

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 October 19, 2010

A meeting of the Fayetteville City Council will be held on October 19, 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:

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the October 5, 2010 City Council meeting minutes. **APPROVED**
2. **Riggs Cat of Springdale:** A resolution authorizing purchase of a Caterpillar 236B3 skid steer loader from Riggs Cat of Springdale pursuant to a competitive bid, through the National Joint Powers Alliance (NJPA) cooperative purchasing agreement, in the amount of \$36,727.00 for use by the Solid Waste Division, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 176-10

3. **Williams Tractor of Fayetteville:** A resolution authorizing purchase of a Bobcat S330 skid steer loader from Williams Tractor of Fayetteville pursuant to a competitive bid, through the National Joint Powers Alliance (NJPA) cooperative purchasing agreement, in the amount of \$42,738.00 for use as part of wastewater treatment plant biosolids solar drying operations.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 177-10

4. **Countryside Farm and Lawn of Springdale:** A resolution authorizing purchase of a John Deere 7230 110 HP tractor with #741 loader from Countryside Farm and Lawn of Springdale pursuant to a competitive bid, through the National Joint Powers Alliance (NJPA) cooperative purchasing agreement, in the amount of \$78,616.20 for use as part of wastewater treatment plant biosolids solar drying operations, and approving a budget adjustment.

THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA.

5. **Kim Hoadley Construction:** A resolution awarding bid and authorizing a contract with Kim Hoadley Construction in the amount of \$33,896.00 for purchase and installation of an outdoor cooler/freezer in a public facility building (Fayetteville Senior Center) through the Community Development Block Grant program (CDBG).

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 178-10

6. **Animal Services Donation:** A resolution approving a budget adjustment in the amount of \$10,115.00 to recognize donation revenue to Animal Services during the third quarter of 2010.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 179-10

Countryside Farm and Lawn of Springdale: A resolution authorizing purchase of a John Deere 7230 110 HP tractor with #741 loader from Countryside Farm and Lawn of Springdale pursuant to a competitive bid, through the National Joint Powers Alliance (NJPA) cooperative purchasing agreement, in the amount of \$78,616.20 for use as part of wastewater treatment plant biosolids solar drying operations, and approving a budget adjustment.

**THIS RESOLUTION WAS REMOVED FROM THE CONSENT AGENDA AND
TABLED TO THE NOVEMBER 2, 2010 CITY COUNCIL MEETING**

B. Unfinished Business:

1. **2010 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2010 Fixing the rate thereof at 1.3 mills for general fund operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas. *This ordinance was left on the First Reading at the October 5, 2010 City Council meeting. A motion to increase the millage by .3 mills was Tabled to the October 19, 2010 City Council meeting.*

Motion to increase the millage by .3 mills was Tabled to the October 19, 2010 City Council meeting.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5360

C. New Business:

1. **ADM 10-3672 (Forest Hills R-PZD Modification No. 1):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to allow modification to the approved setback criteria for planning area four, as described herein.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5361

2. **Fayetteville Government Channel Policy:** A resolution to adopt a new Mission Statement, Goals Statement and Operating Policies for the Fayetteville Government Channel.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 180-10

3. **Support Constitutional Amendment No. 2:** A resolution to support the passage of referred Constitutional Amendment No. 2 which would eliminate the limit on the interest rate of 2% above the Federal Reserve Rate for tax supported government bonds and of 5% above Federal Reserve Discount Rate for revenue bonds and for consumer loans subject only to the Constitutional Limit of 17%.

THIS RESOLUTION WAS TABLED INDEFINITELY

4. **Support Constitutional Amendment No. 3:** A resolution to support the passage of referred Constitutional Amendment No. 3 to amend Amendment No. 82 of the Arkansas Constitution by removing the Constitutional requirements for an eligible Economic Development Project.

THIS RESOLUTION WAS TABLED INDEFINITELY

Announcements:

Adjournment: 7:30 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:

October 19, 2010

Adjourn: 7:30

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

7-0

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

Subject:	Consent (Countryside Farm & Lawn of Springdale)				
Motion To:		Approve		removed from the Consent Agenda & Tabled to the	
Motion By:		Gray		next City Council meeting.	
Seconded:		Lucas			
Minutes Approved	Cook	✓			
	Petty	✓			
	Rhoads	Absent			
	Ferrell	✓			
Item # 4 Removed from Consent	Lucas	✓			
	Lewis	Absent			
	Gray	✓			
	Thiel	✓			
	Mayor Jordan				

6-0

Subject:	Countryside Farm & Lawn of Springdale				
Motion To:		Table to the next meeting	11/02/10		
Motion By:		Ferrell			
Seconded:		Lucas			
Removed from the Consent Agenda	Cook	✓			
	Petty	✓			
	Rhoads	Absent			
	Ferrell	✓			
	Lucas	✓			
Tabled to November 2, 2010	Lewis	Absent			
	Gray	✓			
	Thiel	✓			
	Mayor Jordan				

6-0

Subject:		2010 Millage Levy			
Motion To:			Amendment Increase millage by .3 mills	3rd Read	Pass
Motion By:			Petty	Petty	
Seconded:			Cook	Gray	
B. 1 Unfinished Business Passed 5360	Cook	✓	✓ This motion was made & seconded at the previous meeting	✓	✓
	Petty	✓	N	✓	✓
	Rhoads	absent	absent	absent	absent
	Ferrell	✓	N	✓	✓
	Lucas	✓	✓	✓	✓
	Lewis	absent	absent	absent	absent
	Gray	✓	N	✓	✓
	Thiel	✓	N	✓	✓
	Mayor Jordan				

6-0

2-4
Failed

6-0

6-0

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

Subject:		ADM 10-3672 (Forest Hills R-PZD Modification No. 1)			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Lucas	Gray		
Seconded:		Ferrell	Lucas		
C. 1 New Business <u>Passed</u> 5361	Cook	✓	✓	✓	
	Petty	✓	✓	✓	
	Rhoads	Absent	Absent	Absent	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Lewis	Absent	Absent	Absent	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Mayor Jordan				

6-0

6-0

6-0

Subject:		Fayetteville Government Channel Policy			
Motion To:		Approve			
Motion By:		Ferrell			
Seconded:		Thiel			
C. 2 New Business <u>Passed</u> 180-10	Cook	✓			
	Petty	✓			
	Rhoads	Absent			
	Ferrell	✓			
	Lucas	✓			
	Lewis	Absent			
	Gray	✓			
	Thiel	✓			
	Mayor Jordan				

6-0

Subject:	Support Constitutional Amendment No. 2				
Motion To:		<i>Table Indefinitely</i>			
Motion By:		<i>Petty</i>			
Seconded:		<i>Thiel</i>			
C. 3 New Business <i>Tabled Indefinitely</i>	Cook	<i>✓</i>			
	Petty	<i>✓</i>			
	Rhoads	<i>Absent</i>			
	Ferrell	<i>N</i>			
	Lucas	<i>N</i>			
	Lewis	<i>Absent</i>			
	Gray	<i>✓</i>			
	Thiel	<i>✓</i>			
	Mayor Jordan				

4-2

Subject:	Support Constitutional Amendment No. 3				
Motion To:		<i>Table Indefinitely</i>			
Motion By:		<i>Petty</i>			
Seconded:		<i>Thiel</i>			
C. 4 New Business <i>Tabled Indefinitely</i>	Cook	<i>✓</i>			
	Petty	<i>✓</i>			
	Rhoads	<i>Absent</i>			
	Ferrell	<i>N</i>			
	Lucas	<i>N</i>			
	Lewis	<i>Absent</i>			
	Gray	<i>✓</i>			
	Thiel	<i>✓</i>			
	Mayor Jordan				

4-2

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: **October 20, 2010**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of October 19, 2010**

1. **Riggs Cat of Springdale:** A resolution authorizing purchase of a Caterpillar 236B3 Skid Steer Loader from Riggs Cat of Springdale pursuant to a competitive bid, through the National Joint Powers Alliance Cooperative purchasing agreement, in the amount of \$36,727.00 for use by the Solid Waste Division, and approving a budget adjustment.
2. **Williams Tractor of Fayetteville:** A resolution authorizing purchase of a Bobcat S330 Skid Steer Loader from Williams Tractor of Fayetteville pursuant to a competitive bid, through the National Joint Powers Alliance Cooperative purchasing agreement, in the amount of \$42,738.00 for use as part of Wastewater Treatment Plant Biosolids Solar Drying Operations.
3. **Kim Hoadley Construction** A resolution awarding Bid and authorizing a contract with Kim Hoadley Construction in the amount of \$33,896.00 for purchase and installation of an outdoor cooler/freezer in a public facility building (Fayetteville Senior Center) through the Community Development Block Grant Program.
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6. Fayetteville Government Channel Policy: A resolution to adopt a new mission statement, goals statement and operating policies for the Fayetteville Government Channel.

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1. **2010 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2010 Fixing the rate thereof at 1.3 mills for general fund operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas. *This ordinance was left on the First Reading at the October 5, 2010 City Council meeting. A motion to increase the millage by .3 mills was Tabled to the October 19, 2010 City Council meeting.*

Left on the First Reading.

Motion to increase the millage by .3 mills was Tabled to the October 19, 2010 City Council meeting.

C. New Business:

1. **ADM 10-3672 (Forest Hills R-PZD Modification No. 1):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to allow modification to the approved setback criteria for planning area four, as described herein.
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4. **Support Constitutional Amendment No. 3:** A resolution to support the passage of referred Constitutional Amendment No. 3 to amend Amendment No. 82 of the Arkansas Constitution by removing the Constitutional requirements for an eligible Economic Development Project.

Announcements:

Adjournment:

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RESOLUTION NO. _____

A RESOLUTION AUTHORIZING PURCHASE OF A CATERPILLAR 236B3 SKID STEER LOADER FROM RIGGS CAT OF SPRINGDALE PURSUANT TO A COMPETITIVE BID, THROUGH THE NATIONAL JOINT POWERS ALLIANCE (NJPA) COOPERATIVE PURCHASING AGREEMENT, IN THE AMOUNT OF \$36,727.00 FOR USE BY THE SOLID WASTE DIVISION, 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 purchase of a Caterpillar 236B3 skid steer loader from Riggs Cat of Springdale pursuant to a competitive bid through the National Joint Powers Alliance (NJPA) cooperative purchasing agreement, in the amount of \$36,727.00 for use by the Solid Waste Division.

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."

PASSED and APPROVED this 19th day of October, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

AGENDA REQUEST

FOR: COUNCIL MEETING OF OCTOBER 19, 2010

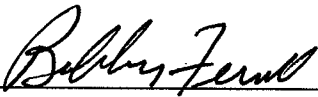
FROM:

BOBBY FERRELL, ALDERMAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Support The Passage Of Referred Constitutional Amendment No. 2 Which Would Eliminate The Limit On The Interest Rate Of 2% Above The Federal Reserve Rate For Tax Supported Government Bonds And Of 5% Above The Federal Reserve Discount Rate For Revenue Bonds And For Consumer Loans Subject Only To The Constitutional Limit Of 17%

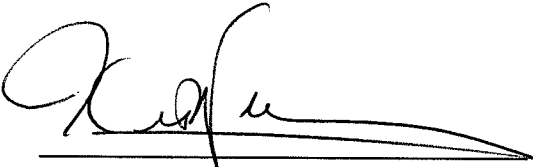
APPROVED FOR AGENDA:



Bobby Ferrell
Alderman

10-12-10

Date



City Attorney
(as to form)

10-12-10

Date



ARKANSAS MUNICIPAL LEAGUE ENDORSED PROPOSALS 2 AMENDMENTS THAT WILL HELP CREATE ARKANSAS JOBS

In order to: (1) restore cost effective financing for important public projects; (2), attract investment and promote job growth in Arkansas; and (3) help Arkansas businesses compete, thrive and expand; two amendments to the Arkansas Constitution will be offered for approval on the ballot in November.

Interest Rate Amendment (Issue No. 2 on the Nov. Ballot)

Arkansas is at a competitive disadvantage due to out of date usury laws. Our interest rate limits are tied to the Federal Discount rate that was at double digit levels when adopted 30 years ago, but the Discount rate is now almost zero as part of the effort to stimulate the struggling economy. Our laws are the most restrictive in the United States. These laws were aimed at protecting consumers but now, perversely, restrict credit in our state, and impede the ability of local governments to finance important public projects. As a consequence, our laws often increase costs by restricting financing alternatives, rather than protect the public and consumer.

The proposed Amendment would:

- Remove the existing method of determining the interest rate cap on all governmental bonds and loans, and permit restrictions to be adopted by the Legislature that could be modified as required by changing economic and market conditions,
- Eliminate the current below market interest rate cap on consumer and other loans that effectively prevents local businesses from offering credit to customers, while preserving the existing interest rate cap at 17% and,
- Allow local governmental units to save public funds by providing an effective method of financing energy savings projects.

Why is this important?

- The current law severely restricts, and in many cases prevents state government and municipalities from raising capital through bond issues for important projects such as police and fire stations, hospitals, streets and roads, recreation facilities, and economic development infrastructure.
- The proposed amendment would offer flexibility for state government and municipalities to actually lower the interest paid on bonds by being better able to take advantage of low interest rate environments.

THE AMENDMENT WOULD MAKE ARKANSAS MORE COMPETITIVE

Amendment to Revise Amendment 82 (Issue No. 3 on the Nov. Ballot)

Arkansas voters resoundingly passed Amendment 82 (commonly known as the Super Project Amendment) in 2004, but technical restrictions have kept the Amendment from being of any value in today's rapidly changing economic environment.

The proposed amendment would:

- Authorize the General Assembly to issue bonds for the benefit of prospective employers and remove the thresholds of \$500 million and 500 jobs for a single project.
- The proposed amendment would offer much greater flexibility for this valuable economic development facility while preserving the existing cap on the annual amount of money that can be dedicated to bond repayment.

Why is this important?

- Since passage, our state has lost projects to Mississippi, Alabama, South Carolina and Texas, states without our restrictions that were intended to target Super projects. The lost projects didn't satisfy the dollar investment or number of employees required by Amendment 82.
- The proposed amendment would broaden the application of economic development funding, thereby producing a greater statewide impact and benefit.

THE AMENDMENT WOULD HELP ARKANSAS COMPETE FOR PROJECTS THAT WILL BRING IN HUNDREDS OF NEW JOBS

BOTH VOTES COUNT:

The two proposed amendments work together to help Arkansas compete for jobs and long-term investment.

VOTE FOR ISSUE NO. 2 AND ISSUE NO. 3 IN THE GENERAL ELECTION

RESOLUTION NO. _____

A RESOLUTION TO SUPPORT THE PASSAGE OF REFERRED CONSTITUTIONAL AMENDMENT NO. 2 WHICH WOULD ELIMINATE THE LIMIT ON THE INTEREST RATE OF 2% ABOVE THE FEDERAL RESERVE RATE FOR TAX SUPPORTED GOVERNMENT BONDS AND OF 5% ABOVE THE FEDERAL RESERVE DISCOUNT RATE FOR REVENUE BONDS AND FOR CONSUMER LOANS SUBJECT ONLY TO THE CONSTITUTIONAL LIMIT OF 17%

WHEREAS, Amendment 62 to the Arkansas Constitution was passed by the people in 1984 and authorized municipal tax supported bonds, but limited allowable interest on the bonds to “not to exceed two percent (2%) per annum above the Federal Reserve Rate ...”; and

WHEREAS, Amendment 65 to the Arkansas Constitution was passed by the people in 1986 and allowed for the issuance of revenue bonds but limited maximum rate of interest to “five percent (5%) per annum above the Federal Reserve Discount Rate ...”; and

WHEREAS, Amendment 60 and Article 19 §13 of the Arkansas Constitution limit consumer loans and credit sales to a maximum of five percent (5%) above the Federal Reserve Discount Rate with a final cap of seventeen percent (17%) per annum; and

WHEREAS, proponents of Issue No. 2 contend that the interest rates of 2% above the Federal Reserve Rate for tax supported bonds and 5% above the Federal Reserve Discount Rate for revenue bonds “have halted the financing of essential projects” because these interest rates are “substantially below market requirements”; and

WHEREAS, proponents of Issue No. 2 contend that the constitutional limit five percent (5%) above the Federal Reserve Discount Rate per year for consumer loans and credit sales “currently restrict(s) options for consumer financing ... and ... produce a significant disadvantage for Arkansas Businesses and limit the availability of affordable financing for their consumer customers”

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 expresses its support for Issue No. 2 to be voted on by the people on November 2, 2010 which would repeal all constitutional interest limitations for municipal bonds and repeal all interest rate constitutional limits for consumer loans and credit sales up to seventeen percent (17%).

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

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Issue No. 2

HOUSE JOINT RESOLUTION 1004

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF
ARKANSAS CONCERNING THE INTEREST RATE LIMITS.

Subtitle

PROPOSING AN AMENDMENT TO THE
CONSTITUTION OF ARKANSAS CONCERNING THE
INTEREST RATE LIMITS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

That the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Governmental Bonds and Loans. (a) The maximum lawful rates of interest on bonds issued by governmental units in the State of Arkansas as set forth in various provisions and amendments to the Arkansas Constitution of 1874, including Article 19, § 13, and Amendment Nos. 30, 38, 62, 65, and 78, are removed.

(b) The maximum lawful rate of interest on loans made by or to governmental units in the State of Arkansas as set forth in Article 19, § 13 of the Arkansas Constitution of 1874 is removed.

(c) Except 1 as may be established by the General Assembly pursuant to Section 8 of this amendment, there shall be no maximum lawful rate on bonds issued by and loans made by or to governmental units.

SECTION 2. Loans by Federally Insured Depository Institutions. The maximum lawful rate of interest, discount points, finance charges, or other similar charges that may be charged, taken, received, or reserved from time to time in any loan or financing transaction by or to any federally insured depository institution having its main office in this State shall be the maximum rate of interest that was applicable to federally insured depository institutions under 12 U.S.C. § 1831u effective on March 1, 2009.

SECTION 3. Other Loans. The maximum lawful rate of interest on loans or contracts not described in Sections 1 and 2 shall not exceed seventeen percent (17%) per annum.

SECTION 4. Energy Efficiency Project Bonds – Issuance – Terms and Conditions.

(a) A governmental unit, under laws adopted by the General Assembly, may issue bonds to finance all or a portion of the costs of energy efficiency projects. The bonds may bear such terms, be issued in such manner, and be subject to such conditions as may be authorized by the General Assembly. The bonds authorized by Section 4 shall be governmental bonds subject to the

provisions of Section 1 of this amendment.

(b) Bonds may be secured by a pledge of the savings from the energy efficiency project and may be repaid from general revenues, special revenues, revenues derived from taxes or any other revenues available to the governmental unit.

(c) The authority conferred by this Section 4 shall be supplemental to other constitutional provisions which authorize the issuance of bonds.

SECTION 5. Definitions. (a) The term "bonds" means all bonds, notes, certificates, financing leases, or other interest-bearing instruments or evidences of indebtedness.

(b) The term "Federal Reserve Primary Credit Rate" means the Primary Credit Rate, or such successor rate, as established by and in effect in the Federal Reserve Bank in the Federal Reserve District in which Arkansas is located.

(c) The term "federally insured depository institution" means a state bank, a national bank, or a savings association, as such terms are defined in 12 U.S.C. § 1813 as such statute existed on January 1, 2009, the deposits of which are insured by the Federal Insurance Deposit Corporation, or its successor.

(d) The term "governmental unit" means the State of Arkansas; any county, municipality, school district, or other political subdivision of the State of Arkansas; any special assessment or taxing district established under the laws of the State of Arkansas; and any agency, board, commission, or instrumentality of any of the foregoing.

(e) The term "loan or financing transaction by or to a federally insured depository institution" means all direct or indirect advances of funds and moneys that are conditioned on the obligation of a person or entity to repay the funds and moneys pursuant to loan agreements, lease agreements, installment sale agreements, security agreements, notes, bill of exchange, or other evidence of debt or other instruments or documents evidencing the indebtedness and are made by or to a federally insured depository institution.

(f) The term "loans made by or to governmental units" means all direct or indirect advances of funds and moneys that are conditioned on the obligation of a person or entity to repay the funds and moneys pursuant to loan agreements, lease agreements, installment sale agreements, security agreements, notes, or other instruments or documents evidencing the indebtedness and are made by or to governmental units.

SECTION 6. Miscellaneous.

(a) The provisions of this amendment are not intended and shall not be deemed to supersede or otherwise invalidate any provisions of federal law applicable to loans or interest rates including loans secured by residential real property.

(b) All contracts under Section 3 having a rate of interest in excess of the maximum lawful rate shall be void as to principal and interest and the General Assembly shall prohibit the same by law.

SECTION 7. The ballot title for this amendment shall be:

An amendment providing that constitutional provisions setting the maximum lawful rate of interest on bonds issued by and loans made by or to governmental units are repealed; the maximum lawful rate of interest on loans by federally insured depository institutions shall remain at the rate resulting from the federal preemption effective on March 1, 2009; establishing that the maximum lawful rate of interest on any other loan or

contract shall not exceed seventeen percent (17%) per annum; authorizing governmental units to issue bonds to finance energy efficiency projects and allowing such bonds to be repaid from any source including general revenues derived from taxes; providing that any federal laws applicable to loans or interest rates are not superseded by the amendment; and repealing Article 19, § 13, and the interest rate provisions of Amendment Nos. 30, 38, 62, 65, and 78 of the Arkansas Constitution.

SECTION 8. Nothing in this amendment shall limit the power of the General Assembly to fix, from time to time, one or more interest rate limits on various types of bonds issued by and loans made by or to governmental units.

SECTION 9. If this amendment or the application thereof to any person or circumstances is held invalid, the remainder of the amendment and its application to persons or circumstances other than those to which it is held invalid shall not be affected.

SECTION 10. The provisions of this amendment, other than the provisions of Section 4 of this amendment, shall be self-executing.

SECTION 11. The General Assembly may by a three-fourths vote of each house of the General Assembly amend the provisions of this amendment so long as the amendments are germane to this amendment and consistent with its policy and purposes.

SECTION 12. The provisions of this amendment shall apply to all bonds issued and loans made after the effective date of this amendment.

SECTION 13. 1 The effective date of this amendment is January 1, 2011.

SECTION 14. This amendment shall repeal Article 19, § 13, and the interest rate provisions of Amendment Nos. 30, 38, 62, 65, and 78 of the Arkansas Constitution.

Adopted

Ash Flat City Council	County	
Bald Knob City Council	Sharp	
Bay City Council	White	
Bella Vista City Council	Craighead	
Brookland City Council	Benton	
Bull Shoals City Council	Craighead	
Caddo Valley City Council	Marion	
Cherokee Village City Council	Clark	
Clarendon City Council	Sharp	
Conway City Council	Monroe	
Corning City Council	Faulkner	Large
Damascus Town Council	Clay	
Diamond City Council	Faulkner	
Dumas City Council	Boone	
El Dorado City Council	Desha	
Fairfield Bay City Council	Union	
Fort Smith City Board	Van Buren	
Harrison City Council	Sebastian	Large
Heber Springs City Council	Boone	
Helena-West Helena City Council	Cleburne	
Higginson City Council	Phillips	
Highland City Council	White	
Hot Springs City Board	Sharp	
Huntington City Council	Garland	Large
Jacksonville City Council	Sebastian	
Jonesboro City Council	Pulaski	Large
Lake City City Council	Craighead	Large
Lake Village City Council	Craighead	
Lake View City Council	Chicot	
Lead Hill City Council	Baxter	
Little Rock City Board	Boone	
Magnolia City Council	Pulaski	Large
Maumelle City Council	Columbia	
Mountain Home City Council	Pulaski	
Mulberry City Council	Baxter	
Newport City Council	Crawford	
Norfork City Council	Jackson	
North Little Rock City Council	Baxter	
Ogden City Council	Pulaski	
Palestine City Council	Montgomery	
Paragould City Council	St. Francis	
Paris City Council	Greene	Large
Pea Ridge City Council	Logan	
Pine Bluff City Council	Benton	
Pineville Town Council	Jefferson	Large
	Izard	

Prairie Grove City Council
Siloam Springs City Board
Springdale City Council
St. Charles Town Council
Strawberry Town Council
Stuttgart City Council
Texarkana City Board
Waldron City Council
Wrightsville City Council
Wynne City Council

Washington
Benton
Washington Large
Arkansas
Lawrence
Arkansas
Miller Large
Scott
Pulaski
Cross

AGENDA REQUEST

FOR: COUNCIL MEETING OF OCTOBER 19, 2010

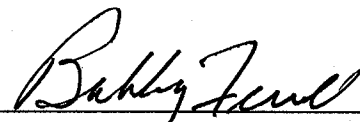
FROM:

BOBBY FERRELL, ALDERMAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

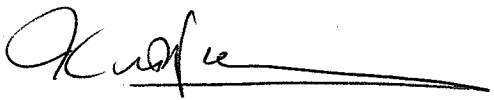
A Resolution To Support The Passage Of Referred Constitutional Amendment No. 3 To Amend Amendment No. 82 Of The Arkansas Constitution By Removing The Constitutional Requirements For An Eligible Economic Development Project

APPROVED FOR AGENDA:



Bobby Ferrell
Alderman

10-12-10
Date



City Attorney
(as to form)

10-12-10
Date



ARKANSAS MUNICIPAL LEAGUE ENDORSED PROPOSALS 2 AMENDMENTS THAT WILL HELP CREATE ARKANSAS JOBS

In order to: (1) restore cost effective financing for important public projects; (2), attract investment and promote job growth in Arkansas; and (3) help Arkansas businesses compete, thrive and expand; two amendments to the Arkansas Constitution will be offered for approval on the ballot in November.

Interest Rate Amendment (Issue No. 2 on the Nov. Ballot)

Arkansas is at a competitive disadvantage due to out of date usury laws. Our interest rate limits are tied to the Federal Discount rate that was at double digit levels when adopted 30 years ago, but the Discount rate is now almost zero as part of the effort to stimulate the struggling economy. Our laws are the most restrictive in the United States. These laws were aimed at protecting consumers but now, perversely, restrict credit in our state, and impede the ability of local governments to finance important public projects. As a consequence, our laws often increase costs by restricting financing alternatives, rather than protect the public and consumer.

The proposed Amendment would:

- Remove the existing method of determining the interest rate cap on all governmental bonds and loans, and permit restrictions to be adopted by the Legislature that could be modified as required by changing economic and market conditions,
- Eliminate the current below market interest rate cap on consumer and other loans that effectively prevents local businesses from offering credit to customers, while preserving the existing interest rate cap at 17% and,
- Allow local governmental units to save public funds by providing an effective method of financing energy savings projects.

Why is this important?

- The current law severely restricts, and in many cases prevents state government and municipalities from raising capital through bond issues for important projects such as police and fire stations, hospitals, streets and roads, recreation facilities, and economic development infrastructure.
- The proposed amendment would offer flexibility for state government and municipalities to actually lower the interest paid on bonds by being better able to take advantage of low interest rate environments.

THE AMENDMENT WOULD MAKE ARKANSAS MORE COMPETITIVE

Amendment to Revise Amendment 82 (Issue No. 3 on the Nov. Ballot)

Arkansas voters resoundingly passed Amendment 82 (commonly known as the Super Project Amendment) in 2004, but technical restrictions have kept the Amendment from being of any value in today's rapidly changing economic environment.

The proposed amendment would:

- Authorize the General Assembly to issue bonds for the benefit of prospective employers and remove the thresholds of \$500 million and 500 jobs for a single project.
- The proposed amendment would offer much greater flexibility for this valuable economic development facility while preserving the existing cap on the annual amount of money that can be dedicated to bond repayment.

Why is this important?

- Since passage, our state has lost projects to Mississippi, Alabama, South Carolina and Texas, states without our restrictions that were intended to target Super projects. The lost projects didn't satisfy the dollar investment or number of employees required by Amendment 82.
- The proposed amendment would broaden the application of economic development funding, thereby producing a greater statewide impact and benefit.

THE AMENDMENT WOULD HELP ARKANSAS COMPETE FOR PROJECTS THAT WILL BRING IN HUNDREDS OF NEW JOBS

BOTH VOTES COUNT:

The two proposed amendments work together to help Arkansas compete for jobs and long-term investment.

VOTE FOR ISSUE NO. 2 AND ISSUE NO. 3 IN THE GENERAL ELECTION

RESOLUTION NO. _____

A RESOLUTION TO SUPPORT THE PASSAGE OF REFERRED CONSTITUTIONAL AMENDMENT NO. 3 TO AMEND AMENDMENT NO. 82 OF THE ARKANSAS CONSTITUTION BY REMOVING THE CONSTITUTIONAL REQUIREMENTS FOR AN ELIGIBLE ECONOMIC DEVELOPMENT PROJECT

WHEREAS, Amendment No. 82 to the Arkansas Constitution was passed in November of 2004 and contained constitutional requirements that before the legislature could issue general obligation bonds of up to 5% of state general revenues, the developer of an eligible large economic development project "must be planning an economic development project that will invest more than five hundred million dollars(\$500,000,000.00) in capital expenditures and plan on hiring over five hundred(500) new employees;" and

WHEREAS, Referred Constitutional Amendment No. 3 would delete all those requirements and leave it up to the Legislature to determine what economic development project should be eligible for state funding for "infrastructure or other needs to attract large economic projects;" and

WHEREAS, proponents of this Amendment contend "the financing authority for State support ... should be more flexible ... in order to facilitate the financing of more projects ... enhancing the economic benefit for the State and its citizens."

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 supports the passage of Referred Constitutional Amendment No. 3 to remove the constitutional requirements for an economic development project before the developer can receive state aid of up to 5% of yearly state revenue.

PASSED and APPROVED this 19th day of October, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Issue No. 3

HOUSE JOINT RESOLUTION 1007

TO AMEND AMENDMENT 82 OF THE CONSTITUTION OF ARKANSAS TO AUTHORIZE THE GENERAL ASSEMBLY TO ESTABLISH CRITERIA BEFORE AUTHORIZING THE ISSUANCE OF BONDS FOR PROSPECTIVE EMPLOYERS PLANNING AN ECONOMIC DEVELOPMENT PROJECT.

Subtitle

TO AMEND AMENDMENT 82 OF THE ARKANSAS CONSTITUTION TO AUTHORIZE THE GENERAL ASSEMBLY TO ESTABLISH CRITERIA BEFORE AUTHORIZING THE ISSUANCE OF BONDS FOR PROSPECTIVE EMPLOYERS PLANNING AN ECONOMIC DEVELOPMENT PROJECT.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

That the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Amendment 82(d) of the Constitution of Arkansas is amended to read as follows:

(d) ~~In order for the~~ The General Assembly to ~~may~~ authorize the issuance of bonds bearing the full faith and credit of the State of Arkansas; ~~the prospective employer must be planning an economic development project that will invest more than five hundred million dollars (\$500,000,000) in capital expenditures and plan on hiring over five hundred (500) new employees if the prospective employer planning an economic development project is~~ eligible under criteria established by law.

CONSTITUTION OF 1874

First Nat. Bank of DeWitt v.
3 W.3d 88, 360 Ark. 528.

inal right to a jury trial is
tional amendment merging
urts. First Nat. Bank of
5, 203 S.W.3d 88, 360 Ark.

ropriate court to petition for
ted at district court; any
for writ must be based on
in circuit court. Arkansas
laski County Dist. Court,
iorari 35

d state Constitution, cir-
to issue writs of certiora-
sas Democrat-Gazette v.
rt, 2008, 375 Ark. 310.

tate of Arkansas are
25; 32; 34; 35; 39;

rkansas, as amended
1, 2001.

is hereby repealed

Arkansas is hereby

rkansas is hereby

rkansas is hereby

ill be repealed by
provisions of this

Revision Commis-

Procedure § 2:7,

Procedure § 3:4,

rocedure § 1:11,
1 Court of Ap-

ARKANSAS CONSTITUTION OF 1874

Amend. 83, § 1

AMENDMENT 82. ECONOMIC DEVELOPMENT
PROJECT GENERAL OBLIGATION BONDS

Amendment 82. Economic development project general obligation bonds

(a) In order for the State of Arkansas to effectively compete for large economic develop-
ment projects, the Arkansas General Assembly, meeting in special or regular session, may
authorize the Arkansas¹ Development Finance Authority to issue general obligation bonds to
finance infrastructure or other needs to attract large economic development projects.

(b) Bonds may be issued for an amount up to five percent (5%) of state general revenues
collected during the most recent fiscal year.

(c) Infrastructure needs may include, but are not limited to:

- (1) Land acquisition;
- (2) Site preparation;
- (3) Road and highway improvements;
- (4) Rail spur construction; water service;
- (5) Wastewater treatment;
- (6) Employee training which may include equipment for such purpose;
- (7) Environmental mitigation; and
- (8) Training and research facilities and the necessary equipment therefore.

(d) In order for the General Assembly to authorize the issuance of bonds bearing the full
faith and credit of the State of Arkansas, the prospective employer must be planning an
economic development project that will invest more than five hundred million dollars
(\$500,000,000) in capital expenditures and plan on hiring over five hundred (500) new
employees.

(e) The bonds shall be paid for in full by general or special revenues appropriated by the
General Assembly until the bonds have been retired and all obligations associated with the
issuance of the bonds have been met.

(f) Bonds may be issued under this amendment pursuant to an act of the General Assembly
without voter approval.

Acts of 2003, H.J.R. 1028, approved at Nov. 2, 2004 election.

¹ So in original.

Historical Notes

Arkansas Code Revision Commission

Technical changes were made in 2003 and 2005
to conform with the official Arkansas Code of 1987

as approved by the Arkansas Code Revision Com-
mission.

AMENDMENT 83. MARRIAGE

§ 1. Marriage

Marriage consists only of the union of one man and one woman.
Initiative petition approved at Nov. 2, 2004, election.

Law Review and Journal Commentaries

Miller, Same-Sex Marriage: An Examination of
the Issues of Due Process and Equal Protection,
59 Ark. L. Rev. 471 (2006).

Research References

Treatises and Practice Aids

2 Arkansas Civil Practice and Procedure § 6:10,
Marriage and Divorce.

Adopted

Ash Flat City Council	County	
Bald Knob City Council	Sharp	
Bay City Council	White	
Bella Vista City Council	Craighead	
Brookland City Council	Benton	
Bull Shoals City Council	Craighead	
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Higginson City Council	Phillips	
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Mulberry City Council	Baxter	
Newport City Council	Crawford	
Norfork City Council	Jackson	
North Little Rock City Council	Baxter	
Ogden City Council	Pulaski	
Palestine City Council	Montgomery	
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Paris City Council	Greene	Large
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Pine Bluff City Council	Benton	
Pineville Town Council	Jefferson	Large
	Izard	

Prairie Grove City Council
Siloam Springs City Board
Springdale City Council
St. Charles Town Council
Strawberry Town Council
Stuttgart City Council
Texarkana City Board
Waldron City Council
Wrightsville City Council
Wynne City Council

Washington
Benton
Washington Large
Arkansas
Lawrence
Arkansas
Miller Large
Scott
Pulaski
Cross

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



**City of Fayetteville Arkansas
City Council Meeting Minutes
October 5, 2010**

Aldermen

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

A meeting of the Fayetteville City Council was held on October 5, 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 Thiel, Cook, Petty, Rhoads, Ferrell, Lucas, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Gray

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the September 7, 2010 and September 21, 2010 City Council meeting minutes.

Approved

RFP #10-04 (Regions Insurance Inc.) Insurance Brokerage Services: A resolution approving RFP #10-04 and authorizing a contract with Regions Insurance Inc. in the amount of \$14,000.00 with four one year automatic renewal options for the provision of insurance brokerage services.

This resolution was removed from the Consent Agenda for discussion.

2010-2011 Selective Traffic Enforcement Program (STEP) Grant: A resolution authorizing acceptance of a 2010-2011 Selective Traffic Enforcement Program (STEP) grant award in the amount of \$103,200.00 with a \$79,200.00 local match, and approving a budget adjustment.

Resolution 169-10 as recorded in the office of the City Clerk.

Citizen Donation Revenue: A resolution approving a budget adjustment in the amount of \$1,000.00 to recognize revenue from a citizen donation for purchasing microchips for the pet wellness expo event.

Resolution 170-10 as recorded in the office of the City Clerk.

Department of Justice Community Oriented Policing Services (COPS) Grant: A resolution authorizing acceptance of a U.S. Department of Justice Community Oriented Policing Services for Technology Program (COPS) non-matching grant award in the amount of \$750,000.00, and approving a budget adjustment.

Resolution 171-10 as recorded in the office of the City Clerk.

Bid #10-50 (Sivad, Inc.) Educational Equipment: A resolution awarding Bid #10-50 and authorizing a contract with Sivad, Inc. in the amount of \$95,714.00 for educational equipment and learning systems related to weatherization, energy efficiency and other green initiatives.

Resolution 172-10 as recorded in the office of the City Clerk.

Bid #10-55 (Rick Pershall Building Company) Animal Shelter Dog Runs: A resolution awarding Bid #10-55 and authorizing a contract with Rick Pershall Building Company in the amount of \$46,410.00 for refurbishment of dog runs at the Fayetteville Animal Shelter, and approving a project contingency of \$3,112.00.

Resolution 173-10 as recorded in the office of the City Clerk.

Bid #10-57 (N.E.C. Inc.) City Compost Facility: A resolution awarding Bid #10-57 and authorizing a contract with N.E.C. Inc. in the amount of \$77,500.00 plus applicable sales tax for concrete pad construction at the City Compost Facility, and approving a 10% project contingency.

Resolution 174-10 as recorded in the office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda with RFP #10-04 (Regions Insurance Inc.) Insurance Brokerage Services removed for discussion. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty was absent during the vote. Alderman Gray was absent.

The following resolution was removed from the Consent Agenda for discussion:

RFP #10-04 (Regions Insurance Inc.) Insurance Brokerage Services: A resolution approving RFP #10-04 and authorizing a contract with Regions Insurance Inc. in the amount of \$14,000.00 with four one year automatic renewal options for the provision of insurance brokerage services.

Alderman Ferrell stated he asked that the item be pulled from Consent because there was a businessman here in town that bid on this and he wanted to understand how the whole thing worked.

Peggy Vice, Purchasing Manager: This was selected with a request for proposal. The items that were considered were qualifications, experience, competence, and capacity for performance, proposed method of doing work, past performance, and price. The selection committee received six proposals that ranged from \$13,000 to \$95,000. We have worked with Regions for about 10 years. They are ranked the 20th broker in the United States.

Alderman Ferrell: The fact sheet says Regions Insurance was unanimously selected by the committee with Easton Insurance selected in second place. Ten percent of it is price, so you have 90% in other factors that are considered for your choice.

Peggy Vice: Correct. State law sets out the different criteria that you have to use when you are considering requests for proposals. Purchasing puts in different criteria, different percentages, and then the Selection Committee reviews it and changes it or approves it.

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

Resolution 175-10 as recorded in the office of the City Clerk.

Unfinished Business: None

New Business:

RZN 10-3633 (Willy Berchtold): An ordinance rezoning that property described in rezoning petition RZN 10-3633, for approximately 2.45 acres, located at 2409 Huntsville Road from C-2, Thoroughfare Commercial, RSF-4, Residential Single Family, 4 units per acre, and R-A, Residential Agricultural, to CS, Community Services Zoning District.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Internal Services and Development Director gave a brief description of the ordinance. He stated Staff and Planning Commission both recommend approval of the rezoning.

Alderman Thiel: I don't suppose there were any neighbors that voiced concerns about it because that whole area is already commercial. It is adjacent to residential. I don't have a problem with it.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5357 as Recorded in the office of the City Clerk

RZN 10-3642 (Gardens on Persimmon): An ordinance rezoning that property described in rezoning petition RZN 10-3642, for approximately 11.18 acres, located at 4405 Persimmon Street from RSF-4, Residential Single Family, 4 units per acre to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. Staff recommended approval of the zoning. Planning Commission voted 8-0 in favor of the request.

Alderman Lucas 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 Gray was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5358 as Recorded in the office of the City Clerk

Illinois River Watershed Partnership (IRWP) Contract for Watershed Education: An ordinance waiving the requirements for competitive bids and approving a contract with the Illinois River Watershed Partnership in the amount of \$10,000.00 for watershed educational and planning services.

City Attorney Kit Williams: The ordinance that was originally handed out at Agenda Session needed to be amended. I have submitted the amended ordinance to you. I would ask for a motion to amend the ordinance.

Alderman Lewis: I need to recuse myself from this discussion.

Alderman Thiel moved to amend the ordinance as proposed by City Attorney Kit Williams. Alderman Lucas seconded the motion. Upon roll call the motion passed 6-0. Alderman Lewis recused. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Sarah Wrede, Staff Engineer gave a brief description of the ordinance.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman Lewis recused. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Thiel moved to suspend the rules and go to the third reading. Alderman Lucas seconded the motion.

City Attorney Kit Williams read the ordinance.

Dr. Delia Haak, Executive Director with the Illinois River Watershed thanked the City Council and the City of Fayetteville for their leadership in the watershed. She stated it is a priority watershed in the State of Arkansas and Fayetteville is the largest city in the urban area. The watershed has done a wonderful job in supporting education and outreach. She also recognized Alderman Sarah Lewis and stated she has been a great friend and supporter of the partnership, the work in education, and outreach in the watershed.

Mayor Jordan thanked Delia for her hard work.

Upon roll call the motion passed 6-0. Alderman Lewis recused. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Lewis recused. Alderman Gray was absent.

Ordinance 5359 as Recorded in the office of the City Clerk

Bid #10-52 (Total Environmental Systems, Inc.) Fire Department Generators: A resolution awarding Bid #10-52 and authorizing a contract with Total Environmental Systems, Inc. in the amount of \$96,900.00, plus a 10% project contingency, for the purchase and installation of electrical generators for the Fayetteville Fire Department.

David Dayringer, Fire Chief requested that the proposal be tabled. They will go out for bid again on the project as it has been amended by the Equipment Committee.

Mayor Jordan: Is there a recommendation on how long it will take?

Don Marr, Chief of Staff: Mayor we recommend you table it indefinitely because the proposal will change.

Alderman Cook: Can I ask what the discussion was for the amended proposal?

Alderman Ferrell stated the amended proposal is going to be to change the estimate. They wanted three generators and the Equipment Committee recommended two. They are going to have to extract part of the installation.

Paul Becker, Finance Director: It was a removal of one of the generators, the one that was requested for the Fire Marshall's office. It changes the bidding process so we have to go out for bid.

Alderman Ferrell moved to table the resolution indefinitely. Alderman Petty seconded the motion. Upon roll call the motion to table passed 7-0. Alderman Gray was absent.

This resolution was tabled indefinitely.

2010 Millage Levy: An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2010 Fixing the rate thereof at 1.3 mills for general fund operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.

City Attorney Kit Williams read the ordinance.

Paul Becker: This is not an increase in any tax. This is the same property tax that we had last year. The City's portion of the property tax would stay the same. We need to have the millage set by October 31.

We had a discussion of the General Fund budget in September, at that point in time we looked at the General Fund budget in the context of what we would need for a millage. We are going to project that the revenue will be the same next year as we are receiving this year. That means we are going to receive about \$850,000 to \$900,000 less next year than we are this year. Administration looked at programs and reductions that we could make and we came up with net reductions of about \$500,000. This would leave us a shortfall of approximately \$1.4 million. There are several ways of closing that gap and getting revenues in line with expenditures. We could reduce expenses which we have done. Any further reduction in expenses is going to have to address services to the public. We could discuss the capital budget. The third way is to increase property taxes which the administration is not recommending at this time. The other way to close that is to use available reserves of \$1.4 million. The 2009 budget was \$35.8 million. This budget will be \$33.8 million. That is two million dollar reduction in the General Fund budget over time. The request at this time is to maintain the same millage level for next year for the City which would be 1.3 mills.

Alderman Lucas: You said we anticipate having \$1.4 million in the discretionary.

Paul Becker: That's correct.

Alderman Lucas: So we don't have it now.

Paul Becker: Yes, we do. I assume we will have it at the end of the year based on the expenditure pattern at this point in time. I feel we are going to have the same level of reserves at the end of the year that we have right now based on the expenditure patterns. I say anticipate because we never know.

Alderman Lucas: You are saying we will still have it at the end of the year.

Paul Becker: Yes, I'm projecting we are going to fall at the same rate between now and the end of the year.

Alderman Lewis: Can you talk about the county activities?

Paul Becker: About some of the information that has been in the paper at the county level?

Alderman Lewis: Yes and how that affects the City's budget.

Paul Becker: The Quorum Court has had budget discussions and during those budget discussions they talked about decreasing the road millage. The road millage is shared with the municipalities. In our case we get 80% of the road millage levied on citizens in Fayetteville.

The county has talked about reducing the county road millage and increasing their general fund millage to resolve their budget issues. We would receive \$600,000 less to run the street program. We are talking about the general fund but that would reduce the money available in the street program.

Alderman Lewis: But that is outside the general fund.

Paul Becker: The census will be filed approximately in March and at that point in time we are going to see what happens to the county sales tax. The county sales tax is distributed based on population. It is anticipated that the proportion that the county gets will be less because they will lose population because of annexation over time and most of the municipalities will grow including Fayetteville. From their estimates we would increase in the county portion of the sales tax to help defray that cost. We have no idea what affect that will have on Fayetteville.

Don Marr: The County Budget Committee will be meeting on October 11th at 4:30 p.m. The Mayor, Paul and I have been invited along with the Mayor and his various management individuals from the City of Springdale. I would encourage the Council to attend. I encourage the Council to have discussions with the JP's that are specific to the areas of Fayetteville that are part of the county and express your concerns. We have received calls from a couple representatives who have been seeking input on that particular discussion.

Alderman Cook: I want to follow up on my comments from our first discussion on the millage. We looked at the three options and my comment was can we do a blend of those options. My concern was if we use all the reserves to cover the shortage we have tapped it out at that point. I'm concerned that we might see this again next go around. I propose a millage increase of .3 mills to cover a piece of that deficit. As we move forward I have some other proposals as far as changes in the budget and anything we can't cover we take out of reserves. My goal in that is to try to maintain a little left in the reserve fund so if we have to go through this again next year we will still have some reserves left. If we tap that out this year then all we are going to have left is millage or make some very drastic cuts.

Mayor Jordan: Unless the economy comes back.

Alderman Cook moved to increase the millage by .3 mills. Alderman Thiel seconded the motion. This motion was not voted on. It was tabled until the next City Council meeting.

Alderman Cook: I don't like taxes anymore than anyone else. It's never a good time to ask for it. We've had this discussion many years in a row and there are a lot of reasons not to support it but I think we should at least put it on the table.

Alderman Lucas: How much will it bring?

Paul Becker: Approximately \$400,000.

Alderman Lucas: We brought this up at a Ward 4 meeting for people to think about. I thought the consensus at that time was that they didn't want us to deplete the discretionary reserve

completely. They like the idea of having some from both areas. That is why I'm going to support this.

Alderman Thiel: How much will that amount to per year for a \$100,000 home?

Paul Becker: I would estimate \$20.

Alderman Thiel: I have rental property and almost every parcel I have has gone down in the appraised value due to reassessment. It may be a push as far as it costing a whole lot for the effect it will have on our budget and being able to maintain what we are doing now in the level of providing services.

Alderman Ferrell moved to table Alderman Cooks motion to the October 19, 2010 City Council meeting. Alderman Cook seconded the motion.

Alderman Petty: I'm willing to discuss this and consider Alderman Cook's suggestion but I would prefer that we table it.

Alderman Lewis: As a result of the Ward 4 meeting and conversations that I have had with citizens I appreciate the opportunity to discuss it.

Upon roll call the motion to table the increase in millage passed 7-0. Alderman Gray was absent.

Announcements:

Alderman Ferrell announced the upcoming Ward 3 Clean up at the Elks Lodge and Vandergriff Elementary School.

Alderman Lewis announced First Thursday.

Don Marr reminded the Council that as part of First Thursday the City will be conducting a public input session on the 2030 Master Plan at the Bank of Fayetteville.

Alderman Lucas stated the Ward 4 meeting is going to be a Town Hall meeting at the Boys and Girls Club on October 25th at 7:00 p.m.

Don Marr announced the Pancake Breakfast at Central Fire Station on Center Street 5:00 a.m. to 12:00 p.m.

Mayor Jordan stated the Tree give away is Saturday starting at 7:00 a.m.

Don Marr also announced Art in the Park at Wilson Park.

Paul Becker announced a budget discussion after Agenda Session next Tuesday.

Alderman Ferrell stated the Street Committee is going to have a meeting on site to illustrate the plans for the remainder of Block Street.

Meeting adjourned at 6:45 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Unofficial

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 October 19, 2010

A meeting of the Fayetteville City Council will be held on October 19, 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

City Council Agenda Session Presentations:

- 1. The book all Fayetteville is reading program** - Maylon Rice, Fayetteville Public Library Trustee
- 2. Green Infrastructure Video** – Bob Caulk and Barbara Boland

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

- 1. Approval of the October 5, 2010 City Council meeting minutes.**

2. **Riggs Cat of Springdale:** A resolution authorizing purchase of a Caterpillar 236B3 skid steer loader from Riggs Cat of Springdale pursuant to a competitive bid, through the National Joint Powers Alliance (NJPA) cooperative purchasing agreement, in the amount of \$36,727.00 for use as part of wastewater treatment plant biosolids solar drying operations, and approving a budget adjustment.
3. **Williams Tractor of Fayetteville:** A resolution authorizing purchase of a Bobcat S330 skid steer loader from Williams Tractor of Fayetteville pursuant to a competitive bid, through the National Joint Powers Alliance (NJPA) cooperative purchasing agreement, in the amount of \$42,738.00 for use as part of wastewater treatment plant biosolids solar drying operations.
4. **Countryside Farm and Lawn of Springdale:** A resolution authorizing purchase of a John Deere 7230 110 HP tractor with #741 loader from Countryside Farm and Lawn of Springdale pursuant to a competitive bid, through the National Joint Powers Alliance (NJPA) cooperative purchasing agreement, in the amount of \$78,616.20 for use as part of wastewater treatment plant biosolids solar drying operations, and approving a budget adjustment.
5. **Kim Hoadley Construction:** A resolution awarding bid and authorizing a contract with Kim Hoadley Construction in the amount of \$33,896.00 for purchase and installation of an outdoor cooler/freezer in a public facility building (Fayetteville Senior Center) through the Community Development Block Grant program (CDBG).
6. **Animal Services Donation:** A resolution approving a budget adjustment in the amount of \$10,115.00 to recognize donation revenue to Animal Services during the third quarter of 2010.

B. Unfinished Business:

1. **2010 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2010 Fixing the rate thereof at 1.3 mills for general fund operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas. *This ordinance was left on the First Reading at the October 5, 2010 City Council meeting. A motion to increase the millage by .3 mills was Tabled to the October 19, 2010 City Council meeting.*

Left on the First Reading.

Motion to increase the millage by .3 mills was Tabled to the October 19, 2010 City Council meeting.

C. New Business:

- 1. ADM 10-3672 (Forest Hills R-PZD Modification No. 1):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to allow modification to the approved setback criteria for planning area four, as described herein.
- 2. Fayetteville Government Channel Policy:** A resolution to adopt a new Mission Statement, Goals Statement and Operating Policies for the Fayetteville Government Channel.

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
Riggs Cat of Springdale
Page 1 of 6City Council Agenda Items
and
Contracts, Leases or Agreements

10/19/2010

City Council Meeting Date
Agenda Items Only

Dennis Pratt / Barbara Olsen

Submitted By

Fleet Operations

Division

Transportation

Department

Action Required:

A resolution to purchase a Caterpillar 236B3 Skid Steer loader from Caterpillar, Inc off their bid through the NJPA (National Joint Powers Alliance) in the amount of \$36,727 for use by Solid Waste Division, and approval of a budget adjustment to move funds to the Fleet Expense account.

\$ 36,727.00

Cost of this request

\$ -

Category / Project Budget

Backhoes / Loaders

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ -

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02076.2010

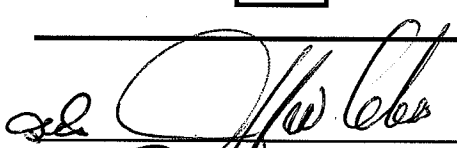
Project Number

\$ -

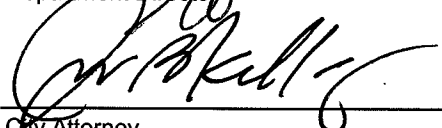
Remaining Balance

Shop Fund

Fund Name

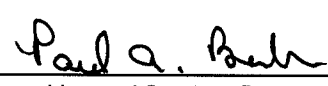
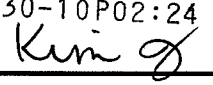
Budgeted Item ☐Budget Adjustment Attached ☒

 Department Director
9/29/10
Date

Previous Ordinance or Resolution # _____

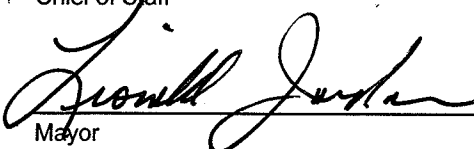

 City Attorney
10-1-10
Date

Original Contract Date: _____

Original Contract Number: _____


 Finance and Internal Services Director
10-1-2010
Date
 Received in City
 Clerk's Office 09-30-10 P02:24 RCVD


 Chief of Staff
10-1-10
Date
 Received in
 Mayor's Office


 Mayor
10/1/10
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation

From: Dennis Pratt, Fleet Operations Supt.

Date: September 29, 2010

Subject: Purchase of skid steer loader for Solid Waste Division

PROPOSAL: That City Council approve the purchase of one Caterpillar skid steer loader in the amount of \$36,727 for use by Solid Waste Division, and approval of a budget adjustment to move funds to the Fleet Expense account.

RECOMMENDATION: The NJPA (National Joint Powers Alliance), of which the City of Fayetteville is a member, awarded the bid for a Caterpillar Skid Steer Loader from #IFB100907 to Caterpillar, Inc.

The local Cat dealer, Riggs Cat of Springdale, has submitted a bid with the options required by Solid Waste in the amount of \$36,727.

I recommend acceptance of this bid from Riggs Cat in the amount of \$36,727. Copy of Bid is attached.

This unit will replace Skid Steer Loader #660 which was slated for replacement in April 2011. However, the differential housing is broken and cannot be repaired so it needs to be replaced as soon as possible.

This purchase was approved by the Equipment Committee at the meeting on September 28, 2010.

BUDGET IMPACT: The new unit should arrive at the end of Dec 2010, or very early Jan., 2011. Maintenance, overhead and insurance charges for 2011 are the same for both the old and new units. Replacement charges for 2011 for the new unit are higher than for the old unit. The 2011 budget will have 8 months contingency for the new unit as Fleet estimated it would be in service for 8 months in 2011.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING PURCHASE OF A CATERPILLAR 236B3 SKID STEER LOADER FROM RIGGS CAT OF SPRINGDALE PURSUANT TO A COMPETITIVE BID, THROUGH THE NATIONAL JOINT POWERS ALLIANCE (NJPA) COOPERATIVE PURCHASING AGREEMENT, IN THE AMOUNT OF \$36,727.00 FOR USE AS PART OF WASTEWATER TREATMENT PLANT BIOSOLIDS SOLAR DRYING OPERATIONS, 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 purchase of a Caterpillar 236B3 skid steer loader from Riggs Cat of Springdale pursuant to a competitive bid through the National Joint Powers Alliance (NJPA) cooperative purchasing agreement, in the amount of \$36,727.00 for use as part of wastewater treatment plant biosolids solar drying operations.

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."

PASSED and APPROVED this 19th day of October, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

A. 2
Riggs Cat of Springdale
Page 4 of 6

Budget Year	Department: Transportation Services	Request Date	Adjustment Number
2010	Division: Fleet Operations	10/19/2010	
	Program: Capital Expense		

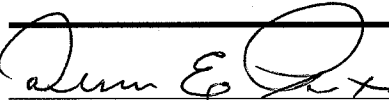
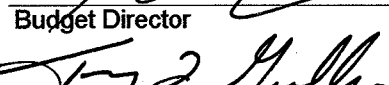
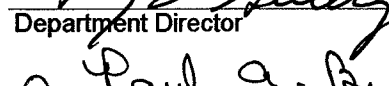
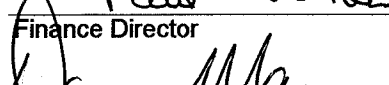
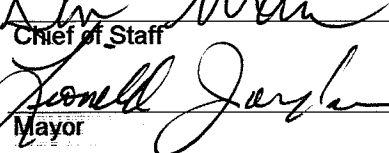
JUSTIFICATION TO INCREASE PROJECT / ITEM:

Funds are needed in Fleet's vehicle and expense account to purchase a skid steer loader for Solid Waste. This unit was slated for replacement in 2011, but needs repairs that are not economically feasible to do.

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

Use of Shop Fund Balance. Sufficient funds are available for the purchase and to meet City policy and objectives.

Account Name	Account Number	Increase Budget	Decrease Budget	Project.Sub Number
Use of Fund Balance	9700.0970.4999.99		37,000	.
Vehicles And Equipment	9700.1920.5802.00	37,000		02076 . 2010
				.
				.
				.
				.
				.
TOTAL		<u>37,000</u>	<u>37,000</u>	

 Division Head	9-23-10 Date
 Budget Director	9-23-10 Date
 Department Director	9-23-10 Date
 Finance Director	9-23-2010 Date
 Chief of Staff	9-27-10 Date
 Mayor	9/28/10 Date

Requested By Barbara Olsen
bolsen

Budget & Research Use Only

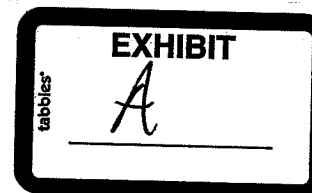
Type: A B C D E

Description: _____
0

General Ledger Date _____

Posted to General Ledger
Initial _____ Date _____

Posted to Project Accounting
Initial _____ Date _____



**Riggs****CAT**

#694

A. 2
Riggs Cat of Springdale
Page 5 of 6

4117 Wagon Wheel Rd.
Springdale, AR 72762
(479) 756-8080 tel
(479) 756-8099 fax

August 25, 2010 (updated September 13, 2010)

Mr. DENNIS PRATT
CITY OF FAYETTEVILLE

Dear DENNIS:

We are pleased to quote the following for your consideration:

(1) CATERPILLAR 236B 3 ...S/N Factory Order.

The following factory and dealer options are included:

- * 236B3 SKID STEER LOADER,
- * CONTROL, 1 SPD, PROP AUX, DLX,
- * ROPS, ENCLOSED WITH A/C, HEADLINER
- * SUSPENSION SEAT
- * DOOR, CAB, GLASS,
- * ENGINE, TIRE 4 COMPLIANT,
- * SELF LEVELING,
- * TIRES, 12X16.5 14PR CAT, XD, (14 ply pneumatic)
- * QUICK COUPLER, MANUAL,
- * BUCKET, Multi Purpose W/BOLT ON EDGE, 84"

* Warranty: Base Warranty is 12 Months/Unlimited with Total Machine Coverage, PLUS Premier ESC Extended Service Coverage out to a total of 24 Months or 2,000 Hours, whichever comes first, (\$150 deductible), included in price and finance example. This is a NJPA quote.

Cash Sale Price: \$36,727 + tax

We believe the equipment as quoted will exceed your expectations. On behalf of Riggs CAT, thank you for the opportunity to quote Caterpillar machinery.

Sincerely,

Steve Smith
Sales Representative

'This proposal is good for 30 days'

City Of Fayetteville

(Not a Purchase Order)

Requisition No.

Date:

A. 2
9/29/2010 City of Springdale
Page 8 of 8

P.O Number

Expected Delivery Date:

Vendor #

11700

Vendor Name:

J.A. RIGGS TRACTOR

Mail

Yes: __ No: XX_

Address:

Fob Point:

Taxable

Yes: __ No: X

City:

State:

Zip Code

Ship to code:

050

Division Head Approval

Quotes Attached

Yes: __ No: __

Requester

Barbara Olsen

Requester's Employee #

1940

Extension:

485

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2011 CATERPILLAR 236B3 SKID	1	EA	\$36,727.00	\$36,727.00	9700.1920.5802.00	02076.2010		
2	STEER LOADER, PER NJPA IFB		EA		\$0.00				
3	#100907. TO BE UNIT #694, FIXED		EA		\$0.00				
4	ASSET #700694.		EA		\$0.00				
5			EA		\$0.00				
6			EA		\$0.00				
7			EA		\$0.00				
8			EA		\$0.00				
9			EA		\$0.00				
10			EA		\$0.00				
	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: 36,727.00

Tax: EXEMPT

Total: 36,727.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

City of Fayetteville Staff Review Form

A. 3
Williams Tractor of Fayetteville
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

10/19/2010

City Council Meeting Date
Agenda Items Only

Dennis Pratt / Barbara Olsen
Submitted By

Fleet Operations
Division

Transportation
Department

Action Required:

A resolution to purchase a Bobcat S330 Skid Steer Loader from Williams Tractor of Fayetteville off their bid through the NJPA (National Joint Powers Alliance) in the amount of \$42,738 for use by the Wastewater Treatment plant Biosolids Solar Drying operation, and approval of a budget adjustment to move funds to the Fleet Expense account.

\$ 42,738.00

Cost of this request

\$ -

Category / Project Budget

Backhoes / Loaders

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ -

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02076.2010

Project Number

\$ -

Remaining Balance

Shop Fund

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

09-30-10 P02:24 RCVD

Chief of Staff

Date

Received in
Mayor's Office



Mayor

Date

Comments:

Budget adjustment included with John Deere purchase JK

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation

From: Dennis Pratt, Fleet Operations Supt.

Date: September 29, 2010

Subject: Purchase of Skid Steer Loader for Wastewater Treatment plant

PROPOSAL: That City Council approve the purchase of one Bobcat Skid Steer Loader for use by Wastewater Treatment plant in the amount of \$42,738, and approve a budget adjustment to move funds to the Fleet Expense account.

RECOMMENDATION: The NJPA (National Joint Powers Alliance), of which the City of Fayetteville is a member, awarded Invitation for Bid #IFB100907 to Bobcat for an S330 Skid Steer Loader. The local Bobcat dealer, Williams Tractor of Fayetteville, has submitted a bid with the options required by Wastewater Treatment plant in the amount of \$42,738.

I recommend acceptance of this bid from Williams Tractor in the amount of \$42,738. Copy of Bid is attached.

This unit is an expansion for use in the new Biosolids Solar Drying project at the East side treatment plant.

This purchase was approved by the Equipment Committee at the September 28th meeting.

BUDGET IMPACT: Phase One of the Biosolids Solar Drying project at the East side Wastewater treatment plant has already been approved by Council and construction is underway. This skid steer loader is one of the pieces of equipment that is needed for this project. The attached Budget adjustment is for the capital funds which are being transferred from Sewer Improvements.

A separate budget adjustment will be prepared for operating funds in January 2011. Funds were put in contract services line of the 2011 budget for this purpose.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING PURCHASE OF A BOBCAT S330 SKID STEER LOADER FROM WILLIAMS TRACTOR OF FAYETTEVILLE PURSUANT TO A COMPETITIVE BID, THROUGH THE NATIONAL JOINT POWERS ALLIANCE (NJPA) COOPERATIVE PURCHASING AGREEMENT, IN THE AMOUNT OF \$42,738.00 FOR USE AS PART OF WASTEWATER TREATMENT PLANT BIOSOLIDS SOLAR DRYING OPERATIONS

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 purchase of a Bobcat S330 skid steer loader from Williams Tractor of Fayetteville pursuant to a competitive bid through the National Joint Powers Alliance (NJPA) cooperative purchasing agreement, in the amount of \$42,738.00 for use as part of wastewater treatment plant biosolids solar drying operations.

PASSED and APPROVED this 19th day of October, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

A. 3
~~Williams Tractor of Fayetteville~~



Bobcat

Product Quotation

Quotation Number: MK-01227

Date: 2010-09-16 11:18:08

A. 3 #695
Williams Tractor of Fayetteville
Page 5 of 6

Customer Name/Location	Bobcat Dealer	Vendor/Manufacturer
FAYETTEVILLE, AR 72702	Williams Tractor Inc, Fayetteville, AR 2501 SHILOH DRIVE P.O. BOX 1346 FAYETTEVILLE AR 72704-1346 Phone: (479) 444-0288 Fax: (479) 442-6013	Bobcat Company PO Box 6000 West Fargo, ND 58078 Fax: 701-280-7860 Mike Kotzbacher Phone: 701-241-8746 E Mail: Mike.Kotzbacher@doosan.com

Description

S330 Bobcat Skid-Steer Loader

85 HP Turbo Tier III Diesel Engine
Air Intake Heater - Automatically Activated
Auxiliary Hydraulics: Variable Flow
Bob-Tach
Bobcat Interlock Control System (BICS)
Controls: Bobcat Standard
Engine/Hydraulic System Shutdown
Instrumentation: Engine Temp, Fuel, Hourmeter
Gauges and Warning Lights
Horn
Lift Arm Support
Lift Path: Vertical
Lights, Front & Rear

Part No	Qty	Price Ea.	Total
M0031	1	\$33,889.00	\$33,889.00

Operator Cab

- Includes: Adjustable Suspension Seat, Dome Light, Electrical Power Port, Interior Cab Foam, Top & Rear Windows, Parking Brake, Seat Bar, 3-Point Seat Belt
- Roll Over Protective Structure (ROPS) meets SAE-J1040 & ISO 3471
- Falling Object Protective Structure (FOPS) meets SAE-J1043 & ISO 3449, Level I; (Level II is available through Bobcat Parts)

Spark Arrestor Muffler

Tires: 14-17.5, 12 PR, Bobcat Heavy Duty
Two-Speed Travel
Turbo Charger (Approved Spark Arrestor)
Warranty: 12 Months, Unlimited Hours

24 Month Protection Plus (2000 Hours)
A51 Option Package
Cab Enclosure with Heat and Air Conditioning
Suspension Seat

9974357	1	\$2,290.00	\$2,290.00
M0031-P01-A51	1	\$2,572.00	\$2,572.00

Power Bobtach

Cab Accessory Harness

Selectable Joystick Controls (SJC)
Hydraulic Bucket Positioning, Engine Block Heater
100" Snow & Light Material Bucket

M0031-R01-C04	1	\$1,539.00	\$1,539.00
M0031-P01-F10	1	\$385.00	\$385.00
6727787	1	\$1,291.00	\$1,291.00

Total of Items Quoted

\$41,966.00

Freight Charges

\$772.00

Quote Total - US dollars

\$42,738.00

Notes:

*Prices per the NJPA Contract #100907. Expires: November 14, 2010.

*MUST BE A MEMBER OF NJPA. www.njpacoop.org

*Terms Net 30 Days.

*Delivery 60 to 90 days from ARO.

*State Sales Taxes apply.

*ORDERS MUST BE PLACED WITH: Bobcat Co., Govt Sales, PO Box 6000, West Fargo, ND 58078.

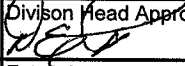
Prices & Specifications are subject to change. Please call before placing an order. Applies to factory ordered units only.

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

City Of Fayetteville - Purchase Order (PO) Request (Not a Purchase Order) All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions) All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us						Requisition No.:		Date: A. 3 Williams Tractor of Fayetteville		
						P.O Number:		Expected Delivery Date:		
Vendor #: 11133			Vendor Name: WILLIAMS TRACTOR			Mail Yes: No:				
Address:					Fob Point:		Taxable Yes: No: X		Quotes Attached Yes: No:	
City:			State:		Zip Code:		Ship to code: 50		Division Head Approval: 	
Requester: BARBARA OLSEN						Requester's Employee #: 1940		Extension: 485		
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #	
1	2011 S330 BOBCAT SKID-STEER LOADER	1	EA	42,738.00	\$42,738.00	9700.1920.5802.00	02076.2010		700695	
2	PER NJPA IFB#100907, QUOTE MK-01227				\$0.00					
3	TO BE UNIT #695, FIXED ASSET #700695				\$0.00					
4					\$0.00					
5					\$0.00					
6					\$0.00					
7					\$0.00					
8					\$0.00					
9					\$0.00					
10					\$0.00					
*	Shipping/Handling		Lot		\$0.00					
Special Instructions:							Subtotal: \$42,738.00			
							Tax: EXEMPT			
							Total: \$42,738.00			
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. 4
 Countryside Farm and Lawn
 of Springdale
 Page 1 of 6

City Council Agenda Items
 and
 Contracts, Leases or Agreements

10/19/2010

City Council Meeting Date
 Agenda Items Only

Dennis Pratt / Barbara Olsen

Submitted By

Fleet Operations

Division

Transportation

Department

Action Required:

A resolution to purchase a John Deere 7230 110 HP Tractor with #741 loader from Countryside Farm and Lawn of Springdale off the John Deere Co. bid through NJPA (National Joint Powers Alliance) in the amount of \$78,616.20 for use by the Wastewater Treatment plant Biosolids Solar Drying operation, and approval of a budget adjustment to move funds to the Fleet Expense account.

\$ 78,616.20

Cost of this request

\$ 117,464.00

Category / Project Budget

Tractors / Mowers

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 113,364.25

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02083.2010

Project Number

\$ 4,099.75

Remaining Balance

Shop Fund

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 09-30-10 P02:24 RCVD
 Clerk's Office

Chief of Staff

Date

Received in
 Mayor's Office



Mayor

Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation

From: Dennis Pratt, Fleet Operations Supt. 

Date: September 29, 2010

Subject: Purchase of John Deere 7230 Tractor for Wastewater Treatment plant

PROPOSAL: That City Council approve the purchase of one 7230 John Deere Tractor for use by Wastewater Treatment plant in the amount of \$78,616.20, and approve a budget adjustment to move funds to the Fleet Expense account.

RECOMMENDATION: The NJPA (National Joint Powers Alliance), of which the City of Fayetteville is a member, awarded Invitation for Bid #IFB081209 to John Deere Company for a 7230 JD Tractor. The local John Deere dealer, Countryside Farm and Lawn of Springdale, has submitted a bid with the 741 loader and other options required by Wastewater Treatment plant in the amount of \$78,616.20.

I recommend acceptance of this bid from Countryside Farm and Lawn in the amount of \$78,616.20. Copy of Bid is attached.

This unit is an expansion for use in the new Biosolids Solar Drying project at the East side treatment plant.

This purchase was approved by the Equipment Committee at the September 28th meeting.

BUDGET IMPACT: Phase One of the Biosolids Solar Drying project at the East side Wastewater treatment plant has already been approved by Council and construction is underway. This tractor is one of the pieces of equipment that is needed for this project. The attached Budget adjustment is for the capital funds which are being transferred from Sewer Improvements.

A separate budget adjustment will be prepared for operating funds in January 2011. Funds were put in contract services line of the 2011 budget for this purpose.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING PURCHASE OF A JOHN DEERE 7230 110 HP TRACTOR WITH #741 LOADER FROM COUNTRYSIDE FARM AND LAWN OF SPRINGDALE PURSUANT TO A COMPETITIVE BID, THROUGH THE NATIONAL JOINT POWERS ALLIANCE (NJPA) COOPERATIVE PURCHASING AGREEMENT, IN THE AMOUNT OF \$78,616.20 FOR USE AS PART OF WASTEWATER TREATMENT PLANT BIOSOLIDS SOLAR DRYING OPERATIONS, 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 purchase of a John Deere 7230 110 HP tractor with #741 loader from Countryside Farm and Lawn of Springdale pursuant to a competitive bid through the National Joint Powers Alliance (NJPA) cooperative purchasing agreement, in the amount of \$78,616.20 for use as part of wastewater treatment plant biosolids solar drying operations.

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."

PASSED and APPROVED this 19th day of October, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

A. 4
Countryside Farm and Lawn

Budget Year	Department: Transportation Services	Request Date	Adjustment Number
2010	Division: Fleet Operations Program: Capital Expense	10/19/2010	

JUSTIFICATION TO INCREASE PROJECT / ITEM:

\$121,500 in funds are needed in Fleet's vehicle and equipment account to purchase the equipment for the new Biosolids Solar Drying project at the Wastewater Treatment plant, East side. Water & Sewer's Transfer to Shop account will be increased.

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

Wastewater Improvement's "Professional Services" account will be decreased when funds are moved to Transfer to Shop. Fleet is recognizing revenue due to a transfer from W&S, Sewer Improvements.

Account Name	Account Number	Increase Budget	Decrease Budget	Project.Sub Number
Professional Services	4520.9520.5314.00		121,500	02133 . 1
Transfer to Shop	4520.9520.7602.70	121,500		02133 . 0801
Vehicles And Equipment	9700.1920.5802.00	43,000		02076 . 2010
Vehicles And Equipment	9700.1920.5802.00	78,500		02083 . 2010
Transfer from Wastewater Improvements	9700.0970.6602.48 52		43,000	02076 . 2010
Transfer from Wastewater Improvements	9700.0970.6602.48 52		78,500	02083 . 2010
TOTAL		<u>243,000</u>	<u>243,000</u>	

Division Head		Date	
Budget Director		Date	9-24-2010
Department Director		Date	24 Sep 10
Finance Director	Paul A. Baker	Date	9-24-2010
Chief of Staff	Don Man	Date	9-24-10
Mayor		Date	9/24/10

Requested By Barbara Olsen
bolsen

Budget & Research Use Only

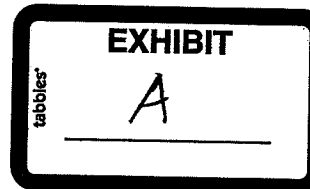
Type: A B C D E

Description: _____
0

General Ledger Date _____

Posted to General Ledger
Initial _____ Date _____

Posted to Project Accounting
Initial _____ Date _____





JOHN DEERE

Quote Id :4725296

September 8, 2010

City of Fayetteville
AR

7230 Tractor- 110 PTO Horsepower w/ 6 Cylinder Engine

7230 Government- NJPA- \$69,834.18

741 Loader Government- NJPA- \$8,332.02

\$78,166.20

CHRISTOPHER G HARRAL
479-306-4020
COUNTRYSIDE FARM & LAWN

P.003
WWPE
#5082
Countryside Farm and Lawn
Springdale
Page 5 of 6

CONFIDENTIAL

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

Requisition No.:
Date: A. 4
CountrySide Farm and Lawn
P.O Number: Expected Delivery Date
Page 6 of 6

Vendor #: 13947	Vendor Name: COUNTRYSIDE FARM AND LAWN	Mail Yes: No:
Address:	Fob Point:	Taxable Yes: No: X
City:	State:	Zip Code: Ship to code: 50
Requester: BARBARA OLSEN	Requester's Employee #: 1940	Extension: 485
Division Head Approval:		Quotes Attached Yes: No:

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2011 JOHN DEERE 7230 TRACTOR, 110 HP PTO	1	EA	78,616.20	\$78,616.20	9700.1920.5802.00			
2	WITH 741 LOADER, PER NJPA BID #IFB081209				\$0.00				
3	QUOTE #4725296, TO BE UNIT 5022. FIXED				\$0.00				
4	ASSET #705022				\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: **\$78,616.20**
Tax: EXEMPT
Total: **\$78,616.20**

Approvals:

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

City Council Agenda Items
and
Contracts, Leases or Agreements

10/19/2010

City Council Meeting Date
Agenda Items Only

Yolanda Fields

Submitted By

Community Services

Division

Development Services

Department

Action Required:

Approval of purchase order for cooler/freezer in Public Facility Building as part of the Community Development Block Grant subrecipient program

\$ 33,896.00

Cost of this request

\$ 34,009.10

Category / Project Budget

Program Category / Project Name

2180.4990.5390.54

Account Number

\$ 113.10

Funds Used to Date

Program / Project Category Name

\$ 33,896.00

Remaining Balance

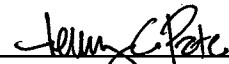
Community Development

Project Number

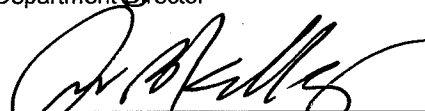
Fund Name

Budgeted Item

Budget Adjustment Attached


 Department Director
10-1-10
Date

Previous Ordinance or Resolution #


 City Attorney
10-1-10
Date

Original Contract Date:

Original Contract Number:


 Finance and Internal Services Director
10-1-10
Date

Received in City Clerk's Office 10-01-10 A08:39 RCVD


 Chief of Staff
10-1-10
Date

Received in Mayor's Office


 Mayor
10/1/10
Date

Comments: Staff recommends approval of PO.



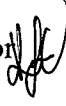
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Department Director 

From: Kelly Colebar, Community Services Project Coordinator 

Date: September 30, 2010

Subject: CDBG Public Facility Program- Approval of Purchase Order for Cooler/Freezer Addition Project

PROPOSAL:

The property located at 945 South College is currently occupied by the Fayetteville Senior Center. The Fayetteville Senior Center applied for and received funding through the Community Development Block Grant subrecipient program for the installation of a new-walk in cooler/freezer combo unit. The Fayetteville Senior Center has seen increased numbers of seniors eating at their facility as well as using the Meals on Wheels program based out of their facility. Due to the increased number of clients the Senior Center has seen the need for additional storage space for perishable items.

There were eighteen contractors requesting bids for this project, with three actually submitting bids.

RECOMMENDATION:

Staff recommends approval of Purchase Order for this project located at 945 South College

BUDGET IMPACT:

Project cost is approximately \$33,896.00

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID AND AUTHORIZING A CONTRACT WITH KIM HOADLEY CONSTRUCTION IN THE AMOUNT OF \$33,896.00 FOR PURCHASE AND INSTALLATION OF AN OUTDOOR COOLER/FREEZER IN A PUBLIC FACILITY BUILDING (FAYETTEVILLE SENIOR CENTER) THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG)

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 the bid and authorizes a contract with Kim Hoadley Construction in the amount of \$33,896.00 for purchase and installation of an outdoor cooler/freezer in a public facility building (Fayetteville Senior Center) through the Community Development Block Grant program (CDBG).

PASSED and APPROVED this 19th day of October, 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

Requisition No.: _____ Date: **9/30/2010** A. 5 Kim Hoadley Construction
P.O Number: _____ Expected Delivery Date: _____ Page 4 of 22

Vendor #: **19506** Vendor Name: **Kim Hoadley Construction** Mail Yes: _____ No: _____

Address: **2848 N Quail Creek Dr** Fob Point: _____ Taxable Yes: _____ No: _____ Quotes Attached Yes: X No: _____

City: **Fayetteville** State: **AR** Zip Code: **72703** Ship to code: _____ Divison Head Approval: _____

Requester: **Rachel** Requester's Employee #: **3273** Extension: **260**

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Cooler/Freezer Project - Fayetteville Senior Center	1		33,896.00	\$33,896.00	2180.4990.5390.54			
2					\$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				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: **\$33,896.00**
Tax: _____
Total: **\$33,896.00**

Approvals:

Mayor: _____

Department Director: 

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

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

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

RECEIPT OF BIDS

OWNER(S): 945 S. College

ADDRESS: Cooler/Freezer Addition Project PROJECT No: SEN-2010

PROJECT TITLE: Cooler/Freezer Addition Project

BID CLOSING DAY/DATE/TIME: 4:00 p.m. 9-21.10

CONTRACTOR: DOVETAIL Construction BID AMOUNT: 37,943.00

CONTRACTOR: Shadlox construction BID AMOUNT: 36,204.00

CONTRACTOR: Kim Hoadley Construction BID AMOUNT: 33,886.00

CONTRACTOR: _____ BID AMOUNT: _____

CONTRACTOR: _____ BID AMOUNT: _____

Certified by: [Signature] Date: 8-21-10

Witness: [Signature] Date: 9-21-10

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: SEN-2010

DATE ISSUED: 09-6-10

DATE AND TIME OF OPENING: Tuesday, 4:00 pm, September 21 2010

OWNER'S NAME: Fayetteville Senior Center

PROJECT ADDRESS: 945 South College Fayetteville, AR 72701

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

A) Foundation: 2 800⁰⁰

B) Walk in Cooler/Freezer Combo: 24 489⁰⁰

C) Electrical: 2 500⁰⁰

D) Cleanup: 200⁰⁰

E) Other: 3907⁰⁰

MY TOTAL BID PRICE FOR THIS PROJECT IS \$ 33,896⁰⁰

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

Complete Business Address:

Name of Firm: Kim Hoadley Const. Co. Phone # 479-236-2300

Street address or P O Box 2848 N Quail Creek DR.

City / State / Zip Code Fayetteville, AR 72703

Printed Name: Kim Hoadley

Signature: [Signature] Title: President

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: SEN-2010

DATE ISSUED: 09-6-10

DATE AND TIME OF OPENING: Tuesday, 4:00 pm, September 21 2010

OWNER'S NAME: Fayetteville Senior Center

PROJECT ADDRESS: 945 South College Fayetteville, AR 72701

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

A) Foundation:	<u>3,192</u>
B) Walk in Cooler/Freezer Combo:	<u>30,000</u>
C) Electrical:	<u>2,930</u>
D) Cleanup:	<u>200</u>
E) Other: bonds, permits	<u>1,613</u>

\$ 2000.00
B-d bond
cashiers' check

MY TOTAL BID PRICE FOR THIS PROJECT IS \$ 37,943

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

Complete Business Address:

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

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

City / State/ Zip Code Rogers, AR 72758

Printed Name: Tony Rotochnik

Signature: Tony Rotochnik **Title:** President

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: SEN-2010

DATE ISSUED: 09-6-10

DATE AND TIME OF OPENING: Tuesday, 4:00 pm, September 21 2010

OWNER'S NAME: Fayetteville Senior Center

PROJECT ADDRESS: 945 South College Fayetteville, AR 72701

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

A) Foundation:

\$ 2500

B) Walk in Cooler/Freezer Combo:

\$ 26,724

C) Electrical:

\$ 2230

D) Cleanup:

\$ 200.00

E) Other:

\$ 4550.00

MY TOTAL BID PRICE FOR THIS PROJECT IS \$

\$ 36,204.00

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

Complete Business Address:

Name of Firm: SHADDOX CONST. INC.

Phone # 479-443-7127

Street address or P O Box 3672 SASSAFRAS HILL BL

City / State / Zip Code Fayetteville AR 72703

Printed Name: James R. Shaddox

Signature:

James R. Shaddox

Title:

President

\$ 1802.00 Bid Bond cashiers check

NORTHWEST ARKANSAS NEWSPAPERS_{LLC}

Northwest Arkansas Democrat Gazette
The Morning News of Springdale
The Morning News of Rogers
Northwest Arkansas Times
Benton County Daily Record

212 North East Avenue, Fayetteville Arkansas 72701/ PO Box 1607, 72702
PHONE: 479-571-6421

AFFIDAVIT OF PUBLICATION

I, Cathy Wiles, do solemnly swear that I am Legal Clerk of the Northwest Arkansas Newspapers LLC. Printed and published in Washington, Benton County, (Lowell) and Pulaski County, Arkansas and that from my own personal knowledge and reference to the files of said publication, the advertisement of: City of Fayetteville – Community Development – Bid SEN-2010

September 5 & 12, 2010

Publication Charge : \$ 113.10

Signed: _____

Cathy Wiles

Subscribed and sworn to before me

This 13 day of September, 2010.

Notary Public _____

Jim Mears

My Commission Expires:

Jim Mears
Washington County
Commission Number 12374647
Notary Public - Arkansas
My Commission Expires Jan. 20, 2020

Do not pay from Affidavit, an invoice will be sent

Advertisement for Bids
City of Fayetteville
Community Development Block
Grant Program
Separate sealed bids for BID #
SEN-2010 Outdoor Cooler/Freezer in-
stall at Public Facility Building. Bids
will be received by: City of Fay-
etteville, Community Services Divi-
sion, 113 W. Mountain Street, Fay-
etteville, AR 72701 until 4:00PM
Tuesday September 21, 2010. The in-
formation 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 479-575-8270.
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 Fay-
etteville encourages participation of
small, minority and women owned
business enterprises in the procure-
ment of goods, services, and con-
struction, either as a general con-
tractor or subcontractor.
#62783659 Sept 5 & 12, 2010

CONTRACTOR'S REQUESTING BID PACKETS

Owner(s) FAYETTEVILLE SENIOR CENTER

Project Location: 945 S. COLLEGE

Project Number & Title: SEN-200 COOLER/FREEZER ADDITION PROJECT

Name: SEE ATTACHED BID LIST

Address: _____

City/State/Zip Code: _____

Name: Lard K Maintenance

Address: lardkmaintenance@yahoo.com

City/State/Zip Code: _____

Name: Pioneer Dist. Company

Address: tony@pioneerdc.com

City/State/Zip Code: _____

Name: Joe Perme Construction

Address: 1874 S. Duval Dr.

City/State/Zip Code: Fayetteville, AR 72701

Name: _____

Address: _____

City/State/Zip Code: _____

Bid List

Name	Address	Phone	Email	CC/CDBG
Isias Concrete Works	1260 CR 763, Brookland, AR 72417			Both
Joe Perme	1874 Doral Dr, Fayetteville, AR 72701	409-1101	joepermeconstruction@cox.net	Both: email specs/bid form
Rick Pershall	PO Box 11, Prairie Grove, AR 72753	601-5215	ar64fay@yahoo.com	
Randy Evans	2700 W Bishop Dr, Rogers, AR 72756		randallevans1963@gmail.com	email specs and bid forms
Tyler Fochtman	26 W Sunbridge Dr, Fayetteville AR 72701	521-6082	tifochtman@gmail.com	Construction and rehab - email pdf
HDI Contractors	710 Hwy 62-65 S, Harrison, AR 72601	870-743-2323	hdicontractors@gmail.com	everything Attn: Ed Brewer
HDI Contractors	711 Hwy 62-65 S, Harrison, AR 72601	870-743-2324	hdijacob@gmail.com	everything
Schefers Roofing Company	13455 Puppy Creek Rd STE13, Springr	479-685-6004	jeffw@schefersroofing.com	everything
Lowes	3231 w mlk, Fayetteville, AR 72704		chad.r.snodgrass@store.lowes.com	construction
Ozark Demolition	244 E Baxter Ln, Fayetteville, AR 72701			raze and removals only
Kim Hoadley			kim_hoadley@hotmail.com	
Tom Weidler - Tom's Maintenance		702-609-2040	tom61375@yahoo.com	all
Dovetail Construction	1913 K Street, Rogers, AR 72758		potochnik@cox.net	construction related that do not require lead cert.
Tom Fowler			tom.fowler@rocketmail.com	
Masterpiece Landscapes	924 S Janelle Ave 72701			mowing bid
Jim Shadox		957-1367	shadcoinc@sbcglobal.net	Everything
Maria Camacho			mariacamacho@yahoo.com	Everything
Jerry Spurlock	624 N Devils Den. Rd. Winslow Ar. 72959		634-2109 Cell 445-4557	Mowing and J/D Bid



CITY OF FAYETTEVILLE

**113 W. Mountain St.
Fayetteville, AR 72701**

INVITATION TO BID

Bid # SEN-2010

**Community Services Division
(479) 575-8270**

BID #: SEN-2010

DATE ISSUED: 9-6-2010

**DATE & TIME OF OPENING: Tuesday, September 21, 2010,
4:00pm**

CONTACT: Brent Johnson—(479) 575-8270



THE CITY OF FAYETTEVILLE, ARKANSAS

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

INVITATION TO BID

DATE ISSUED: September 6, 2010

RECEIPT OF BIDS: Tuesday, 4:00 pm, September 21, 2010
Community Services Division
125 West Mountain Street
Fayetteville AR 72701

COMMUNITY DEVELOPMENT ADMINSTRATOR:
Brent Johnson
Housing Manager
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone (479) 575-8270

BRIEF SCOPE OF PROJECT: Install a concrete pad, cooler/freezer combo unit with shelving, four bumper post, and all electrical and refrigeration connections needed to install unit.

PROJECT NUMBER: SEN-2010

PROJECT LOCATION: 945 South College Fayetteville, AR 72701

CITY OF FAYETTEVILLE: The City of Fayetteville encourages participation of small, minority and women owned business enterprises in the procurements of goods, services, and construction, either as a general contractor or subcontractor. The City is an affirmative action / equal opportunity employer. Section 55.55 prohibits discrimination against qualified individuals because of their handicapped status.

GENERAL: A copy of the Specifications is available at the Community Services Division's office.

******* Attention! New Requirements! *******

- Any bid of over \$20,000 must be accompanied by a certified check or bid bond in an amount not less than five percent (5%) of the amount bid.
- A one hundred percent (100%) performance and payment bond is required with a contract awarded amount of over \$20,000 and filed with the Washington County Circuit Clerk.
- A State of Arkansas Commercial Contractor's License is required for ALL bids.



THE CITY OF FAYETTEVILLE, ARKANSAS

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COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

SPECIAL TERMS AND CONDITIONS

1. All bids shall be submitted in a sealed envelope and must be submitted on forms provided by the city. No employees of the Community Services and Code Compliance Division are allowed to fill out bid sheets for Contractors.
2. The company or contractor name and project # shall be stated on the face of the sealed bid envelope.
3. Bidders shall include all applicable local, state, and federal sales tax in the bid. The responsibility of payment shall remain with the successful bidder.
4. Prices shall include all labor, materials, profit, insurance, etc., to cover the furnishing of the items of the bid.
5. Bids received after the date and time set for receiving bids will not be considered.
6. The City of Fayetteville reserves the right to accept or reject any and all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City of Fayetteville. The City of Fayetteville shall be able to purchase more or less than the quantity indicated subject to availability of funds.
7. The bid price shall remain good and firm for a period of thirty (90) calendar days from bid opening date; however, the prices may remain firm for a longer period of time if mutually agreeable between bidder and the Owner.
8. All products delivered shall comply with applicable standards of quality.
9. Any exceptions to the requirements of the City of Fayetteville must be noted on the Bid Form or on an attached form.
10. In the event of two or more identical low bids, the contract may be awarded arbitrarily or for any reason to any such bidders, at the discretion of the City of Fayetteville.
11. The Contractor is to supply the City with evidence of the following:
 - 1) **Current and valid Certificate of Liability Insurance that includes coverage for**
 - a) **Workman's Compensation and Employer Liability in accordance with the laws of the State of Arkansas,**
 - b) **Commercial General Liability that covers public liability and property damage and**
 - c) **Automobile Liability, if applicable. All premiums and costs shall be paid by the Contractor. In no way will the Owner be responsible in case of accident.**



THE CITY OF FAYETTEVILLE, ARKANSAS

www.accessfayetteville.org

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

**2) Current and valid Commercial license from the State of Arkansas Contractors
Licensing Board.**

12. Specifications furnished with this invitation are intended to establish a desired quality or performance level, or other minimum dimensions and capacities, which will provide the best product at the lowest possible price. Other than designated brands and/or models approved as equal to designated products shall receive equal consideration.
13. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
14. Quality, time and probability of performance may be factors in making an award.
15. Any ambiguity in any bid as a result of omission, error, lack of clarity or non-compliance by the bidder with specifications, instructions, and all conditions of bidding shall be construed in the light most favorable to the City of Fayetteville.
16. Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder.
17. The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by bidder in preparation of bid.
18. Bids must be hand delivered or received by mail in the Community Services Office, 125 West Mountain St. Fayetteville, and AR. 72701, on or before the time of closing listed on the Bid Form. Under no circumstances will faxed bids be allowed.
19. The successful bidder will be required to provide a certificate of insurance to the Community Services Division within ten (10) days of notice of bid award.
20. In the event a contract is entered into pursuant to the "Invitation to Bid", the bidder shall not discriminate against any qualified employee or qualified applicant for employment because of race, sex, color, creed, national origin, or ancestry. The bidder must include in any and all subcontracts a provision similar to the above.
21. The contractor must be prepared to commence work on start date per Notice to Proceed issued by the City Community Services Division, and must complete the work within Thirty (30) calendar days.
22. A Maximum of three payments may be made on each Project. Upon satisfactory completion of 40% of the work and submission of proper documentation, 30% of the contract amount may be released to the contractor with 10% being held as retainer. Upon satisfactory completion of 70% of the work and submission of proper documentation, 60% of



THE CITY OF FAYETTEVILLE, ARKANSAS

www.accessfayetteville.org

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

the contract amount may be released to the contractor with 10% being held as retainer. Final payment shall be made after satisfactory completion and acceptance of the project. Retainers shall be released with the final payment.

23. A certificate of final inspection by the City of Fayetteville's Building Safety Division must be performed before the release of the final check if applicable.

Highland Home Builder, Inc.

Bruce Kerr 479-903-0966

Community Services Spec writer

brucegkerr@netzero.com

Community Services Division



Cooler/Freezer Additon Project

Scope of Project: Install a concrete pad, cooler/freezer combo unit with shelving, four bumper posts, and all electrical and refrigeration connections needed to install the unit.

Owner's Name: Fayetteville Senior Center **Phone:** 479-571-2920

Project Location: 945 South College, Fayetteville, AR

Project # SEN-2010

Administrator: Brent Johnson **Phone:** 479-575-8270 **Fax:** 479-444-3445

Contractors Description of Work:

Minimum requirements for bidder: Proof of current Arkansas Commercial Contractor's license which is provided by the State of Arkansas Contractors Licensing Board and Certificate of Liability Insurance

GENERAL:

The contractor will be responsible for all aspects of the construction, installation, repairs, and cleanup as stated in the Scope of Work and Specifics at the project location stated above.

Each bidder will be responsible for a complete inspection of the property at the project location before submitting bid. All the distances, measurements, procedures, and listed materials should be verified before submitting your bid to complete the work. The requirements listed here, in the description of work, are general requirements and it will be the responsibility of the winning bidder to assure the City of Fayetteville that the finished project is in compliance with all applicable codes and standards and achieves the goal of raising the efficiency of the building.

The contractor's duties and responsibilities include, but are not limited to, the following:

- 1) Purchasing of all materials.
- 2) Supervision of all employees and subcontractors.
- 3) Coordination with the City of Fayetteville Housing Manager, the City of Fayetteville Code Compliance Office and owners.
- 4) Project design.
- 5) Clean up and restoration of all lawns, planters, walking and driving surfaces to their original condition.
- 6) Keep job site safe for others and practice safe working practices as required.

SPECIFICS:

A: FOUNDATION

- A - 1 Form and pour a level concrete pad that is approximately 10 foot by 20 foot. (Pad should be the size of the outside dimensions of the cooler unit) The area desired to put the pad is not quite level. The concrete should be 4 inches above grade on the highest part of the slope. The pad should be poured level with half inch rebar reinforcement inside with the rebar grid on 16 inch centers. Rebar should be doweled down into the existing concrete to prevent the pad from sliding. The pad location will be between the posts on the porch outside the kitchen and extend 20 feet out. That way the door to the unit will be under the porch. See Brent Johnson or Sherri Napier (Center Director, 571-2920) for location.
- A - 2 Install four bumper posts (bollards) to protect the freezer from cars passing on the nearby driveway. See the plan for the location.

B: WALK IN COOLER/FREEZER COMBO

- B - 1 Install a new outdoor walk in cooler/freezer combo unit on the concrete pad following all installation instructions from the manufacturer. The total size of the unit will be 20 feet by 10 feet outside dimensions. Of that, the cooler is to be 6 ft. by 10 ft. and the freezer is to be 14 ft by 10 ft. The height should be at least 7 foot 6 inches tall. The door to the cooler should be under the edge of the roof. The door to the freezer is to be accessed from inside the cooler. Provide all labor and materials to hook up the refrigeration unit.
- B - 2 The unit purchased should have the following qualities: Lighting in both rooms. Strip curtains to keep out the cold air from escaping. Extruded polystyrene foam insulation with a minimum R value of R32. An insulated floor. A top mount outdoor condensing unit with a crank case heater to keep the oil in the compressor warm so the compressor will operate properly in the cold weather, and a fan cycle control to keep the head pressure at the proper levels. A door handle with a deadbolt handle with a high quality, heavy duty, shrouded padlock to provide high security protection against a bolt cutter attack.
- B - 3 The outdoor Cooler/Freezer unit needs to have a rain proof roof installed to prevent water from leaking into the box. (If the unit does not come with a rain proof roof, some possible suggestions are: a single membrane polyester polyvinyl, chloride roof system with connectors and a drip cap for the door, or it can be metal flashing that installs over the roof seam to prevent water from leaking into the box)
- B - 4 Install a ramp to the outside cooler door to accommodate a hand dolly. The ramp steepness should be at a slope of 1 inch rise for each 8 inches of travel horizontally.
- B - 5 Provide commercial wire metal shelving to be used inside the cooler and the freezer. In the freezer, the shelving should fill each side of the freezer... 13 foot shelving unit on the one side and a 13 foot shelving unit on the other side. In the cooler, the shelving should fill each side of the cooler... 5 foot shelving unit on the one side and a 5 foot shelving unit on the other side. (See plan) There should be about 4 shelves on each shelving unit.

C: ELECTRICAL

- C - 1 Provide all electrical connections for the new cooler/freezer unit. Install any needed components such as breaker boxes, breakers, conduit and any other needed items to make the unit operational and meet all code requirements.
- C - 2 Provide fixtures and switches and all connections to install lights to the inside of the cooler and freezer. The lights are to be frost proof lights typically used in the coolers.

D: CLEANUP

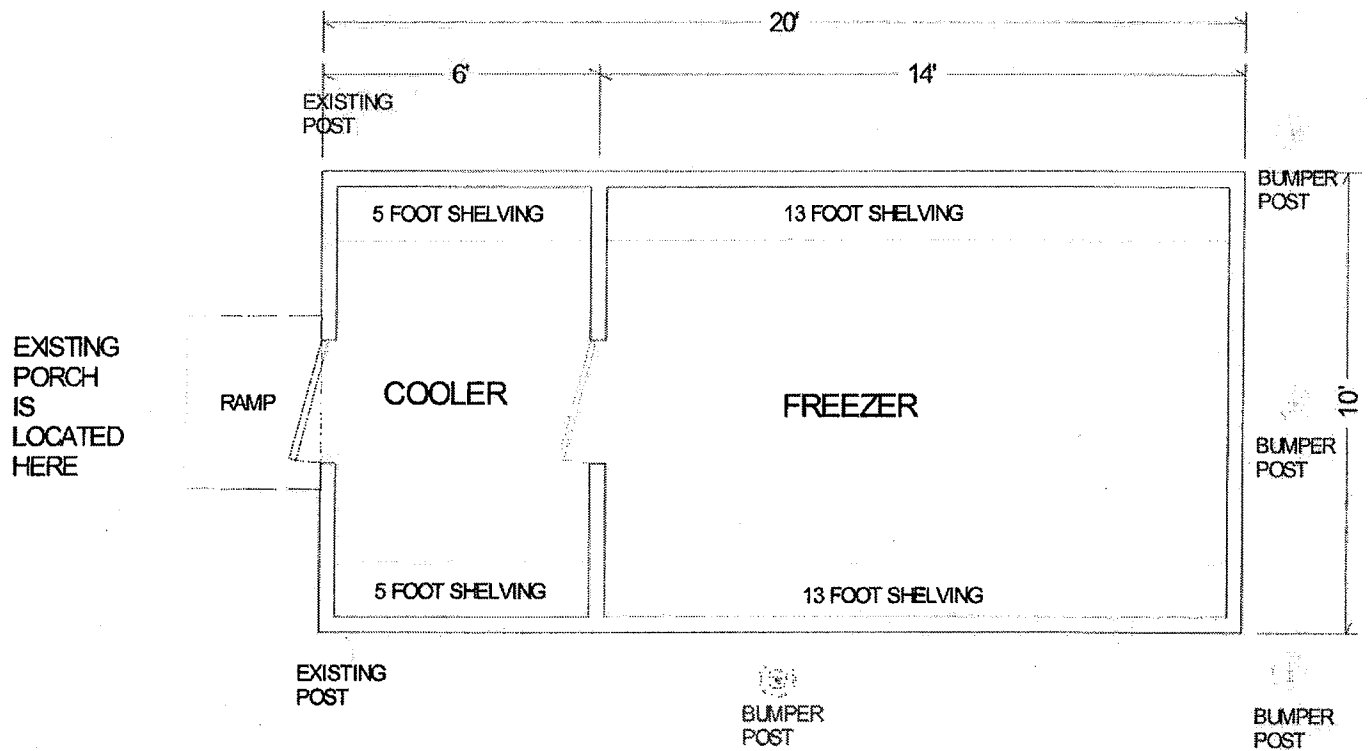
- D - 1 All new, used, and excess construction materials that relate to the job or a change order(s) belongs to the contractor and can be removed from the property by the contractor as needed during the project and shall be removed at completion.
- D - 2 All trash shall be hauled off by contractor and preferably recycled if possible.
- D - 3 All affected areas shall be left broom clean.

E: OTHER

- E - 1 All work or materials which are not directly noted in the Scope of Work and Specifics, but are necessary for the proper carrying out of the obvious intentions thereof, are to be understood as implied work and will be provided for by the contractor as if specifically described or drawn.
- E - 2 All work shall be performed in a workmanlike manner according to common construction practices, according to the specifications set forth in the Community Services Program's General Specification Manual, and with adherence to city, state, and national codes.
- E - 3 Any damage to the dwelling or property caused by the contractor, his/her worker(s) or delivery person, and/or their vehicles during the project shall be repaired to like new conditions.
- E - 4 Where applicable, all plumbing work shall be performed by a Arkansas State licensed plumbing contractor with adherence to the current Arkansas Plumbing Code.
- E - 5 Where applicable, all electrical work shall be performed by a Arkansas State licensed electrical contractor with adherence to the current National Electrical Code.
- E - 6 Where applicable, all HVAC work shall be performed under the supervision of a licensed HVAC contractor with adherence to all codes.

FAYETTEVILLE SENIOR CENTER

COOLER/FREEZER ADDITION PROJECT





THE CITY OF FAYETTEVILLE, ARKANSAS

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COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: SEN-2010

DATE ISSUED: 09-6-10

DATE AND TIME OF OPENING: Tuesday, 4:00 pm, September 21 2010

OWNER'S NAME: Fayetteville Senior Center

PROJECT ADDRESS: 945 South College Fayetteville, AR 72701

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

- A) Foundation: _____
- B) Walk in Cooler/Freezer Combo: _____
- C) Electrical: _____
- D) Cleanup: _____
- E) Other: _____

MY TOTAL BID PRICE FOR THIS PROJECT IS \$ _____

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

Complete Business Address:

Name of Firm: _____ **Phone #** _____

Street address or P O Box _____

City / State/ Zip Code _____

Printed Name: _____

Signature: _____ **Title:** _____

City of Fayetteville Staff Review Form

A. 6
Animal Services Donation
Page 1 of 4

City Council Agenda Items
and
Contracts, Leases or Agreements

10/19/2010

City Council Meeting Date
Agenda Items Only

Justine Middleton

Submitted By

Animal Services

Program

Community Services

Division

Action Required:

Approval of Budget Adjustment budgeting the Donation Revenue Balance for the third quarter of 2010 in the amount of \$10,115.

\$ 10,115.00

Cost of this request

\$ 49,194.00 -

Category / Project Budget

Animal Services Misc Donators

Program Category / Project Name

1010.0001, 4808.00

see attached

Account Number

\$ 43,575.97 -

Funds Used to Date

Animal Services Improvements

Program / Project Category Name

03048.1

see attached

Project Number

\$ 5,618.03 -

Remaining Balance

General

Fund Name

Budgeted Item

Budget Adjustment Attached

x

Janice Pike
Department Director

10-19-2010
Date

Previous Ordinance or Resolution #

Dr. B. Kelly
City Attorney

9-29-10
Date

Original Contract Date:

Original Contract Number:

Paul A. Bush
Finance and Internal Services Director

10-1-201
Date

Received in City
Clerk's Office 10-29-10 P04:08 RCVD

Don Man
Chief of Staff

10-4-10
Date

Received in
Mayor's Office



Frederick Jordan
Mayor

10/4/10
Date

Comments: Staff recommends approval of this budget adjustment.



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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and City Council

Thru: Yolanda Field, Dir. Community Services; Jeremy Pate, Dir. Development Services

From: Justine Middleton, Animal Services Superintendent

Date: September 29, 2010

Subject: Approval of a Budget Adjustment for Animal Services Division

PROPOSAL:

Animal Services would like to recognize donation revenue from the third quarter of 2010. These funds are donated by private citizens and organizations to benefit the animals cared for by Animal Services.

RECOMMENDATION:

Staff recommends approval of a budget adjustment to budget the Animal Services Donation Revenue for the third quarter of 2010.

BUDGET IMPACT:

Increase Animal Shelter Donations Program budget by \$10,115.00.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$10,115.00 TO RECOGNIZE DONATION REVENUE TO ANIMAL SERVICES DURING THE THIRD QUARTER OF 2010

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 as Exhibit "A," in the amount of \$10,115.00 to recognize donation revenue to animal services during the third quarter of 2010.

PASSED and APPROVED this 19th day of October, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

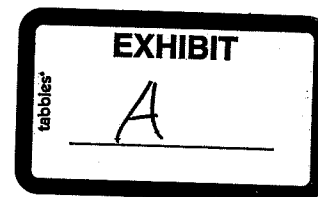
**City of Fayetteville, Arkansas
Budget Adjustment Form**

A. 6
Animal Services Donation
Page 4 of 4

Budget Year 2010 2009	Department: Police Development Services Division: Animal Services Community SACS Program: Animal Shelter	Date Requested 9/29/2010	Adjustment Number
---	---	--	-------------------

Project or Item Added/Increased: Increase Donations Vet Supply by \$9515 Increase Donations Dog Food by \$600	Project or Item Deleted/Reduced: Recognizing donations to the Shelter
---	--

Justification of this Increase: To recognize donations to the Animal Shelter for expense accounts of Vet Supplies and Dog Food	Justification of this Decrease: These funds are donations given from private citizens and organizations for the health and welfare of the animals cared for at the Shelter.
---	--



Increase Budget							
Account Name	Account Number				Amount	Project Number	
Veterinary Supplies	1010	2740	5200	03	9,515	03048	1
Dog Food And Supplies	1010	2740	5205	00	600	03048	1

Decrease Budget							
Account Name	Account Number				Amount	Project Number	
Donations - Animal Shelter	1010	0001	4808	00	10,115	03048	1

V.090403

Division Head	Date
	10-7-2010
Budget Director	Date
	09-29-2010
Department Director	Date
	10-4-2010
Finance Director	Date
	10-4-10
Chief of Staff	Date
	10/4/10
Mayor	Date

Budget & Research Use Only

Type: A B C D E

Requested By _____

General Ledger Date _____

Posted to General Ledger Initial _____ Date _____

Posted to Project Accounting Initial _____ Date _____

City Council Agenda Items
and
Contracts, Leases or Agreements

10/5/2010

City Council Meeting Date
Agenda Items OnlyPaul A. Becker
Submitted ByFinance & Internal Services
DivisionFinance & Internal Services
Department

Action Required:

City Council is requested to adopt real and personal property tax rates for 2010 for the Policemen's Pension & Relief, the Firemen's Pension & Relief Funds, and the Fayetteville Public Library. The rate to be adopted for the Policemen's Pension & Relief Fund and the Firemen's Pension & Relief Fund is 0.4 mils for real property and 0.4 mils for personal property, the millage for the Fayetteville Public Library is 1.0 mil for real property and 1.0 mil for personal property. City Council is also requested to adopt real and personal property tax rates for 2010 for the City's General Fund. The rate requested for the City's General Fund is 1.3 mils for real property and 1.3 mils for personal property.

_____	\$ _____	_____
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 ☐

<u>Paul A. Becker</u>	<u>9-22-2010</u>	Previous Ordinance or Resolution #	<u>5178</u>
Department Director	Date		
<u>[Signature]</u>	<u>9/22/2010</u>	Original Contract Date:	_____
City Attorney	Date	Original Contract Number:	_____

<u>Paul A. Becker</u>	<u>9-22-2010</u>	Received in City Clerk's Office 09-22-10 P03:47 RCVD <u>GD</u>
Finance and Internal Services Director	Date	
<u>[Signature]</u>	<u>9-22-10</u>	Received in Mayor's Office <u>ENTERED 9/22/10</u> <u>[Signature]</u>
Chief of Staff	Date	
<u>[Signature]</u>	<u>9/22/10</u>	
Mayor	Date	

Comments:

TO: Mayor Lioneld Jordan and Fayetteville City Council

THRU: Don Marr, Chief of Staff

FROM: Paul A. Becker, Finance & Internal Services Director

DATE: September 22 , 2010

SUBJECT: **2010 Millage Levy**

Recommendation:

City staff recommends that City Council approve the millage levy ordinance approving the 0.4 mils for the Policemen's Pension and Relief Fund, 0.4 mils for the Firemen's Pension and Relief Fund, 1.0 mils for the Fayetteville Public Library, and 1.3 mils for 2011 General Fund operations.

Background:

Each year the City must approve an ordinance to renew the levy of ad valorem taxes on real and personal property within the City. This request will provide for such levy on property assessed during 2010.

The total assessed value of real and personal property located within the city limits of Fayetteville, as of July 30, 2010, is approximately \$1.26 billion. The assessed valuation is before the Washington County Board of Equalization has made all the changes to the County Assessors Abstract. Based on the preliminary assessments, the growth in real property assessments is approximately -3.30% as of July 30, 2010.

Discussion:

A millage levy ordinance must be approved by City Council in order for the City to continue to collect property taxes for the Policemen's Pension and Relief Fund and the Firemen's Pension and Relief Fund. The millage levy for the Policemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils on personal property. The millage levy for the Firemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils on personal property as was approved by referendum.

A millage levy ordinance must be approved for the operation of the Fayetteville Public Library and that was approved by the voters on October 1, 2002. The millage levy for the Fayetteville Public Library is 1.0 mils for real property and 1.0 mils on personal property.

Finally, City staff is requesting that City Council approve a millage levy ordinance for General Fund operations in the amount of 1.3 mils for both real and personal property.

The 2011 proposed property tax revenue amount based on the 1.3 mil levy is estimated to bring in \$1,501,000 in General Fund revenue. Below is a proposed calendar of meetings during the months of September and October to discuss the millage levy.

Tuesday, September 28	Agenda Session
Tuesday, October 5	City Council Meeting
Tuesday, October 12	Agenda Session
Tuesday, October 19	City Council Meeting

Budget Impact:

The 0.4 mils Police and 0.4 mils Fire is needed to fund the Pension plans for both. The 1.0 mils is used to fund the operation of the Fayetteville Public Library. The 1.3 mils will be used to fund General Fund operations.

Conclusion:

The millage levy must be at Washington County in time to be included in their consolidated levy ordinance which will be approved at the November 11, Quorum Court meeting. The deadline for receipt is set by the County. Last year that deadline was October 29. The City levy will be added to the levies by Washington County, the various school districts, improvement districts and other cities within the County when the Washington County Quorum Court adopts its millage levy for 2010.

The administration is requesting the same millage rate as was approved in 2009 as follows:

- 1.3 mils for General Fund Operations
- 1.0 mils for the Fayetteville Public Library
- 0.4 mils for the Police Pension Fund
- 0.4 mils for the Fire Pension Fund

If you have any questions concerning this agenda request please contact me at 575-8330.

City of Fayetteville
Property Tax Revenue per Mil
July 30, 2010

<u>Millage</u>	<u>Approximate Revenue</u>
0.10	\$ 115,000
0.20	\$ 231,000
0.30	\$ 346,000
0.40	\$ 462,000
0.50	\$ 577,000
0.60	\$ 693,000
0.70	\$ 808,000
0.80	\$ 923,000
0.90	\$ 1,039,000
1.00	\$ 1,154,000
1.20	\$ 1,385,000
1.30	\$ 1,501,000
2.00	\$ 2,309,000
2.20	\$ 2,539,000
2.70	\$ 3,117,000
3.20	\$ 3,694,000
3.70	\$ 4,271,000
4.20	\$ 4,848,000
4.70	\$ 5,425,000

The millage revenue reflected above is based on the Washington County Preliminary Summary Report of County Assessments for the Year 2010 dated July 30, 2010 and includes real and personal property for Utilities. The City Council can approve up to 5.0 mils for operations. The table assumes a 91.3% collection rate. Total real and personal property assessments for 2011 amount to approximately \$1,210 million excluding real estate and personal property for utilities.

Property Tax Impact Illustration

	<u>Appraised Value</u>	<u>Assessed Value</u>	<u>1 Mil Tax / Year</u>
Single Family Home	\$ 75,000.00	\$ 15,000.00	\$ 15.00
Single Family Home	\$ 100,000.00	\$ 20,000.00	\$ 20.00
Single Family Home	\$ 150,000.00	\$ 30,000.00	\$ 30.00

ORDINANCE NO. _____

AN ORDINANCE LEVYING A TAX ON THE REAL AND PERSONAL PROPERTY WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS, FOR THE YEAR 2010 FIXING THE RATE THEREOF AT 1.3 MILLS FOR GENERAL FUND OPERATIONS, 0.4 MILLS FOR THE FIREMEN'S PENSION AND RELIEF FUND, 0.4 MILLS FOR THE POLICEMEN'S PENSION AND RELIEF FUND AND 1.0 MILL FOR THE FAYETTEVILLE PUBLIC LIBRARY; AND CERTIFYING THE SAME TO THE COUNTY CLERK OF WASHINGTON COUNTY, ARKANSAS

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

Section 1: That a tax is hereby levied on the real and personal property within the City of Fayetteville, Arkansas, for the year 2010 to be collected in 2011 for the following purposes at the following rates:

REAL AND PERSONAL PROPERTY

<u>Purpose</u>	<u>Levy</u>
General Fund – Operations	1.3 mills
Fayetteville Public Library	1.0 mills
Policemen's Pension Fund	0.4 mills
Firemen's Pension Fund	<u>0.4 mills</u>
TOTAL	3.1 mills

Section 2: That the real and personal property tax so levied and the rates provided therefore are hereby certified to the Clerk of Washington County, Arkansas, to be placed in the tax book by the County Clerk and collected in the same manner that the county and school district taxes are collected.

Section 3: The City Clerk is hereby authorized and directed to file certified copies of this ordinance in the office of the County Recorder, County Clerk, County Assessor, and the County Tax Collector for Washington County, Arkansas.

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

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

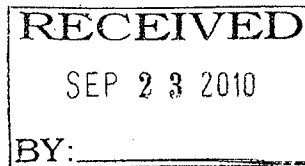
By: _____
SONDRA E. SMITH, City Clerk/Treasurer



KAREN COMBS PRITCHARD
COUNTY AND PROBATE CLERK

WASHINGTON COUNTY
STATE OF ARKANSAS
Washington County Courthouse
280 North College Avenue, Suite 300
Fayetteville, Arkansas 72701
Telephone: (479) 444-1711
Fax: (479) 444-1894

B. 1
2010 Millage Levy
Page 7 of 8



City Clerk

Fayetteville

Dear Clerk:

Please submit the tax levy figures for your City for the year 2010. The Quorum Court meets on November 11th. I need this information by November 1st. Please give us the total levy figure and complete breakdown of tax in the space provided below. This information must be provided on this form.

Sincerely yours,

Karen

Karen Combs Pritchard
Washington County Clerk

TOTAL _____ MILLS

BREAKDOWN _____

SIGNATURE AND TITLE OF PERSON AUTHORIZED TO SUBMIT TAX

City of Fayetteville Staff Review Form

C. 1
 ADM 10-3672 (Forest Hills
 R-PZD Modification No. 1)
 Page 1 of 12

City Council Agenda Items
 and
 Contracts, Leases or Agreements

10/19/2010

City Council Meeting Date
 Agenda Items Only

Jesse Fulcher
 Submitted By

Planning
 Division

Development Services
 Department

Action Required:

ADM 10-3672: Administrative Item (FOREST HILLS R-PZD Modification No. 1): Submitted by MORRISON SHIPLEY ENGINEERS, INC. for property located within the Forest Hills Planned Zoning District. The request is to amend the rear setbacks for Phase IV, The Villas at Forest Hills, from 25 feet to 20 feet.

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

Jesse Fulcher
 Department Director

10-01-2010
 Date

Previous Ordinance or Resolution #

John Kelly
 City Attorney

10-1-10
 Date

Original Contract Date:

Original Contract Number:

Paul A. Becher
 Finance and Internal Services Director

10-1-2010
 Date

Received in City
 Clerk's Office

10-01-10P02:09 RCVD

Don Mann
 Chief of Staff

10-4-10
 Date

Received in
 Mayor's Office



Donald Jordan
 Mayor

10/11/10
 Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Jeremy Pate, Development Services Director 

From: Jesse Fulcher, Current Planner

Date: October 1, 2010

Subject: ADM 10-3672 The Villas at Forest Hills - Forest Hills Planned Zoning District

RECOMMENDATION

Staff and Planning Commission recommend approval of an ordinance to amend the rear setbacks for Phase IV, The Villas at Forest Hills, from 25 feet to 20 feet.

BACKGROUND

The Forest Hills Planned Zoning District contains five planning areas on approximately 82 acres located south of the intersection of Wedington Drive and Salem Road, extending south to Persimmon Street. The City Council approved the Forest Hills Planned Zoning District on June 3, 2008.

The applicant proposes to change the Forest Hills R-PZD zoning criteria for Planning Area 4, The Villas at Forest Hills, to reduce the rear setback from 25 feet to 20 feet. The applicant has requested this change so the houses can be staggered along the street and provide opportunities for architectural variation on the front facades.

DISCUSSION

On September 27, 2010 the Planning Commission forwarded this request to the City Council with a recommendation for approval with a vote of 5-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 07-2793 FOREST HILLS TO ALLOW MODIFICATION TO THE APPROVED SETBACK CRITERIA FOR PLANNING AREA FOUR, AS DESCRIBED HEREIN.

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

Section 1. That the zoning criteria booklet and plats for R-PZD 07-2793 Forest Hills are hereby amended to reflect a modified rear setback in Planning Area Four from 25 feet to 20 feet.

Section 2. That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the setback change provided in Section 1 above.

PASSED and APPROVED this day of , 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

PLANNING AREA SUMMARY

CONCEPT PLAN - THE SHOPS AT FOREST HILLS

CONCEPT PLAN - THE SHOPS AT FOREST HILLS

CONCEPT PLAN - THE SHOPS AT FOREST HILLS

The Planning Area Summary is a key component of the Planning Process. It provides a high-level overview of the project and its context, including the location, scope, and goals of the development. This summary is intended to provide decision-makers with the information they need to understand the project and its potential impacts on the community and the environment.

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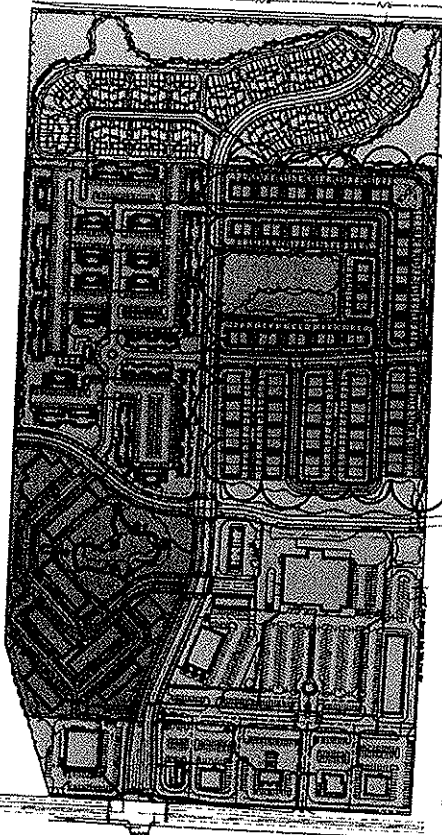
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Project Name	Project Number	Project Status
The Shoppes and Residences at Forest Hills	10-3672	Under Review
Forest Hills	10-3672	Under Review
Forest Hills	10-3672	Under Review

MORRISON SHIPLEY
ENGINEERS • SURVEYORS

3400 E. Colfax Avenue, Suite 100, Denver, CO 80202
303.733.1100 • 4001 N. Lincoln Ave., Suite 100, Aurora, CO 80010



Project Name	Project Number	Project Status
The Shoppes and Residences at Forest Hills	10-3672	Under Review
Forest Hills	10-3672	Under Review
Forest Hills	10-3672	Under Review

THE SHOPPES AND RESIDENCES AT FOREST HILLS

Fayetteville, Washington County, Arkansas

PLANNING AREA SUMMARY

Issued for Review



PC Meeting of September 27, 2010

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Planning Commission Members
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: September 21, 2010 Updated October 1, 2010

ADM 10-3672: Administrative Item (FOREST HILLS R-PZD Modification No. 1): Submitted by MORRISON SHIPLEY ENGINEERS, INC. for property located within the Forest Hills Planned Zoning District. The request is to amend the rear setbacks for Phase IV, The Villas at Forest Hills, from 25 feet to 20 feet.
Planner: Jesse Fulcher

BACKGROUND

The subject property contains approximately 82 acres located south of the intersection of Wedington Drive and Salem Road, extending south to Persimmon Street. The City Council approved the Forest Hills Planned Zoning District on June 3, 2008. Surrounding land use and zoning are listed in *Table 1*.

- *Proposal:* The applicant proposes to change the Forest Hills R-PZD zoning criteria for Planning Area 4, The Villas at Forest Hills, to reduce the rear setback from 25 feet to 20 feet. The applicant has requested this change so the houses can be staggered along the street and provide opportunities for architectural variation on the front facades

RECOMMENDATION

Recommendation: Staff recommends forwarding **ADM 10-3672 Forest Hills R-PZD Modification No. 1** to the City Council with the following conditions:

1. Planning Commission determination of the requested modification to allow the rear setback to be reduced from 25 feet to 20 feet. *Staff finds in favor of the recommendation, finding that the reduced rear setback will not significantly alter the development concept, and will provide 20' between the garage and alley, providing sufficient room for parked cars in the driveway.*

Planning Commission Action: ☒ Forwarded ☐ Denied
Motion: Winston
Second: Earnest
Vote: 5-0-0
Meeting Date: September 27, 2010



September 15, 2010

City of Fayetteville
Attn: Jesse Fulcher
Planning Division
125 W. Mountain St.
Fayetteville, AR 72701

Re: *The Villas at Forest Hills*
Request to Amend PZD Criteria – Rear Setbacks

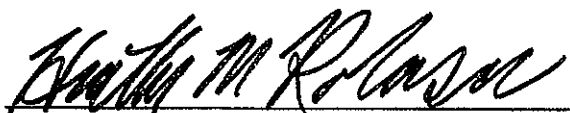
Dear Jesse,

On behalf of the developer, Forest Hills Partners LLC, we are requesting consideration to amend the PZD criteria for the rear setback in Planning Area 4 (the garden home development) from 25' to 20'. The proposed layout for the garden home development provides for a 57' buildable lot depth, which is planned to accommodate a 56.5' deep house floor plan. This uniform lot depth will create a uniform façade from the street. The request to reduce the rear setback will allow the homes to stagger their placement along the street side or alter the street view by adding porches or façade variation. The additional 5' of buildable depth will help prevent each house from presenting a flush face to the street and provide the opportunity for architectural variation throughout the subdivision. Finally, the current 5' of space along the rear is not needed for a vehicle to park in the driveway.

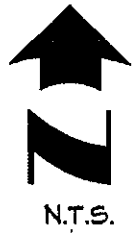
If you have any questions or need additional information, please do not hesitate to contact me at 479-273-2209.

Thank you for your consideration.

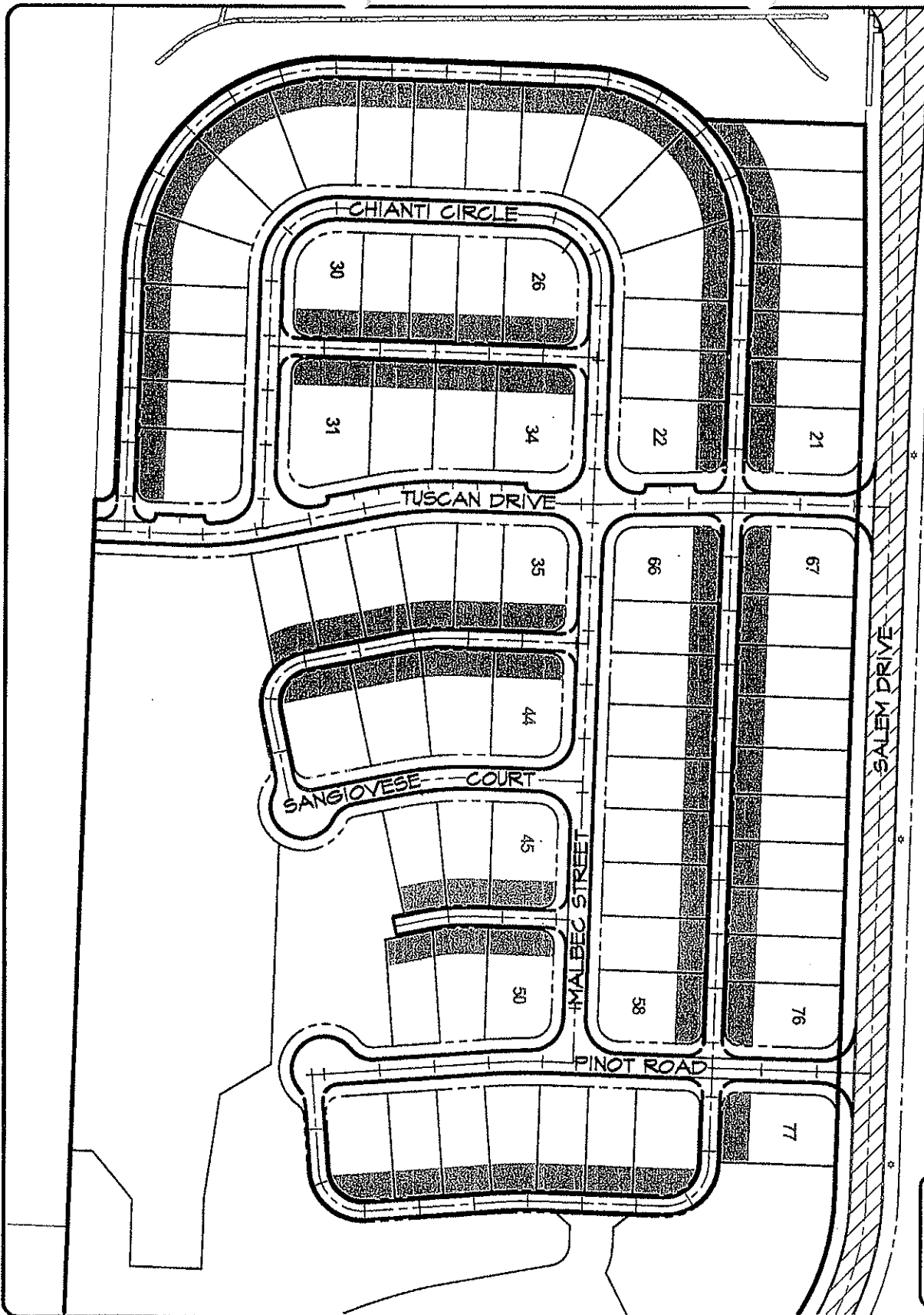
Sincerely,
Morrison-Shipley Engineers, Inc.



Heather M. Robason, P.E.
Project Manger



Lot # = Corner lot, no rear setback




 Rear Setback
 Requesting 20'
 From 25'

MORRISON SHIPLEY
 ENGINEERS • SURVEYORS

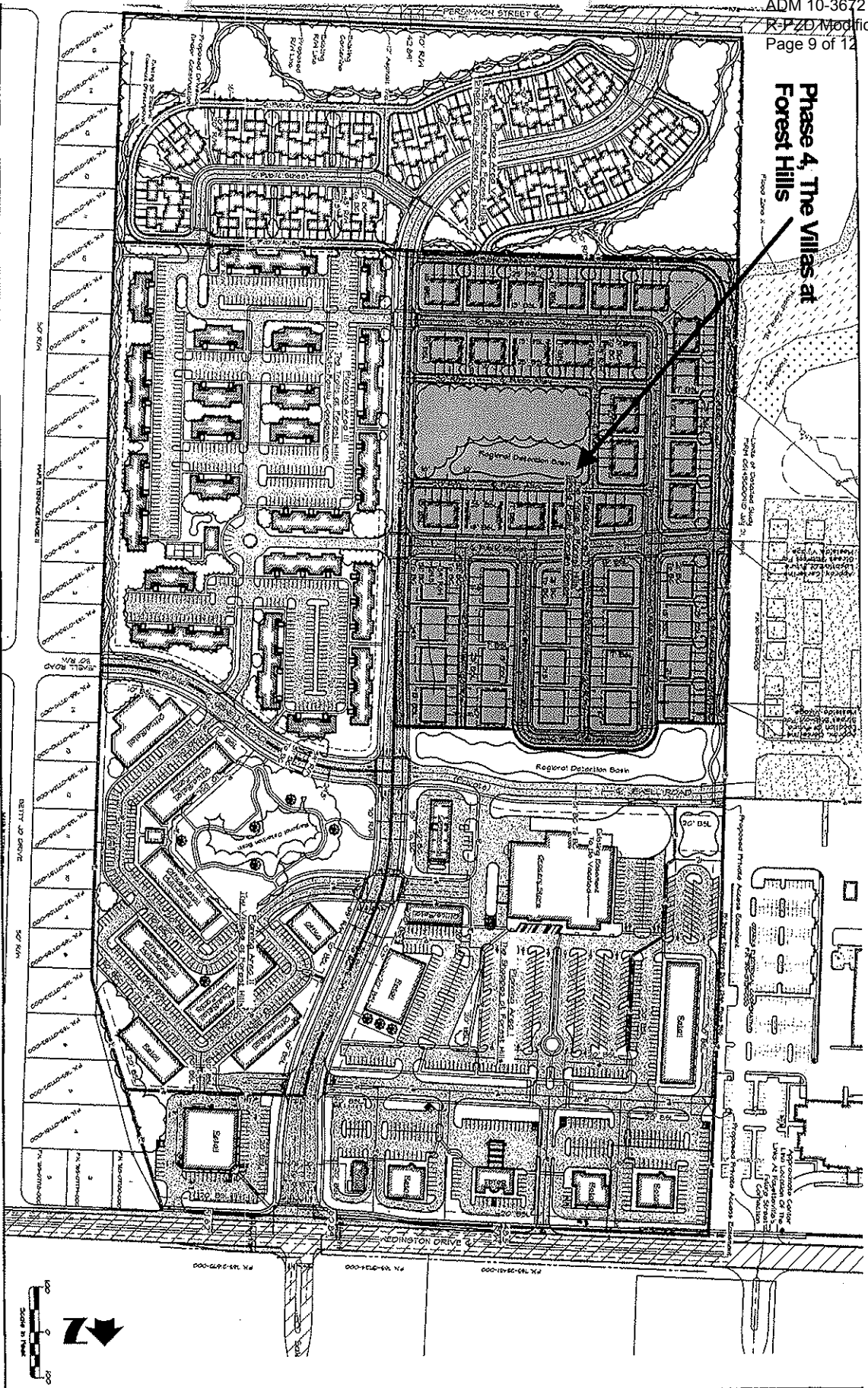
2407 SE Cottonwood Street • Bentonville, AR 72712 • 479.273.2209 • morrisonshipley.com

**THE VILLA'S AT FOREST HILLS
 VARIANCE EXHIBIT**

Fayetteville, Washington County, Arkansas

Drawn By:	CLD
Date:	08-19-2010
Project No.:	WAP-57
Drawing Name:	PROPOSED

**Phase 4, The Villas at
 Forest Hills**



Item	Quantity	Unit
1. Survey	1.00	Day
2. Engineering	1.00	Day
3. Survey	1.00	Day
4. Engineering	1.00	Day
5. Survey	1.00	Day
6. Engineering	1.00	Day
7. Survey	1.00	Day
8. Engineering	1.00	Day
9. Survey	1.00	Day
10. Engineering	1.00	Day

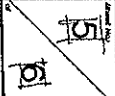
MORRISON SHIPLEY
 ENGINEERS • SURVEYORS
 2007 SE Commercial Street • Fayetteville, AR 72703 • 479.793.2500 • mshipley.com

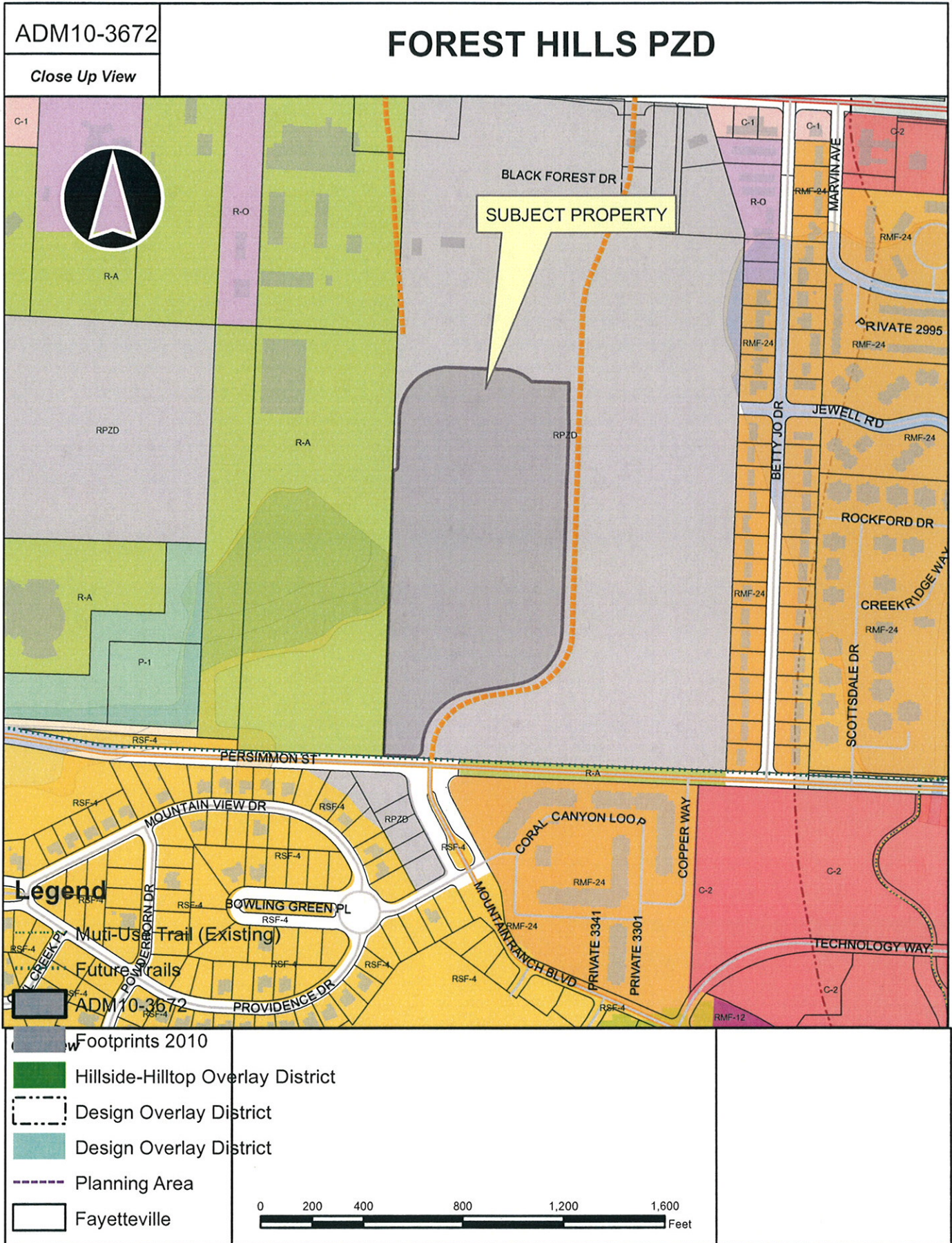


Item	Quantity	Unit
1. Survey	1.00	Day
2. Engineering	1.00	Day
3. Survey	1.00	Day
4. Engineering	1.00	Day
5. Survey	1.00	Day
6. Engineering	1.00	Day
7. Survey	1.00	Day
8. Engineering	1.00	Day
9. Survey	1.00	Day
10. Engineering	1.00	Day

**THE SHOPPES AND
 RESIDENCES AT FOREST HILLS**
 Fayetteville, Washington County, Arkansas

MASTER LAND DEVELOPMENT PLAN
 Issued for Review

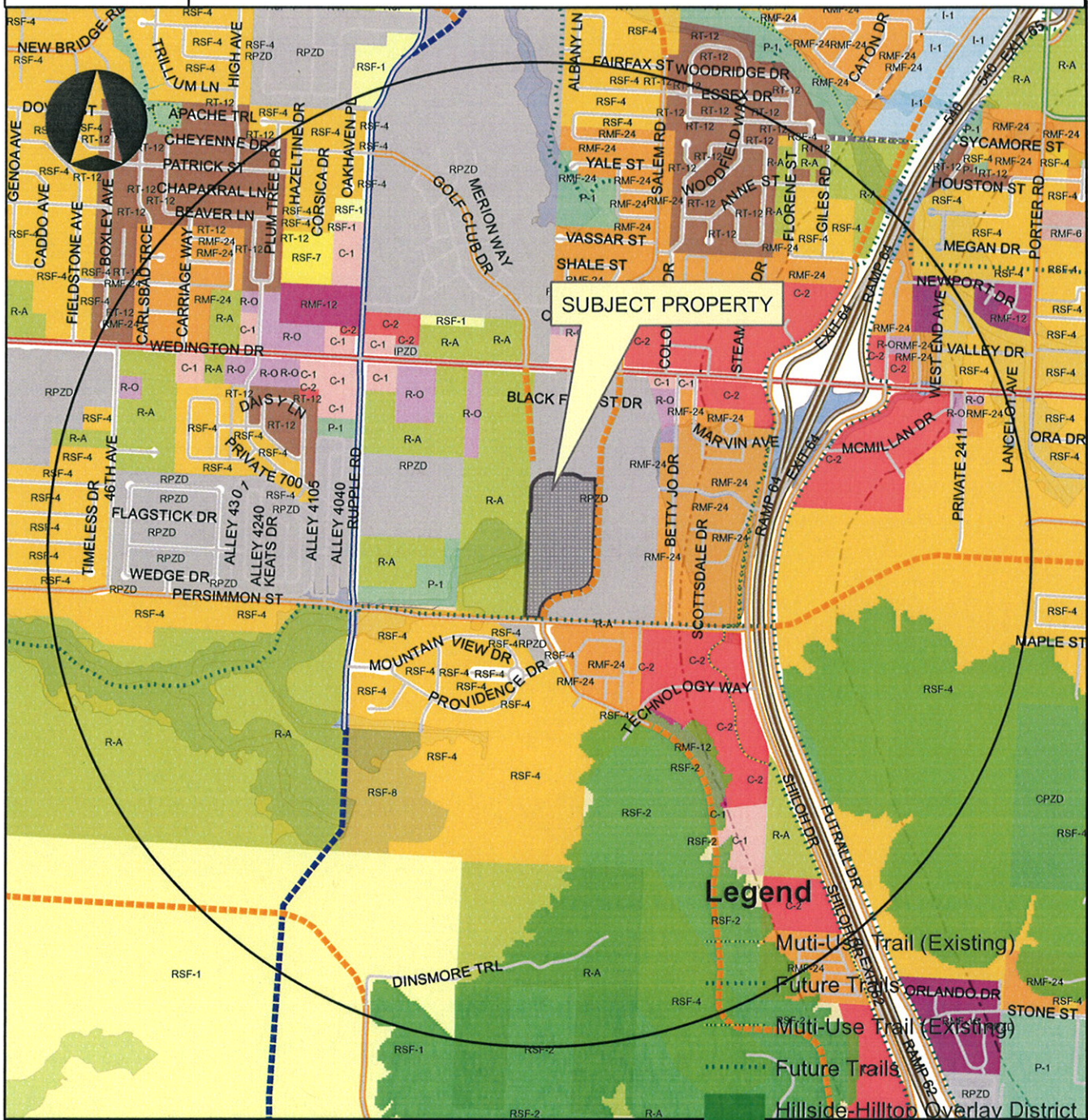




ADM10-3672

One Mile View

FOREST HILLS PZD



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails
- Hillside-Hilltop Overlay District

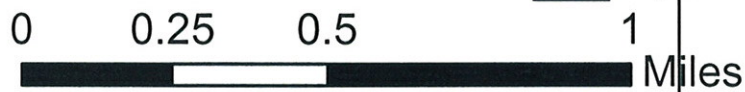
Overview



Legend

- Subject Property
- ADM10-3672

Boundary



- ADM10-3672
- Design Overlay District
- Planning Area
- Fayetteville

City of Fayetteville Staff Review Form

C. 2
Fayetteville Government
Channel Policy
Page 1 of 20

City Council Agenda Items
and
Contracts, Leases or Agreements

10/19/2010

City Council Meeting Date
Agenda Items Only

Lindsley Smith

Submitted By

Communication

Division

General Government

Department

Action Required:

Adoption of the recommendations of the Telecommunications Board and approving the updated City of Fayetteville Government Channel Policy.

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

Date

Previous Ordinance or Resolution #

190-08

Original Contract Date:

City Attorney

Date

Original Contract Number:

Finance and Internal Services Director

Date

10-01-10P04:02 RCVD
Received in City
Clerk's Office

Chief of Staff

Date

Received in
Mayor's Office

Mayor

Date



Comments:



www.accessfayetteville.org

To: City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: Lindsley Smith, Communication Director
Fayetteville Communication Department

Date: October 1, 2010

Subject: Approval of Updated Fayetteville Government Channel Policy

RECOMMENDATION

Staff recommends approval of the updated Fayetteville Government Channel Mission Statement, Goals Statement and Operating Policies ("Government Channel Policy") that was approved by the Telecommunications Board.

BACKGROUND

In the fall of 2009, during one of the meetings of the Fayetteville Government Channel Policy Subcommittee, Fritz Gisler, The Television Center Manager and Fayetteville Government Channel Director, was asked by members of the sub-committee to research best practices of government channel policies from other municipalities around the country and, after conducting that research, compose a draft of a policy document that would provide for several things: a policy in which Government Channel staff could perform their jobs and develop procedures that allowed them to execute to the fullest of their abilities; that provides the citizens of Fayetteville with a Government Channel that conforms to the overall City goal of open and transparent government; that helped the staff of the Government Channel be flexible and able to react professionally to changing conditions and demands; that allowed the Government Channel the opportunity to provide ways that helped citizens more actively participate in their government; and a policy that was specific in structure, yet broad in execution, allowing for the ability to incorporate new techniques, new technologies, and new approaches to the goals stated above.

With those ideas in mind, Mr. Gisler spent several months of research, writing, obtaining a variety of expert advice, and editing to develop the draft, which was reviewed by the Communication Director, Lindsley Smith, and approved for submission to the Telecommunications Board. This staff-supported Policy was submitted to each member of the Telecommunications Board on June 16, 2010.

On September 16, 2010, the Telecommunications Board again reviewed the draft of the Staff-supported Government Channel Policy. After discussion and upon motion and second, the staff-supported policy was

passed by the Board for recommendation to the City Council for approval in a 3-1 vote. The September 16, 2010, discussion and vote on this item before the Telecommunications Board is attached as Addendum A.

DISCUSSION

This recommended policy accomplishes the charge of the Policy Subcommittee, is recommended to the City Council by the Telecommunications Board, and is a document that provides legal and professional clarity of the duties of Government Channel staff in their job of objectively and professionally providing information for citizens to inform themselves of city government. The recommended policy was provided to the City Attorney and determined to be sound.

The primary changes in the staff-supported policy regard priority of programming and requests for programming. The current policy is vague and overly broad in its description of priorities. The recommended policy is very specific in not only the types of programming that are prioritized, but also specific programs. For example, it is stated specifically the top priority of The Government Channel is to cover and telecast all meetings of the City Council. The current policy does not specifically state such.

The recommended policy also provides a mechanism for prioritizing meeting coverage. With over 25 meetings to cover each month, and limited resources, conflicts invariable arise. The recommended policy addresses this issue and gives staff well-defined guidelines within which to determine resolution to these conflicts.

The current policy is very broad in its description of the kind of programming that may be requested and how it may be requested of the Government Channel. The recommended policy provides much more clearly defined guidelines within which the staff can determine if requested programming is appropriate for the Government Channel, or should be referred to the public access channel.

The recommended policy places significant emphasis on the ability of the Government Channel to assist in providing open and accessible government through a variety of programming and providing timely, accurate and relevant information that gives the citizens of Fayetteville the opportunity to participate more fully in their City Government.

All stakeholders agreed that the current policy was in need of updating. The current policy is a third-generation revision of Government Channel policy that dates back over ten years. This recommended policy positions the Fayetteville Government Channel to be a best-in-class communication medium that can exceptionally serve the citizens of Fayetteville many years to come.

BUDGET IMPACT

None.

RESOLUTION NO. _____

**A RESOLUTION TO ADOPT A NEW MISSION STATEMENT, GOALS
STATEMENT AND OPERATING POLICIES FOR THE FAYETTEVILLE
GOVERNMENT CHANNEL**

WHEREAS, Government Channel Manager Fritz Gisler was requested by the Fayetteville Government Channel Policy Subcommittee to research best practices of government channel policies; and

WHEREAS, Fritz Gisler conducted such research and drafted a proposed new policy which was approved by the Fayetteville Communications Director and the Fayetteville Telecommunication Board.

**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 adopts the Fayetteville Government Channel's **Mission Statement, Goals Statement and Operating Policies** as attached as Exhibit A to replace the existing policy which shall no longer be in effect upon the approval of this replacement policy.

PASSED and APPROVED this 19th day of October, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

TO: **Fritz Gisler**, Government Channel Manager
Lindsley Smith, Communications & Marketing Director

FROM: **Kit Williams**, City Attorney

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

DATE: **October 4, 2010**

RE: **New Fayetteville Government Channel policies**

There is only one minor change needed on page 11 under Duplication/Copy Orders (3). The Freedom of Information Act only allows a city to recover its direct reproduction costs to copy the DVD. Staff time, equipment use, etc. is not allowed to be charged. I would rephrase (3) as follows:

“The Fayetteville Government Channel will determine legally collectible reproduction charges as allowed by the Arkansas Freedom of Information Act and may require such payment from persons or businesses requesting copies of meetings.”

Duplication/Copy Orders

- 1) The Fayetteville Government Channel will provide copies of meetings aired on the channel pursuant to the Freedom of Information Act.
- 2) The Fayetteville Government Channel may provide copies of other programming aired on the channel upon request.
- 3) The Fayetteville Government Channel will determine copy rates to recover all costs associated with the provision of copies, including, but not limited to, equipment use, staff time, blank media and packaging. The Channel Manager may waive the copy fee for individuals or departments directly involved in the production.
- 4) Copies will be provided on a first-come, first-served basis. Copies will be provided as soon as staff and facility time allows.
- 5) Upon request from local media, The Fayetteville Government Channel will strive to provide copies of meetings and other government events in exchange for a courtesy graphic identifying The Fayetteville Government Channel as the source of the video. The Channel Manager may waive the copy fee for media outlets.

Appeals/Complaints

- 1) The Channel Manager is responsible for all programming and operational decisions in accordance with these policies and mission statement. In the event an applicant or program requestor wishes to appeal the decision of the Channel Manager to deny a program request, a written appeal for review of the request may be made within ten (10) business days after the initial request has been denied to the Director of Communication with a copy to the Channel Manager.

A committee comprised of the Director of Communication, another City Department Director, a selected member of the Telecommunications Advisory Board and a selected member of the City Council will review the appeal. If such committee denies the appeal, further appeal may be made to the City Council as a whole for review. The appeal must be submitted by a member of the City Council selected by the appellant at the next scheduled City Council agenda session.

Amendments to Operating Policies

- 1) These policies may be amended through resolution of the Fayetteville City Council upon recommendation of the Mayor's Director of Communication and the Channel Manager, with input from the Telecommunications Advisory Board.

The Fayetteville Government Channel

MISSION STATEMENT, GOALS STATEMENT & OPERATING POLICIES

OPERATING POLICIES

The Fayetteville Government Channel Manager is responsible for generating program ideas, and for implementing and overseeing their production, either directly, or by delegation. The Channel Manager reports directly to the Director of Communication. All operational, production and programming decisions are to be made by the Channel Manager according to these policies and guidelines.

Mission Statement

The mission of The Fayetteville Government Channel is to make Fayetteville government more accessible and understandable to the citizens of Fayetteville; to inform residents on City government, government services, and community life; and to facilitate the exchange of public information.

Goals

The Fayetteville Government Channel will accomplish its mission through the following goals:

1. To increase citizen access to City government meetings through live and recorded gavel-to-gavel televised coverage.
2. To inform citizens on the operations and activities of Fayetteville City government and its agencies.
3. To provide informative television programs of interest and value to residents which are not otherwise available or provided by other sources.
4. To provide programming that is fair, accurate, balanced and without regard to partisanship or ideology.
5. To cover public issues of concern to residents.
6. To develop professional quality programming for telecast on The Fayetteville Government Channel.
7. To provide programming through which the quality of community life may be improved and viewership of The Fayetteville Government Channel may be increased.
8. To provide services within reasonable accommodation to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of The Fayetteville Government Channel.
9. To provide residents a source of direct unfiltered information in emergency situations.
10. To create and maintain a library of programming for historical preservation.
11. To work with the local media to promote accurate, complete coverage of Fayetteville City Government.

Program Requests & Eligibility

1. All department heads, or their designee, and City government officials are eligible to request programs or air time within the scope of services provided by the Fayetteville Government Channel.
2. The Fayetteville Government Channel is not a public access channel provided for residents, organizations or civic groups. These requests will be referred to the public access entity.
3. The Fayetteville Government Channel shall not be used to produce video programming for private or commercial organizations.
4. The Fayetteville Government Channel may collaborate with other public agencies and similar organizations to develop programming that further serves the public interest, as determined by the Channel Manager. These organizations may include, but are not limited to, non-profit organizations, other government agencies and community organizations.
5. Requests for programming must be made in writing. Requests may be made via email. Requests for programming will be responded to within thirty (30) days of the request. Requests for regular meeting coverage only need be renewed once per year. City government departments and agencies requesting a video program must be willing to assist in producing the program if asked to do so. This may include providing financial assistance, furnishing necessary information, gathering together persons and props to be used in the program, and making on-air presentations as deemed necessary by the Channel Manager.

Programming

Production of quality, effective video programming requires experienced technical support. A goal of the Fayetteville Government Channel staff is to serve City of Fayetteville citizens and assist City government employees by producing high-quality, informative video programs about their local government.

- 1) New programming must meet at least one of the following criteria to be eligible for production:
 - a) The programming is about Fayetteville; the City, its residents, its employees, its elected officials, and/or its appointed officials.
 - b) The programming is a non-commercial public service to residents.
 - c) The programming serves to promote Fayetteville as a community.
 - d) The programming serves as communication from Fayetteville City employees to residents.
 - e) The programming helps to further a mission of a Fayetteville City government department or agency.
- 2) Programming will be denied if it does not meet all of the following criteria:
 - a) The programming shall not include slanderous, lewd, obscene, indecent or violent material or language. When questions arise as to the admissibility of material or language in this regard, the material will be reviewed subject to state and/or local law, and the FCC definition of "indecent" as "programming that describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards for a cable medium."
 - b) The programming shall not include any material that the Channel Manager determines to be potentially defamatory or slanderous.
 - c) The programming shall not coerce anyone to support or participate in religion or its exercise, or otherwise act in a way which "establishes a [state] religion or religious faith, or tends to do so."

- d) The programming shall not include paid advertising. The Fayetteville Government Channel is a noncommercial channel. Advertising is prohibited. Program underwriters shall only receive credit during the opening and/or closing credits of the program.
- e) The programming shall not include direct appeals to purchase commercial goods or services or promote activities of for-profit, commercial groups or organizations.
- f) The programming shall meet technical quality standards including, but not limited to:
 - i) Master Copies of programs and PSAs must be on one of the following media formats or an equivalent format: DVD, DVCam, or professional DV.
 - ii) Copies of programs or PSAs submitted for telecast on The Fayetteville Government Channel must be on DVD or a professional DV tape format.
 - iii) At the conclusion of each program or PSA there should be at least one (1) second of black.
 - iv) The video and audio levels on the program must meet professional technical standards.
- g) The programming shall be direct, non-editorial information regarding the operation of the City government, the deliberations of City government or events sponsored by City government, either directly or indirectly. The Fayetteville Government Channel shall not serve as a mechanism for building support for a particular policy, program or issue. This exclusion does not apply to the Mayor. As Chief Executive for the City government, the Mayor is exempt from requirements to address all sides of a particular issue.
- h) The programming shall not include declared candidates for elected office within the time frame of ninety (90) days preceding an election, and the period of time between a primary and general election. Candidates for elected office may not use the channel as a part of a campaign effort. This exclusion does not apply to persons who receive air time as part of official City government meeting coverage, special election coverage and coverage of the Mayor performing official duties, which warrant telecasting. The Channel Manager shall decide if equal time for opposing candidates is necessary to balance the coverage of an incumbent candidate's performance of official duties.
 - i) This exclusion shall not apply to candidates appearing within a program as interview sound bites to help explain a topic, as one of several people interviewed. This is considered to be "news coverage".
 - ii) This exclusion shall apply to candidates addressing the television audience directly in a produced segment or program.
 - iii) This exclusion does not apply to candidates speaking as part of a non-campaign press conference. This is considered coverage of a candidate's official duties as an elected official.
- i) The programming shall not include copyrighted materials unless written permission has been obtained from the copyright holder. Copyright permission must be obtained for all programs produced by outside sources that are telecast by The Fayetteville Government Channel.

Programs and Program-Series Content

1) Programming may include:

a) Public Meeting Coverage:

- i) The Fayetteville Government Channel is responsible for providing television coverage of official regularly scheduled City Council meetings held in Council Chambers.
- ii) Live coverage of regularly scheduled and special City Council meetings shall be the production and programming priority of The Fayetteville Government Channel. Program schedule adjustments will be made to accommodate irregular starting times and irregular run times of these meetings.
- iii) Coverage of regularly scheduled and special City Council Committee meetings shall be provided by and telecast by The Fayetteville Government Channel. Program schedule adjustments will be made to accommodate irregular starting times and irregular run times of these meetings.
- iv) Coverage of official meetings of other City of Fayetteville government boards, commissions and agencies will be at the discretion of the Channel Manager based upon staff and facility limitations and programming objectives. Regular coverage of these meetings will be established by written request to the Channel Manager by the City staff member who is liaison with each particular government board, commission or agency. Priority of coverage shall be established by the Director of Communication.
- v) Each year the Director of Communication and the Channel Manager shall review the list of coverage of regularly scheduled meetings. Continued coverage of each meeting shall be confirmed with the City staff member who is liaison with each particular government board, commission or agency.
- vi) Coverage of special call meetings shall be based upon staff and facility limitations. Requests for coverage of a special call meeting must be presented in writing to the Channel Manager as early as possible, but no less than 4 hours, before the scheduled meeting.
- vii) To cancel coverage of a regularly scheduled meeting, the cancellation notice must be presented in writing to the Channel Manager as early as possible before the scheduled meeting. The Channel Manager may provide notification on the Channel of the canceled meeting.
- viii) Coverage of public meetings will be gavel-to-gavel. The meetings will be replayed in their entirety. Any editing will only occur for the addition of title and credit graphics for telecasting of taped replay; graphics that are presented as part of the meeting; coverage lost due to technical considerations; and to reduce the length of extended breaks in official proceedings. This provision does not exclude the use of clips from meetings for an informational purpose separate from the meeting coverage. This provision does not exclude the use of clips or graphics presented at meetings for an informational purpose separate from the meeting coverage.
- ix) When a televised meeting goes into "closed session", the Fayetteville Government Channel meeting producer may display a message describing the current status of the meeting, remain on a wide shot of the room with no meeting room audio, or play taped segments during the break. When a televised meeting goes into "recess", the Fayetteville Government Channel meeting producer will follow the above procedure or continue live coverage of the meeting room during the break.
- x) The Fayetteville Government Channel is not required to cover meetings in which no official business may be conducted due to lack of quorum, agenda or any other factor.
- xi) Recordings of meetings are intended for telecasting purposes only and shall not be

considered the official record of the meetings.

(1) Provision of a copy of the meeting recording does not imply reliance on a complete or error-free duplication of the meeting.

(2) Staff shall not be held responsible of accidental erasure or loss of the meeting recordings.

b) Emergency Message Programming

i) The channel may be used to facilitate communications with residents during a declared emergency.

ii) Emergency programming will be subject to staff and facility limitations.

c) News Magazine Programs

i) A magazine-format series shall be produced by Fayetteville Government Channel on a regular basis as a news and information program.

ii) Programs will focus on local issues, special activities, events and City government services.

d) Documentaries

i) Documentary-style programs may be produced by Fayetteville Government Channel.

ii) These programs are to be more in-depth than the magazine-style programming.

e) Special Event Coverage

i) Coverage of special events may be provided based upon staff and facility capabilities.

ii) Special event coverage may include press conferences, special call meetings and other City government sponsored events.

f) News Conferences/Media Briefings

i) Coverage of news conferences and media briefings may be provided by Fayetteville Government Channel, based upon staff and facility capabilities.

ii) The Channel Manager shall work with the Mayor's Director of Communication to determine which mayoral news conferences and media briefings should be covered.

iii) Press conferences/media briefings may be edited for content and replay.

g) Public Service Announcements (PSAs)

i) PSAs for government activities and events may be produced for City government departments and agencies.

ii) PSAs from other agencies or sources, including but not limited to nonprofit agencies and local municipalities, will be considered based upon The Fayetteville Government Channel operating policies and goals.

iii) Requests for announcements should be received in writing at least 2 weeks in advance of the desired start date of airing. Requests may be submitted via electronic mail. Exceptions apply to messages of an emergency nature that affect residents' health and safety.

iv) Efforts will be made to provide voice-over for all public service announcements.

h) Election Coverage

- i) The Fayetteville Government Channel may provide television programming pertaining to elections held in the Fayetteville – Washington County area. The scope and format of such coverage shall be determined by the Channel Manager. Any coverage shall place an emphasis on elections held to fill positions on the Fayetteville City Council and for City-wide elected officials.
- ii) The Channel Manager may work with the County Clerk and Board of Elections to produce material announcing pre-election administration information.
- iii) Election programming may include the following components:
 - (1) An interview program for candidates, including standardized questions and follow-up questions.
 - (2) An opportunity for candidates to make short statements on their candidacy.
 - (3) A debate-style program for candidates, organized by party affiliation and/or desired office.
 - (4) A program to allow residents to ask questions of the candidates.
- iv) For programming featuring registered candidates, all registered candidates for that given office shall be invited to participate in the election coverage.
- v) The Channel Manager shall ensure that any program featuring registered candidates is fairly balanced with programming featuring their opponents. In cases where one or more candidates in a given race choose not to be included, the participating candidates will receive balanced coverage in comparison to a similar race.
- vi) For any programming pertaining to a ballot issue, all sides of the issue must be represented in a fair and equitable manner.

i) Other

- i) Programs may be produced which do not fit into any existing program series. These programs will be considered "specials" and may be of any format. These programs must comply with the requirements for new programming on The Fayetteville Government Channel.

j) Outside programming

- i) Programming may be acquired from organizations or entities other than Fayetteville City government. This programming must meet the following criteria:
 - (1) Meet the appropriate technical standards, as determined by Fayetteville Government Channel staff.
 - (2) Fit within the mission, goals and policies of The Fayetteville Government Channel.
 - (3) Be sponsored by a Fayetteville City official or agency (which may include Fayetteville Government Channel staff).
- ii) Programming available at a cost less than \$500 may be paid for by Fayetteville Government Channel at the discretion of the Channel Manager. The following criteria will be evaluated in making a decision:
 - (1) The relevance of the program content to the overall goals of the City Council and Mayor.

- (2) The relevance of the program content to the mission and goals of The Fayetteville Government Channel.
 - (3) The impact of the program acquisition on the overall Fayetteville Government Channel budget.
 - iii) If The Fayetteville Government Channel decides to not fund a program series, the request for the program will be held for consideration during the next budget cycle.
 - iv) Programming available at a cost of \$500 or more will be considered under a yearly review process established by the Channel Manager and the Director of Communication. Departments may submit requests for programming acquisition at any time. These requests will be held for consideration during the next review period.
 - v) Departments, agencies and elected officials of Fayetteville City government may elect to purchase programming and broadcast rights from their agency budgets to submit for consideration under these policies.
 - vi) The Channel Manager will determine the playback schedule of all acquired programming on The Fayetteville Government Channel in accordance with the playback schedule section of these policies. The replay and scheduling of acquired programming will be a lower priority than programming produced directly by The Fayetteville Government Channel. Programming produced by The Fayetteville Government Channel may preempt these replays at the discretion of the Channel Manager.
- 2) It is the goal of The Fayetteville Government Channel to produce series-type programming.
- a) A program series is a group of television programs produced with the same primary communication objective.
 - b) The programs in a series should be produced on a regular basis.
 - c) The Channel Manager shall decide which programs to produce as a series, and shall supervise their production and regulate their format and frequency.
- 3) Programming is not intended to be used as a mechanism for building exclusive support for a particular person, program or issue. Any topic of debate or controversy will be presented in a fair, balanced and accurate manner without regard to partisanship or ideology.
- a) Coverage of all government meetings shall be telecast in their entirety without a requirement for balancing of an issue presented at that public meeting. Any person requesting for presentation of an opposing viewpoint will be directed to the appropriate meeting chair.
 - b) Coverage of mayoral press conferences and media briefings shall be telecast without a requirement for balancing of an issue presented. As Chief Executive for the City government, the Mayor is exempt from requirements to address all sides of a particular issue.
 - c) Programs covering a local issue or policy may be controversial both to the general public and among elected officials. The Channel Manager shall make every effort to ensure balance within a program.
 - d) Any requests for balancing of a particular program may be made in writing to the Channel Manager within ten (10) business days of its initial telecast. The Channel Manager will determine if balancing is required. An appeal to this decision may be made following the procedure for appeals outlined in these policies.
 - e) The Channel Manager may find it necessary to allow balancing of a particular program by allowing both proponents and opponents an opportunity to present both sides of the issue. Methods to balance an existing program may include, but not be limited to, the following:
 - i) Accepting unsolicited requests for telecast time from Fayetteville citizens or organizations

with opposing viewpoints. The request for presenting an opposing viewpoint must be made in writing to the Channel Manager. Upon affirmative action of the Channel Manager, an appointment time of fifteen (15) minutes or less will be scheduled with the requesting party to record a statement of no greater than two (2) minutes for telecast on The Fayetteville Government Channel.

Written copies of the commentaries must be submitted no later than 24 hours in advance of the recording time. Commentaries are subject to the programming requirements included in these policies. No supporting materials including, but not limited to, full-screen graphics and pre-recorded video will be added to the statement. The statement will be taped in a "head-and-shoulders" format.

- ii) Alternate methods may include, but are not limited to, a documentary program covering the opposing viewpoints, and solicitation of opposing viewpoints at the beginning and end of the program.
- f) The Channel Manager shall determine playtimes for commentaries or other programs designed to provide balance.
- 4) Opinions expressed on the channel may not necessarily reflect those of the City Council, the Mayor or City Government staff. A disclaimer stating such will air at random times on the channel.
- 5) Airtime may be provided to non-profit organizations serving the Fayetteville City area under the following guidelines. The level of service will be at the discretion of the Channel Manager based upon staff and facility limitations.
 - a) The non-profit agency must have current 501(c)3 non-profit status with the Internal Revenue Service.
 - b) The non-profit agency must receive funding from Fayetteville City government.
 - c) If Fayetteville City government funding is directed to a particular project, programming on Fayetteville Government Channel may be limited to that project.
 - d) The programming must meet all other criteria of the Fayetteville Government Channel Operating Policies.
- 6) Any department or agency using Fayetteville Government Channel resources bears sole responsibility for the content and material used in all programs produced by and for them, including but not limited to, obtaining necessary releases, obtaining copyright clearances and complying with Fayetteville Government Channel policies and procedures.
- 7) Programming produced for telecast on The Fayetteville Government Channel shall take precedence over the production of internal communication and training materials. The Fayetteville Government Channel may charge for the production of programming for internal use.

Programming/Telecast Schedule

- 1) The Channel Manager is responsible for determining the Fayetteville Government Channel Program Schedule in accordance with the following guidelines:
 - a) Programming is to be telecast 24-hours per day.
 - b) To maximize viewership of programs, they will be telecast in the following order of priority:
 - i) Announcements or programs concerning emergencies that affect the health or safety of residents of the City of Fayetteville
 - ii) Live coverage of public meetings
 - iii) Pre-recorded coverage of public meetings

- iv) Replayed coverage of public meetings
- v) Reoccurring program series
- vi) Press briefings
- vii) One-time special or non-regular informational programs.
- viii) Public service announcements
- ix) Programs of interest to area residents that are produced by persons, agencies, or groups outside of City government and are submitted by Fayetteville City departments

Program Underwriting

- 1) Underwriting may be obtained to help fund production and operating costs of The Fayetteville Government Channel and to increase the variety of programming provided.
- 2) Coverage of official meetings of Fayetteville City government may not receive corporate underwriting, except for the purpose of funding costs for closed captioning services.
- 3) Acknowledgements for underwriting are not commercial advertising. The acknowledgements shall not include qualitative or comparative language, price information, indications of value or savings, a call to action, or an endorsement or inducement to buy, sell, rent or lease a product or service.
- 4) The acknowledgement may include the name of the business and logo.
- 5) A total of fifteen (15) seconds of audio/video may be tagged at the beginning and end of the program. The voice-over announcement on the tags will contain the following: *"This program was made possible in part through the generous support the following: [company names]."* or equivalent language. The company(s) must have expressed permission for all material used in the acknowledgement.
- 6) Underwriting will not be accepted from any business, organization, or individual whose primary concern is, or is related to, businesses or activities including, but not limited to:
 - a) Promotion of political positions or candidates
 - b) Gambling, lotteries or gaming
 - c) Alcohol and/or tobacco related products
 - d) Adult entertainment or pornography
- 7) Fayetteville City government reserves the right to approve or deny all underwriters.

Program Copyright

- 1) The Fayetteville Government Channel and The Fayetteville City government shall hold the copyright on all programs produced primarily for programming on The Fayetteville Government Channel.
- 2) No programming produced by The Fayetteville Government Channel shall be used for commercial purposes of any kind.
- 3) All media used for production of television programs by the staff of The Fayetteville Government Channel shall remain the property of The Fayetteville Government Channel and The Fayetteville City government.

Duplication/Copy Orders

- 1) The Fayetteville Government Channel will provide copies of meetings aired on the channel pursuant to the Freedom of Information Act.
- 2) The Fayetteville Government Channel may provide copies of other programming aired on the channel upon request.
- 3) The Fayetteville Government Channel will determine legally collectible reproduction charges as allowed by the Arkansas Freedom of Information Act and may require such payment from persons or businesses requesting copies of meetings.
- 4) Copies will be provided on a first-come, first-served basis. Copies will be provided as soon as staff and facility time allows.
- 5) Upon request from local media, The Fayetteville Government Channel will strive to provide copies of meetings and other government events in exchange for a courtesy graphic identifying The Fayetteville Government Channel as the source of the video. The Channel Manager may waive the copy fee for media outlets.

Appeals/Complaints

- 1) The Channel Manager is responsible for all programming and operational decisions in accordance with these policies and mission statement. In the event an applicant or program requestor wishes to appeal the decision of the Channel Manager to deny a program request, a written appeal for review of the request may be made within ten (10) business days after the initial request has been denied to the Director of Communication with a copy to the Channel Manager.

A committee comprised of the Director of Communication, another City Department Director, a selected member of the Telecommunications Advisory Board and a selected member of the City Council will review the appeal. If such committee denies the appeal, further appeal may be made to the City Council as a whole for review. The appeal must be submitted by a member of the City Council selected by the appellant at the next scheduled City Council agenda session.

Amendments to Operating Policies

- 1) These policies may be amended through resolution of the Fayetteville City Council upon recommendation of the Mayor's Director of Communication and the Channel Manager, with input from the Telecommunications Advisory Board.

ADDENDUM A

Extract of

Telecommunications Board Meeting Minutes

September 16, 2010, 5:30pm

Room 219, City Administration

Chairman Aubrey Shepherd called the meeting to order.

Present were Aubrey Shepherd, Fred Cusanelli, and Blake Pennington. Mike Russell came in later. **Not present** were Justin Tennant and Don Bosseau. Also present were Fritz Gisler, the Government Channel Manager; Anne Shelley, Community Access Television Executive Director; Lindsley Smith, City Communications Director; David A. Young, CAT Board secretary; and Jim Bemis, citizen.

...

REVIEW OF GOVERNMENT CHANNEL POLICY

Russell and **Shepherd** brought the subject to the floor. **Jim Bemis** spoke his concerns and referenced Marvin Hilton's comments which were in the meeting packet. Bemis stated the following disapproval of the draft policy:

1. That complete discretionary authority to determine programming is given to the City/manager of the television Center.
2. He does not like the City's proposal of how to deal with complaints and appeals.
3. He does not think the draft reflects the intent of the Ordinance which defines the duties of the Telecommunications Board. He mentioned perhaps the Ordinance should be changed.

Bemis added that the policy which was studied in subcommittee for a total of 6 years was his preference.

Smith asked that Chief of Staff Don Marr's earlier testimony, that the law and what the Council has ruled over the years, be considered in this discussion. **Gisler** re-iterated Marr's concerns expressed in the July Telecommunications Board meeting about issues which will be problematic for the staff to support. The main issue was that words/policies which the City Council had removed have been put back in to the proposed policy.

Shepherd responded that the subcommittee desired to include the ability of residents and Council Members to request forums on Government issues. He said he didn't think it was fair to say that a lot of things had been removed and put back. He agreed with Bemis that this new approach strips the Council of any way of overseeing any aspect of the Government Channel operations.

Gisler answered that in the Staff supported policy there are very specific priorities of programming and very specific language of how that is established. He said it does not take any authority from City Council and that the document would have to be approved by City Council. **Gisler** added that in contrast the proposed 2009 policy takes the fiscal authority away from the City Administration and invests it in private citizens. He said programming priorities were vague in that document. **Gisler** re-iterated that Marr had previously pointed out the loss of fiscal control as an issue.

Shepherd, Gisler and Smith discussed the problem with the inclusion in the 2009 proposed policy about the physical performance by camera operators. Non-editorializing, objectivity and the first amendment were also discussed and **Gisler** emphasized that the draft proposal addresses these adequately and thoroughly.

Smith said that she supported the Staff supported policy and complimented Gisler's thorough research. **Smith** also stated that the physical camera operation policy was a problem and that she would speak against it at the City Council meeting.

Russell said that the Board should decide to send on to City Council either the current policy or the City's draft policy. He said he thought it best to take the opinion of those closest to the work. He proposed a vote on either of the two.

Shepherd said there was a third possibility. **Russell** said decide.

Pennington asked if the Board has to make a decision tonight or would the City staff move it forward without recommendation of the Board. **Gisler** said they had not discussed that.

Shepherd questioned how to describe the City staff statements of favor for the Draft policy and **Russell** said that they were telling their point of view. **Shepherd** talked about possible subcommittee meetings for considering the content of the draft policy.

Pennington said that City Council may take it up at any time in the future without Telecommunications Board approval or City Administration recommendation.

Russell again said no more debate. **Shepherd** said maybe never mention it again and maybe nothing has to change. **Pennington** added that City Council charged them to change it.

Russell again said the City staff is a competent group of leaders. He said he believes in less command and control but with oversight.

Cusanelli made the motion to approve the City Staff's version. Pennington seconded.

Bemis restated his concerns about the First Amendment and of complete programming discretion in the hands of City staff, without citizen input except in a small group to consider complaints and appeals and without the Telecommunications Board as a buffer. He stated he thinks all operational procedures should be developed from policies developed by this Board.

Russell asked **Gisler** to respond to Bemis. **Gisler** said the First Amendment rights are essential and that the channel strives to support Mayor Jordan's, Senior Staff's and City Council's commitment to make the City Government more open and accessible to the citizens of Fayetteville. **Gisler** said not one thing in the Staff supported document detracts from that. He said the channel wants the Telecommunications Board support in making the channel more forward moving and not mired in micromanaging by an old policy. He said the staff supported policy has a very specific appeals process. **Gisler** stated that he supports the Staff supported document which will need to grow and deal with things as they come along.

Smith stressed that nothing in the draft policy violates the First Amendment or any other law.

Shepherd and Russell talked about the public's access to knowing what the draft policy included. Russell said discussion in the Telecommunications meetings provided information.

The motion passed. 3 ayes. 1 nay (Shepherd)

Agenda Session 10-12-10

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
October 19, 2010**

A meeting of the Fayetteville City Council will be held on October 19, 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

City Council Agenda Session Presentations:

- ✓ 1. **The book all Fayetteville is reading program** - Maylon Rice, Fayetteville Public Library Trustee
- ✓ 2. **Green Infrastructure Video** – Bob Caulk and Barbara Boland

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

- ✓ 1. Approval of the October 5, 2010 City Council meeting minutes.

2. **Riggs Cat of Springdale:** A resolution authorizing purchase of a Caterpillar 236B3 skid steer loader from Riggs Cat of Springdale pursuant to a competitive bid, through the National Joint Powers Alliance (NJPA) cooperative purchasing agreement, in the amount of \$36,727.00 for use as part of wastewater treatment plant biosolids solar drying operations, and approving a budget adjustment.
3. **Williams Tractor of Fayetteville:** A resolution authorizing purchase of a Bobcat S330 skid steer loader from Williams Tractor of Fayetteville pursuant to a competitive bid, through the National Joint Powers Alliance (NJPA) cooperative purchasing agreement, in the amount of \$42,738.00 for use as part of wastewater treatment plant biosolids solar drying operations.
4. **Countryside Farm and Lawn of Springdale:** A resolution authorizing purchase of a John Deere 7230 110 HP tractor with #741 loader from Countryside Farm and Lawn of Springdale pursuant to a competitive bid, through the National Joint Powers Alliance (NJPA) cooperative purchasing agreement, in the amount of \$78,616.20 for use as part of wastewater treatment plant biosolids solar drying operations, and approving a budget adjustment.
5. **Kim Hoadley Construction:** A resolution awarding bid and authorizing a contract with Kim Hoadley Construction in the amount of \$33,896.00 for purchase and installation of an outdoor cooler/freezer in a public facility building (Fayetteville Senior Center) through the Community Development Block Grant program (CDBG).
6. **Animal Services Donation:** A resolution approving a budget adjustment in the amount of \$10,115.00 to recognize donation revenue to Animal Services during the third quarter of 2010.

B. Unfinished Business:

1. **2010 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2010 Fixing the rate thereof at 1.3 mills for general fund operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas. *This ordinance was left on the First Reading at the October 5, 2010 City Council meeting. A motion to increase the millage by .3 mills was Tabled to the October 19, 2010 City Council meeting.*

Left on the First Reading.

Motion to increase the millage by .3 mills was Tabled to the October 19, 2010 City Council meeting.

C. New Business:

1. **ADM 10-3672 (Forest Hills R-PZD Modification No. 1):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to allow modification to the approved setback criteria for planning area four, as described herein.
2. **Fayetteville Government Channel Policy:** A resolution to adopt a new Mission Statement, Goals Statement and Operating Policies for the Fayetteville Government Channel.

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.

Add:

Support Constitutional Amendment # 2
Support Constitutional Amendment # 3

Pre-Agenda Meeting October 6, 2010

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
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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.

Sondra Smith - Re: Fwd: FW: books for council

From: Sondra Smith
To: Broyles, Lana
Date: 9/28/2010 11:57 AM
Subject: Re: Fwd: FW: books for council
CC: Branson, Lisa
Attachments: Sondra Smith.vcf

Hi Lana

This is to confirm the Mayor would like this presentation at the Agenda Session Meeting on October 12, 2010. We will get it added to the agenda.

Have a great day!

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

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

>>> Lana Broyles 9/28/2010 9:19 AM >>>

The mayor would like to add the below presentation to the City Council Agenda for Oct. 12. What do I need to do to make that happen?

Thanks

lana

Lana Broyles
Mayor's Office Administrator
City of Fayetteville
479-575-8331
479-575-8257 (fax)
TDD (Telecommunications Device for the Deaf)
479-521-1316

>>> "Maylon Rice" <mrice@BMSWD.com> 9/21/2010 7:35 AM >>>

Can we set a date for this?

From: Maylon Rice
Sent: Friday, September 17, 2010 10:46 AM
To: 'Lana Broyles'; Mayor Lioneld Jordan (mayor@ci.fayetteville.ar.us)
Subject: books for council

Mayor Jordan:

As the newest Fayetteville Public Library trustee I have books for all the city council members – of the book All Fayetteville Is Reading program – coming up in a few weeks.

The book is "The Immortal Life of Henrietta Lacks" by Rebecca Skloot.

I would like to present these books to the council at an agenda session or city council session with the next few weeks.

Let me know when would be a good time.

Thanking you I am

Maylon Rice

Director

Boston Mountain Solid Waste District

11398 Bond Road - Prairie Grove, Ark. 72753

(o) 479 846 4617 (c) 479 387 5494

Fax 479 846 4614

mrice@bmswd.com

City Clerk - Fwd: October 12th Agenda Session Item

From: City Clerk
To: Marr, Don
Date: 9/30/2010 11:45 AM
Subject: Fwd: October 12th Agenda Session Item
Attachments: 101910 Tentative Cover.doc

Yes, there is ***one other presentation***. Please see the attached agenda as to what is on the agenda so far.

Lisa

>>> Don Marr 9/30/2010 10:39 AM >>>

Do we have any other presentations that day.? If not then I guess it would be fine.
Especially since a Council Member requested it.

Thanks,
Don

>>> City Clerk 9/30/2010 8:08 AM >>>

Will you please let me know if it is ok to add the following video as requested by Sarah Lewis to the October 12th Tentative agenda. Attached is a copy of the agenda so far with one other presentation.

Thanks,
Lisa

>>> Matt Mihalevich 9/29/2010 5:07 PM >>>

Sarah Lewis has requested that the new Green Infrastructure Video be shown at City Council Agenda Session on October 12th. This video is 28 minutes long and is on DVD. Bob Caulk and Barbara Boland will be there to present the video and answer any questions.

For questions, contact Bob Caulk at bobcaulk@cox.net

Thanks,
Mat

Matt Mihalevich, RLA, LCI
Trails Coordinator
City of Fayetteville
113 W Mountain Street
Fayetteville, Arkansas 72701
Voice: (479) 444-3416
Fax: (479) 575-8202
TDD (Telecommunications Device for the Deaf): (479) 521-1316

E-mail: mmihalevich@ci.fayetteville.ar.us

Web Site:
<http://trails.accessfayetteville.org>

City Clerk - Re: Fwd: October 12th Agenda Session Item

From: Don Marr
To: City Clerk
Date: 9/30/2010 11:46 AM
Subject: Re: Fwd: October 12th Agenda Session Item

OK, let's do it then.
Thanks,
Don

Don Marr

If you live in Fayetteville, sign up today to make and track a personal environmental conservation pledge in Fayetteville's national-model program at www.ecologicalcommunities.org

Chief of Staff for Mayor Jordan

113 W Mountain Street

Fayetteville, AR 72701

Office: 479-575-8330

For TDD: (Telecommunications Device for the Deaf)

Dial 479-521-1316

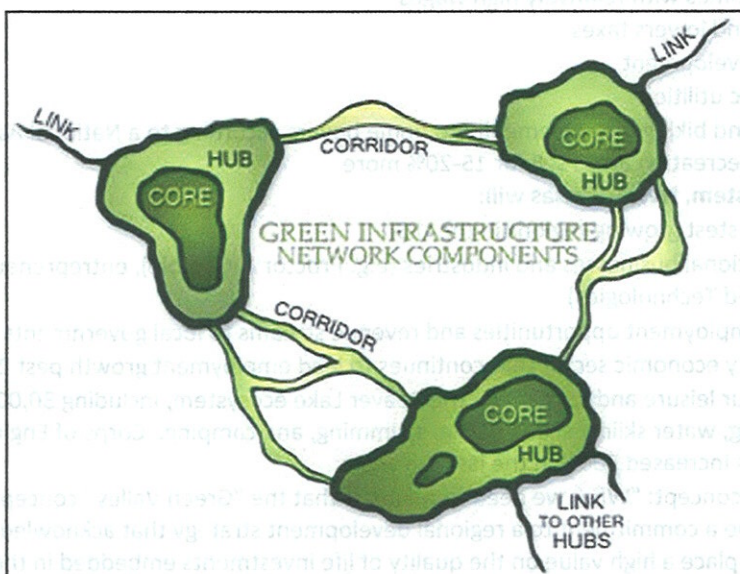
Email: dmarr@ci.fayetteville.ar.us

Website: www.accessfayetteville.org

GREEN INFRASTRUCTURE PLANNING: LINKING ARKANSAS COMMUNITIES

A pilot project grant given by the USDA Forest Service to Arkansas Forestry Commission Urban Forestry Program in partnership with Beaver Water District and Fayetteville Natural Heritage Association (FNHA)

WHAT IS GREEN INFRASTRUCTURE?



(Image Source: http://www.greeninfrastructure.net/sites/greeninfrastructure.net/files/u41/GI_Components_Color_327x252.jpg)

Green infrastructure is strategically planned and managed networks of natural lands, working landscapes and other open spaces that conserve ecosystem values and functions and provide associated benefits to human populations.

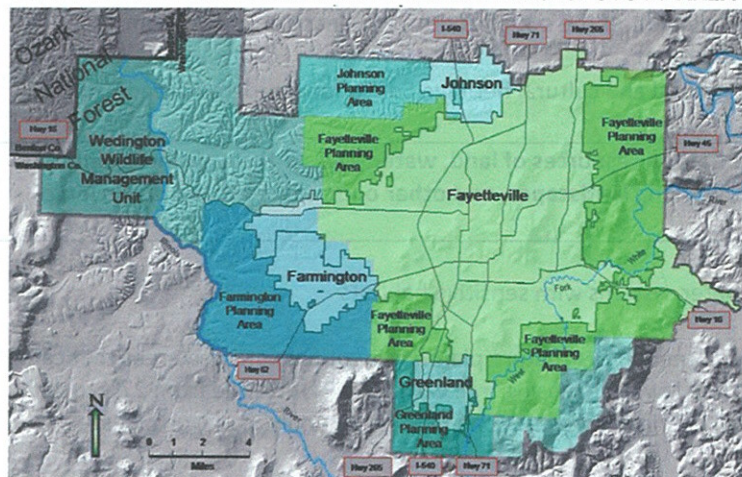
The foundation of green infrastructure networks are their natural elements – woodlands, wetlands, rivers, grasslands – that work together as a whole to sustain ecological values and functions. Healthy functioning natural or restored ecological systems are essential to ensure the availability of the network's ecological services

Additional elements and functions can then be added to the network, depending on the desires and needs of the designers – working lands, trails and other recreational features, cultural and historic sites. These all can be incorporated into green infrastructure networks that contribute to the health and quality of life for America's communities.

(Information Source: Green Infrastructure/The Conservation Fund - <http://www.greeninfrastructure.net/content/definition-green-infrastructure>)

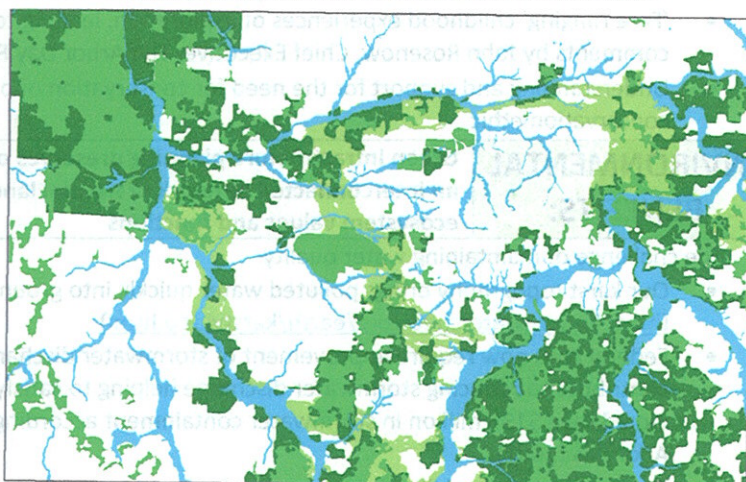
THE GREEN INFRASTRUCTURE PLAN PROVIDES A RATIONAL, SCIENTIFIC, AND PREDICTABLE PLANNING TOOL FOR COORDINATING BOTH CONSERVATION OF NATURAL RESOURCES AND ENCOURAGEMENT OF GROWTH.

FNHA GREEN INFRASTRUCTURE PLANNING PROJECT STUDY AREA



The **FNHA GREEN INFRASTRUCTURE PLANNING PROJECT STUDY AREA** is confined to Washington County and focuses on the city limits and planning areas of the municipalities of Fayetteville, Farmington, Greenland, and Johnson and the Wedington Wildlife Management Unit of the Ozark National Forest. Somewhat arbitrary boundary lines enclose the intervening lands northward to the Tontitown planning area, southwestward to the Illinois River, and southeastward to the watershed boundary of the West Fork of the White River.

FNHA GREEN INFRASTRUCTURE NETWORK MAP



FNHA GREEN INFRASTRUCTURE NETWORK MAP graphic of study area showing Hubs in dark green, terrestrial Cores in medium green, aquatic Cores in blue, and Corridors in lime green.

GREEN INFRASTRUCTURE PLAN STRATEGIC APPROACH

1. Gain community/regional support and cooperation
2. Get data and input from specialized stakeholders and general public
3. Make decisions about goals and objectives
4. Map plan for our Green Infrastructure Network

The final Green Infrastructure Plan will be a blueprint for our future that combines economic, social, and environmental concerns to link protection of our land and water resources with our future growth.

FNHA Green Infrastructure (GI) Project Contacts

Bob Caulk (479) 973-2968
bobcaulk@cox.net
FNHA Chairman

Karen Rollet-Crocker, (479) 442-9360 or (479) 790-5539
krollet@uark.edu
FNHA Vice-Chairman

Barbara Boland (479) 387-6724 or (479) 521-2801
barbaraboland@hotmail.com
FNHA GI Project Coordinator

GREEN INFRASTRUCTURE BENEFITS FOR NORTHWEST ARKANSAS COMMUNITIES

Healthy green infrastructure promotes thoughtful growth and creates economic, social, and environmental benefits

ECONOMIC:

A healthy Green infrastructure incorporating Trails, Parks, Watershed Conservation and Farmland:

- Pays for itself
- Attracts employment that comes with relatively high wages
- Develops a larger tax base and lowers taxes
- Enhances local economic development
- Provides less expensive basic utilities
- Raises land values - Hiking and biking is a top amenity to home buyers according to a National Association of Realtors' Survey
Home sites near parks and recreation areas sell for 15-20% more

By preserving the regional ecosystem, NW Arkansas will:

- Continue to be one of the fastest growing regions in the U.S.
- Better attract and retain national businesses and industries (e.g. Proctor & Gamble), entrepreneurial companies (e.g. CaseStack), local start-ups (e.g. Bio-Based Technologies)
- Afford direct and indirect employment opportunities and revenue streams to local governments
- Have a leisure and hospitality economic sector that continues to lead employment growth past 2008 (NWA Business Journal)
- Continue to base much of our leisure and tourism on the Beaver Lake ecosystem, including 30,000 acres of water and 500 miles of lakeshore for boating, fishing, water skiing, scuba diving, swimming, and camping. Corps of Engineers' records indicate that visitation to Beaver Lake has increased 500% in the last ten years.
- Support our "Green Valley" concept: "What we need to realize is that the "Green Valley" concept is and must be more than a marketing slogan. It has to be a commitment to a regional development strategy that acknowledges and embraces the fact that the folks we want to attract place a high value on the quality of life investments embedded in the Green Valley concept." (Jeff Collins, Arkansasbusiness.com)

SOCIAL BENEFITS:

A healthy natural environment leads to healthier people

Our trails, parks and natural and cultural landscapes can give our population a healthier life style through

- Opportunities for physical exercise and activity
(http://www.accessfayetteville.org/government/parks_and_recreation/trails_and_greenways/)
- One of the most important but least recognized benefits of the natural landscape is its power to improve physical and mental health.
- Leisure activities in natural areas promote family enjoyment and relieve stress.

Recommendations for enhancing opportunities for physical activity are to create walking trails or tracks and accessible bicycling as part of a comprehensive program ("The Impact of Obesity", 2000 Report, State of Arkansas)

- The nation's 2nd leading cause of death is physical inactivity along with unhealthy eating (US Dept. of Health and Human Services)
- In Arkansas, 33% of adults, 34% of those over 65, and 10.9% of 9th- 12th graders are obese (1999)
- "Because treating everyone affected by obesity will bankrupt the health care system, our only realistic option is to invest in obesity prevention." (William H. Dietz MD, PhD, Director of Nutrition and Physical Activity, Centers for Disease Control and Prevention)

Support of Green Infrastructure planning with networks of trails, watersheds and natural and cultural landscapes will result in opportunities for:

- Youth and adults to prevent obesity by being active, healthy and connected with nature
- 'Free ranging' childhood experiences of exploration, leading to enjoyment of the out of doors and release of stress (from comments by John Rosenow, Chief Executive, The Arbor Day Foundation)
- Understanding and support for the need for conservation of our natural and cultural heritage Educational programs leading to a conservation ethic

ENVIRONMENTAL BENEFITS:

Green Infrastructure planning preserves our natural resources of land, water, and air through the creation of an interconnected network of natural lands, working landscapes, and other open spaces that will conserve ecosystem values and functions

The challenge of maintaining water quality

- Our karst topography brings polluted water quickly into groundwater systems with sensitive habitats
(<http://www.watersheds.org/earth/karstvideo.html>)
- Federal laws now require improvement of stormwater discharge. Green Infrastructure planning identifies forested areas that can contribute to reducing stormwater discharge helping to satisfy these laws. Increasing tree canopy in Fayetteville from 27% to 40% would save \$135 million in stormwater containment according to American Forests Urban Ecosystem Analysis of Northwest Arkansas (2002).
- The Beaver Lake and Illinois River watersheds can be protected through conservation of critical natural areas

Loss of Open Land

- We lose approximately 6,000 acres of open space each day in the US
- Cropland and pasturage in Washington County has decreased by 11,955 acres or 6.5% from 1992 to 2002. If trend persists, expect loss of another 8% or 13,650 acres in stats for 2002 to 2007.

Addressing the problems: The US Forest Service has decided to support conservation of open space by:

1. Convening partners to identify and protect priority open space
2. Helping private landowners conserve open space
3. Helping communities expand and connect open spaces
4. Participating in community growth planning to reduce ecological impacts and wildfire risks
5. Funding pilot studies such as this one, Arkansas Green Infrastructure Planning – Linking Arkansas Communities, which will suggest local solutions to creating a network of natural and working landscapes

GREEN INFRASTRUCTURE RESOURCES

For project information, please visit the Fayetteville Natural Heritage Website at: <http://www.fayettevillenatural.org/whats-happening.php>

To learn more about applications of the Green Infrastructure concept:

<http://www.greeninfrastructure.net>

<http://www.dnr.state.md.us/greenways/gi/gi.html>

<http://www.greenmapping.org/>

City Clerk - Re: Report to City Council

From: City Clerk
To: Bennett, Sandra
Date: 9/24/2010 5:28 PM
Subject: Re: Report to City Council
CC: Branson, Lisa

Hi Sandra

Your Fayetteville Town Center report has been approved for the City Council meeting of October 19, 2010.

Have a wonderful weekend!

*City Clerk Division
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479)575-8323
city_clerk@ci.fayetteville.ar.us*

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>>> "Sandra Bennett" <sbennett@twncenter.com> 9/21/2010 8:48 AM >>>

I would like to be added to the October 19th City Council Meeting Agenda to give my annual report on the Fayetteville Town Center. Please let me know if this is possible.

Thank you,

**Sandra Bennett
Facilities Manager
Fayetteville Town Center
Phone - 479-587-9944
Fax - 479-582-4935**

**Fayetteville Town Center
Annual Report to Fayetteville City Council
October 2010**

- I. Goals (as stated in Article V, Section 507 of the Lease and Agreement between the City of Fayetteville, Arkansas and the A&P Commission of the City of Fayetteville, Arkansas)
- A. Generate increased tourism for Fayetteville.
 - B. Remain financially viable with all debts and obligations paid timely.
 - C. Serve the Fayetteville community by use for local, non-profit groups and other community events.

II. Tourism Review

Total Contracts & Events (January – September)

	2009	2010	Variance
Number of Contracts	143	151	5%
Amount of Sales	\$244,919.96	\$263,998.06	7%
Number of Events	161	188	16%

III. Increased Tourism

The following list represents FTC participation in events during 2010 that potentially resulted in overnight guests from outside the NWA area. Because the FTC does not track client guest lists, we have no way to accurately determine revenue associated with each event.

Event Name	Event Date
Martin Luther King Jr. Banquet	January 18, 2010
Jones Center Gala	January 28, 2010
UA Signing Day	February 3, 2010
SARPA	February 6, 2010
Wal-Mart Interviews	April 5-7, 2010
UA Law School Graduation	May 15, 2010
UA Literacy Symposium	June 16-18, 2010
Coaches Clinic	June 23-25, 2010
1966 FHS Class Reunion	July 23-24, 2010
Premier Baseball	July 27, 2010
Tyson Legal Symposium	September 15-16, 2010
Franklin Covey Seminars	September 21-22, 2010
Numerous Weddings with out of town guests	

IV. Financial Viability Summary

	2009 BUDGET	YTD 2010 (August 2010)
Budget	\$448,260.00	\$416,897.00
Revenue	\$469,455.05	\$260,550.68
Expenses	\$398,723.07	\$267,793.02

V. Facility Use Summary (January – September)

	2009	2010
Sales (# executed contracts)	142	153
Sales (\$ executed Contracts)	\$219,489.43	\$284,592.00
Collections	\$284,828.05	\$305,348.40

VI. Non-Profit and Community (January – September)

	2009	2010
Total Events	161	188
Non-Profit Events	26	24
Ratio: NP to Total Events	16%	13%

VII. Community Support

- ❖ First Thursdays – Plaza.
- ❖ Human Elephant Foundation – Art Display on Plaza.
- ❖ Girl Scouts of America.
- ❖ Public services including use of plaza to expand local Farmers Market, provision of public restrooms and parking for public events.
- ❖ Parks and Recreation Department Celebration of Trees on Plaza.
- ❖ Use of plaza is for peaceful assembly, public speaking (i.e. Peace Rallies, Public Awareness of crippling illnesses such as cancer and leukemia).
- ❖ Local artists displaying their art in the Town Center Lobby offering enrichment of the arts for our community.
- ❖ Fayetteville High School P.S.A.T. testing.
- ❖ A list of non-profit events at the Town Center is available upon request.

VIII. Feedback

Farmington School District

Everything was done perfectly and it was wonderful to work with the Town Center Staff in planning and conducting this workshop. Thank you for making things so easy!

U of A Literacy Symposium

Thanks for all your help. It is always a breeze with you guys.

Whitley/Hobbs wedding

I have never worked with a better staff and it really made it a lot easier on me since we were coming from out of town. I had a lot less work than I thought I would have and that was great because I got to enjoy my daughter's wedding. Thank you so much for making the day so special.

Vicki Whitley

Arkansas Home Builders

Working with staff had to be one of the best experiences I have had in a long time. The facility was unbelievable. Our next event in NWA will be at the Fayetteville Town Center!!!

Julie Mills, EVP,

Arkansas Home Builders Association

IX. Fayetteville Town Center Staff

- Sandra Bennett, Facilities Manager
- Jamey Goddard, Sales Director
- Brittany Dearien, Event Coordinator
- Ashden White, Maintenance & Custodial

X. Supporting Documentation (not included with report unless otherwise noted)

- Income Statements: Actual vs. Budget 2009 and 2010 – included.
- 2009 General Ledger
- 2010 General Ledger
- Customer Evaluation Summary