by Garver conducted in the past. Additionally, three new areas of pavement are to be designed:

1. Apron to the east of the existing T-Hangars
2. Aircraft parking apron between Bell Aire and north to the old fire station
3. Aircraft parking apron north of Taxiway "D" and west of the Wings Air

The project will address crack sealing, geotextile fabric, and overlay for all Taxiways. Also the project will consist of rubber removal, crack sealing, and restriping of the runway.

Action Requested: Resolution recommending that the City Council approve Task Order #8 with McClelland Engineers for Airfield Pavement Rehabilitation .

Staff Recommendation: Approval of the resolution as stated above.

DEPARTMENTAL CORRESPONDENCE

To: Brenda Moss, Financial Coordinator
Thru: Jim Beavers, City Engineer *Jim Beavers*
From: Sid Norbash, Staff Engineer *sn*

RECEIVED

JAN 0 2001

AIRPORT

Date: January 3, 2001

Re: Engineer's Review of Task Order No. 8 for the AIP Project
For Airfield Pavement Rehabilitation

Per your request I have reviewed the documents for the above referenced Task Order.

The scope of the project was reviewed, and the proposed basis for payments to the Engineer was examined.

It is our finding that the documents appear to be in order, and the fees to be reasonable.

If you have any questions please advise.

SN/sn

TASK ORDER NO. 8
AIRFIELD PAVEMENT REHABILITATION, REPLACEMENT, AND EXPANSION

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Task Order is written pursuant to the basic agreement entitled CITY OF FAYETTEVILLE, AGREEMENT FOR ENGINEERING SERVICES, executed on March 7, 2000. The referenced basic agreement pertains to proposed improvements to Drake Field, Fayetteville's Municipal Airport. This Task Order entered into and executed on the date indicated below the signature block, by and between the City of Fayetteville (OWNER) and McClelland Consulting Engineers (ENGINEER) sets forth the project description, project schedule, and engineering fees related to pavement rehabilitation and improvements, Drake Field.

SECTION I - PROJECT DESCRIPTION

The project is to consist of reviewing and evaluating the current condition of existing airfield pavements with respect to a pavement study conducted by others in the past; and to design the needed improvements in order to maintain the pavements in serviceable condition. In addition, three new areas of pavement are to be designed: the first will be an aircraft parking apron for general aviation along the eastern side of the existing eastern general aviation apron; the second will be an aircraft parking apron area to fill in the area between the existing apron from in front of the hanger formerly

occupied by Tyson Food's and north to the limits of the previous fuel farm drive; and third will be a new aircraft parking apron north of Taxiway "D" and west of the Avionics Shop.

Specifically, the project is likely to include:

- A. Crack sealing, geotextile fabric, and overlay for Taxiway A, Taxiway C, Taxiway D (the portion between Taxiway B and the runway), Taxiway E, Taxiway F, and the south end of Taxiway B.
- B. Strengthening, crack sealing, geotextile fabric, and overlay of that portion of Taxiway D which is east of the runway.
- C. Crack sealing, geotextile fabric, leveling course, and overlay for that portion of Taxiway B which extends from a point 400' north of Taxiway E to a point which is 200' south of Taxiway C.
- D. Rubber removal, crack sealing, and restriping, of the runway.
- E. Construction of three new apron/taxiway areas: one along the eastern side of the east side general aviation aircraft parking apron; the second on the eastern side of the formerly Tyson Hanger to the north limits of the previous fuel farm drive; and third the new apron north of Taxiway "D" and west of the Avionics Shop.

Specifically excluded from the project scope: Storm Water Pollution Prevention Plan (as currently planned, less than a 5-acre area is to be disturbed).

SECTION II - PROJECT SCHEDULE

From the time the OWNER issues the Notice To Proceed to the ENGINEER, the project will be executed within the following time periods:

Surveying:	35 calendar days
Design Development (65%):	90 calendar days
Construction Documents (95%):	120 calendar days
Submittal to City (100%):	130 calendar days

SECTION III - SCOPE OF SERVICES

The ENGINEER shall provide those services listed in the basic agreement which are applicable to this specific Task Order. Specifically included are:

- A. Construction staking for new pavement.
- B. Funding applications to FAA.

SECTION IV - FEES AND PAYMENTS

- A. Title I Services (Engineering Planning and Design Services Preceding Construction). The ENGINEER shall provide, as hereafter enumerated, geotechnical investigation, surveying, design, bidding, and funding application services for a total not-to-exceed fee of \$70,410 including a total fixed payment of \$8,635.

1. Surveying and Design Phase Services:

For, and in consideration of, the services to be rendered by the ENGINEER, the OWNER shall pay the ENGINEER on the basis of actual salary costs for work-time directly connected with work chargeable to the project, plus payroll additives and general overhead costs of 178% of direct labor costs, plus direct reimbursable expenses associated with the project, plus a fixed payment which are payable as follows:

- a) Surveying and Design phase services costs not to exceed: \$ 53,391.
- b) Fixed payment for Surveying and Design phase services: \$ 7,909.
- c) Engineering contract amount for Surveying and
Design phase services not to exceed: \$ 61,300.

The basis of this upper limit and justification for the fee is contained in Appendix A attached hereto. Adjustment of the upper limit may be made should the ENGINEER establish and the OWNER agree that there has been or is to be a significant change in scope, complexity or character of the services to be performed; or if the OWNER decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment.

Appendix B covers the classification of personnel and the salary rate for all personnel anticipated to be assigned to this project by the ENGINEER.

Final payment for the Surveying and Design phase services shall be made upon the OWNER's approval and acceptance with the satisfactory completion of the Surveying and Design phase services.

2. Geotechnical Investigation Phase Services:

For Geotechnical Investigation phase services rendered by the ENGINEER, the OWNER shall pay the ENGINEER on the basis of salary costs for work-time directly connected with the project, plus payroll additives and general overhead costs of 178% of direct labor costs (plus direct reimbursable expenses associated with the project), plus a fixed payment, which are as follows:

- | | |
|--|-----------|
| a) Geotechnical phase services costs not to exceed: | \$ 4,331. |
| b) Fixed payment for Geotechnical phase services: | \$ 119. |
| c) Engineering contract amount for Geotechnical
phase services not to exceed: | \$ 4,450. |

The basis of this upper limit and justification for the fee is contained in Appendix A attached hereto. Adjustment of the upper limit may be made should the ENGINEER establish and the OWNER agree that there has been or is to be a significant change in the services to be performed by the ENGINEER and such modification warrants such adjustment.

Appendices B and C cover the classifications of personnel and the salary rates for all personnel anticipated to be assigned to this project by the ENGINEER.

Final payment for geotechnical phase services shall be made upon the OWNER's approval and acceptance with the satisfactory completion of the geotechnical phase of the project.

3. Bidding Phase Services:

For Bidding phase services rendered by the ENGINEER, the OWNER shall pay the ENGINEER on the basis of salary costs for work-time directly connected with the project, plus payroll additives and general overhead costs of 178% of direct labor costs (plus direct reimbursable expenses associated with the project), plus a fixed payment, which are as follows:

- | | |
|---|-----------|
| a) Bidding phase services costs not to exceed: | \$ 3,183. |
| b) Fixed payment for Bidding phase services: | \$ 477. |
| c) Engineering contract amount for Bidding
phase services not to exceed: | \$ 3,660. |

The basis of this upper limit and justification for the fee is contained in Appendix A attached hereto. The fee has been based upon bidding the project one time under a single contract section. Adjustment of the upper limit may be made should the ENGINEER establish and the OWNER agree that there has been or is to be a significant change in the services to be performed by the ENGINEER and such modification warrants such adjustment.

Appendix B covers the classification of personnel and the salary rate for all personnel anticipated to be assigned to this project by the ENGINEER.

Final payment for Bidding phase services shall be made upon the OWNER's approval and acceptance with the satisfactory completion of the Bidding phase of the project.

4. Funding Application Services:

For Funding Application phase services, the OWNER shall pay the ENGINEER on the basis of salary costs for work-time directly connected with the project, plus payroll additives and general overhead costs of 178% of direct labor costs (plus direct reimbursable expenses associated with the project), plus a fixed payment which are as follows:

- a. Funding application phase services costs not to exceed: \$ 870.
- b. Fixed payment for air spacing phase services: \$ 130.
- c. Engineering Contract amount for air spacing
phase services not to exceed: \$ 1000.

The basis of this upper limit and justification for the fee is contained in Appendix A attached hereto. Adjustment of the upper limit may be made should the ENGINEER establish and the OWNER agree that there has been or is to be a significant change in scope, complexity or character of the services to be performed and such modification warrants such adjustment.

Appendix B covers the classification of personnel and the salary rate for all personnel anticipated to be assigned to this project by the ENGINEER.

Final payment for Funding Application phase services shall be made upon the OWNER's approval and acceptance of the funding application phase documents.

B. Title II Services (Construction Phase Services):

The ENGINEER shall provide, as hereafter enumerated individually, construction phase services for a total not-to-exceed cost of \$68,210, including a total fixed payment of \$8,348.

1. Construction Administration and Inspection Phase Services:

For Construction Administration and Inspection phase services rendered by the ENGINEER, the OWNER shall pay the ENGINEER on the basis of salary costs for work-time directly connected with the project, plus payroll additives and general overhead costs of 178% of direct labor costs (plus direct reimbursable expenses associated with the project), plus a fixed payment which are as follows:

a) Construction Administration and Inspection

phase services costs not to exceed: \$ 54,235.

b) Fixed payment for Construction Administration

and Inspection phase services: \$ 8,135.

c) Engineering contract amount for Construction

Administration and Inspection phase services

not to exceed: \$ 62,370.

The basis of this upper limit and justification for the fee is contained in Appendix A attached hereto (the Construction Inspection portion of the fee has been based upon providing an average of 8 hrs/day of on-site inspection during an assumed construction period of 120 calendar days). Adjustment of the upper limit of the ENGINEER's fee may be made should the ENGINEER establish and the OWNER agree that there has been or is to be a significant change in effort, scope, complexity or character of the services to be performed and such modification warrants such adjustment. Appendix B covers the classification of personnel and the salary rate for all personnel anticipated to be assigned to this project by the ENGINEER.

Final payment for Construction Administration and Inspection phase services shall be made upon the OWNER's approval and acceptance with the satisfactory completion of the Construction phase of the project.

2. Construction Staking Services:

For Construction Staking services, the ENGINEER shall establish building corners, a baseline, and a benchmark for vertical control. This construction staking is to be performed by the ENGINEER one time only, with additional

staking to be the responsibility of the Contractor. For this work, the OWNER shall pay the ENGINEER on the basis of actual salary cost for work-time directly connected with construction staking, plus payroll additives and general overhead costs of 178% of direct labor costs, plus direct reimbursable expenses, plus a fixed payment payable as follows:

- a) Construction Staking costs not to exceed: \$ 1,235.
- b) Fixed payment for Construction Staking: \$ 185.
- c) Engineering contract amount for Construction
Staking services not to exceed: \$ 1,420.

The basis of this upper limit and justification for the fee is contained in Appendix A attached. Adjustment of the upper limit of the ENGINEER's fee may be made should the ENGINEER establish and the OWNER agree that there has been or is to be a significant change in effort, scope, complexity or character of the services to be performed and such modification warrants such adjustment.

Appendix B covers the classification of personnel and the salary rate for all personnel anticipated to be assigned to this project by the ENGINEER.

Final payment for Construction Staking service shall be made upon the OWNER's approval and acceptance of the satisfactory completion of the Construction Staking phase of the project.

3. Construction Materials Testing Phase Services:

For construction materials testing phase services rendered by the ENGINEER, the OWNER shall pay the ENGINEER on the basis of salary costs for work-time directly connected with the project, plus payroll additives and general overhead costs of 178% of direct labor costs (plus direct reimbursable expenses associated with the project), plus a fixed payment, which are as follows:

- | | |
|---|-----------|
| a) Materials testing phase services costs not to exceed: | \$ 4,392. |
| b) Fixed payment for materials testing phase services: | \$ 28. |
| c) Engineering contract amount for materials testing
phase services not to exceed: | \$ 4,420. |

The basis of this upper limit and justification for the fee is contained in Appendix A, attached hereto. Adjustment of the upper limit may be made should the ENGINEER establish and the OWNER agree that there has been or is to be a significant change in the services to be performed by the ENGINEER and such modification warrants such adjustment.

Appendices B and D cover the classifications of personnel and the salary rates for all personnel anticipated to be assigned to this project by the ENGINEER.

Final payment for materials testing phase services shall be made upon the OWNER's approval and acceptance with the satisfactory completion of the materials testing phase of the project.

SECTION V - BASIC AGREEMENT IN EFFECT:

Except as amended specifically herein, the basic AGREEMENT FOR ENGINEERING SERVICES shall remain in full force as originally approved and executed.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be duly executed as of the date and year first herein written.

FOR THE CITY OF FAYETTEVILLE:

By: _____
Mayor

Attest: _____

Date: _____

FOR McCLELLAND CONSULTING ENGINEERS, INC.:

By: R. W. Appleton
Vice-President

Attest: J. E. Davis

Date: 12-4-00

APPENDIX "A"
BASIS FOR PAYMENTS TO THE ENGINEER
TASK ORDER NO. 8
AIRFIELD PAVEMENT REHABILITATION, REPLACEMENT, AND EXPANSION
DRAKE FIELD, FAYETTEVILLE MUNICIPAL AIRPORT

LINE	TASK DESCRIPTION	PROJECT DIRECTOR	PROJECT MGR/ENGR	PROJECT ENGINEER	ENGINEERING TECHNICIAN	CADD OPER. 1	CADD OPER. 2	CADD OPER. 3	LICENSED SURVEYOR	SURVEY CREW	CLERK TYPIST	INSPECTOR (ENGR. TECH.)	MILEAGE	SUB-CONS. FEE	DIRECT EXPENSE	EXTENDED TOTAL
1.1	SURVEYING AND DESIGN															
1	REVIEW/EVALUATE PAVEMENT REPORT		2	4												\$137
2	SCOPING MEETINGS	4	5	4												\$387
3	CONTRACT NEGOTIATIONS	1	4													\$180
4	PREPARE CONTRACT FORM	2	1								2				\$12	\$148
5	SURVEYING FOR AIRCRAFT APRONS		1	2	4	24			8	28			48		\$50	\$1,287
6	FIELD RECONNAISSANCE OF PAVEMENT DEFICIENCIES		4	32									32		\$15	\$762
7	FIELD RECON. FOR ADJACENT SURFACE DRAINAGE			2									18			\$44
8	FIELD INVESTIGATION OF T/W "B" SECTION		2	4									16			\$142
9	MAP PAVEMENT DEFECTS			2			24									\$374
10	CONSIDER ALTERNATIVES FOR PAVEMENT REPAIR		6	16												\$548
11	SELECT APPROPRIATE TECHNIQUE PER SEGMENT		2	4												\$137
12	IDENTIFY SEGMENTS FOR LEVELING COURSE		2	4												\$137
13	PRELIMINARY LAYOUT OF AIRCRAFT APRONS		4	8			4									\$330
14	VERIFY DESIGN AIRCRAFT/AXLE LOADINGS		1	2												\$88
15	DETERMINE DESIRED STRENGTH BY SEGMENT		4	12												\$351
16	DESIGN PREFERRED PAVEMENT SECTIONS		4	16	2											\$484
17	DESIGN DEVELOPMENT															
18	COVER		1					2								\$48
19	GRADING PLAN FOR APRONS		3	20	12		16									\$916
20	DRAINAGE PLAN FOR APRONS		3	12				8								\$393
21	UTILITY PLAN FOR APRONS		3	16			2	6								\$480
22	CRACK SEALING PLAN (Taxiways & Runway)		2	10			8	4								\$400
23	OVERLAY PLANS		2	8			4									\$270
24	PAVING STRENGTHENING PLAN		2	8			4									\$270
25	PAVEMENT REPLACEMENT PLAN		2	8			4									\$270
26	PAVEMENT REPAIR DETAILS		4	6			4	8								\$383
27	TAXIWAY/RUNWAY STRIPING PLAN		2	6			4	4								\$267
28	T/W SHOULDER REGRADEING PLAN		1	4			4									\$143
29	OUTLINE SPECIFICATIONS		2	8							2				\$75	\$313
30	CALCULATE QUANTITIES FOR BID SCHEDULE		2	24							2					\$546
31	PRELIMINARY COST ESTIMATE		2	12							2					\$315
32	IN-HOUSE "QA" REVIEWS	1	8	4		1									\$40	\$414
33	REVIEW MEETING WITH OWNER	3	3	3							4		24		\$40	\$364
34	CONSTRUCTION DOCUMENTS															
35	COVER			4			4									\$133
36	GRADING PLAN FOR APRONS		2	18			6	20								\$832
37	DRAINAGE PLAN FOR APRONS		2	8			4	20								\$450
38	UTILITY PLAN FOR APRONS		2	10			10	16								\$536
39	CRACK SEALING PLAN (Taxiways & Runway)		1	6			4	4								\$276
40	OVERLAY PLANS		1	4			4									\$125
41	PAVING STRENGTHENING PLAN		1	6			4									\$181
42	PAVEMENT REPLACEMENT PLAN		2	8			16	4								\$474
43	PAVEMENT REPAIR DETAILS		2	10			12									\$420
44	TAXIWAY/RUNWAY STRIPING PLAN		1	6			8				2				\$42	\$323
45	T/W SHOULDER REGRADEING PLAN		1	2												\$86
46	PREPARE CONSTR. MATERIALS TESTING PLAN		2	4							1					\$149
47	SPECIFICATIONS	6	6	40							48				\$200	\$1,726
48	FINAL QUANTITIES	3	3	18	42											\$1,154
49	DETAILED COST ESTIMATE		1	6							2					\$208
50	IN-HOUSE "QA" REVIEWS	2	8	4		1									\$40	\$504
51	REVISIONS TO CONTRACT DOC.		2	8		2	4	12			6				\$20	\$246
52	REVIEW MEETING WITH OWNER		4	4											\$40	\$307
53	FINAL REVISIONS TO CONTR. DOC.		2	4			4	4			4				\$30	\$307
54	Subtotals	13	129	431	60	28	148	124	6	28	78	0	160	\$0	\$604	\$19,828
															Direct Labor Cost	\$18,963
															Overhead @ 1.78	\$33,783
															Direct Expenses	\$460
															Total Cost	\$83,391
															Fixed Payment	\$7,909
															Not-to-exceed	\$81,300

APPENDIX "A"
BASIS FOR PAYMENTS TO THE ENGINEER
TASK ORDER NO. 8
AIRFIELD PAVEMENT REHABILITATION, REPLACEMENT, AND EXPANSION OF
DRAKE FIELD, FAYETTEVILLE MUNICIPAL AIRPORT

LINE	TASK DESCRIPTION	PROJECT		PROJECT ENGINEER	ENGINEERING TECHNICIAN	CADD			LICENSED SURVEY CREW	CLERK TYPIST	INSPECTOR (ENGR. TECH.)	MILEAGE	SUB. CONS. FEE	DIRECT EXPENSE	EXTENDED TOTAL
		DIRECTOR	PROJECT MGR./ENGR.			OPER. 1	OPER. 2	OPER. 3							
		\$40.00	\$28.00	\$19.25	\$18.00	\$17.00	\$14.00	\$8.00	\$14.00	\$12.00	\$14.00	\$0.35			
L2	GEOTECH. INVESTIGATION		2	6	4		2			1				\$3,634	\$3,821
CLASSIFICATION & HOURS / RATE TASK DESCRIPTION Direct Labor Cost \$287															
Overhead @ 1.78 \$610															
Direct Expenses \$3,634															
Total Cost \$4,331															
Fixed Payment \$118															
Not-to-exceed \$4,450															

[illegible][illegible][illegible]

APPENDIX "A"

BASIS FOR PAYMENTS TO THE ENGINEER

TASK ORDER NO. 8

**AIRFIELD PAVEMENT REHABILITATION, REPLACEMENT, AND EXPANSION
DRAKE FIELD, FAYETTEVILLE MUNICIPAL AIRPORT**

		PROJECT		PROJECT ENGINEERING		CADD	CADD OPER. 2	CADD OPER. 3	LICENSED SURVEYOR	CLERK TYPIST	INSPECTOR (ENGR. TECH.)	MILEAGE	SUB.-CONS. FEE	DIRECT EXPENSE	EXTENDED TOTAL
	TASK DESCRIPTION	DIRECTOR MGR/JENGR.	ENGINEER		TECHNICIAN	OPER. 1			SURVEYOR						
		\$40.00	\$26.00	\$19.28	\$18.00	\$17.00	\$14.00	\$9.00	\$14.00	\$12.00	\$14.00	\$0.38			
#.2	CONSTRUCTION STAKING			2		2			2			32		\$18	\$462
Direct Labor Cost \$438 Overhead @ 1.7% \$774 Direct Expenses \$28 Total Cost \$1,238 Fixed Payment \$185 Not-to-exceed \$1,420															

CLASSIFICATION		PROJECT DIRECTOR	PROJECT MGR/ENGR.	PROJECT ENGINEER	ENGINEERING TECHNICIAN	CADD OPER. 1	CADD OPER. 2	CADD OPER. 3	LICENSED SURVEYOR	SURVEY CREW	CLERK TYPIST	INSPECTOR (ENGR. TECH.)	MILEAGE	SUB. CONS. FEE	DIRECT EXPENSE	EXTENDED TOTAL
LINE	TASK DESCRIPTION															
JL.3	CONSTRUCTION MTL'S TESTING		1	2												
															\$4,203	\$4,271
															Direct Labor Cost	\$48
															Overhead @ 1.78	\$121
															Direct Expenses	\$4,203
															Total Cost	\$4,392
															Fixed Payment	\$28
															Not-to-exceed	\$4,420

APPENDIX B
Salary Ranges
Drake Field, Fayetteville Municipal Airport

<u>CATEGORY</u>	<u>HOURLY RATE RANGE</u>
Principal Engineer / Project Director	\$40 to \$45
Project Manager	\$25 to \$33
Project Engineer	\$18 to \$26
Registered Surveyor	\$14 to \$18
Computer Technician	\$17 to \$21
Engineering Technician	\$12 to \$18
Senior Engineering Technician	\$15 to \$20
Survey Crew (2 man)	\$18 to \$23
Clerical Support	\$9 to \$14
CADD Draftsman 1	\$15 to \$20
CADD Draftsman 2	\$10 to \$16
CADD Draftsman 3	\$8 to \$12
Soils Lab Supervisor	\$12 to \$15
Soils Technician II	\$8 to \$12
Soils Technician I	\$6 to \$8

APPENDIX "C"
TASK ORDER NO. 8
GEOTECHNICAL INVESTIGATION
AIRFIELD PAVEMENT REHABILITATION, REPLACEMENT, AND EXPANSION
DRAKE FIELD, FAYETTEVILLE MUNICIPAL AIRPORT

December 1, 2000

Item No.	Item Description / ASTM Designation	Quantity	Units	Unit Price	Extended
1	Equipment Mobilization and Demobilization (\$2.10/mi each way	1	LS	\$100.00	\$100.00
				<i>Subtotal</i>	\$100.00
2	Boring Layout	1	HR	\$60.00	\$60.00
	Boring Setup Charges	8	EA	\$35.00	\$280.00
				<i>Subtotal</i>	\$340.00
3	Soil Drilling and Sampling, ASTM D-1586 & ASTM D-1587				
	Soil Drilling in Apron Area (8 Borings - 8 feet max.)	64	LF	\$8.50	\$544.00
				<i>Subtotal</i>	\$544.00
4	Soil and Rock Laboratory Testing				
	ASTM D-2216, Moisture Content Determination	40	EA	\$12.00	\$480.00
	ASTM D-4318, Liquid and Plastic Limit of Soils	8	EA	\$55.00	\$440.00
	ASTM D-422, Gradation Analysis of Soils (6 Sieves)	8	EA	\$50.00	\$400.00
	ASTM D-2166, Dry Unit Weight of Soil Specimens	12	EA	\$12.00	\$144.00
	ASTM D-698, Standard Proctor Test	3	EA	\$110.00	\$330.00
	ASTM D-1883, California Bearing Ratio	3	EA	\$250.00	\$750.00
				<i>Subtotal</i>	\$2,544.00

ESTIMATED GEOTECHNICAL INVESTIGATION AND ENGINEERING **\$3,528.00**

QUOTE Not to exceed \$3,534.00

SUBMITTED BY: _____
R. WAYNE JONES, P.E.
Vice President

APPENDIX "D"
TASK ORDER NO. 8
CONSTRUCTION MATERIALS TESTING
AIRFIELD PAVEMENT REHABILITATION, REPLACEMENT, AND EXPANSION
DRAKE FIELD, FAYETTEVILLE MUNICIPAL AIRPORT

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	EXTENDED
1	SOILS TESTING	48	HR	\$30.00	\$1,440.00
2	BASE TESTING	24	HR	\$30.00	\$720.00
3	CONCRETE TESTING	0	HR	\$30.00	\$0.00
4	ASPHALT CORING	20	HR	\$60.00	\$1,200.00
5	ASPHALT TESTING	20	EA	\$19.65	\$393.00
6	REPORT PREPARATION	15	HR	\$30.00	\$450.00
	TOTAL				\$4,203.00

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

the Fayetteville City Council meeting of 2/6 11:30, 2009

FROM:

Jerry Rose

Legal

Name

Division

Department

ACTION REQUIRED:

Approval of interlocal agreement. FPL Board
of Trustees approved 11/15/01

COST TO CITY:

<u>0</u> Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW:

_____ Budgeted Item

_____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

Grant Officer

Date

STAFF RECOMMENDATION: Approval of the ordinance.

Division Head

Date

Cross Reference

Department Director

Date

New Item: Yes No

Admin. Svcs Director

Date

Prev Ord/Res #: _____

Orig Contract Date: _____

Date

Description _____ Meeting Date _____

Comments:

Budget Coordinator

Reference Comments:

Accounting Manager

Reference Comments:

Attorney

Reference Comments:

Purchasing Officer

Reference Comments:

ADA Coordinator

Reference Comments:

Internal Auditor

Reference Comments:

Grants Offcier

Reference Comments:

**INTERLOCAL AGREEMENT TO PARTICIPATE IN A JOINT
COUNTY/CITY LIBRARY SYSTEM BETWEEN WASHINGTON COUNTY,
ARKANSAS, AND THE CITIES OF FAYETTEVILLE, SPRINGDALE, ELKINS,
LINCOLN, PRAIRIE GROVE, AND WEST FORK**

WHEREAS, the above stated entities were once part of the Ozark Regional Library, which has dissolved, and

WHEREAS, said entities have been operating as a joint County/City library system; and

WHEREAS, Ark. Code Ann. §13-2-407 provides that such must be accomplished through an interlocal agreement to be approved by the library boards and governing bodies of the County and Cities; and

WHEREAS, Ark. Code Ann. §14-14-910 sets out the parameters for interlocal agreements,

NOW, THEREFORE, IT IS AGREED:

1. The above referred to entities agree to operate a joint County/City library system as has been done since the dissolution of the Ozark Regional Library System.
2. The governing bodies shall be the existing County Library Board which provides for representation for all entities.
3. This agreement shall be deemed to be permanent in nature with the right of any party to withdraw upon six (6) months written notice.
4. The County Library Board is given authority to provide such services to the members as agreed upon and to distribute the County library mill to each member in a manner deemed fair and proper by the board.
5. All property purchased by the County Library and placed with any other party to this agreement shall remain property of the County and be identified as such. Any information compiled using said property shall remain that party's property, for example, data bases. Said party shall be given a reasonable amount of time to retrieve said information.

6. Each entity may acquire or hold and dispose of real or personal property jointly or individually.

7. Each entity shall have its own budget.

8. If there is a partial or complete termination of this agreement, each party shall retain ownership of its property purchased except as stated in paragraph 5.

WASHINGTON COUNTY, ARKANSAS

CHAIRMEN, LIBRARY BOARDS

BY: _____

FAYETTEVILLE, ARKANSAS

MAYOR, CITY OF:

BY: _____

FAYETTEVILLE, ARKANSAS

SPRINGDALE, ARKANSAS

BY: _____

BY: _____

SPRINGDALE, ARKANSAS

ELKINS, ARKANSAS

BY: _____

BY: _____

ELKINS, ARKANSAS

PRAIRIE GROVE, ARKANSAS

BY: _____

BY: _____

PRAIRIE GROVE, ARKANSAS

WEST FORK, ARKANSAS

BY: _____

BY: _____

AGENDA REQUEST FORM

Council Meeting of February 6, 2001

Mayor's Approval _____

FROM Don Bunn
Name

Public Works Admin
Division

Public Works
Department

ACTION REQUIRED Approval of Amendment No. 1 to the Garver Wastewater Project Engineering Contract in the amount of \$37,860.00, increasing the not-to-exceed contract cost to \$429,392.00.

COST TO CITY

\$ 37,860.00
Cost of this Request

Category/Project	Budget
	<u>\$ 602,336.00</u>

Sewer Line/Pump Station
Imp'v'ts, East Side
Category/Project Name

5400 5700 5314 00
Account Number

563,280.00
Funds Used to Date

Program Name

98047 40
Project Number

\$ 39,056.00
Funds Remaining

Water and Sewer
Fund Category

BUDGET/CONTRACT REVIEW

<u>X</u>	Budgeted Item	Budget	Adj.	Attached
----------	--------------------------	--------	------	----------

Rev. [Signature]
Budget Coordinator

1-29-2001
Date


Admin Services Director

1/30/5
Date

Musla Farthing
Accounting Manager

1/29/01
Date

ADA Coordinator

Date _____


City Attorney

1-29-07
Date

Garry Smith
Internal Auditor

1/29/01
Date

Price
Purchasing Officer

1-30-01
Date

STAFF RECOMMENDATION Staff recommends approval of the amendment as presented in the amount of \$37,860.00


Ass't Public Works Director

1/26/01
Date

Cross Reference

Department Director
John Maguire
Admin Services Director

Date 1/30/01
Date

New Item: Yes No

Prev Ord/Res # 38-00

Orig. Contract # 753

Orig. Contract Date Mar 21 '00


Mayor

1/30/01
Date

CITY of FAYETTEVILLE

DEPARTMENTAL CORRESPONDENCE **DATE:** _____

To: Fayetteville City Council

From: Donald R. Bunn, Ass't P. W. Director

Thru: Mayor Dan Coody

Subject: Amendment No. 1
Wastewater Engineering Contract
Garver Engineers

On March 21, 2000 the City and Garver Engineers entered into an agreement for certain services relating to development of a Preliminary Design Report in connection with our Wastewater Improvements Project. Specifically, their task was to evaluate outfall lines and pump stations on the east (White River) side of Fayetteville for 2020 and ultimate flow conditions. Their existing contract is for a maximum, not to exceed, amount of \$391,532.00.

Attached is a letter from Garver Engineers requesting an amendment to their contract based on an expansion of their scope of work. The scope changes involved two main areas of work; 1) the evaluation of an additional 2.22 miles of force main and 0.35 miles of gravity sewer, and 2) the re-evaluation of the cost estimates based on adjusted design criteria.

The amendment amount is proposed at \$37,860.00, which is approximately 9.7 percent of the value of the original contract. The Staff believes that the contract amendment requested by Garver is reasonable and it is the recommendation of the Staff that Amendment No. 1 be approved.

Garver, Inc.
Engineers

3810 Front Street, Suite 10
Fayetteville, AR 72703

501-527-9100
FAX 501-527-9101

www.garverinc.com

January 23, 2001

GARVER ENGINEERS

Mr. Don Bunn, P.E.
Assistant Public Works Director
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Re: Fayetteville Wastewater Improvements - Professional Engineering Services Contract Amendment No. 1

Dear Mr. Bunn:

Please consider this our revised proposed amendment to our original contract for the Preliminary Report Phase of the Wastewater Improvements Project. We have revised this amendment in accordance with your direction since reviewing our second submittal.

As you know, our scope of work has increased in the following areas:

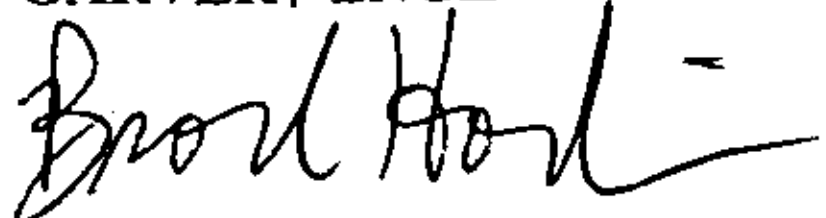
- An additional 2.22 miles of force main including the mains from Pump Stations 13, 14, 15, 18, and 19.
- An additional 0.35 mile of gravity line near the line we have designated as Line 1.
- Additional coordination with the City and Consultants.
- Investigation of cost reduction options including re-evaluating improvements using different design criteria.

As you know, we submitted our draft report on December 22, 2000. At your direction, we are investigating the effect changes in design criteria will have on construction costs and will work with the City and RJN in an effort to further reduce estimated construction costs. At this point, we have reached the total fee amount in our original budget. Therefore, we sincerely need and appreciate your support of this amendment.

Since our original fee was negotiated based on a specific scope of work, and since this increase in scope represents a significant amount of additional work, we believe it is appropriate to request this amendment to our original contract. We have submitted a breakdown of detailed information (attached spreadsheet) supporting this requested amendment. Your approval of this proposal will increase our "Not to Exceed" fee amount from \$391,532 to \$429,392, an increase of \$37,860.

If this proposal is acceptable to you, please sign the three copies and return one copy to me. As always, we appreciate the opportunity to provide professional services to the City of Fayetteville and look forward to successful completion of this project. Please call me with any questions or comments. Thank you.

Respectfully,
GARVER ENGINEERS



Brock Hoskins, P.E.
Vice President / Project Manager

Approved by: _____

Date: _____

AMENDMENT NO. 1 - ADDITIONAL ENGINEERING SERVICES
CITY OF FAYETTEVILLE, ARKANSAS
FAYETTEVILLE WASTEWATER IMPROVEMENTS - PRELIMINARY REPORT PHASE

WORK TASK DESCRIPTION	HOURLY RATE WORK (Estimated Manhours)												
	Senior Project Manager	Project Manager	Senior Project Engineer	Project Engineer	Senior Design Engineer	Design Engineer	Project Surveyor	Environmental Scientist	Senior Tech. Draftsman	Tech. / Draftsman	Clerical	Survey Crew	Total Labor
	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	
1. Evaluation of Existing Lines and Future Demands on the System													
Additional 1,855 lf of gravity line near Line 1	0	0	0	0	0	1	0	0	0	0	0	0	\$20.00
1. Obtain existing information from the City.	0	0	0	0	2	5	0	0	0	0	0	0	\$170.00
2. Examination of line route.	0	0	0	0	4	5	0	0	0	0	0	0	\$220.00
3. Examination of line constructability.	0	1	0	0	2	4	0	0	0	0	0	0	\$182.00
4. Determine line size based on 20 and 50-year projections.	0	0	0	0	1	1	0	0	0	4	0	0	\$117.00
5. Plan and Profile Preparation													
79 lf of force main from Pump Station No. 13	0	0	0	0	0	1	0	0	0	0	0	0	\$20.00
1. Obtain existing information from the City.	0	0	0	0	0	2	0	0	0	0	0	0	\$40.00
2. Examination of line route.	0	0	0	0	1	2	0	0	0	0	0	0	\$65.00
3. Examination of line constructability.	0	1	0	0	1	2	0	2	0	0	0	0	\$143.00
4. Determine line size based on 20 and 50-year projections.	0	0	0	0	1	1	0	0	0	2	0	0	\$81.00
5. Plan and Profile Preparation													
990 lf of force main from Pump Station No. 14	0	0	0	0	0	1	0	0	0	0	0	0	\$20.00
1. Obtain existing information from the City.	0	0	0	0	2	4	0	0	0	0	0	0	\$130.00
2. Examination of line route.	0	0	0	0	4	4	0	0	0	0	0	0	\$180.00
3. Examination of line constructability.	0	1	0	0	2	4	0	2	0	0	0	0	\$208.00
4. Determine line size based on 20 and 50-year projections.	0	0	0	0	1	1	0	0	0	4	0	0	\$117.00
5. Plan and Profile Preparation													
1,126 lf of force main from Pump Station No. 15	0	0	0	0	0	1	0	0	0	0	0	0	\$20.00
1. Obtain existing information from the City	0	0	0	0	2	4	0	0	0	0	0	0	\$130.00
2. Examination of line route.	0	0	0	0	4	4	0	0	0	0	0	0	\$180.00
3. Examination of line constructability.	0	1	0	0	2	4	0	2	0	0	0	0	\$208.00
4. Determine line size based on 20 and 50-year projections.	0	0	0	0	1	1	0	0	0	4	0	0	\$117.00
5. Plan and Profile Preparation													
5,643 lf of force main from Pump Station No. 18	0	0	0	0	0	1	0	0	0	0	0	0	\$20.00
1. Obtain existing information from the City.	0	0	0	0	2	10	0	0	0	0	0	0	\$250.00
2. Examination of line route.	0	0	0	0	4	4	0	0	0	0	0	0	\$180.00
3. Examination of line constructability.	0	1	0	0	2	4	0	2	0	0	0	0	\$208.00
4. Determine line size based on 20 and 50-year projections.	0	0	0	0	1	1	0	0	0	6	0	0	\$153.00
5. Plan and Profile Preparation													
3,870 lf of force main from Pump Station No. 19	0	0	0	0	0	1	0	0	0	0	0	0	\$20.00
1. Obtain existing information from the City.	0	0	0	0	2	8	0	0	0	0	0	0	\$210.00
2. Examination of line route.	0	0	0	0	4	4	0	0	0	0	0	0	\$180.00
3. Examination of line constructability.	0	1	0	0	2	4	0	2	0	0	0	0	\$208.00
4. Determine line size based on 20 and 50-year projections.	0	0	0	0	1	1	0	0	0	6	0	0	\$135.00
5. Plan and Profile Preparation	0	6	0	0	48	82	0	10	0	25	0	0	\$3,912.00
Subtotal													
2. Report with Recommendations and Cost Estimates													
1. Prepare draft report and exhibits of recommended alternatives.	2	4	0	0	18	8	0	2	0	4	0	0	\$882.00
2. Finalize cost estimates for recommended alternatives.	2	2	0	0	8	4	0	2	0	0	0	0	\$408.00
Subtotal	4	6	0	0	24	12	0	4	0	4	0	0	\$1,348.00
3. Coordination with RJN, Black & Veatch, and MWY													
1. Additional Meetings.	8	12	0	0	10	0	0	0	0	0	0	0	\$938.00
Subtotal	8	12	0	0	10	0	0	0	0	0	0	0	\$938.00
4. Evaluation of Cost Reduction Alternatives													
1. Re-evaluation of improvements using different design criteria.													
Line 1	0	1	0	0	4	8	0	0	0	0	0	0	\$252.00
Line 2	0	1	0	0	4	8	0	0	0	0	0	0	\$252.00
Line 3	0	1	0	0	4	8	0	0	0	0	0	0	\$252.00
Line 4	0	1	0	0	8	10	0	0	0	0	0	0	\$432.00
Line 5	0	1	0	0	4	8	0	0	0	0	0	0	\$252.00
Line 6	2	1	0	0	8	8	0	0	0	0	0	0	\$418.00
Line 7	1	0	0	1	1	5	0	3	0	0	0	0	\$258.00
Pump Station No. 13 including force main	1	0	0	1	1	5	0	3	0	0	0	0	\$258.00
Pump Station No. 14 including force main	1	0	0	1	1	5	0	3	0	0	0	0	\$258.00
Pump Station No. 15 including force main	1	0	0	1	1	5	0	3	0	0	0	0	\$258.00
Pump Station No. 16 including force main	1	0	0	1	1	5	0	3	0	0	0	0	\$258.00
Pump Station No. 18 including force main	1	0	0	1	1	5	0	3	0	0	0	0	\$258.00
Pump Station No. 19 including force main	1	0	0	1	1	5	0	3	0	0	0	0	\$258.00
Pump Station No. 21	2	0	0	2	1	6	0	3	0	0	0	0	\$342.00
2. Coordination with City.	0	6	0	0	0	0	0	0	0	0	0	0	\$102.00
3. Revise cost estimates, recommendations, and submit final report.	10	12	0	0	32	18	0	6	0	0	0	0	\$2,022.00
Subtotal	20	24	0	8	68	94	0	27	0	0	0	0	\$5,962.00

Additional Salaries Subtotal	\$12,180.00
Additional Labor and General and Administrative Overhead (150.0%)	\$18,240.00
Additional Fixed Fee (15%)	\$4,560.00
Additional Expenses	
Consultants - Additional	\$0.00
Odor Control Testing Equipment @ \$30/test - Additional Tests	\$1,500.00
Additional Reproduction/Printing	\$800.00
Additional Survey Supplies	\$0.00
Additional Aerial Photography	\$0.00
Additional Computer Rental	\$0.00
Additional Travel Costs	\$600.00
Additional Not to Exceed Amount	\$2,900.00
	\$37,880.00

GARVER ENGINEERS

RESOLUTION NO. _____

A RESOLUTION APPROVING MAYOR COODY TO SERVE AS
THE CITY'S AUTHORIZED REPRESENTATIVE TO THE FOUR-
COUNTY (NW) REGIONAL SOLID WASTE MANAGEMENT
BOARD.

WHEREAS, the City of Fayetteville, Arkansas, is a member of the Four-County (NW) Regional Solid Waste Management District, established pursuant to Arkansas Act 752 of 1991; and

WHEREAS, the Four-County (NW) Regional Solid Waste Management District is governed by the Four-County (NW) Regional Solid Waste Management Board, composed of the county judge of each member county and the mayor of each member city within the District.

WHEREAS, A.C.A. §8-6-703 states that the Mayor of each city entitled to a representative in the district shall serve on the board unless such mayor shall elect instead to appoint a member.

WHEREAS, the Mayor of the City of Fayetteville desires to serve as the authorized representative on the board.

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

Section 1. That the City Council hereby approves Mayor Coody to serve as the city's authorized representative on the Four-County (NW) Regional Solid Waste Management Board along with all the rights and responsibilities thereto.

PASSED AND APPROVED this ____ day of _____, 2001.

APPROVED:

By: _____
Charles D. Coody, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

ATTN: Cheryl

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 6, 2001

FROM:

W.A. Oestreich

Name

Fleet Operations

Division

Administrative Services

Department

ACTION REQUIRED:

APPROVAL OF AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF USED DIESEL POWERED FORWARD CONTROL PASSENGER VEHICLES TO BE UTILIZED BY THE FAYETTEVILLE BOYS AND GIRLS CLUB; ESTABLISHING A REVIEW AND RECOMMENDATION PROCEDURE FOR THE PURCHASE OF THE LISTED EQUIPMENT AND UTILIZING THE TRADE ALLOWANCE FOR THE UNITS LISTED IN SECTION 2-C OF THE ORDINANCE AND AUTHORIZING THE MAYOR TO APPROVE PURCHASE OF THE LISTED EQUIPMENT WITH THE DISPOSAL OF THE UNITS LISTED IN 2-C OF THE ORDINANCE.

COST TO CITY:

\$ 78,000.00

Cost of this Request

\$ 576,200.00

Category/Project Budget

Lt/Med Utility Veh. Repl/Exp

Category/Project Name

9700-1910-5802.00

Account Number

\$ 68,908.00

Funds Used To Date

Vehicles & Equipment

Program Name

98063

Project Number

\$ 507,292.00

Remaining Balance

Shop

Fund

BUDGET REVIEW:

☒ Budgeted Item ☐ Budget Adjustment Attached

[Signature]

Budget Coordinator

[Signature]

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Maria Fathing

Accounting Manager

1/15/01

Date

[Signature]

ADA Coordinator

[Signature]

Date

[Signature]

City Attorney

1/15/01

Date

[Signature]

Internal Auditor

1/16/01

Date

[Signature]

Purchasing Officer

1-15-01

Date

STAFF RECOMMENDATION

Approval of Bid Waiver Ordinance

[Signature]

Division Head

1-15-01

Date

Cross Reference

[Signature]

Department Director

1/17/01

Date

New Item: ☒ Yes ☐ No

[Signature]

Administrative Services Director

1/22/01

Date

Prev Ord/Res #:

[Signature]

Mayor

Orig Contract Date:

STAFF REVIEW FORM

Description: Bid Waiver Ordinance Boys & Girls Club Bus

Meeting Date: February 6, 2001

Comments:
Budget Coordinator:

Reference Comments:

Accounting Manager:

City Attorney:

Purchasing Officer:

ADA Coordinator:

Internal Auditor:

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF USED DIESEL POWERED FORWARD CONTROL PASSENGER VEHICLES TO BE UTILIZED BY THE FAYETTEVILLE BOYS AND GIRLS CLUB; ESTABLISHING A REVIEW AND RECOMMENDATION PROCEDURE FOR THE PURCHASE OF THE LISTED EQUIPMENT AND UTILIZING THE TRADE ALLOWANCE FOR THE UNITS LISTED IN SECTION 2-C AND AUTHORIZING THE MAYOR TO APPROVE PURCHASE OF THE LISTED EQUIPMENT WITH THE DISPOSAL OF THE UNITS LISTED IN 2-C.

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

Section 1. The City Council hereby waives the requirements of formal competitive bidding for the purchase of three (3) Used Forward Control Diesel Powered Passenger Vehicles which will primarily be utilized by the Fayetteville Boys and Girls Club. Said formal bidding requirements would prevent purchase of such units as dealers do not find it practical or feasible to hold units of this type for the time necessary to comply with those requirements.

Section 2. The City Council hereby establishes the following procedure for review and recommendation for the equipment listed in Section 1 above:

A. Representatives of the Fleet Operations Division and the Fayetteville Boys and Girls Club shall evaluate, compare and finalize a recommendation to the Equipment Committee.

B. The Equipment Committee shall review the recommendation received and shall forward the recommendation along with their comments to the Mayor for consideration.

C. The "Trade-In" Units are as follows:

Unit #211 - 1983 Ford B-600 Bus VIN: 1FDNJ64N0DVA30860

Unit #297 - 1980 Thomas Bus VIN: 803395N82132554

Unit #298 - 1980 Thomas Bus VIN: 1466/42331/34910803395N225

Section 3. The Mayor is hereby authorized to approve the purchase of three (3) Used Diesel Powered Forward Control Passenger Vehicles and the disposal of the Units listed in Section 2 - C as trade in for a total cost not to exceed \$78,000.00.

PASSED AND APPROVED this _____ day of _____, 2001

APPROVED

By: _____
Dan Coody, Mayor

ATTEST

By: _____
Heather Woodruff, City Clerk



CITY OF FAYETTEVILLE

FLEET OPERATIONS

INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: John Maguire, Administrative Services Director

FROM: William Oestreich, Fleet Operations Superintendent

DATE: January 13, 2001

SUBJECT: Bid Waiver for Used Forward Control Diesel Powered Passenger Buses

Attached is a proposed Ordinance providing for a Bid Waiver to purchase three (3) Used Diesel Powered Forward Control Passenger Vehicles.

A new unit of this type has a customer cost of \$75,000.00 to \$95,000.00. It is the intent to limit the cost to a maximum of approximately \$26,000.00 each for used units in good condition delivered to our facility in Fayetteville. The plan is to utilize trade allowances for the following to allow this to be a total trade difference of \$78,000.00 for the three units.

Trade In Units:

#211 - 1983 Ford B-600 Bus	VIN: 1FDNJ64N0DVA30860
#297 - 1980 Thomas Bus	VIN: 803395N82132554
#298 - 1980 Thomas Bus	VIN: 1466/42331/34910803395N225

Attached is a copy of the fixed asset record showing purchase date and purchase price of the retired units. All three have gone well beyond the normal life span of units of this type. It is no longer practical to keep them in operation without a substantial expenditure. The age and condition definitely indicates that the time of replacement should be before the 2001 operating season.

An opportunity to save a substantial amount of money with the purchase of used units has proven to work out well in the past. We have been very fortunate in locating very serviceable units in the market. Therefore every effort will be made to continue this record with other economically priced used units.

Upon approval of a Bid Waiver, a purchase recommendation for suitable units will be submitted to the Equipment Committee and Mayor Coody.

ew	-Display, Fixed Asset-----		Status . . : 2 Fully Depr
1/	Asset#: 700211		Cost + Ad 9,579.00
se	P.O. #: 00-0037594		Acc Depr 9,579.00
			Book Value: .00
yp	Description : BUS - FORD 51 PASSENGER - 1983		
5=	Gen/Propr . : PROPRIETARY	Separate Component: Yes	
18	Comm Code . :	Method Acq : Purch	
Op	Asset Class : Vehicles	Asset Type : TruckVanBs	
5	Location 1. : Oper. Ctr.	Location 2 : 1910	
	Resp Manager: 9700-1910	Assigned To: 9700-1910	
	Manufacturer:	Model . . :	
	Year Made . : 1983	Serial #: 1FDN564NODVA30860	
	License # . :	License Expire Date :	
	Vendor . . : 147 S&S Truck	Warranty Expire Date:	
	Check # . . : 7457	Check Date : 11/08/1993	
	Jurisdiction:	Property:	
	Review Date :	Reviewed By:	
	F14=Funding F16=G/L F18=Transactions F20=Mgr/Loc F24=Documents		
3=	-F3=Exit... F12=Cancel-----		

Asset#: 700298

BUS - THOMAS - 41 PASSENGER - 1980 - RETIRED

Cost + Adj: .00
Acc Depr : .00

Type option, press Enter.

Reset Tran Date/Seq: +
More: =

5=Display

-----Transaction-----General Ledger-----

Opt	Date	Seq	Type	Account Number	Proj	SubP
5	7/20/		Display Asset Transaction			FA0725S1

Transaction Date/Seq: 7/20/1992 001
Transaction Type : Record Pur
Transaction Amount: : 4,500.00
Depreciation Period :
G/L Account# : 9700.0815.00
Project/Sub-Project :
G/L Date : 7/20/1992
Home Organization : 9700 1910

Thru:

-F3=Exit... F4 F3=Exit F12=Cancel

Asset#: 700297

BUS - THOMAS - 41 PASSENGER - 1980 - RETIRED

Cost + Adj: .00
Acc Depr: .00

Type option, press Enter.

Reset Tran Date/Seq: + =

5=Display

More: =

-----Transaction-----General Ledger-----

Opt Date Seq Type Account Number Proj SubP

5 2/10/ Display Asset Transaction FA0725S1

5 7/20/

Transaction Date/Seq: 7/20/1992 001

Transaction Type : Record Pur

Transaction Amount. : 4,001.00

Depreciation Period :

G/L Account# : 9700.0815.00

Project/Sub-Project :

G/L Date : 7/20/1992

Home Organization : 9700 1910

Thru:

STAFF REVIEW FORM

XX AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of February 6, 2001
 FROM:

W.A. Oestreich

Name

Fleet Operations

Division

Administrative Services

Department

ACTION REQUIRED:

APPROVAL OF AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF USED DIESEL POWERED PASSENGER VEHICLES TO BE UTILIZED BY THE FAYETTEVILLE TROLLEY PROGRAM; ESTABLISHING A REVIEW AND RECOMMENDATION PROCEDURE FOR THE PURCHASE OF THE LISTED EQUIPMENT AND UTILIZING THE TRADE ALLOWANCE FOR THE UNITS LISTED IN SECTION 2-C OF THE ORDINANCE AND AUTHORIZING THE MAYOR TO APPROVE PURCHASE OF THE LISTED EQUIPMENT WITH THE DISPOSAL OF THE UNITS LISTED IN 2-C OF THE ORDINANCE.

COST TO CITY:

\$ 56,000.00

Cost of this Request

\$ 576,200.00

Category/Project Budget

Lt/Med Utility Veh. Repl/Exp

Category/Project Name

9700-1910-5802.00

Account Number

\$ 146,908.00

Funds Used To Date

Vehicles & Equipment

Program Name

98063

Project Number

\$ 429,292.00

Remaining Balance

Shop

Fund

BUDGET REVIEW:

XX Budgeted Item _____ Budget Adjustment Attached

[Signature]
Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marsha Farthing
Accounting Manager

1/15/01
Date

ADA Coordinator

Date

[Signature]
City Attorney

1/15/01
Date

Nancy Smith
Internal Auditor

1/16/01
Date

[Signature]
Purchasing Officer

1-15-01
Date

STAFF RECOMMENDATION

Approval of Bid Waiver Ordinance

[Signature]
Division Head

1-15-01
Date

Cross Reference

[Signature]
Department Director

Date

New Item: **Yes No**

[Signature]
Administrative Services Director

1-17-01
Date

Prev Ord/Res #:

[Signature]
Mayor

1/22/01
Date

Orig Contract Date:

STAFF REVIEW FORM

Description: Bid Waiver Ordinance Replacement Trolleys

Meeting Date: February 6, 2001

Comments:

Budget Coordinator:

Accounting Manager:

City Attorney:

Purchasing Officer:

ADA Coordinator:

Internal Auditor:

Reference Comments:

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF USED DIESEL POWERED PASSENGER VEHICLES TO BE UTILIZED BY THE FAYETTEVILLE TROLLEY PROGRAM; ESTABLISHING A REVIEW AND RECOMMENDATION PROCEDURE FOR THE PURCHASE OF THE LISTED EQUIPMENT AND UTILIZING THE TRADE ALLOWANCE FOR THE UNITS LISTED IN SECTION 2-C AND AUTHORIZING THE MAYOR TO APPROVE PURCHASE OF THE LISTED EQUIPMENT WITH THE DISPOSAL OF THE UNITS LISTED IN 2-C.

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

Section 1. The City Council hereby waives the requirements of formal competitive bidding for the purchase of two (2) Used Diesel Powered Passenger Vehicles which will primarily be utilized by the Fayetteville Trolley Program. Said formal bidding requirements would prevent purchase of such units as dealers do not find it practical or feasible to hold units of this type for the time necessary to comply with those requirements.

Section 2. The City Council hereby establishes the following procedure for review and recommendation for the equipment listed in Section 1 above:

A. Representatives of the Fleet Operations Division and the Administrative Services Director or his designee shall evaluate, compare and finalize a recommendation to the Equipment Committee.

B. The Equipment Committee shall review the recommendation received and shall forward the recommendation along with their comments to the Mayor for consideration.

C. The "Trade-In" Units are as follows:

Unit #210 - 1985 Ford E-350 Bus VIN: 1FDKE30L4FHC26165
Unit #213 - 1987 Ford E-350 Bus VIN: 1FDKE30L6HHC02808

Section 3. The Mayor is hereby authorized to approve the purchase of two (2) Used Diesel Powered Passenger Vehicles and the disposal of the Units listed in Section 2 - C as trade in for a total cost not to exceed \$56,000.00.

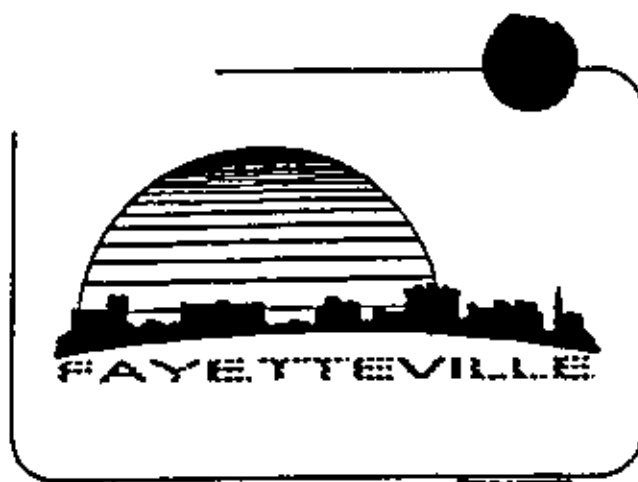
PASSED AND APPROVED this _____ day of _____, 2001

APPROVED

By: _____
Dan Coody, Mayor

ATTEST

By: _____
Heather Woodruff, City Clerk



CITY OF FAYETTEVILLE

FLEET OPERATIONS

INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: John Maguire, Administrative Services Director

FROM: William Oestreich, Fleet Operations Superintendent 

DATE: January 12, 2001

SUBJECT: **Bid Waiver for Used Diesel Powered Passenger Vehicles**

Attached is a proposed Ordinance providing for a Bid Waiver to purchase two (2) Used Diesel Powered Passenger Vehicles.

A new unit of this type has a customer cost of \$55,000.00 to \$75,000.00. It is the intent to limit the cost to a maximum of approximately \$28,000.00 each for used units in good condition delivered to our facility in Fayetteville. The plan is to utilize trade allowances for the following to allow this to be a total trade difference of \$56,000.00 for the two units.

Trade In Units:

#210 - 1985 Ford E-350 El Dorado Passenger Coach VIN: 1FDKE30L4FHC26165

#213 - 1987 Ford E-350 El Dorado Passenger Coach VIN: 1FDKE30L6HHC02808

Attached is a copy of the fixed asset record showing purchase date and purchase price of the retired units. Both have gone well beyond the normal life span of units of this type. It is no longer practical to keep them in operation without a substantial expenditure.

An opportunity to save a substantial amount of money with the purchase of used units has proven to work out well in the past. We have been very fortunate in locating very serviceable units in the market. Therefore every effort will be made to continue this record with other economically priced used units.

Upon approval of a Bid Waiver, a purchase recommendation for suitable units will be submitted to the Equipment Committee and Mayor Coody.

new
1/
Use
Type
5=
18
Op
—
—
5
—
—
—
—
—
—
—
F3=

Display Fixed Asset

Asset#: 700213
P.O. #: 00-0038169

Description : BUS - FORD ELDORADO 15 PASSENGER BUS - 1987
TROLLEY
Gen/Propr : PROPRIETARY
Comm Code :
Asset Class : Vehicles
Location 1 : Oper. Ctr.
Resp Manager: 9700-1910
Manufacturer: Ford

Year Made : 1987
License # :
Vendor : 147 S&S Truck
Check # : 488
Jurisdiction:
Review Date :

Status : 2 Fully Depr
Cost + : 22,179.19
Acc Depr : 22,179.19
Book Value: .00

Separate Component: Yes
Method Acq : Purch
Asset Type : TruckVanBs
Location 2 : 1910
Assigned To: 9700-1910
Model :

Serial #: 1FDKE30L6HHC02808
License Expire Date :
Warranty Expire Date:
Check Date : 2/22/1994
Property:
Reviewed By:

F14=Funding F16=G/L F18=Transactions F20=Mgr/Loc F24=Documents
-F3=Exit.. F12=Cancel-----

C.3. Page 5
Trolley Bus

req Asset

Status : 2 Fully Depr
Cost Adj: 20,358.71
Acc Depr : 20,358.71
Book Value: .00

Asset#: 700210
P.O. #: 00-0037450

Description : BUS - PASSENGER COACH - FORD ELDORADO - 1985

Gen/Propr : PROPRIETARY
Comm Code :
Asset Class : Vehicles
Location 1 : Oper. Ctr.
Resp Manager: 9700-1910
Manufacturer:
Separate Component: Yes
Method Acq : Purch
Asset Type : TruckVanBs
Location 2 : 1910
Assigned To: 9700-1910
Model : E350

Year Made : 1985
License # :
Vendor : 147 S&S Truck
Check # : 451
Jurisdiction:
Review Date :
Serial #: FHC26165
License Expire Date :
Warranty Expire Date:
Check Date : 11/08/1993
Property:
Reviewed By:

F14=Funding F16=G/L F18=Transactions F20=Mgr/Loc F24=Documents

F3=-F3=Exit... F12=Cancel

STAFF REVIEW FORM

XX AGENDA REQUEST
 CONTRACT REVIEW
 GRANT REVIEW

the Fayetteville City Council meeting of February 6, 2001

FROM:

W.A. Oestreich

Name

Fleet Operations

Division

Administrative Services

Department

ACTION REQUIRED:

APPROVAL OF AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF A USED DIESEL POWERED OVER THE ROAD TRACTOR TO BE UTILIZED BY THE FAYETTEVILLE STREET MAINTENANCE DIVISION; ESTABLISHING A REVIEW AND RECOMMENDATION PROCEDURE FOR THE PURCHASE OF THE LISTED EQUIPMENT AND UTILIZING THE TRADE ALLOWANCE FOR THE UNIT LISTED IN SECTION 2-C OF THE ORDINANCE AND AUTHORIZING THE MAYOR TO APPROVE PURCHASE OF THE LISTED EQUIPMENT WITH THE DISPOSAL OF THE UNIT LISTED IN 2-C OF THE ORDINANCE.

COST TO CITY:

\$ 27,000.00

Cost of this Request

\$ 618,197.00

Category/Project Budget

Med/Hvy Utility Veh. Repl/Exp

Category/Project Name

9700-1910-5802.00

Account Number

\$ -0-

Funds Used To Date

Vehicles & Equipment

Program Name

98064

Project Number

\$ 618,197.00

Remaining Balance

Shop

Fund

BUDGET REVIEW:

XX Budgeted Item Budget Adjustment Attached[Signature]
Budget Coordinator[Signature]
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature]
Accounting Manager1/15/01
Date[Signature]
ADA Coordinator
Date[Signature]
City Attorney1-15-01
Date[Signature]
Internal Auditor1/16/01
Date[Signature]
Purchasing Officer1-15-01
Date

STAFF RECOMMENDATION

Approval of Bid Waiver Ordinance

[Signature]
Division Head1-15-01
Date
Cross Reference[Signature]
Department Director
DateNew Item: **Yes No**[Signature]
Administrative Services Director1-17-01
DatePrev Ord/Res #: [Signature]
Mayor1/22/01
DateOrig Contract Date:

STAFF REVIEW FORM

Description: Bid Waiver Ordinance OTR Tractor

Meeting Date: February 6, 2001

Comments:
Budget Coordinator:

Reference Comments:

Accounting Manager:

City Attorney:

Purchasing Officer:

ADA Coordinator:

Internal Auditor:

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF USED DIESEL POWERED OVER THE ROAD TRACTOR TO BE UTILIZED BY THE STREET MAINTENANCE DIVISION; ESTABLISHING A REVIEW AND RECOMMENDATION PROCEDURE FOR THE PURCHASE OF THE LISTED EQUIPMENT AND UTILIZING THE TRADE ALLOWANCE FOR THE UNIT LISTED IN SECTION 2-C AND AUTHORIZING THE MAYOR TO APPROVE PURCHASE OF THE LISTED EQUIPMENT WITH THE DISPOSAL OF THE UNIT LISTED IN 2-C.

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

Section 1. The City Council hereby waives the requirements of formal competitive bidding for the purchase of one (1) Used Diesel Powered Over the Road Tractor which will primarily be utilized by the Street Maintenance Division. Said formal bidding requirements would prevent purchase of such units as dealers do not find it practical or feasible to hold units of this type for the time necessary to comply with those requirements.

Section 2. The City Council hereby establishes the following procedure for review and recommendation for the equipment listed in Section 1 above:

A. Representatives of the Fleet Operations Division and the Fayetteville Street Maintenance Division shall evaluate, compare and finalize a recommendation to the Equipment Committee.

B. The Equipment Committee shall review the recommendation received and shall forward the recommendation along with their comments to the Mayor for consideration.

C. The "Trade-In" Unit is as follows:

Unit #721 - 1980 Peterbilt COE Tractor VIN: 132077N

Section 3. The Mayor is hereby authorized to approve the purchase of one (1) Used Diesel Powered Over the Road Tractor and the disposal of the Unit listed in Section 2 - C as trade in for a total cost not to exceed \$27,000.00.

PASSED AND APPROVED this _____ day of _____, 2001

APPROVED

By: _____
Dan Coody, Mayor

ATTEST

By: _____
Heather Woodruff, City Clerk



CITY OF FAYETTEVILLE

FLEET OPERATIONS

INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: John Maguire, Administrative Services Director

FROM: William Oestreich, Fleet Operations Superintendent *WJO*

DATE: January 13, 2001

SUBJECT: Bid Waiver for a Used Diesel Over the Road Tractor

Attached is a proposed Ordinance providing for a Bid Waiver to purchase one (1) Used Diesel Powered Over the Road Tractor.

A new unit of this type has a customer cost of \$65,000.00 to \$100,000.00. It is the intent to limit the cost to a maximum of approximately \$27,000.00 for a used unit in good condition delivered to our facility in Fayetteville. The plan is to utilize trade allowances for the following to allow this to be a total trade difference of \$27,000.00 for the unit.

Trade In Unit:

#721 - 1980 Peterbilt COE Tractor VIN: 132077N

Attached is a copy of the fixed asset record showing purchase date and purchase price of the retired unit. It has done its job well but has also gone well beyond the normal life span for a unit of this type. It is no longer practical to keep it in operation without a substantial expenditure.

An opportunity to save a substantial amount of money with the purchase of used units has proven to work out well in the past. We have been very fortunate in locating very serviceable units in the market. Therefore every effort will be made to continue this record with other economically priced used units.

Upon approval of a Bid Waiver, a purchase recommendation for a suitable unit will be submitted to the Equipment Committee and Mayor Coody.

Cost + Adj: .00
Acc Depr : .00

Asset#: 700721
TRACTOR - PETERBUILT - 1980 - RETIRED

Type option, press Enter.
5=Display

Reset Tran Date/Seq: + -
More: -

-----Transaction-----General Ledger-----

Opt	Date	Seq	Type	Account Number	Proj	SubP
-	12/05/		Display	Asset Transaction		FA0725S1
-	10/28/					
-	9/29/					
5	3/01/					

Transaction Date/Seq: 3/01/1994 001
Transaction Type : Record Pur
Transaction Amount : 4,129.25
Depreciation Period :
G/L Account# : 9700.0815.00
Project/Sub-Project :
G/L Date : 3/01/1994
Home Organization : 9700 1910

Thru:

F3=Exit ... F4 F3=Exit F12=Cancel

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 6, 2001

FROM:

Sid Norbash *SN*
Name

Engineering
Division

Public Works
Department

ACTION REQUIRED: Approval of the Amendment #1 (which also includes addition of Double Springs Rd. Project) to the engineering contract with Hawkins-Weir Engineers, Inc. For **Garland Ave. (Maple to North St.) - Water & Sewer Relocations Project.**

COST TO CITY:	\$137,600 (98036)	Garland Ave. - Water	
\$50,500 + \$5,050 Contingency	\$540,000 (00018)	& Sewer Relocations	Cost
of this Request	Category/Project Budget	Category/Project Name	
4470-9470-5808.00	\$ 2,540 (98036)		
4470-9470-5808-00	\$28,254 (00018)	Water / Sewer Improvements	
Account Number	Funds Used To Date	Program Name	
98036-10 Owl Creek	\$134,960 (98036)		
00018-10 Garland Ave.	\$511,746 (00018)	Sales Tax	
Project Number	Remaining Balance	Fund	

BUDGET REVIEW: ☒ Budgeted Item ☐ Budget Adjustment Attached

[Signature]
Budget Coordinator

[Signature]
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marsha Farthing
Accounting Manager

1/10/01
Date

ADA Coordinator

Date

[Signature]
City Attorney

1/1/01
Date

Danny Smith
Internal Auditor

1/10/01
Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Approval of the amendment #1.

Jim Beavers
Division Head

01/09/01
Date

Cross Reference

[Signature]
Department Director

01-16-01
Date

New Item: **Yes** **No** ☒

[Signature]
Administrative Services Director

1/16/01
Date

Prev Ord/Res #: 73-00

Orig Contract Date: 6-6-2000

[Signature]
or

1/17/01
Date

Orig Contract # 764

Staff Review Form

Description/ Garland Ave. W&S Relocations Meeting Date 2-6-2001
Project Name Amendment #1

Comments:

Reference Comments:

Budget Director

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

RESOLUTION NO. ~~73-00~~

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT FOR ENGINEERING SERVICES WITH HAWKINS-WEIR ENGINEERS, INC., IN THE AMOUNT OF \$28,253.37, FOR THE DESIGN OF WATER AND SANITARY SEWER RELOCATIONS AND SYSTEM IMPROVEMENTS IN PREPARATION FOR THE WIDENING OF GARLAND STREET.

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

Section 1. That the City Council hereby authorizes the Mayor and City Clerk to execute an agreement for engineering services with Hawkins-Weir Engineers, Inc., in the amount of \$28,253.37, for the design of water and sanitary sewer relocations and system improvement in preparation for the widening of Garland Street. A copy of the agreement is attached hereto marked Exhibit "A" and made a part hereof.

PASSED AND APPROVED this 6th day of June, 2000.

APPROVED:

By: _____

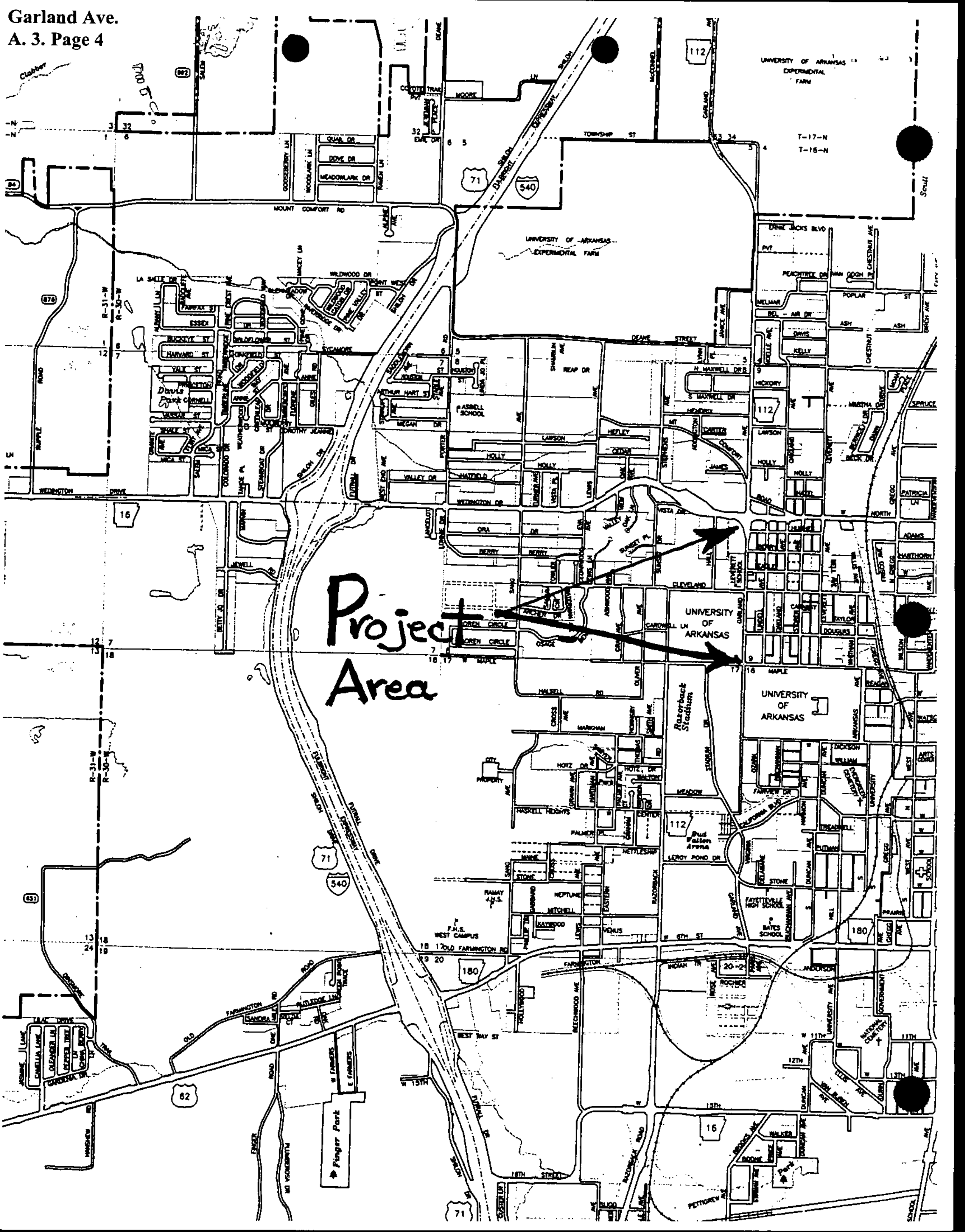
Fred Hanna, Mayor

ATTEST:

By: _____

Heather Woodruff, City Clerk





DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Dan coody, Mayor
Don Bunn, Interim PWD
Jim Beavers, City Engineer *JB*

From: Sid Norbash, Staff Engineer *SN*

Date: January 8, 2001

Re: **Garland Ave. Water & Sewer Relocations
Amendment #1 to the Engineering Contract
With Hawkins -Weir Engineers, Inc.**

The above referenced project is a Capital Improvement Project in progress, which is scheduled for construction in 2001.

The purpose of this project is to relocate water and sewer mains in order to accommodate the improvements scheduled for Garland Ave. (Maple to North St.) by the Highway Department. Per attached resolution 73-00 the Council approved the Engineering Contract for the design phase of this project on June 6, 2000.

Another Highway Department project underway is the Owl Creek Bridge Improvements on Double Springs Rd. This project necessitates some sanitary sewer adjustments and relocations. The Staff requests that the design and the construction management of this project also be added to the existing engineering contract with Hawkins-Weir Engineers.

Attached for your consideration and approval please find the Amendment #1 to this contract in the amount of \$50,500.

Amendment #1 has two attachments as follows:

Attachment "A" is the design phase of the sewer adjustments for the **Owl Creek Bridge Project** in the amount of \$4,000.

Attachment "B" is for the construction phases of both **Garland Ave. Project, and the Owl Creek Bridge Project**, in the amount of \$46,500. (Estimated \$39,990 for Garland & \$6,510 Owl Creek).

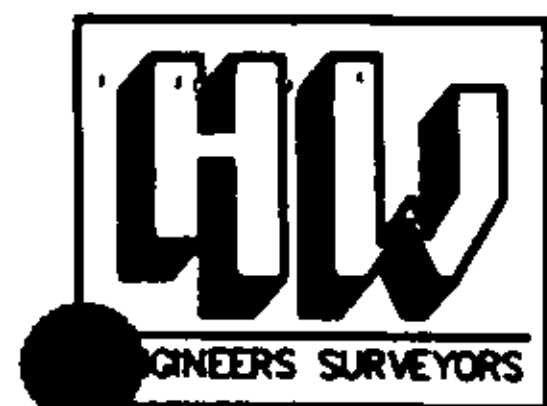
The Staff is requesting the following:

- (1) Approval of the Amendment #1 to the contract agreement with Hawkins-Weir Engineers in the amount of \$50,500.00,
- (2) Approval of a project contingency in the amount of \$5,050.
(If the use of the contingency is necessitated it will require Mayor's approval).

SN/sn

Attachments: Vicinity Maps

Copy of the Amendment #1
Copy of the Res. 73-00



HAWKINS-WEIR ENGINEERS, INC.

November 29, 2000

Mr. Sid Norbash
City of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

Attachment "A"

Re: Owl Creek Lift Station – Sewer Relocations
Double Springs Road – AHTD Project
HWEI Job No. 00078B
Garland Avenue Reconstruction
Water & Sanitary Sewer Relocations

Dear Mr. Norbash:

Please consider this as our proposal to provide the engineering services for the sanitary sewer line relocation needed for the Double Springs Road project. It is our understanding our existing contract with the City for the Garland Avenue utility relocations will be modified to include this work.

We propose to offer the following services on this project:

- 1) Prepare plans and specifications for the rerouting of the sewerage line(s) as needed to facilitate AHTD's proposed roadway and drainage improvements in the area of the Owl Creek Lift Station.
- 2) Include the sanitary sewerage line rerouting plans and specifications in the bid package with the Garland Avenue utility relocations as a separate bid schedule.
- 3) Coordinate the relocation plans with AHTD.
- 4) Provide field survey as needed and prepare legal descriptions for required easement acquisitions.

We request an increase in our existing contract in the amount of \$4,000 to cover this additional work. We will complete this work in a timely manner so it can be included in the bid package with the Garland Avenue work.

Mr. Sid Norbash
November 29, 2000
HWEI Job No. 00078B
Page 2

Sid, this proposal will get this additional work in line with our existing contract work (i.e. through bidding phase). I will prepare and submit under separate cover a proposal for the construction management services for these two projects.

If you have any questions or comments, please advise.

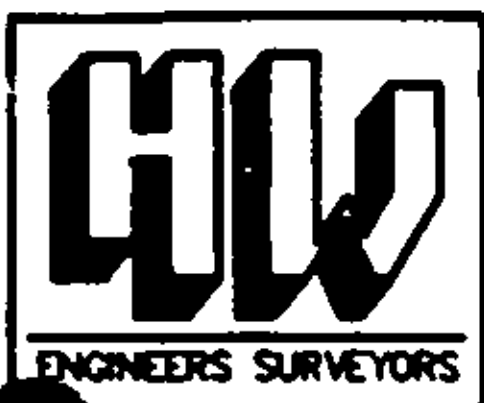
Very truly yours,

HAWKINS-WEIR ENGINEERS, INC.



Ronald R. Hawkins, P.E., R.L.S.

RRH/jeh



December 11, 2000

Attachment "B"

Mr. Sid Norbash
City of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

Re: Garland Avenue Water and Sanitary Sewerage Relocation
and Double Springs Road Sanitary Sewerage Line Relocation
Construction Phase Services
HWEI Job No. 00078C

Dear Mr. Norbash:

This will serve as our proposal to provide Construction Phase Services on the referenced projects. As you know it is our intention to bid these projects for a single contract. This proposal is presented based on a 120 calendar day construction period, which is anticipated. If acceptable this work will be added to our existing contract dated June 6, 2000.

Our services on this project will include:

- 1) Coordinate and conduct a preconstruction conference.
- 2) Provide resident inspection services in accordance with Exhibit A, attached herewith.
- 3) Provide plan interpretation, review material submittals, and provide general contract administration.
- 4) Review the Contractor's monthly pay request and provide a recommendation on it to the City.
- 5) Prepare contract change orders if needed.
- 6) Conduct two (2) status and progress meetings with Contractor during course of the construction period.
- 7) Conduct final inspection and make recommendation to City regarding approval of work.

Mr. Sid Norbash
December 11, 2000
HWEI Job No. 00078C
Page 2

- 8) Prepare post construction documents and provide to City including summary of quality control tests, bacteriological test reports and record drawings as provided by Contractor.
- 9) Provide construction control staking for Contractor. This will consist of staking the AHTD right-of-way along the west side of Garland one time.

In accordance with Section XI.B of the June 6, 2000, agreement, our fee for these "Construction Phase Services" will be based on salary costs for work-time directly connected with the project, plus payroll additives and general overhead costs of 140% of direct labor (2.4 multiplier), plus reimbursable expenses associated with the project, plus a fixed fee which are as follows:

Construction Phase Services costs not to exceed:	\$41,000.00
Fixed fee for construction phase services:	\$5,500.00
Engineering Contract amount for Construction Phase services not to Exceed:	\$46,500.00

(based on an assumed construction period not to exceed 120 calendar days.)

A copy of my worksheet (Exhibit B) and a copy of our current salary rate schedule (Exhibit C) are attached herewith.

Hopefully, this will provide the information you need on this project. If you have any questions, please advise.

Very truly yours,

HAWKINS-WEIR ENGINEERS, INC.



Ronald R. Hawkins, P.E., R.L.S.

RRH/jeh

Enclosure: Exhibits A, B and C

This is EXHIBIT A, consisting of 5 pages, referred to in and part of the Agreement between OWNER and ENGINEER for Professional Services dated December 11, 2000.

Initial:

OWNER _____

ENGINEER _____

**Duties, Responsibilities, and Limitations of Authority
of Resident Project Representative**

Resident Project Representative

A. ENGINEER shall furnish a Resident Project Representative ("RPR"), assistants, and other field staff to assist ENGINEER in observing progress and quality of the Work. The RPR, assistants, and other field staff under this Exhibit A may provide full time representation or may provide representation to a lesser degree.

B. Through such additional observations of Contractor's work in progress and field checks of materials and equipment by the RPR and assistants, ENGINEER shall endeavor to provide further protection for OWNER against defects and deficiencies in the Work. However, ENGINEER shall not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control over the Contractor's Work nor shall ENGINEER have authority over or responsibility for the means, methods, techniques, sequences, or procedures selected by Contractor, for safety precautions and programs incident to the Contractor's work in progress, for any failure of Contractor to comply with Laws and Regulations applicable to Contractor's performing and furnishing the Work, or responsibility of construction for Contractor's failure to furnish and perform the Work in accordance with the Contract Documents.

C. The duties and responsibilities of the RPR are limited to those of ENGINEER in the Agreement with the OWNER and in the Contract Documents, and are further limited and described as follows:

1. *General:* RPR is ENGINEER's agent at the Site, will act as directed by and under the supervision of ENGINEER, and will confer with ENGINEER regarding RPR's actions. RPR's dealings in matters pertaining to the Contractor's work in progress shall in general be with ENGINEER and Contractor, keeping OWNER advised as necessary. RPR's dealings with subcontractors shall only be through or with the full knowledge and approval of Contractor. RPR shall generally communicate with OWNER with the knowledge of and under the direction of ENGINEER.

2. *Schedules:* Review the progress schedule, schedule of Shop Drawing and Sample submittals, and schedule of values prepared by Contractor and consult with ENGINEER concerning acceptability.
3. *Conferences and Meetings:* Attend meetings with Contractor, such as preconstruction conferences, progress meetings, job conferences and other project-related meetings, and prepare and circulate copies of minutes thereof.
4. *Liaison:*
 - a. Serve as ENGINEER's liaison with Contractor, working principally through Contractor's superintendent and assist in understanding the intent of the Contract Documents.
 - b. Assist ENGINEER in serving as OWNER's liaison with Contractor when Contractor's operations affect OWNER's on-Site operations.
 - c. Assist in obtaining from OWNER additional details or information, when required for proper execution of the Work.
5. *Interpretation of Contract Documents:* Report to ENGINEER when clarifications and interpretations of the Contract Documents are needed and transmit to Contractor clarifications and interpretations as issued by ENGINEER.
6. *Shop Drawings and Samples:*
 - a. Record date of receipt of Samples and approved Shop Drawings.
 - b. Receive Samples which are furnished at the Site by Contractor, and notify ENGINEER of availability of Samples for examination.
 - c. Advise ENGINEER and Contractor of the commencement of any portion of the Work requiring a Shop Drawing or Sample submittal for which RPR believes that the submittal has not been approved by ENGINEER.
7. *Modifications:* Consider and evaluate Contractor's suggestions for modifications in Drawings or Specifications and report with RPR's recommendations to ENGINEER. Transmit to Contractor in writing decisions as issued by ENGINEER.
8. *Review of Work and Rejection of Defective Work:*
 - a. Conduct on-Site observations of Contractor's work in progress to assist ENGINEER in determining if the Work is in general proceeding in accordance with the Contract Documents.
 - b. Report to ENGINEER whenever RPR believes that any part of Contractor's work in progress will not produce a completed Project that conforms

generally to the Contract Documents or will prejudice the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents, or has been damaged, or does not meet the requirements of any inspection, test or approval required to be made; and advise ENGINEER of that part of work in progress that RPR believes should be corrected or rejected or should be uncovered for observation, or requires special testing, inspection or approval.

9. *Inspections, Tests, and System Startups:*
 - a. Consult with ENGINEER in advance of scheduled major inspections, tests, and systems startups of important phases of the Work.
 - b. Verify that tests, equipment, and systems start-up and operating and maintenance training are conducted in the presence of appropriate OWNER's personnel, and that Contractor maintains adequate records thereof.
 - c. Observe, record, and report to ENGINEER appropriate details relative to the test procedures and systems startups.
 - d. Accompany visiting inspectors representing public or other agencies having jurisdiction over the Project, record the results of these inspections, and report to ENGINEER.
10. *Records:*
 - a. Maintain at the Site orderly files for correspondence, reports of job conferences, reproductions of original Contract Documents including all Change Orders, Field Orders, Work Change Directives, Addenda, additional Drawings issued subsequent to the execution of the Contract, ENGINEER's clarifications and interpretations of the Contract Documents, progress reports, Shop Drawing and Sample submittals received from and delivered to Contractor, and other Project related documents.
 - b. Prepare a daily report or keep a diary or log book, recording Contractor's hours on the Site, weather conditions, data relative to questions of Change Orders, Field Orders, Work Change Directives, or changed conditions, Site visitors, daily activities, decisions, observations in general, and specific observations in more detail as in the case of observing test procedures; and send copies to ENGINEER.
 - c. Record names, addresses and telephone numbers of all Contractors, subcontractors, and major suppliers of materials and equipment.
 - d. Maintain records for use in preparing Project documentation.

- e. Upon completion of the Work, furnish original set of all RPR Project documentation to ENGINEER.
11. **Reports:**
- a. Furnish to ENGINEER periodic reports as required of progress of the Work and of Contractor's compliance with the progress schedule and schedule of Shop Drawing and Sample submittals.
 - b. Draft and recommend to ENGINEER proposed Change Orders, Work Change Directives, and Field Orders. Obtain backup material from Contractor.
 - c. Furnish to ENGINEER and OWNER copies of all inspection, test, and system startup reports.
 - d. Report immediately to ENGINEER the occurrence of any Site accidents, any Hazardous Environmental Conditions, emergencies, or acts of God endangering the Work, and property damaged by fire and other causes.
12. **Payment Requests:** Review Applications for Payment with Contractor for compliance with the established procedure for their submission and forward with recommendations to ENGINEER, noting particularly the relationship of the payment requested to the schedule of values. Work completed, and materials and equipment delivered at the Site but not incorporated in the Work.
13. **Completion:**
- a. Before ENGINEER issues a Certificate of Substantial Completion, submit to Contractor a list of observed items requiring completion or correction.
 - b. Observe whether Contractor has arranged for inspections required by Laws and Regulations, including but not limited to those to be performed by public agencies having jurisdiction over the Work.
 - c. Participate in a final inspection in the company of ENGINEER, OWNER, and Contractor and prepare a final list of items to be completed or corrected.
 - d. Observe whether all items on final list have been completed or corrected and make recommendations to ENGINEER concerning acceptance and issuance of the Notice of Acceptability of the Work.
- D. Resident Project Representative shall not:
- 1. Authorize any deviation from the Contract Documents or substitution of materials or equipment (including "or-equal" items).

2. Exceed limitations of ENGINEER's authority as set forth in the Agreement or the Contract Documents.
3. Undertake any of the responsibilities of Contractor, subcontractors, suppliers, or Contractor's superintendent.
4. Advise on, issue directions relative to or assume control over any aspect of the means, methods, techniques, sequences or procedures of Contractor's work unless such advice or directions are specifically required by the Contract Documents.
5. Advise on, issue directions regarding, or assume control over safety precautions and programs in connection with the activities or operations of OWNER or Contractor.
6. Participate in specialized field or laboratory tests or inspections conducted off-site by others except as specifically authorized by ENGINEER.
7. Accept Shop Drawing or Sample submittals from anyone other than Contractor.
8. Authorize OWNER to occupy the Project in whole or in part.

EXHIBIT B
CONTRACT ADMINISTRATION
TASK/TIME ESTIMATE
GARLAND AVENUE/DOUBLE SPRINGS ROAD PROJECT
CITY OF FAYETTEVILLE, ARKANSAS
HWEI JOB NO. 00078C

PROJECT DESIGN PHASE	ENGINEER IV	ENGINEER II	INSPECTOR	TECH. III	FIELD CREW	CLERICAL
Coordinate & Conduct Preconstruction Conference	4	8	4			
Provide Resident Inspection Services in Accordance w/ Exhibit A			640			
Provide Plan Interpretation, Review Material Submittals, & Provide General Contract Administration	30	72				16
Review the Contractor's Monthly Pay Request & Provide a Recommendation on it to the City		16				20
Prepare Contract Change Orders if needed		16				8
Conduct 2 Status & Progress Meetings w/ Contractor During Course of the Construction Period		8				
Conduct Final Inspection & Make Recommendation to City Regarding Approval of Work	8	8				
Prepare Post Construction Documents & Provide to City Including Summary of Quality Control Tests, Bacteriological Test Reports & Record Drawings as Provided by Contractor.		16		16		
Construction Control Staking	2	4			24	

SUBTOTAL HOURS	44	148	644	16	24	44
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ESTIMATED TOTAL SALARY COST	
MULTIPLIER	\$16,406.32
ESTIMATED SALARY COST PLUS OVERHEAD	2.4
FIXED FEE	\$39,375.17
	\$5,500.00

EXHIBIT C

Salary Cost of Employees Assigned to Job # 00078C

<u>Name</u>	<u>Position</u>	<u>Salary Cost</u>
Ronald R. Hawkins	Project Manager	\$37.65
Keith Kestner	Project Engineer	\$21.63
Steve Hendrix	Design Technician	\$20.90
Mike Henson	CAD Supervisor	\$16.00
Max Burns	CAD Technician	\$13.50
Ron Schildhauer	CAD Technician	\$15.25
Bill Jones	Inspector	\$16.17
Chuck Bainbridge	Field Crew	\$9.50
Matt Turner	Field Crew	\$7.00
Jan Hutton	Clerical	\$11.25

(for purchasing office use only)

Data Processing Mar:

(not a purchase order)

FOB Point:

72957

*Requester's Employee#: 76

SHIPPING/HANDLING

TOTAL:

Data Processing Mar

STAFF REVIEW FORM

Agenda Request

FOR THE FAYETTEVILLE CITY COUNCIL MEETING OF February 6, 2001

FROM:

Alett Little

Airport Division

Economic Dev. Dept.

ACTION REQUESTED: Approval of a Resolution readopting the creation of the Airport Board; and establishing the purpose, general terms of membership, duties, authority, and policies and procedures for the Airport Board.

STAFF RECOMMENDATION: Staff recommends approval of the revised procedures. The procedures would expand the size of the Airport from five members to seven, allow membership from qualified electors of Washington County, more clearly define the authority of the Airport Board and require certain reports to the City Council.

Alett Little
Department Head

1-19-01
Date

Cross Reference:
New Item: ☒ Yes ☐ No

[Signature]
City Attorney

1-22-01
Date

[Signature]
Public Works Director

[Signature]
Date

[Signature]
Administrative Services Director

1-22-01
Date

[Signature]
Mayor

1/22/01
Date

FAYETTEVILLE

DEPARTMENT
ATTORNEY DIVISION

Jerry E. Rose

LaGayle D. McCarty
575-8313

DEPARTMENTAL CORRESPONDENCE

~~~~~

TO: Fayetteville City Council

FROM: LaGayle D. McCarty, Asst. City Attorney *LM*

DATE: January 22, 2001

RE: Revised Resolution/Policies and Procedures of the  
Airport Board

Attached you will find a proposed resolution, policies and procedures and amendments or additions to the standard operating procedures for the Airport. To arrive at these documents I took the current resolution/policies and procedures, and the Airport Board Proposed Major Points attached to a memo from Alett Little dated December 7, 2000, and separated, combined and drafted the documents. Additionally, I used the notes taken from a meeting with Jerry Rose, Alett Little, Charles Wallace and myself.

The resolution is drafted to allow more flexibility, and better communication and joint effort between the Airport Board, city staff and the Mayor. You will note that both sets of procedures will require further development. However, they do not require council approval.

I have tried to represent the intent of the Airport Board as I understand it. They will be presenting this to the Ordinance Review Committee on Wednesday, January 24, 2001.



DRAFT  
1-25-01  
dm

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION READOPTING THE CREATION OF THE AIRPORT BOARD; AND ESTABLISHING THE PURPOSE, GENERAL TERMS OF MEMBERSHIP, DUTIES, AUTHORITY, AND POLICIES AND PROCEDURES FOR THE AIRPORT BOARD.

WHEREAS, Resolution No. 201-90, passed and approved December 18, 1990, established an airport board to assist in the operations of the Fayetteville Municipal Airport, Drake Field, hereinafter referred to as "Airport"; and,

WHEREAS, significant changes have occurred in the traffic and usage of the Airport; and,

2

WHEREAS, changes in the membership of the board and in the policies and procedures by which it operates are necessary to accommodate the changing needs of the Airport.

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

Section 1. The creation of the Airport Board under Resolution No. 201-90, passed and approved December 18, 1990, is hereby readopted; all other provisions contained therein are repealed and the following shall be inserted in their stead:

**I. Purpose.** The purpose of the Airport Board shall be as follows:

- a. to seek both general and technical citizen input and assistance in Airport functions.
- b. to provide and encourage visionary planning and strong leadership for the Airport.
- c. to assist the City Council in matters pertaining to the operation, improvement, extension and maintenance of the Airport and other related facilities, property and easements.
- d. the Airport Board shall not be considered or construed to be the creation of a commission under state statute regarding the creation of autonomous committees or commissions.

**II. General Terms of Membership.**

a. Membership. The Airport Board shall consist of seven (7) citizens who are qualified electors of Washington County. The Airport Board members shall be as follows:

1. Mayor, member ex officio
2. two members must hold FAA pilot or appropriate aeronautical ratings

3. two members with appropriate aeronautical experience or interest
4. one member from the Fayetteville business community
5. one member from the University of Arkansas
6. one member at large

With the exception of a.1. above, the City Council may waive any of the requirements listed above if it is determined that there is not an applicant for the position that meets any such requirement.

b. Appointment. The Airport Board members shall be appointed by the City Council using the nominating procedure for all City Board and Committee appointments. The Airport Board Chair, or an appointed representative, shall be available to advise in the appointment process.

c. Term. A member of the Airport Board shall serve for a term of five years. No member shall be eligible to serve more than two consecutive full or partial terms.

d. Compensation. The Airport Board members shall serve without compensation. However, such reasonable expenses which are incurred as a direct result of a member's serving on the Airport Board shall be paid in accordance with the City's travel and training reimbursement policy. Any such expenses must be approved by the Mayor prior to being incurred. Local travel to and from meetings is not an eligible expense for reimbursement.

e. Conflict of Interest. No member of the Airport Board shall be directly or indirectly personally interested in any contract to which the Airport is a party, with the exception of hangar contracts.

f. Removal. Any Airport Board member appointed may be removed at any time by a majority vote of the City Council.

**III. Duties.** The Airport Board shall have the following duties:

a. Airport Matters. Initiate, hear and consider referred matters pertaining to the operation, improvement, extension and maintenance of the Airport and other related facilities, property and easements, initiated by the general public, the City Council or city staff.

b. Recommendations. Make recommendations to the City Council in accord with the responsibilities of the Airport Board.

c. Advise and Assist. Advise the Mayor regarding key airport staff including recruitment, selection and termination of the Airport Manager and assist the Mayor in development of the job description of the Airport Manager and other key airport staff.

d. Reports. The Airport Board shall cause the following reports to be prepared

1. Those reports requested by the City Council and/or the Mayor.

2. An annual report, to be presented to the City Council, on the progress of the management, operation, facilities, and improvements of the Airport and related properties.

e. Work Plan. Develop a suggested annual and long term work program and operating budget to be submitted to the City Council and/or the Mayor at the date set by the Mayor each year for the subsequent year.

f. Standard Operating Procedures. Review all existing standard operating procedures (SOP) concerning the operation, use and control of the Airport. After such review, and thereafter from time to time, the Airport Board will submit to the Mayor for approval a draft of the SOP as necessary or desirable for the efficient operation, use and control of the Airport.

**IV. Authority.** All decisions of such Board are subject to final consideration by the City Council or Mayor as appropriate or required by resolution, ordinance or statute. Provided, however, it is the intention of the City Council that all items within the scope of authority of the Airport Board be submitted to said Airport Board for consideration and recommendation prior to submission to the City council for those matters which require Council action except in the case of clear and present danger to the public health and safety.

**V. Policies and Procedures.** The Airport Board shall promulgate such policies and procedures as are necessary to carry out the duties of the Airport Board.

**VI. Limitations of Authority.** The authority of the Airport Board is expressly limited to the specific responsibilities and duties contained herein and nothing herein shall be construed or interpreted to:

a. Grant the Airport Board authority over the operation of any department, division, office, officer, or employee of the City except as may be requested by the Mayor or City Council in special circumstances

b. Diminish the authority of the City Council over funding, operations, fixed assets, indebtedness, budget, and other areas as applicable under Arkansas law.

c. Diminish the responsibility of the Mayor in resolving conflicts which may arise over what specific items may be within the scope of authority of the Airport Board.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2001.

**APPROVED:**

By: \_\_\_\_\_  
Charles Daniel Coody, Mayor



## AIRPORT BOARD POLICIES AND PROCEDURES

Pursuant to Resolution No. \_\_\_\_\_, passed and approved \_\_\_\_\_, the following Policies and Procedures are hereby adopted to carry out the Duties of the Airport Board.

1. **Officers.**

- a. Officers shall be elected by the members of the Airport Board
- b. The chairperson shall serve as the principal officer and will preside at all meetings and shall rule on all matters of procedure regarding the order of business, motion, voting, etc. He or she shall appoint the necessary committees to establish the goals and meet the objective of the Airport Board. The chairperson shall have a vote in all matters of business.
- c. The vice-chairperson will serve in the same capacity as the chairman in the event the chairman is absent or in the event of his or her inability or refusal to act.
- d. The secretary shall keep the official minutes of the Board meetings in one or more books provided for that purpose. He or she shall insure that all notices are given as required by law, and shall be the official custodian of the records of the Airport Board. The secretary shall perform the duties ordinarily performed by the secretary of a corporation and such other duties as may be delegated by the Airport Board.
- e. officers shall serve a two year term with a maximum of two terms

2. **Meetings.**

- a. The Airport Board shall meet one each month at the Airport.
- b. Meeting place can be changed by special circumstances and with proper notification of members
- c. Special meetings may be called by the chairperson or any four of the members with 24 hour notice.
- d. Any business may be conducted at regular meetings.
- e. Only announced business may be conducted at special meetings.
- f. Any citizen may appear before the board to present items directly related to



the airport after requesting that the item be placed on the agenda of a regular meeting (emergencies excepted). Requests should be made to the chairperson, secretary or airport manager.

- g. The Chair shall develop the meeting agenda in consultation with the Airport Manager.
- h. The Board may meet with any number present but a quorum of four is required for action.

**AMENDMENTS OR ADDITIONS TO THE STANDARD OPERATING PROCEDURES:**

1. The Mayor shall designate certain city staff members to provide administrative support to the Airport Board. The mayor will ensure that the personnel assigned provide adequate administrative and secretarial assistance and conduct such research or supply such information as may be needed by the Airport Board.
2. The Airport Manager shall be the chief administrative officer of the Airport and be responsible directly to the Mayor for directing and supervising the daily operations of the airport. The Airport Manager shall attend all Airport Board meetings, emergencies excepted. Further, the Airport Manager shall keep the Chair of the Airport Board informed of significant matters concerning the operation and development of the Airport Board.
3. A copy of the Standard Operating Procedures will be kept in the office of the airport manager and be available for inspection by the general public and the employees of the airport during the normal business hours.
4. (Establish Grievance Procedure: Airport Manager - Grievance Committee-Airport Board)
5. (Designate specific or routine items that will go to the airport board. Any exceptions.)

X AGENDA REQUEST  
       CONTRACT REVIEW  
       GRANT REVIEW

**FROM:**

| <u>Dan Coody, Mayor</u> | <u>Mayor</u> | <u>Administration</u> |
|-------------------------|--------------|-----------------------|
| Name                    | Division     | Department            |

A resolution in support of SB 53, State of Arkansas 83rd General Assembly: AN ACT TO CREATE THE STUDY COMMISSION ON UNDERGROUND ELECTRIC LINES sponsored by Senator J. Jeffress

**COST TO CITY:**

|                       |                                |                              |
|-----------------------|--------------------------------|------------------------------|
| <u>\$ 0.00</u>        | <u>Category/Project Budget</u> | <u>Category/Project Name</u> |
| Cost of this Request  |                                |                              |
| <u>Account Number</u> | <u>Funds Used To Date</u>      | <u>Program Name</u>          |
|                       |                                |                              |
| <u>Project Number</u> | <u>Remaining Balance</u>       | <u>Fund</u>                  |
|                       |                                |                              |

**BUDGET REVIEW:**

BUDGET REVIEW: \_\_\_\_\_ Budgeted Item \_\_\_\_\_ Budget Adjustment Attached

**Budget Coordinator**

Administrative Services Director

**CONTRACT/GRANT/LEASE REVIEW:**

**GRANTING AGENCY:** \_\_\_\_\_

|                    |      |                  |      |
|--------------------|------|------------------|------|
| Accounting Manager | Date | ADA Coordinator  | Date |
| City Attorney      | Date | Internal Auditor | Date |
| Purchasing Officer | Date | Grant Officer    | Date |

**STAFF RECOMMENDATION:** Approval of the ordinance.

Division Head

Date \_\_\_\_\_

### Cross Reference

Department Director

Date \_\_\_\_\_

**New Item:      Yes      No**

Admin. Svcs Director

Date \_\_\_\_\_

Prev Ord/Res #:

Mayor

Date \_\_\_\_\_

Orig Contract Date:\_\_\_\_\_



1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001

# A Bill

SENATE BILL 53

4  
5 By: Senator J. Jeffress  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT TO CREATE THE STUDY COMMISSION ON UNDERGROUND  
10 ELECTRIC LINES; AND FOR OTHER PURPOSES.

## Subtitle

11  
12 AN ACT TO CREATE THE STUDY COMMISSION ON  
13 UNDERGROUND ELECTRIC LINES.  
14  
15  
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18  
19 SECTION 1. (a)(1) There is created the Study Commission on Underground  
20 Electric Lines.

21 (2) The commission shall be composed of seven (7) members as  
22 follows:

23 (A)(i) Two (2) members shall be appointed by the Governor.

24 (ii) One (1) of the members appointed by the Governor  
25 shall represent residential and business consumers;

26 (B)(i) The President Pro Tempore of the Senate and the  
27 Speaker of the House shall each appoint two (2) members who represent the  
28 electric industry in Arkansas.

29 (ii) Of the members who represent the electric  
30 industry, one (1) shall represent municipal utilities, one (1) shall represent  
31 electric cooperatives, and (2) shall represent major electric providers in the  
32 state.

33 (C) The Executive Director of the Arkansas Public Service  
34 Commission or the director's designee shall serve as a member of the Study  
35 Commission on Underground Electric Lines.

36 (3) The Governor shall designate one (1) of the members of the

1 Study Commission on Underground Electric Lines to serve as the chairperson.

2 (b)(1) The Study Commission on Underground Electric Lines shall conduct  
3 a study to determine the effectiveness of moving electric lines underground to  
4 avoid power outages during inclement weather and to study the feasibility,  
5 cost, and options for financing the moving of electric lines underground.

6 (2) The commission shall report its findings and its  
7 recommendations to the Governor and the Legislative Council by October 1,  
8 2002.

9 (b) The Study Commission on Underground Electric Lines shall cease to  
10 exist December 31, 2002.

STAFF REVIEW FORM

☒ Agenda Request  
☐ Contract Review  
☐ Grant Review

For the Fayetteville City Council meeting of February 6, 2001.

FROM:

Tim Conklin

Planning

Public Works

Name

Division

Department

ACTION REQUESTED: To approve an amendment to the Bill of Assurance to provide for use of a metal fence on that property described in RZ 98-22, approved in Ordinance #4175 and amended in Ordinance #4184, submitted by Richard Osborne on behalf of Littlefield Investment Company.

COST TO CITY:

\$0

Cost of this request

Category/Project Budget

Category/Project Name

Account Number

Funds used to date

Program Name

Project Number

Remaining balance

Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff will make a recommendation at the February 6, 2001, City Council meeting.

Division Head

1-19-01

Date

Department Director

Date

Administrative Services

Date

Director

Mayor

Date

Cross Reference

New Item: Yes No

Prev Ord/Res#:

Orig Contract Date:



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

AN ORDINANCE ACCEPTING AN AMENDED BILL OF ASSURANCE TO PROVIDE FOR USE OF A METAL FENCE ON THAT PROPERTY DESCRIBED IN RZ 98-22, APPROVED IN ORDINANCE NO. 4175 AND AMENDED BY ORDINANCE NO. 4184, SUBMITTED BY RICHARD OSBORNE ON BEHALF OF LITTLEFIELD INVESTMENT COMPANY.

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

Section 1. That the amended Bill of Assurance providing for use of a metal fence on that property described in RZ 98-22, approved in Ordinance No. 4175 and amended in Ordinance No. 4184, is hereby accepted. A copy of the amended Bill of Assurance is attached hereto as Exhibit "A" and made a part hereof.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

APPROVED:

By: \_\_\_\_\_  
Dan Coody, Mayor

ATTEST:

By: \_\_\_\_\_  
Heather Woodruff, City Clerk



EXHIBIT "A"

LEGAL DESCRIPTION FOR RZ98-22

A part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Twenty-Three (23), Township Sixteen (16) North, Range Thirty (30) West, being more particularly described as follows: Beginning at the Northeast corner of said 40 acre tract, said point being an existing railroad spike in Happy Hollow Road; thence S89°59'01"W along the north line of said 40 acre tract 190.80 feet; thence S00°22'50"E 141.99 feet to a chiseled "X" in a concrete Drive on the North right of way of State Highway 16E (Huntsville Road); thence S68°26'03"E along said right of way 205.70 feet to a set cotton spindle in happy hollow road on the east line of said 40 acre tract; thence N00°22'50"W 217.66 feet to the point of beginning, containing 0.788 acres, more or less, Fayetteville, AR. The above described 0.788 acre tract being subject to the right of way of Happy Hollow Road along the entire east boundary.

**ORDINANCE NO. 4184**

AN ORDINANCE ACCEPTING AN AMENDED BILL OF ASSURANCE TO PROVIDE FOR ADDITIONAL USES ON THAT PROPERTY DESCRIBED IN RZ98-22, APPROVED IN ORDINANCE NO. 4175, AS SUBMITTED BY RICHARD OSBORNE ON BEHALF OF LITTLEFIELD INVESTMENT COMPANY.

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

Section 1. That the amended bill of assurance providing for additional uses on that property described in RZ98-22, approved in Ordinance No. 4175, is hereby accepted. A copy of the amended bill of assurance is attached hereto as Exhibit "A" and made a part hereof.

**PASSED AND APPROVED** this 21<sup>st</sup> day of September, 1999.

**APPROVED:**

By:   
Fred Hanna, Mayor

**ATTEST:**

By:   
Heather Woodruff, City Clerk



**AMENDED BILL OF ASSURANCE**

This declaration of a Bill of Assurance is made this 30th day of September, 1999, by Clem Johnson, successor owner to Littlefield Investment Co. of real property located in Fayetteville, Washington County, Arkansas, more particularly described as follows, to wit:

A part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Twenty-three (23), Township Sixteen (16) North, Range Thirty (30) West, being more particularly described as follows: Beginning at the Northeast corner of said 40 acre tract, said point being an existing railroad spike in Happy Hollow Road; thence S89°59'01"W along the north line of said 40 acre tract 190.80 feet; thence S00°22'50"E 141.99 feet to a chiseled 'X' in a concrete drive on the north right of way of State Highway 16E (Huntsville Road); thence S68°26'03"E along said right of way 205.70 feet to a set cotton spindle in Happy Hollow Road on the east line of said 40 acre tract; thence N00°22'50"W 217.66 feet to the point of beginning, containing 0.788 acres, more or less, Fayetteville, Washington County, Arkansas. The above described 0.788 acre tract being subject to the right of way of Happy Hollow Road along the entire east boundary.

WHEREAS, Littlefield Investment Co. applied to the City of Fayetteville for a re-zoning of the above described real property from C-1 to C-2 on July 6, 1999; and

WHEREAS, said rezoning was approved by the City Council by Ordinance 4175; and

WHEREAS, Littlefield Investment Co., owner at that time, and Clem Johnson, present owner, desire to restrict the use of the property described hereinabove to a used car lot and/or automobile restoration and repair for a maximum of fifteen (15) vehicle to be located behind a six (6) foot wooden fence or any use allowable in a C-1 zoning.

NOW, THEREFORE, Clem Johnson, present owner, hereby declares that the real property described herein shall be held, developed, transferred, sold, conveyed, and occupied subject to the restriction that if it is zoned C-2 by the City Council of the City of Fayetteville the use thereof shall be restricted to a "used car lot and/or automobile restoration and repair for a maximum of fifteen (15) vehicles to be located behind a six (6) foot wooden fence" (which requires C-2 zoning), or any use allowable in a C-1 zone. In the event that said property ceases





September 21, 1999  
City Council Minutes  
Page 11

**RZ 98-22**

An ordinance approving an amendment to the Bill of Assurance of RZ 98-22 submitted by Richard Osborne on behalf of Littlefield Investment Company and successor owner Clem Johnson for property located at 1798 E. Huntsville Road. Ordinance 4175 rezoned this property from C-1, Neighborhood Commercial to C-2, Thoroughfare Commercial. This request is for an amendment to the Bill of Assurance to allow automobile restoration and repair in addition to used car sales.

*Mr. Rose read the ordinance for the first time.*

Mayor Hanna stated the only neighbors that had contacted him had been concerned about the restoration and repair. The owner had promised to screen the area.

Alderman Reynolds stated he also had received phone calls. All of them had been for the approval of this project. All of them wanted to make sure that if something did happen to this business that the property would revert back to C-1.

Alderman Austin 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 for the second time.*

Alderman Young moved to amend the ordinance to add the wording "classic." Alderman Austin seconded the motion. Upon roll call the motion carried unanimously.

Mr. Conklin did not believe the owner would object to the addition.

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

Alderman Russell added the Bill of Assurance was only a gesture of good faith. Anyone who bought the property could do what ever they wanted to. The City had to be the watch dog.

Mr. Erf, an area resident, encouraged to Council to vote against the ordinance. The use specified was out of character for the neighborhood.

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

Upon roll call the motion carried unanimously.

**ORDINANCE 4184 AS RECORDED IN THE OFFICE OF THE CITY CLERK**

**ORDINANCE NO. 4175**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED  
IN REZONING PETITION RZ98-22 FOR A PARCEL  
CONTAINING APPROXIMATELY 0.788-ACRES LOCATED AT  
1798 EAST HUNTSVILLE REQUESTED BY RICHARD  
OSBORNE ON BEHALF OF LITTLEFIELD INVESTMENT  
COMPANY.

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

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

From C-1, Neighborhood Commercial to C-2, Commercial Thoroughfare for the real  
property described in Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this 3<sup>rd</sup> day of August, 1999.

APPROVED:

By:   
Fred Hanna, Mayor

ATTEST:

By:   
Heather Woodruff, City Clerk





EXHIBIT "A"

LEGAL DESCRIPTION FOR RZ98-22

A part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Twenty-Three (23), Township Sixteen (16) North, Range Thirty (30) West, being more particularly described as follows: Beginning at the Northeast corner of said 40 acre tract, said point being an existing railroad spike in Happy Hollow Road; thence S89°59'01"W along the north line of said 40 acre tract 190.80 feet; thence S00°22'50"E 141.99 feet to a chiseled "X" in a concrete Drive on the North right of way of State Highway 16E (Huntsville Road); thence S68°26'03"E along said right of way 205.70 feet to a set cotton spindle in happy hollow road on the east line of said 40 acre tract; thence N00°22'50"W 217.66 feet to the point of beginning, containing 0.788 acres, more or less, Fayetteville, AR. The above described 0.788 acre tract being subject to the right of way of Happy Hollow Road along the entire east boundary.



City Council Minutes  
August 3, 1999  
Page 3

### **HARDIN PROPERTY SETTLEMENT**

A resolution approving settlement of City v. Hardin, CIV. 99-561, and payment of just compensation for the taking of real property in the amount of \$52,396.50.

*RESOLUTION 102-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

Cyrus Young moved to approve the Consent Agenda. Bob Davis seconded the motion. Upon roll call, the motion carried unanimously.

### **OLD BUSINESS:**

#### **RZ 98-22**

An ordinance approving rezoning request RZ 98-22 submitted by Richard Osborne on behalf of Littlefield Investment Company for property located at 1798 East Huntsville Road. The property is zoned C-1, Neighborhood Commercial, and contains approximately 0.788 acres. The request is to rezone the property to C-2, Thoroughfare Commercial, for the purpose of installing a used car lot. Item was left on second reading at the July 20, 1999 City Council meeting.

*City Attorney Jerry Rose read the ordinance for the third time.*

Alderman Daniel commented that she had driven by there today and was not in favor of the rezoning because it is next to a residential area, and although it has been vacant for a while she would like to wait for something more attractive than a used car lot to be there.

Alderman Trumbo mentioned that the building there now is dilapidated and run down. His dilemma was whether to keep it as is and wait for someone else to come in who would return it to a pump station and car repair, or to rezone it to C-2 whereby it could be cleaned up for a used car dealership and have a viable, tax-paying business.

Alderman Davis said that, with its present zoning, there were plenty of other commercial uses that could go into a C-1 zoning other than a gas station.

Alderman Reynolds and Alderman Austin both stated that, being aldermen for Ward 1, they had not received any phone calls on this rezoning.

Alderman Santos asked if this rezoning would comply with the City's 2020 Plan.

Tim Conklin, City Planner, replied that the C-2 zoning is not consistent with the 2020 Plan, where it was currently designated as Community Commercial. The Planning Department staff had recommended denial of this petition.

City Council Minutes  
August 3, 1999  
Page 4

The attorney for the petitioner, Richard Osborne, mentioned that he had looked after this property for four years and had had five inquiries for potential businesses, the only reasonable usage for the site being a used car lot. The others had included: a flea market (which he didn't think would be very attractive for an entry street into Fayetteville), and an appliance repair service (for which they hadn't been able to reach an agreement). He thought this part of town was improving. The proposal the man had made for the used car lot includes upgrading the building and grounds.

Alderman Trumbo asked whether a gas station at that location just hadn't worked, given that they had had Fina come in and clean up the location and put in a nice sign.

Richard Osborne stated that it hadn't worked. Now they have children throwing rocks through the windows and other standard vacant building activities.

Alderman Davis asked how many years the Fina station had been gone.

Richard Osborne replied that it has been between eight and ten years since Fina was there, and over five years since it has been vacant.

Mayor Fred Hanna stated that he thought the last business in there had been a used tire business. He also stated that he had understood that Mr. Littlefield had bought the site with the purpose of putting a convenience store in that location. He wondered if he was keeping the property with the notion of putting a convenience store there one day.

Richard Osborne explained that Mr. Littlefield, who died two years ago, predates convenience stores, that he had started business during World War II, at which time there were no such stores, to Mr. Osborne's knowledge. It was a gas station at the time. Littlefield's company had since decided that a convenience store would not work in that location.

Alderman Davis asked if this put the City in a "watchdog" position that would be difficult to maintain.

Tim Conklin stated that the Bill of Assurance contained wording which clarified that the property would be used for the purpose of a used car lot or other uses allowed in a C-1 zoning, and otherwise would revert back to a C-1 zoning. He had spoken with the City Attorney, who had informed him that it would take a city ordinance to cause such a reversion. Therefore, it would be up to City staff to monitor the location to ensure that it was being used as a car lot; and if at any time, for a period of one year it was not used for that purpose, the City Council would need to pass an ordinance to reenact the C-1 zoning.

Richard Osborne mentioned that they would honor that, and that they were merely trying to put

City Council Minutes  
August 3, 1999  
Page 5

something in that location, anything being an improvement over what they've had in the past five years.

Alderman Austin mentioned that he thought we should honor the work of the staff on the 2020 plan. But, on the other hand, he felt it was okay to make a change in the process, similar to a builder making a change to a blueprint. He was in favor of granting the request.

Richard Osborne stated that the Planning Commission had approved the rezoning on the condition that the Bill of Assurance be approved also.

Alderman Trumbo reiterated that he was also in favor of granting the request based on the fact that we currently have a vacant, run-down eyesore building there when we could have an ongoing business tax-paying enterprise.

Alderman Russell asked for clarification from the City Attorney, that if we pass this rezoning and another owner buys the property, the conditions would be passed on to the new property owner.

Jerry Rose answered yes.

Alderman Russell asked further, if it was true that there would be no "automatic reverter" back to C-1 if the new property owner wished to use the location for a C-2 usage other than a car lot.

Jerry Rose answered that there would be nothing automatic and that it would have to come back to City Council for an ordinance to be passed to rezone the property back to C-1. However, he mentioned, it would be helpful to have the wording contained in the Bill of Assurance to help pass that ordinance. Also, the documents related to this rezoning would be recorded in the County Clerk's office; therefore, any future property owner would be alerted to the restrictions in usage put upon the property.

Alderman Santos stated that car lots are one of the businesses that benefits from economies of conglomeration, and from being close together, which he thinks is a good thing. Neighborhood commercial zoning is intended to create pockets of commercial opportunities for residents of the neighborhood, to reduce traffic on the other streets. A used car lot is intended to draw traffic from the entire region into this neighborhood. Therefore, the Council would be preventing what the Master Plan had in mind for this area if they rezone this property.

Alderman Trumbo stated that those were all good points, but reminded the Council that there had been a number of complaints about the property as it is.

Richard Osborne concurred that the property is a mess, and he would hate to see what goes on there at night.



City Council Minutes  
August 3, 1999  
Page 6

Alderman Russell stated that he agreed with Alderman Santos. Although he also agrees that the property is in vast, dire need of help, he does not think that the City government should do spot rezoning for a business to accommodate the most reasonable offer they had gotten. He hoped that they would eventually get a reasonable offer to fix up the property, but he didn't think that they needed a rezoning to accomplish that.

Alderman Austin asked whether there was a car lot on the south side of Huntsville Road, about one mile further east, down by Bob's Market that was also C-2 zoning. Tim Conklin replied yes.

Jerry Rose stated that they were on the third and final reading.

Upon roll call, the vote on the motion was tied: Davis, Daniel, Santos, and Russell voting nay. City Attorney Jerry Rose alerted the Mayor that he could vote as the tie-breaker. The Mayor voted for the motion, stating that the property would be better used as a used car lot than remaining vacant. The motion carried by a vote of 5-4-0.

*ORDINANCE 4175 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**FAYETTEVILLE TOWN CENTER**

A resolution approving a construction contract for the Fayetteville Town Center with Nabholz Construction Co. for a negotiated bid amount of \$7,346,408; contingency amount of \$150,000; and approval of Change Order #1 in the amount of \$970,162; plus approval of a budget adjustment.

Mayor Fred Hanna mentioned that they had requested the opinion of the Attorney General on this matter and it had been received, and that the City Attorney was satisfied that the Attorney General's opinion allows the Council to do what they had been asking to do, and was probably even more lenient, showing that the City had exercised an overabundance of caution. The vote on \$7,346,408 was due tonight to meet the contract deadline with Nabholz Construction. They should then vote on the items that had been put back in.

Alderman Trumbo did not think that approving the contract itself was controversial, as it had been presented to the voters with the sufficient bond postings that were certified. Alderman Trumbo made a motion to approve the resolution to approve the contract, and then get into the more controversial parts of it. Bob Davis seconded the motion.

Alderman Russell questioned if they approved the contract, then voted down the extra money, then would the town center be built without those add-ons. Mayor Hanna said yes. Alderman Russell said that he would like to discuss the extra money before approving the contract.

Fayetteville City Council  
July 20, 1999  
Page 7

He thought the City could spend money on the facility.

No action was taken.

**NEW BUSINESS**

**RZ 98-22**

An ordinance approving rezoning request RZ 98-22 submitted by Richard Osborne on behalf of Littlefield Investment Company for property located at 1798 East Huntsville Road. The property is zoned C-1, Neighborhood Commercial, and contains approximately 0.788 acres. The request is to rezone the property to C-2, Thoroughfare Commercial for the purpose of installing a used car lot.

*Mr. Rose read the ordinance.*

**Alderman Austin moved to suspend the rules and move to the second reading. Alderman Daniels seconded the motion. Upon roll call the motion carried by a vote of 6-2-0, Santos and Russell voting nay.**

*Mr. Rose read the ordinance of the second time.*

The applicant was not present.

Alderman Daniel stated she was not in favor of the rezoning because there were a lot of used car lots in town. The rezoning request was not consistent with the city's 2020 land use plan, which had shown a C-1 designation.

Alderman Santos thought the rezoning was inconsistent with the land use plan and it was not recommended by the staff. He asked if it was legal to accept a bill of assurance for a rezoning.

Mr. Tim Conklin, City Planner, added there had been some discussion of a bill of assurance stating that if the property was not used as a car lot then it would revert back to the C-1 designation. He stated the property could not revert back. The most that could be offered would be to limit the use of the property to a used car lot.

Mr. Rose stated any changes would have to come back to Council for a vote.

Alderman Reynolds stated the property was in disrepair and was abandoned.

The item was left on the second reading.



Minutes of Planning Commission Meeting  
January 11, 1999  
Page 32

**RZ98-22: REZONING  
LITTLEFIELD INVESTMENT CO, PP 565**

This request was submitted by Richard Osborne on behalf of Littlefield Investment Company for property located at 1798 East Huntsville Road. The property is zoned C-1, Neighborhood Commercial, and contains approximately 0.54 acres. The request is to rezone the property to C-2, Thoroughfare Commercial for the purpose of installing a used car lot.

Staff does not recommend the approval of the requested rezoning from C-1 to C-2 because there are adequate vacant C-2 parcels in the city to accommodate the proposed use. The Land Use Plan shows the area to be Community Commercial, therefore, the rezoning proposed is not consistent with the land use planning objective, principles, and policies of the land use and zoning plans.

Richard Osborne and Conway Massey were present on behalf of the project.

**Commission Discussion**

Osborne: I would like to address the items one and two that the land use planning objective, principles, and policies are not consistent with the General Plan 2020. There is C-2 in the area. It is across the street. It is the Mexican Original Plant. Other than that, there is C-2 in the City that is appropriate but not in that part of the city. We have had three inquiries in the past two years. One was for a small appliance repair which we did not feel would be appropriate there. The other was a flea market. We felt the used car lot is a better use for that area which we cannot do without C-2 zoning. I have a loose view of the General Plan. It is not sculpted in granite and therefore it can be altered. I feel this would be an appropriate use in that area. This has not been the finest part of Fayetteville and it is upgrading and I think this will be a continuation of the upgrade. It's ugly now and we'd like to do something nice and progressive there. This would not increase the frequency of traffic or increase of population density. We would appreciate your fair consideration and the opportunity to improve the property. There is only one other used car lot in that area which is west of the what was formerly Watson's Super Market. I have the platted survey for staff.

Little: Thank you.

**Public Discussion**

None.

**Further Commission Discussion**

Odom: Car lots are only allowed in C-2. Is that correct?

Minutes of Planning Commission Meeting  
January 11, 1999  
Page 33

Little: That is correct.

Odom: Would we be able to grant a rezoning contingent upon it being for one particular use.

Little: No. That would not be advisable unless offered by the applicant.

Osborne: We will offer a Bill of Assurance that it will only be rezoned for a used car lot. If something else were to occur we would simply come back.

Hoffman: Is there not any way to grant a conditional use?

Little: No.

Forney: Rezoning is a really important part of our work and we need to exercise a lot of care. I think the General Land Use Plan should be our proper guide and I appreciate the staff's report. I appreciate the applicant's view that this area is not being used to its full potential. I am optimistic about the future of that intersection given the increased development north of there. Since this property is for lease, I think rezoning to accommodate a rental opportunity seems contingent and short sighted. Rezoning should be a long term decision.

Odom: I wasn't originally going to support this but since the offer of the Bill of Assurance, I'm not as concerned about it.

Forney: How does this work? What would happen to the zoning on the site after the lease expires?

Little: It would be C-1 or it could be used again for another used car lot.

### MOTION

Mr. Odom made a motion to approve 98-22 to rezone the property from C-1 to C-2 with a Bill of Assurance that this will be used for a used car lot only and the zoning will revert to C-1 at the expiration of the lease or change in use.

Mr. Ward seconded the motion.

### Further Discussion

Little: This will be limited to one use.



Minutes of Planning Commission Meeting  
January 11, 1999  
Page 34

Forney: How often do we do this?

Little: Limiting to one use is unusual. It says it is not appropriate for that zone except for that one use. It is not generally advisable to do that. I think at the City Council level the City Attorney will caution the Council against that.

Forney: Have we done this before?

Little: Not just for one use.

Forney: We have a mechanism and it may not address the specific cases as we think it should. We are putting ourselves in an awkward position. I think we'll see a lot of people come in here to rezone for just one use. That is not a good way to treat our land use plan. If we don't like the way our regulations are we should revise the regulations.

Odom: This would not be allowed as conditional use in C-1.

**Upon Roll Call**

Upon roll call, the motion passed with a vote of 5-4-0. Mr. Forney, Ms. Hoover, Ms. Johnson, and Mr. Tucker voted against the motion.

## STAFF REVIEW FORM

Martin Luther King  
C. 5. Page 1

☒ AGENDA REQUEST  
☐ CONTRACT REVIEW  
☐ GRANT REVIEW

For the Fayetteville City Council meeting of Feb. 6, ~~2000~~ 2001

Dan Coody, Mayor

Mayor's Office

Administration

Name

Division

Department

## ACTION REQUIRED:

A resolution declaring Martin Luther King Jr.'s Birthday to be an official holiday in the City of Fayetteville, to be exchanged with an existing City holiday, by amendment to the City's Personnel Policy Holiday Schedule

## 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 Coordinator

Administrative Services Director

## CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

Grant Officer

Date

STAFF RECOMMENDATION: Approval of the ordinance.

Division Head

Date

Cross Reference

Department Director

Date

New Item: Yes No

Admin. Svcs Director

Date

Prev Ord/Res #: \_\_\_\_\_

Mayor

Date

Orig Contract Date: \_\_\_\_\_



# RECORDS

Northwest Arkansas TIMES

Friday,  
January 12, 2001

## ed of fatal beating of wife

spoke little harm that Flores, who initially identified himself to police as 34-year-old Andres Rivera, allegedly did to Reyes. Reyes was bleeding when police arrived at his home and had suffered a stab wound allegedly inflicted by Flores.

Detectives said there were signs of a struggle in the home, including a telephone cord that appeared to have been cut and blood found on the walls of the bedroom.

The report states Miller complied with a request to participate in field sobriety tests and failed all of them. However, the officers noted there was no detectable odor of alcohol on Miller or coming from his car. Miller was arrested and taken to the Fayetteville City Jail. A search of the car and Miller revealed that Miller was allegedly in possession of 486 pills, the police report states.

## Some offices, agencies to close Monday for holiday

From staff reports

Monday's Martin Luther King Jr. holiday brings with it a number of area closings, as follows:

- All state and federal offices will be closed.
  - Banks and financial institutions will be closed.
  - The University of Arkansas will be closed. Spring 2001 classes will begin Tuesday.
  - Washington County Courthouse offices will be closed, and courts will not be in session.
  - Fayetteville Public Schools will be not be in session for students, but teachers will attend for a restructuring day. Teachers who have made previous engagements for MLK holiday events will be excused from the district's professional development activities Monday.
- All Fayetteville city offices will be open Monday.

## and DEATH NOTICES 442-1700

Rogers; nine grandchildren; and four great-grandchildren.

Service will be at 10 a.m. Saturday at the Luginbuel Funeral Home chapel in Prairie Grove, with Cecil Sugg officiating. Burial will be in Prairie Grove Cemetery.

### Farmington

#### JUDGE C. COURTNEY

Judge C. Courtney, 82, of Farmington died Thursday, Jan. 11, 2001, in Farmington. Born Aug. 12, 1918, in Rison, he was the son of Joseph and Mary French Courtney.

He was a janitor for Cargill.

### Rogers

#### EULA B. 'PAT' WALKER

Eula B. "Pat" Walker, 84, of Rogers died Tuesday, Jan. 9, 2001, in Rogers. Born Oct. 1, 1916, in Greeley, Colo., she was the daughter of Joseph Andrew and Bertha Leemaster Smith.

She was retired from Hughes Aircraft and a member of the First Baptist Church in Rogers.

Survivors include two stepsons, Richard L. Walker and Jeffery Walker, both of Riverside, Calif.

Graveside service will be at 2 p.m. Saturday at Loma Vista Memorial Park in Fullerton.

and Dennis Langley, both of Tulsa, Okla.; three daughters, Beverly Potts of Springdale, and Barbara Bengé and Chloetta "Chloe" Schlehuber, both of Tulsa, Okla.; a brother, Marvin Langley of Bridgeport, Wash.; a sister, Thelma Sanford of Beatrice, Neb.; 13 grandchildren; and 11 great-grandchildren.

Funeral will be at 2 p.m. Saturday at Wasson Memorial Chapel in Siloam Springs, with the Rev. Garnet Cole officiating. Burial will be in Oak Hill Cemetery.

### Springdale



## 2001 HOLIDAY SCHEDULE

|                  |           |             |
|------------------|-----------|-------------|
| New Year's Day   | Monday    | January 1   |
| President's Day  | Monday    | February 19 |
| Memorial Day     | Monday    | May 28      |
| Independence Day | Wednesday | July 4      |
| Labor Day        | Monday    | September 3 |
| Veteran's Day    | Monday    | November 12 |
| Thanksgiving     | Thursday  | November 22 |
| Thanksgiving     | Friday    | November 23 |
| Christmas        | Monday    | December 24 |
| Christmas        | Tuesday   | December 25 |



**State of Arkansas**  
**Office of the State Treasurer**

Jimmie Lou Fisher  
Treasurer of State

Telephone: (501) 682-5888  
Fax: (501) 682-3820

**2001 OFFICIAL HOLIDAY CALENDAR**

|                                                           |                  |                  |
|-----------------------------------------------------------|------------------|------------------|
| New Year's Day                                            | Monday           | January 1        |
| Martin Luther King, Jr.'s and<br>Robert E. Lee's Birthday | Monday           | January 15       |
| Presidents' Day                                           | Monday           | February 19      |
| Memorial Day                                              | Monday           | May 28           |
| Independence Day                                          | Wednesday        | July 4           |
| Labor Day                                                 | Monday           | September 3      |
| Columbus Day<br>(State offices open - banks closed)       | Monday           | October 8        |
| Veteran's Day<br>(Observed Monday, November 12)           | Sunday           | November 11      |
| Thanksgiving Day                                          | Thursday         | November 22      |
| *Thanksgiving                                             | Friday           | November 23      |
| Christmas Holidays                                        | Monday & Tuesday | December 24 & 25 |

Holidays listed pursuant to Arkansas Code Annotated 1-15-101. Holidays falling on a Saturday will be observed on the preceding Friday. Holidays falling on a Sunday will be observed on the succeeding Monday.

Should a legal holiday fall during any General or Special Session of the General Assembly, the Treasurer's office shall remain open, unless directed to close by resolution of the General Assembly.

The Governor may at his discretion establish by Executive Proclamation additional days when state offices shall be closed in observance of special events or for other reasons.

\*If granted by Executive Proclamation of the Governor.

# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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## TENTATIVE AGENDA CITY COUNCIL FEBRUARY 6, 2001

A meeting of the Fayetteville City Council will be held on February 6, 2001 at 6:30 p.m. in Room 219 in the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

### A. CONSENT

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the December 19, 2000, January 2 and January 16, 2001 meetings.
2. **UTILITY AGREEMENT:** A resolution approving a City-Utility agreement between the City of Fayetteville and Ozarks Electric Coop. Corp., for the necessary adjustments for the Double Springs Road bridge over Owl Creek.
3. **GARLAND AVE.:** A resolution approving Amendment No.1 (which also includes addition of Double Springs Road project) to the engineering contract with Hawkins-Weir Engineering, Inc. for Garland Ave. (Maple to North Street) water and sewer relocation project.
4. **AIRFIELD PAVEMENT REHAB:** A resolution approving Task Order #8 to the McClelland Consulting Engineering contract in the amount of \$138,620.00 with a 15% contingency of \$20,793.00 for a total (not to exceed) of \$159,413.00 for the engineering of the Airfield Pavement Rehabilitation.
5. **AIRPORT BOARD:** A resolution readopting the creation of the Airport Board; and establishing the purpose, general terms of membership, duties, authority, and policies and procedures for the Airport Board.
6. **LIBRARY AGREEMENT:** A resolution approving an interlocal agreement to participate in a joint county/city library system between Washington County Arkansas, and the cities of Fayetteville, Springdale, Elkins, Lincoln, Prairie Grove and West Fork.
7. **WASTEWATER ENGINEERING:** A resolution approving Amendment No. 1 to the engineering contract with Garver Engineers for the Wastewater Improvement Project. *(NEED PACKET FOR AGENDA SESSION).*

*SEE DON BUNN*



8. **NW REGIONAL SOLID WASTE MANAGEMENT BOARD:** A resolution appointing Mayor Coody to serve as the City's authorized representative to the Four-County Regional Solid Waste Management Board.

(NEW DRAFT)  
FOR PRELIM SESSION

B. **OLD BUSINESS**

C. **NEW BUSINESS**

1. **RZ 98-22:** An ordinance approving an amendment to the Bill of Assurance to provide for use of a metal fence on that property described in RZ 98-22, approved in Ord. 4175 and amended in Ordinance 4184, submitted by Richard Osborne on behalf of Littlefield Investment Company.

2. **BOYS AND GIRLS CLUB BUS:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of used diesel powered forward control passenger vehicles to be utilized by the Fayetteville Boys and Girls Club.

3 Buses.

3. **TROLLEY BUS:** An ordinance waiving the requirement of formal competitive bidding and approving the purchase of used ~~diesel~~ powered passenger vehicles to be used by the Fayetteville Trolley Program. (REMOVE)

4. **OVER THE ROAD TRACTOR:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of a used diesel powered over the road tractor to be utilized by the Fayetteville Street Maintenance Division.

5. **MARTIN LUTHER KING DAY:** A resolution declaring Martin Luther King Jr.'s Birthday to be an official holiday in the City of Fayetteville, to be exchanged with an existing City Holiday, by amendment to the City's Personnel Policy Holiday Schedule.

\* underground utilities

- FOI



January 30, 2001

**AGENDA SESSION  
CITY COUNCIL  
FEBRUARY 6, 2001**

**NEW ITEMS:**

- NB* 1. **UNDERGROUND UTILITIES:** A resolution supporting SB 53, State of Arkansas 83<sup>rd</sup> General Assembly: An act to create the Study Commission on Underground Electric Lines sponsored by Senator J. Jeffress.
- NB* 2. **FOIA:** Question and Answer on Freedom of Information Act.

**ADDITIONAL INFORMATION:**

1. **WASTEWATER ENGINEERING:** Backup information for Item A.7. Wastewater Engineering.
2. **NW REGIONAL SOLID WASTE MANAGEMENT BOARD:** Remove information in your Tentative Agenda packet for Item A.8. NW Regional Solid Waste Management Board and replace with the attached draft resolution.

*Joint mtg. ALL BOARDS P.C. - w/ John Watkins  
IN AFTERNOON. / ATTORNEY GENERAL OPINION.*

**TENTATIVE AGENDA  
CITY COUNCIL  
FEBRUARY 6, 2001**

A meeting of the Fayetteville City Council will be held on February 6, 2001 at 6:30 p.m. in Room 219 in the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**A. CONSENT**

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the December 19, 2000, January 2 and January 16, 2001 meetings.
2. **UTILITY AGREEMENT:** A resolution approving a City-Utility agreement between the City of Fayetteville and Ozarks Electric Coop. Corp., for the necessary adjustments for the Double Springs Road bridge over Owl Creek.
3. **GARLAND AVE.:** A resolution approving Amendment No.1 (which also includes addition of Double Springs Road project) to the engineering contract with Hawkins-Weir Engineering, Inc. for Garland Ave. (Maple to North Street) water and sewer relocation project.  
*REMOVE FROM CONSENT N/B*
4. **AIRFIELD PAVEMENT REHAB:** A resolution approving Task Order #8 to the McClelland Consulting Engineering contract in the amount of \$138,620.00 with a 15% contingency of \$20,793.00 for a total (not to exceed) of \$159,413.00 for the engineering of the Airfield Pavement Rehabilitation.
5. **AIRPORT BOARD:** A resolution readopting the creation of the Airport Board; and establishing the purpose, general terms of membership, duties, authority, and policies and procedures for the Airport Board.  
*REMOVE FROM CONSENT N/B*
6. **LIBRARY AGREEMENT:** A resolution approving an interlocal agreement to participate in a joint county/city library system between Washington County Arkansas, and the cities of Fayetteville, Springdale, Elkins, Lincoln, Prairie Grove and West Fork.
7. **WASTEWATER ENGINEERING:** A resolution approving Amendment No. 1 to the engineering contract with Garver Engineers for the Wastewater Improvement Project.

8. **NW REGIONAL SOLID WASTE MANAGEMENT BOARD:** A resolution appointing Mayor Coody to serve as the City's authorized representative to the Four-County Regional Solid Waste Management Board.

**B. OLD BUSINESS**

**C. NEW BUSINESS**

1. **RZ 98-22:** An ordinance approving an amendment to the Bill of Assurance to provide for use of a metal fence on that property described in RZ 98-22, approved in Ord. 4175 and amended in Ordinance 4184, submitted by Richard Osborne on behalf of Littlefield Investment Company.

2. **BOYS AND GIRLS CLUB BUS:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of used diesel powered forward control passenger vehicles to be utilized by the Fayetteville Boys and Girls Club.

- Remove from Agenda*  
3. **TROLLEY BUS:** An ordinance waiving the requirement of formal competitive bidding and approving the purchase of used diesel powered passenger vehicles to be used by the Fayetteville Trolley Program.

4. **OVER THE ROAD TRACTOR:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of a used diesel powered over the road tractor to be utilized by the Fayetteville Street Maintenance Division.

- Remove from Agenda*  
5. **MARTIN LUTHER KING DAY:** A resolution declaring Martin Luther King Jr.'s Birthday to be an official holiday in the City of Fayetteville, to be exchanged with an existing City Holiday, by amendment to the City's Personnel Policy Holiday Schedule.



**DRAFT TENTATIVE AGENDA  
CITY COUNCIL  
FEBRUARY 6, 2001**

A meeting of the Fayetteville City Council will be held on February 6, 2001 at 6:30 p.m. in Room 219 in the City Administration Building.

**A. CONSENT**

- Approval of Minutes.*
1. **UTILITY AGREEMENT:** A resolution approving a City-Utility agreement between the City of Fayetteville, and Ozarks Electric Coop. Corp., for the necessary adjustments for the Double Springs Road bridge over Owl Creek.
  2. **GARLAND AVE.:** A resolution approving Amendment No. #1 (which also includes addition of Double Springs Road project) to the engineering contract with Hawkins-Weir Engineering, Inc. for Garland Ave. (Maple to North Street) water and sewer relocation project.
  3. **AIRFIELD PAVEMENT REHAB:** A resolution approving Task Order #8 to the McClelland Consulting Engineering contract in the amount of \$138,620.00 with a 15% contingency of \$20,793.00 for a total (not to exceed) of \$159,413.00 for the engineering of the Airfield Pavement Rehabilitation.
  4. **AIRPORT BOARD:** A resolution readopting the creation of the Airport Board; and establishing the purpose, general terms of membership, duties, authority, and policies and procedures for the Airport Board. *(back up at agenda session)*
  5. **LIBRARY AGREEMENT:** A resolution approving an interlocal agreement to participate in a joint county/city library system between Washington County Arkansas, and the cities of Fayetteville, Springdale, Elkins, Lincoln, Prairie Grove and West Fork.

**B. OLD BUSINESS**

**C. NEW BUSINESS**

1. **NW REGIONAL SOLID WASTE MANAGEMENT BOARD:** A resolution appointing Mayor Coody to serve as the City's authorized representative to the Four-County Regional Solid Waste Management Board.
2. **RZ 98-22:** *ORD.* A resolution approving an amendment to the Bill of Assurance to provide for use of a metal fence on that property described in RZ 98-22, approved in Ord. 4175 and amended in Ordinance 4184, submitted by Richard Osborne on behalf of Littlefield Investment Company.

- 3. - Fleet / 4 bid various equipment purchases.*
- 4. Martin Luther King day. 3 buses for 6-6. Club.*

*A resolution approves CW contract, amend #1  
w/ Garver Eng.*

*Pam Bunn - 4. Garver Engineers - amend to co. for C.W.W. services. \$80,000. (need packet) agenda session*

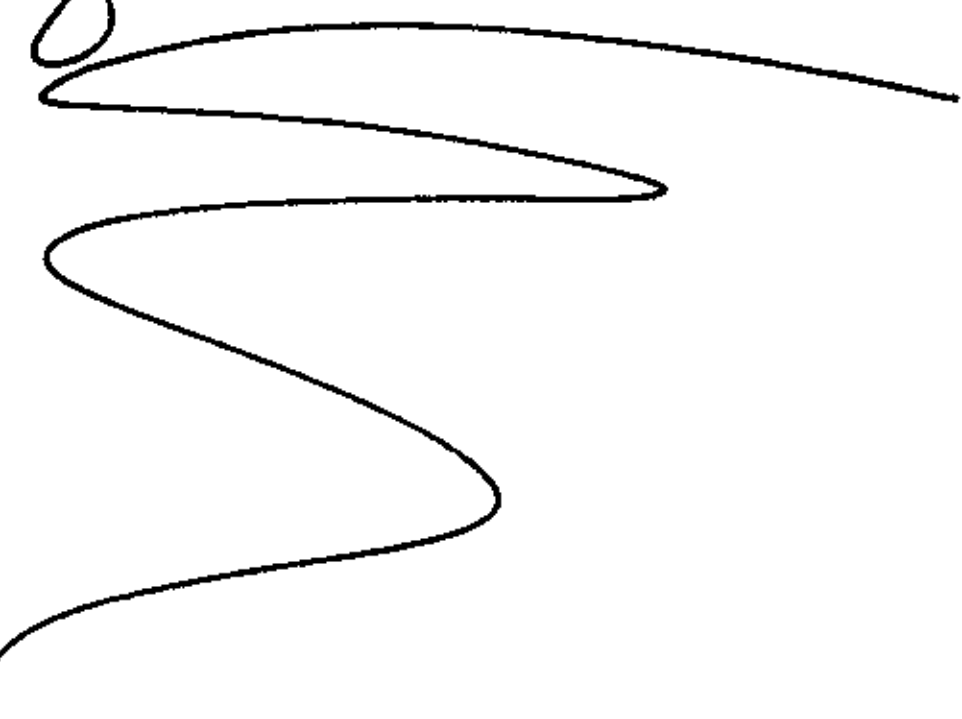
*Don?*

Feb 20 - - state of City.

~~committee~~

- Committee appointant.  
Community committee.

city attorney - felwell



# Arkansas Democrat Gazette

## MONDAY

February 5, 2001



## FINAL AGENDA CITY COUNCIL FEBRUARY 6, 2001

A meeting of the Fayetteville City Council will be held on February 6, 2001 at 6:30 p.m. in 219 in the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

### A. Consent

1. APPROVAL OF THE MINUTES: Approval of the minutes from the December 19, 2000, January 2 and January 16, 2001 meetings
2. UTILITY AGREEMENT: A resolution approving a City-Utility agreement between the City of Fayetteville and Ozarks Electric Coop. Corp., for the necessary adjustments for the Double Springs Rd. bridge over Owl Creek.
3. AIRFIELD PAVEMENT REHAB: A resolution approving Task Order #8 to the McClelland Consulting Engineering contract in the amount of \$138,620.00 with a 15% contingency of \$20,793.00 for a total (not to exceed) of \$159,413.00 for the engineering of the Airfield Pavement Rehabilitation.
4. LIBRARY AGREEMENT: A resolution approving an interlocal agreement to participate in a joint county/city library system between Washington County Arkansas, and the cities of Fayetteville, Springdale, Elkins, Lincoln, Prairie Grove and West Fork.
5. WASTEWATER ENGINEERING: A resolution approving Amendment No. 1 to the engineering contract with Garver Engineers for the Wastewater Improvement Project.
6. NW REGIONAL SOLID WASTE MANAGEMENT BOARD: A resolution appointing Mayor Coody to serve as the City's authorized representative to the Four-County Regional Solid Waste Management Board.

### B. OLD BUSINESS

### C. NEW BUSINESS

1. BOYS & GIRLS CLUB BUS: An ordinance waiving the requirements of formal competitive bidding and approving the purchase of used diesel powered forward control passenger vehicles to be utilized by the Fayetteville Boys & Girls Club.
2. OVER THE ROAD TRACTOR: An ordinance waiving the requirements of formal competitive bidding and approving the purchase of a used diesel powered over the road tractor to be utilized by the Fayetteville Street Maintenance Division.
3. GARLAND AVE: A resolution approving Amendment No. 1 (which also includes addition of Double Springs Rd. project) to the engineering contract with Hawkins-Weir Engineering, Inc. for Garland Ave. (Maple to North Street) water and sewer relocation project.
4. AIRPORT BOARD: A resolution readopting the creation of the Airport Board; and establishing the purpose, general term of membership, duties, authority and policies and procedures of the Airport Board.
5. UNDERGROUND UTILITIES: A resolution supporting SB 53, State of Arkansas 83rd General Assembly: An act to create the Study Commission on Underground Electric Lines sponsored by Senator J. Jeffress.



Job # 02055760



FINAL AGENDA  
CITY COUNCIL  
FEBRUARY 6, 2001

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- A. Consent
1. APPROVAL OF THE MINUTES: Approval of the minutes from the December 19, 2000, January 2 and January 16, 2001 meetings.
  2. UTILITY AGREEMENT: A resolution approving a City Utility agreement between the City of Fayetteville and Ozark Electric Coop. Corp. for the necessary adjustments for the Double Springs Rd. bridge over Owl Creek.
  3. AIRFIELD PAVEMENT REPAIR: A resolution approving Task Order #8 to the McClelland Consulting Engineering contract in the amount of \$138,620.00 with a 15% contingency of \$20,793.00 for a total (not to exceed) of \$159,413.00 for the engineering of the Airfield Pavement Rehabilitation.
  4. LIBRARY AGREEMENT: A resolution approving an interlocal agreement to part share in a joint county-city library system between Washington County Arkansas, and the cities of Fayetteville, Springdale, Elkins, Lincoln, Prairie Grove and West Fork.
  5. WASTEWATER ENGINEERING: A resolution approving Amendment No. 1 to the engineering contract with Garver Engineers for the Wastewater Improvement Project.
  6. NW REGIONAL SOLID WASTE MANAGEMENT BOARD: A resolution appointing Mayor Coody to serve as the City's authorized representative to the Four-County Regional Solid Waste Management Board.
- B. OLD BUSINESS
- C. NEW BUSINESS
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DA