

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

Final Agenda City of Fayetteville Arkansas City Council Meeting June 1, 2010

A meeting of the Fayetteville City Council will be held on June 1, 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:

1. Quarterly Report of the Financial Condition of the City – City Clerk Sondra Smith, Finance Director Paul Becker.

Agenda Additions:

A. Consent:

1. Approval of the May 18, 2010 City Council meeting minutes. **APPROVED**
2. **Bid #10-32 B&H Photo/Video:** A resolution awarding Bid #10-32 and approving the purchase of video editing equipment in the amount of \$39,792.00 from B&H Photo/Video/Pro-Audio for use by the government channel and public access channel.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 88-10

3. **Bid #10-33 J. Johnson Construction Company, LLC:** A resolution awarding Bid #10-33 and approving a contract with J. Johnson Construction Company, LLC in the amount of \$46,279.00 for the construction of block retaining walls for the Frisco Trail from Maple Street to Spring Street, and approving a project contingency of \$9,255.80.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 89-10

4. **Investigate Covert Drug Transactions:** A resolution authorizing the Fayetteville Police Department to accept additional funding through the 2010 Gulf Coast High Intensity Drug Trafficking Area (HIDTA) Grant in the amount of \$31,695.00 to investigate covert drug transactions and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 90-10

5. **2009 Arkansas Department of Environmental Quality Recycling Grant:** A resolution authorizing acceptance of a 2009 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District in the amount of \$47,250.00 for recycling containers for the West Side Recycling Drop Off Facility, and approving a budget adjustment recognizing the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 91-10

6. **Engineering Elements, PLLC:** A resolution approving a contract with Engineering Elements, PLLC in the total amount of \$25,900.00 for energy audit services.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 92-10

7. **Joe Perme Construction, Inc.:** A resolution authorizing a contract with Joe Perme Construction, Inc. in the amount of \$21,800.00 for improvements to a public facility building (1932 S. Garland) through the Community Development Block Grant Public Facility Program.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 93-10

8. **Rausch Coleman Holmes, LLC:** A resolution approving a contract amendment with Rausch Coleman Holmes, LLC for an additional \$61,797.91 in 6" concrete pavement, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 94-10

9. **Bid #10-35 All Around Landscaping, Inc.:** A resolution awarding Bid #10-35 and approving a contract with All Around Landscaping, Inc. in the amount of \$96,185.00 for planting and maintenance of trees, and providing a ten percent (10%) project contingency.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 95-10

- 10. Bid #10-38 TEECO Safety (Bullet Proof Vests):** A resolution awarding Bid #10-38 and approving the purchase of Bullet Proof Vests with ballistic panels and carriers from TEECO Safety, Inc. in a total amount not to exceed \$71,672.37 through the end of 2010 and in such amount in 2011 as authorized by the 2011 City Budget.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 96-10

- 11. ASPCA Grant (Microchipping & Tagging):** A resolution authorizing application and acceptance of an ASPCA Grant in the amount of \$5,000.00 for “A ticket home microchipping and tagging program” for the Fayetteville Animal Shelter and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 97-10

B. Unfinished Business:

- 1. Amend Chapter 72 (Nonconsensual Towing):** An ordinance to amend Chapter 72 Parking Regulations of the Fayetteville Code to enact regulations for nonconsensual towing of vehicles within the Entertainment District Parking Zone. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5322

- 2. Amend Chapter 72 (§72.18 Residential Parking Permit):** An ordinance to amend Chapter 72 Parking Regulations by enacting §72.18 Residential Parking Permit Program for Entertainment District Parking Zone. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5323

- 3. Amend Chapter 72 (Electronic Payment Station Program):** An ordinance to amend Article III Parking Meters of Chapter 72 Parking Regulations by changing its name and adding provisions for an electronic payment station program for paid parking lots and paid on-street parking and for other reasons. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5324

- 4. Amend Chapter 72 (§72.99 Penalties):** An ordinance to amend Article III Parking Meters and Electronic Payment Stations of Chapter 72 Parking Regulations by amending §72.99 Penalties. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5325

5. **Parking Program Personnel:** A resolution approving a budget adjustment in the amount of \$498,542.00 for the implementation and funding of the parking program in the Entertainment District Parking Zone and approving the addition of 2.5 full-time equivalent positions in the Parking Management Division for the 2010 budget. *This resolution was tabled at the May 4, 2010 City Council meeting to the May 18, 2010 City Council meeting. This resolution was tabled at the May 18, 2010 City Council meeting to the June 1, 2010 City Council meeting.*

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 98-10

6. **Amend §72.02 Impoundment Procedures:** An ordinance to amend §72.02 Impoundment Procedures of the Code of Fayetteville to clarify when the Police may initiate a nonconsensual tow of a vehicle. *This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5326

7. **Amend Chapter §163.14 Revocation or Change of Conditional Use:** An ordinance amending §163.14 of the Unified Development Code to permit a periodic review of conditional use permits as described herein. *This ordinance was left on the First Reading at the May 18, 2010 City Council meeting.*

THIS ORDINANCE WAS LEFT ON THE SECOND READING.

C. New Business:

1. **Stream Standards and Wastewater Discharge Requirements:** A resolution authorizing participation in cooperative regional efforts to monitor, evaluate, and report the likely effects that future proposed changes to Stream Standards and Wastewater Discharge Requirements may have on Northwest Arkansas.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 99-10

2. **2009 General Improvement Fund Economic Development Grant:** A resolution to accept a 2009 General Improvement Fund Economic Development Grant in the amount of \$100,000.00 to purchase equipment for the exclusive use and benefit of the Northwest Arkansas Community College and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 100-10

3. **ADM 10-3561 (Townhouse-Duplex Clarification):** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville Chapter 151: Definitions and §164.11(B) to clarify the side setback requirements and definition of single family attached/townhouse dwellings.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5327

4. **Authorizing Interfund Loan for Parking Program:** A resolution authorizing an interfund loan from the Replacement & Disaster Fund to the Off Street Parking Fund for the purchase of machinery and equipment necessary to implement the Entertainment District Parking Program, and providing for repayment of the loan over a sixty (60) month period at an interest rate of three percent (3%) per annum.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 101-10

5. **Associated Time and Parking Controls:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with Associated Time and Parking Controls in the amount of \$810,974.00 for the purchase of access and revenue control equipment for the Entertainment District Parking Program, approving a project contingency of \$11,153.00, and approving a budget adjustment of \$774,335.00.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5328

6. **§94.05 Use of Fireworks:** An ordinance to amend §94.05 Use of Fireworks of the Code of Fayetteville.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5329

Announcements:

Adjournment: 9:05 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:

June 1, 2010

Adjourn: 9:05 p.m.

Subject:	Roll				
Alderman Rhoads arrived at 6:05 p.m.	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Mayor Jordan	✓			

9-0

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

Subject:	Consent				
Motion To:		<i>Approve</i>			
Motion By:		<i>Cook</i>			
Seconded:		<i>Petty</i>			
<i>Passed</i> <i>Minutes approved</i> <i>88-10 thru 97-10</i>	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Mayor Jordan				

8-0

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

Subject:	Amend Chapter 72 (Nonconsensual Towing)				
Motion To:		3rd Read	Pass		
Motion By:		Petty			
Seconded:		Ferrell			
B. 1 Unfinished Business <i>passed</i> 5322	Thiel	✓	✓		
	Cook	✓	✓		
	Petty	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Lewis	✓	✓		
	Gray	✓	✓		
	Mayor Jordan				

8-0

8-0

Subject:	Amend Chapter 72 (§72.18 Residential Parking Permit)				
Motion To:		3rd Read	Amend defi. of registered vehicle	Amend Sub-Section E Over Sized Vehicles Bikes, Motorbikes	Change motorbikes 50'cc
Motion By:		Gray	Petty	Petty	Cook
Seconded:		Thiel	Cook	Thiel	Ferrell
B. 2 Unfinished Business Next page.	Thiel	✓	✓	✓	N
	Cook	✓	✓	✓	✓
	Petty	✓	✓	✓	N
	Rhoads	✓	✓	✓	N
	Ferrell	✓	✓	✓	✓
	Lucas	✓	✓	✓	✓
	Lewis	✓	✓	✓	N
	Gray	✓	✓	✓	N
	Mayor Jordan				

8-0

8-0

8-0

3-5
failed

Subject:	Amend Chapter 72 (§72.18 Residential Parking Permit)				
Motion To:		<i>Pass</i>			
Motion By:					
Seconded:					
B. 2 Unfinished Business <i>passed</i> 5323	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Mayor Jordan				

8-0

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

Subject: Amend Chapter 72 (Electronic Payment Station Program)					
Motion To:		3rd Read	Amend Motorcycle 50% discount	Amend for Special Events	Amend time for Prox. Access card
Motion By:		Petty	Thiel	Thiel	Thiel
Seconded:		Thiel	Petty	Lewis	Petty
B. 3 Unfinished Business	Thiel	✓	✓	✓	✓
	Cook	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Rhoads	✓	✓	✓	✓
	Ferrell	✓	✓	✓	✓
	Lucas	✓	✓	✓	✓
	Lewis	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Mayor Jordan				

8-0

8-0

8-0

8-0

Subject: Amend Chapter 72 (Electronic Payment Station Program)					
Motion To:		Pass			
Motion By:					
Seconded:					
B. 3 Unfinished Business 5324	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Mayor Jordan				

8-0

Subject:		Amend Chapter 72 (§72.99 Penalties)			
Motion To:			3rd Read	Pass	
Motion By:			Gray		
Seconded:			Cook		
B. 4 Unfinished Business <i>passed</i> 5325	Thiel	absent during the vote	✓		
	Cook	✓	✓		
	Petty	✓	✓		
	Rhoads	✓	absent during the vote		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Lewis	✓	✓		
	Gray	✓	✓		
	Mayor Jordan				

7-0

7-0

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

Subject:	Parking Program Personnel				
Motion To:		<i>Approve</i>			
Motion By:		<i>Gray</i>			
Seconded:		<i>Thiel</i>			
B. 5 Unfinished Business <i>Passed</i> <i>98-10</i>	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	<i>N</i>			
	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Mayor Jordan				

7-1

Subject:	Amend §72.02 Impoundment Procedures				
Motion To:		<i>3rd Read</i>	<i>Pass</i>		
Motion By:		<i>Ferrell</i>			
Seconded:		<i>Cook</i>			
B. 6 Unfinished Business <i>Passed</i> <i>5326</i>	Thiel	✓	✓		
	Cook	✓	✓		
	Petty	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Lewis	✓	✓		
	Gray	✓	✓		
	Mayor Jordan				

8-0

8-0

Subject:	Amend Chapter §163.14 Revocation or Change of Conditional Use				
Motion To:		2nd Read	Amend Section 2		
Motion By:		Thiel	Lewis		
Seconded:		Gray	Thiel		
B. 7 Unfinished Business <i>Left on the Second Reading</i>	Thiel	✓	✓		
	Cook	✓	✓		
	Petty	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Lewis	✓	✓		
	Gray	✓	✓		
	Mayor Jordan				

8-0

8-0

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

Subject:	Stream Standards and Wastewater Discharge Requirements				
Motion To:		Approve			
Motion By:		Lewis			
Seconded:		Lucas			
C. 1 New Business <u>Passed</u> 99-10	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Mayor Jordan				

8-0

Subject:	2009 General Improvement Fund Economic Development Grant				
Motion To:		Approve			
Motion By:		Thiel			
Seconded:		Ferrell			
C. 2 New Business <u>Passed</u> 100-10	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Mayor Jordan				

8-0

Subject:	ADM 10-3561 (Townhouse-Duplex Clarification)				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Thiel	Ferrell		
Seconded:		Ferrell	Rhoads		
C. 3 New Business <u>Passed</u> 5327	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Petty	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:	Authorizing Interfund Loan for Parking Program				
Motion To:		Approve			
Motion By:		Thiel			
Seconded:		Lewis			
C. 4 New Business <u>Passed</u> 101-10	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Mayor Jordan				

8-0

Subject:		Associated Time and Parking Controls			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Cook	Cook		
Seconded:		Petty	Lucas		
C. 5 New Business 5328	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Petty	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

Subject:		§94.05 Use of Fireworks			
Motion To:		Amend time to start	2nd Read	3rd Read	Pass
Motion By:		Cook	Ferrell	Ferrell	
Seconded:		Thiel	Rhoads	Lucas	
C. 6 New Business <u>passed</u> 5329	Thiel	✓	✓	✓	✓
	Cook	✓	✓	✓	✓
	Petty	✓	✓	N	✓
	Rhoads	✓	✓	✓	✓
	Ferrell	✓	✓	✓	✓
	Lucas	✓	✓	✓	✓
	Lewis	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Mayor Jordan				

8-0

8-0

7-1

8-0

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Lioneld Jordan**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

A handwritten signature in black ink, appearing to read 'Kit Williams', written over a horizontal line.

DATE: **June 2, 2009**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of June 1, 2010**

1. Bid #10-32 B & H Photo/Video: A resolution awarding Bid #10-32 and approving the purchase of video editing equipment in the amount of \$39,792.00 from B & H Photo/Video/Pro-Audio for use by the Government Channel and Public Access Channel.

2. Bid #10-33 J. Johnson Construction Co., LLC: A resolution awarding Bid #10-33 and approving a contract with J. Johnson Construction Company, LLC in the amount of \$46,279.00 for the construction of block retaining walls for the Frisco Trail from Maple Street to Spring Street, and approving a project contingency of \$9,255.80.

3. Investigation of Covert Drug Transactions: A resolution authorizing the Fayetteville Police Department to accept additional funding through the 2010 Gulf Coast High Intensity Drug Trafficking Area (HIDTA) grant in the amount of \$31,695.00 to investigate covert drug transactions and approving a budget adjustment.

4. 2009 ADEQ Recycling Grant: A resolution authorizing acceptance of a 2009 ADEQ Recycling Grant through the Boston Mountain Solid Waste District in the amount of \$47,250.00 for recycling containers for the west side recycling drop off facility, and approving a budget adjustment recognizing the grant revenue.

5. **Engineering Elements, PLLC:** A resolution approving a contract with Engineering Elements, PLLC in the total amount of \$25,900.00 for energy audit services.
6. **Joe Perme Construction, Inc.:** A resolution authorizing a contract with Joe Perme Construction, Inc. in the amount of \$21,800.00 for improvements to a public facility building (1932 S. Garland) through the Community Development Block Grant Public Facility Program.
7. **Rausch Coleman Homes, Inc.:** A resolution approving a contract amendment with Rausch Coleman Homes, LLC for an additional \$61,797.91 in 6" concrete pavement, and approving a budget adjustment.
8. **Bid #10-35 All Around Landscaping, Inc.:** A resolution awarding Bid #10-35 and approving a contract with All Around Landscaping, Inc. in the amount of \$96,185.00 for planting and maintenance of trees, and providing a 10% project contingency.
9. **Bid #10-38 TEECO Safety (Bullet Proof Vests):** A resolution awarding Bid #10-38 and approving the purchase of Bullet Proof Vests with ballistic panels and carriers from TEECO Safety, Inc. in a total amount not to exceed \$71,672.37 through the end of 2010 and in such amount in 2011 as authorized by the 2011 City Budget.
10. **ASPCE Grant:** A resolution authorizing application and acceptance of an ASPCA grant in the amount of \$5,000.00 for "A Ticket Home Microchipping and Tagging Program" for the Fayetteville Animal Shelter and approving a budget adjustment.
11. **Amend Chapter 72 (Nonconsensual Towing):** An ordinance to amend Chapter 72 **Parking Regulations** of the Fayetteville Code to enact regulations for nonconsensual towing of vehicles within the Entertainment District Parking Zone.
12. **Amend Chapter 72 (Residential Parking Permits) :** An ordinance to amend Chapter 72 **Parking Regulations** by enacting §72.18 **Residential Parking Permit Program Entertainment District Parking Zone.**

13. Amend Chapter 72 (Electronic Payment Station Program): An ordinance to amend Article III **Parking Meters** of Chapter 72 **Parking Regulations** by changing its name and addition provisions for an electronic payment station program for paid parking lots and paid on-street parking and for other reasons.

14. Amend Chapter 72 (§72.99 Penalties): An ordinance to amend Article III **Parking Meters** and **Electronic Payment stations** of Chapter 72 **Parking Regulations** by amending **§72.99 Penalties**.

15. Parking Program Personnel: A resolution approving a budget adjustment in the amount of \$498,542.00 for the implementation and funding of the parking program in the Entertainment District Parking Zone and approving the addition of 2.5 full-time equivalent positions for the Parking Management Division for the 2010 budget.

16. Amend §72.02 Impoundment Procedures: An ordinance to amend **§72.02 Impoundment Procedures** of the Code of Fayetteville to clarify when the police may initiate a nonconsensual tow of a vehicle.

17. Stream Standards and Wastewater Discharge Requirements: A resolution authorizing participation in cooperative regional efforts to monitor, evaluate, and report the likely effects that future proposed changes to Stream Standards and Wastewater Discharge Requirements may have on Northwest Arkansas.

18. 2009 General Improvement Fund Economic Development Grant: A resolution to accept a 2009 General Improvement Fund Economic Development Grant in the amount of \$100,000.00 to purchase equipment for the exclusive use and benefit of the Northwest Arkansas Community College and to approve a budget adjustment.

19. Interfund Loan For Parking Program: A resolution authorizing an interfund loan from the Replacement & Disaster Fund to the Off-Street Parking Fund for the purchase of machinery and equipment necessary to implement the Entertainment District Parking Zone program and providing for repayment of the loan over a 60 month period at an interest rate of 3% per annum.

20. Associated Time and Parking Controls: An ordinance waiving the requirements of formal competitive bidding and approving a contract with Amano McGann in the amount of \$880,000.00 for the purchase of access and revenue control equipment for the Entertainment District Parking Zone and approving a budget adjustment.

21. §94.05 Use of Fireworks: An ordinance to amend **§94.05 Use of Fireworks** of the Code of Fayetteville.

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
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**City of Fayetteville Arkansas
City Council Meeting Minutes
May 18, 2010**

A meeting of the Fayetteville City Council was held on May 18, 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

Mayor's Announcements, Proclamations and Recognitions: None

Presentations, Reports and Discussion Items:

Mayor Jordan pointed out that there have been some adjustments to Consent Item #7.

City Attorney Kit Williams briefed the Council on the changes and the additional documents that were received.

Alderman Cook announced the Board and Committee vacancies.

Agenda Additions: None

Consent:

Approval of the May 4, 2010 City Council meeting minutes.

Approved

2010 Community Development Block Grant (CDBG): A resolution amending the 2010 city budget by approving a budget adjustment to recognize a 2010 Community Development Block Grant revenue increase of \$55,208.00.

Resolution 79-10 as recorded in the office of the City Clerk.

Animal Services Donation: A resolution amending the 2010 city budget by approving a budget adjustment to recognize animal services donation revenue for the first quarter of 2010 in the amount of \$11,050.00.

Resolution 80-10 as recorded in the office of the City Clerk.

Arkansas Recreational Trails Program Grant: A resolution expressing the willingness of the City of Fayetteville, Arkansas to utilize Federal-Aid Recreational Funds.

Resolution 81-10 as recorded in the office of the City Clerk.

2010 Bulletproof Vest Partnership Grant: A resolution authorizing the Mayor to apply for a 2010 Bulletproof Vest Partnership fifty percent matching grant through the U.S. Department of Justice in the amount of \$18,200.00 for the replacement of twenty-five body armor vests for the Fayetteville Police Department.

Resolution 82-10 as recorded in the office of the City Clerk.

Justice Assistance Grant (JAG): A resolution authorizing application for a 2010-2011 Justice Assistance Grant (JAG) for federal and state funding in the amount of \$167,586.00 and \$33,517.00 respectively, for the primary funding source of the 4th Judicial District Drug Task Force.

Resolution 83-10 as recorded in the office of the City Clerk.

2010 Federal Emergency Management Agency Assistance Grant: A resolution authorizing application for a 2010 Federal Emergency Management Agency Assistance to firefighters grant in the amount of \$360,000.00 to purchase a specialized fire apparatus for the Fayetteville Fire Department.

Resolution 84-10 as recorded in the office of the City Clerk.

Arkansas Power Electronics International (APEI): A resolution certifying local government endorsement of business to participate in the tax back program{The Consolidated Incentive Act of 2003, Ark. Code Ann. §15-4-2706(D)}

Resolution 85-10 as recorded in the office of the City Clerk.

Kearney National/Cooper Power: A resolution authorizing purchase in lieu of condemnation proceedings authorized in Resolution 52-10 and approving a contract for the purchase of land adjoining the Fayetteville Executive Airport-Drake Field from Kearney-National, Inc. through an

assignment from Cooper Power Systems, LLC, in the amount of \$218,907.87, including applicable closing costs, as part of the Runway 16 Safety Area Improvement Project.

Resolution 86-10 as recorded in the office of the City Clerk.

Alderman Thiel moved to approve the Consent Agenda. Alderman Cook seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

Amend Chapter 72 (Nonconsensual Towing): An ordinance to amend Chapter 72 Parking Regulations of the Fayetteville Code to enact regulations for nonconsensual towing of vehicles within the Entertainment District Parking Zone. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Don Marr, Chief of Staff stated our consultant is going to give you some information on national towing rates and things that you talked about at the last meeting.

Chris Pecoraro, Parking Consultant referenced two resources, Towing and Recovery Administration of America and Tow Partners which is an industry group that shares their data as far as rates and fees go. He stated we came up with data for national averages based on their online documents. He continued to discuss their findings.

Alderman Thiel: Did you break that down to nonconsensual tows?

Chris Pecoraro: They do not break it out as nonconsensual or consensual on those sites. They are giving their average rates for a tow. Their rates are very close to what we have offered in our ordinance. He continued to describe the rates.

Alderman Lewis: What is a heavy duty versus light duty?

Chris Pecoraro: That is an RV or larger vehicle.

Alderman Lewis: So an SUV or pickup truck is still considered light duty?

Chris Pecoraro: Yes.

Alderman Ferrell: What is the discerning factor on 4-wheel drive?

Chris Pecoraro: There is some consideration, depending on if it is a vehicle with locking hubs versus non locking hubs, and the age of the vehicle. There is a consideration there that might require dollies or a different type of wrecker to be used.

Lee Dancer with A & B Towing expressed his concerns with nonconsensual towing and the proposed amount. He explained the current procedures that they are operating under. He asked the Council to stick with the same pricing as the current contract.

Alderman Thiel: The price range we are talking about here is not out of the way and in fact in some cases it is what some businesses are already charging. This has been an issue and if it requires regulations then so be it. Now that we can do that I feel strongly that we should move forward with this. I support it.

Alderman Lewis: I understand that with a nonconsensual tow there would be additional staff time but we are proposing \$60 and on the national average that is on the upper end. To me we are saying that we are taking that into consideration. Also what is the \$80?

City Attorney Kit Williams: That is if there is a parking lot for customers or residents. The \$60 only applies to paid parking lots.

Alderman Lewis: The \$80 is beyond the national average and beyond the Midwest and the South, even on a smaller scale it is higher than the average.

Alderman Petty: I agree with Alderman Thiel. I think the legislation as it is currently drafted is pretty good. I think we should leave this on the second reading just because we have so much going on in this whole push for parking. I would prefer that we deal with it all at once.

This ordinance was left on the Second Reading.

Amend Chapter 72 (§72.18 Residential Parking Permit): An ordinance to amend Chapter 72 Parking Regulations by enacting §72.18 Residential Parking Permit Program for Entertainment District Parking Zone. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Sharon Crosson, Parking and Telecommunications Manager gave a brief description of the ordinance. She presented the Council with two parking options to offer the residents in the entertainment district. The first option is to offer guest hang tags for the residents. We proposed having two guest tags per dwelling that would be validated with the renewal of their residential permit. The second option is to offer 30 passes per dwelling that the resident could use whenever they choose. She stated the options might address the issues that were presented by the public at the last meeting.

Alderman Thiel: The 30 passes would be good for one time.

Sharon Crosson: They would get 30 passes electronically.

Alderman Thiel: It seems to me that they would rather have 30 as opposed to two.

Chris Pecoraro: The 30 would have a date marked on them when they are used. They would self expire based on use electronically or by penciling the date on them.

Alderman Marr: What we are asking you to do in the amendment would be that the language is general enough that it allows the city to modify and implement a guest pass program. He went on to further explain the options.

Sharon Crosson: The advantage that option 1 would have over option 2 is essentially you would have 60 passes per month because you could use those two hang tags every day of the month but you can only use two per day.

Chris Pecoraro: We are looking at flexibility so we can address all the residents' needs.

Don Marr: What you will see in the ordinance is the implementation of the guest pass program.

City Attorney Kit Williams: Under Subsection "H" of the handout I gave you it sets the goals to accommodate the needs of both residents and businesses and allows implementation to the Administration. This is brand new and it may need to be tweaked as it goes along.

Alderman Petty moved to amend the ordinance by adding Subsection "H." Alderman Cook seconded the motion. Upon roll call the motion passed unanimously.

Julie Dorrow with the Dickson Street Neighborhood Association stated I would like to meet with the residents to see what they think but I think it is a good compromise.

Alderman Lewis: In addition to the fact that we will address this again in two weeks to me it is looking at the method and the neighborhood appreciates that there is a method being proposed to deal with this. The specifics wouldn't come until later.

City Attorney Kit Williams read the proposed Subsection "H."

Upon roll call the motion passed unanimously.

Mayor Jordan: I had Kit draft up free parking for 70 CC's or less on motor bikes and then the bicycles would be free as well.

City Attorney Kit Williams explained the new definition in Subsection "B" and provisions to Subsection "E" that were created per Mayor Jordan's request.

Alderman Rhoads: Can we change high mileage to high efficiency?

Alderman Thiel: Fuel efficient.

Mayor Jordan: Okay.

Alderman Ferrell: On the designated areas is there a guess on how many of those there would be?

Don Marr: We do not have a specific number but we are looking at there being bike and scooter and smaller designated motorcycle parking which would have fees tied to it designated in both on-street and in the lots. We would allow spaces for all three of those. Two of those would be non charged spaces.

Alderman Lucas: If someone with a motorcycle wanted to park in a parking spot could they pay?

Don Marr: They can if they pay the rate.

City Attorney Kit Williams: The ordinance reads they would not be ticketed but they would have to pay the whole rate.

Alderman Lucas: In #2 it says they are prohibited from parking in standard on-street parking spaces.

Don Marr: It should not say that.

Mayor Jordan: We should fix that.

City Attorney Kit Williams: We will just strike that and still keep them off the sidewalks.

Alderman Rhoads moved to adopt the proposed amendments to Subsection “B” and “E”, to change the language to state “fuel efficient” and also removing the portion in #2 prohibiting motorcycles from parking in standard on-street parking spaces. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

The ordinance was left on the second reading.

Amend Chapter 72 (Electronic Payment Station Program): An ordinance to amend Article III Parking Meters of Chapter 72 Parking Regulations by changing its name and adding provisions for an electronic payment station program for paid parking lots and paid on-street parking and for other reasons. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Sharon Crosson gave a brief description of the ordinance. She stated there were no changes from the previous discussion other than the location of one of the revenue machines.

Alderman Lucas: Is that on Maple?

Sharon Crosson: Yes, only one side of the street there is parking and we feel that the three that are on Lafayette can be spaced out better and better utilize the funds for those machines.

Missy Darwin Kincaid, Director of Development at The Walton Arts Center and resident of Ward 1 spoke in favor of the ordinance and stated this will even the options out for parking.

Jeff Gearhart, resident of 533 N. Razorback Rd. and Walton Arts Center Board member spoke on the current parking issues and went on to speak in favor of the ordinance.

Bill Rogers, resident of Ward 1 spoke on the plan and stated the fees are reasonable and fair. He also spoke in favor of the ordinance.

Ryan Epp, Co-owner of a business on Dickson spoke on the current parking issues. He asked if the Council had any ideas to help with employee parking.

Mayor Jordan: We are offering some discounts to employees are we not?

Don Marr: The lots that are being designated here are not the lots that we are giving discounted parking to employees in. The discounted parking for employees is a 90% discount in areas that are remote from the downtown street. Those locations are still being worked out. If an employee wants to park next door to the place they work that is considered more prime parking and they would be charged as any other customer would. There is a parking permit program for individuals who want to pay and do the monthly parking program within the Walton Arts Center from 7 a.m. to 4 p.m.

Alderman Rhoads: In Mr. Epps situation his employees might have to park three blocks away but they might also get an 80-90% discount to whatever the parking would be. So it really would only be three blocks walking which is an incredibly short walk.

Ryan Epp: I am not sure that my employees are going to want to walk that every morning.

Alderman Rhoads: I think that is a change that has to come to Fayetteville. I think I am more apt to ask people like your employees to change a little.

Ryan Epp: Has the City done a survey asking people if they would be willing to pay for parking?

Mayor Jordan: Not that I am aware of.

Alderman Lewis: Does your business have customers that come to it?

Ryan Epp: We are a salon/spa and they make their appointment and drive in just for us. We don't get a lot of traffic so we market our business to where people come to us. He went on to speak on why he chose this area for his business.

Alderman Marr: Many businesses who built locations in this area are required by our code to have a certain amount of spaces for the type of business that goes into the location. Many of the businesses at the time chose to use shared parking agreements rather than to provide that parking.

People have utilized free parking that will no longer be free that was not designed to be the parking for their business but to be general public parking. He went on to speak on discounted parking and the options that they have considered.

Vina Hyde, board member of the Walton Arts Center spoke on the student participation at the Walton Arts Center. She also spoke on the current parking issues and she stated I hope you will support this plan.

Calvin Bay, a volunteer at the Walton Arts Center expressed his concerns with the current parking issues. He spoke in favor of the ordinance.

Andy Gibbs, resident of Ward 3 and member of the Walton Arts Center Council spoke in favor of the ordinance and thanked the Council for their efforts to deal with the issue of parking to make it more accessible and to continue to support the Walton Arts Center and Dickson Street.

Janet McMullen, resident of Ward 4 read a few excerpts from the letters that she previously sent to the Council. She expressed her concerns with paid parking and stated I am strongly opposed to the ordinance.

Bill Waite, resident of Ward 3 and Dickson Street business owner spoke in favor of the plan and stated it will generate revenue that will help to build long needed additional parking.

Steve Butler, a business owner expressed his concerns with the ordinance. He asked if anyone has explored a shuttle or pilot program.

Mayor Jordan: I think we are looking at some shuttle busses aren't we?

Sharon Crosson: Yes, I would like for everybody to keep in mind that this is the first step of many to come. In the past cities that were growing had a minimum requirement on parking and the number of spaces they were required to have. Cities today are now having a maximum because in your downtown area we do not want to use up all the land for surface parking spaces. That is a thing of the past so we need to have a maximum on surface parking lots in this area. That is the only way the Business District is going to grow is if we use the land for businesses rather than surface parking.

Steve Butler: The parking garage downtown, is that paid parking or free parking by the Town Center?

Sharon Crosson: That is paid.

Steve Butler: I will pay for shuttles for four different events to see if it is feasible to help out. Who would I need to talk to about doing that?

Mayor Jordan: Probably Sharon.

Steve Butler: I will get together with her and we will see how that goes. He went on to discuss it further.

Don Marr: There is a significant amount of free parking still available in the Dickson Street area. He spoke on future efforts to educate citizens about free parking.

Alderman Lewis: Can you put in perspective the distance?

Mayor Jordan: It takes 11 minutes to walk from my office to the Walton Arts Center.

Alderman Lewis: Wasn't there a comparison done or something.

Don Marr: I don't know that we have the actual distances from each of these lots but we do conduct surveys annually that look at how many spaces are occupied, etc. We see the demand because in peak periods the lots are full. He continued to discuss the current parking lots.

Alderman Lewis stated this was about perception and not really distance.

Don Marr: Sharon just told me we do have that and we will get that to you before the next meeting.

Steve Clark, President of the Fayetteville Chamber of Commerce spoke in favor of the ordinance. He stated this comprehensive plan is very important for the vitality of our existing businesses and the attraction of new businesses.

Cheryl Wallet, business owner on Dickson Street spoke on behalf of her customers and spoke against the ordinance. She expressed her concerns about the affect this would have on downtown businesses.

Alderman Ferrell: Are you a food business or bar?

Cheryl Wallet: A bar.

Alderman Ferrell: How long has your business been there?

Cheryl Wallet: I have been there for six years.

This ordinance was left on the Second Reading.

Amend Chapter 72 (§72.99 Penalties): An ordinance to amend Article III Parking Meters and Electronic Payment Stations of Chapter 72 Parking Regulations by amending §72.99 Penalties. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: Alderman Ferrell has an amendment that he suggested to be drafted on this. He stated the additional language was that the second and third offense had to be

committed within 12 months of the previous offenses in order for the increase in cost penalty to be effective.

City Attorney Kit Williams read the proposed amendment.

Alderman Ferrell: This would be year to date from the date of your first ticket to the date of your third ticket.

Don Marr: It is a rolling twelve month look back. Previously once you received your third ticket that was the price you paid for the rest of your life.

Alderman Ferrell moved to amend the ordinance to state “offenses would only go up if they were committed within twelve months of the previous offense.” Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was left on the Second Reading.

Parking Program Personnel: A resolution approving a budget adjustment in the amount of \$498,542.00 for the implementation and funding of the parking program in the Entertainment District Parking Zone and approving the addition of 2.5 full-time equivalent positions in the Parking Management Division for the 2010 budget. *This resolution was tabled at the May 4, 2010 City Council meeting to the June 1, 2010 City Council meeting.*

Paul Becker, Finance Director gave a brief description of the resolution. He stated this budget adjustment would provide for the expenses to pay for the paid parking and include the addition of 2 ½ people to the off-street parking fund. This would pay for the system to implement it.

Don Marr asked if the Council had any further questions regarding the handout of the expenses categorized that was handed out at Agenda Session. There is 2.5 head count associated with this. We have identified two positions in the Development Services area for that. We would like to know if you would like us to transfer that existing head count or leave it as two additional head count to be paid by parking revenues. If you choose the option of permanently eliminating the two positions from Development Services, would you be open to the fact that if Development Services turns around and development takes off, then we would come back to you to look at the addition of that head count back into Development Services.

Alderman Petty: I like the original proposal rather than completely eliminating positions from another department. I don't think it makes sense to say we need to eliminate other positions that do not have anyone in them just to create two more that are fully funded from the program that is being proposed. I would rather keep it simple.

Alderman Ferrell disagreed and stated if our economy turns around all of us would look at something like that. You are taking a head count rather than adding head count.

Alderman Thiel: We have seen that this administration has not filled positions that were utilized in the past. I don't understand why we would eliminate the positions. I will support the original ordinance and not amend this.

Alderman Gray: I don't see any reason for the staff to have to come back and ask for them. I would like to see it left that way.

Alderman Lucas: I agree with Mr. Ferrell. Sometimes government is too big. We have an opportunity to not increase the number of people to a city that is stressed. It does not seem like good business to increase the number of positions when you are having trouble. I think it is the smartest thing and the best business to move those positions and not increase the number of positions in the city.

Alderman Lewis: We need people to run this program. It makes sense to use that space as a method to run a program that we need currently, and when we need those positions later then you fill those.

Alderman Petty asked Don Marr if there is any difference between these two ideas as a practical matter?

Don Marr: For me it's a matter of whether we come back and ask you for the head count when we have the need or we don't have to come back. We are just looking for some guidance, either way it is going to be positions funded by Parking Revenue.

Paul Becker: We do not intend to fill them this year but it is up to you if you want to reduce the two positions.

Alderman Petty: However we do this it seems it is inconsequential as long as we get the positions filled and pass the parking program. One requires more government work in the future and one doesn't.

Alderman Lucas: Once you open positions it is hard to take them away and put them somewhere else. I think we need to look at when we don't need positions moving them somewhere else.

Alderman Ferrell moved to amend the ordinance to eliminate two positions in the General Fund from Development Services and transfer those positions to the Parking Fund. Alderman Lucas seconded the motion. Upon roll call the motion failed 3-5. Alderman Ferrell, Lucas, and Lewis voting yes. Alderman Gray, Thiel, Cook, Petty, and Rhoads voting no.

This amendment failed.

Alderman Thiel moved to table the resolution to the June 1, 2010 City Council meeting. Alderman Petty seconded the motion.

Barbara Putman with the Walton Arts Center spoke on the current programs at the Walton Arts Center and how they impact the City. She stated this proposal will allow us to improve our services and continue with those programs. She went on to speak in favor of the resolution.

Kit Williams clarified the amendment.

Peter Lane, President and CEO, Walton Arts Center, Ward 2 resident, spoke on the importance of a long term parking deck. He stated as a non profit we are there to serve the public and we need to break even. The support of the parking program will help the Walton Arts Center to continue to maintain the excellence in programming and the diversity of its educational offerings. He spoke on the benefits of the plan.

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

New Business:

Amend §72.02 Impoundment Procedures: An ordinance to amend §72.02 Impoundment Procedures of the Code of Fayetteville to clarify when the Police may initiate a nonconsensual tow of a vehicle.

Alderman Cook: There are a couple of amendments that I want to make to this. A copy of the proposed amendments has been given to the Council.

City Attorney Kit Williams: One is to allow a different rate for nonconsensual tows that are not police initiated. The second one is for vehicles that could not be towed economically the police would be authorized to initiate a tow at a higher rate.

Alderman Cook moved to amend Subsection A. 4 and add Section 5 to the ordinance. Alderman Thiel seconded the motion.

Alderman Lewis: Is this police initiated only?

City Attorney Kit Williams: The change to Subsection 4 was to allow the Mayor or Mayor designee to have a different kind of initiated tow so that it would not have to be a police initiated tow.

Mayor Jordan: Sharon and her group would be able to make that sort of call.

Alderman Lewis: In order to reduce towing is there a way to contact the owner of the vehicle?

Sharon Crosson: Yes, we have access to the Arkansas ACIC information. We try to call them currently.

Alderman Lewis: The phone number is what I was wondering.

City Attorney Kit Williams: I doubt we would have a cell phone number.

Sharon Crosson: No, we do not get the phone number from ACIC. A lot of times we have information from the utilities records and records that we have on file.

Alderman Lewis: If they have had a ticket before, would you have their phone number.

Sharon Crosson: Not through ACIC.

Alderman Lewis: That is part of the policy already? You attempt to do that?

Sharon Crosson: Yes.

Alderman Lewis: That's great.

Alderman Ferrell thanked Alderman Cook for considering the amendment. It is a good amendment.

Alderman Cook: It started from the residents wanting it.

Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance as amended.

City Attorney Kit Williams stated this came from Alderman Cook and Alderman Petty because there had been some problems with towing.

Alderman Cook: We had a residential parking meeting. One of the comments was residents driveways were getting blocked and we didn't have the ability to move those cars.

Alderman Cook moved to suspend the rules and go to the second reading. Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent during the vote.

City Attorney Kit Williams read the ordinance.

This ordinance was left on the Second Reading

§94.09 Sale of Fireworks: An ordinance to amend Article I General Provisions of Chapter 94 Fire Prevention of the Fayetteville City Code by repealing §94.05 Sale and Use of Fireworks and enacting a new §94.09 Sale of Fireworks.

City Attorney Kit Williams stated it was requested by City Council that we modify the ordinance so that it only affects the sale of fireworks and has no effect on the current regulations over their use.

Alderman Petty moved to amend the ordinance to only include §94.09 Sale of Fireworks. Alderman Lewis seconded the motion.

City Attorney Kit Williams explained the amendment for the public.

Chief David Dayringer: We support the change in the ordinance. We don't think any additional fires are going to occur because of the ordinance changes over what normally occurs in a year.

Don Marr stated we plan to bring forward a change in uses. What we will allow to be sold within the City currently is rather restricted in our current use. He thanked the Chief for bringing the ordinance forward.

Mayor Jordan: We were only going to do the sale of the fireworks but it seemed a little somewhat counter productive to sell them and not allow anyone to use them.

Alderman Lewis: Can someone have a fireworks stand in only particular areas or anywhere?

City Attorney Kit Williams: It has to meet the zoning requirements.

Chief David Dayringer: They can't be within 250 feet of a gasoline dispensing location and it has to be at least 50 feet away from the street.

Don Marr: It can be in any commercial zoning.

Alderman Ferrell: Is there anybody that would have any kind of an idea what the percentage of gross sales for stick rockets would be?

Bruce Matthews spoke on his concerns with the timing of the ordinance. The first discussion of this was about a month ago. Mr. Clark with Uncle Sam's is initiating this. Location is important in the sale of fireworks. I did not know this was happening. Mr. Clark has had a month's head start on acquiring locations. I ask the Council to pass the ordinance but not allow sales until next year.

Alderman Rhoads: How is it that Mr. Clark got a one month jump on you?

Bruce Matthews: I have no idea. The first that I heard of this was in the paper yesterday and I saw it on the news last night.

Alderman Rhoads: Can someone else address my question.

Chief David Dayringer: Mr. Clark was contacted back in April when research was being done on the subject to try to get a handle on what the impact was in Springdale.

Alderman Rhoads: He didn't know we were going to do anything did he?

Chief David Dayringer: That's correct.

Bruce Matthews: If the fire department had come and visited with me about the possibility that this was going to be put into effect, I would have immediately started my investigation as to who would be interested in opening up their property for the sale of fireworks.

Pat Butler stated he agrees that giving a months notice it is hard to do but he is still willing to do it. He also stated his concerns with the timing of the ordinance. I am concerned about larger players getting all of the tents. How are you going to make it so it is fair for everyone? He said 10% to 15% of the sales are bottle rockets and stick rockets.

Alderman Ferrell: I'm assuming the guy the Chief contacted is one of bigger dealers.

Pat Butler: Yes, one of the biggest in the area.

Alderman Ferrell: Let's assume they contacted you and the Sam's guy came to you and said "you've had thirty days on this deal", what would you tell him?

Pat Butler: Like I said I think it's an unfair advantage but I'm ready to go forward. If you pass it tonight I want to get a permit.

Alderman Lucas: Did I hear that you can start selling in the county on June 20th?

Pat Butler: I believe that date is correct.

Alderman Lucas: That is a week before this takes affect.

Pat Butler: I'm not as concerned about that time. Most of the business is done in the week before July 4th.

Karla Eddie Heifner spoke in favor of the ordinance but stated those of us outside the city limits who have been making a living for awhile are going to be hurt by this.

Alderman Rhoads: Do you remember more or less when in April you contacted Mr. Clark?

Chief David Dayringer: I think it was toward the end of April.

Alderman Rhoads: Do you know when we put this out to the public?

Don Marr: It would have been when the agenda was released.

Alderman Rhoads: That would be a few days before Agenda Session?

Don Marr: It would be the Thursday prior to Agenda Session.

Alderman Rhoads: Do you have a date on that?

Don Marr: The agenda request was done on April 26th. It would have been available to the general public through the Clerk's distribution on the 6th or 7th.

Alderman Rhoads: That's not thirty days it's more like two weeks.

Don Marr: That's correct it would be nine business days.

Alderman Rhoads stated he likes a fair playing field when it comes to business and thirty days would make a big impact on me this close to the fireworks season. Nine days probably not so much of an impact because I think you have time to adjust and the City needs the revenue.

Reggie Hale, Hale Fireworks: How did it come out to the public?

City Clerk Sondra Smith: The City Council Tentative Agenda was made available on May 6th. We have a list of citizens and press that have chosen to get the agenda from the City Clerk's office. We will be happy to add any one to that list. We have no control over when the paper decides to publish an article.

Reggie Hale: Probably most of the fireworks people didn't see it until it was in the paper. The percentage of rockets on a stick is going to be a bigger than 15% to 20%.

Alderman Lewis: How much does it cost to get a location?

Reggie Hale: It varies it can be between \$500 and \$10,000.

Alderman Lewis: That can be in any C-2 zoning?

Don Marr: Any commercial zoning. It is often staffs policy to research and find information from providers. When we contacted the City of Springdale they gave us individuals to contact and that is how city staff gets information. It wasn't done to give unfair advantages to individuals.

Mayor Jordan: I agreed with that. I find it somewhat offensive that folks feel that we were giving someone a leg up. The Chief did his proper research.

Alderman Lucas stated she agreed because we are always asking have you researched this.

Cit Clerk Sondra Smith: I would like to make the public aware that City Council agendas are on the City website and they are on the Community Access Television Station.

Alderman Ferrell: The amendment is just splitting it, right?

City Attorney Kit Williams: That's correct.

Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Thiel stated she supports the idea of the City being able to generate the revenue that this will create. She also stated the question is do we implement it this year or next year.

Alderman Rhoads stated he appreciates that we have city staff doing whatever they can to help control expenses and raise revenue. He applauded the Chief and agreed with the Mayor that his intentions were honorable and right. He also stated that he supports the ordinance but he would support it being effective next year.

Alderman Rhoads moved to amend the ordinance effective date to January 1, 2011.
Alderman Thiel seconded the motion.

City Attorney Kit Williams: This would be adding a new Section 3 that would say this ordinance shall go into affect January 1, 2011.

Alderman Lewis: I think we should allow them to sell them this year if we are going to do this. There is revenue for the city.

Alderman Lucas agreed with Alderman Lewis.

Alderman Petty stated you have a responsibility as a citizen to make sure you are informed. I think we should pass this.

Alderman Gray stated she is torn because she can hear both sides and she would love to have the revenue. She also stated she was a little distressed that we were late getting it out.

Alderman Ferrell stated he echoes what Alderman Rhoads said in the fact that he applauds the Chief and the city employees that are looking for ways to cut expenses and bring in revenue. There was no intent to give anyone an advantage. He stated he supports starting this year.

Alderman Lucas: The amendment is to postpone it until next year?

Mayor Jordan: Yes.

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

The amendment failed.

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

City Attorney Kit Williams read the ordinance.

Tracy Hoskins stated he has done some research and his understanding is if we are not allowed to sale fireworks on a stick the City would be giving away approximately 25% of its sales tax revenue. People can go out of the city limits and buy these products and while they are there they will buy the other products as well. He would encourage that to be changed.

Alderman Ferrell: What was the thinking on disqualifying fireworks on a stick?

Don Marr: We didn't disqualify any item from being sold.

Alderman Ferrell: It's in this ordinance.

Don Marr: We felt that bottle rocks were the number one item of injury and potential fire. We did not make any changes to what we were already allowing.

Alderman Ferrell: As a kid I saw more accidents involving large firecrackers than I did with bottle rockets. I would amend to strike the part about Subsection D.

Alderman Ferrell moved to amend the ordinance to remove Subsection D and Subsection G. There was no second to the motion.

Alderman Ferrell: I consider the fact that we are doing this as a revenue source and unless there's some overwhelming compelling statistics that can be given to me I think it's a fair thing to do to help raise sales tax.

Alderman Thiel: Are you saying we allow bottle rockets in the city limits?

City Attorney Kit Williams: To be sold in the city limits.

Alderman Thiel: What about the sign business? Are you saying eliminate the discharge of bottle rockets or fireworks that travel on a stick in the City of Fayetteville? Are you saying eliminate that?

Alderman Ferrell: Yes. Just don't put the sign up.

Alderman Gray: Is it going to be legal or not.

City Attorney Kit Williams: This doesn't change the use.

Alderman Thiel: It just changes putting up a sign.

Alderman Lewis: Why would we get rid of "G"?

Alderman Ferrell: This is going to be broken into two parts. There is going to be a chance to address that.

Alderman Lewis: For the use part?

Alderman Ferrell: Yes.

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

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5320 as Recorded in the office of the City Clerk

Amend Chapter §163.14 Revocation or Change of Conditional Use: An ordinance amending §163.14 of the Unified Development Code to permit a periodic review of conditional use permits as described herein.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Internal Services and Development Director gave a brief description of the ordinance. He requested an amendment to Subsection 1.

Alderman Ferrell: If you have a long time holder of a conditional use permit, and someone owned the property around them to where they were the only residents on that side of the block within 100 feet, and it is more than 100 feet behind them to another resident, are we saying that one person will have to sign the petition for a hearing?

Jeremy Pate: If I understand you correctly, if they're an adjacent property owner and they own all the property that surrounds within 100 feet, I would say yes.

Alderman Thiel moved to amend Subsection 1 of the ordinance to read an adjacent property owner and 50% or more of the property owners within 100 feet of the property boundary. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

Alderman Ferrell: I think when a citizen comes in and has an established enterprise that has been successful in receiving a conditional use permit, there is an expectation by that person that it will be honored. I oppose the ordinance.

Alderman Lucas: When a zoning is done can we go back and say that's not appropriate zoning and redo it?

Jeremy Pate: Sure, it is a legislative action of the Council.

Alderman Lucas: There was a piece of property on Gregg Street and when they built the apartments there they didn't have to abide by the present day zoning. It had been zoned a long time ago and when it came time to build they didn't have to meet the present day requirements.

Jeremy Pate: Was this about 2002? In 2003 we changed our code.

Alderman Lucas: We had already changed the zoning requirements, but when they built they were able to build because they had already been zoned and approved for that.

Jeremy Pate: The development had been approved many years before and we did not have a sunset clause for those developments. That is when the Council adopted that ordinance.

Alderman Ferrell: How big of a problem has this been as far as complaints?

Jeremy Pate: It's not been a big issue.

Sharon Stiles, resident of Ward 1 and owner of Long Ago Antiques gave a brief history of the conditional use permit that was issued for their business. She requested the Council to consider a revision to the petition portion of the proposed amendment. She also requested that the petitioner be required to attend a Planning Commission review.

Kyle Unser, Representative for Sharon Stiles: There is an existing frame work for the review of conditional use permits. The Stiles have a conditional use permit with no conditions on it. The Unified Development Code states what they can and can't do and what can cause them to lose their conditional use permit. They are non use for 12 months or the violation of a condition. No where in the Unified Development Code, as it exists now, is there any type of provision that says your conditional use permit can be revoked if you are not in harmony with the neighborhood. These folks have a vested property right in their conditional use permit. This ordinance does not provide any guidance on what the criteria for deciding whether or not the conditional use permit should be revoked is. It just says it can be revoked or modified. It does not say why or what it takes. You can deny this or apply it prospectively and not retrospectively.

Mayor Jordan: This started a least a year ago when I first came into office because of air quality complaints. We have conditional use businesses that have no conditions.

City Attorney Kit Williams: Added some history that was not presented by the Stiles attorney. This ordinance is to correct a mistake that was made. This ordinance gives neighbors who might be adversely affected by a conditional use the right to request the Planning Commission every five years to look at it and see whether or not this is something that should be reviewed, continued, or denied.

Alderman Lewis: If compatibility is built in how does it not then become a violation of it if it is brought forward?

City Attorney Kit Williams: Compatibility is in the Unified Development Code as one of the requirements for the Planning Commission to look at in order to grant a conditional use. This provision is to correct the oversight in the 2006 ordinance that was passed that established procedures for review of conditional uses.

Alderman Ferrell: Jeremy stated this has not been a problem and the Mayor told us what started this whole deal. Are we using a shot gun approach to this when we do not need a shot gun approach?

Alderman Thiel: This can add conditions which in some cases they do not have conditions. We've got some conditional use permits that could create problems. I tend to think I support this.

Alderman Lucas: I like the five years because it keeps harassments down. To suddenly put conditions on a business that has been in business for years I don't think that is good. I like the idea of changing it and moving forward on future conditional uses.

Mayor Jordan: I would recommend that we don't pass this tonight.

Alderman Ferrell: Brenda where do you stand on moving forward? Would you entertain something as far as now when we have conditional use permits they can be revisited within the five year period as opposed to going back?

Alderman Thiel: I don't think that would solve the problem. There have been a lot of conditional uses permitted throughout many years that didn't have conditions placed on them or

things that are not allowed now. I don't think doing the ones that are currently reviewed does much because they are reviewed properly now. Conditions are placed on them in a different way than they were.

Alderman Ferrell: This is enabling in a sense that would allow once every five years they can do a review.

City Attorney Kit Williams: Before the 2006 amendment they could do it and there was no time limit. In 2006 we limited the ways that someone could come back and challenge a conditional use.

Alderman Petty: Compatibility is the whole reason we have conditional uses to be fair and to put a compatibility review onto the things that aren't typical.

This ordinance was left on the First Reading

Amend Chapter 178 Outdoor Vendors: An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapter 178: Outdoor Vendors to allow for the sale of locally produced arts and crafts by outdoor vendors on public sidewalks and to permit consideration of larger vending carts for specific locations as a conditional use permit by the Planning Commission.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Petty: The request about food carts and the sizes came from a citizen who had a cart and wanted to serve food that would take more preparation than other food so the cart needed to be larger. The code disallowed that.

Alderman Gray: I think this is great.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5321 as Recorded in the office of the City Clerk

National Bike to Work Week: A resolution to encourage Fayetteville citizens to participate in National Bike to Work Week and to make Fayetteville even more bicycle-friendly.

Alderman Cook stated this come forward from the Fayetteville Forward Transportation Action Committee and Laura Kelly with the Bicycle Coalition of the Ozarks. He gave a brief description of the resolution.

Alderman Cook moved to add Section 3 of the ordinance that references the action plan. Alderman Petty seconded the motion.

Laura Kelly: Thanked Kyle for bringing the resolution forward.

Alderman Cook: Asked Matt Mihalevich to speak on an item that is on the upcoming Street Committee agenda.

Matt Mihalevich: We've outlined six miles of roads that are existing width to accommodate bikes in a safer manner with stripping and signage.

Alderman Lucas: That also came forward from Fayetteville Forward Transportation didn't it?

Matt Mihalevich: Yes, that's right.

Matt Mihalevich: We are looking at having a bicycle climbing lane for some of the steeper streets.

Upon roll call the motion passed unanimously.

Alderman Cook moved to approve the resolution. Alderman Petty seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 87-10 as recorded in the office of the City Clerk.

Announcements:

Alderman Lewis announced the Watershed Luncheon meeting.

Meeting adjourned at 10:10 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

Final Agenda City of Fayetteville Arkansas City Council Meeting June 1, 2010

A meeting of the Fayetteville City Council will be held on June 1, 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:

1. Quarterly Report of the Financial Condition of the City – City Clerk Sondra Smith, Finance Director Paul Becker.

Agenda Additions:

A. Consent:

1. Approval of the May 18, 2010 City Council meeting minutes.
2. **Bid #10-32 B&H Photo/Video:** A resolution awarding Bid #10-32 and approving the purchase of video editing equipment in the amount of \$39,792.00 from B&H Photo/Video/Pro-Audio for use by the government channel and public access channel.

3. **Bid #10-33 J. Johnson Construction Company, LLC:** A resolution awarding Bid #10-33 and approving a contract with J. Johnson Construction Company, LLC in the amount of \$46,279.00 for the construction of block retaining walls for the Frisco Trail from Maple Street to Spring Street, and approving a project contingency of \$9,255.80.
4. **Investigate Covert Drug Transactions:** A resolution authorizing the Fayetteville Police Department to accept additional funding through the 2010 Gulf Coast High Intensity Drug Trafficking Area (HIDTA) Grant in the amount of \$31,695.00 to investigate covert drug transactions and approving a budget adjustment.
5. **2009 Arkansas Department of Environmental Quality Recycling Grant:** A resolution authorizing acceptance of a 2009 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District in the amount of \$47,250.00 for recycling containers for the West Side Recycling Drop Off Facility, and approving a budget adjustment recognizing the grant revenue.
6. **Engineering Elements, PLLC:** A resolution approving a contract with Engineering Elements, PLLC in the total amount of \$25,900.00 for energy audit services.
7. **Joe Perme Construction, Inc.:** A resolution authorizing a contract with Joe Perme Construction, Inc. in the amount of \$21,800.00 for improvements to a public facility building (1932 S. Garland) through the Community Development Block Grant Public Facility Program.
8. **Rausch Coleman Holmes, LLC:** A resolution approving a contract amendment with Rausch Coleman Holmes, LLC for an additional \$61,797.91 in 6" concrete pavement, and approving a budget adjustment.
9. **Bid #10-35 All Around Landscaping, Inc.:** A resolution awarding Bid #10-35 and approving a contract with All Around Landscaping, Inc. in the amount of \$96,185.00 for planting and maintenance of trees, and providing a ten percent (10%) project contingency.
10. **Bid #10-38 TEECO Safety (Bullet Proof Vests):** A resolution awarding Bid #10-38 and approving the purchase of Bullet Proof Vests with ballistic panels and carriers from TEECO Safety, Inc. in a total amount not to exceed \$71,672.37 through the end of 2010 and in such amount in 2011 as authorized by the 2011 City Budget.
11. **ASPCA Grant (Microchipping & Tagging):** A resolution authorizing application and acceptance of an ASPCA Grant in the amount of \$5,000.00 for "A ticket home microchipping and tagging program" for the Fayetteville Animal Shelter and approving a budget adjustment.

B. Unfinished Business:

- 1. Amend Chapter 72 (Nonconsensual Towing):** An ordinance to amend Chapter 72 Parking Regulations of the Fayetteville Code to enact regulations for nonconsensual towing of vehicles within the Entertainment District Parking Zone. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

- 2. Amend Chapter 72 (§72.18 Residential Parking Permit):** An ordinance to amend Chapter 72 Parking Regulations by enacting §72.18 Residential Parking Permit Program for Entertainment District Parking Zone. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

- 3. Amend Chapter 72 (Electronic Payment Station Program):** An ordinance to amend Article III Parking Meters of Chapter 72 Parking Regulations by changing its name and adding provisions for an electronic payment station program for paid parking lots and paid on-street parking and for other reasons. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

- 4. Amend Chapter 72 (§72.99 Penalties):** An ordinance to amend Article III Parking Meters and Electronic Payment Stations of Chapter 72 Parking Regulations by amending §72.99 Penalties. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

- 5. Parking Program Personnel:** A resolution approving a budget adjustment in the amount of \$498,542.00 for the implementation and funding of the parking program in the Entertainment District Parking Zone and approving the addition of 2.5 full-time equivalent positions in the Parking Management Division for the 2010 budget. *This resolution was tabled at the May 4, 2010 City Council meeting to the May 18, 2010 City Council meeting. This resolution was tabled at the May 18, 2010 City Council meeting to the June 1, 2010 City Council meeting.*

- 6. Amend §72.02 Impoundment Procedures:** An ordinance to amend §72.02 Impoundment Procedures of the Code of Fayetteville to clarify when the Police may initiate a nonconsensual tow of a vehicle. *This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

7. **Amend Chapter §163.14 Revocation or Change of Conditional Use:** An ordinance amending §163.14 of the Unified Development Code to permit a periodic review of conditional use permits as described herein. *This ordinance was left on the First Reading at the May 18, 2010 City Council meeting.*

Left on the First Reading

C. New Business:

1. **Stream Standards and Wastewater Discharge Requirements:** A resolution authorizing participation in cooperative regional efforts to monitor, evaluate, and report the likely effects that future proposed changes to Stream Standards and Wastewater Discharge Requirements may have on Northwest Arkansas.
2. **2009 General Improvement Fund Economic Development Grant:** A resolution to accept a 2009 General Improvement Fund Economic Development Grant in the amount of \$100,000.00 to purchase equipment for the exclusive use and benefit of the Northwest Arkansas Community College and to approve a budget adjustment.
3. **ADM 10-3561 (Townhouse-Duplex Clarification):** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville Chapter 151: Definitions and §164.11(B) to clarify the side setback requirements and definition of single family attached/townhouse dwellings.
4. **Authorizing Interfund Loan for Parking Program:** A resolution authorizing an interfund loan from the Replacement & Disaster Fund to the Off Street Parking Fund for the purchase of machinery and equipment necessary to implement the Entertainment District Parking Program, and providing for repayment of the loan over a sixty (60) month period at an interest rate of three percent (3%) per annum.
5. **Associated Time and Parking Controls:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with Associated Time and Parking Controls in the amount of \$810,974.00 for the purchase of access and revenue control equipment for the Entertainment District Parking Program, approving a project contingency of \$11,153.00, and approving a budget adjustment of \$774,335.00.
6. **§94.05 Use of Fireworks:** An ordinance to amend §94.05 Use of Fireworks of the Code of Fayetteville.

Announcements:

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

A. 9
 Bid #10-35 All
 Around Landscaping, Inc.
 Page 1 of 6

**City Council Agenda Items
 and
 Contracts, Leases or Agreements**

6/1/2010

City Council Meeting Date
 Agenda Items Only

Consent
 A.9
 Additional Information
 already on the agenda

Greg Howe

Submitted By

Park Planning/Urban Forestry

Division

Parks and Recreation

Department

Action Required:

A resolution awarding Bid #10-35 and approval of a contract with All Around Landscaping, Inc. in the amount of \$96,185 with a 10% project contingency of \$9,619 for a total project cost of \$105,804 for the planting and maintenance of trees for the Tree Escrow Fund and Ice Storm Recovery Grant.

\$ 105,803.50
 Cost of this request

\$ 239,656.00
 Category / Project Budget

Ice Storm Recovery Grant
 Tree Escrow Funds
 Program Category / Project Name

4470.9470.5315.00
 Account Number
 09032.1
 08001.2-5
 Project Number

\$ 8,375.00
 Funds Used to Date
 \$ 231,281.00
 Remaining Balance

Contract Services
 Program / Project Category Name
 Grant
 Sales Tax/Tree Escrow
 Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

Connie Emonston 5-24-10
 Department Director Date

Previous Ordinance or Resolution # 254-09

[Signature] 5-24-10
 City Attorney Date

Original Contract Date:

Original Contract Number:

Paul A. Becker 5-24-2010
 Finance and Internal Services Director Date

Received in City
 Clerk's Office



5/24/10

[Signature] 5-24-10
 Chief of Staff Date

Received in
 Mayor's Office



Mayor

Date

Comments:



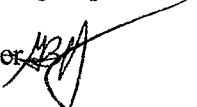
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director,
Alison Jumper, Park Planning Superintendent 

From: Greg Howe, Urban Forester 

Date: May 19, 2010

Subject: Bid # 10-35 Tree Planting and Maintenance Project

PROPOSAL:

On December 15th, 2009, the City Council passed Resolution Number 254-09 authorizing the Mayor to accept the Ice Storm Recovery Grant from the Arkansas Forestry Commission with funding from the U.S. Forest Service. The grant included \$61,915 to replace and maintain trees damaged or removed due to the January 2009 ice storm. The City is matching the grant funds with in-kind personnel, supplies and equipment estimated at \$69,510. Approximately \$28,930 will be funded from the Tree Escrow Accounts.

The bid for the 2010 Tree Planting and Maintenance Project included planting and maintaining trees for the Ice Storm Recovery Grant and the Tree Escrow Fund. The bid was advertised on April 29th and May 5th and opened on May 18th. Four vendors including All Around Landscaping, Inc., B&H Specialties, Dixon Contracting, Inc. and Second Nature Property Management, LLC. submitted bids with All Around Landscaping, Inc. being the low bid in the amount of \$88,041. Cost including tax is \$96,185.

If approved, the trees funded by the ice storm recovery grant will be planted by August 13th and trees funded by the Tree Escrow Fund will be planted by December 15th, 2010. The bid includes a ninety day maintenance and guarantee period for trees and associated materials making the contract completion date March 15th, 2011.

RECOMMENDATION:

A resolution awarding Bid #10-35 and approval of a contract with All Around Landscaping, Inc. in the amount of \$96,185 with a 10% project contingency of \$9,619 for a total project cost of \$105,804 for the planting and maintenance of trees for the Tree Escrow Fund and Ice Storm Recovery Grant.

BUDGET IMPACT:

The project is funded with Ice Storm Recovery Grant Funds and Tree Escrow Funds. Total project cost including a 10 % project contingency is \$105,804.

Attachments:

Planting Location Maps

Resolution No 254-09

Bid Tab

Contract Agreement Signed by Contractor

Purchase Requisition

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #10-35 AND APPROVING A CONTRACT WITH ALL AROUND LANDSCAPING, INC. IN THE AMOUNT OF \$96,185.00 FOR PLANTING AND MAINTENANCE OF TREES, AND PROVIDING A TEN PERCENT (10%) PROJECT CONTINGENCY

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-35 and approves a contract with All Around Landscaping, Inc. in the amount of \$96,185.00 for planting and maintenance of trees.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a ten percent (10%) project contingency.

PASSED and APPROVED this 1st day of June, 2010.

APPROVED:

ATTEST:

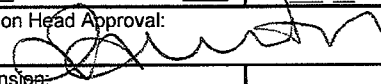
By: _____
LIONELD JORDAN, Mayor

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

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

*All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)
 All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us*

Vendor #: 4993	Vendor Name: All Around Landscaping	Requisition No.:	Date: 5/19/2010
Address: 1632 S. 56th St		P.O Number:	Expected Delivery Date:
City: Springdale		Mail Yes: _____ No: _____	Quotes Attached Yes: ☒ No: _____
State: AR		Zip Code: 72762	Ship to code:
Requester: Greg Howe		Division Head Approval: 	
		Requester's Employee #: 3202	Extension: 470

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Tree Planting and Maintenance Project - Grant	1	LS	61,425.00	\$61,425.00	4470.9470.5315.00	09032.1		
2	Tree Planting and Maint. Project - Escrow NW	1	LS	14,034.00	\$14,034.00	4470.9470.5315.00	08001.2		
3	Tree Planting and Maint. Project - Escrow NE	1	LS	282.00	\$282.00	4470.9470.5315.00	08001.3		
4	Tree Planting and Maint. Project - Escrow SW	1	LS	750.00	\$750.00	4470.9470.5315.00	08001.4		
5	Tree Planting and Maint. Project - Escrow SE	1	LS	11,550.00	\$11,550.00	4470.9470.5315.00	08001.5		
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Tax is included in the bid 10-35 price

Subtotal:	\$88,041.00
Tax:	\$8,143.79
Total:	\$96,184.79

Approvals:

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

City of Fayetteville Staff Review Form

A. 10
 Bid #10-38 TEECO Safety
 (Bullet Proof Vests)
 Page 1 of 4

City Council Agenda Items
 and
 Contracts, Leases or Agreements

June 1, 2010

City Council Meeting Date
 Agenda Items Only

Consent
 Added at
 Agenda Session
 5/25/10

G. Tabor

Submitted By

Patrol

Division

Police

Department

Action Required:

Award Bid # 10-38 to Teeco Safety, Inc. with approval of the initial purchase of replacement bulletproof vests with ballistic panels and tactical carriers in the amount of \$71,672.37 and future replacement purchases as required.

\$ 71,672.37
 Cost of this request
 1010-2920-5302.00
 4470-9470-5210.00
 Account Number
 07042-0301/0901/2010
 02062-1
 Project Number

\$ 74,982.00
 Category / Project Budget
 \$ -
 Funds Used to Date
 \$ 74,982.00
 Remaining Balance

Bulletproof Vest Partnership Program
 Program Category / Project Name
 Grant
 Program / Project Category Name
 General/Sales Tax
 Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐


 Department Director

Date

5-20-10

Previous Ordinance or Resolution #

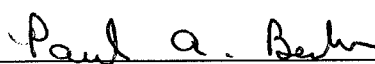

 City Attorney

Date

5-20-10

Original Contract Date:

Original Contract Number:


 Finance and Internal Services Director

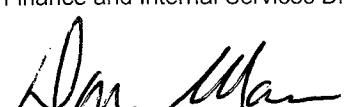
Date

5-20-2010

Received in City
 Clerk's Office

ENTERED

5-20-10


 Chief of Staff

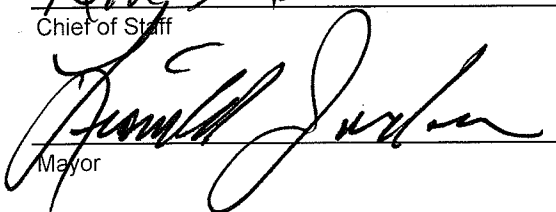
Date

5-20-10

Received in
 Mayor's Office

ENTERED

5/20/10


 Mayor

Date

5/20/10

Comments:

5/25/10 - Draft amended pursuant to PD req. to authorize 2011 expenditure JK



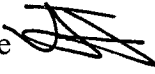
www.accessfayetteville.org

A. 10
Bid #10-38 TEECO Safety
(Bullet Proof Vests)

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Chief of Police 

Date: May 14, 2010

Subject: Award Bid 10-38 Bullet Proof Vests

PROPOSAL:

The Fayetteville Police Department provides bullet proof vest for each law enforcement officer. The vest carries a five (5) year warranty and are replaced when the warranty expires. The bid was opened on May 12, 2010 and we received four (4) bids. See the attached bid tabulation sheet.

RECOMMENDATION:

Staff recommends award of Bid 10-38 to Teeco Safety, Inc. The initial purchase of replacement bulletproof vests with ballistic panels and tactical carriers will be in the amount of \$71,672.37. This bid will be utilized for purchase of future required replacements through December 31, 2011 pending budget approval.

BUDGET IMPACT:

The 2010 budget includes funding from the federal Bullet Proof Vest Partnership Program grant in the amount of \$39,146 to cover fifty percent of the total expense. The balance of the funds needed is included in the Police Specialized Equipment project.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #10-38 AND APPROVING THE PURCHASE OF BULLET PROOF VESTS WITH BALLISTIC PANELS AND CARRIERS FROM TEECO SAFETY, INC. IN A TOTAL AMOUNT NOT TO EXCEED \$71,672.37 THROUGH THE END OF 2010 AND IN SUCH AMOUNT IN 2011 AS AUTHORIZED BY THE 2011 CITY BUDGET

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-38 and approves the purchase of bullet proof vests with ballistic panels from Teeco Safety, Inc. in a total amount not to exceed \$71,672.37 through the end of 2010 and in such amount in 2011 as authorized by the 2011 city budget.

PASSED and APPROVED this 1st day of June, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 10-38
 DATE: 05/12/10
 2:00 PM
 CITY OF FAYETTEVILLE

A. 10
 Bid #10-38 TEECO Safety
 (Bullet Proof Vests)
 Page 4 of 4

Bid 10-38, Bullet Proof Vests

Item	Description	Quantity	Arkansas Police Supply, Inc.		Cruse Uniforms and Equipment		Protective Products		Teeco Safety, Inc.	
			Price Each	Total Price	Price Each	Total Price	Price Each	Total Price	Price Each	Total Price
1	Bullet Proof Vests	96	\$419.00	\$40,224.00	\$660.00	\$63,360.00	\$581.40	\$55,814.40	\$483.50	\$46,416.00
	Manufacturer		Armor Express		Safariland/Second Chance		Protective Products		Point Blank Body Armor	
	Model		Quantum Level II		SM01		Python DX IIIA		HI LITE KXP IIIA	
2	Trauma Plate (5"x8")	48	\$69.00	\$3,312.00	\$56.00	\$2,688.00	\$65.55	\$3,146.40	\$72.00	\$3,456.00
	Manufacturer		Armor Express		Safariland/Second Chance		Protective Products		Point Blank Body Armor	
	Model		Ara-Shock		IMPAC-HT 1001628		Speed Plate, 5"x8"		STP 5"x8"	
3	Trauma Plate (7"x9")	48	\$99.00	\$4,752.00	\$68.00	\$3,264.00	\$84.55	\$4,058.40	\$112.00	\$5,376.00
	Manufacturer		Armor Express		Safariland/Second Chance		Protective Products		Point Blank Body Armor	
	Model		Ara-Shock		IMPAC-HT 1001665		Speed Plate, 7"x9"		STP 8"x10"	
4	Vest Carrier	40	\$69.00	\$2,760.00	\$54.00	\$2,160.00	\$46.55	\$1,862.00	\$74.00	\$2,960.00
	Manufacturer		Armor Express		Safariland/Second Chance		Protective Products		Point Blank Body Armor	
	Model		Evolution		Apex		Supplex Carrier		HI LITE	
TOTAL BID PRICE:			\$51,048.00		\$71,472.00		\$64,881.20		\$58,208.00	

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

CERTIFIED: 
 J. MAIN, PURCH TECH


 WITNESS

05/12/10
 DATE

City of Fayetteville Staff Review Form

A. 11
 ASPCA Grant
 (Microchipping & Tagging)
 Page 1 of 20

Added at
 Agenda Session
 5-25-10
 Consent

City Council Agenda Items
 and
 Contracts, Leases or Agreements

6/1/2010

City Council Meeting Date
 Agenda Items Only

Yolanda Fields

Submitted By

Community Services

Division

Development Services

Department

Action Required:

Approval of ASPCA grant in the amount of \$5,000 for "A Ticket Home Microchipping and Tagging Program" and a budget adjustment for the program.

Cost of this request 1010 2740 5200 03 1010 2740 5200 00 Account Number 10026 1001 Project Number	\$ 5,000.00 Category / Project Budget \$ - Funds Used to Date \$ 5,000.00 Remaining Balance	Animal Services Grant Program Category / Project Name Program / Project Category Name General Fund Name
--	--	---

Budgeted Item ☐Budget Adjustment Attached ☒

[Signature]
 Department Director

5-21-10
 Date

Previous Ordinance or Resolution #

[Signature]
 City Attorney

5-24-10
 Date

Original Contract Date:

Original Contract Number:

Paul a. Beck
 Finance and Internal Services Director

5-24-2010
 Date

Received in City
 Clerk's Office



[Signature]
 Chief of Staff

5-24-10
 Date

Received in
 Mayor's Office



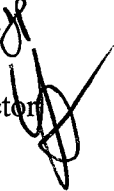
[Signature]
 Mayor

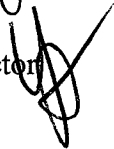
5/24/10
 Date

Comments: Staff recommends approval of the grant agreement and the budget adjustment.

CITY COUNCIL AGENDA MEMO

To: Mayor and Council

Thru: Jeremy Pate, DS Director 

From: Yolanda Fields, CS Director 

Date: May 19, 2010

Subject: ASPCA Grant Agreement Approval

PROPOSAL:

In January of 2010 the City of Fayetteville Community Services – Animal Services Program, Humane Society of the Ozarks and Washington County came together to form the Animal Responsibility Coalition (ARC). The purpose of ARC is the development of projects to increase the live release rate of animals in Washington County. The City of Fayetteville Community Services – Animal Services Program as the lead agency for ARC submitted an application to the ASPCA seeking \$5,000 in funding for a project titled “A Ticket Home Microchipping and Tagging Program” (see attached materials for program description).

ASPCA granted the requested \$5,000 for the project. The grant application is attached. The grant award letter serves as the grant agreement.

RECOMMENDATION:

Staff recommends approval of the grant agreement and the budget adjustment establishing the project budget.

BUDGET IMPACT:

None Add \$5000 to grant revenue account

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF AN ASPCA GRANT IN THE AMOUNT OF \$5,000.00 FOR "A TICKET HOME MICROCHIPPING AND TAGGING PROGRAM" FOR THE FAYETTEVILLE ANIMAL SHELTER AND APPROVING A BUDGET ADJUSTMENT

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 application and acceptance of an ASPCA grant in the amount of \$5,000.00 for "A Ticket Home Microchipping and Tagging Program" for the Fayetteville Animal Shelter.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A" to this Resolution and incorporated herein as if set out word for word.

PASSED and APPROVED this 1st day of June, 2010.

APPROVED:

ATTEST:

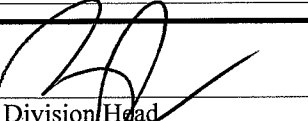
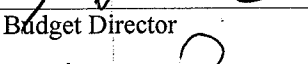
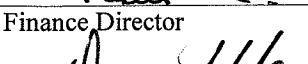
By: _____
LIONELD JORDAN, Mayor

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

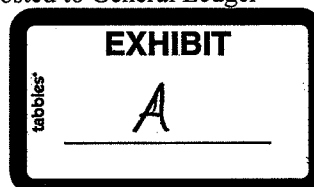
A. 11
ASPCA Grant
(Microchipping & Tagging)
Page 1 of 20

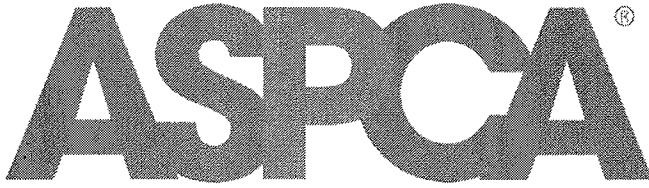
Justification of this Increase: Allocation of ASPCA Grant funding	Justification of this Decrease:
---	--

Account Name	Decrease Budget Account Number				Amount	Project Number	
Commercial Grants	1010	0001	4305	00	5,000	10026	1001

	5/21/10 Date
 Budget Director	5/24/10 Date
 Department Director	05.21.2010 Date
 Finance Director	5-21-2010 Date
 Chief of Staff	5-24-10 Date
 David J. Jordan	5/24/10 Date

Type:	A	B	C	D	E
Requested By				Rachel	
General Ledger Date					
Posted to General Ledger				Initial	Date





GRANT AWARD REFERENCE:

NAME: City of Fayetteville Community Services Division - Animal Services Program

PROJECT: A Ticket Home Microchipping and Tagging Program

AMOUNT: \$5000.00

ASPCA KEY CONTACT: Lou Guyton

Wednesday, April 28, 2010

Ms. Kelly Colebar
Project Coordinator
City of Fayetteville Community Services Division - Animal Services Program
113 W Mountain Street
Fayetteville, AR 72701

Dear Ms. Colebar,

The American Society for the Prevention of Cruelty to Animals (the "ASPCA") is deeply honored to be able to grant to City of Fayetteville Community Services Division - Animal Services Program the amount of \$5000.00. These funds are designated for the following purpose as outlined in your grant request and, if applicable, its amendments: A Ticket Home Microchipping and Tagging Program.

The ASPCA shall pay the grant to City of Fayetteville Community Services Division - Animal Services Program approximately two-four weeks following receipt of your acknowledgement of this award notification. By endorsing and depositing the grant check, you represent and warrant that your organization will meet the obligations specified in this letter.

In consideration of the grant, the City of Fayetteville Community Services Division - Animal Services Program shall (a) publicly acknowledge that the project was made possible through a grant from the ASPCA and reference the ASPCA in all project materials and (b) grant to the ASPCA a license to use the City of Fayetteville Community Services Division - Animal Services Program name and trademarks to promote the grant.

Two jpegs of our logo are embedded into this document for your cut-and-paste use on your website or other collateral. City of Fayetteville Community Services Division - Animal Services Program shall seek approval by the ASPCA Key Contact prior to its inclusion in any materials prior to their distribution. Instructions regarding links to

ASPCA's website can be found at this URL: <http://www.asPCA.org/about-us/legal-information/link-to-us.html>, including link banners via this URL: <http://www.asPCA.org/about-us/free-asPCA-stuff/free-link-banners.html>. For technical assistance regarding recognition of your grant, please contact press@asPCA.org.

Furthermore, City of Fayetteville Community Services Division - Animal Services Program shall communicate with Lou Guyton (louguyton@asPCA.org) according to the schedule and additional instructions (if applicable) below until December 28, 2010 to review and evaluate the use of the grant funds (award letter acknowledgements are required and should be made online by accessing your ASPCA Grants account*; formal letters of acknowledgement and thank you letters are optional and should be mailed or emailed to your ASPCA Key Contact).

SCHEDULE OF GRANT REQUIREMENTS

Type	Notes	Schedule Date
Acknowledgement of Award Letter		May 28, 2010
Progress Report		August 28, 2010
Final Report		December 28, 2010
Financial Report	Include a list of animals separated by species which have benefited from this grant and the cost per animal.	December 28, 2010
Press Information	Include any press releases, clips or links about the project and of the ASPCA's support of the project through this grant	December 28, 2010
Receipt(s)		December 28, 2010
Photographs		December 28, 2010

ADDITIONAL INSTRUCTIONS

None.

*Please log in to your "My Account" page at https://www.grantrequest.com/SID_900?SA=AM to view and submit ALL requirements, including the grant acknowledgement. You will receive an email reminder of your requirements approximately 2-4 weeks prior to their due dates.

As a grantee, the ASPCA may occasionally request your input via surveys in order to collect data on best practices and animals served, to better the lives of at-risk animals. Through your participation, you demonstrate your gratitude for ASPCA support.

We extend our best wishes to you for continued success and look forward to hearing

about your accomplishments during the year. It is a pleasure to be among your current supporters.

Sincerely,

Lou Guyton

Lou Guyton
Senior Director, Community Initiatives

CC: grants@aspca.org

ASPCA Logos: copy and paste



From: <Grants@aspca.org>
To: <kcolebar@ci.fayetteville.ar.us>
Date: 4/28/2010 2:03 PM
Subject: ASPCA Acknowledgement of Grant Award

Dear Ms. Colebar,

The ASPCA granted your request for funding in the amount of \$5,000 for A Ticket Home Microchipping and Tagging Program .

To comply with the terms of the grant award, it is necessary for us to receive from you the following requirement/report: Acknowledgement of Grant Award. This is available online via your "My Account" page. Click or copy and paste into a browser, the following link:

https://www.GrantRequest.com/SID_900?SA=AM

Log in with the username/password you created when you submitted your request for funding.

Once you have logged in, click the link at the top labeled "REQUIREMENTS" to take you to the requirement page. You will see a current list of all requirements due.

Please submit all requirements by their due date. Timely submission of grant requirements will maintain your eligibility to apply for future funding from the ASPCA.

If you have specific questions regarding this requirement, including requests for due date extensions, please forward this email to your grant officer: Lou Guyton at louguyton@aspca.org with your concerns.

Sincerely,

Michael Barrett
Sr. Director, Grants Administration
ASPCA

Stage 1 of 1 Proposal for Non-Sheltering Animal Welfare Organizations Organization

Please review the information below for accuracy and edit accordingly. You may return to your application at any time by clicking the "Save and Finish Later" button at the end of the application.

Please DO NOT use all capital letters.

Who is your staff contact at the ASPCA for this request?

Lou Guyton

Organization Name

City of Fayetteville Community Services Division - Animal Services Program

Mailing Address

113 W Mountain Street

City

Fayetteville

State

AR

Postal Code

72701

Phone

no hyphens - e.g. 2128767700

4795758235

Fax

no hyphens - e.g. 2128767700

4794443445

Website (required for ALL applicants)

If you are a governmental organization and do not have a specific website for your department, enter the main web address.

http://www.accessfayetteville.org/government/animal_services/index.cfm

Tax ID

no hyphens

716018462

Tax Status

Municipality/County

Physical Address (ONLY if different than mailing address)

Include address, city, state and zip/postal code. Leave blank if physical and mailing address are the same.

Total Organizational Budget (Current Year)

848,205

Total Organizational Budget (Last Year)

If this is your first year of operation, enter zero.

884,686

Total Organizational Budget (Two Years Prior)

If this is your first year of operation, enter zero.

1,841,418

Financial Health

1 or more years of operating expenses

In what year was your agency/organization incorporated?

1859

Number of Full-time Staff

12

Number of Part-time Staff

2

Number of Current Active Volunteers

9

Contacts

Primary Contact Person for this Request

Prefix

e.g. Ms., Mr., Dr.

Ms.

First Name

Kelly

Last Name

Colebar

Suffix

<None>

Title

Project Coordinator

E-mail

kcolebar@ci.fayetteville.ar.us

Head of Organization (ONLY if different than above)

Prefix

e.g. Ms., Mr., Dr.

Ms.

First Name

Yolanda

Last Name

Fields

Suffix

<None>

Title

Community Services Director

E-mail

yfields@ci.fayetteville.ar.us

Proposal

Request Information

Project Title

Please name your project, e.g. Mobile Spay/Neuter Clinic for Low-income Residents

A Ticket Home

Request Amount

e.g. 1000

5000

Total Project Cost

e.g. 5000

5000

Project Description

Provide a detailed description of your request in 250 words or less. Do not describe your organization or its mission. If you know estimated or actual costs for line items, be sure to include these costs in your description.

The City of Fayetteville is submitting this application as the lead agency of the Animal Responsibility Coalition (ARC). ARC members are the City of Fayetteville, Humane Society of the Ozarks and Washington County. The City of Fayetteville and Washington County have identified geographic areas that have the highest rates of animal pick-ups. A Ticket Home will provide pet owners with information and options to increase the number of microchipped and tagged animals. The intent of the project is to increase owner responsibility by educating and providing opportunities for microchipping and tagging of pets. The goal is to decrease the number of animal pick-ups in these areas and to increase pet/family reunification when animals are picked up. The project will have three components; marketing (education), mobile clinics and canvassing. The most important component of the proposed project is the microchipping of pets in the identified areas. The marketing component of the project is imperative to educate pet owners in the identified areas as to both the importance and safety of microchipping. Staff from the members of ARC will be providing their time to develop the marketing materials, operate the mobile clinics and canvas the identified areas. The project will utilize \$200 to cover the costs of printing the marketing materials and the remaining \$4800 to purchase microchips. This will provide over 600 microchips for A Ticket Home.

Grant Timeline and Evaluation

Include your timeline for utilizing grant funds and explain how you will measure the success of the project.

Upon securing funding ARC will devote 12 months to the development and production of marketing materials for A Ticket Home. ARC will also develop baseline statistics on the number of animal pickups that will be used to measure the success of the program. Once marketing materials have been created the project will begin the process of educating pet owners in the identified areas and microchipping pets. We anticipate that the distribution of the initial 600 microchips will take 8 months. The success of the project will be measured by the number of unchipped animals that receive microchips and a decrease in the number of animals picked-up.

Geographical Area Served (for THIS request ONLY)

Choose your domicile location in the FIRST drop-down. You may choose additional locations if they are applicable to THIS request.

AR

Population Served (for THIS request)

You may choose more than one, but **ONLY** select those populations that will be served by THIS request. For example, if your organization provides services for cats and dogs, but your request is for dog kennels, you should choose "Dogs" **ONLY**.

Cats
Dogs

Which of the following outcomes will this project **BEST** address?

Only select outcomes that directly relate to your project. You will be asked to report on all outcomes you select.

CANINE/FELINE/OTHER: Intake reduction for dogs **AND** cats, cats **ONLY** or other animals

Program Area

Please select the program area most closely aligned with THIS funding request.

Humane Education (Community Outreach)

Type of Support

Project Support

Impact of Request on Animals

If you receive the FULL grant amount requested, approximately how many animals will THIS grant impact? Fill in a number for each category. Enter -0- (zero) if the category does not apply.

Cats
200

Dogs
400

Equines
0

Farm Animals
0

Birds
0

Rabbits
0

Wildlife
0

Programs and Services

Briefly describe the types of programs your organization provides the community it serves (in 100 words or less).

This will be the first of what we hope will become on-going projects for ARC. The ARC membership is comprised of organizations that provide a variety of programs in the community including programs that address the needs of animals. The City of Fayetteville has an Animal Services Program that shelters and adopts animals, provides community animal control services and offers microchipping, vaccination clinics and a low cost spay/neuter program. The Humane Society of the Ozarks provides low cost spay/neuter, outreach programs, cruelty prevention and adoption awareness programs. Washington County provides animal control services throughout the county.

Collaborations

What other animal groups do you work with regularly? List the names, locations and contact information.

ARC is a new coalition and the three founding members (City of Fayetteville, Humane Society of the Ozarks and Washington County) are very open to collaborating with other animal groups. However, we feel that our first priority is to firmly establish our coalition through development of this first project.

References

List professionals such as a veterinarian, persons from organizations with which you collaborate, or others who have firsthand knowledge of your organization. Be sure to include email addresses.

Veterinarian Name

Dr. Charlie Blomberg

Vet Email

charlieb@ozarkmarketing.com

Vet Phone

479-443-9534

Collaborator Name

(enter the name of a representative from an organization with which you collaborate)

Candy Clark

Collaborator Email

CClark359@aol.com

Collaborator Phone

Other Name

Other Email

Other Phone

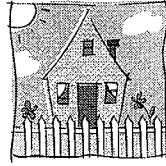
Attachments

Title	File Name
Current Year Budget	<u>Animal Services Current-Past</u>
Form W-9	<u>Years Budget.pdf</u>
Photograph	<u>2010 City W-9 Form.pdf</u>
	<u>Animal Responsibility</u>
	<u>Coalition.pdf</u>

Files attached to this form may be deleted 120 days after submission.

ANIMAL RESPONSIBILITY COALITION

ARC



THE PATH HOME

Coalition Members:

City of Fayetteville
Humane Society of the Ozarks
Washington County

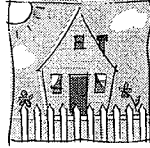
Coalition Purpose:

ARC is committed to the development of projects to increase the live release rate of animals in Washington County.



ANIMAL RESPONSIBILITY COALITION

ARC



THE PATH HOME

Project Name:

A Ticket Home

Project Purpose:

A Ticket Home is aimed at reunifying pets with their families.

Project Description:

The City of Fayetteville and Washington County will identify focus areas that have the highest rate of animal pick-ups. A Ticket Home will provide pet owners in those areas with information and options to increase the number of microchipped and tagged animals. The intent of microchipping and tagging pets in the identified areas is to decrease the number of pick-ups and to increase pet-family reunification when animals are picked up.

Focus Areas:

Fayetteville (see attached maps)

Target Area 1 – West of 540, South of Mount Comfort, East of Broyles and North of Persimmon

Target Area 2 – West of Happy Hollow, South of Huntsville/Rock/Archibald Yell/MLK, East of Razorback and North of 15th Street

Washington County (see attached maps)

Target Area 1 – SW Zone including Summers Area, Rock Springs Road, Morrow Area, Greasy Valley Road and Salem Springs Road

Target Area 2 – SE Zone including Winslow Area, West Fork Area and Elkins Area

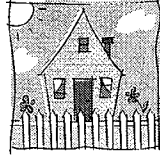
Fayetteville Animal Services

Animals from targeted areas brought by City and County Animal Control Officers to the Fayetteville Animal Shelter



ANIMAL RESPONSIBILITY COALITION

ARC



THE PATH HOME

Project Name:

A Ticket Home

Project Steps:

A Ticket Home will have three (3) steps

1. Marketing
2. Mobile Clinics
3. Canvassing

Project Responsibilities of Coalition Members:

City of Fayetteville

- Apply for grant funding for A Ticket Home
- Develop and implement marketing for A Ticket Home
- Participate in microchipping and tagging of animals in the identified target areas
- Participate in canvassing efforts in identified areas
- Gather and compile report information from all members for project

Humane Society of the Ozarks

- Participate in developing and implementing marketing for A Ticket Home
- Participate in microchipping and tagging of animals in the identified target areas
- Participate in canvassing efforts in identified areas
- Submit information for reporting on project

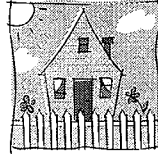
Washington County

- Participate in developing and implementing marketing for A Ticket Home
- Participate in microchipping of animals in the identified target areas
- Participate in canvassing efforts in identified areas
- Submit information for reporting on project



ANIMAL RESPONSIBILITY COALITION

ARC



THE PATH HOME

Project Outcome:

The project will increase awareness and educate pet owners in the targeted areas to the safety and importance of microchipping and tagging pets. A Ticket Home will make the tagging and microchipping of pets more accessible to pet owners in the identified areas. The outcome of A Ticket Home will be an increase in the number of pets in the identified areas that are microchipped and tagged. This in turn will result in fewer animals picked up in the target areas and prompt reunification of pet-family when an animal pick-up does occur.

Current Coalition Activity:

The Animal Responsibility Coalition has joined with Springdale Animal Services, 40/29 Television and Cumulus Broadcasting to present a local Spay Day 2010 event. Spay Day is The Humane Society of the United States' and Humane Society International's annual event to inspire people to save animals' lives by spaying or neutering pets and feral cats.

The local event will take place on Saturday February 27, 2010 at the Washington County Sheriff's Department. The event will run from 11 am to 3 pm and a wide variety of activities will occur. The event will offer:

- Low cost vaccination clinic
- Free microchipping (first 200 dogs/cats)
- Obedience training demos
- Agility demos
- Information on low cost spay/neuter program
- Special appearance by "Raven" the Fire Marshall dog
- Dogs available for adoption
- Door prizes



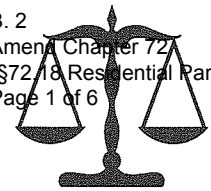
Handed Out at Agenda Session 5/25/10
FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

*B.2,
Amend Chapter 72
(72.18 Residential
Parking Permit)*

B. 2
Amend Chapter 72
(\$72.18 Residential Parking Permit)
Page 1 of 6



LEGAL DEPARTMENT

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

CC: **Don Marr**, Chief of Staff
Terry Gulley, Transportation Services Director
Sharon Crosson, Parking & Telecommunications Manager

FROM: **Kit Williams**, City Attorney

A handwritten signature in black ink, appearing to read "Kit Williams", written over a horizontal line.

DATE: **May 25, 2010**

RE: **Broadening the definition of "Registered Vehicle" for the Residential Parking Permit Ordinance**

The Administration asked that a broader definition of "Registered vehicle" be drafted so that legitimate owners and occupiers of residences within the Entertainment District Parking Zone could receive a "Residential parking permit" even if their vehicle registration certificate did not show their address in the Entertainment District Parking Zone. There could be several other ways to reliably document a resident's ownership or occupancy within the Entertainment District Parking Zone and ownership of a vehicle. Thus, we suggest that the following be added to the current definition:

"The Parking Division may accept other reliable documentation of ownership or occupancy of a residence within the Zone to justify issuance of a residential parking permit for a resident's vehicle."

This language will provide adequate discretion for the Parking Division to consider leases, tax records, utility bills, insurance policies, etc. to ensure proper residents are issued residential parking permits for their vehicles.

When you begin to consider 72.18 **Residential Parking Permit Program For Entertainment District Parking Zone**, I ask that you make this definition amendment along with new subsection (E) amendment that revised that whole subsection. Attached is how that whole Ordinance will appear if those few amendments are passed. (The definition amendment and (E) are in **bold** for your convenience.)

(PROPOSED FINAL VERSION FROM CITY ATTORNEY)
MAY 25, 2010

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 72 PARKING REGULATIONS
BY ENACTING §72.18 RESIDENTIAL PARKING PERMIT PROGRAM
FOR ENTERTAINMENT DISTRICT PARKING ZONE**

WHEREAS, the Downtown Master Plan encompassing the Entertainment District Parking Zone and general city policy encourages residential uses within this Entertainment District; and

WHEREAS, the change of several large city parking lots from free parking to paid parking is likely to cause increased congestion and on-street parking problems for residents of the Entertainment District Parking Zone; and

WHEREAS, some accommodation to relieve the increased congestion and on-street parking problems should be enacted protect the quality of residential life for these residents; and

WHEREAS, a Residential Parking Permit Program for residents of the Entertainment District can ease this congestion and loss of on-street parking availability for these residents.

**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 amends Chapter 72 **Parking Regulations** by enacting a new §72.18 **Residential Parking Permit Program for the Entertainment District Parking Zone** as shown below:

"72.18 Residential Parking Permit Program for the Entertainment District Parking Zone

(A) *Applicability.* This Residential Parking Permit Program shall be applicable within the Entertainment District Parking Zone as shown and described on Exhibit A attached to the enacting ordinance. This parking zone will be further divided by Dickson Street into the North Zone for included residents living north of Dickson Street and the South Zone for included residents living south of Dickson Street.

(B) Definitions.

'Resident' means a natural person residing within a dwelling that the resident owns, leases or rents within the Entertainment District Parking Zone.

'Registered vehicle' means a motorized, validly state licensed and insured vehicle kept at the residence owned or leased by the resident within the Entertainment District Parking Zone. The Arkansas Vehicle Registration Certificate for the vehicle should list the residence within the Entertainment District. **The Parking Division may accept other reliable documentation of ownership or occupancy of a residence within the Zone to justify issuance of a residential parking permit for a resident's vehicle.**

'Residential parking permit' means the currently valid permit issued by Parking Division of the Transportation Department of the City of Fayetteville which allows the resident to park the permitted resident's vehicle in an authorized on-street parking zone pursuant to the terms of this section.

'Guest pass' means the pass or authorization to park within the appropriate on-street parking zone pursuant to this section.

'Fuel efficient scooter or bicycle' means bicycles, gas powered scooters not exceeding 70 cubic centimeters and electric powered bicycles and scooters.

(C) *Restricted parking periods.* From 1:00 p.m. on Sundays and 10:00 a.m. Monday through Saturday until 2:00 a.m. every day, designated on-street parking spaces within the Entertainment District Parking Zone North and South shall be restricted to properly permitted vehicles. The owner of any vehicle improperly parked during this period shall be subject to the penalties set forth in §72.99.

(D) *On-street parking restrictions for most vehicles in the Entertainment District Parking Zone.* Where designated by signs and as shown on the exhibits, only residents of the Entertainment District Parking Zone North shall be permitted to park their properly permitted vehicles in the designated on-street parking areas of the Residential Parking Zone North of Dickson Street during the restricted parking period. Where designated by signs and as shown on the exhibits, only residents of the Entertainment District Parking Zone South shall be permitted to park their properly permitted vehicles in the designated on-street parking areas of the Residential Parking Zone South of Dickson Street during the restricted parking period.

(E) *Special regulations for oversized vehicles, motorcycles, motor scooters and bicycles.* No vehicle that cannot fit within a standard on-street parking space may be parked on-street in the Entertainment District Parking Zone unless its owner or operator has obtained a special limited time and location permit pursuant to (1).

(1) An operator or owner of a moving van or other oversized vehicle that needs to park on-street in a designated area for a limited time to serve a residence, business or office within the Entertainment District Parking Zone may be issued a special, limited time and location parking permit by the Parking Division.

(2) A resident of the Entertainment District Parking Zone who owns a motorcycle or motor scooter with over 70 cubic centimeters displacement may be issued a residential permit which shall allow free parking only in specially designed motorcycle/motor scooter on-street parking spaces and is prohibited from parking in standard on-street parking spaces reserved for residents' cars. Operators of motorcycles and motor scooters may park in paid parking spaces at the standard parking rate. No motorcycle nor any motor scooters may be parked on a sidewalk.

(3) Operators of fuel efficient scooters and bicycles may park for free in specially designated parking spaces, but must pay the standard parking rate if parked in a normal paid parking space. No bicycle may be parked on a sidewalk unless it is utilizing a permanently installed and permitted bicycle rack.

(F) *Mixed use on-street parking on Spring Street.* Fifty-nine on-street parking spaces on Spring Street shall be available to the public for paid parking and to residents of the Entertainment District Parking Zone South for properly permitted vehicles free of charge.

(G) *Free public use of on-street parking.* From 2:00 a.m. every day and until 10:00 a.m. Monday through Saturday and until 1:00 p.m. on Sunday, all on-street parking spaces within the Entertainment District Parking Zone shall be free of charge and available to the public.

(H) *Temporary guest passes.* An Entertainment District Parking Zone resident may request the City to issue temporary guest passes for visitors to their residence. The Mayor or designee shall administer a guest pass program with the goal of accommodating the needs of both residents and businesses within the Entertainment District Parking Zone. Use of a guest pass in a manner not authorized by the guest pass program shall be a violation of this section for the vehicle's owner.

(I) *Residential parking permits may not be loaned, transferred, sold or used except on the designated registered vehicle.* Any resident who attempts to or does loan, transfer, sell or give a residential parking permit to another person or entity, or who facilitates the use of the permit obtained for his registered vehicle on a nonregistered vehicle shall, in addition to the general penalty provisions in this chapter, immediately forfeit all permits issued to the resident and the right to apply for any future permits for three years.

(J) *Penalty.* The owner of any vehicle parked in violation of any term or requirement of this section shall be guilty of a violation and shall be subject to the penalties set forth in §72.99.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals any ordinance or code section that is inconsistent or incompatible with this ordinance to the extent of such inconsistency or incompatibility.

PASSED and APPROVED this 1st day of June, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Staff Review Form

C. 1
Stream Standards and Wastewater
Discharge Requirements
Page 1 of 6

**City Council Agenda Items
and
Contracts, Leases or Agreements**

6/1/2010

**City Council Meeting Date
Agenda Items Only**

David Jurgens

Submitted By

Water/Wastewater

Division

Utilities

Department**Action Required:**

Resolution authorizing participation in cooperative regional efforts to monitor and evaluate, and to report, the likely effects that future proposed changes to stream standards, and wastewater discharge requirements, may have on Northwest Arkansas, and approve a budget adjustment for \$30,000.

\$ 30,000.00

Cost of this request

\$ -

Category / Project Budget

Phosphorus Reduction

Program Category / Project Name

5400.5120.5314.00

Account Number

\$ -

Funds Used to Date

Wastewater Treatment

Program / Project Category Name

10027
10026-10

Project Number

\$ -

Remaining Balance

Water and Sewer

Fund Name

Budgeted Item☐**Budget Adjustment Attached****XX**

[Signature]
Department Director

26 May 2010
Date

Previous Ordinance or Resolution #

N/A

[Signature]
City Attorney

May 26, 2010
Date

Original Contract Date:

N/A

Original Contract Number:

N/A

Paul A. Bahr
Finance and Internal Services Director

5-27-2010
Date

Received in City
Clerk's Office

ENTERED
5/26/10

Kim J

Don M...
Chief of Staff

5-27-10
Date

Received in
Mayor's Office

ENTERED
5/27/10

Arnold J...
Mayor

5/27/10
Date

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff
Water/Sewer Committee

From: David Jurgens, Utilities Director



Date: 26 May 2010

Subject: Resolution authorizing participation in cooperative regional efforts relating to phosphorus, future proposed changes to stream standards, and wastewater discharge requirements, and approve a budget adjustment

RECOMMENDATION

Fayetteville City Administration recommends approval of a resolution authorizing participation in cooperative regional efforts to monitor and evaluate, and to report, the likely effects that future proposed changes to stream standards, and wastewater discharge requirements, may have on Northwest Arkansas. Approve a budget adjustment for \$30,000.

BACKGROUND

Phosphorus issues in the Illinois River have a long history, culminating in the recent permit to NACA having a NPDES discharge permit limit of 0.1 ppm as of June 30, 2012. Fayetteville's West Side WWTP permit has a 1.0 phosphorus limit, which was anticipated to meet all future requirements; the permit expires December, 2010. McGoodwin, Williams, & Yates and Black & Veatch are together evaluating what phosphorus reduction alternatives are viable for the West Side and Noland WWTPs, respectively. These reports are due in July.

DISCUSSION

The Cities of Fayetteville, Springdale, Rogers, Bentonville, and Siloam Springs are working together in an effort to ensure our interests are fully represented in any future decisions that may be made by EPA Region 6 relating to phosphorus, future proposed changes to stream standards, and wastewater discharge requirements. There is a meeting scheduled for June 24, 2010, at Region 6 headquarters in Dallas, when the mayors will personally present the issue to EPA. The group is considering hiring a single representative, well experienced in water quality and EPA negotiations, to represent the group. The \$30,000 is the maximum expected for Fayetteville's equal share in the consultant expense. Fayetteville is paying no more than 20% of the total cost, which is split equally between the five cities.

Fayetteville's focus is that we are well into many activities that protect our watersheds generally and reduce nutrients very specifically. The Nutrient Reduction Plan, riparian zone ordinance, low impact development ordinance, aggressive public education campaigns, evaluation of the stormwater utility, and strict stormwater management are all examples of efforts completed, underway, and programmed in the future. We believe these efforts can produce better results for water quality at significantly reduced cost from simply reducing the WWTP permit limits.

BUDGET IMPACT

The \$30,000 will be funded from the \$504,145 rebate of savings in 2009 wastewater treatment operations.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING PARTICIPATION IN COOPERATIVE REGIONAL EFFORTS TO MONITOR, EVALUATE, AND REPORT THE LIKELY EFFECTS THAT FUTURE PROPOSED CHANGES TO STREAM STANDARDS AND WASTEWATER DISCHARGE REQUIREMENTS MAY MAY HAVE ON NORTHWEST ARKANSAS

WHEREAS, key components in federal efforts to achieve the goals and objectives of the Clean Water Act involve discharge standards and limitations for wastewater treatment facilities, and the establishment of total maximum daily loads (TMDL's) for receiving streams; and

WHEREAS, local governments, at substantial cost to ratepayers, have made extensive investments in wastewater facilities and operations to achieve compliance with prescribed regulatory standards; and

WHEREAS, it appears that federal authorities may be poised, through consideration of methods other than those that were utilized in establishing current permit requirements, to impose more stringent standards which will render inadequate recently constructed and improved wastewater treatment facilities in the region; and

WHEREAS, considering the potential impact on ratepayers and the overall economic impact on the region, it is imperative that proposed changes to water quality standards and discharge requirements be based on sound science, be achievable from a scientific standpoint, be economically feasible; and represent fair, equitable and necessary measures to comply with the goals and objectives of the Clean Water Act; and

WHEREAS, in the interest of economy and efficiency, a cooperative regional approach should be undertaken to analyze the issues, the potential impacts and the best collective responses of various approaches to meet the newly proposed standards.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to negotiate and enter into a cooperative agreement with Springdale, Rogers, Bentonville and Siloam Springs to analyze various alternatives to address the proposed establishment of certain TMDL's for receiving streams and the likely imposition of substantially more stringent wastewater discharge limitations.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor or a designee appointed by the Mayor, to represent the City of Fayetteville on all matters associated with this regional problem and possible solutions.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby authorizes this cooperative regional effort to be organized through the Northwest Arkansas Regional Planning Commission.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached budget adjustment from the water and sewer budget of \$30,000.00 and a share of the total expenses for this contract not to exceed 20%.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby states that this Resolution does not commit the City of Fayetteville to any action beyond its fair share of the regional analysis study, does not authorize litigation or any expenditure to prepare for litigation, nor any expenditure or commitment above the authorized \$30,000.00.

PASSED and APPROVED this 1st day of June, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

**City of Fayetteville, Arkansas
Budget Adjustment Form**

C. 1
Stream Standards and Wastewater
Discharge Requirements

Page 5 of 6

Budget Year	Department: Utilities	Request Date	Adjustment Number
2010	Division: Wastewater Treatment Plant	6/1/2010	
	Program: WWTP Administration & SCADA		

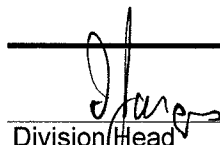
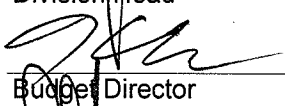
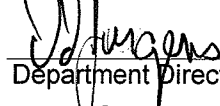
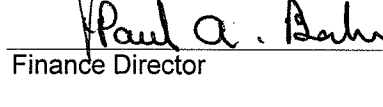
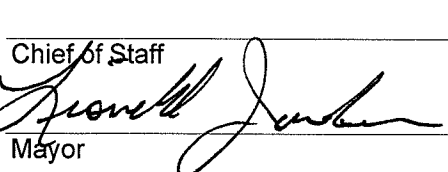
JUSTIFICATION TO INCREASE PROJECT / ITEM:

\$30,000 is needed in the WWTP Administration Program to participate in cooperative regional efforts relating to phosphorus, future proposed changes to stream standards, and wastewater discharge requirements.

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

\$30,000 is needed to participate in cooperative regional efforts to monitor and evaluate, and to report, the likely effects that future proposed changes to stream standards, and wastewater discharge requirements may have on Northwest Arkansas.

Account Name	Account Number	Increase Budget	Decrease Budget	Project.Sub Number
Professional Services	5400.5100.5314.00	30,000		10026 . 10
Miscellaneous	5400.0940.6999.00		30,000	10027 .
TOTAL		<u>30,000</u>	<u>30,000</u>	

 Division Head <u>26 MAY 10</u> Date  Budget Director <u>5-26-2010</u> Date  Department Director <u>26 MAY 10</u> Date  Finance Director <u>5-26-2010</u> Date  Chief of Staff _____ Date _____ Mayor <u>5/27/10</u> Date	Requested By <u>Cheryl Partain</u> kspringer Budget & Research Use Only Type: A B C <u>D</u> E Description: _____ 0 General Ledger Date _____ Posted to General Ledger Initial _____ Date _____ Posted to Project Accounting Initial _____ Date _____
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AGENDA REQUEST

C. 6
§94.05 Use of Fireworks
Page 1 of 10

Added at
Agenda Session
5/25/10 NB (ast)

FOR: COUNCIL MEETING OF JUNE 1, 2010

FROM:

FIRE CHIEF DAVID DAYRINGER

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND §94.05 USE OF FIREWORKS OF THE CODE OF FAYETTEVILLE

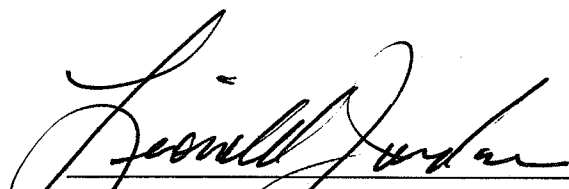
APPROVED FOR AGENDA:


David Dayringer, Fire Chief

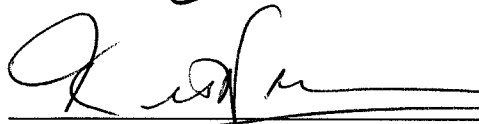
5-25-10
Date


Don Marr, Chief of Staff

5-25-10
Date


Lioneld Jordan, Mayor

5/25/10
Date


Kit Williams, City Attorney
(as to form)

May 25, 2010
Date



From: David Dayringer
To: Williams, Kit
CC: Jordan, Lioneld; Jordan, Lioneld; Marr, Don
Date: 5/24/2010 11:40 AM
Subject: Use of Fireworks
Attachments: Use of Fireworks proposed ordinance.pdf

Hello Kit,

Attached you will find the proposed amendment previously prepared by your office for the "Use of Fireworks". This language should work for us. However, in section B, I would like to be authorized to grant a permit for public display for any special event that meets the requirements of that section. And not restricted to sporting events. This language also appears to exclude the use of bottle rockets, which is in line with our position. Will this language be 94.10 or will it be the new 94.05?

David C. Dayringer

Fire Chief
Fayetteville Fire Department
303 W Center St
Fayetteville, AR 72701
Office 479-575-8365
Mobile 479-841-5970

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

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

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
Don Marr, Chief of Staff
David Dayringer, Fire Chief

FROM: **Kit Williams**, City Attorney

A handwritten signature in black ink, appearing to read "Kit Williams", with a long horizontal line extending to the right.

DATE: **May 25, 2010**

RE: **Amendment to Use of Fireworks Ordinance**

Last week the City Council passed Ordinance No. 5320 which authorized the sale of fireworks within Fayetteville, but left unchanged restrictions upon fireworks use within Fayetteville. The Administration and Fire Chief Dayringer are now bringing forward an ordinance which would affect the permitted use of fireworks in Fayetteville.

The use of consumer fireworks by our citizens would be expanded to allow the use of firecrackers and other exploding fireworks which are now banned. This ordinance proposes to continue to ban skyrockets and aerial fireworks attached to a stick. Citizens would be authorized to discharge fireworks from 8:00 a.m. until 10:00 p.m. on July 1st, 2nd, and 3rd, and from 8:00 a.m. until 11:00 p.m. on July 4th.

Public fireworks displays (professional, nonconsumer fireworks) remain authorized, for the period of July 1st, 2nd, 3rd, and 4th (8:00 a.m. until 11:00 p.m.) Our current law would allow public displays also on July 5th and 6th.

The Administration also proposes that a public fireworks display permit may be issued by the Mayor "for any special event." This is a new and broad authority for the Mayor to authorize a public fireworks display. I have incorporated this proposal in subsection (3) of subsection (B) *Public display of fireworks*.

The current subsections (C), (D), (E) and (F) remain unchanged. Attached is Ordinance No. 5320 and the current code sections.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND §94.05 USE OF FIREWORKS
OF THE CODE OF FAYETTEVILLE**

**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 §94.05 **Use of Fireworks** by repealing sections (A) and (B) {previously (B) and (C) before the passage of Ordinance No. 5320} and by enacting replacement sections (A) and (B) as follows:

“94.05 Use of Fireworks

The use of any fireworks in Fayetteville is prohibited and constitutes a violation of law punishable for §94.99 except as provided below:

(A) *Consumer fireworks.* Fireworks which are not prohibited under state or federal law and which are considered consumer fireworks as defined by federal law and regulations may lawfully be discharged within Fayetteville only as prescribed below:

(1) Fireworks may only be discharged upon private property with the consent of the property owner and between the hours of 8:00 a.m. until 10:00 p.m. on July 1st, 2nd, and 3rd and from 8:00 a.m. until 11:00 p.m. on July 4th and at no other time or date.

(2) If any person less than the age of 16 years is present, an adult (at least 21 years of age) must supervise the discharge of all fireworks.

(3) No skyrockets or aerial fireworks attached to a stick may be discharged.

(B) *Public display of fireworks.*

Public displays of fireworks may be allowed upon the application and granting of a public fireworks display permit by the Mayor or his designee subject to the following conditions:

(1) An applicant must possess a valid state fireworks permit and comply with all applicable state and federal laws and regulations and requirements of NFPA 1123 to apply for a Fayetteville public fireworks display permit.

(2) Public fireworks display permits may be issued for the dates allowed pursuant to subsections (D), (E), and (F) below, and for the hours of 8:00 a.m. through 11:00 p.m. on July 1st, 2nd, 3rd, and 4th.

(3) Public fireworks display permits may be issued as a part of any special event permit issued by the City.

PASSED and APPROVED this 1st day of June, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

ORDINANCE NO. 5320

AN ORDINANCE TO AMEND CHAPTER 94 FIRE PREVENTION OF THE FAYETTEVILLE CODE BY AMENDING §94.05 SALE AND USE OF FIREWORKS AND BY ENACTING A NEW §94.09 SALE OF FIREWORKS

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 §94.05 by changing its title to **Use of Fireworks**, repealing subsection (A) in its entirety and relettering all the following subsections appropriately.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends Chapter 94 **Fire Prevention** of the Fayetteville Code by enacting a new §94.09 **Sale of Fireworks** as follows:

“§94.09 Sale of Fireworks

“(A) No person shall sell or distribute any firecrackers, sky rockets, bottle rockets, sparklers, roman candles, or any other explosive used for amusement purposes, or any other device or composition used to obtain visible or audible pyrotechnic display, all commonly known as fireworks, except as specifically set out herein.

(B) Fireworks which are not prohibited under state or federal law and which are considered consumer fireworks as defined under federal law and regulations (27 C.F.R. § 555.11) may be sold between June 28th and July 5th of each year, subject to the provisions set out herein. Any person desiring to sell fireworks must obtain a permit. The fee for each permit shall be \$500.00 per location. One-half of the permit fee (\$250.00) shall be placed in a revenue account of the Fayetteville Fire Department to cover the cost of fire inspections of locations where fireworks are sold. Before a permit to sell fireworks is issued, the person applying for the permit must show proof that such location will be insured by a licensed insurance company for \$1,000,000.00 premises liability. A vendor must contact the Fayetteville Fire Department and arrange for an inspection to ensure compliance with this Code and any other applicable fire code requirements, prior to the sale of fireworks.

Page 2
Ordinance No. 5320

(C) No fireworks shall be sold or stored within a permanent structure. Furthermore, no fireworks stand shall be located at any place other than one in full compliance with all provisions of law.

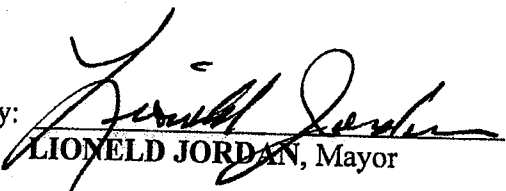
(D) Fireworks stands shall not be located within 250 feet of a fuel dispensing facility and must be set back at least 50 feet from the nearest portion of the street or highway.

(E) Fireworks shall not be sold to a person less than sixteen (16) years of age.

PASSED and **APPROVED** this 18th day of May, 2010.

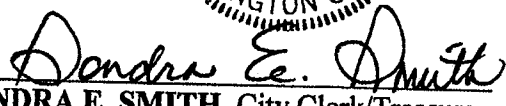
APPROVED:

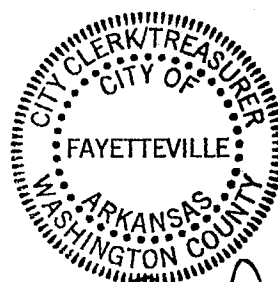
By:


LIONELD JORDAN, Mayor

ATTEST:

By:


SONDRA E. SMITH, City Clerk/Treasurer



FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

it immediately, and if such person shall refuse, neglect or fail to do so, any organized fire suppression force may summarily abate the nuisance thus constituted by controlling or extinguishing the fire, and the cost thereof may be recovered from such person by civil action.
(Code 1965, §9-13; Ord. No. 1379, 12-9-63; Code 1991, §94.03)

19-99; Ord. No. 4308, 4-17-01; Code 1991, §94.04; Ord. 5096, 12-27-07)

Cross reference(s)--Penalty, §94.99.

State law reference(s)--Public displays excepted, A.C.A. §20-22-702; Power of municipalities unaffected, A.C.A. §20-22-704; Violation of subchapter, A.C.A. §20-22-705; Possession, sale and use unlawful-Exceptions, A.C.A. §20-22-708.

94.06 Flammable And Combustible Liquids; Liquefied Petroleum Gases

94.05 Sale And Use Of Fireworks

(A) It shall be unlawful for any person to offer fireworks for sale at retail within the city.

(A) Adoption of NFPA 30 and NFPA 30A.

(B) It shall be unlawful for any person to use fireworks within the city at any time except on the dates of July 3 and 4; provided that public displays pursuant to §3308 of the Arkansas Fire Prevention Code (2000 Edition) may be permitted on any date between July 1st and July 6th, inclusive.

(1) The requirements contained in this section shall be applicable to all aboveground tanks used for the outside storage and dispensing of flammable and Class II combustible liquids within the city. Such installations shall comply with the applicable requirements of National Fire Association Protection Standard (NFPA) 30-1993 and NFPA 30A-1993, except as modified herein. Refineries that comply with NFPA 30 and the applicable sections of the Standard Fire Prevention Code adopted by the city shall be exempt from this section.

(C) It shall be unlawful for any person to use the following fireworks at any time except at a public display pursuant to § 2002.2 of the Arkansas Fire Prevention Code (1991 Edition):

(B) Definitions.

(1) Skyrockets; and

(1) In addition to the definitions contained in NFPA 30 and NFPA 30A, the following definition shall apply:

(2) Firecrackers, or any other exploding fireworks.

(D) The fire chief or mayor shall be authorized to declare an emergency and prohibit all use of fireworks upon a determination that such use would create a fire hazard due to dry conditions.

Premises: A parcel of land, which may include one or more contiguous platted lots, occupied or intended for occupancy for a particular use or set of uses, including buildings together with accessory buildings, the yard area, and parking spaces.

(E) The fire chief or mayor shall be authorized to approve an alternate date for any lawful public display which is canceled due to adverse weather conditions or pursuant to §94.04(E).

(C) Outside aboveground flammable and combustible liquid tanks.

(F) It shall also be lawful for the University of Arkansas to conduct the annual "Fireworks Night" to celebrate and congratulate the Razorback Baseball Team at its last home game of the year in or near Baum Baseball Stadium. Said fireworks display shall comply with all applicable regulations and laws of the State of Arkansas.

(1) All aboveground tanks used for the outside storage of flammable and Class II combustible liquids in quantities in excess of 200 gallons shall comply with the following:

(G) It shall be lawful for First Night Fayetteville to conduct an annual public fireworks display to celebrate New Year's if approved by the Fayetteville Fire Marshall and if in full compliance with all applicable regulations and laws of the State of Arkansas.

(a) Such tanks shall be fire resistant tanks as defined in NFPA 30A and shall comply with all the requirements for fire resistant tanks in NFPA 30A in addition to any applicable requirements specified herein, or

(b) Such tanks shall be installed in vaults that meet all the applicable requirements of NFPA 30A.

(Code 1965, §9-9.1; Ord. No. 1705, 10-6-69; Ord. No. 1807, 8-2-71; Ord. No. 2156, 10-21-75; Ord. No. 3359, 6-7-88; Ord. No. 3553, 6-18-91; Ord. No. 3706, §1, 6-1-93; Ord. No. 4195, 10-

(2) The fire official may impose additional

CD94:4

A.9. All Around
Landscaping

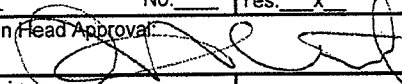
From: Tracie Martin
To: Vice, Peggy
CC: Fell, Barbara; Howe, Gregory; Smith, Sondra
Date: 5/28/2010 8:16 AM
Subject: Purchase Order
Attachments: 3132_001.pdf

Attach is the corrected Purchase order for the Tree Maintenance and planting bid. We had this final revision due to the tax changes. Amounts were lowered on the line items to account for the tax charges. This will offset the tax amount once billed, and reduce the need for a Budget Adjustment.

Thanks

Tracie A. Martin
Financial Coordinator
Fayetteville Parks and Recreation
479.444.3406
479.521.7714 (fax)
479.521.1316 (City-Telecommunication Device for the Deaf)
Visit us on the web: www.accessfayetteville.org (<http://www.accessfayetteville.org/>)
Join us for program announcements, updates, pictures and game cancellations at:
<http://twitter.com/fayparksandrec>

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

City Of Fayetteville - Purchase Order (PO) Request (Not a Purchase Order) <i>All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)</i> <i>All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us</i>							Requisition No.: Date: 5/19/2010				
							P.O Number:		Expected Delivery Date:		
Vendor #: 4993		Vendor Name: All Around Landscaping					Mail Yes:___ No:___				
Address: 1632 S. 56th St						Job Point:		Taxable Yes:___ No:___		Quotes Attached Yes: <u>x</u> No:___	
City: Springdale		State: AR		Zip Code: 72762		Ship to code:		Division Head Approval: 			
Requester: Greg Howe				Requester's Employee #: 3202		Extension: 470					
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #		
1	Tree Planting and Maintenance Project - Grant	1	LS	56,224.00	\$56,224.00	4470.9470.5315.00	09032.1				
2	Tree Planting and Maint. Project - Escrow NW	1	LS	20,307.00	\$20,307.00	4470.9470.5315.00	08001.2				
3	Tree Planting and Maint. Project - Escrow NE	1	LS	255.00	\$255.00	4470.9470.5315.00	08001.3				
4	Tree Planting and Maint. Project - Escrow SW	1	LS	685.00	\$685.00	4470.9470.5315.00	08001.4				
5	Tree Planting and Maint. Project - Escrow SE	1	LS	10,570.00	\$10,570.00	4470.9470.5315.00	08001.5				
6					\$0.00						
7					\$0.00						
8					\$0.00						
9					\$0.00						
10					\$0.00						
*	Shipping/Handling		Lot		\$0.00						
Special Instructions: Tax is included in the bid 10-35 price							Subtotal: \$88,041.00 Tax: \$8,143.79 Total: \$96,184.79				
Approvals:											
Mayor: _____				Department Director: _____				Purchasing Manager: _____			
Finance & Internal Services Director: _____				Budget Manager: _____				IT Manager: _____			
Dispatch Manager: _____				Utilities Manager: _____				Other: _____			

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

Handed out at
the City Council
Meeting 6-01-10



LEGAL DEPARTMENT

TO: City Council

FROM: Kit Williams, City Attorney

A handwritten signature in dark ink, appearing to read 'Kit Williams', written over a horizontal line.

DATE: June 1, 2010

RE: Mayor's Proposed Amendments to the Parking Meters and Electronic Payment Stations Ordinance

Mayor Jordan asked me to draft the two following amendments to the **Parking Meters and Electronic Payment Stations Ordinance**.

§72.58 (H) (4) Motorcycle and motor scooter parking in specially designated motorcycle/motor scooter paid parking spaces.

The above parking rates for normal, passenger car sized paid parking spaces shall be reduced by 50% for all specially designated motorcycle/motor scooter paid parking spaces. All motorcycles and motor scooters will have to pay the normal full rate if parked within a normal, passenger car sized parking space.

(M) The Mayor is empowered by proclamation and issuance of a special event permit to assign any or all city owned paid parking lots and specifically designated or all on-street paid parking spaces within the Entertainment District Parking Zone for the use of a permitted special event or other necessary reason for not more than sixteen (16) days per calendar year.

Attached is the full ordinance with the proposed amendments in place.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE III **PARKING METERS** OF CHAPTER 72 **PARKING REGULATIONS** BY CHANGING ITS NAME AND ADDING PROVISIONS FOR AN ELECTRONIC PAYMENT STATION PROGRAM FOR PAID PARKING LOTS AND PAID ON-STREET PARKING AND FOR OTHER REASONS

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 Article III **Parking Meters** of Chapter 72 **Parking Regulations** by renaming Article III **Parking Meters and Electronic Payment Stations** and adding the following definitions to §72.50 **Definitions**:

“Electronic Payment Stations’. A place where a person who has parked his vehicle in the Entertainment District Parking Zone pay parking space or lot may pay the appropriate fee for the paid park parking space.

‘Employee Parking Card.’ A card issued by the Parking Division for use only by employees of businesses operating in the Entertainment District Parking Zone which may be discounted by the Mayor up to 90% of normal parking rates for certain paid parking spaces within the Zone.

‘Entertainment District Parking Zone.’ The area depicted on the map and described on Exhibit A attached to this enacting ordinance.

‘Proximity Access Card.’ A card issued by the Parking Division for a monthly fee that allows the user to access and use gated parking lots in the Entertainment District Parking Zone on weekdays from 7:00 a.m. until 4:00 p.m.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.51 **Presumption As To Unlawful Parking in Metered Space** by repealing it in its entirety and enacting a replacement §72.51 **Presumption As To Unlawful Parking In Metered Space and Paid Parking Space or Lot Serviced By An Electronic Payment Station.**

"The indication on the parking meter or within the Electronic Payment Station System that the paid for time has expired shall be presumptive evidence, as to the parked vehicle then found in the parking space or paid parking lot regulated by such parking meter or the Electronic Payment Station System, that the owner or driver has failed to pay for all the parking used in such space or lot which shall be presumptive evidence of the violation of unlawful parking."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.52 **Purpose of Deposit Requirement** by repealing it in its entirety and enacting a replacement §72.52 **Purpose of Deposit or Electronic Payment Requirement.**

"The coins required to be deposited in parking meters or the electronic payment required to be made at electronic payment stations by this article are for the purpose of regulating parking, to cover part of the cost of such necessary regulation for the convenience and protection of the public, to accumulate revenues to use for the construction of additional parking facilities including parking decks, and to provide operating revenue for the Walton Arts Center."

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.53 **Depositing Slugs Prohibited** by repealing it in its entirety and enacting a replacement §72.53 **Depositing Slugs or Making Simulated Electronic Payment Prohibited.**

"(A) It shall be unlawful for any person to deposit or cause to be deposited in any parking meter installed under this article any slug, device or substitute for a coin of the United States of America.

(B) It shall be unlawful for any person to simulate an electronic payment at any electronic payment station installed under this article by any means."

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.54 **Tampering with Meters Prohibited** by repealing it in its entirety and enacting a replacement § 72.54 **Tampering with Meters or Electronic Payment Stations Prohibited**.

"It shall be unlawful for any person to deface, injure, tamper with, willfully break, destroy or impair the usefulness of, or to open without lawful authority, any parking meter or electronic pay station installed in accord with this article."

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby amends § 72.55 **Collections from Meters** by repealing it in its entirety and enacting a replacement § 72.55 **Collections from Meters and Electronic Payment Stations**.

"The Parking Manager shall collect all deposits or electronic transactions from parking meters and electronic payment stations installed under this article and deliver them to the Accounting Department or as directed by the Mayor."

Section 7: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.57 **Parking Meter Zones** by repealing subsection (E) and subsection (F) in their entirety and enacting replacement subsections as shown below:

"§72.57(E) *Regulated hours for parking meters.*

(1) Within the Entertainment District Parking Zone between the hours of 10 a.m. until 2:00 a.m. Monday - Saturday and 1:00 p.m. until 2:00 a.m. on Sunday, the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit sufficient money as required in §72.58(H), in the parking meter.

(2) Outside the Entertainment District Parking Zone between the hours of 8:00 a.m. until 6:00 p.m. Monday - Friday (except City holidays), the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit sufficient money as required in §72.58(G) in the parking meter.

"(F) *Unlawful to leave vehicle parked in excess of allowed time.*

"Upon the expiration of the legal parking time paid for and allowed pursuant to this chapter during the period that paid

parking is required, it is unlawful for the owner or driver to leave the vehicle in the parking space. Violation of such overtime parking shall be punished pursuant to §72.99."

Section 8: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.58 **Off-Street Parking Meter Facilities; Rates for City Garage** by renaming the section **Off-Street parking Facilities; Rules and Rates** and by repealing subsections (G), (H) and (J) in their entirety and enacting replacement subsections (G), (H) and (J) and a new subsection (M) as shown below:

"(G) Gated parking lots, parking decks and parking meters outside the Entertainment Parking District Zone. For all the parking lots identified in subsection (A) and all parking meters outside the Entertainment Parking District Zone.

The following parking fees are established and shall be required to be paid by the owner or operator of any vehicle parked in those spaces or parking lots:

- (1) Long-term metered spaces (red-capped parking meters) -- \$.15 per hour.
- (2) All other parking meters -- \$.25 per hour.
- (3) Gated lot (per space) -- \$30.00 per month.
- (4) Long-term parking permits (hang tags) for use only at long-term (red-capped) meters -- \$30.00 per month.
- (5) City Parking Deck at Meadow Street -- \$45.00 per month for first and second levels, \$30.00 per month for third level, plus single day usage fee of not more than \$4.00 if space is available.
- (6) Town Center Parking Deck - not more than \$70.00 per month nor more than \$4.00 per day if space is available.

(H) City parking lots and paid on-street parking spaces within the Entertainment District Parking Zone.

For Parking Lots 50, 55, 56 and 60 and all paid on-street parking spaces within the Entertainment District Parking Zone, the following parking fees are established and shall be required to be paid by the owner or operator of any vehicle parked in those spaces or lots:

(1) Monday through Friday

- (a) 10:00 a.m. until 5:00 p.m. - \$.50 per hour with a maximum charge of \$3.00
- (b) 5:00 p.m. until 2:00 a.m. the following day - \$1.00 per hour with a maximum charge of \$5.00
- (c) 2:00 a.m. until 10:00 a.m. - free parking

(2) Saturday

- (a) 10:00 a.m. until 6:00 p.m. - \$.50 per hour with a maximum charge of \$3.00
- (b) 6:00 p.m. until 2:00 a.m. the following day - \$1.00 per hour with maximum charge of \$5.00
- (c) 2:00 a.m. until 10:00 a.m. - free parking

(3) Sunday

- (a) 1:00 p.m. until 6:00 p.m. - \$.50 per hour
- (b) 6:00 p.m. until 2:00 a.m. the following day - \$1.00 per hour with a maximum charge of \$5.00
- (c) 2:00 a.m. until 1:00 p.m. - free parking

(4) Motorcycle and motor scooter parking in specially designated motorcycle/motor scooter paid parking spaces.

The above parking rates for normal, passenger car sized paid parking spaces shall be reduced by 50% for all specially designated motorcycle/motor scooter paid parking spaces. All motorcycles and motor scooters will have to pay the normal full rate if parked within a normal, passenger car sized parking space.

(5) Monthly daytime parking permits (Proximity Access Cards) for gated parking lots in the Entertainment District Parking Zone.

Persons desiring to purchase monthly access to and parking within gated lots in the Entertainment District Parking Zone between the hours of 7:00 a.m. and 4:00 p.m. on weekdays (excluding holidays) may purchase a Proximity Access Card for \$35.00. Any Proximity Access Card holder shall be required to pay normal hourly parking fees for any parking within the lot beyond 4:00 p.m. Special events authorized by the Mayor that require use of the gated parking lot will supersede the rights of monthly parkers during such event.

(6) Discounted parking rates for employees. (Employee Parking Cards)

In order to assist employees working in the Entertainment District Parking Zone, the Mayor is authorized to sell and issue Employee Parking Cards that can be used for certain more distant parking spaces at a highly discounted rate of up to 90% off the normal parking rate.

(I) *Overtime parking.*

(1) If any vehicle remains parked in any metered parking space or within a paid parking lot beyond the period paid for such parking, the owner or operator of such vehicle shall be guilty of overtime parking and be subject to the punishment specified in §72.99.

(2) It is unlawful for any person to cause, allow or permit any vehicle owned or operated by said person to be parked in a gated city lot for more than 24 continuous hours. Any such illegally parked vehicle is subject to the provisions of §72.99 and to nonconsensual towing at the owner's expense who shall have post-deprivation hearing rights as set for in subsection (L).

(M) The Mayor is empowered by proclamation and issuance of a special event permit to assign any or all city owned paid parking lots and specifically designated or all on-street paid parking spaces within the Entertainment District Parking Zone for the use of a permitted special event or other necessary reason for not more than sixteen (16) days per calendar year.

PASSED and APPROVED this 4th day of May, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Handed out at the City
Council Meeting 6/1/10 B.3.
Unfinished Business Amend Chapter 72 (Electronic
Payment
Station
Program)

Top 50 North American Cities Average First Hour Parking Rates

Century City, CA	\$16.00	Cleveland, OH	\$6.00
Brooklyn, NY	\$15.00	Minneapolis, MN	\$5.75
Boston, MA	\$14.25	Jersey City, NJ	\$5.75
New York City, NY	\$13.00	Fort Worth, TX	\$5.75
Los Angeles, CA	\$12.25	Nashville, TN	\$5.50
Chicago, IL	\$12.25	Denver, CO	\$5.50
Pittsburgh, PA	\$10.50	Dallas, TX	\$5.25
Toronto, ON	\$9.50	London, ON	\$5.00
San Francisco, CA	\$9.25	New Orleans, LA	\$5.00
Long Beach, CA	\$9.00	El Paso, TX	\$5.00
Washington DC	\$8.50	Marina Del Rey, CA	\$4.75
Philadelphia, PA	\$8.50	Irvine, CA	\$4.75
Seattle, WA	\$8.25	Honolulu, HI	\$4.75
Indianapolis, IN	\$8.25	Charlotte, NC	\$4.75
Detroit, MI	\$8.25	Vancouver, BC	\$4.50
Calgary, AB	\$8.00	San Jose, CA	\$4.50
San Diego, CA	\$8.00	San Antonio, TX	\$4.50
Miami, FL	\$8.00	Phoenix, AZ	\$4.50
Austin, TX	\$8.00	Atlanta, GA	\$4.50
Baltimore, MD	\$7.75	Tulsa, OK	\$4.00
St. Louis, MO	\$7.50	Springfield, MO	\$4.00
Queens, NY	\$7.50	Salt Lake City, UT	\$4.00
Beverly Hills, CA	\$7.50	Milwaukee, WI	\$4.00
Ottawa, ON	\$6.50	Bellvue, WA	\$4.00
Houston, TX	\$6.50	Arlington, VA	\$4.00
Santa Monica, CA	\$6.00		
Average First Hour Rate in U.S.: \$ 4.36			
Average 12-Hour Rate U.S.: \$12.51			



www.accessfayetteville.org

Comparative Rates with Other Cities

Eureka Springs, AR	\$0.50 - \$2.00/hr	\$3.00 - \$9.00max
Hot Springs, AR	\$0.50/hr	No max – 8 hr time limit
River Market (L. Rock)	\$0.50 - \$1.00/hr	\$3.00 - \$5.00/max
Little Rock, AR	\$1.00/hr	No max
Springfield, MO	\$4.00 first hour	\$5.00 - \$10.00/max
Columbia, MO	\$0.50/hr	No max
Columbia, SC	\$0.50 - \$1.00/hr	\$10.00/max
Memphis, TN	\$1.00 - \$2.00/hr	\$5.00 - \$6.00max
Knoxville, TN	\$1.00/hr	\$5.00 - \$7.00/max
Tulsa, OK	\$0.50 - \$1.00/hr (\$2.00 1 st hour)	\$3.50 - \$5.00/max
Stillwater, OK	\$1.00/hr	\$8.00/max
Norman, OK	\$1.00/hr	\$15.00/day
Oklahoma City, OK	\$1.00 - \$2.00/hr	No max
Auburn, AL	\$0.25 - \$1.00/hr	No max
Baton Rouge, LA	\$0.50/hr	No max
Gainesville, FL	\$1.00/hr	\$5.00 - \$6.00/max
Athens, GA	\$0.50/hr	2 hour time limit
Austin, TX	\$1.00/hr	No max
Lincoln, NE	\$1.00/hr	\$6.00/max



www.accessfayetteville.org

Comparative Rates with Local Private Lots

Fayetteville Depot	\$0.50 - \$2.00/hr	No max
Univ. Baptist Church	\$0.25 - \$2.00/hr	No max
Behind Bakery Bldg.	\$2.00/hr	No max
Underwood's Deck	\$2.00/hr	\$5.00/max
Mountain St. Lot	\$2.00/hr	\$5.00/max



www.accessfayetteville.org

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 June 1, 2010

A meeting of the Fayetteville City Council will be held on June 1, 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 Update – Finance Director Paul Becker
2. Possible Sales Tax Capital Projects that could be postponed to avoid furlough days – Alderman Gray.

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Quarterly Report of the Financial Condition of the City – City Clerk Sondra Smith, Finance Director Paul Becker.

Agenda Additions:

A. Consent:

1. Approval of the May 18, 2010 City Council meeting minutes.

2. **Bid #10-32 B&H Photo/Video:** A resolution awarding Bid #10-32 and approving the purchase of video editing equipment in the amount of \$39,792.00 from B&H Photo/Video/Pro-Audio for use by the government channel and public access channel.
3. **Bid #10-33 J. Johnson Construction Company, LLC:** A resolution awarding Bid #10-33 and approving a contract with J. Johnson Construction Company, LLC in the amount of \$46,279.00 for the construction of block retaining walls for the Frisco Trail from Maple Street to Spring Street, and approving a project contingency of \$9,255.80.
4. **Investigate Covert Drug Transactions:** A resolution authorizing the Fayetteville Police Department to accept additional funding through the 2010 Gulf Coast High Intensity Drug Trafficking Area (HIDTA) Grant in the amount of \$31,695.00 to investigate covert drug transactions and approving a budget adjustment.
5. **2009 Arkansas Department of Environmental Quality Recycling Grant:** A resolution authorizing acceptance of a 2009 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District in the amount of \$47,250.00 for recycling containers for the West Side Recycling Drop Off Facility, and approving a budget adjustment recognizing the grant revenue.
6. **Engineering Elements, PLLC:** A resolution approving a contract with Engineering Elements, PLLC in the total amount of \$25,900.00 for energy audit services.
7. **Joe Perme Construction, Inc.:** A resolution authorizing a contract with Joe Perme Construction, Inc. in the amount of \$21,800.00 for improvements to a public facility building (1932 S. Garland) through the Community Development Block Grant Public Facility Program.
8. **Rausch Coleman Holmes, LLC:** A resolution approving a contract amendment with Rausch Coleman Holmes, LLC for an additional \$61,797.91 in 6" concrete pavement, and approving a budget adjustment.
9. **Bid #10-35 All Around Landscaping, Inc.:** A resolution awarding Bid #10-35 and approving a contract with All Around Landscaping, Inc. in the amount of \$88,040.50 for planting and maintenance of trees, and providing a ten percent (10%) project contingency.

B. Unfinished Business:

1. **Amend Chapter 72 (Nonconsensual Towing):** An ordinance to amend Chapter 72 Parking Regulations of the Fayetteville Code to enact regulations for nonconsensual towing of vehicles within the Entertainment District Parking Zone. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

2. **Amend Chapter 72 (§72.18 Residential Parking Permit):** An ordinance to amend Chapter 72 Parking Regulations by enacting §72.18 Residential Parking Permit Program for Entertainment District Parking Zone. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

3. **Amend Chapter 72 (Electronic Payment Station Program):** An ordinance to amend Article III Parking Meters of Chapter 72 Parking Regulations by changing its name and adding provisions for an electronic payment station program for paid parking lots and paid on-street parking and for other reasons. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

4. **Amend Chapter 72 (§72.99 Penalties):** An ordinance to amend Article III Parking Meters and Electronic Payment Stations of Chapter 72 Parking Regulations by amending §72.99 Penalties. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

5. **Parking Program Personnel:** A resolution approving a budget adjustment in the amount of \$498,542.00 for the implementation and funding of the parking program in the Entertainment District Parking Zone and approving the addition of 2.5 full-time equivalent positions in the Parking Management Division for the 2010 budget. *This resolution was tabled at the May 4, 2010 City Council meeting to the May 18, 2010 City Council meeting. This resolution was tabled at the May 18, 2010 City Council meeting to the June 1, 2010 City Council meeting.*

6. **Amend §72.02 Impoundment Procedures:** An ordinance to amend §72.02 Impoundment Procedures of the Code of Fayetteville to clarify when the Police may initiate a nonconsensual tow of a vehicle. *This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

7. **Amend Chapter §163.14 Revocation or Change of Conditional Use:** An ordinance amending §163.14 of the Unified Development Code to permit a periodic review of conditional use permits as described herein. *This ordinance was left on the First Reading at the May 18, 2010 City Council meeting.*

Left on the First Reading

C. New Business:

- 1. 2009 General Improvement Fund Economic Development Grant:** A resolution to accept a 2009 General Improvement Fund Economic Development Grant in the amount of \$100,000.00 to purchase equipment for the exclusive use and benefit of the Northwest Arkansas Community College and to approve a budget adjustment.
- 2. ADM 10-3561 (Townhouse-Duplex Clarification):** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville Chapter 151: Definitions and §164.11(B) to clarify the side setback requirements and definition of single family attached/townhouse dwellings.
- 3. Authorizing Interfund Loan for Parking Program:** A resolution authorizing an interfund loan from the Replacement & Disaster Fund to the Off Street Parking Fund for the purchase of machinery and equipment necessary to implement the Entertainment District Parking Program, and providing for repayment of the loan over a sixty (60) month period at an interest rate of three percent (3%) per annum.
- 4. Associated Time and Parking Controls:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with Associated Time and Parking Controls in the amount of \$810,974.00 for the purchase of access and revenue control equipment for the Entertainment District Parking Program, approving a project contingency of \$11,153.00, and approving a budget adjustment of \$774,335.00.

Announcements:

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

A. 2
 Bid #10-32 B&H Photo/Video
 Page 1 of 4

City Council Agenda Items
 and
 Contracts, Leases or Agreements

6/1/2010

~~5/18/2010~~

City Council Meeting Date
 Agenda Items Only

Fritz Gisler

Submitted By

Cable (Government Channel)

Division

Communications

Department

Action Required:

Staff requests approval of awarding Bid #10-32 to B&H Photo/Video for \$39,792 for editing equipment upgrades for both the Fayetteville Government Channel and the City's public access television channel, both located at the City of Fayetteville Television Center for production of programming for both channels (cable channels 16 and 18 and AT&T Uverse) and live internet streaming through Accessfayetteville.org.

\$39,792.00

Cost of this request

\$

55,000.00

Category / Project Budget

Television Center Equipment

Program Category / Project Name

4470.9470.5210.00

Account Number

\$

-

Funds Used to Date

Video Editing Upgrades

Program / Project Category Name

10012.00

Project Number

\$

55,000.00

Remaining Balance

2010 Cap. Improv. Const. Fund

Fund Name

Budgeted Item

XX

Budget Adjustment Attached

Lindsey Smith
 Department Director

Date

5-7-2010

Previous Ordinance or Resolution #

John Kelly
 City Attorney

Date

5-7-10

Original Contract Date:

Original Contract Number:

Paul A. Beck
 Finance and Internal Services Director

Date

5-10-2010

Received in City
 Clerk's Office

Don Man
 Chief of Staff

Date

5-10-10

Received in
 Mayor's Office

Donald Jordan
 Mayor

Date

5/11/10

Comments:

CITY COUNCIL AGENDA MEMO

To: The Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: Lindsley Smith, Director of Communication

Date: May 6, 2010

Subject: Awarding Bid #10-32 to B&H Photo/Video for \$39,792 for Editing Equipment Upgrades

PROPOSAL:

The City currently operates both The Fayetteville Government Channel and the public access television channel at the City of Fayetteville Television Center. Video editing is required to produce programming for both channels. The current equipment is 5 to 8 years old and is not standardized throughout the operation. For staff this upgrade will allow for more streamlined workflow and create efficiency in production. For the public this will allow the Center to offer current editing technology to help maintain a viable teaching and production facility.

RECOMMENDATION:

City Administration recommends the approval of a resolution awarding Bid #10-32 to B&H Photo/Video for the purchase of video editing equipment to be installed in the City of Fayetteville Television Center.

BUDGET IMPACT:

Funds are available in the Video Editing Upgrade project.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #10-32 AND APPROVING THE PURCHASE OF VIDEO EDITING EQUIPMENT IN THE AMOUNT OF \$39,792.00 FROM B&H PHOTO/VIDEO/PRO-AUDIO FOR USE BY THE GOVERNMENT CHANNEL AND PUBLIC ACCESS CHANNEL

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-32 and approves the purchase of video editing equipment in the amount of \$39,792.00 from B&H Photo/Video/Pro-Audio for use by the government channel and public access channel.

PASSED and APPROVED this 18th day of May, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Bid 10-32, Video Editing Equipment

BID: 10-32
 DATE: 04/21/10
 2:00 PM
 CITY OF FAYETTEVILLE

Item	Description	Quantity	B&H Photo, Video, Pro-Audio		CDW Government, LLC		Electronic Video Systems		NLESystems		Promax Systems		Videotape Products, Inc.	
			PRICE EACH	TOTAL PRICE	PRICE EACH	TOTAL PRICE	PRICE EACH	TOTAL PRICE	PRICE EACH	TOTAL PRICE	PRICE EACH	TOTAL PRICE	PRICE EACH	TOTAL PRICE
1	Apple Mac Pro Computer	6	\$3,507.00	\$21,042.00	\$3,580.00	\$21,480.00	\$3,379.00	\$20,274.00	\$3,573.80	\$21,442.80	\$3,465.00	\$20,790.00	\$3,720.00	\$22,320.00
	Manufacturer / Model		Apple, Crucial, Western	MB535LL/A, CT2KIT25672B, WD10000CSRTL	Apple	MacBook Pro MB535LL/A	Apple	Z0G8	Apple	Z0G1	Apple	Z0G1 with Drive	Apple	Z0G1
2	AppleCare Protection Plan	6	\$189.00	\$1,134.00	\$204.00	\$1,224.00	\$186.00	\$1,116.00	\$192.93	\$1,157.58	\$249.00	\$1,494.00	\$184.00	\$1,104.00
	Manufacturer / Model		Apple	MC244LLA	Apple	AppleCare MC256LL/A	Apple	MC5244LL/A	Apple	MC244LL/A	Apple	MC244LL/A	Apple	MC244LL/A
3	Apple Final Cut Studio Software	6	\$775.00	\$4,650.00	\$784.00	\$4,704.00	\$753.00	\$4,518.00	\$768.90	\$4,613.40	\$849.00	\$5,094.00	\$745.00	\$4,470.00
	Manufacturer / Model		Apple	MB6422A	Apple	Final Cut Studio D4615Z/A	Apple	BF265LL/A	Apple		Apple	MB6422/A	Apple	
4	Video/Audio SD/HD Encoder	6	\$1,098.00	\$6,588.00	\$1,224.00	\$7,344.00	\$1,146.00	\$6,876.00	\$280.72	\$1,684.32	\$1,199.95	\$7,199.70	\$1,099.00	\$6,594.00
	Manufacturer / Model		AJA	KONALHI	AJA	KONA LHI	AJA	Kona-Lhi	AJA	KONA Lhi	AJA	Kona Lhi	AJA	KONA LHI
5	I/O Panel for Video/Audio Encoder	6	\$258.00	\$1,548.00	\$448.00	\$2,688.00	\$279.00	\$1,674.00	\$1,197.07	\$7,182.42	\$299.95	\$1,799.70	\$268.00	\$1,608.00
	Manufacturer / Model		AJA	KLHIBOX	AJA	KLHI-BOX	AJA	Lhi-Box	AJA	KONA I/O	AJA	KLhi-Box	AJA	KLHI-BOX
6	Custom Keyboard for Editing	6	\$349.00	\$2,094.00	\$164.00	\$984.00	\$139.00	\$834.00	\$118.75	\$712.50	\$139.95	\$839.70	Included with Item 1	
	Manufacturer / Model		B&H Custom Made		Apple	TN708LL/A	Logic Keyboard	LKBK-FCPX-M89-US	Bella	5202	Bella	5202		
7	Widescreen Computer Monitor	12	\$228.00	\$2,736.00	\$357.00	\$4,284.00	\$379.00	\$4,548.00	\$362.25	\$4,347.00	\$369.00	\$4,428.00	\$399.00	\$4,788.00
	Manufacturer / Model		HP Hewlett-Packard	FN747AA	HP	NL773A8#ABA	HP	LA2405WG	HP	LA2405WG	Hewlett Packard	LA2405wg	HP	LA2405wg
TOTAL BASE BID			\$39,792.00		\$42,708.00		\$39,410.00		\$21,610.12		\$24,129.10		\$10,300.00	
											(includes installation & shipping)			

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

CERTIFIED: P. Vice
 P. VICE, PURCH MGR

John Doe
 WITNESS

04/22/10
 DATE

City of Fayetteville Staff Review Form

A. 3
 Bid # 10-33 J. Johnson
 Construction Company, LLC
 Page 1 of 8

City Council Agenda Items
 and
 Contracts, Leases or Agreements

6/1/2010

City Council Meeting Date
 Agenda Items Only

Matt Mihalevich

Submitted By

Engineering

Division

Development Services

Department

Action Required:

A resolution awarding Bid #10-33 and approving a contract with J. Johnson Construction Company, Inc. in the amount of \$46,279.00 for the construction of block retaining walls for the Frisco Trail connection from Maple St. to Spring St.; and approving a 20% project contingency in the amount of \$9,255.80.

\$ 55,535.00

Cost of this request

\$ 250,000.00

Category / Project Budget

Transportation Bond Trail Improve

Program Category / Project Name

4520.9550.5814.05

Account Number

\$ 80,467.00

Funds Used to Date

Trail Improvements

Program / Project Category Name

06036.1001

Project Number

\$ 169,533.00

Remaining Balance

Sales Tax Construct Bonds

Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

 Department Director

05.13.2010
 Date

Previous Ordinance or Resolution #


 City Attorney

5-17-10
 Date

Original Contract Date:

Original Contract Number:

Paul A. Becher
 Finance and Internal Services Director

5-17-2010
 Date

 Received in City
 Clerk's Office

 ENTERED
 5/13/10



 Chief of Staff

5-18-10
 Date

 Received in
 Mayor's Office

 ENTERED
 5/17/10
 P.H.


 Mayor

5/18/10
 Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director *JP*
Chris Brown, City Engineer *CB*

From: Matt Mihalevich, Trails Coordinator

Date: May 12, 2010

Subject: Frisco Trail Retaining Walls

PROPOSAL:

Staff requests approval of a resolution awarding Bid #10-33 and approving a contract with J. Johnson Construction Company, LLC. in the amount of \$46,279.00 for the construction of block retaining walls for the Frisco Trail Connection from Maple to Spring Street; and approving a 20% project contingency in the amount of \$9,255.80.

RECOMMENDATION:

The Transportation Division has started construction on the 0.4 mile section of Frisco trail that will connect Frisco Trail to Scull Creek Trail along the east side of the Arkansas & Missouri Railroad from Spring Street to Maple Street. The construction of retaining walls is required for this trail project due to the tight and steep corridor for the trail along the railroad. Staff requests a 20% contingency to cover any unknowns with regard to the soil stability for the walls. The trails construction crew will complete the majority of the trail project; however we typically request assistance from a private contractor for the retaining walls, trail lighting and bridges. The walls will be charcoal colored split face concrete blocks to match the existing walls along Scull Creek Trail. The project will expand the primary north-south backbone of Fayetteville's alternative transportation system to a total of 7.2 miles of connected trail going from MLK Boulevard to Old Missouri Road.

The construction was advertised on April 15th and April 22nd 2010 as bid number 10-33 with official bids received on May 7th, 2010. Five bids were received and J. Johnson Construction Company, Inc. was low bid and \$11,667 below the estimate. The official bid tab is attached.

BUDGET IMPACT:

Funds for the retaining wall construction have been budgeted as part of the Transportation Bond Trail Development Program.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #10-33 AND APPROVING A CONTRACT WITH J. JOHNSON CONSTRUCTION COMPANY, LLC IN THE AMOUNT OF \$46,279.00 FOR THE CONSTRUCTION OF BLOCK RETAINING WALLS FOR THE FRISCO TRAIL FROM MAPLE STREET TO SPRING STREET, AND APPROVING A PROJECT CONTINGENCY OF \$9,255.80

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-33 and approves a contract with J. Johnson Construction Company, LLC in the amount of \$46,279.00 for the construction of block retaining walls for the Frisco Trail from Maple Street to Spring Street.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a project contingency of \$9,255.80.

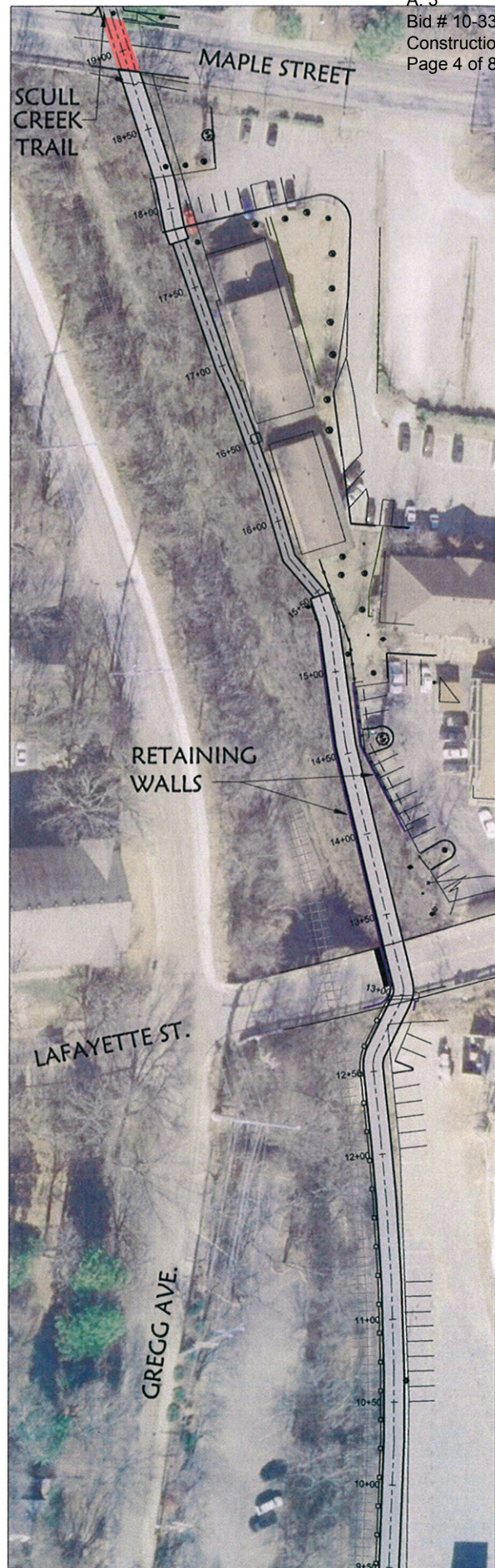
PASSED and APPROVED this 1st day of June, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Frisco Trail
 Maple to Spring Streets
 May 2010



Engineering Division
 113 W. Mountain
 Fayetteville, AR 72701
 479-575-8206



BID: 10-33
DATE: 05/07/10
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 10-33, Construction of Frisco Trail Wall

BIDDER	TOTAL BASE BID
1 All Around Landscaping, Inc.	\$49,755.00
2 Fochtman Enterprises, Inc.	\$100,738.00
3 Global Painting & Construction, Inc.	\$120,650.00
4 J. Johnson Construction Company, Inc.	\$46,279.00
5 Sweetser Construction, Inc.	\$70,815.75

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

CERTIFIED: *A. Foren* *Ali* 05/10/10
A. FOREN, PURCH AGENT WITNESS DATE

City Of Fayetteville

Vendor #: 19993		Vendor Name: J Johnson Construction Company, Inc		Requisition No.:		Date: 6/1/2010	
Address: 1300 Morsani Dr.		Fob Point:		P.O Number:		Expected Delivery Date:	
City: Rogers		State: AR		Mail Yes: ☒ No: ☐		Quotes Attached Yes: ☒ No: ☐	
Requester: Matt Mihalevich		Zip Code: 72756		Ship to code: 104		Division Head Approval: 	
		Requester's Employee #: 2509		Extension: 416			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #
1	Construction of Frisco Trail Walls per Bid #10-33	1	JOB	\$46,279.00	\$46,279.00	4520.9550.5814.05	06036 / 1001
2	Res. No. _____				\$0.00		
3					\$0.00		
4					\$0.00		
5					\$0.00		
6					\$0.00		
7					\$0.00		
8					\$0.00		
9					\$0.00		
10					\$0.00		
Special Instructions:							
Subtotal:						\$46,279.00	
Tax:						\$2,857.99	
Total:						\$49,136.99	

Approvals: _____
 Mayor: _____
 Finance & Internal Services Director: _____
 Dispatch Manager: _____
 Department Director: _____
 Budget Manager: _____
 Utilities Manager: _____
 Purchasing Manager: _____
 IT Manager: _____
 Other: _____

City of Fayetteville
Bid 10-33, Construction of Frisco Trail Wall
Contract

This contract executed this ____ day of _____, 2010, between the City of Fayetteville, Arkansas, and J. Johnson Construction Co., Inc. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. J. Johnson Construction Co., Inc. at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per Bid 10-33 as stated in J. Johnson Construction Co., Inc. bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 10-33, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay J. Johnson Construction Co., Inc. based on their bid proposal in an amount not to exceed \$46,279.00. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and J. Johnson Construction Co., Inc. consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 10-33 with the specifications and conditions typed thereon.
 - B. J. Johnson Construction Co., Inc. bid proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville and J. Johnson Construction Co., Inc. and may be modified only by a duly executed written instrument signed by the City of Fayetteville and J. Johnson Construction Co., Inc.
5. J. Johnson Construction Co., Inc. shall not assign its duties under the terms of this agreement.
6. J. Johnson Construction Co., Inc. agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from J. Johnson Construction Co., Inc. performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. J. Johnson Construction Co., Inc. shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, J. Johnson Construction Co., Inc. shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation

Statutory Amount

City of Fayetteville Staff Review Form

A. 4
Investigate Covert
Drug Transactions
Page 1 of 8

City Council Agenda Items
and
Contracts, Leases or Agreements

6/1/2010

City Council Meeting Date
Agenda Items Only

G Tabor
Submitted By

Support Services
Division

Police
Department

Action Required:

Acceptance of additional funding through the 2010 High Intensity Drug Trafficking Area (HIDTA) grant to support covert drug buys and approval of a budget adjustment in the amount of \$31,695.00.

\$ 31,695.00
Cost of this request

\$ 178,889.00
Category / Project Budget

HIDTA - PE/PI
Program Category / Project Name

2930-2960-5379.07
Account Number

\$ 92,256.16
Funds Used to Date

Grant
Program / Project Category Name

08070-0701
Project Number

\$ 86,632.84
Remaining Balance

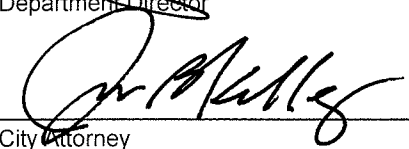
Drug Enforcement
Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒


Department Director

5-11-10
Date

Previous Ordinance or Resolution # _____


City Attorney

5-12-10
Date

Original Contract Date: _____

Original Contract Number: _____

Paul a. Berlin
Finance and Internal Services Director

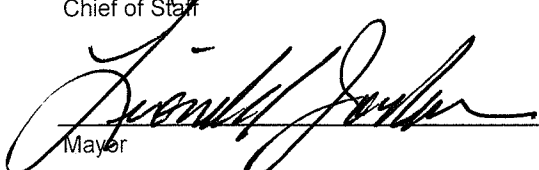
5-12-2012
Date

Received in City
Clerk's Office


Chief of Staff

5-12-10
Date

Received in
Mayor's Office


Mayor

5/14/10
Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Acting Chief of Police 

Date: May 12, 2010

Subject: 2010 High Intensity Drug Trafficking Area (HIDTA) Grant

PROPOSAL:

The Gulf Coast HIDTA reprogrammed 2008 and 2009 grant funds identified as excess in the 2010 Gulf Coast HIDTA Spending Plan. With these excess funds, we were able to obtain funding for a new local HIDTA initiative called the Western Arkansas Mobile Deployment Team (WAMDT) which is made up of our 4th Judicial District Drug Task Force officers and a Drug Enforcement Administration agent. WAMDT received \$11,575 in purchase evidence/purchase information (PEPI) for the first quarter of 2010 and \$20,000 for the remainder of 2010; however, we spent and were reimbursed \$11,695 in PEPI funds during the first quarter. This slight increase results in a total PEPI budget for fiscal year 2010 to be \$31,695.

Acceptance of this funding and approval of the attached budget adjustment is necessary to continue undercover drug purchases by our drug task force officers. Performing undercover drug purchases is the first step in infiltrating a drug trafficking organization (DTO). This funding will allow our 4th Judicial District Drug Task Force (4th DTF) to develop confidential informants. These informants will be used jointly by the 4th DTF, the Northwest Arkansas HIDTA Task Force, and the Drug Enforcement Administration (DEA) to identify and dismantle previously unknown DTO's in our area.

WAMDT also received funding in the amount of \$30,000 for overtime reimbursement to be split among the participating agencies of the 4th DTF. Since overtime is a part of our existing budget, we will not be requesting a budget adjustment for increased overtime expenses at this time. Furthermore, WAMDT will receive another \$50,000 in overtime and PEPI funding for our 2011 budget year. This funding will be incorporated into the 2011 budget later this year.

RECOMMENDATION:

The City Council accepts non-matching funds from the Gulf Coast HIDTA grant in the amount of \$31,695.00 and approval of a budget adjustment to increase federal grant revenue and covert expenses.

BUDGET IMPACT:

Net zero effect on our budget due to non-matching grant revenue equal to covert expenses.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE POLICE DEPARTMENT TO ACCEPT ADDITIONAL FUNDING THROUGH THE 2010 GULF COAST HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) GRANT IN THE AMOUNT OF \$31,695.00 TO INVESTIGATE COVERT DRUG TRANSACTIONS AND APPROVING A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Fayetteville Police Department to accept additional funding through the 2010 Gulf Coast High Intensity Drug Trafficking Area (HIDTA) grant in the amount of \$31,695.00 to investigate covert drug transactions.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution as Exhibit "A" and incorporated herein as if set out word for word, recognizing the revenue.

PASSED and APPROVED this 1st day of June, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

A. 4
Investigate Covert
Drug Transactions
Page 4 of 8

From: "James Hawkins" <hawkinj@gchidta.org>
To: "Judy Cohea" <jcohea@ci.fayetteville.ar.us>
Date: 4/1/2010 3:19 PM
Subject: HIDTA Reprogramming

Judy,

We need to reprogram funds in the Fayetteville PD 2008 grant to move funds into the proper category for reimbursement and insure that we don't allow any 2008 funds to lapse when the grant expires 31 Dec. We need to move \$8,000 from the Benton Co. SO overtime to Fayetteville PD Other (PEPI) and \$3575 from Fayetteville PD Overtime to Other (PEPI). This reprogramming will put funds in the correct category to process the current reimbursement package to include \$11,575 in PEPI. *

In order to move these funds I have to obtain the concurrence of the affected agencies. If you will please reply to this email with your approval that should satisfy the requirment.

Effective today, April 1, the PEPI spent by the Western Arkansas Mobile Deployment Team will be charged against the WAMDT initiative.

If you have any questions please contact me at 601-933-9438 or email at this address.

Thank You,

Jim Hawkins

* Accrually received \$11,695.00 JC

From: "James Hawkins" <hawkinj@gchidta.org>
To: "William Scott" <William.Scott@arkansashighways.com>, "Leonard Hogg" <le...>
CC: "Kim Vasquez" <VasqueK@gchidta.org>
Date: 3/9/2010 10:23 AM
Subject: Western Arkansas Mobile Deployment Team Reprogramming
Attachments: 2010 AR REPROGRAM.xls

On March 4, 2010, the Gulf Coast HIDTA Executive Board met in Montgomery, AL and approved a proposal to provide supplemental funding to establish a new Gulf Coast HIDTA initiative, the Western Arkansas Mobile Deployment Team. Funding for this initiative is made available through the reprogramming of 2008 and 2009 HIDTA grant funds identified as excess to the 2010 spending plan and will be lost if not reprogrammed to this new initiative. With these excess funds the WAMDT can be funded for 2010 and 2011 at \$50,000 per year.

New procedures established by the Gulf Coast HIDTA require that I receive the concurrence of all affected agencies before this reprogramming can take effect. Your agency is affected by this reprogramming and if you will please reply to this email with your approval we can maintain documentation of this transaction.

The following is a detailed explanation of the reprogramming necessary to make this happen. Also attached is a spreadsheet summarizing the movement of funds which clearly indicate that sufficient funds are available to accomplish this with additional excess funds remaining.

In order to establish the Western Arkansas Mobile Deployment Team Initiative in 2010:

Reprogram from the Arkansas 2008 budgets:

\$14,300 from ASP LRMIT Overtime
 \$6,000 from AHP LRMIT Overtime
 \$8,400 from LRMIT PCSO Services
 \$6,000 from PBPD Overtime
 \$7,000 from JCSO Overtime
 \$2,000 from NWAMIT WCSO OT
 \$2,300 from NWAMIT WCSO Services
 \$2,000 from NWAMIT FPD Overtime
 \$2,000 from NWAMIT SPD Overtime
 \$50,000

TO: Western Arkansas Mobile Deployment Team WAMDT:

\$14,000 to Fayetteville PD Overtime
 \$20,000 to Fayetteville PD Other (PEPI) ← *

\$8,000 to Springdale PD Overtime
 \$4,000 to Prairie Grove PD Overtime
 \$4,000 to Washington Co. Overtime
 \$50,000

In order to fund the initiative for 2011 the following reprograms in the 2009 grants would be necessary:

NWAMIT	LRMIT
\$28,000 from ASP Overtime	\$8,400 from PCSO Services
\$5,000 from FPD Overtime	
\$6,000 from SPD Overtime	
\$2,600 from WCSO Overtime	
\$41,600	\$8,400

TO: Western Arkansas Mobile Deployment Team WAMDT:

\$14,000 to Fayetteville PD Overtime

\$20,000 to Fayetteville PD Other (PEPI)
\$8,000 to Springdale PD Overtime
\$4,000 to Prairie Grove PD Overtime
\$4,000 to Washington Co. Overtime
\$50,000

A meeting of the Arkansas State Board has been scheduled for March 18 at the Washington Co. SO in Fayetteville and further explanation of this matter will be presented at the meeting, however as time is critical in moving this forward, the State Board has approved the establishment of this new initiative by email.

If you have any questions please contact me at 601-933-9438 or email at this address.

Jim Hawkins, Director
Mississippi/Arkansas Operations Center
Gulf Coast HIDTA

City Council Agenda Items
and
Contracts, Leases or Agreements

6/1/2010

City Council Meeting Date
Agenda Items OnlyDavid Jurgens
Submitted BySolid Waste
DivisionUtilities
Department

Action Required:

Resolution authorizing the Mayor to accept a 2009 Arkansas Department of Environmental Quality (ADEQ) recycling grant through the Boston Mountain Solid Waste District for \$47,250 for recycling containers for the West Side Recycling Drop Off Facility and approving a budget adjustment to accept the funds and allocate them to the West Side Recycling Drop Off Facility.

Cost of this request	\$ 55,000.00	Materials and Supplies
	Category / Project Budget	Program Category / Project Name
5500-5060-5227.00	\$ 34,255.00	Recycling
Account Number	Funds Used to Date	Program / Project Category Name
10003	\$ 20,745.00	Solid Waste
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒

[Signature]
Department Director

17 MAY 10
Date

Previous Ordinance or Resolution # N/A

[Signature]
City Attorney

5-18-10
Date

Original Contract Date: N/AOriginal Contract Number: N/A

Paul A. Becker
Finance and Internal Services Director

5-18-2010
Date

Received in City
Clerk's Office

ENTERED
5-17-10 *Kim G*

Don McLean
Chief of Staff

5-18-10
Date

Received in
Mayor's Office

ENTERED
5/18/10
PH

Lonell Jordan
Mayor

5/18/10
Date

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff
David Jurgens, Utilities Director
Carrol Hill, Solid Waste and Recycling

From: Brian Pugh, Solid Waste and Recycling

Date: 17 May 2010

Subject: Resolution Authorizing the Mayor to Accept ADEQ Recycling Grant Revenue of \$47,250 for Recycling Containers for the West Side Recycling Drop Off Facility; approving a budget adjustment

RECOMMENDATION

Fayetteville City Administration recommends approval of a resolution for the Mayor to accept a 2009 Arkansas Department of Environmental Quality (ADEQ) recycling grant through the Boston Mountain Solid Waste District for \$47,250 for recycling containers for the West Side Recycling Drop Off Facility and approving a budget adjustment to accept the funds and allocate them to the West Side Recycling Drop Off Facility project.

BACKGROUND

Each year the Arkansas Department of Environmental Quality issues recycling grants through local Solid Waste Districts to help fund recycling programs. The City has benefited from these grants in the past. The Boston Mountain Solid Waste District compiles the grant applications and submits them to the Solid Waste Board for approval at their August Board meeting. The City applied for this grant in 2009.

DISCUSSION

Boston Mountain Solid Waste District approved the City for this grant in 2009. It will be used to purchase recycling containers utilized in a new West Side recycling drop off facility. The site is located on Broyles Road near the West Side Wastewater Treatment Plant on City land. The West Side recycling drop off is intended as our premier drop off and recycling education facility, integrating all aspects of the proximity to the Woolsey Wet Prairie into a comprehensive sustainability and recycling education site. We intend to incorporate Low Impact Development techniques into the drop off center design as much as possible. The improvements will also include an increase in using volunteers to help maintain the site.

The City has applied for a similar 2010 grant from Boston Mountain Solid Waste District.

BUDGET IMPACT

The recycling grant awards are not matching grants, so no City funds are obligated with this request. The budget adjustment is attached to recognize the grant revenue and add it to the West Side Recycling Drop Off Facility capital project budget.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING ACCEPTANCE OF A 2009 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY RECYCLING GRANT THROUGH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT IN THE AMOUNT OF \$47,250.00 FOR RECYCLING CONTAINERS FOR THE WEST SIDE RECYCLING DROP OFF FACILITY, AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT REVENUE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of a 2009 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District in the amount of \$47,250.00 for recycling containers for the West Side Recycling Drop Off Facility.

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

PASSED and APPROVED this 1st day of June, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

**City of Fayetteville, Arkansas
Budget Adjustment Form**

A. 5
Arkansas Department of
Environmental Quality Recycling Grant
Adjustment Number

Budget Year 2010	Department: Utilities Division: Solid Waste & Recycling Program: Recycling	Request Date 6/1/2010	Adjustment Number
--------------------------------	---	-------------------------------------	--------------------------

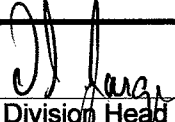
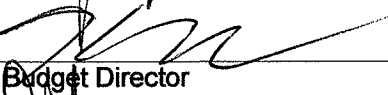
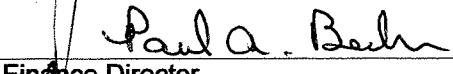
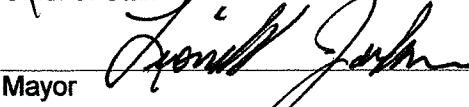
JUSTIFICATION TO INCREASE PROJECT / ITEM:

\$47,250 is requested in the Solid Waste Improvements account within the Westside Recycling Drop Off Facility capital project to pay a portion of the cost of the containers for this site.

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

No decrease will be necessary. This budget adjustment recognizes revenue received from the 2009 Arkansas Department of Environmental Quality (ADEQ) recycling grant award through the Boston Mountain Solid Waste District for recycling containers for the West Side Recycling Drop Off Facility.

Account Name	Account Number	Increase Budget	Decrease Budget	Project.Sub Number
Solid Waste Improvements	5500.5060.5816.00	47,250		10003 . 1
State Grants - Capital	5500.0950.4302.00		47,250	10003 . 1
				.
				.
				.
				.
				.
				.
TOTAL		<u>47,250</u>	<u>47,250</u>	

 Division Head	Date 5-18-10	Requested By _____ ggundlach
 Budget Director	Date 5-18-10	Budget & Research Use Only Type: A B C <u>(D)</u> E
 Department Director	Date 18 MAY 10	Description: _____ 0
 Finance Director	Date 5-18-2010	General Ledger Date _____
 Chief of Staff	Date 5-18-10	Posted to General Ledger Initial _____ Date _____
 Mayor	Date 6/18/10	Posted to Project Accounting Initial _____ Date _____

City of Fayetteville Staff Review Form

A. 6
Engineering Elements, PLLC
Page 1 of 14

**City Council Agenda Items
and
Contracts, Leases or Agreements**

6/1/2010

City Council Meeting Date
Agenda Items Only

John Coleman

Submitted By

Division

Sustainability

Department

Action Required:

RFQ 10-02: This action will increase the total contract with Engineering Elements by \$13,400 to include an audit of Central Fire Station and design services for Police, Central Fire, and Water & Sewer Operations. This raises the contract total to \$25,900.

\$ 13,400.00

Cost of this request

\$ 250,000.00

Category / Project Budget

Energy Efficiency and Conservation

Program Category / Project Name

2240.9240.5314.00

Account Number

\$ -

Funds Used to Date

Energy Efficiency and Conservation

Program / Project Category Name

09011.0010

Project Number

\$ 250,000.00

Remaining Balance

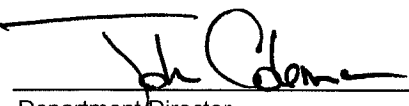
Energy Block Grant

Fund Name

Budgeted Item

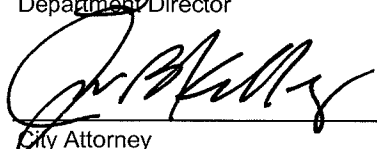
☒

Budget Adjustment Attached

☐

Department Director

 5/14/10
Date

Previous Ordinance or Resolution #


City Attorney

 5-17-10
Date

Original Contract Date:

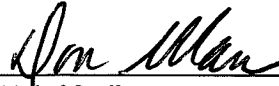
Original Contract Number:


Finance and Internal Services Director

 5-18-2010
Date

 Received in City
Clerk's Office

 ENTERED
5-14-10



Chief of Staff

 5-18-2010
Date

 Received in
Mayor's Office

 ENTERED
5/18/10


Mayor

 5/18/10
Date

Comments:



THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8272

CORRESPONDENCE

TO: Mayor Jordan and City Council
FROM: John Coleman, Sustainability Director
Thru: Don Marr, Chief of Staff
DATE: May 14, 2010
SUBJECT: Municipal Energy Project – RFQ 10-02

Description

Using funds from the Energy Efficiency and Conservation Block Grant as part of the American Recovery and Reinvestment Act (ARRA), the City has hired Engineering Elements, Inc. at a cost of \$12,500 to provide energy audits on six City-owned facilities: Police, Fire Stations #4 & #6, Development Services, Parks Greenhouse and Water & Sewer Operations Center.

This action increases the contract total by \$13,400 to include an audit and design of Central Fire Station's HVAC system which recently failed. This increase also includes design services for the Police Department and Water & Sewer Operations. The contract now totals \$25,900.

RFQ 10-02 continues to allow for the option of retaining Engineering Elements, Inc. for the purpose of implementation of these measures as part of this contract when it is deemed necessary.

Original Selection Process

Eight engineering and architecture firms from around the country submitted statements of qualification for this project. A panel reviewed these statements and short-listed for interviews with selected firms. Engineering Elements, Inc was ultimately chosen to perform the work.

Budget Impact

Contract costs will be paid for exclusively by Energy Efficiency and Conservation Block Grant funding as obtained by the City of Fayetteville in September 2009.

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONTRACT WITH ENGINEERING
ELEMENTS, PLLC IN THE TOTAL AMOUNT OF \$25,900.00 FOR ENERGY
AUDIT SERVICES**

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a contract with Engineering Elements, PLLC in the total amount of \$25,900.00 for energy audit services.

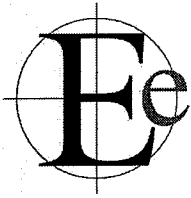
PASSED and APPROVED this 1st day of June, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Engineering Elements, PLLC

2820 E. Millennium Drive, Suite 2 Fayetteville, Arkansas 72703
Phone (479) 695-1333 Fax: (479) 251-7982

May 14, 2010

City of Fayetteville
Attention: John Coleman
113 West Mountain Street
Fayetteville, AR 72701

Re: Engineering Design Services for HVAC Upgrades at:
Central Fire Station
City of Fayetteville, Arkansas

Dear Mr. Coleman,

I am pleased to propose mechanical and electrical engineering services to you for the above referenced project. This proposal is based on the preliminary information we received from your office and from our preliminary conversations with the fire department. It is my understanding that this project will consist of an HVAC Upgrade for the existing second floor of Central Fire Station of approximately 4,800 square feet.

Our services will include standard basic engineering services consisting of site investigation of existing MEP systems, preliminary design and design development, contract documents, bidding assistance, submittal review and construction observation. This level of services will pertain to the following systems as our part of the work.

1. Plumbing systems consisting of:
 - a. Modifications to Natural gas piping system as required.
2. HVAC system improvements for the second floor as follows:
 - a. New constant volume split system air handling units and associated remote condensing units. Natural gas heating with DX cooling.
 - b. Miscellaneous HVAC systems including ductwork, controls, air devices and all associated accessories.
3. Electrical systems consisting of:
 - a. Power requirements for upgrades to existing HVAC equipment.
4. Floor Plan:
 - a. Creation of existing building floor plan based on field observations.

The fee for the above described services is proposed as a Fixed Fee of Two Thousand Five Hundred Dollars (\$2,500). Additional services that you may request will be provided on an hourly basis, utilizing the following hourly rates:

Principal Engineer	\$85
Project Manager	\$76
Electrical Engineer	\$82
Draftsman	\$45
Designer	\$55
Administration	\$25

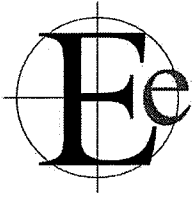
If this proposal is acceptable please sign in the space provided below and return a copy for my files. If you have any questions or need additional information, please contact me.

Sincerely,



Shane R. Lanning, P.E., LEED-AP
Engineering Elements, PLLC

Mr. Lioneld Jordan
Mayor, City of Fayetteville



Engineering Elements, PLLC

2820 E. Millennium Drive, Suite 2 Fayetteville, Arkansas 72703
Phone (479) 695-1333 Fax: (479) 251-7982

March 31, 2010

City of Fayetteville
Attention: John Coleman
113 West Mountain Street
Fayetteville, AR 72701

Re: Engineering Design Services Lighting, HVAC and Envelope Upgrades
Police Building
City of Fayetteville, Arkansas

Dear Mr. Coleman,

I am pleased to propose mechanical and electrical engineering services to you for the above referenced project. This proposal is based on the preliminary information we received from your office and from our preliminary conversations. It is my understanding that this project will consist of HVAC, Lighting and Envelope improvements for the existing 24,500 square foot Police Building.

Our services will include standard basic engineering services consisting of preliminary design and design development, contract documents, bidding assistance, submittal review and construction observation. This level of services will pertain to the following systems as our part of the work.

1. Plumbing systems consisting of:
 - a. Natural gas piping system at new HVAC units as required.
2. HVAC systems for all parts of the building as follows:
 - a. New Rooftop Air Conditioning (RTU) units. Constant volume packaged and/or split system HVAC systems with natural gas-fired heating and DX cooling.
 - b. Miscellaneous HVAC systems including ductwork, controls, air devices and all associated accessories.
 - c. Exhaust systems for the public restrooms as necessary.
3. Electrical systems consisting of:
 - a. Interior lighting systems and controls for the building.
 - b. Exterior lighting systems including building mounted fixtures and all necessary controls.

4. Building Envelope:
 - a. Specifications for "Cool Roof" if requested.
 - b. Enclose existing roof openings for abandoned combustion air system.

The fee for the above described services is proposed as a Fixed Fee of Six Thousand Three Hundred Dollars (\$6,300). Additional services that you may request will be provided on an hourly basis, utilizing the following hourly rates:

Principal Engineer	\$85
Project Manager	\$76
Electrical Engineer	\$82
Draftsman	\$45
Designer	\$55
Administration	\$25

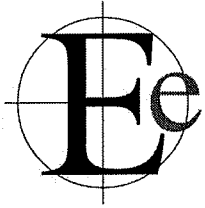
If this proposal is acceptable please sign in the space provided below and return a copy for my files. If you have any questions or need additional information, please contact me.

Sincerely,



Shane R. Lanning, P.E., LEED-AP
Engineering Elements, PLLC

Mr. Lioneld Jordan
City of Fayetteville, Mayor



Engineering Elements, PLLC

2820 E. Millennium Drive, Suite 2 Fayetteville, Arkansas 72703
Phone (479) 695-1333 Fax: (479) 251-7982

A. 6
Engineering Elements, PLLC
Page 8 of 14

May 14, 2010

City of Fayetteville
Attention: John Coleman
113 West Mountain Street
Fayetteville, AR 72701

Re: Engineering Design Services for Lighting, Envelope and HVAC Upgrades for:
Water & Sewer Building
City of Fayetteville, Arkansas

Dear Mr. Coleman,

I am pleased to propose mechanical and electrical engineering services to you for the above referenced project. This proposal is based on the preliminary information we received from your office and from our preliminary conversations and investigation. It is my understanding that this project will consist of HVAC, Lighting and Envelope Upgrades for the existing Water & Sewer building of approximately 30,300 square feet.

Our services will include standard basic engineering services consisting of preliminary design and design development, contract documents, bidding assistance, submittal review and construction observation. This level of services will pertain to the following systems as our part of the work.

1. Plumbing systems consisting of:
 - a. Modifications to Natural gas piping system as required.
2. HVAC system improvements for all parts of the buildings as follows:
 - a. Duct Pressure Test and improvements to existing medium pressure ductwork system. Includes sealing and insulation of entire system.
 - b. Miscellaneous HVAC systems including ductwork, controls, air devices and all associated accessories.
 - c. Controls and programming for Outdoor Air Optimization.
3. Electrical systems consisting of:
 - a. Interior lighting systems Occupancy Sensor controls for the entire building.
 - b. Exterior lighting system controls for parking lot lighting.
4. Building Envelope:
 - a. Glazing/Tinting for exterior windows.
 - b. Landscaping consisting of shade trees for east west façade windows.

The fee for the above described services is proposed as a Fixed Fee of Five Thousand One Hundred Dollars (\$5,100). Additional services that you may request will be provided on an hourly basis, utilizing the following hourly rates:

Principal Engineer	\$85
Project Manager	\$76
Electrical Engineer	\$82
Draftsman	\$45
Designer	\$55
Administration	\$25

If this proposal is acceptable please sign in the space provided below and return a copy for my files. If you have any questions or need additional information, please contact me.

Sincerely,



Shane R. Lanning, P.E., LEED-AP
Engineering Elements, PLLC

Mr. Lioneld Jordan
Mayor, City of Fayetteville



THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8272

CORRESPONDENCE

TO: Mayor Jordan
FROM: John Coleman, Sustainability Director
Thru: Don Marr, Chief of Staff
DATE: April 1, 2010
SUBJECT: Municipal Energy Project – RFQ 10-02

Description

Using funds from the Energy Efficiency and Conservation Block Grant as part of the American Recovery and Reinvestment Act (ARRA), the City is hiring Engineering Elements, Inc. at a cost of \$12,500 to provide energy audit services on six City-owned facilities: Police, Fire Stations #4 & #6, Development Services, and Water & Sewer Operations Center.

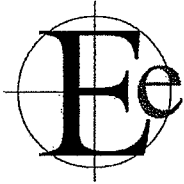
Engineering Elements, Inc. will provide a list of recommended energy performance measures to be implemented in these facilities. RFQ 10-02 allows for the option of retaining Engineering Elements, Inc. for the purpose of implementation of these measures in a later agreement.

Selection Process

Eight engineering and architecture firms from around the country submitted statements of qualification for this project. A panel reviewed these statements and short-listed for interviews with selected firms. Engineering Elements, Inc was ultimately chosen to perform the work.

Budget Impact

Contract costs will be paid for exclusively by Energy Efficiency and Conservation Block Grant funding as obtained by the City of Fayetteville in September 2009.



Engineering Elements, PLLC

2820 E. Millennium Drive, Suite 2 Fayetteville, Arkansas 72703
Phone (479) 695-1333 Fax: (479) 251-7982

March 31, 2010

City of Fayetteville
Attention: John Coleman
113 West Mountain Street
Fayetteville, AR 72701

Re: Energy Audit Services for:
City of Fayetteville, Arkansas

Dear City of Fayetteville,

I am pleased to provide energy audit services to you for the above referenced project. This proposal is based on preliminary conversations and information we have received from your office. It is my understanding this project will include a Level II energy audit of all primary energy-consuming systems at the following facilities owned by the City; Police Building, Water and Sewer Operations Building, two Fire Stations, Development Services Building, and Parks & Recreation Greenhouse.

1. **Level II Energy Audit:**

The Level II Audit is commonly employed for buildings and systems already known to suffer from poor energy performance. It provides a detailed survey and analysis beyond that of a Level I Audit and itemizes energy usage information in more detail. Generally speaking, a greater level of rigor is used throughout the survey, analysis and reporting work for this level of audit. The services included are as follows:

- a. In-depth field survey of buildings and all energy consuming equipment with focus on energy end-uses.
- b. Thorough review of occupancy and usage schedules
- c. Identification of and payback analysis on measures that reduce energy usage while staying within budgetary and operational constraints.
- d. Identification of potential major capital-intensive improvements (typically require additional future data collection / analysis).
- e. Report will include analysis of the impact that changes may have to maintenance and operations.

2. **Professional Fees:**

The fees for the above described services are proposed as the following:

- a. Level II Energy Audit: Twelve Thousand Five Hundred Dollars (\$12,500.00) for our portion of the work plus any reimbursable expenses attributed to the project.

Additional services that you may request will be provided on an hourly basis, utilizing the following hourly rates:

Principal Engineer	\$120
Project Engineer	\$90
Design Engineer	\$80
Senior Designer	\$65
Designer	\$50
Administration	\$40

3. **Additional Clauses:**

a. **Changes in scope or price**

- i. Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

b. **Freedom of Information Act**

- i. City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, Engineering Elements will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. Section 25-19-101 et.seq.) Only legally authorized photocopying costs pursuant to the FOIA shall be assessed for this compliance."

c. **Jurisdiction**

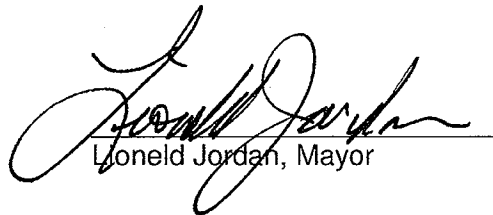
- i. Legal jurisdiction to resolve any disputes must be Arkansas with Arkansas law applying to the case.

If this proposal is acceptable please sign in the space provided below and return a copy for my files. If you have any questions or need additional information, please contact me.

Sincerely,



Shane R. Lanning, P.E., LEED-AP
Engineering Elements, PLLC

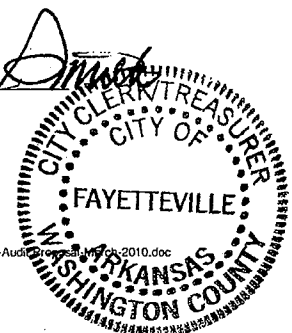


Loneld Jordan, Mayor

Attest:



Sondra Smith, City Clerk



City of Fayetteville Staff Review Form

A. 7
 Joe Perme Construction, Inc.
 Page 1 of 12

**City Council Agenda Items
 and
 Contracts, Leases or Agreements**

6/1/2010

City Council Meeting Date
 Agenda Items Only

Yolanda Fields

Submitted By

Community Services

Division

Development Services

Department**Action Required:**

Approval of purchase order for rehabilitation of Public Facility Building

\$21,800

Cost of this request

\$ 102,306.00

Category / Project Budget

Program Category / Project Name

2180.4990.5390.27

Account Number

\$ 32,105.00

Funds Used to Date

Program / Project Category Name

\$ 70,201.00

Remaining Balance

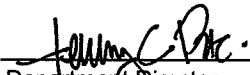
Community Development

Fund Name

Budgeted Item

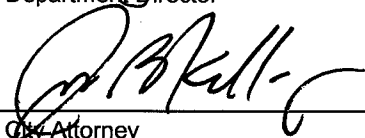
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Budget Adjustment Attached

☐

 Department Director

~~5-13-10~~
 Date

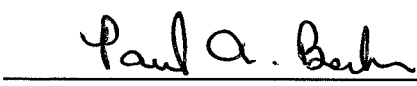
Previous Ordinance or Resolution #


 City Attorney

 5-18-10
 Date

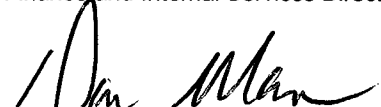
Original Contract Date:

Original Contract Number:


 Finance and Internal Services Director

 5-18-2010
 Date

 Received in City
 Clerk's Office


 Chief of Staff

 5-18-10
 Date

 Received in
 Mayor's Office


 Mayor

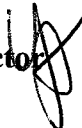
 5/19/10
 Date

Comments: Staff recommends approval of purchase order

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Department Director 

From: Yolanda Fields, Community Services Division Director 

Date: May 12, 2010

Subject: CDBG Public Facility Program- Approval of Purchase Order for Rehabilitation Project

PROPOSAL:

The property located at 1932 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 not leased, but will be available for lease once improvements are made.

Improvements to be made:

- Electrical
- Interior Doors
- Kitchen Remodel and Storage Cabinets
- Drywall
- Interior Trim and Paint
- Bathroom Repairs
- Flooring
- Entry decks

RECOMMENDATION:

Staff recommends approval of Purchase Order for this project located at 1932 S. Garland

BUDGET IMPACT:

Project cost is approximately \$21,800

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A CONTRACT WITH JOE PERME CONSTRUCTION, INC. IN THE AMOUNT OF \$21,800.00 FOR IMPROVEMENTS TO A PUBLIC FACILITY BUILDING (1932 S. GARLAND) THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC FACILITY PROGRAM

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a contract with Joe Perme Construction, Inc. in the amount of \$21,800.00 for improvements to a public facility building (1932 S. Garland) through the Community Development Block Grant Public Facility Program.

PASSED and APPROVED this 1st day of June, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

COMMUNITY SERVICES DIVISION

Advertisement for Bids City of Fayetteville

Community Development Block Grant Program

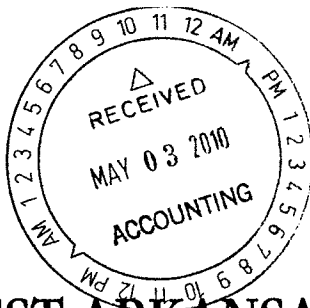
Separate sealed bids for **BID # 09029-1002** Moderate Rehab of a **Public Facility Building**. Bids will be received by: City of Fayetteville, Community Services Division 113 W. Mountain Street, Fayetteville, AR 72701 until **4:00PM, Monday May 3, 2010**

The information for bidders, Form of Bid, Form of Contract, Specification, and General Conditions may be picked up at the Community Services Office, 125 W. Mountain St, Fayetteville, AR 72701 or by calling 479-575-8240. The City of Fayetteville reserves the right to reject any and all bids and to waive formalities deemed to be in the owner's best interest. The City of Fayetteville encourages participation of small, minority and women owned business enterprises in the procurement of goods, services, and construction, either as a general contractor or subcontractor.

To be published in the LEGAL SECTION of the Arkansas Democrat Gazette newspaper on Sunday, April 18, 2010 and Sunday, April 25, 2010.

Please bill this to Brent Johnson P-card.

If you have any questions, please contact Brent at ph 575-8240 or fax 444-3445.



NORTHWEST ARKANSAS NEWSPAPERS LLC

212 NORTH EAST AVENUE, FAYETTEVILLE, ARKANSAS 72701 | P.O. BOX 1607, 72702 | 479-442-1700 | WWW.NWANNEWS.COM

NORTHWEST ARKANSAS DEMOCRAT-GAZETTE

THE MORNING NEWS OF SPRINGDALE

THE MORNING NEWS OF ROGERS

NORTHWEST ARKANSAS TIMES

BENTON COUNTY DAILY RECORD

A. 7
Joe Perme Construction, Inc.
Page 5 of 12

Advertisement for Bids
City of Fayetteville
Community Development
Block Grant Program
Separate sealed bids for BID #
09029-1002 Moderate Rehab
of a Public Facility Building.
Bids will be received by: City
of Fayetteville, Community
Services Division 113 W.
Mountain Street, Fayetteville,
AR 72701 until 4:00PM,
Monday May 3, 2010
The information for bidders,
Form of Bid, Form of Contract,
Specification, and General
Conditions may be picked up at
the Community Services
Office, 125 W. Mountain St,
Fayetteville, AR 72701 or by
calling 479-575-8240. The City
of Fayetteville reserves the
right to reject any and all bids
and to waive formalities
deemed to be in the owner's
best interest. The City of
Fayetteville encourages
participation of small, minority
and women owned business
enterprises in the procurement
of goods, services, and
construction, either as a general
contractor or subcontractor.
#60945071 April 18 & 25,
2010

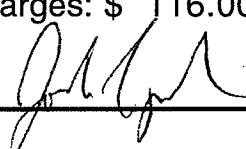
AFFIDAVIT OF PUBLICATION

I, Josh Lynch, do solemnly swear that I am the Legal Clerk of the Northwest Arkansas Newspapers, LLC, printed and published in Pulaski, Washington and Benton County, Arkansas, bona fide circulation, that from my own personal knowledge and reference to the files of said publication, the advertisement of:

CITY OF FAYETTEVILLE
BID# 09029-1002

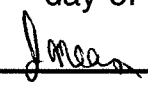
Was inserted in the Regular Editions on:
APRIL 18, 25, 2010

Publication Charges: \$ 116.00

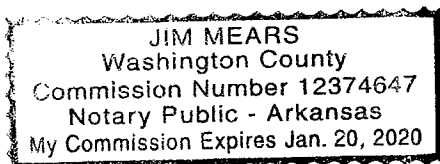


Josh Lynch

Subscribed and sworn to before me
This 3rd day of April, 2010.



Notary Public
My Commission Expires:



****NOTE****

**Please do not pay from Affidavit.
Invoice will be sent.**



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

RECEIPT OF BIDS

OWNER(S): City of Fayetteville _____

ADDRESS: 1932 S. Galand _____ PROJECT No: 09029-1002 _____

PROJECT TITLE: 1932 S. Garland Moderate Rehab _____

BID CLOSING DAY/DATE/TIME: Monday, 4:00 PM, May 3, 2010 _____

CONTRACTOR: Joe Perme construction. BID AMOUNT: 21,800.00

CONTRACTOR: _____ BID AMOUNT: _____

CONTRACTOR: _____ BID AMOUNT: _____

CONTRACTOR: _____ BID AMOUNT: _____

CONTRACTOR: _____ BID AMOUNT: _____

Certified by: Rachl FLO Date: 5/3/10

Witness: [Signature] Date: 5-3-10

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: 09029-1002

DATE ISSUED: 04-18-10

DATE AND TIME OF OPENING: Monday, 4:00 pm, May 3, 2010

OWNER'S NAME: City of Fayetteville

PROJECT ADDRESS: 1932 S. Garland Ave. Fayetteville, AR

ATTENTION

The City has the right to select which of the items listed below will be completed based on the amount of funds available.

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

A) Electrical:

2000⁰⁰

B) Interior Doors:

~~1800~~ 4000⁰⁰

C) Kitchen Remodel and Storage Cabinets:

1800⁰⁰

D) Drywall:

1200⁰⁰

E) Interior Trim and Paint:

1800⁰⁰

F) Bathroom Repairs:

1900⁰⁰

G) Flooring:

6800⁰⁰

H) Entry Decks:

1200⁰⁰

I) Cleanup:

500⁰⁰

J) Other:

600⁰⁰

MY TOTAL BID PRICE FOR THIS PROJECT IS \$

\$21,800⁰⁰

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.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Complete Business Address:

Name of Firm: Perme Construction Phone # 479-409-161

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



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

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

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

CONTRACTOR'S REQUESTING BID PACKETS

Owner(s) City of Fayetteville

Project Location: 1932 S. Garland

Project Number & Title: 09029-1002, Moderate Rehab of 1932 S. Garland

1. Contractor's Name: HDI Contractors
Address: 710 Hwy 62-655.
City / State / Zip Code: HARRISON, AR 72601
2. Contractor's Name: HDI Contractors
Address: 711 Hwy 62-655
City / State / Zip Code: HARRISON, AR 72601
3. Contractor's Name: Schefers Roofing Company
Address: 13455 Puppy Creek Rd, STE 13
City / State / Zip Code: Springdale, AR
4. Contractor's Name: Reed Construction Data
Address: 30 Technology Pkwy South
City / State / Zip Code: NORCROSS, GA 30092



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THE CITY OF FAYETTEVILLE, ARKANSAS

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COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

CONTRACTOR'S REQUESTING BID PACKETS

Owner(s) City of Fayetteville

Project Location: 1932 S. Garland

Project Number & Title: 09029-1002, Moderate Rehab of 1932 S. Garland

1. Contractor's Name: Joe Perme

Address: 1874 Doral Dr

City / State / Zip Code: Fayetteville, AR 72701

2. Contractor's Name: Rick Pershall

Address: PO Box 11

City / State / Zip Code: Prairie Grove, AR 72753

3. Contractor's Name: Randy Evans

Address: 2700 W. Bishop Dr

City / State / Zip Code: Rogers, AR 72756

4. Contractor's Name: Tyler Fochtman

Address: 26 W. Sunbridge

City / State / Zip Code: Fayetteville, AR



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THE CITY OF FAYETTEVILLE, ARKANSAS

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

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

CONTRACTOR'S REQUESTING BID PACKETS

Owner(s) City of Fayetteville

Project Location: 1932 S. Garland

Project Number & Title: 09029-1002, Moderate Rehab of 1932 S. Garland

1. Contractor's Name: Lowe's

Address: 3231 W. MLK

City / State / Zip Code: Fayetteville, AR 72704

2. Contractor's Name: Kim Hoadley

Address: _____

City / State / Zip Code: _____

3. Contractor's Name: Tom Weidler - Tom's Maintenance

Address: _____

City / State / Zip Code: _____

4. Contractor's Name: Davetail Construction

Address: 1913 K. Street

City / State / Zip Code: Rogers, AR 72758



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THE CITY OF FAYETTEVILLE, ARKANSAS

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

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

CONTRACTOR'S REQUESTING BID PACKETS

Owner(s) City of Fayetteville

Project Location: 1932 S. Garland

Project Number & Title: 09029-1002, Moderate Rehab of 1932 S. Garland

1. Contractor's Name: Tom Fowler

Address: _____

City / State / Zip Code: CONSTRUMARR_1 @ Yahoo.com

2. Contractor's Name: Maria William McGraw Hill

Address: Maria William McGraw Hill

City / State / Zip Code: _____

3. Contractor's Name: _____

Address: _____

City / State / Zip Code: _____

4. Contractor's Name: MAICO RAYES

Address: CONSTRUMARR @ Yahoo.com

City / State / Zip Code: _____

City of Fayetteville Staff Review Form

A. 8
Rausch Coleman Holmes, LLC
Page 1 of 10

City Council Agenda Items
and
Contracts, Leases or Agreements

6/1/2010

City Council Meeting Date
Agenda Items Only

Yolanda Fields

Submitted By

Community Services

Division

Development Services

Department

Action Required:

Approval of an increase to the Rausch Coleman Purchase Order in the amount of \$61,797.91 to use remaining grant funds.

\$ 61,797.91

Cost of this request

\$ 656,600.00

Category / Project Budget

EDI

Program Category / Project Name

2185.4985.5315.00

Account Number

\$ 518,539.53

Funds Used to Date

Program / Project Category Name

08080-0801

Project Number

\$ 138,060.47

Remaining Balance

EDI

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Department Director

5-15-10
Date

Previous Ordinance or Resolution #

City Attorney

5-18-10
Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

5-19-2010
Date

Received in City
Clerk's Office



Chief of Staff

5-20-10
Date

Received in
Mayor's Office



Mayor

5/19/10
Date

Comments: Staff recommends approval of the purchase order increase.

CITY COUNCIL AGENDA MEMO

To: Mayor and Council

Thru: Jeremy Pate, Development Services Department Director *JP*

From: Yolanda Fields, Community Services Division Director *YF*

Date: May 13, 2010

Subject: EDI Grant – Purchase Order Increase

PROPOSAL: In 2008 Community Development received an EDI grant in the amount of \$656,600.00 for an Affordable Housing Project – The Coves at Walnut Crossing. The City Council approved a budget adjustment to recognize this grant revenue on September 16th, 2008. The expenditure of this grant had two components: 1) EDI administrative costs which were put into salaries of Community Services staff for project oversight and reporting activities; 2) Agreement with Rausch Coleman Homes, LLC to do the development.

The project is coming to a close and the EDI administrative costs were less than anticipated. The Department of Housing and Urban Development has approved the reallocation of \$61,797.91 from EDI administrative costs to the developer. While this does not alter the amount of the grant award it does require an increase in the purchase order for Rausch Coleman to reflect the reallocation of funds.

RECOMMENDATION:

Staff recommends approval of this purchase order increase.

BUDGET IMPACT:

None

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONTRACT AMENDMENT WITH
RAUSCH COLEMAN HOMES, LLC FOR AN ADDITIONAL \$61,797.91 IN 6"
CONCRETE PAVEMENT, AND APPROVING A BUDGET ADJUSTMENT**

**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 amendment with Rausch Coleman Homes, LLC to provide for an additional \$61,797.91 in 6" concrete pavement.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves the attached budget adjustment, a copy of which is incorporated into this Resolution as Exhibit "A" as if set out word for word herein.

PASSED and APPROVED this 1st day of June, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

**City of Fayetteville, Arkansas
Budget Adjustment Form**

A. 8
Rausch Coleman Holmes, LLC
Page 1 of 1

Budget Year 2010	Department: Development Services Division: Community Services Program: EDI Attainable Housing Grant	Request Date 5/19/2010	Adjustment Number
--------------------------------	---	--------------------------------------	--------------------------

JUSTIFICATION TO INCREASE PROJECT / ITEM:

Increase EDI Contract Services by \$61,798 due to rebudgeting of available EDI funds per approved reallocation letter attached.

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

Account Name	Account Number	Increase Budget	Decrease Budget	Project.Sub Number
Contract Services	2185.4985.5315.00	61,798		08080 . 0801
Federal Grants - Capital	2185.0985.4309.00		61,798	08080 . 0801
				.
				.
				.
				.
				.
TOTAL		<u>61,798</u>	<u>61,798</u>	

Division Head	Date
	5-19-2010
Budget Director	Date
	05.19.2010
Department Director	Date
	5-19-2010
Finance Director	Date
	5-20-10
Chief of Staff	Date
	5/20/10
Mayor	Date

Requested By Yolanda Fields

Budget & Research Use Only

Type: A B C D E

Description: _____

General Ledger Date _____

Posted to General Ledger Initial Date

Posted to Project Accounting Initial Date

TO: Jason Kelley, Asst. City Attorney

FROM: Kelly Colebar, Project Coordinator (ext. 235) 

DATE: 5-18-10

SUBJECT: Requested information EDI fund reallocation

In response to your request for additional information regarding the purchase order increase for Rausch Coleman Homes, LLC I have attached the following:

A copy of the letter sent to Theresa Slye with HUD's Congressional Grants Division requesting that \$61,797.91 be reallocated from City of Fayetteville grant administration to line item Street – 6"

A copy of the email from Frank McNally, Director HUD Congressional Grants Division approving the amended budget.

A copy of the purchase order with the request to increase the amount by \$61,797.91 as approved by HUD.

A copy of the submitted budget adjustment moving the reallocated amount to EDI Contract Services.



www.accessfayetteville.org
COMMUNITY SERVICES DIVISION

scanned + email to Theresa Slye
on 4/14/10

A. 8
Rausch Coleman Holmes, LLC
Page 6 of 10

THE CITY OF FAYETTEVILLE, ARKANSAS

March 30, 2010

re: Grant Number

B-08-SP-AR-0524.

Theresa A. Slye
Congressional Grants Division
US Department of Housing and Urban Development
451 7th Street SW, Room 7146
Washington, DC 20410

Dear Theresa Slye:

This letter is to request approval for the reallocation of EDI Grant funds. The EDI project is nearing completion and some line items will not require the full amount that was estimated. Therefore, we wish to reallocate funds from those line items to other line items on the project.

We propose the following changes to line item funding:

Storm Drainage – 18" CSP - \$9687.08 reallocated to the line item Street – 6" Concrete Pavement.

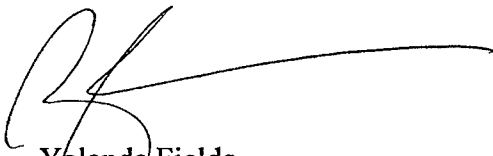
Storm Drainage – 30" CSP - \$1789.73 reallocated to line item Street – 6" Concrete Pavement.

Sanitary Sewer – Jack and Bore - \$10,753.80 reallocated to line item Street – 6" Concrete Pavement.

City of Fayetteville Grant Administration - \$61,797.91 reallocated to line item Street – 6" Concrete Pavement.

We look forward to a favorable review of this request. Please contact Yolanda Fields, Community Services Director, at (479) 575-8290 or yfields@ci.fayetteville.ar.us if you have any questions regarding this request.

Sincerely,



Yolanda Fields
Community Services Director

Have a great day, and don't forget to laugh, it's good for the soul! ô¿ô!

From: McNally, Francis P
Sent: Thursday, April 15, 2010 9:57 AM
To: Slye, Theresa A
Subject: B-08-SP-AR-0524

The amended budget for the above project, dated 3/30/10, is approved.

Frank McNally

Director

Congressional Grants Division, Rm 7146

US Department of Housing and Urban Development

451 7th Street SW

Washington DC 20410

P: (202)402-7100

F: (202)708-7543

Rachel Fields - Fwd: FW: B-08-SP-AR-0524

From: Yolanda Fields
To: Brent Johnson; Colebar, Kelly; Fields, Rachel
Date: 4/16/2010 4:50 PM
Subject: Fwd: FW: B-08-SP-AR-0524
Attachments: Yolanda Fields.vcf

Yolanda Fields
Community Services Director

City of Fayetteville
113 W Mountain
Fayetteville, AR 72701
(479) 575-8290

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!*

>>> "Slve, Theresa A" <Theresa.A.Slve@hud.gov> 4/16/2010 11:49 AM >>>

Ms. Theresa A. Slve

Grants Technical Representative (GTR)

US Department of Housing and Urban Development

Community Planning and Development

Congressional Grants Division

451 7th Street SW, Room 7146

Washington, DC 20410

Phone: (202) 402-4421 - Fax: (202) 708-7543

Email: Theresa.A.Slve@hud.gov



PURCHASE ORDER

Each Package Must Be Marked
Exactly As Shown Here
City of Fayetteville, Arkansas

PURCHASE ORDER #

09-0000294-001

VENDOR NO. 15943

Rausch Coleman Homes, LLC

300 E Main St
Farmington

AR 72703

DATE

4/17/09

FOB Fyv

TERMS

NET 30 DAY

Qty.	Unit of Issue	Qty. Received	Description and Account Number	Unit Price	TOTALS
1.00	EA	_____	a) The Coves at Walnut Crossing Contract #2081 Per RFP #07-14 Res #176-08 2185.4985.5315.00 080800801	526600.00	526600.00
1.00	EA	_____	b) Construction Administration 2185.4985.5315.00 080800802	60000.00	60000.00

Please Increase Line 1 by \$61,797.91

2185.4985.5315.00 08080-0801

Funds to cover this are being rebudgeted by Budget to the account.

SHIP TO: Community Code Enforcement
CITY OF FAYETTEVILLE
125 W MOUNTAIN ST
FAYETTEVILLE AR 72701

Fields, Ra

Sales Tax Total: \$0.00
Purchase Order Total: 586600.00

DEPARTMENT VERIFICATION BY DATE
RECEIVED _____
DEPT HEAD APPROVAL _____
AMOUNT TO PAY \$ _____
A/P VERIFICATION _____

PURCHASING VERIFICATION _____
PRICE CHANGE VERIFICATION _____

RETURN CHECK TO _____
SEND COPY TO _____

ADDITIONAL APPROVAL
CHECK # _____
DOES NOT MEET PURCHASING POLICY
CONTRACT PAYMENT
OTHER
APPROVED BY _____

PROJECT # _____
THIS PAYMENT \$ _____
PREVIOUS PAYMENT(S) \$ _____
TOTAL PYMT(S) \$ _____
BALANCE \$ _____

DEPT COPY

City of Fayetteville Staff Review Form

A. 9
 Bid #10-35 All
 Around Landscaping, Inc.
 Page 1 of 18

**City Council Agenda Items
 and
 Contracts, Leases or Agreements**

6/1/2010

**City Council Meeting Date
 Agenda Items Only**

Greg Howe

Submitted By

Park Planning/Urban Forestry

Division

Parks and Recreation

Department**Action Required:**

A resolution awarding Bid #10-35 and approval of a contract with All Around Landscaping, Inc. in the amount of \$88,040.50 with a 10% project contingency of \$8,804.05 for a total project cost of \$96,844.55 for the planting and maintenance of trees for the Tree Escrow Fund and Ice Storm Recovery Grant.

\$	96,844.55	\$	239,656.00	Ice Storm Recovery Grant
	Cost of this request		Category / Project Budget	Tree Escrow Funds
	4470.9470.5220.00			Program Category / Project Name
	4470.9470.5315.00	\$	8,375.00	Landscape Materials
	Account Number		Funds Used to Date	Contract Services
	9032.1			Program / Project Category Name
	08001.02-5	\$	231,281.00	Donations
	Project Number		Remaining Balance	Sales Tax/Tree Escrow
				Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Camille Edmonston
 Department Director

5-20-10
 Date

Previous Ordinance or Resolution # 254-09

Pat Kelly
 City Attorney

5-19-10
 Date

Original Contract Date:

Original Contract Number:

Paul A. Bahr
 Finance and Internal Services Director

5-19-2010
 Date

Received in City
 Clerk's Office

Ann Man
 Chief of Staff

5-20-10
 Date

Received in
 Mayor's Office

Timothy J. Fisher
 Mayor

5/19/10
 Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director *CE*
Alison Jumper, Park Planning Superintendent *aj*

From: Greg Howe, Urban Forester *GH*

Date: May 19, 2010

Subject: Bid # 10-35 Tree Planting and Maintenance Project

PROPOSAL:

On December 15th, 2009, the City Council passed Resolution Number 254-09 authorizing the Mayor to accept the Ice Storm Recovery Grant from the Arkansas Forestry Commission with funding from the U.S. Forest Service. The grant included \$61,915 to replace and maintain trees damaged or removed due to the January 2009 ice storm. The City is matching the grant funds with in-kind personnel, supplies and equipment estimated at \$69,510. Approximately \$28,930 will be funded from the Tree Escrow Accounts.

The bid for the 2010 Tree Planting and Maintenance Project included planting and maintaining trees for the Ice Storm Recovery Grant and the Tree Escrow Fund. The bid was advertised on April 29th and May 5th and opened on May 18th. Four vendors including All Around Landscaping, Inc., B&H Specialties, Dixon Contracting, Inc. and Second Nature Property Management, LLC. submitted bids with All Around Landscaping, Inc. being the low bid in the amount of \$88,041.

If approved, the trees funded by the ice storm recovery grant will be planted by August 13th and trees funded by the Tree Escrow Fund will be planted by December 15th, 2010. The bid includes a ninety day maintenance and guarantee period for trees and associated materials making the contract completion date March 15th, 2011.

RECOMMENDATION:

A resolution awarding BID #10-35 and approval of a contract with All Around Landscaping, Inc. in the amount of \$88,041 with a 10% project contingency of \$8,804.05 for a total project cost of \$96,844.55 for the planting and maintenance of trees for the Tree Escrow Fund and Ice Storm Recovery Grant.

BUDGET IMPACT:

The project is funded with Ice Storm Recovery Grant Funds and Tree Escrow Funds. Total project cost including a 10 % project contingency is \$96,844.55.

Attachments:

Planting Location Maps

Resolution No 254-09

Bid Tab

Contract Agreement Signed by Contractor

Purchase Requisition

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #10-35 AND APPROVING A CONTRACT WITH ALL AROUND LANDSCAPING, INC. IN THE AMOUNT OF \$88,040.50 FOR PLANTING AND MAINTENANCE OF TREES, AND PROVIDING A TEN PERCENT (10%) PROJECT CONTINGENCY

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-35 and approves a contract with All Around Landscaping, Inc. in the amount of \$88,040.50 for planting and maintenance of trees.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a ten percent (10%) project contingency.

PASSED and APPROVED this 1st day of June, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

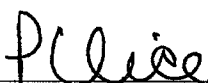
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

Bid 10-35, Tree Planting and Maintenance
Detailed Bid Tab: 05/18/10 - 2:00 PM, Central Standard Time

ITEM#	DESCRIPTION	UNIT	EST. QTY	All Around Landscaping, Inc.		B&H Specialties		Dixon Contracting, Inc.		Second Nature Property Management, LLC	
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Mobilization (not to exceed 5% of project bid)	L.S.	1	\$1,924.00	\$1,924.00	\$5,382.00	\$5,382.00	\$5,000.00	\$5,000.00	\$7,500.00	\$7,500.00
2	Bur Oak Quercus macrocarpa - Complete in place per specifications, details & manufacturers' instructions	E.A.	9	\$172.00	\$1,548.00	\$288.50	\$2,596.50	\$600.00	\$5,400.00	\$310.00	\$2,790.00
3	Pin Oak Quercus palustris - Complete in place per specifications, details & manufacturers' instructions	E.A.	4	\$170.00	\$680.00	\$288.50	\$1,154.00	\$600.00	\$2,400.00	\$310.00	\$1,240.00
4	Post Oak Quercus stellata - Complete in place per specifications, details & manufacturers' instructions	E.A.	44	\$209.00	\$9,196.00	\$288.50	\$12,694.00	\$600.00	\$26,400.00	\$310.00	\$13,640.00
5	Shumard Oak Quercus shumardii - Complete in place per specifications, details & manufacturers' instructions	E.A.	19	\$170.00	\$3,230.00	\$288.50	\$5,481.50	\$600.00	\$11,400.00	\$310.00	\$5,890.00
6	Water Oak Quercus nigra - Complete in place per specifications, details & manufacturers' instructions	E.A.	23	\$153.00	\$3,519.00	\$288.50	\$6,635.50	\$600.00	\$13,800.00	\$310.00	\$7,130.00
7	White Oak Quercus alba - Complete in place per specifications, details & manufacturers' instructions	E.A.	16	\$190.50	\$3,048.00	\$288.50	\$4,616.00	\$600.00	\$9,600.00	\$310.00	\$4,960.00
8	Willow Oak, Quercus phellos, Cultivar Hightower - Complete in place per specifications, details & manufacturers' instructions	E.A.	57	\$172.00	\$9,804.00	\$288.50	\$16,444.50	\$600.00	\$34,200.00	\$310.00	\$17,670.00
9	Red Maple Acer rubrum Cultivar Autumn Flame - Complete in place per specifications, details & manufacturers' instructions	E.A.	14	\$153.50	\$2,149.00	\$288.50	\$4,039.00	\$600.00	\$8,400.00	\$310.00	\$4,340.00
10	Red Maple Acer rubrum Cultivar Red Sunset - Complete in place per specifications, details & manufacturers' instructions	E.A.	5	\$147.95	\$739.75	\$288.50	\$1,442.50	\$600.00	\$3,000.00	\$310.00	\$1,550.00
11	Sugar Maple Acer saccharum - Complete in place per specifications, details & manufacturers' instructions	E.A.	47	\$181.25	\$8,518.75	\$288.50	\$13,559.50	\$600.00	\$28,200.00	\$310.00	\$14,570.00
12	Loblolly Pine Pinus taeda - Complete in place per specifications, details & manufacturers' instructions	E.A.	17	\$135.00	\$2,295.00	\$288.50	\$4,904.50	\$600.00	\$10,200.00	\$310.00	\$5,270.00
13	Shortleaf Pine Pinus echinata - Complete in place per specifications, details & manufacturers' instructions	E.A.	49	\$144.25	\$7,068.25	\$288.50	\$14,136.50	\$600.00	\$29,400.00	\$310.00	\$15,190.00
14	Mockernut Hickory Carya tomentosa - Complete in place per specifications, details & manufacturers' instructions	E.A.	4	\$209.00	\$836.00	\$288.50	\$1,154.00	\$600.00	\$2,400.00	\$310.00	\$1,240.00
15	Shagbark Hickory Carya ovata - Complete in place per specifications, details & manufacturers' instructions	E.A.	4	\$227.50	\$910.00	\$288.50	\$1,154.00	\$600.00	\$2,400.00	\$310.00	\$1,240.00
16	American Elm Ulmus americana Cultivar Prospector - Complete in place per specifications, details & manufacturers' instructions	E.A.	30	\$200.00	\$6,000.00	\$288.50	\$8,655.00	\$600.00	\$18,000.00	\$310.00	\$9,300.00
17	Bald Cypress Taxodium distichum - Complete in place per specifications, details & manufacturers' instructions	E.A.	7	\$116.50	\$815.50	\$288.50	\$2,019.50	\$600.00	\$4,200.00	\$310.00	\$2,170.00
18	Blackgum Nyssa sylvatica - Complete in place per specifications, details & manufacturers' instructions	E.A.	6	\$209.00	\$1,254.00	\$288.50	\$1,731.00	\$600.00	\$3,600.00	\$310.00	\$1,860.00
19	Black Walnut Juglans nigra - Complete in place per specifications, details & manufacturers' instructions	E.A.	9	\$209.00	\$1,881.00	\$288.50	\$2,596.50	\$600.00	\$5,400.00	\$310.00	\$2,790.00
20	Kentucky Coffeetree Gymnocladus dioica Cultivar Prairie Titan - Complete in place per specifications, details & manufacturers' instructions	E.A.	65	\$193.33	\$12,566.45	\$288.50	\$18,752.50	\$600.00	\$39,000.00	\$310.00	\$20,150.00
21	Redbud Cercis canadensis - Complete in place per specifications, details & manufacturers' instructions	E.A.	4	\$135.00	\$540.00	\$288.50	\$1,154.00	\$600.00	\$2,400.00	\$310.00	\$1,240.00
22	Sweetgum Liquidambar styraciflua Cultivar Rotundiloba - Complete in place per specifications, details & manufacturers' instructions	E.A.	30	\$163.00	\$4,890.00	\$288.50	\$8,655.00	\$600.00	\$18,000.00	\$310.00	\$9,300.00
23	Southern Magnolia Magnolia grandiflora Cultivar Bracken's Brown Beauty - Complete in place per specifications, details & manufacturers' instructions	E.A.	5	\$135.00	\$675.00	\$288.50	\$1,442.50	\$600.00	\$3,000.00	\$310.00	\$1,550.00
24	Tulip Poplar Liriodendron tulipifera - Complete in place per specifications, details & manufacturers' instructions	E.A.	10	\$153.50	\$1,535.00	\$288.50	\$2,885.00	\$600.00	\$6,000.00	\$310.00	\$3,100.00
25	White-flowering Dogwood Cornus florida - Complete in place per specifications, details & manufacturers' instructions	E.A.	3	\$164.60	\$493.80	\$288.50	\$865.50	\$600.00	\$1,800.00	\$310.00	\$930.00
26	Site Restoration	L.S.	1	\$1,924.00	\$1,924.00	\$500.00	\$500.00	\$5,000.00	\$5,000.00	\$3,500.00	\$3,500.00
TOTAL BID AMOUNT				\$88,040.50		\$144,650.50		\$298,600.00		\$160,110.00	

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

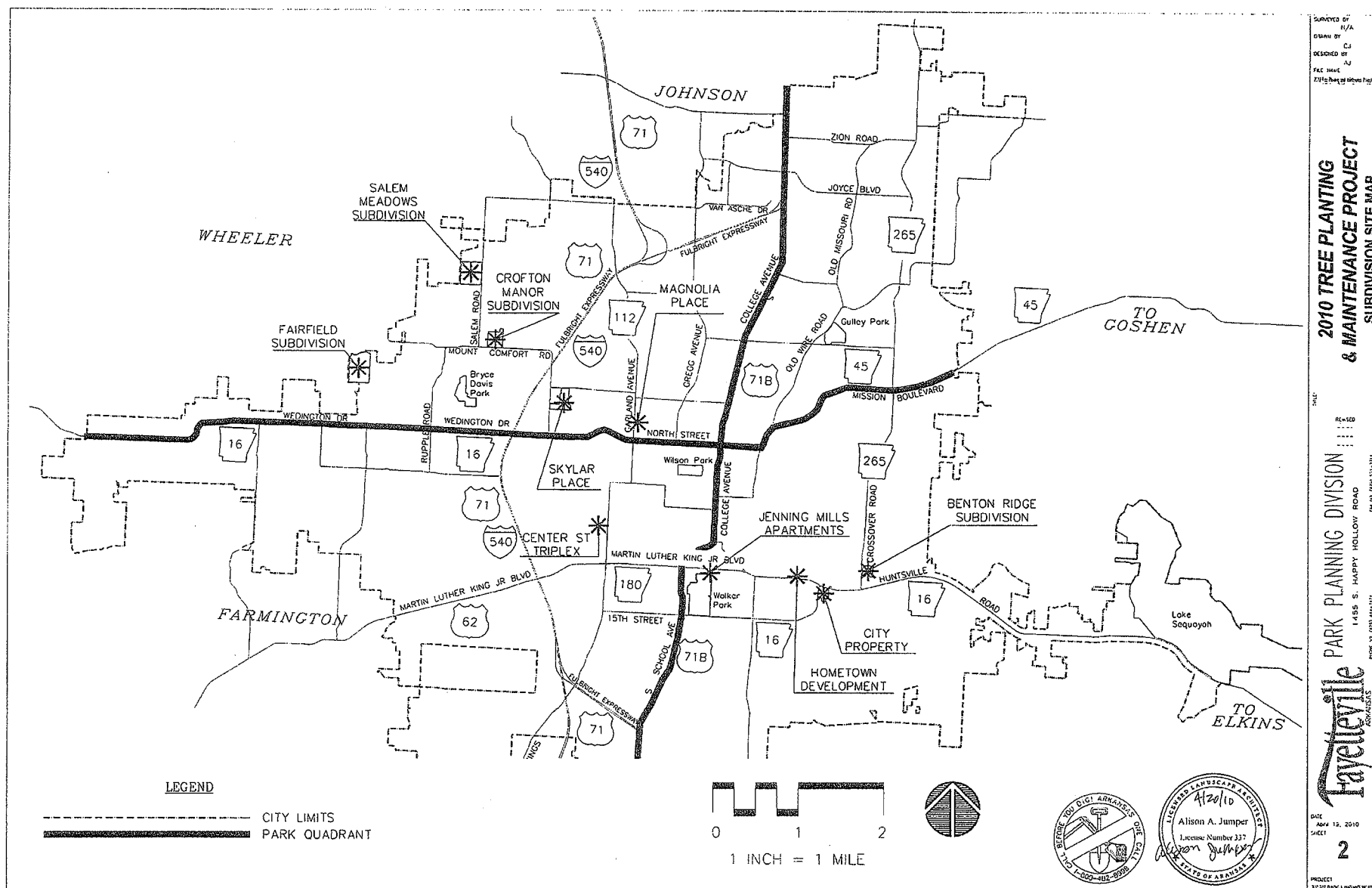
CERTIFIED:

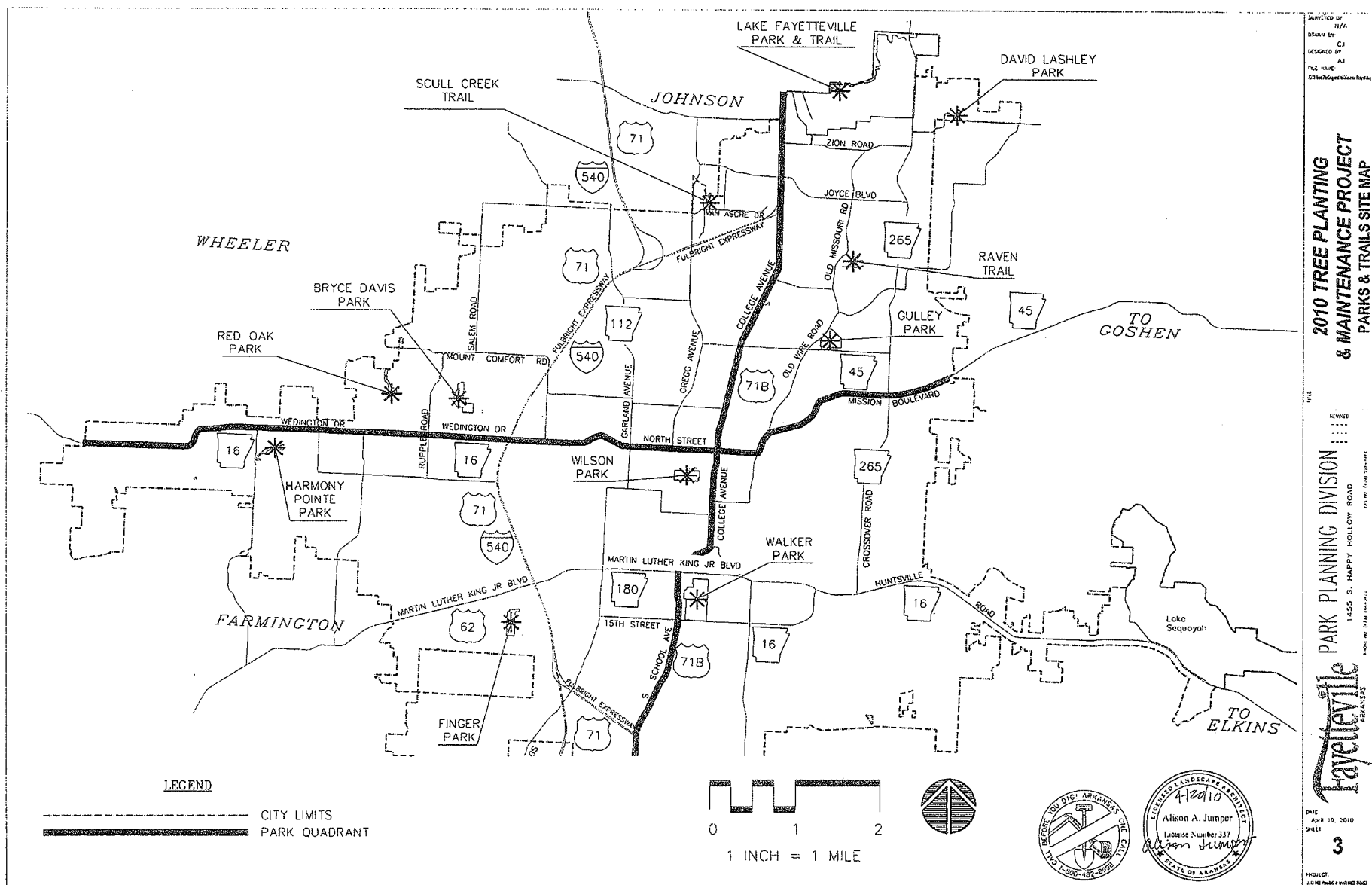

 P. VICE, PURCH MGR

WITNESS

DATE

05/18/10





RESOLUTION NO. 254-09

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT AN URBAN FORESTRY ICE STORM DAMAGE ASSESSMENT AND RESTORATION GRANT IN THE AMOUNT OF \$81,915.00 FROM THE ARKANSAS FORESTRY COMMISSION; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT REVENUE

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

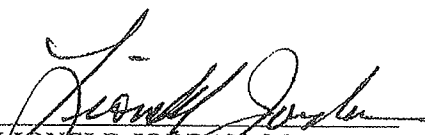
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to accept an Urban Forestry Ice Storm Damage Assessment and Restoration Grant in the amount of \$81,915.00 from the Arkansas Forestry Commission to assist in compensation for tree loss due to the 2009 ice storm.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution and incorporated herein as if set out word for word, recognizing the grant revenue.

PASSED and APPROVED this 15th day of December, 2009

APPROVED:

ATTEST:

By: 
LIONEL JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



AGREEMENT

BETWEEN CITY OF FAYETTEVILLE AND CONTRACTOR

THIS AGREEMENT is dated as of the _____ day of _____ in the year 2010 by and between the City of Fayetteville, Arkansas (hereinafter called CITY OF FAYETTEVILLE) and All Around Landscaping, Inc. (herein after called CONTRACTOR).

CITY OF FAYETTEVILLE and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. WORK.

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents.

This project includes the installation of trees along street rights-of-way and within city parks located within the city limits of Fayetteville, Arkansas. Street and park tree plantings include providing and installing minimum 2" caliper trees, as specified, along with any additional required tree installation supplies used in the performance of this contract. Additionally, the project includes installing and maintaining 25-gallon ooze tubes for irrigation and all items indicated in the Drawings and Specifications.

Article 2. PROJECT MANAGER.

The Project is being managed by: Greg Howe

City of Fayetteville Parks and Recreation Department
1455 South Happy Hollow Road
Fayetteville, Arkansas 72701

and will hereinafter be called PARKS AND RECREATION DEPARTMENT PROJECT MANAGER and who is to act as CITY OF FAYETTEVILLE's representative, assume all duties and responsibilities, and have the rights and authority assigned to PROJECT MANAGER in the Contract Documents in connection with completion of the Work in accordance with the Contract documents.

Article 3. CONTRACT TIME.

3.1. All trees identified as "GRANT" trees must be installed no later than August 13, 2010. All trees identified as "ESCROW" trees must be installed no later than December 15, 2010. Maintenance and the 90 day guarantee period may extend beyond these installation dates.

3.2. *Liquidated Damages.* CITY OF FAYETTEVILLE and CONTRACTOR recognize that time is of the essence of the Agreement and that CITY OF FAYETTEVILLE will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus and extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by CITY OF FAYETTEVILLE if the Work is not completed on time. Accordingly, instead of requiring any such proof, City of Fayetteville and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty)

CONTRACTOR shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars (\$250.00) for each day that expires after the time specified in paragraph 3.1 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if CONTRACTOR shall neglect, refuse or fail to complete the remaining Work within the time specified in paragraph 3.1 for completion and readiness for final payment or any proper extension thereof granted by CITY OF FAYETTEVILLE, CONTRACTOR shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars (\$250.00) for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment.

Article 4. CONTRACT PRICE.

CITY OF FAYETTEVILLE shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined from the following Schedule of Values pursuant to paragraphs 4.1 and 4.2 below:

4.1. For all Work other than Unit Price Work, an amount equal to the sum of the established lump sums for each separately identified item of Lump Sum Work; and

4.2. For all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the estimated quantity of that item as indicated in this paragraph 4.2.

PAYMENT ITEMS

All Around Landscaping, Inc.					
ITEM#	DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	TOTAL
1	Mobilization (not to exceed 5% of project bid)	L.S.	1	\$1,924.00	\$1,924.00
2	Bur Oak Quercus macrocarpa - Complete in place per specifications, details & manufacturers' instructions	E.A.	9	\$172.00	\$1,548.00
3	Pin Oak Quercus palustris - Complete in place per specifications, details & manufacturers' instructions	E.A.	4	\$170.00	\$680.00
4	Post Oak Quercus stellata - Complete in place per specifications, details & manufacturers' instructions	E.A.	44	\$209.00	\$9,196.00
5	Shumard Oak Quercus shumardii - Complete in place per specifications, details & manufacturers' instructions	E.A.	19	\$170.00	\$3,230.00
6	Water Oak Quercus nigra - Complete in place per specifications, details & manufacturers' instructions	E.A.	23	\$153.00	\$3,519.00
7	White Oak Quercus alba - Complete in place per specifications, details & manufacturers' instructions	E.A.	16	\$190.50	\$3,048.00
8	Willow Oak, Quercus phellos, Cultivar Hightower - Complete in place per specifications, details & manufacturers' instructions	E.A.	57	\$172.00	\$9,804.00
9	Red Maple Acer rubrum Cultivar Autumn Flame - Complete in place per specifications, details & manufacturers' instructions	E.A.	14	\$153.50	\$2,149.00
10	Red Maple Acer rubrum Cultivar Red Sunset - Complete in place per specifications, details & manufacturers' instructions	E.A.	5	\$147.95	\$739.75
11	Sugar Maple Acer saccharum - Complete in place per specifications, details & manufacturers' instructions	E.A.	47	\$181.25	\$8,518.75
12	Loblolly Pine Pinus taeda - Complete in place per specifications, details & manufacturers' instructions	E.A.	17	\$135.00	\$2,295.00
13	Shortleaf Pine Pinus echinata - Complete in place per specifications, details & manufacturers' instructions	E.A.	49	\$144.25	\$7,068.25
14	Mockernut Hickory Carya tomentosa - Complete in place per specifications, details & manufacturers' instructions	E.A.	4	\$209.00	\$836.00
15	Shagbark Hickory Carya ovata - Complete in place per specifications, details & manufacturers' instructions	E.A.	4	\$227.50	\$910.00
16	American Elm Ulmus americana Cultivar Prospero - Complete in place per specifications, details & manufacturers' instructions	E.A.	30	\$200.00	\$6,000.00
17	Bald Cypress Taxodium distichum - Complete in place per specifications, details & manufacturers' instructions	E.A.	7	\$116.50	\$815.50
18	Blackgum Nyssa sylvatica - Complete in place per specifications, details & manufacturers' instructions	E.A.	6	\$209.00	\$1,254.00
19	Black Walnut Juglans nigra - Complete in place per specifications, details & manufacturers' instructions	E.A.	9	\$209.00	\$1,881.00
20	Kentucky Coffeetree Gymnocladus dioica Cultivar Prairie Titan - Complete in place per specifications, details & manufacturers' instructions	E.A.	65	\$193.33	\$12,566.45
21	Redbud Cercis canadensis - Complete in place per specifications, details & manufacturers' instructions	E.A.	4	\$135.00	\$540.00
22	Sweetgum Liquidambar styraciflua Cultivar Rotundiloba - Complete in place per specifications, details & manufacturers' instructions	E.A.	30	\$163.00	\$4,890.00
23	Southern Magnolia Magnolia grandiflora Cultivar Bracken's Brown Beauty - Complete in place per specifications, details & manufacturers' instructions	E.A.	5	\$135.00	\$675.00
24	Tulip Poplar Liriodendron tulipifera - Complete in place per specifications, details & manufacturers' instructions	E.A.	10	\$153.50	\$1,535.00
25	White-flowering Dogwood Cornus florida - Complete in place per specifications, details & manufacturers' instructions	E.A.	3	\$164.60	\$493.80
26	Site Restoration	L.S.	1	\$1,924.00	\$1,924.00
TOTAL CONTRACT AMOUNT					\$88,040.50

As provided in paragraph 11.03 of the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by PARKS AND RECREATION DEPARTMENT PROJECT MANAGER as provided in paragraph 9.08 of the General Conditions. Unit prices have been computed as provided in paragraph 11.03.B of the General Conditions.

Article 5. PAYMENT PROCEDURES

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions or as modified in the Supplementary Conditions. Applications for Payment will be processed by PARKS AND RECREATION DEPARTMENT PROJECT MANAGER as provided in the General Conditions.

5.1. *Progress Payments.* CITY OF FAYETTEVILLE shall make progress payments on account of the Contract Price on the basis of CONTRACTOR's Applications for Payment

as recommended by PARKS AND RECREATION DEPARTMENT PROJECT MANAGER, on or about the 1st day of each month during construction as provided in paragraphs 5.1.1 and 5.1.2 below and SC-14.02 . All such payments will be measured by the schedule of values established in paragraph 2.07 of the General Conditions and based on the number of units completed in the case of Unit Price Work or, in the event there is no schedule of values, as provided in the General Requirements.

5.1.1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in case, less the aggregate of payments previously made and less such amounts as PARKS AND RECREATION DEPARTMENT PROJECT MANAGER shall determine, or CITY OF FAYETTEVILLE may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

90 percent of Work completed (with the balance of 10 percent being retainage), If Work has been 50 percent completed as determined by the PARKS AND RECREATION DEPARTMENT PROJECT MANAGER, and if the character and progress of the Work have been satisfactory to CITY OF FAYETTEVILLE and PARKS AND RECREATION DEPARTMENT PROJECT MANAGER, CITY OF FAYETTEVILLE, on recommendation of PARKS AND RECREATION DEPARTMENT PROJECT MANAGER, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no additional retainage on account of work completed, in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 100 percent of the Work completed.

100 percent of materials and equipment not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to CITY OF FAYETTEVILLE as provided in paragraphs 14.02.B.5 & 14.02.D of the General Conditions. That is, if any such items are setup for that type payment in the Specifications.

5.1.2. Upon Substantial Completion, in an amount sufficient to increase total payments to CONTRACTOR to 98 percent of the Contract Price (with the balance of 2 percent being retainage), less such amounts as PARKS AND RECREATION DEPARTMENT PROJECT MANAGER shall determine, or CITY OF FAYETTEVILLE may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

5.3 Final Payment. Upon final completion and acceptance of the Work in accordance with paragraphs 14.07.B & C of the General Conditions, CITY OF FAYETTEVILLE shall pay the remainder of the Contract Price as recommended by PARKS AND RECREATION DEPARTMENT PROJECT MANAGER as provided in said paragraphs 14.07.B & C.

Article 6. CONTRACTOR'S REPRESENTATIONS.

In order to induce CITY OF FAYETTEVILLE to enter into this Agreement CONTRACTOR makes the following representations:

6.1. CONTRACTOR has examined and carefully studied the Contract Documents (including the Addenda listed in Article 7) and the other related data identified in the Bidding Documents including "technical data."

6.2. CONTRACTOR has visited the sites and become familiar with and is satisfied as to the general, local, and site conditions that may affect cost, progress, performance, or furnishing of the Work.

6.3. CONTRACTOR is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

6.4. CONTRACTOR has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site which have been identified in the Supplementary Conditions as provided in paragraph 4.02.A of the General Conditions. CONTRACTOR accepts the determination set forth in paragraph SC-4.02 of the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which CONTRACTOR is entitled to rely as provided in paragraph 4.02 of the General Conditions.

CONTRACTOR acknowledges that such reports and drawings are not Contract Documents and may not be complete for CONTRACTOR's purposes. CONTRACTOR acknowledges that CITY OF FAYETTEVILLE and PARKS AND RECREATION DEPARTMENT PROJECT MANAGER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by CONTRACTOR and safety precautions and programs incident thereto. CONTRACTOR does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

6.5. CONTRACTOR is aware of the general nature of work to be performed by CITY OF FAYETTEVILLE and others at the site that relates to the Work as indicated in the Contract Documents.

6.6. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

6.7. CONTRACTOR has given PARKS AND RECREATION DEPARTMENT PROJECT MANAGER written notice of all conflicts, errors, ambiguities, or discrepancies that CONTRACTOR has discovered in the Contract Documents and the written resolution thereof by PARKS AND RECREATION DEPARTMENT PROJECT MANAGER is acceptable to CONTRACTOR and the Contract Documents are generally sufficient to

indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

Article 7. CONTRACT DOCUMENTS

The Contract Documents which comprise the entire agreement between CITY OF FAYETTEVILLE and CONTRACTOR concerning the Work consist of the following:

- 7.1. This Agreement (pages 1 to 8, inclusive).
- 7.2. Performance and Payment Bonds, (Exhibits A and B respectively).
- 7.3. Certificates of Insurance, (Exhibit C).
- 7.4. Documentation submitted by CONTRACTOR prior to Notice of Selection (Exhibit D).
- 7.5. General Conditions (pages 1 to 42, inclusive).
- 7.6. Supplementary Conditions (pages 1 to 13 inclusive).
- 7.7. Specifications consisting of Divisions 1 through 31 as listed in table of contents thereof.
- 7.8. Addenda numbers , inclusive.
- 7.9. One set of drawings (not attached hereto) consisting of: a cover sheet and additional sheets numbered two through four with each sheet bearing the following general title: 2010 Tree Planting and Maintenance Project.
- 7.10. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto:
 - 7.10.1. Notice to Proceed
 - 7.10.2 All Written Amendments and other documents amending, modifying or supplementing the Contract Documents pursuant to paragraph 3.04 of the General Conditions.

The documents listed in paragraphs 7.2 et seq. above are attached to this Agreement (except as expressly noted otherwise above).

There are no Contract Documents other than those listed above in this Article 7. The Contract Documents may only be amended, modified or supplemented as provided in paragraph 3.04 of the General Conditions.

Article 8. MISCELLANEOUS.

- 8.1. Terms used in the Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.

8.2. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.3. CITY OF FAYETTEVILLE and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

8.4. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon stricken provision or part thereof with a valid and enforceable provision that comes as close as possible expressing the intention of the stricken provision.

8.5. Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.

8.6. Freedom of Information Act. City contract and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, CONTRACTOR will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE and CONTRACTOR have signed this Agreement in quadruplicate. One counterpart each has been delivered to CITY OF FAYETTEVILLE and PARKS AND RECREATION DEPARTMENT PROJECT MANAGER, and two counterparts have been delivered to CONTRACTOR. All portions of the Contract Documents have been signed, initialed, or identified by CITY OF FAYETTEVILLE and CONTRACTOR or identified by PARKS AND RECREATION DEPARTMENT PROJECT MANAGER on their behalf.

This Agreement will be effective on _____, 2010 (which is the Effective Date of The Agreement).

CITY OF FAYETTEVILLE:

CONTRACTOR

By: _____
Mayor

By: _____

[CORPORATE SEAL]

[CORPORATE SEAL]

Attest _____

*Attest _____

* If a Corporation, attest by the Secretary.

Address for giving notices

Address for giving notices

(If CITY OF FAYETTEVILLE is a public body, attach License No. _____ evidence of authority to sign and resolution or other documents Agent for service of process: authorizing execution of Agreement.)

(If CONTRACTOR is a corporation, attach evidence of authority to sign.)

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

Vendor #: 4993	Vendor Name: All Around Landscaping	Requisition No.:	Date: 5/19/2010
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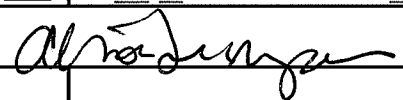
Bid #10-35 All

Around Landscaping, Inc

Page 17 of 18

Address: 1632 S. 56th St	Fob Point:	Mail Yes:____ No:____	Expected Delivery Date:
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City: Springdale	State: AR	Zip Code: 72762	Ship to code:	Taxable Yes:____ No:____	Quotes Attached Yes: <u>x</u> No:____
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Requester: Greg Howe	Requester's Employee #: 3202	Extension: 470	Divison Head Approval: 
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Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Tree Planting and Maintenance Project - Grant	1	LS	69,510.00	\$69,510.00	4470.9470.5220.00	09032.01		
2	Tree Planting and Maint. Project - Escrow NW	1	LS	5,944.00	\$5,944.00	4470.9470.5220.00	08001.02		
3	Tree Planting and Maint. Project - Escrow NE	1	LS	287.00	\$287.00	4470.9470.5220.00	08001.03		
4	Tree Planting and Maint. Project - Escrow SW	1	LS	750.00	\$750.00	4470.9470.5220.00	08001.04		
5	Tree Planting and Maint. Project - Escrow SE	1	LS	11,550.00	\$11,550.00	4470.9470.5220.00	08001.05		
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Tax is included in the bid 10-35 price

Subtotal: **\$88,041.00**
Tax: _____
Total: **\$88,041.00**

Approvals:

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

AGENDA REQUEST

FOR: COUNCIL MEETING OF MAY 4, 2010

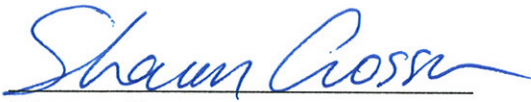
FROM:

LIONELD JORDAN, MAYOR

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend Chapter 72 **Parking Regulations** Of The Fayetteville Code To Enact Regulations For Nonconsensual Towing Of Vehicles Within The Entertainment District Parking Zone

APPROVED FOR AGENDA:



Sharon Crosson
Parking & Telecommunications
Manager

4-15-10

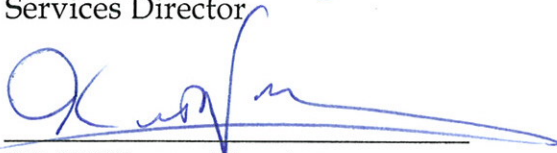
Date



Terry Gulley, Transportation
Services Director

4-15-10

Date



Kit Williams, City Attorney

April 14, 2010

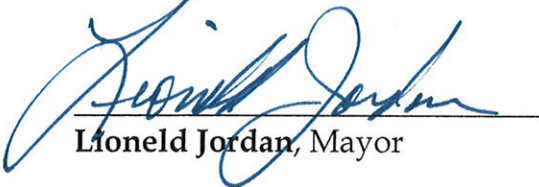
Date



Don Marr, Chief of Staff

4-19-10

Date



Lioneld Jordan, Mayor

4/19/10

Date



Left on Second Reading at the 5/18/10 CC Mtg.
Left on First Reading at the 5/4/10 CC Mtg.

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

CC: **Don Marr**, Chief of Staff
Jeremy Pate, Development Services Director
Terry Gulley, Transportation Services Director
Sharon Crosson, Parking & Telecommunications Manager

FROM: **Kit Williams**, City Attorney



DATE: **April 14, 2010**

RE: **Regulation of nonconsensual tows from private parking lots**

Thanks to Representative Lindsley Smith and Senator Sue Madison, the Arkansas Legislature amended A.C.A. §27-50-1101 to give cities increased power to regulate nonconsensual towing from private parking lots. I have attached part of that statute as well as A.C.A. §27-51-1305 concerning towing signs. Mayor Jordan asked me to draft an ordinance to limit the amount of towing and storage fees that could be charged to the vehicle's owner when a towing company tows away an improperly parked vehicle from a private parking lot. Mayor Jordan also wanted specific information required for "Paid Parking", "Customers Only" and "Residents Only" parking lot signs so persons would be fairly warned of the risk of towing and knows who to call and where to go to recover a towed vehicle.

The City Council has the power to enact an ordinance detailing: "(t)he amount of towing and storage charges, including the towing charge, and storage charge, the administrative fee, and any other fee that may be charged, to be assessed against the owner or operator of the vehicle" A.C.A. §27-50-1101 (a)(1)(B)(i). Mayor Jordan has proposed that within the Entertainment District a maximum of \$60.00 for all towing fees for a nonconsensual tow from a private Paid Parking lot and \$80.00 from a Customers Only or Residents Only parking lot could be charged to the vehicle's owner.

Since nonconsensual towing problems have occurred primarily in the Entertainment District near Dickson Street, Mayor Jordan felt that the additional signage requirements and some of the towing fee limitations should be only applicable in the Entertainment District. This ordinance does establish city-wide nonconsensual towing charge limitations of \$100.00 if a vehicle is illegally parked or abandoned on private property that is not either a paid parking lot or residents only or customers only parking lot within the Entertainment District.

Storage charges that begin twelve hours **after** the vehicle is placed in the storage area and **available for the owner to pick up** is limited to \$10.00 per day. The towing and storage company must answer the telephone number on its Nonconsensual Towing Warning Sign immediately after picking up the vehicle and for the next 12 hours or until the vehicle is returned to its owner (whichever comes first). This is to help the vehicle's owner contact the towing company and arrange to recover the vehicle. If the towing and storage company says the driver cannot pick up his vehicle when they are contacted, but has to wait until "normal operating hours" or the "next morning", the time to begin the storage fee charge is also delayed so that a driver cannot be forced to pay storage fees because the towing company was not "open" to release the car.

Police initiated tows, tows from publicly owned or leased property (including all University property) are exempt from the requirements of this proposed ordinance. Occasionally a difficult towing situation (large or damaged vehicle, etc.) could occur in which a larger nonconsensual towing fee would be justified. The property owner could call the police in this rare circumstance. If the police officer agrees, the police officer could initiate a nonconsensual tow which would not be regulated by this ordinance. Otherwise this ordinance would regulate all nonconsensual tows in the Entertainment District and, less restrictively, throughout the City.

§ 27-50-1007

TRANSPORTATION

PENAL

Administrative Code References

Finance and administrations department, revenue division, federal driver's privacy act, see Code Ark. R. 006 05 033.

§ 27-50-1101. Nonconsensual towing of a vehicle, implement, or piece of machinery

(a)(1)(A) When a vehicle of a type subject to registration under the laws of this state, an implement, or a piece of machinery is found abandoned on private or public property within this state or is parked on private or public property within this state without the authorization of the property owners or other persons controlling the property, the property owner or his or her agent may have the vehicle, implement, or piece of machinery removed from the property by a towing and storage firm licensed by and subject to the rules of the Arkansas Towing and Recovery Board.

(B)(i) A city of the first class, city of the second class, or incorporated town by ordinance may regulate the manner that a property owner or other person controlling the property removes a vehicle, implement, or piece of machinery:

(a) By limiting:

(1) The distance from the location of removal to the destination of storage;

(2) The amount of towing and storage charges, including the towing charge, the storage charge, the administrative fee, and any other fee that may be charged, to be assessed against the owner or operator of the vehicle, implement, or piece of machinery removed from the property, with the difference between the charges allowed by the city and the actual towing and storage charges to be assessed to the property owner or other person controlling the property that requested the removal of the vehicle; and

(3) The request for removal of a vehicle, implement, or piece of machinery from the property to a towing and storage firm that accepts payment methods of cash, credit cards, or debit cards; and

(b) By requiring signage under § 27-51-1305 to include:

(1) The name, address, and telephone number of the towing and storage firm that may provide removal services from the parking lot;

(2) The amount of towing and storage charges that may be assessed against the owner or operator of the vehicle, implement, or other machinery; and

(3) Disclosing whether the towing and storage firm will accept the payment methods of cash, checks, credit cards, or debit cards.

(ii) An ordinance enacted under this subdivision (a)(1)(B) shall not conflict with this section.

(C) Prior to the removal of an abandoned vehicle, implement, or piece of machinery or a vehicle, implement, or piece of machinery parked without authority as provided by this section, the towing and storage firm shall

VEHICLE OPERATION & RULES OF THE ROAD

§ 27-51-1305

move the vehicle or require the driver or other person in charge of the vehicle to move it to a position off the paved or improved or main-traveled part of the highway.

(b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where the vehicle constitutes an obstruction to traffic, the officer is authorized to provide for the removal of the vehicle consistent with § 27-50-1207.

Acts of 1937, Act 300, § 91; Acts of 2001, Act 1705, § 1, eff. Aug. 13, 2001.

Formerly Pope's Dig., § 6748; A.S.A. 1947, § 75-648.

Historical and Statutory Notes

2001

Acts of 2001, Act 1705 amended the section by substituting for "to the nearest garage or

other place of safety" the words "consistent with § 27-50-1207." at the end of (b).

Library References

Automobiles Ⓒ12.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles §§ 10, 51 to 52, 54 to 58, 60 to 62.

§ 27-51-1305. Removal of motor vehicles parked without authority in parking lots

(a) Consistent with the procedures of § 27-50-1101, the owner of a parking lot, his or her agent, or the lessee of a space in a parking lot may cause any motor vehicle which is parked on the lot without the consent of the owner of the lot or of his or her agent or which is parked in the space of the lessee without the consent of the lessee to be removed and stored at the expense of the owner or operator of the vehicle if a readable sign is prominently placed at each entrance to the lot specifying those persons who may park in the lot and prohibiting parking therein by all others.

(b) The owner of a lot or the lessee of a space in a lot who has an unauthorized vehicle removed and stored under the provisions of subsection (a) of this section shall not be liable for damages incurred by the owner or operator of an unauthorized vehicle as a result of removal or storage if the vehicle is removed by an insured vehicle wrecker service and stored by an insured storage company.

Acts of 1971, Act 200, §§ 1, 2; Acts of 2005, Act 2211, § 7, eff. Aug. 12, 2005.

Formerly A.S.A. 1947, §§ 75-651.1, 75-651.2.

Historical and Statutory Notes

Arkansas Code Revision Commission

2005

Technical changes were made in 2005 and 2007 to conform with the official Arkansas Code of 1987 as approved by the Arkansas Code Revision Commission.

Acts of 2005, Act 2211, § 7, amended the section by inserting "Consistent with the procedures of § 27-50-1101, the" at the beginning of (a).

Cross References

Nonconsensual towing of a vehicle, implement, or piece of machinery, see § 27-50-1101.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 72 **PARKING REGULATIONS OF THE FAYETTEVILLE CODE TO ENACT REGULATIONS FOR NONCONSENSUAL TOWING OF VEHICLES WITHIN THE ENTERTAINMENT DISTRICT PARKING ZONE**

WHEREAS, nonconsensual towing of vehicles from private property has been a problem for years in the Entertainment District around Dickson Street in Fayetteville; and

WHEREAS, the Fayetteville City Council passed a Resolution requesting that the Arkansas Legislature provide additional powers to the cities of Arkansas to regulate nonconsensual towing practices; and

WHEREAS, the City Attorney traveled to Little Rock at the request of Representative Lindsley Smith to inform her Legislative Committee about the problems of nonconsensual towing; and

WHEREAS, Representative Lindsley Smith and Senator Sue Madison were finally successful in obtaining passage of Act 681 of the 2009 Legislative Session which gives the cities more rights to regulate nonconsensual towing.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby enacts **Article IV Nonconsensual Towing Regulations** of Chapter 72 **Parking Regulations** as shown below:

“
ARTICLE IV
NONCONSENSUAL TOWING REGULATIONS

“72.70 Application.

“These nonconsensual towing regulations shall apply within the Entertainment District Parking Zone shown on Exhibit A for the nonconsensual towing of a vehicle subject to registration under the laws of Arkansas if it is found abandoned, parked without the consent

of the property owner or the owners' agent, parked in violation of the time period or location agreed to by the owner or owner's agent, or for whatever reason the owner or owner's agent believes a vehicle, which is not the property of the owner or owner's agent, should be towed. These regulations do not apply to removal of vehicles from publicly owned or leased property, nor to police initiated tows. The sign requirements do not apply to residential driveways or parking lots designed for four or fewer vehicles. These regulations shall apply city-wide where indicated in §72.72.

"72.71. Requirements for proper signage before nonconsensual towing from private parking lots is permitted within the Entertainment District Parking Zone.

(A) *Exemption from the Sign Ordinance.* All signs required by this section shall be exempt from further regulation of the Sign Ordinance pursuant to §174.03(F).

(B) *Location and Size of Nonconsensual Towing Warning Sign.* Every private parking lot with five or more spaces must have an easily readable Nonconsensual Towing Warning Sign that is not more than 16 square feet, devoid of any advertising and prominently placed at each entrance to the parking lot.

(C) *Contents of Sign for 'Paid Parking Lot'.* The Nonconsensual Towing Warning Sign shall contain only the following information in clearly legible letters at least one inch in height in the following order from the top of the sign for a private parking lot that allows paid parking.

- (1) The symbol for towing vehicles.
- (2) 'Private Parking Lot.'
- (3) Either 'Pay to park at all hours' or 'Pay to park during (posted) hours.'
- (4) At the owner's option, the sign may show the hourly rate and any maximum day or evening rate for parking in the lot.
- (5) 'Parking in violation of posted restrictions will result in towing of vehicle at owner's expense, up to \$60.00, plus storage of up to \$10.00 per day.'
- (6) Name, address (including physical address of storage lot), and telephone number of towing and storage firm authorized to tow vehicles from this private lot.

(D) *Contents of sign for 'Customers Only' or 'Residents Only' Parking Lot.* The Nonconsensual Towing Warning Sign shall contain only the following information in clearly legible letters at least one inch in height in the following order from the top of the sign for a private parking lot that prohibits public parking and allows only residents or customers to park.

- (1) The symbol for towing vehicles.
- (2) 'Private Parking Lot.'
- (3) 'Customers Only' or 'Residents Only.' The owner may denote the business or residential complex.
- (4) 'Parking of unauthorized vehicle will result in towing of vehicle at owner's expense, up to \$80.00, plus storage of up to \$10.00 per day.'
- (5) Name, address (including physical address of storage lot), and telephone number of towing and storage firm authorized to tow vehicles from this private lot.

72.72. Regulations of Towing and Storage Companies.

(A) *Valid licenses required.* Any towing and storage company operating anywhere in the City of Fayetteville must be in full compliance with all state and local license requirements, A.C.A. §27-50-1101, the Fayetteville Code, and be in good standing with the Arkansas Towing and Recovery Board.

(B) *Allowed charges for nonconsensual towing and storage.* Within the Entertainment District Parking Zone, no Towing and Storage Company may charge a nonconsensually towed vehicle's owner/driver more than \$60.00 if the vehicle is towed from a 'Paid Parking Lot', \$80.00 if the vehicle is towed from a 'Customers Only' or 'Residents Only' Parking Lot, and \$100.00 if the vehicle is towed from private property not classified as a 'Paid Parking Lot' or 'Customers Only' or 'Residents Only' Parking Lot. In addition, the towing and storage company may charge up to \$10.00 per day for storage beginning twelve hours after the nonconsensually towed vehicle is placed in the storage lot and available to be reclaimed by its owner or driver. The maximum \$100.00 towing fee and \$10.00 per day storage fee for a nonconsensual tow from private property that is not police initiated is applicable everywhere within the entire city limits. The above fees are the total amount that can be charged to the owner/operator. No administrative, special equipment or other fee can be charged to the owner/operator of the vehicle.

(C) *Payments by owner/operator for towing and storage charges.* The towing and storage company must accept valid credit and debit cards for payment of towing and storage fees and may accept any other form of payment.

(D) *Location of storage yard.* The towing and storage company may not charge mileage or transportation fees for towing the vehicle to its storage lot which must either be located within Fayetteville or not more than eight miles from the place from which the vehicle was towed.

(E) *Company must answer telephone.* The towing and storage company shall answer every telephone call for the number displayed upon the Nonconsensual Towing Warning Sign during every 12 hour period immediately after a vehicle has been towed if such vehicle remains in the towing and storage company's possession.

PASSED and **APPROVED** this 4th day of May, 2010.

APPROVED:

ATTEST:

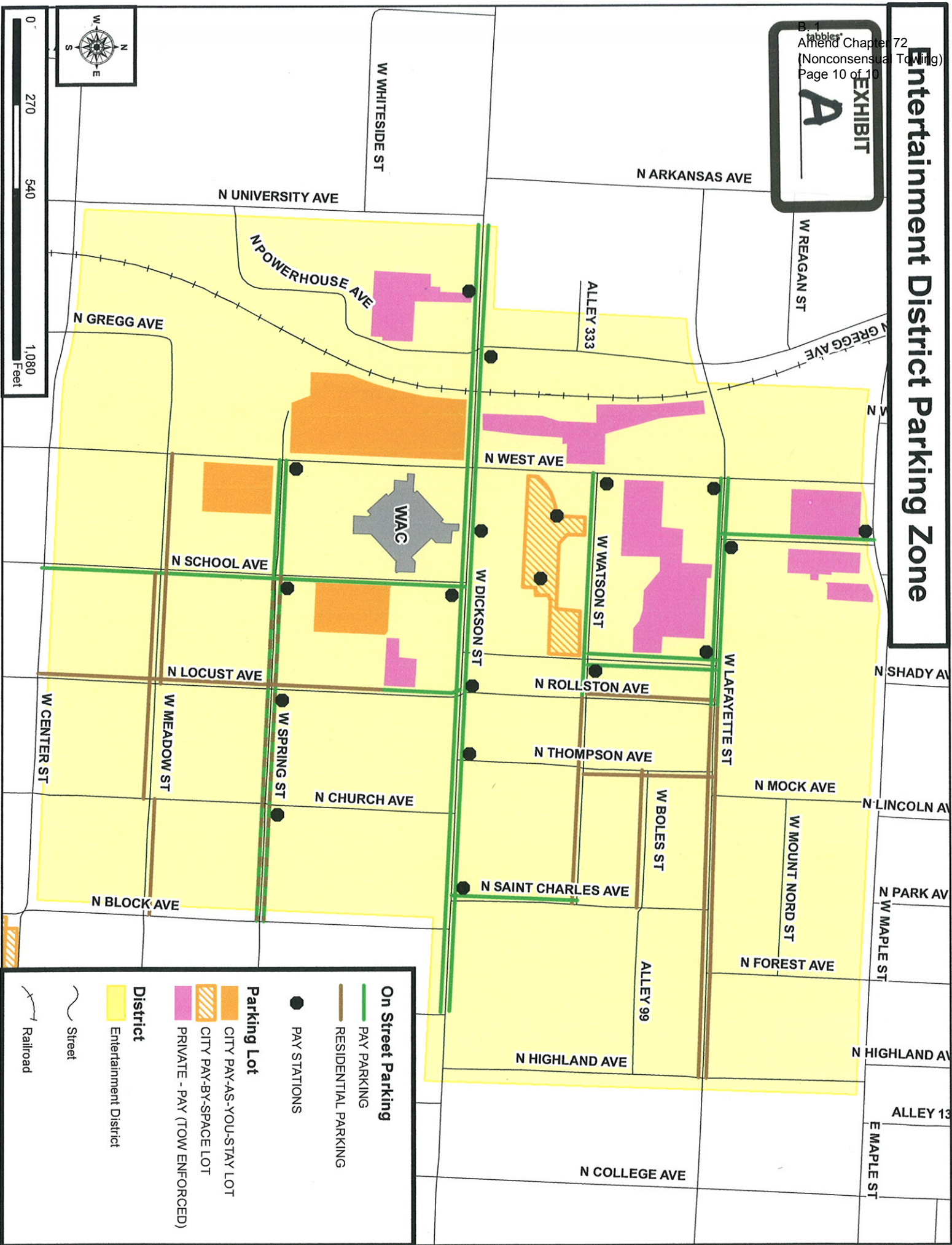
By: _____
LIONELD JORDAN, Mayor

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

Entertainment District Parking Zone

B.1
Amend Chapter 72
(Nonconsensual Towing)
Page 10 of 10

EXHIBIT
A



On Street Parking

- PAY PARKING
- RESIDENTIAL PARKING
- PAY STATIONS

Parking Lot

- CITY PAY-AS-YOU-STAY LOT
- CITY PAY-BY-SPACE LOT
- PRIVATE - PAY (TOW ENFORCED)

District

- Entertainment District

- Street
- Railroad

City of Fayetteville Staff Review Form

B. 2
Amend Chapter 72
(\$72.18 Residential Parking Permit)
Page 1 of 26

**City Council Agenda Items
and
Contracts, Leases or Agreements**

2

5/4/2010

City Council Meeting Date
Agenda Items Only

Sharon Crosson

Submitted By

Parking Management

Division

Transportation Services

Department

Action Required:

An Ordinance to amend Chapter 72 Parking Regulations of The Fayetteville Code to enact a Residential Parking Program in the Entertainment District Parking Zone.

\$ 900.00

Cost of this request

\$ 12,000.00

Category / Project Budget

Residential Parking Program

Program Category / Project Name

2130-9130-5404-00

Account Number

\$ 687.51

Funds Used to Date

Traffic Control Maint.

Program / Project Category Name

\$ 11,312.49

Remaining Balance

Off-Street Parking

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Tony Z. Gully
Department Director

4-16-10
Date

Previous Ordinance or Resolution #

K. A. M.
City Attorney

4-16-2010
Date

Original Contract Date:

Original Contract Number:

Paul a. Butler
Finance and Internal Services Director

4-19-2010
Date

Received in City
Clerk's Office

ENTERED
KING
4-16-10

Mr. M.
Chief of Staff

4-18-10
Date

Received in
Mayor's Office

ENTERED
4/19/10
JH

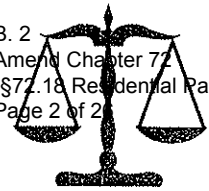
Donald Jordan
Mayor

4/9/10
Date

Comments:

Left on the Second Reading at the 5/18/10 CC mtg.
Left on the First Reading at the 5/4/10 CC mtg.

Revised January 15, 2009



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

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

CC: **Don Marr, Chief of Staff**
Terry Gulley, Transportation Services Director
Sharon Crosson, Parking & Telecommunications Manager

FROM: **Kit Williams, City Attorney**

A handwritten signature in black ink, appearing to read 'Kit Williams', written over a horizontal line.

DATE: **May 19, 2010**

RE: **Amended Residential Parking Permit Ordinance**

Attached is the ordinance as amended by the City Council on May 18, 2010. The new definitions for "Guest pass" and "Fuel-efficient scooter or bicycle" have been incorporated in (B) *Definitions*. Also now included is (H) *Temporary guest passes* with the new language the City Council approved last night.

Alderman Lucas pointed out a problem with (E) *Special regulations for oversized vehicles, motorcycles and licensed motor scooters with over 70 cubic centimeters of displacement*. I have made the minor amendment you approved last night to fix the problem noted by Alderman Lucas and agreed to by the City Council. All these amendments are now incorporated into the ordinance attached to this memo.

However, I believe the whole subsection (E) should be more clearly drafted to fix not only the problem noted by Alderman Lucas but also to better clarify the other provisions. Therefore, I have redrafted (E) as shown below:

“(E) *Special regulations for oversized vehicles, motorcycles, motor scooters and bicycles.* No vehicle that cannot fit within a standard on-street parking space may be parked on-street in the Entertainment District Parking Zone unless its owner or operator has obtained a special limited time and location permit pursuant to (1).

(1) An operator or owner of a moving van or other oversized vehicle that needs to park on-street in a designated area for a limited time to serve a residence, business or office within the Entertainment District Parking Zone may be issued a special, limited time and location parking permit by the Parking Division.

(2) A resident of the Entertainment District Parking Zone who owns a motorcycle or motor scooter with over 70 cubic centimeters displacement may be issued a residential permit which shall allow free parking only in specially designed motorcycle/motor scooter on-street parking spaces and are prohibited from parking in standard on-street parking spaces reserved for residents' cars. Operators of motorcycles and motor scooters may park in paid parking spaces at the standard parking rate. No motorcycle nor any motor scooter may be parked on a sidewalk.

(3) Operators of fuel efficient scooters and bicycles may park for free in specially designated parking spaces, but must pay the standard parking rate if parked in a normal paid parking space. No bicycle may be parked on a sidewalk unless it is utilizing a permanently installed and permitted bicycle stand.”

I recommend that the ordinance be amended during the June 1 City Council meeting to replace the existing (E) with the redrafted (E) shown above.

As Amended on May 18, 2010

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 72 PARKING REGULATIONS
BY ENACTING §72.18 RESIDENTIAL PARKING PERMIT PROGRAM
FOR ENTERTAINMENT DISTRICT PARKING ZONE

WHEREAS, the Downtown Master Plan encompassing the Entertainment District Parking Zone and general city policy encourages residential uses within this Entertainment District; and

WHEREAS, the change of several large city parking lots from free parking to paid parking is likely to cause increased congestion and on-street parking problems for residents of the Entertainment District Parking Zone; and

WHEREAS, some accommodation to relieve the increased congestion and on-street parking problems should be enacted protect the quality of residential life for these residents; and

WHEREAS, a Residential Parking Permit Program for residents of the Entertainment District can ease this congestion and loss of on-street parking availability for these residents.

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 amends Chapter 72 **Parking Regulations** by enacting a new §72.18 **Residential Parking Permit Program for the Entertainment District Parking Zone** as shown below:

"72.18 Residential Parking Permit Program for the Entertainment District Parking Zone

(A) *Applicability.* This Residential Parking Permit Program shall be applicable within the Entertainment District Parking Zone as shown and described on Exhibit A attached to the enacting ordinance. This parking

zone will be further divided by Dickson Street into the North Zone for included residents living north of Dickson Street and the South Zone for included residents living south of Dickson Street.

(B) *Definitions.*

'Resident' means a natural person residing within a dwelling that the resident owns, leases or rents within the Entertainment District Parking Zone.

'Registered vehicle' means a motorized, validly state licensed and insured vehicle kept at the residence owned or leased by the resident within the Entertainment District Parking Zone. The Arkansas Vehicle Registration Certificate for the vehicle should list the residence within the Entertainment District.

'Residential parking permit' means the currently valid permit issued by Parking Division of the Transportation Department of the City of Fayetteville which allows the resident to park the permitted resident's vehicle in an authorized on-street parking zone pursuant to the terms of this section.

'Guest pass' means the pass or authorization to park within the appropriate on-street parking zone pursuant to this section.

'Fuel efficient scooter or bicycle' means bicycles, gas powered scooters not exceeding 70 cubic centimeters and electric powered bicycles and scooters.

(C) *Restricted parking periods.* From 1:00 p.m. on Sundays and 10:00 a.m. Monday through Saturday until 2:00 a.m. every day, designated on-street parking spaces within the Entertainment District Parking Zone North and South shall be restricted to properly permitted vehicles. The owner of any vehicle improperly parked during this period shall be subject to the penalties set forth in §72.99.

(D) *On-street parking restrictions for most vehicles in the Entertainment District Parking Zone.* Where designated by signs and as shown on the exhibits, only residents of the Entertainment District Parking Zone North shall be permitted to park their properly permitted vehicles in the designated on-street parking areas of the Residential Parking Zone North of Dickson Street during the restricted parking period. Where designated by signs and as shown on the exhibits, only residents of the Entertainment District Parking Zone South shall be permitted to park their properly

permitted vehicles in the designated on-street parking areas of the Residential Parking Zone South of Dickson Street during the restricted parking period.

(E) *Special regulations for oversized vehicles, motorcycles and licensed motor scooters with over 70 cubic centimeters of displacement.* No vehicle that cannot fit within a standard on-street parking space may be permitted or parked on-street in the Entertainment District Parking Zone.

1. Moving vans serving a residence or business in the District may be specially permitted by the Transportation Department.
2. Motorcycles and motor scooters with over 70 cubic centimeters of displacement may receive a permit allowing parking only in special motorcycle/motor scooter on-street parking spaces and are prohibited from parking on sidewalks.
3. Fuel efficient scooters and bicycles may park in specially designated parking spaces, but not on sidewalks.

(F) *Mixed use on-street parking on Spring Street.* Fifty-nine on-street parking spaces on Spring Street shall be available to the public for paid parking and to residents of the Entertainment District Parking Zone South for properly permitted vehicles free of charge.

(G) *Free public use of on-street parking.* From 2:00 a.m. every day and until 10:00 a.m. Monday through Saturday and until 1:00 p.m. on Sunday, all on-street parking spaces within the Entertainment District Parking Zone shall be free of charge and available to the public.

(H) *Temporary guest passes.* An Entertainment District Parking Zone resident may request the City to issue temporary guest passes for visitors to their residence. The Mayor or designee shall administer a guest pass program with the goal of accommodating the needs of both residents and businesses within the Entertainment District Parking Zone. Use of a guest pass in a manner not authorized by the guest pass program shall be a violation of this section for the vehicle's owner.

(I) *Residential parking permits may not be loaned, transferred, sold or used except on the designated registered vehicle.* Any resident who attempts to or does loan, transfer, sell or give a residential parking permit to another person or entity, or who facilitates the use of the permit obtained for his registered vehicle on a nonregistered vehicle shall, in addition to the

registered vehicle on a nonregistered vehicle shall, in addition to the general penalty provisions in this chapter, immediately forfeit all permits issued to the resident and the right to apply for any future permits for three years.

(J) *Penalty.* The owner of any vehicle parked in violation of any term or requirement of this section shall be guilty of a violation and shall be subject to the penalties set forth in §72.99.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals any ordinance or code section that is inconsistent or incompatible with this ordinance to the extent of such inconsistency or incompatibility.

PASSED and **APPROVED** this 1st day of June, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Director of Transportation

From: Sharon Crosson, Parking and Telecom Manager

Date: April 16, 2010, 2010

Subject: An Ordinance to Amend Chapter 72 Parking Regulations of The Fayetteville Code to Enact a Residential Parking Program in the Entertainment District Parking Zone

PROPOSAL:

City staff is recommends the approval of an ordinance to enact a Residential Parking Program in the Entertainment District Parking Zone. The Entertainment District Parking Zone encompasses the area as shown in **Exhibit A**. This program is designed to address the parking needs of the local merchants, visitors, employees and residents of Dickson Street and surrounding neighborhoods.

RECOMMENDATION:

The purpose of this program is to provide no fee parking to City of Fayetteville residents that own, lease or rent residential units within the **Entertainment District Parking Zone**. The Entertainment District Parking Zone includes two Residential Parking Zones. The **Residential Parking Zone North** includes on-street parking spaces north of Dickson Street that are reserved for the exclusive use of residents to park their vehicles. The **Residential Parking Zone South** includes on-street parking spaces south of Dickson Street that are reserved for the exclusive use of residents to park their vehicles. Residential parking permits shall not be valid for use at any off-street public parking area.

While most residential units have adequate off-street parking it is reasonable to expect that several residents will require access to on-street spaces. Residents will be issued **one (1)** no fee on-street parking permit for **each vehicle** registered to the address within the Residential Parking Zone. These permits will be re-issued quarterly and will be for the exclusive use of the resident. The residential parking permit is non-transferable and has no cash value. Residential parking permits shall only be valid in the Residential Parking Zone for which it has been issued.

The **Residential Parking Zone North** provides approximately 116 on-street parking spaces for area residents. The **Residential Parking Zone South** provides approximately 79 on-street parking spaces for area residents, with an additional 59 "mixed-use" spaces available for area residents. There are **three (3)** blocks on Spring Street that will be mixed-use parking that will be available for public parking as well as overflow residential parking for the **Residential Parking Zone South**.

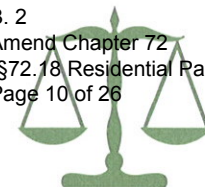
Residents will be required to provide the following information quarterly to qualify for a Residential Parking Permit:

1. Proof of residence within one of the two Residential Parking Zones
2. Current list/inventory of owned vehicles
3. Proof of vehicle ownership with registration matching the physical address within the Residential Parking Zone.
4. Vehicle to be permitted must be a motorized vehicle that will fit within a marked parking space.

Residential Parking Zone residents are encouraged to park their short term visitors in their respective driveways and utilize the on-street spaces for vehicles that are assigned a Residential Parking Permit. During special occasions when a resident will have several visitors, the resident shall contact the City of Fayetteville Parking Division for additional parking privileges as needed. All parking requests beyond the standard issued Residential Parking Permit will be reviewed and approved on a case by case basis.

BUDGET IMPACT:

Implementation of this program will include additional striping on-street of parking spaces and appropriate signage on these streets. The estimated startup cost for this program is \$900.00.



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

CC: **Don Marr**, Chief of Staff
Terry Gulley, Transportation Services Director
Sharon Crosson, Parking & Telecommunications Manager

FROM: **Kit Williams**, City Attorney

A handwritten signature in blue ink, appearing to read "Kit Williams", with a long horizontal line extending to the right.

DATE: **April 16, 2010**

RE: **Residential Parking Permit Program
for the Entertainment District Parking Zone**

I have drafted the ordinance to enact §72.18 **Residential Parking Permit Program for the Entertainment District Parking Zone** pursuant to the Administration's request and in compliance with the terms of the report from Sharon Crosson, Parking and Telecommunications Manager. This program would provide residents of the district free vehicle parking permits for every vehicle owned and make many streets available for resident parking only.

In reviewing the laws to see if a city has the power to convert formerly public on-street parking spaces to resident only on-street parking spaces, I found Arkansas Attorney General Opinion No. 97-403 issued January 15, 1998. (attached) Attorney General Winston Bryant took an expansive view of a city council's powers to enact a parking permit system for on-street parking in the Hillcrest area of Little Rock. The Attorney General noted:

"There does not appear to be any helpful Arkansas case law concerning the precise question presented in your letter; however, courts from other jurisdictions have upheld local parking restrictions which discriminate in favor of residents of the particular area and against nonresidents thereof."

The Attorney General then cited *County of Arlington v. Richards*, 434 U.S. 5 (1977) which held:

“To reduce air pollution and other environmental effects of automobile commuting, a community reasonably may restrict on-street parking available to commuters, thus encouraging reliance in car pools and mass transit.

...

“The Constitution does not outlaw these social and environmental objectives, nor does it presume distinctions between residents and nonresidents of a neighborhood to be invidious. The Equal Protection clause only requires that the distinction drawn by an ordinance like Arlington’s rationally promote the regulation’s objectives.” *Supra*, 434 U.S. at 7

Although Attorney General Bryant did cite one Montana case upholding a parking permit system favoring residents, he failed to note some state court decisions which had disallowed parking ordinances favoring residents. A Florida city’s ordinance was struck down as follows:

“*Arlington* is distinguishable from the instant case. Here, the goal of the ordinance is not to curtail air pollution, noise or traffic. Rather, the ordinance is intended solely to give residents preference over non-residents in the use of parking spaces in the park.” *City of Maitland, v. Orlando Bassmasters Association*, 431 S.W. 2d 178 (1983)

New York courts, while acknowledging that the United States Constitution may not invalidate preferential neighborhood parking, have held that New York state law did not grant cities the right to grant to residents of a neighborhood any possessory or proprietary right to the portion of the public road use for parking “in priority to or exclusive of use by the general public.” *New York State Public Employees Federations v. City of Albany*, 72 NY 2d 96, 102 (1988).

Both the Montana Supreme Court and the Pennsylvania Supreme Court have agreed that a city could implement a restrictive parking system discriminating in favor of residents of a neighborhood. *Love v. Borough of Stroudsburg*, 528 Pa. 320 (1991); *University of Montana Students v. City of Missoula*, 862 P2d 380 (Mont. 1993).

I checked with the Little Rock City Attorney to see if they had implemented or had any problems with the Hillcrest residential parking permit system discussed by the Attorney General. Little Rock had never implemented such a plan. However, North Little Rock implemented the “Argenta Residential Parking District” on March 26, 2007 to alleviate the parking problem for an historic residential area near the new Dickey-Stephens Baseball Park (Arkansas Travelers) during games. This residential parking district has not been challenged in Court nor caused substantial opposition from Travelers’ fans.

One source of statutory power to regulate streets (and I would argue street parking places) is found in A.C.A. 14-301-101 **Responsibilities of city council.**

“The city council shall:

“(1) Have the care, supervision, and control of all the public highways, bridges, streets, alleys, public squares, and commons within the city.”

The Arkansas Supreme Court has also recognized and held that city councils have much discretion in their regulation of streets. The only real limitations on this discretion would be an invasion of private rights or trying to do something in excess of their authorized power.

“Matters pertaining to regulations of streets and alleys and their use among those over which cities have authority to act and to exercise discretion ... With such broad powers over streets and alleys, it seems that the latitude of discretion vested in city governing boards should be very wide indeed.” *City of Little Rock v. Linn*, 245 Ark. 260, 432 S.W. 2d 455, 461 (1968)

“This court long ago recognized that the varied uses and conflicts of city life required that much must be left to the discretion of city authorities, whose actions should not be judicially interfered with unless manifestly unreasonable and oppressive, an unwarranted invasion of private rights, or clearly in excess of powers granted.” *Id.* at 462

CONCLUSION

With no Arkansas Supreme Court decisions on the precise issue of a city council's power to change public on-street parking spaces to resident-only on-street parking spaces, I can give no absolute assurance of your power in this area. Some states have disallowed it, and some states have approved it. The Arkansas Attorney General opined in 1998 that such a residents-only on-street parking program would be legal in Arkansas. Your power to establish this parking program may depend partly upon the demonstrated need and fairness of this residents-only parking program.

Opinion No. 97-403

January 15, 1998

The Honorable Phil C. Wyrick
State Senator
11001 Alexander Road
Mabelvale, Arkansas 72103-1905

Dear Senator Wyrick:

This is in response to your request, on behalf of the Hillcrest Residents Association, for an opinion concerning whether the City of Little Rock may establish "permit parking districts in residential areas." You indicate that such designated areas would require a parking permit for on-street parking in the area, and parking permits would be issued only to bona fide residents of the area. In my opinion, the answer to your question is generally "yes."

The Arkansas Supreme Court has stated that in order to be a valid enactment, an ordinance must come within the scope of the powers granted to cities and towns, be promulgated in the proper exercise of police powers, and must bear some reasonable relation to the public health, safety, morals, welfare, comfort, or convenience. *Wilkins v. City of Harrison*, 218 Ark. 316, 236 S.W.2d 82 (1951). An ordinance must not be arbitrary, capricious, or unreasonable. *Johnson v. Sunray Servs., Inc.*, 306 Ark. 497, 816 S.W.2d 582 (1991). It is my opinion that the type of ordinance contemplated in your letter bears a reasonable relation to the public health, safety, morals, welfare, comfort, or convenience. See generally *Macedonian Orthodox Church v. Planning Board of Randolph*, 636 A.2d 96 (N.J. Super. A.D. 1994) (a municipality can exercise its general police powers to deal with problems of traffic and parking so that the character of a residential neighborhood is preserved).

It is well established that municipalities have the right to enact reasonable regulations relating to the parking or standing of vehicles, and the authority to enact regulations relating to the parking or standing of vehicles may be implied from the power delegated to municipalities to regulate traffic or to prevent the encumbering of their streets with vehicles. 7A Am Jur 2d, *Automobiles and Highway Traffic* § 329 (1997). Arkansas Code Annotated § 14-55-102 (1987) states that municipal corporations shall have the power to make and publish bylaws and ordinances, not inconsistent with the laws of the state, which, as to them, shall seem necessary to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such corporations and the inhabitants thereof. See generally *Garrison v. City of Alpena*, 234 Ark. 170, 350 S.W.2d 690 (1961) (a city has the authority to pass local traffic ordinances to regulate, warn or guide traffic). Additionally, A.C.A. § 14-301-101 (1987) provides that the city council shall (1) have the care, supervision, and control of all public highways, bridges, streets, alleys, public squares, and commons within the city; and (2) cause those public highways, bridges, streets, alleys, public squares, and commons to be kept open and in repair, and free from nuisance. [1] In short, municipal authorities have wide discretion in matters of making reasonable provisions for the safety of its inhabitants through the enactment of ordinances, resolutions or

bylaws. *City of Ft. Smith v. Van Zandt*, 197 Ark. 91, 122 S.W.2d 187 (1938).

There does not appear to be any helpful Arkansas case law concerning the precise question presented in your letter; however, courts from other jurisdictions have upheld local parking restrictions which discriminate in favor of residents of the particular area and against nonresidents thereof. The United States Supreme Court has held that such an ordinance does not, on its face, violate the Equal Protection Clause. *County Bd. of Arlington County, Va. v. Richards*, 434 U.S. 5, reh'g denied, 434 U.S. 976 (1977). The Court noted that a community may decide that restrictions on the flow of outside traffic into particular residential areas would enhance the quality of life thereby reducing noise, traffic hazards, and litter. *Id.* The Court further noted that the Constitution does not outlaw such social and environmental objectives, nor does it presume distinctions between residents and nonresidents of a local neighborhood to be invidious. *Id.*

In a case comparable to the situation presented in your letter, the Supreme Court of Montana upheld two city ordinances which regulated parking in the residential areas adjacent to the University of Montana. *Associated Students of the University of Montana v. City of Missoula*, 862 P.2d 380 (Mont. 1993); see also *Love v. Borough of Stroudsburg*, 597 A.2d 1137 (Penn. 1991) (borough ordinance creating a restrictive residential parking scheme was a valid exercise of police power and was not in violation of equal protection provisions of Pennsylvania Constitution). The City of Missoula adopted an on-street parking permit program to be used in residential areas adjacent to the University of Montana. Commuter parking on the sides of certain streets was prohibited between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Exceptions, however, permitted parking on holidays, parking for vehicles with permits, and parking for emergency or service vehicles. University area residential homeowners were permitted to purchase parking permits, but nonresidents could not purchase the permits. In upholding the ordinance, the court held that the distinction between residents and nonresidents rationally related to the City's legitimate governmental interests. The court concluded that the City had a legitimate interest in preserving the tranquillity among University commuters and area residents, in assuring homeowners ample parking space for themselves and their guests, and in reducing noise, traffic hazards, and litter in its residential areas.

Finally, with regard to whether a city must make any "finding[s] of fact" prior to establishing a "permit parking area," a city is not required to make any express "finding[s] of fact" prior to adopting an ordinance. Thus, it is possible that the city's governing body could simply determine that a specific area should be designated a "permit parking area." On the other hand, the city may also elect to adopt an ordinance specifying the manner in which an area may qualify as a "permit parking area." Under such an ordinance, the city should specify the requirements necessary to qualify as a "permit parking area." See *Love*, supra; *County Board of Arlington*, supra. The establishing of such requirements is a matter within the purview of the governing body of the city.

The foregoing opinion, which I hereby approve, was prepared by Assistant Attorney General Warren T. Readnour.

Sincerely,

WINSTON BRYANT
Attorney General

WB:WTR/cyh

[1]Although you have not indicated that any part of the state highway system is involved, A.C.A. § 27-49-106(a) of the Uniform Act Regulating Traffic on Highways of Arkansas provides that no local authority shall enact or enforce any rule or regulation in conflict with the provisions of this act unless expressly authorized in this act. Section 27-49-106(b) provides, however, that "provisions of this act shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from: (1) Regulating the standing or parking of vehicles."

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 72 PARKING REGULATIONS
BY ENACTING §72.18 RESIDENTIAL PARKING PERMIT PROGRAM
FOR ENTERTAINMENT DISTRICT PARKING ZONE**

WHEREAS, the Downtown Master Plan encompassing the Entertainment District Parking Zone and general city policy encourages residential uses within this Entertainment District; and

WHEREAS, the change of several large city parking lots from free parking to paid parking is likely to cause increased congestion and on-street parking problems for residents of the Entertainment District Parking Zone; and

WHEREAS, some accommodation to relieve the increased congestion and on-street parking problems should be enacted protect the quality of residential life for these residents; and

WHEREAS, a Residential Parking Permit Program for residents of the Entertainment District can ease this congestion and loss of on-street parking availability for these residents.

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 amends Chapter 72 **Parking Regulations** by enacting a new §72.18 **Residential Parking Permit Program for the Entertainment District Parking Zone** as shown below:

“72.18 Residential Parking Permit Program for the Entertainment District Parking Zone

(A) *Applicability.* This Residential Parking Permit Program shall be applicable within the Entertainment District Parking Zone as shown and described on Exhibit A attached to the enacting ordinance. This parking zone will be further divided by Dickson Street into the North Zone for included residents living north of Dickson Street and the South Zone for included residents living south of Dickson Street.

(B) *Definitions.*

‘Resident’ means a natural person residing within a dwelling that the resident owns, leases or rents within the Entertainment District Parking Zone.

‘Registered vehicle’ means a motorized, validly state licensed and insured vehicle kept at the residence owned or leased by the resident within the Entertainment District Parking Zone. The Arkansas Vehicle Registration Certificate for the vehicle should list the residence within the Entertainment District.

‘Permit’ means the currently valid permit issued by Parking Division of the Transportation Department of the City of Fayetteville which allows the resident to park the permitted resident’s vehicle in an authorized on-street parking zone pursuant to the terms of this section.

(C) *Restricted parking periods.* From 1:00 p.m. on Sundays and 10:00 a.m. Monday through Saturday until 2:00 a.m. every day, designated on-street parking spaces within the Entertainment District Parking Zone North and South shall be restricted to properly permitted vehicles. The owner of any vehicle improperly parked during this period shall be subject to the penalties set forth in §72.99.

(D) *On-street parking restrictions for most vehicles in the Entertainment District Parking Zone.* Where designated by signs and as shown on the exhibits, only residents of the Entertainment District Parking Zone North shall be permitted to park their properly permitted vehicles in the designated on-street parking areas of the Residential Parking Zone North of Dickson Street during the restricted parking period. Where designated by signs and as shown on the exhibits, only residents of the Entertainment District Parking Zone South shall be permitted to park their properly permitted vehicles in the designated on-street parking areas of the Residential Parking Zone South of Dickson Street during the restricted parking period.

(E) *Special regulations for oversized vehicles, motorcycles and licensed motor scooters.* No vehicle that cannot fit within a standard on-street parking space may be permitted or parked on-street in the Entertainment District Parking Zone. Moving vans serving a residence or business in the District may be specially permitted by the Transportation Department. Motorcycles and licensed motor scooters may receive a permit allowing parking only in special motorcycle/motor scooter on-street parking spaces and be prohibited from parking in standard on-street parking spaces.

(F) *Mixed use on-street parking on Spring Street.* Fifty-nine on-street parking spaces on Spring Street shall be available to the public for paid parking and to residents of the Entertainment District Parking Zone South for properly permitted vehicles free of charge.

(G) *Free public use of on-street parking.* From 2:00 a.m. every day and until 10:00 a.m. Monday through Saturday and until 1:00 p.m. on Sunday, all on-street parking spaces within the Entertainment District Parking Zone shall be free of charge and available to the public.

(H) *Temporary guest permits.* An Entertainment District Parking Zone resident may petition the City to issue temporary guest permits for visitors to their residence to use for a special, short and infrequent event. The resident must show good cause why a limited number of guest permits shall be issued by the City. The Parking and Telecommunications Manager shall investigate any such application and weigh the good cause shown by the applicant against the anticipated need for on-street parking by other residents and recommend to the Transportation Director whether or not to issue a certain number of temporary guest permits only if it is determined that their issuance shall not unduly inconvenience other residents or the public's access to the Spring Street mixed use parking spaces. The Transportation Director's decision shall be final.

(I) *Parking permits may not be loaned, transferred, sold or used except on the designated registered vehicle.* Any resident who attempts to or does loan, transfer, sell or give a permit to another person or entity, or who facilitates the use of the permit obtained for his registered vehicle on a nonregistered vehicle shall, in addition to the general penalty provisions in this chapter, immediately forfeit all permits issued to the resident and the right to apply for any future permits for three years.

(J) *Penalty.* The owner of any vehicle parked in violation of any term or requirement of this section shall be guilty of a violation and shall be subject to the penalties set forth in §72.99.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals any ordinance or code section that is inconsistent or incompatible with this ordinance to the extent of such inconsistency or incompatibility.

PASSED and APPROVED this 18th day of May, 2010.

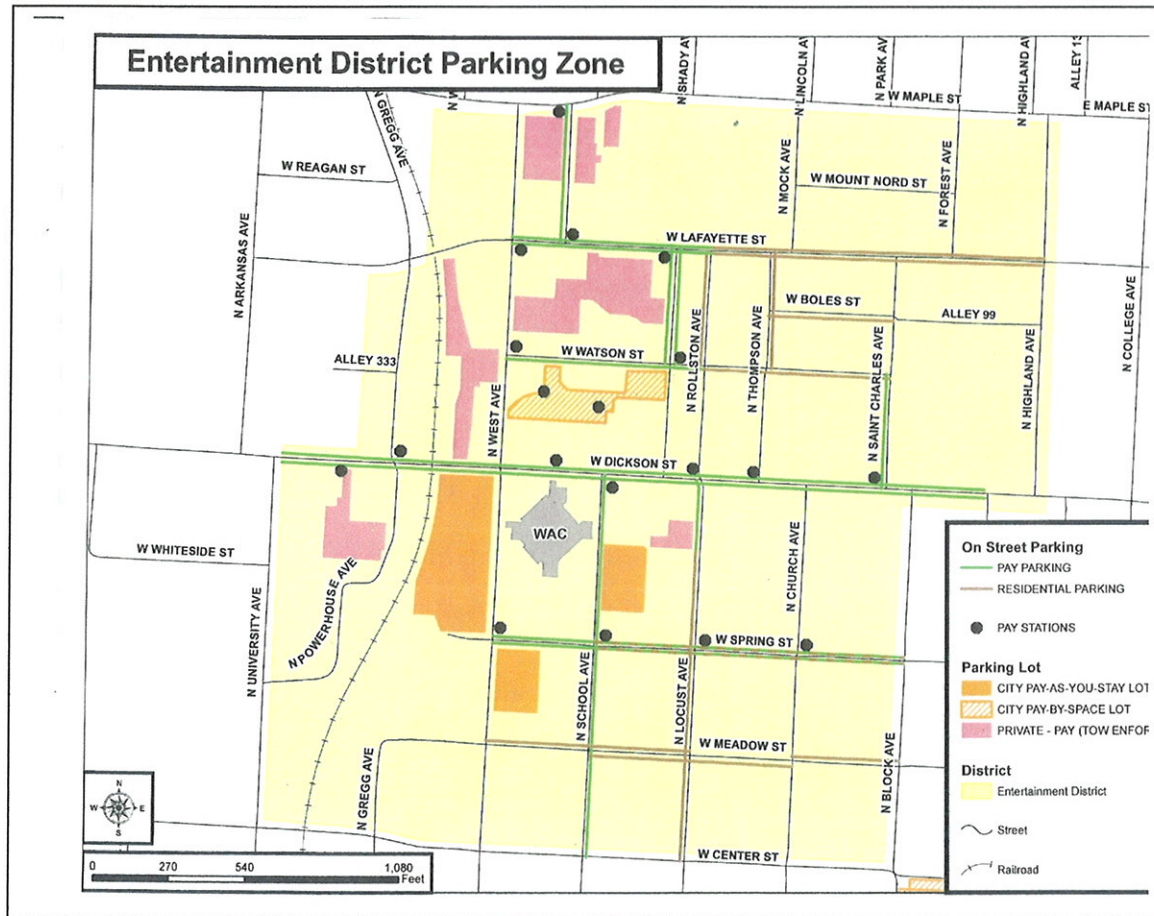
APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT A



Residential Parking Zone North:

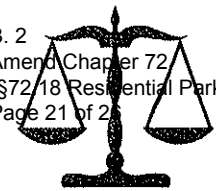
1. Lafayette Street from Rollston Ave. to Highland Ave.
2. Boles Street from Thompson Ave. to St. Charles Ave.
3. Watson Street from Rollston Ave. to St. Charles Ave.
4. Rollston Ave. from Lafayette Street to Watson Street
5. Thompson Ave. from Lafayette Street to Watson Street

Residential Parking Zone South:

1. * Mixed-use area: Spring Street from School Ave. to Block Ave.
2. Meadow Street from West Ave. to Block Ave.
3. Locust Ave. from Center Street to 221 N. Locust Ave.

* Mixed-use area will be a combination of public parking and residential parking (with permit).

*Hand out at the 5/18/10
City Council mtg.*



TO: **Lioneld Jordan**, Mayor
Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director
Sharon Crosson, Parking & Telecommunications Manager

FROM: **Kit Williams**, City Attorney

A handwritten signature of Kit Williams, written in black ink, with a long horizontal line extending to the right.

DATE: **May 17, 2010**

RE: **Residential Parking Permit Ordinance**

I took Don's directions and the Mayor's comments about free parking for bicycles and small scooters (which I called "high mileage scooters") and redrafted the Residential Parking Permit Ordinance (which is attached).

I added two new definitions: "Guest pass" and "High mileage scooters and bicycles" and added "Residential Parking" to the "Permit" definition to distinguish it from other types of permits.

I then added the "high mileage scooters and bicycles" language in (E)(3).

I rewrote (H) to give the Mayor the right to administer a guest pass program with a goal, but no express provisions or limitations. I think explaining what you are considering will probably be enough. The City Council can avoid the problem of deciding every minute detail and then fine tuning any program after you have experience in operating it.

No change to page one

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 72 PARKING REGULATIONS
BY ENACTING §72.18 RESIDENTIAL PARKING PERMIT PROGRAM
FOR ENTERTAINMENT DISTRICT PARKING ZONE**

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“72.18 Residential Parking Permit Program for the Entertainment District Parking Zone

(A) *Applicability.* This Residential Parking Permit Program shall be applicable within the Entertainment District Parking Zone as shown and described on Exhibit A attached to the enacting ordinance. This parking zone will be further divided by Dickson Street into the North Zone for included residents living north of Dickson Street and the South Zone for included residents living south of Dickson Street.

(B) *Definitions.*

'Resident' means a natural person residing within a dwelling that the resident owns, leases or rents within the Entertainment District Parking Zone.

'Registered vehicle' means a motorized, validly state licensed and insured vehicle kept at the residence owned or leased by the resident within the Entertainment District Parking Zone. The Arkansas Vehicle Registration Certificate for the vehicle should list the residence within the Entertainment District.

'Residential Parking Permit' means the currently valid permit issued by Parking Division of the Transportation Department of the City of Fayetteville which allows the resident to park the permitted resident's vehicle in an authorized on-street parking zone pursuant to the terms of this section.

'Guest pass' means the pass or authorization to park within the appropriate on-street parking zone pursuant to this section.

New

Definitions

→ 'High mileage scooter or bicycle' means bicycles, gas powered scooters not exceeding 70 cubic centimeters and electric powered bicycles and scooters.

(C) *Restricted parking periods.* From 1:00 p.m. on Sundays and 10:00 a.m. Monday through Saturday until 2:00 a.m. every day, designated on-street parking spaces within the Entertainment District Parking Zone North and South shall be restricted to properly permitted vehicles. The owner of any vehicle improperly parked during this period shall be subject to the penalties set forth in §72.99.

(D) *On-street parking restrictions for most vehicles in the Entertainment District Parking Zone.* Where designated by signs and as shown on the exhibits, only residents of the Entertainment District Parking Zone North shall be permitted to park their properly permitted vehicles in the designated on-street parking areas of the Residential Parking Zone North of Dickson Street during the restricted parking period. Where designated by signs and as shown on the exhibits, only residents of the Entertainment District Parking Zone South shall be permitted to park their properly permitted vehicles in the designated on-street parking areas of the Residential Parking Zone South of Dickson Street during the restricted parking period.

(E) *Special regulations for oversized vehicles, motorcycles and licensed motor scooters with over 70 cubic centimeters of displacement.* No vehicle that cannot fit within a standard on-street parking space may be permitted or parked on-street in the Entertainment District Parking Zone.

1. Moving vans serving a residence or business in the District may be specially permitted by the Transportation Department.

2. Motorcycles and motor scooters with over 70 cubic centimeters of displacement may receive a permit allowing parking only in special motorcycle/motor scooter on-street parking spaces and are prohibited from parking in standard on-street parking spaces or sidewalks.

New provision → 3. High mileage scooters and bicycles may park in specially designated parking spaces, but not in regular parking spaces or sidewalks.

(F) *Mixed use on-street parking on Spring Street.* Fifty-nine on-street parking spaces on Spring Street shall be available to the public for paid parking and to residents of the Entertainment District Parking Zone South for properly permitted vehicles free of charge.

(G) *Free public use of on-street parking.* From 2:00 a.m. every day and until 10:00 a.m. Monday through Saturday and until 1:00 p.m. on Sunday, all on-street parking spaces within the Entertainment District Parking Zone shall be free of charge and available to the public.

New language → (H) *Temporary guest passes.* An Entertainment District Parking Zone resident may request the City to issue temporary guest passes for visitors to their residence. The Mayor or designee shall administer a guest pass program with the goal of accommodating the needs of both residents and businesses within the Entertainment District Parking Zone. Use of a guest pass in a manner not authorized by the guest pass program shall be a violation of this section for the vehicle's owner.

(I) *Residential parking permits may not be loaned, transferred, sold or used except on the designated registered vehicle.* Any resident who attempts to or does loan, transfer, sell or give a residential parking permit to another person or entity, or who facilitates the use of the permit obtained for his registered vehicle on a nonregistered vehicle shall, in addition to the general penalty provisions in this chapter, immediately forfeit all permits issued to the resident and the right to apply for any future permits for three years.

(J) *Penalty.* The owner of any vehicle parked in violation of any term or requirement of this section shall be guilty of a violation and shall be subject to the penalties set forth in §72.99.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals any ordinance or code section that is inconsistent or incompatible with this ordinance to the extent of such inconsistency or incompatibility.

PASSED and **APPROVED** this 18th day of May, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Staff Review Form

B. 3
Amend Chapter 72
(Electronic Payment Station Program)
Page 1 of 26

**City Council Agenda Items
and
Contracts, Leases or Agreements**

3

5/4/2010

City Council Meeting Date
Agenda Items Only

Sharon Crosson

Submitted By

Parking Management

Division

Transportation Services

Department

Action Required:

An Ordinance to amend Chapter 72 Parking Regulations of The Fayetteville Code to enact a Pay Parking Program and establish parking meter rates in the Entertainment District Parking Zone.

Cost of this request

\$ -

Category / Project Budget

Entertainment Dist. Parking Program

Program Category / Project Name

(multiple)

Account Number

\$ -

Funds Used to Date

(multiple)

Program / Project Category Name

Project Number

\$ -

Remaining Balance

Off-Street Parking

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Department Director

4-16-10
Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

April 22, 2010
Date

Original Contract Number:

Finance and Internal Services Director

4-22-2010
DateReceived in City
Clerk's Office

Chief of Staff

4-22-10
DateReceived in
Mayor's Office

Mayor

4/26/10
Date

Comments:

Left on Second Reading at the 5/18/10 CC Mtg.
Left on First Reading at the 5/4/10 CC Mtg.

Revised January 15, 2009

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Director of Transportation

From: Sharon Crosson, Parking and Telecom Manager

Date: April 16, 2010, 2010

Subject: An Ordinance to Amend Chapter 72 Parking Regulations of The Fayetteville Code to Enact a Pay Parking Program in the Entertainment District Parking Zone

PROPOSAL:

City staff is recommends the approval of an ordinance to enact a pay parking program, referred to as the ***Entertainment District Parking Program***. The Entertainment District Parking Program encompasses the area as shown in **Exhibit A** and referred to as the ***Entertainment District Parking Zone***.

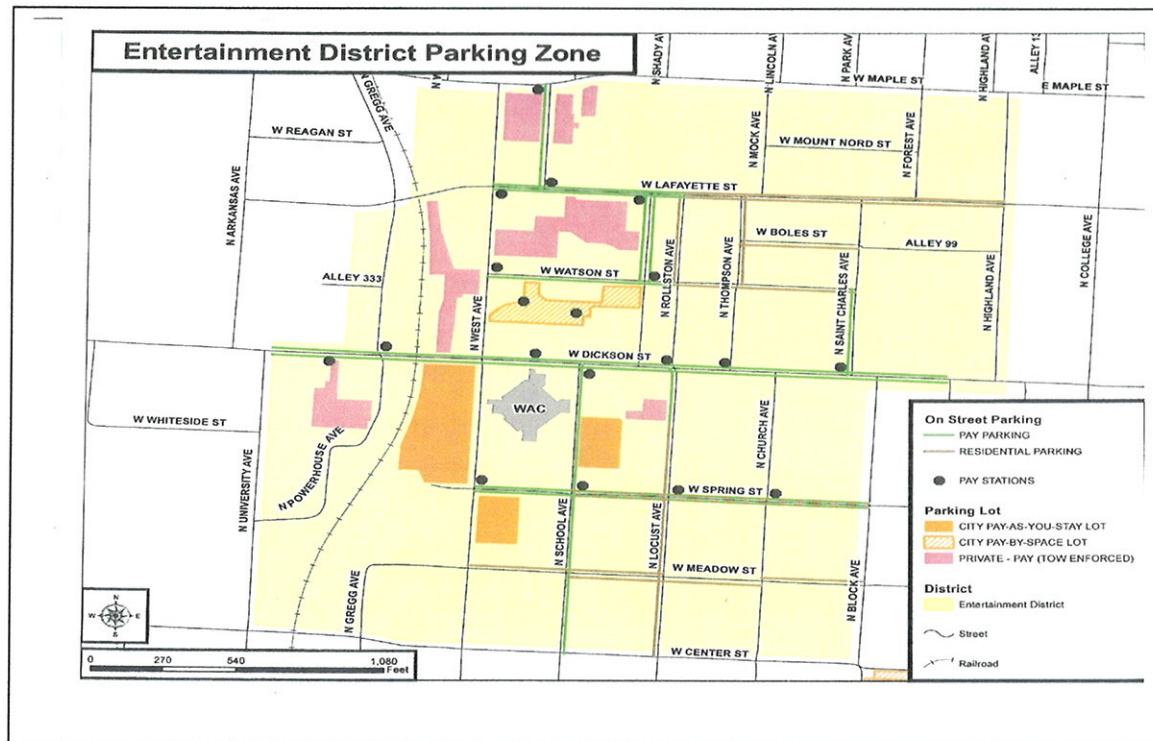
RECOMMENDATION:

This purpose of this program is to address the parking needs of the local merchants, visitors, employees and residents of Dickson Street and surrounding areas by implementing a pay parking program in the public parking lots and on-street spaces within the district. Every Section of this program is referring completely to the areas within the boundaries defined as the ***Entertainment District Parking Zone***. The program is designed to improve parking services in the Entertainment District and surrounding areas and achieve this goal by instituting pay parking in public facilities that are currently free, protecting adjacent neighborhoods from parking infiltration, develop an improved mechanism of enforcement for privately owned lots, which would eliminate towing and immobilization as their primary means of enforcement. The ***Entertainment District Parking Program*** will also provide a revenue source for generating funds to support the construction of a parking deck in the district.

BUDGET IMPACT:

Implementation of this program will generate a projected \$997,084.00 in annual revenues. Recurring annual expenses will be \$120,415.00 which includes staffing and operational expenses. Annual equipment lease is \$177,648.00. An allocation to the Walton Arts Center will be considered and a percentage allocation will be escrowed for a future parking deck.

EXHIBIT A



Outside Boundaries of the Entertainment District Parking Zone:

1. North Boundary: Up to but not including W. Maple Street
2. East Boundary: Up to and including N. Highland Ave.
3. South Boundary: Up to but not including W. Center Street
4. West Boundary: Up to but not including N. University Ave.
5. Thompson Ave. from Lafayette Street to Watson Street

On-Street Pay Parking in the Entertainment District Parking Zone:

1. N. Vandeventer Ave.
2. W. Lafayette Street
3. N. Campbell Ave.
4. W. Watson Street
5. N. St. Charles Street
6. W. Dickson Street
7. N. School Ave.
8. N. Locust Ave. between 225 N. Locust and Dickson Street
9. W. Spring Street

Pay Parking Lots in the Entertainment District Parking Zone:

1. Lot 50 – Northwest corner of West Ave. and Dickson St. (251 N. West Ave.)
2. Lot 56 – Southeast corner of West Ave. and Spring Street
3. Lot 60 – 246 N. School Ave.
4. Lot 55 – Southwest corner of Watson St. and Campbell Ave. (320 W. Watson Ave.)

Meter Fees & Times; Public On-Street Parking including Public Lots 50, 55, 56, 60

Parking rates for on-street parking spaces and public parking spaces in Lots 50, 55, 56 and 60 shall be set at the following rates and times:

Monday through Friday

- 2:00am to 10:00 am – Free
- 10:00am to 5:00pm - \$0.50/hour, \$3.00 max.
- 5:00pm to 2:00am the following day – \$1.00/hour, \$5.00 max.

Saturday

- 2:00am to 10:00am – Free
- 10:00am to 6:00pm - \$0.50/hour, \$3.00 max.
- 6:00pm to 2:00am the following day – \$1.00/hour, \$5.00 max.

Sunday

- 2:00am to 1:00pm – Free
- 1:00pm to 6:00pm - \$0.50/hour
- 6:00pm to 2:00am the following day – \$1.00/hour, \$5.00 max.

Entertainment District Employee Parking Program

Debit cards may be utilized by Entertainment District Employees that will provide a **ninety percent (90%)** discount on the current parking rate while parked in any designated discounted space. If an employee chooses to park on the prime spaces not designated for discounted parking, then their debit card shall be charged the full parking rate. The discounted parking spaces shall be determined by the Parking Manager as the needs of the public changes in the district.

The “Employee Parking Cards” may be obtained at the Parking Management Division and loaded as a pre-paid card or attached to the employee’s credit card. Employers that wish to provide parking benefits for their employees may also acquire and add funds to their employees’ cards. Merchants may also choose this option for providing parking benefits for their customers and/or members. These cards can be programmed to operate at specific areas as well.

Entertainment District Monthly Parking Permits

Monthly parkers will be allowed to park based on their parking privileges as programmed in the system server. Monthly parkers will access parking using Proximity Access Cards that are authorized for use on the system server based on the monthly parker pre-payment of monthly parker fees. Monthly parkers will drive into the entry or exit lanes causing the Proximity Card Reader to arm and read a properly presented and valid Proximity Access Card. A properly presented and valid card will cause the entry or exit gate to open allowing one vehicle to enter or exit the parking facility. Each lane will be fitted with a telephone based intercom to provide customer service in the event of an emergency. The designated parking spaces valid with a monthly parking permit shall be determined by the Parking Manager as the needs of the public changes in the district.

The parking fee for a parking permit is \$35.00 per month and is valid from 7:00am until 4:00pm and only on weekdays, Monday through Friday, excluding national holidays.

2010 PARKING REVENUE PROJECTIONS ENTERTAINMENT DISTRICT PARKING PROGRAM

B. 3
Amend Chapter 72
(Electronic Payment Station Program)
Page 5 of 26

Amend (Electro Page 5

Parking Lots	Location	Number of Spaces	Citation Revenue 7 days/week	Parking Fee Revenue 300 days/year 16 hours/day	Annualized Recurring	2010 Remaining 6 Months
			7am - 10pm MT 7am - 2am WTF 9am - 2am Sat 1pm - 9pm Sun 112 hours/week Avg. \$275/space	\$0.50/hr + \$1.00/hr 50% capacity City Lots = 100% Revenue		
Lot 50 - City owned	West of WAC	293	\$80,575	\$351,600		
Lot 55 - City owned	Behind Brew Pub	105	\$28,875	\$126,000		
Lot 56 - City owned	South of Grubs	65	\$17,875	\$78,000		
Lot 60 - City owned	East of WAC	58	\$15,950	\$69,600		
On-Street Spaces	Entertainment District	210	\$57,750	\$252,000		
Less Sales Tax 9.25%				-\$81,141		
Total Revenues:		731	\$201,025	\$796,059	\$997,084	\$498,542
Total Expenses:		\$700,000 Equipment		Recurring Exp.	\$587,063	\$402,433 ✱
Net Revenues:					\$410,021	\$96,109

* Includes Startup Costs of \$109,500

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE III **PARKING METERS** OF CHAPTER 72 **PARKING REGULATIONS** BY CHANGING ITS NAME AND ADDING PROVISIONS FOR AN ELECTRONIC PAYMENT STATION PROGRAM FOR PAID PARKING LOTS AND PAID ON-STREET PARKING AND FOR OTHER REASONS

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 Article III **Parking Meters** of Chapter 72 **Parking Regulations** by renaming Article III **Parking Meters and Electronic Payment Stations** and adding the following definitions to §72.50 **Definitions**:

“Electronic Payment Stations’. A place where a person who has parked his vehicle in the Entertainment District Parking Zone pay parking space or lot may pay the appropriate fee for the paid park parking space.

‘Employee Parking Card.’ A card issued by the Parking Division for use only by employees of businesses operating in the Entertainment District Parking Zone which may be discounted by the Mayor up to 90% of normal parking rates for certain paid parking spaces within the Zone.

‘Entertainment District Parking Zone.’ The area depicted on the map and described on Exhibit A attached to this enacting ordinance.

‘Proximity Access Card.’ A card issued by the Parking Division for a monthly fee that allows the user to access and use gated parking lots in the Entertainment District Parking Zone on weekdays from 10:00 a.m. until 5:00 p.m.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.51 **Presumption As To Unlawful Parking in Metered Space** by repealing it in its entirety and enacting a replacement §72.51 **Presumption As To Unlawful Parking In Metered Space and Paid Parking Space or Lot Serviced By An Electronic Payment Station.**

“The indication on the parking meter or within the Electronic Payment Station System that the paid for time has expired shall be presumptive evidence, as to the parked vehicle then found in the parking space or paid parking lot regulated by such parking meter or the Electronic Payment Station System, that the owner or driver has failed to pay for all the parking used in such space or lot which shall be presumptive evidence of the violation of unlawful parking.”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.52 **Purpose of Deposit Requirement** by repealing it in its entirety and enacting a replacement §72.52 **Purpose of Deposit or Electronic Payment Requirement.**

“The coins required to be deposited in parking meters or the electronic payment required to be made at electronic payment stations by this article are for the purpose of regulating parking, to cover part of the cost of such necessary regulation for the convenience and protection of the public, to accumulate revenues to use for the construction of additional parking facilities including parking decks, and to provide operating revenue for the Walton Arts Center.”

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.53 **Depositing Slugs Prohibited** by repealing it in its entirety and enacting a replacement §72.53 **Depositing Slugs or Making Simulated Electronic Payment Prohibited.**

“(A) It shall be unlawful for any person to deposit or cause to be deposited in any parking meter installed under this article any slug, device or substitute for a coin of the United States of America.

“(B) It shall be unlawful for any person to simulate an electronic payment at any electronic payment station installed under this article by any means.”

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.54 **Tampering with Meters Prohibited** by repealing it in its entirety and enacting a replacement § 72.54 **Tampering with Meters or Electronic Payment Stations Prohibited**.

"It shall be unlawful for any person to deface, injure, tamper with, willfully break, destroy or impair the usefulness of, or to open without lawful authority, any parking meter or electronic pay station installed in accord with this article."

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby amends § 72.55 **Collections from Meters** by repealing it in its entirety and enacting a replacement § 72.55 **Collections from Meters and Electronic Payment Stations**.

"The Parking Manager shall collect all deposits or electronic transactions from parking meters and electronic payment stations installed under this article and deliver them to the Accounting Department."

Section 7: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.57 **Parking Meter Zones** by repealing subsection (E) and subsection (F) in their entirety and enacting replacement subsections as shown below:

"§72.57(E) *Regulated hours for parking meters.*

(1) Within the Entertainment District Parking Zone between the hours of 10 a.m. until 2:00 a.m. Monday - Saturday and 1:00 p.m. until 2:00 a.m. on Sunday a.m. the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit sufficient money as required in §72.58(H), in the parking meter.

(2) Outside the Entertainment District Parking Zone between the hours of 8:00 a.m. until 6:00 p.m. Monday - Friday (except City holidays), the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit sufficient money as required in §72.58(G) in the parking meter.

"(F) *Unlawful to leave vehicle parked in excess of allowed time.*

"Upon the expiration of the legal parking time paid for and allowed pursuant to this chapter during the period that paid

parking is required, it is unlawful for the owner or driver to leave the vehicle in the parking space. Violation of such overtime parking shall be punished pursuant to §72.99."

Section 8: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.58 **Off-Street Parking Meter Facilities; Rates for City Garage** by renaming the section **Off-Street parking Facilities; Rules and Rates** and by repealing subsections (G), (H) and (J) in their entireties and enacting replacement subsections (G), (H) and (J) as shown below:

"(G) Gated parking lots, parking decks and parking meters outside the Entertainment Parking District Zone. For all the parking lots identified in subsection (A) and all parking meters outside the Entertainment Parking District Zone.

The following parking fees are established and shall be required to be paid by the owner or operator of any vehicle parked in those spaces or parking lots:

- (1) Long-term metered spaces (red-capped parking meters) -- \$.15 per hour.
- (2) All other parking meters -- \$.25 per hour.
- (3) Gated lot (per space) -- \$30.00 per month.
- (4) Long-term parking permits (hang tags) for use only at long-term (red-capped) meters -- \$30.00 per month.
- (5) City Parking Deck at Meadow Street -- \$45.00 per month for first and second levels, \$30.00 per month for third level, plus single day usage fee of not more than \$4.00 if space is available.
- (6) Town Center Parking Deck -- not more than \$70.00 per month nor more than \$4.00 per day if space is available.

(H) City parking lots and paid on-street parking spaces within the Entertainment District Parking Zone.

(1) For Parking Lots 50, 55, 56 and 60 and all paid on-street parking spaces within the Entertainment District Parking Zone, the following parking fees are established and shall be required to be paid by the owner or operator of any vehicle parked in those spaces or lots:

(1) Monday through Friday

(a) 10:00 a.m. until 5:00 p.m. -- \$.50 per hour with a maximum charge of \$3.00

(b) 5:00 p.m. until 2:00 a.m. the following day – \$1.00 per hour with a maximum charge of \$5.00

(c) 2:00 a.m. until 10:00 a.m. – free parking

(2) Saturday

(a) 10:00 a.m. until 6:00 p.m. – \$.50 per hour with a maximum charge of \$3.00

(b) 6:00 p.m. until 2:00 a.m. the following day – \$1.00 per hour with maximum charge of \$5.00

(c) 2:00 a.m. until 10:00 a.m. – free parking

(3) Sunday

(a) 1:00 p.m. until 6:00 p.m. – \$.50 per hour

(b) 6:00 p.m. until 2:00 a.m. the following day – \$1.00 per hour with a maximum charge of \$5.00

(c) 2:00 a.m. until 1:00 p.m. – free parking

(4) Monthly daytime parking permits (Proximity Access Cards) for gated parking lots in the Entertainment District Parking Zone.

Persons desiring to purchase monthly access to and parking within gated lots in the Entertainment District Parking Zone between the hours of 10:00 a.m. and 4:00 p.m. on weekdays (excluding holidays) may purchase a Proximity Access Card for \$35.00. Any Proximity Access Card holder shall be required to pay normal hourly parking fees for any parking within the lot beyond 4:00 p.m. Special events authorized by the Mayor that require use of the gated parking lot will supersede the rights of monthly parkers during such event.

(5) Discounted parking rates for employees. (Employee Parking Cards)

In order to assist employees working in the Entertainment District Parking Zone, the Mayor is authorized to sell and issue Employee Parking Cards that can be used for certain more distant parking spaces at a highly discounted rate of up to 90% off the normal parking rate.

(I) *Overtime parking.*

(1) If any vehicle remains parked in any metered parking space or within a paid parking lot beyond the period paid for such parking, the owner or operator of such vehicle shall be guilty of overtime parking and be subject to the punishment specified in §72.99.

(2) It is unlawful for any person to cause, allow or permit any vehicle owned or operated by said person to be parked in a gated city lot for more than 24 continuous hours. Any such illegally parked vehicle is subject to the provisions of §72.99 and to nonconsensual towing at the owner's expense who shall have post-deprivation hearing rights as set for in subsection (L).

PASSED and APPROVED this 4th day of May, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE III **PARKING METERS** OF CHAPTER 72 **PARKING REGULATIONS** BY CHANGING ITS NAME AND ADDING PROVISIONS FOR AN ELECTRONIC PAYMENT STATION PROGRAM FOR PAID PARKING LOTS AND PAID ON-STREET PARKING AND FOR OTHER REASONS

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 Article III **Parking Meters** of Chapter 72 **Parking Regulations** by renaming Article III **Parking Meters and Electronic Payment Stations** and adding the following definitions to §72.50 **Definitions:**

“Electronic Payment Stations”. A place where a person who has parked his vehicle in the Entertainment District Parking Zone pay parking space or lot may pay the appropriate fee for the paid park parking space.

‘Employee Parking Card.’ A card issued by the Parking Division for use only by employees of businesses operating in the Entertainment District Parking Zone which may be discounted by the Mayor up to 90% of normal parking rates for certain paid parking spaces within the Zone.

‘Entertainment District Parking Zone.’ The area depicted on the map and described on Exhibit A attached to this enacting ordinance.

‘Proximity Access Card.’ A card issued by the Parking Division for a monthly fee that allows the user to access and use gated parking lots in the Entertainment District Parking Zone on weekdays from 10:00 a.m. until 5:00 p.m.”

Existing Law

FAYETTEVILLE CODE OF ORDINANCES TITLE VII TRAFFIC CODE

loading of materials, in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

(Code 1965, §§119-132, 119-133; Ord. No. 1447, 6-7-65; Code 1991, §72.31)

Cross reference(s)--Penalty, §72.99.

72.32 Designation Of Bus Stops And Taxicab Stands; Use Of Such Locations

- (A) The traffic superintendent is hereby authorized to establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on the public streets in such places as he shall determine to be of the greatest benefit and convenience to the public, such bus stops, bus stands, taxicab stands or other stands so established shall be designated by appropriate signs where deemed by the traffic superintendent as necessary.
- (B) The following rules shall govern the stopping, standing and parking of buses and taxicabs:
- (1) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone or other location where passengers are normally discharged or picked up in such manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position as close to the curb as possible, so as not to impede unduly the movement of other vehicular traffic.
 - (2) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand designated by the traffic superintendent. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious unloading or loading of passengers.
- (C) No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading and unloading passengers when such stopping does not interfere

with any bus or taxicab waiting to enter or about to enter such zone.

(Code 1965, §§19-134--19-136; Ord. No. 1447, 6-7-65; Ord. No. 2745, 8-4-81; Code 1991, §72.32)

Cross reference(s)--Penalty, §72.99.

72.33 Hotel Loading Zones

The traffic superintendent shall establish and mark hotel zones to be used solely for the loading and unloading of passengers and baggage. Standing or parking in such hotel zones shall be limited to 15 minutes and no person shall park a vehicle in a hotel zone except for the purpose of taking and discharging passengers and baggage destined for such hotel.

(Code 1965, §19-137; Ord. No. 1447, 6-7-65; Code 1991, §72.33)

Cross reference(s)--Penalty, §72.99.

72.34 Parking Signs Or Curb Markings Required

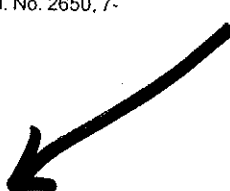
Whenever, by any provision of this chapter, a parking time limit is imposed or parking is prohibited on any street or part of street, it shall be the duty of the traffic superintendent to erect appropriate signs or to paint appropriate curb markings on such street or part of street giving notice thereof, and no such regulations shall be effective unless such signs are erected or such curb markings are painted and in place on the side or sides of the street or part of street when parking time is limited or prohibited at the time of any alleged offense.

(Code 1965, §19-138; Ord. No. 1447, 6-7-65; Ord. No. 2650, 7-15-80; Code 1991, §72-34)

Cross reference(s)--Penalty, §72.99.

72.35-72.49 Reserved

ARTICLE III PARKING METERS



72.50 Definitions

For the purpose of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Operator. Every individual shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or any person who is in actual physical control of a vehicle.

Park or parking. The standing of a vehicle, whether

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.

Parking meter. Portions of streets within which the parking of vehicles are controlled, regulated, and inspected with the aid of timing devices or meters, herein referred to as "parking meters" or "meters".

Parking meter facility. Any real estate (except any public street, avenue, road, alley, or highway not specifically described herein) owned, leased, or operated by the city, upon which parking meters are installed and in operation for the use of vehicles.

Parking meter space. Any space within a parking meter facility or parking meter zone adjacent to a parking meter and which is duly designated and marked for the parking of a vehicle in accord with this article.

Parking meter zones. Portions of streets described and established by the City Council as zones within which the parking of vehicles shall be controlled, regulated, and inspected with the aid of timing devices or meters, herein referred to as "parking meters" or "meters".

Vehicle. Any device in, upon or by which any person or property is or may be transported upon a street, except a device which is operated upon rails or tracks.

(Code 1965, §19-51; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Ord. No. 4222, 2-15-00; Code 1991, §72.50)

72.51 Presumption As To Unlawful Parking In Metered Space

The indication on the parking meter that time has expired shall be presumptive evidence, as to a parked vehicle then found in the parking space regulated by such parking meter, that the owner or driver failed to deposit or cause to be deposited the required coin or coins in the meter and the indication by such meter of a "violation" shall be presumptive evidence of unlawful parking.

(Code 1965, §19-152; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Code 1991, §72.51)

72.52 Purpose Of Deposit Requirement

The coins required to be deposited in parking meters by this article are for the purpose of regulating parking and to cover part of the cost of such necessary regulation for the convenience and protection of the public.

(Code 1965, §19-153; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Code 1991, §72.52)

72.53 Depositing Slugs Prohibited

It shall be unlawful for any person to deposit or cause to be deposited in any parking meter installed under this article any slug, device or substitute for a coin of the United States of America.

(Code 1965, §19-154; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Code 1991, §72.53)

Cross reference(s)--Penalty, §72.99.

72.54 Tampering With Meters Prohibited

It shall be unlawful for any person to deface, injure, tamper with, willfully break, destroy or impair the usefulness of, or to open without lawful authority, any parking meter installed in accord with this article.

(Code 1965, §19-155; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Code 1991, §72.54)

Cross reference(s)--Penalty, §72.99.

72.55 Collections From Meters

The mayor shall assign or cause to be assigned a competent person to make collections of deposits from parking meters installed under this article. Such collections shall be delivered to the city controller and deposited to the credit of the city.

(Code 1965, §19-156; Ord. No. 931, 2-23-48; Ord. No. 1082, 6-6-55; Ord. No. 1083, 6-6-55; Code 1991, §72.55)

72.56 Loading Zones Not Prohibited

Nothing in this article shall be construed as prohibiting the city from providing for bus stops and taxicab stands and for other matters of similar nature, including the loading or unloading of trucks, vans or other commercial vehicles.

(Code 1965, §19-157; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Code 1991, §72.56)

72.57 Parking Meter Zones

(A) The mayor, or his duly authorized representative, is hereby authorized to describe, establish and alter parking meter zones.

(B) Parking meters shall be installed not more than two feet from the curb nor more than four feet from the front line of the parking space. Spaces shall be marked out as individual parking meter spaces for vehicles and kept clearly marked at all times. No parking meter authorized herein shall be so

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

installed or a parking space so established that it will obstruct the convenient egress and ingress to any property butting on any street.

- (C) Each parking meter installed under this section, shall be set to operate upon the deposit therein of the prescribed coin or coins for the period of time prescribed as parking time limits in subsection (F) below. Each of such meters shall be so arranged so as to show or display a signal, which shall clearly indicate whether the time limit during which parking in that space is permitted has expired.
- (D) Any person parking a vehicle within a parking meter zone established by this section shall park the same wholly within the lines of the parking space marked as provided in subsection (B), and it shall be unlawful for any person to park or leave a vehicle in any such zone, unless it is wholly within such space. Where the parking meters are placed in front of parking spaces, the radiator shall be as near as possible to the parking meter controlling the space, and where the parking meters are placed alongside the parking spaces, the front fender or front wheels of the vehicle shall be as near as possible to the parking meter controlling the space.
- (E) Except in a period of emergency determined by an officer of a fire company or of the police department, or except in compliance with the directions of a police officer or traffic control signal, when any vehicle shall be parked in a space regulated by a parking meter installed under this subsection, between the hours of 8:00 a.m. and 6:00 p.m., on any day except Sunday and public holidays, the owner, operator or driver of such vehicle shall, upon entering such parking space, immediately deposit in the parking meter regulating such space one or more coins of the United States of America designated in subsection (F) below. The failure to deposit such proper coin or coins shall be deemed a violation of this section.
- (F) Any vehicle parking or standing in any parking meter space within a zone established by this section may lawfully occupy such space for one hour or less by paying the same rate as established in §72.58(H), Parking lot fees, (1) short term metered spaces.
- (1) Upon the expiration of the legal parking time as above prescribed, it shall be the duty of the owner or driver of the vehicle forthwith to remove the vehicle from the parking space, and it shall be unlawful for any person to cause, allow, permit, or suffer any such vehicle

driven by him or registered in his name to be parked or standing overtime or remain therein beyond the parking time limit prescribed by this section. It shall likewise be unlawful for any person to permit a vehicle driven by him/her or registered in his name to remain or be placed in any parking space alongside of or next to which any parking meter is placed while the parking meter is displaying a signal showing that the time for which the privilege to park in such space has been granted has expired, without making the deposit required in this section.

- (2) Each hour or portion thereof that a vehicle is parked overtime in violation of this section shall constitute a separate offense.
- (3) This section shall not be applicable on days or during hours in which subsection (E) above does not require the deposit of a coin in the parking meter.

(Code 1965, §§19-169--19-173; Ord. No. 931, 2-23-48; Ord. No. 1196, 4-6-59; Ord. No. 1775, 12-21-70; Ord. No. 2403, 12-6-77; Ord. No. 2410, 1-16-78; Ord. No. 2616, 4-1-80; Ord. No. 2769, 11-3-81; Ord. No. 4222, 2-15-00; Code 1991, §72.57)

Cross reference(s)--Penalty, §72.99.

**72.58 Off-Street Parking Meter Facilities;
Rates For City Garage**

- (A) *Established.* The following named and described real estate lying within the corporate limits of the city is hereby established as and shall constitute parking meter facilities:
- (1) Lots 8 to 15, inclusive, in Block 26 of the original plat of the city, including an alley 10 feet in width and running in an east and west direction and adjoining the southern boundary of Lots 12 to 15, inclusive, and the northern boundary of Lots 8 to 11 inclusive.
- (2) Lots 8, 9, 10, 11, 12, 13, 14 and 15 of Block 30, in the town (now city), as designated upon the original plat of said town.
- (3) Lot 9A and a part of Lot 10, in Block 29, of the original plat of the city.
- (4) Part of the Northwest Quarter of the Southwest Quarter of Section 15, Township 16 North, Range 30 West, described as follows: Beginning at a point 84 feet south and 25 feet east of the northwest corner of the said 40-

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

- acre tract, and running thence south 178 feet; thence east 70.3 feet; thence north 178 feet; thence west 70.3 feet to the point of beginning.
- (5) A part of Block 7, of the original plat of the city, more particularly described as beginning at a point 13 feet and two inches south of the northwest corner of said Block 7, running thence east 50 feet; thence south 267 feet to the point of beginning.
- (6) Lots 7, 8, 9 and 10 of Block 17 in the town (now city) as designated upon the original plat of said town.
- (7) Lots 8, 9 and 10 of Block 13 in the town (now city) as designated upon the original plat of said town.
- (8) Lots 1, 2, Lot 3, less 52.53 feet of equal and uniform width off the south side thereof, and Lot 12, less 50 feet of equal and uniform width off the south side thereof of Block 13 in the town (now city) as designated upon the original plat of said town.
- (9) Part of Block 25, in the town (now city) as designated upon the original plat of said town, and more particularly described as follows: Beginning at the northeast corner of Lot 1 in said Block 25, thence west 42 feet; thence south 49.3 feet; thence west 58 feet; thence south 58.7 feet to the center of a platted alley; thence east 100 feet; thence north 107 feet to the point of beginning.
- (10) Part of Block 15, in the original plat of the city, described as follows: Beginning at a point 127 feet west of the northeast corner of Block 15 and running thence south 206 feet to the north line of a 12-foot alley; thence west 177 feet to the east line of an alley; thence north 90 feet; thence east 22 feet; thence north 116 feet to the south line of Meadow Street; thence east 17 feet; thence south 27 feet; thence east 20 feet; thence north 27 feet to the south line of Meadow Street; thence east 118 feet to the point of beginning.
- (11) Lots numbered 12 and 13 in Block 30 of the original town (now city).
- (B) *Definitions.* For the purpose of this section "public off-street automobile parking facilities" are defined as accommodations procured or provided, or both, by public authority for the parking of motor vehicle off the street or highway, and open to public use with or without charge. Parking facilities may consist of lots, garages, or other structures and accessories; they may be surfaced facilities or facilities above or below ground.
- (C) *Marking of parking spaces.* The mayor is hereby authorized to mark off individual parking spaces in the parking meter facilities established by this section, such parking spaces to be designated by lines painted or durably marked on the curbing or otherwise.
- (D) *Installation, location, mechanical requirements, and maintenance of meters.* In the parking meter facilities established by this article, the mayor shall cause parking meters to be installed upon the curb immediately adjacent to the parking spaces marked in accord with subsection (C) above, such installation to be placed not more than two feet from the curb or concrete islands as provided, from the front line of the parking space as indicated, and the mayor shall be responsible for the regulation, control, operation, maintenance, and use of such parking meters. Each parking meter installed shall indicate by proper legend the legal parking time established by the city and, when operated, shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.
- (E) *Vehicles to be parked entirely within parking spaces.* At each space marked off in accord with subsection (C) above, it shall be unlawful for any person to park any vehicle across any lines or markings of such space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.
- (F) *Deposit of coin required.*
- (1) Except in a period of emergency determined by an officer of the fire or police departments, or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle is parked in any parking space alongside or next to which a parking meter is located in accord with this section, the operator of such vehicle shall, upon entering the parking meter space, immediately deposit or cause to be deposited in the meter such proper coin of the United States as is required for such parking meter and is designated by proper directions on the meter, and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin or coins, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon. Failure to deposit such proper coin, and to set the timing mechanism

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

in operation when so required, shall constitute a violation of this section. Upon the deposit of such coin (and the setting of the timing mechanism in operation when so required) the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed; provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of the space does not exceed the indicated unused parking time.

- (2) This section shall apply every day between the hours of 8:00 a.m. and 6:00 p.m., except Sundays and legal holidays.

(G) *Deposit of coin required at gated lot.* It shall be unlawful for any person to cause, allow, permit or suffer any vehicle operated by him or registered in his name to be parked in a gated off-street parking lot without the usage fee prescribed by subsection (H) below having first been deposited.

(H) *Parking lot fees.* The following off-street parking rates are hereby established:

- (1) Short-term metered spaces (gray capped meters) - \$0.25 per hour;
- (2) Long-term metered spaces (red capped meters) - \$0.15 per hour;
- (3) Gated lots (per space) - \$30.00 per month;
- (4) Long-term parking permits (hang tags) for use at long term meters only - \$30.00 per month;

(I) *Rates for parking in city parking garages.*

(1) City parking garage on Meadow Street:

- (a) First level (covered),
\$45.00 per space/per month, or not more than \$4.00 per visit if entry not restricted.
- (b) Second level (covered),
\$45.00 per space/per month.
- (c) Third level (not covered),
\$30.00 per space/per month, or not more than \$3.00 per visit if entry not restricted.

(2) Parking garages built or purchased after January 1, 2000, including the Town Center,

shall be rented at a market rate not to exceed a uniform fee of \$70.00 per month/per space.

- (3) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle operated by him or registered in his name to be parked in any city parking garage without paying the parking fees prescribed above.

(J) *Overtime parking.*

- (1) If any vehicle remains parked in any parking space in a parking meter facility established by this section beyond the parking time limit set for such parking space, and if the meter indicates such illegal parking, then, and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this section. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle operated by him or registered in his name to be parked overtime, or beyond the period of legal parking time established for any parking meter facility as herein described, or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter space or to permit any such vehicle to remain or to be placed in any parking space adjacent to any parking meter while the meter is displaying a signal indicating that the vehicle occupying such space has already been parked beyond the period prescribed for such parking space.

(2) Each additional hour or fraction thereof that a vehicle is parked in violation of this section shall constitute a separate offense.

(3) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle operated by him or registered in his name to be parked in a gated off-street parking lot for more than 24 continuous hours. Each additional hour or fraction thereof that a vehicle is parked in violation of this section shall constitute a separate offense.

(K) *One-way traffic.*

- (1) The mayor is hereby authorized to determine and designate specific lanes upon the real estate described in subsection (A) above upon which vehicular traffic shall proceed in one direction only and shall cause to be placed appropriate markings, signs, barriers, or other

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

devices to give notice thereof. The mayor shall cause to be erected signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.

- (2) When signs indicating the direction of traffic are erected and maintained in accord with subsection (1) above, vehicular traffic shall move only in the indicated direction, and it shall be unlawful for any person to operate any vehicle in violation of the markings, signs, barriers, or other devices placed in accordance with subsection (1) above.

(L) *Immobilization of illegally parked motor vehicle.*

- (1) *Immobilization authorized.* Employees of the traffic division and officers of the police department are hereby authorized to temporarily immobilize any vehicle which is parked in violation of any provision of this chapter and whose owner has been cited for violating these parking regulations at least twice in the preceding thirty days or has outstanding fines and costs from previous parking violations due and owing.

- (2) *Post-deprivation hearing.* When any vehicle is immobilized under the provisions of this section, the owner or operator shall have the right to a post-deprivation administrative hearing by filing a written request for such a hearing with the mayor.

(3) *Conduct of hearing.*

- (a) A hearing shall be conducted before a hearing officer designated by the mayor and shall be held within 24 hours from receipt of a written demand therefor, unless the right to a speedy hearing is waived in writing. Saturdays, Sundays, and city holidays are to be excluded from calculating said 24-hour period. The hearing officer shall not be the person who directed the impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to immobilize the vehicle in question.
- (b) The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right

to possession of the vehicle. The city shall carry the burden of establishing that there was probable cause to immobilize the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and to the registered owner of the vehicle. The hearing officer's decision shall in no way affect any criminal proceeding in connection with the immobilization. The decision of the hearing officer shall be final. Failure to request a post-immobilization hearing within three days from the date of immobilization, or failure to attend a scheduled post-immobilization hearing shall be deemed a waiver of the right to such hearing; and, the police department shall be authorized to have the vehicle towed to and stored at a safe place designated as an official police garage by the chief of police. The owner or operator of the vehicle shall be liable for all towing and storage fees.

(4) *Decision of hearing officer.*

- (a) The hearing officer shall only determine whether there was probable cause to immobilize the vehicle. If the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a certificate of no probable cause, a copy of which shall be given to the registered owner of the vehicle or his agent and to the police department and traffic division. Upon receipt of the owner's copy of such certificate, an employee of the traffic division or an officer of the police department shall remove the immobilization device from the vehicle.
- (b) If the hearing officer determines that there was probable cause for immobilizing the vehicle, the registered owner, or his agent, may obtain removal of the immobilization device by posting a bond in a reasonable amount specified by the district court. The amount of said bond shall be not less than a sum equivalent to the cumulative total of applicable fines, court costs, towing fees and storage fees. Upon presentation of a receipt evidencing the posting of said bond, an employee of the traffic division or an officer of the police department shall remove the

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

immobilization device from the vehicle.

(Code 1965, §§19-185--19-195; Ord. No. 1083, 6-6-55; Ord. No. 1197, 4-6-59; Ord. No. 1231, 1-25-60; Ord. No. 1242, 8-8-60; Ord. No. 1576, 11-6-67; Ord. No. 1802, 6-21-71; Ord. No. 1866, 6-5-72; Ord. No. 2613, 3-18-80; Ord. No. 2769, 11-3-81; Ord. No. 2815, 6-15-82; Ord. No. 2875, 11-23-82; Ord. No. 2914, 4-19-83; Ord. No. 2939, 9-12-83; Ord. No. 3995, §1, 9-17-96; Ord. No. 4222, 2-15-00; Code 1991, §72.58; Ord. No. 4889, 06-20-06)

Cross reference(s)--Penalty, §72.99.

72.59-72.98 Reserved

72.99 Penalties

- (A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be fined as set forth in §10.99.
- (B) The penalty for each violation of §§72.13, 72.57 or 72.58(J) shall be \$5.00, if paid before the issuance of a summons, citation, or arrest warrant; otherwise, the penalty for each violation of §§72.13, 72.57, 72.58(J) shall be \$25.00; provided the penalty for each violation of §§72.13, 72.57, or 72.58(J) in excess of five parking violations in any calendar month shall be \$25.00 if paid before the issuance of a summons, citation, or arrest warrant; otherwise, the penalty for each violation of §§72.13, 72.57, or 72.58(J) in excess of five parking violations in any calendar month shall be \$50.00.

FAYETTEVILLE

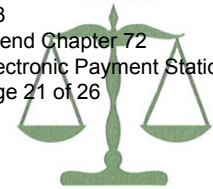
THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

Handed out at the City Council Meeting
5/4/2010
City Council Agenda
C. 5
Amend Chapter 72 Electronic
Payment Station Program

B/3
Amend Chapter 72
(Electronic Payment Station Program)
Page 21 of 26



LEGAL DEPARTMENT

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

CC: **Don Marr**, Chief of Staff
Sondra Smith, City Clerk
Terry Gulley, Transportation Services Director

FROM: **Kit Williams**, City Attorney

A blue ink signature of Kit Williams, written over a horizontal line.

DATE: **May 4, 2010**

RE: **Correction to item #5 Parking Meters and Electronic Payment Stations ordinance, Section 8 and Section 6**

In Section 8 of the enacting ordinance and subsection (H)(3) (a) Sunday, the time for \$.50 per hour should read:

“(a) 1:00 p.m. until 6:00 p.m. – \$.50 per hour” rather than “1:00 p.m. until **5:00** p.m.” as presented in your packet.

I will read the correct language when the ordinance is placed upon its first reading.

Also, Section 6 of the enacting ordinance should add the following to the end of the sentence: “or as directed by the Mayor.” The Parking Division currently takes the cash deposits directly to the bank. I recommend additional accounting procedures for the vastly increased (estimated) parking revenues and the handling of electronic payments. These procedures should primarily be decided by the Mayor’s administration and will certainly be reviewed by our outside auditing firm (BKD) as well as our Internal Auditor and the citizens’ Audit Committee.

I will read Section 6 as follows during the ordinance's initial reading:

“The Parking Manager shall collect all deposits or electronic transactions from parking meters and electronic payment stations installed under this article and deliver them to the Accounting Department or as directed by the Mayor.”

Attached are the two pages (8 and 10) of your packet which have been corrected. I want to thank Terry Gulley who spotted these problems and informed me so we could correct them before placing the ordinance on its first reading.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.54 **Tampering with Meters Prohibited** by repealing it in its entirety and enacting a replacement § 72.54 **Tampering with Meters or Electronic Payment Stations Prohibited**.

"It shall be unlawful for any person to deface, injure, tamper with, willfully break, destroy or impair the usefulness of, or to open without lawful authority, any parking meter or electronic pay station installed in accord with this article."

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby amends § 72.55 **Collections from Meters** by repealing it in its entirety and enacting a replacement § 72.55 **Collections from Meters and Electronic Payment Stations**.

"The Parking Manager shall collect all deposits or electronic transactions from parking meters and electronic payment stations installed under this article and deliver them to the Accounting Department or as directed by the Mayor."

Section 7: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.57 **Parking Meter Zones** by repealing subsection (E) and subsection (F) in their entirety and enacting replacement subsections as shown below:

"§72.57(E) *Regulated hours for parking meters.*

(1) Within the Entertainment District Parking Zone between the hours of 10 a.m. until 2:00 a.m. Monday - Saturday and 1:00 p.m. until 2:00 a.m. on Sunday a.m. the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit sufficient money as required in §72.58(H), in the parking meter.

(2) Outside the Entertainment District Parking Zone between the hours of 8:00 a.m. until 6:00 p.m. Monday - Friday (except City holidays), the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit sufficient money as required in §72.58(G) in the parking meter.

"(F) *Unlawful to leave vehicle parked in excess of allowed time.*

"Upon the expiration of the legal parking time paid for and allowed pursuant to this chapter during the period that paid

(b) 5:00 p.m. until 2:00 a.m. the following day – \$1.00 per hour with a maximum charge of \$5.00

(c) 2:00 a.m. until 10:00 a.m. – free parking

(2) Saturday

(a) 10:00 a.m. until 6:00 p.m. – \$.50 per hour with a maximum charge of \$3.00

(b) 6:00 p.m. until 2:00 a.m. the following day – \$1.00 per hour with maximum charge of \$5.00

(c) 2:00 a.m. until 10:00 p.m. – free parking

(3) Sunday

(a) 1:00 p.m. until 6:00 p.m. – \$.50 per hour

(b) 6:00 p.m. until 2:00 a.m. the following day – \$1.00 per hour with a maximum charge of \$5.00

(c) 2:00 a.m. until 1:00 p.m. – free parking

(4) Monthly daytime parking permits (Proximity Access Cards) for gated parking lots in the Entertainment District Parking Zone.

Persons desiring to purchase monthly access to and parking within gated lots in the Entertainment District Parking Zone between the hours of 10:00 a.m. and 4:00 p.m. on weekdays (excluding holidays) may purchase a Proximity Access Card for \$35.00. Any Proximity Access Card holder shall be required to pay normal hourly parking fees for any parking within the lot beyond 4:00 p.m. Special events authorized by the Mayor that require use of the gated parking lot will supersede the rights of monthly parkers during such event.

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

May 10, 2010

Dear Fayetteville City Aldermen,

As a Dickson St. business owner, I have been regularly attending meetings regarding the paid parking issues on The Square and The Dickson St. Entertainment District. I feel compelled to voice my concerns on this issue.

Over the past month or so, I have been talking to many of my customers as well as employees and other business owners about the paid parking proposal. The consensus has been overwhelmingly negative. While parking remains an issue, most have said that paying to park will not only decrease their visits to these areas but will also limit the amount of time they spend when they do come out. Most have said they think daytime parking meters are understandable but any amount at night would be unreasonable when there are other places to go. EVERYONE has said that \$1.00 per hour is absurd and paying on the weekends will keep them away completely. Visitors to NWA love the small town feel. With so many options; retail, restaurants, night life, etc, paying for parking is what they expect in major cities and metropolitan areas, not in a small town where businesses are not even allowed to use signs of their choice or hang banners to draw in business.

The economy is tight and all of us are feeling the crunch. Business has slowed down for everyone and several businesses have had to close their doors. I have heard there a couple trying to get out of leases so they can move away from the "Entertainment" District due to the possibility of decreased business caused by the pay parking. Yes, new ones will come in behind them, but how long will they survive? With the high rents (due to demand), who will be able to continue to pay rent, taxes, utilities etc. when the customers leave? I don't believe a loss of businesses and customers and half full lots will generate the kind of income you are hoping to receive from this proposal. Charging for parking is not the answer. There must be a better alternative. I believe most businesses would be willing to have a one cent tax increase if it were allocated towards a (free) parking deck and they could keep their customers OR perhaps some of the tax dollars we are already being charged could be allocated for this. Perhaps the priority for these taxes could be the parking deck. And by the way, where is this parking facility going to be built?

I have also heard from residents and visitors alike, Fayetteville is not as inviting as it was once upon a time. The current two hour parking already limits the time people will spend shopping or dining. What other city would penalize customers for wanting to spend their money with local businesses? Now you are asking for more? Not to mention evenings and weekends? You will be driving our customers, local and visiting, to Benton County shops and restaurants. Why? We won't need a parking facility in a few years, Dickson St and The Square will become the ghost town it was years ago when there were parking meters everywhere. Those meters were taken out to encourage people to come back. When the Walton Art Center moved in, businesses cleaned up and more moved in. These areas (The Square and Dickson St.) that were once dead are now what Fayetteville is known for. Unfortunately, there was no forethought in allowing more businesses to move in when there was already a parking problem. Our customers, residents and businesses should not pay the price for the lack of planning on the city's part.

Different rates for different City parking lots will be very confusing and unfair. Again, why are we going back to something that didn't work before. How many businesses left the square before somebody thought we might need to re-think things. Two hour parking meters are still inconvenient for those who want to stop for lunch, shop, get a hair cut...it is a pain to keep feeding the meters. Many leave and spend their money elsewhere. Might still be in Fayetteville but could easily be Benton

City of Fayetteville Staff Review Form

B. 4
Amend Chapter 72
(\$72.99 Penalties)
Page 1 of 10

City Council Agenda Items
and
Contracts, Leases or Agreements

4

5/4/2010

City Council Meeting Date
Agenda Items Only

Sharon Crosson

Submitted By

Parking Management

Division

Transportation Services

Department

Action Required:

An Ordinance to amend Chapter 72 Parking Regulations of The Fayetteville Code to change the fines and summons fees for parking violations in the Entertainment District Parking Zone and Downtown Square Parking Zone.

_____	\$ _____ -	Entertainment Dist. Parking Program
Cost of this request	Category / Project Budget	Program Category / Project Name
_____	\$ _____ -	Parking Fines
Account Number	Funds Used to Date	Program / Project Category Name
_____	\$ _____ -	Off-Street Parking
Project Number	Remaining Balance	Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Services Director

Date

Received in City
Clerk's Office

ENTERED
4-16-10 King

Chief of Staff

Date

Received in
Mayor's Office

ENTERED
4/19/10

Mayor

Date

Comments:

left on the Second Reading at the 5/18/10 CC mtg.
left on First Reading at the 5/4/10 CC mtg.

Revised January 15, 2009

AGENDA REQUEST

FOR: COUNCIL MEETING OF JUNE 1, 2010

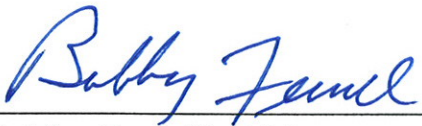
FROM:

ALDERMAN BOBBY FERRELL

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend Article III **Parking Meters And Electronic Payment Stations** Of Chapter 72 **Parking Regulations** By Amending § 72.99 Penalties

APPROVED FOR AGENDA:



Bobby Ferrell, Alderman

5-11-10

Date



Kit Williams, City Attorney
(as to form)

5-6-2010

Date

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE III **PARKING METERS AND ELECTRONIC PAYMENT STATIONS OF CHAPTER 72 PARKING REGULATIONS BY AMENDING § 72.99 PENALTIES**

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 §72.99(B) **Penalties** by repealing it in its entirety and enacting a replacement §72.99(B) **Penalties** and a new subsection (C) as shown below:

“(B) The penalty for each violation of §§72.13, 72.57 or 72.58(J) shall be \$10.00, if paid before the issuance of a summons, citation, or arrest warrant; otherwise, the penalty for each violation of §§72.13, 72.57, or 72.58(J) shall be \$35.00; provided the penalty for each violation of §§72.13, 72.57, or 72.58(J) for a second offense **committed within 12 months of the first offense** shall be \$15.00 if paid before the issuance of a summons, citation, or arrest warrant; otherwise the penalty for each violation of §§72.13, 72.57, or 72.58(J) shall be \$40.00; provided the penalty for each violation of §§72.13, 72.57, or 72.58(J) for a third or subsequent offense **committed within 12 months of two previous offenses** shall be \$25.00 if paid before the issuance of a summons, citation, or arrest warrant; otherwise the penalty for each violation of §§72.13, 72.57, or 72.58(J) shall be \$50.00.

“(C) Parking citations for overtime parking may not be written for the same vehicle in the same space more than three times per day.”

PASSED and **APPROVED** this 1st day of June, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Director of Transportation

From: Sharon Crosson, Parking and Telecom Manager

Date: April 16, 2010, 2010

Subject: An Ordinance to Amend Chapter 72 Parking Regulations of The Fayetteville Code to Change the Fines for Parking Violations in the Entertainment District Parking Zone and the Downtown Square Parking Zone

PROPOSAL:

City staff is recommends the approval of an ordinance to change the fines for parking violations and summons fees in the Entertainment District Parking Zone and the Downtown Square Parking Zone.

RECOMMENDATION:

Violation amounts are established in relation to the cost of the parking meter rate, and are set high enough with the intent to encourage the parker to pay appropriate fee for the use of the parking space. As the parking rates have been established for the Entertainment District and Downtown Square Parking Zones, the recommended violation amounts follow the general guidelines of this concept.

An escalating violation amount for overtime parking has been proposed for all public parking in the Entertainment District and Downtown Square Parking Zones. The first offense begins at a very low fine of \$10.00; this gives careful consideration to first-time visitors of our area. The second offense increases to \$15.00; three or more offenses are \$25.00 each. Parking fines have not been increased since 2002.

The violation amounts for prohibited parking and illegally parking in a handicap space are proposed to match that of the Fayetteville Police Department which is set by the District Judge. This provides consistency in the fines issued for the same offense by both the Parking Management Division and the Fayetteville Police Department.

BUDGET IMPACT:

Implementation of this program will involve minimal program of existing equipment and software to implement the new fines. Estimated revenues generated from this change is \$313,975 per year.

Citation Rates and Enforcement Recommendation

Citations may be written up to three (3) times per day, once per Time Period as defined in Chapter 72 Parking Meter Rates & Times.

Violation	1st Offense	2nd Offense	3rd Offense and after	Summons Fee if Not Paid Within 14 Days
Overtime parking	\$10.00	\$15.00	\$25.00	\$25.00
Prohibited parking	\$70.00 (same as Police Department)			\$25.00
Handicap violation	\$195.00 (same as Police Department)			\$25.00

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE III **PARKING METERS AND ELECTRONIC PAYMENT STATIONS OF CHAPTER 72 PARKING REGULATIONS BY AMENDING § 72.99 PENALTIES**

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 §72.99(B) **Penalties** by repealing it in its entirety and enacting a replacement §72.99(B) **Penalties** and a new subsection (C) as shown below:

“(B) The penalty for each violation of §§72.13, 72.57 or 72.58(J) shall be \$10.00, if paid before the issuance of a summons, citation, or arrest warrant; otherwise, the penalty for each violation of §§72.13, 72.57, or 72.58(J) shall be \$35.00; provided the penalty for each violation of §§72.13, 72.57, or 72.58(J) for a second offense shall be \$15.00 if paid before the issuance of a summons, citation, or arrest warrant; otherwise the penalty for each violation of §§72.13, 72.57, or 72.58(J) shall be \$40.00; provided the penalty for each violation of §§72.13, 72.57, or 72.58(J) for a third or subsequent offense shall be \$25.00 if paid before the issuance of a summons, citation, or arrest warrant; otherwise the penalty for each violation of §§72.13, 72.57, or 72.58(J) shall be \$50.00.

“(C) Parking citations for overtime parking may not be written for the same vehicle in the same space more than three times per day.”

PASSED and **APPROVED** this 4th day of May, 2010.

APPROVED:

ATTEST:

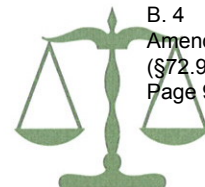
By: _____
LIONELD JORDAN, Mayor

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

Handed out at
Agenda Session
5/11/10

B.4.

Amend Chapter 72 (72.99 Penalties)



TO: **Alderman Bobby Ferrell**

FROM: **Kit Williams**, City Attorney

A handwritten signature in blue ink, appearing to be 'Kit Williams', with a long horizontal line extending to the right.

DATE: **May 6, 2010**

RE: **Limiting increased penalties for overparking to previous violations within preceding 12 months**

Please see the proposed changes in **bold** in the attached ordinance (§72.99). I believe this should accomplish your goal to apply the increasing penalties for second, third and subsequent offenses only if the previous offenses occurred within the preceding 12 months. Thus, alumni returning for a football game would “start over” at the first offense level and not be penalized for “youthful indiscretions” of overtime parking while students by being hit with the largest fine.

If this is satisfactory, please let me know and I will have copies for you to hand out at the Agenda or regular City Council meeting.

City of Fayetteville Staff Review Form

B. 5
Parking Program Personnel
Page 1 of 8

City Council Agenda Items
and
Contracts, Leases or Agreements

6

5/4/2010

City Council Meeting Date
Agenda Items Only

Sharon Crosson

Submitted By

Parking Management

Division

Transportation Services

Department

Action Required:

A Resolution to approve a budget adjustment for \$498,542 for the addition of 2.5 full-time equivalent positions in the Parking Management Division and approval of all operating expenses for the implementation and funding of the Parking Program in the Entertainment District Parking Zone.

Cost of this request	\$ -	Entertainment Dist. Parking Program
(multiple)	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	(multiple)
	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Off-Street Parking
	Remaining Balance	Fund Name

Budgeted Item

☐

Budget Adjustment Attached

X

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Services Director

Date

Received in City
Clerk's Office



Chief of Staff

Date

Received in
Mayor's Office



Mayor

Date

Comments:

Added to the 4/11/10 CC mtg.
Added to the 5/18/10 CC mtg.

Revised January 15, 2009

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Director of Transportation

From: Sharon Crosson, Parking and Telecom Manager

Date: April 16, 2010, 2010

Subject: A Resolution to Approve a Budget Adjustment in the Amount of \$498,542.00 and the Approval of the Addition of **2.5 Full-Time Equivalent Positions** Including all Related Operating Expenses for the Entertainment District Parking Program

PROPOSAL:

City staff is recommends the approval of a resolution to approve the addition of 2.5 full-time equivalent positions including all related operating expenses for the Entertainment District Parking Program.

RECOMMENDATION:

The City Parking Management Division currently has 1 full-time and 1 half-time Parking Enforcement Officers that provide parking enforcement services to 859 monitored parking spaces. These spaces are monitored 50 hours per week; 7:00am to 5:00pm weekdays. The new parking program will add an additional 985 monitored parking spaces and increase enforcement hours up to 112 hours per week. Enforcement during evening hours in the Entertainment District will also require two employees on the job during the same hours.

Normal work hours for the parking staff are as follows:

Monday, Tuesday – 7:00am to 10:00pm

Wednesday, Thursday, Friday – 7:00am to 2:00am the following day

Saturday – 9:00am to 2:00am the following day

Sunday – 1:00pm to 9:00pm

(Note: Work hours will vary depending on special events and Walton Arts Center show times.)

BUDGET IMPACT:

Implementation of the new Entertainment District Parking Program will require an additional 2.5 positions, operating expenses and startup costs totaling \$402,433.00 to cover expenses for the remaining 6 months of 2010. This program will generate revenues projected at \$498,542.00 for the remaining 6 months of 2010.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$498,542.00 FOR THE IMPLEMENTATION AND FUNDING OF THE PARKING PROGRAM IN THE ENTERTAINMENT DISTRICT PARKING ZONE AND APPROVING THE ADDITION OF 2.5 FULL-TIME EQUIVALENT POSITIONS IN THE PARKING MANAGEMENT DIVISION FOR THE 2010 BUDGET

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution and incorporated herein as Exhibit "A," in the total amount of \$498,542.00 for the implementation and funding of the parking program in the Entertainment District Parking Zone.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves the creation of two and a half (2.5) full-time equivalent positions in the Parking Management Division of the 2010 Budget as indicated on the attached Exhibit "B" which is incorporated herein.

PASSED and APPROVED this 4th day of May, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville, Arkansas

2010 Budget: Total Program Expenses

Parking & Telecommunications Division

Division	Fund/Prog	GL Account	Class	Budget Description	Units	Unit Desc	Amount/ Unit	Amount Desc	Total Budget	
D840	2130.9130	2130.9130.5100.00	EX20	SALARIES	1	EACH	63365	RECU	63,365	50%
D840	2130.9130	2130.9130.5103.00	EX20	OVERTIME	1	EACH	5521	RECU	5,521	50%
D840	2130.9130	2130.9130.5105.00	EX20	FICA TAXES	1	EACH	5305	RECU	5,305	50%
D840	2130.9130	2130.9130.5107.00	EX20	LIFE INSURANCE	1	EACH	222	RECU	222	50%
D840	2130.9130	2130.9130.5108.00	EX20	HEALTH INSURANCE	1	EACH	19071	RECU	19,071	50%
D840	2130.9130	2130.9130.5108.01	EX20	LTD INSURANCE	1	EACH	238	RECU	238	50%
D840	2130.9130	2130.9130.5108.02	EX20	ADD INSURANCE	1	EACH	27	RECU	27	50%
D840	2130.9130	2130.9130.5109.06	EX20	RETIREMENT SAVINGS	1	EACH	9184	RECU	9,184	50%
D840	2130.9130	2130.9130.5111.00	EX20	WORKER'S COMP INSURANCE (Beginning in 2011)	1	EACH	1197	RECU	1,197	50%
D840	2130.9130	2130.9130.5200.00	EX20	Hang tags and permit stickers	1	EACH	1000	RECU	1,000	50%
D840	2130.9130	2130.9130.5200.00	EX20	Parking ticket envelopes and rolls	1	EACH	1500	RECU	1,500	50%
D840	2130.9130	2130.9130.5200.01	EX20	Copies	1	EACH	800	RECU	800	50%
D840	2130.9130	2130.9130.5210.00	EX20	Handheld citation devices	2	EACH	3000	START	6,000	100%
D840	2130.9130	2130.9130.5213.04	EX20	Unleaded Fuel	300	GALS	3.25	UNLF	975	50%
D840	2130.9130	2130.9130.5301.00	EX30	Advertisement of Entertainment District Parking Program	1	EACH	800	RECU	800	50%
D840	2130.9130	2130.9130.5302.00	EX30	Uniforms	1	EACH	700	RECU	700	50%
D840	2130.9130	2130.9130.5307.00	EX30	Annual Audit Allocation	1	EACH	350	NDIS	350	50%
D840	2130.9130	2130.9130.5315.00	EX30	AEP Electric	1	EACH	1000	RECU	1,000	50%
D840	2130.9130	2130.9130.5315.00	EX30	Electrical services	1	EACH	25000	START	25,000	100%
D840	2130.9130	2130.9130.5315.00	EX30	Signage installation services	1	EACH	5000	START	5,000	100%
D840	2130.9130	2130.9130.5331.00	EX30	Stripping services	1	EACH	2000	START	2,000	100%
D840	2130.9130	2130.9130.5331.01	EX33	PTELF005_MP9999_Electric Scooter	12	MPUN	223.41	MPUN	2,681	50%
D840	2130.9130	2130.9130.5331.02	EX33	PTELF005_MP9999_Electric Scooter	12	MPUN	42.99	MPUN	516	50%
D840	2130.9130	2130.9130.5331.03	EX33	PTELF005_MP9999_Electric Scooter	12	MPUN	42.58	MPUN	511	50%
D840	2130.9130	2130.9130.5404.00	EX40	Cards/tokens for gate access	1	EACH	12.67	MPUN	152	50%
D840	2130.9130	2130.9130.5404.00	EX40	Gate arms	1	EACH	500	RECU	500	50%
D840	2130.9130	2130.9130.5404.00	EX40	Parking signs and related materials	1	EACH	1000	RECU	1,000	50%
D840	2130.9130	2130.9130.5404.00	EX40	Pavement markings and supplies	1	EACH	1500	START	1,500	100%
D840	2130.9130	2130.9130.5407.00	EX40	Hardware maintenance on handhels	1	EACH	500	RECU	500	50%
D840	2130.9130	2130.9130.5407.00	EX40	Maintenance on revenue machines and gate controllers	1	EACH	800	RECU	800	50%
D840	2130.9130	2130.9130.5802.00	EX40	Electric vehicle	1	EACH	2500	RECU	2,500	50%
D840	2130.9130		EX40	Equipment lease \$700,000	12	MONTH	20000	START	20,000	100%
D840	2130.9130		EX40	Transfer to Walton Arts Center	1	EACH	14804	RECU	177,648	50%
D840	2130.9130		EX40	Infrastructure provided by Transportation	1	EACH	289000	RECU	289,000	50%
D840	2130.9130				1	EACH	50000	RECU	50,000	100%

TOTAL RECURRING COSTS FOR 2010
TOTAL STARTUP COSTS FOR 2010

587,063 292,933
109,500 109,500

6 Months in 2010:

\$402,433
\$696,563

2010 PARKING REVENUE PROJECTIONS ENTERTAINMENT DISTRICT PARKING PROGRAM

Parking Lots	Location	Number of Spaces	Citation Revenue 7 days/week	Parking Fee Revenue 300 days/year 16 hours/day	Annualized Recurring	2010 Remaining 6 Months
			7am - 10pm MT 7am - 2am WTF 9am - 2am Sat 1pm - 9pm Sun Avg. \$275/space	\$0.50/hr + \$1.00/hr 50% capacity City Lots = 100% Revenue		
Lot 50 - City owned	West of WAC	293	\$80,575	\$351,600		
Lot 55 - City owned	Behind Brew Pub	105	\$28,875	\$126,000		
Lot 56 - City owned	South of Grubs	65	\$17,875	\$78,000		
Lot 60 - City owned	East of WAC	58	\$15,950	\$69,600		
On-Street Spaces	Entertainment District	210	\$57,750	\$252,000		
	Less Sales Tax 9.25%			-\$81,141		
Total Revenues:		731	\$201,025	\$796,059	\$997,084	\$498,542
Total Expenses:			\$700,000 Equipment	Recurring Exp.	\$587,063	\$402,433 *
Net Revenues:					\$410,021	\$96,109

* Includes Startup Costs of \$109,500

**City of Fayetteville, Arkansas
Budget Adjustment Form**

B. 5
Parking Program Personnel
Page 6 of 8

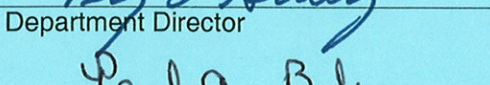
Budget Year	Department: Transportation Services	Request Date	Adjustment Number
2010	Division: Parking & Telecommunications Program: Off-Street Parking	4/21/2010	

JUSTIFICATION TO INCREASE PROJECT / ITEM:

\$498,542 in the Off-Street Parking Fund Expense Program for the establishment of a New Parking Program.

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

Account Name	Account Number	Increase Budget	Decrease Budget	Project.Sub Number
SEE ATTACHED				.
				.
				.
				.
				.
				.
				.
TOTAL		-	-	

 Division Head Date  Budget Director Date  Department Director Date  Finance Director Date Chief of Staff Date Mayor Date	Requested By kspringer Budget & Research Use Only Type: A B C <u>D</u> E Description: 0 General Ledger Date Posted to General Ledger Initial Date Posted to Project Accounting Initial Date
---	--

Budget Adjustment Detail Backup:

Account Name	Account Number	Increase Budget	Decrease Budget	Project#	Sub#	Project Description
Rent - West Avenue Lot	2130.0913.4426.50		199,800			
Rent - Lot 55 Watson St	2130.0913.4426.55		71,600			
Rent - Lot 56 Spring&West	2130.0913.4426.56		44,300			
Rent - Lot 60 School Ave.	2130.0913.4426.60		39,600			
Rent (Entertainment District)	2130.0913.4426.XX		143,242			
Use of Fund Balance	2130.0913.4999.99	96,109				
Salaries & Wages	2130.9131.5100.00	31,683				
FICA Taxes	2130.9131.5105.00	2,653				
Overtime	2130.9131.5103.00	2,761				
Life Insurance	2130.9131.5107.00	111				
Health Insurance	2130.9131.5108.00	9,536				
LTD Insurance	2130.9131.5108.01	119				
ADD Insurance	2130.9131.5108.02	14				
Retirement Savings Plan	2130.9131.5109.06	4,592				
Office Supplies/Printing	2130.9131.5200.00	500				
Office Supplies/Printing	2130.9131.5200.00	750				
Copies And Lease	2130.9131.5200.01	400				
Minor Equipment	2130.9131.5210.00	6,000				
Fuel	2130.9131.5213.04	488				
Public Notification	2130.9131.5301.00	400				
Uniforms/Personal Equipment	2130.9131.5302.00	350				
Utilities	2130.9131.5310.00	500				
Audit Expense	2130.9131.5307.00	173				
Contract Services	2130.9131.5315.00	25,000				
Contract Services	2130.9131.5315.00	5,000				
Contract Services	2130.9131.5315.00	2,000				
Motor Pool Charges	2130.9131.5331.00	1,340				
Replacement Charges	2130.9131.5331.01	258				
Shop Overhead Charges	2130.9131.5331.02	255				
Shop Overhead Insurance	2130.9131.5331.03	76				
Traffic Control Maint	2130.9131.5404.00	250				
Traffic Control Maint	2130.9131.5404.00	500				
Traffic Control Maint	2130.9131.5404.00	1,500				
Traffic Control Maint	2130.9131.5404.00	250				
Small Equipment Maint	2130.9131.5407.00	400				
Small Equipment Maint	2130.9131.5407.00	1,250				
Vehicles And Equipment	2130.9131.5802.00	20,000				
Lease Expense	2130.9131.5309.00	88,824				
Transfer to Walton Arts Center	2130.9131.5719.00	144,500				
Parking Lot Improvements	2130.9131.5819.00	50,000				
		498,542	498,542			

AGENDA REQUEST

B. 6
Amend §72.02
Impoundment Procedures
Page 1 of 8

FOR: COUNCIL MEETING OF MAY 18, 2010

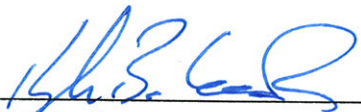
FROM:

ALDERMAN KYLE COOK
ALDERMAN MATTHEW PETTY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

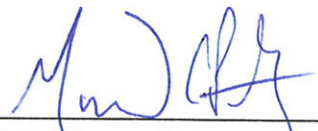
An Ordinance To Amend §72.02 Impoundment Procedures Of The Code Of Fayetteville To Clarify When The Police May Initiate A Nonconsensual Tow Of A Vehicle

APPROVED FOR AGENDA:



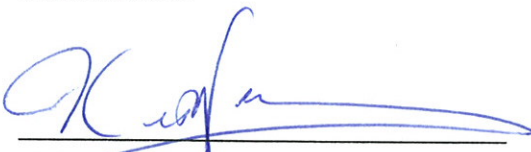
Kyle Cook
Alderman

5/4/10
Date



Matthew Petty
Alderman

5-4-2010
Date



City Attorney
(as to form)

4-28-2010
Date



left on Second Reading at the 5/18/10 CC mtg.

As Amended on May 18, 2010.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §72.02 IMPOUNDMENT PROCEDURES OF THE CODE OF FAYETTEVILLE TO CLARIFY WHEN THE POLICE MAY INITIATE A NONCONSENSUAL TOW OF A VEHICLE

WHEREAS, the Fayetteville Police Department needs clear authority to initiate nonconsensual tows of vehicles obstructing driveways, over-parked in city owned lots, and for other good reasons; and

WHEREAS, the owners of any such vehicle which has been towed should have the same rights to prompt post-deprivation hearing as provided for vehicles immobilized for parking violations.

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 **§72.02** by repealing its title and subsection (A) and enacting a new title and subsections (A) and (D) as shown below:

“72.02 Nonconsensual, Police-initiated Towing, Storage and Impoundment Procedures

“ (A) In addition to ticketing an illegally parked vehicle, the police department is hereby authorized to initiate a nonconsensual tow or otherwise remove a vehicle from a highway, street, street right-of-way, or city parking lot and have it towed to a storage facility within Fayetteville or within three miles of the city limits under the following circumstances:

- (1) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic.

(2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(3) When any vehicle is parked illegally and left unattended upon a street or street right-of-way, and

- (a) constitutes a hazard or obstruction to the normal movement of traffic on the street,
- (b) obstructs a driveway or access to a fire hydrant,
- (c) is parked in a prohibited area or tow away zone that is so designated by a sign or other official markings, or
- (d) is parked continuously upon any street for more than seventy-two hours.

(4) When any vehicle is parked beyond the period allowed in a city parking lot and the parking space is needed for reserved parking or a special event or if parked more than 24 continuous hours beyond the period allowed. The Mayor or mayor's designee may also order such illegally parked vehicle in a city parking lot to be towed at the vehicle owner's expense."

(5) If a difficult to tow vehicle that cannot reasonably be towed by the property owner's normal towing company needs to be removed from a private parking lot, the parking lot owner may request the police department to initiate a nonconsensual tow. If the police officer agrees that the vehicle presents an unusual and difficult towing situation and the property owner presents facts to support a substantial need for the immediate removal of the vehicle, the police officer may initiate a nonconsensual tow using the police department's normal towing company."

"(D) The owner or lessee of any vehicle towed or impounded pursuant to this section is entitled to a prompt post-deprivation hearing and all rights thereunder as provided in §72.58(L). The owner or lessee of any vehicle properly towed pursuant to this section shall be required to pay the towing and storage costs."

PASSED and APPROVED this 18th day of May, 2010.

APPROVED:

ATTEST:

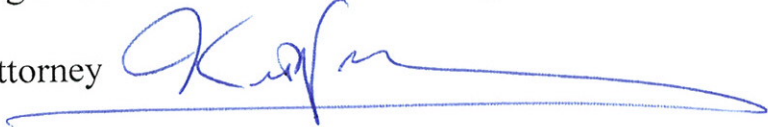
By: _____
LIONELD JORDAN, Mayor

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

TO: **Alderman Kyle Cook**
Alderman Matthew Petty

CC: **Mayor Jordan**
Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director
Sharon Crosson, Parking & Telecommunications Manager

FROM: **Kit Williams**, City Attorney



DATE: **April 28, 2010**

RE: **Parking ordinance amendments**

I have drafted a proposed amendment to **§72.02 Impoundment Procedures** which is attached. The amendment clarifies that the police can ticket and tow a vehicle blocking a driveway or fire hydrant. It also allows towing to clear a lot for a special event or if spaces are needed for previously reserved parking. It shortens the time from 72 hours to 24 hours for a vehicle illegally parked in a city lot before it can be towed and provides additional towing authority.

The new subsection (D) provides the Due Process required post-deprivation hearing for such nonconsensual police initiated tows for parking violations.

The **permit renewal periods** are NOT handled within the proposed ordinance which refers to permits merely as "currently valid permit issued by the Parking Division" The Mayor and Parking Division administratively decide about issuance periods just as they do for "Employee Parking Cards" in the paid parking ordinance. Many such details should be left to the administration which must adjust the issuance of permits as experience brings out problems and solutions or changes become apparent. Please inform the administration of your request to lengthen the residential permit renewals to six months rather than the currently proposed three month period.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND §72.02 IMPOUNDMENT
PROCEDURES OF THE CODE OF FAYETTEVILLE TO
CLARIFY WHEN THE POLICE MAY INITIATE A
NONCONSENSUAL TOW OF A VEHICLE**

WHEREAS, the Fayetteville Police Department needs clear authority to initiate nonconsensual tows of vehicles obstructing driveways, over-parked in city owned lots, and for other good reasons; and

WHEREAS, the owners of any such vehicle which has been towed should have the same rights to prompt post-deprivation hearing as provided for vehicles immobilized for parking violations.

**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 §72.02 by repealing its title and subsection (A) and enacting a new title and subsections (A) and (D) as shown below:

**“72.02 Nonconsensual, Police-initiated Towing, Storage and
Impoundment Procedures**

“ (A) In addition to ticketing an illegally parked vehicle, the police department is hereby authorized to initiate a nonconsensual tow or otherwise remove a vehicle from a highway, street, street right-of-way, or city parking lot and have it towed to a storage facility within Fayetteville or within three miles of the city limits under the following circumstances:

- (1) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic.

(2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(3) When any vehicle is parked illegally and left unattended upon a street or street right-of-way, and

- (a) constitutes a hazard or obstruction to the normal movement of traffic on the street,
- (b) obstructs a driveway or access to a fire hydrant,
- (c) is parked in a prohibited area or tow away zone that is so designated by a sign or other official markings, or
- (d) is parked continuously upon any street for more than seventy-two hours.

(4) When any vehicle is parked beyond the period allowed in a city parking lot and the parking space is needed for reserved parking or a special event or if parked more than 24 continuous hours beyond the period allowed.”

“(D) The owner or lessee of any vehicle towed or impounded pursuant to this section is entitled to a prompt post-deprivation hearing and all rights thereunder as provided in §72.58(L).”

PASSED and APPROVED this 18th day of May, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

CHAPTER 72 PARKING REGULATIONS*

ARTICLE I
GENERAL REGULATIONS

72.01 Application Of Parking
Prohibitions Or Limitations

The provisions of this chapter prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times. The overtime parking prohibitions prescribed by this chapter shall not apply to governmental vehicles.

(Code 1965, §19-139; Ord. No. 1447, 6-7-65; Ord. No. 3350, 4-29-88)

*Cross reference(s)--Parking in public parks, §97.052.

72.02 Impoundment Procedures

(A) The police department is hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department or otherwise maintained by the city, under the circumstances hereinafter enumerated:

- (1) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic.
- (2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody or removal.
- (3) When any vehicle is left unattended upon a street and is parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic; when any vehicle is left continuously and unattended upon any street, public parking deck or lot, for a period of more than 72 hours; and any time a vehicle is parked in a prohibited area that is so designated by signs or other official markings.

(4) When any vehicle is parked on a public street, parking deck or lot, designated by a sign or by curb marking as a tow-away zone.

(B) Whenever the police department removes a vehicle from a street under this section and does know or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, the police department shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and the place to which such vehicle has been removed.

(C) Whenever the police department moves a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinabove provided, and in the event the vehicle is not returned to the owner within a period of three days, written report of such removal shall be made to the state department whose duty it is to register motor vehicles. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, the name of the garage or place where the vehicle is stored.

(Code 1965, §19-140; Ord. No. 1447, 6-7-65; Ord. No. 2630, 5-6-80, Code 1991, §72.02; Ord. No. 4388, §a, 4-16-02)

(Ord. No. 4388, §1, 4-16-02)

Cross reference--Penalty, §72.99.

72.03 Parking Prohibited In Certain
Places

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

- (A) On a sidewalk.
- (B) In front of a public or private driveway.
- (C) Within an intersection.
- (D) On a crosswalk.
- (E) Within 15 feet of a fire hydrant.
- (F) Within 20 feet of a crosswalk at an intersection.

not changed

Current Law ↑

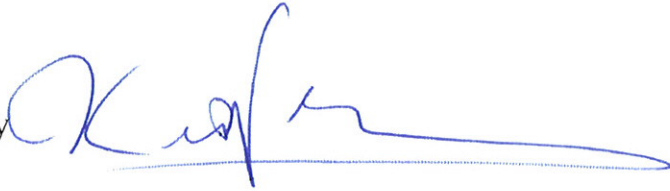
CD72:3

*Handed out at Agenda
Session 5/11/10.
C.I. Amend 72.02
Impoundment Procedures*

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

CC: **Greg Tabor**, Police Chief

FROM: **Kit Williams**, City Attorney



DATE: **May 11, 2010**

RE: **Minor adjustment to §72.02 Amendment**

With the permission of Mayor Jordan and Alderman Petty, I have made further recommended amendments to the §72.02 Amendment in your packet. The additional amendments are as follows:

(A)(4) In order to allow the Mayor or his designee (Parking?) to reduce the cost to the owner of cars that must be towed out of a city lot to make room for a special event or reserved parking, I inserted the last sentence: "The Mayor or mayor's designee may also order such illegally parked vehicle in a city parking lot to be towed at the vehicle owner's expense." Thus, an overparked vehicle in a paid parking city lot would be treated identically to a vehicle in a paid parking private lot with tows of \$60 instead of a police initiated tow at a minimum of \$100.

(A)(5) This subsection is to expressly authorize the police department to have a difficult to tow vehicle that a private parking lot property owner needs to be moved immediately nonconsensually towed by the police authorized towing company. So if the normal towing company for the private lot cannot tow such a vehicle, "the police officer may initiate a nonconsensual tow using the police department's normal towing company." I believe this will be a very rare occasion, but it is possible such an event could occur so we should authorize a solution to this potential problem.

AGENDA REQUEST

B. 7
Amend Chapter §163.14
Revocation or Change of
Conditional Use
Page 1 of 8

FOR: COUNCIL MEETING OF May ¹⁸08, 2010

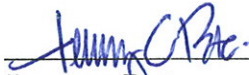
FROM:

LIONELD JORDAN, MAYOR

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An ordinance to amend §163.14 **Revocation or Change of Conditional Use** of the Unified Development Code of Fayetteville to enact a new subsection (E) *Periodic Reviews*

APPROVED FOR AGENDA:



Jeremy Pate
Development Services Director

05.06.2010
Date



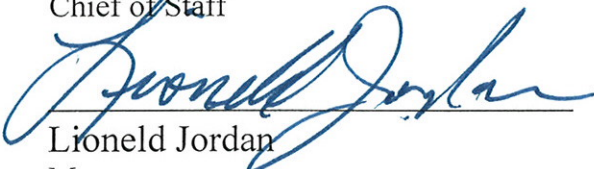
Kit Williams
City Attorney

5-6-10
Date



Don Marr
Chief of Staff

5-6-10
Date



Lioneld Jordan
Mayor

5/6/10
Date

Left on the first Reading at the 5/18/10 CC Mtg.

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

From: Jeremy Pate, Development Services Director X

Date: May 06, 2010

Subject: Periodic Review of Conditional Use Permit

RECOMMENDATION

Staff recommends the City Council consider adoption of a amendment to the UDC §163.14, to allow a periodic review of a conditional use permit, by petition, under certain conditions.

BACKGROUND

The Mayor, City Attorney and staff have been working together to draft a code amendment to amend the existing §163.14 *Revocation or Change of Conditional Use* section of the UDC. Current conditional use permits that the Planning Commission approve have specific conditions of approval often listing hours of operation, the specific use proposed on the property, how much of the property/structure can be utilized for said use, what screening or buffering is required, noise requirements, number of employees, etc. However, in a random evaluation of conditional use permit files that are currently archived (pre-year 2000), staff was able to easily locate ten (10) older conditional use permits that contained either no conditions or very few attached to the use. It is evident that many more exist. Examples include:

- 1994 Lokomotion, College Avenue – one condition, to review the use again in one year
- 1991 Youthbridge Emergency Youth Shelter and Rehabilitation Facility, Crossover – no conditions
- 1993 National Home Center/Home Depot, Shiloh – no conditions
- 1989 Church in mobile home in Sunbridge Mobile Home park – no conditions
- 1978 Recycled Aluminum Furnace Operation, Poplar – no conditions
- 1976 In-home day care, Winwood – one condition, maximum 16 children
- 1990 Mini-storage, Wedington – no conditions
- 1992 Skateboard Park, Prairie – no conditions
- 1991 Bed & Breakfast, S. Hill – no conditions
- 1990 Antique Store, Mission – one condition, stripe parking spaces

The potential trouble with approvals of this nature - which by their very nature tend to need conditions of approval in order to make them compatible or they would be a “use by right” in that particular zoning district – is that in time the neighborhood surrounding the use may change, or the conditional use itself may evolve into something that was not anticipated when the application was filed, reviewed and approved. The most reasonable

solution to this is to take the item before the Planning Commission to review the use and ensure it remains compatible. Under current ordinances an approved conditional use permit may be reviewed under the following procedure: the Zoning and Development Administrator must receive a complaint of a violation, investigate, determine that a substantial violation of the Conditional Use Permit conditions is occurring, notify the owner to correct it and the owner chooses not to remedy that violation. Only then can the item be reviewed by the Planning Commission. However, it is evident that many conditional uses within the city could never meet this standard, due to the fact that there are little or no qualifying conditions to be violated when the use was granted by the Planning Commission. Given the fact that there are evidently many such uses within our City, staff feels it is proper to amend the existing ordinance to allow for these types of uses to be revisited, when appropriate.

DISCUSSION

The proposal is to add a "periodic review" subsection to §163.14. This review could only occur once every five years, upon petition by an adjacent property owner plus 50% of the property owners within 100 feet of the conditional use boundary. The idea is to have the periodic review be a procedure for the Planning Commission to review the compatibility of a conditional use permit if the majority of the neighborhood surrounding the use feels adversely affected. After a review, the Planning Commission may approve the use as is, add conditions of approval, or revoke the conditional use permit if it determines there are no conditions that could make the use compatible under existing standards.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING §163.14 OF THE UNIFIED
DEVELOPMENT CODE TO PERMIT A PERIODIC REVIEW
OF CONDITIONAL USE PERMITS AS DESCRIBED HEREIN.

WHEREAS, the Fayetteville Planning Commission and Board of Directors have adopted hundreds of conditional use permits over many decades; and

WHEREAS, older approved conditional use permits tend to be less detailed and oftentimes did not include conditions of approval; and

WHEREAS, some conditional use permits need to be reviewed at times for compatibility with the surrounding neighborhood; and

WHEREAS, the periodic review of a conditional use permit should be limited to review items that are in the public interest;

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 amends §163.14 *Revocation or Change of Conditional Use* to add the following subsection "E":

§163.14 Revocation or Change of Conditional Use

"(E) *Periodic review.* In addition to the consideration of substantial violation provisions of (A), (B), and (C), the Planning Commission may periodically review and reconsider a conditional use permit under the following criteria:

(1) Receipt of a petition to review an approved conditional use permit from an adjacent property owner and 50% or more of the property owners within a 100-foot radius of the property on which the conditional use permit has been granted, in a form provided by the Planning Division. The property owners signing the petition must provide the reasons for which they feel reconsideration is warranted and how they are adversely affected by the approved conditional use permit.

(2) Upon receipt of a verified petition, the Planning Commission may review the conditional use permit and either approve the conditional use as it exists, modify the conditional use with new or altered conditions to achieve a greater degree of compatibility with adjacent

properties, or revoke the conditional use permit where additional conditions would not achieve a level of compatibility acceptable to the Commission.

(3) Appeals from the decision of the Planning Commission under this subsection shall follow the requirements of §155 Appeals of the Unified Development Code, for conditional use permits.

(4) The right to a periodic review of a conditional use under this subsection may only be exercised five years or longer after the conditional use permit was granted. No periodic review may be conducted more than one (1) time in a five (5) year period.

(5) This periodic review procedure is not applicable for wireless communication facilities and vital government facilities.”

PASSED and **APPROVED** this day of , 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

TITLE XV. UNIFIED DEVELOPMENT CODE

conceal the facility within or behind existing architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front façade in order to limit their impact on the building's silhouette.

- (2) *Wireless communications facilities placed on sides of buildings.* Antennas which are side-mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them.

(E) *Exemptions.*

- (1) *Personal use.* Towers for personal use which, including the height of all antenna arrays, do not extend more than 80 feet from the ground and shall meet the current setbacks as required by zoning.
- (2) *Temporary structures.* Temporary structures designed to be used for not more than 14 days in connection with a special event or for any reasonable period of time in and immediately following an emergency, including without limitation those towers which are identified as "C.O.W.s" or "Cellular on Wheels."
- (3) *Existing towers.* All existing towers may be replaced with the same type and height of tower structure as currently exists. All replacement towers shall comply with §163.14(A) and (B) regarding color of towers, structural integrity and inspections of towers, security fencing and anti-climbing device, and vegetative screening requirements. All existing guyed towers shall also be subject to the following conditions:
- (a) A demolition permit shall be issued prior to a building permit being issued for the replacement tower;
- (b) The demolition permit shall expire within 90 days and shall require the existing tower to be demolished within 90 days from issuance of the building permit for the replacement tower;
- (c) The new tower shall be constructed as close as technically feasible to the existing tower;
- (d) The replacement structure may be increased in width to a maximum of 36 inches. Existing guyed towers over 36 inches shall not be increased in width with a replacement tower.

- (4) *Emergency and utility towers and antennas.* Towers and antennas under 35 feet in height used for 9-1-1 services and utility monitoring (gas, water, sewer, traffic lights, etc.).

- (F) *Municipal profits from towers.* The City of Fayetteville should actively market its own property and existing structures as suitable co-location sites. As noted above, the review process is shortened and simplified when co-location on city property is submitted by applicant. An annual lease amount should be charged according to the fair market value of the location. In cases where the company no longer needs the tower, the city may require it to be removed. Applicants can provide co-location space for city-owned antenna.

- (G) *Abandoned antennas and towers.* At such time that a licensed carrier abandons or discontinues operation of a wireless communication facility, such carrier will notify the city of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that licensed carrier fails to give such notice, the wireless communications facility shall be considered abandoned upon such discontinuation of operations. Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless communications facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

- (1) Removal of antenna, equipment shelters and security barriers from the subject property;
- (2) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations;
- (3) Restoring the location of the wireless communications facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.
- (H) *Notification of change of ownership/operator.* Upon assignment or transfer of a conditional use permit, or any of the rights thereunder to a new wireless telecommunications operator, the owner or operator shall provide written notice within 30 days to the Zoning and Development Administrator.

(Ord. No. 4178, §4, 8-31-99; Ord. No. 4285, 1-2-01; Ord. 4856, 4-18-06)

163.14 Revocation Or Change Of
Conditional Use

CD 163:11

Current law

Fayetteville Code of Ordinances

- Current Law** →
- (A) Upon receipt by the Planning Department of a written complaint by a Fayetteville resident that a holder of a conditional use has substantially violated or is violating any term or condition of the conditional use, the Planning Department shall investigate this complaint to determine if it is substantiated.
- (B) If the Planning and Zoning Administrator determines that the complaint is substantiated, official notification by letter outlining the violation shall be sent to the holder of the conditional use requiring immediate compliance with all conditions and terms of approval of the conditional use and noting the substantiated complaint.
- (C) If the Zoning and Development Administrator determines that the holder has violated the terms of the conditional use and failed to promptly and voluntarily correct its failures, the Zoning and Development Administrator shall refer the existing conditional use to the Planning Commission for its review. After a hearing for all interested persons, the Planning Commission may amend or add conditions to the conditional use, may revoke a conditional use for substantial violations of the existing terms and conditions of the conditional use, or may reaffirm that the holder has complied with all terms of its conditional use.
- (D) Except in extraordinary circumstances, the Zoning and Development Administrator shall not refer any alleged violations of a specific conditional use to the Planning Commission more often than once per year.
- Ord. 4837, 02-21-06)
- 163.15 Transit System Shelters**
- (A) *Intent.* Transit System Operators may apply for a conditional use permit to allow for the location of bus shelters in, or adjacent to, the right of way of public streets subject to the following conditions and requirements. A variance is not required for transit system shelters located outside of the right-of-way but within the building setback. Transit system benches that are not sheltered from the elements may be located at bus stops with the approval of the Director of Development Services.
- (1) Requirements for locating, constructing and maintaining a transit system bus shelter are as follows:
- (a) The bus shelter conditional use permit application shall require a site plan illustrating the location and dimensions of the proposed structure, the street
- right of ways and any existing utility easements.
- (b) A transit system shelter or structure shall not be required to meet the building or master street plan setback, as these structures are intended to be located in a convenient area for the use by the general public awaiting transit.
- (c) The City may require that the transit system provide a provision authorizing the City to remove, without liability, any part of a facility for which a permit has been issued if there is a lawful need for the site or for access to the site.
- (d) The City may require the transit system to provide public liability insurance.
- (e) The City may require that the transit system provide and pay for any necessary or essential traffic and safety studies.
- (2) The Planning Commission may issue a bus shelter conditional use permit based on the following findings:
- (a) The improvement or facility will not be located, extend onto, or intrude on the roadway or the sidewalk to such an extent as to impede the area needed for vehicular traffic or pedestrian use.
- (b) The improvement or facility will not create a hazardous condition or obstruction of vehicular or pedestrian travel on the street or sidewalk.
- (c) The design and location of the facility includes all reasonable planning to minimize the potential for injury or interference to the public in the use of the municipal street or sidewalk.
- (3) Additional bus shelter elements may be required to be installed and maintained by the Transit System Operator. These may include but shall not be limited to:
- (a) A concrete pad on which to locate the shelter and accompanying street furniture.
- (b) Transit system shelters located within 20 feet of an existing street or parking lot light may not have additional lighting requirements.
- (c) An integrated or detached "wayfinding totem" to identify location and bus
- Add (E)** →

City of Fayetteville Staff Review Form

C. 1
2009 General Improvement Fund
Economic Development Grant
Page 1 of 4

City Council Agenda Items
and
Contracts, Leases or Agreements

6/1/2010

City Council Meeting Date
Agenda Items Only

<u>Karen Minkel</u>	<u>Strategic Planning</u>	<u>Planning</u>
Submitted By	Division	Department

Action Required:

Accept a grant from the AR Economic Development Commission for \$100,000.00. The grant comes from the General Improvement Fund (GIF). The funds will be used to purchase training equipment for NWACC. This staff review form also requests approval of a budget amendment in the amount of \$100,000.00

\$ <u>-</u>	\$ <u>-</u>	<u>GIF/NWACC training equipment</u>
Cost of this request	Category / Project Budget	Program Category / Project Name
<u>2230.8001.5801.00</u>	\$ <u>-</u>	<u>Strategic Planning</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>10025.2010</u>	\$ <u>-</u>	<u>General Fund</u>
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒Karen Minkel

Department Director

5/19/10

Date

Previous Ordinance or Resolution # RES 10-10K. King

City Attorney

5/19/2010

Date

Original Contract Date: noneOriginal Contract Number: Paul A. Beahm

Finance and Internal Services Director

5-19-2010

Date

Received in City
Clerk's OfficeKingDon Mann

Chief of Staff

5-19-10

Date

Received in
Mayor's OfficeFrederick Jordan

Mayor

5/19/10

Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Don Marr, Chief of Staff

From: Karen Minkel, Strategic Planning and Internal Consulting Director *K.M.*

Date: May 13, 2010

Subject: Arkansas Economic Development General Improvement Fund Economic Development Grant:
Staff recommends acceptance of a 2009 General Improvement Fund grant in the amount of \$100,000 for the purchase of equipment for NorthWest Arkansas Community College's Center of Excellence.

PROPOSAL:

The City of Fayetteville, in partnership with NorthWest Arkansas Community College's Center of Excellence, received an award of \$100,000 from the Arkansas Economic Development Commission to purchase state of the art equipment to support training in weatherization, energy efficiency, and other green initiatives to promote economic development in these areas. These equipment purchases will assist the Center of Excellence for Energy Efficiency in initiating training opportunities in both Washington and Benton Counties.

The City Council approved the application for these funds on January 19, 2010. The 2009 General Improvement Fund was designed "to assist cities or counties involved in regional economic development with needs associated with...regional economic development." The grant must benefit more than one county. The application for this funding was supported by Benton and Washington County state representatives, the Fayetteville Chamber of Commerce, Green Valley Development Corporation and the Northwest Arkansas Labor Council.

RECOMMENDATION:

Staff recommends acceptance of a 2009 General Improvement Fund grant in the amount of \$100,000 for the purchase of equipment for NorthWest Arkansas Community College's Center of Excellence.

BUDGET IMPACT:

This grant will increase the budget by \$100,000.

RESOLUTION NO. _____

A RESOLUTION TO ACCEPT A 2009 GENERAL IMPROVEMENT FUND ECONOMIC DEVELOPMENT GRANT IN THE AMOUNT OF \$100,000.00 TO PURCHASE EQUIPMENT FOR THE EXCLUSIVE USE AND BENEFIT OF THE NORTHWEST ARKANSAS COMMUNITY COLLEGE AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, the Arkansas Economic Development Commission has offered a General Improvement Fund Economic Development Grant in the amount of \$100,000.00 to the City of Fayetteville and Northwest Arkansas Community College's Center of Excellence (NWACC) for the exclusive use and benefit of NWACC to purchase equipment for training NWACC students in weatherization, energy efficiency, and other green technologies; and

WHEREAS, the City of Fayetteville assisted NWACC in the application for this grant and acknowledges that all of the \$100,000.00 will be used for the purchase of training equipment for the exclusive use and benefit of the Northwest Arkansas Community College Center of Excellence.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby accepts the \$100,000.00 General Improvement Fund Economic Development Grant from the Arkansas Economic Development Commission for the purchase of equipment for the Northwest Arkansas Community College's Center of Excellence to support training in weatherization, energy efficiency, and other green technologies to promote economic development in Benton and Washington Counties.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached Budget Adjustment of \$100,000.00 to recognize this grant revenue.

PASSED and APPROVED this 1st day of June, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

**City of Fayetteville, Arkansas
Budget Adjustment Form**

C. 1
2009 General Improvement Fund
Economic Development Grant
Page 4 of 4

Budget Year 2010	Department: Planning Division: Strategic Planning Program: Misc. Special Projects	Request Date 5/13/2010	Adjustment Number
--------------------------------	---	--------------------------------------	--------------------------

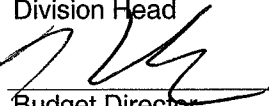
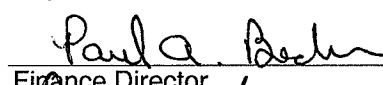
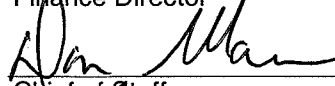
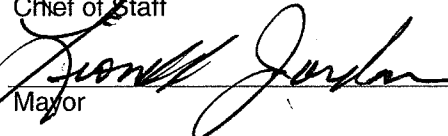
JUSTIFICATION TO INCREASE PROJECT / ITEM:

The training equipment will be purchased by grant funds and the public notification expense will be used to solicit bids.

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

The City has been awarded a \$100,000 GIF grant from the AR Economic Development Commission. The grant funds will be used to purchase training equipment for NWACC.

Account Name	Account Number	Increase Budget	Decrease Budget	Project.Sub Number
Minor Equipment	2230.8001.5210.00	1,899		10025 2010
Fixed Assets	2230.8001.5801.00	98,000		10025 2010
Public Notification	2230.8001.5301.00	101		10025 2010
State Grants-Capital	2230.0923.4302.00		100,000	10025 2010
TOTAL		<u>100,000</u>	<u>100,000</u>	

 Division Head Date: 5/19/10  Budget Director Date: 5/19/2010 Department Director Date:  Finance Director Date: 5-19-2010  Chief of Staff Date: 5-19-10  Mayor Date: 5/19/10	Requested By _____ kspringer Budget & Research Use Only Type: A B C <u>D</u> 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

6/1/2010

City Council Meeting Date
Agenda Items Only

Leif Olson
Submitted By

Planning
Division

Development Services
Department

Action Required:

ADM 10-3561 (Townhouse-Duplex Clarification) Submitted by Development Services Staff to amend Chapter 151: Definitions and Chapter 164 Supplementary District Regulations to clarify the side setback requirements and definition of single family attached dwellings.

Cost of this request

\$ -
Category / Project Budget

Program Category / Project Name

Account Number

\$ -
Funds Used to Date

Program / Project Category Name

Project Number

\$ -
Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

05.13.2010
Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

May 14, 2010
Date

Original Contract Number:

Finance and Internal Services Director

5-14-2010
Date

Received in City
Clerk's Office

ENTERED
5/13/10 King

Chief of Staff

5-14-10
Date

Received in
Mayor's Office

ENTERED
5/14/10
P.H.

Mayor

5/14/10
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Director JP

From: Leif Olson, Associate Planner LO

Date: May12, 2010

Subject: Unified Development Code amendments to Chapters 151: Definitions and 164: Supplementary District Regulations

PROPOSAL:

The Development Services Division is bringing forward an ordinance to amend the Unified Development Code Chapter 151: Definitions and Chapter 164: Supplementary District Regulations to clarify the definition of, and development standards for, single family attached/townhouse dwelling units and two-family/duplex dwelling units. Currently, the code contains definitions for *dwelling/rowhouse*, *dwelling/two-family* and *townhouse*. The intent is to remove ambiguity and redundancy between these various definitions. Additionally, staff proposes repealing the existing language in Chapter 164: Supplementary District Regulations §164.11(B) *Side Setbacks* as it relates to zero lot line and common wall development and replacing it with new language that requires applicable bulk and area requirements per the underlying zoning district for townhouse development. Planning staff worked with the Building Safety Division to ensure that the development standards proposed are consistent with applicable building codes.

The Planning Commission reviewed this ordinance amendment at its May 10, 2010 meeting and forwarded it with a recommendation for approval to the City Council by vote of 7-0-0.

RECOMMENDATION:

The Development Services Division recommends approval of this ordinance.

BUDGET IMPACT:

No budget impact.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE CHAPTER 151: **DEFINITIONS** AND §164.11(B) TO CLARIFY THE SIDE SETBACK REQUIREMENTS AND DEFINITION OF SINGLE FAMILY ATTACHED / TOWNHOUSE DWELLINGS.

WHEREAS, the City of Fayetteville Unified Development Code currently has multiple definitions for attached single family dwellings, and

WHEREAS, it would be beneficial to clarify the definition and the side building setback standards of single family attached dwelling units.

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 the Unified Development Code §151.01 by removing and repealing the definitions of:

“Dwelling, rowhouse.”

“Dwelling, two-family.”

“Townhouse.”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends the Unified Development Code Chapter 151 by enacting and adding the following definitions:

“Dwelling, two-family / duplex. (Zoning) A detached residential building containing two dwelling units, designed for occupancy by not more than two families and located on one lot of record.”

“Dwelling, single-family attached / townhouse. (Zoning) Two or more dwelling units located on individual lots but joined along a single lot line. All such dwellings must be totally separated from other dwellings by a fire-resistant common wall.”

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends the Unified Development Code §164.11(B) by repealing it in its entirety and replacing (B) as follows:

“§164.11(B) *Side Setbacks.* In zoning districts that permit two, three or other multi-family residential uses, side setbacks may be varied to permit common walls between single family attached / townhouse dwellings, subject to all applicable building and fire codes and the following standards:

(1) The total number of dwelling units on the lot, prior to being subdivided into single family attached / townhouse lots, shall conform to the minimum bulk and area requirements of the underlying zoning district.

(2) The townhouse development shall conform to the zoning district density, exterior setback requirements, height regulations and all other applicable city ordinances.

(3) There shall be a minimum lot width of 18 feet for each dwelling unit.

(4) There shall be no minimum lot area requirement unless otherwise specified by the underlying zoning district.”

PASSED and **APPROVED** this ____ day of ____, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk



PC Meeting of May 10, 2010

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

TO: Fayetteville Planning Commission
FROM: Leif Olson, Associate Planner
THRU: Jeremy Pate, Development Services Director
DATE: May 4, 2010

ADM 10-3561: Administrative Item (UDC Amendment; Ch. 151 Definitions and Ch. 164 Supplementary District Regulations: Townhouse and Two-family Definitions):
Submitted by CITY PLANNING STAFF to clarify the definition of, and development standards for, single family attached/townhouse dwelling units and two-family/duplex dwelling units.
Planner: Leif Olson

BACKGROUND

Staff is bringing forward this ordinance in order to clarify the difference between townhouses and duplexes for the purposes of development. Currently, the code contains definitions for *dwelling/rowhouse*, *dwelling/two-family* and *townhouse*. The intent is to remove ambiguity and redundancy between these various definitions. Staff proposes removing the *rowhouse* and *townhouse* definitions and replacing these with an amendment to the existing *dwelling*, *two-family/duplex* definition and by adding a new *dwelling, single-family attached/townhouse* definition.

Additionally, staff proposes repealing the existing language in Ch. 164.11(B) *Side Setbacks* as it relates to zero lot line and common wall development and replacing it with new language that requires applicable bulk and area requirements per the underlying zoning district for townhouse development. The attached exhibit contains all of the existing and proposed dwelling definitions located in the Unified Development Code. Definitions proposed to be removed are shown in ~~strikeout~~ and new definitions are shown in **bold**.

PROPOSAL

This proposal is to amend the Unified Development Code by adding Chapter 151: Definitions and Ch. 164: Supplementary District Regulations to clarify and correct definitions and development standards for townhouses and duplexes. The proposed changes to Ch. 151 and Ch. 164 are attached in full to this staff report.

RECOMMENDATION

Staff recommends that the Planning Commission forward **ADM 10-3561** to the City Council with a recommendation for approval.

Planning Commission Action: ☒ Forwarded ☐ Denied ☐

Tabled

Motion: Winton

Second: Earnest

Vote: 7-0-0

Meeting Date: May 10, 2010

Comments:

Chapter 151: Definitions

Dwelling, live/work. A dwelling unit within which an at-home business is encouraged. Businesses are limited to a maximum of two employees that do not dwell in the principal or accessory dwelling unit.

Dwelling, manufactured home. (Zoning) A detached residential dwelling unit designated for transportation on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundation, connection to utilities, and the like. A travel trailer is not to be considered as a manufactured home.

Dwelling, multi-family. (Zoning) A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, rowhouse. An attached single-family unit located on land owned by the unit owner and situated in a row of two (2) or more similar horizontally attached dwelling units, each unit having its own separate water, sanitary sewer, ventilation and heating system, inclusive of separate utility service lines and meters, and which is separated from attached adjacent dwelling units by a fire-resistant common wall.

Dwelling, single-family attached / townhouse. (Zoning) Two or more dwelling units located on individual lots but joined along a single lot line, each of which is totally separated by the other by a fire-resistant common wall.

Dwelling, single-family. (Zoning) A detached residential dwelling unit other than a manufactured home, designed for and occupied by one family only.

Dwelling, two-family / duplex. (Zoning) A detached residential building containing two dwelling units, designed for occupancy by not more than two families and located on one lot of record.

Dwelling unit. (Zoning) One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Townhouse. (Zoning) Two or more single-family dwelling units constructed in a series of attached units with property lines separating each unit.

164.11 Height or Setback Regulations; Exceptions

(A) The height limitations contained in the Zoning Regulation, Chapter 161, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

~~(B) *Side Setbacks.* Zero lot line and common wall development. Side setbacks may be varied to permit common walls between townhouses. There shall be no specific requirements as to minimum lot width, lot area, or minimum area per dwelling unit for townhouses; but townhouses shall conform to the district densities, setback requirements, height regulations, parking and access requirements, and all other applicable city ordinances.~~

(B) *Side Setbacks.* In zoning districts that permit two, three or other multi-family residential uses, side setbacks may be varied to permit common walls between single family attached / townhouse dwellings, subject to all applicable building and fire codes and the following standards:

(1) The total number of dwelling units on the lot, prior to being subdivided into single family attached / townhouse lots, shall conform to the minimum bulk and area requirements of the underlying zoning district.

(2) The townhouse development shall conform to the zoning district density, exterior setback requirements, height regulations and all other applicable city ordinances.

(3) For each individual dwelling unit there shall be a minimum lot width of 18 feet.

(4) There shall be no minimum lot area unless otherwise specified by the underlying zoning district.

City of Fayetteville Staff Review Form

C. 3
Authorizing Interfund Loan
for Parking Program
Page 1 of 4

**City Council Agenda Items
and
Contracts, Leases or Agreements**

June 1, 2010

City Council Meeting Date
Agenda Items Only

Paul A Becker

Submitted By

Finance & Internal Services

Division

Finance Department

Department

Action Required:

Request that the City Council approve an interfund loan from the Replacement & Disaster Fund to the Off Street Parking Fund for the purchase of machinery and equipment necessary to implement the paid parking program in the Entertainment District and provide for the repayment of that loan over a 60 month period. The approval of internal financing will save the City money in the form of lower interest rates and administrative costs associated with external financing.

N/A

Cost of this request

N/A

Category / Project Budget

\$ -

N/A

Program Category / Project Name

Account Number

Funds Used to Date

\$ -

Program / Project Category Name

Project Number

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Paul A. Becker

5-14-2010

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

5-17-10

Date

Paul A. Becker

5-17-2010

Finance and Internal Services Director

Date

Received in City
Clerk's Office



King

Chief of Staff

5-18-10

Date

Received in
Mayor's Office



Mayor

5/18/10

Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Paul A Becker, Finance Director

Date: 5-7-2010

Subject: Interfund Loan to the Off Street Parking Fund for the purchase of parking machines and equipment needed to implement the paid parking program in the Entertainment District.

PROPOSAL:

Since sufficient funds are not available in the Off Street Parking Fund to purchase the equipment and machinery needed to implement the parking plan in the Entertainment District, it is necessary to finance the purchase of said equipment over time. The manufacturer does not provide financing. Therefore, the City has the option of financing the purchase internally or externally. In view of the current interest rates being earned on investments, it would be cheaper to finance the transaction with funds from the Replacement & Disaster Fund, the balance of which was accumulated primarily from general revenue sources. Although the Replacement & Disaster Fund is currently required to hold \$3,000,000 cash for emergency purposes, this loan would be a receivable to this fund and, therefore, the fund balance would remain the same. The City would still have over \$2,000,000 to meet any unforeseen disaster.

It is recommended that this interfund loan be structured to be repaid over a 60 month period with the ability to repay the remaining balance at any time in the event that sufficient funds become available due to the collection of greater revenues than are currently anticipated. It is also recommended that interest be paid at the rate of 3% annually on the outstanding balance pursuant to standard amortization tables. The interest rate represents the interest currently earned by the City on an investment instrument held for that period.

RECOMMENDATION:

It is recommended that the City Council approve the use of an interfund loan from the Disaster & Replacement Fund to the Off Street Parking Fund for the purchase of needed machinery and equipment to implement the paid parking program in the Entertainment District. This would save the City money in interest rates, administration fees and legal fees. The estimated amount required to finance the equipment purchase is \$696,938. Staff, therefore, requests authorization to provide an interfund loan of up to \$700,000 to the Off Street Parking Fund from the Replacement & Disaster Fund for a period of 60 months at 3% interest on the unpaid principle with the option of repaying the outstanding balance at any time.

BUDGET IMPACT:

The selection of this financing method will have no direct impact on the current budget.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AN INTERFUND LOAN FROM THE REPLACEMENT & DISASTER FUND TO THE OFF STREET PARKING FUND FOR THE PURCHASE OF MACHINERY AND EQUIPMENT NECESSARY TO IMPLEMENT THE ENTERTAINMENT DISTRICT PARKING PROGRAM, AND PROVIDING FOR REPAYMENT OF THE LOAN OVER A SIXTY (60) MONTH PERIOD AT AN INTEREST RATE OF THREE PERCENT (3%) PER ANNUM

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 an interfund loan from the Replacement & Disaster Fund to the Off Street Parking Fund for the purchase of machinery and equipment necessary to implement the Entertainment District Parking Program. Said loan shall be repaid over a sixty (60) month period at an interest rate of three percent (3%) per annum.

PASSED and APPROVED this 1st day of June, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Staff Review Form

C. 4
Associated Time and
Parking Controls
Page 1 of 22

**City Council Agenda Items
and
Contracts, Leases or Agreements**

6/1/2010

City Council Meeting Date
Agenda Items Only

Sharon Crosson
Submitted By

Parking Management
Division

Transportation Services
Department

Action Required:

An Ordinance waiving the requirements of formal competitive bids and approving the purchase of access and revenue control equipment from Associated Time and Parking Controls in the amount of \$810,974.00; approving a project contingency of \$11,153.00; and approving a budget adjustment in the amount of \$774,335.00 for same.

\$ 822,127.00
Cost of this request

\$ 47,792.00
Category / Project Budget

Entertainment Dist. Parking Program
Program Category / Project Name

2130.9130.5819.00
Account Number

\$ -
Funds Used to Date

Program / Project Category Name

10024-1
Project Number

\$ 47,792.00
Remaining Balance

Off-Street Parking
Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒

Tony J. Mulley 5-8-10
Department Director Date

Previous Ordinance or Resolution # _____

Chris Kelly 5-13-10
City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Besh 5-13-2010
Finance and Internal Services Director Date

Received in City Clerk's Office


Don Mann 5-13-10
Chief of Staff Date

Received in Mayor's Office


Freddie Jordan 5/14/10
Mayor Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Director of Transportation *TJ*

From: Sharon Crosson, Parking and Telecom Manager *SC*

Date: May 7, 2010

Subject: An Ordinance Waiving the Requirements of Formal Competitive Bids and Approving the Purchase of Access and Revenue Control Equipment for the Entertainment District Parking Zone in the Amount of \$810,974.00; Approving a Project Contingency of \$11,153.00; and Approving a Budget Adjustment in for \$774,335.00

PROPOSAL:

City staff is recommends the approval of a bid waiver and the purchase of parking access and revenue control equipment from Associated Time and Parking Controls. This equipment is for the implementation of the new Entertainment District Parking Program.

RECOMMENDATION:

In 2005, through formal competitive bids, the Parking Management Division converted all the parking access and revenue control equipment to the Amano McGann and Digital Systems with Associated Time and Parking Controls. This system was recently upgraded in 2009 to accommodate growth on the city owned parking decks and parking lots in the downtown area and can be used to accommodate the growth in the Entertainment District. We currently have over \$200,000.00 invested in this equipment and could be very costly to the City if we bid out the new equipment and had to change out our current equipment, software, servers, etc.

The City uses this integrated system to monitor and control all parking lots in the downtown area; the total integration of the entire system between both districts is crucial. The City is completely satisfied with the existing product and support. It makes sense to grow the existing system as there are economies that will be realized. The parking consultant hired by the City of Fayetteville also compared pricing with other vendors and negotiated pricing with manufacturers to get the best price possible on the equipment.

BUDGET IMPACT:

The total purchase price of the equipment, including sales tax is \$699,439.00. The cost for installation, programming, training, warranty, infrastructure and project management is \$111,535.00. A 10% contingency of \$11,153.00 was added for the latter in case there are unforeseen expenses in preparation of the property for installation. This purchase will be funded by current budgeted Parking Lot Improvement Funds of \$47,792.00 in the CIP, Parking Facility Fees of \$77,397.00 and the remaining \$696,938 to be funded through the Disaster Replacement and Recovery Fund and will be paid back to the fund within a 24 month period.

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
Paul Becker, Finance Director

CC: **Terry Gulley**, Transportation Services Director
Sharon Crosson, Parking & Telecommunications Manager

FROM: **Kit Williams**, City Attorney

DATE: **May 13, 2010**

RE: **Amount of requested Budget Adjustment for "Access and Revenue Control Equipment" (Electronic payment and gate control)**

Specifically excluded from the \$810,974.00 (plus \$11,153.00 contingency) contract with Associated Time and Parking Controls, Inc. are other necessary costs. For example, the contract states that the "City is responsible for all Civil and Electrical Work," and "data infrastructure back to the current Amano McGann Server."

I do not believe that those expenses are shown or included within the Budget Adjustment for this project. It may be that Transportation or Parking is planning to use their budgets for this expense, but if not, the Budget Adjustment might need to be increased for these expenses.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A CONTRACT WITH ASSOCIATED TIME AND PARKING CONTROLS IN THE AMOUNT OF \$810,974.00 FOR THE PURCHASE OF ACCESS AND REVENUE CONTROL EQUIPMENT FOR THE ENTERTAINMENT DISTRICT PARKING PROGRAM, APPROVING A PROJECT CONTINGENCY OF \$11,153.00, AND APPROVING A BUDGET ADJUSTMENT OF \$774,335.00

WHEREAS, the Parking Management Division currently has an investment of over \$200,000.00 in an access and count monitoring system manufactured by Amano McGann and Digital Systems; and

WHEREAS, the system was recently upgraded to accommodate growth on the city-owned parking decks in the Downtown Core and can be used to accommodate growth in the Entertainment District; and

WHEREAS, integration of the proposed equipment with current City equipment is crucial; and

WHEREAS, the proposed equipment to be provided by Associated Time and Parking Controls is fully compatible with the existing Amano McGann system currently utilized by the City, and will save the City money.

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 determines that an exceptional situation exists in which formal competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a contract with Associated Time and Parking Controls in the total amount of \$810,974.00 for the purchase of access and revenue control equipment for the Entertainment District Parking Program.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a project contingency in the amount of \$11,153.00.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Ordinance as Exhibit "A" and incorporated herein as if set out word for word, in the amount of \$774,335.00.

PASSED and APPROVED this 1st day of June, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

**City of Fayetteville, Arkansas
Budget Adjustment Form**

C. 4
Associated Time and
Parking Controls
Page 16 of 22

Budget Year	Department: Transportation Services Division: Parking & Telecommunications Program: Off-Street Parking	Request Date	Adjustment Number
2010		5/7/2010	

JUSTIFICATION TO INCREASE PROJECT / ITEM:

These funds will be used to purchase and install parking system equipment and revenue control systems to implement the Entertainment District Parking Program. Actual cost of the equipment, including sales tax, is \$699,439. Actual cost for installation, programming, training, warranty, infrastructure and project management is \$111,535. A 10% contingency of \$11,153 was added to this amount to cover unforeseen circumstances for the preparation of the properties.

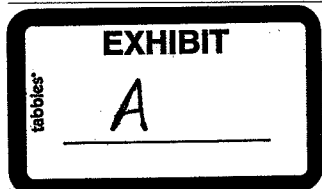
The total Contract cost is \$810,974 plus a contingency of \$11,153; there is currently \$47,792 already budgeted in the CIP for this project, leaving a remainder of \$774.335 needed for funding.

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

The \$77,397 from Parking Facility Fees were collected as in lieu fees to be used for on-site parking facilities per UDC Chapter 156.02 to be used for public parking facilities.

The \$696,938 from Use of Fund Balance will be funded through the Disaster Replacement and Recovery Fund and paid back to the fund over time (within a 24 month period).

Account Name	Account Number	Increase Budget	Decrease Budget	Project.Sub Number
Parking Lot Improvements	2130.9130.5819.00	774,335		10024 1
Parking Facility Fees	2130.0913.4428.00		77,397	10024 1
Use of Fund Balance	2130.0913.4999.99		696,938	
				:
				:
				:
				:
TOTAL		<u>774,335</u>	<u>774,335</u>	



Shawn Crosson 5-7-10
Division Head Date

[Signature] 5-7-10
Budget Director Date

Tim J. Hulley 5-8-10
Department Director Date

Paul A. Bechtel 5-13-2010
Finance Director Date

Don Mann 5-13-10
Chief of Staff Date

Freddie Jordan 5/14/10
Mayor Date

Requested By _____ 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

CONTRACTUAL AGREEMENT

This contract executed this 12th day of May, 2010, by and between ASSOCIATED TIME AND PARKING CONTROLS and the CITY OF FAYETTEVILLE, Arkansas.

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

1. Terms and Conditions: ASSOCIATED TIME AND PARKING CONTROLS at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items per proposal dated May 7, 2010, and in accordance with specifications attached hereto and made a part hereof, all included herein as if spelled out word for word. ASSOCIATED TIME AND PARKING CONTROLS agrees that all of the equipment purchased by the City of Fayetteville and installed by ASSOCIATED TIME AND PARKING CONTROLS will be new equipment that functions properly and as advertised and represented by ASSOCIATED TIME AND PARKING CONTROLS. ASSOCIATED TIME AND PARKING CONTROLS further agrees that its installation of this equipment shall be done in a good, workmanlike manner and that its duty to properly install all such equipment will not be complete and accomplished until final testing by the City of Fayetteville confirms that all components are working properly, performing all necessary or represented tasks and functioning together pursuant to all terms and conditions of the Parking and Revenue Control System Proposal and Attachment A.

2. Payment Terms: The City of Fayetteville shall pay \$ 810,974.00 based on the proposal. The City of Fayetteville shall pay a 33% deposit upon submittal of signed and accepted contract and order, 34% payment upon system delivery, and the remaining 33% payment upon completion of the project and upon approval and acceptance of work and submission of invoice. Each payment will be made approximately thirty (30) days after receipt of invoice(s).

3. Proposal Document: The Contract documents which comprise the contract between the City of Fayetteville and ASSOCIATED TIME AND PARKING CONTROLS consist of this Contract and the following documents attached hereto, and made a part hereof.

- a. System Proposal from ASSOCIATED TIME AND PARKING CONTROLS identified as PARKING REVENUE CONTROL SYSTEM PROPOSAL dated May 7, 2010 with the specifications and conditions typed thereon.
- b. ATTACHMENT A from ASSOCIATED TIME AND PARKING CONTROLS with the specification and conditions typed thereon.

4. Entirety: These Contract documents constitute the entire agreement between the City of Fayetteville and ASSOCIATED TIME AND PARKING CONTROLS and may be modified only by a duly executed written instrument signed by the City of Fayetteville and ASSOCIATED TIME AND PARKING CONTROLS.

5. Assignment: ASSOCIATED TIME AND PARKING CONTROLS shall not assign its duties under the terms of this agreement.

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

7. Insurance: ASSOCIATED TIME AND PARKING CONTROLS shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that it carries the following insurance which shall be maintained throughout the term of the Contract. For any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, ASSOCIATED TIME AND PARKING CONTROLS shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

<u>Workmen's Compensation</u>	Statutory Amount
<u>Comprehensive General & Automobile Insurance</u>	
Bodily Injury Liability	\$500,000 for each person injured \$1,000,000 for each accident
Property Damage Liability	\$1,000,000 aggregate.

The premiums for all insurance required herein shall be paid by ASSOCIATED TIME AND PARKING CONTROLS.

8. Licensing: ASSOCIATED TIME AND PARKING CONTROLS shall furnish proof of licensure as required by all local and state agencies.

9. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

10. Changes in Scope or Price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.

11. Jurisdiction: Legal jurisdiction to resolve any disputes must be Arkansas with Arkansas Law applying to the case.

12. Venue: Venue for any legal dispute should be Washington County, Arkansas.

13. Construction: ASSOCIATED TIME AND PARKING CONTROLS shall ensure that the City of Fayetteville receives lien waivers from all material suppliers, subcontractors and sub-subcontractors and before work begins on the project.

IN WITNESS WHEREOF, the parties have executed this Lease Agreement on the date first above written.

CITY OF FAYETTEVILLE,
FAYETTEVILLE, ARKANSAS

LIONELD JORDAN, Mayor

Attest:

Sondra Smith, City Clerk

ASSOCIATED TIME + PARKING CONTROLS
CONTRACTOR

Ch J

SIGNATURE

BY CHRISTOPHER J. ARCHER - VICE PRESIDENT
Name and Title

Attest: Company Secretary

Adrian B Kearney

9104 DIPLOMACY FOW Dallas TX 75247
Business Address

Associated Time & Parking Controls

7-May-10

City of Fayetteville

C/O Chris Pecoraro

The Parking Consultants

372 S Eagle Rd Suite 333

Eagle, Idaho 83616

Tel: 208-939-PARK

Email: chris@theparkingconsultants.com

PARKING REVENUE CONTROL SYSTEM PROPOSAL

NEW PARKING REVENUE CONTROL SYSTEM WITH ONE FULL SERVICE IN-LANE EXIT STATION, HOTEL TERMINAL WITH MARRIOTT INTERFACE

MAIN OFFICE LOCATION

<u>Qty</u>	<u>Mfr.</u>	<u>Model</u>	<u>Description</u>	<u>List Each</u>	<u>List Ext.</u>
1	IBM	PCSRVAMI	Amano McGann Application Workstation Computer with Pentium or Xeon dual core processor, 2-GB RAM, (2) 80GB Hard drives in RAID-1 configuration with hardware controller Suitable number of serial ports using native ports, or Control Rocketport models 99343-8 or 99344-5 Windows Server 2003 std. edition Microsoft SQL 2005	\$6,370	\$6,370
1	IBM	PCWKSCC	Windows XP Professional AmanoCharge Workstation with KVM Switch, UPS back up, and remote support software.	\$5,141	\$5,141
1	AMI	AMS1156IP	Iparc Professional Revenue Software. Interfaces AGP5000 fee computers with database reporting module and communicates with AMG2000, AMG4000, AGP2000, ETP 12/22, AGP6000, AGP7000.(devices are to be specified prior to ordering) Reports include: transaction, parking fee, general totals, attendant totals, daily revenue, ticket type, ticket revenue, revenue summary, sign/on/off, alarms, entry/exit time, duration of stay and SQL. This software includes ticket- tracking.	\$9,600	\$9,600
1	AMI	AMS4355LIP	Amano McGann <i>IParcProfessional</i> for Debit Access w/ AMS reconfiguration	\$2,050	\$2,050
1	AMI	AMS7250LIP	Amano McGann <i>IParcProfessional</i> Count Monitor Facility License Fee	\$1,000	\$1,000
1	AMI	AMS7050RC	Amano McGann <i>IParcProfessional</i> Count Monitor Reconfiguration	\$3,000	\$3,000
1	AMI	AGP-9400/A714	AmanoCharge Server CD with Workstation, ADS LINK. Includes: 1 Server Application, 1 Workstation Application with security key, + 1 Time Initial Setup	\$6,000	\$6,000

1	AMI	PSS70	Amano McGann Credit Card Set Up	\$1,000	\$1,000
1	AMI	AMS6958IP	Amano McGann IParcProfessional Credit Card Software "Suite". Supports Credit Card In/Credit Card Out, Credit Card On-File	\$18,600	\$18,600
1	AMI	AMS 9660IPWEB	Amano McGann IParcProfessional Reservation System	\$37,500	\$37,500
10	AMI	AGP-0509/ A558	AMI Communication Converter	\$400	\$4,000

LOT 293 ENTRANCE & EXIT LANE EQUIPMENT

Includes Two Entrance Lanes equipped with Entry Stations with Hotpocket Barcode Technology, Gates, Single Technology Proximity Display Card ReaderS & Intercoms. Four Exit Lanes equipped with ExpressParcs with HotPocket Barcode Technology, Gates & Single Technology Proximity Display Card Readers & Intercoms.

WEST AVENUE ENTRANCES - LANE 1 & 2

2	AMI	AMG-1751/ A851	Barrier Gate Operator with Microprocessor Controller & Dual Detector - White	\$3,400	\$6,800
2	AMI	MT-1703	Amano McGann Count Interface Gate Board	\$600	\$1,200
2	AMI	AL12	12' Aluminum Gate Arm w/Protective Strip	\$155	\$310
4	AMI	L-5	2'6" x 6' Ground Loops w/ 25' Lead-in	\$300	\$1,200
2	AMI	AMT-070	Single Technology Proximity Reader Kit for AMG	\$2,400	\$4,800
2	AMI	RM100WH	Card Reader Pedestal - White	\$225	\$450
2	AMI	AMG-2071/ A854	Entry Station, Magnetic Stripe Ticket	\$14,400	\$28,800
2	AMI	AMG-HOTP	Amano McGann HotPocket Barcode Reader for AMG-2071 Entry Station	\$5,000	\$10,000
1	AMI	IO7000	Lane Controllers	\$3,000	\$3,000
2	VIKING	EWP-10	Telephone Intercom Unit	\$484	\$968

WEST AVENUE EXIT - LANES 3 & 4

2	AMI	AMG-1751/ A851	Barrier Gate Operator with Microprocessor Controller & Dual Detector - White	\$3,400	\$6,800
2	AMI	MT-1703	Amano McGann Count Interface Gate Board	\$600	\$1,200
2	AMI	AL12	12' Aluminum Gate Arm w/Protective Strip	\$155	\$310
4	AMI	L-5	2'6" x 6' Ground Loops w/ 25' Lead-in	\$300	\$1,200
2	AMI	AMT-070	Single Technology Proximity Reader Kit for AMG	\$2,400	\$4,800
2	AMI	RM100WH	Card Reader Pedestal - White	\$225	\$450
2	AMI	AMG-4571/ A863	Exit Station, Magnetic Stripe Ticket, Credit Card Configuration, Receipt Printer - White	\$17,000	\$34,000
2	AMI	AMG-HOTP	Amano McGann HotPocket Barcode Reader for AMG-4571 Exit Station	\$5,000	\$10,000

1	AMI	IO7000	Lane Controllers	\$3,000	\$3,000
2	VIKING	EWP-10	Telephone Intercom Unit	\$484	\$968
<u>DICKSON STREET EXIT - LANES 5 & 6</u>					
2	AMI	AMG-1751/ A851	Barrier Gate Operator with Microprocessor Controller & Dual Detector - White	\$3,400	\$6,800
2	AMI	MT-1703	Amano McGann Count Interface Gate Board	\$600	\$1,200
2	AMI	AL12	12' Aluminum Gate Arm w/Protective Strip	\$155	\$310
4	AMI	L-5	2'6" x 6' Ground Loops w/ 25' Lead-in	\$300	\$1,200
2	AMI	AMT-070	Single Technology Proximity Reader Kit for AMG	\$2,400	\$4,800
2	AMI	RM100WH	Card Reader Pedestal - White	\$225	\$450
2	AMI	AMG-4571/ A863	Exit Station, Magnetic Stripe Ticket, Credit Card Configuration, Receipt Printer - White	\$17,000	\$34,000
2	AMI	AMG-HOTP	Amano McGann HotPocket Barcode Reader for AMG-4571 Exit Station	\$5,000	\$10,000
1	AMI	IO7000	Lane Controllers	\$3,000	\$3,000
2	VIKING	EWP-10	Telephone Intercom Unit	\$484	\$968

WEST AVENUE AUTOMATIC PAY-ON-FOOT STATION

Unattended Automatic Central Pay Stations. One Full Service Payment is by Bill, Coin, Credit Card with Change in \$1, \$5 Bills and \$.05, \$.10, \$.25 Coins and Includes Viking Intercom. One Credit Card Only with Viking Intercom

1	AMI	AGP-7811/ A645	Base Pay Station with Zero Note Escrow	\$45,000	\$ 45,000
1	AMI	AGP-0522/ A652	Coin Recycling/Dispensing Module	\$3,600	\$ 3,600
1	AMI	AGP-0523/ A653	.05 Coin Hopper	\$1,200	\$ 1,200
1	AMI	AGP-0523/ A654	.10 Coin Hopper	\$1,200	\$ 1,200
1	AMI	AGP-0523/ A655	.25 Coin Hopper	\$1,200	\$ 1,200
1	AMI	AGP-0521/ A650	Dual Note Dispenser	\$8,500	\$ 8,500
2	AMI	AGP-0529/ A680	Spare Note Cassette for Note Dispenser	\$900	\$ 1,800
1	AMI	AGP-0528/ A679	Spare Lockable Note Vault	\$600	\$ 600
1	AMI	AGP-0530/ A681	Spare Coin Vault	\$225	\$ 225
1	AMI	AMG-4312	Central Credit Card Only Pay Station	\$19,000	\$ 19,000
2	VIKING	EWP-10	Telephone Intercom Unit	\$484	\$968

WALTON ART CENTER AUTOMATIC PAY-ON-FOOT STATION

Unattended Automatic Central Pay Stations. One Full Service Payment is by Bill, Coin, Credit Card with Change in \$1, \$5 Bills and \$.05, \$.10, \$.25 Coins and Includes Viking Intercom.

1	AMI	AGP-7811/ A645	Base Pay Station with Zero Note Escrow	\$45,000	\$	45,000
1	AMI	AGP-0522/ A652	Coin Recycling/Dispensing Module	\$3,600	\$	3,600
1	AMI	AGP-0523/ A653	.05 Coin Hopper	\$1,200	\$	1,200
1	AMI	AGP-0523/ A654	.10 Coin Hopper	\$1,200	\$	1,200
1	AMI	AGP-0523/ A655	.25 Coin Hopper	\$1,200	\$	1,200
1	AMI	AGP-0521/ A650	Dual Note Dispenser	\$8,500	\$	8,500
2	AMI	AGP-0529/ A680	Spare Note Cassette for Note Dispenser	\$900	\$	1,800
1	AMI	AGP-0528/ A679	Spare Lockable Note Vault	\$600	\$	600
1	AMI	AGP-0530/ A681	Spare Coin Vault	\$225	\$	225
1	VIKING	EWP-10	Telephone Intercom Unit	\$484		\$484

LOT 65 ENTRANCE & EXIT LANE EQUIPMENT

Includes One Entrance Lane equipped with Entry Station with Hotpocket Barcode Technology, Gate, Single Technology Proximity Display Card Reader & Intercom. One Exit Lane equipped with Pay In Lane Station with HotPocket Barcode Technology, Gate & Single Technology Proximity Display Card Reader & Intercom.

SPRING STREET ENTRANCE - LANE 7

1	AMI	AMG-1751/ A851	Barrier Gate Operator with Microprocessor Controller & Dual Detector - White	\$3,400		\$3,400
1	AMI	MT-1703	Amano McGann Count Interface Gate Board	\$600		\$600
1	AMI	AL12	12' Aluminum Gate Arm w/Protective Strip	\$155		\$155
2	AMI	L-5	2'6" x 6' Ground Loops w/ 25' Lead-in	\$300		\$600
1	AMI	AMT-070	Single Technology Proximity Reader Kit for AMG	\$2,400		\$2,400
1	AMI	RM100WH	Card Reader Pedestal - White	\$225		\$225
1	AMI	AMG-2071/ A854	Entry Station, Magnetic Stripe Ticket	\$14,400		\$14,400
1	AMI	AMG-HOTP	Amano McGann HotPocket Barcode Reader for AMG-2071 Entry Station	\$5,000		\$5,000
1	AMI	IO7000	Lane Controllers	\$3,000		\$3,000
1	VIKING	EWP-10	Telephone Intercom Unit	\$484		\$484

WEST AVENUE EXIT - LANE 8

1	AMI	AMG-1751/ A851	Barrier Gate Operator with Microprocessor Controller & Dual Detector - White	\$3,400		\$3,400
1	AMI	MT-1703	Amano McGann Count Interface Gate Board	\$600		\$600
1	AMI	AL12	12' Aluminum Gate Arm w/Protective Strip	\$155		\$155
2	AMI	L-5	2'6" x 6' Ground Loops w/ 25' Lead-in	\$300		\$600

1	AMI	PRX280MDIL	Single Technology Proximity & power supply. 10" x 10" enclosure. Proximity up to 10" read range	\$4,900	\$4,900
1	AMI	RM100WH	Card Reader Pedestal - White	\$225	\$225
1	AM	AMG-6800	AMI In-Lane Exit Pay Station with Cash, Coin, Credit Card Acceptance, Change in Quarters, Dollar Coins.	\$39,600	\$39,600
1	AM	MUP-100126	Amano Exit Pay Bank Note Vault Spare	\$1,200	\$1,200
1	AM	MN-305000	Amano Exit Pay Coin Vault Spare	\$1,100	\$1,100
1	AMI	AMG-HOTP	Amano McGann HotPocket Barcode Reader for AMG-2071 Entry Station	\$5,000	\$5,000
1	VIKING	EWP-10	Telephone Intercom Unit	\$484	\$484

LOT 58 ENTRANCE & EXIT LANE EQUIPMENT

Includes One Entrance Lane equipped with Entry Station with Hotpocket Barcode Technology, Gate, Single Technology Proximity Display Card Reader & Intercom. One Exit Lane equipped with Pay In Lane Station with HotPocket Barcode Technology, Gate & Single Technology Proximity Display Card Reader & Intercom.

SCHOOL AVENUE ENTRANCE - LANE 9

1	AMI	AMG-1751/ A851	Barrier Gate Operator with Microprocessor Controller & Dual Detector - White	\$3,400	\$3,400
1	AMI	MT-1703	Amano McGann Count Interface Gate Board	\$600	\$600
1	AMI	AL12	12' Aluminum Gate Arm w/Protective Strip	\$155	\$155
2	AMI	L-5	2'6" x 6' Ground Loops w/ 25' Lead-in	\$300	\$600
1	AMI	AMT-070	Single Technology Proximity Reader Kit for AMG	\$2,400	\$2,400
1	AMI	RM100WH	Card Reader Pedestal - White	\$225	\$225
1	AMI	AMG-2071/ A854	Entry Station, Magnetic Stripe Ticket	\$14,400	\$14,400
1	AMI	AMG-HOTP	Amano McGann HotPocket Barcode Reader for AMG-2071 Entry Station	\$5,000	\$5,000
1	AMI	IO7000	Lane Controllers	\$3,000	\$3,000
1	VIKING	EWP-10	Telephone Intercom Unit	\$484	\$484

ALLEY EXIT - LANE 10

1	AMI	AMG-1751/ A851	Barrier Gate Operator with Microprocessor Controller & Dual Detector - White	\$3,400	\$3,400
1	AMI	MT-1703	Amano McGann Count Interface Gate Board	\$600	\$600
1	AMI	AL12	12' Aluminum Gate Arm w/Protective Strip	\$155	\$155
2	AMI	L-5	2'6" x 6' Ground Loops w/ 25' Lead-in	\$300	\$600
1	AMI	PRX280MDIL	Single Technology Proximity & power supply. 10" x 10" enclosure. Proximity up to 10" read range	\$4,900	\$4,900

1	AMI	RM100WH	Card Reader Pedestal - White	\$225	\$225
1	AM	AMG-6800	AMI In-Lane Exit Pay Station with Cash, Coin, Credit Card Acceptance, Change in Quarters, Dollar Coins.	\$39,600	\$39,600
1	AM	MUP-100126	Amano Exit Pay Bank Note Vault Spare	\$1,200	\$1,200
1	AM	MN-305000	Amano Exit Pay Coin Vault Spare	\$1,100	\$1,100
1	AMI	AMG-HOTP	Amano McGann HotPocket Barcode Reader for AMG-2071 Entry Station	\$5,000	\$5,000
1	VIKING	EWP-10	Telephone Intercom Unit	\$484	\$484

TOTAL SYSTEM SUMMARY*

	<u>QTY.</u>	<u>TOTAL</u>
Equipment/Software Subtotal:		\$599,403
Special National Account Project Discount:	**	-\$176,825
Installation & Technical Services:		\$40,750
Freight:		\$5,755
Rigging:	By Owner	
Outdoor Enclosure for Pay on Foot Station:		\$7,500
Digital Payment System Addendum A:		\$229,796
Parking Consultants Project Coordination, Implementation, Management & Expenses:		\$39,255
State and Local Sales Tax 9.25% except Parking Consultants Management:	9.25%	\$65,340
TOTAL SYSTEM INVESTMENT:		\$810,974

** Special Project Pricing is only available to Customers of Clients who are enrolled in the Amano McGann National Account Program

TERMS AND CONDITIONS

Notes

Delivery is typically 10-12 weeks after receipt of order and deposit

F.O.B. Jobsite

Pricing listed is valid for 90 days

Installation Labor for this Proposal is calculated utilizing our own installation team and paying our standard Merit Shop Labor Rates. All required or optional Prevailing Wage, Union, and/or PLA Labor Rates are not included and will be in addition to this Proposal

Project Includes National Account Project management as needed

This proposal includes reimbursement for sales/use tax

Payment Terms

33% Deposit with Signed and Accepted Order, 34% on System Delivery, Remaining 33% Upon Substantial Completion

Past due accounts will be subject to a late fee of 5% of the amount due.

Scope of Work

Associated Time & Parking

Mount Equipment

Make low voltage/data/control cable connections to equipment listed above

Provide training on operation/maintenance of system

One year on-site parts and labor warranty during normal business hours

To Be Provided By Owner

Forklift and/or Pallet Jack for Rigging Pay On Foot and Pay In Lane Stations

City is responsible for All Civil & Electrical Work

City is responsible for all data infrastructure back to current Amano McGann Server

All Telephone Circuits, Where Required

Credit Card Information required for Processor

Exclusions

Bonding/Liquidated Damages/Permits/Consumables

Integrity of Existing Electrical Service, Curbing, Asphalt

Please Initial if Accepted

Base Proposal Amount

\$810,974

Proposed By:

Associated Time & Parking

Christopher J. Archer

Christopher Archer

Accepted By:

Name: _____

Title: _____

Date: _____

P.O.#: _____

* Thank you for the opportunity to work with you on this project and for your continued business with Associate Time & Parking Controls & Amano

Corporate Office- Dallas: 9104 Diplomacy Row • Dallas, Texas 75247 • Phone (214) 637-2763 • Fax (214) 688-0411
Austin: 4020 S. Industrial Drive, Suite 150 • Austin, Texas 78744 • Phone (512) 693-9200 • Fax (512) 693-9091
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NW Arkansas: 9 Hemsworth Lane • Bella Vista, Arkansas 72714 • Phone (479) 435-1361 • Fax (479) 855-4642

www.associatedtime.com

Associated Time & Parking Controls

April 22, 2010

Mr. Chris Pecoraro
The Parking Consultants
372 S. Eagle Road, Suite 333
Eagle, Idaho 83616

ATTACHMENT A

ITEM NO.	QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
800.1101	18	LUKE Base Config C2 CRS RADIUS	\$ 6,990.00	\$125,820.00
100.0001	1	Standard Luke Colors-L	\$ N/C	\$ N/C
880.1165	18	Color LCD RADIUS Complete Assembly	\$ 760.00	\$ 13,680.00
880.1169	18	2in Thermal Printer RADIUS Complete Assembly	\$ 1,160.00	\$ 20,880.00
880.1159	18	Coin Acceptor – RADIUS-US Collection w/Coinbag	\$ 1,079.00	\$ 19,422.00
880.1162	18	Bill Validator US 1000 RADIUS 1000 Note Complete Assembly	\$ 1,320.00	\$ 23,760.00
880.1158	18	Dual Card Reader RADIUS Mag Stripe/Embedded Chip	\$ 550.00	\$ 9,900.00
880.1163	18	Pmt Option Coin US Bill CC-LR	\$ 85.00	\$ 1,530.00
100.0075	18	Pay Station BOSS License	\$ 300.00	\$ 5,400.00
880.1135	6	120Vac Power Kit	\$ 545.00	\$ 3,270.00
880.1152	12	Solar Panel 20 Watt Wireless Compatible	\$ 1,580.00	\$ 18,960.00
880.1175	18	GSM Modem T-Mobile-L/S per pay station	\$ 595.00	\$ 10,710.00
880.1179	18	GSM Installation Kit-L/S No Modem Included	\$ 165.00	\$ 2,970.00
520.0012	18	1000 Note US Stacker RADIUS Spare	\$ 300.00	\$ 5,400.00
610.0003	18	Coin Bag Regular-IP/L/S Spare	\$ 145.00	\$ 2,610.00
100.0044	1	Create New Service Key Set Up	\$ 0.00	\$ 0.00
450.0018	2	Key Green Ext Access-L/S Each	\$ 25.00	\$ 50.00
450.0019	1	Key Yellow EXT Access-L/S Each	\$ 25.00	\$ 25.00
450.0002	2	Key-Coinbag Removal-IP/L/S Route Key-Each	\$ 25.00	\$ 50.00
450.0003	2	Key-Coinbag Access-IP/L/S Money Room	\$ 25.00	\$ 50.00
450.0015	2	Key Bill Stacker Removal-L/S Route Key	\$ 10.00	\$ 20.00
450.0016	2	Key-Bill Stacker Access-L/S Money Room-Each	\$ 10.00	\$ 20.00
880.1028	1	USB Data Key-L/S	\$ 250.00	\$ 250.00
880.0086	1	DPT BOSS Suite Per PC (Ref – BOM)	\$ 1,000.00	\$ 1,000.00
100.1108	1	EMS CC Processing Setup-L/S	\$ 1,000.00	\$ 1,000.00
SUBTOTAL				\$266,777.00
CITY OF FAYETTEVILLE DISCOUNT (22%)				\$ 58,690.94
Shipping Charges				\$ 3,800.00
Associated Time & Parking Controls Installation, Programming, Training & Warranty				\$ 17,910.00
TOTAL INVESTMENT PAY BY SPACE UNITS				\$229,796.06

Monthly Wireless Communication fees for GSM, approx \$40/mo/unit are the responsibility of the client

New EMS Agreement needed. Basic included in all units. Bronze = Basic + 1 Service @ \$50/mo/unit, Silver = Basic + 3 Services @ \$75/mo/unit and Gold = Unlimited Services @ \$100/mo/unit

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NW Arkansas: 9 Hemsworth Lane • Bella Vista, Arkansas 72714 • Phone (479) 435-1361 • Fax (479) 855-4562

Associated Time & Parking Controls

TERMS AND CONDITIONS

Notes

Delivery is typically 8-10 weeks after receipt of order and deposit

F.O.B Jobsite

Price listed above is valid for 90 days

*Installation Labor for this proposal is calculated utilizing our own installation team and paying our standard Merit Shop Labor Rates. All required or optional Prevailing Wage, Union, and/or PLA Labor Rates are not included and will be in addition to this Proposal.
This Proposal does not include sales tax, please provide Tax Exempt Certificate*

Scope of Work

Associated Time & Parking Controls

Mount Equipment

Make low voltage/data/control cable connections to equipment listed above

Provide training on operation/maintenance of system

One Year on-site parts and labor warranty during normal business hours

To Be Provided By Owner

City is responsible for All Civil & Electrical Work

City is responsible for all data infrastructure

All telephone circuits, where required

Credit Card Information for Processor

EMS & Cellular Monthly expenses

Exclusions

Bonding/Liquidated Damages/Permits/Consumables

Integrity of Existing Electrical Service, Curbing, Asphalt

Please Initial if Accepted

Base Digital Pay By Space Proposal Amount

\$229,796.06

Proposed By:

Associated Time & Parking Controls

Christopher J. Archer

Christopher J. Archer

Accepted By:

Name: _____

Title: _____

Date: _____

P.O.# _____

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City Of Fayetteville

(Not a Purchase Order)

Requisition No.: **4**

Date:

5/7/2010

P.O Number:

Expected Delivery Date:

Vendor #:

14882

Vendor Name:

Associated Time and Parking

Mail

Yes: _____

No: _____

Address:

Fob Point:

Taxable

Yes: _____

No: _____

Quotes Attached

Yes: _____

No: _____

City:

State:

Zip Code:

Ship to code:

62

Division Head Approval:

Sharon Cross

Requester:

Sharon Crosson

Requester's Employee #:

174

Extension:

277

Item	Description	Quantity	Unit of Iss	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Parking Revenue Control System for Entertainment District Parking Program	1	job	706,379.00	\$706,379.00	2130-9130-5819-00	10024-1		
2	Parking Consultant and Project Management Services (non-taxable)	1	job	39,255.00	\$39,255.00	2130-9130-5819-00	10024-1		
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
10					\$0.00				
	Shipping/Handling	1	Lot		\$0.00				

Special Instructions:

Sole Source provider for our McGann Parking System.

Subtotal:

\$745,634.00

Tax:

\$65,340.00

Total:

\$810,974.00

Approvals:

Mayor: _____

Department Director: *Tony 2 Kelly*

Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____

Other: _____

SOLE SOURCE JUSTIFICATION

PURPOSE:

This form, with one or more categories completed, must accompany purchase requisitions for the sole source procurement of equipment, services or supplies exceeding \$1000 (purchased from State Contract vendors excepted). The purpose of sole source justification is to show that competitive bidding is impractical because only one product or service provider can meet a specific need. Therefore, an equitable evaluation of comparable products or services must be made and documented by the requester who shows that rejection of other products or services is based solely on their failure to meet that need. In cases where no other comparable source can be identified, a technical description of the product requested and a listing of those companies which were considered as alternative sources must be provided. Quality can be a subjective evaluation based upon opinion. Municipal (public) procurement law requires price considerations be evaluated via competitive quoting or bidding.

While all sole source justifications are subject to review, sole source justified purchases of \$20,000.00 or more must be publicly bid or a bid waiver approved by Council. Justifications must contain clear, in-depth, and accurate information in order to avoid protests and the possibility of delaying the procurement.

INSTRUCTIONS:

1. Please type or print legible in ink.
2. Complete all categories and sections that apply.
3. Provide full explanation, complete descriptions, and/or list all relevant reasons where space has been provided. Sole Source Justification forms lacking sufficient detail cannot be approved.
4. Sign and date the form in the space provided for "signature".
5. Improperly completed, and/or unsigned forms will be returned to the sender.

TO: Purchasing Division Date: May 7, 2010
FROM: Sharon Crosson Dept: Parking Management
Names of Requisitioner and Dept. Head
SUBJECT: Sole Source Justification
Purchase Requisition PR04 (attached)
Proposed Vendor Associated Time and Parking Controls
Product Description Parking Access and Revenue Control Equipment

STATEMENT

I am aware that Fayetteville Code of Ordinances, Title III Administration, Chapter 34, Article II mandates that the procurement of services, materials, equipment and supplies be via competitive quotes whenever the amount is over \$1,000.00. However, I am requesting sole source procurement based on the following criteria. (Attach additional sheets as necessary):

1. The requested product is an integral repair part or accessory compatible with existing equipment. (please state the manufacturer and model number of existing equipment):

The Parking Management Division currently uses the Access and Count Monitoring System manufactured by Amano McGann. The current system was recently upgraded to accommodate growth on the city owned parking decks in the downtown core and can be used to accommodate the growth in the Entertainment District. The City is satisfied with the existing product and support. It makes sense to grow the existing system as there are no economies that will be realized.

2. The requested product has special design/performance features which are essential to my needs.

Both A and B portions of this category must be completed.

- A. These features are:

The proposed equipment is the only equipment that is fully compatible with the existing Amano McGann system currently utilized by the City.

- B. In addition to the product requested, I have contacted other suppliers and considered their product of similar capabilities. I find their product unacceptable for the following reasons (identify companies contacted, individuals contacted, model number and specific technical deficiency).

The proposed equipment is the only equipment that is fully compatible with the existing Amano McGann system currently utilized by the City.

3. I have standardized the requested product/service; the use of another would require considerable time and money to evaluate.

Explain: _____

4. The requested product is one which I (or my staff) have specialized training and/or extensive experience. Retraining would incur substantial cost in money and/or time.

Explain: _____

5. Please consider sole source approval for this reason(s) (e.g. trade-in allowance; availability of services, parts and maintenance; product is a prototype; inventory of parts are maintained, etc.):

Authorization:

Full Name and Title of Requisitioner Sharon Crosson, Parking and Telecom Manager
(typed or printed in ink)

Signature Sharon Crosson Date 5-7-10

Full Name of Division Head Sharon Crosson
(typed or printed in ink)

Signature Sharon Crosson Date 5-7-10

Tracy A. Gully

Agenda Session 5/25/10

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
June 1, 2010**

A meeting of the Fayetteville City Council will be held on June 1, 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 Update – Finance Director Paul Becker
- ✓ 2. Possible Sales Tax Capital Projects that could be postponed to avoid furlough days – Alderman Gray.

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Quarterly Report of the Financial Condition of the City – City Clerk Sondra Smith, Finance Director Paul Becker.

Agenda Additions:

A. Consent:

- ✓ 1. Approval of the May 18, 2010 City Council meeting minutes.

2. **Bid #10-32 B&H Photo/Video:** A resolution awarding Bid #10-32 and approving the purchase of video editing equipment in the amount of \$39,792.00 from B&H Photo/Video/Pro-Audio for use by the government channel and public access channel.
3. **Bid #10-33 J. Johnson Construction Company, LLC:** A resolution awarding Bid #10-33 and approving a contract with J. Johnson Construction Company, LLC in the amount of \$46,279.00 for the construction of block retaining walls for the Frisco Trail from Maple Street to Spring Street, and approving a project contingency of \$9,255.80.
4. **Investigate Covert Drug Transactions:** A resolution authorizing the Fayetteville Police Department to accept additional funding through the 2010 Gulf Coast High Intensity Drug Trafficking Area (HIDTA) Grant in the amount of \$31,695.00 to investigate covert drug transactions and approving a budget adjustment.
5. **2009 Arkansas Department of Environmental Quality Recycling Grant:** A resolution authorizing acceptance of a 2009 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District in the amount of \$47,250.00 for recycling containers for the West Side Recycling Drop Off Facility, and approving a budget adjustment recognizing the grant revenue.
6. **Engineering Elements, PLLC:** A resolution approving a contract with Engineering Elements, PLLC in the total amount of \$25,900.00 for energy audit services.
7. **Joe Perme Construction, Inc.:** A resolution authorizing a contract with Joe Perme Construction, Inc. in the amount of \$21,800.00 for improvements to a public facility building (1932 S. Garland) through the Community Development Block Grant Public Facility Program.
8. **Rausch Coleman Holmes, LLC:** A resolution approving a contract amendment with Rausch Coleman Holmes, LLC for an additional \$61,797.91 in 6" concrete pavement, and approving a budget adjustment.
9. **Bid #10-35 All Around Landscaping, Inc.:** A resolution awarding Bid #10-35 and approving a contract with All Around Landscaping, Inc. in the amount of \$88,040.50 for planting and maintenance of trees, and providing a ten percent (10%) project contingency.

B/ Unfinished Business:

1. **Amend Chapter 72 (Nonconsensual Towing):** An ordinance to amend Chapter 72 Parking Regulations of the Fayetteville Code to enact regulations for nonconsensual towing of vehicles within the Entertainment District Parking Zone. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

2. **Amend Chapter 72 (§72.18 Residential Parking Permit):** An ordinance to amend Chapter 72 Parking Regulations by enacting §72.18 Residential Parking Permit Program for Entertainment District Parking Zone. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

3. **Amend Chapter 72 (Electronic Payment Station Program):** An ordinance to amend Article III Parking Meters of Chapter 72 Parking Regulations by changing its name and adding provisions for an electronic payment station program for paid parking lots and paid on-street parking and for other reasons. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

4. **Amend Chapter 72 (§72.99 Penalties):** An ordinance to amend Article III Parking Meters and Electronic Payment Stations of Chapter 72 Parking Regulations by amending §72.99 Penalties. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

5. **Parking Program Personnel:** A resolution approving a budget adjustment in the amount of \$498,542.00 for the implementation and funding of the parking program in the Entertainment District Parking Zone and approving the addition of 2.5 full-time equivalent positions in the Parking Management Division for the 2010 budget. *This resolution was tabled at the May 4, 2010 City Council meeting to the May 18, 2010 City Council meeting. This resolution was tabled at the May 18, 2010 City Council meeting to the June 1, 2010 City Council meeting.*

6. **Amend §72.02 Impoundment Procedures:** An ordinance to amend §72.02 Impoundment Procedures of the Code of Fayetteville to clarify when the Police may initiate a nonconsensual tow of a vehicle. *This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

7. **Amend Chapter §163.14 Revocation or Change of Conditional Use:** An ordinance amending §163.14 of the Unified Development Code to permit a periodic review of conditional use permits as described herein. *This ordinance was left on the First Reading at the May 18, 2010 City Council meeting.*

Left on the First Reading

C. New Business:

1. **2009 General Improvement Fund Economic Development Grant:** A resolution to accept a 2009 General Improvement Fund Economic Development Grant in the amount of \$100,000.00 to purchase equipment for the exclusive use and benefit of the Northwest Arkansas Community College and to approve a budget adjustment.
2. **ADM 10-3561 (Townhouse-Duplex Clarification):** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville Chapter 151: Definitions and §164.11(B) to clarify the side setback requirements and definition of single family attached/townhouse dwellings.
3. **Authorizing Interfund Loan for Parking Program:** A resolution authorizing an interfund loan from the Replacement & Disaster Fund to the Off Street Parking Fund for the purchase of machinery and equipment necessary to implement the Entertainment District Parking Program, and providing for repayment of the loan over a sixty (60) month period at an interest rate of three percent (3%) per annum.
4. **Associated Time and Parking Controls:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with Associated Time and Parking Controls in the amount of \$810,974.00 for the purchase of access and revenue control equipment for the Entertainment District Parking Program, approving a project contingency of \$11,153.00, and approving a budget adjustment of \$774,335.00.

Add!

Announcements:

(Consent) Bullet Proof Vests - Bid # 10-38
Teece Safety

Adjournment:

(N.B. Last) Amend 94.05 Use of Fireworks
(Consent) A SPCA Grant - Microchipping & Tagging Program.

NOTICE TO MEMBERS OF THE AUDIENCE

(N.B. 1) Participation in Regional Stream Standards

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 5/19/10

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
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City of Fayetteville Arkansas
City Council Meeting
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- ✓ 2. **Bid #10-32 B&H Photo/Video:** A resolution awarding Bid #10-32 and approving the purchase of video editing equipment in the amount of \$39,792.00 from B&H Photo/Video/Pro-Audio for use by the government channel and public access channel.
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pull ④ **Bid # 10-38 Bullet Proof Vests: Attorney's Office**

- get a new resolution ⑤ ~~Investigate Covert Drug Transactions~~ ~~Grant:~~ A resolution authorizing the Fayetteville Police Department to accept additional funding through the 2010 Gulf Coast High Intensity Drug Trafficking Area (HIDTA) Grant in the amount of \$31,695.00 to support covert drug transactions and approving a budget adjustment.

- ✓ 6. **2009 Arkansas Department of Environmental Quality Recycling Grant:** A resolution authorizing acceptance of a 2009 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District in the amount of \$47,250.00 for recycling containers for the West Side Recycling Drop Off Facility, and approving a budget adjustment recognizing the grant revenue.

- move to NB#1 ⑦ **2009 General Improvement Fund Economic Development Grant:** A resolution to accept a 2009 General Improvement Fund Economic Development Grant in the amount of \$100,000.00 to purchase equipment for the exclusive use and benefit of the Northwest Arkansas Community College and to approve a budget adjustment.

- ✓ 8. **Engineering Elements, PLLC:** A resolution approving a contract with Engineering Elements, PLLC in the total amount of \$25,900.00 for energy audit services.

- ✓ 9. **Joe Perme Construction, Inc.:** A resolution authorizing a contract with Joe Perme Construction, Inc. in the amount of \$21,800.00 for improvements to a public facility building (1932 S. Garland) through the Community Development Block Grant Public Facility Program.

10. **Rausch Coleman Grant:** A resolution approving a contract amendment with Rausch Coleman Homes, LLC for an additional \$61,797.91 in 6" concrete pavement, and approving a budget adjustment. **Mayor's Office** Paul has

11. **Bid #10-35 All Around Landscaping, Inc.:** A resolution awarding Bid #10-35 and approving a contract with All Around Landscaping, Inc. in the amount of \$88,040.50 for planting and maintenance of trees. **Mayor's Office** ----resolution may need to be changed -paul has

B. Unfinished Business:

- ✓ 1. **Amend Chapter 72 (Nonconsensual Towing):** An ordinance to amend Chapter 72 Parking Regulations of the Fayetteville Code to enact regulations for nonconsensual towing of vehicles within the Entertainment District Parking Zone. *This ordinance was*

left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.

Left on the Second Reading.

2. **Amend Chapter 72 (§72.18 Residential Parking Permit):** An ordinance to amend Chapter 72 Parking Regulations by enacting §72.18 Residential Parking Permit Program for Entertainment District Parking Zone. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

3. **Amend Chapter 72 (Electronic Payment Station Program):** An ordinance to amend Article III Parking Meters of Chapter 72 Parking Regulations by changing its name and adding provisions for an electronic payment station program for paid parking lots and paid on-street parking and for other reasons. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

4. **Amend Chapter 72 (§72.99 Penalties):** An ordinance to amend Article III Parking Meters and Electronic Payment Stations of Chapter 72 Parking Regulations by amending §72.99 Penalties. *This ordinance was left on the First Reading at the May 4, 2010 City Council meeting. This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

5. **Parking Program Personnel:** A resolution approving a budget adjustment in the amount of \$498,542.00 for the implementation and funding of the parking program in the Entertainment District Parking Zone and approving the addition of 2.5 full-time equivalent positions in the Parking Management Division for the 2010 budget. *This resolution was tabled at the May 4, 2010 City Council meeting to the May 18, 2010 City Council meeting. This resolution was tabled at the May 18, 2010 City Council meeting to the June 1, 2010 City Council meeting.*

6. **Amend §72.02 Impoundment Procedures:** An ordinance to amend §72.02 Impoundment Procedures of the Code of Fayetteville to clarify when the Police may initiate a nonconsensual tow of a vehicle. *This ordinance was left on the Second Reading at the May 18, 2010 City Council meeting.*

Left on the Second Reading.

7. **Amend Chapter §163.14 Revocation or Change of Conditional Use:** An ordinance amending §163.14 of the Unified Development Code to permit a periodic review of conditional use permits as described herein. *This ordinance was left on the First Reading at the May 18, 2010 City Council meeting.*

Left on the First Reading.

C. New Business:

1. ~~2009 General Imp. Fund Economic Dev. Grant~~

- ~~1.~~ **ADM 10-3561 (Townhouse-Duplex Clarification):** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville Chapter 151: Definitions and §164.11(B) to clarify the side setback requirements and definition of single family attached/townhouse dwellings.

2. ~~Entertainment District Parking Program~~ **Authorizing Interfund Loan for Parking Program** A resolution authorizing an interfund loan from the Replacement & Disaster Fund to the Off Street Parking Fund for the purchase of machinery and equipment necessary to implement the Entertainment District Parking Program, and providing for repayment of the loan over a sixty (60) month period at an interest rate of three percent (3%) per annum.

- ~~1.~~ **Associated Time and Parking Controls:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with Associated Time and Parking Controls in the amount of \$810,974.00 for the purchase of access and revenue control equipment for the Entertainment District Parking Program, approving a project contingency of \$11,153.00, and approving a budget adjustment of \$774,335.00.

Announcements:

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.

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