Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

Final Agenda
City of Fayetteville Arkansas
City Council Meeting
January 4, 2011

A meeting of the Fayetteville City Council will be held on January 4, 2011 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Oaths of Office:

Adella Gray	**Alderman Ward 1**
Mark Kinion	**Alderman Ward 2**
Justin Tennant	**Alderman Ward 3**
Kit Williams	**City Attorney**

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. **Election of Vice Mayor**: **BRENDA THIEL WAS ELECTED.**

2. **Report on the Firemen's and Policemen's Pension and Relief Fund** – Mayor

3. **2011 Governing Body Appointments:**
   - **Active Transportation Advisory Committee Appointment**
   - **Advertising & Promotion Commission**

   APPROVED

4. **2011 Mayor Appointments:**
    - **Northwest Arkansas Regional Planning Commission**
    - **Equipment Committee**
    - **Streets Committee**
    - **Sewer Committee**
    - **Nominating Committee**
    - **Ordinance Review Committee**

    APPROVED

Agenda Additions:

1. **Repeal Resolution 230-10 Jacobs Engineering:** A resolution Repealing Resolution No. 230-10, Approving supplemental agreement No. 3 with Jacobs Engineering Group, Inc. For engineering services for the Fayetteville Expressway Economic Development Corridor Project in the amount of $370,851.54, and approving a budget adjustment in the amount of $296,682.00.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 01-11

A. Consent:

1. Approval of the December 21, 2010 City Council meeting minutes. **APPROVED**

2. **Bid #11-01 Time Striping, Inc.:** A resolution awarding Bid #11-01 and authorizing a contract with Time Striping, Inc. in the amount of $12,000.00 for the purchase of thermal striping for the Transportation Division.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 02-11

3. **Bid #11-02 Time Striping, Inc.:** A resolution awarding Bid #11-02 and authorizing a contract with Time Striping, Inc. in the amount of $54,124.00 for the purchase of reflectorized paint markings for the Transportation Division.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 03-11

4. **Bid #11-03 Ground Zero Construction & Tomlinson Asphalt Co. Inc.:** A resolution awarding Bid #11-03 and authorizing the purchase of curb and gutter construction from Ground Zero Construction as a primary supplier and Tomlinson Asphalt Co. Inc. as a secondary supplier in variable amounts as needed in calendar year 2011 by the Transportation Division.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 04-11

5. **Bid #11-04 S & R Trucking & Les Rogers, Inc.:** A resolution awarding Bid #11-04 and authorizing the purchase of topsoil from S&R Trucking as a primary supplier and Les Rogers, Inc. as a secondary supplier in variable amounts as needed in calendar year 2011 by the Transportation Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 05-11

6. **Bid #11-05 S & R Trucking, Sweetser Construction, Inc. & Les Rogers, Inc.:** A resolution awarding Bid #11-05 and authorizing the purchase of hillside gravel from S & R Trucking as a primary supplier, Sweetser Construction, Inc. as a secondary supplier for material to be picked up and Les Rogers, Inc. as a secondary supplier for material to be delivered, in variable amounts as needed in calendar year 2011 by the Transportation Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 06-11

7. **Bid #11-06 Tune Concrete Company & APAC-Central, Inc.:** A resolution awarding Bid #11-06 and authorizing the purchase of concrete from Tune Concrete Company as a primary supplier, APAC-Central, Inc. as a secondary supplier, and authorizing the subsequent use of other bidders based on price and availability, in variable amounts as needed in calendar year 2011 by the Transportation Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 07-11

8. **Bid #11-08 Hillside Haulers & Les Rogers, Inc.:** A resolution awarding Bid #11-08 and authorizing the purchase of truck hauling services from Hillside Haulers and Les Rogers, Inc. as primary suppliers with each to be used on a rotating basis, and authorizing the subsequent use of other bidders based on price and availability, in variable amounts, as needed during calendar year 2011 by the Transportation Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 08-11

9. **Bid #11-09 Northwest Arkansas Quarries, LLC & APAC-Central, Inc.:** A resolution awarding Bid #11-09 and authorizing the purchase of aggregate from Northwest Arkansas Quarries, LLC as a primary supplier, APAC-Central, Inc. as a secondary supplier, and authorizing the subsequent use of other bidders based on price and availability, in variable amounts as needed in calendar year 2011 by the Transportation Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 09-11

10. **Bid #11-11 Tomlinson Asphalt Co.:** A resolution awarding Bid #11-11 and authorizing the purchase of curb and gutter from Tomlinson Asphalt Co., Inc. in an amount not to exceed $225,000.00 and authorizing the subsequent use of other bidders based on price and availability, in variable amounts, as needed for use in Ozark Regional Transit New Freedom Projects during calendar year 2011.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 10-11

11. **Bid #11-12 Les Rogers, Inc.:** A resolution awarding Bid #11-12 and authorizing the purchase of topsoil from Les Rogers, Inc. in the amount of $9.95 per cubic yard as needed for use in Ozark Regional Transit New Freedom Projects during calendar year 2011.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 11-11

12. **Bid #11-13 Northwest Arkansas Quarries, LLC & APAC-Central, Inc.:** A resolution awarding Bid #11-13 and authorizing the purchase of aggregate from Northwest Arkansas Quarries, LLC in the amount of $5.30 per ton and authorizing the use of APAC-Central, Inc. in the amount of $5.50 per ton as a secondary supplier, as needed for use in Ozark Regional transit New Freedom Projects during calendar year 2011.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 12-11

13. **Bid #11-14 Scurlock Industries of Fayetteville, Inc. & HD Supply WaterWorks:** A resolution awarding Bid #11-14 and authorizing the purchase of concrete drainage pipe from Scurlock Industries of Fayetteville, Inc. and metal and plastic drainage pipe from HD Supply WaterWorks in varying unit prices, and authorizing the use of other bidders based on price and availability as needed for use in Ozark Regional Transit New Freedom Projects and other city projects during calendar year 2011.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 13-11

B. Unfinished Business:

1. **RZN 10-3608 (Parker):** An ordinance rezoning that property described in rezoning petition RZN 10-3608, approximately 0.74 acre, located at 101 East Alice Street, from RSF-4, Residential Single-Family, 4 units per acre, to C-2, Thoroughfare Commercial, subject to the bill of Assurance. *This ordinance was left on the First Reading at the December 21, 2010 City Council meeting.*

    PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5379

C. New Business:

1. **Asphalt Material Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding during calendar year 2011 for the purchase of asphalt materials for use by the Transportation Division.

    PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5380

City Council Tour: January 3, 2011 at 4:30 p.m. The Council will be touring RZN 10-3608 (Parker)

Announcements:

Adjournment: 7:10 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: **January 4, 2011** **Adjourn:** 7:10 P.M.

Subject:	**Roll**				
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Ferrell	✓			
	Adams	absent			
	Mayor Jordan	✓			

8-0

Subject:	**Election of Vice Mayor**				
Motion To:		Alderman Thiel			
Motion By:		Ferrell			
Seconded:		Petty			
Vice Mayor Alderman Thiel	**Lewis**	✓			
	Gray	✓			
	Thiel	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Ferrell	✓			
	Adams	absent			
	Mayor Jordan				

7-0

City Council Meeting: **January 4, 2011**

Subject:	**2011 Governing Body Appointments**				
Motion To:		Approve			
Motion By:		Ferrell			
Seconded:		Lewis			
Approved	**Lewis**	✓			
	Gray	✓			
	Thiel	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Ferrell	✓			
	Adams	Absent			
	Mayor Jordan				

7-0

Subject:	**2011 Mayor Appointments**				
Motion To:		Approve			
Motion By:		Ferrell			
Seconded:		Gray			
Approved	**Lewis**	✓			
	Gray	✓			
	Thiel	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Ferrell	✓			
	Adams	Absent			
	Mayor Jordan				

7-0

City Council Meeting: **January 4, 2011**

Subject:	Repeal Resolution No. 230-10 Jacobs Engineering				
Motion To:		Add! to Agenda	Approve		
Motion By:			Ferrell		
Seconded:			Thiel		
Added to Agenda	**Lewis**	✓	✓		
	Gray	✓	✓		
	Thiel	✓	✓		
Passed	**Kinion**	✓	✓		
	Petty	✓	✓		
01-11	**Tennant**	✓	✓		
	Ferrell	✓	✓		
	Adams	Absent	Absent		
	Mayor Jordan				
		7-0	7-0		

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Lewis				
	Gray				
	Thiel				
	Kinion				
	Petty				
	Tennant				
	Ferrell				
	Adams				
	Mayor Jordan				

City Council Meeting: **January 4, 2011**

Subject:	**Consent**				
Motion To:					
Motion By:		Ferrell			
Seconded:		Thiel			
Minutes Approved	**Lewis**	✓			
	Gray	✓			
	Thiel	✓			
	Kinion	✓			
Passed	**Petty**	✓			
	Tennant	✓			
02-11	**Ferrell**	✓			
thru	**Adams**	Absent			
13-11	**Mayor Jordan**				
		7-0			

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Lewis				
	Gray				
	Thiel				
	Kinion				
	Petty				
	Tennant				
	Ferrell				
	Adams				
	Mayor Jordan				

City Council Meeting: **January 4, 2011**

Subject:	**RZN 10-3608 (Parker)**				
Motion To:		2nd Read	Amend to Community Services	3rd Read	Pass
Motion By:			Petty	Thiel	
Seconded:			Lewis	Ferrell	
B. 1 Unfinished Business	**Lewis**	✓	✓	✓	N
	Gray	✓	N	✓	✓
	Thiel	✓	N	✓	✓
	Kinion	✓	N	✓	✓
Passed	**Petty**	✓	✓	✓	N
	Tennant	✓	N	✓	✓
5379	**Ferrell**	✓	N	✓	✓
	Adams	Absent	Absent	Absent	Absent
	Mayor Jordan				
		7-0	(2-5 Failed)	7-0	5-2

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Lewis				
	Gray				
	Thiel				
	Kinion				
	Petty				
	Tennant				
	Ferrell				
	Adams				
	Mayor Jordan				

City Council Meeting: **January 4, 2011**

Subject:	**Asphalt Material Bid Waiver**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Thiel	Thiel		
Seconded:		Petty	Petty		
C. 1	**Lewis**	✓	✓	✓	
New	**Gray**	✓	✓	✓	
Business	**Thiel**	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
Passed	**Tennant**	✓	✓	✓	
5380	**Ferrell**	✓	✓	✓	
	Adams	Absent	Absent	Absent	
	Mayor Jordan				
		7-0	7-0	7-0	

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Lewis				
	Gray				
	Thiel				
	Kinion				
	Petty				
	Tennant				
	Ferrell				
	Adams				
	Mayor Jordan				

Fayetteville ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney
Jason B. Kelley
Assistant City Attorney

TO: **Lioneld Jordan**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **January 5, 2011**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of January 4, 2011**

1. **Bid #11-01 Time Striping, Inc.:** A resolution awarding Bid #11-01 and authorizing a contract with Time Striping, Inc. in the amount of $12,000.00 for the purchase of thermal striping for the Transportation Division.

2. **Bid #11-02 Time Striping, Inc.:** A resolution awarding Bid #11-02 and authorizing a contract with Time Striping, Inc. in the amount of $54,124.00 for the purchase of reflectorized paint markings for the Transportation Division.

3. **Bid #11-03 Ground Zero Const. & Tomlinson Asphalt Co., Inc.:** A resolution awarding Bid #11-03 and authorizing the purchase of curb and gutter construction from Ground Zero Const. as a primary supplier and Tomlinson Asphalt Co., Inc. as a secondary supplier in variable amounts as needed in calendar year 2011 by the Transportation Division.

4. **Bid #11-04 S & R Trucking & Les Rogers, Inc.:** A resolution awarding Bid #11-04 and authorizing the purchase of topsoil from S & R Trucking as a primary supplier and Les Rogers, Inc. as a secondary supplier in variable amounts as needed in calendar year 2011 by the Transportation Division.

5. **Bid #11-05 S & R Trucking, Sweetser Const., Inc. & Les Rogers, Inc.:** A resolution awarding Bid #11-05 and authorizing the purchase of hillside gravel from S & R Trucking as a primary supplier, Sweetser Const., Inc. as a secondary supplier for material to be picked up and Les Rogers, Inc. as a secondary supplier for material

to be delivered, in variable amounts as needed in calendar year 2011 by the Transportation Division.

6. **Bid #11-06 Tune Concrete Company & APAC-Central, Inc.:** A resolution awarding Bid #11-06 and authorizing the purchase of concrete from Tune Concrete Company as a primary supplier, APAC-Central, Inc. as a secondary supplier, and authorizing the subsequent use of other bidders based on price and availability, in variable amounts as needed in calendar year 2011 by the Transportation Division.

7. **Bid #11-08 Hillside Haulers & Les Rogers, Inc.:** A resolution awarding Bid #11-08 and authorizing the purchase of truck hauling services from Hillside Haulers and Les Rogers, Inc. as primary suppliers with each to be used on a rotating basis, and authorizing the subsequent use of other bidders as based on price and availability, in variable amounts as needed in calendar year 2011 by the Transportation Division.

8. **Bid #11-09 Northwest Arkansas Quarries, LLC & APAC-Central, Inc.:** A resolution awarding Bid #11-09 and authorizing the purchase of aggregate from Northwest Arkansas Quarries, LLC as a primary supplier and APAC-Central, Inc. as a secondary supplier and authorizing the subsequent use of other bidders based on price and availability, in variable amounts as needed in calendar year 2011 by the Transportation Division.

9. **Bid #11-11 Tomlinson Asphalt Co.:** A resolution awarding Bid #11-11 and authorizing the purchase of curb and gutter from Tomlinson Asphalt Co., Inc. in an amount not to exceed $225,000.00 and authorizing the subsequent use of other bidders based on price and availability, in variable amounts as needed for use in Ozark Regional Transit New Freedom Projects during calendar year 2011.

10. **Bid #11-12 Les Rogers, Inc.:** A resolution awarding Bid #11-12 and authorizing the purchase of topsoil from Lew Rogers, Inc. in the amount of $9.95 per cubic yard as needed for use in Ozark Regional Transit New Freedom Projects during calendar year 2011.

11. **Bid #11-13 Northwest Arkansas Quarries, LLC & APAC-Central, Inc.:** A resolution awarding Bid #11-13 and authorizing the purchase of aggregate from Northwest Arkansas Quarries, LLC in the amount of $5.30 per ton and authorizing the use of APAC-Central, Inc. in the amount of $5.50 per ton as a secondary supplier, as needed for use in Ozark Regional Transit New Freedom Projects during calendar year 2011.

12. **Bid #11-14 Scurlock Industries of Fayetteville, Inc. & HD Supply WaterWorks:** A resolution awarding Bid #11-14 and authorizing the purchase of concrete drainage pipe from Scurlock Industries of Fayetteville, Inc. and metal and plastic drainage pipe from HD Supply WaterWorks in varying unit prices and authorizing the use of other bidders based on price and availability as needed for use in Ozark Regional Transit New Freedom Projects and other city projects during calendar year 2011.

13. Repeal of Resolution No. 230-10: A resolution repealing Resolution No. 230-10, approving Supplemental Agreement No. 3 with Jacobs Engineering Group, Inc. for Engineering Services for the Fayetteville Expressway Economic Development Corridor project in the amount of $370,851.54, and approving a budget adjustment in the amount of $296,682.00.

14. Asphalt Material Bid Waiver: An ordinance waiving the requirements of formal competitive bidding during calendar year 2011 for the purchase of asphalt materials for use by the Transportation Division.

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

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Final Agenda
City of Fayetteville Arkansas
City Council Meeting
January 4, 2011

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Mark Kinion	**Alderman Ward 2**
Justin Tennant	**Alderman Ward 3**
Kit Williams	**City Attorney**

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2. **Report on the Firemen's and Policemen's Pension and Relief Fund** – Mayor

3. **2011 Governing Body Appointments:**
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4. **2011 Mayor Appointments:**
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Agenda Additions:

A. Consent:

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   Left on the First Reading

C. New Business:

1. **Asphalt Material Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding during calendar year 2011 for the purchase of asphalt materials for use by the Transportation Division.

City Council Tour: January 3, 2011 at 4:30 p.m. The Council will be touring RZN 10-3608 (Parker)

Announcements:

Adjournment:

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Fayetteville
ARKANSAS

Office of the City Clerk Treasurer
Sondra E. Smith, City Clerk Treasurer
Lisa Branson, Deputy City Clerk
Amber Wood, Deputy City Clerk
Phone: (479) 575-8323
Fax: (479) 718-7695
citv clerk@ci.fayetteville.ar.us

Departmental Correspondence

To: **Mayor Lioneld Jordan**
City Council

From: **Sondra E. Smith, City Clerk Treasurer** Des

Date: **December 7, 2010**

Subject: **Board and Committee Appointments**

The City Council will need to make the following Board and Committee appointments at the December 21, 2010 City Council meeting.

Advertising and Promotion Commission: Mayor Lioneld Jordan and Robert Rhoads are currently serving as members of the governing body. Two members shall be members of the governing body of the City and selected by the governing body and shall serve at the will of the governing body.

The Mayor proposes appointing Mayor Jordan and Alderman Elect Justin Tennant.

Active Transportation Advisory Committee: Alderman Kyle Cook is currently serving in the City Council member position. Vacancies are filled by appointment from the governing body of the City.

The Mayor proposes appointing Alderman Brenda Thiel.

Office of the City Clerk Treasurer
Sondra E. Smith, City Clerk Treasurer
Lisa Branson, Deputy City Clerk
Amber Wood, Deputy City Clerk
Phone: (479) 575-8323
Fax: (479) 718-7695
citv clerk@ci.favetteville.ar.us

Departmental Correspondence

To: **Mayor Lioneld Jordan** LJ
City Council

From: **Sondra E. Smith, City Clerk Treasurer** Des

Date: **December 7, 2010**

Subject: **Board & Committee**
2011 Mayor Appointments

The following Board & Committee appointments will need to be made at the December 21, 2010 City Council meeting.

Northwest Arkansas Regional Planning Commission
Fayetteville has three representative members
Members are appointed by the Mayor
Currently serving: Jeremy Pate, Sarah Lewis & Kyle Cook
The 2011 Mayor appointments are: Jeremy Pate, Sarah Lewis & Matthew Petty

Equipment Committee
Adella Gray
Matthew Petty
Bobby Ferrell
Sarah Lewis

Streets Committee
Brenda Thiel
Matthew Petty
Bobby Ferrell
Rhonda Adams

Water & Sewer Committee
Adella Gray
Mark Kinion
Justin Tennant
Sarah Lewis

Nominating Committee
Adella Gray
Mark Kinion
Bobby Ferrell
Rhonda Adams

Ordinance Review Committee
Brenda Thiel
Matthew Petty
Justin Tennant
Sarah Lewis

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

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

City of Fayetteville Arkansas
City Council Meeting Minutes
December 21, 2010

A meeting of the Fayetteville City Council was held on December 21, 2010 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Alderman Kyle Cook
Alderman Robert Rhoads
Alderman Shirley Lucas

Mayor Jordan presented Alderman Cook, Alderman Rhoads, and Alderman Lucas with a plaque for their commitment and service to the citizens of the City of Fayetteville. He thanked them for their dedication, loyalty and friendship.

Alderman Cook thanked his wife and mom. I pretty much followed what I said I would do. I always did what I thought was right. I loved my time on the City Council.

Alderman Rhoads: It has been an enjoyable experience to serve on the Council. I have always tried to look at what is best for the City of Fayetteville.

Alderman Lucas: It has been a great eight years. I was blessed with Ward 4. I would like to thank all the people in Ward 4 for electing me twice. It was a joy to serve not only Ward 4 but

Unofficial

the City. I would like to thank the staff and the Mayor. I appreciate the Mayor's leadership. I would also like to thank my husband, Andy.

City Council Meeting Presentations, Reports and Discussion Items:

Nominating Committee Report:

Alderman Cook read the Nominating Committee Report. A copy of the report is attached.

Alderman Cook moved to approve the Nominating Committee Report. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

Agenda Additions:

Alderman Rhoads moved to add the following item to the agenda. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

Fayetteville Public Facilities Board Change Underwriting of Bonds: A resolution to ratify the amended resolution of the Fayetteville Public Facilities Board which changes the underwriting of the bonds from Lancaster Pollard and Company to Stephens, Inc.

Dennis Hunt, Stephens, Inc. thanked Alderman Rhoads for introducing the item for consideration and also thanked City Attorney Kit Williams for facilitating the process with Butterfield Trail. On December 7, 2010 the Council approved a resolution that allowed the Fayetteville Facilities Board to issue bonds for the benefit of Butterfield Trail Village. Butterfield Trail Village tried to issue those bonds and the underwriter at that time was unable to achieve interest rates that were acceptable to Butterfield Trail Village. Butterfield Trail Village decided to ask Stephens to market the bonds at a favorable interest rates. Stephens has committed to Butterfield Trail Village to underwrite the bonds at a better interest rate. Therefore a new resolution needs to be approved.

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

Resolution 218-10 as recorded in the office of the City Clerk

Consent:

Approval of the December 7, 2010 City Council meeting minutes.

Approved

Unofficial

State Forfeiture Revenue: A resolution approving a budget adjustment to recognize state forfeiture revenue for budget year 2010 and to approve expenditures therefrom in the amount of $14,369.30.

Resolution 219-10 as recorded in the office of the City Clerk.

Federal Forfeiture Revenue: A resolution approving a budget adjustment to recognize federal forfeiture revenue for budget year 2010 and to approve expenditures therefrom in the amount of $16,815.11.

Resolution 220-10 as recorded in the office of the City Clerk.

Pinkley Sales Company: A resolution approving a contract with Pinkley Sales Company in the amount of $25,301.93 for the purchase of traffic preemption devices.

Resolution 221-10 as recorded in the office of the City Clerk.

Physio-Control, Inc.: A resolution authorizing a contract with Physio-Control, Inc. in the amount of $24,974.17, pursuant to a state procurement contract, for the purchase of eleven (11) automated external defibrillators for the Fayetteville Fire Department.

Resolution 222-10 as recorded in the office of the City Clerk.

Bid #10-61 Williams Tractor, Inc.: A resolution awarding Bid #10-61 and authorizing a contract with Williams Tractor, Inc. in the amount of $29,439.00 for the purchase of one 2206 all purpose H&S spreader for use in the wastewater biosolids solar drying project, and approving a budget adjustment.

Resolution 223-10 as recorded in the office of the City Clerk.

Bid #10-67 Aulick Industries: A resolution awarding Bid #10-67 and authorizing a contract with Aulick Industries in the amount of $72,784.00 for the purchase of one 2206 forty-two foot belted walking floor trailer for use in the wastewater biosolids solar drying project, and approving a budget adjustment.

Resolution 224-10 as recorded in the office of the City Clerk.

Bid #10-69 Cruise Uniforms & Equipment, Inc.: A resolution awarding Bid #10-69 and authorizing a contract with Cruise Uniforms & Equipment, Inc. in the amount of $16,762.50, with four consecutive one year renewal options, for the purchase of uniforms for the Fayetteville Fire Department.

Resolution 225-10 as recorded in the office of the City Clerk.

Overlay/Sidewalk Projects: A resolution approving the Transportation Division Overlay/Sidewalk Projects list for 2011.

Unofficial

Resolution 226-10 as recorded in the office of the City Clerk.

Lake Sequoyah Bait Shop: A resolution authorizing a contract with Michael McBride in the amount of $20,000.00 to provide operation of the Lake Sequoyah Bait Shop.

Resolution 227-10 as recorded in the office of the City Clerk.

City of Farmington Amendment No. 2: A resolution approving Amendment No. 2 to the wastewater collection and treatment services contract with the City of Farmington.

Resolution 228-10 as recorded in the office of the City Clerk.

Watershed Conservation Resource Center Amendment No. 1: A resolution approving Amendment No. 1 to the Memorandum of Understanding with the Watershed Conservation Resource Center in the amount of $119,431.00 for a stream restoration project on a section of the West Fork of the White River adjacent to the Fayetteville Executive Airport, and approving a budget adjustment.

Resolution 229-10 as recorded in the office of the City Clerk.

Jacobs Engineering Group, Inc. Supplemental Agreement No. 3: A resolution approving Supplemental Agreement No. 3 with Jacobs Engineering Group, Inc. for engineering services for the Fayetteville Expressway Economic Development Corridor Project in the amount of $370,851.54, and approving a budget adjustment in the amount of $296,682.00.

Resolution 230-10 as recorded in the office of the City Clerk.

Dickson Street Entertainment District Parking Services: A resolution approving a contract with the Walton Arts Center Council, Inc. for the provision of parking-related services in the Dickson Street Entertainment District.

Resolution 231-10 as recorded in the office of the City Clerk.

Community Access Television, Inc.: A resolution approving a contract with Community Access Television, Inc. in the amount of $93,000.00 to provide public access television channel operation services for calendar year 2011.

Alderman Petty asked that the Community Access Television, Inc. item be removed from the consent agenda and placed in New Business # 2.

This item was removed from the Consent Agenda and placed in New Business #2.

Alderman Cook moved to approve the Consent Agenda with the last item Community Access Television, Inc. moved to New Business # 2. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

Unofficial

Unfinished Business: None

New Business:

Walton Arts Center Council, Inc. New lease Agreement: A resolution to authorize the City Attorney to negotiate a new lease agreement with the Walton Arts Center Council, Inc.

Alderman Thiel: Alderman Gray and I brought this forward. We felt strongly about protecting the interest of the citizens of Fayetteville and the businesses on Dickson Street. I had a lot of constituent's contact me and they feel like we need to do something.

Alderman Gray: Everyone knows that I am an avid supporter of the Walton Arts Center. I have somewhat mixed feeling about this but as Brenda said we have so many constituents who are upset about the things that have been happening in the last few weeks. They want some guarantee that the Walton Arts Center is going to be able to serve Fayetteville and its constituents as it has for many years. That's the reason we are seeking a contract so that we can know that what they have said they are going to do they in fact will do.

Suzie Stephens resident of 705 North Sunset Drive and Business Owner on Dickson Street: As a business owner on Dickson and one who has a master's degree in theatre from the University of Arkansas and one who has watched this amazing Northwest Arkansas grow, develop and become more of our originality. When I heard about the new 2,200 seat arena in Bentonville I was excited. I know the Walton Arts Center operates as a business and it's silly to think they would do anything less than to try to bring in the greatest of performances of theatre, orchestra and dance and do anything that would effect making it a positive business in Fayetteville.

On the flip side a 2,200 seat arena in Bentonville would allow great shows, things the Baum Walker Auditorium cannot technically handle. There are some venues that don't want to be in a 2,200 seat theatre. We are going to get a new 600 seat theatre so that we can do a lot more things. Why are we going to add theatres if we don't need them. We need them everywhere for the enjoyment.

Bob Nickel, Ward 1 resident: Thanked the city staff and the ones who put together the proposal for the Walton Arts Center. I think it was a magnificent proposal, it was only missing one thing a financial guarantee package. As a city we can't give that to them. I feel it would be inappropriate to renegotiate a contract. I believe them when they say they are going to have good programming here and they are not going to let this die on the vine. It would not be to their benefit. I don't think that we need to demand some document that says they are going to commit to us. I don't think we need to try to force an issue. I think it would be inappropriate and it might hurt the funding raise efforts that are going to build both new facilities.

Terri Trotter, resident of Fayetteville and with the Walton Arts Center: Our current lease, which is held jointly between the City of Fayetteville and the U of A, is valid through 2017. We don't see a need to take a look at that right now. However, I want to let you know we are very much looking forward to conversations moving forward with the City, the Mayor, and the

Unofficial

Chancellor. We have a lot of exciting things on the horizon. The opportunity to create a new theatre complex in our Entertainment District is something that we can hardly wait to get started on. There is a lot we have to figure out in moving forward with that. We are anxious to start those dialogs about the things that will help us move forward. Things like figuring out where we are going to put this and what are the development opportunities. Creating a new complex gives us the opportunity to begin to look at what goes with that. We have to address the parking issue, that is something you have been fantastic in working on already, the opportunity for additional retail, for a hotel, there are limitless possibilities down there. We have a lot of dialog that needs to happen. We are excited about beginning those conversations. We hope that we can turn our attention to planning for how we grow the entertainment district.

Alderman Petty: If you count all the existing theatres and the seats in the stadiums and the planned theatres, how many seats will the Walton Arts Center be managing?

Terri Trotter: Roughly 30,000.

Alderman Petty: Only 2,200 of those will be in Bentonville?

Teri Trotter: Correct.

Alderman Petty: Thank you.

Alderman Thiel: That is after everything is built out as planned, right?

Terri Trotter: Yes. In addition to new bricks and mortar projects, one of the things we have heard from the University and people in Northwest Arkansas, is an area they feel lacking is popular music concerts. We have begun looking at how we might be able to address that need. Two things we have looked at are working on an opportunity to purchase the AMP. We have also been working with the University particularly the athletes department to be their concert management agent.

Alderman Thiel: Why do you see a down side or problem with looking at this contract again? We do that with non profits that run facilities for us that offer things to our public.

Terri Trotter: When you have a building lease that is the time to talk about content. I understand this is largely about content and that is really not the purpose of a lease. We have committed to maintaining quality arts and entertainment in Fayetteville. That is what we are all about. If we don't do that we have a huge challenge in terms of being able to run our business. We are a non profit organization which means we rely on the sale of our product. People have to want to buy tickets, they have to not only want to buy tickets, they have to want to donate money on top of buying their tickets for us to even do what we do. We are very committed to making sure we maintain quality programming. I can't tell you specifically what programming we are going to have five to ten years from now, nobody can. We don't know what the world will look like five to ten years from now. We can tell you what the vision is for the spaces and how we see that functioning. We see Baum Walker Hall functioning in a very similar way to how it functions now. It is a very multi purpose hall, everything from Broadway to dance, music and

Unofficial

classic entertainment That is how we see that hall function, that is what a 1,200 seat hall does for performing arts centers. We see additional opportunities for both of the two new venues, largely bringing in performances that are not currently in the market place.

Alderman Gray: Would you tell me about the 30,000? Are you counting Bud Walton?

Terri Trotter: Yes, we were looking at Bud Walton, Barn Hill, The AMP, Baum Walker Hall, a new 600 seat hall, a new 2,200 seat hall, Star Theater and possibility Nadine Baum Studios.

Alderman Gray: Thank you.

Steve Clark, President of Fayetteville Chamber of Commerce: On behalf of the Fayetteville Chamber of Commerce he thanked Alderman Cook, Alderman Rhoads, and Alderman Lucas for their leadership and the things they have done to make the city a better place.

We at the Chamber of Commerce have had a great deal of discussion about this. We are passionately involved and I compliment this board for being passionately involved as well. Alderman Rhoads spoke correctly when he talked about a sea change that he had noticed in our city and in our region. That sea change is much more visible today then it was five or ten years ago. Almost twenty years ago when the Walton Arts Center was being conceived, planned and operated there was a plea for regionalism. We saw donors from outside of Fayetteville and Washington County make commitments and pledges. They did that on the basis of the dialog that we in the City of Fayetteville shared with them, part of that was negotiating a lease. That lease is in place and it has protected and advanced the interest of all parties, the City of Fayetteville, Washington County, the other cities of Northwest Arkansas, and the County of Benton. That is a document I believe was clearly negotiated in good faith and continues to operate today in good faith.

There are going to be new venues. There is a great deal of dialogue going on about those venues. Having spoken with some of those who negotiated those original documents, I was informed that in those original documents there are provisions for trust for both the operations of the Walton Arts Center as we now know it. There is money set aside to guarantee those operations and the ability for those operations to go forward. Money is also set aside as trust funds for the facility itself. The Chamber has been interested in seeing that the facility itself increases and is improved. Like any facility that is 17 or 18 years old times change, situations change and needs change. It seems to the Chamber of Commerce that our position is we should continue to remain zealous in our efforts to be involved in this process. We ask you as the Council to remain zealous in your efforts to monitor the process. We believe we as the Chamber want to continue to be a partner with you in those efforts but we see no reason to renegotiate an existing lease that has six or seven years remaining. The decisions that are at the forefront today are not about the lease, or the terms that are part of that legal document, the decisions that are in the foreground today are about the development of new venues. There is a great deal of opportunity for a great deal of input. There is no doubt in my mind that this Council and the new members of the Council will have an enormous amount of impact on what is done because of your leadership for our city and because of your personal relationships with the members of the Board of the Walton Arts Center. This is not about employees. That board is comprised of five

Unofficial

appointees from this city. I would urge you to continue to be passionate in your monitoring of this process.

I compliment City Attorney Kit Williams. He has done the best that a lawyer can do in representing his client and these issues by making sure we stay passionate about these concerns. I would urge you to take no action tonight.

Alderman Lewis: I have attended the meetings that we have been invited to in order to better understand how the performing arts are managed specifically through the Walton Arts Center. As I understand it there is a model that essentially they have to follow. The performers and shows demand the number of seat that they want. It's really about providing a variety of venues so that you have a variety of types of shows. It seems like there is a model that is being followed that goes beyond us and the Walton Arts Center. It's in the best interest of that business to fill those venues. There is a business model that is really important. I am a huge supporter of every kind of arts. This was a balanced approach in that you have a regional perspective. I think we can maintain the communication just as we have. We have a good relationship, maybe better than we ever have. To me the best way to guarantee rather than a contract or a lease agreement is to support the arts. The more we support the arts the better our shows will be. I really respect the effort and I agree that we need to question it. I will not support this because I feel like this story goes beyond a lease agreement it's a much more complex system.

Alderman Cook: I agree with Sarah's comment that the programming we get is what we demand as citizens and users of the arts center. As long as we continue to support that and support the shows they are bringing they will continue to give us the level that we expect. I don't think this is the route that we should go right now. I'm not personally enthused about the decision that was made but I think we gave it our best effort and I'm proud of what the City did with that. The decision was made and we still end up with a 600 seat theatre. I wish we could have it all here but I think that will spell good things for Fayetteville as we go forward in programming. The Walton Arts Center is committed and the lease we currently have is good for the next seven years. At this time I am not supportive of this.

Alderman Petty: I appreciate the opportunity to have this discussion. Thank you for bringing it forward and thanks to the City Attorney for advising us of all our options. For me it's a matter of practicality, tickets have to keep selling if the Walton Arts Center is going to maintain its operations. With the majority of the seats for those tickets being in Fayetteville I think practically speaking there is no way the programming could really falter here. We could renegotiate the lease and put in some content requirements that might have some symbolic merit but as a matter of practicality it doesn't really change anything. For those reasons I don't think it would be the right decision for the Council to direct our staff to spend time and energy working on a lease renegotiation. I think the level of discussion around this issue needs to be elevated a little bit. We have talked about regionalism in the past and I think this is the case where we need to really commit to that. In this process we have seen an attitude where Fayetteville wants to be the leading performing arts destination of Northwest Arkansas and I think that is wrong on one level. I think we need to focus on Northwest Arkansas being the performing arts destination of the Midwest and the South. As Fayetteville and as elected leaders I think it is our job to commit to that future and figure out how Fayetteville fits into that vision. For me it comes down to the

Unofficial

bottom line. We look at where Fayetteville is right now and we look at the opportunities we have for the arts in Fayetteville right now and we look at Fayetteville a decade from now and we are going to be a lot better off because of these expansion plans. We need to take a regional approach and regional outlook and commit to that.

Alderman Ferrell: The whole Council joins you in your concern for the arts and in this case our entertainment the Walton Arts Center. We have had for some time an agreement with them. It's not as specific, as what I'm hearing we would like to have, but it's worked pretty well. I would hope that if there are questions and we need to do something that the City, University of Arkansas, and the Arts Board could work together to try to iron out whatever is going on. It's healthy for us to continue to visit with each other at the end of the day we are all going to be better off. We are going to have more venues and more seats available. I would not support the action and I would ask you that you reconsider.

Alderman Lucas: I know there were a lot of citizens that were disappointed that our proposal for expansion to a 2,200 seat performing arts facility in Fayetteville was not chosen. I was proud of the proposal that was done by the committee which included citizens of Fayetteville, city administration and the Chamber. I appreciate their work but it wasn't to be at this time. We have had great programs at the Walton Arts Center. I'm satisfied that we will continue to have great programs and performances at our Walton Arts Center in Fayetteville. We still have six years on the contract and I don't see any reason to renegotiate it at this time so I won't be supporting it.

Alderman Rhoads: I don't know what I can add that hasn't already been said.

Alderman Thiel: I appreciate the confidence of the City Council on this that we are going to continue the current level of entertainment that we enjoy in Fayetteville and I certainly hope that is the way it all plays out. The regional aspect is good but I represent the citizens, taxpayers and businesses in Fayetteville and that is why if there is something we can do that might provide us with some kind of assurance we should do it. I understand that there are no guarantees but a lot of citizens would have felt better if there were some kind of assurances in writing. I will make a motion because I want it in the record that I supported taking some kind of action. The City of Fayetteville has lost a major battle. I want it in the record that I supported the citizens, and businesses of Fayetteville.

Alderman Thiel moved to approve the resolution. Alderman Gray seconded the motion.

Alderman Gray: No one seems to talk about the fact that we were told that in this process of making the decision on where the 2,200 seat auditorium would go that we were going to look at the proposals that came in, the committee would pick the final three, then there would be considerable discussion, then a decision would be made in the spring. Everyone seems to have forgotten that was what we were told. That is one reason Brenda and I feel like our citizens need to have some additional assurances that the contract is going to be followed. There are changes. It is not like it was when the contract was written. I think it would be totally appropriate, under those circumstances, and under what we have been through in the last few weeks, that we have some additional assurances that our Arts Center is going to continue to support our arts needs as

Unofficial

well as our City. If there is any explanation about why the decision was made, the way it was made, and when it was made I would like to hear it at this time because that was not a part of the agreement.

Mayor Jordan: You might ask Terri Trotter to come back.

Alderman Gray: Terri can you come and give us an explanation on that?

Terri Trotter: I'm not sure about the agreement you are talking about. We began the site selection process in early 2010 and the goal at that time was that by the end of the year the committee would bring a recommendation to the board. They anticipated it would be one to two sites. As we got in the mist of the proposals we thought that perhaps it might stretch longer than that. As we starting going through them the committee said they wanted to do what was right so we don't feel like we needed to be held to that end of the year deadline, if it stretches into the spring that's fine. As it turned out as we went through them we got some clarity and we finished the process exactly on the timeline and in the way we had set it up. It didn't end up stretching longer like we initially thought.

Alderman Gray: Mr. Williams is that the agreement you recall?

City Attorney Kit Williams: I don't think there was an agreement. There were public statements by the Walton Arts Center that they were going to reduce the number down to three and then have further input and discussions and then decide in the spring. There wasn't a formal agreement made so their statements were not enforceable. To have a statement be enforceable you have to have a contract and we had no contract.

Alderman Gray: Right, but those statements were made.

Terri Trotter: It's possible that the goal was to have one to three. I remember two but it might have said one to three sites by the end of the year. By the end of the year was the initial stated goal. Again, it's a process and we are dealing with a committee and it's a dynamic on going process. We actually did complete the process basically like we expected.

Alderman Rhoads: I want to echo what Matthew said and that is what a good City Attorney does is he brings forth things that a Council needs to review. I salute that. I remember looking at this issue of where might the Walton Arts Center expansion go. I went back and looked at my file and I starting working on this with three different hats on in January 2008. One hat was a City Council hat, I think I spoke with a lot of vim and vigor about how we should do whatever we possibility can to keep it in Fayetteville, Arkansas. I also had a Fayetteville Economic Development Council hat on which then worked into the Green Valley Development and with that hat on I pushed and worked really hard trying to make sure that we kept the expansion here in Fayetteville, Arkansas. I also worked on an ad hoc committee working behind the scenes and talking to the folks around here in Fayetteville as well as the people in Bentonville. What the City proposed was a good proposal. We gave it our all but at the end of the day when the lead donor says they want it in Benton County and if in your heart of hearts you really believe they also want the full enterprise of the Walton Arts Center to be wildly successful and to bring

Unofficial

culture and bring arts to all of Northwest Arkansas then you have to salute the decision. Just because you have the legal right to make a demand that we renegotiate a contract doesn't mean you always take that legal right. Sometimes you just salute and say we gave it an effort and we trust you and we believe this will all work in our best interest as well as the best interest of the communities north of here. I certainly wouldn't support it.

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

This resolution failed.

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

Community Access Television, Inc.: A resolution approving a contract with Community Access Television, Inc. in the amount of $93,000.00 to provide public access television channel operation services for calendar year 2011.

Lindsley Smith, Communications and Marketing Director gave a brief description of the resolution.

Alderman Petty: I pulled this off of consent because I would like to offer a minor amendment. One thing that has changed from years previous is now there is a residency requirement. You must be a citizen of Fayetteville in order to use services of the public access channel which I support. However, I would like to grandfather in all those who have received producer certifications in the past. When they received those certifications there was an understanding that as long as they recertified in their skills training each year they would be able to continue to use the facilities. With the residency requirement now I would like to grandfather them in as a matter of fairness.

Alderman Ferrell: How many people are we talking about?

Alderman Petty: Less than a dozen but I don't know for certain.

Alderman Ferrell: If they have moved to other communities have they tried to start community action television in their new community?

Alderman Petty: That would be interesting to know. I don't know the answer to that however; I do believe that they continue to produce quality programming. I also think they are an asset at the community access channel for familiarizing new producers, which must be Fayetteville citizens, with the process and operations. I think there is some value to be gained by grandfathering in those who have already earned a producer card even if they have moved out of the city limits.

Don Marr, Chief of Staff: There are fourteen individuals that would qualify for that continuation of grandfathering. Five of those are active program producers the remaining

Unofficial

includes the people requesting to import programs. They have to produce one Telecast Quality Programming.

Alderman Lewis: How many total producers? There are fourteen that would fall under this amendment.

Anne Shelley, Executive Director with Community Access Television: Within the past year, if you look at just certified producers and also import requesters there have been approximately 74 of those that are residents of Fayetteville and approximately 14 of those non Fayetteville residents. There are five very active producers who use the facility and equipment some on a weekly basis that are non Fayetteville residents.

Alderman Ferrell: Does staff have an opinion on this?

Don Marr: We haven't really talked about any type of grandfathering. We were focused on the fact that we were trying to get our minimum certified producers done under the contract as our first priority. We felt like there should be priority given to the people who actually fund the center which are the Fayetteville citizens. That was our primary focus in the contract renegotiations this year.

Lindsley Smith: The services are provided on first come first serve basis. That will continue to exist despite how the Council rules on this. In previous contracts the service area has been all of Washington, Benton, Madison, and Carroll County. This contract does differ in that it focuses on the individuals who are paying for the service, those who live in Fayetteville, to receive training, assistance with productions, city building use, editing bays and equipment camera use.

Don Marr: The only area that we expanded the use of the center outside of Fayetteville for paid services was to Washington County. We were looking at the primary viewing area included under our cable franchise. We felt that the world is different today with the use of You Tube and accesses that give people viewer ship worldwide now verses only through public access. It would also create a greater advocacy to get public access channels in other communities. If people had the need and desired to do that they would lobby their Councils to get that service. We believe the people utilizing it, because we are first come first serve, should be the people paying for it.

Lindsley Smith: I have been with the city for a year and I have talked to people about the public access service the city provides. Outside those that use the facility now, I have yet to find one person that knew the City of Fayetteville provided services where they can be trained to use equipment, check out equipment and bring your program back and we will put it on cable for you. The people I tell are very excited about it. The contract stated they should train 50 Fayetteville residents per year.

Alderman Lewis: What is your perspective on the proposed amendment?

Anne Shelley: We certainly don't want to deny access to any of our producers who have been committed. If the contract can be approved with that amendment we are 100% behind it as a

Unofficial

staff to grandfather in the producers that have been active and making quality programming for Public Access Television in Fayetteville. In 2011 we will be increasing our classes offered from 12 hours per month to over 60 hours per month. We agree that it should be Fayetteville focused but not exclusive considering where we are coming from in our history.

Alderman Lucas: How many committed producers are there from outside the City?

Anne Shelley: There has probably been about five to seven some come on a daily basis and definitely on a weekly basis that are proactively producing shows that are being aired on Fayetteville Public Access Television.

Alderman Lucas: Can we limit it to present committed producers?

City Attorney Kit Williams: The language I would suggest is "a resident of Fayetteville or an existing acting certified producer who has completed all requirements."

A discussion followed regarding the change in language.

Alderman Ferrell: What did you say about including Washington County?

Don Marr: We currently provide services to four counties. Because we are providing the training now free of charge we wanted to limit it to the City of Fayetteville citizens. There was a concern that should we allow individuals in the County who may have participated in the past to do it for a fee payment to take the class. We allowed that in the contract and limited it to Washington County rather than the four counties previously listed. I have all the confidence in the world in Anne Shelley as the new director to come in and make the changes we want to see because I have been very impressed with our communications with her. We had an under performance in the contract. That is a problem so we want the emphasis to be on the City of Fayetteville citizens.

Alderman Petty: This amendment only deals with producers. Non residents wouldn't be able to request programs. The fee for training for Washington County residents is just for training. Those who are already certified in the past must under go a skills recertification not the entire orientation.

Alderman Ferrell asked Alderman Petty if he would accept an amendment to his amendment that the ones that moved out of Fayetteville but still reside in Washington County be grandfathered.

A discussion followed regarding the amendment.

Alderman Petty: If this amendment fails by one vote I will offer a second motion but whether they live in Benton, Washington, Madison County as long as they are active certified producers I think we need to stick to the understanding we entered into.

Unofficial

Alderman Lewis: Could you add effective existing producers as of the date this takes effect and from then on it is only for Fayetteville residents?

City Attorney Kit Williams: Yes, but you are talking about asking Alderman Petty to amend.

Alderman Petty: Sarah is right I want to be very clear. Only those who have been certified previously who no longer live in Fayetteville shall be grandfathered in.

City Attorney Kit Williams read the amended resolution.

There was no public comment.

Alderman Petty moved to amend the resolution to state a resident of Fayetteville or an existing active certified producer who as completed all the requirements shall be grandfathered in. Alderman Rhoads seconded the motion. Upon roll call the motion passed 7-1. Alderman Ferrell voted no.

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

Resolution 232-10 as recorded in the office of the City Clerk.

Motorola, Inc.: An ordinance to waive formal competitive bidding and award a contract to Motorola, Inc. for the purchase of equipment and software for Fayetteville Public Safety's Nine Channel Astro 25 IP Simulcast Radio System with Phase I to cost $5,759,471.00 with a contingency of $558,529.00 and waive further formal competitive bidding for Phase II and other necessary equipment and upgrades for a period of three years and to approve a budget adjustment of $4,659,732.00.

City Attorney Kit Williams read the ordinance.

Police Chief Greg Tabor: This item is for the expansion and replacement of the city radio system. It is not just for police and fire but all city employees that use the radios. The current system we have now is a one site system and was installed in 1985. It was upgraded in 2000. It is reaching the end of its life expectancy and it is becoming harder to get parts. This new proposed system is for a three tower site which will improve the safety of any one that uses the system.

Kathy Stocker, Dispatch Manager gave a power point presentation regarding the radio system.

This system will be connected to the Arkansas Wireless Information Network which allows the city to ensure a coordinated approach to preparedness issues and take appropriate steps towards regional interoperability. Our objective is to improve our radio system performance, improve the cities ability to respond to emergency situations and better protect lives and property of the citizens of Fayetteville by expanding coverage. It will also improve and reduce city employee

Unofficial

safety risk. We tried to obtain frequencies for the County system and there were not enough available in the frequency range that they use so we were unable to get onto the County system.

Alderman Lucas: Did you say it doesn't jive with the County's.

Kathy Stocker: We tried to get on the County's system. We applied for frequencies in the range they operate on but there were not enough to handle the size of the City of Fayetteville.

Paul Becker, Finance Director: $1.7 million of the funding is from Federal grants specifically for this radio program. There is a time table for the use of those grants. We are using $2.5 million from impact fess which can be used because it is for expansion of the system in newly developed areas of the city. This system is used by Water and Sewer, Solid Waste, Parks and Parking therefore we can allocate those costs based on their use of the radio equipment back to those special revenue and enterprise fund systems. We have allocated it back to those funds and have used cash reserves from those funds to pay for the system. We can not solve any General Fund problem with any of the funds that we are using for that. The General Fund is separate. That is how the funding came together.

Alderman Ferrell: I know this is something that has been coming for a long time. I support this.

Alderman Lucas: I think this is very important and I appreciate you working on this. Communications between the Police, Fire, and the City, and all emergency services is extremely important. I support this.

Paul Becker: Thank you Alderman Lucas. This was a combined effort with many departments. I would like to credit Kathy Stocker for her hard work on this.

Don Marr: When this discussion started years ago it was in the $3 million dollar range. Over this time period the price has went as high as in the mid $8 million dollar range. It highlights a problem the City often struggles with with major asset items. Your annual budget handles things you can pay for within a single year and the CIP gives you a five year period to be able to accrue money. There are items out there that require funding discussions on a much broader scope. This would not have been possible without multiple administrations and multiple lobbying efforts at a federal level and commitment by Senator Lincoln, Senator Prior, and Congressman Boozman and their allocations of getting that funding in the Federal grants. I also want to thank Paul Becker, Kathy Stocker and David Jurgens for their work. It is a critical expenditure. We are trying to do a good job in the future of identifying those major assets that require something more creative than the CIP schedule.

Alderman Ferrell: What is the life expectancy of the system? Will the change that is going occur in the Motorola Corporation have any affect on the availability of replacement?

Kathy Stocker: It will not have any effect. When we did the last upgrade they gave us a seven to eight year expectancy and we made it for ten years and we will see this go another ten years probably.

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Dominic Swanfeld, President of the Fraternal Order of Police and member of the Fayetteville Police Department thanked Aldermen Cook, Lucas, and Rhoads for their service. We support this project. Fayetteville and the employees will be a safer community with this process.

Chris Lynch, Assistant Fire Chief spoke in favor of the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan thanked the staff that has worked on this.

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

Ordinance 5373 as Recorded in the office of the City Clerk

Smith Communications, LLC: A resolution to approve two tower space and ground lease agreements with Smith Communications, LLC for a total annual rent of $36,000.

Police Chief Greg Tabor gave a brief description of the resolution.

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

Resolution 233-10 as recorded in the office of the City Clerk.

RZN 10-3608 (Parker): An ordinance rezoning that property described in rezoning petition RZN 10-3608, approximately 0.74 acre, located at 101 East Alice Street, from RSF-4, Residential Single-Family, 4 units per acre, to C-2, Thoroughfare Commercial, subject to the Bill of Assurance.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Internal Services and Development Director stated the Planning Commission voted 6-2 on November 22nd to forward this item to you with the recommendation for approval. He gave a brief description of the ordinance. He stated the applicant has submitted a Bill of

Unofficial

Assurance. Staff did not recommend approval of the rezoning request. We felt a conditional use permit would be more appropriate.

Alderman Petty: Does a Bill of Assurance mean if the property was sold in the future, as long as it continued to be Thoroughfare Commercial the Bill of Assurance would continue to apply to the new ownership.

Jeremy Pate: That's correct. It runs with the land essentially, it can be changed by approval of City Council.

Alderman Petty: That is one of my main concerns with the item combined with the fact that its butted right up against a residential neighborhood on the east and south sides has me wondering if we should do a tour of this property. I think we should discuss with the applicant the merits of a Community Services designation.

Alderman Thiel: I agree with Matthew. I would prefer to see this zoned Community Services because of the flexibility that Community Services has. It would also have to be a conditional use permit to do what they want to do with it. I appreciate staffs concerns about screening and engineering.

Alderman Ferrell: Alderman Rhoads and I have not had a single comment. Jeremy did you say they want to put electric cars there?

Jeremy Pate: At the Planning Commission they discussed that was one of the brands expanding for Nissan therefore they are requiring more space. This was the option for them to purchase that property to expand their dealership.

Alderman Ferrell: Thank you. I hope we don't run into a disconnect here. I thought that was the kind of things we really wanted.

Alderman Lewis: This is a zoning discussion and there is no way we can tell. If it's C-2 we don't have any say on what they do with it.

City Attorney Kit Williams: That's not correct. The Bill of Assurance limits them dramatically on what they can do. They can only do what the Bill of Assurance says which is the automobile expansion and parking lot. If they did not give us a Bill of Assurance you would be correct. Since they have given us a Bill of Assurance they could not do that.

Alderman Lewis: Bringing up the idea that it is an environmental thing is ridiculous. If it was really environmental they would build a second story. That is a residential area that needs to be respected and protected and have the integrity of it protected. I would like to go see it.

Alderman Ferrell: I would think that if it is going to have the potential to do damage to the residential that Alderman Rhoads and I would have heard a lot. Looks like they are trying to take that into consideration with this Bill of Assurance etc.

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Buckley Blue, Land Surveyor: My client Ms. Bailey, Superior Nissan, a well as the Parker's which are the current owners of the property have asked me to speak on their behalf. They wanted me to emphasize that if you look at this piece of property it is not that commercial is going to be encroaching into residential. It is more like residential is encroaching into commercial. We are surrounded by commercial on two sides. The lot we are splitting is 1.6 acres. The lots in that subdivision are .25 acre. We are still leaving a lot that is going to be four times the size of the lots in that subdivision.

The other issue Ms. Bailey had was the fact that they are requesting a zoning district that gives them the use by right. They need this to be zoned appropriately so they can purchase the property to expand their dealership. Ms Bailey is not interested in a conditional use with a Community Services zoning.

Alderman Lucas: It looks like RO is north of the property and it looks like there is a business south of it.

Jeremy Pate: Correct, directly to the north is an RO piece of property.

Alderman Lucas: It evens up with that?

Jeremy Pate: It runs a little bit west. The back of the commercial building beside it would run generally in line with that on the east side.

Alderman Lucas: Thank you.

Alderman Lewis: The applicant is willing to go through the process of a Bill of Assurance but not the conditional use?

City Attorney Kit Williams: The Bill of Assurance is a voluntary offer by an applicant to try to induce the City Council to grant a rezoning. With a conditional use they would come before the Planning Commission and Planning Staff could make recommendations as to what they would have to do. The Planning Commission would either except the recommendations or make other recommendations.

Alderman Petty: I want you to think of this as an opportunity. I am reluctant to support Troughfare Commercial rezoning because we need to make sure there is opportunity to have a transition from commercial to residential. That is something Troughfare Commerical does not do.

John Malloy, Superior Nissan stated Ms. Bailey's goal is to square up the existing C-2 property. She has agreed to put a 10 foot buffer on the back side of the property.

Alderman Lucas asked the Aldermen if they had heard from the people in the house next to it.

Alderman Ferrell: No.

Unofficial

John Malloy: We have received letters from several people that own property back there supporting what we are doing.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Rhoads seconded the motion. Upon roll call the motion failed 4-4. Alderman Lucas, Gray, Rhoads and Ferrell voting yes. Alderman Lewis, Thiel, Cook and Petty voting no.

This ordinance was left on the First Reading.

Amend Chapter 166: Development: An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapter 166: Development, in order to require private street signs.

City Attorney Kit Williams read the ordinance.

Karen Minkel, Director of Strategic Planning and Internal Consulting: This change would require a developer or property owner to install, maintain, repair and replace all private street name signs. This was forwarded from the Planning Commission with a recommendation for approval with a vote of 8-0. If this ordinance is passed, notification will be sent to the property owners on existing private streets that lack street signage.

Alderman Ferrell: Are they grandfathered?

Karen Minkel: That's correct they don't have to do anything. We just want to make them aware of the change.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed 6-0. Alderman Lucas and Gray were absent during the vote.

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 6-0. Alderman Lucas and Gray were absent during the vote.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: We can not require someone that is already living on a private street that does not have signs on it, to put up a sign. If there is development on that street there is a need for a private street sign caused by the development.

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

Ordinance 5374 as Recorded in the office of the City Clerk

Unofficial

Amend Chapter 174: An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapter 174: Signs to include signage designations for recently adopted zoning districts, to allow for limited wall signage for businesses approved by conditional use permit in the RSF and RT Zoning Districts, and other amendments.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He thanked Kit Williams for his help with the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Thiel moved to suspend the rules and go to the third reading. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Petty were absent during the vote.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Gray and Petty were absent during the vote.

Ordinance 5375 as Recorded in the office of the City Clerk

Fayetteville Youth Center, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of $205,350.00 to provide public recreation services for the youth and citizens of Fayetteville for 2011.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Parks and Recreation Director gave a brief description of the ordinance.

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 during the vote.

City Attorney Kit Williams read the ordinance.

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

Unofficial

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 during the vote.

Ordinance 5376 as Recorded in the office of the City Clerk

Northwest Arkansas Economic Development District: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of $53,350.00 to provide public recreation services for the senior citizens of Fayetteville for 2011.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Parks and Recreation Director gave a brief description of the ordinance

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Thiel were absent during the vote.

City Attorney Kit Williams read the ordinance.

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

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 during the vote.

Ordinance 5377 as Recorded in the office of the City Clerk

New World Systems Corporation: An ordinance waiving the requirements of formal competitive bidding and approving a three (3) year contract with New World Systems Corporation for public safety software service and maintenance in amounts of $95,221.00 for year 2011, $99,982.00 for year 2012, and $104,981.00 for year 2013, plus applicable sales taxes.

City Attorney Kit Williams read the ordinance.

Chief of Police Greg Tabor gave a brief description of the ordinance.

Unofficial

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

City Attorney Kit Williams read the ordinance.

Alderman Cook 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 during the vote.

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 during the vote.

Ordinance 5378 as Recorded in the office of the City Clerk

Announcements:

Alderman Ferrell stated it has been his pleasure to serve with all of you.

Alderman Thiel stated she has really enjoyed working with all three of you. She also stated she is going to miss them all very much and she appreciated all the work they have done for the City and the City appreciates it.

Alderman Lewis thanked them for being good models and their professionalism.

Mayor Jordan wished all the citizens the happiest of holidays. He stated it has been a great honor and privilege to serve with all of you over the last eight years and wished them well with all their endeavors.

Meeting adjourned at 8:35 p.m.

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

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Added at the City Council Meeting 11/04/11

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

~~December 21, 2010~~ JANUARY 4, 2011 Ses)
City Council Meeting Date

Chris Brown CB	Engineering	Development Services
Submitted By	Division	Department

Action Required:

A resolution approving Supplemental Agreement No. 3 to the contract with Jacobs Engineering Group, Inc. for engineering services for the Fayetteville Expressway Economic Development Corridor Project in the amount of $370,851.54 and approving a Budget Adjustment in the amount of $296,682.00.

$ 370,851.24	$ 19,262,726.00	Transportation Bond Improvements
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5314.00		
4520.9520.5314.00	$ 6,195,662.80	Street Improvements
Account Number	Funds Used to Date	Program / Project Category Name
06035.1700	$ 13,067,063.20	2006A Sales Tax Construction
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [X]

Department Director	12.02.2010 Date	Previous Ordinance or Resolution #
City Attorney	12-3-10 Date	Original Contract Date:
Finance and Internal Service Director	12-3-2010 Date	Original Contract Number:
Chief of Staff	12-3-10 Date	
Mayor	12/6/10 Date	

Received in City Clerk's Office
12-03-10 A08:23 RCVD
King.

Received in Mayor's Office
ENTERED
12/3/10
P.K.

Comments:

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

Council Meeting of December 21, 2010

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director JP

From: Chris Brown, City Engineer CB

Date: December 2, 2010

Subject: A Resolution approving Supplemental Agreement No. 3 to the contract with Jacobs Engineering Group, Inc. for engineering services for the Fayetteville Expressway Economic Development Corridor Project in the amount of $370,851.54 and approving a Budget Adjustment in the amount of $296,682.00.

PROPOSAL:

The Fayetteville Expressway Economic Development Corridor (FEEDC) is a federally funded project that will provide better traffic flow and better access to the businesses in the project area. Jacobs Engineering Group is the design engineer on the Roundabout and Flyover Projects. Design is nearing completion on the Roundabout Project, and is approximately 15% complete on the Flyover Project.

The proposed Supplemental Agreement No. 3 attached to this memo provides for additional work to be performed by Jacobs Engineering on the project. This additional work includes:

1. Modeling and conceptual design for the future connection of Sain Street to the Fulbright Expressway. This work was not included in the original scope, but is necessary to ensure that the design of the flyover will accommodate this future extension.
2. Design of the additional bridge length to accommodate the future Sain Extension. The flyover bridge will need to be extended approximately 170 feet to provide room for the extension of Sain to the Fulbright Expressway.
3. Services related to Step 1 of the Break in Access Approval. At the time of the contract preparation, the City understood that Step 1 of the Break In Access process had been completed. The Federal Highway Administration informed the City at the project kickoff meeting that additional work was required, which was completed by Jacobs in order to keep the project moving forward.
4. Additional bidding services for both the Roundabout and Flyover Projects. The Agreement with the Arkansas State Highway and Transportation Department originally provided for the AHTD to bid both projects. The City requested a change in this agreement to allow the City to take bids in order to have more control over the process and to be more likely to get local contractors to bid on the project. Additional work is required by Jacobs because of this change.
5. Construction Management services for the Roundabout Project. Construction Management services were not included in the original contract.

The total cost of Items 1-4 is $89,334.62, and the cost for Item 5 is $281,516.92. Therefore, the total proposed amount of Supplemental Agreement No. 3 is $370,851.54. Of this amount, 80% is eligible for reimbursement through the federal earmark for this project, leaving the City's portion to be paid out of the Bond Program at $74,170.31. This Supplemental Agreement was presented to the Street Committee on September 24th with a total cost of $464,585.64, but through the negotiation process Engineering was able to reduce this fee by $93,734.10.

RECOMMENDATION:

The additional work described above is warranted and necessary to complete the design on the Flyover Project, and to adequately manage the construction phase of the Roundabout Project.

BUDGET IMPACT:

This contract will be paid from the Transportation Bond Program Fund and from the federal funding available for the project.

Fayetteville
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THE CITY OF FAYETTEVILLE, ARKANSAS
ENGINEERING DIVISION
125 West Mountain
Fayetteville, AR 72701
Phone (479) 444-3443

TO: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director

FROM: Chris Brown, City Engineer CB

DATE: December 2, 2010

SUBJECT: **Fayetteville Expressway Economic Development Corridor Engineering Services**

Due to the nature of funding for this project, a budget adjustment is needed which will recognize the 80% Federal Grant – Capital ($296,682) and set up the expense amount to be paid through the Sales Tax Capital Fund ($296,682).

RESOLUTION NO. _____

A RESOLUTION REPEALING RESOLUTION NO. 230-10, APPROVING SUPPLEMENTAL AGREEMENT NO. 3 WITH JACOBS ENGINEERING GROUP, INC. FOR ENGINEERING SERVICES FOR THE FAYETTEVILLE EXPRESSWAY ECONOMIC DEVLOPMENT CORRIDOR PROJECT IN THE AMOUNT OF $370,851.54, AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $296,682.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals Resolution No. 230-10.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves Supplemental Agreement No. 3 with Jacobs Engineering Group, Inc. for engineering services for the Fayetteville Expressway Economic Development Corridor Project in the amount of $370,851.54, a copy of which is attached as Exhibit "A".

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $296,682.00, a copy of which is attached as Exhibit "B".

PASSED and **APPROVED** this 4th day of January, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

Supplemental Agreement No. 3
Job No. 040505
F.A.P. HPP2-2816(1)
Fayetteville Expressway Economic Development Corridor P.E.

Date _____

WHEREAS, the City of Fayetteville, Arkansas and Jacobs Engineering Group, Inc. entered into an Agreement for Engineering Services on September 5, 2006; and,

WHEREAS, representatives of the City of Fayetteville, Arkansas requested work in addition to that defined in the Agreement.

NOW THEREFORE, the following modifications will be made to the Agreement to include the additional work requested:
MODIFICATIONS:

1) The "Contract Ceiling Price" (Section 1.4) is increased from $875,215.31 to $1,246,066.85

2) The "Indirect Cost Rate" (Section 1.10) is changed from 177.48 percent to 123.26 percent and a field office indirect cost rate of 96.94 percent.

3) The "Title II Multiplier" is changed from 3.10 to 2.21.

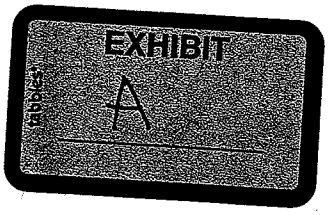
4) The "Title I Services Ceiling Price" (Section 1.14) is increased from $875,215.31 to $964,549.93

5) The "Title II Services Ceiling Price" (Section 1.17) is increased from $0 to $281,516.92

6) The "Schedule of Salary Ranges" (Section 3.2.1.1) is modified to:

1. SCHEDULE OF SALARY RANGES – The table

	Salary Range (Dollars/Hour)	
	Min.	Max.
Project Director	55.00	85.00
Project Manager	45.00	65.00
Project Controls	45.00	60.00
Quality Controls	30.00	50.00
Senior Engineer	40.00	60.00



Resident Engineer	35.00	60.00
Engineer II	30.00	45.00
Engineer I	20.00	40.00
Senior Inspector	20.00	40.00
Inspector	12.00	30.00
EIT/Senior Designer	20.00	40.00
CADD Technician II	20.00	40.00
CADD Technician I	12.00	30.00
Survey Manager	30.00	55.00
Survey Crew	22.00	60.00
Party Chief	15.00	30.00
Survey Tech	10.00	25.00
Landscape Architect	30.00	50.00
Environmental Scientist	20.00	40.00
Administrative Assistant	10.00	25.00

7) The "Fee" (Section 3.4) is increased from $77,569.67 to $86,052.43 for Title I Services, from $0 to $27,002.84 for Title II Services.

8) See Attachment A for modifications to Sections 2, 3, 6, 7, 9, 11, 13, 17.

9) See Attachments A1, A2, A3, and A4 for modifications to Appendix A – Justification of fees and cost.

10) See Attachments B1-A and B3-A for modifications to Attachments B1 and B3.

11) The completion date (Section 17.1) for Job No. 040505 is changed from December 31, 2010 to December 22, 2011. See attachment D1 for modifications to Appendix D.

IN WITNESS WHEREOF, the parties execute this Supplemental Agreement No. 3, to be effective upon the date set out above.

Jacobs Engineering Group, Inc.

James Arbuckle
Managing Principle

City of Fayetteville, Arkansas

Lioneld Jordan
Mayor, City of Fayetteville
Arkansas

Supplemental Agreement No. 3
Job No. 040505
F.A.P. HPP2-2816(1)
Fayetteville Expressway Economic Development Corridor P.E.

ATTACHMENT A

DESCRIPTION OF ADDITIONAL WORK – Work to be accomplished under this supplemental agreement consists of additional Title I service to provide additional services for the Step 1 of the Break-In-Access approval for the Fly-Over Project, additional traffic modeling for the future extension of Sain Street, and additional bidding services, including but not limited to front end document preparation, plan publications, and plan selling and distribution. In addition, this supplemental includes Title II services to include construction management for the construction of the Roundabout project.

2. **TYPE OF AGREEMENT**

2.1 This Agreement is a cost-plus-fixed-fee contract. The Consultant is being hired to perform professional engineering services in connection with the Project set forth herein. In consideration for Title I services performed, the Owner will reimburse the Consultant for allowable direct and indirect costs, as defined herein, and pay the Consultant a fixed fee. If Title II services are to be performed, the Owner will reimburse the Consultant for allowable direct cost and indirect costs, as defined herein, and pay the Consultant a fixed fee.

3. **COSTS, FEES, AND PAYMENT** - The following paragraphs will be added or replaced.

3.4 Fees. The justification for the fees and cost is contained in Appendix A. In addition to reimbursement of the allowable costs as set forth above, the Owner shall pay to the Consultant a fixed fee of $86,052.43 for Title I services. For Title II services, if applicable, the Owner shall pay the Consultant a fixed fee of $27,002.84 for Title II services.

6. **DESCRIPTION OF THE PROJECT** –

The following sentence shall be removed from the contract for Project 1 – Flyover Bridge.

"The bridge is anticipated to be a single unit curved plate girder bridge with single column hammerhead type intermediate bent(s)"

And be replaced with the following

"The bridge is anticipated to be a multiple unit bridge with design to include provisions for the future Sain Extension as shown on the technical memorandum submitted with the Break-in-Access report for the project. Single column hammerhead type intermediate bent(s) are anticipated."

The following paragraphs will be added.

6.2 Title II Services

This work consists of providing construction management services to assist the City of Fayetteville, Arkansas (the Owner) in the administration of the Federal Aid Project

Number HPP2-3757(2) / AHTD Job 040536. The Engineer, under the direction of the Owner, will serve as an extension of the Owner to assist in administering the projects in accordance with AHTD standards, i.e., *Standard Specifications for Highway Construction*, current Resident Engineer's Manual, and the *Manual of Field Sampling and Testing Procedures*. The Engineer shall be responsible for construction management and administration of the Project to ensure it is constructed in substantial conformance to the construction plans, special provisions and specifications, and the AHTD's relevant standards and manuals. The Engineer shall be the only authorized Project-site contact with the Owner's Representative and Designer of Record; all information, requests for information, and correspondence from the Construction Contractor and all other parties at the Project-site will be transmitted through the Engineer to the Owner.

The Engineer will provide all construction management to include, but not limited to, furnishing survey crews, inspectors, materials, testing laboratory equipment and staff, Resident Engineer, office clerical staff, vehicles and equipment and supplies, as required to provide the Service.

The Engineer will provide all construction management to include, but not limited to, identification and recommendation of corrections of omissions, substitutions, defects, and deficiencies in the work of the Construction Contractor, its subcontractors, its vendors and its Engineers; and coordination of the efforts of the Construction Contractor, the Owner's Representatives and the Designer of Record in an effort to meet the Project schedule and budget.

7. **INFORMATION AND TITLE I SERVICES TO BE PROVIDED BY ENGINEER** - The following paragraphs will be added or modified.

7.5.2.1.1.1 Engineer shall submit to the FHWA and the AHTD a technical memorandum showing the Sain Street Connection. The memorandum will contain concept drawings, definition of proposed actions, revised freeway access requirements, and operational analysis.

7.5.2.1.2.1 Engineer shall submit to the FHWA and the AHTD revised operational analysis by an addendum to the break-in-access report showing the extension of Sain Street.

7.5.6.3.6 Engineer shall include irrigation plan sheets and Special Provisions into the final plans for the roundabout project.

7.5.7 Bidding Services

7.5.7.1 The Engineer shall assist the City in advertising and selling of the Plans and Specifications. The Engineer will develop specifications for the project using the owner's front-end documents and based on AHTD's Standard Specifications for Highway Construction.

7.5.7.2 The Engineer will utilize Southern Reprographics for plan set reproduction and sales. Local plan rooms will be provided plans and specifications at no additional cost. Plans and specifications will be available for reviewing at local Plan rooms and the City Engineers office (as requested).

7.5.7.3 In addition, the Engineer will assist the Owner in bidding the project by

- preparing an advertisement for bidders,
- selling plans from its NW and Central Arkansas offices
- attending pre-bid conference if requested
- attending the bid opening
- tabulating the bids and making a recommendation of award

9.0 <u>TITLE II SERVICES TO BE PROVIDED BY ENGINEER</u> - The following paragraphs will be added.

9.1 Project Staffing

The Engineer shall provide sufficient trained personnel to adequately and completely provide the Services and satisfy the requirements of this Agreement. The Engineer shall have the necessary qualified personnel available to provide Services whenever the Construction Contractor works. The Engineer's personnel assigned to perform the Services must have prior construction experience in the areas of Services that they are to perform.

The Engineer shall maintain a good working relationship with the Owner. Any person employed by the Engineer or by any sub-consultant who, in the opinion of the Owner, does not perform his/her Services in a reasonably proper and skillful manner, or is intemperate or disorderly, shall at the written request of the Owner, be removed immediately by the Engineer or sub-consultant employing such person and shall not be employed again in any portion of the Services without the approval of the Owner.

9.2 Survey Control

The Engineer shall be responsible for verifying the existence and accuracy of location for the reference points and baseline control points indicated on the plans. The Engineer shall re-establish any missing or disturbed control points as may be required prior to the start of construction.

The Engineer shall establish the survey control baseline(s) along with sufficient baseline control points and benchmarks at appropriate intervals along the project for use by the Construction Contractor and the Engineer in performing verification surveys of construction layout. The Engineer shall (1) make and record such measurements as are necessary to calculate and document quantities for pay items; (2) make and record preconstruction and final cross section surveys of the project site in those areas where earthwork (i.e., embankment, excavation, subsoil excavation, etc.) is part of the construction project; and (3) perform incidental engineering surveys as may be necessary to carry out the services covered by this agreement and to verify and confirm the accuracy of the Construction Contractor's survey layout work. All survey work shall be performed under the supervision of a Surveyor registered in the State of Arkansas.

9.3 Review and Approval of Shop Drawings

No shop drawing will be reviewed in this project.

9.4 Project Inspection

The Engineer shall be responsible for monitoring the Construction Contractor's on-site construction operations and inspecting materials entering into the work as required. The Engineer shall keep detailed, accurate records of the Construction Contractor's daily operations in accordance with Owner's procedures, rules, standards and policies.

The frequency and scope of inspections will vary with the work activity being performed; however, the Engineer shall perform inspection services in accordance with the AHTD Residence Engineer's Manual and other procedures, policies, directives and industry accepted standards. The inspector's hours shall parallel the Construction Contractor's work hours.

The Engineer will perform off-site batch plant, factory inspections of fabricated or manufactured items, and off-site borrow pit and waste area inspection to be incorporated into the Project in accordance with AHTD procedure. The Engineer will work in cooperation with the local AHTD district office for previously approved areas to minimize cost to the Owner.

9.5 Testing

The Testing Laboratory, Project-site sampling and testing of component materials and completed work items shall be performed by Grubbs, Hoskyns, Barton, & Wyatt, Inc. in accordance with the AHTD "*Manual of Field Sampling and Testing Procedures.*"

9.6 Engineering Management Services

The Engineer shall be responsible for engineering management services necessary to verify that the Project is completed and ready for acceptance by AHTD and the Owner. This will require interpretation of the plans and contract documents, coordination of changes to the project, assistance in processing of Change Orders and supplemental agreements, resolving disputes, claims analysis, and all other engineering management tasks normally handled by a Resident Engineer. These tasks include, but are not limited to the following:

9.6.1 Schedule and conduct a pre-construction conference for the Project. Document the conference in accordance with AHTD procedures.

9.6.2 Supply Contractor three (3) copies of the Plans and specifications.

9.6.3 All known utilities with the project site have been contacted and supplied preliminary and final plans. All necessary adjustments are anticipated to be completed before construction of the project.

9.6.4 Review and monitor the Construction Contractor's work schedule and make recommendations to the Owner regarding any changes, or needed changes, to the schedule. Review credentials and qualifications of the Construction Contractor's personnel to ascertain compliance with construction contract requirements regarding said personnel.

9.6.5 Maintain a complete set of Project records on the Project to include daily diaries, quantities for pay items, progress estimates, material deliveries, submittals, as-builts, and correspondence.

9.6.6 Maintain a daily record of each pay item and every month prepare a comprehensive tabulation of each pay item for the progress estimate. Quantities will be based on daily records and calculations. All such records will be retained by the Engineer. Worksheets for the bi-weekly progress estimate will be furnished by the Owner.

9.6.7 The Engineer shall conduct periodic construction meetings on the Project with the Construction Contractor and their subcontractors, the Owner's Project Representative and other interested parties to review the work schedule, plan changes, construction problems or other matters. The results of these meetings will be documented on the Resident Engineer's weekly summary.

9.6.8 Track and maintain a log on all Construction Contractor submittals including requests for information, shop drawings, catalog cuts, and/or samples. An up-to-date status of each submittal must be maintained at all times through the approval stage. The Engineer shall review and approve or reject the shop drawings. Reviewed submittals are to be returned to the Construction Contractor for follow-on action. Reviews will be completed within 15 working days of the date of receipt of Contractor's submittals. Deficiencies will be immediately reported to the Owner's Project Representative.

9.6.9 Identify and monitor Project permit requirements and notify the Construction Contractor and the Owner immediately when violations or potential violations occur.

9.6.10 Upon notice by the Construction Contractor of pending claims for extra work or work beyond the original scope, maintain records indicating the approximate cost of such work performed by the Construction Contractor.

9.6.11 Analyze and make recommendations to the Owner's Project Representative on all requests received from the Construction Contractor for time extensions, contract changes, requests for information, extra work and proposals.

9.6.12 Coordinate all contract changes with the Construction Contractor, the City of Fayetteville, the AHTD Fayetteville RE office as required. Submit all change orders to the AHTD Resident Engineer for review and approval.

9.6.13 The local AHTD district office will issue a Special Permit for work within the highway right of way permit to the final plans for bidding and to the owners of utility facilities for adjustments made necessary by the construction project. Coordination of said work shall be through both the AHTD Fayetteville RE office and the District Engineer (or District Staff).

9.6.14 Process Change Orders pursuant to the construction contracts for necessary changes and recommended solutions to the Owner.

9.6.15 Monitor the Construction Contractor's compliance with construction contract provisions in regard to payment of predetermined wage rates in accordance with owner procedures. This will include subcontractor compliance.

9.6.16 Monitor each Construction Contractor's compliance with contract provisions in regard to Equal Employment Opportunity and Affirmative Action. Coordinate corrective actions with the Owner's Project Representative.

9.6.17 The Construction Contractor is fully responsible for the means and methods of jobsite safety for his construction personnel. The Engineer will monitor the Construction Contractor's compliance to jobsite safety; however, it is the Construction Contractor's obligation to enforce adherence to the Federal, State and local laws, rules and regulations concerning construction and jobsite safety.

9.6.18 Assist the Owner in preparing for any litigation or other action that may arise as a result of the Project by providing copies of documents.

9.6.19 Prepare the necessary Project close-out documents to include the final estimate and all supporting records, plus one set of red lined, as-built contract documents will be submitted to the City.

9.6.20 Perform all inspections and reporting required for the National Pollutant Discharge Elimination System (NPDES) permits issued by the Arkansas Department of Environmental Quality in accordance with procedures contained in the AHTD's Resident Engineer's Manual and Erosion and Sedimentation Control Manual.

11 **OFFICE LOCATION FOR REVIEW OF WORK** - The following paragraph will be added.

11.2 Review of the Title II work as it progresses and all files and documents produced under this Agreement may be made by representatives of the City of Fayetteville, the AHTD, and the FHWA at the project office of the Engineer. An on-site project trailer will not be provided for this project. All files and documents will be located in Fayetteville, Arkansas at the Engineer's Arkansas office located at 3729 N Crossover Road, Suite 111, Fayetteville, Arkansas.

13 **DELIVERABLES** - The following paragraph will be added.

13.1

- Three copies of the Technical Memorandum for the Sain Street

13.4 Deliverables for the Title II services will include meeting minutes, correspondence, daily diaries, monthly project estimates, materials testing reports, and survey data files for each project. At the close of each project, the records will be assembled in accordance with current AHTD policies and submitted to the Construction Division for review and approval.

17. **TERM, COMMENCEMENT, AND COMPLETION** -

The following shall be added to the end of the current paragraph.

17.3.1. Title II services for the roundabout shall be completed within 375 calendar days of the roundabout bid advertisement based on maximum construction duration of 300 calendar days.

Supplemental Agreement #3 - Attachment A1
Job No. 040535 and 040536
F.A.P. HPP2-2816(1)
FEEDC P.E. (Fly-Over Design & Roundabout)
City of Fayetteville
Washington County, Arkansas

SUMMARY OF FEES AND COSTS - TITLE I - FEEDC Addition Services

Jacobs Engineering Group, Inc					
1.	**Direct Labor**	**Rate/Hour**	**Man-hours**	**Cost**	**Subtotals**
	Project Director	$69.00	25.5	$1,759.50	
	Project Manager	$54.25	72.0	$3,906.00	
	Senior Engineer	$52.50	158.0	$8,295.00	
	Engineer II	$40.00	158.5	$6,340.00	
	Engineer I	$38.00	188.0	$7,144.00	
	Survey Manager	$38.00	8.0	$304.00	
	EIT/Senior Designer	$27.75	0.0	$0.00	
	CADD Tech II	$26.00	122.0	$3,172.00	
	CADD Tech I	$19.00	2.0	$38.00	
	Admin. Assistant	$19.00	30.0	$570.00	
	Survey Crew	$49.30	0.0	$0.00	
	Landscape Architect	$33.50	4.0	$134.00	
	Subtotals		768.00	$31,662.50	$31,662.50
2.	**Burden**	**Rate**	**Base**	**Cost**	
	General Office Overhead	123.26%	$31,662.50	$39,027.20	
	Subtotals			$39,027.20	$39,027.20
3.	**Direct Costs**				
	Full Size Plots	50.00 Shts @	$5.00 /Sht =	$250.00	
	Half Size Plots	50.00 Shts @	$0.50 /Sht =	$25.00	
	Photo copies	750.00 Shts @	$0.14 /Sht =	$105.00	
	Telephone/FAX Charges	0.00 min @	$0.10 /min =	$0.00	
	Express Deliveries	5.00 @	$20.00 /Ea =	$100.00	
	Courier Deliveries	0.00 @	$15.00 /Ea =	$0.00	
	Auto Mileage	800.00 mi @	$0.485 /mi =	$388.00	
	Air Travel	0.00 RT @	$500.00 /RT =	$0.00	
	Per Diem	0 Days @	$30.00 /Day =	$0.00	
	Lodging	0 Days @	$76.48 /Day =	$0.00	
	Auto Rental	0 Days @	$50.00 /Day =	$0.00	
	Cultural Resources				
	Deed Research				
	Arkansas One Call				
	Subtotals			$868.00	$868.00
4.	**Subcontracts**				
	Grubbs, Hoskyn, Barton & Wyatt, Inc.				
	(pavement design per AHTD comments)			$2,568.48	
	NTB Additional topography due to ramp lengthening			$6,725.68	
	Subtotals			$9,294.16	$9,294.16
5.	**Fee**				
	Fee			$8,482.76	
	Subtotals			$8,482.76	$8,482.76
6.	**Total Cost Additional**				**$89,334.62**

Supplemental Agreement #3 - Attachment A1

Job No. 040535 and 040536

F.A.P. HPP2-2816(1)

FEEDC P.E. (Fly-Over Design & Roundabout)

City of Fayetteville

Washington County, Arkansas

WORK TASK DESCRIPTION	Project Director	Project Manager	Senior Engineer	Project Engineer	Engineer II	Engineer I	Survey Manager	EIT/Senior Designer	CADD Tech II	CADD Tech I	Admin. Assistant	Survey Crew	Sr. Env. Planner	Env. Planner	Sr Inspector/ Tech	Landscape Architect	Summary
	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	
AHTD Job Number 040536 - Roundabout																	0
Amendment 3																	0
Additional services post the AHTD letter dated October 3, 2007 stating Step 1of the Break-in-Access had been approved																	0
																	0
*Conference Call with City, AHTD, and FHWA to discuss additional steps required	2	2	2														6
*Definition and Proposed Action defined for next steps for the submittal			2		4												6
*Investigations regarding additional revised freeway access requirements for the Sain Street Extension			2		4												6
*Operation Analysis of the revised grades			8		30												38
*Memorandum preparation and QA/QC	4		12		8												24
																	0
Ramp Modeling for Sain Extension										2							2
* H&V concepts for Sain over existing bridge	0.5		2		4.5												7
* H&V concepts for Sain under existing bridge peeling off existing ramp	0.5		2		6												8.5
* H&V concepts for Sain under existing Bridge continuing off Expressway	0.5		8		22												30.5
* Modeling Sain extension under Bridge off Expressway including toe-of-slopes, setting bridge lengths, modeling bridge toe	2		10		40												52
* Preparing concepts and meeting with City	4	4				12											20
																	0
Additional Bidding Services including front end contract document preparation and selling plans, and AHTD Permit Coordination	2	8	16		20						30						76
																	0
Landscape Plan Sheets Inclusion, SP's, Meeting with City and Addressing Comments	1	12							32							4	49
																	0
Easement Map preparation for utility coordination			4				8										12
																	0
Sub-consultant coordination for requested add services		6															6
Subtotal - Civil Engineering	**16.5**	**32**	**68**	**0**	**138.5**	**12**	**8**	**0**	**32**	**2**	**30**	**0**	**0**	**0**	**0**	**4**	**343**
AHTD Job Number 040535 - Fly-Over																	0
Amendment 3																	0
Preliminary Design - Bridge - Bridge Layout (Addtn'l Length)	2	8	12			20			16								58
Preliminary Design - Bridge - Additional Superstructure Unit			6			16											22
Elements			4			8											12
Final Design - Bridge - Addtn'l Superstructure Unit Design			20			60											80
Final Design - Bridge - Addtn'l Superstructure Unit Details	2	8	8			24			30								72
Final Design - Bridge - Addtn'l Substructure Element Design			16			32											48
Final Design - Bridge - Addtn'l Substructure Element Details	2	8	8			16			20								54
																	0
Additional Bidding Services including front end contract document preparation and selling plans, and AHTD Permit Coordination	2	8	16		20												46
																	0
Additional Bridge submittal as requested by AHTD (30%) documented in the 01-27-10 meeting minutes	1	8							24								33
																	0
Subtotal - Civil Engineering	**9**	**40**	**90**	**0**	**20**	**176**	**0**	**0**	**90**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**425**

Attachment A2
Job No. 040505
F.A.P. HPP2-2816(1)
FEEDC P.E. (Fly-Over Design)
City of Fayetteville
Washington County, Arkansas

Geotechnical Cost

Grubbs, Hoskyn, Barton & Wyatt, Inc.					
1.	**Direct Labor**	**Rate/Hour**	**Manhours**	**Cost**	**Subtotals**
	Principal	$41.67	1	$41.67	
	Project Manager	$35.66	4	$142.64	
	Project Engineer	$35.00	6	$210.00	
	Staff Engineer	$30.00	0	$0.00	
	Drilling supervisor	$14.03	0	$0.00	
	Driller & Technician	$11.30	0	$0.00	
	Engineering Aide/Clerical	$12.88	1	$12.88	
			12	$407.19	$407.19
2.	**Burden**	**Rate**	**Base**	**Cost**	
	Overhead	181.60 %	$407.19	$739.46	
				$739.46	$739.46
3.	**Direct Costs**				
	Mob/demob (buggy)	0	$2,000.00 /Ea =	$0.00	
	In yard mobilization	0	$125.00 /Ea =	$0.00	
	Drilling equipment (truck)	0	$26.25 /Hr =	$0.00	
	Equipment set up & access	0	$26.25 /Hr =	$0.00	
	Crew truck	0	$5.14 /Hr =	$0.00	
	Vehicle Mileage	0	$0.45 /mi =	$0.00	
	Per Diem	0	$65.00 /Day =	$0.00	
	Traffic Control	0	$750.00 /Day =	$0.00	
	Dozer rental	0	$1,000.00 /Day =	$0.00	
					$0.00
4.	**Subcontracts**				
			$1,000.00 /Day =	$0.00	
				$0.00	$0.00
5.	**Fee**				
	Fee	subtotal	$1,146.65	$137.60	
				$137.60	$137.60
6.	**Total Contract Cost**				**$1,284.24**

Attachment A2
Job No. 040505
F.A.P. HPP2-2816(1)
FEEDC P.E. (Roundabout Design)
City of Fayetteville
Washington County, Arkansas

Geotechnical Cost

Grubbs, Hoskyn, Barton & Wyatt, Inc.					
1.	**Direct Labor**	**Rate/Hour**	**Manhours**	**Cost**	**Subtotals**
	Principal	$41.67	1	$41.67	
	Project Manager	$35.66	4	$142.64	
	Project Engineer	$35.00	6	$210.00	
	Staff Engineer	$30.00	0	$0.00	
	Drilling supervisor	$14.03	0	$0.00	
	Driller & Technician	$11.30	0	$0.00	
	Engineering Aide/Clerical	$12.88	1	$12.88	
			12	$407.19	$407.19
2.	**Burden**	**Rate**	**Base**	**Cost**	
	Overhead	181.60 %	$407.19	$739.46	
				$739.46	$739.46
3.	**Direct Costs**				
	Mob/demob (buggy)	0	$2,000.00 /Ea =	$0.00	
	In yard mobilization	0	$125.00 /Ea =	$0.00	
	Drilling equipment (truck)	0	$26.25 /Hr =	$0.00	
	Equipment set up & access	0	$26.25 /Hr =	$0.00	
	Crew truck	0	$5.14 /Hr =	$0.00	
	Vehicle Mileage	0	$0.45 /mi =	$0.00	
	Per Diem	0	$65.00 /Day =	$0.00	
	Traffic Control	0	$750.00 /Day =	$0.00	
	Dozer rental	0	$1,000.00 /Day =	$0.00	
					$0.00
4.	**Subcontracts**				
			$1,000.00 /Day =	$0.00	
				$0.00	$0.00
5.	**Fee**				
	Fee	subtotal	$1,146.65	$137.60	
				$137.60	$137.60
6.	**Total Contract Cost**				**$1,284.24**

Attachment A2
Job No. 040505
F.A.P. HPP2-2816(1)
FEEDC P.E. (Fly-Over Design Surveys)
City of Fayetteville
Washington County, Arkansas

Survey and Right-of-way Cost

NTB Associates, Inc.						
1.	**Direct Labor**		**Rate/Hour**	**Manhours**	**Cost**	**Subtotals**
		Principal	$50.00	2	$100.00	
		Project Suveyor	$28.00	10	$280.00	
		Survey Technician	$25.00	5	$125.00	
		Survey CAD	$16.00		$0.00	
		Survey Crew Chief	$14.00	28	$392.00	
		Instrument Person	$13.50	26	$351.00	
		Rod Person	$11.50	26	$299.00	
		Rod Person	$10.50		$0.00	
		Engineering Aide/Clerical	$10.00	1	$10.00	
				98	$1,557.00	$1,557.00
2.	**Burden**		**Rate**	**Base**	**Cost**	
		Overhead	185.00 %	$1,557.00	$2,880.45	$2,880.45
3.	**Direct Costs**					
		Vehicle Mileage	818	$0.43 /mi =	$351.74	
		Per Diem	6	$109.00 /Day =	$654.00	
		Arkansas One-Call	1	Lump sum =	$750.00	
						$1,755.74
4.	**Fee**					$532.49
5.	**Total Contract Cost**					**$6,725.68**

Supplemental Agreement #3 - Attachment A3
Job No. 040536
F.A.P. HPP2-2816(1)
FEEDC P.E. (Roundabout Title II Services)
City of Fayetteville
Washington County, Arkansas

SUMMARY OF FEES AND COSTS - TITLE II - FEEDC Roundabout

Jacobs Engineering Group, Inc						
1.	**Direct Labor**		**Rate/Hour**	**Man-hours**	**Cost**	**Subtotals**
		Project Director	$70.00	40.0	$2,800.00	
		Project Manager	$54.75	400.0	$21,900.00	
		Resident Engineer	$40.00	400.0	$16,000.00	
		Senior Engineer	$41.00	40.0	$1,640.00	
		Senior Designer	$39.00	0.0	$0.00	
		Survey Manager	$38.00	0.0	$0.00	
		EIT/Senior Designer	$28.50	0.0	$0.00	
		CADD Tech II	$26.50	0.0	$0.00	
		CADD Tech I	$19.50	0.0	$0.00	
		Admin. Assistant	$18.75	400.0	$7,500.00	
		Survey Manager	$49.00	20.0	$980.00	
		Party Chief	$26.00	32.0	$832.00	
		Survey Tech	$18.00	56.0	$1,008.00	
		Sr Inspector/Tech	$35.00	1760.0	$61,600.00	
		Inspector/Tech	$30.00	0.0	$0.00	
		Subtotals		3148.00	$114,260.00	$114,260.00
2.	**Burden**		**Rate**	**Base**	**Cost**	
		Audited Field Rate	96.94%	$114,260.00	$110,763.64	
		Subtotals			$110,763.64	$110,763.64
3.	**Direct Costs**					
		Full Size Plots	0.00 Shts @	$3.50 /Sht =	$0.00	
		Half Size Plots	102.00 Shts @	$0.51 /Sht =	$52.02	
		Photo copies	3500.00 Shts @	$0.15 /Sht =	$525.00	
		Telephone/FAX Charges	0 Months @	$0.00 /Month =	$0.00	
		Express Deliveries	12.00 @	$15.00 /Ea =	$180.00	
		Courier Deliveries	0.00 @	$6.50 /Ea =	$0.00	
		Auto Mileage	500.00 mi @	$0.50 /mi =	$250.00	
		Air Travel	0.00 RT @	$0.00 /RT =	$0.00	
		Per Diem	25 Days @	$30.00 /Day =	$750.00	
		Lodging	25 Days @	$76.48 /Day =	$1,912.00	
		Construction Vehicle Rate	10 Months @	$702.30 /Month =	$7,023.00	
		Cell Phone Contract	10 Months @	$75.00 /Month =	$750.00	
		Inspection Equipment	10 Months @	$50.00 /Month =	$500.00	
		Subtotals			$11,942.02	$11,942.02
4.	**Subcontracts**					
		GHBW			$17,548.42	
		Subtotals			$17,548.42	$17,548.42
5.	**Fee**					
		Fee			$27,002.84	
		Subtotals			$27,002.84	$27,002.84
6.	**Total Cost Additional**					**$281,516.92**

Supplemental Agreement #3 - Attachment A3
Job No. 040536
F.A.P. HPP2-2816(1)
FEEDC P.E. (Roundabout Title II Services)
City of Fayetteville
Washington County, Arkansas

TASK AND DESCRIPTION	(1) Project Director	(2) Project Manager	(3) Resident Engineer	(4) Senior Engineer	(5) Sr. Inspector/ Tech	(6) Senior Designer	(7) Survey Manager	(8) Registered Surveyor	(9) CADD/ Survey Tech	(10) Admin. Support	Task Total Manhours
Job No. 040536											
Project Administration											
1 Project Coordination *(Setup, Tracking, etc...)*	12	20.0									32.0
2 Administration *(Invoice, Correspondence, etc...)*	8	20.0									28.0
3 Miscellaneous Meetings	8	20.0	4.0								32.0
4 Off-site inspection borrow pits, coordination, etc..			4.0								4.0
Subtotal	28	60.0	8.0								96.0
Survey Control											
1 Project Control							4.0	8.0	8.0		20.0
2 Silt Fence											
3 Demolition											
7 Cross Sections							8.0	12.0	24.0		44.0
8 Quantity Documentation							8.0	12.0	24.0		44.0
Subtotal							20.0	32.0	56.0		108.0
Project Inspection & Engineering Management Services											
1 Project Setup	4	24.0	16.0		40.0					24.0	108.0
2 Inspection & Management		252.0	336.0		1680.0					210.0	2478.0
3 Engineering Support	4	40.0									44.0
4 Waterline Inspection				40.0							40.0
5 Project Closeout	4	24.0	40.0		40.0					40.0	148.0
6 Paperwork scanning to PDF as requested by City of Fayetteville										126.0	126.0
Subtotal	12.0	340.0	392.0	40.0	1760.0					400.0	2944.0
	40.0	**400.0**	**400.0**	**40.0**	**1760.0**		**20.0**	**32.0**	**56.0**	**400.0**	**3148.0**

Attachment A4
Job No. 040505
F.A.P. HPP2-2816(1)
FEEDC P.E. (Roundabout Title II Services)
City of Fayetteville
Washington County, Arkansas

Geotechnical Cost

Grubbs, Hoskyn, Barton & Wyatt, Inc.					
1.	**Direct Labor**	**Rate/Hour**	**Manhours**	**Cost**	**Subtotals**
	Principal	$41.67	20	$833.40	
	Project Manager	$35.66	16	$570.56	
	Project Engineer	$35.00	16	$560.00	
	Staff Engineer	$30.00		$0.00	
	Lab Technician	$14.03	30	$420.90	
	Field Technician	$11.30	200	$2,260.00	
	Engineering Aide/Clerical	$12.88	40	$515.20	
			322	$5,160.06	$5,160.06
2.	**Burden**	**Rate**	**Base**	**Cost**	
	Overhead	181.60 %	$5,160.06	$9,370.67	
				$9,370.67	$9,370.67
3.	**Direct Costs**				
	Vehicle Mileage, miles	2600	$0.49 /Ea =	$1,274.00	
					$1,274.00
4.	**Subcontracts**				
				$0.00	$0.00
5.	**Fee**				
	Fee	subtotal	$14,530.73	$1,743.69	
				$1,743.69	$1,743.69
6.	**Total Contract Cost**				**$17,548.42**

Roundabout Design
Construction Services
Roundabout Title II Services
1 of 1

Supplemental Agreement No. 3

ATTACHMENT B1-A

SUBCONSULTANT AGREEMENT NO. WLXL6300-S11-0001
Job No. 040505
F.A.P. HPP2-2816(1)

WHEREAS, the City of Fayetteville, AR ("Owner") and Jacobs Engineering Group Inc., (formerly Carter and Burgess, Inc.) ("Consultant") entered into an Agreement for Engineering Services ("Prime Agreement") on September 5, 2006; and,

WHEREAS, the Prime Agreement for Engineering Services has been novated over to Jacobs Engineering Group Inc. This and all future supplemental agreements and documentation under this project will reflect this novation; and,

WHEREAS, the Consultant and Grubbs, Hoskyn, Barton & Wyatt, Inc. ("Subconsultant") entered into a Subconsultant Agreement on July 15, 2008 in connection with the Prime Agreement between the Consultant and the Owner and this and all future supplemental agreements and documentation under this agreement shall reference the above Subconsultant Agreement number; and,

WHEREAS, representatives of the Owner requested work in addition to that defined in the Prime Agreement.

NOW THEREFORE, the following modifications will be made to the Subconsultant Agreement to include the additional work requested:

MODIFICATIONS:

DESCRIPTION OF ADDITIONAL WORK – Work to be accomplished under this supplemental agreement consists of pavement design for the roundabout and fly-over, and material testing for the roundabout only in conjunction with AHTD "*Manual of Field Sampling and Testing Procedures.*"

The following paragraphs will be added or replaced.

2. The geotechnical investigation will be performed which will include the following:

9) Pavement design and recommendations for pavement typical sections

10) The scope of the construction and materials testing services will consist of performing field observations and testing including subgrade evaluation, undercut observations, density testing for embankments and pavement base, asphalt and concrete testing. The scope of these services also includes laboratory tests including soil classification, proctors, gradation and concrete breaks. All testing services will be provided in accordance with AHTD Standard Specification for Highway Construction (latest edition) and Manual of Field Sampling and Testing Procedures.

11) A report will be submitted on a daily basis for all the testing performed for the project.

3. <u>COSTS, FEES, PAYMENTS, AND RATE SCHEDULES</u>

3.1. Project 1: We propose to provide these services on a cost plus fixed fee basis. The total not-to-exceed cost for the geotechnical investigation will be <u>$27,352.73</u>. The fixed fee will be **$2,524.27.** Detailed costs for the scope of work described above are shown in Attachment A2.The classifications of

personnel and salary ranges for all personnel anticipated to be assigned to this project are shown in Attachment B2.

3.2. Project 2: We propose to provide these services on a cost plus fixed fee basis. The total not-to-exceed cost for the geotechnical investigation for Title I services will be **$8,521.18.** The fixed fee for Title I services will be **$739.68.**

The total not-to-exceed cost for the construction services for Title II services will be **$17,548.42**. The fixed fee for Title II services will be **$1,743.69.**

Detailed costs for the scope of work described above are shown in Attachment A2 and A4. The classifications of personnel and salary ranges for all personnel anticipated to be assigned to this project are shown in Attachment B2.

3.3. The Indirect Cost Rate for the subconsultant under this agreement shall be 181.60%.

10. NOTICE

10.1. All notices, approvals, requests, consents, or other communications required or permitted under this Agreement shall be mailed or hand-delivered to:

10.1.1. To the Subconsultant:

Grubbs, Hoskyn, Barton & Wyatt, Inc.
341 West County Line Road
Springdale, AR 72764
ATTN: Subra Bhat, Ph.D., P.E.

10.1.2. To the Consultant:

Jacobs Engineering Group, Inc.
3729 N. Crossover Road
Suite 111
Fayetteville, AR 72703-5538
ATTN: Kip Guthrie, PE

IN WITNESS WHEREOF, the parties execute this Subconsultant Agreement, to be effective _____.

JACOBS ENGINEERING GROUP, INC.

BY: _____

Bill Bullion
Procurement Manager

GRUBBS, HOSKYN, BARTON & WYATT, INC.

BY: _____

Subra Bhat, Ph.D., P.E.
Principal/Manager of Springdale Office

Supplemental Agreement No. 3

ATTACHMENT B3-A

SUBCONSULTANT AGREEMENT NO. WLXL6300-S11-0001
Job No. 040505
F.A.P. HPP2-2816(1)

WHEREAS, the City of Fayetteville, AR ("Owner") and Jacobs Engineering Group Inc., (formerly Carter and Burgess, Inc.) ("Consultant") entered into an Agreement for Engineering Services ("Prime Agreement") on September 5, 2006; and,

WHEREAS, the Prime Agreement for Engineering Services has been novated over to Jacobs Engineering Group Inc. This and all future supplemental agreements and documentation under this project will reflect this novation; and,

WHEREAS, the Consultant and NTB Associates, Inc. ("Subconsultant") entered into a Subconsultant Agreement in connection with the Prime Agreement between the Consultant and the Owner on July 15, 2008 and this and all future supplemental agreements and documentation under this agreement shall reference the above Subconsultant Agreement number; and,

WHEREAS, representatives of the Owner requested work in addition to that defined in the Prime Agreement.

NOW THEREFORE, the following modifications will be made to the Subconsultant Agreement to include the additional work requested:

MODIFICATIONS:

DESCRIPTION OF ADDITIONAL WORK – Additional topographical survey work in accordance with Attachment E "General and Detailed Scope of Work for Control Surveys, Design Surveys, and Land Surveys, and Attachment F "AHTD State Preparation and Submittal of Right of Way Plans." All services performed shall be consistent with Arkansas minimum standards and in compliance with Arkansas laws and regulations governing the practice of Land Surveyors and with all Federal, State and Local laws, regulations and ordinances applicable to the work.

The following paragraphs will be added or replaced.

2.3 SERVICES TO BE PROVIDED

The following paragraph shall be added under Project 1.

Provide topographical surveys in accordance with AHTD design survey specifications for the area west of Logan's Steak House for ramp tie-in and additional drainage structure/inlets as requested, and six (6) data points will be collected at locations provided by Jacobs for bridge clearance confirmation and coordination. NTB will coordinate with Arkansas One-Call.

3. COSTS, FEES, PAYMENTS, AND RATE SCHEDULES

3.5. The Contract Ceiling Price for both Project 1 and Project 2 under this Agreement is **$94,532.52** including a fixed fee of **$8,951.83.** This includes full compensation for all labor costs, indirect costs, direct expenses

and profit (fixed fee), as defined herein, for services provided under this Agreement. The Justification of Cost and Fees is in Attachment A2 to this Agreement.

11. NOTICE

11.1. All notices, approvals, requests, consents, or other communications required or permitted under this Agreement shall be mailed or hand-delivered to:

11.1.1. To the Subconsultant:
NTB Associates, Inc.
525 Louisiana Avenue
Shreveport, Louisiana 71101

11.1.2. To the Consultant:
Jacobs Engineering Group, Inc.
3729 N. Crossover Road
Suite 111
Fayetteville, AR 72703-5538
ATTN: Kip Guthrie, PE

IN WITNESS WHEREOF, the parties execute this Subconsultant Agreement, to be effective _____.

JACOBS ENGINEERING GROUP, INC.

BY: _____

Bill Bullion
Procurement Manager

NTB Associates, Inc.

BY: _____

Tom Alexander
Associate

Supplemental Agreement #3 - Attachment D-1
Job No. 040535 and 040536
F.A.P. HPP2-2816(1)
FEEDC P.E. (Fly-Over Design & Roundabout)
City of Fayetteville
Washington County, Arkansas

FAYETTEVILLE EXPRESSWAY ECONOMIC DEVELOPMENT CORRIDOR P.E.
State Job No. 040505 & 040506
Federal Aid Project No. HPP2-2816(1)

Activity Description	Duration	Start	Finish
Fly-Over Design Schedule	**1224**	**8/15/08**	**12/22/11**
Notice to Proceed	X	Completed	
Break in Access Submittal (Step 2)	X	Completed	
Draft CE submittal	X	Completed	
Public Meeting	X	Completed	
Design Surveys	X	Completed	
AHTD and FHWA Approval of BIA and Env. Documentation and Sain Extension Memorandum	460	8/1/09	11/4/10
Geotechnical Engineering - prepared to mobilize with BIA approval	45	11/5/10	12/20/10
Preliminary Design 30% Submittal - 30 days from geotechnical data	30	12/21/10	1/20/11
AHTD 30% Preliminary Design Review and Approval	30	1/21/11	2/20/11
Preliminary Design 60% Submittal - 90 days from 30% Design approval	90	2/21/11	5/22/11
AHTD 60% Preliminary Design Review and Approval	45	5/23/11	7/7/11
Final Design 90% Submittal - 90 days from Preliminary 60% Design approval	90	7/8/11	10/6/11
AHTD 90% Final Design Review and Approval	30	10/7/11	11/6/11
Final Design 100%Submittal - 30 days from 90% review comments	45	11/7/11	12/22/11
Roundabout Design Schedule			
Draft CE submittal	X	Complete	
Public Meeting	X	Complete	
AHTD and FHWA Review of Draft CE submittal	X	Complete	
Design Surveys	X	Complete	
Schematic 15% Design	X	Complete	
AHTD 15% Schematic Review/Approval and Comment Clarification	X	Complete	
Environmental Documentation	X	Approved	
Geotechnical Engineering	X	Complete	
Preliminary Design 50% Submittal - 60 days from Schematic Design 15% Design approval	X	Complete	
AHTD 50% Preliminary Design Review and Approval	X	Complete	
AHTD 60% Preliminary Design Review and Approval	X	Complete	
Final Design 90% Submittal - 90 days from Preliminary 50% Design approval	X	Complete	
AHTD 90% Final Design Review and Approval	X	Complete	
Final Design 100%Submittal	X	8/27/10	
Property Acquistion, Utility Relocation, Plan Advertisement and Contract Award	140	8/28/10	1/15/11

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Citywide Division: Citywide Program: Sales Tax Capital Improvements	Date Requested	Adjustment Number
2011 ~~2009~~ ~~2010~~		12/2/2010	

Project or Item Added/Increased:	Project or Item Deleted/Reduced:
$296,682 is being requested in the Professional Services Account and in the Federal Grants-Capital Account	

EXHIBIT tabbies B

Justification of this Increase:	Justification of this Decrease:
For Jacobs Engineering to provide design services for the Fayetteville Economic Development Corridor	The City will receive reimbursement from the Federal Government.

Increase Budget

Account Name	Account Number	Amount	Project Number
		see attached	

Decrease Budget

Account Name	Account Number	Amount	Project Number
		see attached	

V.090403

Division Head	Date
Budget Director	12/3/10 Date
Department Director	12.02.2010 Date
Finance Director	12-3-2010 Date
Chief of Staff	12-3-10 Date
Mayor	12/6/10 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

Clear Screen

Budget Adjustment Detail Backup

Account Name	Account Number	Increase Budget	Decrease Budget	Project#	Sub#		Project Description
Professional Services	4470.9470.5314.00	296,682		06035	1700	R	Transportation Bond Street Improvements
Federal Grants - Capital	4470.0947.4309.00		296,682	06035	1700	R	Transportation Bond Street Improvements
Professional Services	4520.9520.5314.00	74,170		06035	1700	R	Transportation Bond Street Improvements
Street Improvements	4520.9520.5809.00		74,170	06035	1700	R	Transportation Bond Street Improvements

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
January 4, 2011

A meeting of the Fayetteville City Council will be held on January 4, 2011 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Oaths of Office:

Adella Gray	**Alderman Ward 1**
Mark Kinion	**Alderman Ward 2**
Justin Tennant	**Alderman Ward 3**
Kit Williams	**City Attorney**

Call to Order

Roll Call

Pledge of Allegiance

City Council Agenda Session Presentations:

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. **Election of Vice Mayor**:

2. **Report on the Firemen's and Policemen's Pension and Relief Fund** – Mayor

3. **2011 Governing Body Appointments:**
   - **Active Transportation Advisory Committee Appointment**
   - **Advertising & Promotion Commission**

4. **2011 Mayor Appointments:**
    - **Northwest Arkansas Regional Planning Commission**
    - **Equipment Committee**
    - **Streets Committee**
    - **Sewer Committee**
    - **Nominating Committee**
    - **Ordinance Review Committee**

Agenda Additions:

A. Consent:

1. Approval of the December 21, 2010 City Council meeting minutes.

2. **Bid #11-01 Time Striping, Inc.:** A resolution awarding Bid #11-01 and authorizing a contract with Time Striping, Inc. in the amount of $12,000.00 for the purchase of thermal striping for the Transportation Division.

3. **Bid #11-02 Time Striping, Inc.:** A resolution awarding Bid #11-02 and authorizing a contract with Time Striping, Inc. in the amount of $54,124.00 for the purchase of reflectorized paint markings for the Transportation Division.

4. **Bid #11-03 Ground Zero Construction & Tomlinson Asphalt Co. Inc.:** A resolution awarding Bid #11-03 and authorizing the purchase of curb and gutter construction from Ground Zero Construction as a primary supplier and Tomlinson Asphalt Co. Inc. as a secondary supplier in variable amounts as needed in calendar year 2011 by the Transportation Division.

5. **Bid #11-04 S & R Trucking & Les Rogers, Inc.:** A resolution awarding Bid #11-04 and authorizing the purchase of topsoil from S&R Trucking as a primary supplier and Les Rogers, Inc. as a secondary supplier in variable amounts as needed in calendar year 2011 by the Transportation Division.

6. **Bid #11-05 S & R Trucking, Sweetser Construction, Inc. & Les Rogers, Inc.:** A resolution awarding Bid #11-05 and authorizing the purchase of hillside gravel from S & R Trucking as a primary supplier, Sweetser Construction, Inc. as a secondary supplier for material to be picked up and Les Rogers, Inc. as a secondary supplier for material to be delivered, in variable amounts as needed in calendar year 2011 by the Transportation Division.

7. **Bid #11-06 Tune Concrete Company & APAC-Central, Inc.:** A resolution awarding Bid #11-06 and authorizing the purchase of concrete from Tune Concrete Company as a primary supplier, APAC-Central, Inc. as a secondary supplier, and authorizing the subsequent use of other bidders based on price and availability, in variable amounts as needed in calendar year 2011 by the Transportation Division.

8. **Bid #11-08 Hillside Haulers & Les Rogers, Inc.:** A resolution awarding Bid #11-08 and authorizing the purchase of truck hauling services from Hillside Haulers and Les Rogers, Inc. as primary suppliers with each to be used on a rotating basis, and authorizing the subsequent use of other bidders based on price and availability, in variable amounts, as needed during calendar year 2011 by the Transportation Division.

9. **Bid #11-09 Northwest Arkansas Quarries, LLC & APAC-Central, Inc.:** A resolution awarding Bid #11-09 and authorizing the purchase of aggregate from Northwest Arkansas Quarries, LLC as a primary supplier, APAC-Central, Inc. as a secondary supplier, and authorizing the subsequent use of other bidders based on price and availability, in variable amounts as needed in calendar year 2011 by the Transportation Division.

10. **Bid #11-11 Tomlinson Asphalt Co.:** A resolution awarding Bid #11-11 and authorizing the purchase of curb and gutter from Tomlinson Asphalt Co., Inc. in an amount not to exceed $225,000.00 and authorizing the subsequent use of other bidders based on price and availability, in variable amounts, as needed for use in Ozark Regional Transit New Freedom Projects during calendar year 2011.

11. **Bid #11-12 Les Rogers, Inc.:** A resolution awarding Bid #11-12 and authorizing the purchase of topsoil from Les Rogers, Inc. in the amount of $9.95 per cubic yard as needed for use in Ozark Regional Transit New Freedom Projects during calendar year 2011.

12. **Bid #11-13 Northwest Arkansas Quarries, LLC & APAC-Central, Inc.:** A resolution awarding Bid #11-13 and authorizing the purchase of aggregate from Northwest Arkansas Quarries, LLC in the amount of $5.30 per ton and authorizing the use of APAC-Central, Inc. in the amount of $5.50 per ton as a secondary supplier, as needed for use in Ozark Regional transit New Freedom Projects during calendar year 2011.

13. **Bid #11-14 Scurlock Industries of Fayetteville, Inc. & HD Supply WaterWorks:** A resolution awarding Bid #11-14 and authorizing the purchase of concrete drainage pipe from Scurlock Industries of Fayetteville, Inc. and metal and plastic drainage pipe from HD Supply WaterWorks in varying unit prices, and authorizing the use of other bidders based on price and availability as needed for use in Ozark Regional Transit New Freedom Projects and other city projects during calendar year 2011.

B. Unfinished Business:

1. **RZN 10-3608 (Parker):** An ordinance rezoning that property described in rezoning petition RZN 10-3608, approximately 0.74 acre, located at 101 East Alice Street, from RSF-4, Residential Single-Family, 4 units per acre, to C-2, Thoroughfare Commercial, subject to the bill of Assurance. *This ordinance was left on the First Reading at the December 21, 2010 City Council meeting.*

   Left on the First Reading

C. New Business:

1. **Asphalt Material Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding during calendar year 2011 for the purchase of asphalt materials for use by the Transportation Division.

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

City Council Agenda Items and Contracts, Leases or Agreements

January 4, 2011
City Council Meeting Date
Agenda Items Only

Terry Gulley	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid 11-01 for and approving the purchase of thermal striping from Time Striping, Inc. in the amount of $12,000.00.

	1,532,300.00	In-House Pavement Improvements
$ 12,000.00	$ 878,000.00	Trail Development
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5211.00		Transportation Improvements
4470.9470.5211.00	$ -	Trail Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02052 / 1		Sales Tax Capital Improvements
02016 / 1	$ 2,410,300.00	Sales Tax Capital Improvements
Project Number	Remaining Balance	Fund Name

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

Terry Gulley 12-15-10
Department Director Date

12-16-10
City Attorney Date

Paul A. Beck 12-17-2010
Finance and Internal Services Director Date

12-20-10
Chief of Staff Date

12/20/10
Mayor Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 12-16-10P03:05 RCVD

Received in Mayor's Office ENTERED 12/17/10

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director TG

Date: January 4, 2011

Subject: A resolution awarding Bid 11-01 for and approving the purchase of thermal striping from Time Striping, Inc. in the amount of $12,000.00.

PROPOSAL:

Staff proposes a resolution awarding Bid 11-01 for and approving the purchase of thermal striping from Time Striping, Inc. in the amount of $12,000.00.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2011 Annual Budget & Work Program and five-year Capital Improvement Program plan.

Sealed formal bids for thermal striping were publicly read and the results are attached to this memo.

Bid 11-01: Staff recommends awarding the thermal striping bid to Time Striping, Inc.

BUDGET IMPACT:

Funds for the acquisition of these materials and services have been budgeted in the In-House Pavement Improvements and Trail Development capital projects. Sufficient funding is available for the 2011 purchases.

Attached: Bid 11-01 Thermal Striping

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #11-01 AND AUTHORIZING A CONTRACT WITH TIME STRIPING, INC. IN THE AMOUNT OF $12,000.00 FOR THE PURCHASE OF THERMAL STRIPING FOR THE TRANSPORTATION DIVISION

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #11-01 and authorizes a contract with Time Striping, Inc. in the amount of $12,000.00 for the purchase of thermal striping for the Transportation Division.

PASSED and **APPROVED** this 4th day of January, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

Fayetteville
ARKANSAS

BID: 11-01
DATE: 12/10/10
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 11-01, Thermal Striping

Item #	Description	Estimated Quantity	*Time Striping, Inc.*	
			Unit Price	TOTAL
1	Hot Truck Applied Thermoplastic White Or Yellow (4") - Per Linear Foot	15,000 LF	$0.51	$7,650.00
2	Hot Applied Thermoplastic Arrows - Each	6 EA	$175.00	$1,050.00
3	Hot Applied Thermoplastic Words - Each	6 EA	$200.00	$1,200.00
4	Hot Applied Thermoplastic Railroad Emblems - Each	1 EA	$800.00	$800.00
5	Hot Applied Thermoplastic Handicap Emblems - Each (Blue Background With White Emblem)	2 EA	$250.00	$500.00
6	Hot 4" Hand Applied Thermoplastic For Parking Spaces - Per Linear Foot	100 LF	$3.00	$300.00
7	Hot 12" Hand Applied Thermoplastic Stop Bars - Per Linear Foot	100 LF	$5.00	$500.00
	TOTAL BID BASED ON ESTIMATES =			**$12,000.00**

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

CERTIFIED: _____ _____ 12/10/10
A. Foren, Purchasing Agent — WITNESS — DATE

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

January 4, 2011
City Council Meeting Date
Agenda Items Only

Terry Gulley	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid 11-02 for and approving the purchase of reflectorized paint markings from Time Striping, Inc. in the amount of $54,124.00.

	1,532,300.00	In-House Pavement Improvements
$ 54,124.00	$ 878,000.00	Trail Development
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5211.00		Transportation Improvements
4470.9470.5211.00	$ -	Trail Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02052 / 1		Sales Tax Capital Improvements
02016 / 1	$ 2,410,300.00	Sales Tax Capital Improvements
Project Number	Remaining Balance	Fund Name

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

Department Director — 12-15-10 Date

City Attorney — 12-16-10 Date

Finance and Internal Services Director — 12-17-2010 Date

Chief of Staff — 12-17-10 Date

Mayor — 12/20/10 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 12-16-10P03:05 RCVD

Received in Mayor's Office ENTERED 12/17/10

Comments:

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director

Date: January 4, 2011

Subject: A resolution awarding Bid 11-02 for and approving the purchase of reflectorized paint markings from Time Striping, Inc. in the amount of $54,124.00.

PROPOSAL:

Staff proposes a resolution awarding Bid 11-02 for and approving the purchase of reflectorized paint markings from Time Striping, Inc. in the amount of $54,124.00.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2011 Annual Budget & Work Program and five-year Capital Improvement Program plan.

Sealed formal bids for reflectorized paint markings were publicly read and the results are attached to this memo.

Bid 11-02: Staff recommends awarding the reflectorized paint markings bid to Time Striping, Inc.

BUDGET IMPACT:

Funds for the acquisition of these materials and services have been budgeted in the In-House Pavement Improvements and Trail Development capital projects. Sufficient funding is available for the 2011 purchases.

Attached: Bid 11-02 Reflectorized Paint Markings

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #11-02 AND AUTHORIZING A CONTRACT WITH TIME STRIPING, INC. IN THE AMOUNT OF $54,124.00 FOR THE PURCHASE OF REFLECTORIZED PAINT MARKINGS FOR THE TRANSPORTATION DIVISION

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #11-02 and authorizes a contract with Time Striping, Inc. in the amount of $54,124.00 for the purchase of reflectorized paint markings for the Transportation Division.

PASSED and **APPROVED** this 4th day of January, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

Fayetteville
ARKANSAS

BID: 11-02
DATE: 12/10/10
TIME: 2:00 PM
CITY OF FAYETTEVILL

Bid 11-02, Reflectorized Paint Markings

Item	Description	Estimated Quantity	*Time Striping, Inc.*	
			Per Item	Extended
1	Reflectorized Paint Marking White (4") - Per Linear Foot	44,000	$0.07	$3,080.00
2	Reflectorized Paint Marking Yellow (4") - Per Linear Foot	501,000	$0.07	$35,070.00
3	Reflectorized Paint Marking Arrows - Per Each	170	$50.00	$8,500.00
4	Reflectorized Paint Marking (Words only: Lane, etc.) - Per Each	25	$70.00	$1,750.00
5	Reflectorized Paint Marking (Symbols only: Bike, ADA, etc.) - Per Each	30	$50.00	$1,500.00
6	Reflectorized Paint Marking Yellow (4" Walk-Behind Trail Striping) - Per Linear Foot	21,120	$0.20	$4,224.00
	TOTAL BID BASED ON ESTIMATES =			**$54,124.00**

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

CERTIFIED: _____ _____ 12/10/10
A. Foren, Purchasing Agent — WITNESS — DATE

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

January 4, 2011
City Council Meeting Date
Agenda Items Only

Terry Gulley	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid 11-03, Curb and Gutter to Ground Zero Construction as primary supplier and Tomlinson Asphalt Co., Inc. as secondary supplier and approving the purchase of curb and gutter construction for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

	1,532,300.00	In-House Pavement Improvements
$ 156,000.00	$ 600,000.00	Sidewalk Improvements
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5417.00		Transportation Improvements
4470.9470.5418.00	$ -	Transportation Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02052 / 1		Sales Tax Capital Improvements
02053 / 1	$ 2,132,300.00	Sales Tax Capital Improvements
Project Number	Remaining Balance	Fund Name

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

Terry D. Gulley — 12-15-10
Department Director — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

J. B. Kell 6 — 12-16-10
City Attorney — Date

Original Contract Number: _____

Paul A. Becker — 12-17-2010
Finance and Internal Services Director — Date

Received in City Clerk's Office 12-16-10P03:05 RCVD
Kim G.

Chief of Staff — 12-20-10
Date

Received in Mayor's Office ENTERED 12/17/10 AM

Mayor — 12/20/10
Date

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director TG

Date: January 4, 2011

Subject: A resolution awarding Bid 11-03, Curb and Gutter to Ground Zero Construction as primary supplier and Tomlinson Asphalt Co., Inc. as secondary supplier and approving the purchase of curb and gutter construction for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

PROPOSAL:

Staff proposes a resolution awarding Bid 11-03, Curb and Gutter to Ground Zero Construction as primary supplier and Tomlinson Asphalt Co., Inc. as secondary supplier and approving the purchase of curb and gutter construction for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2011 Annual Budget & Work Program and five-year Capital Improvement Program plan.

Sealed formal bids for curb and gutter construction were publicly read and the results are attached to this memo.

Bid 11-03: Staff recommends awarding the curb and gutter construction bid to Ground Zero Construction as primary supplier and Tomlinson Asphalt Co., Inc. as secondary supplier for use on an "as needed" basis, in the event that the primary supplier cannot supply the necessary materials or services within the time frame required to complete a project.

BUDGET IMPACT:

Funds for the acquisition of these materials and services have been budgeted in the In-House Pavement Improvements and Sidewalk Improvements capital projects. Sufficient funding is available for the 2011 purchases.

Attached: Bid 11-03 Curb and Gutter

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #11-03 AND AUTHORIZING THE PURCHASE OF CURB AND GUTTER CONSTRUCTION FROM GROUND ZERO CONSTRUCTION AS A PRIMARY SUPPLIER AND TOMLINSON ASPHALT CO. INC. AS A SECONDARY SUPPLIER IN VARIABLE AMOUNTS AS NEEDED IN CALENDAR YEAR 2011 BY THE TRANSPORTATION DIVISION

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #11-03 and authorizes the purchase of curb and gutter construction from Ground Zero Construction as a primary supplier and Tomlinson Asphalt Co. Inc. as a secondary supplier for the unit price amounts specified in the attached Exhibit "A," as needed in calendar year 2011 by the Transportation Division.

PASSED and **APPROVED** this 4th day of January, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

Fayetteville
ARKANSAS

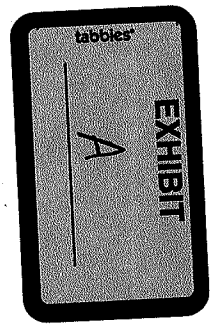
BID: 11-03
DATE: 12/10/10
2:00 PM
CITY OF FAYETTEVILLE

Bid 11-03, Curb and Gutter

Item #	Description	Estimated Quantity	Booher Construction		Fochtman Enterprises, Inc.		Ground Zero Construction		Sweetser Construction, Inc.		Tomlinson Asphalt Co., Inc.	
			UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Hand Formed "Type A" Curb and Gutter (per specifications) - Per Linear Foot	5,000	$11.00	$55,000.00	$9.40	$47,000.00	$8.80	$44,000.00	$8.90	$44,500.00	$9.50	$47,500.00
2	Hand Formed "Type D" Curb and Gutter (per specifications) - Per Square Foot	1,000	$12.00	$12,000.00	$10.40	$10,400.00	$9.50	$9,500.00	$9.90	$9,900.00	$10.50	$10,500.00
3	Flatwork - 4" Thick (Sidewalk, Driveway Approaches, Access Ramps) - Each	10,000	$2.75	$27,500.00	$3.20	$32,000.00	$3.00	$30,000.00	$3.15	$31,500.00	$2.90	$29,000.00
4	Flatwork - 6" Thick (Sidewalk, Driveway Approaches, Access Ramps) - Each	10,000	$3.25	$32,500.00	$4.10	$41,000.00	$3.50	$35,000.00	$3.90	$39,000.00	$3.80	$38,000.00
5	Street Repair - 8" Thick (per specifications) - Per Square Foot	2,000	$3.75	$7,500.00	$5.00	$10,000.00	$8.00	$16,000.00	$6.50	$13,000.00	$5.40	$10,800.00
6	Drop Inlet - Max 4' Deep (per specifications) - Each	10	$2,000.00	$20,000.00	$1,900.00	$19,000.00	$1,900.00	$19,000.00	$1,800.00	$18,000.00	$1,950.00	$19,500.00
7	4 Foot Inlet Extension (per specifications) - Each	5	$800.00	$4,000.00	$600.00	$3,000.00	$500.00	$2,500.00	$600.00	$3,000.00	$500.00	$2,500.00
	TOTAL BID BASED ON ESTIMATES=			$158,500.00		$162,400.00		$156,000.00		$158,900.00		$157,800.00

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

CERTIFIED: A. Foren, Purchasing Agent — WITNESS — 12/10/10 DATE



City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

January 4, 2011
City Council Meeting Date
Agenda Items Only

Terry Gulley	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid 11-04, Topsoil to S & R Trucking as primary supplier and Les Rogers, Inc. as secondary supplier and approving the purchase of topsoil for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

	68,115.00	Materials & Supplies
$ 23,500.00	$ -	Various
Cost of this request	Category / Project Budget	Program Category / Project Name
2100.4130.5216.00		Drainage Maintenance Program
4470.9470.xxxx.xx	$ -	Various
Account Number	Funds Used to Date	Program / Project Category Name
		Street
xxxxx / x	$ 68,115.00	Sales Tax Capital Improvements
Project Number	Remaining Balance	Fund Name

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

Department Director — 12-15-10 Date

City Attorney — 12-16-10 Date

Finance and Internal Services Director — 12-17-2010 Date

Chief of Staff — 12-20-10 Date

Mayor — 12/20/10 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 12-16-10P03:06 RCVD
Kim G.

Received in Mayor's Office ENTERED 12/17/10

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director TG

Date: January 4, 2011

Subject: A resolution awarding Bid 11-04, Topsoil to S & R Trucking as primary supplier and Les Rogers, Inc. as secondary supplier and approving the purchase of topsoil for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

PROPOSAL:

Staff proposes a resolution awarding Bid 11-04, Topsoil to S & R Trucking as primary supplier and Les Rogers, Inc. as secondary supplier and approving the purchase of topsoil for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2011 Annual Budget & Work Program and five-year Capital Improvement Program plan.

Sealed formal bids for topsoil were publicly read and the results are attached to this memo.

Bid 11-04: Staff recommends awarding the topsoil bid to S & R Trucking as primary supplier and Les Rogers, Inc. as secondary supplier for use on an "as needed" basis, in the event that the primary supplier cannot supply the necessary materials or services within the time frame required to complete a project.

BUDGET IMPACT:

Funds for the acquisition of these materials and services have been budgeted in the Street Fund Drainage Maintenance Program and also in various capital projects. Sufficient funding is available for the 2011 purchases.

Attached: Bid 11-04 Topsoil

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #11-04 AND AUTHORIZING THE PURCHASE OF TOPSOIL FROM S&R TRUCKING AS A PRIMARY SUPPLIER AND LES ROGERS, INC. AS A SECONDARY SUPPLIER IN VARIABLE AMOUNTS AS NEEDED IN CALENDAR YEAR 2011 BY THE TRANSPORTATION DIVISION

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #11-04 and authorizes the purchase of topsoil from S&R Trucking as a primary supplier and Les Rogers, Inc. as a secondary supplier for the unit price amounts specified in the attached Exhibit "A," as needed in calendar year 2011 by the Transportation Division.

PASSED and **APPROVED** this 4th day of January, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

Fayetteville
ARKANSAS

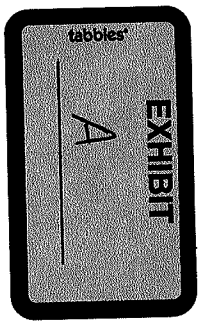
BID: 11-04
DATE: 12/10/10
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 11-04, Topsoil

	BIDDER	Estimated Quantity	UNIT PRICE (per cubic yard)	TOTAL
1	Les Rogers, Inc.	2,500	$9.95	$24,875.00
2	S&R Trucking	2,500	$9.40	$23,500.00

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

CERTIFIED: A. Foren, Purchasing Agent — WITNESS — 12/10/10 DATE



City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

January 4, 2011
City Council Meeting Date
Agenda Items Only

Terry Gulley	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid 11-05, Hillside Gravel to S & R Trucking as primary supplier and Sweetser Construction, Inc. as secondary supplier for materials picked up and S & R Trucking as primary supplier and Les Rogers, Inc. as secondary supplier for delivered materials and approving the purchase of hillside gravel for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

$ 56,000.00	$ -	Various
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.xxxx.xx	$ -	Various
Account Number	Funds Used to Date	Program / Project Category Name
xxxxx / x	$ -	Sales Tax Capital Improvements
Project Number	Remaining Balance	Fund Name

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

Department Director — 12-15-10 Date

City Attorney — Date

Finance and Internal Services Director — 12-17-2010 Date

Chief of Staff — 12-20-10 Date

Mayor — 12/20/10 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 12-16-10P03:08 RCVD

Received in Mayor's Office ENTERED 12/17/10

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director TG

Date: January 4, 2011

Subject: A resolution awarding Bid 11-05, Hillside Gravel to S & R Trucking as primary supplier and Sweetser Construction, Inc. as secondary supplier for materials picked up and S & R Trucking as primary supplier and Les Rogers, Inc. as secondary supplier for delivered materials and approving the purchase of hillside gravel for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

PROPOSAL:
Staff proposes a resolution awarding Bid 11-05, Hillside Gravel to S & R Trucking as primary supplier and Sweetser Construction, Inc. as secondary supplier for materials picked up and S & R Trucking as primary supplier and Les Rogers, Inc. as secondary supplier for delivered materials and approving the purchase of hillside gravel for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

RECOMMENDATION:
The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2011 Annual Budget & Work Program and five-year Capital Improvement Program plan.

Sealed formal bids for hillside gravel were publicly read and the results are attached to this memo.

Bid 11-05: Staff recommends awarding the hillside gravel bid to S & R Trucking as primary supplier and Sweetser Construction, Inc. as secondary supplier for materials picked up and S & R Trucking as primary supplier and Les Rogers, Inc. as secondary supplier for delivered materials. The secondary supplier awards are intended for use on an "as needed" basis, in the event that the primary supplier cannot supply the necessary materials or services within the time frame required to complete a project.

BUDGET IMPACT:
Funds for the acquisition of these materials and services have been budgeted in the Sales Tax Capital Improvements Fund. Sufficient funding is available for the 2011 purchases.

Attached: Bid 11-05 Hillside Gravel

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #11-05 AND AUTHORIZING THE PURCHASE OF HILLSIDE GRAVEL FROM S&R TRUCKING AS A PRIMARY SUPPLIER, SWEETSER CONSTRUCTION, INC. AS A SECONDARY SUPPLIER FOR MATERIAL TO BE PICKED UP AND LES ROGERS, INC. AS A SECONDARY SUPPLIER FOR MATERIAL TO BE DELIVERED, IN VARIABLE AMOUNTS AS NEEDED IN CALENDAR YEAR 2011 BY THE TRANSPORTATION DIVISION

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #11-05 and authorizes the purchase of hillside gravel from S&R Trucking as a primary supplier, Sweetser Construction, Inc. as a secondary supplier for material to be picked up and Les Rogers, Inc. as a secondary supplier for material to be delivered, for the unit price amounts specified in the attached Exhibit "A," as needed in calendar year 2011 by the Transportation Division.

PASSED and **APPROVED** this 4th day of January, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

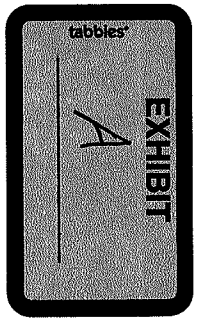
Fayetteville
ARKANSAS

BID: 11-05
DATE: 12/10/10
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 11-05, Hillside Gravel

	BIDDER	Red Hillside Gravel (Pickup & Loaded on City Truck - Material Cost Only) Est Qty: 15,000		Red Hillside Gravel (Delivery Price Only - To be Added to the Cost of Material) Est Qty: 10,000		TOTAL BID BASED ON ESTIMATES
		Price/Cubic Yd	TOTAL	Price/Cubic Yd	TOTAL	
1	Les Rogers, Inc.	$ 1.49	$ 22,350.00	$ 3.44	$ 34,400.00	$ 56,750.00
2	Northwest Arkansas Quarries	$ 2.25	$ 33,750.00	$ 3.50	$ 35,000.00	$ 68,750.00
3	S&R Trucking	$ 1.40	$ 21,000.00	$ 3.50	$ 35,000.00	$ 56,000.00
4	Sweetser Construction, Inc.	$ 1.40	$ 21,000.00	$ 3.75	$ 37,500.00	$ 58,500.00

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



CERTIFIED: A. Foren, Purchasing Agent — WITNESS — 12/10/10 DATE

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

January 4, 2011
City Council Meeting Date
Agenda Items Only

Terry Gulley	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid 11-06, Concrete to Tune Concrete Company as primary supplier, APAC-Central, Inc. as secondary supplier, authorizing the use of other bidders based on price and availability and approving the purchase of concrete materials for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

	1,532,300.00	In-House Pavement Improvements
$ 279,562.50	$ 600,000.00	Sidewalk Improvements
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5417.00		Transportation Improvements
4470.9470.5418.00	$ -	Transportation Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02052 / 1		Sales Tax Capital Improvements
02053 / 1	$ 2,132,300.00	Sales Tax Capital Improvements
Project Number	Remaining Balance	Fund Name

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

Terry L. Gulley — Department Director — 12-15-10 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

[signature] — City Attorney — 12-16-10 Date

Paul A. Becker — Finance and Internal Services Director — 12-17-2010 Date

Received in City Clerk's Office 12-16-10P03:06 RCVD
Kim J.

[signature] — Chief of Staff — 12-20-10 Date

Received in Mayor's Office ENTERED 12/17/10

[signature] — Mayor — 12/20/10 Date

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director

Date: January 4, 2011

Subject: A resolution awarding Bid 11-06, Concrete to Tune Concrete Company as primary supplier, APAC-Central, Inc. as secondary supplier, authorizing the use of other bidders based on price and availability and approving the purchase of concrete materials for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

PROPOSAL:

Staff proposes a resolution awarding Bid 11-06, Concrete to Tune Concrete Company as primary supplier, APAC-Central, Inc. as secondary supplier, authorizing the use of other bidders based on price and availability and approving the purchase of concrete materials for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2011 Annual Budget & Work Program and five-year Capital Improvement Program plan.

Sealed formal bids for concrete were publicly read and the results are attached to this memo.

Bid 11-06: Staff recommends awarding the concrete bid to Tune Concrete Company as primary supplier, APAC-Central, Inc. as secondary supplier and authorizing the use of other bidders based on price and availability for use on an "as needed" basis, in the event that the primary or secondary suppliers cannot supply the necessary materials or services within the time frame required to complete a project.

BUDGET IMPACT:

Funds for the acquisition of these materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements fund. Sufficient funding is available for the 2011 purchases.

Attached: Bid 11-06 Concrete

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #11-06 AND AUTHORIZING THE PURCHASE OF CONCRETE FROM TUNE CONCRETE COMPANY AS A PRIMARY SUPPLIER, APAC-CENTRAL, INC. AS A SECONDARY SUPPLIER, AND AUTHORIZING THE SUBSEQUENT USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY, IN VARIABLE AMOUNTS AS NEEDED IN CALENDAR YEAR 2011 BY THE TRANSPORTATION DIVISION

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #11-06 and authorizes the purchase of concrete from Tune Concrete Company as a primary supplier, APAC-Central, Inc. as a secondary supplier and subsequently from other bidders based on price and availability for the unit price amounts specified in the attached Exhibit "A," as needed in calendar year 2011 by the Transportation Division.

PASSED and **APPROVED** this 4th day of January, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

Fayetteville
ARKANSAS

BID: 11-06
DATE: 12/10/10
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 11-06, Concrete

Item #	Description	Est Qty (cubic yards)	APAC - Central, Inc.		Beaver Lake Concrete, Inc.		GCC/Mid-Continent Concrete		Tune Concrete Company	
			Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended
1	3500 PSI 1/1/4" Max. Aggregate Size, 4" Slump	500	$60.00	$30,000.00	$62.00	$31,000.00	$67.00	$33,500.00	$56.85	$28,425.00
2	4000 PSI 1/1/4" Max. Aggregate Size, 4" Slump	2,500	$62.00	$155,000.00	$62.00	$155,000.00	$69.00	$172,500.00	$58.85	$147,125.00
3	4000 PSI 1/1/4" Max. Aggregate Size with Fiber Reinforcement, 4" Slump	1,000	$67.50	$67,500.00	$67.00	$67,000.00	$75.00	$75,000.00	$61.85	$61,850.00
4	5000 PSI 1/1/4" Max. Aggregate Size, 4" Slump	100	$64.00	$6,400.00	$66.00	$6,600.00	$73.00	$7,300.00	$63.00	$6,300.00
5	1% Calcium Chloride Admixture	100	$2.50	$250.00	$2.35	$235.00	$3.00	$300.00	$2.50	$250.00
6	2% Calcium Chloride Admixture	60	$5.00	$300.00	$4.70	$282.00	$6.00	$360.00	$5.00	$300.00
7	Air Entraining Admixture	2,500	Included		Included		Included		Included	
8	Hot Water	500	$3.00	$1,500.00	$3.50	$1,750.00	$3.50	$1,750.00	$4.00	$2,000.00
9	Chilled Water	500	$7.00	$3,500.00	$4.00	$2,000.00	$5.00	$2,500.00	$3.00	$1,500.00
10	3/4" Rock	3,000	Included		$1.10	$3,300.00	$2.00	$6,000.00	$2.00	$6,000.00
11	Exposed Aggregate	50	$14.00	$700.00	$75.00	$3,750.00	$15.00	$750.00	$63.85	$3,192.50
12	Flowable Fill	50	$58.00	$2,900.00	$62.00	$3,100.00	$64.00	$3,200.00	$52.00	$2,600.00
13	Lightweight Concrete	50	$119.00	$5,950.00	$83.00	$4,150.00	$30.00	$1,500.00	$75.00	$3,750.00
		Est Qty (per ton)	Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended
14	Type I Portland Cement	100	No Bid		$126.00	$12,600.00	No Bid		$130.00	$13,000.00
15	Concrete Sand	100	$26.00	$2,600.00	$19.50	$1,950.00	No Bid		$20.00	$2,000.00
16	Masonry Sand	50	$26.00	$1,300.00	$21.50	$1,075.00	No Bid		$20.00	$1,000.00
		Est Qty (each)	Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended
17	Mobilization Fee (After Hours & Weekends)	1	$500.00	$500.00	$300.00	$300.00	$500.00	$500.00	$250.00	$250.00
18	Colored Concrete Washout Fee (Per Truck)	1	Included		$35.00	$35.00	Included		$20.00	$20.00
	TOTAL BID PRICE=			**$278,400.00**		**$294,127.00**		**$305,160.00**		**$279,562.50**

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

CERTIFIED: _____ **P. VICE, RURCH MGR**

_____ **WITNESS**

12/10/10 **DATE**

tabbies EXHIBIT A

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

January 4, 2011
City Council Meeting Date
Agenda Items Only

Terry Gulley	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid 11-08, Truck Hauling Services to Hillside Haulers and Les Rogers, Inc. as primary suppliers, authorizing the use of other bidders based on price and availability, and approving the purchase of truck hauling services for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

$ 54,950.00	$ 1,532,300.00	In-House Pavement Improvements
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5315.00	$ -	Transportation Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02052 / 1	$ 1,532,300.00	Sales Tax Capital Improvements
Project Number	Remaining Balance	Fund Name

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

Terry L. Gulley — 12-15-10
Department Director — Date

12-17-10
City Attorney — Date

Paul A. Becker — 12-17-2010
Finance and Internal Services Director — Date

12-20-10
Chief of Staff — Date

12/20/10
Mayor — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office: 12-16-10P03:06 RCVD — Kum G.

Received in Mayor's Office: ENTERED 12/17/10 pm

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director TG

Date: January 4, 2011

Subject: A resolution awarding Bid 11-08, Truck Hauling Services to Hillside Haulers and Les Rogers, Inc. as primary suppliers, authorizing the use of other bidders based on price and availability, and approving the purchase of truck hauling services for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

PROPOSAL:

Staff proposes a resolution awarding Bid 11-08, Truck Hauling Services to Hillside Haulers and Les Rogers, Inc. as primary suppliers, authorizing the use of other bidders based on price and availability, and approving the purchase of truck hauling services for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2011 Annual Budget & Work Program and five-year Capital Improvement Program plan.

Sealed formal bids for truck hauling services were publicly read and the results are attached to this memo.

Bid 11-08: Staff recommends awarding the truck hauling services to Hillside Haulers and Les Rogers, Inc. as primary suppliers, authorizing the use of other bidders based on price and availability on an "as needed" basis, in the event that the primary suppliers cannot supply the necessary materials or services within the time frame required to complete a project.

BUDGET IMPACT:

Funds for the acquisition of these materials and services have been budgeted in the In-House Pavement Improvements capital project. Sufficient funding is available for the 2011 purchases.

Attached: Bid 11-08 Truck Hauling Services

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #11-08 AND AUTHORIZING THE PURCHASE OF TRUCK HAULING SERVICES FROM HILLSIDE HAULERS AND LES ROGERS, INC. AS PRIMARY SUPPLIERS WITH EACH TO BE USED ON A ROTATING BASIS, AND AUTHORIZING THE SUBSEQUENT USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY, IN VARIABLE AMOUNTS, AS NEEDED DURING CALENDAR YEAR 2011 BY THE TRANSPORTATION DIVISION

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #11-08 and authorizes the purchase of truck hauling services from Hillside Haulers and Les Rogers, Inc. as primary suppliers with each to be used on a rotating basis in the amount of $54.95 per hour, and further authorizes the subsequent use of other bidders based on price and availability for the amounts indicated on the attached Exhibit "A", as needed during calendar year 2011 for the Transportation Division.

PASSED and **APPROVED** this 4th day of January, 2011.

APPROVED: ATTEST:

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

Fayetteville
ARKANSAS

BID: 11-08
DATE: 12/10/10
2:00 PM
CITY OF FAYETTEVILLE

Bid 11-08, Truck Hauling Services

	BIDDER	Estimated Quantity	UNIT PRICE (price per hour)	TOTAL
1	Hillside Haulers	1000 hours	$54.95	$54,950.00
2	Les Rogers, Inc.	1000 hours	$54.95	$54,950.00
3	S&R Trucking	1000 hours	$60.00	$60,000.00
4	Sweetser Construction, Inc.	1000 hours	$65.00	$65,000.00

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

tabbies EXHIBIT A

CERTIFIED: A. Foren
A. FOREN, PURCH AGENT

WITNESS

12/10/10
DATE

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

January 4, 2011
City Council Meeting Date
Agenda Items Only

Terry Gulley	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid 11-09, Aggregate to Northwest Arkansas Quarries, LLC as primary supplier and APAC - Central, Inc. as secondary supplier and approving the purchase of aggregate materials for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

	1,532,300.00	In-House Pavement Improvements
$ 194,275.00	$ 600,000.00	Sidewalk Improvements
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5417.00		Transportation Improvements
4470.9470.5418.00	$ -	Transportation Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02052 / 1		Sales Tax Capital Improvements
02053 / 1	$ 2,132,300.00	Sales Tax Capital Improvements
Project Number	Remaining Balance	Fund Name

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

Terry J. Gulley — 12-15-10
Department Director — Date

[signature] — 12-16-10
City Attorney — Date

Paul A. Becker — 12-17-2010
Finance and Internal Services Director — Date

[signature] — 12-20-10
Chief of Staff — Date

[signature] — 12/20/10
Mayor — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 12-16-10P03:07 RCVD
Kim J.

Received in Mayor's Office ENTERED 12/17/10 PH

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director

Date: January 4, 2011

Subject: A resolution awarding Bid 11-09, Aggregate to Northwest Arkansas Quarries, LLC as primary supplier and APAC - Central, Inc. as secondary supplier and approving the purchase of aggregate materials for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

PROPOSAL:

Staff proposes a resolution awarding Bid 11-09, Aggregate to Northwest Arkansas Quarries, LLC as primary supplier and APAC - Central, Inc. as secondary supplier and approving the purchase of aggregate materials for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2011.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2011 Annual Budget & Work Program and five-year Capital Improvement Program plan.

Sealed formal bids for aggregate materials were publicly read and the results are attached to this memo. The following in-house hauling costs were disclosed in the Invitation to Bid for Bid 11-09, Aggregate.

City Costs:

i. City Staff – Maintenance Worker III (Truck Driver) = $14.28 / hour
ii. 10-Wheel Dump Truck (15 ton capacity) = $10.36 / hour
iii. Tri-Axle Dump Truck (18 ton capacity) = $10.89 / hour
iv. 10-Wheel Dump Truck (15 tons) + Truck Driver = $24.64 / hour
v. Tri-Axle Dump Truck (18 tons) + Truck Driver = $25.17 / hour

The following mileages were calculated based the distance from each supplier's location to the City of Fayetteville Transportation Division, utilizing Google Maps:

- APAC – Central, Inc. – 17.1 miles, 22 minutes
- Northwest Arkansas Quarries – 15.5 miles, 27 minutes
- Rogers Group, Inc. (Lowell Quarry – OPT 1) – 15.8 miles, 29 minutes
- Rogers Group, Inc. (Hamstring Quarry – OPT 2) – 10.1 miles, 19 minutes

The following City hauling costs were calculated based on the information shown above and added to the unit price per ton in order to fairly evaluate the bids submitted by each potential supplier. The calculation method consisted of converting the mileage and drive time to a percentage of an hour. The resulting percentages were multiplied by the Tri-Axle Dump Truck + Truck Driver cost and divided the dump truck capacity to arrive at the cost per ton added to the original unit price in each bid. Based on the aforementioned method of calculation, the following unit costs were added to the unit bid prices for each respective potential supplier:

- APAC – Central, Inc. – $0.50 per ton
- Northwest Arkansas Quarries – $0.63 per ton
- Rogers Group, Inc. (Lowell Quarry – OPT 1) – $0.67 per ton
- Rogers Group, Inc. (Hamstring Quarry – OPT 2) – $0.45 per ton

Bid 11-09: Staff recommends awarding the aggregate bid to Northwest Arkansas Quarries, LLC as primary supplier and APAC - Central, Inc. as secondary supplier for use on an "as needed" basis, in the event that the primary supplier cannot supply the necessary materials or services within the time frame required to complete a project.

BUDGET IMPACT:
Funds for the acquisition of these materials and services have been budgeted in the In-House Pavement Improvements and Sidewalk Improvements capital projects. Sufficient funding is available for the 2011 purchases.

Attached: Bid 11-09 Aggregate

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #11-09 AND AUTHORIZING THE PURCHASE OF AGGREGATE FROM NORTHWEST ARKANSAS QUARRIES, LLC AS A PRIMARY SUPPLIER, APAC-CENTRAL, INC. AS A SECONDARY SUPPLIER, AND AUTHORIZING THE SUBSEQUENT USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY, IN VARIABLE AMOUNTS AS NEEDED IN CALENDAR YEAR 2011 BY THE TRANSPORTATION DIVISION

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #11-09 and authorizes the purchase of aggregate from Northwest Arkansas Quarries, LLC as a primary supplier, APAC-Central, Inc. as a secondary supplier and subsequently from other bidders based on price and availability for the unit price amounts specified in the attached Exhibit "A," as needed in calendar year 2011 by the Transportation Division.

PASSED and **APPROVED** this 4th day of January, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

Fayetteville
ARKANSAS

BID: 11-09
DATE: 12/10/10
2:00 PM
CITY OF FAYETTEVILLE

Bid 11-09, Aggregate

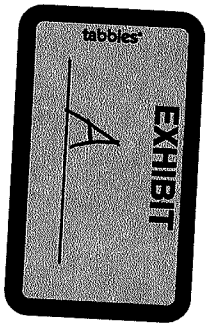
Item	DESCRIPTION	Estimated Tons	*APAC - Central, Inc.*		*Northwest Arkansas Quarries, LLC*		*Rogers Group, Inc. - Hamstring Location*		*Rogers Group, Inc. - Lowell Location*	
			PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE
1	Class 7 Base (SB-2) - includes wet and dry	30,000	$5.50	$165,000.00	$5.30	$159,000.00	$5.85	$175,500.00	$5.85	$175,500.00
2	Concrete Aggregate - 1.5"	500	$8.00	$4,000.00	$7.40	$3,700.00	No Bid		$8.00	$4,000.00
3	Concrete Aggregate - 3/4"	500	$8.25	$4,125.00	$8.40	$4,200.00	$8.75	$4,375.00	$8.75	$4,375.00
4	"B" Stone	2,500	$6.25	$15,625.00	$6.50	$16,250.00	$6.75	$16,875.00	$6.75	$16,875.00
5	Abrasives / Grit (1/4" chips)	500	$7.00	$3,500.00	$4.25	$2,125.00	$5.40	$2,700.00	$5.40	$2,700.00
6	Shot Rock	500	$6.00	$3,000.00	$6.00	$3,000.00	$6.00	$3,000.00	$6.00	$3,000.00
7	Rip Rap	500	$16.00	$8,000.00	$12.00	$6,000.00	No Bid		$16.00	$8,000.00
	TOTAL BASED BID =			**$203,250.00**		**$194,275.00**		**$202,450.00**		**$214,450.00**

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

CERTIFIED: A. Foren
A. FOREN, PURCH AGENT

WITNESS

12/10/10
DATE



City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

1/4/2011
City Council Meeting Date
Agenda Items Only

John Nelson	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid #11-11 and approving the purchase of curb and gutter from Tomlinson Asphalt Co., Inc. in an amount not to exceed $225,000.00 and authorizing the optional use of other bidders based on price and availability for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2011.

$ 225,000.00	$ 387,500.00	ORT Sidewalks & Pads Grant
Cost of this request	Category / Project Budget	Program Category / Project Name
2100.5530.5216.00	$ 266.00	Materials and Supplies
Account Number	Funds Used to Date	Program / Project Category Name
09030	$ 387,234.00	Street
Project Number	Remaining Balance	Fund Name

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

Department Director — 12-15-10 Date

City Attorney — 12-16-10 Date

Finance and Internal Services Director — 12-17-2010 Date

Chief of Staff — 12-20-10 Date

Mayor — 12/20/10 Date

Previous Ordinance or Resolution # 220-09

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office 12-16-10P03:04 RCVD

Received in Mayor's Office ENTERED 12/17/10

Comments:

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

Thru: Terry Gulley, Transportation Services Department Director

From: John Nelson, Management Accounting Coordinator

Date: December 13, 2010

Subject: A resolution awarding Bid #11-11 and approving the purchase of curb and gutter from Tomlinson Asphalt Co., Inc. in an amount not to exceed $225,000.00 and authorizing the optional use of other bidders based on price and availability for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2011.

PROPOSAL:

City Council approved an agreement with Ozark Regional Transit on November 3, 2009 (Res. No. 220-09) to utilize $387,500 in Federal Transit Administration grant funds for sidewalk, transit shelter and bench concrete pad construction. These New Freedom funds will enable the City to construct these amenities in the proximity to bus stops.

Bench pads were constructed at 1117 E. Huntsville Rd. (Seven Hills), 1794 E. Joyce Blvd., and 4044 N. Frontage Rd. (DHS) in 2010.

Sealed formal bids for curb and gutter, concrete flatwork, topsoil, aggregate, and drainage pipe were opened Friday, December 10, 2010. Grant funds are required to be spent by September 1, 2012.

RECOMMENDATION:

Staff recommends a resolution awarding Bid #11-11 and approving the purchase of curb and gutter from Tomlinson Asphalt Co., Inc. in an amount not to exceed $225,000.00 and authorizing the optional use of other bidders based on price and availability for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2011.

BUDGET IMPACT:

$387,500 is budgeted in the ORT Sidewalks & Pads Grant project.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #11-11 AND AUTHORIZING THE PURCHASE OF CURB AND GUTTER FROM TOMLINSON ASPHALT CO., INC. IN AN AMOUNT NOT TO EXCEED $225,000.00 AND AUTHORIZING THE SUBSEQUENT USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY, IN VARIABLE AMOUNTS, AS NEEDED FOR USE IN OZARK REGIONAL TRANSIT NEW FREEDOM PROJECTS DURING CALENDAR YEAR 2011

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #11-11 and authorizes the purchase of curb and gutter from Tomlinson Asphalt Co., Inc. in an amount not to exceed $225,000.00 and authorizing the subsequent us of other bidders based on price and availability for the unit price amounts specified in the attached Exhibit "A," as needed for use in Ozark Regional Transit New Freedom Projects during calendar year 2011.

PASSED and **APPROVED** this 4th day of January, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

Fayetteville
ARKANSAS

BID: 11-11
DATE: 12/10/10
2:00 PM
CITY OF FAYETTEVILLE

Bid 11-11, Curb and Gutter for ORT New Freedom Project

Item #	Description	Estimated Quantity	*Booher Construction*		*Fochtman Enterprises, Inc.*		*Ground Zero Construction*		*Sweetser Construction, Inc.*		*Tomlinson Asphalt Co., Inc.*	
			UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Hand Formed "Type A" Curb and Gutter (per specifications) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing - Per Linear Foot	7,750	$11.00	$85,250.00	$9.40	$72,850.00	$8.80	$68,200.00	$8.90	$68,975.00	$9.25	$71,687.50
2	Flatwork - 4" Thick (Sidewalk, Driveway Approaches, Access Ramps) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing - Per Square Foot	33,000	$2.50	$82,500.00	$3.20	$105,600.00	$3.00	$99,000.00	$3.15	$103,950.00	$2.40	$79,200.00
3	Flatwork - 6" Thick (Sidewalk, Driveway Approaches, Access Ramps) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing - Per Square Foot	6,000	$3.00	$18,000.00	$4.10	$24,600.00	$3.50	$21,000.00	$3.90	$23,400.00	$3.80	$22,800.00
4	Drop Inlet - Max 4' Deep (per specifications) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing - Per Each	10	$2,000.00	$20,000.00	$1,900.00	$19,000.00	$1,900.00	$19,000.00	$1,800.00	$18,000.00	$1,950.00	$19,500.00
5	4' Inlet Extension (per specifications) - Contractor suppplies form work, concrete materials, labor to place and finish, saw cutting, and joing sealing - Per Each	5	$800.00	$4,000.00	$500.00	$2,500.00	$500.00	$2,500.00	$600.00	$3,000.00	$500.00	$2,500.00
	TOTAL BID BASED ON ESTIMATES=			**$209,750.00**		**$224,550.00**		**$209,700.00**		**$217,325.00**		**$195,687.50**

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

CERTIFIED: A. Foren 12/10/10
A. FOREN, PURCH AGENT — WITNESS — DATE

tabbies
EXHIBIT
A

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

1/4/2011
City Council Meeting Date
Agenda Items Only

John Nelson jlr	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid #11-12 and approving the purchase of topsoil from Les Rogers, Inc. in the amount of $9.95 per cubic yard for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2011.

$ 19,900.00	$ 387,500.00	ORT Sidewalks & Pads Grant
Cost of this request	Category / Project Budget	Program Category / Project Name
2100.5530.5216.00	$ 266.00	Materials and Supplies
Account Number	Funds Used to Date	Program / Project Category Name
09030	$ 387,234.00	Street
Project Number	Remaining Balance	Fund Name

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

Terry D. Gulley — 12-15-10
Department Director — Date

Previous Ordinance or Resolution # 220-09

Original Contract Date:

Original Contract Number:

J. B. Kelley — 12-16-10
City Attorney — Date

Paul A. Becker — 12-17-2010
Finance and Internal Services Director — Date

Received in City Clerk's Office 12-16-10 P03:04 RCVD
Kim J.

Chief of Staff — 12-20-10
Date

Received in Mayor's Office ENTERED 12/17/10

Mayor — 12/20/10
Date

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

Thru: Terry Gulley, Transportation Services Department Director TGb

From: John Nelson, Management Accounting Coordinator JN

Date: December 13, 2010

Subject: A resolution awarding Bid #11-12 and approving the purchase of topsoil from Les Rogers, Inc. in the amount of $9.95 per cubic yard for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2011.

PROPOSAL:

City Council approved an agreement with Ozark Regional Transit on November 3, 2009 (Res. No. 220-09) to utilize $387,500 in Federal Transit Administration grant funds for sidewalk, transit shelter and bench concrete pad construction. These New Freedom funds will enable the City to construct these amenities in the proximity to bus stops.

Bench pads were constructed at 1117 E. Huntsville Rd. (Seven Hills), 1794 E. Joyce Blvd., and 4044 N. Frontage Rd. (DHS) in 2010.

Sealed formal bids for curb and gutter, concrete flatwork, topsoil, aggregate, and drainage pipe were opened Friday, December 10, 2010. Grant funds are required to be spent by September 1, 2012.

RECOMMENDATION:

Staff recommends a resolution awarding Bid #11-12 to Les Rogers, Inc. and approving the purchase of topsoil for ORT New Freedom Projects in the amount of $9.95 per cubic yard as needed through the end of calendar year 2011.

BUDGET IMPACT:

$387,500 is budgeted in the ORT Sidewalks & Pads Grant project.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #11-12 AND AUTHORIZING THE PURCHASE OF TOPSOIL FROM LES ROGERS, INC. IN THE AMOUNT OF $9.95 PER CUBIC YARD AS NEEDED FOR USE IN OZARK REGIONAL TRANSIT NEW FREEDOM PROJECTS DURING CALENDAR YEAR 2011

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #11-12 and authorizes the purchase of topsoil from Les Rogers, Inc. in the amount of $9.95 per cubic yard as needed for use in Ozark Regional Transit New Freedom Projects during calendar year 2011.

PASSED and **APPROVED** this 4th day of January, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

Fayetteville
ARKANSAS

BID: 11-12
DATE: 12/10/10
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 11-12, Topsoil for ORT New Freedom Project

	BIDDER	Estimated Quantity	UNIT PRICE (per cubic yard)	TOTAL
1	Les Rogers, Inc.	2,000	$9.95	$19,900.00

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

CERTIFIED: _____ _____ 12/10/10
A. FOREN, PURCH AGENT — WITNESS — DATE

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

1/4/2011
City Council Meeting Date
Agenda Items Only

John Nelson jlr	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid #11-13 and approving the purchase of aggregate from Northwest Arkansas Quarries, LLC in the amount of $5.30 per ton and authorizing the use of APAC-Central, Inc. as a secondary supplier for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2011.

$ 17,755.00	$ 387,500.00	ORT Sidewalks & Pads Grant
Cost of this request	Category / Project Budget	Program Category / Project Name
2100.5530.5216.00	$ 266.00	Materials and Supplies
Account Number	Funds Used to Date	Program / Project Category Name
09030	$ 387,234.00	Street
Project Number	Remaining Balance	Fund Name

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

Department Director — 12-15-10 Date

City Attorney — 12-16-10 Date

Finance and Internal Services Director — 12-17-2010 Date

Chief of Staff — 12-20-10 Date

Mayor — 12/22/10 Date

Previous Ordinance or Resolution # 220-09

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office 12-16-10P03:04 RCVD

Received in Mayor's Office ENTERED 12/17/10

Comments:

Fayetteville ARKANSAS
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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

Thru: Terry Gulley, Transportation Services Department Director TG

From: John Nelson, Management Accounting Coordinator jln

Date: December 13, 2010

Subject: A resolution awarding Bid #11-13 and approving the purchase of aggregate from Northwest Arkansas Quarries, LLC in the amount of $5.30 per ton and authorizing the use of APAC-Central, Inc. as a secondary supplier for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2011.

PROPOSAL:

City Council approved an agreement with Ozark Regional Transit on November 3, 2009 (Res. No. 220-09) to utilize $387,500 in Federal Transit Administration grant funds for sidewalk, transit shelter and bench concrete pad construction. These New Freedom funds will enable the City to construct these amenities in the proximity to bus stops.

Bench pads were constructed at 1117 E. Huntsville Rd. (Seven Hills), 1794 E. Joyce Blvd., and 4044 N. Frontage Rd. (DHS) in 2010.

Sealed formal bids for curb and gutter, concrete flatwork, topsoil, aggregate, and drainage pipe were opened Friday, December 10, 2010. Grant funds are required to be spent by September 1, 2012.

RECOMMENDATION:

Staff recommends a resolution awarding Bid #11-13 and approving the purchase of aggregate from Northwest Arkansas Quarries, LLC in the amount of $5.30 per ton and authorizing the use of APAC-Central, Inc. as a secondary supplier for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2011.

BUDGET IMPACT:

$387,500 is budgeted in the ORT Sidewalks & Pads Grant project.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #11-13 AND AUTHORIZING THE PURCHASE OF AGGREGATE FROM NORTHWEST ARKANSAS QUARRIES, LLC IN THE AMOUNT OF $5.30 PER TON AND AUTHORIZING THE USE OF APAC-CENTRAL, INC. IN THE AMOUNT OF $5.50 PER TON AS A SECONDARY SUPPLIER, AS NEEDED FOR USE IN OZARK REGIONAL TRANSIT NEW FREEDOM PROJECTS DURING CALENDAR YEAR 2011

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #11-13 and authorizes the purchase of aggregate from Northwest Arkansas Quarries, LLC in the amount of $5.30 per ton and authorizes the use of APAC-Central, Inc. as a secondary supplier in the amount of $5.50 per ton, as needed for use in Ozark Regional Transit New Freedom Projects during calendar year 2011.

PASSED and **APPROVED** this 4th day of January, 2011.

APPROVED: ATTEST:

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

Fayetteville
ARKANSAS

BID: 11-13
DATE: 12/10/10
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 11-13, Aggregate for ORT New Freedom Project

	BIDDER	Estimated Quantity	PRICE PER TON	TOTAL
1	APAC - Central, Inc.	3,350	$5.50	$18,425.00
2	Northwest Arkansas Quarries, LLC	3,350	$5.30	$17,755.00

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

CERTIFIED: A. Foren — A. FOREN, PURCH AGENT

WITNESS

12/10/10 — DATE

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

1/4/2011
City Council Meeting Date
Agenda Items Only

John Nelson jlb	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid #11-14 and approving the purchase of concrete drainage pipe from Scurlock Industries of Fayetteville, Inc. and metal and plastic drainage pipe from HD Supply WaterWorks in varying unit prices and authorizing the optional use of other bidders based on price and availability for use in Ozark Regional Transit New Freedom Projects and other City projects, as needed through the end of calendar year 2011.

$ 124,845.00	$ 387,500.00	ORT Sidewalks & Pads Grant
$ 60,000.00	$ -	Various Capital Projects
Cost of this request	Category / Project Budget	Program Category / Project Name
2100.5530.5216.00	$ 266.00	Materials and Supplies
4470.9470.xxxx.xx	$ -	Various Capital Projects
Account Number	Funds Used to Date	Program / Project Category Name
09030	$ 387,234.00	Street
xxxx	$ -	Cap Impr
Project Number	Remaining Balance	Fund Name

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

Department Director — 12-15-10 Date

City Attorney — 12-16-10 Date

Previous Ordinance or Resolution # 220-09

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director — 12-17-2010 Date

Chief of Staff — 12-20-10 Date

Mayor — 12/20/10 Date

12-16-10P03:09 RCVD
Received in City Clerk's Office

Received in Mayor's Office — ENTERED 12/17/10

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

Thru: Terry Gulley, Transportation Services Department Director TG

From: John Nelson, Management Accounting Coordinator JN

Date: December 13, 2010

Subject: A resolution awarding Bid #11-14 and approving the purchase of concrete drainage pipe from Scurlock Industries of Fayetteville, Inc. and metal and plastic drainage pipe from HD Supply WaterWorks in varying unit prices and authorizing the optional use of other bidders based on price and availability for use in Ozark Regional Transit New Freedom Projects and other City projects, as needed through the end of calendar year 2011.

PROPOSAL:

City Council approved an agreement with Ozark Regional Transit on November 3, 2009 (Res. No. 220-09) to utilize $387,500 in Federal Transit Administration grant funds for sidewalk, transit shelter and bench concrete pad construction. These New Freedom funds will enable the City to construct these amenities in the proximity to bus stops.

Bench pads were constructed at 1117 E. Huntsville Rd. (Seven Hills), 1794 E. Joyce Blvd., and 4044 N. Frontage Rd. (DHS) in 2010.

Sealed formal bids for curb and gutter, concrete flatwork, topsoil, aggregate, and drainage pipe were opened Friday, December 10, 2010. Grant funds are required to be spent by September 1, 2012.

RECOMMENDATION:

Staff recommends a resolution awarding Bid #11-14 and approving the purchase of concrete drainage pipe from Scurlock Industries of Fayetteville, Inc. and metal and plastic drainage pipe from HD Supply WaterWorks in varying unit prices and authorizing the optional use of other bidders based on price and availability for use in Ozark Regional Transit New Freedom Projects and other City projects, as needed through the end of calendar year 2011.

BUDGET IMPACT:

$387,500 is budgeted in the ORT Sidewalks & Pads Grant project.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #11-14 AND AUTHORIZING THE PURCHASE OF CONCRETE DRAINAGE PIPE FROM SCURLOCK INDUSTRIES OF FAYETTEVILLE, INC. AND METAL AND PLASTIC DRAINAGE PIPE FROM HD SUPPLY WATERWORKS IN VARYING UNIT PRICES, AND AUTHORIZING THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY AS NEEDED FOR USE IN OZARK REGIONAL TRANSIT NEW FREEDOM PROJECTS AND OTHER CITY PROJECTS DURING CALENDAR YEAR 2011

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #11-14 and authorizes the purchase of concrete drainage pipe from Scurlock Industries of Fayetteville, Inc. and metal and plastic drainage pipe from HD Supply WaterWorks in varying unit prices, and further authorizes the use of other bidders based on price and availability as needed for use in Ozark Regional Transit New Freedom Projects and other City projects during calendar year 2011.

PASSED and **APPROVED** this 4th day of January, 2011.

APPROVED: ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Fayetteville
ARKANSAS

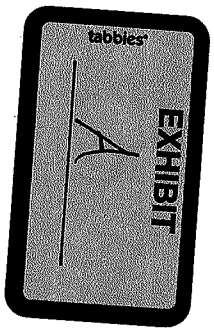
BID: 11-14
DATE: 12/10/10
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 11-14, Drainage Pipe for ORT New Freedom Project

Item #	Description	Est. Qty	Unit of Measure	Hanson Pipe & Precast		HD Supply WaterWorks		Keeling Company		Scurlock Industries		Water Products, Inc.	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
1	15" Diameter Reinforced Concrete Pipe	30	Feet	$16.15	$484.50	$16.60	$498.00	No Bid		$10.35	$310.50	No Bid	
2	18" Diameter Reinforced Concrete Pipe	30	Feet	$20.83	$624.90	$21.40	$642.00	No Bid		$14.15	$424.50	No Bid	
3	24" Diameter Reinforced Concrete Pipe	120	Feet	$32.99	$3,958.80	$33.62	$4,034.40	No Bid		$20.15	$2,418.00	No Bid	
4	30" Diameter Reinforced Concrete Pipe	30	Feet	$47.50	$1,425.00	$48.80	$1,464.00	No Bid		$30.25	$907.50	No Bid	
5	36" Diameter Reinforced Concrete Pipe	30	Feet	$65.40	$1,962.00	$67.00	$2,010.00	No Bid		$44.65	$1,339.50	No Bid	
6	15" Diameter Corrugated Metal Pipe	100	Feet	No Bid		$8.41	$841.00	No Bid		No Bid		$8.95	$895.00
7	15" Corrugated Metal Flared End Section	2	Each	No Bid		$129.00	$258.00	No Bid		No Bid		$65.00	$130.00
8	15" Corrugated Metal Coupling Band	5	Each	No Bid		$8.41	$42.05	No Bid		No Bid		$9.14	$45.70
9	18" Diameter Corrugated Metal Pipe	100	Feet	No Bid		$10.52	$1,052.00	No Bid		No Bid		$10.67	$1,067.00
10	18" Corrugated Metal Flared End Section	2	Each	No Bid		$167.00	$334.00	No Bid		No Bid		$84.00	$168.00
11	18" Corrugated Metal Coupling Band	5	Each	No Bid		$10.52	$52.60	No Bid		No Bid		$10.90	$54.50
12	24" Diameter Corrugated Metal Pipe	100	Feet	No Bid		$13.32	$1,332.00	No Bid		No Bid		$13.87	$1,387.00
13	24" Corrugated Metal Flared End Section	2	Each	No Bid		$250.00	$500.00	No Bid		No Bid		$123.00	$246.00
14	24" Corrugated Metal Coupling Band	5	Each	No Bid		$13.32	$66.60	No Bid		No Bid		$14.16	$70.80
15	30" Diameter Corrugated Metal Pipe	1,600	Feet	No Bid		$16.82	$26,912.00	No Bid		No Bid		$17.14	$27,424.00
16	30" Corrugated Metal Flared End Section	2	Each	No Bid		$456.00	$912.00	No Bid		No Bid		$221.00	$442.00
17	30" Corrugated Metal Coupling Band	80	Each	No Bid		$16.82	$1,345.60	No Bid		No Bid		$17.61	$1,408.80
18	36" Diameter Corrugated Metal Pipe	100	Feet	No Bid		$20.33	$2,033.00	No Bid		No Bid		$21.10	$2,110.00
19	36" Corrugated Metal Flared End Section	2	Each	No Bid		$735.00	$1,470.00	No Bid		No Bid		$339.00	$678.00
20	36" Corrugated Metal Coupling Band	5	Each	No Bid		$20.33	$101.65	No Bid		No Bid		$22.08	$110.40
	ITEMS 21 THROUGH 23 REMOVED												
24	15" Diameter Plasic Pipe	100	Feet	No Bid		$5.92	$592.00	$6.095	$609.50	No Bid		$5.94	$594.00
25	15" Plastic Flared End Section	2	Each	No Bid		$100.00	$200.00	$100.843	$201.69	No Bid		$105.00	$210.00
26	18" Diameter Plastic Pipe	2,200	Feet	No Bid		$8.10	$17,820.00	$8.294	$18,246.80	No Bid		$8.09	$17,798.00
27	18" Flared End Section	2	Each	$334.00	$668.00	$135.00	$270.00	$135.474	$270.95	No Bid		$138.00	$276.00
28	24" Diameter Plastic Pipe	2,420	Feet	No Bid		$12.83	$31,048.60	$13.320	$32,234.40	No Bid		$12.89	$31,193.80
29	24" Flared End Section	2	Each	$368.00	$736.00	$173.00	$346.00	$173.864	$347.73	No Bid		$176.00	$352.00
30	30" Diameter Plastic Pipe	1,600	Feet	No Bid		$20.50	$32,800.00	$21.268	$34,028.80	No Bid		$20.62	$32,992.00
31	30" Plastic Flared End Section	2	Each	No Bid		$379.00	$758.00	$358.253	$716.51	No Bid		$360.00	$720.00
32	36" Diameter Plastic Pipe	1,600	Feet	No Bid		$24.44	$39,104.00	$25.362	$40,579.20	No Bid		$24.45	$39,120.00
33	36" Plastic Flared End Section	2	Each	No Bid		$367.50	$735.00	$379.327	$758.65	No Bid		$380.00	$760.00
	ITEMS 34 THROUGH 40 REMOVED												
Total Bid Price =					**$9,859.20**		**$169,574.50**		**$127,994.22**		**$5,400.00**		**$160,253.00**

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

CERTIFIED: A. FOREN, PURCH AGENT — WITNESS — 12/10/10 DATE



City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

12/21/2010
City Council Meeting Date
Agenda Items Only

Dara Sanders	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

RZN 10-3608: (Parker, 102 East Alice Street, 213): Submitted by BLEW & ASSOCIATES, INC. for property located at 101 EAST ALICE STREET. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 0.74 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

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 — 12-02-2010 Date

City Attorney — 12-3-10 Date

Previous Ordinance or Resolution # ____

Original Contract Date: ____

Original Contract Number: ____

Paul A. Becker — 12-6-2010 Date
Finance and Internal Services Director

Chief of Staff — 12-6-10 Date

Mayor — 12/6/10 Date

Received in City Clerk's Office 12-03-10A11:37 RCVD

Received in Mayor's Office ENTERED 12/6/10 PH

Comments:

Left on the First Reading at the December 21, 2010

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director

From: Dara Sanders, Current Planner

Date: November 30, 2010

Subject: RZN10-3608

RECOMMENDATION

Planning Commission recommends approval of an ordinance to rezone a portion of the subject property from RSF-4, Residential Single Family Four Units Per Acre to C-2, Thoroughfare Commercial (RZN 10-3608). Staff recommended denial of the rezoning request.

BACKGROUND

The subject property is located at 101 East Alice Street in the northwest corner of the Maple Crest Subdivision. The overall property contains 1.67 acres and was developed in 1975 for a single-family residence. In 2007, the Planning Commission denied the applicant's request to rezone the subject property from RSF-4 to C-2 (RZN 07-2436) in order to allow for the expansion of the adjacent car dealership, finding that the request was not consistent with the City's land use planning objectives, principles, and policies to encourage compatible and livable neighborhoods and mixed-use development, as indicated in the Urban Center Area future land use designation, and finding that the request would introduce some potentially objectionable uses, nuisances, and heavy commercial traffic into the primarily single-family neighborhood to the east and south.

Similar to the request in 2007, the applicant has submitted a new application to rezone a portion of the property to the east of the car dealership from RSF-4, Residential Single-family, 4 du/acre, to C-2, Thoroughfare Commercial, stating that the reason for the rezoning request is to make the property's zoning consistent with the zoning of the adjacent Nissan car dealership at the southeast corner of the College Avenue/Masonic Drive intersection. The applicant, with this application, offered a Bill of Assurance limiting the use of the subject property to an auto dealership and committing to the installation of a 6' tall masonry wall and 10' wide landscape buffer along the eastern boundary.

DISCUSSION

On November 22, 2010 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 6-2-0 (Commissioner Cabe and Commissioner Chesser voted "no").

Planning staff recommended denial of the request, finding that the proposal is not consistent with the City's land use and zoning policies and finding that alternative zoning districts are available in Chapter 161, Zoning Regulations, which would allow for an appropriate transition and would permit the expansion of the Nissan dealership by

approval of a conditional use permit. The conditional use permit is more appropriate in this location than an expansion by right, because it would allow the Planning Commission to determine the appropriate screening and landscaping required for the parking lot expansion. The staff report and meeting minutes are included in this packet.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 10-3608, APPROXIMATELY 0.74 ACRE, LOCATED AT 101 EAST ALICE STREET, FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE, TO C-2, THOROUGHFARE COMMERCIAL, SUBJECT TO THE BILL OF ASSURANCE.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From RSF-4, Residential Single Family, 4 units per acre, to C-2, Thoroughfare Commercial, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning change provided in Section 1 above.

Section 3: That the zoning change is subject to the Bill of Assurance offered by the applicant and hereby accepted by the City Council of the City of Fayetteville, as shown on Exhibit "C".

PASSED and **APPROVED** this day of , 2010.

APPROVED: ATTEST:

By: _____ By: _____

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

EXHIBIT "A"
RZN 10-3608

RZN10-3608

Close Up View

PARKER/101 E. ALICE ST

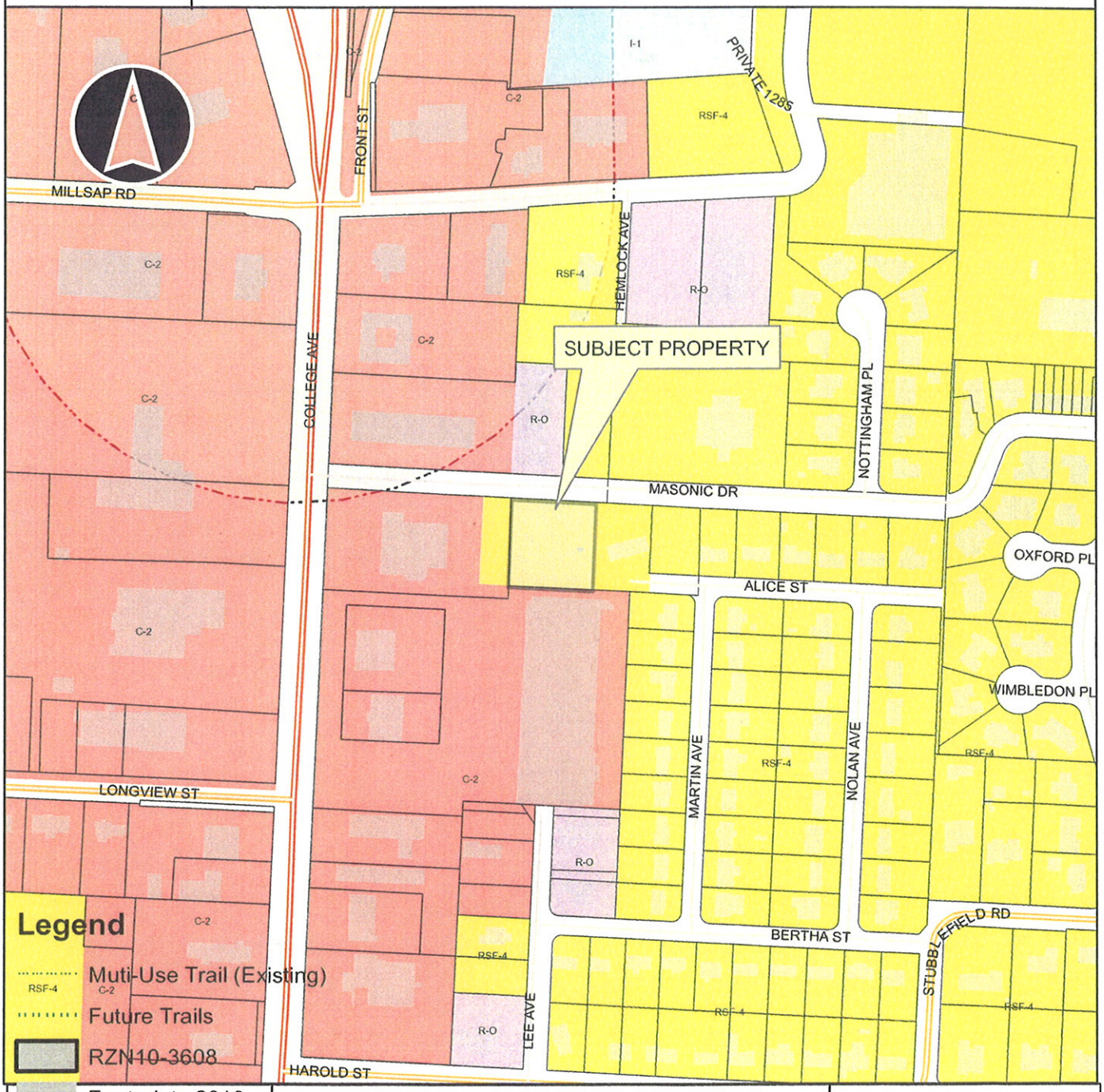


EXHIBIT "B"
RZN 10-3608

SURVEY DESCRIPTION OF LAND TO BE REZONED:

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N87°09'58"W 719.74' FROM THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT, SAID POINT BEING A SET IRON PIN, AND RUNNING THENCE S02°39'51"W 180.28' TO A SET IRON PIN, THENCE N87°03'20"W 179.93' TO A FOUND IRON PIN, THENCE N02°38'34"E 179.93' TO A FOUND IRON PIN, THENCE S87°09'58"E 180.00' TO THE POINT OF BEGINNING. CONTAINING 0.74 ACRES, MORE OR LESS.

EXHIBIT "C"
RZN 103608
Page 1 of 2

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Richard P. & Vikki D. Parker, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonable rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to that of an automobile dealership.

2. Other restrictions including number and type of structures upon the property are limited to one structure which shall not exceed 20 feet in height.

3. Specific activities will not be allowed upon petitioner's property include; adult live entertainment club or bar, liquor store, race track, gasoline service station and drive-in restaurant, hotel, motel, and amusement facilities.

4. The petitioner shall dedicate a 10' wide landscape buffer being 5' on both sides of the eastern boundary of the subject property. The petitioner shall construct a 6' tall masonry wall along the eastern boundary of the subject property.

EXHIBIT "C"
RZN 103608
Page 2 of 2

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Richard P Parker and Vikki Parker, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

11/16/10
Date

2366 Revere Place
Address
Fayetteville AR 72701

Richard P. Parker

Richard P. Parker

Vikki Parker

Vikki D Parker

NOTARY OATH

STATE OF ARKANSAS }
} **.ss**
COUNTY OF WASHINGTON }

And now on this the 16 day of November, 2010, appeared before me, Richard P & Vikki D. Parker, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Karen McCoy
NOTARY PUBLIC

My Commission Expires:
6-01-12

OFFICIAL SEAL
KAREN McCOY
NOTARY PUBLIC-ARKANSAS
WASHINGTON COUNTY
MY COMM. EXPIRES 6/01/2012

PC Meeting of November 22, 2010

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Dara Sanders, Current Planner
THRU:	Jeremy Pate, Development Services Director
DATE:	~~November 16, 2010~~ Updated November 23, 2010

RZN 10-3608: Rezoning (PARKER /101 EAST ALICE STREET, 213): Submitted by BLEW & ASSOCIATES, INC. for property located at 101 EAST ALICE STREET. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 1.67 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

Planner: Dara Sanders

BACKGROUND:

November 11, 2010 Planning Commission Meeting: This request was heard at the November 11, 2010 Planning Commission meeting and was tabled to the November 22, 2010 meeting in order to allow the applicant additional time to meet with staff to discuss all available options and alternative nonresidential zoning districts that may be appropriate for the subject property.

Staff met with the applicant's representative and the owner of the Nissan dealership on Friday, November 12th. During this meeting the owner of the Nissan dealership discussed offering a bill of assurance that would limit the uses of the property to a car dealership and require screening and buffering along the east property line; however, staff expressed support for a lower-intensity zoning district, such as CS, Community Services, which is consistent with the City's planning principles and objectives and would allow for the expansion of the Nissan dealership by conditional use permit. The applicants have stated that they are not interested in an alternative zoning district at this time.

The applicant has voluntarily submitted a Bill of Assurance that would limit the use of the subject property to an automobile dealership, require a structure of less than 20 feet in height, and require a buffer of five feet on both sides of the property line and a masonry wall no less than 6 feet in height.

Property Description: The subject property is located at 101 East Alice Street in the northwest corner of the Maple Crest Subdivision. The overall property contains 1.67 acres and was developed in 1975 for a single-family residence. As indicated in Table 1, the site is adjacent to a car dealer to the west, a mixed commercial strip center, and a residence to the south. The legal description for the rezoning request contains the western 0.74 acre backyard of the subject property.

History: In 2007, the Planning Commission denied the applicant's request to rezone the subject

property from RSF-4 to C-2 (RZN 07-2436) in order to allow for the expansion of the adjacent car dealership, finding that the request was not consistent with the City's land use planning objectives, principles, and policies to encourage compatible and livable neighborhoods and mixed-use development, as indicated in the Urban Center Area future land use designation, and finding that the request would introduce some potentially objectionable uses, nuisances, and heavy commercial traffic into the primarily single-family neighborhood to the east and south. The complete staff report is included in this packet.

Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Commercial, office, and Masonic Lodge	C-2, R-O, RSF-4
South	Mixed Commercial, Single-family residential	C-2, RSF-4
West	Car Dealership	C-2
East	Single-family residential	RSF-4

Proposal: Similar to the request in 2007, the applicant has submitted a new application to rezone a portion of the property to the east of the car dealership from RSF-4, Residential Single-family, 4 du/acre, to C-2, Thoroughfare Commercial, stating that the reason for the rezoning request is to make the property's zoning consistent with the zoning of the adjacent Nissan car dealership at the southeast corner of the College Avenue/Masonic Drive intersection.

Public Comment: Staff has received public comment in opposition to the request by email and at the last Planning Commission meeting. An email has been included in this packet.

Discussion: Staff finds that the extension of the C-2 zoning further east along Masonic Drive is not consistent with the Future Land Use designation of Urban Center Area. Other appropriate nonresidential zoning districts are currently available that are consistent with City Plan 2025 and would permit a range of residential and nonresidential uses, should the property redevelop in the future. The expansion of a parking lot for the Nissan dealership would be allowed by conditional use permit in the Community Services zoning district, allowing staff and the Planning commission to determine a proper screen and buffer to the residential property to the east.

Additionally, staff does not find in favor of the associated Bill of Assurance to limit the use of the subject property to only a car dealership, finding that this restriction would prohibit the adaptive reuse or redevelopment of the subject property for a use or mixture of uses that that would be compatible with the adjacent residential neighborhood and consistent with the goals of City Plan 2025. Further, the restrictions included in the proposed Bill of Assurance do not exceed the minimum screening and landscaping requirements of the Unified Development Code. Chapter 166.14, Commercial Design and Development Standards, requires a view obscuring fence, berm, architectural treatment, or vegetation between nonresidential and residential uses, and Chapter 177.04, Site Development and Parking Lot Landscape Standards, requires only five feet of landscaped area between the property line and a parking lot. The offered buffer essentially is the minimum screen required by City codes.

Staff finds that the minimum development requirements for a permitted use in the C-2 zoning district

and the restrictions included in the Bill of Assurance are insufficient to protect the impacts of a high-intensity nonresidential use on the adjacent residential neighborhood and single-family dwelling. Staff has received noise complaints about the existing Nissan dealership from the adjacent neighborhood. While staff is supportive of the Nissan dealership remaining and even expanding in this location, further encroachment of a dealership and parking lot into the neighborhood warrants significant separation, buffering, and screening to reduce the additional visual, noise, odor, drainage, and lighting impacts on the existing residential neighborhood to the east of the subject property. It is staffs opinion that a conditional use permit process is the best vehicle to review this type of application.

RECOMMENDATION:

Staff recommends denial of RZN 10-3608 based on findings stated herein.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: November 22, 2010	☐ **Tabled**	☐ **Forwarded**	☐ **Denied**
Motion: Kennedy	**Second: Honchell**	**Vote: 6-2-0**	
CITY COUNCIL ACTION:	**Required**	**YES**	
	☐ **Approved**	☐ **Denied**	
Date:			

INFRASTRUCTURE:

Streets: The site has access to Masonic Drive. Masonic Drive is an improved two-lane city street in this location. Street improvements will be evaluated with development submittal

Water: Public water is not directly available to the property. Public water main improvements will need to be constructed to provide domestic and fire flow for any proposed development.

Sewer: Sanitary sewer is available to the site. There is a 6" public main located along the south side of Masonic Drive. The existing sanitary sewer may need to be analyzed to ensure that it has adequate capacity to serve a future development on this lot.

Drainage: Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain.

Police: The City Planning Division has not received comments from the Fayetteville Police

Department.

Fire: This development will be protected by Engine 4, located less than one mile from the property. The Fayetteville Fire Department does not anticipate an increase in service with this rezoning request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as* ***Urban Center Area,*** *which encourages complete, compact and connected neighborhoods including building types that accommodate retail, offices, rowhouses and apartments. These areas contain taller buildings and have the most intense and dense development patterns within the City, as well as the greatest variety of buildings. These areas recognize conventional strip development, but encourage the redevelopment of these existing properties for more efficient use of the land.*

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **As stated in the findings for the previous application in 2007 to extend the C-2 zoning district to the subject property, staff finds that the request is not consistent with Fayetteville's land use planning objectives, principals, policies, and goals to protect adjoining properties from potential adverse impacts associated with a nonresidential use adjacent to residential areas, to plan for the long-term use of a property, to make appropriate infill and revitalization our highest priorities, to discourage suburban sprawl, to make traditional town form the standard, and to encourage mixed-use development.**

Land use planning principles and policies should not only consider the way in which the property will develop in the near future but also the way in which the property and the entire area could redevelop in the long-term. The Future Land Use designation of the subject property, Urban Center Area, is intended to provide a mixture of uses that are compatible with adjacent properties and uses, to encourage future redevelopment for more efficient use of land, and to utilize principals of traditional neighborhood development. Staff finds that the C-2 zoning in this area is not consistent with the Future Land Use designation of Urban Center Area, as this district requires a 50-foot front building setback off of all street frontages and requires development in a conventional suburban sprawling pattern, which is discouraged by City Plan 2025.

Additionally, land use planning principles and policies should consider the way in which uses transition from higher-intensities to lower-intensities, as well as in form. Staff does not find that the applicant's proposal would permit the subject property to serve as a transition from the form required by the C-2 zoning

district and the car dealership to the west and the single-family neighborhood to the east. Alternative zoning districts are available in Chapter 161, Zoning Regulations, of the Unified Development Code, and have been recommended to the applicant that would allow for an appropriate transition in both use and form and would permit the expansion of the Nissan dealership by Planning Commission approval of a conditional use permit, at which time screening and buffering may be examined closely in order to encourage a suitable transition in the near future.

Staff also finds that the proposed Bill of Assurance is not consistent with the City's land use planning objectives, principles, and policies, as the proposed Bill of Assurance would limit the use of the subject property to an automobile dealership, require a structure of less than 20 feet in height, and require a buffer of five feet on both sides of the property line and a masonry wall no less than 6 feet in height. This restriction would prohibit the adaptive reuse or redevelopment of the subject property for more appropriate land uses, such as higher density residential, a professional office, or other lower-intensity nonresidential uses that would serve the needs of the extensive residential neighborhood to the east.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **The applicant has stated that the rezoning request is necessary to "match" the existing zoning designation for the adjacent car dealership. Staff finds that the rezoning request for C-2 is not justified or needed. As stated previously in this report, alternative zoning districts are available in Chapter 161, Zoning Regulations, of the Unified Development Code, that are consistent with City Plan 2025 and the Future Plan Use Plan and would allow for the expansion of the adjacent car dealership to the subject property.**

Additionally, staff does not find that geometric symmetry of the zoning map is an appropriate justification for approval of a request to further extend a zoning district. Staff does acknowledge that the western portion of the property included in this rezoning application may be justified for a more intense zoning as a transition between the C-2 to the west and the single-family neighborhood to the east. Staff finds that there are other appropriate nonresidential zoning districts are currently available in Unified Development Code Chapter 161, Zoning Regulations, that would permit a range of housing types and lower-intensity nonresidential uses by right and higher-intensity nonresidential uses, such as a car dealership, by conditional use.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **Access to the residential street, East Alice Street, is not proposed at this time. Masonic Drive is adjacent to the subject property and is designated as a Local Street in the Master Street Plan. Staff finds that this rezoning would increase the traffic on Masonic Drive.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed zoning would not increase population density. Increased load on public services were taken into consideration and recommendations from the Engineering Department is included in this report. The proposed zoning change from RSF-4 to C-2 should have no major impact on public services due to the existing infrastructure. However, water, sewer, and the surrounding street system would likely need to be improved to support commercial development on this site.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b.(1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

Finding: **As discussed previously in Finding 2, staff finds that it would be practical to continue the single-family use of the subject property. Staff does acknowledge that the western portion of the property included in this rezoning application may be justified for a more intense zoning as a transition between the C-2 to the west and the single-family neighborhood to the east; however, the applicants have indicated that they are not interested in pursuing another zoning district at this time.**

    b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **Staff finds that there are not extenuating circumstances that justify the rezoning as it is proposed and recommends denial of the request.**

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.

Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

161.20 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Height regulations.* In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

November 23, 2010

Jeremy Pate
Development Services Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request comments on the proposed RZN 10-3608: Rezoning (PARKER /101 EAST ALICE STREET, 213): Submitted by BLEW & ASSOCIATES, INC. for property located at 101 EAST ALICE STREET

I understand that this request is to expand the parking lot from the adjacent business. I do not believe the rezoning of this property will cause any substantial call volume increases or traffic danger and congestion problems.

Sincerely,

Captain William Brown
Fayetteville Police Department

The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701
Phone (479) 575-8365 Fax (479) 575-0471

Zoning Review

To: **Dara Sanders**

From: **Captain Mark Stevens**

Date: **November 18, 2010**

Re: **RZN 10-3608**

This development will be protected by Engine 4 located at 3385 Plainview
It is less than 1 mile from the station with an anticipated response time of 2-3 minutes to the beginning of the development.

Since this is a request is to change the zoning from R-4 to C-2; we don't calculate a response impact for commercial zoning of this size. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Mark Stevens
Assistant Fire Marshal
Fayetteville Fire Department

Blew & Associates, P.A.
Professional Land Surveyors

524 W. Sycamore Street Suite 4, Fayetteville, AR 72703
PH: 479-443-4506 * FAX: 479-582-1883
http://www.blewinc.com

RE: Parker to Avis Auto Property LLC

June 3, 2010

To Whom It May Concern:

Our client's Richard & Vikki Parker and Avis Auto Property LLC are requesting a property line adjustment between their two adjoining properties. Avis Auto Property LLC would be acquiring approximately 0.74 acres from the Parkers. Avis Auto Property LLC would need to rezone the acquired property from RSF-4 to match their current zoning of C-2. Our client's would like to do both the property line adjustment and the rezoning concurrently with this one submittal. We feel that since this rezoning request will match the Avis Auto Properties current zoning it will not have any negative affects on the surrounding properties, it will not increase traffic, and it will not increase the load on public services. We also feel that if the property line adjustment is approved the rezoning request is justified to match the Avis Auto Properties current use. If you have any questions please feel free to contact me at your convenience.

Sincerely,

Buckley Blew

From: Planning
To: Dara Sanders
Date: 11/4/2010 8:29 AM
Subject: Fwd: [Form mail from AccessFayetteville] - C-2 Zoning request, Alice St.

Hi Dara,
Here is another one..

>>> On 11/3/2010 at 10:11 PM, in message <1599253130.301288840290268.JavaMail.root@ch-web3>, <info@fayettevilleviolin.com> wrote:

From: Raymond Palmer

Email: info@fayettevilleviolin.com

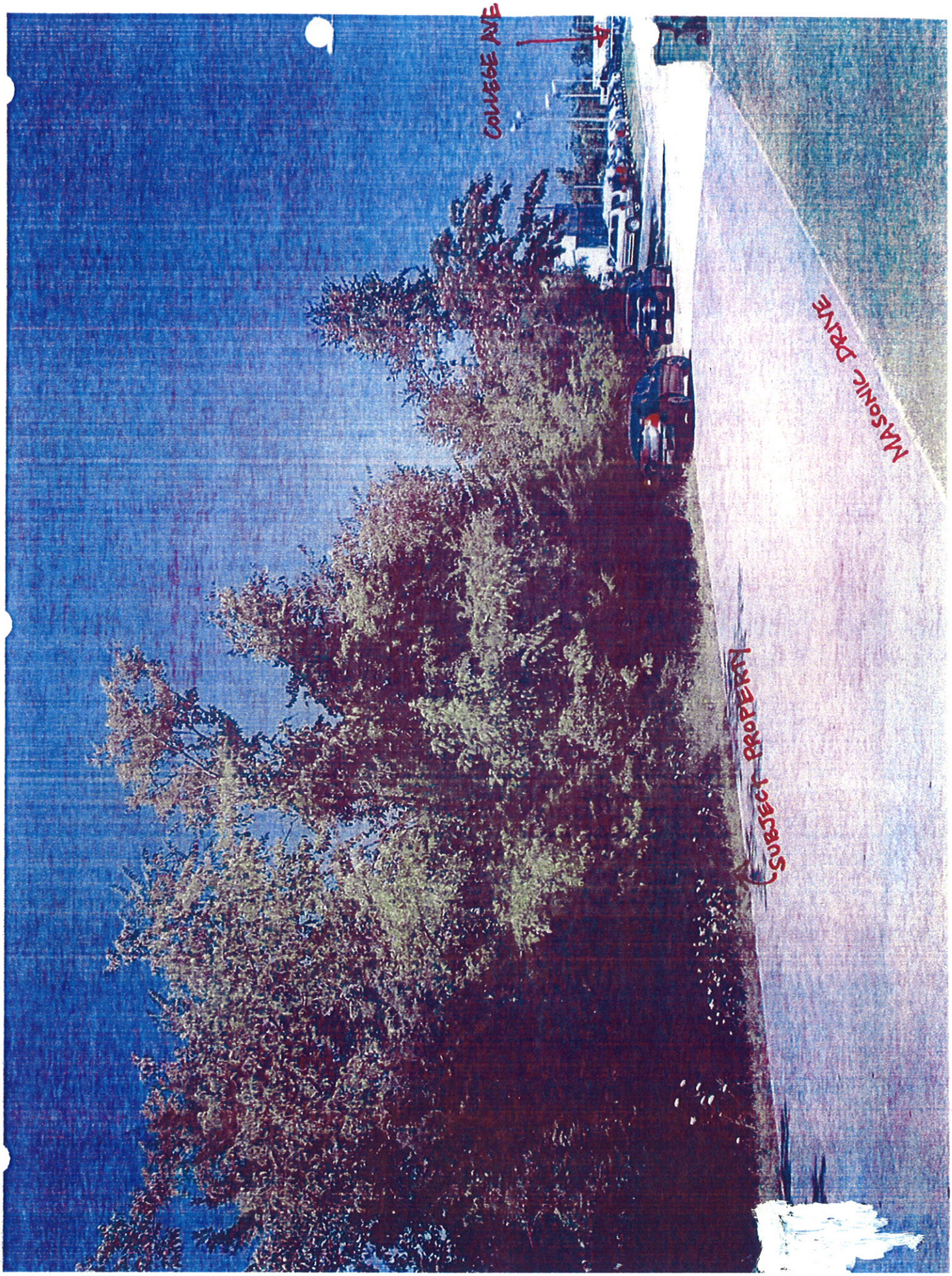
To: planning@ci.fayetteville.ar.us

Subject: C-2 Zoning request, Alice St.

Message:

Hello, my name is Raymond Palmer. My wife and I live on Alice street, a couple doors down from the lot that is up for a re-zoning request. It is my understanding that this request is to change it from a residential designation to C-2 commercial. We both think this is a bad idea and that the request should be denied. The neighborhood is well-established, well-kept, and purely residential. While there are some C-2 areas nearby (current businesses include a Nissan dealership and Liquor World), they are well-contained and do not interfere with the overall residential nature of the area. In our current situation, the lot is a good sized residential lot with a house and a nice lawn. I see it every day when I check the mail or leave for work. It fits in with the neighborhood perfectly. If the re-zoning is approved, my neighbors and I will be looking at the back side of a metal machine shed or a bunch of junk cars the dealership doesn't know what to do with. While granting this request might benefit some who are in the area from 9 to 5, it will seriously impact the lives of us who actually live here. Thanks for your consideration.

Raymond Palmer


COLLEGE AVE
MASONIC DRIVE
SUBJECT PROPERTY

Old Business:

RZN 10-3608: Rezoning (PARKER /101 EAST ALICE STREET, 213): Submitted by BLEW & ASSOCIATES, INC. for property located at 101 EAST ALICE STREET. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE, and contains approximately 0.74 acre. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

Dara Sanders, Current Planner, gave the staff report and recommended denial based on the information included in the staff report.

Avis Bailey, Nissan Dealership Owner, discussed the bill of assurance being offered by the applicants, the existing zoning in the area, and requested approval of the rezoning request to allow for the expansion of a parking lot on the subject property. She believes that her proposal will fit into the neighborhood really well.

No public comment was received.

Commissioner Chesser asked staff if the applicant's intent to expand the dealership could be approved by conditional use permit (CUP) in the Community Services (CS) zoning district.

Sanders verified that the request could be approved by CUP in the CS zoning district. She explained staff's opinion that attention to screening and buffering of the proposed car dealership use for the subject property is warranted.

Commissioner Chesser asked if the limitations outlined in the proposed Bill of Assurance would be permitted in the CS zoning district.

Sanders stated that the Bill of Assurance significantly limits the uses and development of the property, further than the uses and building height permitted in the Community Services district.

Commissioner Chesser asked the Assistant City Attorney questions about the wording in the Bill of Assurance

Commissioner Chesser asked if staff believes that the CS zoning district would provide a better transition into the neighborhood.

Sanders stated that the reason for the rezoning request is due to the expansion of the Nissan technology to electric cars; therefore, it is highly likely that the dealership will soon outgrow the current site, allowing for redevelopment of the subject property. Staff prefers the CS zoning district because it would allow for the expansion of the dealership at this time and allow for the reuse of the property and would not limit the use of the property to only a car dealership.

Commissioner Chesser stated agreement with staff, finding that the applicant's request to expand could be approved and allow for a better transition under the CS zoning district. He realizes that C-2 is surrounding but would prefer to see a better transition between the dealership and the adjacent

single-family neighborhood.

Commissioner Kennedy asked what happens to the land should the property ownership change hands.

Jason Kelly, Assistant City Attorney, explained that the restrictions run with the land and that the new owner would request that the City Council release the property from the restrictions.

Sanders added that the permitted and conditional uses in the C-2 zoning district could then operate on the subject property and may not require notification.

Commissioner Earnest reiterated staff's concern with limiting the subject property to only a car dealership.

Commissioner Hoskins asked staff if redevelopment of the property is anticipated in the future.

Sanders stated that it is highly likely that the property will redevelop in the future.

Commissioner Hoskins asked staff's opinion of the odds of a property owner of land on College Avenue of saying in the future that they want to rezone from C-2 to CS - aren't they essentially down zoning the property?

Sanders stated that staff would likely recommend that the applicant rezone the property from C-2 to Urban Thoroughfare (UT), as a majority of the uses on College Avenue are consistent with the uses permitted in the UT zoning district, which is also a form-based zoning district. However, the subject property is a separate lot and could remain to be a separate lot. It could be redeveloped separately from the existing car dealership site; therefore, staff finds that the CS zoning district is more appropriate in order to serve as a better transition.

Commissioner Hoskins asked the applicant if it is the intent to construct a building on the property.

Bailey stated that there was not the intent to build a building and that their attorney recommended including the building limitation. Parking is the primary concern.

Commissioner Hoskins has concerns with the ability of a service garage being constructed 10 feet from the property line. He asked staff if there is another zoning district that will allow for the parking of cars in the near future. He also expressed concern with the Bill of Assurance and would prefer more detail for the "masonry wall", as he would not be in favor of a cinder block wall.

Bailey stated that she didn't have a cinder block wall in mind.

Commissioner Hoskins stated that he has known the applicant for years and knows that she always does a good job on everything she does; however, the Bill of Assurance isn't clear.

Bailey stated that she is will to change it.

Kelly stated that the Commission can not negotiate changes in the Bill of Assurance.

Commissioner Hoskins explained that he doesn't support the Bill of Assurance.

Sanders stated that discussion of the Bill of Assurance is turning into something resembling a conditional use permit, which is one reason for staff's recommendation to review the applicant's expansion proposal through the conditional use permit process under the CS zoning district, should the property be rezoned. Regarding the different zoning districts, the City Council has determined that the suburban zoning districts, such as C-1 and C-2, are not consistent with the City's future vision and comprehensive plan, City Plan 2025. The Planning Commission and City Council recently approved three new zoning districts proposed by staff: Neighborhood Services (NS), Community Services (CS), and Urban Thoroughfare (UT). NS does not permit Use Unit 17, Transportation Trades and Services, under which a car dealership is classified, by right or conditional use. CS will allow the expansion of the car dealership by conditional use permit. UT will allow by-right, as well as other uses that staff finds to be incompatible with the adjacent residential dwellings. Staff has met internally and with the applicant to discuss that the CS district is the most desired zoning district available in the Unified Development Code for the subject property because it is consistent with the City's land use and zoning policies and will allow for the expansion of the car dealership at this time.

Commissioner Hoskins asked staff if the recommendation for C-2 rezoning district will always be for denial.

Andrew Garner, Senior Planner, stated that staff will take each rezoning request into consideration and that the C-2 zoning district may be appropriate in some locations.

Commissioner Earnest complimented staff on the detail in the staff report and asked if a conditional use permit could be issued for a parking lot in the existing underlying RSF-4 zoning district.

Sanders stated that an off-site parking lot could be permitted in the RSF-4 zoning district by conditional use approval but would be specific only to parking cars. No business could be conducted on the property, which would be difficult to enforce.

Commissioner Lack stated that he believes the neighborhood is encroaching on the commercial area adjacent to College Avenue and that the boundary could be moved. He also believes that City Plan 2025 states that we acknowledge strip development but encourage complete and compact development. He doesn't believe that City Plan 2025 says that we deny the C-2 request. He regrets that the Bill of Assurance limits the uses to only a car dealership, but that can be altered. He discussed the uses that the adjacent neighborhood doesn't want. He appreciates the applicant responding to the neighborhood's concern. He discussed the noise ordinance requirements and regulations. He supports the request.

Commissioner Honchell will support the request. He believes that they've been good neighbors for 20 years and doesn't see anything in front of him that speaks volumes to noise complaints. He understands the intent of zoning. We keep talking about them changing things dramatically, but they've been here for 20 years and they probably won't be leaving tomorrow.

Motion:

Commissioner Cabe made a motion to deny the request. **Commissioner Chesser** seconded the motion. **Upon roll call the motion failed with a vote of 2-6-0 with Commissioners Hoskins, Bunch, Honchell, Lack, Kennedy, and Earnest voting 'no'.**

Commissioner Kenney made a motion to forward the request to the City Council with a recommendation of approval. **Commissioner Honchell** seconded the motion. **Upon roll call the motion passed with a vote of 6-2-0 with Commissioners Cabe and Chesser voting "no".**

RZN 10-3608: Rezoning (PARKER /101 EAST ALICE STREET, 213): Submitted by BLEW & ASSOCIATES, INC. for property located at 101 EAST ALICE STREET. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE, and contains approximately 0.74 acre. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

Dara Sanders, Current Planner, gave the staff report.

Buckley Blew, representative, explained that the Nissan dealership to the west of the subject property intends to purchase the property for an expansion to the business.

Ms. Bailey, owner of the Nissan dealership, explained the business and expansion needs.

Donna Stewart, real estate agent, discussed possible restrictions on the property.

Public Comment:

John Darrens, neighbor, expressed opposition to the proposal and explained that the existing greenspace proposed to be rezoned has served as a buffer between the highway commercial uses to the west and the neighborhood to the east.

No more public comment was presented.

Commissioner Chesser supports business in Fayetteville but felt that the addition of a parking lot or C-2 closer to the neighborhood would change the neighborhood character, which outweighs expanding business opportunity.

Commissioner Lack believed that the neighborhood encroached into the commercial area adjacent to College Avenue and finds that the current requirement for a visual screen in the Commercial Design Standards is sufficient.

Commission Chesser and **Kit Williams**, City Attorney, discussed issues associated with a Bill of Assurance.

Jeremy Pate, Development Services Director, explained that the previous item for a tire store discussed by the Planning Commission needed a buffer and compared the two uses. He explained staff's concern with future development of the property, as there is not a guaranty that the current location of the Nissan dealership permanent.

Commissioner Chesser asked if staff might consider other zoning districts.

Pate explained that staff had already suggested that the applicant request the Community Services zoning district.

Commissioner Chesser stated that he can not support the request as proposed.

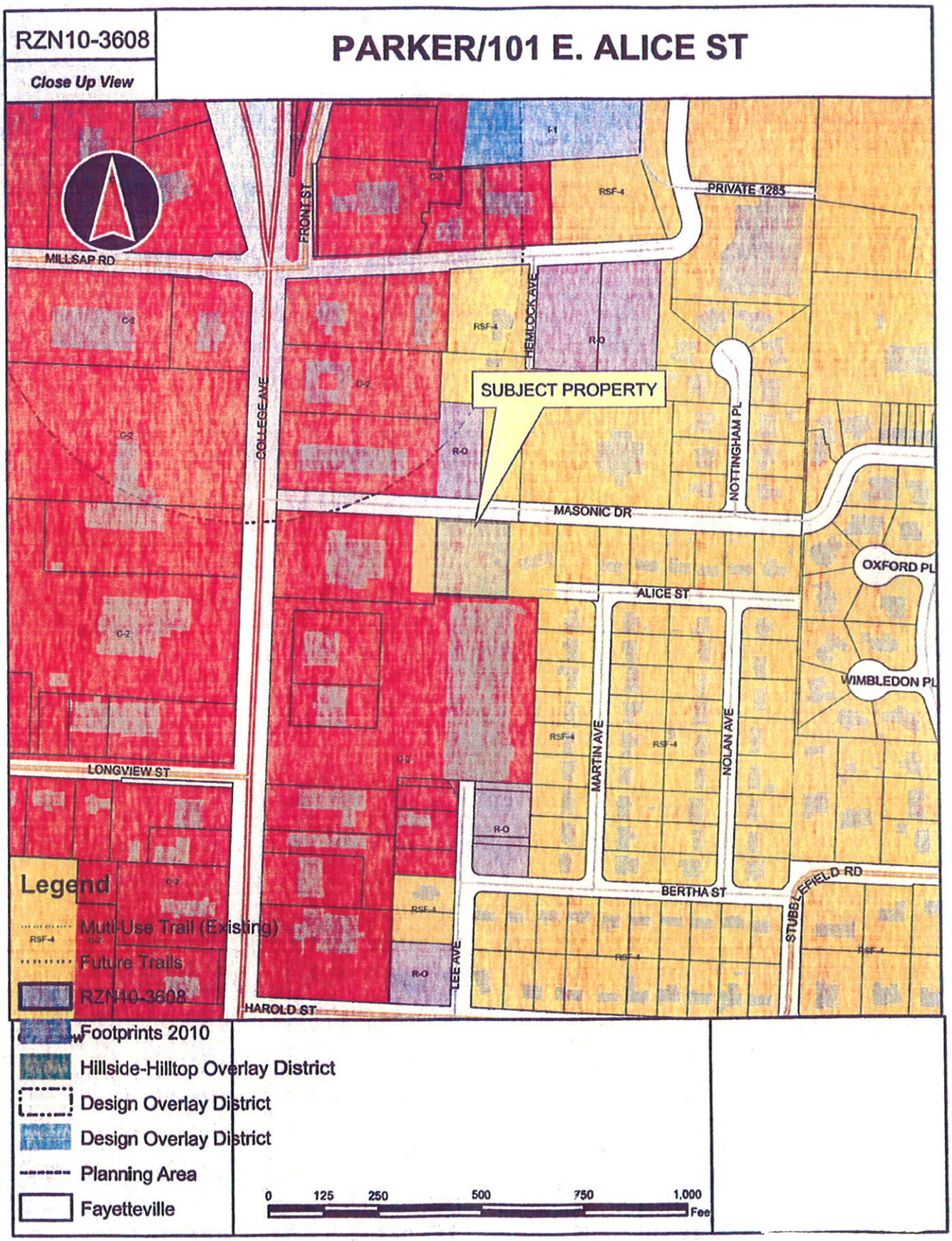
Commissioner Earnest shares staff's concern with C-2 but finds that a compromise is in order.

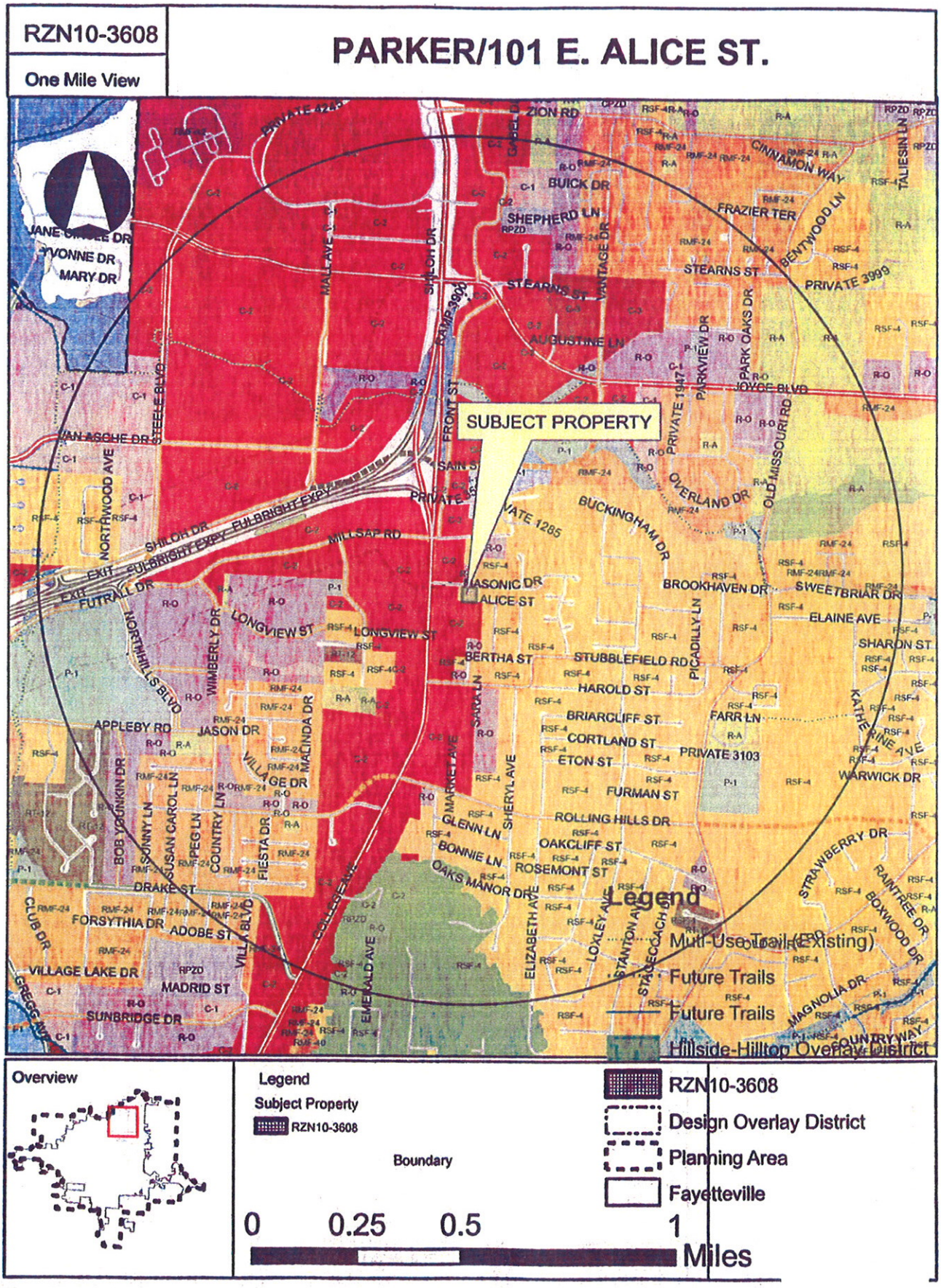
Commissioner Cabe discussed that it could be appropriate for a commercial development to occur on the subject property but expressed hesitance to support C-2 because of the permitted uses included in the zoning district.

Motion:

Commissioner Chesser made a motion to table the item until the November 22, 2010 Planning Commission meeting. **Commissioner Cabe** seconded the motion. **Upon roll call the motion passed with a vote of 8-0-0.**

There being no further business, the meeting was adjourned at 8:15 PM.

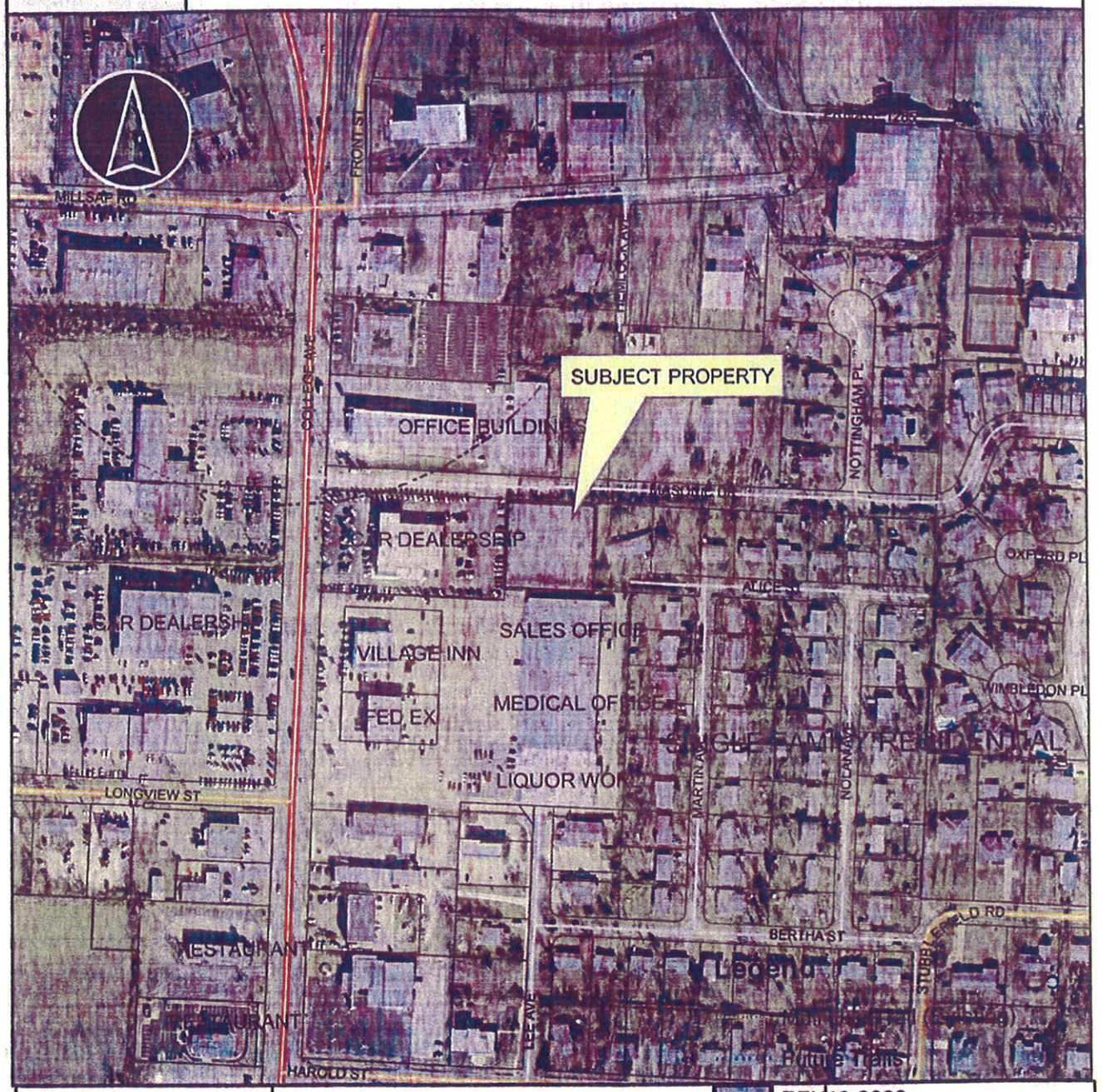

RZN10-3608
Close Up View
PARKER/101 E. ALICE ST
MILLSAP RD
FRONT ST
COLLEGE AVE
HEMLOCK AVE
PRIVATE 1285
SUBJECT PROPERTY
NOTTINGHAM PL
MASONIC DR
OXFORD PL
ALICE ST
WIMBLEDON PL
MARTIN AVE
NOLAN AVE
LONGVIEW ST
BERTHA ST
STUBBLEFIELD RD
LEE AVE
HAROLD ST
I-1
C-2
RSF-4
R-O
Legend
Muti-Use Trail (Existing)
Future Trails
RZN10-3608
Footprints 2010
Hillside-Hilltop Overlay District
Design Overlay District
Design Overlay District
Planning Area
Fayetteville
0 125 250 500 750 1,000
Feet


RZN10-3608
One Mile View
PARKER/101 E. ALICE ST.
SUBJECT PROPERTY
Legend
Multi-Use Trail (Existing)
Future Trails
Future Trails
Hillside-Hilltop Overlay District
Overview
Legend
Subject Property
RZN10-3608
Boundary
RZN10-3608
Design Overlay District
Planning Area
Fayetteville
0
0.25
0.5
1
Miles

RZN10-3608

Current Land Use

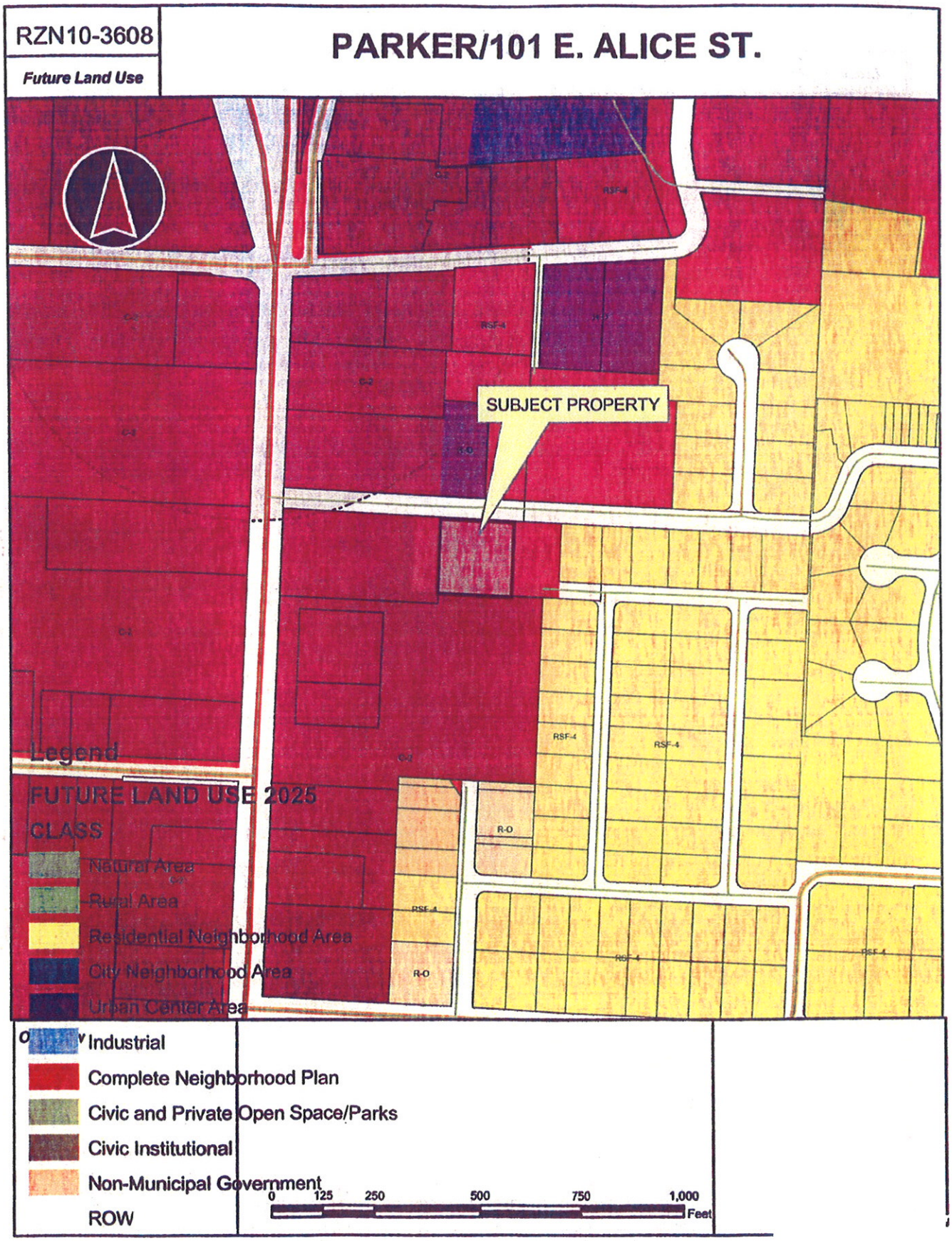
PARKER/101 E. ALICE ST



Overview

RZN10-3608
Footprints 2010
Hillside-Hilltop Overlay District
Design Overlay District
Planning Area
Fayetteville

0 125 250 500 750 1,000


RZN10-3608
Future Land Use
PARKER/101 E. ALICE ST.
SUBJECT PROPERTY
RSF-4
R-O
C-2
C-1
Legend
FUTURE LAND USE 2025
CLASS
Natural Area
Rural Area
Residential Neighborhood Area
City Neighborhood Area
Urban Center Area
Industrial
Complete Neighborhood Plan
Civic and Private Open Space/Parks
Civic Institutional
Non-Municipal Government
ROW
0 125 250 500 750 1,000
Feet

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

1/4/2011
City Council Meeting Date
Agenda Items Only

Terry Gulley	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

An ordinance waiving the requirements of formal competitive bidding during calendar year 2011 for the purchase of asphalt materials for use by the Transportation Division.

Cost of this request	$ 1,532,300.00 Category / Project Budget	In-House Pavement Improvements Program Category / Project Name
4470.9470.5417.00 Account Number	$ - Funds Used to Date	Transportation Improvements Program / Project Category Name
02052.1 Project Number	$ 1,532,300.00 Remaining Balance	Sales Tax Capital Improvements Fund Name

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

Terry L. Gulley — 12-15-10
Department Director — Date

Previous Ordinance or Resolution # 5301

Original Contract Date:

Original Contract Number:

[signature] — 12/16/10
City Attorney — Date

Paul A. Becker — 12-17-2010
Finance and Internal Services Director — Date

Received in City Clerk's Office 12-16-10P03:04 RCV
Kim

[signature] — 12-20-10
Chief of Staff — Date

Received in Mayor's Office ENTERED 12/17/10 P.H.

[signature] — 12/20/10
Mayor — Date

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Department Director

Date: December 15, 2010

Subject: Bid Waiver for Asphalt Materials

PROPOSAL:

Staff proposes an ordinance waiving the requirements of formal competitive bidding during calendar year 2011 for the purchase of asphalt materials for use by the Transportation Division.

RECOMMENDATION:

Raw materials prices required to manufacture asphalt fluctuate. Asphalt is the refined residue from the distillation process of certain crude oils. The per-barrel price of crude oil is affected by numerous factors including supply and demand. Supply disruptions caused by storms, such as hurricanes in the Gulf Coast, accidents, or breakdowns create shortages which in turn will cause prices to spike. Due to the fluctuations in the price of crude oil local asphalt suppliers cannot feasibly guarantee a fixed price over a twelve month period.

Staff recommends bidding asphalt materials on a quarterly basis without the need for further approval of the City Council, awarding the respective low bidder, and allowing for price adjustment requests based on the current bid language.

BUDGET IMPACT:

Funds for the acquisition of asphalt materials are budgeted in the In-House Pavement Improvements and Trail Development capital projects.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING DURING CALENDAR YEAR 2011 FOR THE PURCHASE OF ASPHALT MATERIALS FOR USE BY THE TRANSPORTATION DIVISION.

WHEREAS, the crude oil market continues to experience extreme price volatility; and

WHEREAS, this volatility has greatly increased the price of asphalt, making normal competitive bidding procedures unworkable, impractical and not feasible; and

WHEREAS, the Transportation Division proposes to solicit bids on a quarterly basis without the need for further approval of the City Council through calendar year 2011.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where annual competitive bidding is not feasible or practical, and therefore through calendar year 2011, waives the requirements of formal competitive bidding for the purchase of asphalt materials, allowing the Transportation Division to solicit bids on a quarterly basis without the need for further approval of the City Council.

PASSED and **APPROVED** this 4th day of January, 2011.

APPROVED: ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Agenda Session 12/28/10

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
January 4, 2011

A meeting of the Fayetteville City Council will be held on January 4, 2011 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Oaths of Office:

Adella Gray	**Alderman Ward 1**
Mark Kinion	**Alderman Ward 2**
Justin Tennant	**Alderman Ward 3**
Kit Williams	**City Attorney**

Call to Order

Roll Call

Pledge of Allegiance

City Council Agenda Session Presentations:

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. **Election of Vice Mayor**:

2. **Report on the Firemen's and Policemen's Pension and Relief Fund** – Mayor

3. **2011 Governing Body Appointments:**
   - **Active Transportation Advisory Committee Appointment**
   - **Advertising & Promotion Commission**

1. **2011 Mayor Appointments:**
    - **Northwest Arkansas Regional Planning Commission**
    - **Equipment Committee**
    - **Streets Committee**
    - **Sewer Committee**
    - **Nominating Committee**
    - **Ordinance Review Committee**

Agenda Additions:

A. Consent:

1. Approval of the December 21, 2010 City Council meeting minutes.

2. **Bid #11-01 Time Striping, Inc.:** A resolution awarding Bid #11-01 and authorizing a contract with Time Striping, Inc. in the amount of $12,000.00 for the purchase of thermal striping for the Transportation Division.

3. **Bid #11-02 Time Striping, Inc.:** A resolution awarding Bid #11-02 and authorizing a contract with Time Striping, Inc. in the amount of $54,124.00 for the purchase of reflectorized paint markings for the Transportation Division.

4. **Bid #11-03 Ground Zero Construction & Tomlinson Asphalt Co. Inc.:** A resolution awarding Bid #11-03 and authorizing the purchase of curb and gutter construction from Ground Zero Construction as a primary supplier and Tomlinson Asphalt Co. Inc. as a secondary supplier in variable amounts as needed in calendar year 2011 by the Transportation Division.

5. **Bid #11-04 S & R Trucking & Les Rogers, Inc.:** A resolution awarding Bid #11-04 and authorizing the purchase of topsoil from S&R Trucking as a primary supplier and Les Rogers, Inc. as a secondary supplier in variable amounts as needed in calendar year 2011 by the Transportation Division.

6. **Bid #11-05 S & R Trucking, Sweetser Construction, Inc. & Les Rogers, Inc.:** A resolution awarding Bid #11-05 and authorizing the purchase of hillside gravel from S & R Trucking as a primary supplier, Sweetser Construction, Inc. as a secondary supplier for material to be picked up and Les Rogers, Inc. as a secondary supplier for material to be delivered, in variable amounts as needed in calendar year 2011 by the Transportation Division.

7. **Bid #11-06 Tune Concrete Company & APAC-Central, Inc.:** A resolution awarding Bid #11-06 and authorizing the purchase of concrete from Tune Concrete Company as a primary supplier, APAC-Central, Inc. as a secondary supplier, and authorizing the subsequent use of other bidders based on price and availability, in variable amounts as needed in calendar year 2011 by the Transportation Division.

8. **Bid #11-08 Hillside Haulers & Les Rogers, Inc.:** A resolution awarding Bid #11-08 and authorizing the purchase of truck hauling services from Hillside Haulers and Les Rogers, Inc. as primary suppliers with each to be used on a rotating basis, and authorizing the subsequent use of other bidders based on price and availability, in variable amounts, as needed during calendar year 2011 by the Transportation Division.

9. **Bid #11-09 Northwest Arkansas Quarries, LLC & APAC-Central, Inc.:** A resolution awarding Bid #11-09 and authorizing the purchase of aggregate from Northwest Arkansas Quarries, LLC as a primary supplier, APAC-Central, Inc. as a secondary supplier, and authorizing the subsequent use of other bidders based on price and availability, in variable amounts as needed in calendar year 2011 by the Transportation Division.

10. **Bid #11-11 Tomlinson Asphalt Co.:** A resolution awarding Bid #11-11 and authorizing the purchase of curb and gutter from Tomlinson Asphalt Co., Inc. in an amount not to exceed $225,000.00 and authorizing the subsequent use of other bidders based on price and availability, in variable amounts, as needed for use in Ozark Regional Transit New Freedom Projects during calendar year 2011.

11. **Bid #11-12 Les Rogers, Inc.:** A resolution awarding Bid #11-12 and authorizing the purchase of topsoil from Les Rogers, Inc. in the amount of $9.95 per cubic yard as needed for use in Ozark Regional Transit New Freedom Projects during calendar year 2011.

12. **Bid #11-13 Northwest Arkansas Quarries, LLC & APAC-Central, Inc.:** A resolution awarding Bid #11-13 and authorizing the purchase of aggregate from Northwest Arkansas Quarries, LLC in the amount of $5.30 per ton and authorizing the use of APAC-Central, Inc. in the amount of $5.50 per ton as a secondary supplier, as needed for use in Ozark Regional transit New Freedom Projects during calendar year 2011.

13. **Bid #11-14 Scurlock Industries of Fayetteville, Inc. & HD Supply WaterWorks:** A resolution awarding Bid #11-14 and authorizing the purchase of concrete drainage pipe from Scurlock Industries of Fayetteville, Inc. and metal and plastic drainage pipe from HD Supply WaterWorks in varying unit prices, and authorizing the use of other bidders based on price and availability as needed for use in Ozark Regional Transit New Freedom Projects and other city projects during calendar year 2011.

B. Unfinished Business:

1. **RZN 10-3608 (Parker):** An ordinance rezoning that property described in rezoning petition RZN 10-3608, approximately 0.74 acre, located at 101 East Alice Street, from RSF-4, Residential Single-Family, 4 units per acre, to C-2, Thoroughfare Commercial, subject to the bill of Assurance. *This ordinance was left on the First Reading at the December 21, 2010 City Council meeting.*

Left on the First Reading

C. New Business:

1. **Asphalt Material Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding during calendar year 2011 for the purchase of asphalt materials for use by the Transportation Division.

Announcements:

City Council Tour Monday, January 3, 2011 4:30

Adjournment:

RZN 10-3608 (Parker).

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Pre-Agenda Meeting 12/22/10

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City Attorney Kit Williams

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Fayetteville
ARKANSAS

Aldermen

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City Council Meeting
January 4, 2011

LOCAL PENSION FUND REPORT 2010

In keeping with statutory requirements, I am presenting this report for 2010 on the local Police and Fire retirement and Relief Funds for the City of Fayetteville. Both of these plans were closed, by law, in 1983 and there are no longer any active members remaining. There are currently 49 police and 61 fire retirees and beneficiaries in the system.

At December 2010 projected expenses from the fire pension fund were approximately $1.5 million as compared to fund revenues of $1,070,000. Projected police pension fund expenses were approximately $1.6million as compared to fund revenues in excess of $1.4million. This is before adjusting investments to market value. However, on a cash flow basis, contributions are not covering expenses.

Actuarial evaluations are the responsibility of the State of Arkansas Fire and Police Pension Review

Board. The last evaluations completed were as of August 31, 2010 for the year ending December 31, 2009. Based on these evaluations the unfunded pension obligations of police and fire were $4.6million and $6.7 million respectively and have grown considerably from prior years. The unfunded actuarially accrued liabilities for these funds were approximately $14 million for police and $15 million for fire. In the annual reports issued by the Arkansas Pension Review Board neither the fire nor police pension fund were adjudged actuarially sound pursuant to established financial tests. Again, this actuarial valuation was performed before the current year (2010).

As you may remember on October 18, 2010 representatives of the Pension Review Board came to Fayetteville to present a special report on the Fire Pension Fund. Both Fire Pension Board members and City Council members attended the meeting in which this report was presented .During that presentation, the PRB Board Actuary indicated that the fund runs a 90% risk of ruin within the next 5 to 10 years. The Fire Pension Board was, therefore, told of the current status of the fund at that time.However, the Fire Pension Board has been aware of the unstable state of the fund and has been discussing the situation and possible options for almost two years. The primary

option being discussed is that of reducing current benefits. However, the pension board has been advised that there is no specific enabling legislation to reduce benefits and legal issues might prevent that option. Other options presented would require substantial financial contributions by the City. However, the City has no direct obligation to fund the pension plan; other than a .4 mill dedicated levy for each, plus state insurance turn back.

The Police Pension Fund is also actuarially unsound but not in immediate danger of becoming insolvent. The Police Pension Board is also aware of the Police Pension Fund status and has been considering options that would guarantee long term solvency.

In any event these Pension funds should be closely monitored.