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

Final Agenda
City of Fayetteville Arkansas
City Council Meeting
February 2, 2010

A meeting of the Fayetteville City Council will be held on February 2, 2010 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:

Agenda Additions:

A. Consent:

1. Approval of the January 5, 2010 City Council meeting minutes. **APPROVED**

2. **Animal Shelter Donation:** A resolution amending the 2010 city budget by approving a budget adjustment to recognize animal services donation revenue through the end of 2009 in the amount of $20,595.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 22-10

3. **Seamless Systems:** A resolution approving a contract in the amount of $34,859.00 with Seamless Systems for installation of white membrane energy efficient roof and insulation with CDBG funding for 818 Sang Avenue (Arts Live Theater).

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 23-10

4. **Kim Hoadley Construction Co. Inc.:** A resolution approving a contract in the amount of $23,060.00 with Kim Hoadley Construction Co. Inc. for new storage shed construction with CDBG funding for the Yvonne Richardson Community Center.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 24-10

5. **Joe Perme Construction:** A resolution approving a contract in the amount of $50,195.00 with Joe Perme Construction for an energy efficiency rehabilitation with CDBG funding for 2052 S. Garland (Head Start).

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 25-10

6. **2010 Underage Drinking Prevention Conference:** A resolution authorizing acceptance of a grant from the Arkansas Department of Finance and Administration to host the 2010 Underage Drinking Prevention Conference and approving a budget adjustment in the amount of $35,115.00 to recognize the revenue.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 26-10

7. **IRS Task Force:** A resolution approving a budget adjustment for the Fayetteville Police Department in the amount of $9,800.00 to recognize reimbursement from the Internal Revenue Service to cover expenses related to the local IRS Task Force.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 27-10

B. Unfinished Business:

1. **Parks HMR Tax Revenues Special Election:** An ordinance to amend Ordinance No. 3900 to dedicate and authorize the use of the Parks HMR Tax Revenues for the development, construction and maintenance of city parks, and to refer such ordinance to the electors of Fayetteville at a Special Election to be held on May 18, 2010. *This ordinance was left on the First Reading at the January 5, 2010 City Council Meeting. This ordinance was left on the Third Reading at the January 5, 2010 City Council Meeting and Tabled to the February 2, 2010 City Council Meeting.*

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5305

C. New Business: None

Announcements:

1. **City Council Tour: February 1, 2010 – Walton Arts Center Tour – 4:30 p.m.**

Adjournment: 6:13 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: **February 2, 2010** **Adjourn:** 6:13 P.M.

Subject:	**Roll**				
Absent: Alderman Lucas	**Thiel**	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	absent			
	Lewis	✓			
	Gray	✓			
	Mayor Jordan	✓			
		8-0			

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

City Council Meeting: **February 2, 2010**

Subject:	**Consent**					
Motion To:		Approve				
Motion By:		Cook				
Seconded:		Petty				
	Thiel	✓				
	Cook	✓				
Passed	**Petty**	✓				
	Rhoads	✓				
Minutes	**Ferrell**	✓				
approved	**Lucas**	Absent				
22-10	**Lewis**	✓				
thru	**Gray**	✓				
27-10	**Mayor Jordan**					

7-0

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

City Council Meeting: **February 2, 2010**

Subject:	**Parks HMR Tax Revenues Special Election**				
Motion To:		Amend	Pass		
Motion By:		Thiel			
Seconded:		Ferrell			
B. 1	**Thiel**	✓	✓		
Unfinished	**Cook**	✓	✓		
Business	**Petty**	✓	✓		
	Rhoads	✓	✓		
passed	**Ferrell**	✓	✓		
	Lucas	Absent	Absent		
5305	**Lewis**	✓	✓		
	Gray	✓	✓		
	Mayor Jordan				
		7-0	7-0		

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

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: **Jason Kelley,** Assistant City Attorney

DATE: **February 3, 2010**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of February 2, 2010**

1. Animal Shelter Donation: A resolution amending the 2010 City Budget by approving a budget adjustment to recognize animal services donation revenue through the end of 2009 in the amount of $20,595.00.

2. Seamless Systems: A resolution approving a contract in the amount of $34,859.00 with Seamless Systems for installation of white membrane energy efficient roof and insulation with CDBG funding for 818 Sang Avenue (Arts Live Theater).

3. Kim Hoadley Construction Co.: A resolution approving a contract in the amount of $23,060.00 with Kim Hoadley Construction Co., Inc. for new storage shed construction with CDGBG funding for the Yvonne Richardson Community Center.

4. Joe Perme Construction: A resolution approving a contract in the amount of $50,195.00 with Joe Perme Construction for an energy efficiency rehabilitation with CDBG funding for 2052 S. Garland (Head Start).

5. 2010 Underage Drinking Prevention Conference: A resolution authorizing acceptance of a grant from the Arkansas Department of Finance and Administration to host the 2010 Underage Drinking Prevention Conference and approving a budget adjustment in the amount of $35,115.00 to recognize the revenue.

6. IRS Task Force: A resolution approving a budget adjustment of the Fayetteville Police Department in the amount of $9,800.00 to recognize reimbursement form the Internal Revenue Service to cover expenses related to the local IRS Task Force.

7. Parks HMR Tax Revenues Special Election: An ordinance to amend Ordinance No. 3900 to dedicate and authorize the use of the Parks HMR tax revenues for the development, construction and maintenance of city parks, and to refer such ordinance to the electors of Fayetteville at a special election to be held on May 18, 2010.

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

Final Agenda
City of Fayetteville Arkansas
City Council Meeting
February 2, 2010

A meeting of the Fayetteville City Council will be held on February 2, 2010 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:

Agenda Additions:

A. Consent:

1. Approval of the January 5, 2010 City Council meeting minutes.

2. **Animal Shelter Donation:** A resolution amending the 2010 city budget by approving a budget adjustment to recognize animal services donation revenue through the end of 2009 in the amount of $20,595.00.

3. **Seamless Systems:** A resolution approving a contract in the amount of $34,859.00 with Seamless Systems for installation of white membrane energy efficient roof and insulation with CDBG funding for 818 Sang Avenue (Arts Live Theater).

4. **Kim Hoadley Construction Co. Inc.:** A resolution approving a contract in the amount of $23,060.00 with Kim Hoadley Construction Co. Inc. for new storage shed construction with CDBG funding for the Yvonne Richardson Community Center.

5. **Joe Perme Construction:** A resolution approving a contract in the amount of $50,195.00 with Joe Perme Construction for an energy efficiency rehabilitation with CDBG funding for 2052 S. Garland (Head Start).

6. **2010 Underage Drinking Prevention Conference:** A resolution authorizing acceptance of a grant from the Arkansas Department of Finance and Administration to host the 2010 Underage Drinking Prevention Conference and approving a budget adjustment in the amount of $35,115.00 to recognize the revenue.

7. **IRS Task Force:** A resolution approving a budget adjustment for the Fayetteville Police Department in the amount of $9,800.00 to recognize reimbursement from the Internal Revenue Service to cover expenses related to the local IRS Task Force.

B. Unfinished Business:

1. **Parks HMR Tax Revenues Special Election:** An ordinance to amend Ordinance No. 3900 to dedicate and authorize the use of the Parks HMR Tax Revenues for the development, construction and maintenance of city parks, and to refer such ordinance to the electors of Fayetteville at a Special Election to be held on May 18, 2010. *This ordinance was left on the First Reading at the January 5, 2010 City Council Meeting. This ordinance was left on the Third Reading at the January 5, 2010 City Council Meeting and Tabled to the February 2, 2010 City Council Meeting.*

   Left on the Third Reading.

C. New Business: None

Announcements:

1. **City Council Tour: February 1, 2010 – Walton Arts Center Tour – 4:30 p.m.**

Adjournment:

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.

ORDINANCE NO. _______

AN ORDINANCE TO AMEND ORDINANCE NO. 3900 TO DEDICATE AND AUTHORIZE THE USE OF THE PARKS HMR TAX REVENUES FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF CITY PARKS, AND TO REFER SUCH ORDINANCE TO THE ELECTORS OF FAYETTEVILLE AT A SPECIAL ELECTION TO BE HELD ON MAY 18, 2010

WHEREAS, this proposed ordinance will not raise the current Parks Hotel, Motel and Restaurant tax nor have any effect other than to establish a special city fund in which Parks HMR revenue could be used for the development, construction and maintenance of city parks; and

WHEREAS, the voters of Fayetteville approved Ordinance No. 3900 in 1995 which authorized the use of the Parks Hotel, Motel and Restaurant tax for promotion and development of City parks; and

WHEREAS, Arkansas statutes would also allow the use of revenues from this existing Park HMR for maintenance of city parks if approved by Fayetteville voters; and

WHEREAS, the citizens of Fayetteville will be better served by allowing the use of revenues from the existing Parks HMR not only for development of our many parks, but also for their maintenance.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends Section 2 (a) of Ordinance No. 3900 by repealing it and enacting the following in its stead:

> "(a) The revenues collected from the Parks Hotel, Motel and Restaurant Tax shall be used by the Fayetteville Parks and Recreation Department for development, construction and maintenance of City parks."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends Section 5 (c) of Ordinance No. 3900 by repealing it in its entirety and enacting the following in its stead:

> "(c) The following question shall be placed upon the ballot for the special election to be held during the Preferential Primary and Nonpartisan General Election on May 18, 2010:
>
> "**FOR** proposed Ordinance No. ______ amending Ordinance No. 3900 by authorizing and dedicating the revenue from the existing Parks Hotel, Motel and Restaurant tax to be used for the development, construction and maintenance of city parks.
>
> "**AGAINST** proposed Ordinance No. ______ amending Ordinance No. 3900 by authorizing and dedicating the revenue from the existing Parks Hotel, Motel and Restaurant tax to be used for the development, construction and maintenance of city parks."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby determines that the Ballot Title shall be: "An Ordinance To Amend Ordinance No. 3900 To Authorize Use Of The Revenue From The Existing Parks Hotel, Motel And Restaurant Tax For Development, Construction and Maintenance of City Parks."

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby refers this proposed ordinance allowing the usage of revenue from the existing Parks HMR tax for maintenance of city parks to the qualified electors of the City of Fayetteville, Arkansas, for a special election to be held on May 18, 2010. This ordinance shall only take effect if approved and ratified by the Fayetteville voters in the special election of May 18, 2010. If not approved and ratified by the Fayetteville voters, this ordinance shall be null and void and have no effect upon the existing Ordinance No. 3900, nor the existing Parks Hotel, Motel and Restaurant tax.

PASSED and **APPROVED** this 2nd day of January, 2010.

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

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
City Council Meeting Minutes
January 05, 2010

A meeting of the Fayetteville City Council was held on January 05, 2010 at 6:00 p.m. 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

<u>Mayor's Announcements, Proclamations and Recognitions:</u>

<u>Presentations, Reports and Discussion Items:</u>

Report on the Firemen's and Policemen's Pension and Relief Fund – Mayor Lioneld Jordan.

Mayor Jordan presented the Firemen's Pension and Policemen's Pensions and Relief Fund to the Council. A copy of the report is attached.

<u>Election of Vice Mayor:</u>

Alderman Gray moved to elect Alderman Brenda Thiel as Vice Mayor. Upon roll call Alderman Gray, Thiel, Cook, Petty and Rhoads voted to elect Alderman Brenda Thiel.

Alderman Lewis moved to elect Alderman Shirley Lucas as Vice Mayor. Upon roll call Alderman Lewis, Ferrell and Lucas voted to elect Alderman Shirley Lucas.

Alderman Brenda Thiel was elected as Vice Mayor.

Housing Authority Board Appointment:

Alderman Cook moved to approve the appointment of Olivia Horn to the Housing Authority Board of Commissioners. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Mayor Jordan introduced the new Chief of the Fayetteville Fire Department David Dayringer. He also thanked Kyle Curry for an excellent job as Interim Chief.

Consent:

Approval of the December 15, 2009 City Council meeting minutes.

Approved.

Amend Police Department Policy: A resolution to approve an amendment to Fayetteville Police Department Policy No. 26.1.1. Disciplinary Matters and Procedures.

Resolution 01-10 as recorded in the office of the City Clerk.

Community Development Block Grant (CDBG): A resolution authorizing the Mayor to execute the Community Development Block Grant (CDBG) agreement for 2010 when received in the estimated amount of $649,000.00.

Resolution 02-10 as recorded in the office of the City Clerk.

McClelland Consulting Engineers, Inc. Amendment #1: A resolution approving Amendment #1 to Task Order #15 with McClelland Consulting Engineers, Inc. for additional right of way plans for the Runway 16 Safety Area Improvement Project in the amount of $3,650.00.

Resolution 03-10 as recorded in the office of the City Clerk.

Arkansas Western Gas: A resolution approving an agreement with Arkansas Western Gas Company in the amount of $83,000.00 for relocation of gas lines and appurtenances as part of the RSA Runway 16 Improvement Project at the Fayetteville Executive Airport, and approving a $5,000.00 contingency.

Resolution 04-10 as recorded in the office of the City Clerk.

Watson Condemnation Settlement Proposal: A resolution approving a settlement agreement with Aaron H. Watson and Patricia Ann Watson concerning condemnation litigation filed as part of the Mount Comfort Road Widening Project in a total amount of $52,000.00.

The Resolution was removed from the consent agenda.

RJR Enterprises, Inc.: A resolution awarding RFP #09-23 and approving a contract with RJR Enterprises, Inc. in the amount of $73,000.00 to construct a playground at Doc Mashburn Park; and approving a project contingency in the amount of $7,300.00.

Resolution 05-10 as recorded in the office of the City Clerk.

Arkansas Department of Parks and Tourism Grant: A resolution authorizing the Mayor to apply to the Arkansas Department of Parks and Tourism for a general improvement fund grant in the amount of $160,000.00 for improvements to Bryce Davis Park.

Resolution 06-10 as recorded in the office of the City Clerk.

Arkansas Recreation Trails Grant: A resolution approving an agreement of understanding with the Arkansas Highway and Transportation Department for the acceptance of an Arkansas Recreational Trails Grant to utilize $116,534.00 in federal-aid funds for the construction of Oak Ridge Trail; and approving a budget adjustment in the amount of $145,668.00.

Resolution 07-10 as recorded in the office of the City Clerk.

A & P Commission: A resolution to approve an agreement with the Fayetteville Advertising and Promotion Commission to furnish collection and accounting services for the Hotel, Motel, and Restaurant taxes collected for the A & P Commission.

Resolution 08-10 as recorded in the office of the City Clerk.

Alderman Cook moved to remove Item # 6 Watson Condemnation Settlement Proposal from the Consent Agenda. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Alderman Ferrell moved to approve the Consent Agenda as read with Item # 6 Watson Condemnation Settlement Proposal removed from the Consent Agenda. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

<u>Agenda Additions</u>: None

<u>Unfinished Business:</u>

R-PZD 09-3439 (Oakbrooke Phase III): An ordinance establishing a residential planned zoning district titled R-PZD 09-3439, Oakbrooke Phase III, located within Oakbrooke Phase I and Oakbrooke Phase II; containing approximately 29 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the December 15, 2009 City Council meeting.*

Alderman Petty 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.

Jeremy Pate stated they meet with the applicant since the last City Council meeting and went over the conditions of approval with which they had concerns. We were able to resolve most of those with some minor changes to the conditions. Staff was able to change some of those and agree with the applicant. He went over the recommendations that were presented to the City Council.

Alderman Lucas: I asked the question last time of how many units increased. You stated 174 from 110. I counted and it increased 56 and 31 in area five which would make it 87 in my calculations.

Jeremy Pate: The original development had 109 dwelling units. There were 110 lots but one of those was the tree preservation lot.

Alderman Lucas: 110 lots. We are talking about two different things units and lots.

Jeremy Pate: That's correct. In this case there is only one lot difference. In most developments there is at least a lot for a detention pond.

Alderman Lucas: The lots may have two or three units on them.

Jeremy Pate: Not in this case. With this development there is a condition that ever lot has to have a maximum of one dwelling unit.

Alderman Lucas: On the maps that you gave us there is a difference. There is an increase.

Jeremy Pate: Yes, between the original development and this proposed development.

Alderman Lucas: I counted and it's 87. Mr. Hoskins said there would be 31 units on planning area five.

Jeremy Pate: Yes, within the mixed use area that's correct. Those would be apartment style, generally with apartments above a shop or an office.

Alderman Lucas: The numbers is the planning areas did not jive with me.

Jeremy Pate: I can double check that. The applicant stated 109 or 110 lots before and compared it to this PZD which has 174. However they neglected to mention the lots that are outside this PZD that were in the original 109.

Alderman Lucas: I wanted to make sure we had the right number.

Alderman Lewis: When you say attached and detached, if something is attached how does that relate to the units?

Jeremy Pate: They are either single family detached or two and three family attached.

Alderman Petty: There has been a lot of progress made with the agreement with the applicant. Is there anything left that's in disagreement?

Jeremy Pate: I will let the applicant speak to that. There is still a request to have some attached units in an additional planning area that is not reflected in our conditions.

Tracy Hoskins, applicant gave a slide presentation. In answer to your question about the added density we have a total of 174 units with the new plan. Thirty one of the units are flats above live work spaces in PA 5. So that is actually an increase of 143. It is an increase of 51 homes. Just because lots are designated to be able to have attached homes does not mean that they will have attached homes. All homes in Oakbrooke are sold on individual lots. They are single family residents. Every home is in planning areas one through four. Our average site coverage is between 24% and 33%.

Alderman Lewis: Is that percent per acre or lot.

Tracy Hoskins: Every single lot.

Alderman Ferrell: I like the live work idea. How do you forecast for how many of those you're going to build and attract people in?

Tracy Hoskins: In this market I don't know if I can answer that. This type of project is something that we have always had a passion about. A lot of it is trial and error.

Alderman Ferrell: You have a mix there for everybody.

Tracy Hoskins: The idea is to be able to offer a little bit to everybody.

Alderman Lewis: What is your average square footage for the proposed designs?

Tracy Hoskins: I don't know that we have ever calculated an average square footage but if I had to use one probably 1800 square feet maybe 1600 square feet.

Alderman Thiel: I like the idea of attached houses. In all the studies about affordable housing that is a number one way to create that. Is there that much savings in attaching them at the garage? Does that offer a benefit to the buyer at a reduced price?

Tracy Hoskins: In planning area two it's to create private outdoor space than cost savings. It creates private courts yards to the sides of houses. The homes in planning area four can literally be completely attached side by side. Just because they are attached doesn't mean they are necessarily going to be classified as affordable. There will be some homes that are attached that will be more affordable. We will have some detached that are more affordable. The intent is to get an intergraded mix of just about everything but stay in the same architectural era.

Alderman Lucas: Jeremy is it was true that in a PZD you go for the highest density and then you might build it for less.

Jeremy Pate: The good thing about a PZD is that the applicant is really showing you how many dwellings units they are proposing on the property. If you just have an RSF-4 it could go up to four units per acre but usually it doesn't because you have to have roads. With a PZD you're actually seeing the maximum number of dwelling units that will go on the property. Yes, that is the maximum. The developer could certainly combine lots.

Alderman Lucas: Is that the advantage of a PZD? You go for the maximum and say I might build less? It seems to me a PZD was supposed to be so that people knew what was going to be built. If we have an RMF-24 then there is nothing we can do if a person was to build it to RMF-24.

Jeremy Pate: Sure, right.

Alderman Lucas: With a PZD if you have the highest buildable space, highest density, then that can be built.

Jeremy Pate: That's correct. That is why in some areas of this project we have concerns with if Mr. Hoskins is the builder I think that he has the goal in mind. That is usually not the case. There may be fifty different builders on this site. The intent of the PZD was to allow neighbors and you as the Council to understand the intent of the development. It's very rare that changes dramatically and when it does it comes back to you. It's very rare that they develop fewer units than what they are proposing. I would err on the side of the maximum and that's why we present everything to the maximum.

Alderman Lucas: The City wants.

Jeremy Pate: That's correct. You should be comfortable with the maximum number of dwelling units. Ultimately that's what you are making a decision on allowing the applicant to develop that many units or square feet. If you are uncomfortable that's where compatibility comes into play whether that's a density that is compatible with the surrounding neighborhood. That's where we come into the design standards and building areas and we get into the details of the zoning district to make it more compatible.

Alderman Lewis: Where do the architectural design standards come from? How is it that we are allowed to do that?

Jeremy Pate: The PZD ordinance requires a developer to submit architectural design standards for each planning area. The detail varies by project. We have fewer with single family residential standards because we don't really have a lot of those identified within our unified development code. We have more with multi family because we have standards and the PZD ordinance states that you have to at least meet the minimum requirements. You can't go below that but you can establish higher standards. That's the intent of the PZD ordinance you're doing something creative you're establishing unique and higher standards.

Alderman Petty: What is the reasoning behind not allowing attached units in planning area two?

Jeremy Pate: We're looking at a situation where the graphic shows the unit with the front yard maintained by the property owner verses the POA and then attaching the rear of the unit which is something that really doesn't necessarily from the street look like it's attached, because it's just the garages and rear that are attached I think that is a concept that makes more sense. You go back to that maximum every one can be attached so you could have all the units attached within that development. This planning area is a cottage style development. We are looking at creating a cottage development ordinance within the City to allow for multi family zoning districts to do more small single family detached dwellings. Every standard we have seen nationwide the cottage styles are all detached. It's for owner occupied small lots so that the price of the unit goes down and there's a common area that everyone shares essentially as a front yard or back yard. When you attach it it doesn't seem to have that same identity. If you take out the cottage concept and replace this with town homes that is really more of what we are looking at if it's all attached. These are such small areas and the potential for the building area being as high as what the Planning Commission has approved the averages are wonderful to shoot for but we are looking at the maximum. Every one of those lots could be at the very maximum. Unless it's regulated through zoning district criteria then we have to assume that is going to be a maximum, regardless of what the intent is of this particular developer. The builder can build it at maximum and that is our biggest concern on that particular plan.

Alderman Petty: If you don't have a problem with the concept would you be able to work up alternative language that would still prevent 100% attachment and allow a concept that was presented.

Jeremy Pate: If that's the Council's direction. That's what we did with the rest of the development. We struggled with that, we had a long discussion about that, and came to some terms with a maximum of thirteen throughout the development understanding the intent from the developer. Attaching these simply adds to that percentage of the overall project that can be attached. To me that is getting away from what the intent of the project was originally.

Alderman Petty: It would need to be specific you're right. I don't think any of us want to see fully shared walls in planning area two. If you are okay with that concept as presented I would personally like to see if we can work something out that would allow that concept.

Alderman Lewis: On the western side of the Oakbrooke III there are houses that are in a former Oakbrooke zoning. Are those detached?

Jeremy Pate: Yes, there are 17 lots on the western side that are not included within this PZD. Eighty two is the difference over the entire property.

Alderman Lucas: Not this side but the west side.

Jeremy Pate: Including the west side. I included the entire boundary. Those 17 remain the same. Those are single family detached units that are subject to a bill of assurance that the applicant offered previously that they have to be a certain size.

Alderman Lewis: In planning area one are those detached?

Jeremy Pate: Planning area one is all single family detached.

Alderman Lewis: Thank you.

Paul Johnson, President of Bridgeport POA, discussed the minimum and maximum square feet of all the different phases in the Bridgeport Subdivision. The concerns are what is going in there. He voiced his concern about rental property in the project. He requested that the Council make lots one through ten be detached. That way we don't have to worry about the attached being right next to a totally different neighborhood, with a different building style, of totally different sizes. He asked that the Bill of Assurance be amended to include the lots that are not included in any planned zoning area, bring them up to 2000 square feet and make them close to what's there now. That way you will have a better flow from neighborhood to neighborhood.

Alderman Petty: Is it the Bridgeport POA's position that you don't want anyone living next to you in another neighborhood that can only afford a house for a lower price?

Paul Johnson: No sir.

Alderman Petty: That seems to be what you said whenever you said you wanted to use house size and house cost to control the kind of people that move in next to you.

Paul Johnson: What happens when a rental unit appears next to you is there is no investment of the person living there. People who are investing in the property will take care of it they will find a way to solve problems. They won't have the parties.

Alderman Petty: With all do respect by your own admission rich parents often buy houses for kids who also disrespect their neighborhoods. I don't really see how legislating lots or house size makes any difference with regards to party houses.

Alderman Lewis: The lots which are outside of the current Oakbrooke III zoning can that be addressed at this time?

City Attorney Kit Williams: I do not think they can. Those are the lots that were originally covered by the Bill of Assurance that was offered by Mr. Hoskins. A Bill of Assurance has to be offered by the developer it can not be asked for or amended by the City Council. We wouldn't be able to talk about house size at all if Mr. Hoskins had not in an earlier rezoning request offered that as a Bill of Assurance. Once he did then any change to that that he might want to make would be up to the City Council. They wouldn't have to accept any change they can hold him to what he has offered.

Paul Johnson: Does this negate that Bill of Assurance?

City Attorney Kit Williams: No, the Bill of Assurance will continue to cover the houses and the property for which it was offered. It can only be changed if in fact the City Council takes affirmative action to except an amended Bill of Assurance.

Jeremy Pate: The Bill of Assurance that was offered, regarding house size on Oakbrooke Phases I and II, covered this entire property. That was associated with that zoning and this is an entirely different zoning request so there is not a Bill of Assurance associated with this PZD zoning request.

City Attorney Kit Williams: If this rezoning is not accepted by the City Council the previous rezoning will remain intact including the Bill of Assurance that covered the previous rezoning.

Jeremy Pate: That is correct.

City Attorney Kit Williams: If this rezoning is accepted then everything within this rezoning will no longer be affected by the previous rezoning which is no longer in effect. The property that is outside this that immediately borders the neighborhood will not be affected one way or the other. Everything within this rezoning, if it is rezoned, will be rezoned without any offer of a Bill of Assurance that I've heard from the developer.

Paul Johnson: In effect those lots outside will not be attached. Lot I which was previously detached 1400 square feet minimum could be attached.

City Attorney Kit Williams: It would be controlled by this rezoning, the conditions of approval, and the statements of conditions that are accepted by the City Council.

Alderman Ferrell: Is the minimum square feet in Bridgeport deemed or mandated by a POA or covenant?

Paul Johnson: The minimum requirement was 1800 square foot by covenant. There are no covenants that have been submitted that we know of at this time. Mr. Hoskins stated there would be covenants but until enough houses are sold he would be in control of the POA. That means it could fluctuate as needed on his approval.

Alderman Lucas: One through ten in Planning Area III are the ones across the street from the ones next to your neighborhood.

Paul Johnson: Yes, ma'am.

Tom Fetner, a resident of Bridgeport Neighborhood: The developer mentioned lot coverage percentages but he was not sure what size house would go on what size lot so if you do not know that how can you determine what the coverage would be. There are items in what is being proposed that are experimental for Fayetteville. I think there are some good ideas here. You are putting an experiment beside a well established neighborhood. In the four years since we reached the current PZD that is in effect there have been four house built and not finished or sold. If this is approved and the development is started and the developer decides he is done will the PZD still be in effect? Will the letter of assurance still be in effect that we have for the lots that are not being effected by this PZD or will we be back here going through this again?

Mayor Jordan: I think it will be.

City Attorney Kit Williams: Yes, for all three of those. The Bill of Assurance will remain in effect for any lots that it's covering now that is not rezoned. If the rezoning is granted that rezoning runs with the land but if this PZD doesn't work than I would expect any new owner to come back to City Council with a new proposal.

Tom Fetner: If this is approved at what point in this process does this become written in stone to where you can't come back again and say I want to change this part of it? Is there any point in time when that happens?

Mayor Jordan: I don't think so.

City Attorney Kit Williams: No, with any zoning anywhere in the city limits the owner of the property can come back in and ask to have it rezoned. It doesn't mean the City Council is going to allow it but at any time an owner can petition.

Tom Fetner: Does that happen very often for RSF-4 to do a lot of changes?

Mayor Jordan: I have seen a few.

City Attorney, Kit Williams: They go through Planning first.

Jeremy Pate: Yes.

Tom Fetner: I am disappointed that we cannot have a new letter of assurance that would affect the houses that border Bridgeport in exchange to allow a density increase of about 60%. It would make us feel better if we could request that the houses that border Bridgeport be 2000 square feet to provide a buffer.

Jerry Musick: I am looking at becoming an owner in Bridgeport. I contemplated building a 3000 sq. ft. house on the west side but I am not going to with what's going across from it. The second concern is drainage.

Sondra Smith, a resident of Bridgeport: I would invite any alderman that has not been out there to go out and view the area. I live next door to college kids and 1500 square feet homes. It is not the size of the home that I am concerned about. My concern is the density of the project. We are surrounded by affordable housing. The houses in the project look nice. My concern is the completion of the project. There has been a huge apartment complex completed since this project came forward. You are flooding that neighborhood with high density.

Nicky Dou, a Real Estate Agent: It seems like the residents of Bridgeport's main concerns are these are going to be rental properties. I deal with a lot of investment properties and the price per square foot of this project is not going to incent my investors to go out and purchase the property. The quality of the homes is supreme. We are waiting for the homes in Oakbrooke to be perfect before we sell them.

Peter Futterknecht, a resident of Bridgeport expressed his concerns that there is no guarantee to what the development will finally become. It is a great concept the way it is now but it could change. That is where I find a problem with increasing the density. Density in itself does not concern me it is what is being offered within that high density.

Melissa Fetner, a resident of Bridgeport, stated her main concern with the development has been the loosy goosy change that has taken place over the past four years. Every time we get something settled it changes. She voiced her concerns with the density and the traffic.

Pam Henson, a resident of Bridgeport, voiced her concerned on the density of this project.

Chuck Lewis, POA resident and Covenant Officer, asked if the Council would represent the homeowners who live in Bridgeport and not just represent those families that are going to live in Oakbrooke. He also voiced his concern on the density in this project.

Chris Brown, City Engineer: The impervious area is 65%.

Alderman Lewis: How does that compares to other areas.

Chris Brown: That is based on one eighth acre lots. On larger lots the impervious area is 40%. It is a pretty high impervious area for this type of density. That is in the drainage report. The detention pond is designed to accommodate that impervious area.

Alderman Petty: In the 2025 goals to me there is only one that matters, the third one, "We'll make traditional town form the standard." I don't think a 2000 sq. ft. requirement is traditional town form. I don't think a neighborhood that has no commercial within walking distance is traditional town form. I think we need to stay true to that.

Alderman Ferrell: The easy thing to do would be to not accept any change. We paid good money for consultants to come in and tell us that density was a good idea. I understand your concerns but change is coming and this is a mixed idea that I like. I like the idea of having commercial upstairs. I understand why people are apprehensive it's not in my back yard.

Alderman Thiel: I like the changes that have been made. I like the commercial added and the concept of it being mixed. I don't know if your goal was to increase the density. From what I am hearing tonight and the traffic out there that concerns me. I can not support the increase in density. I can support the other changes in it, particularly adding the commercial. I like the other project and I like this one but from what I'm hearing from everyone and what I see in traffic out there, coupled with the fact that there has been only four houses built. That concerns me.

Tracy Hoskins: The reason for all these changes is to make it a sellable project, to make it a good project. Large houses on large lots are a thing of the past. They are not selling. Those four houses have not been under construction for two years. Every Oakbrook home is designed in our office by our staff architect. These are some of the highest quality houses built in Northwest Arkansas. The lots are too large and have to build too large of a house to get a return on it. Right now, we need to be building the smaller homes. Under the current size of lots the only way we can build houses in Oakbrook and sell them is to lower the quality because we have so much money in the land and infrastructure cost. The whole idea is for more density. The redesign of Oakbrook is the epitome of the City Plan 2025. It's what this city said they wanted. We are trying to offer something different and with that comes density. He states that with this new design there is a lot of open and green space that is incorporated.

Alderman Petty: Jeremy if we don't count planning area 5 what is the density in this project?

Jeremy Pate: 4.93 is what I'm hearing from the applicant.

Tracy Hoskins: If you take out planning area five the over all density is right at five units per acre.

Alderman Petty: What is the density of the Washington Willow Historic District?

Jeremy Pate: Most of it is around 7 to 8 units per acre.

Alderman Gray: I've been conflicted about this project. I have listened to the homeowners in the area and that's important to me, however, I think we have to realize what our developer has done and he's reported to us green ideas that he has incorporated, which I think is excellent. We need this kind of housing in Fayetteville. Who knows what the economy is going to do and what's going to be built on that property. We don't know what's going to happen that's just the way it is. I would much rather see Oakbrooke go in there than some of other things that could go in there. I'll be supporting this project.

Alderman Lucas: What we are looking at here is what the Planning Commission would be looking if we had sent it back to them. We're not looking at the whole concept. We're supposed to be looking at the different aspects of this since we didn't send it back to the Planning Commission for them to give us a recommendation. We need to look at the basics. I think that's what these neighbors are wanting and that's what I think we should be looking at since we didn't send it back to Planning Commission.

Alderman Lewis: The sign permits up to a 75 square feet monument sign and 150 square feet wall sign per business per wall would be attached to this zoning?

Jeremy Pate: That is correct. Jeremy gave a brief description on the sign ordinance and how it applies to this project.

Sarah Lewis: I am not clear on the language. Is number two RO language?

Jeremy Pate: Yes. It will allow two 16 square feet wall signs per business and one monument sign limited to 50 square feet.

Sarah Lewis: Is that a percentage of the building size or is it just dimensions.

Jeremy Pate: It is just dimensions.

Alderman Lucas moved to amend the condition of approval # 2 to the residential office zoning district signage. Alderman Cook seconded the motion.

Jeremy Pate: It would essentially go back to what staff had recommended at the Planning Commission, which is to follow a residential office type sign.

Alderman Lucas: This is a residential area. I think residential office is more appropriate for that area.

Upon roll call the motion passed unanimously

Alderman Lucas moved to accept staff recommendation for the minimum buildable area. Alderman Lewis seconded the motion.

Jeremy Pate: The Planning Commission recommended 65% for planning areas one and three and 70% for planning areas two and four. Staff recommends 60% buildable area in planning areas one through four.

A discussion followed on the motion.

Sarah Lewis: The buildable area is that just the foot print of the building or is that driveway.

Jeremy Pate: Just the buildings. It does not include driveways and parking areas.

Tracy Hoskins: Clarified the reason for the higher coverage area.

Alderman Petty: You are just taking from one area and drawing the line in a different spot.

Tracy Hoskins: Basically yes.

Alderman Lucas: If we set a maximum there is nothing we can do about it if they build it to that. That is something we must remember.

Peter Futterknecht, voiced his concern on the increase in buildable space and the guarantee of green space in the project.

Mayor Jordan agreed that there is no guarantee

Alderman Petty: There are guarantees. The lines are drawn on the map in a specific spot and they say where the common areas are and where the owner maintained areas. If we approve this, it's going to be set in stone unless it comes back before Council. It's pretty definitive.

Mayor Jordan agreed with Alderman Petty.

Upon roll call the motion passed 5-3, Alderman Gray, Thiel, Cook, Lewis, Lucas voting yes and Alderman Petty, Rhoads, and Ferrell voting no.

Alderman Lewis asked Jeremy if planning area number 3 and lots 1 through 10 are those proposed as a mixture of attached and detached right now.

Jeremy Pate: That is correct.

Alderman Lewis moved to propose lots 1 through 10 be detached single family in planning area three. Alderman Lucas seconded the motion.

Alderman Petty: There is no way I can support that. It sounds like an endorsement of sprawl. There is a huge multi-development on the other side of this. Doing attached houses is not the end of the world. It is an appropriate transition from detached single family to that intense multi family, which is the Links. That is the essence of appropriate transition. I just can't even understand the sense of that.

Alderman Lucas: What we are dealing with is compatibility to a neighborhood. In the 2025 Plan sessions the people did not want to destroy established neighborhoods. We want to allow different styles of buildings but we are looking at compatibility and even the booklet Mr. Hoskins presented talked about transitioning. This is merely asking that attached homes not be on this street that is next to a neighborhood that doesn't have attached homes. It's just a matter of compatibility to a neighborhood.

Alderman Lewis: One reason I think that is a good idea is compatibility but also in talking with the neighbors around that area there's a lot of workability. They are saying this is a good idea on these parts but we'd like these parts changed. I think we need to be open to these ideas and try to work with that. Also, it's right next to the proposed detention area, which I am really having huge concerns about, with the high density area. I like the idea of density. That type of density is going to cause real run-off issues. Detached home are going to have broken apart impervious surfaces, so they will have separated impervious surfaces and that is a positive thing around a detention area. Attached homes are attached, they are a good idea but we need to figure out how to break up those areas. Those are my two reasons for proposing this.

Alderman Petty: Of those ten houses, only one is next to the Bridgeport Subdivision. I don't see a reason to legislate all ten, maybe the first one as a give me. It just seems like doing what the neighbors want because they ask for it with out being critical of the project or what has been asked for.

Alderman Lucas: I think Alderman Lewis made some very good points about the drainage and the fact this is an area that is flat. If there are a lot of drives and attached pieces of homes you're going to stop that drainage into the detention ponds. I think she made some very good points and I agree.

Jim Ramsey, Paradigm Development: The reason for attaching housing especially in those areas was as a tree control maneuver.

Alderman Lucas: Jeremy how many lots are in planning area three?

Jeremy Pate: Planning area three has a maximum of 76 units.

Alderman Lucas: Out of that there will be 13 with attached?

Jeremy Pate: Correct.

Alderman Lucas: There are plenty of areas to mix attached homes in planning area three if we do not have it in lots 1 through 10. There's plenty of area to put those 13.

James Davis, Bridgeport resident explained there are no trees on the north section. They are all in the creek there. All the trees are in the south part of it.

Tracy Hoskins: There are many trees in the area and the reason for attaching the homes is to maneuver them around the homes.

Upon roll call the motion passed 7-1. Alderman Petty voting no.

Alderman Ferrell: Jeremy how many conditions are there?

Jeremy Pate: We agree with all the conditions that are highlighted.

This ordinance was left on the Second Reading.

<u>New Business:</u>

Bid Waiver for Asphalt Materials: An ordinance waiving the requirements of formal competitive bidding during calendar year 2010 for the purchase of asphalt materials for use by the Transportation Division.

City Attorney Kit Williams read the ordinance.

Terry Gulley, Transportation Services Director: We are still bidding the asphalt. This is something we put into effect last year in hopes of lowering the price on a quarterly base. That did take effect last year. We came out with greater savings doing it this way. All we are asking is that we do not have to come back on a quarterly basis because it will cause an interruption in receiving the asphalt.

City Attorney Kit Williams: It is so they won't have to come back and have another ordinance every quarter.

Alderman Thiel: This is good practice.

Alderman Thiel 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 Thiel 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.

Alderman Lewis stated that she hopes we can find ways to use less asphalt.

Ordinance 5301 as Recorded in the office of the City Clerk.

Watershed Conservation Resource Center: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Watershed Conservation Resource Center (WCRC) in the amount of $248,000.00 for a stream restoration project for a section of the West Fork of the White River adjacent to the Fayetteville Executive Airport.

City Attorney Kit Williams read the ordinance.

Chris Brown, City Engineer: This is about a 3,000 foot of stream restoration near the airport. Watershed Conservation Resource Center would be our contractor to handle all the design and to move forward on the construction. Total project cost is about $575,000 and the City's portion is about $248,000.00.

Mayor Jordan: Why did we not put it out for bid?

Chris Brown: This was a grant. The Watershed Conservation Resource Center is an interval part of that grant. They are actually receiving the grant. The City is the matching funds. We are the link to the grant through the Watershed Conservation Resource Center.

Alderman Lucas: You have the money?

Chris Brown: Yes. It is included in the budget. It is part of the Nutrient Reduction Plan and it is in our Storm Water Phase II budget.

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

City Attorney Kit Williams read the ordinance.

Sarah Lewis: The stream restoration in this place, which is up stream from our Noland Wastewater Treatment Plant, will lengthen the life of that.

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

Ordinance 5302 as Recorded in the office of the City Clerk.

Amend Chapters 151 & 172: An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions and 172: Parking and Loading in order to establish further parking standards in districts utilized for single family homes.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: Every year we receive multiple complaints about parking issues. In 2007 we attempted to address some of that with a parking ordinance amendment that required a maximum of four vehicles parked in the front yard area. Section 1 of this ordinance does not change the definition. We are simply moving it from Chapter 172. Section 2 changes the ordinance. What this proposal is to do is to further restrict how many vehicles can be parked on properties that contain single family homes. This would be applicable in single family districts and within other zoning districts that contain single family homes. U of A events for 12 hours before and after the event are exempt.

Jeremy explained the ordinance.

Alderman Gray: Which is preferred on special events? Which is easier to enforce?

Jeremy Pate: Ten events a year is a quantifiable number. A lot of people simply will not know that. Most people when moving into town will not know to call the City every time they have a party at their house. There is certain difficulty with that. The infrequent parking causes me to make a judgment call. For me that is not that big of an issue. We could always revisit that if it becomes an issue. We can certainly enforce either one of these.

Alderman Cook: Code Enforcement will be tagged with enforcing this.

Jeremy Pate: That is correct.

Alderman Cook: What is Kit's opinion on the enforcement of this?

City Attorney Kit Williams: I would like to see a hybrid of these two. I know it makes record keeping easier, but I am concerned where it says "you must apply to the Planning Department no later than three days in advanced in writing." Maybe I could get your two together a little bit where we can have a fall back position to make it a little more clear when we get to the frequent parking.

A discussion followed on specific sections of the ordinance.

Alderman Thiel: I am in favor of letting Kit develop a hybrid of the two and leave this on this reading. I really don't like the idea of limiting something to ten events a year. I think the real issue is complaint driven. It's the people that call in. Ten events are not that much. Why not exclude all of the holidays? I have an issue with the amount of events. I really prefer the second one.

Jeremy Pate: We tried to stay away from holidays because not everyone recognizes the same.

Alderman Petty: I think the second option is simple and makes sense. I have a problem with any legislation that requires people to file a permit with the city to have people over. I think that's really stepping over a line.

Alderman Lewis: I like the second part of number five as well. I would like to see what Kit puts together. Is the language of garage versus carport in the ordinance?

Jeremy Pate: It is not. Right now we identified it as a garage only. It was our understanding that parts of the complaints were just sightliness. You see so many vehicles on a property and visually it looks like a parking lot. That is entirely a policy decision.

Don Marr, Chief of Staff: I would like to continue to remind the Council that the state published its sales tax reports for November sales which are down slightly over 6%. Every time you make a decision this year, in this environment, I want you to be aware of the work load that is placed on staff because we are doing no new services and no new staff. When we have complaint driven ordinances, they are responded to basically in the order in which they are received and in the severity in which they are done. I don't want to imply that we have a big force that goes out and is able to do this all over town even though we will have a better ordinance. I would like to thank both Council members for addressing this because it is something we need. It does scares me, the more of these things that we add that require additional code compliance, because we're not adding code compliance staff. There is added work when we add these regulations.

Alderman Lewis: Part of the intent of this is to facilitate some of that. I don't think the number of complaints is going to change. The same people are going to be having these problems and it will facilitate our code compliance to have a better mechanism for doing this.

Don Marr: I am hoping it will reduce staff time without having to take months and months of data collection to do it. We have been adding a few things over the last five or six months. I just want us to be careful as we look at adding these items. We will do our best to enforce what ever you want us to do.

Adella Gray: That is the reason I asked that question because I wanted Jeremy to tell us what was easier for him. I like the second part too, however it is subjective. I agree completely.

This ordinance was left on the First Reading.

Amend 2010 Adopted Budget: A resolution amending the 2010 city budget by re-appropriating up to $76,037,660.00 in bonded or ongoing capital projects, outstanding obligations and grant-funded items previously appropriated in the 2009 city budget but not completed or delivered in 2009.

Paul Becker, Finance Director gave a brief description on this item.

Alderman Thiel: This is something we do every year.

Alderman Thiel moved to approve the resolution. Alderman Lucas seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 09-10 as recorded in the office of the City Clerk.

Parks HMR Tax Revenues Special Election: An ordinance to amend Ordinance No. 3900 to dedicate and authorize the use of the Parks HMR Tax Revenues for the development, construction and maintenance of city parks, and to refer such ordinance to the electors of Fayetteville at a Special Election to be held on March 9, 2010.

City Attorney Kit Williams read the ordinance.

Mayor Jordan: The only thing I would encourage the Council to do is when you look at the special election cost it's about $15,000 to $17,000 if we do it on March 9th, and if we do it in May during the primary it's $3,000 to $5,000.

Alderman Gray: Or we can wait until November.

Mayor Jordan: The only thing I have an issue with November is we are going to be in budget discussions in about September or October and I'd like to have this in place. I know it doesn't cost anything in November but I'd rather spend the $3,000 or so in May so we can discuss this item in the fall rather than wait until November.

Alderman Gray: Sounds good.

Alderman Lewis: This would go to a public vote and they would decide if they want to add maintenance as part of where this tax would go?

Mayor Jordan: That is what I understand. Is that correct Bobby?

Alderman Ferrell: Ordinance 3900, which was passed by the citizens of Fayetteville in a special election on November 14, 1995, approved 1% additional sales tax for parks. In section 2 B of the ordinance that the Council voted on to enable the election states "proceeds of the additional 1% tax shall be deposited into a special fund established by the City to be used for the development, construction, and maintenance of city parks. The funds shall be dispersed by the Mayor upon approval of the City Council" Clearly this demonstrates the intent of the Council. Some how on the ballot that word 'maintenance' was left out.

City Attorney Kit Williams: I agree. I was on the Council at that time and I was not aware that this was going to be restricted to only promotion and development. But unfortunately that's the way the ballot was worded and because of that, my legal analysis and research in this area showed the ballot language is what controls. So we can not spend it on maintenance. We haven't been able to the entire time we've had this tax because the ballot said its purposes are for development and promotion of parks, so that's all we've been able to spend it for. This would simply give you the right that in the statue. If the ballot had been worded that way originally then that's the way it would have been.

Alderman Petty moved to amend the ordinance to hold the election on May 18, 2010. Alderman Ferrell seconded the motion. Upon roll call the resolution passed unanimously.

City Attorney Kit Williams: I would ask that this not be passed tonight. I would like to redraft this properly. I want to go slowly and have it drafted properly for the next meeting.

Valerie Bienddara: I agree with the ordinance. I feel it is entirely appropriate for Parks and Recreation to have the ability to use the money from HMR. My concern is that with the Parks being able to use this money for maintenance that at some point in time the City Council would eliminate the parks maintenance budget in the general budget. I would like some restrictions that City Councils in the future will not start doing that to make up for a budget shortfall. That Parks and Recreation will still have all the maintenance money that it needs.

Alderman Ferrell: The budget process is open to the public. You said something that I can't agree with, you said "will be able to give Parks all the maintenance money that it needs". We probably won't be able to do that with any department. The public is always part of that process to be there and to have comment. I think that will always be part of this process.

Valerie Bienddara: Not everybody goes and visits the budget process and it can always be sneaked in. I just want to make sure that Parks and Recreation doesn't start losing the money it desperately needs.

Alderman Ferrell: The framers of this ordinance put it in there that maintenance money could be used and it was left off the ballot unfortunately.

Valerie Bienddara: I understand that it's real easy to say they have it in the HMR and not fund them in the general. It's real easy to do that. Thank you.

Alderman Lewis: This is divided up into construction, development, and maintenance and sometimes none of it would go to maintenance. Is it designated a percentage?

City Attorney Kit Williams: No. You can not really bind a future City Council you just have to count on democracy. That's what we have here.

Alderman Thiel: We are voting on something that's going to the public to be voted on. So they can decide that too.

Alderman Petty: The greatest assurance you can have is that the public elects us and the public in Fayetteville cares very much about their parks.

Don Marr, Chief of Staff: It has always been talked about that any administration would want the maximum flexibility in terms of their planning. If you're in touch with the citizens then you make sure the rations on how you spend that money between development and maintenance are proper. Sometimes there is pressure put not to develop parks because you have to take of them in order for them to be maintained to the standard and quality that citizens have come to expect. This helps us ensure that we have revenue at times in low development. It just gives us multiple flexibility.

This ordinance was left on the First Reading.

City Council Tour: None

Meeting adjourned at 9:00 p.m.

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

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

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
February 2, 2010

A meeting of the Fayetteville City Council will be held on February 2, 2010 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

1. Sales Tax Collection Update – Paul Becker

2. Economic Development Contract Report – Chamber of Commerce

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the January 5, 2010 City Council meeting minutes.

2. **Animal Shelter Donation:** A resolution amending the 2010 city budget by approving a budget adjustment to recognize animal services donation revenue through the end of 2009 in the amount of $20,595.00.

3. **Seamless Systems:** A resolution approving a contract in the amount of $34,859.00 with Seamless Systems for installation of white membrane energy efficient roof and insulation with CDBG funding for 818 Sang Avenue (Arts Live Theater).

4. **Kim Hoadley Construction Co. Inc.:** A resolution approving a contract in the amount of $23,060.00 with Kim Hoadley Construction Co. Inc. for new storage shed construction with CDBG funding for the Yvonne Richardson Community Center.

5. **Joe Perme Construction:** A resolution approving a contract in the amount of $50,195.00 with Joe Perme Construction for an energy efficiency rehabilitation with CDBG funding for 2052 S. Garland (Head Start).

6. **2010 Underage Drinking Prevention Conference:** A resolution authorizing acceptance of a grant from the Arkansas Department of Finance and Administration to host the 2010 Underage Drinking Prevention Conference and approving a budget adjustment in the amount of $35,115.00 to recognize the revenue.

7. **IRS Task Force:** A resolution approving a budget adjustment for the Fayetteville Police Department in the amount of $9,800.00 to recognize reimbursement from the Internal Revenue Service to cover expenses related to the local IRS Task Force.

B. Unfinished Business:

1. **Parks HMR Tax Revenues Special Election:** An ordinance to amend Ordinance No. 3900 to dedicate and authorize the use of the Parks HMR Tax Revenues for the development, construction and maintenance of city parks, and to refer such ordinance to the electors of Fayetteville at a Special Election to be held on May 18, 2010. *This ordinance was left on the First Reading at the January 5, 2010 City Council Meeting. This ordinance was left on the Third Reading at the January 5, 2010 City Council Meeting and Tabled to the February 2, 2010 City Council Meeting.*

   Left on the Third Reading.

C. New Business: None

Announcements:

1. **City Council Tour: February 1, 2010 – Walton Arts Center Tour – 4:30 p.m.**

Adjournment:

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 of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

2/2/2010
City Council Meeting Date
Agenda Items Only

Yolanda Fields	Community Services	Development Services
Submitted By	**Division**	**Department**

Action Required:

Approval of a Budget Adjustment budgeting the Donation Revenue Balance through 2009 for the Animal Shelter in the amount of $20,595.

	$ -	
Cost of this request	Category / Project Budget	Program Category / Project Name
see attached	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
see attached	$ -	General
Project Number	Remaining Balance	Fund Name

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

Department Director — Date: 01-05-2010

City Attorney — Date: 1-11-10

Finance and Internal Services Director — Date: 1-14-2010

Chief of Staff — Date: 1-14-10

Mayor — Date: 1/15/10

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office — ENTERED 1-8-10 Kin

Received in Mayor's Office — ENTERED 1/11/10

Staff recommends approval of this budget adjustment.

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and Council

Thru: Jeremy Pate, Director of Development Services

From: Yolanda Fields, CS Director

Date: January 8, 2010

Subject: Approval of a Budget Adjustment for Animal Services Donations

PROPOSAL:

To approve the Budget Adjustmemt to recognize the remaining donation revenue from 2009.

RECOMMENDATION:

Staff recommends approval of budget adjustment to budget the Animal Services Donation Revenue through the end of 2009 in the amount of $20,595.

BUDGET IMPACT:

Increase Animal Shelter Donations Program budget by $20,595.

RESOLUTION NO. ______

A RESOLUTION AMENDING THE 2010 CITY BUDGET BY APPROVING A BUDGET ADJUSTMENT TO RECOGNIZE ANIMAL SERVICES DONATION REVENUE THROUGH THE END OF 2009 IN THE AMOUNT OF $20,595.00

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 amends the 2010 city budget by approving a budget adjustment, a copy of which is attached to this Resolution and incorporated herein as if set out word for word, to recognize animal services donation revenue through the end of 2009 in the amount of $20,595.00.

PASSED and **APPROVED** this 2nd day of February, 2010.

APPROVED: ATTEST:

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year		Request Date	Adjustment Number
2010	Department: Development Services Division: Animal Services Program: Animal Services Projects	1/8/2010	

JUSTIFICATION TO INCREASE PROJECT / ITEM:

To increase various Veterinary and Supplies accounts in the Animal Services Division by $20,595.

JUSTIFICATION TO DECREASE PROJECT / ITEM (OR RECOGNIZING REVENUE):

To recognize miscellaneous donations to the Animal Shelter given from private citizens and organizations for the health and welfare of the animals cared for by the Shelter.

Because the revenue was received in 2009, the funding source for this 2010 Adjustment is the Use of Prior Fund Balance. An adjusting entry will be made in 2009 to recognize the revenue.

Account Name	Account Number	Increase Budget	Decrease Budget	Project.Sub Number
Dog Food And Supplies	1010.2740.5205.00	2,543		03048 . 1
Veterinary Supplies	1010.2740.5200.03	15,259		03048 . 1
Cleaning Supplies	1010.2740.5203.00	2,543		03048 . 1
Veterinary Supplies	1010.2740.5200.03	250		03049 . 1
Use Of Prior Fund Balance	1010.0001.4999.97		20,595	.
	TOTAL	20,595	20,595	

Signature	Date
Division Head	1-13-10
Budget Director	1-12 2010
Department Director	01.13.2010
Finance Director: Paul A. Becker	1-14-2010
Chief of Staff	
Mayor	

Requested By: Justine Middleton

kspringer

Budget & Research Use Only

Type: A B C D E

Description:

0

General Ledger Date

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

2/2/2010
City Council Meeting Date
Agenda Items Only

Yolanda Fields	Community Services	Development Services
Submitted By	**Division**	**Department**

Action Required:

Approval of purchase order for energy efficiency rehabilitation project for public facility lease program, installation of white membrane energy efficient roof with insulation at 818 S. Sang Ave. (Arts Live Theater).

$ 34,859.00	$ 60,000.00	
Cost of this request	Category / Project Budget	Program Category / Project Name
2180.4990.5390.16	$ 113.10	
Account Number	Funds Used to Date	Program / Project Category Name
	$ 59,886.90	Community Development
Project Number	Remaining Balance	Fund Name

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

Department Director	01.12.2010 Date	Previous Ordinance or Resolution #	
		Original Contract Date:	
City Attorney	1-19-10 Date	Original Contract Number:	
Finance and Internal Services Director	1-19-2010 Date		
Chief of Staff	1-19-10 Date		
Mayor	1-19-10 Date		

Received in City Clerk's Office — ENTERED 1-13-10 Kim

Received in Mayor's Office — ENTERED 1-19-10 BRP

Comments: Staff recommends approval of purchase order.

Fayetteville ARKANSAS

www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Department Director JP

From: Yolanda Fields, Community Services Division Director

Date: January 8, 2010

Subject: CDBG Public Facility Program- Approval of PO for Energy Efficiency Rehabilitation Project

PROPOSAL:

The property located at 818 Sang Ave was acquired with Community Development Block Grant (CDBG) funds. This property is a part of the CDBG Public Facility Lease Program. Properties acquired with CDBG funds are made available through an application process to non-profits that provide services to low/mod residents in the City of Fayetteville. The building is currently leased to Arts Live Theater. This project is estimated to create six temporary jobs. Improvements to this project will increase the energy efficiency of the building. Improvements to be made:

- Installation of white membrane energy efficient roof with insulation

RECOMMENDATION:

Staff recommends approval of PO for this project, located at 818 Sang Ave.

BUDGET IMPACT:

Project cost is approximately $34,859

RESOLUTION NO. ______

A RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF $34,859.00 WITH SEAMLESS SYSTEMS FOR INSTALLATION OF WHITE MEMBRANE ENERGY EFFICIENT ROOF AND INSULATION WITH CDBG FUNDING FOR 818 SANG AVENUE (ARTS LIVE THEATER)

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a contract in the amount of $34,859.00 with Seamless Systems for installation of white membrane energy efficient roof and insulation with CDBG funding for 818 Sang Avenue (Arts Live Theater).

PASSED and **APPROVED** this 2nd day of February, 2010.

APPROVED: ATTEST:

By: ______________________________
LIONELD JORDAN, Mayor

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

CDBG-R
Activity Data Spreadsheet

Jurisdiction/Grantee Name: **City of Fayetteville, Arkansas**		CDBG-R Fomula Grant Amount: **172,702.00**				Date: May 19, 2009 **Revised June 5, 2009**	
Activity Name	Activity Description	Eligibility (Regulatory or HCDA Citation)	National Objective Citation	CDBG-R Project Budget ($)	Additional Recovery Funds ($)	Other Leveraged Funding ($)	Total Activity Budget
Energy Efficiency Rehabilitation - 818 N Sang	CDBG-R funds in the amount of $60,000.00 are going to be utilized to replace the existing roof and replace it with a more energy efficient roof. This facility was acquired with CDBG funds to be utilized as a location for the CDBG Public Facilities Lease Program. The tenants are selected through a competitive process that evaluates factors such as percentage of beneficiaries that are low- and moderate-income and how many CDBG National Objectives are met.	570.201(c): Public Facilities and Improvements	Benefit LMI persons	$60,000			$60,000
Energy Efficiency Rehabilitation – 1932 S Garland	CDBG-R funds in the amount of $65,000.00 are going to be utilized to complete a number of upgrades to the facility. The rehabilitation will include: window replacement; roof, gutter and subfloor repair; HVAC energy efficient upgrade; plumbing repair; electrical upgrade and siding. This facility was acquired with CDBG funds to be utilized as a location for the CDBG Public Facilities Lease Program. The tenants are selected through a competitive process that evaluates factors such as percentage of beneficiaries that are low- and moderate-income and how many CDBG National Objectives are met.	570.201(c): Public Facilities and Improvements	Benefit LMI persons	$65,000			$65,000
Energy Efficiency Rehabilitation – 2052 S Garland	CDBG-R funds in the amount of $47,702.00 are going to be utilized to upgrade to more energy efficient lighting and to replace water heaters and HVAC with energy efficient models. This facility was acquired with CDBG funds to be utilized as a location for the CDBG Public Facilities Lease Program. The current tenant was selected through a competitive process that evaluated factors such as percentage of beneficiaries that are low- and moderate-income and how many CDBG National Objectives are met.	570.201(c): Public Facilities and Improvements	Benefit LMI persons	$47,702			$47,702

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

RECEIPT OF BIDS

OWNER(S): City of Fayetteville

ADDRESS: 818 Sang Ave. PROJECT No: 09029-0901

PROJECT TITLE: 818 Sang Ave. Roof replacement

BID CLOSING DAY/DATE/TIME: Monday, 4:00 PM, November 30, 2009

CONTRACTOR: Reme construct BID AMOUNT: 41,210.00

CONTRACTOR: Seamless Systems Inc BID AMOUNT: 34,859.00

Scope of work where indicating to contractor.

CONTRACTOR: BID AMOUNT:

CONTRACTOR: BID AMOUNT:

CONTRACTOR: BID AMOUNT:

Certified by: Richard Fields Date: 11/30/09

Witness: Brent Date: 11/30/09

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: 09029-0901 **DATE ISSUED:** 11/16/09

DATE AND TIME OF OPENING: Monday, 4:00 pm, November 30, 2009

OWNER'S NAME: City of Fayetteville

PROJECT ADDRESS: 818 Sang Ave. Fayetteville, AR

*In blanks below please quote price for each item and the total for project at the bottom.

A) Roof: 37,160.00

B) Siding, Soffit & Fascia 900.00

C) Insulation: 1700.00

D) Clean Up: 400.00

E) Other: 1050.00

MY TOTAL BID PRICE FOR THIS PROJECT IS $ 41,210.00

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

Complete Business Address:

Name of Firm: Joe Perme Construction Phone # 479-409-1101

Street address or P O Box 1874 S. Doral Dr.

City / State/ Zip Code Fayetteville, AR 72701

Printed Name: Joe Perme

Signature: [signature] Title: Vice-President

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: 09029-0901 **DATE ISSUED:** 11/16/09

DATE AND TIME OF OPENING: Monday, 4:00 pm, November 30, 2009

OWNER'S NAME: City of Fayetteville

PROJECT ADDRESS: 818 Sang Ave. Fayetteville, AR

*In blanks below please quote price for each item and the total for project at the bottom.

A) Roof: 27,031 00

B) ~~Siding~~, ~~Soffit &~~ Fascia 400. 00

C) Insulation: 1200 00

D) Clean Up: 400 00

E) Other: Tear Off 5828 00 ☆ See Attached

MY TOTAL BID PRICE FOR THIS PROJECT IS $ 34,859 00

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

Complete Business Address:

Name of Firm: Seamless Systems Phone #: 479-648-0037

Street address or P O Box 5706 S. 73rd Place

City / State/ Zip Code Fort Smith AR 72903

Printed Name: Duane Logsdon

Signature: Duane Logsdon Title: Project Manager

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

2/2/2010
City Council Meeting Date
Agenda Items Only

Yolanda Fields	Community Services	Develeopment Services
Submitted By	**Division**	**Department**

Action Required:

Approval of purchase order for remodel of Yvonne Richardson Community Center, new storage shed construction.

$ 23,060.00	$ 31,168.00	
Cost of this request	Category / Project Budget	Program Category / Project Name
2180.4990.5390.06	$ 322.50	
Account Number	Funds Used to Date	Program / Project Category Name
	$ 30,845.50	Community Development
Project Number	Remaining Balance	Fund Name

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

Department Director — Date: 01.12.2010

City Attorney — Date: 1-19-10

Paul A. Becker
Finance and Internal Services Director — Date: 1-19-2010

Chief of Staff — Date: 1-19-10

Mayor — Date: 1-19-10

Previous Ordinance or Resolution # ____

Original Contract Date: ____

Original Contract Number: ____

Received in City Clerk's Office — ENTERED 1-13-10 Kim

Received in Mayor's Office — ENTERED 1-19-10 BCP

Comments:Staff recommends approval of purchase order.

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Department Director

From: Yolanda Fields, Community Services Division Director

Date: January 8, 2010

Subject: CDBG Subrecipient Program- Approval of PO for Facilities Construction

PROPOSAL:

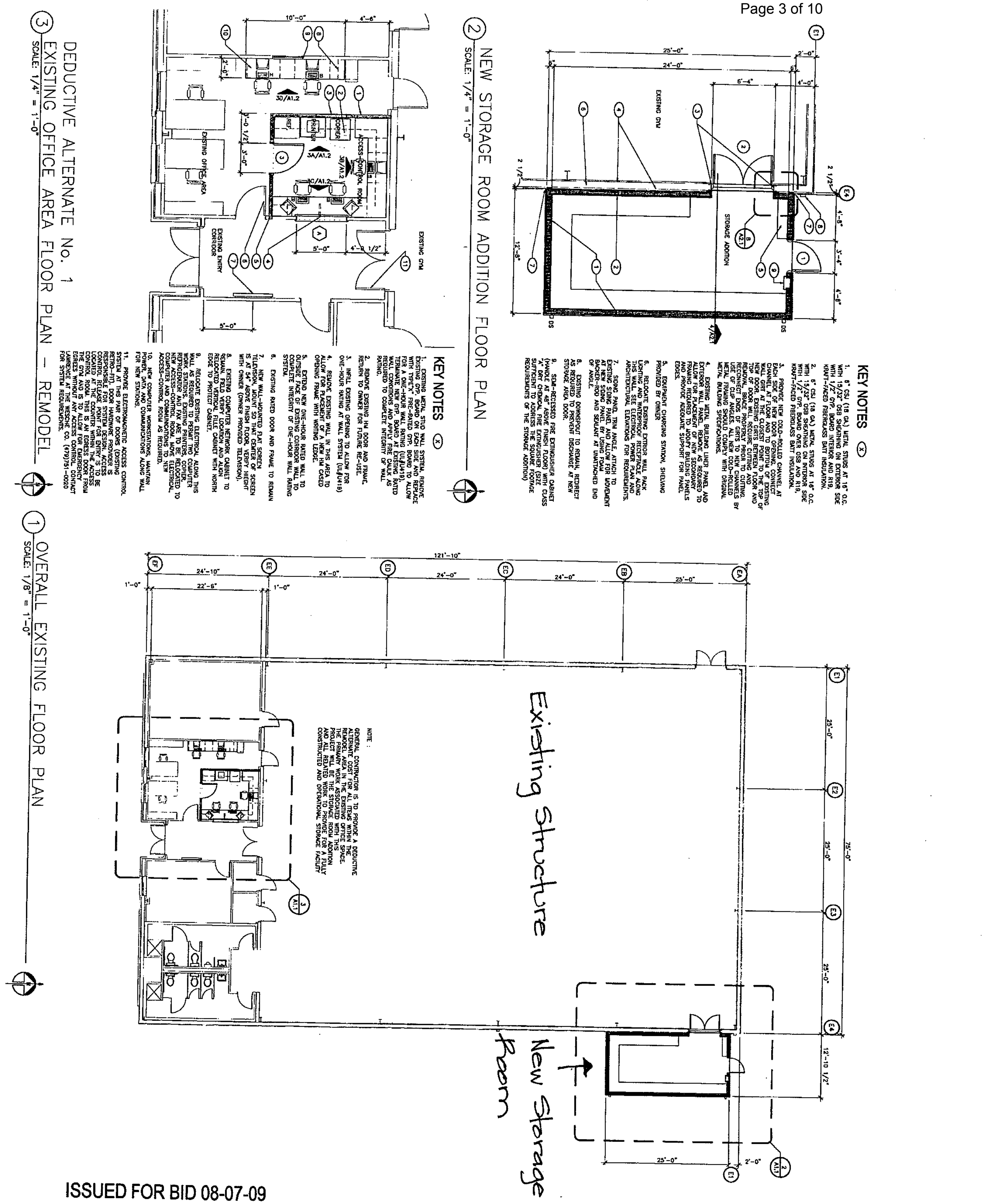
The Yvonne Richardson Community Center (YRCC) is a grassroots endeavor partnering the Southeast Fayetteville Community Center non-profit agency and the Parks and Recreation Division of the City of Fayetteville. Through the CDBG Subrecipient Program YRCC has been awarded funding for construction of a storage addition.

RECOMMENDATION:

Staff recommends approval of PO for this project, located at 240 E. Rock

BUDGET IMPACT:

Project cost is approximately $23,060



ISSUED FOR BID 08-07-09

A1.1	YVONNE RICHARDSON COMMUNITY CENTER REMODEL	JOB # 09-007	HENRY ARCHITECTURE
	OVERALL EXISTING FLOOR PLAN	FAYETTEVILLE, ARKANSAS	1800 S. 52ND STREET SUITE 301, ROGERS, AR 72758
	DATE: 6-26-09		PHONE - 479.271.2555 FAX - 479.271.2395
			DRAWN BY: JH CHECKED BY: CJH4

REV. NO.	DATE	DESC.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF $23,060.00 WITH KIM HOADLEY CONSTRUCTION CO. INC. FOR NEW STORAGE SHED CONSTRUCTION WITH CDBG FUNDING FOR THE YVONNE RICHARDSON COMMUNITY CENTER

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a contract in the amount of $23,060.00 with Kim Hoadley Construction Co. Inc. for new storage shed construction with CDBG funding for the Yvonne Richardson Community Center.

PASSED and **APPROVED** this 2nd day of February, 2010.

APPROVED:

By: ___________________________
LIONELD JORDAN, Mayor

ATTEST:

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

Section 00 41 13

BID FORM

BASE BID

ITEM#	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL
1	25'-0" x 12'-10 ½" Structure complete and in place per plans and specifications (including Site Preparation and Mobilization)	L.S.	1.00	23060.00	23060.00
2	Interior work consisting of providing an integral fire-rated counter shutter at existing entry corridor to the access-control room complete per Addendum No. 1	L.S.	1.00	6625.00	6625.00

TOTAL BID PRICE $ 29685.00

DEDUCTIVE ALTERNATES

The price of the Bid for each alternate shall be the amount deducted from the price of the Total Base Bid if the City of Fayetteville selects any of the alternates. The unit price amount for each alternate shall be the same as the unit price amount liste

ITEM#	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL
D1	Interior work consisting of providing an integral fire-rated counter shutter at existing entry corridor to the access-control room complete per Addendum No. 1	L.S.	1.00	6625.00	6625.00

TOTAL DEDUCTIVE ALTERNATE BID $ 6625.00

The Bidder shall state the price bid in words and figures (written in ink or typed) for each pay item, and the total bid. In case of conflict between words and figures, the words, unless obviously incorrect, shall govern.

Bidder understands that the Owner reserves the right to award the total project, or to reject any or all bids and to waive any informalities in the bidding. Bidder agrees that this Bid shall be good and will not be withdrawn for a period of 60 calendar days after the scheduled closing time for receiving bids.

Respectfully submitted,

Firm Name Kim Hoadley Const. Co. Inc.

By Kim Hoadley, President

Address 2848 N. Quail Creek Dr.

City Fayetteville

State ARKANSAS

** Arkansas State Contractor's License Number:
# 0068030410

**** A Contractor's License is required to bid this project. This project requires a five (5) percent bid bond at time of bid opening. After contract award, a one hundred (100) percent performance and payment bond is required along with proof of insurance before construction begins.**

End of Section 00 41 13

We have included smoke detector & wiring ... $205.00
Deduct if not required from base bid.

Section 00 41 13

BID FORM

BASE BID

ITEM#	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL
1	25'-0" x 12'-10 ½" Structure complete and in place per plans and specifications (including Site Preparation and Mobilization)	L.S.	1.00	23,200.00	23,200.00
2	Interior work consisting of providing an integral fire-rated counter shutter at existing entry corridor to the access-control room complete per Addendum No. 1	L.S.	1.00	17,750.00	17,750.00

TOTAL BID PRICE $ 40,950.00

DEDUCTIVE ALTERNATES

The price of the Bid for each alternate shall be the amount deducted from the price of the Total Base Bid if the City of Fayetteville selects any of the alternates. The unit price amount for each alternate shall be the same as the unit price amount liste

ITEM#	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL
D1	Interior work consisting of providing an integral fire-rated counter shutter at existing entry corridor to the access-control room complete per Addendum No. 1	L.S.	1.00	17,750.00	17,750.00

TOTAL DEDUCTIVE ALTERNATE BID $ 23,200.00

The Bidder shall state the price bid in words and figures (written in ink or typed) for each pay item, and the total bid. In case of conflict between words and figures, the words, unless obviously incorrect, shall govern.

Bidder understands that the Owner reserves the right to award the total project, or to reject any or all bids and to waive any informalities in the bidding.
Bidder agrees that this Bid shall be good and will not be withdrawn for a period of 60 calendar days after the scheduled closing time for receiving bids.

Respectfully submitted,

Firm Name Perme Excavating Inc.

By Joe Perme JR Vice-President

Address 1874 S. Doral Dr. ~~Fayetteville, AR 72701~~

City Fayetteville, AR

State AR 72701

** Arkansas State Contractor's License Number: 0061550310

**** A Contractor's License is required to bid this project. This project requires a five (5) percent bid bond at time of bid opening. After contract award, a one hundred (100) percent performance and payment bond is required along with proof of insurance before construction begins.**

End of Section 00 41 13

Section 00 41 13

BID FORM

BASE BID

ITEM#	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL
1	25'-0" x 12'-10 ½" Structure complete and in place per plans and specifications (including Site Preparation and Mobilization)	L.S.	1.00	31,781	31,781
2	Interior work consisting of providing an integral fire-rated counter shutter at existing entry corridor to the access-control room complete per Addendum No. 1	L.S.	1.00	6,293	6,293
	TOTAL BID PRICE				$ 38,074.00/00

DEDUCTIVE ALTERNATES

The price of the Bid for each alternate shall be the amount deducted from the price of the Total Base Bid if the City of Fayetteville selects any of the alternates. The unit price amount for each alternate shall be the same as the unit price amount liste

ITEM#	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL
D1	Interior work consisting of providing an integral fire-rated counter shutter at existing entry corridor to the access-control room complete per Addendum No. 1	L.S.	1.00	6293	6,293
	TOTAL DEDUCTIVE ALTERNATE BID				$ 6,293

The Bidder shall state the price bid in words and figures (written in ink or typed) for each pay item, and the total bid. In case of conflict between words and figures, the words, unless obviously incorrect, shall govern.

Bidder understands that the Owner reserves the right to award the total project, or to reject any or all bids and to waive any informalities in the bidding. Bidder agrees that this Bid shall be good and will not be withdrawn for a period of 60 calendar days after the scheduled closing time for receiving bids.

Respectfully submitted,

Firm Name Sellers Properties, Inc

By TED Grimes

Address 13465 Puppy Creek Rd # A

City Springdale, AR 72762

State AR

** Arkansas State Contractor's License Number:

0026980410

**** A Contractor's License is required to bid this project. This project requires a five (5) percent bid bond at time of bid opening. After contract award, a one hundred (100) percent performance and payment bond is required along with proof of insurance before construction begins.**

End of Section 00 41 13

Section 00 41 13

BID FORM

BASE BID

ITEM#	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL
1	25'-0" x 12'-10 ½" Structure complete and in place per plans and specifications (including Site Preparation and Mobilization)	L.S.	1.00	32225.00	32,225.00
2	Interior work consisting of providing an integral fire-rated counter shutter at existing entry corridor to the access-control room complete per Addendum No. 1	L.S.	1.00	6775.00	6775.00

TOTAL BID PRICE $ 39,000.00

DEDUCTIVE ALTERNATES

The price of the Bid for each alternate shall be the amount deducted from the price of the Total Base Bid if the City of Fayetteville selects any of the alternates. The unit price amount for each alternate shall be the same as the unit price amount liste

ITEM#	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL
D1	Interior work consisting of providing an integral fire-rated counter shutter at existing entry corridor to the access-control room complete per Addendum No. 1	L.S.	1.00	6775.00	6,775.00

TOTAL DEDUCTIVE ALTERNATE BID $ 6775.00

The Bidder shall state the price bid in words and figures (written in ink or typed) for each pay item, and the total bid. In case of conflict between words and figures, the words, unless obviously incorrect, shall govern.

Bidder understands that the Owner reserves the right to award the total project, or to reject any or all bids and to waive any informalities in the bidding. Bidder agrees that this Bid shall be good and will not be withdrawn for a period of 60 calendar days after the scheduled closing time for receiving bids.

Respectfully submitted,

Firm Name Heckathorn Construction Company, Inc

By [signature] President

Address 1880 Birch Ave.

City Fayetteville

State AR 72703

** Arkansas State Contractor's License Number: 0023780410

**** A Contractor's License is required to bid this project. This project requires a five (5) percent bid bond at time of bid opening. After contract award, a one hundred (100) percent performance and payment bond is required along with proof of insurance before construction begins.**

SUBCONTRACTORS

End of Section 00 41 13

Green Build Construction 0207130411

Roofing & Sheet Metal - dba Loan STEEL Const # ~~02007~~ under $ 20K

HVAC - MCC AIRWORKS # 0025810310 under $ 20K

Electrical - dba Unlimited Electric # 0156980410 under 20K

Section 00 41 13

BID FORM

BASE BID

ITEM#	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL
1	25'-0" x 12'-10 ½" Structure complete and in place per plans and specifications (including Site Preparation and Mobilization)	L.S.	1.00	32,100	32,100
2	Interior work consisting of providing an integral fire-rated counter shutter at existing entry corridor to the access-control room complete per Addendum No. 1	L.S.	1.00	23,290	23,290

TOTAL BID PRICE $ 55,390

DEDUCTIVE ALTERNATES

The price of the Bid for each alternate shall be the amount deducted from the price of the Total Base Bid if the City of Fayetteville selects any of the alternates. The unit price amount for each alternate shall be the same as the unit price amount liste

ITEM#	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL
D1	Interior work consisting of providing an integral fire-rated counter shutter at existing entry corridor to the access-control room complete per Addendum No. 1	L.S.	1.00	22,000	22,000

TOTAL DEDUCTIVE ALTERNATE BID $ 22,000

The Bidder shall state the price bid in words and figures (written in ink or typed) for each pay item, and the total bid. In case of conflict between words and figures, the words, unless obviously incorrect, shall govern.

Bidder understands that the Owner reserves the right to award the total project, or to reject any or all bids and to waive any informalities in the bidding. Bidder agrees that this Bid shall be good and will not be withdrawn for a period of 60 calendar days after the scheduled closing time for receiving bids.

Respectfully submitted,

Firm Name BENCHMARK CONST

By STEVE SMITH

Address 333 W. POPLAR ST

City FAYETTEVILLE, AR 72703

State ARK

** Arkansas State Contractor's License Number: 0033500410

X ADDM #1 ACKNOWLEDGED

* all subs under $ 20,000

**** A Contractor's License is required to bid this project. This project requires a five (5) percent bid bond at time of bid opening. After contract award, a one hundred (100) percent performance and payment bond is required along with proof of insurance before construction begins.**

End of Section 00 41 13

Section 00 41 13

BID FORM

BASE BID

ITEM#	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL
1	25'-0" x 12'-10 ½" Structure complete and in place per plans and specifications (Including Site Preparation and Mobilization)	L.S.	1.00	58,000.00	58000.00
2	Interior work consisting of providing an integral fire-rated counter shutter at existing entry corridor to the access-control room complete per Addendum No. 1	L.S.	1.00	11,900.00	11,900.00

TOTAL BID PRICE $ 69,900.00

DEDUCTIVE ALTERNATES

The price of the Bid for each alternate shall be the amount deducted from the price of the Total Base Bid if the City of Fayetteville selects any of the alternates. The unit price amount for each alternate shall be the same as the unit price amount liste

ITEM#	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL
D1	Interior work consisting of providing an integral fire-rated counter shutter at existing entry corridor to the access-control room complete per Addendum No. 1	L.S.	1.00	(11,900)	(11,900)

TOTAL DEDUCTIVE ALTERNATE BID $ 58,000.00

The Bidder shall state the price bid in words and figures (written in ink or typed) for each pay item, and the total bid. In case of conflict between words and figures, the words, unless obviously incorrect, shall govern.

Bidder understands that the Owner reserves the right to award the total project, or to reject any or all bids and to waive any informalities in the bidding.
Bidder agrees that this Bid shall be good and will not be withdrawn for a period of 60 calendar days after the scheduled closing time for receiving bids.

Respectfully submitted,

Firm Name RICK PERSHALL BUILDING CO.

By Rick Pershall

Address 1924 N. BIRCH ST.

City FAYETTEVILLE

State ARKANSAS

** Arkansas State Contractor's License Number: 0192210310

** A Contractor's License is required to bid this project. This project requires a five (5) percent bid bond at time of bid opening. After contract award, a one hundred (100) percent performance and payment bond is required along with proof of insurance before construction begins.

End of Section 00 41 13

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

2/2/2010
City Council Meeting Date
Agenda Items Only

Yolanda Fields	Community Services	Development Services
Submitted By	**Division**	**Department**

Action Required:

Approval of purchase order for energy efficiency rehabilitation project for public facility lease program, HVAC upgrade, water heater upgrade and lighting upgrade for 2052 S. Garland (Head Start).

$ 50,195.00	$ 50,311.00	
Cost of this request	Category / Project Budget	Program Category / Project Name
2180.4990.5390.23	$ 116.00	
Account Number	Funds Used to Date	Program / Project Category Name
	$ 50,195.00	Community Development
Project Number	Remaining Balance	Fund Name

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

Department Director	01.12.2010 Date	Previous Ordinance or Resolution #
City Attorney	1-19-10 Date	Original Contract Date:
		Original Contract Number:
Paul A. Becker — Finance and Internal Services Director	1-19-2010 Date	Received in City Clerk's Office — ENTERED 1-13-10 King
Chief of Staff	1-19-10 Date	
Mayor	1-19-10 Date	Received in Mayor's Office — ENTERED 1-19-10 BEP

Comments: Staff recommends approval of purchase order.

Fayetteville ARKANSAS

www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Department Director

From: Yolanda Fields, Community Services Division Director

Date: January 8, 2010

Subject: CDBG Public Facility Program- Approval of PO for Energy Efficiency Rehabilition Project

PROPOSAL:

The property located at 2052 S. Garland was acquired with Community Development Block Grant (CDBG) funds. This property is a part of the CDBG Public Facility Lease Program. Properties acquired with CDBG funds are made available through an application process to non-profits that provide services to low/mod residents in the City of Fayetteville. The building is currently leased to Head Start. This project is estimated to create 12 temporary jobs. Improvements to this project will increase the energy efficiency of the building. Improvements to be made:

- HVAC upgrade
- Water Heater upgrade
- Lighting upgrade

RECOMMENDATION:

Staff recommends approval of PO for this project, located at 2052 S. Garland

BUDGET IMPACT:

Project cost is approximately $50,195

RESOLUTION NO. ______

A RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF $50,195.00 WITH JOE PERME CONSTRUCTION FOR AN ENERGY EFFICIENCY REHABILITATION WITH CDBG FUNDING FOR 2052 S. GARLAND (HEAD START)

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a contract in the amount of $50,195.00 with Joe Perme Construction for an energy efficiency rehabilitation with CDBG funding for 2052 S. Garland (Head Start).

PASSED and **APPROVED** this 2nd day of February, 2010.

APPROVED: ATTEST:

By: ______________________________
LIONELD JORDAN, Mayor

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

CDBG-R
Activity Data Spreadsheet

Jurisdiction/Grantee Name: **City of Fayetteville, Arkansas**		CDBG-R Fomula Grant Amount: **172,702.00**				Date: May 19, 2009 **Revised June 5, 2009**	
Activity Name	*Activity Description*	*Eligibility (Regulatory or HCDA Citation)*	*National Objective Citation*	*CDBG-R Project Budget ($)*	*Additional Recovery Funds ($)*	*Other Leveraged Funding ($)*	*Total Activity Budget*
Energy Efficiency Rehabilitation - 818 N Sang	CDBG-R funds in the amount of $60,000.00 are going to be utilized to replace the existing roof and replace it with a more energy efficient roof. This facility was acquired with CDBG funds to be utilized as a location for the CDBG Public Facilities Lease Program. The tenants are selected through a competitive process that evaluates factors such as percentage of beneficiaries that are low- and moderate-income and how many CDBG National Objectives are met.	570.201(c): Public Facilities and Improvements	Benefit LMI persons	$60,000			$60,000
Energy Efficiency Rehabilitation – 1932 S Garland	CDBG-R funds in the amount of $65,000.00 are going to be utilized to complete a number of upgrades to the facility. The rehabilitation will include: window replacement; roof, gutter and subfloor repair; HVAC energy efficient upgrade; plumbing repair; electrical upgrade and siding. This facility was acquired with CDBG funds to be utilized as a location for the CDBG Public Facilities Lease Program. The tenants are selected through a competitive process that evaluates factors such as percentage of beneficiaries that are low- and moderate-income and how many CDBG National Objectives are met.	570.201(c): Public Facilities and Improvements	Benefit LMI persons	$65,000			$65,000
Energy Efficiency Rehabilitation – 2052 S Garland	CDBG-R funds in the amount of $47,702.00 are going to be utilized to upgrade to more energy efficient lighting and to replace water heaters and HVAC with energy efficient models. This facility was acquired with CDBG funds to be utilized as a location for the CDBG Public Facilities Lease Program. The current tenant was selected through a competitive process that evaluated factors such as percentage of beneficiaries that are low- and moderate-income and how many CDBG National Objectives are met.	570.201(c): Public Facilities and Improvements	Benefit LMI persons	$47,702			$47,702

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

RECEIPT OF BIDS

OWNER(S): City of Fayetteville

ADDRESS: 2052 S. Garland Ave. PROJECT No: 09029-0902

PROJECT TITLE: 2052 S. Garland Rehab

BID CLOSING DAY/DATE/TIME: Monday, 4:00 PM, November 30, 2009

CONTRACTOR: J Perme Excavating BID AMOUNT: 50,195.00

CONTRACTOR: Dovetail Construction BID AMOUNT: 41,510.00 * Thrown out

Did not submit proper paper work as detailed in bid documents

CONTRACTOR: SSI Construction - ✓ scope of work * BID AMOUNT: 56,580.00

CONTRACTOR: BID AMOUNT:

CONTRACTOR: BID AMOUNT:

Certified by: [signature] Date: 11/30/09

Witness: [signature] Date: 11/30/09

Fayetteville ARKANSAS
www.accessfayetteville.org
THE CITY OF FAYETTEVILLE, ARKANSAS

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: 09029-0902 **DATE ISSUED: 11/16/09**

DATE AND TIME OF OPENING: Monday, 4:00 pm, November 30, 2009

OWNER'S NAME: City of Fayetteville

PROJECT ADDRESS: 2052 S, Garland, Fayetteville, AR

*In blanks below please quote price for each item and the total for project at the bottom.

A) Electrical: $4,800.00

B) HVAC: $27,720.00

C) Plumbing: $8,000.00

D) Insulation: $1,760.00

E) Clean Up: $300.00

F) Other: G.C.'s: $14,000.00

MY TOTAL BID PRICE FOR THIS PROJECT IS $ 56,580.00

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

Complete Business Address: 400 Jean Mary Ave. Tontitown, AR 72770

Name of Firm: SSI INC. OF NW ARKANSAS Phone # 479-361-5857

Street address or P O Box P.O. Box 399

City / State/ Zip Code Tontitown, AR 72770

Printed Name: Ryan Bennet

Signature: ______________ Title: Vice President

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: 09029-0902 **DATE ISSUED: 11/16/09**

DATE AND TIME OF OPENING: Monday, 4:00 pm, November 30, 2009

OWNER'S NAME: City of Fayetteville

PROJECT ADDRESS: 2052 S, Garland, Fayetteville, AR

*In blanks below please quote price for each item and the total for project at the bottom.

A) Electrical: 6995.00

B) HVAC: 36,000.00

C) Plumbing: 2900.00

D) Insulation: 2800.00

E) Clean Up: 300.00

F) Other: 1200.00

MY TOTAL BID PRICE FOR THIS PROJECT IS $ 50,195.00

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

Complete Business Address:

Name of Firm: Joe Perme Construction Phone # 479-409-1101

Street address or P O Box 1874 S. Doral Dr.

City / State/ Zip Code Fayetteville, Ar 72701

Printed Name: Joe Perme

Signature: [signature] Title: Vice-President

Fayetteville ARKANSAS
www.accessfayetteville.org

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: 09029-0902 **DATE ISSUED:** 11/16/09

DATE AND TIME OF OPENING: Monday, 4:00 pm, November 30, 2009

OWNER'S NAME: City of Fayetteville

PROJECT ADDRESS: 2052 S, Garland, Fayetteville, AR

*In blanks below please quote price for each item and the total for project at the bottom.

A) Electrical: 3,908

B) HVAC: 22,112.85 plus 2,046 tax

C) Plumbing: 5,475

D) Insulation: 2,500

E) Clean Up: 350

F) Other: bidbond 100 overhead & profit 3,775
payment bond 1,050
permits 200

MY TOTAL BID PRICE FOR THIS PROJECT IS $ 41,516

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions~~, and pertinent information regarding the articles being bid on,~~ and agree to furnish these articles at the prices stated.

Complete Business Address:

Name of Firm: Dovetail Construction Inc. Phone # 479 640-4079

Street address or P O Box 1913 S. K St.

City / State/ Zip Code Rogers, AR. 72758

Printed Name: Anton R. Potochnik

Signature: [signature] Title: President

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

2/2/2010
City Council Meeting Date
Agenda Items Only

Greg Tabor	Police	Police
Submitted By	**Division**	**Department**

Action Required:

Acceptance of a grant from the Arkansas Department of Finance and Administration to host the 2010 Arkansas Underage Drinking Prevention Conference and approval of a budget adjustment in the amount of $35,115.

$ 35,115.00	$ -	UDPC Conference
Cost of this request		Program Category / Project Name
1010-2920-5315.00	$ -	Grant
Account Number	Funds Used to Date	Program / Project Category Name
07036-0910	$ -	General
Project Number	Remaining Balance	Fund Name

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

Department Director — Date: 1-15-10

City Attorney — Date: 1-19-10

Paul A. Becker — Finance and Internal Services Director — Date: 1-19-2010

Chief of Staff — Date:

Mayor — Date: 1/20/10

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office — ENTERED 1-15-10 King

Received in Mayor's Office — ENTERED 1-19-10 BRP

Comments:

Fayetteville ARKANSAS

Fayetteville Police Department
100-A West Rock
Fayetteville, AR 72701
Telephone: (479) 587-3555
Fax: (479) 587-3563

Departmental Correspondence

To: Mayor Lioneld Jordan and members of the City Council

From: Greg Tabor, Chief of Police

Date: January 15, 2010

Re: **2010 Underage Drinking Prevention Conference Grant**

Recommendation
Staff recommends acceptance of the 2010 Arkansas Underage Drinking Prevention Conference grant and approval of a budget adjustment in the amount of $35,115.

Background
Underage drinking is a problem, not just in Fayetteville, but also throughout the entire state. 2010 will be the third year that the Fayetteville Police Department has hosted this conference. The Fayetteville Police Department has been a leading enforcement agency on underage drinking prevention through our education/enforcement practices and participation in the National Underage Drinking Prevention Conference and is one of two law enforcement agencies in the state to have ever attended these conferences. Historically, this conference has encouraged the exchange of ideas and has led to the implementation of some new enforcement strategies to help combat underage drinking.

Discussion
The Fayetteville Police Department will host the third annual Arkansas Underage Drinking Prevention Conference with assistance of the Arkansas Alcoholic Beverage Control Enforcement Office, the Pacific Institute of Research and Evaluation (PIRE), and Mothers Against Drunk Drivers (MADD). We are anticipating approximately 150 participants to register and attend this two and one half day conference to be held April 29 through May 1 at the Cosmopolitan Hotel on the Fayetteville Square.

Budget Impact
This is a reimbursement grant funded through the Arkansas Department of Finance and Administration in the amount of $35,115. No matching funds are required.

RESOLUTION NO. ______

A RESOLUTION AUTHORIZING ACCEPTANGE OF A GRANT FROM THE ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION TO HOST THE 2010 UNDERAGE DRINKING PREVENTION CONFERENCE AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $35,115.00 TO RECOGNIZE THE REVENUE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of a grant from the Arkansas Department of Finance and Administration to host the 2010 Underage Drinking Prevention Conference and approves a budget adjustment in the amount of $35,115.00 to recognize the revenue. A copy of the budget adjustment, marked Exhibit "A," is attached hereto and made a part hereof

PASSED and **APPROVED** this 2nd day of February, 2010.

APPROVED: ATTEST:

By: __________________________
LIONELD JORDAN, Mayor

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Police	**Request Date**	**Adjustment Number**
2010	Division: Police Program: Police Projects	2/2/2010	

JUSTIFICATION TO INCREASE PROJECT / ITEM:

Increase expense budget by accepting grant funding from the Alcoholic Beverage Control Enforcement to host the 2010 Arkansas Underage Drinking Prevention Conference.

JUSTIFICATION TO DECREASE PROJECT / ITEM (OR RECOGNIZING REVENUE):

Increase revenue budget by recognizing grant funding from the Alcoholic Beverage Control Enforcement to host the 2010 Arkansas Underage Drinking Prevention Conference.

EXHIBIT
tabbies
A

Account Name	Account Number	Increase Budget	Decrease Budget	Project.Sub Number
Contract Services	1010-2920-5315.00	35,115		07036.0901
State Grants - Operational	1010-0001-4302.01	(35,115)		07036.0901
				.
				.
				.
				.
	TOTAL	-	-	

Division Head	Date	Requested By	W. Newman
	1-20-10		kspringer
Budget Director	Date	Budget & Research Use Only	
	1-15-10	Type: A B C D E	
Department Director	Date	Description:	
Paul A. Becker	1-19-2010		0
Finance Director	Date	General Ledger Date	
Chief of Staff	Date	Posted to General Ledger	Initial / Date
	1/20/10		
Mayor	Date	Posted to Project Accounting	Initial / Date

From: Rick Crisman
To: Newman, Willie
Date: 1/5/2010 10:02 AM
Subject: Fwd: FW: Underage Drinking Prevention Conference Grant Proposal
Attachments: 2010 Conference Budget.xls; Grant app..doc

Cpl. Rick Crisman
Community Policing Division
Fayetteville Police Department
100-A W. Rock St.
Fayetteville, AR 72701
(479) 575-8341
rcrisman@ci.fayetteville.ar.us
TDD(Telecommunications Device for the Deaf): 479/521-1316

>>> "Doris Smith" <Doris.Smith@dfa.arkansas.gov> 1/5/2010 9:57 am >>>
Good morning Rick:

Your proposal is approved. Please notify me of the planned 2010 dates so I can schedule accordingly. Thank you.

Doris Smith
Assistant Administrator
DFA Office of Intergovernmental Services
(501)682-5260
doris.smith@dfa.arkansas.gov

-----Original Message-----
From: Sheila Coffman-Bunting
Sent: Tuesday, January 05, 2010 9:45 AM
To: Doris Smith
Subject: FW: Underage Drinking Prevention Conference Grant Proposal

Sheila Coffman-Bunting
Intergovernmental Services
682-5244

-----Original Message-----
From: Rick Crisman [mailto:rcrisman@ci.fayetteville.ar.us]
Sent: Monday, November 23, 2009 12:40 PM
To: Doris Smith; Sheila Coffman-Bunting
Subject: Underage Drinking Prevention Conference Grant Proposal

Here is the proposal. Call me if you need me to send a hard copy as well.

Cpl. Rick Crisman
Community Policing Division
Fayetteville Police Department
100-A W. Rock St.
Fayetteville, AR 72701
(479) 575-8341
rcrisman@ci.fayetteville.ar.us
TDD(Telecommunications Device for the Deaf): 479/521-1316

Fayetteville
ARKANSAS

2010 Office of Juvenile Justice Delinquency Prevention Grant
Arkansas Underage Drinking Prevention Conference
Budget Narrative

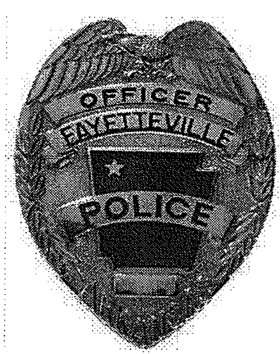


TABLE OF CONTENTS

Meeting Space

The Fayetteville Police Department seeks to host the third Arkansas Underage Drinking Prevention Conference with the assistance of this grant, the Arkansas Alcoholic Beverage Control Enforcement Office, the Pacific Institute of Research and Evaluation (P.I.R.E.), and Mothers Against Drunk Driving (M.A.D.D.). We are anticipating approximately 150 participants to register and attend this two and one half day conference to be held at the Cosmopolitan Hotel in Fayetteville, Arkansas, April 29th – May 1st. We are targeting Arkansas law enforcement as our primary audience. We are expecting 25 staff/ volunteer members to participate in the training over the course of the conference. The venue we have selected allows us the space to house and train the numbers we are expecting. There will be no need for participants or staff to travel offsite for any portion of the training, except alcohol compliance checks (limited number and sign up in advance).

We have arranged for ballrooms to accommodate at least 175 people for the conference opening and three lunches. The total cost of the four ballrooms is $450.00 including taxes. We also have arranged for five workshop rooms with a maximum occupancy of 30 persons each for all three days. This will provide us with 35 opportunities to present conference related materials. This should allow all attendees to have an opportunity to visit the workshops they want to see. The total cost of the workshop rooms is $750.00.

Food and Beverages

This is our single largest expense for the conference. We are planning to provide three lunches and five refreshment breaks during the course of the conference. We expect to feed 175 people at each lunch seating by means of a buffet set up in a ballroom within the hotel. The buffets will be fully equipped and set up for our lunch time breaks with keynote speakers. The dining tables will be white tablecloth rounds with seating for eight and a head table for speakers. Our cost for each daily lunch seating is $3,920.67 including all applicable taxes and service charges. Our combined lunch costs are $11,762.01.

We have also requested the five breaks be strategically divided over the conference to provide refreshments to staff and participants. Each break will vary in price depending on the selection of items to be served. (Day 1)Break #1 is $462.06, Break #2 is $381.82, and Coffee/Soda/Water is $420.56. (Day 2) Break #3 is $462.06, Break #4 is $381.82, Coffee/Soda/Water is $420.56. (Day 3) Break #5 is $462.06 and Coffee is $165.08. The food items selected are designed to feed approximately 175 people per break. The total pricing for our break food and drink is $3,156.02.

Our combined food cost is $14,918.03. Please refer to the budget document for a detailed description. We can provide the breakdown of food to be served during lunches and at the breaks, if that is desired.

Guests will be responsible for all meals outside of the ones provided through this grant. The guest room rates are $89.00 per night for single or double occupancy without breakfast. A continental breakfast is available for an additional $8.95 per person per day with the purchase of your room. These fees do not include taxes.

We plan to build in some special event opportunities for our staff and guests over the course of the conference that will be fun and should allow for some networking and teambuilding opportunities.

Registration Costs

We have anticipated the need for 150 registration packets to provide to our guests at this conference. We also have anticipated the need for packets for our staff and volunteers so they can be easily recognized and identified by our guests. The cost incurred for the registration packets is $2,900.59 including taxes and setup fees. The packets will include a conference tote bag, a conference flashlight, a conference lanyard and Conference Notebook and pen. I have included the breakdown of cost on the attached budget document.

We are requesting all staff and volunteers receive an Arkansas Underage Drinking Prevention Conference shirt to identify them as staff. We estimated we will need 40 shirts at $30.00 each for cost of $1,311.00 including tax and setup fees.

The total cost for the registration items is $4,211.59 including tax. Please refer to the budget document for an itemized list.

Presenters

We are requesting the Pacific Institute of Research and Evaluation (P.I.R.E.) to assist us with some Nationally recognized speakers on relevant topics for this conference. We have 13 guest rooms within the host hotel that can be used for their lodging. We are requesting grant assistance for round trip airfare for some of the speakers. The cost are estimates for seven roundtrip airfare tickets at $1,000.00 each. The guest room rates are $100.79 per night for single or double occupancy taxes included without breakfast. The total estimated cost for our presenters is $11,535.55.

Printing

We have established there will be some printing needs for this conference including professionally designed conference programs, conference banners, conference workshop signs and conference table skirts. These are all items we will have to outsource for design and application. We are requesting 200 conference programs for our guest registration packets and staff at $2,294.25 and 20 conference workshop signs at $655.50.

Our total cost for the printed items is estimated at $2,949.75 including tax and setup fees.

Measurement

We will be able to measure our success by evaluating the number of law enforcement officers trained. We also hope to have this training certified through Arkansas Law Enforcement Standard and Training so officers may receive training credit hours.

Accountability

The Fayetteville Police Department will be accountable through the Community Policing Division for organizing this conference with the assistance of our partnering sponsors. We will have all deliverables submitted within a timely manner to the grant administrator.

Summary

Our grand total requested through this grant is $35,114.92. This budget narrative mirrors the budget document we have prepared in excel format for you. Please let us know if you require any additional details as you read through these documents. We look forward to hearing from you in the near future as to the next steps required in this process. Please be aware we have made our best attempts to estimate attendance and costs but they are only estimates. If awarded this grant, we can certainly make arrangements to limit our registration and keep our numbers manageable. We assume this grant will be for reimbursable dollars, which means we will be responsible for the outlay of money for the conference. We will need some assurances in writing that we will receive these reimbursable dollars in a timely manner so we can satisfy our budgetary needs. We have done our best to try and foresee all needs and costs for this conference. Please let us know if you discover things that should be included that we may have overlooked.

Arkansas
Underage
Drinking
Prevention
Conference

2010 Office of Juvenile Justice Delinquency Prevention Grant
Arkansas Underage Drinking Prevention Conference
Budget Document

Arkansas
Underage
Drinking
Prevention
Conference

Final Grand Total

$35,114.92

Cosmopolitan Hotel
70 N. East Ave.
Fayetteville, AR 72701

Day 1 (Monday, April 29th, 2010)

Room Type	Layout	Occupancy	Justification	Time	Cost
Ballroom	Theater	175	Conference Opening	9:00 A.M. - 10:30 A.M.	Comp
			15 Minute Break #1		
Workshop	Classroom	30	A1 Breakout	10:45 A.M. - 12:00 P.M.	$50.00
Workshop	Classroom	30	A2 Breakout	10:45 A.M. - 12:00 P.M.	$50.00
Workshop	Classroom	30	A3 Breakout	10:45 A.M. - 12:00 P.M.	$50.00
Workshop	Classroom	30	A4 Breakout	10:45 A.M. - 12:00 P.M.	$50.00
Workshop	Classroom	30	A5 Breakout	10:45 A.M. - 12:00 P.M.	$50.00
Ballroom	Lunch	175	Lunch/Keynote Speake	12:00 P.M. - 1:15 P.M.	$150.00
Workshop	Classroom	30	B1 Breakout	1:30 P.M. - 3:00 P.M.	Included
Workshop	Classroom	30	B2 Breakout	1:30 P.M. - 3:00 P.M.	Included
Workshop	Classroom	30	B3 Breakout	1:30 P.M. - 3:00 P.M.	Included
Workshop	Classroom	30	B4 Breakout	1:30 P.M. - 3:00 P.M.	Included
Workshop	Classroom	30	B5 Breakout	1:30 P.M. - 3:00 P.M.	Included
			15 Minute Break #2		
Vendor Area					$100.00
Total					**$500.00**

Day 2 (Tuesday, April 30th, 2010)

Room Type	Layout	Occupancy	Justification	Time	Cost
Workshop	Classroom	30	D1 Breakout	9:00 A.M. - 10:15 A.M.	$50.00
Workshop	Classroom	30	D2 Breakout	9:00 A.M. - 10:15 A.M.	$50.00
Workshop	Classroom	30	D3 Breakout	9:00 A.M. - 10:15 A.M.	$50.00
Workshop	Classroom	30	D4 Breakout	9:00 A.M. - 10:15 A.M.	$50.00
Workshop	Classroom	30	D5 Breakout	9:00 A.M. - 10:15 A.M.	$50.00
			15 Minute Break #3		
Workshop	Classroom	30	E1 Breakout	10:30 A.M. - 12:00 P.M.	Included
Workshop	Classroom	30	E2 Breakout	10:30 A.M. - 12:00 P.M.	Included
Workshop	Classroom	30	E3 Breakout	10:30 A.M. - 12:00 P.M.	Included
Workshop	Classroom	30	E4 Breakout	10:30 A.M. - 12:00 P.M.	Included
Workshop	Classroom	30	E5 Breakout	10:30 A.M. - 12:00 P.M.	Included
Ballroom	Lunch	175	Lunch/Keynote Speake	12:00 P.M. - 1:15 P.M.	$150.00
Workshop	Classroom	30	F1 Breakout	1:30 P.M. - 3:00 P.M.	Included
Workshop	Classroom	30	F2 Breakout	1:30 P.M. - 3:00 P.M.	Included
Workshop	Classroom	30	F3 Breakout	1:30 P.M. - 3:00 P.M.	Included
Workshop	Classroom	30	F4 Breakout	1:30 P.M. - 3:00 P.M.	Included
Workshop	Classroom	30	F5 Breakout	1:30 P.M. - 3:00 P.M.	Included
			15 Minute Break #4		
Vendor Area					$100.00
Total					**$500.00**

Day 3 (Wednesday, May 1st, 2010)					
Room Type	**Layout**	**Occupancy**	**Justification**	**Time**	**Cost**
Workshop	Classroom	30	H1 Breakout	9:00 A.M. - 10:15 A.M.	$50.00
Workshop	Classroom	30	H2 Breakout	9:00 A.M. - 10:15 A.M.	$50.00
Workshop	Classroom	30	H3 Breakout	9:00 A.M. - 10:15 A.M.	$50.00
Workshop	Classroom	30	H4 Breakout	9:00 A.M. - 10:15 A.M.	$50.00
Workshop	Classroom	30	H5 Breakout	9:00 A.M. - 10:15 A.M.	$50.00
			15 Minute Break #5		
Workshop	Classroom	30	I1 Breakout	10:30 A.M. - 12:00 P.M.	Included
Workshop	Classroom	30	I2 Breakout	10:30 A.M. - 12:00 P.M.	Included
Workshop	Classroom	30	I3 Breakout	10:30 A.M. - 12:00 P.M.	Included
Workshop	Classroom	30	I4 Breakout	10:30 A.M. - 12:00 P.M.	Included
Workshop	Classroom	30	I5 Breakout	10:30 A.M. - 12:00 P.M.	Included
Ballroom	Lunch	175	Lunch/Wrap up	12:00 P.M. - 1:15 P.M.	$150.00
Vendor Area					$100.00
Total					**$500.00**
Category Total					**$1,500.00**

Arkansas
Underage
Drinking
Prevention
Conference

Cosmopolitan Hotel
70 N. East Ave.
Fayetteville, AR 72701

Refreshment Type	Number	Day	Time	Number Served	Cost
Coffee/Soda/Water		Day 1	All Day		$420.56
15 Minute Break	#1	Day 1	Morning	175	$462.06
15 Minute Break	#2	Day 1	Afternoon	175	$381.82
Coffee/Soda/Water		Day 2	All Day		$420.56
15 Minute Break	#3	Day 2	Morning	175	$462.06
15 Minute Break	#4	Day 2	Afternoon	175	$381.82
Coffee		Day 3	Morning		$165.08
15 Minute Break	#5	Day 3	Morning	175	$462.06
Total					**$3,156.02**

Refreshment Type	Number	Day	Time	Number Served	Cost
Lunch/Keynote	#1	Day 1	Noon	175	$3,920.67
Lunch/Keynote	#2	Day 2	Noon	175	$3,920.67
Lunch/Wrap	#3	Day 3	Noon	175	$3,920.67
Total					**$11,762.01**
Category Total					**$14,918.03**

Arkansas
Underage
Drinking
Prevention
Conference

Cosmopolitan Hotel
70 N. East Ave.
Fayetteville, AR 72701

Registration Packet	Quantity	Unit Cost	Setup Fee	Sub total	Tax	Cost
Conference Notebook w/pen	180	$3.75	$30.00	$705.00	$65.21	$770.21
Conference Lanyard	180	$1.50	$0.00	$270.00	$24.98	$294.98
Conference flashlight	180	$4.50	$30.00	$840.00	$77.70	$917.70
Conference Tote	180	$4.50	$30.00	$840.00	$77.70	$917.70
Total						**$2,900.59**
Presenter/Staff Packet	**Quantity**	**Unit Cost**	**Setup Fee**	**Sub total**	**Tax**	**Cost**
Conference Shirt	40	$30.00	$0.00	$1,200.00	$111.00	$1,311.00
Total						**$1,311.00**
Category Total						**$4,211.59**

Arkansas
Underage
Drinking
Prevention
Conference

Cosmopolitan Hotel
70 N. East Ave.
Fayetteville, AR 72701

Presenter Travel	Roundtrip Air	Days	Room per day	Extended Cost
PIRE (Mary)	$1,000.00	4	$100.79	$1,403.16
PIRE (Chris)	$1,000.00	4	$100.79	$1,403.16
PIRE (Scott)	$1,000.00	4	$100.79	$1,403.16
PIRE (Nancy)	$1,000.00	4	$100.79	$1,403.16
???	$1,000.00	3	$100.79	$1,302.37
???	$1,000.00	3	$100.79	$1,302.37
MADD (Jennifer)	$1,000.00	4	$100.79	$1,403.16
MADD (Teresa)	$0.00	3	$100.79	$302.37
LRPD (Chris)	$0.00	3	$100.79	$302.37
DFA (Doris)	$0.00	3	$100.79	$302.37
DFA (sheila)	$0.00	3	$100.79	$302.37
State Presenter (Langley)	$0.00	4	$100.79	$403.16
Keynote Speaker	$0.00	3	$100.79	$302.37
Category Total				**$11,535.55**

Arkansas
Underage
Drinking
Prevention
Conference

Cosmopolitan Hotel
70 N. East Ave.
Fayetteville, AR 72701

Printed Material	Quantity	Unit Cost	Setup Fee	Sub Total	Sales Tax	Cost
Workshop Signs	20	$30.00	$0.00	$600.00	$55.50	$655.50
Conference Program(est)	200	$9.00	$300.00	$2,100.00	$194.25	$2,294.25
Category Total						**$2,949.75**

Arkansas
Underage
Drinking
Prevention
Conference

STATE OF ARKANSAS

Department of Finance
and Administration

OFFICE OF INTERGOVERNMENTAL SERVICES

1515 West Seventh Street, Suite 400
Post Office Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
http://www.arkansas.gov/dfa/igs

January 11, 2010

Notification of Award

FY 2010 Enforcing the Underage Drinking Laws (EUDL) Grant
EUDL # 2007-AH-FX-0030 State Conference -Fayetteville Police Department

Fayetteville Police Department-Arkansas Underage Drinking Prevention Conference

Dear Chief Greg Tabor:

The Arkansas Department of Finance and Administration, Office of Intergovernmental Services (DFA-IGS) is pleased to inform that your proposal for funding through the EUDL Program has been approved in the amount of $35,114.92. The award period will run from <u>January 1, 2010 to May 31, 2010.</u>

<u>Award Acceptance</u>

Receipt of the award is contingent on the following:

a. **All Attachments must be signed (in blue ink) by your Authorized Official (agency head) and returned to DFA-IGS by January 19.**

   1) **Attachment 1 (*acknowledgement and acceptance*)**
   2) **Attachment 2 (*approved itemized budget*)**
   3) **Contact information for your designated Agent who will manage the mini-grant and for at least one additional alternate contact must also be provided in Attachment 1.**
   4) **Attachment 3 (certifications regarding lobbying)**
   5) **Attachment 4 (certification regarding debarment)**
   6) **Attachment 5 (assurances)**
   7) **Attachment 6 (contract and grant disclosure/certification form)**

Acceptance of the award indicates the Authorized Official's:

a. **Acknowledgement that the requirements for this award and all Attachments are understood and accepted.**
b. **Agreement with the terms and conditions contained herein.**
c. **Acceptance of and agreement to comply with federal and state laws and requirements governing the EUDL grant. [Office of Justice Programs Financial Guide may be accessed via the internet at [<u>http://www.ojp.usdoj.gov/financialguide/index.htm</u>]**
d. **Understanding that all costs are reimbursement only. Actual cost must be paid by grantee prior to requesting reimbursement.**

Reporting Requirements

Reimbursement requests are due monthly no later than the 5th of the month and a final reimbursement request is due no later than June 5, 2010. Quarterly progress reports are due by: April 6, 2010 and June 5, 2010.

Failure to submit these reports by the deadline may result in a cancellation of this award or only partial reimbursement. A report is required even if no activities were performed within the reporting period.

Reimbursement will be issued only for the specific items and services indicated in the approved budget. To ensure full reimbursement, detailed receipts must be attached to the reimbursement request. To receive reimbursement for promotional items, copies or samples must be submitted with the reimbursement request. One original (signed in blue ink) and an electronic version of the monthly and quarterly reports must be submitted.

Mail original report to:

Parunta Brown
DFA Office of Intergovernmental Services
1515 West 7th Street, Suite 400
PO Box 8031
Little Rock, Arkansas 72201-8031

Submit electronic copy to *parunta.brown @dfa.arkansas.gov*

DFA-IGS Acknowledgement

Monthly reimbursement **and** ***Quarterly progress report*** **forms will be provided to mini-grant recipient upon DFA-IGS receipt of Attachments 1 through 5.**

Terms and Conditions

a) **The Mini-grant Recipient shall not discriminate against any participant in the performance of this award because of race, creed, color, disability, national origin, sex, religion or marital status.**

b) **Expenditures will be reimbursed in accordance with the approved budget.**

c) **Reimbursement Invoices will be submitted by the 5th of each month for expenditures made in the previous month.**

d) **Final request for reimbursement will be submitted by June 5, 2010.**

e) **Quarterly Progress Reports will be submitted by the 5th or 6th day of the following month after the quarter's end: April 6, 2010 and June 5, 2010.**

f) **Minors will be compensated at a rate of pay no higher than $10.00 per hour.***

g) **Officers will be compensated at a rate of pay no higher than $25.00 per hour. Officers will not be compensated for court time.***

h) **Compensation for mileage will be reimbursed at $.42 cents a mile (or highest rate approved by the State).***

***Items reimbursed only if they are in the approved budget.**

DFA-IGS Contact

Should you have any questions or concerns throughout your grant period, please contact Paruntа Brown at: (501) 682-3766 or by email at parunta.brown@dfa.arkansas.gov.

Congratulations once again on your award.

Sincerely,

Doris Smith

Doris Smith
Assistant Administrator
DFA Office of Intergovernmental Services

Mail completed documents (Attachments 1 through 5) to:

Parunta Brown
DFA Office of Intergovernmental Services
1515 West 7th Street, Suite 400
PO Box 8031
Little Rock, Arkansas 72201-8031

Attachment 1

Grantee Acknowledgement of EUDL Grant Requirements and Restrictions

I, ________________________________, agency head for ________________________________ acknowledge the specific requirements outlined in the *Notification of Award.*

I will ensure the timely submission of all reports and will ensure the reimbursement requests are submitted only for qualified expenses and for only the approved amounts as outlined in the *Approved Budget.*

Contact Information: ____

______________________________	__________________________
Agency Head- Printed Name	**Title**
______________________________	__________________________
Signature	**Date**

Authorized Agent/Award Manager contact information:

Name: ____________________________ **Title:** ______________________

Phone: ___________________________

Other: ____________________________

Alternate Person contact information: (at least one required)

Name: ______________________________ **Title:** ______________________

Phone: _____________________________

Other: ______________________________

Name: ______________________________ **Title:** ______________________

Phone: _____________________________

Other: ______________________________

ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION
OFFICE OF INTERGOVERNMENTAL SERVICES
ENFORCING UNDERAGE DRINKING LAWS

MINI-GRANT BUDGET SPREADSHEET

Applicant Name Fayetteville Police Department

Project Name Underage Drinking Prevention Conference

Sub-grant award date: January 1, 2010 to May 31, 2010

Sub-grant award amount: $35,114.92

Underage Drinking Prevention Conference

	Individual Line Item (amounts)
Printed Materials	$2,949.75
Vendor Area	$1,500.00
Refreshments	$3,156.02
Lunch/Keynote	$11,762.01
Registration Packet	$2,900.59
Presenter/Staff Packet	$1,311.00
Presenter Travel	$11,535.55
TOTAL CATEGORY AMOUNT	**$35,114.92**

TOTAL OF ALL CATEGORY AMOUNTS	**$35,114.92**

Agency Head-Printed Name

Signature

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

Certification Regarding
Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered Transactions
(Sub-Recipient)

This certification is required by the regulatioons implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 67, Section 67.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211).

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department of agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certificaiton, such prospective participant shall attach an explanation to this proposal.

____
Name and Title of Authorized Representative

________________________________ ____________
Signature Date

____
Name of Organization

____
Address of Organization

____

Instructions for Certification

1. By signing and submitting this proposal, the prosective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certificaiton, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposes," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debared, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of reports in order to render in good faith the certification requred by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntary excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

ASSURANCES

The Applicant hereby assures and certifies compliance with all Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars No. A-21, A-87, A-110, A-122, A-133; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements – 28 CFR, Part 66, Common Rule, that govern the application, acceptance and use of Federal funds for this federally assisted project. Also the Applicant assures and certifies that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurance contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. It ensures that individuals with limited English proficiency (LEP) will be provided access to its program and activities.

3. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally – assisted programs.

4. It will comply with provisions of Federal law which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or part by Federal grants or subgrants. (5 USC 1501, et. seq.)

5. It will comply with the minimum wage and maximum hours provision of the Federal and State Fair Labor Standards Act if applicable.

6. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

7. It will give the Department of Finance and Administration, or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the subgrant.

8. It will comply with all requirements imposed by the Federal sponsoring agency or the Department of Finance and Administration concerning special requirements of law, program requirements, and other administrative requirements.

9. It will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Department of Finance and Administration and the Federal grantor agency of the reciept of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

10. It will comply with the flood insurance purchase requirements of Section 102 (a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976, Section 102 (a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the reciept of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

11. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569 a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

12. It will comply, and assure the compliance of all its subgrantees and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.

13. It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20 Criminal Justice Information Systems; Part 22 Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30 Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.

14. It will comply, and all its contractors, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789 (d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.

15. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Department of Finance and Administration, Office of Intergovernmental Services.

16. It will provide an Equal Employment Opportunity Program if required to maintain one, where the application is for $500,000 or more.

17. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

18. Will comply, as applicable, with provisions of the Hatch Act (5 USC 1501-1508 and 7324-7328) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

19. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations" and Department of Finance and Administration audit requirements.

20. It will have complete and well-organized books, records and other original documentation relating to any and all subgrant expenditures, reimbursement or payment claims, reciept of funds, personnel employed, services rendered, individuals served, and all other records pertinent to the subgrant award. Furthermore, its bookkeeping shall be adequate to track the receipt and expenditure of all organizational funds, separately. It shall also maintain a functioning internal control structure which includes accounting and service delivery procedures that segregate subgrant funds from other organization funds and services.

21. It will provide for fund accounting, auditing, monitoring and evaluation procedures, as necessary to keep such records as the Department of Finance and Administration shall prescribe, to assure fiscal control, proper fund management and effective disbursement of funds received under the subgrant award.

22. No income eligibility standard will be imposed on individuals receiving assistance or services supported with funds appropriated or designated to carry out the subgrant project.

23. Subgrant funds made available under this subaward will not be used as direct payment of cash or any other monetary transaction with any victim or dependent of a victim for any purpose.

24. It will not, and all its subgrantees and contractors will not, hire illegal aliens.

25. That the address or location of any shelter-facility assisted under the subgrant project will not be made public, except with the written authorization of the person or persons responsible for the operation of such shelter.

26. It will comply with the Department of Finance and Administration, Office of Intergovernmental Services, Subgrant Administration Guide (June 2002, as amended, or its successor).

27. It will comply, and assure the compliance of all its subgrantees and contractors, with the disclosure required by Governor's Executive Order 98-04 and acknowledges that disclosure is a condition of the subgrant award and that the Department of Finance and Administration cannot enter into any such subgrant award for which disclosure is not made.

    Failure to make any disclosure required by Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that Order, shall be a material breach of the terms of a subgrant award. Any subgrantee who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the Department of Finance and Administration.

28. Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994, requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or Local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1,000 per day and/or the imposition of an administrative compliance order on the responsible entity.

Signature of Authorized Official / Date

CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM

Failure to complete all of the following information may result in a delay in obtaining a contract, lease, purchase agreement, or grant award with any Arkansas State Agency.

SUBCONTRACTOR: ☐ **Yes** ☐ **No** **SUBCONTRACTOR NAME:**

TAXPAYER ID NAME: IS THIS FOR: ☐ **Goods?** ☐ **Services?** ☐ **Both?**

YOUR LAST NAME: **FIRST NAME:** **M.I.:**

ADDRESS:

CITY: **STATE:** **ZIP CODE:** --- **COUNTRY:**

AS A CONDITION OF OBTAINING, EXTENDING, AMENDING, OR RENEWING A CONTRACT, LEASE, PURCHASE AGREEMENT, OR GRANT AWARD WITH ANY ARKANSAS STATE AGENCY, THE FOLLOWING INFORMATION MUST BE DISCLOSED:

FOR INDIVIDUALS*

Indicate below if: you, your spouse or the brother, sister, parent, or child of you or your spouse *is* a current or former: member of the General Assembly, Constitutional Officer, State Board or Commission Member, or State Employee:

Position Held	Mark (√)		Name of Position of Job Held [senator, representative, name of board/ commission, data entry, etc.]	For How Long?		What is the person(s) name and how are they related to you? [i.e., Jane Q. Public, spouse, John Q. Public, Jr., child, etc.]	
	Current	Former		From MM/YY	To MM/YY	Person's Name(s)	Relation
General Assembly	☐	☐					
Constitutional Officer	☐	☐					
State Board or Commission Member	☐	☐					
State Employee	☐	☐					

☐ **None of the above applies**

FOR AN ENTITY (BUSINESS)*

Indicate below if any of the following persons, current or former, hold any position of control or hold any ownership interest of 10% or greater in the entity: member of the General Assembly, Constitutional Officer, State Board or Commission Member, State Employee, or the spouse, brother, sister, parent, or child of a member of the General Assembly, Constitutional Officer, State Board or Commission Member, or State Employee. Position of control means the power to direct the purchasing policies or influence the management of the entity.

Position Held	Mark (√)		Name of Position of Job Held [senator, representative, name of board/commission, data entry, etc.]	For How Long?		What is the person(s) name and what is his/her % of ownership interest and/or what is his/her position of control?		
	Current	Former		From MM/YY	To MM/YY	Person's Name(s)	Ownership Interest (%)	Position of Control
General Assembly	☐	☐						
Constitutional Officer	☐	☐						
State Board or Commission Member	☐	☐						
State Employee	☐	☐						

☐ **None of the above applies**

Contract and Grant Disclosure and Certification Form

Failure to make any disclosure required by Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that Order, shall be a material breach of the terms of this contract. Any contractor, whether an individual or entity, who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the agency.

As an additional condition of obtaining, extending, amending, or renewing a contract with a *state agency* I agree as follows:

1. Prior to entering into any agreement with any subcontractor, prior or subsequent to the contract date, I will require the subcontractor to complete a CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM. Subcontractor shall mean any person or entity with whom I enter an agreement whereby I assign or otherwise delegate to the person or entity, for consideration, all, or any part, of the performance required of me under the terms of my contract with the state agency.

2. I will include the following language as a part of any agreement with a subcontractor:

   Failure to make any disclosure required by Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that Order, shall be a material breach of the terms of this subcontract. The party who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the contractor.

3. No later than ten (10) days after entering into any agreement with a subcontractor, whether prior or subsequent to the contract date, I will mail a copy of the CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM completed by the subcontractor and a statement containing the dollar amount of the subcontract to the state agency.

I certify under penalty of perjury, to the best of my knowledge and belief, all of the above information is true and correct and that I agree to the subcontractor disclosure conditions stated herein.

Signature____________________________ Title____________________ Date__________

Vendor Contact Person______________________ Title____________________ Phone No.________

Agency use only

Agency Number______ Agency Name________________ Agency Contact Person______________ Contact Phone No.__________ Contract or Grant No._____

Fayetteville Police Department
Arkansas Underage Drinking Prevention Conference

Expenditure Description Monthly Report

Total Award: $35,114.92
Name of Subgrantee
Fayetteville PD-Greg Tabor
Project Coordinator: Rick Crisman

Vendor Number
100003236

Time Period Covered
From: 1-Jan-10
To: 31-May-10

Categories	Budgeted	Total Expended Previously	Total Expended This Period	Total Expended To Date
Printed Materials	$2,949.75			
Vendor Area	$1,500.00			
Refreshments (water, coffee and soda)	$3,156.02			
Lunch/Keynote	$11,762.01			
Registration Packet	$2,900.59			
Presenter/Staff Packet (Conference T-Shirts)	$1,311.00			
Presenter Travel	$11,535.55			

AGENCY HEAD - PRINTED NAME **TITLE**

SIGNATURE **DATE**

Quarterly Report

Name of Subgrantee	Vendor Number	Time Period Covered	
Fayetteville PD	100003236	From	1/1/2010
		To	5/31/2010

Youth- defined as anyone under the age of 21

List any task completed this quarter to meet the project's measurable objectives.

a. List number of youth involved in your project(s)

b. List number of youth that actively participated in your project(s)

c. List number of and identify any other agencies involved in your project(s)

d. List number of and identify any earned media coverage of your project(s)

If the project objectives are not being progressively met, please provide an explanation.

List any new or revised tasks which need to be accomplished to meet the subgrant objectives.

Signature

Date

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

2/2/2010
City Council Meeting Date
Agenda Items Only

G. Tabor	Police	Police
Submitted By	**Division**	**Department**

Action Required:

Approval of a budget adjustment in the amount of $9,800 for the reimbursement of 2010 expenses from the local Internal Revenue Service Task Force.

$ 9,800.00	$ 9,800.00	Police IRS Reimbursements
Cost of this request	Category / Project Budget	Program Category / Project Name
1010-2920-various	$ -	Grant
Account Number	Funds Used to Date	Program / Project Category Name
08071-0910	$ 9,800.00	General
Project Number	Remaining Balance	Fund Name

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

Department Director — Date 1-15-10

City Attorney — Date 1-19-10

Paul A. Becker
Finance and Internal Services Director — Date 1-19-2010

Chief of Staff — Date

Lioneld Jordan
Mayor — Date 1/20/10

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office — ENTERED 1-19-10 Kim J

Received in Mayor's Office — ENTERED 1-19-10 BRP

Comments:

Fayetteville
ARKANSAS

Fayetteville Police Department
100-A West Rock
Fayetteville, AR 72701
Telephone: (479) 587-3555
Fax: (479) 587-3563

Departmental Correspondence

To: Mayor Lioneld Jordan and members of the City Council

From: Greg Tabor, Chief of Police

Date: January 15, 2010

Re: **Reimbursement of Expenses from the Internal Revenue Service Task Force**

Recommendation

Staff recommends approval of a budget adjustment in the amount of $9,800 for the reimbursement of 2010 expenses from the local Internal Revenue Service (IRS) Task Force.

Background

In the Fall of 2008, the Fayetteville Police Department assigned an officer to the local IRS Task. Our local IRS Task Force is one of only fifteen (15) such task forces to be established nationwide for the purpose of covert investigations of fraudulent activity. The IRS Task Force provided reimbursement funding for all overtime and operating expenses associated with this officer's task force activities. These expenses included overtime, vehicle lease, fuel, cellular phone, and travel.

Discussion

Our local IRS Task Force has proven successful in several investigations in the first year of operation and received funding for continuation from the Department of Treasury. As in 2009, we will be reimbursed for all overtime and operating expenses associated with our officer's task force activities. The attached budget adjustment in the amount of $9,800 will establish a budget for the expected revenue and expense within our 2010 budget and project accounting system.

Budget Impact

None, this is reimbursement funding through the Department of Treasury.

RESOLUTION NO. ______

A RESOLUTION APPROVING A BUDGET ADJUSTMENT FOR THE FAYETTEVILLE POLICE DEPARTMENT IN THE AMOUNT OF $9,800.00 TO RECOGNIZE REIMBURSEMENT FROM THE INTERNAL REVENUE SERVICE TO COVER EXPENSES RELATED TO THE LOCAL IRS TASK FORCE

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

<u>Section 1</u>. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment for the Fayetteville Police Department in the amount of $9,800.00 to recognize reimbursement from the Internal Revenue Service to cover expenses related to the local IRS Task Force. A copy of the budget adjustment, marked Exhibit "A," is attached hereto and made a part hereof

PASSED and **APPROVED** this 2nd day of February, 2010.

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Police Division: Police Program: Police/Animal Projects	Date Requested	Adjustment Number
2010		2/2/2010	

Project or Item Added/Increased:
IRS Task Force

Project or Item Deleted/Reduced:

Justification of this Increase:
To establish a revenue and expense budget within the Police Department's 2010 Operating Budget for our continued participation in the local IRS Task Force.

Justification of this Decrease:

EXHIBIT
A

tabbies

Increase Budget

Account Name	Account Number				Amount	Project Number	
Fuel	1010	2920	5213	04	470	08071	0910
Travel & Training	1010	2920	5304	00	1,500	08071	0910
Lease Expense	1010	2920	5309	00	6,570	08071	0910
Telephone Expense	1010	2920	5310	01	1,260	08071	0910

Decrease Budget

Account Name	Account Number				Amount	Project Number	
IRS Reimbursement	1010	0001	4310	02	9,800	08071	0910

V.090403

Signature	Date
Division Head	
Budget Director	1/16/10
Department Director	1-15-10
Paul A. Becker	1-19-2010
ance Director	
Chief of Staff	
Mayor	1/20/10

Budget & Research Use Only

Type: A B C D E

Requested By

General Ledger Date

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

Criminal Investigation

December 18, 2009

Greg Tabor
Chief of Police
Fayetteville Police Department
100 W. Rock
Fayetteville, AR 72701

Dear Chief Tabor:

We have already been providing reimbursements for Grant Edwards for the FY2010 authorization, but I just received the signed copy. Enclosed you will find the final approved copy for your files.

Grant is doing an excellent job for our office and we are hopeful that his efforts are contributing to your agency as well.

If you have any questions, please me at (501) 396-5827.

Sincerely,

Scott Hogue

Scott Hogue
Supervisory Special Agent

AGREEMENT BETWEEN TREASURY LAW ENFORCEMENT AGENCIES and LOCAL, COUNTY AND STATE LAW ENFORCEMENT AGENCIES FOR THE REIMBURSEMENT OF EXPENSES

****

This agreement is entered into by the Fayetteville Police Department and Internal Revenue Service, Criminal Investigation, for the purpose of receiving reimbursable costs incurred by the Fayetteville Police Department in providing resources to joint operations/task forces.

Payments may be made to the extent they are included in the Treasury law enforcement agency's Fiscal Year Plan, and the monies are available within the Treasury Forfeiture Fund to satisfy the request(s) for reimbursable overtime expenses.

I. LIFE OF THIS AGREEMENT

This agreement is effective on the date it is signed by both parties and terminates on the last day of the current Fiscal Year. Agreements are required on a Fiscal Year basis and must be renewed, if appropriate, by September 30th of each Fiscal Year for the following Fiscal Year.

II. AUTHORITY

This agreement is established pursuant to the provisions of 31 U.S.C. 9703, the Treasury Forfeiture Fund Act of 1992, which provides for the reimbursement of certain expenses of local, county, and state law enforcement agencies incurred as participants in joint operations/task forces with a Department of the Treasury law enforcement agency.

III. PURPOSE OF THIS AGREEMENT

This agreement establishes the procedures and responsibilities of both the Fayetteville Police Department and the Criminal Investigation, Internal Revenue Service, for the reimbursement of certain overtime and other expenses pursuant to 31 U.S.C. 9703.

IV. NAME OF TASK FORCE/JOINT OPERATION (If Applicable)

The Name of this Task Force is Suspicous Activity Report Task Force

Projected Dates of Remaining Operation: 10/01/2009 to 9/30/2010.

V. CONDITIONS AND PROCEDURES

A. Assignment of Fayetteville Police Department Officers

To the maximum extent possible, Fayetteville Police Department shall assign dedicated officer(s) to the Task Force/Joint Operations.

The Fayetteville Police Department shall provide the Criminal Investigation, Internal Revenue Service, with the names, titles, badge or ID numbers of the officer(s) assigned to the Task Force/joint Operation in an attachment to this agreement.

B. Requests for Reimbursement of Overtime Expenses

1. The Fayetteville Police Department may request reimbursement for payment of overtime expenses directly related to work performed by its officer(s) assigned as members of a Joint Task Force/Operation with the Criminal Investigation, Internal Revenue Service, for the purpose of conducting official Treasury investigations.

2. The Fayetteville Police Department shall provide the Criminal Investigation, Internal Revenue Service, within 10 days of the signing of this agreement, a mandatory ACH Vendor Payment Enrollment Form for Electronic Funds Transfer.

3. Invoices submitted for the payment of overtime to Fayetteville Police Department officer(s) shall be submitted on the agency's letterhead. The invoice shall be signed by an authorized representative of that agency.

4. The Fayetteville Police Department will submit all requests for reimbursable payments together with appropriate documentation to the Criminal Investigation, Internal Revenue Service, , ATTN: SSA Scott Hogue, P. O. Box 706, Little Rock, AR 72203

   The Fayetteville Police Department shall certify that the request is for overtime expenses incurred by the Fayetteville Police Department for Participation with a joint operation conducted with the Criminal Investigation, Internal Revenue Service. The Fayetteville Police Department shall also certify that requests for reimbursement of overtime expenses have not been made to other Federal law enforcement agencies who may also be participating with the task force/joint operation.

The Fayetteville Police Department acknowledges that they remain fully responsible for their obligations as the employer of the officer(s) assigned to the task force/joint operation and are responsible for the payment of overtime earnings, withholdings, insurance coverage and all other requirements by law, regulation, ordinance or contract regardless of the reimbursable overtime charges incurred.

5. All requests for reimbursement of costs incurred by the Fayetteville Police Department must be approved and certified by the Criminal Investigation, Internal Revenue Service. The Treasury law enforcement agency shall countersign the invoices for payment.

6. All requests for reimbursement of costs are to be received by Criminal Investigation, Internal revenue Service no later than 15 days after the previous month end. These requests for reimbursement are to be for a full month time period, from the first day to the last day of the month. *There should not be invoices covering only part of the month, as in 1/10/04 – 1/25/04.*

7. The Fayetteville Police Department is limited to a maximum reimbursement for all overtime expenses in connection with this operation of $12,000 per year under this agreement. By statute, no single officer may earn more than $15,000.00 per fiscal year in overtime regardless of the number of agreements he/she is authorized on. Travel and related expenses should not exceed a maximum of <u>$12,000</u> for this task force/joint operation for the Fiscal Year period.

8. The total dollar value of this agreement may be adjusted at anytime by Criminal Investigation, Internal Revenue Service based upon the following:

   A) The Criminal Investigation, Internal Revenue Service may modify the total dollar obligation, resulting in an increase or decrease, if they determine that the original obligated amount is not commensurate with the rate of reimbursable requests, based on their analysis of submitted reimbursement requests.

   B) The adjustments to the total dollar value of this agreement may result in a partial and/or total reduction of reimbursement funds requested. Any modification made to an authorized agreement will be documented in writing and immediately provided to the impacted state and local agency.

C. **<u>PROGRAM AUDIT</u>**

This agreement and its procedures are subject to audit by the Criminal Investigation, Internal Revenue Service, Department of the Treasury, Office of Inspector General, the General Accounting Office, and other government designated auditors. The Fayetteville Police Department agrees to permit such audits and agrees to maintain all records relating to these transactions for a period of not less than three years; and in the event of an on-going audit, until the audit is completed.

These audits may include reviews of any and all records, documents, reports, accounts, invoices, receipts or expenditures relating to this agreement; as well as the interview of any and all personnel involved in these transactions.

D. REVISIONS

The terms of this agreement may be amended upon the written approval of both the Fayetteville Police Department and the Criminal Investigation, Internal Revenue Service. The revision becomes effective upon the date of approval.

E. NO PRIVATE RIGHT CREATED

This is an internal government agreement between a Treasury Law Enforcement Agency and the Fayetteville Police Department, a Local/County/State Law Enforcement Agency, and is not intended to confer any right or benefit to any private person or party.

****

9-19-09
Signature Date:

Greg Tabor Chief
Printed Name Title
Fayetteville Police Department

9/29/09
Signature Date:

Darryl Williams Acting Special Agent in Charge
Printed Name Title
Criminal Investigation
Nashville Field Office
Internal Revenue Service

Judy Cohea 9/22/09
Signature Date:

Judy Cohea Support Services Manager
Printed Name Title
Chief Financial Officer
Fayetteville Police Department

Beth Putman 11/12/09
Signature Date:

Beth Putman Director
Printed Name Title
Criminal Investigation
Internal Revenue Service
Washington, DC

11/12/2009

**REQUEST TO ESTABLISH REIMBURSEMENT FOR
LOCAL, COUNTY, AND STATE LAW ENFORCEMENT AGENCIES
PARTICIPATING IN JOINT LAW ENFORCEMENT OPERATIONS
WITH TREASURY LAW ENFORCEMENT AGENCIES**

TREASURY AGENCY: IRS Criminal Investigation Division	**OCDETF CASE:** ☐ YES ☒ NO	TEOAF TRACKING NUMBER (WILL BE ASSIGNED BY TEOAF) 2-09-62-2127
MAILING ADDRESS: P. O. Box 706 Little Rock, AR 72203 c/o SSA Scott Hogue	**OCDETF CASE #:** **FOR OVERTIME:** ☒ YES ☐ NO **FOR OTHER:** ☒ YES ☐ NO	
CONTACT PERSON: SSA Scott Hogue	**CONTACT TELEPHONE NUMBER:** 501-396-5827 **REQUEST DATE:** 9/1/2009	
TREASURY AGENCY FIELD OFFICE APPROVAL (NAME & SIGNATURE) Christopher R. Pikelis, SAC Acting	**TREASURY AGENCY HEADQUARTERS APPROVAL (NAME & SIGNATURE & DATE)** Beth Putman, Director Beth Putman 11/12/09	WJF 11/12/2009

FULL NAME, ADDRESS, TELEPHONE AND TAXPAYER IDENTIFICATION NUMBER OF LOCAL, COUNTY, STATE AGENCY	EXPENSES TO BE REIMBURSED	ESTIMATED COSTS
Greg Tabor, Chief Fayetteville Police Department 100 W. Rock Fayetteville, AR 72701 (479) 587-3581 Tax ID#71-6018462	Overtime Travel	$12,000.00 $12,000.00 WJF 11/12/2009
TFF APPROVAL AND DATE		TOTAL ESTIMATED COSTS $24,000.00
ACCOUNTING DATA: BFYS: BUDPLN: PROGRAM:	FUND: ORG: OCC:	

Added at Agenda Session 12/29/09

AGENDA REQUEST

FOR: COUNCIL MEETING OF JANUARY 5, 2010

FROM:
ALDERMAN BOBBY FERRELL, ALDERMAN SHIRLEY LUCAS, ALDERMAN ADELLA GRAY, ALDERMAN SARAH LEWIS, ALDERMAN BRENDA THIEL, ALDERMAN KYLE COOK, ALDERMAN ROBERT RHOADS and ALDERMAN MATTHEW PETTY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend Ordinance No. 3900 To Dedicate And Authorize The Use Of The Parks HMR Tax Revenues For The Development, Construction And Maintenance Of City Parks, And To Refer Such Ordinance To The Electors Of Fayetteville At A Special Election To Be Held On March 9, 2010

APPROVED FOR AGENDA:

Bobby Ferrell	12-29-09		
Alderman Bobby Ferrell	Date	Alderman Robert Rhoads	Date
	12/29/09	Shirley Lucas	12-29-09
Alderman Sarah Lewis	Date	Alderman Shirley Lucas	Date
Brenda Thiel	12/29/09	Adella Gray	12-29-09
Alderman Brenda Thiel	Date	Alderman Adella Gray	Date
	12-29-2009		
Alderman Matthew Petty	Date	Alderman Kyle Cook	Date
	12-17-09		
Kit Williams, City Attorney (approved as to form)	Date		

Tabled to the 2/2/10 CC mtg.
Left on First Reading at the 1/5/10 CC mtg.

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE **LEGAL DEPARTMENT**

TO: **Alderman Bobby Ferrell**
Alderman Shirley Lucas

FROM: **Kit Williams**, City Attorney

DATE: **December 9, 2009**

RE: **Special Election for Ordinance to Amend Parks HMR Tax Uses to include maintenance**

Reviewing A.C.A. §7-5-103 (b)(7), I find that if the special election is not during a month in this a primary or general election is held, "the special election shall be held not less than fifty (50) days following the date that the proclamation, ordinance, resolution or order is published."

Therefore, we do not **legally** have to conduct a special City Council meeting in December to meet the March 9th election date. I will leave it up to you to determine the best policy decision for the ordinance. The ordinance would have to be passed **prior** to your January 19, 2010 City Council meeting to meet the statutory requirement for a special election on March 9, 2010.

Attached is my proposed ordinance with a tentative date of January 5, 2010. I believe this proposed ordinance (which amends the existing Ordinance No. 3900) would authorize use of the Parks HMR tax revenues for maintenance (as well as development and construction) of city parks. If it is rejected by the voters, then Ordinance No. 3900 will not be amended and will continue to restrict use of the Parks HMR revenues for promotion and development of city parks.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE **LEGAL DEPARTMENT**

TO: **Lioneld Jordan**, Mayor
City Council

CC: **Don Marr**, Chief of Staff
Connie Edmonston, Parks and Recreation & Open Spaces Director

FROM: **Kit Williams**, City Attorney JvBKelley for

DATE: **January 13, 2010**

RE: **Original intent of Parks HMR taxes**

History Of Adoption Of Parks HMR Tax

I have done some research into the official City Council minutes to ensure that my memory that the Parks HMR taxes were to be used for maintenance of city parks as well as their development was correct. I believe the proposed Parks HMR tax was also discussed during the City Council Agenda Session in June of 1995, but there are no minutes for those meetings.

On June 20, 1995, the City Council first heard City Attorney Jerry Rose read the ordinance prior to discussion. The ordinance that eventually passed and was later ratified by the voters stated in § 2 (b):

> "(b) Proceeds of the additional 1% tax shall be deposited into a special fund established by the City to be used for the development, construction, and **maintenance** of city parks. The funds shall be disbursed by the Mayor upon approval of the City Council." (emphasis added)

This proposal was championed by the Parks and Recreational Advisory Board, especially its chairman, Susan Driver. She initially told the City Council about the study to improve our city parks and stated that the "first priority of that study was to seek additional funding for **maintenance** and development of new and existing facilities." (page 203 of the City Council meeting minutes for June 20, 1995) (emphasis added)

Bill Waite of the Parks and Recreation Advisory Board was also present and told the City Council that the Parks Department "had had no increase in administrative funding for the past ten years." Id.

> "Susan driver emphasized that the HMR tax would be a source of funding that could be used for acquisition, development and **maintenance** ...." Id. (emphasis added)

I was then an Alderman and asked City Attorney Jerry Rose about the possible uses of the Parks HMR tax. "In response to a question from Alderman Williams, City Attorney Rose said that the ordinance calls for the **development, construction and maintenance of city parks**." (page 204 of the City Council Meeting Minutes, page 204) (emphasis added).

Morty Newmark spoke as a citizen in favor of the Parks HMR tax as a way to "ensure maintenance and development of recreation areas." Id. The ordinance was left on the first reading.

The ordinance was considered again during the July 5, 1995 City Council meeting. Issues about whether a temporary sales tax would be better than the permanent Parks HMR were discussed, but there was no further discussion about how the Parks HMR tax could be used. The City Council then passed the ordinance with a referral to the voters. I have attached the relevant minutes to this memo.

Although the City Council minutes clearly reflect the intent that the Parks HMR tax would be able to be used for park maintenance, Section 2 (a) of the ordinance specified a different purpose:

> "Section 2. (a) The revenues collected from the additional tax of 1% shall be used by the City Parks and recreation Department for the promotion and development of City parks and recreation areas."

The title of the ordinance listed this same purpose. Most importantly the ballot submitted to the Fayetteville voters stated the tax was "to be used by the City Parks and Recreation Department for the promotion and development of City parks and recreation areas."

Constitutional Analysis

The expressed "**purpose**" of the Parks HMR tax in the ballot ordinance and especially on the ballot is critical when determining what it can be used for. Taxes can only be used for the **PURPOSE** for which they were levied.

Article 16 §11 of the Arkansas Constitution states:

> "No tax shall be levied except in pursuant of law, and every law imposing a tax shall state distinctly the object of the same; and **no money arising form a tax levied for one purpose shall be used for any other purpose.**" (emphasis added)

Even though the ordinance in Section 2 (b) speaks about a fund being established to be used for construction and maintenance of city parks, the earlier Section 2 (a) requires the use "for promotion and development of City parks ...." If there is any uncertainty the ballot controls.

> "Whether the government entity levying and collecting the tax intended to put the revenues to 'good use' is of no consequence, so long as the funds are being spent on **any purpose other than those specified on the ballot**." Daniel v. Jones, 332 Ark. 489, 966 S.W. 2d 226, 231 (1998). (emphasis added)

> "The voters of White County were entitled to rely upon the information provided to them in the levying ordinance and the ballot when casting their votes; hence, any use of the revenues for purposes other than those provided constitutes an illegal exaction. The conclusion is consistent with this court's long-held position that **the ballot title is the final, definitive statement to the voters as to that which they are being asked to decide**. Id. at 231. (emphasis added)

The Arkansas Supreme Court has held that a City Council's use of tax revenue for purposes not found on the ballot to be an illegal exaction (with appropriate attorney fees and damages). Maas v. City of Mountain Home, 338 Ark. 202, 992 S.W. 2d 105 (1999).

Conclusion

Although the City Council meeting minutes of June 20, 1995 makes it clear that everyone intended that the Parks HMR tax if approved by the voters would be able to be used for "development, construction and maintenance of city parks", a drafting error in the ordinance and ballot has limited the uses to promotion and development of city parks. The proposed amended ordinance to be referred to the voters would correct that mistake and allow the over $2 million Parks HMR tax revenue to be used as originally intended in 1995.

Final Draft Revision #2 1-12-10

Handed out at Agenda Session 1-12-10

ORDINANCE NO. _______

AN ORDINANCE TO AMEND ORDINANCE NO. 3900 TO DEDICATE AND AUTHORIZE THE USE OF THE PARKS HMR TAX REVENUES FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF CITY PARKS, AND TO REFER SUCH ORDINANCE TO THE ELECTORS OF FAYETTEVILLE AT A SPECIAL ELECTION TO BE HELD ON MAY 18, 2010

WHEREAS, this proposed ordinance will not raise the current Parks Hotel, Motel and Restaurant tax nor have any effect other than to establish a special city fund in which Parks HMR revenue could be used for the development, construction and maintenance of city parks; and

WHEREAS, the voters of Fayetteville approved Ordinance No. 3900 in 1995 which authorized the use of the Parks Hotel, Motel and Restaurant tax for promotion and development of City parks; and

WHEREAS, Arkansas statutes would also allow the use of revenues from this existing Park HMR for maintenance of city parks if approved by Fayetteville voters; and

WHEREAS, the citizens of Fayetteville will be better served by allowing the use of revenues from the existing Parks HMR not only for development of our many parks, but also for their maintenance.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends Section 2 (a) of Ordinance No. 3900 by repealing it and enacting the following in its stead:

"(a) The revenues collected from the Parks Hotel, Motel and Restaurant Tax shall be used by the Fayetteville Parks and Recreation Department for development, construction and maintenance of City parks."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends Section 5 (c) of Ordinance No. 3900 by repealing it in its entirety and enacting the following in its stead:

> "(c) The following question shall be placed upon the ballot for the special election to be held on May 18, 2010:
>
> "**FOR** proposed Ordinance No. ______ amending Ordinance No. 3900.
>
> "**AGAINST** proposed Ordinance No. ______ amending Ordinance No. 3900."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby determines that the Ballot Title shall be: "An Ordinance To Amend Ordinance No. 3900 To Authorize Use Of The Revenue From The Existing Parks Hotel, Motel And Restaurant Tax For Development, Construction and Maintenance of City Parks."

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby refers this proposed ordinance allowing the usage of revenue from the existing Parks HMR tax for maintenance of city parks to the qualified electors of the City of Fayetteville, Arkansas, for a special election to be held on May 18, 2010. This ordinance shall only take effect if approved and ratified by the Fayetteville voters in the special election of May 18, 2010. If not approved and ratified by the Fayetteville voters, this ordinance shall be null and void and have no effect upon the existing Ordinance No. 3900, nor the existing Parks Hotel, Motel and Restaurant tax.

PASSED and **APPROVED** this 19th day of January, 2010.

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

ORDINANCE NO. _______

AN ORDINANCE TO AMEND ORDINANCE NO. 3900 TO DEDICATE AND AUTHORIZE THE USE OF THE PARKS HMR TAX REVENUES FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF CITY PARKS, AND TO REFER SUCH ORDINANCE TO THE ELECTORS OF FAYETTEVILLE AT A SPECIAL ELECTION TO BE HELD DURING THE PREFERENTIAL PRIMARY AND NONPARTISAN GENERAL ELECTION ON MAY 18, 2010

WHEREAS, this proposed ordinance will not raise the current Parks Hotel, Motel and Restaurant tax nor have any effect other than to establish a special city fund in which Parks HMR revenue could be used for the development, construction and maintenance of city parks; and

WHEREAS, the voters of Fayetteville approved Ordinance No. 3900 in 1995 which authorized the use of the Parks Hotel, Motel and Restaurant tax for promotion and development of City parks; and

WHEREAS, Arkansas statutes would also allow the use of revenues from this existing Park HMR for maintenance of city parks if approved by Fayetteville voters; and

WHEREAS, the citizens of Fayetteville will be better served by allowing the use of revenues from the existing Parks HMR not only for development of our many parks, but also for their maintenance.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends Section 2 (a) of Ordinance No. 3900 by repealing §2(a) and enacting the following in its stead:

> "(a) The revenues collected from the Parks Hotel, Motel and Restaurant Tax shall be used by the Fayetteville Parks and Recreation Department for development, construction and maintenance of City parks."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends Section 5 (c) of Ordinance No. 3900 by repealing §5(c) in its entirety and enacting the following in its stead:

> "(c) The following question shall be placed upon the ballot for the special election to be held during the Preferential Primary and Nonpartisan General Election on May 18, 2010:
>
> "**FOR** proposed Ordinance No. ______ amending Ordinance No. 3900 by authorizing and dedicating the revenue from the existing Parks Hotel, Motel and Restaurant tax to be used for the development, construction and maintenance of city parks.
>
> "**AGAINST** proposed Ordinance No. ______ amending Ordinance No. 3900 by authorizing and dedicating the revenue from the existing Parks Hotel, Motel and Restaurant tax to be used for the development, construction and maintenance of city parks."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby determines that the Ballot Title shall be: "An Ordinance To Authorize Use Of The Revenue From The Existing Parks Hotel, Motel And Restaurant Tax For Development, Construction and Maintenance of City Parks."

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby refers this proposed ordinance allowing the usage of revenue from the existing Parks HMR tax for maintenance of city parks to the qualified electors of the City of Fayetteville, Arkansas, for a special election to be held during the Preferential Primary and Nonpartisan General Election on May 18, 2010. This ordinance shall only take effect if approved and ratified by the Fayetteville voters in the special election during the Preferential Primary and Nonpartisan General Election on May 18, 2010. If not approved and ratified by the Fayetteville voters, this ordinance shall be null and void and have no effect upon the existing Ordinance No. 3900, nor the existing Parks Hotel, Motel and Restaurant tax.

PASSED and **APPROVED** this 19th day of January, 2010.

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

ORDINANCE NO. ______

AN ORDINANCE TO AMEND ORDINANCE NO. 3900 TO DEDICATE AND AUTHORIZE THE USE OF THE PARKS HMR TAX REVENUES FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF CITY PARKS, AND TO REFER SUCH ORDINANCE TO THE ELECTORS OF FAYETTEVILLE AT A SPECIAL ELECTION TO BE HELD ON MARCH 9, 2010

WHEREAS, this proposed ordinance will not raise the current Parks Hotel, Motel and Restaurant tax nor have any effect other than to establish a special city fund in which Parks HMR revenue could be used for the development, construction and maintenance of city parks; and

WHEREAS, the voters of Fayetteville approved Ordinance No. 3900 in 1995 which authorized the use of the Parks Hotel, Motel and Restaurant tax for promotion and development of City parks; and

WHEREAS, Arkansas statutes would also allow the use of revenues from this existing Park HMR for maintenance of city parks if approved by Fayetteville voters; and

WHEREAS, the citizens of Fayetteville will be better served by allowing the use of revenues from the existing Parks HMR not only for development of our many parks, but also for their maintenance.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends Section 2 (a) of Ordinance No. 3900 by repealing it and enacting the following in its stead:

> "(a) The revenues collected from the Parks Hotel, Motel and Restaurant Tax shall be used by the Fayetteville Parks and Recreation Department for development, construction and maintenance of City parks."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends Section 5 (c) of Ordinance No. 3900 by repealing it in its entirety and enacting the following in its stead:

> "(c) The following question shall be placed upon the ballot for the special election to be held on March 9, 2010:
>
> "**FOR** proposed Ordinance No. ______ amending Ordinance No. 3900 by authorizing and dedicating the revenue from the existing Parks Hotel, Motel and Restaurant tax to be used for the development, construction and maintenance of city parks.
>
> "**AGAINST** proposed Ordinance No. ______ amending Ordinance No. 3900 by authorizing and dedicating the revenue from the existing Parks Hotel, Motel and Restaurant tax to be used for the development, construction and maintenance of city parks."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby determines that the Ballot Title shall be: "An Ordinance To Authorize Use Of The Revenue From The Existing Parks Hotel, Motel And Restaurant Tax For Development, Construction and Maintenance of City Parks."

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby refers this proposed ordinance allowing the usage of revenue from the existing Parks HMR tax for maintenance of city parks to the qualified electors of the City of Fayetteville, Arkansas, for a special election to be held on March 9, 2010. This ordinance shall only take effect if approved and ratified by the Fayetteville voters in the special election of March 9, 2010. If not approved and ratified by the Fayetteville voters, this ordinance shall be null and void and have no effect upon the existing Ordinance No. 3900, nor the existing Parks Hotel, Motel and Restaurant tax.

PASSED and **APPROVED** this 5th day of January, 2010.

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

Agenda Session 1-26-2010

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
February 2, 2010

A meeting of the Fayetteville City Council will be held on February 2, 2010 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

1. Sales Tax Collection Update – Paul Becker
2. Economic Development Contract Report – Chamber of Commerce

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the January 5, 2010 City Council meeting minutes.
2. **Animal Shelter Donation:** A resolution amending the 2010 city budget by approving a budget adjustment to recognize animal services donation revenue through the end of 2009 in the amount of $20,595.00.

3. **Seamless Systems:** A resolution approving a contract in the amount of $34,859.00 with Seamless Systems for installation of white membrane energy efficient roof and insulation with CDBG funding for 818 Sang Avenue (Arts Live Theater).

4. **Kim Hoadley Construction Co. Inc.:** A resolution approving a contract in the amount of $23,060.00 with Kim Hoadley Construction Co. Inc. for new storage shed construction with CDBG funding for the Yvonne Richardson Community Center.

5. **Joe Perme Construction:** A resolution approving a contract in the amount of $50,195.00 with Joe Perme Construction for an energy efficiency rehabilitation with CDBG funding for 2052 S. Garland (Head Start).

6. **2010 Underage Drinking Prevention Conference:** A resolution authorizing acceptance of a grant from the Arkansas Department of Finance and Administration to host the 2010 Underage Drinking Prevention Conference and approving a budget adjustment in the amount of $35,115.00 to recognize the revenue.

7. **IRS Task Force:** A resolution approving a budget adjustment for the Fayetteville Police Department in the amount of $9,800.00 to recognize reimbursement from the Internal Revenue Service to cover expenses related to the local IRS Task Force.

B. Unfinished Business:

1. **Parks HMR Tax Revenues Special Election:** An ordinance to amend Ordinance No. 3900 to dedicate and authorize the use of the Parks HMR Tax Revenues for the development, construction and maintenance of city parks, and to refer such ordinance to the electors of Fayetteville at a Special Election to be held on May 18, 2010. *This ordinance was left on the First Reading at the January 5, 2010 City Council Meeting. This ordinance was left on the Third Reading at the January 5, 2010 City Council Meeting and Tabled to the February 2, 2010 City Council Meeting.*

   Left on the Third Reading.

C. New Business: None

Announcements:

1. **City Council Tour: February 1, 2010 – Walton Arts Center Tour – 4:30 p.m.**

Adjournment:

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.

Pre Agenda Meeting 1-20-2010

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
February 2, 2010

A meeting of the Fayetteville City Council will be held on February 2, 2010 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: * Sales Tax Collection Update – Paul Becker
* Chamber of Commerce – Economic Development Contract Report

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. **Consent:**

1. Approval of the January 5, 2010 City Council meeting minutes.

2. **Animal Shelter Donation:** A resolution amending the 2010 city budget by approving a budget adjustment to recognize animal services donation revenue through the end of 2009 in the amount of $20,595.00.

3. **Seamless Systems:** A resolution approving a contract in the amount of $34,859.00 with Seamless Systems for installation of white membrane energy efficient roof and insulation with CDBG funding for 818 Sang Avenue (Arts Live Theater).

4. **Kim Hoadley Construction Co. Inc.:** A resolution approving a contract in the amount of $23,060.00 with Kim Hoadley Construction Co. Inc. for new storage shed construction with CDBG funding for the Yvonne Richardson Community Center.

5. **Joe Perme Construction:** A resolution approving a contract in the amount of $50,195.00 with Joe Perme Construction for an energy efficiency rehabilitation with CDBG funding for 2052 S. Garland (Head Start).

6. **2010 Underage Drinking Prevention Conference:** A resolution authorizing acceptance of a grant from the Arkansas Department of Finance and Administration to host the 2010 Underage Drinking Prevention Conference and approving a budget adjustment in the amount of $35,115.00 to recognize the revenue.

7. **IRS Task Force:** A resolution approving a budget adjustment for the Fayetteville Police Department in the amount of $9,800.00 to recognize reimbursement from the Internal Revenue Service to cover expenses related to the local IRS Task Force.

B. Unfinished Business:

1. **Parks HMR Tax Revenues Special Election:** An ordinance to amend Ordinance No. 3900 to dedicate and authorize the use of the Parks HMR Tax Revenues for the development, construction and maintenance of city parks, and to refer such ordinance to the electors of Fayetteville at a Special Election to be held on March 9, 2010. *This ordinance was left on the First Reading at the January 5, 2010 City Council Meeting. This ordinance was left on the Third Reading at the January 5, 2010 City Council Meeting and Tabled to February 2, 2010 City Council Meeting.*

   Left on the Third Reading.

C. New Business: None

Announcements:

1. **City Council Tour: February 1, 2010 – Walton Arts Center Tour – 4:30 p.m.**

Adjournment:

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.

Lisa Branson - Fwd: Chamber Report

From: Sondra Smith
To: Branson, Lisa
Date: 1/20/2010 2:47 PM
Subject: Fwd: Chamber Report
Attachments: Sondra Smith.vcf

>>> Sondra Smith 1/20/2010 2:47 PM >>>
Hi Don

This email is to confirm that you would like the following item added to the February 2, 2010 agenda to be discussed at Agenda Session only:

Economic Development Contract Report - Chamber of Commerce

Have a great afternoon.

Sondra E. Smith *CAMC, CMC*
City Clerk/Treasurer
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
ssmith@ci.fayetteville.ar.us

TDD (Telecommunications Device for the Deaf): (479) 521-1316

The U.S. Census takes place during March and April of this year. BE COUNTED! Your community is counting on you!