Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

Final Agenda
City of Fayetteville Arkansas
City Council Meeting
March 18, 2008

A meeting of the Fayetteville City Council will be held on March 18, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Sustainability Report – John Coleman

Nominating Committee Report: **APPROVED**

Agenda Additions:

A. Consent:

1. Approval of the March 04, 2008 City Council meeting minutes. **APPROVED.**

2. **Landers Ford State Vehicle Purchase:** A resolution approving the purchase of two (2) compact extended cab 2X4 pickup trucks from Landers Ford through the state vehicle purchase contract in the amount of $23,784.00 for use by the Meter Division.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 52-08.

3. **Bid # 08-17 Truck Centers of Arkansas:** A resolution awarding Bid # 08-17 and approving the purchase of two (2) tandem axle dump trucks from Truck Centers of Arkansas in the amount of $200,050.00 for use by the Water & Sewer Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 53-08.

4. **Bid # 08-18 Truck Centers of Arkansas:** A resolution awarding Bid # 08-18 and approving the purchase of two (2) tandem axle dump trucks with auxiliary hydraulics from Truck Centers of Arkansas in the amount of $210,960.00 for use by the Transportation Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 54-08.

5. **Bid # 08-19 Truck Centers of Arkansas:** A resolution awarding Bid # 08-19 and approving the purchase of one (1) tri-axle dump truck from Truck Centers of Arkansas in the amount of $106,259.00 for use by the Transportation Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 55-08.

6. **Bid # 08-20 Truck Centers of Arkansas:** A resolution awarding Bid # 08-20 and approving the purchase of three (3) recycle trucks from Truck Centers of Arkansas in the amount of $471,873.00 for use by the Solid Waste & Recycling Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 56-08.

7. **Bid # 08-21 Downing Sales and Service:** A resolution awarding Bid # 08-21 and approving the purchase of one (1) drop box truck from Downing Sales and Service in the amount of $158,735.00 for use by the Solid Waste & Recycling Division; and approving a budget adjustment in the amount of $1,805.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 57-08.

8. **Bid # 08-22 Truck Centers of Arkansas:** A resolution awarding Bid # 08-22 and approving the purchase of one (1) container carrier truck from Truck Centers of Arkansas in the amount of $76,423.00 for use by the Solid Waste & Recycling Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 58-08.

9. **Bid # 08-23 Scruggs Equipment Company:** A resolution awarding Bid # 08-23 and approving the purchase of one (1) knuckleboom truck from Scruggs Equipment Company of Memphis in the amount of $90,332.00 for use by the Solid Waste & Recycling Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 59-08.

10. **Bid # 08-26 Golden Circle Ford:** A resolution awarding Bid # 08-26 and approving the purchase of one (1) crew cab dump truck from Golden Circle Ford of Jackson, Tennessee in the amount of $46,504.00 for use by the Transportation Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 60-08.

11. **Bid # 08-27 Longo Toyota:** A resolution awarding Bid # 08-27 and approving the purchase of two (2) compact hybrid sedans from Longo Toyota of Los Angeles, California in the amount of $44,360.00 for assignment to the rental pool.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 61-08.

12. **West Side Wastewater Treatment Plant Deed Restriction:** A resolution approving a deed restriction covenant for the West Side Wastewater Treatment Plant Outfall Site as required by the U.S. Army Corps of Engineers Section 404 Nationwide Permit Number 14207-1.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 62-08.

13. **Arkansas Western Gas Company Agreement:** A resolution approving an agreement with Arkansas Western Gas Company in the amount of $397,000.00 for relocation of gas lines and appurtenances to allow construction of improvements to Mount Comfort Road.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 63-08.

14. **Arkansas Highway and Transportation Department Agreement:** A resolution approving preparation and execution of an agreement with the Arkansas Highway and Transportation Department for the city to take over maintenance of Shiloh Drive between Garland Avenue and Mount Comfort Road.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 64-08.

15. **Peace at Home Shelter Building Permit Fee:** A resolution to waive the building permit fee and other developmental fees for the construction of the Peace at Home Family Shelter.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 65-08.

16. **2008 Assistance To Firefighters Grant:** A resolution authorizing the Fayetteville Fire Department to apply for a Department of Homeland Security 2008 Assistance to Firefighters Grant in the amount of $300,000.00 to replace self-contained breathing apparatus (SCBA) and a SCBA Mobile Cascade system.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 66-08.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals: A resolution to approve the hiring of replacement employees.

    <u>**Animal Services – One Animal Services Officer and One Animal Services Caregiver**</u>
    <u>**Human Resources – One Administrative Assistant**</u>

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 67-08.

2. **Ambulance Service Interlocal Agreement:** A resolution to approve an interlocal agreement for ambulance service by and with the City of Fayetteville, Washington County, Elkins, Farmington, Goshen, Greenland, Lincoln, Prairie Grove, West Fork, Winslow and Johnson, and to establish the ambulance authority and Central Emergency Medical Services as the exclusive emergency and non-emergency ambulance service within the cities. ***This resolution was tabled at the March 4, 2008 City Council meeting to the March 18, 2008 City Council meeting.***

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 68-08.

C. **New Business:**

1. **Economic Development Strategic Plan:** A resolution to approve a budget adjustment in the amount of $75,000.00 to match a similar expenditure of the University of Arkansas Technology Development Foundation to jointly hire a consultant for Phase One of an Economic Development Strategic Plan.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 69-08.

2. **Norman Company:** A resolution approving the purchase of office equipment and furniture from Norman Company through U.S. Communities in the amount of $29,948.88 for the new West Side Wastewater Treatment Plant; and approving a contingency of $1000.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 70-08.

3. **Arkansas Highway & Transportation Department Proposal:** A resolution approving a proposal from the Arkansas State Highway and Transportation Department (AHTD) to widen Crossover Road from Mission Boulevard to Joyce Street; and reaffirming the City of Fayetteville's commitment of $7,700,000.00 to the project.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 71-08.

4. **Transportation Bond Program Funds:** A resolution approving the use of existing Transportation Bond Program funds to proceed with the Van Asche Boulevard extension to the west of Gregg Avenue upon formal acceptance of an annexation from the adjoining property owner WG Land Company Limited Partnership.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 72-08.

5. **Red Oak Park Streambank Improvements:** A resolution approving a revised project design for the Red Oak Park Streambank Improvements submitted by the Arkansas Game and Fish Commission Region 1 Stream Team.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 73-08.

6. **ADM 06-2380 Amend Chapters 166 & 172:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 166: Development and Chapter 172: Parking and Loading in order to adopt Urban Residential Design Standards.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5118.

7. **ADM 07-2712 Amend Chapters 151, 159, 161, 162, 163 and 164:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 159: Fees, Chapter 161: Zoning Regulations, Chapter 162: Use Units, Chapter 163: Use Conditions and Chapter 164: Supplementary District Regulations in order to make accessory dwelling units a permitted use in all residential zoning districts contingent upon Planning Division administrative approval.

   THIS ITEM WAS LEFT ON THE FIRST READING OF THE ORDINANCE.

8. **ADM 08-2927 (Stadium Centre Cottages):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-2212, Stadium Centre Cottages, located at the SW corner of One Mile Road and Sandra Street, containing approximately 2.45 acres, to reflect revised lot width and lot area requirements as described and depicted herein.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5119.

9. **Amend Chapter 72 Parking Regulations:** An ordinance to amend Chapter 72, Parking Regulations, of the Fayetteville Code by enacting §72.59 EcoTag authorized for free parking at long term parking meters.

   THIS ITEM FAILED BY VOTE OF THE CITY COUNCIL.

10. **Amend Chapter 150 General Provisions:** An ordinance to Amend §150.12 Penalty of the Unified Development Code of the Code of Fayetteville to refer back to §10.99 General Penalty of the Code of Fayetteville.

    PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5120.

Announcements:

1. **City Council Tour: None**

Adjournment: Meeting adjourned at 9:40 p.m.

City Council Meeting March 18, 2008 Adjourn 9:20 PM

Subject:		Roll			
Motion To:					
Motion By:					
Seconded:					
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody	✓			
		9			

Subject:		Nominating Committee Report			
Motion To:		Approve			
Motion By:		Ferrell			
Seconded:		Thiel			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
Passed	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody				
		8-0			

City Council Meeting March 18, 2008

Subject:	Consent Agenda				
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Cook			
Consent	**Gray**	✓			
	Thiel	✓			
	Cook	✓			
Passed	**Allen**	✓			
	Rhoads	✓			
Minutes	**Ferrell**	✓			
approved	**Lucas**	✓			
52-08	**Jordan**	✓			
to 66-08	**Mayor Coody**				

8-0

Subject:	Hiring Freeze – Animal Services				
Motion To:		Approve		Animal Services Officer	
Motion By:		Thiel		Animal Services Caregiver	
Seconded:		Gray			
B.1.	**Gray**	✓			
Unfinished	**Thiel**	✓			
Business	**Cook**	✓			
Approved	**Allen**	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody				

8-0

City Council Meeting March 18, 2008

Subject:		Hiring Freeze – Human Resources			
Motion To:				Administrative Assistant	
Motion By:		Rhoads			
Seconded:		Thiel			
B.1.	**Gray**	✓			
Unfinished	**Thiel**	✓			
Business	**Cook**	✓			
	Allen	✓			
Approved	**Rhoads**	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
67-68	**Mayor Coody**				

8-0

Subject:		Ambulance Service Interlocal Agreement			
Motion To:		Amend to remove Exclusivity of NON-Emergency Servies			
Motion By:		Ferrell			
Seconded:		Jordan			
B.2.	**Gray**	N			
Unfinished	**Thiel**	N			
Business	**Cook**	N			
	Allen	N			
	Rhoads	N			
failed	**Ferrell**	✓			
	Lucas	N			
	Jordan	N			
	Mayor Coody				

1-7

City Council Meeting March 18, 2008

Subject:		Ambulance Service Interlocal Agreement			
Motion To:		Approve			
Motion By:		Gray			
Seconded:		Thiel			
B.2. Unfinished Business	**Gray**	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	N			
Passed	**Lucas**	✓			
	Jordan	✓			
68-08	**Mayor Coody**				
		7-1			

Subject:		Economic Development Strategic Plan			
Motion To:		Approve			
Motion By:		Thiel			
Seconded:		Gray			
C.1. New Business	**Gray**	✓			
	Thiel	✓			
	Cook	✓			
	Allen	N			
Passed	**Rhoads**	✓			
	Ferrell	✓			
	Lucas	✓			
69-08	**Jordan**	N			
	Mayor Coody				
		6-2			

City Council Meeting March 18, 2008

Subject:		Norman Company			
Motion To:					
Motion By:		Thiel			
Seconded:		Gray			
C.2. New Business	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	N			
	Rhoads	✓			
passed	Ferrell	N			
	Lucas	N			
70-08	Jordan	N			
	Mayor Coody	yes			

4-4- Mayor voted yes to pass the resolution

Subject:		Arkansas Highway & Transportation Dept.			
Motion To:		Approve			Proposal
Motion By:		Thiel			
Seconded:		Jordan			
C.3. New Business	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
passed	Ferrell	✓			
	Lucas	✓			
71-08	Jordan	✓			
	Mayor Coody				

8-0

City Council Meeting March 18, 2008

Subject:		Transportation Bond Program Funds			
Motion To:		Approve			
Motion By:		Lucas			
Seconded:		Jordan			
C. 4. New Business	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
Passed	Lucas	✓			
	Jordan	✓			
72-08	Mayor Coody				
		8-0			

Subject:		Red Oak Park Streambank Improvements			
Motion To:		Amend to Use Park Land dedication	funds in the amount of $39,578		Approve
Motion By:		Ferrell			Jordan
Seconded:		Jordan			Lucas
C.5. New Business	Gray	N			✓
	Thiel	N			✓
	Cook	✓			✓
	Allen	✓			✓
	Rhoads	✓			✓
Passed	Ferrell	✓			✓
	Lucas	✓			✓
73-08	Jordan	✓			✓
	Mayor Coody				
		6-2			8-0

City Council Meeting March 18, 2008

Subject:	ADM 06-2380 Amend Chapters 166 & 172				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Lucas	Jordan		
Seconded:		Cook	Thiel		
C.6.	**Gray**	absent during the vote.	✓	✓	
New	**Thiel**	✓	✓	✓	
Business	**Cook**	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	absent during the vote	✓	
passed	**Ferrell**	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
5/18	**Mayor Coody**				
		7-0	7-0	8-0	

Subject:	ADM 07-2712 Amend Chapter 151, 159, 161, 162, 163 & 164				
Motion To:					
Motion By:					
Seconded:					
C.7.	**Gray**				
New	**Thiel**				
Business	**Cook**				
	Allen				
Left on	**Rhoads**				
the First	**Ferrell**				
Reading	**Lucas**				
	Jordan				
	Mayor Coody				

City Council Meeting March 18, 2008

Subject:	ADM 08-2927 Stadium Centre Cottages			
Motion To:		2nd Read	3rd Read	Pas
Motion By:		Jordan	Jordan	
Seconded:		Lucas	Lucas	
C. 8. New Business	Gray	✓	✓	✓
	Thiel	✓	✓	✓
	Cook	✓	✓	✓
	Allen	absent during the vote	absent during the vote	absent during the vote
Passed	Rhoads	✓	✓	✓
	Ferrell	✓	✓	✓
	Lucas	✓	✓	✓
	Jordan	✓	✓	✓
5119	Mayor Coody			
		7-0	7-0	7-0

Subject:	Amend Chapter 72 Parking Regulations			
Motion To:		2nd Read	3rd Read	Pass
Motion By:		Ferrell	Jordan	
Seconded:		Jordan	Thiel	
C. 9. New Business	Gray	✓	✓	✓
	Thiel	✓	✓	✓
	Cook	✓	✓	N
	Allen	✓	✓	N
	Rhoads	✓	✓	N
Failed	Ferrell	✓	✓	N
	Lucas	✓	✓	N
	Jordan	✓	✓	N
	Mayor Coody			
		8-0	8-0	2-6

City Council Meeting March 18, 2008

Subject:	Amend Chapter 150 General Provisions				
Motion To:		2nd Read	3rd Read		
Motion By:		Cook	Jordan		
Seconded:		Lucas	Ferrell		
C.10.	**Gray**	✓	✓	✓	
New	**Thiel**	absent during the vote.	absent during the vote	absent during the vote	
Business	**Cook**	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
passed	**Ferrell**	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
5120	**Mayor Coody**				
		7-0	7-0	7-0	

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Gray				
	Thiel				
	Cook				
	Allen				
	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
	Mayor Coody				

Aldermen

Mayor Dan Coody

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Fayetteville
ARKANSAS

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Announcements:

1. **City Council Tour: None**

Adjournment:

ALDERMAN AGENDA REQUEST

FOR: COUNCIL MEETING OF MARCH 4, 2008

FROM:
ALDERMAN BRENDA THIEL and ALDERMAN SHIRLEY LUCAS

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO WAIVE THE BUILDING PERMIT FEE AND OTHER DEVELOPMENTAL FEES FOR THE CONSTRUCTION OF THE PEACE AT HOME FAMILY SHELTER

APPROVED FOR AGENDA:

Brenda Thiel
Brenda Thiel
Alderman

Date

Shirley Lucas
Shirley Lucas
Alderman

Date

Kit Williams
Kit Williams
City Attorney (as to form)

3-3-08
Date

RESOLUTION NO. ______

A RESOLUTION TO WAIVE THE BUILDING PERMIT FEE AND OTHER DEVELOPMENTAL FEES FOR THE CONSTRUCTION OF THE PEACE AT HOME FAMILY SHELTER

WHEREAS, Peace At Home is a non-profit organization dedicated to assisting victims of domestic abuse and their children by providing safe, transitional housing; and

WHEREAS, it serves the public interest and is beneficial to the City as a whole that Peace At Home provides such essential and safe transitional housing in Fayetteville.

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 finds that waiving the building permit fee and all other developmental fees normally required by the Unified Development Code for Peace At Home for its construction of its new family shelter serves the public interest and is beneficial to the City as a whole.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby waives the normal building permit fee and all other developmental fees normally required by the Unified Development Code for Peace At Home for its construction of its new family shelter located in Fayetteville, Arkansas during the year 2008.

PASSED and **APPROVED** this 4th day of March, 2008.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

March 18, 2008
City Council Meeting Date
Agenda Items Only

Tony Johnson	Fire	Fire
Submitted By	**Division**	**Department**

Action Required:

Council approval to apply for the 2008 Assistance To Firefighters Grant program. The amount to be requested will be approximately $300,000 for the replacement of self-contained breathing apparatus (SCBA), and a SCBA mobile cascade system. The city's obligation under this grant program is a 20% matching contribution if awarded.

$60,000	$ -	Act 833 Rev / Federal Grant Rev
Cost of this request	Category / Project Budget	Program Category / Project Name
1010.0001.4308.00 1010.0001.4309.00	$ -	Revenues
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	General Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director	3/6/2008 Date	Previous Ordinance or Resolution #
City Attorney	3/11/08 Date	Original Contract Date:
		Original Contract Number:
Finance and Internal Service Director	3-7-2008 Date	Received in City Clerk's Office ENTERED 3/7/08
Mayor	3/7/08 Date	Received in Mayor's Office

Comments:

The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701
Phone (479) 575-8365 Fax (479) 575-0471

March 6, 2008

To: Mayor Coody
Fayetteville City Council

From: Tony Johnson, Fire Chief T.J.

Subject: Request to Make Grant Application

As in past years, the department of Homeland Security/Federal Emergency Management Agency is making money available through the 2008 Assistance to Firefighters Grants program. The fire department has greatly-benefited from this funding source in the past, and we are requesting authorization to apply for $300,000 to purchase 42 self-contained breathing apparatus, and a mobile cascade fill station. If our request is selected for funding, we will apply for authorization from the City Council to appropriate the $60,000 matching amount from the Act #833 funding which is received annually from the State of Arkansas to purchase equipment for the fire department.

RESOLUTION NO. ______

A RESOLUTION AUTHORIZING THE FAYETTEVILLE FIRE DEPARTMENT TO APPLY FOR A DEPARTMENT OF HOMELAND SECURITY 2008 ASSISTANCE TO FIREFIGHTERS GRANT IN THE AMOUNT OF $300,000.00 TO REPLACE SELF-CONTAINED BREATHING APPARATUS (SCBA) AND A SCBA MOBILE CASCADE SYSTEM.

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 2008 Assistance to Firefighters Grant in the amount of $300,000.00 to replace self-contained breathing apparatus (SCBA) and a mobile SCBA cascade system.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED: ATTEST:

By: ______________________________
DAN COODY, Mayor

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

Fayetteville
ARKANSAS

MEMORANDUM

TO: Mayor Dan Coody & City Council Members

THRU: Greg Tabor, Police Chief

FROM: Jill Hatfield, Animal Services Superintendent

DATE: March 10, 2008

RE: Animal Services Officer Position Opening

The Animal Services Division currently has a vacancy in the Animal Services Officer position. The position is necessary to ensure the safety of citizens, the humane treatment of animals, and enforcement of ordinances and state laws within the city. The vacant position is one of five officers. The vacancy was created by the resignation of a recent hire of seven months.

The open position will create additional overtime hours for two senior officers as they will be rotating into the emergency on-call duty more often. This will result in increased overtime paid for those officers. An increase of approximately $7.00 per hour of overtime paid for the senior officers in lieu of an entry level paid employee.

Please see the Animal Services Officer position description attached for more information. Thank you for your consideration.

cc: Sondra Smith, City Clerk

CITY OF FAYETTEVILLE
Position Description

POSITION TITLE: Animal Services Officer

EXEMPT (Y/N): No
SUPERVISOR: Animal Services Coordinator
CITY/EEOC/JG CODES: 139/4/12
Job Grade: 109

DEPARTMENT: Police
DIVISION: Animal Services
DATE REVISED: April 2007

ESSENTIAL DUTIES AND RESPONSIBILITIES: *Note: All City of Fayetteville positions require the employee to provide good customer service to both internal and external customers, maintain positive and effective working relationships with other City employees (especially members of his or her own team), and have regular and reliable attendance that is non-disruptive.* Other essential duties of this position include the following:

1. Enforce state and local laws, issue citations pertaining to animals to violators and handle hostile individuals as needed.
2. Euthanasia – handle animal safely, euthanize humanely and track the use of controlled substances. Euthanize multiple animals per session. High level of stress due to rescue and euthanasia rates.
3. Trap and impound loose animals to include dogs and cats as well as livestock and wildlife.
4. Investigate animal cruelty and bite cases.
5. Testify in municipal and district court as necessary.
6. Work with animal shelter software and answer phone calls. Greet and assist the public visiting the shelter.
7. Prepare and present educational programs for youth groups, schools and civic organizations and interact with the public at community events.
8. Respond to emergency calls involving animal attacks or injured animals. Administer first aid to injured animals. Respond to after hour's emergency calls.
9. Assist public in a friendly and professional manner.
10. Transport animals and supplies.
11. Pick up deceased animals struck by vehicles or in neighborhoods.
12. Load and operate incinerator.
13. Perform chemical capture of animals utilizing dart rifle and other trapping devices.
14. Process adoptions, applications and redemptions. Collect necessary fees.
15. Prepare rabies specimens for shipment to health department.

16. Perform other duties as assigned.

SECONDARY DUTIES AND RESPONSIBILITIES include the following:

1. Acquire and pick up donations.
2. Secondary duties as assigned.

MINIMUM QUALIFICATIONS

1. High school diploma or GED required. 6-12 months of animal handling experience preferred.
2. Valid Arkansas Driver's License.
3. Must obtain Level I, II & III Animal Control Training, Euthanasia Certification, Chemical Capture and Bite Stick Certification, within two years.
4. Ability to be on call 24 hours a day, 7 days a week.
5. Effectively communicate with others orally and in writing.
6. Ability to respond to common inquiries or complaints from citizens, regulatory agencies, or members of the business community.
7. Must be proficient in the use of a personal computer and other related software programs. Must be able to effectively operate standard office equipment.
8. While performing the functions of this job, the employee is regularly required to talk and hear. The employee regularly is required to stand, walk, and sit; use hands to finger, handle, or feel; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl. The employee must regularly lift and/or move up to 100 pounds. Specific vision abilities required by this job include close vision.
9. While performing the functions of this job, the employee is regularly exposed to wet/and or humid conditions, moving mechanical parts; fumes or airborne particles; toxic or caustic chemicals and outside weather conditions.

Fayetteville
ARKANSAS

MEMORANDUM

TO: Mayor Dan Coody & City Council Members

THRU: Greg Tabor, Police Chief

FROM: Jill Hatfield, Animal Services Superintendent

DATE: March 10, 2008

RE: Animal Services Caregiver Position Opening

The Animal Services Division currently has an Animal Services Caregiver position vacant. The vacancy was created when a caregiver was promoted from within the division to the Veterinarian Assistant position.

The full-time caregiver position is necessary to shelter animals 7 days a week, 365 days a year. The caregiver staff is responsible for the cleaning, feeding, vaccinating, and handling of over 5,000 animals each year. The division has increased a part-time caregiver's hours by 20 hours per week along with additional overtime hours worked by full-time staff to assist with animal care and adoption counseling.

Please see the Animal Services Caregiver position description attached for more information. Thank you for your consideration.

cc: Sondra Smith, City Clerk

CITY OF FAYETTEVILLE
Position Description

POSITION TITLE: Animal Caregiver

EXEMPT (Y/N): No
SUPERVISOR: Animal Service Coordinator
[redacted]
Job Grade: 103

DEPARTMENT: Police
DIVISION: Animal Services

ESSENTIAL DUTIES AND RESPONSIBILITIES: *Note: All City of Fayetteville positions require the employee to provide good customer service to both internal and external customers, maintain positive and effective working relationships with other City employees (especially members of his or her own team), and have regular and reliable attendance that is non-disruptive.* Other essential duties of this position include the following:

1. Clean, disinfect and maintain facility including; cages, walls and floors. Launder and disinfect bedding, toys, and towels in an efficient manner.
2. Feed and socialize animals; provide toys, beds and comforts of home.
3. Perform first view examinations of eyes, ears, paws, teeth, coat, weight and overall health, administer dog and cat vaccinations, flea and tick control and administer medications as directed by staff veterinarian.
4. Scan for and implant microchips.
5. Assist and hold animal during euthanasia.
6. Assist the public with adoptions and counsel potential adopters on training, behavior and pet care.
7. Educate the public about spaying and neutering and disease and illness prevention.
8. Handle feral cats and aggressive dogs.
9. Utilize safe handling practices and use of chemicals (bleach and disinfectant).
10. Ensure proper use and disposal of needles and syringes and safety equipment.
11. Properly restrain animals and assist in taking blood work.
12. Knowledge and use of computer in order to enter information on persons and animals, document behavior, medications and vaccines given.
13. Perform other duties as assigned.

SECONDARY DUTIES AND RESPONSIBILITIES include the following:

1. Perform office duties by answering phone, dispatching officers to calls, intaking animals, processing applications and adoptions, issuing city licenses and rabies tags, when officers are unavailable.
2. Secondary duties as assigned.

MINIMUM QUALIFICATIONS

1. High school diploma or GED.
2. Must be 18 years of age or older.
3. Ability to obtain animal caregiver certification within one year of hire date.
4. Effectively communicate with others orally and in writing.
5. Must be proficient in the use of a personal computer and other related software programs. Must be able to effectively operate standard office equipment.
6. Must be proficient in the use of a washer/dryer, safety gloves, cat capture tools, tongs, needles/syringes, micro chip scanner, hoses and disinfectant sprayers.
7. While performing the functions of this job, the employee is regularly required to talk and hear. The employee regularly is required to stand, walk, and sit; use hands to finger, handle, or feel; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl. The employee must regularly lift and/or move up to 50 pounds
8. While performing the functions of this job, the employee is regularly exposed to wet/and or humid conditions, moving mechanical parts; fumes or airborne particles; toxic or caustic chemicals and outside weather conditions.

C.1.
Economic Development
Strategic Plan

Agenda Session
3-11-08

university of arkansas technology development foundation

535 West Research Center Blvd
Fayetteville, Arkansas 72701
t 479.575.8411 f 479.575.5717

March 10, 2008

Mayor Dan Coody
113 West Mountain Street
Fayetteville, AR 72701

Dear Mayor Coody:

In the Special Session of the City Council held on February 13, 2008 there was discussion of the merits of utilizing outside consultants and/or facilitators to assist in the development of a comprehensive, long-range economic development strategy for the City. While there are clearly options to engaging consultants, I believe that this activity lends itself very strongly to utilizing the services of outside experts.

First, outside consultants bring objectivity and a fresh perspective free from preconceived biases that might otherwise influence the process. Although unintended, introducing our local bias would have the effect of diminishing the full potential of the strategy. Second, utilizing consultants will allow Council, staff and volunteers to focus entirely on their participation in the process rather than divide their time to facilitate the process. Finally, time is of the essence in preparing a long-range strategy. Utilizing consultants will introduce efficiency to the overall process to ensure a timely and quality outcome.

We are very pleased to once again have the opportunity to partner with the City on this important endeavor. We look forward to initiating the work.

Very truly yours,

Phillip Stafford

Phillip S. Stafford

Cc: Don Pederson

RESOLUTION NO. ______

A RESOLUTION APPROVING THE PURCHASE OF OFFICE EQUIPMENT AND FURNITURE FROM NORMAN COMPANY THROUGH U.S. COMMUNITIES IN THE AMOUNT OF $29,948.88 FOR THE NEW WEST SIDE WASTEWATER TREATMENT PLANT; AND APPROVING A CONTINGENCY OF $1,000.00.

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 office equipment and furniture from Norman Company through U.S. Communities in the amount of $29,948.88 for the new West Side Wastewater Treatment Plant.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a contingency of $1,000.00.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED: ATTEST:

By: ____________________________
DAN COODY, Mayor

By: ____________________________
SONDRA E. SMITH, City Clerk/Treasurer

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

3/18/2008
City Council Meeting Date

Ron Petrie	Engineering	Operations
Submitted By	Division	Department

Action Required:

A resolution to approve a proposal from the Arkansas Highway & Transportation Department to widen Crossover Road from Mission Boulevard to Joyce Street and to reaffirm the City commitment of $7.7 million for this project.

$ -	$ 24,496,473.00	Crossover Road
Cost of this request	Category / Project Budget	Program Category / Project Name
4520.9520.5809.00	$ 5,002,640.36	Street Improvements
Account Number	Funds Used to Date	Program / Project Category Name
06035.0610	$ 19,493,832.64	2006A Sales Tax Construction
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [ ]

Department Director — Date 3.11.08

City Attorney — Date 3/11/08

Paul A. Becker
Finance and Internal Service Director — Date 3-11-08

Mayor — Date 3/11/08

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office
ENTERED 3/11/08

Received in Mayor's Office
ENTERED 3/11/08 BRP

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer

Date: March 11, 2008

Subject: A resolution approving a proposal from the Arkansas Highway & Transportation Department to widen Crossover Road from Mission Boulevard to Joyce Street and to reaffirm the City commitment of $7.7 million for this project.

RECOMMENDATION:

The City Council's Street Committee and staff recommend approval of this resolution to accept the Arkansas Highway & Transportation Department (AHTD) proposal to widen Crossover Road from Mission Boulevard to Joyce Street and to utilize the existing $7.7 million that was included in the Transportation Bond Program.

BACKGROUND:

On September 7, 2004 the City Council passed Resolution No. 137-04 that expressed "*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.*" Based on this resolution, the City of Fayetteville included $7.7 million in the Transportation Bond Program for this cost share which was approved on September 12, 2006 by ballot.

On July 3, 2007 the City Council passed Resolution No. 122-07 that reaffirmed *"the adopted policy of the City of Fayetteville that Highway 265 North of Mission Boulevard be widened as a principal arterial as depicted on the City Master Street Plan and as shown as Alternate H-1 by the Arkansas Highway & Transportation Department."*

DISCUSSION:

The Arkansas Highway & Transportation Department notified the City by letter on October 12, 2007 (see attached letter) that the cost estimates had recently been updated and that the current estimate including right-of-way acquisition and utility relocations has been determined to be $42.0 million. This information was presented to the Street Committee on November 5, 2007 which resulted in the City requesting and receiving additional information on the cost increases (see letter dated December 4, 2007). This information was presented to the Street Committee again on December 10, 2007. A third letter was received from Mr. Jonathan Barnett, Chairman of the Arkansas State Highway Commission that provided four (4) options for consideration by the City:

1. If the City opts to not partner with the AHTD, the highway department will proceed with a project to widen Highway 265 from Highway 45 to Old Wire Road. This construction cost has been estimated to be $7.7 million.

2. If the City opts to provide the full $7.7 million, the highway department will proceed with a project to widen Highway 265 from Highway 45 to Joyce Boulevard. This construction cost has been estimated to be $14.0 million.

3. If the City chooses to provide the full $7.7 million and opt to defer a portion of the 15th Street project, the highway department will proceed with a project to widen Highway 265 from Highway 45 to Zion Road. This construction cost has been estimated to be $18.6 million.

4. If the City chooses to provide the full $7.7 million and opt to defer the 15th Street project and the Garland Avenue project, the highway department will proceed with a project to widen Highway 265 from Highway 45 to the City limits as originally planned.

The Street Committee discussed these options at the February 28, 2008 meeting and voted 3-1 to recommend to the full City Council the second option which was to proceed with the full City commitment of $7.7 million and have the highway department widen from Highway 45 to Joyce Street.

BUDGET IMPACT:

The City currently has $7,700,000 budgeted for this project through the Transportation Bond Program. This City Council item will not encumber these funds at this time.

RESOLUTION NO. ______

A RESOLUTION APPROVING A PROPOSAL FROM THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT (AHTD) TO WIDEN CROSSOVER ROAD FROM MISSION BOULEVARD TO JOYCE STREET; AND REAFFIRMING THE CITY OF FAYETTEVILLE'S COMMITMENT OF $7,700,000.00 TO THE PROJECT.

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 proposal from the Arkansas State Highway and Transportation Department (AHTD) to widen Crossover Road from Mission Boulevard to Joyce Street.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby reaffirms the City of Fayetteville's commitment of $7,700,000.00 to the project.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED: ATTEST:

By: ______________________________
DAN COODY, Mayor

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

Dan Flowers
Director
Phone (501) 569-2000 Fax (501) 569-2400

P.O. Box 2261
Little Rock, Arkansas 72203-2261
WWW.ARKANSASHIGHWAYS.COM

RECEIVED
OCT 17 2007
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

October 12, 2007

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

Dear Mayor Coody:

The Department has recently updated the cost estimate for the Highway 265 widening project from Highway 45 to the City limits. The current estimate, which includes right-of-way, utilities and construction, is $42 million.

In your letter to Commissioner Jonathan Barnett dated May 25, 2004, the City of Fayetteville agreed to contribute 50% of the project costs up to a maximum of $7.7 million. Under the current Statewide Transportation Improvement Program (STIP) for 2007-2010, the Department has also budgeted $7.7 million for a total project cost of $15.4 million. Therefore, as we recently discussed, it will be necessary to reduce the limits of this project to better match the funding that is budgeted in the STIP unless additional funds become available.

This update is being provided for your information and comment. If additional information is needed, please advise.

Sincerely,

Frank Vozel
Deputy Director and
Chief Engineer

c: Commissioner Jonathan Barnett
Director
Assistant Chief Engineer-Planning
Assistant Chief Engineer-Design
Programs and Contracts
Planning and Research
Roadway Design
District 4
Job 040440 'C' File

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

RECEIVED
DEC 05 2007
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

Dan Flowers
Director
Phone (501) 569-2000 Fax (501) 569-2400

P.O. Box 2261
Little Rock, Arkansas 72203-2261
WWW.ARKANSASHIGHWAYS.COM

December 4, 2007

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

Dear Mayor Coody:

Reference is made to your recent letter requesting additional information on the increase in the cost estimate for the Highway 265 project from Highway 45 to the Fayetteville City Limits. As you were informed in my October 12, 2007 letter, the total cost of the project is now estimated to be approximately $42 million.

The original cost estimate, which was developed in 2004, was $15.4 million for construction only. No estimate for right of way acquisition and utility relocation was available at that time and therefore was not included in that cost.

Development of the project is now far enough along to have more detailed information on which to base the cost estimate. The construction costs are now estimated to be approximately $27 million. By way of comparison, since 2004, the Construction Cost Index has increased 64% due to inflation. Adding 64% to the 2004 construction cost estimate would make the cost estimate $25.3 million in 2007 dollars. As you can see, the construction cost estimate is very much in line with the cost increases that have been realized since 2004. As you are aware, the design alternative selected, which is a median divided roadway with sidewalks and bicycle lanes on both sides of the roadway, adds an estimated $800,000 to the project. This was not considered in the original estimate.

Based on historical data, right of way and utility relocation for urban widening projects such as this are anticipated to be 33% of the construction cost. Therefore, the Department expected right of way acquisition and utility relocation to add approximately $5.1 million to the project. Right of way plans are now 70% complete, and the current estimate for right of way acquisition and utility relocation is $15 million ($7 million for right of way and $8 million for utilities), bringing the estimated total cost of the project to $42 million.

Mayor Dan Coody
December 4, 2007

Page Two

The Department is willing to cover the cost for right of way and utilities, even though the current estimate is well in excess of what was initially expected. However, we are not able to cover the additional cost of construction that is expected. We must hold our contribution for construction as close as possible to the $7.7 million that is included in the Statewide Transportation Improvement Program (STIP). Considering construction, right of way and utilities, this would bring the Department's contribution to the project to approximately $22.7 million. This does not include our cost for preliminary engineering and construction engineering.

We are continuing to work with the City and the Northwest Arkansas Regional Planning Commission to develop an access management plan for the corridor. We intend to continue the development of plans for a construction project that is approximately $15.4 million. At this time, we anticipate that this project would cover the section of Highway 265 from Highway 45 to East Joyce Boulevard, a distance of approximately 2.2 miles or approximately 52% of the project length. The remainder of the project will be considered for inclusion in future STIPs. This is contingent upon receipt of the City's share of $7.7 million as specified in our agreement.

We trust that this update answers your questions and concerns regarding the increased cost estimate for this project. If additional information is needed, please advise.

Sincerely,

Frank Vozel
Deputy Director and
Chief Engineer

c: Commissioner Jonathan Barnett
Director
Assistant Chief Engineer-Planning
Assistant Chief Engineer-Design
Planning and Research
Programs and Contracts
Right of Way
Roadway Design
District 4
Job 040440 'C' File

ARKANSAS STATE HIGHWAY COMMISSION

JONATHAN BARNETT
CHAIRMAN
SILOAM SPRINGS

CARL S. ROSENBAUM
VICE CHAIRMAN
LITTLE ROCK

R. MADISON MURPHY
EL DORADO

P.O. BOX 2261
LITTLE ROCK, ARKANSAS 72203-2261
PHONE (501) 569-2000 FAX (501) 569-2400
WWW.ARKANSASHIGHWAYS.COM

JOHN ED REGENOLD
ARMOREL

CLIFF HOOFMAN
NORTH LITTLE ROCK

DAN FLOWERS
DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

February 13, 2008

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

Dear Mayor Coody:

Reference is made to your recent discussion with Director Dan Flowers regarding the cost of widening Highway 265 between Highway 45 and the City Limits in Fayetteville and any options available for providing additional funds to the project.

As mentioned in Frank Vozel's most recent letter to you, the total cost of the project is now estimated to be approximately $42 million, including $27 million for construction and $15 million for right of way acquisition and relocation and utility adjustments. The Department will provide the cost for right of way and utilities, but no funds are available beyond our present commitment of $7.7 million for construction.

Two other partnering projects totaling $13 million in the City of Fayetteville are included in the current Statewide Transportation Improvement Program (STIP). The STIP includes $10 million for widening Highway 16 from Highway 71B to Stone Bridge Road and $3 million for widening Highway 112 from Highway 112 Spur to the north. Both of these projects include the City providing 50% of the construction cost, or $6.5 million. One or both of these projects could be deferred and the cost transferred to the Highway 265 project.

The following options are provided for your consideration.

- ☐ Should the City now decide to not partner with the Department on this improvement, we will proceed with a project to widen Highway 265 from Highway 45 to Old Wire Road. The construction cost for this section is currently estimated to be $7.5 million.

ARKANSAS STATE HIGHWAY COMMISSION
Little Rock, Arkansas

Mayor Dan Coody
February 13, 2008

Page Two

- Should the City provide its commitment of $7.7 million, the Department will proceed with a project to widen Highway 265 from Highway 45 to East Joyce Boulevard. The construction cost for this section is currently estimated to be $14.0 million.
- The construction cost for the section of Highway 265 from Highway 45 to Zion Road is currently estimated to be $18.6 million. Should the City provide its commitment of $7.7 million to the Highway 265 project and choose to defer a portion of the Highway 16 project, the Department will proceed with a project to widen this section of Highway 265. Development of the Highway 112 project would continue as scheduled, and the limits of the Highway 16 project would be reduced according to the funds remaining.
- Should the City provide its commitment of $7.7 million for the Highway 265 project and choose to defer the Highway 16 and Highway 112 projects, the total available funding would be $28.4 million. The Department would proceed to develop the project to widen Highway 265 from Highway 45 to the Fayetteville City limits. However, should the cost for the project exceed $28.4 million, consideration would again have to be given to reducing the limits of the project.

Please advise which option the City would like to pursue.

If additional information is needed, please advise.

Sincerely,

Jonathan Barnett

Jonathan Barnett
Chairman

c: Director
Deputy Director and Chief Engineer
Assistant Chief Engineer-Planning
Assistant Chief Engineer-Design
Planning and Research
Programs and Contracts
Roadway Design
District 4
Northwest Arkansas Regional Planning Commission

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

3/18/2008
City Council Meeting Date

Submitted By	Division	Department
Ron Petrie	Engineering	Operations

Action Required:

A resolution to utilize existing Transportation Bond Program funds to proceed with the Van Asche Extension Boulevard extension to the west of Gregg Avenue upon acceptance of an annexation from the adjoining property owned by WG Land Company Limited Partnership.

$ -	$ 24,496,473.00	Van Asche Boulevard
Cost of this request	Category / Project Budget	Program Category / Project Name
4520.9520.5809.00	$ 5,002,640.36	Street Improvements
Account Number	Funds Used to Date	Program / Project Category Name
06035	$ 19,493,832.64	2006A Sales Tax Construction
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [ ]

Department Director 3-11-08 Date

City Attorney 3/11/08 Date

Finance and Internal Service Director 3-11-08 Date

Mayor 3/11/08 Date

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office
ENTERED 3/11/08

Received in Mayor's Office
ENTERED 3/11/08 BRP

Comments:

City Council Meeting of March 18, 2008

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer

Date: March 11, 2008

Subject: A resolution to utilize existing Transportation Bond Program funds to proceed with the Van Asche Extension project to the west of Gregg Avenue upon acceptance of an annexation from the adjoining property owned by WG Land Company Limited Partnership.

RECOMMENDATION:

The City Council's Street Committee and staff recommend approval of this resolution to proceed with Van Asche Extension project utilizing Transportation Bond proceeds as soon as the adjoining property owned by WG Land Company Limited Partnership is annexed into the City of Fayetteville.

BACKGROUND:

On May 15, 2007 the City Council approved a resolution to recommend three projects to be constructed with the funds made available through the Fayetteville Expressway Economic Development Corridor Congressional earmark:

A. FULBRIGHT EXPRESSWAY/COLLEGE AVENUE INTERCHANGE: Construction of a grade separated flyover for northbound traffic on College to access the westbound traffic movement on Fulbright Expressway including a connection to Mall Avenue; Estimated cost is $3.8 million.

B. GREGG STREET INTERCHANGE: Construction of an additional off-ramp lane at North Hills Boulevard and the replacement of the existing four-way intersection of Futrall and North Hills with a traffic circle; Estimated cost is $1.5 million.

C. WESTERN STUDY AREA: Construction of one-half (two lanes) of Van Asche Boulevard from Gregg Street to Garland Avenue (AR Hwy. 112); Estimated cost is $4.0 million.

As discussed on numerous occasions, the project in the Western Study Area to extend Van Asche Boulevard from Gregg Avenue to Garland Avenue was determined by the FHWA to be ineligible for reimbursement by the federal funds. This project has remained a high priority for Mayor Coody in order to improve access to the shopping and healthcare center of the City and create new opportunities for additional retail and commercial expansion.

DISCUSSION:

The relocated Van Asche Extension is immediately adjacent to the Fayetteville City Limit. The Street Committee and members of the City Council have expressed concern about expending $4 to $8 million for a street improvement which would not be for the benefit of Fayetteville taxpayers. For that reason, discussions have occurred with the owners of the property crossed by the relocated Van Asche Extension, seeking their commitment to annex into Fayetteville. Attached is their commitment to do so with some land use and zoning stipulations that appear very reasonable and a request for a commitment from Fayetteville to build the new Van Asche Extension as quickly as possible.

If the City Council desires to proceed with this project, the following is a proposal for financing the project at this time:

1. Delay the widening project of 15th Street until 2012 at the latest. This would provide $2,215,000 in funds that would be immediately available. The 15th Street project could then be funded through the $8.8 million dollars that were allocated as cost shares in the Transportation Bond Program. These funds will become available in 2012.

2. Utilize $570,000.00 in available bond funding that was unallocated in the 2009-2012 bond issuance. The program chart that was supplied to the Street Committee in May of 2007 showed a total of available funds for 2006-2012 of $33,496,473 assuming a 0% growth rate in sales tax and a total expenditure in the amount of $32,926,196. See attached chart.

3. Utilize $785,000.00 in program savings based on bid openings below estimates for the Zion Road widening Project, Gregg/North Street Intersection improvements, and Wilson Park Traffic Calming project.

4. Utilize internal design and construction management from the City Engineering Division.

5. Study and develop actual project concepts and cost estimates. Significant savings from the Carter & Burgess estimates may be realized by deducting the portion of Van Asche that has recently been constructed to the west of Gregg Avenue. Also, this phase of the project should be studied to determine the feasibility of terminating the project on the east side of I-540.

On March 10, 2008 the Street Committee voted unanimously to forward this item to the full City Council with a recommendation of approval.

BUDGET IMPACT:

This resolution will not encumber any funds at this time. The City currently has $19,493,832.64 of unencumbered funds remaining in this phase of the Transportation Bond Program issuance.

RESOLUTION NO. ______

A RESOLUTION APPROVING THE USE OF EXISTING TRANSPORTATION BOND PROGRAM FUNDS TO PROCEED WITH THE VAN ASCHE BOULEVARD EXTENSION TO THE WEST OF GREGG AVENUE UPON FORMAL ACCEPTANCE OF AN ANNEXATION FROM THE ADJOINING PROPERTY OWNER WG LAND COMPANY LIMITED PARTNERSHIP.

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 use of existing Transportation Bond Program funds to proceed with the Van Asche Boulevard Extension to the west of Gregg Avenue.

Section 2. That this project shall not proceed until such time as the adjoining property, owned by WG Land Company Limited Partnership, is formally annexed into the City of Fayetteville .

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED: ATTEST:

By: ______________________________ By: ______________________________

DAN COODY, Mayor **SONDRA E. SMITH,** City Clerk/Treasurer

March 4, 2008

Mr. Gary Dumas
Director of Operations
City of Fayetteville
Fayetteville, Arkansas 72701

Re: Van Asche Rd. Extension

Dear Mr. Dumas:

Please be advised that our family has agreed to Annex all property north of Van Asche Rd. Extension to the City of Fayetteville subject to the commitment to build this road ASAP. Once this road is funded and scheduled for construction, we will start the de-annexation process thru the City of Johnson.

As a consideration, we only ask that the City of Fayetteville bring in the northern most acreage (hilltop) which covers the underground cavern at an Industrial Zoning Classification suitable for warehousing and cold storage. We will assume that the other acreage will be brought in as Commercial. It should be futher understood that there will be no change whatsoever in the current Farmland Zoning Classification up and until, actual development and construction of improvements is undertaken.

Thank you for your assistance in this matter. We will look forward to being notified when the road will be funded and constructed and as result, we will start the de-annexation process accordingly.

Cordially yours,

WG LAND COMPANY LTD. PARTNERSHIP

Robert G. Whitfield

Robert G. Whitfield

CITY OF FAYETTEVILLE
TRANSPORTATION IMPROVEMENT PROGRAM
PROJECTED EXPENDITURES

	Expenditures by Bond Issue			
Project Name	Oct 2006-Sept 2009	Oct. 2009-Sept. 2012	Oct. 2012-End	Totals
Wilson Park/Washington-Willow Area Transportation Improvements	$240,000	$0	$2,837,000	$3,077,000
Gregg/North Intersection Improvements	$1,200,000	$0	$0	$1,200,000
Cato Springs Road (UofA Technology Corridor)	$2,344,134	$0	$0	$2,344,134
Crossover Road Improvements (Mission to City Limits)	$1,500,000	$6,200,000	$0	$7,700,000
Garland Avenue (North St. to Melmar Dr.)	$0	$1,500,000	$3,695,000	$5,195,000
Garland Avenue (Shiloh to Howard Nickell)*	$0	$0	$3,494,000	$3,494,000
Fifteenth Street (Happy Hollow to S. College)	$0	$2,215,000	$0	$2,215,000
Huntsville Avenue (Happy Hollow to Stonebridge)*	$0	$907,000	$0	$907,000
Mount Comfort Road*	$8,921,118	$1,491,882	$0	$10,413,000
Fayetteville Expressway Economic Development Corridor	$1,914,962	$0	$0	$1,914,962
Rupple Road (6th to Persimmon)	$0	$0	$8,155,000	$8,155,000
Zion Road (Hwy 71B to Vantage)	$2,540,000	$0	$0	$2,540,000
College Avenue Improvements (Rock to Maple)	$1,740,000	$0	$0	$1,740,000
Right of Way Acquisition/Cost Sharing	$212,100	$0	$8,587,900	$8,800,000
Totals	$20,612,314	$12,313,882	$26,768,900	$59,695,096
Total from Oct 2006 to Sept 2012		$32,926,196		

Available Funds:
Oct 2006 to Sept 2009 - $24,496,473.00
Sept 2009 to Sept 2012 - $9,000,000.00 (Assumption of 0% Growth)
Sum from Oct 2006 to Sept 2012 - $33,496,473.00


VAN ASCHE EXTENSION

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

City of Fayetteville Arkansas
City Council Meeting Minutes
March 4, 2008

A meeting of the Fayetteville City Council was held on March 4, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

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

ABSENT: Adella Gray

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the February 19, 2008 City Council meeting minutes.

Approved

Walton Arts Center Council, Inc. By-laws: A resolution to approve the Third Amendment to the By-laws of the Walton Arts Center Council, Inc.

Resolution 40-08 as Recorded in the office of the City Clerk.

Dead Horse Mountain Bridge Replacement Project: A resolution approving a payment to the Arkansas State Highway and Transportation Department (AHTD) in the amount of $20,000.00 for utility relocations for the Dead Horse Mountain Bridge Replacement Project.

Resolution 41-08 as Recorded in the office of the City Clerk.

Brasfield & Gorrie, LLC Change Order # 4: A resolution approving Change Order # 4 to the construction contract with Brasfield & Gorrie, LLC in the amount of $624,521.00 for construction of the Hamestring Sewer Lift Station.

Resolution 42-08 as Recorded in the office of the City Clerk.

2008 ESRI Software Maintenance Fees: A resolution approving purchase requests in the amount of $30,821.25 with ESRI, Inc. for Geographic Information System (GIS) software service and maintenance fees.

Resolution 43-08 as Recorded in the office of the City Clerk.

2008 D.I.S.C. Software Maintenance Fees: A resolution approving the 2008 service and support agreement in the amount of $38,265.48 with Dynamic Information Solutions Company, Inc.

Resolution 44-08 as Recorded in the office of the City Clerk.

Fire Pension Drug Law Enforcement Fund: A resolution approving budget adjustments for the Drug Law Enforcement Fund in the amount of $36,902.00 and for the Fire Pension Fund in the amount of $70,844.00.

Resolution 45-08 as Recorded in the office of the City Clerk.

Bid # 07-70 Ark-O Petroleum: A resolution awarding Bid # 07-70 and approving the purchase of one (1) automatic touchless vehicle wash system from Ark-O Petroleum of Tontitown in the amount of $188,785.00 for use by the Fleet Operation Division.

Resolution 46-08 as Recorded in the office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Unfinished Business:

Hiring Freeze: Hiring Freeze Appeals: **None**

RZN 07-2889 (Cooper): An ordinance rezoning that property described in rezoning petition RZN 07-2889, for approximately 0.69 acres, located at the southwest corner of North College Avenue and East Cleburn Street from R-PZD, Residential Planned Zoning District, to DG, Downtown General. ***This ordinance was left on the Second Reading at the February 19, 2008 City Council meeting.***

Alderman Cook moved to suspend the rules and go to the third and final reading. Alderman Allen seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Cook: We have received some good comments about it. I am glad Mr. Cooper brought this forward.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Gray was absent.

Ordinance 5114 as Recorded in the office of the City Clerk.

New Business:

2008 Hansen Software Maintenance Fees: A resolution approving purchase requests to Hansen Technology, Inc. in the amount of $64,634.28 for 2008 software service and maintenance fees.

Paul Becker, Finance Director stated this is not new software; this is a maintenance agreement for the continuation of using Hansen Software. He gave the background of the original agreement. He stated we recommend that it be approved because we have a significant investment in the Hansen System.

Alderman Jordan: If we put this out for bid and we went with another system we would have to completely change everything we have and retrain people.

Paul Becker: It would be expensive and traumatic because any new system implementation has problems.

Alderman Jordan: So you feel that this is probably the most effective and cost efficient way to go?

Paul Becker: Yes I do.

Mayor Coody briefly explained the original training and implementation process.

Alderman Ferrell: Paul you said it is 18% of the purchase price per year for enhancements. What is the life expectancy of the core application that you get?

Paul Becker: Usually 20-30 years. Of course there is no guarantee. They put out enhancements so it could go on for any period of time.

Alderman Ferrell: Is 18% of the purchase price what you would consider an industry average for a system like this?

Paul Becker: They usually run 15% on the least expensive side to upwards at 25%. I would say this is pretty reasonable.

Alderman Jordan moved to approve the resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed 7-0. Alderman Gray was absent.

Resolution 47-08 as Recorded in the office of the City Clerk.

Fayetteville Municipal Property Owners' Improvement District No. 24 – College Avenue Townhomes Development Infrastructure Project: An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 24 – College Avenue Townhomes Development Infrastructure Project.

City Attorney Kit Williams read the ordinance.

Alderman Rhoads moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Rhoads moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Gray was absent.

Ordinance 5115 as Recorded in the office of the City Clerk.

Ambulance Service Interlocal Agreement: A resolution to approve an interlocal agreement for ambulance service by and with the City of Fayetteville, Washington County, Elkins, Farmington, Goshen, Greenland, Lincoln, Prairie Grove, West Fork, Winslow and Johnson, and to establish the ambulance authority and Central Emergency Medical Services as the exclusive emergency and nonemergency ambulance service within the cities.

Judge Jerry Hunton, with Washington County spoke on the importance of the county wide ambulance service. He went on to explain the efficiency of Central EMS. He stated that when you have something that is working this well you don't want to do anything to harm it. He asked the City Council to not look at it as a bottom line on anyone's budget but look at it as neighborly and providing something county wide that we all can be proud of. He thanked the Council and stated I hope this is one of those times when we can reach across the table and join and accomplish something that is so important to all of us.

Keith Edmonds, Operations Supervisor for American Medical Response: We want to be a part of Fayetteville because we believe there is so much potential in this area. He spoke on the quality of the American Medical Response.

Jeff Dick with Arkansas Paramed Transfer gave the history of the company. He stated to give exclusivity to one provider and limit the choices will cause a huge burden. As a resident of Fayetteville I think we should look at other options.

Becky Stuart, Chief of Central EMS asked the Council to strongly consider signing the Interlocal Agreement and keeping Central EMS in place to provide emergency and nonemergency ambulance service. She described the services that Central EMS provides. She stated our survival rate is 38% for the year 2007.

Alderman Rhoads: What is the national average?

Becky Stuart: The national average is 6.4%.

Mayor Coody: The other two private providers focus on nonemergency transfers. You focus on the emergency and the nonemergency is secondary.

Becky Stuart: That's correct, our priority is emergency service.

Steve Zega, Justice of the Peace for District 8 encouraged the City Council to approve this Interlocal Agreement. He asked the City Council what is the best thing for the citizens. It is important to your citizens to continue to have good solid ambulance service and this Interlocal Agreement helps us along that road.

Jack Ladyman, Mayor of Elkins: I would ask as you consider this that you consider the small cities. He spoke on the services that Central EMS has brought to the City of Elkins. He stated finances are important but they are not always the most important thing.

Police Chief Greg Tabor spoke on the services that Central EMS has provided to the Police Department including the free services. He stated I am concerned about the cost involved with the private companies. He also explained the great working relationships with Central EMS. When you are talking about an ambulance service and the quality of care that the citizens of this county deserve, money should not be the total deciding factor.

Jessica Wood, Paramedic for Central EMS stated it is not about us, it's about all of Washington County. She voiced her concerns about separating the coverage across the county and briefly explained some of the additional services that Central EMS provides to Washington County.

Fire Chief Tony Johnson briefly explained efforts and studies made in the past to create this exclusivity with Central EMS. He stated my command staff as well as I is in favor of this Interlocal Agreement. I believe it is best suited for the City of Fayetteville as well as Washington County.

Robert Douthit, Paramedic and Training Officer for Madison County and Part Time Paramedic for AMR spoke on the services that AMR provides.

J.C. Dobbs, Fire Chief of Prairie Grove asked the Council to support the Interlocal Agreement. He went on to speak about past experiences with Central EMS. He voiced his concerns about bidding out for ambulance service.

Sonny Hudson, Mayor of Prairie Grove spoke in favor of the Interlocal Agreement.

John Barcroft, a resident spoke in favor of the Interlocal agreement. He stated no one has offered a reason to believe that there is something wrong with this agreement.

Marilyn Edwards, a citizen asked the Council to see how important it is to Washington County, the City of Fayetteville and anyone around that has to use ambulance services. She stated I support the Interlocal Agreement.

Alderman Thiel asked Alderman Jordan and the members of the Ambulance Committee to give a report.

Alderman Jordan asked County Representatives about a one cent sales tax that was passed July 28, 1981. It stated the County would spend 25% or $315,000 annually of its yearly share of the one cent sales tax for county wide ambulance service and the money would be forwarded to Central Emergency Service. When I totaled that up over 27 years it came up to about $8 million.

Judge Jerry Hunton: The difference is it was a resolution that was passed at that particular time. Over the years money has flowed here and there but it is not taken the track in following those exact numbers. I think it all balances out because I think there are other issues that the County has done that probably has soaked up many of those dollars.

Alderman Jordan: We can substantiate for a fact that the resolution was passed.

Judge Jerry Hunton: That resolution was passed. I cannot tell you that it was followed by anyone to the letter.

Alderman Jordan: Why is Springdale not involved in the Interlocal Agreement?

Judge Jerry Hunton: Springdale has their own service which has been a solid service and they have not had any interest in change. I cannot say that in the future, if they do a true analysis of their system, that they might not want to change. This issue that we are talking about tonight hasn't changed and Springdale has never been a part of the formula.

Alderman Jordan: Do you think it would be less subsidy for everybody else if they were involved in the Interlocal Agreement?

Judge Jerry Hunton: I don't. The system has worked well to this point.

Alderman Lucas: In the past you put in $4 per person for the entire county is that correct?

Judge Jerry Hunton: I don't have those numbers in front of me for Springdale right now. We try to cover the rural area and their citizens at the same level.

Alderman Lucas: But you did it for all the citizens of the County?

Judge Jerry Hunton: Yes we have.

John Gibson, Chairman of the Board of Central EMS: We pay Springdale $4 per capita for the areas of Washington County that they cover outside of their corporate limits. We pay Springdale nothing for anything inside their city limits.

Alderman Jordan: How much is that figure?

John Gibson: Somewhere around $80,000.

Alderman Jordan read the money distribution amounts from a document passed out at the Ambulance Committee meeting.

He went on to give the Ambulance Committee report. He expressed his concerns about Springdale not being a part of this Interlocal Agreement. He also stated there is some loss of control in that we would be putting ourselves under a board instead of being able to make the decisions. He went on to express his concerns about the future rate increases. He referred to Article IV and asked what would happen if the City of Fayetteville does not wish to participate any longer and it takes six months to get out of the contract. What happens to us in that six month period?

Mayor Coody: I would assume that we would have perfectly good ambulance service.

Alderman Jordan: Well, not according to Article IV, they can keep ambulance service out.

City Attorney Kit Williams: I think it would be anticipated that you would give a six month notice but during that period of time the contract would still be in effect and you would still be receiving ambulance services. That would give you the opportunity to select a new ambulance company in order to protect your citizens.

Alderman Jordan: Another thing that was brought up by the Ambulance Committee was CEMS is already funded for 2008. We already have the same ambulance service in place right now that we have had forever. There were also concerns about subsidy going to Springdale. There were also concerns about what would happen to the equipment if CEMS leaves. We also know that we could write that in the contract that they have to leave the equipment.

City Attorney Kit Williams: We can certainly offer any contract terms that you would like. Whether or not they would accept them or not is up to them.

Alderman Jordan: The Ambulance Committee was unanimously in agreement to continue the service that we already have for 2008 and study what other cities have done.

Mayor Coody: Have you done any studying to see what other ambulance services have done.

Alderman Jordan: We have been waiting on direction from the Council.

Alderman Lucas: I agree with the comments that Alderman Jordan has given. She expressed her concerns about the Interlocal Agreement. She stated until I see it as fair to our citizens I can't support it; competition has created a better ambulance service. I just don't see it as making it better or fair to Fayetteville.

Alderman Cook stated CEMS is an excellent provider and I don't have any issue with keeping CEMS. As far as low price, I will pay whatever it takes to make sure we have a good ambulance service up to a point. I think there needs to be more conversation with Springdale. I believe it would benefit everybody within the county if Springdale came on board. There have been some very good changes at CEMS since this conversation started which makes me wonder why we need to change it now. Certainly when this conservation started everyone had issues and questions.

Alderman Thiel: The discussion started with the idea of exclusivity and whether that would enable CEMS to provide a more efficient and cost savings service to the citizens of Fayetteville. The study showed us there were real issues with bidding this out and with other companies.

Adella Gray is not here and I would like to table this for two weeks until she is back. This is a big decision and I think it is important that Ward 1 is represented fully.

Mayor Coody briefly explained the history of this issue for the citizens watching at home.

Alderman Thiel: Do we actually have any kind of formal interchange with CEMS currently or is our only control and discussion with them is funding, whether or not we fund them each year.

Mayor Coody confirmed who was currently serving on the CEMS Board. He stated with the new Interlocal Agreement that we have in front of us right now there would be seven members all together, four of which would be from the City of Fayetteville.

Alderman Jordan: We did not recommend that we put it out for bid but instead leave the system we have in place right now.

Mayor Coody: Is there any thought on what would happen next year?

Alderman Jordan: I am just telling you what the Committee recommended.

Alderman Allen: If we pass this how will this be a benefit to the citizens of Fayetteville?

Fire Chief Tony Johnson: If we were to sign the Interlocal Agreement, which would grant them exclusivity, that would give them a revenue stream that has a great potential of reducing Fayetteville's subsidy. The risk of not having support from Fayetteville is that Central EMS will go belly up. I think our issue of concern is what is good for Fayetteville and Washington County and I think that is what we need to focus on. This provides us with local control and I don't think we want to be without that.

Alderman Allen: What would become of the Arkansas Patient Transfer and what are the implications for other ambulance services should we pass this agreement?

Fire Chief Tony Johnson: That is a question but there are many possibilities. Just as the Fire Department doesn't stand alone we have agreements with the other departments that are represented with the County. That possibility exists for Central EMS to start off automatic and mutual aid agreements with other companies that are here.

Alderman Allen: This might be one of the more important decisions that we make as an alderman because it deals with the safety of so many people. I have had a lot of emails and calls. I am hoping that we can table this because it is such an important issue that I would like to have the opportunity to talk to some specific people before making this decision.

Alderman Ferrell read a portion of the Journal of Emergency Services. He stated the current trend in EMS is moving to Fire Department based EMS not public utilities. That is the data that comes from the most recognized people in the country so I just ask that we keep that in mind.

Alderman Thiel moved to table the resolution to the March 18, 2008 City Council meeting. Alderman Allen seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Water/Sewer Rate Approval: A resolution expressing preference for specific revisions to sewer rates and related policy changes; and directing the City Attorney to draft a water and sewer rate ordinance consistent with these preferences.

Paul Becker gave a brief description of this item. He stated the Water and Sewer Committee made certain recommendations to the full Council. A decision was made to go with cost of service which means each category pays those costs associated with them. From the water side the committee is recommending an inclining block for residents. The proposal by the committee would support two things: conservation and additional support or reduced costs to the lower income users of the system and the ability for them to control their costs by consumption. On the sewer side we need the Council to make two decisions. We need the Council to endorse the Water and Sewer Committee's proposal on the water side and on the sewer side we are going to propose one of three options. Those options all achieve cost of service in the long run. We have to do this before we can proceed with the public hearing.

Alderman Kyle Cook: We still need a final decision on the sewer side. On the water side I think we are going to be fairly agreeable to that. Regarding the sewer side the committee was split 2-2 on a recommendation. In order for Mr. Gould to finalize the rates to bring forward and start the process the full Council needs to make a decision.

Tom Gould, Rate Study Analyst with HDR gave a PowerPoint presentation on the water and sewer rate study and some of the recommendations from the Water and Sewer Committee.

A discussion followed on the rates for other cities that we provide service to.

Darrell Froud, representing the manufacturing community in the City of Fayetteville. I am a proponent of no increase but I realize that is not reasonable. I am a proponent of Option 1 that spreads this out over time. The cost increase in the end must be borne by the consumer or our customers. We need a period of time to recover this large increase.

Scott Turley, Director of Utility Operations at the U of A: I would like to thank the Water and Sewer Committee. They have taken on a tough assignment and have done a good job. I appreciate us being able to be a part of that. In the specific case of the U of A I don't know that it makes a whole lot of difference which option is chosen. We are your second largest customer overall. I think the University is supportive of the cost of service approach. Having some time to make that transition to cost of service is probably a good thing. We are a part of the Beaver Water District and we are trying to do a lot of good things in the City of Fayetteville to influence conservation and I think that needs to be carried forward into the full Beaver Water District. We are down here doing some good things and maybe others are not. I think Beaver Water District should be encouraged to adopt some of the conservation based practices.

Steve Russ, Fayetteville Economic Development Council: I would like to thank the committee for meeting with one of the businesses. Two of our largest users are in the food industry and the cost of their raw materials has gone up. It certainly would be our recommendation that you spread an increase out over as much time as you can.

Alderman Cook: Three years ago we talked about discontinuing the subsidy and going with the full cost of service to the industrial customers. I am more supportive of going with Option 2. I know that is painful and it takes them to cost of service immediately but I strongly believe in the cost of service methodology. I think it is the fairest way and the most defendable way to do the rates.

Alderman Ferrell: I would like to thank Kyle for chairing the committee. We had a lot of hours and a lot of meetings going through this. I appreciate being able to look at three options.

Alderman Ferrell moved to table the sewer rate section of the resolution to the March 18, 2008 City Council meeting. The motion died for lack of a second.

A discussion followed on tabling this resolution for two weeks.

Alderman Jordan moved to approve the water rate section of the resolution only. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Resolution 48-08 as Recorded in the office of the City Clerk.

Alderman Jordan: I feel the flat rate is the fairest rate of all. I am in favor of Option 2 due to the people in the city that are on fixed incomes and for them every dollar is important.

Alderman Thiel moved to approve Option 3 of the sewer rate section. Alderman Ferrell seconded the motion. Upon roll call the motion passed 5-3. Alderman Thiel, Rhoads, Ferrell, and Lucas voting yes. Alderman Jordan, Cook and Allen voting no. Mayor Coody voted yes to pass the resolution. Alderman Gray was absent.

Resolution 49-08 as Recorded in the office of the City Clerk

RZN 07-2856 (Parks and Recreation): An ordinance rezoning the properties described in rezoning petition RZN 07-2856, for forty-two City of Fayetteville parks on approximately 591 acres, located throughout the city from multiple zoning districts to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: There are many zoning districts that encompass our city parks currently. This action would rezone them to P-1 Institutional. Institutional districts are usually governmental owned entities and other public type of uses. The majority of the city park properties are zoned residential single family four units per acre and residential multi family 24 units per acre. A guiding policy of the Parks and Recreation 10 Year Master Plan is to develop design standards that address safety, maintenance, signage and aesthetic issues. This would help provide a consistent level of understanding when those issues come forward. Not all parks are being

rezoned. The lake properties have been left out of this particular request. The Planning Commission voted 9-0 to forward this request to you with a recommendation for approval.

Alderman Lucas: Can we include the park next to Bryce Davis.

Jeremy Pate: We have received a deed but we do not have an exhibit prepared. We will be bringing these forward probably every year.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Rhoads moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Aubrey Shepherd, a resident: What is the purpose of this? Are all the parks included?

Mayor Coody: We have a hodgepodge of different zonings for our parks this would make them all park zoning.

Jeremy Pate gave some examples of parks and their zonings.

Aubrey Shepherd: So all it does is solidify the use that is there, it does not affect them?

Mayor Coody: Yes.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Rhoads was absent during the vote. Alderman Gray was absent.

Ordinance 5116 as Recorded in the office of the City Clerk.

C-PZD 07-2858 (Farmer's Market): An ordinance establishing a Commercial Planned Zoning District titled C-PZD 07-2858 (Farmer's Market), located on the south side of Hwy. 62, between east and west Farmer's Drive, containing approximately 1.10 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: This is a rezoning and development proposal. The Planning Commission recommended unanimously in favor of this project. Staff recommended approval.

A discussion followed on the drainage of the property.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit 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 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Aubrey Shepherd: This is down stream from the detention pond at Walmart and there will be a lot of flow down there. It is lower than the street. If the City had owned this it would have been an ideal place to buy an easement and put in a curb cut to route some water there rather than let it go down the storm drain.

Alderman Jordan: That's a good idea.

Jeremy Pate: The City is looking at different ways to manage storm water such as rain gardens, permeable pavement and alternatives to our traditional storm water techniques. There is an educational process about what they will actually do and how you can create systems that work. These systems can work on a case by case basis.

Mayor Coody: We are basically leading the private sector. We are trying to encourage private developers and private engineers to do some innovative things.

Steve Clark, Clark Consulting: I was the engineer that designed the project. We left the primary channel undeveloped. We kept green space adjacent to it. We developed a driveway that will go through the floodway that was built at or below existing grades. It will absorb some of the water.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Gray was absent.

Ordinance 5117 as Recorded in the office of the City Clerk.

Amend Rules of Order and Procedure: A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council by changing its title and removing the provision that serving more than half a normal term counts against the two term limit for citizen committees.

Sondra Smith, City Clerk/Treasurer: We discovered in the City Council Rules of Order and Procedure that if someone serves more than half of a term on a board or committee that will count toward a full term. We were not abiding by that rule because we did not know that it existed. I don't believe the Nominating Committee knew that it existed either. When we did research on this we found that it would be very cumbersome for us to try to keep up with. We have 159 board members that we keep up with their terms and we currently have 54 unexpired terms. Each board has a different term length from two years to six years.

Mayor Coody: So you would like to make any length of someone filling an unexpired term not count against the two term limit.

Sondra Smith: That is our suggestion.

Alderman Cook: This did not go through the Nominating Committee and I apologize for that if you guys took exception to that. Ultimately the Nominating Committee and the City Council has the final decision on whether someone is going to serve or not on a particular board or committee. Just because someone served a partial term and it could have been 99% of a term, it is still a partial term in my opinion. Just because they serve one term does not mean that we have to put them back on. In the past that usually gives the person a leg up because they have served on that board and they have experience but at the same time if we have an applicant that we feel is more qualified or if we feel that the one that was serving has not met their responsibilities then we always have the option of appointing someone new. I did not think that would affect the final out come because we do ultimately have the final decision.

Alderman Lucas: I understand what Sondra was saying but with computers now it seems there has to be an easy way of keeping up with this. My concern is we encourage people to come forward and apply for these committees and we are starting to get a good turn out of people. I don't want it to be something that can discourage someone from coming to apply. I don't want to limit people's participation in the City. I think that is important.

Alderman Cook: I couldn't agree more with that comment.

Alderman Thiel: I know the City Clerk's office has the same budget constraints that all our departments have. I feel this is something that is time consuming trying to track and Kyle's comment is correct about it being ultimately the City Council and the Nominating Committee's decision as far as reappointing someone. I don't think it makes that much difference with a partial term. I support the recommendation of the City Clerk.

City Attorney Kit Williams: On Section 1 I asked that you rename your rules to be the Rules of Order and Procedure of the Fayetteville City Council.

Mayor Coody: So this resolution would take care of both of those changes?

City Attorney Kit Williams: It has two sections.

Alderman Thiel: I also support the City Attorney's recommendation.

Alderman Lucas: I support the City Attorney's recommendation but I can't support the other. Can I make an amendment to separate them?

Mayor Coody: You can move to amend.

City Attorney Kit Williams: If you oppose the City Clerk's suggestion you would move to remove Section 2 from the resolution. Section 2 of the resolution is what would be effectuating the City Clerk's term argument.

Mayor Coody: Is that your amendment?

Alderman Lucas: No. I will just vote against the whole thing.

Alderman Cook moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution passed 5-2. Alderman Jordan, Thiel, Cook, Allen and Rhoads voting yes. Alderman Ferrell and Lucas voting no. Alderman Gray was absent.

Resolution 50-08 as Recorded in the office of the City Clerk.

ADM 08-2929 (Stonebridge Square Tree Preservation Variance): A resolution approving a variance from Ch. 167.04 Tree Preservation and Protection to allow off-site tree preservation in lieu of on-site plantings for prior tree removal in the manner recommended by the Planning Commission for large scale development (LSD) 07-2765.
Jeremy Pate: Gave a brief description of the proposed resolution.

The new property owner began clearing and mucking an existing pond on the site. The pond was originally approved to be removed as were the trees all around the site in that area. During the process of clearing and mucking the pond several low priority damaged trees that were damaged by beavers that were approved for removal with the large scale development plus an additional 16 inch ash tree that was intended to be protected with that large scale development were removed. With the exception of the ash tree this construction would normally have been acceptable, however all grading permits for the large scale development plans and erosion control have not been installed. A stop work order was issued. A grading plan has since been approved and a new large scale development was proposed. Technically because this was not the same project within a five year period those trees were removed without the proper permits and it constitutes a violation of Chapter 167.04 (D) (1) and a penalty is required. In discussion with the Urban Forrester it became apparent that utilizing the option of off site preservation, which is an option under our current tree preservation ordinance, would be advantageous. They

discussed going above and beyond what would be required. In looking at all of the factors in this decision the Urban Forrester recommended approval of that. Staff and the Planning Commission recommended approval.

Alderman Thiel: Wouldn't that riparian zone property be protected anyway?

Jeremy Pate: It depends; floodplains and floodways can be developed if proper measures are taken.

Alderman Thiel: The listing of the 41 species back on the site are those all part of that 10%?

Jeremy Pate: The variance request is to meet the mitigation requirements but the preservation of the offsite easement is really the variance request.

Alderman Thiel: Did you say that the other penalty option would be that the applicant would have to remove a building from the development or significantly reduce the number of parking spaces provided in order to re-forest the site according to code requirements?

Jeremy Pate: Those are certainly options if the variance is not approved. The property that is being developed has to be planted back 10% of that area. We felt this was a much better option to preserve an existing stand of significant trees that are already mature and that are providing a benefit to the riparian corridor along the West Fork of the White River.

Alderman Thiel: You mentioned this does not happen very often but this developer is someone that has worked within Fayetteville and is aware of the ordinances and still did this.

Jeremy Pate: This developer has worked within the City of Fayetteville before.

Alderman Allen: I wish we could have someone speak to us about how they determine whether a tree is dying, dead or damaged.

Jeremy Pate: We typically do not depend on a nonprofessional to make that determination if there is ever anything in question we require a certified arborist to examine the trees. Some of our staff has been qualified to make that determination as well.

Alderman Allen: It matters to me if someone is aware of the rules and continues to push the envelope.

Alderman Jordan: Basically what we have is a developer that breaks our ordinance and comes back with something different.

Jeremy Pate: We feel they have some back with something better in this case.

Fran Alexander: Mitigation should be the last thing you go for. The point of having tree preservation on site, the point of planting trees back on site, is to prevent water damage from

storms on site. It is to prevent the heat from roof tops and parking lots on site. I think Jeremy is correct that this is a really good deal that we are being offered here because it just so happens he has some other land. No matter what you decide to do on this tonight I hope you will keep in mind the purpose of the tree preservation ordinance.

Aubrey Shepherd asked that the plan be shown, where the trees are, and where the storm water works.

Tom Hennelly, H2 Engineering: This wasn't a flagrant violation of the tree ordinance. The trees had already been approved for removal when this property was purchased. Because of the change of use it required a major modification instead of a minor modification and that was the point that caused the violation to occur. We are preserving established trees in an easement of the exact same square footage as was on site before we started this. In addition to that there is preservation of that original canopy taking place on site with the exception of that one ash tree as well as all the required landscape, right of way, and parking trees. This is a win-win deal for the City. The City of Fayetteville is going to come out better off because this happened not that we want to encourage anybody to do that. The amount of canopy that is going to be preserved and the priority of that canopy is going to be much better than what was there and what would have been planted.

Alderman Thiel: The ash was the only tree that was removed that was not part of the original?

Jeremy Pate: That is correct. All of the other trees had been approved through the previous large scale development for removal.

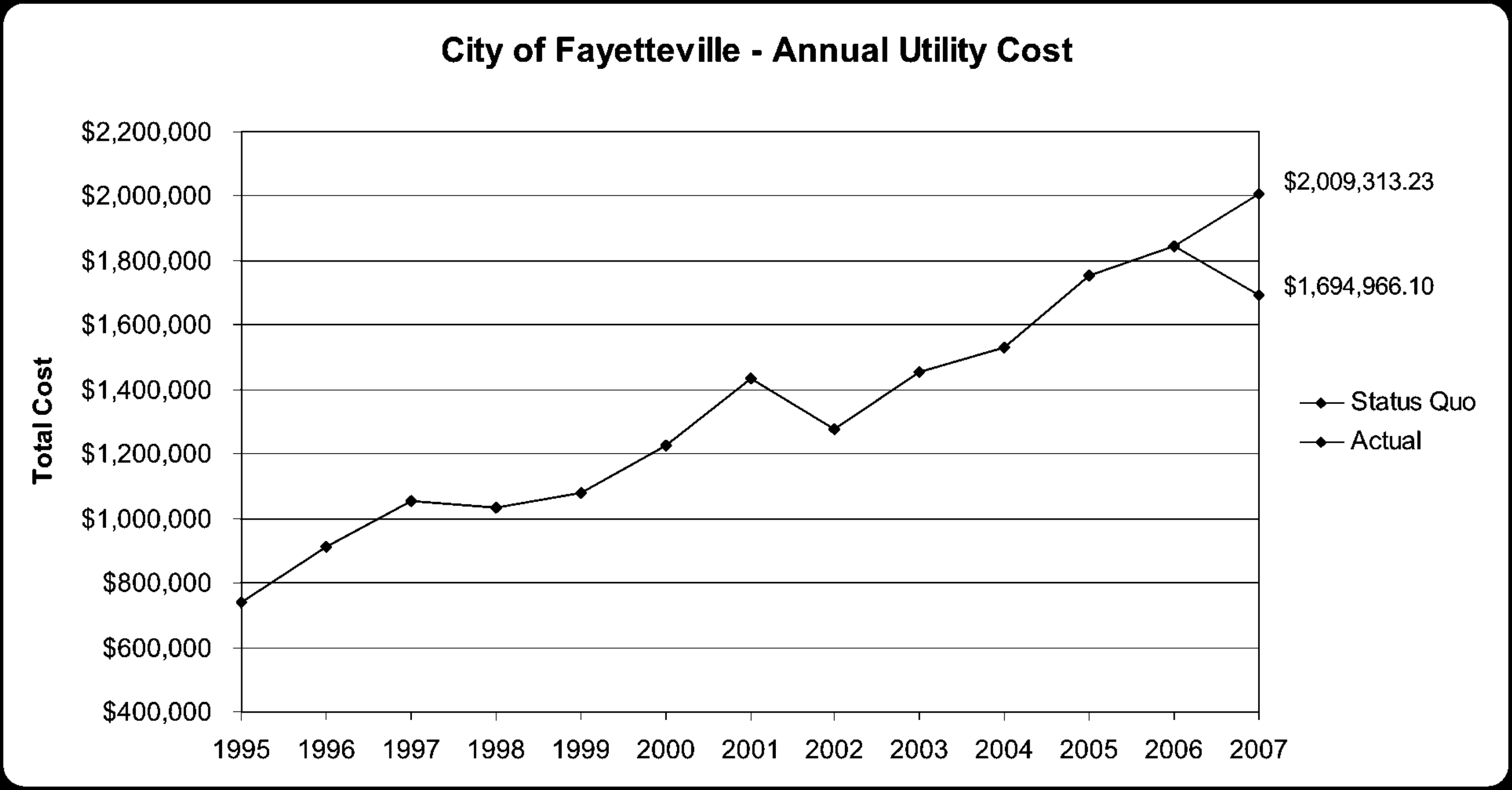
Alderman Rhoads moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed 7-0. Alderman Gray was absent.

Resolution 51-08 as Recorded in the office of the City Clerk.

Meeting adjourned at 9:40 PM

Dan Coody, Mayor

Sondra E. Smith, City Clerk/Treasurer


City of Fayetteville - Annual Utility Cost
Total Cost
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$2,000,000
$1,800,000
$1,600,000
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$1,000,000
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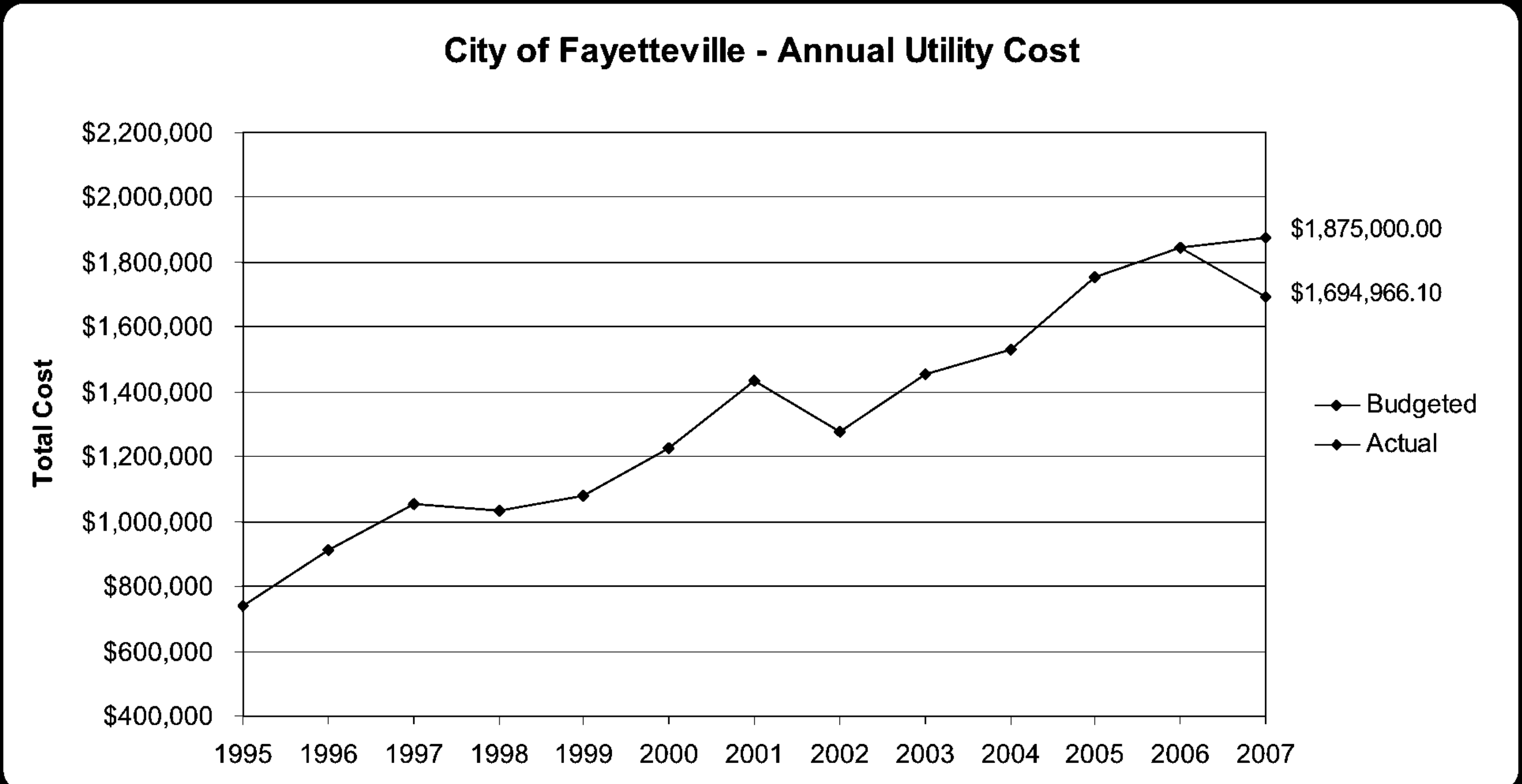
City of Fayetteville - Annual Utility Cost
Total Cost
$2,200,000
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$1,800,000
$1,600,000
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$1,000,000
$800,000
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2007
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Budgeted
Actual

August Utility Fee Comparison

City Hall – 36,960 sf

August 2007

SWEPCO - $5,143.20 (87,200 kWh)

AR Western Gas – $579.51 (457 CCF)

Total = $5,722.71

Cost per Square Foot (CSF) = $.15

August 2006

SWEPCO - $6,494.79 (98,080 kWh)

AWG - $1,909.34 (1,732 CCF)

Total = $8,404.13

The Biggest Loser (%):

1. Solid Waste (42%)
2. PEG Building (40%)
3. Yvonne Richardson (39%)
4. City Hall (32%)
5. Fire Station #6 (23.8%)

T6. Building Services (22%)

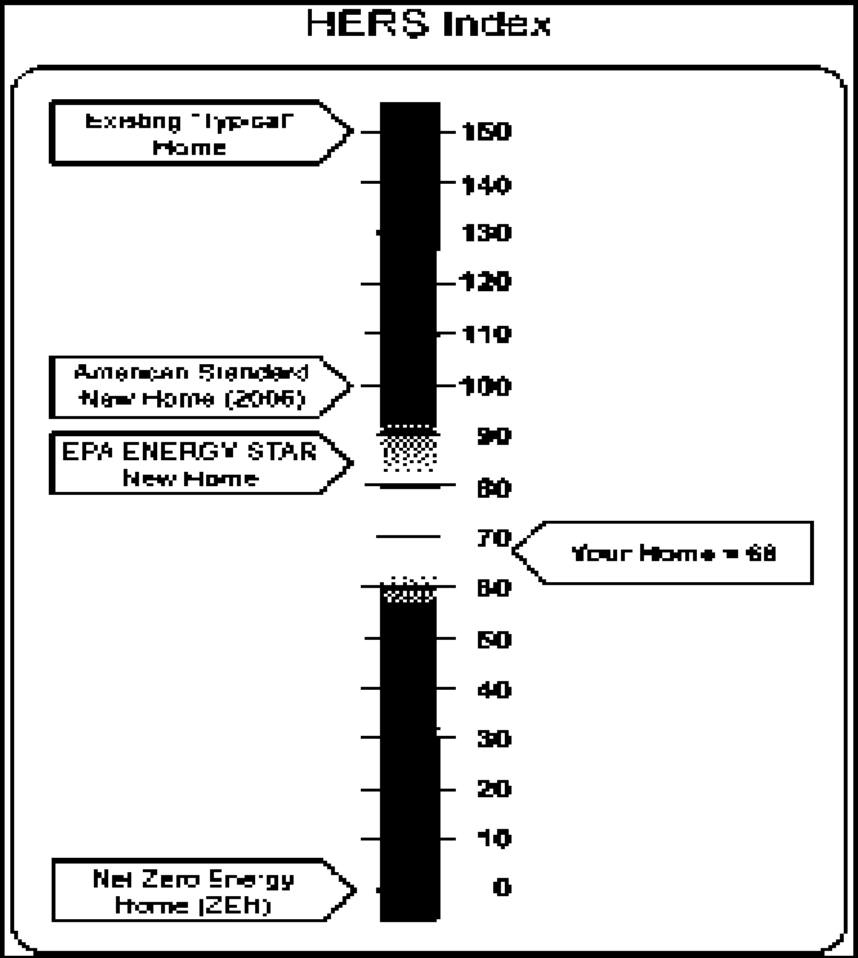
T6. Fleet & Transp. (22%)

Resource Efficiency

- Fuel Conservation
- LEED-Silver
- Energy Audits
- LED Streetlights

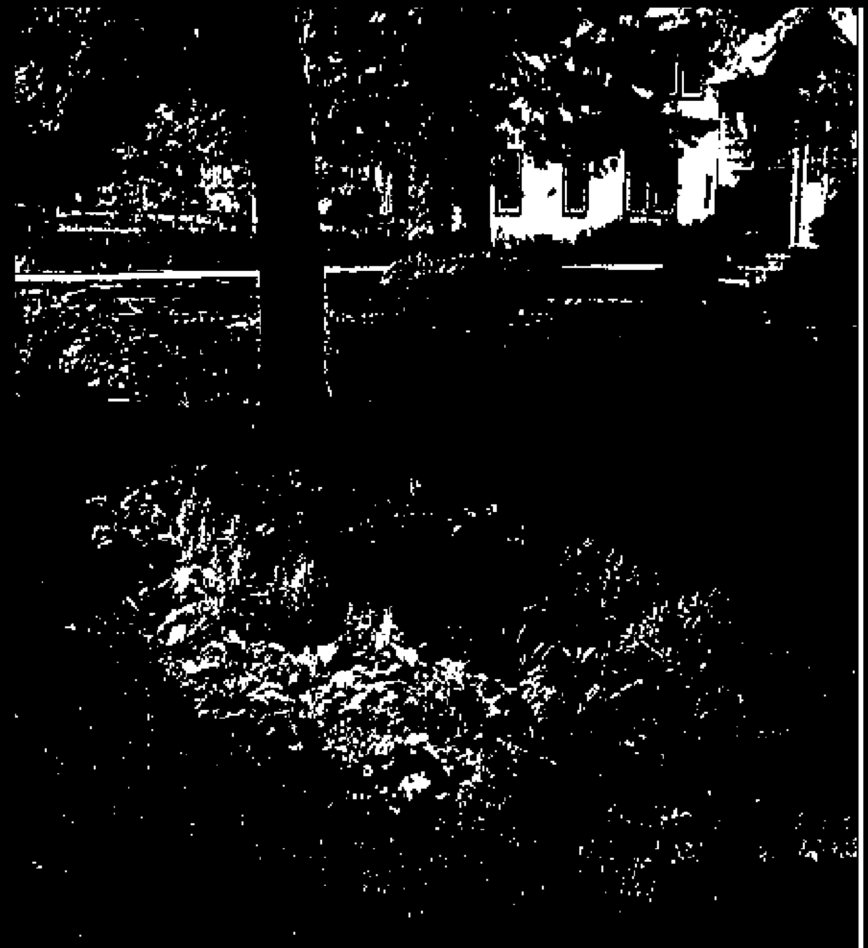
Energy Efficient Construction

- Scorecard
- Checklist
- Residential
- Commercial



Low Impact Development

- Qualifying Standards
- Ordinance Review
- Design Standards
- Maintenance



Other Initiatives

- Environmental Purchasing Policy
- Economic Development – Briefing Book
- Emissions Baseline
- U of A Sustainability Council
- Water Conservation Research
- Environmental Concerns Committee
- USGBC Steering Committee & Public Policy Committee
- Sustainable Transportation Focus Team
- LG TV
- Presentations, Webinars, Grants, Individual Interest

Nominating Committee Report
Meeting Date: March 13, 2008
Room 313, City Hall 5:00pm

Approved
3-18-08

Members present: Kyle Cook, Adella Gray, Shirley Lucas
Also present: Nancy Allen, Robert Ferrell

The following is being submitted by the Nominating Committee to the entire City Council for consideration.

Board of Adjustments

The committee recommends the following candidates for appointment:

Bob Kohler – one term ending 3/31/13
Steven Bandy – one unexpired term ending 3/31/10

Civil Service Commission

The committee recommends the following candidates for appointment:

Steve Coppinger – one term ending 3/31/14
Fred Vorsanger – one term ending 3/31/14

Construction Board of Adjustments and Appeals

The committee recommends the following candidate for appointment:

Jim Key – one term ending 3/31/13

Fayetteville Public Library Board of Trustees Mayor appoints

The committee recommends the following candidates for appointment:

Don Marr – one term ending 4/01/13
Dan Ferritor – one term ending 4/01/13

Planning Commission

The committee recommends the following candidates for appointment:

James Graves – one term ending 3/31/11
Audy Lack – one term ending 3/31/11
Jeremy Kennedy – one term ending 3/31/11

B.1

Fayetteville
ARKANSAS

CITY COUNCIL MEMO

TO: Mayor Dan Coody and the City Council
THRU: Gary Dumas, Operations Director
FROM: Missy Leflar, Human Resources Division Manager ML
DATE: March 18, 2007
SUBJECT: Human Resources Administrative Assistant Opening

I have today received notice that our Human Resources Administrative Assistant's last day will be Friday of next week. The Human Resources Division is a small Division consisting of 5 staff members servicing 750 – 800 City employees and the public. The HR Division did have an additional, 6th, part time position that became vacant in November. The Division voluntarily gave up that position in order to help with the City's 2008 budget issues. The 5 remaining HR employees absorbed that employee's workload, rather than replacing her.

According to the 2006 national SHRM Human Capital Benchmarking Study (see attached documents), an organization of the City's size would be expected to have a median number of 7 staff members in HR instead of the 5 we have had.[1] If this position were not filled, the remaining staff of 4 would fall below the lowest 25th percentile of companies reporting their HR staff ratio to employees, [2] as well as extremely far below the 75th percentile of companies with an HR staff number of at least 11. In short, objective data shows that City's HR Division is already operating in a lean, efficient manner when compared to other organizations of the same size.

This position comprises 20% of the total Human Resources staff and accordingly accomplishes a significant portion of this small Division's workload (see attached job description). When this employee is out, the remaining four employees, including me, must each day divide up allotted hours at the front desk doing the employee's tasks while neglecting our own work. The position is already fully budgeted for 2008. However, the overtime that will occur if it is not filled would definitely put the Division well over its already small overtime budget (15 hours of overtime per year per hourly employee).

In my opinion, if this position is not filled then the negative impact on remaining staff (including me) accomplishing their workload would likely be immediately noticeable to both the employees and public, in the form of a backlog causing unavoidable delays providing requested services. I have been told that complaints about HR services ceased once the Division went from 4 to 5 employees; I am concerned about complaints resuming were the number to return from 5 to 4. In addition, staff would likely experience frustration at not being equipped to provide the usual good customer service we take pride in. Thank you for considering all of the above.

[1] See attached documents. Relevant formula is 750 FTEs x .91 = 682.50; divided by 100 = 6.83 Human Resources staff members for an organization having between 500 – 999 employees. If the summer employee number of 800 is utilized, the HR staff number becomes 7.28. If the 75th percentile of organizations figure is used, along with the 800 employee number, the HR staff number becomes 11.68.

[2] See attached documents. Relevant formula is 750 FTEs x .62 = 465; divided by 100 = 4.65.

CITY OF FAYETTEVILLE
Position Description

POSITION TITLE: HR Administrative Assistant

Exempt (Y/N): No	DEPARTMENT: Operations
SUPERVISOR: HR Division Manager	DIVISION: Human Resources
EEO/JOB GROUP/JOB CODE:	DATE REVISED: March, 2008
Job Grade: 107	

ESSENTIAL DUTIES AND RESPONSIBILITIES: *Note: All City of Fayetteville positions require the employee to provide good customer service to both internal and external customers, maintain positive and effective working relationships with other City employees (especially members of his or her own team), and have regular and reliable attendance that is non-disruptive.* Other essential duties of this position include the following:

1. The person in this position is the first person met by the public and by employees as they enter the Human Resources offices. The incumbent accordingly greets and assists the internal and external customers with courtesy and tact, and connects them with the other HR staff if needed to more fully assist in solving the customers' problems.
2. Operates the HR general switchboard, routing calls and relaying messages in a timely and efficient manner.
3. Responsible for being the first point of contact in answering employees and supervisors' questions concerning the filing all of the City's new workers' compensation claims. Promptly logs the required information into the Municipal League web site to initiate the payment of workers compensation claims, oftentimes following up with the League's case worker by telephone for emergency and other time sensitive employee situations. Forwards electronic copies of all workers' compensation paperwork to Sr. HR Officer and HR Division Manager.
4. Ensures the timely flow of approximately 350 job applications per month to each position's hiring supervisor, after proofreading the applications to make sure they are signed, all required areas have been completed by the applicant, etc.
5. Responsible for electronic spreadsheet tracking of job applicant information concerning offers-of-hire, promotions, and transfers into the legally required Equal Employment Opportunity Program logs.
6. Responsible for monitoring and responding in a timely fashion to HR general e-mail generated from the City's public web site.

7. Conducts the first-day-on-the-job meetings with new City employees. Responsible for ensuring all meet legal requirements to work in the United States, as well as making sure all complete their initial work and payroll related paperwork. In this regard is responsible for directly overseeing day to day compliance with the 1986 Immigration Reform and Control Act, including authority to sign off on all employee I-9 forms as being legally compliant.
8. Provide the new employees with City New Employee packets that include City Benefit information, which this assistant is to have created in advance of New Employee meetings.
9. Composes and types word-processed letters, memoranda, correspondence, and other documentation to members of the public and/or employees.
10. Responsible for developing record keeping systems for hard copy and electronic files, including the personnel files for approximately 750 – 800 employees, as well maintaining the filing for same.
11. Purchase supplies for the Division in a manner compliant with all City purchasing policies, including but not limited to the Environmental Purchasing policy. Organize and maintain all purchase records.
12. Reconcile Division Purchasing Cards monthly. Complete purchase requisitions.
13. Responsible for creating check requests for the Division's bill paying.
14. Prepare and distribute accrual reports every two weeks, reporting remaining sick leave, vacation time, and compensatory time.
15. Prepare New Hire Report for State of Arkansas Workforce Development every two weeks and mail to AR New Hire Reporting Agency.
16. Provide ongoing clerical assistance to HR Administrator, Benefits Administrator, Sr. HR Officer, and HR Division Manager.
17. Sort and distribute City wide pay vouchers for approximately 750 – 800 employees every two weeks prior to each pay day, in preparation for the Divisions/Departments picking them up.
18. Sort and distribute internal and external mail to each HR staff member.
19. Respond to employment verification requests by third parties.
20. Function as a point of contact for the distribution of numerous employee forms (change of address, direct deposit, benefits change forms, etc.), proofreading to ensure the employees complete the forms correctly.
21. Hand deliver originals of City employee performance evaluations to Sr. HR Officer or HR Division Manager.
22. Provide excellent, welcoming customer service to both internal customers (employees) and external customers (job applicants).
23. Keep all employee and applicant related information Confidential.
24. Maintain a current understanding of basic HR functions and processes, attending HR weekly staff meetings as part of doing so.
25. Cross-training with other HR positions as requested.
26. Perform other duties as assigned.

SECONDARY DUTIES AND RESPONSIBILITIES include the following:

1. Coordinate with Benefits Administrator on lunch schedules, so someone is always immediately available when internal and external customers enter the HR offices .
2. Act as back up for applicant testing, job advertisement placement, and other HR staff duties.
3. Secondary duties as assigned.

MINIMUM QUALIFICATIONS

1. High School Diploma or equivalent.
2. At least one year of relevant administrative assistant experience, with similarities in the types of work skills required. Human Resources related experience will be considered a plus.
3. Ability to multi-task and complete work in a timely and reliable manner.
4. Position requires sharp organizational skills.
5. Ability to use computers and software (must have spreadsheet skills, good word processing skills, and ability to use e-mail related software), as well as use standard office equipment (fax, telephone, copier, etc.)
6. Must have good teamwork skills, as well as good interpersonal skills such as to courteously and tactfully render excellent customer service to all internal and external customers and HR team members, especially when the customer may be experiencing stress (an individual discouraged by not being hired, a person with a frustrating benefits problem, etc.).
7. Must have physical abilities to communicate effectively with others verbally (including on the telephone) and in writing; understand others' communications, both verbal and in writing; sit continuously for long periods of time; move from location to location; use hands to finger, handle, or feel; reach with hands and arms and manipulate computer keyboard and papers with fingers; and stoop or bend (such as to work with and around filing cabinets). Occasional light lifting and carrying, such as up to 10 pounds, may be required.
8. The work environment is generally constant interruptions and a ringing phone, with people talking nearby while work is being performed.

SHRM® Human Capital Benchmarking Study

2006 EXECUTIVE SUMMARY

John Dooney
Manager, Strategic Research

Noël Smith
Strategic Research Specialist

Also available:

SHRM Customized Human Capital Benchmarking Service

- Database of more than 1,500 organizations
- To order a complete analysis of the results customized to your organization, please see page 36.

HR
SOCIETY FOR HUMAN RESOURCE MANAGEMENT

HR: Leading People, Leading Organizations

HR-TO-EMPLOYEE RATIOS

While the median number of FTEs for the HR department was three, the average was eight. The large difference between median and average values indicates that some HR departments reported a large number of staff. However, a more manageable way to compare HR staffing levels between organizations is to use the HR-to-employee ratio. This ratio represents the number of HR staff per 100 employees in an organization supported by HR. The number is calculated by dividing the number of HR FTEs by the total number of employees (FTEs) in the organization and multiplying the outcome by 100:

$$\text{HR-to-Employee Ratio} = \frac{\text{Total number of HR FTEs}}{\text{Total number of employee FTEs}} \times 100$$

Table 3 shows how HR-to-employee ratios change by organizational size. The data suggest that the primary driver in HR-to-employee ratios is organizational size. This ratio can be helpful for understanding the number of HR FTEs that are typically supporting a specific size organization.

To use the HR-to-employee ratios in Table 3, first locate the size of the organization that is being compared and then find the corresponding ratios located in the same row. The ratios are listed by the 25th, median and 75th percentiles. Although the median ratio will be used in this example, if the HR department has a larger scope of responsibilities, then using the ratio for the 75th percentile may be considered. Conversely, if the HR department has a narrow scope of responsibilities, then using the ratio for the 25th percentile may be appropriate.

Here is an example of how to compute the number of HR FTEs for a typical organization with 150 employees. Table 3 indicates that the median HR-to-employee ratio that corresponds to an organization with 150 employees is 1.42. The actual calculation is as follows:

$$\frac{150 \text{ FTEs} \times 1.42}{100} = 2.13 \text{ (HR FTEs)}$$

This calculation indicates that for an organization with 150 FTEs, the median number of HR FTEs is 2.13. While this approximates that two FTEs may be appropriate for some organizations of this size, it is not always the case. For example, if the HR department has significant initiatives to undertake or if the organization must increase its recruiting efforts to hire a large number of employees, then more HR staff may be required.

Table 3: HR-to-Employee Ratios (by Organizational Size)

Organizational Size	n	25th Percentile	Median	75th Percentile
Total	560	0.77	1.21	2.00
Fewer than 100	138	1.82	2.61	4.71
100 to 249	138	0.89	1.42	2.00
250 to 499	81	0.71	1.02	1.33
500 to 999	80	0.62	0.91	1.46
1,000 to 2,499	68	0.59	0.82	1.18
2,500 to 7,499	42	0.47	0.81	1.04
7,500 or more	13	0.24	0.38	0.74

Source: SHRM Human Capital Benchmarking Study: 2006 Executive Summary

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Dan Coody**, Mayor
City Council
Chief Tony Johnson

FROM: **Kit Williams**, City Attorney

DATE: **March 18, 2008**

RE: **Final Amended Draft of Washington County Regional Ambulance Authority Interlocal Agreement**

Attached is what I believe to be the final amended draft of the Interlocal Agreement with two changes requested by Washington County. First, under Article 3 Financing, I inserted the same proviso under (b) that the City of Fayetteville would join the county in agreeing to pay at least the same annual amount as is currently appropriated through the end of 2011. Since the subsidy is based upon the latest official census data in our growing region, unless the per capita amount can be reduced in 2011 because of revenue from exclusive non-emergency services, it is unlikely that total gross subsidies from any city will ever decrease. The bottom line is that if the Agreement is approved the Authority will now be receiving subsidies not only from Fayetteville and the County, but nine other cities **and** may be able to earn hundreds of thousands of dollars annually in non-emergency revenue to reduce or offset taxpayer subsidies after 2011.

The second change discussed at the Ambulance Committee meeting was to allow the County (which now has title or joint title to some ambulances) to transfer this equipment to CEMS and the Washington County Regional Ambulance Authority while keeping the right to get any such ambulance back if the county withdraws from the Authority by July 1, 2011. I think there is virtually no chance of Washington County withdrawing from the Authority it has created and championed. But I put in the language they wanted.

SUMMARY OF PROPOSED CONTRACT

(A) The Executive Committee handling the day-to-day oversight of CEMS operation has seven members, four of which must reside in Fayetteville. Two of those members will be appointed by and serve at the pleasure of the City Council and be responsible to give an annual report in July of each year to the Fayetteville City Council covering:

(1) Annual audited report of previous year's financial and performance data;

(2) Report of financial and response data for first half of year;

(3) Plans to replace or enlarge capital property or equipment for next 18 months;

(4) Plans and justification for any personnel increases for next 18 months;

(5) Revenue/expense projections for next 18 months.

(B) The current minimum standards we have contracted with CEMS to achieve remain required in this amended Interlocal Agreement.

(C) Both the City and County agree to continue meeting the current annual funding for CEMS until 2011, but now will be aided by the same per capita per city dweller by the nine other cities served by CEMS.

(D) Exclusivity for non-emergency ambulance service to reduce the cost having to be paid by taxpayers is allowed by this agreement, but must also be specifically authorized by Resolution in addition to the Interlocal Agreement. Thus, to establish exclusive non-emergency ambulance service, the City Council would need to pass the Resolution as currently before you. If an Alderman opposes exclusivity, he should move to amend that Resolution to remove the section which authorizes exclusivity.

(E) Review in July of 2011, rather than "perpetual" term provides for a comprehensive review following the 2010 Census to ensure changes in population location and distribution of the County Sales Tax are incorporated into the funding formula for a fair distribution of taxpayer funding for the authority. If exclusivity is granted, 2011 would be a good time to review whether it has achieved its estimated revenue income to offset taxpayer dollars and whether its service has been satisfactory. Exclusivity can be granted or revoked by future City Councils.

<u>AGREEMENT</u>
<u>FOR AMBULANCE SERVICES</u>

THIS INTERLOCAL AGREEMENT FOR AMBULANCE SERVICES ("Agreement") is made and entered into by and between WASHINGTON COUNTY, ARKANSAS, ("County") and the cities of ELKINS, FARMINGTON, FAYETTEVILLE, GOSHEN, GREENLAND, LINCOLN, PRAIRIE GROVE, WEST FORK, WINSLOW and JOHNSON ("Cities").

WHEREAS, A.C.A. §14-14-910, A.C.A. §25-20-101, and A.C.A. §14-266-102 authorize cities and counties to enter into contracts to co-operate or join with each other to provide emergency and non-emergency medical services and to specify the responsibilities of all parties; and,

WHEREAS, all parties acknowledge that the continued provision of ambulance service is crucial for the continued health and safety of the residents of the named Cities and the County; and,

WHEREAS, the County and Cities mutually agree that the creation of an Ambulance Authority or similar entity as provided for in A.C.A. §14-14-910, A.C.A. §25-20-101 and A.C.A. §14-266-101 *et. seq* is in the best long-term interests of the parties; and,

WHEREAS, said Authority should consist of representatives of the above named Cities and the County; and,

WHEREAS, all parties acknowledge that the formation of such an Authority will demand close and continued cooperation of all parties.

NOW, THEREFORE, IT IS AGREED:

<u>ARTICLE 1. AUTHORITY ORGANIZATION.</u>

(a) One individual selected by each entity shall represent said entity on the Board of Directors of the Authority to be known as the Washington County Regional Ambulance Authority.

(1) Each Board member shall serve a term of three (3) years and be eligible to serve two (2) consecutive terms.

(2) The initial term of each Board member shall be determined by the drawing of lots or similar method so as to provide staggered terms.

(b) The Board shall meet on no less than on a quarterly basis to transact all business associated with the powers and responsibilities conferred upon it. However, the Board shall reserve to itself the right to meet on whatever basis it determines is appropriate.

(c) The Board shall employ an executive director to manage a regional ambulance system.

(d) In order to ensure maximum efficiency and effectiveness of the operation, an executive committee shall be formed to be charged with the oversight of the day-to-day operation of the system. The members of said executive committee shall be as follows:

(1) The County board appointee who shall reside in the unincorporated service area.

(2) The Fayetteville City Council appointee;

(3) A second Fayetteville appointee (Both City Council appointees shall serve at the pleasure of the City Council and can be removed and replaced by different representatives by City Council Resolution.);

(4) A small city appointee to be chosen by the aforestated cities, excluding the City of Fayetteville;

(5) A Nursing Home or medical profession representative who shall reside in the City of Fayetteville to be chosen by the County appointee; the Fayetteville appointees, and the small city appointee.

(6) A Hospital representative who shall reside in the City of Fayetteville to be chosen by the County appointee; the Fayetteville appointees, and the small city appointee.

(7) A representative of the financial community residing in the service area to be chosen by the County appointee, the Fayetteville appointees and the small city appointee.

ARTICLE 2. PURPOSES, POWERS, RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE CREATED ENTITY.

(a) All parties acknowledge that the need to create an entity to own, operate and manage an ambulance service is necessary and appropriate.

(b) The Authority created herein shall have the following powers:

(1) To provide advanced life support emergency ambulance service in the designated area;

(2) To provide emergency medical dispatch including pre-arrival instructions in accordance with approved dispatch protocols;

(3) To set ambulance user fees;

(4) To own system revenues;

(5) To provide exclusive emergency and non-emergency (within the cities only) ambulance service;

(6) To enter into mutual aid and automatic aid agreements with neighboring ambulance services for emergency services;

(7) Comprehensive regulatory powers over the ambulance system performance;

(8) Ownership of or access to key components of the system infrastructure;

(9) Centralize medical direction and clinical oversight of the ambulance system to the extent deemed necessary;

(10) To promulgate rules and regulations to further effectuate the purposes of this agreement;

(11) To own and dispose of real and personal property;

(12) To adopt and oversee comprehensive system performance on an annual basis to include periodic revisions to comply with emerging technologies and changes in clinical and operational standards.

(c) Washington County Regional Ambulance Authority's Specific Duties.

The Authority created herein shall have the following specific duties and responsibilities **in addition to** the statutory and administrative requirements of §14-266-109, the Arkansas Medical Practices Act, and any other government or professional standards.

(1) Minimum Standards Continue. The Authority shall continue to meet all existing minimum performance standards within Fayetteville as stated in the current City of Fayetteville Contract For Emergency Medical Transport Services with CEMS except as to quarterly reports to the City of Fayetteville. (A copy of this contract is attached as Exhibit A.)

(2) Reporting Requirements.

(A) Fayetteville. On the third Tuesday of July each year, the Washington County Regional Ambulance Authority by the two Fayetteville representatives on the Executive Committee shall appear before the Fayetteville City Council to present:

(i) The written annual, audited report of the previous year's financial and response data reports;

(ii) A written report of the financial and response data for the first half of the current year;

(iii) Plans and projections to replace or enlarge capital property and equipment within the next 18 months;

(iv) Plans and justifications for any personnel increases within the next 18 months; and

(v) Revenue/expense projections for the next 18 months.

(B) Any Other Member Of This Authority. Upon written request by any other member of this authority, the Board Member representing that entity shall provide the full written and oral report referred to in (A) to that City or to the County during its regular July or August meeting.

ARTICLE 3. FINANCING; TRAINING; COMPLIANCE WITH A.C.A. §20-13-301 *ET. SEQ*.

(a) All parties acknowledge that the need for a guaranteed revenue source independent of and in addition to fees for service is necessary in order to ensure the continued viability of said service.

(b) The annual regional ambulance service-funding source for all parties of this Agreement shall be based upon the most recent Federal Census including any special Census.

(1) All Cities shall pay $4.00 per capita except that only those citizens of Johnson within CEMS's territory shall be counted for the per capita fees. The City of Fayetteville shall maintain at least its minimum annual contribution of $270,000.00 through the end of 2011.

(2) Washington County shall pay $15.50 per capital for the unincorporated population served by CEMS with at least a minimum annual contribution of $550,000.00 through the end of 2011.

(c) The Authority shall continue to seek a sustainable funding source with the goal of reducing subsidies proportionately across the board.

(d) Except as stated above, no party to this Agreement may be financially obligated without the approval of its governing body.

(e) All governing bodies party to this agreement must approve any increases in subsidy.

(f) A percentage of these funds shall be set aside for replacement of capital items.

(g) The ambulance service owned or under contract with the Authority shall be required to provide, at no additional charge, the Arkansas Department of Health 24 hour basic refresher course to all EMT certified firefighters that act as first responders with said ambulance service.

(h) The financing provided by the parties hereto shall be from general revenues; furthermore, the financing and this agreement are contingent upon compliance with A.C.A. §20-13-301 et. seq. by the County and all the parties will cooperate to the extent necessary in complying with such. The parties shall receive credit for payments already made to CEMS in 2008 for this year's annual subsidy commitment.

ARTICLE 4. TERM.

This initial term of this agreement shall be from the date that all parties have agreed to this interlocal agreement through December 31, 2011. This agreement shall be automatically renewed with possible changes to **Article 3 Financing** for an additional five year term unless any party notifies the Authority in writing of its refusal to participate in the Authority and this Agreement by September 1, 2011. All parties agree to consider the effects of the 2010 Decennial Federal Census upon the division of the County Sales Tax between the County and the Cities and the proportional changes of the populations of the Cities and the unincorporated portions of Washington County and make any adjustment or amendments advisable and necessary to **Article 3** to ensure financial viability of the Authority and fairness for all parties. A second automatic renewal shall occur on December 31, 2016 unless any party notifies the Authority in writing of its refusal to participate in the Authority and this Agreement by September 1, 2016. A substantial review of the financial status of the Authority and all parties should occur in 2021 after the 2020 Federal Decennial Census and prior to further renewals of this Agreement.

Not withstanding the above terms, all parties to this Agreement may withdraw from this agreement upon six months' written notice to the Authority and shall only be responsible to pay its per capita fee for that portion of the year.

ARTICLE 5. TRANSFER OF OWNERSHIP OF EQUIPMENT TO WASHINGTON COUNTY REGIONAL AMBULANCE AUTHORITY.

Property currently owned by any party that is transferred to the Washington County Regional Ambulance Authority shall be returned to that party or purchased from that party at its fair market value if such party terminates its membership from the Authority and withdraws from this Agreement by July 1, 2011, after giving its six month notice. All property and resources of the Washington County Regional Ambulance Authority purchased during its existence or owned by it on July 2, 2011, or thereafter shall remain the Authority's exclusive property throughout the Authority's existence.

ARTICLE 6. SEVERABILITY.

The provisions of this Agreement are declared to be severable. If any provision hereof shall be held to be invalid or to be inapplicable to any person or circumstance, such holdings shall not affect the ability or the applicability of the remainder hereof.

ARTICLE 7. EFFECTIVE DATE.

This Agreement shall not be effective until approved and signed by all parties in accordance with the law.

APPENDIX TO AGREEMENT

APPENDIX DEFINITION OF TERMS WHEN AND IF USED.

Ambulance Authority: Quasi-governmental entity created to oversee and deliver ambulance service in a specified geographical service area.

Ambulance Service: Means emergency and non-emergency transport services offered by the Authority, including management, supervision, mass gathering and community events.

Exclusivity: Sole provider emergency and non-emergency ambulance rights granted by ordinance or resolution by each party to the extent allowed by State Law.

Per Capita: Funding structure set forth by this Agreement based on population. Cities contribute at $4.00 per capita due to the increased number of calls generated within their city limits. The County contributes at $15.50 per capita due to the increased coverage area and decreased density of call volume in the unincorporated areas of the County. No reduction of any entity's gross subsidy shall occur during first term of this agreement.

Subsidy: Government funds requested by the Authority to provide ambulance service.

User Fees: Fees charged to patients treated or transported by the ambulance service, or fees charged to an individual or an organization for ambulance standby coverage.

Signed this _____ day of _______, 2008.

CITY OF
FAYETTEVILLE, ARKANSAS

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
Sondra E. Smith, City Clerk

EXHIBIT

tabbles

A

CITY OF FAYETTEVILLE
CONTRACT FOR EMERGENCY MEDICAL TRANSPORT SERVICES

This Agreement is entered into on this 7th day of, March, 2006 between the City of Fayetteville, hereinafter known as the "City" and Central Emergency Medical Service, hereinafter known as "CEMS," an Arkansas not-for-profit corporation.

WHEREAS the City has determined that a public need exists for an emergency ambulance service that operates within the city limits of Fayetteville to serve Fayetteville residents,

WHEREAS CEMS has developed an emergency ambulance service that operates within the City limits and serves Fayetteville residents.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City and CEMS agree as follows:

1. This Agreement will begin on the date first written above.

2. CEMS agrees to develop, operate, and maintain an Advanced Life Support (ALS) Emergency Ambulance Service that serves Fayetteville residents and respond to all emergency medical calls for service within the city limits of Fayetteville. This ALS service will be provided in conjunction with the Fayetteville Fire Department's emergency response units, with the Fayetteville Fire Department agreeing to provide Basic Life Support (BLS) Non-Transport Emergency Response Service. The Fayetteville Fire Department shall maintain control over the use of Fire Apparatus as First Response Units and CEMS shall maintain control over the use of Ambulances.

3. The Fayetteville Fire Department agrees to operate according to the established patient treatment protocols, as identified by the CEMS' Medical Director, from the time patient contact is made until the time the patient is removed from the incident scene and transported, via ALS Ambulance, to recognized medical treatment facility or hospital, or until CEMS personnel determine the call is a no-transport.

4. CEMS agrees to provide written quarterly and annual reports to the City's Project Coordinator describing the activities undertaken during the preceding period and also to report on the following performance measures: Number of calls responded to, average response time for these calls, type of patient service provided for each response. (Whether the patient accepted or declined care). The parameters for calculating the average response time will be from the time the call is verified at the CEMS medical communication center until arrival at the incident location by the first arriving transporting Ambulance. "Time call is verified" shall be the moment the communication center personnel receive both sufficient location information to know where a response is required and sufficient information to determine the presumptive run priority designation. "Arrival at incident location" means the moment an ambulance crew notifies the medical communication center that it is fully stopped at the location where the ambulance shall be parked while the crew exits to approach the patient. In situations where the ambulance has responded to a location other than the scene (e.g. staging areas for hazardous material/violent crime incidents or non-secured scenes), arrival at the scene shall be the time the ambulance arrives at the designated staging location. The quarterly reports are to be submitted to the Project Coordinator by April 15, July 15, October 15, and January 15 for the preceding calendar quarter. The data used to compile these reports will include only those calls for service within the corporate city limits of the City of Fayetteville, Arkansas and will be reported for the current quarter, current year-to-date, and prior year-to-date.

5. CEMS commits to maintaining an **average response time not to exceed eight (8) minutes** within the City of Fayetteville's corporate limits for the duration of this contract.

6. CEMS agrees to make both financial and response data records available for review by the Project Coordinator and the City's Internal Auditor as requested, and to provide the City with an annual audit performed by a certified public accountant licensed by the State of Arkansas. CEMS agrees to comply with

the Arkansas Freedom of Information Act as applicable. Requests for records shall follow compliance requirements of the Health Insurance Portability and Accountability Act (HIPAA).

7. For the purposes of this Agreement, the Project Coordinator for the City will be the City Fire Chief or his/her designee. The Project Coordinator for CEMS will be CEMS Administrator Tony Hickerson or his successor or designee. Communications pertaining to this agreement will be through the respective Project Coordinators for the City and CEMS.

8. The term of performance for this agreement will expire December 31, 2008, subject to approval of an annual City budget containing funding for the service. The City agrees to pay and CEMS agrees to accept, as payment in full for its services, the annual amount of $250,000.00 in twelve (12) monthly installments of $20,833.00. The amounts to be paid for services in future budget years are dependent on the amounts appropriated by City Council for each budget year. If the Public Utility Model is accepted and instituted for this service, this contract will automatically terminate upon the effective date of the Public Utility Model.

9. CEMS will hold harmless, defend, and indemnify the City, from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the performance or nonperformance of the services or subject matter in this Agreement.

10. CEMS must provide and maintain in force, at all times during the term of the contract, insurance for worker's compensation as provided by state statute, commercial general liability, and vehicle liability. Such policies will be issued by companies authorized to do business in the State of Arkansas. Minimum amounts required for commercial general liability and automobile liability are $1,000,000.

11. For any work sublet, CEMS will require the subcontractor to provide similar worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under workers' compensation insurance, CEMS will provide and will cause each subcontractor to provide adequate employers' liability insurance for the protection of such of his employees as are not otherwise protected. A certificate of insurance addressed to the City listing the above coverage amounts is to be submitted with contract approval. The premiums for all insurance required herein will be paid by CEMS.

12. CEMS and the City agree to establish a standing Emergency Medical Services (EMS) Workgroup. This EMS Workgroup shall consist of three (3) representatives from CEMS; three (3) representatives from the Fayetteville Fire Department; and two (2) representatives from the Fayetteville Police Department's Central Dispatching Office. This Workgroup will meet to discuss the coordination of services, facilitate the exchange of ideas to enhance the quality of service being provided and develop a problem-solving mechanism. This Workgroup shall meet as requested by any member of the Workgroup, but not less than once per quarter during the calendar year.

13. All notices required or permitted under this agreement will be submitted in writing to the other party in this agreement by certified mail, return receipt requested, which notice will be effective three (3) days after deposit therein addressed to the following:

City of Fayetteville Dan Coody, Mayor 113 West Mountain St. Fayetteville, AR 72701	Fayetteville Fire Dept. Tony Johnson, Fire Chief 303 W. Center St. Fayetteville, AR 72701	CEMS Tony Hickerson, Administrator 645 S School Ave Fayetteville, AR 72701

16. Neither party may assign any of its rights or obligations under this agreement, without the express written consent of the other. Nor shall this agreement be construed to bestow any rights or benefits upon anyone other than the City and CEMS.

17. It is agreed and understood that the failure of either party to invoke any of the available remedies under this contract or under law in the event of one or more breaches or defaults by the other shall not be construed as

a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

18. This contract contains the entire agreement of both parties hereto, and no other oral or written agreement shall be binding on the parties hereto. No modification or variation of the terms of this contract shall be valid unless made in writing and signed by the duly authorized agents of the City and CEMS. This contract supersedes all prior agreements, contracts and understandings of any kind between the parties relating to the subject matter hereof. This contract may be executed in all or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

19. Each paragraph of this contract is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

20. This contract shall be interpreted according to and enforced under the laws of the State of Arkansas. The parties further agree that any litigation arising from this contractual relationship shall be commenced in either the Circuit Court of Washington County, Arkansas, or the United States District Court for the Western District of Arkansas, Fayetteville Division. The parties hereby submit to the personal jurisdiction of said courts, and waive any objections to venue in said courts.

21. Tax Exempt Status: Attached hereto and made part hereof is a copy of the correspondence from the Internal Revenue Service dated ____________ confirming the 501(c)(3) tax exempt status of the Central Emergency Medical Service.

IN WITNESS WHEREOF, we have hereunto set our hands on the date first written above.

Central Emergency Medical Services, Inc.

By: Tony Hickerson

TONY HICKERSON, Administrator

City of Fayetteville, Arkansas

By: Dan Coody

DAN COODY, Mayor

ATTEST:

By: Sondra Smith

SONDRA SMITH, City Clerk

CITY CLERK/TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

B.2

Independent Study Says

CEMS Average charge	Collection Rate	New Revenue per transport	Cost	Profit
$610.00	56%	$341.00	($278.75)	$62.25

Medicare Says

(Average)Allowable regardless of charge	Collection Rate	New Revenue per transport	Cost	Loss
$199.89	56%	$111.91	($278.75)	($166.81)

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Dan Coody**, Mayor
City Council
Chief Tony Johnson

FROM: **Kit Williams**, City Attorney

DATE: **March 18, 2008**

RE: **Final Amended Draft of Washington County Regional Ambulance Authority Interlocal Agreement**

Attached is what I believe to be the final amended draft of the Interlocal Agreement with two changes requested by Washington County. First, under Article 3 Financing, I inserted the same proviso under (b) that the City of Fayetteville would join the county in agreeing to pay at least the same annual amount as is currently appropriated through the end of 2011. Since the subsidy is based upon the latest official census data in our growing region, unless the per capita amount can be reduced in 2011 because of revenue from exclusive non-emergency services, it is unlikely that total gross subsidies from any city will ever decrease. The bottom line is that if the Agreement is approved the Authority will now be receiving subsidies not only from Fayetteville and the County, but nine other cities **and** may be able to earn hundreds of thousands of dollars annually in non-emergency revenue to reduce or offset taxpayer subsidies after 2011.

The second change discussed at the Ambulance Committee meeting was to allow the County (which now has title or joint title to some ambulances) to transfer this equipment to CEMS and the Washington County Regional Ambulance Authority while keeping the right to get any such ambulance back if the county withdraws from the Authority by July 1, 2011. I think there is virtually no chance of Washington County withdrawing from the Authority it has created and championed. But I put in the language they wanted.

AGREEMENT
FOR AMBULANCE SERVICES

THIS INTERLOCAL AGREEMENT FOR AMBULANCE SERVICES ("Agreement") is made and entered into by and between WASHINGTON COUNTY, ARKANSAS, ("County") and the cities of ELKINS, FARMINGTON, FAYETTEVILLE, GOSHEN, GREENLAND, LINCOLN, PRAIRIE GROVE, WEST FORK, WINSLOW and JOHNSON ("Cities").

WHEREAS, A.C.A. §14-14-910, A.C.A. §25-20-101, and A.C.A. §14-266-102 authorize cities and counties to enter into contracts to co-operate or join with each other to provide emergency and non-emergency medical services and to specify the responsibilities of all parties; and,

WHEREAS, all parties acknowledge that the continued provision of ambulance service is crucial for the continued health and safety of the residents of the named Cities and the County; and,

WHEREAS, the County and Cities mutually agree that the creation of an Ambulance Authority or similar entity as provided for in A.C.A. §14-14-910, A.C.A. §25-20-101 and A.C.A. §14-266-101 *et. seq* is in the best long-term interests of the parties; and,

WHEREAS, said Authority should consist of representatives of the above named Cities and the County; and,

WHEREAS, all parties acknowledge that the formation of such an Authority will demand close and continued cooperation of all parties.

NOW, THEREFORE, IT IS AGREED:

ARTICLE 1. AUTHORITY ORGANIZATION.

(a) One individual selected by each entity shall represent said entity on the Board of Directors of the Authority to be known as the Washington County Regional Ambulance Authority.

(1) Each Board member shall serve a term of three (3) years and be eligible to serve two (2) consecutive terms.

(2) The initial term of each Board member shall be determined by the drawing of lots or similar method so as to provide staggered terms.

(b) The Board shall meet on no less than on a quarterly basis to transact all business associated with the powers and responsibilities conferred upon it. However, the Board shall reserve to itself the right to meet on whatever basis it determines is appropriate.

(4) To own system revenues;

(5) To provide exclusive emergency and non-emergency (within the cities only) ambulance service;

(6) To enter into mutual aid and automatic aid agreements with neighboring ambulance services for emergency services;

(7) Comprehensive regulatory powers over the ambulance system performance;

(8) Ownership of or access to key components of the system infrastructure;

(9) Centralize medical direction and clinical oversight of the ambulance system to the extent deemed necessary;

(10) To promulgate rules and regulations to further effectuate the purposes of this agreement;

(11) To own and dispose of real and personal property;

(12) To adopt and oversee comprehensive system performance on an annual basis to include periodic revisions to comply with emerging technologies and changes in clinical and operational standards.

(c) Washington County Regional Ambulance Authority's Specific Duties.

The Authority created herein shall have the following specific duties and responsibilities **in addition to** the statutory and administrative requirements of §14-266-109, the Arkansas Medical Practices Act, and any other government or professional standards.

(1) Minimum Standards Continue. The Authority shall continue to meet all existing minimum performance standards within Fayetteville as stated in the current City of Fayetteville Contract For Emergency Medical Transport Services with CEMS except as to quarterly reports to the City of Fayetteville. (A copy of this contract is attached as Exhibit A.)

(2) Reporting Requirements.

(A) Fayetteville. On the third Tuesday of July each year, the Washington County Regional Ambulance Authority by the two Fayetteville representatives on the Executive Committee shall appear before the Fayetteville City Council to present:

(i) The written annual, audited report of the previous year's financial and response data reports;

(g) The ambulance service owned or under contract with the Authority shall be required to provide, at no additional charge, the Arkansas Department of Health 24 hour basic refresher course to all EMT certified firefighters that act as first responders with said ambulance service.

(h) The financing provided by the parties hereto shall be from general revenues; furthermore, the financing and this agreement are contingent upon compliance with A.C.A. §20-13-301 et. seq. by the County and all the parties will cooperate to the extent necessary in complying with such. The parties shall receive credit for payments already made to CEMS in 2008 for this year's annual subsidy commitment.

ARTICLE 4. TERM.

This initial term of this agreement shall be from the date that all parties have agreed to this interlocal agreement through December 31, 2011. This agreement shall be automatically renewed with possible changes to **Article 3 Financing** for an additional five year term unless any party notifies the Authority in writing of its refusal to participate in the Authority and this Agreement by September 1, 2011. All parties agree to consider the effects of the 2010 Decennial Federal Census upon the division of the County Sales Tax between the County and the Cities and the proportional changes of the populations of the Cities and the unincorporated portions of Washington County and make any adjustment or amendments advisable and necessary to **Article 3** to ensure financial viability of the Authority and fairness for all parties. A second automatic renewal shall occur on December 31, 2016 unless any party notifies the Authority in writing of its refusal to participate in the Authority and this Agreement by September 1, 2016. A substantial review of the financial status of the Authority and all parties should occur in 2021 after the 2020 Federal Decennial Census and prior to further renewals of this Agreement.

Not withstanding the above terms, all parties to this Agreement may withdraw from this agreement upon six months' written notice to the Authority and shall only be responsible to pay its per capita fee for that portion of the year.

ARTICLE 5. TRANSFER OF OWNERSHIP OF EQUIPMENT TO WASHINGTON COUNTY REGIONAL AMBULANCE AUTHORITY.

Property currently owned by any party that is transferred to the Washington County Regional Ambulance Authority shall be returned to that party or purchased from that party at its fair market value if such party terminates its membership from the Authority and withdraws from this Agreement by July 1, 2011, after giving its six month notice. All property and resources of the Washington County Regional Ambulance Authority purchased during its existence or owned by it on July 2, 2011, or thereafter shall remain the Authority's exclusive property throughout the Authority's existence.

Signed this _____ day of _______, 2008.

CITY OF
FAYETTEVILLE, ARKANSAS

By: ________________________________
DAN COODY, Mayor

ATTEST:

By: ________________________________
Sondra E. Smith, City Clerk

the Arkansas Freedom of Information Act as applicable. Requests for records shall follow compliance requirements of the Health Insurance Portability and Accountability Act (HIPAA).

7. For the purposes of this Agreement, the Project Coordinator for the City will be the City Fire Chief or his/her designee. The Project Coordinator for CEMS will be CEMS Administrator Tony Hickerson or his successor or designee. Communications pertaining to this agreement will be through the respective Project Coordinators for the City and CEMS.

8. The term of performance for this agreement will expire December 31, 2008, subject to approval of an annual City budget containing funding for the service. The City agrees to pay and CEMS agrees to accept, as payment in full for its services, the annual amount of $250,000.00 in twelve (12) monthly installments of $20,833.00. The amounts to be paid for services in future budget years are dependent on the amounts appropriated by City Council for each budget year. If the Public Utility Model is accepted and instituted for this service, this contract will automatically terminate upon the effective date of the Public Utility Model.

9. CEMS will hold harmless, defend, and indemnify the City, from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the performance or nonperformance of the services or subject matter in this Agreement.

10. CEMS must provide and maintain in force, at all times during the term of the contract, insurance for worker's compensation as provided by state statute, commercial general liability, and vehicle liability. Such policies will be issued by companies authorized to do business in the State of Arkansas. Minimum amounts required for commercial general liability and automobile liability are $1,000,000.

11. For any work sublet, CEMS will require the subcontractor to provide similar worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under workers' compensation insurance, CEMS will provide and will cause each subcontractor to provide adequate employers' liability insurance for the protection of such of his employees as are not otherwise protected. A certificate of insurance addressed to the City listing the above coverage amounts is to be submitted with contract approval. The premiums for all insurance required herein will be paid by CEMS.

12. CEMS and the City agree to establish a standing Emergency Medical Services (EMS) Workgroup. This EMS Workgroup shall consist of three (3) representatives from CEMS; three (3) representatives from the Fayetteville Fire Department; and two (2) representatives from the Fayetteville Police Department's Central Dispatching Office. This Workgroup will meet to discuss the coordination of services, facilitate the exchange of ideas to enhance the quality of service being provided and develop a problem-solving mechanism. This Workgroup shall meet as requested by any member of the Workgroup, but not less than once per quarter during the calendar year.

13. All notices required or permitted under this agreement will be submitted in writing to the other party in this agreement by certified mail, return receipt requested, which notice will be effective three (3) days after deposit therein addressed to the following:

City of Fayetteville	Fayetteville Fire Dept.	CEMS
Dan Coody,	Tony Johnson,	Tony Hickerson,
Mayor	Fire Chief	Administrator
113 West Mountain St.	303 W. Center St.	645 S School Ave
Fayetteville, AR 72701	Fayetteville, AR 72701	Fayetteville, AR 72701

16. Neither party may assign any of its rights or obligations under this agreement, without the express written consent of the other. Nor shall this agreement be construed to bestow any rights or benefits upon anyone other than the City and CEMS.

17. It is agreed and understood that the failure of either party to invoke any of the available remedies under this contract or under law in the event of one or more breaches or defaults by the other shall not be construed as

Aldermen

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

City of Fayetteville Arkansas
City Council Meeting Minutes
March 4, 2008

A meeting of the Fayetteville City Council was held on March 4, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

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

ABSENT: Adella Gray

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the February 19, 2008 City Council meeting minutes.

Approved

Walton Arts Center Council, Inc. By-laws: A resolution to approve the Third Amendment to the By-laws of the Walton Arts Center Council, Inc.

Resolution 40-08 as Recorded in the office of the City Clerk.

Dead Horse Mountain Bridge Replacement Project: A resolution approving a payment to the Arkansas State Highway and Transportation Department (AHTD) in the amount of $20,000.00 for utility relocations for the Dead Horse Mountain Bridge Replacement Project.

Resolution 41-08 as Recorded in the office of the City Clerk.

Brasfield & Gorrie, LLC Change Order # 4: A resolution approving Change Order # 4 to the construction contract with Brasfield & Gorrie, LLC in the amount of $624,521.00 for construction of the Hamestring Sewer Lift Station.

Resolution 42-08 as Recorded in the office of the City Clerk.

2008 ESRI Software Maintenance Fees: A resolution approving purchase requests in the amount of $30,821.25 with ESRI, Inc. for Geographic Information System (GIS) software service and maintenance fees.

Resolution 43-08 as Recorded in the office of the City Clerk.

2008 D.I.S.C. Software Maintenance Fees: A resolution approving the 2008 service and support agreement in the amount of $38,265.48 with Dynamic Information Solutions Company, Inc.

Resolution 44-08 as Recorded in the office of the City Clerk.

Fire Pension Drug Law Enforcement Fund: A resolution approving budget adjustments for the Drug Law Enforcement Fund in the amount of $36,902.00 and for the Fire Pension Fund in the amount of $70,844.00.

Resolution 45-08 as Recorded in the office of the City Clerk.

Bid # 07-70 Ark-O Petroleum: A resolution awarding Bid # 07-70 and approving the purchase of one (1) automatic touchless vehicle wash system from Ark-O Petroleum of Tontitown in the amount of $188,785.00 for use by the Fleet Operation Division.

Resolution 46-08 as Recorded in the office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Unfinished Business:

Hiring Freeze: Hiring Freeze Appeals: **None**

RZN 07-2889 (Cooper): An ordinance rezoning that property described in rezoning petition RZN 07-2889, for approximately 0.69 acres, located at the southwest corner of North College Avenue and East Cleburn Street from R-PZD, Residential Planned Zoning District, to DG, Downtown General. ***This ordinance was left on the Second Reading at the February 19, 2008 City Council meeting.***

Alderman Cook moved to suspend the rules and go to the third and final reading. Alderman Allen seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Cook: We have received some good comments about it. I am glad Mr. Cooper brought this forward.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Gray was absent.

Ordinance 5114 as Recorded in the office of the City Clerk.

New Business:

2008 Hansen Software Maintenance Fees: A resolution approving purchase requests to Hansen Technology, Inc. in the amount of $64,634.28 for 2008 software service and maintenance fees.

Paul Becker, Finance Director stated this is not new software; this is a maintenance agreement for the continuation of using Hansen Software. He gave the background of the original agreement. He stated we recommend that it be approved because we have a significant investment in the Hansen System.

Alderman Jordan: If we put this out for bid and we went with another system we would have to completely change everything we have and retrain people.

Paul Becker: It would be expensive and traumatic because any new system implementation has problems.

Alderman Jordan: So you feel that this is probably the most effective and cost efficient way to go?

Paul Becker: Yes I do.

Mayor Coody briefly explained the original training and implementation process.

Alderman Ferrell: Paul you said it is 18% of the purchase price per year for enhancements. What is the life expectancy of the core application that you get?

Paul Becker: Usually 20-30 years. Of course there is no guarantee. They put out enhancements so it could go on for any period of time.

Alderman Ferrell: Is 18% of the purchase price what you would consider an industry average for a system like this?

Paul Becker: They usually run 15% on the least expensive side to upwards at 25%. I would say this is pretty reasonable.

Alderman Jordan moved to approve the resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed 7-0. Alderman Gray was absent.

Resolution 47-08 as Recorded in the office of the City Clerk.

Fayetteville Municipal Property Owners' Improvement District No. 24 – College Avenue Townhomes Development Infrastructure Project: An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 24 – College Avenue Townhomes Development Infrastructure Project.

City Attorney Kit Williams read the ordinance.

Alderman Rhoads moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Rhoads moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Gray was absent.

Ordinance 5115 as Recorded in the office of the City Clerk.

Ambulance Service Interlocal Agreement: A resolution to approve an interlocal agreement for ambulance service by and with the City of Fayetteville, Washington County, Elkins, Farmington, Goshen, Greenland, Lincoln, Prairie Grove, West Fork, Winslow and Johnson, and to establish the ambulance authority and Central Emergency Medical Services as the exclusive emergency and nonemergency ambulance service within the cities.

Judge Jerry Hunton, with Washington County spoke on the importance of the county wide ambulance service. He went on to explain the efficiency of Central EMS. He stated that when you have something that is working this well you don't want to do anything to harm it. He asked the City Council to not look at it as a bottom line on anyone's budget but look at it as neighborly and providing something county wide that we all can be proud of. He thanked the Council and stated I hope this is one of those times when we can reach across the table and join and accomplish something that is so important to all of us.

Keith Edmonds, Operations Supervisor for American Medical Response: We want to be a part of Fayetteville because we believe there is so much potential in this area. He spoke on the quality of the American Medical Response.

Jeff Dick with Arkansas Paramed Transfer gave the history of the company. He stated to give exclusivity to one provider and limit the choices will cause a huge burden. As a resident of Fayetteville I think we should look at other options.

Becky Stuart, Chief of Central EMS asked the Council to strongly consider signing the Interlocal Agreement and keeping Central EMS in place to provide emergency and nonemergency ambulance service. She described the services that Central EMS provides. She stated our survival rate is 38% for the year 2007.

Alderman Rhoads: What is the national average?

Becky Stuart: The national average is 6.4%.

Mayor Coody: The other two private providers focus on nonemergency transfers. You focus on the emergency and the nonemergency is secondary.

Becky Stuart: That's correct, our priority is emergency service.

Steve Zega, Justice of the Peace for District 8 encouraged the City Council to approve this Interlocal Agreement. He asked the City Council what is the best thing for the citizens. It is important to your citizens to continue to have good solid ambulance service and this Interlocal Agreement helps us along that road.

Jack Ladyman, Mayor of Elkins: I would ask as you consider this that you consider the small cities. He spoke on the services that Central EMS has brought to the City of Elkins. He stated finances are important but they are not always the most important thing.

Police Chief Greg Tabor spoke on the services that Central EMS has provided to the Police Department including the free services. He stated I am concerned about the cost involved with the private companies. He also explained the great working relationships with Central EMS. When you are talking about an ambulance service and the quality of care that the citizens of this county deserve, money should not be the total deciding factor.

Jessica Wood, Paramedic for Central EMS stated it is not about us, it's about all of Washington County. She voiced her concerns about separating the coverage across the county and briefly explained some of the additional services that Central EMS provides to Washington County.

Fire Chief Tony Johnson briefly explained efforts and studies made in the past to create this exclusivity with Central EMS. He stated my command staff as well as I is in favor of this Interlocal Agreement. I believe it is best suited for the City of Fayetteville as well as Washington County.

Robert Douthit, Paramedic and Training Officer for Madison County and Part Time Paramedic for AMR spoke on the services that AMR provides.

J.C. Dobbs, Fire Chief of Prairie Grove asked the Council to support the Interlocal Agreement. He went on to speak about past experiences with Central EMS. He voiced his concerns about bidding out for ambulance service.

Sonny Hudson, Mayor of Prairie Grove spoke in favor of the Interlocal Agreement.

John Barcroft, a resident spoke in favor of the Interlocal agreement. He stated no one has offered a reason to believe that there is something wrong with this agreement.

Marilyn Edwards, a citizen asked the Council to see how important it is to Washington County, the City of Fayetteville and anyone around that has to use ambulance services. She stated I support the Interlocal Agreement.

Alderman Thiel asked Alderman Jordan and the members of the Ambulance Committee to give a report.

Alderman Jordan asked County Representatives about a one cent sales tax that was passed July 28, 1981. It stated the County would spend 25% or $315,000 annually of its yearly share of the one cent sales tax for county wide ambulance service and the money would be forwarded to Central Emergency Service. When I totaled that up over 27 years it came up to about $8 million.

Judge Jerry Hunton: The difference is it was a resolution that was passed at that particular time. Over the years money has flowed here and there but it is not taken the track in following those exact numbers. I think it all balances out because I think there are other issues that the County has done that probably has soaked up many of those dollars.

Alderman Jordan: We can substantiate for a fact that the resolution was passed.

Judge Jerry Hunton: That resolution was passed. I cannot tell you that it was followed by anyone to the letter.

Alderman Jordan: Why is Springdale not involved in the Interlocal Agreement?

Judge Jerry Hunton: Springdale has their own service which has been a solid service and they have not had any interest in change. I cannot say that in the future, if they do a true analysis of their system, that they might not want to change. This issue that we are talking about tonight hasn't changed and Springdale has never been a part of the formula.

Alderman Jordan: Do you think it would be less subsidy for everybody else if they were involved in the Interlocal Agreement?

Judge Jerry Hunton: I don't. The system has worked well to this point.

Alderman Lucas: In the past you put in $4 per person for the entire county is that correct?

Judge Jerry Hunton: I don't have those numbers in front of me for Springdale right now. We try to cover the rural area and their citizens at the same level.

Alderman Lucas: But you did it for all the citizens of the County?

Judge Jerry Hunton: Yes we have.

John Gibson, Chairman of the Board of Central EMS: We pay Springdale $4 per capita for the areas of Washington County that they cover outside of their corporate limits. We pay Springdale nothing for anything inside their city limits.

Alderman Jordan: How much is that figure?

John Gibson: Somewhere around $80,000.

Alderman Jordan read the money distribution amounts from a document passed out at the Ambulance Committee meeting.

He went on to give the Ambulance Committee report. He expressed his concerns about Springdale not being a part of this Interlocal Agreement. He also stated there is some loss of control in that we would be putting ourselves under a board instead of being able to make the decisions. He went on to express his concerns about the future rate increases. He referred to Article IV and asked what would happen if the City of Fayetteville does not wish to participate any longer and it takes six months to get out of the contract. What happens to us in that six month period?

Mayor Coody: I would assume that we would have perfectly good ambulance service.

Alderman Jordan: Well, not according to Article IV, they can keep ambulance service out.

City Attorney Kit Williams: I think it would be anticipated that you would give a six month notice but during that period of time the contract would still be in effect and you would still be receiving ambulance services. That would give you the opportunity to select a new ambulance company in order to protect your citizens.

Alderman Jordan: Another thing that was brought up by the Ambulance Committee was CEMS is already funded for 2008. We already have the same ambulance service in place right now that we have had forever. There were also concerns about subsidy going to Springdale. There were also concerns about what would happen to the equipment if CEMS leaves. We also know that we could write that in the contract that they have to leave the equipment.

City Attorney Kit Williams: We can certainly offer any contract terms that you would like. Whether or not they would accept them or not is up to them.

Alderman Jordan: The Ambulance Committee was unanimously in agreement to continue the service that we already have for 2008 and study what other cities have done.

Mayor Coody: Have you done any studying to see what other ambulance services have done.

Alderman Jordan: We have been waiting on direction from the Council.

Alderman Lucas: I agree with the comments that Alderman Jordan has given. She expressed her concerns about the Interlocal Agreement. She stated until I see it as fair to our citizens I can't support it; competition has created a better ambulance service. I just don't see it as making it better or fair to Fayetteville.

Alderman Cook stated CEMS is an excellent provider and I don't have any issue with keeping CEMS. As far as low price, I will pay whatever it takes to make sure we have a good ambulance service up to a point. I think there needs to be more conversation with Springdale. I believe it would benefit everybody within the county if Springdale came on board. There have been some very good changes at CEMS since this conversation started which makes me wonder why we need to change it now. Certainly when this conservation started everyone had issues and questions.

Alderman Thiel: The discussion started with the idea of exclusivity and whether that would enable CEMS to provide a more efficient and cost savings service to the citizens of Fayetteville. The study showed us there were real issues with bidding this out and with other companies.

Adella Gray is not here and I would like to table this for two weeks until she is back. This is a big decision and I think it is important that Ward 1 is represented fully.

Mayor Coody briefly explained the history of this issue for the citizens watching at home.

Alderman Thiel: Do we actually have any kind of formal interchange with CEMS currently or is our only control and discussion with them is funding, whether or not we fund them each year.

Mayor Coody confirmed who was currently serving on the CEMS Board. He stated with the new Interlocal Agreement that we have in front of us right now there would be seven members all together, four of which would be from the City of Fayetteville.

Alderman Jordan: We did not recommend that we put it out for bid but instead leave the system we have in place right now.

Mayor Coody: Is there any thought on what would happen next year?

Alderman Jordan: I am just telling you what the Committee recommended.

Alderman Allen: If we pass this how will this be a benefit to the citizens of Fayetteville?

Fire Chief Tony Johnson: If we were to sign the Interlocal Agreement, which would grant them exclusivity, that would give them a revenue stream that has a great potential of reducing Fayetteville's subsidy. The risk of not having support from Fayetteville is that Central EMS will go belly up. I think our issue of concern is what is good for Fayetteville and Washington County and I think that is what we need to focus on. This provides us with local control and I don't think we want to be without that.

Alderman Allen: What would become of the Arkansas Patient Transfer and what are the implications for other ambulance services should we pass this agreement?

Fire Chief Tony Johnson: That is a question but there are many possibilities. Just as the Fire Department doesn't stand alone we have agreements with the other departments that are represented with the County. That possibility exists for Central EMS to start off automatic and mutual aid agreements with other companies that are here.

Alderman Allen: This might be one of the more important decisions that we make as an alderman because it deals with the safety of so many people. I have had a lot of emails and calls. I am hoping that we can table this because it is such an important issue that I would like to have the opportunity to talk to some specific people before making this decision.

Alderman Ferrell read a portion of the Journal of Emergency Services. He stated the current trend in EMS is moving to Fire Department based EMS not public utilities. That is the data that comes from the most recognized people in the country so I just ask that we keep that in mind.

Alderman Thiel moved to table the resolution to the March 18, 2008 City Council meeting. Alderman Allen seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Water/Sewer Rate Approval: A resolution expressing preference for specific revisions to sewer rates and related policy changes; and directing the City Attorney to draft a water and sewer rate ordinance consistent with these preferences.

Paul Becker gave a brief description of this item. He stated the Water and Sewer Committee made certain recommendations to the full Council. A decision was made to go with cost of service which means each category pays those costs associated with them. From the water side the committee is recommending an inclining block for residents. The proposal by the committee would support two things: conservation and additional support or reduced costs to the lower income users of the system and the ability for them to control their costs by consumption. On the sewer side we need the Council to make two decisions. We need the Council to endorse the Water and Sewer Committee's proposal on the water side and on the sewer side we are going to propose one of three options. Those options all achieve cost of service in the long run. We have to do this before we can proceed with the public hearing.

Alderman Kyle Cook: We still need a final decision on the sewer side. On the water side I think we are going to be fairly agreeable to that. Regarding the sewer side the committee was split 2-2 on a recommendation. In order for Mr. Gould to finalize the rates to bring forward and start the process the full Council needs to make a decision.

Tom Gould, Rate Study Analyst with HDR gave a PowerPoint presentation on the water and sewer rate study and some of the recommendations from the Water and Sewer Committee.

A discussion followed on the rates for other cities that we provide service to.

Darrell Froud, representing the manufacturing community in the City of Fayetteville. I am a proponent of no increase but I realize that is not reasonable. I am a proponent of Option 1 that spreads this out over time. The cost increase in the end must be borne by the consumer or our customers. We need a period of time to recover this large increase.

Scott Turley, Director of Utility Operations at the U of A: I would like to thank the Water and Sewer Committee. They have taken on a tough assignment and have done a good job. I appreciate us being able to be a part of that. In the specific case of the U of A I don't know that it makes a whole lot of difference which option is chosen. We are your second largest customer overall. I think the University is supportive of the cost of service approach. Having some time to make that transition to cost of service is probably a good thing. We are a part of the Beaver Water District and we are trying to do a lot of good things in the City of Fayetteville to influence conservation and I think that needs to be carried forward into the full Beaver Water District. We are down here doing some good things and maybe others are not. I think Beaver Water District should be encouraged to adopt some of the conservation based practices.

Steve Russ, Fayetteville Economic Development Council: I would like to thank the committee for meeting with one of the businesses. Two of our largest users are in the food industry and the cost of their raw materials has gone up. It certainly would be our recommendation that you spread an increase out over as much time as you can.

Alderman Cook: Three years ago we talked about discontinuing the subsidy and going with the full cost of service to the industrial customers. I am more supportive of going with Option 2. I know that is painful and it takes them to cost of service immediately but I strongly believe in the cost of service methodology. I think it is the fairest way and the most defendable way to do the rates.

Alderman Ferrell: I would like to thank Kyle for chairing the committee. We had a lot of hours and a lot of meetings going through this. I appreciate being able to look at three options.

Alderman Ferrell moved to table the sewer rate section of the resolution to the March 18, 2008 City Council meeting. The motion died for lack of a second.

A discussion followed on tabling this resolution for two weeks.

Alderman Jordan moved to approve the water rate section of the resolution only. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Resolution 48-08 as Recorded in the office of the City Clerk.

Alderman Jordan: I feel the flat rate is the fairest rate of all. I am in favor of Option 2 due to the people in the city that are on fixed incomes and for them every dollar is important.

Alderman Thiel moved to approve Option 3 of the sewer rate section. Alderman Ferrell seconded the motion. Upon roll call the motion passed 5-3. Alderman Thiel, Rhoads, Ferrell, and Lucas voting yes. Alderman Jordan, Cook and Allen voting no. Mayor Coody voted yes to pass the resolution. Alderman Gray was absent.

Resolution 49-08 as Recorded in the office of the City Clerk

RZN 07-2856 (Parks and Recreation): An ordinance rezoning the properties described in rezoning petition RZN 07-2856, for forty-two City of Fayetteville parks on approximately 591 acres, located throughout the city from multiple zoning districts to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: There are many zoning districts that encompass our city parks currently. This action would rezone them to P-1 Institutional. Institutional districts are usually governmental owned entities and other public type of uses. The majority of the city park properties are zoned residential single family four units per acre and residential multi family 24 units per acre. A guiding policy of the Parks and Recreation 10 Year Master Plan is to develop design standards that address safety, maintenance, signage and aesthetic issues. This would help provide a consistent level of understanding when those issues come forward. Not all parks are being

rezoned. The lake properties have been left out of this particular request. The Planning Commission voted 9-0 to forward this request to you with a recommendation for approval.

Alderman Lucas: Can we include the park next to Bryce Davis.

Jeremy Pate: We have received a deed but we do not have an exhibit prepared. We will be bringing these forward probably every year.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Rhoads moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Aubrey Shepherd, a resident: What is the purpose of this? Are all the parks included?

Mayor Coody: We have a hodgepodge of different zonings for our parks this would make them all park zoning.

Jeremy Pate gave some examples of parks and their zonings.

Aubrey Shepherd: So all it does is solidify the use that is there, it does not affect them?

Mayor Coody: Yes.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Rhoads was absent during the vote. Alderman Gray was absent.

Ordinance 5116 as Recorded in the office of the City Clerk.

C-PZD 07-2858 (Farmer's Market): An ordinance establishing a Commercial Planned Zoning District titled C-PZD 07-2858 (Farmer's Market), located on the south side of Hwy. 62, between east and west Farmer's Drive, containing approximately 1.10 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: This is a rezoning and development proposal. The Planning Commission recommended unanimously in favor of this project. Staff recommended approval.

A discussion followed on the drainage of the property.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit 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 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Aubrey Shepherd: This is down stream from the detention pond at Walmart and there will be a lot of flow down there. It is lower than the street. If the City had owned this it would have been an ideal place to buy an easement and put in a curb cut to route some water there rather than let it go down the storm drain.

Alderman Jordan: That's a good idea.

Jeremy Pate: The City is looking at different ways to manage storm water such as rain gardens, permeable pavement and alternatives to our traditional storm water techniques. There is an educational process about what they will actually do and how you can create systems that work. These systems can work on a case by case basis.

Mayor Coody: We are basically leading the private sector. We are trying to encourage private developers and private engineers to do some innovative things.

Steve Clark, Clark Consulting: I was the engineer that designed the project. We left the primary channel undeveloped. We kept green space adjacent to it. We developed a driveway that will go through the floodway that was built at or below existing grades. It will absorb some of the water.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Gray was absent.

Ordinance 5117 as Recorded in the office of the City Clerk.

Amend Rules of Order and Procedure: A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council by changing its title and removing the provision that serving more than half a normal term counts against the two term limit for citizen committees.

Sondra Smith, City Clerk/Treasurer: We discovered in the City Council Rules of Order and Procedure that if someone serves more than half of a term on a board or committee that will count toward a full term. We were not abiding by that rule because we did not know that it existed. I don't believe the Nominating Committee knew that it existed either. When we did research on this we found that it would be very cumbersome for us to try to keep up with. We have 159 board members that we keep up with their terms and we currently have 54 unexpired terms. Each board has a different term length from two years to six years.

Mayor Coody: So you would like to make any length of someone filling an unexpired term not count against the two term limit.

Sondra Smith: That is our suggestion.

Alderman Cook: This did not go through the Nominating Committee and I apologize for that if you guys took exception to that. Ultimately the Nominating Committee and the City Council has the final decision on whether someone is going to serve or not on a particular board or committee. Just because someone served a partial term and it could have been 99% of a term, it is still a partial term in my opinion. Just because they serve one term does not mean that we have to put them back on. In the past that usually gives the person a leg up because they have served on that board and they have experience but at the same time if we have an applicant that we feel is more qualified or if we feel that the one that was serving has not met their responsibilities then we always have the option of appointing someone new. I did not think that would affect the final out come because we do ultimately have the final decision.

Alderman Lucas: I understand what Sondra was saying but with computers now it seems there has to be an easy way of keeping up with this. My concern is we encourage people to come forward and apply for these committees and we are starting to get a good turn out of people. I don't want it to be something that can discourage someone from coming to apply. I don't want to limit people's participation in the City. I think that is important.

Alderman Cook: I couldn't agree more with that comment.

Alderman Thiel: I know the City Clerk's office has the same budget constraints that all our departments have. I feel this is something that is time consuming trying to track and Kyle's comment is correct about it being ultimately the City Council and the Nominating Committee's decision as far as reappointing someone. I don't think it makes that much difference with a partial term. I support the recommendation of the City Clerk.

City Attorney Kit Williams: On Section 1 I asked that you rename your rules to be the Rules of Order and Procedure of the Fayetteville City Council.

Mayor Coody: So this resolution would take care of both of those changes?

City Attorney Kit Williams: It has two sections.

Alderman Thiel: I also support the City Attorney's recommendation.

Alderman Lucas: I support the City Attorney's recommendation but I can't support the other. Can I make an amendment to separate them?

Mayor Coody: You can move to amend.

City Attorney Kit Williams: If you oppose the City Clerk's suggestion you would move to remove Section 2 from the resolution. Section 2 of the resolution is what would be effectuating the City Clerk's term argument.

Mayor Coody: Is that your amendment?

Alderman Lucas: No. I will just vote against the whole thing.

Alderman Cook moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution passed 5-2. Alderman Jordan, Thiel, Cook, Allen and Rhoads voting yes. Alderman Ferrell and Lucas voting no. Alderman Gray was absent.

Resolution 50-08 as Recorded in the office of the City Clerk.

ADM 08-2929 (Stonebridge Square Tree Preservation Variance): A resolution approving a variance from Ch. 167.04 Tree Preservation and Protection to allow off-site tree preservation in lieu of on-site plantings for prior tree removal in the manner recommended by the Planning Commission for large scale development (LSD) 07-2765.
Jeremy Pate: Gave a brief description of the proposed resolution.

The new property owner began clearing and mucking an existing pond on the site. The pond was originally approved to be removed as were the trees all around the site in that area. During the process of clearing and mucking the pond several low priority damaged trees that were damaged by beavers that were approved for removal with the large scale development plus an additional 16 inch ash tree that was intended to be protected with that large scale development were removed. With the exception of the ash tree this construction would normally have been acceptable, however all grading permits for the large scale development plans and erosion control have not been installed. A stop work order was issued. A grading plan has since been approved and a new large scale development was proposed. Technically because this was not the same project within a five year period those trees were removed without the proper permits and it constitutes a violation of Chapter 167.04 (D) (1) and a penalty is required. In discussion with the Urban Forrester it became apparent that utilizing the option of off site preservation, which is an option under our current tree preservation ordinance, would be advantageous. They

discussed going above and beyond what would be required. In looking at all of the factors in this decision the Urban Forrester recommended approval of that. Staff and the Planning Commission recommended approval.

Alderman Thiel: Wouldn't that riparian zone property be protected anyway?

Jeremy Pate: It depends; floodplains and floodways can be developed if proper measures are taken.

Alderman Thiel: The listing of the 41 species back on the site are those all part of that 10%?

Jeremy Pate: The variance request is to meet the mitigation requirements but the preservation of the offsite easement is really the variance request.

Alderman Thiel: Did you say that the other penalty option would be that the applicant would have to remove a building from the development or significantly reduce the number of parking spaces provided in order to re-forest the site according to code requirements?

Jeremy Pate: Those are certainly options if the variance is not approved. The property that is being developed has to be planted back 10% of that area. We felt this was a much better option to preserve an existing stand of significant trees that are already mature and that are providing a benefit to the riparian corridor along the West Fork of the White River.

Alderman Thiel: You mentioned this does not happen very often but this developer is someone that has worked within Fayetteville and is aware of the ordinances and still did this.

Jeremy Pate: This developer has worked within the City of Fayetteville before.

Alderman Allen: I wish we could have someone speak to us about how they determine whether a tree is dying, dead or damaged.

Jeremy Pate: We typically do not depend on a nonprofessional to make that determination if there is ever anything in question we require a certified arborist to examine the trees. Some of our staff has been qualified to make that determination as well.

Alderman Allen: It matters to me if someone is aware of the rules and continues to push the envelope.

Alderman Jordan: Basically what we have is a developer that breaks our ordinance and comes back with something different.

Jeremy Pate: We feel they have some back with something better in this case.

Fran Alexander: Mitigation should be the last thing you go for. The point of having tree preservation on site, the point of planting trees back on site, is to prevent water damage from

storms on site. It is to prevent the heat from roof tops and parking lots on site. I think Jeremy is correct that this is a really good deal that we are being offered here because it just so happens he has some other land. No matter what you decide to do on this tonight I hope you will keep in mind the purpose of the tree preservation ordinance.

Aubrey Shepherd asked that the plan be shown, where the trees are, and where the storm water works.

Tom Hennelly, H2 Engineering: This wasn't a flagrant violation of the tree ordinance. The trees had already been approved for removal when this property was purchased. Because of the change of use it required a major modification instead of a minor modification and that was the point that caused the violation to occur. We are preserving established trees in an easement of the exact same square footage as was on site before we started this. In addition to that there is preservation of that original canopy taking place on site with the exception of that one ash tree as well as all the required landscape, right of way, and parking trees. This is a win-win deal for the City. The City of Fayetteville is going to come out better off because this happened not that we want to encourage anybody to do that. The amount of canopy that is going to be preserved and the priority of that canopy is going to be much better than what was there and what would have been planted.

Alderman Thiel: The ash was the only tree that was removed that was not part of the original?

Jeremy Pate: That is correct. All of the other trees had been approved through the previous large scale development for removal.

Alderman Rhoads moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed 7-0. Alderman Gray was absent.

Resolution 51-08 as Recorded in the office of the City Clerk.

Meeting adjourned at 9:40 PM

Dan Coody

Dan Coody, Mayor

Sondra E. Smith

Sondra E. Smith, City Clerk/Treasurer

Aldermen

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

City of Fayetteville Arkansas
City Council Meeting Minutes
March 4, 2008

A meeting of the Fayetteville City Council was held on March 4, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

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

ABSENT: Adella Gray

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the February 19, 2008 City Council meeting minutes.

Approved

Walton Arts Center Council, Inc. By-laws: A resolution to approve the Third Amendment to the By-laws of the Walton Arts Center Council, Inc.

Resolution 40-08 as Recorded in the office of the City Clerk.

Dead Horse Mountain Bridge Replacement Project: A resolution approving a payment to the Arkansas State Highway and Transportation Department (AHTD) in the amount of $20,000.00 for utility relocations for the Dead Horse Mountain Bridge Replacement Project.

Resolution 41-08 as Recorded in the office of the City Clerk.

Brasfield & Gorrie, LLC Change Order # 4: A resolution approving Change Order # 4 to the construction contract with Brasfield & Gorrie, LLC in the amount of $624,521.00 for construction of the Hamestring Sewer Lift Station.

Resolution 42-08 as Recorded in the office of the City Clerk.

2008 ESRI Software Maintenance Fees: A resolution approving purchase requests in the amount of $30,821.25 with ESRI, Inc. for Geographic Information System (GIS) software service and maintenance fees.

Resolution 43-08 as Recorded in the office of the City Clerk.

2008 D.I.S.C. Software Maintenance Fees: A resolution approving the 2008 service and support agreement in the amount of $38,265.48 with Dynamic Information Solutions Company, Inc.

Resolution 44-08 as Recorded in the office of the City Clerk.

Fire Pension Drug Law Enforcement Fund: A resolution approving budget adjustments for the Drug Law Enforcement Fund in the amount of $36,902.00 and for the Fire Pension Fund in the amount of $70,844.00.

Resolution 45-08 as Recorded in the office of the City Clerk.

Bid # 07-70 Ark-O Petroleum: A resolution awarding Bid # 07-70 and approving the purchase of one (1) automatic touchless vehicle wash system from Ark-O Petroleum of Tontitown in the amount of $188,785.00 for use by the Fleet Operation Division.

Resolution 46-08 as Recorded in the office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Unfinished Business:

Hiring Freeze: Hiring Freeze Appeals: **None**

RZN 07-2889 (Cooper): An ordinance rezoning that property described in rezoning petition RZN 07-2889, for approximately 0.69 acres, located at the southwest corner of North College Avenue and East Cleburn Street from R-PZD, Residential Planned Zoning District, to DG, Downtown General. ***This ordinance was left on the Second Reading at the February 19, 2008 City Council meeting.***

Alderman Cook moved to suspend the rules and go to the third and final reading. Alderman Allen seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Cook: We have received some good comments about it. I am glad Mr. Cooper brought this forward.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Gray was absent.

Ordinance 5114 as Recorded in the office of the City Clerk.

New Business:

2008 Hansen Software Maintenance Fees: A resolution approving purchase requests to Hansen Technology, Inc. in the amount of $64,634.28 for 2008 software service and maintenance fees.

Paul Becker, Finance Director stated this is not new software; this is a maintenance agreement for the continuation of using Hansen Software. He gave the background of the original agreement. He stated we recommend that it be approved because we have a significant investment in the Hansen System.

Alderman Jordan: If we put this out for bid and we went with another system we would have to completely change everything we have and retrain people.

Paul Becker: It would be expensive and traumatic because any new system implementation has problems.

Alderman Jordan: So you feel that this is probably the most effective and cost efficient way to go?

Paul Becker: Yes I do.

Mayor Coody briefly explained the original training and implementation process.

Alderman Ferrell: Paul you said it is 18% of the purchase price per year for enhancements. What is the life expectancy of the core application that you get?

Paul Becker: Usually 20-30 years. Of course there is no guarantee. They put out enhancements so it could go on for any period of time.

Alderman Ferrell: Is 18% of the purchase price what you would consider an industry average for a system like this?

Paul Becker: They usually run 15% on the least expensive side to upwards at 25%. I would say this is pretty reasonable.

Alderman Jordan moved to approve the resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed 7-0. Alderman Gray was absent.

Resolution 47-08 as Recorded in the office of the City Clerk.

Fayetteville Municipal Property Owners' Improvement District No. 24 – College Avenue Townhomes Development Infrastructure Project: An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 24 – College Avenue Townhomes Development Infrastructure Project.

City Attorney Kit Williams read the ordinance.

Alderman Rhoads moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Rhoads moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Gray was absent.

Ordinance 5115 as Recorded in the office of the City Clerk.

Ambulance Service Interlocal Agreement: A resolution to approve an interlocal agreement for ambulance service by and with the City of Fayetteville, Washington County, Elkins, Farmington, Goshen, Greenland, Lincoln, Prairie Grove, West Fork, Winslow and Johnson, and to establish the ambulance authority and Central Emergency Medical Services as the exclusive emergency and nonemergency ambulance service within the cities.

Judge Jerry Hunton, with Washington County spoke on the importance of the county wide ambulance service. He went on to explain the efficiency of Central EMS. He stated that when you have something that is working this well you don't want to do anything to harm it. He asked the City Council to not look at it as a bottom line on anyone's budget but look at it as neighborly and providing something county wide that we all can be proud of. He thanked the Council and stated I hope this is one of those times when we can reach across the table and join and accomplish something that is so important to all of us.

Keith Edmonds, Operations Supervisor for American Medical Response: We want to be a part of Fayetteville because we believe there is so much potential in this area. He spoke on the quality of the American Medical Response.

Jeff Dick with Arkansas Paramed Transfer gave the history of the company. He stated to give exclusivity to one provider and limit the choices will cause a huge burden. As a resident of Fayetteville I think we should look at other options.

Becky Stuart, Chief of Central EMS asked the Council to strongly consider signing the Interlocal Agreement and keeping Central EMS in place to provide emergency and nonemergency ambulance service. She described the services that Central EMS provides. She stated our survival rate is 38% for the year 2007.

Alderman Rhoads: What is the national average?

Becky Stuart: The national average is 6.4%.

Mayor Coody: The other two private providers focus on nonemergency transfers. You focus on the emergency and the nonemergency is secondary.

Becky Stuart: That's correct, our priority is emergency service.

Steve Zega, Justice of the Peace for District 8 encouraged the City Council to approve this Interlocal Agreement. He asked the City Council what is the best thing for the citizens. It is important to your citizens to continue to have good solid ambulance service and this Interlocal Agreement helps us along that road.

Jack Ladyman, Mayor of Elkins: I would ask as you consider this that you consider the small cities. He spoke on the services that Central EMS has brought to the City of Elkins. He stated finances are important but they are not always the most important thing.

Police Chief Greg Tabor spoke on the services that Central EMS has provided to the Police Department including the free services. He stated I am concerned about the cost involved with the private companies. He also explained the great working relationships with Central EMS. When you are talking about an ambulance service and the quality of care that the citizens of this county deserve, money should not be the total deciding factor.

Jessica Wood, Paramedic for Central EMS stated it is not about us, it's about all of Washington County. She voiced her concerns about separating the coverage across the county and briefly explained some of the additional services that Central EMS provides to Washington County.

Fire Chief Tony Johnson briefly explained efforts and studies made in the past to create this exclusivity with Central EMS. He stated my command staff as well as I is in favor of this Interlocal Agreement. I believe it is best suited for the City of Fayetteville as well as Washington County.

Robert Douthit, Paramedic and Training Officer for Madison County and Part Time Paramedic for AMR spoke on the services that AMR provides.

J.C. Dobbs, Fire Chief of Prairie Grove asked the Council to support the Interlocal Agreement. He went on to speak about past experiences with Central EMS. He voiced his concerns about bidding out for ambulance service.

Sonny Hudson, Mayor of Prairie Grove spoke in favor of the Interlocal Agreement.

John Barcroft, a resident spoke in favor of the Interlocal agreement. He stated no one has offered a reason to believe that there is something wrong with this agreement.

Marilyn Edwards, a citizen asked the Council to see how important it is to Washington County, the City of Fayetteville and anyone around that has to use ambulance services. She stated I support the Interlocal Agreement.

Alderman Thiel asked Alderman Jordan and the members of the Ambulance Committee to give a report.

Alderman Jordan asked County Representatives about a one cent sales tax that was passed July 28, 1981. It stated the County would spend 25% or $315,000 annually of its yearly share of the one cent sales tax for county wide ambulance service and the money would be forwarded to Central Emergency Service. When I totaled that up over 27 years it came up to about $8 million.

Judge Jerry Hunton: The difference is it was a resolution that was passed at that particular time. Over the years money has flowed here and there but it is not taken the track in following those exact numbers. I think it all balances out because I think there are other issues that the County has done that probably has soaked up many of those dollars.

Alderman Jordan: We can substantiate for a fact that the resolution was passed.

Judge Jerry Hunton: That resolution was passed. I cannot tell you that it was followed by anyone to the letter.

Alderman Jordan: Why is Springdale not involved in the Interlocal Agreement?

Judge Jerry Hunton: Springdale has their own service which has been a solid service and they have not had any interest in change. I cannot say that in the future, if they do a true analysis of their system, that they might not want to change. This issue that we are talking about tonight hasn't changed and Springdale has never been a part of the formula.

Alderman Jordan: Do you think it would be less subsidy for everybody else if they were involved in the Interlocal Agreement?

Judge Jerry Hunton: I don't. The system has worked well to this point.

Alderman Lucas: In the past you put in $4 per person for the entire county is that correct?

Judge Jerry Hunton: I don't have those numbers in front of me for Springdale right now. We try to cover the rural area and their citizens at the same level.

Alderman Lucas: But you did it for all the citizens of the County?

Judge Jerry Hunton: Yes we have.

John Gibson, Chairman of the Board of Central EMS: We pay Springdale $4 per capita for the areas of Washington County that they cover outside of their corporate limits. We pay Springdale nothing for anything inside their city limits.

Alderman Jordan: How much is that figure?

John Gibson: Somewhere around $80,000.

Alderman Jordan read the money distribution amounts from a document passed out at the Ambulance Committee meeting.

He went on to give the Ambulance Committee report. He expressed his concerns about Springdale not being a part of this Interlocal Agreement. He also stated there is some loss of control in that we would be putting ourselves under a board instead of being able to make the decisions. He went on to express his concerns about the future rate increases. He referred to Article IV and asked what would happen if the City of Fayetteville does not wish to participate any longer and it takes six months to get out of the contract. What happens to us in that six month period?

Mayor Coody: I would assume that we would have perfectly good ambulance service.

Alderman Jordan: Well, not according to Article IV, they can keep ambulance service out.

City Attorney Kit Williams: I think it would be anticipated that you would give a six month notice but during that period of time the contract would still be in effect and you would still be receiving ambulance services. That would give you the opportunity to select a new ambulance company in order to protect your citizens.

Alderman Jordan: Another thing that was brought up by the Ambulance Committee was CEMS is already funded for 2008. We already have the same ambulance service in place right now that we have had forever. There were also concerns about subsidy going to Springdale. There were also concerns about what would happen to the equipment if CEMS leaves. We also know that we could write that in the contract that they have to leave the equipment.

City Attorney Kit Williams: We can certainly offer any contract terms that you would like. Whether or not they would accept them or not is up to them.

Alderman Jordan: The Ambulance Committee was unanimously in agreement to continue the service that we already have for 2008 and study what other cities have done.

Mayor Coody: Have you done any studying to see what other ambulance services have done.

Alderman Jordan: We have been waiting on direction from the Council.

Alderman Lucas: I agree with the comments that Alderman Jordan has given. She expressed her concerns about the Interlocal Agreement. She stated until I see it as fair to our citizens I can't support it; competition has created a better ambulance service. I just don't see it as making it better or fair to Fayetteville.

Alderman Cook stated CEMS is an excellent provider and I don't have any issue with keeping CEMS. As far as low price, I will pay whatever it takes to make sure we have a good ambulance service up to a point. I think there needs to be more conversation with Springdale. I believe it would benefit everybody within the county if Springdale came on board. There have been some very good changes at CEMS since this conversation started which makes me wonder why we need to change it now. Certainly when this conservation started everyone had issues and questions.

Alderman Thiel: The discussion started with the idea of exclusivity and whether that would enable CEMS to provide a more efficient and cost savings service to the citizens of Fayetteville. The study showed us there were real issues with bidding this out and with other companies.

Adella Gray is not here and I would like to table this for two weeks until she is back. This is a big decision and I think it is important that Ward 1 is represented fully.

Mayor Coody briefly explained the history of this issue for the citizens watching at home.

Alderman Thiel: Do we actually have any kind of formal interchange with CEMS currently or is our only control and discussion with them is funding, whether or not we fund them each year.

Mayor Coody confirmed who was currently serving on the CEMS Board. He stated with the new Interlocal Agreement that we have in front of us right now there would be seven members all together, four of which would be from the City of Fayetteville.

Alderman Jordan: We did not recommend that we put it out for bid but instead leave the system we have in place right now.

Mayor Coody: Is there any thought on what would happen next year?

Alderman Jordan: I am just telling you what the Committee recommended.

Alderman Allen: If we pass this how will this be a benefit to the citizens of Fayetteville?

Fire Chief Tony Johnson: If we were to sign the Interlocal Agreement, which would grant them exclusivity, that would give them a revenue stream that has a great potential of reducing Fayetteville's subsidy. The risk of not having support from Fayetteville is that Central EMS will go belly up. I think our issue of concern is what is good for Fayetteville and Washington County and I think that is what we need to focus on. This provides us with local control and I don't think we want to be without that.

Alderman Allen: What would become of the Arkansas Patient Transfer and what are the implications for other ambulance services should we pass this agreement?

Fire Chief Tony Johnson: That is a question but there are many possibilities. Just as the Fire Department doesn't stand alone we have agreements with the other departments that are represented with the County. That possibility exists for Central EMS to start off automatic and mutual aid agreements with other companies that are here.

Alderman Allen: This might be one of the more important decisions that we make as an alderman because it deals with the safety of so many people. I have had a lot of emails and calls. I am hoping that we can table this because it is such an important issue that I would like to have the opportunity to talk to some specific people before making this decision.

Alderman Ferrell read a portion of the Journal of Emergency Services. He stated the current trend in EMS is moving to Fire Department based EMS not public utilities. That is the data that comes from the most recognized people in the country so I just ask that we keep that in mind.

Alderman Thiel moved to table the resolution to the March 18, 2008 City Council meeting. Alderman Allen seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Water/Sewer Rate Approval: A resolution expressing preference for specific revisions to sewer rates and related policy changes; and directing the City Attorney to draft a water and sewer rate ordinance consistent with these preferences.

Paul Becker gave a brief description of this item. He stated the Water and Sewer Committee made certain recommendations to the full Council. A decision was made to go with cost of service which means each category pays those costs associated with them. From the water side the committee is recommending an inclining block for residents. The proposal by the committee would support two things: conservation and additional support or reduced costs to the lower income users of the system and the ability for them to control their costs by consumption. On the sewer side we need the Council to make two decisions. We need the Council to endorse the Water and Sewer Committee's proposal on the water side and on the sewer side we are going to propose one of three options. Those options all achieve cost of service in the long run. We have to do this before we can proceed with the public hearing.

Alderman Kyle Cook: We still need a final decision on the sewer side. On the water side I think we are going to be fairly agreeable to that. Regarding the sewer side the committee was split 2-2 on a recommendation. In order for Mr. Gould to finalize the rates to bring forward and start the process the full Council needs to make a decision.

Tom Gould, Rate Study Analyst with HDR gave a PowerPoint presentation on the water and sewer rate study and some of the recommendations from the Water and Sewer Committee.

A discussion followed on the rates for other cities that we provide service to.

Darrell Froud, representing the manufacturing community in the City of Fayetteville. I am a proponent of no increase but I realize that is not reasonable. I am a proponent of Option 1 that spreads this out over time. The cost increase in the end must be borne by the consumer or our customers. We need a period of time to recover this large increase.

Scott Turley, Director of Utility Operations at the U of A: I would like to thank the Water and Sewer Committee. They have taken on a tough assignment and have done a good job. I appreciate us being able to be a part of that. In the specific case of the U of A I don't know that it makes a whole lot of difference which option is chosen. We are your second largest customer overall. I think the University is supportive of the cost of service approach. Having some time to make that transition to cost of service is probably a good thing. We are a part of the Beaver Water District and we are trying to do a lot of good things in the City of Fayetteville to influence conservation and I think that needs to be carried forward into the full Beaver Water District. We are down here doing some good things and maybe others are not. I think Beaver Water District should be encouraged to adopt some of the conservation based practices.

Steve Russ, Fayetteville Economic Development Council: I would like to thank the committee for meeting with one of the businesses. Two of our largest users are in the food industry and the cost of their raw materials has gone up. It certainly would be our recommendation that you spread an increase out over as much time as you can.

Alderman Cook: Three years ago we talked about discontinuing the subsidy and going with the full cost of service to the industrial customers. I am more supportive of going with Option 2. I know that is painful and it takes them to cost of service immediately but I strongly believe in the cost of service methodology. I think it is the fairest way and the most defendable way to do the rates.

Alderman Ferrell: I would like to thank Kyle for chairing the committee. We had a lot of hours and a lot of meetings going through this. I appreciate being able to look at three options.

Alderman Ferrell moved to table the sewer rate section of the resolution to the March 18, 2008 City Council meeting. The motion died for lack of a second.

A discussion followed on tabling this resolution for two weeks.

Alderman Jordan moved to approve the water rate section of the resolution only. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Resolution 48-08 as Recorded in the office of the City Clerk.

Alderman Jordan: I feel the flat rate is the fairest rate of all. I am in favor of Option 2 due to the people in the city that are on fixed incomes and for them every dollar is important.

Alderman Thiel moved to approve Option 3 of the sewer rate section. Alderman Ferrell seconded the motion. Upon roll call the motion passed 5-3. Alderman Thiel, Rhoads, Ferrell, and Lucas voting yes. Alderman Jordan, Cook and Allen voting no. Mayor Coody voted yes to pass the resolution. Alderman Gray was absent.

Resolution 49-08 as Recorded in the office of the City Clerk

RZN 07-2856 (Parks and Recreation): An ordinance rezoning the properties described in rezoning petition RZN 07-2856, for forty-two City of Fayetteville parks on approximately 591 acres, located throughout the city from multiple zoning districts to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: There are many zoning districts that encompass our city parks currently. This action would rezone them to P-1 Institutional. Institutional districts are usually governmental owned entities and other public type of uses. The majority of the city park properties are zoned residential single family four units per acre and residential multi family 24 units per acre. A guiding policy of the Parks and Recreation 10 Year Master Plan is to develop design standards that address safety, maintenance, signage and aesthetic issues. This would help provide a consistent level of understanding when those issues come forward. Not all parks are being

rezoned. The lake properties have been left out of this particular request. The Planning Commission voted 9-0 to forward this request to you with a recommendation for approval.

Alderman Lucas: Can we include the park next to Bryce Davis.

Jeremy Pate: We have received a deed but we do not have an exhibit prepared. We will be bringing these forward probably every year.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Rhoads moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Aubrey Shepherd, a resident: What is the purpose of this? Are all the parks included?

Mayor Coody: We have a hodgepodge of different zonings for our parks this would make them all park zoning.

Jeremy Pate gave some examples of parks and their zonings.

Aubrey Shepherd: So all it does is solidify the use that is there, it does not affect them?

Mayor Coody: Yes.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Rhoads was absent during the vote. Alderman Gray was absent.

Ordinance 5116 as Recorded in the office of the City Clerk.

C-PZD 07-2858 (Farmer's Market): An ordinance establishing a Commercial Planned Zoning District titled C-PZD 07-2858 (Farmer's Market), located on the south side of Hwy. 62, between east and west Farmer's Drive, containing approximately 1.10 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: This is a rezoning and development proposal. The Planning Commission recommended unanimously in favor of this project. Staff recommended approval.

A discussion followed on the drainage of the property.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit 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 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Aubrey Shepherd: This is down stream from the detention pond at Walmart and there will be a lot of flow down there. It is lower than the street. If the City had owned this it would have been an ideal place to buy an easement and put in a curb cut to route some water there rather than let it go down the storm drain.

Alderman Jordan: That's a good idea.

Jeremy Pate: The City is looking at different ways to manage storm water such as rain gardens, permeable pavement and alternatives to our traditional storm water techniques. There is an educational process about what they will actually do and how you can create systems that work. These systems can work on a case by case basis.

Mayor Coody: We are basically leading the private sector. We are trying to encourage private developers and private engineers to do some innovative things.

Steve Clark, Clark Consulting: I was the engineer that designed the project. We left the primary channel undeveloped. We kept green space adjacent to it. We developed a driveway that will go through the floodway that was built at or below existing grades. It will absorb some of the water.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Gray was absent.

Ordinance 5117 as Recorded in the office of the City Clerk.

Amend Rules of Order and Procedure: A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council by changing its title and removing the provision that serving more than half a normal term counts against the two term limit for citizen committees.

Sondra Smith, City Clerk/Treasurer: We discovered in the City Council Rules of Order and Procedure that if someone serves more than half of a term on a board or committee that will count toward a full term. We were not abiding by that rule because we did not know that it existed. I don't believe the Nominating Committee knew that it existed either. When we did research on this we found that it would be very cumbersome for us to try to keep up with. We have 159 board members that we keep up with their terms and we currently have 54 unexpired terms. Each board has a different term length from two years to six years.

Mayor Coody: So you would like to make any length of someone filling an unexpired term not count against the two term limit.

Sondra Smith: That is our suggestion.

Alderman Cook: This did not go through the Nominating Committee and I apologize for that if you guys took exception to that. Ultimately the Nominating Committee and the City Council has the final decision on whether someone is going to serve or not on a particular board or committee. Just because someone served a partial term and it could have been 99% of a term, it is still a partial term in my opinion. Just because they serve one term does not mean that we have to put them back on. In the past that usually gives the person a leg up because they have served on that board and they have experience but at the same time if we have an applicant that we feel is more qualified or if we feel that the one that was serving has not met their responsibilities then we always have the option of appointing someone new. I did not think that would affect the final out come because we do ultimately have the final decision.

Alderman Lucas: I understand what Sondra was saying but with computers now it seems there has to be an easy way of keeping up with this. My concern is we encourage people to come forward and apply for these committees and we are starting to get a good turn out of people. I don't want it to be something that can discourage someone from coming to apply. I don't want to limit people's participation in the City. I think that is important.

Alderman Cook: I couldn't agree more with that comment.

Alderman Thiel: I know the City Clerk's office has the same budget constraints that all our departments have. I feel this is something that is time consuming trying to track and Kyle's comment is correct about it being ultimately the City Council and the Nominating Committee's decision as far as reappointing someone. I don't think it makes that much difference with a partial term. I support the recommendation of the City Clerk.

City Attorney Kit Williams: On Section 1 I asked that you rename your rules to be the Rules of Order and Procedure of the Fayetteville City Council.

Mayor Coody: So this resolution would take care of both of those changes?

City Attorney Kit Williams: It has two sections.

Alderman Thiel: I also support the City Attorney's recommendation.

Alderman Lucas: I support the City Attorney's recommendation but I can't support the other. Can I make an amendment to separate them?

Mayor Coody: You can move to amend.

City Attorney Kit Williams: If you oppose the City Clerk's suggestion you would move to remove Section 2 from the resolution. Section 2 of the resolution is what would be effectuating the City Clerk's term argument.

Mayor Coody: Is that your amendment?

Alderman Lucas: No. I will just vote against the whole thing.

Alderman Cook moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution passed 5-2. Alderman Jordan, Thiel, Cook, Allen and Rhoads voting yes. Alderman Ferrell and Lucas voting no. Alderman Gray was absent.

Resolution 50-08 as Recorded in the office of the City Clerk.

ADM 08-2929 (Stonebridge Square Tree Preservation Variance): A resolution approving a variance from Ch. 167.04 Tree Preservation and Protection to allow off-site tree preservation in lieu of on-site plantings for prior tree removal in the manner recommended by the Planning Commission for large scale development (LSD) 07-2765.
Jeremy Pate: Gave a brief description of the proposed resolution.

The new property owner began clearing and mucking an existing pond on the site. The pond was originally approved to be removed as were the trees all around the site in that area. During the process of clearing and mucking the pond several low priority damaged trees that were damaged by beavers that were approved for removal with the large scale development plus an additional 16 inch ash tree that was intended to be protected with that large scale development were removed. With the exception of the ash tree this construction would normally have been acceptable, however all grading permits for the large scale development plans and erosion control have not been installed. A stop work order was issued. A grading plan has since been approved and a new large scale development was proposed. Technically because this was not the same project within a five year period those trees were removed without the proper permits and it constitutes a violation of Chapter 167.04 (D) (1) and a penalty is required. In discussion with the Urban Forrester it became apparent that utilizing the option of off site preservation, which is an option under our current tree preservation ordinance, would be advantageous. They

discussed going above and beyond what would be required. In looking at all of the factors in this decision the Urban Forrester recommended approval of that. Staff and the Planning Commission recommended approval.

Alderman Thiel: Wouldn't that riparian zone property be protected anyway?

Jeremy Pate: It depends; floodplains and floodways can be developed if proper measures are taken.

Alderman Thiel: The listing of the 41 species back on the site are those all part of that 10%?

Jeremy Pate: The variance request is to meet the mitigation requirements but the preservation of the offsite easement is really the variance request.

Alderman Thiel: Did you say that the other penalty option would be that the applicant would have to remove a building from the development or significantly reduce the number of parking spaces provided in order to re-forest the site according to code requirements?

Jeremy Pate: Those are certainly options if the variance is not approved. The property that is being developed has to be planted back 10% of that area. We felt this was a much better option to preserve an existing stand of significant trees that are already mature and that are providing a benefit to the riparian corridor along the West Fork of the White River.

Alderman Thiel: You mentioned this does not happen very often but this developer is someone that has worked within Fayetteville and is aware of the ordinances and still did this.

Jeremy Pate: This developer has worked within the City of Fayetteville before.

Alderman Allen: I wish we could have someone speak to us about how they determine whether a tree is dying, dead or damaged.

Jeremy Pate: We typically do not depend on a nonprofessional to make that determination if there is ever anything in question we require a certified arborist to examine the trees. Some of our staff has been qualified to make that determination as well.

Alderman Allen: It matters to me if someone is aware of the rules and continues to push the envelope.

Alderman Jordan: Basically what we have is a developer that breaks our ordinance and comes back with something different.

Jeremy Pate: We feel they have some back with something better in this case.

Fran Alexander: Mitigation should be the last thing you go for. The point of having tree preservation on site, the point of planting trees back on site, is to prevent water damage from

storms on site. It is to prevent the heat from roof tops and parking lots on site. I think Jeremy is correct that this is a really good deal that we are being offered here because it just so happens he has some other land. No matter what you decide to do on this tonight I hope you will keep in mind the purpose of the tree preservation ordinance.

Aubrey Shepherd asked that the plan be shown, where the trees are, and where the storm water works.

Tom Hennelly, H2 Engineering: This wasn't a flagrant violation of the tree ordinance. The trees had already been approved for removal when this property was purchased. Because of the change of use it required a major modification instead of a minor modification and that was the point that caused the violation to occur. We are preserving established trees in an easement of the exact same square footage as was on site before we started this. In addition to that there is preservation of that original canopy taking place on site with the exception of that one ash tree as well as all the required landscape, right of way, and parking trees. This is a win-win deal for the City. The City of Fayetteville is going to come out better off because this happened not that we want to encourage anybody to do that. The amount of canopy that is going to be preserved and the priority of that canopy is going to be much better than what was there and what would have been planted.

Alderman Thiel: The ash was the only tree that was removed that was not part of the original?

Jeremy Pate: That is correct. All of the other trees had been approved through the previous large scale development for removal.

Alderman Rhoads moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed 7-0. Alderman Gray was absent.

Resolution 51-08 as Recorded in the office of the City Clerk.

Meeting adjourned at 9:40 PM

Dan Coody, Mayor

Sondra E. Smith, City Clerk/Treasurer

No other trees on the inner square are scheduled to be removed. On the outer square, one tree is scheduled for removal due to its condition and one will be removed with the Bank of America building rehabilitation. The removal of the sidewalk around the other trees should not damage them as there will be little to no excavation below the sidewalk grade. There may be some root pruning as necessary to remove the sidewalk heave issues.

There have been some comments that there are areas in the city with no sidewalks, so why is the square a priority. The Historic Downtown Square defines Fayetteville. The sidewalks around the square serve hundreds of people daily and during special events, like the Farmer's Market, will serve thousands during a single Saturday morning. To leave the Square sidewalks as they were would seem to leave the City in a precarious situation of inviting guests to our home and then making it unsafe for them to walk. Everyone wants a clean, well-kept home. The Square is Fayetteville's home: the improvements we make today will last for generations.

As for the streets leading to the Square, the plan is to renew them to the alley or 150 feet down each side street. However, this improvement is dependent upon property owners participating in the improvement. The normal sidewalk replacement program will allow those properties that participate financially (50% of the total cost) to be given priority for new or replacement sidewalks. That program is being used for the side streets entering the square. To date those participating are: the University of Arkansas for the Continuing Education Building, Arvest Bank, the former Bank of America building, and the Advertising and Promotion Commission for the building at Mountain and Block.

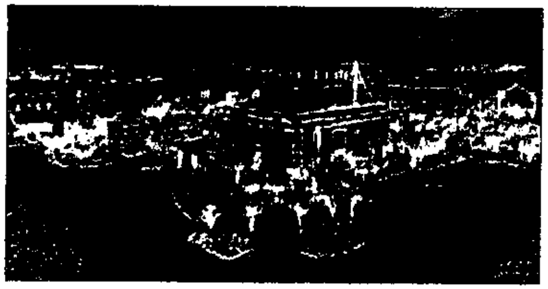
Historic Downtown Square

Renewal & Renovation

Historic Downtown Square • Renewal & Renovation

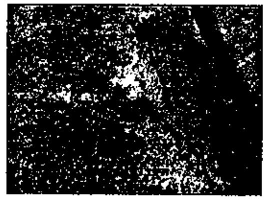
The City has started the renewal and renovation of the Historic Downtown Square.

The Square is the iconic center of Fayetteville. It is Fayetteville's front door and living room. The Square is where we as a community meet on Saturday morning during Farmer's Market, it is where we celebrate Home Coming Parades, the arrival of the Christmas Season, and the Lights of the Ozarks. Hundreds of visitors and residents are on the Square each day, and during the Farmer's Market and Lights of the Ozarks that number swells to the thousands.

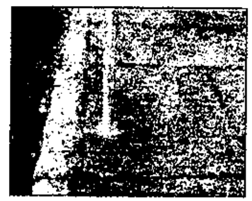


A casual visual review quickly reveals that the condition of the Square has become worn and even dangerous in places. These conditions have existed for sometime, evidenced by the various uneven and deteriorating sidewalks. The City has undertaken many efforts during the last several years to mill and grind down the numerous trip and fall hazards created by that unevenness.

Additionally, many of the brick planter walls have become cracked; their concrete seat walls loose and dangerous.



In the winter of 2007 Mayor Coody approached the Advertising and Promotion (A & P) Commission and asked them to partner with the City to rehabilitate the Historic Square to address the deteriorating and hazardous conditions on the Square. The Commission graciously agreed to the partnership and has committed \$460,000 (or up to one half the cost) to the Square renewal and asked that Susan Regan, the longtime Square Gardner, be intimately involved with the project.



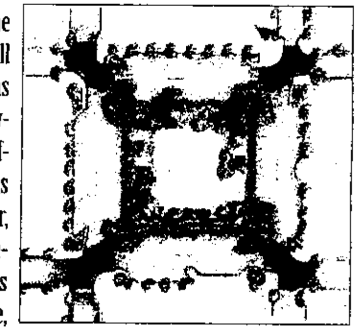
The project began late in the winter of 2007, just prior to the Farmer's Market opening, with the rebuilding and improvement of the fountain on the northwest corner of the inner Square. Subsequently, in January of 2008 the major work of the inner Square began, and is scheduled to be complete by April 5, the first Saturday of the 2008 Farmer's Market.

The outer Square renewal will begin at that time and will be completed in the next two to three months. The total cost of the project is estimated to be approximately \$920,000. Property owners abutting the sidewalks on the Square may be asked to participate in helping to fund the actual sidewalk rehabilitation project. The other work being undertaken and funded by the City or with A & P funds will help improve lighting, drainage, and the general aesthetics of all properties. This will help to improve long-term property values for everyone and keep the Square as the iconic symbol of Fayetteville.

The project will include: new sidewalks, new curb and gutter, new street lights, and new path and feature lighting for the gardens. The demolition of the old sidewalks and the provision of new lighting has allowed the entire Square electrical system to be upgraded to safely and adequately accommodate the demands of Lights of the Ozarks and other special events on the Square.

As most will remember, there are constant issues in keeping all of the lighted areas functioning properly due to the antiquated and cobbled together electrical system that has been pieced together over time in order to sustain a Lights of the Ozarks.

During the demolition process there was much discussion concerning the corner planters which contained the Cherry trees. Susan Regan nursed these trees over the years and had to remove several of them as they became unhealthy or damaged. She felt that the older existing Cherry trees had reached a point where they should be replaced with new healthy trees. The older Cherry trees have been removed and will be replaced with the same variety Cherry trees.



When complete the renewed Square will appear the same as before. There will however be a few subtle differences: the sidewalks will be slightly wider, the travel lane between the parked cars will be 24 feet wide, the throat at the intersections will be narrowed to 18 feet and the alignment through the intersections will be improved as much as possible.

The traffic around the Square will continue to function as it does currently. Delivery vehicles will still be required to double park and all delivery vehicles or buses will still be able to navigate the Square. It may be a little constrained for some larger buses, but all vehicles will be able to maneuver around the Square, while still creating a very welcoming pedestrian friendly environment. The corner by the Continuing Education building was constructed too tight and will be corrected at the end of the project.

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
March 18, 2008

A meeting of the Fayetteville City Council will be held on March 18, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

An update concerning the construction and associated work taking place on and around the square. – Alderman Robert Ferrell

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Sustainability Report – John Coleman

Agenda Additions:

A. Consent:

1. Approval of the March 04, 2008 City Council meeting minutes.

2. **Landers Ford State Vehicle Purchase:** A resolution approving the purchase of two (2) compact extended cab 2X4 pickup trucks from Landers Ford through the state vehicle purchase contract in the amount of $23,784.00 for use by the Meter Division.

3. **Bid # 08-17 Truck Centers of Arkansas:** A resolution awarding Bid # 08-17 and approving the purchase of two (2) tandem axle dump trucks from Truck Centers of Arkansas in the amount of $200,050.00 for use by the Water & Sewer Division.

4. **Bid # 08-18 Truck Centers of Arkansas:** A resolution awarding Bid # 08-18 and approving the purchase of two (2) tandem axle dump trucks with auxiliary hydraulics from Truck Centers of Arkansas in the amount of $210,960.00 for use by the Transportation Division.

5. **Bid # 08-19 Truck Centers of Arkansas:** A resolution awarding Bid # 08-19 and approving the purchase of one (1) tri-axle dump truck from Truck Centers of Arkansas in the amount of $106,259.00 for use by the Transportation Division.

6. **Bid # 08-20 Truck Centers of Arkansas:** A resolution awarding Bid # 08-20 and approving the purchase of three (3) recycle trucks from Truck Centers of Arkansas in the amount of $471,873.00 for use by the Solid Waste & Recycling Division.

7. **Bid # 08-21 Downing Sales and Service:** A resolution awarding Bid # 08-21 and approving the purchase of one (1) drop box truck from Downing Sales and Service in the amount of $158,735.00 for use by the Solid Waste & Recycling Division; and approving a budget adjustment in the amount of $1,805.00.

8. **Bid # 08-22 Truck Centers of Arkansas:** A resolution awarding Bid # 08-22 and approving the purchase of one (1) container carrier truck from Truck Centers of Arkansas in the amount of $76,423.00 for use by the Solid Waste & Recycling Division.

9. **Bid # 08-23 Scruggs Equipment Company:** A resolution awarding Bid # 08-23 and approving the purchase of one (1) knuckleboom truck from Scruggs Equipment Company of Memphis in the amount of $90,332.00 for use by the Solid Waste & Recycling Division.

10. **Bid # 08-26 Golden Circle Ford:** A resolution awarding Bid # 08-26 and approving the purchase of one (1) crew cab dump truck from Golden Circle Ford of Jackson, Tennessee in the amount of $46,504.00 for use by the Transportation Division.

11. **Bid # 08-27 Longo Toyota:** A resolution awarding Bid # 08-27 and approving the purchase of two (2) compact hybrid sedans from Longo Toyota of Los Angeles, California in the amount of $44,360.00 for assignment to the rental pool.

12. **Norman Company:** A resolution approving the purchase of office equipment and furniture from Norman Company through U.S. Communities in the amount of $30,948.88 for the new West Side Wastewater Treatment Plant; and approving a contingency of $1000.00.

13. **West Side Wastewater Treatment Plant Deed Restriction:** A resolution approving a deed restriction covenant for the West Side Wastewater Treatment Plant Outfall Site as required by the U.S. Army Corps of Engineers Section 404 Nationwide Permit Number 14207-1.

14. **Arkansas Western Gas Company Agreement:** A resolution approving an agreement with Arkansas Western Gas Company in the amount of $397,000.00 for relocation of gas lines and appurtenances to allow construction of improvements to Mount Comfort Road.

15. **Arkansas Highway and Transportation Department Agreement:** A resolution approving preparation and execution of an agreement with the Arkansas Highway and Transportation Department for the city to take over maintenance of Shiloh Drive between Garland Avenue and Mount Comfort Road.

16. **Red Oak Park Streambank Improvements:** A resolution approving a revised project design for the Red Oak Park Streambank Improvements submitted by the Arkansas Game and Fish Commission Region 1 Stream Team.

17. **Peace at Home Shelter Building Permit Fee:** A resolution to waive the building permit fee and other developmental fees for the construction of the Peace at Home Family Shelter.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:

2. **Ambulance Service Interlocal Agreement:** A resolution to approve an interlocal agreement for ambulance service by and with the City of Fayetteville, Washington County, Elkins, Farmington, Goshen, Greenland, Lincoln, Prairie Grove, West Fork, Winslow and Johnson, and to establish the ambulance authority and Central Emergency Medical Services as the exclusive emergency and non-emergency ambulance service within the cities. ***This resolution was tabled at the March 4, 2008 City Council meeting to the March 18, 2008 City Council meeting.***

C. New Business:

1. **Economic Development Strategic Plan:** A resolution to approve a budget adjustment in the amount of $75,000.00 to match a similar expenditure of the University of Arkansas Technology Development Foundation to jointly hire a consultant for Phase One of an Economic Development Strategic Plan.

2. **ADM 06-2380 Amend Chapters 166 & 172:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 166: Development and Chapter 172: Parking and Loading in order to adopt Urban Residential Design Standards.

3. **ADM 07-2712 Amend Chapters 151, 159, 161, 162, 163 and 164:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 159: Fees, Chapter 161: Zoning Regulations, Chapter 162: Use Units, Chapter 163: Use Conditions and Chapter 164: Supplementary District Regulations in order to make accessory dwelling units a permitted use in all residential zoning districts contingent upon Planning Division administrative approval.

4. **ADM 08-2927 (Stadium Centre Cottages):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-2212, Stadium Centre Cottages, located at the SW corner of One Mile Road and Sandra Street, containing approximately 2.45 acres, to reflect revised lot width and lot area requirements as described and depicted herein.

5. **Amend Chapter 72 Parking Regulations:** An ordinance to amend Chapter 72, Parking Regulations, of the Fayetteville Code by enacting §72.59 EcoTag authorized for free parking at long term parking meters.

6. **Amend Chapter 150 General Provisions:** An ordinance to Amend §150.12 Penalty of the Unified Development Code of the Code of Fayetteville to refer back to §10.99 General Penalty of the Code of Fayetteville.

Announcements:

1. **City Council Tour: March 17, 2008**

Adjournment:

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

3/18/2008
City Council Meeting Date
Agenda Items Only

David Bragg	Fleet Operations	Operations
Submitted By	**Division**	**Department**

Action Required:

A resolution for the purchase of two compact extended cab 2x4 pickup trucks from Landers Ford from the State Vehicle Purchase contract for use by Meter Division.

$ 23,784.00	$ 462,000.00	Light/Medium Duty Trucks
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 153,359.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02078.1	$ 308,641.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

2.27.08
Department Director — Date

2/29/08
City Attorney — Date

2-29-08
Finance and Internal Service Director — Date

3/4/08
Mayor — Date

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office — ENTERED 2/27/08

Received in Mayor's Office — ENTERED 2/29/08

Comments:

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425

Interdepartmental Correspondence

TO: **MAYOR/CITY COUNCIL**

THRU: **GARY DUMAS, DIRECTOR OF OPERATIONS**

FROM: **DAVID BRAGG, FLEET OPERATIONS SUPT.**

DATE: **February 27, 2008**

SUBJECT: **Purchase of two compact pickup trucks**

RECOMMENDATION: That City Council approve the purchase of two compact extended cab 2x4 pickup trucks in the amount of $23,784.20 off the State Vehicle Purchase Contract for assignment to the Meter Division.

BACKGROUND: Vehicles meeting City of Fayetteville specifications are available through the State vehicle purchase contract from Lander's Ford. Compact extended cab two wheel drive pickups cost is $11,892.10 each.

No suitable compact regular cab pickup is available from the State contract. Local quotes for compact regular cabs were $1,204.90 **more** than recommended State contract extended cabs. I recommend purchase of two compact extended cab 2x4 pickup trucks from the State Vehicle Purchase Contract.

These units are replacements for units #2045, a 2002 Ford Ranger with 120,000 miles and #2047, a 2002 Ford Ranger with 75,000 miles. Unit #2047 will be assessed for possible reassignment to the Fleet Rental/Maintenance Loaner Pool.

Funds are available for this purchase in Fleet Replacement Special Project 02078 – Light Trucks.

The purchase of these trucks was approved by the Equipment Committee at the meeting on February 26, 2008.

RESOLUTION NO. ______

A RESOLUTION APPROVING THE PURCHASE OF TWO (2) COMPACT EXTENDED CAB 2x4 PICKUP TRUCKS FROM LANDERS FORD THROUGH THE STATE VEHICLE PURCHASE CONTRACT IN THE AMOUNT OF $23,784.00 FOR USE BY THE METER DIVISION.

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) compact extended cab 2x4 pickup trucks from Landers Ford through the state vehicle purchase contract in the amount of $23,784.00 for use by the Meter Division.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED: ATTEST:

By: ______________________________
DAN COODY, Mayor

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

Fayetteville ARKANSAS

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

Equipment Committee Correspondence

TO: **City of Fayetteville, Equipment Committee**
Bobby Ferrell, Chairman **Adella Gray**
Kyle Cook **Lioneld Jordan**

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

DATE: **February 19, 2008**

SUBJECT: **Award of Bid 08-24**

Bid #08-24 was opened on February 12, 2008 for two compact regular cab 4 X 4 pickup trucks for assignment to the Meter Division. Four bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Golden Circle Ford of Jackson, TN meets all specifications.

I recommend acceptance of the bid from Golden Circle Ford in the amount of $30,362.00.

These units are replacements for units #2045, a 2002 Ford Ranger with 120,000 miles and #2047, a 2002 Ford Ranger with 75,000 miles. Unit #2047 will be assessed for possible reassignment to the Fleet Rental/Maintenance Loaner Pool.

Funds are available for this purchase in Fleet Replacement Special Project 02078 – Light Trucks.

Cc:
Gary Dumas

PURCHASE OF 4X4's REJECTED BY EQUIPMENT COMMITTEE

ALTERNATE RECOMMENDATION TO PURCHASE 2 COMPACT 4X2 EXTENDED CAB TRUCKS FROM STATE CONTRACT APPROVED

2/26/2008

DRB

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:		Date:	2/27/2008
P.O Number:		Expected Delivery Date:	
Vendor #: 7582	Vendor Name: LANDER'S FORD	Mail Yes:___ No: XX	
Address:	Fob Point:	Taxable Yes:___ No: XX	
City:	State:	Zip Code:	Ship to code: 050
Divison Head Approval: 2 LWB		Quotes Attached Yes:_____ No:_____	
Requester: Barbara Olsen	Requester's Employee #: 1940	Extension: 485	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2008 FORD RANGER EXTENDED	2	EA	$11,892.10	$23,784.20	9700.1920.5802.00	02078.1		
2	CAB 2X4 PICKUP TRUCKS, PER		EA		$0.00				
3	STATE VEHICLE CONTRACT		EA		$0.00				
4	TO BE UNITS #2127, F.A. 702127		EA		$0.00				
5	AND #2128, F.A. 702128		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: __________ 23,784.20

Tax: ______ EXEMPT ______

Total: __________ 23,784.20

Approvals:

Mayor: ____________________

Department Director: ____________________

Purchasing Manager: ____________________

Finance & Internal Services Director: ____________________

Budget Manager: ____________________

IT Manager: ____________________

Dispatch Manager: ____________________

Utilities Manager: ____________________

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

3/18/2008
City Council Meeting Date
Agenda Items Only

David Bragg	Fleet Operations	Operations
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid #08-17 to Truck Centers of Arkansas (Springdale) in the amount of $200,050.00 for the purchase of two tandem axle dump trucks for use by Water and Sewer Division.

$ 200,050.00	$ 946,000.00	Heavy Utility Vehicles
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ -	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02079.1	$ 946,000.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — Date: 2-27-08

City Attorney — Date: 2/29/08

Paul A. Becker — Finance and Internal Service Director — Date: 2-29-08

Mayor — Date: 3/4/08

Previous Ordinance or Resolution # ____

Original Contract Date: ____

Original Contract Number: ____

Received in City Clerk's Office — ENTERED 2/27/08

Received in Mayor's Office — ENTERED 2/29/08

Comments:

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425

100 BEST FLEETS

Interdepartmental Correspondence

TO: **MAYOR/CITY COUNCIL**

THRU: **GARY DUMAS, DIRECTOR OF OPERATIONS**

FROM: **DAVID BRAGG, FLEET OPERATIONS SUPT.**

DATE: **February 27, 2008**

SUBJECT: **Purchase of Two Tandem Axle Trucks**

RECOMMENDATION: That City Council approve the purchase of two Tandem Axle Dump trucks in the amount of $200,050 for use by Water and Sewer Division.

BACKGROUND: Bid #08-17 was opened on February 12, 2008 for two tandem-axle dump trucks. Five bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Truck Centers of Arkansas (Springdale) meets all specifications.

I recommend acceptance of the bid from Truck Centers of Arkansas for two units in the amount of $200,050.00.

These units are replacements for units #718, a 1992 Mack and #726, a 1996 Mack, both of which are no longer dependable for daily operation. These trucks will be sold at auction.

Funds are available for this purchase in Fleet Replacement Special Project 02079 – Heavy Trucks.

The purchase of these two trucks was approved by the Equipment Committee on February 26, 2008.

RESOLUTION NO. ______

A RESOLUTION AWARDING BID #08-17 AND APPROVING THE PURCHASE OF TWO (2) TANDEM AXLE DUMP TRUCKS FROM TRUCK CENTERS OF ARKANSAS IN THE AMOUNT OF $200,050.00 FOR USE BY THE WATER & SEWER DIVISION.

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 #08-17 and approves the purchase of two (2) Tandem axle dump trucks from Truck Centers of Arkansas in the amount of $200,050.00 for use by the Water & Sewer Division.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

Fayetteville
ARKANSAS

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

Equipment Committee Correspondence

TO: **City of Fayetteville, Equipment Committee**
Bobby Ferrell, Chairman **Adella Gray**
Kyle Cook **Lioneld Jordan**

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

DATE: **February 19, 2008**

SUBJECT: **Award of Bid 08-17**

Bid #08-17 was opened on February 12, 2008 for two tandem-axle dump trucks for assignment to the Water and Sewer Division. Five bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Truck Centers of Arkansas (Springdale) meets all specifications.

I recommend acceptance of the bid from Truck Centers of Arkansas for two units in the amount of $200,050.00.

These units are replacements for units #718, a 1992 Mack and #726, a 1996 Mack, both of which are no longer dependable for daily operation. These trucks will be sold at auction.

Funds are available for this purchase in Fleet Replacement Special Project 02079 – Heavy Trucks

Cc:
Gary Dumas

APPROVED
2/26/2008
RB

BID: 08-17
2/12/2008
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville ARKANSAS

Bid 08-17, Tandem Axle Dump Truck

	BIDDER	Manufacturer	Model	Price Each	Qty	Total Bid Price
1	Diamond International of Lowell - OPT 1					
	Item 1	International	7600	$92,229.00	2	$184,458.00
	Item 2	Hilbilt	Mongoose XL	$15,634.50	2	$31,269.00
					Total	*$215,727.00*
2	Diamond International of Lowell - OPT 2					
	Item 1	International	7600	$92,229.00	2	$184,458.00
	Item 2	Davis	EFM 12-13 Eliptical	$15,105.00	2	$30,210.00
					Total	$214,668.00
3	Peterbuilt of Fort Smith					
	Item 1	Peterbilt	365	$107,200.00	2	$214,400.00
	Item 2	Hilbilt	13' Mongoose XL	$15,634.50	2	$31,269.00
					Total	$245,669.00
4	Glovers Truck Parts & Equipment					
	Item 1	Sterling	LT9513	$89,255.00	2	$178,510.00
	Item 2	Hilbilt	13' Mongoose XL	$15,635.00	2	$31,270.00
					Total	$209,780.00
5	Truck Centers of Arkansas					
	Item 1	Freightliner	M2-112	$85,360.00	2	$170,720.00
	Item 2	Ox Bodies	Stampede	$14,665.00	2	$29,330.00
					Total	$200,050.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P Vice
P. VICE PURCH MGR

WITNESS

2/12/08
DATE

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 2/21/2008

P.O Number:

Expected Delivery Date:

Vendor #: 16751

Vendor Name: TRUCK CENTERS OF ARKANSAS

Mail Yes:___ No: XX

Address:

Fob Point:

Taxable Yes:___ No: XX

City:

State:

Zip Code:

Ship to code: 050

Divison Head Approval: [signature]

Quotes Attached Yes:_____ No:_____

Requester: Barbara Olsen

Requester's Employee #: 1940

Extension: 485

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	FREIGHTLINER M2-112 TANDEM	2	EA	$100,025.00	$200,050.00	9700.1920.5802.00	02079.1		
2	AXLE DUMP TRUCKS WITH OX		EA		$0.00				
3	STAMPEDE BODIES, PER BID 08-17		EA		$0.00				
4	TO BE UNITS #758, F.A. 700758 AND		EA		$0.00				
5	#759, F.A. 700759		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: 200,050.00

Tax: EXEMPT

Total: 200,050.00

Approvals:

Mayor: ____________

Department Director: ____________

Purchasing Manager: ____________

Finance & Internal Services Director: ____________

Budget Manager: ____________

IT Manager: ____________

Dispatch Manager: ____________

Utilities Manager: ____________

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

3/18/2008
City Council Meeting Date
Agenda Items Only

David Bragg	Fleet Operations	Operations
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid 08-18 to Truck Centers of Arkansas (Springdale) in the amount of $210,960 for the purchase of two tandem axle dump trucks with auxiliary hydraulics for assignment to the Transportation Division.

$ 210,960.00	$ 946,000.00	Heavy UtilityVehicles
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 200,050.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02079.1	$ 745,950.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — Date: 2.27.08

City Attorney — Date: 2/29/08

Paul A. Becker
Finance and Internal Service Director — Date: 2-29-08

Mayor — Date: 3/4/08

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office — ENTERED 3/4/08

Received in Mayor's Office — ENTERED 2/29/08

Comments:

Fayetteville ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425

100 BEST FLEETS

Interdepartmental Correspondence

TO: **MAYOR/CITY COUNCIL**

THRU: **GARY DUMAS, DIRECTOR OF OPERATIONS**

FROM: **DAVID BRAGG, FLEET OPERATIONS SUPT.** DRB

DATE: **February 27, 2008**

SUBJECT: **Purchase of two Tandem Axle Dump trucks with auxiliary hydraulics**

RECOMMENDATION: That City Council approve the purchase of two tandem axle dump trucks with auxiliary hydraulics in the amount of $210,960 for assignment to the Transportation Division.

BACKGROUND: **Bid #08-18** was opened on February 12, 2008 for three tandem-axle dump trucks with auxiliary hydraulics. Three bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Truck Centers of Arkansas (Springdale) meets all specifications.

I recommend acceptance of the bid from Truck Centers of Arkansas for **two** units in the amount of $210,960.00.

These units are replacements for units #737 and #738, both 2001 Sterling dump trucks. These units will be reassigned to Parks to replace a 1991 Mack with 183,000 miles and to the Fleet Rental Pool to replace a truck that was totally wrecked in 2007. The auxiliary hydraulic systems enable the operation of slide in sand spreaders and snow plows. Units #730 and #731, dedicated sand/plow trucks will not be replaced. Replacement funds for these two units will be utilized to purchase two large slide-in units and plows and two medium size slide-in units and plows for installation on existing four wheel drive dump trucks. This will double the available sand/plow units on the street with a net fleet reduction of two powered units.

Funds are available for this purchase in Fleet Replacement Special Project 02079 – Heavy Utility Trucks.

The purchase of these two trucks was approved by the Equipment Committee at the meeting on February 26, 2008.

RESOLUTION NO. ______

A RESOLUTION AWARDING BID #08-18 AND APPROVING THE PURCHASE OF TWO (2) TANDEM AXLE DUMP TRUCKS WITH AUXILIARY HYDRAULICS FROM TRUCK CENTERS OF ARKANSAS IN THE AMOUNT OF $210,960.00 FOR USE BY THE TRANSPORTATION DIVISION.

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 #08-18 and approves the purchase of two (2) Tandem axle dump trucks with auxiliary hydraulics from Truck Centers of Arkansas in the amount of $210,960.00 for use by the Transportation Division.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED: ATTEST:

By: ______________________________
DAN COODY, Mayor

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

Fayetteville
ARKANSAS

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

Equipment Committee Correspondence

TO: City of Fayetteville, Equipment Committee
Bobby Ferrell, Chairman — Adella Gray
Kyle Cook — Lioneld Jordan

FROM: David Bragg, Fleet Operations Supt

DATE: February 19, 2008

SUBJECT: Award of Bid 08-18

Bid #08-18 was opened on February 12, 2008 for three tandem-axle dump trucks with auxiliary hydraulics for assignment to the Transportation Division. Three bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Truck Centers of Arkansas (Springdale) meets all specifications.

I recommend acceptance of the bid from Truck Centers of Arkansas for two units in the amount of $210,960.00.

These units are replacements for units #737 and #738, both 2001 Sterling dump trucks. These units will be reassigned to Parks to replace a 1991 Mack with 183,000 miles and to the Fleet Rental Pool to replace a truck that was totally wrecked in 2007. The auxiliary hydraulic systems enable the operation of slide in sand spreaders and snow plows. Units #730 and #731, dedicated sand/plow trucks will not be replaced. Replacement funds for these two units will be utilized to purchase 2 large slide in units and plows and 2 medium size slide in units and plows for installation on existing four wheel drive dump trucks. This will double the available sand/plow units on the street with a net fleet reduction of 2 powered units.

Funds are available for this purchase in Fleet Replacement Special Project 02079 – Heavy Trucks

Cc:
Gary Dumas

APPROVED

2/26/2008

DRB

BID: 08-18
2/12/2008
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville
ARKANSAS

Bid 08-18, Hydraulic Dump Truck

BIDDER	Manufacturer	Model	Price Each	Qty	Total Bid Price
1 Diamond International of Little Rock					
Item 1	International	7600	$91,852.00	3	$275,556.00
Item 2	Hilbilt	Mongoose XL	$23,384.50	3	$70,153.50
				Total	*$345,709.50*
2 Glover's Truck Parts & Equipment					
Item 1	Sterling		$89,255.00	3	$267,765.00
Item 2	Hilbilt	13' Mongoose XL	$23,385.00	3	$70,155.00
				Total	*$337,920.00*
3 Truck Centers of Arkansas				# 105,480 ea	
Item 1	Freightliner	M2 112	$85,360.00	3	$256,080.00
Item 2	Ox Bodies	Stampede	$20,120.00	3	$60,360.00
				Total	*$316,440.00*

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P Vice
P. VICE PURCH MGR

WITNESS

2/12/08
DATE

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:
Date: 2/21/2008
P.O Number:
Expected Delivery Date:

Vendor #: 16751
Vendor Name: TRUCK CENTERS OF ARKANSAS
Mail Yes:___ No: XX
Address:
Fob Point:
Taxable Yes:___ No: XX
City:
State:
Zip Code:
Ship to code: 050
Divison Head Approval: [signature]
Quotes Attached Yes:_____ No:_____
Requester: Barbara Olsen
Requester's Employee #: 1940
Extension: 485

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	FREIGHTLINER M2-112 TANDEM	2	EA	$105,480.00	$210,960.00	9700.1920.5802.00	02079.1		
2	AXLE DUMP TRUCKS WITH OX		EA		$0.00				
3	STAMPEDE BODIES AND AUXILIARY		EA		$0.00				
4	HYDRAULICS PER BID 08-18, TO BE		EA		$0.00				
5	UNITS #756 F.A. 700756 AND #757		EA		$0.00				
6	F.A. 700757		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: 210,960.00
Tax: EXEMPT
Total: 210,960.00

Approvals:

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

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

3/18/2008
City Council Meeting Date
Agenda Items Only

David Bragg	Fleet Operations	Operations
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid #08-19 to Truck Centers of Arkansas (Springdale) in the amount of $106,259.00 for the purchase of one tri-axle dump truck for use by Transportation Division.

$ 106,259.00	$ 946,000.00	Heavy Utility Vehicles
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 411,010.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02079.1	$ 534,990.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item X **Budget Adjustment Attached** ☐

Department Director — Date: 2·27·08

City Attorney — Date: 2/29/08

Finance and Internal Service Director — Date: 2-29-08

Mayor — Date: 3/4/08

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office — ENTERED 2/27/08

Received in Mayor's Office — ENTERED 2/29/08

Comments:

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425

100 BEST FLEETS

Interdepartmental Correspondence

TO: **MAYOR/CITY COUNCIL**

THRU: **GARY DUMAS, DIRECTOR OF OPERATIONS**

FROM: **DAVID BRAGG, FLEET OPERATIONS SUPT.**

DATE: **February 27, 2008**

SUBJECT: **Purchase of one Tri-Axle Dump truck**

RECOMMENDATION: That City Council approve the purchase of one tri-axle dump truck in the amount of $106,259 for assignment to the Transportation Division.

BACKGROUND: **Bid #08-19** was opened on February 12, 2008 for one tri-axle dump truck. Four bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Truck Centers of Arkansas (Springdale) meets all specifications.

I recommend acceptance of the bid from Truck Centers of Arkansas in the amount of $106,259.00.

This unit is a replacement for unit #724, a 1996 Mack that is no longer dependable for daily operation.

Funds are available for this purchase in Fleet Replacement Special Project 02079 – Heavy Trucks

The purchase of this truck was approved by the Equipment Committee at the meeting on February 26, 2008.

Fayetteville
ARKANSAS

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

Equipment Committee Correspondence

TO: **City of Fayetteville, Equipment Committee**
Bobby Ferrell, Chairman **Adella Gray**
Kyle Cook **Lioneld Jordan**

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

DATE: **February 19, 2008**

SUBJECT: **Award of Bid 08-19**

Bid #08-19 was opened on February 12, 2008 for one tri-axle dump truck for assignment to the Transportation Division. Four bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Truck Centers of Arkansas (Springdale) meets all specifications.

I recommend acceptance of the bid from Truck Centers of Arkansas in the amount of $106,259.00.

This unit is a replacement for unit #724, a 1996 Mack that is no longer dependable for daily operation..

Funds are available for this purchase in Fleet Replacement Special Project 02079 – Heavy Trucks

Cc:
Gary Dumas

APPROVED
2/26/2008

RESOLUTION NO. ______

A RESOLUTION AWARDING BID #08-19 AND APPROVING THE PURCHASE OF ONE (1) TRI-AXLE DUMP TRUCK FROM TRUCK CENTERS OF ARKANSAS IN THE AMOUNT OF $106,259.00 FOR USE BY THE TRANSPORTATION DIVISION.

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 #08-19 and approves the purchase of one (1) Tri-axle dump truck from Truck Centers of Arkansas in the amount of $106,259.00 for use by the Transportation Division.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED: ATTEST:

By: ______________________________
DAN COODY, Mayor

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

BID: 08-19
2/12/2008
2:00 PM
CITY OF FAYETTEVILLE

Bid 08-19, Tri-Axle Dump Truck

BIDDER	Manufacturer	Model	Total Price
1 Diamond International of Little Rock - OPT 1			
Item 1	International Hilbilt	7600	$97,621.00
Item 2	Hilbilt	Mongoose XL	$14,792.00
		TOTAL	*$112,413.00*
2 Diamond International of Little Rock - OPT 2			
Item 1	International	7600	$97,621.00
Item 2	Davis	EFMT 15-16 Elliptical	$15,345.00
			$112,966.00
3 Glover's Truck Parts & Equipment			
Item 1	Sterling	LT 9513	$95,539.00
Item 2	Hilbilt	16' Mongoose XL	$14,792.00
		TOTAL	*$110,331.00*
4 Truck Centers of Arkansas			
Item 1	Freightliner	M2 112	$91,467.00
Item 2	Hilbilt	Mongoose XL	$14,792.00
		TOTAL	*$106,259.00*

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P Vice
P. VICE PURCH MGR

WITNESS

2/12/08
DATE

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:
Date: 2/21/2008
P.O Number:
Expected Delivery Date:

Vendor #: 16751
Vendor Name: TRUCK CENTERS OF ARKANSAS
Mail Yes:___ No: XX
Address:
Fob Point:
Taxable Yes:___ No: XX
City:
State:
Zip Code:
Ship to code: 050
Divison Head Approval:
Quotes Attached Yes:____ No:____
Requester: Barbara Olsen
Requester's Employee #: 1940
Extension: 485

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	FREIGHTLINER M2-112 TRI-AXLE	1	EA	$106,259.00	$106,259.00	9700.1920.5802.00	02079.1		
2	DUMP TRUCKS WITH HILBILT		EA		$0.00				
3	MONGOOSE XL BODY, PER BID		EA		$0.00				
4	08-19. TO BE UNIT #760, FIXED		EA		$0.00				
5	ASSET #700760		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: 106,259.00
Tax: EXEMPT
Total: 106,259.00

Approvals:

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

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

3/18/2008
City Council Meeting Date
Agenda Items Only

David Bragg	Fleet Operations	Operations
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid #08-20 to Truck Centers of Arkansas (Springdale) in the amount of $471,873 for the purchase of three Recycle trucks for use by Solid Waste Division.

$ 471,873.00	$ 629,000.00	Sanitation Equipment
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ -	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02082.1	$ 629,000.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — Date 2-27-08

City Attorney — Date 2/29/08

Finance and Internal Service Director — Date 2-29-08

Mayor — Date 3/4/08

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office — ENTERED 2/27/08

Received in Mayor's Office — ENTERED 2/29/08

Comments:

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425

100 BEST FLEETS

Interdepartmental Correspondence

TO: **MAYOR/CITY COUNCIL**

THRU: **GARY DUMAS, DIRECTOR OF OPERATIONS**

FROM: **DAVID BRAGG, FLEET OPERATIONS SUPT.**

DATE: **February 27, 2008**

SUBJECT: **Purchase of three Recycle trucks**

RECOMMENDATION: That City Council approve the purchase of three Recycle trucks in the amount of $471,873 for assignment to the Solid Waste Division.

BACKGROUND: **Bid #08-20** was opened on February 12, 2008 for 3 recycle trucks. Four bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Diamond International was withdrawn by the bidder due to a pricing error. The lowest remaining bid from Truck Centers of Arkansas (Springdale) meets all specifications.

I recommend acceptance of the bid from Truck Centers of Arkansas in the amount of $471,873.00.

These units are replacements for units #455, #456, #457- 2000 Internationals which have the old top side plastic storage body design that continues to cause operator arm and shoulder injury. Two of these trucks also will require engine overhauls if they remain in service.

Funds are available for this purchase in Fleet Replacement Special Project 02082 – Solid Waste Equipment.

The purchase of this truck was approved by the Equipment Committee at the meeting on February 26, 2008.

RESOLUTION NO. ______

A RESOLUTION AWARDING BID #08-20 AND APPROVING THE PURCHASE OF THREE (3) RECYCLE TRUCKS FROM TRUCK CENTERS OF ARKANSAS IN THE AMOUNT OF $471,873.00 FOR USE BY THE SOLID WASTE & RECYCLING DIVISION.

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 #08-20 and approves the purchase of three (3) recycle trucks from Truck Centers of Arkansas in the amount of $471,873.00 for use by the Solid Waste & Recycling Division.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED:

By: ____________________________
DAN COODY, Mayor

ATTEST:

By: ____________________________
SONDRA E. SMITH, City Clerk/Treasurer

Fayetteville ARKANSAS

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

Equipment Committee Correspondence

TO: **City of Fayetteville, Equipment Committee**
Bobby Ferrell, Chairman **Adella Gray**
Kyle Cook **Lioneld Jordan**

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

DATE: **February 19, 2008**

SUBJECT: **Award of Bid 08-20**

Bid #08-20 was opened on February 12, 2008 for 3 recycle trucks for assignment to the Solid Waste Division. Four bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Diamond International was withdrawn by the bidder due to a pricing error.

The lowest remaining bid from Truck Centers of Arkansas (Springdale) meets all specifications.

I recommend acceptance of the bid from Truck Centers of Arkansas in the amount of $471,873.00.

These units are replacements for units #455, #456, #457; 2000 Internationals which have the old top side plastic storage body design that continues to cause operator arm and shoulder injury. Two of these trucks also will require engine overhauls if they remain in service.

Funds are available for this purchase in Fleet Replacement Special Project 02082 – Solid Waste Equipment

Cc:
Gary Dumas

APPROVED
3 FOR
1 NO
2/26/2008

BID: 08-20
2/12/2008
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville
ARKANSAS

Bid 08-20, Recycle Truck

BIDDER	Manufacturer	Model	Price Each	Qty	Total Bid Price
1 Diamond International of Little Rock					
Item 1	Diamond International	4400	$63,178.00	3	$189,534.00
Item 2	Downing Sales	Versa Haul	$89,630.00	3	$268,890.00
				Total	*$458,424.00*
2 Downing Sales & Service, Inc.					
Item 1	Freightliner	M2 106	$72,868.00	3	$218,604.00
Item 2	Kann	Commingler Versa Haul	$89,630.00	3	$268,890.00
				Total	*$487,494.00*
3 Peterbuilt of Fort Smith					
Item 1	Peterbilt	320	$96,850.00	3	$290,550.00
Item 2	Kann Versa	Recycle Body	$89,630.00	3	$268,890.00
				Total	*$559,440.00*
4 Truck Center of Arkansas					
Item 1	Freightliner	M2 106	$67,661.00	3	$202,983.00
Item 2	Kann	Versa Haul	$89,630.00	3	$268,890.00
				Total	*$471,873.00*

***NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.**

CERTIFIED: P Vice
P. VICE PURCH MGR

[signature]
WITNESS

2/12/08
DATE

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 2/21/2008

P.O Number:

Expected Delivery Date:

Vendor #: 16751

Vendor Name: TRUCK CENTERS OF ARKANSAS

Mail Yes:___ No: XX

Address:

Fob Point:

Taxable Yes:___ No: XX

City:

State:

Zip Code:

Ship to code: 050

Divison Head Approval:

Quotes Attached Yes:_____ No:_____

Requester: Barbara Olsen

Requester's Employee #: 1940

Extension: 485

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	FREIGHTLINER M2-106 TRUCKS	3	EA	$157,291.00	$471,873.00	9700.1920.5802.00	02082.1		
2	WITH KANN VERSA HAUL		EA		$0.00				
3	RECYCLE BODIES, PER BID 08-20		EA		$0.00				
4	TO BE UNITS: 495, F.A. 700495,		EA		$0.00				
5	496, F.A. 700496, AND 497, F.A. 700497		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: 471,873.00

Tax: EXEMPT

Total: 471,873.00

Approvals:

Mayor: ____________

Department Director: ____________

Purchasing Manager: ____________

Finance & Internal Services Director: ____________

Budget Manager: ____________

IT Manager: ____________

Dispatch Manager: ____________

Utilities Manager: ____________

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

3/18/2008
City Council Meeting Date
Agenda Items Only

David Bragg	Fleet Operations	Operations
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid #08-21 to Downing Sales and Service in the amount of $158,735 for the purchase of one drop box truck for use by Solid Waste Division, and approval of the budget adjustment to move $1805 to the Sanitation Equipment Project 02082.1 from Project 02081.1.

$ 158,735.00	$ 629,000.00	Sanitation Equipment
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 471,873.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02082.1	$ 157,127.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [X]

Department Director — Date: 2-28-09

City Attorney — Date: 2/29/09

Paul A. Becker
Finance and Internal Service Director — Date: 2-29-08

Mayor — Date: 3/4/08

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office — ENTERED 2/28/08

Received in Mayor's Office — ENTERED 2/29/08

Comments:

Fayetteville ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425

100 BEST FLEETS

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: GARY DUMAS, DIRECTOR OF OPERATIONS

FROM: DAVID BRAGG, FLEET OPERATIONS SUPT.

DATE: February 27, 2008

SUBJECT: Purchase of one Drop Box truck

RECOMMENDATION: That City Council approve the purchase of one Drop Box truck in the amount of $158,735 for assignment to the Solid Waste Division.

BACKGROUND: Bid #08-21 was opened on February 12, 2008 for one drop box truck. Four bid responses were received. A detailed tabulation sheet is attached.

The lowest bid (OPT 1) from Downing Sales & Service for a Mack chassis does not meet the engine specifications. The second lowest bid (OPT 3) from Downing Sales & Service meets all specifications.

I recommend acceptance of the bid (OPT 3) from Downing Sales & Service in the amount of $158,735.00.

This unit is a replacement for unit #459, a 2000 Mack that is no longer dependable for daily operation as the demand for drop box service continues to grow.

Funds are available for this purchase in Fleet Replacement Special Project 02082 – Solid Waste Equipment.

The purchase of this truck was approved by the Equipment Committee at the meeting on February 26, 2008.

RESOLUTION NO. ______

A RESOLUTION AWARDING BID #08-21 AND APPROVING THE PURCHASE OF ONE (1) DROP BOX TRUCK FROM DOWNING SALES AND SERVICE IN THE AMOUNT OF $158,735.00 FOR USE BY THE SOLID WASTE & RECYCLING DIVISION; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $1,805.00.

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 awards Bid #08-21 and approves the purchase of one (1) drop box truck from Downing Sales and Service in the amount of $158,735.00 for use by the Solid Waste & Recycling Division.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $1,805.00.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED: ATTEST:

By: ______________________________
DAN COODY, Mayor

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

Fayetteville
ARKANSAS

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

Equipment Committee Correspondence

TO: City of Fayetteville, Equipment Committee
Bobby Ferrell, Chairman — Adella Gray
Kyle Cook — Lioneld Jordan

FROM: David Bragg, Fleet Operations Supt

DATE: February 19, 2008

SUBJECT: Award of Bid 08-21

Bid #08-21 was opened on February 12, 2008 for one drop box truck for assignment to the Solid Waste Division. Four bid responses were received. A detailed tabulation sheet is attached.

The lowest bid (OPT 1) from Downing Sales & Service for a Mack chassis does not meet the engine specifications.

The second lowest bid (OPT 3) from Downing Sales & Service meets all specifications.

I recommend acceptance of the bid (OPT3) from Downing Sales & Service in the amount of $158,735.00.

This unit is a replacement for unit #459, a 2000 Mack that is no longer dependable for daily operation as the demand for drop box service continues to grow.

Funds are available for this purchase in Fleet Replacement Special Project 02082 – Solid Waste Equipment

Cc:
Gary Dumas

APPROVED

2/26/2008

DRB

BID: 08-21
2/12/2008
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville ARKANSAS

Bid 08-21, Drop Box Truck

	BIDDER	Manufacturer	Model	Total Price
1	Downing Sales & Services, Inc. - OPT 1			
	Item 1	Mack	MR 7	$122,770.00
	Item 2	Roll Offs USA	HO22 with Pioneer Tarper	$31,628.00
			TOTAL	*$154,398.00*
2	Downing Sales & Services, Inc. - OPT 2			
	Item 1	Mack	2009 MR 7 350 HP	$122,770.00
	Item 2	G & H	1500 with Pioneer Tarper	$36,704.00
			TOTAL	*$159,474.00*
3	Downing Sales & Services, Inc. - OPT 3			
	Item 1	Autocar	09 WK64	$127,107.00
	Item 2	Roll Offs USA	HO 6022 with Pioneer Tarpe	$31,628.00
			TOTAL	*$158,735.00*
4	Downing Sales & Services, Inc. - OPT 4			
	Item 1	Autocar	2009 WX 64	$127,107.00
	Item 2	G & H	1500 with Pioneer Tarper	$36,704.00
			TOTAL	*$163,811.00*

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P Vice
P. VICE PURCH MGR

WITNESS

2/12/08
DATE

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:		Date: 2/21/2008	
P.O Number:		Expected Delivery Date:	
Vendor #: 3842	Vendor Name: DOWNING SALES AND SERVICE	Mail Yes:___ No: XX	
Address:	Fob Point:	Taxable Yes:___ No: XX	
City:	State:	Zip Code:	Ship to code: 050
Divison Head Approval:	Quotes Attached Yes:_____ No:_____		
Requester: Barbara Olsen	Requester's Employee #: 1940	Extension: 485	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2009 AUTOCAR WK64 TRUCK	1	EA	$158,735.00	$158,735.00	9700.1920.5802.00	02082.1		
2	WITH ROLL OFFS BODY, HO 6022		EA		$0.00				
3	WITH PIONEER TARPER, PER		EA		$0.00				
4	BID 08-21. TO BE UNIT #498,		EA		$0.00				
5	FIXED ASSET 700498		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: 158,735.00

Tax: EXEMPT

Total: 158,735.00

Approvals:

Mayor: ____________

Finance & Internal Services Director: ____________

Dispatch Manager: ____________

Department Director: ____________

Budget Manager: ____________

Utilities Manager: ____________

Purchasing Manager: ____________

IT Manager: ____________

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Operations Division: Fleet Operations Program: Capital Expenditures	Date Requested	Adjustment Number
2007			

Project or Item Added/Increased:
$1805 is requested in the Vehicles and Equipment account in the Sanitation Equipment capital Project.

Project or Item Deleted/Reduced:
$1805 is request in the Vehicles and Equipment account in the Police/Passenger Vehicles capital Project.

Justification of this Increase:
Fleet underestimated the purchase price of the replacement unit for #459. Three other trucks in that project came in under budget, but there is still a shortfall.

Justification of this Decrease:
The replacement for unit #1036 came in under budget so there are extra funds in this project. Sufficient funding remains to complete 2007 objectives.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	9700	1920	5802	00	1,805	02082	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	9700	1920	5802	00	1,805	02081	1

Approval Signatures

		Date
Barbara Olsen	Requested By	2-20-08
[signature]	Budget Manager	2/21/08
[signature]	Department Director	2-21-08
Paul A. Becker	Finance & Internal Services Director	2-21-08
Dan Coody	Mayor	2/28/08

Budget Office Use Only

Type: A B C D E

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

Entered in Category Log — Initial — Date

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

3/18/2008
City Council Meeting Date
Agenda Items Only

David Bragg	Fleet Operations	Operations
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid #08-22 to Truck Centers of Arkansas (Springdale) in the amount of $76,423 for the purchase of one container carrier truck for use by Solid Waste Division.

$ 76,423.00	$ 946,000.00	Heavy Utility Trucks
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 517,269.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02079.1	$ 428,731.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — Date 2-27-08

City Attorney — Date 2/29/08

Finance and Internal Service Director — Date 2-29-08

Mayor — Date 3/4/08

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office — ENTERED 2/27/08

Received in Mayor's Office — ENTERED 2/29/08

Comments:

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425

100 BEST FLEETS

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: GARY DUMAS, DIRECTOR OF OPERATIONS

FROM: DAVID BRAGG, FLEET OPERATIONS SUPT.

DATE: February 27, 2008

SUBJECT: Purchase of one container carrier truck

RECOMMENDATION: That City Council approve the purchase of one container carrier truck in the amount of $76,423 for assignment to the Solid Waste Division.

BACKGROUND: Bid #08-22 was opened on February 12, 2008 for one container carrier truck. Six bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Truck Centers of Arkansas (Springdale) meets all specifications.

I recommend acceptance of the bid from Truck Centers of Arkansas in the amount of $76,423.00.

This unit is a replacement for unit #340, a 2002 Ford F-350 which was designed to handle empty containers. Removal of a temporary container necessitates dispatch of two trucks – one to dump the container and #340 to move the empty. The replacement truck will haul empty and loaded containers and dump the contents. Unit #340 will be reassigned to OMI hay farm to replace a 1983 Ford truck.

Funds are available for this purchase in Fleet Replacement Special Project 02079 – Heavy Trucks.

The purchase of this truck was approved by the Equipment Committee at the meeting on February 26, 2008.

RESOLUTION NO. ______

A RESOLUTION AWARDING BID #08-22 AND APPROVING THE PURCHASE OF ONE (1) CONTAINER CARRIER TRUCK FROM TRUCK CENTERS OF ARKANSAS IN THE AMOUNT OF $76,423.00 FOR USE BY THE SOLID WASTE & RECYCLING DIVISION.

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 #08-22 and approves the purchase of one (1) container carrier truck from Truck Centers of Arkansas in the amount of $76,423.00 for use by the Solid Waste & Recycling Division.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED:	ATTEST:
By: ______________________	By: ______________________
DAN COODY, Mayor	**SONDRA E. SMITH**, City Clerk/Treasurer

Fayetteville
ARKANSAS

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

Equipment Committee Correspondence

TO: **City of Fayetteville, Equipment Committee**
Bobby Ferrell, Chairman **Adella Gray**
Kyle Cook **Lioneld Jordan**

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

DATE: **February 19, 2008**

SUBJECT: **Award of Bid 08-22**

Bid #08-22 was opened on February 12, 2008 for one container carrier truck for assignment to the Solid Waste Division. Six bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Truck Centers of Arkansas (Springdale) meets all specifications.

I recommend acceptance of the bid from Truck Centers of Arkansas in the amount of $76,423.00.

This unit is a replacement for unit #340, a 2002 Ford F-350 which was designed to handle empty containers. Removal of a temporary container necessitates dispatch of two trucks – one to dump the container and #340 to move the empty. The replacement truck will haul empty and loaded containers and dump the contents. Unit #340 will be reassigned to OMI hay farm to replace a 1983 Ford truck.

Funds are available for this purchase in Fleet Replacement Special Project 02079 – Heavy Trucks

Cc:
Gary Dumas

APPROVED

2/26/2008

BID: 08-22
2/12/2008
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville ARKANSAS

Bid 08-22, Container Carrier Truck

BIDDER	Manufacturer	Model	Total Price
1 Downing Sales & Service, Inc. - OPT 1			
Item 1	Freightliner	M2 106	$57,265.00
Item 2	KPAC	KPCCR	$21,063.00
		TOTAL	$78,328.00
2 Downing Sales & Service, Inc. - OPT 2			
Item 1	Freightliner	M2 106	$57,265.00
Item 2	G & H	8000R	$21,660.00
		TOTAL	$78,925.00
3 Peterbilt of Fort Smith - OPT 1			
Item 1	Peterbilt	335	$64,625.00
Item 2	2008 K-Pac	KPCCR	$21,063.00
		TOTAL	$85,688.00
4 Peterbilt of Fort Smith - OPT 2			
Item 1	Peterbilt	335	$64,625.00
Item 2	2008 G & H	8000R	$21,660.00
		TOTAL	$86,285.00
5 Truck Centers of Arkansas - OPT 1			
Item 1	Freightliner	M2 106	$55,360.00
Item 2	K-Pac	KPCCR	$21,063.00
		TOTAL	$76,423.00
6 Truck Centers of Arkansas - OPT 2			
Item 1	Freightliner	M2 106	$55,360.00
Item 2	G & H	8000R	$21,660.00
		TOTAL	$77,020.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P Vice
P. VICE PURCH MGR

A. Foller
WITNESS

2/12/08
DATE

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 2/21/2008

P.O Number:

Expected Delivery Date:

Vendor #: 16751

Vendor Name: TRUCK CENTERS OF ARKANSAS

Mail Yes:___ No: XX

Address:

Fob Point:

Taxable Yes:___ No: XX

City:

State:

Zip Code:

Ship to code: 050

Divison Head Approval:

Quotes Attached Yes:_____ No:_____

Requester: Barbara Olsen

Requester's Employee #: 1940

Extension: 485

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	FREIGHTLINER M2-106 WITH	1	EA	$76,423.00	$76,423.00	9700.1920.5802.00	02079.1		
2	KPAC KPCCR BODY PER BID		EA		$0.00				
3	08-22. TO BE UNIT #761, FIXED		EA		$0.00				
4	ASSET 700761		EA		$0.00				
5			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: 76,423.00

Tax: EXEMPT

Total: 76,423.00

Approvals:

Mayor: ____________

Department Director: ____________

Purchasing Manager: ____________

Finance & Internal Services Director: ____________

Budget Manager: ____________

IT Manager: ____________

Dispatch Manager: ____________

Utilities Manager: ____________

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

3/18/2008
City Council Meeting Date
Agenda Items Only

David Bragg	Fleet Operations	Operations
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid #08-23 to Scruggs Equipment Company of Memphis in the amount of $90,332 for the purchase of one knuckleboom truck for use by Solid Waste Division.

$ 90,332.00	$ 946,000.00	Heavy Utility Trucks
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 607,601.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02079.1	$ 338,399.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

2.27.08
Department Director — Date

2/29/08
City Attorney — Date

Paul A. Becker 2-29-08
Finance and Internal Service Director — Date

Dan Coody 3/4/08
Mayor — Date

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office — ENTERED 2/27/08

Received in Mayor's Office — ENTERED 2/29/08

Comments:

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425

100 BEST FLEETS

Interdepartmental Correspondence

TO: **MAYOR/CITY COUNCIL**

THRU: **GARY DUMAS, DIRECTOR OF OPERATIONS**

FROM: **DAVID BRAGG, FLEET OPERATIONS SUPT.**

DATE: **February 27, 2008**

SUBJECT: **Purchase of one knuckleboom truck**

RECOMMENDATION: That City Council approve the purchase of one knuckleboom truck in the amount of $90,332 for assignment to the Solid Waste Division.

BACKGROUND: **Bid #08-23** was opened on February 12, 2008 for one knuckleboom truck for assignment to the Solid Waste Division. Six bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Scruggs Equipment Company of Memphis meets all specifications.

I recommend acceptance of the bid from Scruggs Equipment Company in the amount of $90,332.02.

This unit is a replacement for unit #735, a 1999 Freightliner that is no longer dependable for daily operation. This is the only unit of its type in the fleet and is required for scheduled daily bulk waste pickup.

Funds are available for this purchase in Fleet Replacement Special Project 02079 – Heavy Trucks.

The purchase of this truck was approved by the Equipment Committee at the meeting on February 26, 2008.

RESOLUTION NO. ______

A RESOLUTION AWARDING BID #08-23 AND APPROVING THE PURCHASE OF ONE (1) KNUCKLEBOOM TRUCK FROM SCRUGGS EQUIPMENT COMPANY OF MEMPHIS IN THE AMOUNT OF $90,332.00 FOR USE BY THE SOLID WASTE & RECYCLING DIVISION.

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 #08-23 and approves the purchase of one (1) knuckleboom truck from Scruggs Equipment Company of Memphis in the amount of $90,332.00 for use by the Solid Waste & Recycling Division.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED:	ATTEST:
By: ____________________________	By: ____________________________
DAN COODY, Mayor	**SONDRA E. SMITH**, City Clerk/Treasurer

Fayetteville
ARKANSAS

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

Equipment Committee Correspondence

TO: **City of Fayetteville, Equipment Committee**
Bobby Ferrell, Chairman **Adella Gray**
Kyle Cook **Lioneld Jordan**

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

DATE: **February 19, 2008**

SUBJECT: **Award of Bid 08-23**

Bid #08-23 was opened on February 12, 2008 for one knuckleboom truck for assignment to the Solid Waste Division. Six bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Scruggs Equipment Company of Memphis meets all specifications.

I recommend acceptance of the bid from Scruggs Equipment Company in the amount of $90,332.02.

This unit is a replacement for unit #735, a 1999 Freightliner that is no longer dependable for daily operation. This is the only unit of its type in the fleet and is required for scheduled daily bulk waste pickup.

Funds are available for this purchase in Fleet Replacement Special Project 02079 – Heavy Trucks

Cc:
Gary Dumas

APPROVED

2/26/2008

JRB

BID: 08-23
2/12/2008
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville ARKANSAS

Bid 08-23, Knuckleboom Truck

BIDDER	Manufacturer	Model	Total Price
1 Diamond Trucks of Little Rock			
Item 1	International	7400 4x2	$53,576.00
Item 2	Nu Life Brush Hog	G2224B	$40,650.00
		TOTAL	$94,226.00
2 Downing Sales & Service, Inc.			
Item 1	Freightliner	M2 106	$57,873.00
Item 2	Nu Life	Brush Hawg G 2224 B	$40,650.00
		TOTAL	$98,523.00
3 Henard Utility Products, Inc.			
Item 1	International	4300 SBA 4x2 2009 yr model	$61,660.71
Item 2	Hol-Mac Corp.	Pac-Mac KBF20H/TKB-1824	$39,385.00
		TOTAL	$101,045.71
4 Peterbilt of Fort Smith			
Item 1	Peterbilt	335	$65,815.00
Item 2	Nu Life	G-2224B	$40,650.00
		TOTAL	$106,465.00
5 Scruggs Equipment Company			
Item 1	International	2008 - 7400SBA 4x2	$54,326.02
Item 2	Pac-Mac	KB20H w/ TKB-1824 Body	$36,006.00
		TOTAL	$90,332.02
6 Truck Centers of Arkansas			
Item 1	Freightliner	M2 106	$56,557.00
Item 2	Nu Life	G-2224B	$40,650.00
		TOTAL	$97,207.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P Vice
P. VICE PURCH MGR

WITNESS

2/12/08
DATE

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 2/21/2008

P.O Number:

Expected Delivery Date:

Vendor #: 88070

Vendor Name: SCRUGGS EQUIPMENT COMPANY

Mail Yes:___ No: XX

Address:

Fob Point:

Taxable Yes:___ No: XX

City:

State:

Zip Code:

Ship to code: 050

Divison Head Approval: [signature]

Quotes Attached Yes:_____ No:_____

Requester: Barbara Olsen

Requester's Employee #: 1940

Extension: 485

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2008 INTERNATIONAL 7400SBA	1	EA	$90,332.02	$90,332.02	9700.1920.5802.00	02079.1		
2	4X2 TRUCK WITH PAC-MAC KB20H		EA		$0.00				
3	WITH TKB-1824 BODY, PER BID		EA		$0.00				
4	08-23. TO BE UNIT #762, FIXED		EA		$0.00				
5	ASSET #700762		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: ______ 90,332.02

Tax: ______ EXEMPT ______

Total: ______ 90,332.02

Approvals:

Mayor: ______

Finance & Internal Services Director: ______

Dispatch Manager: ______

Department Director: ______

Budget Manager: ______

Utilities Manager: ______

Purchasing Manager: ______

IT Manager: ______

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

3/18/2008
City Council Meeting Date
Agenda Items Only

David Bragg	Fleet Operations	Operations
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid #08-26 to Golden Circle Ford of Jackson, TN in the amount of $46,504 for the purchase of one crew cab dump truck for use by Transportation Division.

$ 46,504.00	$ 462,000.00	Light/Medium Duty Trucks
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 210,314.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02078.1	$ 251,686.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — Date: 2·27·08

City Attorney — Date: 2/29/08

Finance and Internal Service Director — Paul A. Becker — Date: 2-29-08

Mayor — Date: 3/4/08

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office — ENTERED 2/27/08

Received in Mayor's Office — ENTERED 2/29/08

Comments:

Revised April 16, 2007

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425

100 BEST FLEETS

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: GARY DUMAS, DIRECTOR OF OPERATIONS

FROM: DAVID BRAGG, FLEET OPERATIONS SUPT.

DATE: February 27, 2008

SUBJECT: Purchase of one crew cab dump truck

RECOMMENDATION: That City Council approve the purchase of one crew cab dump truck in the amount of $46,504 for assignment to Transportation.

BACKGROUND: Bid #08-26 was opened on February 12, 2008 for one crew cab dump truck. Three bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Golden Circle Ford of Jackson, TN meets all specifications.

I recommend acceptance of the bid from Golden Circle Ford in the amount of $46,504.00.

This unit is a replacement for unit #326, a 2000 Ford F-350 dump truck with 115,000 miles that is no longer dependable for daily service. The higher GVW rated F-550 is more suitable for the daily mission of this type equipment. The crew cab is used for daily transportation of work crews.

Funds are available for this purchase in Fleet Replacement Special Project 02078 – Light Trucks.

The purchase of this truck was approved by the Equipment Committee at the meeting on February 26, 2008.

RESOLUTION NO. ______

A RESOLUTION AWARDING BID #08-26 AND APPROVING THE PURCHASE OF ONE (1) CREW CAB DUMP TRUCK FROM GOLDEN CIRCLE FORD OF JACKSON, TENNESSEE IN THE AMOUNT OF $46,504.00 FOR USE BY THE TRANSPORTATION DIVISION.

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 #08-26 and approves the purchase of one (1) crew cab dump truck from Golden Circle Ford of Jackson, Tennessee in the amount of $46,504.00 for use by the Transportation Division.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED: ATTEST:

By: ______________________________
DAN COODY, Mayor

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

Fayetteville
ARKANSAS

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

Equipment Committee Correspondence

TO: City of Fayetteville, Equipment Committee
Bobby Ferrell, Chairman — Adella Gray
Kyle Cook — Lioneld Jordan

FROM: David Bragg, Fleet Operations Supt

DATE: February 19, 2008

SUBJECT: Award of Bid 08-26

Bid #08-26 was opened on February 12, 2008 for one crew cab dump truck for assignment to the Transportation Division. Three bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Golden Circle Ford of Jackson, TN meets all specifications.

I recommend acceptance of the bid from Golden Circle Ford in the amount of $46,504.00.

This unit is a replacement for unit #326, a 2000 Ford F-350 dump truck with 115,000 miles that is no longer dependable for daily service. The higher GVW rated F-550 is more suitable for the daily mission of this type equipment. The crew cab is used for daily transportation of work crews.

Funds are available for this purchase in Fleet Replacement Special Project 02078 – Light Trucks.

Cc:
Gary Dumas

APPROVED

2/26/2008

2RB

BID: 08-26
2/12/2008
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville ARKANSAS

Bid 08-26, Crew Cab Dump Truck

BIDDER	Manufacturer	Model		Total Price
1 Golden Circle Ford				
Item 1	Ford	F550		$37,487.00
Item 2	Crysteel	E-Tipper Series		$9,017.00
			TOTAL	$46,504.00
2 Landers McLarty Ford Jeep - OPT 1				
Item 1	Ford F550	4x4 2008		$37,997.33
Item 2	Davis TA 3-9	TA 3-9		$9,425.00
			TOTAL	$47,422.33
3 Landers McLarty Ford Jeep - OPT 2				
Item 1	Ford F550	4x4 2008		$37,997.33
Item 2	Chrysteel	87/96-0900		$9,584.85
			TOTAL	$47,582.18

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P Vice
P. VICE PURCH MGR

WITNESS

2/12/08
DATE

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 2/21/2008

P.O Number:

Expected Delivery Date:

Vendor #: 16664

Vendor Name: GOLDEN CIRCLE FORD

Mail Yes:___ No: XX

Address:

Fob Point:

Taxable Yes:___ No: XX

City:

State:

Zip Code:

Ship to code: 050

Divison Head Approval:

Quotes Attached Yes:_____ No:_____

Requester: Barbara Olsen

Requester's Employee #: 1940

Extension: 485

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2008 FORD F550 CREW CAB DUMP	1	EA	$46,504.00	$46,504.00	9700.1920.5802.00	02078.1		
2	TRUCK WITH CRYSTEEL E-TIPPER		EA		$0.00				
3	SERIES DUMP BED PER BID 08-26		EA		$0.00				
4	TO BE UNIT #366, F.A. 700366.		EA		$0.00				
5			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: 46,504.00

Tax: EXEMPT

Total: 46,504.00

Approvals:

Mayor: ____________

Finance & Internal Services Director: ____________

Dispatch Manager: ____________

Department Director: ____________

Budget Manager: ____________

Utilities Manager: ____________

Purchasing Manager: ____________

IT Manager: ____________

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

3/18/2008
City Council Meeting Date
Agenda Items Only

Submitted By	Division	Department
David Bragg	Fleet Operations	Operations

Action Required:

A resolution awarding Bid #08-27 to Longo Toyota of Los Angeles, CA in the amount of $44,360 for the purchase of two compact hybrid sedans for assignment to the Rental Pool for out of town trip and short term local use.

$ 44,360.00	$ 493,000.00	Police/Passenger Vehicles
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 35,517.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02081.1	$ 457,483.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — Date: 2.27.08

City Attorney — Date: 2/29/08

Finance and Internal Service Director — Date: 2-29-08

Mayor — Date: 3/4/08

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office — ENTERED 2/27/08

Received in Mayor's Office — ENTERED 2/29/08

Comments:

FLEET OPERATIONS

1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: GARY DUMAS, DIRECTOR OF OPERATIONS

FROM: DAVID BRAGG, FLEET OPERATIONS SUPT.

DATE: February 27, 2008

SUBJECT: Purchase of two compact hybrid sedans

RECOMMENDATION: That City Council approve the purchase of two compact hybrid sedans for assignment to the Fleet Rental Pool for out of town and short term local use.

BACKGROUND: The bid from Longo Toyota of Los Angeles, CA meets all specifications. I have contacted the dealer and confirmed that delivery will be handled by a local Toyota dealer.

I recommend acceptance of the bid from Longo Toyota in the amount of $44,360.00.

These units are replacements for unit #1019, a 1998 Ford Crown Victoria Police Interceptor budgeted for replacement with a hybrid in 2008 and for unit #1001, a 1997 Ford Crown Victoria Police Interceptor budgeted for replacement in 2007. A vehicle life cost comparison which indicates a significant life cost advantage for the hybrid is attached.

Funds are available for this purchase in Fleet Replacement Special Project 02081 – Passenger Vehicles.

The purchase of these trucks was approved by the Equipment Committee at the meeting on February 26, 2008.

RESOLUTION NO. ______

A RESOLUTION AWARDING BID #08-27 AND APPROVING THE PURCHASE OF TWO (2) COMPACT HYBRID SEDANS FROM LONGO TOYOTA OF LOS ANGELES, CALIFORNIA IN THE AMOUNT OF $44,360.00 FOR ASSIGNMENT TO THE RENTAL POOL.

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 #08-27 and approves the purchase of two (2) compact hybrid sedans from Longo Toyota of Los Angeles, California in the amount of $44,360.00 for assignment to the rental pool.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED: ATTEST:

By: ______________________________
DAN COODY, Mayor

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

Fayetteville
ARKANSAS

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

Equipment Committee Correspondence

TO: **City of Fayetteville, Equipment Committee**
Bobby Ferrell, Chairman **Adella Gray**
Kyle Cook **Lioneld Jordan**

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

DATE: **February 19, 2008**

SUBJECT: **Award of Bid 08-27**

Bid #08-27 was opened on February 12, 2008 for two compact hybrid sedans for assignment to the Fleet Rental Pool for out of town trip and short term local use. One bid response was received. This bid is less than the State Contract bid for the same vehicle. A detailed tabulation sheet is attached.

The bid from Longo Toyota of Los Angeles, CA meets all specifications. I have contacted the dealer and confirmed that delivery will be handled by a local Toyota dealer.

I recommend acceptance of the bid from Longo Toyota in the amount of $44,360.00.

These units are replacements for unit #1019, a 1998 Ford Crown Victoria Police Interceptor budgeted for replacement with a hybrid in 2008 and for unit #1001, a 1997 Ford Crown Victoria Police Interceptor budgeted for replacement in 2007. A vehicle life cost comparison which indicates a significant life cost advantage for the hybrid is attached.

Funds are available for this purchase in Fleet Replacement Special Project 02081 – Passenger Vehicles.

Cc:
Gary Dumas

APPROVED

2/26/2008

2RB

BID: 08-27
2/12/2008
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville
ARKANSAS

Bid 08-27, Compact Hybrid Sedan

	BIDDER	Manufacturer	Model	Price Each	Qty	Total Bid Price
1	Longo Toyota	Toyota	Prius	$22,180.00	2	$44,360.00

***NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.**

CERTIFIED: P Vice
P. VICE PURCH MGR

WITNESS

2/12/08
DATE

HYBRID VEHICLE LIFE COST COMPARISON

ASSUMPTIONS:

750 Miles per month, Administrative use
10 Years life — Life Miles 90,000

$ 4.00 Fuel cost per gallon average: ($2.63 on 2/15/2008)
Equal maintenance cost

VEHICLE	AVE MPG	LIFE FUEL COST	ACQUISITION COST	RESALE RESIDUAL	LIFE COST DEPRECIATION	TOTAL LIFE COST	COST / MILE
Toyota Prius Hybrid	46	$ 7,826.09	$ 22,180.00	25%	$ 16,635.00	$ 24,461.09	$ 0.272
Ford Fusion	23	$ 15,652.17	$ 14,500.00	20%	$ 11,600.00	$ 27,252.17	$ 0.303

Average MPG is combined City/Highway MPG according to new EPA standards
Fuel cost per gallon is a best guess estimate of average fuel prices over the life expectancy of the vehicle

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 2/27/2008

P.O Number:

Expected Delivery Date:

Vendor #:

Vendor Name: LONGO TOYOTA

Mail Yes:___ No: XX

Address:

Fob Point:

Taxable Yes:___ No: XX

City:

State:

Zip Code:

Ship to code: 050

Divison Head Approval:

Quotes Attached Yes:_____ No:_____

Requester: Barbara Olsen

Requester's Employee #: 1940

Extension: 485

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	TOYOTA PRIUS HYBRID SEDANS	2	EA	$22,180.00	$44,360.00	9700.1920.582.00	02081.1		
2	PER BID #08-27, TO BE UNITS		EA		$0.00				
3	1176, F.A. 701176 AND 1190, F.A.		EA		$0.00				
4	#701190		EA		$0.00				
5			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: 44,360.00

Tax: EXEMPT

Total: 44,360.00

Approvals:

Mayor: ____________

Department Director: ____________

Purchasing Manager: ____________

Finance & Internal Services Director: ____________

Budget Manager: ____________

IT Manager: ____________

Dispatch Manager: ____________

Utilities Manager: ____________

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

18-Mar-08
City Council Meeting Date

David Jurgens	Wastewater System Improv Proj	Water/Wastewater
Submitted By	Division	Department

Action Required:

Approval of the purchase of office equipment and furniture for the new West Side Wastewater Treatment Plant in the amount of $29,948.99, and approval of a $1,000 contingency.

$ 30,948.99	$ 113,086,082	Wastewater System Imp Project
Cost of this request	Category / Project Budget	Program Category / Project Name
4520.9520.5801.00	$ 89,150,585	Water and Wastewater
Account Number	Funds Used to Date	Program / Project Category Name
02133.0201	$ 23,935,497	Water/Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item XX

Budget Adjustment Attached

Department Director — Date: 12 FEB 08

City Attorney — Date: 2/29/08

Paul A. Becker — Finance and Internal Service Director — Date: 3-3-08

Mayor — Date: 3/4/08

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office
ENTERED 2/28/08

Received in Mayor's Office
ENTERED 3/3/08

Comments: PAGES 2, 3 & 4 of the purchase requisition have been replaced during the review. DJ

Fayetteville
ARKANSAS

City Council Meeting of March 18, 2008

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody

From: David Jurgens, Water and Wastewater Director

Date: 28 February 2008

Subject: Approval of the purchase of office equipment and furniture for the new West Side Wastewater Treatment Plant in the amount of $29,948.99, and approval of a $1,000 contingency.

RECOMMENDATION

City Administration recommends approval of the purchase of office equipment and furniture for the new West Side Wastewater Treatment Plant in the amount of $29,948.99 (tax included), and approval of a $1,000 contingency.

BACKGROUND

The West Side WWTP will reach substantial completion in the end of May, with effluent being discharged in early June, as projected when we entered into this contract in 2005. While there will be construction that takes place after this date that will bring the facility to final completion, the plant will be placed in operation in the end of May.

DISCUSSION

This office equipment and furniture is required for operations and training at the new West Side WWTP. The furniture will primarily be used in the Operations and Vehicle Storage buildings. Prices are established through an existing publicly solicited purchasing contract through US Communities, and include installation. The contingency is requested to allow for minor hardware and adjustments that may be necessary to make the equipment fit correctly in the spaces available.

The furniture was selected by a team with an emphasis on matching the item with the need and anticipated use, ensuring durability, staying consistent with the City's environmentally friendly purchasing policy, and providing value for 15 years or more. Furniture from multiple vendors was considered to ensure we obtained the best value. $200,000 is included in the WSIP budget for furniture, fixtures, and equipment. A current status of all items is below.

Item	Cost	Remarks
Furniture	$ 29,948.99	
Appliances	$ 3,600.00	*estimate*
Computers/Copier/Printer	$ 6,000.00	*estimate*
Lab Equipment	$ 27,348.17	
Phone System	$ 19,002.21	*One additional request to follow*
Radio	$ 8,000.00	*estimate*
TOTAL	**$ 93,899.37**	
Budget	**$ 200,000.00**	

BUDGET IMPACT

$200,000 is included within the WSIP Project for furniture, fixtures, and equipment.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF OFFICE EQUIPMENT AND FURNITURE FROM NORMAN COMPANY THROUGH U.S. COMMUNITIES IN THE AMOUNT OF $30,948.88 FOR THE NEW WEST SIDE WASTEWATER TREATMENT PLANT; AND APPROVING A CONTINGENCY OF $1,000.00.

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 office equipment and furniture from Norman Company through U.S. Communities in the amount of $30,948.88 for the new West Side Wastewater Treatment Plant.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a contingency of $1,000.00.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED: ATTEST:

By: ______________________________
DAN COODY, Mayor

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

West Side WWTP Itemized Furniture List

Bldg	Area	Qty	Item	Unit Cost	Ext Cost
Operations Building	Offices	2	Office Desk, left	$737.50	$1,475.00
		2	Office Desk, right	$737.50	$1,475.00
		4	Desk Chair	$330.74	$1,322.96
		4	Chair	$141.68	$566.72
		2	Wall Mounting Kit (for panels)	$31.04	$62.08
		4	Petition Panel	$251.52	$1,006.08
	Control Rm	6	Chair	$330.74	$1,984.44
		1	Rectangular Table	$390.00	$390.00
		2	Filing Cabinet	$325.00	$650.00
		1	Stool (for Lab)	$202.50	$202.50
	Conference Room	20	Chair (pk of 4)	$225.00	$4,500.00
		10	Long Table/Drop Leaf	$459.24	$4,592.40
		2	Chair Stacking Dolly	$240.00	$480.00
		1	Table Transport Dolly	$433.87	$433.87
	Foyer	2	Chair	$514.99	$1,029.98
		1	Coffee Table	$120.00	$120.00
	File Room	2	Filing Cabinet (Multi High)	$570.00	$1,140.00
		2	Filing Cabinet (2 drawer lateral)	$325.00	$650.00
		2	Cabinet for Blue Prints (flat filing)	$399.00	$798.00
		1	Base for flat file cabinet	$45.00	$45.00
	Storage	3	Storage Shelves (Heavy Duty)	$79.00	$237.00
					$0.00
					$0.00
Vehicle Storage Building	Office & Shop	1	Desk	$275.50	$275.50
		2	Chair	$141.68	$283.36
		1	File Cabinet	$620.00	$620.00
		2	Book Shelf for Manuals	$287.50	$575.00
Biosolids Building	Office	2	Chair	$141.68	$283.36
			Labor and Installation		$2,215.00

Sub-Total	$27,413.25
Tax	$2,535.74
Total	$29,948.99

PROPOSAL: 22791

DATE: 02/08/08

PROJECT #: 6-192

PROPOSAL FOR:

Peggy Bell
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

INSTALL AT:

City of Fayetteville

Fayetteville, AR 72701
Peggy Bell

SALESPERSON: Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH: 06/30/08

#	QTY		DESCRIPTION		SELL	EXTENDED
1	2.00		4-LEG STACKER,NO ARMS,POLY OUTER		141.68	283.36
		( )	STANDARD VERSION			
		,H7-	AGORA VINYL	GRADE A/1		
		~	UNDECIDED COLOR			
		,TR-	PAINT/PVC			
		~	UNDECIDED COLOR			
			Tagging: OFFICE BIOSOLIDS BLDG			
2	4.00		LOOK,MID-BACK,SYNCHRO,HGT ADJ ARM,HARD CASTER,NO LOCK		330.74	1,322.96
		,H7-	AGORA VINYL	GRADE A/1		
		~	UNDECIDED COLOR			
		,TR-	SURFACE 2			
		00F	BLACK			
			Tagging: CONTROL CONTROL OFFICE			
3	1.00		Rectangular Top 72", 72W x 36D x 1-5/8H		207.50	207.50
		ERH	Hard Rock Maple	0		
			Tagging: CONTROL CONTROL OFFICE			

PROPOSAL: 22791

DATE: 02/08/08

PROJECT #: 6-192

PROPOSAL FOR:

Peggy Bell
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

INSTALL AT:

City of Fayetteville

Fayetteville, AR 72701
Peggy Bell

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
06/30/08

#	QTY		DESCRIPTION	SELL	EXTENDED
4	1.00		Panel Base (2) For Tables 72" And 96", 24W x 1-5/8D x 28H	182.50	182.50
		ERH	Hard Rock Maple 0		
			Tagging: CONTROL CONTROL OFFICE		
5	2.00		2 DRAWER LATERAL FILE	325.00	650.00
		P01	Crystal Black 0		
			Tagging: CONTROL CONTROL OFFICE		
6	2.00		MULTI 4 HIGH (2 DOORS+LATERAL)	570.00	1,140.00
		P01	Crystal Black 0		
			Tagging: FILESTOR CONTROL OFFICE		
7	2.00		2 DRAWER LATERAL FILE	325.00	650.00
		P01	Crystal Black 0		
			Tagging: FILESTOR CONTROL OFFICE		
8	2.00		5 Drawer Flat File, 36x46x15	399.00	798.00
			Tagging: FILESTOR CONTROL OFFICE		

PROPOSAL: 22791

DATE: 02/08/08

PROJECT #: 6-192

PROPOSAL FOR:

Peggy Bell
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

INSTALL AT:

City of Fayetteville

Fayetteville, AR 72701
Peggy Bell

SALESPERSON: Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH: 06/30/08

#	QTY		DESCRIPTION	SELL	EXTENDED
9	1.00		Flat File Closed Base, 35x46x6	45.00	45.00
			Tagging: FILESTOR CONTROL OFFICE		
10	1.00		Radar Stool No Arms	202.50	202.50
		E3	Black		
		~2	Std. - Grade 2		
		AM	Alpha Marquesa		
		~	No Color Selection		
		P	Std - Pneumatic Seat Height		
		HDW	Std - Hard Dual-Wheel Casters		
		~	No Selection		
		~	No Selection		
			Tagging: LAB CONTROL OFFICE		
11	2.00		CASSIS LOUNGE,SINGLE SEAT	514.99	1,029.98
		(2H)	FIXED SEAT HEIGHT AND ARM		
		,H7-	AGORA VINYL GRADE A/1		
		~	UNDECIDED COLOR		
			Tagging: LOBBY CONTROL OFFICE		
12	1.00		Coffee Table, 22W x 22D x 18H	120.00	120.00
		ERH	Hard Rock Maple	0	

CONTINUED...

PROPOSAL: 22791

DATE: 02/08/08

PROJECT #: 6-192

PROPOSAL FOR:

Peggy Bell
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

INSTALL AT:

City of Fayetteville

Fayetteville, AR 72701
Peggy Bell

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
06/30/08

#	QTY		DESCRIPTION		SELL	EXTENDED
		ERH	Hard Rock Maple	0		
			Tagging: LOBBY CONTROL OFFICE			
13	2.00		4-LEG STACKER,NO ARMS,POLY OUTER		141.68	283.36
		( )	STANDARD VERSION			
		,H7-	AGORA VINYL	GRADE A/1		
		~	UNDECIDED COLOR			
		,TR-	PAINT/PVC			
		~	UNDECIDED COLOR			
			Tagging: OFFICE 1 CONTROL OFFICE			
14	2.00		LOOK,MID-BACK,SYNCHRO,HGT ADJ ARM,HARD CASTER,NO LOCK		330.74	661.48
		,H7-	AGORA VINYL	GRADE A/1		
		~	UNDECIDED COLOR			
		,TR-	SURFACE 2			
		00F	BLACK			
			Tagging: OFFICE 1 CONTROL OFFICE			

PROPOSAL: 22791

DATE: 02/08/08

PROJECT #: 6-192

PROPOSAL FOR:

Peggy Bell
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

INSTALL AT:

City of Fayetteville

Fayetteville, AR 72701
Peggy Bell

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
06/30/08

#	QTY		DESCRIPTION		SELL	EXTENDED
15	2.00		STRAIGHT FABRIC PANEL NO-POWER 36" X 62"		251.52	503.04
		(B)	POWER BASE			
		,C1-	STRIAE,	GRADE A		
		~	UNDECIDED COLOR			
		,C1-	STRIAE,	GRADE A		
		~	UNDECIDED COLOR			
		,TR-	SURFACE 3			
		~	UNDECIDED COLOR			
		,TR-	SURFACE 4			
		~	UNDECIDED COLOR			
			Tagging: OFFICE 1 CONTROL OFFICE			
16	1.00		WALL MOUNT KIT 62"		31.04	31.04
		,TR-	SURFACE 1			
		~	UNDECIDED COLOR			
			Tagging: OFFICE 1 CONTROL OFFICE			
17	1.00		Left Executive Return, 42W x 24D x 29H		314.50	314.50
		ERH	Hard Rock Maple	0		
		ERH	Hard Rock Maple	0		

CONTINUED...

PROPOSAL: 22791

DATE: 02/08/08

PROJECT #: 6-192

PROPOSAL FOR:

Peggy Bell
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

INSTALL AT:

City of Fayetteville

Fayetteville, AR 72701
Peggy Bell

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
06/30/08

#	QTY		DESCRIPTION	SELL	EXTENDED
			Tagging: OFFICE 1 CONTROL OFFICE		
18	1.00		Left Sgl Pedestal Desk, 66W x 30D x 29H	423.00	423.00
		ERH	Hard Rock Maple	0	
		ERH	Hard Rock Maple	0	
			Tagging: OFFICE 1 CONTROL OFFICE		
19	1.00		Right Executive Return, 42W x 24D x 29H	314.50	314.50
		ERH	Hard Rock Maple	0	
		ERH	Hard Rock Maple	0	
			Tagging: OFFICE 1 CONTROL OFFICE		
20	1.00		Right Sgl Pedestal Desk, 66W x 30D x 29H	423.00	423.00
		ERH	Hard Rock Maple	0	
		ERH	Hard Rock Maple	0	
			Tagging: OFFICE 1 CONTROL OFFICE		

PROPOSAL: 22791

DATE: 02/08/08

PROJECT #: 6-192

PROPOSAL FOR:

Peggy Bell
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

INSTALL AT:

City of Fayetteville

Fayetteville, AR 72701
Peggy Bell

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
06/30/08

#	QTY		DESCRIPTION		SELL	EXTENDED
21	2.00		4-LEG STACKER,NO ARMS,POLY OUTER		141.68	283.36
		( )	STANDARD VERSION			
		,H7-	AGORA VINYL	GRADE A/1		
		~	UNDECIDED COLOR			
		,TR-	PAINT/PVC			
		~	UNDECIDED COLOR			
			Tagging: OFFICE 2 CONTROL OFFICE			
22	2.00		LOOK,MID-BACK,SYNCHRO,HGT ADJ ARM,HARD CASTER,NO LOCK		330.74	661.48
		,H7-	AGORA VINYL	GRADE A/1		
		~	UNDECIDED COLOR			
		,TR-	SURFACE 2			
		00F	BLACK			
			Tagging: OFFICE 2 CONTROL OFFICE			
23	2.00		STRAIGHT FABRIC PANEL NO-POWER 36" X 62"		251.52	503.04
		(B)	POWER BASE			
		,C1-	STRIAE,	GRADE A		
		~	UNDECIDED COLOR			
		,C1-	STRIAE,	GRADE A		

CONTINUED...

DATE: 02/08/08

PROJECT #: 6-192

PROPOSAL FOR:

Peggy Bell
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

INSTALL AT:

City of Fayetteville

Fayetteville, AR 72701
Peggy Bell

SALESPERSON: Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH: 06/30/08

#	QTY		DESCRIPTION	SELL	EXTENDED
		~	UNDECIDED COLOR		
		,TR-	SURFACE 3		
		~	UNDECIDED COLOR		
		,TR-	SURFACE 4		
		~	UNDECIDED COLOR		
			Tagging: OFFICE 2 CONTROL OFFICE		
24	1.00		WALL MOUNT KIT 62"	31.04	31.04
		,TR-	SURFACE 1		
		~	UNDECIDED COLOR		
			Tagging: OFFICE 2 CONTROL OFFICE		
25	1.00		Left Executive Return, 42W x 24D x 29H	314.50	314.50
		ERH	Hard Rock Maple	0	
		ERH	Hard Rock Maple	0	
			Tagging: OFFICE 2 CONTROL OFFICE		
26	1.00		Left Sgl Pedestal Desk, 66W x 30D x 29H	423.00	423.00
		ERH	Hard Rock Maple	0	

CONTINUED...

PROPOSAL: 22791

DATE: 02/08/08

PROJECT #: 6-192

PROPOSAL FOR:

Peggy Bell
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

INSTALL AT:

City of Fayetteville

Fayetteville, AR 72701
Peggy Bell

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
06/30/08

#	QTY		DESCRIPTION	SELL	EXTENDED
		ERH	Hard Rock Maple	0	
			Tagging: OFFICE 2 CONTROL OFFICE		
27	1.00		Right Executive Return, 42W x 24D x 29H	314.50	314.50
		ERH	Hard Rock Maple	0	
		ERH	Hard Rock Maple	0	
			Tagging: OFFICE 2 CONTROL OFFICE		
28	1.00		Right Sgl Pedestal Desk, 66W x 30D x 29H	423.00	423.00
		ERH	Hard Rock Maple	0	
		ERH	Hard Rock Maple	0	
			Tagging: OFFICE 2 CONTROL OFFICE		
29	3.00		Steel Shelving, 18x36x72	79.00	237.00
			Tagging: STORAGE CONTROL OFFICE		
30	10.0		450 TABLE, RECTANGLE, T BASE 24" X 60"	459.24	4,592.40

CONTINUED...

PROPOSAL: 22791

DATE: 02/08/08

PROJECT #: 6-192

PROPOSAL FOR:

Peggy Bell
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

INSTALL AT:

City of Fayetteville

Fayetteville, AR 72701
Peggy Bell

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
06/30/08

#	QTY		DESCRIPTION	SELL	EXTENDED
		(E4F0)	BLNS PVC,29"H,FOLD,GLD		
		(2)	LAMINATE SURFACE ONE		
		,OH-	LAMINATE		
		~	UNDECIDED COLOR		
		,TR-	EDGE		
		~	UNDECIDED COLOR		
		(2)	TRIM BASE		
		,TR-	BASE		
		~	UNDECIDED COLOR		
			Tagging: TRAINING CONTROL OFFICE		
31	1.00		TABLE TRANSPORT DOLLY - 80"	433.87	433.87
			Tagging: TRAINING CONTROL OFFICE		
32	20.0		4800 Stack Chair No Arms,Polypropylene Shell,4-Pack	225.00	4,500.00
		E3	Black		
		FS03	Black		
			Tagging: TRAINING CONTROL OFFICE		

PROPOSAL: 22791

DATE: 02/08/08

PROJECT #: 6-192

PROPOSAL FOR:

Peggy Bell
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

INSTALL AT:

City of Fayetteville

Fayetteville, AR 72701
Peggy Bell

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
06/30/08

#	QTY		DESCRIPTION		SELL	EXTENDED
33	2.00		4800 Stacking Dolly, Black		240.00	480.00
			Tagging: TRAINING CONTROL OFFICE			
34	2.00		LOOK, MID-BACK, SYNCHRO, HGT ADJ ARM, HARD CASTER, NO LOCK		330.74	661.48
		,H7-	AGORA VINYL	GRADE A/1		
		~	UNDECIDED COLOR			
		,TR-	SURFACE 2			
		00F	BLACK			
			Tagging: WORKRM CONTROL OFFICE			
35	2.00		4-LEG STACKER, NO ARMS, POLY OUTER		141.68	283.36
		( )	STANDARD VERSION			
		,H7-	AGORA VINYL	GRADE A/1		
		~	UNDECIDED COLOR			
		,TR-	PAINT/PVC			
		~	UNDECIDED COLOR			
			Tagging: OFFICE VEHICLE STORAGE			
36	2.00		Open Bookcase, 4 Shelves, 36W x 12D x 65H		287.50	575.00

CONTINUED...

PROPOSAL: 22791

DATE: 02/08/08

PROJECT #: 6-192

PROPOSAL FOR:

Peggy Bell
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

INSTALL AT:

City of Fayetteville

Fayetteville, AR 72701
Peggy Bell

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
06/30/08

#	QTY		DESCRIPTION	SELL	EXTENDED
		ERH	Hard Rock Maple 0		
			Tagging: OFFICE VEHICLE STORAGE		
37	1.00		Modular Peds, B/B/F, 15W x 18H	275.50	275.50
		ERH	Hard Rock Maple 0		
			Tagging: OFFICE VEHICLE STORAGE		
38	1.00		5 DRAWER LATERAL FILE	620.00	620.00
		P01	Crystal Black 0		
			Tagging: OFFICE VEHICLE STORAGE		
39	1.00		Labor and installation	2,215.00	2,215.00

PROPOSAL: 22791

DATE: 02/08/08

PROJECT #: 6-192

PROPOSAL FOR:

Peggy Bell
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

INSTALL AT:

City of Fayetteville

Fayetteville, AR 72701
Peggy Bell

SALESPERSON:
Jim Kirby

CUSTOMER P/O:

QUOTE VALID THROUGH:
06/30/08

#	QTY	DESCRIPTION	SELL	EXTENDED

Thank you for the opportunity to provide you with a quote for this project !

DEPOSIT REQUIRED: 13,707.00

SUBTOTAL....: 27,413.25

ACCEPTED BY:______________________

SALES TAX...: 2,535.74

DATE ACCEPTED:__________

TOTAL.......: 29,948.99

City Of Fayetteville
(Not a Purchase Order)

Vendor Number:	Vendor Name: Norman Co	Requisition No.:	Date: 2/12/2008
		P.O Number:	Expected Delivery Date:
		Mail Yes:__ No:_x_	
Address: 609 SW 8th St Ste 120	Fob Point: 15 S Broyles Ave Fayetteville, AR 72704	Taxable Yes: x_ No:___	Quotes Attached Yes:_____ No:_____
City: Bentonville / State: AR	Zip Code: 72712 / Ship to code:	Divison Head Approval:	
Requester: David Jurgens	Requester's Employee #: 490	Extension: 330	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	4-Leg Stacker, no arms	2	EA	$141.68	$283.36	4520.9520.5210.01	2133.0201		
2	Mid-Back Synchro Hgt Adj Arm	4	EA	330.74	$1,322.96	"" ""	""		
3	Rectangular Top 72", 72W x 36D x 1-5/8H	1	EA	207.50	$207.50	"" ""	""		
4	Panel Base for Tables 72" & 96"	1	EA	182.50	$182.50	"" ""	""		
5	2 Drawer Lateral File	2	EA	325.00	$650.00	"" ""	""		
6	Multi 4 High (2 doors + lateral)	2	EA	570.00	$1,140.00	"" ""	""		
7	2 Drawer Lateral File	2	EA	325.00	$650.00	"" ""	""		
8	5 Drawer Flat File 36x4x15	2	EA	399.00	$798.00	"" ""	""		
9	Flat File Closed Base 35x46x6	1	EA	45.00	$45.00	"" ""	""		
10	Radar Stool No Arms	1	EA	202.50	$202.50	"" ""	"" ""		
	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal: $5,481.82 PAGE 1 OF 4
Tax: $0.00
Total: ________

Approvals:

Mayor: ____________________ Department Director: ____________________ Purchasing Manager: ____________________

Finance & Internal Services Director: ______________ Budget Manager: ____________________ IT Manager: ______________

Dispatch Manager: ______________ Utilities Manager: ____________________ Other: ______________

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:
Date: 2/12/2008
P.O Number:
Expected Delivery Date:

Vendor Number:
Vendor Name: Norman Co
Mail Yes:__ No:_x__

Address: 609 SW 8th St Ste 120
Fob Point: 15 S Broyles Ave Fayetteville, AR 72704
Taxable Yes:_x_ No:___
Quotes Attached Yes:_____ No:_____

City: Bentonville
State: AR
Zip Code: 72712
Ship to code:
Divison Head Approval:

Requester: David Jurgens
Requester's Employee #: 490
Extension: 330

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Cassis Lounge Single Seat	2	EA	$514.99	$1,029.98	4520.9520.5210.01	2133.0201		
2	Coffee Table 22wx22dx19h	1	EA	120.00	$120.00	"" ""	""		
3	4-leg Stacker, no arms	2	EA	141.68	$283.36	"" ""	""		
4	Mid-Back Hgt Adj, Syncro	2	EA	330.74	$661.48	"" ""	""		
5	Straight Fabric Panel No-Power	2	EA	251.52	$503.04	"" ""	""		
6	Wall Mount Kit 62"	1	EA	31.04	$31.04	"" ""	""		
7	Left Executive Return 42wx24dx29h	1	EA	314.50	$314.50	"" ""	""		
8	Left Sgl Pedestal Desk 66wx30dx29h	1	EA	423.00	$423.00	"" ""	""		
9	Right Executive Return 42wx24dx29h	1	EA	314.50	$314.50	"" ""	""		
10	Right Sgl Pedestal Desk 66wx30dx29h	1	EA	423.00	$423.00	"" ""	"" ""		
	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal: $4,103.90 PAGE 2 OF 4
Tax: $0.00
Total:

Approvals:

Mayor: ____________
Department Director: [signature]
Purchasing Manager: ____________
Finance & Internal Services Director: ____________
Budget Manager: ____________
IT Manager: ____________
Dispatch Manager: ____________
Utilities Manager: ____________
Other: ____________

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 2/12/2008

P.O Number:

Expected Delivery Date:

Vendor Number:

Vendor Name: Norman Co

Mail Yes:__ No:_x_

Address: 609 SW 8th St Ste 120

Fob Point: 15 S Broyles Ave Fayetteville, AR 72704

Taxable Yes: x No:___

Quotes Attached Yes:_____ No:_____

City: Bentonville

State: AR

Zip Code: 72712

Ship to code:

Division Head Approval:

Requester: David Jurgens

Requester's Employee #: 490

Extension: 330

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	4-leg Stacker, no arms, poly outer	2	EA	$141.68	$283.36	4520.9520.5210.01	2133.0201		
2	Mid-Back Synchro, Hgt Adj Arm, Hard Casters	2	EA	330.74	$661.48	"" ""	""		
3	Straight Fabric Panel no-power 36" x 62"	2	EA	251.52	$503.04	"" ""	""		
4	Wall Mount Kit 62"	1	EA	31.04	$31.04	"" ""	""		
5	Left Executive Return, 42wx24dx29h	1	EA	314.50	$314.50	"" ""	""		
6	Left Sgl Pedestal Desk, 66wx30dx29h	1	EA	423.00	$423.00	"" ""	""		
7	Right Executive Return 42wx24dx29h	1	EA	314.50	$314.50	"" ""	""		
8	Right Sgl Pedestal Desk, 66wx30dx29h	1	EA	423.00	$423.00	"" ""	""		
9	Steel Shelving 18x36x72	3	EA	79.00	$237.00	"" ""	""		
10	450 Table, Rectangle, T Base 24" x 60 "	10	EA	459.24	$4,592.40	"" ""	"" ""		
	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal: $7,783.32 PAGE 3 OF 4

Tax: $0.00

Total:

Approvals:

Mayor: ____________

Department Director: [signature]

Purchasing Manager: ____________

Finance & Internal Services Director: ____________

Budget Manager: ____________

IT Manager: ____________

Dispatch Manager: ____________

Utilities Manager: ____________

Other: ____________

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 2/12/2008

P.O Number:

Expected Delivery Date:

Vendor Number:

Vendor Name: Norman Co

Mail Yes:__ No:_x__

Address: 609 SW 8th St Ste 120

Fob Point: 15 S Broyles Ave Fayetteville, AR 72704

Taxable Yes: x_ No:___

Quotes Attached Yes:_____ No:_____

City: Bentonville

State: AR

Zip Code: 72712

Ship to code:

Divison Head Approval:

Requester: David Jurgens

Requester's Employee #: 490

Extension: 330

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Transport Dolly	1	EA	$433.87	$433.87	4520.9520.5210.01	2133.0201		
2	4800 Stack Chairs No Arms (4-pack)	20	PK	225.00	$4,500.00	"" ""	""		
3	4800 Stacking Dolly	2	EA	240.00	$480.00	"" ""	""		
4	Mid-Back, Synchro, Hgt Adj Arm	2	EA	330.74	$661.48	"" ""	""		
5	4-Leg Stacker, no arms	2	EA	141.68	$283.36	"" ""	""		
6	Open Bookcase, 4 shelves, 36wx12dx65h	2	EA	287.50	$575.00	"" ""	""		
7	Modular Peds, b/b/f, 15wx18h	1	EA	275.50	$275.50	"" ""	""		
8	5 Drawer Lateral File	1	EA	620.00	$620.00	"" ""	""		
9	Labor & Installation	1	EA	2,215.00	$2,215.00	"" ""	""		
10						"" ""	"" ""		
	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal: $10,044.21 PAGE 4 OF 4

Tax: $2,535.74

Total: $29,948.99

Approvals:

Mayor: ____________

Department Director: ____________

Purchasing Manager: ____________

Finance & Internal Services Director: ____________

Budget Manager: ____________

IT Manager: ____________

Dispatch Manager: ____________

Utilities Manager: ____________

Other: ____________

Revised 6/17/03

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

18-Mar-08
City Council Meeting Date

David Jurgens	Wastewater Sys Imprvmnt Project	Water/Wastewater
Submitted By	Division	Department

Action Required:

Approval of a Deed Restriction Covenant for the West Side Wastewater Treatment Plant Outfall Site, as Required by Corps of Engineers Section 404 Nationwide Permit Number 14207-1.

$ 47	$ 48,836,390	Wastewater System Imp Project
Cost of this request	Category/Project Budget	Program Category / Project Name
4480.9480.5315.00	$ 25,176,658	Water and Wastewater
Account Number	Funds Used to Date	Program / Project Category Name
02133-0314	$ 23,659,732	Water/Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item XX

Budget Adjustment Attached

D Jurgens — 29 Feb 08
Department Director — Date

DJ Whit — 3/3/8
City Attorney — Date

Paul A. Becker — 3-3-08
Finance and Internal Service Director — Date

Dan Coody — 3/4/08
Mayor — Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office
ENTERED 2/29/08

Received in Mayor's Office
ENTERED 3/3/08

Comments:

Fayetteville
ARKANSAS

City Council Meeting of March 18, 2008

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody
Fayetteville Sewer Committee

From: David Jurgens, Water & Wastewater Director

Date: February 29, 2008

Subject: Approval of a Deed Restriction Covenant for the West Side Wastewater Treatment Plant Outfall Site, as Required by Corps of Engineers Section 404 Nationwide Permit Number 14207-1

RECOMMENDATION

Fayetteville City Administration recommends approval of a Deed Restriction Covenant for the West Side Wastewater Treatment Plant Outfall Site, as required by Corps of Engineers Section 404 Nationwide Permit Number 14207-1, attached.

BACKGROUND

Corps of Engineers Section 404 Nationwide Permit Number 14207-1, issued for the work associated with the outfall of the West Side Wastewater Treatment Plant, requires that the the 0.084 acre West Side WWTP Outfall Site deed contain a restrictive covenant by which the site must be held in perpetuity as a wetlands area. This site is separate from the larger total project wetlands mitigation site in that it is specifically located where the plant outfall is constructed on Goose Creek.

DISCUSSION

The attached deed restriction is part of the formal West Side WWTP facility, located around the outfall structure on Goose Creek. It has no impact on any potential future land uses for as long as the West Side WWTP is used for wastewater treatment. There is no possibility that the land could be sold or used for any other purpose.

BUDGET IMPACT

The only cost is the county filing fee of less than $50.00.

RESOLUTION NO. ______

A RESOLUTION APPROVING A DEED RESTRICTION COVENANT FOR THE WEST SIDE WASTEWATER TREATMENT PLANT OUTFALL SITE AS REQUIRED BY THE U. S. ARMY CORPS OF ENGINEERS SECTION 404 NATIONWIDE PERMIT NUMBER 14207-1.

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 deed restriction covenant for the West Side Wastewater Treatment Plant Outfall Site as required by the U. S. Army Corps of Engineers Section 404 Nationwide Permit Number 14207-1.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED: ATTEST:

By: ______________________________
DAN COODY, Mayor

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

NOTICE OF DEED RESTRICTION

STATE OF ARKANSAS
COUNTY OF WASHINGTON

KNOW ALL MEN BY THESE PRESENTS THAT: City of Fayetteville is the owner of that real property more particularly described in the attached legal description and shown in the attached map of the mitigation site based on a survey performed by a registered professional land surveyor; the legal description and the map are both made a part hereof. For all purposes throughout this document, that real property will be referred to as the "Property". As of the date executed, the Property has been designated as a mitigation site associated with U.S. Army Corps of Engineers Section 404 Permit No. 14207-1, or a revision thereof. A copy of the permit is attached. The permit grants authorization to the City of Fayetteville for the placement of fill material in waters of the United States. Any purchaser of all or any part of the Property or any person having an interest in or proposing to acquire an interest in all or any part of the Property, or any person proposing to develop or improve all or any part of the Property, is hereby notified of the following development restriction affecting the Property:

Any activity on the Property must comply with the terms and special conditions described in U.S. Army Corps of Engineers Section 404 Permit No. 14207-1, or a revision thereof. It should be noted that the Property has been designated to be preserved for riparian buffer and wildlife habitat mitigation, and may not be converted to another use, including but not limited to: clearing, logging, bushhogging, mowing, spraying with herbicides, filling, leveling, draining, dumping, construction of any structure (other than for wildlife enhancement), or any other activity that would adversely impact the natural state of the area. Natural resource management or wildlife enhancement activities involving alteration of the Property would require prior approval from the Little Rock District Corps of Engineers.

EXECUTED this_________day of _________________________, 2008.

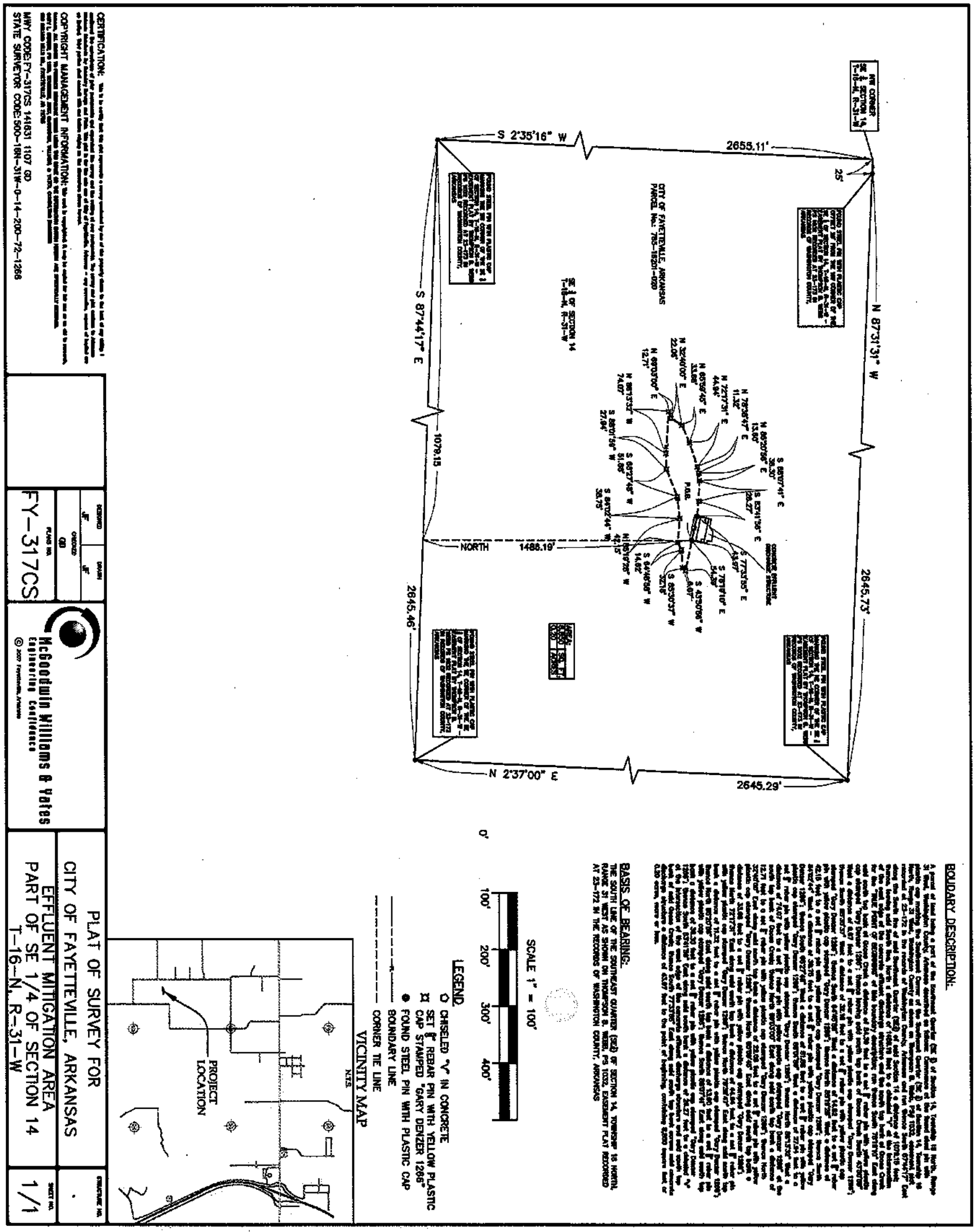
BY: ____
Dan Coody, Mayor

SUBSCRIBED AND SWORN TO BEFORE ME by _________________, on this the ______day of _______________, 2008, to certify which witness my hand and seal of office.

____
Notary Public in and for the State of Arkansas

My Commission expires: Printed Name of Notary:

_______________________ _________________________________


BOUNDARY DESCRIPTION:
BASIS OF BEARING:
THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 31 WEST AS SHOWN ON THOMPSON B. WEBB, PS 1033, EASEMENT PLAT RECORDED AT 23-172 IN THE RECORDS OF WASHINGTON COUNTY, ARKANSAS
SCALE 1" = 100'
0' 100' 200' 300' 400'
LEGEND
CHISELED "Y" IN CONCRETE
SET 5/8" REBAR PIN WITH YELLOW PLASTIC CAP STAMPED "GARY DENZER 1266"
FOUND STEEL PIN WITH PLASTIC CAP
BOUNDARY LINE
CORNER TIE LINE
VICINITY MAP
N.T.S.
PROJECT LOCATION
S 2°35'16" W
2655.11'
N 87°31'31" W
2645.73'
2645.29'
N 2°37'00" E
2645.46'
S 87°44'17" E
1079.15
NORTH
1486.19'
CITY OF FAYETTEVILLE, ARKANSAS
SE 1/4 OF SECTION 14
T-16-N, R-31-W
P.O.B.
CERTIFICATION:
COPYRIGHT MANAGEMENT INFORMATION:
MWY CODE:FY-317CS 141831 1107 GD
STATE SURVEYOR CODE:500-16N-31W-0-14-200-72-1266
FY-317CS
McGoodwin Williams & Yates
Engineering Confidence
PLAT OF SURVEY FOR
CITY OF FAYETTEVILLE, ARKANSAS
EFFLUENT MITIGATION AREA
PART OF SE 1/4 OF SECTION 14
T-16-N, R-31-W
1/1

LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
ROGERS FIELD OFFICE
2260 NORTH SECOND STREET
ROGERS, ARKANSAS 72756

October 30, 2007

Regulatory Office

NATIONWIDE PERMIT NO. **14207-1**

Bruce Shackleford
1313 Highway 229-5A
Benton, Arkansas 72015

Dear Mr. Shackleford:

Please refer to your letter dated April 6, 2007, on behalf of the City of Fayetteville, concerning Department of the Army permit requirements pursuant to Section 404 of the Clean Water Act. You requested authorization for the placement of dredged and fill material in waters of the United States associated with relocating approximately 130 linear feet of Goose Creek for better alignment for an outfall structure associated with a new sewer plant. The project is located in Goose Creek, in section 14, T. 16 N., R. 31 W., Fayetteville, Washington County, Arkansas.

The proposed activity is authorized by Department of the Army Nationwide Permit (NWP) No. 39 (copy enclosed), provided that the conditions therein, and the following added special conditions, are met. You should become familiar with the conditions and maintain a copy of the permit at the worksite for ready reference. If changes are proposed in the design or location of the facilities, you should submit revised plans to this office for approval before construction of the change begins.

Special Condition:

1. To mitigate for unavoidable impacts of approximately 0.02 acres of waters of the United States, you shall accomplish the following mitigation:

a. You shall implement the creation of approximately 0.084 acres of riparian buffer zone along the new channel of Goose Creek. This area is identified on Sheet 2 of 2. The vegetated buffer should consist of undisturbed vegetation and the plantings of trees and shrubs, as outlined in an e-mail from you dated September 20, 2007. The riparian buffer shall be considered successful if there are sufficient densities (70%) of trees and shrubs established after the 3rd growing season. If adequate vegetation cover is not obtained, then you shall be responsible for any corrective work determined necessary by the Corps of Engineers. The corrective work may include replanting the area.

b. The mitigation area shall remain in its natural state and shall be preserved in perpetuity. The area may not be converted to another use, including, but not limited to: clearing, logging, mowing, bushhogging, spraying with herbicides, filling, leveling, draining, dumping, construction of any structure, or any other activity that would adversely impact the natural state of the area without obtaining a revision of this Department of the Army permit. Proposed resource management activities involving alteration of the mitigation site must have prior approval from the Little Rock District Corps of Engineers.

c. The planting of the mitigation area must be completed no later than 180 days from the issuance date of this permit.

d. A perpetual deed restriction (copy enclosed), including the restrictions specified in 1b shall be placed on the riparian buffer zone to guarantee its preservation. A certified copy of the deed restriction, as well as a copy of this Department of the Army permit, shall be recorded with the Registrar of Deeds in Washington County. It is your responsibility to attach to the deed restriction a clear map and legal description of the mitigation site based on a survey performed by a registered professional land surveyor. Documentation of the deed restriction recording shall be provided to the Corps no later than 120 days following the issuance date of this permit.

e. The boundary of the riparian buffer zone shall be surveyed by a registered land surveyor and a copy submitted to the Corps no later than 120 days of the issuance date of this permit. Surveyed corners and boundaries shall be clearly and permanently marked in the field for easy identification. Survey drawings shall identify a reference point, building, or other object so that the site can be easily located. The boundaries shall be marked with white metal fence posts placed at every survey corner point and signs shall be placed on each fence post stating that it is a protected upland buffer zone and no activities shall be conducted beyond this point.

f. You shall monitor the mitigation site for a period of 3 years. A total of two annual reports with photos will be prepared for submittal to the Little Rock District Corps of Engineers Regulatory Office on the 1st and 3rd years.

g. The monitoring for this nationwide permit may be include with the monitoring report required for the mitigation on Standard Permit No. 14207.

Please refer to NWP Condition No. 12, which stipulates that appropriate erosion and siltation controls be used during construction and all exposed soil be permanently stabilized. Erosion control measures must be implemented during and after construction of the proposed project to comply with this permit condition.

In order to fully comply with the conditions of the NWP, you must submit the enclosed compliance certification within 30 days of completion of the project. This is required pursuant to General Condition No. 26 of the permit.

This permit action is based upon a Corps of Engineers determination that the subject work is within the jurisdiction of the Department of the Army regulatory program. You may contact the Little Rock District Regulatory Office if you wish to discuss your options for appealing this determination.

The NWP determination will be valid for two years unless the NWP is modified, suspended, or revoked within the two year period. If NWP No. 39 is modified, suspended, or revoked during this period, your project may not be authorized unless you have begun or are under contract to begin the project. If work has started or the work is under contract, you would then have twelve months to complete the work.

The authorization of this work by a NWP does not relieve you of complying with other applicable local, state, and Federal laws.

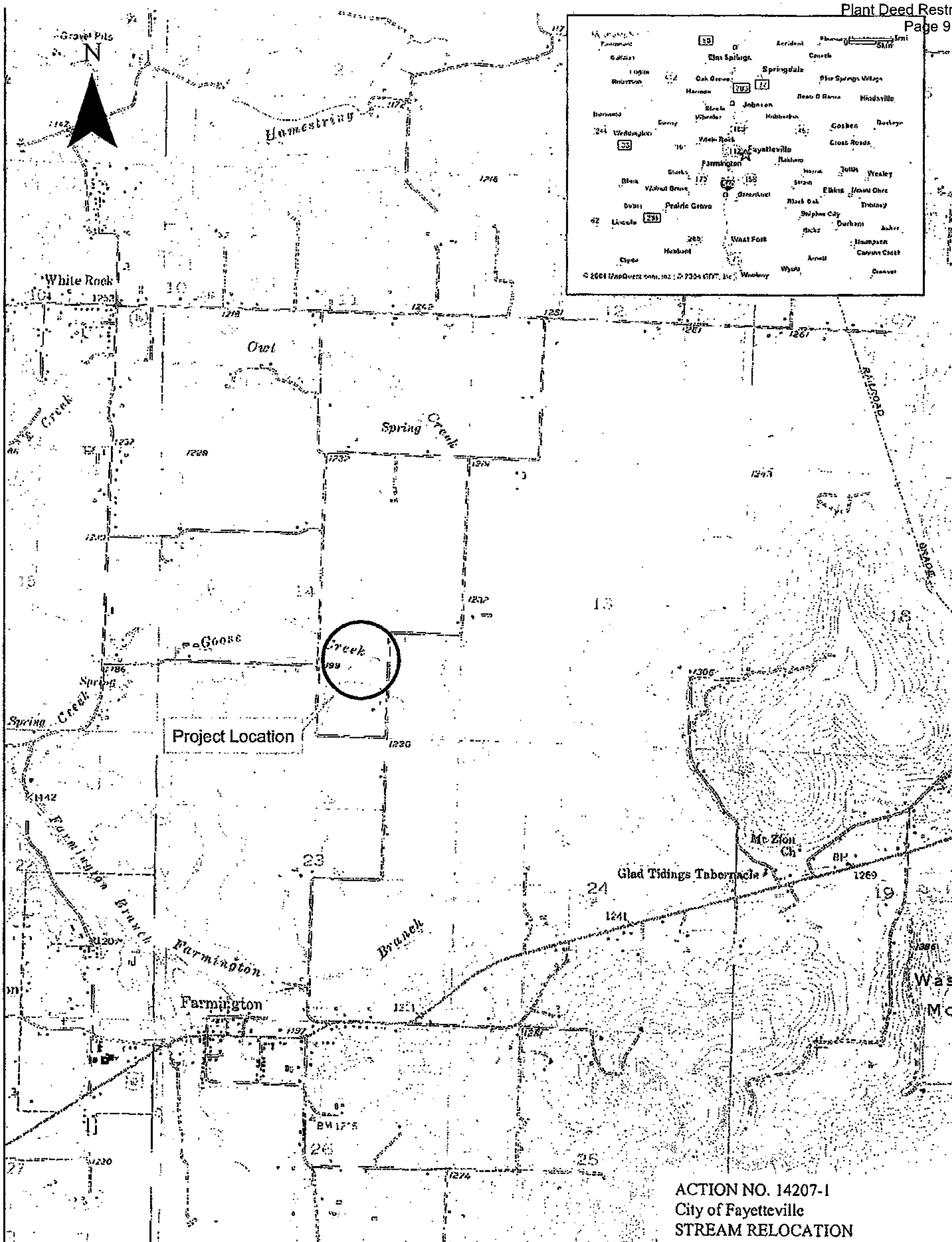
If you have any questions about this permit or any of its provisions, please contact me at (479) 636-1210 ext. 321 and refer to Permit No. **14207-1**.

Sincerely,

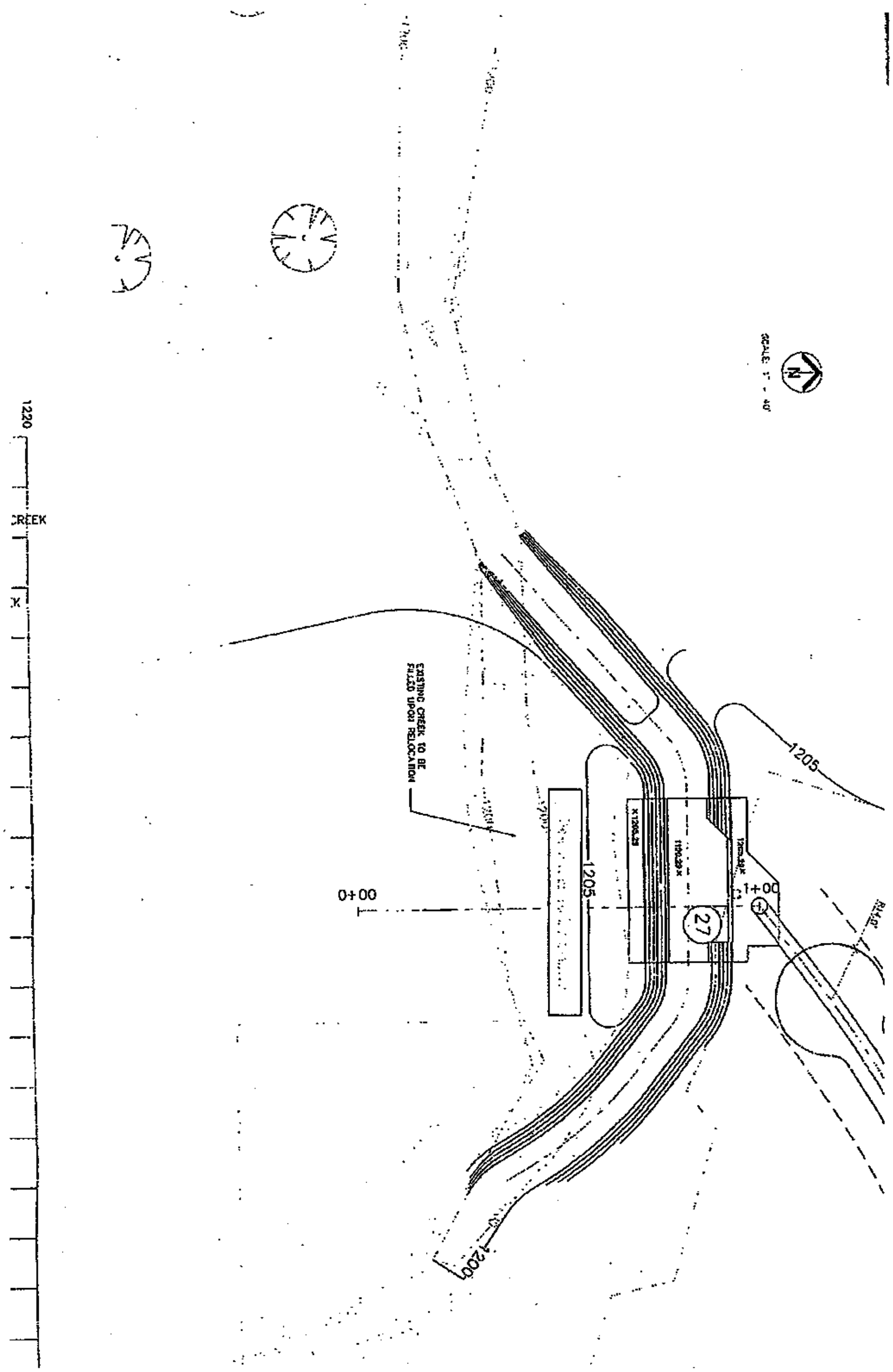
Kyle Clark

Kyle Clark
Project Manager

Enclosures



ACTION NO. 14207-1
City of Fayetteville
STREAM RELOCATION
Sec 14, T. 2 N., R. 13 W.
October 30, 2007 SHEET 1 OF 2



ACTION NO. 14207-1
City of Fayetteville
STREAM RELOCATION
Sec 14, T. 2 N., R. 13 W.
October 30, 2007 SHEET 2 OF 2

PERMITTEE COMPLIANCE CERTIFICATION

PERMIT NO.: 14702-1 **NWP NO.: 39**

PERMITTEE NAME: City of Fayetteville

DATE OF ISSUANCE: October 30, 2007

PROJECT MANAGER: Kyle Clark

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US Army Corps of Engineers
ATTENTION: Kyle Clark
2260 North Second Street
Rogers, AR 72756

Please note that your permitted activity is subject to a compliance inspection by a US Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

DATE WORK COMPLETED: ________________

______________________________ ____________________

SIGNATURE OF PERMITTEE **DATE**

Nationwide Permits and Conditions

Nationwide Permit No. 39. Commercial and Institutional Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses, new ski areas, or oil and gas wells is not authorized by this NWP.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds this 300 linear foot limit is waived in writing by the district engineer. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 27.) (Sections 10 and 404)

Nationwide Permit General Conditions:

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic

environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

15. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

16. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

17. Endangered Species. (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees shall notify the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide Web pages at http://www.fws.gov/ and http://www.noaa.gov/fisheries.html respectively.

18. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

19. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

20. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10 acre and require pre-construction notification, unless the district engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. For wetland losses of 1/10 acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream restoration, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2 acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2 acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters.

However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

21. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

22. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

23. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

24. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

25. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:
"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

____

(Transferee)

____

(Date)

26. Compliance Certification. Each permittee who received an NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;

(b) A statement that any required mitigation was completed in accordance with the permit conditions; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

27. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must

determine if the PCN is complete within 30 calendar days of the date of receipt and, as a general rule, will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity:

(1) Until notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) If 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 17 that listed species or critical habitat might affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 18 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) is completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee cannot begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided result in a quicker decision.);

(4) The PCN must include a delineation of special aquatic sites and other waters of the United States on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters of the United States, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, where appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10 acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP 48 activities requiring pre-construction notification and for other NWP activities requiring pre-construction notification to the district engineer that result in the loss of greater than 1/2-acre of waters of the United States, the district engineer will immediately provide (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy of the PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the district engineer will wait an additional 15 calendar days

before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps multiple copies of pre-construction notifications to expedite agency coordination.

(5) For NWP 48 activities that require reporting, the district engineer will provide a copy of each report within 10 calendar days of receipt to the appropriate regional office of the NMFS.

(e) District Engineer's Decision: In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If the proposed activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any conditions the district engineer deems necessary. The district engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan.

28. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project.

Nationwide Permits and Conditions

Nationwide Permit No. 39. Commercial and Institutional Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses, new ski areas, or oil and gas wells is not authorized by this NWP.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds this 300 linear foot limit is waived in writing by the district engineer. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 27.) (Sections 10 and 404)

Nationwide Permit General Conditions:

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic

environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

15. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

16. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

17. Endangered Species. (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees shall notify the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide Web pages at http://www.fws.gov/ and http://www.noaa.gov/fisheries.html respectively.

18. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

19. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

20. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10 acre and require pre-construction notification, unless the district engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. For wetland losses of 1/10 acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream restoration, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2 acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2 acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters.

However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

21. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

22. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

23. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

24. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

25. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:
"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

____

(Transferee)

____

(Date)

26. Compliance Certification. Each permittee who received an NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;

(b) A statement that any required mitigation was completed in accordance with the permit conditions; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

27. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must

determine if the PCN is complete within 30 calendar days of the date of receipt and, as a general rule, will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity:

(1) Until notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) If 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 17 that listed species or critical habitat might affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 18 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) is completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee cannot begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided result in a quicker decision.);

(4) The PCN must include a delineation of special aquatic sites and other waters of the United States on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters of the United States, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, where appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10 acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP 48 activities requiring pre-construction notification and for other NWP activities requiring pre-construction notification to the district engineer that result in the loss of greater than 1/2-acre of waters of the United States, the district engineer will immediately provide (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy of the PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the district engineer will wait an additional 15 calendar days

before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps multiple copies of pre-construction notifications to expedite agency coordination.

(5) For NWP 48 activities that require reporting, the district engineer will provide a copy of each report within 10 calendar days of receipt to the appropriate regional office of the NMFS.

(e) District Engineer's Decision: In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If the proposed activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any conditions the district engineer deems necessary. The district engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan.

28. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project.

NOTICE OF DEED RESTRICTION

STATE OF ARKANSAS
COUNTY OF WASHINGTON

KNOW ALL MEN BY THESE PRESENTS THAT: City of Fayetteville is the owner of that real property more particularly described in the attached legal description and shown in the attached map of the mitigation site based on a survey performed by a registered professional land surveyor; the legal description and the map are both made a part hereof. For all purposes throughout this document, that real property will be referred to as the "Property." As of the date executed, the Property has been designated as a mitigation site associated with US Army Corps of Engineers Section 404 Permit No. **14207-1**, or a revision thereof. A copy of the permit is attached. The permit grants authorization to the City of Fayetteville for the placement of fill material in waters of the United States. Any purchaser of all or any part of the Property or any person having an interest in or proposing to acquire an interest in all or any part of the Property, or any person proposing to develop or improve all or any part of the Property, is hereby notified of the following development restriction affecting the Property:

Any activity on the Property must comply with the terms and special conditions described in US Army Corps of Engineers Section 404 Permit No. **14207-1**, or a revision thereof. It should be noted that the Property has been designated to be preserved for riparian buffer and wildlife habitat mitigation, and may not be converted to another use, including but not limited to: clearing, logging, bushhogging, mowing, spraying with herbicides, filling, leveling, draining, dumping, construction of any structure (other than for wildlife enhancement), or any other activity that would adversely impact the natural state of the area. Natural resource management or wildlife enhancement activities involving alteration of the Property would require prior approval from the Little Rock District Corps of Engineers.

EXECUTED this _____day of ____________, 200_.

By:

SUBSCRIBED AND SWORN TO BEFORE ME by _________________, on this the ______ day of _________, 200_, to certify which witness my hand and seal of office.

Notary Public in and for the State of Arkansas

My Commission expires: Printed Name of Notary:

ADEQ
ARKANSAS
Department of Environmental Quality

March 13, 2007

Colonel Wally Z. Walters, District Engineer
Little Rock District Corps of Engineers
P. O. Box 867
Little Rock, Arkansas 72203-0867

RE: **Public Notice: Re-issuance of Nationwide Permits**

Dear Colonel Walters:

The Arkansas Department of Environmental Quality ("ADEQ") has completed its review of the above referenced public notice for re-issuance of the U.S. Army Corps of Engineers Nationwide Permits for the State of Arkansas.

ADEQ has determined there is a reasonable assurance that activities covered under these Nationwide Permits will be conducted in a manner which, according to the Arkansas Pollution Control and Ecology Commission's Regulation No.2, will not physically alter a significant segment of the waterbody and will not violate the water quality criteria.

Therefore, pursuant to §401(a)(1) of the Clean Water Act, the ADEQ hereby **issues** water quality certification for the **Re-issuance of Nationwide Permits** as it applies to the waters within the state of Arkansas contingent upon the following conditions:

1) Individual Water Quality Certification requests must be submitted to ADEQ for any activity impacting Extraordinary Resource Waters, Ecologically Sensitive Waters, and Natural and Scenic Waters as identified in Regulation # 2..
2) Applicant shall contact ADEQ for a Short Term Activity Authorization needs determination for activities that have the potential to violate water quality criteria.
3) Applicant shall comply with NPDES Stormwater Program requirements.

Sincerely,

Teresa Marks

Teresa Marks
Director

cc: Wanda Boyd, Region VI, Environmental Protection Agency
Bradley Myers, Project Manager, Little Rock District COE

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY
8001 NATIONAL DRIVE / POST OFFICE BOX 8913 / LITTLE ROCK, ARKANSAS 72219-8913 / TELEPHONE 501-682-0744 / FAX 501-682-0798
www.adeq.state.ar.us

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

3/18/2008
City Council Meeting Date

Submitted By	Division	Department
Ron Petrie	Engineering	Operations

Action Required:

A resolution approving an Agreement with Arkansas Western Gas Company in the amount of $397,000 for relocation of gas lines and appurtenances required to allow construction of improvements to Mount Comfort Road

$ 397,000.00	$ 24,737,669.83	Transportation Bond Improvements
Cost of this request	Category / Project Budget	Program Category / Project Name
4520.9520.5809.00	$ 4,962,615.18	Street Improvements
Account Number	Funds Used to Date	Program / Project Category Name
06035.1540	$ 19,775,054.65	2006A Sales Tax Construction
Project Number	Remaining Balance	Fund Name

Budgeted Item [X]   Budget Adjustment Attached [ ]

Department Director — Date: 2-29-08

City Attorney — Date: 3/3/08

Finance and Internal Service Director — Date: 3-3-08

Mayor — Date: 3/4/08

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office — ENTERED 2/29/08

Received in Mayor's Office — ENTERED 3/3/08

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer

Date: February 26, 2008

Subject: **A resolution approving an Agreement with Arkansas Western Gas Company in the amount of $397,000 for relocation of gas lines and appurtenances required to allow construction of improvements to Mount Comfort Road**

RECOMMENDATION:

Staff recommends approval of an Agreement with Arkansas Western Gas Company in the amount of $397,000.00 for relocation of Arkansas Western Company facilities along Mount Comfort Road.

BACKGROUND:

Mount Comfort Road Improvements are a part of the Transportation Improvement Bond Program. Major intersection improvements are planned at the I540/Shiloh Drive Intersection, along with widening of Mount Comfort to 4 lanes from I-540 to Rupple Road. Relocation of utility lines is required on the entire length of the project.

DISCUSSION:

Arkansas Western Gas Company (AWG) owns a 4-inch high pressure transmission main located on the south side of Mount Comfort Road, along with various other distribution lines that are in conflict with proposed improvements to Mount Comfort Road. These lines are located within Arkansas Western Gas Company easements; therefore, AWG is requesting reimbursement for the cost of relocating the lines and appurtenances.

As part of the agreement, the City will provide right of way and/or easements to replace the existing easements owned by AWG. AWG will relocate all of their lines and appurtenances and will bill the City for the actual cost of the work after it is completed.

BUDGET IMPACT:

The contract amount of $397,000 will be paid from the Transportation Improvement Bond Funds. The total project budget for Mount Comfort Road Improvements is $11,663,000.

RESOLUTION NO. ______

A RESOLUTION APPROVING AN AGREEMENT WITH ARKANSAS WESTERN GAS COMPANY IN THE AMOUNT OF $397,000.00 FOR RELOCATION OF GAS LINES AND APPURTENANCES TO ALLOW CONSTRUCTION OF IMPROVEMENTS TO MOUNT COMFORT ROAD.

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 agreement with the Arkansas Western Gas Company in the amount of $397,000.00 for relocation of gas lines and appurtenances to allow construction of improvements to Mount Comfort Road.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED: ATTEST:

By: ______________________________
DAN COODY, Mayor

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

Arkansas Western Gas Company
A subsidiary of Southwestern Energy Company

1001 Sain Street
P.O. Box 13288
Fayetteville, Arkansas 72703-1002
(479) 521-5400 FAX: (479) 582-4747
www.awgonline.com

January 23, 2008

Mr. Chris Brown, Engineering Design Manager
City of Fayetteville, Engineering Division
113 West Mountain Street
Fayetteville, AR 72701

RE: Mount Comfort Road Bond Project No. 06035.1500
Arkansas Western Gas Co. Pipeline Relocation

Mr. Brown,

Please find attached the estimated costs and an affidavit for the above referenced project. Arkansas Western Gas Company is requesting 95.95% reimbursement as determined from the enclosed retired pipe tabulation sheet.

Construction can begin sixty (60) days after the work order is received and following acquisition of the Mount Comfort Road Right of Way and General Utility Easement for us to relocate our facilities to. Construction for relocation can be completed ninety (90) days later.

Should you have questions, comments or require additional information, please do not hesitate to contact our office at your earliest convenience!

Respectfully,

James F. Koch, Sr. Engineer
Arkansas Western Gas Co.
Email: James_Koch@SWN.COM
Phone: (479) 582-8267

Enclosures: Cost Estimate
Retired pipe tabulation sheet
Affidavit

ARKANSAS WESTERN GAS COMPANY
OPINION OF PROBABLE COST
AWG JOB #26058
Mt. Comfort Road - I-540 Interchange to Rupple Road
Fayetteville, AR

	Item	Quantity	Unit	Unit Price	Total
MATERIALS					
1	4-1/2" 0.156 wall F.B.E. Pipe	6,800	L.F.	$8.00	$54,400.00
2	17# Magnesium Anode	25	Each	$75.00	$1,875.00
3	4" Plastic Pipe	20	L.F.	$5.00	$100.00
4	2" Steel Pipe	240	L.F.	$5.00	$1,200.00
5	2" Plastic Pipe - Proposed	120	L.F.	$1.00	$120.00
6	4" Weld x Weld Valve	2	Each	$750.00	$1,500.00
7	2" Ball Valve	2	Each	$250.00	$500.00
8	1" Ball Valve	2	Each	$150.00	$300.00
9	2" High Volume Tee	6	Each	$60.00	$360.00
10	3/4" Plastic Pipe	3,000	L.F.	$0.50	$1,500.00
11	Relocate / Replace Meter Risers	32	Each	$250.00	$8,000.00
12	Miscellaneous Fittings	1	L.S.	$5,000.00	$5,000.00
13	Replace / Relocate DMLS	4	Each	$750.00	$3,000.00
14	Replace / Relocate SMLS	7	Each	$400.00	$2,800.00
			Sub-Total		**$80,655.00**
			Stores Expenses	**20.00%**	**$16,131.00**
			Total Materials Cost		**$96,786.00**
CONTRACT LABOR					
15	Install 4-1/2" Steel Pipe	6,800		$25.00	$170,000.00
16	Install 4" Plastic Pipe	20		$20.00	$400.00
17	Install 2" Plastic / Steel Pipe	360	L.F.	$15.00	$5,400.00
			Sub-Total		**$175,800.00**
COMPANY LABOR					
18	Director of Construction	120	Hours	$35.50	$4,260.00
19	Superintendent	360	Hours	$29.75	$10,710.00
20	Inspector	360	Hours	$24.25	$8,730.00
21	Crew Leader	360	Hours	$21.10	$7,596.00
22	Lineman	360	Hours	$20.00	$7,200.00
23	Serviceman	80	Hours	$20.00	$1,600.00
24	Mileage	3,500	Miles	$0.690	$2,415.00
			Sub-Total		**$42,511.00**
	General Overhead 8.3% + Payroll Overhead 41.5%			**49.8%**	**$21,170.48**
			Total		**$63,681.48**
EQUIPMENT					
25	Tractor Backhoe	160	Hours	$17.00	$2,720.00
26	2-Ton Truck & Trailer	160	Hours	$17.00	$2,720.00
27	1/2-Ton Pickup	800	Hours	$17.00	$13,600.00
			Sub-Total		**$19,040.00**
	Engineering Design & Investigation	1		$5,000.00	**$5,000.00**
	TOTAL (Materials, Contract Labor, Company Labor, Equipment, R/W, ADEQ / NPDES, Engineering)				**$360,307.48**
			OVERHEAD CHARGE	**15.0%**	**$54,046.12**
	TOTAL OPINION OF PROBABLE COST				**$414,353.60**
	TOTAL ESTIMATED REIMBURSEMENT by CITY OF FAYETTEVILLE			**95.95%**	**$397,573.62**
	TOTAL ESTIMATED COST to ARKANSAS WESTERN GAS			**4.05%**	**$16,779.98**

AWG Reimbursement Calculation = $\frac{7,108 \text{ L.F.}}{7,408 \text{ L.F.}}$ **x 100 = 95.95%**

ARKANSAS WESTERN GAS COMPANY
OPINION OF PROBABLE COST
AWG JOB #26058
Mt. Comfort Road - I-540 Interchange to Rupple Road - Fayetteville Contract No. 1 & No. 2
Fayetteville, AR

PRIVATE RIGHT OF WAY / REIMBURSEABLE

	SIZE - YEAR - TYPE OF PIPE						
SHEET #	1" 59W	2" 60W	2" 94W	2" 94P	4" 80W	4" 94W	TOTALS
060-047 to 060-049	60	120	60	60	760	6048	7108
TOTALS	60	120	60	60	760	6048	7108

CITY RIGHT OF WAY / NON REIMBURSEABLE

	SIZE - YEAR - TYPE OF PIPE						
SHEET #	1" 59W	2" 60W	2" 94W	2" 94P	4" 80W	4" 94W	TOTALS
060-047 to 060-049		60	180	60		0	300
TOTALS	0	60	180	60	0	0	300

REIMBURSEMENT PERCENTAGE				
FOOTAGE RETIRED ON PRIVATE R/W	7108	LF	=	95.95%
FOOTAGE RETIRED ON HIGHWAY R/W	300	LF		
TOTAL FOOTAGE RETIRED	7408			

AFE#26058

AFFIDAVIT

I, Charles V. Stevens, Senior Vice President of Arkansas Western Gas Company of Fayetteville, Washington County, Arkansas, swear and on oath state:

That the original natural gas pipelines belonging to Arkansas Western Gas Company and located in Section 1, Township 16N Range 31W and Section 6, Township 16N Range 30W, located in the City of Fayetteville, Washington County Arkansas within their Mount Comfort Road Bond Project No. 06035.1500 improvement limits were installed on private right of way according to executed right of way grant or verbal agreement with property owner of that date.

Dated this 5th day of February, 2008

By: Charles V. Stevens
Charles V. Stevens
Senior Vice President

Subscribed and sworn to before me, a Notary Public, this 5th day of February, 2008

OFFICIAL SEAL
MARY ELAINE SMITH
NOTARY PUBLIC-ARKANSAS
MADISON COUNTY
MY COMMISSION EXPIRES: 01-01-15

Mary Elaine Smith
Notary Public

My Commission Expires:

1-1-2015

AWG #26058

ARKANSAS WESTERN GAS COMPANY
UTILITY CONSTRUCTION/RELOCATION AGREEMENT

Property Developer: City of Fayetteville
Address: 113 West Mountain Street
Fayetteville, AR 72701

Job Location: Zion Road

THIS AGREEMENT, made and entered into this _______ day of _____________, 2008, by and between City of Fayetteville, acting by and through its duly authorized representative, hereinafter referred to as the "Developer," and ARKANSAS WESTERN GAS COMPANY, acting by and through its duly authorized representative, hereinafter referred to as the "Owner."

WITNESSETH:

WHEREAS, THE "Developer" proposes to make certain improvements at the location designation as shown above; and as part of the necessary work of such improvements, "Owner" must adjust or relocate certain of its existing facilities, and in connection with such adjustment, or relocation, "Developer" shall participate in the costs of such work to the extent herein agreed upon; and

WHEREAS, the proposed improvement necessitates the adjustment and/or relocation of certain facilities of "Owner" as described in the following description of work.

Install pipe with all necessary appurtenances to relocate for the proposed Mount Comfort Road improvements as planned and presented in the design plans provided by the City of Fayetteville for the Mount Comfort Road Bond Project No. 06035.1500. City of Fayetteville will reimburse 95.95% of the actual cost of all materials, contract labor, company labor, equipment hours including Engineering and Inspection costs to Arkansas Western Gas Company.

And, such adjustment, relocation or construction being shown in detail in "Owner's" plans, sketches, estimate of cost, and specifications (when applicable) which are attached hereto and made a part hereof; and

WHEREAS, the "Developer" desires to implement the herein described utility adjustments or relocations and approve the proposed utility construction of "Owner" by entering into an agreement with said "Owner."

NOW, THEREFORE, IT IS HEREBY AGREED:

1. Where applicable hereunder by reason of new utility occupancy or crossing of "Developer's" property, "Developer" hereby grants to "Owner" a right-of-way license and permission to install and operate utility facilities on or across "Developer's" properties as shown on the approved plans or sketch maps attached hereto and made a part hereof, and to execute such easements or right-of-way grants as may be necessary to evidence and record such right of "Owner."

2. Where applicable hereunder by reason of new construction on existing utility rights of way, "Owner" hereby grants to "Developer" the right to use for his purposes the lands within the project limits on or across which "Owner" holds a valid property interest antedating "Developer's" rights which were subsequently acquired in the same lands, and which property rights "Owner" shall retain so long as "Owner" (or "Owner's" successors or assigns) continues such use and occupancy and does not abandon, and thereby release, such property interest to "Developer" through facility removal in making said adjustments or by subsequent facility removal for "Owner's" convenience; and the "Developer" hereby agrees that "Owner," by granting said right and by said continued joint use and occupancy, does not waive any future claim for reimbursement for adjustment cost as may be eligible for reimbursement by reason of such prior property interest, nor does "Owner" waive any other legal or property right held under the Law or Constitution of the State or the United States.

3. In the event that future construction, reconstruction, expansion, relocation, rehabilitation, betterment, maintenance, or other work on the facilities owned and operated by either the "Developer" or the "Owner" in the area jointly occupied or used under either or both the above provisions of this Agreement will disturb, detrimentally affect, interfere, or be inconvenient to the facilities or responsibilities of either party, the parties hereto shall reach agreement in writing as to locations, extent, and methods of such work before the work is undertaken. In a case of emergency, and where immediate action is necessary for the protection of the public and to minimize damage to or loss of investment in the property of the "Developer" or the "Owner" either party hereto may, at its own responsibility and risk, make any necessary emergency repairs, and shall notify the other party hereto of such action as soon as practicable.

4. "Owner" shall inform "Developer," in writing, three days or more in advance of the date work is to be started, and shall keep the "Developer " informed of progress and activity related to the work being performed, and shall furnish written notice when the work is completed.

5. "Developer" agrees that the cost of the utility adjustment and/or construction provided for hereunder shall be paid to "Owner" as follows. "Owner" agrees that "Developer" will only pay actual cost of adjustment should actual cost be less than $ 397,000.00 . If actual cost exceeds $ 397,000.00 , the "Developer" will pay the actual cost. Exhibit "A" is cost estimate as submitted to City of Fayetteville.

6. "Owner" shall accept as full payment for work hereunder the amount developed or accumulated as eligible actual and related indirect costs in accordance with "Owner's" accounting procedure, which is the Uniform System of Accounts prescribed by the Arkansas Public Service Commission. "Owner" further agrees to retain said cost records and accounts for inspection and audit for a period of not less that one (1) year from the date of final payment.

7. "Owner" shall be responsible for any and all hazards to persons, property, and traffic, and shall save the "Developer" harmless in all respects from any and all losses, damages, or injuries caused by any negligent act or omission by "Owner's" employees or agent performing work under this Agreement or future maintenance or servicing work on facilities constructed under this Agreement; and "Owner" shall, in completing said work, perform clean up and restoration of appearances of the work area including disposal of surplus materials and debris, so as not to leave the work area in an unsafe or unsightly condition.

8. If requested by "Owner" in writing, "Developer" shall make intermediate progress payments in amounts not exceeding ninety percent (90%) of eligible billed costs, and no more often than monthly intervals, for work hereunder upon receipt of statements in two (2) copies for periodic and unpaid costs, provided the herein estimated reimbursable amount is $2,000.00 or more, and that no such intermediate payment shall be construed as final settlement for any item included in any intermediate billing.

9. "Owner" shall, within six (6) months after completion of the adjustment and acceptance thereof by the "Developer," prepare and submit to "Developer" a detailed complete (including intermediate billings, if any) and final bill in two (2) copies and covering the total cost for the adjustment of "Owner's" facilities.

10. The "Developer," upon receiving from "Owner" the final billing documents complete as listed next above, shall pay "Owner" for the eligible actual cost, less all prior payments, if any, for making the adjustments in "Owner's" facilities as agreed herein. "Developer" shall pay "Owner" within thirty (30) days after such billing documents are received. If "Developer" fails to pay within said time, the amount due shall bear interest at the rate of 10 percent per annum until paid. "Developer" shall have the right to inspect and audit the books of account of "Owner" during normal business hours of "Owner" at any time within the time limit set forth in Paragraph 6 to determine the correctness of "Owner's" billing. "Owner" agrees to refund any and all amounts paid in payments found in the audit to exceed the total amount eligible for work hereunder.

11. It is mutually agreed by the parties hereto that the provisions of this Agreement pertaining to relative property rights, right-of-way occupancy permission, access for servicing when applicable and joint use of rights of way shall continue in full force and effect from the date of execution, and shall be perpetually binding upon each party's legal representatives, successors or assigns.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in duplicate by their duly authorized representatives the date first herein above written.

"OWNER"	"DEVELOPER"
ARKANSAS WESTERN GAS COMPANY	City of Fayetteville
Its: Senior Vice-President	Its: Mayor
Attest:	Attest:
Its: Secretary	Its: City Clerk

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

3/18/2008
City Council Meeting Date

Ron Petrie	Engineering	Operations
Submitted By	Division	Department

Action Required:

A resolution approving preparation and execution of an Agreement with the Arkansas Highway and Transportation Department for City maintenance of Shiloh Drive, between Garland Avenue (Hwy 112) and Mount Comfort Road.

$ -	$ 24,737,669.83	Transportation Bond Improvements
Cost of this request	Category / Project Budget	Program Category / Project Name
4520.9520.5809.00	$ 4,962,615.18	Street Improvements
Account Number	Funds Used to Date	Program / Project Category Name
06035.1540	$ 19,775,054.65	2006A Sales Tax Construction
Project Number	Remaining Balance	Fund Name

Budgeted Item: N/A

Budget Adjustment Attached:

Department Director — Date: 2-29-08

City Attorney — Date: 3/3/08

Finance and Internal Service Director — Date: 3-3-08

Mayor — Date: 3/4/08

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office
ENTERED 2/29/08

Received in Mayor's Office
ENTERED 3/3/08

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer

Date: February 29, 2008

Subject: A resolution approving preparation and execution of an Agreement with the Arkansas Highway and Transportation Department for City maintenance of Shiloh Drive, between Garland Avenue (Hwy 112) and Mount Comfort Road.

RECOMMENDATION:

Staff recommends approval of an Agreement with the Arkansas Highway and Transportation Department (AHTD) to transfer maintenance responsibilities for Shiloh Drive, between Garland Avenue (Hwy 112) and Mount Comfort Road, from AHTD to the City.

BACKGROUND:

Mount Comfort Road Improvements are a part of the Transportation Improvement Bond Program. Improvements planned near the I-540 Intersection with Mount Comfort Road include relocation of Shiloh Drive to approximately 1000 feet west of its current location.

DISCUSSION:

AHTD has reviewed and approved the conceptual plan for relocation of Shiloh Drive. Since the relocated section of Shiloh Drive will no longer be in AHTD right of way, AHTD has proposed that the City take over maintenance of Shiloh Drive between Hwy 112 and Mount Comfort Road.

The attached drawing shows the proposed City improvements along with the section of roadway that is proposed to be transferred to City maintenance.

BUDGET IMPACT:

No cost to the Mount Comfort Road Project is anticipated.

RESOLUTION NO. ______

A RESOLUTION APPROVING PREPARATION AND EXECUTION OF AN AGREEMENT WITH THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE CITY TO TAKE OVER MAINTENANCE OF SHILOH DRIVE BETWEEN GARLAND AVENUE AND MOUNT COMFORT ROAD.

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 preparation and execution of an agreement with the Arkansas Highway and Transportation Department for the City to take over maintenance of Shiloh Drive between Garland Avenue and Mount Comfort Road.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED: ATTEST:

By: ____________________________
DAN COODY, Mayor

By: ____________________________
SONDRA E. SMITH, City Clerk/Treasurer

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

DISTRICT FOUR

4019 TOWSON AVE. • P.O. BOX 1424 • FORT SMITH, AR 72902-1424 • TELEPHONE (479) 646-5501 • FAX (479) 646-8286
WASHINGTON — CRAWFORD — FRANKLIN — SEBASTIAN — LOGAN — SCOTT — POLK

February 8, 2008

Mr. Chris Brown, Engineering Design Manager
Engineering Division
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Re: Shiloh Drive (west frontage road)
I-540 @ Porter Road/Mount Comfort Road
Highway 540, Section 4
Washington County
Fayetteville

Dear Mr. Brown:

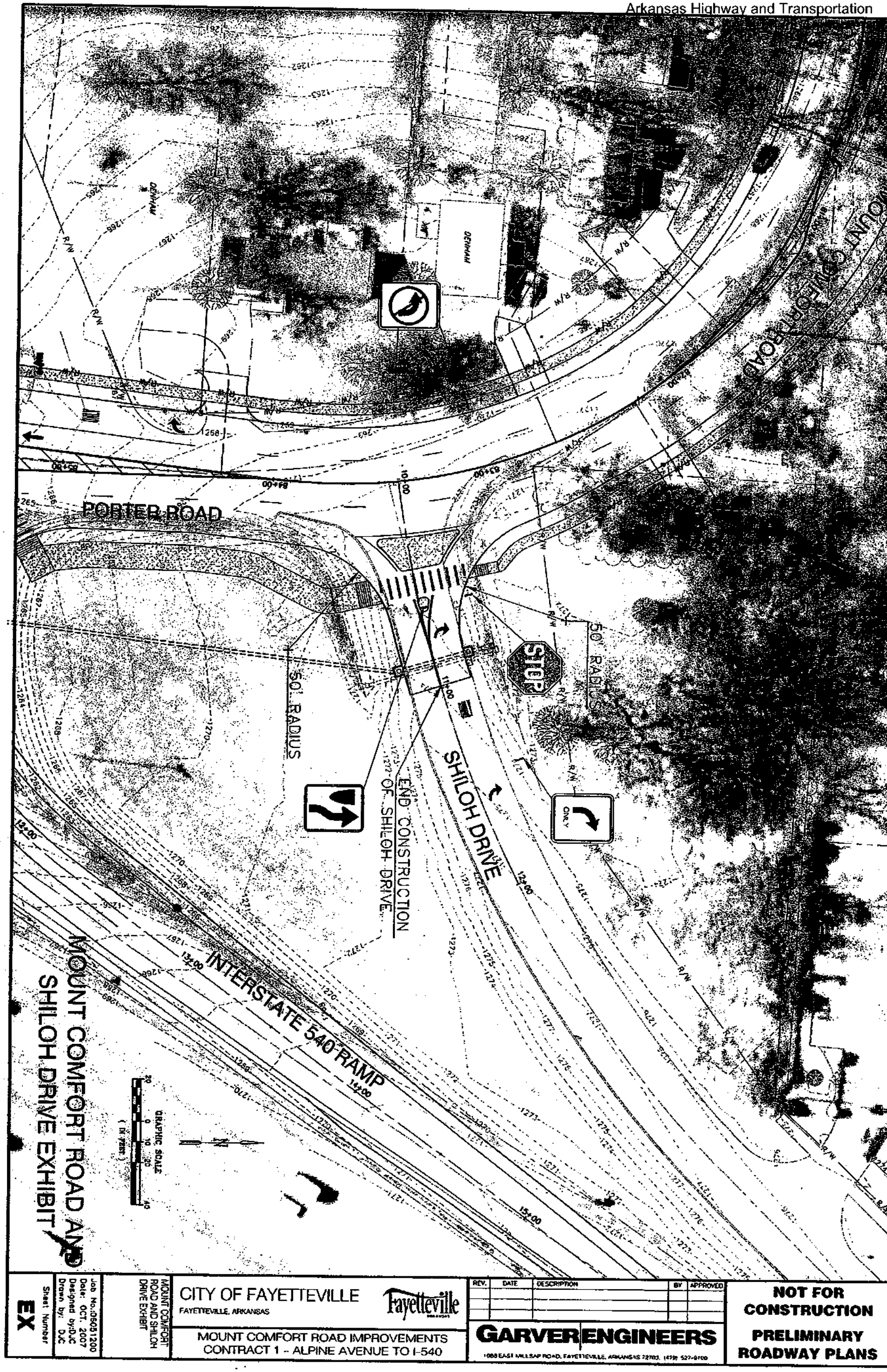
The proposal, you submitted on November 28, 2007, for restricting the existing intersection of Shiloh Drive (west frontage road) to right turns onto and from Mount Comfort Road was reviewed. The proposal is satisfactory as submitted.

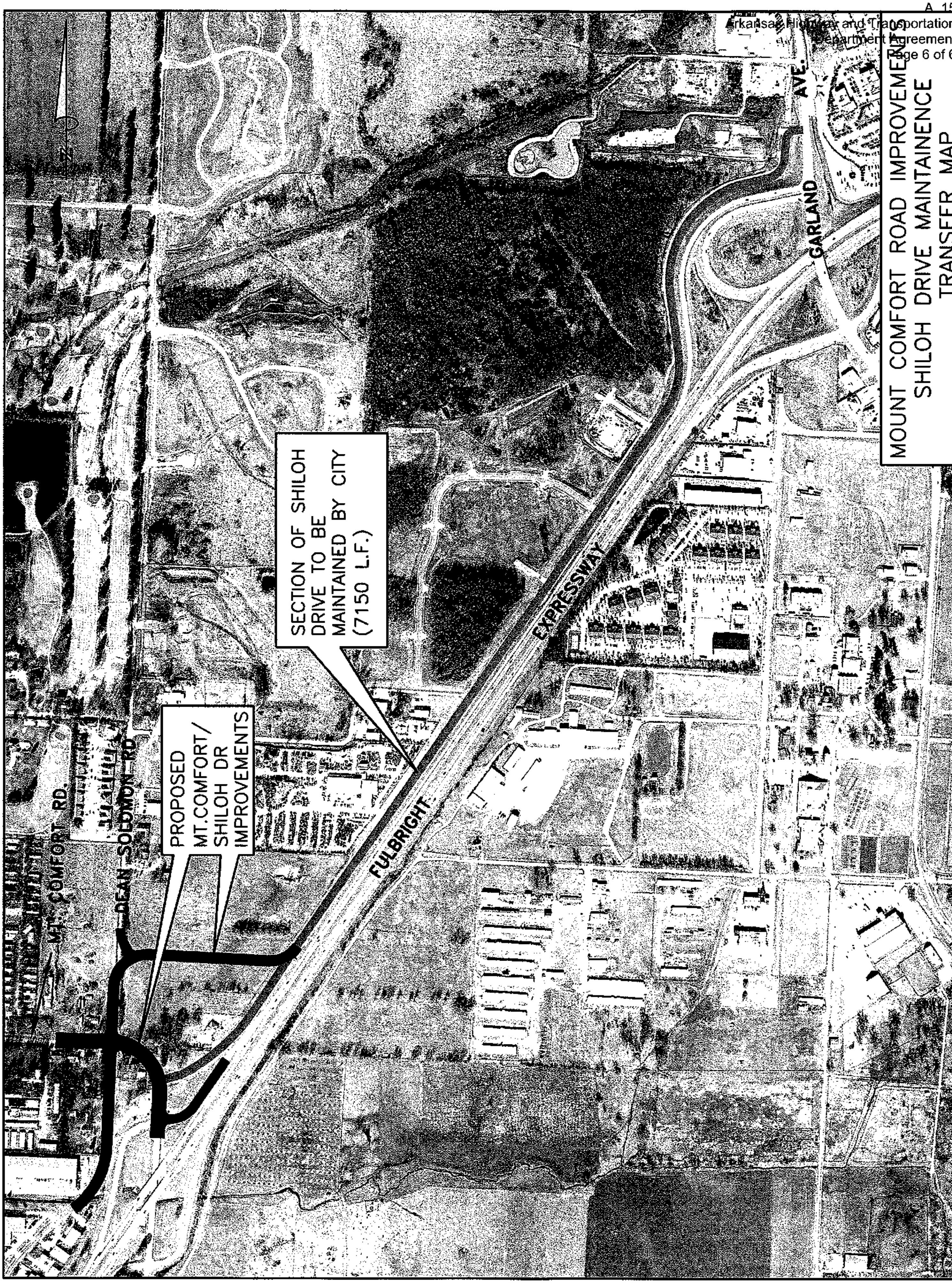
Plans for relocation of Shiloh Drive should be submitted to this office for review. We also remind you that the future maintenance of the new and existing segments of the frontage road remain to be addressed. We have proposed that, following completion of proposed improvements, the City of Fayetteville maintain all of Shiloh Drive from Mount Comfort Road/Porter Road to Highway 112. This maintenance would involve both the proposed relocated segment and the existing road. This would require a written agreement between the City and the Department. The Department would continue to maintain Porter Road in the vicinity of the I-540 interchange.

Sincerely,

Joe Shipman
District Engineer

C: Deputy Director and Chief Engineer
Assistant Chief Engineer-Planning
Assistant Chief Engineer-Design
Assistant Chief Engineer-Operations
Maintenance
Planning and Research
Roadway Design
Right of Way


PORTER ROAD
MOUNT COMFORT ROAD
SHILOH DRIVE
END CONSTRUCTION OF SHILOH DRIVE
50' RADIUS
50' RADIUS
STOP
ONLY
INTERSTATE 540 RAMP
DENHAM
DENHAM
GRAPHIC SCALE
(IN FEET)
MOUNT COMFORT ROAD AND SHILOH DRIVE EXHIBIT
CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS
Fayetteville
MOUNT COMFORT ROAD IMPROVEMENTS
CONTRACT 1 - ALPINE AVENUE TO I-540
REV. DATE DESCRIPTION BY APPROVED
GARVER ENGINEERS
NOT FOR CONSTRUCTION
PRELIMINARY ROADWAY PLANS
MOUNT COMFORT ROAD AND SHILOH DRIVE EXHIBIT
Date: OCT. 2007
Designed by: DJC
Drawn by: DJC
Sheet Number
EX


MOUNT COMFORT ROAD IMPROVEME
SHILOH DRIVE MAINTAINENCE
TRANSFER MAP
SECTION OF SHILOH
DRIVE TO BE
MAINTAINED BY CITY
(7150 L.F.)
PROPOSED
MT.COMFORT/
SHILOH DR
IMPROVEMENTS
MT. COMFORT RD.
DEAN SOLOMON RD
FULBRIGHT
EXPRESSWAY
GARLAND
AVE.
N

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

March 18th, 2008
City Council Meeting Date

Carole Jones/Connie Edmonston	Parks and Recreation	Operations
Submitted By	Division	Department

Action Required:

Approval of a revised project design proposed by the Arkansas Game & Fish Commission (AGFC) Region 1 Stream Team for Red Oak Park streambank improvements.

	$135,478	
$99,530.00	$20,476	Gordon Long/Red Oak Improvements
Cost of this request	Category/Project Budget	Program Category / Project Name
4470.9470.5806.00		Sales Tax
2250.9255.5806.00	$ -	Park Development
Account Number	Funds Used to Date	Program / Project Category Name
02015.1	$135,478	Park Improvements
02015.1 and 02015.2	$20,476	Park Improvements
Project Number	Remaining Balance	Fund Name

Budgeted Item [x] Budget Adjustment Attached [ ]

Department Director 2.22.08 Date

City Attorney 2/29/08 Date

Finance and Internal Service Director 2-29-08 Date

Mayor 3/4/08 Date

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office ENTERED 2/22/08

Received in Mayor's Office ENTERED 2/29/08

Comments:

City Council Meeting of March 18, 2008

Agenda Item Number

CITY COUNCIL AGENDA MEMO

To:	Mayor Dan Coody and City Council
Thru:	Gary Dumas, Operations Director
	Connie Edmonston, Parks and Recreation Director
From:	Carole Jones, Park Planner
Date:	February 21, 2008
RE:	**Red Oak Park Streambank Improvement Project**

RECOMMENDATION

Approval of a revised project design proposed by the Arkansas Game & Fish Commission (AGFC) Region 1 Stream Team for Red Oak Park streambank improvements.

BACKGROUND

In the fall of 2006, Mr. David Evans, Region 1 Stream Team Coordinator with the Arkansas Game and Fish Commission, prepared a schematic plan proposing to modify the upstream portion of the channel, widening the banks to allow for runoff events. This widening will involve substantial removal of soil and trees that are currently being undercut by the water flow.

The proposed plan was presented to the surrounding neighborhoods at a public meeting held on Tuesday, August 14, 2007, at the Red Oak Park pavilion on New Bridge Road in the Bridgeport Subdivision.

The proposed plan was then presented to the City Council for approval on August 23, 2007. The City Council tabled the item until a revised design that involved less tree removal could be considered. Park staff met with Mr. Evans and the plan was revised. Approximately 15 trees can potentially be saved under the revised plan. The revised plan was presented to the City Council for approval on October 2, 2007. The City Council tabled the item again until the residents in the surrounding neighborhoods could engage in additional discussion regarding the project.

DISCUSSION

The subject of the erosion problems at Red Oak Park was placed on the January 28, 2008, Ward 4 meeting agenda. Parks and Recreation staff attended the meeting and listened to dialogue from the residents. Approximately 10 – 15 residents attended the meeting and engaged in the discussion. The residents and Aldermen from Ward 4 agreed to have a special Ward 4 meeting to discuss Red Oak Park exclusively.

Seven residents attended the special Ward 4 meeting on February 11, 2008. A concensus reached by the residents was a three-phase plan: to solve the erosion problems following the state's Region 1 Stream Team design, to meet with neighbors and develop a plan for future park improvements, and to encourage area residents to consider the use of rain gardens to assist in reducing the volume of flow to the stream.

The timing of the proposed project designed by the AGFC is essential to its success. Work should be conducted during the dry season when the stream flow is nonexistent or very low. Tree removal must occur as the first stage of the project in order to clear the project area for the necessary soil and root excavation. The installation of the stone grade-control structures will immediately follow the soil and root excavation. The newly shaped banks will be planted in grass, fertilized and covered with coconut matting to encourage rapid revegetation immediately following the installation of the stone grade-control structures. Work on the downstream (northern) portion of the project will take place after the upstream (southern) portion is finished. The planting of the shrubs and small trees will be performed during the appropriate planting season. The entire project is expected to take eight to ten weeks with the exception of the shrub and tree plantings.

BUDGET IMPACT

The construction materials cost estimate is $99,530. This project is funded with Parks Development and Sales Tax funds. The downstream (northern) portion of the project will be partially funded by a 50/50 matching Urban and Community Forestry Assistance Grant from the Arkansas Forestry Commission in the amount of $10,000. The acceptance of the matching grant was approved at the July 17, 2007, council meeting. The remaining funds from this project budget will be used to modify the low-water bridges at Gordon Long Park. City Council bid approval of the actual costs of materials (particularly stone) is anticipated once the project design is approved.

This project is financially viable because of the assistance of Arkansas Game and Fish Commission staff (at no cost to the City) and the use of Parks and Recreation staff and equipment for tree removal, excavation, placement of stone and revegetation with grass. The use of volunteers for the planting of the shrubs and trees also facilitates keeping the project cost low. Parks and Recreation staff and the Arkansas Game and Fish Commission believe this is the best method for controlling the erosion problem that is creating a safety issue as well as destroying the integrity of this beautiful neighborhood park.

Attachments:

Photographs (2 pages)
Written Comment from Mr. Lowell Boynton (adjacent property owner)

Fayetteville Parks and Recreation Division
113 West Mountain Street
Fayetteville, AR 72701

Re: Red Oak Park Discussion on January 28, 2008

The following response is from Lowell D. Boynton, adversely affected property owner between the north border of Red Oak Park and Hamestring Creek.

My position on this issue appears to be the same as the Parks Division, i.e. mitigation of the runoff problem should be addressed by implementing the proposal of Mr. Evans of the Arkansas Game and Fish Commission. Recommendations of this nature are his expertise from successful experience in similar situations.

Some individuals may find certain aspects of this proposal to be aesthetically/environmentally objectionable. I understand, no one of the opposite conclusion could agree more with these objections. I too, would have to accept these same less than desirable unnatural appearing structures on my property. However in my view, the consequences of doing nothing are unacceptable and there is no viable alternative.

Unfortunately this problem has to be dealt with in retrospect. Obviously a solution more pleasing to all could have been possible prior to development, but such options no longer exist. Agonizing over what might/should have been results in the present state of endless unproductive limbo.

In my opinion, it is time for those vested with authority to initiate action to do so. Those having this responsibility must consider all various views. Parties suffering actual damages, i.e. Red Oak Park and I are entitled to serious consideration and resolution.

Sincerely,

L. D. Boynton

Lowell D. Boynton
Reg. AR Professional Engineer # 3165
(license allowed to expire on retirement)

RESOLUTION NO. ______

A RESOLUTION APPROVING A REVISED PROJECT DESIGN FOR THE RED OAK PARK STREAMBANK IMPROVEMENTS SUBMITTED BY THE ARKANSAS GAME AND FISH COMMISSION REGION 1 STREAM TEAM.

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 revised project design for the Red Oak Park Streambank Improvements submitted by the Arkansas Game and Fish Commission Region 1 Stream Team. A copy of the revised project design, marked Exhibit "A" is attached hereto and made a part hereof.

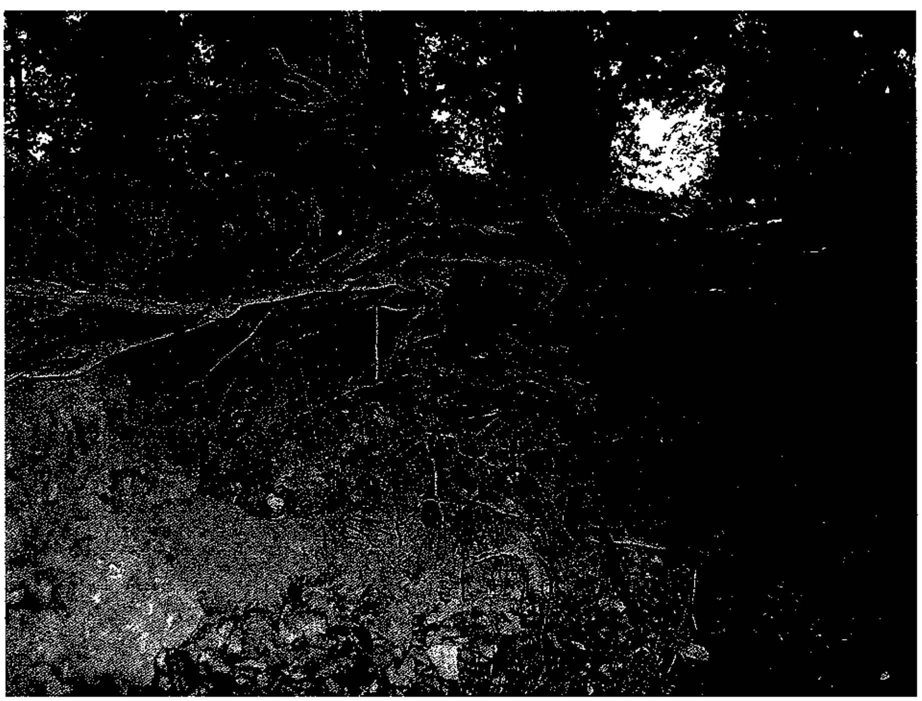
PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED: ATTEST:

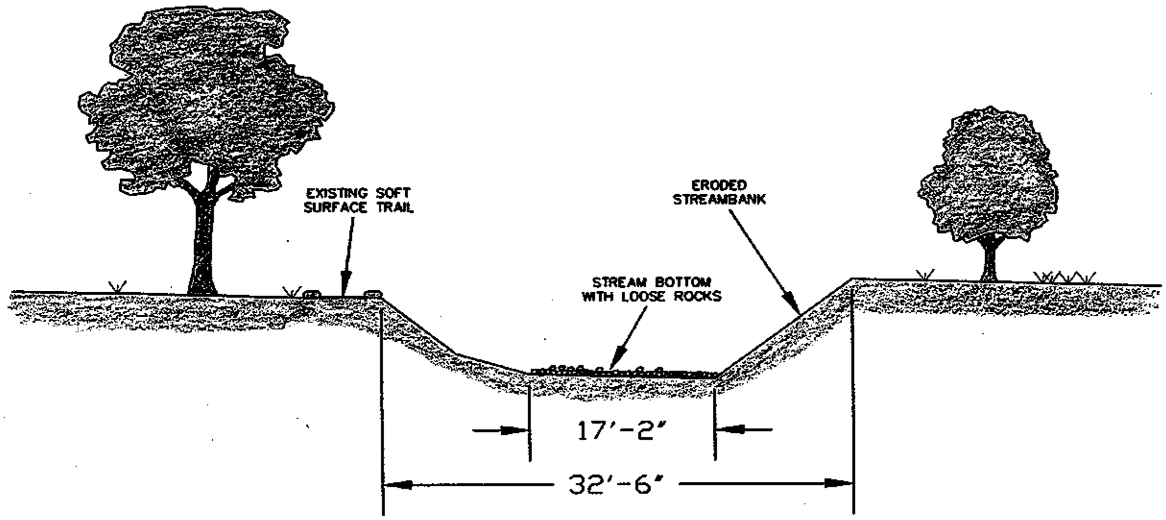
By: ____________________________
DAN COODY, Mayor

By: ____________________________
SONDRA E. SMITH, City Clerk/Treasurer

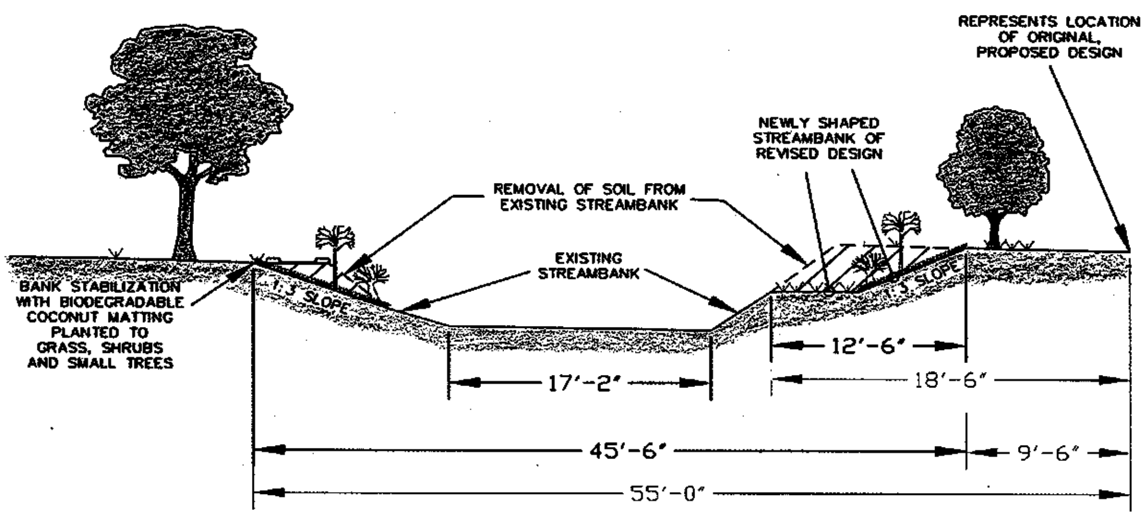
Existing Stream Section
Red Oak Park



Undercut Trees in Stream
Red Oak Park



TYPICAL CROSS-SECTION OF EXISTING STREAM (SOUTHERN PORTION)
NOT TO SCALE



TYPICAL CROSS-SECTION OF PROPOSED STREAM (SOUTHERN PORTION)
NOT TO SCALE

ALDERMAN AGENDA REQUEST

FOR: COUNCIL MEETING OF MARCH 4, 2008

FROM:
ALDERMAN BRENDA THIEL and ALDERMAN SHIRLEY LUCAS

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO WAIVE THE BUILDING PERMIT FEE AND OTHER DEVELOPMENTAL FEES FOR THE CONSTRUCTION OF THE PEACE AT HOME FAMILY SHELTER

APPROVED FOR AGENDA:

Brenda Thiel
Alderman

Date

Shirley Lucas
Alderman

Date

3-3-08

Kit Williams
City Attorney (as to form)

Date

RESOLUTION NO. ______

A RESOLUTION TO WAIVE THE BUILDING PERMIT FEE AND OTHER DEVELOPMENTAL FEES FOR THE CONSTRUCTION OF THE PEACE AT HOME FAMILY SHELTER

WHEREAS, Peace At Home is a non-profit organization dedicated to assisting victims of domestic abuse and their children by providing safe, transitional housing; and

WHEREAS, it serves the public interest and is beneficial to the City as a whole that Peace At Home provides such essential and safe transitional housing in Fayetteville.

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 finds that waiving the building permit fee and all other developmental fees normally required by the Unified Development Code for Peace At Home for its construction of its new family shelter serves the public interest and is beneficial to the City as a whole.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby waives the normal building permit fee and all other developmental fees normally required by the Unified Development Code for Peace At Home for its construction of its new family shelter located in Fayetteville, Arkansas during the year 2008.

PASSED and **APPROVED** this 4th day of March, 2008.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

March 4, 2008
City Council Meeting Date
Agenda Items Only

Tony Johnson	Fire	Fire
Submitted By	**Division**	**Department**

Action Required:

Council approval of the proposed Inter-local ambulance agreement between the City of Fayetteville and Washington County. There is no cost associated to the approval of this agreement.

	$ -	
Cost of this request	Category / Project Budget	Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

	Date
Department Director	2·20·08
City Attorney	2-20-08
Paul A. Becker — Finance and Internal Service Director	2-20-08
Dan Coody — Mayor	2/20/08

Previous Ordinance or Resolution # ____

Original Contract Date: ____

Original Contract Number: ____

Received in City Clerk's Office — ENTERED 2/20/08 LK

Received in Mayor's Office

Comments:

Revised April 16, 2007

Tabled to March 18, 2008 mtg 3/4/08

City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701
Phone (479) 575-8365 Fax (479) 575-0471

February 20, 2008

To: Mayor Coody
Fayetteville City Council

From: Tony Johnson, Fire Chief T.J.

Subject: Proposed Inter-local Ambulance Agreement

Attached, is the proposed inter-local Ambulance Agreement between the City of Fayetteville and Washington County. After the many discussions, amendments, and reviews, I believe the proposal to be favorable to the City of Fayetteville as well as Washington County. The proposal, if accepted will provide for the continuation of a service that the residents of our community have become accustom to. In addition, it will place an emphasis in the delivery of a service that is home grown and not driven by the need to show a profit. I encourage your careful consideration and passage of the proposed inter-local ambulance agreement.

RESOLUTION NO. ______

A RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT FOR AMBULANCE SERVICE BY AND WITH THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ELKINS, FARMINGTON, GOSHEN, GREENLAND, LINCOLN, PRAIRIE GROVE, WEST FORK, WINSLOW AND JOHNSON, AND TO ESTABLISH THE AMBULANCE AUTHORITY AND CENTRAL EMERGENCY MEDICAL SERVICES AS THE EXCLUSIVE EMERGENCY AND NON-EMERGENCY AMBULANCE SERVICE WITHIN THE CITIES

WHEREAS, A.C.A. §14-14-910, and §14-266-102 and §25-20-101 authorize cities and counties to enter into interlocal contracts to provide services such as emergency and non-emergency ambulance services; and

WHEREAS, the above cities and Washington County have determined that the continued provision of ambulance service is necessary for the health, safety and welfare of the residents of said cities and Washington County; and

WHEREAS, Washington County, the City of Fayetteville and all other cities listed in the Resolution's title agree that the creation of an Ambulance Authority or similar entity as provided for in A.C.A. §14-266-100 *et. seq.* is in the best interests of all parties and their citizens; and

WHEREAS, the Ambulance Authority should be established pursuant to the Agreement For Ambulance Services interlocal agreement attached as Exhibit A to this Resolution; and

WHEREAS, in order to save taxpayer money and to reduce the need for taxpayer revenue to subsidize the furnishing of emergency ambulance service to our citizens, the Ambulance Authority and CEMS should be designated the exclusive provider of emergency and non-emergency ambulance service within all cities that are parties to this agreement.

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 interlocal Agreement For Ambulance Services attached as Exhibit A, authorizes Mayor Coody to sign this agreement, and designates the Ambulance Authority created by this agreement to operate Central Emergency Medical Services as the exclusive emergency and non-emergency ambulance services provider throughout Fayetteville and every other city which is a party to this agreement as broadly as authorized in A.C.A. §14-266-102 and 105.

PASSED and **APPROVED** this the 4th day of March, 2008.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

AGREEMENT
FOR AMBULANCE SERVICES

THIS INTERLOCAL AGREEMENT FOR AMBULANCE SERVICES ("Agreement") is made and entered into by and between WASHINGTON COUNTY, ARKANSAS ("County") and the cities of ELKINS, FARMINGTON, FAYETTEVILLE, GOSHEN, GREENLAND, LINCOLN, PRAIRIE GROVE, WEST FORK, WINSLOW and JOHNSON ("Cities")

WHEREAS, A.C.A. §14-14-910 and A.C.A. §25-20-101 authorizes Cities and Counties to enter into contracts to co-operate or join with each other to provide services; such to specify the responsibilities of all parties; and,

WHEREAS, all parties acknowledge that the continued provision of ambulance service is crucial for the continued health and safety of the residents of the named Cities and the County; and,

WHEREAS, County and Cities mutually agree that the creation of an Ambulance Authority or similar entity as provided for in A.C.A. § 14-14-910, A.C.A. §25-20-101 and A.C.A. §14-266-101 et. seq is in the best long-term interests of the parties; and,

WHEREAS, said Authority should consist of representatives of the above named Cities and the County; and,

WHEREAS, All parties acknowledge that the formation of such an Authority will demand close and continued cooperation of all parties

NOW, THEREFORE, IT IS AGREED:

ARTICLE 1. AUTHORITY ORGANIZATION.

(a) One individual selected by each entity shall represent said entity on the Board of Directors of the Authority to be known as the Washington County Regional Ambulance Authority.
   (1) Each Board member shall serve a term of three (3) years and be eligible to serve two (2) consecutive terms.
   (2) The initial term of each Board member shall be determined by the drawing of lots or similar method so as to provide staggered terms.

(b) The Board shall meet on no less than on a quarterly basis to transact all business associated with the powers and responsibilities conferred upon it. However, the Board shall reserve to itself the right to meet on whatever basis it determines is appropriate.

(c) The Board shall employ an executive director to manage a regional ambulance system.

(d) In order to insure maximum efficiency and effectiveness of the operation an executive committee shall be formed to be charged with the oversight of the day-to-day operation of the system. The members of said executive committee shall be as follows:

(1) The County board appointee **who shall reside in the unincorporated service area.**
(2) The Fayetteville board appointee
(3) A second Fayetteville appointee
(4) A small city appointee to be chosen by the aforestated cities excluding the City of Fayetteville.
(5) A Nursing Home or medical profession representative, **who shall reside** in the city of Fayetteville to be chosen by the County appointee; the Fayetteville appointees and the small city appointee.
(6) A Hospital representative **who shall reside** in the City of Fayetteville to be chosen by the County appointee; the Fayetteville appointees and the small city appointee.
(7) **A representative of the financial community residing in the service area to be chosen by the County appointee, the Fayetteville appointees and the small city appointee.**

ARTICLE 2. PURPOSES, POWERS, RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE CREATED ENTITY.

(a) All parties acknowledge that the need to create an entity to own, operate and manage an ambulance service is necessary and appropriate.

(b) The Authority created herein shall have the following powers:

(1) To provide advanced life support emergency ambulance service in a designated area
(2) To provide emergency medical dispatch including pre-arrival instructions in accordance with approved dispatch protocols
(3) To set ambulance user fees.
(4) To own system revenues
(5) To provide exclusive emergency and non-emergency (within the cities only) ambulance service.
(6) To enter into mutual aid and automatic aid agreements with neighboring ambulance services for emergency services.
(7) Comprehensive regulatory powers over the ambulance system performance
(8) Ownership of or access to key components of the system infrastructure

(9) Centralize medical direction and clinical oversight of the ambulance system to the extent deemed necessary
(10) To promulgate rules and regulations to further effectuate the purposes of this agreement
(11) To own and dispose of real and personal property
(12) To adopt and oversee comprehensive system performance on an annual basis to include periodic revisions to comply with emerging technologies and changes in clinical and operational standards

ARTICLE 3. FINANCING; TRAINING; COMPLIANCE WITH A.C.A. §20-13-301 et. seq.

(a) All parties acknowledge that the need for a guaranteed revenue source independent of and in addition to fees for service is necessary in order to ensure the continued viability of said service.
(b) The regional ambulance service funding source for all parties of this Agreement shall be based upon the most current Northwest Arkansas Regional Planning Commission population estimates or most recent Census.
    (1) Cities at $4.00 per capita*.
    (2) County at $15.50 per capita (unincorporated population).
(c) The Authority shall continue to seek a sustainable funding source with the goal of reducing subsidy proportionately across the board.
(d) Except as stated above, no party to this Agreement may be financially obligated without the approval of its governing body.
(e) All governing bodies party to this agreement must approve any increases in subsidy.
(f) A percentage of these funds shall be set aside for replacement of capital items.

*City of Johnson assessed at $4 per capita for that portion of the City now served by Central Emergency Medical Service.

(g) The ambulance service owned or under contract with the Authority shall be required to provide, at no additional charge, the Arkansas Department of Health 24 hour basic refresher course to all EMT certified firefighters that act as first response with said ambulance service.
(h) The financing provided by the parties hereto shall be from general revenues; furthermore, the financing and this agreement are contingent upon compliance with A.C.A. §20-13-301 et. seq. by the County and all the parties will cooperate to the extent necessary in complying with such.

ARTICLE 4. DURATION. This authority will exist in perpetuity, however, any party may terminate and withdraw from this Agreement in whole or in part upon six (6) months written notice; any property, real or personal purchased with funds from such party shall either be returned to the terminating party or purchased by the remaining parties at its fair market value.

ARTICLE 5. SEVERABILITY. The provisions of this Agreement are declared to be severable. If any provision hereof shall be held to be invalid or to be inapplicable to any person or circumstance, such holdings shall not affect the ability or the applicability of the remainder hereof.

ARTICLE 6. EFFECTIVE DATE. This Agreement shall not be effective until approved and signed by all parties in accordance with the law.

APPENDIX TO AGREEMENT

APPENDIX DEFINITION OF TERMS WHEN AND IF USED.

Ambulance Authority: quasi-governmental entity created to oversee and deliver ambulance service a specified geographical service area.

Ambulance Service: means emergency and non-emergency transport services offered by the Authority, including management, supervision, mass gathering and community events.

Exclusivity: sole provider emergency and non-emergency (cities only) ambulance rights granted by ordinance by each party to the extent allowed by state law; exclusivity of non-emergency service does not include the unincorporated areas of Washington County as such power is not granted to counties by state law.

Per Capita: funding structure set forth by this Agreement based on population. Cities contribute at $4.00 per capita due to the increased number of calls generated within their city limits. The County contributes at $15.50 per capita due to the increased coverage area and decreased density of call volume in the unincorporated areas of the County.

Subsidy: government funds requested by the Authority to provide ambulance service.

User Fees: fees charged to patients treated or transported by the ambulance service, or fees charged to an individual or an organization for ambulance standby coverage.

Dan Coody, Fayetteville Mayor

Date

Sondra Smith, Fayetteville City Clerk

Date

Jack Ladyman, Elkins Mayor	Date
Elkins City Clerk	Date

John Gray, Greenland Mayor

Date

Janice Wagnon, Greenland City Clerk

Date

Rob Hulse, Lincoln Mayor | Date

Lincoln City Clerk | Date

Ernie Penn, Farmington Mayor

Date

Farmington City Clerk

Date

Charles Hudson, Prairie Grove Mayor | Date

Carol Pair, Prairie Grove City Clerk | Date

Jeff Baker, West Fork Mayor

Date

Paula Caudle, West Fork City Clerk

Date

Goshen Mayor - Date

Goshen City Clerk Date

Richard Long, Johnson Mayor Date

Johnson City Clerk Date

Randy Jarnagan, Winslow Mayor | Date

Mary Bromley, Winslow City Clerk | Date

Handed out at the City Council Meeting 3/4/08

WashingtonRegional

March 3, 2008

The Honorable Jerry Hunton
Washington County Judge
280 North College
210 Court House
Fayetteville, AR 72701

The Honorable Dan Coody
Mayor, City of Fayetteville
Administration Building
113 W. Mountain St
Fayetteville, AR 72701

Gentlemen:

As the predominant healthcare provider for the City of Fayetteville and Washington County, Washington Regional Medical Center believes it important to offer its perspective on the discussion occurring between the City and County with regard to the merits of having an exclusive provider service the emergency transport needs for the entire County or the County and City having separate arrangements for such services. Our perspective on this issue derives from our daily operation of the largest acute care hospital in the region and one of the state's busiest emergency departments. That perspective is further influenced by our charitable mission to serve the healthcare needs of all of Washington County's citizens and the surrounding area.

Any resolution of this issue must keep two important considerations in mind. First, healthcare services do not follow typical free market economic tenets. Healthcare is for the most part a technological and capital-intensive endeavor where competition often produces expensive duplication of services with no measurable qualitative benefit – either in the realm of improved patient care or reduction in overall healthcare costs. Indeed, it has been my experience that where duplication of services occur higher prices for consumers generally follow.

Second, ambulance services are considered a low to no margin business as there is a continual need to maintain, upgrade and replace equipment and train personnel while operating in a reimbursement environment that is heavily regulated, and therefore unpredictable, and where a large number of the consumers of the service are uninsured or unable to pay for the service.

3215 NORTH HILLS BOULEVARD • FAYETTEVILLE, AR 72703 • (479) 713-1000 • wregional.com

Washington Regional Medical Center, therefore, believes that the concept of a single ambulance provider for emergency services remains the only prudent and logical means of ensuring that the overall emergency transport needs of all citizens are adequately met, whether they live in the City or elsewhere. While it remains unclear as to whether an exclusive provider would enjoy the prerogative of serving both the emergent and non-emergent transport needs for all citizens, such course may be necessary to ensure the economic viability of the overall service. Washington Regional would be concerned that multiple emergent transport providers servicing Fayetteville, Springdale, and the larger County would have a deleterious effect on the overall delivery of healthcare in our County.

While establishment of an exclusive emergent transport arrangement requires attention to detail and the development of adequate safeguards to ensure that the County, each municipality and the overall citizenry receive the highest quality of service at the most effective cost, benefits that are not traditionally associated with a monopoly, Washington Regional Medical Center believes that the single emergent transport provider ensures the most effective emergency care for all citizens of the County.

Sincerely,

William L. Bradley
President and Chief Executive Officer

Handed out at the City Council Meeting 3/4/08

WashingtonRegional

March 4, 2008

The Honorable Jerry Hunton
Washington County Judge
280 N. College Ave.
210 Court House
Fayetteville, AR 72701

Dear Judge Hunton:

As our earlier correspondence indicates, we endorse the concept of an exclusive, centralized ambulance service for the county's emergency transport needs. While we did not specifically address a vendor for this critical service, our experience with Central EMS has been positive.

With that in mind, we do not see any rationale for a change in this regard unless necessary to meet regulatory or fiduciary requirements unknown to us.

Sincerely,

William L. Bradley
President & Chief Executive Officer

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

3/18/2008
City Council Meeting Date
Agenda Items Only

Gary Dumas		Operations
Submitted By	**Division**	**Department**

Action Required:

Approve resolution appropriating $75,000 to match and partner with the University of Arkansas Technology Development Foundation, in order to begin the process of creating a fiscally sustainable Fayetteville. A contract authorizing the expenditure will be brought forward when the UATDF, working with the city staff, has selected appropriate consultant services. Approve a budget adjustment

$75,000	$ -	
Cost of this request	Category / Project Budget	Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] **Budget Adjustment Attached** [xxxx]

Gary Dumas	2/29/2008	Previous Ordinance or Resolution #	
Department Director	Date		
* Need Budget Adjustment to Attach to Res.	2-29-08	Original Contract Date:	
City Attorney	Date	Original Contract Number:	
Paul A. Becker	3-3-08	Received in City Clerk's Office	ENTERED 2/29/08
Finance and Internal Service Director	Date		
Dan Coody	3/4/08	Received in Mayor's Office	ENTERED 2/29/08
Mayor	Date		

Comments:

Fayetteville
ARKANSAS

OPERATIONS DIRECTOR

To: City Council

From: Gary Dumas, Director of Operations

Date: February 29, 2008

RE: Establishing Economic Development Partnership with University of Arkansas through the Technology Development Foundation (UATDF)

Background

The City of Fayetteville like all Arkansas cities derives its primary source of general fund operating revenue from sales tax collections. During 2007 sales tax revenue for Fayetteville declined approximately 2.76% below 2006 collections. This helped to create a budget shortfall for the general fund of approximately $1.57 million requiring the use of cash reserves. Sales tax revenue for 2008 was budgeted for 2% growth above 2007 collections and the split between operations and capital usage was modified from 50-50 to 60% operations and 40% capital. That 2% growth, if achieved and modification of the split to 60-40 will make an additional $1.72 million available for general fund operations. Even with this change in funding practices cost cutting measures for the 2008 budget were still necessary to balance revenue and expenses.

It has become apparent during the past 18 months that the purchasing dynamics of the region have changed and that the significant sales tax growth that Fayetteville has experienced during the past decade will not return.

For the next few years, adjustments in expenses and/or revenues will allow the government to remain fairly stable. However, decreases in expenses will mean a reduction in services, and an increase in millage will affect every property owner.

The City is not in crisis. But it appears evident that within the next 2 to 6 years those adequate resources may not be available to continue to provide the level of services our citizens deserve and have come to expect. Keep in mind also that many of these services are the ones that are unique to Fayetteville and separate us from our regional competitors.

Discussion

The University of Arkansas and the City of Fayetteville coexist in a cooperative and mutually beneficial relationship.

The University has embarked on its vision of emerging as a nationally competitive, student-centered research university serving Arkansas and the world, lifting into the ranks of the nation's top 50 public research universities.

The state of Arkansas needs a top-tier public research university if it is to become competitive in the "New Economy," which is based on knowledge generation and advanced technology.

According to the "New Economy Index" published in 2001 by the Milken Institute, the state of Arkansas ranks 50th overall in the 12 educational and economic measures required for success in

113 West Mountain
Fayetteville, Arkansas 72701
Office phone - 479-575-8330
Fax - 479-575-8257
E-mail - gdumas@ci.fayetteville.ar.us

It is not the strongest of the species that
survive, or the most intelligent,
but the one most responsive to change. ---
Author unknown, commonly misattributed to Charles Darwin

the new economic era. (In the "2007 State New Economy Index" by The Information Technology and Innovation Foundation and the Ewing Marion Kauffman Foundation, Arkansas ranks 47th) The state cannot move forward without a top-ranked public research university, which directly affects a majority of those 12 educational and economic measures.

The University of Arkansas is poised to become that top-tier public research university. The states that will prosper most in the new century are those that nurture knowledge-based and high-tech business and industry while creating a quality of life that attracts and keeps talented people in the state.

These efforts of the University to lift itself to the top tier of public research universities, while benefiting the entire state, will be centered in Fayetteville. Necessary elements of the University's success will be:

- the ability of the local government to provide the quality of life amenities that will attract and retain the best educators, scientists, researchers, and students and
- the ability of the local government to provide an atmosphere that nurtures an entrepreneurial spirit to move research into the marketplace and job creation.

For that reason the University of Arkansas through the Technology Development Foundation (UATDF) has agreed to partner with the City to begin a process of developing a roadmap to fiscal sustainability for the local government. The City of Fayetteville's ability or lack of ability to fund a stable government and quality of life amenities will greatly help or hinder the mission of the University and the University's success in becoming a top-tier public research university will help the City achieve fiscal stability.

The UATDF has agreed to provide up to 50% or $75,000 for phase one of an economic development strategic plan for the community. This first phase is envisioned to be a community-based visioning process, building consensus and perspective, utilizing consultant services for this activity.

There has been some discussion concerning an attempt to accomplish this consensus and perspective building using internal or local resources. The purpose of using outside consultant services is to gain from their prior experience and knowledge, and to gain a new point of view of our local issues. Yes it is true that we all know Fayetteville, and we have our own opinions about what Fayetteville needs. What outside services will bring is the facilitation of a constructive discussion bringing that diverse knowledge and diverse opinion into a consolidated statement with which all sides can identify and move toward the achievement of our common objective – a sustainable, successful Fayetteville economy. That is not a task that will easily be achieved. As with all communities there are great divides of opinion. Preparing the Council and the community for an uncertain future and developing a guide to encourage job and economic growth necessary to maintain and even expand upon the quality of life amenities enjoyed in Fayetteville is perhaps the most important and pressing task at hand.

Recommendation

Approve resolution appropriating $75,000 to match and partner with the University of Arkansas Technology Development Foundation in order to begin the process of creating a fiscally sustainable Fayetteville. A contract authorizing the expenditure will be brought forward when the UATDF, working with the city staff, has selected appropriate consultant services.

113 West Mountain
Fayetteville, Arkansas 72701
Office phone - 479-575-8330
Fax - 479-575-8257
E-mail - gdumas@ci.fayetteville.ar.us

RESOLUTION NO. ______

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF $75,000.00 TO MATCH A SIMILAR EXPENDITURE OF THE UNIVERSITY OF ARKANSAS TECHNOLOGY DEVELOPMENT FOUNDATION TO JOINTLY HIRE A CONSULTANT FOR PHASE ONE OF AN ECONOMIC DEVELOPMENT STRATEGIC PLAN

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 attached as Exhibit A in the amount of $75,000.00 to match a similar expenditure of the University of Arkansas Technology Development Foundation to jointly hire a consultant for Phase One of an Economic Development Strategic Plan.

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department / Division / Program	Date Requested	Adjustment Number
2008	Department: General Government Division: Miscellaneous Program: Miscellaneous	3/21/2008	

Project or Item Added/Increased:
$75,000 in the Economic Development / UA Matching Funds capital project.

Project or Item Deleted/Reduced:
$75,000 from the Designated Unreserved Fund Balance account earmarked for Economic Development (Wilson Springs).

Justification of this Increase:
The funding is a cost share to Establish an Economic Development Partnership with the University of Arkansas for a Technology Development Foundation.

Justification of this Decrease:
Currently the Economic Development Fund has $1.2 Million.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Contract Services	1010	6600	5315	00	75,000	08050	0801

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Use Of Designated Fnd Bal	1010	0001	4999	98	75,000	08050	0801

Approval Signatures

Signature	Date
Requested By	
Budget Director	3-3-08
Department Director	3.3.08
Finance Director: Paul A. Becker	3-3-08
Mayor	

Budget & Research Use Only

Type: A B C D E

General Ledger Date

Approval Date — Initial — Date

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

18-Mar-08
City Council Meeting Date

Karen Minkel	Long Range Planning	Operations
Submitted By	Division	Department

Action Required:

ADM 06-2380: Approval of an ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 166: Development and Chapter 172: Parking and Loading in order to adopt urban residential design standards.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a $ -	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] Budget Adjustment Attached [ ]

2-29-08
Department Director Date

2-29-08
City Attorney

Paul A. Becker 3/3/08
Finance and Internal Service Director Date

3/4/08
Mayor Date

Previous Ordinance or Resolution # n/a
Original Contract Date: n/a
Original Contract Number: n/a

Received in City Clerk's Office
ENTERED 2/29/08

Received in Mayor's Office
ENTERED 2/29/08

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Tim Conklin, Planning and Development Management Director

From: Karen Minkel, Senior Long Range Planner

Date: November 30, 2007

Subject: An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 166: Development and Chapter 172: Parking and Loading in order to adopt urban residential design standards

RECOMMENDATION

Planning Staff recommends approving an ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 166: Development and Chapter 172: Parking and Loading in order to adopt urban residential design standards.

BACKGROUND

City Plan 2025 lists developing urban residential design standards as one of the benchmarks in Year 1 for increasing the supply of quality attainable housing. The first version of this ordinance was presented to the Planning Commission on December 11, 2006. Several concerns were expressed by members of the public and the Commission about the legality of the ordinance and its potential to significantly increase infrastructure costs.

Staff addressed these issues in a second version that was presented to the Planning Commission on January 22, 2007, which included a comparison of the proposed ordinance with ordinances used in peer cities. The main concern expressed by the Commission at the second meeting was the stipulation that required urban residential buildings to front onto public streets, eliminating a developer's ability to front buildings onto private drives or greenspace. Staff attempted to find a compromise that would address these concerns, but a viable solution was not found.

Staff proposed separating the building form standards from the design standards at a Planning Commission agenda session on July 19, 2007. Site planning and building form will be addressed in a traditional neighborhood development ordinance that is scheduled to be developed in Year 3 of City Plan 2025. The Planning Commission agreed to pursue this option and review a revised urban residential design ordinance that primarily addresses architectural design standards.

Planning staff revised the urban residential guidelines, which now include the following major points:

1) Purposes:
   a. Protect and enhance Fayetteville's appearance;
   b. Create appealing street scenes;
   c. Minimize service and parking impacts; and
   d. Compose attractive residential facades.

2) Applicability: The ordinance will apply to: a. two-family dwellings; b. three-family dwellings; and c. multi-family dwellings.

3) Site Development Standards:
   a. Building Siting: Buildings must front onto public streets unless the building is sited more than 50 feet from the public right-of-way. Underlying zoning setbacks shall supersede the siting requirements.
   b. Vehicular Access/Circulation Parking: Garages entries and parking lots shall be located behind the front build-to-zone, and on-street parking shall be provided on at least one side of the street, counting toward the total required spaces for the development. Public streets and private drives shall be extended and connected to adjoining properties. (This section will require amendments to parking ratios for multi-family dwelllings in Chapter 172 of the Unified Development Code.)
   c. Pedestrian Circulation: All ground floor entrances that face a public street right-of-way shall have a walkway that connects to the public sidewalk.
   d. Screening for Services in Urban Residential Developments: Similar to commercial design standards, all utility equipment and trash areas visible from the public right of way shall be screened appropriately.
   e. Fencing: Razor, barbed wire and chain link fences are prohibited. The maximum height of a solid fence within the front yard shall be 42 inches, which is consistent with the Downtown Design Overlay District.

4) Architectural Design Standards
   a. Building, Mass, Form and Design: In developments containing three or more residential structures, a variety of colors and building materials shall be used to differentiate one building from another.
   b. Ancillary structures shall be similar architecturally to primary buildings.
   c. All principal facades shall be articulated using two or more options. (e.g. balconies, porches, bays, etc.)
   d. Architectural embellishments such as awnings, headers, sills, and molding are encouraged.

Attaining community consensus about what makes an appropriate urban residential project functional and attractive will help mitigate opposition to viable and desirable projects. The proposed urban residential design standards identify key elements that make development consistent with an attractive, pedestrian-friendly urban fabric. The standard variance procedure may be used if the ordinance creates undue hardship for a developer.

The Planning Commission forwarded the ordinance to the Ordinance Review Committee on October 22, 2007 with a vote of 7-0-0. The Ordinance Review Committee forwarded the proposed amendments on November 29, 2007 with a recommendation for approval by the City Council with a vote of 3-0-0.

Chapter 172.05(E) of the Unified Development Code will need to be amended in order to accommodate the proposed parking changes in the urban residential design standards. Minutes from the Planning Commission meeting on October 22 are also attached.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CODE OF FAYETTEVILLE TO AMEND CHAPTER 166: DEVELOPMENT AND CHAPTER 172: PARKING AND LOADING IN ORDER TO ADOPT URBAN RESIDENTIAL DESIGN STANDARDS.

WHEREAS, the City Council has stated in City Plan 2025 that urban residential design standards will increase the supply of quality attainable housing; and

WHEREAS, urban residential design standards will protect and enhance the City of Fayetteville's appearance, identity, and natural and economic vitality; and

WHEREAS, urban residential design standards will contribute to safe, pedestrian-friendly neighborhoods; and

WHEREAS, urban residential design standards will minimize service and parking impacts; and

WHEREAS, urban residential designs standards will enhance the economic viability of the neighborhood and provide compatibility with surrounding property,

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

Section 1: That the City Council of the City of Fayetteville, Arkansas, hereby adopts ordinance §166.23, establishing Urban Residential Design Standards. A copy of which marked Exhibit "A" is attached hereto and made a part hereof.

Section 2: That Chapter 172: Parking and Loading is amended by adding the following text to §172.05 (E):

On-street parking. On-street parking along the project frontage for urban residential developments shall count toward the total required spaces for the development when on-street parking is available or provided.

PASSED and **APPROVED** this day of , 2008.

APPROVED: ATTEST:

By: _______________________________
DAN COODY, Mayor

By: _______________________________
SONDRA SMITH, City Clerk/Treasurer

DRAFT

Exhibit "A": Proposed Urban Residential Design Standards

Sec. 166.23 Urban Residential Design Standards

(A) Purposes.

(1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.

(2) To create appealing street scenes so that development enhances the image of the City and provides safe, pedestrian-friendly neighborhood environments.

(3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the City's economic development.

(4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.

(B) Applicability. All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

(1) 2-F, Two-family dwellings

(2) 3-F, Three-family dwellings

(3) MF, Multi-family dwellings

(C) Site Development Standards. The following site development standards shall apply for all urban residential development.

(1) *Intent.* The intent of these site development standards is to create a pedestrian-friendly streetscape.

(2) Building Siting and Design.

(a) All Buildings shall be designed to have a front façade that faces onto the public street right-of-way and shall be located between a building setback line of 10 feet and 25 feet from the public street right-of-way, unless the building is sited more than 50 feet from the public right-of-way.

(b) The underlying zoning district setbacks shall supersede the siting requirements for urban residential development.

(3) *Vehicular Access / Circulation / Parking.*

(a) Site access and internal circulation should promote pedestrian safety, efficiency, and convenience and minimize conflicts between vehicles and pedestrians. Continuous circulation shall be provided throughout the site to the greatest extent possible creating a complete, compact, and connected transportation network both within the development and to the surrounding neighborhood.

(i) Garage entries, carports, parking lots and parking structures shall be located behind the front build-to zone and shall not protrude forward from the remainder of the principal facade.

(ii) Parking areas shall be accessed by mid-block alleys whenever possible.

(iii) On-street parallel parking may be provided on at least one side of the street in front of all multi-family buildings where feasible. Each on-street parking space provided along the project frontage shall count toward the total required spaces for the development.

(4) *Pedestrian Circulation.*

(a) All ground floor entrances of each dwelling unit that face a public street right-of-way shall have a walkway that connects the front entrance to the public sidewalk where sidewalks exist.

(b) Urban residential projects should incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks and/or trails exist and can be extended in the future.

(5) *Screening Requirements if visible from the highway/street right-of-way.*

DRAFT

(a) *Mechanical and utility equipment.* All mechanical and utility equipment located on the wall and/or on the ground shall be screened, except for air conditioning window units. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting building. Mechanical and utility equipment over 30 inches in height shall meet building setbacks, unless located in a utility easement.

(b) *Trash areas.* Trash enclosures shall be screened with materials that are compatible with and complementary to the principal structure. Access should not be visible from the public right-of-way.

(c) *Screening.* Screening shall mean a view obscuring fence, berm, vegetation, architectural treatment consistent with the residential architecture, or a combination of the four of sufficient height to prevent the view of the screened items from the public right-of-way. Vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting.

(6) *Fencing.* The following types, height, and location of fences shall be prohibited:

(a) *Razor and/or barbed wire.* Razor and/or barbed wire fences are prohibited, unless and except barbed wire fences are used for agricultural purposes.

(b) *Chain link.* Chain link fence is prohibited if closer to the street than the front of the building.

(c) *Height of fences in front of buildings.* Fences in the front yard area shall have a maximum height of 42 inches subject to visibility requirements in Chapter 164.09 and 164.17.

(D) Architectural Design Standards.

(1) Intent. The intent of these building design standards is:

(a) To ensure that urban residential buildings add to the character and quality of the community, offer a sense of security, and make a positive contribution to the life of the street.

(b) To maximize the quality, value and longevity of urban residential neighborhoods.

(c) To make housing appealing and comfortable for its inhabitants.

(2) *Construction and appearance design standards for urban residential development.*

(a) *Building Mass, Form, and Design.*

(i) In urban residential developments containing three (3) or more residential structures a variety of colors and building materials shall be used to differentiate one building from another. Only three of the same building type in one development shall be permitted.

(ii) Ancillary structures such as carports, garages, recreational buildings and storage structures shall be designed as an integral part of the project architecture.

(iii) The following architectural elements shall be required of all principal facades on urban residential projects:

a. Variations in materials;

b. Variations in roof forms;

c. A functional, architecturally emphasized entry.

(iv) The principal façade(s) of all urban residential buildings shall be articulated through the incorporation of two or more of the following:

a. Balconies;

b. Bays or bay windows;

c. Insets or other relief in the wall place;

DRAFT

d. Porches;

e. Dormers;

f. Porticoes;

g. Turrets; or

h. Consistent and complementary fenestration patterns.

(E) *Planning Commission Approval..* An applicant may request approval from the Planning Commission of a variance from the maximum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

Secs. 166.24.--166.99. Reserved

Old Business:

ADM 06-2380: Urban Residential Standards: Submitted by Planning Staff to forward an ordinance establishing urban residential design standards to the Ordinance Review Committee.

Tim Conklin, Planning and Development Management Director, gave the staff report, stating that Karen Minkel has been working on these design standards. In December 2006 a draft was presented to the Planning Commission, at which concerns were expressed regarding the cost of development with these standards. At the meeting of January 22, 2007 there were still concerns, especially regarding public street frontage. On July 19 staff met at the agenda session with the Planning Commission and discussed removing components of site planning, street frontage, etc. from this draft. The Planning Commission at that time directed staff to bring back a less prescriptive ordinance. Staff is now bringing forward a formal ordinance that moves away from establishing a traditional neighborhood development (TND)form, and instead addresses architectural standards for multi-family units. A TND ordinance is planned to bring forward these other issues, which can address this at a later date, at the direction from the Planning Commission. With this ordinance, if a multi-family dwelling unit does front on a public street within10-25' it must be articulated as a front facade. If it is not, the building must set back from the right-of-way 50 feet. Parking, garage entries, and parking lots must be behind or beside the building, and none are permitted within the build-to zone. There must be pedestrian access to public sidewalks. Screening for dumpsters, utility equipment and the like are required much like in commercial applications. Fences have been regulated, as well. With regard to the architectural design standards, three or more residential structures must be designed with different colors and materials so one could tell the difference. On each building, there must be two or more architectural treatments, such as a porch or bay. This ordinance does not address building materials. Conklin presented a PowerPoint presentation with examples of compliant and non-compliant multi-family dwellings. He went over the City Plan 2025, adopted by the City Council, which directs staff to come forward with this ordinance, Staff is trying to draft an ordinance that fronts a building onto a public street when it is facing a public street, similar to Commercial Design Standards. What is being proposed is not a prescriptive ordinance, and is very different than what staff proposed in December.

No public comment was received.

Commissioner Trumbo stated that from previous time the Commission reviewed this ordinance, one of his main concerns was developers being forced to front all buildings onto public streets. This proposal will now allow private drives and drive aisles.

Commissioner Graves asked about chain link fences. On a corner lot, there are 2 fronts. Who determines what the front is?

Conklin stated that the way the zoning ordinance reads, a corner lot has two fronts and two sides, so that is already defined by code.

Commissioner Graves stated he wanted to make sure it was defined. He noted a grammatical error in the barbed wire fence section, to be corrected.

Commissioner Winston stated it seems like there needs to be a process for a variance. If, for instance, an applicant found an architectural treatment that is not on the list?

Kit Williams, City Attorney, stated there is a procedure for variances in the variance chapter, related to Ch. 166 Development, in which the proposal is now being considered. It does require an applicant to prove undue hardship, however. Staff might want to take a look at that so comparable feature could substitute for one on the list without proving a hardship.

Commissioner Winston asked about screened-in porches.

Conklin stated staff will look into that and that the intent was to match the downtown design standards.

Commissioner Bryant discussed on-street parking, and how it would relate to the parking ratios.

Conklin stated this ordinance does encourage on-street parking, which is an essential component of creating a walkable, pedestrian-friendly environment. On-street parking is not always an option, however, and will have to be determined on a case-by-case basis.

Motion:

Commissioner Myres made a motion to forward the request to the Ordinance Review Committee with a recommendation for approval. **Commissioner** Cabe seconded the motion.

Commissioner Graves asked the motioner if she intended to include the comments made by the Commission regarding staff looking into the porch screening.

Commissioner Myres stated yes, the language for the porch screening should be congruent to the downtown standards.

Upon roll call the motion passed with a vote of 7-0-0.

Page Break

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

18-Mar-08
City Council Meeting Date

Leif Olson	Long Range Planning	Operations
Submitted By	Division	Department

Action Required:

ADM 07-2712: Approval of an ordinance amending the Unified Development Code to allow Accessory Dwelling Units as a use by right with administrative approval in all single family zoning districts.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a $ -	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — Date: 2.29.08

City Attorney — Date: 2-29-08

Paul A. Becker
Finance and Internal Service Director — Date: 3-3-08

Dan Coody
Mayor — Date: 3/4/08

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office
ENTERED 2/29/08

Received in Mayor's Office
ENTERED 2/29/08

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Tim Conklin, Planning and Development Management Director

From: Leif Olson, Long Range Planner

Date: February 1, 2008

Subject: The request is to approve the proposed amendments to the Unified Development Code allowing Accessory Dwelling Units as a use-by-right in all residential zoning districts with administrative approval.

RECOMMENDATION

Planning Staff recommends approving the proposed Accessory Dwelling Unit Ordinance by the City Council.

BACKGROUND

The City Council has adopted a policy of addressing attainable housing as one of its top priorities. Planning Staff drafted a Housing White Paper in 2005 which outlined a series of policy alternatives that the City could implement in order to diversify the housing stock in terms of size and price points. One of the policy recommendations discussed in the white paper was to allow existing homeowners to construct accessory dwelling units on their property with administrative review and approval.

Accessory Dwelling Units (ADUs) are currently permitted by conditional use in residential districts of the City. The Conditional Use Permit process by its very nature can discourage residents from proposing ADUs. The current structure of the ordinance gives very little design guidance to the property owner and the public. The public hearing process can also have the undesired consequence of creating a reactionary response by the public and results in projects being re-designed by adjoining neighbors and appointed and elected officials. This is often a result because there are few guiding rules for the applicant, the public, Planning Staff or the appointed and elected officials to follow.

Planning Staff believes that a prescriptive ADU ordinance which addresses site design, bulk and area considerations, building heights, setbacks and architectural compatibility will ensure that new ADUs are appropriate in scale and design and that they will contribute to the community and neighborhood.

Planning Staff is bringing this ordinance forward at this time in order to advance three of the six goals adopted by the City Council's passage of City Plan 2025. Allowing ADUs by right is a benchmark in City Plan 2025 for the Fall 2006 – Summer 2007 schedule. Specifically, this ordinance is designed to address:

Goal 1: We will make appropriate infill and revitalization our highest priority,
Goal 2: We will discourage suburban sprawl, and
Goal 6: We will create attainable housing.

Administrative approval of ADUs will advance Goals 1 and 2 by encouraging the creation of dwelling units on property that has already been developed within the City. Low-density single-use residential property has the infrastructure already in place to allow for these infill opportunities. The larger lot sizes associated with low density zoning are prime locations for ADUs and will discourage sprawl by allowing appropriate and compatible small-scale residential uses to existing neighborhoods. ADUs by right are the very definition of infill and revitalization.

ADUs can create attainable housing in a number of ways. They are often designed as a housing alternative for members of the family who may have special needs or life circumstances, for instance the traditional role of an ADU as a "granny unit' for the mother-in-law. Families with college age children may choose to construct an ADU rather than pay rent for a dorm room or off-campus apartment. ADUs can be a very effective housing solution for a variety of familial circumstances that evolve over time. Additionally, ADUs as rental units can provide the necessary income needed for a family to meet their monthly mortgage obligations. There is an abundance of literature that can be found on the internet regarding the social and economic advantages of ADUs. Here is a brief list of links about ADU ordinances in other municipalities:

http://rainier.wa.us/Publications/adu30.pdf
http://www.ci.santa-cruz.ca.us/pl/hcd/ADU/adu.html
http://cosweb.ci.shoreline.wa.us/uploads/attachments/pds/handouts/ADU.pdf

DISCUSSION

The Planning Commission forwarded this item to the Ordinance Review Committee with a unanimous vote of 6-0. A concern brought up by the Planning Commission was that 600 sq. ft. would allow too large of a unit and perhaps 400 sq. ft. would be more appropriate. Staff has looked at the advantages and disadvantages of reducing the allowable square footage and is in favor of leaving it at 600 sq. ft. The downside of reducing the square footage is that you can reduce it to the point where it will in effect prescribe an efficiency type unit without a separate bedroom. An efficiency unit may be appropriate for younger people and students but most adults would not find it very practical. Staff believes that reducing the square footage will significantly limit the potential for a broad cross-section of the community to take advantage of this form of attainable housing.

The City Council Ordinance Review Committee forwarded this item to the full City Council with a unanimous 3-0 vote in favor of the proposed ordinance.

Planning Staff has met internally and with the Council of Neighborhoods in February to discuss the Accessory Dwelling Unit Ordinance and to make any additional changes that would create a stronger "by right" ordinance. Therefore, Planning Staff has made the following changes to the ordinance in order to address some of the concerns brought up during these meetings;

- Requirement of impact fees for all accessory dwelling units.
- Requirement for separate water and sewer taps for the accessory dwelling unit.
- Proof of occupancy of the owner of the residence with a registration requirement annually.
- Requirement of site plan review by the Urban Forester with mitigation requirements for the removal of significant trees on the building site.
- The maximum building heights have been amended in order to mirror the way building height is determined for single family development.
- Requirement for the removal of cooking facilities when the owner no longer resides in either the principal or accessory dwelling unit.

BUDGET IMPACT

None

ORDINANCE NO. ________

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CODE OF FAYETTEVILLE TO AMEND CHAPTER 151: DEFINITIONS, CHAPTER 159: FEES, CHAPTER 161: ZONING REGULATIONS, CHAPTER 162: USE UNITS, CHAPTER 163: USE CONDITIONS AND CHAPTER 164 SUPPLEMENTARY DISTRICT REGULATIONS IN ORDER TO MAKE ACCESSORY DWELLING UNITS A PERMITTED USE IN ALL RESIDENTIAL ZONING DISTRICTS CONTINGENT UPON PLANNING DIVISION ADMINISTRATIVE APPROVAL.

WHEREAS, the City of Fayetteville recognizes that accessory dwelling units provide an additional housing choice for many residents of the City such as students and senior citizens; and

WHEREAS, the City of Fayetteville has identified the need for increased housing options and variations in the existing housing market; and

WHEREAS, the City of Fayetteville has determined that accessory dwelling units are appropriate in residential zoning districts; and

WHEREAS, the City of Fayetteville recognizes that strict design guidelines will minimize cited concerns about appearance, mass and scale; and

WHEREAS, the City of Fayetteville recognizes that an administrative approval process will streamline the development process and encourage the construction of additional accessory dwelling units; and

WHEREAS, Accessory dwelling units that exceed the maximum standards prescribed in the proposed ordinance may request a variance from specific standards to the Planning Commission;

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

Section 1. That Chapter 151: Definitions is amended by adding Accessory Dwelling Unit and Principal Dwelling Unit to §151.01, a copy of which marked Exhibit "A" is attached hereto and made a part hereof.

Section 2. That Chapter 159: Fees is amended by adding Accessory Dwelling Unit $100.00 to §159.01(B)(6).

Section 3. That Chapter 161: Zoning Regulations is amended by adding Use Unit 41: Accessory Dwelling Units in §161.03 (B)(1), §161.04 (B)(1), §161.05 (C), §161.06 (C), §161.07 (B)(1), §161.08 (B)(1), §161.09 (B)(1), and §161.23 (B)(1).

Section 4. That Chapter 162: Use Units is amended by adding Accessory Dwelling Units as Use Unit 41in §162.01

Section 5. That Chapter 163: Use Conditions is amended by removing Detached Second Dwelling Units (granny units) from §163.0l: Listing, and removing all of §163.07: Detached Second Dwelling Units (Granny Units) and re-numbering the remainder of Chapter 163: Use Conditions accordingly.

Section 6. That Chapter 164: Supplementary District Regulations is amended by adding the proposed language in §164.19, a copy of which is marked Exhibit "B" attached hereto and made a part hereof.

PASSED and **APPROVED** this the ____ day of ____, 2008.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

EXHIBIT "A"

Chapter 151: Definitions is amended by adding Accessory Dwelling Unit and Principal Dwelling Unit to §151.01:

Accessory Dwelling Unit. (Zoning) An Accessory Dwelling Unit is a separate dwelling unit from the principal dwelling unit, located on a single family zoned lot. The owner of the lot shall permanently reside in either the principal dwelling unit or the accessory dwelling unit located on the property.

Principal Dwelling Unit. (Zoning) A Principal Dwelling Unit is the primary and larger of two dwelling units located on a single lot.

EXHIBIT "B"

Chapter 164: Supplementary District Regulations is amended by adding the following section §164.19: Accessory Dwelling Units:

164.19 Accessory Dwelling Units (ADU)

(A) *Purpose.* The purpose of the accessory dwelling unit ordinance is to authorize accessory dwelling units in certain zoning districts on lots already developed or that will be developed concurrently with single-family dwellings.

(B) *Intent.* Planning Staff shall evaluate the following criteria for the review and approval of an accessory dwelling unit application:

(1) Exterior design of the accessory dwelling unit should be compatible with the principal dwelling unit through architectural use of building forms, height, construction materials, and colors.

(2) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standards to serve the accessory dwelling unit.

(3) The location and design of the accessory dwelling unit shall meet the required setbacks of the zoning district.

(4) A two-story accessory dwelling unit should generally limit the major access stairs, decks, entry doors, and major windows to the walls facing the principal dwelling, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard should be minimized. The design of the accessory unit should relate to the design of the principal residence and not visually dominate it or the surrounding properties.

(5) The orientation and location of buildings, structures, open spaces and other features of the site should protect and maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. Building profiles, location and orientation should relate to natural land forms.

(6) The site plan should incorporate low impact storm water mitigation techniques, such as cisterns, rain barrels, permeable pavers, rain gardens, indigenous plants and landscape berms.

(C) *Permitted Zoning Districts:* Accessory dwelling units shall be exempt from the density requirements of the underlying zoning district and shall be permitted by-right on lots containing 5,000 square feet or more in the following Zoning districts:

(1) R-A Residential Agricultural

(2) RSF – 0.5 Residential Single Family – One Half Unit per Acre

(3) RSF – 1 Residential Single Family – One Unit per Acre

(4) RSF – 2 Residential Single Family – Two Units per Acre

(5) RSF – 4 Residential Single Family – Four Units per Acre

(6) RSF – 7 Residential Single Family – Seven Units per Acre

(7) RSF – 8 Residential Single Family – Eight Units per Acre

(8) NC Neighborhood Conservation

(D) *Administrative Design Review and Approval.* All accessory dwelling units shall meet the following standards for administrative approval by the Zoning and Development Administrator. Prior to approval of an accessory dwelling unit, the Zoning and Development Administrator shall find that:

(1) *Maximum Square Feet and Number of Bedrooms.* The accessory dwelling unit shall not be greater than 600 square feet of habitable space with a maximum of one bedroom. Detached accessory dwelling units located above garage space shall be permitted so long as they meet the height requirement herein.

(2) *Zoning.* The accessory dwelling unit shall comply with all underlying zoning requirements including but not limited to building area, bulk and area, and setbacks with the exception of density.

(3) *Parking.* One parking space shall be provided on-site for each accessory dwelling unit. Required parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit. On-street parking may be counted towards the total parking requirement where it is allowed in the public right-of-way adjacent to the subject property.

(4) *Existing Development on Lot.* A single-family dwelling shall exist on the lot or shall be constructed in conjunction with the accessory dwelling unit. No building permit shall be issued until this requirement is satisfied.

(5) *Maximum Number of Accessory Dwelling Units Per Lot.* A maximum of one accessory dwelling unit shall be permitted for each lot.

(6) *Other Code Requirements.* The accessory dwelling unit shall comply with the requirements of the City of Fayetteville Uniform Building Code.

(7) *Water and Sewer.* Water and sewer service for the accessory dwelling unit shall be connected directly to the pubic water and sewer system, where reasonably accessible in accordance with all applicable regulations, and shall be metered separately from the principal residence.

(8) *Impact Fees.* All impact fees for an accessory dwelling unit shall be paid in accordance with the regulations of Ch. 159 of the Unified Development Code, for a single family dwelling.

(9) *Occupancy.* The property owner must permanently occupy either the principal or accessory dwelling unit.

(10) *Maximum Occupancy of the Accessory Dwelling Unit.* A maximum of two persons shall reside in an accessory dwelling unit.

(11) *Registration of Dwelling Units.* The principal and accessory dwelling unit shall be registered on an annual basis, from the date of approval, with the Planning Division to verify occupancy requirements.

(12) Tree Preservation. To protect existing tree canopy to the greatest extent possible, prior to application for an accessory dwelling unit, the applicant shall consult with the Urban Forester, to prepare a site plan illustrating the location of all significant trees. All significant trees on the property shall be adequately protected during construction. Any proposed removal of significant trees on the site will require the following of the property owner:

(a) The applicant must show that the removal of a significant tree or trees is necessary in order to locate the accessory dwelling unit on the lot and also meet all contributing location requirements such as building setbacks, utility or drainage easements, topography, etc.

(b) For every significant tree removed the property owner shall replace said tree with a total of two (2) two-inch caliper large species shade trees from the list of approved tree species in a location deemed appropriate by the Urban Forester.

(c) Should the Urban Forester find justifiable cause to determine a significant tree or trees were removed in an attempt to thwart the intent of this ordinance prior to application for an accessory dwelling unit, the application shall not be approved administratively.

(13) *Building Height and Stories.*

(a) A one-story detached accessory dwelling unit shall be a maximum of 20 feet in height to the roof peak measured from the existing adjacent grade.

(b) A detached accessory dwelling unit above one story shall be a maximum of 25 feet in height to the roof peak measured from the existing adjacent grade.

(c) An attached accessory dwelling unit may occupy a first or second story of a principal dwelling unit and shall not in any instance be taller than the roof line of the principal dwelling unit.

(14) *Building Design.* The architectural design of the accessory dwelling unit shall relate to the design of the principal dwelling by the use of similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch. The following materials must be submitted for review of an application:

(a) A material sample board indicating type of materials and colors to be used on the exterior of the building.

(b) An architectural elevation drawing of all sides of the proposed structure.

(c) Images or architectural elevations of the principal dwelling unit.

(E) *Site Plan Requirements.* Three sets of detailed site plans are required with the following information:

(1) Scale no smaller than 1" = 30' (one inch equals thirty feet)

(2) A north arrow

(3) Property lines

(4) Locations and dimensions of all rights-of-way, utility, drainage and tree preservation easements, and building setbacks

(5) All existing and proposed structures with accompanying uses

(6) Size of parcel in square feet or acres.

(7) Size of all existing and proposed structures in square feet

(8) Name of the applicant or property owner, plan preparer, project name and project address in a title block

(9) Pertinent special features such as drainage features, berms, fences, and retaining walls

(10) Parking areas, including driveways, with paving materials and dimensions

(11) A landscape plan showing the location of all proposed landscaping, size of plant materials and species

(12) Tree protection plan including all significant trees and protection measures

(F) Deed Restrictions. Before obtaining a building permit for an accessory dwelling unit the property owner shall file with the Washington County Clerk's Office a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

(1) The accessory dwelling unit shall not be sold separately from the principal residence.

(2) The accessory unit is restricted to the approved size.

(3) The property owner shall at all times reside on the property.

(4) The above restrictions are binding upon any successor in ownership of the property and shall run with the property.

(G) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements for size (square feet), height, and materials for an accessory dwelling unit, where unique circumstances exist and the effect will not adversely affect adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(H) *Existing Detached Second (Accessory) Dwelling Units.*

(1) Conforming Units. Existing detached second dwelling units approved by the Planning Commission by conditional use and constructed shall be considered a legal conforming accessory dwelling on the property. Property owners shall register the principal and accessory dwelling on an annual basis with the Planning Division.

(2) Nonconforming Units. Existing detached second dwelling units that were not approved by the Planning Commission shall be considered nonconforming. An application for administrative approval may be made to convert an existing nonconforming detached second dwelling unit to a conforming legal detached second dwelling unit, where the existing unit can meet the requirements herein. Where an existing nonconforming second dwelling unit exists as of the date of the adoption of

this ordinance that can not meet the requirements herein, the applicant may apply for a variance of the requirements stated.

(I) *Non-Conforming Structures.* Non-conforming structures may not be converted into an accessory dwelling unit unless a variance has been granted by the Board of Adjustment.

(J) *Removal of kitchen and cooking facilities.* The accessory dwelling unit shall be converted from a dwelling unit by the removal of kitchen and cooking facilities if the owner of the property no longer wishes to reside in either structure.

(K) *Violation.* Violation of the requirements herein shall be prosecuted to the maximum extent of the law.

ADM 07-2712: (ACCESSORY DWELLING UNITS): An ordinance amending the Unified Development Code to allow Accessory Dwelling Units by right in Residential Zoning Districts.

Tim Conklin, Planning and Development Management Director, explained that the accessory dwelling unit ordinance was one of the benchmarks adopted by the City Council. The proposed ordinance was drafted to allow existing homeowners to construct accessory dwelling units. He explained that accessory dwelling units also known as detached second dwelling units are currently permitted by conditional use. Planning staff was bringing forward a prescriptive ordinance that addresses site design, bulk and area, building height, setback, and architectural compatibility. The ordinance advances three of the six goals adopted in City Plan 2025: Allowing accessory dwelling units meets Goal 1, Appropriate Infill, discouraging suburban sprawl meets Goal 2, and creating attainable housing meets Goal 6. He suggested the Commissioners review what was adopted by other communities in Washington, Wisconsin, and California. A PowerPoint presentation was shown that discussed the benefits of the ordinance and how it relates specifically to Fayetteville.

Conklin asked that if the Commissioners had any additional requirements or suggestions above and beyond those discussed, that he be notified. Each exhibit was presented and summarized.

Commissioner Anthes asked if it will modify approved PZDs.

Conklin stated that no, it's too complicated to do so with all Residential PZDs. Instead, Use Unit 41, Accessory Dwelling Units, will be added to the UDC and could be used to amend an existing PZD through the City Council process.

Public Comment was received:

Joann Kvamme, neighbor, stated she is concerned about small lot sizes. She stated that the amount of coverage on a lot be considered by the amount of impervious surface. She expressed drainage concerns and how the additional units would change the flavor of neighborhood. She expressed that ADU's should be looked at on a case by case basis. She thought this proposed ordinance was too risky for the City to blanket approval ADU's. She understood PZDs won't change, but once a person buys the property, they could change it after it is built. She also expressed concern that off-street parking won't be enough to serve the ADU.

Dan Conner stated the main reason they haven't been approved is the whole neighborhood comes out and fights it. He suggested they keep ADU's as a conditional use permit.

Conklin stated that the City does have lot coverage standards, but they don't have them for actual paving. With regard to previous ones, they typically aren't a problem if they are done correctly. If this is something we want to encourage, as affordable housing, or if there needs to be additional requirements to make it more prescriptive, please let staff know your ideas.

Commissioner Anthes asked if development in PZDs can change.

Conklin stated that no, the PZD ordinance goes with the Land.

Commissioner Ostner asked about R-O zoning and ADU's.

Conklin stated they tried to stay with just single-family, because they currently only allow one single family dwelling.

Commissioner Ostner asked if there was an impact fee for an additional unit.

Conklin confirmed that impact fees would apply to each new unit.

Commissioner Ostner asked if there were separate water/sewer taps, or together?

Conklin stated that he has seen it done both ways.

Commissioner Ostner stated it can get expensive to build an ADU. He questioned trash pick up and how that would be handled. He stated that Mr. Conner had a good point that people fight these requested-for ADU's. He stated that there were no parameters in previous applications – no specific rules and that they probably should have been fought. He stated he thought 600 square feet was too big. He thought 400-500 s.f. would be more appropriate. He would like to see the ordinance say 400 s.f., instead. He stated that he lived in 420 s.f. with a roommate. He thought the Ordinance is terrific, to set up rules to promote ADU's. He stated that density is what is going to save this town. You can get more shops, and keep Dickson alive. This is a great way to do density right.

Commissioner Winston asked about the size of the dwelling unit on the right in the slideshow.

Conklin stated that he did not know but would find out.

Commissioner Ostner stated he hopes that the entire property, both ADU and primary dwelling don't becomes rent houses. And that you could have six people living in these houses.

Commissioner Anthes asked about a deed restriction on the property that requires owner occupancy for one of the units.

Commissioner Ostner asked about the potential problem of an unscrupulous owner who doesn't occupy one of the units.

Commissioner Bryant asked how the deed restriction worked and how it would be enforced. She asked what stops them from renting both out.

Pate stated that if there is a violation of UDC, it will be prosecuted.

Commissioner Cabe asked about the amount of buildable area, and how this ordinance would impact existing second dwelling units that did not go through CUP. He also asked about grandfathered units.

Motion:

Commissioner Myres made a motion to forward the request to ordinance review.

Commissioner Cabe seconded the motion.

Commissioner Anthes stated she appreciates staff's work on research to produce a predictable outcome with this process. She discussed the benefits of this ordinance with helping to create additional income to allow citizens afford housing, the downsizing of families, and being able to stay in neighborhood. She stated that she supported this ordinance.

Upon roll call the motion passed with a vote of 6-0-0.

Page Break

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

18-Mar-08
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

ADM 08-2927: Administrative Item R-PZD 06-2212 (STADIUM CENTRE COTTAGES, 557): Submitted by H2 Engineering, Inc. for property located at the southwest corner of One Mile Road and Sandra Street. The property is zoned R-PZD 06-2212, Stadium Centre Cottages and contains approximately 2.45 acres. The request is to modify the approved zoning criteria to change the lot width and lot area requirements, so that the approved two-family structures located on Lots 12-14 may be developed as townhouses and sold individually.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a $	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — Date: 2-29-08

City Attorney — Date: 2-29-08

Paul A. Becker
Finance and Internal Service Director — Date: 3-3-08

Mayor — Date: 3/4/08

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office
ENTERED 2/29/08

Received in Mayor's Office
ENTERED 2/29/08

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy Pate, Director of Current Planning

Date: February 28, 2008

Subject: Administrative item modifying the Master Development Plan of the Stadium Centre Cottages Planned Zoning District (ADM 08-2927)

RECOMMENDATION

Planning Staff and Planning Commission recommend approval of an ordinance amending the Stadium Centre Cottages Planned Zoning District to change the lot width and lot area requirements, so that the approved two-family structures located on Lots 12-14 may be developed as townhouses and sold individually.

BACKGROUND

The subject property consists of approximately 2.45 acres located at the southwest corner of Old Farmington Rd. and Sandra St., just north of 6th Street. The Fayetteville City Council approved R-PZD 06-2212 (Stadium Centre Cottages) on December 19, 2006 for zoning and preliminary plat approval of a residential development with 11 single-family dwellings and 6 two-family dwellings in one Planning Area. The single-family portion of the development is located along Old Farmington Rd. on Lots 1-11 and the two-family portion of the development is situated to the south on Lots 12-14.

The applicant requests a modification to the approved zoning criteria to change the lot width and lot area requirements, so that the approved two-family structures located on Lots 12-14 may be developed as townhouses and sold individually. The request does not materially alter density, number of dwelling units, greenspace, etc.; rather, it simply would permit the two-family structures to be sold as separate units on separate lots. Approval of a concurrent plat by the Planning Commission to split Lots 12-14 will be required if the requested modification is approved. All of the zoning criteria approved with the original PZD will remain in place including the maximum number of dwelling units. A copy of the revised zoning criteria and plat are included with this report.

DISCUSSION

On February 25, 2008 the Planning Commission voted 5-0-0 on the consent agenda to forward this request to City Council with a recommendation for approval.

BUDGET IMPACT

None.

Stadium Centre Cottages

(D) ***Bulk and area regulations approved with R-PZD 06-2212***

Lot minimum width	25.49 ft.
Lot area minimum	1,904 sq. ft
Land area per dwelling unit	1,629 sq. ft.

(D) ***Bulk and area regulations as modified by ADM 08-2927***

Lot minimum width	18 ft.
Lot area minimum	1,500 sq. ft
Land area per dwelling unit	1,500 sq. ft.

ORDINANCE NO. _____

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 06-2212, STADIUM CENTRE COTTAGES, LOCATED AT THE SW CORNER OF ONE MILE ROAD AND SANDRA STREET, CONTAINING APPROXIMATELY 2.45 ACRES, TO REFLECT REVISED LOT WIDTH AND LOT AREA REQUIREMENTS AS DESCRIBED AND DEPICTED HEREIN.

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

<u>Section 1.</u> That R-PZD 06-2212 (Stadium Centre Cottages) as passed and approved by the City Council on December 19, 2006 with Ordinance No. 4960 is hereby amended to reflect the lot area and lot width zoning criteria included in (Exhibit "A") attached hereto and made a part hereof.

<u>Section 2</u>: That the amendment approval is subject to the Conditions of Approval as follows:

1. **Future subdivision of the property shall be limited to Lots 12-14.**
2. **A replat of Lots 12-14 shall be required to be approved and recorded.**

PASSED and **APPROVED** this day of , 2008.

APPROVED: ATTEST:

By: ____________________ By: ____________________
DAN COODY, Mayor **SONDRA SMITH,** City Clerk/Treasurer

"EXHIBIT A"

R-PZD 06-2212 STADIUM CENTRE COTTAGES

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations

(C) *Density.*

Units per acre	8.94 Units/Acre

(D) *Bulk and area regulations as modified by <u>ADM 08-2927</u>*

Lot minimum width	18 ft.
Lot area minimum	1,500 sq. ft
Land area per dwelling unit	1,500 sq. ft.

(E) *Setback requirements.*

Lot #	Front (Steppingstone)	Front (Tottenham)	Front (Old Farmington)	Front (Tudor)	Side without common wall	Side with common wall	Rear
1	10 Feet	N/A	10 Feet	10 Feet	5 Feet	N/A	N/A
2-10	15 Feet	N/A	10 Feet	N/A	5 Feet	N/A	N/A
11	10 Feet	13 Feet	N/A	N/A	8 Feet	N/A	N/A
12 A & B	N/A	10 Feet	N/A	N/A	5 Feet	0 Feet	4 Feet
13 A & B	N/A	10 Feet	N/A	N/A	5 Feet	0 Feet	2 Feet
14 A & B	10 Feet	10 Feet	N/A	N/A	5 Feet	0 Feet	4 Feet

(F) *Height.* 35 feet

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

Fayetteville ARKANSAS

PC Meeting of February 25, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO:	Planning Commission Members
FROM:	Jesse Fulcher, Current Planner
THRU:	Jeremy Pate, Director of Current Planning
DATE:	~~February 19, 2008~~ *Updated February 28, 2008*

ADM 08-2927: Administrative Item (STADIUM CENTRE COTTAGES R-PZD 06-2212, 557): Submitted by H2 Engineering, Inc. for property located at the southwest corner of One Mile Road and Sandra Street. The property is zoned R-PZD 06-2212 Stadium Centre Cottages and contains approximately 2.45 acres. The request is to change the zoning criteria to allow the two-family structures on Lots 12-14 to be split, resulting in one unit on each lot. No additional units are proposed.

Planner: JESSE FULCHER

BACKGROUND

Property Description and Background: The subject property consists of approximately 2.45 acres located at the southwest corner of Old Farmington Rd. and Sandra St., just north of 6th Street. The Fayetteville City Council approved R-PZD 06-2212 (Stadium Centre Cottages) on December 19, 2006 for zoning and preliminary plat approval of a residential development with 11 single-family dwellings and 6 two-family dwellings in one Planning Area. The single-family portion of the development is located along Old Farmington Rd. on Lots 1-11 and the two-family portion of the development is situated to the south on Lots 12-14.

Proposal: The applicant requests a modification to the approved zoning criteria to change the lot width and lot area requirements, so that the approved two-family structures located on Lots 12-14 may be developed as townhouses and sold individually (see Table 1). The request does not materially alter density, number of dwelling units, greenspace, etc.; rather, it simply would permit the two-family structures to be sold as separate units on separate lots. Approval of a concurrent plat by the Planning Commission to split Lots 12-14 will be required if the requested modification is approved. All of the zoning criteria approved with the original PZD will remain in place including the maximum number of dwelling units. A copy of the revised zoning criteria and plat are included with this report.

Table 1

Existing	Requested
Minimum Lot Area = 1,904 sq. ft.	Minimum Lot Area = 1,500 sq. ft.
Minimum Lot Width = 25.49'	Minimum Lot Width = 18'

RECOMMENDATION

The original PZD booklet and zoning criteria for this development listed the minimum lot area as 1,904 sq. ft. and the minimum lot width as 25.49'. All lots within the development, which includes the single-family and two-family lots, as well as the greenspace and detention lots, meet these minimum requirements. However, in order for the lots to be split to allow the two-family units to be sold individually as townhouses, the minimum lot area and lot width must be reduced to 1,500 sq. ft. and 18' respectively. Reducing the lot area and lot width requirements would allow for the creation of three (3) additional lots, although there will be no increase in the number of units. Additionally, approval of the modification will not permit any additional units to be created within the development as the maximum density is established to allow only 17 units.

Staff recommends that the request be forwarded to the City Council with a recommendation for approval, finding that the requested modification will not alter the character or nature of the development subject to the following conditions:

1. **Future subdivision of the property shall be limited to Lots 12-14.**

2. **A replat of Lots 12-14 shall be required to be approved and recorded.**

Planning Commission Action: √ Forwarded ☐ Tabled ☐ Denied

Motion: **Ostner**
Second: **Winston**
Vote: **5-0-0 (consent)**

Meeting Date: **February 25, 2008**

H2 ENGINEERING, INC.

January 31, 2008

City of Fayetteville
Planning Division
City of Fayetteville
113 West Mountain St.
Fayetteville, AR 72701

RE: THE STADIUM CENTRE COTTAGES, LOTS 12-14
CONCURRENT PLAT & AMENDED RPZD06-2212

To Whom It May Concern:

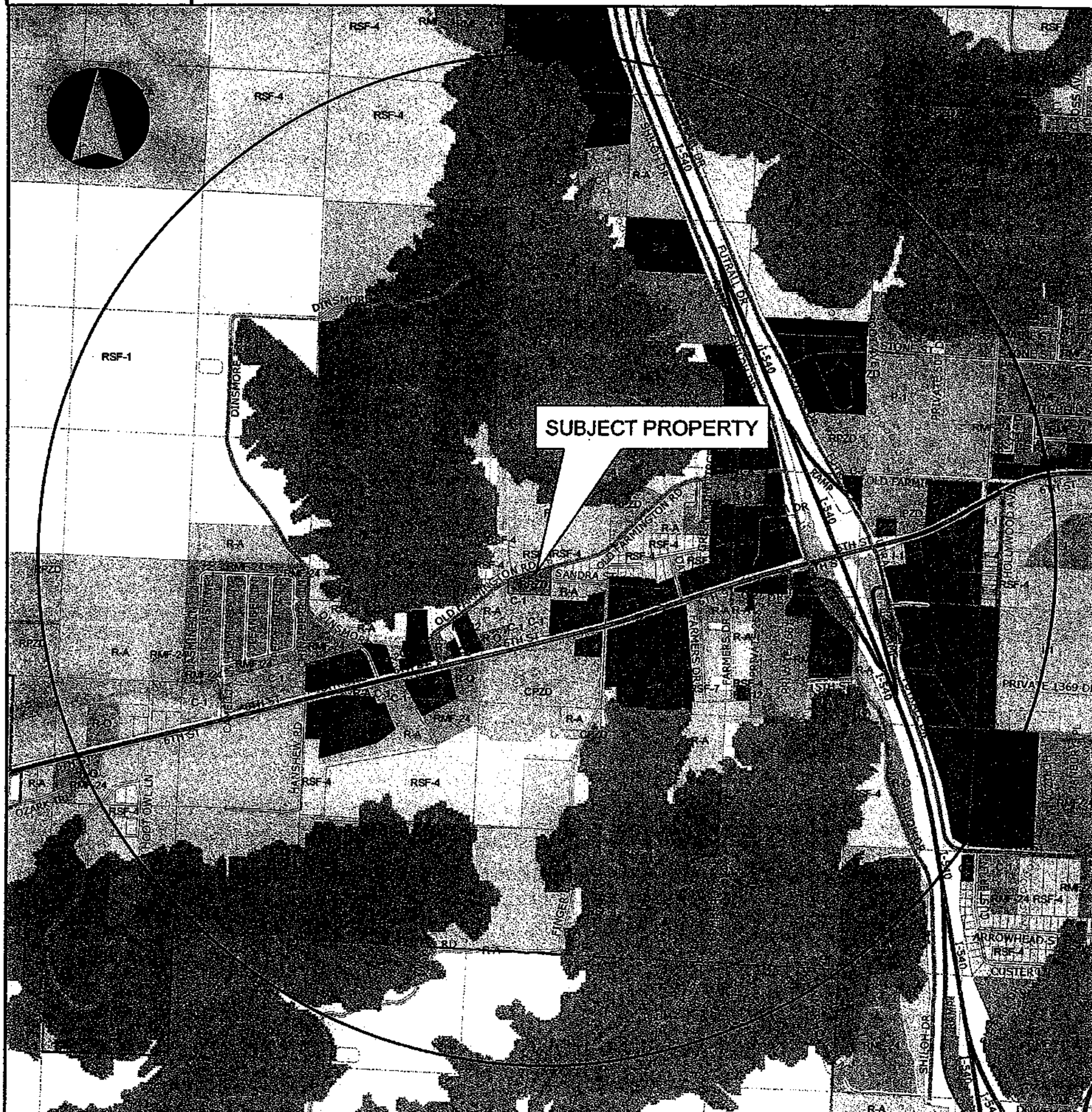
Please accept this letter as our official request for Concurrent Plat approval and amendment to RPZD06-2212 for Lots 12-14 of The Stadium Centre Cottages. The intent of this application is to amend the approved zoning district (RPZD06-2212) to reflect the split of three two-family lots in order to create individual lots for each living unit. This solution is brought at the request of lending institutions in order to more clearly define ownership limits for the proposed units.

Respectfully,

Thomas Hennelly, P.E.
H2 Engineering, Inc.

One Mile View

STADIUM CENTRE COTTAGES RPZD



Overview

Legend

Subject Property

FPL07-2796

Boundary

Planning Area

Overlay District

Outside City

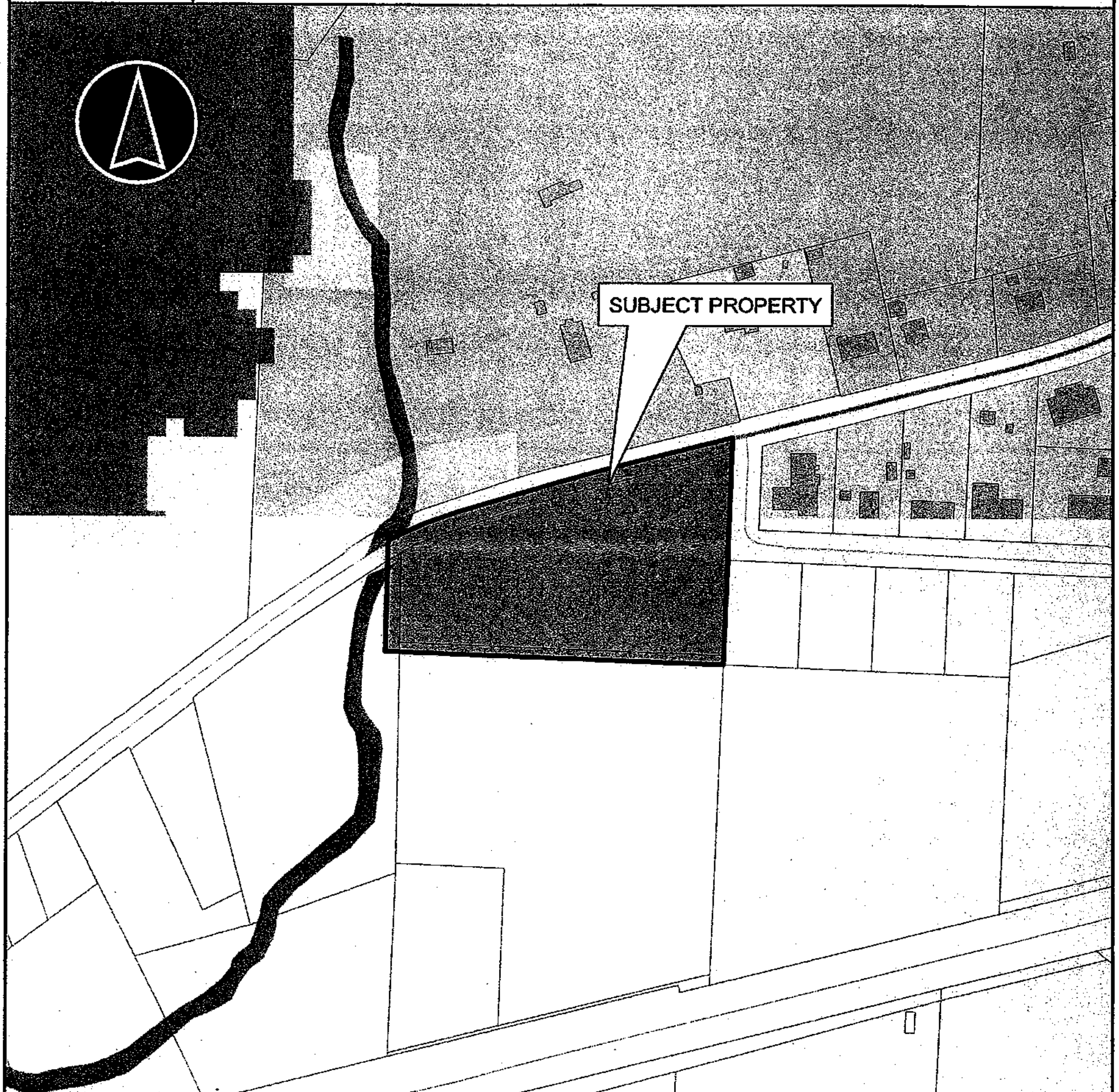
Legend

Hillside-Hilltop Overlay District

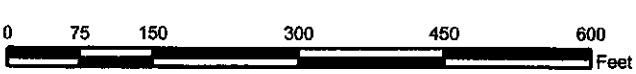
0 0.25 0.5 1 Miles

STADIUM CENTRE COTTAGES RPZD

Close Up View



Overview



City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

~~3-4-08~~ 3-18-08
City Council Meeting Date

John Coleman	Sustainability	Administration
Submitted By	Division	Department

Action Required:

Approve an ordinance allowing fuel efficient vehicles to park for free at City parking meters.

None	$ -	
Cost of this request	Category / Project Budget	Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 2/19/08 — Date

City Attorney — 2/22/08 — Date

Paul A. Becker — Finance and Internal Service Director — 2-22-08 — Date

Mayor — 2/22/08 — Date

Previous Ordinance or Resolution # ____

Original Contract Date: ____

Original Contract Number: ____

Received in City Clerk's Office
ENTERED 2/19/08

Received in Mayor's Office
ENTERED 2/22/08 BRP

Comments:

Fayetteville
ARKANSAS

Council Meeting of

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8272

CORRESPONDENCE

TO:	Fayetteville City Council
THRU:	Dan Coody, Mayor
FROM:	John Coleman, Sustainability Coordinator
DATE:	February 19, 2008

ORD 08-????: Ordinance (EcoTag Ordinance): The request is to approve an ordinance that would allow fuel efficient vehicles (≥ 40 mpg) to park free at City parking meters.

BACKGROUND

The United States imports ten million barrels of oil a day at around one hundred dollars per barrel. This addiction negatively impacts our economy, national security and environment. Because of this, cities around the country are developing supportive policies for vehicles with higher fuel economy, including Salt Lake City, Utah; Aspen, Colorado and Albuquerque, New Mexico.

The goal of the "EcoTag" Parking Ordinance is to encourage the use of fuel efficient vehicles to help reduce America's dependence on oil and help maintain Fayetteville's exceptional air quality. Vehicles are responsible for 40% of America's total oil consumption each year. Northwest Arkansas' growing population leads to more cars on the road which in turn has a negative effect on our local air quality. Supporting fuel efficient vehicles helps to minimize these impacts, avoid potential ozone issues that many growing metro areas are dealing with, and raise awareness of these issues among Fayetteville residents.

- **EcoTag Parking Ordinance – Allows vehicles that are powered by gasoline or diesel that achieve a city driving fuel efficiency of forty (40) or more miles per gallon according to the Environmental Protection Agency's "Green Vehicle Guide" to park for free at City parking meters.**

ORDINANCE NO.

AN ORDINANCE ALLOWING FUEL EFFICIENT VEHICLES (≥ 40 MPG) TO PARK FOR FREE AT CITY PARKING METERS.

A. The following definitions shall apply to this section:

1. "Division" means the City of Fayetteville Parking Management Division.
2. "Fuel efficient vehicle" means a vehicle that achieves a *city* driving fuel efficiency of forty (40) or more miles per gallon according to the Environmental Protection Agency's "Green Vehicle Guide" – (www.epa.gov/greenvehicles).
3. "Restricted spaces" include, but not limited to, any parking space designated as handicapped parking, timed parking, no parking, short-term metered parking, reserved parking, gated parking, reserved for special events or festivals, or any other prohibited parking area as described in Chapter 72 Parking Regulations, Section 72.03.

B. Parking Permit

1. The Division shall issue a vehicle hang tag permit ("EcoTag") to all persons applying for such who provide evidence acceptable to the Division that the vehicle for which the permit is desired is a "fuel efficient vehicle" as defined in subsection A of this section. The EcoTag must be renewed annually and returned to the Division upon sale or discontinued use of the vehicle. Misuse of the EcoTag will result in a warning notice being mailed to the offender after the first offense. The second offense will cause the EcoTag holder to surrender all rights to the program immediately and in future years.
2. Motorcycles and other vehicles that are not automobiles (scooters, electric bicycles, etc.) do not qualify for this permit pursuant to this section.
3. The recipient of the hang tag permit shall affix the hang tag on the rearview mirror of the vehicle in such a manner that the permit number can be read from the front of the vehicle.
4. Parking meter spaces may be used without charge at any long-term parking meter that is available, on all days of the week at all hours by registered vehicles properly displaying the assigned hang tag permit; vehicles may park for free at any long-term parking meter, in the same manner as regular hang-tag permit holders as referred to in Chapter 72 Section 72:58 Subsection (H)(4).
5. No person parking a vehicle without charge pursuant to this section shall park or permit such vehicle to remain parked in any parking meter space adjacent to a meter for a continuous period longer than the time designated on the meter.
6. Hang tag permits issued pursuant to this section are not valid for parking in restricted spaces as defined in subsection A of this section.
7. In assessing the evidence provided by an applicant for such hang tag permit as set forth in subsection B1 of this section, the division may consider:
   a. The EPA's annual "Green Vehicle Guide" as found at the website www.epa.gov/greenvehicles.

b. This ordinance has a sunset date of January 1, 2020 which coincides with the date the Federal government requires the corporate average fuel economy standard to achieve 35 miles per gallon.

ORDINANCE NO. ______

AN ORDINANCE TO AMEND CHAPTER 72, PARKING REGULATIONS, OF THE FAYETTEVILLE CODE BY ENACTING **§72.59 ECOTAG AUTHORIZED FOR FREE PARKING AT LONG TERM PARKING METERS**

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends **Chapter 72, Parking Regulations**, of the **Fayetteville Code** by enacting a new section, **§72.59 EcoTag Authorized For Free Parking At Long Term Meters** as shown below:

"§72.59 ECOTAG AUTHORIZED FOR FREE PARKING AT LONG TERM PARKING METERS

"(A) *Authorization to Issue EcoTags.* Owners of four wheeled vehicles with an EPA city rating of 40 miles per gallon shall be entitled to apply to the Parking Division for issuance of an 'EcoTag'. An 'EcoTag' shall be a hang tag and shall be attached to the vehicle's interior rearview mirror.

"(B) *Use of an EcoTag.* A properly displayed EcoTag shall entitle the owner to park the qualified fuel efficient vehicle without charge at any available long term (red capped) parking meter.

"(C) *Cost and Renewal of EcoTag.* There shall be no fee to initially obtain an EcoTag, but if this hang tag is lost, a replacement EcoTag shall cost $15.00. All EcoTags expire at the end of the calendar year, and may be renewed for the next year without fee by the Parking Division.

"(D) *Misuse of EcoTag.* Display of an EcoTag on a non-qualified vehicle shall subject that vehicle to normal overtime parking violations and shall empower the Parking Division to immediately revoke the current EcoTag and permanently terminate the owner's opportunity to apply for future EcoTags. If a second misuse occurs, the Parking shall revoke the EcoTag and not consider reissuing an EcoTag to the person who had obtained the EcoTag that was misused.

"(E) *EcoTag Holders Must Comply With All Other Parking Regulations.* Except for being allowed to park without charge at long term (red capped) Meters. EcoTag holders must comply with all other parking regulations including limitations on the length of continuous parking in parking spaces."

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

AGENDA REQUEST

FOR: COUNCIL MEETING OF MARCH 18, 2008

FROM:
KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:
An Ordinance To Amend §150.12 **Penalty** Of The Unified Development Code Of The Code Of Fayetteville To Refer Back To §10.99 **General Penalty** Of The Code Of Fayetteville

APPROVED FOR AGENDA:

Gary Dumas	2.29.08 Date
Tim Conklin	2-29-08 Date
Jeremy Pate	02.29.08 Date
3/4/08 **Mayor**	Date
Kit Williams City Attorney ([redacted])	2-28-08 Date

ENTERED
Mayor P.H
2/29/08

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE **LEGAL DEPARTMENT**

TO: **Dan Coody**, Mayor
City Council

CC: **Jeremy Pate**, Director of Current Planning

FROM: **Kit Williams**, City Attorney

DATE: **February 29, 2008**

RE: **Amendment to §150.12 of the UDC**

During a review of some new Planning Ordinances (Accessory Dwelling Units, Multi-family Design Standards), we looked at the general penalty section for the Unified Development Code (§150.12) which should work in conjunction with §10.99 **General Penalty** of the **Code of Fayetteville**. Unfortunately, there was noting except the title "Penalty" and an editor's reference to §10.99. Clearly the intent was that §10.99 cover the entire **Code of Fayetteville** of which the **Unified Development Code** is a part.

However, since penalty provisions in particular and all zoning regulations in general are interpreted against the City, I believe we should avoid any question by placing language in §150.12 expressly referring to the **General Penalty** section as controlling for the **UDC**. That is what this ordinance does.

ORDINANCE NO. ______

AN ORDINANCE TO AMEND §150.12 **PENALTY** OF THE UNIFIED DEVELOPMENT CODE OF THE CODE OF FAYETTEVILLE TO REFER BACK TO §10.99 **GENERAL PENALTY** OF THE CODE OF FAYETTEVILLE

WHEREAS, §150.12 **Penalty** of the Unified Development Code contains no language except for the title; and

WHEREAS, to avoid any question or issue about whether the provisions of §10.99 **General Penalty** are applicable to violations of the Unified Development Code, §150.12 should contain clear and express language.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby enacts §150.12 **Penalty** of the Unified Development Code of the Code of Fayetteville as follows:

> **§150.12 Penalty**
>
> Unless specifically provided otherwise in the particular chapter or code section, **§10.99 General Penalty** of the **Code of Fayetteville** shall apply to all portions of the **Unified Development Code** just as it does throughout all the **Code of Fayetteville.**

PASSED and **APPROVED** this 18th day of March, 2008.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

Agenda Session 3/11/08

Aldermen

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville ARKANSAS

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
March 18, 2008

A meeting of the Fayetteville City Council will be held on March 18, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

An update concerning the construction and associated work taking place on and around the square. – Alderman Robert Ferrell

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Sustainability Report – John Coleman

Agenda Additions:

A. Consent:

1. Approval of the March 04, 2008 City Council meeting minutes.

2. **Landers Ford State Vehicle Purchase:** A resolution approving the purchase of two (2) compact extended cab 2X4 pickup trucks from Landers Ford through the state vehicle purchase contract in the amount of $23,784.00 for use by the Meter Division.

3. **Bid # 08-17 Truck Centers of Arkansas:** A resolution awarding Bid # 08-17 and approving the purchase of two (2) tandem axle dump trucks from Truck Centers of Arkansas in the amount of $200,050.00 for use by the Water & Sewer Division.

4. **Bid # 08-18 Truck Centers of Arkansas:** A resolution awarding Bid # 08-18 and approving the purchase of two (2) tandem axle dump trucks with auxiliary hydraulics from Truck Centers of Arkansas in the amount of $210,960.00 for use by the Transportation Division.

5. **Bid # 08-19 Truck Centers of Arkansas:** A resolution awarding Bid # 08-19 and approving the purchase of one (1) tri-axle dump truck from Truck Centers of Arkansas in the amount of $106,259.00 for use by the Transportation Division.

6. **Bid # 08-20 Truck Centers of Arkansas:** A resolution awarding Bid # 08-20 and approving the purchase of three (3) recycle trucks from Truck Centers of Arkansas in the amount of $471,873.00 for use by the Solid Waste & Recycling Division.

7. **Bid # 08-21 Downing Sales and Service:** A resolution awarding Bid # 08-21 and approving the purchase of one (1) drop box truck from Downing Sales and Service in the amount of $158,735.00 for use by the Solid Waste & Recycling Division; and approving a budget adjustment in the amount of $1,805.00.

8. **Bid # 08-22 Truck Centers of Arkansas:** A resolution awarding Bid # 08-22 and approving the purchase of one (1) container carrier truck from Truck Centers of Arkansas in the amount of $76,423.00 for use by the Solid Waste & Recycling Division.

9. **Bid # 08-23 Scruggs Equipment Company:** A resolution awarding Bid # 08-23 and approving the purchase of one (1) knuckleboom truck from Scruggs Equipment Company of Memphis in the amount of $90,332.00 for use by the Solid Waste & Recycling Division.

10. **Bid # 08-26 Golden Circle Ford:** A resolution awarding Bid # 08-26 and approving the purchase of one (1) crew cab dump truck from Golden Circle Ford of Jackson, Tennessee in the amount of $46,504.00 for use by the Transportation Division.

11. **Bid # 08-27 Longo Toyota:** A resolution awarding Bid # 08-27 and approving the purchase of two (2) compact hybrid sedans from Longo Toyota of Los Angeles, California in the amount of $44,360.00 for assignment to the rental pool.

New Business #2

12. **Norman Company:** A resolution approving the purchase of office equipment and furniture from Norman Company through U.S. Communities in the amount of ~~$30,948.88~~ 29,948.88 for the new West Side Wastewater Treatment Plant; and approving a contingency of $1000.00. Need new resolution from Kit.

13. **West Side Wastewater Treatment Plant Deed Restriction:** A resolution approving a deed restriction covenant for the West Side Wastewater Treatment Plant Outfall Site as required by the U.S. Army Corps of Engineers Section 404 Nationwide Permit Number 14207-1.

14. **Arkansas Western Gas Company Agreement:** A resolution approving an agreement with Arkansas Western Gas Company in the amount of $397,000.00 for relocation of gas lines and appurtenances to allow construction of improvements to Mount Comfort Road.

15. **Arkansas Highway and Transportation Department Agreement:** A resolution approving preparation and execution of an agreement with the Arkansas Highway and Transportation Department for the city to take over maintenance of Shiloh Drive between Garland Avenue and Mount Comfort Road.

New Business #5

16. **Red Oak Park Streambank Improvements:** A resolution approving a revised project design for the Red Oak Park Streambank Improvements submitted by the Arkansas Game and Fish Commission Region 1 Stream Team.

17. **Peace at Home Shelter Building Permit Fee:** A resolution to waive the building permit fee and other developmental fees for the construction of the Peace at Home Family Shelter.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:

2. **Ambulance Service Interlocal Agreement:** A resolution to approve an interlocal agreement for ambulance service by and with the City of Fayetteville, Washington County, Elkins, Farmington, Goshen, Greenland, Lincoln, Prairie Grove, West Fork, Winslow and Johnson, and to establish the ambulance authority and Central Emergency Medical Services as the exclusive emergency and non-emergency ambulance service within the cities. ***This resolution was tabled at the March 4, 2008 City Council meeting to the March 18, 2008 City Council meeting.***

C. New Business:

1. **Economic Development Strategic Plan:** A resolution to approve a budget adjustment in the amount of $75,000.00 to match a similar expenditure of the University of Arkansas Technology Development Foundation to jointly hire a consultant for Phase One of an Economic Development Strategic Plan.

2. **ADM 06-2380 Amend Chapters 166 & 172:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 166: Development and Chapter 172: Parking and Loading in order to adopt Urban Residential Design Standards.

3. **ADM 07-2712 Amend Chapters 151, 159, 161, 162, 163 and 164:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 159: Fees, Chapter 161: Zoning Regulations, Chapter 162: Use Units, Chapter 163: Use Conditions and Chapter 164: Supplementary District Regulations in order to make accessory dwelling units a permitted use in all residential zoning districts contingent upon Planning Division administrative approval.

4. **ADM 08-2927 (Stadium Centre Cottages):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-2212, Stadium Centre Cottages, located at the SW corner of One Mile Road and Sandra Street, containing approximately 2.45 acres, to reflect revised lot width and lot area requirements as described and depicted herein.

5. **Amend Chapter 72 Parking Regulations:** An ordinance to amend Chapter 72, Parking Regulations, of the Fayetteville Code by enacting §72.59 EcoTag authorized for free parking at long term parking meters.

6. **Amend Chapter 150 General Provisions:** An ordinance to Amend §150.12 Penalty of the Unified Development Code of the Code of Fayetteville to refer back to §10.99 General Penalty of the Code of Fayetteville.

Announcements:

1. **City Council Tour:** ~~**March 17, 2008**~~ NONE

Adjournment:

Add:

Consent 2008 Assistance to Firefighters Grant

New Business #3 Arkansas Highway & Transportation Dept. Proposal

New Business #4 Transportation Bond Program Fund.

113 West Mountain 72701 (479) 521-7700 (479) 575-8257 (Fax)
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Pre Agenda Session 3-5-08

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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Ward 1 Position 2 – Brenda Thiel
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NB C.1 16. **Economic Development Strategic Plan:** A resolution to approve a budget adjustment in the amount of $75,000.00 to match a similar expenditure of the University of Arkansas Technology Development Foundation to jointly hire a consultant for Phase One of an Economic Development Strategic Plan.

#17 add Peace at Home Shelter

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6. **Amend Chapter 150 General Provisions:** An ordinance to Amend §150.12 Penalty of the Unified Development Code of the Code of Fayetteville to refer back to §10.99 General Penalty of the Code of Fayetteville.

7. **Amend Chapter 168: Flood Damage Prevention Code:** moved off last Agenda at the Pre Agenda Session remove – add to next agenda

Announcements:

1. **City Council Tour: March 17, 2008**

Adjournment:

113 West Mountain 72701 (479) 521-7700 (479) 575-8257 (Fax)
accessfayetteville.org

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **March 19, 2008**

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of March 18, 2008**

1. **Landers Ford Vehicle Purchase:** A resolution approving the purchase of two compact extended cab 2x4 pickup trucks from Landers Ford through the state vehicle purchase contract in the amount of $23,784.00 for use by the Meter Division;

2. **Bid #08-17 Truck Centers of Arkansas:** A resolution awarding Bid #08-17 and approving the purchase of two tandem axle dump trucks from Truck Centers of Arkansas in the amount of $200,050.00 for use by the Water & Sewer Division;

3. **Bid #08-18 Truck Centers of Arkansas:** A resolution awarding Bid #08-18 and approving the purchase of two tandem axle dump trucks with auxiliary hydraulics from Truck Centers of Arkansas in the amount of $210,960.00 for use by the Transportation Division;

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5. **Bid #08-20 Truck Centers of Arkansas:** A resolution awarding Bid #08-20 and approving the purchase of three recycle trucks from Truck Centers of Arkansas in the amount of $471,873.00 for use by the Solid Waste & Recycling Division;

6. **Bid #08-21 Downing Sales and Service:** A resolution awarding Bid #08-21 and approving the purchase of one drop box truck from Downing Sales and Service in the amount of $158,735.00 for use by the Solid Waste & Recycling Division and approving a budget adjustment in the amount of $1,805.00;

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15. **2008 Assistance to Firefighters Grant:** A resolution authorizing the Fayetteville Fire Department to apply for Department of Homeland Security 2008 Assistance to Firefighters Grant in the amount of $300,000.00 to replace self-contained breathing apparatus and a self-contained breathing apparatus Mobile Cascade system;

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20. **AHTD Proposal:** A resolution approving a proposal from the Arkansas State Highway and Transportation Department to widen Crossover Road from Mission Boulevard to Joyce Street and reaffirming the City of Fayetteville's commitment of $7,700,000.00 to the project;

21. **Transportation Bond Program Funds:** A resolution approving the use of existing Transportation Bond Program funds to proceed with the Van Asche Boulevard extension to the west of Gregg Avenue upon formal acceptance of an annexation from the adjoining property owner WG Land Company Limited Partnership;

22. Red Oak Park Streambank Improvements: A resolution approving a revised project design for the Red Oak Park Streambank Improvements submitted by the Arkansas Game and Fish Commission Region 1 Stream Team; and approving a budget adjustment in the amount of $39,578.00;

23. Amend Chapter 150 General Provisions: An ordinance to Amend §150.12 Penalty of the Unified Development Code of the Code of Fayetteville to refer back to §10.00 General Penalty of the Code of Fayetteville.

Arkansas Democrat Gazette
NORTHWEST ARKANSAS EDITION
Northwest Arkansas Times
Benton County Daily Record
P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6421

AFFIDAVIT OF PUBLICATION

I, Cathy Wiles, do solemnly swear that I am Legal Clerk of the Arkansas Democrat Gazette newspaper. Printed and published in Benton County Arkansas, (Lowell) and that from my own personal knowledge and reference to the files of said publication, the advertisement of: City of Fayetteville- Final Agenda

March 17, 2008

Publication Charge: $247.93

Subscribed and sworn to before me
This 19 day of March , 2008.

Notary Public Sandra D. Bush

SANDRA D. BUSH
Notary Public – Arkansas
County of Washington
My Commission Exp. 01/08/2011

My Commission Expires: Jan. 8, 2011

Do not pay from Affidavit, an invoice will be sent

RECEIVED
MAR 21 2008
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
MARCH 18, 2008

A meeting of the Fayetteville City Council will be held on March 18, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order
Roll Call
Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Sustainability Report – John Coleman

Nominating Committee Report

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7. Bid # 08-21 Downing Sales and Service: A resolution awarding Bid # 08-21 and approving the purchase of one (1) drop box truck from Downing Sales and Service in the amount of $158,735.00 for use by the Solid Waste & Recycling Division; and approving a budget adjustment in the amount of $1,805.00.
8. Bid # 08-22 Truck Centers of Arkansas: A resolution awarding Bid # 08-22 and approving the purchase of one (1) container carrier truck from Truck Centers of Arkansas in the amount of $76,423.00 for use by the Solid Waste & Recycling Division.
9. Bid # 08-23 Scruggs Equipment Company: A resolution awarding Bid # 08-23 and approving the purchase of one (1) knuckleboom truck from Scruggs Equipment Company of Memphis in the amount of $90,332.00 for use by the Solid Waste & Recycling Division.
10. Bid # 08-26 Golden Circle Ford: A resolution awarding Bid # 08-26 and approving the purchase of one (1) crew cab dump truck from Golden Circle Ford of Jackson, Tennessee in the amount of $46,504.00 for use by the Transportation Division.
11. Bid # 08-27 Longo Toyota: A resolution awarding Bid # 08-27 and approving the purchase of two (2) compact hybrid sedans from Longo Toyota of Los Angeles, California in the amount of $44,360.00 for assignment to the rental pool.
12. West Side Wastewater Treatment Plant Deed Restriction: A resolution approving a deed restriction covenant for the West Side Wastewater Treatment Plant Outfall Site as required by the U.S. Army Corps of Engineers Section 404 Nationwide Permit Number 14207-1.
13. Arkansas Western Gas Company Agreement: A resolution approving an agreement with Arkansas Western Gas Company in the amount of $397,000.00 for relocation of gas lines and appurtenances to allow construction of improvements to Mount Comfort Road.
14. Arkansas Highway and Transportation Department Agreement: A resolution approving preparation and execution of an agreement with the Arkansas Highway and Transportation Department for the city to take over maintenance of Shiloh Drive between Garland Avenue and Mount Comfort Road.
15. Peace at Home Shelter Building Permit Fee: A resolution to waive the building permit fee and other developmental fees for the construction of the Peace at Home Family Shelter.
16. 2008 Assistance To Firefighters Grant: A resolution authorizing the Fayetteville Fire Department to apply for a Department of Homeland Security 2008 Assistance to Firefighters Grant in the amount of $300,000.00 to replace self-contained breathing apparatus (SCBA) and a SCBA Mobile Cascade system.

B. Unfinished Business:
1. Hiring Freeze: Hiring Freeze Appeals:
Animal Services – One Animal Services Officer and One Animal Services Caregiver
2. Ambulance Service Interlocal Agreement: A resolution to approve an interlocal agreement for ambulance service by and with the City of Fayetteville, Washington County, Elkins, Farmington, Goshen, Greenland, Lincoln, Prairie Grove, West Fork, Winslow and Johnson, and to establish the ambulance authority and Central Emergency Medical Services as the exclusive emergency and non-emergency ambulance service within the cities. This resolution was tabled at the March 4, 2008 City Council meeting to the March 18, 2008 City Council meeting.

C. New Business:
1. Economic Development Strategic Plan: A resolution to approve a budget adjustment in the amount of $75,000.00 to match a similar expenditure of the University of Arkansas Technology Development Foundation to jointly hire a consultant for Phase One of an Economic Development Strategic Plan.
2. Norman Company: A resolution approving the purchase of office equipment and furniture from Norman Company through U.S. Communities in the amount of $29,948.88 for the new West Side Wastewater Treatment Plant; and approving a contingency of $1000.00.
3. Arkansas Highway & Transportation Department Proposal: A resolution approving a proposal from the Arkansas State Highway and Transportation Department (AHTD) to widen Crossover Road from Mission Boulevard to Joyce Street; and reaffirming the City of Fayetteville's commitment of $7,700,000.00 to the project.
4. Transportation Bond Program Funds: A resolution approving the use of existing Transportation Bond Program funds to proceed with the Van Asche Boulevard extension to the west of Gregg Avenue upon formal acceptance of an annexation from the adjoining property owner WG Land Company Limited Partnership.
5. Red Oak Park Streambank Improvements: A resolution approving a revised project design for the Red Oak Park Streambank Improvements submitted by the Arkansas Game and Fish Commission Region 1 Stream Team.
6. ADM 06-2380 Amend Chapters 166 & 172: An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 166: Development and Chapter 172: Parking and Loading in order to adopt Urban Residential Design Standards.
7. ADM 07-2712 Amend Chapters 151, 159, 161, 162, 163 and 164: An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 159: Fees, Chapter 161: Zoning Regulations, Chapter 162: Use Units, Chapter 163: Use Conditions and Chapter 164: Supplementary District Regulations in order to make accessory dwelling units a permitted use in all residential zoning districts contingent upon Planning Division administrative approval.
8. ADM 08-2927 (Stadium Centre Cottages): An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-2212, Stadium Centre Cottages, located at the SW corner of One Mile Road and Sandra Street, containing approximately 2.45 acres, to reflect revised lot width and lot area requirements as described and depicted herein.
9. Amend Chapter 72 Parking Regulations: An ordinance to amend Chapter 72, Parking Regulations, of the Fayetteville Code by enacting §72.59 EcoTag authorized for free parking at long term parking meters.
10. Amend Chapter 150 General Provisions: An ordinance to Amend §150.12 Penalty of the Unified Development Code of the Code of Fayetteville to refer back to §10.99 General Penalty of the Code of Fayetteville.

Announcements:
1. City Council Tour: None

Adjournment: