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
April 19, 2011

A meeting of the Fayetteville City Council will be held on April 19, 2011 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

1. **Northwest Arkansas Land Use Planning Program Receives National Green Infrastructure Implementation Award**

City Council Meeting Presentations, Reports and Discussion Items:

1. **Botanical Garden Annual Report –** Walt Eilers and Ron Cox

Agenda Additions:

1. **Amend §117.108 Pedicab Equipment Inspections:** An ordinance to Amend §117.108 **Pedicab Equipment; Inspections** of the Fayetteville Code by enacting requirements for a sound-warning device and an identification and phone number displayed on the rear of all pedicabs.

   This ordinance was added to New Business Item # 1

A. Consent:

1. Approval of the April 5, 2011 City Council meeting minutes. **APPROVED**

2. **Bid #11-27 R&R Truck and Trailer Manufacturing, Inc.:** A resolution awarding Bid #11-27 and authorizing a contract with R&R Truck & Trailer Manufacturing, Inc. in the amount of $43,835.00 for the purchase of two (2) thirty-five foot (35') mobile litter conveyors, and approving a budget adjustment.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 57-11

3. **Bale Chevrolet, Street Maintenance Division:** A resolution authorizing a contract with Bale Chevrolet of Little Rock, Arkansas in the amount of $20,404.00 for the purchase of one (1) Chevrolet pickup truck pursuant to a state procurement contract for use by the Street Maintenance Division, and approving a budget adjustment.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 58-11

4. **Landers Dodge, Traffic Division:** A resolution authorizing a contract with Landers Dodge of Benton, Arkansas in the amount of $13,863.00 for the purchase of one (1) Dodge Dakota pickup truck pursuant to a state procurement contract for use by the Traffic Division, and approving a budget adjustment.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 59-11

5. **Landers Dodge, Meter Division:** A resolution authorizing a contract with Landers Dodge of Benton, Arkansas in the amount of $17,560.00 for the purchase of one (1) Dodge Dakota pickup truck pursuant to a state procurement contract for use by the Meter Division.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 60-11

6. **Landers Dodge, Transportation Division:** A resolution authorizing a contract with Landers Dodge of Benton, Arkansas in the amount of $17,560.00 for the purchase of one (1) Dodge Dakota pickup truck pursuant to a state procurement contract for use by the Transportation Division.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 61-11

7. **Fleet Budget Adjustment:** A resolution approving a budget adjustment in the amount of $11,924.00 to transfer funds to the fleet expense account.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 62-11

8. **Parks Top Dresser Budget Adjustment:** A resolution approving a budget adjustment in the amount of $19,900.00 for the purchase of a top dresser for the Parks Division.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 63-11

9. **McClelland Consulting Engineers, Inc. Amendment #2:** A resolution approving Amendment #2 to the engineering services agreement with McClelland Consulting Engineers, Inc. in the amount of $247,013.00 for construction and design phase services for the Highway 265 water and sewer relocations project, and approving a $20,000.00 project contingency.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 64-11

10. **Bid #11-28 Garney Companies, Inc.:** A resolution awarding Bid #11-28 and authorizing a contract with Garney Companies, Inc. in the amount of $4,989,135.00 for the construction of Highway 265 water and sewer replacements, approving a project contingency of $200,000.00, and approving a budget adjustment.

    THIS ITEM WAS REMOVED FROM CONSENT FOR DISCUSSION.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 65-11

11. **McClelland Consulting Engineers, Inc. Task Order #2:** A resolution approving Task Order #2 to a contract with McClelland Consulting Engineers, Inc. in the amount of $12,900.00 to develop and bid an airport security improvements project for Fayetteville Executive Airport-Drake Field contingent upon receipt of a grant award, authorizing application for and acceptance of a grant from the Arkansas Department of Aeronautics in the amount of $144,000.00, and approving a budget adjustment.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 66-11

B. Unfinished Business:

1. **Amend §117.102 Pedicab Permitted Zone of Operation and Approved Fixed Routes:** An ordinance to amend §117.102 Pedicab Permitted Zone of Operation and Approved Fixed Routes (B) Route Approval and (F) of the Fayetteville Code to allow use of pedicabs on streets with a posted speed limit of thirty-five (35) miles per hour or higher if authorized by the Transportation Services Director and (D) to allow pedicabs to operate on Scull Creek Trail, Mud Creek Trail and Frisco Trail. *This ordinance was left on the First Reading at the March 15, 2011 City Council meeting. This ordinance was left on the Second Reading at the April 5, 2011 City Council meeting.*

   A. Amend Section 3 of the proposed ordinance Amend §117.102 Pedicab Permitted Zone of Operation and Approved Fixed Routes by striking Section 3 in its entirety and replacing it with the following new Section 3, which shall read as follows:

   Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends §117.102 **Pedicab Permitted Zone of Operation And Approved Fixed Route** of the Fayetteville Code by repealing (D) in its entirety and enacting a new (D) as follows:

   "(D) *Operation on City Trails.* No Pedicab shall be operated on city transportation trails (Frisco Trail, Scull Creek Trail, Mud Creek Trail,

etc.) without the express prior approval of the date, time, route and fee for the special event by the Director of Parks and Recreation. Pedicabs may not be operated on any city recreational trails in city parks (such as Lake Fayetteville, Gulley Park, Wilson Park, etc.)." ***This amendment was tabled at the April 5, 2011 City Council meeting to the April 19, 2011 City Council meeting.***

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5397

2. **Amend §174.03 Exemptions:** An ordinance to amend §174.03 Exemptions of Chapter 174 Signs of the Fayetteville Code to allow advertising on pedicabs. *This ordinance was left on the First Reading at the March 15, 2011 City Council meeting. This ordinance was left on the Second Reading at the April 5, 2011 City Council meeting.*

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5398

3. **Amend §117.47 Advertising:** An ordinance to amend §117.47 Advertising of the Fayetteville Code to remove authorization to place advertising signs on taxicabs. *This ordinance was left on the First Reading at the March 15, 2011 City Council meeting. This ordinance was left on the Second Reading at the April 5, 2011 City Council meeting.*

   THIS ITEM FAILED.

C. New Business:

1. **Amend §117.108 Pedicab Equipment Inspections:** An ordinance to Amend §117.108 **Pedicab Equipment; Inspections** of the Fayetteville Code by enacting requirements for a sound-warning device and an identification and phone number displayed on the rear of all pedicabs.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5399

2. **VAC 11-3769 (Bracey):** An ordinance approving VAC 11-3769 submitted by John Bracey for property located at 237 Ray Avenue to vacate a portion of a utility easement, a total of 178.7 square feet.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5400

3. **VAC 11-3792 (U of A):** An ordinance approving VAC 11-3792 submitted by H2 Engineering for property located on the north side of Douglas Street between Oakland and Storer Avenues to vacate a 15-foot wide alley right-of-way.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5401

4. **VAC 11-3793 (U of A):** An ordinance approving VAC 11-3793 submitted by H2 Engineering for property located on the north side of Douglas Street between Oakland and Storer Avenues to vacate a 15-foot wide utility easement.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5402

5. **Amend §35.19 and §35.30 Definitions:** An ordinance to amend §35.19 and §35.30 Definitions of the Code of Fayetteville to change the definition of concession stands to remove the exemption for stands operated on a short term basis for festivals.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5403

6. **Washington Regional Medical Center Roundabout:** An resolution to designate the location of Washington Regional Medical Center as the new location of and the successor hospital of the City Hospital, to approve and authorize the mayor to execute a quit claim deed to convey the current site of the City Hospital to Washington Regional Medical Center, all contingent upon the concurrent action of the Board of Trustees of the City Hospital to designate Washington Regional Medical Center as the successor City Hospital and the donation of approximately 1.1 acres by Washington Regional Medical Center for construction of the roundabout at North Hills Boulevard and Futrall Drive.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 67-11

7. **Landers Chevrolet, Sewer Maintenance Division:** A resolution authorizing a contract with Landers Chevrolet in the amount of $67,767.00 for the purchase of three (3) Chevrolet Silverado pickup trucks pursuant to a state procurement contract for use by the Sewer Maintenance Division.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 68-11

City Council Tour: Monday, April 18, 2011 at 4:30 p.m. The Council will tour the Animal Shelter.

Announcements:

Adjournment: 8:50 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: April 19, 2011 **Adjourn:** 8:50 p.m.

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

9-0

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

City Council Meeting: **April 19, 2011**

Subject:	**Consent**	Remove # 10 from Consent Agenda for discussion			
Motion To:		Approve			
Motion By:		Thiel			
Seconded:		Gray			
#10 Bid # 11-28 Garney Companies, Inc. removed for discussion	**Gray**	✓			
	Thiel	✓			
	Kinion	✓			
	Petty	✓			
Minutes Approved	**Tennant**	✓			
	Ferrell	✓			
	Adams	✓			
Passed 57-11 thru 66-11	**Lewis**	✓			
	Mayor Jordan				
		8-0			

Subject:	Consent Item #10 Bid #11-28 Garney Companies, Inc.				
Motion To:		Approve			
Motion By:		Thiel			
Seconded:		Petty			
Passed	**Gray**	✓			
	Thiel	✓			
	Kinion	✓			
This is Resolution 65-11	**Petty**	✓			
	Tennant	✓			
	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Mayor Jordan				
		8-0			

City Council Meeting: **April 19, 2011**

Subject:	**Amend §117.102 Pedicab Permitted Zone of Operation and Approved Fixed Routes**				
Motion To:		3rd Read	Pass		
Motion By:		Petty			
Seconded:		Lewis			
B. 1 Unfinished Business	**Gray**	✓	✓		
	Thiel	✓	✓		
	Kinion	✓	✓		
	Petty	✓	✓		
Passed	**Tennant**	✓	✓		
	Ferrell	✓	✓		
5397	**Adams**	✓	✓		
	Lewis	✓	✓		
	Mayor Jordan				
		8-0	8-0		

Subject:	**Amend Section 3 of the proposed ordinance Amend §117.102 Pedicab Permitted Zone of Operation and Approved Fixed Routes**				
Motion To:		Revise Amendment			
Motion By:		Adams			
Seconded:		Petty			
B.1.A Unfinished Business	**Gray**	✓			
	Thiel	✓			
	Kinion	✓			
	Petty	✓			
Amendment	**Tennant**	✓			
to the	**Ferrell**	✓			
Amendment	**Adams**	✓			
passed.	**Lewis**	✓			
	Mayor Jordan				
		8-0			

City Council Meeting: **April 19, 2011**

Subject:	**Amend §174.03 Exemptions**				
Motion To:		3rd Read	Pass		
Motion By:		Thiel			
Seconded:		Petty			
B. 2 Unfinished Business passed 5398 Mayor voted to break the tie & pass the ordinance	**Gray**	✓	N		
	Thiel	✓	N		
	Kinion	✓	✓		
	Petty	✓	✓		
	Tennant	✓	✓		
	Ferrell	✓	✓		
	Adams	✓	N		
	Lewis	✓	N		
	Mayor Jordan		✓		
		8-0	5-4	Mayor Jordan voted yes to	

Subject:	**Amend §117.47 Advertising**				
Motion To:		3rd Read	Pass		
Motion By:		Ferrell			
Seconded:		Tennant			
B. 3 Unfinished Business Failed	**Gray**	✓	N		
	Thiel	✓	✓		
	Kinion	✓	N		
	Petty	absent during the vote.	N		
	Tennant	✓	N		
	Ferrell	✓	N		
	Adams	✓	N		
	Lewis	✓	✓		
	Mayor Jordan				
		7-0	2-6		

City Council Meeting: **April 19, 2011**

Subject:	Add to Agenda; Amend 117.108 Medical Equipment				
Motion To:		Add to Agenda	2nd Read	3rd Read	Inspection Pass
Motion By:		Petty	Ferrell	Petty	
Seconded:		Adams	Petty	Ferrell	
Added to the Agenda. NB #1	**Gray**	✓	✓	✓	✓
	Thiel	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
Passed 5399	**Tennant**	✓	✓	✓	✓
	Ferrell	✓	✓	✓	✓
	Adams	✓	✓	✓	✓
	Lewis	✓	✓	✓	✓
	Mayor Jordan				
		8-0	8-0	8-0	8-0

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

City Council Meeting: **April 19, 2011**

Subject:	**VAC 11-3769 (Bracey)**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Ferrell		
Seconded:		Kinion	Gray		
C. 1 New Business	**Gray**	✓	✓	✓	
	Thiel	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
Passed	**Ferrell**	✓	✓	✓	
	Adams	✓	Absent during the vote.	Absent during the vote.	
5400	**Lewis**	✓	✓	✓	
	Mayor Jordan				
		8-0	7-0	7-0	

Subject:	**VAC 11-3792 (U of A)**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Petty		
Seconded:		Petty	Lewis		
C. 2 New Business	**Gray**	absent during the vote	absent during the vote	absent during the vote	
	Thiel	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
Passed	**Ferrell**	✓	✓	✓	
	Adams	✓	✓	✓	
5401	**Lewis**	✓	✓	✓	
	Mayor Jordan				
		7-0	7-0	7-0	

City Council Meeting: **April 19, 2011**

Subject:	**VAC 11-3793 (U of A)**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Gray		
Seconded:		Tennant	Thiel		
C. 3 New Business	**Gray**	✓	✓	✓	
	Thiel	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
Passed	**Ferrell**	✓	✓	✓	
	Adams	✓	✓	✓	
5402	**Lewis**	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

Subject:	**Amend §35.19 and §35.30 Definitions**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Gray	Thiel		
Seconded:		Thiel	Gray		
C. 4 New Business	**Gray**	✓	✓	✓	
	Thiel	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
Passed	**Ferrell**	✓	✓	✓	
	Adams	✓	✓	✓	
5403	**Lewis**	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

City Council Meeting: April 19, 2011

Subject:	**Washington Regional Medical Center Roundabout**				
Motion To:		Approve			
Motion By:		Petty			
Seconded:		Thiel			
C. 5 New Business	**Gray**	✓			
	Thiel	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
Passed	**Ferrell**	N			
	Adams	✓			
67-11	**Lewis**	N			
	Mayor Jordan				

6-2

Subject:	**Landers Chevrolet, Sewer Maintenance Division**				
Motion To:		Approve			
Motion By:		Thiel			
Seconded:		Lewis			
C. 6 New Business	**Gray**	✓			
	Thiel	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
Passed	**Ferrell**	N			
	Adams	✓			
68-11	**Lewis**	✓			
	Mayor Jordan				

7-1

Fayetteville
ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **April 20, 2011**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of April 19, 2011**

1. **Bid #11-27 R&R Truck and Trailer Mfg., Inc.:** A resolution awarding Bid #11-27 and authorizing a contract with R& R Truck and Trailer Mfg., Inc. in the amount of $43,835.00 for the purchase of two 35' mobile litter conveyors, and approving a budget adjustment.

2. **Bale Chevrolet, Street Maintenance Division:** A resolution authorizing a contract with Bale Chevrolet of Little Rock in the amount of $20,404.00 for the purchase of one Chevrolet pickup truck pursuant to a state procurement contract for use by the street Maintenance Division, and approving a budget adjustment.

3. **Landers Dodge, Traffic Division:** A resolution authorizing a contract with Landers Dodge of Benton, Arkansas in the amount of $13,863.00 for the purchase of one Dodge Dakota pickup truck pursuant to a state procurement contract for use by the Traffic Division, and approving a budget adjustment.

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7. **Parks Top Dresser Budget Adjustment:** A resolution approving a budget adjustment in the amount of $19,900.00 for the purchase of a top dresser for the Parks Division.

8. **McClelland Consulting Engineers, Inc. Amendment #2:** A resolution approving Amendment #2 to the engineering services agreement with McClelland Consulting Engineers, Inc. in the amount of $247,013.00 for construction and design phase services for the Highway 265 water and sewer relocations project, and approving a $20,000.00 project contingency.

9. **McClelland Consulting Engineers, Inc. Task Order #2:** A resolution approving Task Order #2 to a contract with McClelland Consulting Engineers, Inc. in the amount of $12,900.00 to develop and bid an airport security improvements project for Fayetteville Executive Airport-Drake Field contingent upon receipt of a grant award, authorizing application for and acceptance of a grant form the Arkansas Department of Aeronautics in the amount of $144,000.00, and approving a budget adjustment.

10. **Amend §117.102 Pedicab Permitted Zone of Operation and Approved Fixed Routes:** An ordinance to amend §117.102 **Pedicab Permitted Zone Of Operation And Approved Fixed Routes** (B) *Route Approval* and (F) of the Fayetteville Code to allow use of pedicabs on streets with a posted speed limit of thirty-five (35) miles per hour or higher if authorized by the Transportation Services Director and (D) to allow pedicabs to operate on Scull Creek Trail, Mud Creek Trail and Frisco Trail.

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   Left on the Second Reading

   A. Amend Section 3 of the proposed ordinance Amend §117.102 Pedicab Permitted Zone of Operation and Approved Fixed Routes by striking Section 3 in its entirety and replacing it with the following new Section 3, which shall read as follows:

   Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends §117.102 **Pedicab Permitted Zone of Operation And Approved Fixed Route** of the Fayetteville Code by repealing (D) in its entirety and enacting a new (D) as follows:

   "(D) *Operation on City Trails.* No Pedicab shall be operated on city transportation trails (Frisco Trail, Scull Creek Trail, Mud Creek Trail, etc.) without the express prior approval of the date, time, route and fee for the special event by the Director of Parks and Recreation. Pedicabs may not be operated on any city recreational trails in city parks (such as Lake Fayetteville, Gulley Park, Wilson Park, etc.)." ***This amendment was tabled at the April 5, 2011 City Council meeting to the April 19, 2011 City Council meeting.***

   This amendment was Tabled

2. **Amend §174.03 Exemptions:** An ordinance to amend §174.03 Exemptions of Chapter 174 Signs of the Fayetteville Code to allow advertising on pedicabs. *This ordinance was left on the First Reading at the March 15, 2011 City Council meeting. This ordinance was left on the Second Reading at the April 5, 2011 City Council meeting.*

   Left on the Second Reading

3. **Amend §117.47 Advertising:** An ordinance to amend §117.47 Advertising of the Fayetteville Code to remove authorization to place advertising signs on taxicabs. *This ordinance was left on the First Reading at the March 15, 2011 City Council meeting. This ordinance was left on the Second Reading at the April 5, 2011 City Council meeting.*

   Left on the Second Reading

C. New Business:

1. **VAC 11-3769 (Bracey):** An ordinance approving VAC 11-3769 submitted by John Bracey for property located at 237 Ray Avenue to vacate a portion of a utility easement, a total of 178.7 square feet.

2. **VAC 11-3792 (U of A):** An ordinance approving VAC 11-3792 submitted by H2 Engineering for property located on the north side of Douglas Street between Oakland and Storer Avenues to vacate a 15-foot wide alley right-of-way.

3. **VAC 11-3793 (U of A):** An ordinance approving VAC 11-3793 submitted by H2 Engineering for property located on the north side of Douglas Street between Oakland and Storer Avenues to vacate a 15-foot wide utility easement.

4. **Amend §35.19 and §35.30 Definitions:** An ordinance to amend §35.19 and §35.30 Definitions of the Code of Fayetteville to change the definition of concession stands to remove the exemption for stands operated on a short term basis for festivals.

5. **Washington Regional Medical Center Roundabout:** An resolution to designate the location of Washington Regional Medical Center as the new location of and the successor hospital of the City Hospital, to approve and authorize the mayor to execute a quit claim deed to convey the current site of the City Hospital to Washington Regional Medical Center, all contingent upon the concurrent action of the Board of Trustees of the City Hospital to designate Washington Regional Medical Center as the successor City Hospital and the donation of approximately 1.1 acres by Washington Regional Medical Center for construction of the roundabout at North Hills Boulevard and Futrall Drive.

6. **Landers Chevrolet, Sewer Maintenance Division:** A resolution authorizing a contract with Landers Chevrolet in the amount of $67,767.00 for the purchase of three (3) Chevrolet Silverado pickup trucks pursuant to a state procurement contract for use by the Sewer Maintenance Division.

City Council Tour: Monday, April 18, 2011 at 4:30 p.m. The Council will tour the Animal Shelter.

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.

VAC 11-3769 Bracey

EXHIBIT "A"

FIELD WORK:
NOVEMBER 1, 2010

BASIS OF BEARING:
FINAL PLAT OF TIMBER TRAILS
SUBDIVISION FILED IN BOOK 23A, PAGE 255

REFERENCE DOCUMENTS:
1) WARRANTY DEED FILED IN BOOK 2009 AT PAGE 27920
2) FINAL PLAT OF TIMBER TRAILS SUBDIVISION FILED IN BOOK 23A AT PAGE 255

PROPERTY ZONED:
R-PZD 04-1154

BUILDING SETBACKS:

FRONT	20ft
SIDE	8ft
REAR	20ft

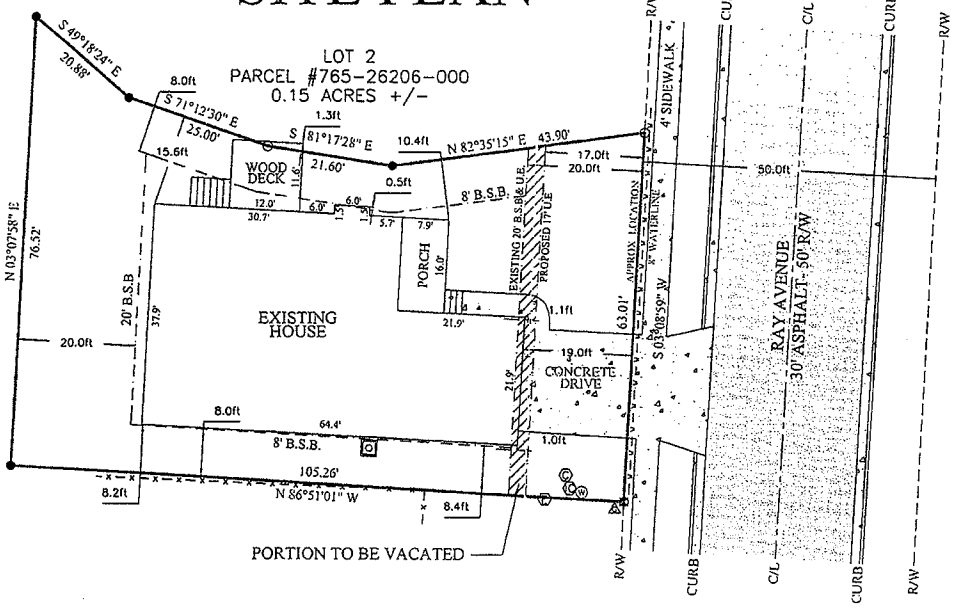
SURVEY DESCRIPTION:
LOT 2 IN TIMBER TRAILS SUBDIVISION TO THE CITY OF FAYTTEVILLE, ARKANSAS AS PER PLAT ON FILE IN PLAT RECORD "23A" AT PAGE 255 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS. SUBJECT TO RECORDED INSTRUMENTS, COVENANTS, RIGHTS-OF-WAY AND EASEMENTS.

PROPOSED EASEMENT VACATION DESCRIPTION:
A PART OF LOT 2 IN TIMBER TRAILS SUBDIVISION TO THE CITY OF FAYTTEVILLE, ARKANSAS AS PER PLAT ON FILE IN PLAT RECORD "23A" AT PAGE 255 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N86°51'01"W 17.00' FROM THE SOUTHEAST CORNER OF SAID LOT 2 AND RUNNING THENCE N86°51'01"W 3.00', THENCE N03°08'59"E 59.28', THENCE N82°35'15"E 3.05', THENCE S03°08'59"W 59.84' TO THE POINT OF BEGINNING. CONTAINING 178.7 SQUARE FEET, MORE OR LESS. SUBJECT TO RECORDED INSTRUMENTS, COVENANTS, RIGHTS-OF-WAY AND EASEMENTS.

NOTE:
THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS.
(FIRM PANEL #05143C0220F, DATED MAY 16, 2008)

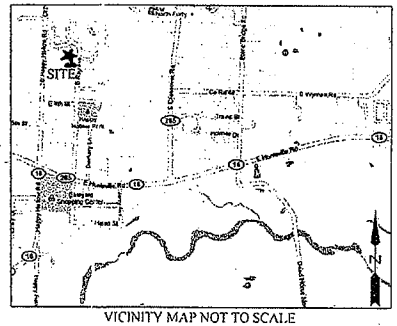
EASEMENT VACATION SITE PLAN



TECHNICAL PLAT REVIEW
02/16/2011
(Date)

GRAPHIC SCALE (IN FEET)
1 Inch = 20ft.

VICINITY MAP



VICINITY MAP NOT TO SCALE

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 1ST DAY OF NOVEMBER, 2010.

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO. 1842
SIGNATURE
DERRICK L. THOMAS

IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

N
W E
S

LEGEND: THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

- FOUND 5/8" REBAR/ CAP #1452
- FOUND 1/2" REBAR
- SET 5/8" REBAR/CAP
- ELECTRIC PEDESTAL
- CABLE PEDESTAL
- IRRIGATION CONTROL VALVE
- WATER METER
- DOUBLE GAS METER
- A/C UNIT
- BOUNDARY LINE (MEAS/SURVEY)
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- WATER LINE
- FENCE
- BUILDING SETBACK
- UTILITY EASEMENT

Bates & Associates, Inc.
Civil Engineering & Land Surveying
914 W. Cobb Square Dr., Fayetteville, Arkansas 72703 - 479.442.8500 - Fax 479.521.3550

DATES & ASSOCIATES INC. Copyright 2010
This survey was conducted for the purpose stated on this plat. This plat is protected by copyright. No unauthorized reproduction or use of this plat without the express written consent of Bates & Associates, Inc. Survey not valid unless linked to an original signature. Field measurements and other data shown on this plat represent the best evidence, or any other fact which a complete and accurate title search may disclose. Any flood statement provided on this plat is for informational only and Bates & Associates, Inc. assumes no liability for any flood damage. Flood zone information is based on available maps and does not represent the opinion of Bates & Associates, Inc. of the probability of flooding.

FOR USE AND BENEFIT OF:
LINDSEY & ASSOCIATES
STACY PIXLEY

ADDRESS:
2237 S. RAY AVE.
FAYETTEVILLE, ARKANSAS

DATE: 11/1/2010 | SCALE: 1"=20'
LOCATION: LOT 2 TIMBER TRAILS SUBDIVISION
SURVEYED: DT | DRAFTED:
REVIEWED: DT

DRAWING# 10-223

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A CONTRACT WITH LANDERS CHEVROLET IN THE AMOUNT OF $67,767.00 FOR THE PURCHASE OF THREE (3) CHEVROLET SILVERADO PICKUP TRUCKS PURSUANT TO A STATE PROCUREMENT CONTRACT FOR USE BY THE SEWER MAINTENANCE 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 authorizes a contract with Landers Chevrolet in the amount of $67,767.00 for the purchase of three (3) Chevrolet Silverado pickup trucks pursuant to a state procurement contract for use by the Sewer Maintenance Division.

PASSED and **APPROVED** this 19th day of April, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – 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

City of Fayetteville Arkansas
City Council Meeting Minutes
April 5, 2011

A meeting of the Fayetteville City Council was held on April 5, 2011 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Thiel, Kinion, Petty, Tennant, Ferrell, Adams, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Gray

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the March 15, 2011 City Council meeting minutes and the March 22, 2011 Special City Council meeting minutes.

Approved

Carrier Corporation: A resolution authorizing a contract with Carrier Corporation in the amount of $3,476.00 for the purchase and installation of HVAC controls added to the contract authorized by Resolution No. 184-10 for the Police Department building.

Unofficial

Resolution 49-11 as recorded in the office of the City Clerk

King Electrical Contractors: A resolution authorizing a contract with King Electrical Contractors in the amount of $1,075.00 for the purchase and installation of lighting work added to the contract authorized by Resolution No. 185-10 for the Police Department building.

Resolution 50-11 as recorded in the office of the City Clerk

Animal Services Citizen Donation Revenue: A resolution approving a budget adjustment in the amount of $17,464.00 representing citizen donation revenue to the Animal Services Division during the fourth quarter of 2010.

Resolution 51-11 as recorded in the office of the City Clerk

United States Geological Survey (USGS): A resolution approving a contract with the United States Geological Survey (USGS) in the amount of $19,600.00 to model the upper end of the Beaver Reservoir related to the White River water quality standards petition to the Arkansas Pollution Control and Ecology Commission, and approving a $4,000.00 project contingency.

Resolution 52-11 as recorded in the office of the City Clerk

Mitchell, Williams, Selig, Gates & Woodyard, PLLC: A resolution approving a contract with Mitchell, Williams, Selig, Gates & Woodyard, PLLC in the maximum amount of $48,000.00 for the provision of legal services related to the White River water quality standards petition to the Arkansas Pollution Control and Ecology Commission.

Resolution 53-11 as recorded in the office of the City Clerk

Fayetteville Municipal Property Owners' Improvement District Appointment: A resolution to appoint John Russell Meeks, Melissa Meeks and Patricia Chambers Dixon as successor commissioners for Fayetteville Municipal Property Owners' Improvement District No. 12 - Belclaire.

Resolution 54-11 as recorded in the office of the City Clerk

Amend Resolution No. 210-10 Bid #10-66: A resolution amending Resolution No. 210-10 to approve a project contingency of $8,000.00.

Resolution 55-11 as recorded in the office of the City Clerk

Fayetteville Police Department Policy Changes: A resolution approving amendments to Fayetteville Police Department Policies 16.2.3 Temporary Light Duty, 41.1.4 Bicycle Patrol, 41.3.5 Grooming and Uniform Requirements, and 52.1.1 Office of Professional Standards.

Resolution 56-11 as recorded in the office of the City Clerk

Unofficial

Alderman Thiel moved to approve the Consent Agenda. Alderman Lewis seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Unfinished Business:

Huntingdon Heights Appeal: An appeal of the City Engineer's determination regarding the driveway approach at 3172 Warwick Dr. *This item was tabled at the February 3, 2011 City Council meeting to the February 15, 2011 City Council meeting. This item was tabled at the February 15, 2011 City Council meeting to the March 15, 2011 City Council meeting. This item was tabled at the March 15, 2011 City Council meeting to the April 5, 2011 City Council meeting.*

Jeremy Pate, Development Services Director**:** The applicant in this appeal has withdrawn his request entirely so there is no need to discuss or vote on this item. We will be requiring this individual to replace the driveway in accordance with our City specifications and he has agreed to do so, therefore there is no need for an appeal.

The petitioner withdrew his appeal therefore there was no action taken.

Amend §117.102 Pedicab Permitted Zone of Operation and Approved Fixed Routes: An ordinance to amend §117.102 Pedicab Permitted Zone of Operation and Approved Fixed Routes (B) Route Approval and (F) of the Fayetteville Code to allow use of pedicabs on streets with a posted speed limit of thirty-five (35) miles per hour or higher if authorized by the Transportation Services Director and (D) to allow pedicabs to operate on Scull Creek Trail, Mud Creek Trail and Frisco Trail. *This ordinance was left on the First Reading at the March 15, 2011 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Alderman Adams moved to amend Section 3 of the ordinance. Alderman Thiel seconded the motion. The following is the proposed amendment

Amend Section 3 of the proposed ordinance by striking Section 3 in its entirety and replacing it with the following new Section 3, which shall read as follows:

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends §117.102 Pedicab **Permitted Zone of Operation And Approved Fixed Route** of the Fayetteville Code by repealing (D) in its entirety and enacting a new (D) as follows:

> "(D) *Operation on City Trails.* No pedicab shall be operated on city transportation trails (Frisco Trail, Scull Creek Trail, Mud Creek Trail, etc.) without the express prior approval of the date,

Unofficial

time, route and fee for the special event by the Director of Parks and Recreation. Pedicabs may not be operated on any city recreational trails in city parks (such as Lake Fayetteville, Gulley Park, Wilson Park, etc.)."

Mayor Jordan: Basically they can't get on the trails unless they have permission and it has to be a special event.

Alderman Adams: We are reverting back to the original ordinance.

Alderman Lewis: Does this put it back to its original form or does it change what was proposed?

City Attorney Kit Williams: It pretty much puts it back to its original form except it says that the approver would be the Director of Parks and Recreation instead of the Transportation Services Director. You made that change last time and so that is incorporated within it.

Alderman Adams: I love the idea of pedicabs and I am excited about them. Back in August, I was part of the audience, I listened to the debate, comments and explanations of why we might do what we did. A lot of work was put into some zones that were established for the pedicabs. I liked those then and I like them now. I would like to see us continue to welcome pedicabs to our town and use them and encourage their use but not have them on our City trails.

Alderman Ferrell: Can you give me an example of the type of day that permission would be approved?

Alderman Adams: Festivals, certain hours during the evenings and during events in town. Prohibition is easier to enforce than laws imposing fewer restrictions. By doing this we allow 24/7 use on the trails. We should let the City Parks Director decide when the appropriate and best time would be based on studies and accidents.

Alderman Thiel: We received an email from someone that brought up some very good points about the trails not being used much at night by the public. That is primarily when the pedicabs might be interested in using the trails. It concerns me that if special event is in there it kind of confuses it a little bit. I have heard from the public that there is a concern about them being there during the day but I don't know if I necessarily see them being there during the day that much. That might be a good compromise.

Alderman Kinion: I received a lot of feedback on this and I think we need to look at restricted times rather than an open access because there is concern in specific areas of the trail where there is blind corners and a lot of pedestrian traffic. The concerns I have received from individuals are with the safety of children and pedestrians. I think this needs to be discussed further with some specific and restricted times. We know there are even specific areas on the trail such as between Maple and the Dickson Street area where it is not very wide and there is a lot of pedestrian traffic, and also areas where there is a blind corner. I like the notion that in the evening and night time, if we have more traffic with pedicabs on the trail, that it actually increases safety.

Unofficial

Alderman Petty: I don't think this is the best way of doing this. I would ask that we vote down the amendment and give me a chance over the next few weeks to work with Alderman Adams and come up with an acceptable solution that we can present together to the rest of the Council. I think we can do this in a better way. He addressed some of the other comments previously made.

Mayor Jordan: If you vote this amendment down then you would craft another amendment, is that what you are proposing?

Alderman Petty: I would like the opportunity to do that.

City Attorney Kit Williams: Or you could table it and it can be worked on in the interim. We should get some public comment before you all do anything.

Alderman Petty: I think it is cleaner for the public in the media reports if we were to vote this down and bring forward an entirely new amendment. We also have some other issues that I think are pertinent to the discussion today that are not related to this amendment. I want to make sure we get to those instead of tabling the whole thing.

City Attorney Kit Williams: I did not mean table the whole thing. I meant tabling this particular amendment.

Alderman Thiel: But you are suggesting leaving this on this reading.

Alderman Petty: Yes.

Alderman Thiel: I agree with that. Adella wanted to be here for these ordinances so that would be fine with me.

Alderman Petty: I have also heard some other suggestions that I want to speak with the City Attorney about and some other people that may lead to some additional amendments.

Alderman Adams: One of the reasons I did this is because these two things are on the same ordinance and I felt like I would be forced to vote it down because I wanted to be able to talk about streets and trails separately instead of in one lump sum vote yes or no.

Melissa Jackson, a citizen stated I would like you to keep the pedicabs off the trails during the day and night. She listed safety concerns about the trails and why pedicabs should not be on the trails.

Jason Sexton with Fayetteville Pedicab Company educated the public on what pedicabs are and how they operate. He also explained safety precautions that are taken by the operators.

Wesley Owens, a citizen expressed his concerns on trail safety should the pedicabs be allowed on the trails. He stated a study should be done on what the trails system will support safely.

Unofficial

Laura Kelley, a citizen questioned Section B. 2 of the ordinance. I am not sure why Parks and Recreation would be involved instead of Matt Mihalevich in the Engineering Division.

City Attorney Kit Williams: The Transportation Director, if they are riding on the streets, will be the one authorizing them if they go outside the zone. It is only for the trails themselves that the Parks and Recreation Director would have control because they do the maintenance on the trails.

Don Marr: Staff requested that change. When trails are under construction they fall within the Transportation Division of the City. Once the trail is opened for use it is then transferred to Parks and Recreation. All maintenance including snow removal is done by Parks and Recreation once the trail is completed and opened.

Laura Kelley: There is a fundamental principal of pedicabs that they don't drive anywhere where they can't make a fare. I am very much attached to the transportation value of our trails. I see bicyclist as the most dangerous occupants of the trails and not pedicabs. She spoke on how safe pedicab operators are.

Alderman Petty: Ms. Kelley is the leader of the Bicycle Coalition of the Ozarks. She brings that expertise to the table.

A discussion followed on whether or not to table the amendment.

This amendment was not voted on and was tabled to the April 19, 2011 City Council meeting.

Alderman Lewis moved to table the above amendment to the April 19, 2011 City Council meeting. Alderman Kinion seconded the motion. Upon roll call the motion to table the amendment passed 7-0. Alderman Gray was absent.

Alderman Petty addressed some concerns about the width of the pedicabs on the trails. He stated in the ordinance it says "except that portions of these trails may be closed to pedicabs if the trail section is deemed too narrow for pedicabs or if the use of pedicabs on that section of trail could cause safety issues". We want to make sure we are doing this in the safest way possible if this is passed. We were advised that if we allow pedicabs on the trails it may open the door to golf carts. He read an email from the City Attorney to the Parks and Recreation Director regarding golf carts on the trails. I do not think this would have much of an effect on golf carts on the trail.

Don Marr: We had a couple of Aldermen ask for the areas of width that would be a concern to the staff. He handed out a list of the areas of concern. One item we would also like you to look at is under Section 117.108 (B) which speaks specifically to the equipment necessary for pedicabs, that there would be something to add an audible signal as you approach pedestrians. We feel that would be appropriate based on these discussions.

Unofficial

Amend §174.03 Exemptions: An ordinance to amend §174.03 Exemptions of Chapter 174 Signs of the Fayetteville Code to allow advertising on pedicabs. *This ordinance was left on the First Reading at the March 15, 2011 City Council meeting.*

Alderman Petty: I heard a suggestion which I am seriously considering as an amendment but as before I need some time to discuss this with the City Attorney and other personal advisors.

City Attorney Kit Williams: We probably should place this on the second reading.

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

City Attorney Kit Williams read the ordinance.

Left on the Second Reading

Amend §117.47 Advertising: An ordinance to amend §117.47 Advertising of the Fayetteville Code to remove authorization to place advertising signs on taxicabs. *This ordinance was left on the First Reading at the March 15, 2011 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis gave a brief history of the ordinance. Amending this ordinance would strengthen our sign ordinance and add to Fayetteville's ability to protect its aesthetic values.

Alderman Ferrell: Sarah, do you remember when you were talking about signs in parks and you said you feared this would lead to commercialization of the parks.

Alderman Lewis: Yes.

Alderman Ferrell: Do you think that the continued scrutinization of the sign policy as welcomed by the City Attorney, as long as I have been on the Council, can lead anywhere to the constant changing? I know he doesn't want to mess with the sign deal and he has a good point because he may have to defend it again.

Alderman Lewis: I can't know that answer. I do recognize that this type of thing can weaken the sign ordinance. We have a City Attorney and staff and they are the ones who defend that. If they think they can't defend it as we weaken it that is a big deal. As a Council member I feel like that I need to help us protect that ordinance.

Alderman Ferrell: You said since you were on the Council people have brought to your

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attention the signs on the cabs. I have been on the Council five years and I can only recall mentioning this once or twice. I would have to disagree on the number of times that I recall it coming up as a matter of policy.

Alderman Lewis: I have heard from people on this topic that were worried about these issues threatening the sign ordinance.

Alderman Petty: If our sign ordinance was challenged after we pass this ordinance, wouldn't the exemption for buses be able to be used in the same way by the plaintiff?

City Attorney Kit Williams: We could get sued for it as we did in 2002 or 2003 where our sign ordinance was questioned. Every exception we make weakens the sign ordinance. I think our sign ordinance is constitutional. We will defend it as hard as we can if it is brought into court. Every exception we make to allow offsite signs weakens it.

I agree that signs on taxis and pedicabs are not the same as billboards, but whether the judge would agree with me on that I am not sure. I think it is my responsibility to try to defend your ordinances as best as I can and if I see that you are going to take some sort of action that might possibly weaken it it's my duty to tell you. It's your decision to make, and it's my duty to tell you there is a risk.

Alderman Petty: I agree, if our sign ordinance was challenged could the exemption for buses be used in the same way by the plaintiff as they might our taxi exemption?

City Attorney Kit Williams: I would like to see the exception for buses removed also. I would rather defend one as opposed to three exceptions. Right now we have two and you are thinking of adding a third one for pedicabs.

Alderman Petty: If our sign ordinance was challenged and it was exactly as it is today, how would you go about defending it?

City Attorney Kit Williams: I would argue along the lines of the Ninth Circuit saying that aesthetics is a recognized support for a sign ordinance and that our sign ordinance still complies with that even though we have allowed some exceptions. I think our sign ordinance is constitutional and I would like to make it stronger.

Alderman Petty: I am curious why Alderman Lewis is not being more consistent in removing the exemptions for buses.

Alderman Lewis: The discussion in Ordinance Review was about taxis. That is how this came about and what this is focused on.

Alderman Petty: Do you plan to offer an amendment to strengthen the sign ordinance further by removing all the exemptions? I am not going to support this or vote for it.

Alderman Ferrell: Kit, you said you felt like our sign ordinance was legal and that you could

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defend it. The bus placards are there right now and you feel you could defend it and it's legal.

City Attorney Kit Williams: Yes, that is my position and I am going to stick to that all the way through any court trial.

Alderman Tennant: We heard from a taxi owner that said he is putting a terminal in Rogers. A lot of people take taxis to Dickson Street and back to their hotel in Rogers. So if he had a taxi, that is based in Rogers that had an advertisement on it, and he drove someone to Fayetteville and then they stayed on Dickson Street to solicit other business before they made their way back to Rogers, they would be in violation because they had a sign on the car even though that car is based in Rogers.

City Attorney Kit Williams: I think you are absolutely right. We would not penalize a Fayetteville company and reward a Rogers's taxicab company. The violation would be if you are driving a taxicab that has a sign on it in Fayetteville.

Jason Sexton: I wanted to reiterate what Matthew said. I think it needs to be all the way across the board. Currently the cabs and buses can do it. What I don't understand on the bus situation is that is public transport and the company selling the advertising isn't even based in the State of Arkansas. We are letting outsiders sell advertisement on our public transit but we won't let local businesses advertise. What is off-site advertising? I see a ton of vehicles advertising all kinds of stuff?

City Attorney Kit Williams: Off-site advertising is when you are advertising a different business not your own. That is the distinguishment between them and we don't attempt to regulate businesses that have their own vehicles painted in their company colors.

Left on the Second Reading

<u>New Business:</u>

VAC 11-3764 (Ozark Dermatology): An ordinance approving VAC 11-3764 submitted by McClelland Consulting Engineers, Inc. for property located at 152 East Appleby Road to vacate a portion of a utility easement, a total of 436 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated the Planning Commission and staff are recommending approval of this vacation.

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

City Attorney Kit Williams read the ordinance.

Unofficial

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5394 as Recorded in the office of the City Clerk

ADM 11-3773 (Bungalows at Cato Springs R-PZD Amendment No. 2): An ordinance amending a residential planned zoning district entitled R-PZD 05-1797 Bungalows at Cato Springs to revise the zoning criteria for Planning Area Two, to include Use Unit 12, Limited Business, as a permitted use on lot number 30.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated staff and the Planning Commission reviewed this and all recommended in favor of this amendment.

Burke Larkin, part owner of the homes in the proposed area stated we think this is a good idea for us to move the development forward now that things are settling down in that area.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5395 as Recorded in the office of the City Clerk

ESRI, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving a contract with ESRI, Inc. in the amount of $31,682.50 for maintenance and upgrades to Geographic Information System Software for 2011 and for future years.

City Attorney Kit Williams read the ordinance.

Paul Becker, Finance Director gave a brief description of the ordinance. He stated we are

Unofficial

requesting the bid waiver because no one else can supply the software upgrades and ongoing maintenance to the system.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5396 as Recorded in the office of the City Clerk

J. E. Lindsey Family Limited Partnership Condemnation & Possession: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by the J.E. Lindsey Family Limited Partnership needed for water and sewer improvements along Crossover Road (State Highway 265).

City Attorney Kit Williams: Mr. Jurgens and I told the Council during the Agenda Session we would work on this. We have never had problems coming to an agreement with Mr. Lindsey. This morning Mr. Lindsey's attorney came to my office and we resolved this issue. We compromised it out to a very small dollar figure. We also agreed again to ask the Highway Commission to allow a left turn out of Coy Kaylor Drive which we had already requested once and the Highway Department turned it down. At this point in time we need a motion and a second to table this indefinitely.

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

Meeting adjourned at 7:10 p.m.

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

Unofficial

4-19-2011 — Consent Item #10 Bid # 11-28 Gamey Companies, Inc.

CONTRACTOR'S ACT OF ASSURANCE FORM

Bidder shall execute the following Contractor's Act of Assurance Form and submit it with other bid documents. Bids not including an executed Act of Assurance Form will not be accepted.

CONTRACTOR'S ACT OF ASSURANCE FORM

As the authorized representative of the individual, incorporation, or corporation (hereinafter referred to as the company) bidding on or participating in the project, I certify that I have read and understand the requirements of the General and/or Supplemental Conditions and that the principles, agents and employees of the company will comply with these requirements including all relevant statutes and regulations issued pursuant thereto. I further certify as the authorized agent of the company that:

EQUAL OPPORTUNITY I will comply with all requirements of 41 CFR Chapter 60 and Executive Orders 11246 and 11375, including inclusion of all required equal opportunity clauses in each sub-contract awarded in excess of $10,000 and I will furnish a similar statement from each proposed subcontractor, when appropriate. I will also comply with all Equal Employment Opportunity requirements as defined by Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 regarding sex discrimination.

NONSEGREGATED FACILITIES The company that I represent does not and will not maintain any facilities provided for its employees in a segregated manner, or permit its employees to perform their services at any location under company control where segregated facilities are maintained; and that the company will obtain a similar certification prior to the award of any subcontract exceeding $10,000 which is not exempt from the equal opportunity clause.

OSHA REQUIREMENTS I will comply with the Department of Labor Safety and Health Regulations promulgated under Section 107 of the Contract Work Hours and Safety Standard Act (40 U.S.C. 327-333) in the performance of the contract.

PROCUREMENT PROHIBITIONS As required by Executive Order 11738, Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, I certify that I will not procure goods and services from persons who have been convicted of violations of either law if the goods or services are to be produced by the facility that gave rise to the violation.

DEBARMENT AND SUSPENSION I certify that to the best of my knowledge and belief that the company that I represent and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification regarding debarment and suspension may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine. I further certify that I will obtain a similar certification for each subcontract awarded in excess of $25,000.

AUTHORIZED REPRESENTATIVE

COMPANY NAME:_____

SIGNATURE: _____ DATE: _____

PRINTED NAME: _____ TITLE: _____

CITY COUNCIL CITY FACILITIES TOURS
ALL TOURS ARE SCHEDULED FOR 4:30-6:00 p.m.

April 18	Animal Shelter and Ribbon-cutting of new Puppy Nursery
May 2	Fayetteville Executive Airport—Drake Field
May 16	Noland Wastewater Treatment Plant and Biosolids Management Site
June 6	Westside Wastewater Treatment Plant and Woolsey Prairie
June 20	Fayetteville Television Center
July 18	Solid Waste and Recycling
August 1	Parks, Fleet, Transportation Complex
August 15	Water/Sewer Facility, Tanks, and Pump Stations

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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
April 19, 2011

A meeting of the Fayetteville City Council will be held on April 19, 2011 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

City Council Agenda Session Presentations:

Mayor's Announcements, Proclamations and Recognitions:

1. **Northwest Arkansas Land Use Planning Program Receives National Green Infrastructure Implementation Award**

City Council Meeting Presentations, Reports and Discussion Items:

1. **Botanical Garden Annual Report** – Walt Eilers and Ron Cox

Agenda Additions:

A. Consent:

1. Approval of the April 5, 2011 City Council meeting minutes.

2. **Bid #11-27 R&R Truck and Trailer Manufacturing, Inc.:** A resolution awarding Bid #11-27 and authorizing a contract with R&R Truck & Trailer Manufacturing, Inc. in the amount of $43,835.00 for the purchase of two (2) thirty-five foot (35') mobile litter conveyors, and approving a budget adjustment.

3. **Bale Chevrolet, Street Maintenance Division:** A resolution authorizing a contract with Bale Chevrolet of Little Rock, Arkansas in the amount of $20,404.00 for the purchase of one (1) Chevrolet pickup truck pursuant to a state procurement contract for use by the Street Maintenance Division, and approving a budget adjustment.

4. **Landers Dodge, Traffic Division:** A resolution authorizing a contract with Landers Dodge of Benton, Arkansas in the amount of $13,863.00 for the purchase of one (1) Dodge Dakota pickup truck pursuant to a state procurement contract for use by the Traffic Division, and approving a budget adjustment.

5. **Landers Dodge, Meter Division:** A resolution authorizing a contract with Landers Dodge of Benton, Arkansas in the amount of $17,560.00 for the purchase of one (1) Dodge Dakota pickup truck pursuant to a state procurement contract for use by the Meter Division.

6. **Landers Dodge, Transportation Division:** A resolution authorizing a contract with Landers Dodge of Benton, Arkansas in the amount of $17,560.00 for the purchase of one (1) Dodge Dakota pickup truck pursuant to a state procurement contract for use by the Transportation Division.

7. **Landers Chevrolet, Sewer Maintenance Division:** A resolution authorizing a contract with Landers Chevrolet in the amount of $67,767.00 for the purchase of two (2) Chevrolet Silverado pickup trucks pursuant to a state procurement contract for use by the Sewer Maintenance Division.

8. **Fleet Budget Adjustment:** A resolution approving a budget adjustment in the amount of $11,924.00 to transfer funds to the fleet expense account.

9. **Parks Top Dresser Budget Adjustment:** A resolution approving a budget adjustment in the amount of $19,900.00 for the purchase of a top dresser for the Parks Division.

10. **McClelland Consulting Engineers, Inc. Amendment #2:** A resolution approving Amendment #2 to the engineering services agreement with McClelland Consulting Engineers, Inc. in the amount of $247,013.00 for construction and design phase services for the Highway 265 water and sewer relocations project, and approving a $20,000.00 project contingency.

11. **Bid #11-28 Garney Companies, Inc.:** A resolution awarding Bid #11-28 and authorizing a contract with Garney Companies, Inc. in the amount of $4,989,135.00 for the construction of Highway 265 water and sewer replacements, approving a project contingency of $200,000.00, and approving a budget adjustment.

12. **McClelland Consulting Engineers, Inc. Task Order #2:** A resolution approving Task Order #2 to a contract with McClelland Consulting Engineers, Inc. in the amount of $12,900.00 to develop and bid an airport security improvements project for Fayetteville Executive Airport-Drake Field contingent upon receipt of a grant award, authorizing application for and acceptance of a grant from the Arkansas Department of Aeronautics in the amount of $144,000.00, and approving a budget adjustment.

B. Unfinished Business:

1. **Amend §117.102 Pedicab Permitted Zone of Operation and Approved Fixed Routes:** An ordinance to amend §117.102 Pedicab Permitted Zone of Operation and Approved Fixed Routes (B) Route Approval and (F) of the Fayetteville Code to allow use of pedicabs on streets with a posted speed limit of thirty-five (35) miles per hour or higher if authorized by the Transportation Services Director and (D) to allow pedicabs to operate on Scull Creek Trail, Mud Creek Trail and Frisco Trail. *This ordinance was left on the First Reading at the March 15, 2011 City Council meeting. This ordinance was left on the Second Reading at the April 5, 2011 City Council meeting.*

   Left on the Second Reading

   A. Amend Section 3 of the proposed ordinance Amend §117.102 Pedicab Permitted Zone of Operation and Approved Fixed Routes by striking Section 3 in its entirety and replacing it with the following new Section 3, which shall read as follows:

   Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends §117.102 **Pedicab Permitted Zone of Operation And Approved Fixed Route** of the Fayetteville Code by repealing (D) in its entirety and enacting a new (D) as follows:

   "(D) *Operation on City Trails.* No Pedicab shall be operated on city transportation trails (Frisco Trail, Scull Creek Trail, Mud Creek Trail, etc.) without the express prior approval of the date, time, route and fee for the special event by the Director of Parks and Recreation. Pedicabs may not be operated on any city recreational trails in city parks (such as Lake Fayetteville, Gulley Park, Wilson Park, etc.)." ***This amendment was tabled at the April 5, 2011 City Council meeting to the April 19, 2011 City Council meeting.***

   This amendment was Tabled

2. **Amend §174.03 Exemptions:** An ordinance to amend §174.03 Exemptions of Chapter 174 Signs of the Fayetteville Code to allow advertising on pedicabs. *This ordinance was left on the First Reading at the March 15, 2011 City Council meeting. This ordinance was left on the Second Reading at the April 5, 2011 City Council meeting.*

   Left on the Second Reading

3. **Amend §117.47 Advertising:** An ordinance to amend §117.47 Advertising of the Fayetteville Code to remove authorization to place advertising signs on taxicabs. *This ordinance was left on the First Reading at the March 15, 2011 City Council meeting. This ordinance was left on the Second Reading at the April 5, 2011 City Council meeting.*

   Left on the Second Reading

C. New Business:

1. **VAC 11-3769 (Bracey):** An ordinance approving VAC 11-3769 submitted by John Bracey for property located at 237 Ray Avenue to vacate a portion of a utility easement, a total of 178.7 square feet.

2. **VAC 11-3792 (U of A):** An ordinance approving VAC 11-3792 submitted by H2 Engineering for property located on the north side of Douglas Street between Oakland and Storer Avenues to vacate a 15-foot wide alley right-of-way.

3. **VAC 11-3793 (U of A):** An ordinance approving VAC 11-3793 submitted by H2 Engineering for property located on the north side of Douglas Street between Oakland and Storer Avenues to vacate a 15-foot wide utility easement.

4. **Amend §35.19 and §35.30 Definitions:** An ordinance to amend §35.19 and §35.30 Definitions of the Code of Fayetteville to change the definition of concession stands to remove the exemption for stands operated on a short term basis for festivals.

5. **Washington Regional Medical Center Roundabout:** An resolution to designate the location of Washington Regional Medical Center as the new location of and the successor hospital of the City Hospital, to approve and authorize the mayor to execute a quit claim deed to convey the current site of the City Hospital to Washington Regional Medical Center, all contingent upon the concurrent action of the Board of Trustees of the City Hospital to designate Washington Regional Medical Center as the successor City Hospital and the donation of approximately 1.1 acres by Washington Regional Medical Center for construction of the roundabout at North Hills Boulevard and Futrall Drive.

City Council Tour: Monday, April 18, 2011 at 4:30 p.m. The Council will tour the Animal Shelter.

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.

2011 new growth year at BGO

In 2011 the Garden will add four new features to attract visitors:

- *A butterfly house demonstrating how to cultivate native butterflies,*
- *A gift shop featuring Garden-specific items,*
- *Explore @ BGO, a nine-session day mini-camp for 7 to 10 year olds and*
- *A 5,000 sf demonstration garden with Ball Horticulture featuring annual plants still in development.*

Education of all ages remains the Garden's primary focus in 2011. This year:

- Garden classes doubled offering 24 different selections.
- Lil' Sprouts continues each Wednesday, April through October, at 10 AM for pre-schoolers. Attendance averages 50 per week.
- 1,500 fifth-graders from Springdale and other districts are expected for the Earth Day April 26 celebration hosted by Shaw Elementary students at the Botanical Garden.
- 2,000 Fayetteville and area third-grade students are expected to attend the three-four days of Butterfly Week.
- BGO began a docent program partnering with the Aquatic Center to offer courses on water quality and ecology to meet state life science standards.
- We project that Firefly Fling will attract 4,000 to this family outdoor event.
- BGO offers teacher certification courses approved by the ADE.

The BGSO will distribute 4,000 guest passes through 21 local agencies to encourage challenged, low income and under privileged Fayetteville residents of all ages to visit and enjoy the Garden throughout this summer season.

In 2011, the BGSO board set four priorities:

- Simplify membership application and increase membership by 15%.
- Increase unrestricted garden funds through sponsorships, events and annual giving efforts.
- Raise money for planned capital projects (stream restoration and education pavilion).

- Enhance public awareness of the Garden and its programs through marketing, a speakers' bureau and partnerships with not-for-profits.

BGO will launch its first marketing/branding campaign in April to attract visitors from around the region to visit as part of a "stay-cation."

Looking back at 2010

The Fayetteville Chamber of Commerce, as the economic developers for the City of Fayetteville estimated the Garden's 2010 economic impact at $3,018,633

The BGSO board grew to its 18-member potential. The board is now more diverse with six members from Benton County. Each is a member and Growing Circles donor and is engaged in one of the seven committees. The board hired Ron Cox as Executive Director. In his initial seven months Ron added professional management and communications skills and fundraising expertise.

BGSO collaborated with Walton Arts Center to produce *Artosphere* and with Crystal Bridges Art Museum to produce *Firefly Fling*.

Educational programs including Lil' Sprouts, Butterfly Day and Earth Day attracted 2,000 students from six school districts. Students from Greenland, Fayetteville and Springdale taught the Butterfly and Earth Day lessons.

Gardenland Express drew over 1,200 train enthusiasts to the Garden.

BGSO produced its first garden calendar. Winning pictures from an amateur photography contest are featured in the calendar.

Botanical Garden attendance of 29,771 in 2010 increased 6 %:

- *11,276 attended events such as concerts, Butterfly and Earth Day and Firefly fling.*
- *5,995 paid guests toured the Garden*
- *2,915 students and members were admitted free*
- *2,813 attended classes and programs*
- *2,290 Fayetteville residents visited free on Saturdays*
- *782 used the guest passes in the May promotion*
- *2,500 attended the Sunday Farmers' Markets during the summer and fall*

The Botanical Garden of the Ozarks consists of nine demonstration gardens showing the woody, herbaceous and exotic plant species that can be successfully included in Northwest Arkansas gardens. BGO is a four-year-old venue on the shore of Lake Fayetteville, near the Fayetteville-Springdale line. It demonstrates sustainability, recycling, low-impact gardening, mulching and water saving techniques.

The operations of the Garden are wholly supported by admissions, sponsorships, memberships and donations. To become a volunteer, join or donate go to www.bgozarks.org.

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

4/19/2011
City Council Meeting Date
Agenda Items Only

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

Action Required:

A resolution awarding Bid #11-27 to R & R Truck & Trailer Mfg of Lincoln, AR, in the amount of $43,835 for the purchase of two 35' mobile litter conveyors, and approval of a Budget Adjustment to move funds to the Fleet Expense account.

$ 43,835.00	$ 216,800.00	Other Vehicles and Equipment
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 190,100.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02080.2011	$ 26,700.00	Shop Fund
Project Number	Remaining Balance	Fund Name

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

Department Director — Date: 3-31-11

City Attorney — Date: 4-1-11

Finance and Internal Services Director — Date: 4-4-2011

Chief of Staff — Date: 4-4-2011

Mayor — Date: 4/4/11

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office: 04-01-11 P10:04 RCVD

Received in Mayor's Office: ENTERED 4/4/11

Comments:

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: **Mayor/City Council**

Thru: **Terry Gulley, Director of Transportation**

From: **Dennis Pratt, Fleet Operations Supt.**

Date: April 19, 2011

Subject: Purchase of two mobile Litter Conveyors

PROPOSAL: That City Council award Bid #11-27 to R&R Truck & Trailer Mfg in the amount of $43,835 for the purchase of two mobile litter conveyors, and approve a Budget Adjustment to move funds to the Fleet Expense account.

RECOMMENDATION: Re-bid #11-27 was opened on March 2, 2011 for two Manure / Litter Conveyors for use in the Biosolids Solar Drying project. A bid tab sheet is attached. The base price is $18,000. We are also ordering the following options:

27 hp Kohler engine with electronic fuel injection,
Polymax ¼" plastic flooring and
Heavy duty 667k chain.

The low bid from Chandler Equipment did not meet the specs: the unit does not have the hydraulic wet kit to allow running the conveyor from Tractor hydraulics as was specified in the bid. The bid from R&R Truck and Trailer meets all specs and is a local vendor. This unit is an expansion for use in the new Biosolids Solar Drying project at the East side treatment plant.

I recommend acceptance of the bid from R & R Truck and Trailer.

This purchase was approved by the Equipment Committee on March 29th, 2011.

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

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #11-27 AND AUTHORIZING A CONTRACT WITH R&R TRUCK & TRAILER MANUFACTURING, INC. IN THE AMOUNT OF $43,835.00 FOR THE PURCHASE OF TWO (2) THIRTY-FIVE FOOT (35') MOBILE LITTER CONVEYORS, AND APPROVING A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #11-27 and authorizes a contract with R&R Truck & Trailer Manufacturing, Inc. in the amount of $43,835.00 for the purchase of two (2) thirty-five foot (35') mobile litter conveyors.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A".

PASSED and **APPROVED** this 19th day of April, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

A. 2 V11.0222
Bid #11-27 R&R Truck and Trailer Manufacturing, Inc.
Page 1 of 2

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Fleet Operations Department: Transportation Services	Request Date	Adjustment Number
2011		4/5/2011	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

$44,040 in funds are needed in Fleet's vehicle and equipment account to purchase two manure conveyors for the new Biosolids Solar Drying project at the Wastewater Treatment plant, East side. Water & Sewer's "Transfer to Shop" account will be increased. Wastewater Improvement's "Transfer to Other Funds" account will be decreased when funds are moved to Transfer to Shop. Fleet is recognizing revenue due to a transfer from W&S, Wastewater Improvements.

Division Head	Date 3-9-11
Budget Director	Date
Department Director	Date 9 MAR 11
Finance Director	Date Paul A. Becker 3-10-2011
Chief of Staff	Date 3-10-11
Mayor	Date 3/11/11

Prepared By: Barbara Olsen bolsen

Reference: CC@0110419_Fleet_Conveyors

Budget & Research Use Only

Type: A B C (D) E P

General Ledger Date

Posted to General Ledger — Initial — Date

Checked / Verified — Initial — Date

Account Name	Account Number	Increase / (Decrease) Expense	Increase / (Decrease) Revenue	Project.Sub Number
TOTAL BUDGET ADJUSTMENT		44,040	44,040	
Transfer to Shop	4480.9480.7602.70	44,040		02133 . 0801
Transfer to other funds	4480.9480.7601.00	(44,040)		02133 5400
Vehicles and equipment	9700.1920.5802.00	44,040		02080 . 2011
Transfer from WWT Imp	9700.0970.6602.48	-	44,040	02080 . 2011
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EXHIBIT A

K:\Budget\Budget Adjustments\2011 Adjustments\4-5-11 Capital WWPE, 2 Conveyors.xls

Fayetteville
ARKANSAS

BID: 11-27
03/02/11
2:00 PM
CITY OF FAYETTEVILLE

Bid 11-27, Manure Conveyors

	BIDDER	MANUFACTURER	MODEL	PRICE EACH	QTY	TOTAL PRICE
1	Chandler Equipment	Chandler Equipment	Chandler Litter Conveyor	$15,396.90	2	$30,793.80
2	R&R Truck & Trailer Manufacturing, Inc.	R&R Truck and Trailer	35' Mobile Litter Conveyor	$18,000.00 PLUS OPTIONS	2	$36,000.00

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

CERTIFIED: P Vice — P. VICE, PURCH MGR

WITNESS

3/2/11 — DATE

From: Dennis Pratt
To: Barbara Olsen
Date: 3/4/2011 8:56 AM
Subject: bid 11-27 manure conveyors

please award bid 11-27 manure spreader to R$R truck and Trailer the low bid did not meet specs they could not install the wet kit that was required.

Please add options 1 - 27hp kohler engine (fuel injected) emission level 4 1,200 $

2 - Polymax 1/4 Flooring 850.00 $

3 - Heavy Duty 667k chain 550.00 $

Baseprice $18,000
Options: 1 1200
2 850
3 550.

$20,600. each
1317.25 TAX (capped)
21917.25

$21917.25
x 2 UNITS
43834.50
205.50 UPFIT COSTS
44040.00 BA AMT

A. 2
PO # 11-27 R&R Truck and Trailer Manufacturing, Inc.
Page 3 of 8

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

Requisition No.:	Date: 3/31/2011
P.O Number:	Expected Delivery Date:
Vendor #:	Vendor Name: R & R TRUCK & TRAILER MANUFACTURING
Mail Yes:__ No: X	
Address:	Fob Point:
Taxable Yes: X No:__	Quotes Attached Yes:____ No:____
City:	State:
Zip Code:	Ship to code: 50
Divison Head Approval:	
Requester: BARBARA OLSEN	Requester's Employee #: 1940
Extension: 485	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	35' MOBILE LITTER CONVEYOR, PER BID #11-27	2	EA	20,600.00	$41,200.00	9700.1920.5802.00	02080.2011		705024
2	TO BE UNITS 5024, FIXED ASSET 705024 AND				$0.00				705025
3	5025, FIXED ASSET #705025				$0.00				
4	INCLUDES OPTIONS: 27 HP KOHLER ENGINE,				$0.00				
5	POLYMAX 1/4" FLOORING AND HEAVY DUTY 667K				$0.00				
6	CHAIN				$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
*	Shipping/Handling		Lot		$0.00				

Special Instructions:

Amount of capped tax is $1317.25 each

-

Subtotal:	$41,200.00
	$3,811.00
Total:	$45,011.00

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Revised 1/2/2008

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/19/2011
City Council Meeting Date
Agenda Items Only

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

Action Required:

A Resolution approving the purchase of one Chevy 1/2 ton pickup truck for $20,404 off the State Vehicle purchase contract from Bale Chevrolet of Little Rock, Arkansas for use by Street Maintenance Division, and approving a Budget Amendment to move funds to the Fleet expense account.

$ 20,404.00	$ 359,000.00	Light/Medium Utility Vehicles
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 159,407.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02078.2011	$ 199,593.00	Shop Fund
Project Number	Remaining Balance	Fund Name

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

Department Director — 3-31-11 Date

City Attorney — 4-1-11 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becker — 4-4-2011 Date
Finance and Internal Services Director

Received in City Clerk's Office 04-01-11P10:03 Kim d

Chief of Staff — 4-5-11 Date

Mayor — 4/4/11 Date

Received in Mayor's Office ENTERED 4/4/11

Comments:

Revised January 15, 2009

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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: **Mayor/City Council**

Thru: **Terry Gulley, Director of Transportation**

From: **Dennis Pratt, Fleet Operations Supt.**

Date: April 19, 2011

Subject: Purchase of one pickup truck for Transportation Street Maintenance Division

PROPOSAL: That City Council approve the purchase of one Chevy pickup 2x4 off the State Vehicle purchase contract from Bale Chevrolet in the amount of $20,404 for use by Street Maintenance Division, and approve a Budget Amendment to move funds to the Fleet expense account.

RECOMMENDATION: In July of 2009, Transportation requested and received unit #2025 (a used F250 pickup) as an expansion as it had been continuously rented from Fleet for over a year. The agreement was that Fleet would escrow the replacement charges until sufficient funds had been collected to replace this unit a second time. At that time it was agreed that if the unit needed to be replaced before sufficient funds had been collected, Transportation would fund the capital cost that hadn't been escrowed. The Budget Amendment includes the amount needed for a lift gate and pipe rack which cannot be supplied Bale Chevrolet.

This unit is worn out and is being replaced before sufficient funds have been escrowed so the attached Budget Amendment is the difference in what is needed to purchase the truck, and it moves the escrowed funds to the Fleet expense account.

Unit 2025 is a 4x4; Transportation and Fleet worked together to downsize and eliminate the 4x4 option on the replacement.

I recommend the purchase of this vehicle off the State vehicle purchase contract.

This purchase was approved by the Equipment Committee on March 29, 2011.

BUDGET IMPACT: The Budget Amendment moves all funds needed for the purchase into Fleet's expense account.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A CONTRACT WITH BALE CHEVROLET OF LITTLE ROCK, ARKANSAS IN THE AMOUNT OF $20,404.00 FOR THE PURCHASE OF ONE (1) CHEVROLET PICKUP TRUCK PURSUANT TO A STATE PROCUREMENT CONTRACT FOR USE BY THE STREET MAINTENANCE DIVISION, AND APPROVING A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes a contract with Bale Chevrolet of Little Rock, Arkansas in the amount of $20,404.00 for the purchase of one (1) Chevrolet pickup truck pursuant to a state procurement contract for use by the Street Maintenance Division.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A".

PASSED and **APPROVED** this 19th day of April, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Fleet Operations Department: Transportation Services	Request Date	Adjustment Number
2011		4/19/2011	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

In July 2009, Transportation requested unit #2025 (a used F250) as an expansion as it had been continuously rented for over a year. The agreement was that Fleet would escrow the replacement charges until sufficient funds had been collected to replace the unit a second time. At that time it was agreed that if the unit needed to be replaced before sufficient funds had been collected, Transportation would fund the capital cost that hadn't been escrowed. This unit is being replaced before the funds have been escrowed so this budget amendment is the difference in what is needed for the purchase. Use of fund balance is the $7,867 escrowed in replacement funds.

Division Head	3-31-11 Date	Prepared By:	Barbara Olsen
Budget Director	4/12 Date	Reference:	CC_20110419_Fleet_2025 bolsen
Department Director	3-31-11 Date	Budget & Research Use Only Type: A B C (D) E P	
Finance Director	Paul A. Becker 4-4-2011 Date	General Ledger Date	
Chief of Staff	4-5-2011 Date	Posted to General Ledger	Initial / Date
Mayor	4/4/11 Date	Checked / Verified	Initial / Date

TOTAL BUDGET ADJUSTMENT 24,600 24,600

Account Name	Account Number	Increase / (Decrease) Expense	Increase / (Decrease) Revenue	Project.Sub Number
Transfer to Shop	4270.9270.7602.70	16,733		050423 ~~07032 . 2011~~
Vehicles and equipment	4270.9270.5802.00	(16,733)		05042 3
Trans from Replacement	9700.0970.6602.27		16,733	02078 . 2011
Use of fund balance	9700.0970.4999.99	-	7,867	.
Vehicles and equipment	9700.1920.5802.00	24,600	-	02078 . 2011
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K:\Budget\Budget Adjustments\2011 Adjustments\4-19-11 Capital TRAN Expansion 2025.xls

EXHIBIT
A

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

Requisition No.:	Date: 4/19/2011
P.O Number:	Expected Delivery Date:
Vendor #: 13292	Vendor Name: BALE CHEVROLET
Mail Yes:__ No: X	
Fob Point:	Taxable Yes:___ No: X
Quotes Attached Yes:____ No:____	
City:	State:
Zip Code:	Ship to code: 50
Divison Head Approval:	
Requester: BARBARA OLSEN	Requester's Employee #: 1940
Extension: 485	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	1/2 TON FULL SIZE EXTENDED CAB PICKUP	1	EA	20,404.00	$20,404.00	9700.1920.5802.00	02078.2011		702148
2	OFF STATE VEHICLE PURCHASE CONTRACT				$0.00				
3	TO BE UNIT 2148, FIXED ASSET 702148				$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
*	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal:	$20,404.00
Tax: EXEMPT	
Total:	$20,404.00

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Revised 1/2/2008

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/19/2011
City Council Meeting Date
Agenda Items Only

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

Action Required:

A resolution approving the purchase of one Dodge Dakota pickup truck for $13,863 off the State vehicle purchase contract from Lander's Dodge of Benton, Arkansas for use by Traffic Division, and approving a Budget Amendment to move funds to the Fleet expense account.

$ 13,863.00	$ 359,000.00	Light/Medium Utility Vehicles
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 139,003.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02078.2011	$ 219,997.00	Shop Fund
Project Number	Remaining Balance	Fund Name

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

Department Director — Date: 3-31-11

City Attorney — Date: 4-1-11

Finance and Internal Services Director — Date: 4-4-2011

Chief of Staff — Date: 4-4-2011

Mayor — Date: 4/4/11

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office 04-01-11P10:03 RCVD

Received in Mayor's Office ENTERED 4/4/11

Comments:

Revised January 15, 2009

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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: **Mayor/City Council**

Thru: **Terry Gulley, Director of Transportation**

From: **Dennis Pratt, Fleet Operations Supt.**

Date: April 19, 2011

Subject: Purchase of one pickup truck for Transportation Traffic Division

PROPOSAL: That City Council approve the purchase of one Dodge Dakota pickup 2x4 off the State Vehicle purchase contract in the amount of $13,863 for use by Traffic Division, and approve a Budget Amendment to move funds to the Fleet expense account.

RECOMMENDATION: In July of 2009, Transportation requested and received unit #2018 (a used Ranger pickup) as an expansion as it had been continuously rented from Fleet for over a year. The agreement was that Fleet would escrow the replacement charges until sufficient funds had been collected to replace this unit a second time. At that time it was agreed that if the unit needed to be replaced before sufficient funds had been collected, Transportation would fund the capital cost that hadn't been escrowed.

This unit is worn out and is being replaced before sufficient funds have been escrowed so the attached Budget Amendment is the difference in what is needed to purchase the truck, and to move the escrowed funds to the Fleet expense account.

Unit 2018 is a 4x4; Transportation and Fleet worked together to downsize and eliminate the 4x4 option on the replacement.

I recommend the purchase of this vehicle off the State vehicle purchase contract.

This purchase was approved by the Equipment Committee on March 29, 2011.

BUDGET IMPACT: The Budget Amendment moves all funds needed for the purchase into Fleet's expense account.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A CONTRACT WITH LANDERS DODGE OF BENTON, ARKANSAS IN THE AMOUNT OF $13,863.00 FOR THE PURCHASE OF ONE (1) DODGE DAKOTA PICKUP TRUCK PURSUANT TO A STATE PROCUREMENT CONTRACT FOR USE BY THE TRAFFIC DIVISION, AND APPROVING A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes a contract with Landers Dodge of Benton, Arkansas in the amount of $13,863.00 for the purchase of one (1) Dodge Dakota pickup truck pursuant to a state procurement contract for use by the Traffic Division.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A".

PASSED and **APPROVED** this 19th day of April, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Fleet Operations Department: Transportation Services	Request Date	Adjustment Number
2011		4/19/2011	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

In July 2009, Transportation requested unit #2018 (a used Ranger pickup) as an expansion as it had been continuously rented for over a year. The agreement was that Fleet would escrow the replacement charges until sufficient funds had been collected to replace the unit a second time. At that time it was agreed that if the unit needed to be replaced before sufficient funds had been collected, Transportation would fund the capital cost that hadn't been escrowed. This unit is being replaced before sufficient funds have been escrowed so this budget amendment is the difference in what is needed for the purchase. Use of fund balance is the $2,892 escrowed in replacement funds.

Division Head	3-31-11 Date	Prepared By:	Barbara Olsen
Budget Director	4-1-11 Date	Reference:	bolsen CC20110419_Fleet_2018
Department Director	3-31-11 Date	Budget & Research Use Only	
Finance Director	4-4-2011 Date	Type:	A B C (D) E P
Chief of Staff	4-4-2011 Date	General Ledger Date	
Mayor	4/4/11 Date	Posted to General Ledger	Initial / Date
		Checked / Verified	Initial / Date

TOTAL BUDGET ADJUSTMENT 14,063 14,063

Account Name	Account Number	Increase / (Decrease) Expense	Increase / (Decrease) Revenue	Project.Sub Number
Transfer to Shop	4270.9270.7602.70	11,171		05042.3 ~~07032~~ . 2011
Vehicles and equipment	4270.9270.5802.00	(11,171)		05042 3
Trans from Replacement	9700.0970.6602.27		11,171	02078 . 2011
Use of fund balance	9700.0970.4999.99	-	2,892	.
Vehicles and equipment	9700.1920.5802.00	14,063	-	02078 . 2011
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EXHIBIT A

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

Requisition No.:	Date: 4/19/2011
P.O Number:	Expected Delivery Date:
Vendor #:	Vendor Name: LANDER'S DODGE
Mail Yes:__ No: X	
Address:	Fob Point:
Taxable Yes:___ No: X	Quotes Attached Yes:____ No:____
City:	State:
Zip Code:	Ship to code: 50
Divison Head Approval:	
Requester: BARBARA OLSEN	Requester's Employee #: 1940
Extension: 485	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	COMPACT EXTENDED CAB 2X4 PICKUP OFF	1	EA	13,863.00	$13,863.00	9700.1920.5802.00	02078.2011		702147
2	STATE VEHICLE PURCHASE CONTRACT				$0.00				
3	TO BE UNIT 2147, FIXED ASSET 702147				$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
*	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal: $13,863.00

Total: $13,863.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

Revised 1/2/2008

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/19/2011
City Council Meeting Date
Agenda Items Only

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

Action Required:

A resolution approving the purchase of one Dodge Dakota pickup truck for $17,560 off the State vehicle purchase contract from Lander's Dodge of Benton, Arkansas for use by Meter Division.

$ 17,560.00	$ 359,000.00	Light/Medium Utility Vehicles
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 125,140.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02078.2011	$ 233,860.00	Shop Fund
Project Number	Remaining Balance	Fund Name

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

Department Director — Date: 3-31-11

City Attorney — Date: 4-1-11

Finance and Internal Services Director — Date: 4-1-2011

Chief of Staff — Date: 4-4-11

Mayor — Date: 4/4/11

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office: 04-01-11 P10:04 RCVD

Received in Mayor's Office: ENTERED 4/4/11

Comments:

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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: **Mayor/City Council**

Thru: **Terry Gulley, Director of Transportation**

From: **Dennis Pratt, Fleet Operations Supt.**

Date: April 19, 2011

Subject: Purchase of one pickup truck for Meter Division

PROPOSAL: That City Council approve the purchase of one Dodge Dakota pickup off the State vehicle purchase contract in the amount of $17,560 for use by the Meter Division.

RECOMMENDATION: A vehicle meeting City of Fayetteville specifications for Meter Division is available through the State vehicle purchase contract from Landers Dodge. This truck is a Dodge Dakota compact pickup 4x4 extended cab.

The unit to be replaced (#2040) is a 2002 Ford Ranger 4x4 extended cab with over 125,000 miles. The number of 4x4s for Meter has been reduced over the last few years. The last 4x4 was purchased in 2006. Meter has this unit due for replacement this year and two 4x4s due for replacement next year. In order to stagger the purchase of 4x4s for Meter, Fleet would prefer to purchase one 4x4 this year and one 4x4 next year which will continue the reduction of the 4x4s for Meter. At present they have 6 - 4x4 pickups and 8 – 2x4 pickups.

I recommend the purchase of this truck off the State vehicle purchase contract.

This purchase was approved by the Equipment Committee on March 29, 2011.

BUDGET IMPACT: Funds are available for the purchase of this truck in Fleet's Light/Medium Utility Vehicles project.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A CONTRACT WITH LANDERS DODGE OF BENTON, ARKANSAS IN THE AMOUNT OF $17,560.00 FOR THE PURCHASE OF ONE (1) DODGE DAKOTA PICKUP TRUCK PURSUANT TO A STATE PROCUREMENT CONTRACT FOR USE BY THE METER 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 authorizes a contract with Landers Dodge of Benton, Arkansas in the amount of $17,560.00 for the purchase of one (1) Dodge Dakota pickup truck pursuant to a state procurement contract for use by the Meter Division.

PASSED and **APPROVED** this 19th day of April, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

A. 5

Landers Dodge, Meter Division

Page 4 of 4

Requisition No.:	Date: 3/31/2011
P.O Number:	Expected Delivery Date:
Vendor #:	Vendor Name: LANDERS DODGE
Mail Yes:__ No: X	
Address:	Fob Point:
Taxable Yes:___ No: X	Quotes Attached Yes:____ No:____
City:	State:
Zip Code:	Ship to code: 50
Divison Head Approval:	
Requester: BARBARA OLSEN	Requester's Employee #: 1940
Extension: 485	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	DODGE DAKOTA EXT CAB 4X4 PICKUP TRUCK	1	EA	17,560.00	$17,560.00	9700.1920.5802.00	02078.2011		702146
2	OFF STATE VEHICLE PURCHASE CONTRACT				$0.00				
3	TO BE UNIT #2146, FIXED ASSET 702146				$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
*	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal: $17,560.00

Tax: EXEMPT

Total: $17,560.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

Revised 1/2/2008

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/19/2011
City Council Meeting Date
Agenda Items Only

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

Action Required:

A resolution approving the purchase of one 2011 Dodge Dakota pickup truck for $17,560 off the State vehicle purchase contract from Lander's Dodge of Benton, Arkansas

$ 17,560.00	$ 359,000.00	Light/Medium Utility Vehicles
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 90,020.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02078.2011	$ 268,980.00	Shop Fund
Project Number	Remaining Balance	Fund Name

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

Department Director — 3-31-11 Date

City Attorney — 4-1-11 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Finance and Internal Services Director — 4-1-2011 Date

Received in City Clerk's Office 04-01-11P10:04 RCVD

Chief of Staff — 4-4-11 Date

Mayor — 4/4/11 Date

Received in Mayor's Office ENTERED 4/4/11

Comments:

Revised January 15, 2009

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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: **Mayor/City Council**

Thru: **Terry Gulley, Director of Transportation**

From: **Dennis Pratt, Fleet Operations Supt.**

Date: April 19th, 2011

Subject: Purchase of one pickup truck for Transportation Division

PROPOSAL: That City Council approve the purchase off the State vehicle purchase contract of one 2011 Dodge Dakota pickup truck in the amount of $17,560 for use by Transportation Department.

RECOMMENDATION: A vehicle meeting City of Fayetteville specifications for Transportation Street Division is available through the State vehicle purchase contract from Landers Dodge. This truck is a Dodge Dakota compact pickup 4x4 extended cab.

The unit to be replaced (#2038) is a 2002 Ford Ranger 4x4 extended cab pickup with 95,000 miles. Three years ago it was issued as a used unit to Transportation as a temporary replacement for #2011 (a 1.5 ton crew cab 4x4). It is time to purchase the permanent replacement. This truck is used by the supervisor in charge of snow removal so it needs to be a 4 wheel drive.

I recommend the purchase of this truck off the State vehicle purchase contract.

This purchase was approved by the Equipment Committee on March 29th, 2011.

BUDGET IMPACT: There are sufficient funds available on the capital side for this purchase. On the operating side, unit #2038 was budgeted for the whole year so those funds are available for the new unit.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A CONTRACT WITH LANDERS DODGE OF BENTON, ARKANSAS IN THE AMOUNT OF $17,560.00 FOR THE PURCHASE OF ONE (1) DODGE DAKOTA PICKUP TRUCK PURSUANT TO A STATE PROCUREMENT CONTRACT FOR USE 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 authorizes a contract with Landers Dodge of Benton, Arkansas in the amount of $17,560.00 for the purchase of one (1) Dodge Dakota pickup truck pursuant to a state procurement contract for use by the Transportation Division.

PASSED and **APPROVED** this 19th day of April, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

A 6 Landers Dodge, Transportation Division
Page 3 of 4

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

Requisition No.:	Date: 3/31/2011
P.O Number:	Expected Delivery Date:
Vendor #:	Vendor Name: LANDERS DODGE
Mail Yes:__ No: X	
Address:	Fob Point:
Taxable Yes:__ No: X	Quotes Attached Yes:____ No:____
City:	State:
Zip Code:	Ship to code: 50
Divison Head Approval:	
Requester: BARBARA OLSEN	Requester's Employee #: 1940
Extension: 485	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	DODGE DAKOTA EXT CAB 4X4 PICKUP TRUCK	1	EA	17,560.00	$17,560.00	9700.1920.5802.00	02078.2011		702149
2	OFF STATE VEHICLE PURCHASE CONTRACT				$0.00				
3	TO BE UNIT #2149, FIXED ASSET 702149				$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
*	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal:	$17,560.00
Tax: EXEMPT	
Total:	$17,560.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

Revised 1/2/2008

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

4/19/2011
City Council Meeting Date
Agenda Items Only

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

Action Required:

A resolution to approve the purchase of three Chevy Silverado 1/2 ton pickups off the State vehicle purchase contract in the amount of $22,589 each (total of $67,767) for use by the Sewer Maintenance Division.

$ 67,767.00	$ 359,000.00	Light/Medium Utility Vehicles
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 107,580.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02078.2011	$ 251,420.00	Shop Fund
Project Number	Remaining Balance	Fund Name

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

Department Director — 3-31-11 Date

City Attorney — 4-1-11 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becker — 4-1-2011
Finance and Internal Services Director — Date

Received in City Clerk's Office 04-01-11P10:04 RCVD
Kim

Chief of Staff — 4-4-11 Date

Mayor — 4/4/11 Date

Received in Mayor's Office ENTERED 4/4/11

Comments:

Revised January 15, 2009

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ARKANSAS
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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: **Mayor/City Council**

Thru: **Terry Gulley, Director of Transportation**

From: **Dennis Pratt, Fleet Operations Supt.**

Date: April 19th, 2011

Subject: Purchase of three ½ ton pickups for Water & Sewer Department

PROPOSAL: That City Council approve the purchase of three Chevy Silverado ½ ton pickups off the State vehicle purchase contract in the amount of $22,589 each (total of $67,767) for use by the Sewer Maintenance Division.

RECOMMENDATION: Vehicles meeting City of Fayetteville specifications for Sewer Maintenance Supervisors are available through the State vehicle purchase contract from Landers Chevrolet. These trucks are Chevy Silverado ½ ton 4 x 4 extended cab pickups.

These trucks are all used by Sewer Maintenance Supervisors and are used at construction sites daily. This includes any construction site of new buildings, new water lines, water line replacements or repairs, and highway / road construction.

The three trucks to be replaced are units #2056, #2057 and #2080. All three are ½ ton extended cab 4 x 4 pickups. Two of these units were slated for replacement last year, but they were kept an extra year to extend the life.

I recommend the purchase of these three trucks off State vehicle purchase contract.

Purchase of these three pickups was approved by the Equipment Committee on March 29, 2011.

BUDGET IMPACT: Funds are available for the purchase of these three units in Fleet's Light/Medium Utility Vehicles project.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A CONTRACT WITH LANDERS CHEVROLET IN THE AMOUNT OF $67,767.00 FOR THE PURCHASE OF TWO (2) CHEVROLET SILVERADO PICKUP TRUCKS PURSUANT TO A STATE PROCUREMENT CONTRACT FOR USE BY THE SEWER MAINTENANCE 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 authorizes a contract with Landers Chevrolet in the amount of $67,767.00 for the purchase of two (2) Chevrolet Silverado pickup trucks pursuant to a state procurement contract for use by the Sewer Maintenance Division.

PASSED and **APPROVED** this 19th day of April, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

A. 7
Landers Chevrolet, Sewer Maintenance Division
Page 4 of 4

Requisition No.:	Date: 4/19/2011
P.O Number:	Expected Delivery Date:
Vendor #: 6482	Vendor Name: LANDER'S CHEVROLET
Address:	Fob Point:
City:	State:
Zip Code:	Ship to code: 50
Requester: BARBARA OLSEN	Requester's Employee #: 1940
Mail Yes:__ No: X	
Taxable Yes:__ No: X	Quotes Attached Yes:____ No:____
Divison Head Approval:	
Extension: 485	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	1/2 TON FULL SIZE 4X4 EXTENDED CAB PICKUP	3	EA	22,589.00	$67,767.00	9700.1920.5802.00	02078.2011		
2	TRUCKS OFF STATE VEHICLE PURCHASE				$0.00				
3	CONTRACT, TO BE UNITS:				$0.00				
4	2142, FIXED ASSET 702142				$0.00				702142
5	2143, FIXED ASSET 702143 AND				$0.00				702143
6	2144, FIXED ASSET 702144				$0.00				702144
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
*	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal:	$67,767.00
Tax: EXEMPT	
Total:	$67,767.00

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Revised 1/2/2008

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/19/2011
City Council Meeting Date
Agenda Items Only

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

Action Required:

A resolution approving a Budget Amendment to move funds to the Fleet expense account.

$ 11,924.00	$ 50,000.00	Vehicles & Equipment
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00 ~~4270.9270.5802.00~~	$ -	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02078.2011 ~~.05042.3~~	$ 50,000.00	Shop Fund
Project Number	Remaining Balance	Fund Name

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

Department Director — 3-31-11 Date

City Attorney — 4-1-11 Date

Finance and Internal Services Director — 4-4-2011 Date

Chief of Staff — 4-4-2011 Date

Mayor — 4/4/11 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 04-01-11 P10:03 RCVD

Received in Mayor's Office

Comments:

Revised January 15, 2009

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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: **Mayor/City Council**

Thru: **Terry Gulley, Director of Transportation**

From: **Dennis Pratt, Fleet Operations Supt.**

Date: April 19, 2011

Subject: Budget Amendment to transfer funds to Fleet expense account

PROPOSAL: That City Council approve a Budget Amendment to move funds to the Fleet Expense account.

RECOMMENDATION: In July of 2009, Transportation requested and received unit #2024 (a used F250 pickup) as an expansion as it had been continuously rented from Fleet for over a year. The agreement was that Fleet would escrow the replacement charges until sufficient funds had been collected to replace this unit a second time. At that time it was agreed that if the unit needed to be replaced before sufficient funds had been collected, Transportation would fund the capital cost that hadn't been escrowed.

Unit 2024 was totaled last year and Transportation opted not to replace the unit. Transportation later determined a need for this unit and decided that #1127 (a 2005 Taurus turned in to Fleet last year) was sufficient for their use. Transportation will buy out unit 1127 (since it is an expansion) from Shop Fund. The attached Budget Amendment moves the escrowed funds from 2024 to the Fleet expense account.

This Budget Amendment was acknowledged by the Equipment Committee on March 29, 2011.

BUDGET IMPACT: The Budget amendment moves all necessary funds to the Fleet Expense account.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $11,924.00 TO TRANSFER FUNDS TO THE FLEET EXPENSE ACCOUNT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A", in the amount of $11,924.00 to transfer funds to the fleet expense account.

PASSED and **APPROVED** this 19th day of April, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Fleet Operations Department: Transportation Services	Request Date	Adjustment Number
2011		4/19/2011	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

In July 2009, Transportation requested unit 2024 (a used F250) as an expansion as it had been continuously rented for over a year. The agreement was that Fleet would escrow the replacement charges until sufficient funds had been collected to replace this unit a second time. At that time it was agreed that if the unit needed to be replaced before sufficient funds had been collected, Transportation would fund the capital cost that hadn't been escrowed. Unit 2024 was totaled last year and Transportation opted not to replace the unit. Later Transportation determined a need for this unit and decided that #1127 (a 2005 Taurus turned in last year) was sufficient for their use. Transportation will buy out unit 1127 from Shop Fund. Use of Fund Balance is the $1,366 escrowed in replacement funds and the insurance settlement for #2024 of $6,918.

Division Head	3-31-11 Date	Prepared By:	Barbara Olsen
Budget Director	4/4/11 Date	Reference:	bolsen CC20110419_Fleet_2024
Department Director	3-31-11 Date	Budget & Research Use Only Type: A B C D E P	
Finance Director	4-4-2011 Date	General Ledger Date	
Chief of Staff	4-4-2011 Date	Posted to General Ledger	Initial / Date
Mayor	4/4/11 Date	Checked / Verified	Initial / Date

Account Name	Account Number	Increase / (Decrease) Expense	Increase / (Decrease) Revenue	Project.Sub Number
TOTAL BUDGET ADJUSTMENT		11,924	11,924	
Transfer to Shop	4270.9270.7602.70	3,640		05042 3 ~~07032~~ . 2011
Vehicles and equipment	4270.9270.5802.00	(3,640)		05042 3
Trans from Replacement	9700.0970.6602.27		3,640	02078 . 2011
Use of fund balance	9700.0970.4999.99	-	8,284	.
Vehicles and equipment	9700.1920.5802.00	11,924		02078 . 2011
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EXHIBIT
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City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/19/2011
City Council Meeting Date
Agenda Items Only

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

Action Required:

Approval of a budget adjustment of $19,900 to move funds to Fleet expense account for the purchase of a replacement Top Dresser for Parks Division.

$ 19,746.00	$ 216,800.00	Other Vehicles & Equipment
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 190,100.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02080.2011	$ 26,700.00	Shop Fund
Project Number	Remaining Balance	Fund Name

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

Department Director — Date: 3-31-11

City Attorney — Date: 4-1-11

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Finance and Internal Services Director — Date: 4-4-2011

Received in City Clerk's Office 04-01-11P10:04 RCVD

Chief of Staff — Date: 4-4-2011

Received in Mayor's Office ENTERED 4/4/11

Mayor — Date: 4/5/11

Comments:

Revised January 15, 2009

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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: **Mayor/City Council**

Thru: **Terry Gulley, Director of Transportation**

From: **Dennis Pratt, Fleet Operations Supt.**

Date: April 19, 2011

Subject: Approval of Budget Adjustment for Parks Top Dresser

PROPOSAL: That City Council approve a Budget Adjustment of $19,900 to move funds to Fleet expense account for the purchase of a replacemet Top Dresser for Parks Division.

RECOMMENDATION: This top dresser #960 was slated for replacement in 2009 but was kept longer to extend the life of the unit. It is not worth repairing and won't last another year. Fleet collected replacement funds from 1995 to 2003 and from 2009 becaue of the designation being changed to non-motor pool and back to motor pool. Fleet did not budget for this in 2011. Parks is recognizing a $3,000 donation and funds of $2,793 set aside for replacements. Use of fund balance is necessary not only for the replacement charges already collected but also for the price increase of the unit.

Three quotes were received for a replacement top dresser. The lowest quote meets all specifications. A quote sheet is attached. The quote included freight and taxes. The BA amount is $154 higher than the quote to cover City logos, numbers, and any other upfit costs.

I recommend approval of this Budget Adjustment.

This purchase has been approved by the Equipment Committee on March 29th.

BUDGET IMPACT: This replacement was not budgeted for on the capital side for 2011, so the Budget adjustment has been created. The old unit #960 was budgeted on the operating side and sufficient funds are in place for the replacement unit on the operating side.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $19,900.00 FOR THE PURCHASE OF A TOP DRESSER FOR THE PARKS 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 approves a budget adjustment, a copy of which is attached as Exhibit "A", in the amount of $19,900.00 for the purchase of a top dresser for the Parks Division.

PASSED and **APPROVED** this 19th day of April, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Fleet Operations Department: Transportation Services	Request Date	Adjustment Number
2011		4/5/2011	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

This top dresser #960 was slated for replacement in 2009 but was kept longer to extend the life of the unit. It is not worth repairing and won't last another year. Fleet collected replacement funds from 1995 to 2003 and from 2009 because of the designation being changed to non-motor pool and back to motor pool. Fleet did not budget for this in 2011. Parks is recognizing a $3,000 donation and funds of $2,793 set aside for replacements. Use of fund balance is necessary not only for the replacement charges already collected but also for the price incease of the unit.

Division Head	3-9-11 Date	Prepared By:	B. Fell
Budget Director	3-9-11 Date	Reference:	BARBARA FELL CC20110419_Fleet_960
Department Director	3-9-11 Date	Budget & Research Use Only Type:	A B C (D) E P
Finance Director	3-10-2011 Date	General Ledger Date	
Chief of Staff	3-10-11 Date	Posted to General Ledger	Initial / Date
Mayor	3/11/11 Date	Checked / Verified	Initial / Date

TOTAL BUDGET ADJUSTMENT 19,900 19,900

Account Name	Account Number	Increase / (Decrease) Expense	Revenue	Project.Sub Number
Vehicles and equipment	9700.1920.5802.00	19,900		02080 . 2011
Use of fund balance	9700.0970.4999.99		14,107	03054 . 1
Transfer to Shop	1010.6600.7602.70	3,000		~~07032~~ ~~2011~~
Minor equipment	1010.5260.5210.00	(3,000)		03051 1
Transfer from General	9700.0970.6602.01		3,000	02080 . 2011
Trans from Replacement	9700.0970.6602.27		2,793	~~05042~~ . ~~4~~
		-	-	02080 . 2011
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EXHIBIT
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A. 9 Page Top Dresser Budget Adjustment Page 5 of 6

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

Requisition No.:	Date: 3/28/2011
P.O Number:	Expected Delivery Date:
Vendor #: 16622	Vendor Name: P & K EQUIPMENT
Mail Yes:__ No: X	
Address:	Fob Point:
Taxable Yes: X No:___	Quotes Attached Yes: X No:___
City:	State:
Zip Code:	Ship to code: 50
Divison Head Approval:	
Requester: BARBARA OLSEN	Requester's Employee #: 1940
Extension: 485	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	C4141 DAKOTA PULL TYPE TOP DRESSER, PER	1	EA	18,074.00	$18,074.00	9700.1920.5802.00	02080.2011		705026
2	QUOTE 2/21/11, TO BE UNIT 5026, FIXED ASSET				$0.00				
3	NUMBER #705026				$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
*	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal:	$18,074.00
Tax:	$1,671.85
Total:	$19,745.85

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Revised 1/2/2008

City of Fayetteville, Arkansas

Purchasing Department

Request and Quotations Form - Revised 8/25/2005

Amount	Quote Requirements	Notes
$1000-$2499.99	3 Verbal Quotes	Please put vendor names and quote amount in comment section of your P-Card/PO request. Please write "sole source" if it applies.
$2500-$20,000	3 Written Quotes	Purchases $2500 and up cannot be processed by using a P-Card, you MUST USE A PO. Please make sure that your quotes are attached to your PO Request before you send it to Purchasing.
$20,000 - above	Contact Purchasing Division	Formal Bid Process - Contact Purchasing Division

Quote Number: _____ Your records only

GL Account Number: 9700.1920.5802.00, Project 02080.2011

Date: 3/4/2011

Purchase Order Number: _____ Please use a P-Card if possible. Only order after request is approved (P-Cards) or after obtaining a PO Number first.

Date Needed: 3/11/2011

Department: Operations - Fleet Operations

Taken By: Barbara Olsen

Description of Item (s):

Top Dresser, pull behind

Quantity: One

Vendor List	Qty	Item Description	Price Each	Total Price	Remarks
Vendor #1 P & K Equipment	1	Dakota C4141		$19,745.85	Taxes and freight included.
Address					
City, St Zip					
Vendor #2 Professional Turf Products	1	MH 400		$20,210.42	Freight extra
Address					
City, St Zip					
Vendor #3 Luber Bros.	1	Turfco 85440		$25,570.66	Taxes extra
Address					
City, St Zip					

Comments:

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

19-Apr-11
City Council Meeting Date
Agenda Items Only

David Jurgens	Utilities Capital Projects	Utilities
Submitted By	**Division**	**Department**

Action Required:

Approval of Amendment No. 2 to the engineering services agreement with McClelland Consulting Engineers in the amount of $247,013, for construction and design phase services for the Hwy. 265 Water and Sewer Relocation project, and approve a $20,000 contingency.

$ 267,013	$ 5,405,318	W&S Relocations - 2009 Bonds
Cost of this request	Category / Project Budget	Program Category / Project Name
	$ (319)	Water & Wastewater
Account Number	Funds Used to Date	Program / Project Category Name
09018	$ 5,405,709	Water & Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item XX **Budget Adjustment Attached**

Department Director	1 APR 11 Date	Previous Ordinance or Resolution # 234-08, 156-09
City Attorney	4-4-11 Date	Original Contract Date: 12/16/2008
Finance and Internal Services Director	4-4-2011 Date	Original Contract Number: 2064
Chief of Staff	4-4-2011 Date	Received in City Clerk's Office 04-01-11 P04:04 RCVD Kim J.
Mayor	4/4/11 Date	Received in Mayor's Office ENTERED 4/4/11

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO
MEETING DATE OF APRIL 19, 2011
THE CITY OF FAYETTEVILLE, ARKANSAS

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: David Jurgens, Utilities Director
Fayetteville Water and Sewer Committee

Date: April 1, 2011

Subject: Amendment No. 2 to engineering contract, McClelland Consulting Engineers, $247,013 plus a $20,000 contingency, for construction and design services for the Hwy. 265 Water and Sewer Relocation project

RECOMMENDATION

Staff recommends approval of Amendment No. 2 to the engineering services agreement with McClelland Consulting Engineers for $247,013, for construction and design phase services for the Hwy. 265 Water and Sewer Relocation project, and approval of a $20,000 contingency.

BACKGROUND

The original design contract was awarded to McClelland Consulting Engineers in December, 2008 to design relocated water and sewer lines as a result of the combined Arkansas Highway Department (AHTD) and City widening of Phase I of Crossover Road (Hwy 265) between Mission and Joyce, upsizing the existing pipes and connecting a 36" transmission line. Work includes installing a 36" and 24" transmission main along Crossover from Joyce to connect to the existing 24" main on Crossover at Mission and to connect to the existing 36" main on Old Wire Road. This work will complete the eastern portion of the loop that was initially constructed when the southern section of Crossover Road between Mission and Huntsville was widened by the AHTD. The contract did not include construction phase services.

AHTD is now moving forward with Phase II of the widening of Hwy 265 from Joyce to Albright. This will require relocating water and sewer lines on both sides of the highway.

DISCUSSION

This amendment covers two separate work tasks:
(1) Construction phase engineering services for the Highway 265 water/sewer relocations from Mission – Joyce, including the 36" and 24" water lines, where construction starts this summer. This includes two full time construction observers due to a short construction schedule (the contractor will almost certainly employ multiple construction crews), attending preconstruction conferences, reviewing contractor schedules and submittals, monthly progress meetings, reports to the City and the AHTD, partial pay requests, regular site visits, change order processing, final inspection, final pay request review, developing as-builts, and related activities.
(2) The scope of work for design of the project for Hwy 265 from Joyce to Albright consists primarily of:

- Field surveys to confirm rights-of-ways and utility locations
- project cost estimating with AHTD and Fayetteville shares predicted
- right-of-way requirement identification and easement document development
- final engineering design

This contract does not include construction phase services for the Joyce – Albright section; that will be accomplished by future amendment.

BUDGET IMPACT

The City's portion will be funded from Water and Sewer revenue bonds; the remainder will be paid by the AHTD. The cost share split will be determined when the design is completed.

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT #2 TO THE ENGINEERING SERVICES AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF $247,013.00 FOR CONSTRUCTION AND DESIGN PHASE SERVICES FOR THE HIGHWAY 265 WATER AND SEWER RELOCATION PROJECT, AND APPROVING A $20,000.00 PROJECT CONTINGENCY

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves amendment #2 to the engineering services agreement with McClelland Consulting Engineers, Inc. in the amount of $247,013.00 for construction and design phase services for the Highway 265 water and sewer relocation project, a copy of which is attached as Exhibit "A".

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a project contingency of $20,000.00.

PASSED and **APPROVED** this 19th day of April, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

EXHIBIT
A

AMENDMENT NO. 2
To
AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
Between
CITY OF FAYETTEVILLE, ARKANSAS
And
McCLELLAND CONSULTING ENGINEERS, INC.
FAYETTEVILLE, ARKANSAS
For The
HIGHWAY 265 (CROSSOVER ROAD) WATER & SEWER IMPROVEMENTS

The December 16, 2008 Agreement between the CITY OF FAYETTEVILLE and McCLELLAND CONSULTING ENGINEERS, INC. is hereby amended to provide for engineering services during the construction phase of Phase I of the Crossover Road Water and Sewer Improvement Project from the vicinity of Mission Boulevard to the vicinity of Joyce Boulevard (AHTD Job 040517) and to further provide engineering services during the design and easement preparation phases of Phase II of the Crossover Road Water and Sewer Improvement Project, from the vicinity of Joyce Boulevard to the vicinity of Albright Drive (AHTD Job 040518).

The Scope of Services for the Phase II (AHTD Job 040518, Joyce to Albright) Design Services, Property Mapping and Easement Services, and Storm Water Pollution Prevention Plan Services shall be as defined in Sections 2.2, 2.3 and 2.4 of the original Agreement for the Phase I Project (AHTD Job 040517) with revisions as appropriate for the Phase II Project location.

The Scope of Services for the Phase I (AHTD Job 040517, Mission to Joyce) Construction Phase Services shall generally include resident construction observation services, conduct and attend a preconstruction conference, preparation and/or review of monthly progress payments, construction administration assistance, periodic and final inspections, final punch list preparation and follow up, preparation of record drawings, coordinate as appropriate with AHTD, and project closeout.

The total estimated compensation for the previously approved engineering services, including Amendment No. 1, and these additional services will be increased from $472,614.08 to $719,627.08 as further defined in Appendix A, B, and C to this Amendment No. 2.

All other provisions, covenants, recitals, terms and conditions of the Agreement, which are not expressly amended herein, shall remain in full force and effect.

The parties hereby have executed this Amendment No. 2 on this date, the _____ day of _____, 2011.

CITY OF FAYETTEVILLE, ARKANSAS	McClelland Consulting Engineers, Inc.
By: _____ Mayor	By: _____ President
ATTEST:	ATTEST:
By: _____ City Clerk	By: _____

APPENDIX A
TO
AMENDMENT NO. 2
HIGHWAY 265 WATER & SEWER IMPROVEMENTS
APRIL 1, 2011

Phase I Project (AHTD Job 040517, Mission to Joyce)
Construction Phase Services, Fee Proposal

Labor Classification	Hours	Labor Rate	Extended
Project Manager	310	$48.00	$14,880
Construction Observer IV	200	$29.00	$5,800
Construction Observer III	1120	$22.00	$24,640
Construction Observer II	1040	$18.00	$18,720
Chief Draftman	30	$22.50	$675
Draftsman II	120	$17.00	$2,040
Clerical	60	$17.80	$1,068
		Direct Labor	$67,823
		Payroll Expense (34.11%)	$23,134
		Indirect Costs (126.43%)	$85,749
		Subtotal, Direct Payroll and Indirect Costs	$176,706
		Travel 400 miles at $0.50	$200
		Reproduction	$160
		Materials & Supplies	$120
		Subtotal, Reimbursable Expenses	$480
		Profit (12%)	$21,205
		Total Construction Phase Services	$198,391

APPENDIX B
TO
AMENDMENT NO. 2
HIGHWAY 265 WATER & SEWER IMPROVEMENTS
APRIL 1, 2011

Phase II Project (AHTD Job 040518, Joyce to Albright)
B-1, Design Phase Services, Fee Proposal

Labor Classification	Hours	Labor Rate	Extended
Project Manager	510	$48.00	$24,480
Chief Draftman	48	$22.50	$1,080
Draftsman II	370	$17.00	$6,290
Registered Land Surveyor	56	$28.50	$1,596
2-Man Survey Crew	16	$38.00	$608
1-Man Survey Crew	72	$21.25	$1,530
Robotic Survey	200	$38.00	$7,600
Survey Technician	144	$24.50	$3,528
Clerical	100	$17.80	$1,780
		Direct Labor	$48,492
		Payroll Expense (34.11%)	$16,541
		Indirect Costs (126.43%)	$61,308
		Subtotal, Direct Payroll and Indirect Costs	$126,341
		Reproduction	$600
		One Call	$1,500
		ADH Review Fee	$500
		Materials & Supplies	$400
		Subtotal, Reimbursable Expenses	$3,000
		Profit (12%)	$15,161
		Total Design Phase Services	$144,502

B-2, Property Mapping and Easement Services, Fee Proposal

Labor Classification	Hours	Labor Rate	Extended
Registered Land Surveyor Supervisor	96	$28.50	$2,736
Registered Land Surveyor	440	$24.00	$10,560
2-Man Survey Crew	24	$38.00	$912
1-Man Survey Crew	16	$21.25	$340
Robotic Survey	24	$38.00	$912
Survey Technician	4	$24.50	$98
Clerical	24	$17.80	$427
		Direct Labor	$15,985
		Payroll Expense (34.11%)	$5,452
		Indirect Costs (126.43%)	$20,210
		Subtotal, Direct Payroll and Indirect Costs	$41,647
		Travel 80 miles at $0.50	$40
		Subtotal, Reimbursable Expenses	$40
		Profit (12%)	$4,998
		Total Property Mapping and Easement Phase Services	$46,685

B-3, Storm Water Pollution Prevention Plan Services, Fee Proposal

Labor Classification	Hours	Labor Rate	Extended
Project Engineer	8	$38.00	$304
Engineering Technician IV	16	$27.50	$440
Clerical	12	$17.80	$214
		Direct Labor	$958
		Payroll Expense (34.11%)	$327
		Indirect Costs (126.43%)	$1,211
		Subtotal, Direct Payroll and Indirect Costs	$2,496
		ADEQ Fee	$200
		Reproduction	$60
		Subtotal, Reimbursable Expenses	$260
		Profit (12%)	$300
		Total Storm Water Pollution Prevention Plan Phase Services	$3,056

APPENDIX C
TO
AMENDMENT NO. 2
HIGHWAY 265 WATER & SEWER IMPROVEMENTS
APRIL 1, 2011

Summary of Costs:

Phase I, Construction Phase Services (Appendix A)	$198,391
Phase II, Design Services (Appendix B-1)	$144,502
Phase II, Easement Services (Appendix B-2)	$46,685
Phase II, Storm Water Plan (Appendix B-3)	$3,056
Total Amendment No. 2 Fee	$392,634
Original Agreement Total Fee	$397,621
Estimated Cost to Finish Phase I Design Services Per Original Agreement	$252,000
Original Agreement Balance Available to Apply to Amendment No. 2	$145,621
Amendment No. 2 Contract Increase: $392,634-$145,621	$247,013

Total Contract Value:

Original Agreement	$397,621.00
Amendment No. 1 (Completed & Billed In Full)	$74,993.08
Amendment No. 2 Fee Increase	$247,013.00
Total Contract Value	$719,627.08

NOTES:
(1) This Contract Amendment does not include Construction Phase Services for the Highway 265 Phase II Project (AHTD Job 040518, Joyce to Albright). A separate amendment will be required for these future construction phase services.
(2) Amendment No. 1 covered Construction Phase Services for the 36-inch water main installed along Township Street.
(3) Hourly rates shown are approximate and subject to annual adjustments.

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/19/2011
City Council Meeting Date
Agenda Items Only

David Jurgens	Utilities Capital Projects	Utilities
Submitted By	**Division**	**Department**

Action Required:

Approval of a construction contract with Garney Companies, Inc. for $4,989,135, Bid 11-28, with contingency $200,000 (approximately 4%) to construct Highway 265 Water & Sewer Replacements, and a budget amendment. The City is responsible for approximately 55.08% ($2,748,015.56) of the cost of this construction, and the AHTD is responsible for 44.92% ($2,241,119.44). The budget amendment moves funds from the revenue bond fund to the construction project account, and reflects the revenue from the AHTD.

$ 5,189,135	$ 52,607	Hwy 265 Wtr/Swr Relocations & 36"
Cost of this request	Category / Project Budget	Program Category / Project Name
5400-5600-5808.00	$ 19,515	Water & Wastewater
Account Number	Funds Used to Date	Program / Project Category Name
08072.1	$ 33,092	Water & Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item XX **Budget Adjustment Attached** XX

Department Director — Date: 5 APR 11

City Attorney — Date: 4-5-11

Finance and Internal Services Director — Date: 4-5-2011

Chief of Staff — Date: 4-6-2011

Mayor — Date: 4/6/11

Previous Ordinance or Resolution # 212-10

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office 04-05-11 A09:52 RCVD Kim G.

Received in Mayor's Office ENTERED 4/5/11

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: David Jurgens, Utilities Director
Fayetteville Water and Sewer Committee

Date: April 1, 2011

Subject: Construction contract with Garney Companies, Inc. for $4,989,135 with a $200,000 contingency (approximately 4%) to construct Highway 265 Water & Sewer Replacement, and a budget amendment

RECOMMENDATION

Staff recommends approval of a construction contract with Garney Companies, Inc. for $4,989,135 and a $200,000 contingency (approximately 4%) to construct Highway 265 Water & Sewer Replacement, and approve a budget amendment.

BACKGROUND

This project consists of relocating water and sewer lines as a result of the combined Arkansas Highway Department (AHTD) and City widening of Phase I of Crossover Road (Hwy 265) between Mission and Joyce, and upsizing the existing pipes and connecting a 36" transmission line. Work includes installing a 36" and 24" transmission main along Crossover from Joyce to connect to the existing 24" main on Crossover at Mission. This work will complete the eastern portion of the water transmission main loop that was initially constructed when the southern section of Crossover Road between Mission and Huntsville was widened by the AHTD.

DISCUSSION

The City opened nine bids on March 31, 2011. Construction will begin this spring and will be completed by year end. Bids submitted by Rosetta Construction, C-2 Projects, and Sweetser Construction did not contain fully completed documents and must be deemed non-responsive. A summary of the responsive bids are listed below.

Garney Companies (low bid)	$4,989,135.00
SJ Louis of TX	$5,168,232.50
Seven Valleys	$5,325,754.00
Crossland Heavy	$6,032,171.00
Kraus Construction	$6,458,096.00
Redford Construction	$6,845,474.00
Engineer's Estimate	$5,300,000.00

The bid was reviewed by McClelland Engineers; their letter recommending award is attached. Garney Companies, Inc. has completed multiple projects to the satisfaction of the City of Fayetteville.

BUDGET IMPACT

Based on the bids and AHTD guidance, the City is responsible for 55.08% ($2,748,015.56) of the cost of this construction contract, and the AHTD is responsible for 44.92% ($2,241,119.44). The City's portion will be funded from Water and Sewer revenue bonds. The City will request monthly reimbursement from the AHTD for their share of the work. The attached budget adjustment moves funds from the revenue bond fund to the construction fund, and reflects the revenue from the AHTD.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #11-28 AND AUTHORIZING A CONTRACT WITH GARNEY COMPANIES, INC. IN THE AMOUNT OF $4,989,135.00 FOR THE CONSTRUCTION OF HIGHWAY 265 WATER AND SEWER REPLACEMENTS, APPROVING A PROJECT CONTINGENCY OF $200,000.00, AND APPROVING A BUDGET ADJUSTMENT

WHEREAS, the City has entered into a grant agreement with the Arkansas Highway and Transportation Department (AHTD) for the provision of a portion of the cost of construction of water and sewer replacements on Highway 265, and

WHEREAS, the estimated contribution of the City toward the project would total 55.08% of costs with AHTD providing funding for the remaining approximate 44.92% of costs,

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #11-28 and authorizes a contract with Garney Companies, Inc. in the amount of $4,989,135.00 for the construction of Highway 265 water and sewer replacements.

Section 2: That the City Council of the City of Fayetteville, Arkansas approves a project contingency in the amount of $200,000.00.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached.

PASSED and **APPROVED** this 19th day of April, 2011.

APPROVED: ATTEST:

By: _____ By: _____

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

McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE
1810 N. College Avenue
P.O. Box 1229
Fayetteville, AR 72703/72702-1229
479-443-2377 · FAX 479-443-9241
www.mcclelland-engrs.com

April 1, 2011

Mr. Shannon Jones, P.E.
Utilities Engineer
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Re: Bid Tabulation
Highway 265 Water & Sewer Replacement

Dear Mr. Jones:

Bids were opened at 2:00 pm, March 31, 2011 on the referenced project. Nine bids were received, six of which appear to be in order, other than a few minor math errors, and three which did not execute the Act of Assurance Form. The apparent low bidder was Rosetta Construction, but they along with C-2 Projects, and Sweetser Construction, did not execute the Act of Assurance Form, and their bids are considered non-responsive. Garney Companies is the lowest responsive bid and a total of $4,989,135.00.

Garney Companies was the Contractor for a 48" water line project for the City of Springdale. We have found them to be competent and cooperative, and for this reason, we recommend that the Contract be awarded to Garney Companies in the amount of $4,989,135.

Very Truly Yours,

Robert W White

Robert W. White, P.E.
Project Engineer

Encl: Bid Tabulation

J:2008/082146/Correspondence/Jones 4-1-11.doc

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Utilities Director Department: Utilities Director	Request Date	Adjustment Number
2011		4/19/2011	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

$5,189,136 the Hwy 265 Water/Sewer Relocate & 36" Water Line Improvements project (08072) for a construction contract with Garney Inc. The funding is to cover the contract amount of $4,989,135 and additional contingency.

The funding is coming from a AHTD Cost Reimbursement grant ($2,241,120) and the remaining funds are coming from the 2009 W/S Bond Issue Proceeds.

Division Head	5 APR 11 Date	Prepared By:	kspringer
Budget Director	4-5-2011 Date	Reference:	CC20110419_265
Department Director	5 APR 11 Date	Budget & Research Use Only	
Finance Director	4-5-2011 Date	Type: A B C D E P	
Chief of Staff	4-6-2011 Date	General Ledger Date	
Mayor	4/6/11 Date	Posted to General Ledger	Initial / Date
		Checked / Verified	Initial / Date

		Increase / (Decrease)		
TOTAL BUDGET ADJUSTMENT		2,241,120	2,241,120	
Account Name	Account Number	Expense	Revenue	Project.Sub Number
Water line improvements	5400.5640.5808.00	2,948,016	-	08072 . 1
Water line improvements	5400.5600.5808.00	2,241,120	-	08072 . 1
Federal Grants-Capital	5400.0940.4309.00		2,241,120	08072 . 1
Water line improvements	5400.5640.5808.00	(1,301,944)	-	09018 . 0901
Sewer improvements	5400.5740.5815.00	(1,646,072)	-	09018 . 0902
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City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

Requisition No.:

Date: **4/5/2011**

P.O Number:

Expected Delivery Date: **ASAP**

Vendor #: **66480**

Vendor Name: **Garney Companies**

Mail Yes:__ No:__X__

Address: **1333 NW Vivion Road**

Fob Point: **113 W. Mountain**

Taxable Yes:__ No:__X__

Quotes Attached Yes:_____ No:_____

City: **Kansas City**

State: **MO**

Zip Code: **64118**

Ship to code:

Division Head Approval:

Requester: **David Jurgens**

Requester's Employee #: 490

Extension: **330**

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	**Hwy. 265 W&S replacement Bid 11-28 (Bonds)**	**0.5508**	**ea**	**4,989,135.00**	**$2,748,015.56**	**5400.5640.5808.00**	**08072.1**		
2	**Hwy. 265 W&S replacement Bid 11-28 (AHTD)**	**0.4492**	**ea**	**4,989,135.00**	**$2,241,119.44**	**5400.5600.5808.00**	**08072.1**		
3					**$0.00**				
4					**$0.00**				
5					**$0.00**				
6					**$0.00**				
7					**$0.00**				
8					**$0.00**				
9					**$0.00**				
10					**$0.00**				
*	Shipping/Handling		Lot		**$0.00**				

Special Instructions:

Subtotal: **$4,989,135.00**

Tax: **$0.00**

Total: **$4,989,135.00**

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

DOCUMENT 00300

ADDENDUM #2
BID FORM
UNIT PRICE

NOTE TO BIDDER: Please use BLACK ink for completing this Bid form.

To: The City of Fayetteville, Arkansas

Address: 113 West Mountain
Fayetteville, AR 72701

Project Title: Fayetteville Crossover Road Water and Sewer Main Replacement

Engineer's Project No.: FY082146

Date: 3/30/2011

Arkansas Contractor's License No.: 32110311

Bidder: GARNEY COMPANIES, INC.

Address: GARNEY COMPANIES, INC.
1333 N. W. VIVION ROAD
KANSAS CITY, MISSOURI 64118

Contact Person for additional information on this Bid:

Name: Montie Tripp

Telephone: 816-741-4600

Fax: 816-741-4488

ADDENDA

The Bidder hereby acknowledges that he has received Addenda Numbers:

1, 2 to these Specifications.
(Bidder insert No. of each Addendum received.)

SALES AND USE TAXES

The Bidder agrees that all federal, state, and local sales and use taxes are included in the stated bid prices for the work.

UNIT PRICE BASE BID

The Bidder agrees to accept as full payment for the work proposed herein the amount computed under the provisions of the Contract Documents and based on the following unit price amounts, it being expressly understood that the unit prices are independent of the exact quantities involved. The bidder agrees that the unit prices represent a true measure of the labor and materials required to perform the work, including all allowances for overhead and profit for each type and unit of work called for in the Contract Documents. The amounts shall be shown in both words and figures. In case of discrepancy, the amount shown in words shall govern.

BID SCHEDULE I CROSSOVER ROAD WATER AND SEWER REPLACEMENT					
ITEM NUMBER	EST QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
I-1.	1	LS	Act 291, 1993 Trench and Excavation Safety System Fifty thousand Dollars/LS Words	($ 50,000.00)	($ 50,000.00)
I-2.	7,614	LF	36-Inch Ductile Iron Pipe, Class 350 with Double Polywrap Two hundred eleven Dollars/LF Words	($ 211.00)	($ 1,606,554.00)
I-3.	2,056	LF	36-Inch Restrained Joint Ductile Iron Pipe, Class 350 with Double Polywrap Two hundred sixty two Dollars/LF Words	($ 262.00)	($ 538,672.00)
I-4.	1,625	LF	24-Inch Ductile Iron Pipe, Class 350 with Double Polywrap One hundred Dollars/LF Words	($ 100.00)	($ 162,500.00)
I-5.	308	LF	24-Inch Restrained Joint Ductile Iron Pipe, Class 350 with Polywrap One hundred fifty Dollars/LF Words	($ 150.00)	($ 46,200.00)

BID SCHEDULE I
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
I-6.	275	LF	12-Inch Ductile Iron Pipe, Class 350 with Double Polywrap Fifty five Dollars/LF Words	($ 55.00)	($ 15,125.00)
I-7.	355	LF	12-Inch PVC, C-900, Class 200, DR-14 Water Main Fifty Dollars/LF Words	($ 50.00)	($ 17,750.00)
I-8.	50	LF	8-Inch Ductile Iron Pipe, Class 350 with Double Polywrap Forty Dollars/LF Words	($ 40.00)	($ 2,000.00)
I-9.	1,340	LF	8-Inch PVC, C-900, Class 200, DR-14 Water Main Thirty five Dollars/LF Words	($ 35.00)	($ 46,900.00)
I-10.	460	LF	6-Inch Ductile Iron, Class 350 Fire Hydrant Stubs with Double Polywrap Thirty Dollars/LF Words	($ 30.00)	($ 13,800.00)
I-11.	4,975	LF	2-Inch PVC, SDR 13.5, Class 315 Seven Dollars/EA Words	($ 7.00)	($ 34,825.00)
I-12.	40	LF	2-Inch Polyethylene Service Tubing Seven Dollars/LF Words	($ 7.00)	($ 280.00)
I-13.	1,000	LF	1-Inch Polyethylene Service Tubing Six Dollars/LF Words	($ 6.00)	($ 6,000.00)

BID SCHEDULE I
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
I-14.	13	EA	36-Inch Class 250B Butterfly Valve w/ Box Fifteen thousand Dollars/EA. Words	($ 15,000.00)	($ 195,000.00)
I-15.	3	EA	24-Inch Class 250B Butterfly Valve w/ Box Seven thousand Dollars/EA. Words	($ 7,000.00)	($ 21,000.00)
I-16.	20	EA	12-Inch Class 250B Butterfly Valve w/ Box Two thousand Dollars/EA. Words	($ 2,000.00)	($ 40,000.00)
I-17.	8	EA	8-Inch Gate Valve w/Box One thousand Dollars/EA. Words	($ 1,000.00)	($ 8,000.00)
I-18.	23	EA	6-Inch Gate Valve w/Box Nine hundred Dollars/EA. Words	($ 900.00)	($ 20,700.00)
I-19.	19	EA	2-Inch Gate Valve w/Box Seven hundred Dollars/EA. Words	($ 700.00)	($ 13,300.00)
I-20.	26	EA	Three Way Fire Hydrant Two thousand Dollars/EA Words	($ 2,000.00)	($ 52,000.00)
I-21.	16	EA	Remove Existing Fire Hydrant Three hundred Dollars/EA Words	($ 300.00)	($ 4,800.00)
I-22.	3	EA	2-Inch Blowoff Assembly One thousand five hundred Dollars/EA Words	($ 1,500.00)	($ 4,500.00)

BID SCHEDULE 1
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
I-23	1	EA	36-Inch x 8-Inch Tapping Sleeve, 8-Inch Tapping Valve w/Box Five thousand Dollars/EA Words	($ 5,000.00)	($ 5,000.00)
I-24	2	EA	12-Inch x 12-Inch Tapping Sleeve, 12-Inch Tapping Valve w/Box Four thousand Dollars/EA Words	($ 4,000.00)	($ 8,000.00)
I-25	10	EA	8-Inch x 8-Inch Tapping Sleeve, 8-Inch Tapping Valve w/Box Two thousand five hundred Dollars/EA Words	($ 2,500.00)	($ 25,000.00)
I-26	3	EA	6-Inch x 6-Inch Tapping Sleeve, 6-Inch Tapping Valve w/Box Two thousand two hundred Dollars/EA Words	($ 2,200.00)	($ 6,600.00)
I-27	3	EA	36-Inch x 36-Inch Connection Five thousand Dollars/EA Words	($ 5,000.00)	($ 15,000.00)
I-28	1	EA	24-Inch x 24-Inch Connection Three thousand Dollars/EA Words	($ 3,000.00)	($ 3,000.00)
I-29	1	EA	12-Inch x 12-Inch Connection Two thousand Dollars/EA Words	($ 2,000.00)	($ 2,000.00)
I-30	3	EA	4-Inch or 2-Inch Connection One thousand Dollars/EA Words	($ 1,000.00)	($ 3,000.00)
I-31	38	EA	Abandon Existing Valve One hundred Dollars/EA Words	($ 100.00)	($ 3,800.00)

BID SCHEDULE I
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
I-32.	12,100	LB	Epoxy Coated Ductile Iron Fittings, 24-Inches or Smaller .01/100 Dollars/LB Words	($ 0.01)	($ 121.00)
I-33.	50,000	LB	36-Inch Cement Lined Ductile Iron Fittings Five Dollars/LB Words	($ 5.00)	($ 250,000.00)
I-34.	12	EA	36-Inch x 12-Inch Mechanical Joint Outlet Two thousand Dollars/EA Words	($ 2,000.00)	($ 24,000.00)
I-35.	2	EA	36-Inch x 8-Inch Mechanical Joint Outlet One thousand five hundred Dollars/EA Words	($ 1,500.00)	($ 3,000.00)
I-36.	4	EA	36-Inch x 6-Inch Mechanical Joint Outlet One thousand Dollars/EA Words	($ 1,000.00)	($ 4,000.00)
I-37.	3	EA	8-Inch Combination Air Valve Assembly with 36-Inch x 8-Inch Flanged Outlet Fifteen thousand Dollars/EA Words	($ 15,000.00)	($ 45,000.00)
I-38.	1	EA	8-Inch Combination Air Valve Assembly with 24-Inch x 8-Inch Flanged Outlet Seventeen thousand Dollars/EA Words	($ 17,000.00)	($ 17,000.00)
I-39.	1	EA	1-Inch Combination Air Valve Assembly with 1" Tap on 36" Main Four thousand Dollars/EA Words	($ 4,000.00)	($ 4,000.00)

BID SCHEDULE I
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
I-40	2	EA	Remove Existing 1-Inch Air Release Valve Assembly Two hundred Dollars/EA Words	($ 200.00)	($ 400.00)
I-41	14	EA	Single Meter Setting, Complete, Including Pressure Reducer and Plumber Connection to Existing Building Service One thousand two hundred Dollars/EA Words	($ 1,200.00)	($ 16,800.00)
I-42	4	EA	1-Inch Meter Setting, Complete, Including Pressure Reducer and Plumber Connection to Existing Building Service Two thousand Dollars/EA Words	($ 2,000.00)	($ 8,000.00)
I-43	1	EA	Dual Meter Setting, Complete, Including Pressure Reducer and Plumber Connection to Existing Building Services One thousand five hundred Dollars/EA Words	($ 1,500.00)	($ 1,500.00)
I-44	1	EA	2-Inch Meter Setting, Complete, Including Plumber Connection to Existing Building Service Four thousand Dollars/EA Words	($ 4,000.00)	($ 4,000.00)
I-45	1	EA	Relocate Existing Backflow Preventer Five hundred Dollars/EA Words	($ 500.00)	($ 500.00)
I-46	4	EA	Service Line Connection to Existing Meter Setting Four hundred Dollars/EA Words	($ 400.00)	($ 1,600.00)
I-47	24	EA	Remove Existing Meter Setting Three hundred Dollars/EA Words	($ 300.00)	($ 7,200.00)

BID SCHEDULE I
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
I-48.	1	EA.	12-Inch Saddle, 1-Inch Corporation Stop and Tap One hundred Dollars/EA Words	($ 100.00)	($ 100.00)
I-49.	2	EA.	8-Inch Saddle, 1-Inch Corporation Stop and Tap Ninety Dollars/EA Words	($ 90.00)	($ 180.00)
I-50.	1	EA	6-Inch Saddle, 1-Inch Corporation Stop and Tap Eighty Dollars/EA Words	($ 80.00)	($ 80.00)
I-51.	19	EA.	2-Inch Saddle, 1-Inch Corporation Stop and Tap Seventy Dollars/EA Words	($ 70.00)	($ 1,330.00)
I-52.	498	LF	48-Inch Bored Steel Casing One thousand one hundred Dollars/LF Words	($ 1,100.00)	($ 547,800.00)
I-53.	288	LF	48-Inch Direct Bury Steel Casing Three hundred twenty five Dollars/LF Words	($ 325.00)	($ 93,600.00)
I-54.	329	LF	24-Inch Bored Steel Casing Six hundred Dollars/LF Words	($ 600.00)	($ 197,400.00)
I-55.	172	LF	24-Inch Direct Bury Steel Casing One hundred Dollars/LF Words	($ 100.00)	($ 17,200.00)
I-56.	441	LF	16-Inch Bored Steel Casing Five hundred Dollars/LF Words	($ 500.00)	($ 220,500.00)

BID SCHEDULE I
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
I-57.	292	LF	16-Inch Direct Bury Steel Casing Ninety Words Dollars/LF	($ 90.00)	($ 26,280.00)
I-58.	87	LF	6-Inch Bored Steel Casing Fifty Words Dollars/LF	($ 50.00)	($ 4,350.00)
I-59.	307	LF	2-Inch Bored Steel Casing Thirty Words Dollars/LF	($ 30.00)	($ 9,210.00)
I-60.	139	LF	2-Inch Direct Bury Steel Casing Twenty five Words Dollars/LF	($ 25.00)	($ 3,475.00)
I-61.	60	LF	Short Bore Under Trees, for 6-Inch and 8-Inch Main, No Casing One hundred Words Dollars/LF	($ 100.00)	($ 6,000.00)
I-62.	60	LF	Shore Bore or Punch Under Trees, for 2-Inch to 1-Inch Pipe, No Casing Fifty Words Dollars/LF	($ 50.00)	($ 3,000.00)
I-63.	4	EA	Protective Fencing For Trees Five hundred Words Dollars/EA	($ 500.00)	($ 2,000.00)
I-64.	3	EA	Cut and Cap Existing 12-inch Main Three hundred Words Dollars/EA	($ 300.00)	($ 900.00)
I-65.	10	EA	Cut and Cap Existing 8-Inch Main Two hundred fifty Words Dollars/EA	($ 250.00)	($ 2,500.00)

BID SCHEDULE I
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
I-66.	3	EA.	Cut and Cap Existing 6-Inch Main Two hundred fifty Dollars/EA Words	($ 250.00)	($ 750.00)
I-67.	3	EA.	Concrete Thrust Collar on 36-Inch Main Six thousand Dollars/EA Words	($ 6,000.00)	($ 18,000.00)
I-68.	691	LF	12-Inch PVC Sewer Main, SDR-26 Ten Dollars/LF Words	($ 10.00)	($ 6,910.00)
I-69.	1,618	LF	8-Inch PVC Sewer Main, SDR-26 Five Dollars/LF Words	($ 5.00)	($ 8,090.00)
I-70.	710	LF	4-Inch PVC Sewer Service, SCH 40, Including Trenching and Backfilling Six Dollars/LF Words	($ 6.00)	($ 4,260.00)
I-71.	130	LF	Sewer Main Trenching and Backfilling, 0-6 Feet Deep Twenty five Dollars/LF Words	($ 25.00)	($ 3,250.00)
I-72.	1,179	LF	Sewer Main Trenching and Backfilling, 6-10 Feet Deep Thirty Dollars/LF Words	($ 30.00)	($ 35,370.00)
I-73.	604	LF	Sewer Main Trenching and Backfilling, 10-14 Feet Deep Thirty five Dollars/LF Words	($ 35.00)	($ 21,140.00)
I-74.	14	EA	4 Foot Diameter Standard Manhole, 0 Feet to 6 Feet Deep Two thousand three hundred Dollars/EA Words	($ 2,300.00)	($ 32,200.00)

BID SCHEDULE I
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
I-75.	35	VF	Extra Manhole Depth, Over 6 Feet Deep One hundred fifty Dollars/VF Words	($ 150.00)	($ 5,250.00)
I-76.	6	EA	Remove Existing Manhole Five hundred Dollars/EA Words	($ 500.00)	($ 3,000.00)
I-77.	1	EA	Sewer Service Wye on 12-Inch PVC, 12" SDR-26 x 4" SCH 40 Four hundred Dollars/EA Words	($ 400.00)	($ 400.00)
I-78.	14	EA	Sewer Service Wye on 8-Inch PVC, 8" SDR-26 x 4" SCH 40 Three hundred Dollars/EA Words	($ 300.00)	($ 4,200.00)
I-79.	1	EA	4-Inch Manhole Tap for Sewer Service Five hundred Dollars/EA Words	($ 500.00)	($ 500.00)
I-80.	1,451	LF	TV Inspection of Existing Sewer to be Abandoned and/or Replaced Three Dollars/LF Words	($ 3.00)	($ 4,353.00)
I-81.	11	EA	Sewer Service Cleanout Two hundred fifty Dollars/EA Words	($ 250.00)	($ 2,750.00)
I-82.	1	EA	Plug Existing Sewer at Manhole Wall Three hundred Dollars/EA Words	($ 300.00)	($ 300.00)
I-83.	2	EA	Connect 12" or 8" Sewer to Existing Manhole, Core Drill Manhole Wall One thousand Dollars/EA Words	($ 1,000.00)	($ 2,000.00)

BID SCHEDULE I
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
I-84.	1	EA.	12" Manhole Stubout with Cap Eight hundred Dollars/EA Words	($ 800.00)	($ 800.00)
I-85.	946	LF	Fill Abandoned 36-Inch Water Main w/ Flowable Fill Forty Dollars/LF Words	($ 40.00)	($ 37,840.00)
I-86.	386	LF	Fill Abandoned 12-Inch Sewer Main w/ Flowable Fill Twenty Dollars/LF Words	($ 20.00)	($ 7,720.00)
I-87.	50	LF	Fill Abandoned 48-Inch Empty Casing with Flowable Fill Fifty Dollars/LF Words	($ 50.00)	($ 2,500.00)
I-88.	6	EA.	Remove or Demolish Septic Tanks One thousand Dollars/EA Words	($ 1,000.00)	($ 6,000.00)
I-89.	1,300	SY	Asphalt Surface Restoration Forty five Dollars/SY Words	($ 45.00)	($ 58,500.00)
I-90.	20	SY	Asphalt Highway Restoration One hundred fifty Dollars/SY Words	($ 150.00)	($ 3,000.00)
I-91.	710	SY	Concrete Surface Restoration Seventy five Dollars/SY Words	($ 75.00)	($ 53,250.00)
I-92.	120	SY	Concrete Sidewalk Restoration Sixty Dollars/SY Words	($ 60.00)	($ 7,200.00)

BID SCHEDULE I
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
I-93.	100	SY	Patterned Concrete Surface Restoration One hundred twenty Dollars/SY Words	($ 120.00)	($ 12,000.00)
I-94.	610	LF	Curb and Gutter Restoration Twenty five Dollars/LF Words	($ 25.00)	($ 15,250.00)
I-95.	2,670	TON	Granular Fill Twenty Dollars/TON Words	($ 20.00)	($ 53,400.00)
I-96.	120	TON	Trench Stabilization Material Twenty five Dollars/TON Words	($ 25.00)	($ 3,000.00)
I-97.	30	CY	Concrete Encasement or Concrete Cap One hundred twenty five Dollars/CY Words	($ 125.00)	($ 3,750.00)
I-98.	1	LS	Curb Cut and Grading for Access Drive Between Tract 16 and Tract 15 (Plan Sheet 6 Sta. 55+25 to Sta. 55+80) One thousand five hundred Dollars/LS Words	($ 1,500.00)	($ 1,500.00)
I-99.	145	SY	Eight Inch Class 7 Base and Two Inch Asphalt for Access Drive Between Tract 16 and Tract 15 Forty five Dollars/SY Words	($ 45.00)	($ 6,525.00)
I-100.	1160	SY	Six Inch Class 7 Base Layer for Temporary Parking Surface on Tract 16 Five Dollars/SY Words	($ 5.00)	($ 5,800.00)

BID SCHEDULE I
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
I-101.	1	LS	Remove and Replace 6 Stone Columns, Shrubs and Landscaping South of Picasso Place Per Note on Plan Sheet 6 Ten thousand Dollars/LS Words	($ 10,000.00)	($ 10,000.00)
I-102.	4,500	CY	Rock Excavation 01/100 Dollars/CY Words	($ 01)	($ 45.00)
I-103.	1	LS	Erosion Control Fifty thousand Dollars/LS Words	($ 50,000.00)	($ 50,000.00)
I-104.	1	LS	Audio/ Video Tape Recordings Two thousand Dollars/LS Words	($ 2,000.00)	($ 2,000.00)
I-105.	1	LS	Site Photographs Two thousand Dollars/LS Words	($ 2,000.00)	($ 2,000.00)
			TOTAL BID, SCHEDULE I		$ 4,989,135.00

EQUIVALENT SYSTEM BID SCHEDULE

In order for City of Fayetteville to obtain reimbursement from the Highway Department for eligible costs for replacing its water and sewer facilities under Bid Schedule I, the cost of the replacement work must be for an "equivalent system" to the system that is being replaced. That is, pipe sizes and materials must be generally similar to the original system. Consequently, the following bid schedule lists quantities and material sizes and types that are comparable to the existing system that is being replaced.

EQUIVALENT SYSTEM BID SCHEDULE
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
ES-1.	1	LS	Act 291, 1993 Trench and Excavation Safety System Fifty thousand Dollars/LS Words	($ 50,000.00)	($ 50,000.00)
ES-2.	635	LF	36-Inch Ductile Iron Pipe, Class 350 with Double Polywrap Two hundred ten Dollars/LF Words	($ 210.00)	($ 133,350.00)
ES-3.	526	LF	36-Inch Restrained Joint Ductile Iron Pipe, Class 350 with Double Polywrap Two hundred seventy Dollars/LF Words	($ 270.00)	($ 142,020.00)
ES-4.	10,434	LF	12-Inch PVC Pipe, C-900, Class 200, DR-14 Fifty Dollars/LF Words	($ 50.00)	($ 521,700.00)
ES-5.	110	LF	8-Inch Ductile Iron Pipe, Class 350 with Double Polywrap Forty Dollars/LF Words	($ 40.00)	($ 4,400.00)
ES-6.	1,222	LF	8-Inch PVC Pipe, C-900, Class 200, DR-14 Thirty five Dollars/LF Words	($ 35.00)	($ 42,770.00)
ES-7.	225	LF	6-Inch Ductile Iron Pipe, Class 350 with Double Polywrap Thirty Dollars/LF Words	($ 30.00)	($ 6,750.00)
ES-8.	365	LF	2-Inch PVC, SDR 13.5, Class 315 Seven Dollars/LF Words	($ 7.00)	($ 2,555.00)
ES-9.	30	LF	2-Inch Polyethylene Service Tubing Seven Dollars/LF Words	($ 7.00)	($ 210.00)

EQUIVALENT SYSTEM BID SCHEDULE
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
ES-10.	855	LF	1-Inch Polyethylene Service Tubing. Six Dollars/LF (Words)	($ 6.00)	($ 5,130.00)
ES-11.	5	EA	36-Inch Class 250B Butterfly Valve w/ Box. Fifteen thousand Dollars/EA (Words)	($ 15,000.00)	($ 75,000.00)
ES-12.	16	EA	12-Inch Class 250B Butterfly Valve w/ Box. Two thousand Dollars/EA (Words)	($ 2,000.00)	($ 32,000.00)
ES-13.	15	EA	8-Inch Gate Valve w/ Box. One thousand Dollars/EA (Words)	($ 1,000.00)	($ 15,000.00)
ES-14.	17	EA	6-Inch Gate Valve w/ Box. Nine hundred Dollars/EA (Words)	($ 900.00)	($ 15,300.00)
ES-15.	1	EA	2-Inch Gate Valve w/ Box. Seven hundred Dollars/EA (Words)	($ 700.00)	($ 700.00)
ES-16.	4	EA	Three Way Fire Hydrant. Two thousand Dollars/EA (Words)	($ 2,000.00)	($ 8,000.00)
ES-17.	15	EA	Relocate Existing Fire Hydrant. Five hundred Dollars/EA (Words)	($ 500.00)	($ 7,500.00)
ES-18.	1	EA	36-Inch x 8-Inch Tapping Sleeve, 8-Inch Tapping Valve w/ Box. Five thousand Dollars/EA (Words)	($ 5,000.00)	($ 5,000.00)

EQUIVALENT SYSTEM BID SCHEDULE
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
ES-19.	2	EA.	12-Inch x 12-Inch Tapping Sleeve, 12-Inch Tapping Valve w/ Box Four thousand Dollars/EA Words	($ 4,000.00)	($ 8,000.00)
ES-20.	10	EA.	8-Inch x 8-Inch Tapping Sleeve, 8-Inch Tapping Valve w/ Box Two thousand five hundred Dollars/EA Words	($ 2,500.00)	($ 25,000.00)
ES-21.	3	EA	6-Inch x 6-Inch Tapping Sleeve, 6-Inch Tapping Valve w/ Box Two thousand two hundred Dollars/EA Words	($ 2,200.00)	($ 6,600.00)
ES-22.	2	EA.	36-Inch x 36-Inch Connection Five thousand Dollars/EA Words	($ 5,000.00)	($ 10,000.00)
ES-23.	2	EA	12-Inch x 12-Inch Connection Two thousand Dollars/EA Words	($ 2,000.00)	($ 4,000.00)
ES-24.	3	EA.	4-Inch or 2-Inch Connection One thousand Dollars/EA Words	($ 1,000.00)	($ 3,000.00)
ES-25.	38	EA.	Abandon Existing Valve One hundred Dollars/EA Words	($ 100.00)	($ 3,800.00)
ES-26.	8,000	LB	Epoxy Coated Ductile Iron Fittings, 24-Inch and Smaller Five Dollars/LB Words	($ 5.00)	($ 40,000.00)
ES-27.	17,300	LB	36-Inch Cement Lined Ductile Iron Fittings Five Dollars/LB Words	($ 5.00)	($ 86,500.00)

EQUIVALENT SYSTEM BID SCHEDULE
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
ES-28.	2	EA	36-Inch x 12-Inch Mechanical Joint Outlet Two thousand Dollars/EA Words	($ 2,000.00)	($ 4,000.00)
ES-29.	1	EA	36-Inch x 6-Inch Mechanical Joint Outlet One thousand Dollars/EA Words	($ 1,000.00)	($ 1,000.00)
ES-30.	5	EA	2" Combination Air Valve Assembly Six thousand Dollars/EA Words	($ 6,000.00)	($ 30,000.00)
ES-31.	2	EA	Remove Existing 1-Inch Air Release Valve Assembly Two hundred Dollars/EA Words	($ 200.00)	($ 400.00)
ES-32.	13	EA	Single Meter Setting, Complete, Including Pressure Reducer and Plumber Connection to Existing Building Service One thousand two hundred Dollars/EA Words	($ 1,200.00)	($ 15,600.00)
ES-33.	4	EA	1-Inch Meter Setting, Complete, Including Pressure Reducer and Plumber Connection to Existing Building Service Two thousand Dollars/EA Words	($ 2,000.00)	($ 8,000.00)
ES-34.	1	EA	Dual Meter Setting, Complete, Including Pressure Reducer and Plumber Connections to Existing Building Services One thousand five hundred Dollars/EA Words	($ 1,500.00)	($ 1,500.00)
ES-35.	1	EA	2-Inch Meter Setting, Complete, Including Plumber Connection to Existing Building Service Four thousand Dollars/EA Words	($ 4,000.00)	($ 4,000.00)

EQUIVALENT SYSTEM BID SCHEDULE
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
ES-36.	6	EA.	Service Line Connection to Existing Meter Setter Four hundred Dollars/EA. Words	($ 400.00)	($ 2,400.00)
ES-37.	1	EA.	Relocate Existing Backflow Preventer Assembly Five hundred Dollars/EA. Words	($ 500.00)	($ 500.00)
ES-38.	23	EA.	Remove Existing Meter Setting Three hundred Dollars/EA. Words	($ 300.00)	($ 6,900.00)
ES-39.	20	EA.	12-Inch Saddle, 1-Inch Corporation Stop and Tap One hundred Dollars/EA. Words	($ 100.00)	($ 2,000.00)
ES-40.	2	EA.	8-Inch Saddle, 1-Inch Corporation Stop and Tap Ninety Dollars/EA. Words	($ 90.00)	($ 180.00)
ES-41.	1	EA.	6-Inch Saddle, 1-Inch Corporation Stop and Tap Eighty Dollars/EA. Words	($ 80.00)	($ 80.00)
ES-42.	98	LF	48-Inch Bored Steel Casing One thousand one hundred Dollars/LF Words	($ 1,100.00)	($ 107,800.00)
ES-43.	150	LF	48-Inch Direct Bury Steel Casing Three hundred twenty five Dollars/LF Words	($ 325.00)	($ 48,750.00)
ES-44.	436	LF	24-Inch Bored Steel Casing Six hundred Dollars/LF Words	($ 600.00)	($ 261,600.00)

EQUIVALENT SYSTEM BID SCHEDULE
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
ES-45.	94	LF	24-Inch Direct Bury Steel Casing. One hundred Dollars/EA (Words)	($ 100.00)	($ 9,400.00)
ES-46.	634	LF	16-Inch Bored Steel Casing. Five hundred seventy Dollars/LF (Words)	($ 570.00)	($ 361,380.00)
ES-47.	374	LF	16-Inch Direct Bury Steel Casing. Ninety Dollars/LF (Words)	($ 90.00)	($ 33,660.00)
ES-48.	87	LF	6-Inch Bored Steel Casing. Fifty Dollars/LF (Words)	($ 50.00)	($ 4,350.00)
ES-49.	307	LF	2-Inch Bored Steel Casing. Thirty Dollars/LF (Words)	($ 30.00)	($ 9,210.00)
ES-50.	139	LF	2-Inch Direct Bury Steel Casing. Twenty five Dollars/LF (Words)	($ 25.00)	($ 3,475.00)
ES-51.	60	LF	Short Bore Under Trees, for 6-Inch, 8-Inch, and 12-Inch Main, No Casing. One hundred Dollars/LF (Words)	($ 100.00)	($ 6,000.00)
ES-52.	60	LF	Short Bore or Punch Under Trees, for 2-Inch to 1-Inch Pipe, No Casing. Fifty Dollars/LF (Words)	($ 50.00)	($ 3,000.00)
ES-53.	4	EA	Protective Fencing For Trees. Five hundred Dollars/EA (Words)	($ 500.00)	($ 2,000.00)

EQUIVALENT SYSTEM BID SCHEDULE
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
ES-54.	3	EA	Cut and Cap Existing 12-Inch Main Three hundred Dollars/EA Words	($ 300.00)	($ 900.00)
ES-55.	10	EA	Cut and Cap Existing 8-Inch Main Two hundred fifty Dollars/EA Words	($ 250.00)	($ 2,500.00)
ES-56.	3	EA	Cut and Cap Existing 6-Inch Main Two hundred fifty Dollars/EA Words	($ 250.00)	($ 750.00)
ES-57.	3	EA	Concrete Thrust Collar on 36-Inch DIP Six thousand Dollars/EA Words	($ 6,000.00)	($ 18,000.00)
ES-58.	403	LF	12-Inch PVC Sewer Main, SDR-26 Ten Dollars/LF Words	($ 10.00)	($ 4,030.00)
ES-59.	1,618	LF	8-Inch PVC Sewer Main, SDR-26, Five Dollars/LF Words	($ 5.00)	($ 8,090.00)
ES-60.	710	LF	4-Inch PVC Sewer Service, SCH 40, Including Trenching and Backfilling Six Dollars/LF Words	($ 6.00)	($ 4,260.00)
ES-61.	104	LF	Sewer Main Trenching and Backfilling, 0-6 Feet Deep Twenty five Dollars/LF Words	($ 25.00)	($ 2,600.00)
ES-62.	1,154	LF	Sewer Main Trenching and Backfilling, 6-10 Feet Deep Thirty Dollars/LF Words	($ 30.00)	($ 34,620.00)

EQUIVALENT SYSTEM BID SCHEDULE
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
ES-63.	467	LF	Sewer Main Trenching and Backfilling, 10-14 Feet Deep Thirty five Dollars/LF Words	($ 35.00)	($ 16,345.00)
ES-64.	13	EA.	4-Foot Diameter Standard Manhole, 0 Feet to 6 Feet Deep Two thousand three hundred Dollars/EA. Words	($ 2,300.00)	($ 29,900.00)
ES-65.	28	VF	Extra Manhole Depth, Over 6 Feet Deep One hundred fifty Dollars/VF Words	($ 150.00)	($ 4,200.00)
ES-66.	6	EA	Remove Existing Manhole Five hundred Dollars/EA. Words	($ 500.00)	($ 3,000.00)
ES-67.	1	EA.	Sewer Service Wye on 12-Inch PVC, 12" SDR-26 x 4" SCH 40 Four hundred Dollars/EA Words	($ 400.00)	($ 400.00)
ES-68.	14	EA	Sewer Service Wye on 8-Inch PVC, 8" SDR-26 x 4" SCH 40 Three hundred Dollars/EA Words	($ 300.00)	($ 4,200.00)
ES-69.	1.	EA.	4-Inch Manhole Tap for Sewer Service Five hundred Dollars/EA Words	($ 500.00)	($ 500.00)
ES-70.	1,451	LF	TV Inspection of Existing Sewer to be Abandoned and/or Replaced Three Dollars/LF Words	($ 3.00)	($ 4,353.00)
ES-71.	11	EA	Sewer Service Cleanout Two hundred fifty Dollars/EA Words	($ 250.00)	($ 2,750.00)

EQUIVALENT SYSTEM BID SCHEDULE
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
ES-72.	1	EA.	Plug Existing Sewer at Manhole Wall Three hundred Dollars/EA Words	($ 300.00)	($ 300.00)
ES-73.	946	LF	Fill Abandoned 36-Inch Water Main w/ Flowable Fill Forty Dollars/LF Words	($ 40.00)	($ 37,840.00)
ES-74.	386	LF	Fill Abandoned 12-Inch Sewer Main w/ Flowable Fill Twenty Dollars/LF Words	($ 20.00)	($ 7,720.00)
ES-75.	50	LF	Fill Abandoned 48-Inch Empty Casing with Flowable Fill Fifty Dollars/LF Words	($ 50.00)	($ 2,500.00)
ES-76.	6	EA.	Remove or Demolish Septic Tanks One thousand Dollars/EA Words	($ 1,000.00)	($ 6,000.00)
ES-77.	850	SY	Asphalt Surface Restoration Forty five Dollars/SY Words	($ 45.00)	($ 38,250.00)
ES-78.	20	SY	Asphalt Highway Restoration One hundred fifty Dollars/SY Words	($ 150.00)	($ 3,000.00)
ES-79.	520	SY	Concrete Surface Restoration Seventy five Dollars/SY Words	($ 75.00)	($ 39,000.00)
ES-80.	110	SY	Concrete Sidewalk Restoration Sixty Dollars/SY Words	($ 60.00)	($ 6,600.00)

EQUIVALENT SYSTEM BID SCHEDULE
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
ES-81.	100	SY	Patterned Concrete Surface Restoration One hundred twenty Dollars/SY Words	($ 120.00)	($ 12,000.00)
ES-82.	470	LF	Curb and Gutter Restoration Twenty five Dollars/LF Words	($ 25.00)	($ 11,750.00)
ES-83.	1,330	TON	Granular Fill Twenty Dollars/TON Words	($ 20.00)	($ 26,600.00)
ES-84.	30	CY	Concrete Encasement or Concrete Cap One hundred twenty five Dollars/CY Words	($ 125.00)	($ 3,750.00)
ES-85.	1	LS	Curb Cut and Grading for Access Drive Between Tract 16 and Tract 15 (Plan Sheet 6 Sta. 55+25 to Sta. 55+80) One thousand five hundred Dollars/LS Words	($ 1,500.00)	($ 1,500.00)
ES-86.	145	SY	Eight Inch Class 7 Base and Two Inch Asphalt for Access Drive Between Tract 16 and Tract 15 Forty five Dollars/SY Words	($ 45.00)	($ 6,525.00)
ES-87.	1160	SY	Six Inch Class 7 Base Layer for Temporary Parking Surface on Tract 16 Five Dollars/SY Words	($ 5.00)	($ 5,800.00)
ES-88.	1	LS	Remove and Replace 6 Stone Columns, Shrubs and Landscaping South of Picasso Place Per Note on Plan Sheet 6 Ten thousand Dollars/LS Words	($ 10,000.00)	($ 10,000.00)

EQUIVALENT SYSTEM BID SCHEDULE
CROSSOVER ROAD WATER AND SEWER REPLACEMENT

ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
ES-89.	80	TON	Trench Stabilization Material Twenty five Dollars/TON Words	($ 25.00)	($ 2,000.00)
ES-90.	800	CY	Rock Excavation One hundred Dollars/CY Words	($ 100.00)	($ 80,000.00)
ES-91.	1	LS	Erosion Control Fifty thousand Dollars/LS Words	($ 50,000.00)	($ 50,000.00)
ES-92.	1	LS	Audio/Video Tape Recordings Two thousand Dollars/LS Words	($ 2,000.00)	($ 2,000.00)
ES-93.	1	LS	Site Photographs Two thousand Dollars/LS Words	($ 2,000.00)	($ 2,000.00)

TOTAL EQUIVALENT SYSTEM BID $ 2,678,003.00

DEDUCTIVE ALTERNATES
Not used.

BASIS OF AWARD
The Bidder understands that the Contract will be awarded to the responsive, responsible bidder with the lowest Base Bid.

MAJOR EQUIPMENT SCHEDULE
Not used.

PAYMENT SCHEDULE
Not used.

SUBCONTRACTORS

The Bidder further certifies that proposals from the following subcontractors were used in the preparation of this Bid; and if awarded a contract, Bidder agrees to not enter into contracts with others for these divisions of the Work without written approval from the Owner and Engineer.

BORING SUBCONTRACTOR

Arkansas Contractor License # 0172630510

Sundance
Name

~~Dallas, TX~~ Ferris, TX
Street Address, City, State, Zip Code

SUBCONTRACTOR

Arkansas Contractor License #

Name

Street Address, City, State, Zip Code

PERFORMANCE OF WORK BY CONTRACTOR

The Bidder shall perform at least **70 percent of** the work with his own forces (refer to Paragraph 23, INSTRUCTIONS TO BIDDERS. Bids from so called "Brokerage Contractors" will not be considered.)

List below the items that the Bidder will perform with his own forces, if awarded this Contract, and fill in the blank showing the estimated total cost of these items.

Water/Sewer Installation; Restoration

Estimated total cost of the above items the Bidder states that will be performed with his own forces, if awarded Contract:

Three million ninehundred thousand and no/100 Dollars ($ 3,900,000.00)
(Words)

EXPERIENCE OF BIDDER

The Bidder, with his own forces, shall show satisfactorily completion of work of type and size comparable to the Work required by these Bid Documents. Minimum requirement shall be three projects within the past five years. A list of comparable projects, including pertinent information and identification of the owners, shall be submitted with the Bid. Contractor shall provide evidence that projects have included 24-inch diameter pipe and larger.

Only those Bids which are submitted by Bidders who show satisfactory completion of work of type and size compared to the Work required by these Bid Documents will be considered. (List similar projects, with types, names of clients, construction costs, and references with telephone numbers. Use additional sheets if necessary.)

(See Attachment)

SURETY

If the Bidder is awarded a construction Contract on this Bid, the Surety who provides the Performance and Payment Bond will be:
Western Surety Co. P.O Box 5077, Sioux Falls, SD 57117 And
Liberty Mutual Insurance Co. 450 Plymouth Rd #400 whose address is:

Plymouth Meeting, PA 19464
Street, City, State, Zip, Code

INSURANCE

The Bidder acknowledges that he is familiar with the insurance requirements on this Project and, if awarded a construction contract, agrees to furnish the required insurance certificates within fifteen (15) days of the date the award is made.

BIDDER

The name of the Bidder submitting this Bid is:

GARNEY COMPANIES, INC. doing business at:
~~1333 N. W. VIVION ROAD~~
KANSAS CITY, MISSOURI 64118
Street, City, State, Zip, Code

which is the address to which all communications concerned with this Bid and with the Contract shall be sent.

The names of the principal officers of the corporation submitting this Bid, or of the partnership, or of all persons interested in this Bid as principals are as follows:

MONTIE TRIPP, PRESIDENT

If Sole Proprietor or Partnership

IN WITNESS hereto the undersigned has set his (its) hand this _____ day of _____, 2011.

Signature of Bidder

Title

If Corporation

IN WITNESS WHEREOF the undersigned corporation has caused this instrument to be executed and its seal affixed by its duly authorized officers this 30th day of March, 2011.

GARNEY COMPANIES, INC.
Name of Corporation

(SEAL)

By Montie Tripp
MONTIE TRIPP, PRESIDENT
Title

Attest S.m. McCandless
Secretary

DOCUMENT 00350

BID BOND

STATE OF ARKANSAS

KNOW ALL MEN BY THESE PRESENTS, that we:

Garney Companies, Inc., 1333 NW Vivion Road, Kansas City MO 64118 Principal

and Contractor, and Western Surety Company, PO Box 5077, Sioux Falls, SD 57117-5077 800/331-6053 and

Liberty Mutual Insurance Company, 450 Plymouth Rd. #400, Plymouth Meeting, PA 19462, 610-832-8240

~~as Co-Sureties~~

hereinafter called Surety, are held and firmly bound unto the **City of Fayetteville, Arkansas** and represented by its Mayor, hereinafter called Owner, in the sum of

Five (5%) Percent of Total Amount Bid DOLLARS ($5% of total amt. bid

lawful money of the United States of America, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, by these presents.

WHEREAS, the Principal contemplates submitting or has submitted a bid to the Owner for the furnishing of all labor, materials (except those to be specifically furnished by the Owner), equipment, machinery, tools, apparatus, means of transportation for, and the performance of the work covered in the Bid and the detailed Drawings and Specifications, entitled:

Crossover Road (Arkansas Highway 265) Water & Sewer Main Replacement

WHEREAS, it was a condition precedent to the submission of said bid that a cashier's check, certified check, or bid bond in the amount of 5 percent of the base bid be submitted with said bid as a guarantee that the Bidder would, if awarded the Contract, enter into a written Contract with the Owner for the performance of said Contract within 15 consecutive calendar days after written notice having been given of the award of the Contract.

NOW, THEREFORE, the conditions of this obligation are such that if the Principal within 15 consecutive calendar days after written notice of such acceptance enters into a written Contract with the Owner and furnishes a Contract Surety Bond in an amount equal to 100 percent of the base bid, satisfactory to the Owner, then this obligation shall be void; otherwise the sum herein stated shall be due and payable to the Owner and the Surety herein agrees to pay said sum immediately upon demand of the Owner in good and lawful money of the United States of America, as liquidated damages for failure thereof of said Principal.

IN WITNESS WHEREOF, the said Garney Companies, Inc., as Principal herein, has caused these presents to be signed in its name by its _____ and attested by its _____ under its corporate seal, and the said Western Surety Company and Liberty Mutual Insurance Company, as Co-Sureties as Surety herein, has caused these presents to be signed in its name by its Attorney-in-Fact under its corporate seal, this 30 day of March A.D., 2011.

Signed, sealed and delivered in the presence of:

Garney Companies, Inc.
Principal-Contractor

By Montie Tripp

MONTIE TRIPP, PRESIDENT
Title

MONTIE TRIPP, PRESIDENT
As to Principal

Western Surety Company and
Liberty Mutual Insurance Company

Surety
Linda L. Nutt

Attorney-in-Fact (Power-of-Attorney to be Attached) J. Douglas Joyce

Linda L. Nutt, Witness
As to Surety

By
AR Non- Resident Agent
Lic #273276

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

J. Douglas Joyce

of Kansas City, MO, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

Surety Bond Number: Bid Bond / Bid Bond
Principal: Garney Companies, Inc.
Obligee: City of Fayetteville, Arkansas
Amount of Bond: See Bond Form

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 19th day of September, 2006.

WESTERN SURETY COMPANY

Paul T. Bruflat, Senior Vice President

State of South Dakota
County of Minnehaha } ss

On this 19th day of September, 2006, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires
November 30, 2012

D. KRELL
NOTARY PUBLIC
SOUTH DAKOTA

D. Krell, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 30th day of March, 2011.

WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Form F3146-9-2006

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY:

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees. To confirm the validity of this Power of Attorney call 610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS:

That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint, **J. Douglas Joyce** its true and lawful attorney-in-fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any location within the United States, the following surety bond:

Principal Name: Garney Companies, Inc.

Obligee Name: City of Fayetteville, Arkansas

LMS Surety Bond Number: Bid Bond / Bid Bond **Bond Amount: See Bond Form**

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.
Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 28th day of MARCH, 2009.

LIBERTY MUTUAL INSURANCE COMPANY

By Garnet W. Elliott
Garnet W. Elliott, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 28th day of MARCH, 2009, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2013
Member, Pennsylvania Association of Notaries

By Teresa Pastella
Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, shall be valid and binding upon the company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this 30th day of March, 2011.

By David M. Carey
David M. Carey, Assistant Secretary

CONTRACTOR'S ACT OF ASSURANCE FORM

As the authorized representative of the individual, incorporation, or corporation (hereinafter referred to as the company) bidding on or participating in the project, I certify that I have read and understand the requirements of the General and/or Supplemental Conditions and that the principles, agents and employees of the company will comply with these requirements including all relevant statutes and regulations issued pursuant thereto. I further certify as the authorized agent of the company that:

EQUAL OPPORTUNITY I will comply with all requirements of 41 CFR Chapter 60 and Executive Orders 11246 and 11375, including inclusion of all required equal opportunity clauses in each sub-contract awarded in excess of $10,000 and I will furnish a similar statement from each proposed subcontractor, when appropriate. I will also comply with all Equal Employment Opportunity requirements as defined by Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 regarding sex discrimination.

NONSEGREGATED FACILITIES The company that I represent does not and will not maintain any facilities provided for its employees in a segregated manner, or permit its employees to perform their services at any location under company control where segregated facilities are maintained; and that the company will obtain a similar certification prior to the award of any subcontract exceeding $10,000 which is not exempt from the equal opportunity clause.

OSHA REQUIREMENTS I will comply with the Department of Labor Safety and Health Regulations promulgated under Section 107 of the Contract Work Hours and Safety Standard Act (40 U.S.C. 327-333) in the performance of the contract.

PROCUREMENT PROHIBITIONS As required by Executive Order 11738, Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, I certify that I will not procure goods and services from persons who have been convicted of violations of either law if the goods or services are to be produced by the facility that gave rise to the violation.

DEBARMENT AND SUSPENSION I certify that to the best of my knowledge and belief that the company that I represent and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification regarding debarment and suspension may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine. I further certify that I will obtain a similar certification for each subcontract awarded in excess of $25,000.

AUTHORIZED REPRESENTATIVE

COMPANY NAME: GARNEY COMPANIES, INC.

SIGNATURE: Montie Tripp DATE: 3/30/2011

PRINTED NAME: MONTIE TRIPP, PRESIDENT TITLE: PRESIDENT

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

4/19/2011
City Council Meeting Date
Agenda Items Only

Ray M. Boudreaux	Aviation	Transportation
Submitted By	**Division**	**Department**

Action Required:

Action Required: (1) Approve Task Order #2 with McClelland Consulting Engineers, Inc., In the amount of $12,900. Contact info: Wayne Jones, P.E., PO Box 1229, Fayetteville AR 72702-1229, 479-443-2377, Fax 479-443-9241, wjones@mcclelland-engrs.com. (2) Approve authority to submit application and accept a grant from the Arkansas Department of Aeronautics in the amount of $144,000. (3) Approve a Project Budget Adjustment in the amount of $180,000 contingent upon reciept of Grant.

$ 144,000.00 REV		
$ 180,000.00	$ -	Airport Security Improvements
Cost of this request	Category / Project Budget	Program Category / Project Name
5550.3960.5804.00	$ -	Avi/ED Imp
Account Number	Funds Used to Date	Program / Project Category Name
11017 1	$ -	Airport
Project Number	Remaining Balance	Fund Name

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

Department Director — Date: 4-1-11

City Attorney — Date: 4-4-11

Finance and Internal Services Director — Date: 4-4-2011

Chief of Staff — Date: 4-6-2011

Mayor — Date: 4/6/11

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office 04-02-11 A12:37 RCVD

Received in Mayor's Office ENTERED 4/4/11

Comments: This project is eligible for a 80/20 grant from the Arkansas Department of Aeronautics. MCE Task Order #2 Notice to Proceed contingent on receipt of grant funding.

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
AVIATION DIVISION
4500 S School Ave, Ste F
Fayetteville, AR 72701
P (479) 718-7642

CITY COUNCIL MEMO

To: Mayor Jordan

Thru: Chief of Staff, Don Marr

Thru: Transportation Director, Terry Gulley

From: Ray M. Boudreaux, Aviation Director

Date: April 1, 2011

Subject: **Approve Task Order #2 with McClelland Consulting Engineers to develop and bid the Airport Security Improvements Project For Fayetteville Executive Airport, Drake Field. Also approve application to Arkansas Aeronautics for a Grant to complete the project.**

PROPOSAL: In July 2008 the City Council approved an Airport Security Improvements Project at Drake Field with the understanding that the Airport would be approved for an Arkansas Aeronautics 50/50Grant to cover half of the costs of the project. At the time, Aeronautics was unable to fund our request so the item was never acted upon. Again last year, April 2010, Aeronautics invited us to submit for the grant but later determined that funding was not available for the project and asked us to wait until this Spring. This year, Aeronautics has invited us again to apply for the project grant and has assured us that the funding is available for an 80/20 grant to complete this project.

The FAA has published guidance for Minimum Standards for General Aviation Airports Security. Although the guidance is not mandatory yet, it is understood that the standards will eventually become mandatory. This project includes new gate controllers, RFID credentials for staff and those who work on the airport, and monitoring cameras that record activities on parking aprons and entry points. These areas are the only areas where Drake Field does not meet the minimum guidance recommended by the FAA. The Airport Board approved this project and our request at their April 8, 2010 meeting and again at the March 10, 2011 meeting.

RECOMMENDATION: Approve Task Order #2 with McClelland Consulting Engineers to develop a scope of work and provide bidding services and project oversight for the Airport Security Improvements Project at a total cost of $12,900.00. Approve application to the Arkansas Department of Aeronautics for an 80/20 Grant to complete the project. With acceptable bids, the Airport staff will ask the City Council to approve a contract and receipt of funds from the Aeronautics Commission. Award of the project depends on approval of the grant request.

BUDGET IMPACT: This project is eligible for funding by an Arkansas Aeronautics 80/20 Grant. Total Project Costs including Engineering fees, is estimated not to exceed $163,400.00. The 20% match will come from the Airport Use of Funds Balance and will not exceed $33,000.00.

Attachments: Staff Review
Budget Adjustment
Task Order #2
Cost Estimate

RESOLUTION NO. _____

A RESOLUTION APPROVING TASK ORDER #2 TO A CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF $12,900.00 TO DEVELOP AND BID AN AIRPORT SECURITY IMPROVEMENTS PROJECT FOR FAYETTEVILLE EXECUTIVE AIRPORT-DRAKE FIELD CONTINGENT UPON RECEIPT OF A GRANT AWARD, AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A GRANT FROM THE ARKANSAS DEPARTMENT OF AERONAUTICS IN THE AMOUNT OF $144,000.00, AND APPROVING A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves task order #2 to a contract with McClelland Consulting Engineers, Inc. in the amount of $12,900.00 to develop and bid an airport security improvements project for Fayetteville Executive Airport-Drake Field, a copy of which is attached as Exhibit "A", contingent upon the receipt of a grant award.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes application for and acceptance of a grant from the Arkansas Department of Aeronautics in the amount of $144,000.00.

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

PASSED and **APPROVED** this 19th day of April, 2011.

APPROVED: ATTEST:

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

EXHIBIT
A

TASK ORDER NO. 2
AIRPORT SECURITY IMPROVEMENTS
FAYETTEVILLE EXECUTIVE AIRPORT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Task Order is written pursuant to the basic agreement entitled CITY OF FAYETTEVILLE, AGREEMENT FOR ENGINEERING SERVICES, executed on May 5, 2009. The referenced basic agreement pertains to proposed improvements to Drake Field, Fayetteville's Executive Airport. This Task Order entered into and executed on the date indicated below the signature block, by and between the City of Fayetteville and McClelland Consulting Engineers (MCE) sets forth the project description, project schedule, and engineering fees related to the Airport Security Improvements, Drake Field.

SECTION I - PROJECT DESCRIPTION

The project is to consist of the Airport Security Improvements, including the work scope in the attached Scope of Services. The services to be performed include: Preliminary Design; Detailed Design; Cost Estimates; Bidding Assistance; Construction Administration; and Construction Observation.

SECTION II - PROJECT SCHEDULE

From the time the City of Fayetteville issues the Notice To Proceed (NTP), McClelland Consulting Engineers, Inc. will endeavor to execute the project within the following time periods:

Task	Completion After NTP
A. Access Security System Design	28 calendar days

SECTION III - SCOPE OF SERVICES

McClelland Consulting Engineers, Inc. shall, generally, provide those services listed in the basic agreement which are applicable to this specific Task Order. Specifically, the project is likely to include:

A. Access Security System and all necessary components as follows:

   a. Master Control Panel and accessories including: proximity readers for four gates, gate controller located near master controller, power modules, cabling as necessary and software.

   b. Video surveillance including: Fixed position video surveillance cameras for each gate, at main terminal tarmac, and at fire department (8 minimum locations), digital video recorder(s), lightning protection, and power supply.

   c. Lighting at each gate entrance for security designed for video recording footcandle levels at each gate.

   d. New gate controllers/motor operators at existing gates.

   e. Remote unlock station located in terminal building.

   f. Electrical power and date circuits as required. Includes all conduit and cable as necessary with the understanding is to use wireless devices where practical to avoid cutting patching of existing tarmac.

The estimated construction cost for these items is $167,500.00.

SECTION IV - FEES AND PAYMENTS

The following fees are to be paid to McClelland Consulting Engineers, Inc. as compensation for his services:

A. Project Coordination & Engineering Design:	a lump sum of	$ 8,650.
B. Bidding Service:	a lump sum of	$ 750.
C. Reimbursement Expenses:	Estimated to be	$ 1,500.
D. Const. Material Testing	Estimated to be	$ 2,000.
E. Additional Services (as needed)	To Be Determined	

Appendices A & B presents Hourly and Unit Price Fee Schedule for personnel anticipated to be assigned to this project and the possible materials testing by McClelland Consulting Engineers, Inc. and their Consultant *Engineering Elements, PLLC*.

SECTON V - BASIC AGREEMENT IN EFFECT:

Except as amended specifically herein, the basic AGREEMENT FOR ENGINEERING SERVICES shall remain in full force as originally approved and executed.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be duly executed as of the date and year first herein written.

FOR THE CITY OF FAYETTEVILLE:

By: _____ Attest: _____
Lioneld Jordan, Mayor

Date: _____

FOR McCLELLAND CONSULTING ENGINEERS, INC.:

By: _____ Attest: _____
R. Wayne Jones, Vice President

Date: 3/31/11

APPENDIX A
TASK ORDER NO.2
Hourly Rates for Personnel
Fayetteville Executive Airport

CATEGORY	BILLABLE HOURLY RATE RANGE
Project Director	$145 to $160
Project Manager	$120 to $150
Project Engineer	$90 to $130
Design Engineer II	$85 to $110
Design Engineer I	$75 to $90
Registered Surveyor	$80 to $100
Computer Technician	$60 to $85
Senior Engineering Technician/Observer	$65 to $75
Engineering Technician/Observer	$75 to $95
Junior Engineering Technician	$45 to $70
Survey Crew (2 man)	$135 to $150
Clerical Support	$45 to $55
CADD Technician III	$65 to $80
CADD Technician II	$55 to $70
CADD Technician I	$45 to $55
Soils Lab Supervisor	$60 to $70
Soils Technician II	$45 to $55
Soils Technician I	$35 to $45

APPENDIX C
CONSTRUCTION MATERIALS LABORATORY
FEE SCHEDULE
TASK ORDER NO. 2

GENERAL:

Laboratory Field Technician I *	$ 42.00 per hour
Laboratory Field Technician II *	45.00 per hour
Laboratory Engineering Technician *	55.00 per hour
AHTD-Qualified Technician*	55.00 per hour
Engineering Technician *	60.00 per hour
Engineering Technician II	80.00 per hour
Senior Engineering Technician	95.00 per hour
Lab Supervisor	60.00 per hour
Mileage	0.50 per mile
Consultation:	
Lab Supervisor	60.00 per hour
Field Engineer	105.00 per hour
Project Engineer	110.00 per hour
Project Manager	155.00 per hour
Principal Engineer	160.00 per hour
Lab Report Preparation (per report)	50.00 per hour

SOILS:

AHTD-Qualified Field Technician	55.00 per hour
Soils Field Technician I (1-hour minimum)	42.00 per hour
In-Place Compaction Test-Nuclear Gauge ASTM D 2922, Sample Pickup, or Stand-by Time	
Nuclear Density Gauge Fee: (per Density Test); [Minimum $15.00 per trip, per project]	12.00 each
Liquid Limit, Plastic Limit, Plasticity Index (3 point) ASTM D 4318	50.00 each
Sieve Analysis-Washed No. 200 (Wet) ASTM D 1140	40.00 per sieve
Sieve Analysis-Dry ASTM D 422	8.00 per sieve
Hydrometer Analysis ASTM D 422	120.00 each
Specific Gravity ASTM D 854	50.00 each
Soils Classification, Atterberg Limits & Gradation ASTM D 2487	110.00 each
Laboratory Maximum Compaction Test ASTM D 698 or AASHTO T 99	140.00 each
Laboratory Maximum Compaction Test ASTM D 1557 or AASHTO T 180	150.00 each
Potential Volume Change-Swell Pressure	100.00 each
California Bearing Ratio-CBR ASTM D 1883 (3 point) (Proctor curve additional)	150.00 each
Shrinkage ASTM D 427	50.00 each
Soil Bearing Capacity (Engineering Tech., 2-hour minimum)	60.00 per hour
Non-ASTM Procedures Available On Request	

CONCRETE:

Concrete Mix Design	Price on Request
Review Concrete Mix Design (Sr. Engr. Technician)	95.00 per hour
Confirm Concrete Mix Design	Price on Request
Concrete Field Technician I * (1-hour minimum): [For any of the following 6 items:]	42.00 per hour

- Concrete Cylinder, Grout, Mortar or Beam Molding
- Concrete Cylinder or Beam Pickup
- Concrete Slump Test ASTM C 143
- Concrete Air Content Test ASTM C 231 or C 173
- Cement Mortar or Grout Sampling
- Stand-by Time
- Unit Weight and Yield of Freshly Mixed Concrete ASTM C 138

AHTD-Qualified Concrete Technician: (1-hour minimum), [For any of the foregoing 7 items:] 55.00 per hour

Compressive Strength of Concrete Test Cylinders ASTM C 39 (pad cap) (Incl. Processing, Storing & Curing) 20.00 each

* ACI Grade I Concrete Field Testing Technician

APPENDIX C
CONSTRUCTION MATERIALS LABORATORY
FEE SCHEDULE
TASK ORDER NO. 2

CONCRETE (Continued):

Compressive Strength of Concrete Test Cylinders ASTM C 39 (sulfur capped) (Incl. Processing, Storing & Curing)	35.00 each
Spare Cylinders Specimens Processed, Stored & Cured but not Tested	$ 15.00 each
Schmidt Hammer Testing (Engineering Tech, 2-hour minimum)	60.00 per hour
Flexural Strength of Concrete Beams ASTM C 78 or C 293) (Incl. Processing, Storing & Curing)	50.00 each
Spare Beam Specimens Processed, Stored & Cured but not Tested	40.00 each
Compressive Strength of Grout Cubes (Incl. Processing, Storing & Curing)	40.00 each
Compressive Strength of Cement Mortar Cubes (Incl. Processing, Storing & Curing)	25.00 each
Concrete Coring (3" or 4"):	
Core Machine & Lab Technician I	85.00 per hour
Additional Lab Technician, as required	42.00 per hour
Compressive Strength of Concrete Cores (3" or 4")	40.00 each
Other Core Sizes	Price on Request
Aggregate Sieve Analysis:	
Dry Sieve ASTM C 136	8.00 each
Wet Sieve ASTM C 117	40.00 each
Fineness Modules	25.00 each
Decantation	35.00 each
Deleterious Materials	60.00 each
Specific Gravity and Absorption of Aggregate ASTM C 127 & C 128	90.00 each
Dry Rodded Unit Weight of Aggregate ASTM C 29	75.00 each
Sodium or Magnesium Sulfate Soundness (5 cycles) ASTM C 88	350.00 each
Additional Cycles	50.00 each

ASPHALT:

Asphalt Mix Design (Marshall Design Method)	Price on Request
Review Asphalt Mix Design (Sr. Engr. Technician)	95.00 per hour
AHTD Asphalt Field Technician	
In-Place Compaction Test-Nuclear Gauge (Lab Technician)	55.00 per hour
Sample Pickup	55.00 per hour
Superpave Laboratory Analysis of Plant Mixed Pavement	475.00 each
Marshall Test including Stability, Flow, Laboratory Density, Percent Air Voids, Percent Voids in Mineral Aggregate (3 specimens per test)	500.00 each
Extraction including percent Bitumen and Aggregate Gradation	425.00 each
Laboratory Density of Cored Plugs including Depth Measurement	35.00 each
Asphalt Coring (3" or 4"):	
Core Machine & Lab Technician I	85.00 per hour
Additional Lab Technician I, if required	42.00 per hour
Sample Pickup	55.00 per hour

FIREPROOFING:

Unit Weight, Bonding Strength, Thickness and Sampling (actual time required for Lab Technicians)	50.00 per hour/Tech
Report Preparation (Lab Supervisor)	60.00 per hour

STRUCTURAL STEEL:

Bolt Torque Testing: Engineering Technician(s)	60.00 per hour
Field Engineer	105.00 per hour
Pneumatic Torque Wrench Calibration (twice per day)	50.00 each
Visual Weld Inspection Field Engineer	110.00 per hour
Certified Welding Inspector	70.00 per hour

Services not Listed are Available on Request

All prices are subject to revision each year

A. 12 V11.0222
McClelland Consulting Engineers, Inc. Task Order #2
Page 1 of 1

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Aviation Department: Transportation Services	Request Date	Adjustment Number
2011		4/19/2011	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Airport security improvements to include: Preliminary design, detailed design, cost estimates, bidding assistance, construction admin and oversite. Master control panel, proximity readers for 4 gates, video surveillance 8 cameras minimum, digital video recorders and accessories, lighting designed for video recording footcandle levels, gate controllers/motor operators at each gate, all power, data circuits, wireless transmitters, conduit, cabling, remote unlock station at Terminal.

The project is contingent upon approval by the Arkansas Department of Aeronautics of an 80/20 grant and approval from the City Council to use a portion of the Airport's fund balance for the local match portion of the project cost.

Division Head	April 1, 2011 Date	Prepared By:	James Nicholson *kspringer*
Budget Director	4/12/11 Date	Reference:	
Department Director	4-1-11 Date	Budget & Research Use Only Type: A B C D E P	
Finance Director	4-6-2011 Date	General Ledger Date	
Chief of Staff	4-6-2011 Date	Posted to General Ledger	Initial Date
Mayor	4/6/11 Date	Checked / Verified	Initial Date

TOTAL BUDGET ADJUSTMENT		180,000	180,000	
		Increase / (Decrease)		Project.Sub
Account Name	Account Number	Expense	Revenue	Number
			-	.
Building costs	5550.3960.5804.00	166,600	-	11017 . 1
Public notification	5550.3960.5301.00	500		11017 . 1
Professional services	5550.3960.5314.00	12,900		11017 . 1
State grants	5550.0955.6805.00		144,000	11017 . 1
Use of fund balance	5550.0955.4999.99		36,000	.
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EXHIBIT B

J:\James\2011\Budget\BAForm_2011_11017_Airport_Security_System

Project Accounting Maintenance Form (2011 Budget)

Project Request: New Project

Project Number	:	11017	*(will be assigned by Budget)*
Project Title (40 char)	:	Airport Security Improvements	*11 Char Le*
Project Abbreviation (15 char)	:	ArprtSecImpvs	*2 Char Left*
Project Status	:	Pending	
Project Division	:	D810 Aviation	
Project Group	:	P Project	
Budget Validation	:	Y YTD (N=No/Y=YTD)	
Budget Level	:	P Project	
Budget Validation Threshold	:	100	
Project Type	:	8 Aviation Improvements	
Grant (Y/N)	:	Y	
Fiscal Start Mo./ Year	:	01 / 2011	
Scheduled Start Date	:	5/11/2011 *<= Double Click Date Cells*	20110511
Scheduled Ending Date	:	4/1/2012 *<= Double Click Date Cells*	20120401
Actual Start Date	:	*<= Double Click Date Cells*	
Actual Ending Date	:	*<= Double Click Date Cells*	
Funding Source	:	5550 Airport Fund	
Primary GLACCOUNT	:	5550.3960.5804.00 Building costs	

Description/Justification of Request

Security improvements to include: Preliminary design, detailed design, cost estimates, bidding assistance, construction admin and oversight. Master control panel, proximity readers for 4 gates, video surveillance 8 cameras minimum, digital video recorders and accessories, lighting designed for video recording foot-candle levels, gate controllers/motor operators at each gate, all power, data circuits, wireless transmitters, conduit, cabling, remote unlock station at Terminal.

This project is eligible for 80/20 grant funding from the Arkansas Department of Aeronautics.

Has a budget adjustment been completed? N

Is this item going to Council? (Y/N) Y

If yes, please specify date: 4/19/2011 *<= Double Click Date Cells*

COPY

Requested By

Entered By

J:\James\2011\Capital Projects\Security Project\Project Accounting Request Form_2011

McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE
1810 N. College Avenue
P.O. Box 1229
Fayetteville, AR 72703/72702-1229
479-443-2377 • FAX 479-443-9241
www.mcclelland-engrs.com

March 31, 2011

Mr. Ray Boudreaux
Airport Director,
Fayetteville Executive Airport
4500 S. School Suite F
Fayetteville, AR 72701

Re: Task Order No 2
Airport Access Security System
Fayetteville Executive Airport

Dear Mr. Boudreaux:

In response to your request, please find three (3) copies of the updated Task Order No 2 for the Airport Access Security System.

Please advise if you need further information regarding this Task Order.

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.

R. Wayne Jones, P.E.
Vice President

Enclosure: Task Order No 2 (3 copies)

J:\DRAKE FIELD\CONTRACTS\2009-2013\BOUDREAUX-033111-TO 2.DOC:

State Airport Aid Application – Page 1

The City/~~County~~ of Fayetteville, herein called "Sponsor", hereby makes application to the Arkansas Department of Aeronautics for State funds pursuant to Act 733 of 1977, for the purpose of aiding in financing a project for the development of a municipal airport located in the city of Fayetteville Arkansas, Washington county.

Date of Request: April 19, 2011

Name of Airport: Fayetteville Executive Airport, Drake Field FYV

Name and address of City/County Commission sponsoring request:

City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Phone Number: 479-575-8330
Fax Number: 479-575-8257

Person to Contact about project:

Ray M. Boudreaux
4500 S School Ave., Suite F
Fayetteville, AR 72701

Phone Number: 479-718-7642
Cell Number: 479-601-3520
Fax Number: 479-718-7646

Name and address of Engineering Firm (if applicable):

McClelland Consulting Engineers Inc
PO Box 1229
Fayetteville AR 72702-1229

Contact Person: R. Wayne Jones, P.E.

Phone/Fax Number: 479-443-2377

Describe the work to be accomplished:

Preliminary design, detailed design, cost estimates, bidding assistance, construction admin and oversite. Master control panel, proximity readers for 4 gates, video surveillance 8 cameras minimum, digital video recorders and accessories, lighting designed for video recording footcandle levels, gate controllers/motor operators at each gate, all power, data circuits, wireless transmitters, conduit, cabling, remote unlock station at Terminal.

State and Local Project Costs:
Please indicate:

- ◇ 50-50% Match
- ⊗ 80-20% Match
- ◇ 90-10% Match
- ◇ 100%

Total Cost of Project 180,000.00
Local Share/Funds 36,000.00
Local Share/In-Kind
State Share 144,000.00

Federal AIP Projects:
AIP Number:

◇ 95-5% Match

Total Cost of Project:
Federal Share:
State Share:
Local Share:

State Airport Aid Application – Page 2

Provide the information listed below as it applies to your project:

Funding:

Source of Funds: State: AR Dept Aeronautics

Local: City of Fayetteville - Airport

Source of In-Kind Services: None

Estimated starting date of project: May 2011

Estimated completion date of project: April, 2012

Project will be for: New Airport Existing Airport XX

Is land to be leased or purchased? No

Description of land and cost per acre: _____

Provide the Federal AIP Grant Number (if applicable): _____

State Legislators for your area:

State Senator: Sue Madison

State Representative: Uvalde Lindsey

State Airport Aid Application – Page 3

The sponsor agrees to furnish the Arkansas Department of Aeronautics a copy of the legal instrument affecting use of the property for an airport. In application for a new landing site or expansion of existing facility, the FAA Form 7480-1, *Notice of Landing Area Proposal*, must be approved by the FAA before review for grant can be made by the State. Applications for hangar construction or renovation funds must include a signed lease agreement. This agreement must be in compliance with all FAA grant assurances. The application must be based on bids and include a calculated return on investment.

No land, hangars, or buildings purchased with State Grant funds may be sold or disposed of without State Aeronautics Commission prior approval. All requests for sale or disposal of property will be considered on an individual case basis. No hangar (funded by a grant from the Department of Aeronautics) shall be used for non-aviation purposes without State Aeronautics Commission prior approval. All requests for non-aviation use will be considered on a case-by-case basis. Failure to receive prior approval from A.D.A. concerning land and/or building use could result in the commission requesting grant refund from the Sponsor.

No airport accepting State Grant funding may issue an Exclusive Rights lease.

All applications for navigational aids (such as NDB or ILS) must have FAA site approval before a state grant can be approved.

All Grant applications involving Federal Airport Improvement Program (AIP) funding must be accompanied by the approved FAA grant agreement with grant number assigned.

If this project is approved by the Arkansas Department of Aeronautics, and is accepted by the sponsor, it is agreed that all developments and construction shall meet standard FAA construction practices as outlined in the specifications of this agreement. Runways, Taxiways, Parking Ramps, etc. shall have a base and a thickness that will accommodate the weight of aircraft expected to operate at this airport.

All grant applicants (City and/or County) are totally responsible for compliance with all Federal, State, County, and City laws, Statutes, Ordinances, Rules, Regulations, and Executive Orders concerning contracts and purchases for which this grant is approved and issued.

It is understood and agreed that the sponsor shall start this project immediately upon award of grant. It is also agreed that this project shall be completed within one year from the date of acceptance of this grant by the Arkansas Department of Aeronautics. Applications for extension will be entertained if circumstances beyond the sponsor's control occur.

Funds will be disbursed according to Department procedures and final inspection of completed project (See payment instruction page). *Payment of grant funds are contingent upon the Department's annual appropriation*.

IN WITNESS WHEREOF, the sponsor has caused this Application for State Airport Aid to be duly executed in its name, this 19th day of April, 2011.

Lioneld Jordan
Name of Sponsor

Authorized Signature

Mayor
Title

COST ESTIMATE FOR SECURITY SYSTEM PROJECT
Fayetteville Executive Airport, Drake Field

McClelland Consulting Engineers Task Order #2	$12,900.00
Project design, engineering, bidding services and project oversight	
Security System Master Control Panel located in Terminal	$12,500.00
Gate Controllers for two access gates	$13,900.00
Access Pedestals as assorted equipment for three gates	$55,400.00
Cameras (7 at various locations on the airport)	$18,000.00
Light fixtures and poles for entry points	$24,900.00
Power system for all	$25,800.00
Total for Security System Project	$163,400.00

Information provided by McClelland Consulting Engineers. Final cost will come from the lowest qualified bid for the project.

AGENDA REQUEST

FOR: COUNCIL MEETING OF MARCH 15, 2011

FROM:

ALDERMAN MATTHEW PETTY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §117.102 **Pedicab Permitted Zone Of Operation And Approved Fixed Routes** (B) *Route Approval* And (F) Of The Fayetteville Code To Allow Use Of Pedicabs On Streets With A Posted Speed Limit Of Thirty-Five (35) Miles Per Hour Or Higher If Authorized By The Transportation Services Director and (D) To Allow Pedicabs To Operate On Scull Creek Trail, Mud Creek Trail And Frisco Trail

APPROVED FOR AGENDA:

Matthew Petty, Alderman — Date: FEB 22, 2011

City Attorney (as to form) — Date: Feb 22, 2011

02-23-11 A09:46 RCVD

Kim G.

Left on the Second Reading at the 4/5/11 CC mtg. Amendment was tabled to the 4/19/11 CC mtg.
Left on the First Reading at the 3/15/11 CC mtg.

Fayetteville
ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council

FROM: **Kit Williams**, City Attorney

DATE: **February 22, 2011**

RE: **Pedicabs permitted on streets with 35 m.p.h. and higher limits; and pedicabs permitted by right on the full length of Frisco Trail, Scull Creek Trail and Mud Creek Trail**

Alderman Petty brought these proposed changes to the Pedicab Ordinance to the Ordinance Review Committee and won a recommendation of approval. These ordinances are now presented to the City Council as a whole for its consideration.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §117.102 **PEDICAB PERMITTED ZONE OF OPERATION AND APPROVED FIXED ROUTES** (B) *ROUTE APPROVAL* AND (F) OF THE FAYETTEVILLE CODE TO ALLOW USE OF PEDICABS ON STREETS WITH A POSTED SPEED LIMIT OF THIRTY-FIVE (35) MILES PER HOUR OR HIGHER IF AUTHORIZED BY THE TRANSPORTATION SERVICES DIRECTOR AND (D) TO ALLOW PEDICABS TO OPERATE ON SCULL CREEK TRAIL, MUD CREEK TRAIL AND FRISCO TRAIL

WHEREAS, pedicab operators would like the option to operate their pedicabs on streets and highways in Fayetteville with speed limits of 35 m.p.h. or higher upon approval of the Transportation Services Director; and

WHEREAS, pedicab operators would like the right to operate on Scull Creek Trail, Mud Creek Trail and Frisco Trail without needing the approval of the Transportation Services Director.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §117.102 **Pedicab Permitted Zone of Operation and Approved Fixed Routes** (B) *Route Approval* (1) by repealing the last sentence of this subsection that prohibits operation of pedicabs on any street with a posted speed limit of 35 m.p.h. or more, other than to cross such street.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends §117.102 **Pedicab Permitted Zone of Operation and Approved Fixed Routes** by repealing subsection (F) in its entirety and enacting a replacement (F) as shown below:

> "(F) No pedicab shall be operated on a street with posted speed limit of thirty-five (35) miles per hour or greater, except for the purpose of crossing that street unless authorized by the Transportation Services Director."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends §117.102 **Pedicab Permitted Zone Of Operation And Approved Fixed Route** by repealing (D) of the Fayetteville Code in its entirety and enacting a new (D) as follows:

> "(D) *Operation on City Trails.* Pedicabs may be operated on the entire length of the Frisco Trail, the Scull Creek Trail and the Mud Creek Trail, except that portions of these trails may be closed to pedicabs by the Parks and Recreation Director for special events or if the trail section is deemed too narrow for pedicabs or if use of pedicabs on the section of trail could cause safety issues. The Parks and Recreation Director may authorize pedicab operations on other city transportation trails. Pedicabs may not operate on any recreation trails in city parks (such as Lake Fayetteville, Wilson Park, Gulley Park, etc.)."

PASSED and **APPROVED** this 15th day of March, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §117.102 **PEDICAB PERMITTED ZONE OF OPERATION AND APPROVED FIXED ROUTES** (B) *ROUTE APPROVAL* AND (F) OF THE FAYETTEVILLE CODE TO ALLOW USE OF PEDICABS ON STREETS WITH A POSTED SPEED LIMIT OF THIRTY-FIVE (35) MILES PER HOUR OR HIGHER IF AUTHORIZED BY THE TRANSPORTATION SERVICES DIRECTOR AND (D) TO ALLOW PEDICABS TO OPERATE ON SCULL CREEK TRAIL, MUD CREEK TRAIL AND FRISCO TRAIL

WHEREAS, pedicab operators would like the option to operate their pedicabs on streets and highways in Fayetteville with speed limits of 35 m.p.h. or higher upon approval of the Transportation Services Director; and

WHEREAS, pedicab operators would like the right to operate on Scull Creek Trail, Mud Creek Trail and Frisco Trail without needing the approval of the Transportation Services Director.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §117.102 **Pedicab Permitted Zone of Operation and Approved Fixed Routes** (B) *Route Approval* (1) by repealing the last sentence of this subsection that prohibits operation of pedicabs on any street with a posted speed limit of 35 m.p.h. or more, other than to cross such street.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends §117.102 **Pedicab Permitted Zone of Operation and Approved Fixed Routes** by repealing subsection (F) in its entirety and enacting a replacement (F) as shown below:

> "(F) No pedicab shall be operated on a street with posted speed limit of thirty-five (35) miles per hour or greater, except for the purpose of crossing that street unless authorized by the Transportation Services Director."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends §117.102 **Pedicab Permitted Zone Of Operation And Approved Fixed Route** by repealing (D) of the Fayetteville Code in its entirety and enacting a new (D) as follows:

> "(D) *Operation on City Trails.* Pedicabs may be operated on the entire length of the Frisco Trail, the Scull Creek Trail and the Mud Creek Trail, except that portions of these trails may be closed to pedicabs by the Transportation Services Director for special events or if the trail section is deemed too narrow for pedicabs or if use of pedicabs on the section of trail could cause safety issues. The Transportation Services Director may authorize pedicab operations on other city transportation trails. Pedicabs may not operate on any recreation trails in city parks (such as Lake Fayetteville, Wilson Park, Gulley Park, etc.)."

PASSED and **APPROVED** this 15th day of March, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

CURRENT LAW

Permitted Zone Of Operation into such zone or onto an approved route where operations may begin. The City Council may further restrict the hours and dates of operation in Pedicab Permitted Zone Of Operation for any or all pedicab companies.

(B) *Route Approval.*

(1) All routes outside of the permitted zone of operation shall be approved by the city's Transportation Services Director. In no event shall a requested route permit operation of a pedicab on any street with a posted speed limit of thirty-five (35) miles per hour more, other than to cross said street.

(2) Operators shall submit to the city's Transportation Services Director all requests for temporary changes in authorized routes, or for participation in special events such as festivals, parades or weddings, not less than three (3) days before the effective date of the change or event.

changes proposed

(C) No pedicab shall be operated in a location where such operation is not authorized by this ordinance or prohibited by the laws of the State of Arkansas or the Fayetteville City Code.

(D) No pedicab may operate on city transportation trails without the express prior approval of the route and fare by the Transportation Services Director. Pedicabs may not operate on any recreational trails in city parks (such as Lake Fayetteville, Wilson Park, Gulley Park, etc.).

(E) The operator of a pedicab shall maintain at least one hand on the handlebars at all times during movement of the pedicab.

(F) No pedicab shall be operated on a street with a posted speed limit of thirty-five (35) miles per hour or greater, except for the purpose of crossing that street.

(G) No pedicab shall be operated using a gas powered assist motor.

117.103 Pedicab Driver's Permit

(A) *Pedicab Driver's Permit Required.* No person shall operate a pedicab for hire or for a gratuity upon the streets of the city, and no person who owns or controls a pedicab shall permit it to be so operated, unless the driver of said vehicle shall have first obtained and shall have then in force a pedicab driver's permit issued under the provisions of this article.

(B) *Pedicab Driver's Permit Application.*

(1) An application for a pedicab driver's permit shall be filed with the Fayetteville Police Department on forms provided by the city. Such application shall be verified under oath and shall contain the following information:

(a) Valid current Arkansas Driver's license.

(b) The names and addresses of four (4) residents of the county, who have known the applicant for a period of one year and who will vouch for the sobriety, honesty, and general good character of the applicant;

(c) A concise history of the applicant's employment;

(d) Proof of training in the use and operation of a pedicab pursuant to a curriculum approved by the chief of police.

(e) Proof of existing employment or a promise of employment when a pedicab driver's permit is issued with the pedicab company that has a valid Certificate of Public Convenience and Necessity.

(C) *Police Investigation.* The police department shall conduct an investigation of each applicant for a pedicab driver's permit, and a report of such investigation with a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the chief of police.

(D) *Issuance of Permit.* The chief of police or designee shall, upon consideration of the application and the reports required to be attached thereto, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the city council to offer evidence why his/her application should be reconsidered.

(E) *Form and Term of Permit.*

(1) Upon approval of an application for a pedicab driver's permit, the chief of police or designee shall issue a permit to the applicant for an issuance fee of $35.00, which shall bear the name, address, age, signature, and photograph of the applicant.

(2) The pedicab driver's permit shall remain in effect unless suspended or revoked until

Kit handed out at Agenda Session 3/8/11

Fayetteville
ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff
Jeremy Pate, Development Services Director
Connie Edmonson, Parks and Recreation Director

FROM: **Kit Williams**, City Attorney

DATE: **March 8, 2011**

RE: **A.D.A. Implications of allowing pedicabs on City trails**

Last month I was asked by Parks and Engineering to review a new Federal Regulation, Subpart A which was issued "to effectuate (the) . . . Americans with Disabilities Act . . . which prohibits discrimination on the basis of disability by public entities (like Fayetteville)." Section 35.101 Purpose. City staff was concerned that this regulation would require the City to remove our restrictions against golf carts and vehicles with gas engines from City trails. I replied that I believed that the City had properly enacted its trail vehicle restrictions for "legitimate safety requirements necessary for the safe operation of its (trails). . . ." Section 35.130(h).

Our trails were not designed, nor built to accommodate vehicles the size of golf carts and contain many sections (sharp turns under bridges with limited sight distance, long tunnels even more narrow than the normal trail, consistently narrow trail lanes in which pedestrians could not be passed without driving into the oncoming traffic lane, etc.) which would pose obvious and real safety problems. Therefore, the restrictions on "golf carts and comparably sized vehicles" within Section 71.170 of the Fayetteville Code is legally supportable.

The City Council properly allowed electrically powered wheelchairs, scooters and bicycles on City trails partly to accommodate persons with mobility disabilities, while prohibiting "golf carts or comparably sized vehicles nor any gas powered vehicles. . . ."Section 71.170 of the Fayetteville Code. Thus, I think our Code currently complies with the new Federal Regulations enforcing the A.D.A.

However, pedicabs approach the size and bulk of golf carts. **If the City changes its ordinance to allow extensive use of the Fayetteville trails by pedicabs, we may no longer be able to legally exclude golf carts from the City trails**. Our safety argument based upon vehicle size would be very weakened if not destroyed.

Even though the A.D.A. was enacted only to protect disabled persons, the City would have a difficult time limiting golf cart use only to those with true mobility disabilities. Our employees are prohibited from asking a person using a "mobility device" (golf cart) "about the nature and extent of the individual's disability." Section 35.137(c)(1). Fairly reasonable and innocent questions could violate this provision and cause the City legal liability. If we asked the exact proper question, we would have to "accept as a credible assurance a verbal representation . . . that the (golf cart) is being used for a mobile disability." Id. Thus, policing the trails to restrict the use of golf carts to those actually disabled would be very difficult. A City employee could inadvertently violate this Federal Regulation by asking why the use of the golf cart was necessary since we are prohibited from asking questions "about the nature and extent of the individual's disability." Id.

CONCLUSION

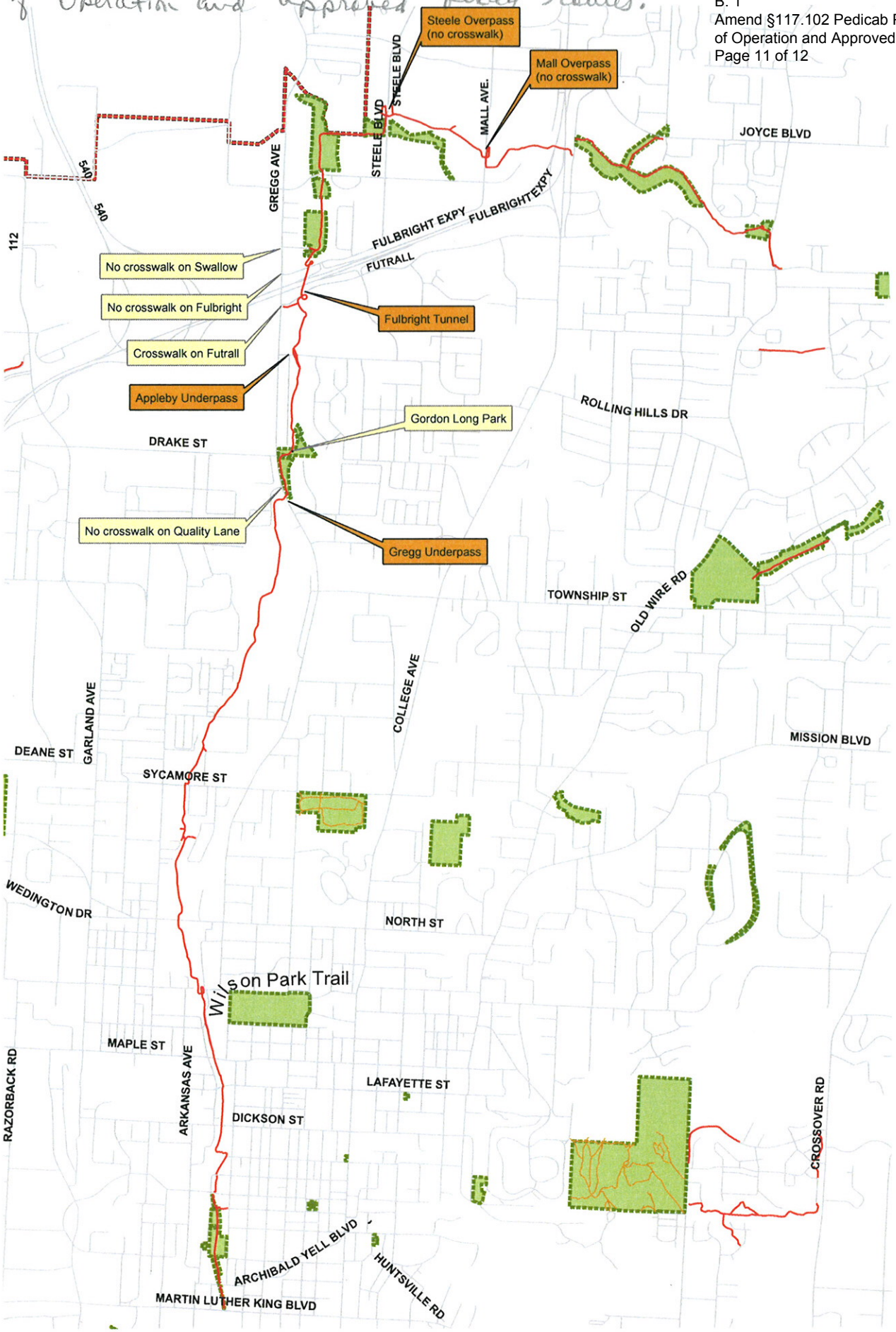
Removing the current prohibition of pedicabs on most City trails at most times will bring potential legal liability onto the City from the A.D.A. and the new Federal Regulations enforcing it against cities. It would also be legally dangerous to try to allow golf carts on the trails only for mobility disabled persons because of the likelihood that a well intentioned City employee would ask a "forbidden question."

Amendment handed out at the City Council meeting 4/5/11. Amend 117.102 Pedicab Permitted Zone of Operation and Approved Fixed Routes

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends §117.102 **Pedicab Permitted Zone of Operation And Approved Fixed Route** of the Fayetteville Code by repealing (D) in its entirety and enacting a new (D) as follows:

> "(D) *Operation on City Trails.* No pedicab shall be operated on city transportation trails (Frisco Trail, Scull Creek Trail, Mud Creek Trail, etc.) without the express prior approval of the date, time, route and fee for the special event by the Director of Parks and Recreation. Pedicabs may not be operated on any city recreational trails in city parks (such as Lake Fayetteville, Gulley Park, Wilson Park, etc.)."

Handed out at the City Council Meeting 4/5/11. Amend 117.102 Pedicab Permitted Zone of Operation and approved fixed routes.



Areas of Conern for Pedicabs

AGENDA REQUEST

FOR: COUNCIL MEETING OF MARCH 15, 2011

FROM:

ALDERMAN MATTHEW PETTY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §174.03 **Exemptions** Of Chapter 174 **Signs** Of The Fayetteville Code To Allow Advertising On Pedicabs

APPROVED FOR AGENDA:

Matthew Petty, Alderman — FEB 22, 2011 Date

City Attorney (as to form) — Feb 22, 2011 Date

02-23-11P01:49 RCVD
Kim G.

Left on the Second Reading at the 4/5/11 CC mtg.
Left on the First Reading at the 3/15/11 CC mtg.

Fayetteville
ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council

FROM: **Kit Williams**, City Attorney

DATE: **February 23, 2011**

RE: **Alderman Petty's proposed ordinance for signs on pedicabs**

Alderman Petty brought this proposed ordinance to the Ordinance Review Committee along with his other proposed changes. The Ordinance Review Committee split two to two on whether to recommend approval or denial and then voted to forward it to the whole City Council without a recommendation.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §174.03 **EXEMPTIONS** OF CHAPTER 174 **SIGNS** OF THE FAYETTEVILLE CODE TO ALLOW ADVERTISING ON PEDICABS

WHEREAS, pedicab companies would like to be able to place advertising signs for other businesses on their pedicabs.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §174.03 **Exemptions** of Chapter 174 **Signs** of the Fayetteville Code by enacting a new (S) as shown below:

> "(S) *Pedicabs*. Pedicabs not operating on city trails may be allowed one advertising sign placed upon the rear of the pedicab and extending no higher than the stock body of the pedicab. The sign shall not be illuminated and shall not exceed six square feet (2' x 3'). Prior to displaying this sign publicly, such sign as attached to the pedicab must be presented to the Zoning and Development Administrator for permitting and, if the sign is in full compliance with this subsection, approval."

PASSED and **APPROVED** this 15th day of March, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

Fayetteville
ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council

FROM: **Kit Williams**, City Attorney

DATE: **February 23, 2011**

RE: **Proposed ordinance to allow offsite advertising signs on pedicabs**

I must oppose this proposed ordinance as a weakening of the legal supports of our Sign Ordinance. After much discussion and consideration, the Fayetteville Board of Directors decades ago passed Fayetteville's Sign Ordinance which required numerous businesses to remove their existing signs and replace them with signs conforming to the new standards. The ordinance also required the removal of all bill boards and other **off-site advertising signs**. This ban on offsite signs is the heart of the Sign Ordinance.

Fayetteville's Sign Ordinance was not supported by many businesses, and the Sign Ordinance was challenged in Court several times. The Arkansas Supreme Court upheld the constitutionality of our Sign Ordinance as properly supported by the City of Fayetteville's legitimate considerations of traffic safety and aesthetics. Our neighboring cities, especially Springdale, initially scoffed at our Sign Ordinance which was supposed to kill our commercial sales. Decades later Springdale has almost caught us in population, but as shown in the most recent City & Town magazine (Feb. 2011), Springdale's commercial sales are less than 58% of ours. In fact statewide, only Fort Smith with $3.0 million in monthly municipal sales tax receipts tops our $2.5 million. No other city collects even $2.0 million. These facts show that our Sign Ordinance has made our City more attractive not only to citizens, but our commercial establishments.

Most of our neighboring cities have, too late, tried to follow our lead with their own sign ordinances. Unfortunately, the sign lobby convinced the Legislature to enact a law to prevent other cities from forcing the removal of billboards as Fayetteville accomplished. Other cities such as Bentonville have tried other ways to reduce the number of billboards (which are large off-site signs) in their city.

According to the Northwest Arkansas Times, February 19, 2011, page 2A, Mayor Bob McCaslin stated: "Anything we can do to reduce the number of billboards in town is a plus for all of us. None of us want to have a thoroughfare where there is nothing but signs sticking up in the air." Mayor McCaslin was defending an ordinance that allowed the installation of an electronic billboard for every four standard billboards which are removed. After a two-sided electronic billboard was installed the headline read: "Officials Question Billboard Decision." Aldermen said these electronic billboards are "very bright and very distracting, especially at night," and "a bad idea."

Rather than facing a billboard problem and following Bentonville's effort to do everything possible to reduce the number of billboards, the City of Fayetteville needs to ensure its long standing Sign Ordinance banning billboards and all off-site signs is preserved. Would allowing off-site advertising signs (small billboards) on pedicabs endanger the legal support of our Sign Ordinance? It would be another chink in our legal armor for it would provide an exemption to the off-site prohibition which our Sign Ordinance states is necessary to achieve our aesthetics and traffic safety goals.

Two years ago I informed you that **a sign regulation that allows too many exemptions could be held invalid by a court because the exemptions have undermined the goals the ordinance was supposed to protect**. Billboard companies look at city sign ordinances and examine them for constitutional weaknesses such as excessive exemptions. This recently happened to Los Angeles.

Los Angeles adopted its sign ordinance on April 30, 2002, supported by the same purposes of the Fayetteville Sign Ordinance passed decades earlier: traffic safety and aesthetics. In eight early appeals to the Arkansas Supreme Court and a more recent appeal to the Eighth Circuit Court of Appeals, our Sign Ordinance (with some necessary amendments) has been held constitutional.

The Los Angeles ordinance was challenged by a billboard company, Metro Lights, which installed several billboards (off-site signs) in violation of the sign ordinance. The Federal District Court struck down the L.A. sign ordinance on grounds that the city had allowed too many exemptions for off-site signs at transit stops and on busses which undermined the City's grounds of aesthetics and traffic safety.

> "(T)he Supreme Court has held that a regulation can be unconstitutional if it 'in effect restricts too little speech because its exemptions ... diminish the credibility of the government's rationale for restricting speech in the first place.' City of Ladue v. Gilleo, 512 U.S. 43, 50-51, 52 (1994)." Metro Lights v. City of Los Angeles, Case No. 07-55179, page 46 (January 6, 2009, 9th Cir.)

Fortunately, the Ninth Circuit Court of Appeals reversed the decision in favor of the billboard company and held Los Angeles' Sign Ordinance did past constitutional muster.

> "It is well-established that traffic safety and aesthetics constitute substantial government interests." Id. at 45

CONCLUSION

As City Attorney, I am charged with the defense of the constitutionality and legality of all the city ordinances that the City Council passes. None has been attacked in Court more than our Sign Ordinance. Therefore, I remain concerned about anything that could weaken the constitutional and legal support for the Sign Ordinance which certainly includes too many exemptions to its most basic prohibition against off-site signage.

I must oppose this proposed new exemption for off-site signs on pedicabs as I will any additional off-site advertising sign exemption. I opposed the exemption for advertising signs on taxicabs and buses. Adding an exemption for pedicabs because taxicabs were given one is not a question of fairness, but of weakening our Sign Ordinance still further.

Be thankful that the hard work of prohibiting billboards and other off-site signs was accomplished by your predecessors on the Fayetteville Board of Directors decades ago. Now, rather than wrestling with "Anything we can do to reduce the number of billboards in town," like our neighboring cities, we must only be careful to **preserve** our Sign Ordinance's prohibition of billboards and other off-site signs.

January 2011 Municipal Levy Receipts and January 2011 Municipal/County Levy Receipts with 2010 Comparison (shaded gray)

CITY SALES AND USE	AMOUNT	
Alexander	43,076.42	28,353.59
Alma	174,965.90	190,023.33
Almyra	2,031.55	1,551.66
Alpena	2,308.33	2,285.31
Altheimer	2,063.74	1,986.07
Altus	6,104.14	5,046.04
Amity	8,349.39	7,712.10
Anthonyville	73.76	
Arkadelphia	145,690.05	132,321.89
Ash Flat	78,733.70	78,133.14
Ashdown	107,171.55	114,295.76
Atkins	31,450.76	44,196.30
Augusta	20,120.73	23,380.15
Austin	6,450.88	6,301.20
Avoca	2,604.40	2,738.91
Bald Knob	46,109.54	87,922.65
Barling	19,726.18	19,096.86
Batesville	303,057.87	298,389.25
Bauxite	10,939.06	7,646.76
Bearden	7,927.61	11,162.46
Beebe	68,690.38	70,226.10
Beedeville	182.05	78.94
Bella Vista	80,868.79	1,889.82
Belleville	1,593.42	626,900.50
Benton	595,231.11	1,131,207.61
Bentonville	1,386,755.66	138.82
Berryville	149,805.23	155,371.43
Bethel Heights	35,375.02	12,407.16
Black Rock	5,885.20	4,841.03
Blevins	1,578.99	1,482.08
Blue Mountain	115.49	192.17
Blytheville	259,326.40	284,672.21
Bonanza	1,069.98	2,713.03
Booneville	79,904.85	84,414.68
Bradley	4,104.16	5,793.81
Branch	1,181.68	1,539.67
Briarcliff	906.24	749.05
Brinkley	80,504.11	86,175.04
Bryant	838,828.64	789,172.93
Bull Shoals	10,882.39	10,436.23
Cabot	599,058.79	622,083.90
Caddo Valley	30,121.48	14,307.42
Calico Rock	20,827.56	21,190.26
Camden	248,193.76	247,995.85
Carlisle	26,864.19	27,135.31
Cave Springs	7,958.92	7,797.38
Centerton	49,989.77	59,851.78
Charleston	22,613.87	21,424.73
Cherry Valley	2,623.89	3,595.73
Chidester	2,041.67	2,678.42
Clarendon	19,977.55	22,980.31
Clarksville	154,101.22	156,750.80
Clinton	81,158.76	90,729.15
Conway	1,731,809.53	1,700,194.87
Corning	73,957.25	72,631.63
Cotter	7,030.40	8,356.80
Cotton Plant	1,991.04	1,594.92
Cove	8,892.85	9,616.10
Crossett	331,220.09	373,962.24
Danville	37,090.98	37,892.10
Dardanelle	141,432.73	146,610.89
Decatur	12,854.40	11,998.26
DeQueen	89,319.53	90,499.11
Dermott	21,972.24	23,742.93
Des Arc	17,340.90	14,088.54
DeValls Bluff	4,519.96	3,321.28
DeWitt	134,886.33	139,172.05
Diamond City	2,338.81	1,358.91
Diaz	2,497.06	2,195.08
Dierks	12,300.61	11,745.24
Dover	16,367.77	15,806.81
Dumas	103,874.85	111,871.07
Dyer	848.98	1,041.21
Earle	20,106.92	25,260.62
East Camden	3,138.58	4,631.89
El Dorado	434,064.97	476,939.68
Elkins	27,038.18	35,652.17
Elm Springs	2,655.49	2,790.67
England	54,403.69	54,519.71
Etowah	505.90	624.05
Eudora	26,350.95	28,074.84
Eureka Springs	146,913.59	149,215.89
Fairfield Bay	19,076.33	19,005.04
Farmington	84,848.95	57,173.21
Fayetteville	2,512,665.24	2,564,237.94
Flippin	40,533.74	40,320.17
Fordyce	71,889.35	85,383.82
Foreman	5,928.68	8,131.49
Forrest City	165,849.13	160,176.46
Fort Smith	3,078,957.44	2,890,216.81
Fouke	6,805.78	10,947.42
Fountain Hill	344.56	402.29
Franklin	3,329.43	2,079.53
Garfield	4,079.22	4,431.11
Garland	2,605.18	1,654.21
Gassville	27,552.89	25,815.38
Gentry	29,481.63	44,736.55
Gilbert	312.76	134.30
Gillett	7,981.51	5,769.55
Gillham	1,775.28	1,478.38
Gilmore	274.21	428.59
Glenwood	51,726.09	52,155.23
Gosnell	13,342.68	12,809.12
Gould	3,062.83	2,800.25
Grady	2,947.82	2,850.57
Gravette	39,041.60	45,624.30
Green Forest	24,174.95	28,855.75
Greenbrier	106,057.43	111,842.16
Greenland	8,535.19	14,664.73
Greenwood	146,439.71	151,239.87
Guion	2,567.88	1,638.17
Gurdon	26,826.19	29,328.84
Guy	5,138.95	6,957.19
Hackett	3,561.43	4,295.39
Hamburg	31,784.53	23,133.93
Hardy	15,533.35	17,734.91
Harrisburg	19,790.37	25,228.15
Harrison	231,203.96	234,830.71
Hartford	1,644.70	1,922.86
Haskell	10,602.00	10,032.91
Hatfield	2,744.45	3,141.39
Havana	2,394.02	3,703.28
Hazen	41,666.14	31,279.57
Heber Springs	124,894.65	130,134.51
Helena-West Helena	233,698.37	227,230.08
Hermitage	3,983.17	4,184.61
Highfill	58,616.06	51,952.51
Highland	23,896.58	27,844.40
Holly Grove	6,912.54	4,807.92
Hope	157,523.26	155,413.82
Horseshoe Bend	18,810.77	18,683.08
Hot Springs	1,305,823.74	1,289,646.90
Hoxie	13,080.79	13,615.53
Hughes	8,608.96	7,876.31
Humphrey	1,622.55	2,829.33
Huntington	5,995.06	2,043.38
Huntsville	42,338.48	45,128.78
Imboden	6,122.23	
Jacksonville	534,296.69	571,827.23
Jasper	11,710.27	24,646.00
Jennette	93.16	117.88
Johnson	30,805.61	37,302.88
Joiner	1,798.57	1,863.77
Jonesboro	1,198,006.01	1,163,171.98
Keiser	2,356.39	2,775.47
Keo	1,102.55	1,086.16
Kibler	1,381.05	1,791.19
Kingsland	928.33	941.67
Lake City	0.17	136.80
Lake Village	56,977.20	58,220.66
Lakeview	3,259.62	3,252.71
Lamar	6,804.11	7,277.28
Lepanto	20,756.46	18,609.47
Leslie	4,429.37	3,344.64
Lewisville	6,626.61	7,870.98
Lincoln	14,811.42	17,305.14
Little Flock	3,204.21	3,053.33
Little Rock	1,803,162.22	1,750,261.41
Lonoke	125,946.82	115,266.20
Lowell	162,221.07	162,662.97
Luxora	2,851.53	3,188.53
Madison	952.47	1,199.97
Magazine	3,825.43	10,787.52
Magnolia	383,775.63	384,364.48
Malvern	136,262.85	140,159.30
Mammoth Spring	6,134.46	6,561.41
Manila	13,989.90	14,264.63
Mansfield	27,958.35	34,270.79
Marianna	65,316.96	71,289.07
Marion	135,815.29	143,242.84
Marked Tree	42,281.70	46,773.72
Marshall	11,477.84	11,769.01
Marvell	22,454.44	19,094.32
Maumelle	151,181.21	165,999.92
Mayflower	48,487.73	41,155.57
McCrory	17,329.08	16,456.43
McGehee	152,235.20	141,635.26
Melbourne	27,476.82	27,684.98
Mena	128,325.33	129,194.55
Menifee	4,344.98	4,956.68
Mineral Springs	3,526.29	4,287.33
Monticello	157,802.74	152,035.84
Moro	2,093.54	2,481.34
Morrilton	132,079.94	127,636.96
Mount Ida	15,300.41	17,390.99
Mountain Home	343,563.14	318,057.52
Mountain View	157,704.02	169,111.12
Mountainburg	11,326.09	10,800.01
Mulberry	18,076.75	17,677.04
Murfreesboro	20,126.72	18,666.09
Nashville	97,702.31	93,097.75
Newport	146,717.56	149,973.26
Norfork	3,253.75	2,777.41
Norman	1,812.85	1,499.35
North Little Rock	1,222,917.24	1,231,286.30
Oak Grove	748.40	843.06
Ola	7,718.06	4,751.45
Oppelo	1,993.81	2,436.34
Osceola	85,584.72	82,046.84
Oxford	1,478.84	1,373.71
Ozark	68,756.79	65,160.21
Palestine	7,554.85	7,744.02
Paragould	336,979.52	320,580.89
Paris	21,997.34	22,083.81
Patmos	136.83	174.76
Patterson	924.85	1,622.58
Pea Ridge	21,136.40	21,464.79
Perla	1,729.45	2,212.46
Perryville	16,740.90	16,877.18
Piggott	51,255.38	30,060.68
Pine Bluff	558,556.57	563,011.00
Pineville	1,595.72	1,395.51
Plainview	2,977.68	3,599.14
Plumerville	4,005.81	3,472.66
Pocahontas	103,205.40	108,825.95
Portia	1,967.94	2,311.68
Pottsville	18,064.43	20,644.36
Prairie Grove	54,164.36	56,119.11
Prescott	35,919.46	27,870.50
Pyatt	1,185.71	1,203.49
Quitman	24,530.54	21,904.05
Ravenden	2,964.62	2,885.23
Rector	22,292.72	22,589.69
Redfield	11,346.00	12,614.41
Rison	10,212.60	11,469.55
Rockport	3,250.04	2,466.68
Roe	376.73	527.04
Rogers	1,906,032.68	1,834,279.25
Rose Bud	15,787.97	17,038.44
Russellville	830,065.51	836,730.26
Salem	18,412.36	16,907.49
Searcy	249,680.64	236,974.74
Shannon Hills	8,568.08	8,895.55
Sheridan	177,393.26	165,431.53
Sherrill	760.79	877.92
Sherwood	366,043.17	388,337.67
Shirley	3,332.13	3,693.07
Siloam Springs	435,446.34	460,129.67
Sparkman	3,448.85	3,161.59
Springdale	1,446,371.57	1,494,075.07
Springtown	37.80	208.43
St. Charles	1,836.14	1,621.22
Stamps	10,716.03	11,848.57
Star City	63,103.89	60,395.33
Stephens	5,677.08	5,033.65
Stuttgart	342,595.30	296,609.46
Sulphur Springs	1,114.99	1,007.79
Summit	2,145.23	2,179.20
Sunset	824.92	750.69
Swifton	2,948.72	2,950.52
Taylor	4,350.00	8,108.43
Texarkana	331,211.73	316,965.01
Texarkana Special	165,499.39	158,061.83
Thornton	773.25	1,171.79
Tontitown	63,773.25	81,036.78
Trumann	61,581.85	64,320.83
Tuckerman	13,520.70	16,952.18
Turrell	5,207.75	4,838.50
Twin Groves	541.01	704.51
Tyronza	1,686.01	1,801.23
Van Buren	273,366.36	262,465.48
Vandervoort	309.56	291.58
Vilonia	68,022.79	56,880.57
Viola	2,153.65	2,683.35
Wabbaseka	605.70	803.82
Waldenburg	6,529.19	6,218.57
Waldron	41,883.86	40,328.39
Walnut Ridge	59,996.36	57,976.06
Ward	13,401.72	13,742.37
Warren	61,554.16	56,450.67
Washington	1,002.91	672.95
Weiner	6,680.95	6,898.58
West Fork	19,552.55	21,955.63
West Memphis	478,648.70	490,984.52
Wheatley	2,950.03	3,732.08
White Hall	58,154.44	48,436.55
Wickes	2,485.38	2,821.70
Wiederkehr Village	2,010.87	2,444.02
Wilton	1,299.15	1,330.25
Yellville	15,841.92	17,485.17
COUNTY SALES AND USE	**AMOUNT**	
Arkansas County	251,722.33	224,947.08
Ashley County	207,996.08	320,374.60
Crossett	51,181.60	52,961.44
Fountain Hill	1,334.73	1,381.15
Hamburg	25,511.05	26,398.20
Montrose	4,415.54	4,569.09
Parkdale	3,164.75	3,274.80
Portland	4,633.79	4,794.93
Wilmot	6,598.13	6,827.57
Baxter County	277,906.17	260,144.20
Big Flat	1,272.16	1,190.85
Briarcliff	2,935.76	2,748.12
Cotter	11,265.97	10,545.92
Gassville	20,868.34	19,534.57
Lakeview	9,333.26	8,736.74
Mountain Home	134,702.35	126,093.05
Norfork	5,920.44	5,542.05
Salesville	5,345.54	5,003.88
Benton County	680,615.54	633,079.02
Avoca	6,723.97	6,254.35
Bella Vista	248,485.00	231,129.95
Bentonville	313,626.47	291,721.73
Bethel Heights	11,349.69	10,556.98
Cave Springs	17,533.20	16,308.62
Centerton	34,112.64	31,730.10
Decatur	20,887.24	19,428.40
Elm Springs	206.65	192.[illegible]
Garfield	7,789.00	7,244.[illegible]
Gateway	7,852.58	7,304.[illegible]
Gentry	38,722.46	36,017.[illegible]
Gravette	30,075.08	27,974.[illegible]
Highfill	10,395.93	9,669.[illegible]
Little Flock	41,090.95	38,221.[illegible]
Lowell	85,551.83	79,576.[illegible]
Pea Ridge	37,291.82	34,687.[illegible]
Rogers	629,414.79	585,454.[illegible]
Siloam Springs	172,359.44	160,321.[illegible]
Springdale	31,966.69	29,734.[illegible]
Springtown	1,812.13	1,685.[illegible]
Sulphur Springs	10,666.17	9,921.[illegible]
Boone County	312,038.37	316,782.[illegible]
Alpena	3,267.30	3,316.[illegible]
Bellefonte	4,537.91	4,606.[illegible]
Bergman	4,617.33	4,687.[illegible]
Diamond City	8,281.69	8,407.[illegible]
Everton	1,928.61	1,957.[illegible]
Harrison	137,861.85	139,957.[illegible]
Lead Hill	3,255.95	3,305.[illegible]
Omaha	1,871.89	1,900.[illegible]
South Lead Hill	998.34	1,013.[illegible]
Valley Springs	1,894.58	1,923.[illegible]
Zinc	862.22	875.[illegible]
Bradley County	112,301.52	104,592.[illegible]
Banks	754.17	702.[illegible]
Hermitage	4,832.94	4,501.[illegible]
Warren	40,486.11	37,707.[illegible]
Calhoun County	55,465.89	63,626.[illegible]
Hampton	14,236.12	16,330.[illegible]
Harrell	2,641.66	3,030.[illegible]
Thornton	4,661.23	5,347.[illegible]
Tinsman	676.19	775.[illegible]
Carroll County	127,106.68	131,356.[illegible]
Beaver	478.68	494.[illegible]
Blue Eye	181.39	187.[illegible]
Chicot County	177,283.18	174,261.[illegible]
Dermott	20,069.08	19,726.[illegible]
Eudora	15,155.30	14,896.[illegible]
Lake Village	15,176.81	14,918.[illegible]
Clark County	315,758.43	301,550.[illegible]
Clay County	44,662.71	45,914.[illegible]
Datto	275.07	282.[illegible]
Greenway	691.92	711.[illegible]
Knobel	1,015.19	1,043.[illegible]
McDougal	552.97	568.[illegible]
Nimmons	283.57	291.[illegible]
Peach Orchard	552.97	568.[illegible]
Pollard	680.57	699.[illegible]
St. Francis	708.93	728.[illegible]
Success	510.43	524.[illegible]
Cleburne County	335,425.74	296,276.[illegible]
Concord	2,801.92	2,474.[illegible]
Fairfield Bay	1,604.24	1,417.[illegible]
Greers Ferry	10,218.77	9,026.[illegible]
Heber Springs	70,674.35	62,425.[illegible]
Higden	1,109.78	980.[illegible]
Quitman	7,515.75	6,638.[illegible]
Cleveland County	32,471.62	32,459.[illegible]
Kingsland	1,621.10	1,620.[illegible]
Rison	4,588.90	4,587.[illegible]
Columbia County	351,035.06	341,142.[illegible]
Emerson	584.84	568.[illegible]
Magnolia	19,167.79	18,627.[illegible]
McNeil	1,078.45	1,048.[illegible]
Taylor	922.06	896.[illegible]
Waldo	2,596.76	2,523.[illegible]
Conway County	296,368.27	254,617.[illegible]
Menifee	3,395.11	2,916.[illegible]
Morrilton	71,504.79	61,431.[illegible]
Oppelo	7,914.65	6,799.[illegible]
Plumerville	9,322.92	8,009.[illegible]
Craighead County	272,379.62	264,127.1
Bay	29,141.90	28,258.[illegible]
Black Oak	4,630.32	4,490.[illegible]
Bono	24,479.20	23,737.[illegible]
Brookland	21,565.01	20,911.[illegible]
Caraway	21,840.23	21,178.[illegible]
Cash	4,759.84	4,615.[illegible]
Egypt	1,635.18	1,585.[illegible]
Jonesboro	898,784.74	871,553.7
Lake City	31,667.53	30,708.[illegible]
Monette	19,087.95	18,509.[illegible]
Crawford County	229,349.82	218,154.1
Alma	38,264.83	36,396.[illegible]
Cedarville	10,421.65	9,912.[illegible]
Chester	910.63	866.1
Dyer	5,380.99	5,118.3
Kibler	8,913.13	8,478.0
Mountainburg	6,273.22	5,967.0
Mulberry	14,965.60	14,235.0
Rudy	662.28	629.9
Van Buren	174,638.47	166,113.4
Crittenden County	567,881.82	567,396.5
Anthonyville	1,313.42	1,312.3
Clarkedale	325.73	325.4
Crawfordsville	2,700.39	2,698.0
Earle	15,950.19	15,936.5
Edmondson	2,695.14	2,692.8
Gilmore	1,380.67	1,379.4
Horseshoe Lake	1,686.43	1,684.9

Amend 174.03 Exemptions
Handed out at the City Council Meeting 3/15/

AGENDA REQUEST

FOR: COUNCIL MEETING OF ~~FEBRUARY~~ MARCH 15, 2011

FROM:

SARAH LEWIS, COUNCILMEMBER

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §117.47 **Advertising** Of The Fayetteville Code To Remove Authorization To Place Advertising Signs On Taxicabs

APPROVED FOR AGENDA:

Sarah Lewis, Councilmember — Date: 2/8/11

City Attorney — Date: Feb 8, 2011

02-23-11A09:46 RCVD

Kim J.

Left on the Second Reading at the 4/5/11 CC mtg.
Left on the First Reading at the 3/15/11 CC mtg.

Fayetteville
ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council

FROM: **Kit Williams**, City Attorney

DATE: **February 8, 2011**

RE: **Amendment of §117.47 Advertising to remove authority for advertising signs on taxicabs**

Councilmember Sarah Lewis asked that I draft an ordinance to repeal that portion of a 2004 ordinance that for the first time allowed advertising signs on taxis. She did not ask that the ordinance prohibit advertising signs on a bus.

From a legal point of view to protect the integrity of Fayetteville's Sign Ordinance, I opposed allowing signs on cabs or buses. I now support Councilmember Lewis' suggestion that advertising signs no longer be allowed on taxis. Allowing such signs on taxis weakens the City's primary legislative purposes: aesthetics and traffic safety: that support our Sign Ordinance and its ban on off-site signs (billboards). Too many exceptions to such a ban could cause a Court to reason that the ordinance will no longer achieve its goals and thus be invalid. That would mean the return of billboards to Fayetteville. Therefore, I oppose any further exceptions to our ban on off-site signs so that Fayetteville's Sign Ordinance may endure.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §117.47 **ADVERTISING** OF THE FAYETTEVILLE CODE TO REMOVE AUTHORIZATION TO PLACE ADVERTISING SIGNS ON TAXICABS

WHEREAS, prior to 2004, owners of taxicabs could not place signs advertising other businesses on their cabs; and

WHEREAS, even after the change in 2004, most taxicabs do not display such signs which cause a detrimental aesthetic impact upon the citizens and City of Fayetteville.

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 repeals §117.47 **Advertising** of the Fayetteville Code it its entirety and enacts a replacement §117.47 as follows.

"**§117.47 Bus Placards.**

"Subject to the restrictions provided herein, it shall be lawful for any person owning or operating a bus to permit advertising matter to be affixed or installed in or on such bus. The advertising shall not in any way obstruct the vision of the driver of the vehicle. Advertising on a bus shall be limited to one sign on each side of the vehicle and one sign on the rear of the vehicle, none of which signs shall exceed 12 square feet in area. It shall be unlawful for any person to display on any bus any advertisement of tobacco products, alcoholic beverages, x-rated motion pictures, or any advertisement that is false, misleading or deceptive."

PASSED and **APPROVED** this 15th day of March, 2011.

APPROVED: ATTEST:

By: _____ By: _____

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

Current law

117.47 Advertising

(A) Subject to the restrictions provided herein, it shall be lawful for any person owning or operating a taxicab, bus, van, or motor vehicle for hire to permit advertising matter to be affixed or installed in or on such taxicab, bus, van, or motor vehicle for hire. The advertising shall not in any way obstruct the vision of the driver of the vehicle. Advertising on a taxicab shall be limited to one sign located on the rear of the vehicle which sign shall not exceed nine square feet in area. Advertising on a bus or van shall be limited to one sign on each side of the vehicle and one sign on the rear of the vehicle, none of which signs shall exceed 12 square feet in area.

(B) It shall be unlawful for any person to display on any taxicab, bus, van, or motor vehicle for hire any advertisement of tobacco products, alcoholic beverages, x-rated motion pictures, or any advertisement that is false, misleading, or deceptive.

(Code 1965, §20-33.10; Ord. No. 1910, 4-3-73; Ord. No. 2750, 8-18-81; Code 1991, §117.47; Ord. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.48 Enforcement

The police department possesses the authority under existing law to issue citations as appropriate.

(Code 1965, §20-33.11; Ord. No. 1910, 4-3-73; Code 1991, §117.48; Ord. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.49 Meter Rates Established

(A) It shall be unlawful for any person, owning, operating, driving, or in charge of any taxicab for hire in the city to drive or operate such taxicab, or to use or advertise in connection therewith the word "taxi," "taxicab," or "cab" or in soliciting trade from the public to represent or exhibit such vehicle as a "taxi," "taxicab," or "cab" unless such vehicle is equipped with an approved fare meter according to the provisions of this chapter. An approved fare meter is a meter that registers accumulating fare charge with each amount being visible to passenger(s).

(B) Taxi services provided to patrons utilizing City issued taxi coupons shall be based on a zone rate system with the initial meter charge, charge per mile and additional person charge incorporated into a flat rate per zone. The Zone Rate shall be used exclusively by all taxicabs excluding waiting time except as provided in subsection (D) below. The ceiling rates shall apply to all taxicabs operating in the city. The initial zone rates are set out as follows:

Ceiling rate, no more than a rate of:

(a) Travel within One Zone $8.00

(b) Travel incorporating Two Zones $12.00

(c) No charge for additional person shall be charged.

(d) Waiting time ceiling rate, not to exceed $10.00 per hour.

(C) Taxi companies shall utilize the zone of the trip origination and zone of the trip destination for purposes of valuation for the trip.

(D) A taxicab operator may make special contractual arrangements in advance with persons at fares either higher or lower than those set forth by this article, but such contract must be in writing and a copy thereof filed with the City Clerk.

(Ord. 4751, 9-06-05; Ord 4777, 10-04-05)

117.50-117.59 Reserved

ARTICLE V
LIMOUSINE SERVICE

117.60 Definition

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

Limousine service. Transportation service over the streets of the city, in a type of automobile commonly referred to as a limousine. This definition expressly excludes taxicabs.

(Code 1965, §20-34; Ord. No. 1080, 4-4-55; Ord. No. 2099, 4-15-75; Code 1991, §117.60; Ord. No 4623, 10-05-04; Ord. 4661, 12-21-04)

117.61 License Required; Fee

It is hereby declared to be a privilege for any person to furnish limousine service, and no person shall engage in such undertaking without first paying to the city an annual license fee of $100.00 for each limousine used on the streets of the city, for the privilege of engaging in such business, and obtaining a Certificate of Public Convenience and Necessity. The fee shall be paid on or before January 1st of each year.

(Code 1965, §20-35; Ord. No. 1080, 4-4-55; Ord. No. 2099, 4-15-75; Code 1991, §117.61; Ord. No. 4623, 10-05-04; Ord. 4661, 12-21-04)

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/19/2011
City Council Meeting Date
Agenda Items Only

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

Action Required:

VAC 11-3769: (Bracey, 526): Submitted by John Bracey for property located at 237 Ray Avenue. The property is zoned R-PZD, Residential Planned Zoning District. The request is to vacate a portion of a utility easement.

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

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — Date: 04.01.2011

City Attorney — Date: 4-1-11

Finance and Internal Services Director — Date: 4-1-2011

Chief of Staff — Date: 4-4-11

Mayor — Date: 4/4/11

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office 04-01-11P10:42 RCVD

Received in Mayor's Office ENTERED 4/4/11

Comments:

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: January 6, 2011

Subject: VAC 11-3769 (Ray Avenue)

RECOMMENDATION

Staff and Planning Commission recommend approval of an ordinance vacating a portion of a utility easement on the subject property (VAC 11-3769).

BACKGROUND

The subject property is located at 237 Ray Avenue, east of Happy Hollow Road, in the Timber Trails neighborhood, and is developed for a single-family home. The surrounding land use and zoning consists of single-family residences.

The applicant's request is to vacate a portion (178.7 square feet) of a utility easement located along the property frontage in which the overhang of the home encroaches by approximately one foot.

DISCUSSION

On March 28, 2011 the Planning Commission forwarded this request to the City Council with a recommendation for approval with a vote of 8-0-1 (Commissioner Lack recused).

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 11-3769 SUBMITTED BY JOHN BRACEY FOR PROPERTY LOCATED AT 237 RAY AVENUE TO VACATE A PORTION OF A UTILITY EASEMENT, A TOTAL OF 178.7 SQUARE FEET.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted utility easement is not required for corporate purposes;

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 vacates and abandons the following utility easement as described in Exhibit B (attached).

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit A shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the following Conditions of Approval and shall not be in effect until these conditions are met:

1. The applicant shall remove the portion of the deck that crosses the north property line and encroaches into the tree preservation area prior to the acceptance of this utility easement vacation.
2. Prior to removal of the deck, the applicant shall obtain Board of Adjustment approval of a variance request to bring the deck and home into compliance with the bulk and area requirements of the underlying zoning district.

PASSED and **APPROVED** this day of , 2011.

APPROVED: ATTEST:

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

EXHIBIT "B"
VAC 11-3769

PROPOSED EASEMENT VACATION DESCRIPTION:
A PART OF LOT 2 IN TIMBER TRAILS SUBDIVISION TO THE CITY OF FAYTTEVILLE, ARKANSAS AS PER PLAT ON FILE IN PLAT RECORD "23A" AT PAGE 255 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N86°51'01"W 17.00' FROM THE SOUTHEAST CORNER OF SAID LOT 2 AND RUNNING THENCE N86°51'01"W 3.00', THENCE N03°08'59"E 59.28', THENCE N82°35'15"E 3.05', THENCE S03°08'59"W 59.84' TO THE POINT OF BEGINNING. CONTAINING 178.7 SQUARE FEET, MORE OR LESS. SUBJECT TO RECORDED INSTRUMENTS, COVENANTS, RIGHTS-OF-WAY AND EASEMENTS.

Fayetteville
ARKANSAS

PC Meeting of March 14, 2011

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:	~~March 7, 2011~~ *Updated April 1, 2011*

VAC 11-3769: Vacation (237 RAY AVE/BRACEY, 526): Submitted by JOHN BRACEY for property located at 237 RAY AVENUE. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT TIMBER TRAILS and contains approximately 0.15 acre. The request is to vacate a portion of a utility easement.

Planner: Dara Sanders

Findings:

Property Description: The subject property is located at 237 Ray Avenue, east of Happy Hollow Road, in the Timber Trails neighborhood, and is developed for a single-family home. The surrounding land use and zoning consists of single-family residences.

A recent survey of the home conducted as part of a real estate transaction revealed that the overhang of the home encroaches into one foot of a general utility easement on the east side, as well as the required front setback and north side setback. The survey also reveals that a wood deck was constructed without a building permit to encroach into the required north side setback and over the property north property within the tree preservation/common area. To resolve this issue, the applicant is required to remove the deck or obtain approval of a property line adjustment, vacate the tree preservation area, and request a variance from Board of Adjustment for the front and side setback requirements.

Request: The applicant's request is to vacate a portion (178.7 square feet) of a utility easement.

The applicant has submitted the required easement vacation notification forms to the utility companies and to the City with the result summarized below.

UTILITIES	RESPONSE
Ozarks Electric	No Objections
Cox Communications	No Objections

Southwestern Electric Power Company	No Objections
Arkansas Western Gas	No Objections
AT&T	No Objections
CITY OF FAYETTEVILLE:	**RESPONSE**
Water/Sewer	No Objections
Transportation	No Objections
Solid Waste	No Objections
Engineering	No Objections

Public Comment: No public comment has been received.

Recommendation: Staff recommends tabling **VAC 11-3769** to the March 24th Planning Commission meeting to allow staff and the applicant to address the issue of the tree preservation area and setback encroachments.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: x Forwarded ☐ Denied ☐ Tabled

Date: March 14, 2011
Motion: Cabe
Second: Chesser
Vote: 8-0-1 (Lack recused)
Note: _____

EASEMENT VACATION SITE PLAN

FIELD WORK:
NOVEMBER 1, 2010

BASIS OF BEARING:
FINAL PLAT OF TIMBER TRAILS
SUBDIVISION FILED IN BOOK 23A, PAGE 255

REFERENCE DOCUMENTS:
1) WARRANTY DEED FILED IN BOOK 2009 AT PAGE 27920
2) FINAL PLAT OF TIMBER TRAILS SUBDIVISION FILED IN BOOK 23A AT PAGE 255

PROPERTY ZONED:
R-PZD 04-1154

BUILDING SETBACKS:

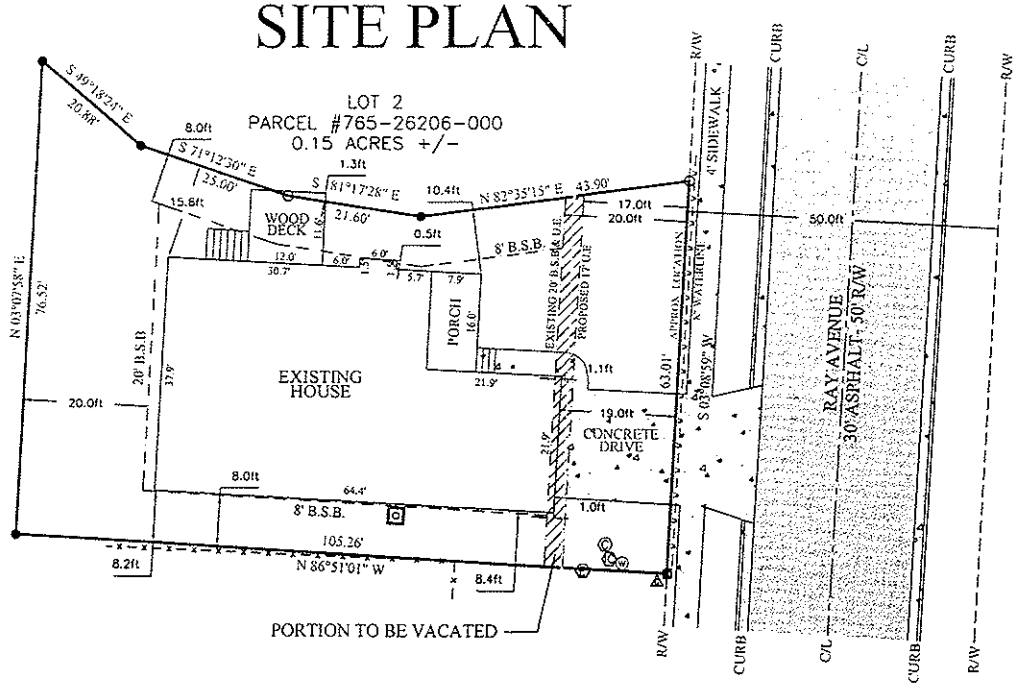
FRONT	20ft
SIDE	8ft
REAR	20ft

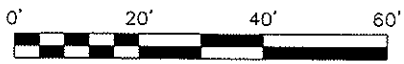
SURVEY DESCRIPTION:
LOT 2 IN TIMBER TRAILS SUBDIVISION TO THE CITY OF FAYTTEVILLE, ARKANSAS AS PER PLAT ON FILE IN PLAT RECORD "23A" AT PAGE 255 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS. SUBJECT TO RECORDED INSTRUMENTS, COVENANTS, RIGHTS-OF-WAY AND EASEMENTS.

PROPOSED EASEMENT VACATION DESCRIPTION:
A PART OF LOT 2 IN TIMBER TRAILS SUBDIVISION TO THE CITY OF FAYTTEVILLE, ARKANSAS AS PER PLAT ON FILE IN PLAT RECORD "23A" AT PAGE 255 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N86°51'01"W 17.00' FROM THE SOUTHEAST CORNER OF SAID LOT 2 AND RUNNING THENCE N86°51'01"W 3.00', THENCE N03°08'59"E 59.28', THENCE N82°35'15"E 3.05', THENCE S03°08'59"W 59.84' TO THE POINT OF BEGINNING. CONTAINING 178.7 SQUARE FEET, MORE OR LESS. SUBJECT TO RECORDED INSTRUMENTS, COVENANTS, RIGHTS-OF-WAY AND EASEMENTS.

NOTE:
THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.

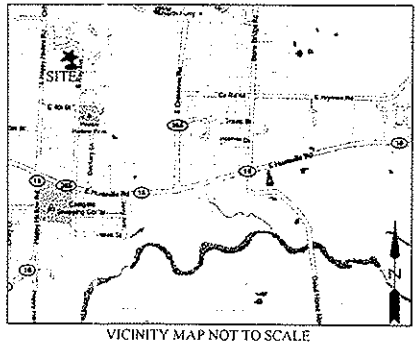
FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS.
(FIRM PANEL #05143C0220F, DATED MAY 16, 2008)





GRAPHIC SCALE (IN FEET)
1 inch = 20ft.

VICINITY MAP



VICINITY MAP NOT TO SCALE

TECHNICAL PLAT REVIEW
Date

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 1ST DAY OF NOVEMBER, 2010.

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO. 1642
SIGNATURE
DERRICK L. THOMAS

IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

LEGEND:
THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING
FOUND 3/8" REBAR/ CAP #1452
FOUND 1/2" REBAR
SET 3/8" REBAR/CAP
ELECTRIC PEDESTAL
CABLE PEDESTAL
IRRIGATION CONTROL VALVE
WATER METER
DOUBLE GAS METER
A/C UNIT
BOUNDARY LINE (MEASURED)
CENTERLINE OF ROAD
RIGHT-OF-WAY
WATER LINE
FENCE
BUILDING SETBACK
UTILITY EASEMENT

Bates & Associates, Inc.
Civil Engineering & Land Surveying
01 W. Colt Square Dr. - Fayetteville, Arkansas 72703 - 479.442.9330 - Fax 479.521.8309

BATES & ASSOCIATES, INC. Copyright 2010
This survey was conducted for the person or persons whose name(s) appear on this plat. This plat is protected by copyright. No one may alter this plat, reproduce it in any form or distribute this plat without the express written consent of Bates & Associates, Inc. Bates & Associates, Inc. assumes no responsibility for damages of record, inconsistencies, omissions, errors and/or deficiencies in the survey, evidence, or any other fact which a complete and accurate title search may disclose. Any flood information provided on this plat is for informational only, and Bates & Associates, Inc. assumes no liability for the accuracy of the information provided. Flood information should be verified with the appropriate agency. Bates & Associates, Inc. does not represent the opinion of Bates & Associates, Inc. of the probability of flooding.

FOR USE AND BENEFIT OF:
LINDSEY & ASSOCIATES
STACY PIXLEY

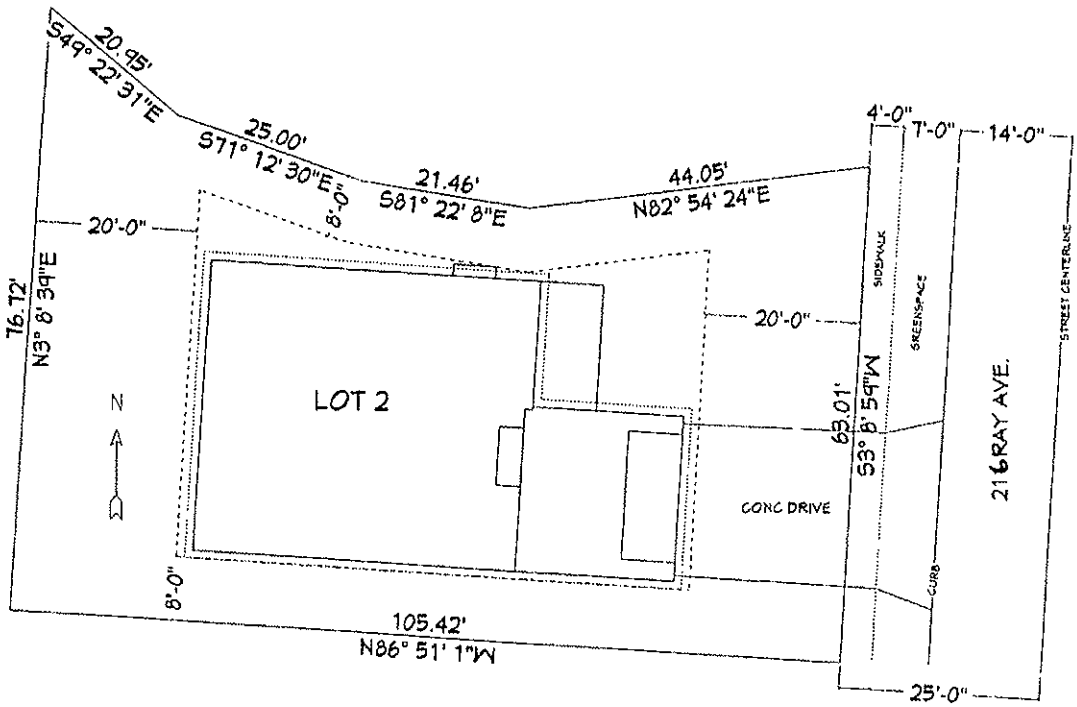
ADDRESS:
237 S. RAY AVE.
FAYETTEVILLE, ARKANSAS

DATE: 11/1/2010 | SCALE: 1"=20'
LOCATION: LOT 2 TIMBER TRAILS SUBDIVISION
SURVEYED: DT | DRAFTED: DT
REVIEWED: DT

DRAWING# 10-223

237 Ray Ave.
ADDRESS 41487
PERMIT #
CONSTRUCTION CONFORMS TO SIT DRAWING
SUBMITTED FOR APPROVAL AND MINIMUM SET
BACKS ARE NOT VIOLATED
OWNER/APPLICATE 12/3/09
DATE
BUILDING OFFICIAL
DATE
FAYETTEVILLE
BUILDING SAFETY & PLANNING DIVISION

NORTH



Timber Trails Subd. Fayetteville, AR Jon Brittenum Const. October 10, 2009	PLOT PLAN Setbacks: Front: 20' Rear: 20' Side: 8'	PRECISON LAYOUT, INC. P.O. BOX 10108 FAYETTEVILLE, AR. JKE1949@YAHOO.COM CELL: 479.841.4674

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7 FEB 11

UTILITY COMPANY: CITY OF FAYETTEVILLE WATER & SEWER

APPLICANT NAME: WFB (John Bracey) APPLICANT PHONE: 479- 445- 7505

REQUESTED VACATION (*applicant must check all that apply*):

~ Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 237 S. RAY AVE. FAYETTEVILLE ARKANSAS LOT 2 TIMBER TRAILS

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Signature of Utility Company Representative

OPERATIONS MANAGER

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY & ALLEY, VACATION

DATE: 12. 09. 2010

UTILITY COMPANY: AT & T – Sue Clouser

Applicant Name: _____ Applicant Phone: _____

REQUESTED VACATION (***applicant must check all that apply***):

☐ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ **Alley**

☐ **Street right-of-way**

I have been notified of the petition to vacate the following *easements*, described as follows:

General location / Address: 237 S. RAY AVE

See attached existing easements and proposed easement drawings for details.

UTILITY COMPANY COMMENTS:

☐ Objects to the vacation(s) described above.

☒ No objections to the vacation(s) described above. on attached document

☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

☐ No objections to the vacation(s) described above, provided the following :

Signature of Utility Company Representative

OSP DESIGN ENGINEER
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 12/7/10

UTILITY COMPANY: Cox Communications

APPLICANT NAME: _____ APPLICANT PHONE: _____

REQUESTED VACATION (*applicant must check all that apply*):

~ Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

_____

- No objections provided the following conditions are met:

Any damage or relocation of existing facilities will be at developer's expensive

Signature of Utility Company Representative

Field Engineer

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 1/19/11

UTILITY COMPANY: AEP - SWEPCO

APPLICANT NAME: WFB Development (JOHN BRACEY) APPLICANT PHONE: 479 - 445-7505

REQUESTED VACATION (*applicant must check all that apply*):

✓ Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Signature of Utility Company Representative

Distribution Engineer

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 12/7/10

UTILITY COMPANY: Arkansas Western Gas

APPLICANT NAME: WFB Development APPLICANT PHONE: 479-445-7505

REQUESTED VACATION (*applicant must check* ***all*** *that apply*):

X Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Any damage or relocation of existing facilities will be at developer's expensive

James Boyd
Signature of Utility Company Representative

Field Coordinator
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 12/7/10

UTILITY COMPANY: OZARKS ELECTRIC

APPLICANT NAME: _____ APPLICANT PHONE: _____

REQUESTED VACATION (***applicant must check all that apply***):

~ Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

_____

- No objections provided the following conditions are met:

Any damage or relocation of existing facilities will be at developer's expensive

Signature of Utility Company Representative

Lead staking Tech

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 1-19-11

UTILITY COMPANY: Solid Waste & Recycling

APPLICANT NAME: WFB (John Bracey) APPLICANT PHONE: 972- 445- 7505

REQUESTED VACATION (***applicant must check all that apply***):

~ Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 237 S. Ray Ave.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Brian Pugh
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 1-19/11

UTILITY COMPANY: City of Fayetteville / Transportation Division

APPLICANT NAME: WFB / JOHN BRACEY APPLICANT PHONE: 479- 445-7505

REQUESTED VACATION (***applicant must check all that apply***):

~ Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- (•) No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Signature of Utility Company Representative

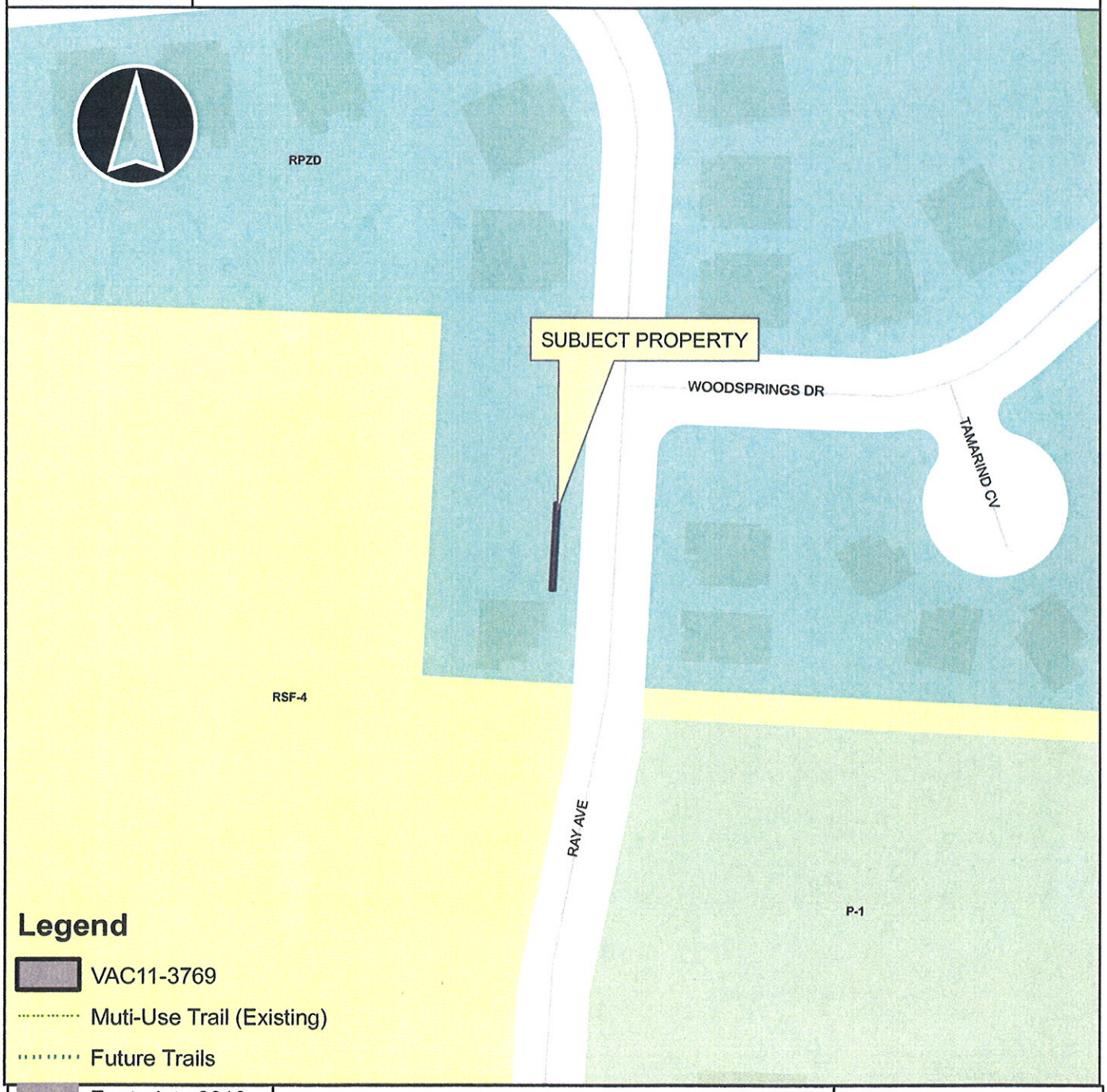
Transportation Services Director

Title

VAC11-3769

Close Up View

BRACEY



Legend

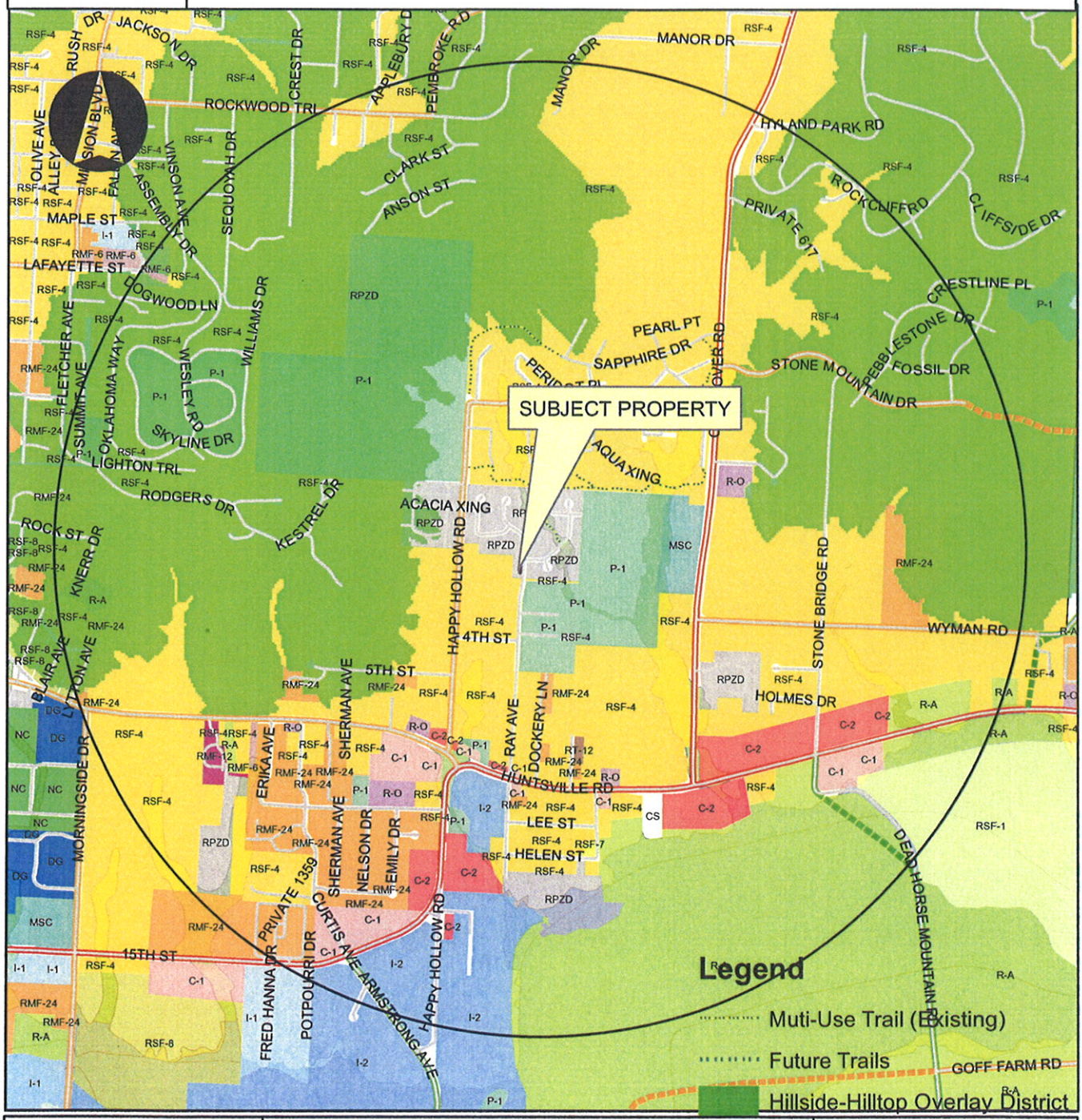
- VAC11-3769
- Muti-Use Trail (Existing)
- Future Trails
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

0 37.5 75 150 225 300 Feet

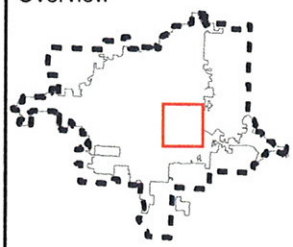
VAC11-3769

One Mile View

BRACEY



Overview



Legend

Subject Property

VAC11-3769

Boundary

VAC11-3769

Design Overlay District

Planning Area

Fayetteville

0 0.25 0.5 1 Miles

Fayetteville
ARKANSAS

PC Meeting of March 14, 2011

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:	March 7, 2011

VAC 11-3769: Vacation (237 RAY AVE/BRACEY, 526): Submitted by JOHN BRACEY for property located at 237 RAY AVENUE. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT TIMBER TRAILS and contains approximately 0.15 acre. The request is to vacate a portion of a utility easement.

Planner: Dara Sanders

Findings:

Property Description: The subject property is located at 237 Ray Avenue, east of Happy Hollow Road, in the Timber Trails neighborhood, and is developed for a single-family home. The surrounding land use and zoning consists of single-family residences.

A recent survey of the home conducted as part of a real estate transaction revealed that the overhang of the home encroaches into one foot of a general utility easement on the east side, as well as the required front setback and north side setback. The survey also reveals that a wood deck was constructed without a building permit to encroach into the required north side setback and over the property north property within the tree preservation/common area. To resolve this issue, the applicant is required to remove the deck or obtain approval of a property line adjustment, vacate the tree preservation area, and request a variance from Board of Adjustment for the front and side setback requirements.

Request: The applicant's request is to vacate a portion (178.7 square feet) of a utility easement.

The applicant has submitted the required easement vacation notification forms to the utility companies and to the City with the result summarized below.

UTILITIES	RESPONSE
Ozarks Electric	No Objections
Cox Communications	No Objections

Southwestern Electric Power Company	No Objections
Arkansas Western Gas	No Objections
AT&T	No Objections
CITY OF FAYETTEVILLE:	**RESPONSE**
Water/Sewer	No Objections
Transportation	No Objections
Solid Waste	No Objections
Engineering	No Objections

Public Comment: No public comment has been received.

Recommendation: Staff recommends tabling **VAC 11-3769** to the March 24th Planning Commission meeting to allow staff and the applicant to address the issue of the tree preservation area and setback encroachments.

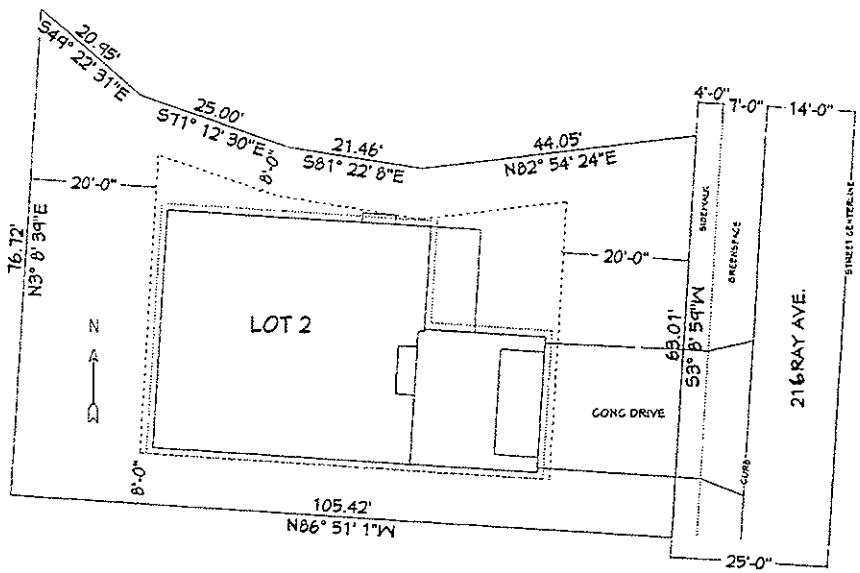
CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: ☐ **Forwarded** ☐ **Denied** ☐ **Tabled**

Date: March 14, 2011
Motion: _____
Second: _____
Vote: _____
Note: _____

237 Ray Ave.
ADDRESS 41487
PERMIT #
CONSTRUCTION CONFORMS TO SIT DRAWING SUBMITTED FOR APPROVAL AND MINIMUM SET BACKS ARE NOT VIOLATED
OWNER/APPLICATE 12/3/09 DATE
BUILDING OFFICIAL DATE
FAYETTEVILLE
BUILDING SAFETY & PLANNING DIVISION

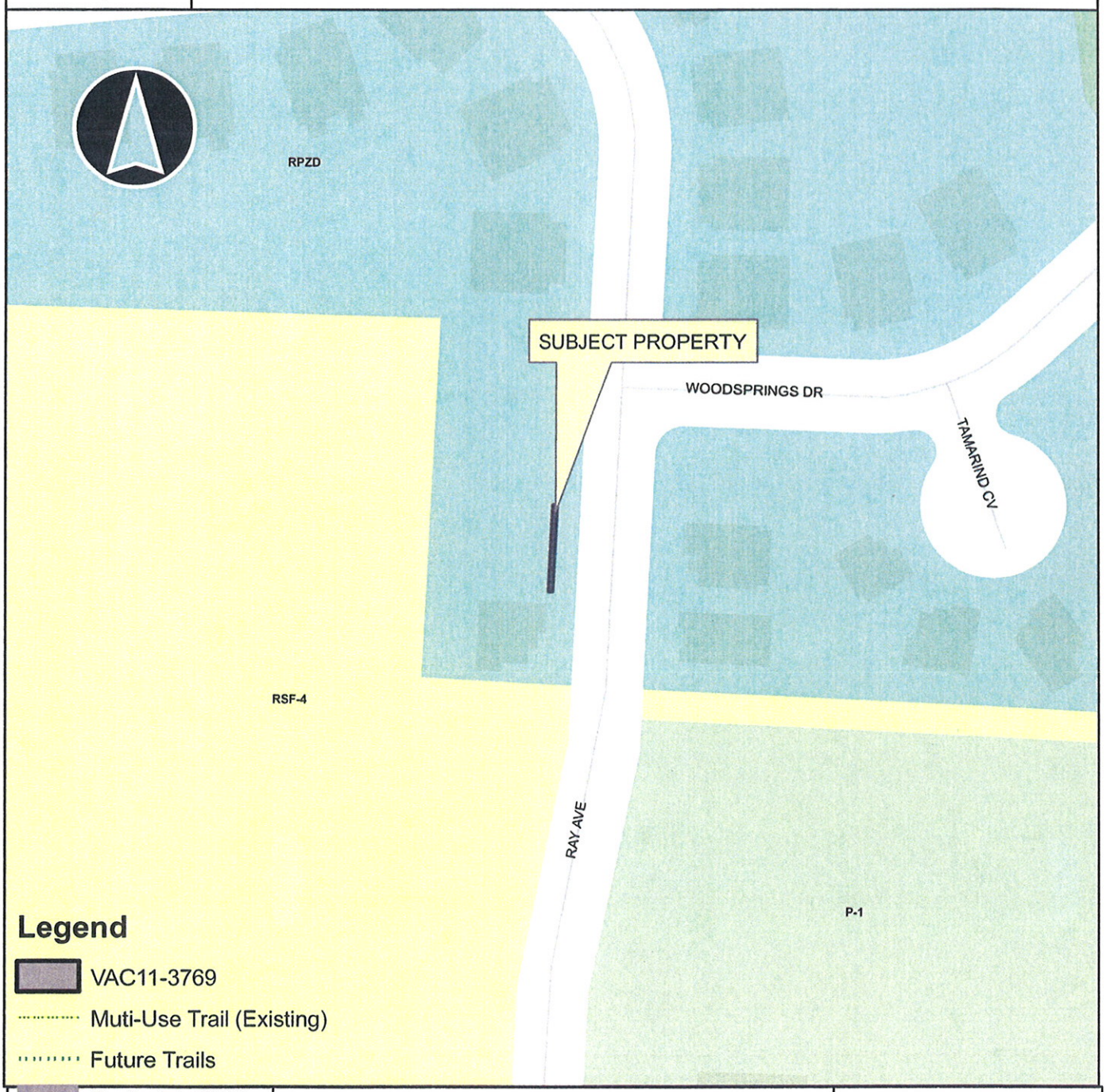


Timber Trails Subd. Fayetteville, AR Jon Brittenum Const. October 10, 2009	**PLOT PLAN** Setbacks: Front: 20' Rear: 20' Side: 8'	PRECISON LAYOUT, INC. P.O. BOX 10108 FAYETTEVILLE, AR. JKE1949@YAHOO.COM CELL: 479.841.4674

VAC11-3769

Close Up View

BRACEY



Legend

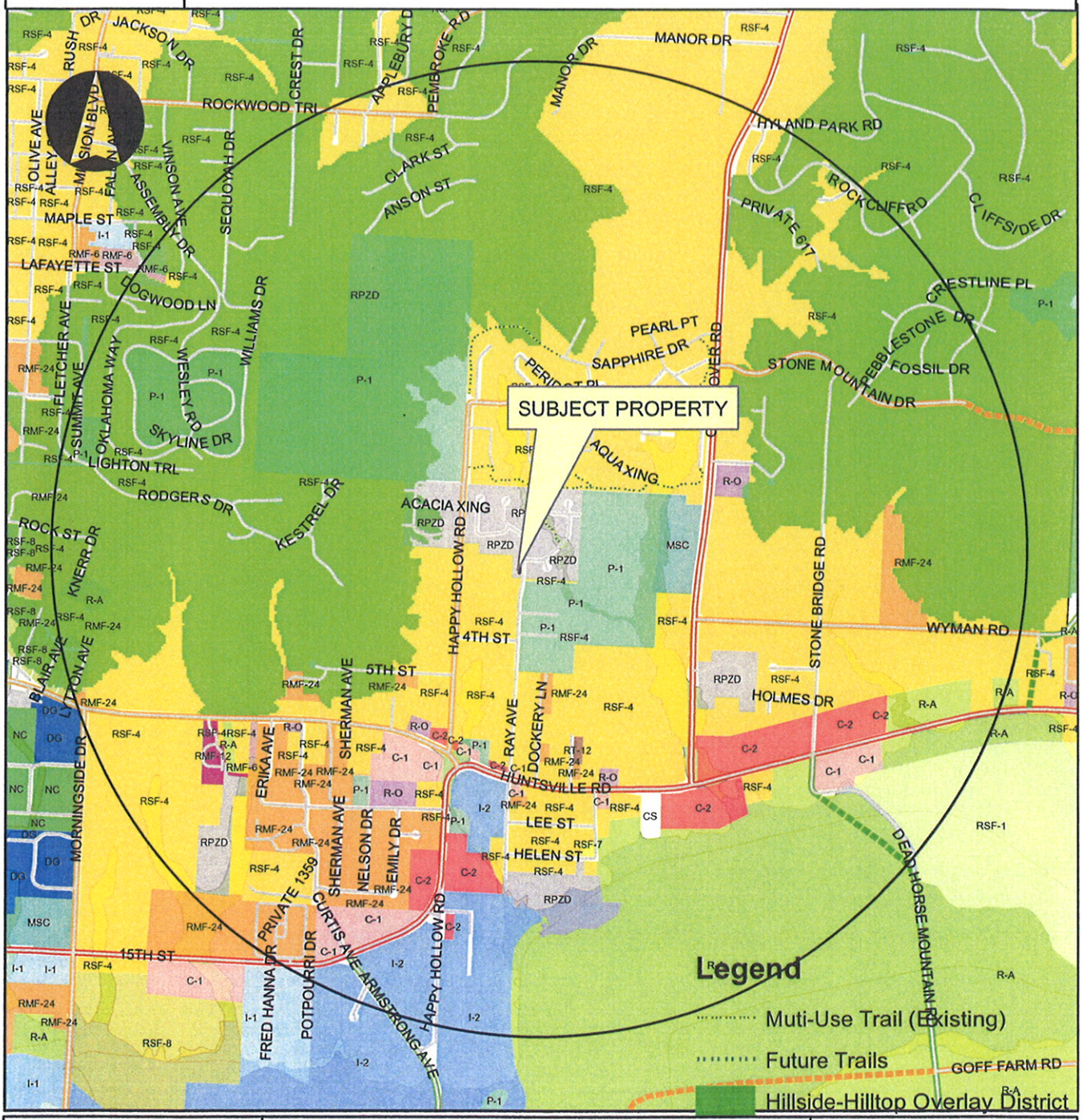
- VAC11-3769
- Muti-Use Trail (Existing)
- Future Trails
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

0 37.5 75 150 225 300 Feet

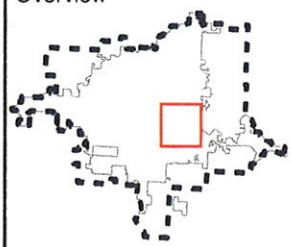
VAC11-3769

One Mile View

BRACEY



Overview



Legend

Subject Property

VAC11-3769

Boundary

VAC11-3769

Design Overlay District

Planning Area

Fayetteville

0 0.25 0.5 1 Miles

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/19/2011
City Council Meeting Date
Agenda Items Only

Andrew Garner	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

VAC 11-3792: (U of A, 62): Submitted by H2 Engineering for property located on the north side of Douglas Street between Oakland and Storer Avenues. The property is zoned RMF-40, Residential Multi-Family, 40 units per acre. The request is to vacate a 15 foot wide alley right-of-way.

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

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — Date: 04.01.2011

City Attorney — Date: 4-1-11

Finance and Internal Services Director — Date: 4-1-2011

Chief of Staff — Date: 4-4-11

Mayor — Date: 4/4/11

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office 04-01-11 A01:18 RCVD

Received in Mayor's Office ENTERED 4/4/11

Comments:

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Director JP

From: Andrew Garner, Senior Planner

Date: April 1, 2011

Subject: VAC 11-3792 (University of Arkansas Alley Vacation)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating a 15-foot wide public alley on the subject property.

BACKGROUND

The subject property is located on the north side of Douglas Street between Oakland and Storer Avenues, and is developed for a parking lot that is owned by the University of Arkansas. The surrounding land use consists of single and multi-family residences and surface parking lots. There is a 15-foot wide alley that bisects the property connecting between Oakland and Storer Avenues. This platted alley is completely surrounding by property owned by the University of Arkansas and does not serve any parcels. The applicant's request is to vacate the 15-foot alley as indicated on the attached survey.

DISCUSSION

The applicant has submitted the required notification forms to the utility companies and to the City water, sewer, engineering, solid waste, and transportation divisions with no objections to the vacation of the alley. On March 28, 2011 the Planning Commission unanimously forwarded this request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 11-3792 SUBMITTED BY H2 ENGINEERING FOR PROPERTY LOCATED ON THE NORTH SIDE OF DOUGLAS STREET BETWEEN OAKLAND AND STORER AVENUES TO VACATE A 15-FOOT WIDE ALLEY RIGHT-OF-WAY.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described platted alley right-of-way is not required for corporate purposes;

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 vacates and abandons the following alley right-of-way as described in Exhibit B (attached).

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit A shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the following Condition of Approval and shall not be in effect until this condition is met:

"Any relocation of existing utilities shall be at the owner/developer's expense."

PASSED and **APPROVED** this day of , 2011.

APPROVED:

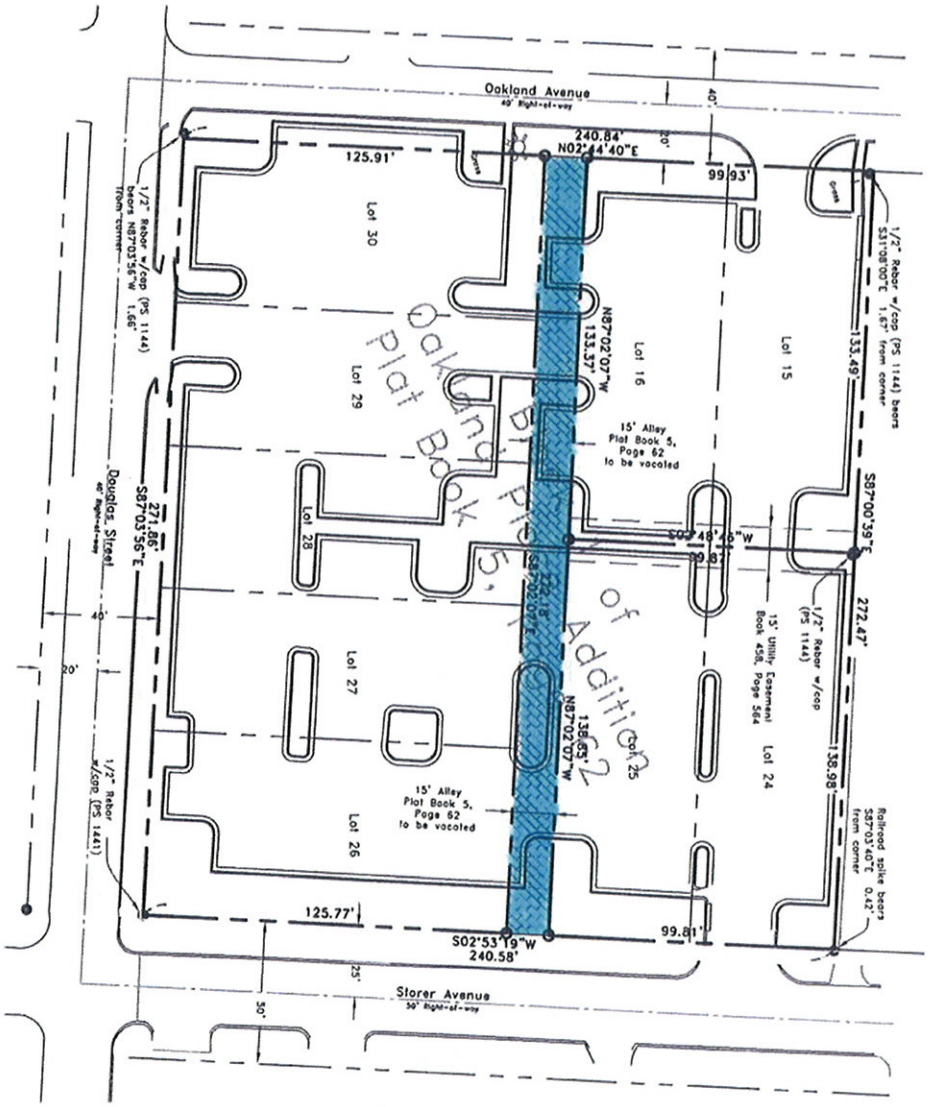
By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

EXHIBIT "A"

C:\Land Projects 2007\11-001 U of A\survey\11-001alley vacation.dwg, ANSI B, 2/28/2011 5:51:48 PM, Leon



GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

Alley Vacation Description

All of the 15' wide East/West Alley running between Lots 16, 25, 26, 27, 28, 29, and 30 of Block 1 of Oakland Place Addition recorded in Plat Book 5 at Page 62 in the Circuit Clerk's Office of Washington County, Arkansas.

H2 ENGINEERING, INC.

ALLEY VACATION EXHIBIT

1 of 1

EXHIBIT "B"
VAC 11-3792

ALLEY VACATION DESCRIPTION

ALL OF THE 15' WIDE EAST/WEST ALLEY RUNNING BETWEEN LOTS 16, 25, 26, 27, 28, 29, AND 30 OF BLOCK 1 OF OAKLAND PLACE ADDITION RECORDED IN PLAT BOOK 5 AT PAGE 62 IN THE CIRCUIT CLERK'S OFFICE OF WASHINGTON COUNTY, ARKANSAS.

Fayetteville
ARKANSAS

PC Meeting of March 28, 2011

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Andrew Garner, Senior Planner
THRU:	Jeremy Pate, Development Services Director
DATE:	~~March 18, 2011~~ *Updated April 1, 2011*

VAC 11-3792: Vacation (BETWEEN OAKLAND AND STORER AVE./U OF A, 62): Submitted by H2 ENGINEERING for property located on the NORTH SIDE OF DOUGLAS STREET BETWEEN OAKLAND AND STORER AVENUE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 1.41 acres. The request is to vacate a 15-foot alley right-of-way. Planner: Andrew Garner

Findings:

Property Description: The subject property is located on the north side of Douglas Street between Oakland and Storer Avenues, and is developed for parking lot that is owned by the University of Arkansas. The surrounding land use consists of single and multi-family residences and surface parking lots.

There is a 15-foot wide alley that bisects the property connecting between Oakland and Storer Avenues. This platted alley is completely surrounding by property owned by the University of Arkansas and does not serve any parcels.

Request: The applicant's request is to vacate the 15-foot alley as indicated on the attached survey.

The applicant has submitted the required alley right-of-way vacation notification forms to the utility companies and to the City with the result summarized below.

UTILITIES	RESPONSE
Ozarks Electric	No Objections
Cox Communications	No Objections
Southwestern Electric Power Company	No Objections
Arkansas Western Gas	No Objections

AT&T	No Objections
CITY OF FAYETTEVILLE:	**RESPONSE**
Water/Sewer	No Objections
Transportation	No Objections
Solid Waste	No Objections
Engineering	No Objections

Public Comment: Two adjacent property owners inquired about the requested vacation but did not have any objection.

Recommendation: Staff recommends forwarding **VAC 11-3792** to the City Council with a recommendation for approval subject to the following conditions:

1. Any damage or relocation of utilities shall be at the owner/developer's expense.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: X **Forwarded** ☐ **Denied** ☐ **Tabled**

Date: March 28, 2011
Motion: Cabe
Second: Chesser
Vote: 8-0-1 (Lack recused)
Note: On consent agenda.

H2 ENGINEERING, INC.

March 2, 2011

City of Fayetteville
Planning Commission
113 West Mountain St.
Fayetteville, AR 72701

RE: UNIVERSITY OF ARAKSAS
JEAN TYSON CHILD DEVELOPMENT STUDY CENTER
ALLEY VACATION

To Whom It May Concern:

Please accept this letter as our official request for an Alley Vacation running east and west through the center of the above referenced property. The property was recently converted into a parking lot, thereby removing the need for this alley to be in use. The platted alley does not currently serve any parcels on this property. We are proposing a new facility on this property which will further remove the need for a public alley in this location. Also, the configuration and size of our proposed facility will place a portion of the facility within the existing alley. The property is surrounded by streets on 3 sides which are more than adequate to service the proposed facility.

All utility agencies and required city divisions have granted their approval for the vacation of this alley.

Thank you for your consideration of this request.

Respectfully,

Jeremy Thompson, P.E.
Vice President

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 1, 2011

UTILITY COMPANY: Arkansas Western Gas

APPLICANT NAME: UNIVERSITY OF ARKANSAS APPLICANT PHONE: 479-575-3371

REQUESTED VACATION (***applicant must check all that apply***):

~ Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**North side of Douglas St. between Oakland Ave. and Storer Ave.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Cameron Bingham

Signature of Utility Company Representative

Director, Asset Management

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 1, 2011

UTILITY COMPANY: Cox Communications

APPLICANT NAME: UNIVERSITY OF ARKANSAS APPLICANT PHONE: 479-575-3371

REQUESTED VACATION (*applicant must check all that apply*):

~ Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ X Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**North side of Douglas St. between Oakland Ave. and Storer Ave.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

ANY DAMAGE OR RELOCATION OF EXISTING FACILITIES WILL BE AT THE DEVELOPER'S Expense..

Signature of Utility Company Representative

Field Engineer
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 1, 2011

UTILITY COMPANY: AEP / SWEPCO

APPLICANT NAME: UNIVERSITY OF ARKANSAS APPLICANT PHONE: 479-575-3371

REQUESTED VACATION (*applicant must check all that apply*):

~ Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ X Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**North side of Douglas St. between Oakland Ave. and Storer Ave.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Jim Sargent
Signature of Utility Company Representative

ENGINEER I
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 1, 2011

UTILITY COMPANY: AT&T

APPLICANT NAME: UNIVERSITY OF ARKANSAS APPLICANT PHONE: 479-575-3371

REQUESTED VACATION (*applicant must check all that apply*):

~ Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**North side of Douglas St. between Oakland Ave. and Storer Ave.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

IF ANY ATT FACILITIES EXIST IN THE AREA TO BE VACATED AND ARE DAMAGED OR NEED TO BE RELOCATED IT WILL BE AT THE OWNER OR DEVELOPER'S EXPENSE

Susan K Clower

Signature of Utility Company Representative

OSP DESIGN ENGINEER

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 1, 2011

UTILITY COMPANY: City of Fayetteville - Solid Waste & Recycling

APPLICANT NAME: UNIVERSITY OF ARKANSAS APPLICANT PHONE: 479-575-3371

REQUESTED VACATION (*applicant must check all that apply*):

~ Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**North side of Douglas St. between Oakland Ave. and Storer Ave.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Signature of Utility Company Representative

Waste Reduction Coordinator
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 1, 2011

UTILITY COMPANY: City of Fayetteville - Transportation

APPLICANT NAME: UNIVERSITY OF ARKANSAS APPLICANT PHONE: 479-575-3371

REQUESTED VACATION (***applicant must check all that apply***):

~ Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

✓ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**North side of Douglas St. between Oakland Ave. and Storer Ave.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

✓ No objections to the vacation(s) described above.

- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Terry J. Gulley
Signature of Utility Company Representative

Trans. Services Dir
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 1, 2011

UTILITY COMPANY: City of Fayetteville - Water & Sewer

APPLICANT NAME: UNIVERSITY OF ARKANSAS APPLICANT PHONE: 479-575-3371

REQUESTED VACATION (*applicant must check all that apply*):

~ Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

X Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**North side of Douglas St. between Oakland Ave. and Storer Ave.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Applicant will be required to connect to the City sewer system for the future construction. Sewer is available at the north property line.

Signature of Utility Company Representative

Utilities Engineer

Title

PETITION TO VACATE

PETITION TO VACATE AN ALLEY LOCATED NORTH OF DOUGLAS ST., BETWEEN OAKLAND AVE. AND STORER AVE., CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying North of Douglas St., between Oakland Ave. and Storer Ave., City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an alley, which is described as follows:

All of the 15' wide East/West Alley running between Lots 16, 25, 26, 27, 28, 29, and 30 of Block 1 of Oakland Place Addition recorded in Plat Book 5 at Page 62 in the Circuit Clerk's Office of Washington County, Arkansas.

That the abutting real estate affected by said abandonment of the Alley is North of Douglas St., between Oakland Ave. and Storer Ave., City of Fayetteville, used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

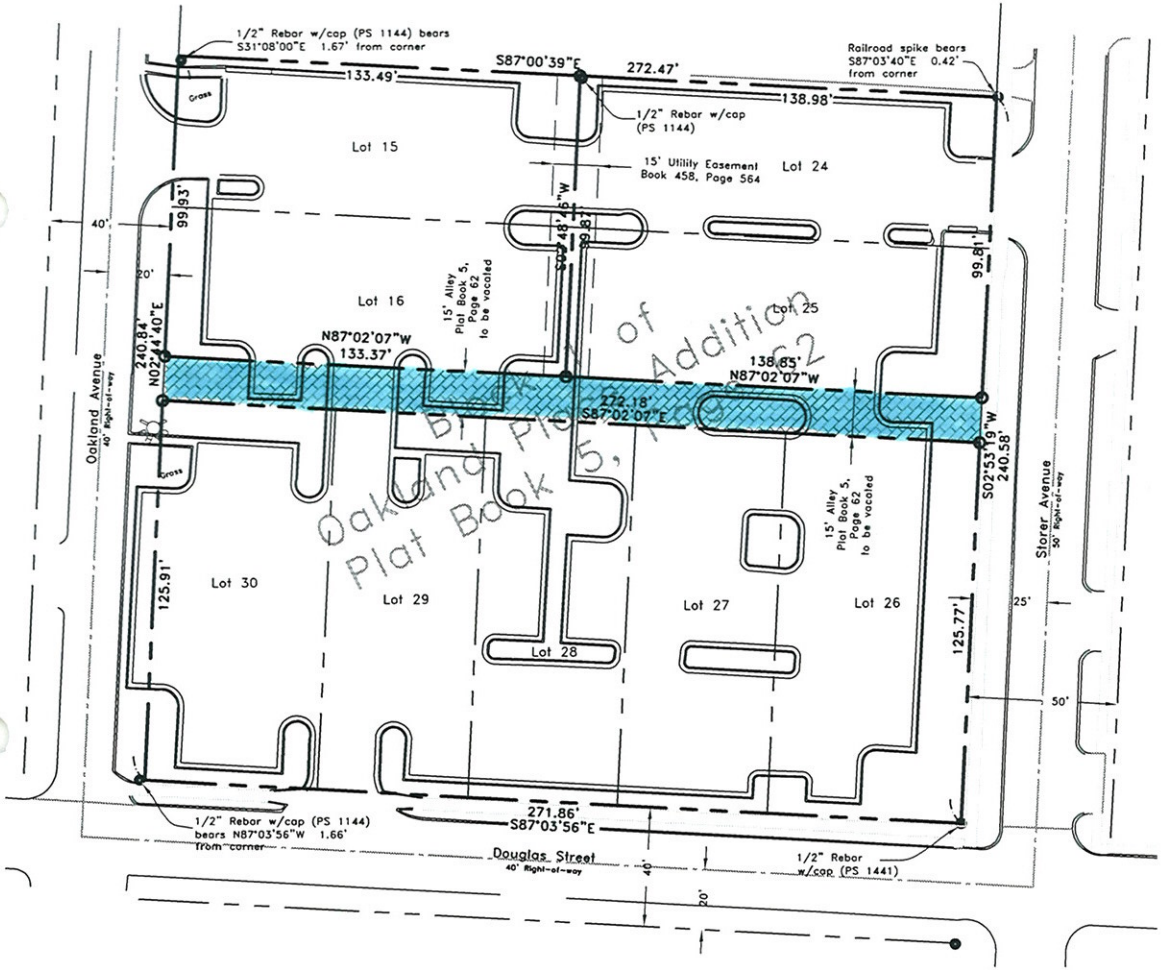
WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, and as to that particular land the owners be free from the easements of the public for the use of said easement.

Dated this 3rd day of March, 2011.

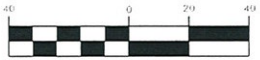
UNIVERSITY OF ARKANSAS
Printed Name

S. O. Pederson
Signature

VICE CHANCELLOR FOR
FINANCE & ADMINISTRATION



GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

Alley Vacation Description

All of the 15' wide East/West Alley running between Lots 16, 25, 26, 27, 28, 29, and 30 of Block 1 of Oakland Place Addition recorded in Plat Book 5 at Page 62 in the Circuit Clerk's Office of Washington County, Arkansas.

CERTIFICATE OF AUTHORIZATION H2 ENGINEERING INCORPORATED No. 1105 ARKANSAS ENGINEERING

Checked by: R.L.
Drawn by: E.E.
Horizontal Scale: 1"=40'
Vertical Scale: N/A
Date: 2/8/2011
Revisions:

City Project Number:
Plat Page:

ALLEY VACATION EXHIBIT

PAGE		PAGES
1	of	1

H2 PROJECT NUMBER: 11-001

H2 ENGINEERING, INC.
300 N. College Avenue
Suite 331
FAYETTEVILLE, ARKANSAS 72701
PHONE: (479) 582-4234
FAX: (479) 582-9254

C:\Land Projects 2007\11-001 U of A\survey\11-001alley vacation.dwg, ANSI B, 7/ 11 5:51:48 PM, Loan

VAC11-3792

Close Up View

BETWEEN OAKLAND & STORER

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area

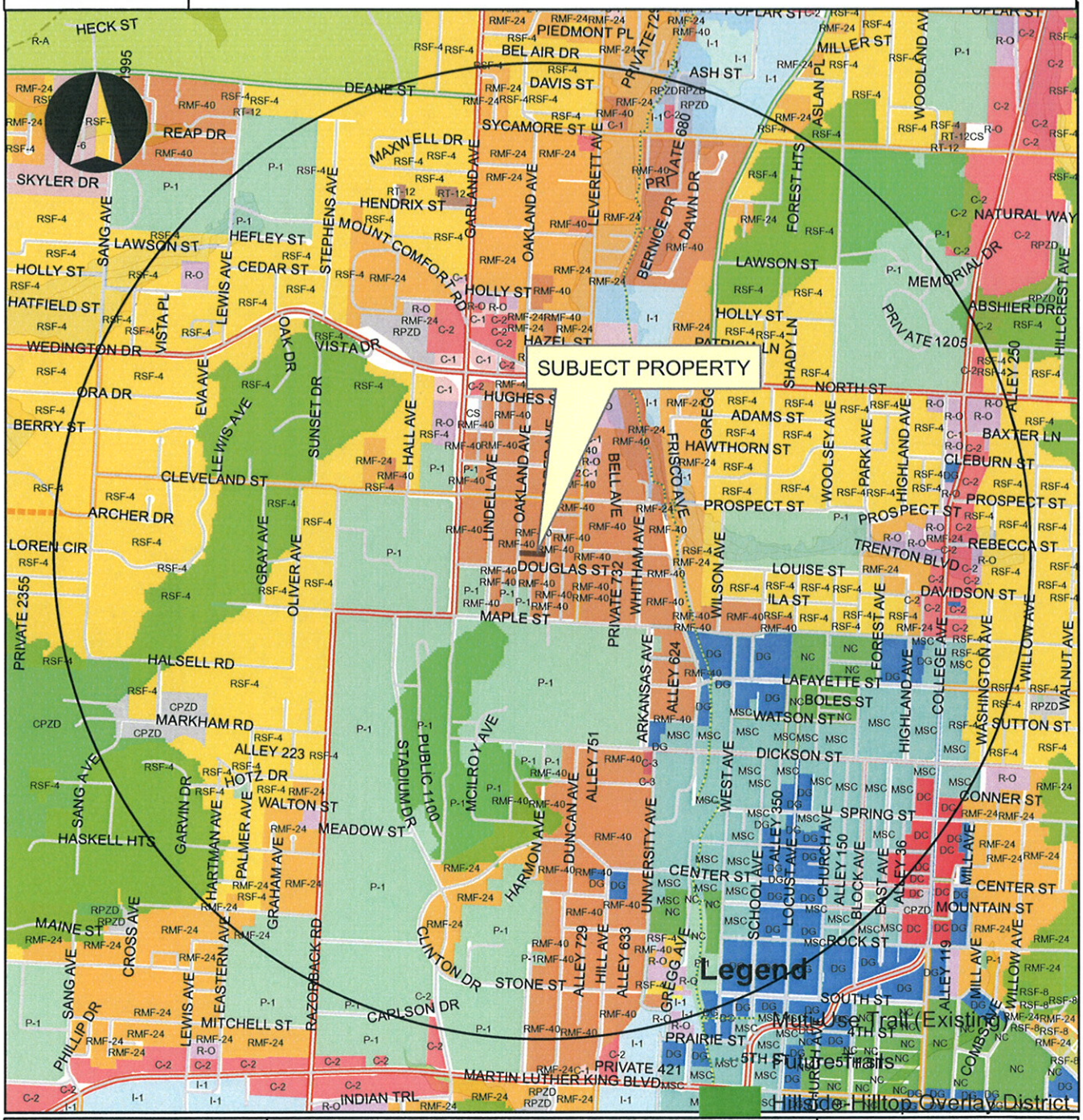
Fayetteville

0 75 150 300 450 600 Feet

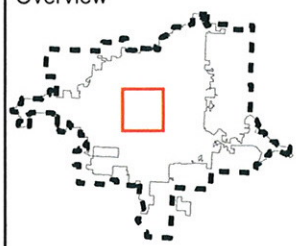
VAC11-3792

One Mile View

BETWEEN OAKLAND & STORER



Overview



Legend

Subject Property

VAC11-3792

Boundary

VAC11-3792

Design Overlay District

Planning Area

Fayetteville

0 0.25 0.5 1 Miles

VAC11-3792

Close Up View

BETWEEN OAKLAND & STORER

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

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Planning Area

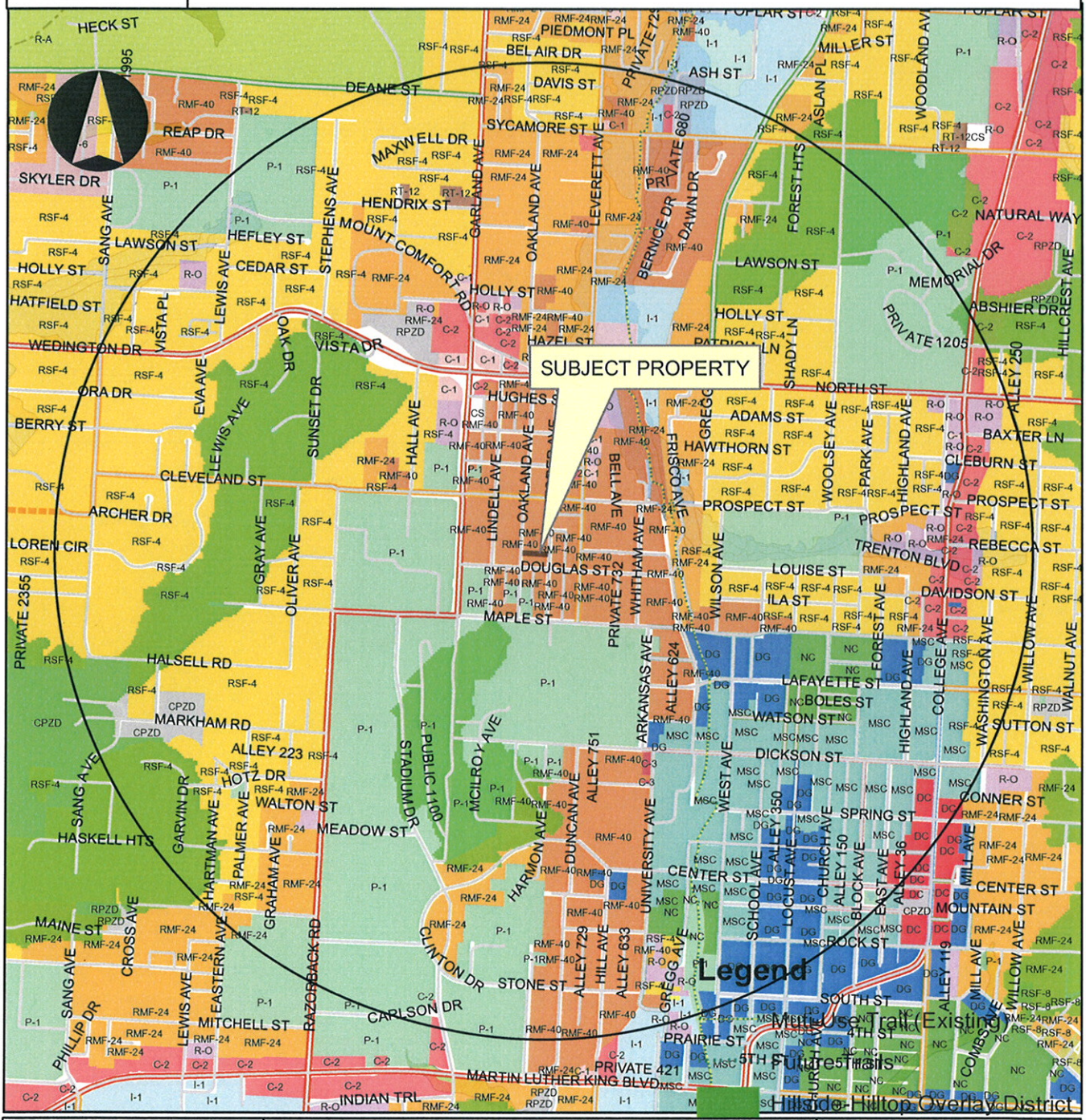
Fayetteville

0 75 150 300 450 600 Feet

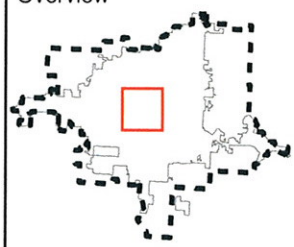
VAC11-3792

One Mile View

BETWEEN OAKLAND & STORER



Overview



Legend

Subject Property

VAC11-3792

Boundary

VAC11-3792

Design Overlay District

Planning Area

Fayetteville

0 0.25 0.5 1 Miles

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/19/2011
City Council Meeting Date
Agenda Items Only

Andrew Garner	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

VAC 11-3793: (U of A, 62): Submitted by H2 Engineering for property located on the north side of Douglas Street between Oakland and Storer Avenues. The property is zoned RMF-40, Residential Multi-Family, 40 units per acre. The request is to vacate a 15-foot wide utility easement.

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 — 04.01.2011 Date

City Attorney — 4-1-11 Date

Finance and Internal Services Director — 4-1-2011 Date

Chief of Staff — 4-4-11 Date

Mayor — 4/4/11 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 04-01-11 A01:18 RCVD

Received in Mayor's Office ENTERED 4/4/11

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Director

From: Andrew Garner, Senior Planner

Date: April 1, 2011

Subject: VAC 11-3793 (University of Arkansas Easement Vacation)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating a 15-foot wide utility easement on the subject property.

BACKGROUND

The subject property is located on the north side of Douglas Street between Oakland and Storer Avenues, and is developed for a parking lot that is owned by the University of Arkansas. The surrounding land use consists of single and multi-family residences and surface parking lots. There is a 15-foot wide utility easement that is located on the northern portion of the site. Utilities that previously existed within this easement were removed with the recent development of the parking lot. This property is surrounded by street and utility easements on three sides and providing adequate service to the property. The applicant's request is to vacate the 15-foot utility easement as indicated on the attached survey.

DISCUSSION

The applicant has submitted the required notification forms to the utility companies and to the City water, sewer, engineering, solid waste, and transportation divisions with no objections to the vacation of the utility easement. On March 28, 2011 the Planning Commission unanimously forwarded this request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 11-3793 SUBMITTED BY H2 ENGINEERING FOR PROPERTY LOCATED ON THE NORTH SIDE OF DOUGLAS STREET BETWEEN OAKLAND AND STORER AVENUES TO VACATE A 15-FOOT WIDE UTILITY EASEMENT.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted utility easement is not required for corporate purposes;

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 vacates and abandons the following utility easement as described in Exhibit B (attached).

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit A shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the following Condition of Approval and shall not be in effect until this condition is met:

"Any damaged or relocation of existing utilities shall be at the owner/developer's expense."

PASSED and **APPROVED** this day of , 2011.

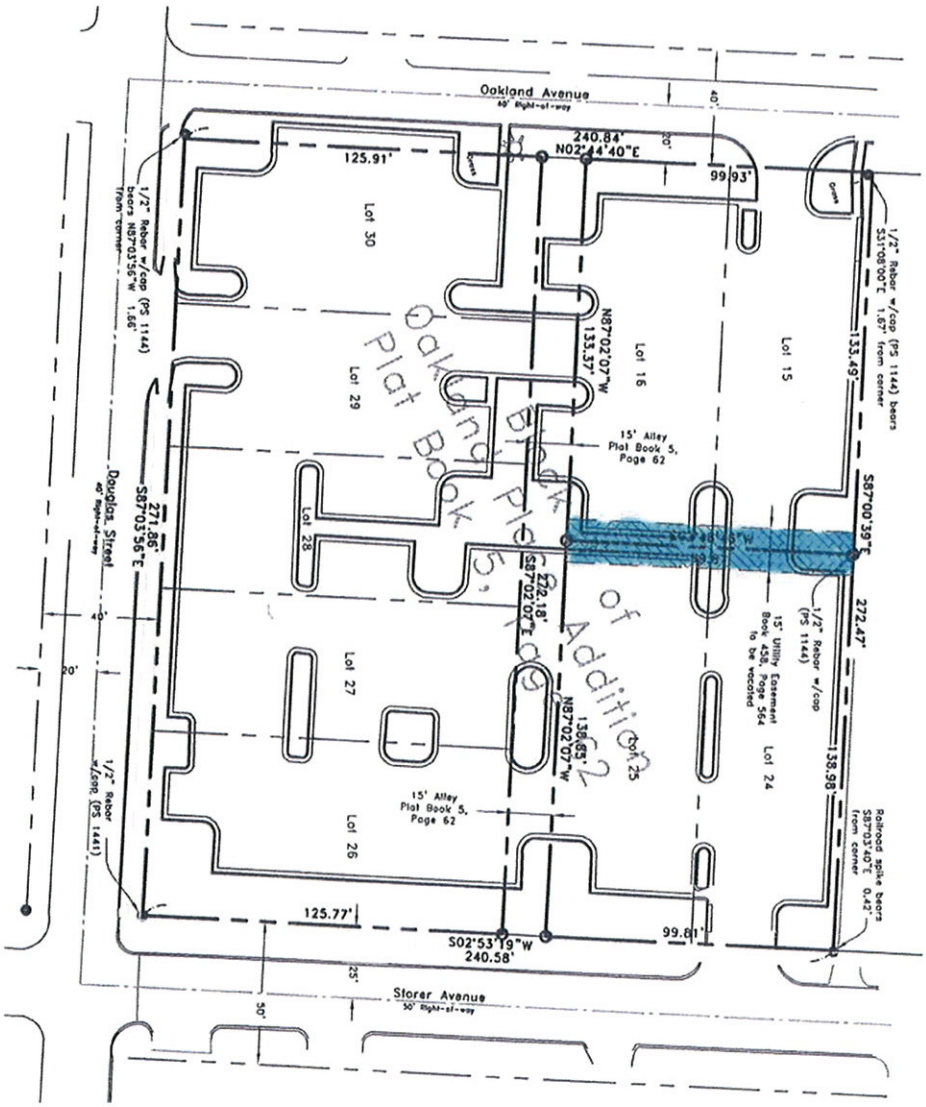
APPROVED: ATTEST:

By: _____ By: _____

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

EXHIBIT "A"

C:\Land Projects 2007\11-001 U of A\survey\11-001easement vacation.dwg, ANSI B, 3/2/2011 11:00:18 AM, Leon



GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

Easement Vacation Description

All of the 15' Utility Easement recorded in Book 458, Page 564 that lies within Lots 15, 16, 24, and 25 of Block 1 of Oakland Place Addition recorded in Plat Book 5 at Page 62 in the Circuit Clerk's Office of Washington County, Arkansas.

H2 ENGINEERING, INC.

EASEMENT VACATION EXHIBIT

EXHIBIT "B"
VAC 11-3793

EASEMENT VACATION DESCRIPTION

ALL OF THE 15' UTILITY EASEMENT RECORDED IN BOOK 458, PAGE 564 THAT LIES WITHIN LOTS 15, 16, 24, AND 25 OF BLOCK 1 OF OAKLAND PLACE ADDITION RECORDED IN PLAT BOOK 5 AT PAGE 62 IN THE CIRCUIT CLERK'S OFFICE OF WASHINGTON COUNTY, ARKANSAS.

Fayetteville
ARKANSAS

PC Meeting of March 28, 2011

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Andrew Garner, Senior Planner
THRU:	Jeremy Pate, Development Services Director
DATE:	~~March 18, 2011~~ *Updated April 1, 2011*

VAC 11-3793: Vacation (BETWEEN OAKLAND AND STORER AVE./U OF A, 62): Submitted by H2 ENGINEERING for property located on the NORTH SIDE OF DOUGLAS STREET BETWEEN OAKLAND AND STORER AVENUE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 1.41 acres. The request is to vacate a 15-foot utility easement. Planner: Andrew Garner

Findings:

Property Description: The subject property is located on the north side of Douglas Street between Oakland and Storer Avenues, and is developed for parking lot that is owned by the University of Arkansas. The surrounding land use consists of single and multi-family residences and surface parking lots.

There is a 15-foot wide utility easement that is located on the northern portion of the site. Utilities that previously existed within this easement were removed with the recent development of the parking lot. This property is surrounded by street and utility easements on three sides and providing adequate service to the property.

Request: The applicant's request is to vacate the 15-foot utility easement as indicated on the attached survey.

The applicant has submitted the required easement vacation notification forms to the utility companies and to the City with the result summarized below.

UTILITIES	RESPONSE
Ozarks Electric	No Objections
Cox Communications	No Objections
Southwestern Electric Power Company	No Objections

Arkansas Western Gas	No Objections
AT&T	No Objections
CITY OF FAYETTEVILLE:	**RESPONSE**
Water/Sewer	No Objections
Transportation	No Objections
Solid Waste	No Objections
Engineering	No Objections

Public Comment: Two adjacent property owners inquired about the requested vacation but did not have any objection.

Recommendation: Staff recommends forwarding **VAC 11-3793** to the City Council with a recommendation for approval subject to the following conditions:

1. Any damage or relocation of utilities shall be at the owner/developer's expense.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: **X Forwarded** ☐ **Denied** ☐ **Tabled**

Date: March 28, 2011
Motion: Cabe
Second: Chesser
Vote: 8-0-1 (Lack recused)
Note: On consent agenda

H2 ENGINEERING, INC.

March 2, 2011

City of Fayetteville
Planning Commission
113 West Mountain St.
Fayetteville, AR 72701

RE: UNIVERSITY OF ARAKSAS
JEAN TYSON CHILD DEVELOPMENT STUDY CENTER
UTILITY EASEMENT VACATION

To Whom It May Concern:

Please accept this letter as our official request for a Utility Easement Vacation in the center of the north half of the above referenced property. The property was recently converted into a parking lot, thereby removing the need for this utility easement to be in use. Utilities that existed within that easement at the time of parking lot development were removed at that time. We are proposing a new facility on this property which will further remove the need for a public utility easement in this location. The property is surrounded by street and utility easements on 3 sides which are more than adequate to service the proposed facility.

All utility agencies and required city departments have granted their approval for the release of this easement area.

Thank you for your consideration of this request.

Respectfully,

Jeremy Thompson, P.E.
Vice President

PETITION TO VACATE

PETITION TO VACATE A UTILITY EASEMENT LOCATED NORTH OF DOUGLAS ST., BETWEEN OAKLAND AVE. AND STORER AVE., CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying North of Douglas St., between Oakland Ave. and Storer Ave., City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement, which is described as follows:

All of the 15' Utility Easement recorded in Book 458, Page 564 that lies within Lots 15, 16, 24, and 25 of Block 1 of Oakland Place Addition recorded in Plat Book 5 at Page 62 in the Circuit Clerk's Office of Washington County, Arkansas.

That the abutting real estate affected by said abandonment of the Utility Easement is North of Douglas St., between Oakland Ave. and Storer Ave., City of Fayetteville, used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, and as to that particular land the owners be free from the easements of the public for the use of said easement.

Dated this 3rd day of March, 2011.

UNIVERSITY OF ARKANSAS
Printed Name

D. O. Pederson
Signature

VICE CHANCELLOR FOR
FINANCE & ADMINISTRATION

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 1, 2011

UTILITY COMPANY: Arkansas Western Gas

APPLICANT NAME: UNIVERSITY OF ARKANSAS APPLICANT PHONE: 479-575-3371

REQUESTED VACATION (*applicant must check all that apply*):

~ Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**North side of Douglas St. between Oakland Ave. and Storer Ave.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Cameron Bingham

Signature of Utility Company Representative

Director, Asset Management

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 1, 2011

UTILITY COMPANY: Cox Communications

APPLICANT NAME: UNIVERSITY OF ARKANSAS APPLICANT PHONE: 479-575-3371

REQUESTED VACATION (*applicant must check all that apply*):

~ X Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**North side of Douglas St. between Oakland Ave. and Storer Ave.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

ANY DAMAGE OR RELOCATION OF EXISTING FACILITIES WILL BE AT THE DEVELOPER'S Expense..

Signature of Utility Company Representative

Field Engineer
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 1, 2011

UTILITY COMPANY: AEP / SWEPCO

APPLICANT NAME: UNIVERSITY OF ARKANSAS APPLICANT PHONE: 479-575-3371

REQUESTED VACATION (*applicant must check all that apply*):

~ X Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**North side of Douglas St. between Oakland Ave. and Storer Ave.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Jim Sargent
Signature of Utility Company Representative

ENGINEER I
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 1, 2011

UTILITY COMPANY: AT&T

APPLICANT NAME: UNIVERSITY OF ARKANSAS APPLICANT PHONE: 479-575-3371

REQUESTED VACATION (*applicant must check all that apply*):

- ~ Utility Easement
- ~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ~ Alley
- ~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**North side of Douglas St. between Oakland Ave. and Storer Ave.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

IF ANY ATT FACILITIES EXIST IN THE AREA TO BE VACATED AND ARE DAMAGED OR NEED TO BE RELOCATED IT WILL BE AT THE OWNER OR DEVELOPER'S EXPENSE

Susan K Clouser
Signature of Utility Company Representative

OSP DESIGN ENGINEER
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 1, 2011

UTILITY COMPANY: City of Fayetteville - Solid Waste & Recycling

APPLICANT NAME: UNIVERSITY OF ARKANSAS APPLICANT PHONE: 479-575-3371

REQUESTED VACATION (*applicant must check all that apply*):

~ Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**North side of Douglas St. between Oakland Ave. and Storer Ave.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Signature of Utility Company Representative

Waste Reduction Coordinator
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 1, 2011

UTILITY COMPANY: City of Fayetteville - Transportation

APPLICANT NAME: UNIVERSITY OF ARKANSAS APPLICANT PHONE: 479-575-3371

REQUESTED VACATION (***applicant must check all that apply***):

✓ Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**North side of Douglas St. between Oakland Ave. and Storer Ave.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

✓ No objections to the vacation(s) described above.

- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Signature of Utility Company Representative

Trans. Services Dir

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 1, 2011

UTILITY COMPANY: City of Fayetteville - Water & Sewer

APPLICANT NAME: UNIVERSITY OF ARKANSAS APPLICANT PHONE: 479-575-3371

REQUESTED VACATION (*applicant must check all that apply*):

X Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**North side of Douglas St. between Oakland Ave. and Storer Ave.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

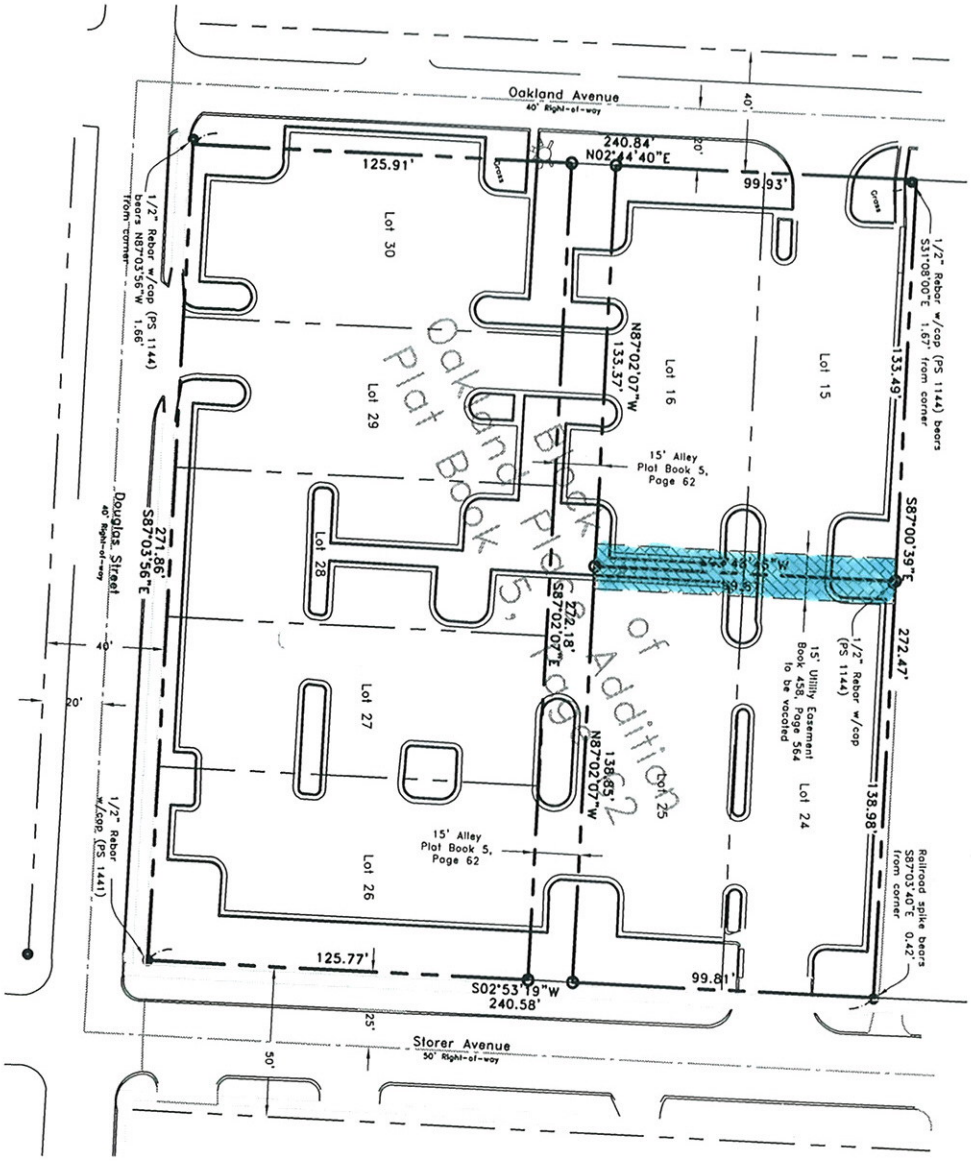
- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Applicant will be required to connect to the City sewer system for the future construction. Sewer is available at the north property line.

Shannon L. Jones
Signature of Utility Company Representative

Utilities Engineer
Title



Easement Vacation Description

All of the 15' Utility Easement recorded in Book 458, Page 564 that lies within Lots 15, 16, 24, and 25 of Block 1 of Oakland Place Addition recorded in Plat Book 5 at Page 62 in the Circuit Clerk's Office of Washington County, Arkansas.

EASEMENT VACATION EXHIBIT

H2 ENGINEERING, INC.
3600 N. College Avenue
Suite 243
FAYETTEVILLE, ARKANSAS 72703
PHONE: (479) 442-0000
FAX: (479) 442-0254

PAGE 1 of 1 PAGES

H2 PROJECT NUMBER: 11-001

Drawn by: EJJ
Reviewed by: TWJ
Horizontal Scale: 1"=40'
Vertical Scale: N/A
Date: 2/07/11
Subject:

City Project Number:
File Name:

CERTIFICATE OF AUTHORIZATION
H2 ENGINEERING INCORPORATED
No. 1105
STATE OF ARKANSAS

VAC11-3793

Close Up View

BETWEEN OAKLAND & STORER

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area

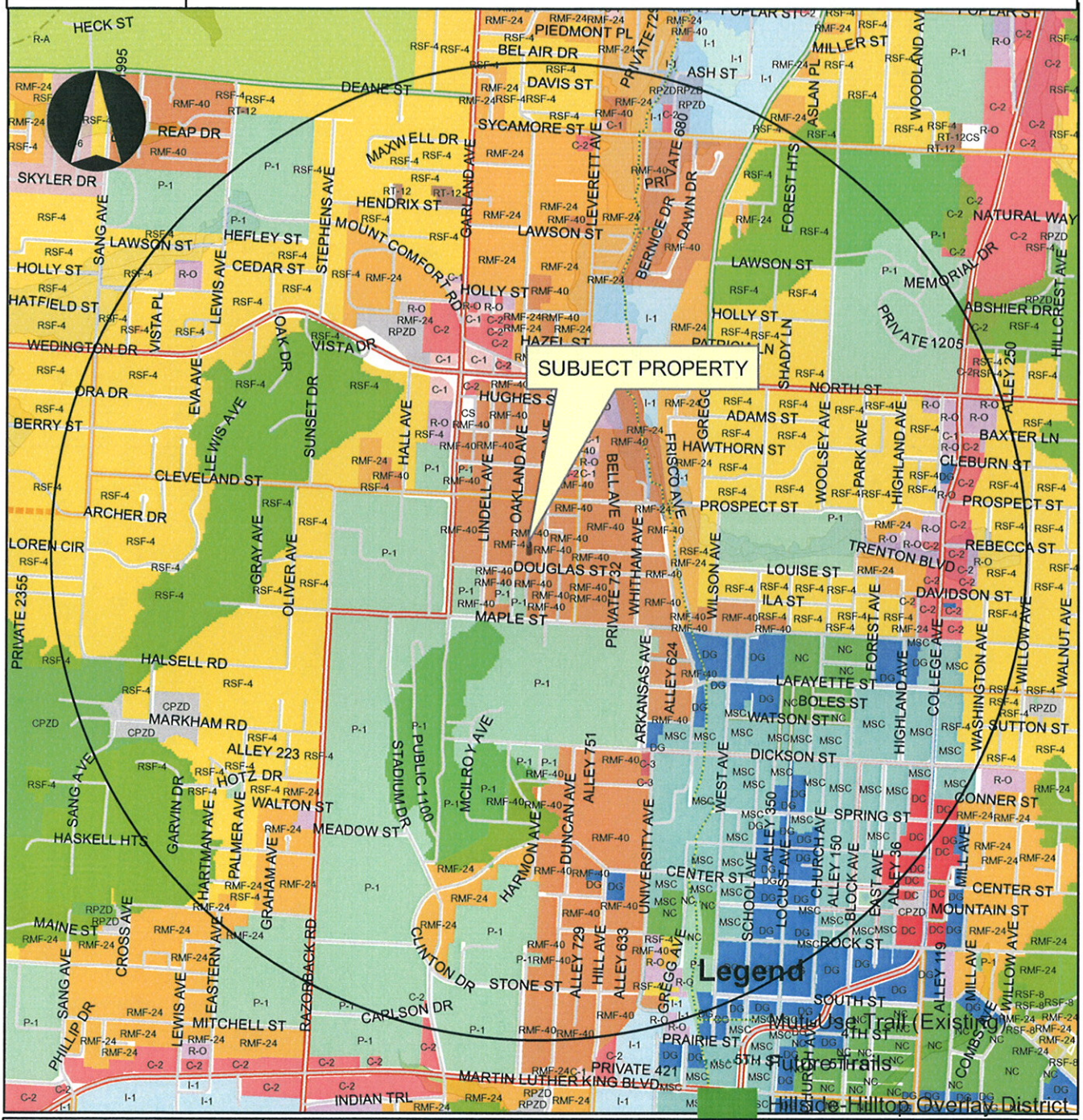
Fayetteville

0 75 150 300 450 600 Feet

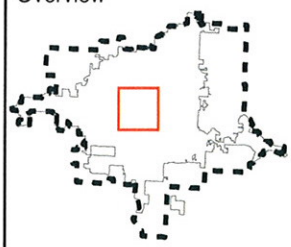
VAC11-3793

One Mile View

BETWEEN OAKLAND & STORER



Overview



Legend

Subject Property

VAC11-3793

Boundary

VAC11-3793

Design Overlay District

Planning Area

Fayetteville

0 0.25 0.5 1 Miles

VAC11-3793

Close Up View

BETWEEN OAKLAND & STORER

Footprints 2010
Hillside-Hilltop Overlay District
Design Overlay District
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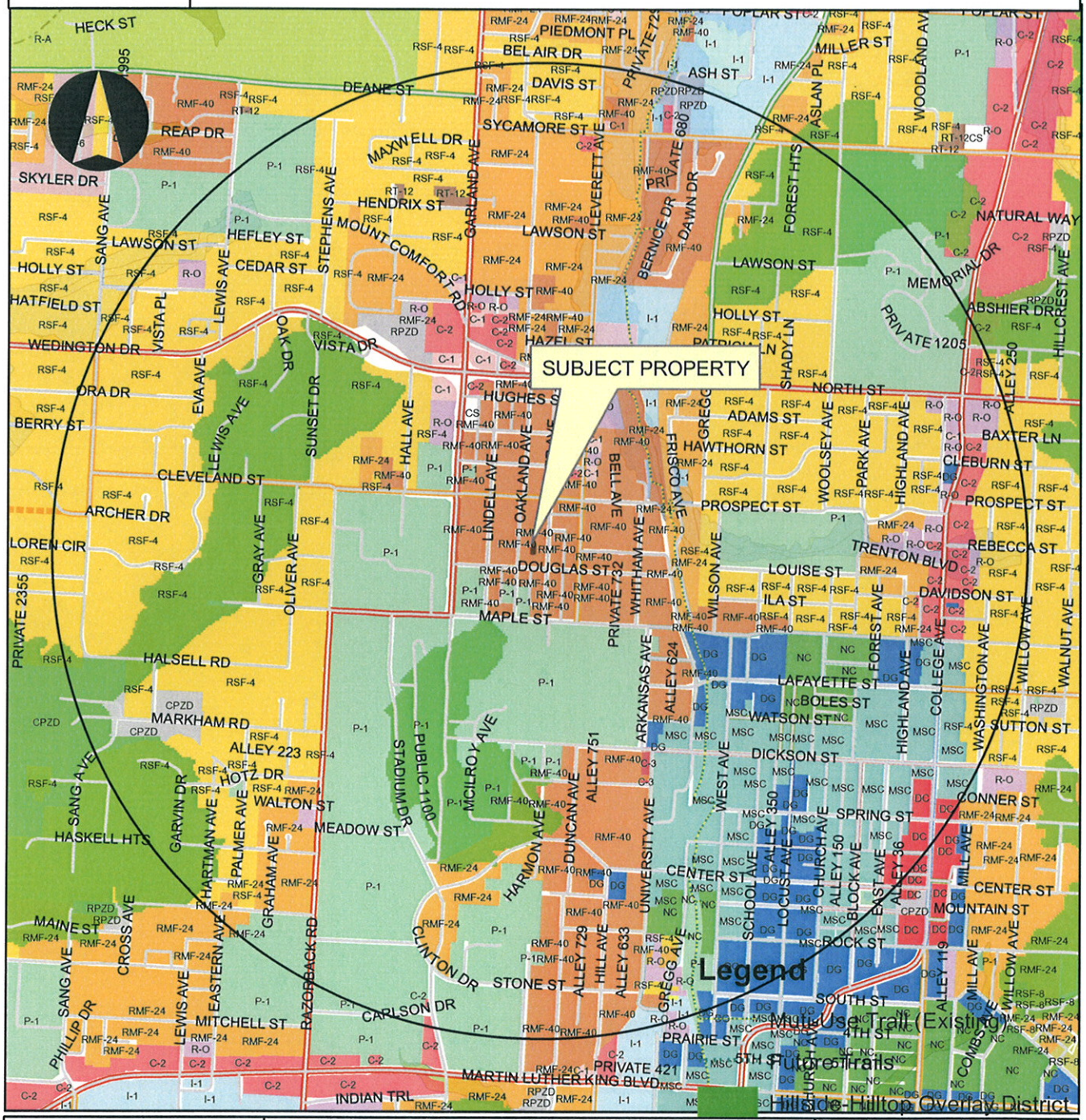
Planning Area
Fayetteville

0 75 150 300 450 600 Feet

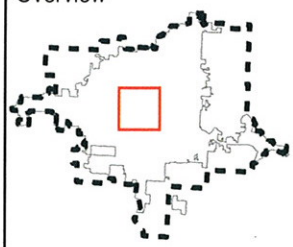
VAC11-3793

One Mile View

BETWEEN OAKLAND & STORER



Overview



Legend

Subject Property

VAC11-3793

Boundary

VAC11-3793

Design Overlay District

Planning Area

Fayetteville

0 0.25 0.5 1 Miles

AGENDA REQUEST

FOR: COUNCIL MEETING OF APRIL 19, 2011

FROM: ALDERMAN JUSTIN TENNANT

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §35.19 And §35.30 **Definitions** Of The Code Of Fayetteville To Change The Definition Of Concession Stands To Remove The Exemption For Stands Operated On A Short Term Basis For Festivals

---

APPROVED FOR AGENDA:

Justin Tennant, Alderman — 4-5-2011 Date

City Attorney (as to form) — 4-5-2011 Date

04-06-11A08:48 RCVD

Kim G.

Fayetteville
ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council

FROM: **Kit Williams**, City Attorney

DATE: **April 6, 2011**

RE: **Exemption for short term concession stands to pay HMR tax**

Alderman Justin Tennant is also a Fayetteville Advertising and Promotion Commissioner. During its last meeting, the A&P Commission recommended that the Fayetteville Code which currently exempts "stands operated on a short term basis, such as First Night, Springfest, Autumnfest and county fairs," from paying the HMR tax be amended to delete this exemption. Alderman Tennant is presenting an amendment to §35.19 **Definitions (HMR tax) and §35.30** Definitions (Parks HMR tax) which would remove this exemption.

A copy of the current law is attached.

Current law

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

CHAPTER 35: TAXATION

ARTICLE I
TAX ON REAL AND PERSONAL PROPERTY

35.01 Levying Of Tax

(A) A tax is hereby levied on the real and personal property within the city.

(B) The tax so levied and the rate provided therefor are hereby certified to the County Clerk, to be placed in the tax book by the County Clerk and collected in the same manner that the county and school district taxes are collected.

(C) The City Clerk is hereby authorized and directed to file certified copies of this section in the office of the County Recorder, County Clerk, County Assessor, and the County Tax Collector.

(Ord. No. 3384, 10-18-88; Code 1991, §35.01)

State law reference(s)--Taxation generally, A.C.A. §26-73-101 et seq.; Levying of tax, A.C.A. §26-75-207.

35.02-35.18 Reserved

ARTICLE II
HOTEL, MOTEL AND RESTAURANT TAX

35.19 Definitions

Bakeries, donut shops and ice cream shop. These are included within the definitions of Asimilar businesses@ of this ordinance and are therefore subject of this tax.

Beverage shops. Businesses that sell beverages prepared or dispensed at their business are included within the definition of Asimilar businesses@ of this ordinance and are therefore subject to this tax.

Caterers. Caterers are for profit businesses or persons who deliver or serve catered food or beverages at a location within the city limits of Fayetteville.

Concession stands. Stands run by non-profit groups are excluded from this taxation, as well as stands operated on a short term basis, such as First Night, Springfest, Autumnfest and county fairs. Other stands operated on a recurring basis, such as for athletic events, barbecue stands and other on-going stands, whether mobile or stationary, will collect the Parks HMR tax.

Convenience stores. All food and beverages prepared on site are taxable.

Delis. Delis shall include establishments selling prepared food or beverage as defined, however this tax shall not apply to sliced meat and/or cheese sold by the pound.

Prepared food or beverage. Any food or beverage product prepared or altered in a food/beverage establishment for sale.

(Ord. No. 4317, 6-5-01)

***Note**@The definitions section of this ordinance was assigned a new number to make it consistent with other definition sections throughout this code and arranged in alphabetical order by this codifier.

35.20 Levy Of Tax

There is hereby levied, effective, a tax of 1% (the tax) upon the gross receipts from the renting, leasing or otherwise furnishing of hotel or motel accommodations for profit in the city and upon the portion of gross receipts or gross proceeds received by restaurants, cafes, cafeterias, delis, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store-restaurants, caterers and similar businesses as may be defined from time to time by ordinance from the sale of prepared food and beverages for on or off-premises consumption, but such tax shall not apply to such gross receipts or gross proceeds of organizations qualified under ' 501(c)(3) of the Federal Internal Revenue Code. The levy of this tax shall also be applied to and include all items described in A.C.A.§26-75-602 *Levying authority* as currently enacted and as may be amended in the future.

(Code 1965, §18A-1(a); Ord. No. 2310, 3-1-77; Ord. No. 2648, 7-15-80; Ord. No. 2711, 3-24-81; Ord. No. 2869, 10-19-82, Ord. No. 4317, 6-5-01; Code 1991, §35.20; Ord. 5283, 10-20-09)

Cross reference(s)--Penalty, §35.99.

State law reference(s)--Authority generally, A.C.A. §26-75-602.

35.21 Collection; When Payment Due

The tax shall be collected from the purchaser or user of the food or accommodations by the person, firm,

Definition proposed to be changed

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §35.19 AND §35.30 **DEFINITIONS** OF THE CODE OF FAYETTEVILLE TO CHANGE THE DEFINITION OF CONCESSION STANDS TO REMOVE THE EXEMPTION FOR STANDS OPERATED ON A SHORT TERM BASIS FOR FESTIVALS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §35.19 **Definitions** and §35.30 **Definitions** of the Fayetteville Code by deleting the definitions of "*Concession stands*" their entireties and enacting replacement definitions as follows:

> "*Concession stands.* Except for stands run by non-profit organizations qualified under 501(c)(3) of the Internal Revenue Code, all festival, athletic event, barbeque and other food or drink concession stands are subject to this tax."

PASSED and **APPROVED** this 19th day of April, 2011.

APPROVED: ATTEST:

By: _____ By: _____

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

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

April 19, 2011
City Council Meeting Date

Chris Brown CB	Engineering	Development Services
Submitted By	Division	Department

Action Required:

A Resolution approving a counter offer by Washington Regional Medical Center for land necessary for construction of a Roundabout at North Hills Blvd. and Futrall Drive, and authorizing the Mayor to sign any Agreements and Deeds necessary to transfer the City's interests in the City Hospital Property.

$ -	$ 13,412,545.00	Transportation Bond Improvements
Cost of this request	Category / Project Budget	Program Category / Project Name
	$ 1,573,509.86	Street Improvements
Account Number	Funds Used to Date	Program / Project Category Name
06035.1700	$ 11,839,035.14	2006A Sales Tax Construction
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [ ]

Department Director	04.01.2011 Date	Previous Ordinance or Resolution #
City Attorney	4-6-2011 Date	Original Contract Date:
Finance and Internal Service Director	4-6-2011 Date	Original Contract Number:
Chief of Staff	4-6-2011 Date	Received in City Clerk's Office 04-01-11 P03:53 RCVD
Mayor	4/6/11 Date	Received in Mayor's Office ENTERED 4/6/11

Comments:

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

Council Meeting of April 19, 2011

To: Mayor and City Council

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

From: Chris Brown, City Engineer CB

Date: April 1, 2010

Subject: A Resolution approving a counter offer by Washington Regional Medical Center for land necessary for construction of a Roundabout at North Hills Blvd. and Futrall Drive.

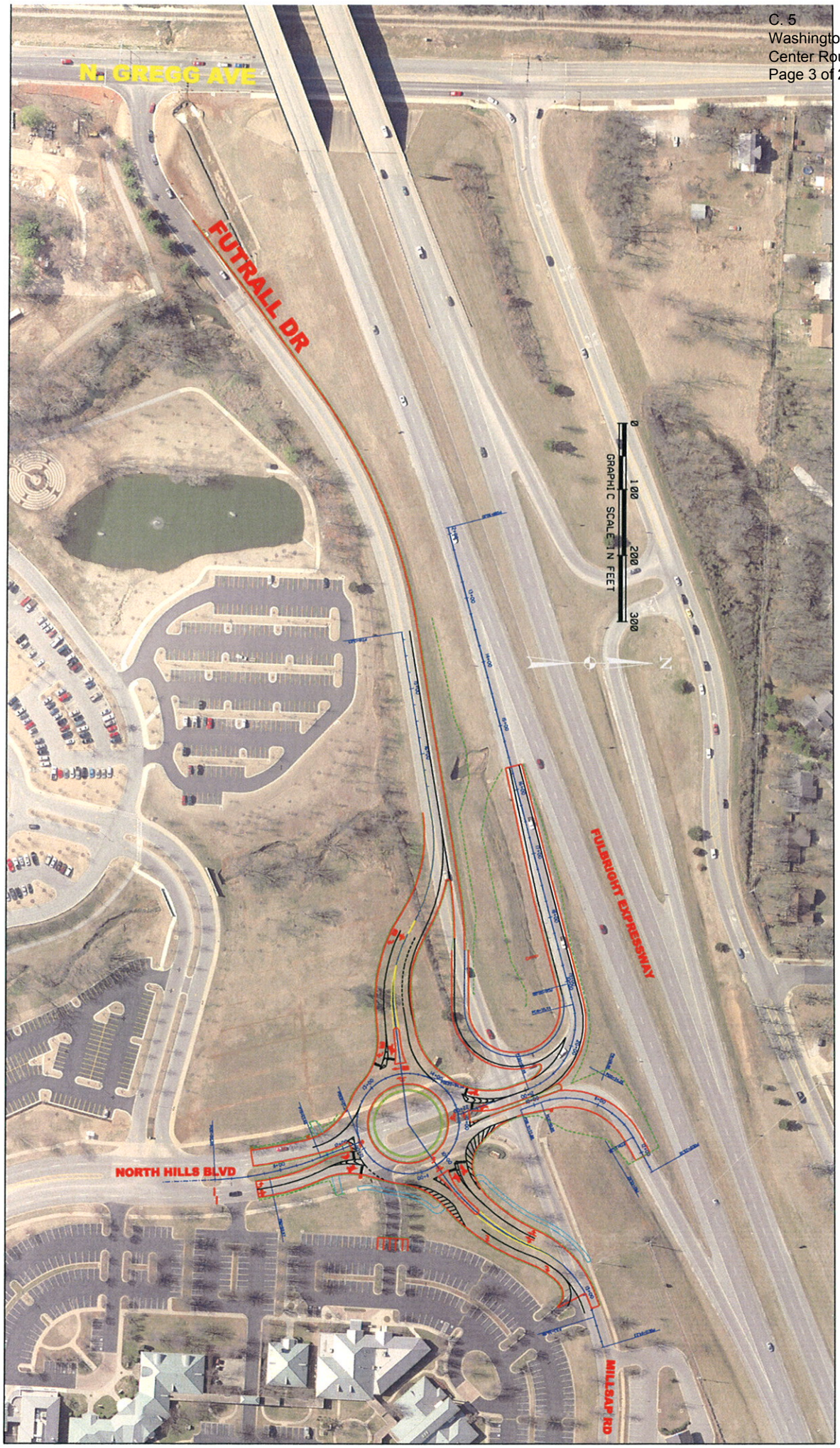
PROPOSAL:
As part of the Transportation Bond Program, the City of Fayetteville is preparing to construct a Roundabout at the intersection of North Hills Blvd. and Futrall Drive, to replace the existing 4-way stop at this intersection. In order to construct this roundabout, approximately 1.1 acres of property owned by Washington Regional Medical Center at the corner of Futrall and North Hills must be acquired by the City as right of way. The City had an appraisal prepared to determine the value of the right of way, and has made an offer to WRMC (based on the appraisal) in the amount of $172,500.

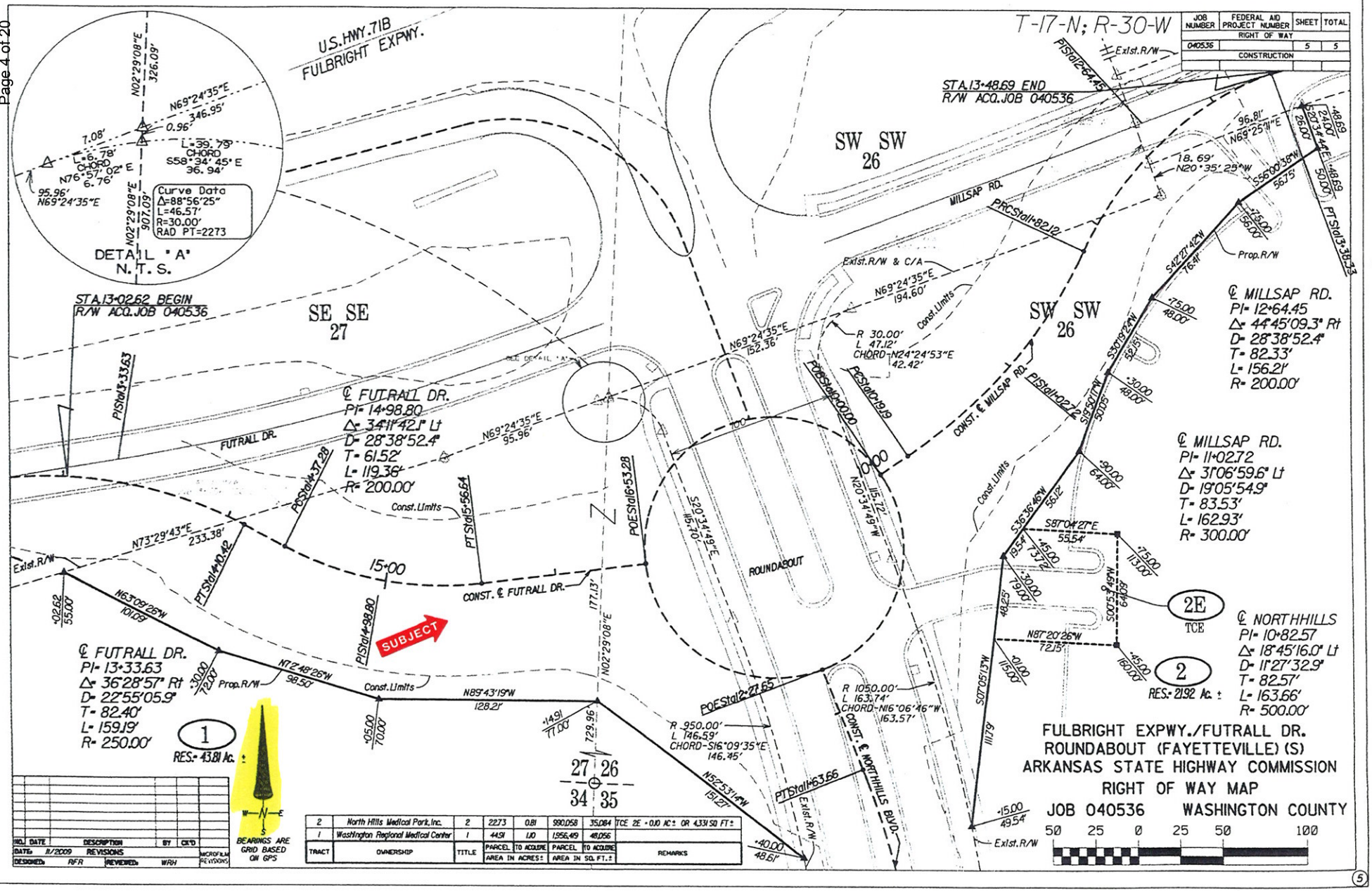
WRMC has presented a counter offer whereby they will provide a deed to the City for the 1.1 acres at the roundabout site, in return for the City's interest in the City Hospital property on South School Avenue and for the City's assistance in: 1) terminating the lease agreement between the non-profit entity known as Fayetteville City Hospital and WRMC, 2) transferring any licenses, permits, etc. held by Fayetteville City Hospital, and 3) any other actions required so that any interest that the City or the non-profit entity known as Fayetteville City Hospital has in the Fayetteville City Hospital real property, personal property, and other assets is transferred to Washington Regional Medical Center . The City Attorney's Office has reviewed the proposal, and has provided legal advice on the steps to be taken with regard to this somewhat complex proposal. The City Attorney has also developed the attached memo regarding the proposal.

The Street Committee reviewed the proposal at the last Committee Meeting on March 29, and voted 3-1 in favor of moving forward with necessary steps to complete the acquisition of right of way from WRMC for the roundabout and the transfer of property and assets of the Fayetteville City Hospital to WRMC.

RECOMMENDATION:
Staff recommends approval of a resolution that:

1) Accepts the offer of Washington Regional Medical Center to donate the right of way needed for the Roundabout to the City, with the additional provision that WRMC will move its existing sign out of the new right of way at no cost to the City.
2) Authorizes the Mayor to sign any Agreements and Deeds necessary to transfer the City's interests in the City Hospital Property, provided said Agreements and Deeds meet the approval of the City Attorney.
3) Expresses the City Council's intent to appoint members to the Board of the Fayetteville City Hospital as necessary to constitute a quorom so that the Board can take necessary actions to transfer their interests in the City Hospital to WRMC.


N. GREGG AVE
FUTRALL DR
GRAPHIC SCALE IN FEET
0
100
200
300
N
FULBRIGHT EXPRESSWAY
NORTH HILLS BLVD
MILLSAP RD


T-17-N; R-30-W
JOB NUMBER | FEDERAL AID PROJECT NUMBER | SHEET | TOTAL
RIGHT OF WAY
040536 | 5 | 5
CONSTRUCTION
U.S. HWY. 71B
FULBRIGHT EXPWY.
DETAIL "A"
N.T.S.
Curve Data
Δ=88°56'25"
L=46.57'
R=30.00'
RAD PT=2273
STA.13+02.62 BEGIN
R/W ACQ.JOB 040536
STA.13+48.69 END
R/W ACQ.JOB 040536
SE SE
27
SW SW
26
SW SW
26
℄ FUTRALL DR.
PI= 14+98.80
Δ= 34°11'42.1" Lt
D= 28°38'52.4"
T= 61.52'
L= 119.36'
R= 200.00'
℄ MILLSAP RD.
PI= 12+64.45
Δ= 44°45'09.3" Rt
D= 28°38'52.4"
T= 82.33'
L= 156.21'
R= 200.00'
℄ MILLSAP RD.
PI= 11+02.72
Δ= 31°06'59.6" Lt
D= 19°05'54.9"
T= 83.53'
L= 162.93'
R= 300.00'
℄ NORTHHILLS
PI= 10+82.57
Δ= 18°45'16.0" Lt
D= 11°27'32.9"
T= 82.57'
L= 163.66'
R= 500.00'
℄ FUTRALL DR.
PI= 13+33.63
Δ= 36°28'57" Rt
D= 22°55'05.9"
T= 82.40'
L= 159.19'
R= 250.00'
SUBJECT
ROUNDABOUT
CONST. ℄ FUTRALL DR.
CONST. ℄ MILLSAP RD.
CONST. ℄ NORTHHILLS BLVD.
MILLSAP RD.
FUTRALL DR.
Exist.R/W
Prop.R/W
Const.Limits
Exist.R/W & C/A
1
RES.= 43.81 Ac. ±
2
RES.= 21.92 Ac. ±
2E
TCE
BEARINGS ARE GRID BASED ON GPS
FULBRIGHT EXPWY./FUTRALL DR.
ROUNDABOUT (FAYETTEVILLE) (S)
ARKANSAS STATE HIGHWAY COMMISSION
RIGHT OF WAY MAP
JOB 040536 WASHINGTON COUNTY
50 25 0 25 50 100
NO. DATE DESCRIPTION BY CK'D
DATE: 11/2009 REVISIONS
DESIGNED: RFR REVIEWED: WRH
MICROFILM REVISIONS
TRACT | OWNERSHIP | TITLE | PARCEL AREA IN ACRES± | TO ACQUIRE | PARCEL AREA IN SQ. FT.± | TO ACQUIRE | REMARKS
2 | North Hills Medical Park, Inc. | 2 | 22.73 | 0.81 | 990,058 | 35,084 | TCE 2E = 0.10 AC ± OR 4,331 SQ FT ±
1 | Washington Regional Medical Center | 1 | 44.91 | 1.10 | 1,956,419 | 48,056
5

RESOLUTION NO. _____

A RESOLUTION TO DESIGNATE THE LOCATION OF WASHINGTON REGIONAL MEDICAL CENTER AS THE NEW LOCATION OF AND THE SUCCESSOR HOSPITAL OF THE CITY HOSPITAL, TO APPROVE AND AUTHORIZE THE MAYOR TO EXECUTE A QUIT CLAIM DEED TO CONVEY THE CURRENT SITE OF THE CITY HOSPITAL TO WASHINGTON REGIONAL MEDICAL CENTER, ALL CONTINGENT UPON THE CONCURRENT ACTION OF THE BOARD OF TRUSTEES OF THE CITY HOSPITAL TO DESIGNATE WASHINGTON REGIONAL MEDICAL CENTER AS THE SUCCESSOR CITY HOSPITAL AND THE DONATION OF APPROXIMATELY 1.1 ACRES BY WASHINGTON REGIONAL MEDICAL CENTER FOR CONSTRUCTION OF THE ROUNDABOUT AT NORTH HILLS BOULEVARD AND FUTRALL DRIVE.

WHEREAS, Mr. S.K. Stone and Mrs. Amanda M. Stone very generously deeded to Fayetteville a city block of land "to be by the said city, held in trust and maintained as a city hospital," in deeds of 1906 and 1909; and

WHEREAS, the citizens of Fayetteville taxed themselves to construct the City Hospital soon after the property was conveyed to Fayetteville in trust and this hospital has served our citizens well for over a century; and

WHEREAS, Washington Regional Medical Center was established in Fayetteville and has served Fayetteville citizens well as our primary, full service hospital for many decades, first at College and North and now at its current location on North Hills Boulevard; and

WHEREAS, because of the age and condition of the facilities on the land donated in trust by the Stones to the City, it is appropriate to designate Washington Regional Medical Center at North Hills Boulevard as successor City Hospital which is entitled to the current City Hospital's premises in trust "to be devoted exclusively to the establishment and maintenance of" the successor City Hospital (WRMC).

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby designates Washington Regional Medical Center as the successor to the Stone City Hospital at its location on North Hills Boulevard in Fayetteville.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves and authorizes Mayor Jordan to execute a Quit Claim Deed to Washington Regional Medical Center of the property donated to the City of Fayetteville by the Stones in 1906 and 1909 to be held by the City in trust until the location of the city hospital is changed and then "the entire

proceeds of the above described premises shall constitute a trust fund to be devoted exclusively to the establishment and maintenance of" the newly designated successor city hospital.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to rapidly appoint sufficient successor trustees to the board of trustees named in Stones' 1906 deed to establish at least a quorum so that the Board of Trustees can determine whether to designate Washington Regional Medical Center as the successor to the Stone City Hospital at Washington Regional's address on North Hills Boulevard in Fayetteville.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby gratefully agrees to accept Washington Regional Medical Center's generous donation of approximately 1.1 acres of land needed for the Roundabout at the North Hills Boulevard and Futrall Drive intersection to alleviate congestion and provide better traffic flow for Washington Regional Medical Center's staff and patients and for other Fayetteville citizens.

PASSED and **APPROVED** this 19th day of April, 2011.

APPROVED: ATTEST:

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

Fayetteville
ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **City Council Street Committee**

FROM: **Kit Williams**, City Attorney

DATE: **March 25, 2011**

RE: **City's ownership rights in City Hospital land**

The City of Fayetteville is the legal owner of the City Hospital land, but it only holds such land in trust. If the land is not to be used "as a city Hospital, … **the entire proceeds** of the above described premises **shall constitute a trust fund to be devoted exclusively to the establishment and maintenance of such (new) city Hospital** …." (1909 Deed of Mr. & Mrs. S.K. Stone to the City of Fayetteville; emphasis added.)

Mr. and Mrs. Stone very generously gave the City of Fayetteville an entire city block upon which to build a city hospital. Their first deed in 1906 contained a strong reversionary clause that if the property "shall at any future time be abandoned or cease to be used and maintained for Hospital purposes, then the title to said **real estate shall revert to us** or our heirs …" (1906 Deed, emphasis added) Their second deed in 1909 attempted to modify that reversionary clause to some extent by allowing the future sale of the property if the city hospital had relocated, but continued to require that **all proceeds be "devoted exclusively" for the new city hospital**.

On February 2, 1962, Fayetteville City Attorney Bass Trumbo furnished a letter to the Board of Trustees of the City Hospital to alleviate the concerns of the Arkansas State Board of Health and the Dallas Office of the Public Health Service in determining the advisability of granting the City Hospital's Board of Trustees a Hill-Burton assistance grant to

construct a nursing home on the grounds of City Hospital. The Public Health Service had already characterized the City Hospital as "a non-acceptable hospital due to its obsolete construction" a half century ago.

Bass Trumbo wrote: "In my opinion, the conditions reserved in the Warranty Deed of 1906 to the City of Fayetteville, Arkansas, would not prevent the construction of a nursing home on the property ...." I believe this letter may have allowed the Hill-Burton grant to be awarded to the City Board of Directors of the City Hospital for construction of the nursing home facilities on the land. The land ownership remained legally with the City which continued to hold the land in trust **for hospital purposes only** pursuant to the requirements of the Stones' deeds.

It would be hard to dispute that Washington Regional Medical Center (which has always been located in Fayetteville) has long been the true city hospital of Fayetteville. As such, the proceeds from any sale of the current property of the City Hospital which "shall" ... be devoted exclusively to ... such (new) city Hospital," must go to Washington Regional, not the City of Fayetteville.

It is in Washington Regional's best interests to resolve this legal and equitable ownership of the City Hospital land as quickly as possible. It needs the agreement of the Fayetteville City Council to accomplish this short of litigation. Thus, Washington Regional is willing to give the City over an acre of land needed for the roundabout which should ease traffic congestion for drivers seeking to go to or leave Washington Regional. This voluntary conveyance and replacement of its sign would save our taxpayers about $200,000.00.

I do not believe that the City of Fayetteville can ever realize any money for its treasury from the sale of the City Hospital land. Attempting to do so would require suing the Stone heirs, the City Hospital Board of Directors and Washington Regional and asking that the Judge ignore the clear wishes of the Stones who gave this property in trust to the City of Fayetteville. I would not file such a suit unless explicitly directed to do so by the City Council in its Resolution. I do not believe such a suit would be successful.

On the other hand, Washington Regional could sue the City for the land. The heirs of the Stone family and the City Hospital Board of Directors could intervene. I am not certain how that suit would be resolved, nor why the Fayetteville City Council would require such litigation.

Conclusion

The City of Fayetteville has long worked cooperatively with Washington Regional Medical Center, the City's second largest employer and a very desirable corporate citizen of Fayetteville. Legally, WRMC is probably entitled to the City Hospital land or any proceeds from the sale of such property in the future. Facilitating this result now by designated WRMC as the new replacement City Hospital and conveying our interest in the property to WRMC by quitclaim deed will avoid needless litigation, probably save our taxpayers $200,000.00, and help our long established, valued, non-profit Fayetteville hospital better serve our citizens.

WARRANTY DEED-

Know all men by these presents:- That we, S.K. Stone and Amanda M. Stone, his wife for and in consideration of one dollar to us paid, and for the consideration and purposes herein set forth, do hereby grant, bargain, sell and convey unto the City of Fayetteville, in the State of Arkansas, the following real estate in the city of Fayetteville, in the County of Washington and State of Arkansas, to-wit:

A part of Block thirty seven (37) as designated on the plat of the original town of Fayetteville, beginning at a point eighty (80) feet South of the Northeast corner of the said block thirty seven (37) and running thence South one hundred and twenty eight (128) feet, thence West one hundred and sixty (160) feet, thence South eighty (80) feet, thence East one hundred and sixty (160) feet, thence South two hundred and sixty two (262) feet, or to the Southeast corner of said Block thirty seven, and thence West three hundred and twenty five (325) feet and ten and a half (10½) inches, or to the Southwest corner of said block, thence North four hundred and seventy (470) feet, or to a point due West of the beginning, and thence East to the place of beginning,(subject to the use of the following strip laid out as an alley, beginning one hundred and sixty feet West of the Northeast corner of the said block and running thence South two hundred and eighty eight feet, thence West fifteen feet, thence North two hundred and eighty eight feet, and thence East fifteen feet to the place of beginning.)

To have and to hold the said real estate, with all the improvements and appurtenances thereto belonging, unto the said City of Fayetteville forever.

And we, hereby covenant with the City of Fayetteville that we are the lawful owners of the said real estate, and have a lawful right to convey the same, that it is free from incumbrance, and that we will warrant and defend the title against the lawful claims and demands of all persons. This conveyance is a gift to the City of Fayetteville, as a testimonial of our affection for the people among whome we have passed our lives, and for the purpose of enabling the city of Fayetteville, to establish and to maintain permanently a Hospital , which shall be known as the Stone Hospital, and is made on the following espress terms and

conditions:-

First- If the City of Fayetteville shall fail to have a Hospital established and put in operation on the land hereby conveyed within four years from the date of this conveyance the title to the said land shall revert to us or to our heirs. Second: If a Hosepital shall be established on the said lands within four years after the date of this conveyance and shall at any furture time be abandoned or ceased to be used and maintained for Hospital purposes then the title to the said real estate shall revert to us or our heirs. The said Hospital shall be under the supervision and control of a Board consisting of eleven members , to be known as the Board of Control of the Stone Hospital , four of whom and their successors in office in perpetual succession, shall be appointed by the City Council of the city of Fayetteville. The other seven shall consist of the following persons, one from the local membership of the following religious bodies, to-wit: A.F. Wolf, of the Methodist Episcopal Church,South)Central Church); W.B. Welch, of the Protestant Episcopal Church ,(St Paul's Church);John R. Harris of the Missionary Baptist,(First Baptist Church); Albert M. Byrnes, of the Catholic Church (St. Joseph's Church); P.R. Davidson, of the Christian Church(First Christian Church); E.S. McDaniel of the Presbyterian Church in the United States,(commonly called,the Southern Presbyterian Church). Bruce Holcomb, of the Presbyterian Church in the United States of America.) All vacancies that shall occur in the membership of the Board of Control selected from the Churches named shall be filled by the Churches, respectively,so that one member of each of said Churches shall at all times be a member of the said board. But if any such vacancy shall not be filled within three months by the Church in which it occurs, then it shall be filled by the City Council from the membership of such Church. And I, Amanda M. Stone, wife of the said S.K. Stone, for the consideration and upon the conditions set forth in the foregoing conveyance, do hereby release and relinquish to the city of Fayetteville Arkansas, all my right or possibility of dower and convey all my right of homestead in and to the land aforesaid.

Witness our hands and seals this 8th day of September, 1906.

DEED-

This Indenture made and entered into this 24th day of February 1909 between S.K. Stone and his wife, Amanda M. Stone of the City of Fayetteville, Washington County, Arkansas parties of the first part and the City of Fayetteville, Arkansas, party of the second part, witnesseth :

WHEREAS, said parties of the first part, on the 8th day of September 1906 by their deed of gift of that date conveyed unto said party of the second part the following described realestate situate in said city,county and State to-wit:

A part of Block No. thirty seven (37) as designated on the plat of the original town of Fayetteville, beginning at point eighty feet South of the Northeast corner of said Block 37 and running thence South one hundred and twenty eight feet, thence West one hundred and sixty feet, thence South eighty feet thence East one hundred and sixty feet thence South two hundred and sixty two feet or to the Southeast corner of said Block 37, and thence West thre hundred and twenty five feet, ten and one half inches or to the Southwest corner of said block, thence North four hundred and seventy feet or to a point due West of beginning and thence East to the place of beginning (subject to the use of the following strip laid out as an alley; beginning 160 feet feet West of the Northeast corner of said block and running thence South 280 feet, thence West 15 feet, thence North 280 feet, and thence East 15 feet to the place of beginning) as a testimonial of the affection of said grantors for the people among whom they have passed their lives, and for the purposes of enabling said city to establish and permanently maintain a Hospital: and,

Whereas, in the said deed of September 8th, 1906 there are certain conditions providing for a reversion of the premises which may tend to retard the establishment and maintenance of said Hospital.

Therefore, the said parties of the first part in consideration of the premises and of one dollar to them paid by said party of the second part, and for the purposes of more effec ually securing to said city and its inhabitants the benefits of such Hospital, do hereby grant, bargain, sell and convey unto said party of second part, the lands and premises

C. 5
Washington Regional Medical
Center Roundabout
Page 13 of 20

above described to be by the said city, held in trust and maintained as a city Hospital. And in case it should be determined hereafter to change the location of said Hospital, to some other point in said city, in such case the entire porceeds of the above described premises shall constitute a trust fund to be devoted exclusively to the establishment and maintenance of such City Hosapital at the point selected; and no such change of location shall be made except by the concurrent action of the board of trustees named in said deed of September 8th, 1906. (or their successors in trust) and the council of said city.

To have and to hold the above granted premises unto the said party of the second part together with all and singular the appurtenances thereunto belonging.

And, I Amanda M. Stone wife of the said S.K. Stone, for the consideration and purposes aforesaid do hereby release and relinquish unto said party of the second part all my right of dower in and to said lands.

Witness our hands and seals this 24th day of February 1909.

S.K. Stone (Seal)

Amanda M. Stone. (Seal)

State of Arkansas

County of Washington

Be it remembered that on this day came before the undersigned, a Notary Public within and for the county aforesaid, duly commissioned and acting S.K. Stone to me well known as the grantor in the foregoing deed of conveyance and stated that he had executed the same for the consideration and purposes therein mentioned and set forth.

And on the same day voluntarily appeared before me the said Amanda M. Stone wife of the said S.K. Stone, to me well known, and in the absence of her said husband, acknowledged that she had, of her own free will executed said deed and signed and sealed the relinquishment of dower in said deed for the consideration and purposes therein contained and set forth without compulsion or undue influence of her said husband.

Witness my hand and seal as such Notary Public this 24th day of February 1909.

(Seal) E.B. Wall, Notary Public.

Filed for Record August 28th, 1909 5 P.M. Recorded in Volume 130 Page 127.

MEMORANDUM

TO: Lioneld Jordan, Mayor, City of Fayetteville
Kit Williams, City Attorney, City of Fayetteville

FROM: Tom Olmstead, General Counsel Washington Regional Medicorp.

DATE: August 10, 2010

RE: Fayetteville City Hospital

Washington Regional Medicorp ("Washington Regional") currently operates a skilled nursing and long-term care facility known as Fayetteville City Hospital ("FCH") located at 221 South School Avenue in the City of Fayetteville. Washington Regional assumed the operation of FCH in 1991 from Fayetteville City Hospital, an Arkansas nonprofit corporation, (the "Former Nonprofit") pursuant to the terms of a certain Assignment and Lease Agreement dated July 26, 1991.

The current physical facility housing FCH is aged, with portions of the facility being nearly 100 years old, and is in need of replacement. While the quality of care rendered by Washington Regional through FCH has not diminished, the condition of the physical plant is such that business operations are being adversely impacted as families of patients incorrectly perceive that the physical appearance of a facility is correlated to the quality of care rendered in that facility. This perception exists even where a patient's physician recommends FCH and is exacerbated by the fact that there are several new entrants within the market who have developed modern facilities.

Washington Regional is desirous of exploring options to replace FCH but is constrained by debt capacity issues of its affiliated organizations, existing capital projects and needs of those affiliated organizations, and the fiscal uncertainty confronting the healthcare industry in the wake of recent and forthcoming healthcare reform initiatives. Washington Regional has determined that the viability of FCH as a going concern is dependent upon securing a replacement facility and that the attainment of this objective is dependent upon forming a partnership with a suitable third party to secure access to additional capital necessary to the construction of a replacement facility.

A. The Assignment and Lease Agreement

Washington Regional acquired the FCH operation in 1991 from the Former Nonprofit pursuant to the terms of an Assignment and Lease Agreement dated July 26, 1991 (the "Agreement"). As a general statement, the Agreement consists of four basic elements, namely (i) a lease of the real property upon which FCH is situate (all of Block 37 in the original plat of the City of Fayetteville), (ii) a license to use the name "Fayetteville City Hospital", (iii) an assignment of the Former Nonprofit's business operation, including all personal property, contractual obligations,

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and licenses and permits necessary to that business operation, and (iv) a commitment to provide Washington Regional a quit claim deed for all other real property owned by the former nonprofit other than the leased property.[1] In conjunction with the execution of the Agreement, the Former Nonprofit transferred ownership of the leased premises by quitclaim deed to the City of Fayetteville, Arkansas.

The Agreement has an initial term of 25 years, which commenced August 1, 1991, and affords Washington Regional the option to renew the Agreement for two additional 25 year periods. Therefore, the initial term of the Agreement shall expire July 31, 2016 and Washington Regional has the option to extend the term through July 31, 2066. Rent under the Agreement is established at $625.00 for each 25 year lease term.

Washington Regional is obligated under the Agreement to utilize the leased premises for the "purpose of providing health care, or for any other purpose incidental or related to or considered by [Washington Regional] to the provision of health care." Washington Regional is precluded from utilizing the leased premises in any manner that would result in the reversionary interest discussed in Section B below being triggered.

Upon the expiration or termination of the Agreement, Washington Regional is obligated to return the "leased premises and all improvements thereon to [the Former Nonprofit] together with any related licenses to operate the hospital and nursing home . . . together with the tangible personal property received by [Washington Regional] which has not theretofore been disposed of . . . in the ordinary course of business."

The Agreement can be assigned by Washington Regional without the consent of any party or third party so long as any such assignee promises to perform all of Washington Regional's obligations under the Agreement. Washington Regional remains liable for performance of the Agreement regardless of any such assignment. In addition, Washington Regional has the unilateral right to sublease all or any portion of the leased premises.

B. The Reversionary Interest

The majority of the leased premises upon which FCH was built is subject to a possibility of reverter. The majority of the leased premises was conveyed to the City of Fayetteville by S.K. Stone and Amanda Stone in 1906 for the purpose of constructing a hospital. The 1906 deed contained a reversionary interest in favor of the heirs of S.K and Amanda Stone. The

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[1] Washington Regional conveyed the majority of this real property, including additional parcels subsequently purchased by Washington Regional, namely all of Block 34 in the original plat of the City of Fayetteville, to the City of Fayetteville in 2002 for purposes of the construction of the Fayetteville Public Library.

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reversionary interest was amended by further deed executed in favor of the City of Fayetteville by S.K Stone and Amanda Stone and filed of record on February 24, 1909, the stated purpose of the amended deed being to revise "certain conditions providing for a reversion of the premises which may tend to retard the establishment and maintenance of said hospital." The possibility of reverter set forth in the 1909 deed states that S.K Stone and Amanda Stone:

> do hereby grant, bargain, sell and convey unto [the City of Fayetteville], the lands and premises above described to be by the City, held in trust and maintained as a city hospital. And in case it should be determined hereafter to change the location of said hospital, to some other point in said City, in such case the entire proceeds of the above described premises shall constitute a trust fund to be devoted exclusively to the establishment and maintenance of such city hospital at the point selected; and no such change of location shall be made except by the concurrent action of the Board of Trustees named in the said deed of September 8, 1906, (or their successors in trust), and the council of said City.[2]

The chain of title reflects that the City of Fayetteville held continuous ownership of the leased premises from 1906 through November 21, 1978, at which time the City of Fayetteville conveyed the property to the Former Nonprofit. That entity owned the property until the conveyance mandated by the terms of the Agreement, which resulted in the property being transferred back to the City of Fayetteville on August 6, 1991. At this point in time, therefore, ownership of the leased property rests with the City of Fayetteville subject to the leasehold interest of Washington Regional as established under the Agreement.

C. Proposal

Washington Regional believes it will be necessary to partner with a third party to secure the capital required to replace FCH. Preliminary estimates indicate that at least $11 to $14 Million Dollars will be required to replace the FCH facility. Neither Washington Regional nor its parent or other affiliates are felt to have the debt capacity to assume such expense while simultaneously meeting other system capital initiatives and maintaining WRMC's current bond obligations and ratings. To position Washington Regional as an attractive partner to potential third parties and to maximize the overall value of the current FCH enterprise for purposes of valuing the required capital contribution required of any new FCH enterprise formed with a third party partner, Washington Regional believes it necessary to secure ownership of the FCH license and real

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[2] A possibility of reverter is not subject to the Rule Against Perpetuities. It is "the settled rule in Arkansas that a possibility of reverter [retained in a conveyance] is treated as an interest retained by the grantor. We consider such an interest as being vested at the time of its retention and therefore not subject to the Rule Against Perpetuities." Collins v. Church of God of Prophecy, 304 Ark. 37, 800 S.W.2d 418 (1990).

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property that is currently subject to the Agreement. Ownership of the license will likely be a significant consideration for any lender seeking to collateralize any construction financing extended to the new partnership. Furthermore, the value of the FCH enterprise, and thereby the capital contribution required of a third party partner, would be further enhanced were Washington Regional able to capitalize the value of the South School real estate which is subject to the reversionary interest.

Washington Regional requests that the City/Former Nonprofit terminate the Agreement and transfer the license and S. School real property to Washington Regional, with the S. School real property being subject to a possibility of reverter in favor of the City and a purchase option in favor of the City in the event Washington Regional were ever to elect to sell that real property.

The position of Washington Regional vis-à-vis potential partners and lenders would be enhanced were Washington Regional's ownership of the nursing home license not subject to the obligation to return the license to the Former Nonprofit upon the termination or expiration of the Agreement. Further, the cost of securing a replacement FCH facility would be lessened were Washington Regional able to capitalize the value of the current S. School location in conducting capital contribution negotiations with potential third parties and financing negotiations with potential lenders.

Washington Regional proposes that the City/Former Nonprofit transfer absolute ownership of the nursing home license to Washington Regional and that the City quitclaim the S. School real property to Washington Regional retaining a possibility of reverter in favor of the City and a purchase option (e.g., right of first refusal) in favor of the City in the event Washington Regional ever elected to sell the S. School real property. The subject proposal would permit Washington Regional to capitalize the entire value of the FCH operation while retaining the right of the City to ensure that any future disposition of the property comports with the possibility of reverter contained in the 1909 deed and occurs with the formal blessing of the City and Former Nonprofit. Furthermore, the proposal creates a mechanism whereby any such future disposition of the real property could be handled in a manner that would permit the City *and* Washington Regional to mutually benefit from the sale while honoring the terms of the possibility of reverter set forth in the 1909 deed.

How might one envision a future sale of the S. School property inuring to the benefit of both the City and Washington Regional while not triggering the possibility of reverter? Assume for purposes of discussing the proposal that Washington Regional at some point in the future determined to sell the S. School real estate. The deed necessary to effect the transfer of the S. School real property to Washington Regional requires that the City and Former Nonprofit approve Washington Regional's proposed use of the proceeds of any such sale in order to

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effectuate the intent of S.K Stone and Amanda Stone as set forth in the 1909 reverter clause that "the entire proceeds of the above described premises shall constitute a trust fund to be devoted exclusively to the establishment and maintenance of such city hospital . . . and no such change of location shall be made except by the concurrent action of the Board of Trustees [of the Former Nonprofit] . . . and the council of said City." The possibility of reverter retained by the City in its deed to Washington Regional ensures that the City is able to effect the intent and process established by the 1909 grant without triggering the reversionary interest. In other words, the City is in a position to ensure that the proceeds from any such sale are utilized in the construction or maintenance of a future FCH replacement facility, the maintenance of the WRMC facility (e.g., maintenance of trails, etc.), or the establishment of a trust fund that administers a health related program operated by WRMC (e.g., County HIV Clinic, charitable care fund for City residents, etc). Furthermore, as the City has retained a purchase option in its deed to Washington Regional, the City is in a position to purchase the property for use by the City, the Fayetteville Public Library, or some other agent of City government.

A strong argument can be made that any such action would fulfill the express intent of S.K. and Amanda Stone as set forth in the reversionary clause of the 1909 deed thereby terminating the possibility of reverter. The original 1906 deed from S.K. and Amanda Stone contained such a restrictive reversionary clause that it was amended in 1909 in recognition that the prior clause contained "certain conditions" that tended to "retard the establishment and maintenance of said hospital." Among the restrictive provisions that were eliminated was the requirement that the property be forever utilized by the City as a city hospital for a provision in the 1909 deed that states:

> And in case it should be determined hereafter to change the location of said hospital, to some other point in said City, in such case the entire proceeds of the above described premises shall constitute a trust fund to be devoted exclusively to the establishment and maintenance of such city hospital at the point selected.

When the Fayetteville City Hospital was constructed in 1912 there was no other hospital located within the City of Fayetteville. Washington Regional Medical Center was not constructed until 1950. An obvious intent of the Stone family was that there be a hospital within the City of Fayetteville. In reforming the reversionary clause through the 1909 deed, the Stone family further realized that there may come a time when the City/Former Nonprofit determined that the location of the City hospital may need to change. Provided the proceeds of the sale of the S. School property were utilized in the establishment and maintenance of a City hospital at some other location within the City, the Stone family gave the City the option to sell the S. School location to facilitate that determination. A strong argument can be advanced that the possibility of reverter would terminate were the City and Former Nonprofit to utilize the proceeds in the

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construction of a replacement FCH at another location within the City of Fayetteville or direct those proceeds to the establishment or maintenance of facilities and/or programs at the new hospital located within the City, namely WRMC.

Washington Regional firmly believes that the replacement of the existing FCH facility on the S. School location is dependent upon a restructuring of the current arrangement which will permit Washington Regional to own the nursing home license and S. School property. Washington Regional believes that the arrangement can be restructured in a manner that will benefit the long-term interests of patients and families cared for by Washington Regional as well as the interests of the citizens of Fayetteville who are served by the City. We look forward to meeting with each of you regarding the proposal this Thursday afternoon.

Agenda Session 4-12-11

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
April 19, 2011

A meeting of the Fayetteville City Council will be held on April 19, 2011 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

City Council Agenda Session Presentations:

Mayor's Announcements, Proclamations and Recognitions:

1. **Northwest Arkansas Land Use Planning Program Receives National Green Infrastructure Implementation Award**

City Council Meeting Presentations, Reports and Discussion Items:

1. **Botanical Garden Annual Report** – Walt Eilers and Ron Cox

Agenda Additions:

A. Consent:

1. Approval of the April 5, 2011 City Council meeting minutes.

2. **Bid #11-27 R&R Truck and Trailer Manufacturing, Inc.:** A resolution awarding Bid #11-27 and authorizing a contract with R&R Truck & Trailer Manufacturing, Inc. in the amount of $43,835.00 for the purchase of two (2) thirty-five foot (35') mobile litter conveyors, and approving a budget adjustment.

3. **Bale Chevrolet, Street Maintenance Division:** A resolution authorizing a contract with Bale Chevrolet of Little Rock, Arkansas in the amount of $20,404.00 for the purchase of one (1) Chevrolet pickup truck pursuant to a state procurement contract for use by the Street Maintenance Division, and approving a budget adjustment.

4. **Landers Dodge, Traffic Division:** A resolution authorizing a contract with Landers Dodge of Benton, Arkansas in the amount of $13,863.00 for the purchase of one (1) Dodge Dakota pickup truck pursuant to a state procurement contract for use by the Traffic Division, and approving a budget adjustment.

5. **Landers Dodge, Meter Division:** A resolution authorizing a contract with Landers Dodge of Benton, Arkansas in the amount of $17,560.00 for the purchase of one (1) Dodge Dakota pickup truck pursuant to a state procurement contract for use by the Meter Division.

6. **Landers Dodge, Transportation Division:** A resolution authorizing a contract with Landers Dodge of Benton, Arkansas in the amount of $17,560.00 for the purchase of one (1) Dodge Dakota pickup truck pursuant to a state procurement contract for use by the Transportation Division.

N.B. #6

7. **Landers Chevrolet, Sewer Maintenance Division:** A resolution authorizing a contract with Landers Chevrolet in the amount of $67,767.00 for the purchase of two (2) Chevrolet Silverado pickup trucks pursuant to a state procurement contract for use by the Sewer Maintenance Division.

8. **Fleet Budget Adjustment:** A resolution approving a budget adjustment in the amount of $11,924.00 to transfer funds to the fleet expense account.

9. **Parks Top Dresser Budget Adjustment:** A resolution approving a budget adjustment in the amount of $19,900.00 for the purchase of a top dresser for the Parks Division.

10. **McClelland Consulting Engineers, Inc. Amendment #2:** A resolution approving Amendment #2 to the engineering services agreement with McClelland Consulting Engineers, Inc. in the amount of $247,013.00 for construction and design phase services for the Highway 265 water and sewer relocations project, and approving a $20,000.00 project contingency.

11. **Bid #11-28 Garney Companies, Inc.:** A resolution awarding Bid #11-28 and authorizing a contract with Garney Companies, Inc. in the amount of $4,989,135.00 for the construction of Highway 265 water and sewer replacements, approving a project contingency of $200,000.00, and approving a budget adjustment.

12. **McClelland Consulting Engineers, Inc. Task Order #2:** A resolution approving Task Order #2 to a contract with McClelland Consulting Engineers, Inc. in the amount of $12,900.00 to develop and bid an airport security improvements project for Fayetteville Executive Airport-Drake Field contingent upon receipt of a grant award, authorizing application for and acceptance of a grant from the Arkansas Department of Aeronautics in the amount of $144,000.00, and approving a budget adjustment.

B. Unfinished Business:

1. **Amend §117.102 Pedicab Permitted Zone of Operation and Approved Fixed Routes:** An ordinance to amend §117.102 Pedicab Permitted Zone of Operation and Approved Fixed Routes (B) Route Approval and (F) of the Fayetteville Code to allow use of pedicabs on streets with a posted speed limit of thirty-five (35) miles per hour or higher if authorized by the Transportation Services Director and (D) to allow pedicabs to operate on Scull Creek Trail, Mud Creek Trail and Frisco Trail. *This ordinance was left on the First Reading at the March 15, 2011 City Council meeting. This ordinance was left on the Second Reading at the April 5, 2011 City Council meeting.*

Left on the Second Reading

A. **Amend Section 3 of the proposed ordinance Amend §117.102 Pedicab Permitted Zone of Operation and Approved Fixed Routes** by striking Section 3 in its entirety and replacing it with the following new Section 3, which shall read as follows:

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends §117.102 **Pedicab Permitted Zone of Operation And Approved Fixed Route** of the Fayetteville Code by repealing (D) in its entirety and enacting a new (D) as follows:

"(D) *Operation on City Trails.* No Pedicab shall be operated on city transportation trails (Frisco Trail, Scull Creek Trail, Mud Creek Trail, etc.) without the express prior approval of the date, time, route and fee for the special event by the Director of Parks and Recreation. Pedicabs may not be operated on any city recreational trails in city parks (such as Lake Fayetteville, Gulley Park, Wilson Park, etc.)." ***This amendment was tabled at the April 5, 2011 City Council meeting to the April 19, 2011 City Council meeting.***

This amendment was Tabled

2. **Amend §174.03 Exemptions:** An ordinance to amend §174.03 Exemptions of Chapter 174 Signs of the Fayetteville Code to allow advertising on pedicabs. *This ordinance was left on the First Reading at the March 15, 2011 City Council meeting. This ordinance was left on the Second Reading at the April 5, 2011 City Council meeting.*

Left on the Second Reading

3. **Amend §117.47 Advertising:** An ordinance to amend §117.47 Advertising of the Fayetteville Code to remove authorization to place advertising signs on taxicabs. *This ordinance was left on the First Reading at the March 15, 2011 City Council meeting. This ordinance was left on the Second Reading at the April 5, 2011 City Council meeting.*

Left on the Second Reading

C. New Business:

1. **VAC 11-3769 (Bracey):** An ordinance approving VAC 11-3769 submitted by John Bracey for property located at 237 Ray Avenue to vacate a portion of a utility easement, a total of 178.7 square feet.

2. **VAC 11-3792 (U of A):** An ordinance approving VAC 11-3792 submitted by H2 Engineering for property located on the north side of Douglas Street between Oakland and Storer Avenues to vacate a 15-foot wide alley right-of-way.

3. **VAC 11-3793 (U of A):** An ordinance approving VAC 11-3793 submitted by H2 Engineering for property located on the north side of Douglas Street between Oakland and Storer Avenues to vacate a 15-foot wide utility easement.

4. **Amend §35.19 and §35.30 Definitions:** An ordinance to amend §35.19 and §35.30 Definitions of the Code of Fayetteville to change the definition of concession stands to remove the exemption for stands operated on a short term basis for festivals.

5. **Washington Regional Medical Center Roundabout:** An resolution to designate the location of Washington Regional Medical Center as the new location of and the successor hospital of the City Hospital, to approve and authorize the mayor to execute a quit claim deed to convey the current site of the City Hospital to Washington Regional Medical Center, all contingent upon the concurrent action of the Board of Trustees of the City Hospital to designate Washington Regional Medical Center as the successor City Hospital and the donation of approximately 1.1 acres by Washington Regional Medical Center for construction of the roundabout at North Hills Boulevard and Futrall Drive.

City Council Tour: Monday, April 18, 2011 at 4:30 p.m. The Council will tour the Animal Shelter.

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.

Pre-Agenda Meeting 4-6-11

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
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C. New Business:

1. **VAC 11-3769 (Bracey):** An ordinance approving VAC 11-3769 submitted by John Bracey for property located at 237 Ray Avenue to vacate a portion of a utility easement, a total of 178.7 square feet.

2. **VAC 11-3792 (U of A):** An ordinance approving VAC 11-3792 submitted by H2 Engineering for property located on the north side of Douglas Street between Oakland and Storer Avenues to vacate a 15-foot wide alley right-of-way.

3. **VAC 11-3793 (U of A):** An ordinance approving VAC 11-3793 submitted by H2 Engineering for property located on the north side of Douglas Street between Oakland and Storer Avenues to vacate a 15-foot wide utility easement.

4. **Amend §35.19 and §35.30 Definitions:** An ordinance to amend §35.19 and §35.30 Definitions of the Code of Fayetteville to change the definition of concession stands to remove the exemption for stands operated on a short term basis for festivals.

Don Marr has

5. **Washington Regional Medical Center Roundabout:** An resolution to designate the location of Washington Regional Medical Center as the new location of and the successor hospital of the city hospital, to approve and authorize the mayor to execute a quit claim deed to convey the current site of the city hospital

City Council Tour: Monday, April 18, 2011 at 4:30 p.m. The Council will tour the Animal Shelter.

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.

Sondra Smith - Fwd: May 3, 2011 City Council - Mayor Announcements

From: Don Marr
To: Smith, Sondra
Date: 4/4/2011 4:42 PM
Subject: Fwd: May 3, 2011 City Council - Mayor Announcements
CC: Broyles, Lana; Edmonston, Connie; Jordan, Lioneld; Pate, Jeremy; Smith, Lindsley
Attachments: AR 2011 National Green Infrastructure ImplementationAwards (1).docx

Sondra - Will you please make sure to put on the City Council Agenda the presentation of this award at the 5/3/2011 City Council Meeting. I am copying Lana, and Lindsley so that they can make sure that the Mayor is prepared with a script for this recognition.
Sondra - I also believe that Jeremy Pate was wanting to confirm a City Council Tour on April 18th at the normal City Council Tour time, to tour the newly remodeled Animal Shelter. We would like to get this listed on the Calendar as well. Jeremy, if there is any change on this please let Sondra know.

Thanks,
Don

This award was moved to the April 19, 2011 City Council Meeting
Ses

Don Marr

Chief of Staff for Mayor Jordan
113 W Mountain Street
Fayetteville, AR 72701
Office: 479-575-8330
For TDD: (Telecommunications Device for the Deaf)
Dial 479-521-1316
Email: dmarr@ci.fayetteville.ar.us
Website: www.accessfayetteville.org

>>> Connie Edmonston 4/4/2011 3:47 PM >>>
Hi Lana,
Attached is the press release for the Northwest Arkansas Land Use Planing Program receiving a National Green Infrastructure Implementation Award. This award was given during the National Green Infrastructure Conference held in Shepherdstown, W. VA. on February 16, 2011. Would the Mayor like to present this award to the following group at the May 3rd City Council Meeting under Mayor's Announcements?

Bob Caulk, Fayetteville Natural Heritage Assoc. President
Karen Rollet Ctrocker, Fay. Natural Heritage Assoc.
Barbara Boland, Fay. Natural Heritage Assoc.
Patti Erwin, Urban Forestry Coordinator for the AR Forestry Commission
Robert Morgan - Beaver Water District

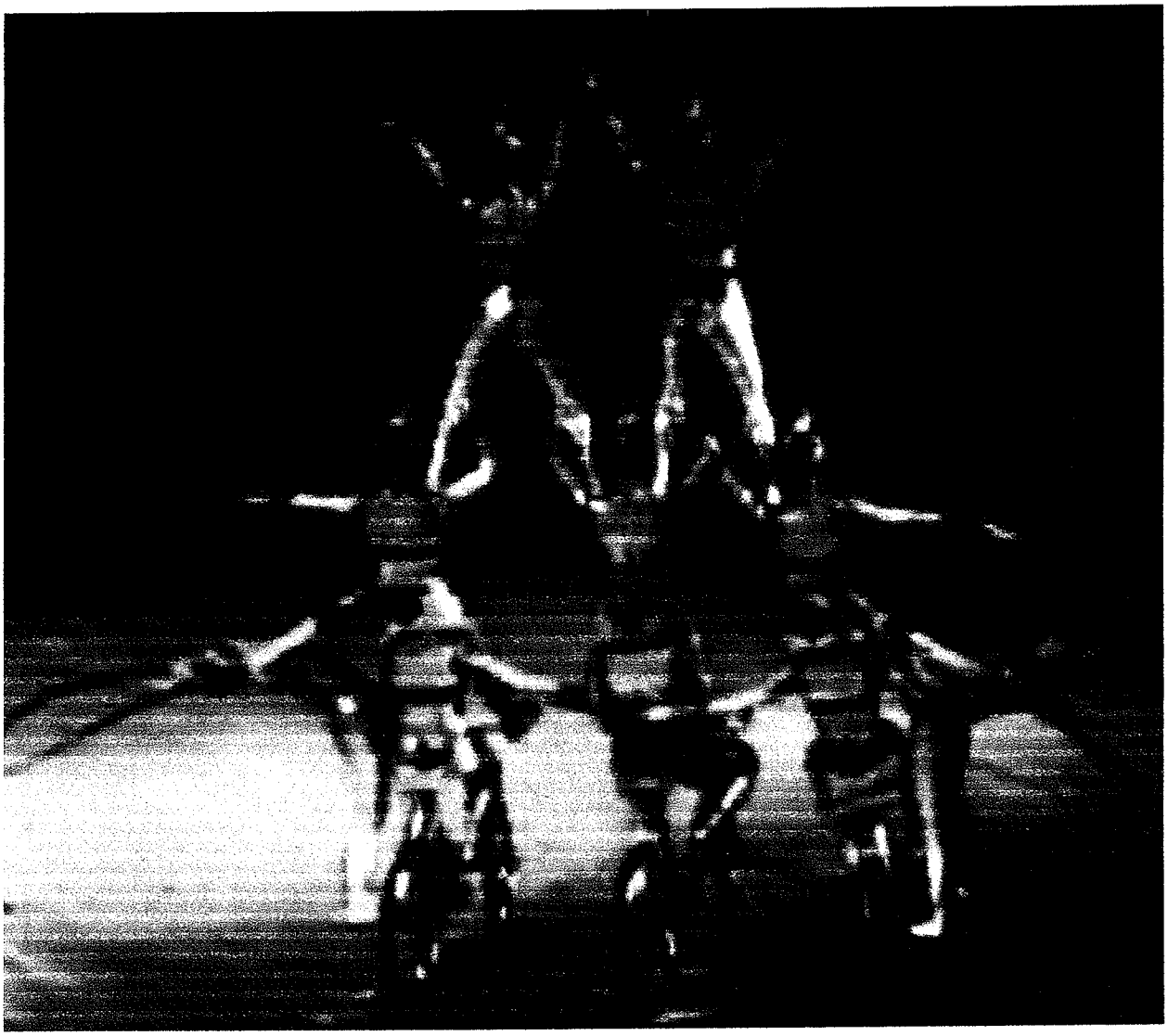
They can all be at the May 3rd City Council meeting for the Mayor to present the award to them. Let me know if this is approved by the Mayor. I will have them to bring their award to the meeting. I will be the contact person for these people. Lana, if you have any questions, please let me know.

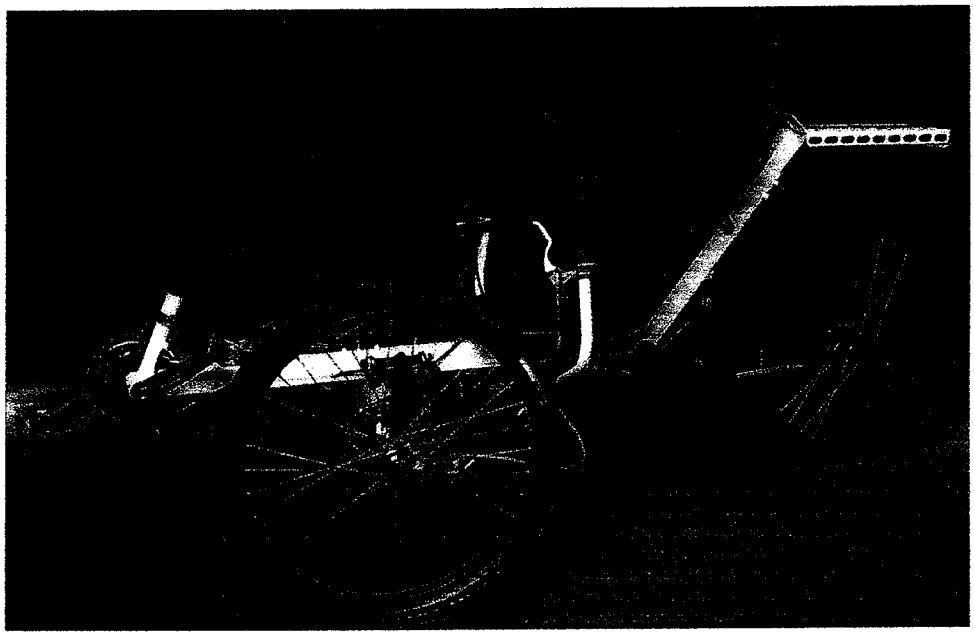
Connie Edmonston
Parks and Recreation Director
City of Fayetteville, AR
113 West Mountain Street
Fayetteville, AR 72701
479-444-3471
TDD (Telecommunications Device for the Deaf): (479) 521-1316

http://parks.accessfayetteville.org
http://twitter.com/fayparksandrec

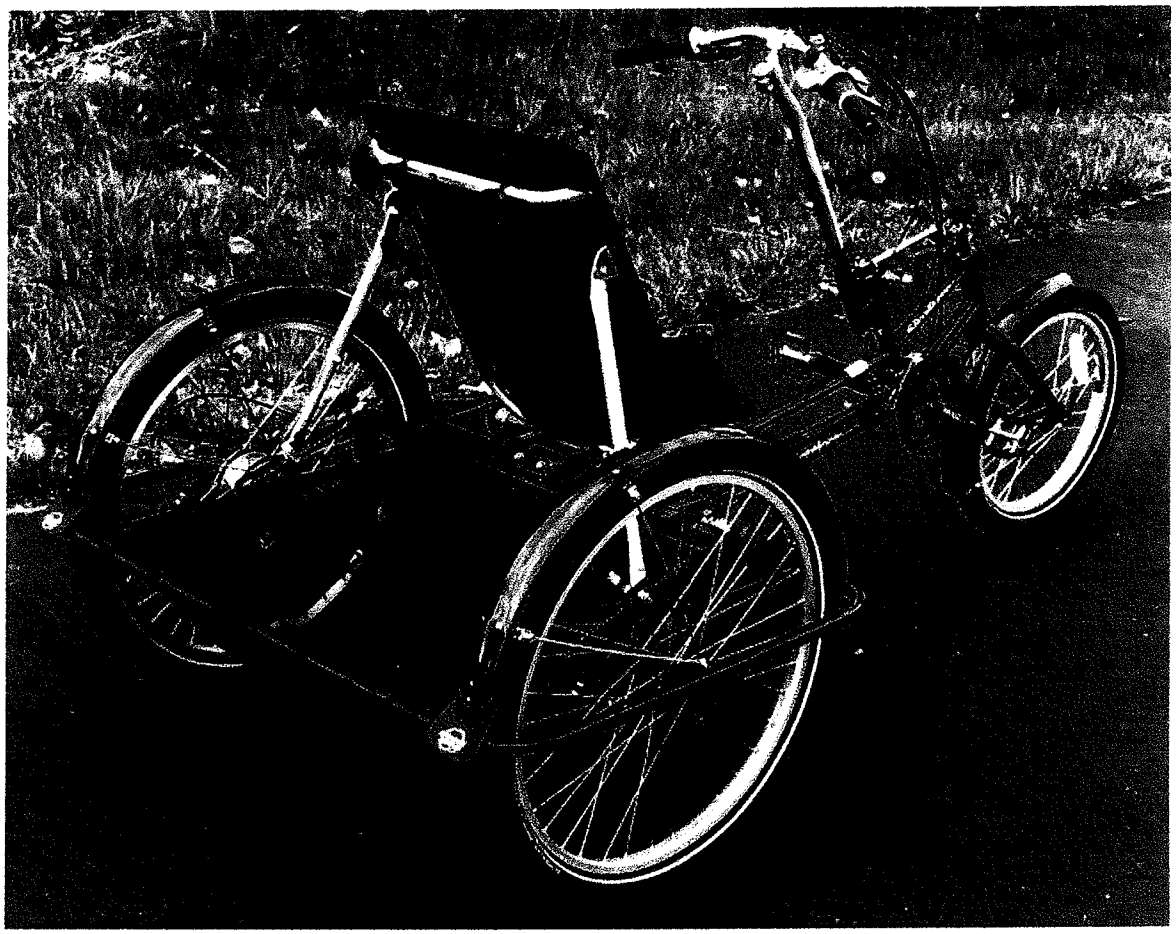
Consider the environment
before printing my e-mail.

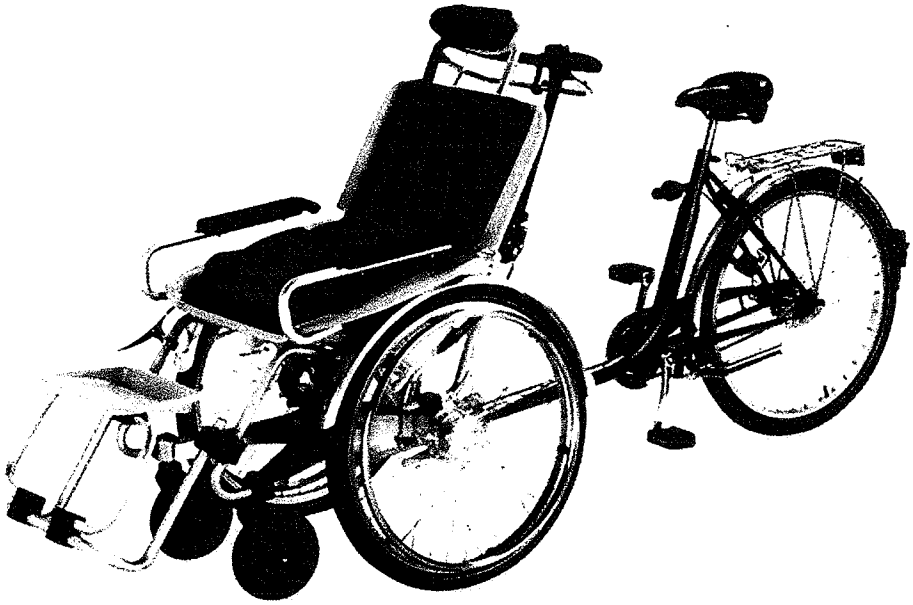
4-19-11 Amend 117.102 [illegible] Permitted Zones.



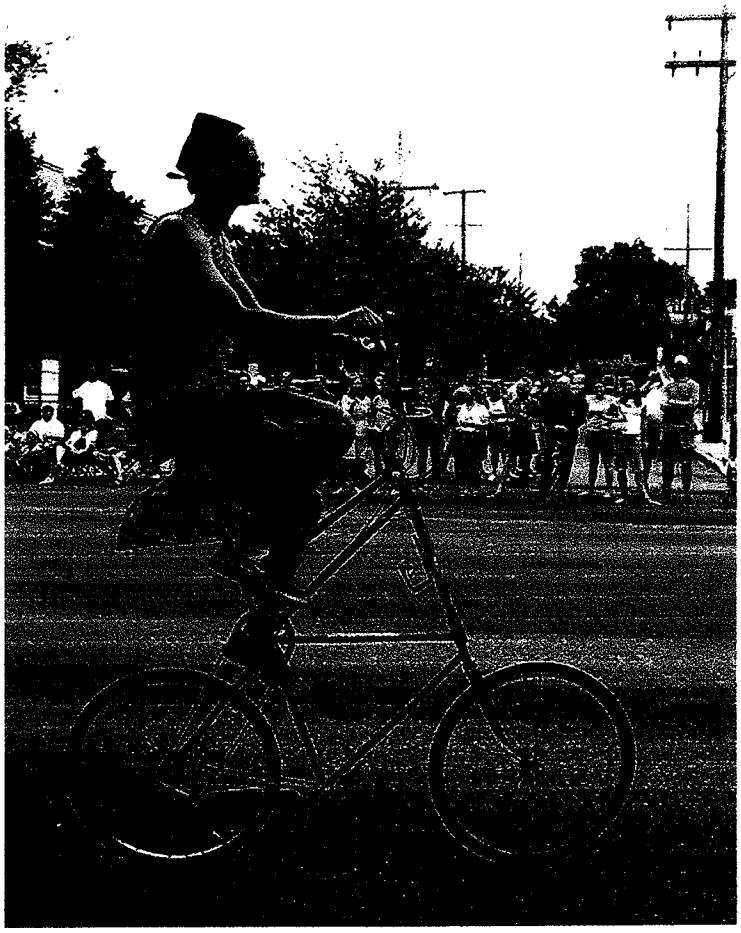


Large Comfortable Seat on full suspension recumbent tricycle
Image 9 of 15 < Prev Next >





comical-bikes



Revised Amendment Amend Section 3 of the Proposed ordinance Amend 117.102 Pedicab Permitted Zone of Operation & Approved Fixed Routes

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends §117.102 **Pedicab Permitted Zone Of Operation And Approved Fixed Route** by repealing (D) of the Fayetteville Code in its entirety and enacting a new (D) as follows:

"(D) *Operation on City Trails.* Pedicabs may be operated on the entire length of the Frisco Trail, the Scull Creek Trail, the Mud Creek Trail, and other transportation trails during the hours of 10:00 p.m. until 5:00 a.m. except that portions of these trails may be closed to pedicabs by the Parks and Recreation Director for special events or if the trail section is deemed too narrow for pedicabs or if use of pedicabs on the section of trail could cause safety issues. Pedicabs may not operate on any recreation trails in city parks (such as Lake Fayetteville, Wilson Park, Gulley Park, etc.)."

PASSED and **APPROVED** this 19th day of April, 2011.

APPROVED: ATTEST:

By: _____ By: _____

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

(D) As recommended by Aldermen Petty & Adams

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §117.102 **PEDICAB PERMITTED ZONE OF OPERATION AND APPROVED FIXED ROUTES** (B) *ROUTE APPROVAL* AND (F) OF THE FAYETTEVILLE CODE TO ALLOW USE OF PEDICABS ON STREETS WITH A POSTED SPEED LIMIT OF THIRTY-FIVE (35) MILES PER HOUR OR HIGHER IF AUTHORIZED BY THE TRANSPORTATION SERVICES DIRECTOR AND (D) TO ALLOW PEDICABS TO OPERATE ON SCULL CREEK TRAIL, MUD CREEK TRAIL AND FRISCO TRAIL

WHEREAS, pedicab operators would like the option to operate their pedicabs on streets and highways in Fayetteville with speed limits of 35 m.p.h. or higher upon approval of the Transportation Services Director; and

WHEREAS, pedicab operators would like the right to operate on Scull Creek Trail, Mud Creek Trail and Frisco Trail without needing the approval of the Transportation Services Director.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §117.102 **Pedicab Permitted Zone of Operation and Approved Fixed Routes** (B) *Route Approval* (1) by repealing the last sentence of this subsection that prohibits operation of pedicabs on any street with a posted speed limit of 35 m.p.h. or more, other than to cross such street.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends §117.102 **Pedicab Permitted Zone of Operation and Approved Fixed Routes** by repealing subsection (F) in its entirety and enacting a replacement (F) as shown below:

> "(F) No pedicab shall be operated on a street with posted speed limit of thirty-five (35) miles per hour or greater, except for the purpose of crossing that street unless authorized by the Transportation Services Director."

Added to the Agenda at the 4-19-2011 City Council Meeting.

AGENDA REQUEST

FOR: COUNCIL MEETING OF APRIL 19, 2011

FROM: ALDERMAN MATTHEW PETTY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §117.108 **Pedicab Equipment; Inspection** Of The Fayetteville Code By Enacting Requirements For A Sound-Warning Device And An Identification And Phone Number Displayed On The Rear Of All Pedicabs

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APPROVED FOR AGENDA:

Matthew Petty, Alderman — Date: 4-19-2011

City Attorney (as to form) — Date: 4-19-2011

From: Matthew Petty - Fayetteville Ward 2 <citycouncil@matthewpetty.org>
To: Kit Williams <kwilliams@ci.fayetteville.ar.us>
Date: 4/18/2011 1:13 PM
Subject: Re: pedicab safety amendments

Hi Kit -

Could you draft up an amendment which would 1) require pedicabs to have a sound device or warning bell and 2) require an identification number and phone number to be displayed on the rear of a pedicab?

Just called a left a voicemail with Judy. If you need to call me back, 479 595 8703. Thanks for your help.

-M

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §117.108 **PEDICAB EQUIPMENT; INSPECTION** OF THE FAYETTEVILLE CODE BY ENACTING REQUIREMENTS FOR A SOUND-WARNING DEVICE AND AN IDENTIFICATION AND PHONE NUMBER DISPLAYED ON THE REAR OF ALL PEDICABS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §117.108 **Pedicab Equipment; Inspection** (B) *Required equipment* by enacting two new equipment requirements as subsections (l) and (m) as follows:

> "(l) Sound-warning device;
>
> (m) The identification number assigned by the Fayetteville Police Department for the pedicab and telephone number of the pedicab company shall be displayed on the rear of the pedicab with numerals no smaller than two inches in height and one inch in width."

PASSED and **APPROVED** this 19th day of April, 2011.

APPROVED: ATTEST:

By: _____ By: _____

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

Current law

117.108 Pedicab Equipment; Inspection

(A) *Inspection and maintenance.* Each pedicab shall comply with all the safety requirements imposed by all state, federal or local laws. Each pedicab shall submit to an annual inspection for compliance with the requirements of this article. The inspection shall be performed by the Transportation Department. The fee for inspection shall be $50.00 per pedicab inspected. No certificate shall be issued or continued in operation unless the holder thereof provides proof of annual pedicab inspection for each pedicab in service.

(B) *Required equipment.*

(1) A holder or driver shall, at all times, provide and maintain in good operating condition the following equipment for each pedicab:

(a) Headlight;

(b) Tail lights;

(c) Lights or reflectors on the front and rear corners of the passenger compartment;

(d) Approved braking system;

(e) Pneumatic tires that conform with the manufacturer's specifications on all wheels with adequate tread depth;

(f) Evidence of insurance and city map;

(g) Mirror;

(h) No exposed rust, ripped upholstery or fabric, visible chips or scratches on any painted surface, exposed wood that is not painted and in good condition, or dirt or debris on any surface accessible to passengers.

(i) Seat strap available for passenger use;

(j) Rate card or gratuity notice card complying with their Certificate of Convenience and Necessity and this code posted in clear view of passengers;

(k) Child safety helmet available for passenger use.

Add 2 new subsections →

117.109 Transfer Of Certificate

No Certificate of Public Convenience and Necessity may be sold, assigned, mortgaged, or otherwise transferred without the consent of the City Council.

117.110 License Fees

No certificate shall be issued unless the applicant has paid a license fee of $100.00 to offset the administrative costs to issue a Certificate of Public Convenience and Necessity.

117.111 Suspension, Revocation, And Cancellation Of Certificate

(A) A certificate issued under the provisions of this article may be revoked or suspended by the Fayetteville City Council if the holder thereof has:

(1) Violated any of the provisions of this article;

(2) Violated any ordinances of the city, or the laws, federal or state, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.

(B) Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

(C) If any holder of a Certificate goes out of business, fails to operate under the Certificate for one calendar year, fails to have any vehicle inspected to operate under the Certificate for one calendar year or fails to have any driver or operator properly permitted under the Certificate for one calendar year, the holder's Certificate of Public Convenience and Necessity shall be deemed abandoned and shall be denoted as cancelled and invalid by the City Clerk.

117.112 Maximum Pedicab Fares Established

(A) The maximum pedicab fare that can be charged for the transportation of each passenger is hereby established and will be conspicuously posted on each pedicab unless the pedicab will be operated upon a gratuity only basis. The pedicab fare may not exceed $8.00 per passenger for operations within the Pedicab Permitted Zone of Operation.

(B) If a pedicab is operated on a gratuity only basis, no minimum fare or gratuity may be charged. The pedicab shall conspicuously post the following sign clearly visible to the passengers: "No fare or minimum gratuity may be charged by the pedicab driver for passengers. Passengers may offer whatever gratuity they believe is appropriate for the pedicab ride."

117.113 Number Of Passengers In

City Council Meeting 4/19/2011

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
PARKS AND RECREATION DEPARTMENT
113 West Mountain
Fayetteville, AR 72701
P (479) 444-3471 F (479) 521-7714

Memo: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff

From: Connie Edmonston, Parks and Recreation Director

Date: April 18, 2011

Subject: **Botanical Gardens of the Ozarks Annual Report**

According to the Land Lease of the Botanical Gardens of the Ozarks with the City of Fayetteville, an annual operations report is required. Ron Cox, Executive Director of the Botanical Gardens of the Ozarks, presented the attached Annual Report for 2010 to the Parks and Recreation Advisory Board on April 4, 2011. The Parks and Recreation Advisory Board recommended approving this report.

BOTANICAL GARDEN OF THE OZARKS

2011 new growth year at BGO

In 2011 the Garden will add four new features to attract visitors:

- *A butterfly house demonstrating how to cultivate native butterflies,*
- *A gift shop featuring Garden-specific items,*
- *Explore @ BGO, a nine-session day mini-camp for 7 to 10 year olds and*
- *A 5,000 sf demonstration garden with Ball Horticulture featuring annual plants still in development.*

Education of all ages remains the Garden's primary focus in 2011. This year:

- Garden classes doubled offering 24 different selections.
- Lil' Sprouts continues each Wednesday, April through October, at 10 AM for pre-schoolers. Attendance averages 50 per week.
- 1,500 fifth-graders from Springdale and other districts are expected for the Earth Day April 26 celebration hosted by Shaw Elementary students at the Botanical Garden.
- 2,000 Fayetteville and area third-grade students are expected to attend the three-four days of Butterfly Week.
- BGO began a docent program partnering with the Aquatic Center to offer courses on water quality and ecology to meet state life science standards.
- We project that Firefly Fling will attract 4,000 to this family outdoor event.
- BGO offers teacher certification courses approved by the ADE.

The BGSO will distribute 4,000 guest passes through 21 local agencies to encourage challenged, low income and under privileged Fayetteville residents of all ages to visit and enjoy the Garden throughout this summer season.

In 2011, the BGSO board set four priorities:

- Simplify membership application and increase membership by 15%.
- Increase unrestricted garden funds through sponsorships, events and annual giving efforts.
- Raise money for planned capital projects (stream restoration and education pavilion).

- Enhance public awareness of the Garden and its programs through marketing, a speakers' bureau and partnerships with not-for-profits.

BGO will launch its first marketing/branding campaign in April to attract visitors from around the region to visit as part of a "stay-cation."

Looking back at 2010

The Fayetteville Chamber of Commerce, as the economic developers for the City of Fayetteville estimated the Garden's 2010 economic impact at $3,018,633

The BGSO board grew to its 18-member potential. The board is now more diverse with six members from Benton County. Each is a member and Growing Circles donor and is engaged in one of the seven committees. The board hired Ron Cox as Executive Director. In his initial seven months Ron added professional management and communications skills and fundraising expertise.

BGSO collaborated with Walton Arts Center to produce *Artosphere* and with Crystal Bridges Art Museum to produce *Firefly Fling*.

Educational programs including Lil' Sprouts, Butterfly Day and Earth Day attracted 2,000 students from six school districts. Students from Greenland, Fayetteville and Springdale taught the Butterfly and Earth Day lessons.

Gardenland Express drew over 1,200 train enthusiasts to the Garden.

BGSO produced its first garden calendar. Winning pictures from an amateur photography contest are featured in the calendar.

Botanical Garden attendance of 29,771 in 2010 increased 6 %:

- *11,276 attended events such as concerts, Butterfly and Earth Day and Firefly fling.*
- *5,995 paid guests toured the Garden*
- *2,915 students and members were admitted free*
- *2,813 attended classes and programs*
- *2,290 Fayetteville residents visited free on Saturdays*
- *782 used the guest passes in the May promotion*
- *2,500 attended the Sunday Farmers' Markets during the summer and fall*

The Botanical Garden of the Ozarks consists of nine demonstration gardens showing the woody, herbaceous and exotic plant species that can be successfully included in Northwest Arkansas gardens. BGO is a four-year-old venue on the shore of Lake Fayetteville, near the Fayetteville-Springdale line. It demonstrates sustainability, recycling, low-impact gardening, mulching and water saving techniques.

The operations of the Garden are wholly supported by admissions, sponsorships, memberships and donations. To become a volunteer, join or donate go to www.bgozarks.org.

From: Jeremy Pate
To: City Clerk
Date: 4/6/2011 11:52 AM
Subject: Re: City Council Tour

Please accept email as confirmation of the tentatively scheduled tour for the Council to visit the Animal Shelter on April 18, 4.30 pm, at the normally scheduled City Council Agenda Tour time.

thanks,
Jeremy

Jeremy C. Pate
Development Services Director
City of Fayetteville, Arkansas

>>> City Clerk 4/4/2011 6:33 PM >>>
We have **Tentatively** scheduled a City Council Tour for the following date:

Monday, April 18, 2011 at 4:30 p.m. The Council will tour the Animal Shelter.

Jeremy will you please confirm this tour with the City Clerk's office.

Thanks!
Sondra Smith

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

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