Final Agenda
City of Fayetteville Arkansas
City Council Meeting
March 17, 2009

A meeting of the Fayetteville City Council will be held on March 17, 2009 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:

1. Update on Ice Storm Debris Removal: Presented by Don Marr, Chief of Staff

2. Nominating Committee Report: Presented by Alderman Kyle Cook.

Agenda Additions: ADDED TWO RESOLUTIONS AT THE END OF THE AGENDA.

1. A. Camp Equipment, LLC, Bid # 09-18.
2. Pig Trail Harley Davidson, Bid # 09-17.

A. Consent:

1. Approval of the February 18, 2009 Special City Council meeting minutes and March 3, 2009 City Council meeting minutes. **APPROVED.**

2. **Bid # 09-23 Drake Field HVAC Controls Upgrade:** A resolution awarding Bid # 09-23 and approving a contract with ________________ in the amount of $XX,XXX.XX for Drake Field HVAC Controls Upgrade.

THIS ITEM WAS TABLED TO THE APRIL 7, 2009 CITY COUNCIL MEETING.

3. **Arkansas Recreational Trails Grant:** A resolution approving an Agreement of Understanding with the Arkansas Highway & Transportation Department (AHTD) for the acceptance of the Arkansas Recreational Trails Grant to utilize $60,000.00 in federal aid funds for the construction of a trail connection to Mud Creek Trail at Old Missouri Road; and approving a budget adjustment in the amount of $75,000.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 57-09.

4. **Fayetteville Parks & Recreation Division Donations:** A resolution approving a budget adjustment for the Fayetteville Parks & Recreation Division in the amount of $30,000.00 to recognize donation revenues from various community organizations to fund item purchases and new programs.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 58-09.

5. **2009 Overlay/Sidewalk Projects:** A resolution approving the Transportation Division overlay/sidewalk projects list for 2009.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 59-09.

6. **Amend Fayetteville Police Department Policy 41.2.17 “Canines”:** A resolution amending Policy No. 41.2.17 “Canines” to the Fayetteville Police Department’s Policies, Procedures & Rules Manual.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 60-09.

7. **Amend Fayetteville Police Department Policy 84.1.1 "Property Management":** A resolution amending Policy No. 84.1.1 “Property Management; Acquired and In-Custody Property” to the Fayetteville Police Department’s Policies, Procedures & Rules Manual.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 61-09.

B. Unfinished Business:

1. **Amberwood Place Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2965, Amberwood Place, located south and east of Double Springs and Dot Tipton Road; containing approximately 39.98 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. (*This ordinance was tabled at the September 2, 2008 City Council meeting to the September 16, 2008 City Council meeting. This ordinance was tabled at the September 16, 2008 City Council meeting to the October 7, 2008 City Council meeting. This ordinance was left on the Second Reading at the October 7, 2008 City Council meeting. This ordinance was left on the Second Reading and then tabled to the December 2, 2008 City Council Meeting. This ordinance failed at the December 2, 2008 City Council meeting. This ordinance was Re-considered at the December 16, 2008 City Council meeting and then Tabled to the February 3, 2009 City Council meeting. This ordinance was Tabled at the February 3, 2009 City Council meeting to the March 3, 2009 City Council meeting.)*

This ordinance was Tabled at the March 3, 2009 City Council meeting to the March 17, 2009 City Council meeting.

THIS ITEM WAS TABLED TO THE APRIL 7, 2009 CITY COUNCIL MEETING.

C. New Business:

1. **House Bill 1891:** A resolution to express the City Council's opposition to House Bill 1891 which would remove the City Council's power to select the best health care insurance coverage for City employees.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 62-09.

2. **Newspaper Publishing:** A resolution to limit newspaper publishing to only legally required items.

   THIS ITEM WAS TABLED TO THE APRIL 7, 2009 CITY COUNCIL MEETING.

3. **New World Systems, Inc.:** An ordinance to waive competitive bidding and to approve a three year contract for software maintenance with New World Systems, Inc.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5227.

4. **Amend Chapter 96:** An ordinance amending §96.09: Compression Release Engine Brake, of the Fayetteville Code of Ordinances to grant an exemption to certain municipal vehicles.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5228.

5. **Amend Chapter 97:** An ordinance amending §97.070 Recreational Activities at Lakes Fayetteville, Sequoyah and Wilson, of the Fayetteville Code of Ordinances to establish daily and season permits for non-motorized boating.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5229.

The following resolutions were added to the agenda:

6. **A. Camp Equipment, Bid # 09-18:** A resolution awarding Bid # 09-18 and approving the purchase of an asphalt paver machine from A. Camp Equipment, LLC in the amount of $300, 500.00; and approving a budget adjustment in the amount of $10,000.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 63-09.

7. **Pig Trail Harley Davidson, Bid # 09-17:** A resolution awarding Bid # 09-17 and approving the purchase of two (2) police pursuit motorcycles from Pig Trail Harley Davidson in the amount of $38,000.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 64-09.

Announcements:

1. **City Council Tour: March 16, 2009 - Amberwood Place**

Adjournment: MEETING ADJOURNED AT 7:00 P.M.

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard before the City Council. If you wish to address the City Council on an agenda item please queue behind the podium when the Chair asks for public comment. Once the chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate elected official, staff member or others for response. Please keep your comments brief, to the point and relevant to the agenda item being considered so that everyone has a chance to speak.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

As a courtesy please turn off all cell phones and pagers.

A copy of the City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 West Mountain, Fayetteville, Arkansas.

City Council Meeting: March 17, 2009 Adjourn: 7:00 PM

Subject:	Roll				
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Jordan	✓			

Subject:	Nominating Committee Report				
Motion To:		Approve Nominating	Committee Report		
Motion By:		Ferrell			
Seconded:		Lucas			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
Passed	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Jordan				

8-0

City Council Meeting: **March 17, 2009**

Subject:	Consent Item #2: Bid # 09-23 Drake Field				
Motion To:		Table to April 7	HVAC Controls Upgrade		
Motion By:		Thiel			
Seconded:		Ferrell			
	Cook				
	Petty				
	Rhoads				
Remove	**Ferrell**				
from	**Lucas**				
Consent &	**Lewis**				
Tabled to	**Gray**				
April 7,	**Thiel**				
2009.	**Mayor Jordan**				

Subject:	Consent				
Motion To:		Approve	Item # 2 -	Bid # 09-23	Drake
Motion By:		Cook	Field HV	AC Controls	Upgrade
Seconded:		Thiel	Removed.		
	Cook				
	Petty				
	Rhoads				
Passed	**Ferrell**				
	Lucas				
Minutes	**Lewis**				
approved.	**Gray**				
Res. 57-09	**Thiel**				
to 61-09	**Mayor Jordan**				

City Council Meeting: **March 17, 2009**

Subject:	**Amberwood Place Appeal**				
Motion To:		Table			
Motion By:		Lucas			
Seconded:		Ferrell			
B. 1 Unfinished Business Tabled Apr. 7 2009	**Cook**	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Jordan				

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Lewis				
	Gray				
	Thiel				
	Mayor Jordan				

City Council Meeting: **March 17, 2009**

Subject:	House Bill 1891				
Motion To:		Amend Resolution		Approve	
Motion By:		Lewis		Ferrell	
Seconded:		No Second		Lucas	
C. 1	Cook	✓		✓	
New	Petty	✓		✓	
Business	Rhoads	✓		✓	
	Ferrell	✓		✓	
	Lucas	✓		✓	
passed	Lewis	✓		✓	
and dollar amount	Gray	✓		✓	
	Thiel	✓		✓	
62-09	Mayor Jordan				
		8-0		8-0	

Subject:	Newspaper Publishing				
Motion To:		Table to April 7			
Motion By:		Cook			
Seconded:		Ferrell			
C. 2	Cook	✓			
New	Petty	✓			
Business	Rhoads	✓			
	Ferrell	✓			
Tabled	Lucas	✓			
to	Lewis	✓			
April	Gray	✓			
	Thiel	✓			
7, 2009.	Mayor Jordan				
		8-0			

City Council Meeting: **March 17, 2009**

Subject:	**New World Systems, Inc.**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Lucas	Petty		
Seconded:		Lewis	Lucas		
C. 3	**Cook**	✓	✓	✓	
New	**Petty**	✓	✓	✓	
Business	**Rhoads**	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
Passed	**Lewis**	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
5227	**Mayor Jordan**				
		8-0	8-0	8-0	

Subject:	**Amend Chapter 96**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Ferrell		
Seconded:		Thiel	Lewis		
C. 4	**Cook**	✓	✓	✓	
New	**Petty**	✓	✓	✓	
Business	**Rhoads**	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
Passed	**Lewis**	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
5228	**Mayor Jordan**				
		8-0	8-0	8-0	

City Council Meeting: **March 17, 2009**

Subject:	**Amend Chapter 97**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Petty	Gray		
Seconded:		Lewis	Cook		
C. 5	**Cook**	✓	✓	✓	
New	**Petty**	✓	✓	✓	
Business	**Rhoads**	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
Passed	**Lewis**	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
5229	**Mayor Jordan**				
		8-0	8-0	8-0	

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Lewis				
	Gray				
	Thiel				
	Mayor Jordan				

City Council Meeting: March 17, 2009

Subject:	Agenda Additions:				
Motion To:		2 items.	A. Camp	Equipment,	LLC.
Motion By:		Ferrell	Bid	# 09-18	
Seconded:		Petty			
Added to the agenda	Cook	✓	Pig	Trail	Harley Davidson
	Petty	✓	Bid	# 09-17	
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Jordan				

Subject:	A. Camp Equipment, LLC.				
Motion To:		Approve			
Motion By:		Ferrell			
Seconded:		Lucas			
passed	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
63-09	Mayor Jordan				

8-0

City Council Meeting: **March 17, 2009**

Subject:	Pig Trail Harly Davidson				
Motion To:		Approve			
Motion By:		Ferrell			
Seconded:		Petty			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
passed	**Lewis**	✓			
	Gray	✓			
	Thiel	✓			
64-09	**Mayor Jordan**				

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Lewis				
	Gray				
	Thiel				
	Mayor Jordan				

Mayor Lioneld Jordan

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 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

City of Fayetteville Arkansas
Special City Council Meeting
February 18, 2009

A meeting of the Fayetteville City Council was held on February 18, 2009 at 6:30 PM in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Ferrell, Lucas, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Petty and Alderman Rhoads

Pledge of Allegiance

New Business:

Ice Storm 2009 Disaster Recovery Fund: A resolution approving a budget adjustment appropriating $4,000,000.00 to the Replacement and Disaster Recovery Fund for Ice Storm 2009 Disaster Recovery; and granting the Mayor the authority to authorize the temporary loan of up to $1,000,000.00 from the General Fund to address cash flow needs pending Federal and State reimbursement.

City Attorney Kit Williams read the resolution.

Mayor Jordan: This has been a pretty long day.

Paul Becker, Finance and Internal Services Director: The first thing we have to do is have a special appropriation for the contracts. I am requesting to authorize $4 million from the Disaster and Replacement Fund. These funds would be used for haulers and monitors for the contract debris removal. It would also allocate $300,000 to reimburse other fund departments for expenses already incurred. It would give us approximately $100,000 in miscellaneous or contingency in case we need it. These are all estimates. We don't really know the exact amount of debris that we have. We don't know how many trees we may have to remove. I may have to come back and request additional appropriations at another point in time.

The second portion would allow the Mayor to authorize me to move $1 million on a temporary basis to the Replacement and Disaster Fund from the General Fund. That would be strictly a short term loan in case I need it for cash flow purposes to accommodate any bills until we get reimbursement from the Federal or State government. This would supply enough for the cash flow needs for the whole project if it comes down to that. Once we were to do that loan, if and when that is necessary, I will report that to the committee at the next available agenda session and continue to report the status of that until it is fully reimbursed.

Alderman Lewis: The $4 million is coming from where?

Paul Becker: The $4 million is based on revenue; $500,000 would be the City's portion that would come from the Replacement and Disaster Fund, $500,000 is a reimbursement from the State Emergency Management System and $3 million is from FEMA, it is their seventy five percent portion.

Alderman Ferrell moved to approve the resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed 6-0. Alderman Petty and Rhoads were absent.

Resolution 45-09 as Recorded in the office of the City Clerk.

Solid Resources, Inc.: A resolution to approve an agreement for Storm Debris Monitoring Services with Solid Resources, Inc. in the amount of $483,690.00, plus a contingency in the amount of $96,914.00.

City Attorney Kit Williams read the resolution.

Don Marr, Chief of Staff: I would like to thank the Council for coming tonight. Yesterday we opened bids at 2:00 PM. We had eight responders to this RFP. The committee began meeting yesterday and continued meeting this morning. We wrapped up our final vote and dialogue after 6:00 PM. The following were on the committee: Don Marr, Chief of Staff, Terry Gulley, Transportation Manager, Carrol Hill, Solid Waste Director, David Jurgens, Water & Wastewater Director, Greg Howe, Urban Forester, Paul Becker, Finance and Internal Services Director, Marsha Hertweck, Accounting Manager, Dennis Pratt, Fleet Manager, and Alderman Ferrell.

The monitoring debris contract was a very tough choice. It was the one that we kept going through and we had subsequent interviews. We did a short list from the eight down to four. We phone interviewed four of the firms that we had done our initial cut with and then we narrowed that down to two. Ultimately our selection is Solid Resources, Inc. They were the monitoring service that handled the Tulsa ice storm in Oklahoma. We had similar pricing on our last two between the rates but ultimately the supervisory or management fees had a lower rate than the other provider that we had narrowed it down to.

The monitoring services responsibilities are to ensure that the debris that is being taken is in fact debris that qualifies for FEMA reimbursement from our public right of ways. They make sure that we are not in the middle of people's yards pulling wood out which would not count. They do the tracking.

Some of the strengths the committee felt the selected provider had been their technology, their ability to be able to attach photos and GPS coordinates, and the tracking which would help in the FEMA reimbursement. As far as their ice debris experience many of the contractors in the monitoring side had extensive experience but in the end one of the areas we looked at evaluating was who had ice debris. They all had hurricane debris and tornado debris but who specifically had ice. Not that it is more complicated, but more specifically aligns with what we are dealing with here in the City of Fayetteville. Solid Resources, Inc. had more ice debris direct experience. Our second choice was not the primary in any singularized debris project.

In lieu of time we have the actual packet that you do not have. It was the response to the RFP and it was very comprehensive. Because of that experience they talked about their prior work with FEMA and one of the largest contracts that they managed. It was an East coast cleanup which was a $24 million project and the city was able in that case to recoup 100% of the expenses that it thought it should. We received great references from their work. We were cognizant in our selection of our monitoring service to make sure that while we wanted someone that has the ability to work with people we did not want someone whose relationships were too closely tied to the debris haulers so that we had any kind of deal between the volume of debris that might be taken to the site. If it was disqualified for FEMA purposes then ultimately the citizens would end up paying for that. We also looked to see which provider had worked most closely and had the longest record with helping cities when there were disputes between expenditures that might have been eliminated from FEMA and to help the City get the proper reimbursement and be a partner with the City to do that as opposed to leaving it to the City Accounting staff. They had a strong history of that as well.

In the monitoring contract there is pricing for field monitors, monitors at the debris sites, management oversight, and clerical responsibilities for the tracking of the work tickets and things of that nature. Where the real difference ultimately came was after we evaluated the technology difference, the prior ice experience different in terms of experience of capacity performed, we felt there was a separation in those areas. The pricing was identical on the field monitor piece but the supervisory management pricing was less expensive.

David Jurgens, Water and Wastewater Director: While we produced the contracts very quickly today, we actually used for this project a modification of our standard engineering contract. It was familiar documentation that was reviewed by the City Attorney's office. It was a standard engineering contract modified by what went out in the request for proposal that was approved by FEMA and the Corps of Engineers. All of the language was completely consistent with documents that were approved. The other party also reviewed the contract, they had their attorneys review it, and their contracting officer or signatory officer read it as well. We do in fact have signatures back. We have a fully signed contract but did not get it in time to make copies for everyone.

Don Marr: This group, Solid Resources, Inc. is also the monitoring service for the City of Rogers. The other determining factor that we asked was the ability for the monitoring service to scale. It was our concern that we would have someone who would be able to scale and scale quickly. We specifically asked that question of our two finalist, one communicated that they were able to deploy immediately, that they had already been running ads locally, screening, and hiring because they were doing the City of Rogers contract and had the number of monitors that we anticipate will be needed available immediately as of tomorrow. The other contractor said it would be a two to three day ramp up of hiring selection. That was another small dividing point.

Alderman Cook: I respect everyone's opinion on the committee. It sounds like you did a good job and have been thorough on it.

Alderman Thiel moved to approve the resolution. Alderman Lucas seconded the motion. Upon roll call the resolution passed 6-0. Alderman Petty and Rhoads were absent.

Resolution 46-09 as Recorded in the office of the City Clerk.

DRC Emergency Services, LLC: A resolution to approve a contract for Storm Debris Removal Services with DRC Emergency Services, LLC in the amount of $2,419,185.64 plus a contingency of $400,000.00.

City Attorney Kit Williams read the resolution.

Don Marr: The same group evaluated this RFP as well. We had a total of eighteen responders and of those eighteen we narrowed them down to five in our short list. Those five were contacted with phone interviews, what was their plan, how would they communicate to citizens in terms of what streets we would be covering, the number of crews because it was important in terms of our evaluating what we would need on the monitoring side and their prior ice experience. We asked if any of them had any pending litigation. We had a pretty extensive assessment of each of these. We received some really strong bids. We had respondents that had handled very large projects like the World Trade Center cleanup all the way through to the large hurricanes, tornados and ice. Ultimately the committee has selected DRC. They were also the lowest in price. The big issue that we had on that was that, we really drilled in on, was what was the plan for attacking the City in terms of the four quadrants, how quickly could they start, how long did they think it would take and could we ramp it up to have quicker removal. We asked all if our five finalists if they were interested in all four quadrants or in a single quadrant. The committee's assessment was ultimately in preference of one provider for the entire city in terms of tracking information. The other thing we asked each of them about was the subcontracting percentage, how much did they subcontract, and if they gave local preference because it was one of the things that was important to us. All of our finalist gave good feedback in that area.

I want to be clear that this is the debris removal, pickup, hauling, disposal, and grinding of the items that are picked up. What is not in this portion, although the evaluation of the pricing and provider will be the same, the dollar amount we are talking about in this is not encompassing the number of trees in terms of hangers and stump removal, etc. in our right of way. That will be something that we will continue to bring forward as urban foresters evaluate the actual trees.

Our RFP required that within 48 hours from the award of the contract to begin our cleanup process. We believe this provider can also scale, it is an extremely large company and had a large history of projects and they had good references. Everyone got great references so we continued to evaluate it against the criteria that we used.

The criteria that was utilized in both of the RFP processes were qualifications in relation to the scope of work and direct experience and the kinds of things that we are looking at, experience and competent in their capacity for performance, so we asked questions for those that had already landed prior contracts about their ability to take on other areas. We asked about their proposed method of doing work and we scored them in that area as well as their past performance, which we evaluated through referencing in their proposals and then price. Our recommendation was DRC Emergency Services.

Alderman Cook: Was there any discussion on their safety record or any past experiences whether they had any issues with accidents or damages or any thing like that?

Don Marr: We probably did not get into their individual safety or OSHA record but we did get into their practices, training, and how would they as an organization handle claims or damages that might take place at individual property pickup locations. We asked that of both the monitoring service as well as the debris hauler. It was something the committee actually looked for in the responses, how did they deal with it, did they have the capability to answer telephone calls themselves, as opposed to were they handled by the City. We wanted to know what level of support might be there. Specifically we spent a lot of time on the training and selection of their work force. That is actually one area we kept kind of honing on was the amount that was out sourced because we wanted to know what kind of QC controls were in place from an overall project prospective. In this particular contract we had a pretty clear separation where the other one we bounced a lot between the two finalists. We looked at things like how quickly they pay the people they subcontract, do they do it regularly, and their ability to financially sustain it through the financials that were submitted through the bid process. Ultimately I think it was a pretty clear choice for the debris removal.

Alderman Lewis: Will it be the City that people will contact if they have questions when they are dealing with these companies?

David Jurgens: We will work out the detail of that at the preconstruction conference. At this point we are going to be running this project very similar to a lot of the WSIP projects. We are going to work through the monitor and the debris collector in the preconstruction to determine what has worked best in their experience because they have done these exact type of jobs in the Midwest. We will come up with a consensus of the best plan based off their information and the way they have done it. On the website we will have the method for people to call us and to contact the contractor as well. The contractor will carry a letter stating who they are, what they are doing, and who needs to be called in case there is an issue.

Don Marr: One of the things I want the Council to be very clear on is that we are not just washing our hands of this project now that we are contracting it out. The City still has an oversight responsibility. Our project leader will be Terry Gulley, Director of Transportation and copartner with him will be David Jurgens. The City may still have responsibility for certain things that are not covered otherwise that we still have to deal with. Because we have monitors in the field we don't want to also just leave that, so we have talked eternally in the City about utilizing our Engineering staff, inspectors, Building Safety inspectors and maybe even our Code Enforcement inspectors to help provide oversight to the monitoring contracts as well. We think it is important that the City keep a close eye on the project and make sure that it is managed properly.

Alderman Gray: How will they get back to you at the end of the day?

Don Marr: The monitoring company has a software application that they use that loads the information, tickets, gives the totals, can run reports daily, and give us a type of reporting in terms of our reimbursement which will be important in order for our project worksheets and FEMA reimbursement to move more quickly. We had some ending dialogue with our RFP selection committee about having daily meetings with Terry and or David, our debris hauler, and our monitoring service so that everyone is on the same page.

David Jurgens: It is especially important with the daily tracking and the daily reconciliation of work performed because it is still something of an estimate of how many yards of debris are out there. We have to keep a close eye on that to see if we are coming in way under or way over not only for our own budgeting but for the FEMA reimbursement as well. There is a lot of unknown and a lot of range in these numbers.

Mayor Jordan: We have to stay on top of it.

Don Marr: There also has been a lot of dialogue about the Corps estimate of debris, our estimate of debris, and then the actual debris you deal with. My concern was if we sign off on any kind of number are we locked in. What if the actual debris that is picked up ends up being more, even though we know it is limited to right of ways, and the rules and guidelines around that? I don't want to commit the City to some number and then have it come in 30% higher. The monitoring, documentation, and the day to day accountability of it is critical to make sure that we know and can be reimbursed on that. We have had some citizens say that all we are worried about is the FEMA process, no we are worried about maximizing the return for the citizens so they do not have to pay for it themselves and they get the advantage of their Federal tax dollar as opposed to their sales tax dollar. That is why I believe going slower initially and getting all this worked out and having a good review is important. We did not want to have things challenged. I feel very good about the way that the committee evaluated, scored, and questioned things. I am glad that we are at the stage of starting work. I think as a Council you should be really excited on the numbers that came in on the bids. I think in taking our time we also got really competitive bidding which will also be to the benefit of the citizens.

Mayor Jordan: I think that was key. I think we took our time at the front end of this and the bids became very competitive which saved the citizens quite a bit of money.

Don Marr: Some staff has been putting in huge hours. The Purchasing staff, Andrea Foren, Joanna Main, and Allison Atha have been answering questions, making copies, and getting addendums out. They have done a phenomenal job. David's staff, Lori Johnson and Shannon Jones has helped us tremendously with contract language and pricing sheets. The City Clerk's office, as we hand them something at 6:00 for a 6:30 meeting. There has been a lot of work done.

Mayor Jordan: They did. Our City Attorney drew up two resolutions in about fifteen minutes. It was like a beehive in here today.

Don Marr: You all earn your money but Alderman Ferrell put in twelve hours in the last day and a half.

David Crump, SRS: I certainly applaud you taking the lowest bidder, DRC is a fine company. I certainly would like to be paid the money they owe me before they undertake your job. You have bonds which should protect some of the other guys.

Mayor Jordan: Thank you. Any one else have public comment?

Alderman Cook moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed 6-0. Alderman Petty and Rhoads were absent.

Resolution 47-09 as Recorded in the office of the City Clerk.

Alderman Lucas: I want to thank the committee that met and spent so many hours working on this. I know it was very intense. I appreciate all the work you have done. I appreciate the staff for everything that they have done. I have had nothing but compliments from the people in the community. They are very appreciative of everything that has been done. I am sure the citizens are delighted that we are going to get started.

Alderman Lewis: They are hiring local folks for a lot of contract work. How do people find out about those positions?

David Jurgens: The contractor that is hiring subcontractors to do cutting, hauling and etc., he had already contacted a number of those organizations. Also they have relationships all over the country. For the monitoring piece I believe it was newspaper ads and then contacting other firms that they know have worked in the area as well. They bring in some of their own monitors from their home company and then do training with the monitors that they hire locally.

Don Marr: I would encourage citizens who are interested in that, particularly for the monitoring contracts, to watch for ads for any additional hiring that they may have as well as directly contact those businesses. The City will not be involved in the hiring aspect with them. One of the things we hoped is that we had job opportunities for people that may be unemployed in this environment.

The meeting adjourned at 7:15 PM

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Adjournment:

Aldermen

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

City of Fayetteville Arkansas
City Council Meeting Minutes
March 3, 2009

A meeting of the Fayetteville City Council was held on March 3, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Petty, Rhoads, Ferrell, Lucas, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the February 17, 2009 City Council meeting minutes.

Approved

Bid # 09-19 Sweetser Construction: A resolution awarding Bid # 09-19 to Sweetser Construction and approving the purchase of curb and gutter construction services utilized by various divisions of the City of Fayetteville in the estimated amount of $229,825.00.

Resolution 48-09 as Recorded in the office of the City Clerk.

Bid # 09-20 ABC Central Block, Inc.: A resolution awarding Bid # 09-20 to ABC Central Block, Inc. and approving the purchase of bricks utilized by various divisions of the City of Fayetteville in the estimated amount of $20,075.00.

Resolution 49-09 as Recorded in the office of the City Clerk.

Arkansas Historic Rehabilitation Tax Credit: A resolution to support the establishment of an Arkansas Historic Rehabilitation Tax Credit.

Resolution 50-09 as Recorded in the office of the City Clerk.

Fayetteville District Court: A resolution approving a budget adjustment for the Fayetteville District Court in the amount of $10,000.00 to recognize revenue from the Court Automation Fund for the purchase of laptops, printer and DVD player.

Resolution 51-09 as Recorded in the office of the City Clerk.

Fayetteville Executive Airport DBE Program Revision: A resolution to accept and approve the updated Fayetteville Executive Airport Disadvantaged Business Enterprise (DBE) Program revision and participation goal for FY2009; and authorizing the Mayor to sign the required objectives/policy statement.

Resolution 52-09 as Recorded in the office of the City Clerk.

Arkansas Department of Aeronautics Grant: A resolution authorizing the Fayetteville Executive Airport staff to apply for and accept an 80/20 grant in the estimated amount of $87,790.00 from the Arkansas Department of Aeronautics to fund the Terminal Building HVAC Repair Project.

Resolution 53-09 as Recorded in the office of the City Clerk.

Fayetteville Forward" Summit: A resolution to approve a budget adjustment of $38,500.00 to fund an Economic Development "Fayetteville Forward" Summit and to approve a letter agreement with the University of Arkansas Sam M. Walton College of Business to facilitate the "Fayetteville Forward" Summit for $17,500.00.

Resolution 54-09 as Recorded in the office of the City Clerk.

Alderman Cook moved to approve the consent agenda. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent during the vote.

Unfinished Business:

RZN 08-3084 (Candlelight Place): An ordinance rezoning that property described in rezoning petition RZN 08-3084, for approximately 0.94 acres, located at the southeast corner of Gregg Avenue and Ash Street from RSF-4, Residential Single-Family, 4 units per acre, to RMF-24, Residential Multi-Family, 24 units per acre. *(This ordinance was left on the First Reading at the October 21, 2008 City Council meeting and Tabled to the November 4, 2008 City Council meeting.)* **This ordinance was left on the Second Reading at the November 6, 2008 City Council meeting and Tabled Indefinitely.**

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning stated the applicant contacted us and he has recently had back surgery and would prefer that this item be tabled to the April 21st meeting.

Alderman Cook moved to table the ordinance to the April 21, 2009 City Council meeting. Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Ferrell was absent during the vote.

Amberwood Place Appeal: An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2965, Amberwood Place, located south and east of Double Springs and Dot Tipton Road; containing approximately 39.98 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. (*This ordinance was tabled at the September 2, 2008 City Council meeting to the September 16, 2008 City Council meeting. This ordinance was tabled at the September 16, 2008 City Council meeting to the October 7, 2008 City Council meeting. This ordinance was left on the Second Reading at the October 7, 2008 City Council meeting. This ordinance was left on the Second Reading and then tabled to the December 2, 2008 City Council Meeting. This ordinance failed at the December 2, 2008 City Council meeting. This ordinance was Re-considered at the December 16, 2008 City Council meeting and then Tabled to the February 3, 2009 City Council meeting.)* **This ordinance was Tabled at the February 3, 2009 City Council meeting to the March 3, 2009 City Council meeting.**

Alderman Thiel: The applicant wants to table this I think. There was some discussion about this at the Agenda meeting that rather than just tabling it that it go through the Planning Commission process again.

Jeremy Pate: An Alderman brought that up at the meeting as a potential to send this back to the Planning Commission. If that occurred when they have the revisions we would review that and put it on the next available Planning Commission meeting. Once the Planning Commission makes a recommendation they could then forward that to the Council. You have several options here. You can send it back to the Planning Commission, table it to the next meeting, or table it indefinitely. We discussed that it has been tabled eight or nine times and it probably should either move forward or be tabled indefinitely.

Alderman Lewis: We had a Ward 4 meeting and they presented their proposal to the Ward 4 residents and there were quite a few changes to the project. That is why we brought up the idea of sending it back to Planning.

Charlie Sloan, the developer gave a brief description of some of the changes that have been made to the project.

Alderman Cook: Are you opposed to going back through the Planning Commission?

Charlie Sloan: We are not opposed to anything. We would just like to get this project worked out.

Alderman Cook: Jeremy, so from staff do you feel like it has changed enough that it warrants going back to the Planning Commission?

Jeremy Pate: It is an entirely different project. I just want to make sure that you are comfortable with a new project on this property if you go forward for the next meeting.

Charlie Sloan: What meeting would we go to?

Jeremy Pate: I don't know off the top of my head. It could go two weeks from Monday.

Alderman Cook: It does look like a drastic change. I am personally more inclined to go back to Planning Commission and let it go through that process before it comes back to us.

Alderman Lewis: I would also agree that I am happy with the changes that I see but I feel like I need a recommendation from the Planning Commission because it is such a different project.

Alderman Ferrell: Jeremy, with the changes that the applicant has brought to us tonight how long do you think it would take before you could render an opinion on what you thought about the changes.

Jeremy Pate: For the project as a whole?

Alderman Ferrell: Yes.

Jeremy Pate: I think we have been supportive of the different design elements. We are approaching the threshold of the green spaces getting whittled away a little more with the lots and so we are trying to discuss that with the applicants right now. We are trying to find some middle ground there. In general though the way this project is going staff is certainly supportive of the philosophy of it.

Alderman Lucas: I didn't understand, 50% is what you expect?

Jeremy Pate: That is just a general rule of thumb looking at other projects that are considered conservation subdivisions. It is not something that we have on our books. We started out with that on this project for the applicant to shoot for. They are doing an admirable job with what they have now.

Alderman Lucas: I have never heard that before.

Alderman Thiel: Charlie, will this green space be maintained by the POA?

Charlie Sloan: The POA. One of the goals we talked about in the very beginning was to try to do single family homes that were not attached. You can get the 50% if you start squeezing this thing and going up. We are trying to stay single story and let the person have a yard. Behind the yard is a green space where they can go out to play.

Alderman Jordan: What is the price range on those Charlie?

Charlie Sloan: Probably starting at $110,000 up to $135,000 is what we are trying to shoot for. One thing we have to live with is the difference between the first and second plan is each lot had to absorb about $2,500 with just hard cost in the land. I can cut infrastructure out but I can't get rid of the land that we purchased.

Alderman Cook: Jeremy, based on the discussion and arguments at Planning Commission do you feel like the direction Mr. Sloan is going will satisfy any of those arguments?

Jeremy Pate: I think so. I don't know that he will convince everyone but I believe it will address both staff concerns and some of Planning Commission's concerns that were discussed at the meeting.

Alderman Cook moved to send the ordinance to the Planning Commission. Alderman Lewis seconded the motion.

Alderman Ferrell: I would note that usually in the time I have been here, the Planning Commission accepts the recommendation of staff and the applicant has repeatedly come to terms with what is needed to be changed.

Alderman Lucas: I agree with Bobby. I like this new design and I know the applicant has worked with Jeremy and staff to try to meet what they recommend. Also the neighbors that fought this at first have expressed to me that they are very satisfied.

Alderman Lewis commented on the bio-swells and the stormwater efforts. She stated that is really exciting. The reason for sending it to Planning is those are new designs and they need review.

Alderman Gray: I don't see any need for it to go back to Planning. I like it and I appreciate the fact that our developer is willing to work with our staff. I would be in favor of letting them get on with this project.

Alderman Thiel: Jeremy you did say that the staff could have a recommendation by the Agenda meeting?

Jeremy Pate: I think it all depends on when we get materials to review.

Alderman Thiel: I would want to wait until we had your recommendation. This is still a conceptual PZD so the engineering part is not going to be done right now anyway.

Jeremy Pate: We don't review hard numbers; we review the concept of drainage.

Alderman Thiel: So you could make that same recommendation to this Council rather than going to the Planning Commission. I tend to agree with Adella.

Alderman Petty: I tend to agree that this might be a case where we should go ahead and not send this back to the Planning Commission. We have seen a lot of improvements that pretty much all of us like and there is a good case that we are going to get a recommendation from the staff. This might be a good chance for us to expedite this along.

Mayor Jordan: So at the Agenda Session what if Jeremy says he does not like the project? Are we just tabling it?

City Attorney Kit Williams: There are two options. One is to send it back to the Planning Commission and the other is to table it to the next meeting and then you determine at the next meeting what you are going to do.

A discussion followed.

Upon roll call the motion failed 2-6. Alderman Cook and Lewis voting yes. Alderman Thiel, Petty, Rhoads, Ferrell, Lucas, and Gray voting no.

A discussion followed on what date to table it to.

Alderman Ferrell moved to table the ordinance to the March 17, 2009 City Council meeting. Alderman Rhoads seconded the motion. Upon roll call the motion passed unanimously.

<u>New Business:</u>

Residential Energy Efficiency Program Participating Home Sign: A resolution to approve a Residential Energy Efficiency Program Participating Home Sign pursuant to § 174.03 (F) of Chapter 174: Signs of the Unified Development Code.

Steve Cattaneo, Building Safety Director gave a brief description of the item. He showed the Council the actual label that is being placed inside the homes and went on to explain the reasons for the resolution.

Alderman Lewis: Can the City reuse the signs? Do you have to buy new signs all the time?

Steve Cattaneo: They are heavy duty signs.

Alderman Lewis: Is it required that they get returned?

Steve Cattaneo: It is not required that they be returned. We don't have a deposit on them. We are just asking them to return them to us.

Alderman Ferrell: If you had something to put that address on or emboss it instead of painting it you could get multiple uses out of it.

Steve Cattaneo: I did ask the sign shop and they have white tape that you can slip it over and it sticks like glue.

Alderman Lewis: Can we have a stipulation that if you give $20 to get the sign and you get your $20 back when you return it?

City Attorney Kit Williams: It probably makes a lot of sense to do that because we don't want these signs wandering off and showing up in the houses that are not participating in this program. So I think we should have some sort of deposit in return on this. That can be done administratively.

Steve Cattaneo: We can certainly do that if that is the Council's wishes. I appreciate your support.

Alderman Gray moved to approve the resolution. Alderman Lewis seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 55-09 as Recorded in the office of the City Clerk.

2009 Washington County Animal Sheltering Services: A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and Washington County, Arkansas to provide animal sheltering services to Washington County for 2009.

Jill Hatfield, Animal Services Director gave a brief description of the agreement and stated we have had this agreement for many years. She went on to report on what the Animal Shelter has done in the last year.

Alderman Petty: If spaying and neutering the animals saves us so much money in the end then why do we only offer the program to low income families?

Jill Hatfield: That is an issue of budgetary funding. Unfortunately vet supplies are one of those things that we need desperately. Our budget for that was $12,000 for this year alone. It is a matter of money really. I wish we could offer it to everybody.

Alderman Petty: I have heard of mobile spay and neuter clinics in cities and in looking at some of those models the money that they invest comes back 3-1 in savings later. Has Fayetteville worked on or examined any of those programs?

Jill Hatfield: We have and again it goes back to the money issue.

Alderman Lucas: This is great. I think this agreement with the County is important. They are paying us for the animals that you took in last year?

Jill Hatfield: Yes.

Alderman Lucas: So the first of next year you will figure what they owe for this year?

Jill Hatfield: Right.

Alderman Lucas: And they are going to reduce the amount. How is that going to affect you?

Jill Hatfield: Their budget is now at $75,000 so if they are not able to re-budget it is going to be a matter of do we foot the bill or does the County come up with the additional funds to shelter those strays and surrendered animals.

Alderman Lucas: So you will come back to us when their quota is out?

Jill Hatfield: The County is looking at an Animal Concerns Committee to talk about a lot of this. They are looking at licensing so that their animals wear tags and even if it's voluntary that is huge.

Alderman Lucas: That would help reduce the number of animals that you all have to take in?

Jill Hatfield: Absolutely.

Alderman Thiel spoke on the previous Animal Concerns Committee that the City once had. She stated this does take more money. If we want to look at spay and neutering as a priority I agree with you that it saves money eventually. I think if you check their veterinarian is very busy.

Jill Hatfield: He can do upwards between 15 and 20 per day.

Alderman Thiel: That is also the shelter animals that are going out in adoptions.

Alderman Lewis thanked Jill for speaking on those topics.

Alderman Ferrell: Were there any other communities that we have agreements with that you suspect that they will change?

Jill Hatfield: No I have not heard anything from them and their numbers are so much lower.

Alderman Lewis moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 56-09 as Recorded in the office of the City Clerk.

RZN 08-3189 (First Baptist Church): An ordinance rezoning that property described in rezoning petition RZN 08-3189, for approximately 4.08 acres, located at 20 Dickson Street from C-PZD 05-1704 First Baptist Church to MSC, Main Street Center.

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 request and staff is also recommending approval.

Alderman Cook: How does this affect the PZD that we passed years ago?

Jeremy Pate: The PZD would simply go away so the restrictions that were offered by the applicant at that point in time would no longer be valid. Most of our codes pretty much fall in line with what they were requesting at the time.

Alderman Cook: On other churches do we not zone those P-1?

Jeremy Pate: In other parts of the City yes but in the downtown no. We have kept those the downtown zoning districts. When we designed the zoning districts we allowed churches by right in most of those so they would not have to go with P-1.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Petty: This is a great example of streamlining the application process and codifying what we want instead of relying on exemptions to let good projects get through. I hope we see some more of these.

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

Ordinance 5221 as Recorded in the office of the City Clerk

RZN 08-3190 (Lolley): An ordinance rezoning that property described in rezoning petition RZN 08-3190, for approximately 1.67 acres, located at 5, 8, 12, and 20 South Hill Avenue from RMF-40, Residential Multi-Family, 40 units per acre, to DG, Downtown General.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the item. He stated staff and the Planning Commission recommended in favor of this zoning request 8-0.

Alderman Cook: We are changing these zonings and some of the conditional uses in RMF-40 are going to be by right. Some of the conditional uses I am a little concerned about. From staff's perspective you don't have an issue with adding those in there?

Jeremy Pate: In looking at this site, the surrounding land uses directly behind it are primarily multi-family and some single family homes are being utilized for multi-family. There is a definite student population in this neighborhood and it is a pretty high density area sandwiched between the downtown neighborhoods and the University. I do not believe this intersection will ever support a high intensity use because of its location and site distances in this area. Those are all things we would have to take into consideration with a conditional use permit and we would also take into consideration public comment and review of surrounding land use. Any nonresidential use within this zoning district would be something we would have to look at very carefully because it would be an establishment of something different in the neighborhood but I think it would be welcome. Conditional Use Permits are certainly a public process that could have the potential for detrimental impact and that is why they are a conditional use and not use by right.

Alderman Cook: I think the new uses by right are appropriate in that area. I am just voicing my concern about some of the conditional uses.

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

City Attorney Kit Williams read the ordinance.

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 unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5222 as Recorded in the office of the City Clerk

VAC 09-3197 (Butterfield Trail Village): An ordinance approving VAC 09-3197 submitted by McClelland Consulting Engineers for property located at 1923 Joyce Boulevard to vacate a portion of a utility easement, a total of 0.05 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the item. He stated staff and all utility service providers have recommended approval as did the Planning Commission 7-0.

Alderman Lewis: For perpetuity this easement will no longer be available to the City?

Jeremy Pate: That is correct or any other utility service provider. When we look at a utility easement vacation we require the applicant to contact all utility companies that have rights to access that utility easement and as long as they do not object we typically will recommend approval unless we see a reason to continue that utility easement for future service.

Alderman Ferrell: I have not had any comments from anybody in the Ward.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5223 as Recorded in the office of the City Clerk

ADM 09-3198 Amend Chapter 161: An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to Amend Chapter 161: Zoning Districts in order to amend and unify building setback and building height regulations in residential single-family, multi-family and residential-office zoning districts.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the chapter amendments. He stated Planning Commission voted 8-0 for recommendation of approval and staff recommends that you adopt this ordinance amendment.

Alderman Cook: I think it is a good suggestion from staff and I appreciate that staff has been busy working on our code and I think this is a good revision.

Alderman Ferrell: I like it too. I think it is fair, logical, and makes sense. It helps the process flow.

Alderman Lucas: I agree, I think it is great. Is the 10 feet from the center of the street?

Jeremy Pate: No ma'am that is actually measured from the right of way which is typically at the back of the sidewalk.

Alderman Lucas: From the right of way?

Jeremy Pate: It is not going to be right on the street, it is going to be at least 10 feet off the sidewalk in most cases.

Alderman Lewis: I would like to commend them as well. I do a lot of ordinance review in my job and this is a lot of what we are seeing in some of the really progressive cities around the country. Thank you for all your work.

Alderman Petty: I like that we are addressing things more systemically.

Alderman Thiel: I agree I like it too. Did the Residential Office get added to the title in the ordinance?

Jeremy Pate: It was added with the final agenda packet and the Mayor actually read that title so I believe we read the new ordinance into the records and it should be fine.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5224 as Recorded in the office of the City Clerk

ADM 09-3205 Amend Chapter 164: An ordinance amending the Unified Development Code by adding subsection 164.11 (B): Side Setbacks, to include bulk and area requirements for zero lot line and common wall development.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the chapter amendments.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5225 as Recorded in the office of the City Clerk

ADM 09-3206 Amend Chapter 162: An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 162: Use Units in order to add a use unit description for accessory dwelling units.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the chapter amendments. He stated this is just adding a description of the use unit and that is the modification that staff is proposing.

Alderman Lewis: I want to commend the Planning Department on how they really worked with the Council of Neighborhoods on the Accessory Dwelling Units. We appreciated the input that was received in that.

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

City Attorney Kit Williams read the ordinance

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 unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5226 as Recorded in the office of the City Clerk

Amend Chapter 117: An ordinance to amend **§**117.47 **Advertising** of the Fayetteville Code.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell: There is a taxi service that runs out of Rogers and Springdale and runs down to Fayetteville. They want to do business in Fayetteville and I would like for them to come up and tell us a little bit about their business. It is legal to have a sign on the back of the cab but right now if they come to Fayetteville they have signs on top and they cannot use them.

Ken Morton with Northwest Arkansas Taxi gave a brief description of his business and its current operations. He gave a description of the signs that are currently placed on the top of their cars. He listed the benefits to our City by allowing his taxi company to operate in Fayetteville and keep the signs on the top of the car.

Alderman Cook: We are all in favor of our sign ordinance because it makes Fayetteville distinctive. Kit, would you give us your opinion on whether you feel that this is an okay change.

City Attorney Kit Williams referenced his memo to the Council which stated his opinion. I understand the sign on top of the taxi cab would be in a V-shape is that correct?

Ken Morton explained what the sign would look like. He stated it is kind of like a "V."

City Attorney Kit Williams stated it would be visible to oncoming traffic as well as cross traffic where the current ordinance would only allow the sign to be visible to someone following the cab. It is probably in our traffic interest for a driver to not read signs coming in the opposite direction or sideways to them. Instead they should be paying attention to the road. The esthetics consideration that we have that supports our traffic or sign ordinance would also be detrimentally affected by that too. I am not going to say you can't do it but I am not in favor of more exemptions for the sign ordinance. It is stronger the fewer exemptions we allow.

Alderman Cook: May I ask the Ordinance Review Committee to outline what your discussion was on it.

Alderman Thiel: Basically we heard from the applicants here and at the next meeting we invited the City Attorney to discuss what was in his memo. I would like to ask Kit to explain the difference from a non premise sign and an on premise sign.

City Attorney Kit Williams explained the differences between off site signs and on premise signs. We are always concerned about off-site signs. That was one of the primary issues that we were facing when this sign ordinance was originally passed. He referenced past court cases that have occurred relating to this issue.

Alderman Thiel: The committee members did not support this and that is the reason it did not come to you as a recommendation from the Committee.

Alderman Lewis: How much does the court cases cost?

City Attorney Kit Williams: That happened a long time ago. There was some considerable cost on the latest one where someone challenged our sign ordinance. Cost is somewhat a factor but at this point in time this is really just about the public policy issues and what you want to do. I am not going to tell the City Council that you cannot do this. I think it weakens the sign ordinance but I do not think you should worry about litigation costs.

Alderman Petty: I was reviewing the sign ordinance and it seems there is a general exemption for non commercial advertising or non profit advertising. I am just curious that if they were selling their ads to non profit agencies would they then be allowed to do that?

Jeremy Pate: No, the non profit exemption is not all encompassing so it does not mean you can have non profit signs anywhere. He went on to give the definition of an off site sign and stated it is an obvious inconsistency with our sign ordinance.

Alderman Petty: I don't support the amendment as currently worded but I may support an amendment that would allow a rear facing sign on the roof. We were approached with this at the Ordinance Review Committee that this was a necessary thing in order to make the economics of your business sustainable. It seems to me that if the rates are not allowing your business to be sustainable then I think if this does not pass you should approach us and some of the other tax authorities in order to raise your rates.

Alderman Ferrell: Mr. Morton what is your take on the Alderman's possible alternative suggestion about the signs facing backwards?

Ken Morton: That probably could be done. The only problem is one of the reasons the V-sign is more acceptable in cities is because it goes up to a "V" and it knocks off the wind. A straight sign does not anchor as well.

Alderman Ferrell: It's a safety hazard.
Ken Morton: It is certainly a safety hazard when it blows off.

Alderman Petty: The possibility that makes me consider that is the front part could say taxi and the rear and side portions could be used for advertising if that suggestion was taken.

Alderman Lewis: I support having taxi cabs in the city and I think we need them but I am very opposed to amending our sign ordinance any further. I don't think it hinders business I think it is something that attracts people here.

Alderman Ferrell: I disagree. Kit, do you think that if there was an attorney group that went around seeking municipalities to find problems with sign ordinances that if they wanted to file litigation in Fayetteville they could find something to sue us over right now?

Kit Williams: They could sue us but I think that our sign ordinance is pretty strong at this point in time and it would withstand a suit from one of these companies that like to go around and place billboards in cities.

Alderman Ferrell: My insinuation was that an attorney would probably go after a community that had pretty restrictive sign regulations wouldn't you think?

City Attorney Kit Williams: I think there are certain sign ordinances that get behind the times and do not have time requirements and some that have vague sign ordinances. Those are usually the ones that get in trouble.

Alderman Ferrell referenced a past court case. He stated my point is if someone wanted to sue us they are going to sue us. I think we are looking for a reason not to do this as opposed to looking for a reason to try to help this business come down here. He went on to speak on the inconsistencies of not allowing the taxi company to operate in Fayetteville.

Alderman Thiel: I don't think we are saying this company cannot come to Fayetteville. We have offered suggestions to place some kind of cloth over their signs or something like that. I hope that they will come here.

Alderman Ferrell: They indicated that if that were the case they would not come to Fayetteville.

Alderman Lewis: I would like to encourage business here. The thing I am hesitant on is this is a company that has their cars and their sign on it and then they came to Fayetteville. We had the sign ordinance before they had the signs on the tops of their cars. What if someone builds a billboard and they don't put a sign on it but then come to us and say I would like you to make an exception to your sign ordinance because I have this billboard.

Alderman Petty: I think this is a safety issue and maybe we should revisit this as a rear facing option later. That is the reason I will not support it.

Alderman Rhoads: Was your decision not to support it because it was safety or was it esthetics?

Alderman Thiel: There just was not support. We did not vote against it, we just did not vote to support it after we heard the comments from the City Attorney.

Alderman Petty: I was very undecided and as I thought more about it to me it is a safety issue.

Alderman Rhoads: I don't look at it as much of a safety issue having grown up in a big city. What I do take into consideration and the reason I would not support the change is I really like the fact that Fayetteville is different with the sign ordinances and it's a distinction that we need to preserve.

Alderman Cook: Let's say we want to do bus stops in Fayetteville and they want to put advertising on these bus stops that is not currently allowed in this ordinance?

City Attorney Kit Williams: It is not. He went on to reference the Los Angeles case. He continued by saying I would be somewhat nervous to allow a tremendous amount of advertising on bus stops to pay for them.

Alderman Cook: The only reason I say that is because that is something I would support. We have bus stops throughout the city that are discernable but that would be another exemption to our sign ordinance, which is something I wouldn't bring forward, because I feel that strongly about our sign ordinance. It is not that I am looking for a reason not to support this, I am just afraid to do anything to this because it is such a big part of our community.

Alderman Lucas: I too am proud of our ordinance and I think it makes Fayetteville unique. The esthetics of this with a sign on top of the car, I just don't think that is good. I would like to make the amendment that Kit has suggested to remove van or motor vehicle from the ordinance if I could.

City Attorney Kit Williams: You may want that to go before the Ordinance Review Committee before you do that here.

Alderman Thiel: I think that would be a good idea because that is a big change.

City Attorney Kit Williams: You could amend the current ordinance request to that form and ask that to go to the Ordinance Review Committee.

Alderman Lucas moved to amend the ordinance to remove van and motor vehicles for hire. Alderman Thiel seconded the motion.

A discussion followed.

Alderman Lewis asked for clarification on what would be discussed at the Ordinance Review Committee meeting.
City Attorney Kit Williams: It would propose a more restrictive section that is a rewrite of the current section that would remove van and motor vehicle for hire and it would also restrict busses to ORT busses which is the prime reason we did that.

Alderman Thiel rescinded her second to the previous motion.

Alderman Lucas: So we are going to vote this up or down then.

City Attorney Kit Williams: You certainly can do that to the current one that is before you.

Alderman Lucas rescinded her previous motion to amend the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 1-7. Alderman Ferrell voting yes. Alderman Thiel, Cook, Petty, Rhoads, Lucas, Lewis, and Gray voting no.

The ordinance failed.

Chief of Staff Don Marr gave a report on the status of the debris clean up.

The meeting adjourned at 7:55 PM

Lioneld Jordan, Mayor	**Sondra E. Smith, City Clerk/Treasurer**

Nominating Committee Report
Meeting: Wednesday, March 11, 2009
Room 326, City Hall 5:00 p.m.
Members Present – Kyle Cook, Bobby Ferrell, and Adella Gray.

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

Advertising and Promotion Commission

- ***Maudie Schmitt*** – One tourism industry term ending 03/31/13
- ***Bob Davis*** – One public at large term ending 03/31/13.

City Board of Health

- ***Evelyn Fritz*** – One unexpired term ending 12/31/13.

Construction Board of Adjustments and Appeals

No applications were received.

Fayetteville Public Library Board of Trustees

- ***Elizabeth Jordan*** – One term ending 04/01/14
- ***Suzanne Clark*** – One unexpired term ending 04/01/13.

Planning Commission

- ***Porter Winston*** – One term ending 03/31/12
- ***Craig Honchel*** – One term ending 03/31/12
- ***James Zant*** – One term ending 03/31/12.

Telecommunications Board

- ***Abel Tomlinson*** – One unexpired term ending 06/30/10.

Tree and Landscape Advisory Committee

- ***Chris Wilson*** – One unexpired environmental term ending 12/31/10
- ***J P Peters*** – One unexpired citizen at large term ending 12/31/10.

NB6

Added at the 3/17/09 City Council Meeting

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

3/17/2009
City Council Meeting Date
Agenda Items Only

Dennis Pratt / Barbara Olsen	Fleet Operations	Transportation
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid 09-18 to A. Camp Equipment in the amount of $300,500 for the purchase of one asphalt paver machine plus specified options for use by Transportation Division, and approval of the budget adjustment to move funds to the Fleet Expense account.

$ 300,500.00	$ 291,000.00	Vehicles and Equipment
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 33.12	Construction Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02077.2009	$ 290,966.88	Shop Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item X **Budget Adjustment Attached** X

Department Director — Date 3-13-09

City Attorney — Date 3/16/09

Finance and Internal Services Director — Date 3-16-09

Chief of Staff — Date 3/16/09

Mayor — Date 3/17/09

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office — ENTERED 3-13-09

Received in Mayor's Office — ENTERED 3/16/09

Comments:

Revised January 15, 2009

Fayetteville ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425

100 BEST FLEETS

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: TERRY GULLEY, DIRECTOR OF TRANSPORTATION

FROM: DENNIS PRATT, FLEET OPERATIONS SUPT.

DATE: March 13, 2009

SUBJECT: Purchase of one Vogele Asphalt Paver Machine

RECOMMENDATION: That City Council approve the purchase of one asphalt paver machine for use by Transportation Division in the amount of $300,500 ($298,000 base price plus $2,500 for specified options).

BACKGROUND: Bid 09 -18 was opened on January 30, 2009 for one Asphalt Paver Machine for use by Transportation Division. Four bid responses were received. A detailed tabulation sheet is attached. The low bid, from A. Camp Equipment, LLC, meets all specs.

I recommend acceptance of the bid from A. Camp Equipment, LLC in the amount of $298,000 contingent upon their providing a performance bond. Fleet will also be purchasing options (Auto lube system, hydraulic screed lock, larger wash down system tank) for another $2,500 for a total of $300,500.

This will replace unit 93, a 2002 Paver that is due for replacement.

$291,000 of funds are available for this purchase in Fleet Project 02077 – Construction Equipment. A Budget adjustment is attached for the balance of $10,000 for this purchase.

This purchase was unanimously approved by the Equipment Committee at the meeting on March 10th, 2009.

Cc: Terry Gulley

RESOLUTION NO. ______

A RESOLUTION AWARDING BID #09-18 AND APPROVING THE PURCHASE OF AN ASPHALT PAVER MACHINE FROM A. CAMP EQUIPMENT, LLC IN THE AMOUNT OF $300,500.00; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $10,000.00.

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 awards Bid #09-18 and approves the purchase of an Asphalt Paver Machine from A. Camp Equipment, LLC in the amount of $300,500.00.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $10,000.00.

PASSED and **APPROVED** this 17th day of March, 2009.

APPROVED: ATTEST:

By: ______________________________ By: ______________________________

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department / Division / Program	Date Requested	Adjustment Number
2009	Department: Operations Division: Fleet Operations Program: Capital Expenditures	3/13/2009	

Project or Item Added/Increased:
$10,000 is requested in Project 02077 - construction equipment for the Asphalt Paver Machine.

Project or Item Deleted/Reduced:
Reduce Shop fund balance by $10,000 to the purchase of the Asphalt Paver.

Justification of this Increase:
Fleet underestimated the purchase price of the replacement machine. It is too early in the year for Fleet to know if prices were overestimated in other projects which would leave excess funds.

Justification of this Decrease:
Sufficient funds are available to meet City objectives.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	9700	1920	5802	00	10,000	02077	2009

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	9700	0970	4999	99	10,000		

Approval Signatures

Barbara Olsen — 3-13-09
Requested By — Date

3/ —
Budget Manager — Date

3-13-09
Department Director — Date

Paul A. Becker — 3-16-09
Finance & Internal Services Director — Date

Lioneld Jordan — 3/17/09
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

Fayetteville
ARKANSAS

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

Equipment Committee Correspondence

TO: City of Fayetteville, Equipment Committee
Bobby Ferrell, Chairman — Adella Gray
Shirley Lucas — Matthew Petty

FROM: DENNIS PRATT, Fleet Operations Superintendent

DATE: MARCH 3, 2009

SUBJECT: BID 09-18 ASPHALT PAVER MACHINE

Bid 09-18 was opened on January 30, 2009 for one Asphalt Paver Machine for use by Transportation Division. Four bid responses were received. A detailed tabulation sheet is attached. The low bid, from A. Camp Equipment, LLC, meets all specs.

I recommend acceptance of the bid from A. Camp Equipment, LLC in the amount of $298,000 contingent upon their providing a performance bond.

This will replace unit 93, a 2002 Paver that is due for replacement.

Funds are available for this purchase in Fleet Project 02077 – Construction Equipment.

Cc: Terry Gulley

Unanimously approved 3-10-09
B Olson

Shane - 445-9435

BID: 09-18
1/30/2009
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville ARKANSAS

Bid 09-18, Asphalt Paver Machine

Does not Meet Spec

DESCRIPTION	A. Camp Equipment, LLC	Clark Machinery Company	G.W. Van Keppel Co.	Riggs Cat
1 Diesel Powered: 170 hp STD 8ft. Asphalt Paver Manufacturer Model	$298,000.00 Vogele-Wirtgen Group 5100-2 Rubber Track Asphalt Paver	$348,819.00 Volvo-Blawknox PF4410	$314,718.00 Cedarapides By Terex CR362L	$317,770.00 Caterpillar AP655D
2 Trade in Value of Machine - Unit #93 Grand Total (line one minus line two)	$35,000.00 $263,000.00	$25,000.00 $323,819.00	$38,000.00 $276,718.00	$40,000.00 $277,770.00
3 Total Life Cost	Included	$1,579.00	$2,340.18	$1,712.45
TOTAL COST TO CITY FOR MACHINE	$263,000.00	$325,398.00	$279,058.18	$279,482.45

+ 7000 $

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: A. Foren
A. FOREN PURCH AGENT

WITNESS

01/30/09
DATE

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under $2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:

Date: 3/13/2009

P.O Number:

Expected Delivery Date:

Vendor #: 16208

Vendor Name: A. Camp Equipment

Mail Yes:__

Address:

Fob Point:

Taxable Yes:___ No: X

Quotes Attached Yes:____ No:____

City:

State:

Zip Code:

Ship to code: 50

Divison Head Approval:

Requester: BARBARA OLSEN

Requester's Employee #: 1940

Extension: 485

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Vogele-Wirtgen 5100-2 Rubber track	1	EA	298,000.00	$298,000.00	9700.1920.5802.00	02077.2009		
2	Asphalt Paver with these options:				$0.00				
3	Auto lube system	1	ea	1,043.00	$1,043.00	9700.1920.5802.00	02077.2009		
4	Hydraulic screed lock	1	ea	447.00	$447.00	9700.1920.5802.00	02077.2009		
5	larger washdown system tank	1	ea	373.00	$373.00	9700.1920.5802.00	02077.2009		
6	Rotary Beacon on rear	1	ea	373.00	$373.00	9700.1920.5802.00	02077.2009		
7	To be unit #9125, fixed asset #709125								
8					$0.00				
9					$0.00				
10					$0.00				
*	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal: $300,236.00

Tax: EXEMPT

Total: $300,236.00

Approvals:

Mayor: ____________________

Department Director: ____________________

Purchasing Manager: ____________________

Finance & Internal Services Director: ____________________

Budget Manager: ____________________

IT Manager: ____________________

Dispatch Manager: ____________________

Utilities Manager: ____________________

Other: ____________________

Revised 1/2/2008

NB7

Added at the 3/17/09 City Council Meeting

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

3/17/2009
City Council Meeting Date
Agenda Items Only

Dennis Pratt / Barbara Olsen	Fleet Operations	Transportation
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid 09 -17 to Pig Trail Harley Davidson in the amount of $38,000 for the purchase of two Police Pursuit Harley Davidson Motorcycles for use by the Police Department.

$ 38,000.00	$ 841,124.00	Vehicles and Equipment
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 315,215.00	Police / Passenger Vehicles
Account Number	Funds Used to Date	Program / Project Category Name
02081.2008	$ 525,909.00	Shop Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item X **Budget Adjustment Attached**

Department Director — Date 3-13-09

City Attorney — Date 3/16/09

Finance and Internal Services Director — Date 3-16-09

Chief of Staff — Date 3/16/09

Mayor — Lioneld Jordan — Date 3/17/09

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office — ENTERED 3/13/09

Received in Mayor's Office — ENTERED 3/16/09

Comments:

Revised January 15, 2009

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425

100 BEST FLEETS

Interdepartmental Correspondence

TO: **MAYOR/CITY COUNCIL**

THRU: **TERRY GULLEY, DIRECTOR OF TRANSPORTATION**

FROM: **DENNIS PRATT, FLEET OPERATIONS SUPT.**

DATE: **March 13, 2009**

SUBJECT: **Purchase of two Harley Davidson Police Pursuit Motorcycles**

RECOMMENDATION: That City Council approve the purchase of two Police Pursuit Harley Davidson Motorcycles for Police Department in the amount of $38,000

BACKGROUND: Bid 09-17 was opened on February 5, 2009 for two Police Pursuit Motorcycles for use by the Police Department. Four bid responses were received. A detailed tabulation sheet is attached. The only dealer who meets specs is #4 – Pig Trail Harley Davidson. This vendor offers the training that is specified for Fleet Techs to be able to attend training classes.

The prices bid are base prices. With all the Police package options that are required, the final price from Pig Trail Harley Davidson should be $19,000 for each motorcycle.

I recommend acceptance of the bid from Pig Trail Harley Davidson in the amount of $16,586 each plus cost of police package items.

These units are to replace motorcycles #1118 and #1119. Both motorcycles were initially slated for replacement in 2008.

Funds are available for this purchase in project #02081.2008 – Police / Passenger Vehicles.

This purchase was unanimously approved by the Equipment Committee at the meeting on March 10th, 2009.

Cc: Terry Gulley

RESOLUTION NO. ______

A RESOLUTION AWARDING BID #09-17 AND APPROVING THE PURCHASE OF TWO (2) POLICE PURSUIT MOTORCYCLES FROM PIG TRAIL HARLEY DAVIDSON IN THE AMOUNT OF $38,000.00.

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 awards Bid #09-17 and approves the purchase of two (2) police pursuit motorcycles from Pig Trail Harley Davidson in the amount of $38,000.00.

PASSED and **APPROVED** this 17th day of March, 2009.

APPROVED:	ATTEST:
By: ________________________	By: ____________________________
LIONELD JORDAN, Mayor	**SONDRA E. SMITH**, City Clerk/Treasurer

Fayetteville
ARKANSAS

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

Equipment Committee Correspondence

TO: **City of Fayetteville, Equipment Committee**
Bobby Ferrell, Chairman **Adella Gray**
Shirley Lucas **Matthew Petty**

FROM: **DENNIS PRATT, Fleet Operations Superintendent**

DATE: **MARCH 3, 2009**

SUBJECT: **BID 09-17 FOR POLICE PURSUIT MOTORCYCLES**

Bid 09-17 was opened on February 5, 2009 for two Police Pursuit Motorcycles for use by the Police Department. Four bid responses were received. A detailed tabulation sheet is attached. The only dealer who meets specs is #4 – Pig Trail Harley Davidson. This vendor offers the training that is specified for Fleet Techs to be able to attend training classes.

The prices bid are base prices. With all the Police package options that are required, the final price from Pig Trail Harley Davidson should be $19,000 for each motorcycle.

I recommend acceptance of the bid from Pig Trail Harley Davidson in the amount of $16,586 each plus cost of police package items.

These units are to replace motorcycles #1118 and #1119. Both motorcycles were initially slated for replacement in 2008.

Funds are available for this purchase in project #02081.2008 – Police / Passenger Vehicles.

Cc: Terry Gulley

Unanimously approved 3-10-09
B Olsen

BID: 09-17
2/5/2009
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville ARKANSAS

Bid 09-17, Police Pursuit Motorcycles

	BIDDER	Manufacturer	Model	Price Each	Qty	Total Bid Price
1	Cycle Connection	Harley	FLHP-Road King	$19,630.00	2	$39,260.00
2	Joe's Cycle Shop	Honda	ST 1300 PA9	$16,500.00	2	$33,000.00
3	Old Fort Harley Davidson/Buell	Harley Davidson	FLHP	$14,500.00	2	$29,000.00
4	Pig Trail Harley Davidson	Harley-Davidson	FLHP	$16,586.00	2	$33,172.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: ______________________________

A. FOREN PURCH AGENT WITNESS DATE

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under $2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:

Date: 3/13/2009

P.O Number:

Expected Delivery Date:

Vendor #: 16942

Vendor Name: PIG TRAIL HARLEY DAVIDSON

Mail Yes:__

Address:

Fob Point:

Taxable Yes:___ No:_x_

Quotes Attached Yes:___ No:___

City:

State:

Zip Code:

Ship to code: 50

Divison Head Approval:

Requester: BARBARA OLSEN

Requester's Employee #: 1940

Extension: 485

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	FLHP HARLEY DAVIDSON MOTORCYCLES	2	EA	16,586.00	$33,172.00	9700.1920.5802.00	02081.2008		
2	POLICE PACKAGE OPTIONS AS SPECIFIED IN BID	2	PKG	2,414.00	$4,828.00	9700.1920.5802.00	02081.2008		
3	TO BE UNITS #1210 AND #1211, FIXED ASSETS				$0.00				
4	#701210 AND #701211				$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: $38,000.00

Tax: EXEMPT

Total: $38,000.00

Approvals:

Mayor: ____________

Department Director: ____________

Purchasing Manager: ____________

Finance & Internal Services Director: ____________

Budget Manager: ____________

IT Manager: ____________

Dispatch Manager: ____________

Utilities Manager: ____________

Other: ____________

Revised 1/2/2008

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Lioneld Jordan**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **March 18, 2009**

RE: **Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of March 17, 2009**

1. **AR Recreations Trails Grant:** A resolution approving an Agreement of Understanding with the Arkansas Highway & Transportation Department for the acceptance of the AR Recreations Trails Grant to utilize $60,000.00 in federal aid funds for the construction of a trail connection to Mud Creek Trail at Old Missouri Road and approving a budget adjustment in the amount of $75,000.00;

2. **Fayetteville Parks & Recreation Division Donations:** A resolution approving a budget adjustment for the Fayetteville Parks & Recreation Division in the amount of $30,000.00 to recognize donation revenues from various community organizations to fund item purchases and new programs;

3. **2009 Overlay/Sidewalk Projects:** A resolution approving the Transportation Division Overlay/Sidewalk projects list for 2009;

4. **Amend Fayetteville Police Department police 41.2.17 "Canines":** A resolution amending Policy No. 41.2.17 "Canines" to the Fayetteville Police Department's Policies, Procedures & Rules Manual;

5. **Amend Fayetteville Police Department Policy 84.1.1 "Property Management":** A resolution amending Policy No. 84.1.1 "Property Management; Acquired and In-Custody Property" to the Fayetteville police Department's Policies, Procedures & Rules Manual;

6. House Bill 1891: A resolution to express the City Council's opposition to House Bill 1891 which would remove the City Council's power to select the best health care insurance coverage for city employees;

7. New World Systems, Inc.: An ordinance to waive competitive bidding and to approve a three year contract for software maintenance with New World Systems, Inc.;

8. Amend Chapter 96: An ordinance amending §96.09 **Compression Release Engine Brake** of the Fayetteville Code of Ordinances to grant an exemption to certain municipal vehicles;

9. Amend Chapter 97: An ordinance amending §97.070 **Recreational Activities at Lakes Fayetteville, Sequoyah and Wilson**, of the Fayetteville Code of Ordinances to establish daily and season permits for non-motorized boating;

10. Bid #09-17: A resolution awarding Bid #09-17 and approving the purchase of two police pursuit motorcycles from Pig Trail Harley Davidson in the amount of $38,000.00;

11. Bid #09-18: A resolution awarding Bid #09-18 and approving the purchase of an asphalt paver machine from A. Camp Equipment, LLC in the amount of $300,500.00 and approving a budget adjustment in the amount of $10,000.00.

Agenda Session

Mayor Lioneld Jordan

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 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
March 17, 2009

A meeting of the Fayetteville City Council will be held on March 17, 2009 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:

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Update on Ice Storm Debris Removal – Don Marr, Chief of Staff

Agenda Additions:

A. Consent:

1. Approval of the February 18, 2009 Special City Council meeting minutes and March 3, 2009 City Council meeting minutes.

2. **Bid # 09-23 Drake Field HVAC Controls Upgrade:** A resolution awarding Bid # 09-23 and approving a contract with ________________ in the amount of $XX,XXX.XX for Drake Field HVAC Controls Upgrade.

3. **Arkansas Recreational Trails Grant:** A resolution approving an Agreement of Understanding with the Arkansas Highway & Transportation Department (AHTD) for the acceptance of the Arkansas Recreational Trails Grant to utilize $60,000.00 in federal aid funds for the construction of a trail connection to Mud Creek Trail at Old Missouri Road; and approving a budget adjustment in the amount of $75,000.00.

4. **Fayetteville Parks & Recreation Division Donations:** A resolution approving a budget adjustment for the Fayetteville Parks & Recreation Division in the amount of $30,000.00 to recognize donation revenues from various community organizations to fund item purchases and new programs.

5. **2009 Overlay/Sidewalk Projects:** A resolution approving the Transportation Division overlay/sidewalk projects list for 2009.

6. **Amend Fayetteville Police Department Policy 41.2.17 "Canines":** A resolution amending Policy No. 41.2.17 "Canines" to the Fayetteville Police Department's Policies, Procedures & Rules Manual.

7. **Amend Fayetteville Police Department Policy 84.1.1 "Property Management":** A resolution amending Policy No. 84.1.1 "Property Management; Acquired and In-Custody Property" to the Fayetteville Police Department's Policies, Procedures & Rules Manual.

B. Unfinished Business:

1. **Amberwood Place Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2965, Amberwood Place, located south and east of Double Springs and Dot Tipton Road; containing approximately 39.98 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. *(This ordinance was tabled at the September 2, 2008 City Council meeting to the September 16, 2008 City Council meeting. This ordinance was tabled at the September 16, 2008 City Council meeting to the October 7, 2008 City Council meeting. This ordinance was left on the Second Reading at the October 7, 2008 City Council meeting. This ordinance was left on the Second Reading and then tabled to the December 2, 2008 City Council Meeting. This ordinance failed at the December 2, 2008 City Council meeting. This ordinance was Re-considered at the December 16, 2008 City Council meeting and then Tabled to the February 3, 2009 City Council meeting. This ordinance was Tabled at the February 3, 2009 City Council meeting to the March 3, 2009 City Council meeting.)*

   This ordinance was Tabled at the March 3, 2009 City Council meeting to the March 17, 2009 City Council meeting.

C. New Business:

1. **New World Systems, Inc.:** An ordinance to waive competitive bidding and to approve a three year contract for software maintenance with New World Systems, Inc.

2. **Amend Chapter 96:** An ordinance amending §96.09: Compression Release Engine Brake, of the Fayetteville Code of Ordinances to grant an exemption to certain municipal vehicles.

3. **Amend Chapter 97:** An ordinance amending §97.070 Recreational Activities at Lakes Fayetteville, Sequoyah and Wilson, of the Fayetteville Code of Ordinances to establish daily and season permits for non-motorized boating.

Announcements:

1. **City Council Tour: March 16, 2009** — Amberwood Place

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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Add:

NB #1 House Bill 1891
NB #2 Newspaper Publishing

Pre-Agenda Meeting

Mayor Lioneld Jordan

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 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
March 17, 2009

A meeting of the Fayetteville City Council will be held on March 17, 2009 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:

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items: – Update On Debris Removal

Agenda Additions:

A. Consent: Add Special Meeting Minutes

1. Approval of the March 3, 2009 City Council meeting minutes.

2. **Bid # 09-23 Drake Field HVAC Controls Upgrade:** A resolution awarding Bid # 09-23 and approving a contract with ________________ in the amount of $XX,XXX.XX for Drake Field HVAC Controls Upgrade.

3. **Arkansas Recreational Trails Grant:** A resolution approving an Agreement of Understanding with the Arkansas Highway & Transportation Department (AHTD) for the acceptance of the Arkansas Recreational Trails Grant to utilize $60,000.00 in federal aid funds for the construction of a trail connection to Mud Creek Trail at Old Missouri Road; and approving a budget adjustment in the amount of $75,000.00.

4. **Fayetteville Parks & Recreation Division Donations:** A resolution approving a budget adjustment for the Fayetteville Parks & Recreation Division in the amount of $30,000.00 to recognize donation revenues from various community organizations to fund item purchases and new programs.

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Announcements:

1. **City Council Tour: March 16, 2009**

Adjournment:

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MAR 24 2009

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Arkansas Democrat Gazette
NORTHWEST ARKANSAS EDITION

Northwest Arkansas Times
Benton County Daily Record
P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6421

AFFIDAVIT OF PUBLICATION

I, Cathy Wiles, do solemnly swear that I am Legal Clerk of the Arkansas Democrat Gazette newspaper. Printed and published in Benton County Arkansas, (Lowell) and that from my own personal knowledge and reference to the files of said publication, the advertisement of: City of Fayetteville Final Agenda

February 16, 2009

Publication Charge : $156.02

Signed: Cathy Wiles

Subscribed and sworn to before me
This 19 day of March, 2009.

Notary Public Elizabeth A. Jarvis

My Commission Expires: May 6, 2012

Do not pay from Affidavit, an invoice will be sent

ELIZABETH A. JARVIS
MY COMM. EXP.
NOTARY
PUBLIC
MAY 06, 2012
WASHINGTON CO., ARKANSAS

FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
MARCH 17, 2009

Fayetteville ARKANSAS

A meeting of the Fayetteville City Council will be held on March 17, 2009 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:
1. Update on Ice Storm Debris Removal – Don Marr, Chief of Staff
2. Nominating Committee Report

Agenda Additions:

A. Consent:
1. Approval of the February 18, 2009 Special City Council meeting minutes and March 3, 2009 City Council meeting minutes.
2. Bid # 09-23 Drake Field HVAC Controls Upgrade: A resolution awarding Bid # 09-23 and approving a contract with ____________ in the amount of $XX,XXX.XX for Drake Field HVAC Controls Upgrade.
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C. New Business:
1. House Bill 1891: A resolution to express the City Council's opposition to House Bill 1891 which would remove the City Council's power to select the best health care insurance coverage for City employees.
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