Final Agenda
City Council Meeting
September 7, 2004

A meeting of the Fayetteville City Council will be held on September 7, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **Approval of the Minutes:** Approval of the July 27, 2004 Public Hearing and the August 3, 2004 meeting minutes.

   APPROVED.

2. **Mailco USA, Inc. Contract:** A resolution to approve the low bid for a mail processing contract from Mailco, USA, Inc. for an estimated amount of $261,670.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 127-04.

3. **Department of Homeland Security Fire Prevention Grant:** A resolution authorizing the Fayetteville Fire Department to apply for a Department of Homeland Security Fire Prevention and Safety Grant in an amount of approximately $200,000.00 for enhanced fire prevention programs.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 128-04.

4. **Amber Drive Drainage Improvements Contract with Cando, Inc.:** A resolution to approve a construction contract with Cando, Inc. for Amber Drive drainage improvements in the amount of $71,703.40, plus a contingency of $15,755.51.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 129-04.

5. **Purchase of One 4x2 Crew Cab Truck for Parks:** A resolution approving the purchase of one (1) 4x2 Crew Cab Truck with dump body from North Point Ford of North Little Rock in the amount of $36,292.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 130-04.

6. **Purchase of One F-550 4x4 Truck with Crane for Water & Sewer:** A resolution approving the purchase of an F-550 Extended Cab 4x4 Truck from Ron Blackwell Ford in the amount of $45,904.50.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 131-04.

7. **Purchase of One Extended Cab 4x4 Truck with Utility Body for Water & Sewer:** A resolution approving the purchase of one (1) Extended Cab 4x4 Truck with utility body from Ron Blackwell Ford in the amount of $39,105.42.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 132-04.

8. **Purchase of One 4x4 Truck with Van Body for Water & Sewer:** A resolution approving the purchase of one (1) 4x4 Truck with Van Body and Television Sewer Line Inspection Equipment from SWECO in the amount of $169,450.00; and approving a budget adjustment in the amount of $116,000.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 133-04.

9. **Purchase of Two 4x2 Crew Cab Trucks with Dump Bodies for Transportation:** A resolution approving the purchase of two (2) 4x2 Crew Cab Truck with dump bodies from North Point Ford of North Little Rock in the amount of $72,584.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 134-04.

10. **Ramsey, Krug, Farrell & Lensing Contract:** A resolution approving a contract with Ramsey, Krug, Farrell & Lensing, in an amount not to exceed $29,280.00 to provide insurance brokerage services to the City of Fayetteville.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 135-04.

11. **Laureate Fields Subdivision Park Land Dedication Waiver:** A resolution to approve an agreement to accept lesser dedication of park land from Old Towne LLC in lieu of its development of its dedicated three acre Neighborhood Park.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 136-04.

B. OLD BUSINESS:

1. **Arkansas Highway & Transportation Department Highway 265 Improvements:** A resolution expressing the intent of the Fayetteville City Council to participate with the Arkansas Highway and Transportation Department on improvements to Highway 265 from Highway 45 to the northern City limits.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 137-04.

C. NEW BUSINESS:

1. **SouthPass Development Company Purchase Option Transfer:** A resolution authorizing the Mayor to execute an agreement with SouthPass Development Company to accept 200 acres of park land, a 10 acre water tank site, one million dollars for park land development and other consideration for the City's acceptance of ownership of a 33 acre landfill.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 138-04.

2. **Neighborhood Elementary School City Council Support:** A resolution to express the City Council's support for the established Neighborhood Elementary Schools in Fayetteville.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 139-04.

3. **Downtown Master Plan Adoption:** A resolution to adopt the Downtown Master Plan completed by Dover, Kohl & Partners.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 140-04.

4. **Purchase 2.44 Acres from Fay Jones Trust:** A resolution approving an offer and acceptance contract between the City of Fayetteville and the Fay Jones Trust for the purchase of approximately 2.44 acres of land located between West and Gregg Avenues for the amount of $100,000.00 plus associated closing costs.

   THIS ITEM WAS TABLED TO SEPTEMBER 21, 2004 CITY COUNCIL MEETING.

5. **Newspaper Advertising Bid:** A resolution awarding Bid #04-53 to The Morning News for legal and display advertisements; to the Arkansas Democrat-Gazette for federally funded project advertisements; and authorizing the placement of items of particular public interest in any newspaper as needed.

   THIS ITEM WAS TABLED INDEFINITELY.

D. INFORMATIONAL:

Council Tour: Friday, September 3, 2004 – 4:30 p.m.

Labor Day Holiday: September 6, 2004

Meeting adjourned at 10:20 p.m.

Meeting Adjourned at 10:20 PM.

City Council Meeting September 7, 2004

Alderman Rhoads was absent until the Consent agenda

Subject:	Roll					
Motion To:						
Motion By: Seconded:						
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Rhoads	absent				
	Odom	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Mayor Coody	✓				

Subject:	[illegible]					
Motion To:		add Nominating Committee Report to Agenda				Richard
Motion By: Seconded:						Royal
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Rhoads	absent				
	Odom	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Mayor Coody					

passed to add the Nominating Report to the Agenda

City Council Meeting September [illegible], 2004

Subject:	Housing Authority –				
Motion To:					Appoint Richard Royal to Housing Authority.
Motion By: Seconded:		Marr / Cook			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	absent			
	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Mayor Coody				

approved Richard Royal

Subject:	A & P – Don Marr				
Motion To:		Appoint Don Marr to A & P Commission			
Motion By: Seconded:		Jordan / Lucas			
	Thiel	✓			
	Cook	✓			
	Marr	abstain			
	Rhoads	absent			
	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Mayor Coody				

appointed Don Marr

City Council Meeting September 7, 2004

Subject:	Consent				
Motion To:		Approve Consent			
Motion By: Seconded:		Jordan Reynolds			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Mayor Coody				

passed Res. 127-04 to 136-04

Subject:	Ark. Highway & Transportation Dept. Highway 265 Improvements				
Motion To:		Approve			
Motion By: Seconded:		Rhoads Odom			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Mayor Coody				

B.1.

Old Business

passed Res. 137-04

City Council Meeting September 7, 2004

Subject:	SouthPass Development Company Purchase Option Transfer				
Motion To:		Approve.			
Motion By: / **Seconded:**		Thiel / Jordan			
	Thiel	✓		Sharon Davidson	
	Cook	✓		Spenser ?? / Bill Ackerman	
	Marr	✓		Kathy McGuire Bowerman	
	Rhoads	✓		Linda Ralston / Donna Williams	
	Odom	✓		Jerry Patton	
	Lucas	✓		Phillip Watson / Barbara Moreman	
	Jordan	✓		Fran alexander	
	Reynolds	✓		Susan Porter / Connie Edwardson	
	Mayor Coody			Susan Porter	

C.1. New Business

passed 138-04

???
Wade Coldwell
Tom Howard ?
Melissa Terry
Dorothy Neely
Jim Bemis

Subject:	City Support Neighborhood Elementary School				
Motion To:		Approve			
Motion By: / **Seconded:**		Marr / Thiel			
	Thiel	✓	Beth Presley ?	nancy Allen	
	Cook	✓		Amy McMillian	
	Marr	✓		Karen Reese	
	Rhoads	✓		Jerry Bailey	
	Odom	N		Kathy McGuire Bowerman	
	Lucas	✓		Sharon Davidson	
	Jordan	✓		Spenser ?? (Spoke after Davidson on SouthPass)	
	Reynolds	✓		Linda Ralston / Michele Keen	
	Mayor Coody			Marcie ???	

C.2. New Business

7/1 passed 139-04

I believe it is our duty as elected officials

CF Roberts
Betty ???

City Council Meeting September 7, 2004

C.3. New Business

passed

140-04

Subject:	Downtown Master Plan			
Motion To:	approve			
Motion By: Seconded:	Cook / Marr			
Thiel	✓			
Cook	✓			
Marr	✓			
Rhoads	✓			
Odom	✓			
Lucas	✓			
Jordan	✓			
Reynolds	✓			
Mayor Coody				

C.4. New Business

amend Resolution

passed

7/0

141-04

Subject:	Purchase 2.44 Acres from Fay Jones Trust.			
Motion To:	approve Contract to purchase 2.44 from Fay Jones Trust with $50,000 Tree & Trails $50,000			
Motion By: Seconded:	Thiel / Jordan	Wilson Springs proceeds		
Thiel	✓			
Cook	abstain			
Marr	✓			
Rhoads	✓			
Odom	✓			
Lucas	✓			
Jordan	✓			
Reynolds	✓			
Mayor Coody				

City Council Meeting September 7, 2004

C.4. New Business

Tabled until 9/21/04 Meeting

Subject:	Purchase 2.44 Acres from Fay James Trust				
Motion To:		table resolution that was amended			
Motion By: / Seconded:		Marr / Thiel			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Mayor Coody				

C.5. New Business

Subject:	Newspaper Advertising Bid				
Motion To:		Table until ~~the~~ indefinitly.			
Motion By: / Seconded:					
	Thiel	✓			
	Cook	Recuse			
	Marr	✓			
	Rhoads	✓			
	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Mayor Coody				

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5. **Purchase of One 4x2 Crew Cab Truck for Parks:** A resolution approving the purchase of one (1) 4x2 Crew Cab Truck with dump body from North Point Ford of North Little Rock in the amount of $36,292.00.

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C. NEW BUSINESS:

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2. **Neighborhood Elementary School City Council Support:** A resolution to express the City Council's support for the established Neighborhood Elementary Schools in Fayetteville.

3. **Downtown Master Plan Adoption:** A resolution to adopt the Downtown Master Plan completed by Dover, Kohl & Partners.

4. **Purchase 2.44 Acres from Fay Jones Trust:** A resolution approving an offer and acceptance contract between the City of Fayetteville and the Fay Jones Trust for the purchase of approximately 2.44 acres of land located between West and Gregg Avenues for the amount of $100,000.00 plus associated closing costs.

5. **Newspaper Advertising Bid:** A resolution awarding Bid #04-53 to The Morning News for legal and display advertisements; to the Arkansas Democrat-Gazette for federally funded project advertisements; and authorizing the placement of items of particular public interest in any newspaper as needed.

D. INFORMATIONAL:

Council Tour: Friday, September 3, 2004 – 4:30 PM

Labor Day Holiday: September 6, 2004

Added at Agenda Session on 8/31/04.

City Council Meeting of September 7, 2004

A.4.
Consent

CITY COUNCIL AGENDA REQUEST

To: Mayor and City Council

Thru: Hugh Earnest, Chief Administrative Officer

From: Tim Conklin, Community Planning and Engineering Services Director T.C.

Date: August 30, 2004

Subject: 1. Approval of a resolution awarding the construction contract in the amount of $71,703.40 with **Cando, Inc.** for the construction of Amber Drive Drainage Improvements. 2. Approval of a project contingency in the amount of $15,755.51 which includes $10,755.51 (15%) for unforeseen project expenditures and variations in final quantities; and $5,000 for materials testing, in-house management & inspection.

RECOMMENDATION

Staff recommends approval of the resolution awarding the contract to **Cando, Inc.** in the amount of $71,703.40 and establishing a project contingency of $15,755.51.

BACKGROUND

This drainage improvement project replaces existing undersized drainage infrastructure located near the corner of Old Wire Road and Amber Drive. This project is the result of Council's decision to address the drainage problems experienced by the neighborhood on three occasions this year which resulted in floodwater overtopping Amber Drive and flooding a house and shed located at 1312 Amber Drive.

A conceptual design plan and estimate was presented to City Council on July 13, 2004. At that meeting council approved a budget adjustment to allocate $100,000 toward the project based on the concept presented on staffs estimate of costs.

Bids were opened on August 30, 2004. One contractor submitted a bid in the amount of $71,703.40.

DISCUSSION

Bids were opened on August 30, 2004. One contractor submitted a bid in the amount of $71,703.40.The project engineer has reviewed the bids and recommends awarding the contract to **Cando, Inc.**, in the amount of $71,703.40 (see the attached bid tabulation sheet). The estimated total project costs including the project contingency for unforeseen project expenditures are as follows:

Contractor Bid Amount	**$ 71,703.40**
Materials Testing	**$ 3,500.00**
In-house Management & Inspection	**$ 1,500.00**
15% Contingency	**$ 10,755.51**
TOTAL	**$ 87,458.91**

BUDGET IMPACT

Funds of $100,000 are available as this project was budgeted through a budget adjustment approved July 13, 2004.

RESOLUTION NO. ______

A RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH CANDO, INC. FOR AMBER DRIVE DRAINAGE IMPROVEMENTS IN THE AMOUNT OF $71,703.40, PLUS A CONTINGENCY OF $15,755.51

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the contract attached as Exhibit "A" with Cando, Inc. for Amber Drive drainage improvements in the amount of $71,703.40, plus a project contingency of $15,755.51.

PASSED and **APPROVED** this 7th day of September, 2004.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

Amber Drive Drainage Improvements *Bid Opening, August 30th @ 2:00pm*

Item No.	Description	Unit	Estimated Quantity	Cando, Inc.		City of Fayetteville	
				Unit Price	Extended Price	Unit Price	Extended Price
1	Mobilization	LS	1.00	$2,205.00	$2,205.00	$5,000.00	$5,000.00
2	Construction Staking	LS	1.00	$1,000.00	$1,000.00	$5,000.00	$5,000.00
3	Maintenance of Traffic	LS	1.00	$2,300.00	$2,300.00	$1,000.00	$1,000.00
4	Tree Protection Fencing	LF	150.00	$5.00	$750.00	$5.00	$750.00
5	Excavation Safety	LS	1.00	$500.00	$500.00	$1,000.00	$1,000.00
6	Clearing & Grubbing	LS	1.00	$2,000.00	$2,000.00	$1,000.00	$1,000.00
7	R & D 18" - 24" Corrugated Metal Pipe (CMP)	LF	200.00	$8.00	$1,600.00	$10.00	$2,000.00
8	R & D Ex Inlets	EA	2.00	$500.00	$1,000.00	$500.00	$1,000.00
9	R & D Concrete Sidewalk	SY	15.00	$15.00	$225.00	$30.00	$450.00
10	Unclassified Excavation	CY	200.00	$17.00	$3,400.00	$15.00	$3,000.00
11	Undercut and backfill	CY	20.00	$19.00	$380.00	$25.00	$500.00
12	Aggregate Base Course (Class 7)	TN	60.00	$50.00	$3,000.00	$20.00	$1,200.00
13	Concrete Curb and Gutter	LF	20.00	$15.00	$300.00	$15.00	$300.00
14	22" X 36" Reinforced Concrete Arch Pipe (RCAP)	LF	200.00	$68.00	$13,600.00	$100.00	$20,000.00
15	Curb Inlet (Type A 5'x5')	EA	1.00	$3,500.00	$3,500.00	$2,500.00	$2,500.00
16	Curb Inlet (Type C 5'x5')	EA	1.00	$2,500.00	$2,500.00	$2,500.00	$2,500.00
17	Drop Inlet Extension (4')]	EA	2.00	$1,040.00	$2,080.00	$500.00	$1,000.00
18	Area Inlet (5'x5')	EA	1.00	$3,200.00	$3,200.00	$2,500.00	$2,500.00
19	Modify Existing Area Inlet to Accept 22"x36" RCAP	EA	1.00	$750.00	$750.00	$1,000.00	$1,000.00
20	Remove and Replace 9" Reinforced concrete street	SY	30.00	$142.00	$4,260.00	$100.00	$3,000.00
21	Concrete Sidewalk	SY	15.00	$42.00	$630.00	$35.00	$525.00
22	Concrete Apron	SF	54.00	$4.60	$248.40	$10.00	$540.00
23	Seeding and Mulching	Acres	0.50	$4,000.00	$2,000.00	$1,400.00	$700.00
24	Solid Sodding	SY	600.00	$5.50	$3,300.00	$5.00	$3,000.00
25	Imported Top Soil	CY	100.00	$32.00	$3,200.00	$25.00	$2,500.00
26	Baled Straw Ditch Check	EA	25.00	$7.00	$175.00	$15.00	$375.00
27	Silt Fence (E-3)	LF	200.00	$6.25	$1,250.00	$5.00	$1,000.00
28	Drop Inlet Silt Fence (E-6)	EA	3.00	$350.00	$1,050.00	$200.00	$600.00
29	Remove and Reinstall 6' Wood Fence	LS	1.00	$4,000.00	$4,000.00	$1,000.00	$1,000.00
30	Lower 6" PVC Waterline	LS	1.00	$4,500.00	$4,500.00	$3,500.00	$3,500.00
31	Relocate ex Sewer Service	EA	2.00	$1,400.00	$2,800.00	$800.00	$1,600.00
	Grand Total Construction Costs:				$71,703.40		$70,040.00

RESOLUTION NO. 114-04

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT OF $100,000.00 TO FINANCE DRAINAGE IMPROVEMENTS FOR AMBER DRIVE

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment of $100,000.00 to finance drainage improvements for Amber Drive.

PASSED and **APPROVED** this 20th day of July, 2004.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Sales Tax Capital Improvements Division: Program:	Date Requested	Adjustment Number
2004		7/20/2004	

Project or Item Requested:	Project or Item Deleted:
$100,000 in the Amber Drive Drainage Improvements capital project.	$100,000 from the Stormwater Drainage Study capital project.

Justification of this Increase:	Justification of this Decrease:
	Sufficient funding remains to complete 2004 objectives.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Bridge & drainage improve	4470	9470	5817	00	100,000	04037	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Bridge & drainage improve	4470	9470	5817	00	98,718	02097	1
Professional services	4470	9470	5314	00	1,282	02097	1

Approval Signatures

	Date
Requested By	7-22-04
Budget Manager	7-22-04
Department Director	
Finance & Internal Services Director	7/22/04
Mayor	

Budget Office Use Only

Type: A B C D E

	Initial	Date
Date of Approval		
Posted to General Ledger		
Posted to Project Accounting		
Entered in Category Log		

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
X CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council Meeting of: September 7, 2004

FROM:

Michael Rozelle	Engineering	Comm. Planning & Engineering Svcs.
Name	Division	Department

ACTION REQUIRED: 1. Approval of a resolution awarding the construction contract in the amount of $71,703.40 with Cando, Inc. for the construction of Amber Drive Drainage Improvements. 2. Approval of a project contingency in the amount of $15,755.51 which includes $10,755.51 (15%) for unforseen project expenditures and variations in final quantities; and $5,000.00 for materials testing, in-house management and inspection. Bid opening was Monday August 30, 2004.

COST TO CITY:

$ 87,458.91	$ 100,000.00	Amber Drive Drainage Improvements
Cost of this request	Category/Project Budget	Program Category / Project Name
4470.9470.5817.00	$ -	Bridge & Drainage Improvements
Account Number	Funds Used to Date	Program / Project Category Name
04037	$ 100,000.00	Sales Tax Capital Improvements
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item X Budget Adjustment Attached

Budget Manager — Date 8-31-04

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager — Date 8/31/04
Internal Auditor — Date 8/31/04
City Attorney — Date 8/31/04
Purchasing Manager — Date

STAFF RECOMMENDATION: Staff recommends approval of resolution and project contingency.

Division Head — Date
Received in Mayor's Office — Date

Department Director — Date 8-31-04
Finance & Internal Services Dir. — Date 8-31-04
Chief Administrative Officer — Date 8-31-04
Mayor — Date

Cross Reference:

Previous Ord/Res#: 114-04

Orig. Contract Date:

Orig. Contract Number:

New Item: Yes X No

ENTERED 8/31/04

C.4 Fay Jones Trust

City Council Meeting of September 7, 2004
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director

From: Leif Olson, Associate Planner

Date: August 20, 2004

Subject: Approval of a contract to purchase 2.44 acres for $100,000 from the Fay Jones Trust.

RECOMMENDATION

Tree and Trails Task Force recommends approval of a resolution to allocate funds from the Tree and Trails Task Force for the purchase of 2.44 acres located along West Ave. west of the new City Library.

BACKGROUND

The Settlement Agreement in the case of League of Women Voters of Washington County and the Ozark Headwaters Group of the Arkansas Chapter of the Sierra Club, Inc. v. City of Fayetteville and City of Fayetteville Planning Commission, the City of Fayetteville agreed to contribute $225,000 in 2001 and $225,000 in 2002 for the acquisition by the City of trails rights-of-way, conservation easements, and fee simple estates. These funds have been deposited in a Tree and Trail Fund and used to preserve trees, environmentally sensitive lands, or lands with significant environmental amenities or for additions to the city's existing system of multi-use and walking trails.

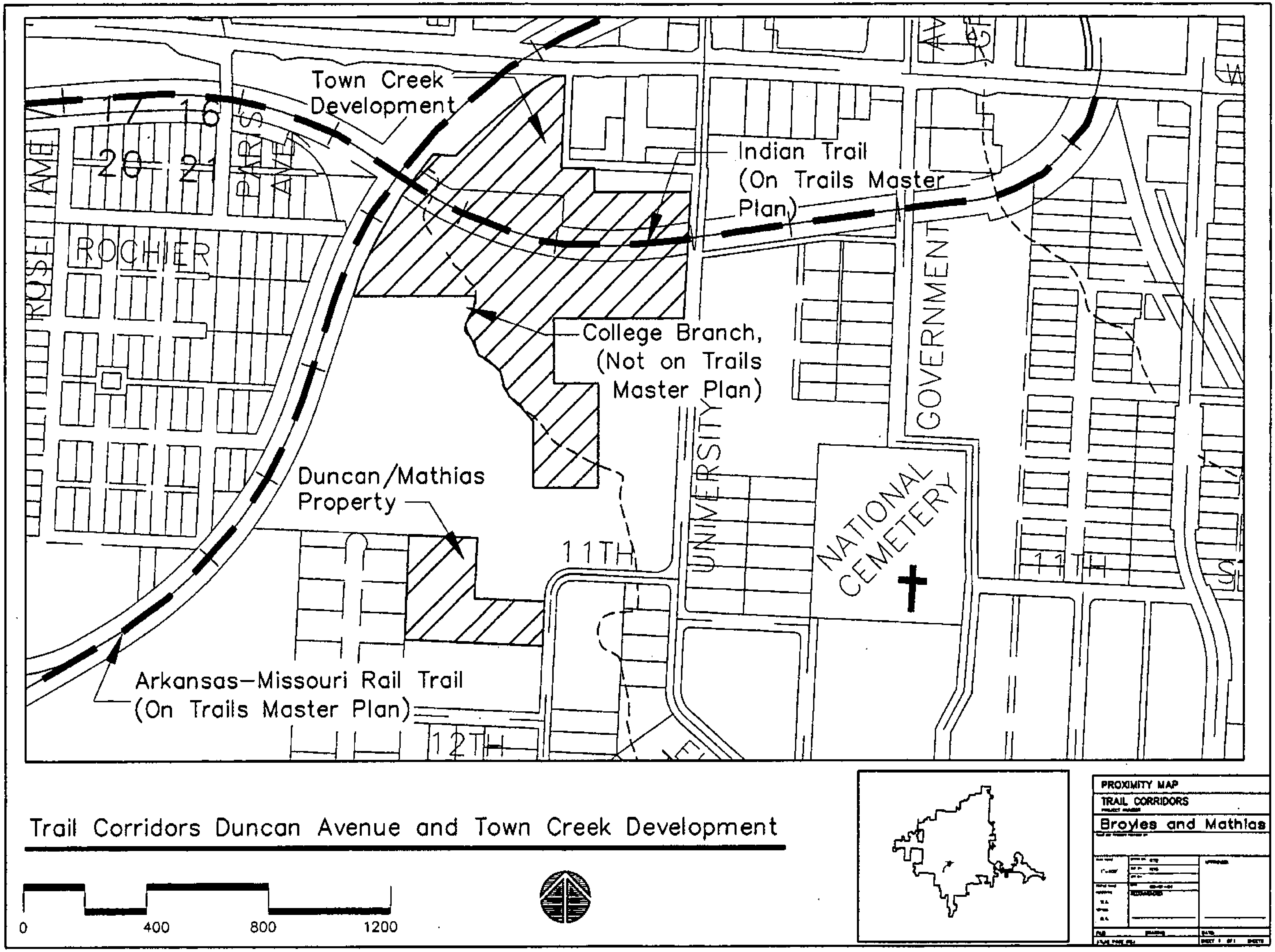
DISCUSSION

This property was identified in the Downtown Master Plan, developed by Dover, Kohl and Partners in conjunction with the city and the citizens of Fayetteville, to be used as a trail corridor for the Center Prairie Trail, and for additional trail connectivity to the new City Library.

BUDGET IMPACT

The Task Force recommends that Council appropriate $50,123.10 to the purchase of Mr. Jones' property located on West Ave., with the balance of the funds needed to complete this purchase to be determined by the City Council.

#4 New Business Fay Jones



Trail Corridors Duncan Avenue and Town Creek Development

Added at Agenda Session on 8/31/04.

City Council Meeting of September 7, 2004

A.4. Consent

CITY COUNCIL AGENDA REQUEST

To: Mayor and City Council

Thru: Hugh Earnest, Chief Administrative Officer

From: Tim Conklin, Community Planning and Engineering Services Director T.C.

Date: August 30, 2004

Subject: 1. Approval of a resolution awarding the construction contract in the amount of $71,703.40 with **Cando, Inc.** for the construction of Amber Drive Drainage Improvements. 2. Approval of a project contingency in the amount of $15,755.51 which includes $10,755.51 (15%) for unforeseen project expenditures and variations in final quantities; and $5,000 for materials testing, in-house management & inspection.

RECOMMENDATION

Staff recommends approval of the resolution awarding the contract to **Cando, Inc.** in the amount of $71,703.40 and establishing a project contingency of $15,755.51.

BACKGROUND

This drainage improvement project replaces existing undersized drainage infrastructure located near the corner of Old Wire Road and Amber Drive. This project is the result of Council's decision to address the drainage problems experienced by the neighborhood on three occasions this year which resulted in floodwater overtopping Amber Drive and flooding a house and shed located at 1312 Amber Drive.

A conceptual design plan and estimate was presented to City Council on July 13, 2004. At that meeting council approved a budget adjustment to allocate $100,000 toward the project based on the concept presented on staffs estimate of costs.

Bids were opened on August 30, 2004. One contractor submitted a bid in the amount of $71,703.40.

DISCUSSION

Bids were opened on August 30, 2004. One contractor submitted a bid in the amount of $71,703.40.The project engineer has reviewed the bids and recommends awarding the contract to **Cando, Inc.**, in the amount of $71,703.40 (see the attached bid tabulation sheet). The estimated total project costs including the project contingency for unforeseen project expenditures are as follows:

Contractor Bid Amount	**$ 71,703.40**
Materials Testing	**$ 3,500.00**
In-house Management & Inspection	**$ 1,500.00**
15% Contingency	**$ 10,755.51**
TOTAL	**$ 87,458.91**

BUDGET IMPACT

Funds of $100,000 are available as this project was budgeted through a budget adjustment approved July 13, 2004.

RESOLUTION NO. ______

A RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH CANDO, INC. FOR AMBER DRIVE DRAINAGE IMPROVEMENTS IN THE AMOUNT OF $71,703.40, PLUS A CONTINGENCY OF $15,755.51

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the contract attached as Exhibit "A" with Cando, Inc. for Amber Drive drainage improvements in the amount of $71,703.40, plus a project contingency of $15,755.51.

PASSED and **APPROVED** this 7th day of September, 2004.

APPROVED:

By: ______________________

DAN COODY, Mayor

ATTEST:

By: ______________________

SONDRA SMITH, City Clerk

Item No.	Description	Unit	Estimated Quantity	Cando, Inc.		City of Fayetteville	
				Unit Price	Extended Price	Unit Price	Extended Price
1	Mobilization	LS	1.00	$2,205.00	$2,205.00	$5,000.00	$5,000.00
2	Construction Staking	LS	1.00	$1,000.00	$1,000.00	$5,000.00	$5,000.00
3	Maintenance of Traffic	LS	1.00	$2,300.00	$2,300.00	$1,000.00	$1,000.00
4	Tree Protection Fencing	LF	150.00	$5.00	$750.00	$5.00	$750.00
5	Excavation Safety	LS	1.00	$500.00	$500.00	$1,000.00	$1,000.00
6	Clearing & Grubbing	LS	1.00	$2,000.00	$2,000.00	$1,000.00	$1,000.00
7	R & D 18" - 24" Corrugated Metal Pipe (CMP)	LF	200.00	$8.00	$1,600.00	$10.00	$2,000.00
8	R & D Ex Inlets	EA	2.00	$500.00	$1,000.00	$500.00	$1,000.00
9	R & D Concrete Sidewalk	SY	15.00	$15.00	$225.00	$30.00	$450.00
10	Unclassified Excavation	CY	200.00	$17.00	$3,400.00	$15.00	$3,000.00
11	Undercut and backfill	CY	20.00	$19.00	$380.00	$25.00	$500.00
12	Aggregate Base Course (Class 7)	TN	60.00	$50.00	$3,000.00	$20.00	$1,200.00
13	Concrete Curb and Gutter	LF	20.00	$15.00	$300.00	$15.00	$300.00
14	22" X 36" Reinforced Concrete Arch Pipe (RCAP)	LF	200.00	$68.00	$13,600.00	$100.00	$20,000.00
15	Curb Inlet (Type A 5'x5')	EA	1.00	$3,500.00	$3,500.00	$2,500.00	$2,500.00
16	Curb Inlet (Type C 5'x5')	EA	1.00	$2,500.00	$2,500.00	$2,500.00	$2,500.00
17	Drop Inlet Extension (4')]	EA	2.00	$1,040.00	$2,080.00	$500.00	$1,000.00
18	Area Inlet (5'x5')	EA	1.00	$3,200.00	$3,200.00	$2,500.00	$2,500.00
19	Modify Existing Area Inlet to Accept 22"x36" RCAP	EA	1.00	$750.00	$750.00	$1,000.00	$1,000.00
20	Remove and Replace 9" Reinforced concrete street	SY	30.00	$142.00	$4,260.00	$100.00	$3,000.00
21	Concrete Sidewalk	SY	15.00	$42.00	$630.00	$35.00	$525.00
22	Concrete Apron	SF	54.00	$4.60	$248.40	$10.00	$540.00
23	Seeding and Mulching	Acres	0.50	$4,000.00	$2,000.00	$1,400.00	$700.00
24	Solid Sodding	SY	600.00	$5.50	$3,300.00	$5.00	$3,000.00
25	Imported Top Soil	CY	100.00	$32.00	$3,200.00	$25.00	$2,500.00
26	Baled Straw Ditch Check	EA	25.00	$7.00	$175.00	$15.00	$375.00
27	Silt Fence (E-3)	LF	200.00	$6.25	$1,250.00	$5.00	$1,000.00
28	Drop Inlet Silt Fence (E-6)	EA	3.00	$350.00	$1,050.00	$200.00	$600.00
29	Remove and Reinstall 6' Wood Fence	LS	1.00	$4,000.00	$4,000.00	$1,000.00	$1,000.00
30	Lower 6" PVC Waterline	LS	1.00	$4,500.00	$4,500.00	$3,500.00	$3,500.00
31	Relocate ex Sewer Service	EA	2.00	$1,400.00	$2,800.00	$800.00	$1,600.00
	Grand Total Construction Costs				$71,703.40		$70,040.00

RESOLUTION NO. 114-04

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT OF $100,000.00 TO FINANCE DRAINAGE IMPROVEMENTS FOR AMBER DRIVE

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment of $100,000.00 to finance drainage improvements for Amber Drive.

PASSED and **APPROVED** this 20th day of July, 2004.

APPROVED:

By: Dan Coody
DAN COODY, Mayor

CITY CLERK/TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

ATTEST:

By: Sondra Smith
SONDRA SMITH, City Clerk

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Sales Tax Capital Improvements Division: Program:	Date Requested	Adjustment Number
2004		7/20/2004	

Project or Item Requested:	Project or Item Deleted:
$100,000 in the Amber Drive Drainage Improvements capital project.	$100,000 from the Stormwater Drainage Study capital project.

Justification of this Increase:	Justification of this Decrease:
	Sufficient funding remains to complete 2004 objectives.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Bridge & drainage improve	4470	9470	5817	00	100,000	04037	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Bridge & drainage improve	4470	9470	5817	00	98,718	02097	1
Professional services	4470	9470	5314	00	1,282	02097	1

Approval Signatures	Date
Requested By	
Budget Manager	7-22-04
Department Director	7-22-04
Finance & Internal Services Director	
Mayor (Dan Coody)	7/22/04

Budget Office Use Only

Type: A B C D E

	Initial	Date
Date of Approval		
Posted to General Ledger		
Posted to Project Accounting		
Entered in Category Log		

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
X CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council Meeting of: September 7, 2004

FROM:

Name	Division	Department
Michael Rozelle	Engineering	Comm. Planning & Engineering Svcs.

ACTION REQUIRED: 1. Approval of a resolution awarding the construction contract in the amount of $71,703.40 with Cando, Inc. for the construction of Amber Drive Drainage Improvements. 2. Approval of a project contingency in the amount of $15,755.51 which includes $10,755.51 (15%) for unforseen project expenditures and variations in final quantities; and $5,000.00 for materials testing, in-house management and inspection. Bid opening was Monday August 30, 2004.

COST TO CITY:

$ 87,458.91	$ 100,000.00	Amber Drive Drainage Improvements
Cost of this request	Category/Project Budget	Program Category / Project Name
4470.9470.5817.00	$ -	Bridge & Drainage Improvements
Account Number	Funds Used to Date	Program / Project Category Name
04037	$ 100,000.00	Sales Tax Capital Improvements
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item X Budget Adjustment Attached

Budget Manager — Date 8-31-04

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager — Date 8/31/04
Internal Auditor — Date 8/31/04
City Attorney — Date 8/31/04
Purchasing Manager — Date

STAFF RECOMMENDATION: Staff recommends approval of resolution and project contingency.

Division Head — Date
Received in Mayor's Office — Date

Department Director — Date 8-31-04

Cross Reference:

Finance & Internal Services Dir. — Date 8-31-04
Previous Ord/Res#: 114-04

Orig. Contract Date:

Chief Administrative Officer — Date 8-31-04
Orig. Contract Number:

New Item: Yes X No ___

Mayor — Date

ENTERED 8/3/04

C.4 Fay Jones Trust

City Council Meeting of September 7, 2004
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director

From: Leif Olson, Associate Planner

Date: August 20, 2004

Subject: Approval of a contract to purchase 2.44 acres for $100,000 from the Fay Jones Trust.

RECOMMENDATION

Tree and Trails Task Force recommends approval of a resolution to allocate funds from the Tree and Trails Task Force for the purchase of 2.44 acres located along West Ave. west of the new City Library.

BACKGROUND

The Settlement Agreement in the case of League of Women Voters of Washington County and the Ozark Headwaters Group of the Arkansas Chapter of the Sierra Club, Inc. v. City of Fayetteville and City of Fayetteville Planning Commission, the City of Fayetteville agreed to contribute $225,000 in 2001 and $225,000 in 2002 for the acquisition by the City of trails rights-of-way, conservation easements, and fee simple estates. These funds have been deposited in a Tree and Trail Fund and used to preserve trees, environmentally sensitive lands, or lands with significant environmental amenities or for additions to the city's existing system of multi-use and walking trails.

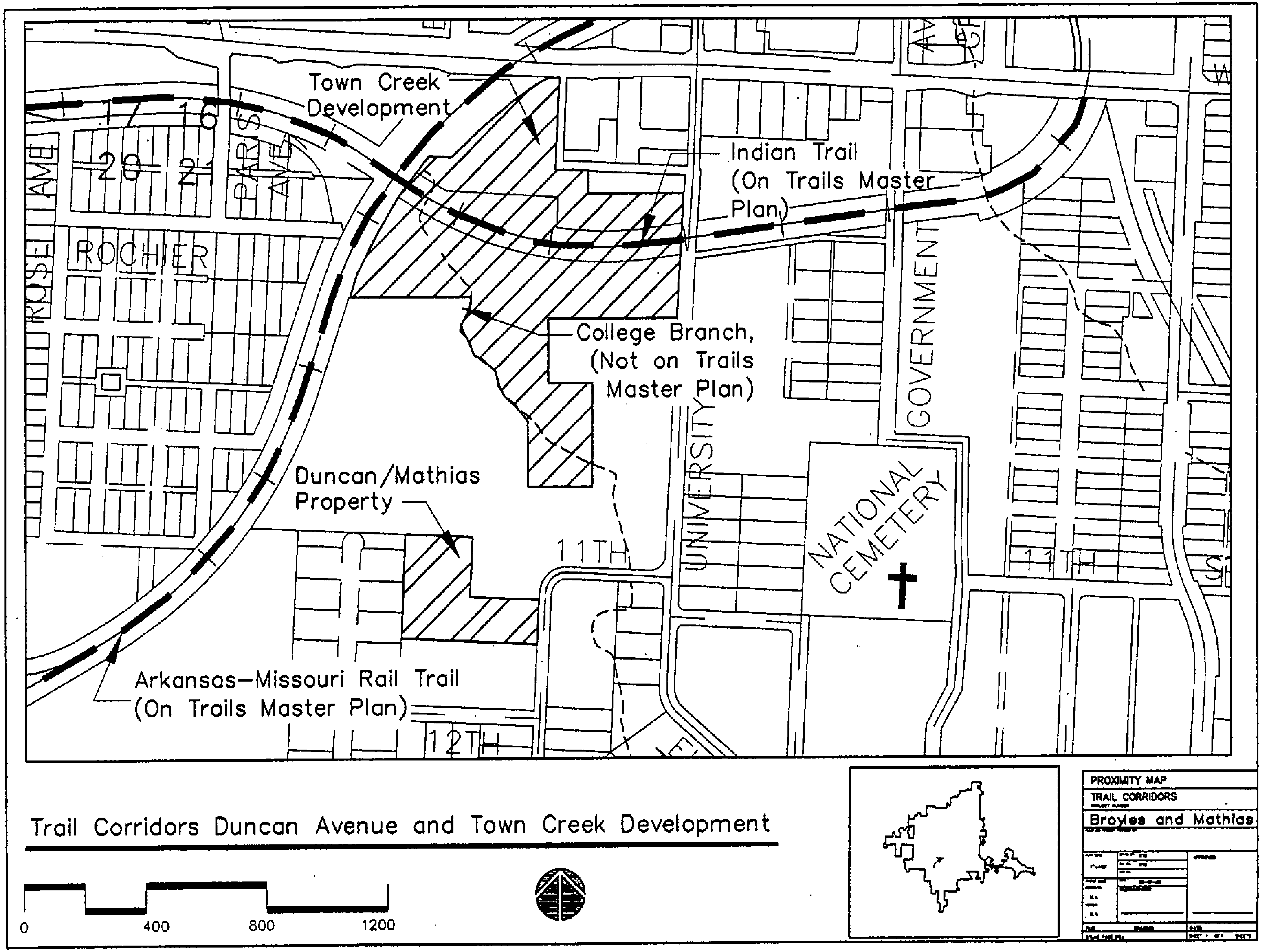
DISCUSSION

This property was identified in the Downtown Master Plan, developed by Dover, Kohl and Partners in conjunction with the city and the citizens of Fayetteville, to be used as a trail corridor for the Center Prairie Trail, and for additional trail connectivity to the new City Library.

BUDGET IMPACT

The Task Force recommends that Council appropriate $50,123.10 to the purchase of Mr. Jones' property located on West Ave., with the balance of the funds needed to complete this purchase to be determined by the City Council.

#4 New Business Fay Jones



Trail Corridors Duncan Avenue and Town Creek Development

City Council
Meeting Minutes
August 3, 2004

A meeting of the Fayetteville City Council was held on August 3, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Alderman Reynolds, Thiel, Cook, Marr, Rhoads, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Mayor Coody called the meeting to order.

Election of Vice Mayor:

Alderman Marr moved to nominate Alderman Jordan as Vice Mayor. Alderman Lucas seconded.

Alderman Reynolds moved to nominate Alderman Marr as Vice Mayor. Alderman Rhoads Seconded.

Alderman Marr stated that he deferred his motion to Alderman Jordan and that he did not want to serve as Vice Mayor.

Upon roll call Alderman Jordan was appointed Vice Mayor unanimously.

Fill Alderman Vacancy:

Alderman Thiel said she thinks that this is a good idea. What we discussed was that it would be beneficial to us if we had someone that had the experience dealing with the budget and budget issues which is our next big item of discussion. I certainly support that.

Alderman Marr moved to appoint Conrad Odom to fill Alderman Davis's vacancy on the City Council. Alderman Thiel seconded the motion. Upon roll call the motion to appoint Conrad Odom as Alderman passed unanimously.

Mayor Coody: Before we start the Consent Agenda tonight I think we have an informational item. Mr. Boettcher wants to speak a couple of words on the Sequoyah Pressure Plan which is the second item on the Consent Agenda.

Greg Boettcher: Just a brief overview on the project to make sure it's clearly understood, this is a Capital Improvement Project to solve some long standing problems in the Mount Sequoyah pressure plain. We are capitalizing on an opportunity to save $500,000 by linking this project with the Stone Mountain Subdivision. The action we are requesting establishes a new capital project, provides funding for the initial phase of the project and authorizes us to proceed with selecting an engineering consultant. This consultant will later plan, define, coordinate, and support the project. The project specifics are not known at this time, we will be working with staff, the consultant, citizens, and stakeholders to define the project layout and other details. There will be further City Council action including approving the engineering contract, approving a budget and project scope at a later date, and approving a construction contract for the physical work. I just wanted to clarify exactly the scope and extent of what we are asking for tonight.

Mayor Coody: We have one request to pull an item from the agenda under New Business; the #2 Waste Management Contract Amendment. The petitioner has asked us that this item be removed from the agenda tonight.

Kit Williams: When we get there we'll just table that.

CONSENT:

Approval of the Minutes: Approval of the June 29, 2004 Annexation Public Hearing minutes and the July 20, 2004 City Council meeting minutes.

Sequoyah Pressure Plane Project: A resolution confirming the City of Fayetteville's intent to proceed with improvements to the Sequoyah Water System; establishing a new capital improvements project account titled Sequoyah Pressure Plane Improvements; and approving a budget adjustment transferring the amount of $271,427.00 from the Collection System Capacity Management Project to the Sequoyah Pressure Plane

Resolution 115-04 as Recorded in the Office of the City Clerk.

Interoperable Communications Program Grant: A resolution authorizing the Fayetteville Police Department to apply for a Community Oriented Policing Services Interoperable Communications Programs Grant from the U.S. Department of Justice to provide for a Fiber Optic Link between the Police Department and the New Washington County Jail and to establish a Regional Law Enforcement Data-Sharing Network.

Resolution 116-04 as Recorded in the Office of the City Clerk.

Robert Kohler II Contract Amendment: A resolution approving an amendment to the contract entered into June 7, 2002 with Robert Kohler III in an amount not to exceed $9000.00 to provide additional owner's representative services to the New Fayetteville Public Library.

Resolution 117-04 as Recorded in the Office of the City Clerk.

Library Facilities Manager: A resolution authorizing partial year funding for one (1) full-time Facilities Manager at the New Fayetteville Public Library; and approving a budget adjustment of $16,750.00 from the use of Fund Balance to the transfer to Library Board Account.

Resolution 118-04 as Recorded in the Office of the City Clerk.

Razorback Transit Contract: A resolution approving a contract with the University of Arkansas Razorback Transit in the amount of $25,000.00 to provide public transit service to the citizens of Fayetteville.

Resolution 119-04 as Recorded in the Office of the City Clerk.

DOT/FAA AIP Grant Extension of Taxiway "A": A resolution authorizing the Aviation and Economic Development Division to apply and accept an Airport Improvement Program Grant (AIPG) from the U.S. Federal Aviation Administration in the amount of $657,299.00; and an Arkansas Department of Aeronautics Grant in the amount of $34,595.00 for the Taxiway "A" & "E" Extension Project in support of the USDA Forest Service Fire Tanker Base.

Resolution 120-04 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

OLD BUSINESS:

Raze and Removal 800 S College: A resolution to approve an order to raze and remove a dilapidated and unsafe structure located at 800 S College Avenue, Fayetteville. ***This Resolution was tabled at the June 1, 2004 City Council meeting to the August 3, 2004 City Council meeting.***

Alderman Marr moved to table the resolution indefinitely. Alderman Jordan seconded the motion. Upon roll call the motion to table the resolution indefinitely passed unanimously.

Re-codification of the Fayetteville Code: An ordinance adopting and enacting a new Code of Ordinances of the City of Fayetteville, Arkansas; providing for the repeal of certain ordinances not contained therein, except as herein expressly provided; and providing for the manner of amending the Code. ***This Ordinance was left on the First Reading at the July 6, 2004 City Council meeting. This Ordinance was left on the Second Reading at the July 20, 2004 City Council meeting.***

Alderman Thiel moved to suspend the rules and go to the third and final reading. Alderman Cook seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

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

Ordinance 4595 as Recorded in the Office of the City Clerk.

ANX 04-01.00 (Greenwood/Sloan): An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of certain property owned by Jean Greenwood Jowers located southeast of the intersection of 46th Street and Persimmon Street containing approximately 160.00 acres. ***This Ordinance was left on the First Reading at the July 20, 2004 City Council meeting.***

Alderman Lucas moved to suspend the rules and go to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance

Alderman Lucas: I'm in favor of this annexation but there are a couple of things that I want to be sure that we look at when we go through the design and development. There is a large amount of environmentally sensitive areas that need to be very closely watched and addressed and I believe Mr. Sloan is very concerned about that and I appreciate that. The roads; persimmon and 46th Street; need to be to standards and Persimmon needs to be completed from Shiloh to Double Springs. I know there's a section in there that belongs to the City but we need to get everyone out there. This is an area that needs to be completed and I hope that everyone will work very hard and complete that section if at all possible. This is very important.

Alderman Jordan: The only other thing I have to say is I agree with what Alderwoman Lucas has said. I don't mind annexations to much because I think that the City Council gets a better control of what gets annexed now. I do not have a great deal of trouble with annexations but when we get to rezonings it will depend on what the density is and what kind of streets and roads we are looking at and how the infrastructure looks before I pass any rezonings on these pieces of property but I don't have any trouble with annexations.

Alderman Reynolds moved to suspend the rules and go to the third and final reading. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

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

Ordinance 4596 as Recorded in the Office of the City Clerk.

ANX 04-02.00 (McBryde/Sloan): An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of certain property owned by C. Bryan McBryde located southwest of the Fayetteville Boys and Girls Club adjoining the extensions of Rupple Road and Persimmon Street containing approximately 80.00 acres. ***This Ordinance was left on the First Reading at the July 20, 2004 City Council meeting.***

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

Alderman Lucas: I am in favor of this annexation also, but I also want to point out that this is a critical intersection. It's going to be the school, I understand it's going to be put on that corner and that Rupple Road and Persimmon is going to be critical. I'm no engineer, but there's got to be a way to protect those children and we have got to be careful of the safety of those children. I don't know what it will take but that's going to be a terrible intersection.

Mr. Williams read the ordinance.

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

Ordinance 4597 as Recorded in the Office of the City Clerk.

ANX 04-04.00 (Tipton/Sloan): An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of certain property owned by Robert and Minnie Beth Tipton located east of Double Springs Road adjoining the southeast corner of the Legacy Pointe Subdivision containing approximately 29.31 acres. ***This Ordinance was left on the First Reading at the July 20, 2004 City Council meeting.***

Alderman Rhoads moved to suspend the rules and go to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance

Alderman Jordan requested that it be left on the second reading.

The Ordinance was left on the Second Reading.

RZN 04-10.00 (Tipton/Sloan): An ordinance rezoning that property described in rezoning petition RZN 04-10.00 as submitted by Raymond Smith for property located south of Wedington Drive and east of Double Springs Road abutting the Legacy Pointe Subdivision containing approximately 29.31 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre. ***This Ordinance was left on the First Reading at the July 20, 2004 City Council meeting.***

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

The Ordinance was left on the Second Reading.

ANX 04-6.00 (Leigh Taylor Properties): An ordinance confirming the annexation to the City of Fayetteville, Arkansas of certain property owned by Leigh Taylor Properties, LLC for property located at 2470 Highway 112 containing approximately 29.86 acres. ***This Ordinance was left on the First Reading at the July 20, 2004 City Council meeting.***

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance

Mayor Coody: Dawn Do you have any new information for us on this item?

Dawn Warrick, Zoning and Development Administrator: I do have some information that was requested at Agenda Session last week. Staff contacted the Arkansas State Police and we do have reported automobile accidents between 1998 and 2002 which is the most current information in this area and I will pass those out.

The first two pages are table that are just reporting information. The third table is an explanation with regard to severity levels of accidents reported and that references the column that is titled severity in the tables attached. You'll see that there is five different numbers 1-5 that indicate the severity in that code as I mentioned is explained on the third page of this information. There had been specific questions with regard to fatalities and injuries and those are indicated on this chart whether or not there were either of those occurring with accidents that were reported through this system.

Alderman Rhoads: ALC means alcohol?

Dawn Warrick: Yes sir. They changed their coding you'll notice in the most recent years, 98 and 99, a one means yes and a two means no.

Alderman Lucas: This is just in the area; it's not right at that curve?

Dawn Warrick: That's correct. The LN Column, that's the mile marker in that area so you'll notice that all these are very close to 3.64 mile marker on Highway 112. My understanding is that the search that was done was on Highway 112 and there is an assumption that the Berry Street and Hugh Street indications on here are possibly erroneous because they are not in the vicinity of Highway 112. The mile marker is the better indicator as to the location of the accident.

Alderman Rhoads: The exact spot we are looking for is 3.64?

Dawn Warrick: I don't know that that is the exact corner but that seems to be where most of these accidents have occurred in that specific area.

Alderman Lucas: Dean Street might be another one.

Alderman Thiel: I don't guess there's anyway to compare this with other intersections. Does this seem high?

Dawn Warrick: I would need you to give me an intersection that I could do the research on. I don't have a good reference to say whether it's high, medium, or low as far as the number of incidents.

Alderman Jordan: I'm working on some of that Brenda. I could get you something maybe in the next week or two.

Bill Forbes, Forrest Hills Property: I just want to go over the density of it. In our 40 acres which is the same size and shape as their 40 acres we have 19 houses, they want 99 houses. I think they chose us to put that little paragraph in there that they were really compatible even though it left out 44% of our property. If you go west in the next 40 acres there are no houses. You go east in the next 40 acres, there are three houses. You go south in the next 40 acres, there's ten houses. When they had us out they gave us a Bill of Assurance that's a little different from their Bill of Assurance and I wish you would take a little time to go over it.

Mayor Coody asked Dawn Warrick if this was radically different from the Bill of Assurance that was given to the staff.

Dawn Warrick: The Bill of Assurance that has been signed and given to staff is in your packets on page 22 of 62 and it does not include all of the information that was indicated on that. That was a synopsis of the materials that were discussed at the meeting between the developer and the neighbors.

Cleve Branson, Leigh Taylor Properties: It seems like the overriding issue is safety certainly and density and those two concerns are on everybody's mind and I would like to just share some of my thoughts and ask you to follow along with me. Our subdivision that we proposed is 40 acres and it is obviously on Highway 112 and there is a corner that this 40 acres is located on an inside corner directly to the north is Forest Hills Subdivision. We met with a majority of those neighbors and a lot of the surrounding neighbors after the first Planning Commission meeting I think there were about 30 or 35 people present that were concerned and we met a week or so later with about 35 concerned neighbors and addressed as best as we could their concerns, we shared our concerns, we answered a lot of questions, and I thin k we made a lot of headway. We made some concessions and the bottom line, we compromised, certainly not to the extent that everybody would've liked to have done during this time but we want to continue to work with our neighbors we want to be good neighbors and we intend to be good neighbors. This particular 40 acres is in the northwest quadrant of the City of Fayetteville and our neighbors to the north Forest Hills Subdivision obviously is to our north and if this subdivision is approved and passed it seems logical to me that these 99 lots if that's what's approved will be sold to people obviously living in the City of Fayetteville. I would imagine the vast majority of those people would work in the City of Fayetteville because of its close proximity to the City of Fayetteville. Certainly the children would go to the schools of the City of Fayetteville. It's through traffic and we have a traffic engineer that will be present at the next reading. I actually think that if approved, this subdivision will make that stretch of highway more safe. We would have approval with the Parks Department to clean the underbrush from that old farm place that has been abandoned and allowed to overgrow. We want to be in the City of Fayetteville, we want to bring all the services up to that property and bring it northwards so that others can share to the south when we bring it and we think we're going to be a positive influence on the City and I would like for you to consider that.

Alderman Reynolds: I would like to know, was you present at the meeting where this was signed?

Mr. Branson: Yes I was. I prefer three car garages because they seem to sell better. If I said I was going to include that in the Bill of Assurance I've obviously forgotten because they didn't include it on the one that you have but I certainly do not have a problem with adding many more restrictions and positive things to this subdivision. I think the majority of the property owners are convinced that we plan on having a quality development in doing it right and abiding by all of the City of Fayetteville Planning Departments rules and regulations and have a beautiful subdivision that would be an asset. One final thing, I guess we have proposed that our lots get larger as they progress north so that the adjoining property line to our neighbors to the north, those lots would be the largest and most valuable in the subdivision and they are sitting on the highest ground and afford the best view and we would put restrictions that they couldn't build within 50 feet of the back property line, we're certainly flexible there and want to continue to be with everyone. We just need to move forward on this.

Alderman Reynolds: When you decided you were going to change this arrangement you had at this meeting with the neighbors why didn't you call the neighbors up and call another meeting and tell them about your changes?

Mr. Branson: If you read that, I think what we've added in our Bill of Assurance is as every bit as much or more positive than what we were just openly discussing back and forth. I don't think that we made any concrete statements that night. It was just conversation back and forth.

Alderman Reynolds: I just see a giant change in density.

Mr. Branson: Initially we had proposed 108 lots and that was for the better.

Alderman Thiel: The only change I see here really, it seems to me like the Bill of Assurance you offered the City, the only change I see is the three car garage is not listed specifically on the Bill of Assurance. As far as in the Bill of Assurance offered to the City its 2.48 dwellings per acre and you have guaranteed them not more than 2.7 homes per acre so there is a slight change there but the three car garages, that seems to be the main thing.

Mr. Branson: I don't know why that is such a sticking point. I guess I must have forgot, I didn't think it was that big a deal. It was just my personal preference. Certainly there will be other builders and I cannot speak for the other builders but I was just making a broad comment that when I'm building a home whenever possible I like to put in three car garages. I don't know that I specifically said every lot is going to have a three car garage on it. If I did I made a mistake I guess but I certainly don't remember that.

Mr. Williams: A Bill of Assurance must be something that is voluntarily offered by the developer, signed by the developer. We have one of those in front of us. This other document that is provided by the home owners was not signed by the developer, it was a recollection of the combined notes that the residents made saying this is what they are agreed to but there was certainly no formal agreement and the City Council is not allowed just like the Planning Commission is not allowed to request a developer to provide a Bill of Assurance or to change a Bill of Assurance. That is prohibited in law and I would request that we not attempt to do that. We need to stay within the law; we're not going to ask you to change your Bill of Assurance. You have given a Bill of Assurance in order to encourage the City Council and the Planning Commission to react favorly to your Annexation request and your rezoning request and if in fact they do you will be held to the Bill of Assurance that you have offered. The City Council is not going to ask you to change your Bill of Assurance and I just want to make sure you understand that it has to be a voluntary act by the developer otherwise it becomes contract zoning which is still not allowed in Arkansas.

Mr. Branson: Having said all that, we are in the process of talking with the State of Arkansas Highway Department and scheduled meetings so we can sit down with them and see what they might suggest to make that stretch of road more safe. One idea I had was to put a washboard section across both lanes east of that corner and north of that corner to wake these people up to see that there is a corner here. The big issue I think is going to be visibility.

Mayor Coody: There are two things in here I want to address. One is we are afraid our values will fall, that has been our experience and I think that it is true with most appraisers that if this does get approved your property values will probably go up. The second thing is the water pressure. The Fayetteville water comes to Forest Hills, would it hold up a 3inch line close to 30 years old after development will we have the same pressure. If this development gets approved there will probably be an 8 inch line going through this development, is that right?

Tim Conklin: Yes, if it is in the City, 8 inch line fire protection would be required.

Mayor Coody: So this old 3 inch line would be coming right off of an 8 inch line, I don't know what's there now but the proper water pressure would probably increase rather than decrease.

Tim Conklin: We would have to take a detailed look at the water system in that area and it would have to be designed and engineered but it would have to meet City Standards for fire protection.

Mayor Coody: I don't see the water pressure decreasing unless it's already too high and I don't know if that would be the case.

Rick McWhorter, 3791 Woodside Drive, stated that his property is just to the north of the property line that would become part of the city. One of his concerns is the issue of possibly stubbing a road that would come up to Woodside Drive. He stated that you could not put two cars side by side on Woodside Drive; they have to get off into the ditch whenever two cars meet. Another one of his concerns would be if that road were to go through, it could create a major problem because the road there is not up to the specifications that the City would have for a road to this subdivision. He also stated that his subdivision has really expressed themselves with 100% backing that they are opposed to this.

Mayor Coody: Dawn did you have any other information on the road?

Dawn Warrick: The best information that we have right now indicated that there is very likely a small strip of land that would prohibit a connection. We will continue to research this and at the time that a development proposal is presented to staff and to the Planning Commission, we will have to resolve that issue. We prefer to be able to enforce the Council's policy on connectivity, however if there is a piece of property that does not have a joining right of way, it may not be possible.

Anna Futrall, 3804 Woodside Drive, said traffic is a problem on 112 regardless of what happens with this development. She thinks people will be going north and south from all those places. It's likely that many of the households may have teenagers or young adults who are driving also that there will be more than two cars per household, but I don't see that as a reason to object to this development. She also expressed her concerns about the density.

Mayor Coody asked Mr. Branson and Dawn Warrick to work together to try to persuade some of the concerns of the neighborhood. He said that he thinks there certainly seems to be willingness of the neighborhood to try to find some kind of common ground with you and I think that if you are willing to do that I think we can probably make this work.

They both agreed to do that.

The Ordinance was left on the Second Reading.

RZN 04-12.00 (Leigh Taylor Properties): An ordinance rezoning that property described in rezoning petition RZN 04-12.00 as submitted by Chad White on behalf of Leigh Taylor Properties LLC for property located north of Highway 112/Howard Nickell Road and east of Highway 112 containing approximately 39.86 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre subject to a Bill of Assurance. ***This Ordinance was left on the First Reading at the July 20, 2004 City Council meeting.***

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance

The Ordinance was left on the Second Reading.

ANX 04-1083 (Marinoni): An ordinance confirming the annexation to the City of Fayetteville, Arkansas of certain property owned by Paul and Suellen Marinoni for property located south of the Fayetteville Boys and Girls Club adjoining the extensions of Rupple Road and Persimmon Street containing approximately 78.84 acres. ***This Ordinance was left on the First Reading at the July 20, 2004 City Council meeting.***

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance

Alderman Jordan asked Dawn Warrick what the situation was with Persimmon Street.

Dawn Warrick said that as properties develop along that master street plan corridor, the development will be required to install the improvements that are equal to the impact of their development. A standard improvement is a minimum of a half street improvement adjacent to the project, however if there is no additional development, there may need to be more than a half street improvement in order to provide adequate driving surface to connect the streets.

Alderman Jordan: Is there plans to go back to the bypass with Persimmon?

Dawn Warrick: Yes sir. The Master Street Plan calls for Persimmon to connect Double Springs Road at the far western extent of the City and Shiloh Drive which is the outer road along I-540.

Alderman Jordan: Is that going to be done with this development?

Dawn Warrick: The portion of this development that adjoins it will be developed as this property is built out. The portion of Persimmon that adjoins it will be constructed.

They continued to discuss the locations of the adjoining property.

Alderman Jordan said that he wanted to make sure that we get Persimmon Road built back to the bypass because that is important.

Dawn Warrick stated that that is the goal of the staff as well.

Alderman Thiel: We can require that they do the improvements on their side of the subdivision but you did mention both sides have to be improved and I would like to ask the City Attorney if that is going to be an issue. If this does progress on down to Shiloh and if the developments are on one side is the City going to have to basically cost share and do the other side to make these improvements.

Mr. Williams: It depends upon the rational nexus and the impact whether or not we can require a full road to be built by this developer even if they only owned one side of it. As long as it's within the rough proportionality of the impact of their development they are going to have much more of an impact and therefore it could potentially justify them building both sides of the street. If they only own one side they might still be required to do that constitutionally.

Alderman Thiel: This Parcel that we're looking at right now, we're pretty much being assured that we will get both sides of Persimmon built.

Dawn Warrick: I don't know that there is anything that I can assure you except that when we see a development the improvements that are required of that development will be roughly proportionate to the impact of that development on the adjacent streets.

Alderman Thiel: From looking at this there is not much frontage compared to the Greenwood/Sloan project.

Dawn Warrick: This is a narrow 80 acre strip however as I mentioned this developer does have control of approximately 400 acres that extends to the east of the subject property that is under consideration for annexation right now and they do propose to develop all of that over time and they understand that our priority is development of the property on the north end which would include development of their share of Persimmon Street or all of it if that is determined to be their share as well as the extension of Rupple Road which would adjoin the property to the west.

Alderman Marr expressed his concerns about the width of the roads and he questioned why we were not cost sharing to make them wider now so that we can handle the traffic that will be there in the future. He asked what the process was because when these things come through he is hearing roads that are not necessarily addressing that issue.

Mr. Williams: There will be further discussions after this meeting before this comes up for a final vote concerning that kind of development and I think you are absolutely correct that this is the best time to do this kind of planning and construction so you don't interrupt traffic once they are using the road. I think there is going to be some work in the next couple of weeks that hopefully will answer some of the issues and questions that you have presented here.

Bob Estes, representing the applicants: With regard to the questions concerning Rupple and Persimmon currently the site only has access to Rupple Road at the northwest corner of the property. At the time of development Rupple Road and Persimmon will be constructed by the developer and will be finaled before any building permits are requested. Commissioner Marr referred to some material that you have provided previously, this material shows three points of ingress and egress to the property that is before you for your consideration. Two of those points are on Persimmon and one is on Rupple. If there is a request for any building permits that Persimmon and Rupple will be improved and they will be improved to the Master Street Plan standards.

Alderman Jordan: So the bottom line here is that Persimmon is going to go all the way back to the bypass?

Bob Estes: That is correct.

Alderman Lucas: When?

Bob Estes: It will be built and finaled to the City before there is a request for a Building Permit so before you see any roof tops you will see Persimmon and Rupple from the intersection of Rupple and Persimmon East.

Alderman Jordan: I can work with that.

Alderman Lucas: When you say the road is going to be completed to the bypass, is it going to be done next to this 80 acres and then whatever you bring next or are you going to put Persimmon on through when you fist start building it?

Bob Estes: Your applicants own the property from the bypass to Rupple and it is bordered on the north by Persimmon. Persimmon will be improved and will be finaled to the City before there is a request for a Building Permit.

Alderman Marr asked staff what width a master street plan collector standard is.

Tim Conklin said 36 feet back curb to back curb.

Alderman Marr asked what an arterial is?

Tim Conklin: Minor arterial is going to be a 4 lane street; 48 feet wide principal arterial has a boulevard median.

Mayor Coody: 36 Feet is essentially number of three lanes, is that right?

Tim Conklin: I was not able to attend the Street Committee last week but I do believe on the agenda we did have on there turn lanes at major intersections is that correct, where we talked about bringing forward a cost share to work with the developments as they come through and put left turn lanes at the major intersections. That would be Rupple Road and Broyles.

Bob Estes: Your Planning Commission will see an R-PZD on this property and that would be an appropriate time to discuss and consider some of the issues that we are talking about this evening.

Alderman Jordan said all I want is the road built to the bypass before we ever build any houses and you said you were going to do that so I don't have any problems.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

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

Ordinance 4598 as Recorded in the Office of the City Clerk.

RZN 04-1084 (Marinoni): An ordinance rezoning that property described in rezoning petition RZN 04-1084 as submitted by Bob Estes on behalf of Paul and Suellen Marinoni for property located south of the Fayetteville Boys and Girls Club adjoining the future extensions of Rupple Road and Persimmon Street containing approximately 78.84 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre. ***This Ordinance was left on the First Reading at the July 20, 2004 City Council meeting.***

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance

Alderman Thiel: Whenever Mr. Estes was up here he mentioned this coming through as a PZD, you meant the other parcel because the rezoning is being considered here so this would not come through as a PZD.

Bob Estes: It will come through as an R-PZD. What is happening here and the reason for this rezoning request as follows is that annexations are automatically zoned R-A. The applicant is requesting RSF-4 rezoning. The reason that I do that and the reason I bring that to you in this manner is because the 2002 Annexation Policy Guideline for annexations requires that you consider density and you consider land use and land planning. The only way that you can consider that issue is that you consider the issue of rezoning because that is density, land use, and land planning. Your applicant is asking that you give this a rezoning classification of RSF-4. You will then see an R-PZD for this property.

He confirmed that the City Council will see this in the future. He also stated that it is more probable than not that the density will be less than RSF-4.

Alderman Reynolds moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

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

Ordinance 4599 as Recorded in the Office of the City Clerk.

ANX 04-1090 (Hays): An ordinance confirming the annexation to the City of Fayetteville, Arkansas of certain property owned by Hays Family Development, LLP for property located at west of 54th Avenue adjoining the extension of West Persimmon Street containing approximately 37.30 acres. ***This Ordinance was left on the First Reading at the July 20, 2004 City Council meeting.***

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance

Alderman Jordan requested clarification on this city property between the two developments.

Jim McCord, representative of the applicants: Certainly the applicants recognize the offside improvement ordinance requirements and recognize that those will be discussed and imposed at the subdivision plat approval process.

Alderman Jordan requested more information.

Jim McCord: If there is information we can provide we want to do so between now and the next meeting.

Alderman Marr: Is it still a finding of fact on land being justified and needed as we look at annexing and rezoning? If so, the last three meetings we have annexed hundreds of acres of land and I am curious as to when we have enough.

Dawn Warrick: That finding of facts is part of the Planning Commission By-Laws for rezonings, it is nor for annexations. It is still part of your Planning Commission By-Laws and part of your findings on rezoning reports.

Mr. Williams: Basically you have almost total discretion when it comes to annexation. The issue you face is do you want the land in the City.

The Ordinance was left on the Second Reading.

RZN 04-1091 (Hays): An ordinance rezoning that property described in rezoning petition RZN 04-1091 as submitted by Jim McCord on behalf of Hays Family Development, LLLP for property located west of 54th Avenue adjoining the extension of Persimmon Street containing approximately 49.40 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre. ***This Ordinance was left on the First Reading at the July 20, 2004 City Council meeting.***

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance

The Ordinance was left on the Second Reading.

RZN 04-1104 (Goff): An ordinance rezoning that property described in rezoning petition RZN 04-1104 as submitted by Tom Hennelly for property located at north of the Goff Farm Road north of the Stonebridge Meadows Golf Course Club House containing approximately 17.50 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre. ***This Ordinance was left on the First Reading at the July 20, 2004 City Council meeting.***

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed 6-0. Alderman Jordan was absent during the vote.

Mr. Williams read the ordinance

Alderman Thiel: I have a question for Mr. Hennelly if he is here. There's a letter in our packet; 12 of 22; that refers to the fact that the sewer is not immediately available, plans for a lift station will have to be incorporated into this project. My concern is that the City will have to end up cost sharing on some of this and I want to question you and the staff what exactly is available there and are these not going to be put on sewer or are they going to be septic tanks?

Mr. Hennelly stated that they will be put on sewer however the lake that's there just north of Goff Farm Rd. is preventing them from tying into a gravity fed sewer. All the sewer lines are on the other side of that lake and that creek which is the reason why we will need to put in a small lift station.

Alderman Reynolds moved to suspend the rules and go to the third and final reading. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

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

Ordinance 4600 as Recorded in the Office of the City Clerk.

Highway 71 East Square Redevelopment District #1: An ordinance forming the Highway 71 East Square Redevelopment District Number One pursuant to Amendment 78 of the Arkansas Constitution and authorizing the preparation of a project plan. ***This ordinance was tabled at the July 20, 2004 City Council meeting to the July 29, 2004 City Council meeting. This ordinance was left on the First Reading at the July 29, 2004 Special City Council meeting.***

Alderman Lucas moved to suspend the rules and go to the second reading. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance

The Ordinance was left on the Second Reading.

Karon Reese of Washington Willow Neighborhood expressed her support for this project. She said she thinks it makes a lot of sense to approve it as a TIF District and make plans for the rest of the money.

Don Loftin expressed his support for it. He recommended that the council go ahead and do the third reading. He said anything you can do to help these developers along in this process I would highly recommend.

Bill Greenhaw: My family owns the property across the street. My family has been on the Fayetteville Square since 1928 so it's part of our family heritage and we do see that as the crown jewel. We recognize the square as Fayetteville and it needs some help. He said it became obvious to him that this project is not going to move forward unless we create the TIF District and the community or those that live within the defined district of the community help produce this end result. We're talking about cleaning up the Mountain Inn property, a property that is getting worse. It's not going to go away; it's going to get worse instead of better. We have an opportunity here to utilize the money that the individuals that are within this proposed district would be paying anyway. I can't think of a better utilization of our tax dollars than to clean up an area on the Fayetteville Square that is in so much need of attention.

Alderman Rhoads stated that although he has heard some powerful statements, it seems like there is a time to be cautious when reasons come forth to be cautious and I'm not hearing any reasons. Not hearing any reasons I don't know why we don't go to a third hearing and move along with the process. My understanding is that either case can be amended as you go along if we need to amend it.

Alderman Rhoads motioned to suspend the rules and go to the third and final reading. The motion failed due to a lack of a second.

Brenda Thiel stated that this is a major project and it does affect a lot of properties and that is why they are being a little cautious.

Don Marr stated that he whole heartily supports the project. He said I think on Thursday night we had several concerns that were expressed. I'll say what I said on Thursday, I think it's a great boundary for the first TIF. I think it's a manageable TIF, I think expanding them more gives us too many issues. I hope that we get onto the discussion of the plan because my belief of it is going to be that the guidelines we were given about looking for what constitutes the boundaries; blighted, deteriorating area, we certainly have that within the building spaces for leasing. What we toured yesterday I don't think anybody can argue that. The other issues were around implementation of our Master Plan and we went through those five key points I don't think they've changed since Thursday but the only thing we got a lot of feedback on was whether we were trying to rush a project so much for a developer. I think if nothing more than to protect them from being shot arrows at for what I think will be a very good project and take that obstacle away I plan on supporting it and I've heard nothing otherwise.

Alderman Jordan said when we toured the Mountain Inn that was a real eye opener for me, that somewhat made me angry and embarrassed me. I think the statement of the no brainer for me was not necessarily even TIF, if we just took that completely out of the equation and you walked through that building, you can see that that building is in a state of disrepair. It defies description to me. He went on to say I want to see the city be everything it can be and I want to see that thing restored and I want to see if this is one of the most livable cities in the nation, that does not need to be in our city. That needs to be fixed and this is the time to do it.

A citizen spoke in agreement with Alderman Jordan. He stated that the Mountain Inn is at his business's back door and he really wanted something done the quicker the better.

Alderman Reynolds: We discussed Cato Springs Road and I would like to see us at the least extend this to 15th Street in this project because when you come off the Interstate at Razorback Road and 15th and you turn onto School, that's a bad eyesight all the way to Archibald Yell. If we could extend it to 15th Street it would be picking up a lot of commercials that need a lot of help and it would make this project even better from the approach standpoint and the beautification standpoint.

Alderman Thiel: It was suggested that we might look at a second TIF project that would run from 6th Street all the way down Cato Springs and I think what Alderman Marr has commented that this is one manageable TIF, it's got one major project within it and I think the recommendation from the staff was that we consider possibly a second TIF in the near future. She went on to express her support of the idea of leaving this where it's at and considering a second TIF area that does include going all the way down to Cato Springs because there are several sections in there that really do need to be improved.

Alderman Marr: I agree with Alderman Reynolds in that I think looking at that area is a really good idea. My only concern with that is that we sent out public notices for a public hearing for certified letters, I keep hearing speed is of the essence and to me the delays that could happen with this project are not gong to be as much from a boundary perspective as they are going to be from the project plan and the development process. It 's for that reason that I like the idea of doing a second TIF later so that we don't have to go back through notifying to catch the people that we didn't get last time and we can keep this moving forward and begin the plan development.

Mayor Coody stated that just to be perfectly clear the notifications that we sent out were not a legal requirement. We did that just to make sure that everyone knew what we were talking about to avoid the idea that anybody would be left out or left in the dark or uninformed. We really wanted to bring this to everyone's attention.

Alderman Marr: Which is why this is a great place to live is because we do those kinds of things and rather than being perceived as doing them for some people and not all people.

Alderman Lucas stated that she was very satisfied with the boundaries that we have now.

This Ordinance was left on the second reading.

NEW BUSINESS:

Planning Commission Appeal (Clem Johnson): A resolution to grant (or deny) an appeal from the Planning Commission's denial of a variance from the Commercial Design Standards.

Alderman Thiel moved to table this resolution indefinitely. Alderman Reynolds seconded the motion. Upon roll call the motion to table indefinitely passed unanimously.

Waste Management Contract Amendment #4: A resolution rejecting contract Amendment No. 4 with Waste Management of Arkansas, Inc. to transport and dispose of municipal solid waste and for operation of the city transfer station.

Mayor Coody: We have been asked to have this pulled by the petitioner.

Alderman Marr moved to table this resolution indefinitely. Alderman Jordan seconded the motion. Upon roll call the motion to table indefinitely passed unanimously.

Purchase 2 to 8 Yard Dumpsters: An ordinance to waive formal competitive bidding requirements during 2004 for the purchase of 2 to 8 yard dumpsters by the Solid Waste Division and to approve the purchase of 2 to 8 yard dumpsters in an amount not to exceed $63,000.00.

Mr. Williams read the ordinance

Alderman Marr moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

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

Ordinance 4601 as Recorded in the Office of the City Clerk.

RZN 04-1103 (Collins): An ordinance rezoning that property described in rezoning petition RZN 04-1103 as submitted by Jeffery Collins for property located at the 1280 Hendrix Street containing approximately 0.51 acres from RSF-4, Residential Single Family, four units per acre to RT-12, Residential two and three family.

Mr. Williams read the ordinance

Dawn Warrick: The subject property is approximately half an acre located at 1280 Hendrix Street. This property is west of Garland Avenue north of Mount Comfort Road. The Future Land Use Map identifies this property as residential, surrounding properties are zoned RSF-4 single family four units per acre and are developed as such. Two triplexes currently occupy the site, those units are considered nonconforming structures, the way that they got there was through an error in the zoning map. Information in this area was reflective incorrectly and showed to be R-1.5 which was the designation of the RT-12 District prior to the renaming of that district recently. During that period of time Building Permits were obtained for these two triplexes and development ensued. Shortly after this development began uncoincidently a property east of this tract was going through a development request, research was conducted and staff realized that there was an error in the zoning map that reflected on the subject property as well as others in this area. As soon as that error was discovered it was corrected, the map was reverted to show that the property is properly zoned RSF-4 single family 4-units per acre as are the other properties within this neighborhood. As I mentioned the property does now contain two nonconforming triplexes. The applicant is proposing to rezone this half acre tract of land.

Joyce Richards, resident of the Hendrix area spoke opposed to this ordinance.

Jeff Collins, one of the owners of the property made the Council aware that the vote was 7-2 for rezoning the property. He stated that when he and his business partners purchased the property they did due diligence on the lot and the due diligence showed that it was zoned appropriately for the buildings that were built on the property. At some point the City found that that zoning had been in error, there was a change that was made and the property reverted back to what apparently was the appropriate zoning but of course not the zoning that had been in place when the property was built. Just so you know it's been operated as multi-family for three years now, those buildings have been there for three years and we have owned them for most of that time. When the City found the existing zoning was in error, we being the property owners were never notified that the zoning had changed. It's problematic from my perspective because the minute that happened the value of the property was fundamentally changed. He said that it adversely affected their position with the bank and they would not have actually found out that the zoning had been changed if it were not for the fact that they were in the process of selling the property and through the sale of the property the due diligence by the buyer uncovered the fact that the zoning had changed from what we believed it to be to this single family use. He said I think it is very important that the City Council understand that there is a real monetary set of implications for what happened. It isn't just that the city uncovered a mistake and they changed it and no harm is done. He went on to describe some of the effects this has had on him and his partners. He stated that there are a whole set of costs involved that are very real and very monetary to us. This was not our mistake and the problem from my perspective is that if you codify the mistake there is real monetary damage to us even though we acted in good faith at every point in our dealings with this particular property and the cost to the neighborhood although real in the psychological sense are not monetary. I don't think we live in a perfect world here the question is what's fair. When we purchased the property and we operated the property for three years, we always did it under what was appropriate and proper so I'm just here to ask you to rezone that property.

Alderman Jordan questioned staff why someone did not notify the owners that the zoning had been changed.

Tim Conklin: There are over 50 properties involved and when the mistake was identified, the zoning was changed back; they were not notified by letter.

Alderman Jordan: Why?

Tim Conklin: It was a mistake that was found on the map and it was changed. I can't explain why we did not send out notice, an ordinance was not passed by the City Council changing the map so we put the map back to what was officially approved by the City Council, and there was not a rezoning.

Mayor Coody: I think the follow up question would be do we have this to look forward to 49 more times?

Tim Conklin: You did hear a rezoning request on Deane Street, this property was permitted. Two triplexes were built on this property with regard to whether or not at the time when this was discussed at length by the City Council if that property owner knew or didn't know. I honestly thought that the owner of the two triplexes was aware of the situation but that was two years ago and I don't have any written record because we didn't send any written notification to anybody with regard to changing the map.

Alderman Jordan suggested that Planning contact those property owners, all 49 of them and send them a letter and tell them what they're zoned at least so they will know. He asked why we couldn't do that.

Tim Conklin said we can certainly do that. We since then have set up a new protocol and adopted a brand new zoning map verifying 33 years of amendments and the Mayor and City Clerk's signatures are on those paper maps and the official map is no longer a digital map. It is a paper map. The issue with the previous map, we changed from a map that was colored with crayons to computer and at that time an incorrect zoning district was assigned to that area. Since then, the only way the map can be changed is a new map has to be printed and signed by the Mayor and City Clerk.

Alderman Jordan: Whatever we've got to do, we need to address this because right now Shirley and I have a neighborhood that's pretty upset. We have an owner that could lose money. We can't go through this time after time.

Mayor Coody: A lot of these 49 remaining properties I'm sure don't have nonconforming uses on them. Do you know of how many existing nonconforming uses that we would have in this current situation?

Tim Conklin: This is the only one that I am aware of that was permitted based on that map. We had the previous zoning that came before this council but there was not a permit issued for that property.

Alderman Lucas moved to suspend the rules and go to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance

Alderman Marr: We have minutes of the Planning Commission Meetings, what I would like to see are the minutes of the City Council at the time, I wasn't up here. The other thing is I would like to know if there are any kind of Police reports or things related to this particular facility and the reason is because it's been here for three years and we keep talking about what it's like and I guess what I would say to the neighborhood when I think about this is I voted against most Hendrix rezonings all the way up because we were dealing with pieces of land that didn't have any buildings on them, in fact I asked a question at the Planning Commission meeting about the triplexes that were already on the item and these were referred to. I looked at them as being existing and being there and functioning and we had dialogue around it versus rezoning new pieces of land. We have a situation where something has existed there; we're not talking about new development. I want to know a little more about that specific piece of property. I see it referenced in all these minutes. I know that the council said we made promises that we wouldn't do anything to the neighborhood again but what I recall from that are a lot of promises around not rezoning new properties and keeping uses as they were the same. That's where I struggle with this piece of property because it's not as if this use is new.

Alderman Lucas stated that the property owners who were hurt when this mistake was made, these property owners were financially hurt because they're property values went down and there is no way of recouping that and I see that the owners of the triplex can and have been getting a rental property off of that and it can continue to do that, they can sell it, they can continue to rent it from now on. The property owners who were hurt when this mistake was made, there is not any real way that they can recoup their losses. She said we advocate in protecting neighborhoods and this is a nice neighborhood, this was a mistake, but I don't see that we need to threaten these people by rezoning just because of this one mistake. I feel like this is an undo hardship on them and their property, this is a family neighborhood. Grant it, this triplex is here and it is going to stay there but I feel like we need to protect the neighborhood. Finally, the City gave their word that there would be no more spot zoning and this is a spot zoning to me so unless something else comes up that changes my mind, I'm not in favor of this rezoning.

Alderman Thiel: Looking at the size of this property, I can certainly understand the concern of RT-12 because that could allow if these properties burned, that could allow even more density than what's there now?

Dawn Warrick: This property is maximized in it's density with an RT-12 designation if that's what was approved. It's half an acre and RT-12 allows 12 units per acre and there are six on the site.

Alderman Thiel: Okay, so reducing it down to something else would not make it conforming.

The Ordinance was left on the Second Reading.

ANX 04-1071 (Jones): An ordinance annexing that property described in annexation petition ANX 04-1071 annexing to the City of Fayetteville, Arkansas certain property owned by Vera Jones located south of Huntsville Road east of the Stonebridge Addition, and west of Roberts Road containing approximately 5.66 acres.

Mr. Williams read the ordinance

Dawn Warrick: I would just like to say for the ease of discussion if I might be permitted to talk about this item as well as the next three together. These were two sets of annexation and rezoning requests submitted by a developer, they are two different property owners and therefore they are under two different names. They are adjoining properties and the requests are tandem to each other. As I mentioned the configuration is somewhat unique when we originally saw this piece of property it contained more than 5.66 acres and because of the additional property that was included in that original description, the annexation request would have created an island of unincorporated property. At staffs urging the applicant chose to go back and rethink and relook at the description of property that they were requesting to be annexed and they filed an amended order of annexation through Washington County in order to propose to bring in this 5.66 acres. With the annexation of this property as well as the Ames property which is the following pair of requests connectivity would be achieved through Stonebridge Meadows Phase I to Roberts Road allowing for a reasonable configuration of boundary as well as a connecting residential street. Improvements to existing streets in the area including Roberts's Road will occur with developments the City Limits are currently extending east and south of this property. Staff does find that the request is consistent and compliant with the City's adopted Annexation Policy. It has been noted through this review process that some areas of this property contain very wet land that neighbors have described as being configured similar to a bowl, it holds water and there are concerns from neighbors in the area that if the property is not developed appropriately under appropriate regulations that they would be adversely affected by development of this tract of land. The applicant does intend to develop a single family residential subdivision and as I mentioned connectivity through this property should this property as well as the Ames annexation which is two acres to the east also will be annexed because that is the piece of the puzzle that would get the property out to Roberts Road.

Tom Jeffcoat, Millholland Company representing the property developer Flint McDonald: We think this property is a very nice project, a 25 lot subdivision, it does achieve the connectivity and all the goals that Dawn has suggested. Not only is the connectivity from Stonebridge to Roberts Road, but we create a water loop which is needed in that area, the drainage issues will be well addressed, and there is an existing pond adjacent to it. The improvements to that will help the drainage situation so there is a lot of positive effects that we feel that this project would gain and we would appreciate your favorable response.

Alderman Thiel stated that she would like to look at this on a Council Tour and that she would like to look at the road out there.

The Ordinance was left on the First Reading.

Mayor Coody stated that since these are all relative to each other we'll go ahead and go through these.

RZN 04-1072 (Jones): An ordinance rezoning that property described in rezoning petition RZN 04-1072 as submitted by Milholland Company on behalf of Vera Jones for property located south of Huntsville Road, east of the Stonebridge Addition and west of Roberts Road containing approximately 5.66 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

Mr. Williams read the ordinance

The Ordinance was left on the First Reading.

ANX 04-1073 (Ames): An ordinance annexing that property described in annexation petition ANX 04-1073 annexing to the City of Fayetteville, Arkansas certain property owned by the Ames Family Trust located south of Huntsville Road west of Roberts Road containing approximately 1.97 acres.

Mr. Williams read the ordinance

The Ordinance was left on the First Reading.

RZN 04-1074 (Ames): An ordinance rezoning that property described in rezoning petition RZN 04-1074 as submitted by Milholland Company on behalf of the Ames Family Trust for property located on the west side of Roberts Road south of Huntsville Road containing approximately 1.97 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

Mr. Williams read the ordinance

Alderman Thiel: What kind of improvements will they make to Robert's Road?

Dawn Warrick: At this point in time staff's recommendation for a minimum improvement would be adjacent to the property where it abuts Roberts Road. We do have concerns that that may not be sufficient for the amount of traffic that would be generated in traveling through this area and we are looking at the potential and whether or not it would be appropriate to apply additional off site conditions north of this site on Roberts Road to the point that it intersects with Huntsville.

Alderman Thiel: That's good, that's why we need to go look at it to see what that road looks like.

The Ordinance was left on the First Reading.

VAC 04-1119 (Petrino): An ordinance approving VAC 04-1119 to vacate and abandon 7' of the existing 15' utility easements on the west side of Lot 5B and the east side of Lot 5A as depicted on the attached map and legal description.

Mr. Williams read the ordinance

Dawn Warrick: This property is Lot 5 of Phase V of the Pine Valley Subdivision and with regard to history on this tract the property is zoned RMF-24. Pine Valley is developed as a duplex subdivision. In December of last year the property owner came through the planning process in order to split Lot 5 into two tracts of land in order to develop a town home; two connected units as opposed to a duplex; and the difference is that a town home configuration has a lot line along the common wall and allows for the two units to be sold separately. A duplex is two units on a common lot under common under common ownership. Our zoning ordinances do permit this and they did obtain Planning Commission approval for the split of Lot 5. At the time that the lot split was filed, utility easements were granted on either side of Lots 5A and B. Those utility easements were reflected to show at a 15 foot dimension. Staff believes that there was miscommunication between the property owner and their survey team when they went to file these utility easements. I really don't think they understood what impact it would have on the side setbacks to the project that they were trying to build. Therefore, at this point in time they are requesting to reduce the easements on either side of lots 5A and 5B. The extreme east and extreme west sides are the areas that are being discussed. The reduction would be for the utility easements to remain at 8 feet as opposed to 15, thereby, it would ensure that the side setbacks would also be an 8 foot which is consistent with residential zoning districts throughout the city as well as the other developments within the Pine Valley Subdivision which have 8 foot side set backs. Notification was provided to all utility representatives and adjoining property owners, no objections to this action were received. The Planning Commission voted 7-0 on its Consent Agenda on July 12th to forward this to you with a recommendation for approval.

Sue Jensen, a resident of Pine Valley Subdivision, stated that they only have three lots left and they happen to be owned by the same person and they are the only nonconforming lots in our entire subdivision. She stated that as property owners and a residential group, they are not happy about this. She said that they did attend the Planning Commission meetings and she was told it was not time for public comment and that she needed to wait until it came before City Council and by the time it came to City Council we were told it was to late, that we should've been at the Planning Commission. She said we have a very small area, there is no place for us to grow, we now have three completely nonconforming series of buildings. She asked the council to please reconsider this and at least take at look at what is happening here.

Mayor Coody: Dawn, were these folks denied their right to speak at a Planning Commission meeting? Do you know anything about that?

Dawn Warrick: I know that the Subdivision Committee approved the lot split and I know that there was confusion with regard to whether that item would go forward after Subdivision Committee took final action on a lot split. The notices that are provided to applicants or to adjoining property owners will typically state the date and time for a Subdivision Committee Meeting and then state that if the time under consideration is not approved at the Subdivision

Committee Meeting then it will then be heard by the Planning Commission. This particular lot split as most are was approved by the Subdivision Committee which they have the authority to do and then was not heard at the Planning Commission meeting subsequent to it.

Alderman Thiel: Is this Zoning RMF-24?

Dawn Warrick: Yes Ma'am.

Alderman Thiel: She refers to lots and our drawings don't have lots designated. It might be easier for me to understand if I could see the plat. Why is it not part of this?

Dawn Warrick: We are considering vacating easements that are on this particular lot. The lots have been approved. There were six lots in this phase of the subdivision and it's been on the books and legally filed lots of record for several years.

Alderman Thiel: What we have in our packet doesn't show any lot lines.

Dawn Warrick: I can provide you with a copy of the final plat for Phase V.

Alderman Thiel: It would make it easier for me to see what I'm looking at.

Alderman Jordan asked Dawn Warrick why they did not allow for public comment. He expressed his concerns about citizens taking off from their job thinking they will be allowed to speak and then they are not being allowed to speak.

Dawn Warrick said she could look back and get him the minutes of that Subdivision Committee Meeting and that she did not recall having public comment at that meeting. She stated that that was pertinent to the lot split on this property and not the vacation. The vacation which is the request before you does not go through that process.

Alderman Jordan asked for a history of what's transpired.

Mayor Coody: We will leave this on the first reading and go see this on the board tour.

The Ordinance was left on the First Reading.

Meeting Adjourned at 8:50 pm

____

Sondra Smith, City Clerk

Fayetteville
ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS

August 31, 2004

To: Capital Plan Steering Committee, Fayetteville Public Schools
Fayetteville Board of Education
Dr. Bobby C. New, Superintendent Fayetteville Public Schools
Dr. Lisa Morstad, Chief Financial Officer Fayetteville Public Schools

Re: Meeting of the Fayetteville City Council

At the City Council meeting of September 7, there will be a resolution presented that will state the City's support for neighborhood schools. This resolution is the result of citizens expressing their concerns over the relocation of Jefferson Elementary School and the potential impact on South Fayetteville and the families that reside there.

I would like to invite you to this meeting because of the school board's role in the decision-making process for the planning, locating, and construction of schools in the Fayetteville School District and the need for good communication between the Fayetteville School Board and the Fayetteville City Council. I hope this dialogue will be beneficial for all concerned.

If you have any questions, please do not hesitate to ask.

Dan Coody

Dan Coody
Mayor

113 WEST MOUNTAIN 72701 479-521-7700
FAX 479-575-8257

2005 Budget Briefing

August 31, 2004

Fayetteville
ARKANSAS

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and Fayetteville City Council

FROM: Stephen Davis, Finance & Internal Services Director

DATE: August 31, 2004

SUBJECT: **Mid-Year Financial Overview**

The City published the mid-year financial statements for General Fund, Street Fund, Water and Sewer Fund and Solid Waste Fund as well as the City's long-term bond indebtedness as of June 30, 2004.

- o The City's General Fund has recorded a current year operating surplus of approximately $131,000 primarily due increased revenues and decreased expenditures through June 30. The City's original adopted 2004 Budget predicted a planned use of reserves of approximately $752,000.

Excluding one-time expenditures authorized by City Council and acknowledging increased actual revenues it is likely the City will approach a break-even status for 2004 in General Fund.

- Street Fund has utilized approximately $10,000 of reserves through mid-year. This trend is expected to continue through the remainder of the year and is primarily driven by increased staffing approved earlier this year.

- Water & Sewer Fund, through June 30, reflects an operating loss of $389,000. The Fund is predicted to end 2004 with an operating loss primarily due to a rate increase for purchased water and increased sludge disposal costs. Other contributing factors include a mild summer which has reduced the irrigation usage demand and the phase-in of rate increases that were approved in December 2003 and January 2004.

- Solid Waste Fund, through June 30, shows an operating income of $204,000 and is predicted to end the year positive.

The City's overall cash & investment position remains strong.

General Fund Forecast Summary
Staff will present a review of last years General Fund forecast. The data reveals that General Fund reserves have been extended for a year longer than the 2003 forecast predicted. This extension of General Fund reserves has been accomplished through the combination of revenues greater than predicted, non-personnel expenditure control and position vacancies.

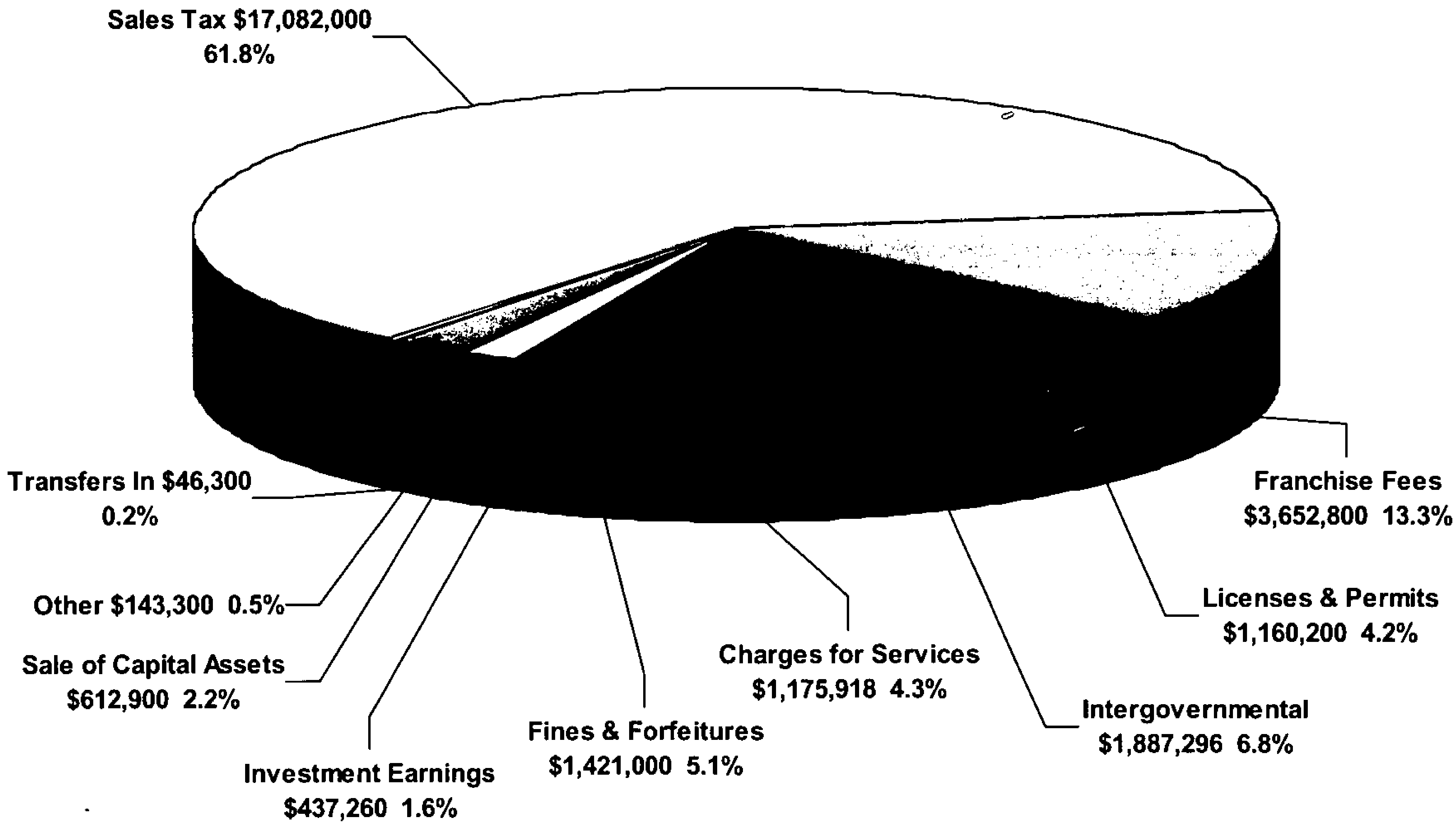
The City's voluntary turnover rate is declining thus budget saving from employee turnover is not expected to contribute to General Fund reserves in the future as it has in the past. This reduced voluntary turnover positions the City to garner increased efficiencies and productivity through better trained and more productive staff.

The City's primary revenue source, sales taxes, is not expected to continue to perform as robustly as they have this year. Historically, sales tax growth has averaged approximately 4% from 1999 through 2003.

The use of reserves in General Fund needs discussion regarding how to attain the City Adopted Policy Reserve Goal in a sustainable manner that addresses basic service needs. Staff will be presenting the User Fee Study and accompanying policy for City Council consideration at the September 21 City Council meeting as part of that discussion.

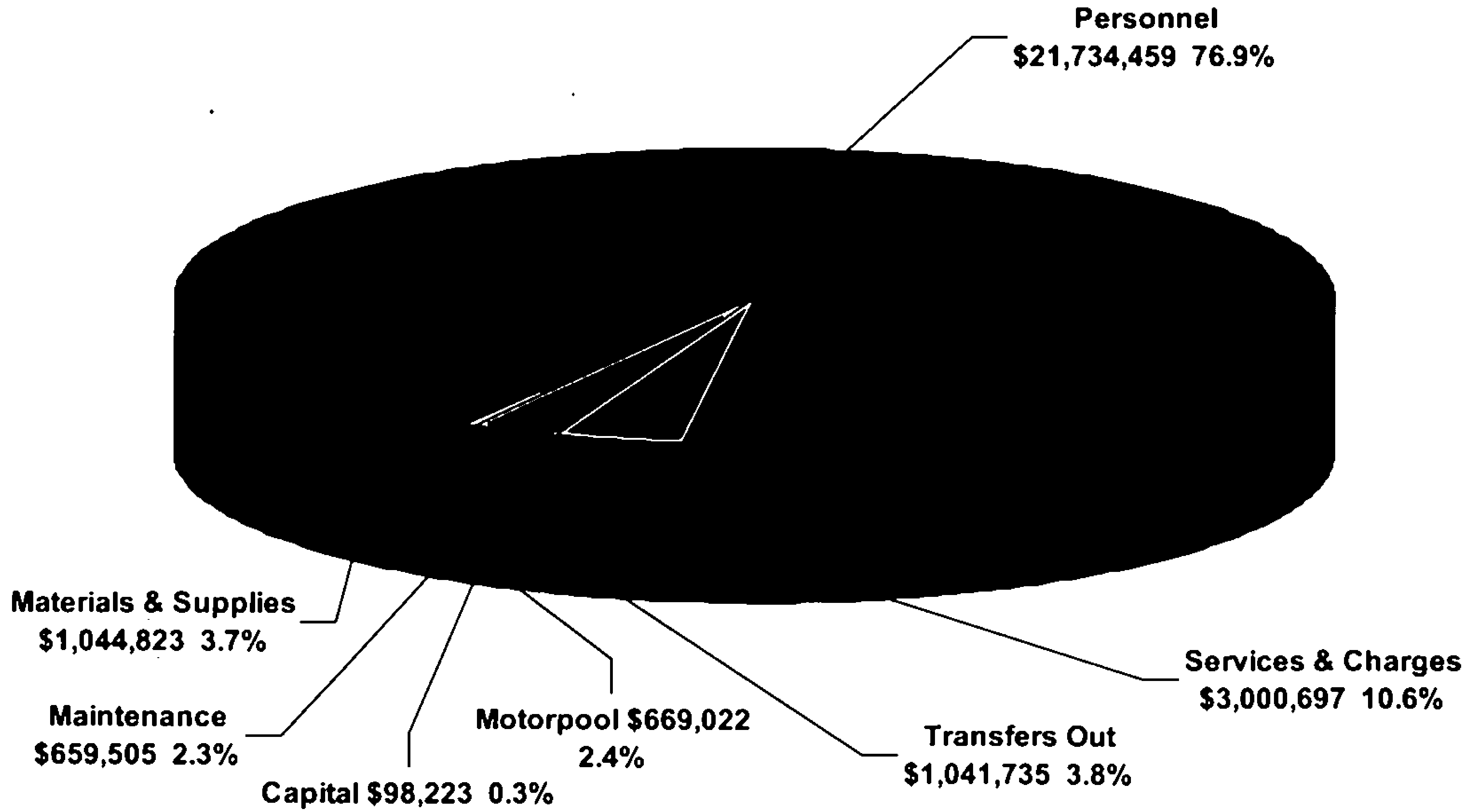
General Fund Revenues

2004 Estimated ($27,618,974)

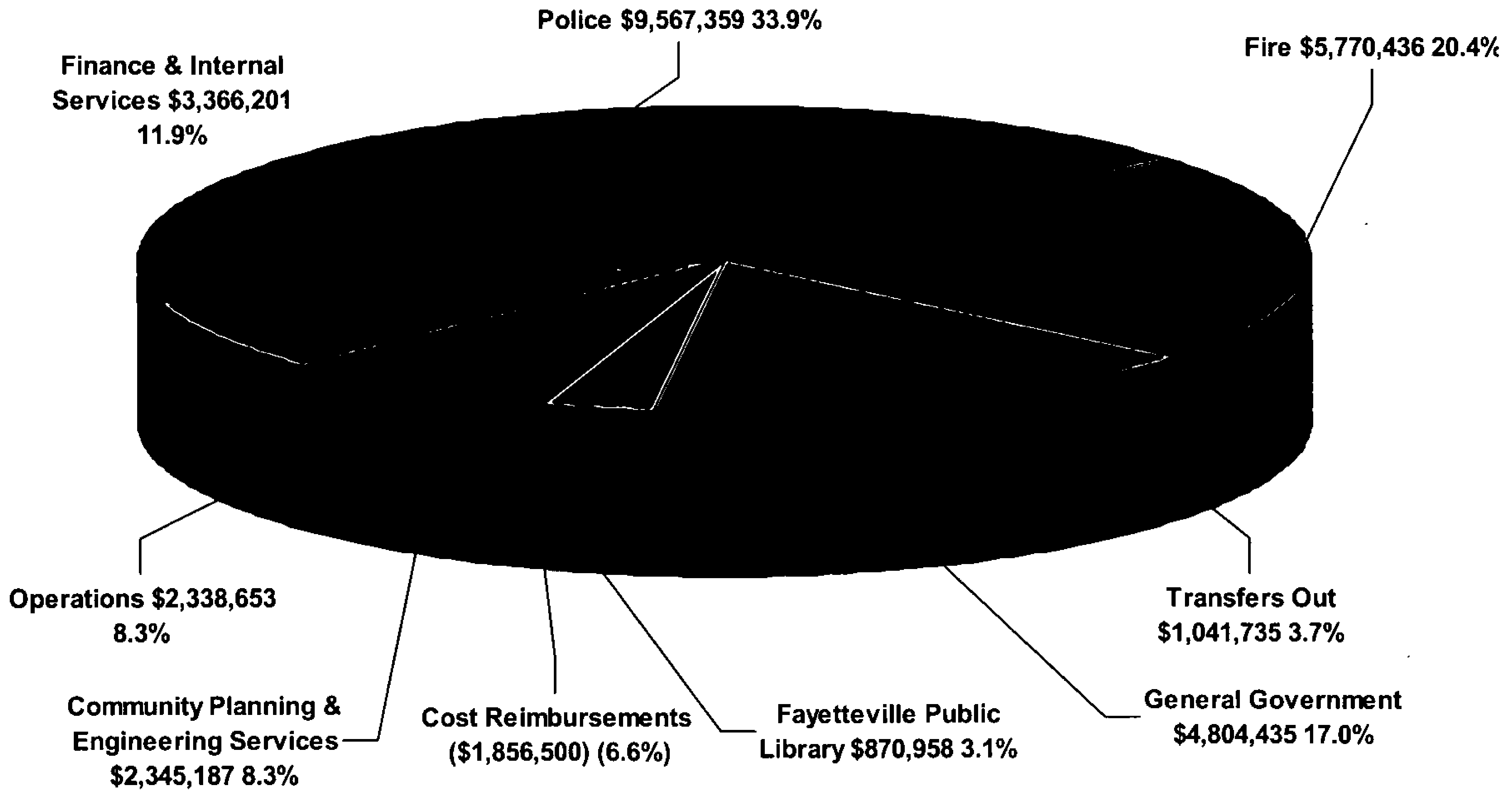


General Fund Expenditures

2004 Estimated ($28,248,464)



General Fund Expenditures
2004 Estimated ($28,248,464)



City of Fayetteville, Arkansas
General Fund

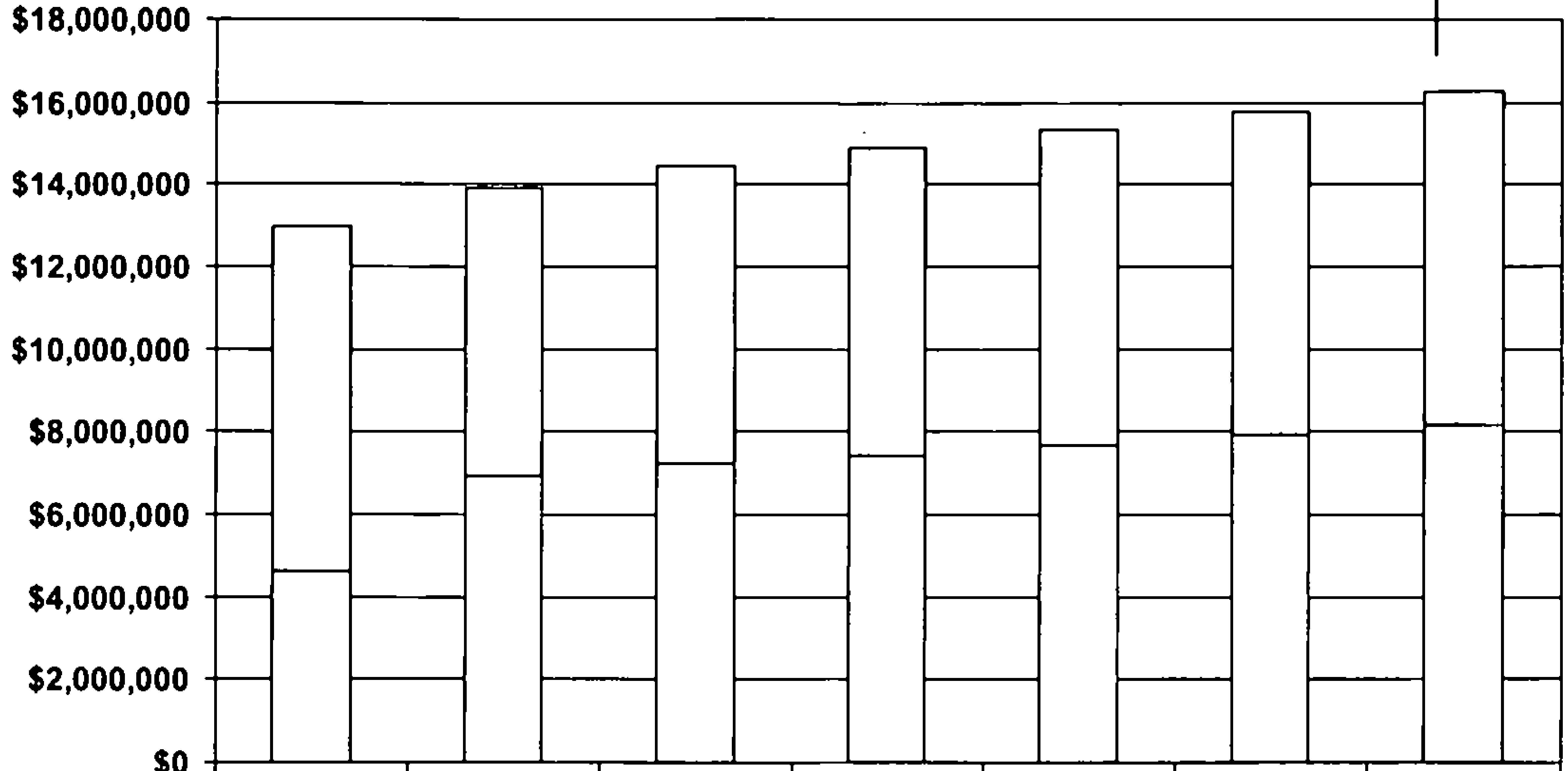
	Budgeted 2004	Estimated 2004	Difference
Beginning Fund Balance	$ 14,002,618	$ 14,002,618	$ 0
Resources			
Revenues:			
Sales Tax - County	9,005,000	9,795,000	790,000
Sales Tax - City	6,568,500	6,953,500	385,000
Alcoholic Beverage Taxes	335,000	333,500	(1,500)
Franchise Fees	3,478,000	3,652,800	174,800
Licenses & Permits	1,014,000	1,160,200	146,200
Intergovernmental	1,927,294	1,887,296	(39,998)
Charges for Services	1,134,600	1,175,918	41,318
Fines & Forfeitures	1,440,000	1,421,000	(19,000)
Investment Earnings	220,000	437,260	217,260
Sale of Capital Assets	619,630	612,900	(6,730)
Other	149,083	143,300	(5,783)
Total Revenue	25,891,107	27,572,674	1,681,567
Operating Transfers In:			
Off Street Parking	44,000	46,300	2,300
Total Transfers In	44,000	46,300	2,300
Total Resources	25,935,107	27,618,974	1,683,867
Uses			
Expenditures:			
General Government	4,804,435	4,804,435	0
Fayetteville Public Library	870,958	870,958	0
Cost Reimbursements	(1,856,500)	(1,856,500)	0
Community Planning & Engineering Services	2,345,187	2,345,187	0
Operations	2,338,653	2,338,653	0
Finance & Internal Services	3,366,201	3,366,201	0
Police	9,567,359	9,567,359	0
Fire	5,770,436	5,770,436	0
Total Expenditures	27,206,729	27,206,729	0
Operating Transfers Out:			
Arts Center Bond Fund	405,735	405,735	0
Drug Law Enforcement Fund	85,000	85,000	0
Sales Tax Capital Fund	551,000	551,000	0
Total Operating Transfers Out	1,041,735	1,041,735	0
Total Uses	28,248,464	28,248,464	0
Net Resources (Uses)	(2,313,357)	(629,490)	1,683,867
Ending Fund Balance	$ 11,689,261	$ 13,373,128	$ 1,683,867
Required Use of Fund Balance (60 days audited expenditures)	$ 3,879,268	$ 3,879,268	$ 0
Planned Use of 2003 Reserves:			
Net Resources (Uses)	(2,313,357)	(629,490)	
- 2003 Rebudgeted Funds in Progress	736,075	736,075	
- Wilson Springs Sale to Botanical Gardens	750,000	750,000	
- Van Scoyoc Grant Services	85,000	85,000	
Revised Net Resources (Uses)	$ (742,282)	941,585	

General Fund 2005-2009 Projections

Revenue Assumptions

- County Sales Tax Revenue is projected to grow at a rate of 4.00% for 2005 and 3.00% annually for 2006-2009.
- City Sales Tax Revenue is projected to grow at a rate of 4.00% for 2005 and 3.00% annually for 2006-2009.
- All other revenue sources are projected to grow at a rate of 2.5% annually.
- The transfer of City Sales Tax to General Fund will be 50% for 2005-2009.

City Sales Tax 1%

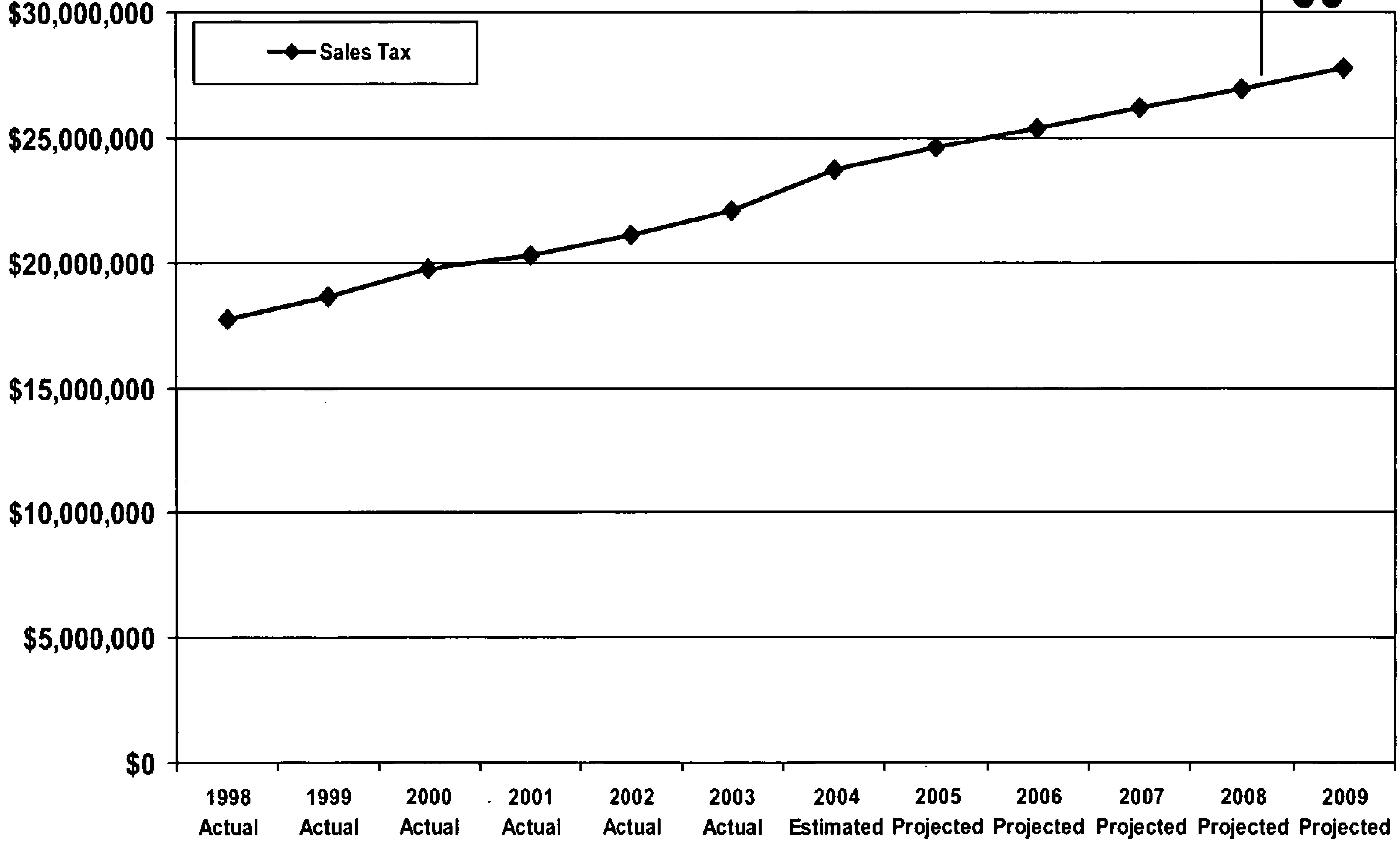


	Actual 2003	Estimated 2004	Projected 2005	Projected 2006	Projected 2007	Projected 2008	Projected 2009
Sales Tax Capital Fund	$8,326,243	$6,953,500	$7,231,600	$7,448,600	$7,672,100	$7,902,350	$8,139,400
General Fund	$4,636,199	$6,953,500	$7,231,600	$7,448,600	$7,672,100	$7,902,350	$8,139,400

□ General Fund □ Sales Tax Capital Fund

Growth in Sales Tax Collections

1%City (Capital/Operations) & 1%County



City of Fayetteville, Arkansas

1% County Sales Tax Collections (2004 - 2009 Projections)
As of August 26, 2004

Month	2003 Actual	2004 Estimated	2005 Projected	2006 Projected	2007 Projected	2008 Projected	2009 Projected
January	863,989	$ 919,302	$ 956,100	$ 984,800	$ 1,014,300	$ 1,044,700	$ 1,076,000
February	707,826	743,384	773,100	796,300	820,200	844,800	870,100
March	658,702	758,803	789,200	812,900	837,300	862,400	888,300
April	742,323	840,618	874,200	900,400	927,400	955,200	983,900
May	725,047	788,830	820,400	845,000	870,400	896,500	923,400
June	741,980	809,509	841,900	867,200	893,200	920,000	947,600
July	756,858	853,637	887,800	914,400	941,800	970,100	999,200
August	781,993	813,273	845,800	871,200	897,300	924,200	951,900
September	803,139	835,265	868,700	894,800	921,600	949,200	977,700
October	780,006	811,206	843,700	869,000	895,100	922,000	949,700
November	778,267	809,398	841,800	867,100	893,100	919,900	947,500
December	780,675	811,774	844,200	869,500	895,600	922,500	950,200
Totals	$ 9,120,805	$ 9,795,000	$ 10,186,900	$ 10,492,600	$ 10,807,300	$ 11,131,500	$ 11,465,500
% Change over Prior Year	5.84%	7.39%	4.00%	3.00%	3.00%	3.00%	3.00%

City of Fayetteville, Arkansas

1% City Sales Tax Collections (2004 - 2009 Projections)
As of August 26, 2004

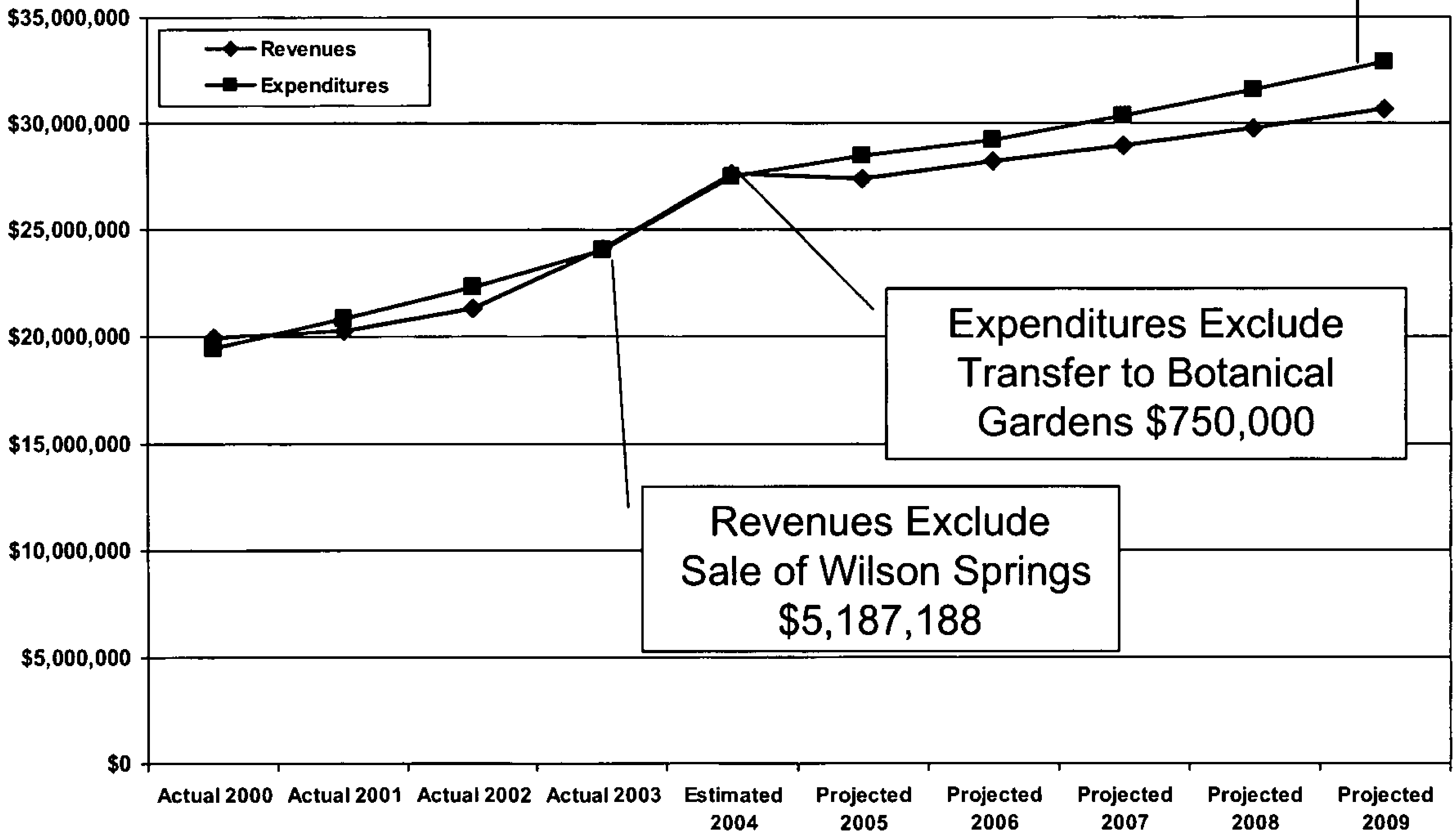
Month	2002 Actual	2003 Actual	2004 Estimated	2005 Projected	2006 Projected	2007 Projected	2008 Projected	2009 Projected
January	$ 1,309,304	$ 1,365,351	$ 1,419,852	$ 1,476,600	$ 1,520,900	$ 1,566,500	$ 1,613,500	$ 1,661,900
February	938,010	947,009	1,053,352	1,095,500	1,128,400	1,162,300	1,197,200	1,233,100
March	924,155	930,417	1,059,602	1,102,000	1,135,100	1,169,200	1,204,300	1,240,400
April	1,032,026	1,039,079	1,175,217	1,222,200	1,258,900	1,296,700	1,335,600	1,375,700
May	1,019,963	1,010,805	1,095,565	1,139,400	1,173,600	1,208,800	1,245,100	1,282,500
June	1,059,715	1,050,427	1,129,592	1,174,800	1,210,000	1,246,300	1,283,700	1,322,200
July	1,023,128	1,078,391	1,211,366	1,259,800	1,297,600	1,336,500	1,376,600	1,417,900
August	940,019	1,058,606	1,100,950	1,145,000	1,179,400	1,214,800	1,251,200	1,288,700
September	1,122,851	1,140,584	1,186,208	1,233,700	1,270,700	1,308,800	1,348,100	1,388,500
October	1,034,464	1,103,890	1,148,045	1,194,000	1,229,800	1,266,700	1,304,700	1,343,800
November	1,021,822	1,076,759	1,119,829	1,164,600	1,199,500	1,235,500	1,272,600	1,310,800
December	1,025,639	1,161,123	1,207,422	1,255,600	1,293,300	1,332,100	1,372,100	1,413,300
Totals	$ 12,451,096	$ 12,962,441	$ 13,907,000	$ 14,463,200	$ 14,897,200	$ 15,344,200	$ 15,804,700	$ 16,278,800
% Change over Prior Year		4.11%	7.29%	4.00%	3.00%	3.00%	3.00%	3.00%

General Fund 20052009 Projections

Expense Assumptions

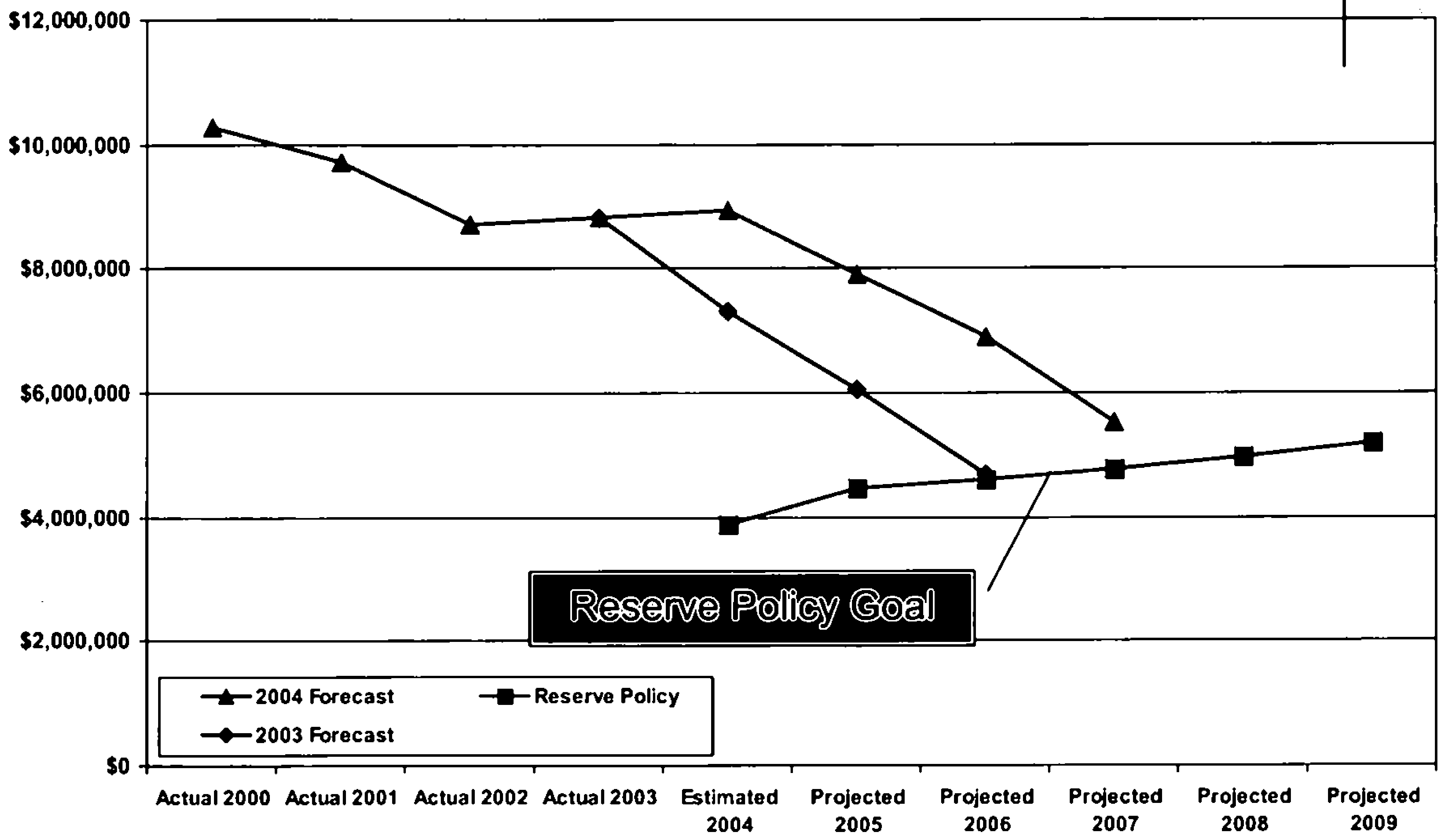
- Salary expense for general employees (merit increases) is projected to grow at a rate of 4.0% annually.
- Salary expense for Public Safety employees (step increases) is projected to grow at a rate of 5.0% annually.
- Funding for salary range adjustments as part of a salary survey was not factored into the projection.
- Non salary expenses are projected to grow at a rate of 2.0% annually.
- Not-for-Profit funding is shown at 2004 existing levels for 2005. Projections for 2005-2009 are projected to grow at a rate of 2.0% annually. These funding levels do not take into consideration, funding requests made by the not-for-profit agencies.

General Fund Revenues & Expenditures



Fund Balance and Reserve Policy

excluding revenue from the sale of Wilson Springs Business Park



City of Fayetteville, Arkansas
General Fund

Fund - 1010

	Actual 2003	Budgeted 2004	Estimated 2004	Budgeted 2005	Projected 2006	Projected 2007	Projected 2008	Projected 2009
Beginning Fund Balance	$ 8,694,491	$ 14,002,618	$ 14,002,618	$ 13,373,128	$ 12,326,076	$ 11,330,953	$ 9,956,130	$ 8,173,609
Resources								
Revenues:								
Sales Tax - County	9,120,805	9,005,000	9,795,000	10,186,900	10,492,600	10,807,300	11,131,500	11,465,500
Sales Tax - City	4,636,199	6,568,500	6,953,500	7,231,600	7,448,600	7,672,100	7,902,350	8,139,400
Alcoholic Beverage Taxes	327,370	335,000	333,500	341,800	353,700	366,100	378,900	392,200
Franchise Fees	3,523,725	3,478,000	3,652,800	3,784,000	3,878,600	3,975,600	4,075,000	4,176,900
Licenses & Permits	1,224,559	1,014,000	1,160,200	1,099,900	1,127,400	1,155,700	1,184,700	1,214,400
Intergovernmental	1,904,316	1,927,294	1,887,296	1,667,000	1,708,600	1,751,200	1,794,900	1,839,800
Charges for Services	1,154,075	1,134,600	1,175,918	1,161,000	1,190,000	1,219,900	1,250,100	1,281,300
Fines & Forfeitures	1,307,137	1,440,000	1,421,000	1,450,800	1,487,000	1,524,200	1,562,200	1,601,200
Investment Earnings	202,452	220,000	437,260	314,700	322,500	330,500	338,700	347,200
Sale of Capital Assets	5,560,527	619,630	612,900	0	0	0	0	0
Other	236,184	149,083	143,300	124,600	127,700	130,800	134,100	137,500
Total Revenue	29,197,349	25,891,107	27,572,674	27,362,300	28,136,700	28,933,400	29,752,450	30,595,400
Operating Transfers In:								
Off Street Parking	40,729	44,000	46,300	47,400	48,600	49,800	51,000	52,300
Water & Sewer Fund	105,000	0	0	0	0	0	0	0
Total Transfers In	145,729	44,000	46,300	47,400	48,600	49,800	51,000	52,300
Total Resources	29,343,078	25,935,107	27,618,974	27,409,700	28,185,300	28,983,200	29,803,450	30,647,700
Uses								
Expenditures:								
General Government	3,201,470	4,804,435	4,804,435	3,906,774	4,041,916	4,182,058	4,327,379	4,478,098
Fayetteville Public Library	816,851	870,958	870,958	983,092	1,002,754	1,022,809	1,043,265	1,064,130
Cost Reimbursements	(2,219,411)	(1,856,500)	(1,856,500)	(1,578,000)	(1,609,560)	(1,641,751)	(1,674,586)	(1,708,078)
Community Planning & Engineering Services	2,296,540	2,345,187	2,345,187	2,474,061	2,568,024	2,665,640	2,767,059	2,872,435
Operations	2,378,311	2,338,653	2,338,653	2,264,846	2,336,680	2,411,006	2,487,922	2,567,526
Finance & Internal Services	2,944,843	3,366,201	3,366,201	3,438,198	3,563,465	3,693,493	3,828,485	3,968,615
Police	8,946,890	9,567,359	9,567,359	10,088,786	10,509,837	10,949,521	11,408,694	11,888,247
Fire	5,233,388	5,770,436	5,770,436	6,388,260	6,680,607	6,986,813	7,307,550	7,643,521
Total Expenditures	23,598,882	27,206,729	27,206,729	27,966,017	29,093,723	30,269,589	31,495,768	32,774,494
Operating Transfers Out:								
Arts Center Bond Fund	365,201	405,735	405,735	405,735	0	0	0	0
Drug Law Enforcement Fund	70,868	85,000	85,000	85,000	86,700	88,434	90,203	92,007
Sales Tax Capital Fund	0	551,000	551,000	0	0	0	0	0
Total Operating Transfers Out	436,069	1,041,735	1,041,735	490,735	86,700	88,434	90,203	92,007
Total Uses	24,034,951	28,248,464	28,248,464	28,456,752	29,180,423	30,358,023	31,585,971	32,866,501
Net Resources (Uses)	5,308,127	(2,313,357)	(629,490)	(1,047,052)	(995,123)	(1,374,823)	(1,782,521)	(2,218,801)
Ending Fund Balance	$ 14,002,618	$ 11,689,261	$ 13,373,128	$ 12,326,076	$ 11,330,953	$ 9,956,130	$ 8,173,609	$ 5,954,808
Required Use of Fund Balance (60 days audited expenditures)		$ 3,879,268	$ 3,879,268	$ 4,472,339	$ 4,597,153	$ 4,782,530	$ 4,975,823	$ 5,177,387

2005 Budget Issues

- Police Department's Approved Pay Range Adjustment
- New Library Building
- Fire Department Full Staffing
- Health Insurance
- Justice Center/Combined Public Safety Complex
- Proposed Fire Station #3 & Related Staffing

City of Fayetteville
2005 Budget Issues

1.	**Police Department's Approved Step Increases** During the last Hay Plan update, it was determined that the Police Department would receive half of their step increase in 2004 and the other in 2005.	$151,801 Included in the 2005 target budget.
2.	**New Library Building** The library is moving into a building almost three times as large as the current building and the utilities, cleaning, and maintenance items will increase due to size. In addition, to minimize additional staffing, we have mechanized many functions, which will increase equipment maintenance costs. Utilities - $60,000; Cleaning - $31,000; Building Maintenance - $28,400; New Equipment Maintenance - $63,000; Additional Telephone Lines for Elevators and Conveyor System - $3,000; Facilities Manager - $47,922; Reference Librarian - $50,704; Information Technology Assistant - $50,704; Young Adult and Children's Librarian - $46,575; and Four to Six Licensed Online Databases - $20,000.	$401,305
3.	**Fire Department Overtime/Full Staffing** During 2004, the twelve new firefighters for Station 7 were phased in, eliminating overtime for vacations and sick leave. With Station 7 fully operational, budgeted overtime cost is projected to increase by approximately $306,000 and budgeted personnel services cost is expected to increase by $171,000.	$379,071 2005 target includes $171,000.
4.	**Justice Center, Joint Public Safety Complex and Fire Station 3 – Phase I Construction Cost** Total project cost, which extends through 2008, is $11,655,000. This does not include personnel cost of twelve firefighters or maintenance personnel. For 2005, this cost consists of Demolition - $75,000; Hardscape Improvements - $85,000; Exterior Renovation - $90,000; Fire Station 3 Construction - $842,000; Station 3 Fire Apparatus - $370,000; Architectural Fee - $253,000 and Contingency - $421,450. As the building becomes renovated maintenance personnel will be needed at approximately $80,000 annually.	$2,136,450
5.	**Health Insurance Premiums** Health insurance premiums are expected to increase 10%. The $252,473 is the full increase and breaks down into $161,456 for General Fund and $91,017 for all other funds.	$252,473
6.	**Fire Station #3 Staffing** Personnel services cost for 12 firefighters to staff Fire Station #3.	$570,000

City of Fayetteville
2005 Goals and Issues

Service Improvements 2004-2005

- Cost of Service Study
- Rates/Fees Study and Policy Direction
- Justice Center and Public Safety Complex Direction, One Year Actions
- Service Plan for Growth Areas

A Beautiful City - Clean and Green

- Community Park: Decision
- Code Enforcement, Prosecution and Adjudication Process Evaluation and Recommendation
- Drainage Maintenance Crew Staffing
- Funding for Litter Prevention Program including Trash Cans

Strong Partnership with the University of Arkansas

- Master Transportation Study - coordinated with the University
- Reimbursement for City services
- Funding for Dickson Parking Structure (partnership with City)
- Land Acquisition Strategy and Plan Analysis and City Action

Improved Mobility and Street Quality

- Master Transportation and Traffic Plan Adoption and Project Implementation
- Highway 265: Funding
- Traffic Calming for Neighborhoods: Priority and Funding
- Rupple Road (North): Funding, Cost Sharing Design
- Steele Boulevard/Northhills Boulevard/Fulbright Expressway: Evaluation for Connectivity and Access to Mall
- Trail System Development: One Year Projects and Priorities
- Sidewalk Policies for Elementary School Areas and Specific Project Priority and Funding
- Huntsville Road/Fifteenth Street/Happy Hollow Road: Project Direction, Funding
- Mount Comfort Road Improvement Project

Development of Our Crown Jewels: The Square - Dickson Street - University

- Entertainment/Cultural District: Creation
- New Parking Deck in Dickson Street Area Direction
- One Way Street Conversion Evaluation and Direction
- Zoning District Code: Decision
- Mountain Inn Project Plan (Highway 71 East, Square Redevelopment District I - T.I.F.) and Demolition
- Police Substation on Dickson Street

Planned and Managed Growth

- Attainable Housing Policy and Strategy
- South Fayetteville Revitalization Strategy and One Year Actions
- Citywide Master Plan 2025: Update
- Annexation Policy Review and Specific Annexations, including Financial and Service Impact Analysis Model
- Hillside Downzoning Ordinance
- Impact Fees: Roads, Fire, Police
- T.I.F. for South School Avenue to Cato Springs Road

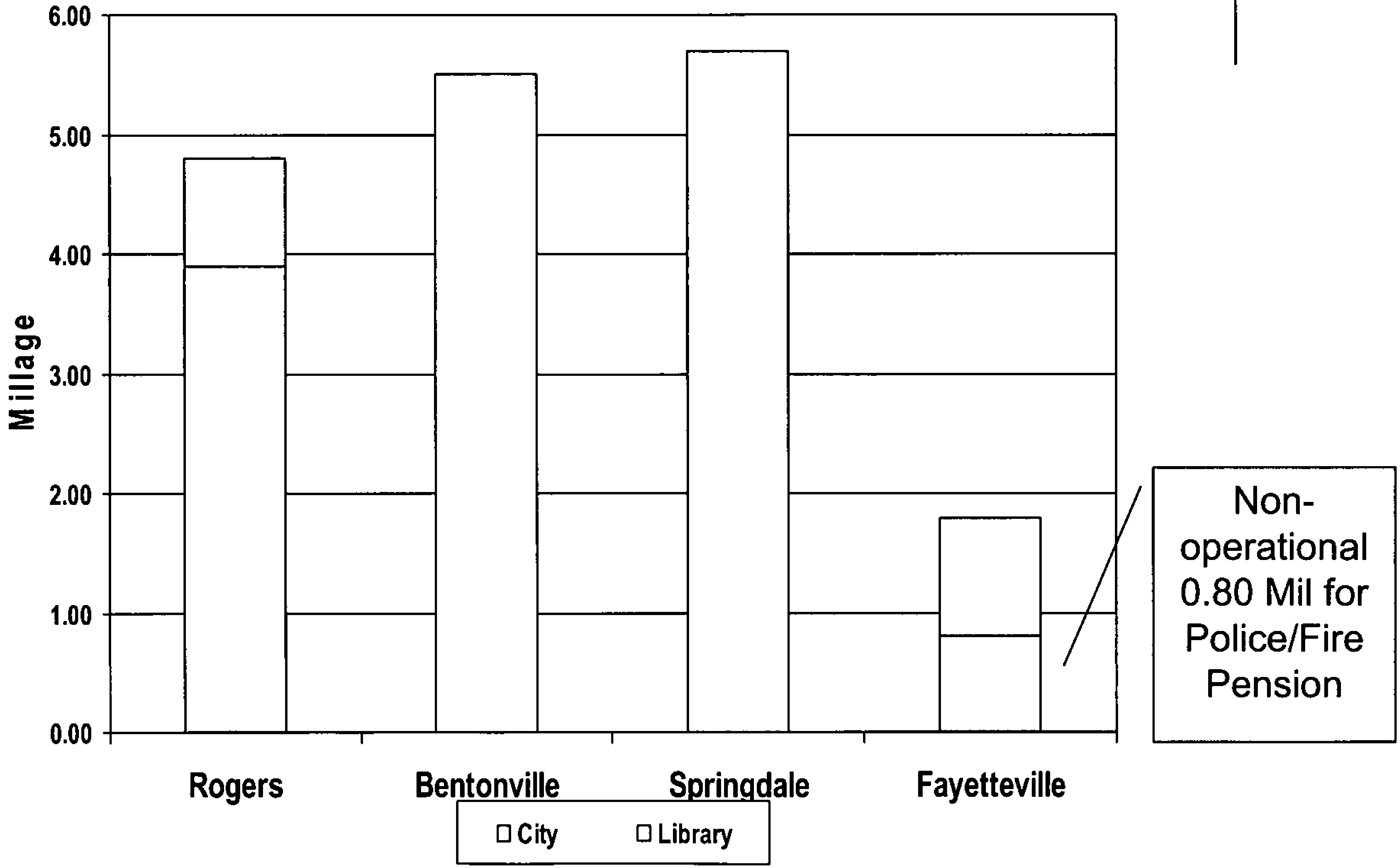
A Strong, Diverse Local Economy

- Telecommunication and Technology Recommendation and Actions
- Economic Development Strategy, Benchmark Measures, Annual Action Plan (from FEDC)
- Development Codes and Processes Evaluation and Streamlining Actions
- City Events, Festivals: Coordinated Program: Mechanism

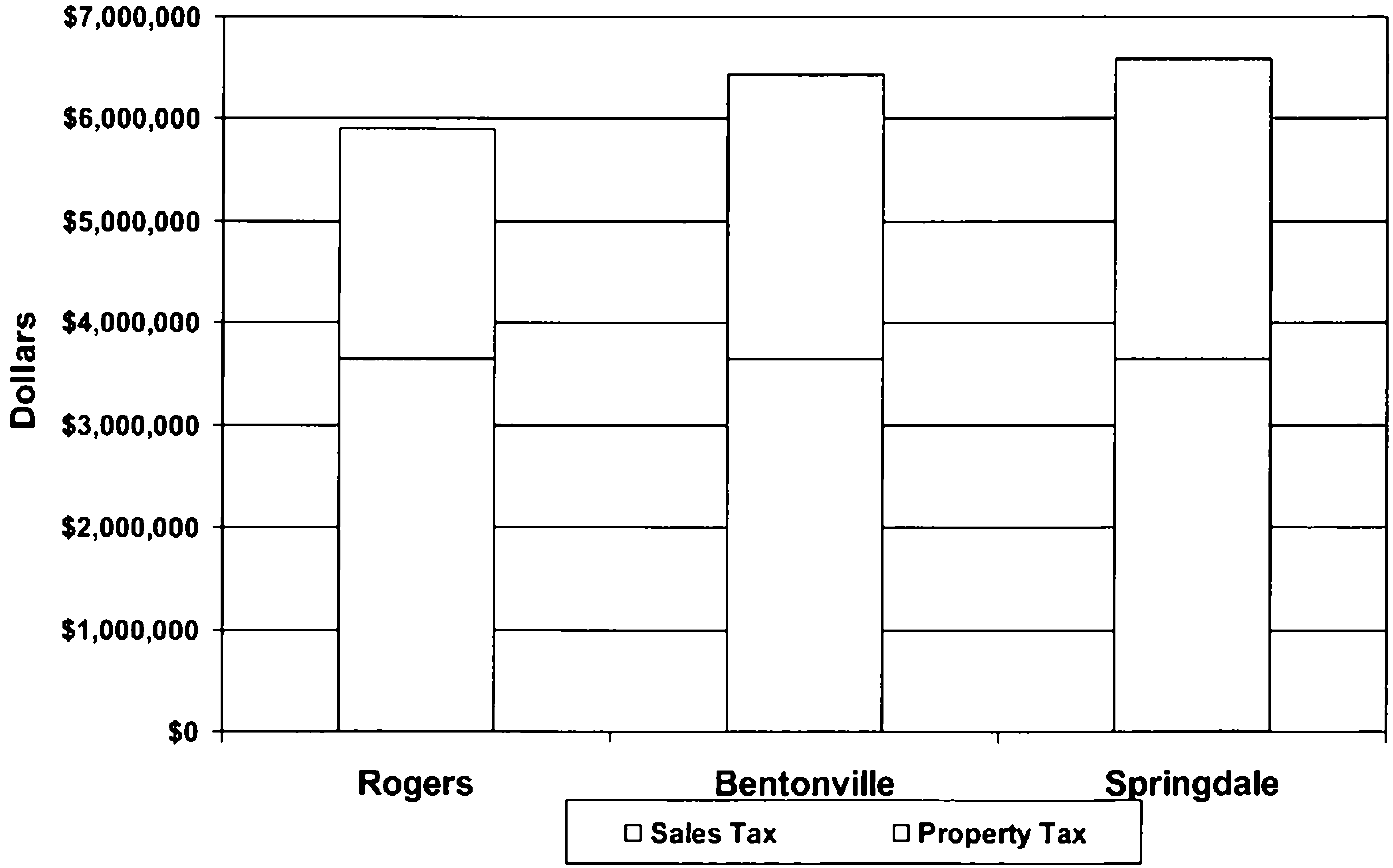
Alternative Revenue Sources

- Property Taxes
- Franchise Fees
- Sales Tax Allocation
- User Fee Study

City Property Tax Rates



City Tax Revenue Differences



City of Fayetteville
Property Tax Revenue per Mil
August 5, 2004

Millage	Approximate Revenue
0.10	$ 75,000
0.20	$ 151,000
0.30	$ 226,000
0.40	$ 301,000
0.50	$ 376,000
0.60	$ 452,000
0.70	$ 527,000
0.80	$ 602,000
0.90	$ 678,000
1.00	$ 753,000
1.50	$ 1,129,000
2.00	$ 1,506,000
2.50	$ 1,882,000
3.00	$ 2,258,000
3.50	$ 2,635,000
4.00	$ 3,011,000
4.50	$ 3,388,000
5.00	$ 3,764,000

The millage revenue reflected above is based on the Washington County Preliminary Summary Report of County Assessments for the Year 2003 dated August 5, 2004 and excludes real and personal property for Utilities. The City Council can approve up to 5.0 mils for operations. The table assumes a 95% collection rate. Total real and personal property assessments for 2003 amount to approximately $792 million excluding real estate and personal property for utilities.

Property Tax Impact Illustration

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

City of Fayetteville, Arkansas

- Comparison of Regional Cities
- As of August 25, 2004

	Fayetteville	Fayetteville *Springdale School District*	Springdale	Bentonville	Rogers
Sales Tax Rates: (Buying Goods)					
State of Arkansas	6.000%	6.000%	6.000%	6.000%	6.000%
County Taxes	1.500%	1.500%	1.500%	1.000%	1.000%
City Taxes	1.750%	1.750%	2.000%	2.000%	2.000%
Total Sales Tax Rate	9.250%	9.250%	9.500%	9.000%	9.000%
Sales Tax Rates: (Eating Out)					
State of Arkansas	6.000%	6.000%	6.000%	6.000%	6.000%
County Taxes	1.500%	1.500%	1.500%	1.000%	1.000%
City Taxes	1.750%	1.750%	2.000%	2.000%	2.000%
Restaurant Taxes - Parks	1.000%	1.000%	0.000%	0.000%	0.000%
Restaurant Taxes - Advertising	1.000%	1.000%	0.000%	1.000%	0.000%
Total Sales Tax Rate	11.250%	11.250%	9.500%	10.000%	9.000%
Sales Tax Rates: (Hotel/Motel)					
State of Arkansas	6.000%	6.000%	6.000%	6.000%	6.000%
State of Arkansas - Tourism Tax	2.000%	2.000%	2.000%	2.000%	2.000%
County Taxes	1.500%	1.500%	1.500%	1.000%	1.000%
City Taxes	1.750%	1.750%	2.000%	2.000%	2.000%
Hotel/Motel Taxes - Parks	1.000%	1.000%	0.000%	0.000%	0.000%
Hotel/Motel Taxes - Advertising	1.000%	1.000%	1.500%	2.000%	2.000%
Total Sales Tax Rate	13.250%	13.250%	13.000%	13.000%	13.000%
Millage Rates:					
City	0.80	0.80	5.70	5.50	3.90
Library	1.00	1.00	1.00		0.90
County	6.16	6.16	6.16	4.50	4.50
School District	45.00	40.00	40.00	44.00	42.20
	52.96	47.96	52.86	54.00	51.50
Franchise Fee Rates:					
Electric	3%	3%	4%	$645,875	4%
Gas	3%	3%	4%	4%	4%
Solid Waste	3%	3%	4%	0%	5%
Telephone	4%	4%	$57,572/year	4%	$45,595/year
Cable	5%	5%	4%	4%	3%
Water	4.25%	4.25%	0%	$50,000/year	0%
Sewer	4.25%	4.25%	0%	$25,000/year	0%

Washington County Arkansas
2003 collected in 2004
Ad Valorem Real Estate and Personal Property Millage
15 November 2003

County Mills																							
General		5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00
Road		1.16	1.16	1.16	1.16	1.16	1.16	1.16	1.16	1.16	1.16	1.16	1.16	1.16	1.16	1.16	1.16	1.16	1.16	1.16	1.16	1.16	1.16
Library		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Total		**7.16**	**7.16**	**7.16**	**7.16**	**7.16**	**7.16**	**7.16**	**7.16**	**7.16**	**7.16**	**7.16**	**7.16**	**7.16**	**7.16**	**7.16**	**7.16**	**7.16**	**7.16**	**7.16**	**7.16**	**7.16**	**7.16**
Schools																							
52.16 Fayetteville	010	45.00										45.00	45.00	45.00	45.00								
48.51 Farmington	060		41.35													41.35							
47.66 Elkins	100			40.50																			
40.16 Winslow	200				33.00																		
45.36 Prairie Grove	230					38.20																	
42.16 Lincoln	480						35.00																
47.16 Springdale	500							40.00									40.00	40.00	40.00	40.00	40.00		
45.16 Greenland	950								38.00													38.00	38.00
46.16 West Fork	410									39.00													
39.86 Benton County	210										32.70												
Total Outside		**52.16**	**48.51**	**47.66**	**40.16**	**45.36**	**42.16**	**47.16**	**45.16**	**46.16**	**39.86**	**52.16**	**52.16**	**52.16**	**52.16**	**48.51**	**47.16**	**47.16**	**47.16**	**47.16**	**47.16**	**45.16**	**45.16**
Cities																							
52.96 Fayetteville	011	0.80																					
53.51 Farmington	061		5.00																				
52.66 Elkins	101			5.00																			
43.16 Winslow	201				3.00																		
54.86 Prairie Grove	231					9.50																	
48.66 Lincoln	481						6.50																
52.86 Springdale	501							5.70															
48.06 Greenland	951								2.90														
51.16 West Fork	411									5.00													
39.86 Benton County	210																						
57.16 Johnson	012											5.00											
57.16 Farmington	013												5.00										
57.16 Elkins	014													5.00									
52.16 Goshen	015														0.00								
49.31 Fayetteville	062															0.80							
52.16 Elm Springs	502																5.00						
49.16 Tontitown	503																	2.00					
47.96 Fayetteville	504																		0.80				
52.16 Johnson	505																			5.00			
47.16 Goshen	506																				0.00		
45.96 Fayetteville	952																					0.80	
50.16 West Fork	953																						5.00
Total Inside		**52.96**	**53.51**	**52.66**	**43.16**	**54.86**	**48.66**	**52.86**	**48.06**	**51.16**	**39.86**	**57.16**	**57.16**	**57.16**	**52.16**	**49.31**	**52.16**	**49.16**	**47.96**	**52.16**	**47.16**	**45.96**	**50.16**

The library millage of 1.0 is levied by the City of Fayetteville instead of Washington County on property inside the corporate limits of Fayetteville. This is in addition to the 0.8 for fire and police pensions. The totals shown above are accurate.

2003 MILLAGE RATES - BENTON COUNTY

Tax Unit		Real Estate And Personal				
		School	City	County*	NWACC	TOTAL
6		41.3	—	4.5	2.7	48.5
C6	Bentonville	41.3	5.5	4.5	2.7	54.0
CS6	Cave Springs	41.3	2.3	4.5	2.7	50.8
CC6	Centerton	41.3	5.4	4.5	2.7	53.9
CLF6	Little Rock	41.3	5.0	4.5	2.7	53.5
CR6	Rogers	41.3	4.8	4.5	2.7	53.3
CH6	Highfill	41.3	5.0	4.5	2.7	53.5
17		32.2	—	4.5	0.0	36.7
C17	Decatur	32.2	5.0	4.5	0.0	41.7
19		35.0	—	4.5	0.0	39.5
C19	Gentry	35.0	5.2	4.5	0.0	44.7
CH19	Highfill	35.0	5.0	4.5	0.0	44.5
CS19	Springtown	35.0	5.0	4.5	0.0	44.5
20		36.0	—	4.5	0.0	40.5
C20	Gravette	36.0	5.0	4.5	0.0	45.5
CS20	Sulphur Springs	36.0	5.0	4.5	0.0	45.5
21		32.7	—	4.5	0.0	37.2
C21	Siloam Springs	32.7	5.5	4.5	0.0	42.7
30		39.5	—	4.5	2.7	46.7
C30	Rogers	39.5	4.8	4.5	2.7	51.5
CA30	Avoca	39.5	5.0	4.5	2.7	51.7
CGF30	Garfield	39.5	5.0	4.5	2.7	51.7
CL30	Lowell	39.5	5.4	4.5	2.7	52.1
CB30	Bentonville	39.5	5.5	4.5	2.7	52.2
CS30	Springdale	39.5	5.7	4.5	2.7	52.4
CLF30	Little Rock	39.5	5.0	4.5	2.7	51.7
CBH30	Bethel Heights	39.5	1.7	4.5	2.7	48.4
CCS30	Cave Springs	39.5	2.3	4.5	2.7	49.0
CPR30	Pea Ridge	39.5	5.0	4.5	2.7	51.7
50		40.0	—	4.5	0.0	44.5
C50	Springdale	40.0	5.7	4.5	0.0	50.2
CBH50	Bethel Heights	40.0	1.7	4.5	0.0	46.2
CES50	Elm Springs	40.0	5.0	4.5	0.0	49.5
109		39.1	—	4.5	0.0	43.6
C109	Pea Ridge	39.1	5.0	4.5	0.0	48.6
CG109	Gateway	39.1	5.0	4.5	0.0	48.6
CGF109	Garfield	39.1	5.0	4.5	0.0	48.6
CLF109	Little Rock	39.1	5.0	4.5	0.0	48.6
68	Eureka Springs	34.2	—	4.5	0.0	38.7
*Note	County General:			3.3		
	County Road			1.2		

City of Fayetteville, Arkansas
Franchise Fee Analysis

Utilities and ordinance requirements:

Arkansas Western Gas:	Ordinance # 3804 states that the company shall pay 3% of it's annual sales before taxes to residential and commercial consumers and 1% to industrial consumers.
Southwestern Bell:	Ordinance #2990 (amending Ord. #2892) states the company shall pay 4% of access line billing during the preceding year or $137,048 whichever is greater. Section 3 states the company shall have ninety days from and after the passage and approval of this ordinance to file its written acceptance of this ordinance with the City Clerk, and upon such acceptance being filed, this ordinance shall be considered as taking effect and being in force from and after the date of its passage and approval by the mayor. (Also in Section 9, Ordinance #2892)
Cox Communications:	Ordinance #3413 (Ord. #3882 transferred rights to TCA) states the company shall pay 5% of its annual gross revenues.
Fayetteville Water:	Ordinance #4449 (amending Ord. 3804) states the fund shall pay 4.25% of annual gross water sales revenues.
Fayetteville Sewer:	Ordinance #4449 (amending Ord. 3804) states the fund shall pay 4.25% of annual gross sewer charges revenues.
Fayetteville Solid Waste:	Ordinance #3804 states the fund shall pay 3% of annual gross sanitation fee revenues.
SWEPCO:	Ordinance #2742 states the company agrees to pay 3% of gross revenues to domestic customers and 1% to industrial consumers.
Ozarks Electric Cooperative:	Ordinance #2741 states the company agrees to pay 3% of gross revenues to domestic consumers and 1% to industrial consumers

State Laws governing franchise taxes and in lieu of taxes:

§14-234-114 Payment from water revenues in lieu of taxes (1) A sum equal to five percent (5%) of gross income from water sales during the preceding calendar year: plus (2) A sum equal to the amounts the municipality would have received from the waterworks system as property taxes for the preceding calendar year if the waterworks system's property had been privately owned and subject to tax by the municipality. For the purpose of this computation, the waterworks property shall be deemed to have an assessed value equal to twenty percent (20%) of book value as reflected by the waterworks system's usual accounting procedures.

§14-200-101 Except as provided by in §23-4-201, every city and town shall have jurisdiction to determine the quality and character of each kind of, and rates for, product or service to be furnished or rendered by any public utility within the city or town and all other terms and conditions, permitted to occupy the streets, highways, or other public places within the municipality, and the ordinance or resolution shall be deemed prima facie reasonable, provided that no franchise fee shall exceed the higher of the amount in effect as to that entity on January 1, 1997 or four and one-quarter percent (4 1/4%), unless agreed to by the affected utility or approved by the voters of the municipality.

Franchise Revenues (Current %)	2001 Actual	2002 Actual	2003 Actual	2004 Estimated	2005 Projected	*Maximum 4.25%* 2005 Projected
Arkansas Western Gas (3%)	$ 648,903	$ 432,203	493,976	$ 546,500	560,100	$ 793,500
Southwestern Bell (4%)	360,797	353,833	331,134	299,600	307,600	326,800
Cox Communications (5%)	390,063	460,455	523,940	571,100	585,300	585,300
Fayetteville Water (4.25%)	313,656	314,003	459,837	459,938	485,600	485,600
Fayetteville Sewer (4.25%)	251,184	255,653	376,930	376,871	406,300	406,300
Fayetteville Solid Waste (3%)	136,332	141,919	145,261	157,700	167,200	236,900
SWEPCO (3%)	925,397	793,191	860,270	917,800	970,900	1,375,400
Ozarks Electric Cooperative (3%)	308,816	306,725	332,377	323,300	331,300	469,300
Total	$ 3,335,148	$ 3,057,981	$ 3,523,725	$ 3,652,809	3,814,300	$ 4,679,100
				Additional Revenue Potential for 2005		$ 864,800

Tentative Agenda
City Council Meeting
September 7, 2004

A meeting of the Fayetteville City Council will be held on September 7, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **Approval of the Minutes:** Approval of the July 27, 2004 Public Hearing and the August 3, 2004 meeting minutes.

2. **Mailco USA, Inc. Contract:** A resolution to approve the low bid for a mail processing contract from Mailco, USA, Inc. for an estimated amount of $261,670.00.

3. **Department of Homeland Security Fire Prevention Grant:** A resolution authorizing the Fayetteville Fire Department to apply for a Department of Homeland Security Fire Prevention and Safety Grant in an amount of approximately $200,000.00 for enhanced fire prevention programs.

4. **Purchase of Two Police Pursuit Motorcycles:** A resolution approving the purchase of two (2) Harley-Davidson Police Pursuit Motorcycles from Denny's Harley-Davidson of Fort Smith in the amount of $36,500.00.

5. **Purchase of One 4x2 Crew Cab Truck for Parks:** A resolution approving the purchase of one (1) 4x2 Crew Cab Truck with dump body from North Point Ford of North Little Rock in the amount of $36,292.00.

6. **Purchase of One F-550 4x4 Truck with Crane for Water & Sewer:** A resolution approving the purchase of an F-550 Extended Cab 4x4 Truck from Ron Blackwell Ford in the amount of $45,904.50.

7. **Purchase of One Extended Cab 4x4 Truck with Utility Body for Water & Sewer:** A resolution approving the purchase of one (1) Extended Cab 4x4 Truck with utility body from Ron Blackwell Ford in the amount of $39,105.42.

8. **Purchase of One 4x4 Truck with Van Body for Water & Sewer:** A resolution approving the purchase of one (1) 4x4 Truck with Van Body and Television Sewer Line Inspection Equipment from SWECO in the amount of $169,450.00; and approving a budget adjustment in the amount of $116,000.00.

9. **Purchase of Two 4x2 Crew Cab Trucks with Dump Bodies for Transportation:** A resolution approving the purchase of two (2) 4x2 Crew Cab Truck with dump bodies from North Point Ford of North Little Rock in the amount of $72,584.00.

10. **Ramsey, Krug, Farrell & Lensing Contract:** A resolution approving a contract with Ramsey, Krug, Farrell & Lensing, in an amount not to exceed $29,280.00 to provide insurance brokerage services to the City of Fayetteville.

11. **Laureate Fields Subdivision Park Land Dedication Waiver:** A resolution to approve an agreement to accept lesser dedication of park land from Old Towne LLC in lieu of its development of its dedicated three acre Neighborhood Park.

B. OLD BUSINESS:

1. **Arkansas Highway & Transportation Department Highway 265 Improvements:** A resolution expressing the intent of the Fayetteville City Council to participate with the Arkansas Highway and Transportation Department on improvements to Highway 265 from Highway 45 to the northern City limits.

C. NEW BUSINESS:

1. **SouthPass Development Company Purchase Option Transfer:** A resolution authorizing the Mayor to execute an agreement with SouthPass Development Company to accept 200 acres of park land, a 10 acre water tank site, one million dollars for park land development and other consideration for the City's acceptance of ownership of a 33 acre landfill.

2. **Neighborhood Elementary School City Council Support:** A resolution to express the City Council's support for the established Neighborhood Elementary Schools in Fayetteville.

3. **Downtown Master Plan Adoption:** A resolution to adopt the Downtown Master Plan completed by Dover, Kohl & Partners.

4. **Purchase 2.44 Acres from Fay Jones Trust:** A resolution approving an offer and acceptance contract between the City of Fayetteville and the Fay Jones Trust for the purchase of approximately 2.44 acres of land located between West and Gregg Avenues for the amount of $100,000.00 plus associated closing costs.

5. **Newspaper Advertising Bid:** A resolution awarding Bid #04-53 to The Morning News for legal and display advertisements; to the Arkansas Democrat-Gazette for federally funded project advertisements; and authorizing the placement of items of particular public interest in any newspaper as needed.

D. INFORMATIONAL:

City Council Budget Briefing: August 31, 2004 – Room 326 – After Agenda Session

Labor Day Holiday: September 6, 2004

Council Tour:

City Council Meeting of September 7, 2004

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Hugh Earnest, Chief Administrative Officer
Stephen Davis, Finance & Internal Services Director

From: Rainy Laycox, Billing and Collections Manager

Date July 30, 2004

Subject: Resolution approving a contract with Mailco USA Inc for providing mail processing services to the City of Fayetteville.

RECOMMENDATION

Fayetteville City Administration recommends approval of the resolution and contract awarding Mailco USA, Inc the mail processing contract for the City of Fayetteville for the remainder of 2004 with options of five one year annual renewals.

BACKGROUND

In May of 1990 the City of Fayetteville began using an outside mail service. By using such a service the City was able to reduce the amount of labor spent processing city mail through a postage machine as well as eliminating the time spent taking mail to the mailbox and to the post office bi-weekly. For the first six months of 2004 the City of Fayetteville has had an average of 45,782 pieces of mail processed monthly which includes utility bills, past due notices and all departmental mailings.

We have found Mailco USA Inc. to be very helpful in handling urgent mailings and have given us excellent service.

RESOLUTION NO. ______

A RESOLUTION TO APPROVE THE LOW BID FOR A MAIL PROCESSING CONTRACT FROM MAILCO, USA, INC. FOR AN ESTIMATED AMOUNT OF $261,670.00

WHEREAS, Mailco USA, Inc. has been efficiently handling the City's mail for several years and submitted the low bid to continue such service.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the bid from Mailco USA, Inc. and the attached contract which is estimated to cost about $261,670.00 depending upon the volume of mailings posted by the City during the year.

PASSED and **APPROVED** this the 7th day of September, 2004.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

MAILING SERVICES CONTRACT

This contract executed this ____ day of ________, 2004, between the City of Fayetteville, Arkansas, and Mailco USA Inc. The contract period will be from award of contract to the end of 2004 with the option of five one year annual renewals.

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

1. Mailco USA Inc. at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per bid 04-44 as stated in Mailco USA Inc. BID PROPOSAL, and in accordance with specifications attached hereto and made a part hereof under Bid #04-44, all incorporated by reference herein as if spelled out word for word.

2. The City of Fayetteville shall pay Mailco USA Inc. based on prices indicated in their bid proposal. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.

3. The Contract documents which comprise the contract between the City of Fayetteville and Mailco USA Inc. consist of this Contract and the following documents attached hereto, and made a part hereof:

   A. Bid form identified as Invitation to Bid 04-44 with the specifications and conditions typed thereon.

   B. Mailco USA Inc. bid proposal.

   C. The Notice to Prospective Bidders and the Bid Tabulation.

4. These Contract documents constitute the entire agreement between the City of Fayetteville and Mailco USA Inc. and may be modified only by a duly executed written instrument signed by the City of Fayetteville and Mailco, USA Inc.

5. Mailco USA Inc. shall not assign his duties under the terms of this agreement.

6. Mailco USA Inc. agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from Mailco USA Inc. performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.

7. Mailco USA Inc. shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that it carries the following insurance which shall be maintained throughout the term of the Contract. For any work subcontracted, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case

any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, Mailco USA Inc. shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workers' Compensation:	Statutory Amount
Comprehensive General & Automotive Liability:	$250,000 each person.
	$500,000 aggregate.
Property Damage Liability:	$100,000 aggregate

The premiums for all insurance and the bond required herein shall be paid by Mailco USA Inc.

8. City of Fayetteville shall have the right to terminate this Agreement for City of Fayetteville's convenience upon written notice of thirty days (30), and Mailco USA Inc. shall terminate performance of services on a schedule acceptable to City of Fayetteville. In the event of termination for City of Fayetteville's convenience City of Fayetteville shall pay Mailco USA, Inc. for all services performed to date of termination.

9. Each of the undersigned warrants that he or she has the full right, power and authority to execute this contract on behalf of the party indicated for the purposes herein contained.

Witness our hands this _______ day of _____________, 2004.

CITY OF FAYETTEVILLE

By:______________________________

DAN COODY, Mayor

ATTEST:

____

SONDRA SMITH, City Clerk

MAILCO USA, INCORPORATED

By: Natz D. Ferguson

OWNER or AUTHORIZED AGENT

ATTEST:

Robert C. Simons

SECRETARY

Bid 04-44, Mailing Services
7/19/04 2:00 PM
City of Fayetteville

MailCo USA Inc.

PROPOSAL PRICING

1. Folding & Inserting per item: $0.01

2. Meter and Barcode Sort: .04

3. Pick-up fee per trip (both ways): no charge

4.

	Pieces	Postage	Handling	Total
1 oz Letters Presort	1	$0.278	$0.00	$0.278
2 oz Letters Presort	1	$ .503	$0.00	$ .503
1 oz Ltr Full Post.	1	$ .352	$ .00	$ .352
2 oz Ltr Full Post.	1	$ .577	$ .00	$ .577
1 oz Flat	1	$ .302	$ .02	$ .322
2 oz Flat	1	$ .527	$ .04	$ .567
3 oz Flat	1	$ .711	$ .05	$ .761
4 oz Flat	1	$ .936	$ .07	$1.006
5 oz Flat	1	$1.161	$ .08	$1.241
7 oz Flat	1	$1.611	$ .11	$1.721
8 oz Flat	1	$1.836	$ .13	$1.966
9 oz Flat	1	$2.061	$ .14	$2.201
10 oz Flat & Over	1	$2.286	$ .16	$2.446
Priority Mail-1LB	1	$3.85	$ .27	$4.12
Priority Mail-1LB +	1	$3.95	$ .28	$4.23
Upgrade Non-Auto	1	$ .352	$ .00	$ .352
Postcard	1	$ .17	$ .00	$ .17

5. Have you ever had a bar coded pre-sort first class mailing refused at USPS Processing Plant? If yes, give details.
   _______Yes or __X__No

6. Do you have USPS Fast-Forward System for mailings?
   __X___Yes or ______No

Price R Williams 7/19/04

Bid 04-44, Mailing Services
7/19/04 2:00 PM
City of Fayetteville

Data Forms, Inc.

PROPOSAL PRICING

1. Folding & Inserting per item: $0.01

2. Meter and Barcode Sort: see detail in #4

3. Pick-up fee per trip (both ways): N/C

4.

	Pieces	Postage	Handling	Total
1 oz Letters Presort	1	$0.352	$0.02	$0.372
2 oz Letters Presort	1	$0.577	$0.02	$0.597
1 oz Ltr Full Post.	1	$0.37	$0.02	$0.39
2 oz Ltr Full Post.	1	$0.60	$0.02	$0.62
1 oz Flat	1	$0.60	$0.06	$0.66
2 oz Flat	1	$0.60	$0.06	$0.66
3 oz Flat	1	$0.83	$0.06	$0.89
4 oz Flat	1	$1.06	$0.06	$1.12
5 oz Flat	1	$1.29	$0.06	$1.35
7 oz Flat	1	$1.75	$0.06	$1.81
8 oz Flat	1	$1.98	$0.06	$2.04
9 oz Flat	1	$2.21	$0.06	$2.27
10 oz Flat & Over	1	$2.44	$0.06	$2.50
Priority Mail-1LB	1	$3.85	$0.06	$3.91
Priority Mail-1LB +	1	$	$0.06	$
Upgrade Non-Auto	1	$0.18 or .23	$0.02	$0.38-0.43
Postcard	1	$0.23	$0.02	$0.25

5. Have you ever had a bar coded pre-sort first class mailing refused at USPS Processing Plant? If yes, give details.
_______Yes or __X__No

6. Do you have USPS Fast-Forward System for mailings?
_______Yes or __X__No

7. A Rebate in the amount of $0.04 each will be given for each envelop we can apply a bar code.

Price R Williams 7/19/04

STAFF REVIEW FORM - FINANCIAL OBLIGATION

x AGENDA REQUEST
x CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council Meeting of: September 7, 2004

FROM:

Rainy Laycox	Billing & Collections	Finance & Internal Servises
Name	Division	Department

ACTION REQUIRED: A resolution awarding Bid 04-44 for the mail processing contract for the City of Fayetteville to Mailco USA Inc.

COST TO CITY:

$261,670 (Annual) $109,333 (2004 Remain)	$ 261,670.00	Services and Charges
Cost of this request	Category/Project Budget	Program Category / Project Name
5500.5000.5305.00 5400.1820.5305.00 5400.1810.5305.00	$ 152,337.00	SW Admin/Billing/Meter
Account Numbers	Funds Used to Date	Program / Project Category Name
	$ 109,333.00	Water & Sewer/Solid Waste
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ___ Budget Adjustment Attached

[signature] 8-4-04
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Farthing (signature)	8/4/04	Nancy Smith (signature)	8/4/04
Accounting Manager	Date	Internal Auditor	Date
[signature]	8/5/04	[signature]	8/5/04
City Attorney	Date	Purchasing Manager	Date

STAFF RECOMMENDATION:

[signature] 8/4/04
Division Head Date

Received in Mayor's Office 8/5/04 Date

Department Director Date

Cross Reference:

[signature] 8-6-04
Finance & Internal Services Dir. Date

Previous Ord/Res#:

[signature] 8-10-04
Chief Administrative Officer Date

Orig. Contract Date:

Orig. Contract Number:

[signature] 8/10/04

New Item: Yes No

ENTERED 8/4/04

City Council Meeting of September 7, 2004

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Chris Bosch, Fire Chief CB

Date: August 18, 2004

Subject: A Resolution providing the Fire Department with the authority to submit a grant application to the Department of Homeland Security for the 2004 Fire Prevention & Safety Grant Program.

RECOMMENDATION

The Fire Department recommends approval of a Resolution granting authority to submit an application to the Department of Homeland Security, United States Fire Administration, for a 2004 Fire Prevention & Safety Grant.

BACKGROUND

As you know, the United States Fire Administration, under the guidance of the Department of Homeland Security, accepts applications for funding requests under two specific Fire Service related programs. Those programs are the FIRE Act Grant program for Fire Operations, Training and Emergency Medical Service program; and the Fire Prevention & Safety program. The first three headings require that applications be submitted for screening and award during the spring of each calendar year. The Fire Prevention & Safety portion of this process is published during the fall, in an effort to tie in with Fire Prevention Week activities.

Each of these grant programs has been established by the U.S. Congress to assist local fire departments in their efforts to continue meeting the ever-growing needs of their respective communities. With municipal revenues remaining static it is imperative that local governments seek alternative funding sources as they become available. This program helps to provide alternative funding to local fire prevention programs in an effort to impact the quality of life in those communities through proactive efforts to educate residents about the importance of fire prevention and fire safety.

DISCUSSION

During the 2003 funding cycle the Fayetteville Fire Department submitted an application for assistance under this program. Unfortunately, we were unsuccessful in our attempt to access funding through the Department of Homeland Security. Our lack of success during the 2003 cycle reinforces our determination to resubmit during the 2004 cycle with the anticipation that we will be successful in our efforts. We believe funding for enhanced fire prevention programs will help our Department provide enhanced services to the community and address the fire and life safety problem in a proactive manner.

BUDGET IMPACT

Under the guidelines of this program Fire Departments are required to provide 30% in matching funds. Our request for the 2004 cycle will be approximately $200,000 with the utilization of ACT 833, Fire Prevention Supplies, Travel & Training and Minor Equipment funds from the 2005 budget requisition as the matching funds portion of this grant request.

RESOLUTION NO. ______

A RESOLUTION AUTHORIZING THE FAYETTEVILLE FIRE DEPARTMENT TO APPLY FOR A DEPARTMENT OF HOMELAND SECURITY FIRE PREVENTION AND SAFETY GRANT IN AN AMOUNT OF APPROXIMATELY $200,000.00 FOR ENHANCED FIRE PREVENTION PROGRAMS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Fayetteville Fire Department to apply for a Department of Homeland Security Fire Prevention and Safety Grant in an amount of approximately $200,000.00 for enhanced fire prevention programs.

PASSED and **APPROVED** this 7th day of September, 2004.

APPROVED:

By: ____________________
DAN COODY, Mayor

ATTEST:

By: ____________________
SONDRA SMITH, City Clerk

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
U.S. Fire Administration

2003 Program Guidance for the Fire Prevention and Safety Grant Program
October 14, 2003

This document provides a summary of the Federal Emergency Management Agency's U.S. Fire Administration 2003 Fire Prevention and Safety Grant Program. It explains how to apply, what items can be requested, and how applications will be evaluated. Please read this program guidance carefully. The Notice of Funds Availability and answers to "Frequently Asked Questions" should also be reviewed when made available on the USFA/FEMA website. Together, these documents provide you with the information you need to complete the on-line application. The on-line application will be available at https://portal.fema.gov from October 16, until November 14, 2003.

Prepared by the U.S. Fire Administration's Grants Program Office

2003 FIRE PREVENTION AND SAFETY GRANT PROGRAM GUIDANCE

The purpose of this program is to provide assistance to State, regional, national or local organizations to address the issues of fire prevention and firefighter safety. Our primary goal is to address at risk target groups and/or USFA identified goals. By statute the emphasis for this program will be given to the prevention of injury to children

The authority for this program is derived from the Federal Fire Protection and Control Act of 1974 (15 U.S.C. §§ 2201 et seq.), as amended. In fiscal year 2003, Congress appropriated a total of $745,125,000 to carry out the activities of the Assistance to Firefighters Grant Program. This appropriation included a mandate that no less than five percent of the money be directed towards fire prevention activities. The law also allows for us to provide funding for fire prevention activities to national, State and local organizations as well as fire departments. In order to fulfill the funding requirement and in order to allow other organizations active in fire prevention activities to have access to funding, $27,500,000 of the total appropriation has been reserved for the Fire Prevention and Safety grant program.

Eligible Applicants

Private and public organizations dedicated to reducing the effects of fire and fire related incidents, and national, State, local, or community organizations (including fire departments) that are recognized for their experience and expertise in fire prevention or safety programs and activities are eligible to apply for funding through the Program.

Fire departments that have received funding under the competitive portion of the Assistance to Firefighter Grant Program in the spring of 2003 are eligible to apply for these fire prevention funds. Funding to any organization is limited to $750,000 per Federal fiscal year. If a fire department has received funding through the Assistance to Firefighters Grant Program, their combined funding from each program is limited to $750,000 in Federal funds in a single Federal fiscal year. The Federal fiscal year runs from October 1 through September 30.

Application Process

This year's application is automated and available on-line. The application will be accessible from the FEMA and USFA Internet websites:

https://portal.fema.gov

We have designed the automated application with many built-in "help screens" and "drop-down menus" to assist applicants throughout the application process. Another positive feature of the automated system is that it will not allow an incomplete application to be submitted, i.e., the system will alert you if you have not provided required information. Also, by submitting an application on-line, you will be automatically notified via e-mail that your application has been received. Applicants may access, amend, and save their application as often as necessary during the open application period until they submit their application or the application period closes. ***Once submitted, applications cannot be changed.***

The online system will allow one authorized representative of an eligible organization to log in and create a user name and password for the organization. The selection of the authorized representative is at the discretion of each organization. **If you have a user-name and password from the Assistance to Firefighters grant program or have been awarded a 2002 Fire Prevention and Safety Grant you should use the same log in and password information. Failure to use your existing username and passwords may delay the processing of your application.** The information requested on the automated application replicates the information requested on standard "paper" Federal grant forms. The application includes general questions about the applicant's organization and constituency, as well as questions regarding the proposed project.

Paper applications will be accepted, but are discouraged. We are discouraging paper applications because of the inherent delays associated with processing a paper application. Also, if awarded, applicants who submit paper applications must continue to manage their grants via paper, including payment requests, requests for modifications, reporting, etc., whereas, electronic applicants can perform all these functions on-line. Additionally, paper applications do not have the built-in help that is available to the on-line applicants. Finally, there is no built-in assurance that paper applications are complete when submitted.

Applicants that wish to apply via paper application can download the forms from the FEMA website (at http://www.fema.gov/ofm/grants2.shtm) or obtain them via mail by calling our helpdesk at 1-866-274-0960. Paper applications must include the following forms: FF#20-16 Assurances and Certifications; FF#20-20 Budget Information--Non-construction Programs; and SF#424 Request for Federal Assistance. ***Paper applications forms will not be sent to prospective applicants via overnight delivery, nor by fax or email.***

The application period for the FY2003 program will begin on or about October 16, 2003. Completed applications must be submitted electronically or postmarked on or before the close of business (5:00 p.m. EST) on November 14, 2003. A confirmation page is provided when an application is successfully completed. We recommend printing this confirmation page along with the username and password created through the online system and maintain as a reference file.

Applications submitted by mail must be postmarked no later than November 14, 2003. Applications **not** submitted electronically must be mailed to USFA Grant Program, Suite 330, 500 C St., SW, Washington, DC 20472. **No late, incomplete, or faxed applications will be accepted.** No electronically submitted applications other than those submitted on-line via the automated grant application system will be accepted (i.e., we will not accept applications submitted via email). We will **not** be responsible for applications mailed to any other address than the one listed above.

A written narrative is required for both online and paper applications. The narrative portion of your application should provide the details of activities you propose to be funded including budget details for each activity. It should elaborate on the funding priorities outlined in the Notice of Funds Availability and this guidance. Minimally the narrative should focus on the benefits the constituency or target audience will gain from the expenditure of the grant funds and what methodology was used to determine the need for this program.

Space for the narrative is limited, so the narrative **cannot** exceed ten pages. Please note the system will "time-out" on each screen if no activity is detected. If you are entering the information into a narrative box the system does **not** recognize this as activity. Be sure to click the "save" button periodically to ensure information has been recorded. We recommend that the narrative be typed off-line on any word processing software, such as Word, Word Perfect, Notepad, etc., to avoid losing any work. Once your narrative is complete, you can copy it or "cut-and-paste" it from your word processing source onto the narrative block in the application. Any supporting documents that exceed ten pages will not be included in the review process.

Beginning October 1, 2003, all Federal agencies will be required to request a Data Universal Numbering System (DUNS) number by applicants applying for Federal grants. The DUNS number is a unique nine-character identification number provided by the commercial company Dun & Bradstreet. There is no charge to obtain a DUNS number. We encourage obtaining a DUNS number prior to the application period as it may take 14 business days to obtain the number online www.dnb.com/US/duns_update/index.html. Applicants can also call **1-800-333-0505** and register for a number immediately.

Programs and Program Priorities

We encourage applicants to develop innovative projects that address an identified fire prevention need. The following are examples of initiatives that we deem to be of high importance. This list is **not** an all-inclusive list of projects that will be considered. These programs are **not** listed in order of importance.

Eligible Activities

- Projects that focus on distributing and installing smoke alarms and checking to assure smoke alarms are operational.

- Projects that focus on planning and practicing escape routes, or conducting home fire safety walkthroughs;

- Fire prevention programs targeting high-risk audiences, including those that:

i. Enhance national, State, or local efforts to reduce fires and burn injuries affecting children under the age of 14 or adults over 65;
ii. Target geographical areas with a higher incidence of fire related deaths and injuries;
iii. Implement projects that mitigate risk in urban cities or groups of high risk to include addressing culturally sensitive materials or addresses social economic challenges;

- Projects that affect the entire community such as educating the public about residential sprinklers, promoting residential sprinklers, and demonstrating working models of residential sprinklers;

- Projects that promote the adoption or awareness of building codes and enforcement, improve engineering or enact fire-related ordinances for new construction;

- Projects that develop and implement national prevention initiatives;

- Local or regional programs that address training personnel in the area of public education, code enforcement and arson prevention.

USFA Goals and Priorities
The three major goals of the U.S. Fire Administration are as follows:

- To reduce the overall loss of life from fire by three percent per year.
- To establish comprehensive multi-hazard risk reduction plans led by or including the local fire service in 2,500 communities.
- To create the ability for communities to respond appropriately to emergent issues in a timely manner.

For the purposes of funding priorities under the Fire Prevention and Safety Grant Program, we believe that the greatest benefit will be achieved through proposals that target the USFA target groups, i.e., children under the age of 14, adults 65 years and older, and firefighters. Proposals that focus on one or more of these groups will receive the highest consideration with respect to funding. Proposals that do not address these priorities will receive very low consideration.

The next highest level of consideration will be provided to applications that include the following characteristics:

- Use of an innovative project to address an identified risk or enhance traditional methodologies. We feel that benefit will be achieved through innovative approaches to fire prevention and safety. Projects will be evaluated on the degree to which they propose an innovative means of addressing a recognized risk or the degree to which they address a previously unrecognized risk.

- Incorporate partnerships that are established with public or private groups/agencies whose mission serves the population identified by the project. We believe that proposals that incorporate partnerships between groups and agencies whose mission serves the target group of the project will lead to a greater success of the project. Therefore, projects that include such partnerships and commitments will be afforded higher consideration.

- Target geographical areas or audience with a higher incidence of fire related deaths and injuries. We believe there is a high benefit to programs that address prevention issues to a targeted geographical area whether that be location or audience.

- Present a high benefit for the cost incurred and maximizes the level of funding that goes directly into the delivery of the program i.e. projects that include little or no overhead and administrative costs.

- Include sound reasoning regarding the determination of the target audience, measurable goals and project evaluation.

- Propose a program that will be sustained beyond the grant performance period and has a greater potential for long-term benefits;

- Illustrate the applicant has a successful record for timely project completion and performance in similar projects.

Evaluation Process

FEMA will use the above criteria in making funding decisions. Applications that closely meet all of the listed evaluation criteria will be more likely to receive favorable consideration. Additional consideration will be given to applications that directly relate to funding initiatives listed above as well as those applications that propose innovative ideas or implement proven prevention strategies. Federal and Non-federal experts will assist with the preliminary review of proposals and analysis as part of the funding decisions.

The online application will allow for multiple projects to be outlined separately. If applicants choose to apply for several different projects, each should have details on the areas outlined above for this activity including budget details. Be advised that your application should only include activities that can be completed within the one-year grant period.

Other Eligible Costs

(1) *Administrative Costs:* Administrative costs are allowable under any of the program areas listed above, in accordance with OMB Circular A-87 or OMB Circular A-122, as applicable. (For more information about the Circulars, go to www.whitehouse.gov/omb/circulars.) Applicants may apply for administrative costs if the costs are directly related to the implementation of the program for which they are applying. Administrative costs are identifiable costs directly associated with the implementation and management of the grant. If requesting administrative expenses, list the costs under the "other" category in the budget and explain the costs in the project narrative. The administrative costs should be based on actual expenses, not a percentage of the overall grant. FEMA/USFA will reimburse actual expenses only. Examples of eligible administrative costs would be shipping, office supplies, computers associated with the NFIRS reporting requirements, etc. The cost of a grant writer (if specifically listed on your application), is eligible and can be charged to the grant as administrative costs in accordance with the provisions outlined below (see (7) below). We will assess the reasonableness of the administrative costs requested in each application and determine if it is appropriate and in the best interest of the program.

(2) *Indirect Costs:* If applicants have an approved indirect cost rate, they may charge indirect costs to the grant. If applicants are charging indirect costs to the grant, they must submit documentation that supports the indirect cost rate to FEMA/USFA for review and approval prior to submitting any claims for indirect costs. The appropriate documentation for an approved indirect rate is a negotiated indirect cost agreement. FEMA/USFA will allow the rate to be applied as long as it is consistent with the established terms of the agreement. For example, some indirect cost rates may not apply to capital procurements; in these cases, indirect cost rates would not apply for a grant for equipment..

(3) *Audit Costs:* Some grantees with large awards may be required to undergo an audit in accordance with OMB Circular A-133. Specifically, recipients of Federal funding that spend in excess of $300,000 of Federal funds in a year must undergo an audit. (For more information about the Circular, go to www.whitehouse.gov/omb/circulars.) The costs incurred for such an audit would be an eligible expenditure if included in the proposal's budget. Applicants may wish to consider including anticipated costs of such an audit if applying for a significant level of funding. FEMA/USFA does not require any other type of audit, therefore no other audits costs are eligible.

(4) *Renovation Costs:* Renovations to an existing facility are allowable only if the costs comply with the final rule as published in the Federal Register (i.e., limited to minor interior alterations costing less than $10,000). In order to be eligible, renovations must be essential to the successful completion of the grant scope of work. Construction costs are not eligible under the Fire Prevention and Safety Grant Program. Construction includes major alterations to a building that changes the profile or footprint of the structure. Note: Installation of fire suppression, fire alarms or detection systems are not considered renovations and accordingly not subject to the limits outlined for renovation costs. The costs however need to be reasonable and justified. Fire departments who are considering installation of suppression, fire alarm or detection systems in a fire

department facility are encouraged to apply under the Assistance to Firefighters grant program under Modification to Facilities.

(5) ***Pre-award Costs:*** Generally, grantees cannot use grant funds to pay for products and services contracted for, or purchased prior to the effective date of the grant. However, expenses incurred after the application deadline but prior to award may be eligible for reimbursement if the expenses were justified, unavoidable, consistent with the grant's scope of work, and specifically approved by FEMA/USFA. FEMA/USFA will consider requests for reimbursement for pre-award costs on a case-by-case basis.

(6) ***Pre-application Costs:*** Expenses, obligations, commitments or contracts incurred or entered into prior to the application deadline are ***not*** eligible to be included as a grant expense with the exception of grant preparation costs (see (7) below).

(7) ***Grant Writer Fees:*** Fees for grant writers may be included as a pre-award or pre-application expenditure (as provided in section 152.7(b) of the Assistance to Firefighters Grant Final Rule). But, fees payable on a contingency basis are not an eligible expense that can be charged to the grant. For grant writers' fees to be eligible as a pre-award expenditure, the fees must be specifically identified and listed in the application. In order to be eligible, the fees must also be paid prior to award, e.g., paid within 60 days of the end of the application period. Applicants may be required to provide documentation to support these pre-award expenditures.

Award Procedure

A panel of technical reviewers will assess each applications' merits with respect to the detail provided in the narrative on the activity including budget information, the rationale used to identify the project, and the purported benefit to be derived from the cost. The panel evaluators will independently score each application before them and, if necessary. discuss the merits/shortcomings of the application to reconcile any major discrepancies.. A consensus is not required.

The ranking will be summarized in a Technical Report prepared by the Grants Program Office. The Grants Program Office will make award recommendations to the Grants Management Branch of the Financial and Acquisition Management Division. The Grants Management Branch will contact the applicant to discuss and/or negotiate the content of the application before making the final award decision.

Grantees' Responsibilities

Recipients (Grantees) must agree to:

(1) Share in the costs of the proposed activity, i.e., agree to a matching cost-share of non-Federal funds. Generally, recipients must agree to match with an amount of non-Federal funds equal to 30 percent of the assistance received. However, the match for

recipients that may be characterized as community organizations whose mission serves populations of 50,000 or less shall be 10 percent of the total project cost. FEMA/USFA, in its discretion, will make this determination based upon the organization's primary target population as reflected in such things as its bylaws and mission statement. A copy of the mission or bylaws does not need to be submitted unless requested. For fire departments, FEMA/USFA will look at the population of the department's primary response area. The non-Federal match must be cash; "in-kind" contributions are not permitted. Applicants do not need to have the match on hand when applying or when the grant is awarded. By accepting the grant, the applicant is committing to spending the cost share prior to the end of the grant period.

(2) Maintain operating expenditures for the one-year grant period in the areas funded by this grant activity at a level equal to or greater than the average of their operating expenditures in the two years preceding the year in which this assistance is received. This program is meant to supplement rather than replace the applicants funding.

(3) Retain grant files and supporting documentation for three years after the closeout of the grant.

(4) Ensure that all procurement actions are conducted in a manner that provides, to the maximum extent possible, open and free competition. If the organization has no established procedures, at least two quotes/bids for procurement must be obtained. Documentation of the process used must be maintained in a grant file for the period of three years.

(5) Report to FEMA/USFA the progress made on the performance the applicant has made on your grant after six months. At grant closeout, applicants need to report how the grant funding was used and the benefits realized from the award in a final report. An accounting of the funds should also be included.

(6) Make grant files, books and records available if requested for FEMA/USFA's inspection to ensure compliance with requirements of the grant program.

(7) **If applicant is a fire department** they must agree to provide information, through established reporting channels, to the U.S. Fire Administration's national fire incident reporting system (NFIRS) for the period covered by the assistance. If a fire department does not currently participate in the incident reporting system and does not have the capacity to report at the time of the award, that grantee must agree to provide information to the system for a twelve-month period commencing as soon as they develop the capacity to report.

(8) Follow the audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-profit Organizations, which calls for grantees who expend $300,000 or more in Federal funds in the organizations fiscal year (from all Federal sources), must have a single audit performed. (For more information about the Circulars, go to www.whitehouse.gov/omb/circulars.)

Prepared by the U.S. Fire Administration's Grants Program Office

Department of Homeland Security
Federal Emergency Management Agency

U.S. Fire Administration

Working for a Fire Safe America

AFGP Fire Prevention & Safety Grants

About 2003 Fire Prevention and Safety Grants

View Recipients »

The purpose of this program is to provide assistance to State, regional, national or local organizations to address the issues of fire prevention and firefighter safety. Our primary goal is to address at risk target groups and/or USFA identified goals. By statute the emphasis for this program will be given to the prevention of injury to children.

The authority for this program is derived from the Federal Fire Protection and Control Act of 1974 (15 U.S.C. §§ 2201 et seq.), as amended. In fiscal year 2003, Congress appropriated a total of $745,125,000 to carry out the activities of the Assistance to Firefighters Grant Program. This appropriation included a mandate that no less than five percent of the money be directed towards fire prevention activities. The law also allows for us to provide funding for fire prevention activities to national, State and local organizations as well as fire departments. In order to fulfill the funding requirement and in order to allow other organizations active in fire prevention activities to have access to funding, $27,500,000 of the total appropriation has been reserved for the Fire Prevention and Safety grant program.

Eligible Applicants

Private and public organizations dedicated to reducing the effects of fire and fire related incidents, and national, State, local, or community organizations (including fire departments) that are recognized for their experience and expertise in fire prevention or safety programs and activities are eligible to apply for funding through the Program.

Fire departments that have received funding under the competitive portion of the Assistance to Firefighter Grant Program in the spring of 2003 are eligible to apply for these fire prevention funds. Funding to any organization is limited to $750,000 per Federal fiscal year. If a fire department has received funding through the Assistance to Firefighters Grant Program, their combined funding from each program is limited to $750,000 in Federal funds in a single Federal fiscal year. The Federal fiscal year runs from October 1 through September 30.

Last Updated: June 23, 2004 01:35 PM

Department of Homeland Security
Federal Emergency Management Agency

U.S. Fire Administration
Working for a Fire Safe America

AFGP Fire Prevention & Safety Grants

Homeland Security Announces Opening of Application Period for 2004 Fire Prevention and Safety Grants

Department Will Award $27.5 Million

For Immediate Release
Office of the Press Secretary
Contact: 202-282-8010
August 6, 2004

WASHINGTON D.C.- C. Suzanne Mencer, Executive Director of the U.S. Department of Homeland Security's Office of State and Local Government Coordination & Preparedness (SLGCP), announced today the application period for the 2004 Fire Prevention and Safety Grants is planned for September 1 through September 30.

"Each year in the United States, thousands of people are killed and thousands more are injured in fires, many of which are preventable," Mencer said. "These Fire Prevention and Safety Grants help firefighters throughout the country provide critical fire safety education and conduct other activities to protect children, families, and communities from fires and other hazards. President Bush and Secretary Ridge are committed to continued support for these important grants."

"For every fire prevented, we know citizens and the firefighters who must respond throughout the country, are spared the destruction of fire," said R. David Paulison, Administrator of the United States Fire Administration. "Since the first year of these grants, the creativity and impact of fire organizations and personnel committed to the prevention of fire have reduced the number of Americans facing the tragic results of fire."

The Fire Prevention and Safety Grants fund projects related specifically to fire prevention. Fire departments as well as national, regional, state or local organizations with expertise in fire prevention are eligible to apply for these grants. Applications can be submitted online at https://portal.fema.gov.

This program is part of the Assistance to Firefighters Grant Program that will award over $700 million to firefighters this year to help local fire departments purchase equipment, fund health and safety programs, enhance emergency medical services programs, and conduct fire education and prevention programs.

Applicants can contact the Assistance to Firefighters Grant Program staff via phone or email, (866) 274-0960 or firegrants@dhs.gov, with questions.

Last Updated: August 17, 2004 03:59 PM

Department of Homeland Security
Federal Emergency Management Agency

U.S. Fire Administration
Working for a Fire Safe America

AFGP Fire Prevention & Safety Grants

Notice of Funds Availability

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
Assistance to Firefighters Fire Prevention and Safety Program

Agency:
U.S. Fire Administration (USFA), Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security (DHS).

Action:
Notice of availability of funds.

Summary:
FEMA gives notice of the availability of funds for Fiscal Year 2003 under the Assistance to Firefighters Fire Prevention and Safety Program (the Program) as authorized by the Federal Fire Prevention and Control Act of 1974. The Program will make up to $27,500,000 of the total appropriated amount of $745,125,000 available for fire prevention activities. FEMA will fund fire prevention activities based on proposals that address the Program's priorities and maximize the benefits to be derived from the funds. FEMA is statutorily mandated to provide these funds to national, State and/or community organizations (including fire departments) that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities. In selecting recipients, FEMA will give priority where practical to organizations that focus on prevention of fire or fire related injuries to children.

Authority:
15 U.S.C. 2229; 44 CFR Part 152, 68 FR 12544 (Final Rule published March 14, 2003.)

Dates:
Completed applications must be received online or postmarked by 5 p.m. EST November 14, 2003.

For Further Information Contact:

Brian Cowan, Chief, Grants Program Branch, USFA, FEMA
500 C Street, SW., Room 330
Washington, DC 20472
1-866-274-0960
or firegrants@dhs.gov.

Download/View

Notice of Availability of Funds - 44 Kbytes

Notice of Availability of Funds - 8 Kbytes

Last Updated: June 23, 2004 01:35 PM

Department of Homeland Security
Federal Emergency Management Agency

U.S. Fire Administration

Working for a Fire Safe America

AFGP Fire Prevention & Safety Grants

Frequently Asked Questions

How do I apply for a grant on line?

The online application is located at https://portal.fema.gov. Additional information about the funding priorities and the evaluation criteria will be available online at www.usfa.fema.gov under Grants.

How do I get questions about the online application answered?

Call 1-866-274-0960 and state your question. This help line will be operational from 8:00 A. M. to 4:30 P. M. Eastern Time Monday through Friday.

Can I apply using a paper application?

We strongly discourage submitting a paper application. TThe online application ensures successful completion of all required fields. Incomplete applications cannot be processed. This type of error is much more likely with the paper application and will result in a disqualification of the application. If you feel you are unable to submit an application online you must submit all forms listed in the Federal Register Notice of Funds Availability along with your project narrative. To download these forms:

1. Go to http://www.usfa.fema.gov/fire-service/grants/safetygrant/03-prev-grants.shtm
2. Click on PAPER APPLICATION. (There are more forms than you need to submit. You only need the SF 424; form 20-20; the 20-16 Assurances and Certifications, which includes the 20-16A, 20-16C, and the LLL forms, and the 1199A.)

Where do I mail the paper application packet?

Mail paper applications to the address listed in the Federal Register Notice of Funds Availability:

Brian A. Cowan, Director
Grants Program Office Room 330
500 C street SW, Washington D.C. 20472
Attn: Fire Prevention and Safety Programs

For security purposes, mail to FEMA is processed at a remote facility prior to delivery to 500 C Street. Please plan your mailing date accordingly, as it may take a couple extra days to reach our office.

Are Fire Departments eligible to apply for the fire prevention and safety programs?

Under the governing statute (Title XVII Assistance to Firefighters), fire departments may apply. We encourage fire departments (and all applicants) to read the eligible activities and evaluation criteria contained in the Federal Register Notice of Funds Availability in order to determine the degree to which your project fits the evaluation criteria.

If I was awarded in 2001 or 2002 in the fire prevention category, am I eligible for this program?

Yes. Eligibility for this program is not linked to previous grant years, however it is important to ensure that your proposal matches the Fire Prevention and Safety Program eligibility and evaluation criteria included in the Federal Register Notice of Funds Availability. **NOTE $750,000 in a fiscal year from either the Fire Prevention and Safety Grant Program or the Assistance to Firefighters Grant program.

If I was turned down for a competitive grant in the Fire Prevention category in 2001 or 2002, will I be eligible for a grant in this Program?

Yes, again the evaluation criteria for the Fire Prevention and Safety grant program differs from the Assistance to Firefighters Grant program. Be sure to modify your request if necessary to address the criteria for this program.

Does this program have a cost share match?

Yes, applicants are required to match the total project cost with a 30% contribution. If the organization mission or charter serves a population under 50,000 the cost share is 10%. This is required to be a cash match; "in-kind" contributions will not be eligible. You are not required to have the match on hand when applying or upon award. You have the entire period of performance of the grant to obtain and contribute the cost share.

Is this a competitive program and will all applications be funded?

Although applications will not be competing against one another, they will be reviewed against the program priorities and evaluation criteria. We will use technical panels to provide input to FEMA in making funding decisions.

We anticipate that we will have more requests than the funding will support. We will fund as many as is practicable, focusing on those that most closely align with the funding priorities and evaluation criteria. In general, proposals that meet the funding priorities and adequately address more of the criteria will be more likely to receive favorable consideration. FEMA reserves the right to fund a variety of projects consistent with section E (eligible activities) of the Notice of Funds Availability. This means we do not want to fund all of the same type of project, such as developing educational materials.

The Notice of Funds Availability (NOFA) has a list of projects. Am I limited to the choices on this list?

No. The projects listed are intended to serve as examples. We encourage you to develop innovative projects that meet the needs of your target audience.

How do I obtain more information about the Fire Prevention and Safety Program?

It is important to review the Federal Register Notice of Funds Availability on the USFA web site. This document can be found by:

1. Go to http://www.usfa.fema.gov/fire-service/grants/safetygrant/03-prev-grants.shtm
2. Click on NOTICE OF AVAILABILITY OF FUNDS

What is the difference between construction and renovations?

In order to be eligible, renovations must be essential to the successful completion of the grant scope of work. Renovations to an existing facility are allowable only if the costs comply with the final rule as published in the Federal Register (i.e., limited to minor interior alterations costing less than $10,000). As noted in the Program Guidance, installation of fire suppression, fire alarms or detection systems are not considered renovations and accordingly not subject to the limits outlined for renovation costs. The costs however need to be reasonable and justified. Fire departments who are considering installation of suppression, fire alarm or detection systems in a fire department facility are encouraged to apply under the Assistance to Firefighters grant program under Modification to Facilities. Construction costs are not eligible under the Fire Prevention and Safety Grant Program. Construction includes major alterations to a building that changes the profile or footprint of the structure.

Are Administrative or Indirect Costs allowed?

Miscellaneous administrative expenses used to carry out the project are eligible and should be listed under "other." Please include a detailed explanation of these costs in your narrative.

Indirect cost may be charged against a grant if an indirect cost agreement is already place. If you are unsure if you have an indirect cost agreement in place, contact the financial officer for your organization.

Why do I need a DUNS number?

As of October 1, 2003 the Federal Government requires that all applicants for Federal grants and cooperative agreements, with the exception of individuals other than sole proprietors and foreign entities, have a Data Universal Numbering System (DUNS) number. The Federal Government will use the DUNS number to better identify related organizations that are receiving funding under grants and cooperative agreements, and to provide consistent name and address data for electronic grant application systems. Additional information about DUNS numbers can be found on the D&B website www.dnb.com/US/duns_update/index.html. The process is free.

How do I apply do a DUNS number?

You can obtain a DUNS number within 24 hours by calling 1-866-705-5711. A DUNS number can also be requested online at www.dnb.com/US/duns_update/index.html, however D&B estimates it may take 2-3 weeks to process online orders. We strongly encourage you to register for this number prior to the application period.

When will decisions be made regarding awards, and funds disbursed?

The application period will run until 5:00 p.m. (EST) November 14, 2003. It is anticipated that the award process will begin in the early part of the calendar year.

What is the Catalog of Federal Domestic Assistance (CFDA) number?

The CFDA number for this program is 97.044

What is the Program Acronym?

The Program Acronym is FP&S.

Will you acknowledge receipt of my application packet?

Upon successful submittal the online application will provide a confirmation page that you can print and keep on file pending award determination. We recommend that you write your login information on this confirmation page so you can keep them together. Confirmation of receipt of paper applications will only be provided if the applicant submits a self-addressed stamped envelope in the paper application packet. Confirmation of receipt will not be given over the phone.

Last Updated: June 23, 2004 01:35 PM

New World Systems 5.1 *LIVE* GL150QS2
8/19/04 General Ledger Inquiry
Revenue Account Account Status . . . . : ACTIVE
1010.0001.4308.00 Budgeted Account/Org. Level: Acct Class 2
Fire Act 833 Fiscal Start Month/Year End: 01 2004

Month	Budget	Amendments	Revenues	YTD Balance
Jan :	.00	.00	16336.57	16336.57-
Feb :	.00	.00	39751.00	56087.57-
Mar :	.00	66657.00	.00	10569.43
Apr :	.00	.00	.00	10569.43
May :	.00	.00	10402.37	167.06
June:	.00	.00	.00	167.06
July:	.00	.00	.00	167.06
Aug :	.00	.00	.00	167.06
Sept:	.00	.00	.00	167.06
Oct :	.00	.00	.00	167.06
Nov :	.00	.00	.00	167.06
Dec :	.00	.00	.00	167.06
Total	.00	66657.00	66489.94	167.06

F3=Exit F10=MTD Bal. F11=Transactions F12=Cancel F22=More Functions

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

X AGENDA REQUEST

For the Fayetteville City Council Meeting of: September 7, 2004

FROM:

Chris Bosch, Fire Chief	Fire Prevention	Fire
Name	Division	Department

ACTION REQUIRED: A Resolution providing the Fire Department with the authority to submit a grant application to the Department of Homeland Security for the 2004 Fire Prevention & Safety Grant Program.

SUMMARY EXPLANATION: See attached documentation.

STAFF RECOMMENDATION:

Division Head	Date
City Attorney	8/18/04 Date
Department Director	8/18/04 Date
Finance & Internal Services Dir.	8-23-04 Date
Chief Administrative Officer	8-24-04 Date
Mayor	8/24/04 Date

Received in Mayor's Office 8/18/04 Date

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

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

ENTERED 8/17/04

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

To: **Mayor/City Council**

Thru: **Gary Dumas, Director of Operations**

From: **David Bragg, Fleet Operations Superintendent**

Date: **August 16, 2004**

Subject: **Purchase of two Police Pursuit Motorcycles, per bid 04-54, for the Police Department**

RECOMMENDATION: That City Council approve the purchase from Denney's Harley-Davidson of Fort Smith of two Police Pursuit Motorcycles for use by the Police Department.

BACKGROUND: These are replacements for units #1030 and #1031, 1999 Harley-Davidsons with 35,000 and 44,000 miles. Police Harley-Davidsons are unique among municipal fleet vehicles due to unusual demand in the used market and corresponding high resale value. Statistical evaluation of typical resale value in conjunction with maintenance cost at various ages indicates that lowest cost of ownership is achieved by replacing these units when they are approximately three years old. It is important to replace these 5 year old units as soon as possible to recoup maximum resale return and minimize maintenance and down time.

The bid from Denney's Harley-Davidson of Fort Smith meets all specifications. I recommend acceptance of this bid in the amount of $36,500.00 for two units.

Funds are available for this purchase in 9700.1920.5802.00, Project #02081, Police/Passenger Vehicles.

The purchase of these units was approved by the Equipment Committee at the meeting of August 10, 2004.

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

TO: **City of Fayetteville, Equipment Committee**
Robert Reynolds, Chairman ✓
Kyle Cook ✓
Lioneld Jordan ✓
Don Marr ✓
Billy Sweetser ✓ BY PHONE

FROM: **David Bragg, Fleet Operations Supt**

DATE: **August 9, 2004**

SUBJECT: **Equipment Committee Meeting – August 10**

Bid #04-59 was opened on July 30, 2004 for one Extended cab 4X4 truck with utility body for use by Water and Sewer Division. Six bids were received:

Ron Blackwell Ford	Bentonville, AR	Ford F550 – Reading Body	$39,105.42
Grant Truck Equip	Tulsa, OK	Ford F550 – Reading Body	$39,151.42
North Point Ford	N. Little Rock, AR	Ford F550 – Knapheid Body	$40,036.00
Landers Ford	Little Rock, AR	Ford F550 – Rawson Koenig	$40,635.00
J & R Equipment	Oklahoma City, OK	Ford F550 – Reading Body	$41,897.00
Ford of Tulsa	Tulsa, OK	Ford F550 – Knapheid Body	$42,068.46

The lowest bid from Ron Blackwell Ford of Bentonville meets all specifications. I recommend acceptance of the lowest bid from Ron Blackwell Ford in the amount of $39,105.42.

This is a replacement for unit #316, a 1996 Ford F-350 with 122,000 miles that is out of service and uneconomically repairable. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Bid #04-58 was opened on July 30, 2004 for one Extended cab 4X4 truck with flat body and crane attachment for use by Water and Sewer Division. Six bids were received:

Ron Blackwell Ford	Bentonville, AR	Ford F550 - Grant body - Autocrane	$45,904.50
Grant Truck Equip	Tulsa, OK	Ford F550 - Grant body - Autocrane	$45,950.50
Ford of Tulsa	Tulsa, OK	Ford F550 - Cadet body - Autocrane	$46,838.46

North Point Ford	N. Little Rock, AR	Ford F550 - Knapheid body - Autocrane	$46,892.00
J & R Equipment	Oklahoma City, OK	Ford F550 - Cadet body - IMT crane	$47,897.00
Landers Ford	Little Rock, AR	Ford F550 - Davis body -Ventura crane	$47,835.00

The lowest bid from Ron Blackwell Ford of Bentonville meets all specifications. I recommend acceptance of the lowest bid from Ron Blackwell Ford in the amount of $45,904.50.

This is a replacement for unit #315, a 1996 Ford F-350 with 106,000 miles that is no longer dependable or economical for regular daily use. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Bid #04-60 was opened on July 30, 2004 for three crew cab 4X2 trucks with dump bodies for use by Transportation Division (2) and Parks Division (1). Five bids were received:

North Point Ford	N. Little Rock, AR	Ford F550 – Hilbilt body	$36,292.00
Ron Blackwell Ford	Bentonville, AR	Ford F550 – Hilbilt body	$36,501.46
Grant Truck Equip	Tulsa, OK	Ford F550 – Mabar body	$36,786.00
Landers Ford	Little Rock, AR	Ford F550 – Davis body	$37,389.00
Ford of Tulsa	Tulsa, OK	Ford F550 – Heil body	$39,665.46

The lowest bid from North Point Ford of North Little Rock meets all specifications. I recommend acceptance of the lowest bid from North Point Ford in the amount of $108,876.00 for three units.

One is a replacement for unit #214, a 1994 Ford F-350 assigned to Parks Division with 81,000 miles that is no longer dependable or economical for regular daily use. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Two are expansion units for Transportation Division paving program. Funds for this purchase are available in Transportation Division Account 2100-4120-5802.00

Bid #04-54 was opened on July 30, 2004 for two Police Pursuit Motorcycles for use by the Police Department. One bid was received:

Denney's Harley-Davidson	Fort Smith, AR	Harley-Davidson FLHTP1	$18,250.00

The bid from Denney's Harley-Davidson of Fort Smith meets all specifications. I recommend acceptance of the bid from Denney's Harley-Davidson in the amount of $36,500.00 for two units.

These are replacements for units #1030 and 1031, 1999 Harley-Davidsons with 35,000 and 44,000 miles. Resale value on Police Harley-Davidsons is such that these units should be replaced when three years old to achieve minimum cost of ownership. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02081 – Police/Passenger Vehicles.

8/10/04
APPROVED

Cc:
Gary Dumas

RESOLUTION NO. ______

A RESOLUTION APPROVING THE PURCHASE OF TWO (2) HARLEY-DAVIDSON POLICE PURSUIT MOTORCYCLES FROM DENNY'S HARLEY-DAVIDSON OF FORT SMITH IN THE AMOUNT OF $36,500.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of two (2) Harley-Davidson police pursuit motorcycles from Denny's Harley-Davidson of Fort Smith in the amount of $36,500.00.

PASSED and **APPROVED** this 7th day of September 2004.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 8/18/2004

P.O Number:

Expected Delivery Date:

Vendor #: 12132

Vendor Name: HARLEY-DAVIDSON OF FORT SMITH

Mail Yes:__ No:_XX_

Address:

Fob Point:

Taxable Yes: XX No:____

City:

State:

Zip Code:

Ship to code: 050

Divison Head Approval: [signature]

Quotes Attached Yes:____ No:____

Requester: BARBARA OLSEN BO

Requester's Employee #: 1940

Extension: 495

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2005 FLHTPI POLICE SPECIAL	2	EA	$39,105.42	$78,210.84	9700.1920.5802.00	02078		
2	PURSUIT MOTORCYCLES		EA		$0.00				
3	TO BE UNITS #1118, FIXED ASSET		EA		$0.00				
4	#701118, AND UNIT 1119, FIXED		EA		$0.00				
5	ASSET #701119		EA		$0.00				
6	BID 04-59		EA		$0.00				
7			EA		$0.00				
8			EA		$0.00				
9			EA		$0.00				
10			EA		$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions: ____________________

Subtotal: ________ 78,210.84

Tax: ________

Total: ________

Approvals:

Mayor: ____________

Department Director: ____________

Purchasing Manager: ____________

Finance & Internal Services Director: ____________

Budget Manager: ____________

IT Manager: ____________

Dispatch Manager: ____________

Utilities Manager: ____________

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council Meeting of: September 7, 2004

FROM:

David Bragg	Fleet Operations	Operations
Name	Division	Department

ACTION REQUIRED: Approval of purchase of two Police Pursuit Motorcycles for use by the Police Department, bid 04-54.

COST TO CITY:

$36,500.00	$ 751,279.00	Police/Passenger Vehicles
Cost of this request	Category/Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 75,697.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02081	$ 675,582.00	Shop
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ____ Budget Adjustment Attached

Budget Manager — Date 8-19-07

CONTRACT/GRANT/LEASE REVIEW:

Marsha Farthing — Accounting Manager — Date 8/19/04
Nancy Smith — Internal Auditor — Date 8/19/04
City Attorney — Date 8/19/04
Purchasing Manager — Date 8/19/04

STAFF RECOMMENDATION:

Division Head — Date 8/18/04
Department Director — Date 8/20/04
Finance & Internal Services Dir. — Date 8-23-04
Chief Administrative Officer — Date 8-23-04
Dan Coody — Mayor — Date 8/2x/04

Received in Mayor's Office 8/20/04 Date P.H.

Cross Reference:

Previous Ord/Res#: ____

Orig. Contract Date: ____

Orig. Contract Number: ____

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

ENTERED 8-18-04

AWJ

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

To: **Mayor/City Council**

Thru: **Gary Dumas, Director of Operations**

From: **David Bragg, Fleet Operations Superintendent** DB

Date: **August 16, 2004**

Subject: **Purchase of a 4x2 crew cab Truck with dump body, per bid 04-60, for Parks**

RECOMMENDATION: That City Council approve the purchase from North Point Ford of one crew cab truck with dump body for use by Parks Division.

BACKGROUND: This truck will replace unit #214, a 1994 Ford F350 with 81,000 miles. Though not high mileage, this truck is experiencing increased downtime and frequency of repair. Trucks with lesser age are beginning to have engine, transmission, and other major component failures that are not cost effective to repair and result in months of lost use. Lower cost of ownership can be accomplished by replacing vehicles prior to a major breakdown.

Five bids were received. The lowest bid from North Point Ford of North Little Rock meets all specifications. I recommend acceptance of the lowest bid from North Point Ford in the amount of $36,292.00.

Funds are available for this purchase in 9700.1920.5802.00, Project #02078 – Light/Medium Trucks.

The purchase of this unit was approved by the Equipment Committee at the meeting of August 10, 2004.

Fayetteville ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

TO: City of Fayetteville, Equipment Committee
Robert Reynolds, Chairman ✓
Kyle Cook ✓
Lioneld Jordan ✓
Don Marr ✓
Billy Sweetser ✓ BY PHONE

FROM: David Bragg, Fleet Operations Supt

DATE: August 9, 2004

SUBJECT: Equipment Committee Meeting – August 10

Bid #04-59 was opened on July 30, 2004 for one Extended cab 4X4 truck with utility body for use by Water and Sewer Division. Six bids were received:

Ron Blackwell Ford	Bentonville, AR	Ford F550 – Reading Body	$39,105.42
Grant Truck Equip	Tulsa, OK	Ford F550 – Reading Body	$39,151.42
North Point Ford	N. Little Rock, AR	Ford F550 – Knapheid Body	$40,036.00
Landers Ford	Little Rock, AR	Ford F550 – Rawson Koenig	$40,635.00
J & R Equipment	Oklahoma City, OK	Ford F550 – Reading Body	$41,897.00
Ford of Tulsa	Tulsa, OK	Ford F550 – Knapheid Body	$42,068.46

The lowest bid from Ron Blackwell Ford of Bentonville meets all specifications. I recommend acceptance of the lowest bid from Ron Blackwell Ford in the amount of $39,105.42.

This is a replacement for unit #316, a 1996 Ford F-350 with 122,000 miles that is out of service and uneconomically repairable. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Bid #04-58 was opened on July 30, 2004 for one Extended cab 4X4 truck with flat body and crane attachment for use by Water and Sewer Division. Six bids were received:

Ron Blackwell Ford	Bentonville, AR	Ford F550 - Grant body - Autocrane	$45,904.50
Grant Truck Equip	Tulsa, OK	Ford F550 - Grant body - Autocrane	$45,950.50
Ford of Tulsa	Tulsa, OK	Ford F550 - Cadet body - Autocrane	$46,838.46

North Point Ford	N. Little Rock, AR	Ford F550 - Knapheid body - Autocrane	$46,892.00
J & R Equipment	Oklahoma City, OK	Ford F550 - Cadet body - IMT crane	$47,897.00
Landers Ford	Little Rock, AR	Ford F550 - Davis body -Ventura crane	$47,835.00

The lowest bid from Ron Blackwell Ford of Bentonville meets all specifications. I recommend acceptance of the lowest bid from Ron Blackwell Ford in the amount of $45,904.50.

This is a replacement for unit #315, a 1996 Ford F-350 with 106,000 miles that is no longer dependable or economical for regular daily use. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Bid #04-60 was opened on July 30, 2004 for three crew cab 4X2 trucks with dump bodies for use by Transportation Division (2) and Parks Division (1). Five bids were received:

North Point Ford	N. Little Rock, AR	Ford F550 – Hilbilt body	$36,292.00
Ron Blackwell Ford	Bentonville, AR	Ford F550 – Hilbilt body	$36,501.46
Grant Truck Equip	Tulsa, OK	Ford F550 – Mabar body	$36,786.00
Landers Ford	Little Rock, AR	Ford F550 – Davis body	$37,389.00
Ford of Tulsa	Tulsa, OK	Ford F550 – Heil body	$39,665.46

The lowest bid from North Point Ford of North Little Rock meets all specifications. I recommend acceptance of the lowest bid from North Point Ford in the amount of $108,876.00 for three units.

One is a replacement for unit #214, a 1994 Ford F-350 assigned to Parks Division with 81,000 miles that is no longer dependable or economical for regular daily use. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Two are expansion units for Transportation Division paving program. Funds for this purchase are available in Transportation Division Account 2100-4120-5802.00

Bid #04-54 was opened on July 30, 2004 for two Police Pursuit Motorcycles for use by the Police Department. One bid was received:

Denney's Harley-Davidson	Fort Smith, AR	Harley-Davidson FLHTP1	$18,250.00

The bid from Denney's Harley-Davidson of Fort Smith meets all specifications. I recommend acceptance of the bid from Denney's Harley-Davidson in the amount of $36,500.00 for two units.

These are replacements for units #1030 and 1031, 1999 Harley-Davidsons with 35,000 and 44,000 miles. Resale value on Police Harley-Davidsons is such that these units should be replaced when three years old to achieve minimum cost of ownership. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02081 – Police/Passenger Vehicles.

8/10/04
APPROVED
[illegible]

Cc:
Gary Dumas

RESOLUTION NO. ______

A RESOLUTION APPROVING THE PURCHASE OF ONE (1) 4x2 CREW CAB TRUCK WITH DUMP BODY FROM NORTH POINT FORD OF NORTH LITTLE ROCK IN THE AMOUNT OF $36,292.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of one (1) 4x2 crew cab truck with dump body from North Point Ford of North Little Rock in the amount of $36,292.00.

PASSED and **APPROVED** this 7th day of September 2004.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:	Date: 8/18/2004
P.O Number:	Expected Delivery Date:
Vendor #: 6481	Vendor Name: NORTH POINT FORD
Mail Yes:__ No:_XX_	
Address:	Fob Point:
Taxable Yes:_XX_ No:____	
City:	State:
Zip Code:	Ship to code: 050
Divison Head Approval: 20[illegible]	Quotes Attached Yes:____ No:____
Requester: BARBARA OLSEN BO	Requester's Employee #: 1940
Extension: 495	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	F550 CREW CAB, 4x2 TRUCK WITH	1	EA	$36,292.00	$36,292.00	9700.1920.5802.00	02078		
2	HILBILT DUMP BODY, FOR PARKS		EA		$0.00				
3	TO BE UNIT 348,		EA		$0.00				
4	FIXED ASSET #700348		EA		$0.00				
5	per bid 04-60		EA		$0.00				
6			EA		$0.00				
7			EA		$0.00				
8			EA		$0.00				
9			EA		$0.00				
10			EA		$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal: 36,292.00

Tax:

Total:

Approvals:

Mayor: ____________ Department Director: ____________ Purchasing Manager: ____________

Finance & Internal Services Director: ____________ Budget Manager: ____________ IT Manager: ____________

Dispatch Manager: ____________ Utilities Manager: ____________

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council Meeting of: September 7, 2004

FROM:

David Bragg	Fleet Operations	Operations
Name	Division	Department

ACTION REQUIRED: Approval of purchase of one crew cab 4 x 2 truck with dump body for Parks Division from North Point Ford, bid 04-60.

COST TO CITY:

$36,292.00	$ 672,215.00	Light/Medium Trucks
Cost of this request	Category/Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 265,536.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02078	$ 406,679.00	Shop
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ___ Budget Adjustment Attached

Budget Manager — Date 8/19/04

CONTRACT/GRANT/LEASE REVIEW:

Marsha Farthing — Accounting Manager — Date 8/19/04
Internal Auditor — Date 8/19/04
City Attorney — Date 8/19/04
Purchasing Manager — Date 8/19/04

STAFF RECOMMENDATION:

Division Head — Date 8/18/04
Department Director — Date 8/20/04
Finance & Internal Services Dir. — Date 8-23-04
Chief Administrative Officer — Date 8-23-04
Mayor — Date 8/24/04

Received in Mayor's Office 8/20/04 — Date

Cross Reference:

Previous Ord/Res#: ______

Orig. Contract Date: ______

Orig. Contract Number: ______

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

ENTERED 8-18-04

183

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

To: **Mayor/City Council**

Thru: **Gary Dumas, Director of Operations**

From: **David Bragg, Fleet Operations Superintendent**

Date: **August 16, 2004**

Subject: **Purchase of a 4x4 Truck with crane, per bid 04-58, for Water & Sewer**

RECOMMENDATION: That City Council approve the purchase of one 4x4 extended cab truck with flat body and crane for use by Water and Sewer Division.

BACKGROUND: This truck will replace unit #315, a 1996 Ford F350 with 106,000 miles. Trucks in the same application with similar age and mileage are beginning to have engine, transmission, and other major component failures that are not cost effective to repair and result in months of lost use. Lower cost of ownership can be accomplished by replacing vehicles prior to a major breakdown.

Six bids were received. The lowest bid from Ron Blackwell Ford of Bentonville meets all specifications. I recommend acceptance of the lowest bid from Ron Blackwell Ford in the amount of $45,904.50.

Funds are available for this purchase in 9700.1920.5802.00, Project #02078 – Light/Medium Trucks.

The purchase of this unit was approved by the Equipment Committee at the meeting of August 10, 2004.

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

TO: **City of Fayetteville, Equipment Committee**
Robert Reynolds, Chairman ✓
Kyle Cook ✓
Lioneld Jordan ✓
Don Marr ✓
Billy Sweetser ✓ BY PHONE

FROM: **David Bragg, Fleet Operations Supt**

DATE: **August 9, 2004**

SUBJECT: **Equipment Committee Meeting – August 10**

Bid #04-59 was opened on July 30, 2004 for one Extended cab 4X4 truck with utility body for use by Water and Sewer Division. Six bids were received:

Ron Blackwell Ford	Bentonville, AR	Ford F550 – Reading Body	$39,105.42
Grant Truck Equip	Tulsa, OK	Ford F550 – Reading Body	$39,151.42
North Point Ford	N. Little Rock, AR	Ford F550 – Knapheid Body	$40,036.00
Landers Ford	Little Rock, AR	Ford F550 – Rawson Koenig	$40,635.00
J & R Equipment	Oklahoma City, OK	Ford F550 – Reading Body	$41,897.00
Ford of Tulsa	Tulsa, OK	Ford F550 – Knapheid Body	$42,068.46

The lowest bid from Ron Blackwell Ford of Bentonville meets all specifications. I recommend acceptance of the lowest bid from Ron Blackwell Ford in the amount of $39,105.42.

This is a replacement for unit #316, a 1996 Ford F-350 with 122,000 miles that is out of service and uneconomically repairable. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Bid #04-58 was opened on July 30, 2004 for one Extended cab 4X4 truck with flat body and crane attachment for use by Water and Sewer Division. Six bids were received:

Ron Blackwell Ford	Bentonville, AR	Ford F550 - Grant body - Autocrane	$45,904.50
Grant Truck Equip	Tulsa, OK	Ford F550 - Grant body - Autocrane	$45,950.50
Ford of Tulsa	Tulsa, OK	Ford F550 - Cadet body - Autocrane	$46,838.46

North Point Ford	N. Little Rock, AR	Ford F550 - Knapheid body - Autocrane	$46,892.00
J & R Equipment	Oklahoma City, OK	Ford F550 - Cadet body - IMT crane	$47,897.00
Landers Ford	Little Rock, AR	Ford F550 - Davis body -Ventura crane	$47,835.00

The lowest bid from Ron Blackwell Ford of Bentonville meets all specifications. I recommend acceptance of the lowest bid from Ron Blackwell Ford in the amount of $45,904.50.

This is a replacement for unit #315, a 1996 Ford F-350 with 106,000 miles that is no longer dependable or economical for regular daily use. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Bid #04-60 was opened on July 30, 2004 for three crew cab 4X2 trucks with dump bodies for use by Transportation Division (2) and Parks Division (1). Five bids were received:

North Point Ford	N. Little Rock, AR	Ford F550 – Hilbilt body	$36,292.00
Ron Blackwell Ford	Bentonville, AR	Ford F550 – Hilbilt body	$36,501.46
Grant Truck Equip	Tulsa, OK	Ford F550 – Mabar body	$36,786.00
Landers Ford	Little Rock, AR	Ford F550 – Davis body	$37,389.00
Ford of Tulsa	Tulsa, OK	Ford F550 – Heil body	$39,665.46

The lowest bid from North Point Ford of North Little Rock meets all specifications. I recommend acceptance of the lowest bid from North Point Ford in the amount of $108,876.00 for three units.

One is a replacement for unit #214, a 1994 Ford F-350 assigned to Parks Division with 81,000 miles that is no longer dependable or economical for regular daily use. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Two are expansion units for Transportation Division paving program. Funds for this purchase are available in Transportation Division Account 2100-4120-5802.00

Bid #04-54 was opened on July 30, 2004 for two Police Pursuit Motorcycles for use by the Police Department. One bid was received:

Denney's Harley-Davidson	Fort Smith, AR	Harley-Davidson FLHTP1	$18,250.00

The bid from Denney's Harley-Davidson of Fort Smith meets all specifications. I recommend acceptance of the bid from Denney's Harley-Davidson in the amount of $36,500.00 for two units.

These are replacements for units #1030 and 1031, 1999 Harley-Davidsons with 35,000 and 44,000 miles. Resale value on Police Harley-Davidsons is such that these units should be replaced when three years old to achieve minimum cost of ownership. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02081 – Police/Passenger Vehicles.

Cc:
Gary Dumas

8/10/04
APPROVED
JRB

RESOLUTION NO. ______

A RESOLUTION TO APPROVE THE PURCHASE OF AN F-550 EXTENDED CAB 4X4 TRUCK FROM RON BLACKWELL FORD IN THE AMOUNT OF $45,904.50

WHEREAS, Ron Blackwell Ford submitted the lowest, conforming bid for a flat body, extended cab, 4x4 truck.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby accepts the low bid and approves the purchase of a new F-550 Extended Cab, 4x4 truck from Ron Blackwell Ford for $45,904.50.

PASSED and **APPROVED** this 7th day of September, 2004.

APPROVED:

By: DRAFT
DAN COODY, Mayor

ATTEST:

By: ____________________
SONDRA SMITH, City Clerk

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:
Date: 8/18/2004
P.O Number:
Expected Delivery Date:

Vendor #: 88230
Vendor Name: RON BLACKWELL FORD
Mail Yes:__ No:_XX_
Address:
Fob Point:
Taxable Yes:_XX_ No:____
City:
State:
Zip Code:
Ship to code: 050
Divison Head Approval:
Quotes Attached Yes:____ No:____
Requester: BARBARA OLSEN BO
Requester's Employee #: 1940
Extension: 495

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	F550 EXTENDED CAB, 4x4 TRUCK	1	EA	$45,904.50	$45,904.50	9700.1920.5802.00	02078		
2	WITH 3203PRX AUTOCRANE		EA		$0.00				
3	ATTACHMENT, FOR WATER &		EA		$0.00				
4	SEWER. TO BE UNIT #347		EA		$0.00				
5	FIXED ASSET #700347		EA		$0.00				
6	BID 04-58		EA		$0.00				
7			EA		$0.00				
8			EA		$0.00				
9			EA		$0.00				
10			EA		$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions: ____________________

Subtotal: ________ 45,904.50
Tax: ________
Total: ________

Approvals:

Mayor: ____________________
Department Director: ____________________
Purchasing Manager: ____________________
Finance & Internal Services Director: ____________________
Budget Manager: ____________________
IT Manager: ____________________
Dispatch Manager: ____________________
Utilities Manager: ____________________

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council Meeting of: September 7, 2004

FROM:

David Bragg	Fleet Operations	Operations
Name	Division	Department

ACTION REQUIRED: Approval of purchase of one Extended cab 4 x 4 truck with crane attachment for Water and Sewer Division from Ron Blackwell Ford, bid 04-58.

COST TO CITY:

$45,904.50	$ 672,215.00	Light/Medium Trucks
Cost of this request	Category/Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 301,828	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02078	$ 370,487	Shop
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ____ Budget Adjustment Attached

Budget Manager — Date 8-15-04

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager — Date 8/19/04
Internal Auditor — Date 8/19/04
City Attorney — Date 8/19/04
Purchasing Manager — Date 8/19/04

STAFF RECOMMENDATION:

Division Head — Date 8/18/04
Received in Mayor's Office — Date 8/20/04

Department Director — Date 8/20/04
Cross Reference:

Finance & Internal Services Dir. — Date 8-23-04
Previous Ord/Res#: ____

Orig. Contract Date: ____

Chief Administrative Officer — Date 8-23-04
Orig. Contract Number: ____

Mayor — Date 8/24/04
New Item: **Yes** **No**

ENTERED 8-18-04

283

aw

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

To: **Mayor/City Council**

Thru: **Gary Dumas, Director of Operations**

From: **David Bragg, Fleet Operations Superintendent** DB

Date: **August 16, 2004**

Subject: **Purchase of a 4x4 Utility Body Truck, per bid 04-59, for Water & Sewer**

RECOMMENDATION: That City Council approve the purchase of one 4x4 extended cab truck with utility body for use by Water and Sewer Division.

BACKGROUND: This truck will replace unit #316, a 1996 Ford with 122,000 miles that is out of service due to a bad engine. Cost of repairing the engine is greater than the value of the truck after repair, therefore this truck should be sold as is and replaced.

Six bids were received. The lowest bid from Ron Blackwell Ford of Bentonville meets all specifications. I recommend acceptance of the lowest bid from Ron Blackwell Ford in the amount of $39,105.42.

Funds are available for this purchase in 9700.1920.5802.00, Project #02078 – Light/Medium Trucks.

The purchase of this unit was approved by the Equipment Committee at the meeting of August 10, 2004.

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

TO: **City of Fayetteville, Equipment Committee**
Robert Reynolds, Chairman ✓
Kyle Cook ✓
Lioneld Jordan ✓
Don Marr ✓
Billy Sweetser ✓ BY PHONE

FROM: **David Bragg, Fleet Operations Supt**

DATE: **August 9, 2004**

SUBJECT: **Equipment Committee Meeting – August 10**

Bid #04-59 was opened on July 30, 2004 for one Extended cab 4X4 truck with utility body for use by Water and Sewer Division. Six bids were received:

Ron Blackwell Ford	Bentonville, AR	Ford F550 – Reading Body	$39,105.42
Grant Truck Equip	Tulsa, OK	Ford F550 – Reading Body	$39,151.42
North Point Ford	N. Little Rock, AR	Ford F550 – Knapheid Body	$40,036.00
Landers Ford	Little Rock, AR	Ford F550 – Rawson Koenig	$40,635.00
J & R Equipment	Oklahoma City, OK	Ford F550 – Reading Body	$41,897.00
Ford of Tulsa	Tulsa, OK	Ford F550 – Knapheid Body	$42,068.46

The lowest bid from Ron Blackwell Ford of Bentonville meets all specifications. I recommend acceptance of the lowest bid from Ron Blackwell Ford in the amount of $39,105.42.

This is a replacement for unit #316, a 1996 Ford F-350 with 122,000 miles that is out of service and uneconomically repairable. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Bid #04-58 was opened on July 30, 2004 for one Extended cab 4X4 truck with flat body and crane attachment for use by Water and Sewer Division. Six bids were received:

Ron Blackwell Ford	Bentonville, AR	Ford F550 - Grant body - Autocrane	$45,904.50
Grant Truck Equip	Tulsa, OK	Ford F550 - Grant body - Autocrane	$45,950.50
Ford of Tulsa	Tulsa, OK	Ford F550 - Cadet body - Autocrane	$46,838.46

North Point Ford	N. Little Rock, AR	Ford F550 - Knapheid body - Autocrane	$46,892.00
J & R Equipment	Oklahoma City, OK	Ford F550 - Cadet body - IMT crane	$47,897.00
Landers Ford	Little Rock, AR	Ford F550 - Davis body -Ventura crane	$47,835.00

The lowest bid from Ron Blackwell Ford of Bentonville meets all specifications. I recommend acceptance of the lowest bid from Ron Blackwell Ford in the amount of $45,904.50.

This is a replacement for unit #315, a 1996 Ford F-350 with 106,000 miles that is no longer dependable or economical for regular daily use. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Bid #04-60 was opened on July 30, 2004 for three crew cab 4X2 trucks with dump bodies for use by Transportation Division (2) and Parks Division (1). Five bids were received:

North Point Ford	N. Little Rock, AR	Ford F550 – Hilbilt body	$36,292.00
Ron Blackwell Ford	Bentonville, AR	Ford F550 – Hilbilt body	$36,501.46
Grant Truck Equip	Tulsa, OK	Ford F550 – Mabar body	$36,786.00
Landers Ford	Little Rock, AR	Ford F550 – Davis body	$37,389.00
Ford of Tulsa	Tulsa, OK	Ford F550 – Heil body	$39,665.46

The lowest bid from North Point Ford of North Little Rock meets all specifications. I recommend acceptance of the lowest bid from North Point Ford in the amount of $108,876.00 for three units.

One is a replacement for unit #214, a 1994 Ford F-350 assigned to Parks Division with 81,000 miles that is no longer dependable or economical for regular daily use. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Two are expansion units for Transportation Division paving program. Funds for this purchase are available in Transportation Division Account 2100-4120-5802.00

Bid #04-54 was opened on July 30, 2004 for two Police Pursuit Motorcycles for use by the Police Department. One bid was received:

Denney's Harley-Davidson	Fort Smith, AR	Harley-Davidson FLHTP1	$18,250.00

The bid from Denney's Harley-Davidson of Fort Smith meets all specifications. I recommend acceptance of the bid from Denney's Harley-Davidson in the amount of $36,500.00 for two units.

These are replacements for units #1030 and 1031, 1999 Harley-Davidsons with 35,000 and 44,000 miles. Resale value on Police Harley-Davidsons is such that these units should be replaced when three years old to achieve minimum cost of ownership. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02081 – Police/Passenger Vehicles.

8/10/04
APPROVED
JRB

Cc:
Gary Dumas

RESOLUTION NO. ______

A RESOLUTION APPROVING THE PURCHASE OF ONE (1) EXTENDED CAB 4x4 TRUCK WITH UTILITY BODY FROM RON BLACKWELL FORD IN THE AMOUNT OF $39,105.42.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of one (1) Extended Cab 4x4 truck with utility body from Ron Blackwell Ford in the amount of $39,105.42.

PASSED and **APPROVED** this 7th day of September 2004.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 8/18/2004

P.O Number:

Expected Delivery Date:

Vendor #: 88230

Vendor Name: RON BLACKWELL FORD

Mail Yes:__ No:_XX_

Address:

Fob Point:

Taxable Yes:_XX_ No:____

City:

State:

Zip Code:

Ship to code: 050

Divison Head Approval: [signature]

Quotes Attached Yes:____ No:____

Requester: BARBARA OLSEN [signature]

Requester's Employee #: 1940

Extension: 495

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	F550 EXTENDED CAB, 4x4 TRUCK	1	EA	$39,105.42	$39,105.42	9700.1920.5802.00	02078		
2	WITH READING UTILITY BODY,		EA		$0.00				
3	FOR WATER & SEWER		EA		$0.00				
4	TO BE UNIT #346, FIXED ASSET		EA		$0.00				
5	#700346,		EA		$0.00				
6	BID 04-59		EA		$0.00				
7			EA		$0.00				
8			EA		$0.00				
9			EA		$0.00				
10			EA		$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal: 39,105.42

Tax:

Total:

Approvals:

Mayor: ____________

Department Director: ____________

Purchasing Manager: ____________

Finance & Internal Services Director: ____________

Budget Manager: ____________

IT Manager: ____________

Dispatch Manager: ____________

Utilities Manager: ____________

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council Meeting of: September 7, 2004

FROM:

Name	Division	Department
David Bragg	Fleet Operations	Operations

ACTION REQUIRED: Approval of purchase of one Extended cab 4 x 4, Utility body for Water and Sewer Division from Ron Blackwell Ford, bid 04-59.

COST TO CITY:

$39,106.00	$ 672,215.00	Light/Medium Trucks
Cost of this request	Category/Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 347,733	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02078	$ 324,482	Shop
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ____ Budget Adjustment Attached

Budget Manager — Date: 8-19-04

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager — Date: 8/19/04
Internal Auditor — Date: 8/19/04
City Attorney — Date: 8/19/04
Purchasing Manager — Date: 8/19/04

STAFF RECOMMENDATION:

Division Head — Date: 8/18/04
Department Director — Date: 8/20/04
Finance & Internal Services Dir. — Date: 8-20-04
Chief Administrative Officer — Date: 8-23-04
Mayor — Date: 8/24/04

Received in Mayor's Office 8/20/04 Date

Cross Reference:

Previous Ord/Res#:
Orig. Contract Date:
Orig. Contract Number:
New Item: **Yes** **No**

ENTERED 8-18-04

383

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

To: **Mayor/City Council**

Thru: **Gary Dumas, Director of Operations**

From: **David Bragg, Fleet Operations Superintendent**

Date: **August 16, 2004**

Subject: **Purchase of Truck with TV sewer line inspection equipment**

RECOMMENDATION: That City Council approve the purchase of one 4x4 truck with van body and TV sewer line inspection equipment for Water and Sewer from SWECO.

BACKGROUND: This truck will replace unit #80, 1991 Ford Utilimaster van. Unit #80 is 13 years old and is technologically obsolete. The lowest bid from SWECO meets all specifications. The unit was satisfactorily demonstrated on August 10th, 2004. Due to the specialized market for this type of equipment, the trade allowance is greater than any anticipated return from any sales outlet available to the City. I recommend acceptance of the low bid from SWECO in the amount of $169,450.00.

Funds are currently budgeted for this purchase in 9700.1920.5802.00, Project #02080 – Other Vehicles and Equipment. Due to this purchase exceeding its original estimated cost and other previous project purchases exceeding estimates, a Budget Adjustment is attached in the amount of $116,000. The $116,000 is coming from Shop fund balance.

The purchase of this unit was approved by the Equipment Committee at the meeting of August 10, 2004.

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

TO: **City of Fayetteville, Equipment Committee**
Robert Reynolds, Chairman ✓
Kyle Cook ✓
Lioneld Jordan ✓
Don Marr ✓
Billy Sweetser ✓ BY PHONE

FROM: **David Bragg, Fleet Operations Supt**

DATE: **August 9, 2004**

SUBJECT: **Equipment Committee Meeting – August 10**

Bid #04-43 was opened on July 26, 2004 for one 4X4 truck with van body and TV sewer line inspection equipment for use by Water and Sewer Division. Two bids were received:

Bidder	New Unit Amount	Trade Allowance	Net Bid
SWECO	$169,450.00	$20,000.00	$149,450.00
Aries Industries	$175,394.00	$17,500.00	$157,894.00

The lowest bid from SWECO meets all specifications. Pending satisfactory completion of demonstration requirements on August 10, 2004, I recommend acceptance of the lowest bid with trade allowance from SWECO in the amount of $149,450.00.

This is a replacement for unit #80, a 1991 Ford Utilimaster van. This unit is 13 years old and is technologically obsolete. Additionally, the specialized van chassis is getting difficult to obtain parts for. Due to the specialized market for this type of equipment, the trade allowance is greater than anticipated return from any sales outlet available to the City. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02080– Other vehicles and equipment.

Cc:
Greg Boettcher
Gary Dumas

8/10/04
DEMO SATISFACTORY
APPROVED BY EQUIP COMMITTEE
DWB

RESOLUTION NO. ______

A RESOLUTION APPROVING THE PURCHASE OF ONE (1) 4x4 TRUCK WITH VAN BODY AND TELEVISION SEWER LINE INSPECTION EQUIPMENT FROM SWECO IN THE AMOUNT OF $169,450.00; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $116,000.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of one (1) 4x4 truck with van body and television sewer line inspection equipment from SWECO in the amount of $169,450.00.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $116,000.00.

PASSED and **APPROVED** this 7th day of September 2004.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 8/18/2004

P.O Number:

Expected Delivery Date:

Vendor #:

Vendor Name: SWECO

Mail Yes:__ No:_XX_

Address:

Fob Point:

Taxable Yes:_XX_ No:____

City:

State:

Zip Code:

Ship to code: 050

Divison Head Approval: [signature]

Quotes Attached Yes:____ No:____

Requester: BARBARA OLSEN BO

Requester's Employee #: 1940

Extension: 495

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	4x4 TRUCK WITH VAN BODY AND	1	EA	$169,450.00	$169,450.00	9700.1920.5802.00	02080		
2	TV SEWER LINE INSPECTION		EA		$0.00				
3	EQUIPMENT FOR WATER & SEWER		EA		$0.00				
4	TO BE UNIT 9068, FIXED ASSET		EA		$0.00				
5	#709068		EA		$0.00				
6	BID 04-59		EA		$0.00				
7			EA		$0.00				
8			EA		$0.00				
9			EA		$0.00				
10			EA		$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions: ____

Subtotal: ____ 169,450.00

Tax: ____

Total: ____ 169,450.00

Approvals:

Mayor: ____

Department Director: ____

Purchasing Manager: ____

Finance & Internal Services Director: ____

Budget Manager: ____

IT Manager: ____

Dispatch Manager: ____

Utilities Manager: ____

City of Fayetteville, Arkansas
Budget Adjustment Form Purchase of One 4x4 Truck with Van Body for Water & Sewer

Budget Year	Department: Operations Division: Fleet Operations Program: Capital Expenditures	Date Requested	Adjustment Number
2004			

Project or Item Requested:
$116,000 is requested in the Fleet - Other Vehicles/Equipment capital project in Shop Fund.

Project or Item Deleted:
$116,000 from the Use of Fund Balance account in the Transportation Maintenance program in Street Fund.

Justification of this Increase:
The funding is for the purchase of one 4x4 truck with van body and TV sewer line inspection equipment.

Justification of this Decrease:
There is sufficient funding available to meet City policy and 2004 objectives.

During the original 2004 Capital Improvements Program request, an additional $116,000 was budgeted within target but was taken out of Shop Fund. This was due to a cost sharing of the Compost Row Turner with the Solid Waste Fund.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	9700	1920	5802	00	116,000	02080	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	9700	0970	4999	99	116,000		

Approval Signatures

Requested By — Date

Budget Manager — Date 8-19-04

Department Director — Date 8/23/04

Finance & Internal Services Director — Date 8-23-04

Mayor — Date

Budget Office Use Only

Type: A B C D E

Date of Approval — Initial — Date

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

Entered in Category Log — Initial — Date

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council Meeting of: September 7, 2004

FROM:

David Bragg	Fleet Operations	Operations
Name	Division	Department

ACTION REQUIRED: Approval of purchase of one 4x4 truck with van body and TV sewer line inspection equipment for Water and Sewer Division from SWECO, bid 04-43. A Budget Adjustment is attached.

COST TO CITY:
Trade in 20,000

$169,450.00	$ 583,325.00	Other Vehicles and Equipment
Cost of this request	Category/Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 456,435.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02080	$ 126,890.00	Shop
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item X Budget Adjustment Attached

Budget Manager — Date 8.19.04

CONTRACT/GRANT/LEASE REVIEW:

Marsha Farthing — Accounting Manager — Date 8/19/04
Nancy Smith — Internal Auditor — Date 8/19/04
City Attorney — Date 8/20/04
Purchasing Manager — Date 8/20/04

STAFF RECOMMENDATION:

Division Head — Date 8/18/04
Department Director — Date 8/23/04
Finance & Internal Services Dir. — Date 8-23-04
Chief Administrative Officer — Date 8.24.04
Dan Coody — Mayor — Date 8-24-04

Received in Mayor's Office ______ Date

Cross Reference:

Previous Ord/Res#: ______

Orig. Contract Date: ______

Orig. Contract Number: ______

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

ENTERED 8-19-04
aw

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

To: **Mayor/City Council**

Thru: **Gary Dumas, Director of Operations**

From: **David Bragg, Fleet Operations Superintendent**

Date: **August 16, 2004**

Subject: **Purchase of two 4x2 crew cab Trucks with dump bodies, per bid 04-60, for Transportation Division**

RECOMMENDATION: That City Council approves the purchase from North Point Ford of two crew cab trucks with dump bodies for use by Transportation Division.

BACKGROUND: These are two expansion units for the Transportation Division paving program. Five bids were received. The lowest bid from North Point Ford of North Little Rock meets all specifications. I recommend acceptance of the lowest bid from North Point Ford in the amount of $71584.00.

Funds for this purchase are being transferred from Street Fund to Shop Fund and will be paid for in 9700.1920.5802.00 Project 02078 (Light/Medium Vehicles & Equipment).

The purchase of these units was approved by the Equipment Committee at the meeting of August 10, 2004.

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

TO: **City of Fayetteville, Equipment Committee**
Robert Reynolds, Chairman ✓
Kyle Cook ✓
Lioneld Jordan ✓
Don Marr ✓
Billy Sweetser ✓ BY PHONE

FROM: **David Bragg, Fleet Operations Supt**

DATE: **August 9, 2004**

SUBJECT: **Equipment Committee Meeting – August 10**

Bid #04-59 was opened on July 30, 2004 for one Extended cab 4X4 truck with utility body for use by Water and Sewer Division. Six bids were received:

Ron Blackwell Ford	Bentonville, AR	Ford F550 – Reading Body	$39,105.42
Grant Truck Equip	Tulsa, OK	Ford F550 – Reading Body	$39,151.42
North Point Ford	N. Little Rock, AR	Ford F550 – Knapheid Body	$40,036.00
Landers Ford	Little Rock, AR	Ford F550 – Rawson Koenig	$40,635.00
J & R Equipment	Oklahoma City, OK	Ford F550 – Reading Body	$41,897.00
Ford of Tulsa	Tulsa, OK	Ford F550 – Knapheid Body	$42,068.46

The lowest bid from Ron Blackwell Ford of Bentonville meets all specifications. I recommend acceptance of the lowest bid from Ron Blackwell Ford in the amount of $39,105.42.

This is a replacement for unit #316, a 1996 Ford F-350 with 122,000 miles that is out of service and uneconomically repairable. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Bid #04-58 was opened on July 30, 2004 for one Extended cab 4X4 truck with flat body and crane attachment for use by Water and Sewer Division. Six bids were received:

Ron Blackwell Ford	Bentonville, AR	Ford F550 - Grant body - Autocrane	$45,904.50
Grant Truck Equip	Tulsa, OK	Ford F550 - Grant body - Autocrane	$45,950.50
Ford of Tulsa	Tulsa, OK	Ford F550 - Cadet body - Autocrane	$46,838.46

North Point Ford	N. Little Rock, AR	Ford F550 - Knapheid body - Autocrane	$46,892.00
J & R Equipment	Oklahoma City, OK	Ford F550 - Cadet body - IMT crane	$47,897.00
Landers Ford	Little Rock, AR	Ford F550 - Davis body -Ventura crane	$47,835.00

The lowest bid from Ron Blackwell Ford of Bentonville meets all specifications. I recommend acceptance of the lowest bid from Ron Blackwell Ford in the amount of $45,904.50.

This is a replacement for unit #315, a 1996 Ford F-350 with 106,000 miles that is no longer dependable or economical for regular daily use. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Bid #04-60 was opened on July 30, 2004 for three crew cab 4X2 trucks with dump bodies for use by Transportation Division (2) and Parks Division (1). Five bids were received:

North Point Ford	N. Little Rock, AR	Ford F550 – Hilbilt body	$36,292.00
Ron Blackwell Ford	Bentonville, AR	Ford F550 – Hilbilt body	$36,501.46
Grant Truck Equip	Tulsa, OK	Ford F550 – Mabar body	$36,786.00
Landers Ford	Little Rock, AR	Ford F550 – Davis body	$37,389.00
Ford of Tulsa	Tulsa, OK	Ford F550 – Heil body	$39,665.46

The lowest bid from North Point Ford of North Little Rock meets all specifications. I recommend acceptance of the lowest bid from North Point Ford in the amount of $108,876.00 for three units.

One is a replacement for unit #214, a 1994 Ford F-350 assigned to Parks Division with 81,000 miles that is no longer dependable or economical for regular daily use. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Two are expansion units for Transportation Division paving program. Funds for this purchase are available in Transportation Division Account 2100-4120-5802.00

Bid #04-54 was opened on July 30, 2004 for two Police Pursuit Motorcycles for use by the Police Department. One bid was received:

Denney's Harley-Davidson	Fort Smith, AR	Harley-Davidson FLHTP1	$18,250.00

The bid from Denney's Harley-Davidson of Fort Smith meets all specifications. I recommend acceptance of the bid from Denney's Harley-Davidson in the amount of $36,500.00 for two units.

These are replacements for units #1030 and 1031, 1999 Harley-Davidsons with 35,000 and 44,000 miles. Resale value on Police Harley-Davidsons is such that these units should be replaced when three years old to achieve minimum cost of ownership. Funds for this purchase are available in 2004 Fleet Replacement Project Account 02081 – Police/Passenger Vehicles.

Cc:
Gary Dumas

8/10/04
APPROVED
DRB

RESOLUTION NO. ______

A RESOLUTION APPROVING THE PURCHASE OF TWO (2) 4x2 CREW CAB TRUCKS WITH DUMP BODIES FROM NORTH POINT FORD OF NORTH LITTLE ROCK IN THE AMOUNT OF $72,584.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of two (2) 4x2 crew cab trucks with dump bodies from North Point Ford of North Little Rock in the amount of $72,584.00.

PASSED and **APPROVED** this 7th day of September 2004.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 8/18/2004

P.O Number:

Expected Delivery Date:

Vendor #: 6481

Vendor Name: NORTH POINT FORD

Mail Yes:__ No:_XX_

Address:

Fob Point:

Taxable Yes:_XX_ No:____

City:

State:

Zip Code:

Ship to code: 050

Divison Head Approval: [signature]

Quotes Attached Yes:____ No:____

Requester: BARBARA OLSEN [initials]

Requester's Employee #: 1940

Extension: 495

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	F550 CREW CAB, 4x2 TRUCKS WITH	2	EA	$36,292.00	$72,584.00	9700.1920.5802.00	02078.1		
2	HILBILT DUMP BODIES, FOR		EA		$0.00				
3	TRANSPORTATION,TO BE UNITS		EA		$0.00				
4	#349, FIXED ASSET #700349 AND		EA		$0.00				
5	#350, FIXED ASSET #700350		EA		$0.00				
6	BID 04-60		EA		$0.00				
7			EA		$0.00				
8			EA		$0.00				
9			EA		$0.00				
10			EA		$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal: 72,584.00

Tax:

Total:

Approvals:

Mayor: ____________

Department Director: ____________

Purchasing Manager: ____________

Finance & Internal Services Director: ____________

Budget Manager: ____________

IT Manager: ____________

Dispatch Manager: ____________

Utilities Manager: ____________

City of Fayetteville, Arkansas

Request for Expansion/Replacement Equipment

Division: Transportation   Program: Paving   Date of Request: 8/16/2004

Acct.# Currently Charged: ____   Acct. # to be Charged: 2100.4120.

Expansion X or Replacement ___   Date Required: ____

Unit # for Vehicle being Replaced: N/A   Unit # for Expansion/Replacement: 349

Purchase Price of Exp./Replace Vehicle: 36,712.00   CIP Budget / Project # 2100.4120.5802

Monthly Motor Pool Charges for Current Vehicle/Equipment:

Replacement: ____   Maintenance: ____   Overhead: ____

# of Months Budgeted: ____   Total Budgeted: 0.00

Monthly Motor Pool Charges for New Exp/Repl. Vehicle/Equipment:

Replacement: 480.00   Maintenance: 223.00   Overhead: 54.00

# of Months to be in Service for Current Year: 2.00   Current Year Expense, New: 1,514.00

Current Year Expense, Old: ____

Total Current Year Expense: 1,514.00

Description of equipment to be purchased/transferred: (Attach Additional Sheets if Necessary)

F550 crew cab truck, 4 x 2, with dump body, bid price $36,292.
Beacons and nerf bars $ 420.

cc3852

Justification for expansion/replacement: (Attach Additional Sheets if Necessary)

This unit is an expansion unit for Transportation Division paving program. This expansion for the paving program was approved by Council on April 6, 2004.

Approval Signatures:

	8/19/04		8-23-04
Division Head	Date	Finance & Internal Services Dir.	Date
	8/19/04		
Fleet Operations Superintendent	Date	Chief Administrative Officer	Date
	8 Kray		
Budget Manager	Date	Mayor	Date
Department Director	Date		

Please return original form to Fleet when signed by all.

RESOLUTION NO. 54-04

A RESOLUTION AUTHORIZING THE HIRING OF SIX (6) FULL-TIME EMPLOYEES (PATCH AND ASPHALT PREPARATION CREWS) IN THE TRANSPORTATION DIVISION; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $340,811.00 FOR SAME.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the hiring of Six (6) full-time employees (Patch and Asphalt Preparation Crews) in the Transportation Division.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $340,811.00 for same.

PASSED and **APPROVED** this 6th day of April 2004.

APPROVED:

By: Dan Coody
DAN COODY, Mayor

CITY OF FAYETTEVILLE • WASHINGTON COUNTY ARK.

ATTEST:

By: Sondra Smith
SONDRA SMITH, City Clerk

BA ATTACHED TO
RESOLUTION 54-04

Increase Expense (Decrease Revenue)

Account Name	Account Number				Amount	Project Number
Salaries & wages	2100	4120	5100	00	81,784	
Overtime	2100	4120	5103	00	2,949	
FICA taxes	2100	4120	5105	00	6,525	
Life insurance	2100	4120	5107	00	307	
Health insurance	2100	4120	5108	00	16,662	
LTD insurance	2100	4120	5108	01	295	
ADD insurance	2100	4120	5108	02	66	
Retirement savings plan	2100	4120	5109	06	9,812	
Workers' comp insurance	2100	4100	5111	00	3,474	
Uniforms/personal equip	2100	4100	5302	00	3,000	
Motor pool charges	2100	4120	5331	00	4,200	
Replacement charges	2100	4120	5331	01	6,650	
Shop overhead charges	2100	4120	5331	02	1,960	
Vehicle & machine maint	2100	4120	5403	00	1,875	
Vehicles and equipment	2100	4120	5802	00	72,000	

Decrease Expense (Increase Revenue)

Account Name	Account Number				Amount	Project Number
Use of fund balance	2100	0910	4999	99	211,559	

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council Meeting of: September 7, 2004

FROM:

David Bragg	Fleet Operations	Operations
Name	Division	Department

ACTION REQUIRED: Approval of purchase of two crew cab 4 x 2 trucks with dump body for Transporttion Division from North Point Ford, bid 04-60.

COST TO CITY:

$72,584.00	$ 745,564.00	Street Maintenance
Cost of this request	Category/Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 265,536.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02078.1	$ 480,028.00	Street
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ____ Budget Adjustment Attached

Budget Manager — Date: 8-20-04

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager — Date: 8/20/04
Internal Auditor — Date: 8/20/04
City Attorney — Date: 8/20/04
Purchasing Manager — Date: 8/20/04

STAFF RECOMMENDATION:

Division Head — Date:
Department Director — Date: 8/23/04
Finance & Internal Services Dir. — Date: 8-23-04
Chief Administrative Officer — Date: 8-24-04
Mayor — Date: 8/24/04

Received in Mayor's Office Date

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

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

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody & City Council

THRU: Hugh Earnest, Chief Administrative Officer
Steve Davis, Finance & Internal Services Director

FROM: Peggy Vice, Purchasing Manager P Vice

DATE: August 20, 2004

SUBJECT: Insurance Broker/Consultant of Record

Recommendation: Staff recommends the City of Fayetteville approve a contract with Ramsey, Krug, Farrell & Lensing of Little Rock, Arkansas, in the amount of $26,280 for insurance broker/consultant of record services plus an additional amount of $3,000 to cover an incentive put into the contract to share a premium savings of 5% for any savings in premium over the last year's premium. It must be a true savings, not just a decrease in services, property coverage, increased deductible, or changes to plan structure or plan design, etc. This additional amount will be held in the budget to order to pay any incentive earned.

Background:

In 1995, a committee was assigned to evaluate the best approach to handling the City's insurance and risk exposure. The committee determined it would be best to hire a broker/consultant to analyze the City's needs and negotiate and place coverage to the best advantage of the City. The broker/consultant is paid a flat service fee and any commissions on policy premiums are credited to offset the fee or rebated back to the City of Fayetteville.

Discussion:

The City solicited proposals that were due on June 21st, 2004. A copy of the Request for Proposal is attached with a listing of current coverage in place.

Four proposals were received:

Firm Name & Location	Proposed Cost:
J. Smith Lanier Co & Insuramerica-Stone Mountain, GA	*$65,000*
RJC Planning Group-Fort Smith, AR	*$57,000 +commission*
Ramsey, Krug, Farrell & Lensing-Little Rock, AR	*$26,280*
Hagan New Kirk-Little Rock, AR	*$32,000*

The proposals were reviewed by a selection committee made up of Bob Davis, Hugh Earnest, Peggy Vice, Michele Bechhold, Bonnie Pay, Kathy Stocker and Elizabeth Mann. Of all proposals reviewed, Ramsey, Krug, Farrell & Lensing, the current Broker/Consultant, submitted the best overall proposal. They retained the same pricing as the previous five year contract for the property, casualty, and were lower than other proposers on reviewing, negotiating and placing health coverage and benefits.

Budget Impact:

Successful negotiation of insurance policies through the use of a broker/consultant has helped the City of Fayetteville keep insurance premiums to a minimum. The City of Little Rock, which has about the same exposures and property values is in the process of contracting with Ramsey, Krug, Farrell & Lensing. They were paying considerably higher premiums than the City of Fayetteville. The City of Fayetteville's current rate is .12/thousand. Arkansas Municipal League's property, casualty rate is .19/thousand. This contract offers the city the best opportunity for –

- cost containment of insurance expenditures
- minimum risk exposure

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT WITH RAMSEY, KRUG, FARRELL & LENSING, IN AN AMOUNT NOT TO EXCEED $29,280.00 TO PROVIDE INSURANCE BROKERAGE SERVICES TO THE CITY OF FAYETTEVILLE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a contract with Ramsey, Krug, Farrell & Lensing, in an amount not to exceed $29,280.00 to provide insurance brokerage services to the City of Fayetteville. A copy of the contract marked Exhibit "A" is attached hereto, and made a part hereof.

PASSED and **APPROVED** this 7th day of September 2004.

APPROVED:

By: ____________________
DAN COODY, Mayor

ATTEST:

By: ____________________
SONDRA SMITH, City Clerk

AGREEMENT FOR BROKER/CONSULTANT AND RELATED SERVICES

This AGREEMENT executed this 1st day of August, 2004, between the City of Fayetteville, Arkansas, hereinafter called the "City" and Ramsey, Krug, Farrell & Lensing, hereinafter called the "Broker/Consultant", and having an address at 8315 Cantrell Road, PO Box 251510, Little Rock, AR 72225.

IN CONSIDERATION OF THE FOLLOWING COVENANTS contained herein the parties agree as follows:

1.0 Scope of Work

Broker/Consultant shall provide, as a minimum, professional services and dedicated personnel necessary to perform the following:

Develop a complete understanding of the City's areas of exposure and consult with City representatives about short and long term solutions.

Evaluate existing insurance contracts, self retained risk and claims history and make recommendations concerning any changes, modifications, and/or additions in the terms, conditions and coverage limits needed to yield a comprehensive risk management program to protect the interests of the City.

Identify programs, products and insurers capable of meeting the City's insurance needs and prepare specifications for markets capable of quoting for upcoming renewals.

Approach appropriate markets on behalf of the City to obtain pricing with respect of the program adopted by the City. Competitive quotes from well rated insurance carriers will be obtained for each type of risk.

Present for City consideration, in an understandable format, an evaluation of the results of each solicitation, with a comprehensive financial analysis and recommendations for selection of an insurer for each type of risk.

Negotiate on the City's behalf the details of insurance contracts with selected carriers and audit resulting policies for accuracy of coverage, terms and conditions, and compliance with financial arrangements and administrative procedures acceptable to the City.

Provide evaluation, basic training and education relative to loss control, safety, claims management, and related topics in the area of risk management. Contracted fee is inclusive of 24 hours.

Provide assistance in the form of advisory services or written reports as is customarily expected from a professional insurance Broker/Consultant.

Provide claims processing support with insurance carriers for all policies, and produce quarterly written reports with loss runs. Address areas of concern, including the need for training and other preventive measures.

Annually, approximately first week in October, Broker/Consultant will prepare a stewardship report which will include a complete list of insurance in force, an evaluation of the overall insurance program, including recommendations for change, and a forecast of market conditions and estimated premium for future budgeting purposes. Broker/Consultant will provide forecasts and premium estimates to the best of Broker/Consultant's ability. Broker/Consultant assumes no liability in the event of inaccurate forecasts and premium estimates. At the time of the presentation of the stewardship report City personnel and Broker/Consultant will discuss any changes which are appropriate in services to be performed for the succeeding year.

2.0 Compensation

Compensation for the scope of services outlined in the contract will be $26,280 per year, $14,000 for all standard insurance and $12,280 for health and benefits and related items. Payment will be invoiced upon approval of contract by both parties. Payments will be made within 30 days of receipt of invoice.

In the event that operations change substantially by either the addition or deletion of other operations or entities or a substantial change in the scope and nature of the City's insurance program, the City will negotiate in good faith to revise compensation upward or downward as appropriate.

Five (5) percent of the savings of premium over the previous years' premiums will be shared with the Broker/Consultant. It must be a true savings and not just a decrease in services, property coverage, increased deductible, or changes to plan structure or plan design, etc.

Broker/Consultant will disclose commissions received and will credit such commissions against compensation hereunder. If commissions exceed agreed-upon compensation hereunder, excess commissions will be returned to the City if permitted by law. Otherwise, excess commissions will be carried forward and applied against compensation for subsequent years of this agreement.

3.0 Term of Contract

The initial term of this contract shall be for a period of one (1) year. That portion of the contract pertaining to brokerage services for property and casualty coverage, (as set forth in Exhibit "A" attached) shall be renewable by mutual consent, on an annual basis thereafter for four (4) additional years, for a maximum total contract term of five (5) years. The City of Fayetteville may, at its sole discretion, re-bid for brokerage services pertaining to employee benefits coverage, (as set forth in Exhibit "B" attached) at the end of the initial one (1) year term. The contract may be terminated by either party by giving the other party written notice of such intent not less than sixty (60) days prior to the effective date of the termination. In the event of termination, claims for compensation owed the Broker/Consultant by the City shall be limited to verifiable services rendered.

4.0 Legal Compliance

The Broker/Consultant is responsible for full and complete compliance with all applicable laws, rules, regulations and licensing requirements imposed by any public authority having jurisdiction.

5.0 Proposer's Insurance

The Broker/Consultant must provide and maintain in force at all times during the term of the services contemplated herein insurance for Workers' Compensation, Commercial General Liability, Automobile Liability, and Errors and Omissions Liability. Such policies shall be issued by companies authorized to do business in the State of Arkansas. Evidence of such coverage is to be submitted with contract approval. Minimum amount for Commercial General Liability and Errors and Omissions Liability is $2,000,000 aggregate.

6.0 Approval of Agent

The City reserves the right to require the Broker/Consultant to replace the assigned agent with another agent of the same company if, in the opinion of the City staff, the agent is not rendering or is incapable of rendering the quality of service and cooperation required.

7.0 Auditable Records

The Broker/Consultant shall maintain such accounts and records in connection with its performance of services for the City as may reasonably be required by the City. The Broker/Consultant shall, at any reasonable time during the term and for a period of one year following the completion of work under the contract, afford the City's agents and auditors reasonable facilities and access for examination and audit of its records pertaining to its performance and shall, upon request by the City, produce and exhibit all such records.

8.0 Changes in Contract

Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and/or the City Council in advance of the change in scope, cost or fees.

9.0 Indemnification

The Broker/Consultant, in performing its obligations under this contract, is acting independently and the City assumes no responsibility of liability for the Broker/Consultant's acts or omissions to third parties, and the Broker/Consultant shall agree to indemnify and hold harmless, the City, its officers and employees against any and all claims, lawsuits, judgments, costs and expenses for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the broker/consultant's breach of the terms or provisions of contract, or by any negligent act or omission of the broker/consultant, its officers, agents, employees, or invitee, in the performance of this contract; except that the indemnity specified in this paragraph shall not apply to any liability resulting from the sole negligence of the City, its officers, or employees. In the event of joint and concurrent negligence of both the Broker/Consultant and the City, responsibility and indemnity, if any, shall be apportioned comparatively in accordance with the laws of the State of Arkansas, without, however, waiving any governmental immunity available to the City under Arkansas law and without waiving any defense of the parties under Arkansas law. This paragraph is solely for the benefit of the Broker/Consultant and the City and is not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

10. Arkansas Freedom of Information Act

City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville the Broker/Consultant will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act. (A.C.A. 25-19-101 et. Seq.) Only legally authorized photocopying cost pursuant to the FOIA may be assessed for this compliance."

This contract contains the entire agreement between Broker/Consultant and the City. It may be amended only by an agreement in writing signed by both parties.

IN WITNESS WHEREOF, City and Broker/Consultant have executed this agreement, the effective date of which shall be ______________.

CITY OF FAYETTEVILLE

By: ______________________
Dan Coody, Mayor

ATTEST:

By: ______________________
Sondra Smith, City Clerk

____
Broker/Consultant

By: ______________________
Title: ______________

ATTEST:

By: ____________________________
Administrative Manager

City of Fayetteville

Ramsey, Krug, Farrell & Lensing Revised Benefits Consulting Proposal

July 20, 2004

Program Summary	Annual Cost
Section I - Professional Services ▪ Manage Vendor Relationships ▪ Negotiate with vendors on Client's behalf ▪ Renewal Process: Negotiations / Management ▪ Prepare and Market Bid Specs Annually ▪ Evaluate, present and recommend plan design changes ▪ Compile, analyze and present competitive renewal options ▪ Enrollment / Eligibility standards with vendors ▪ Continually present for Client's review new and different strategies and services that could result in improving financial, plan performance and overall goal outcomes ▪ Monitor plan performance **Section II - Administrative Services** ▪ Establish an implementation time line ▪ Review alternative vendors / insurers / TPA's ▪ Client My-Wave – provide access to this internet based HR Compliance & Communication Tool	**$12,280**
Total Program Cost	**$12,280**

City of Fayetteville, Arkansas

Health Insurance in Force

Insurance Company	Annual Premium	Expiration Date	Coverage Type	Amount or Limit
Arkansas Blue Cross Blue Shield	$2,315,629.00	12/31/2004	Health Benefits	$2,000,000.00 /Person $500.00 /Person $1,000.00 /Family
US Able Life	$10,869.00	12/31/2004	AD&D- City's Portion	$25,000.00 /Person
US Able Life	$37,263.00		AD&D- Employee Portion	Variable
Delta Dental	$269,380.00	12/31/2004	Dental	$1,500.00 /Person- Annual $50.00 /Deductible
US Able Life	$79,467.00	12/31/2004	Group Life	One & One half annual salary
US Able Life	$28,466.00	12/31/2004	Voluntary Group Term Life	Variable
US Able Life	$74,117.00	12/31/2004	Long Term Disability	60% of annual salary
US Able Life	$67,146.00	12/31/2004	Voluntary Cancer Insurance	Variable
Always Vision	$36,365.00	12/31/2004	Vision Insurance	

Total Premiums 2004 $2,918,702.00

City of Fayetteville, Arkansas

Insurance In Force
December 31, 2003

Insurance Company	Annual Premium	Expiration Date	Coverage Type	Amount or Limit
Scottsdale Insurance Company	$59,212.00	9/1/2004	Comprehensive Law Enforcement Liability	$1,000,000.00 /Person $1,000,000.00 /Occurrence $3,000,000.00 /Aggregate $50,000.00 /Deductible
Scottsdale Insurance Company	$109,420.00	9/1/2004	Public Offical Liability	$1,000,000.00 /Person $1,000,000.00 /Occurrence $3,000,000.00 /Aggregate $50,000.00 /Deductible
Scottsdale Insurance Company	$4,892.00	9/1/2004	Airport Public Offical Liability	$1,000,000.00 /Person $1,000,000.00 /Occurrence $3,000,000.00 /Aggregate $50,000.00 /Deductible
Ace USA	$13,125.00	7/30/2004	General Liability FBO	$5,000,000.00 /Annual Aggregate $1,000,000.00 /Hanager Keepers $50,000.00 /Fire $5,000,000.00 /Non-Owned Aircraft
Ace USA	$750.00	7/30/2004	Employee Benefit Liability	$100,000.00 /Per Act $100,000.00 /Aggregate
Arkansas Insurance Department Self Insured Fidelity Bond Program	$2,817.00	12/31/2004	Fidelity Bond	$250,000.00 /Incident $1,000.00 /Deductible
Travlers Insurance Company	$152,786.00	10/1/2004	Property / All Risk - Buildings, contents, extra expense, valuable papers, EDP Equipment, loss of rents	$116,863,970.00 /Blanket Building / Contents $504,000.00 Contractor Equipment $238,996.00 /Radio Equipment $6,468,885.00 /Mobile Equipment $200,000.00 /Extra Expense $10,000.00 /Deductible
Travelers Insurance Company	$6,654.00	9/1/2004	Boiler Machinery	$5,000,000.00 /Accident $5,000.00 /Deductible
Arkansas Municipal League	$114,687.00	9/1/2004	Vehicle Insurance / Liability & Physical Liability	$25,000.00 /Person $50,000.00 /Accident $25,000.00 /Accident Physical Damage $0.00 /Deductible Liability $1,000.00 /Deductible Physical
Arkansas Municipal League Workers' Compensation Trust	$476,809.00	12/31/2004	Workers' Compensation	No Limit No Deductible
National Insurance Company	$588.00	4/6/2004	Accident-Loss of Life, Limbs, Sight, Medical and Dental (Work release Program)	$50,000.00 /Loss of life/Limbs/ Sight $10,000.00 /Medical/Dental Expense
Total Premiums 2004	$941,740.00			

REQUEST FOR PROPOSAL
04-02
INSURANCE BROKERAGE AND CONSULTATION SERVICES
FOR
THE CITY OF FAYETTEVILLE, ARKANSAS

The City of Fayetteville, Arkansas is requesting proposals from experienced and qualified firms to provide Insurance and Brokerage Services.

To be considered for evaluation, written proposals must be received by June 10th, 2004 at 3:00 p.m. in the format set forth in the accompanying documents. A non-responsive or incomplete proposal will not be considered. Proposals received after this deadline will not be considered. Eight (8) copies of the proposal shall be mailed or hand delivered to the following address:

Ms. Peggy Vice
Purchasing Manager
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701
Telephone: (479) 575-8289
Fax: (479) 575-8241

The outside of the envelope must be clearly marked "RFP 04-02" Request for Proposal-Insurance Brokerage and Consultation Services.

1. It shall be clearly understood that any costs incurred by the respondent in responding to this request for proposal is at the respondent's own risk and expense as a cost of doing business, and the City is not liable for reimbursement to the respondent for any expense so incurred, regardless of whether or not the proposal is accepted.

2. Any inquiries or requests for explanation in regard to the City's requirements should be made promptly in writing by fax to the above listed number. No oral interpretation or clarifications will be given as to the meaning of any part of this request for proposal. All questions, clarifications, and requests, together with answers, if any, will be provided to all firms that have indicated an interest or intention to submit proposals, but the names of any firms submitting any questions, clarifications, or requests will not be disclosed until after the deadline for submitting proposals.

3. Any conditions or expectation on the part of the respondent for performance by the City must be set forth in the proposal. The City is not obligated to consider the respondent's post submittal terms and conditions.

4. At the discretion of the City, one or more firms may be asked for more detailed

information before final ranking of the firms, which may also include oral interviews.

5. The City will not be responsible for misdirected proposals. Respondent should call the Purchasing Office at (479) 575-8289 to ensure receipt of their proposal documents prior to opening time and date listed above.

REQUEST FOR PROPOSAL
04-02
INSURANCE BROKERAGE AND CONSULTATION SERVICES
FOR
THE CITY OF FAYETTEVILLE, ARKANSAS

1.0 Purpose

The City of Fayetteville, Arkansas, hereinafter referred to as "the City", seeks proposals in response to this Request for Proposal from experienced and qualified firms to provide risk management, and broker-of-record insurance services, for the marketing and placement of the City's liability, workers' compensation, employee benefits including health & related benefits, property, and casualty coverage and for providing other insurance-related broker and consultant services.

The proposal should detail the firm's conceptual approach to handling the City's account, and providing both insurance placement and advisory services.

The awarded contract may not include all insurance and benefit items listed.

2.0 Scope of Work

While the exact range and extent of services is subject to negotiation, it is anticipated that the selected broker/consultant shall provide, as a minimum, professional services and dedicated personnel necessary to perform the following:

* Develop a complete understanding of the City's areas of exposure and consult with City representatives about short and long term solutions.

* Evaluate existing insurance contracts, self retained risk and claims history and make recommendations concerning any changes, modifications, and/or additions in the terms, conditions and coverage limits needed to yield a comprehensive risk management program to protect the interests of the City.

*Identify programs, products and insurers capable of meeting the City's insurance needs and prepare bid specifications for markets capable of quoting for upcoming renewals.

* When so authorized by the City representatives by means of a "broker of record" letter, approach appropriate markets on behalf of the City to obtain pricing with respect of the program adopted by the City. If and when available, competitive quotes from well rated insurance carriers will be obtained for each type of risk.

* Present for City consideration, in an understandable format, an evaluation of the results of each solicitation, with a comprehensive financial analysis and

recommendations for selection of an insurer for each type of risk.

* Negotiate on the City's behalf the details of insurance contracts with selected carriers and audit resulting policies for accuracy of coverage, terms and conditions, and compliance with financial arrangements and administrative procedures acceptable to the City.

* Provide evaluation, basic training and education relative to loss control, safety, claims management, and related topics in the area of risk management. Contracted fee is inclusive of 24 hours of training.

* Provide assistance in the form of advisory services or written reports as is customarily expected from a professional insurance broker/consultant.

* Provide claims processing support with insurance carriers for all policies, and produce quarterly written reports with loss runs. Address areas of concern, including the need for training and other preventive measures.

*Annually, approximately first week in September, Broker/Consultant will prepare a stewardship report which will include a complete list of insurance in force, an evaluation of the overall insurance program, including recommendations for change, and a forecast of market conditions and estimated premium for future budgeting purposes. Broker/Consultant will provide forecasts and premium estimates to the best of Broker/Consultant's ability. Broker/Consultant assumes no liability in the event of inaccurate forecasts and premium estimates. At the time of the presentation of the stewardship report, City personnel and Broker/Consultant will discuss any changes which are appropriate in services to be performed for the succeeding year.

3.0 Current Program

Refer to Exhibit A for a listing of current policies which will be eligible for renewal during the term of the insurance broker/consultant contract. It should be noted that the City's workers' compensation program is in place with the Arkansas Municipal League Workers' Compensation Trust who also provides administration and claims management services.

4.0 Term of Contract

The initial term of the insurance broker/consultant contract shall be for a period of one (1) year. The contract shall be renewable by mutual consent, at a mutually agreed fee on an annual basis thereafter for four (4) additional years, for a total contract term of five (5) years. The contract may be terminated by either party by giving the other party written notice of such intent not less than sixty (60) days prior to the effective date of the termination. In the event of termination, claims for compensation owed the broker/consultant by the City shall be limited to verifiable services rendered.

5.0 General Conditions

5.1 Prohibition on Premature Approach to Markets

Prospective respondents are cautioned that receipt of this Request for Proposal document is not to be considered an authorization to approach any insurance market. It is specifically requested that no contact or solicitation of markets be made and no market reservations be made as respects any insurance or reinsurance to be provided for the City. Doing so may result in the offending firm's disqualification from the selection process.

5.2 Legal Compliance

Each respondent is responsible for full and complete compliance with all applicable laws, rules, regulations and licensing requirements imposed by any public authority having jurisdiction.

5.3 Respondent's Insurance

The broker/consultant must provide and maintain in force at all times during the term of the services contemplated herein insurance for Workers' Compensation, Commercial General Liability, Automobile Liability, and Errors and Omissions Liability. Such policies shall be issued by companies authorized to do business in the State of Arkansas. Evidence of such coverage is to be submitted as part of proposal.

5.4 Approval of Agent

The City reserves the right to require the successful broker/consultant to replace the assigned agent with another agent of the same company if, in the opinion of the City staff, the agent is not rendering or is incapable of rendering the quality of service and cooperation required.

5.5 Auditable Records

The successful broker/consultant shall maintain such accounts and records in connection with its performance of services for the City as may reasonably be required by the City. The broker/consultant shall, at any reasonable time during the term and for a period of one year following the completion of work under the contract, afford the City's agents and auditors reasonable facilities and access for examination and audit of its records pertaining to its performance and shall, upon request by the City, produce and exhibit all such records.

5.6 Indemnification

The broker/consultant, in performing its obligations under this contract, is acting independently and the City assumes no responsibility of liability for the broker/consultant's acts or omissions to third parties, and the broker/consultant shall agree to indemnify and hold harmless, the City, its officers and employees against any and all claims, lawsuits, judgements, costs and expenses for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the broker/consultant's breach of the terms or provisions of contract, or by any negligent act or omission of the broker/consultant, its officers, agents, employees, or invitees, in the performance of this contract; except that the indemnity specified in this paragraph shall not apply to any liability resulting from the sole negligence of the City, its officers, or employees. In the event of joint and concurrent negligence of both the broker/consultant and the City, responsibility and indemnity, if any, shall be apportioned comparatively in accordance with the laws of the State of Arkansas, without, however, waiving any governmental immunity available to the City under Arkansas law and without waiving any defense of the parties under Arkansas law. This paragraph is solely for the benefit of the broker/consultant and the City and is not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

6.0 Proposal Format

6.1 Executive Summary

Prefacing the proposal shall be an Executive Summary of three (3) pages or less, providing in concise terms a summation of the proposal and bearing the signature of an individual authorized to bind the firm.

6.2 Structure of Proposal

The proposal itself shall be organized in the following format and informational sequence:

Part I - Business Organization: The proposal shall include relevant historical data and identification of the office or subordinate element which will perform the work contemplated herein. The owners and principal management personnel of the firm shall be identified fully. Annual market volume by line of coverage and the number and size of accounts should be disclosed.

Part II - Concept and Solution: The respondents understanding of the tasks presented in Paragraph 2.0 shall be defined in detail and proposed solutions outlined. A description of the firm's strengths in the marketplace should be included, along with an explanation of how the City's insurance program would be marketed. Any restrictions or limitations should be defined.

Part III - Program: The respondent's technical plan to accomplish the work shall be presented, including time-related displays, graphs and charts showing tasks, subtasks, milestones, and decision points, including the point at which deliverable reports will be provided. The scope of services available in the area of risk management, loss control services, claims management, and associated functions should be described in detail.

Part IV - Account Team Personnel: The names and titles of the team proposed for assignment to the City's account shall be identified in full, with a description of team leadership, interface and support function, and reporting relationships, along with individual backgrounds of personnel who will be actively engaged in work related to the account. The primary work assigned to each person and the corresponding amount of time shall be indicated.

Part V - Corporate Experience: Relevant Public Sector insurance placement and account handling experience and client references shall be presented in detail, with all experience cited to be recent in time and to have been performed, to a considerable degree, by members of the proposed account team. Emphasis shall be given to identifying comparable services for pubic sector organization and educational institutions. For each client reference, the scope of service, time performed, and name, title, address and phone number of the principal contact person should be shown.

Part VI - Authorized Negotiator: The proposal shall provide the name, title, address, and telephone number of the person authorized to negotiate contract terms and render binding decisions on contract matters.

Part VII - Cost Proposal: The City seeks an all-inclusive cost structure which will allow predictability of fees and accuracy in budget planning. The respondent's plan of compensation for insurance placement and consulting services preferably should be quoted in aggregate as a flat annual fee as full remuneration for performing all services. Five (5) percent of the savings of premium over the previous years premiums will be shared with the Broker/Consultant. It must be a true savings and not just a decrease in services, property coverage, increased deductible, or changes to plan structure or plan design, etc.

The successful broker/consultant will be required to disclose in detail all compensation received from any source resulting from the marketing of insurance programs for the City. Whenever it is in the City's best interest to permit commissions to be paid to broker, such commissions shall be utilized to reduce the fixed price or will be rebated back to the City. If there are expenses which are considered reimbursable and are not included in the fixed fee, such expenses shall be identified and quantified as fully as possible.

Part VIII - Proof of Insurance: Evidence of the respondent's own liability coverage, Errors and Omissions policy, and Workers' Compensation insurance as required by Arkansas State law shall be submitted prior to award of contract.

7.0 Competitive Selection

Evaluation factors outlined in paragraph 8.0 shall be applied to all eligible, responsive firms in comparing proposals and selecting the successful broker/consultant. While the City reserves the right to interview any or all respondents, award of a contract may be made without discussion with respondents after proposals are received. Proposals should, therefore, be submitted on the most favorable terms available.

8.0 Proposal Evaluation Factors

The evaluation criteria will have the following relative weighting given each item:

1) 25 **Qualifications in Relation to Specific Project to be Performed:** Information reflecting qualifications of the firm. Indicated specialized experience and technical competence of the firm in connection with the type and complexity of the service required. Subcontractors, if used, must be listed with information on their organization.

2) 25 **Experience, Competence, and Capacity for Performance:** Information reflecting the names, titles, and qualifications (including experience and technical competence) of the major personnel assigned to this specific project. Provide detailed breakdown of subcontractor's staff to be used and how they are to be used to supplement your staff.

3) 20 **Proposed Method of Doing Work:** A proposed work plan (description of how the project would be conducted as well as other facts concerning approach to scope you wish to present) indicating methods and schedules for accomplishing each phase of work. Include with this the amount of work presently underway.

4) 10 **Past Performance:** Previous evaluations (as set forth in PUR-13.08) shall be considered a significant factor. If previous evaluations with the City are not available, the professional firm's past performance records with others will be used, including quality of work, timely performance, diligence, ability to meet past budgets, and any other pertinent information. Firm will provide a list of similar jobs performed and person whom we can contact for information.

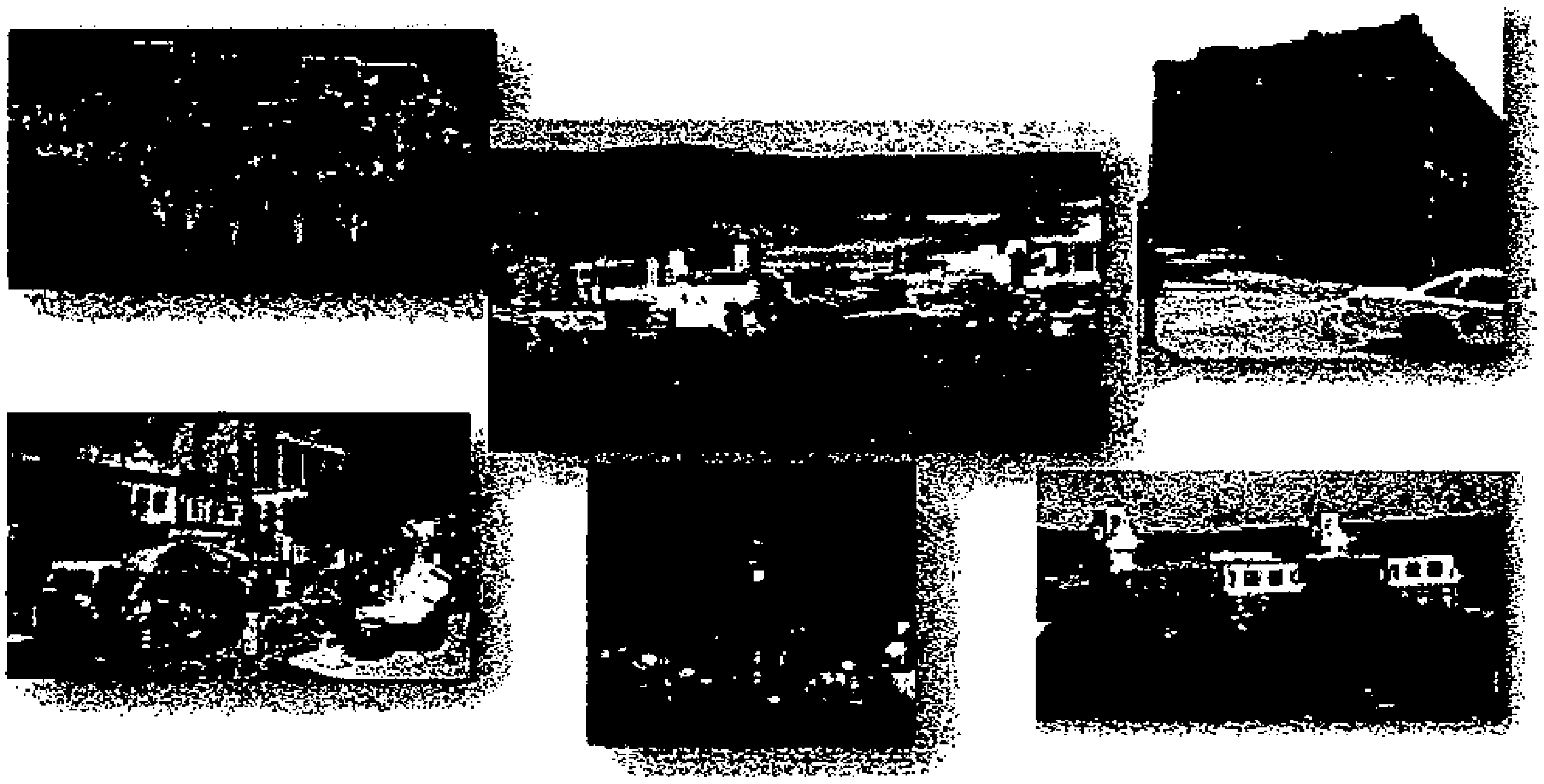
5) 20 **Price**

RFP 04-02 Insurance Broker/Consultant Services

You have received this email in response to signing up on the City of Fayetteville's mailing list to receive Insurance Broker Request for Proposals. An addendum has been posted to RFP 04-02 Insurance Broker/Consultant Services. The RFP due date has been extended to June 21st, 2004 at 3:00 p.m. Click on the link below to download the addendum.

http://www.accessfayetteville.org/pdfs/download.php/Addendum 04.pdf?asset_id=2715&revision=

City of Fayetteville, Arkansas



REQUEST FOR PROPOSAL 04-02
REQUEST FOR PROPOSAL-INSURANCE BROKERAGE AND CONSULTATION SERVICES

Ramsey, Krug, Farrell & Lensing
A tradition of Insurance and Bonding Excellence

www.rkfl.com

644 W. Dickson, Suite 206
Fayetteville, AR 72701

8315 Cantrell Rd., Suite 300
P.O. Box 251510
Little Rock, AR 72225

FAYETTEVILLE CHAMBER OF COMMERCE

Submitted: June 10, 2004

Chubb Group of Insurance Companies

15 Mountain View Road, Warren, New Jersey 07059

DECLARATIONS
BANKERS PROFESSIONAL LIABILITY INSURANCE POLICY

ITEM 1. **Parent Organization** (Name and Address):

BANCORPSOUTH, INC.

One Mississippi Plaza
Tupelo, MISS 38801

Policy Number:70430370

CHUBB CUSTOM INSURANCE COMPANY

Incorporated under the laws of Delaware,
a stock insurance company, herein called the Company

THIS IS A CLAIMS MADE POLICY. EXCEPT AS OTHERWISE PROVIDED HEREIN, THIS POLICY COVERS ONLY CLAIMS FIRST MADE AGAINST THE INSUREDS DURING THE POLICY PERIOD. THIS POLICY DOES NOT PROVIDE FOR ANY DUTY BY THE COMPANY TO DEFEND THOSE INSURED UNDER THIS POLICY. PLEASE READ CAREFULLY.

ITEM 2. Limits of Liability:

(A) Each Loss $ 10,000,000
(B) Aggregate Limit of Liability Each **Policy Period** $ 10,000,000

NOTE: THE LIMITS OF LIABILITY AND ANY DEDUCTIBLE AMOUNT ARE REDUCED OR EXHAUSTED BY DEFENSE COSTS.

ITEM 3. Coinsurance Percent: 0%

ITEM 4. Deductible Amount: $ 500,000

ITEM 5. **Policy Period:** from: 12:01 a.m. on November 15, 2003
to: 12:01 a.m. on November 15, 2004
Local time at the address shown in ITEM 1.

ITEM 6. Extended Reporting Period:

(A) Additional Premium: 150% of the annual premium
(B) Additional Period: 365 days

ITEM 7. Pending or Prior Date: 11/15/2002

ITEM 8. Endorsement(s) Effective at Inception: 1-9

IN WITNESS WHEREOF, the Company issuing this Policy has caused this Policy to be signed by its authorized officers, but it shall not be valid unless also signed by a duly authorized representative of the Company.

Henry A Aulick
Secretary

President

February 18, 2004
Date

Robert Hamburger
Authorized Representative

City of Fayetteville

Table of Contents . . .

Property and Casualty

Life and Employee Benefits

City of Fayetteville

The information contained within this proposal is proprietary in nature and considered confidential.

Executive Summary ...

Ramsey Krug Farrell & Lensing thanks the City of Fayetteville for the opportunity to respond to the RFP but mostly for allowing us to serve as your broker for the past 5 years. Your Senior Account Executive, Eric Herget, has represented the City for the last 7 years.

We feel our partnership has been beneficial to both parties. The City has had few claims in recent years that reached above deductibles/retentions. This is an indication you are doing your role in claims prevention. Your premiums are quite low and easily rank among the lowest in the US. One large city in Arkansas, insuring similar values, pays three times your property premium as an example.

Our staff has toured your major properties. We are familiar with your buildings and can represent them to underwriters through personal knowledge and experience.

We have been asked to consult on contract language, pollution issues, and insurance requirement language for RFP's. We do much more than just seek the lowest quote.

We believe our organization, account team service structure and state/county/municipal risk management experience make us the partner for the City of Fayetteville to help manage the challenges presented by the present insurance market and general economic conditions. During the last three years, premiums soared. This trend has eased. We were successful in keeping your premium increases well below average and on some policies, we saw no increase at all.

We are members of the Fayetteville Chamber of Commerce. Also, we have opened an office on Dickson Street. Hopefully, you see we are committed to your city and Northwest Arkansas.

One key to success in dealing with Wal-Mart rings true with us. We say what we do and do what we say.

Eric Herget
Senior Account Executive/VP
General Business Division

City of Fayetteville

Business Organization . . .

RKF&L is one of the 10 largest providers of risk financing and risk control services in the Mid South. We service accounts in all 50 states, Canada, and 11 countries in the world. Located in Little Rock, Arkansas, RKF&L is licensed in every state and ranks in the top 5% of independent insurance brokers in the United States, managing premiums in excess of $100 million.

Our staff includes over 100 insurance specialists, including four (4) loss-control engineers and seventeen claims adjusters. We employ the greatest number of credentialed specialist in the Mid South.

RKF&L is a part of Bancorp South Insurance Services, a regional corporation of insurance agencies that provides insurance, risk management and employee benefit services.

RKF&L specializes in, and has dedicated divisions for, each of the following:

- Public Entities
- Construction and Surety
- Professional Liability
- Transportation
- Healthcare Professional
- General Business (manufacturing, retail, non-profits, municipalities, schools, service, etc.)
- Alternative Risk Financing (self insurance, large retentions, trusts, captives)
- Life/Employee Benefits
- Personal Accounts
- Custom Insurance Programs

Our approach to risk financing is very different from our competitors. We do have access to major insurers to simply place your business, however, we see our role as much greater than this. Our point of differentiation is accomplished through dedicated professional resources and services that impact the components of the Total Cost of Risk of which your insurance premium is only a part.

Value-Added Services...

National Affiliations
In addition to our own talented professional and specialized value-added services, we have a wealth of resources available to us through several national affiliations.

Strategic Planning
We have the ability to develop a customized, strategic plan that will meet your immediate needs as well as long-term objectives

Five-Star Customer Service
We pride ourselves on the level of knowledge and ser vice we bring to our clients. All of our clients are assigned to a team of specialists, dedicated to serving you. Each client is provided with access to our team through a single point of contact. This makes working with us seamless and easy.

Technology
We use leading-edge technology to provide our customers with the latest communication, data analysis, and risk management tools available.

Experience
Rounded in 1937, our employees have over 500 years of proven experience. This demonstrates our commitment to service excellence for our business community.

MyWave
Our clients receive access to a personalized Web site called MyWave. The site is devoted to helping you with cost containment and safety programs, OSHA compliance claims reporting and communication.

OSHA Log Analysis
Our clients are provided with OSHA Log Analysis and tracking capability. Additionally, our clients are provided with timely and relevant OHSA and Legislative updates when changes are made ant the federal level.

On Line Services
RKF&L provides all of its P&C clients with 24/7 reporting services. Reporting claims, adding or deleting drivers/vehicles, or requesting a certificate of insurance is as easy as sending an e-mail message.

Communication Services
With an extensive library of cost containment and loss control tools, we can provide a broad variety of custom communications including information for employee meetings and payroll stuffers.

City of Fayetteville

Concept and Solution ...

"Develop a complete understanding of the City's areas of exposure ..."

As we have served as the broker for the City for the last 7 years, we are quite aware of the exposures faced by the City. To date, we have advised only on the property related exposures, airport related exposures and professional exposures of the City staff and public officials.

One area we wish to add to our advisory role is in the area of employee benefits.
Our LEB division has several products that will benefit the City. Attached to this RFP is more information.

"Evaluate existing insurance contracts ..."

This is a key part of acting as your "outsourced risk manager". Insurance contracts carry language that must be read and understood. Significant restrictions in coverage are sometimes included in policy form. We see this as a primary responsibility to negotiate additions or deletions on your behalf. We do encourage the City to have the City Attorney review as well.

"Identify programs, Products, Insurers ..."

In recent months, we have implemented a website for the City. Initially, this provided information related to Employee Benefits issues. We have expanded it to include Property/Casualty related matters. OSHA worksheets are available. Claims reporting and certificates of insurance requests can be made online. Legislative information is accessible. Loss control documents are available.

"Broker of Record ..."

We are the City's broker-of-record. This step is accomplished.

"Present for City consideration, Negotiate on your behalf ...

As your broker, after the renewal process is complete or after negotiating a new line of coverage, we always present our complete findings and work product to you. The City will know who quoted, declined or failed to quote. A spreadsheet is prepared for your review. We present, you select.

"Provide evaluation, basic training, education relative to ..."

RKFL's divisions stand ready to assist. Loss control, safety and claims management services are easily accessible to the City. In fact, we voluntarily reduced our original fee due to the lack of utilization of these services. This saved the City $6000 annually.

City of Fayetteville

Program ...

At this point, we feel it is important to remind the City of the current insurance marketplace.

Property markets are softening. Casualty markets continue to call for slight to moderate increases. Your property premiums/rates are below average. Your liability policy premiums have remained flat for two years. Our plan is to hold premiums steady for both as a worse case example and seek decreases as our optimal plan. Your mobile equipment schedule is included at the same rate as buildings. This is not typical. Many equipment insurers want rates as high as \$2 - \$3 compared to your .12. We see this as an important success story.

Assuming our contract is renewed, we will immediately begin negotiation meetings with your expiring carriers. We will need updated information on your E&O policies. Ms. Vice is well aware of this process. The Law Enforcement and Airport Officials E&O renewal applications require some time/effort to gather updated information. Once this is received, we should have your renewal proposals ready to present no later than 8/20/02.

It is so important to review your limits on buildings. Especially for:

Walton Arts Center
Continuing Education Center
Administration and Annex
Airport Terminal Building
Sewer Treatment Facility
Public Library
Jail/Police/Fire

Review your current schedule for accuracy. Are all buildings included? Are we insuring buildings we should not? Is the mobile equipment list current? Keep in mind your towers, sewer lift stations, ball fields, etc...

Many of your buildings contain expensive computer hardware and software equipment and programs. Let's review the Electronic Data Processing equipment list. Also, we should review the Business Interruption exposure related to your buildings and computers. For example, what if the Admin building is totally destroyed by fire. The City will incur costs to open an alternative site. This site will need phone lines, computer lines, equipment moved, etc... This Extra Expense is quite expensive. We should discuss how the above meshes with your disaster recovery plan.

Resources Library
Through our extensive resource library we can offer you links to a wide variety of topics. Imagine having access to the most current information ranging from affirmative action or asbestos to welding safety and workers compensation statutes.

Client Community
By partnering with RKF&L, you have access to professionals all over the country. An answer to a problem you have is just an email away.

City of Fayetteville

To summarize, we will perform the following:

- Assess your exposures
- Accumulate underwriting information
- Design the program
- Assist is preparing specifications
- Market and Negotiate
- Analyze
- Monitor the marketplace
- Assure acceptable carrier rating – Only A or better!
- Verify policy agrees with submission
- Issue binders, certificates, process endorsements
- Review contracts
- Provide Surety services
- Submit and manage claims

Claims will be reviewed on a quarterly basis. We are available 24/7 to you. Your Senior Client Executive carries a mobile phone that is monitored continuously. The Account Manager assigned is available during regular business hours. Your Account Manager has a backup team member assigned too. Your account is constantly monitored.

City of Fayetteville

Account Team . . .

Eric Herget
Senior Account Executive
Phone: 501-614-1169
Fax: 501-614-1469
Cell: 501-779-2531
Home: 501-663-7213
Eric_Herget@rkfl.com

Karen Regan, CRCU, ARM, AAI
Project Quality Assurance Manager
Phone: 501-614-1132
Fax: 501-614-1432
Cell: 501-258-6033
Karen_Regan@rkfl.com

MARKETING

Bill Birch
P/C Marketing Manager
Phone: 501-614-11710
Fax: 501-614-1470
Cell: 501-454-8687
Bill_Birch@rkfl.com

Judy Freeman
P/C Broker
Phone: 501-614-1181
Fax: 501-614-1481
Cell: 501-766-0502
Judy_Freeman@rkfl.com

RISK CONTROL

Dwayne McAnally
Safety & Risk Manager
Phone: 501-614-1555
Fax: 501-614-1455
Dwayne_McAnally@rkfl.com

CLAIMS MANAGEMENT

Larry Jolley
Sr. V.P. of RMR Operations
Phone: 501-614-1142
Fax: 501-614-1442
Cell: 501-730-3243
Larry_Jolley@rkfl.com

Steve Hillis
Claim Specialist
Phone: 501-614-1156
Fax: 501-614-1456
Cell: 501-912-5058
Steve_Hillis@rkfl.com

ACCOUNT MANAGER

Debbie Kelm
Account Manager
Phone: 501-614-1104
Fax: 501-614-1404
Debbie_Kelm@rkfl.com

Agency Biographies and Resumes…

Eric Herget, Broker/Consultant – Eric received A BS in Marketing at the University of Arkansas in Fayetteville and Little Rock, Arkansas, and a graduate of Crawford & Company School of General Liability Adjusting in Atlanta, GA. After college in 1987 to 1995, he began engineering and design of overhead/underground distribution at Entergy Services, Inc./Arkansas Power & Light Company. Was customer service manager for a local office in Little Rock. Team leader in marketing/sales group, specialist in claims management, adjustor for GL, auto claims, and team leader for systems small claims and public safety. Licensed adjustor in Arkansas and Texas. He was a broker for Sedgwick North American and Sedgwick Global Power Services from 1995 to 1999 with OCIP experience, manufacturing, utility, executive protection, new business production and client service. ISO 9000 certification team for SNA. Eric joined RKF&L in 1999 and is active in new business production and client service.

Karen S. Regan, CPCU, ARM, AAI, CIC, CPIW, SLB, Senior Vice President – Property and Casualty – Karen received A B.S. in Organizational Management at John Brown University, Summa Cum Laude. She joined RKF&L in 1991. She has 34 years experience in the insurance industry. Karen's primary role at RKF&L is to design and place insurance programs for large clients and to support risk-management functions with these large clients. Karen also coordinates all training efforts for the staff at RKF&L. Karen has traveled widely and taught classes all across the country on insurance coverages and products. She has been acknowledged by the Independent Insurance Agents of America, a national trade association, as one of the most knowledgeable insurance professionals in the country. Karen has received numerous awards and national honors for her dedication to the insurance industry. Karen has helped the State of Arkansas Insurance Department with many legal issues and manuscripted the coverage form for the State of Arkansas property policy for the last two terms. Additionally, Karen has testified before Senate hearings on important insurance issues on behalf of the IIA of America. Karen has been heavily involved with Insurance Services Office (ISO) since 1993 and is currently on the National Advisory Panel.

Debbie Kelm, Account Manager - Debbie is a licensed property and casualty agent and holds the designation of Certified Insurance Counselor (CIC). She received the 2003 Outstanding Customer Service Representative of Arkansas award. She has an associate degree in business accounting and worked as a school district bookkeeper for 6 years. She has worked for the company side of the insurance industry for six years and has worked for major insurance agencies for approximately sixteen years, rounding out her insurance experience and knowledge. During this time, she has implemented various procedures and serviced a variety of programs, including a self-insured work-comp program. Debbie joined Ramsey, Krug, Farrell and Lensing (RKFL) on April 1, 2003. Her primary job duties at RKFL include servicing and marketing existing customer accounts in the general business department.

Larry W. Jolley, WCCLA, CCLA, Senior Vice President and COO of RMR – Larry joined RKF&L on March 1, 1995, became a partner in July 2002. Larry oversees Risk Management Resources (RMR), a division of RKF&L, and has 30 years experience in multi-line claim management. Previous employers include Liberty Mutual Insurance, Home Insurance, The Arkansas Workers' Compensation Commission, and The St. Paul Fire and Marine Insurance Co. Larry was the Arkansas Claim Manager for The St. Paul Fire & Marine Insurance Company from 1981 until March 1995. He received designation as Workers' Compensation Claim Law Associate in 1979 and Casualty Claim Law Associate in 1983. Under Larry's leadership, RMR has become Arkansas's largest third-party administrator for self-funded workers' compensation and medical professional liability programs. Since joining RMR, Larry has developed expertise in alternative funding options and has developed two successful captives for RKF&L. He has worked closely with the producers in RKF&L to implement "total cost of risk" reduction programs and services that differentiate production staff and RKF&L in the marketplace.

Dwayne Mc Anally, Loss Control Manager - RMR Division
Dwayne has 21 years experience in Health and Safety. He has a B.S.E. in Health and Safety and holds FSR and APS designations. Dwayne's work experience includes the following: Safety Supervisor for Texas Eastern Gas Corporation, Safety, Environmental Director with Tyson Foods, Safety Director Rohr Aerospace and Norandal USA, Inc., Program Director of Rule 32, Hazardous Employer Program of the Arkansas Workers' Compensation Commission, and Hartford Insurance as a Loss-Control Consultant. Dwayne's professional experience has included extensive training in ergonomics, health & safety program development, fleet safety management, and property protection. Dwayne joined the Risk Management Resources Division of Ramsey, Krug, Farrell, & Lensing on 09-05-2000.

Jeanette Glasgow, Claims Manager/Account Manager - Jeanette joined RKF&L on October 29, 1990. Jeanette has been in the insurance business for 22 years. Jeanette was a claims representative with St. Paul Insurance for six years. The remainder of her time in insurance has been with independent insurance agencies, where she has worked in claims and property and casualty insurance. She is a licensed property and casualty / life and health agent. Jeanette has been responsible for reporting and processing the commercial claims for the agency for the past 11½ years. Her duties include acting as a liaison between the insureds, the adjusters, and underwriters. She also monitors coverage questions and settlements on claims. Jeanette initiated and currently maintains the "Strike Force" 24-hour emergency claims hotline, to give the best in customer service to all of our valued clients.

Eric Herget
Broker/Consultant
Ramsey, Krug, Farrell & Lensing
Little Rock, AR

1999-Present Broker at RKF&L in Little Rock. Active in new business production and client service.

1995-1999 Broker for Sedgwick North America and Sedgwick Global Power Services. OCIP experience, manufacturing, utility, executive protection. New business production and client service. ISO 9000 certification team for SNA

1987-1995 Entergy Services, Inc./Arkansas Power & Light Co. Began after college in engineering and design of overhead / underground distribution. Customer service manager for local office in Little Rock. Team leader in marketing/sales group. Specialist in Claims Management. Adjustor for GL, Auto claims and team leader for systems small claims and public safety. Licensed adjustor in AR, TX

BS–Marketing University of Arkansas Fayetteville and Little Rock
Graduate Crawford & Company School of General Liability Adjusting – Atlanta, GA.

2003 Arkansas Business "40 under 40"
Chairman Little Rock Workforce Investment Board
Sedgwick North America Community Service Award Winner
Leadership Greater Little Rock Graduate
Board of the Cathedral School Little Rock
Board of the Cathedral School Parents Association
Chairman Playground Committee Cathedral School
Member Vestry Trinity Episcopal Cathedral
Little Rock Chamber of Commerce – Chair Local Government Committee
Candidate for Pulaski County Quorum Court 1996/98
Board Big Brother/Big Sisters Pulaski County, AR
Sigma Chi Fraternity – University of Arkansas

Karen S. Regan
Little Rock, Arkansas

June 1, 1991 to Present

Ramsey, Krug, Farrell & Lensing, Inc.
Little Rock, Arkansas
Senior Vice President, Assistant to Executive Management

Responsible for design and placement of large accounts, including survey and analysis to assist in development of complete risk management programs.

Marketing Coordinator - To assist staff in dealings with carriers in placement/pricing and claims issues. Negotiate contracts with carriers.

Technical/Educational Advisor - Conduct in-house classes on various career path levels and assist in research of issues for clients/prospects.

E & O Advisor - Coordinate with Operations Manager procedures for placement and handling of clients' coverages.

August 1, 1977 to June 1, 1991

Sedgwick James & Company of Arkansas, Inc.
Little Rock, Arkansas
Marketing/Claims Department Manager

Responsible for marketing personnel, surveys and policy analysis, placement of coverage, and company relations. Assist Claims Department with problems on claims. Assist Profit Center Manager on self-insured groups.

Educational Coordinator - Conduct in-house classes.

E & O Coordinator - Liaison with corporate for all E & O efforts/training.

October 1975 to August, 1977

Rebsamen Insurance, Little Rock, Arkansas
Little Rock, Arkansas
Commercial Account Secretary

Responsible for placement and processing of producer's book of business, including rating.

August 1972 to October, 1975

Rector, Means & Rowland, Inc. (Now Marsh McLennan)
Little Rock, Arkansas
Commercial Account Secretary in Commercial Auto Dept.

Responsible for rating, processing, and placement of commercial auto coverages. Also, cross-trained in general liability and property.

August 1968 to August, 1972	Fireman's Fund Insurance Company Little Rock, Arkansas Underwriting Services Department

Began in Filing Department and was promoted to Rating Department. Responsible for rating on auto coverage with cross training on property.

Education

2002	B.S. Organizational Management, John Brown University, Sum Cum Laud
2002	UALR William H. Bowen School of Law, freshman

Insurance Education

1976	Program in General Insurance Insurance Institute of America
1979	Certified Insurance Counselor, (CIC) Society of CIC
1987	Accredited Advisor in Insurance, (AAI) Insurance Institute of America
1990	Chartered Property & Casualty Underwriter (CPCU) American Institute of Property and Liability Underwriters
1995	Associate in Risk management, (ARM) Insurance Institute of America

Insurance Company Producer Advisory

1987/90	Crum & Forster - Regional
1990/94	Aetna C & S - Chairman
1191/93	Home - Regional
1991/93	Hartford - Regional
1992/95	CNA - Chairman
1993/96	U.S.F.&G - Chairman
1995/98	Hartford - Regional
1998/2000	St. Paul - Regional

1997/2000	GCU - Regional
	Honors / Activities Independent Insurance Agents of America
October, 1987	Distinguished Graduate Award in Accredited Advisor in Insurance Program Given annually to person receiving highest cumulative grades on three-part series.
9-1-88/91	Member National Commercial Lines Committee
1989	National Representative to N.C.C.I. Industry Advisory Group on W.C. Residual Market
9-1-91/93	Member Technical Conference Committee
9-1-93/96	Member Technical Advisory Group
9-1-96/99	Chairperson Consumer and Technical Advisory Committee
1995/97	Member Task Force for American Institute of Architects to rewrite the AIA construction contract documents
1999	Independent Insurance Agents of America – continued
2001	Matthew Cantoni National Technical Affairs award Independent Insurance Agents of Arkansas
9-1-78/79	Young Agents Committee
9-1-78/79	Agency Company Relations Committee
9-1-80/87	Education Committee Wrote and instructed courses on all facets of property and casualty coverage. In 1985, wrote and instructed schools on ISO Simplifications.
9-1-85/86	Chairman Young Agents Committee
9-1-86/02	Chairman Technical Committee
9-1-86/02	Executive Committee Member
1987/93	Representative to Mid-America Technical Conference
1987	Commercial Lines Committee Chairman - Southern Agents Conference
1988/89	Representative to Southern Agents Conference
1988/91	ISO Liaison Committee
1982	Charlotte Patterson Memorial Award Presented to Outstanding Insurance Women of the Year
1986	Cecil Clevenger Memorial Young Agent of the Year Award

1988	Chairman of the Year Award
1990	Allen Kennedy Memorial Award
1991/99	Board of Governors Mid America Tech. Conference Chairman 1996
1997	Chairman - Southern Agents Conference
1996/2003	Member Insurance Services Office Industry Liaison Panel
	National Publications
1988/89/90/91/93/94/97/98	Independent Agent
1991/93	Rough Notes
1993	International Risk Management / Business Auto
1986/87/88/89/90/91/92	Arkansas Independent Agent
1991/93	Missouri Independent Agent
1987/98	Independent Agents of America Technical Advisory
1996/98	National Underwriter
2001	CFMA monthly magazine
	Professional /EducationalOrganizations
1979	Society of Certified Insurance Counselors
	Independent Insurance Agents of Arkansas
1990	Society of Chartered Property & Casualty Underwriters
1999	Phi Theta Kappa National Honor Society
2000	Dean's List American Colleges and Universities
2001-2002	
	Presidents Academic List John Brown University

City of Fayetteville

Corporate Experience ...

RKFL is currently the broker for the State of Arkansas' property program. As you can imagine, this schedule of locations is extensive.

As well, we are the broker for the Association of Arkansas Counties.

You may contact either as a reference:

Mr. Drew Carpenter
Risk Management Division
Arkansas Insurance Department
501-371-2690

Ms. Debbie Norman
AAC Risk Management Services
501-375-8247

Other references are the City of North Little Rock and Benton County.

City of North Little Rock, AR
Mr. Joe Smith
Commerce Director
501-372-0100

Benton County, AR
Ms. Marsha Graham
Benton County
479-271-1096

Recently, we added a well-known NWA firm to our client list. LATCO is located in Lincoln. Please call them too.

Mr. Dick Latta
President
LATCO
479-824-3282

RKFL is committed to servicing the Public Sector needs in the State of Arkansas. We strive to understand your processes and challenges. Our staff is well known by the Arkansas Insurance Department (AID). In fact, the AID allows Karen Regan, your Quality Assurance Manager, to teach our staff's continuing education needs for license requirements in-house. Karen is well respected in the insurance community of Arkansas and the US.

City of Fayetteville

Authorized Negotiator …

Mr. Eric Herget
Vice President
General Business Division
Ramsey Krug Farrell & Lensing
P O Box 251510
Little Rock, AR 72225

1(800)358-7741 toll free
1(501)614-1169 work
1(501)519-0955 cell

City of Fayetteville

Cost Proposal ...

Our fee to service the account annually is $14,000. This is well below the commissions typically paid to brokers via the insurance carriers. As mentioned earlier, we reduced the fee from $20,000 to $14,000 two years ago. We have not increased in our fee the entire time we have served your account. We have reduced it!

City of Fayetteville

Employee Benefits Executive Summary . . .

On a personal note, as a graduate of the Walton School of Business at the University of Arkansas at Fayetteville, I consider it an honor to respond on behalf of Ramsey, Krug, Farrell & Lensing to the City of Fayetteville's request for proposal. I would also like to express our gratitude for the opportunity you have given us to serve as your benefits consultant over the last year. Respectful of the challenges that come with the employee benefits marketplace, we are optimistic about the future and confident in our ability to serve the staff and employees of the City of Fayetteville.

Employers are coming to the realization that managing employee benefit plan renewals as they have over the last several years is becoming less effective as they struggle to curtail ever increasing benefit costs. You can only pass along costs to employees through benefit changes (i.e. higher deductibles and copays) for so long before the employees reach the point of calling "uncle". And, having multiple agents shop the benefit plans to the same insurance carriers year-in and year-out is reaching a point of diminishing returns. Every year the same insurance companies are asked to quote the same plan but never get the business which means, agents who just shop benefit plans are beginning to be taken about as seriously by insurance companies as the boy who cried wolf.

To the later point above, the City took action last year by going through a broker selection process; and, as your authorized consultant, we were able to negotiate more effectively on your behalf. As part of our proposal this year, we are asking the City to consider expanding our benefits consulting relationship so that we can implement proactive, value added measures that will allow you to take better control of the three greatest costs related to your benefit plan – premiums, medical claim costs and pharmacy claim costs.

On the premium side, you have selected RKFL as your benefits consultant with full authority to negotiate directly with insurance companies on your behalf. As a result, insurance companies place more weight on our requests for proposals since we have direct access to your plan data and we are empowered by you to make recommendations to change carriers. This greatly improves the leverage we have to negotiate on your behalf and ensure the most competitive pricing.

"Shopping" your plan brings to bear the competitive dynamics of the marketplace in an effort to "beat insurance companies down" on the premiums they propose to charge us. Focusing on this alone however, is a short-term premium play and by itself ignores the fundamental reasons benefit costs are skyrocketing. The question we address in our proposal is - what are you doing to really manage the cost drivers of your benefit plan – medical claims and pharmacy claims? We believe a strategic effort needs to be made to address these root causes of rising costs.

In an expanded benefit consulting relationship, two examples of strategic initiatives we will be able to undertake include:

First, we will be in a position aggressively evaluate, implement and manage a robust disease management program. True, most health insurance companies have some form of disease management program and they all love to tout their "predictive modeling" capabilities but the voracity of their commitment to the program and thus the effectiveness of programs is wide ranging if not ineffective. As a matter of fact, a client and I sat across a conference table from a division manager of one the State's largest health insurance companies who said ". . . their disease management program doesn't really work". It struck me after hearing that comment, what concern is it of theirs how effective the program is when they can maintain their profit margins simply by increasing our premiums? By expanding our consulting relationship we can evaluate, select and manage a disease management program that delivers high participation rates and a high return on investment. Successful programs are out there and an aggressively implemented disease management program is documented to reduce future medical claim costs. We will benchmark and measure these efforts and hold the provider accountable.

Secondly, an expanded benefit consulting relationship will allow us to evaluate, select and manage pharmacy benefit mangers (PBM). As prescription drug costs approach 20% of your total claim costs it is imperative for us to aggressively manage and hold accountable the company that manages your pharmacy claims. Expanding our consulting relationship will enable us to objectively evaluate and select the PBM based on objective data. Did you know that pharmaceutical companies pass along rebates to PBM's and that PBM's share this rebate with insurance companies and third party administrators? Our PBM selection decision will be based on quantitative and qualitative performance rather than how much of the pharmaceutical company rebate is passed on. We will also analyze your pharmacy claim data with the same vigor as we do medical utilization and make appropriate recommendations to manage utilization based on our evaluation of the data.

Just focusing on the two examples above addresses close to 60% of your total benefit costs! A complete listing of the scope of services proposed follows in the Program section of our proposal.

With sincere regards,

Brian Davidson

Brian Davidson
Vice President of Financial Services

City of Fayetteville

Concept and Solution . . .

"Develop a complete understanding of the City's areas of exposure ..."

Having served as your benefit consultant this past year, we are familiar with your staff, procedures and coverages. By expanding our relationship as proposed, to include complete benefit management services, we will be in a position to more deeply understand your benefit cost drivers and integrate proactive cost containment programs designed to address the underlying reasons for continuing rate increases.

"Evaluate existing insurance contracts ..."

Understanding your medical benefit cost drivers and responding through benefit design, contract modifications and proactive cost containment strategies is key to managing costs over the long-run. With pharmacy becoming a greater component of your overall benefits cost, we will focus with laser like intensity on your pharmacy benefit management contract to identify cost leakage and pharmaceutical company revenue sharing opportunities.

"Identify programs, Products ..."

As a division of BancorpSouth Insurance Services, we are now in a position to take advantage of greater networking opportunities both on a regional and national level. We are constantly using our network contacts to stay on top of cutting edge concepts and strategies that we can bring back for consideration by our clients.

"Broker of Record ..."

We are the City's broker-of-record. This step is accomplished.

"Present for City consideration, Negotiate on your behalf ..."

Similar to the process followed by our commercial insurance colleagues, as your broker, after the renewal process is complete or after negotiating a new line of coverage, we always present our complete findings and work product to you. The City will know who quoted, declined or failed to quote. A spreadsheet is prepared for your review. We present, you select.

"Provide evaluation, basic training, education relative to ..."

Effective employee communication is vital to the success of any benefit plan. Our team stands at the ready to assist you on multiple levels, from communicating new benefits or changes to existing benefits to serving as an adjunct HR department by handling enrollment of newly eligible employees and taking care of benefit related questions and problems.

City of Fayetteville

Program . . .

1. Scope of Services to be Provided by Consultant

Consultant will provide Client with consulting, actuarial, and brokerage services for the following benefit programs listed below:

- Medical (including retirees)
- Prescription Drugs
- Dental
- Vision
- Short Term Disability/Salary Continuation
- Long Term Disability
- Group Life Insurance
- Voluntary Life and AD&D
- Flexible Spending Accounts

A. Strategic Benefit Planning. Consultant will provide assistance in developing overall plan benchmarks and targets to ensure that the plan meets the objectives of Client and its employees.

B. Benefit Design. Consultant will help to ensure that benefit designs are consistent with the strategic benchmarks and targets set forth in the strategic benefit planning process.

C. Administration. Consultant will identify core administrative services, assess vendor performance, and manage vendor relationships to provide appropriate program administration.

D. Funding. Consultant will advise and counsel regarding program funding alternatives, including review fee proposals, recommend budget rates, employee contribution rates, and COBRA rates; and monitor program costs against expectations.

E. Communication. Consultant will assist in drafting employee communications regarding benefit program performance and changes, and assist in the review of plan documents and insurance certificates during the planning and enrollment process.

F. Compliance Tools & Legislative Information. Consultant will provide informational materials on legislative developments impacting employee benefit plans, including access to online reference tools on topics such as FMLA, COBRA, HIPAA, HIPAA Privacy, and Section 125.

G. Meetings with Client and Vendors. Services will include attendance at and facilitation of regular meetings with Client and vendors as needed to facilitate program management including day-to-day operations and planning program changes.

- Account Executive shall conduct regularly scheduled on-site meetings each month for the purposes of addressing employee questions, enrolling newly eligible employees and to meet with the benefit manager to address any outstanding issues related to benefit plans.

City of Fayetteville

- Consultant shall meet with Client on a quarterly basis to review all activities performed by Consultant during the prior quarter. The meetings will include discussion of business concerns, including presentations of options and recommendations.
- Consultant shall meet with Client semi-annually to discuss review of the program, state of the marketplace, progress made toward strategic plan, and developments within Client's organization.

H. Day-to-Day Administrative Issues. Consultant shall provide assistance in the daily administration of programs, including resolution of vendor service issues and addressing questions and concerns raised by Client's employees and management.

2. Term & Termination

A. Term. This initial term of this Agreement shall be one year. Thereafter, this Agreement will remain in effect until terminated as described below.

B. Termination. This Agreement may be terminated by either party only as follows:

a) Effective upon thirty (30) days advance written notice to the other party stating that such other party is in breach of any of the provisions of this Agreement, provided such breach (if able to be cured) is not cured within fifteen (15) days after the notice is received;

b) effective upon six (60) days advance written notice to the other party given with or without reason; provided such notice is given after the Initial Term; or

c) By mutual written agreement of the parties.

City of Fayetteville

Program Summary
Section I - Professional Services
Develop a new program to include the following: ▪ Manage Vendor Relationships ▪ Negotiate with vendors on Client's behalf ▪ Renewal Process: Negotiations / Management ▪ Prepare and Market Bid Specs Annually ▪ Evaluate, present and recommend plan design changes ▪ Compile, analyze and present competitive renewal options ▪ Enrollment / Eligibility standards with vendors ▪ Monitor plan performance ▪ Continually present for Client's review new and different strategies and services that could result in improving financial, plan performance and overall goal outcomes Implement and maintain: 1. Client My-Wave (HR Compliance & Communication Tool) 2. HR Connection (Employer-Employee web-site for employee benefit plan management.
Section II - Administrative Services
Implementation Variables: ▪ Establish an implementation time line ▪ Develop and implement enrollment procedures/meetings annually with vendor. ▪ Review alternative vendors/insurers/TPA's ▪ Establish performance guarantees for insurer/TPA ▪ Communicate plan design changes
Section III - Field Services
▪ Regular, monthly on-site employee meetings ▪ Client access to RKFL service team for problem resolution ▪ Employee access to RKFL service team for problem resolution ▪ Ongoing enrollment services

City of Fayetteville

Employee Benefits Account Team . . .

Brian Davidson
Vice President of Financial Services
Phone: 501-614-1188
Fax: 501-614-[illegible]
Cell: 501-[illegible]
Home: 501-[illegible]
Brian_Davidson@rkfl.com

Karen Regan-Yezzi, CRCP, ARM, AAI
Project Quality Assurance Manager
Phone: 501-614-1132
Fax: 501-614-1432
Cell: 501-[illegible]
Karen_Regan@rkfl.com

MARKETING	ACCOUNT EXECUTIVE	ACCOUNT MANAGER	ADMINISTRATIVE ASSISTANT
Whitney Butler	Alicia Wilkins	Rosa MacIntire	Melissa Gillespie
Benefits Marketing Manager	*Account Executive*	*Account Manager*	*Administration*
Phone: 501-614-1192	Phone: 501-614-1106	Phone: 501-614-1565	Phone: 501-614-1146
Fax: 501-614-1492	Fax: 501-614-1406	Fax: 501-614-1465	Fax: 501-614-1446
Whitney_Butler@rkfl.com	Cell: 501-350-8960	Rosa_MacIntire@rkfl.com	Melissa_Gillespie@rkfl.com
	Alicia_Wilkins@rkfl.com		

City of Fayetteville

Corporate Experience . . .

RKFL serves as employee benefits consultant to several benefit plans that are comparable in size and scope to the City's including both for-profit and high profile not-for-profit organizations.

You may contact the following as references:

FOR-PROFIT CLIENTS:

Mrs. Andi Otwell
HealthFirst Physicians, P.A.
Human Resource Manager
501-520-5000

Ms. Wanda Simmons
Human Resources Manager
Nabholz Construction
501-217-5500

Mrs. Linda Little
Owner/Finance Manager
ACE Glass Company
501-372-0595

NOT-FOR-PROFIT CLIENTS:

Ms. Lori Blankenship
Human Resources Manager
Arkansas Easter Seals Society
501-227-3600

Ms. Sheila Sipes
Human Resources Manager
Heifer Project International
501-907-2631

RKFL is committed to servicing the Public Sector needs in the State of Arkansas. We strive to understand your processes and challenges. Our staff is well known by the Arkansas Insurance Department (AID). In fact, the AID allows Karen Regan, your Quality Assurance Manager, to teach our staff's continuing education needs for license requirements in-house. Karen is well respected in the insurance community of Arkansas and the U.S.

City of Fayetteville

Authorized Negotiator . . .

Mr. Brian Davidson
Vice President of Financial Services
Life and Employee Benefits Division
Ramsey, Krug, Farrell & Lensing
P. O. Box 251510
Little Rock, AR 72225

501-614-1188 direct voice
800-666-2606 toll free

City of Fayetteville

Cost Proposal . . .

Group Medical Consulting Fees

Our annual employee benefits consulting fee to provide comprehensive marketing and account management services is $17,500.

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

Signed agreement on its way from Ramsey Krug, Farrell & Lensing
Thanks
Peggy

For the Fayetteville City Council Meeting of: September 7, 2004

FROM:

Peggy Vice	Purchasing Division	Finance & Intern
Name	Division	Department

ACTION REQUIRED: Approval of award of contract to Ramsey, Krug, Farr Insurance Broker of Record.

COST TO CITY:

$29,280.00	$ 98,750.00	Professional Services
Cost of this request	Category/Project Budget	Program Category / Project Name
1010.1210.5314.00 1010.1610.5314.00	$45,241	
Account Number	Funds Used to Date	Program / Project Category Name
	$ 53,509.00	General
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ___ Budget Adjustment Attached

Budget Manager — Date 8-24-04

CONTRACT/GRANT/LEASE REVIEW:

Marsha Farthing — Accounting Manager — Date 8/24/04
Nancy Smith — Internal Auditor — Date 8/25/04
D. White — City Attorney — Date 8/23/04
P. Vice — Purchasing Manager — Date 8-23-04

STAFF RECOMMENDATION: Approval

P. Vice — Division Head — Date 8-23-04

Department Director — Date

Finance & Internal Services Dir. — Date

Chief Administrative Officer — Date

Mayor — Date

Received in Mayor's Office — Date

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item: Yes No

ENTERED 8/24/04

CITY COUNCIL AGENDA MEMO

To: Mayor Coody and City Council

Thru: Gary Dumas, Director of Operations
Connie Edmonston, Parks and Recreation Director

From: Rebecca Ohman, Park Planner

Date: August 16, 2004

Subject: Resolution to accept the Parks and Recreation Advisory Board recommendation to accept a waiver of the Park Land Dedication Ordinance and accept a combination of land and park development for Laureate Fields Subdivsion (Schlegel Property); approval of a Cost Share Agreement with Paradigm Development; and a waiver of the Competitive Bidding Process.

RECOMMENDATION

Parks and Recreation Staff recommends accepting the Parks and Recreation Advisory Board recommendation to accept a combination land and park development for Laureate Fields Subdivision Schlegel Property; acceptance of the Cost Share Agreement with Paradigm Development and a waiver of the Competitive Bidding Process for the design and construction of the Laureate Fields Subdivision neighborhood park.

BACKGROUND

The Laureate Fields Subdivision, also known as the Schlegel property is located on Salem Road, west of Deane Soloman Road and the Springwoods Development. The owner is Tracy Hoskins of Paradigm Development and the engineering firm is Milholland Company. The development contains 176 single family units on 73.39 acres. The requirement for park land is 4.22 acres and money in lieu is $97,560. The Park Land Dedication Ordinance states if a major development is over 40 acres or 100 units, the requirement is land.

> *"...However, if the Parks and Recreation Advisory Board determines that a neighborhood park is not feasible or advisable, it may recommend to the City Council that a cash contribution pursuant to our ordinance be accepted in lieu of land dedication. The City Council will either accept the recommendation for a cash contribution or return the subdivision plat to the Parks Board with instructions or further study."* (Unified Development Ordinance No. 166.03K)

Parks and Recreation Staff met with the owner and Milholland Company to evaluate the site. The Parks and Recreation Master Plan indicates a need for a neighborhood park in this area, as no parks are located within a half-mile of this development.

The development was approved by the Parks and Recreation Advisory Board (PRAB) on June 7, 2004 and approved again on August 10, 2004 with this final proposal.

DISCUSSION

Tracy Hoskins proposes to provide 3.26 acres for a neighborhood park development for the Laureate Fields Subdivision. As part of this agreement, the developer will design and construct the park to the City of Fayetteville Park Standards and shall include amenities found within a neighborhood park. All designs shall be reviewed and approved by Parks and Recreation Staff and the Parks and Recreation Advisory Board. All construction documents and practices shall be reviewed by Parks and Recreation Staff prior to start of construction, during construction and followed by a final approval.

All improvements shall total at least the money in lieu of requirement which is approximately $22,200. The developer, Tracy Hoskins has stated he would expend funds to the maximum necessary to improve the park to the standards of a typically improved Fayetteville neighborhood park. This cost may exceed $150,000. All improvements by the developer shall be completed one year after issuance of the final plat. In addition, the Neighborhood's Property Owner's Association shall maintain the neighborhood park for 15 years from the date of issuance of the final plat. A Cost Share Agreement between the City of Fayetteville and Paradigm Development has been created and outlines the articles above. Please see attached.

To allow Paradigm Development to design and construct the neighborhood park in conjunction with the design and development of Laureate Fields Subdivision, Parks and Recreation Staff request waiving the competitive bid process.

BUDGET IMPACT

As outlined in the attached Cost Share Agreement, the City will make available the remaining money in lieu fees, approximately $22,200, for the development of the Laureate Fields Neighborhood Park. Although this money will never be received or paid out of the Northwest Park Quadrant account, it will be expended in the development of amenities at the neighborhood park as outlined in the agreement.

Attachments:

PRAB Meeting Minutes
Laureate Fields Proximity Map
Laureate Fields Plans
Laureate Fields Letter
Agreement

RESOLUTION NO. ______

A RESOLUTION TO APPROVE AN AGREEMENT TO ACCEPT LESSER DEDICATION OF PARK LAND FROM OLD TOWNE LLC IN LIEU OF ITS DEVELOPMENT OF ITS DEDICATED THREE ACRE NEIGHBORHOOD PARK

WHEREAS, §166.03 (K) allows a lesser dedication of park land for a neighborhood park if approved by the City Council; and

WHEREAS, Old Towne LLC desires to develop its three acre dedicated neighborhood park to Fayetteville park standards in lieu of the amount it would normally have to contribute to the park land fund.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the Agreement To Accept Lesser Dedication of Park Land From Old Towne LLC In Lieu Of Its Development Of Dedicated Neighborhood Park attached as Exhibit "A" as full satisfaction of Old Towne LLC's normal contribution in lieu of a portion of its park land requirement and authorizes the Mayor to sign said Agreement.

PASSED and **APPROVED** this 7th day of September, 2004.

APPROVED:

DRAFT

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

AGREEMENT TO ACCEPT LESSER DEDICATION OF PARKLAND FROM OLD TOWNE LLC IN LIEU OF ITS DEVELOPMENT OF DEDICATED NEIGHBORHOOD PARK

WHEREAS, Old Towne LLC seeks to create a large residential subdivision to be known as "Laureate Fields" which would require dedication of parkland sufficient to create a neighborhood park; and

WHEREAS, Old Towne LLC seeks to dedicate three acres to create this neighborhood park and develop this neighborhood park as shown on the attached concept plat in lieu of contributing the remaining amount of money that would have been required by U.D.O §166.03 (K) into the parkland development fund; and

WHEREAS, the City of Fayetteville's principal purpose when enacting the Parkland Ordinance was for developers to create and develop parks for their new residents which will be satisfied by this agreement.

NOW, THEREFORE, the City of Fayetteville and Old Towne LLC agree to the following commitments to satisfy the development requirements of Fayetteville Unified Development Code §166.03 (K) *Park land dedication.*

1. **Location**: Old Towne LLC shall provide a minimum 3 acre neighborhood park at a location approved by the Parks and Recreation Advisory Board and Fayetteville Planning Commission.

2. **Term**: This Agreement shall become effective upon the issuance of final plat for Laureate Fields Subdivision.

3. **Construction of Park**: Old Towne LLC shall design and construct the park in conformance with the City of Fayetteville park standards and shall include the following amenities typically found within a neighborhood park: grass fields, trees, walking trails, picnic tables, benches, stone or brick cooking grills and water hydrants. All designs shall be reviewed and approved by Parks and Recreation Staff and the Parks and Recreation Advisory Board. The Park shall be fully developed pursuant to the approved design within one year of final plat.

4. **Park Land Fees**: The value of the improvements shall total at least the amount of money which would have been required by U.D.O. §166.03 (K).

5. **Maintenance**: The Laureate Fields Property Owner's Association (POA) shall maintain the neighborhood park for ten years from the date of issuance of the final plat. Maintenance shall be to park standards. After this ten year period, the City shall assume normal park maintenance.

6. **Not an Agent**: It is understood that Old Towne LLC is not acting as an agent for the City of Fayetteville.

7. **ADA**: It is the policy of the City of Fayetteville that no qualified individual with a disability shall, by reason of that disability, be excluded from participation in or be denied the benefits of the services, program or activities of the City of Fayetteville or be subjected to discrimination by the City of Fayetteville. Old Towne LLC agrees to comply with this policy regarding construction and use of this park.

OLD TOWNE LLC

By: ______________________
TRACY K. HOSKINS
Managing Member of
Old Towne LLC

CITY OF FAYETTEVILLE, ARKANSAS

By: ______________________
DAN COODY
Mayor

Attest: ______________________
Sondra Smith, City Clerk

Milholland Company
Engineering & Surveying
Melvin L. Milholland, PE, PLS

REGISTRATIONS:
PE: AR, MO
PLS: AR

August 18, 2004

Project E-689

FAYETTEVILLE
113 West Mountain
Fayetteville, AR. 72703

ATTN: Rebecca Ohman
RE: Schlegal Subdivision

Dear Rebecca,

Attached is a revised plat for the above referenced project showing the park land dedication requested by the Parks staff. It is our understanding that the developer must meet the following conditions for Final Plat approval:

- Dedication of 3.26 acres of land for use as a neighborhood park.
- Design and construction of the park to City of Fayetteville standards.
- Improvements to the dedicated park land must total at least the money-in-lieu of requirements as set forth by the City.
- Park construction must be complete within one (1) year of Final Plat approval.
- Subdivision POA must maintain the park for a period of 15 years from time of construction completion.
- Park land must be deeded to the City at the time of Final Plat.

Our client is fully aware that the design and construction of the aforementioned park must meet the City of Fayetteville specifications including amenities typical of a neighborhood park. In addition, it is our understanding that the costs for these improvements ***could*** exceed $150,000.

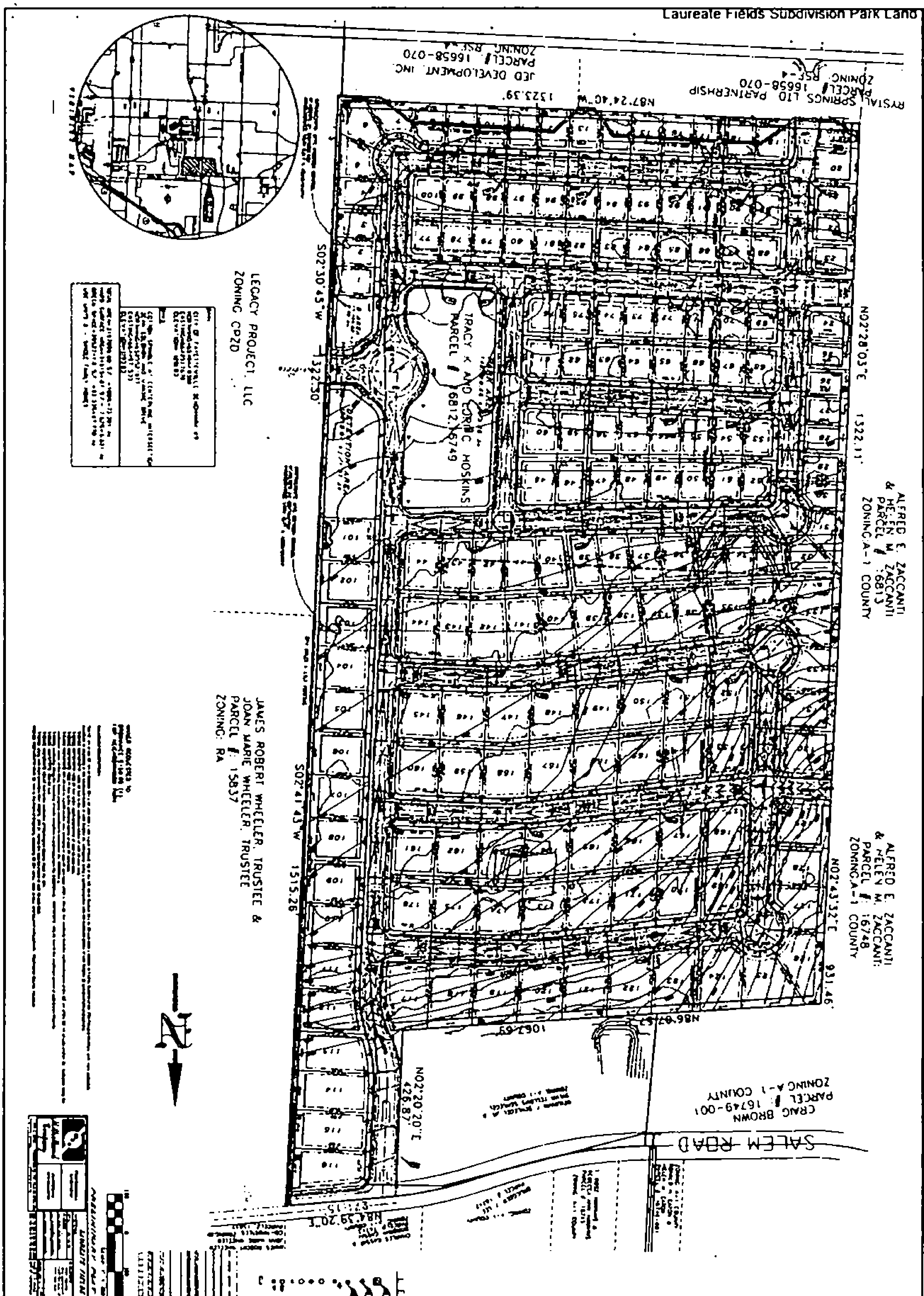
If you have any questions or if MCO can be of further service, please do not hesitate to contact us.

Sincerely,

Christopher Suneson
Project Assistant

Tom M. Jefcoat, ASLA
Projects Manager

cc: Tracy Hoskins
attachment: one paper copy of proposed layout
one CD with electronic file


JED DEVELOPMENT, INC.
PARCEL # 16658-070
ZONING: RSF-4
CRYSTAL SPRINGS LTD PARTNERSHIP
PARCEL # 16658-070
ZONING: RSF-4
N87°24'40"W 1323.39'
LEGACY PROJECT, LLC
ZONING CPZD
S02°30'45"W
1322.30
TRACY K AND ERIC HOSKINS
N02°28'03"E
1322.11'
ALFRED E. ZACCANTI
& HELEN M. ZACCANTI
PARCEL # 16813
ZONING A-1 COUNTY
JAMES ROBERT WHEELER, TRUSTEE &
JOAN MARIE WHEELER, TRUSTEE
PARCEL # 15837
ZONING: RA
S02°41'45"W
1515.26
ALFRED E. ZACCANTI
& HELEN M. ZACCANTI
PARCEL # 16748
ZONING A-1 COUNTY
N02°43'32"E
931.46'
1062.69
N02°20'20"E
426.87'
CRAIG BROWN
PARCEL # 16749-001
ZONING A-1 COUNTY
SALEM ROAD
N84°39'20"E
LEGEND

PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes
August 10, 2004

Opening:
The regular meeting of the Parks and Recreation Advisory Board was called to order at 7:38 p.m. on August 10, 2004 at the Parks and Recreation Offices located at 1445 South Happy Hollow Road, Fayetteville, Arkansas by Vice Chairperson Gail Eads.

Present:
Parks and Recreation Advisory Board members Eads, Hill, Mauritson, Pawlik Holmes and Shoulders; City staff Ohman, Jumper, Weber, Hatfield; and Audience.

1. Park Land Dedication

Development Name:	Schlegel Property
Engineer:	Tom Jefcoat, Milholland Company
Owner:	Tracy Hoskins
Location:	West of Deane Solomon Road and Wilson Springs, near Crystal Springs Subdivision and Gary Hampton Softball Complex
Park District:	NW
Units:	176 Single Family Units
Total Acres:	73.39 acres
Land Dedication Requirement:	4.22 acres
Money in Lieu Requirement:	$97,680
Existing Parks:	None
Staff Recommendation:	The developer will dedicate a minimum of a 3 acre neighborhood park. The park will be designed and constructed by the developer to the City of Fayetteville Park Standards and shall include amenities found within a neighborhood park. All improvements shall total at least the money in lieu of requirement to the maximum necessary to improve the neighborhood park to the standards of a typical fully improved Fayetteville neighborhood park. This cost may exceed $150,000. All improvements shall

	be completed one year after issuance of the final plat. POA will maintain the neighborhood park.
Developer's Request:	Same as above
Justification:	Parks Master Plan shows this area in need of a neighborhood park. Park would serve this development and proposed developments in the surrounding area.
Please note:	If a combination of money and land is recommended by PRAB, this project will require a waiver to Ordinance 59.05 (K) because it contains more than 100 housing units and is over 40 acres.

Ohman stated that Parks will work with the developer on design and approval of design must be granted by Parks.

Tracy Hoskins stated his concern is to have the park built immediately. In effort to do this he is proposing to reduce the size of the park to approximately 3 acres and use the balance (money in lieu) for the development of the park. The developer will probably construct the park at the same time as the subdivision.

Mauritson asked if he understood correctly that the park will be reduced by an acre and the balance of the fees will be applied to park development.

Tracy Hoskins affirmed yes. Hoskins added that he anticipates spending more than the remaining approximately $28,000 for development and he feels this will be good for the City and the developer.

Mauritson added that he doesn't want to be surprised with having to finish the park development if the balance doesn't go very far.

MOTION:

Hill moved to accept a combination of parkland and Money in Lieu (park development) to satisfy the Park Land Dedication Ordinance for the proposed development.

Pawlik Holmes seconded the motion.

Upon roll call, the motion was approved 4-0-0 with Eads, Hill, Shoulders, Mauritson, and Pawlik Holmes voting 'yes' with Bailey, Colewell, and Marley absent for the vote.

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council Meeting of: September 7, 2004

FROM:

Rebecca Ohman	Parks and Recreation	Operations
Name	Division	Department

lesser dedication

ACTION REQUIRED: Resolution to accept the Parks and Recreation Advisory Board recommendation to accept a [redacted] of the Park Land Dedication Ordianance and accept a combination of land and park development for Laureate Fields Subdivsion (Schlegel Property); ~~approval of a Cost Share Agreement with Paradigm Development; and a waiver of the Competitive Bidding Process~~.

COST TO CITY:

$22,200.00	$ 304,696.38	
Cost of this request	Category/Project Budget	Program Category / Project Name
1010.1505.00	$ 10,800.00	Northwest Park Quadrant
Account Number	Funds Used to Date	Program / Project Category Name
	$ 293,896.38	Northwest Park Quadrant
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ___ Budget Adjustment Attached

Budget Manager — Date: 8-20

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager	Date: 8/20/04	Internal Auditor	Date: 8/20/04
City Attorney	Date: 8/23/04	Purchasing Manager	Date

STAFF RECOMMENDATION:

Division Head	Date: 8-20-04	**Received in Mayor's Office**	Date: 8-23-04
Department Director	Date: 8/23/04	Cross Reference:	
Finance & Internal Services Dir.	Date: 8/25/04	Previous Ord/Res#:	
Chief Administrative Officer	Date: 8-25-04	Orig. Contract Date:	
Mayor	Date	Orig. Contract Number:	
		New Item:	Yes No

ENTERED 8/20/04

City Council Meeting of

Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: City Council
From: Dan Coody, Mayor
Date: August 6, 2004
Subject: Resolution of Intent to Participate with AHTD on Improvements to Highway 265 from Highway 45 to the North City Limits

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RECOMMENDATION: Approve attached Rolution,

BACKGROUND: Earlier this Spring the City of Fayetteville responded to a challenge from AHTD for local participation in helping to resolve local transportation issues on State facilities. By City Council Resolution the city committed $7.7 million to match an equal or greater State share for improvements to facilities on or relieving facilities at or beyond capacity on the State System located within Fayetteville. The projects listed as a high priority in Fayetteville were:

Highway Projects
- Highway 265 (Crossover Road)--Highway 45 (Mission) north to City Limits)
- Highway 45--North Street east to City Limit
- Highway 16 East--Highway 71B east to City Limit
- Highway 180 (Township)--Gregg Street 71B (College Ave.) to Highway 180/

Local Street Linkages for Traffic Relief
- Zion Road--Highway 265 to Highway 71B (College Ave.)
- Rupple Road/Howard Nickell/Highway 112--Highway 62 to Van Asche
- Mount Comfort Road--Rupple Road to I-540

Studies
- North Street--Highway 45 (Mission) to Gregg Street
- Arkansas Ave. Extension--Maple to Garland
- Fulbright/I-540 Access to Regional Retail, Office, and Medical Center

Subsequent to this Resolution the AHTD proposed that the Highway 265 Corridor from Highway 45 to Rogers become a regional priority as well as a State priority. The AHTD has indicated that the communities to the north have been requested participate in this Corridor improvement also.

As Mayor, I have brought this to the Street Committee and discussed it with the Council. Based upon that discussion, I forwarded a letter to the AHTD indicating the City of Fayetteville's interest in partnering with AHTD and our neighbors to the north in creating this 265, eastern bypass for I-540.

DISCUSSION

The AHTD has requested a City Council Resolution supporting the Highway 265 project.

My recommendation to the Council is to approve the attached Resolution supporting the 265 project, contingent upon our neighboring communities to the north also participating so that this Highway 265 corridor will become in essence an eastern bypass providing the needed relief for I-540.

RESOLUTION NO. ______

A RESOLUTION EXPRESSING THE INTENT OF THE FAYETTEVILLE CITY COUNCIL TO PARTICIPATE WITH THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT ON IMPROVEMENTS TO HIGHWAY 265 FROM HIGHWAY 45 TO THE NORTHERN CITY LIMITS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to participate with the Arkansas Highway and Transportation Department on improvements to Highway 265 from Highway 45 to the northern city limits.

Section 2. That the City Council's support for this project is expressly conditioned upon the commitment of our neighboring communities to the north to participate in the improvement of Highway 265 north to Rogers, Arkansas.

PASSED and **APPROVED** this 17th day of August 2004.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

#5 New Business
Arkansas Highway & Transportation Dept.
Highway 265 Improvements.

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

XXX AGENDA REQUEST

For the Fayetteville City Council Meeting of: August 17, 2004

FROM:

Gary Dumas		Operations
Name	Division	Department

ACTION REQUIRED: Resolution of Intent to Participate with AHTD on Improvements to Highway 265 from Highway 45 to the North City Limits

SUMMARY EXPLANATION:

The AHTD has requested a City Council Resolution supporting the Highway 265 project.

STAFF RECOMMENDATION: Approval of Resolution

Division Head	Date
[signature]	8/9/04
City Attorney	Date
[signature]	8-6-04
Department Director	Date
[signature]	8-9-04
Finance & Internal Services Dir.	Date
[signature]	8-10-04
Chief Administrative Officer	Date
[signature]	8/10/04
Mayor	Date

Received in Mayor's Office 8/9/04 Date

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item: X Yes No

ENTERED

8/6/04

Tabled to 9/7/04 mtg

Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Gary Dumas, Director of Operations

Date: August 19, 2004

Subject: **APPROVAL OF RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SOUTHPASS DEVELOPMENT COMPANY TO ACCEPT 200 ACRES OF PARK LAND, A 10 ACRE WATER TANK SITE, ONE MILLION DOLLARS AND OTHER CONSIDERATION FOR THE CITY'S ACCEPTANCE OF OWNERSHIP OF A 33 ACRE LANDFILL**

RECOMMENDATION

Approval of resolution authorizing the mayor to execute an agreement with SouthPass Development Company to accept 200 acres of park land, a 10 acre water tank site, one million dollars and other consideration for the city's acceptance of ownership of a 33 acre landfill.

BACKGROUND

In 2000 the community through a public participation process defined the need for a Community Park. In December 2002 the Parks and Recreation Advisory Board requested the staff to pursue land for the future Community Park. From this search 18 potential sites were evaluated against numerous criteria. One site emerged as the best site, the property known as the Cummings Farm in Southwest Fayetteville along Cato Springs Road.

The sole issue with the site, was the impact that an abandoned landfill on approximately 33 acres of the 800 acre site would have upon development of a Community Park and other surrounding land uses that may develop in proximity to the Community Park.

The City partially funded with the Arkansas Department of Environmental Quality an initial study to determine any impacts that the landfill would have on the use of the landfill site and surrounding land. That study found that the landfill did not pose a significant environmental concern. Two corrective actions were proposed however: these were; the recapping of all or part of the landfill and the restoration of the stream corridor. The Arkansas Department of Environmental Quality concurred with the study and agreed to fund the corrective actions necessary, at no cost to the City, by utilizing the State Landfill Post Closure Trust Fund. This State cost will range of $1.5 million to $3.3 million depending upon options and techniques developed by the State.

There has been significant public debate concerning the need for a community park beginning prior to September 9, 2002 when this issue was discussed before the Parks and Recreation Advisory Board meeting. The public discussion continued through January and February 2004 when the Parks and Recreation Advisory Board discussed options on funding the purchase and development. These options ranged from the use of sales tax to property tax to selling off a part of the property to pay for the land needed for the Community Park through a public-private partnership. Through the late winter and spring the concept of the public-private partnership evolved until May 23rd when a

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request for proposals was issued seeking a private partner. The general focus of the request is as follows:

Request for Proposals

RFP 04-13

For Public – Private Partnership to facilitate the Acquisition and Development of a Community Park

The City of Fayetteville is interested in partnering with a private developer or developers to facilitate the acquisition and development of a community park in southwest Fayetteville.

The City of Fayetteville has purchase options to approximately 800 acres (formerly known as the Cummingss Farm) in southwest Fayetteville. This property is for the most part outside of the City Limits of Fayetteville and within the jurisdiction of Washington County. The majority of the land lies within the Greenland School District. A properly closed landfill is located on the site.

Currently water supply is available at an adjacent storage facility and sewer service is available near Cato Springs and I-540. Other utilities, if available, are only available along the southern perimeter. The exact boundary of the community park will be determined through negotiation and in conjunction with a mutually agreed upon development designer. The City of Fayetteville has publicly expressed a desire for a park to serve the community in this area. The City of Fayetteville Parks and Recreation Advisory Board have determined this location as the preferred location to serve this community need.

Each proposer is expected to avail themselves to any and all public information concerning the City's desire for a community park.

Each proposal must include

- method of transferring property from owner/City/proposer,
- methods in which the proposer prefers to address landfill issues
- address how the proposer wishes to address the ability to provide appropriate sewage disposal facilities to the site described above
- amount of acreage to be provided to the City for a Community Park

Agenda Item Number

- address how the proposer prefers to provide appropriate transportation access to the site described above
- any additional payment to the City
- any other items to be required of the City,
- any additional issues that the proposer wishes to include within the proposal

On June 9, 2004 two responses were opened. One was determined non-responsive by the Purchasing Agent and City Attorney. The second was evaluated and selected for negotiation. For the Council's information the non-responsive proposal was evaluated and compared to the responsive proposal. That comparison is attached.

Since June 10th the staff has been in negotiation with SouthPass Development Company, L.L.C. in order to develop a contract which could be considered by the City Council. That contract is now ready for City Council consideration.

DISCUSSION

The following are the action steps contained within the contract which will result in the City obtaining 243 acres for a Community Park and an existing water tank storage site at no cost, $1,000,000 in cash, impact fees, and an approximate 560 acre development and resulting sales and property taxes.

The Company's participation in this project is contingent upon the City obtaining all necessary permits, approvals, or other assurances demonstrating that the abandoned C & L Landfill area is not an environmental hazard.

The following sets forth the obligations of the Company and the City:

The Company will:

a. Agree to purchase the entire approximate 800 acre property at a price not to exceed $8,500 per acre (approximately $6,900,000) and
b. contemporaneously with said acquisition in a manner acceptable to current property owner, the City and the Company, will deed to the City, without monetary consideration and free and clear of all liens or encumbrances, approximately 233 acres that the City shall use in connection with the development of a community park inclusive of baseball and soccer fields, related amenities and other park uses and
c. contribute $1,000,000 in cash to the City in furtherance of the development of this community park contemporaneously with the City's contractual expenditure of funds within the Parks Development Fund and Parks Capital Improvement Program committed to Community Park Development initiating construction of the community park, and
d. retain and fund to a maximum of $10,000, a mutually acceptable community master planning consultant that will identify and outline the usable land amounts and the highest and best uses of the property in harmony with a 233 acre community park.

The City will subject to City Council approval:

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a. assist in facilitating the planning, zoning and other approval processes in accordance with a mutually acceptable master plan and

b. annex the property into the City's boundaries and

c. assist to the fullest extent possible with the Greenland School District and the Fayetteville School District to extend the Fayetteville School District boundary .to encompass the property and

d. work with ADEQ to resolve all landfill issues using the State's landfill closure trust fund at no additional cost to the City or the Company and

e. cost share all costs of extending sewer to the park in accordance with normal City of Fayetteville off-site cost share policies and practices and

f. provide all other City utilities and services to the park in accordance with the City's normal off-site utility extension policies.

BUDGET IMPACT

The City of Fayetteville financial obligation is to participate in all normal off-site improvements required to service the community park and private development. The participation in the off-site improvement for sewer extension is specifically listed as this service is necessary to serve the community park. This cost share for sewer is 50% for both SouthPass and the City.

Additional financial requirements are:

1. funding the perimeter survey of the property and the survey of the area to become the community park; estimated cost $50,000.
2. committing to fund the first phase of the park development in order to receive the $1,000,000 donation toward park improvements.
3. long term operation and maintenance of the community park; the current operation and maintenance budget for Lewis Soccer Complex will be transferred to the Community Park as the Lewis Complex reverts back to University use.

RESOLUTION NO. ______

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SOUTHPASS DEVELOPMENT COMPANY TO ACCEPT 200 ACRES OF PARK LAND, A 10 ACRE WATER TANK S ITE, ONE MILLION DOLLARS FOR PARK LAND DEVELOPMENT AND OTHER CONSIDERATION FOR THE CITY'S ACCEPTANCE OF OWNERSHIP OF A 33 ACRE LANDFILL

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby accepts and approves the Contract with SouthPass Development Company (attached as Exhibit "A") to accept 200 acres of park land, a 10 acre water tank site, one million dollars for park land development and other consideration for the City's acceptance of a 33 acre landfill and its agreement to spend the money currently identified in its Parks Capital Improvement Plan for the community park development.

PASSED and **APPROVED** this 7th day of September, 2004.

APPROVED:

DRAFT

By: ____________________________
DAN COODY, Mayor

ATTEST:

By: ____________________________
SONDRA SMITH, City Clerk

RFP 04-13: Comparison

Cost to City	SouthPass Project	Tower Enterprises, LTD
Purchase	$0	($6,900,000)
Land Donation	233 acres	300 acres
Cash for Park Development	$1,000,000	$0
Cash from Lot Sales over Several Years	$0	$3,500,000
Development Plan	$10,000	$0
Utilities	($100,000)	($100,000) + unknown
Impact Fees	$1,700,000	$0
Benefits (Costs) to City	233 acres $2,610,000	300 acres ($3,500,000) plus unknown utilities and loss of Sales Tax)

City of Fayetteville, Arkansas

Community Park Development Capital Project
- Funding 2004/2005

	Budgeted 2004	Expenses 2004	Remaining 2004	Budgeted 2005	Total Available
Parks Development Fund:					
2250.9255.5200.00	$ 256	$ 255	$ 1	$	$ 1
2250.9255.5301.00	45	45	-		-
2250.9255.5314.00	51,300	51,300	(0)		(0)
2250.9255.5806.00	531,049	2,000	529,049	473,000	1,002,049
	582,650	53,600	529,050	473,000	1,002,050
Sales Tax Capital Improvements					
4470.9470.5314.00	8,150	-	8,150		8,150
4470.9470.5806.00	275,000	-	275,000	338,000	613,000
	283,150	-	283,150	338,000	621,150
	$ 865,800	$ 53,600	$ 812,200	$ 811,000	$ 1,623,200

STAFF REVIEW FORM - FINANCIAL OBLIGATION

XXX AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council Meeting of: September 7, 2004

FROM:

Gary Dumas		Operations Department
Name	Division	Department

ACTION REQUIRED: APPROVAL OF RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SOUTHPASS DEVELOPMENT COMPANY TO ACCEPT 200 ACRES OF PARK LAND, A 10 ACRE WATER TANK SITE, ONE MILLION DOLLARS AND OTHER CONSIDERATION FOR THE CITY'S ACCEPTANCE OF OWNERSHIP OF A 33 ACRE LANDFILL

COST TO CITY:

$50,000 est for survey	$ 1,676,150.00	Community Park
Cost of this request	Category/Project Budget	Program Category / Project Name
2250.9255.2806.00 4470.9470.5806.00	$ 53,600.00	Parks Development Sales Tax Capital
Account Number	Funds Used to Date	Program / Project Category Name
02002	$ 1,622,550.00	Sales Tax Capital/Parks Development
Project Number	Remaining Balance	

BUDGET REVIEW: xxxx Budgeted Item ___ Budget Adjustment Attached

Budget Manager — Date 8-23-04

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager — Date 8/23/04
Internal Auditor — Date 8/23/04
City Attorney — Date 8/25/04
Purchasing Manager — Date

STAFF RECOMMENDATION: Approve Resolution

Division Head — Date
Department Director — Date 8-23-04
Finance & Internal Services Dir. — Date 8-26-04
Chief Administrative Officer — Date 8-25-04
Mayor — Date 8/26/04

Received in Mayor's Office P.H. 8/26/04 Date

Cross Reference:

Previous Ord/Res#: ___
Orig. Contract Date: ___
Orig. Contract Number: ___

New Item: **Yes** No

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF September 7, 2004

FROM:

ALDERMAN DON MARR

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Express The City Council's Support For The Established Neighborhood Elementary Schools In Fayetteville

APPROVED FOR AGENDA:

8/24/04

DON MARR, Alderman   Date

8/24/04

City Attorney (as to form)   Date

8/26/04

BRENDA THIEL, Alderman   DATE

RESOLUTION NO. ______

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S SUPPORT FOR THE ESTABLISHED NEIGHBORHOOD ELEMENTARY SCHOOLS IN FAYETTEVILLE

WHEREAS, the City of Fayetteville and the Fayetteville School District have long worked together in the best interests of Fayetteville school-age children and community at large; and

WHEREAS, the Downtown Master Plan, the Fayetteville 2020 Plan, city ordinances and other policies of the City of Fayetteville have long sought to encourage revitalization and beautification of the historic neighborhoods of Fayetteville; and

WHEREAS, the traditional, established neighborhood elementary schools serving the older areas of Fayetteville: Asbell, Jefferson, Leverett, Root, and Washington; have long been vital components of our core Fayetteville neighborhoods.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its **strong support** for the retention of established, neighborhood elementary schools within the core, historic areas of Fayetteville and requests the Fayetteville School Board to carefully weigh the importance of each such school upon its neighborhood and the local children attending such school before considering whether to close or move such historic school. Further, the City Council pledges to work with the Fayetteville School Board to preserve these historic neighborhood schools.

PASSED and **APPROVED** this 7th day of September, 2004.

APPROVED:

DRAFT

By: ________________________
DAN COODY, Mayor

ATTEST:

By: ________________________
SONDRA SMITH, City Clerk

CITY COUNCIL AGENDA MEMO

To: Mayor, City Council, Planning Commission
From: Tim Conklin, Community Planning and Engineering Services Director
Date: August 19, 2004
Subject: Adoption of the Downtown Master Plan

RECOMMENDATION

Staff recommends adoption of the Fayetteville Downtown Master Plan.

BACKGROUND

In 2003, the City hired Dover Kohl and Partners to complete a comprehensive Downtown Master Plan for the City.

A very successful public participation charrette process was used to involve the entire community to develop the plan with over 200 citizens attending the work in progress meeting on January 15, 2004. This process has resulted in a tremendous amount of interest and optimism within the community about the future of the downtown area.

SIX BASIC PRINCIPLES

Six fundamental strategies are established by the plan and are outlined in specific action steps.

1. ***A superbly walkable environment*** should be produced and showcased as Downtown's hallmark.

2. ***Downtown Living*** must be made a priority to get more people, including households of moderate and upper income, *living Downtown*.

3. ***Smart Parking*** must be a priority, so the need can be efficiently and sustainably met but the sense of place is enhanced, not weakened, in the process.

4. ***Smart rules*** that outperform the existing zoning should be put in place to attract and secure a caliber of development worthy of Downtown.

5. ***Special Places*** which are interconnected should be nurtured and celebrated as Downtown's signature public spaces and best addresses.

6. ***Experience-based Economy*** is recognized, supported, and continues to expand the focus on arts and culture and entertainment experiences as Downtown's drawing card.

The Downtown Master Plan is a comprehensive vision for the downtown area and contains specific action items, management strategies, and policy recommendations to implement the plan. The plan provides a step by step approach for implementation by identifying specific projects as immediate, in our generation, and long term prospects.

PROPOSED IMPLEMENTATION – IMMEDIATE PROJECTS

2004

- **One-way Street Conversion and On-street Parking Plan** – Staff is developing detailed plans for signage, striping, and intersection reconstruction based on the downtown master plan recommendations. Staff will bring the estimated costs and schedule for this project to the City Council in 2004.

- **Highway 71 East Square Redevelopment District #1. Project Plan** – Staff is developing a project plan for the redevelopment district based on Downtown Master Plan recommendations.

- **New Zoning Districts** - Form Based Zoning Code, Zoning Districts, Cultural and Entertainment Overlay District, and Architectural Design Standards will be presented to Planning Commission.

- **Downtown Park** - "Fay Jones Property" offer and acceptance will be brought forward to City Council action.

2005

- **New Code Adoption** – Adoption of Form Based Zoning Code, Zoning Districts Boundaries, Cultural and Entertainment Overlay District, and Architectural Design Standards

- **College Avenue and Block Street Preliminary Engineering Design**

- **New Parking Deck Location and Funding Decision** – Identification of location and funding plan

- **TIF District Discussion - Cultural and Entertainment District**

RESOLUTION NO. ______

A RESOLUTION TO ADOPT THE DOWNTOWN MASTER PLAN COMPLETED BY DOVER, KOHL & PARTNERS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby adopts the Downtown Master Plan completed by Dover, Kohl & Partners and requests that implementing ordinances be prepared.

PASSED and **APPROVED** this 7th day of September, 2004.

APPROVED:

DRAFT

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

Executive Summary

Why a plan?

Towns are created step by step by many people. It is only possible to coordinate public and private effort in a great townmaking enterprise with some idea of *what the whole is meant to become* as it evolves. Fayetteville will build upon the proud legacy of its founders, and grow a more beautiful, more sustainable Downtown, with this plan.

The purpose of this document is to focus resources on things that will really make a difference. The Downtown Master Plan crystallizes the desires of Fayetteville's citizenry into buildable, functional visions, and provides do-able instructions for government and private investors. Intensive public involvement was used to create this blueprint for Downtown's next distinguished century.

Balance, above all, is the theme

The many authors of this plan have struggled to find equilibrium between equally important goals. They have demanded a balancing between predictability and flexibility in regulations. They have insisted on balancing automotive mobility and convenience with pedestrian comfort and achieving the desired urban image for the heart of the community. They sought a balance between preservation of the historic character and a spirit of new-ness, and allowed no trade-off between productive real estate and environmental sensibility. With this plan Fayetteville can have all these.

Building on History

Fayetteville has a great downtown to start with. The goal of this plan is to show how to add to what's been accomplished with new generations of timely upgrades. This is not a handbook for the slash-and-burn, slum-clearance / urban renewal plan of the kind that disassembled central cities a generation ago; this one's about *putting the traditional city back together*.

Basic Principles

Six fundamental strategies are established by the plan.

First, a *superbly walkable environment* should be produced and showcased as Downtown's hallmark. Second, it must be made a priority to get more people, including households of moderate and upper income, *living Downtown*. Third, Fayetteville needs to get *smart about parking*, so the need can be efficiently and sustainably met but the sense of place is enhanced, not weakened, in the process. Fourth, *smart rules* that outperform the existing zoning should be put in place to attract and secure a caliber of development worthy of Downtown. Fifth, an interconnected series of *special places* should be nurtured and celebrated as Downtown's signature public spaces and best addresses. Sixth, Fayetteville must recognize in all its actions that this part of the City has an *experience-based economy*, and thus continue to expand the focus on arts, culture and entertainment experiences as Downtown's drawing card.

Teamwork & Patience

The vision is compelling, but no one developer, group of elected officials, or agency can pull it off alone. This plan is assembled around the idea that *many coordinated actions* (large and small) by the City government, businesses, developers, neighbors, the University, and cultural organizations will gradually grow the Downtown the citizens want.

The plan looks both short term and long term. While the Illustrative Master Plan focuses on the long-term vision for the future of Downtown as a whole, and foretells a series of changes and initiatives that will be decades in the making, there are specific sites identified in the plan that are prime locations for initial projects in the very near future. Examples of projects & initiatives in the plan meant to be undertaken soon or in our generation are the infill of vacant and underutilized sites on Dickson Street, Block Avenue and West Avenue, enabled by a first generation of community parking facilities; redevelopment of the Mountain Inn property; creation of a sizable Downtown Park; and a "road diet" narrowing the bloated College Avenue / Archibald Yell Boulevard corridor into a tree-lined grand avenue. Longer term prospects in the plan include the framing of that 71-B corridor with substantial redevelopment of blighted properties along the reclaimed avenue; redevelopment of the Fayetteville City Hospital and Hillcrest Towers parcels; and completion of more shared parking facilities timed to match private infill development.

Implementation

The plan includes an interlocking series of implementation measures. There is an entire chapter devoted exclusively to implementation. In addition, throughout the key chapters there are green boxes entitled "Getting There" that provide detailed action steps at the end of each major section.

The primary official implementation steps are to:

A. Adopt a new set of land development regulations, a form-based code for the Downtown district, replacing the existing zoning.
B. Establish a tax-increment financing mechanism that will be used, among other things, to produce shared parking and enable public-private redevelopment partnerships.
C. Transform DDEP into a Business Improvement District.
D. Undertake a series of improvements to improve walkability and viability for business and housing, including returning certain key streets to two-way traffic.
E. Catalyze a shift from individual, inefficient surface parking lots to shared parking, parking structures, and to foster a park-once environment.

Stay the Course

Diligence and persistence in implementing this plan will reward Fayetteville with an inspiring Downtown scene, an ever higher quality of life, and continued economic prosperity.

Victor Dover, Principal-in-Charge
Margaret Marshall, Senior Project Director

Dover, Kohl & Partners, Town Planning
April 30, 2004

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

x AGENDA REQUEST

For the Fayetteville City Council Meeting of: September 7, 2004

FROM:

Tim Conklin	CP&E	CP&E
Name	Division	Department

ACTION REQUIRED: Resolution approval.

SUMMARY EXPLANATION:

Adoption of the Downtown Master Plan completed by Dover, Kohl & Partners and recommeded by the Planning Commission.

STAFF RECOMMENDATION: Approval.

	Date
Division Head	Date
City Attorney	8/23/04
Department Director	8-20-04
Finance & Internal Services Dir.	Date
Chief Administrative Officer	8-23-04
Mayor	8/24/04

Received in Mayor's Office 8-23-04 Date

Cross Reference:

Previous Ord/Res#: ____

Orig. Contract Date: ____

Orig. Contract Number: ____

New Item: Yes No

ENTERED 8-20-04 aw

TO: Mayor and City Council
FROM: Hugh Earnest HE
DATE: Aug. 25, 2004
RE: Purchase of Fay Jones property

Recommendation

I have been asked to look into this particular situation relative to the purchase of this important parcel of ground that will be a key addition to the city green and open space infrastructure in this area. The city has signed an offer and acceptance for $100,000 for purchase of the 2.44 acre tract with Mr. Fay Jones. In order to secure the funding needed for this purchase, the Tree and Trail committee was asked to contribute the monies left as part of the tree ordinance settlement for this acquisition. The committee has recommended that $50,000 of the slightly more than $100,000 remaining.

We support the recommendation from the Parks and Recreation Advisory Board that the entire purchase price should come from the Tree Settlement account.

Background

In the Settlement Agreement in the case of League of Women Voters of Washington County and the Ozark Headwaters Group of the Arkansas Chapter of the Sierra Club, Inc. v. City of Fayetteville and City of Fayetteville Planning Commission, the City of Fayetteville agreed to contribute $225,000 in 2001 and $225,000 in 2002 for the acquisition by the City of trails rights-of-way, conservation easements, and fee simple estates. These funds have been deposited in a Tree and Trail Fund and used to preserve trees, environmentally sensitive lands, or lands with significant environmental amenities or for additions to the city's existing system of multi-use and walking trails.

The City also agreed to establish a Tree and Trails Task Force to advise the City Council on individual acquisitions of trails rights-of-way, conservation easements, fee simple estates and other property interests in the utilization of this fund.

The Tree and Trail Task Force has worked for the last three and a half years to identify and acquire lands in Fayetteville for conservation. The Task Force was instrumental in the acquisition of the Gateway property.

In the spring of 2004, the Task Force looked at two additional properties for future acquisition. The first piece of property is 2.46 acres located off of South Duncan Street in the Town Branch Neighborhood and is currently owned by James Mathias. There has been an assessment of the site by EGIS as part of a proposed site development. (In EGIS's professional opinion, the property contains waters of the U.S. The potentially regulated areas exist as approximately 0.29 acre of wet swale.[1]) The Town Branch Neighborhood Association has expressed interest in retaining this property in its natural

[1] EGIS, Inc. Preliminary Wetlands Assessment of July 2002, project number 2051.10

state. The Task Force ordered an appraisal on the property in January of 2004. The appraised value was $86,000, the property owners asking price was $130,000. Because of the sizable discrepancy in the appraised value and the asking price, the Task Force declined to make an offer on this property and began to look for alternative properties.

The Second property that the Task Force looked at is located off of West Avenue to the west of the new City Library. This property is owned by Mr. Faye Jones and is 2.44 acres in size. This property was identified as a significant greenway through the highly successful citizen driven Downtown Master Plan, developed by Dover, Kohl and Partners. The property will be used as a trail corridor for the Center Prairie Trail, and for additional trail connectivity to the new City Library. Again, the Task Force requested that the City do an appraisal on the property. The appraisal came back with an appraised value of $40,000. The Task Force then requested that the Mayor negotiate on their behalf with the owner, Mr. Jones. The Mayor, after a lengthy negotiation period, reported to the Task Force on August 18, 2004 that an offer and acceptance contract had been agreed upon by the Mayor and Mr. Jones for a price of $100,000. The Mayor explained to the Task Force that there were two additional potential buyers interested in Mr. Jones' property and that the subsequent negotiations had driven the price up from the $40,000 starting point to the final offer price of $100,000 matching that of the developers. The property is currently zoned RMF-24.

The recommendation that the Tree and Trail Task Force has made to the City Council is that the remaining funds in the Task Force account ($100,246.21) be split between the two projects. The Task Force recommends appropriating $50,123.10 to the purchase of the Mathias property located on S. Duncan St. with the remainder of the funding to be raised by the Neighborhood through various sources. The Task Force then recommends that Council appropriate the remaining $50,123.10 to the purchase of Mr. Jones' property located on West Ave., with the balance needed for this purchase to be funded through various means available to the City.

Discussion

The recommendation of the Tree and Trail Task Force to split the remaining funds between the Jones property and the Mathias property is not supported by the Parks and Recreation Advisory Board. It is the position of the Board that the best long term interests of the city will be met by using the monies to purchase this exceptional green space parcel that is adjacent to our new library, protects an urban stream corridor and preserves tree canopy within the urban core. As previously noted in the Downtown Master Plan this is the only significant greenspace remaining in the downtown area. The Parks and Recreation Advisory Board voted unanimously on August 24th to recommend that all the monies remaining go to the purchase of the Jones property. The Park staff is also of the opinion that this purchase best meets the needs of our park plan relative to green-space preservation and trail corridors. The Parks Board does not want the Duncan property in the system.

It should also be noted that in 2003 the Tree and Trails Task Force had recommended the purchase of 37.74 acres on Clabber Creek and had pledged $180,000 toward that purpose

purpose along with a possible commitment of $30,000 from Parks funds. The Mayor, through negotiation with the property owner, secured the property as a donation at no cost to the city, making this entire discussion possible.

Budget impact

The recommendation from the Tree and Trail task force would require the city to appropriate from some source slightly more than $50,000 to complete the purchase of the Jones property. There would also be some concern that local funds would have to be used to complete the purchase of the Mathias property. Both actions would be difficult but possible through an appropriation from the Parks Development Fund.

RESOLUTION NO. ______

A RESOLUTION APPROVING AN OFFER AND ACCEPTANCE CONTRACT BETWEEN THE CITY OF FAYETTEVILLE AND THE FAY JONES TRUST FOR THE PURCHASE OF APPROXIMATELY 2.44 ACRES OF LAND LOCATED BETWEEN WEST AND GREGG AVENUES FOR THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS ($100,000.00) PLUS ASSOCIATED CLOSING COSTS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an Offer and Acceptance contract between the City of Fayetteville and the Fay Jones Trust for the purchase of approximately 2.44 acres of land located between West and Gregg Avenues for the amount of one hundred thousand dollars ($100,000.00) plus associated closing costs. A copy of the contract is attached hereto marked Exhibit "A" and made a part hereof.

PASSED AND APPROVED this 7th day of September 2004.

APPROVED:

By: ______________________

DAN COODY, Mayor

ATTEST:

By: ______________________

SONDRA SMITH, City Clerk

OFFER AND ACCEPTANCE CONTRACT

1. The City of Fayetteville, Arkansas, a municipal corporation, hereinafter referred to as the Buyer, offers to buy, subject to the terms and conditions set forth herein, the following described property:

SEE ATTACHED EXHIBIT "A"
FOR PROPERTY DESCRIPTION

2. **Purchase Price**: Subject to the following conditions, the Buyer shall pay for the property at closing, the total and cash payment of **$ 100,000**.

3. **Contingent Earnest Money Deposit**: The Buyer herewith tenders a check for $______ __________ to **Euine Fay Jones, Trustee of the Fay Jones Trust**, hereinafter referred to as the Seller, as earnest money, which shall apply on the purchase price. This offer of purchase is contingent upon approval of the City Council of the City of Fayetteville, Arkansas, and, if they do not so approve, the earnest money deposit will be returned to the Buyer by the Seller. If title requirements are not fulfilled or the Seller fails to fulfill any obligations under this contract, the earnest money shall be promptly refunded to the Buyer. If the Buyer fails to fulfill his obligations under this contract or after all conditions have been met, the Buyer fails to close this transaction, the earnest money may, at the option of the Seller, become liquidated damages to the Seller. Alternatively, the Seller may assert legal or equitable rights which it may have because of breach of this contract.

4. Conveyance will be made to the Buyer by general Warranty Deed, except it shall be subject to recorded instruments and easements, if any, which do not materially affect the value of the property. Such conveyance shall include mineral rights owned by the Seller.

5. The Seller shall furnish, at Seller's cost, a policy of title insurance in the amount of the purchase price from a title insurance company as selected by the Buyer.

6. Seller agrees to allow Buyer, if Buyer so desires, at Buyer's expense, to survey the property. Seller agrees to cure any title problems which may result from any differences between the recorded legal descriptions of the property and the survey description. Said title problems, if any, must be solved prior to closing to the satisfaction of the Buyer.

7. Taxes and special assessments due on or before closing shall be paid by the Seller. Insurance, general taxes, ad valorem taxes, special assessments and rental payments shall be prorated as of closing.

8. The closing date is designated to be **within sixty (60)** days after this document has been approved by the Fayetteville City Council and said document will be submitted to the Fayetteville City Council within 30 days of acceptance acceptance of this offer by the Seller. Closing cost, except as specifically noted herein, shall be shared equally between Seller and Buyer.

9. Possession of the property shall be delivered to the Buyer on the date of closing.

10. Seller hereby grants permission for the Buyer or its employees or designates to enter the above described property and improvements for the purpose of inspec-tion and/or surveying.

11. All fixtures, improvements and attached equipment are included in the purchase price.

12. Risk of loss or damage to the property by fire or other casualty occurring up to the time of closing is assumed by the Seller.

13. Seller shall disclose to Buyer any and all environmental hazards of which Seller has actual knowledge. Upon acceptance of all conditions and terms of this Offer and Acceptance, Buyer and Seller shall share equally the costs of any and all testing for the existence of environmental hazards. Should the existence of environmental hazards be known or determined, Seller shall cure such, at Seller's expense, or in the alternative, at Buyer's discretion, Buyer may cure such environmental hazard, and Seller shall indemnify Buyer for all costs associated with said cure.

14. This agreement shall be governed by the laws of the State of Arkansas.

15. This agreement, when executed by both the Buyer and the Seller shall contain the entire understanding and agreement of the parties with respect to the matters referred to herein and shall supersede all price or contemporaneous agreements, representations and understanding with respect to such matters, and no oral representations or statements shall be considered a part hereof.

16. This contract expires, if not accepted by the Seller on or before the **22nd** day of **June**, 2004.

17. **NOTICE: BUYER ASSERTS AND SELLER HEREBY ACKNOWLEDGES THAT THIS OFFER IS EXPRESSLY CONTINGENT UPON THE APPROVAL OF THIS OFFER OF PURCHASE BY THE CITY COUNCIL OF FAYETTEVILLE AND THAT THE FAILURE OF THE COUNCIL TO SO APPROVE WILL MAKE ALL PORTIONS OF THIS OFFER NULL AND VOID, INCLUDING, BUT NOT LIMITED TO, THE RETURN TO BUYER OF THE $______ EARNEST MONEY DEPOSIT.**

OFFER AND ACCEPTANCE CONTRACT
Page 3 of 5

SELLER:

Fay Jones Trust

Euine Fay Jones

Euine Fay Jones, Trustee

Date: Aug. 6, 2004

AGENT OR WITNESS:

Mrs Euine Fay Jones

Date: 8-6-2004

BUYER:

City of Fayetteville, Arkansas,
a municipal corporation

Dan Coody

Dan Coody, Mayor

Date: 7/16/04

Sondra Smith

Sondra Smith, City Clerk

Date: 7/16/04

(SEAL)

EXHIBIT "A"
PROPERTY DESCRIPTION

(Deed Book 1031 at Page 736)

A part of the NW¼ of the SE¼ of Section 16, Township 16 North, Range 30 West of the 5th P.M., being more particularly described as follows, to-wit: Commencing at a found two inch iron pin marking the southwest corner of the NW¼ of the SE¼ of said section, township and range, which iron pin also marks the intersection of the South boundary line of the right of way of South Street with the West boundary line of the right of way of Gregg Avenue; thence South 88° 30' 40" East along the South boundary line of South Street a distance of 37.33 feet to a point; thence North 00° 04' 40" East a distance of 65.12 feet to a found iron pin marking the Southwest corner of Block 36 of the Original Town (now City) of Fayetteville, Arkansas, and which found iron pin also marks the intersection of the East boundary line of the right of way of Gregg Avenue and the North boundary line of the right of way of South Street; thence Northerly along the East boundary line of the right of way of Gregg Avenue to a set iron pin which marks the Northwest corner of said Block 36 at the intersection of the East boundary line of the right of way of Gregg Avenue and the South boundary line of the right of way of Rock Street; thence Easterly along the South boundary line of the right of way of Rock Street to a set iron pin marking the intersection of the West boundary line of the right of way of the St. Louis-San Francisco Railway and the South boundary line of the right of way of Rock Street; thence Southerly along the West boundary line of said railroad right of way to a set iron pin marking the intersection of the West boundary line of said railroad right of way with the North boundary line of the right of way of South Street; thence Westerly along the North boundary line of the right of way of South Street to the point of beginning, said area being designated as Lot 1 of Block 36 of the Original Town of Fayetteville, Arkansas, according to the Map of Fayetteville, Arkansas, surveyed and drawn by Burns and McDonnell, Engineers, Kansas City, Missouri. Also, beginning at an iron pin set on the West boundary line of the right of way of West Avenue at a point 158 feet South of a set iron pin which marks the Northeast corner of Block 36 in the Original Town (now City) of Fayetteville, Arkansas, and which set iron pin also marks the intersection of the West boundary line of the right of way of West Avenue and the South boundary line of the right of way of Rock Street; thence Southerly along the West boundary line of the right of way of West Avenue to a found iron pin which marks the Southeast corner of said Block 36 at the intersection of the West boundary line of the right of way of West Avenue and the North boundary line of the right of way of South Street; thence Westerly along the North boundary line of the right of way of South Street to a set iron pin which marks the intersection of the North boundary line of the right of way of South Street and the East boundary line of the right of way of the St. Louis-San Francisco Railway; thence Northerly along the East boundary line of the railroad right of way to an iron pin set on the East boundary line of said railroad right of way at a point which is North 88° 30' 40" West of the point of beginning; thence South 88° 30' 40" East a distance of 148 feet to the point of beginning, said area being designated as Lots 5, 6, and 7 of Block 36 according to the Map of Fayetteville, Arkansas, surveyed and drawn by Burns and McDonnell, Engineers, Kansas City, Missouri. It being the intention in the above description all of Block 36, in the Original Town (now City) of Fayetteville, Arkansas, LESS AND EXCEPT the following described real estate, to-wit: A strip of real estate 100 feet in width running parallel with the located centerline of the St. Louis-San Francisco Railroad right of way and measuring 50 feet in width on both sides of said centerline. Also, LESS AND EXCEPT that part of said Block 36 lying North of a line parallel to and 158 feet South of the North line of said Block and lying East of the East boundary line of the St. Louis-San Francisco Railway right of way and West of the West boundary line of the right of way of West Avenue in the City of Fayetteville, Arkansas.

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Euine Fay Jones,** to me well known as the person who executed the foregoing document, and who stated and acknowledged that **he** is Trustee of **Fay Jones Trust**, and is duly authorized to execute the foregoing instrument for and in the name and behalf of said Trust, and further stated and acknowledged that **he** had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 6th day of August, 2004.

Edward D. Connell
Notary Public

EDWARD D. CONNELL
Washington County
My Commission Expires
May 1, 2010

MY COMMISSION EXPIRES:
05-01-2010

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Dan Coody** and **Sondra Smith**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk** of the **City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 16th day of July, 2004 ~~1997~~.

Edward D. Connell
Notary Public

MY COMMISSION EXPIRES:
05-01-2010

EDWARD D. CONNELL
Washington County
My Commission Expires
May 1, 2010

OFFER AND ACCEPTANCE CONTRACT

1. The City of Fayetteville, Arkansas, a municipal corporation, hereinafter referred to as the Buyer, offers to buy, subject to the terms and conditions set forth herein, the following described property:

   SEE ATTACHED EXHIBIT "A"
   FOR PROPERTY DESCRIPTION

2. **Purchase Price**: Subject to the following conditions, the Buyer shall pay for the property at closing, the total and cash payment of **$ 100,000.**

3. **Contingent Earnest Money Deposit**: The Buyer herewith tenders a check for $ Nil 0.00 to **Euine Fay Jones, Trustee of the Fay Jones Trust**, hereinafter referred to as the Seller, as earnest money, which shall apply on the purchase price. This offer of purchase is contingent upon approval of the City Council of the City of Fayetteville, Arkansas, and, if they do not so approve, the earnest money deposit will be returned to the Buyer by the Seller. If title requirements are not fulfilled or the Seller fails to fulfill any obligations under this contract, the earnest money shall be promptly refunded to the Buyer. If the Buyer fails to fulfill his obligations under this contract or after all conditions have been met, the Buyer fails to close this transaction, the earnest money may, at the option of the Seller, become liquidated damages to the Seller. Alternatively, the Seller may assert legal or equitable rights which it may have because of breach of this contract.

4. Conveyance will be made to the Buyer by general Warranty Deed, except it shall be subject to recorded instruments and easements, if any, which do not materially affect the value of the property. Such conveyance shall include mineral rights owned by the Seller.

5. The Seller shall furnish, at Seller's cost, a policy of title insurance in the amount of the purchase price from a title insurance company as selected by the Buyer.

6. Seller agrees to allow Buyer, if Buyer so desires, at Buyer's expense, to survey the property. Seller agrees to cure any title problems which may result from any differences between the recorded legal descriptions of the property and the survey description. Said title problems, if any, must be solved prior to closing to the satisfaction of the Buyer.

7. Taxes and special assessments due on or before closing shall be paid by the Seller. Insurance, general taxes, ad valorem taxes, special assessments and rental payments shall be prorated as of closing.

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10. Seller hereby grants permission for the Buyer or its employees or designates to enter the above described property and improvements for the purpose of inspec-tion and/or surveying.

11. All fixtures, improvements and attached equipment are included in the purchase price.

12. Risk of loss or damage to the property by fire or other casualty occurring up to the time of closing is assumed by the Seller.

13. Seller shall disclose to Buyer any and all environmental hazards of which Seller has actual knowledge. Upon acceptance of all conditions and terms of this Offer and Acceptance, Buyer and Seller shall share equally the costs of any and all testing for the existence of environmental hazards. Should the existence of environmental hazards be known or determined, Seller shall cure such, at Seller's expense, or in the alternative, at Buyer's discretion, Buyer may cure such environmental hazard, and Seller shall indemnify Buyer for all costs associated with said cure.

14. This agreement shall be governed by the laws of the State of Arkansas.

15. This agreement, when executed by both the Buyer and the Seller shall contain the entire understanding and agreement of the parties with respect to the matters referred to herein and shall supersede all price or contemporaneous agreements, representations and understanding with respect to such matters, and no oral representations or statements shall be considered a part hereof.

16. This contract expires, if not accepted by the Seller on or before the **22nd** day of **June**, 2004.

17. **NOTICE: BUYER ASSERTS AND SELLER HEREBY ACKNOWLEDGES THAT THIS OFFER IS EXPRESSLY CONTINGENT UPON THE APPROVAL OF THIS OFFER OF PURCHASE BY THE CITY COUNCIL OF FAYETTEVILLE AND THAT THE FAILURE OF THE COUNCIL TO SO APPROVE WILL MAKE ALL PORTIONS OF THIS OFFER NULL AND VOID, INCLUDING, BUT NOT LIMITED TO, THE RETURN TO BUYER OF THE $ 0.00 EARNEST MONEY DEPOSIT.**
Nil

SELLER:

Fay Jones Trust

Euine Fay Jones

Euine Fay Jones, Trustee

Date: Aug. 6, ~~2004~~ 2004

AGENT OR WITNESS:

Mrs Euine Fay Jones

Date: 8-6-2004

BUYER:

City of Fayetteville, Arkansas,
a municipal corporation

Dan Coody

Dan Coody, Mayor

Date: 7/16/04

Sondra Smith

Sondra Smith, City Clerk

Date: 7/16/04

(SEAL)

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(Deed Book 1031 at Page 736)

A part of the NW¼ of the SE¼ of Section 16, Township 16 North, Range 30 West of the 5th P.M., being more particularly described as follows, to-wit: Commencing at a found two inch iron pin marking the southwest corner of the NW¼ of the SE¼ of said section, township and range, which iron pin also marks the intersection of the South boundary line of the right of way of South Street with the West boundary line of the right of way of Gregg Avenue; thence South 88° 30' 40" East along the South boundary line of South Street a distance of 37.33 feet to a point; thence North 00° 04' 40" East a distance of 65.12 feet to a found iron pin marking the Southwest corner of Block 36 of the Original Town (now City) of Fayetteville, Arkansas, and which found iron pin also marks the intersection of the East boundary line of the right of way of Gregg Avenue and the North boundary line of the right of way of South Street; thence Northerly along the East boundary line of the right of way of Gregg Avenue to a set iron pin which marks the Northwest corner of said Block 36 at the intersection of the East boundary line of the right of way of Gregg Avenue and the South boundary line of the right of way of Rock Street; thence Easterly along the South boundary line of the right of way of Rock Street to a set iron pin marking the intersection of the West boundary line of the right of way of the St. Louis-San Francisco Railway and the South boundary line of the right of way of Rock Street; thence Southerly along the West boundary line of said railroad right of way to a set iron pin marking the intersection of the West boundary line of said railroad right of way with the North boundary line of the right of way of South Street; thence Westerly along the North boundary line of the right of way of South Street to the point of beginning, said area being designated as Lot 1 of Block 36 of the Original Town of Fayetteville, Arkansas, according to the Map of Fayetteville, Arkansas, surveyed and drawn by Burns and McDonnell, Engineers, Kansas City, Missouri. Also, beginning at an iron pin set on the West boundary line of the right of way of West Avenue at a point 158 feet South of a set iron pin which marks the Northeast corner of Block 36 in the Original Town (now City) of Fayetteville, Arkansas, and which set iron pin also marks the intersection of the West boundary line of the right of way of West Avenue and the South boundary line of the right of way of Rock Street; thence Southerly along the West boundary line of the right of way of West Avenue to a found iron pin which marks the Southeast corner of said Block 36 at the intersection of the West boundary line of the right of way of West Avenue and the North boundary line of the right of way of South Street; thence Westerly along the North boundary line of the right of way of South Street to a set iron pin which marks the intersection of the North boundary line of the right of way of South Street and the East boundary line of the right of way of the St. Louis-San Francisco Railway; thence Northerly along the East boundary line of the railroad right of way to an iron pin set on the East boundary line of said railroad right of way at a point which is North 88° 30' 40" West of the point of beginning; thence South 88° 30' 40" East a distance of 148 feet to the point of beginning, said area being designated as Lots 5, 6, and 7 of Block 36 according to the Map of Fayetteville, Arkansas, surveyed and drawn by Burns and McDonnell, Engineers, Kansas City, Missouri. It being the intention in the above description all of Block 36, in the Original Town (now City) of Fayetteville, Arkansas, LESS AND EXCEPT the following described real estate, to-wit: A strip of real estate 100 feet in width running parallel with the located centerline of the St. Louis-San Francisco Railroad right of way and measuring 50 feet in width on both sides of said centerline. Also, LESS AND EXCEPT that part of said Block 36 lying North of a line parallel to and 158 feet South of the North line of said Block and lying East of the East boundary line of the St. Louis-San Francisco Railway right of way and West of the West boundary line of the right of way of West Avenue in the City of Fayetteville, Arkansas.

ACKNOWLEDGMENT

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) ss.
COUNTY OF WASHINGTON)

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WITNESS my hand and seal on this 6th day of August, 2004.

Edward D. Connell
Notary Public

EDWARD D. CONNELL
Washington County
My Commission Expires
May 1, 2010

MY COMMISSION EXPIRES:
05-01-2010

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

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Copy

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OFFER AND ACCEPTANCE CONTRACT
Page 3 of 5

SELLER:

Fay Jones Trust

Eurine Fay Jones

Eume Fay Jones, Trustee

Date: Aug. 6, ~~2004~~ 2004

AGENT OR WITNESS:

Mrs Eurine Fay Jones

Date: 8-6-2004

BUYER:

City of Fayetteville, Arkansas,
a municipal corporation

Dan Coody

Dan Coody, Mayor

Date: 7/16/04

Sondra Smith

Sondra Smith, City Clerk

Date: 7/16/04

(SEAL)

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ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

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WITNESS my hand and seal on this 6th day of August, 2004.

Edward D. Connell
Notary Public

EDWARD D. CONNELL
Washington County
My Commission Expires
May 1, 2010

MY COMMISSION EXPIRES:
05-01-2010

ACKNOWLEDGMENT

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WITNESS my hand and seal on this 16th day of July, 2004 ~~1997~~.

Edward D. Connell
Notary Public

MY COMMISSION EXPIRES:
05-01-2010

EDWARD D. CONNELL
Washington County
My Commission Expires
May 1, 2010

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council Meeting of: September 7, 2004

FROM:

Name	Division	Department
Tim Conklin	CP&E	CP&E

ACTION REQUIRED: Approval of a contract to purchase 2.44 acres for the amount of $100,000 from Fay Jones Trust.

COST TO CITY:

$100,000.00	$ 100,246.24	Escrow - Tree & Trails Trust
Cost of this request	Category/Project Budget	Program Category / Project Name
4470.1544.00	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ 100,246.24	Sales Tax Capital
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ____ Budgeted Item ____ Budget Adjustment Attached

Budget Manager — Date 8-23-04

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager — Date 8/23/04
Internal Auditor — Date 8/24/04
City Attorney — Date 8/24/04
Purchasing Manager — Date 8/24/04

STAFF RECOMMENDATION: Approval of contract and budget adjustment.

Division Head — Date

Received in Mayor's Office 8/25/04 Date

Department Director — Date 8-25-04
Finance & Internal Services Dir. — Date 8-26-04
Chief Administrative Officer — Date 8-25-04
Mayor — Date 8/26/04

Cross Reference:

Previous Ord/Res#: ____
Orig. Contract Date: ____
Orig. Contract Number: ____
New Item: **Yes** **No**

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody & City Council

THRU: Hugh Earnest, Chief Administrative Officer
Steve Davis, Finance & Internal Services Director

FROM: Peggy Vice, Purchasing Manager PVice

DATE: August 20, 2004

SUBJECT: Newspaper Advertising

Recommendation: Staff recommends the City of Fayetteville award the newspaper ad bid to the following for public notification:

Morning News
- **Legal Notices in Classified Section – Monday-Sunday**
  - Public Meetings
  - Bids
  - Agendas
  - Human Resource Ads
- **Display Advertising – Monday-Sunday**
  - Planning Commission Agenda Items
  - Holiday Schedules for Solid Waste
- Use borders and City logo on all advertising

Ark Democrat-Gazette-
Legal Notices in Classified Section – Federally Funded Projects that must be advertised statewide.
  - Public Meetings
  - Bids
  - Agendas
- **Display Advertising- of hot topic items**
  - Planning Commission Agenda Items
  - Holiday Schedules for Solid Waste
  - Human Resource Ads
- Use borders and City logo on all advertising

Fayetteville Free Weekly
- **Display Advertising- of hot topic items**
  - Public Meetings
  - Use borders and City logo on all advertising

Staff further recommends that an annual review be conducted to develop baseline data to use in future advertising contract discussions and negotiations.

Background:
The City currently appropriates over $130,000 for public notification which is an increase of $24,000 in 2002. The City's web-site was re-designed and re-launched during 2002 and receives approximately 35,000 unique visitors with over 800,000 successful hits per month. The City is in need of implementing a strategy that identifies the most cost-effective means and methods of providing quality public notification to citizens.

The City solicited bids that were opened on July 27. Three venders responded: Arkansas Democrat-Gazette, Morning News of Northwest Arkansas and the Fayetteville Free Weekly. The bids were reviewed and staff recommendations developed as stated above.

Discussion: Arkansas Democrat-Gazette has approximately twice the coverage of The Morning News, but The Morning News has offered to also put our ads in their "Extra" that is mailed out to non-subscriber households. This should give us as good or better coverage.

Budget Impact:
Successful implementation of contracts governing public notification/advertising offers the city the best opportunity to insure –

- cost containment of advertising expenditures
- reaching the majority of citizens and potential bidders in a cost effective manner

RESOLUTION NO. ______

A RESOLUTION AWARDING BID #04-53 TO *THE MORNING NEWS* FOR LEGAL AND DISPLAY ADVERTISEMENTS; TO THE *ARKANSAS DEMOCRAT-GAZETTE* FOR FEDERALLY FUNDED PROJECT ADVERTISEMENTS; AND AUTHORIZING THE PLACEMENT OF ITEMS OF PARTICULAR PUBLIC INTEREST IN ANY NEWSPAPER AS NEEDED.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #04-53 to *The Morning News* for legal and display advertisements and to The *Arkansas Democrat-Gazette* for federally funded project advertisements.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby authorizes City Staff to place items of particular public interest in any newspaper as needed.

PASSED and **APPROVED** this 7th day of September 2004.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

BID: 04-53
DATE: 07/27/04
TIME: 2:00 PM
CITY OF FAYETTEVILLE

DESCRIPTION: NEWSPAPER ADVERTISING

BIDDERS	Item #1	Item #2	Item #3	Item #4	Item #5	Item #6
ARK DEMOCRAT GAZETTE	$13.75	$15.95	$9.56	$9.56	N/A	N/A
FAYETTEVILLE FREE WEEKLY	No Bid	No Bid	$10.00	No Bid	No Bid	No Bid
MORNING NEWS	$7.95	$7.95	$4.00	$4.00	N/C	N/C

CERTIFIED P Vice — P. VICE PURCH MGR

R Williams — WITNESS

7/29/04 — DATE

Ms. Cathy Thompson, Washington Willow Neighborhood Association, stated they should consider the integrity of the older neighbors and how they all fit together and how they wanted them to be in the future.

Mr. Greg House, an area resident, stated he did not oppose the study, but his issue was the issue of moratorium and the lack of notice for them that are in the middle of a project. He did not believe that it was fair to ask them to stop now after the money and time they had spent which would cause them great harm. The 2020 Plan was a plan for the future, not just today. It was for the next eighteen years.

Mr. Ken Marvin, an area resident, stated he had two acres on a hill that was zoned R-2 and has been for forty years. With the new grading ordinance he would not be able to build new upscale apartments or town homes on his land. It was not the fall or the slope of the building on the land, it was how they place their buildings on the land. They need to build with the land.

Mr. Robert Sharp, an area resident, stated he thought the study was a good idea. He felt the run off issue had been dealt with by the grading and drainage issue. They just have not felt the affects yet because not enough projects have been built under the new law. There was undeveloped land on hillsides in Fayetteville, he believed that land would be developed one way or another. If they were built as houses or duplexes, there would be no grading or drainage requirements, so the run off would be greater if it was all single family.

Mr. Jerry Havens, an area resident, stated he wanted the City to take a long hard look at this issue. He would support of removal of the mandatory moratorium.

Mr. Glenn Carter, an area resident, stated his main concern was the moratorium.

Upon roll call the motion carried by a vote of 5-3-0. Jordan, Reynolds, and Thiel.

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

RESOLUTION 130-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ADVERTISING: Discussion regarding the City's advertising.

Mr. Jim Blankenship, Arkansas Democrat Gazette, presented information to the Council regarding their circulation and pricing based on a cost per thousand.

In response to question, Ms. Woodruff stated last year the City spent close to $89,000 with the Gazette and almost $20,000 with the Morning News. This year, thorough July they have spent $53,000 with the Gazette and $5,000 with the Morning News. Estimating $106,000 with the Gazette by the end of the year.

Mr. Ken Eikenberry, Morning News, presented their proposal.

Alderman Santos stated they should look at the complete packet. There were different things that different papers did better. They needed to look at the different kinds of advertising that they did and figure out which paper was most effective.

Ms. Woodruff stated they had broken their cost down by want ads, legal ads and display ads. In response to questions, she stated in order to get the proposed rates from each of the papers they had to have a contract. To meet their 9,000 inches in requirement for the Gazette they basically had to do all of their advertising with them. The Morning New was asking the same of them. In order to get the proposed rates, they would have to go with one primary paper. They would be able to do duplication in the other paper.

Ms. Renee Thomas, Planning Division, stated they had been doing all display ads since March because it was more cost affective.

Mr. Bechard asked them to come back with a couple of recommendations or proposals verse a broad discussion.

NO ACTION TAKEN.

AUTOMATED CARTS: An ordinance establishing the rate structure and program parameters for an automated cart based on residential trash collection and disposal program.

Mr. Williams read the ordinance.

Alderman Bechard stated if they were getting in to discount structures greater than 20% and 30% they were creating themselves all sorts of financial risk. On a 32 gallon container they were giving a 58% discount. On their projected cart distribution they would be looking at $748,000 deficit. He suggested more a discount of 20% range. He thought they should be closer to the true cost of the rate, while at the same time giving people the incentive the throwaway less and recycle more.

Melissa Terry, an area resident, stated they had conducted an informal survey, the basic result was that 50% of the people surveyed chose the 64 gallon chart. 23% were choosing the 32 gallon, and 27% were choosing the 96 gallon.

Alderman Marr questioned if they were going to have the residential rates more fully fund the program or are they going to rely on the commercial subsidy that they have today.

Alderman Young stated he thought it would be easier for the entire city, if they were to eliminate the subsidy now.

FAYETTEVILLE

City of Fayetteville
Purchasing Division
113 W. Mountain
Fayetteville, AR 72701
(479) 575-8256
(479) 575-8241 fax

BID NUMBER 04-53
BID OPENING DATE: July 27th, 2004
TIME: 2:00 p.m. Local Time

LOCATION Purchasing Division-Rm 306
ISSUANCE DATE: July 6, 2004
BUYER: Peggy Vice

****

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE
	NEWSPAPER ADVERTISING for City of Fayetteville			
	GROUP A: LEGAL NOTICES IN CLASSIFIED SECTION			
1	Price per Column Inch, Discounted Rate Monday thru Saturday	1	EACH	________
	Standard Rates _______per column inch			
2	Price per Column Inch, Discounted Rate Sundays	1	EACH	________
	Standard rates _______per column inch			
	Number of Lines per Column Inch ________			

GROUP B: GENERAL, NON-CLASSIFIED DISPLAY ADS

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE
	NEWSPAPER ADVERTISING for City of Fayetteville			
3	Price per Column Inch, Discounted Rate Monday thru Saturday Standard rates _______per column inch	1	EACH	___________
4	Price per Column Inch, Discounted Rate Sundays Standard rates _______per column inch Number of Lines per Column Inch ________	1	EACH	___________
5.	Price for border around ad	1	EACH	___________
6.	Price for City Logo in ad (Sample Attached)	1	EACH	___________

Any and all exceptions to these specifications MUST be clearly and completely indicated on the bid sheet. Attach additional pages if necessary.

NOTE TO BIDDERS: Please be advised that any exceptions to these specifications may cause your bid to be disqualified.

Submit bids by SEALED BID ONLY. Fax and e-mail bids are not acceptable and will not be considered.

GENERAL TERMS & SPECIFICATIONS

INTENT

It is the intent of the City of Fayetteville to secure contracted pricing for advertising in newspapers with circulation in Fayetteville, Arkansas, as well as to solicit audited circulation information within the Fayetteville region as indicated in these specifications for the purpose of assessment advertising, as required by law.

WORK INCLUDED

Provide legal and commercial publication services for various City of Fayetteville departments as well as eligible municipalities within Fayetteville, AR. Such publications may include, but are not limited to legal notices, solicitation of bids, notices of condemnations, and public hearings. The City of Fayetteville reserves the right to advertise in any publication if it is determined to be in the City's best interest.

AWARD

Awards will be made to multiple responsive and responsible bidders who are best qualified to perform in accordance with the terms and conditions of the contract, and whose circulation numbers are deemed to be the most advantageous to the City of Fayetteville's advertising needs. Selection of which newspaper to advertise in will be made on a case by case basis considering price and circulation information factors. The City of Fayetteville reserves the right to consider circulation and related factors in selecting the most appropriate newspaper for placement of advertisements.

BID PRICING

Bidders shall provide their discounted price per column inch for classified legal notices and for non-classified display advertisements. For information only, bidders shall also include their standard rates generally charged, where indicated on the bid sheet.

TERM

This contract shall be in effect for the remainder of 2004 after notice of award and then beginning January 2005 for a two (2) year period. At the end of any contract term, City of Fayetteville reserves the right to extend this contract for a period of up to sixty (60) days for the purpose of getting a new contract in place. For any year beyond the initial year, this contract is contingent on the appropriation of sufficient funds; no charges shall be assessed for failure of the City to appropriate funds in future contract years

TERMINATION
The City reserves the right to terminate this contract, or any part of this contract, upon thirty (30) days written notice. In case of such termination, the Contractor(s) shall be entitled to receive payment from the City for work completed to date in accordance with the terms and conditions of this contract. In the event that this Contract is terminated due to Contractor's default, the City shall be entitled to purchase substitute items and/or services elsewhere and charge the Contractor with any or all losses incurred, including attorney's fees and expenses.

PURCHASE EXTENSION
This contract shall be offered for purchases to be made by other counties and governmental units within the State of Arkansas as authorized. All purchases and payments made under this authority shall be made directly by the governmental unit to the Contractor. City of Fayetteville shall not be responsible in any way for such purchase orders or payments. All terms and conditions of this contract shall apply to all orders placed by another governmental unit.

ESTIMATED QUANTITY
City of Fayetteville spends approximately _\$130,000_____ on advertising. This is an estimate of the total quantity to be used during the year. The City does not guarantee any specific amount and shall not be held responsible for any deviation. This contract shall cover the City's requirements whether more or less than the estimated amount.

ESCALATOR PROVISION
Prices throughout the initial first year of the contract shall remain firm/fixed. Written requests for price revisions after the first year period shall be submitted in advance of receipt of order to the City of Fayetteville Purchasing Department. Requests must be based upon and include documentation of the actual change in the cost of the components involved in the contract and shall not include overhead, or profit. The City reserves the right to reject any price increase and to terminate the contract.

CIRCULATION REQUIREMENTS
Awarded Contractor(s) shall have a general paid circulation in the City of Fayetteville. Bidders are required to submit copies of the latest available, audited circulation information along with the bid. The newspaper(s) selected for City of Fayetteville publications shall not be a trade, religious or fraternal publication.

CONTACT REQUIREMENTS
The successful Contractor(s) will be required to provide the City of Fayetteville with the name(s) and phone number(s) of at least one dedicated customer service representative charged with taking advertising orders, and at least one company representative charged with handling billing questions and requests.

ORDER PROCESSING/BILLING/PAYMENT

City of Fayetteville Departments will be placing orders directly with the successful publication. Invoices must include an itemized listing of each ad placed and the rate charged. A "Proof of Ad" is to be submitted for each advertisement.

REPORT OF CONTRACT PURCHASES

Contractor shall furnish a report of purchases made from the contract by the fifteenth (15) of the month following the end of each contract quarter.

The report is to be submitted to the Purchasing Department, 113 W. Mountain – 3rd floor, Fayetteville, Arkansas 72701, and shall include the title, effective dates, contractor's name, and the following information:

Ordering Department	Item Description	Total Qty. Delivered	Item Price	Total $

Failure to submit the required reports may be cause for disqualification of the contractor for future contracts.

ADDITIONAL INFORMATION

The City desires ads to be ran where they are easily located by the public. An ideal would be the same page every day. The ads must have consistency of print type and logo. The ability to submit ads electronically by email and proof ads electronically by email is required.

Should the bidder require additional information about this bid, please fax questions to City of Fayetteville Purchasing Department (479) 575-8241 no less than two (2) days prior to the bid opening date. ANY and ALL changes to these specifications are valid only if they are included by written Addendum to All Bidders. No interpretation of the meaning of the plans, specifications or other contract documents will be made orally. Failure of any bidder to receive any such addendum or interpretation shall not relieve the bidder from obligation under this bid as submitted. All addenda so issued shall become part of the bid documents. Failure to request an interpretation constitutes a waiver to later claim that ambiguities or misunderstandings caused a bidder to improperly submit a bid.

CONTACT INFORMATION

Customer Service Rep./Order Taking:

Name:____________________ Name:____________________

Phone:____________________ Phone:____________________

Fax:____________________ Fax:____________________

E-Mail:____________________ E-Mail:____________________

Customer Service Rep./Billing Inquiries:

Name:____________________ Name:____________________

Phone:____________________ Phone:____________________

Fax:____________________ Fax:____________________

E-Mail:____________________ E-Mail:____________________

Can ads be submitted electronically (via e-mail)? ___yes ___no

Can adds be submitted via fax? ___yes ___no

How much advance notice is needed to publish:

Legal Ads ____Days

General Display Ads ____Days

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that he/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on. Bids must be submitted on this bid form in its entirety AND *accompanied by requested information* as required in the proposal. The Bidder can and will comply with all

specifications and requirements as specified herein. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

***NAME OF FIRM:** ______________________________

***BUSINESS ADDRESS:** ______________________________

***CITY:** ____________________ ***STATE:** __________ ***ZIP:** __________

***PHONE:** ____________________ **FAX:** ____________________

***BY :(PRINTED NAME)** ______________________________

***AUTHORIZED SIGNATURE:** ______________________________

***TITLE:** ______________________________

***EMAIL:** ______________________________

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

STANDARD TERMS AND CONDITIONS

1. AUTHORITY. This Invitation for Bids is issued pursuant to applicable provisions of the City of Fayetteville.
2. BID OPENING. Sealed bids will be received at the Purchasing Division until the date and time specified, at which time they shall be opened in public. Late bids shall be rejected and returned unopened to the sender.
3. BID PREPARATION. Bids must be submitted on this form and all information and certifications called for must be furnished. Bids submitted in any other manner, or which fail to furnish all information or certificates required, may be summarily rejected. Bids may be modified or withdrawn prior to the time specified for the opening of bids. Bids shall be filled out legibly in ink or typewritten with all erasures, strike overs and corrections initialed in ink by the person signing the bid. The bid shall include the legal name of the bidder, the complete mailing address, and be signed in ink by a person or persons legally authorized to bind the bidder to a contract. Name of person signing should be typed or printed below the signature.
4. BID ENVELOPES. Envelopes containing bids must be sealed and addressed to the City of Fayetteville Purchasing Division. The name and address of the bidder and the Invitation Number must be shown in the upper left corner of the envelope.
5. ERRORS IN BIDS. Bidders are cautioned to verify their bids before submission. Negligence on the part of the bidder in preparing the bid confers no right for withdrawal or modification of the bid after it has been opened. In case of error in the extension of prices in the bid, the unit prices will govern.
6. RESERVED RIGHTS. The City of Fayetteville reserves the right at any time and for any reason

to cancel this Invitation for Bids, accept or reject any or all bids or any portion thereof, or to accept an alternate bid. The City of Fayetteville reserves the right to waive any immaterial defect in any bid. Unless otherwise specified by the bidder or the City, the City has sixty (60) days to accept. The City may seek clarification from any bidder at any time and failure to respond promptly is cause for rejection.

7. INCURRED COSTS. The City will not be liable for any costs incurred by bidders in replying to this Invitation for Bids.

8. AWARD. It is the intent of the City to award a contract to the lowest responsible bidder meeting specifications. The City reserves the right to determine the lowest responsible bidder on the basis of an individual item, groups of items, or in any way determined to be in the best interests of the City. Award will be based on the following factors (where applicable): (a) adherence to all conditions and requirements of the bid specifications; (b) price; (c) qualifications of the bidder, including past performance, financial responsibility, general reputation, experience, service capabilities, and facilities; (d) delivery or completion date; (e) product appearance, workmanship, finish, taste, feel, overall quality, and results of product testing; (f) maintenance costs and warranty provisions; and (g) repurchase or residual value.

9. PRICING. The price quoted for each item is the full purchase price, including delivery to destination, and includes all transportation and handling charges, premiums on bonds, material or service costs, patent royalties and all other overhead charges of every kind and nature. Unless otherwise specified, prices shall remain firm for the contract period.

10. DISCOUNTS. Prices quoted must be net after deducting all trade and quantity discounts. Where cash discounts for prompt payment are offered, the discount period shall begin with the date of receipt of a correct invoice or receipt or final acceptance of goods, whichever is later.

11. TAXES. The City of Fayetteville is not subject to Federal Excise Tax. The City of Fayetteville is not exempt from state and local taxes.

12. SPECIFICATIONS. Reference to brand names and numbers is descriptive, but not restrictive, unless otherwise specified. Bids on equivalent items will be considered, provided the bidder clearly states exactly what is proposed to be furnished, including complete specifications. Unless the bidder specified otherwise, it is understood the bidder is offering a referenced brand item as specified or is bidding as specified when no brand is referenced, and does not propose to furnish an "equal." The City reserves the right to determine whether a substitute offer is equivalent to and meets the standard of quality indicated by the brand name and number.

13. SAMPLES. Samples of items, when called for, must be furnished free of expense and, if not destroyed in the evaluation process, will, upon request, be returned at the bidder's expense. Request for the return of samples must accompany the sample and include UPS Pickup Slip, postage or other acceptable mode of return. Individual samples must be labeled with bidder's name, invitation number, item reference, manufacturer's brand name and number.

14. INTERPRETATION OR CORRECTION OF BIDDING DOCUMENTS. Bidders shall promptly notify the City of any ambiguity, inconsistency or error which they may discover upon examination of the bidding documents. Interpretations, corrections and changes will be made by addendum. Each bidder shall ascertain prior to submitting a bid that all addenda have been received and acknowledged in the bid.

15. VARIANCES. State or list by reference any variations to specifications, terms and/or conditions.

16. INDEMNIFICATION. The Seller shall indemnify and hold harmless the City, its agents, officials, and employees from and against all injuries, losses, claims, suits, costs and expenses which may accrue against the City as a consequence of granting the Contract.

17. DEFAULT. Time is of the essence of this contract and if delivery of acceptable items or rendering of services is not completed by the time promised, the City reserves the right, without liability, in addition to its other rights and remedies, to terminate the contract by notice effective when received by Seller, as to stated items not yet shipped or services not yet rendered and to purchase substitute items or services elsewhere and charge the Seller with any or all losses incurred. The City shall be entitled to

recover its attorney's fees and expenses in any successful action by the City to enforce this contract.

18. INSPECTION. Materials or equipment purchased are subject to inspection and approval at the City's destination. The City reserves the right to reject and refuse acceptance of items which are not in accordance with the instructions, specifications, drawings or data of Seller's warranty (express or implied). Rejected materials or equipment shall be removed by, or at the expense of, the Seller promptly after rejection.

19. WARRANTY. Seller warrants that all goods and services furnished hereunder will conform in all respects to the terms of this solicitation, including any drawings, specifications or standards incorporated herein, and that they will be free from latent and patent defects in materials, workmanship and title, and will be free from such defects in design. In addition, Seller warrants that said goods and services are suitable for, and will perform in accordance with, the purposes for which they are purchased, fabricated, manufactured and designed or for such other purposes as are expressly specified in this solicitation. The City may return any nonconforming or defective items to the Seller or require correction or replacement of the item at the time the defect is discovered, all at the Seller's risk and expense. Acceptance shall not relieve the Seller of its responsibility.

20. REGULATORY COMPLIANCE. Seller represents and warrants that the goods or services furnished hereunder (including all labels, packages and container for said goods) comply with all applicable standards, rules and regulations in effect under the requirements of all Federal, State and local laws, rules and regulations as applicable, including the Occupational Safety and Health Act as amended, with respect to design, construction, manufacture or use for their intended purpose of said goods or services. Seller shall furnish "Material Safety Data Sheets".

21. ROYALTIES AND PATENTS. Seller shall pay all royalties and license fees. Seller shall defend all suits or claims for infringement of any patent, copyright or trademark rights and shall hold the City harmless from loss on account thereof.

22. LAW GOVERNING. This contract shall be governed by and construed according to the laws of the State of Arkansas

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council Meeting of: September 7, 2004

FROM:

Name	Division	Department
Peggy Vice	Purchasing Division	Finance & Internal Services

ACTION REQUIRED: Approval of award of bid to The Morning News for advertising legal and display ads and approval of award to Ark. Democrat Gazette to place federally funded project advertisements that require statewide publications and to place hot ticket items that need extra coverage in any paper as needed.

COST TO CITY:
#

	$ 166,964.00	Public Notification
Cost of this request	Category/Project Budget	Program Category / Project Name
Various Depts-5301.00	$ 68,135.00	
Account Number	Funds Used to Date	Program / Project Category Name
	$ 98,829.00	Various Funds
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ___ Budget Adjustment Attached

Budget Manager — Date: 8-2?-04

CONTRACT/GRANT/LEASE REVIEW:

Marsha Farthing	8/24/02	Nancy Smith	8/25/04
Accounting Manager	Date	Internal Auditor	Date
D. Whit	8/25/04	P Vice	8-23-04
City Attorney	Date	Purchasing Manager	Date

STAFF RECOMMENDATION: Approval

P Vice — 8-23-04
Division Head — Date

Received in Mayor's Office ___ Date

Department Director — Date

Cross Reference:

Finance & Internal Services Dir. — Date

Previous Ord/Res#: ___

Orig. Contract Date: ___

Chief Administrative Officer — Date

Orig. Contract Number: ___

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

Mayor — Date

ENTERED 8/24/04

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **September 8, 2004**

RE: **Passed Resolutions and Ordinances from City Council meeting of September 7, 2004**

The following Resolutions and Ordinances were passed at last night's regular City Council meeting and are ready for the mayor's signature.

Enclosed are:

1. **Mailco USA, Inc. Contract:** Resolution approving low bid for a mail processing contract from Mailco, USA, Inc. for an estimated amount of $261,670.00;

2. **Dept. of Homeland Security Fire Prevention Grant:** Resolution authorizing Fayetteville Fire Dept. to apply for a Dept. of Homeland Security Fire Prevention and Safety Grant in an amount of approximately $200,000.00 for enhanced fire prevention programs;

3. **Amber Dr. Drainage Improvements contract w/Cando, Inc.:** resolution approving construction contract w/Cando, Inc. for Amber Drive drainage improvements in amount of $71,703.40, plus contingency of $15,755.51;

4. **Purchase of One 4x2 Crew Cab Truck for Parks:** Resolution approving purchase of one 4x2 Crew Cab Truck w/dump body from North Point Ford of North Little Rock in amount of $36,292.00;

5. **Purchase of One F-550 4x4 Truck w/Crane for Water & Sewer:** Resolution approving purchase of an F-550 Extended Cab 4x4 Truck from Ron Blackwell Ford in amount of $45,904.50;

6. **Purchase of One Extended Cab 4x4 Truck w/Utility Body for Water & Sewer:** Resolution approving purchase of one Extended Cab 4x4 Truck w/utility body from Ron Blackwell Ford in amount of $39,105.42;

7. **Purchase of One 4x4 Truck w/Van Body for Water & Sewer:** Resolution approving purchase of one 4x4 truck w/Van Body and Television Sewer Line Inspection Equipment from SWECO in amount of $169,450.00; and approving budget adjustment in amount of $116,000.00;

8. **Purchase of Two 4x2 Crew Cab trucks w/Dump Bodies for Transportation:** Resolution approving purchase of two 4x2 Crew Cab Trucks w/dump bodies from North Point Ford of North Little Rock in amount of $72,584.00;

9. **Ramsey, Krug, Farrell & Lensing Contract:** Resolution approving contract w/Ramsey, Krug, Farrell & Lensing in amount not to exceed $29,280.00 to provide insurance brokerage services to City of Fayetteville;

10. **Laureate Fields Subdivision Park Land Dedication Waiver:** Resolution approving agreement to accept lesser dedication of park land from Old Towne LLC in lieu of its development of its dedicated three acre Neighborhood Park;

11. **AHTD Highway 265 Improvements:** Resolution expressing intent of Fayetteville City Council to participate w/AHTD on improvements to Highway 265 from Highway 45 to northern City limits;

12. **SouthPass Development Company Purchase Option Transfer:** Resolution authorizing Mayor to execute agreement w/SouthPass Development Company to accept 200 acres of park land, a 10 acre water tank site, one million dollars for park land development and other consideration for the City's acceptance of ownership of a 33 acre landfill;

13. **Neighborhood Elementary School City Council Support:** Resolution expressing City Council's support for the established Neighborhood Elementary Schools in Fayetteville;

14. **Downtown Master Plan Adoption:** Resolution adopting Downtown Master Plan completed by Dover, Kohl & Partners.

Tentative Agenda
City Council Meeting
September 7, 2004

Agenda Session

A meeting of the Fayetteville City Council will be held on September 7, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **Approval of the Minutes:** Approval of the July 27, 2004 Public Hearing and the August 3, 2004 meeting minutes.

2. **Mailco USA, Inc. Contract:** A resolution to approve the low bid for a mail processing contract from Mailco, USA, Inc. for an estimated amount of $261,670.00.

3. **Department of Homeland Security Fire Prevention Grant:** A resolution authorizing the Fayetteville Fire Department to apply for a Department of Homeland Security Fire Prevention and Safety Grant in an amount of approximately $200,000.00 for enhanced fire prevention programs.

4. **Purchase of Two Police Pursuit Motorcycles:** A resolution approving the purchase of two (2) Harley-Davidson Police Pursuit Motorcycles from Denny's Harley-Davidson of Fort Smith in the amount of $36,500.00.

pull Frank Johnson will get back with us on when to put back on the agenda

5. **Purchase of One 4x2 Crew Cab Truck for Parks:** A resolution approving the purchase of one (1) 4x2 Crew Cab Truck with dump body from North Point Ford of North Little Rock in the amount of $36,292.00.

6. **Purchase of One F-550 4x4 Truck with Crane for Water & Sewer:** A resolution approving the purchase of an F-550 Extended Cab 4x4 Truck from Ron Blackwell Ford in the amount of $45,904.50.

7. **Purchase of One Extended Cab 4x4 Truck with Utility Body for Water & Sewer:** A resolution approving the purchase of one (1) Extended Cab 4x4 Truck with utility body from Ron Blackwell Ford in the amount of $39,105.42.

8. **Purchase of One 4x4 Truck with Van Body for Water & Sewer:** A resolution approving the purchase of one (1) 4x4 Truck with Van Body and Television Sewer Line Inspection Equipment from SWECO in the amount of $169,450.00; and approving a budget adjustment in the amount of $116,000.00.

9. **Purchase of Two 4x2 Crew Cab Trucks with Dump Bodies for Transportation:** A resolution approving the purchase of two (2) 4x2 Crew Cab Truck with dump bodies from North Point Ford of North Little Rock in the amount of $72,584.00.

10. **Ramsey, Krug, Farrell & Lensing Contract:** A resolution approving a contract with Ramsey, Krug, Farrell & Lensing, in an amount not to exceed $29,280.00 to provide insurance brokerage services to the City of Fayetteville.

11. **Laureate Fields Subdivision Park Land Dedication Waiver:** A resolution to approve an agreement to accept lesser dedication of park land from Old Towne LLC in lieu of its development of its dedicated three acre Neighborhood Park.

B. OLD BUSINESS:

1. **Arkansas Highway & Transportation Department Highway 265 Improvements:** A resolution expressing the intent of the Fayetteville City Council to participate with the Arkansas Highway and Transportation Department on improvements to Highway 265 from Highway 45 to the northern City limits.

C. NEW BUSINESS:

1. **SouthPass Development Company Purchase Option Transfer:** A resolution authorizing the Mayor to execute an agreement with SouthPass Development Company to accept 200 acres of park land, a 10 acre water tank site, one million dollars for park land development and other consideration for the City's acceptance of ownership of a 33 acre landfill.

2. **Neighborhood Elementary School City Council Support:** A resolution to express the City Council's support for the established Neighborhood Elementary Schools in Fayetteville.

3. **Downtown Master Plan Adoption:** A resolution to adopt the Downtown Master Plan completed by Dover, Kohl & Partners.

4. **Purchase 2.44 Acres from Fay Jones Trust:** A resolution approving an offer and acceptance contract between the City of Fayetteville and the Fay Jones Trust for the purchase of approximately 2.44 acres of land located between West and Gregg Avenues for the amount of $100,000.00 plus associated closing costs.

5. **Newspaper Advertising Bid:** A resolution awarding Bid #04-53 to The Morning News for legal and display advertisements; to the Arkansas Democrat-Gazette for federally funded project advertisements; and authorizing the placement of items of particular public interest in any newspaper as needed.

D. INFORMATIONAL:

City Council Budget Briefing: August 31, 2004 – Room 326 – After Agenda Session

Labor Day Holiday: September 6, 2004

Council Tour:

3:00 Meeting
8/25/04

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City Council Meeting
September 7, 2004

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A. CONSENT:

1. **Approval Of The Minutes:** Approval of the August 3, 2004 meeting minutes.

B. OLD BUSINESS:

1. **Arkansas Highway & Transportation Department Highway 265 Improvements:** A resolution expressing the intent of the Fayetteville City Council to participate with the Arkansas Highway and Transportation Department on improvements to Highway 265 from Highway 45 to the northern City limits.

C. NEW BUSINESS:

~~1. **Purchase of 800 Acres from the Cummings Farm:**~~

Consent 2. **Mailco USA, Inc. Contract:** A resolution to approve the low bid for a mail processing contract from Mailco, USA, Inc. for an estimated amount of $261,670.00.

Consent 3. **Department of Homeland Security Fire Prevention Grant:** A resolution authorizing the Fayetteville Fire Department to apply for a Department of Homeland Security Fire Prevention and Safety Grant in an amount of approximately $200,000.00 for enhanced fire prevention programs.

Consent 4. **Purchase of Two Police Pursuit Motorcycles:** A resolution approving the purchase of two (2) Harley-Davidson Police Pursuit Motorcycles from Denny's Harley-Davidson of Fort Smith in the amount of $36,500.00.

Consent 5. **Purchase of One 4x2 Crew Cab Truck for Parks:** A resolution approving the purchase of one (1) 4x2 Crew Cab Truck with dump body from North Point Ford of North Little Rock in the amount of $36,292.00.

Consent 6. **Purchase of One F-550 4x4 Truck with Crane for Water & Sewer:** A resolution approving the purchase of an F-550 Extended Cab 4x4 Truck from Ron Blackwell Ford in the amount of $45,904.50.

Consent 7. **Purchase of One Extended Cab 4x4 Truck with Utility Body for Water & Sewer:** A resolution approving the purchase of one (1) Extended Cab 4x4 Truck with utility body from Ron Blackwell Ford in the amount of $39,105.42.

Consent 8. **Purchase of One 4x4 Truck with Van Body for Water & Sewer:** A resolution approving the purchase of one (1) 4x4 Truck with Van Body and Television Sewer Line Inspection Equipment from SWECO in the amount of $169,450.00; and approving a budget adjustment in the amount of $116,000.00.

Consent 9. **Purchase of Two 4x2 Crew Cab Trucks with Dump Bodies for Transportation:** A resolution approving the purchase of two (2) 4x2 Crew Cab Truck with dump bodies from North Point Ford of North Little Rock in the amount of $72,584.00.

3 ~~10~~. **Downtown Master Plan Adoption:** A resolution to adopt the Downtown Master Plan completed by Dover, Kohl & Partners.

Hugh — 11. **Purchase 2.44 Acres from Fay Jones Trust:** (Last) before newspaper #4

~~**12. Avfuel Corporation**~~: 9/21/04

13~~**. Meadow Street Parking Deck Walker Consultants Contract**~~: 9/21/04

1~~**4. Amber Drive Drainage Improvements Construction Contract Award**~~: 9/21/04

Kit. has 15 **Laureate Fields Subdivision Park Land Dedication Waiver:** (Consent)

Gary Dumas 16 **SouthPass Development Company** agreement ~~**Purchase Option Transfer**~~: (move to #1)

David has 17. **Ramsey, Krug, Farrell & Lensing Contract:** (Consent)

David has 18. **Newspaper Advertising Bid:** #5

19. Neighborhood Elementary Schools City Council Support. #2

D. **INFORMATIONAL:**

Labor Day Holiday: September 6, 2004

Council Tour:

Budget Briefing August 31st
After agenda Session — Room 326

NORTHWEST ARKANSAS EDITION
Arkansas Democrat Gazette

AFFIDAVIT OF PUBLICATION

I, Jill D. Scott, do solemnly swear that I am Legal Clerk of the Arkansas Democrat-Gazette/Northwest Arkansas Times newspaper, printed and published in Lowell, Arkansas, and that from my own personal knowledge and reference to the files of said publication, that advertisement of:

Final Agenda was inserted in the regular editions on Sept. 6, 2004.

PO# 04-386

** Publication Charge: $ 193.19

Subscribed and sworn to before me this

07 day of Sept, 2004.

Sean-Michael Argo
Notary Public

My Commission Expires: 07/25/2013

** Please do not pay from Affidavit.
An invoice will be sent.

Official Seal
SEAN-MICHAEL ARGO
Notary Public-Arkansas
WASHINGTON COUNTY
My Commission Expires 07-25-2013

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FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 7, 2004

Fayetteville
ARKANSAS

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A. CONSENT:

1. **Approval of the Minutes:** Approval of the July 27, 2004 Public Hearing and the August 3, 2004 meeting minutes.
2. **Malco USA, Inc. Contract:** A resolution to approve the low bid for a mail processing contract from Malco, USA, Inc. for an estimated amount of $261,670.00.
3. **Department of Homeland Security Fire Prevention Grant:** A resolution authorizing the Fayetteville Fire Department to apply for a Department of Homeland Security Fire Prevention and Safety Grant in an amount of approximately $200,000.00 for enhanced fire prevention programs.
4. **Amber Drive Drainage Improvements Contract with Cando, Inc.:** A resolution to approve a construction contract with Cando, Inc. for Amber Drive drainage improvements in the amount of $71,703.40, plus a contingency of $15,755.51.
5. **Purchase of One 4x2 Crew Cab Truck for Parks:** A resolution approving the purchase of one (1) 4x2 Crew Cab Truck with dump body from North Point Ford of North Little Rock in the amount of $36,292.00.
6. **Purchase of One F-550 4x4 Truck with Crane for Water & Sewer:** A resolution approving the purchase of an F-550 Extended Cab 4x4 Truck from Ron Blackwell Ford in the amount of $45,904.60.
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D. INFORMATIONAL:
Council Tour: Friday, September 3, 2004 - 4:30 PM

Labor Day Holiday: September 6, 2004