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
June 17, 2008

A meeting of the Fayetteville City Council will be held on June 17, 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:

Historic District Commission Appointment: APPROVED
Appointed by the Mayor and approved by the City Council.

Cynthia Kalke – One Term Ending 06/30/11
Mikel Lolley – One Term Ending 06/30/11
Leslie Belden – One Unexpired Term Ending 06/30/09

- **Nominating Committee Report: APPROVED**

Agenda Additions: **NONE.**

A. Consent:

1. Approval of the May 20, 2008 City Council meeting minutes. **APPROVED**

2. **Park Land Dedication Funds:** A resolution approving a budget adjustment in the amount of $195,450.00 to reallocate Park Land Dedication funds within the Southwest Quadrant.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 124-08.

3. **State and Tribal Assistance Grant (STAG):** A resolution authorizing the Mayor to apply for a State and Tribal Assistance Grant (STAG) from the U. S. Environmental Protection Agency for sanitary sewer system improvements; designating the Mayor as the City's authorized representative in all matters relating to the procurement and administration of said grant.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 125-08.

4. **Wal-Mart Corporate Grant:** A resolution authorizing Fayetteville Parks & Recreation Division to accept a grant from Wal-Mart Corporate giving in the amount of $10,000.00 to partially fund the Lights of the Ozarks; and approving a budget adjustment to recognize the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 126-08.

5. **Wedington Drive Widening Project:** A resolution approving a payment to the Arkansas State Highway and Transportation Department (AHTD) in the amount of $30,889.11 for a change order to cover city-requested revisions to the Wedington Drive Widening Project; and approving a budget adjustment in the amount of $31,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 127-08.

6. **Humane Society of the Ozarks Donation:** A resolution accepting a donation of $20,000.00 from the Humane Society of the Ozarks to benefit the Fayetteville Animal Shelter; and approving a budget adjustment recognizing the revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 128-08.

7. **Security Equipment Purchase:** A resolution approving the purchase of operational and security equipment and cameras from Spytown USA in the amount of $26,771.82 for the West Side Wastewater Treatment Plant; and approving a contingency in the amount of $2,500.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 129-08.

B. <u>Unfinished Business:</u>

1. **Hiring Freeze:** Hiring Freeze Appeals: A resolution to approve the hiring of a Parks Maintenance Worker II replacement employee.

   - **Parks Maintenance Worker II**

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 130-08.

2. **Amend Chapters 151, 152 and 166:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits. ***This ordinance was left on the First Reading at the April 1, 2008 City Council meeting. This ordinance was left on the Second Reading and then tabled at the April 15, 2008 City Council meeting to the May 20, 2008 City Council meeting. This ordinance was tabled at the May 20, 2008 City Council meeting to the June 17, 2008 City Council meeting. This ordinance was left on the Second Reading.***

THIS ITEM WAS TABLED TO THE JULY 15, 2008 CITY COUNCIL MEETING.

C. **Public Hearings:**

1. **Raze and Removal at 402 E. Center Street:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Roy Lee and Sandra Ruth Taylor located at 402 E. Center Street in the City of Fayetteville, Arkansas; and approving a budget adjustment in the amount of $4,945.00.

THIS ITEM WAS TABLED INDEFINITELY.

D. **New Business:**

1. **ADM 08-3017 39 East South Street ROW Variance:** A resolution approving a variance of the Unified Development Code Chapter 164.12 (F) Nonconforming Uses and Structures, Repairs and Maintenance and Chapter 166.18 Master Street Plan Setbacks, allowing the existing structure located at 39 East South Street to remain within the existing East South Street right-of-way and to be improved greater than the 10% allowed by code, within the existing limits of the structure.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 131-08.

2. **Wedeco, Inc:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of spare parts for the West Side Wastewater Treatment Plant's ultraviolet disinfection system from Wedeco, Inc. in the amount of $54,300.79.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5148.

3. **Cues, Inc:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of sewer televising equipment from Cues, Inc. in the amount of $27,627.78.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5149.

4. **Northwest Arkansas Regional Mobility Authority:** An ordinance providing for Fayetteville's participation in the Northwest Arkansas Regional Mobility Authority and approving an agreement with participating members of the Northwest Arkansas Regional Mobility Authority.

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

Announcements:

1. **City Council Tour: None**

Adjournment: Meeting adjourned at 6:55 p.m.

City Council Meeting: June 1., 2008 **..djourn:** 6:55 PM

Subject:	Roll				
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
Rhoads arrived at 6:05 PM	**Allen**	✓			
	Rhoads	✓			
	Ferrell	✓			
	Mayor Coody	✓			
		9-0			

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

City Council Meeting: June 1., 2008

Subject:	Historic District Commission Appointment				
Motion To:		Approve			
Motion By:		Cook			
Seconded:		Allen			
passed	**Lucas**	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	Absent during the vote.			
	Ferrell	✓			
	Mayor Coody				

7-0

Subject:	Nominating Committee Report				
Motion To:		Approve			
Motion By:		Gray			
Seconded:		Lucas			
passed	**Lucas**	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Mayor Coody				

8-0

City Council Meeting: **June 17, 2008**

Subject: Consent					
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Lucas			
Res. 124-08 to 129-08 Passed Minutes Were Approved	**Lucas**	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Mayor Coody				

8-0

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

City Council Meeting: June 1., 2008

Subject:	Hiring Freeze Appeals: • Parks Maintenance Worker II				
Motion To:		Approve			
Motion By:		Cook			
Seconded:		Thiel			
B.1. Unfinished Business	**Lucas**	N			
	Jordan	N			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
Passed	**Rhoads**	✓			
	Ferrell	✓			
130-08	**Mayor Coody**				

6-2

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

City Council Meeting: June 1., 2008

Subject: Amend Chapters 151, 152 and 166					
Motion To:		Third Read		Table to 2nd	Meeting in
Motion By:		Jordan		Cook	July.
Seconded:		Cook		Thiel	
B.2. Unfinished Business	**Lucas**	✓		✓	
	Jordan	✓		✓	
	Gray	✓		✓	
	Thiel	✓		✓	
	Cook	✓		✓	
	Allen	✓		✓	
	Rhoads	✓		✓	
	Ferrell	✓		✓	
	Mayor Coody				
Tabled to July 15, 2008.		8-0		8-0	

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

City Council Meeting:

Subject:	**Raze and Removal at 402 E. Center Street**				
Motion To:		Table Indef.			
Motion By:		Ferrell			
Seconded:		Jordan			
C.1 Unfinished Business	**Lucas**	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	absent during the vote			
	Ferrell	✓			
	Mayor Coody				

Tabled Indefinitely

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

City Council Meeting: June [illegible], 2008

Subject:	ADM 08-3017 39 East South Street ROW Variance				
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Lucas			
D.1 New Business	**Lucas**	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
Passed	**Allen**	✓			
	Rhoads	Absent during the Vote.			
	Ferrell	✓			
131-08	**Mayor Coody**				
		7-0			

Subject:	Wedeco, Inc				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Cook	Ferrell		
Seconded:		Gray	Cook		
D.2 New Business	**Lucas**	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
Passed	**Allen**	✓	✓	✓	
	Rhoads	✓	✓	✓	
5148	**Ferrell**	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

City Council Meeting: June 17, 2008

Subject: Cues, Inc					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Gray	Ferrell		
Seconded:		Allen	Cook		
D.3	**Lucas**	✓	✓	✓	
New	**Jordan**	✓	✓	✓	
Business	**Gray**	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
Passed	**Allen**	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
5149	**Mayor Coody**				
		8-0	8-0	8-0	

Subject: Northwest Arkansas Regional Mobility Authority					
Motion To:		2nd Read			
Motion By:		Ferrell			
Seconded:		Jordan			
D.4	**Lucas**	✓			
New	**Jordan**	✓			
Business	**Gray**	✓			
	Thiel	✓			
Left on the Second Reading	**Cook**	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Mayor Coody				
		8-0			

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
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Ward 3 Position 2 – Robert Ferrell
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City of Fayetteville Arkansas
City Council Meeting
June 17, 2008

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Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

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  Appointed by the Mayor and approved by the City Council.

  Cynthia Kalke – One Term Ending 06/30/11
  Mikel Lolley – One Term Ending 06/30/11
  Leslie Belden – One Unexpired Term Ending 06/30/09

- **Nominating Committee Report:**

Agenda Additions:

A. Consent:

1. Approval of the May 20, 2008 City Council meeting minutes.

2. **Park Land Dedication Funds:** A resolution approving a budget adjustment in the amount of $195,450.00 to reallocate Park Land Dedication funds within the Southwest Quadrant.

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B. <u>Unfinished Business:</u>

1. **Hiring Freeze:** Hiring Freeze Appeals:

   - **Parks Maintenance Worker II**

2. **Amend Chapters 151, 152 and 166:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits. ***This ordinance was left on the First Reading at the April 1, 2008 City Council meeting. This ordinance was left on the Second Reading and then tabled at the April 15, 2008 City Council meeting to the May 20, 2008 City Council meeting. This ordinance was tabled at the May 20, 2008 City Council meeting to the June 17, 2008 City Council meeting.***

   This ordinance was left on the Second Reading.

C. Public Hearings:

1. **Raze and Removal at 402 E. Center Street:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Roy Lee and Sandra Ruth Taylor located at 402 E. Center Street in the City of Fayetteville, Arkansas; and approving a budget adjustment in the amount of $4,945.00.

D. New Business:

1. **ADM 08-3017 39 East South Street ROW Variance:** A resolution approving a variance of the Unified Development Code Chapter 164.12 (F) Nonconforming Uses and Structures, Repairs and Maintenance and Chapter 166.18 Master Street Plan Setbacks, allowing the existing structure located at 39 East South Street to remain within the existing East South Street right-of-way and to be improved greater than the 10% allowed by code, within the existing limits of the structure.

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4. **Northwest Arkansas Regional Mobility Authority:** An ordinance providing for Fayetteville's participation in the Northwest Arkansas Regional Mobility Authority and approving an agreement with participating members of the Northwest Arkansas Regional Mobility Authority.

Announcements:

1. **City Council Tour: None**

Adjournment:

RESOLUTION NO. _____

A RESOLUTION ACCEPTING A DONATION OF $20,000.00 FROM THE HUMANE SOCIETY OF THE OZARKS TO BENEFIT THE FAYETTEVILLE ANIMAL SHELTER; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE REVENUE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby accepts a donation of $20,000.00 from the Humane Society of the Ozarks to benefit the Fayetteville Animal Shelter.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby approves a budget adjustment recognizing the revenue.

PASSED and **APPROVED** this 17th day of June, 2008.

APPROVED: ATTEST:

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

Added at Agenda Session 6-10-08

MEMORANDUM

Date: June 10, 2008

To: Mayor Dan Coody and City Council

Thru: Gary Dumas, Director of Operations

From: Connie Edmonston, Parks & Recreation Director CE

Subject: Replacement of Parks Maintenance Worker II

Recommendation: City Council approves the hiring of the Parks Maintenance Worker II in the Parks and Recreation Division.

Background: On June 5, 2008, a vacancy occurred for the Parks Maintenance Worker II position.

Discussion: The spring and summer months are a critical time period for the Parks and Recreation Division which is responsible for the maintenance of over 3,600 acres in 71 parks. This position is primarily responsible for mowing, weed eating, pruning of trees, and keeping the parks and trails clean and free of litter. This position also assists with the maintenance of the athletic fields and the installation of the Lights of the Ozarks display as needed.

Budget Impact: The entry level position for full-time Parks and Recreation maintenance staff is the Maintenance Worker II. This position's salary is funded by the General Fund because it is responsible for the daily maintenance of parks, public lands and trails. The salary for this position starts at $20,911 annually.

City of Fayetteville
PARKS AND RECREATION DIVISION
113 W. Mountain Street
Fayetteville, Arkansas 72701

Telephone: 479-444-3471
E-mail: cedmonston@ci.fayetteville.ar.us
Fax: 479-521-7714

CITY OF FAYETTEVILLE
Position Description

POSITION TITLE: Parks Maintenance Worker II

EXEMPT (Y/N): No	DEPARTMENT: Operations
SUPERVISOR:	DIVISION: Parks and Recreation
EEO/JOB CODE:	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. Perform semi-skilled physical labor and operation of light and heavy duty equipment in the construction, maintenance and repair of city park facilities.
2. Use mowers and bush hogs for mowing of park grounds – Daily.
3. Use weed and tree trimming equipment for the removal or pruning of weeds and trees - Daily.
4. Operate and maintain equipment by cleaning, changing oil and air filters and simple repair – Daily.
5. Pick up trash on park grounds and trails, empty trash bins and clean restrooms – Daily.
6. Snow removal from downtown square area – Annually.
7. Set-up and clean-up for public events held in city parks – Weekly and Monthly.
8. Maintain athletic fields when assigned. Duties include: drag, smooth and water fields - daily; maintain and clean all storage sheds and restrooms - daily; water removal - weekly; painting of ball field lines for baseball, softball and soccer – daily and weekly; use of tractors to scrape, fix and improve field conditions – daily; maintain scoreboards, function and lights – weekly.
9. Perform other duties as assigned.

SECONDARY DUTIES AND RESPONSIBILITIES include the following:

1. Operate a 60 foot man-lift to hang Christmas lights in tree tops, limbs and trunks. – Annually.
2. Use backhoe and front-end loader as needed – Weekly and Monthly.
3. Secondary duties as assigned.

MINIMUM QUALIFICATIONS

1. High school diploma or GED; one year prior related experience preferred.
2. Must possess a valid Arkansas Driver's License.
3. Must successfully pass criminal background check for felonies, theft offenses and/or any conviction, no contest or guilty plea that would qualify to prevent a person from obtaining an Arkansas teaching certificate
4. Effectively communicate with others orally and in writing.
5. Ability to add and subtract two digit numbers and to multiply and divide with 10's and 100's. Ability to perform these operations using units of distance.
6. Must be able to operate various hand tools; truck, mowers, bush hog, Workman, trailers, tractors, backhoe, hand tools, chalker, irrigation system, scoreboard controllers, blowers, weed-eaters, trimmers, chainsaw, man-lift, grinder and chipper; .
7. While performing the functions of this job, the employee is regularly required to communicate effectively. The employee regularly is required to stand, walk, and sit. The employee is regularly required to 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.
8. While performing the functions of this job, the employee is occasionally exposed to, moving mechanical parts; high, precarious places; fumes or airborne particles; toxic or caustic chemicals; outside weather conditions and risk of vibration. The noise level in the work environment is usually loud.

Added at Agenda Session 6-10-08

AGENDA REQUEST

Sec
6/9/08

FOR: COUNCIL MEETING OF JUNE 17, 2008

FROM:
MAYOR DAN COODY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance Providing For Fayetteville's Participation In The Northwest Arkansas Regional Mobility Authority And Approving An Agreement With Participating Members Of The Northwest Arkansas Regional Mobility Authority

APPROVED FOR AGENDA:

Dan Coody — 6/4/08
Dan Coody — Date
Mayor

[signature] — 6-6-08
Kit Williams — Date
City Attorney (as to form)

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

FROM: **Kit Williams**, City Attorney

DATE: **June 9, 2008**

RE: **Northwest Arkansas Regional Mobility Authority**

The City of Fayetteville has been invited to join the Northwest Arkansas Regional Mobility Authority that has been created by Washington and Benton County. Rogers has already joined. This authority will be governed by a board of directors which shall be the respective county judges and mayors of first class cities (which choose to join). A.C.A. §27-76-303. Since the authority has already been created and covers all our citizens (through Washington County), there is little reason for the City of Fayetteville not to become a member with input on the decisions.

To join we must pass an ordinance which is presented to the City Council for its consideration. The City also needs to pass the agreement. I would like to have slightly modified the agreement already passed by Washington and Benton County, but I guess we must pass the identical agreement. Thus, that is also attached for your consideration.

I started to include the statute authorizing these authorities, but it runs over 20 pages so I will simply answer any questions you might have about it.

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR FAYETTEVILLE'S PARTICIPATION IN THE NORTHWEST ARKANSAS REGIONAL MOBILITY AUTHORITY AND APPROVING AN AGREEMENT WITH PARTICIPATING MEMBERS OF THE NORTHWEST ARKANSAS REGIONAL MOBILITY AUTHORITY

WHEREAS, there are major transportation issues in Northwest Arkansas that cannot or will not be solved by the Arkansas Highway and Transportation Department (AHTD) alone; and

WHEREAS, in recognition of financial limitations, as well as the lack of suitable statutory authority for cities and counties to collectively fund and implement transportation projects on a regional basis, with or without AHTD participation, the Legislature approved Act 389 of 2007 to revise the Regional Mobility Authority Act of 2005; and

WHEREAS, the stated intent of Act 389 made clear that the funding of regional mobility authorities is intended as a supplement to, and not a substitute for, state and federal transportation aid to counties and municipalities; and

WHEREAS, with said changes, revisions, and clarifications, the establishment of a multi-county regional mobility authority is now deemed practicable and advisable, and it is the desire of the City Council to move forthwith in such establishment with participating members of the Northwest Arkansas Regional Mobility Authority.

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 authorizes and approves Fayetteville's participation in the Northwest Arkansas Regional Mobility Authority.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves the "Northwest Arkansas Regional Mobility Authority Agreement," which is attached hereto as Exhibit "A".

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby authorizes and directs the Mayor to execute the document on behalf of the City of Fayetteville, and transmit it to participating members of the Northwest Arkansas Regional Mobility Authority for consideration.

PASSED and **APPROVED** this 17th day of June, 2008.

APPROVED: ATTEST:

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

NORTHWEST ARKANSAS
REGIONAL MOBILITY AUTHORITY AGREEMENT

As authorized by Act 389 of 2007 of the Arkansas General Assembly, codified as A.C.A. 27-76-101, *et seq.*, Washington County and Benton County herewith form the Northwest Arkansas Regional Mobility Authority (the "Authority").

ARTICLE I – AUTHORIZATION

The parties to this Agreement are Washington County and Benton County, Arkansas and municipalities within the jurisdictional boundaries of the Authority. Municipalities within the jurisdictional boundaries may become a member of the Authority subject to meeting the requirements of A.C.A. 27-76-203. The counties and the subsequent signatory cities agree to join cooperatively in establishing and providing for the operation of the Northwest Arkansas Regional Mobility Authority.

ARTICLE II – DURATION

The Authority shall have a perpetual existence.

ARTICLE III – ORGANIZATION

A. CONSTITUTION. The Authority shall be governed by a Board of Directors. The Board of Directors shall include the County Judge, or a representative designated by the County Judge, of each county that is a member of the Authority; and the Mayor, or a representative designated by the Mayor, of each city of the first class that is a member of the Authority. The designated representative of a County Judge or a Mayor shall be a qualified elector of the jurisdiction that the designated representative is appointed to represent.

B. TERMS. A Director who is a public official may serve on the Board of Directors during his term of office as the County Judge or Mayor of a member of the Authority. A Director who is the designated representative of the Mayor or County Judge serves at the pleasure of the Mayor of the municipality or the County Judge of the county that is a member of the Authority. The term of such a Director shall not extend beyond the term of the appointing public official. A new Mayor or County Judge may designate the same person who served as the designated representative of a previous Mayor or County Judge, as their designated representative to serve as a Director.

C. PAY AND EXPENSES. The members of the Board of Directors of the Authority shall receive no salary or per diem, but shall be entitled to reimbursement of actual travel and out-of-pocket expense incurred on behalf of the Authority as authorized by the Board.

ARTICLE IV – JURISDICTIONAL BOUNDARIES

The jurisdictional boundaries of the Authority shall be co-extensive with the legal boundaries of Washington County and Benton County, Arkansas.

ARTICLE V – GOVERNANCE

The Authority shall be operated and controlled by its Board of Directors in accordance with A.C.A. 27-76-301, *et seq.*

ARTICLE VI – POWERS AND DUTIES

The Board of Directors shall have those powers and duties set forth in A.C.A. 27-76-401-410. All plans developed by the Authority shall be consistent with state implementation plans, statewide transportation improvements programs if federal aid funds are involved, statewide long-range transportation plans, city and county master street plans, and metropolitan transportation plans in metropolitan areas as required under 23 U.S.C. Section 134 as it existed on January 1, 2007.

ARTICLE VII – EMINENT DOMAIN

The Authority shall have the power of eminent domain and such powers shall be exercised for public purposes only, as set forth in A.C.A. 27-76-501 – 504.

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The Authority may be financed or supported as determined by the Board of Directors in accordance with A.C.A. 27-76-601 – 611. However, in no event may any member be financially obligated without the consent of its governing body.

ARTICLE IX – TOLLING FEES, FARE AND OTHER CHARGES OF A TOLL FACILITY PROJECT

As determined by its Board of Directors, the Authority shall have those tolling powers and rights as set forth in A.C.A. 27-76-701 – 713.

ARTICLE X – OFFICERS, MEETINGS, AND RULES

A. OFFICERS. At its organizational meeting and at the first regular meeting of each fiscal year, the Board of Directors shall elect one of its members as Chairman, one as Vice-Chairman, one as Secretary, and one as Treasurer. At the discretion of the Board, the offices of Secretary and Treasurer may be held by one person.

B. MEETINGS. The Authority's Board of Directors shall meet not less than quarterly at dates, times, and places to be established by the Board. All meetings shall be open to the public as provided by Arkansas law, and shall be conducted pursuant to procedures established by the Board. A meeting may be called by the Secretary at the direction of the Chairman, or upon the direction of a majority of the members of the Board of the Authority.

C. RULES. Fifty percent (50%) of the members of the Board plus one shall constitute a quorum and no vacancy in the membership of the Authority shall restrict the right of a quorum to exercise all the rights and privileges or the duties of the Authority. The Board

of Directors of the Authority may create such committees as it deems necessary for the proper exercise of it functions. The Board shall adopt rules for the transaction of business, and shall keep a complete record of its activities and business, which shall be a public record.

No member of the Board of Directors or any officer, employee, or agent of the Authority shall have a personal interest in any business of the Authority or in any contract with the Authority, or in any property or other assets in which the Authority is interested. No person shall be employed by the Authority who is related to a member or officer of the Authority by blood or by marriage within the fourth degree. For purposes of this provision, any corporation or other business in which any member of the Board of the Authority or any officer, employee or agent of the Authority has a substantial interest shall be prohibited from doing business with the Authority.

ARTICLE XI – AMENDMENT

This Agreement may be modified or amended in the same manner as this Agreement was adopted.

ARTICLE XII – TERMINATION

This Agreement shall continue in full force and effect subsequent to it adoption by all signatory parties. Whenever the members of the Authority shall by ordinance determine that the Authority shall be dissolved and that all bonds issued and all other obligations incurred by the Authority have been fully paid or satisfied, the members of the Authority may by ordinance declare the Authority dissolved.

In the event that the Authority shall be dissolved, title to all funds and other property owned by the Authority at the time of dissolution shall be liquidated and distributed to the members in direct proportion to the funds contributed to the Authority by the members, if any, and if no funds were contributed, to each member in the manner provided in the ordinance declaring the dissolution.

ARTICLE XIII – NEW MEMBERS; WITHDRAWALS

Any municipality within the jurisdictional boundaries of the Authority, without exception, may become a member of the Authority subject to meeting the requirements of A.C.A. 27-76-203.
Any member of the Authority may withdraw at any time without the consent of the other members prior to any bonded debt being issued by the Authority. The withdrawal shall become effective upon the adoption of an ordinance by the withdrawing member and the filing of the ordinance with the Authority. The withdrawal of a member shall not cause a dissolution or otherwise terminate this Agreement.

If there is bonded debt of the Authority outstanding, a member may withdraw from the Authority without the consent of the other members so long as there are sufficient members remaining to constitute the Authority and to provide for a Board of Directors of the Authority.

ARTICLE XIV – COOPERATIVE AGREEMENT

This Agreement incorporates by reference A.C.A. 25-20-104(c) to the extent that the same is consistent with the provision of the Regional Mobility Authority Act and with this Agreement.

ARTICLE XV – FULL AND COMPLETE POWERS AND DEFINITIONS

It is the intention of this Agreement and the signatories hereto that the Authority established hereunder have all of the powers, duties, and obligations conferred upon the Authority by the Regional Mobility Authority Act. The definitions and powers of the Act are incorporated by reference.

ARTICLE XVI – GENDER

Any references to gender made herein are intended to be neutral.

ARTICLE XVII – ENTIRE AGREEMENT

This writing constitutes the entire agreement between the parties. All amendments or modifications hereto must be in writing. Act 389 of 2007 is attached, designated Exhibit A, and incorporated by reference.

In WITNESS WHEREOF the City of Fayetteville, by its Mayor has executed this Agreement on the 17th day of June, 2008.

CITY OF FAYETTEVILLE

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra E. Smith, City Clerk/Treasurer

ENTERED
Sec
6/5/08

Jerry Hunton
County Judge
Washington County

Gary Black
County Judge
Benton County

April 30, 2008

The Honorable Dan Coody
Mayor
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Dear Mayor Coody,

We are writing to inform you of recent actions by the Benton County and Washington County Quorum Courts to establish a Northwest Arkansas Regional Mobility Authority (RMA). We also want to let you know that all municipalities within Washington and Benton Counties are eligible to join as members of the RMA.

Cities have taken great strides to address street infrastructure needs within city boundaries. But, because of the rapid growth, our regional highway needs have not kept up with the population explosion over the past decade. We have thousands of citizens who commute between our counties, and our north/south, as well as our east/west corridors are becoming increasingly congested. Growth is projected to continue, and if we don't take proactive steps to address the region's transportation needs, highway facilities will become inadequate, delays at interchanges will increase, and the quality of life we now enjoy will be compromised. The establishment of a Northwest Arkansas RMA gives us a tool for putting infrastructure in place in order to provide continued mobility for our residents.

The Quorum Courts of our respective counties approved the establishment of a Northwest Arkansas RMA to work toward implementation of specific, large-scale projects of regional significance that have been identified by the Northwest Arkansas Regional Planning Commission as priorities for Northwest Arkansas. The Northwest Arkansas RMA will be a single governmental entity focused on financing and implementation/construction plans for regional transportation projects. Under the statutes that authorize establishment of RMA's, voters must approve virtually all significant funding sources for RMA projects.

For a city within the two-county jurisdictional boundary to join the RMA, the city council must pass an ordinance providing for the city's participation, and enter into an

establishment agreement that was approved by the Washington and Benton County Quorum Courts.

As previously mentioned, all cities are entitled to become RMA members. However, the enabling statute limits city representation on the Board of Directors to cities of the first class that are members of the RMA. The mayor of such cities may serve on the Board personally, or the mayor may designate a representative. A designated representative must be a qualified elector of the city they are representing, and serve at the pleasure of the mayor.

Several items are attached for your information and review:

1. The ordinance providing for county participation in a Northwest Arkansas RMA;
2. The agreement between the counties effectuating creation of the RMA; and
3. The State of Arkansas' RMA authorizing legislation (Act 389 of 2007).

Your consideration of this important opportunity for Northwest Arkansas is appreciated. Should there be any questions, or should additional information be required, please advise.

Sincerely,

Gary Black
County Judge
Benton County

Jerry Hunton
County Judge
Washington County

ADOPTED

JAN 2 4 2008

2008 JAN 25 PM 3 02

ORDINANCE NO. O-2008-01

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE PROVIDING FOR BENTON COUNTY'S PARTICIPATION IN A MULTI-COUNTY REGIONAL MOBILITY AUTHORITY; AND APPROVING AN AGREEMENT WITH WASHINGTON COUNTY EFFECTUATING THE CREATION OF THE NORTHWEST ARKANSAS REGIONAL MOBILITY AUTHORITY

WHEREAS, there are major transportation issues in Northwest Arkansas that cannot or will not be solved by the Arkansas State Highway and Transportation Department (ASHTD) alone; and

WHEREAS, in recognition of financial limitations, as well as the lack of suitable statutory authority for cities and counties to collectively fund and implement transportation projects on a regional basis, with or without ASHTD participation, the Legislature approved Act 389 of 2007 to revise the (2005) Regional Mobility Authority Act; and

WHEREAS, the stated intent of Act 389 made clear that the funding of regional mobility authorities is intended as a supplement to, and not substitute for, state and federal transportation aid to counties and municipalities; and

WHEREAS, with said changes, revisions, and clarifications, the establishment of a multi-county regional mobility authority is now deemed practicable and advisable, and it is the desire of the quorum court to move forthwith in such establishment with Washington County.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF BENTON COUNTY, ARKANSAS:

ARTICLE 1. Benton County's participation in the Northwest Arkansas Regional Mobility Authority, the creation of which shall be effective upon Washington County's approval and execution of the attached "Northwest Arkansas Regional Mobility Authority Agreement," is hereby authorized and approved.

ARTICLE 2. The "Northwest Arkansas Regional Mobility Authority Agreement," which is attached hereto, is hereby approved.

ARTICLE 3. The County Judge is hereby authorized and directed to execute the document on behalf of Benton County, and transmit it to Washington County for consideration.

APPROVED:

Gary D. Black

GARY D. BLACK, COUNTY JUDGE
DATE SIGNED: 1-25-08

ATTEST:

Mary L Slinkard

MARY L. SLINKARD, COUNTY CLERK
DATE ADOPTED: January 24, 2008
SPONSOR: JP Marge Wolf
Votes For: 9 Votes Against: 2
Abstain: ____ Present: ____ Absent: 2

NORTHWEST ARKANSAS REGIONAL MOBILITY AUTHORITY AGREEMENT

As authorized by Act 389 of 2007 of the Arkansas General Assembly, codified as A.C.A. 27-76-101, *et seq.*, Washington County and Benton County herewith form the Northwest Arkansas Regional Mobility Authority (the "Authority").

ARTICLE I – AUTHORIZATION

The parties to this Agreement are Washington County and Benton County, Arkansas. Following creation of the Authority by the counties, any municipality within the jurisdictional boundaries of the Authority may become a member of the Authority subject to meeting the requirements of A.C.A. 27-76-203. The counties and the subsequent signatory cities agree to join cooperatively in establishing and providing for the operation of the Northwest Arkansas Regional Mobility Authority.

ARTICLE II – DURATION

The Authority shall have a perpetual existence.

ARTICLE III – ORGANIZATION

A. CONSTITUTION. The Authority shall be governed by a Board of Directors. The Board of Directors shall include the County Judge, or a representative designated by the County Judge, of each county that is a member of the Authority; and the Mayor, or a representative designated by the Mayor, of each city of the first class that is a member of the Authority. The designated representative of a County Judge or a Mayor shall be a qualified elector of the jurisdiction that the designated representative is appointed to represent.

B. TERMS. A Director who is a public official may serve on the Board of Directors during his term of office as the County Judge or Mayor of a member of the Authority. A Director who is the designated representative of the Mayor or County Judge serves at the pleasure of the Mayor of the municipality or the County Judge of the county that is a member of the Authority. The term of such a Director shall not extend beyond the term of the appointing public official. A new Mayor or County Judge may designate the same person who served as the designated representative of a previous Mayor or County Judge, as their designated representative to serve as a Director.

C. PAY AND EXPENSES. The members of the Board of Directors of the Authority shall receive no salary or per diem, but shall be entitled to reimbursement of actual travel and out-of-pocket expense incurred on behalf of the Authority as authorized by the Board.

ARTICLE IV – JURISDICTIONAL BOUNDARIES

The jurisdictional boundaries of the Authority shall be co-extensive with the legal boundaries of Washington County and Benton County, Arkansas.

ARTICLE V – GOVERNANCE

The Authority shall be operated and controlled by its Board of Directors in accordance with A.C.A. 27-76-301, *et seq.*

ARTICLE VI – POWERS AND DUTIES

The Board of Directors shall have those powers and duties set forth in A.C.A. 27-76-401-410. All plans developed by the Authority shall be consistent with state implementation plans, statewide transportation improvements programs if federal aid funds are involved, statewide long-range transportation plans, city and county master street plans, and metropolitan transportation plans in metropolitan areas as required under 23 U.S.C. Section 134 as it existed on January 1, 2007.

ARTICLE VII – EMINENT DOMAIN

The Authority shall have the power of eminent domain and such powers shall be exercised for public purposes only, as set forth in A.C.A. 27-76-501 – 504.

ARTICLE VIII – FINANCING AND BONDS

The Authority may be financed or supported as determined by the Board of Directors in accordance with A.C.A. 27-76-601 – 611. However, in no event may any member be financially obligated without the consent of its governing body.

ARTICLE IX – TOLLING FEES, FARE AND OTHER CHARGES OF A TOLL FACILITY PROJECT

As determined by its Board of Directors, the Authority shall have those tolling powers and rights as set forth in A.C.A. 27-76-701 – 713.

ARTICLE X – OFFICERS, MEETINGS, AND RULES

A. OFFICERS. At its organizational meeting and at the first regular meeting of each fiscal year, the Board of Directors shall elect one of its members as Chairman, one as Vice-Chairman, one as Secretary, and one as Treasurer. At the discretion of the Board, the offices of Secretary and Treasurer may be held by one person.

B. MEETINGS. The Authority's Board of Directors shall meet not less than quarterly at dates, times, and places to be established by the Board. All meetings shall be open to the public as provided by Arkansas law, and shall be conducted pursuant to procedures established by the Board. A meeting may be called by the

Secretary at the direction of the Chairman, or upon the direction of a majority of the members of the Board of the Authority.

C. RULES. Fifty percent (50%) of the members of the Board plus one shall constitute a quorum and no vacancy in the membership of the Authority shall restrict the right of a quorum to exercise all the rights and privileges or the duties of the Authority. The Board of Directors of the Authority may create such committees as it deems necessary for the proper exercise of it functions. The Board shall adopt rules for the transaction of business, and shall keep a complete record of its activities and business, which shall be a public record.

No member of the Board of Directors or any officer, employee, or agent of the Authority shall have a personal interest in any business of the Authority or in any contract with the Authority, or in any property or other assets in which the Authority is interested. No person shall be employed by the Authority who is related to a member or officer of the Authority by blood or by marriage within the fourth degree. For purposes of this provision, any corporation or other business in which any member of the Board of the Authority or any officer, employee, or agent of the Authority has a substantial interest shall be prohibited from doing business with the Authority.

ARTICLE XI – AMENDMENT

This Agreement may be modified or amended in the same manner as this Agreement was adopted.

ARTICLE XII – TERMINATION

This Agreement shall continue in full force and effect subsequent to it adoption by all signatory parties. Whenever the members of the Authority shall by ordinance determine that the Authority shall be dissolved and that all bonds issued and all other obligations incurred by the Authority have been fully paid or satisfied, the members of the Authority may by ordinance declare the Authority dissolved.

In the event that the Authority shall be dissolved, title to all funds and other property owned by the Authority at the time of dissolution shall be liquidated and distributed to the members in direct proportion to the funds contributed to the Authority by the members, if any, and if no funds were contributed, to each member in the manner provided in the ordinance declaring the dissolution.

ARTICLE XIII – NEW MEMBERS; WITHDRAWALS

Any municipality within the jurisdictional boundaries of the Authority, without exception, may become a member of the Authority subject to meeting the requirements of A.C.A. 27-76-203.

Any member of the Authority may withdraw at any time without the consent of the other members prior to any bonded debt being issued by the Authority. The withdrawal shall become effective upon the adoption of an ordinance by the withdrawing member and the filing of the ordinance with the Authority. The withdrawal of a member shall not cause a dissolution or otherwise terminate this Agreement.

If there is bonded debt of the Authority outstanding, a member may withdraw from the Authority without the consent of the other members so long as there are sufficient members remaining to constitute the Authority and to provide for a Board of Directors of the Authority.

ARTICLE XIV – COOPERATIVE AGREEMENT

This Agreement incorporates by reference A.C.A. 25-20-104(c) to the extent that the same is consistent with the provision of the Regional Mobility Authority Act and with this Agreement.

ARTICLE XV – FULL AND COMPLETE POWERS AND DEFINITIONS

It is the intention of this Agreement and the signatories hereto that the Authority established hereunder have all of the powers, duties, and obligations conferred upon the Authority by the Regional Mobility Authority Act. The definitions and powers of the Act are incorporated by reference.

ARTICLE XVI – GENDER

Any references to gender made herein are intended to be neutral.

ARTICLE XVII – ENTIRE AGREEMENT

This writing constitutes the entire agreement between the parties. All amendments or modifications hereto must be in writing. Act 389 of 2007 is attached, designated Exhibit A, and incorporated by reference.

In WITNESS WHEREOF the parties hereto have caused this Agreement to be executed in their respective behalves on the signature dates set forth below.

WASHINGTON COUNTY, ARKANSAS, BY: _____

DATE: _____

BENTON COUNTY, ARKANSAS, BY: Gary O. Black

DATE: 1-25-08

ORDINANCE NO. 2008-13

FILED
2008 MAR 21 PM 12:57
CIRCUIT/COUNTY CLERK & PROBATE CLERK
WASHINGTON CO., ARK.

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE PROVIDING FOR WASHINGTON COUNTY'S PARTICIPATION IN A MULTI-COUNTY REGIONAL MOBILITY AUTHORITY; AND APPROVING AN AGREEMENT WITH BENTON COUNTY EFFECTUATING THE CREATION OF THE NORTHWEST ARKANSAS REGIONAL MOBILITY AUTHORITY.

WHEREAS, there are major transportation issues in Northwest Arkansas that cannot or will not be solved by the Arkansas State Highway and Transportation Department (ASHTD) alone; and,

WHEREAS, in recognition of financial limitations, as well as the lack of suitable statutory authority for cities and counties to collectively fund and implement transportation projects on a regional basis, with or without ASHTD participation, the Legislature approved Act 389 of 2007 to revise the (2005) Regional Mobility Authority Act; and,

WHEREAS, the stated intent of Act 389 made clear that the funding of regional mobility authorities is intended as a supplement to, and not substitute for, state and federal transportation aid to counties and municipalities; and,

WHEREAS, with said changes, revisions, and clarifications, the establishment of a multi-county regional mobility authority is now deemed practicable and advisable, and it is the desire of the Quorum Court to move forthwith in such establishment with Benton County.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. Washington County's participation in the Northwest Arkansas Regional Mobility Authority, the creation of which shall be effective upon Benton County's approval and execution of the attached "Northwest Arkansas Regional Mobility Authority Agreement," is hereby authorized and approved.

ARTICLE 2. The "Northwest Arkansas Regional Mobility Authority Agreement," which is attached hereto, is hereby approved.

ORDINANCE NO. 2008-13
PAGE 2

ARTICLE 3. The County Judge is hereby authorized and directed to execute the document on behalf of Washington County, and transmit it to Benton County for consideration.

JERRY HUNTON, County Judge — 3.21.08 DATE

KAREN COMBS PRITCHARD, County Clerk

Sponsor: Ken Kieklak
Date of Passage: March 20, 2008
Votes For: 10 Votes Against: 2
Abstention 0 Absent: 1

NORTHWEST ARKANSAS REGIONAL MOBILITY AUTHORITY AGREEMENT

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The Authority shall have a perpetual existence.

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C. PAY AND EXPENSES. The members of the Board of Directors of the Authority shall receive no salary or per diem, but shall be entitled to reimbursement of actual travel and out-of-pocket expense incurred on behalf of the Authority as authorized by the Board.

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In WITNESS WHEREOF the parties hereto have caused this Agreement to be executed in their respective behalves on the signature dates set forth below.

WASHINGTON COUNTY, ARKANSAS

BY: _____

DATE: _____

BENTON COUNTY, ARKANSAS

BY: _____

DATE: _____

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

City of Fayetteville Arkansas
City Council Meeting Minutes
May 20, 2008

A meeting of the Fayetteville City Council was held on May 20, 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, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Gray

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Wastewater System Improvement Project – David Jurgens, Water Wastewater Director

David Jurgens, Water Wastewater Director gave a presentation on the progress and current status of the Wastewater System Improvement Project. He introduced all the key members of the project. He stated they have all done the best possible job you could imagine. He went on to point out the specific areas and functions of the facility.

Mayor Coody: There are so many times in the public sector that jobs fall apart and after we brought this project back in house everything has been hitting just as we described here. I am real proud of you David and the folks on this team for doing such a splendid job.

Mayor Coody asked David Jurgens to compare the overall cost to what the anticipated cost would have been if they had not done the project in house and to show those figures in the future.

Mayor Coody also pointed out a Japanese magazine which featured Fayetteville Arkansas regarding the quality of life, sustainability and work on the environment. He stated I am very pleased about that.

Consent:

Approval of the May 6, 2008 City Council meeting minutes.

Approved

Bid # 08-39 Insituform Technologies, Inc: A resolution awarding Bid # 08-39 and approving a contract with Insituform Technologies, Inc. in the amount of $330,000.00 for 2008 sanitary sewer main line and service lateral lining, cured in-place pipe method.

Resolution 104-08 as Recorded in the office of the City Clerk.

Bid # 08-42 Southwest Trailer & Equipment: A resolution awarding Bid # 08-42 and approving the purchase of one (1) light weight steel dump trailer from Southwest Trailer and Equipment in the amount of $36,518.00 for use by the new Wastewater Treatment Plant; and approving a budget adjustment in like amount.

Resolution 105-08 as Recorded in the office of the City Clerk.

Bid # 08-43 Wiese Planning and Engineering: A resolution awarding Bid # 08-43 and approving the purchase of one (1) forklift from Wiese Planning and Engineering in the amount of $24,803.00 for use by the new Wastewater Treatment Plant; and approving a budget adjustment in the amount of $24,878.00.

Resolution 106-08 as Recorded in the office of the City Clerk.

Bid # 08-44 Arkoma Playgrounds and Supply: A resolution awarding Bid # 08-44 and approving a contract with Arkoma Playgrounds and Supply in the amount of $34,214.00 for construction of a pavilion, sidewalk, and picnic tables at Gary Hampton Softball Complex; approving a project contingency in the amount of $4,106.00; and approving a budget adjustment in the amount of $50,000.00.

Resolution 107-08 as Recorded in the office of the City Clerk.

RJN Group, Inc: A resolution approving an Engineering Services Contract with RJN Group, Inc. in the amount of $395,109.00 for a detailed sanitary sewer evaluation study in south Fayetteville and the City of Greenland; and approving a 5% contingency in the amount of $19,800.00.

Resolution 108-08 as Recorded in the office of the City Clerk.

Fayetteville Public Schools Contribution: A resolution approving a budget adjustment in the amount of $150,000.00 to the Fixed Assets Account and recognizing like revenue from the Fayetteville Public Schools for the installation of traffic signals at the intersections of Garland Avenue/Sixth Street and Starr Road/Mission Boulevard.

Resolution 109-08 as Recorded in the office of the City Clerk.

Pinkley Sales Company: A resolution approving the purchase of twelve (12) traffic signal preemption devices from Pinkley Sales Company in the amount of $40,586.00; and approving a budget adjustment in the amount of $12,000.00.

Resolution 110-08 as Recorded in the office of the City Clerk.

Movies in the Park Program: A resolution to approve a budget adjustment to recognize $22,000.00 from the Community Development Block Grant Program for the Yvonne Richardson Center and $2,500.00 from the Fayetteville Firefighters Association for the Parks Department "Movies in the Park" program.

Resolution 111-08 as Recorded in the office of the City Clerk.

Bid # 08-48 Video Production Switcher - Jim Lively & Associates: A resolution awarding Bid # 08-48 and approving the purchase of one (1) video production switcher from Jim Lively and Associates in the amount of $30,548.83 for use by the Peg Center.

Resolution 112-08 as Recorded in the office of the City Clerk.

South Industrial Park Lot 28E: A resolution to accept approximately one acre from Lot 28E of the South Industrial Park to be attached to Lot 29E.

Mayor Coody: This item needs to be pulled from the agenda because we need to make an amendment.

This item was removed from Consent for discussion.

Alderman Jordan moved to approve the Consent Agenda as read with Item #11 South Industrial Park Lot 28E removed from Consent to discuss. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Shirley Lucas: We need to thank the Rotary Club for their $15,000 to the Gary Hampton Park. We appreciate you.

Nancy Allen: I would like to do the same thing with the Firefighters that is a very altruistic thing for them to do in a year when they did not get a salary hike. I am very appreciative of the fact that there will be that amenity for children who might not have it otherwise.

The following item was removed from the Consent Agenda for discussion.

South Industrial Park Lot 28E: A resolution to accept approximately one acre from Lot 28E of the South Industrial Park to be attached to Lot 29E.

City Attorney Kit Williams: The reason we needed to pull item #11 from the Consent Agenda is because the survey showed that there was more area that had ash in it and so the resolution needs to be amended as I have handed it out to you except everything will be attached to Lot 29E.

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

Alderman Ferrell: When I was just reading through this it is recommended that it be covered in two feet thick clay which will cost $125,000. Is that going to suffice?

Mayor Coody: I think we have some soil to use there.

Ray Boudreaux, Aviation and Economic Development Director: If we hired a contractor to provide that cap and put that soil on there it would probably cost around $125,000. What we are planning on doing is using it from work order residue from the water and sewer projects that we are doing today and simply spreading it over the side. It doesn't have to be circular or anything like that.

City Attorney Kit Williams: This limited soil sampling analysis report talked about the 2.9 acres on lot 29E. We are now accepting more acreage than that. That cost would be higher to cover a larger area than just 29E. It's our ash and we generated the ash from our incinerator so it is our responsibility.

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

Resolution 113-08 as Recorded in the office of the City Clerk.

Agenda Additions:

Fayetteville City Council's Gratitude to Tim Conklin: A resolution to express the Fayetteville City Council's gratitude to Tim Conklin for his long years of effective, devoted, and valued service to Fayetteville.

Alderman Jordan: I would like everyone to sign this resolution.

Alderman Jordan read the resolution.

Tim Conklin thanked the Mayor and City Council. I appreciate all your support and funding and Mayor Coody for making planning a high priority of the City. It has been an honor and privilege to work for the citizens of Fayetteville, the City Council and the Mayor.

Mayor Coody stated we owe you a debt of gratitude. He went on to list some of the City's accomplishments during Tim's time with the City.

Tim Conklin complimented City staff and stated I really appreciate the City of Fayetteville. It is a great place to work and I think the future is bright for the citizens of Fayetteville.

Alderman Allen: We wish you well in Springfield.

Alderman Jordan: Sometimes this job is really hard for an alderman and we depend on the staff to be responsible and reliable. You have been that to me so thank you very much.

City Attorney Kit Williams: To make this official we need to suspend the rules and put the resolution on and then pass it.

Alderman Jordan moved to add resolution to the agenda. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

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

Resolution 114-08 as Recorded in the office of the City Clerk.

<u>Unfinished Business:</u>

Hiring Freeze: Hiring Freeze Appeals:

Police Department – One Police Officer

Police Chief Greg Tabor explained the vacancy in his department. He requested that it be replaced.

Animal Services – One Animal Services Caregiver

Police Chief Greg Tabor explained the vacancy in the Animal Shelter. He stated it needed to be filled due to the additional overtime that is being paid.

District Court – One Part Time Court Clerk

Dena Stockalper, District Court Administrator explained the vacancy in the District Court and stated it is a very important position and we would like to get it refilled.

Telecommunications – One Telecommunications Engineer

Sharon Crosson, Telecommunications and Parking Manager explained the vacancy in the Telecommunications Division. She stated it is the only position in the whole city that handles the telecommunication needs and it would be well worth it to replace this position.

Alderman Ferrell: How long had the person in this position been there?

Sharon Crosson: Just under a year.

Alderman Rhoads moved to approve one Police Officer, one part time Court Clerk, one Telecommunications Engineer and one Animal Services Caregiver position. Alderman Allen seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Resolution 115-08 as Recorded in the office of the City Clerk.

Amend Chapters 151, 152 and 166: An ordinance amending Title XV: Unified Development of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits. ***This ordinance was left on the First Reading at the April 1, 2008 City Council meeting. This ordinance was left on the Second Reading and then tabled at the April 15, 2008 City Council meeting to the May 20, 2008 City Council meeting.***

David Jurgens: We will get the white paper finished in staffing within the next week or so and then we will distribute it to the Water and Sewer Committee and see if we can have a discussion that way. We ask that this be tabled again.

Alderman Jordan moved to table the ordinance to the June 17, 2008 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

This ordinance was tabled to June 17, 2008.

RZN 08-2934 (Newell/Morton): An ordinance rezoning a portion of property described in rezoning petition RZN 08-2934, for approximately 0.37 acres, located at 1141 Hendrix from RSF-4, Residential Single Family, 4 units per acre, to RSF-8, Residential Single Family, 8 units per acre. ***This ordinance was left on the First Reading at the May 6, 2008 City Council meeting.***

Alderman Cook 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.

Jeremy Pate, Director of Current Planning reminded the council that this request is tied to a bill of assurance that has been offered by the applicant. He also discussed some of the neighborhood concerns that had been brought up.

Alderman Allen: Mayor, we have had three meetings with these neighbors and they are strongly opposed to this. They are afraid of the zoning change because several other zonings are coming up. For that reason I will not support this.

John Davidson, a citizen stated that in the 2025 Plan you want density and this is right down town. The house is in terrible shape. They are trying to revitalize and increase density thus utilizing the current infrastructure and no cost to the city. It is right in your 2025 Plan. I want to see more density. Unless you improve stuff like this we can't do it. We need the revitalization. We need to get rid of these old houses and build new nice ones.

Alderman Cook 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.

Alderman Cook: Planning staff asked the developers to go this route of rezoning as opposed to going through the other route as far as looking for variances because it is more of a public process. I appreciate staff doing that. This neighborhood has been through several zoning changes and they are squeamish about having any changes in their neighborhood. On the premise, any increase in density is just setting a precedent for forward decisions to be made. In some ways I completely agree with that. I think RSF-8 is a good zoning. The constituents that I hear from are very adamant and vocal and the bottom line is I am going to support the neighborhood on this decision. However moving forward they need to look at what they need to do to try to think about how these future decisions are going to be made.

Alderman Rhoads: I think now is the time and so I am going to support this.

Alderman Ferrell: I would like to point out that it was indicated that the Planning staff favors this and the Planning Commission voted 7-0. The neighborhood meeting alleviated some of the neighbors objections to the zoning and no public comments were presented at the Planning Commission meeting.

Alderman Allen: I think this neighborhood in particular sees themselves as infill and affordable housing. I am going to stick with the neighbors this time.

Alderman Lucas: We talked about that no one came to the Planning Commission meeting. These people have fought this for years and came to meetings and after a while you think this is my neighborhood, why do I have to keep coming back to protect my neighborhood. That is why you may not see these people at these meetings because they get a little tired.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance failed 2-5. Alderman Rhoads and Ferrell voting yes. Alderman Lucas, Jordan, Thiel, Cook, and Allen voting no. Alderman Gray was absent.

This ordinance failed.

R-PZD 08-2915 (Hill Place): An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2915, Hill Place, located at the southwest corner of 6th Street and Hill Avenue; containing approximately 27.10 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. ***This ordinance was left on the First Reading at the May 6, 2008 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate: I passed out amended conditions of approval that the Council adopted at the last meeting and those are the only additions that staff has at this point. Staff and the Planning Commission are recommending in favor of this particular planned zoning district request with 37 conditions.

Alderman Thiel: Something that was brought up at the last neighborhood meeting we had was the people that are adjacent to the Brooks Avenue extension that are most affected by this would rather see that developed as a trail rather than a street extension. I am just wondering how the staff would feel about that as far as a recommendation for that as part of this plan.

Jeremy Pate: We discussed this when the Aspen Ridge project originally came through because it was essential for that project to have a secondary point of access because there was no planned bridge at that time. The bridge now provides a secondary means of access, so they will meet the Fire Department requirements of two points of access. From staff's perspective we feel that the connectivity and the distribution of traffic is an important component of this project. It is adding a number of residents within the area and distribution of traffic is always important so that all traffic doesn't go to one intersection to either Sixth Street or Hill. Our recommendation would stand. We have consistently recommended that street connection.

Alderman Thiel: To leave Brooks in place as a street.

Alderman Allen: This property will primarily be for the use of students and since we are encouraging walking and bicycling, that doesn't factor in changing your mind at all? The use of the land?

Jeremy Pate: I think so, we certainly are encouraging and hopefully students would take advantage of the fact that the University is that close by. I believe the applicants are trying to work with the University bus line to establish a transit stop near this area and utilize the trail once it is connected as well. We as a city can certainly encourage transit systems to continue and expand where possible and that will help with that issue.

Todd Jacobs with Appian Center for Design gave a summary from the three neighborhood meetings that were held. He thanked his project leaders for going the extra mile with the neighbors and trying to solve as many problems as possible.

Alderman Allen: As we consider this project can we think about Rochier Heights since we all know that what is developed above will affect what is below?

City Attorney Kit Williams: I think you can certainly consider any of the areas around especially if they have been developed or approved for development. You should keep in mind that our Engineering Department does it's best to insure that new development does not increase water flow over pre-development water flow. You certainly can consider that just like any other surrounding property in this area.

Alderman Thiel: What is the status of Rochier Heights? Is it far enough along that we can consider it.

Jeremy Pate: At this point in time there is not a project. There was a submittal for a multi-family project that we have not reviewed since Technical Plat Review so I am not sure if that project is coming back in that particular design or not. That project will be reviewed on its own merits and will be required to meet detention and erosion control on their site as well. Our ordinances will always apply to each one of those sites on a case by case basis.

City Attorney Kit Williams: I would say that if the project has not been approved then it would not be reasonable to consider what might go in there. It would be unfair to the person in front of you or for their project.

Robert Williams, resident of 957 S. Hill voiced his concerns about the project and the floodplain for that area. He displayed maps to the Council and pointed out aerial views of the project. He went on to speak against the project.

Matthew Petty with a non profit agency that raises awareness of social and technological changes that society has to undergo to be sustainable addressed concerns of various other citizens. He stated the Hill Place is not a conventional development and building this plan as it exists now would mitigate most of the existing stormwater problems except those that are caused by our most intense storms. He said he did not think it is time to approve the project yet. He went on to offer suggestions to improve the property.

Sarah Lewis, a citizen stated I recommend another reading because of the fact that it is in the floodplain. It needs more flood and stormwater controls that are environmentally friendly.

Todd Jacobs: We have gone above and beyond the City Code of Ordinances on stormwater. We have four other detention ponds onsite that we are going to retrofit.

Alderman Thiel: There was something said that there is more density. There is more density in the amount of units but my understanding was that this project reduces the amount of buildings.

Todd Jacobs: The old Aspen Ridge project had 39 buildings. This project has 17 buildings with three stories. So you are getting a little more density but you also pick up your greenspace. You have 55% greenspace on this project where a typical RMF-24 project we would only have to keep 15%.

Jeremy Pate: There are no buildings within that floodplain you identified. The floodplain follows the creek there and what is identified in the tree preservation and deed restricted area actually goes beyond the floodplain in most cases within this development. There are some boundaries that are not encompassed entirely but based on my reading of these plans showing the 100 year floodplains identified by FEMA the structures nor parking is located within that 100 year floodplain.

Ron Petrie, City Engineer: This is classified as a Zone "A", which means there is no detail study, these are approximations. What we required some time ago, when Aspen Ridge was originally approved, was a detailed study so the detailed study that was shown on the plans doesn't match the Zone "A". The detailed study needs to be adopted in order to change the Zone "A's" in our FEMA floodplain maps. What we are going to require is the previous studies to be thrown away and redone. It is certainly not acceptable to me as your City Engineer. We are basing the floodplain today on is the previous detailed studies. That still has to be done to make sure that this engineer and our Engineering Division is in agreement upon where that floodplain actually is. There is some additional work that has to be done.

Jennifer Creel, resident of 1116 S. Duncan: I feel like Aspen Ridge should not have been approved in the first place. I can't see how this project is going to be helpful at all. The only thing I can say for this desperate situation is that these gentlemen have done the best they can. I advocate and beg for the trail. I can't say that I am for the development. I think the least thing is that we can have the trail and not the road on Brooks.

Michelle Rain, resident of Wilson Dunn Addition stated the reason she moved into the neighborhood was the small single family homes. She went on to voice her concerns about the density. She asked how does the density of 800 plus students moving into a residential neighborhood fit with our neighborhood when our neighborhood undergoes the same study and development plan that the Walker Park neighborhood went through.

Loren Hawkins, a resident near the site voiced her concerns about the project. What a rooming house would be like after ten years of students is a great concern of mine.

Dave Duncan, resident of S. Duncan voiced his concerns about the project. He stated there is going to be more development along Fifteenth Street both to the east and west in the future. He went on to address his concerns of speed tables within the development.

Aubrey Shepherd, a citizen voiced his concerns on the project. He asked the Council to build a trail along Brooks and in the rest of the right of way put in some natural soil and let nature restore it. He referenced a chart that showed between the Brooks extension a portion of Pinnacle Property that was cut off. He stated they discussed making it part of the nature park that we were working on saving at that time. He went on to discuss his concerns about the bridge, street, waterflow and floodplains.

Alderman Thiel: The flooding incidents that Aubrey referred to occurred years ago, we can't stop that. We cannot require a project to improve that. All we can do is require that they make it no worse. Some of the neighborhood wants Brooks turned into a trail instead of a street. I would like to make that amendment. I do not feel that there is a critical need to extend that and I would like to see that as a trail.

Alderman Lucas: If this is made a street, one of the concerns is the wetlands and that the water will get to the wetlands to replenish them. Is there a way to do that?

Ron Petrie: There is a way whether we have a trail or a street. We don't have those details worked out at this time. It all has to do with how much flow is needed in there and that is going to be a judgment call.

Alderman Allen moved to amend the Conditions of Approval to change Brooks from a street to a trail. Alderman Thiel seconded the motion. Upon roll call the motion passed 6-1. Alderman Lucas voting no. Alderman Gray was absent.

Alderman Allen: My suggestion is that we hold this one more time and give an opportunity to make reasonable suggestions and see if we can't come to some resolve remembering that we can't get back what it was.

Mayor Coody explained what the area looked like prior to Aspen Ridge. He stated it was in dire need of an overhaul.

Alderman Thiel: I am not sure why we need to hold this. We have had four neighborhood meetings on this. She went on to point out past concerns that have been resolved. She read a letter from Alderman Gray stating that she supports the development and that she thinks it will be a good for Fayetteville.

Alderman Ferrell: Ron, Did you say as planned this meets the code for drainage in the City of Fayetteville?

Ron Petrie: As planned today yes but there is a significant amount of work to be done before we would support it completely but at this point the requirements for a preliminary drainage report have been met.

Alderman Ferrell: Our Engineering and Planning Staff have demonstrated a tremendous amount of flexibility. There are a lot of people that have stake in this but you can't remove the fact that this whole thing is in the University of Arkansas watershed. I think we have some people that have things that can be addressed and some people that have things that can't be addressed. We need to do the best that we can. I will support this.

Alderman Lucas: When this floodplain study is done if there are buildings, this will change the placement of where those things are. So you will be the authority on that for the City is that right?

Ron Petrie: It will also have to gain FEMA's approval. They will do their own independent review of the study.

Alderman Lucas: I too have met the people down there and they are wonderful. I know how they feel about this and it really concerns me. There is already erosion at Rochier Heights. There is water coming down from there that is going to have to be controlled. I appreciate the input that the neighborhood has. I don't want us to have another situation like that, that is going to compound the problems down there. I trust our Engineering and Planning Department to really watch this project. I will support it.

Alderman Thiel: I think I will leave it on the second reading.

This ordinance was left on the Second Reading.

Bridgedale Plaza Appeal: An ordinance establishing a Commercial Planned Zoning District titled C-PZD 08-2904 Bridgedale Plaza, located at the southeast corner of Highway 16 East and River Meadows Drive, containing approximately 15.95 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. ***This ordinance was left on the Second Reading at the May 6, 2008 City Council meeting.***

Alderman Ferrell moved to suspend the rules and go to the third and final reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 6-0. Alderman Thiel was absent during the vote. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the project. He reminded the Council of the amendments that were made at the last City Council meeting.

Dave Jorgensen introduced several members of the project team. He stated we have made numerous changes to this project to make it acceptable. He went on to elaborate on the phasing process. He also spoke on the traffic study. He stated when we hired Peters and Associates to do the traffic study we did not ask them to come up with results that showed we did not need a traffic light at Roberts Road and at River Meadows Road. He read a summary of the traffic

study report which did not recommend traffic signals. He stated we are serious about our low impact development not only in the residential area but also in the storage area.

Sarah Lewis with Springline Consulting Group stated we have been working with Clint McDonald and the Bridgedale Group to incorporate the low impact development stromwater technologies in the commercial area and the storage areas and then helping them maintain a lot of the trees and greenspaces around that exist currently. She gave a brief history of the project. She stated I feel strongly that they are committed to these stormwater technologies.

Bruce Dunn, a resident of 1629 South River Meadows Drive first commented on the excellent job the City Staff did during the Joe Martin Stage Race. He then went on to voice his concerns about the project. He said if you approve this then you are setting a precedent for going to other developments and allowing them to do this. He brought up the negative impacts that bringing this project to this area would have on the area.

Jim Luper, a citizen spoke on behalf of the neighbors. He spoke on the need for amenities however he felt that this was not going to solve that issue. He stated there are six storage facilities in less than five miles of Stonebridge. He went on to speak on the existing commercial developments in the area. The homeowners presented over 30 pages of facts and questions along with the downsides of this project. We had a petition from the residents of Stonebridge. He stated no one in that neighborhood has come forward in support. He stated there is an overwhelming majority against it. We ask that you turn this down.

Jacob McClusky, a citizen stated I was the one that did the petition. He stated this project will affect more than one neighborhood and this petition was done in areas around Stonebridge. This small initial people are opposed to it but there are a lot of other people out there that aren't. The other businesses want to see more businesses and make more money. I would like you to think about that too. This will affect a lot of people in a big area.

Alderman Thiel: Ron, the issue about the flooding on the Robert's Road side, would any developer of this project be required to do a certain amount of that or is this developer doing something that would not be required of another developer?

Ron Petrie: I would say for this situation they have agreed to take all their stormwater to the White River where it would have a negligible effect. That would probably eliminate the requirement for them to do any improvements off site in that area. It is probably above and beyond what would be required.

Alderman Thiel: We could not require this of the next project?

Ron Petrie: Only if they discharge in that direction.

Alderman Thiel: I had a request from someone in the Stonebridge neighborhood to leave this on this reading until the other City Council representative for that neighborhood is back. You are saying that you would like for us to make this decision tonight. So I am a little confused about what the neighborhood wants.

Alderman Jordan: The storage buildings, if we were doing a PZD in a C-2 what would be the normal square footage of them?

Jeremy Pate: Our ordinance states that warehousing and light industrial uses are limited to 5,000 square feet. This proposal is well beyond that at 114,000 square feet. When we looked at considering this in an industrial planned zoning district verses a commercial planned zoning district we made the decision to process it as a commercial planned zoning district even though it well exceeds that requirement simply because mini storage is not your traditional warehousing.

Alderman Jordan: So we are basically saying that it is about 25 times more.

Jeremy Pate: I would say so. We haven't had many industrial uses proposed in commercial districts in Fayetteville.

Alderman Allen: I have had a lot of mail about this and it has almost been totally in opposition. A storage unit is a storage unit and it is approved by conditional use. Perhaps this conversation has led us rethink where we will put storage units. If that is the case I hope we will implement the kinds of things that Springline has suggested. As long as it is a conditional use you don't approve something that has a storage unit in it.

Alderman Thiel: From the reaction I got from out there they don't want me to hold this.

Alderman Rhoads: What did Adella want?

Alderman Thiel: She did not make a statement about this one.

Alderman Rhoads: About holding it?

Alderman Thiel: I think she would like for us to hold both of these.

Dave Jorgensen: Adella called and said she was going on vacation and that she would like to be here to vote. That is fine with us.

Mayor Coody: Do you want to leave it on this reading or vote on it.

Alderman Jordan: That is up to the Alderman in that ward.

Alderman Rhoads: That is what we have always done in the past.

Alderman Thiel: I think we will wait.

Alderman Lucas: This is a big question so I think probably you are right. It is better to hold it.

City Attorney Kit Williams stated this is on the third reading so we need a motion to table.

Alderman Ferrell moved to table the ordinance to the June 3, 2008 City Council Meeting. Alderman Jordan seconded the motion. Upon Roll call the motion passed 7-0. Alderman Gray was absent.

A discussion followed on whether or not to reconsider tabling this and voting.

City Attorney Kit Williams: Anyone that voted in favor of a motion may move to reconsider.

After discussion the City Council agreed to leave it tabled until the next City Council meeting.

This ordinance was left on the Third Reading and then Tabled to the June 3, 2008 City Council meeting.

New Business:

RZN 08-2968 (Lazenby): An ordinance rezoning that property described in rezoning petition RZN 08-2968, for approximately 0.49 acres, located at 3390 West 6th Street from R-O, Residential Office to C-1, Neighborhood Commercial.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the item. He stated Planning Commission voted 7-0 in favor of this item and staff also recommended in favor.

Alderman Lucas: How far down do you recommend we go with Commercial. There are 2 ½ miles from I-540 to the Farmington City limits and if you put commercial on every corner we are going to have commercial all the way to Farmington.

Jeremy Pate: What we typically look at is our Master Street Plan and where those arterials are designated. For instance on Rupple Road where it intersects Highway 62 that will likely be a viable location for commercial development. Old Farmington Road is the only collector street that intersects on that north side of Highway 62 between Farmington and I-540. Over the last five years that I have been here we have seen six or seven requests in this area. I don't believe any of them have been zoned C-2.

Alderman Lucas: What about the corner at Camelia that goes north. That is commercial.

Jeremy Pate: That is zoned C-1 also.

Alderman Lucas: That is just a little ways down from this one. We are going to go on down to Farmington. That is what bothers me about this. I like the R-O on this. We said we were going to try and keep that area from being a commercial strip all the way to Farmington and it seems like we have not followed through on that.

Jeremy Pate: A lot of the decisions predated you. They were made in the 70's when this property was annexed and it was zoned the highest commercial use.

Jeremy gave examples of other uses. He stated a lot of those decisions were made under different circumstances and future land use plans. So what we are trying to do now is follow through what our future land use plan is now.

Alderman Lucas: This was R-O wasn't it?

Jeremy Pate: This site currently is R-O.

Alderman Cook: Your comment about Old Farmington being the collector, is that intersection looking forward into future development? Is that going to be a major intersection along the highway there?

Jeremy Pate: The Rupple Road intersection in my opinion is where a lot of that will occur. Old Farmington Road carries a lot of traffic and is a small street. You have approved projects recently that have helped improve that street section in certain instances.

Alderman Cook: But not commercial.

Jeremy Pate: Most of it has been residential along Farmington Road further to the north and east.

Alderman Jordan: I agree with Shirley. I have some problems with making this commercial.

Alderman Cook: I agree with the more intense zonings at intersections like that. That is what our 2025 Plan is looking for. My concern is that looking forward I don't feel like this intersection is going to be what our 2025 Plan looks like.

Barbara Stephenson, a resident near the property: Traffic has been a really big issue. This would not be a good thing for this particular neighborhood. For the last couple of weeks I have talked to my neighbors and they are all opposed to changing this particular one to anything other than office.

Laverne Cooper, a resident near the property voiced her concerns about the rezoning. She stated R-O would be much more compatible out there with the neighbors in residential. We are opposed to it being rezoned. It needs to remain R-O.

Dave Jorgensen, speaking on behalf of Bill Lazenby asked isn't right across the street on the northwest corner zoned C-2? Then south of it on the opposite side of it is C-2 and just east of it is C-2 so when our client asked about the possibility of going to C-1 I didn't think that was too far fetched. I thought the C-1 request was legitimate and would fit in with the surrounding C-2 properties. He has had several clients asking to put in businesses that would require C-1. That is how this came about.

Alderman Ferrell: Did you say on three sides it was surrounded by commercial?

Dave Jorgensen: Yes sir.

Alderman Thiel: Can a bar or a liquor store be located in C-1? That seems to be the concern of the neighborhood that either one of those go in.

Jeremy Pate: C-1 requires a conditional use but there are requirements about what is across the street.

Alderman Lucas: Is there not R-O across the street too?

Jeremy Pate: It looks like there is some R-O to the southeast and potentially to the north. Liquor stores are a part of a conditional use.

Alderman Thiel: So a liquor store could go in C-1?

Jeremy Pate: As a conditional use with certain restrictions. The condition for a conditional use for a liquor store there is supplementary regulations that do not allow it if on two sides there are residential zoning districts. We would have to look more into that to see if that would be permitted in this location. With regard to bars, they are not allowed, not even by a conditional use.

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.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance failed 2-5. Alderman Rhoads and Ferrell voting yes. Alderman Lucas, Jordan, Thiel, Cook and Allen voting no. Alderman Gray was absent.

This ordinance failed.

VAC 08-2969 (Quality Lane Apartments): An ordinance approving VAC 08-2969 submitted by Crafton, Tull, Sparks & Associates for property located northwest of Quality Lane and Gregg Avenue to vacate a portion of a utility easement within the subject property.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Thiel 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.

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

Ordinance 5144 as Recorded in the office of the City Clerk

Forest Hills PZD Rezone Appeal: An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2793 Forest Hills, located at Wedington Drive, south of Salem Road, containing approximately 82.38 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 gave a brief summary of the project.

In addition to the rezoning application there is also a Master Street Plan amendment. The Master Street Plan shows a collector street that would connect from the Mountain Ranch apartments south of Persimmon, north to the Links of Fayetteville planned zoning district which is currently under construction. That Master Street Plan was adopted by the City Council within the past two years. This proposal is to move that street connection and provide it with Salem extending through to the site. Staff is supportive of that concept but we feel that the connection to the Links intersection, which ultimately gets one to Rupple, is important as well. Staff was not supportive of this planned zoning district. They found that it did not meet a majority of our goals and policies adopted by the City. The intensity and density is not what concerns staff in this particular project, it is the development pattern and the style of the lay out that has been proposed that is very much in contrast with what as a Council you have adopted in your City Plan 2025.

Jeremy explained the proposed planning areas for the project. He also went over the traffic counts for other proposed projects in this area.

Staff has listed items that could improve this project a great deal, most of which have been communicated to the development team since the inception of this project.

The next item on your agenda is the Master Street Plan amendment. We have made specific recommendations on that to amend the Master Street Plan from what it is currently showing to retain a connection to the Links of Fayetteville so that it would connect to Rupple through this project.

Alderman Lucas: You are opposed to this because they did not mix the commercial and residential together?

Jeremy Pate: That is one way to put it. I think a better effort could occur in utilizing this property more efficiently and more effectively. Actually creating a community environment in which anyone of us would be proud to live in, walk down the sidewalk and utilize on a daily basis. We struggle with supporting a project that we know exactly what we are going to get. The drawings that Dover Kohl did show what we have now and what we should have. The point of City Plan 2025 is to encourage development especially zoning requests that are not a use by right.

Alderman Allen: Why did staff not feel that the Links, which is farer out, was sprawl and that this project is?
Jeremy Pate: Staff did not support the Links. That was one of the concerns that we had.

Alderman Cook: When you add the current traffic load and you add proposed projects including this development what level of service would that leave Wedington at?

Jeremy Pate: There is a range of traffic for this project depending on what uses go in. The traffic study indicated the most problematic areas were at the Salem and Wedington interchange.

Ron Petrie, City Engineer stated the traffic information is in the agenda packet, the level of service before and after proposed projects.

Hugh Earnest stated you are blessed with the best Planning staff that I have ever seen. He shared his thoughts on the Forest Hills application. He stated the end result of this project failed to meet the criteria laid out in the city neighborhood area. He briefly went over the criteria for the city neighborhood area.

Wal-Mart is a very large, very successful, and a very competent company. They use a design they are comfortable with and that has been proven in the market. You can understand that from their perspective. I think they can be persuaded to accommodate certain design changes to better meet City criteria. They have done it in other places. Please consider referring this back to the Planning Commission and staff with a clear understanding that significant changes will be made.

Alderman Allen: There was a comment made at the neighborhood meeting that led me to believe that Wal-Mart would be open to what Mr. Earnest said.

Alderman Jordan: That was brought up and they said they would consider that.

Laurie Smalling: When we first presented this to staff our neighborhood market actually faced a different direction than it does currently. We took a suggestion from staff to turn it. We need to work that out. We will be looking at adding as many sustainability aspects as possible.

Ms. Smalling spoke of some of the items they will be doing to make the store more sustainable.

Mayor Coody: I want to commend you because of your sustainability efforts. You have changed the world and made the business community worldwide, globally, realize that sustainability is a necessity not just a luxury.

Laurie Smalling: On the design of this we are in the early stages of what this neighborhood market will look like on the outside. We are just at the rezoning stage right now.

A discussion followed on the direction the building was facing previously. Laurie explained some of the problems they are facing with the project.

Steve Gilason, Outside Zoning Council for Wal-Mart: Wal-Mart is very excited about this location. This project will be much greener. He went over some of the sustainable items in the project.

Mayor Coody: I am assuming that everyone is in favor of the store. I think the question is, is this layout the best layout. The store is not being discouraged.

Alderman Cook: We required the Links to make a connection to Wedington. I think they want to make the connection at Salem. To me it makes more sense as far as the flow of traffic.

Jeremy Pate: Our current Master Street Plan shows a connection directly from the intersection of Golf Links Drive, which is the Links main road and Wedington down to the intersection of Mountain Ranch Boulevard. The applicants are proposing to move that connection to the east at Salem Road. I think both need to be made in order for traffic to function adequately. The biggest challenge that I have heard from the developer is that a portion of this site goes on Ozarks Electric property and they are not willing to sell them that portion or make that connection at this point in time. Planning Commission in the past has required off site street connections. That is not unheard of.

John Alfred, Managing Partner for Forest Hills addressed the issue of the connection with the Links. He stated to ask us to build a road or connection on property that we have no control over is not fair. He showed the Council what they are willing to do to provide connectivity. Our request is to amend the Master Street Plan to move the street over and make Salem the collector street. We will build all of Salem to Persimmon.

Mayor Coody: Since this is on Ozarks Electric property what are the options? Are there any options available to us?

Jeremy Pate: What they are recommending in the Master Street Plan amendment is simply to draw the line like we do on other projects. A very small portion of the project is on the Ozarks

Electric property now. This amendment would remove most of the responsibility of this property owner from our Master Street Plan and put it on the Ozarks Electric property. We feel that connection as adopted by the Council is an important connection to make the future connection to Rupple Road which is the planned north/south corridor to get from the Mall to Farmington. I think for us to remove that Master Street Plan from this particular location is not advisable.

Mayor Coody: You have not asked them to do the improvements to connect up to the Links?

Jeremy Pate: No. We have not made any determinations or recommendations on any street improvements. All we have listed in our conditions was what the traffic study indicated would be possible improvements.

Mayor Coody: Staff has not asked you to do something that you can't do.

John Alfred: I do not know if that is accurate or not because if you read the staff report there are multiple comments about making a Links connection. We do not have any control over the land to make that connection. To make it a condition for the rezoning of this property is not tenable.

City Attorney Kit Williams: I don't think the City can require that as a condition.

Mayor Coody: Jeremy, are we requiring that as a condition of use?

Jeremy Pate: It is not a condition of approval of this project.

John Alfred: It was presented as though it was something that was necessary to make this project work. I don't think it is necessary.

Alderman Rhoads: I think it is something that needs to be clarified.

Alderman Jordan: This was shown at a Ward 4 meeting with about 60 people attending and all but three people were supportive of this.

John Alfred: There are some things that can not be changed, one of them is parking. We are adding a lot of landscaping and trees to this project.

Alderman Allen: What modifications have you made to the project since talking with staff?

John Alfred explained the modifications that have been made to the project.

Alderman Allen: Did you consider interspersing the attainable housing in with the more upscale housing?

John Alfred: I don't know that any of this is upscale housing. It is all pretty attainable housing. They run from approximately $125,000. We want to protect the property rights with a home

owners association. Sometimes that is difficult to do when you mix the various uses. We have tried to provide a variety of housing units but at the same time do what we can to protect the property rights of those people that are going to buy homes in those particular areas.

Alderman Allen: In some of our more established neighborhoods we have effectively been able to inter mingle what we would consider attainable housing with more affluent homes. I don't like the idea of them being set aside. I appreciate that you are trying to do something with affordable housing.

John Alfred: All of the housing that is going to be built in this development is going to be attainable. It does not cost any more in Bentonville, Fort Smith or Van Buren than it does in Fayetteville. Land cost plays a big role in what the ultimate price is on any house. There are a lot of things that go into land cost. One of them is what does it cost to develop this property, how much did the property cost, how much of the property can you actually use in the development, if you buy 80 acres and you can only use 60 acres then your land cost goes up. It is something that needs to be considered carefully by the Council in how they receive developments. It is important that these developments be done correctly but at the same time it is important that we hold down the cost because the costs and fees that you have to pay to build a house goes into the price of a house.

Mayor Coody: Jeremy said that we would encourage more density and more commercial and residential use out of this land than what you presented. We would encourage you to get more value out of your land. We are not trying to hold you back by making you not do what you want to do. We are trying to encourage you to do even more on your land.

John Alfred: We talked with staff about building larger buildings, higher buildings in order to maximize land use. They discouraged us from doing that because of the other residential we are backed up to. We have tried to become denser. One of the arguments against our project is traffic and if I put more units out there I am going against myself. I would have more traffic and more parking with more units. There are some issues in trying to make it denser.

A discussion followed on the cost of the homes that will be in the project.

John Alfred gave a PowerPoint presentation on the project.

We will be building Salem from Wedington to Persimmon in the first phase of this project. We are ready to build this project now as soon as it can be approved. I think if you look at our project and you look at the 2025 Plan goals we meet most if not all of those goals. The project has several green areas. The housing is going to be attainable for most people. In the staff's application one of the questions that were posed is whether the application is compliant with all applicable statuary provisions. The staff's finding is that the application has been reviewed and found to be in compliance. The 2025 Plan is not the law it is only goals and we meet most of those goals. It is very difficult to build a project that is going to meet all the goals because without having complete design criteria I don't know that anyone could ever meet it. We have done our best to meet most of those goals.

Alderman Lucas: The condos and the townhouses are they going to be different or cookie cutters?

John Alfred showed the Council what they would look like.

Alderman Lucas: I think that is one thing we are concerned about in neighborhood type developments.

John Alfred: The condos will be different. They will not look like the townhouses or the garden homes.

A discussion followed on the number of town home units in the project.

Alderman Allen: What percentage of your entire project is green space?

John Alfred: We are required on the tree canopy to have 25% of the existing tree canopy remaining. That will come as part of the large scale development for each phase.

Alderman Allen: Jeremy did you feel that in our 2025 goals that making the traditional town forum is the most serious part of what he is not doing in this project?
Jeremy Pate: That is the most evident part to staff, the creation of a pedestrian friendly, walkable neighborhood.

Alderman Ferrell: What is the total investment that you are going to make when this is built out? I am wondering what kind of financial impact this will have on the community.

John Alfred: I think by the time this is all built out it will be over $100 million. There are also many jobs being created. I think it is a significant number for the City.

Kevin Cortez, resident of Ward 4: I applaud the developer for developing a plan that is practical and that meets the needs of the people that live in Ward 4 and to continue to be flexible. It appears that he is trying very hard to meet most of your goals. I would encourage you to work with him on this. Some of the ways the developer is being asked to meet the goals almost reaches the point of benevolence. We can't expect our developers to be benevolent. They have to be profitable. There are many practical measures that he has taken to meet your goals and as a citizen I think it would improve the quality of life. This seems to make a lot of sense. I applaud the developer and encourage you to work with them and help them make this happen.

Aaron Wirth, Cobblestone Homes: We are building Phase 1 of the Mountain Ranch project which borders this project. We are excited about seeing this project there. The people that we are telling about his project their response has been very positive. We are in support of this.

Vince Massanelli, Washington County Farm Bureau: I have been in that area since 1992 and the services there are not available to the residents in that area. This project would greatly enhance the life styles of the residents of west Fayetteville. I highly support it.

Matthew Petty: I don't think anybody can disagree that a grocery store is needed on that side of town and no one can deny the value of the efficiency innovations they have been putting forward. As I look at the drawing I see good things and bad things.

He explained the items that he is concerned about with the project. He encouraged the Council to send this back for reconsideration.

Bill Faddis, Washington County Farm Bureau: I like this plan and it looks to me like it does meet a lot of the goals. It looks like it fits in well with what you have planned for the City.

Alderman Lucas 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 Lucas: If this passes for Salem to be all the way to Persimmon do we have to make an amendment?

John Alfred: I would not object to that. I told the Ward 4 people that we would build Salem from Wedington to Persimmon in Phase 1.

City Attorney Kit Williams: That should be a condition of approval. Would you object Mr. Alfred to making that a condition of approval?

City Attorney Kit Williams: Jeremy will you include that as a condition of approval.

This ordinance was left on the Second Reading

Forest Hills Master Street Plan Amendment Request: A resolution for R-PZD 07-2793 Forest Hills amending the Master Street Plan, realigning Golf Club Drive, a proposed north-south collector street, as described and depicted in the attached maps.

Alderman Jordan moved to Table the resolution to the June 03, 2008 City Council meeting. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

This resolution was Tabled to the June 03, 2008 City Council meeting.

Hiring Freeze Amendment: A resolution to amend Resolution No. 07-08 concerning the Hiring Freeze.

Missy Leflar: I was asked how the hiring freeze was going. Based on my observations and speaking with supervisors when you are short a person you are either going to have someone

work extra until a replacement can be found and it could involve overtime or someone is going to do the work of the missing person and their own work is not going to get done, or the missing person's work is not going to get done. Employees want to get the work done. There are naturally four or five weeks before you can fill a position. People are working later trying to get the work done and trying to keep the services up and they are getting farther behind on their work even though they are working later. That extra week or two can be stressful. I feel accountability is an important thing so if the Council were to consider doing away with the hiring freeze in its present form, for positions that have been approved in the budget and someone has quit or been terminated, and we are trying to replace a person, that the supervisor make an informational memo to the Council. I think it is a good thing for people to think do I need to fill this position and why.

Alderman Rhoads: I have faith that someone is not going to replace someone just because they can. They are going to replace somebody because they really need that person.

Alderman Ferrell: I agree with a lot of what Missy said. I don't agree with the resolution. I think a transfer or termination can be a dissuader. Someone may leave and it may not be necessary in a particular instance to fill them right away. I think the closer scrutiny we can pay the better off we are sometimes.

Alderman Jordan: When we were going through the budget the main complaints that I heard from the people was that they wanted to know what position was being filled and how much money the positions cost. They wanted that accountability phase of it. It does not take us that long to do this. I will not support the resolution.

Alderman Allen: I think accountability is the main reason I would find this problematic. We didn't pass the property taxes and decided we would suck in our own belts. I think we made a commitment to the citizens to let them know what we are doing. The few minutes that it takes each meeting is worth it. I know that makes lag time and makes some difficulty but I think it is something we should do to be accountable.

Alderman Rhoads: To me there is accountability which we have in the budget process and when someone gives us a memo about a position and then there is micro management and I think we are micromanaging. I have been involved on both ends of a whole lot of hiring freezes and I never liked it either way. You hire someone and say here is your job and here is your budget and if they can't do the job you find someone that can do the job.

Alderman Thiel: I agree with Alderman Rhoads. I think having a memo sent to us is very good. It has been our emergency personnel that we have discussed at almost every meeting. I don't think generally they are going to ask for somebody they don't know. We have budgeted for the personnel. The accountability is through the memo and the memo is a public record.

Alderman Allen: I am not a big micromanager. I think you make real good points. It just seemed to me that in this particular tight year if there is any way we can give information to the public I think we owe that to the citizens.

Alderman Rhoads: We have the budget screwed down about as tight as we can get it and therefore that has an impact on services. Not only is it micromanaging but it has an impact on services to the public.

Alderman Lucas: I appreciated your comments that the staff is becoming more aware and that they are very conscientious about the budget. I have been through hiring freezes and two layoffs. According to Paul we are not meeting our budget at this time. I feel we need to be accountable until we get to the point where I feel comfortable. I don't want to have a layoff.

Alderman Cook: I do not doubt the accountability from staff. I think it is more of an educational process for the citizens and for me. I know it is a pain for staff sometimes but I appreciate them coming before us to explain why they need the position and the value to them.

Mayor Coody: The memo that Missy said that we would do, which would do exactly the same thing, would it not suffice?

Alderman Cook: The public is not going to see that.

Mayor Coody: We give complements to the staff, we tell them how great they are, and what a good job they are doing. We don't add staff enough though we have a growing population of citizens. We are asking our staff to do more and more all the time with the same number of personnel. We are telling them what a great job they are doing except we don't trust you because we think you are going to screw us by hiring people when someone is fired or quits. We don't think you really need to replace those people so we are going to watch every move you make. We love you, we think you are great, we just don't trust you. I don't think the City Council trusts itself because the City Council is second guessing itself. We approved this in the budget process already. We don't add new positions but people are not stopping moving to Fayetteville, Arkansas. We have to produce more work for our citizens. Our staff is the best staff we can possibly have. Out of all the position we have brought forward the only one that we have not replaced is a part time parks patrol position. We are telling the staff to go through these extra hoops and hurdles for no real reason other than the fact that we want to control and to make sure the public knows we are doing a good job. The public knows the staff is doing a great job. The responsibility has been proven time and time again. I think it would be good to let the staff know that if we really believe in them that we should let them do their jobs as efficiently as possible without adding the extra burden of bureaucratic, time wasting stuff that goes with this hiring freeze. I think it is a tremendous waste of time and effort. For the staff I apologize for having people think you can't run your show the way you think it needs to be run. You have proven to me that you are a very good staff. We have the best staff and they kill themselves to be good stewards of the public's money and do a good job for the City and this is our return of thanks to them.

Alderman Ferrell: I don't think anyone ever said that Mayor. I think you are completely out of line and I resent the fact that you said we don't trust the staff.

Mayor Coody: That is just how it appears to me and the staff.

Alderman Ferrell: You need to take a good look at yourself before you start making accusations about us.

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

This resolution failed

Fayetteville Arts Festival Funding: A resolution to request the Advertising and Promotion Commission to fund the Fayetteville Arts Festival.

Daniel Keeley, President of Fayetteville Downtown Partners I am here to answer any questions that might come up.

Alderman Jordan: I was contacted by some of the arts community because they were concerned about the funding for the Arts Festival. I am bringing forward this resolution to ask the A&P Commission to reconsider their position on not funding part of the Arts Festival.

Daniel Keeley: The A&P Commission has been very cooperative. We did not apply for funding from them this year. They did not deny us; they did not offer funding to us because we did not apply for it. We could use it but we were not able to apply.

Alderman Lucas: Why not?

Daniel Keeley: We lost out staff this year. We are on a volunteer basis.

Alderman Jordan: Have you applied before?

Daniel Keeley: Yes, for several years. They gave us a grant last year.

Alderman Jordan: You are saying you didn't get the money because you simply didn't apply.

Daniel Keeley: I don't know if they would have given it to us or not but we did not apply.

Marilyn Heifner, A&P Commission: Last year we were down on the tax collections therefore the A&P Commission tightened their belts on their budget. After the fixed cost we have unallocated revenue. We give that unallocated revenue to special projects. This year we had 43 requests for money and we funded 22. As Daniel said they did not apply. We are working with them to do the visual arts part of the festival that we have had at the Town Center for the last three years. We are also helping them with their pre party, the big gala they have the night before.

We have funding requests in April and October. Those are the two times of the year you can come to the commission and ask for money from that unallocated revenue but there is no more

money in that un allocated revenue. When we have additional requests the only way we can do that is to go back and redo the budget for the A&P Commission. There are no extra funds in the budget this year.

Alderman Jordan: Has this been under the Downtown Partners in the past?

Marilyn Heifner: No. It is a special request that came to us from the Fine Arts Festival.

Alderman Jordan: So the Fine Arts people have come to you every year previously but they did not come this year.

Marilyn Heifner: Right. We gave them $35,000 last year. They have been very good stewards of that money and I think they would probably have been in the running had they come to the commission again.

Alderman Allen: What was your full budget for this year?

Marilyn Heifner: $2,035,000.

Alderman Thiel: What does that go for?

Marilyn Heifner: Town Center Bonds, Convention & Visitors Bureau and Clinton House Museum. The Town Center is self sustaining they make it from their operating money except for the bonds.

Alderman Ferrell: You are paying for the pre party and signage so you are making a contribution?

Marilyn Heifner: We are cooperating with that yes.

Alderman Jordan: How much is that?

Marilyn Heifner: About 500 people at $25 apiece.

Alderman Lucas: How much is your unallocated budget?

Marilyn Heifner: This year it was $151,000.

Alderman Lucas: That is all you have to promote advertising and promotion of Fayetteville other than the Town Center, Clinton House and the Visitors Center.

Marilyn Heifner: Out of the $2.035 million about $700,000 goes to bond indebtedness on the Town Center bonds. We have $375,000 in advertising and about $150,000 in brochures, maps and things we do to promote the City so we can bring other visitors in.

Alderman Allen: Is it the Board's responsibility to decide how the money is allocated?

Marilyn Heifner: The A&P Commission. There are a set of guidelines that we work within. There are certain things we can spend money for and there are certain things you can't spend money for.

Alderman Allen: That could be flexible. It does not have to be the same thing each year.

Marilyn Heifner: The Commission decides how that money is spent.

A discussion followed on how the board members are selected.

Alderman Lucas: What is the amount of tax that you get?

Marilyn Heifner: $2,035,000.

Alderman Lucas: Salaries come out of that also?

Marilyn Heifner: Yes.

Alderman Jordan: My concern is the Arts Festival. They have a couple weeks to raise $35,000 and they don't have it. It would be real easy for Bentonville or Rogers to pick up the Arts Festival and I personally do not want to lose it. That is one of the reasons I brought the resolution forward.

Alderman Allen: What could we do for them? What are some options?

Casey Hamaker: This is my fourth year to be involved in the Fayetteville Arts Festival. I appreciate Mr. Jordan doing this for us. In the past we had staff from the Fayetteville Downtown Partners and this year we do not have staff. We got together as a group of concerned citizens to try to get this together. We had a successful fund raiser this past Saturday and attracted quite a bit of community attention. We are making efforts to make this happen. We feel with this additional $35,000 we can put a pretty big dent in our budget and make this the Arts Festival that Fayetteville deserves.

Alderman Rhoads: What is your budget for the festival and how much have you raised?

Casey Hamaker: Our budget for the festival this year is $54,000 and expenses. We are anticipating about $16,000 in revenue. Of that revenue is part of our collaboration with the Town Center. The open space art party tickets and the booth fees that visual artist provide will go to the Fayetteville Town Center. This is a two weekend festival. There is the visual arts component over Labor Day weekend and then the performing arts portion over the first weekend in September. We have raised about $9,500 of that $54,000.

Alderman Lucas: We are really promoting the arts in Fayetteville. This resolution is simply asking if the A&P Commission will consider this.

Alderman Allen: If that is not possible, I think we all feel such a commitment to this that I hope we will look at other possible ways to help this group. I think we need to try to find some way to be more supportive.

Alderman Thiel: Didn't we have this discussion about funding the Downtown Partners a year or so ago and we decided to not continue funding them?

Alderman Rhoads: They were to be self sufficient.

Alderman Thiel: So if we were still funding them I don't know if we would be having this discussion. The City made the choice, this Council made the choice not to fund this. I have no problem asking if the A&P Commission will fund it.

City Attorney Kit Williams: I think the resolution should be amended. The last clause should say *the A&P Commission has not funded the Arts Festival* instead of denied funding. In section one we should *urge them to consider funding* instead of reconsider funding.

Alderman Jordan moved to amend the resolution as stated by City Attorney Kit Williams. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Julie Gabel member of the Fayetteville Arts Council: I want to thank Marilynn Heifner. She and her staff have been so helpful in trying to help us make this work and shape the first weekend of the festival and helping us out with the Town Center. They have bent over backwards to help us. Besides that help we need more help and more funds to be able to pull this off. If Fayetteville has found it important enough to have an Arts Council we need to make that a priority. If it can not come from the A&P Commission then we would like to ask you to help us figure out creative ways to make this happen because we really hate to lose our local artists. We want to be the vital source that we should be in Northwest Arkansas.

Mayor Coody: We pay a lot of tax payer money to fund events that are run by volunteers. The volunteers do as good of a job as they can. Some cities fund an events coordinator for the City. The City of Fayetteville could hire a staffer full time that would make more money than it would cost to hire them and we would not have to go through this year after year. Every year we are putting public money toward this effort and it is hit and miss, if we spent the same money every year on a staff person we could grow this thing to where that pays for itself and we would save money in the long run. We would have a more effective Arts Festival and Arts Council. I hope one of these days the City of Fayetteville will make that move. It would be a huge help.

Julie Gabel: This is the first year in three or four years that there has not been staff to do this. This is the first year in several years that it has been volunteer driven. We are reinventing ourselves and trying to figure out a way for this to happen. I think that might be a really good long term solution.

Alderman Lucas: In some cities a member of the A&P staff does the festivals.

Alderman Ferrell: I hope that the Arts Festival fairs well but I can't support this.

Alderman Allen moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution passed 6-1. Alderman Ferrell voting no. Alderman Gray was absent.

Resolution 116-08 as Recorded in the office of the City Clerk.

Meeting adjourned at 11:40 PM

Dan Coody, Mayor

Sondra E. Smith, City Clerk/Treasurer

Add to
City Council
Meeting Minutes
6-17-08

Nominating Committee Report
Meeting: Monday, June 9, 2008
Room 326, City Hall 6:00 p.m.
Members Present – Kyle Cook, Adella Gray, Shirley Lucas, and Robert Rhoads

---

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

Civil Service Commission
The Nominating Committee did not receive any applicants for the board. Positions that remain to be filled are as follows:

- One unexpired term ending 3/31/11

Construction Board of Adjustments and Appeals
The Nominating Committee did not receive any applicants for the board. Positions that remain to be filled are as follows:

- Two unexpired alternate member terms ending 03/31/09

Environmental Concerns Committee
The committee recommends the following candidates for appointment:

- ***James Barton*** - One Community Citizen-at-Large Term ending 6/30/11
- ***Kirby McCalister*** - One Science Discipline Term ending 6/30/11

Fayetteville Arts Council
The Committee recommends the following candidates for appointment:

- ***Robert Ginsbug*** – One Citizen-at-Large Term ending 06/30/11
- ***Elizabeth Margulis*** – One Citizen –at-Large Term ending 06/30/11
- ***Julie Gabel*** – One Working Artist Term ending 06/30/11

Historic District Commission
The Committee recommends the following candidates for appointment:

- ***Cynthia Kalke*** – One term ending 06/30/11
- ***Mikel Lolley*** – One term ending 06/30/11
- ***Leslie Belden*** – One unexpired term ending 06/30/09

Telecommunications Board
The committee does not recommend any candidates for appointment at this time. The following position remains to be filled:

- One unexpired term ending 06/30/10

CODE COMPLIANCE
05/14/2008

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

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
June 17, 2008

A meeting of the Fayetteville City Council will be held on June17, 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:

1. Administration: Building Safety and the Community – Steve Cattaneo, Building Safety Inspector - Informational Only.

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the May 20, 2008 and June 3, 2008 City Council meeting minutes.

2. **Park Land Dedication Funds:** A resolution approving a budget adjustment in the amount of $195,450.00 to reallocate Park Land Dedication funds within the Southwest Quadrant.

3. **State and Tribal Assistance Grant (STAG):** A resolution authorizing the Mayor to apply for a State and Tribal Assistance Grant (STAG) from the U. S. Environmental Protection Agency for sanitary sewer system improvements; designating the Mayor as the City's authorized representative in all matters relating to the procurement and administration of said grant.

4. **Wal-Mart Corporate Grant:** A resolution authorizing Fayetteville Parks & Recreation Division to accept a grant from Wal-Mart Corporate giving in the amount of $10,000.00 to partially fund the Lights of the Ozarks; and approving a budget adjustment to recognize the grant revenue.

5. **Wedington Drive Widening Project:** A resolution approving a payment to the Arkansas State Highway and Transportation Department (AHTD) in the amount of $30,889.11 for a change order to cover city-requested revisions to the Wedington Drive Widening Project; and approving a budget adjustment in the amount of $31,000.00.

6. **Humane Society of the Ozarks Donation:** A resolution accepting a donation of $10,000.00 from the Humane Society of the Ozarks to benefit the Fayetteville Animal Shelter; and approving a budget adjustment recognizing the revenue.

7. **Security Equipment Purchase:** A resolution approving the purchase of operational and security equipment and cameras from Spytown USA in the amount of $26,771.82 for the West Side Wastewater Treatment Plant; and approving a contingency in the amount of $2,500.00.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:

2. **Amend Chapters 151, 152 and 166:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits. ***This ordinance was left on the First Reading at the April 1, 2008 City Council meeting. This ordinance was left on the Second Reading and then tabled at the April 15, 2008 City Council meeting to the May 20, 2008 City Council meeting. This ordinance was tabled at the May 20, 2008 City Council meeting to the June 17, 2008 City Council meeting.***

   This ordinance was left on the Second Reading.

C. Public Hearings:

1. **Raze and Removal at 402 E. Center Street:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Roy Lee and Sandra Ruth Taylor located at 402 E. Center Street in the City of Fayetteville, Arkansas; and approving a budget adjustment in the amount of $4,945.00.

D. New Business:

1. **ADM 08-3017 39 East South Street ROW Variance:** A resolution approving a variance of the Unified Development Code Chapter 164.12 (F) Nonconforming Uses and Structures, Repairs and Maintenance and Chapter 166.18 Master Street Plan Setbacks, allowing the existing structure located at 39 East South Street to remain within the existing East South Street right-of-way and to be improved greater than the 10% allowed by code, within the existing limits of the structure.

2. **Wedeco, Inc:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of spare parts for the West Side Wastewater Treatment Plant's ultraviolet disinfection system from Wedeco, Inc. in the amount of $54,300.79.

3. **Cues, Inc:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of sewer televising equipment from Cues, Inc. in the amount of $27,627.78.

Announcements:

1. **City Council Tour: June 16, 2008**

Adjournment:

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

17

6/3/2008
City Council Meeting Date
Agenda Items Only

Connie Edmonston	Parks and Recreation	Operations
Submitted By	**Division**	**Department**

Action Required:

Approval of a resolution for a budget adjustment to reallocate Park Land Dedication funding in the Southwest Quadrant to sub-projects within the Neighborhood Park Development project.

	$ 4,370,850.00	Capital
Cost of this request	Category / Project Budget	Program Category / Project Name
2250.9255.5806.00	$ 365,648.18	Capital
Account Number	Funds Used to Date	Program / Project Category Name
02013.0804 02013.0805	$ 4,005,201.82	Parks Development
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] **Budget Adjustment Attached** [x]

Department Director — 5/30/08 Date

City Attorney — 6/2/8 Date

Finance and Internal Service Director — 6-2-08 Date

Mayor — 6/3/08 Date

Previous Ordinance or Resolution # ____

Original Contract Date: ____

Original Contract Number: ____

Received in City Clerk's Office 5-30-08 VBS

Received in Mayor's Office ENTERED 6/2/08

Comments:

City Council Meeting of June 3, 2008

Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor Dan Coody and City Council
Thru: Gary Dumas, Operations Director
From: Connie Edmonston, Parks and Recreation Director
Date: May 30, 2008
Subject: **Resolution to approve a Budget Adjustment to reallocate Park Land Dedication funding in the Southwest Quadrant to sub-projects withing the Neighborhood Park Develoment Project.**

RECOMMENDATION

Resolution to approve a Budget Adjustment to reallocate Park Land Dedication funding in the Southwest Quadrant to sub-projects withing the Neighborhood Park Develoment Project.

BACKGROUND

The Park Land Dedication Ordinance requires all revenue received to be spent within three years fromt the date the funds are received in the designated park district.

DISCUSSION

The Southwest Park Land Dedication Fund is required to expend $126,634 by the end of 2008. In additional to their normal day-to-day responsibilities, Park Planners have been very busy working on the plans and development of the Downtown Square project, as well as serving as the Urban Forester since January 2008, when this position was vacated. These duties were not planned when the budget was created in August of 2007 for 2008 expenditures.

Wilson Park Trail/Light Project: The current Wilson Park trail renovation project, which includes the addition of lights, has a dedicated budget of $217,000 in 2008. It would be difficult to spend $126,634 by the end of 2008, as complete plans and specifications are necessary to bid the project. A topographical survey of Wilson Park is in the process of being completed and an Electrical Engineer will be hired to design the trail lights. Since the start of this project, it has become apparent the $217,000 will not be sufficient to renovate the trail and provide lights.

The $69,000 attributed to redirecting the trail across the swimming pool parking lot and installing a bridge that would move the trail around the perimeter of the softball field to the Castle area will be combined with the trail renovation/lighting project. Staff suggests proceeding with the planning documents for Wilson Trail/Light project, but moving $75,000 to a project that could be completed by December 2008. In the 2009 capital projects, Staff would make it a high priority to provide enough funds to complete the Wilson Trail/Light project. In addition, an Electrical Engineer consultant will hired. This will provide Parks and Recreation Staff all the proper design work required to complete the project, and will give a more complete estimate of all the expenses that will be incurred.

Mountain Ranch Trail: City Council passed Resolution No. 116-16 on July 2006 approving the Parks and Recreation Advisory Board's recommendation to accept approximately 0.78 acres and trail construction services valued at approximately $63,547.50 in lieu of the required park land dedication for Mountain Ranch Development Phase I. The timing of construction phasing was such that Phase I was completed well ahead of Phase II, making it unfeasible to dedicate and

City Council Meeting of June 3, 2008

Agenda Item Number

construct the trail, which is in Phase II, to meet the park land dedication requirements. In an effort to allow the developer to plat Phase I, fees were allowed to be paid to meet the requirements, and the City will reimburse the developer when the trail is constructed in Phase II.

Phase II is currently being designed and the developer is ready to construct the trail which would link into the City's Trail Plan. Construction costs are estimated at approximately $31,000. This reimbursement is not accounted for in the Parks Land Decication Ordinance Budget due to the unknown timeframe of Phase II construction.

Staff is also requesting other adjustments to the Southwest Fund due to projects having contingency funds left.

1. **Harmony Pointe Park** - This project will cost $4,450 less than originally proposed. Currently, there is $8,450 remaining in the project budget. Of this, $4,000 will be utilized to complete a park entry sign.

2. **Wilson Pool Rock Wall -** This project has a $30,000 budget. However, with Parks Maintenance Staff demolishing the existing structure, the project will only cost $15,000, resulting in a $15,000 savings.

3. **Finger Park Pavilion -** Citizens are requesting large pavilions similar to Walker Park's pavilion to hold social events such as birthday parties, family reunions, corporate outings and such. A new pavilion at Gulley Park is in the budget for 2008 and staff believes a better price will be received by requesting two pavilions on the same bid. Finger Park needs a new, larger pavilion and is a project that could be completed by the end of the year. The budget for the Finger Park pavilion would be $70,000.

BUDGET IMPACT

In summary, Staff is requesting the following projects be approved for the SW Park Land Dedication Fund in 2008. These changes were approved by the Parks and Recreation Advisory Board on June 2, 2008.

Projects Requested	**Complete in 2008**	**Continue into 2009**
Harmony Pointe Park Entry Sign:	$ 4,000	
Wilson Park Trail/Lights	$13,000	$129,000
Wilson Park Trail/Walk Bridge		$ 69,000
Wilson Pool Rock Wall	$15,000	
Mountain Ranch Trail	$31,000	
Finger Park Pavilion	$70,000	
Total	**$133,000**	

Note: $126,634 required to be completed in 2008

Attachments:

Budget Adjustment
Ordinance 116 - 16

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $195,450.00 TO REALLOCATE PARK LAND DEDICATION FUNDS WITHIN THE SOUTHWEST QUADRANT.

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 to reallocate Park Land Dedication funds within the Southwest Quadrant in the amount of $195,450.00.

PASSED and **APPROVED** this 17th day of June, 2008.

APPROVED: ATTEST:

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Operations Division: Parks & Recreation Program: Parks Development Capital	Date Requested	Adjustment Number
2008		5/30/2008	

Project or Item Added/Increased:

This approval will change project funding within the SW Park Land Dedication Fund in order for the required $126,634 to be spent by the end of 2008 as required by the Park Land Dedication Ordinance.

Project or Item Deleted/Reduced:

The following project budgets will be reduced:
1. Harmony Pointe Park $4,450
2. Wilson Pool Rock Wall $15,000
3. Wilson Park Trail Lights/Renovations $75,000

Justification of this Increase:

This approval will provide for construction of Mountain Ranch Trail in the amount of $31,000 as required by Resolution 116-16 on July 2006. This approval will additionally provide for a pavilion at Finger Park in the amount of $70,000.

Justification of this Decrease:

1. Harmony Pointe Park - the entry sign in the amount of $4,000 will complete this park.
2. Wilson Pool Rock Wall - Parks Maintenance Staff will demolish the existing structure, which is a savings of $15,000.
3. Wilson Park Trail Lights/Renovation - this project will not be able to be completed in 2008 as required. A survey and electrical plan/bid documents will be complete in 2008 in the amount of $13,000. This project is reduced $75,000 and will be refunded in 2009 CIP Plan.

Increase Budget

Account Name	Account Number	Amount	Project Number
See attached			

Decrease Budget

Account Name	Account Number	Amount	Project Number
See attached			

Approval Signatures

Connie Edmonston Requested By	5-30-08 Date
Budget Director	6-2-08 Date
Department Director	Date
Finance Director	Date
Mayor	Date

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

Budget Adjustment Detail Backup

Account Name	Account Number	Increase Budget	Decrease Budget	Project#	Sub#	Project Description
Park Improvements	2250.9255.5806.00		15,000	08002	0801	Wilson Park Improvements
Park Improvements	2250.9255.5806.00		75,000	08002	0802	Wilson Park Improvements
Greenspace Fees - SW	2250.0925.4419.02	15,000		08002	0801	Wilson Park Improvements
Greenspace Fees - SW	2250.0925.4419.02	75,000		08002	0802	Wilson Park Improvements
Park Improvements	2250.9255.5806.00		4,450	02013	7	Neighborhood Park Development
Greenspace Fees - SW	2250.0925.4419.02	4,450		02013	7	Neighborhood Park Development
Park Improvements	2250.9255.5806.00	31,000		02013	0804	Neighborhood Park Development
Park Improvements	2250.9255.5806.00	70,000		02013	0805	Neighborhood Park Development
Greenspace Fees - SW	2250.0925.4419.02		31,000	02013	0804	Neighborhood Park Development
Greenspace Fees - SW	2250.0925.4419.02		70,000	02013	0805	Neighborhood Park Development
		195,450	195,450			

RESOLUTION NO. 116-06

A RESOLUTION APPROVING THE PARKS AND RECREATION ADVISORY BOARD'S RECOMMENDATION TO ACCEPT APPROXIMATELY .78 ACRES AND TRAIL CONSTRUCTION SERVICES VALUED AT APPROXIMATELY $63,547.50 IN LIEU OF THE REQUIRED PARK LAND DEDICATION FOR MOUNTAIN RANCH DEVELOPMENT PHASE ONE.

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 Parks and Recreation Advisory Board's recommendation to accept approximately .78 acres and Trail Construction Services valued at approximately $63,547.50 in lieu of the required Park Land Dedication for Mountain Ranch Development Phase One.

PASSED and **APPROVED** this 6th day of July, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

CITY CLERK/TREASURER
CITY OF
FAYETTEVILLE
ARKANSAS
WASHINGTON COUNTY

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

6/17/2008
City Council Meeting Date

David Jurgens	Water/Wastewater	Water/Wastewater
Submitted By	Division	Department

Action Required:

Resolution authorizing the Mayor to apply for a State and Tribal Assistance Grant (STAG) Program Application from the US Environmental Protection Agency for sanitary sewer system improvements; designating the Mayor as the City's Authorized Representative in all matters relating to the procurement and administration of said grant.

$ -	$ 5,738,641	Sanitary Sewer Rehabilitation
Cost of this request	Category / Project Budget	Program Category / Project Name
5400.5700.5815.00	$ 1,934,532	Sewer Mains Construction
Account Number	Funds Used to Date	Program / Project Category Name
02017	$ 3,804,109	Water/Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item [XX] Budget Adjustment Attached [ ]

Department Director — Date: 30 May 08

City Attorney — Date: 6/2/08

Finance and Internal Service Director — Date: 6-2-08

Mayor — Date: 6/3/08

Previous Ordinance or Resolution # N/A

Original Contract Date: N/A

Original Contract Number: N/A

Received in City Clerk's Office
5-29-08

Received in Mayor's Office
ENTERED 6/2/08

Comments:

Fayetteville
ARKANSAS

City Council Meeting of June 17, 2008

CONTRACT REVIEW MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody

From: David Jurgens, Water and Wastewater Director
Fayetteville Sewer Committee

Date: May 30, 2008

Subject: Resolution authorizing the Mayor to apply for a $286,400 State and Tribal Assistance Grant (STAG) Program Application from the US Environmental Protection Agency for sanitary sewer system improvements; designating the Mayor as the City's Authorized Representative in all matters relating to the procurement and administration of said grant.

RECOMMENDATION

Fayetteville City Administration recommends approval of a resolution authorizing the Mayor to apply for a $286,400 State and Tribal Assistance Grant (STAG) Program Application from the US Environmental Protection Agency for sanitary sewer system improvements; designating the Mayor as the City's Authorized Representative in all matters relating to the procurement and administration of said grant.

BACKGROUND

Fayetteville has been notified that it will be the recipient of $286,400 in USEPA Grant Assistance from the State and Tribal Assistance Grant Program for 2008. This is the fifth of six years that the City has received similar grants. This EPA grant funding was requested for sanitary sewer rehabilitation and is proposed to be merged into the City's ongoing sewer rehabilitation funding to accelerate the program. The EPA grant provides a maximum of 55% of the costs, with the remaining 45% ($234,328) being the required local match. The 2003 - and 2004 grant funds are committed to the Basin 1-5 sanitary sewer rehabilitation construction that is currently underway. 2005 grant funds were spent in the Farmington rehabilitation. 2006 grant funds are being spent in the manhole rehabilitation project currently underway.

DISCUSSION

A sanitary sewer evaluation study (SSES) is underway with a study being executed in the southern portions of Fayetteville and in Greenland. It is anticipated that these grant funds will be combined with the existing sewer rehabilitation project budget, and used for the rehabilitation design and construction based on this SSES.

BUDGET IMPACT

Sanitary sewer rehabilitation is a budgeted project. The 2008 EPA Grant proceeds will be combined with the City's budgeted funds. A budget adjustment recognizing $286,400 in grant revenue will be processed when the actual grant approval is received.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A STATE AND TRIBAL ASSISTANCE GRANT (STAG) FROM THE U. S. ENVIRONMENTAL PROTECTION AGENCY FOR SANITARY SEWER SYSTEM IMPROVEMENTS; DESIGNATING THE MAYOR AS THE CITY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS RELATING TO THE PROCUREMENT AND ADMINISTRATION OF SAID GRANT.

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 Mayor to apply for a State and Tribal Assistance Grant (STAG) from the U. S. Environmental Protection Agency for sanitary sewer system improvements.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby designates the Mayor as the City's Authorized Representative in all matters relating to the procurement and administration of said grant.

PASSED and **APPROVED** this 17th day of June, 2008.

APPROVED: ATTEST:

By: _____
DAN COODY, Mayor

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

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

June 3, 2008
City Council Meeting Date
Agenda Items Only

Connie Edmonston	Parks and Recreation	Operations
Submitted By	Division	Department

Action Required:

Resolution to accept grant from the Wal-Mart Foundation in the amount of $10,000, and approval of a budget adjustment in the same amount for additional funds for Lights of the Ozarks.

Cost of this request	$ 10,000.00 Category / Project Budget	Sales Tax / Lights of the Ozarks Program Category / Project Name
4470.9470.5210.00 Account Number	$ - Funds Used to Date	Minor Equipment Program / Project Category Name
02001.1 Project Number	$ 10,000.00 Remaining Balance	Sales Tax Fund Name

Budgeted Item [x] **Budget Adjustment Attached** [x]

Department Director — 5-30-08 Date

Previous Ordinance or Resolution # ____

Original Contract Date: ____

City Attorney — 6/2/08 Date

Original Contract Number: ____

Finance and Internal Service Director — 6-2-08 Date

Received in City Clerk's Office 5-30-08

Mayor — 6/3/08 Date

Received in Mayor's Office ENTERED 6/2/08

Comments:

City Council Meeting of June 3, 2008

Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor Dan Coody and City Council
Thru: Gary Dumas, Operations Director
From: Connie Edmonston, Parks and Recreation Director C. E.
Date: May 29, 2008
Subject: **Resolution to accept a $10,000 grant from Wal-Mart Corporate Giving for the Lights of the Ozarks program.**

RECOMMENDATION

Resolution to accept a $10,000 grant from Wal-Mart Corporate Giving for the Lights of the Ozarks program.

BACKGROUND

The City has received $25,000 from A & P for the past four years to purchase new lights and features for the Lights of the Ozarks program. This past spring, A & P did not award funding to any community requests due to the lack of funds.

DISCUSSION

Last year, Parks and Recreation began to add as many LED lights as possible to the Lights of the Ozarks display. Despite the higher cost, LED lights are better investment because of the lifespan of the bulb and it requires less electricity to power. Parks Staff made the decision to begin replacing lights as funds were available. Mayor Dan Coody initated communication with Wal-Mart to guage interest in providing funds for the Lights of the Ozarks, allowing for the purchase of LED lights. Parks and Recreation submitted a proposal to Wal-Mart Corporate Giving Program, and was awarded a $10,000 grant for this project.

BUDGET IMPACT

Lights of the Ozarks will have $15,000 less than originally planned for 2008 display. Parks and Recreation will once again submit a request during the fall cycle for A & P Funding, if funds become available.

Attachments:
Letter of Wal-Mart Corporate Giving Donation
Budget Adjustment

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING FAYETTEVILLE PARKS & RECREATION DIVISION TO ACCEPT A GRANT FROM WAL-MART CORPORATE GIVING IN THE AMOUNT OF $10,000.00 TO PARTIALLY FUND THE LIGHTS OF THE OZARKS; AND APPROVING A BUDGET ADJUSTMENT TO RECOGNIZE THE GRANT REVENUE.

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 Parks & Recreation Division to accept a grant from Wal-Mart Corporate Giving in the amount of $10,000.00 to partially fund the Lights of the Ozarks.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby approves a Budget Adjustment to recognize the grant revenue.

PASSED and **APPROVED** this 3rd day of June, 2008.

APPROVED: ATTEST:

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Sales Tax Capital Improvements Division: Parks and Recreation Program: Sales Tax Capital	Date Requested	Adjustment Number
2008		5/21/2008	

Project or Item Added/Increased:
Increase minor equipment budget in recognition of funds received by grant awarded from the Wal-Mart Foundation in the amount of $10,000.

Project or Item Deleted/Reduced:
Recognize grant amounts into the budget.

Justification of this Increase:
These funds were received by grant for Lights of the Ozarks 2008.

Justification of this Decrease:
Adequate funds are available for this program.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Minor equipment	4470	9470	5210	00	10,000	02001	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
~~Miscellaneous~~ Donations revenue	4470	0947	4809	00	10,000	02001	1

Approval Signatures

Connie Edmonston — 5-30-08
Requested By — Date

[signature] — 6-3-08
Budget Manager — Date

[signature] — 6-3-08
Department Director — Date

Paula A. Brown — 6-2-08
Finance & Internal Services Director — Date

Mayor — Date

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

CORPORATE GIVING
WAL-MART STORES, INC.
702 SW 8TH ST.
BENTONVILLE, AR 72716
www.walmartfoundation.org

May 19, 2008

Connie Edmonston
City of Fayetteville, Parks and Recreation
113 W. Mountain
Fayetteville, AR 72701

Dear Connie,

Wal-Mart Corporate Giving is pleased to provide funding to the City of Fayetteville, Parks and Recreation. Enclosed you will find check number 1427580 in the amount of $10,000 for your Lights of the Ozarks program.

We will be updating our application process in the future to require more information on program outcomes and data support of goal accomplishment. This will play an important role in future funding decisions.

We appreciate this opportunity to make a difference within the community.

Regards,

Karen Parker
Manager, Arkansas Giving
Wal-Mart Corporate Giving

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

6/17/2008
City Council Meeting Date

Ron Petrie	Engineering	Operations
Submitted By	Division	Department

Action Required:

A resolution authorizing a payment in the amount of $30,889.11 to the Arkansas Highway and Transportation Department for a change order due to City requested revisions to the Wedington Road Widening Project and approval of a budget adjustment.

$ 30,889.11	$ 108,616.00	Street ROW/Intersection/Cost Share
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5809.00	$ 51,865.61	Street Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02116	$ 56,750.39	Capital Improvement Program
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [X]

Department Director — 5.30.08 Date

City Attorney — 6/2/08 Date

Finance and Internal Service Director — 6-2-08 Date

Mayor — 6/3/08 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 5-30-08 LDS

Received in Mayor's Office ENTERED 6/2/08

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer RSP

Date: March 11, 2008

Subject: A resolution authorizing a payment in the amount of $30,889.11 to the Arkansas Highway and Transportation Department for a change order due to City requested revisions to the Wedington Road Widening Project and approval of a budget adjustment.

RECOMMENDATION:

The City Council's Street Committee and staff recommend approval of this resolution to proceed with a payment in the amount of $30,889.11 to the Arkansas Highway & Transportation Department(AHTD) for the requested revisions to the Wedington Road Widening Project.

BACKGROUND:

On June 18, 2007 the City Council's Street Committee unanimously agreed to recommend changes to the AHTD after receiving considerable citizen input. These requested revisions are summarized in the June 19, 2008 letter to the AHTD and repeated below:

A. Remove the two bike lanes and replace with a continuous two-way left turn lane utilizing the existing street width as shown on the construction plans.

B. Replace the existing 6' concrete sidewalk with a 10' asphalt trail utilizing the existing 7' greenspace between the curb & gutter and the sidewalk. At intersections where a fifth lane is currently planned, it is understood that the trail will be reduced to 8' in width in order to utilize existing right-of-way.

A letter dated July 5, 2007 from the AHTD stated that the "The Department will proceed with implementing the changes as approved by the Street Committee. As you requested, because the City will be responsible for any additional cost involved in the revisions, we will request the City's approval before executing a Change Order."

DISCUSSION:

An official change order was submitted to the City on August 31, 2007 that actually reduced the contract price by $29,661.25 which was signed and sent back to the AHTD. However, after work had begun on the revisions, the AHTD sent a second change order

to the City stating that "we have determined that he[contractor] is due additional compensation to change the Typical Section on the Highway 16-west project to include the additional turn lane. The majority of the additional costs are to shape and compact the area where the asphalt trail is to be constructed and for the actual cost to place the asphalt on the trail." The additional cost for this change order is $60,550.36. Since the previous change order reduced the contract price by $29,661.25, the additional funds necessary to implement this change order is $30,889.11 made payable to the AHTD.

On May 12, 2008 the Street Committee voted unanimously to forward this item to the full City Council with a recommendation of approval.

BUDGET IMPACT:

It is recommended that a budget adjustment be approved to utilize remaining funds within the Van Asche Extension project. There is currently $56,750.39 in remaining funds in this account.

RESOLUTION NO. _____

A RESOLUTION APPROVING A PAYMENT TO THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT (AHTD) IN THE AMOUNT OF $30,889.11 FOR A CHANGE ORDER TO COVER CITY-REQUESTED REVISIONS TO THE WEDINGTON DRIVE WIDENING PROJECT; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $31,000.00.

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 a payment to the Arkansas State Highway and Transportation Department (AHTD) in the amount of $30,889.11 for a Change Order to cover city-requested revisions to the Wedington Drive Widening Project.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $31,000.00.

PASSED and **APPROVED** this 17th day of June, 2008.

APPROVED: ATTEST:

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

Fayetteville

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED
JUN 22 2007
DEPUTY DIRECTOR AND CHIEF ENGINEER'S OFFICE

June 19, 2007

Dan Flowers, Director of Highways and Transportation
Arkansas State Highway and Transportation Department
P.O. Box 2261
Little Rock, AR 72203-2261

RECEIVED
JUN 22 2007
DIRECTOR'S OFFICE
ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

RE: AHTD Job No. 040423
Highway 16 Widening – Wedington Drive

Dear Mr. Flowers:

The City of Fayetteville's Street Committee met on June 18, 2007 and unanimously agreed to support changes to the Arkansas Highway 16 final street cross section. These revisions are summarized below:

- Remove the two bikes and replace with a continuous Two-Way Left Turn Lane (TWLTL) utilizing the existing street width as shown on the construction plans.
- Replace the existing 6' concrete sidewalk with a 10' asphalt trail utilizing the existing 7' greenspace between the curb & gutter and the sidewalk. At intersections where a fifth lane is currently planned, it is understood that the trail will be reduced to 8' in width in order to utilize existing right-of-way.

If an acceptable determination is made by the Arkansas Highway & Transportation Department, it is requested that the City approve any additional expenses prior to the signing of the formal change order.

As always, we thank you for help and cooperation. Please feel free to contact me if you have any questions or need any additional information.

Sincerely,

Dan Coody

Dan Coody, Mayor

rp
cc: Commissioner Jonathan Barnett
Mr. Frank Vozel, Deputy Director and Chief Engineer
Mr. Joe Shipman, District Engineer

113 WEST MOUNTAIN 72701 479-575-8330
FAX 479-575-8257 West Mountain 72701 (479) 521-7700 (479) 575-8257 (Fax)
accessfayetteville.org

ARKANSAS STATE HIGHWAY COMMISSION

JONATHAN BARNETT
CHAIRMAN
SILOAM SPRINGS

CARL S. ROSENBAUM
VICE CHAIRMAN
LITTLE ROCK

R. MADISON MURPHY
EL DORADO

JOHN ED REGENOLD
ARMOREL

CLIFF HOOFMAN
NORTH LITTLE ROCK

DAN FLOWERS
DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

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

July 5, 2007

ARKANSAS STATE HIGHWAY
AND TRANSPORT DEPT.
RECEIVED

JUL 09 2007

DISTRICT 4
FORT SMITH

D Chad Thalk
B 040423

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

Dear Mayor Coody:

Reference is made to your recent letter regarding Fayetteville's Street Committee approval to recommend changes to the cross section of Highway 16 in order to provide a continuous, two-way, left turn lane.

The Department will proceed with implementing the changes as approved by the Street Committee. As you requested, because the City will be responsible for any additional cost involved in the revisions, we will request the City's approval before executing a Change Order.

Based on discussions with Jeff Hawkins of the Northwest Arkansas Regional Planning Commission, it has been determined that the project will still be in compliance with the Northwest Arkansas Regional Transportation Study's (NARTS) Long-Range Plan and the regional bicycle plan since the recommended revisions will still include a bicycle facility. Therefore, no action will be necessary from the NARTS Policy Committee, and the Department will begin working to implement the recommended revisions immediately.

If additional information is needed, please advise.

Sincerely,

Dan Flowers
Director of Highways
and Transportation

c: Commissioner Jonathan Barnett
Deputy Director and Chief Engineer
Assistant Chief Engineers
District 4 Engineer ✓
Northwest Arkansas Regional Planning Commission

DF:SEB:seb
Bennett:Director:Coody-Hwy.16 West 7-07.doc

Mayor Coody,

After meeting with the Contractor, we have determined that he is due additional compensation to change the Typical Section on the Hwy. 16-west project to include the additional turn lane.

The majority of the additional costs are to shape and compact the area where the asphalt trail is to be constructed and for the actual cost to place the asphalt on the trail.

Please feel free to call me if you wish to discuss this further.

Enclosed is an additional change order compensating the Contractor for the additional costs that are involved. Please sign and date this at your convenience.

Thanks
Jeff Stroud
Resident Engineer
Arkansas Highway and Transportation Department
(479)251-9266
Jeffrey.Stroud@arkansashighways.com

ARKANSAS STATE HIGHWAY AND TRANSPORT DEPT
RECEIVED
SEP 24 2007
DISTRICT 4
FORT SMITH

ARKANSAS STATE HIGHWAY COMMISSION
CHANGE ORDER

Job Name Hwy. 16 Widening (Fayetteville) (S) **Route & Section** Hwy. 16 , Sect. 2
Job No. 040423 **FAP No.** STP-9142(15) **County** Washington **Change Order No.** 5
Changes from Sta. 113+00 to Sta. 205+10

Description of Change: 1) Revise the Typical Section of Improvement from Station 113+00 to Station 205+10 as indicated on the enclosed sketches.
2) Extend the Contract Time by 12 Working Days

Reason for Change: 1) The revision to the typical section will allow for the addition of a continuous left turn lane and multi-use trail and also will result in the elimination of the concrete sidewalk and designated bike lane.
2) This is the amount of Contract Time required to construct the proposed changes (total Contract Time added equals 12 Working Days).

Attachments: Revised Plan Sheets, Schedule of Work, City of Fayetteville Letter, Analysis of Time , Contractor's Letter

SUMMARY

Item No.	Item	Unit	Unit Price	PRESENT		REVISED	
				Quantity	Amount	Quantity	Amount
210	Unclassified Excavation	Cu. Yd.	7.00	18204	127428.00	18716	131012.00
210	Compacted Embankment)	Cu. Yd.	11.00	29083	319913.00	29482	324302.00
303	Aggregate Base Course (Class 7) (CO# 5)	Ton	25.00	2016	50400.00	7694	192350.00
SS&407	Mineral Aggregate in ACHM	Ton	58.00	11556	670248.00	13261	769138.00
	Surface Course (1/2"))						
SS&407	Asphalt Binder (PG70-22) in ACHM	Ton	120.00	725	87000.00	832	99840.00
	Surface Course (1/2")						
505	Portland Cement Concrete Driveway	Sq.Yds.	42.00	2376.41	99809.22	3341.77	140354.34
633	Concrete Walks	Sq.Yds.	30.00	11384	341520.00	273	8190.00
641	Wheelchair Ramps (Type 3)	Sq.Yds.	100.00	118	11800.00	204	20400.00
SS&719	Thermoplastic Pavement Marking White (4")	L.F.	0.27	21532	5813.64	6325	1707.75
SS&719	Thermoplastic Pavement Marking White (8")	L.F.	0.56	313	175.28	160	89.60
SS&719	Thermoplastic Pavement Marking Yellow (4")	L.F.	0.27	21240	5734.80	23300	6291.00
SS&719	Thermoplastic Pavement Marking (Words)	Each	262.00	6	1572.00	5	1310.00
SS&719	Thermoplastic Pavement Marking (Arrows)	Each	210.00	8	1680.00	5	1050.00
SS&719	Thermoplastic Pavement Marking	Each	262.00	19	4978.00	0	0.00
	(Bike Emblems)						
722	Plowable Pavement Marker (Type I)	Each	27.00	231	6237.00	254	6858.00
722	Plowable Pavement Marker (Type II)	Each	27.00	175	4725.00	240	6480.00
					$1,739,033.94		$1,709,372.69

Underrun $ 29661.25

Recommended 9/6/07
District Engineer

APPROVED 9-11-07
M.K. Bost
Construction Engineer

CDC

Authorized 9-11-07
Allen Holmes
Assistant Chief Engineer

Requested 8-31-07
Dan Coody
City of Fayetteville

Requested 9/5/07
Resident Engineer

ARKANSAS STATE HIGHWAY COMMISSION
CHANGE ORDER

Job Name Hwy. 16 Widening (Fayetteville) (S) **Route & Section** Hwy. 16 , Sect. 2
Job No. 040423 **FAP No.** STP-9142(15) **County** Washington **Change Order No.** 7
Changes from Sta. 113+00 to Sta. 205+10 (Asphalt Bike Trails)

Description of Change: 1) Decrease the quantities for the items "Unclassified Excavation", "Compacted Embankment", "Aggregate Base Course (Class 7)", "Mineral Aggregate in ACHM Surface Course (1/2")", and "Concrete Walks"
2) Add the items "Unclassified Excavation (CO 7)", Compacted Embankment (CO 7)", "Aggregate Base Course (Class 7) (CO 7)", "Mineral Aggregate in ACHM Surface Course (1/2") (CO 7)", "Concrete Walks (CO 7)", and "Reshaping and Grading Subgrade"

Reason for Change: Change in character of work requires changes in unit prices of several items. Unit prices of items involved in changing to asphalt bike trails are increased to provide appropriate compensation for the contractor.

NOTE: Unit Prices for the items "Unclassified Excavation (CO 7)", "Compacted Embankment (CO 7)", "Aggregate Base Course (Class 7)(CO 7)", "Mineral Aggregate in ACHM Surface Course (1/2")(CO 7)", "Concrete Walks (CO 7)", and "Reshaping and Grading Subgrade" have been agreed upon and will be established by Supplemental Agreement.

Attachments: Special Provision. Other support documents with CO #5.

SUMMARY

Item No.	Item	Unit	Unit Price	PRESENT		REVISED	
				Quantity	Amount	Quantity	Amount
210	Unclassified Excavation	Cu. Yd.	7.00	512	3584.00	0	0.00
210	Compacted Embankment)	Cu. Yd.	11.00	399	4389.00	0	0.00
303	Aggregate Base Course (Class 7)	Ton	25.00	5678	141950.00	0	0.00
SS&407	Mineral Aggregate in ACHM Surface Course (1/2")	Ton	58.00	1705	98890.00	0	0.00
633	Concrete Walks	Sq.Yds.	30.00	273	8190.00	0	0.00
210	Unclassified Excavation (CO 7)	Cu. Yd.	17.33	0	0.00	512	8872.96
210	Compacted Embankment (CO 7)	Cu. Yd.	17.18	0	0.00	399	6854.82
303	Aggregate Base Course (Class 7) (CO 7)	Ton	24.57	0	0.00	5678	139508.46
SS&407	Mineral Aggregate in ACHM Surface Course (1/2") (CO 7)	Ton	68.75	0	0.00	1705	117218.75
633	Concrete Walks (CO 7)	Sq.Yds.	38.69	0	0.00	273	10562.37
SP	Reshaping and Grading Subgrade	L.S.	34,536.00	0	0.00	1	34536.00
					$257,003.00		$317,553.36

Overrun $60,550.36

Recommended _____ **Requested** _____

District Engineer — City of Fayetteville

APPROVED _____ **Requested** _____

Construction Engineer — Resident Engineer

Authorized _____

Assistant Chief Engineer

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department:	Date Requested	Adjustment Number
2008	Division: Program:	5/30/2008	

Project or Item Added/Increased:	Project or Item Deleted/Reduced:
Street ROW / Intersection / Cost Sharing	Van Asche Extension

Justification of this Increase:	Justification of this Decrease:
Additional funds are necessary to fund the proposed expenditures for the Wedington Road Widening Project.	This project is complete with remaining funds.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Numb	
Street improvements	4470	9470	5809	00	31,000	02116	I

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Numb	
Street improvements	4470	9470	5809	00	31,000	05027	20

Approval Signatures

Requested By — Date: 5/30/08

Budget Manager — Date: 6-2-08

Department Director — Date: 5.30.08

Finance & Internal Services Director — Date: 6-3-08

Mayor — Date

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

6/17/2008
City Council Meeting Date
Agenda Items Only

Jill Hatfield	Animal Services	Police
Submitted By	**Division**	**Department**

Action Required:

Approval of donation from the Humane Society of the Ozarks for $20,000. The donation will be used to purchase vaccines, medications, and to provide medical treatment for the shelter animals. The funds were raised by the HSO 2008 Pet Calendar project. These funds will offset the 2008 budetary shortfalls.

	$ 20,000.00	
Cost of this request	Category / Project Budget	Program Category / Project Name
1010 2730 5200 03	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ 20,000.00	
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] **Budget Adjustment Attached** [X]

Department Director — 5-30-08 Date

City Attorney — 6/3/08 Date

Finance and Internal Service Director — 6-3-08 Date

Mayor — 6/4/08 Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office 5-30-08

Received in Mayor's Office ENTERED 6/3/08

Comments:

Fayetteville
ARKANSAS

Departmental Correspondence

TO: Mayor Coody and Fayetteville City Council
THRU: Greg Tabor, Chief of Police
FROM: Jill Hatfield, Animal Services Superintendent
DATE: May 30, 2008
RE: Humane Society of the Ozarks donation for medical treatment

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Recommedations: Staff recommends approval of a $20,000 donation from the Humane Society of the Ozarks for medications, vaccines and medical treatment for the animals in the care of the Fayetteville Animal Shelter.

Background: The Humane Society of the Ozarks and the Fayetteville Animal Shelter have benefited from a long standing relationship throughout the years, working in conjunction to assist homeless pets in finding loving homes, spay/neuter programs, preventing animal cruelty, and educating the public concerning responsible pet ownership. The funds were raised by the HSO through their 2008 Pet Calendar campaign.

Discussion: These funds will offset the 2008 budgetary shortfall for vaccines, medications, and medical treatment for the shelter animals.

Budget Impact: Addition of $20,000 for the purchase of vaccines, medications, and medical treatment. There will not be any on-going expense associated with this donation.

RESOLUTION NO. _____

A RESOLUTION ACCEPTING A DONATION OF $10,000.00 FROM THE HUMANE SOCIETY OF THE OZARKS TO BENEFIT THE FAYETTEVILLE ANIMAL SHELTER; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE REVENUE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby accepts a donation of $10,000.00 from the Humane Society of the Ozarks to benefit the Fayetteville Animal Shelter.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby approves a budget adjustment recognizing the revenue.

PASSED and **APPROVED** this 17th day of June, 2008.

APPROVED: ATTEST:

By: _____ By: _____
DAN COODY, Mayor **SONDRA SMITH**, City Clerk/Treasurer

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Police Division: Animal Services Program: Veterinarian/Clinic	Date Requested	Adjustment Number
2008		5/30/2008	

Project or Item Added/Increased:
Grant funding in the amount $20,000 for medications, vaccinations, and medical treatment for the shleter dogs and cats.

Project or Item Deleted/Reduced:

Justification of this Increase:
Grant funding to assist with 2008 budget decrease in vet supplies for medical treatment of the shelter animals.

Justification of this Decrease:

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Veterinary supplies	1010	2730	5200	03	20,000		

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Donation-AnShelSpay/Neute	1010	0001	4808	01	20,000		

Approval Signatures

Requested By — Date: 5/30/08

Budget Manager — Date

Department Director — Date: 5-30-08

Finance & Internal Services Director — Date

Mayor — Date: 6/4/08

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

HUMANE SOCIETY OF THE OZARKS

413 North College • Fayetteville, Arkansas 72701
479/ 444-PETS

May 15, 2008

Jill Hatfield
Fayetteville Animal Services
1640 Armstrong
Fayetteville, AR 72701

Dear Jill Hatfield:

SUBJECT: GIFT

The Humane Society of the Ozarks would like to gift twenty thousand dollars ($20,000) to Fayetteville Animal Services. The money gifted was raised through our 2008 Pet Calendar campaign. Shelter Outreach is one of the areas in which we allocate money. Due to the drastic budget cut for 2008, we felt it necessary to provide this money for medication of the animals cared for at the city's shelter to ensure vaccinations and ongoing needed medical treatment.

Best regards,

Angie Kyser
Executive Director
Humane Society Of The Ozarks

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

6/17/2008
City Council Meeting Date

David Jurgens	Wastewater System Improv Proj	Wate/Wastewater
Submitted By	**Division**	**Department**

Action Required:

Approval of the purchase of Operational and Security Equipment and Cameras from Spytown, USA, in the amount of $26,771.82, for the West Side Wastewater Treatment Plant, and approve a contingency of $2,500.

$ 29,271.82	$ 48,836,390	Wastewater System Imp Project
Cost of this request	Category / Project Budget	Program Category / Project Name
4520-9520-5210-00	$ 27,301,528	Water and Wastewater
Account Number	Funds Used to Date	Program / Project Category Name
02133.0202	$ 21,534,862	Water/Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item XX **Budget Adjustment Attached**

Department Director — 1 Jun 08 — Date

City Attorney — 6/3/08 — Date

Finance and Internal Service Director — 6-3-08 — Date

Mayor — 6/3/08

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 6/3/08

Received in Mayor's Office — ENTERED 6/3/08

Comments:

Revised April 16, 2007

Fayetteville
ARKANSAS

City Council Meeting of June 17, 2008

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody

From: David Jurgens, Water and Wastewater Director
Fayetteville Sewer Committee

Date: May 31, 2008

Subject: Approval of the purchase of operational and security equipment and cameras from Spytown, USA, in the amount of $26,771.82, for the West Side Wastewater Treatment Plant, and approve a contingency of $2,500.

RECOMMENDATION

Staff recommends approval of the purchase of operational and security equipment and cameras from Spytown, USA, in the amount of $26,771.82, for the West Side Wastewater Treatment Plant (WWTP), and approve a contingency of $2,500.

BACKGROUND

The West Side WWTP is designed to operate with as much automation as possible. This requires video surveillance in key operational areas including the biosolids building, inlet facilities, and the filter building. Additionally, wastewater facilities nationwide are required to comply with increased federal security requirements, due to the potential for significant environmental damage if an incident were to occur. To meet these objectives, cameras are included in the plans to monitor key operations and security locations.

DISCUSSION

The quotes provided to Brasfield & Gorrie, when vetted through the City's IT Division, seemed high. Staff then decided to have the IT Division execute this work, consisting of purchasing and installing nine cameras, a recorder. The city's IT department will be installing the cameras and DVR in order to reduce the expense of this aspect of the Treatment Plant project. The Brasfield & Gorrie contract will be reduced by approximately $70,000; the City's total cost, including both labor and equipment, should be less than $45,000.

BUDGET IMPACT

Funds are available within the WSIP project budget.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF OPERATIONAL AND SECURITY EQUIPMENT AND CAMERAS FROM SPYTOWN USA IN THE AMOUNT OF $26,771.82 FOR THE WEST SIDE WASTEWATER TREATMENT PLANT; AND APPROVING A CONTINGENCY IN THE AMOUNT OF $2,500.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of operational and security equipment and cameras from Spytown USA in the amount of $26,771.82 for the West Side Wastewater Treatment Plant.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a contingency in the amount of $2,500.00.

PASSED and **APPROVED** this 17th day of June, 2008.

APPROVED: ATTEST:

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

City Of Fayetteville

Requisition No.:	Date:
P.O Number:	Expected Delivery Date:
Mail Yes:__ No:____	
Taxable Yes:__ No:____	Quotes Attached Yes:____ No:____
Division Head Approval:	
Extension: 306	

Vendor #:	Vendor Name:	Fob Point:	
17696	Spytown		
Address: 1227 Walt Whitman Rd			
City: Melville	State: NY	Zip Code: 11747	Ship to code: 30
Requester: Chris Doughty		Requester's Employee #: 2082	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Bosch 1.6 TB DVR Part # DB18C3160R2	1	EA	7,395.00	$7,395.00	4520 9520 5801 00	02133.0202		
2	Bosch Flexidome IP Camera Part # NWD-495V03-20P	2	EA	957.00	$1,914.00	4520 9520 5801 00	02133.0202		
3	Bosch PTZ Outdoor Dome Part # VGA-322-ECEOP	5	EA	2,207.00	$11,035.00	4520 9520 5801 00	02133.0202		
4	Bosch PTZ Outdoor Dome Part # VGA-322-ECEOC	2	EA	2,323.00	$4,646.00	4520 9520 5801 00	02133.0202		
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal:	$24,990.00
Tax:	$1,781.82
Total:	$26,771.82

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

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

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Revised 6/17/03

SPYTOWN

1227 Walt Whitman Road
Melville , NY 11747

Tel: (718) 709-0500
Fax: (718) 709-0501
http://spytown.com

QUOTATION TO:

Chris Doughty, CCSP, ISSP
Network Engineer
City of Fayetteville
479.575.8306
cell 479.879.2029
fax 479.575.8316

Date: 18-Apr-08

Your Reference: Bosch Quote

SPYTOWN Reference: 04182008HWG1

Thank you for your inquiry. We are pleased to provide our detailed quotation as follows:

ITEM	QTY	PART NUMBER MANUFACTURER / DESCRIPTION	UNIT PRICE	TOTAL
1	1	DB18C3160R2	7395	7,395.00
2	~~9~~ 2	**NWD-495V03-20P**	957.00	~~8,613.00~~ 1914.00
3				0.00
4				0.00
5		**This order will qualify for free ups ground**		0.00
6		**shipping.**		0.00
7				0.00
8				0.00
9				0.00
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00
			SUBTOTAL:	~~16,008.00~~
			UPS GROUND	0.00
			TOTAL:	$ ~~16,008.00~~
				9309.00

Pricing and Delivery quoted are valid for 30 days.
FOB: Shipping Point unless indicated otherwise.
TERMS: VISA / MASTERCARD / AMERICAN EXPRESS
Net terms on Credit Aaproval

BY: Howard Geschwind
TITLE: Vice President

SpyTown

1227 Walt Whitman Road
Melville, NY 11747

Tel: (718) 709-0500
Fax: (718) 709-0501
http://spytown.com

QUOTATION TO:

City of Fayetteville
Attn: Chris Doughty
113 West Mountain Street
Fayetteville, AR 72701

Date: MAY 30, 2008

Your Reference CHRIS DOUGHTY

SPYTOWN Reference PO# 08-0490

Thank you for your inquiry. We are pleased to provide our detailed quotation as follows:

ITEM	QTY	PART NUMBER MANUFACTURER / DESCRIPTION	UNIT PRICE	TOTAL
1	5	VG4-322-ECEOP Bosch VG4-322-ECE0P 300 SERIES PTZ 18X D/N NTSC, ENVIRO/PIPE, 24 VAC, IP CLEAR BUBBLE	2,207.00	11,035.00
2	2	VG4-322-ECEOC 300 SERIES PTZ 18X D/N NTSC, ENVIRO/CORNER, 24 VAC, IP CLEAR BUBBLE	2,323.00	4,646.00
				$ 15,681.00

Pricing and Delivery quoted are valid for 30 days.

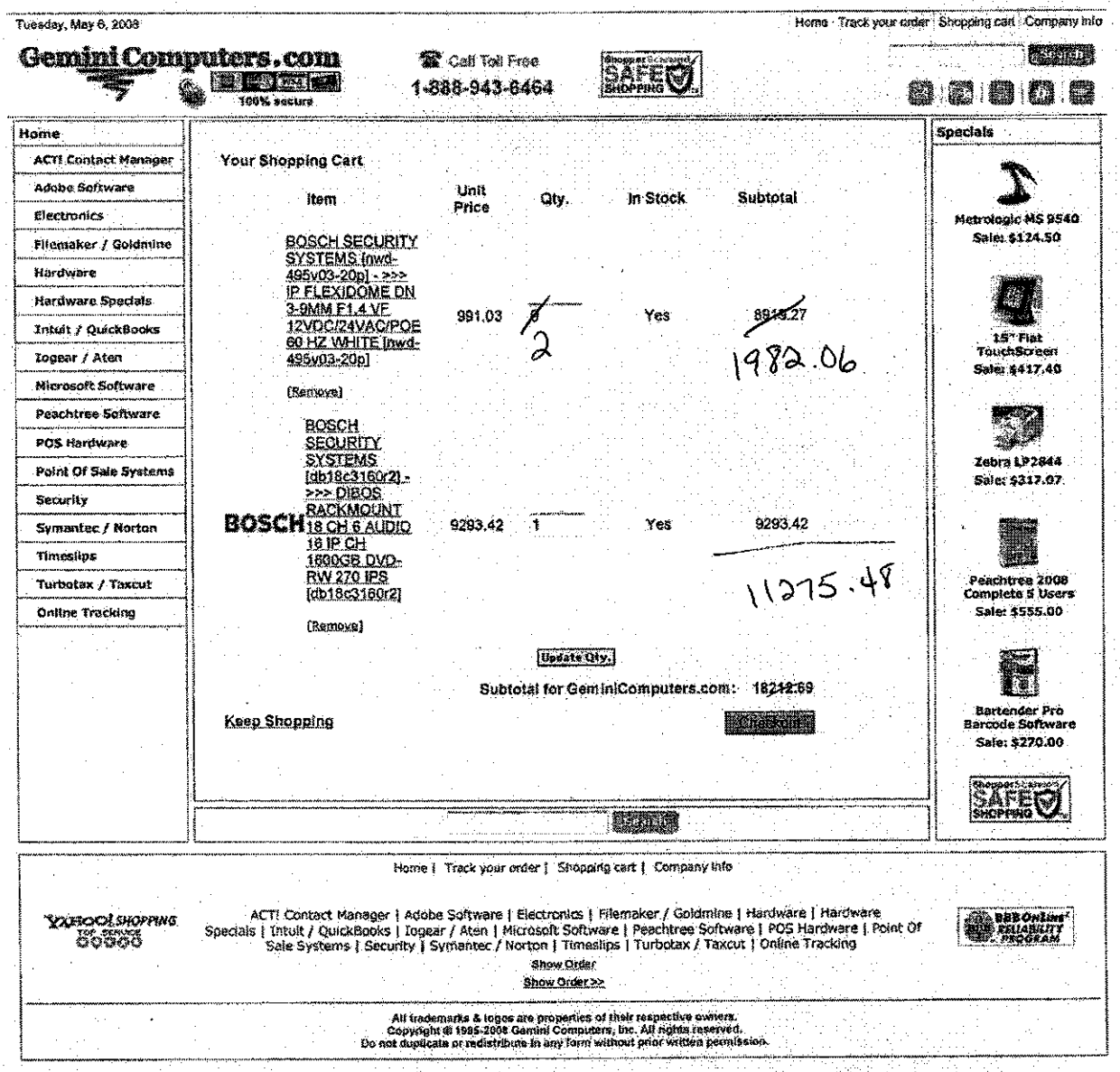
FOB: Shipping Point unless indicated otherwise.

TERMS: VISA / MASTERCARD / AMERICAN EXPRESS

BY: CARMEN MONTOYA

TITLE: SALES ASSISTANT

- Show Order



Tuesday, May 6, 2008

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Your Shopping Cart

Item	Unit Price	Qty.	In Stock	Subtotal
BOSCH SECURITY SYSTEMS [nwd-495v03-20p] - >>> IP FLEXIDOME DN 3-9MM F1.4 VF 12VDC/24VAC/POE 60 HZ WHITE [nwd-495v03-20p] [Remove]	991.03	~~1~~ 2	Yes	~~8948.27~~ 1982.06
BOSCH SECURITY SYSTEMS [db18c3160r2] - >>> DIBOS RACKMOUNT 18 CH 6 AUDIO 18 IP CH 1600GB DVD-RW 270 IPS [db18c3160r2] [Remove]	9293.42	1	Yes	9293.42 11275.48

Update Qty.

Subtotal for GeminiComputers.com: ~~18242.69~~

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Specials

Metrologic MS 9540
Sale: $124.50

15" Flat TouchScreen
Sale: $417.40

Zebra LP2844
Sale: $317.07

Peachtree 2008 Complete 5 Users
Sale: $555.00

Bartender Pro Barcode Software
Sale: $270.00

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From: "Pro Securitys" <prosecuritys@sjgreatdeals.com>
To: <cdoughty@ci.fayetteville.ar.us>
Date: 4/16/2008 2:19 PM
Subject: RE: Quote request

Here you go

Qty	Item #	Description	Unit Price	Extended
1	DB18C3160R2	DIBOS RCK MOUNT 18 CH DVR	8146.60	8146.60
~~9~~ 2	NWD495V0320P	IP FLEXIDOMECOLOR D/N 2.6-12MM	1060.30	~~9542.70~~ 2120.60

10267.20

Let us know if you have any questions

Thank you,

Scott

> -----Original Message-----

> From: Chris Doughty [mailto:cdoughty@ci.fayetteville.ar.us]

> Sent: Wednesday, April 16, 2008 11:47 AM

> To: prosecuritys@sjgreatdeals.com

> Subject: Quote request

>

> Hello,

> I would like a quote on the following equipment:

>

> 1x DB18C3160R2

> 9x NWD-495V03-20P

>

> This is for a City of Fayetteville project, and I was wondering if you had

> government pricing.

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

1-Apr-08
City Council Meeting Date

Karen Minkel	Long Range Planning	Operations
Submitted By	Division	Department

Action Required:

An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit decentralized sewer systems within the City limits.

$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: 14 Mar 08

City Attorney — Date: 3-18-08

Finance and Internal Service Director — Date: 3-18-08

Mayor — Date: 3/19/08

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office ENTERED 3/14/08

Received in Mayor's Office ENTERED 3/18/08

Comments:

Tabled to June 17, 2008 5/20/08
Tabled to May 20, 2008 4/15/08
Left on the first reading 4/1/08

City Council Meeting of April 1, 2008
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Tim Conklin, Planning and Development Management Director
David Jurgens, Water and Wastewater Director
Ron Petrie, City Engineer

From: Karen Minkel, Senior Long Range Planner

Date: November 27, 2007

Subject: An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits

RECOMMENDATION

Planning Staff recommends approving an ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits.

BACKGROUND

City Council approved an ordinance to attach and incorporate 1,419.30 acres into the City of Fayetteville after a majority of citizens voted in favor of annexing the property during a special election held on October 10, 2006. Through this annexation, the City inherited two decentralized sewer systems, one that was already under construction and one that had yet to be constructed but had been approved by Washington County. This prompted collaboration among water and sewer, engineering and planning staff to generate a policy that would address decentralized sewer systems within the City boundaries and within the City's Planning Area.

The following policy recommendations provide a sensible solution for minimizing the costs of management and potential environmental damage within the City boundaries and for accommodating systems that are annexed into the City. The revised ordinance in Chapter 166.03, which addresses the sanitary sewer system, prohibits community sewage systems within the City boundaries. The ordinance further specifies the design of unconstructed systems that have been approved by the County and subsequently annexed into the City. Constructed systems in the County that have been annexed must connect to the City sanitary sewer system when a City sewer main is within 300 feet at the expense of the owner of the decentralized sewer system. Staff also proposes removing language in Sections 166.03 and 166.04 that is outdated or irrelevant.

Further amendments include adding a community sewage system definition to Chapter 151 and stating that the City Engineer is the administrator for water and sewer systems in Chapter 152.

The amendments were reviewed by the Water and Sewer Committee on February 27, 2007, and the committee agreed to forward the amendments to the City Council with a recommendation for approval.

BUDGET IMPACT
None.

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CODE OF FAYETTEVILLE TO AMEND CHAPTER 151: DEFINITIONS, CHAPTER 152: ADMINISTRATION AND CHAPTER 166: DEVELOPMENT IN ORDER TO PROHIBIT OR REGULATE DECENTRALIZED SEWER SYSTEMS WITHIN THE CITY LIMITS

WHEREAS, the City Council has the authority under A.C.A. § 14-236-01 to regulate the disposal of waste and wastewater; and

WHEREAS, the City of Fayetteville provides a community sewer system that efficiently and safely disposes of water and wastewater; and

WHEREAS, the Community sewage systems or decentralized sewer systems pose potential environmental and management concerns.

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

Section 1: The City Council of the City of Fayetteville, Arkansas hereby amends §151.01 **Definitions** of the UDC by adding the definition of *Community sewage system* as shown below:

"*Community sewage system.* (Development) Any non-publicly owned system serving two (2) or more individual houses, housing units, apartments or other occupied structures for the collection and disposal of domestic, non-residential or industrial wastewater of a liquid nature, including various devices for the collection, conveyance and treatment of the treated wastewater effluent and the monitoring of the affected groundwater quality and the management of the associated solid waste by-products (septage and sludge). (Also known as decentralized sewer systems)"

Section 2: The City Council of the City of Fayetteville, Arkansas hereby amends §152.01 of the UDC by enacting a new subsection 152.01 (U) as follows:

"(U) *Water and Sewer Systems: City Engineer.*"

Section 3: The City Council of the City of Fayetteville, Arkansas, hereby repeals §166.03 (I) *Public sanitary sewer not accessible* in its entirety and enacts a new §166.03 (I) *Public sanitary sewer not accessible* as shown on Exhibit "A" attached.

Section 4: The City Council of the City of Fayetteville, Arkansas hereby repeals §166.04 (A)(10)(b) *Public sanitary sewer system not accessible* and enacts a replacement §166.04 (A)(10)(b) *Public sanitary sewer system not accessible* as shown on Exhibit "B" attached.

PASSED and **APPROVED** this ____ day of April, 2008.

APPROVED: ATTEST:

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

EXHIBIT "A"

To be inserted at Chapter 166: Development:

166.03 (I)

(1) *Public sanitary sewer accessible.* Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sewer, and each lot within the subdivision shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.

(2) *Public sanitary sewer not accessible.* Where a subdivision is proposed so that each lot has a minimum gross area of one and one-half acres, an individual sewage disposal system for each lot may be used; for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. A copy of the Arkansas Department of Health permit granted for each lot shall be provided at the time the application is submitted for subdivision or lot split approval for all lots less than one and one-half acres. Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by state law and water wells on-site or off-site within 100 feet shall be shown on all proposed subdivisions and lot splits.

(3) *Community sewage systems.* The construction of community sewage systems or decentralized sewer systems shall be prohibited within the City.

(4) *Annexation of community sewage systems.* Where a community sewage system is annexed into the City, then the following shall apply:

(a) *Unconstructed systems.* The wastewater system shall be designed such that the entire collection system is a traditional-style gravity sewer system that carries all wastewater flow to centralized treatment facilities and shall meet City standards for design construction. The system must also be designed such that there is one single point of connection from which a future gravity connection can be made to the City sanitary sewer system when the latter becomes available. This connection shall be made at the expense of the owner of the decentralized wastewater system.

(b) *Constructed systems.* Systems constructed prior to annexation into the City must tie to the City sanitary sewer system when a City sanitary sewer main is constructed within 300 feet of the community sewage system and such main is reasonably available to the community sewage system. This connection shall be made at the expense of the owner of the decentralized wastewater system.

State law reference(s)--"Arkansas Sewage Disposal Systems Act," A.C.A. §14-236-101 et seq.

EXHIBIT "B"

To be inserted at Chapter 166: Development:

166.04 (A)(10)

(b) *Public sanitary sewer not accessible.* Where a subdivision is proposed so that each lot has a minimum gross area of one and one-half acres, an individual sewage disposal system for each lot may be used; for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. A copy of the Arkansas Department of Health permit granted for each lot shall be provided at the time the application is submitted for subdivision or lot split approval for all lots less than one and one-half acres. Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by state law and water wells on-site or off-site within 100 feet shall be shown on all proposed subdivisions and lot splits.

(Code 1965, App. C., Art. III, § A(2), (3); Ord. No. 1979, 2-5-74; Ord. No. 2353, 7-5-77; Ord. No. 2755, 9-1-81; Code 1991, §§ 159.31, 159.32; Ord. No. 4100, § 2 (Ex. A), 6-16-98; Ord. No. 4263, 8-1-00; Ord. 4660, 12-21-04)

additional fire hydrants shall be required.

(I) *Sanitary sewer system.*

(1) *Public sanitary sewer accessible.* Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sewer, and each lot within the subdivision shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.

(2) *Public sanitary sewer not accessible.* Where ~~a public sanitary sewer is not reasonably accessible, the subdivider shall be required to install a community sewage system, as defined by Act 402 of the 1977 Arkansas General Assembly, in compliance with state health department's standards and regulation; provided, if a community sewage system is not reasonably available or economically feasible, and~~ a subdivision is proposed so that each lot has a minimum gross area of one and one-half acres, an individual sewage disposal system for each lot may be used; for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. **A copy of the Arkansas Department of Health permit granted for each lot shall be provided at the time the application is submitted for subdivision or lot split approval for all lots less than one and one-half acres. Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by state law and water wells on-site or off-site within 100 feet shall be shown on all proposed subdivisions and lot splits.** ~~Individual service lines and connections shall be installed prior to the paving of the street, if possible. The minimum gross area requirement prescribed hereby for an individual sewage disposal system shall not apply to any subdivision for which an approved plat has been filed of record prior to July 5, 1977.~~

(3) *Community sewage systems.* The construction of community sewage systems or decentralized sewer systems shall be prohibited within the City.

(4) *Annexation of community sewage systems.* Where a community sewage system is annexed into the City, then the following shall apply:

(a) *Unconstructed systems.* The wastewater system shall be designed such that the entire collection system is a traditional-style gravity sewer system that carries all wastewater flow to centralized treatment facilities and shall meet City standards for design construction. The system must also be designed such that there is one single point of connection from which a future gravity connection can be made to the City sanitary sewer system when the latter becomes available. This connection shall be made at the expense of the owner of the decentralized wastewater system.

(b) *Constructed systems.* Systems constructed prior to annexation into the City must tie to the City sanitary sewer system when a City sanitary sewer main is constructed within 300 feet of the community sewage system and such main is reasonably available to the community sewage system. This connection shall be made at the expense of the owner of the decentralized wastewater system.

State law reference(s)–"Arkansas Sewage Disposal Systems Act," A.C.A. §14-236-101 et seq.

166.04 Required On-Site Improvements – Subdivisions In Planning Area

(A) *Requirements.* Before the Planning Commission may grant final plat approval for a subdivision located within the city's designated planning area, the subdivider shall have installed, or shall have made a guarantee of in lieu of installation, as provided by Chapter 158, either at his expense or in accordance with the existing

policy of the city, the following improvements:

(1) *Monuments.* Reinforced concrete monuments 4 inches x 4 inches x 30 inches at quarter section corners and subdivision corners.

(2) *Lot stakes.* Metal stakes 1/2 inch x 30 inches at all lot corners, points of tangency, points of curvature and angles in property lines or easements.

(3) Streets.

(a) *Within One Mile of City Limits.* Street grading, base, and paving according to existing city standards and specifications as adopted by the City Council.

(b) *Beyond One Mile of City Limits.* Streets shall meet Washington County Standards.

(4) Curbs and gutters.

(a) Within One Mile of City Limits. Curbs and gutters according to existing city standards and specifications as adopted by the City Council.

(b) Beyond One Mile of City Limits. Curbs and gutters shall meet Washington County Standards.

(5) Sidewalks. Sidewalks shall be installed, within one mile of City Limits, according to existing city standards and specifications as adopted by the City Council. The construction of all sidewalks shall be inspected by the City Engineer or his designee to ensure compliance with city specifications. The developer shall guarantee the sidewalk installation according to §158.01.

(6) Streetlights. Standard 8,000 lumen streetlights shall be installed at each intersection or cul-de-sac and along one side of each street or cul-de-sac within one mile of the City Limits at intervals of no more than 300 feet; provided, streetlights of higher intensity may be required at intersections with collector streets or arterial streets.

(7) *Grading and storm drainage system.*

(a) The subdivider shall install storm drainage facilities, including drains, sewers, catch basins, and culverts necessary for the proper drainage of all surface water.

(b) All drainage facilities shall be so designed to serve the entire drainage area.

(c) All surface water drainage shall be transported to existing storm sewers, drainage facilities, or natural drainage ditches approved by the City Engineer.

(d) The City Engineer shall approve all drainage features.

(8) *Culverts and bridges.* Culverts and bridges shall be installed where needed in accordance with existing Arkansas State Highway Department standards and specifications.

(9) *Water supply.*

(a) *Accessible public water supply.* When an approved public water supply is reasonably accessible, the subdivider shall install a system of water mains and shall connect to such supply so that each lot within the subdivision shall be provided with a connection to said public water supply. All connections shall be approved by the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.

(b) *Nonaccessible public water supply.* Where an approved public water supply is not reasonably accessible, any private water supply system proposed by the subdivider must be approved by the county sanitarian and the City Engineer in order to assure that the private water supply system will provide an adequate supply of potable water to every lot in the subdivision. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.

(10) *Sanitary sewer system.*

(a) *Public sanitary sewer accessible.* Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such

sewer, and each lot within the subdivision shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street if possible.

(b) *Public sanitary sewer not accessible.* Where ~~a public sanitary sewer is not reasonably accessible, the subdivider shall be required to install a community sewage system, as defined by Act 402 of the 1977 Arkansas General Assembly, in compliance with State Health Department standards and regulations; provided, if a community sewage system is not reasonably available or economically feasible, and~~ a subdivision is proposed so that each lot has a minimum gross area of one and one-half acres, an individual sewage disposal system for each lot may be used; for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. A copy of the Arkansas Department of Health permit granted for each lot shall be provided at the time the application is submitted for subdivision or lot split approval for all lots less than one and one-half acres. Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by state law and water wells on-site or off-site within 100 feet shall be shown on all proposed subdivisions and lot splits. ~~Individual service lines and connections shall be installed prior to the paving of the street, if possible. The minimum gross area requirement prescribed hereby for an individual sewage disposal system shall not apply to any subdivision for which an approved plat has been filed on record prior to July 5, 1977.~~

(Code 1965, App. C., Art. III, § A(2), (3); Ord. No. 1979, 2-5-74; Ord. No. 2353, 7-5-77; Ord. No. 2755, 9-1-81; Code 1991, §§ 159.31, 159.32; Ord. No. 4100, § 2 (Ex. A), 6-16-98; Ord. No. 4263, 8-1-00; Ord. 4660, 12-21-04)

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

6/17/2008
City Council Meeting Date
Agenda Items Only

Yolanda Fields	Community Resources	Operations
Submitted By	**Division**	**Department**

Action Required:

Public Hearing and Resolution to order the Raze and Removal of the unsafe structure located at 402 E. Center St. (WC Parcel # 765-12746-000)

	$ -	
Cost of this request	Category / Project Budget	Program Category / Project Name
1010.6420.5315.04		Raze and Removal
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 — 5-28-08 Date

City Attorney — 6/2/08 Date

Finance and Internal Service Director — 6-2-08 Date

Mayor — 6/3/08 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 5/28/08

Received in Mayor's Office — ENTERED 6/2/08 PM

Comments: Staff recommends the Raze and Removal of the structure and approval of the budget adjustment.

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Yolanda Fields, Community Resources Director

Date: May 28, 2008

Subject: Raze & Removal of structure on 402 E. Center Street.

BACKGROUND

Service Request # 48553, Case #5721: Code Compliance responded to a complaint concerning the structure located at 402 E. Center St. The structure appeared to be in violation of Subsection 173.08, Unsafe Building, of the City Code of Ordinances. The Building Safety Division Director inspected the property and determined that the structure was in violation of Subsection 173.08, Unsafe Buildings, of the City Code of Ordinances.

An Unsafe Building Notice of Violation was sent by Certified Mail to the property owner on multiple occasions. The property owner signed the Certified Mail receipt on March 4, 2008. By ordinance, the owner was given until **April 4, 2008** to acquire a building permit or to raze and remove the structure.

DISCUSSION

This parcel contains a 1,000 square foot, one story wood frame single family dwelling. The structure is secured, but has deteriorated to a point were it is no longer safe. There is not a current building permit on this structure.

RECOMMENDATION

Staff recommends a resolution to order the raze and removal of the structure.

BUDGET IMPACT

Contracting the raze and removal of the structure would cost approximately $4,945. An ad was placed in the newspaper on April 20 and April 27 for bids on the raze and removal of the structure. The lowest winning bid was from Burnett Commercial Contracting Inc., for $4,945. A budget adjustment is needed to fund this project. The cost will be billed to the property owner. If payment is not received, the city will place a lien on the property for the amount of the raze and removal.

RESOLUTION NO. _____

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY ROY LEE AND SANDRA RUTH TAYLOR LOCATED AT 402 E. CENTER STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $4,945.00.

WHEREAS, Roy Lee and Sandra Ruth Taylor are the record owners of the real property situated at 402 E. Center Street, City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

WC Parcel Number 765-12746-000; and,

WHEREAS, the City Council has determined that the structure located on said property is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and,

WHEREAS, Roy Lee and Sandra Ruth Taylor, having been properly served with a Violation Notice via Certified Mail, Return Receipt Requested, and given thirty (30) days to correct said violation, have refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structure.

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

Section 1: That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Ordinance No. 3948 of 1996, Roy Lee and Sandra Ruth Taylor are hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

Section 2. That, if Roy Lee and Sandra Ruth Taylor do not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

Section 3. That the City Council of the City of Fayetteville, Arkansas, hereby approves a Budget Adjustment in the amount of $4,945.00 to contract for the razing and removal of said structure.

PASSED and **APPROVED** this 17th day of June, 2008.

APPROVED: ATTEST:

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Operations Division: Community Resources Program: Code Compliance	Date Requested	Adjustment Number
2008		6/17/2008	

Project or Item Added/Increased:	Project or Item Deleted/Reduced:
$4,945 in the Raze and Removals account.	None. $4,945 from the General Fund Use of Fund Balance Account.

Justification of this Increase:	Justification of this Decrease:
Funding is needed for the Raze and Removal of a structure located at 402 East Center Street.	There is sufficient Fund Balance remaining to comply with 2008 obligations.

Increase Budget

Account Name	Account Number				Amount	Project Number	
Raze And Removals	1010	6420	5315	04	4,945		

Decrease Budget

Account Name	Account Number				Amount	Project Number	
Use of Fund Balance	1010	0001	4999	99	4,945		

Approval Signatures

Requested By	6.2.08 Date
Budget Director	6-2-08 Date
Department Director	6.2.08 Date
Finance Director	6-2-08 Date
Mayor	6/3/08 Date

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
Code Compliance
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone 479-444-3430

May 8, 2008

Roy Lee & Sandra Ruth Taylor
2710 Colette Ave.
Fayetteville, AR 72703

COPY

RE: Enforcement of Fayetteville Code 173.08
Arkansas Code Ann. 14-56-203

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. 14-56-203 at 173.08 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine if the dwelling located at 402 E. Center St. (Parcel #765-12746-000), should be Razed and Removed. You are free to appear at this hearing to present any evidence or statements. If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 444-3430.

The hearing will be part of a regular City Council meeting on June 17, 2008 beginning at 6:00 p.m. at the City Administration Building, 113 W. Mountain St, Fayetteville, AR 72701. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (479-575-8323) for information confirming the date of the public hearing.

Sincerely,

Chad Ball
Community Resources Coordinator

Cc: file

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Office of Code Compliance
Phone 479-444-3430
Fax 479-444-3445

VIOLATION NOTICE

February 12, 2008

Owner ROY LEE & SANDRA RUTH TAYLOR
2710 COLETTE AVE

FAYETTEVILLE, AR 72703

RE: Property @ 402 CENTER

WC Parcel # 765-12746-000 **Case # 5721**

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. **If you need clarification of this notice or advice on how to correct the problem, please call our office at .**

Suspected Violation That Needs Correction:

§173.08 Unsafe Buildings. No persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the City which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

How This Violation Can Be Voluntarily Corrected:

By making repairs as needed or razing the structure and remove all debris from the lot. A building permit may be required, based on review of the Building Safety Director.

Potential Penalties:
If this violation is not corrected within thirty (30) days from the service of this notice, you can be issued a Criminal Citation for the above violation and be summoned to appear in court. Our office can also suggest the structure be razed and removed. The costs shall be charged to the owner(s) of the property and the city shall have a lien against such property for such costs. If you disagree with our conclusion that your property contains a violation of our ordinances, you have the right to appeal to the appropriate City Board, Commission or City Council. Please see Chapter 155 of the Unified Development Code.

If the residence is owner occupied and meets certain income requirements, you may qualify for federal assistance under our Community Development Block Grant. For more information on this program, please call (479) 575-8270 or 575-8240.

Sincerely,

BRENT JOHNSON
Code Compliance Officer

Cc: file

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ROY LEE & SANDRA RUTH TAYLOR

2710 CIKETTE AVE
FAYETTEVILLE, AR 72703

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Roy Taylor ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED
MAR 0 4 2008
CRCC

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7006 0810 0004 3500 1094

PS Form 3811, February 2004 Domestic Return Receipt 53 #5721 102595-02-M-1540

7006 0810 0004 3500 1094

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

Sent To 5721
Street, Apt. No.; or PO Box No. 2-12-08
City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

Parcel Number: **765-12746-000** Prev. Parcel Number: **145921-000-00** Type: **RI**
Location: **402 E CENTER ST**
Owner Name: **TAYLOR, ROY LEE & SANDRA RUTH**
Mailing Address: **2710 COLETTE AVE FAYETTEVILLE AR 72703**
Lot: Block: S-T-R: **15-16-30**
Addition: **15-16-30 COUNTY COURT PLAT**
School District: **FAYETTEVILLE SCH, FAY** Tax District: **011**
City: **FAYETTEVILLE**
Legal: **PT S 1/2 L; 40-41 NW**
Current Year A79 Credit Status: **V**

Last Appraised: **2007**	**Appraised Value**	**Taxable Value**
Land	**26,400**	**3,872**
Improvement	**55,450**	**9,388**
Total	**81,850**	**13,260**

Tax History

Year	Taxable Value	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	A79 Credit	A79 Status	Net Total Tax	Total Tax Paid	Payment Status
2006	**11,050**	**$582.34**	**$0.00**	**$0.00**	**$0.00**			**$582.34**	**$0.00**	
2005	**10,836**	**$571.06**	**$0.00**	**$0.00**	**$0.00**			**$571.06**	**$571.06**	**PAID**
2004	**9,933**	**$515.13**	**$0.00**	**$0.00**	**$0.00**			**$515.13**	**$515.13**	**PAID**
2003	**9,030**	**$478.23**	**$0.00**	**$0.00**	**$0.00**			**$478.23**	**$478.23**	**PAID**
2002	**8,844**	**$459.53**	**$0.00**	**$0.00**	**$0.00**			**$459.53**	**$459.53**	**PAID**
2001	**8,107**	**$421.24**	**$0.00**	**$0.00**	**$0.00**			**$421.24**	**$421.24**	**PAID**
2000	**7,370**	**$386.93**	**$0.00**	**$0.00**	**$0.00**			**$386.93**	**$386.93**	**PAID**
1999	**7,370**	**$377.34**	**$0.00**	**$0.00**	**$0.00**			**$377.34**	**$377.34**	**PAID**
1998	**7,370**	**$378.08**	**$0.00**	**$0.00**	**$0.00**			**$378.08**	**$378.08**	**PAID**
1997	**7,370**	**$378.08**	**$0.00**	**$0.00**	**$0.00**			**$378.08**	**$378.08**	**PAID**

Available Tax Payment Receipt(s)

Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty Tax	Payment
2005	**998035**	**8/23/2007**	**$571.06**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$571.06**
2004	**998035**	**8/23/2007**	**$515.13**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$515.13**
2003	**998035**	**8/23/2007**	**$478.23**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$478.23**
2002	**998035**	**8/23/2007**	**$459.53**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$459.53**
2001	**109398**	**10/24/2002**	**$421.24**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$421.24**
2000	**14281**	**10/20/2001**	**$386.93**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$386.93**
1999	**11382**	**10/2/2000**	**$377.34**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$377.34**
1998	**8697**	**10/25/1999**	**$378.08**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$378.08**
1997	**18491**	**10/17/1998**	**$378.08**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$378.08**

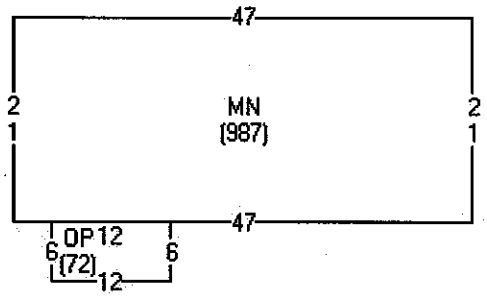
Deed History

Date	Book	Page	Grantee1	Grantee2	Deed Type	Sale Amount	Revenue Amount
8/14/2007	**2007**	**32069**	**TAYLOR, ROY LEE & SANDRA RUTH**		**RD**	**0**	
	LMV 2007-32069 RD #238945						
1/1/1985	**805**	**176**	**TAYLOR, ROY LEE & SANDRA RUTH**		**WD**	**0**	**0.00**
	93-26292 RED DEED #89936 (7/1/93) (MC)						

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Year Constructed	Basement Area
1	**SF**	**FS**	**987**	**987**	**1960**	

	Grade	Condition	Exterior Wall	Fireplace	Year Remodeled	Effective Age
	4	**A**	**SIDING**			**47**

Sketch:



Out Buildings and Yard Improvements

Qty	Description	Size	Quality
1	**Outbuilding,metal**	**6x6**	

Next Item | Previous Item | Ledger Card | Prev. Ledger Card | Return to Search Results | Modify Search | New Search

Fayetteville
ARKANSAS

Code Compliance Program

Unsafe Building Violation Determination

Address / Location: 402 E. Center (NE corner of Center and Willow)

WC Parcel # 765-12746-000

I have determined that the structure above has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

☑ ***I recommend the raze and removal of the structure.***

☑ ***I recommend securing the structure.***

_____ ***Building Safety Division Director***

I have determined that the structure above is not in violation of Subsection 173.08 of the Fayetteville Code Of Ordinances.

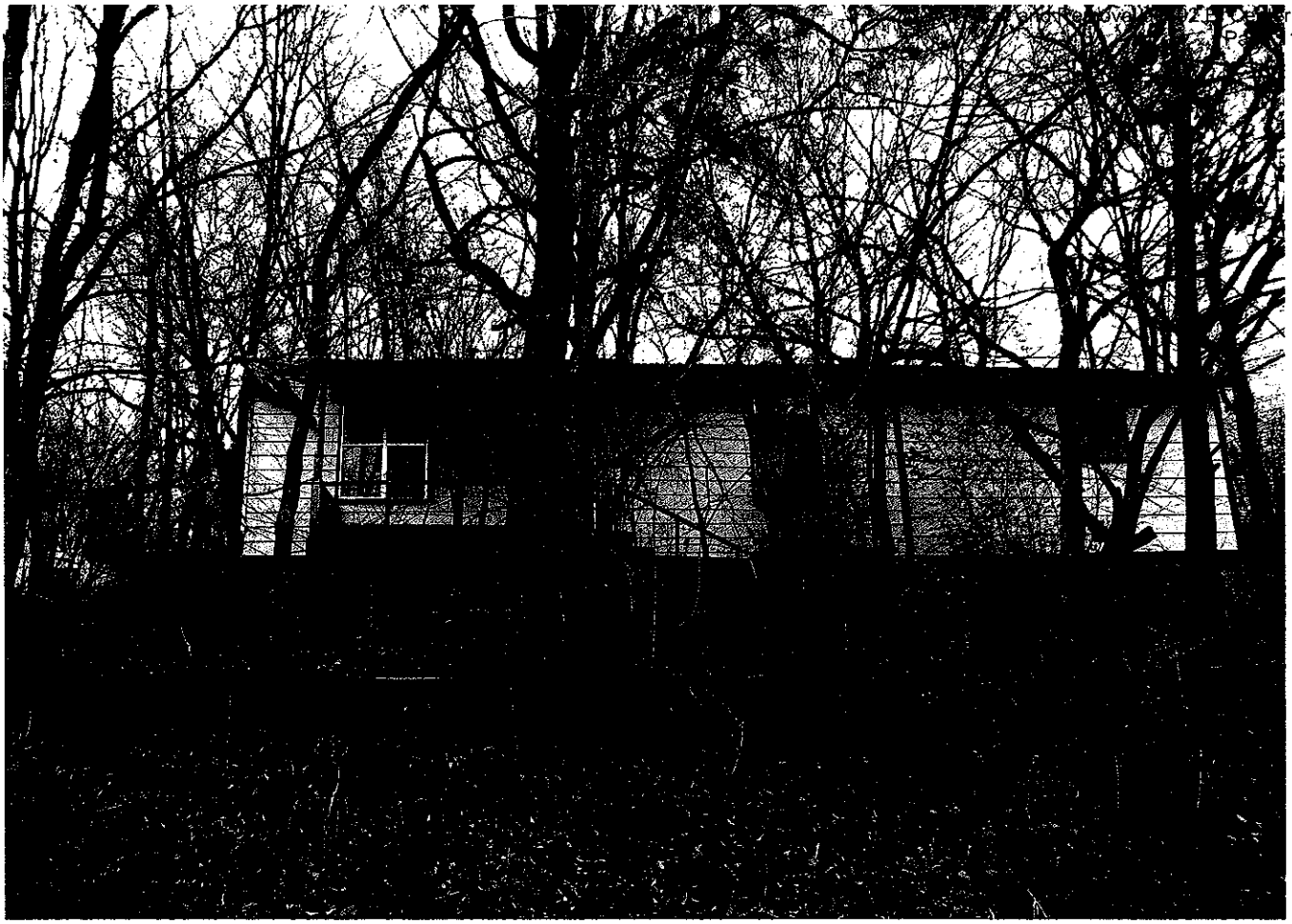
_____ ***Building Safety Division Director***

PLEASE RETURN THIS FORM TO CODE COMPLIANCE

Date Sent: January 8, 2007 ***SR#*** 48553

Date Received: 1-8-07 ***Case#*** 5721

_____ ***Community Resources Division Director***



CODE COMPLIANCE
05/14/2008

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

17-Jun-08
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

ADM 08-3017: (39 East South Street ROW Variance) Submitted by Ryan Kelly for property located at 39 East South Street requesting a variance of the Master Street Plan setback for East South Street in the manner indicated to allow the existing building footprint to remain in its current location and be improved.

$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 5-30-08 Date

City Attorney 6-2-08

Finance and Internal Service Director 6-2-08 Date

Mayor 6/2/08 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office 5-30-08

Received in Mayor's Office ENTERED 6/2/08

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: May 30, 2008

Subject: Right-of-way setback variance at 39 East South Street (ADM 08-3017)

RECOMMENDATION

Planning Staff recommends approval of a resolution allowing a variance of Unified Development Code Chapter 166.18 Master Street Plan setbacks for East South Street at 39 East South Street in the manner indicated to allow the existing building footprint that encroaches into the right-of-way to remain and be improved. Staff recommends that the improvements not expand the cubic content or original footprint of the building.

BACKGROUND

The applicant proposes to remodel the existing structure at 39 East South Street to utilize it for an office and residence. The stucco and stone building was constructed in 1930 according to Washington County parcel records, and been historically used as a grocery store and various other nonresidential uses. The property has been vacant for a long period of time and has been recently cited for code compliance violations by the City for being an unsafe structure. If the building is not secured, it will be required to be razed and removed. A survey of the property indicated that the structure is located approximately one-half foot into the existing 65-foot East South Street right-of-way.

The Board of Adjustment on Monday, May 5, 2008 voted to approve a proposal to bring the non-conforming building setbacks, lot width, and lot area into compliance. On May 27, 2008 the Planning Commission unanimously approved a conditional use permit to allow for office use in the RMF-24 zoning district on the subject property. In addition to Board of Adjustment and Planning Commission approvals, a variance of the Master Street Plan setback ordinance is required to be approved by the Fayetteville City Council in order to permit the nonconforming structure that is located within the South Street right-of-way to be improved more than 10% of its current replacement cost. Chapter 166.18 of the Unified Development Code does not permit the establishment of new structures or improvements within the Master Street Plan right-of-way.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION APPROVING A VARIANCE OF THE UNIFIED DEVELOPMENT CODE CHAPTER 164.12(F) NONCONFORMING USES AND STRUCTURES, REPAIRS AND MAINTENANCE, AND CHAPTER 166.18 MASTER STREET PLAN SETBACKS, ALLOWING THE EXISTING STRUCTURE LOCATED AT 39 EAST SOUTH STREET TO REMAIN WITHIN THE EXISTING EAST SOUTH STREET RIGHT-OF-WAY AND TO BE IMPROVED GREATER THAN THE 10% ALLOWED BY CODE, WITHIN THE EXISTING LIMITS OF THE STRUCTURE.

WHEREAS, the existing historic structure on the subject property would have to be removed for redevelopment if required to comply with the current Master Street Plan; and

WHEREAS, the existing 65-foot right-of-way for this portion of East South Street, a Local Street, bisects the existing structure resulting in a building that encroaches into the right-of-way; and

WHEREAS, Chapter 164.12(F) of the Unified Development Code states that existing nonconforming structures may not be improved or repaired to any extent exceeding 10% of the current replacement cost of the non-conforming structure in any period of 12 consecutive months; and

WHEREAS, Chapter 166.18 of the Unified Development Code does not permit improvements within the public right-of-way setback; and

WHEREAS, the applicant and property owner wishes to improve the structure at East South Street to provide a commercial and residential service to the area; and

WHEREAS, this section of East South Street has already been improved and widened.

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 variance of Chapter 164.12(F) of the Unified Development Code, permitting the structure to be improved as needed so long as the cubic content or original footprint of the building is not expanded.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a variance of Chapter 166.18 Master Street Plan Setbacks, permitting the existing structure to remain in its current location as depicted on Exhibit "A", provided that said approval in no way

prohibits the City from obtaining right-of-way pursuant to the Master Street Plan in the future for widening of adjacent streets.

PASSED and **APPROVED** this___day of ___, 2008.

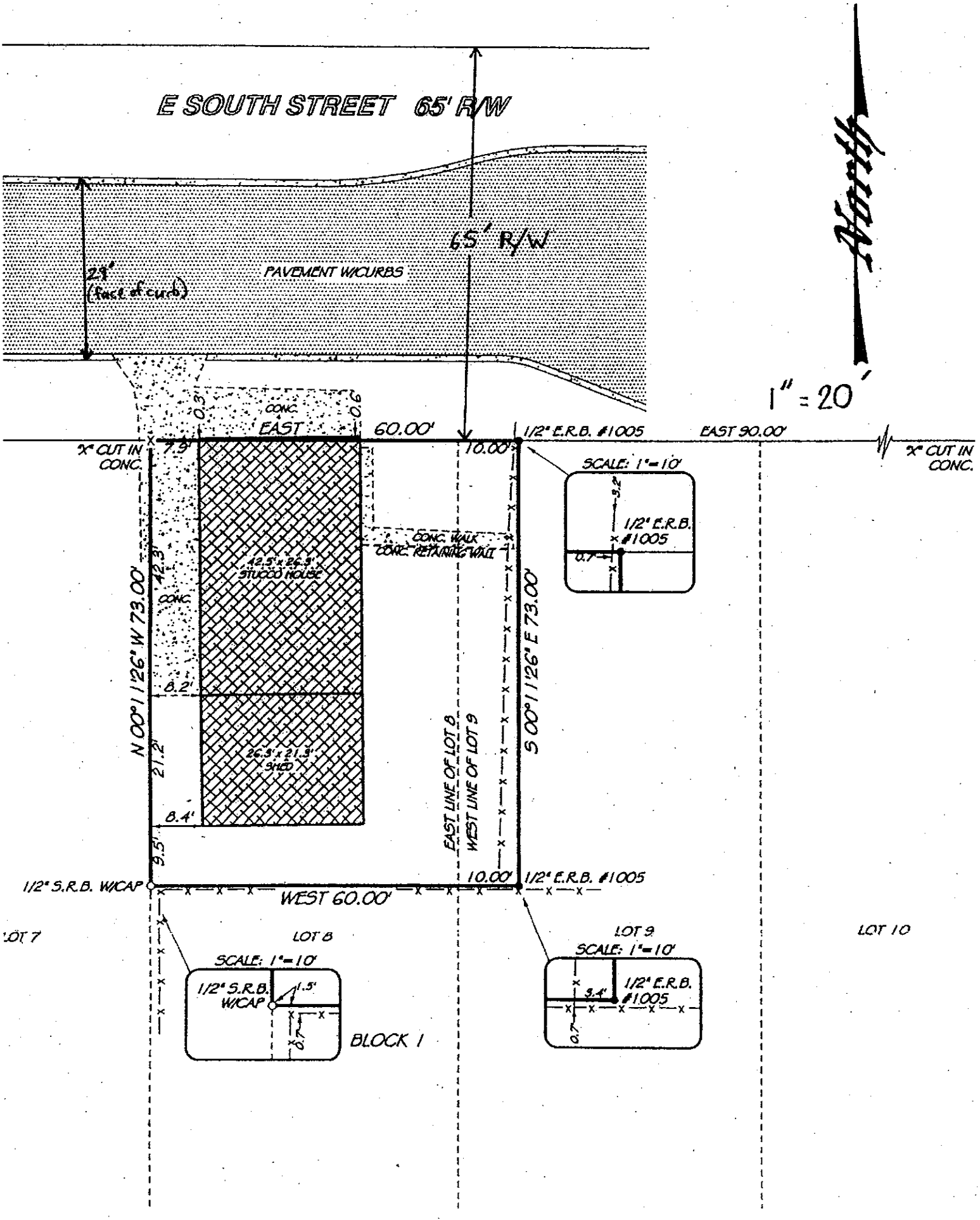
APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

"EXHIBIT A"


E SOUTH STREET 65' R/W
65' R/W
29'
(face of curb)
PAVEMENT W/CURBS
North
1" = 20'
CONC.
EAST
60.00'
1/2" E.R.B. #1005
EAST 90.00'
X" CUT IN CONC.
7.9'
0.3'
0.6'
10.00'
SCALE: 1"=10'
5.2'
1/2" E.R.B. #1005
0.7'
CONC. WALK
CONC. RETAINING WALL
42.5' x 26.9' STUCCO HOUSE
42.3'
CONC.
N 00°11'26" W 73.00'
8.2'
21.2'
26.3' x 21.3' SHED
8.4'
9.5'
EAST LINE OF LOT 8
WEST LINE OF LOT 9
S 00°11'26" E 73.00'
1/2" S.R.B. W/CAP
10.00'
1/2" E.R.B. #1005
WEST 60.00'
LOT 7
LOT 8
LOT 9
LOT 10
SCALE: 1"=10'
1/2" S.R.B. W/CAP
1.5'
0.7'
BLOCK 1
SCALE: 1"=10'
3.4'
1/2" E.R.B. #1005
0.7'

Fayetteville Unified Development Code

164.12 Nonconforming Uses And Structures

(F) *Repairs and maintenance.*

(1) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10% of the current replacement cost of the nonconforming structure, or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

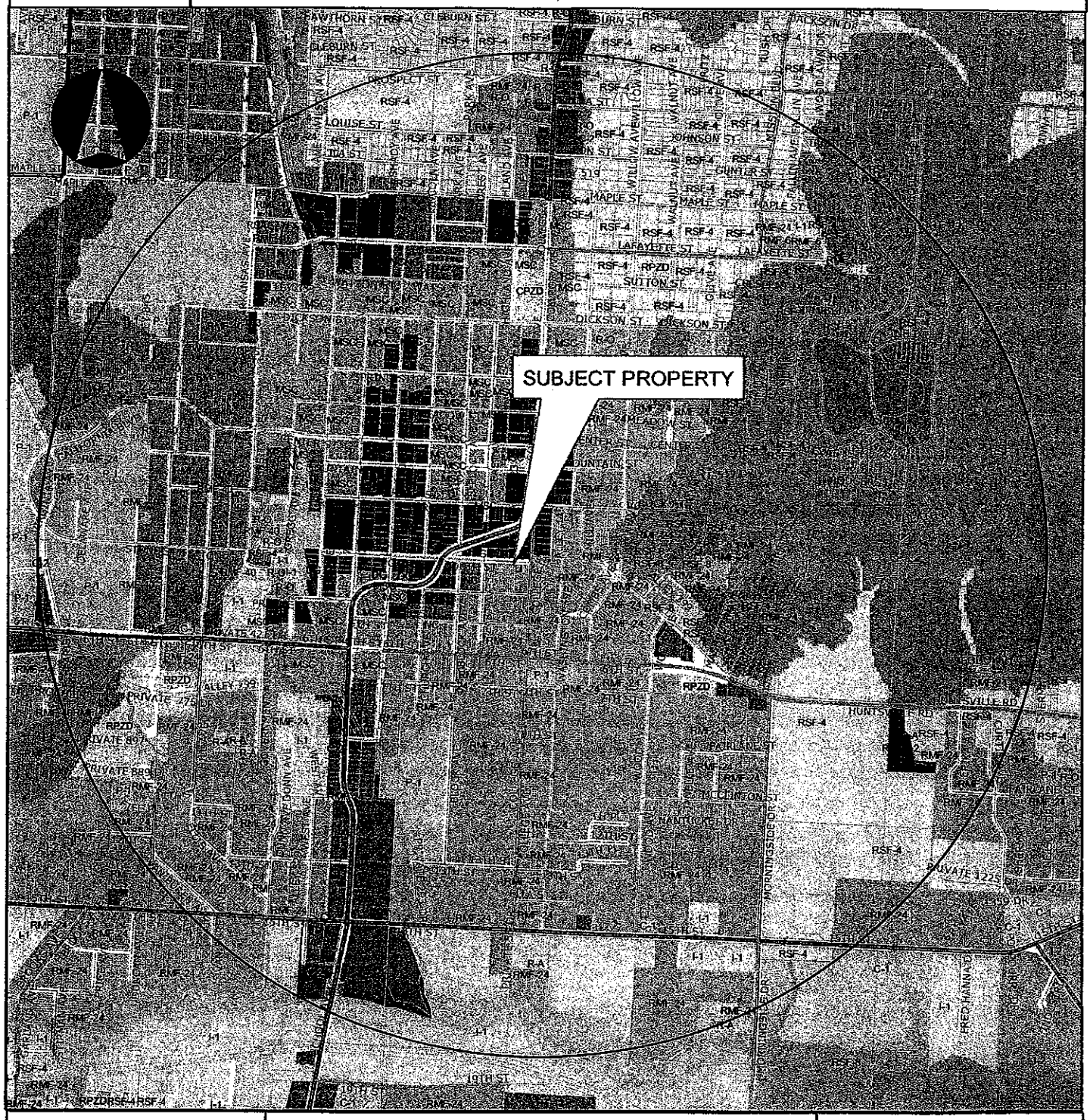
166.18 Master Street Plan Setbacks

The city shall require the applicant/developer to establish a right-of-way setback line based on the right-of-way requirements for streets and highways designated by the Master Street Plan. Such setback line shall be considered the property line for such purpose of satisfying the requirements of the UDO. All building setbacks, required landscaping, parking lots, display areas, storage areas and other improvements and uses shall be located outside of such established setback area. The required width of setbacks, landscaped areas, buffers, and all other setback requirements shall be dimensioned from the established right-of-way setback line. The establishment of any new structure or other improvements within the right-of-way setback is prohibited.

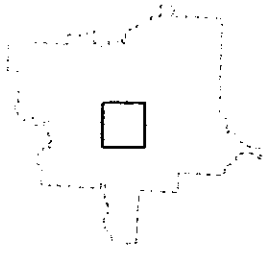
CUP08-2972

One Mile View

KELLY - SOUTH STREET



Overview



Legend

Subject Property

CUP08-2983

Boundary

Planning Area

Overlay District

Outside City

Legend

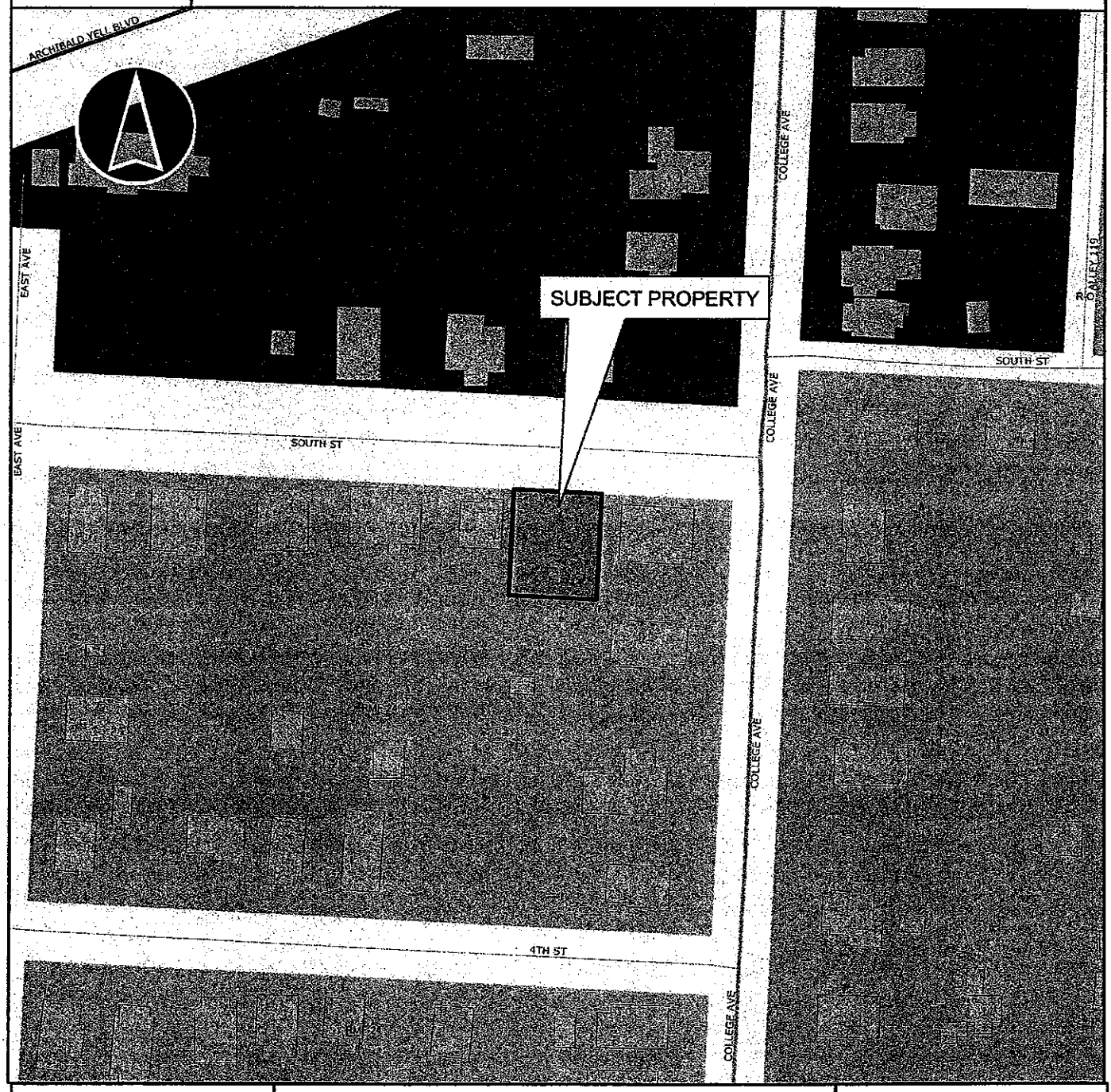
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

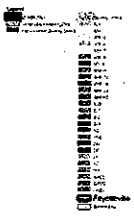
CUP08-2983

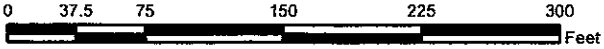
Close Up View

KELLY - SOUTH STREET



Overview





City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

6/17/2008
City Council Meeting Date

David Jurgens	Wastewater System Improv Proj	Wate/Wastewater
Submitted By	**Division**	**Department**

Action Required:

Approval of the purchase of spare parts from Wedeco, Inc., in the amount of $54,300.79, for the West Side Wastewater Treatment Plant ultraviolet disinfection system, and approval of a bid waiver.

$ 54,300.79	$ 48,836,390	Wastewater System Imp Project
Cost of this request	Category / Project Budget	Program Category / Project Name
4520-9520-~~5801.02~~ 5210.00 PB	$ 27,301,528	Water and Wastewater
Account Number	Funds Used to Date	Program / Project Category Name
02133-~~0210~~ 0211 PB	$ 21,534,862	Water/Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item XX **Budget Adjustment Attached**

Department Director — 1 JUN 08 Date

City Attorney — 6/3/08 Date

Finance and Internal Service Director — 6-3-08 Date

Mayor — 6/4/08 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office ENTERED 6/3/08 PM

Received in Mayor's Office ENTERED 6/3/08 PM

Comments:

Revised April 16, 2007

Fayetteville
ARKANSAS

City Council Meeting of June 17, 2008

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody

From: David Jurgens, Water and Wastewater Director
Fayetteville Sewer Committee

Date: May 31, 2008

Subject: Approval of the purchase of spare parts from Wedeco, Inc., in the amount of $54,300.79, for the West Side Wastewater Treatment Plant ultraviolet disinfection system, and approval of a bid waiver

---

RECOMMENDATION

Staff recommends approval of the purchase of of spare parts from Wedeco, Inc., in the amount of $54,300.79, for the West Side Wastewater Treatment Plant ultraviolet disinfection system, and approval of a bid waiver.

BACKGROUND

The West Side WWTP uses the Wedeco ultraviolet light system to disinfect the wastewater immediately prior to discharge into Goose Creek. These systems are becoming more widespread as they are safer, more cost effective, and more environmentally friendly than the traditional chlorine systems. The WWTP construction contract included the basic system, but included neither spare parts nor spare light bulbs. The bulbs and ballasts, with a shelf life of over five years, wear out with use and must be replaced immediately either when they go out or when the loose their intensity.

DISCUSSION

Spare bulbs, ballasts, and other critical parts must be on hand at all times in the event a bulb burns out or looses its intensity. All bulbs are critical in the disinfection process in order to meet the strict wastewater discharge permit limits under which Fayetteville operates. Funds were identified within the overall WSIP project budget to establish a basic spare parts inventory. Future purchases will come from operational expenses.

The Wedeco ultraviolet disinfection system is proprietary; no other manufacturer's equipment is compatible. Thus, a bid waiver is required.

BUDGET IMPACT

Funds are available within the WSIP project budget.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF SPARE PARTS FOR THE WEST SIDE WASTEWATER TREATMENT PLANT'S ULTRAVIOLET DISINFECTION SYSTEM FROM WEDECO, INC. IN THE AMOUNT OF $54,300.79.

WHEREAS, the ultraviolet bulbs and ballasts used in the West Side Wastewater Treatment Plant's ultraviolet disinfection system are a proprietary product of Wedeco, Inc.; and,

WHEREAS, these ultraviolet bulbs and ballasts are crucial to the safe and effective treatment of the wastewater leaving the West Side Wastewater Treatment Plant.

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 finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, waives the requirements of formal competitive bidding and approves the purchase of spare parts for the West Side Wastewater Treatment Plant's ultraviolet disinfection system from Wedeco, Inc. in the amount of $54,300.79.

PASSED and **APPROVED** this 17th day of June, 2008.

APPROVED: ATTEST:

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

D. 2
Wedeco, Inc.
Page 4 of 11

City Of Fayetteville

Requisition No.:		Date: 6/1/2008	
P.O Number:		Expected Delivery Date:	
Vendor #:	Vendor Name: Wedeco Inc	Mail Yes:__ No:_x_	
Address: 1902 S Main St	Fob Point: 15 S. Broyles Rd Fayetteville, AR 72704	Taxable Yes:_x_ No:____	Quotes Attached Yes:____ No:____
City: Stuttgart	State: AR	Zip Code: 72160	Ship to code:
Requester: David Jurgens	Requester's Employee #: 490	Division Head Approval:	Extension: 330

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	UV Lamp SLR32143/4PHP	128	ea	199.00	$25,472.00	4520-9520-5801.02	02133-0210		
2	Ballast, HP UL Recognized	64	ea	350.00	$22,400.00	"	"		
3	O-Ring Lamp Holder Seal	64	ea	4.00	$256.00	"	"		
4	Wiper Holder 063x15 Incl. PTFE	64	ea	11.56	$739.84	"	"		
5	Quartz Glass Tube 46x2x1512	20	ea	95.00	$1,900.00	"	"		
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
	Shipping/Handling	1	Lot	250.00	$250.00				

Special Instructions:

Subtotal:	$51,017.84
Tax:	$3,282.95
Total:	$54,300.79

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

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

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Revised 6/17/03

SOLE SOURCE JUSTIFICATION

PURPOSE:

This form, with one or more categories completed, must accompany purchase requisitions for the sole source procurement of equipment, services or supplies exceeding $1000 (purchased from State Contract venders excepted). The purpose of sole source justification is to show that competitive bidding is impractical because only one product or service provider can meet a specific need. Therefore, an equitable evaluation of comparable products or services must be made and documented by the requester who shows that rejection of other products or services is based solely on their failure to meet that need. In cases where no other comparable source can be identified, a technical description of the product requested and a listing of those companies which were considered as alternative sources must be provided. Quality can be a subjective evaluation based upon opinion. Municipal (public) procurement law requires price considerations be evaluated via competitive quoting or bidding.

While all sole source justifications are subject to review, sole source justified purchases of $20,000.00 or more must be publicly bid or a bid waiver approved by Council. Justifications must contain clear, in-depth, and accurate information in order to avoid protests and the possibility of delaying the procurement.

INSTRUCTIONS:

1. Please type or print legible in ink.

2. Complete all categories and sections that apply.

3. Provide full explanation, complete descriptions, and/or list all relevant reasons where space has been provided. Sole Source Justification forms lacking sufficient detail cannot be approved.

4. Sign and date the form in the space provided for "signature".

5. Improperly completed, and/or unsigned forms will be returned to the sender.

TO: Purchasing Division Date: 30 May 08

FROM: David Jurgens Dept: Water/Wastewater

Names of Requisitioner and Dept. Head

SUBJECT: Sole Source Justification

Purchase Requisition (attached)

Proposed Vendor Shupe & Associates: Wedeco Inc.

Product Description: Replacement UV Bulbs for the new Wedeco UV System at the West Side Wastewater Treatment Facility

STATEMENT

I am aware that Fayetteville Code of Ordinances, Title III Administration, Chapter 34, Article II mandates that the procurement of services, materials, equipment and supplies be via competitive quotes whenever the amount is over $1,000.00. However, I am requesting sole source procurement based on the following criteria. (Attach additional sheets as necessary):

1. The requested product is an integral repair part or accessory compatible with existing equipment. (please state the manufacturer and model number of existing equipment):
   The parts being ordered are made only by Wedeco Inc. for the patented Wedeco ultraviolet disinfection system purchased for the West Side Wastewater Treatment Facility. Please see the attached letter. No other parts can be used; no other manufacturer produces compatible parts. Any attempt to use incompatible parts would possibly harm the equipment, degrade the operational performance, and would certainly void the warranty on the new equipment.

2. The requested product has special design/performance features which are essential to my needs.
   Both A and B portions of this category must be completed.
   A. These features are:
      N/A
      In addition to the product requested, I have contacted other suppliers and considered their product of similar capabilities. I find their product unacceptable for the following reasons (identify companies contacted, individuals contacted, model number and specific technical deficiency).
      N/A

   B. I have standardized the requested product/service; the use of another would require considerable time and money to evaluate.

      Explain: N/A

3. The requested product is one which I (or my staff) have specialized training and/or extensive experience. Retraining would incur substantial cost in money and/or time.

   Explain: N/A

4. Please consider sole source approval for this reason(s) (e.g. trade-in allowance; availability of services, parts and maintenance; product is a prototype; inventory of parts are maintained, etc.):
   The parts being ordered are made only by Wedeco Inc. for the patented Wedeco UV System purchased for the West Side Wastewater Treatment Facility. Please see the attached letter.

Authorization:
Full Name and Title of Requisitioner David Jurgens

Signature _____ Date 30 May 08
Full Name of Division Head David Jurgens

Signature _____ Date _____

Shupe & Associates, Inc.
1902 South Main Street - Stuttgart, Arkansas 72160 Phone: (870) 673-4271 - Fax: (870) 673-6872

FACSIMILE COVER SHEET

ATTENTION: Tim Luther FROM: Phil Shupe

COMPANY: OMI DATE: 5-30-01

FAX NO.: 479-443-5613

NO. OF PAGES TRANSMITTED INCLUDING COVER PAGE: 3

Tim
Quote to City of Fayetteville
P.O will go to Wedeco INC
Care of Shupe & Assoc. - PLS Send
to us here we will forward.
PLS call with Questions.
The lady I had faxed immediately after
our conversation this AM. Was off
to day was the reason for the delay.

ITT

WEDECO Inc.
14125 SOUTH BRIDGE CIRCLE
Charlotte, NC 28273

City of Fayetteville
USA

Quotation **101993**

05/28/08
client no..

Page 2
PROSPECT

Contact person:
com.:

JULIE ROPIC
Tel.: 19793 Fax:

Our VAT Registration No.: 23-2914590

Terms of delivery: FOB SHIPPING POINT, PREPAID & ADD
Mode of delivery: ESTES
valid until: 07/09/08
Delivery time:

Delivery address
FAYETTEVILLE
ONLY
AR
USA

ITT

WEDECO Inc.
14125 SOUTH BRIDGE CIRCLE
Charlotte, NC 28273

City of Fayetville
USA

Quotation **101893**

05/28/08 Page 1
client no.: PROSPECT

Contact person:
com.: JULIE ROPIC
Tel.: 19793 Fax

Our VAT Registration No.: 23-2914590

No.	Description	Quantity	Unit	Unit price	Total n/s
I39898	UV LAMP SLR32143/4PHP SINGLE PA	128	Each	199.00	25,472.00
I41588	BALLAST, HP UL RECOGNIZED	64	Each	350.00	22,400.00
I39498	O-RING LAMP HOLDER SEAL	64	Each	4.00	256.00
I35720	WIPER HOLDER 063X16 INCL. PTFE	64	Each	11.56	739.84
I33309	Quartz Glass Tube, 48x2x1512	20	Each	95.00	1,900.00
FREIGHT	BILLED AT COST	1	Each	250.00	250.00
	ITT-WEDECO WILL MATCH ALL COMPETITIVE LAMP PRICES				

Total USD	**51,017.84**
VAT Amount	0.00
Final amount USD	**51,017.84**

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

6/17/2008
City Council Meeting Date
Agenda Items Only

David Jurgens	Wastewater System Improv Proj	Wate/Wastewater
Submitted By	**Division**	**Department**

Action Required:

Approval of the purchase of Sewer Televising Equipment from Cues, Inc., in the amount of $27,627.78, for televising large diameter sewer lines constructed as part of the WSIP, and approval of a bid waiver.

$ 27,627.78	$ 48,836,390	Wastewater System Imp Project
Cost of this request	Category / Project Budget	Program Category / Project Name
4520-9520-~~5801.02~~ 5210.00 pb	$ 27,301,528	Water and Wastewater
Account Number	Funds Used to Date	Program / Project Category Name
02133. ~~02~~ 12 pb	$ 21,534,862	Water/Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item XX **Budget Adjustment Attached**

Department Director — 1 JUN 08 — Date

City Attorney — 6/3/08 — Date

Finance and Internal Service Director — 6-3-08 — Date

Mayor — 6/4/08 — Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office — ENTERED 6-2-08

Received in Mayor's Office — ENTERED 6/3/08

Comments:

Fayetteville
ARKANSAS

City Council Meeting of June 17, 2008

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody

From: David Jurgens, Water and Wastewater Director
Fayetteville Sewer Committee

Date: May 31, 2008

Subject: Approval of the purchase of Sewer Televising Equipment from Cues, Inc., in the amount of $27,627.78, for televising large diameter sewer lines constructed as part of the WSIP, and approval of a bid waiver

RECOMMENDATION

Staff recommends approval of the purchase of Sewer Televising Equipment from Cues, Inc., in the amount of $27,627.78, for televising large diameter sewer lines constructed as part of the WSIP, and approval of a bid waiver.

BACKGROUND

The pipes installed through the WWIP are significantly larger, deeper, and have a greater distance between manholes than any which have existed within the City's wastewater system. As a result, different equipment is required in order to perform both routine and emergency operations and maintenance.

The City owns a Cues sewer main televising system, including the truck, cameras, control equipment, digital video recording equipment, and software.

DISCUSSION

Internal sewer main televising is essential for routine and emergency pipeline evaluation. This equipment will allow City crews to inspect lines up to 48" in diameter while they are in use.

This equipment must match perfectly with the City's existing Cues televising truck and equipment. No other parts can be used; no other manufacturer produces compatible parts. Thus, a bid waiver is required.

BUDGET IMPACT

Funds are available within the WSIP project budget.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF SEWER TELEVISING EQUIPMENT FROM CUES, INC. IN THE AMOUNT OF $27,627.78.

WHEREAS, the WSIP project included the installation of very large diameter sewer lines which crews need to be able to televise for routine and emergency maintenance; and,

WHEREAS, the improved televising equipment needed for the large diameter lines must be compatible with the City's existing Cues, Inc. televising truck.

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 finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, waives the requirements of formal competitive bidding and approves the purchase of sewer televising equipment from Cues, Inc. in the amount of $27,627.78..

PASSED and **APPROVED** this 17th day of June, 2008.

APPROVED: ATTEST:

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

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:								Date: 5/31/2008	
P.O Number:								Expected Delivery Date:	
Vendor #: 3045	Vendor Name: Cues						Mail Yes:__ No:____		
Address: 3600 Rio Vista Ave.				Fob Point:			Taxable Yes:__ No:____	Quotes Attached Yes:_____ No:_____	
City: Orlando	State: Fl			Zip Code: 32805	Ship to code:		Divison Head Approval: T Hubbard		
Requester: Tom Hubbard				Requester's Employee #: 2238			Extension: 203		

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	**Pipe inspection System Large Diameter Pipe**	1			**$25,288.59**	4520-9520-5801.02	**02133-**		
2									
3					**$0.00**				
4					**$0.00**				
5					**$0.00**				
6					**$0.00**				
7					**$0.00**				
8					**$0.00**				
9					**$0.00**				
10					**$0.00**				
	Shipping/Handling		Lot		**$0.00**				

Special Instructions:

Subtotal:	**$25,288.59**
Tax:	**$2,339.19**
Total:	**$27,627.78**

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

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

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Revised 6/17/03

SOLE SOURCE JUSTIFICATION

PURPOSE:

This form, with one or more categories completed, must accompany purchase requisitions for the sole source procurement of equipment, services or supplies exceeding $1000 (purchased from State Contract venders excepted). The purpose of sole source justification is to show that competitive bidding is impractical because only one product or service provider can meet a specific need. Therefore, an equitable evaluation of comparable products or services must be made and documented by the requester who shows that rejection of other products or services is based solely on their failure to meet that need. In cases where no other comparable source can be identified, a technical description of the product requested and a listing of those companies which were considered as alternative sources must be provided. Quality can be a subjective evaluation based upon opinion. Municipal (public) procurement law requires price considerations be evaluated via competitive quoting or bidding.

While all sole source justifications are subject to review, sole source justified purchases of $20,000.00 or more must be publicly bid or a bid waiver approved by Council. Justifications must contain clear, in-depth, and accurate information in order to avoid protests and the possibility of delaying the procurement.

INSTRUCTIONS:

1. Please type or print legible in ink.

2. Complete all categories and sections that apply.

3. Provide full explanation, complete descriptions, and/or list all relevant reasons where space has been provided. Sole Source Justification forms lacking sufficient detail cannot be approved.

4. Sign and date the form in the space provided for "signature".

5. Improperly completed, and/or unsigned forms will be returned to the sender.

TO: Purchasing Division — Date: 5-31-2008
FROM: David Jurgens — Dept: Water and Wastewater
Names of Requisitioner: Tom Hubbard — Dept. Head: David Jurgens

SUBJECT: Sole Source Justification
Purchase Requisition attached — Proposed Vendor : Cues
Product Description: Large diameter pipe line television inspection system.

STATEMENT

I am aware that Fayetteville Code of Ordinances, Title III Administration, Chapter 34, Article II mandates that the procurement of services, materials, equipment and supplies be via competitive quotes whenever the amount is over $1,000.00. However, I am requesting sole source procurement based on the following criteria. (Attach additional sheets as necessary):

1. The requested product is an integral repair part or accessory compatible with existing equipment. (state the manufacturer and model number of existing equipment): The department

currently owns and operates a Cues sewer collection system inspection system, but does not have the needed equipment to inspect large diameter sewer mains.

2. The requested product has special design/performance features which are essential to my needs.

Both A and B portions of this category must be completed.

A. These features are: The requested equipment will connect directly into the existing Cues inspection system.

B. In addition to the product requested, I have contacted other suppliers and considered their product of similar capabilities. I find their product unacceptable for the following reasons (identify companies and individuals contacted, model number and specific technical deficiency): The original Cues equipment was purchased with the intention that one day it would need the option to be expanded. No other vender can connect their equipment the Cues inspection system.

3. I have standardized the requested product/service; the use of another would require considerable time and money to evaluate.

Explain: Cues equipment is existing and in use in the department. To change the system would require a new inspection system that would cost in excess of $120,000.00.

4. The requested product is one which I (or my staff) have specialized training and/or extensive experience. Retraining would incur substantial cost in money and/or time.

Explain: The department has operated the existing Cues inspection system for the past five years. The large diameter inspection system would not require additional training; therefore, no additional training expense to operate the new equipment.

5. Please consider sole source approval for this reason(s) (e.g. trade-in allowance; availability of services, parts and maintenance; product is a prototype; inventory of parts are maintained, etc.): The city currently owns and operates a Cues inspection system, the new equipment would plug into the current system for use with no additional training expense. The employees that operate the system have the knowledge and maintenance experience to work on the Cues products.

Authorization:

Name & Title of Requisitioner: David Jurgens, Water and Wastewater Director
(typed or printed in ink)

Signature _____ Date: 5-31-2008

Full Name of Division Head: David Jurgens, Water and Wastewater Director
(typed or printed in ink)

Signature _____ Date: 5-31-2008

27-May-08

CUES
Quote Acknowledgement
Quote # 000360842 Rev # 2

Cues, Inc.
3600 Rio Vista Avenue
Orlando, FL 32805
(407) 849-0190

Order Date: 01-May-2008
Ship Location: CENTRAL

Customer PO #: QUOTE

Bill To Customer #	Ship To Customer #	Phone Number
72701000	72701001	501-575-8386

Contact : RYAN

Bill To Address
FAYETTEVILLE, CITY OF
113 W. MOUNTAIN
ACCOUNTS PAYABLE
FAYETTEVILLE, AR 72701

Ship To Address
FAYETTEVILLE, CITY OF
2435 INDUSTRIAL DRIVE
FAYETTEVILLE, AR 72701

Requested By : SRAYHLE Salesman :
Terms : 01 Ship Via : 00 FOB : 02

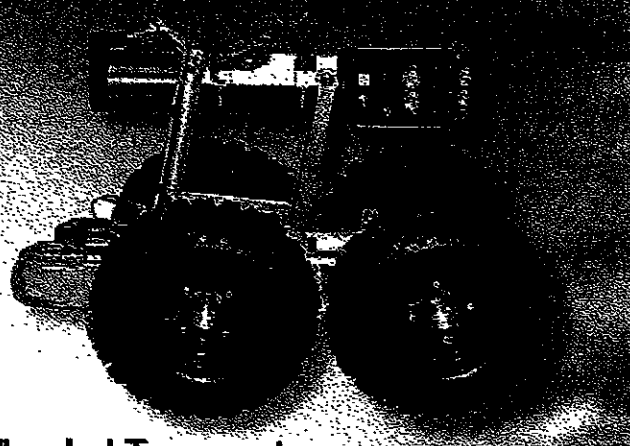
LN	Part #	Description	Qty	Unit Price	Ext Price
001	WT351	TRANSPORTER ASSY,M/C,SPLINED,PR	1	11793.87	11793.87
002	WT313	TIRE ASSY,KNOBBY,18-48"PIPE,P-RANGR	4	270.88	1083.52
003	WT310	LIFT ASSY,CAM,MANUAL,SDWT,M/C,P-RGR	1	1887.20	1887.20
004	WT910	KIT,TIRE,10-15"PIPE,PIPE RANGER	1	1775.83	1775.83
005	LH323-1	LIGHTHEAD,HPL 10+,TRI-LIGHT,PR LIFT USE W/OZ II AND PR LIFT	1	975.05	975.05
006	LH323	LIGHTHEAD,HPL10+,DUAL LIGHT,PR LIFT USE W/OZ II AND PR LIFT	1	748.58	748.58
007	MC418	Y ELIMINATOR,FLAT,W/TAP,5PIN,M/C	1	253.54	253.54
008	0305490-13	CABLE ASSY,M/C GLD 1500',W/12P,MTL	1	6771.00	6771.00

FAX 479-684-4730

Sub Total :	25288.59
Tax Total :	2339.19
Total :	27627.78

"The Standard of the Industry"

CUES



Pipe Ranger

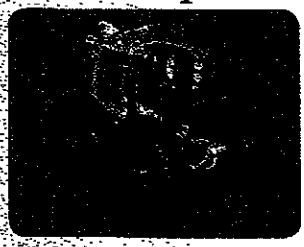
Multi and Single Conductor III Wheeled Transporters

The Pipe Ranger is a rugged and versatile low-maintenance transporter that's specially designed to traverse silt, mud and debris commonly found in storm and sanitary sewers. Three standard wheel sizes and optional manual or electric camera lifts are available to maximize performance. Optional high traction tires are available for extreme slippery conditions.

The unit is designed to operate with 2000' of single-conductor cable or 1500' of multi-conductor cable to inspect 8" relined pipe through 60" diameter pipe. Its unique two (2) speed transmission doubles the torque of the drive to produce maximum pulling power in large diameter pipe when the 10.5" diameter tires are installed.

When assembled with a pan-and-tilt camera, the reduced length of the transporter / camera assembly can negotiate most difficult entry conditions and standard sweeps. The Pipe Ranger combined with the CUES OZ II optical zoom camera offers you one of the most compact assemblies in the industry. Optional steerable units with remote or manual camera lifts are also available.

Operates with multi & single conductor systems!



Features & Benefits:

- Operates with CUES multi or single conductor systems
- Can operate on all truck-mounted and portable systems
- Operates with all CUES cameras: pan-and-tilt and optical zoom
- Designed to traverse storm drains and pipe with debris and silt
- Freewheel, powered reverse, forward variable speed control
- Rugged, durable and sealed to eliminate water intrusion
- Designed to provide clearance in a 7" diameter pipe; can inspect 8" relined pipe
- All-wheel drive is enclosed and sealed; all brass and stainless steel construction
- Two-speed transmission doubles the torque and maximizes traction in larger diameter pipe or in tough conditions
- Three wheel sets (3.7", 5.0", and 10.5" diameter) for small, intermediate, and large diameter pipes, optional high-traction wheels for slippery pipe
- Rear tip-up bulkhead connector minimizes strain on the cable connection during the inspection and retrieval
- Compact camera/transporter length with optical zoom pan & tilt camera (OZ II) facilitates entry into small inverts, small manholes, dead end lines, and traversal of sweeps
- Optional full proportional steering control to traverse meandering pipe with 45° and 90° turns, minimizes transporter turnover in small diameter pipe
- Inspection speed can be optimized to match pipe conditions and pipe size in 8" through 60" pipe

Specifications subject to change without prior notice.

Visit our web site at www.cues.com

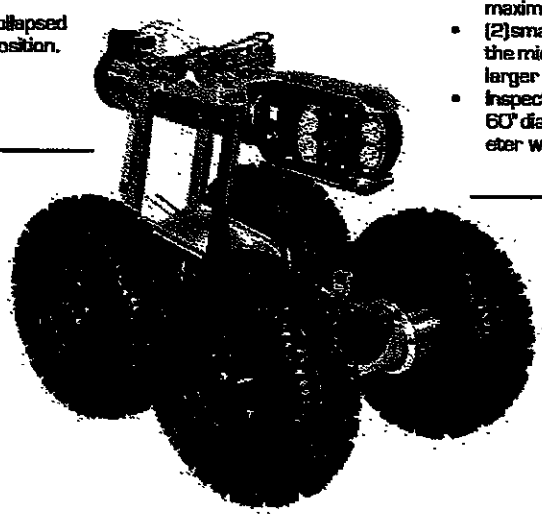
PIPE RANGER

Camera Lift (optional)

- An optional manual or electric camera lift is provided for pipeline inspections ranging from 18" – 60" in diameter to prevent the need for an operator to enter the manhole during inspection and retrieval.
- Camera height varies from the collapsed position to 10.5" in the extended position.

Tires

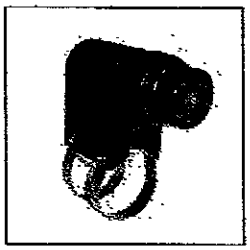
- (6) wheels are available in various sizes to maximize traction in each pipe size
- (2) smaller diameter wheels remain affixed to the middle axle to help negotiate offsets in larger pipe configurations
- Inspections can be performed in pipes up to 60" diameter with the addition of large diameter wheels



Transporter

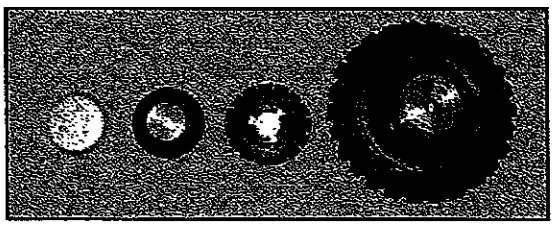
- Base unit includes (6) driven wheels for 8"-15" pipe; (4) driven wheels via multiple sets for 18"- 60" pipe
- Operates on 1500+ feet of multi-conductor video cable in suitable pipe conditions
- Includes a ***two-speed*** transmission to optimize traction by doubling the torque in difficult pipe conditions or in larger diameter pipe
- Comes equipped with self-propelled power forward, power reverse, and free wheel capabilities
- Constructed of brass, stainless steel, and aluminum alloy
- Unit is retrieved in the free wheel mode by the video cable reel to reduce the normal wear on the drive motor by 50%
- Compatible with pan and tilt, fixed view, straight line, and optical zoom pan and tilt cameras

Optional Equipment



Rear-viewing Camera

- Optional full-proportional steering to traverse curved pipe, turn at 90 degree elbows within larger pipeline, turns at tees within larger pipeline, and conduct a complete 360 degree turn within its own radius
- Panel-mounted or stand-alone controller
- Manual or adjustable camera lift to optically center the camera in larger pipe
- Chevron tread or knobby tread for large diameter tires
- Rear-viewing camera to avoid obstacles when pulling back or driving in reverse (for use only with the multi-conductor version and must be used in conjunction with the manual or power lift assemblies)
- Lite Ranger (Pipe Ranger with an aluminum body) for customers that require a light-weight transporter
- High-traction tires for slippery pipe



Multiple wheel sets are available to maximize bottom-clearance, traction, and optimum camera position!

Agenda Session

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
June 17, 2008

A meeting of the Fayetteville City Council will be held on June17, 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:

1. Administration: Building Safety and the Community – Steve Cattaneo, Building Safety Inspector - Informational Only.

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items: Historic District Commission Nominating Committee Report

Agenda Additions:

Consent:

1. Approval of the May 20, 2008 and June 3, 2008 City Council meeting minutes.

2. **Park Land Dedication Funds:** A resolution approving a budget adjustment in the amount of $195,450.00 to reallocate Park Land Dedication funds within the Southwest Quadrant.

3. **State and Tribal Assistance Grant (STAG):** A resolution authorizing the Mayor to apply for a State and Tribal Assistance Grant (STAG) from the U. S. Environmental Protection Agency for sanitary sewer system improvements; designating the Mayor as the City's authorized representative in all matters relating to the procurement and administration of said grant.

4. **Wal-Mart Corporate Grant:** A resolution authorizing Fayetteville Parks & Recreation Division to accept a grant from Wal-Mart Corporate giving in the amount of $10,000.00 to partially fund the Lights of the Ozarks; and approving a budget adjustment to recognize the grant revenue.

5. **Wedington Drive Widening Project:** A resolution approving a payment to the Arkansas State Highway and Transportation Department (AHTD) in the amount of $30,889.11 for a change order to cover city-requested revisions to the Wedington Drive Widening Project; and approving a budget adjustment in the amount of $31,000.00.

Kit has already done a new resolution

6. **Humane Society of the Ozarks Donation:** A resolution accepting a donation of ~~$10~~,000.00 from the Humane Society of the Ozarks to benefit the Fayetteville Animal Shelter; and approving a budget adjustment recognizing the revenue.

7. **Security Equipment Purchase:** A resolution approving the purchase of operational and security equipment and cameras from Spytown USA in the amount of $26,771.82 for the West Side Wastewater Treatment Plant; and approving a contingency in the amount of $2,500.00.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:

2. **Amend Chapters 151, 152 and 166:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits. ***This ordinance was left on the First Reading at the April 1, 2008 City Council meeting. This ordinance was left on the Second Reading and then tabled at the April 15, 2008 City Council meeting to the May 20, 2008 City Council meeting. This ordinance was tabled at the May 20, 2008 City Council meeting to the June 17, 2008 City Council meeting.***

This ordinance was left on the Second Reading.

C. Public Hearings:

1. **Raze and Removal at 402 E. Center Street:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Roy Lee and Sandra Ruth Taylor located at 402 E. Center Street in the City of Fayetteville, Arkansas; and approving a budget adjustment in the amount of $4,945.00.

D. New Business:

1. **ADM 08-3017 39 East South Street ROW Variance:** A resolution approving a variance of the Unified Development Code Chapter 164.12 (F) Nonconforming Uses and Structures, Repairs and Maintenance and Chapter 166.18 Master Street Plan Setbacks, allowing the existing structure located at 39 East South Street to remain within the existing East South Street right-of-way and to be improved greater than the 10% allowed by code, within the existing limits of the structure.

2. **Wedeco, Inc:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of spare parts for the West Side Wastewater Treatment Plant's ultraviolet disinfection system from Wedeco, Inc. in the amount of $54,300.79.

3. **Cues, Inc:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of sewer televising equipment from Cues, Inc. in the amount of $27,627.78.

Announcements:

1. **City Council Tour: June 16, 2008**

Adjournment:

Add:
1) NW Arkansas Regional Mobility Authority

Pre Agenda Session Meeting 6/4/08

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
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Pledge of Allegiance

Agenda Session Presentations:

1. Administration: Building Safety and the Community – Steve Cattaneo, Building Safety Inspector - Informational Only.

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the May 20, 2008 and June3, 2008 City Council meeting minutes.

2. **Park Land Dedication Funds:** A resolution approving a budget adjustment in the amount of $195,450.00 to reallocate Park Land Dedication funds within the Southwest Quadrant.

3. **State and Tribal Assistance Grant (STAG):** A resolution authorizing the Mayor to apply for a State and Tribal Assistance Grant (STAG) from the U. S. Environmental Protection Agency for sanitary sewer system improvements; designating the Mayor as the City's authorized representative in all matters relating to the procurement and administration of said grant.

4. **Wal-Mart Corporate Grant:** A resolution authorizing Fayetteville Parks & Recreation Division to accept a grant from Wal-Mart Corporate giving in the amount of $10,000.00 to partially fund the Lights of the Ozarks; and approving a budget adjustment to recognize the grant revenue.

5. **Wedington Drive Widening Project:** A resolution approving a payment to the Arkansas State Highway and Transportation Department (AHTD) in the amount of $30,889.11 for a change order to cover city-requested revisions to the Wedington Drive Widening Project; and approving a budget adjustment in the amount of $31,000.00.

6. **Humane Society of the Ozarks Donation:** A resolution accepting a donation of $10,000.00 from the Humane Society of the Ozarks to benefit the Fayetteville Animal Shelter; and approving a budget adjustment recognizing the revenue.

Security Equipment Purchase –
7. ~~**Spytown, USA:**~~ A resolution approving the purchase of operational and security equipment and cameras from Spytown USA in the amount of $26,771.82 for the West Side Wastewater Treatment Plant; and approving a contingency in the amount of $2,500.00.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:

2. **Amend Chapters 151, 152 and 166:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits. ***This ordinance was left on the First Reading at the April 1, 2008 City Council meeting. This ordinance was left on the Second Reading and then tabled at the April 15, 2008 City Council meeting to the May 20, 2008 City Council meeting. This ordinance was tabled at the May 20, 2008 City Council meeting to the June 17, 2008 City Council meeting.***

This ordinance was left on the Second Reading.

C. Public Hearings:

1. **Raze and Removal at 402 E. Center Street:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Roy Lee and Sandra Ruth Taylor located at 402 E. Center Street in the City of Fayetteville, Arkansas; and approving a budget adjustment in the amount of $4,945.00.

D. New Business:

1. **ADM 08-3017 39 East South Street ROW Variance:** A resolution approving a variance of the Unified Development Code Chapter 164.12 (F) Nonconforming Uses and Structures, Repairs and Maintenance and Chapter 166.18 Master Street Plan Setbacks, allowing the existing structure located at 39 East South Street to remain within the existing East South Street right-of-way and to be improved greater than the 10% allowed by code, within the existing limits of the structure.

2. **Wedeco, Inc:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of spare parts for the West Side Wastewater Treatment Plant's ultraviolet disinfection system from Wedeco, Inc. in the amount of $54,300.79.

3. **Cues, Inc:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of sewer televising equipment from Cues, Inc. in the amount of $27,627.78.

Announcements:

1. **City Council Tour: June 16, 2008**

Adjournment:

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: **June 18, 2008**

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of June 17, 2008**

1. Park Land Dedication Funds: A resolution approving a budget adjustment in the amount of $195,450.00 to reallocate Park Land Dedication Funds within the Southwest Quadrant;

2. State & Tribal Assistance Grant: A resolution authorizing the Mayor to apply for a State and Tribal Assistance Grant (STAG) from the U.S. Environmental Protection Agency for Sanitary Sewer System improvements; designating the Mayor as the City's authorized representative in all matters relating to the procurement and administration of said grant;

3. Wal-Mart Corporate Grant: A resolution authorizing Fayetteville Parks & Recreation Division to accept a grant from Wal-Mart Corporate Giving in the amount of $10,000.00 to partially fund the Lights Of The Ozarks; and approving a budget adjustment to recognize the grant revenue;

4. Wedington Drive Widening Project: A resolution approving a payment to the Arkansas Highway Transportation Department in the amount of $30,889.11 for a change order to cover city-requested revisions to the Wedington Drive Widening Project; and approving a budget adjustment in the amount of $31,000.00;

5. Humane Society of the Ozarks Donation: A resolution accepting a donation of $20,000.00 from the Humane Society of the Ozarks to benefit the Fayetteville Animal Shelter; and approving a budget adjustment recognizing the revenue;

6. Security Equipment Purchase: A resolution approving the purchase of operational and security equipment cameras from Spytown USA in the amount of $26,771.82 for the West Side Wastewater Treatment Plant; and approving a contingency in the amount of $2,500.00;

7. Hiring Freeze: A resolution to approve the hiring of a Parks Maintenance II replacement employee.

8. Wedeco, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving the purchase of spare parts for the West Side Wastewater Treatment Plant's ultraviolet disinfection system from Wedeco, Inc. in the amount of $54,300.79;

9. Cues, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving the purchase of sewer televising equipment from Cues, Inc. in the amount of $27,627.78.

From: Sondra Smith
To: Branson, Lisa
Date: 3/25/2008 12:07 PM
Subject: Fwd: HR agenda session presentation
Attachments: Sondra Smith.vcf

Sondra E. Smith, CAMC CMC
City Clerk/Treasurer
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
ssmith@ci.fayetteville.ar.us

>>> Missy Leflar 3/25/2008 11:13 AM >>>
HR is scheduled to do a presentation at the April 29th Agenda Session.

May we please change that to the June 10th Agenda Session?

Missy Leflar
Human Resources Division Manager
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
PH: 479-575-8298
Fax: 479-718-7698
E-mail: mleflar@ci.fayetteville.ar.us

June 17th

From: Sondra Smith
To: Branson, Lisa
Date: 4/4/2008 3:05 PM
Subject: Fwd: Agenda

>>> Steve Cattaneo 4/3/2008 4:10 PM >>>
Sondra, I would like to have 5-10 minutes before the next 4 agenda sessions if possible.
These are informational only.

The first will be to explain the approval and inspection process for building location on the site. (with Jeremy Pate)
Title: Site approval and inspection process

The three following will be based on our division responsibilities and the up coming Building Safety Week.
1. Office staff: permits, inspections & archives
2. Field staff: the inspection process
3. Administration: Building Safety and the community

I am flexible on the dates so if the agenda becomes too busy I can always reschedule.

Steve Cattaneo, MCP, LEED®-AP
Building Safety Director,
City of Fayetteville
113 W Mountain St.
Fayetteville, AR 72701
phone: 479-575-8239
fax: 479-575-8316
www.accessfayetteville.org

From: Michele Bechhold
To: Branson, Lisa
Date: 5/30/2008 9:27 AM
Subject: Re: Fwd: Pull June 10 Agenda Session Wellness Presentation

Yes that is the one!!
Thanks,
Michele

>>> Lisa Branson 5/30/2008 9:26 AM >>>

You are talking about the Medical Insurance Cost Containment - Human Resources and Stephens, Inc. If so I will remove it.

Thanks and have a great day!
Lisa

>>> Sondra Smith 5/30/2008 9:11 AM >>>

>>> Michele Bechhold 5/30/2008 8:43 AM >>>
Sondra,
Please pull the Wellness Presentation from the June 10 Agenda session. We do not want to reschedule at this time.

Thank You!
Michele

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PHONE: 479-571-6421

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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

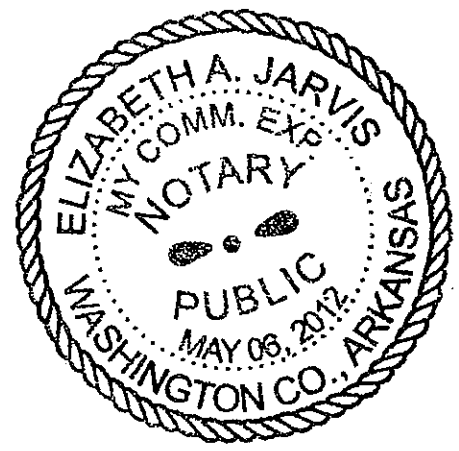
June 16, 2008

Publication Charge : $179.35

Subscribed and sworn to before me
This 17 day of June , 2008.

Notary Public Elizabeth A. Jarvis

My Commission Expires: May 6, 2012



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FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
JUNE 17, 2008

Fayetteville ARKANSAS

A meeting of the Fayetteville City Council will be held on June17, 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:

• **Historic District Commission Appointment:**
Appointed by the Mayor and approved by the City Council.

Cynthia Kalke – One Term Ending 06/30/11
Mikel Lolley – One Term Ending 06/30/11
Leslie Belden – One Unexpired Term Ending 06/30/09

• **Nominating Committee Report:**

Agenda Additions:

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• Parks Maintenance Worker II

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4. Northwest Arkansas Regional Mobility Authority: An ordinance providing for Fayetteville's participation in the Northwest Arkansas Regional Mobility Authority and approving an agreement with participating members of the Northwest Arkansas Regional Mobility Authority.

Announcements:
1. City Council Tour: None

Adjournment: