

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323
TDD 479-521-1316



Final Agenda

Tuesday, October 21, 2014

5:30 PM

City Hall Room 219

City Council:

Adella Gray Ward 1

Sarah Marsh Ward 1

Mark Kinion Ward 2

Matthew Petty Ward 2

Justin Tennant Ward 3

Martin W. Schoppmeyer, Jr. Ward 3

Rhonda Adams Ward 4

Alan Long Ward 4

Elected Officials:

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Call to Order**Roll Call****Pledge of Allegiance*****Mayor's Announcements, Proclamations and Recognitions***

1. America in Bloom Award Presentation – Marilyn Heifner
2. City Media Services Division Recycle Something Campaign Public Service Announcement
Emmy Awards – Fritz Gisler and Doug Bankston

City Council Meeting Presentations, Reports and Discussion Items:

1. Bi Monthly Report on Public Transportation

Agenda Additions:**A. Consent:**

1. Approval of the September 16, 2014 and October 7, 2014 City Council meeting minutes.

APPROVED

2. **Bid #14-51 All Traffic Solutions:** A resolution to award Bid #14-51 and authorize the purchase of thirteen (13) portable speed display signs from All Traffic Solutions in the amount of \$46,351.50 plus applicable taxes for use by the Police Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 185-14

3. **Fire Department Bunker Gear:** A resolution to approve a budget adjustment in the total amount of \$8,132.00 to fund the payment of bunker gear purchases and vaccination expenses for the Fire Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 186-14

- 4. Environmental Protection Agency Grant:** A resolution to authorize acceptance of an Environmental Protection Agency Grant in the amount of \$142,500.00, to approve Task Order No. 1 with the Watershed Conservation Center in the amount of \$164,524.00 for an inventory of riparian and streambank conditions in the City of Fayetteville, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 187-14

B. Unfinished Business: None

C. New Business:

- 1. Bid #14-60 Brothers Construction, Inc.:** A resolution to award Bid #14-60 and authorize a contract with Brothers Construction, Inc. in the amount of \$1,256,345.00 for relocation and improvement of water and sewer lines along Razorback Road and Maple Street, to approve a project contingency of ten percent (10%), and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 188-14

- 2. Beaver Watershed Alliance Cost-Share:** An ordinance to waive the requirement of formal bidding and approve a cost-share contract with the Beaver Watershed Alliance in the amount of \$58,562.00 to facilitate a water quality analysis of Beaver Lake.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5716

D. City Council Agenda Session Presentations:

- 1. Water Quality Minerals Permitting & Beaver Lake Update – by Billy Ammons & Steven Miller**
CH2M Hill

E. City Council Tour:

F. Announcements:

G. Adjournment: 6:04 p.m.

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City Council Meeting:

October 21, 2014

Adjourn: 6:04 pm

Subject:	Roll				
Alderman Adams arrived at 5:35 pm	Adams	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Mayor Jordan	✓			

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Adams				
	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Mayor Jordan				

Subject:	Consent				
Motion To:		Approve			
Motion By:		Marsh			
Seconded:		Gray			
minutes approved 185-14 thru 187-14	Adams	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Mayor Jordan				

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Adams				
	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Mayor Jordan				

Subject:	Bid #14-60 Brothers Construction, Inc.				
Motion To:		<i>Approve</i>			
Motion By:		<i>Adams</i>			
Seconded:		<i>Marsh</i>			
C. 1 New Business <i>passed</i> <i>188-14</i>	Adams	<i>✓</i>			
	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>✓</i>			
	Mayor Jordan				

8-0

Subject:	Beaver Watershed Alliance Cost-Share				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Marsh</i>	<i>Long</i>		
Seconded:		<i>Gray</i>	<i>Marsh</i>		
C. 2 New Business <i>passed</i> <i>5716</i>	Adams	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Long	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Gray	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Marsh	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Kinion	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Petty	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Tennant	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Schoppmeyer	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Mayor Jordan				

8-0

8-0

8-0



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **October 24, 2014**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of October 21, 2014**

- 1. Bid #14-51 All Traffic Solutions:** A resolution to award Bid #14-51 and authorize the purchase of thirteen (13) portable speed display signs from All Traffic Solutions in the amount of \$46,351.50 plus applicable taxes for use by the Police Department.
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113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
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Text File

File Number: 2014-0398

Agenda Date: 10/21/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: C. 1

A RESOLUTION TO AWARD BID #14-60 AND AUTHORIZE A CONTRACT WITH BROTHERS CONSTRUCTION, INC. IN THE AMOUNT OF \$1,256,345.00 FOR RELOCATION AND IMPROVEMENT OF WATER AND SEWER LINES ALONG RAZORBACK ROAD AND MAPLE STREET, TO APPROVE A PROJECT CONTINGENCY OF TEN PERCENT (10%), AND TO APPROVE 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 #14-60 and authorizes a contract with Brothers Construction, Inc. in the amount of \$1,256,345.00 for relocation and improvement of water and sewer lines along Razorback Road and Maple Street, and further approves a ten percent (10%) project contingency.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2014-0398

Legistar File ID

10/21/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jim Beavers

9/30/2014

Water & Sewer Maintenance /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Resolution approving a construction contract with Brothers Construction, Inc. (bid opened on 10/14/14) \$1,256,345.00 Bid 14-60, and approving a 10 % project contingency \$125,635.00 for a total of \$1,381,980.00, to construct Water and Sewer Improvements on Razorback Rd and Maple Street, and approve a Budget Adjustment.

Budget Impact:

5400.5600.5808.00		Water/Sewer	
Account Number		Fund	
11011.1401		Relocates Maple St & Hwy 112	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 744,970.00
		Funds Obligated	\$ -
		Current Balance	\$ 744,970.00
Does item have a cost?	Yes	Item Cost	\$ 1,381,980.00
Budget Adjustment Attached?	Yes	Budget Adjustment	\$ 637,010.00
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF OCTOBER 21, 2014

TO: Mayor Lioneld Jordan
Fayetteville City Council

THRU: Don Marr, Chief of Staff
Tim Nyander, Interim Director for Water & Sewer
Fayetteville Water and Sewer Committee

FROM: Jim Beavers, P.E. Utilities Engineer

DATE: September 30, 2014

SUBJECT: Resolution approving a construction contract with Brothers Construction, Inc. (bid opened on 10/14/14) \$1,256,345.00 Bid 14-60, and approving a 10 % project contingency \$125,635.00 for a total of \$1,381,980.00, to construct Water and Sewer Improvements on Razorback Rd and Maple Street, and approve a Budget Adjustment.

RECOMMENDATION:

Fayetteville City Administration recommends approval of a construction contract with Brothers Construction Inc., for \$1,256,345.00 Bid 14-60, approving a 10 % project contingency for \$1,381,980.00, to construct Water and Sewer Improvements on Maple Street and Razorback Road and water line extension on Stadium Drive, approving Budget Adjustment.

BACKGROUND:

Maple Street from Garland Avenue to Razorback Road is AHTD State Highway 112. Razorback Road from Maple to Martin Luther King (and south) is AHTD State Highway 112. The Razorback Road – Garland Avenue (HWY 112) Water and Sewer relocations are required to allow the 2015 widening of Maple Street and Razorback Road (AHTD Job 040582). This project (Water and Sewer relocations) is City funded and not eligible for reimbursement. AHTD generally reimburses utility owners for relocating lines currently existing outside of the existing ROW, and the owner pays for lines that are currently inside the ROW and any increases in capacity. The existing water and sanitary sewer are within the AHTD existing ROW. The Project includes approximately 3000 linear feet of 12 inch water line, approximately 760 linear feet of 12 inch sanitary sewer main replacement, fittings, street repair, appurtenances and special considerations as noted and specified.

DISCUSSION:

The construction project was advertised on September 29th and October 6th 2014 and bids were publically opened on October 14, 2014. The City opened 4 bids on October 14, 2014. Staff recommends rejection of the bid from Tri Star Contractors, LLC in the amount of \$1,062,000 due to failure to provide proof of adequate municipal utility experience, as required in the bid specifications. Staff recommends awarding a contract to Brothers Construction in the amount of 1,256,345.00.

BUDGET/STAFF IMPACT:

Budgeted Funds are available in the project and will be utilized. The budget adjustment recognizes budgeted funds available from the water and sewer rehabilitation projects.

Attachments:

Staff Review Form

Budget Adjustment Form

Bid 14-54 Tabulation

Bid Submittal

Proposed Construction Contract with Brothers Construction, Inc.

SECTION 0310

BID FORM

LOCATION: CITY OF FAYETTEVILLE, ROOM 306
113 W. MOUNTAIN
FAYETTEVILLE, AR 72701
DATE: OCTOBER 14, 2014 at 10:00 a.m. LOCAL TIME

Proposal of: Brothers Construction Inc

Address: PO Box 1763
Van Buren, Ar. 72957

Bid For: **BID 14-60,**
Razorback Rd – Garland Ave. (Hwy 112)
(Fayetteville)(S)
Washington County
Route 112 Section 0
Job 040582 (Utilities)
AKA “BID 14-60, Maple Street-Razorback Rd - Water and Sewer Relocation”

Bid Submitted to:

The City of Fayetteville
Andrea Foren, Purchasing Agent – Room 306
113 W. Mountain
Fayetteville, AR 72701

BIDDER will complete the **Work** for the unit prices as listed in the **Bid Form**.

The undersigned **BIDDER** proposes and agrees, if this Bid is accepted, to enter into an **Agreement** with **CITY OF FAYETTEVILLE** in the form included in these **Contract Documents** to complete all **Work** as specified or indicated in the **Contract Documents** for the **Contract Price** and within the **Contract Time** indicated in these **Contract Documents**. **BIDDER** accepts the provisions of the **Agreement** as to **Liquidated Damages** in the event of failure to complete the **Work** in the **Contract Time** specified.

BIDDER accepts all of the terms and conditions of the **Information for Bidders**, including without limitation those dealing with the disposition of **BID SECURITY**. This **Bid** will remain open for sixty (60) days after the day of **Bid Opening**. **BIDDER** will sign the **Agreement** required by these **Contract Documents** within ten (10) days after the date of **CITY OF FAYETTEVILLE'S Notice of Award**.

In submission of this **BID**, **BIDDER** represents, as more fully set forth in the **Agreement**, that **BIDDER HAS EXAMINED ALL CONTRACT DOCUMENTS** (including but not limited to **Invitation to Bid, Information for Bidders, and Supplemental Information for Bidders**) and the following **ADDENDA**: #1 dated 10/8/14

Failure to list all necessary Agenda issued by the **CITY OF FAYETTEVILLE** or the **ENGINEER** could mean the **BID** submitted by the **BIDDER** may be deemed unresponsive and not read publicly.

In submission of the **BID**, **BIDDER** represents, that they have examined the site and locality where the **Work** is to be performed, the legal requirements (Federal, State and Local Laws, Ordinances, Rules and Regulations) and the conditions affecting cost, progress or performance of the **Work** and has made such independent investigations as **BIDDER** deems necessary.

In submission of the **BID**, **BIDDER** represents, that this **BID** is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation. The **BIDDER** represents that they have not directly or indirectly induced or solicited any other **BIDDER** to submit a false or sham **BID**. The **BIDDER** represents that they have not solicited or induced any person, firm or corporation to refrain from bidding and have not sought by collusion to obtain for themselves any advantage over any other **BIDDER** or over the **CITY OF FAYETTEVILLE**.

All terms used in the **BID** are defined and have the meanings assigned to them in the **General Conditions** of these **Contract Documents**.

Attached to this **BID FORM** is the required Bid Security in the form of a Corporate Bid Bond or Cashier's Check in the amount of five (5) percent of the Total Bid Amount.

Contract Completion Time and Liquidated Damages are stated in Document 0500 - Contract.

TAXES

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

Signature *Jedd Mooney* Title *Sect*

INSURANCE AND BONDING REQUIREMENTS

The **BIDDER** hereby acknowledges that he/she has read and understands the performance bond, payment bond, and insurance requirements for this project as specified in the **General Conditions**. If awarded a construction contract, the **BIDDER** agrees to furnish the required bonds and insurance certificates within fifteen (15) days of the date the award is made.

Signature *Jedd Mooney* Title *Sect*

DESCRIPTION OF UNIT PRICE SCHEDULE ITEMS (including MEASUREMENT AND PAYMENT)

The Bidder hereby acknowledges that he/she has read and understands Section 0900 - **DESCRIPTION OF UNIT PRICE SCHEDULE ITEMS** completely prior to completing this Bid Form.

Signature *Jedd Mooney* Title *Sect*

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**.

BIDDER submitting this **BID** is:

☒ A Corporation, incorporated in the State of Ar.

☐ A Partnership, consisting of the following partners, whose full names are: _____

☐ An Individual whose full name is: _____

Brothers Construction Inc
General Contractor (Firm Name)

BY Todd Mooney
Signature

ATTEST Terry Mooney
Signature

Todd Mooney Sect
Printed Name & Title

Terry Mooney - Pres
Printed Name & Title

[CORPORATE SEAL]

10/14/14
Date

Address

Po Box 1763

479-474-5716
Telephone Number

Van Buren Ar.
City State

479-471-9912
Fax Number

0055490315 - Ar.
Contractor's License Number

busybrothers@msn.com
email address

SECTION 310 BID FORM

ITEM no.	ITEM DESCRIPTION	APPROX. QUANTITY	UNIT	UNIT PRICE IN FIGURES	TOTAL IN FIGURES
1	MOBILIZATION SHALL NOT EXCEED 5% of TOTAL BID	1	LS	60,000. ⁰⁰ \$	60,000. ⁰⁰
2	ACT 291, 1993 TRENCH AND EXCAVATION SAFETY SYSTEM	1	LS	30,000. ⁰⁰ \$	30,000. ⁰⁰
3	EROSION CONTROL	1	LS	35,000. ⁰⁰ \$	35,000. ⁰⁰
4	FINAL SITE RESTORATION	1	LS	40,000. ⁰⁰ \$	40,000. ⁰⁰
5	SPECIAL CONSIDERATIONS FOR ARKANSAS HOME FOOTBALL GAME WEEKENDS	1	LS	5,000. ⁰⁰ \$	5,000. ⁰⁰
6	MAINTENANCE OF TRAFFIC/TRAFFIC CONTROL	1	LS	60,000. ⁰⁰ \$	60,000. ⁰⁰
7	MAINTENANCE OF TRAFFIC/PEDISTRIAN	1	LS	25,000. ⁰⁰ \$	25,000. ⁰⁰
8	CONSTRUCTION PHOTOGRAPHS AND VIDEO	1	LS	8,000. ⁰⁰ \$	8,000. ⁰⁰
9	ACCEPTANCE INSPECTION BY CCTV	1	LS	10,000. ⁰⁰ \$	10,000. ⁰⁰
10	SURVEYING AND CONSTRUCTION STAKING	1	LS	6,000. ⁰⁰ \$	6,000. ⁰⁰
11.A	12-INCH PVC PIPE C-900 DR-14 WATER MAIN - EARTH BACKFILL	1100	LF	85. ⁰⁰ \$	93,500. ⁰⁰
11.B	12-INCH PVC PIPE C-900 DR-14 WATER MAIN - AGGREGATE BASE BACKFILL	1660	LF	100. ⁰⁰ \$	166,000. ⁰⁰
11.C	12-INCH PVC PIPE C-900 DR-14 WATER MAIN - ENCASED	213	LF	150. ⁰⁰ \$	31,950. ⁰⁰
12.A	8-INCH PVC PIPE C-900 DR-14 WATER MAIN - AGGREGATE BASE BACKFILL	40	LF	90. ⁰⁰ \$	3,600. ⁰⁰
12.B	8-INCH PVC PIPE C-900 DR-14 WATER MAIN - ENCASED	16	LF	140. ⁰⁰ \$	2,240. ⁰⁰
13	6-INCH PVC PIPE C-900 DR-14 WATER MAIN - AGGREGATE BASE BACKFILL	40	LF	90. ⁰⁰ \$	3,600. ⁰⁰
14	2-INCH HDPE SDR9 TUBING WATER SERVICE LINE	100	LF	75. ⁰⁰ \$	7,500. ⁰⁰
15	12-INCH GATE VALVE W/BOX	8	EA	3,500. ⁰⁰ \$	28,000. ⁰⁰
16	8-INCH GATE VALVE W/BOX	1	EA	2,000. ⁰⁰ \$	2,000. ⁰⁰
17	6-INCH GATE VALVE W/BOX	1	EA	1,800. ⁰⁰ \$	1,800. ⁰⁰
18	12-INCH X 12-INCH TAPPING SLEEVE AND VALVE W/BOX	3	EA	6,500. ⁰⁰ \$	19,500. ⁰⁰
19	8-INCH X 8-INCH TAPPING SLEEVE AND VALVE W/BOX	1	EA	4,000. ⁰⁰ \$	4,000. ⁰⁰

SECTION 310 BID FORM

ITEM no.	ITEM DESCRIPTION	APPROX. QUANTITY	UNIT	UNIT PRICE IN FIGURES	TOTAL IN FIGURES
20	THREE WAY FIRE HYDRANT ASSEMBLY WITH VALVE	4	EA	\$ 4,000. ⁰⁰	\$ 16,000. ⁰⁰
21	REMOVE EXISTING FIRE HYDRANT AND DELIVER TO OWNER	3	EA	\$ 800. ⁰⁰	\$ 2,400. ⁰⁰
22	DUCTILE IRON FITTINGS EPOXY COATED	12,500	LB	\$ 5.75	\$ 71,875. ⁰⁰
23A	24-INCH DIRECT BURY STEEL CASING STEEL ENCASEMENT PIPE OPEN CUT FLOWABLE FILL BACKFILL FOR WATER	122	LF	\$ 180. ⁰⁰	\$ 21,960. ⁰⁰
23B	24-INCH DIRECT BURY STEEL CASING STEEL ENCASEMENT PIPE OPEN CUT TRENCH BACKFILL FOR WATER (DITCH CROSSING)	20	LF	\$ 160. ⁰⁰	\$ 3,200. ⁰⁰
24	16-INCH DIRECT BURY STEEL CASING STEEL ENCASEMENT PIPE OPEN CUT AGGREGATE BACKFILL FOR WATER	10	LF	\$ 160. ⁰⁰	\$ 1,600. ⁰⁰
25	24-INCH STEEL ENCASEMENT PIPE HORIZONTAL BORE OR TUNNEL	71	LF	\$ 400. ⁰⁰	\$ 28,400. ⁰⁰
26	16-INCH STEEL ENCASEMENT PIPE HORIZONTAL BORE OR TUNNEL	16	LF	\$ 350. ⁰⁰	\$ 5,600. ⁰⁰
27	3-INCH HDPE SDR9 TUBING FOR 2 INCH LINE DIRECTIONAL BORE	50	LF	\$ 150. ⁰⁰	\$ 7,500. ⁰⁰
28	DBL CUT AND CAP EXISTING 12-INCH WATER MAIN	3	EA	\$ 6,000. ⁰⁰	\$ 18,000. ⁰⁰
29	DBL CUT AND CAP EXISTING 8-INCH WATER MAIN	1	EA	\$ 2,800. ⁰⁰	\$ 2,800. ⁰⁰
30	DBL CUT AND CAP EXISTING 2-INCH WATER MAIN	1	EA	\$ 2,000. ⁰⁰	\$ 2,000. ⁰⁰
31	ABANDON EXISTING WATER VALVE	10	EA	\$ 300. ⁰⁰	\$ 3,000. ⁰⁰
32	WATER SERVICE NEW CONNECTION 2 INCH DIA	2	EA	\$ 4,500. ⁰⁰	\$ 9,000. ⁰⁰
33	WATER SERVICE RECONNECTION 2 INCH DIA	4	EA	\$ 4,000. ⁰⁰	\$ 16,000. ⁰⁰
34.A	12-INCH PVC SEWER PIPE MAIN, SDR-26 EARTH BACKFILL	96	LF	\$ 90. ⁰⁰	\$ 8,640. ⁰⁰
34.B	12-INCH PVC SEWER PIPE MAIN, SDR-26 AGGREGATE BASE BACKFILL	538	LF	\$ 120. ⁰⁰	\$ 64,560. ⁰⁰
34.C	12-INCH PVC SEWER PIPE MAIN, SDR-26 ENCASED	127	LF	\$ 140. ⁰⁰	\$ 17,780. ⁰⁰
35.A	8-INCH PVC SEWER PIPE MAIN, SDR-26 AGGREGATE BASE BACKFILL	228	LF	\$ 110. ⁰⁰	\$ 25,080. ⁰⁰
35.B	8-INCH PVC SEWER PIPE MAIN, SDR-26 ENCASED	123	LF	\$ 130. ⁰⁰	\$ 15,990. ⁰⁰

SECTION 310 BID FORM

ITEM no.	ITEM DESCRIPTION	APPROX. QUANTITY	UNIT	UNIT PRICE IN FIGURES	TOTAL IN FIGURES
36	4 FOOT DIAMETER STANDARD MANHOLE, 0' TO 6' DEPTH	12	EA	\$ 2,000. ⁰⁰	\$ 24,000. ⁰⁰
37	EXTRA MANHOLE DEPTH STANDARD AND DROP	24	LF	\$ 150. ⁰⁰	\$ 3,600. ⁰⁰
38	4 FOOT DIAMETER OUTSIDE DROP MANHOLE 0' TO 6' FEET DEPTH	1	LS	\$ 4,000. ⁰⁰	\$ 4,000. ⁰⁰
39	ABANDON EXISTING MANHOLE	5	EA	\$ 900. ⁰⁰	\$ 4,500. ⁰⁰
40	FLOWABLE FILL ABANDON EXISTING LINE/MAIN UNDER PAVEMENT -AS DIRECTED	120	CY	\$ 100. ⁰⁰	\$ 12,000. ⁰⁰
41	PLUG EXISTING SEWER AT MANHOLE WALL	2	EA	\$ 1,500. ⁰⁰	\$ 3,000. ⁰⁰
42	CORE DRILL AND CONNECT TO EXISTING MANHOLE	1	EA	\$ 2,500. ⁰⁰	\$ 2,500. ⁰⁰
43A	SANITARY SEWER SERVICE CONNECTION	3	EA	\$ 500. ⁰⁰	\$ 1,500. ⁰⁰
43B	SANITARY SEWER SERVICE CLEANOUT (SIX INCH)	2	EA	\$ 500. ⁰⁰	\$ 1,000. ⁰⁰
44A	SANITARY SEWER SERVICE LINE PVC SCH 40 (SIX INCH DIAMETER) FLOWABLE FILL BACKFILL	100	LF	\$ 80. ⁰⁰	\$ 8,000. ⁰⁰
44B	SANITARY SEWER SERVICE LINE PVC SCH 40 (SIX INCH DIAMETER) AGGREGATE BACKFILL	100	LF	\$ 70. ⁰⁰	\$ 7,000. ⁰⁰
44C	SANITARY SEWER SERVICE LINE PVC SCH 40 (SIX INCH DIAMETER) SOIL BACKFILL	100	LF	\$ 60. ⁰⁰	\$ 6,000. ⁰⁰
44D	SANITARY SEWER SERVICE LINE PVC SCH 40 (FOUR INCH DIAMETER) AGGREGATE OR SOIL BACKFILL	80	LF	\$ 65. ⁰⁰	\$ 5,200. ⁰⁰
45	AHTD PAVEMENT REPAIR	350	SY	\$ 80. ⁰⁰	\$ 28,000. ⁰⁰
46	ASPHALT PAVEMENT REPAIR (PERMANENT)	1380	SY	\$ 80. ⁰⁰	\$ 110,400. ⁰⁰
47	CONCRETE PAVEMENT REPAIR AS DIRECTED	20	SY	\$ 75. ⁰⁰	\$ 1,500. ⁰⁰
48	CONCRETE SIDEWALK REPAIR	89	SY	\$ 75. ⁰⁰	\$ 6,675. ⁰⁰
49	CONCRETE CURB AND GUTTER REPLACEMENT	117	LF	\$ 35. ⁰⁰	\$ 4,095. ⁰⁰
50	COLD MIX TEMPORARY ASPHALT PAVEMENT REPAIR	35	TON	\$ 200. ⁰⁰	\$ 7,000. ⁰⁰
51	ROCK EXCAVATION AS DIRECTED	60	CY	\$ 125. ⁰⁰	\$ 7,500. ⁰⁰
52	STAMPED PATTERN AND STAINED CONCRETE AS DIRECTED	5	SY	\$ 200. ⁰⁰	\$ 1,000. ⁰⁰
53	BRICK PAVING RESTORATION, REPAIR OR REPLACEMENT AS DIRECTED	5	SF	\$ 100. ⁰⁰	\$ 500. ⁰⁰
54A	UNDERCUT EXCAVATION AS DIRECTED	200	CY	\$ 20. ⁰⁰	\$ 4,000. ⁰⁰

SECTION 310 BID FORM

ITEM no.	ITEM DESCRIPTION	APPROX. QUANTITY	UNIT	UNIT PRICE IN FIGURES	TOTAL IN FIGURES
54B	SELECT NATIVE BACKFILL AS DIRECTED	200	CY	\$ 16. ⁰⁰	\$ 3,000. ⁰⁰
55	CLASS 7 AGGREGATE BASE COURSE AS DIRECTED	25	TON	\$ 40. ⁰⁰	\$ 1,000. ⁰⁰
56	SOD - TEMPORARY	600	SY	\$ 3.50	\$ 2,100. ⁰⁰
57	SOD - PERMANENT	1200	SY	\$ 4.50	\$ 5,400. ⁰⁰
58	CONCRETE MIGRATION DAM	2	EA	\$ 2,000. ⁰⁰	\$ 4,000. ⁰⁰
59	TRENCH DRAIN AS DIRECTED	40	LF	\$ 20. ⁰⁰	\$ 800. ⁰⁰
60	CORE DRILL AND CONNECT 4 INCH DRAIN TO EXISTING DRAINAGE	2	EA	\$ 1,500. ⁰⁰	\$ 3,000. ⁰⁰

TOTAL BID

\$ 1,256,345.⁰⁰

END OF SECTION 0310

SECTION 0311

BIDDER'S STATEMENT OF SUBCONTRACTORS

The undersigned **BIDDER** proposes and agrees, if this **BID** is accepted, to use the following proposed subcontractors on this **Work**:

NAME	BUSINESS ADDRESS	WORK TO BE PERFORMED
1. <u>Hutchens Construction</u>	<u>17137 Pleasure Heights Road</u> <u>Springdale, Ar. 72764</u>	<u>Asphalt</u>
2. <u>Main Construction</u>	<u>2035 Pleasant Valley Rd</u> <u>Van Buren, Ar. 72956</u>	<u>Bores</u>
3. <u>Westark Sod</u>	<u>PO Box 7191</u> <u>Ft Smith, Ar. 72906</u>	<u>Sod</u>
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

The undersigned **BIDDER** agrees that the work will be supervised by the General Contractor Superintendent assigned to the project. The General Contractor Superintendent shall be onsite during the execution of the **Work**.

Date: 10/14/14

Signature Dodd Mooney

Title Sect

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END OF SECTION 0311

SECTION 0312

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned,
_____ as Principal, and
_____ as Surety, are
hereby held and firmly bound unto the City of Fayetteville in the penal sum of
_____ for payment of which, well and
truly to be made, we hereby jointly and severally bind ourselves, successors and assigns.

The Condition of the above obligation is such that whereas the Principal has submitted to the City of Fayetteville a certain BID, attached hereto and hereby made a part hereof to enter into a contract in writing, for Project BID 14-60 Razorback Rd – Garland Ave. (Hwy 112) (Fayetteville)(S) Washington County Route 112 Section 0 Job 040582 (Utilities)
AKA BID 14-60, Construction – Maple Street at Razorback Road (Hwy 112) Water & Sewer Relocations

NOW, THEREFORE,

- (a) If said BID shall be rejected, or
- (b) If said BID shall be accepted and the Principal shall
execute and deliver a contract in the Form of Contract attached hereto (properly completed in accordance with said BID) and shall furnish a BOND for his faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said BID, then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

Signed, this _____ day of _____, 2013.

(Principal)

(Surety)

By:_____

END OF SECTION 0312

SECTION 0420

STATEMENT OF BIDDER'S QUALIFICATIONS

All requests must be addressed in writing and the data given must be clear and comprehensive. This statement must be notarized. If necessary, questions may be answered on separate attached sheets. The BIDDER may submit any additional information he/she desires.

For a Contractor to be considered as Commercially Proven, the Contractor must satisfy all insurance, financial, and bonding requirements of the City of Fayetteville, and must have had at least **5 (five) years active experience under the current Contractor name** in the installation of the product bid, included removal and replacement of sewer lines in-situ with bypass pumping. The Contractor shall have executed work for municipalities operating water/sewer facilities or water/sewer contracted operations with a **minimum of three (3) projects exceeding seven hundred thousand dollars (\$700,000)**. Work for developers and commercial site work will not be considered as permissible work experience. Acceptable documentation of these minimum installations must be submitted to the City of Fayetteville.

A. REQUESTS REGARDING BIDDER

1. Name of Bidder. *Brathers Construction Inc*
2. Permanent main office address. *Po Box 1763 Van Buren, Ar. 72957*
3. When organized. *1994*
4. If a corporation, where incorporated. *Ar.*
5. How many years have you been engaged in the contracting business under your present firm or trade name? *20 Years*
6. Contracts on hand: (Schedule these, showing amount of each contract and the anticipated dates of completion.) *See Attached Sheet*
7. General character of work performed by your company. *Utility Construction -*
8. Have you ever failed to complete any work awarded to you. (If so, where and why?) *NO*
9. Have you ever defaulted on a contract? (If so, where and why?) *NO*
10. List similar projects of the size and magnitude of this Project which were completed by your company, stating the cost for each and the month and year completed. Include the entity for which the work was performed with names, titles, and phone numbers. *See Attached Sheet*
11. Background and experience of field personnel currently employed by your organization who will perform the work. *See Attached Sheet*
12. Background and experience of the principal members (officers) of your organization. Include president, vice president, secretary, treasurer, etc. *See Attached Sheet*
13. Will you, upon request, fill out a detailed financial statement and furnish any other information that may be required by the City of Fayetteville. *Yes*
14. If subcontractor is to be used for this contract, state the percentage of work anticipated to be completed by subcontractor. If subcontractor is to perform work, *5% - Boros & Asphalt*

6. Contracts on Hand:

A) Haven Hill Water Improvements Ft Smith Utility Dept. \$1,158,000

Scheduled to Complete 10/30/14 (99% complete)

B) City of MtBurg Sewer Improvements \$659,000.00

Scheduled Completion 12/15/14

C) Ft Smith Drainage Improvements City of Ft Smith Ar \$510,000

Scheduled Completion 1/15/14

10. Similar Projects:

A. Vian Wastewater Improvements - City of Vian Ok \$1,359,935

Engineer: Neel Harvell and Assoc. Scott Neel 918-775-7731 Sewer Improvements

B. City of Ft Smith Utilites Haven Hill Water Improvements \$1,158,000

Engineer: Hawkins Weir Engineers Inc. Brett Peters 479-474-1227 Neighborhood Water

C. 18" Gravity Outfall –City of Barling Ar \$722,000 Sewer Improvements

Engineer: EDM Consultants - Danny Bird 479-782-0474

D. City of Ft Smith Drainage Imp. Ft Smith Engineering Dept \$ 700,000

Engineer: Stan Snodgrass 479-785-2801

11. Experience:

Josh Lamance- Supt. 14 years Experience with Brothers Const.

Nathan Allen- operator 17 years with Brothers Const.

Scott Ballard- operator 14 years Experience

Frank Lamance- operator 14 years Experience

Rick Odom- Pipelayer 13 years Experience

Robert Blackman- Pipelayer 10 years Experience

12. Owners: Todd Mooney, Sect. 22 years experience –Project Manager

Terry Mooney, Pres. 27 years Experience- General Supt.

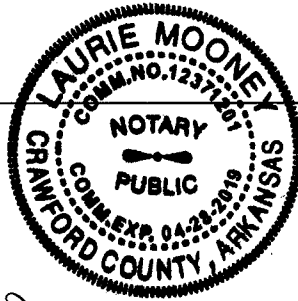
a separate Statement of Bidder's Qualifications regarding subcontractor and the method used by the subcontractor. Refer to Section 0100 & Section 0311.

Submit this Statement of Bidders Qualifications to the Engineer. Qualifications shall be submitted in a separate sealed envelope at the date and time listed on the Bid Proposal.

Brothers Construction Inc
(Name of Bidder)

By: Judd Mooney

Title: Sect



Laurie Mooney
Comm exp April 28, 2019
END OF SECTION 0420

SECTION 0500

AGREEMENT BETWEEN CITY OF FAYETTEVILLE AND CONTRACTOR

THIS AGREEMENT is dated as of the _____ day of _____ in the year 20____ by and between the **CITY OF FAYETTEVILLE** and **NAME OF CONTRACTOR**.

1. The **CONTRACTOR** shall commence and complete all Work as specified or indicated in the Contract Documents. The **WORK** is generally described as follows:

**BID 14-60,
Razorback Rd – Garland Ave. (Hwy 112)
(Fayetteville)(S)
Washington County
Route 112 Section 0
Job 040582 (Utilities)
AKA BID 14-60, Construction – Maple Street at Razorback Road (Hwy 112) Water
& Sewer Relocations**

2. The **CONTRACTOR** shall furnish all materials, supplies, tools, equipment, labor and other service necessary for the completion of the **WORK** described herein.
3. The **CONTRACTOR** shall commence the **WORK** required by the **CONTRACT DOCUMENTS** on or before a date to be specified in the **NOTICE TO PROCEED** and completed and ready for final payment **within 140 calendar days**. The **CONTRACTOR** shall pay the **CITY OF FAYETTEVILLE**, as liquidated damages, the sum of **\$500** for each calendar day thereafter that the **WORK** is not complete.
4. The **CONTRACTOR** agrees to perform all of the **WORK** described in the **CONTRACT DOCUMENTS** and comply with the terms therein as shown in the **BID PROPOSAL**.
5. The term **CONTRACT DOCUMENTS** shall mean and include the following:
 - 5.1 Invitation to Bid
 - 5.2 Information for Bidders
 - 5.3 Supplemental Information for Bidders
 - 5.4 Bid Form
 - 5.5 Bid Bond
 - 5.6 Agreement Between City of Fayetteville and Contractor
 - 5.7 Performance and Payment Bond
 - 5.8 General Conditions
 - 5.9 Prevailing Wage Rates
 - 5.10 Notice of Award

- 5.11 Notice to Proceed
- 5.12 Project Manual
- 5.13 Addenda Numbers XX to XX.
- 5.14 Change Orders

6. The **CITY OF FAYETTEVILLE** shall pay the **CONTRACTOR** in the manner and at such times as set forth in the General Conditions such amounts as required by the **CONTRACT DOCUMENTS**.

7. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

8. **MISCELLANEOUS**

8.1. Terms used in the Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.

8.2. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.3. City of Fayetteville and Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

8.4. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon stricken provision or part thereof with a valid and enforceable provision that comes as close as possible expressing the intention of the stricken provision.

8.5. Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.

8.6. **Freedom of Information Act.** City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, Contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom

of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

8.7. This contract must be interpreted under Arkansas Law.

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE and CONTRACTOR have signed this Agreement in triplicate. One counterpart each has been delivered to City of Fayetteville, Engineer, and Contractor. All portions of the Contract Documents have been signed, initialed, or identified by City of Fayetteville and Contractor or identified by Engineer on their behalf.

OWNER

CONTRACTOR

CITY OF FAYETTEVILLE

BY _____
Signature

Mayor Lioneld Jordan

Printed Name & Title

[CORPORATE SEAL]

ATTEST _____
Signature

Printed Name & Title

Address for giving notices:

113 W. Mountain
Fayetteville, AR 72701

BY _____
Signature

Printed Name & Title

[CORPORATE SEAL]

ATTEST _____
Signature

Printed Name & Title

Address for giving notices:

License No. _____

Agent for service of process: _____

(If **CONTRACTOR** is a corporation, attach
evidence of authority to sign.)

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END OF SECTION 0500

SECTION 0600

ARKANSAS STATUTORY PERFORMANCE AND PAYMENT BOND

WE, _____ as Principal,
hereinafter called Principal, and

_____ as Surety, hereinafter
called the Surety, are held and firmly bound unto City of Fayetteville in the amount of

_____ Dollars
(\$ _____) for the payment whereof Principal and Surety bind
themselves, their heirs, personal representatives, and successors, and assigns, jointly and
severally, and firmly by these presents.

Principal has by written agreement dated _____
entered into a contract with City of Fayetteville for _____

BID 14-60, Razorback Rd – Garland Ave. (Hwy 112)

(Fayetteville)(S) Washington County

Route 112 Section 0 Job 040582 (Utilities)

AKA BID 14-60, Construction – Maple Street at Razorback Road (Hwy 112) Water & Sewer
Relocations

_____ which contract is by reference made
a part hereof, and is hereinafter referred to as the Contract.

The condition of this obligation is such that if the Principal shall faithfully perform the Contract
on his part and shall fully indemnify and save harmless the City of Fayetteville from all cost and
damage which he may suffer by reason of failure so to do and shall fully reimburse and repay the
City of Fayetteville all outlay and expense which the City of Fayetteville may incur in making
good any such default, and, further, that if the Principal shall pay all persons all indebtedness for
labor or materials furnished or performed under said contract failing which such persons shall
have a direct right of action against the Principal and Surety jointly and severally under this
obligation, subject to the City of Fayetteville's priority, then this obligation shall be null and
void; otherwise it shall remain in full force and effect.

No suit, action or proceeding shall be brought on this bond outside the State of Arkansas. No suit, action or proceeding shall be brought on this bond except by the City of Fayetteville after six months from the date final payment is made on the Contract, not shall any suit, action or proceeding be brought by the City of Fayetteville after two years from the date on which the final payment under the Contract falls due. Any Alterations which may be made in the terms of the contract or in the work to be done under it, or the giving by the City of Fayetteville of any extension of time for the performance of the Contract, or any other forbearance on the part either of the City of Fayetteville or Principal to the other shall not in any way release the Principal and the Surety or Sureties, or either or any of them, their heirs, personal representatives, successors, or assigns from their liability hereunder, notice to the Surety of Sureties of any such alteration, extension, or forbearance being hereby waived.

In no event shall the aggregate liability of the Surety exceed the sum set herein.

Executed on the _____ day of _____ 2013.

By _____

Principal

Witness:)

)

Attest:)

Surety

This Bond is given in Compliance with Act 351 of 1953, as amended.

END OF SECTION 0600

SECTION 0640

WARRANTY BOND

We, _____, as principal ("Principal"),
and _____
as surety ("Surety"), are hereby jointly and severally held and firmly bound unto the City of
Fayetteville for the payment of _____
_____ Dollars
(\$ _____), subject to the terms and conditions provided herein.

WHEREAS, Principal executed and entered into that certain Agreement with City of Fayetteville
for
BID 14-60, Razorback Rd – Garland Ave. (Hwy 112)
(Fayetteville)(S) Washington County
Route 112 Section 0 Job 040582 (Utilities)
AKA BID 14-60, Construction – Maple Street at Razorback Road (Hwy 112) Water & Sewer
Relocations

dated _____, 2014 (the "Contract"), the provisions of which are
incorporated herein by reference, and unless otherwise defined herein all defined terms used or
referred to herein shall have the meaning ascribed thereto in the Contract. In addition to other
obligations and liabilities, the Contract required Principal to perform the Work for the Project
and to furnish this Bond to City of Fayetteville in compliance with Article 22 of the General
Conditions.

NOW THEREFORE, the obligations of Principal and Surety herein shall remain in full force and
effect as provided herein, subject to becoming null and void upon the occurrence of either or both
of the conditions that (a) Principal shall fully perform and satisfy all obligations and liabilities of
Principal under the warranty and guarantee provisions of Article 29 of the General Conditions, as
modified or supplemented by the Supplementary Conditions or any other applicable Contract
Documents, at any time within two years after the date of Final Acceptance or such longer period
of time as may be prescribed therein (the "Warranty Period"), all of which includes without
limitation either correcting the defective Work, or removing and replacing it with nondefective
Work, or paying all direct, indirect or consequential costs of such correction or removal and

replacement, all as provided therein, or (b) City of Fayetteville shall fail to institute a lawsuit, action or other proceeding under this Bond before the expiration of three (3) months following the end of the Warranty Period.

FURTHER PROVIDED, that (a) any changes, modifications, amendments, alterations or supplementations in or to the Contract, and Contract Documents or the Work, or the giving by City of Fayetteville of any extension of time for the performance of the Contract, or any other forbearance on the part of either City of Fayetteville or Principal to the other, shall not in any way release the Principal or Surety, or either of them, from their liability hereunder, notice to the Surety of any of the foregoing being hereby waived, (b) in no event shall the aggregate liability of Surety exceed the amount set out herein, and (c) the rights and obligations hereof shall be binding upon and shall inure to the benefit of Principal, Surety, City of Fayetteville and their respective heirs, legal representatives, partners, privies, successors and assigns, provided that nothing herein shall authorize the assignment of any such rights and obligations.

Date of project final completion is _____. The bond shall be 50% of the final project value and shall effective for a period of two years.

Executed on the _____ day of _____ 20 ____.

By _____

_____(Seal)

Witness:)

)

Attest:)

_____(Seal)

Surety

END OF SECTION 0640

SECTION 0660

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.

LABOR STANDARDS I will comply with the Labor Standards Provisions contained in the Contract Documents and furnish weekly payrolls and certifications as may be required by the City of Fayetteville to affirm compliance. I will also require that weekly payrolls be submitted to the City of Fayetteville for all subcontracts in excess of \$2,000.

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: _____

END OF SECTION 0660

SECTION 0312

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned,
Brothers Construction, Inc. as Principal, and
Granite Re, Inc. as Surety, are
hereby held and firmly bound unto the City of Fayetteville in the penal sum of
Five Percent of the Amount Bid (5% of bid) for payment of which, well and
truly to be made, we hereby jointly and severally bind ourselves, successors and assigns.

The Condition of the above obligation is such that whereas the Principal has submitted to
the City of Fayetteville a certain BID, attached hereto and hereby made a part hereof to enter into a
contract in writing, for Project BID 14-60 Razorback Rd – Garland Ave. (Hwy 112)
(Fayetteville)(S) Washington County Route 112 Section 0 Job 040582 (Utilities)
AKA BID 14-60, Construction – Maple Street at Razorback Road (Hwy 112) Water & Sewer
Relocations

NOW, THEREFORE,

- (a) If said BID shall be rejected, or
- (b) If said BID shall be accepted and the Principal shall
execute and deliver a contract in the Form of Contract attached hereto (properly
completed in accordance with said BID) and shall furnish a BOND for his faithful
performance of said contract, and for the payment of all persons performing labor or
furnishing materials in connection therewith, and shall in all other respects perform
the agreement created by the acceptance of said BID, then this obligation shall be
void, otherwise the same shall remain in force and effect; it being expressly
understood and agreed that the liability of the Surety for any and all claims
hereunder shall, in no event, exceed the penal amount of this obligation as herein
stated.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

Signed, this 14th day of October, ~~2013~~ 2014
Brothers Construction, Inc.

By: *Jared Mooney* Sec
(Principal)

Granite Re, Inc.
(Surety)

By: *Pamela K. Hays*
Pamela K. Hays, Attorney-in-Fact

END OF SECTION 0312

GRANITE RE, INC.

GENERAL POWER OF ATTORNEY

Know all Men by these Presents:

That GRANITE RE, INC., a corporation organized and existing under the laws of the State of OKLAHOMA and having its principal office at the City of OKLAHOMA CITY in the State of OKLAHOMA does hereby constitute and appoint:

BENSON A. CASHION; MATTHEW K. CASHION, JR.; WILLIAM H. GRIFFIN; CYNTHIA L. TRICKEY; PAMELA K. HAYS; JUDY SCHOGGEN; NICK W. PETERS; JAMES R. RAMSAY; MICHAEL G. DORNBLASER its true and lawful Attorney-in-Fact(s) for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said GRANITE RE, INC. a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said GRANITE RE, INC. through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said:

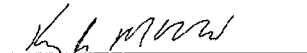
BENSON A. CASHION; MATTHEW K. CASHION, JR.; WILLIAM H. GRIFFIN; CYNTHIA L. TRICKEY; PAMELA K. HAYS; JUDY SCHOGGEN; NICK W. PETERS; JAMES R. RAMSAY; MICHAEL G. DORNBLASER may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said GRANITE RE, INC. has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Secretary/Treasurer, this 17th day of April, 2014.

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)




Kenneth D. Whittington, President


Kyle P. McDonald, Treasurer

On this 17th day of April, 2014, before me personally came Kenneth D. Whittington, President of the GRANITE RE, INC. Company and Kyle P. McDonald, Secretary/Treasurer of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Kenneth D. Whittington and Kyle P. McDonald were respectively the President and the Secretary/Treasurer of GRANITE RE, INC., the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their name thereto by like order as President and Secretary/Treasurer, respectively, of the Company.

My Commission Expires:
August 8, 2017
Commission #: 01013257




Notary Public

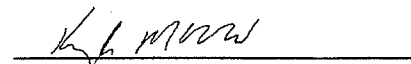
GRANITE RE, INC. Certificate

THE UNDERSIGNED, being the duly elected and acting Secretary/Treasurer of Granite Re, Inc., an Oklahoma Corporation, HEREBY CERTIFIES that the following resolution is a true and correct excerpt from the July 15, 1987, minutes of the meeting of the Board of Directors of Granite Re, Inc. and that said Power of Attorney has not been revoked and is now in full force and effect.

"RESOLVED, that the President, any Vice President, the Secretary, and any Assistant Vice President shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the Company in the course of its business. On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the Company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

IN WITNESS WHEREOF, the undersigned has subscribed this Certificate and affixed the corporate seal of the Corporation this
14th day of October, 2014.




Kyle P. McDonald, Secretary/Treasurer

CERTIFICATION OF FUNDS

Project Number: _____

Project Name: _____

Architect/Engineer: _____

I certify that funds are available in the amount of _____ for the above referenced project. This amount reflects the construction portion of the project only (i.e. does not include architect or engineering fees, purchase of land, etc.) and is being certified for the sole purpose of awarding a capital improvement contract under Arkansas Code Annotated 22-9-203(h). I understand that this amount may be re-certified if a rebidding occurs.

Signature of Project Manager

Date

Signature of Budget Officer

Date

Budget Year	Division: Water & Sewer Maintenance	Adjustment Number
2014	Dept.: Utilities	
	Requestor: Cheryl Partain	

Resolution approving a construction contract with Brothers Construction, Inc. for \$1,381,980, Bid 14-60, to construct Water and Sewer Improvements on Razorback Rd and Garland Ave (HWY 112), Job 040582 (Utilities) aka Maple Street and Hwy 112 Water/Sewer Relocations. Move budgeted funds from the Sewer Rehabilitation and Water Rehabilitation projects to cover costs of the relocates.

[illegible]

City of Fayetteville Staff Review Form

2014-0398

Legistar File ID

10/21/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jim Beavers

9/30/2014

Water & Sewer Maintenance /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Resolution approving a construction contract with _____ (bids open on 10/21/14) for \$_____, Bid 14-60, to construct Water and Sewer Improvements on Razorback Rd – Garland Ave (HWY 112), Job 040582 (Utilities) aka Maple Street Water/Sewer Relocations.

Budget Impact:

5400.5600.5808.00

Water/Sewer

Account Number

Fund

11011.1401

Relocates Maple St & Hwy 112

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 752,300.00

Funds Obligated \$ -

Current Balance \$ 752,300.00

Does item have a cost? Yes

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment

Remaining Budget

\$ 752,300.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 21, 2014

TO: Mayor Lioneld Jordan
Fayetteville City Council

THRU: Don Marr, Chief of Staff
Tim Nyander, Interim Director for Water & Sewer
Fayetteville Water and Sewer Committee

FROM: Jim Beavers, P.E. Utilities Engineer

DATE: September 30, 2014

SUBJECT: Resolution approving a construction contract with [REDACTED] (bids open on 10/14/14) for \$ [REDACTED], Bid 14-60, to construct Water and Sewer Improvements on Razorback Rd and Maple Street, and approve a Budget Adjustment.

RECOMMENDATION:

Fayetteville City Administration recommends approval of a construction contract with [REDACTED], for \$ [REDACTED] Bid 14-60, approving a 10 % project contingency for \$ [REDACTED] to construct Water and Sewer Improvements on Maple Street and Razorback Road and water line extension on Stadium Drive, approving Budget Adjustment.

BACKGROUND:

Maple Street from Garland Avenue to Razorback Road is AHTD State Highway 112. Razorback Road from Maple to Martin Luther King (and south) is AHTD State Highway 112. The Razorback Road – Garland Avenue (HWY 112) Water and Sewer relocations are required to allow the 2015 widening of Maple Street and Razorback Road (AHTD Job 040582). This project (Water and Sewer relocations) is City funded and not eligible for reimbursement. AHTD generally reimburses utility owners for relocating lines currently existing outside of the existing ROW, and the owner pays for lines that are currently inside the ROW and any increases in capacity. The existing water and sanitary sewer are within the AHTD existing ROW. The Project includes approximately 3000 linear feet of 12 inch water line, approximately 760 linear feet of 12 inch sanitary sewer main replacement, fittings, street repair, appurtenances and special considerations as noted and specified.

DISCUSSION:

The construction project was advertised on September 29th and October 6th 2014 and bids were publically opened on October 14, 2014. The City opened xx bids on October 14, 2014.

BUDGET/STAFF IMPACT:

Budgeted Funds are available in the project and will be utilized. The budget adjustment recognizes budgeted funds available from the water and sewer rehabilitation projects.

Attachments:

Staff Review Form

Budget Adjustment Form

Bid 14-54 Tabulation

Bid Submittal

Proposed Construction Contract with 

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

Budget Year	Division: Water & Sewer Maintenance	Adjustment Number
2014	Dept.: Utilities	
	Requestor: Cheryl Partain	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:***Amounts Do Not Balance***

Resolution approving a construction contract with _____ for \$_____, Bid 14-60, to construct Water and Sewer Improvements on Razorback Rd and Garland Ave (HWY 112), Job 040582 (Utilities) aka Maple Street and Hwy 112 Water/Sewer Relocations. Move budgeted funds from the Sewer Rehabilitation and Water Rehabilitation projects to cover costs of the relocates.

Amounts Do Not Balance	COUNCIL DATE:	10/21/2014
	LEGISTAR FILE ID#:	2014-0398
	Budget Director	Date
	TYPE:	_____
DESCRIPTION:		_____
GLDATE:		_____
POSTED:		/

TOTAL		(570,000)	-	-570,000		v.20140829	
		Increase / (Decrease)		Project.Sub#		**EXPENSE/REVENUE ERROR**	
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
5400.5600.5808.00	-	-	11011	1401	EX	Water Line Improvements	
5400.5700.5815.00	-	-	11011	1401	EX	Sewer Improvements	
5400.5600.5808.00	(210,000)	-	11011	1	EX	Water Line Improvements	
5400.5700.5815.00	(360,000)	-	11011	1	EX	Sewer Improvements	
5400.5700.5815.00	-	-	02017	1	EX	Sewer Improvements	
5400.5600.5808.00	-	-	12009	1	EX	Water Line Improvements	
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith

Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman Rhonda Adams
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

City of Fayetteville Arkansas City Council Meeting September 16, 2014

A meeting of the Fayetteville City Council was held on September 16, 2014 at 5:30 PM 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 Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Rhonda Adams, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Nominating Committee Report

Alderman Tennant moved to add Dr. Damon Lipinski as an appointment to the Urban Forestry Advisory Board and add him to the Nominating Committee report. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Adams was absent during the vote.

Alderman Tennant presented the Nominating Committee Report.

A copy of the report is attached.

Alderman Gray moved to approve the Nominating Committee report. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Adams was absent during the vote.

Agenda Additions: None

Consent:

2014 Bulletproof Vest Partnership Program: A resolution authorizing acceptance of a fifty percent (50%) matching grant award from the 2014 Bulletproof Vest Partnership Program in the amount of \$40,209.00 for the replacement of body armor vests for Fayetteville police officers and tactical body armor vests for emergency response team officers, and approving a budget adjustment.

Resolution 167-14 as recorded in the office of the City Clerk.

Federal and State Law Enforcement Forfeiture Revenue: A resolution approving a budget adjustment in the total amount of \$54,451.00 recognizing federal and state law enforcement forfeiture revenue received through August 2014 and proceeds from the sale of used tasers.

Resolution 168-14 as recorded in the office of the City Clerk.

Arkansas Fire and Police Pension Board Supplement: A resolution to approve a budget adjustment in the amount of \$12,563.00 to recognize revenue received from the Arkansas Fire and Police Pension Board for a future supplement to pensioners of the Fayetteville Firefighters Pension and Relief Fund.

Resolution 169-14 as recorded in the office of the City Clerk.

Bid #14-50 H&H Directional Boring Services: A resolution to award Bid #14-50 and authorize the purchase of directional boring services from H&H Directional Boring, Inc. in variable amounts as needed for constructing pipeline crossings through the end of 2014.

Resolution 170-14 as recorded in the office of the City Clerk.

Alderman Long moved to approve the Consent Agenda as read. Alderman Tennant seconded the motion. Upon roll call the consent agenda passed unanimously.

Unfinished Business: None

Public Hearing:

909 W. Eagle Street Raze and Removal: A resolution to order the razing and removal of a dilapidated and unsafe structure owned by Kenneth C. and Wanda L. Easterling located at 909 W. Eagle Street in the City of Fayetteville, Arkansas, and to approve a budget adjustment.

Jeremy Pate, Director of Development Services stated the owner obtained a demolition permit and is removing the structure and cleaning up the property. He requested the item to be tabled to December 2, 2014 to allow for sufficient time to do the work.

Alderman Petty moved to table the resolution to the December 2, 2014 City Council meeting. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

This resolution was tabled to December 2, 2014.

New Business:

RZN 14-4803 (Intersection of Champion and Windswept Drives/Summit Place S/D): An ordinance rezoning that property described in Rezoning Petition RZN 14-4803, for approximately 15.62 acres, located along Champion and Windswept Drives from NC, Neighborhood Conservation, to RSF-4, Residential Single Family, 4 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission voted 8-0 in favor and staff is supporting the request.

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

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5710 as Recorded in the office of the City Clerk.

RZN 14-4807 (103 Plainview Ave./Daniel): An ordinance rezoning that property described in Rezoning Petition RZN 14-4807, for approximately 3.34 acres, located at 103 Plainview Avenue from RSF-4, Residential Single Family, 4 units per acre, to R-O, Residential-Office.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission voted in favor of the request and staff is supporting the request.

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

City Attorney Kit Williams read the ordinance.

Alderman Adams moved to suspend the rules and go to the third and final reading. Alderman Tennant seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5711 as Recorded in the office of the City Clerk.

Kessler Consulting, Inc.: A resolution to authorize a contract with Kessler Consulting, Inc. of Tampa, Florida for the development of a ten year solid waste master plan in an amount not to exceed \$264,890.00, and to approve a budget adjustment.

Jeff Coles, Director of Recycling & Trash Collection Division stated they were looking forward to moving forward with this.

Quin Montana: I would like for the city to deal with the plastic bags, specifically as a separate issue from other waste. I know there is a plan that has been discussed.

Jeff Coles: We discussed with Kessler Consulting about that very item. It will be an integral part of the plan and or ultimately what determinations are made about what's to be done with that.

Quin Montana stated she had collected petition of people who are interested in dealing with plastic bags. She believes it is time this specific issue be addressed separately. She gave statistics on plastic bags.

A discussion continued about plastic bags being a part of the overall plan.

Alderman Marsh: This is something we have talked about in the Environmental Action Committee on several occasions. I have requested from our Chief of Staff as to when we can put

this on staff schedule to look at this and he has promised me there will be staff time available in the spring.

A discussion followed about performance metrics for the purpose of improving the program.

Alderman Petty: Thank you to staff for preparing the Request for Proposals and making a selection. I want to be careful because sometimes it sounds like when we say we are going to study something, it sounds like we are saying we are going to wait for the study to see if it is a good idea or not to deal with it. That is not what I want to communicate. The reason we are doing this is because we know we have a problem and we need to put some effort into looking at it.

Alderman Gray: Matthew, you are more interested in seeing the plan, than the study?

Alderman Petty: Yes, the study is the baby step.

Alderman Kinion: When this was developed we talked about the different tasks that were involved with the Water, Sewer & Solid Waste Committee. This is very comprehensive. The price tag is formidable. We want to put a workable plan together where we meet our very aggressive goals the city has put forward previously. I would encourage anyone to look at the task that are outlined in this plan and also the committee that reviewed the companies that applied for this. We worked very hard to be sure they had the capacity to deliver what we had asked. I feel confident after working on the committee that this is an organization that will give us the deliverables we are asking for.

Alderman Marsh: The Environmental Action Committee was involved in drafting the Request for Proposals for this. We are calling it a study, but the study is to make sure our plan is as effective as it possibly can be. I feel good about this proposal. I intend to address the plastics issue as soon as we are able.

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

Resolution 171-14 as recorded in the office of the City Clerk.

2014 Millage Levy: An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas, for the year 2014 fixing the rate thereof at 1.3 mills for General Fund Operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.

City Attorney Kit Williams read the ordinance.

Paul Becker, Finance Director gave a brief description of the ordinance. He stated there was a story reported on the television that talked about this being a tax increase. He stated the television report was incorrect. He stated the same millage is being recommended as last year.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5712 as Recorded in the office of the City Clerk.

Hotel, Motel and Restaurant Gross Receipts Tax and Tourism Revenue Capital Improvement and Refunding Bonds, Series 2014: An ordinance authorizing the issuance and sale of not to exceed \$11,900,000 of Hotel, Motel and Restaurant Gross Receipts Tax and Tourism Revenue Capital Improvement and Refunding Bonds, Series 2014, by the City of Fayetteville, Arkansas for the purpose of (1) refunding the City's outstanding Hotel, Motel and Restaurant Gross Receipts Tax Refunding Bonds, Series 2003, (2) financing certain costs in connection with the renovation and expansion of Walton Arts Center, and (3) financing certain costs in connection with a Regional Park; authorizing the execution and delivery of a Trust Indenture pursuant to which the Series 2014 Bonds will be issued and secured; authorizing the execution and delivery of an Official Statement pursuant to which the Series 2014 Bonds will be offered; authorizing the execution and delivery of a Bond Purchase Agreement providing for the sale of the Series 2014 Bonds; authorizing the execution and delivery of an Escrow Deposit Agreement providing for the redemption of the Series 2003 Bonds; authorizing the execution and delivery of a continuing Disclosure Agreement; and prescribing other matters relating thereto.

City Attorney Kit Williams read the ordinance.

Paul Becker, Finance Director gave a brief description of the ordinance.

Alderman Long: What is BOKF, NA Bank?

Paul Becker: Bank of Oklahoma and they have an affiliation or association with the Bank of Arkansas. They are the trustee on this issue.

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

City Attorney Kit Williams read the ordinance.

Alderman Long: What portion of the bond proceeds could be used to purchase the bond insurance?

Dennis Hunt, Stephens Inc.: I don't know an exact amount. Given what I've seen in the environment with the insurers right now it is relatively a small amount compared to the overall bond issue size.

Paul Becker: Stephens is the underwriter. They are not our financial advisors. When the information is gathered it comes to me and I recommend that decision to the Mayor. We make the decisions on that based on a recommendation from the underwriter.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: For the last dozen or so years we have been served by Stephens Inc. as our underwriter and Kutak Rock as our bond counsel. They have been good to work with and very conscientious. It has been a pleasure working with you and thank you for your help with this particular issue.

Mayor Jordan: You all have done a great job.

Alderman Kinion: As an employee of the Bank of Arkansas which is owned by the Bank of Oklahoma Financial group, I am voluntarily going to abstain.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Kinion abstained.

Ordinance 5713 as Recorded in the office of the City Clerk.

City Council Agenda Session Presentations:

2015 General Fund Budget Discussion – Paul Becker, Finance Director

City Council Tour: None

Announcements: None

Adjournment: 6:30 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

UNOFFICIAL

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith

Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman Rhonda Adams
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

City of Fayetteville Arkansas City Council Meeting October 07, 2014

A meeting of the Fayetteville City Council was held on October 07, 2014 at 5:30 PM 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 Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Rhonda Adams, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Bi Monthly Report on Public Transportation

No report was given.

Agenda Additions: None

Consent:

Approval of the August 19-20, 2014 and September 02, 2014 City Council meeting minutes.

Approved

Paige Mulhollan Waterfowl Blind: A resolution to honor Paige Mulhollan by naming the waterfowl blind to be constructed at Lake Fayetteville Park the Paige Mulhollan Waterfowl Blind.

Resolution 172-14 as recorded in the office of the City Clerk.

Bid #14-31 Cummins Mid-South: A resolution to award Bid #14-31 and authorize a generator preventative maintenance contract with Cummins Mid-South in the amount of \$15,040 per year plus non-scheduled service calls at the rate of \$115.20 per hour.

Resolution 173-14 as recorded in the office of the City Clerk.

2014-2015 Selective Traffic Enforcement Program (STEP) grant: A resolution to authorize acceptance of a 2014-2015 Selective Traffic Enforcement Program (STEP) grant award in the amount of \$116,900.00, and to approve a budget adjustment.

Resolution 174-14 as recorded in the office of the City Clerk.

Arkansas State Police Special State Asset Forfeiture Grant: A resolution to authorize acceptance of a non-matching Arkansas State Police Special State Asset Forfeiture Grant in the amount of \$36,069.00 for the purchase of a covert cellular wire and two (2) undercover drug enforcement vehicles, and to approve a budget adjustment.

Resolution 175-15 as recorded in the office of the City Clerk.

Bid #14-52 Teeco Safety, Inc.: A resolution to award Bid #14-52 to Teeco Safety, Inc., to authorize the immediate purchase of twelve (12) replacement tactical body armor vests for emergency response team officers in the amount of \$23,580.00 plus applicable taxes, and to authorize the purchase of body armor vests as needed through 2019 for use by the Police Department.

Resolution 176-14 as recorded in the office of the City Clerk.

Bid #14-53 Cameron Bridge Works, LLC: A resolution to award Bid #14-53 and authorize the purchase of a prefabricated steel bridge from Cameron Bridge Works, LLC of Elmira, New York in the amount of \$53,991.00 plus applicable taxes for installation over Town Branch Creek as part of the Frisco Trail extension.

Resolution 177-14 as recorded in the office of the City Clerk.

McClelland Consulting Engineers, Inc.: A resolution to approve a professional engineering services agreement with McClelland Consulting Engineers, Inc. for engineering design and bidding services for the Ramsey and Overcrest Sanitary Sewer Rehabilitation Project in an amount not to exceed \$228,644.00, and to approve a budget adjustment.

Resolution 178-14 as recorded in the office of the City Clerk.

Grubbs, Hoskyn, Barton & Wyatt, Inc.: A resolution to authorize a contract with Grubbs, Hoskyn, Barton & Wyatt, Inc. for materials testing and construction observation services on the Spring Street Parking Deck Project in an amount not to exceed \$120,000.00.

Resolution 179-14 as recorded in the office of the City Clerk.

Garver, LLC Amendment No. 3: A resolution to approve Amendment No. 3 to the contract with Garver, LLC for construction administration services on the Spring Street Parking Deck Project in an amount not to exceed \$168,600.00.

Resolution 180-14 as recorded in the office of the City Clerk.

Alderman Marsh moved to approve the Consent Agenda as read. Alderman Long seconded the motion. Upon roll call the consent agenda passed unanimously.

Unfinished Business: None

New Business:

Special Referendum Election Ordinance No. 5703: A resolution to set the date for the special election for the referendum election on Ordinance No. 5703 which enacted Chapter 119 of the Fayetteville code to create a process for the protection of civil rights in the city of Fayetteville and requesting the Washington County Board of Election Commissioners to place this referendum on the ballot and to approve a budget adjustment to pay for the special election.

City Attorney Kit Williams: I have a couple of amendments. One is that I am concerned there might be possible litigation in this matter. I need to add in Section 1 that if litigation delays the printing of ballots or otherwise necessitates any delay, the Washington County Election Commission may move the Special Election date to January 13, 2015. It will be set for December 9, 2014 if there are no problems. I wanted to have that in there so there would be no issue about whether or not we would have to go back and reset the date.

The second part is I have changed the exhibit to some extent by adding the entire Exhibit A, Chapter 119 Civil Rights Administration to the exhibit. This is a lot of language. We have the entire ballot. This is a special election, it is a big ballot and I think we can get all the language on there. The previous special elections we had on the Smoking Ordinance was much shorter, but we

did include all the language there. I think we should do it here. There would need to be a motion to amend to that resolution.

Alderman Petty: I'll make that motion, including the amendment with giving the Election Commission the ability to change the date with respect to litigation.

Alderman Petty moved to amend the language in the resolution to the new language in the resolution handed out at the City Council meeting. Alderman Marsh seconded the motion.

City Attorney Kit Williams: I have been in contact with the petitioners' attorney. His concern was the language could have gone where the ballot title language might go. He wished to have that language as the ballot title. My opinion is that it's probably not legal. I don't think it follows our rules, but I did tell him. I have a resolution which I'm not asking you to amend right now. This would be a resolution that would enact or pass the resolution and have the ballot title as requested by the proponents of the petition. That ballot title would read repeal in its entirety ordinance number 5703 which enacted Chapter 119 of the Fayetteville Arkansas City Code. The other change at the end of that instead of saying, for the referred ordinance or against the referred ordinance, would say, For Repeal of Ordinance 5703 or Against Repeal of Ordinance 5703. Those are the two changes they wanted on this and so I did put that in there because that would be an option for the City Council. It's not one that I can recommend, but it would be one the City Council could pass.

I have a further memo about the ballot language. One of the key parts of this memo is about the ballot title. The Supreme Court has said we have explained that the purpose of the ballot title is to allow a voter to reach an intelligent and informed decision, for or against the proposal and to understand the consequences of his or her vote. That's a 2012 Supreme Court case. When I read the ballot title proposed by the applicants it only described the ordinance by number, not by name. This is why I felt like I could not support that. I have not changed my position that I stated at the Agenda Session and gave you my memo on why I felt like we had to include the actual language of the ordinance, the title of the ordinance, rather than any other kind of ballot language.

Mayor Jordan: We have two amendments?

City Attorney Kit Williams: We have one possible amendment that is on the floor now that would be amending the original resolution to the one I described, which included the extra date for the Election Commission. A couple other changes just in the ordinance to make it work with the new exhibit and the exhibit would now have both the ordinance and the exhibit, which is the Chapter 119 Civil Rights Administration Code Chapter. The ballot would have the entire language which was passed by the City Council for the voters to be able to look at it before they voted.

Alderman Kinion: What we are talking about now is the amendment. The current resolution as it has been published and sent through the agenda session with the amendment of adding the complete language of the resolution.

City Attorney Kit Williams: Also, allowing the Election Commission to extend the date if necessary.

Alderman Petty: Thank you to City Attorney Williams for doing a thorough job in trying to research this. It is clear there may be some further action, but I think we have got what we need to be able to make a sound decision based on the knowledge available to us. The purpose of the ballot title is to allow the voter to reach an intelligent and informed decision and understand the consequences of the vote. I think our attorney's recommendation is the one that does that the best.

Alderman Marsh: Thank you to the City Attorney. It is beneficial to include the entire language of our ordinance in there. There has been a lot of confusion about what our ordinance actually does and doesn't do. It's beneficial for the voter to be able to read in its entirety and make an informed decision based on that.

Travis Story, Attorney for Petitioners: Today the petitioner in this case has representative for the ballot question committee Repeal 119 and on behalf of the more than 4,095 registered voters of Fayetteville who signed the petition, we are asking you to do two simple things. One, I concur that the date should be set and to set that date for December 9, 2014. Second, is not to include any ballot language in the resolution passed and forwarded on to the Election Commission. My reason behind that is the petition itself signed each of the 802 petition parts, signed by the registered citizens of Fayetteville all included basically the ballot language which Mr. Williams has previously read and that is the ballot title according to Amendment 7. The petition turned in to Mrs. Smith on September 20, 2014, the petition we as Repeal 119 handed in on behalf of all the voters of Fayetteville has this title, which is the only thing I believe that needs to be on the ballot for it to be valid. I don't think changing that is this body's prerogative or right. The language cited in Mr. Williams previous memo would have been applicable had Amendment 3, which was Councilman Tennant's amendment, passed the night of the passage of the ordinance, which was, if the Council referred this matter to the residents of the City of Fayetteville. I believe at that point it would have been appropriate and required under the statute for this Council to create the ballot title and the ballot language. At this point, the citizens of Fayetteville have had to go through the extraordinary act of doing the referendum petition in what they have previously reserved under the Constitution of Arkansas to do. I believe they have done that and done that successfully. When they do that we are able to have those signatures certified, which the clerk did on September 26, 2014. Once she certified that we believe the date is all that needs to be set. We also believe that the date is called for in the petition to be December 9, 2014. Anything other than that, if the budget part needs to be approved or done, we think that would be appropriate for the Council. Anything else that would be added or subtracted from the petition language we don't believe is found in as a jurisdictional matter in this Council at that point. We feel the language that is on the petition should be what's included in the ballot.

This afternoon I filed the petition with Washington County to have that certified to the election and I believe that in conjunction with this body coming in and certifying that December 9, 2014 would be the date, would be the appropriate manner for this Council to proceed forward. I ask that this Council would effectively do neither of the recommendations by the City Attorney which is to add or subtract either one of the languages, unless it's simply the language he proposed which comes directly from the ballot. That would be repeal in its entirety Ordinance 5703 which enacted Chapter 119 of the Fayetteville Arkansas City Code. The ballot form would be, For Repeal of Ordinance 5703 or Against Repeal of Ordinance 5703. We believe that would be the proper ballot under Amendment 7 to the Arkansas Constitution which requires the petition language as brought

to Mrs. Smith when it was certified would be the only language and the proper language to be on the ballot. Any other language starts to run afoul of other Arkansas Supreme Court rulings. It says any change between the petition which was signed by the more than 4, 095 registered voters of Fayetteville, and any change to that becomes almost an automatic dismissal of whatever ends up on the ballot because that is not what the residents of Fayetteville signed.

We have the unique issue that the citizens of Fayetteville have specifically told this Council what they would like and that is to put this on the ballot to have repealed and that has been done. That part has been included in every single petition part that was submitted, all 802 of them. We believe because of that, this Council would be directly going against the registered voters of the City of Fayetteville at this point if they were to change that ballot title at all. We are asking that this Council either adopts that simple ballot title as I read it earlier or to not certify the ballot, not put in the resolution any particular ballot language, just resolve to have the election on December 9, 2014.

Mayor Jordan: What you are saying is since the Council decided not to put it on the General Election in November, if they had voted to do that they could have changed and put on the ballot what they wanted to put on it. Since they did not, the voters took it into their own hands and created their own wording. You believe it would be against state law to change any of the wording of what was signed by the voters. Correct?

Travis Story: Exactly, Mr. Mayor.

Mayor Jordan: Kit, you are saying you believe that they can?

City Attorney Kit Williams: I think we must if they want to have a valid election. You can't ignore the Supreme Court's ruling that a ballot title has a very important part in this and that is to inform the voters. If you only refer to numbers and not even the name of the ordinance, then how can somebody looking at the ballot understand what they are voting for? Most of us don't know what Ordinance 5703 means or Chapter 119. The ordinary citizen might have an understanding if you talk about Civil Rights Administration, but the proposed ballot title here only talked in numbers, not even a name.

Travis and I talked briefly before the meeting and what can possibly happen and maybe what's the best thing to happen here, is he's already filed his petitions with the County Clerk. If we then forward our resolution with our proposed ballot title including the guts of the ordinance, just like we did in the smoking ordinance, which was brought by the people and we referred it after the petitions came in then we went through this very process and sent the referendum petitions setting a date for the election and what the ballot should say. We should do that. If the County Clerk or the Election Commission thinks we have overstepped our bounds and that the petitioner is correct then the county can make that decision. They have a County Attorney there to look at that and that might be the way to resolve this. Not put ourselves up as judges, but instead just do what we have done in the past, which I believe is correct. Travis believes it is not correct and another way to go. Maybe he's correct, but I don't know. What we agree on is that election law, especially on Municipal Referendums is really vague. There are no cases I could find where the Supreme Court has ever made any interpretation on Municipal Referendums. They make all their decisions on

state actions and issues which are much better described by the statute. Maybe we could bring a little light into these referendum elections for municipal ordinances. Something needs to be done. I would ask the legislature to take another look at this and provide us some guidance like they do with counties. Counties have a very clear system about what their petitions and ballots are supposed to look like. The people that should decide are one step above us, which is the county.

Travis Story: I've spoken with the local Election Commission and members of the Election Commission for the State of Arkansas. The two things to be aware of is in November there are two referendum matters that are going to be voted on, on the Washington County ballot. Both from similar circumstances. It's people of other cities doing a petition to repeal city ordinances. There will be two petitions to repeal that have been certified now to the Election Commission for Washington County for the November General Election ballot. Both of those are laid out in a simple to repeal ordinance number, for or against repeal of that ordinance number.

I agree with Mr. Williams that the law on this part is very murky and at this point we have agreed to disagree on the law. What we are trying to do, is do something short of throwing this into litigation. Nobody wants that. We believe the residents of Fayetteville want the December 9, 2014 date. October 10, 2014 is the last day for the Election Commission to put this on the ballot. They have to have that in order under their guidelines to be able to accomplish everything that needs to be done. We ask that what's placed in the resolution tonight would be what is on the ballot. Unfortunately for us, it's either good or bad. If someone says this is inappropriate and there is a legal challenge, then we'll have to deal with that. We ask that we don't cause the confusion which would end up having to be decided by the Election Commission and turned over to the county to deal with. We ask the only thing to be put in the resolution tonight, having anything to do with ballot language would be exactly what we have submitted on all the petitions, that same language or something that says the language of the petition shall be the ballot language. This way we could work through the normal process. We believe it would be appropriate and allow the process to move forward smoothly at the county level so that the election could be scheduled and the will of the people to hold this election at a special election on December 9, 2014.

Alderman Adams: I understand you are a paid attorney representing this group. Are you a resident of Fayetteville?

Travis Story: I am not a resident of Fayetteville. I am a business owner in Fayetteville. This is one of those things where I wish I was a resident of Fayetteville.

Mayor Jordan: We are going to open it up for public comment. We will stay with the amendments first.

City Attorney Kit Williams: It should only be about the legal issue. There is no factual or any other kind of issue. It's just whether or not someone has some legal ability to explain Travis's position better than he did or my position. This is whether we should go with his interpretation of the law or mine.

Alderman Kinion: I believe the protocol is to discuss the amendments in front of us which does not include the language of Mr. Story. Am I wrong?

City Attorney Kit Williams: That is correct, but I still think that is obviously the issue that is before you. Whether you should pass the resolution with the ballot language I have suggested, the language of the ordinance only.

Alderman Kinion: The discussion is do we pass this amendment and support this amended resolution or not.

Laura, 920 North Leverett Avenue spoke in favor of the amendment proposed by City Attorney Williams.

Ann Shelley, 774 South Cherry Lane spoke in favor of the amendment proposed by City Attorney Williams.

Kyle Smith, 2801 West Dove Drive spoke in favor of the amendment proposed by City Attorney Williams.

Alderman Petty: I know one of our Alderman has an engagement with a political forum tonight at 7:00 p.m. I would like to suggest a temporary rule change as we did at the last discussion of this and to limit public comment from each speaker to three minutes.

Alderman Petty moved to allow a three (3) minute comment period. Alderman Kinion seconded the motion. Upon roll call the motion passed 6-2. Alderman Gray, Marsh, Kinion, Petty, Adams and Long voting yes. Alderman Tennant and Schoppmeyer voting no.

Carol (Chris) Kristophel, 1505 East Overcrest stated she appreciates all the wording on the ballot so that everybody's vote counts the way they want it to count.

Erin Zudith, 1002 West Hugh Street, Apt. #8 spoke in favor of the amendment proposed by City Attorney Williams.

Gwendolyn Wind, 147 East Spring Street spoke in favor of the amendment proposed by City Attorney Williams.

Anthony McCaskill, 730 West Van Gogh Place spoke in favor of the amendment proposed by City Attorney Williams.

Alderman Tennant: Kit, during the smoking vote was the wording changed? What was the wording on the petitions as opposed to what ended up on the ballot and do you remember the difference?

City Attorney Kit Williams: I did not study that. I do think the petitions were a little bit closer to what would have been required for county ordinances, which is what should have been here and what the initial petitions that were submitted to me looked like. They did not have the repeal language. The first one that I said looked fine did not have the repeal language on it. The second one which I said I really didn't have time to look at it, but I thought the title of the ballot should be pretty close to the title of the ordinance did begin to have the repeal language on it. It also had

the names of the ordinances and the name of the chapter. That was at least getting closer to being ok and that's why I have not opined that I think the petition was invalid. I've said that it's probably a valid petition. That is only my decision and it could be challenged and a court could decide. I don't remember precisely what the smoking ordinance titles were. I did not look that up. I have been studying this issue.

Alderman Tennant: You think consistency would be followed if we did what you are suggesting?

City Attorney Kit Williams: I think that is correct. It also would be absolutely consistent with the county ordinance. The county language tells you exactly what the ballot should say and that is what I followed, which is basically the title of the ordinance being referred to the citizens. You either vote for or against the ordinance. Unfortunately, that does not explicitly apply to municipalities and why I do not know. As part of our legislative package we are going to do for the next legislature, we might ask our legislators to correct the void we have in the law so we don't have this problem.

Alderman Tennant: At the end of the day it sounds like we are either going to have, for or against the ordinance or for or against repeal. That's what the wording difference is. I don't want to say this isn't as important as the vote itself. I have a tough time going against what has been said by the Supreme Court. Knowing the county might go back and change it and there might be litigation, I lean on the side of supporting what they said, which is to make the ballot language clear.

Alderman Kinion: I support what our City Attorney has suggested and the amendments. This is the clear way to get the information on the ballot. I don't like a bully proposition that threatens litigation. I feel confident as we move forward we are doing the right thing.

Alderman Long: After reading what our City Attorney has proposed, I think he has drafted the clearest version of what would be most clear to my constituents.

The motion made by Alderman Petty seconded by Alderman Marsh to amend the resolution language upon roll call passed unanimously.

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

Resolution 181-14 as recorded in the office of the City Clerk.

BlueInGreen, LLC: An ordinance waiving the requirements of formal competitive bidding and approving the purchase of an ozone disinfection system from BlueInGreen, LLC of Fayetteville, Arkansas in the amount of \$1,780,825.00 plus any applicable taxes for the Noland Wastewater Treatment Plant.

City Attorney Kit Williams read the ordinance.

Tim Nyander, Water & Sewer Operations Manager gave a brief description of the ordinance.

Billy Ammons, CH2M Hill: An innovative and environmentally sound disinfection solution is within our grasp. Ozone has long been known to be a highly disinfectant producing many positive benefits without the negative side effects of using chlorine. For most potential installations, ozone has been too expensive and inefficient to use in wastewater treatment, unless there were a compelling regulatory or local environmental reason to do so. BlueInGreen is a local company through the University of Arkansas Genesis program and has developed a system to utilize ozone for disinfection that is much more efficient than previous technologies. Ozone will not only thoroughly disinfect the water we introduce into the white water, it will also produce a highly oxygenated stream of water that will virtually have no color and will have a significantly reduced level of emerging contaminants of concerns such as pharmaceuticals that typically pass through the biological components of our existing treatment process. Due to the innovative nature of this system and the fact that it is protected by patents, it is a complicated system of equipment, and it is not feasible to engage in a normal competitive bidding process. The proposed purchase of this ozone disinfection system from BluInGreen is expected to continue the highly successful pattern of implementing innovative systems the City of Fayetteville has established for many years to protect our resource of fresh water.

Mayor Jordan: I think it is a real good program. I have been looking at this since I was on City Council.

Don Marr, Chief of Staff: We met with Vice Mayor Kinion and the Water & Sewer Committee to go through this process. The fact that emerging contaminates while not regulated totally today is something that could be coming forward in the future. Why make this type of investment now only to turn around and have to do something later when it becomes a regulated item. It gives us the opportunity to use proprietary technology developed right here in our own local community. Thank you to Billy, Tim, Lynn and the team at BlueInGreen for the work they have done to keep this city on the leading edge. We hope you will support this. We did an extensive study and pilot program because we will be the first city in the state to be permitted for this use.

Mayor Jordan: I remember first looking at this when I was on the Water & Sewer Committee. I thought this would be a wonderful investment someday and here it is before you. I know it did go through the Water & Sewer Committee.

Alderman Kinion: It is exciting we can utilize technology that has shown efficiency in the plant where they have done their research. This gave me confidence in the technology as well as knowing we are going to have further demands of controlling contaminants in the future. I think this investment is valuable.

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

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5714 as Recorded in the office of the City Clerk.

Tree Preservation Area Modification for the Frisco and Town Branch Trails: A resolution to approve a request by the City of Fayetteville to modify the geographic extent and location of certain Tree Preservation Areas pursuant to § 167.04(l)(2), Tree Preservation and Protection, Unified Development Code of the Code of Fayetteville, to construct sections of the Frisco and Town Branch Trails.

Derek Linn, Urban Forester gave a brief description of the resolution. Staff is recommending approval.

Alderman Kinion: There is some concern about whenever we have a tree preservation area and we look at taking trees out. Why is this necessary?

Derek Linn: Years ago Allied Storage and another property north of 18th Street, as part of their development requirements to meet minimum tree preservation requirements through Chapter 167 were required to plat tree preservation areas to ensure the future protection of trees. This was done with coordination of the trails coordinator and the intention was to both preserve trees and also maintain this land for this future trail connection. It was actually anticipated at that point.

Alderman Marsh: The trees that they are going to replace to mitigate this loss, is there an opportunity for those trees to be utilized along the south school corridor? We have been looking for some trees to go in with the sidewalk improvements that are planned for the area. Is this a possible source for trees for that project?

Derek Linn: Sometimes there is difficulty with the city gaining approval from the State Highway Department to do tree planting projects. I believe that is a state highway corridor. I wouldn't say it is totally out of the question. It would be a challenge. The proposal from the Trails Coordinator and from Urban Forestry is to try to put these trees back along trail easements.

Alderman Gray moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 182-14 as recorded in the office of the City Clerk.

Walton Arts Center Cost-Share Agreement: An ordinance to waive the requirements of formal competitive bidding and approve a cost-share agreement with the Walton Arts Center for the construction of the new Walton Arts Center Administrative Headquarters Building.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval of the cost share agreement.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5715 as Recorded in the office of the City Clerk.

Baldwin & Shell Construction Company Amendment No. 2: A resolution to authorize Amendment No. 2 to the contract with Baldwin & Shell Construction Company for construction phase services for the Spring Street Parking Deck project, and to approve a budget adjustment.

Jeremy Pate, Director of Development Services gave a description of the resolution. He stated this project is necessary for the Walton Arts Center to expand at this location. Staff is recommending approval.

Greg Lee, Walton Arts Center Chairman of the Board: We urge you to pass this resolution to go forward with the parking deck. We are not happy about how cost have come in much higher than originally anticipated. This parking deck is a very important element of the expansion and it's important to the Entertainment District. When the people originally supported bond money for a parking deck they recognized the value to the Entertainment District and for the City of Fayetteville.

Alderman Petty: I have been impressed how this has been managed since the start of the year whenever the management of the project changed hands. We had a staff member leave who managed it previously.

I brought a tentative proposal to you about six months ago that we form a partnership with Partners for Better Housing to construct housing and potentially retail as an east liner building instead of building it ourselves. That process is still moving forward based on our tentative agreement to allow that to happen. It's not a done deal or a guarantee, but as much risk that can be managed on that is being managed. I'm still optimistic it's going to happen. That's a savings of around \$300,000.00 on this project. If we do fund the gap here out of the reserves that we consider on

paper using those reserves to pay for the line buildings we do construct. We have been advised in the past that if those are paid for out of bond money then there are restrictions on tax exempt activities that can take place which is why we have talked about using those for municipal purposes. If we were able to direct the reserves here to those portions of the project, we may be able to consider other uses in those buildings.

Those of us that were here had different reasons when we implemented paid parking. Mine was to give us the opportunity to see some of the properties in downtown Fayetteville filled in. Building this deck is absolutely paramount. We have the potential to pay these reserves cost back through a number of means such as increased revenue from the parking program and the potential sale of land we own in the city. When looking at this project and what building this deck will be able to do for Fayetteville, we need to think about what it enables us to do next. That is one of the most important things we can do if we get this deck built. We should consider that action as a follow up piece for the exact same strategy we are considering tonight.

Alderman Kinion: The frontage property along Dickson Street is so valuable. If we can sacrifice a few parking spaces to develop that property to pick up some of this gap we are seeing here, it helps me move forward with this. When you look at the Design Center study and the possibility of the density and development there and green space reclamation, this will add to the value of the area. I'm not going to forget that whenever I move forward to take this out of the General Fund. Some people have said, you are taking this out of the General Fund, but you are not looking at other needs in the city such as salaries. This is very different because this is a onetime expenditure we can reclaim with careful management of some options by moving some parking over to the deck. This is the reason I will consider this, even though I don't like it. I will be supporting this.

Alderman Marsh: I appreciate Jeremy and his team. They have done a great job keeping us informed throughout the whole process. It's important we take the long view. We are constructing a building that will stand in our Downtown for a 100 plus years. It is important we make wise decisions from a budgetary perspective, but it's also important we not cut corners.

Alderman Long: Thank you to staff for getting the excess down to about \$2.1 million which is remarkable considering we were looking at a funding gap of about \$5 million. This is a feasible level. If we didn't build the deck and take the money from the reserves it would cost the city about the same amount to get out of the bond fund. We might as well build the deck and have the asset for the City of Fayetteville.

Alderman Tennant: Paul, the \$250,000.00 that is contracted a year that goes back to the Walton Arts Center for operational services. Of that \$250,000.00 I'm trying to think of a way to use that or renegotiate to raise money for this. It bothers me we are writing that check every year. I was part of the signing of the lease, but I'm just thinking that could go a long way. They are getting a parking deck and new offices out of this thing. Could we partner with them to offset some of this cost using some or all of the \$250,000.00? Is that a possibility?

Paul Becker, Finance Director: I did not negotiate that contract, Don did. Anything is possible through discussions. Of course that is \$250,000.00 per year. We would have to front the money under any case out of the General Fund. That \$250,000.00 essentially was to provide services for

shows, things of that nature to children and for people who couldn't otherwise afford to appreciate the entertainment. The Council at that point and time considered that was something of value of the complete citizenry.

Alderman Tennant: I don't think we saw this shortfall coming. It would have changed my mind back then.

Don Marr, Chief of Staff: None of that money goes toward event parking staff. The city used to contract separately for event parking staff and then we took that back in house with your approval prior to last year's budget. We felt like we could do it at a cost that was less to the city than what we were contracting. The \$250,000.00 does have a contingency as it relates to bond coverage. You all approved that if we were into a problem of revenue coverage for the bonds. We would take that as a means of paying that coverage and not by services that year. It is a direct correlation to the services that were attached to the contract the Council approved. If we cut that money to apply the money to other items it would affect the operating budget of the Walton Arts Center. This would reduce the programing we are currently getting for those dollars, which is primarily school age children education.

Alderman Tennant: I'm not saying we should take it away. I am just trying to think of a way to use that money and not dip into reserves. This is about as disappointed as I have ever been in the city. We can blame the price of concrete, the recession, but none of that really matters. What bothers me is there is a lot of, "it's not our fault."

Thank you to Jeremy Pate for his work. Jeremy is doing not only his full time job, but a full time job of a man that was the highest paid employee in the city. I know we are trying to hire that position. When you are short staffed like this, things like this happen. I don't think Jeremy, the Mayor or anybody else had anything to do with this from a personal standpoint. It is a problem when you don't have enough people working in the city. It happened on my watch and on every Council members and Mayor's watch. The city has to take a leadership position. I don't hear that. We have 18 frozen positions in this city and we haven't filled those. It's hard for me to swallow we are going to keep letting our city staff do the work of many people. We have owed our firefighters raises for years. Not a raise to make them rich, but a raise to get them to market value. We are pulling \$2.4 million out of our reserve, when \$250,000.00 of it would pay them off to a market wage. I want the parking deck, but we are throwing good money after bad. I have asked many times when we have passed a good idea, how are we going to do the details. I get an answer of, don't you remember the ice storm we got through that. This is unacceptable to me.

Mayor Jordan: I am the Mayor of this city. I take full and complete responsibility for this deck and the overage of the deck. Staff works for me. It's not the fault of the Council, staff or citizens. I got so much coming in and I got so much going out. My job is to keep us between the road ditches. You can add policemen, firemen and build some new stations. All that takes is one important thing and that is money. It's about \$2 million to get out of this or \$2.3 to build the deck. Jeremy Pate has kept this Council up every month with a report of where this thing is going. If you didn't know this was skyrocketing, then that was your fault. I do the best I know how to do around here and I'm going to keep doing it to the end. We have got to build this deck. I listened to the Walton Arts Center and they said their number one priority was to build the deck. I talked to

business owners in 2009. They said they have been promised a deck for 20 years and wanted to know when we were going to build it. We implemented paid parking because we knew it was important. If you don't build this deck you don't get expansion. If you don't get the deck and expansion, this Downtown area is going to start to die. I'm not going to let that area of this city die. You all steered me in the right course after the first of the year because I wanted to cut the cost of this deck and you told me we owed it to the citizens to build this deck right. I apologized back in January that I took that position. I'm sorry this is \$2 million over, but we need to build this deck for this city to be competitive with this region.

Alderman Tennant: The Mayor campaigned on this and it was a cornerstone of his campaign in 2008 and 2012. I have no doubt he wants to build this deck. I want this deck built. It doesn't change my concern about where we are as a city. Do I think if the parking deck doesn't go up that the area will die? The answer is no. I believe the Mayor wants to build this deck and if it gets built, so be it. I have to vote based on where we have needs in this city and where to move money from one pile to another. That is part of my responsibility.

Alderman Gray: I am ready to build the deck.

Alderman Petty moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 7-1. Alderman Schoppmeyer, Adams, Long, Gray, Marsh, Kinion and Petty voting yes. Alderman Tennant voting no.

Resolution 183-14 as recorded in the office of the City Clerk.

Police Department Ninth Beat Feasibility Study: A resolution to request that the administration study the necessity and feasibility of adding a ninth beat and five additional police officers to the Fayetteville police department.

Alderman Long: Thank you to Alderman Adams for co-sponsoring this with me. We have one of the best police forces in the State of Arkansas. I want to research this to continue being the best police force in the state. This does not address frozen positions. It does address things that haven't been evaluated in years. We have the lowest number of police per capita out of the ten largest cities in the State of Arkansas. We have a median crime rate. Our fire and police are part of the number one services provided by our city. Response times have slightly increased. This is something we can control if we have the data to back it up and keep that from being a continuing trend. We can discuss this at a budget time to see if we can find the resources to accommodate if it's needed. The disparity between the population and our police coverage will continue to grow if we do not start taking steps to correct this disparity.

Mayor Jordan: During the budget discussions I am going to bring the cost of the five officers and the 26 frozen positions. You need to know those cost. You need to know what it's going to cost to bring the firemen up to market. You need to know what it will cost to do a step for the police, fire and whatever it takes for our non-uniform staff. I'm going to let you look at what I look at and then you can make whatever cause you want to make.

Alderman Adams: I co-sponsored this with Alderman Long after a lot of work on this ahead of time. I appreciate our Chief giving us some information. Some of this has already been done as far as the research is concerned. Having this conversation and looking forward is important. I feel very safe in this city. Alderman Long and I have heard from citizens in our ward who are requesting this study. We know the Mayor and Chief visit all the time and there is good communication, but let's take it outside of that and talk about it publicly.

Mayor Jordan: We will be glad to do that. As the Mayor of this city and speaking for the Police Chief we will take the police officers and be glad to get them, but there is cost associated with everything.

Alderman Petty: I don't have any problem with the request itself and I'm in favor of getting good information. You said we had a median crime rate, but had a lower number of officers per capita. I know our population includes on campus students at the University. Did you include in your police officer count the members of the University Division?

Alderman Long: That was information given to me by the Chief of Police and it did not include students.

Greg Tabor, Chief of Police: The numbers we provided Alderman Long does not include the officers at the University. The students do count as part of our population.

A discussion followed about services and population at the University of Arkansas.

Greg Tabor: We did have four frozen positions in 2008 and 2009. Two years ago we were able to get one of those back with a grant. This year we got three of those back with a grant. We currently have no frozen police officer positions. We have some civilian positions that are frozen.

City Attorney Kit Williams: How long are those grants good for?

Greg Tabor: They are a 75/25 grant for three years and the fourth year we have to pay 100% of the bill.

Alderman Long: Could you point out to the Council when the last time the number of police officers versus the crime rate in Fayetteville crime mapping was done.

Greg Tabor: In 2007 was the last time. I don't want you to think there are always eight policeman out there working because we have an eight beat. Eight is the minimum number that we have to have before we feel like we have to hire somebody for overtime. I'm talking about officers in a car answering calls. It doesn't include motorcycle and bike officers, canines or supervisors. I did an average number of how many officers we had on a shift and it was 10.4 the week before Bikes, Blues and Barbeque.

Alderman Petty: You intend this to be an internal study, not a third part study?

Mayor Jordan: Right.

Alderman Petty: Was the nine beat map generated like the eight beat map?

Greg Tabor: Yes, it was based on call volume.

Alderman Long: Thank you to Chief Tabor and Deputy Chief Reynolds for their work in helping me put some of this stuff together. You are a tremendous asset to our city.

Alderman Marsh: You mentioned you would be bringing us information about our Fire Department. I am concerned we are looking at police, but not fire. They are the ones that haven't been raised up to market. Are we going to be adequately addressing that?

Mayor Jordan: My proposal next spring is to bring the firemen up to market. Fire and police each get a step so that everyone is caught up. I am going to recommend that in the budget and we will see what occurs.

Alderman Adams moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed 7-0. Alderman Schoppmeyer, Adams, Long, Marsh, Kinion, Petty and Tennant voting yes. Alderman Gray was absent during the vote.

Resolution 184-14 as recorded in the office of the City Clerk.

City Council Agenda Session Presentations:

Building Energy Efficiency Update – Peter Nierengarten and Paul Becker

City Council Tour: None

Announcements:

Don Marr, Chief of Staff: The first Fayetteville Hero Half Marathon is Saturday, October 18, 2014. It is being sponsored by our Fire Department.

Ward 1 cleanup is October 18, 2014 at Shaver Foods parking lot and the Recycling and Trash Collection Facility.

The last fall ward cleanup is November 1, 2014 at Woodland Jr. High and the Recycling and Trash Collection Facility.

Adjournment: 7:36 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323
TDD 479-521-1316



Tentative Agenda

Tuesday, October 21, 2014

5:30 PM

City Hall Room 219

City Council:

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
Rhonda Adams Ward 4
Alan Long Ward 4

Elected Officials:

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

1. City Media Services Division Recycle Something Campaign Public Service Announcement
Emmy Awards -- Fritz Gisler and Doug Bankston

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

- A. 1 Approval the September 16, 2014 and October 7, 2014 City Council Meeting minutes
- A. 2 A resolution to award Bid #14-51 and authorize the purchase of thirteen (13) portable speed display signs from all traffic solutions in the amount of \$46,351.50 plus applicable taxes for use by the Police Department.
- A. 3 A resolution to approve a budget adjustment in the total amount of \$8,132.00 to fund the payment of bunker gear purchases and vaccination expenses for the Fire Department.
- A. 4 A resolution to authorize acceptance of an Environmental Protection Agency Grant in the amount of \$142,500.00, to approve Task Order No. 1 with the Watershed Conservation Center in the amount of \$164,524.00 for an inventory of riparian and streambank conditions in the City of Fayetteville, and to approve a budget adjustment.

B. Unfinished Business: None

C. New Business:

- C. 1** A resolution to award Bid #14-60 and authorize a contract with _____ in the amount of \$ _____ for relocation and improvement of water and sewer lines along Razorback Road and Maple Street, to approve a project contingency of ten percent (10%), and to approve a budget adjustment. *This is a placeholder agenda item. Bids will be held on Tuesday, October 14, 2014 and additional information will be provided at Agenda Session.*
- C. 2** An ordinance to waive the requirement of formal bidding and approve a cost-share contract with the Beaver Watershed Alliance in the amount of \$58,562.00 to facilitate a water quality analysis of Beaver Lake.
- C. 3** An ordinance to amend the Fayetteville Code by enacting § 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds.
- C. 4** An ordinance to amend the Fayetteville Code by enacting Chapter 120 Real Estate Sale and Leasing Regulations.

D. City Council Agenda Session Presentations:

- D. 1** Water Quality Minerals Permitting & Beaver Lake Update - Billy Ammons & Steven Miller
CH2M Hill

E. City Council Tour:

F. Announcements:

G. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda

setting process is not practical. The City Council may only place such new item on the City Council

meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

A copy of the complete City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.



City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

479-575-83 TDD -

479-521-1316

Text File

File Number: 2014-0423

Agenda Date: 10/21/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 2

A RESOLUTION TO AWARD BID #14-51 AND AUTHORIZE THE PURCHASE OF THIRTEEN (13) PORTABLE SPEED DISPLAY SIGNS FROM ALL TRAFFIC SOLUTIONS IN THE AMOUNT OF \$46,351.50 PLUS APPLICABLE TAXES FOR USE BY THE POLICE DEPARTMENT

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 #14-51 and authorizes the purchase of thirteen (13) portable speed display signs from All Traffic Solutions in the amount of \$46,351.50 plus applicable taxes for use by the Police Department.

City of Fayetteville Staff Review Form

2014-0423

Legistar File ID

10/21/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Greg Tabor

9/29/2014

Police /
Police Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

Award bid #14-51 to the lowest qualified bidder, All Traffic Solutions, and approve of the purchase of thirteen (13) portable speed display signs in the amount of \$50,870.77. These portable speed display signs will be placed at each of our schools to promote traffic and pedestrian safety.

Budget Impact:

4470.9470.5210.00 / 1010.2920.5210.00

Sales Tax Capital Improvement / General

Account Number

Fund

11008-1/33045-1

Police Speed Display Signs / LE State Forfeitures

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 176,582.00

Funds Obligated \$ 48,711.42

Current Balance \$ 127,870.58

Does item have a cost? Yes

Item Cost \$ 50,870.77

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 76,999.81

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF [MONTH, DAY YEAR]

TO: Mayor and City Council

FROM: Greg Tabor, Chief of Police

DATE: September 29, 2014

SUBJECT: Award Bid #14-51 for Portable Speed Display Signs

RECOMMENDATION:

Staff recommends award of Bid #14-51 to lowest qualified bidder, All Traffic Solutions, and approval of the purchase of thirteen (13) portable speed display signs in the amount of \$50,870.77.

BACKGROUND:

\$50,000 in funding for this purchase is currently budgeted in the Capital Improvement Program (CIP) under project number 11008-1. This funding was originally allocated for the purchase of a digital storage server in 2011; however, through technological advances this purchase became unnecessary. In 2014, this CIP Project became a priority with the increasing public demand for traffic calming devices.

DISCUSSION:

These portable speed display signs will be used primarily around the Fayetteville public schools. These signs will enhance traffic, pedestrian and child safety and serve as a reminder to motorists to travel at the posted speed limit. Staff proposes the use of state forfeitures in the amount of \$870.77 to supplement the \$50,000 currently budgeted in the CIP to complete the funding for the purchase of the portable speed displays.

BUDGET/STAFF IMPACT:

There will be neither budget nor staffing impact with this purchase.

Attachments:

Official Bid Tabulation – Bid #14-51, Portable Speed Display Signs
Purchase Request

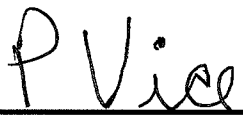
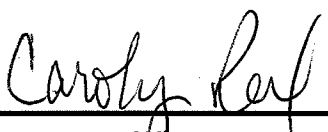
City of Fayetteville - Purchase Order Request (PO) (Not a Purchase Order) All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov. Purchase shall not be made until an actual PO has been issued.							Requisition No.: Date:		
							P.O Number:		
Vendor #: 23934		Vendor Name: All Traffic Solutions					Mail ☐ Yes ☐ No		
Address: 3100 Research Drive					FOB Point:		Taxable ☐ Yes ☐ No		
City: State College			State: PA		Zip Code: 16801		Ship to code:		
Requester: Willie Newman					Requester's Employee #: 2888		Extension: 3579		
Quotes Attached ☐ Yes ☐ No		Expected Delivery Date:							
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	Portable Speed Display Signs	13	each	3,504.46	\$45,558.09	4470.9470.5210.00	11008-1		
2	Portable Speed Display Signs	13	each	61.04	\$793.41	1010.2920.5210.00	33045-1		
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: Per formal bid # 14-51 presented to city council on 10/21/14							Subtotal: \$46,351.50 Tax: \$4,519.27 Total: \$50,870.77		
Approvals:									
Mayor: _____			Department Director: _____			Purchasing Manager: _____			
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____			
Dispatch Manager: _____			Utilities Manager: _____			Other: _____			



City of Fayetteville, Arkansas
Purchasing Division
OFFICIAL BID TABULATION
Bid 14-51, LED Display Signs
Friday, August 22, 2014, 2:00 PM

Bidder	LED Speed Display Signs (pricing shall include materials, shipping, freight, etc.)				
	Est. Qty		Price Per Unit	Total Price	
All Traffic Solutions	14	x	\$ 3,565.50	=	\$ 49,917.00
Fortel Traffic Inc	14	x	\$ 3,250.00	=	\$ 45,500.00
K & K Systems Inc	14	x	\$ 2,713.63	=	\$ 37,990.82
Signal Services	14	x	\$ 4,483.00	=	\$ 62,762.00

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

 P. Vice, Purchasing Manager	 Witness	 Date
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City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

479-575-83 TDD -

479-521-1316

Text File

File Number: 2014-0435

Agenda Date: 10/21/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 3

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$8,132.00 TO FUND THE PAYMENT OF BUNKER GEAR PURCHASES AND VACCINATION EXPENSES FOR THE FIRE DEPARTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, in the total amount of \$8,132.00, to fund the payment of bunker gear purchases and vaccination expenses for the Fire Department.

City of Fayetteville Staff Review Form

2014-0435

Legistar File ID

10/21/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

David Dayringer

10/2/2014

Fire /
Fire Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a budget adjustment to move funds from Project #31303 Wildland Fire Gear to Project #33047 ACT 833 funds to provide funding for payment of bunker gear purchases and vaccination expenses.

Budget Impact:

		General	
Account Number		Fund	
33047.1		ACT 833	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 70,607.00
		Funds Obligated	\$ 61,553.32
		Current Balance	\$ 9,053.68
Does item have a cost?	No	Item Cost	\$ -
Budget Adjustment Attached?	Yes	Budget Adjustment	\$ 8,132.00
		Remaining Budget	\$ 17,185.68

V20140610

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: Funds moved would be \$7,132 into Bunker Gear 1010.3020.5302.01.33047.1 to cover bunker gear purchases and \$1,000 into 1010.3020.5314.00.33047.1 Professional Services to help cover vaccination expenses.



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 21, 2014

TO: Mayor and City Council
FROM: David Dayringer, Fire Chief
DATE: October 2, 2014

SUBJECT: Staff recommends approval of a budget adjustment to move funds from Project #31303 Wildland Fire Gear to Project #33047 ACT 833 funds to provide funding for payment of bunker gear purchases and vaccination expenses.

RECOMMENDATION:

Staff recommends approval of a budget adjustment to move funds from Project #31303 Wildland Fire Gear to Project #33047 ACT 833 to provide funding for payment of bunker gear purchases and vaccination expenses.

DISCUSSION:

The Fayetteville Fire Department has completed the Wildland Fire Gear project. The funds remaining in Project #31303 were not needed because of changes in some of the wildland gear specifications. For this reason, funds remained after the purchases were completed. The moving of funds into the ACT 833 project number 33047 would allow for payment of present and future bunker gear purchases and vaccination expenses.

BUDGET/STAFF IMPACT:

The finances required for this project are already budgeted in Project #31303 Wildland Fire Gear and would be moved to Project #33047. So, impact would be moving funds between project funds with no new funding involved.

Attachments:

Budget Adjustment

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

Budget Year	Division: Fire	Adjustment Number
2014	Dept.: Fire	
	Requestor: David Dayringer	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Approval of a budget adjustment to move funds from Project #31303 Wildland Fire Gear to Project #33047 ACT 833 funds to provide funding for payment of bunker gear purchases and vaccination expenses.

	COUNCIL DATE:	10/21/2014
	LEGISTAR FILE ID#:	2014-0435
	Barbara Fell	
	10/2/2014 2:56 PM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/
RESOLUTION/ORDINANCE		

TOTAL

— — — — —

v.20140829

[illegible]



City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

479-575-83 TDD -

479-521-1316

Text File

File Number: 2014-0429**Agenda Date:** 10/21/2014**Version:** 1**Status:** Agenda Ready**In Control:** City Council**File Type:** Resolution**Agenda Number:** A. 4

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF AN ENVIRONMENTAL PROTECTION AGENCY GRANT IN THE AMOUNT OF \$142,500.00, TO APPROVE TASK ORDER NO. 1 WITH THE WATERSHED CONSERVATION CENTER IN THE AMOUNT OF \$164,524.00 FOR AN INVENTORY OF RIPARIAN AND STREAMBANK CONDITIONS IN THE CITY OF FAYETTEVILLE, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, Ordinance No. 5645, which was passed and approved on January 7, 2014, waives the requirement of formal bidding and authorizes the City to "jointly seek funding and use such funding to design and construct stream restoration projects" pursuant to a Memorandum of Understanding with the Watershed Conservation Resource Center.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of an Environmental Protection Agency grant in the amount of \$142,500.00, and approves Task Order No. 1 with the Watershed Conservation Center in the amount of \$164,524.00 for an inventory of riparian and streambank conditions in the City of Fayetteville.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2014-0429

Legistar File ID

10/21/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown

10/3/2014

Engineering /
Development Services Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

Acceptance of a Wetland Program Development Grant in the amount of \$142,500.00 from the Environmental Protection Agency Region 6 for the assessment of City streams, approval of Task Order No. 01 with the Watershed Conservation Resource Center, and approval of a budget adjustment acknowledging receipt of the grant funds and required matching funds.

Budget Impact:

4470.9470.5817.00		Sales Tax Capital/Bridge and Drainage	
Account Number		Fund	
02097.2014		Stormwater Quality Mgmt/EPA Streambank Assessment Grant	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 264,746.00
		Funds Obligated	\$ 94,065.67
		Current Balance	\$ 170,680.33
Does item have a cost?	Yes	Item Cost	\$ 193,340.00
Budget Adjustment Attached?	Yes	Budget Adjustment	\$ 142,500.00
		Remaining Budget	\$ 119,840.33

V20140710

Previous Ordinance or Resolution # 126-13

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 21, 2014

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Chris Brown, City Engineer

FROM: Alan Pugh, Staff Engineer

DATE: October 1, 2014

SUBJECT: **Acceptance of a Wetland Program Development Grant in the amount of \$142,500.00 from the Environmental Protection Agency Region 6 for the assessment of City streams, approval of Task Order No. 01 with the Watershed Conservation Resource Center, and approval of a budget adjustment acknowledging receipt of the grant funds and required matching funds.**

RECOMMENDATION:

Acceptance of a Wetland Program Development Grant in the amount of \$142,500.00 from the Environmental Protection Agency Region 6 for the assessment of City streams, approving Task Order No. 01 with the Watershed Conservation Resource Center, and approving a budget amendment acknowledging receipt of the grant funds and required matching funds.

BACKGROUND:

On June 4, 2013, City Council approved Resolution Number 126-13 to apply for an EPA Region 6 Wetland Development Program Grant (WPDG). Based upon that application, Fayetteville has been notified by the Arkansas Natural Resources Commission that it is the recipient of \$142,500 in EPA Region 6 grant assistance from the Wetland Development Program.

DISCUSSION:

This project grant was developed in cooperation with the Watershed Conservation Research Center, WCRC, and proposes to develop an inventory of the riparian and streambank conditions for approximately 20 miles of urban streams and wetlands. The purpose is to identify areas in need of restoration and preservation, develop criteria to prioritize projects and provide information to the city's engineering and planning divisions to use when evaluating proposed development that could potentially impact streams, wetlands and springs.

Proposed locations include Town Branch, Scull, Hamestring, Owl, and Clabber Creeks. The assessment will include development of streambank erosion prediction curves to estimate sediment and nutrient loadings from streambank erosion. The stream assessment will include an evaluation of streambanks showing signs of accelerated erosion and the condition of riparian areas and identification of wetland features and springs within the stream corridor. Data will be

collected to evaluate streambank erosion rates to help identify sites in need of restoration. These unstable sites will be prioritized for restoration based on sediment and nutrient loadings, location, and threat to property and City infrastructure.

Hamestring, Owl, and Clabber Creeks are located in the western side of Fayetteville, where there continues to be rapid growth. These three watersheds are part of the Illinois basin and encompass an area of approximately 14 square miles. Accelerated streambank erosion that threatens property and City infrastructure and contributes excessive loads of sediment and nutrients to the Illinois River watershed has been observed in this area. Also, exceptional natural features, such as wetlands, springs, remnant prairies, and hydric soils have been noted in these watersheds. Evaluation of the stream corridor within these watersheds can enhance planning efforts to preserve streams, wetlands, aquatic, and terrestrial habitat and help to minimize the impact of growth on existing ecosystems. The assessment will also help the City of Fayetteville to take actions to reduce the contribution of non-point source pollution to our stream systems and direct funding for streambank restoration to the most beneficial areas.

On January 7, 2014, the City Council approved agreement memorandum of understanding with the Watershed Conservation Resource Center (WCRC), and established a method for developing Task Orders to assist the City on projects such as this. To that end, Task Order No. 01 in the amount of \$164,524.00 has been developed.

The EPA Region 6 WPDG is a 25/75 matching grant. Subsequent to City Council approval, the application was submitted and the EPA awarded a WPD Grant in the amount of \$142,500 which will cover approximately 73.7% of the \$193,340.00 total project budget. The remainder, \$50,840.00, will be addressed through combination of matching funds and City staff time.

BUDGET/STAFF IMPACT:

The Stormwater Quality Management/Nutrient Reduction project has been designated in part to fund projects that improve stormwater quality in the City of Fayetteville and would be proposed as the source for the matching funds. Funding from this project includes \$25,000 in matching funds and \$28,816.00 in staff time, representing approximately 450 staff hours.

Attachments:

EPA Approved Work Plan
EPA Notice of Award
Resolution 126-13
Task Order NO. 01
Ordinance 5645 and Supporting Documentation

EPA has awarded a grant (\$142,500) to the City to assess the City's Streambanks. There is also a City match of 26.3% (\$50,840.00) bringing the total amount of the project to \$193,340.00. The work will be completed by WCRC and there will be some engineering contra.

RESOLUTION/ORDINANCE[illegible]

City of Fayetteville - Purchase Order Request (PO) (Not a Purchase Order) All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov. Purchase shall not be made until an actual PO has been issued.							Requisition No.:		Date:	
							P.O Number:			
Vendor #: 16441			Vendor Name: Watershed Conservation Resource Center (WCRC)				Mail ☐ Yes ☐ No		Legistar#: 2014-0429	
Address: 380 W. Rock St				FOB Point:		Taxable ☐ Yes ☐ No				
City: Fayetteville			State: AR		Zip Code: 72701	Ship to code: 090	Quotes Attached ☐ Yes ☐ No		Expected Delivery Date:	
Requester: Alan Pugh					Requester's Employee #: 4073		Extension: 8208			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	Stream Assesment Grant	1	Lot	164,524.00	\$164,524.00	4470.9470.5314.00	02097.2014			
2					\$0.00					
3					\$0.00					
4					\$0.00					
5					\$0.00					
6					\$0.00					
7					\$0.00					
8					\$0.00					
9					\$0.00					
10					\$0.00					
*	Shipping/Handling		Lot		\$0.00					
Special Instructions: Fayetteville has long worked with the Watershed Conservation Resource Center (WCRC) and funded quality stream restoration projects successfully completed by the Center and therefore entered into a Memorandum of Understanding (MOU) for certain projects on January 9, 2014. This project falls under this MOU and due to the unique nature of the services required as well as the history of quality projects with WCRC the council waived competative bidding.							Subtotal: <u>\$164,524.00</u>			
							Tax: <u>\$0.00</u>			
							Total: <u><u>\$164,524.00</u></u>			
Approvals: Mayor: _____ Department Director: _____ Purchasing Manager: _____ Chief Financial Officer: _____ Budget Director: _____ IT Director: _____ Dispatch Manager: _____ Utilities Manager: _____ Other: _____										

TASK ORDER NO. 1

INVENTORY OF RIPARIAN AND STREAMBANK CONDITIONS OF FAYETTEVILLE'S URBAN STREAMS

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Task Order is written pursuant to the Memorandum of Understanding (MOU) as described in Ordinance No. 5645 executed on January 7, 2014. The referenced MOU pertains to potential stream restoration projects and associated services with the Watershed Conservation Resource Center (WCRC). This Task Order entered into and executed on the date indicated below the signature block by and between the City of Fayetteville and Watershed Conservation Resource Center sets forth the project description, project schedule and associated fees for these services related to Federal Assistance Grant (I.D. 00F74201) "Inventory of Riparian and Streambank Conditions of Urban Stream" awarded to the City on September 18, 2013.

Section I - Project Description

This project consists of developing an inventory of the riparian and streambank conditions for 20 miles of urban streams and develop streambank erosion prediction curves to estimate sediment and nutrient loadings from streambank erosion. The purpose of the riparian and streambank assessment is to: A) Identify areas in need of restoration and preservation; B) Develop criteria to prioritize 1) unstable streambanks for restoration, including potential for wetland restoration and 2) stable stream and wetland areas for preservation; and C) Provide information to the City's Engineering and Planning Divisions to use when evaluating proposed development that could potentially impact streams, wetlands, and springs. The inventory will include an evaluation of A) the riparian area in which wetland features, springs, and general vegetation composition will be identified and B) streambanks with accelerated erosion that includes measuring erosion rates, characterizing streambank materials, and estimating sediment and nutrient loadings.

Section II - Project Timeframe

The project will be conducted over the period of the grant award which is November 1, 2013 to October 31, 2016.

Section III - Scope of Services

The WCRC will conduct activities as outlined in the attached workplan. Activities include but are not limited to: 1) Development of a Quality Assurance Project Plan 2) Conducting an inventory of stream and riparian conditions for a minimum of 20 stream miles 3) Developing streambank erosion prediction curves and estimated sediment and nutrient loads and 4) prioritization of areas in special need of protection or restoration. In addition, the WCRC will contract directly any contract services needed.

Section IV - Fees and Payments

WCRC will perform the above-referenced Scope of Services for \$164,524 (\$139,524 of which will be Federal Funds) as detailed in the attached project workplan (Attachment 1).

Section V - Memorandum of Understanding in Effect

Except as amended specifically herein, the Memorandum of Understanding Fayetteville shall remain in full force as originally approved.

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

FOR THE CITY OF FAYETTEVILLE

By: _____
Mayor Lioneld Jordan

Attest: _____
Sondra Smith, City Clerk

Date: _____

FOR WATERSHED CONSERVATION RESOUC E CENTER

By: Sandi Formica
Sandi Formica

Attest: _____

Date: Oct 1, 2014

Proposal Workplan

Section A: Cover Page

Project Title: Inventory of Riparian & Streambank Conditions of Urban Streams

Track II Application – FY13 or FY14

Core Elements: Monitoring and Assessment and Voluntary Restoration and Protection

ACTIONS: 1. Identify program decisions and long term environmental outcome(s) that will benefit from a wetland monitoring and assessment program, 2. Consider watershed planning, wildlife habitat, and other objectives when developing your selection process restoration/protection sites, 3. Develop and evaluate restoration/protection projects, and 4. Monitor restoration sites to ensure that they are implemented and managed correctly and linked to relevant watershed planning efforts.

Name of Applicant: City of Fayetteville, Arkansas, DUNS #07-565-7742

Key personnel and contact information:

Sarah Wrede, City of Fayetteville, Engineering, swrede@ci.fayetteville.ar.us, (479) 575-8208

Sandi Formica, WCRC, formica@watershedconservation.org, (501) 352-5252

Geographic Location: Fayetteville, Washington County, Arkansas; HUC: 11110103, Illinois River Watershed; HUC: 11010001, Upper White River Watershed

Total Project Cost: \$193,340, **Federal Dollars Requested:** \$142,500, **Match:** \$50,840

Abstract/Project Summary: Assessing stream systems within our urban areas provides important information to help conserve natural resources, protect water quality, and plan for urban development. The City of Fayetteville (City) in partnership with the Watershed Conservation Resource Center (WCRC) proposes to develop an inventory of the riparian condition of 20 miles of urban streams and develop streambank erosion prediction curves to estimate sediment and nutrient loadings from streambank erosion. The stream inventory will

include an evaluation of the riparian area and streambanks. Wetland features, prairies, and springs within the stream corridor will be identified. Data will be collected on streambanks showing signs of accelerated erosion and erosion rates will be measured to identify sites needing restoration and quantify sediment and nutrient loadings. Criteria will be developed and applied to prioritize sites for preservation or restoration, depending on their condition.

Hamstring, Owl, and Clabber Creeks will be included in the study and are located where there continues to be rapid development. Accelerated streambank erosion contributes excessive loads of sediment and nutrients to these streams and has been observed in this area along with exceptional natural features, such as wetlands, springs, remnant prairies, and hydric soils. Evaluation of these urban stream corridors will enhance planning efforts to preserve streams, wetlands, and aquatic/terrestrial habitats and help to minimize the impact of urban growth on existing ecosystems. The streambank evaluation will help the City to take actions to reduce NPS pollution and direct funding for streambank restoration to the most beneficial area.

Section B: Project Description: The City of Fayetteville (City) in partnership with the Watershed Conservation Resource Center (WCRC) proposes to develop an inventory of the riparian and streambank conditions for 20 miles of urban streams and develop streambank erosion prediction curves to estimate sediment and nutrient loadings from streambank erosion. The purpose of the riparian and streambank assessment is to: A) Identify areas in need of restoration and preservation; B) Develop criteria to prioritize 1) unstable streambanks for restoration, including potential for wetland restoration and 2) stable stream and wetland areas for preservation; and C) Provide information to the City's Engineering and Planning Divisions to use when evaluating proposed development that could potentially impact streams, wetlands, and springs. The inventory will include an evaluation of A) the riparian area in which wetland features, springs, and general vegetation composition will be identified and B) streambanks with accelerated erosion that includes measuring erosion rates, characterizing streambank materials, and estimating sediment and nutrient loadings

Prioritization of unstable sites for restoration will be based on sediment and nutrient loadings, location, threat to property, and presence or potential to create natural features, such as, wetlands, prairies, etc. Documentation and prioritization of the existence of natural features will help to ensure that they will not be destroyed or damaged from development. The assessment will focus on Hamestring, Owl, and Clabber Creeks, which are located in the western side of Fayetteville, where there continues to be rapid development (Section F, Att.1). These three watersheds are part of the Illinois basin and encompass an area of approximately 14 square miles. Additional streams will be identified to include in the study within Beaver Lake watershed. Beaver Lake is the drinking water source for over 450,000 NW Arkansas residents.

1. Program Priorities: Track Two: The proposed project falls under two Core Elements: *Monitoring and Assessment* and *Voluntary Restoration and Protection*. The action under

Monitoring and Assessment is ‘*identify program decisions and long term environmental outcome(s) that will benefit from a wetland monitoring and assessment program.*’ Funding will be sought to restore sites identified as unstable with poor riparian conditions to enhance habitats and improve water quality. Wetland areas and springs will be identified along with high quality headwater streams. The information and knowledge gained from the assessment will be used to help support the City’s Streamside Protection Ordinance. Information on contaminant load reduction from stream restoration will be tied to the broader watershed planning efforts. The first action under *Voluntary Restoration and Protection* is ‘*consider watershed planning, wildlife habitat, and other objectives when developing your selection process restoration/protection sites.*’ The criteria selected to prioritize sites for restoration or protection will be based on local watershed planning efforts. Both EPA accepted watershed plans for the Illinois River and Beaver Lake emphasize the need to improve water quality through riparian enhancement and preservation and reduction of sediment and nutrient loadings through streambank restoration. Both the streambank erosion prediction curves and prioritization criteria will serve as examples of assessment techniques that other urban areas can use to manage and protect their urban stream corridors. The second action is ‘*develop and evaluate restoration/ protection projects.*’ The project results will provide the City stream/ wetland sites prioritized for restoration or protection. The third action is ‘*monitor restoration sites to ensure that they are implemented and managed correctly and linked to relevant watershed planning efforts.*’ The City has previously partnered with the WCRC to restore three urban stream sites that include wetland features. All three sites will be monitored and maintained to ensure objectives are being met.

2. **Description of Need:** Over the past 30 years, Northwest Arkansas’ population tripled to approximately 400,000. Both forested and agricultural lands have been converted to urban areas, increasing the amount of impervious surfaces, which has increased runoff and intensified the

magnitude and frequency of high flow events in streams. This additional runoff and energy has increased channel erosion, resulting in vertical cut-banks on both City and private property. Development has also resulted in the loss of urban wetland, prairie, headwater stream, and riparian features that are connected to the stream channels and needed for healthy stream ecosystems. Conducting an inventory of the condition of 20 miles of urban streambank and riparian areas will provide information and data needed to restore disturbed sites and to preserve robust natural features. The City will use this assessment to help determine their contribution to water quality improvements in the Illinois River and Beaver Lake watersheds by restoring and protecting urban streams and wetlands. The City will become a regional example of collecting environmental data and using it to plan for urban development and natural resource protection. Prioritizing unstable stream sites for restoration based on established watershed planning goals will result in better utilization of funding for restoration and maximizes the benefits gained.

The proposed project will help the City to meet both local and regional priorities for water quality improvement and protection. Locally, the City of Fayetteville adopted a Streamside Protection Ordinance in 2011 to accomplish several goals including: reduce pollutants in waterways, preserve flood capacity, and protect the integrity of natural resources. These goals and all technical details of the ordinance were researched by staff and went through an extensive public review and comment process. The ordinance establishes streamside protection zones along streams within the City with a drainage area of 100 acres or greater. City staff reviews development plans for compliance with the ordinance, answers questions from the public and educates City staff who work near streams. The riparian and streambank assessment will provide additional data needed to help with the Streamside Protection Ordinance.

The project also addresses regional priorities and local objectives associated with the Illinois River and Beaver Lake watersheds. Both watersheds 1) have impaired or 303 (d) listed streams

or stream segments that are in need of additional data, with siltation/turbidity specified as the cause and surface erosion as the source; 2) are considered a priority by the ANRC for reducing nutrients. This project will provide scientific data and information to support actions that will reduce both sediment and nutrient loads. In addition, comprehensive watershed management plans have been developed and accepted by US EPA and include goals for water quality protection through restoration and protection of riparian buffers and streambanks.

3. Outputs, Outcomes, and Results

i. Outputs: The expected environmental outputs are 1) Identification , for 20 miles of urban streams, a) sites needing streambank and riparian restoration, including wetland enhancement and b) areas of stream corridor that have unique environmental attributes, such as healthy riparian forest, wetlands, springs, and/or prairie; 2) Criteria for prioritizing sites for restoration or preservation; 3) Maps showing prioritized sites for restoration or preservation to be used as a planning tool for the City and local watershed planning; 4) A set of streambank erosion prediction curves to be used at sites without erosion data; 5) Estimates of annual loading rates of sediment, T. Phosphorus, and T. Nitrogen from streambank erosion within the 20 miles of surveyed channel; and 6) Comparison of channel dimensions and summary of vegetation and maintenance at three existing urban restorations.

ii. Outcomes: The expected environmental outcomes are 1) Improve the decision making ability of the City and watershed planners in conducting restoration of streams, wetlands, and riparian areas within the City; preservation of healthy streams, wetlands, and other natural features with respect to urban development; and reduction of sediment and nutrients from streambank erosion to improve water quality within the Illinois River and Beaver Lake watersheds; 2) Integrate the City's efforts of restoration and preservation of urban streams and wetlands into local watershed planning; 3) Have available for the City and watershed planners

both prioritization criteria and the data/information needed to estimate contaminant loadings for the evaluation of other areas within the City; 4) Improve the ability of City staff to implement the Streamside Protection Ordinance through the data and information collected; 5) Increase understanding of City's maintenance staff and volunteers on the importance of urban streams, wetlands, water quality, native vegetation management, and maintenance at three existing urban stream restoration sites; 6) Improved stream, riparian area, and wetland protection efforts; 7) Increase understanding of healthy streams and wetland condition.

iii. Link to the EPA Strategic Plan: These outputs and outcomes are directly linked to the EPA Strategic Plan's Goal 2 – Protecting America's Water because data will be collected and analyzed to provide information on the condition of streams and wetlands to local & state government and watershed planners to restore and protect urban natural resources. This information will be used to prevent the destruction of healthy sections of stream and wetlands from urban development. Restoration efforts will be based on the results of this study, which emphasizes maximizing sediment and nutrient load reductions from streambank erosion to improve the water quality of streams within the Illinois River and Beaver Lake watersheds.

iv. Tracking Outputs and Outcomes: The seven outputs will be direct deliverables associated with the project and completed during the timeframe of the project. City engineering staff will document the City's use of the project information in the manner described in outcomes 1-4). A form will be developed in which City staff will complete whenever considering the information provided in evaluating planned development both private and municipal, interaction with local watershed groups, and implementing the streamside protection ordinance. A questionnaire will be developed and distributed to City staff and volunteers who provide assistance in monitoring and maintaining existing restoration sites as described in

Outcome 5). Outcomes 6-7) will be evaluated by recording the number of stream miles, wetland acres, and other natural features restored or preserved based on the results of this study.

4. Project Tasks The project tasks are summarized as follows:

Task 1: Development of Quality Assurance Project Plan (QAPP). A QAPP will be developed to assure that data collection activities result in quality data. The WCRC will be responsible for this task. ***Deliverable:*** *EPA Approved QAPP*

Task 2: Conduct Inventory of Riparian, Streambank, Wetland, and other Natural Features.

Under this task, 1) In addition to the main stems of Owl, Hamestring, and Clabber Creeks, stream(s) will be identified to be included in the inventory and assessment; landowner access permission will be determined or obtained; 2) An inventory of riparian and streambank conditions for 20 miles of urban stream will be conducted that includes the following components: a) Information on the riparian area including presence of wetland features, springs, prairie, forest coverage, and vegetation composition; b) streambanks showing signs of accelerated erosion will be evaluated for their erosion potential using the Bank Erosion Hazard Index (BEHI) method and for Near Bank Shear Stress (NBSS); c) physical measurements of streambank height and length will be performed; d) the width of the riparian area will be evaluated using GIS. The WCRC will be responsible for Task 2 except the applicant will assist with identifying additional areas to include in the assessment and obtaining landowner permission where necessary. ***Deliverables:*** *A summary of the inventory results with maps.*

Task 3: Develop streambank erosion prediction curves and estimate sediment loads from eroding streambanks. Under this task 1) Select a minimum of 24 sites for evaluation of lateral streambank erosion rates based on the results of the inventory, install toe pins, and measure bank profiles; 2) Characterize streambank materials through sampling and analysis; 3) Following one year, measure bank profiles again; evaluate flow conditions to determine if measurements need

to be collected again; 4) Develop erosion prediction curves; 5) Estimate sediment and nutrient loads from streambanks. The WCRC will be responsible for this task. ***Deliverables:*** *Maps showing erosion potential for streambanks; streambank erosion prediction curves for City of Fayetteville tributaries; estimates of sediment and nutrient loads resulting from streambank erosion and at restoration sites.*

Task 4: Develop and Implement Criteria for Prioritizing Sites for Restoration or

Preservation. Activities include 1) Criteria for preservation of riparian areas associated with wetland features, prairies, and/or stable streams will be developed and applied; 2) Criteria for prioritizing the restoration of unstable streambanks will be developed and applied. ***Deliverables:*** *Mapping products showing prioritized sites and summary of problems and/or natural attributes.*

Task 5: Integrate Study Results into City Engineering/Planning and Monitor and Maintain

Existing Restoration Sites. Activities include 1) coordinate with City Engineering & Planning staff to develop strategies for utilizing study results to a) assist with activities associated with the streamside protection ordinance; b) evaluate urban development proposals; and c) seek and budget funding for restoration; and d) develop incentives for preservation; 2) At three existing stream restoration sites a) collect stream assessment data to determine if restoration is meeting project goals and objectives; b) conduct needed maintenance associated with vegetation and hydrology. The applicant and the WCRC will work on these tasks together. ***Deliverables:*** *Summary of strategies developed and monitoring and maintenance results.*

Task 6: Technology Transfer and Outreach. Under this task 1) work with local watershed groups and planners to incorporate assessment information into watershed management efforts; 2) incorporate project information into local and regional workshops, meetings, conferences and/or courses attended by city planners, local decision makers, and/or environmental professionals; and 3) work with City staff and volunteers to remove invasive plants at existing

stream restoration sites a minimum of two times each at three sites. The applicant and the WCRC will be responsible. ***Deliverables:*** *Outreach activities summary*

Task 7: Administrative and Reporting. The applicant will provide project oversight and develop

1) quarterly reports and 2) a final report. ***Deliverables:*** *Quarterly and Final Reports*

5. **Partnership Information** – In addition to the partnership between the City and WCRC, the following organizations have agreed to participate as partners and provide assistance:

Fayetteville Natural Heritage Commission will provide information on their green infrastructure study and input on the prioritization of sites for preservation.

Beaver Lake Watershed Alliance will assist in transferring information and results to their watershed planning team and to other watershed groups. They will also assist coordinating volunteers for removing invasive vegetation from existing restoration sites.

Illinois River Watershed Partnership will assist with transferring information and results to their watershed planning team and coordination of volunteers for invasive plant removal.

Arkansas Natural Resource Commission will assist with transferring project information and results to the Arkansas Multi Agency Wetland Planning Team.

Letters of support can be found in Section F, Att. 2.

6. Milestone Schedule

Milestone/Task	Start Date	End Date	Product
1: Develop QAPP	11/01/13	01/30/14	Approved QAPP
2: Conduct Inventory			
1) Finalize Site Selection	12/01/13	01/15/14	Area/watershed map
2) Conduct Inventory	02/01/14	05/31/14	Inventory results
3: Develop Streambank Erosion Prediction Curves/Estimate Loads			
1) Select Streambanks/Monitoring	05/31/14	07/31/14	Map of selected locations

2) Install Toe Pins/Measure Bank Profiles/Conduct BEHI/NBSS	08/01/14	10/31/14	Summary of data collected
3) Follow-up Measurements	09/01/15	10/31/15	Summary of erosion rates
4) Sample/analyze bank materials	10/31/14	09/01/15	Results of Analysis
5) Create plot of curves	11/01/15	01/15/16	Prediction Curves
6) Estimate sediment & nutrient loads	01/16/16	02/28/16	Summary of loadings
4: Prioritization Criteria			
1) Riparian Preservation	11/01/14	10/31/15	Map of sites prioritized
2) Stream & Wetland Restoration	10/31/15	06/30/16	Map of sites prioritized
5: Integration of Study Results & Monitoring & Maintenance	02/01/14	10/31/16	Summary of Strategies and Monitoring/Maintenance
6: Outreach	04/30/14	09/30/16	Summary of activities
7. Reporting - Quarterly Report	01/31/14	10/31/16	Progress report
Final Report	08/15/16	10/31/16	Final report

7. **Detailed Budget Workplan:** If the applicant receives an award, the sub-award/sub-grant will be properly awarded consistent with the applicable regulations in 40 CFR Parts 30 or 31. The applicant will also follow all appropriate procurement standards as required by EPA. The overall project budget is summarized in the table below. The award recipient will administer the grant and procure services. The sub-award recipient, the WCRC, will execute major project tasks associated with this proposal, because of their unique expertise in the area of natural resource inventories, watershed assessment, streambank erosion monitoring and material sampling and analysis, and development of streambank prediction curves. Their budget is shown on line “h. Other: WCRC” in the budget table below. The primary responsibilities of the WCRC are outlined in Section B.4. The contract services include procurement of wetland and native plant expertise (\$15,000) and analysis of streambank material samples (\$3,000).

The federal, non-federal, and total cost for each project task identified in Section B.4 are as follows: Task 1. Develop QAPP (F-\$3,000, NF-\$1,000 T-\$4,000); Task 2. Resource Inventory

(F-\$25,000, NF-\$19,000, T-\$44,000); Task 3.Develop Prediction Curves (F-\$65,000, NF-\$10,840, T-\$75,840); Task 4.Develop and Implement Prioritization Criteria (F-\$10,000, NF-\$5,000, T-\$15,000); Task 5.Intergrate Study Results (F-\$20,000, NF-\$5,000, T-\$25,000); Task 6.Technology Transfer (F-\$10,000, NF-\$5,000, T-\$15,000); and Task 7.Administrative and Reporting (F-\$10,000, NF-\$5,000, T-\$15,000).

	<i>Project Budget</i>		
Object Class Cat.	Federal	Non- Federal	Total
a. Personnel	\$0	\$19,458	\$19,458
b. Fringe	\$0	\$6,382	\$6,382
c. Travel	\$2,976	\$0	\$2,976
d. Equipment	\$0	\$0	\$0
e. Supplies	\$0	\$0	\$0
f. Contract	\$18,388	\$0	\$18,388
g. Construction	\$0	\$0	\$0
h. Other: WCRC (see table below)	\$121,136	\$25,000	\$146,136
i. Total Direct	\$142,500	\$50,840	\$193,340
j. Indirect	\$0	\$0	\$0
k. Totals	\$142,500	\$50,840	\$193,340

The applicant is providing the in-kind match and cash match (\$25,000) to successfully complete tasks described in Section B.4.

A breakdown of the WCRC budget, which is part of the total project cost of \$193,340, is shown in the table below. Travel expenses will be used to complete the Section B.4 tasks and to attend professional meetings related to the scope of the work being performed. Supplies include; Computer

	<i>Other: WCRC Budget (included in the total project cost of \$193,340)</i>		
Object Class Cat.	Federal	Non- Federal	Total
a. Personnel	\$55,000	\$11,000	\$66,000
b. Fringe	\$21,835	\$4,367	\$26,202
c. Travel	\$6,000	\$3,000	\$9,000
d. Equipment	\$0	\$0	\$0
e. Supplies	\$9,035	\$780	\$9,815
f. Contract	\$0	\$0	\$0
g. Construction	\$0	\$0	\$0
h. Other:	\$0	\$0	\$0
i. Total Direct	\$91,870	\$19,147	\$111,017
j. Indirect	\$29,266	\$5,853	\$35,119
k. Totals	\$121,136	\$25,000	\$146,136

Workstation (\$1,500), Laptop Computer (\$1,500), Surveying Supplies (\$1,000), ArcMap software license (\$2,000), Project maintenance materials including native plant seed and erosion control fabric (2,000), and rental of machinery to implement prescribed maintenance activities (\$1,035). Indirect costs are based on a negotiated rate the WCRC has established with the Department of the Interior.

8. Restoration Demonstration Project Information – N/A

9. Programmatic Capability/ Technical Experience/ Qualifications

The following staff will have primary roles and responsibilities in implementing this project.

Sarah Wrede, City of Fayetteville, Engineering Division – As Project Coordinator, she will coordinate activities within City Divisions and with the WCRC, oversee the budget, assist with

integration of the study results into City activities, and project reporting. **Chris Brown, City Engineer for Fayetteville** – will be responsible for transferring the assessment information to the engineering, planning, and transportation departments. **Sandi Formica, WCRC** – As Project Manager, she will be responsible for the implementation of tasks; overall project management including overseeing the assessment; working with project partners to integrate results into watershed planning. **Mathew Van Eps, P.E., WCRC** – As Project Engineer, he will be responsible for overseeing the field work, data collection, and data analysis.

Applicant's Experience – The **City of Fayetteville** has been acknowledged for its environmental awareness for many years. The City is currently recognized as leading the State of Arkansas in sustainability and green infrastructure policies. The City partnered with the WCRC on four stream and streambank restoration projects that have been successfully implemented using the natural channel design approach. These projects included evaluating streambank erosion and creating or enhancing wetland areas. Fact sheets describing these projects can be found in Section F, Att. 3. The current administration has expressed interest and support in establishing more native grasses in the City's parks to reduce maintenance and enhance the natural settings. Additionally, the City has recently developed a city-wide phosphorus reduction plan and has restored a section of stream at Red Oak Park with the Arkansas Game and Fish Commission. The **Watershed Conservation Resource Center (WCRC)** is a 501(c) (3) non-profit organization whose mission is to protect, conserve, and restore natural resources. The co-founders and principals of the WCRC, Sandi J. Formica and Matthew Van Eps, have extensive backgrounds and are leading regional experts in watershed management, watershed assessment, stream stability analysis, natural channel restoration design and the utilization of GIS for inventory and evaluation of natural resource condition. The WCRC provides specialized assistance concerning watershed resource issues to a variety of organizations including; watershed groups; local, state

and federal governments; non-profit organizations; conservation districts; and other entities that request assistance. The staff has a broad range of experience with the watershed approach and has spent many years working throughout Arkansas on a variety of watershed issues. The WCRC is housed in Fayetteville, Arkansas. They have completed five stream and streambank restoration projects in the past five years and continue to monitor these projects. All of the projects include riparian, streambank erosion, and sediment/nutrient loading analyses. Fact sheets describing these projects can be found in Section F, Att. 3. A summary describing the WCRC and brief synopsis of Sandi Formica & Matt Van Eps experience along with City staff resumes can be found in can found in Section F, Att. 4.

10. Transfer of Results: Project results will be presented to key City staff personnel and meetings will be held to develop strategies to incorporate the information into current development review process and to find incentives for preservation. As part of the monitoring and maintenance of existing restoration sites, one-on-one training will be provided to City maintenance personnel and volunteers on healthy urban streams and wetlands and the removal of invasive vegetation. Events will be organized for volunteers to remove invasive vegetation. Project results will be presented to local watershed groups through local information meetings and will be incorporated into workshops, conferences and/or courses attended by city planners, local decision makers, and/or environmental professionals at both a local and regional scale.

Section C: Past Performance – The City in partnership with the WCRC has completed 95% of FY09 EPA Wetlands Program Development Grant to demonstrate the implementation of an urban stream restoration using natural channel design techniques and creating wetland areas. The 1600 ft project has been successful in enhancing habitat, stabilizing streambanks, and protecting City Park and private property during catastrophic flooding in 2011. The City has executed four EPA State and Tribal Assistance Grants (XP-966737-01-0; XP-976902-01-0; XP-

966062-01-1 and XP-966353-01-0) used for sanitary sewer line and manhole rehabilitation projects.

Additionally, the City has executed three Outdoor Recreation Grants through the Arkansas Department of Parks and Tourism used for park development and improvements. All projects were successfully managed and completed within the established guidelines and timelines. All reporting requirements were met and projects resulted in satisfactory outcomes. The STAG projects resulted in reduced nutrients and reduced inflow/infiltration to the wastewater treatment system.

The WCRC has successfully completed the following EPA Section 319 grants administered under ANRC: Design and implement stream restoration using a natural channel design approach– 1200 ft Niokaska Creek at Gulley Park (2009), 1800 ft West Fork White River at Brentwood (2010), 1000 ft White River near Fayetteville (2011), and 1200 ft Mullins Creek at University of Arkansas Campus (2012). The WCRC successfully managed these projects and met all of the reporting requirements including developing a final report. Environmental outputs for all of these projects were the WCRC designed & implement a natural channel that reduced channel instability, reduced sediment and nutrient loads, and enhanced the aquatic/terrestrial habitat. Environmental outcomes were met- sediment, total phosphorus, and total nitrogen loadings were reduced by a minimum of 96%, 95%, and 94%, respectively. In 2010, the WCRC completed the EPA Agreement #AW832239-03, Mid-South Watershed Training Program in which the WCRC developed and conducted watershed-based training. The environmental output was seventeen training courses were conducted with over 700 students attending. Based on course evaluations, an outcome of over 80% of the participants found the course attended useful. A summary of WCRC projects can be found in Section F, Att. 4.

Section D: Quality Assurance / Quality Control -The applicant will be collecting environmental data and will submit a QAPP plan for review and approval. The applicant has an approved QA/QC plan.

Section E: Invasive Species Control - The applicant is not conducting activities that will result in introducing invasive species. Invasive vegetation will be removed as part of this project.

Section F: Attachments

- Attachment 1 – Project Map
- Attachment 2 – Letters of Support
- Attachment 3 – Fact Sheets on Stream Restoration Projects
- Attachment 4 – Qualifications

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U.S. ENVIRONMENTAL PROTECTION AGENCY

Cooperative Agreement

GRANT NUMBER (FAIN): 00F74201
MODIFICATION NUMBER: 0
PROGRAM CODE: CD

DATE OF AWARD
09/18/2013

TYPE OF ACTION
New

MAILING DATE
09/25/2013

PAYMENT METHOD:

ACH#
66890

RECIPIENT TYPE:
Township

Send Payment Request to:
Las Vegas Finance Center

RECIPIENT:

PAYEE:

City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701
EIN: 71-6018462

City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

PROJECT MANAGER

EPA PROJECT OFFICER

EPA GRANT SPECIALIST

Sarah Wrede
113 West Mountain Street
Fayetteville, AR 72701
E-Mail: swrede@ci.fayetteville.ar.us
Phone: 479) 575-8206

Betty Ashley
1445 Ross Avenue, Suite 1200, 6WQ-AT
Dallas, TX 75202-2733
E-Mail: Ashley.Betty@epamail.epa.gov
Phone: 214-665-8396

Wendy Ross
Grant Programs Section, 6MD-CG
E-Mail: ross.wendy@epa.gov
Phone: 214-665-7471

PROJECT TITLE AND DESCRIPTION

Inventory of Riparian & Streambank Conditions of Urban Streams

This project proposes to develop an inventory of the riparian and streambank conditions for 20 miles of urban streams and develop streambank erosion. The purpose is to: 1) Identify areas in need of restoration and preservation; 2) Develop criteria to prioritize; 3) Provide information to the City's Engineering and Planning Divisions to use when evaluating proposed development that could potentially impact streams, wetlands, and springs.

BUDGET PERIOD

11/01/2013 - 10/31/2016

PROJECT PERIOD

11/01/2013 - 10/31/2016

TOTAL BUDGET PERIOD COST

\$193,340.00

TOTAL PROJECT PERIOD COST

\$193,340.00

NOTICE OF AWARD

Based on your Application dated 06/11/2013 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$142,500. EPA agrees to cost-share 73.70% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$142,500. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.

ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)

AWARD APPROVAL OFFICE

ORGANIZATION / ADDRESS

Grant Programs Section, 6MD-CG
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

ORGANIZATION / ADDRESS

U.S. EPA, Region 6
Water Quality Protection Division
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Digital signature applied by EPA Award Official Donna Miller - Chief Grant Programs Section

DATE
09/18/2013

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	1306WA0012	13	E1	061K	202B07	4153			142,500
									142,500

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Budget Summary Page: Wetland Program Development Grant

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$19,458
2. Fringe Benefits	\$6,382
3. Travel	\$2,976
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$18,388
7. Construction	\$0
8. Other	\$146,136
9. Total Direct Charges	\$193,340
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient <u>26.30</u> % Federal <u>73.70</u> %.)	\$193,340
12. Total Approved Assistance Amount	\$142,500
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$142,500
15. Total EPA Amount Awarded To Date	\$142,500

Administrative Conditions

This Assistance Agreement is awarded in accordance with the **Federal Grants and Cooperative Agreement Act of 1977**. Areas of substantial EPA involvement, beyond the normal exercise of performance evaluation and program review, have been detailed in specific output objectives which resulted from negotiation between EPA and the recipient. These areas are included in the application for this award and have become a part of this Agreement.

1. The recipient covenants and agrees that it will expeditiously initiate and timely complete the project work for which assistance has been awarded under this Agreement, in accordance with all applicable provisions of **40 CFR Chapter 1, Subchapter B**. The recipient warrants, represents, and agrees that it and all its contractors, employees and representatives, will comply with all APPLICABLE provisions of **40 CFR Chapter 1, Subchapter B, INCLUDING BUT NOT LIMITED TO** the provisions of **40 CFR Parts 31, 32, 33, 34 and 35**. This award may be reduced or terminated at such time the recipient fails to comply with the program objectives, grant award conditions, or Federal reporting requirements.
2. Recipient standards of administration, property management, procurement and financial management, as well as records and facilities of recipients, their contractors and subcontractors are subject to audit and inspection by the Comptroller General of the United States and the U.S. Environmental Protection Agency in accordance with Office of Management and Budget (OMB) Circulars A-87, A-102, or A-110, as appropriate, A-133 and 40 CFR Part 31. The recipient's standards governing procurement will be in accordance with 40 CFR, Part 31.36, Part 33 and OMB Circular A-102. The recipient shall maintain a financial management system which meets the requirements of 40 CFR Part 31.20.
3. The Federal share of allowable expenditures chargeable to this assistance project will be financed by the EPA AUTOMATED CLEARING HOUSE (EPA-ACH) PAYMENT SYSTEM or U.S. TREASURY AUTOMATED STANDARD APPLICATION FOR PAYMENTS (ASAP) SYSTEM.

The recipient will strictly adhere to the accounting and reporting procedures described in the EPA-ACH Recipient's Manual for the duration of the project. Three conditions should receive special attention:

- a. Cash drawdowns will be made only as actually needed for disbursements.
- b. **SPECIAL NOTE:** When a drawdown under the EPA-ACH Payment System occurs, the recipient must show the Assistance Agreement Number(s) under "Financial Data" on the EPA-ACH Payment Request Form. Requests for payment should be faxed to:

(702) 798-2423
Las Vegas Finance Center
Attention: Region 6 Financial Specialist

- c. The recipient will impose the same standards of timing and reporting on secondary recipients, if any.

4. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES

GENERAL COMPLIANCE, 40 CFR, Part 33

The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority and Women's Business Enterprises in procurement under assistance agreements, contained in 40 CFR, Part 33.

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE (MBE/WBE) participation in procurement under the financial assistance agreements.

Accepting the Fair Share Objectives/Goals of Another Recipient

The dollar amount of this assistance agreement is \$250,000, or more; or the total dollar amount of all of the recipient's non-TAG assistance agreements from EPA in the current fiscal year is \$250,000, or more. The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA by the **Arkansas Department of Environmental Quality** as follows:

**MBE: CONSTRUCTION 2.97%; SUPPLIES 1.63%; SERVICES 1.74%;
EQUIPMENT 3.15%**

**WBE: CONSTRUCTION 2.59%; SUPPLIES 3.88%; SERVICES 6.21%;
EQUIPMENT 5.57%**

By signing this financial assistance agreement, the recipient is accepting the fair share objectives/goals stated above and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as **Arkansas Department of Environmental Quality**.

Negotiating Fair Share Objectives/Goals, 40 CFR, Section 33.404

The recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is **not** accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE

Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Require DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- (e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- (f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

MBE/WBE REPORTING, 40 CFR, Part 33, Sections 33.502 and 33.503

The recipient agrees to complete and submit EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year reporting period the recipient receives the award, and continuing until the project is completed. **Only procurements with certified MBE/WBEs are counted toward a recipient's MBE/WBE accomplishments.** The reports must be submitted **annually** for the period ending September 30th for:

40 CFR Part 30 Recipients (Non-profits and Institutions of Higher Education); and
40 CFR Part 35 Subpart A and Subpart B Recipients.

The reports are due within 30 days of the end of the annual reporting period (October 30th). Reports should be sent to Ms. Debora Bradford, Region 6 MBE/WBE Coordinator. Final MBE/WBE reports must be submitted within 90 days after the project period of the grant ends. Your grant cannot be officially closed without all MBE/WBE reports.

EPA Form 5700-52A may be obtained from the EPA Office of Small Business Program's Home Page on the Internet at www.epa.gov/osbp.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

5. The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200 - 36.230. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html.

6. Pursuant to 40 CFR 30.18, if applicable, and 15 USC 2225a, the recipient agrees to ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel/> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

7. The chief executive officer of this recipient agency shall ensure that no grant funds awarded under this assistance agreement are used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. The recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States or for lobbying or other political activities.

8. Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

9. In accordance with OMB Circular A-133, which implements the single Audit Act, the recipient hereby agrees to obtain a single audit from an independent auditor if it expends \$500,000 or more in total Federal funds in any fiscal year. Within nine months after the end of a recipient's fiscal year or 30 days after receiving the report from the auditor, the recipient shall submit a copy of the SF-SAC and a Single Audit Report Package. **For fiscal periods 2002 to 2007 recipients are to submit hardcopy to the following address:**

Federal Audit Clearinghouse
1201 East 10th Street
Jeffersonville, IN 47132

For fiscal periods 2008 and beyond the recipient MUST submit a copy of the SF-SAC and a Single Audit Report Package, using the Federal Audit Clearinghouse's Internet Data Entry System. Complete information on how to accomplish the 2008 and beyond Single Audit Submissions you will need to visit the Federal Audit Clearinghouse Web site:
<http://harvester.census.gov/fac/>

10. In accordance with the policies set forth in EPA Order 1000.25 and Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management (January 24, 2007), the recipient agrees to use recycled paper and double sided printing for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

11. National Term and Condition for Subawards

a. The recipient agrees to:

- (1) Establish all subaward agreements in writing;
- (2) Maintain primary responsibility for ensuring successful completion of the EPA-approved project (this responsibility cannot be delegated or transferred to a subrecipient);
- (3) Ensure that any subawards comply with the standards in Section 210(a)-(d) of OMB Circular A-133 and are not used to acquire commercial goods or services for the recipient;
- (4) Ensure that any subawards are awarded to eligible subrecipients and that proposed subaward costs are necessary, reasonable, and allocable;
- (5) Ensure that any subawards to 501(c)(4) organizations do not involve lobbying activities;
- (6) Monitor the performance of their recipients and ensure that they comply with all

applicable regulations, statutes, and terms and conditions which flow down in the subaward;

- (7) Obtain EPA's consent before making a subaward to a foreign or international organization, or a subaward to be performed in a foreign country; and
 - (8) Obtain approval from EPA for any new subaward work that is not outlined in the approved work plan in accordance with 40 CFR Parts 30.25 and 31.30, as applicable.
- b. Any questions about subrecipient eligibility or other issues pertaining to subawards should be addressed to the recipient's EPA Project Officer. Additional information regarding subawards may be found at <http://www.epa.gov/ogd/guide/subaward-policy-part-2.pdf>. Guidance for distinguishing between vendor and subrecipient relationships and ensuring compliance with Section 210(a)-(d) of OMB Circular A-133 can be found at <http://www.epa.gov/ogd/guide/subawards-appendix-b.pdf> and <http://www.whitehouse.gov/omb/circulars/a133/a133.html>.
- c. The recipient is responsible for selecting its subrecipients and, if applicable, for conducting subaward competitions.
12. Recipients shall fully comply with Subpart C of 2 CFR Part 180 entitled, "Responsibilities of Participants Regarding Transactions Doing Business With Other Persons," as implemented and supplemented by 2 CFR Part 1532. Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information required under 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipients may access the Excluded Parties List System at <http://www.epls.gov>. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

13. To implement requirements of Section 106 of the Trafficking Victims Protection Act of 2000, as amended, the following provisions apply to this award:

- a. We, as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity: (1) is determined to have violated an applicable prohibition in the Prohibition Statement below; or (2) has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in the Prohibition Statement below through conduct that is either: (a) associated with performance under this award; or (b) imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1532. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in the Prohibition Statement below.
- b. Our right to terminate unilaterally that is described in paragraph a of this award term: (1) implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and (2) is in addition to all other remedies for noncompliance that are available to us under this award.
- c. You must include the requirements of the Prohibition Statement below in any subaward you make to a private entity.

Prohibition Statement - You as the recipient, your employees, subrecipients under this award, and

subrecipients' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award.

14. Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit an interim Federal Financial Report (SF-425) to EPA no later than 90 calendar days following the end of the reporting quarter.

The following reporting period end dates shall be used for interim reports: 3/31, 6/30, 9/30, or 12/31.

At the end of the project, the recipient must submit a final Federal Financial Report to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/financeservices/forms.htm>. All FFRs must be submitted to the Las Vegas Finance Center: US EPA, LVFC, PO Box 98515, Las Vegas, NV 89193, or by Fax to: 702-798-2423.

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 31.43 if the recipient does not comply with this term and condition.

15. Based on your Application dated 06/11/2013 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$142,500. EPA agrees to cost share 73.70% of all approved budget period costs incurred, up to and not exceeding total

federal funding of \$142,500. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.

16. EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. As of January 1, 2013, the limit is \$596.00 per day and \$74.50 per hour. This rate does not include transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel reimbursement practices).

Subagreements with firms for services which are awarded using the procurement requirements in 40 CFR 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR 31.36(j) or 30.27(b).

17. EPA's financial obligations to the recipient are limited by the amount of federal funding awarded to date as shown on line 15 in its EPA approved budget. If the recipient incurs costs in anticipation of receiving additional funds from EPA, it does so at its own risk.

18. CIVIL RIGHTS OBLIGATIONS

GENERAL - This term and condition incorporates by reference the signed assurance provided by the recipient's authorized representative on: 1) EPA Form 4700-4, "Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance"; and 2) Standard Form 424B or Standard Form 424D, as applicable. These assurances and this term and condition obligate the recipient to comply fully with applicable civil rights statutes and implementing EPA regulations.

STATUTORY REQUIREMENTS

In carrying out this agreement, the recipient must comply with:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin, including limited English proficiency (LEP), by entities receiving Federal financial assistance.
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with disabilities by entities receiving Federal financial assistance; and
- The Age Discrimination Act of 1975, which prohibits age discrimination by entities receiving Federal financial assistance.

If the recipient is conducting an education program under this agreement, it must also comply with:

- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities operated by entities receiving Federal financial assistance.

If this agreement is funded with financial assistance under the Clean Water Act (CWA), the recipient must also comply with:

- Section 13 of the Federal Water Pollution Control Act Amendments of 1972, which prohibits discrimination on the basis of sex in CWA-funded programs or activities.

REGULATORY REQUIREMENTS

The recipient agrees to comply with all applicable EPA civil rights regulations, including:

- For Title IX obligations, 40 C.F.R. Part 5; and
- For Title VI, Section 504, Age Discrimination Act, and Section 13 obligations, 40 C.F.R.

Part 7.

- As noted on the EPA Form 4700-4 signed by the recipient's authorized representative, these regulations establish specific requirements including maintaining compliance information, establishing grievance procedures, designating a Civil Rights Coordinator, and providing notices of non-discrimination.

TITLE VI – LEP, Public Participation and Affirmative Compliance Obligation

- As a recipient of EPA financial assistance, you are required by Title VI of the Civil Rights Act to provide meaningful access to LEP individuals. In implementing that requirement, the recipient agrees to use as a guide the Office of Civil Rights (OCR) document entitled "*Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.*" The guidance can be found at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2004_register&docid=fr25jn04-79.pdf
- If the recipient is administering permitting programs under this agreement, the recipient agrees to use as a guide OCR's Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs. The Guidance can be found at <http://edocket.access.gpo.gov/2006/pdf/06-2691.pdf>.
- In accepting this assistance agreement, the recipient acknowledges it has an affirmative obligation to implement effective Title VI compliance programs and ensure that its actions do not involve discriminatory treatment and do not have discriminatory effects even when facially neutral. The recipient must be prepared to demonstrate to EPA that such compliance programs exist and are being implemented or to otherwise demonstrate how it is meeting its Title VI obligations.

19. Payment Methods

a. The Debt Collection Improvement Act of 1996 requires that Federal payments be made by electronic funds transfer. In order to comply with the Act, a recipient must receive payments via one of two electronic methods available to them:

Automated Standard Application for Payments (ASAP)

The ASAP system is the preferred method of payment for EPA grantees. ASAP enrollment is highly encouraged for organizations that have multiple grants/cooperative agreements and for those with a frequent need to request funds. If your organization uses multiple bank accounts for EPA grants/cooperative agreements, you must enroll in ASAP. If you are interested in receiving funds electronically via ASAP, please complete the ASAP Initiate Enrollment form located at <http://www.epa.gov/ocfo/finservices/forms.htm> and email it to LVFC-grants@epa.gov or fax it to LVFC at 702-798-2423

Under this payment mechanism, the Recipient initiates, via ASAP, an electronic payment request which is approved or rejected based on the amount of available funds authorized by EPA in the Recipient's

account. Approved funds are credited to the recipient organization at the financial institution identified on the recipient's ASAP enrollment application. Additional information concerning ASAP and enrollment can be obtained by contacting the EPA Las Vegas Finance Center, at (702) 798-2485, or by visiting www.fms.treas.gov/asap.

Electronic Funds Transfer (EFT)

Under this payment mechanism, the EPA Las Vegas Finance Center will obtain your organization's banking information from your System for Award Management (SAM) registration. Upon completion of required Regional training, a Las Vegas Finance Center Representative will send you an email message with your EFT Control Number and payment information. Additional information concerning EFT can be obtained by contacting the EPA Las Vegas Finance Center at (702) 798-2485, or by visiting <http://www.epa.gov/ocfo/financeservices/payinfo.htm>

NOTE: If your banking information is not correct or changes at any time prior to the end of your agreement, please update your SAM registration and notify the EPA Las Vegas Finance Center as soon as possible so the new banking information can be retrieved. This is vital to ensure proper and timely deposit of funds.

b. In accepting this assistance agreement, the recipient agrees to draw cash only as needed for its disbursement. Failure on the part of the recipient to comply with this condition may cause the undisbursed portions of the assistance agreement to be revoked and financing method changed to a reimbursable basis.

20. Central Contractor Registration/System for Award Management and Universal Identifier Requirements.

A. Requirement for Central Contractor Registration (CCR)/System for Award Management (SAM). Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for Data Universal Numbering System (DUNS) numbers. If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.

2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

C. Definitions. For purposes of this award term:

1. Central Contractor Registration (CCR)/System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about

registration procedures may be found at the System for Award Management (SAM) Internet site <http://www.sam.gov>.

2. Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).

3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:

- a. A Governmental organization, which is a State, local government, or Indian tribe;
- b. A foreign public entity;
- c. A domestic or foreign nonprofit organization;
- d. A domestic or foreign for-profit organization; and
- e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

4. Subaward:

- a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. --.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. Subrecipient means an entity that:

- a. Receives a subaward from you under this award; and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.

21. Reporting Subawards and Executive Compensation.

a. Reporting of first-tier subawards.

1. Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e of this award term).

2. Where and when to report.

- i. You must report each obligating action described in paragraph

a.1. of this award term to www.fsrs.gov.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at www.fsrs.gov specify.

b. Reporting Total Compensation of Recipient Executives.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if --

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration Central Contractor Registration/System for Award Management profile available at www.sam.gov.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if --

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from

Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

- i. To the recipient.
- ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- i. subawards,
and
- ii. the total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:
 - i. A Governmental organization, which is a State, local government, or Indian tribe;
 - ii. A foreign public entity;
 - iii. A domestic or foreign nonprofit organization;
 - iv. A domestic or foreign for-profit organization;
 - v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. Executive means officers, managing partners, or any other employees in management positions.

3. Subaward:

- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. --.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").

iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. Subrecipient means an entity that:

- i. Receives a subaward from you (the recipient) under this award;
- and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. *Salary and bonus* .
- ii. *Awards of stock, stock options, and stock appreciation rights* . Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- iii. *Earnings for services under non-equity incentive plans* . This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
- iv. *Change in pension value*. This is the change in present value of defined benefit and actuarial pension plans.
- v. *Above-market earnings on deferred compensation which is not tax-qualified* .
- vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

22. QUALITY MANAGEMENT PLAN (QMP) - The recipient will submit an update or revision of the Quality Management Plan annually to the Region Quality Assurance Manager (6MD) for approval, or a certification that the plan is current, and include a copy of the recipient's new approval pages for the QMP.

23. QUALITY ASSURANCE PROJECT PLAN (QAPP) - Sixty days prior to the initiation of any environmental measurements or data generation, the recipient shall submit to the EPA Project Officer, for review and approval, a written Quality Assurance Project Plan (QAPP) for this grant project. The QAPP shall comply with the guidelines specified in the document entitled "EPA Requirements for Quality Assurance Project Plans for Environmental Data Operations",

EPA QA/R5. If any change is required after EPA approval, the recipient must notify the Project Officer **immediately** and request approval for the change prior to implementation. At the end of each Federal Fiscal Year, September 30, the grantee shall certify in writing to the EPA Project Officer that the QAPP is current, and include a copy of the recipient's new approval pages for the QAPP.

Any costs for environmental measurements or data generation incurred prior to approval of the Quality Assurance Project Plan by the EPA Project Officer will be ineligible for reimbursement.

Programmatic Conditions

1. **Project Management:** Project management and execution will be very closely monitored by EPA representatives throughout the assistance agreement's project and budget periods. Effective implementation of the scope of work involves a jointly supported strong, ongoing collaboration between the recipient and EPA. Technical assistance and coordination will be routine. EPA and the recipient will maintain a continuous dialogue for the rapid identification, solution, and escalation of problems to top level managers. In addition, EPA representatives will be working with the recipient to achieve the potential environmental outcomes.
2. **Progress Reporting Condition:** Performance Reports must adequately address progress in achieving agreed-upon project/ program outputs and environmental outcomes. Progress reports must be submitted semi-annually. The Reports must adequately address progress in achieving agreed-upon project/program outputs and environmental outcomes.
3. **Sufficient Progress:** EPA may terminate the assistance agreement for failure of the recipient to make sufficient progress so as to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the work plan in conjunction with the milestone schedule, the time remaining for performance within the project period, and/or the availability of funds necessary to complete the project.
4. **Quality Assurance Project Plan (QAPP):** Sixty days prior to the initiation of any environmental measurements or data generation, the recipient shall submit to the EPA Project Officer, for review and approval, a written Quality Assurance Project Plan for this grant project. The Quality Assurance Project Plan shall comply with the guidelines specified in the document entitled "EPA Requirements for Quality Assurance Project Plans for Environmental Data Operations," EPA QA/R5. If any change is required after EPA approval, the recipient must notify the Project Officer **immediately** and request approval for the change **prior to implementation**. At the end of each Federal Fiscal Year, September 30, the grantee shall certify in writing to the EPA Project Officer that the Quality Assurance Project Plan is current, and include a copy of the recipient's new approval pages for the Quality Assurance Project Plan.
5. **Subawards:** The State must assure that project subawards include a provision that

any management practices implemented for the project be properly operated and maintained for an appropriate number of years.

- 6. Food/Refreshment condition:** Unless the event(s) and all of its components (i.e., receptions, banquets and other activities that take place after normal business hours) are described in the approved workplan, the recipient agrees to obtain prior approval from EPA for the use of grant funds for light refreshments and/or meals served at meetings, conferences, training workshops, and outreach activities (events). The recipient must send requests for approval to the EPA Project Officer and include:
- (1) An estimated budget and description for the light refreshments, meals, and/or beverages to be served at the event(s);
 - (2) A description of the purpose, agenda, location, length and timing for the event.
 - (3) An estimated number of participants in the event and a description of their roles.

Recipients may address questions about whether costs for light refreshments, and meals for events are allowable to the recipient's EPA Project Officer. However, the Agency Award Official or Grant Management Officer will make final determinations on allow ability. Agency policy prohibits the use of EPA funds for receptions, banquets and similar activities that take place after normal business hours unless the recipient has provided a justification that has been expressly approved by EPA's Award Official or Grants Management Officer.

Note: U.S. General Services Administration regulations define light refreshments for morning, afternoon or evening breaks to include, but not be limited to, coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, or muffins. (41 CFR 301-74.11)

7. Electronic and Information Technology Accessibility: Recipients and subrecipients are subject to the program accessibility provisions of Section 504 of the Rehabilitation Act, codified in 40 CFR Part 7, which includes an obligation to provide individuals with disabilities reasonable accommodations and an equal and effective opportunity to benefit from or participate in a program, including those offered through electronic and information technology ("EIT"). In compliance with Section 504, Electronic Information Technology systems or products funded by this award must be designed to meet the diverse needs of users (e.g., U.S. public, recipient personnel) without barriers or diminished function or quality. Systems shall include usability features or functions that accommodate the needs of persons with disabilities, including those who use assertive technology. At this time, the EPA will consider a recipient's websites, interactive tools, and other Electronic Information Technology as being in compliance with Section 504 if such technologies meet standards established under Section 508 of the Rehabilitation Act, codified at 36 CFR Part 1194. While Section 508 does not apply directly to grant recipients, we encourage recipients to follow either the 508 guidelines or other comparable guidelines that concern accessibility to Electronic Information Technology for individuals with disabilities. Recipients may wish to consult the latest Section 508 guidelines issued by the US Access Board or W3C's Web Content Accessibility Guidelines (WCAG) 2.0(see <http://www.access-board.gov/sec508/guide/index.htm>).

RESOLUTION NO. 126-13

A RESOLUTION APPROVING APPLICATION FOR AN EPA REGION 6
WETLAND PROGRAM DEVELOPMENT GRANT IN AN AMOUNT UP TO
\$132,500.00 FOR AN ASSESSMENT OF CITY STREAMS

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

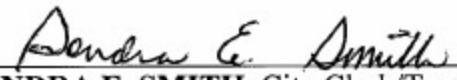
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves
applying for an EPA Region 6 Wetland Program Development Grant in an amount up to
\$132,500.00 for an assessment of City streams.

PASSED and APPROVED this 4th day of June, 2013.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



ORDINANCE NO. 5645

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A FIVE YEAR MEMORANDUM OF UNDERSTANDING WITH THE WATERSHED CONSERVATION RESOURCE CENTER TO JOINTLY SEEK FUNDING AND USE SUCH FUNDING TO DESIGN AND CONSTRUCT STREAM RESTORATION PROJECTS

WHEREAS, the City of Fayetteville has long worked with the Watershed Conservation Resource Center (WCRC) and funded quality stream restoration projects successfully completed by the Center; and

WHEREAS, the provisions of the attached Memorandum of Understanding meet the City of Fayetteville's need for continuing stream restoration projects at little or no cost to the City; and

WHEREAS, the Watershed Conservation Resource Center can efficiently and effectively provide this service at a significant savings to the citizens of Fayetteville.

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

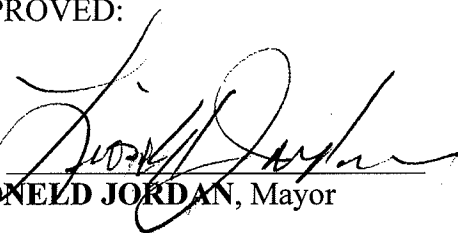
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a Memorandum of Understanding (marked as Exhibit "A" attached hereto and made a part hereof) between the City of Fayetteville, Arkansas and the Watershed Conservation Resource Center to jointly seek funding and use such funding to design and construct stream restoration projects and authorizes Mayor Jordan to sign such Memorandum.

PASSED and APPROVED this 7th day of January, 2014.

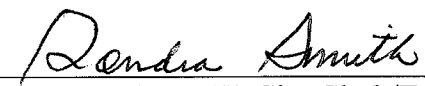
APPROVED:

ATTEST:

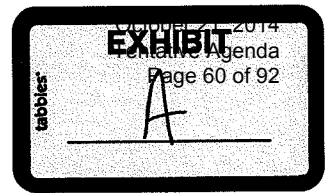
By:


LIONEL JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer





MEMORANDUM OF UNDERSTANDING

Between

Watershed Conservation Resource Center

And

City of Fayetteville

This Memorandum of Understanding (MOU) is entered into and executed on the date indicated below the signature block, by and between the Watershed Conservation Resource Center, hereinafter referred to as WCRC, and the CITY OF FAYETTEVILLE.

A. PURPOSE

The purpose of this MOU is to establish a general framework for cooperation between the WCRC and the CITY OF FAYETTEVILLE to 1) seek funding and conduct stream restoration projects to achieve the common goal of restoring unstable sections of streams to a morphologically stable form utilizing a natural channel design approach and 2) to work together on nonpoint source (NPS) related issues associated with reducing nutrients and improving riparian and other natural areas. Innovative approaches will be used in designing and implementing stream restorations that will result in improved water quality of the City's watersheds and will address severe streambank erosion, while restoring aquatic and terrestrial habitat and maintaining a sustainable, natural hydrology. Such cooperation will serve the parties' mutual interest.

B. STATEMENT OF MUTUAL INTERESTS AND BENEFITS

The WCRC is a nonprofit organization that strives to protect, conserve, and restore natural resources by utilizing the watershed approach, conducting environmental outreach, and providing planning and technical assistance to landowners, communities, and government. The WCRC principals are regional experts and local leaders in implementing natural channel design-based stream restorations that meet multiple local and regional objectives relating to river channel instability, water quality, and ecological services. This MOU is of benefit to the CITY OF FAYETTEVILLE because these activities will help to meet the objectives of the City's Nutrient Reduction Plan and will lead to both aquatic and terrestrial habitat restoration, improved water quality in the form of both phosphorus and sediment reductions, reduced streambank erosion, and improve aesthetics of local streams and rivers. This effort will also help to promote the use of alternatives to traditional channel modifications in both urbanizing and rural areas.

The WCRC and the CITY OF FAYETTEVILLE partnered and have obtained several grants for restoring streams within the City and surrounding areas and for assessing streams for stability and contaminant reduction. These projects have brought over \$2,300,000 to the City for water quality and other environmental improvements and have helped to create local partnerships and outreach opportunities in the areas of river restoration, riparian enhancement, and watershed planning. Four stream and streambank restoration projects have been implemented that have resulted in over 4000 tons of sediment and 3,700 lbs of total phosphorus reductions, annually from streambank erosion, restored both aquatic and terrestrial habitat, protected City

infrastructure, and improved aesthetics of City Parks and other properties. The WCRC currently has three active projects with the City and other partners to conduct more river restoration and assess urban streams and riparian areas to identify priority sites in need of restoration. In addition, the WCRC continues to monitor and maintain the four implemented stream restoration sites.

C. FEES AND PAYMENTS

No fee is associated with this MOU. As projects are identified by the City, a Task Order establishing the scope, fee, and payment terms for the project will be developed. The basis of this fee and justification for the fee shall be contained in an Appendix attached to each Task Order. Adjustment of the fee may be made should WCRC establish and the CITY OF FAYETTEVILLE agree that there has been, or is to be, a significant change in scope, complexity or character of the services to be performed; or if the CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment.

In consideration of the above premises, the parties agree as follows:

D. THE WCRC:

1. Shall seek funding opportunities for stream restoration projects and other projects related to reduction of non-point source pollution.
2. Upon approval of specific Task Orders by the Mayor or City Council, as required by the City's procurement requirements, shall provide the services detailed in each Task Order. Said tasks may include:
 - a. Identification of stream reaches that could benefit from stream restoration and prioritize, in streams within the City limits.
 - b. Estimation of phosphorous reduction that would be realized for each priority stream restoration project.
 - c. Assistance in developing grant applications for identified stream restorations and other non-point source pollution assessment projects.
 - d. Assistance to the CITY OF FAYETTEVILLE in addressing other NPS related issues.
3. Shall accomplish other specific tasks as detailed in each Task Order

E. THE CITY OF FAYETTEVILLE:

1. Shall coordinate all activities within the City of Fayetteville Divisions and Departments and between the CITY OF FAYETTEVILLE and the WCRC.
2. Shall assist with project activities and tasks.
3. Shall provide review and input into the final restoration designs.
4. Shall oversee activities and coordinate staff needed for implementation of the restoration designs.
5. Shall provide documentation of all project activities and associated matching funds.
6. Recognizes that their participation in stream restoration and NPS projects acquired is an integral component in carrying out a successful project that will result in improved water quality and habitat restoration.
7. Shall accomplish other specific tasks as detailed in each Task Order.

F. IT IS MUTUALLY AGREED AND UNDERSTOOD BY ALL PARTIES THAT:

1. FREEDOM OF INFORMATION ACT (FOIA). CITY OF FAYETTEVILLE contract and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, the WCRC will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance. Any information furnished to the WCRC under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).

2. MODIFICATION. Modifications within the scope of the instrument shall be made by mutual consent of the parties. Changes, modifications, or amendments in scope (other than as specifically established in this MOU), price or fees to this agreement shall not be allowed without a prior formal contract amendment approved by the Mayor and/or the City Council in advance of the change in scope, cost or fees.

3. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the WCRC or the CITY OF FAYETTEVILLE from participating in similar activities with other public or private agencies, organizations, and individuals.

4. COMMENCEMENT/EXPIRATION DATE. The instrument is executed as of the date of the last signature and is effective for five years.

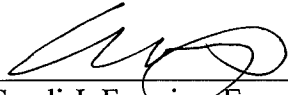
5. PRINCIPAL CONTACT. The principal contacts for this instrument are:

Sandi Formica, Executive Director
Watershed Conservation Resource Center
380 West Rock Street
Fayetteville, AR 72701
Office Phone: 479-444-1916
Cell Phone: 501-352-5252
Office Fax: 928-396-2546
E-mail: formica@watershedconservation.org

Chris Brown, P.E., City Engineer
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Phone: 479-575-8206
Fax: 479-575-8202
E-mail: cbrown@ci.fayetteville.ar.us

Sarah Wrede, E.I., Staff Engineer
City of Fayetteville
Phone: 479-575-8206
E-mail: swrede@ci.fayetteville.ar.us

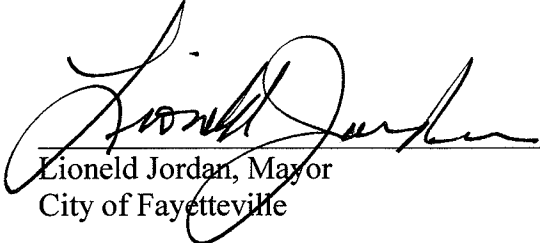
6. NONDISCRIMINATION. During the performance of this agreement, all parties will abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of age, race, color, religion, sex, national origin, or disability.

For S.E.


Sandi J. Formica, Executive Director
Watershed Conservation Resource Center

12/18/13

Date



Lioneld Jordan, Mayor
City of Fayetteville

1/9/14

Date

Sondra E. Smith

Sondra E. Smith, City Clerk/Treasurer
City of Fayetteville

01-09-14

Date



City of Fayetteville Item Review Form

2013-0244

Legistar File Number

1/7/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Sarah Wrede

Submitted By

Development Services

Department

Action Required:

An ordinance to waive competitive bidding and to enter into a Memorandum of Understanding with the Watershed Conservation Resource Center to establish a general framework for cooperation to seek funding and conduct stream restoration projects and to work together on nonpoint source related issues.

Does this item have a cost? ☐ No

\$0.00

Cost of this request

\$0.00

Category or Project Budget

n/a

Program or Project Name

n/a

Account Number

\$0.00

Funds Used to Date

n/a

Program or Project Category

n/a

Project Number

\$0.00

Remaining Balance

n/a

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐ No

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

[Signature]

12-19-13

Paul A. Behn 12-19-2013

[Signature] 12-19-13

[Signature] 12/20/13

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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

Council Meeting of January 7, 2014

To: Mayor and City Council

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

From: Sarah Wrede, Staff Engineer

Date: December 18, 2013

Subject: An ordinance to waive competitive bidding and renew a Memorandum of Understanding with the Watershed Conservation Resource Center to continue a general framework for cooperation to seek funding and conduct stream restoration projects and to work together on nonpoint source related issues.

PROPOSAL

The purpose of this Memorandum of Understanding (MOU) is to establish a general framework for cooperation between the Watershed Conservation Resource Center (WCRC) and the City of Fayetteville to 1) seek funding and conduct stream restoration projects to achieve the common goal of restoring unstable sections of streams to a morphologically stable form utilizing a natural channel design approach and 2) to work together on nonpoint source (NPS) related issues associated with reducing nutrients and improving riparian and other natural areas.

The WCRC is a nonprofit organization that strives to protect, conserve, and restore natural resources by utilizing the watershed approach, environmental outreach, and providing planning and technical assistance to landowners, communities, and government. The WCRC principals are regional experts and local leaders in implementing natural channel design-based stream restorations that meet multiple local and regional objectives relating to river channel instability, water quality, and ecological services. The WCRC and the City have successfully partnered to receive over \$2,300,000 in federal grants for water quality and other environmental improvements. WCRC has been instrumental in securing these funds due to their relationships with Federal grant agencies and their proven track record of successful stream restoration projects. This MOU will establish a continued partnership between the City and WCRC whereby the WCRC will actively seek grant funding for stream restoration projects in the City of Fayetteville, and will allow the City the opportunity to quickly take advantage of opportunities identified. The MOU is effective for a period of five years.

RECOMMENDATION

Staff recommends approval of an ordinance to waive competitive bidding and to renew a Memorandum of Understanding with the Watershed Conservation Resource Center to continue a general framework for cooperation to seek funding and conduct stream restoration projects and to work together on nonpoint source related issues.

BUDGET IMPACT

The proposed agreement will cause no budget impact. As tasks are identified, a Task Order, with associated fee, will be developed for approval by the Mayor and City Council.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A FIVE YEAR MEMORANDUM OF UNDERSTANDING WITH THE WATERSHED CONSERVATION RESOURCE CENTER TO JOINTLY SEEK FUNDING AND USE SUCH FUNDING TO DESIGN AND CONSTRUCT STREAM RESTORATION PROJECTS

WHEREAS, the City of Fayetteville has long worked with the Watershed Conservation Resource Center (WCRC) and funded quality stream restoration projects successfully completed the Center; and

WHEREAS, the provisions of the attached Memorandum of Understanding meet the City of Fayetteville's need for continuing stream restoration projects at little or no cost to the City; and

WHEREAS, the Watershed Conservation Resource Center can efficiently and effectively provide this service at a significant savings to the citizens 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 determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a Memorandum of Understanding (marked as Exhibit "A" attached hereto and made a part hereof) between the City of Fayetteville, Arkansas and the Watershed Conservation Resource Center to jointly seek funding and use such funding to design and construct stream restoration projects and authorizes Mayor Jordan to sign such Memorandum.

PASSED and APPROVED this 7th day of January, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

479-575-83 TDD -

479-521-1316

Text File

File Number: 2014-0398**Agenda Date:** 10/21/2014**Version:** 1**Status:** Agenda Ready**In Control:** City Council**File Type:** Resolution**Agenda Number:** C. 1

A RESOLUTION TO AWARD BID #14-60 AND AUTHORIZE A CONTRACT WITH _____ IN THE AMOUNT OF \$ _____ FOR RELOCATION AND IMPROVEMENT OF WATER AND SEWER LINES ALONG RAZORBACK ROAD AND MAPLE STREET, TO APPROVE A PROJECT CONTINGENCY OF TEN PERCENT (10%), AND TO APPROVE 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 #14-60 and authorizes a contract with _____ in the amount of \$ _____ for relocation and improvement of water and sewer lines along Razorback Road and Maple Street, and further approves a ten percent (10%) project contingency.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2014-0398

Legistar File ID

10/21/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jim Beavers

9/30/2014

Water & Sewer Maintenance /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Resolution approving a construction contract with _____ (bids open on 10/21/14) for \$ _____, Bid 14-60, to construct Water and Sewer Improvements on Razorback Rd – Garland Ave (HWY 112), Job 040582 (Utilities) aka Maple Street Water/Sewer Relocations.

Budget Impact:

5400.5600.5808.00

Water/Sewer

Account Number

Fund

11011.1401

Relocates Maple St & Hwy 112

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 752,300.00

Funds Obligated \$ -

Current Balance \$ 752,300.00

Does item have a cost? Yes

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment

Remaining Budget \$ 752,300.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 21, 2014

TO: Mayor Lioneld Jordan
Fayetteville City Council

THRU: Don Marr, Chief of Staff
Tim Nyander, Interim Director for Water & Sewer
Fayetteville Water and Sewer Committee

FROM: Jim Beavers, P.E. Utilities Engineer

DATE: September 30, 2014

SUBJECT: Resolution approving a construction contract with [REDACTED] (bids open on 10/14/14) for \$ [REDACTED], Bid 14-60, to construct Water and Sewer Improvements on Razorback Rd and Maple Street, and approve a Budget Adjustment.

RECOMMENDATION:

Fayetteville City Administration recommends approval of a construction contract with [REDACTED], for \$ [REDACTED] Bid 14-60, approving a 10 % project contingency for \$ [REDACTED] to construct Water and Sewer Improvements on Maple Street and Razorback Road and water line extension on Stadium Drive, approving Budget Adjustment.

BACKGROUND:

Maple Street from Garland Avenue to Razorback Road is AHTD State Highway 112. Razorback Road from Maple to Martin Luther King (and south) is AHTD State Highway 112. The Razorback Road – Garland Avenue (HWY 112) Water and Sewer relocations are required to allow the 2015 widening of Maple Street and Razorback Road (AHTD Job 040582). This project (Water and Sewer relocations) is City funded and not eligible for reimbursement. AHTD generally reimburses utility owners for relocating lines currently existing outside of the existing ROW, and the owner pays for lines that are currently inside the ROW and any increases in capacity. The existing water and sanitary sewer are within the AHTD existing ROW. The Project includes approximately 3000 linear feet of 12 inch water line, approximately 760 linear feet of 12 inch sanitary sewer main replacement, fittings, street repair, appurtenances and special considerations as noted and specified.

DISCUSSION:

The construction project was advertised on September 29th and October 6th 2014 and bids were publically opened on October 14, 2014. The City opened xx bids on October 14, 2014.

BUDGET/STAFF IMPACT:

Budgeted Funds are available in the project and will be utilized. The budget adjustment recognizes budgeted funds available from the water and sewer rehabilitation projects.

Attachments:

Staff Review Form

Budget Adjustment Form

Bid 14-54 Tabulation

Bid Submittal

Proposed Construction Contract with 

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

Budget Year	Division: Water & Sewer Maintenance	Adjustment Number
2014	Dept.: Utilities	
	Requestor: Cheryl Partain	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Amounts Do Not Balance

Resolution approving a construction contract with _____ for \$_____, Bid 14-60, to construct Water and Sewer Improvements on Razorback Rd and Garland Ave (HWY 112), Job 040582 (Utilities) aka Maple Street and Hwy 112 Water/Sewer Relocations. Move budgeted funds from the Sewer Rehabilitation and Water Rehabilitation projects to cover costs of the relocations.

	COUNCIL DATE:	10/21/2014
	LEGISTAR FILE ID#:	2014-0398
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/
Amounts Do Not Balance RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville, Arkansas

October 21, 2014
Tentative Agenda
Page 72 of 92

113 West Mountain Street
Fayetteville, AR 72701
479-575-83 TDD -
479-521-1316

Text File

File Number: 2014-0412

Agenda Date: 10/21/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 2

AN ORDINANCE TO WAIVE THE REQUIREMENT OF FORMAL BIDDING AND APPROVE A COST-SHARE CONTRACT WITH THE BEAVER WATERSHED ALLIANCE IN THE AMOUNT OF \$58,562.00 TO FACILITATE A WATER QUALITY ANALYSIS OF BEAVER LAKE

WHEREAS, the Beaver Watershed Alliance possesses unique expertise and resources ideally suited to meet the City of Fayetteville's need for community outreach, scientific investigation and voluntary best management practice implementation related to the Beaver Lake watershed; and

WHEREAS, the Beaver Watershed Alliance is uniquely positioned to perform this work on behalf of the citizens 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 determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a cost-share contract with the Beaver Watershed Alliance in the amount of \$58,562.00 to facilitate a water quality analysis of Beaver Lake.

City of Fayetteville Staff Review Form

2014-0412

Legistar File ID

10/7/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Billy Ammons, CH2M Hill

9/19/2014

Wastewater Treatment Plant /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution to provide funding of \$60,000.00 to the Beaver Watershed Alliance to facilitate a three-phase study of the assessment methodology, uncertainty analysis, and trend analysis of water quality in Beaver Lake.

Budget Impact:

5400.5800.5314.00

Water/Sewer

Account Number

Fund

10027.1001

Phosphorus Standards Management

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 99,856.00

Funds Obligated \$ -

Current Balance \$ 99,856.00

Does item have a cost? Yes

Item Cost \$ 60,000.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 39,856.00

V20140710

Previous Ordinance or Resolution # N/A

Original Contract Number: N/A

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 21, 2014

TO: Mayor and City Council
THRU: Don Marr, Chief of Staff
FROM: Billy Ammons, Wastewater Treatment
DATE: October 3, 2014

SUBJECT: Approval of bid waiver to provide funding to the Beaver Watershed Alliance (BWA) to facilitate a three-phase study of the assessment methodology, uncertainty analysis, and trend analysis of water quality in Beaver Lake.

RECOMMENDATION:

City Administration recommends approval of a bid waiver to provide a \$58,562 cost-share to the BWA for a three phase study of water quality in Beaver Lake by the University of Arkansas. A bid waiver is necessary as it is neither practical nor feasible to bid this work competitively.

BACKGROUND:

Water quality standards for nutrients in Beaver Lake originally developed in 2008 were placed into the recently Arkansas State Legislature approved Regulation # 2. As currently written and without any additional data or technical information being provided, these standards would require the Arkansas Department of Environmental Quality (ADEQ) to designate Beaver Lake as an impaired body of water in 2016. A designation of this type could require ADEQ to perform a Total Maximum Daily Load study and to develop a Waste Load Allocation to all point sources.

DISCUSSION:

Dr. Thad Scott and Dr. Brian Haggard have already been selected by the BWA to collaborate on a three-phase study to do an evaluation of the existing data pertaining to the Lake. The initial phase will produce recommendations to ADEQ regarding how to conduct a scientifically defensible assessment of the Lake. The second phase of the study will consider uncertainties related to the existing data and the third would allow a review of water quality trends in the Lake. This evaluation is important to the City as decisions reached by ADEQ could have a dramatic impact on the City's overall wastewater and stormwater efforts. Other entities participating in this cost-share are the Beaver Water District, Farm Bureau, and the BWA.

BUDGET/STAFF IMPACT:

Funds are available within the Phosphorus Standards Management Project.

Attachments:

Staff Review Form-Beaver WQ Study
Signed Contract from Beaver Watershed Alliance
Purchase Order-Beaver WQ Study
Beaver Lake Standard 1 – Assessment Method Scope of Work.pdf
Beaver Lake Standard 2 – Uncertainty Analysis Method Scope of Work.pdf
Beaver Lake Standard 3 – Trend Analysis Scope of Work.pdf

City of Fayetteville - Purchase Order Request (PO) (Not a Purchase Order) All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov. Purchase shall not be made until an actual PO has been issued.							Requisition No.: Date: 9/19/2014			
							P.O Number:			
Vendor #: 23661			Vendor Name: Beaver Watershed Alliance				Mail ☒ Yes ☐ No		Legistar#: 2014-0412	
Address: Attn: John Pennington, 614 E Emma Ave Suite M438					FOB Point:		Taxable ☐ Yes ☒ No			
City: Springdale			State: AR		Zip Code: 72764		Ship to code:		Expected Delivery Date:	
Requester: Cheryl Partain					Requester's Employee #: 2548		Extension: 8224			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	Three phase study of the assessment methodology, uncertainty analysis, and trend analysis of water quality in Beaver Lake.	1	Unit of Issue	60,000.00	\$60,000.00	5400.5800.5314.00	10027.1001			
2					\$0.00					
3					\$0.00					
4					\$0.00					
5					\$0.00					
6					\$0.00					
7					\$0.00					
8					\$0.00					
9					\$0.00					
10					\$0.00					
*	Shipping/Handling		Lot		\$0.00					
Special Instructions:							Subtotal: \$60,000.00			
							Tax: \$0.00			
							Total: \$60,000.00			
Approvals:										
Mayor: _____			Department Director: _____			Purchasing Manager: _____				
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____				

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

Beaver Lake Numeric Chlorophyll-a and Secchi Transparency Standard: Assessment Methodology

**Thad Scott and Brian Haggard
University of Arkansas**

Background

Site-specific water quality criteria were developed for chlorophyll-a concentrations and secchi transparency at Beaver Lake in 2008. Since that time, these standards have been adopted into Arkansas Regulation #2, which is the state regulation defining water quality standards and assessment. Although the standard for chlorophyll-a was set as a geometric mean of growing season (May – October) and the standard for secchi transparency was set as the annual average, no assessment methodology specific to the water-quality standards were developed. Thus, no guidance exists to define the number of standard exceedances allowable before water quality in Beaver Lake is considered impaired. The numeric values of the standards for chlorophyll-a and secchi transparency, and the location in the lake where these values should be attained, were set based on data collected from upstream and downstream locations in the lake.

We propose a 0.5 year study to recommend assessment methodology of the site-specific chlorophyll-a and secchi transparency standards for Beaver Lake. The objective of the study is to derive an initial assessment methodology based on the method(s) used to develop the site-specific numeric criteria for chlorophyll-a and secchi transparency in Beaver Lake.

Scope of Work

In order to meet the objective of this work, we will intensively review and utilize the findings of the original study that was used to develop the water quality standards for chlorophyll-a and secchi transparency in Beaver Lake. The following activities will also be undertaken:

- Use updated USGS data to re-create analyses from original study used to develop standards in order to derive initial estimates of uncertainty in chlorophyll-a and secchi transparency measurements
- Evaluate expectations in exceedance based on the existing documentation used to develop the water-quality standards based on a weight of evidence approach
- Recommend an initial assessment method that can be provided to the Arkansas Department of Environmental Quality in January 2015

The project will initiate on October 1, 2014. A draft final report will be provided to the Beaver Watershed Alliance on or before Friday January 9, 2015.

Proposed Budget: \$15,210 (See attached budget)

Proposed Budget Justification:

Salaries and Wages – Salary and fringe to cover time of Research Associate, PI, or Co-PI.

Supplies - Consumables such as statistical software licensing, paper, and ink.

BUDGET - University of Arkansas				Date: 8/5/2014	
Proposed to (Sponsor):		Beaver Watershed Alliance			
Proposed Start & End Dates:		October 1, 2014 - January 15, 2015			
UA Lead Investigator:		Thad Scott and Brian Haggard			

*Notes from RSSP: (1) Do not type in gray-shaded cells.
(2) Follow instructions in cells with a red corner triangle.
(3) Delete these notes when the budget is final.*

	Base Salary	Type Appoint.	PERSON-MONTHS			Yr 1		Yr 2		Cumulative	
			CAL	AY	SMR	Sponsor	UA	Sponsor	UA	Sponsor	UA
SALARIES & WAGES											
PI, academic or cal. year sal.		9 mo.				0		0		0	0
PI, summer salary						0		0		0	0
Co-PI #1, acad. or cal. year		9 mo.				0		0		0	0
Co-PI #1, summer						0		0		0	0
Co-PI #2, acad. or cal. year		9 mo.				0		0		0	0
Co-PI #2, summer						0		0		0	0
										0	0
Postdoctoral Associate		12 mo.				0		0		0	0
Research Associate (staff)		12 mo.				8,000		0		8,000	0
Research Assistant or Tech.		12 mo.				0		0		0	0
Graduate Assistant (Ph.D.)				mo. @		0		0		0	0
Graduate Assistant (Masters)				mo. @		0		0		0	0
Hourly, non-student(s)				hrs @		0		0		0	0
Hourly, enrolled student				hrs @		0		0		0	0
Total S&W						8,000	0	0	0	8,000	0
FRINGE BENEFITS											
					<u>Institutional Rate:</u>						
Faculty/staff academic / calendar salary					27.10%	2,168	0	0	0	2,168	0
Faculty summer salary					16.00%	0	0	0	0	0	0
GRA(s)					3.10%	0	0	0	0	0	0
Hourly, non-student					7.30%	0	0	0	0	0	0
Hourly, enrolled student					0.40%	0	0	0	0	0	0
Total FB						2,168	0	0	0	2,168	0
Total Salaries + Benefits						10,168	0	0	0	10,168	0
TRAVEL - Domestic										0	0
TRAVEL - Foreign										0	0
MATERIALS & SUPPLIES (not fees or services, which are "Other")						250				250	0
JOURNAL PUBLICATION FEES										0	0
OTHER DIRECT COSTS (Itemize by type; insert extra rows if needed.)										0	0
										0	0
Subtotal Other Direct Costs						0	0	0	0	0	0
Modified Total Direct Costs (above subtotal costs subject to F&A Cost)						10,418	0	0	0	10,418	0
F & A COST (MTDC x RATE):					46%	4,792		0		4,792	
F & A COST (UNRECOVERED):					0%		0		0		0
F & A COST (COST-SHARE):					0%		0	0	0		0
Modified Total Direct Costs (first \$25K of each subaward)						0		0		0	
F & A COST (MTDC x RATE)SUB(S):					0%	0		0		0	
(Direct Costs not subject to F&A Cost, with the exception that the first \$25K of each subaward is subject to F&A):											
GRA TUITION		# Credit Hours: 21			Rate: \$362	0		0		0	0
EQUIPMENT @ > \$2500 each										0	0
PARTICIPANT (TRAINEE) SUPPORT										0	0
SUBAWARD #1, total (Institution):										0	0
SUBAWARD #2, total (Institution):										0	0
SUBAWARD #3, total (Institution):										0	0
TOTAL DIRECT COST						10,418	0	0	0	10,418	0
TOTAL PROJECT COST						\$15,210	\$0	\$0	\$0	15,210	0

Note: Any slight discrepancy in calculation is due to spreadsheet rounding.

NOTE: Tuition is increased 5% per year. In the event your project is funded and there are not enough funds to cover actual tuition costs, you will be required to rebudget funds from another category to cover the additional cost.

Beaver Lake Numeric Chlorophyll-a and Secchi Transparency Standard: Uncertainty Analysis

**Thad Scott and Brian Haggard
University of Arkansas**

Background

Site-specific water quality criteria were developed for chlorophyll-a concentrations and secchi transparency at Beaver Lake in 2008. Since that time, these standards have been adopted into Arkansas Regulation #2, which is the state regulation defining water quality standards and assessment. Although the standard for chlorophyll-a was set as a geometric mean of growing season (May – October) and the standard for secchi transparency was set as the annual average, no assessment methodology specific to the water-quality standards were developed. Thus, no guidance exists to define the number of standard exceedances allowable before water quality in Beaver Lake is considered impaired. The numeric values of the standards for chlorophyll-a and secchi transparency, and the location in the lake where these values should be attained, were set based on data collected from upstream and downstream locations in the lake. Since that time, a substantial database has been created for chlorophyll-a measurements near Hickory Creek Marina and other locations in the lake. An uncertainty analysis of these data will help inform the appropriate assessment methodology.

We proposed a 1.5 year study to evaluate the uncertainty in chlorophyll-a and secchi transparency measurements in Beaver Lake. The objective of the study is to assess the variation in chlorophyll-a and secchi transparency across multiple spatial and temporal scales in order to validate the assessment method.

Scope of Work

In order to meet the objective of this work, we will intensively review and utilize the findings of the original study that was used to develop the water quality standards for chlorophyll-a and secchi transparency in Beaver Lake. We will also identify and utilize data sources that were not included in the original study and new data that has been collected from the study in order to assess the effect of spatial and temporal variation on chlorophyll-a and secchi transparency measurements. The following activities will be undertaken:

- Obtain chlorophyll-a, secchi transparency, and nutrient data for Beaver Lake from a variety of sources including USGS, Beaver Water District, peer-reviewed publications, and theses and dissertations from the University of Arkansas
- Use data to propagate error through the standard development process including variation across scales that include:
 - Horizontal variation across sites along the riverine-transition-lacustrine gradient
 - Vertical variation across the photic zone (chlorophyll-a)
 - Intra-annual variation during the growing season
 - Interannual variation
- Based on the results of the more in-depth error analysis, recommend amendments to the assessment methodology proposed in Objective 1

The project will initiate on January 12, 2015 and conclude on March 30, 2016. Results from this project could inform potential amendments to the assessment methodology recommendations previously derived for Beaver Lake.

Proposed Budget: \$29,781 (See attached budget)

Proposed Budget Justification:

Salaries and Wages – Salary and fringe to cover time of Research Associate, PI, or Co-PI..

Travel – Support for travel to project meetings and regional and national scientific meetings.

Supplies - Consumables such as statistical software licensing, paper, and ink.

Journal publication fees - Cost of scientific publication.

BUDGET - University of Arkansas				Date: 8/5/2014	
Proposed to (Sponsor):		Beaver Watershed Alliance			
Proposed Start & End Dates:		October 1, 2014 - March 30, 2016			
UA Lead Investigator:		Thad Scott and Brian Haggard			

*Notes from RSSP: (1) Do not type in gray-shaded cells.
(2) Follow instructions in cells with a red corner triangle.
(3) Delete these notes when the budget is final.*

	Base Salary	Type Appoint.	PERSON-MONTHS			Yr 1		Yr 2		Cumulative	
			CAL	AY	SMR	Sponsor	UA	Sponsor	UA	Sponsor	UA
SALARIES & WAGES											
PI, academic or cal. year sal.		9 mo.				0		0		0	0
PI, summer salary						0		0		0	0
Co-PI #1, acad. or cal. year		9 mo.				0		0		0	0
Co-PI #1, summer						0		0		0	0
Co-PI #2, acad. or cal. year		9 mo.				0		0		0	0
Co-PI #2, summer						0		0		0	0
Postdoctoral Associate		12 mo.				0		0		0	0
Research Associate (staff)	\$44,000	12 mo.				7,000		3,000		10,000	0
Research Assistant or Tech.		12 mo.				0		0		0	0
Graduate Assistant (Ph.D.)				mo. @		0		0		0	0
Graduate Assistant (Masters)				mo. @		0		0		0	0
Hourly, non-student(s)				hrs @		0		0		0	0
Hourly, enrolled student				hrs @		0		0		0	0
Total S&W						7,000	0	3,000	0	10,000	0
FRINGE BENEFITS											
					Institutional Rate:						
Faculty/staff academic / calendar salary					27.10%	1,897	0	813	0	2,710	0
Faculty summer salary					16.00%	0	0	0	0	0	0
GRA(s)					3.10%	0	0	0	0	0	0
Hourly, non-student					7.30%	0	0	0	0	0	0
Hourly, enrolled student					0.40%	0	0	0	0	0	0
Total FB						1,897	0	813	0	2,710	0
Total Salaries + Benefits						8,897	0	3,813	0	12,710	0
TRAVEL - Domestic						2,500		2,500		5,000	0
TRAVEL - Foreign										0	0
MATERIALS & SUPPLIES (not fees or services, which are "Other")						250		500		750	0
JOURNAL PUBLICATION FEES						969		969		1,938	0
OTHER DIRECT COSTS (Itemize by type; insert extra rows if needed.)										0	0
										0	0
Subtotal Other Direct Costs						0	0	0	0	0	0
Modified Total Direct Costs (above subtotal costs subject to F&A Cost)						12,616	0	7,782	0	20,398	0
F & A COST (MTDC x RATE):					46%	5,803		3,580		9,383	
F & A COST (UNRECOVERED):					0%		0	0	0	0	0
F & A COST (COST-SHARE):					0%		0	0	0	0	0
Modified Total Direct Costs (first \$25K of each subaward)						0		0		0	
F & A COST (MTDC x RATE)SUB(S):					0%	0		0		0	
(Direct Costs not subject to F&A Cost, with the exception that the first \$25K of each subaward is subject to F&A):											
GRA TUITION		# Credit Hours: 21			Rate: \$362	0		0		0	0
EQUIPMENT @ > \$2500 each										0	0
PARTICIPANT (TRAINEE) SUPPORT										0	0
SUBAWARD #1, total (Institution):										0	0
SUBAWARD #2, total (Institution):										0	0
SUBAWARD #3, total (Institution):										0	0
TOTAL DIRECT COST						12,616	0	7,782	0	20,398	0
TOTAL PROJECT COST						\$18,419	\$0	\$11,362	\$0	29,781	0

Note: Any slight discrepancy in calculation is due to spreadsheet rounding.

NOTE: Tuition is increased 5% per year. In the event your project is funded and there are not enough funds to cover actual tuition costs, you will be required to rebudget funds from another category to cover the additional cost.

Beaver Lake Numeric Chlorophyll-a and Secchi Transparency Standard: Long-Term Trend Analysis

**Thad Scott and Brian Haggard
University of Arkansas**

Background

Site-specific water quality criteria were developed for chlorophyll-a concentrations and secchi transparency at Beaver Lake in 2008. Since that time, these standards have been adopted into Arkansas Regulation #2, which is the state regulation defining water quality standards and assessment. Although the standard for chlorophyll-a was set as a geometric mean of growing season (May – October) and the standard for secchi transparency was set as the annual average, no assessment methodology specific to the water-quality standards were developed. Thus, no guidance exists to define the number of standard exceedances allowable before water quality in Beaver Lake is considered impaired. Preliminary analyses suggests that, depending on the assessment methodology used, Beaver Lake may be impaired based on violations of the standards for both chlorophyll-a and secchi transparency. Sufficient data may now exist to determine if this listing is appropriate based on long-term trends in lake water quality.

We proposed a 1.5 year study to evaluate the long-term trends in water quality in Beaver Lake and the flowing waters which enter the reservoir. The objective of the study is to quantify trends in chlorophyll-a, secchi transparency, and nutrient concentrations in Beaver Lake and the major inflowing rivers to verify any potential water quality impairment.

Scope of Work

In order to meet the objective of this work, we will intensively review and utilize the findings of the original study that was used to develop the water quality standards for chlorophyll-a and secchi transparency in Beaver Lake. We will also identify and utilize data sources that were not included in the original study and new data that has been collected from the study in order to assess the long-term trends in water quality measurements. The following activities will be undertaken:

- Trend analysis on Beaver Lake data including all USGS data since 2001 and any other data identified in Objective 2 as suitable for the analysis
- Trend analysis on inflow data from White River, Richland Creek, and War Eagle Creek
- Investigate any methodological differences in sample analysis that could be driving any observed trends in water quality

The project will initiate on January 12, 2015 and conclude on March 30, 2016. Results from this project could inform potential amendments to the assessment methodology recommendations previously derived for Beaver Lake.

Proposed Budget: \$29,781 (See attached budget)

Proposed Budget Justification:

Salaries and Wages – Salary and fringe to cover time of Research Associate, PI, or Co-PI..

Travel – Support for travel to project meetings and regional and national scientific meetings.

Supplies - Consumables such as statistical software licensing, paper, and ink.

Journal publication fees - Cost of scientific publication.

BUDGET - University of Arkansas				Date: 8/5/2014	
Proposed to (Sponsor):		Beaver Watershed Alliance			
Proposed Start & End Dates:		October 1, 2014 - March 30, 2016			
UA Lead Investigator:		Thad Scott and Brian Haggard			

*Notes from RSSP: (1) Do not type in gray-shaded cells.
(2) Follow instructions in cells with a red corner triangle.
(3) Delete these notes when the budget is final.*

	Base Salary	Type Appoint.	PERSON-MONTHS			Yr 1		Yr 2		Cumulative	
			CAL	AY	SMR	Sponsor	UA	Sponsor	UA	Sponsor	UA
SALARIES & WAGES											
PI, academic or cal. year sal.		9 mo.				0		0		0	0
PI, summer salary						0		0		0	0
Co-PI #1, acad. or cal. year		9 mo.				0		0		0	0
Co-PI #1, summer						0		0		0	0
Co-PI #2, acad. or cal. year		9 mo.				0		0		0	0
Co-PI #2, summer						0		0		0	0
Postdoctoral Associate		12 mo.				0		0		0	0
Research Associate (staff)	\$44,000	12 mo.				7,000		3,000		10,000	0
Research Assistant or Tech.		12 mo.				0		0		0	0
Graduate Assistant (Ph.D.)				mo. @		0		0		0	0
Graduate Assistant (Masters)				mo. @		0		0		0	0
Hourly, non-student(s)				hrs @		0		0		0	0
Hourly, enrolled student				hrs @		0		0		0	0
Total S&W						7,000	0	3,000	0	10,000	0
FRINGE BENEFITS											
					<u>Institutional Rate:</u>						
Faculty/staff academic / calendar salary					27.10%	1,897	0	813	0	2,710	0
Faculty summer salary					16.00%	0	0	0	0	0	0
GRA(s)					3.10%	0	0	0	0	0	0
Hourly, non-student					7.30%	0	0	0	0	0	0
Hourly, enrolled student					0.40%	0	0	0	0	0	0
Total FB						1,897	0	813	0	2,710	0
Total Salaries + Benefits						8,897	0	3,813	0	12,710	0
TRAVEL - Domestic						2,500		2,500		5,000	0
TRAVEL - Foreign										0	0
MATERIALS & SUPPLIES (not fees or services, which are "Other")						250		500		750	0
JOURNAL PUBLICATION FEES						969		969		1,938	0
OTHER DIRECT COSTS (Itemize by type; insert extra rows if needed.)										0	0
										0	0
Subtotal Other Direct Costs						0	0	0	0	0	0
Modified Total Direct Costs (above subtotal costs subject to F&A Cost)						12,616	0	7,782	0	20,398	0
F & A COST (MTDC x RATE):					46%	5,803		3,580		9,383	
F & A COST (UNRECOVERED):					0%		0		0		0
F & A COST (COST-SHARE):					0%		0	0	0		0
Modified Total Direct Costs (first \$25K of each subaward)						0		0		0	
F & A COST (MTDC x RATE)SUB(S):					0%	0		0		0	
(Direct Costs not subject to F&A Cost, with the exception that the first \$25K of each subaward is subject to F&A):											
GRA TUITION		# Credit Hours: 21			Rate: \$362	0		0		0	0
EQUIPMENT @ > \$2500 each										0	0
PARTICIPANT (TRAINEE) SUPPORT										0	0
SUBAWARD #1, total (Institution):										0	0
SUBAWARD #2, total (Institution):										0	0
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Note: Any slight discrepancy in calculation is due to spreadsheet rounding.

NOTE: Tuition is increased 5% per year. In the event your project is funded and there are not enough funds to cover actual tuition costs, you will be required to rebudget funds from another category to cover the additional cost.

CONTRACT

The Beaver Watershed Alliance and the City of Fayetteville, Arkansas agree to enter into the following contract on this ____ day of _____, 2014.

WHEREAS, The Beaver Watershed Alliance is a non-profit corporation whose mission is to proactively protect, enhance, and sustain water quality in Beaver Lake and the integrity of its watershed through public outreach, scientific investigation, and voluntary best management practice implementation; and

WHEREAS, The City of Fayetteville has to comply with mandates of the Clean Water Act and ADEQ, and the numeric criteria set forth by ADEQ for Beaver Lake are anticipated to be accepted by the EPA in January 2015 which could result in the designated impairment of water quality in Beaver Lake by the ADEQ and EPA,

NOW, THEREFORE, the Beaver Watershed Alliance and the City of Fayetteville agree as follows:

1. The City of Fayetteville agrees to cost-share in scientific development of a chlorophyll-a and secchi disk transparency assessment methodology, and scientific investigation of an analysis of uncertainty, and long-term trend analysis from the Beaver Watershed Alliance for the sum of Fifty-Eight Thousand Five-Hundred Sixty-Two Dollars (\$58,562.00).
2. The Beaver Watershed Alliance agrees to provide source water protection, and scientific investigation services for the benefit of the City of Fayetteville and its citizens, during the period of October 31, 2014 through March 14, 2016.
3. The Beaver Watershed Alliance agrees to provide a written report about a recommended assessment methodology for chlorophyll-a and secchi disk transparency to the Fayetteville City Council due on January 31, 2015. Additionally, the Beaver Watershed Alliance agrees to provide a written report about an analysis of uncertainty and long-term trend analysis regarding the criteria and assessment methodology due in March 2016.

BEAVER WATERSHED ALLIANCE

CITY OF FAYETTEVILLE



By: _____
Executive Director

By: _____
Mayor Lioneld Jordan



City of Fayetteville, Arkansas

October 21, 2014
Tentative Agenda
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113 West Mountain Street
Fayetteville, AR 72701
479-575-83 TDD -
479-521-1316

Text File

File Number: 2014-0437

Agenda Date: 10/21/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 3

AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING § 71.016 INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOPEDS

WHEREAS, the City of Fayetteville has seen a rapid increase in the number of low power motorized bicycles, as defined by Ark. Code Ann. § 27-20-101, which are commonly known as motor scooters or mopeds, operating on the public streets of Fayetteville but there is no uniform requirement in the State of Arkansas regarding insurance for these vehicles; and

WHEREAS, the City of Fayetteville seeks to promote the public health and welfare of all persons who operate motorized bicycles and other vehicles upon the public roadways in the City.

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 enacts § 71.016 **Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds** as shown below:

“§ 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds

(A) Definition. A motorized bicycle means every bicycle with an automatic transmission and a gasoline powered motor which does not displace in excess of fifty cubic centimeters (50 cc) as defined by Arkansas Code Annotated § 27-20-101, *et seq.*, which includes but is not limited to those vehicles commonly known as motor scooters and mopeds.

(B) Required Insurance. Any motorized bicycle, motor scooter or moped operated upon the public roadways within the corporate limits of the City of Fayetteville is required to have a policy of liability insurance with a limit of not less than \$25,000.00 for injury to or destruction of property of others.”

From: [Alderman, Alan Long](#)
To: [Williams, Kit](#); [Pennington, Blake](#)
Subject: Fwd: Scooters
Date: Tuesday, September 16, 2014 3:28:00 PM

Can you give me an update on how we can legally do this? I would like to introduce this sometime in October. This would be the state minimum liability and the enforcement would only come into play when a person was pulled over-just like with cars.

I do not want to have any type of licenses or city administrated program.

Alan Long

City of Fayetteville

City Council Member: Ward 4, position 2

longward4@gmail.com

----- Forwarded message -----

From: **Alan T Long** <longward4@gmail.com>

Date: Mon, Sep 8, 2014 at 3:37 PM

Subject: RE: Scooters

To: "Williams, Kit" <kwilliams@fayetteville-ar.gov>

I need to make sure scooters have liability insurance if we have the ability to do so. This is at the request of multiple constituents. How can we do this?

Kind Regards,

Alan T Long

City Council Member

Fayetteville, AR

Longward4@gmail.com

----- Original message -----

From: "Williams, Kit"

Date: 09/08/2014 2:49 PM (GMT-06:00)

To: "Longward4@gmail.com"

Cc: "Tabor, Greg" ,"Pennington, Blake"

Subject: RE: Scooters

Alan,

I believe that licensed vehicles are required to have liability insurance. Many of the scooters you see are below 50 ccs and not required to be licensed. The drivers do not even need a license to my knowledge. Attempting to require insurance (that may not even be available for under 50 cc scooters) may be beyond our statutory powers or preempted by existing state law. Are you also planning on requiring insurance for bicycle riders on the streets? Both are fairly low powered two wheeled vehicles that sometimes cannot move a normal traffic speeds and could cause accidents.

Sometimes it is better to let the State decide the rules of the road and when a driver should be required to have insurance. Even if the City Council had statutory authority to require insurance, how would this be enforced? Would you require special City of Fayetteville license plates? This could cause enforcement problems for our Police Department.

Kit Williams
Fayetteville City Attorney
[479.575.8313](tel:479.575.8313)

-----Original Message-----

From: Longward4@gmail.com [mailto:longward4@gmail.com]
Sent: Saturday, September 06, 2014 12:00 PM
To: Williams, Kit
Cc: Pennington, Blake
Subject: Scooters

Kit,

I have had a lot of constituent inquiries about scooters on the local roads in Fayetteville. I know they are not the same as bike riders because they have motors.

My question is:

Are they required to have liability insurance? If not, I feel like we need a city ordinance requiring them to have that. I can see a case where a scooter (and we see hundreds a day close to the U of A) were to cause or be involved in an accident that was their fault and they had no insurance, how would the injured party receive restitution or, for example, have their medical bills or repair bills paid without having to file on their uninsured motorist section of their own insurance which I think would be unfair.

Have you addressed this before from the perspective of insurance?

Thank you for your assistance.

Sincerely,

Alan T Long
City of Fayetteville, AR
City Council Member-ward 4
Longward4@gmail.com



City of Fayetteville, Arkansas

October 21, 2014

Tentative Agenda

Page 91 of 92

113 West Mountain Street

Fayetteville, AR 72701

479-575-83 TDD -

479-521-1316

Text File

File Number: 2014-0438

Agenda Date: 10/21/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 4

AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING CHAPTER 120 REAL ESTATE SALE AND LEASING REGULATIONS

WHEREAS, over-occupancy of residential property is against the law and negatively impacts the quality of life for neighbors and residents; and

WHEREAS, requiring sellers and lessors of residential property to disclose the maximum legal occupancy rate to buyers and tenants may help alleviate the problem of over-occupancy and reduce the workload on the City's planning staff who must investigate these issues.

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 enacts Chapter 120 **Real Estate Sale and Leasing Regulations** as shown below:

“§120.01 Zoning Disclosure Requirements for Sale or Lease of Residential Property:

(A) The owner of any real property located within a residential zoning district shall be required to disclose to any buyer or tenant of that property the zoning classification of that property and the occupancy limits as set forth in § 151.01 under the definition of “family.” The buyer or tenant shall acknowledge in writing the zoning disclosure.

(B) This requirement shall not apply to any of the following:

- (1) a transfer, lease or rental undertaken pursuant to a court order;
- (2) a transfer, lease or rental between spouses resulting from a judgment of dissolution of marriage, legal separation, or property settlement agreement incidental to such judgment; or
- (3) a transfer, lease, rental or exchange to or from any governmental or public educational entity.”

From: [Alderman, Alan Long](#)
To: [Williams, Kit](#); [Pennington, Blake](#)
Subject: Disclosure of city ordinances related to occupancy (or over occupancy) during real-estate transactions.
Date: Tuesday, September 16, 2014 3:42:51 PM

Kit,

This is what I would like the ordinance to cover. Could you please find out what we have the statutory power to do under AR law and draft an ordinance accordingly?

1) Any person selling a home (including the realtor or for sell by owner transactions) would be required to have the disclosure forms listed for the buyer to see prior to selling the home. The legislative intent of this would be to reduce the burden on code enforcement/community services that the city is currently experiencing. I do not want this to require any time of city administration at this time. At a later date, if we see that this ordinance is helping, a position could administer this if there is a budget allowance made for this.

From a recent example that was just sent to the city prosecutor after no less than 25 neighborhood complaints, I was able to find out that the realtor intentionally did not disclose this even after they knew that the new buyers intent would be opposite of what our ordinances allowed for. I spoke with both the listing and buyers agent directly as well as the buyers.

2) Also, I would like for all leased (rented) property to require a disclosure to be accompanied with the lease that describes in detail the city of Fayetteville occupancy standards that are part of the cities code related to the definition of a family.

This disclosure would have to be attached to the lease and the landlord would be required to retain a copy with the renter's signature and the renter would be required to retain a copy. Both parties would be required by this to show that they have acknowledged our occupancy ordinances in relation to over-occupancy and will abide by them.

If you can think of any ways that this would be better legislated, I am open to suggestions.

Hopefully I could introduce this in October or November if that is enough time to prepare the ordinance.

I appreciate your time.

Thank you,
Alan Long
City of Fayetteville
City Council Member: Ward 4, position 2
longward4@gmail.com

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323
TDD 479-521-1316



Tentative Agenda

Tuesday, October 21, 2014

5:30 PM

City Hall Room 219

City Council:

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
Rhonda Adams Ward 4
Alan Long Ward 4

Elected Officials:

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

Call to Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions**

1. City Media Services Division Recycle Something Campaign Public Service Announcement
Emmy Awards -- Fritz Gisler and Doug Bankston

City Council Meeting Presentations, Reports and Discussion Items:

← *America in Bloom Award*
Ozark Regional Transit Report

Agenda Additions:**A. Consent:**

- ✓ 1 Approval the September 16, 2014 and October 7, 2014 City Council Meeting minutes
- ✓ 2 A resolution to award Bid #14-51 and authorize the purchase of thirteen (13) portable speed display signs from all traffic solutions in the amount of \$46,351.50 plus applicable taxes for use by the Police Department.
- ✓ 3 A resolution to approve a budget adjustment in the total amount of \$8,132.00 to fund the payment of bunker gear purchases and vaccination expenses for the Fire Department.
- ✓ 4 A resolution to authorize acceptance of an Environmental Protection Agency Grant in the amount of \$142,500.00, to approve Task Order No. 1 with the Watershed Conservation Center in the amount of \$164,524.00 for an inventory of riparian and streambank conditions in the City of Fayetteville, and to approve a budget adjustment.

B. Unfinished Business: None

C. New Business:*Brothers Construction*

C. 1 ✓ A resolution to award Bid #14-60 and authorize a contract with _____ in the amount *1,256,345* of \$ _____ for relocation and improvement of water and sewer lines along Razorback Road and Maple Street, to approve a project contingency of ten percent (10%), and to approve a budget adjustment. ~~This is a placeholder agenda item. Bids will be held on Tuesday, October 14, 2014 and additional information will be provided at Agenda Session.~~

C. 2 ✓ An ordinance to waive the requirement of formal bidding and approve a cost-share contract with the Beaver Watershed Alliance in the amount of \$58,562.00 to facilitate a water quality analysis of Beaver Lake.

Remove from Agenda C. 3 An ordinance to amend the Fayetteville Code by enacting § 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds.

C. 4 An ordinance to amend the Fayetteville Code by enacting Chapter 120 Real Estate Sale and Leasing Regulations.

D. City Council Agenda Session Presentations:

D. 1 Water Quality Minerals Permitting & Beaver Lake Update - Billy Ammons & Steven Miller
CH2M Hill

E. City Council Tour:

~~Add. Agenda Item~~

F. Announcements:**G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda

setting process is not practical. The City Council may only place such new item on the City Council

meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

A copy of the complete City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

Pre Agenda Meeting 10/8/14

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith

Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman Rhonda Adams
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
October 21, 2014**

A meeting of the Fayetteville City Council will be held on October 21, 2014 at 5:30 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. City Media Services Division Recycle Something Campaign Public Service Announcement Emmy Awards – Fritz Gisler and Doug Bankston

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the September 16, 2014 and October 7, 2014 City Council meeting minutes.
- ✓ 2. **Bid #14-51 All Traffic Solutions:** A resolution to award Bid #14-51 and authorize the purchase of thirteen (13) portable speed display signs from All Traffic Solutions in the amount of \$46,351.50 plus applicable taxes for use by the Police Department.
- ✓ 3. **Fire Department Bunker Gear:** A resolution to approve a budget adjustment in the total amount of \$8,132.00 to fund the payment of bunker gear purchases and vaccination expenses for the Fire Department.
- ✓ 4. **Environmental Protection Agency Grant:** A resolution to authorize acceptance of an Environmental Protection Agency Grant in the amount of \$142,500.00, to approve Task Order No. 1 with the Watershed Conservation Center in the amount of \$164,524.00 for an inventory of riparian and streambank conditions in the City of Fayetteville, and to approve a budget adjustment.
- ✓ 5. **Bid #14-60:** A resolution to award Bid #14-60 and authorize a contract with _____ in the amount of \$ _____ for relocation and improvement of water and sewer lines along Razorback Road and Maple Street, to approve a project contingency of ten percent (10%), and to approve a budget adjustment. *This is a placeholder agenda item. Additional information will be provided.*

B. Unfinished Business: None

C. New Business:

- ✓ 1. **Beaver Watershed Alliance Cost-Share:** An ordinance to waive the requirement of formal bidding and approve a cost-share contract with the Beaver Watershed Alliance in the amount of \$58,562.00 to facilitate a water quality analysis of Beaver Lake.
- ✓ 2. **Enact §71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds:** An ordinance to amend the Fayetteville Code by enacting §71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds.
- ✓ 3. **Enact Chapter 120 Real Estate Sale and Leasing Regulations:** An ordinance to amend the Fayetteville Code by enacting Chapter 120 Real Estate Sale and Leasing Regulations.

D. City Council Agenda Session Presentations:

1. Water Quality Minerals Permitting & Beaver Lake Update – by Billy Ammons & Steven Miller CH2M Hill

E. City Council Tour:

F. Announcements:

Adjournment:

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Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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 (479) 575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

Branson, Lisa

From: Billy.Ammons@CH2M.com
Sent: Thursday, August 28, 2014 10:31 AM
To: Branson, Lisa; Marr, Don
Subject: RE: WEFTEC & Steve Miller Presentation

Lisa,

The 14th will be great. Thanks for your assistance!

Kind Regards,

Billy

From: Branson, Lisa [mailto:lbranson@fayetteville-ar.gov]
Sent: Thursday, August 28, 2014 7:07 AM
To: Marr, Don; Ammons, Billy/FAE
Subject: RE: WEFTEC & Steve Miller Presentation

Billy/Don,

I can move the presentation to the October 14, 2014 Agenda Session if that date will work for you. Currently there are no other presentations on the agenda.

Lisa

Office of the City Clerk Treasurer

Lisa Branson CAMC, CMC
Deputy City Clerk
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
lbranson@fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

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From: Marr, Don
Sent: Wednesday, August 27, 2014 6:39 PM
To: Ammons, Billy
Cc: Branson, Lisa
Subject: RE: WEFTEC & Steve Miller Presentation

That is fine with me to change that. Can you get with the Clerk and ask for the 30th to be cancelled and get him rescheduled (quickly) on an Agenda session.

Thanks,
Don

Don Marr

Chief of Staff
Office of the Mayor
City of Fayetteville Arkansas
T 479.575.8330 | F 479.575.8257
[website](#) | [facebook](#) | [twitter](#) | [youtube](#)

From: Billy.Ammons@CH2M.com [<mailto:Billy.Ammons@CH2M.com>]

Sent: Wednesday, August 27, 2014 5:05 PM

To: Marr, Don

Cc: Nyander, Tim

Subject: WEFTEC & Steve Miller Presentation

Don,

I was visiting with Tim earlier today regarding upcoming events and he graciously (and somewhat gleefully I might add) pointed out that if we go to WEFTEC in New Orleans, we would be out of town for the agenda session on the 30th of September when we have scheduled Steve Miller of CH2 to speak to the City Council on water quality related matters. I strongly support your idea to have Steve make that presentation, but his time is much more flexible than the 20,000 or so folks who have made plans to attend WEFTEC so I would recommend that we try to push Steve ahead until the next available agenda session. I would be happy to check with the City Clerk to determine an appropriate meeting to have Steve make his presentation if you concur. If you wish to continue with the current schedule, however, I will certainly understand and am willing to forgo my participation in WEFTEC.

Just let me know your preference.

Kind Regards,

Billy Ammons

CityClerk

From: Marr, Don
Sent: Tuesday, September 30, 2014 2:19 PM
To: CityClerk
Subject: RE: Announcement for October 21

Yes we do.
D

Don Marr
Chief of Staff
Office of the Mayor
City of Fayetteville Arkansas
T 479.575.8330 | F 479.575.8257
[website](#) | [facebook](#) | [twitter](#) | [youtube](#)

From: CityClerk
Sent: Tuesday, September 30, 2014 2:16 PM
To: Marr, Don; Jordan, Lioneld
Subject: FW: Announcement for October 21

Do you approve adding the recognition below?

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

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From: Smith, Lindsley
Sent: Tuesday, September 30, 2014 10:06 AM
To: CityClerk; Smith, Sondra
Cc: Gisler, Fritz; Bankston, Doug
Subject: Announcement for October 21

Office of the City Clerk Tresurer,

Please place the following announcement and recognition on the City Council Agenda for October 21:

City Media Services Division Recycle Something Campaign Public Service Announcement Emmy Awards -- Fritz Gisler and Doug Bankston

CityClerk

From: CityClerk
Sent: Friday, October 10, 2014 3:42 PM
To: 'Jeff Hatley'
Subject: RE: ORT-Ozark Regional Transit – Request for placement on Fayetteville City Council Agenda on Oct. 2nd

Jeff,

Per our conversation you may present the Bi-Monthly Report on Public Transportation at the October 21, 2014 City Council meeting. The meeting will begin at 5:30 p.m. Please let me know if you have any questions.

Have a nice day!
Lisa

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)



From: Jeff Hatley [mailto:jhatley@ozark.org]
Sent: Wednesday, September 24, 2014 2:53 PM
To: CityClerk
Cc: Joel Gardner
Subject: RE: ORT-Ozark Regional Transit – Request for placement on Fayetteville City Council Agenda on Oct. 2nd

We would prefer to present our report to the council. I apologize for getting the date wrong in the subject line.

Thank you.

Jeff Hatley
Mobility Manager/Public Information Officer
Wk: 479-365-2161
Mh: 479-225-8369



From: CityClerk [mailto:cityclerk@fayetteville-ar.gov]

Sent: Wednesday, September 24, 2014 11:35 AM

To: Jeff Hatley

Subject: RE: ORT-Ozark Regional Transit – Request for placement on Fayetteville City Council Agenda on Oct. 2nd

Jeff,

The next City Council meeting will be October Do you want to present at the Agenda Session (September 30th) or the City Council meeting?

Lisa

Office of the City Clerk Treasurer

113 W. Mountain Street, Suite 308

Fayetteville, AR 72701

479.575.8323

cityclerk@fayetteville-ar.gov

[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)



From: Jeff Hatley [mailto:jhatley@ozark.org]

Sent: Tuesday, September 23, 2014 4:11 PM

To: CityClerk

Subject: ORT-Ozark Regional Transit – Request for placement on Fayetteville City Council Agenda on Oct. 2nd

Sondra,

We would like to give a brief overview of ridership in the Fayetteville area, a summary of plans for growth and to be available for any questions, comments or concerns the council may have.

With the council's permission, we'd like to provide this report at the upcoming Oct. 2nd meeting.

Thank you,

Jeff Hatley

Mobility Manager/Public Information Officer

Wk: 479-365-2161

Mh: 479-225-8369



New Business! C.1

*Added at Agenda Session
10-14-14*

RESOLUTION NO. _____

A RESOLUTION TO AWARD BID #14-60 AND AUTHORIZE A CONTRACT WITH BROTHERS CONSTRUCTION, INC. IN THE AMOUNT OF \$1,256,345.00 FOR RELOCATION AND IMPROVEMENT OF WATER AND SEWER LINES ALONG RAZORBACK ROAD AND MAPLE STREET, TO APPROVE A PROJECT CONTINGENCY OF TEN PERCENT (10%), AND TO APPROVE 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 #14-60 and authorizes a contract with Brothers Construction, Inc. in the amount of \$1,256,345.00 for relocation and improvement of water and sewer lines along Razorback Road and Maple Street, and further approves a ten percent (10%) project contingency.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

PASSED and APPROVED this 21st day of October, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

C.3 & C.4
Removed at Agenda Session 10-14-14

Smith, Sondra

From: Longward4@gmail.com <longward4@gmail.com>
Sent: Tuesday, October 14, 2014 12:29 PM
To: Williams, Kit; Pennington, Blake; Smith, Sondra
Subject: Tentative agenda items 3 & 4

Sondra,

Please have these removed from the agenda as I was not ready for them to come forward. I have not yet signed an agenda addition form yet for both for that reason.

Thank you for your assistance.

Sincerely,

Alan T Long
City of Fayetteville, AR
City Council Member-ward 4
Longward4@gmail.com

TITLE XV UNIFIED DEVELOPMENT CODE

CHAPTER 155 APPEALS

155.01 Circuit Court

Unless set forth otherwise below, all appeals from final actions taken by the City Council, Planning Commission, Board of Adjustment, Construction Board of Adjustment and Appeals, and the Zoning and Development Administrator shall be taken to the Circuit Court of Washington County.

(Code 1965, App. A., Art. 9(6); Ord. No. 1747, 6-29-70; Ord. No. 2323, 4-5-77; Ord. No. 2538, 7-3-79; Code 1991, §160.175; Ord. No. 3925, §7, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4652, 12-07-04)

State law reference(s)—Appeals to circuit court, A.C.A. §14-56-425.

155.02 Form/Time/Place

Unless an appeal is filed with the court, the following requirements shall be met:

(A) *Form*. All appeals shall be submitted in writing referencing the applicable UDC section(s) and setting out the reasons the applicant contends the decision was in error.

(B) *Time*.

(1) *Appeals*. Appeals shall be submitted within 10 working days from the date of the final action taken.

(2) *Hearings*. The entity hearing the appeal shall fix a reasonable time for hearing an appeal.

(C) *Place*. Appeals shall be filed with the following:

(1) *City Clerk*. Appeals made to the City Council shall be filed with the City Clerk.

(2) *Zoning and Development Administrator*. Appeals made to the Planning Commission or Board of Adjustment shall be filed with the Zoning and Development Administrator.

(3) *Building Safety Division Director*. Appeals made to the Board of Adjustment, [for inspecting purposes] shall be filed with the Building Safety Division Director.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4652, 12-07-04)

155.03 Stay

An appeal shall stay all proceedings in furtherance of the action appealed from unless the person in charge of administration of the chapter certified that a stay would, in their opinion cause imminent peril to life or property.

(Code 1965, App. A., Art. 13(3); Ord. No. 1747, 6-29-70; Code 1991, §160.173; Ord. No. 4100, §2 (Ex. A), 6-16-98)

155.04 Alderman Appeal On Behalf Of Resident

An alderman may bring an appeal on behalf of any resident of the city a decision by the Planning Commission to approve or deny the requests as set forth below.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5296, 12-15-09)

155.05 Appeals From Planning Commission Decisions

(A) *Appeals to City Council*.

(1) Owners of record of the property being considered may appeal a decision by the Planning Commission to deny the following requests, in accordance with the procedures set forth in §155.02.

- (a) Annexation
- (b) Rezoning
- (c) Planned Zoning District
- (d) Subdivision (Preliminary Plat, Final Plat, Concurrent Plat, Lot split)
- (e) Large Scale Development
- (f) Vacation of utility easement, access easement, public right-of-way
- (g) Commercial Design Standards
- (h) Tree Preservation Plan
- (i) Variances and waivers of the UDC

(2) *Conditions of Approval*. An owner of record may appeal the conditions of approval determined by the Planning Commission for any of the requests listed in (A)(1).

(3) *Conditional Use Request*. Three aldermen, two of whom must reside in the effected ward, may in unison appeal a decision by the Planning Commission approving or denying a conditional use request.

(B) All other decisions by the Planning Commission must be appealed to Circuit Court.

(Code 1965, §13A-40, App. C., Art. II, Art. V., §B; Ord. No. 1509, 8-8-66; Ord. No. 1750, 7-6-70; Code 1991, §§156.017, 159.12, 159.54(F)(1), (2), 159.66; Ord. No. 3781, §1, 4-19-94; Ord. No. 3925, §6, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4334, 9-4-01; Ord. No. 4340, 10-2-01)

155.06 Appeals From Staff Interpretations/Actions

(A) *Appeals to City Council*. The following staff interpretations/actions may be appealed to the

Smith, Sondra

From: Smith, Sondra
Sent: Friday, October 10, 2014 5:30 PM
To: Gray, Adella; Alan Long; McCoy, Dee; Marr, Don; Eads, Gail; Roberts, Gina; Tennant, Justin; Johnson, Kimberly; Williams, Kit; Broyles, Lana; Smith, Lindsley; Jordan, Lioneld; Branson, Lisa; Kinion, Mark; Schoppmeyer, Martin; Matthew Petty (citycouncil@matthewpetty.org); Mulford, Patti; Pennington, Blake; Adams, Rhonda; Marsh, Sarah; Smith, Sondra
Subject: October 21, 2014 City Council Agenda

October 21, 2014 City Council Agenda

Alan Long has requested that the following agenda items be removed from the October 21, 2014 City Council agenda. They may be brought forward at a later date. This will need to be discussed at Agenda Session.

C.3 Enact §71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds: An ordinance to amend the Fayetteville Code by enacting §71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds.

C.4 Enact Chapter 120 Real Estate Sale and Leasing Regulations: An ordinance to amend the Fayetteville Code by enacting Chapter 120 Real Estate Sale and Leasing Regulations.

Have a great weekend!

Sondra

Office of the City Clerk Treasurer

Sondra E. Smith CAMC, CMC
City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
ssmith@fayetteville-ar.gov
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*City Council Meeting Presentations
Added at Agenda Session 10-14-14*

CityClerk

From: Marr, Don
Sent: Tuesday, October 14, 2014 2:42 PM
To: CityClerk
Subject: RE: Present America in Bloom awards

Yes, we approve this and it is fine to make her first it doesn't matter to us.

Thanks,
Don

From: CityClerk
Sent: Tuesday, October 14, 2014 2:03 PM
To: Marr, Don; Jordan, Lioneld
Subject: FW: Present America in Bloom awards

Please see the email below from Marilyn regarding presenting the America in Bloom Award. Do you want to add to the October 21st agenda?

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
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cityclerk@fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

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From: Marilyn Heifner [<mailto:mheifner@twncenter.com>]
Sent: Tuesday, October 14, 2014 8:33 AM
To: City_Clerk-old
Subject: Present America in Bloom awards

Hi Sandra

Would you put me on the next City Council agenda to present the awards from America In Bloom which I received last week in Philadelphia on behalf of the city? Shouldn't take much time, and if possible I'd like to first on the agenda.

Thanks.

Marilyn Heifner
Fayetteville A & P Commission
P. O. Box 4157
Fayetteville, Arkansas 72702-4157
479.521.5776
800.766.4626

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Follow us on Twitter @ ExpFayetteville

*City Council Meeting Presentation
Added at Agenda Session 10-14-14*

CityClerk

From: CityClerk
Sent: Friday, October 10, 2014 3:43 PM
To: Marr, Don
Subject: FW: ORT-Ozark Regional Transit – Request for placement on Fayetteville City Council Agenda on Oct. 2nd

FYI, thank you for approval!

Have a nice weekend!
Lisa

From: CityClerk
Sent: Friday, October 10, 2014 3:42 PM
To: 'Jeff Hatley'
Subject: RE: ORT-Ozark Regional Transit – Request for placement on Fayetteville City Council Agenda on Oct. 2nd

Jeff,

Per our conversation you may present the Bi-Monthly Report on Public Transportation at the October 21, 2014 City Council meeting. The meeting will begin at 5:30 p.m. Please let me know if you have any questions.

Have a nice day!
Lisa

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cityclerk@fayetteville-ar.gov
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www.fayetteville-ar.gov

From: Jeff Hatley [mailto:jhatley@ozark.org]
Sent: Wednesday, September 24, 2014 2:53 PM
To: CityClerk
Cc: Joel Gardner
Subject: RE: ORT-Ozark Regional Transit – Request for placement on Fayetteville City Council Agenda on Oct. 2nd

We would prefer to present our report to the council. I apologize for getting the date wrong in the subject line.

Thank you,

Jeff Hatley

Mobility Manager/Public Information Officer
Wk: 479-365-2161
Mb: 479-225-8369



From: CityClerk [<mailto:cityclerk@fayetteville-ar.gov>]
Sent: Wednesday, September 24, 2014 11:35 AM
To: Jeff Hatley
Subject: RE: ORT-Ozark Regional Transit – Request for placement on Fayetteville City Council Agenda on Oct. 2nd

Jeff,

The next City Council meeting will be October 7th. Do you want to present at the Agenda Session (September 30th) or the City Council meeting?

Lisa

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)



From: Jeff Hatley [<mailto:jhatley@ozark.org>]
Sent: Tuesday, September 23, 2014 4:11 PM
To: CityClerk
Subject: ORT-Ozark Regional Transit – Request for placement on Fayetteville City Council Agenda on Oct. 2nd

Sondra,

We would like to give a brief overview of ridership in the Fayetteville area, a summary of plans for growth and to be available for any questions, comments or concerns the council may have.

With the council's permission, we'd like to provide this report at the upcoming Oct. 2nd meeting.

Thank you,

Jeff Hatley
Mobility Manager/Public Information Officer
Wk: 479-365-2161
Mb: 479-225-8369



America in Bloom 2014 EVALUATION FORM



Participant: Fayetteville, AR

Population Category: Over 50,000

Visiting Dates: June 19-20, 2014

Judges: Evelyn Alemanni and Stephen Pategas

America in Bloom envisions communities across the country as welcoming and vibrant places to live, work, and play – benefitting from colorful plants and trees; enjoying clean environments; celebrating heritage; and planting pride through volunteerism.

All judging criteria will be adjusted to the climate and environmental conditions of the participant's location.

The judges' report is based on efforts in management, planning, maintenance, improvement, and innovation of each of the following criteria:

Criteria	Actual Points	Possible Points
1. Floral Displays	155.00	175.00
2. Landscaped Areas	148.00	175.00
3. Urban Forestry	144.00	175.00
4. Environmental Efforts	151.50	175.00
5. Heritage Preservation	149.00	175.00
6. Overall Impression	108.50	125.00
Total	856.00	1000
%	85.6%	
Bloom Rating	5	

Five blooms = 85% Four blooms = 72.50–84.95% Three blooms = 60.00–72.45% Two blooms = 45.00–59.95% One bloom = <45.00%

Participant representatives met: (including email)

Name: Marilyn Heifner Title: Executive Director-
Fayetteville Advertising and
Promotion

Email: mheifner@twncenter.com

Name: Lisa Netherland Title: Horticulturist

Email: biodiversegardens@gmail.com

Name: Brian Pugh

Title: Waste Reduction Coordinator

Email: bpugh@ci.fayetteville.ar.us

General Comments and Suggestions:

Suggestions are indicated in italics.

We understand that you have had an extremely cold winter and have taken that into consideration in the comments and scoring.

Now that you've collected half of the possible outstanding achievement awards, it's time to plan on how you'll earn the rest of them. In addition, please remember that AIB offers additional categories of competition, so your business district and university could also enter as separate entities.

Special thanks to Marilyn Heifner and Lisa Netherland who made our visit so special. Many thanks for your continued participation in America in Bloom.

We wish you continued success and a bright and vibrant future.

Evelyn Alemanni and Stephen Pategas

1. Floral Displays Flower beds, containers, baskets, window boxes. Arrangement, originality, distribution, location, diversity, balance, harmony, quality of maintenance. Use and integration of annuals, perennials, ornamental grasses, bulbs, and seasonal flowers.	Max points	Actual Score
Municipal		
Leadership and plan of action for floral displays	20	18
Concept and design, variety of plantings, overall effect	20	18
Maintenance and quality of displays	20	18
Design for all seasons	15	14
Business		
Concept and design, overall effect	15	13
Maintenance and quality of displays	15	13
Residential		
Concept and design, overall effect	15	12
Maintenance and quality of displays	15	13
Community Involvement		
Volunteer involvement in design, planting, and maintenance of floral displays	20	18
Financial and in-kind contributions to floral displays	20	18
Total (the fields automatically calculate – do not type in them)	175.00	155.00

Comments and suggestions:



In every sector, Fayetteville is blooming. We were particularly pleased to see flowers in so many commercial landscapes and grouped around signs. Kudos, particularly, to the floral displays at Old World Imports.

Who can argue with 200,000 daffodils? Spring in Fayetteville is bound to be everyone's favorite season considering the enormous number of bulbs that have been planted over the years. In addition to planting, volunteers have assured that children receive bulbs to plant at home and learn about proper planting techniques. *By now, the city and its residents have planted so many bulbs that it may be time to divide some of them to keep them blooming. Consider organizing a bulb swap so that people can enjoy different varieties.*



The town square, site of the famous farmers' market, is well known for its elegant and exuberant plantings of colorful annuals and perennials. An added bonus is that the plantings are able to withstand the crush of crowds that attend the farmers' market. The style of plantings in the square could be replicated at other locations in the city and become Fayetteville's signature style.

Congratulations on the completion of the First Ladies garden at the Clinton House. It has been created in a "garden style" to gently blend all the flowers beloved of our first ladies.



The Botanical Garden of the Ozarks again is over the top with an amazing variety of blooms and ideas and inspirations for homeowners. Having witnessed its progress since its groundbreaking, it is exciting to again appreciate the creativity of the horticulturists and enjoy expansions into new areas.

Once again, Wilson Park did not disappoint. Staff and passionate volunteers have again done their magic to create an inviting, flower-filled landscape. *It would be great to secure funding to send staff to the California Spring Trials so that they can learn about new flower varieties being introduced.*

Parks staff clearly understands the needs of various types of parks, ranging from passive to active sports fields. Maintenance plans are in place and appropriate for each type of park.

Master gardeners and junior master gardeners donate thousands of hours each year to help with garden education and training, and also help implement projects. Some of their notable public garden spaces are at the Headquarters House and the Air Museum.

With all the lovely gardens in Fayetteville, we were surprised that we did not hear about any healing gardens. *If none exist, consider working with your hospitals, care centers, and nursing homes to create them as there is documented evidence that they help to*

speed healing and elevate patients' mental outlook.

Pride in Bloom awards motivate property owners in all sectors to do their best and showcase those properties that excel.

Happy Hollow Elementary School has a good number of themed gardens maintained by the students. It is heartwarming to see the efforts of these youngsters. *The addition of a few colorful gardens along the front facade would beautify the approach to the school and soften the architecture.*

The University of Arkansas is restoring the Lafayette Street Bridge *and the railings provide a perfect opportunity for the addition of flower boxes to beautify this campus gateway.*

The plantings in the square with wide seating height walls are eye catching, educational and downright fabulous. *However we noticed soil levels in the planting beds are rising (each rootball planted adds soil unless an equal amount of soil is removed) and raised metal edging is now used to contain the mulch. The raised edging is a short term solution, unsightly and a tripping hazard. When an area is rehabbed, the existing soil should be removed to three inches below the adjacent walkway surface where major tree roots are not present. The walkway edge would then retain the mulch and the metal edging could then be removed. Make it a policy to remove soil when planting.*

The lovely plantings in the square contain a lively and colorful mix of plants. *In a number of locations, containers could be set into the beds (placed on a leveled stepping stone painted flat black set on compacted soil without organic matter). This would create focal points, add structure and raise some plantings above the height of others. Obelisks in containers or set into the ground could be used to grow annual vines and then be decorated for the winter season.*

Educating visitors about what plants they are looking at is a noble and worthwhile task. *Identify more plantings with tags.*

When you are able to stretch your plant acquisition budget with plants donated from nurseries, *note on the plant ID tag which nursery donated the plants. This will direct visitors to the source and reward the nursery for their donation.*

The architecturally significant library building has a lot of hardscape at the front entrance with minimal beds for landscaping. *The paved area has spaces where containers can be placed to beautify and soften the entrance. Consider colorful glazed containers in a contemporary style for year round color and interest.*

The lettering on the corner sign at the Inn at Carnall is low to the ground so *this is an appropriate location for a small floral display to beautify the corner and draw the eye to the currently lonely sign.*

The University of Arkansas should consider a more diverse color palette for their annuals. This will allow a wider diversity of plants which is better for wildlife. Use the red and white theme for special high impact locations. Add containers to punch up color beds. Perhaps the campus can exhibit container styles that are different from those outside their borders. Coordination with the City is strongly encouraged.

2. Landscaped Areas Overall design and suitability of landscape, turf and ground covers. Use of native plants. Overall design and suitability for location/use; good use of design principles (i.e., balance of plant material and constructed elements, harmony, color, texture, shape, etc.). Sustainability. Integration of hardscapes, lighting, site features, sculpture. Maintenance (weeds, mulching practices, edging); site rejuvenation and rehabilitation. Efforts in strategic planning. Community gardens, children's gardens, public gardens and zoos.	Max points	Actual Score
Municipal		
Overall design and planting of landscape, turf and groundcovers	15	12
Environmental management of sports fields and turf	15	12
Quality of landscape maintenance	15	12
Sustainable management, naturalization and eco-design	15	13
Business		
Overall design and planting of landscape	15	13
Environmental management of turf and groundcovers	10	8
Quality of landscape maintenance	15	13
Residential		
Overall design and planting of landscape	15	13
Environmental management of turf and groundcovers	15	12
Quality of landscape maintenance	15	13
Community Involvement		
Volunteer involvement in funding, planting, and maintenance of landscaped areas	15	13
Participation in future planning (committees, councils, and advisory boards.)	15	14
Total (the fields automatically calculate – do not type in them)	175.00	148.00

Comments and suggestions:



Congratulations Fayetteville, on having the entire city and some of the schools named as certified wildlife habitats. What a remarkable achievement and commitment on behalf of all sectors. Certainly this is a model for other cities to follow.

Fayetteville excels in landscape variety. Ranging from prairie to woodland, native habitats, meadows and manicured landscapes in every sector, Fayetteville's landscapes are creatively designed and skillfully maintained.

Attractive rain gardens were noticed in many locations throughout the city and they seem to be doing a great job of diverting rainfall from paved surfaces. *Signage noting they are rain gardens would encourage their use in the community.*

Congratulations to the city for having a landscape ordinance and plant manual easily accessible to all.

A new urban agriculture ordinance allows chickens, ducks, bees, and goats on appropriately sized residential properties.

The newly created meadow at the water treatment plant demonstrates that manicured lawns need not be the rule, but should, in the future, become the exception. The meadow comprised of native plants supports a remarkable variety of insects, birds, and other creatures while eliminating the labor cost, equipment and maintenance costs, and air pollution related to mowing.

With help from the Community Garden Coalition, five schools have community gardens and other community gardens have been created throughout the city.

On the southwest corner of Crossover and Mission, there is a large retaining wall that would benefit from cascading plants. Also along Crossover, a median is being installed and trees are being planted. This area would be appropriate for masses of low maintenance ornamental grasses.

At Happy Hollow Elementary School, the front façade would be more welcoming with the addition of shrubs. You might even consider experimenting with an edible landscape. Check <http://global-farmer.com/2012/10/03/edible-landscaping-makes-a-better-fort-st-john/> for some ideas. In addition, check <http://grannysgardenschool.org/> to see how a school in Ohio has transformed their entire campus into a flower and vegetable garden without using school funds.

The school has a greenhouse, but access is somewhat separate from the main school building. Perhaps add a crosswalk on the parking lot to teach children safety while they are going to the greenhouse.

Although the grounds of The Walton Art Center are attractive, the front entrance would benefit from the addition of containers with bold colors and foliage.

At the Inn at Carnall the slope along Arkansas Avenue has large shrubs that would be better proportioned to the site if they were shortened a bit. The addition of landscape plants around the shortened shrubs would complete the landscape.

Perhaps the master gardeners or botanical garden could bring in Rick Darke as a speaker on ornamental grasses. <http://www.rickdarke.com/bio.htm>

In Wilson Park, consider adding plant ID signage in the native plant garden to help educate park users.

3. Urban Forestry Distribution, variety and suitability of trees; new plantings; urban tree program; qualified personnel or access to trained individual(s); inventory or database; frequency of tree surveys; care and maintenance programs; preservation of heritage trees and woodlots; scheduled succession plantings. Efforts in management, planning, maintenance, improvement, and innovation. Written policies, by-laws and regulations, long and short term plans.	Max points	Actual Score
Municipal		
Overall plan of action, tree planting programs, variety of species, inventory	20	16
Tree maintenance	15	13
Preservation and restoration of natural areas	15	14
Tree protection/planting regulations and by-laws	15	13
Business		
Overall planting program	20	17
Tree maintenance	15	13
Residential		
Overall planting program	20	17
Tree maintenance	15	13
Community Involvement		
Volunteer involvement in funding, planting, and maintenance of trees	20	14
Volunteer involvement of youth in tree programs (i.e., Arbor Day, etc.)	20	14
Total (the fields automatically calculate – do not type in them)	175.00	144.00

Comments and suggestions:

Fayetteville's urban forest took a devastating blow during an ice storm in 2009. Thank goodness an existing tree inventory helped to quantify the magnitude of the loss and streamlined the process of getting FEMA funds to pay for tree trimming, removal and chipping. Even after 5 years, some of the trees are still recovering. However, the majority of the tree canopy in all sectors appears healthy and well maintained. *Tree damage from storms is a reminder that trees need to be periodically thinned to allow wind to blow through them rather than break branches.*

The judges would have appreciated learning more about volunteer and youth involvement in tree planting and maintenance.

If it isn't already being done, use i-Tree software (free from the US Forest Service) with your existing tree inventory database. This software calculates the dollar value of the benefits that trees offer and will help you make a compelling case for tree maintenance and planting.

Succession planting plans are in place and nearly 1500 trees and saplings were planted in the last two years. *Be sure that a tree master plan is in place to assure that a diversity of species is planted and that trees are planted where they are most needed.*

Also, when planting large numbers of trees, be sure that you budget for their maintenance.

Because saplings are subject to trampling and being eaten by wildlife and in general do not have the success rate of larger trees, consider investing in fewer, but larger caliper (1 - 2") trees to get faster growth of your tree canopy.

You might want to visit Morton Arboretum (in Lisle, IL-- www.mortonarb.org) for some ideas on tree education for children. Also, check the webinars on the America in Bloom website and watch Pam Bennett's webinar on creating a tree inventory with volunteers. The ideas she presents will help you keep your tree inventory current.

Kudos for requiring that workers who trim trees in the public rights of way be certified. As progress is made planting the right tree in the right place, the need to trim trees under power lines should diminish over time.

The requirement to maintain new street and mitigation trees for three years exceeds by one-third the requirements of most cities. Wonderful!

The online landscape manual is a welcome guideline for what to plant where.

An urban forestry advisory board helps develop policies and guidelines. Consider strengthening your tree protection ordinance to protect trees on private properties.

Despite the 2009 storm, Fayetteville has many grand old trees. You might want to get a copy of the book "Heritage Trees of Alberta" <http://www.chapters.indigo.ca/books/heritage-trees-of-alberta/9780978493103-item.html> and create a similar book for Fayetteville and its surrounding cities.

In community gardens and on the campus of Happy Hollow Elementary School, encourage the planting of fruit trees as a way to produce large volumes of fruit in a relatively small space. Also, as was discussed during our visit, consider removing the silver maple in the butterfly garden as it will soon shade out the flowers and plants that attract the butterflies.

The newly planted trees along the entry to Happy Hollow Elementary School are dead. Work with the contractor and have them replaced at no cost, since they may be covered by the three-year tree guarantee.

Considering the nearly 5,000 trees on the U of A campus, it is essential that a forester and arborist be hired as soon as possible. A best management practices manual should be developed. Perhaps such a document is available from Davey Tree who was contracted to complete the campus tree assessment.

A large oak on the premises of the Clinton House has succumbed to sudden oak death. When the tree is removed you might consider selling pieces of it to woodworkers who could mill it into planks, carve sculptures, make bowls, furniture, etc.

After all the years that Fayetteville has been in AIB, it was surprising to see "volcano" mulch around trees on Harmon and Duncan Aves. Please share with the grounds manager the importance of proper mulching. Think "donut", not "volcano". An excellent resource and more information are at <http://www.gardening.cornell.edu/factsheets/mulch/toomuch.html>.

4. Environmental Efforts		
Sustainability practices. Recycling (paper, glass, metal, plastic, electronics, etc.), policies and by-laws, sustainable development strategies, waste reduction, hazardous waste minimization and collection (oil, paint, chemicals, used batteries, etc.), water quality and conservation, energy conservation, environmental cleanup activities, reducing carbon footprint, environmentally friendly transportation, LEED certification, air, noise and light pollution, rain gardens and rain barrels, composting, energy efficiency, youth programs, etc. Events such as Earth Day, Recycling Days, Bike to Work Days, etc.	Max Points	Actual Score
Municipal		
Leadership in environmental initiatives	25	24
Effective communication of environmental strategies and initiatives	25	24
New programs, improvement and innovation	25	24
Business		
Participation in environmental efforts	20	17
New programs, improvement and innovation	10	7.5
Residential		
Participation in environmental efforts	20	15
New programs, improvement and innovation	10	6
Community Involvement		
Volunteer involvement in environmental efforts	20	18
Youth participation in environmental activities	20	16
Total (the fields automatically calculate – do not type in them)	175.00	151.50

Comments and suggestions:

The City of Fayetteville and/or the University of Arkansas are leading the way in environmental initiatives and have successfully implemented a host of projects and programs that include a Biosolids Drying Operation that keeps biosolids out of the landfill. In addition, they have added new bicycle racks (including some that double as public art in the downtown), two apartment complexes now recycling, development of the 36 mile Heritage Trail, Energy Efficiency Kits to low and moderate income residents, Eco-Logical Communities to track energy use and waste generation, production of biodiesel from waste vegetable oil, numerous Green Initiatives and LEED certified buildings and a very progressive commitment to achieve an 80% recycling rate. They are the first community in Arkansas to become a Certified Wildlife Habitat.

Yard waste is collected at curbside and sent to the city's facility where it is turned into mulch which is then made available to residents for a fee. *Consider going one step further and offer home composting units at cost along with composting education. This has the potential to reduce wear and tear on city vehicles and reduce the miles driven while making compost easily accessible to your residents.*

In little more than 10 years, the Fayetteville Natural Heritage Association has conserved over 500 acres of natural lands and has identified numerous additional parcels to save from development. They also maintain the lands and engage youth with their Habitat project.

Fayetteville is one of 70 national communities using the Star Community rating system which will rate sustainability on best practices in the areas of energy efficiency, water and land use, health and safety. We see

more positive and healthy programs and lifestyles to come.

The University of Arkansas has a bike share program *and the City could bring in a company to set up one for themselves. Perhaps there is an opportunity to partner with the university. Since the library is on a trail spur it could develop a "Check-Out a Bike" program which provides a bicycle, helmet and mounted laminated map. Provide advertising opportunities to make it income-generating.*

The Streamside Zone Ordinance with 25 and 50 foot buffers extending from the banks is a good initiative. *Reduce even more phosphorous infiltration with an educational campaign and ordinance banning the use of fertilizers with phosphorous within these zones.*

The Pay as You Throw system you have is an excellent method to manage the waste stream and drive recyclables into the proper containers. The addition of the RFID technology already being considered will further these efforts. *Encourage even more recycling with the use of wheeled recycling carts which hold a greater volume and are easy to roll to the curb. The lids hold in any smells and keep out vermin. This allows them to be placed in areas more convenient to living areas.*

The University of Arkansas already donates leftover student furnishings to charitable institutions. *Consider setting up locations for other students to acquire the furnishings prior to donation.*

With the Marion Orton Recycling Center open and apartment recycling increasing with the use of bags and small handled bins *it may be time to tackle a program to increase business recycling. A survey of businesses would help determine their needs and preferences.*

On the business front, with Terra Tots Natural Parenting's Eco-friendly products to Eureka Pizza's solar panels with internet tracking, environmental initiatives are moving forward. *Recognize these businesses and others with an award program to encourage participation and provide recognition.*

The attractively painted drain inlets draw attention to the storm water pollution issue. *When it's time to repaint, consider using artists with a judged competition. Personalize the drain inlets more and provide each one with a customized plaque denoting what water body it drains to.*

The fold out trail map is very useful *and its cost could be offset by advertising. Approach businesses located along the trail to market their wares and services and to increase their awareness of this amenity.*

The demolition of structures that are still viable is an unsustainable practice. Energy expended to tear down, send the debris to a landfill and build new is rarely recovered in a new structure. *Develop a program that protects historic structures from demolition and offers education on the advantages of adaptive reuse and energy retrofitting.*

Thousands of disposable water bottles are used every year within city government. *Adopt a reusable bottle/cup/mug with city water or a water cooler supplied water policy and encourage businesses and residents to do the same. Provide employees with reusable water bottles like the Nalgene On The Go Bottle (<http://store.nalgene.com/OTG-p/otg%20-%20on%20the%20go.htm>) which can be customized with a logo. Ban the disposable bottle! Provide water bottle filling stations which can be added to existing drinking fountains. http://www.zoro.com/q/00054361/k-G2544351?utm_source=google_shopping&utm_medium=cpc&utm_campaign=Google_Shopping_Feed&qclid=CPXRnofZjb8CFfSjMqo dxTwALw*

5. Heritage Preservation Historical, natural, agricultural, and cultural heritage. Preservation and restoration of buildings, homes, churches, cemeteries; heritage sites and/or monuments; heritage parks, historical gardens and heritage trees; artifacts; historical society; heritage advisory committee, museums, archives, history books, and interpretative programs; ordinances and policies. Resource availability. Farmers markets, festivals and parades.	Max Points	Actual Score
Municipal		
Leadership in preservation and restoration initiatives	25	22
Legal protection of heritage sites	25	21
Resource availability for preservation and restoration	25	21
Business		
Conservation, restoration, and rehabilitation of properties	15	13
Participation in and support of heritage/cultural activities	15	13
Residential		
Conservation, restoration, and rehabilitation of properties	15	13
Participation in and support of heritage/cultural activities	15	13
Community Involvement		
Volunteer involvement in cultural, historical, and natural heritage activities	20	17
Youth involvement in heritage activities	20	16
Total (the fields automatically calculate – do not type in them)	175.00	149.00

Comments and suggestions:



Heritage has long been an important aspect of living in Fayetteville. As an important site in Civil War history, several buildings have been preserved and are open to the public. QR codes on historic buildings and brochures for walking and driving tours make history accessible.

We commend the efforts of the staff and volunteers at Headquarters House to make history live for children by offering history camps in the summer and opportunities for “graduates” to demonstrate heritage clothing, dances, and other customs on special occasions.

Kudos to the Fayetteville Natural Heritage Foundation for its continuing efforts to preserve open space, restore native habitats and to research. Commendations to the Walmart Foundation for providing a grant to purchase land to preserve.

Five historic districts preserve the unique historic character of the city and its university. Sixty-three buildings are on the National Register of Historic Places – certainly a tribute to the value that Fayetteville residents place on their heritage. *Be sure that there is adequate signage to let visitors know they are in a historic district. It would also be nice to have plaques on the homes on the national register.*

We were not able to find any city ordinances that protect historic buildings or buildings in the historic districts from demolition. Since National Register Registration does not protect structures from demolition, this might be something for your Historic District Commission to consider.

Neighborhoods are well maintained with a great diversity of interesting architecture. *Banners can be added to promote neighborhood or community wide events.*

At the Air Museum, a cell phone tour would be a great way to guide people through the impressive and massive collection.

We applaud the city's emphasis on preservation and restoration of natural areas and to scientifically identify additional areas for acquisition.



The ongoing efforts to construct on the sites of historic trails, such as the Trail of Tears, the Butterfield Stagecoach line and others, will serve residents long into the future. Through thoughtful planning and partnering, you are preserving built and natural heritage and offering the opportunity of environmentally sustainable and healthy travel.



Wilson Park's unique benches and sculptures are historic in their own right. *Be sure that the newly installed dogwood bench includes signage that tells us something about the artist as well as the donor.*

6. Overall Impression Cleanliness, lack of litter and graffiti. Maintenance of public open spaces, medians and boulevard strips, streets, sidewalks, walking and biking trails, curbs, ditches, road shoulders, unattended and vacant lots, buildings, garbage receptacles; lack of weeds, dog waste policies and receptacles, notices/posters appropriately displayed, vandalism not evident. Maintenance of the hardscape: walls, lamp posts, benches, playgrounds, etc. Appropriate use and placement of graphic elements such as banners, signs and murals.		
Municipal		
Overall cleanliness	10	9.5
Maintenance of public roads and shoulders	10	9
Condition of public buildings and properties	10	9
Impact of graphic elements - banners, signs, murals, etc.	10	8
Business		
Overall cleanliness	20	17
Condition of buildings and properties	20	17
Residential		
Overall cleanliness	10	9
Condition of buildings and properties	10	8
Community Involvement		
Participation in clean up efforts, adopt-a-spot, annual cleanup days, etc.	15	13
Recognition of volunteer efforts	10	9
Total (the fields automatically calculate – do not type in them)	125.00	108.50

Comments and suggestions:

In the downtown area there was a palpable energy that reached a peak for us during Saturday morning Farmer's Market. We vouch for trying the bacon-maple scones - just follow your nose. Colorfully painted drain inlets, unique bike racks themed to businesses, a lack of graffiti, QR codes to explore the history about buildings and a well thought out and designed way-finding sign system all contribute to its vitality. Some details such as the parking signs on the curbs in the square are subtle and effective since they eliminate sign clutter.



Painted utility boxes in the town square add to its charm.

Fayetteville's gateways are understated and easily missed. *As funding becomes available, consider redesigning them for greater impact. Gateways with bold signage, landscaping and color announce arrival to a special place (Fayetteville!) and set the stage for what is to come. Develop a gateway plan for primary and secondary entries and make them as beautiful as the loveliest parts of the city.*

The Mt. Sequoyah Gardens overlook is a truly unique location with a fabulous view over the city. *The view would be greatly enhanced by the under-grounding of power poles and overhead wires. Canopy trees are starting to significantly block the view and should be thinned or removed. Replace these trees with ornamental, understory, and/or edible trees planted on the lower*

portions of the slope.



Painted hogs from a fundraiser still adorn spots around the city and offer art as well as humor.

Many parks, trail locations, and commercial areas offer doggie bags. *Consider asking veterinarians to sponsor them. It would be a subtle way to let people know where a nearby vet is.*

In some areas, the fire hydrants need a fresh coat of paint. This might be a good project for Scouts or students looking for community service hours.

Checklist for Judges and Participants:

Yes	No	N/A	
X			Were the judges given a community profile, itinerary, and map prior to their arrival?
X			Did the itinerary provide for seeing a representative cross-section of the participant?
X			Were the guides knowledgeable about the participant and horticultural aspects?
X			Were the judges able to modify the schedule if needed?
X			Did the judges meet with the media?
X			Did the judges meet with municipal leaders?
	X		Were the judges asked to give presentations?
X			Were the judges able to meet with and talk to volunteers?
X			Was enough time allotted to complete the evaluation form in a quiet place?

Comments:

Please remember that people who meet the judges should wear nametags with their name and affiliation. It helps us get to know them faster and also lets us know where to direct questions.

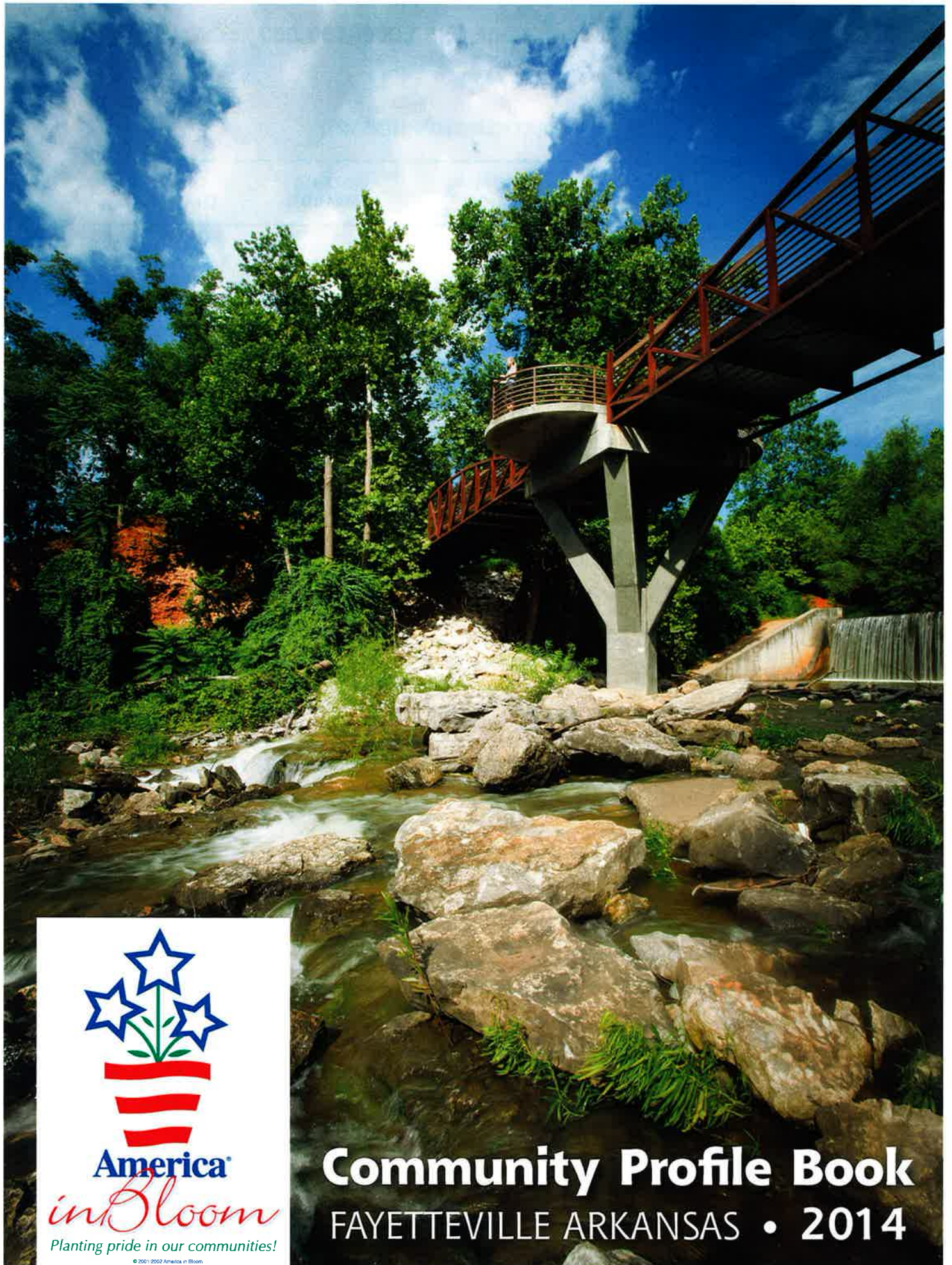
DEFINITIONS

Municipal: City hall and other municipal properties, parks and open spaces, roads, roadsides, sidewalks, cemeteries, schools and sports facilities, empty lots and brownfields, libraries, hospitals, assisted living, churches, universities, and colleges

Business: Commercial and industrial sectors, shopping centers, stores, office buildings, restaurants, mixed use developments, service stations, railway and bus stations, plant nurseries/garden centers

Residential: Single family residences, condominiums, town houses, planned communities, apartment buildings, gated communities, manufactured home communities, trailer parks, residential developments, neighborhoods, graduated care facilities

Community Involvement: Volunteer efforts by individuals, clubs, youth groups, church groups, civic organizations, and social clubs for community enhancement



America

in Bloom

Planting pride in our communities!

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Community Profile Book

FAYETTEVILLE ARKANSAS • 2014

Population Category: 50,000–150,000

AIB PARTICIPATION HISTORY:

YEAR	BLOOM RATING	SPECIAL MENTION	CRITERIA AWARD	CIRCLE OF CHAMPIONS
2013	5	Environmental Efforts		
2012	5		Heritage Preservation	2012
2011	4	Number of years in program	Turf & Groundcover	
2010	5	Community Involvement	Environment	
2009	4	Community Involvement	Environment	
2008	4	Tidiness	Tidiness	
2007 (CIB)	4	Tidiness		
2006	4	Tidiness		
2005 (CIB)				
2004	4	Community Involvement		
2003 (CIB)				
2002	3	Heritage		

2012 Marilyn Heifner was given the John R. Holmes Community Champion Award.

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Overall Impression	20

INTRODUCTION TO FAYETTEVILLE, ARKANSAS

Fayetteville is located in the heart of Mid-America, 35 miles from the Arkansas-Oklahoma border.

NATIONALLY RECOGNIZED AS ONE OF THE BEST PLACES TO LIVE

Fayetteville has received national recognition in the following publications:

- 2013 Arkansas Volunteer Community of the year with 657,000 volunteer hours
- 2012 Named Favorite Large Farmer's Market
- 2013 Compassionate Action Network named Fayetteville a Compassionate City category
- 2013 Fayetteville named #7 In medium sized cities for Job Seeking Veterans
- 2011 recognized as Bicycle Friendly Community

THE MILKEN INSTITUTE

- #8 overall Best Performing large city in the country 2005
- #3 for wages and salaries growth over the past five years
- #7 for job growth in the past five years

CITY GOVERNMENT

The **Mayor** is the elected Chief Executive Officer and is the presiding officer. As the Executive Officer of the City, the Mayor has a statutory duty to oversee the City's ordinances, administrative rules, and State laws, as well as direct City offices and perform other duties.

The City of Fayetteville operates under a Mayor-Council form of government. The **Council** is the legislative and policy-making body of city government. It sets the city's vision and resolutions. The Council also determines the city budget and appoints and removes city commission members.

Fayetteville **citizen boards, committees and commissions** consist of many volunteers devoted to giving their time and expertise on issues relating to each board, commission or committee.

2013 MUNICIPAL INFORMATION

Population:	73,580 (2010 Census)
City Website:	http://www.accessfayetteville.org
City Contact Name:	DeDe Peters, Community Outreach

Percent of Area Zoned Mixed Use:	3%
Is there a Chamber of Commerce?	Yes
Is there a Convention & Visitors Bureau?	Yes
Number of Schools:	14 public, 4 private, 1 state university, 1 community college satellite location, and 3 private trade schools
List of Civic Organizations:	Rotary, Kiwanis
Number of Municipal Employees:	723
Services Provided by Municipal Government:	water, sewer, wastewater treatment, solid waste, recycling, parks, public library, planning & development regulation, streets & sidewalks
Number of Volunteers:	approximately 38,000 donating more than 500,000 hours
Do You Have a Volunteer Coordinator?	yes

List positive things that have taken place because of your participation in America in Bloom.

Local AIB Committee formed a partnership with Fayetteville Police and Firemen and Woodland Junior High students to make a special product, Taginator available for residents if they are victims of graffiti. Wal-Mart made a donation of a pressure cleaner and water supply to help remove graffiti from public property.

The late Carl Totemeier was a mentor to Brent Heath. Carl always wanted Fayetteville to be the City of Daffodils. Over the last few years, Brent and Becky Heath have donated approximately 200,000 bulbs planted throughout the parks, medians and mostly by volunteers. While the bulbs are donated, the AIB Committee pays for shipping.

AIB Committee members along with Master Gardeners, 4H, Cub Scouts, have been sowing wildflower seeds along the Fayetteville trail system. While not only beautiful, it is providing habitat for birds, bees, butterflies and other insects.

Cindi Cope, past AIB Chair, was instrumental in developing a volunteer Green Team program at most Fayetteville Schools. Each school determines their own initiatives. At the end of the spring semester, Green Teams hold a meeting to share their results.

Fayetteville in Bloom has utilized the Bloomin Bucks Fundraising Program with Brent and Becky's Bulbs. This program has provided the money to have FIB to give a \$500 grant to the Washington County Master Gardener program for educational boxes. FIB is also in the process of awarding five \$100 grants to the Fayetteville Public Schools Green Teams.

Fayetteville in Bloom purchased Taginator, a product to remove graffiti, for the Fayetteville Police Department.

Best Ideas

The Environmental Action Committee set a goal of being the first community in Arkansas to become a Certified Wildlife Habitat by the National Wildlife Federation. Cindi Cope has taken the lead to get Fayetteville schools certified. To date, there are eight schools certified. At several there was a whole school assembly where Mayor Jordan presents the Certificate and the EAC members present a Habitat kit to improve the schools efforts. [Goal was reached June 2012.](#)

ENVIRONMENTAL EFFORT—SUSTAINABLE DEVELOPMENT

MUNICIPAL SECTOR

Biosolids Drying Operation: Escalating landfill costs and concern about fuel caused the City of Fayetteville to invest in other sustainable alternatives for biosolids. A project to address these issues began in July 2010 with approval from the City Council for Parkson Thermo-System Active Solar Dryers. The solar drying houses are designed to use approximately 95% of the energy required to dry the biosolids; the end result is a significant reduction of this material being hauled to the landfill.

Operation of the Parkson solar drying houses began May 12, 2011. In the first year of these units, the results from implementing this system have been outstanding. The amount of undried biosolids were reduced to one truckload of material after going through the drying process.

http://www.accessfayetteville.org/government/wastewater/Biosolids_Management

Thermal drying is the second phase of improvements for biosolids handling at the Parkson Management Site. The installation of the thermal dryer was completed in February 2011. The forced-thermal dryer, in addition to the solar dryers, reduces the moisture content of biosolids to less than 10 percent. The end product is the organic-based fertilizer which meets EPA regulations for Class A Exceptional Quality dried biosolids. This classification makes the product suitable for use in commercial and residential applications.

The City saves money by having much less by-product, reducing transportation costs. It also helps the environment by saving valuable landfill space and increasing the soil quality when fertilizer products are used.

The City of Fayetteville and CH2M Hill were honored the **2013 ENVY Arkansas Award** as a finalist by the Arkansas Department of Environmental Quality (ADEQ).

Bicycle Parking: 20 new bicycle racks were installed around the Fayetteville State Park. Additional racks installed on Dickson St. in 2013.

The City of Fayetteville started **new recycling initiatives** by working two areas on a pilot basis and residents can recycle plastic 3–7 at the self serve recycling complex at the City of Fayetteville. A second drop-off facility will be built on the west side of town at the wastewater treatment plant.

Since last fall the **City's Community Service Division** has handed out and installed Energy Audit Kits to low and moderate income residents of Fayetteville. These kits will help improve the efficiency of citizen's homes and reduce energy consumption.

The City of Fayetteville handles trash through the **"Pay as you Throw"** program. Residents choose three sizes of containers, paying more for the larger one. Recycling is done through the City's trucks. Trash is sorted on the trucks reducing contamination. Yard Waste is also collected.

Code Compliance: Fayetteville has ordinances to prevent overgrown grass, unsightly and unsanitary trash, stagnant water, unlicensed vehicles. This includes educational programs in the elementary schools and at the Farmer's Market.

Parks and Recreation: Dog Waste stations are located at various locations along trails, parks and even at the Farmers' Market.

Eco-Logical Communities is an outreach program of the Applied Sustainability Center at the University of Arkansas, Sam Walton Business College. The University is located in Fayetteville; so naturally, Fayetteville is the first eco-logical community, the pilot city. The goal for the pilot is to enroll as many households as possible and see if there is a measurable difference in KWH used, water consumer, or waste generated. If successful, the next step will be to explore ways to expand the pilot to additional cities.

In Eco-Logical Communities, every day is earth day. We empower more sustainable choices on the part of homeowners, businesses, schools, churches, and government entities that make up any community. Eco-Logical communities understand that environmentally sound choices often have tangible and measurable economic benefits. Eco" is short for ecological. "Eco" is short for economics. Logical implies rational, data-driven decision making and a results orientation. It makes rational sense: when we save resources, we save money.

[A combined effort by the Washington County Environmental Affairs Office and City of Fayetteville Solid Waste division held its annual Free Electronic Recycling Event September 2013.](#)

University of Arkansas GREEN EFFORTS: [The University saved in 2013 \\$5.2M by going Green.](#) The University of Arkansas, as a charter signatory of the American College and University Presidents Climate Commitment, has committed to becoming a climate neutral institution by 2040, and to becoming a zero waste institution as soon as it is practical. Our current recycling (diversion) rate is 37%, and we recycled nearly 1500 tons of materials last year.

The University produces biodiesel from waste vegetable oil that comes from our four on-campus food courts, and makes compost from food waste from those facilities. We've invested \$52 million in energy conservation and energy efficiency improvements over the past three years, which will save us \$4 million per year on natural gas and electricity bills, and reduce our GHG emissions by 43,000 tons of CO₂.

Two buildings on the University of Arkansas campus have been recognized by the The Green Building Initiative. The Duncan Avenue Apartments and Duncan Avenue Community Center have been achieved the official Green Globes designations for sustainable design and construction.

Ozark Regional Transit: Another method of public transportation is the Ozark Regional Transit system. ORT provides transportation to Fayetteville, Springdale, Rogers and Bentonville. The program originated in 1974 as a project of the Economic Opportunity Agency. It has continued to grow in scope since that time.

The Illinois River Watershed Project had many outstanding programs. Some of the pro-grams included the Riparian Project in five cities, five streambeds and 5,000 seedlings; forestry education at the Mud Creek cleanup; Fayetteville Boys and Girls Club 'Make a Difference Day at Lake Wedington and the U of A Ecological Engineering Society monitoring the Illinois River. There were 4549 volunteer hours provided by 1,773 volunteers in nineteen education and community outreach projects, sixteen conservation and restoration projects, and three water quality monitoring projects. IRWP continues education in the region with Rain Garden Academy and Riparian plantings.

Beaver Water District supplies drinking water to 300,000 people and industries in Fayetteville, Springdale, Rogers, Bentonville and surrounding areas, or one in 10 Arkansans. A safe, reliable water supply is critical to quality of life in Northwest Arkansas. Abundant, clean drinking water creates jobs, attracts industry and investment, and provides for the health and welfare of citizens—from disease prevention to fire suppression. These cities

then resell the water to surrounding towns and communities. The District's mission is to serve Benton and Washington County area by providing high quality drinking water that meets and exceeds state regulatory requirements in such quantities as meets their demands consistent with quality standards. Beaver Water District has been awarded a three-year grant from the Walton Family Foundation. The purpose of the grant is to enhance and accelerate the creation of a comprehensive Water Education Center within its Arkansas Water Education Center, located in Lowell, is designed to educate both children and adults on the importance of water and stewardship of the watershed as a natural resource. The new partnership elected the first board of directors with a goal to protect this critical resource.

"Drinking Water Week has been celebrated for more than 30 years by the AWWA and its members," said Amy Wilson, Director of Public Affairs for Beaver Water District. "We are a proud time member of the AWWA and we are proud to recognize this important week of water utilities throughout the United States. Water plays a vital role in our lives here at the District work 24/7 to bring clean drinking water to residents throughout the region."

Secchi Day on Beaver Lake was held for the 7th year with many non-profit organizations and State Park, Master Naturalists.

Amy Wilson, Director of Public Affairs for **Beaver Lake Water District**, was named Communication Conversationalist of the Year Award from the Arkansas Wildlife Federation.

Beaver Lake Water District has begun construction on a chlorine dioxide disinfection system to reduce disinfection byproducts by 30%.

OZARKS WATER WATCH is expanding from Missouri to northwest Arkansas. The event will be held throughout the Ozarks the first two weeks of June. They will be held in the area.

The University of Arkansas and the City of Fayetteville received a grant from the Oak Ridge Trail that connects the Frisco Trail at Center Street and continuing to the University of Arkansas. This one-half mile section will provide a safe alternative transportation route for the trail of the system at the University of Arkansas and Fayetteville High School. The grant is \$185,000 and the balance will be split between the University and the City. The grant is part of the Recreational Trails Grant Program and is the largest grant the City has been awarded.

Fayetteville Public Library, one of the first libraries to register a U.S. Green Building Council (USGBC) LEED certification, is installing 48 solar panels that will provide 10 kilowatts of energy. The panels were installed by UA students. More panels will be added using thin cell solar technology. Over 2,000 daily visitors are able to follow the project through a kiosk, educational materials, and a website.

Fayetteville passed a **Low Impact Development Ordinance** focusing on reducing stormwater runoff in various ways. The LID Book, by UA, won the 2010 National Stormwater Management Association Award for Best Publication. Communications.

Fayetteville Passes First Streamside Zone Ordinance in State: The Streamside Zone Ordinance is the first of its kind in the state. It was passed by the City of Fayetteville and will be implemented in the future.

The EAC Environmental Action Committee worked to make Fayetteville the first city in Arkansas to become a Certified Wildlife Habitat through the National Wildlife Federation. This brings residents, businesses, school and the city itself together for a common goal. Certification requires habitat such as mature trees, nectar sources, water source and sustainable gardening. [Mayor Jordan was awarded 2013 Conservationist Award and the 2013 Rex Hancock Wildlife Conservationist of the Year Award.](#) www.nwf.org

COMMERCIAL SECTOR

CH2M and Sludge Technology are dredging a portion of Lake Sequoyah, a 400 acre lake to improve water quality and fishing.

The GreeNWay Initiative is a program and certification process that will identify, certify and encourage businesses to do business the “green way.” The Fayetteville Chamber of Commerce, the City of Fayetteville, the UA Sam Walton School of Business, University of Arkansas Applied Sustainability Center and the University of Arkansas Students In Free Enterprise (SIFE) have been working in conjunction with community leaders, as well as, non-governmental entities on the GreeNWay program. The program’s purpose is to assist Chamber member organizations to implement best practices for green and sustainable business. The business then goes through an assessment in conjunction with the University of Arkansas-SIFE Certification is good for two years. One hour of continuing education in the GreeNWay Institute per quarter is also required to stay certified. Businesses are evaluated in the following categories: Water, Education, Energy, Purchasing, Waste, and People.

<http://www.fayettevillear.com/GreeNWay/GreeNWay.aspx>

The Green Valley Network is a non-profit coalition formed to foster collaboration and commercialization of sustainability technology. The initiative was led by Dan Sanker of CaseStack and Steve Rust of the Fayetteville Economic Development Council. GVN is the intersection point of Fayetteville’s sustainability and economic development goals. GVN has already brought three Swedish companies to demonstrate technologies for the American market, including a home waste-to-energy system, a powertrain that can deliver 101mpg in the city, and a new modular building product called foamglass.

Green Valley Network received the 2009 Innovators Award honoring their Southern initiatives to improve quality of life. This award is given by the Southern Growth Policies Board.

GVN Milestones: recognition including: *The Washington Post*, *Kiplinger’s*, “Connecting Northwest Arkansas,” the *Arkansas Democrat Gazette*, the *Northwest Arkansas Times* and *Arkansas Business*. Green Valley is now part of the economic development conversation among governmental bodies, including the Governor’s Taskforce for the 21st Century Economy report and Fayetteville’s strategic plan for economic development.

Arvest Bank of Fayetteville opened the first LEED-certified bank branch in Arkansas. The 8,080 sf facility uses a system to collect rainwater for irrigation use, a parking lot that features a permeable paving material that will allow excess rainwater to be absorbed by the ground underneath, and native plants are used for the landscaping. The new building also has more skylights and uses photosensitive cells to adjust the level of fluorescent lights according to the amount of daylight.

Sam’s Club in Fayetteville is working to develop Sustainable Business by using xeriscape, Bioswale, wet retention ponds, wet meadow discharge basin, water recycling, rainwater harvesting and recycling food waste among other things to respect, reduce and reuse.

The Applied Sustainability Center was established in July 2007 with a \$1.5 million grant from the Wal-Mart Foundation and is based at the University of Arkansas Sam M. Walton College of Business. Our vision is to accelerate the creation of a sustainable global consumer goods economy. Our mission is to serve as a catalyst for

innovation in the retail and consumer goods industries using the lens of sustainability. We have dev a broad-based coalition of partners including consumer goods manufacturers, retailers, industry associations, non-governmental organizations, and government agencies to advance our efforts in building and supporting an economy built around people, planet and profit.

Terra Tots Natural Parenting is the first business of its kind in Arkansas. They offer local, regional, and international products: cloth diapers, organic clothing, natural home products, baby carriers, and much more. They hope to bring awareness to the community regarding the products they consume. Terra Tots presents options for eco-friendly living that are affordable, smart, and sustainable. Their mission is to connect families to their environment.

CaseStack: Always thriving to find more sustainable supply chain solutions, CaseStack has developed a unique combination of retailer-driven consolidation and biodiesel usage to minimize emissions while maximizing cost savings.

Gulley and Sweetbriar Park Stream Restoration Project: A section of creek that runs through Gulley Park, one of Fayetteville's community parks, is experiencing stream channel instability and channel enlargement due to increases in the impervious surfaces in the watershed similar to Red Oak Park. The creek is a tributary to Mud Creek which is a tributary to the Illinois River. Sweetbriar Park is the second restoration project with City of Fayetteville and Watershed Conservation Resource Center. Sweetbriar project completed spring 2012. Mullins Creek, on the UA campus, was part of restoration projects and slowed water degradation.

The Beaver Watershed Alliance formed in 2011 to proactively protect, enhance, and sustain Beaver Lake and the integrity of its watershed through outreach and education, voluntary best management practice implementation, and scientific investigation. The Alliance works with Fayetteville in Bloom on projects to enhance biodiversity, natural heritage, and water quality such as riparian enhancements, rain gardens, and development of education materials.

ECO Modern Flats is Arkansas' first multifamily community registered for [Platinum](#) LEED green building certification. The project is a complete renovation of a 96-unit 1960's apartment complex. When complete in late 2011, the property will feature a rain garden, vegetated screens, community garden, rainwater harvesting, a green roof on the office, and landscaping with native plants. www.ecomodernflats.com.

U.S. Green Building Council's 2012 LEED for Homes Award for Outstanding Multifamily Project for Eco-Modern Flats.

The same developers are building a 447 unit complex off campus near UA. Sustainability is a key part of the development.

Recognized by Arkansas Sierra Club for Best Practices for Eco-Modern Flats.

Silicon Solar Solutions: The goal is to make solar competitive. 2013 won the Grand Prize of \$20,000 at the IBK Capital at the University of Ontario. The process could improve efficiency by 15%. In February, the process became patent pending. [The company received another \\$500,000 grant.](#)

The **Northwest Arkansas Community Correction Center** recycles old fabric as cloth napkins, aluminum, and paper, all metals, plastics and cardboard.

Adventure Subaru built a new LEED building, many times artificial light is not required, the facility has zero flush urinals and is developing a Community Garden.

Eureka Pizza installed 40 solar panels. The panels are connected to the Internet to observe in real time the energy created.

PRIVATE PROPERTIES/CITIZENS

Dan and Deborah Coody, Dan is former Mayor of Fayetteville, are developing efficient homes and are working on a second development. Their home produces more energy than it consumes. The excess energy goes to SWEPCO.

Earth Day at World Peace Wetland Prairie: Fayetteville's Town Branch Natural Area for Peace, Justice and Ecology held the 8th Earth Day Celebration since the World Peace Wetland Prairie, a city-owned nature park and natural rain garden in south Fayetteville, has attracted biologists and nature enthusiasts.

Fayetteville Natural Heritage Association continues its efforts with restoration of the World Peace Wetland and Lake Fayetteville. They also help sponsor cleanups at Scull Creek Trail and other volunteers clear unwanted woody plants at Wilson Springs wetland. A recent cleanup recently held at Lake Fayetteville prairie restoration and Woolsey Wetland.

Fayetteville Natural Heritage Association's **Green Infrastructure** is now planning.

Fayetteville Public Schools Green Team District Wide Initiatives: Fayetteville Public Schools has shown a commitment to green building practices with its new construction. Happy Hollow Elementary is LEED Certified in Fall 2010. Fayetteville High School is under construction and are applying for LEED certification. To ensure energy efficiency, school utilities are closely monitored using a web based management system. Rocky Mountain High School has a solar HVAC array installed during spring 2011 to experiment with alternative energy.

FPS has started an Indoor Environmental Quality (IEQ) program to encourage healthy environments for all students, teachers, and staff. Custodial staff transitioned to using green cleaning products and uses mop heads made from recycled plastic. As the pilot program progresses, teachers learned about "10 steps to a healthy classroom" and have since implemented dusting days to reduce potential allergens. The IEQ program will be rolled out district wide.

The district has nine National Wildlife Federation Habitat Certified schools, five schools with vegetable gardens, and multiple butterfly gardens. All schools also have student Green Teams. Elementary schools have transitioned to using real silverware to reduce waste.

The City of Fayetteville Solid Waste partnered with the district Green Team. The city will pick up 5 recycled plastic recycle bins per week. During colder months, the city will take the recycled materials to the drop off site on Happy Hollow. We continue to reduce plastic bottles.

Apple Seeds, Inc. is a community-based nonprofit organization serving the community. Its major goals are to help educate elementary school students about nutrition and a sustainable food system. The Apples in the Classroom program combines learning about food and agriculture to help elementary school students make nutritious food choices and form lifelong healthy eating habits. Apple Seeds is a 501(c)(3) nonprofit organization.

HERITAGE—PRESERVING YOUR PAST FOR FUTURE GENERATIONS

As you travel the interstate highways through our nation and then enter the rural landscape of Fayetteville, you might think that all of America looks the same. It is only when you venture into the heart of the city that the citizens have preserved from their past that you can begin to understand the unique character of Fayetteville.

The three defining times in Fayetteville history were the events of the Civil War, the establishment of the first land grant college in our state to Fayetteville where anyone attending could travel by stagecoach or by horse through the remote wilderness to the northwest, and the events of the early 20th century with the main station in Fayetteville.

When the Arkansas Industrial College was approved in 1871, it opened the door to a new era in the evolution of culture, diversity, spirit and energy unique to anyplace else in the world. This evolution is celebrated in Fayetteville through the preservation of important sites, places and events, and the history as well as customs and reenactments of historic events.

The greatest achievement currently ongoing is the **Major Renovation/Restoration** of the Arkansas campus. This unprecedented effort is expected to spend \$170,000,000 to convert the historic (and soon to be historic) buildings on campus into the 21st century using historic preservation techniques not only a guide but using the process to develop a valuable teaching tool for the future. The project is located at City Hall on the 3rd floor making it accessible to citizens.

Where to Retire magazine credited Fayetteville's Civil War History in naming it one of the best places to retire for History Lovers."

The National Park Service is studying The Butterfield Overland Mail Route as a potential addition to the National Historic Trail.

The Advertising and Promotion Commission developed a QR code system to provide more information about the city's history.

The city has one minute videos where citizens can view them.

MUNICIPAL SECTOR

Preserve America Community: Fayetteville has been designated as a Preserve America Community. This designation recognizes communities that protect and celebrate their heritage, that use historic resources for economic development and community revitalization, and that encourage people to explore and enjoy the historic resources through education and heritage tourism programs.

Governor's Conservation Achievement Award: In recognition of our Wooten tract that is a microcosm of what was originally some 100,000 acres of natural landscape, the City of Fayetteville received the Governor's Conservation Achievement Award from the Arkansas Federation's Corporation Conservationist of the year. This was the first time the City of Fayetteville has been honored.

Heritage Trail Partners (Butterfield Trail, Trail of Tears, Civil War Trails) are working on a Fayetteville Heritage Trail initiative, which passed March 24, 2009. The program, administered by the Fayetteville Heritage Trail, will include the following: Civil War Trails, Butterfield Trail, and Trail of Tears.

Department of the Interior National Parks Service in Santa Fe is responsible for the National Register of Historic Places nomination on Volume 2 of the Butterfield Overland Mail route, which includes the drive to the Mexican border. The nomination for the route to Mexico is in progress. Heritage Trail Partners continues a study group on the route to the Arkansas River, sanctioned by the national Trail of Tears Association.

The University of Arkansas applied for the historic district's designation as part of its campus historic preservation master plan. The Campus Historic District is the historic core of the university. "The district is a cohesive collection of historic buildings on campus," the National Register nomination states. The oldest building constructed in 1875 in the second empire style, through the extensive collection of buildings built during the 1920s and 1930s, to the international style Fines Arts Center. The historic buildings in the district represent a wide range of architectural styles and building materials used in buildings over the last 137 years.

The Clinton House Museum, located on Clinton Blvd, is a charming English-style cottage built in 1840 and moved to the UA. This quaint cottage caught the eye of Hillary Rodham as she was visiting Fayetteville airport. The remark by Hillary caused Bill to purchase this little house. Upon her return, he asked Hillary to be his wife "because I can't live without you." They were married in the living room of the home on October 11, 1975. The house is listed on the National Register of Historic Places.

The Fayetteville Historic District Commission developed Preservation Ordinance 100, which created the Mayor's Award for Outstanding Service in Historic Preservation, and Preservation Ordinance 101, which created the Fayetteville Historic District.

Square Gardens: Nestled in the heart of downtown Fayetteville, the Square Gardens is a beautiful area with home appeal, considered the "living room" of our city. At the center of the city is the site of Fayetteville's Old Post Office, now home to a retail Country Outfitters store.

Wilson Park Castle: One cannot return to Fayetteville without visiting Wilson Park castle. The castle at Wilson Park is a place that fosters and supports the growth of the children in our community in a natural, organic way. Frank Williams



The Headquarters House houses the Washington County Historical Society. The house built in 1853 by the Tebbetts family. The house received its name after the Civil War because both the Confederate and Union forces depending upon who had control of the house. Interpretive programs have been created to support the Headquarters House and the Society maintains a wealth of written information for visitors and history buff. Exhibitions; events demonstrating the era in which the Tebbetts lived and other historical events. Headquarters House is also a local favorite field trip for school children, and children are introduced into the historical society's living history programs. On August 12, 1982 It was listed in the National Historic Places.

Archibald Yell returned to Arkansas to make Fayetteville his home in 1835. He built a two room Greek revival house, "Waxhaw's" which also contained his law office and a Masonic Lodge 82 known as the westernmost lodge in the nation. Waxhaw's was the law office, being completely restored by The Washington County Historical Society.

In 1836, Archibald Yell was elected as Arkansas' first congressman and elected to Congress from 1840–1844. A consummate, magnetic politician, Yell returned to Congress after the Mexican War which also claimed his life. He was finally buried in Evergreen Cemetery.

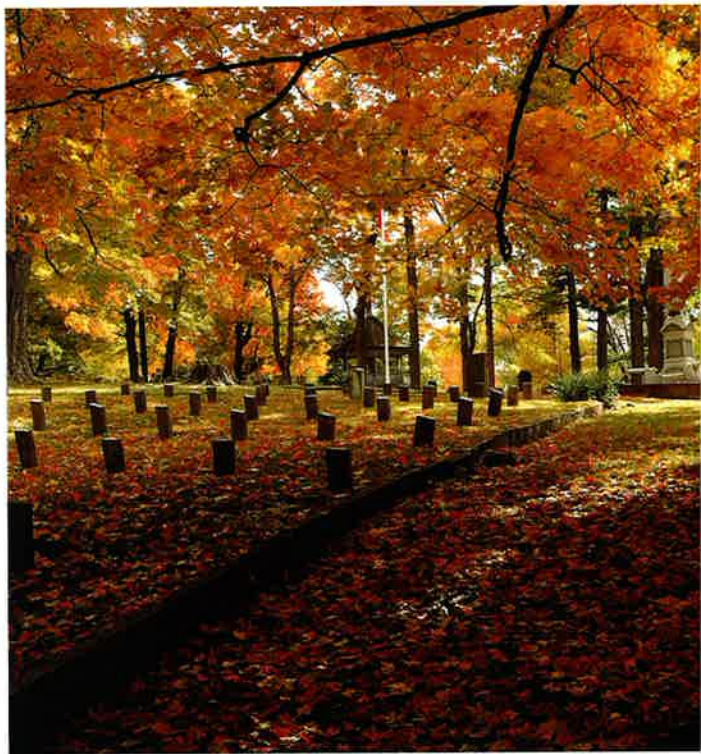
Ella Carnall Hall was built in 1906 as the first women's dormitory on the University of Arkansas campus housing women for nearly 60 years. In later years, it was used for academics before closing in 1991. In the spring of 2002, a \$7.1 million project to convert the second oldest building on the UA campus into the Inn at Carnall Hall had begun. A magnificent restoration was completed in August 2003 containing 49 rooms with an upscale restaurant known as Ella's after Ella Carnall. Ella Carnall Hall was listed in the National Register of Historic Places in 1982.

University of Arkansas Senior Walk: Stretching over five miles, the UA Senior Walk is the longest tradition at the University. It is nationally recognized as a unique path of sidewalks that bear the engraved names of all its more than 100,000 graduates. The walk begins in front of Old Main with the class of 1876.

Old Main, the oldest building on the UA campus and was built during the Civil War. It has been renovated including the installation of



Confederate
Cemetery



Fayetteville National Cemetery celebrated Memorial Day with 7,000 flags on the graves, and special guest speaker retired U.S. Air Force Lt. Col. Steve G. Moore on the more land. The cemetery was one of 14 established by President Abraham Lincoln.

Confederate Cemetery (500 E. Rock Street): In 1872 a group of Fayetteville men formed the Confederate Memorial Association and purchased the three acre tract, known today as the Confederate Cemetery. It was dedicated on June 10, 1873 and a Southern Memorial Association Day held there. Approximately 500 soldiers were buried at that time and now about 600 are buried there. The Cemetery celebrated the 133rd annual Southern Memorial Day with a parade and a Confederate gun salute. It is listed in the National Register of Historic Places. [2000 bulbs in 2013.](#)

Evergreen Cemetery (University Avenue & Williams Street): In the 18th century, the area now occupied by Evergreen Cemetery was a farm. It was used as a place of burial for a family until 1870 when the property was bought by Washington Lodge #14 and Lodge #15 of the Independent Order of Odd Fellows.

Baldwin Cemetery, an abandoned black cemetery, was recently found in the area where a new housing area was to be developed. The Northwest Arkansas African American Historical Society is working to preserve the site.



Washington-Willow
Historic District

Historic Residential Districts

WASHINGTON—WILLOW HISTORIC DISTRICT: In 1979, the National Register of Historic Places accepted the nomination of the Washington-Willow Historic District, including 105 primary structures over 37 acres.

MT. NORD: This small district is located on Mt. Nord Avenue and represents a residential era from 1901–1925. Located at #5, Mt. Nord is the boyhood home of Senator J. William Fulbright, a noted statesman from Fayetteville. This district was listed in the National Register of Historic Places on September 16, 1982.

MT. SEQUOYAH: Claiming the highest point in Fayetteville, Mt. Sequoyah has an elevation of 1,700 feet above sea level. It was named for the Cherokee leader who created the Cherokee alphabet and translated the New Testament of the Bible for the Indians. A cross on the west side of the mountain marks a premier view of the city.

Monuments

STRENGTHEN THE ARM OF LIBERTY MONUMENT: The statue was originally erected in 1949 on North Street as part of a Boy Scout campaign gift to the Washington Regional Medical Center campus. In March 2009, it was relocated to be incorporated to the new campus of WRMC. It was listed in the National Register of Historic Places on November 1, 2000.

TRAIL OF TEARS MONUMENT: This tribute to the historic event is located in the Memorial/Heritage Garden at the corner of at the corner of Virginia St and Martin Luther King Blvd. The term “Trail of Tears” signifies the various routes used for the forced Indian removal from 1837–1839. At least three of the Cherokee removal parties traveled through Northwest Arkansas on the “State Road” that ran from Springfield, MO to Fort Smith through Fayetteville.

J. WILLIAM FULBRIGHT MONUMENT: On the west side of the downtown Fayetteville square stands the monument honoring Fayetteville’s U.S. Senator, statesman and namesake of the Fulbright College of Arts and Sciences at the University of Arkansas, J. William Fulbright.

The Northwest Arkansas Heritage Trail Plan is a network of bicycle and pedestrian facilities that connects Northwest Arkansas citizens and visitors to our rich heritage, our recreational and cultural assets, a healthier life-style and to each other. The Trail of Tears, Butterfield Stage Coach Route and the Civil War Troop Movements are the three routes that connect the primary network of the Trail Plan. The trail plan recently received a grant for a 3.6 mile segment as well. Also on the premises are six purple martin houses in various locations.

PRIVATE PROPERTIES/CITIZENS

The Botanical Garden of the Ozarks was the recipient of timber from ancient oak trees that were cut down in Fayetteville for new construction. These marvelous old oak trees provided timber frame beams and siding for the construction of the Carl Totemeier Horticultural Center.

URBAN FORESTRY

MUNICIPAL SECTOR

Tree City U.S.A.: In 2012 the city achieved it's 18th consecutive year as a Tree City U.S.A.

229 trees and 1200 saplings were planted in parks and street corridors during 2012 and through early April 2013.

Escrow Project Trees: 162 trees were planted during December 2012 through the City's Tree Escrow Account, as provided by Chapter 167: Tree Preservation & Protection. The 2" caliper trees are maintained for three (3) years through the Parks & Recreation Department. The trees were planted in City maintained street rights-of-ways,

Street Trees: 61 trees were planted on Downtown Fayetteville streets by the Urban Forestry Services crew during 2012 and through April 2013. 600 saplings were planted during March 2013 in the Highway 265 right-of-way.

Urban & Community Forestry Grant: The City also applied for and received a \$7,500 Urban and Community Forestry Grant in 2012 to retrofit a parking lot with bioswales and trees. Project will be constructed by July 31 2013.

Urban Tree Canopy Assessment: The City of Fayetteville conducted an Urban Tree Canopy Assessment in Autumn 2012. The study found the City has tree canopy coverage of approximately 36%. The following statistics were also found:

- 1) *Stormwater value:* Fayetteville's tree canopy is valued at an estimated \$64 million based on avoided stormwater facility construction costs.
- 2) *Air pollution benefits:* Fayetteville's urban forest removes nearly 1.3 million pounds of air pollutants from the air annually, which is valued at \$3.5 million per year.

Tree Pruning Workshop for City Employees: The Urban Forestry Program connected with the Arkansas Forestry Commission to hold a tree pruning workshop in 2012. More than 70 employees from the Transportation Division, Water & Sewer Operations, and the Parks & Recreation Department attended the aerial and root pruning workshop led by AFC's John Slater.

Press and Communication: The Urban Forester discussed urban forestry, tree benefits, and tree preservation with high school students through the 1st annual Fayetteville High School Outdoor Recreation Classroom.

The Urban Forestry Program also shared educational press and articles on the following topics:

- 2013 Invasive Species Awareness Week (NISAW)
- Tree Care During Drought Conditions
- A variety of local native and invasive plants

Keep America Beautiful Grant: Urban Forestry Staff applied for a community tree planting grant through the Keep America Beautiful / UPS Foundation in March 2013. If Fayetteville's application is selected, the grant would provide support to establish a small community orchard at an accessible park property in Fayetteville.

Urban Forestry Advisory Board: A citizen led urban forestry outreach and advisory committee, the Board meets monthly with the Urban Forester to discuss issues related to Fayetteville's urban forest. Recently, the Board has been involved in the following projects:

- 1) UFAB Sustainable Landscape Competition
- 2) Dealing with Drought: Sustainable Landscapes for Changing Times – a lecture with Landscape Designer Stuart Fulbright and Washington County Cooperative Extension's Berni Kurz
- 3) Fayetteville Public Schools – Green Teams Program, tree planting demonstration with elementary school students

300 trees were planted in 12 neighborhoods by park staff and All Around Landscaping.

The Urban Forestry Advisory Board presented the **first Landscape awards** recognizing efforts in native plants and sustainability. Residential winner was Cindi Cope. The Commercial winner was Eco-Modern Flats.

City of Fayetteville Adopts Low Impact Development Ordinance: In April 2010, the City of Fayetteville adopted Chapter 179 of the Unified Development Code which provides design standards and approval guidelines to encourage of low impact development in the city.

Chapter 167 Tree Preservation and Protection: Depending on the project zoning a percentage of tree canopy must be preserved on-site during the construction process. When none or only partial tree preservation can be achieved on-site the developer must mitigate the lost of trees by planting a specified number of 2" caliper replacement trees.

Chapter 177 Landscape Regulation: In September of 2006 the Landscape Regulation code was consolidated and approved by City Council. This code requires landscaping for commercial sites and street trees to be planted on any commercial or residential project that develops on/or creates a new public or private street. The street and mitigation trees are required to be maintained for 3 years. The developer places a maintenance surety with the City to guarantee 90% survival of planted trees. Dry stormwater facilities also have requirements for trees, shrubs, grasses and ground covers to aid in bank stabilization.

Landscape Manual: Standards—Specifications For Tree Preservation, Protection, And Landscaping Associated with Chapter 167 and 177 of the Unified Development Code, the City of Fayetteville has a Landscape Manual readily available online. Several lists are included in the appendix recommending trees and shrubs to meet the requirements set forth by our ordinances. This manual is updated every 3 years to reflect any changes that might have occurred in arboricultural or landscape practices.

www.AccessFayetteville.org | The City of Fayetteville, Arkansas | Urban Forestry

www.AccessFayetteville.org | The City of Fayetteville, Arkansas | Urban Forestry | Tree Preservation—Chapter 167

City of Fayetteville Responds to Natural Disaster: Ice Storm 2009. The city collected 520,000 cubic yards of debris, 3,200 hazardous trees removed, and 20,500 trees trimmed to removed damaged and hanging limbs. The cost estimate for the city of Fayetteville is around \$6.5 million. Surrounding cities disposed of their debris by burning or other quick disposal methods. Fayetteville insisted on the debris being disposed of in an environmentally preferable manner. As a result, the debris was chipped and turned into mulch. Free mulch was offered to area residents, businesses and the parks department.

The University of Arkansas suffered \$700,000 of damage from the January Ice Storm. The vast majority of trees on campus were damaged. The ice storm closed the campus for four consecutive days for the first time in the history of the university. .

Commercial Tree Pruners Certification: According to Chapter 167 Section 07 of the Unified Development Code, Commercial Tree Pruners and Tree Services performing commercial tree work must become certified to work in the city.

Hazard Tree Removal and Routine Pruning: One major safety area is hazard tree assessment and removal. The Transportation Department right-of-way crew is charged with maintaining safe trees. For trees that are difficult to determine if a hazard exists the Urban Forester is called to make a determination.

COMMERCIAL SECTOR

Fayetteville Natural Heritage Association: Because of a passion for preserving a heavily wooded hillside in Fayetteville, a small group of Fayetteville citizens gave birth to a new organization in early 2003 that has completed several impressive projects in its short history. The members of the Fayetteville Natural Heritage Association have contributed over \$500,000 to the City of Fayetteville toward the conservation of more than 130 acres of natural areas. FNHA was honored by the Arbor Day Foundation with a 2009 Project Award and is positioned for continued success. Received \$25,000 grant to develop a Green Infrastructure plan for Fayetteville and other communities. In 2011 received Green Infrastructure Implementation Award at the National Green Infrastructure Conference. FNHA won the 2006 ENVY Award (innovation category) from the Arkansas Department of Environmental Quality and was invited to make a presentation on the project at the November 2007 National Partners in Community Forestry Conference in Baltimore, Maryland.

www.fayettevillenatural.org

PRIVATE PROPERTIES/CITIZENS

Dr Pete and Mrs Margo Heinzelman launched the natural lands foundation to acquire more native lands in Fayetteville.

Dr. C. R. Magness, a local physician, is participating in a conservation effort with a goal of improving the Illinois River watershed. Dr. Magness had 6,000 loblolly pine trees planted on his twenty acre farm. These pine saplings have grown to be almost six feet tall at this time. The land had previously used for hay and throughout the years four-wheelers and others have been tearing up the property.

LANDSCAPED AREAS— DESIGNED TREE, SHRUB, PERENNIAL AND TURF PLANTINGS

City of Fayetteville Landscape Codes

http://www.accessfayetteville.org/government/city_clerk/documents/code_book/CHAPTER%20177.pdf

Parks and Recreation Gardens: We have three horticulturists and one laborer (who is also a Master Gardener) on staff. Three of us work in the field, one of our horticulturists works 30 hours per week as the greenhouse manager. Three work in the field.

A bit about the Garden's budget:

- \$19,000 for tools, plants/seed, mulch, greenhouse supplies and chemicals.
- Employee budget is taken from HMR taxes and the general budget.
- Capital projects are funded primarily through Park Development fund, Park Land Dedication fund and Sales Tax capital.

Guiding principles:

- Build the best soil we can, using local products and organic fertilizers.
- Right plant, right place. We work on this constantly; sometimes it is a matter of many failures, but plenty of wisdom gathered.
- We keep in mind this is not England. It is NW Arkansas and a transitional zone. We are not happy at all during our wet springs. The best we can hope for is drought to balance unpredictable springs and winters.
- No insecticide use in the gardens, we use biological controls in the greenhouse.
- Minimal herbicide use in the gardens, none within 100 ft of water, picnic areas.
- Use mulch. Mulch availability always keeps us on our toes. This year what we had to locate was extremely poor quality. We are trying cedar mulch now. Additionally, it has been mowed and reapplied to the beds in early winter. We also use cypress mulch in Park. In some locations we use the city's mulch.
- Develop plantings that can withstand the unique rigors of park life. We utilize whatever plants, animals, every chance we get.
- Utilize plants and garden components that work for attention-grabbing plant groupings and garden settings.
- Incorporate art and whimsy whenever possible.
- Introduce extraordinary plants, share cuttings and divisions. Use some plants that people know and love, especially if they are functional.
- Train and work with volunteers to promote community awareness and involvement.
- Mass groundcovers to reduce the need for continuous replanting, weeding and mulching.
- Make ourselves available to the community for educational purposes through presentations, tours, volunteers, serving on boards and committees, and one-on-one contact in the parks. Get some permanent plant labels posted.



- Wilson #1: north side of the softball parking lot, 14 yrs old. The primary intention is a strolling and sitting garden. There are paths through and a walk trail next to this space. It also provides a nice softening for that big parking lot.
- Castle area: This area is comprised of 7 smaller gardens; most of these gardens have been around for 12—14 years with major construction 10 years ago. This is a tough area for the gardeners. We literally receive hundreds of children here.
- Wilson Woodland: The original concept was Ozark Bioregion natives.

Gulley Park also has many amenities, including playgrounds, tot lots and walking trails. Gardens here include one at the gazebo, which gives it a sense of permanence and place. We have a new bioswale parking lot; our crew recently began maintenance on this. In the future we will add masses of shrubs in the mulched areas near the entry to this parking lot. We have a rain garden and the old parking lot has some plantings with trees for shade, shrubs to guide foot traffic, and flowers to enjoy.

Walker Park in south Fayetteville has an entry feature garden, two small planters near the softball parking lot, and a rain garden. The entry feature garden has had some irrigation and soil problem in the past two years. We have corrected both of them. Future plans are to mass mounding and arching shrubs and grasses.

Entry Features: Fayetteville has three entry features. Two are city entry; one is for the public works facility. These were adopted by our crew four years ago.

Razorback Rd. has no irrigation, with the only water source about 300 feet down the road. When water becomes available (limited by highways, distance etc) this space will be vastly improved. We are establishing drought tolerant shrubs and perennials that have some impact at 45 mph. Daffodils brighten this space.

Willoughby Rd. also has solar power which runs both the lighting and irrigation system. Last year this garden was expanded. The existing heavy clay was replaced with an improved soil blend. Native shrubs, trees and wildflowers accompany daffodils, carex, lambs ears, monarda, rudbeckia and sylphium.

Public Works Sign. Limited by lack of irrigation and other resources, we feel this is a nice little space that offers some color with gaillardia and rudbeckia in summer, dogwoods and daffodils in spring.

Bryce Davis Park in West Fayetteville is a neighborhood park with basketball courts, playgrounds and gazebo and gardens. The large gardens are privacy screens between the park and the neighbors. A small entry garden that leads to the gazebo serves to welcome visitors to the park.

The Parks and Recreation office has a raised bed in front of it, this serves as a landmark among the public works facility buildings. Bright seasonal color is the theme here. Tulips and violas in winter and spring are cheery and welcome. Cannas, Kong sunflowers and other annuals add a touch of drama and lots of color for the summer.

“The Gardens” were recently constructed at the University of Arkansas. They feature one pavilion, five gazebos and individual grass areas that tailgaters can reserve for their pre-game activities. The pavilion holds approximately 120 people and includes private bathrooms. Each gazebo holds up to 50 people. Extensive landscaping has been constructed making “The Gardens” a wonderful place to relax.

CH2MHILL OMI: Contractually operates and maintains the Paul R. Noland wastewater treatment plant for the City of Fayetteville also manages the land surrounding the plant. In 2009, we applied herbicide for the control of fescue on 5.28 acres north of the plant and then seeded a 74-species mixture of native grasses and wildflower forbs. The site will offer habitat for additional species beyond quail. Besides being beautiful and attracting a wide variety of butterflies, many native forbs create seeds that are palatable and attractive to songbirds. Quail call counts are used to monitor the success and health of the early succession habitat component of the unit.

The second outer zone contains trees and shrubs that provide food and cover and butterflies. An eventual third zone will include briars. Amphibian monitors are used to monitor the health of the riparian zone.

The Washington County Master Gardeners are a highly active volunteer organization with a strong public interest in plants and gardening, encouraging the beautification of the community, conservation of natural life and natural resources and encouraging the training of new gardeners. 173 members contributed 15,060 hours of community service and completed 173 projects. Master Gardeners were trained in January, 2013 bringing the total membership to 173.

Master Gardeners provide horticulture assistance to the community by making referrals, working with Fayetteville In Bloom in promoting the natural beauty of Fayetteville, and completing projects in Fayetteville include The Botanical Gardens of the Ozarks, Corbin Farm, and the Demonstration Site, Fayetteville.

Junior Master Gardeners "Take a Walk on the Wildside" gardens have been established in Habitats and Monarch Waystations. The Junior Master Gardeners have conducted many projects such as helping to plant trees and restore a riparian area along a local creek, to decorate the outside of the youth building at the Washington County Fair and to display the products by the part of the plant that is eaten: stem, flower, leaf, root, seed, etc. The Junior Master Gardener organization is open and free of charge to all youth ages 10-18 years of age.

COMMERCIAL SECTOR

Fayetteville in Bloom awarded one of the first Pride in Bloom Awards to Linco Building located at 1200 East Joyce Boulevard in Fayetteville. Lindsey & Associates won the award in 2007. The grounds of the building are accentuated by two large ponds and a fountain into two large ponds.

Other **Pride In Bloom Awards** have been given to area schools who are Certified In Bloom.

FLORAL DISPLAYS—ATTRACTING ATTENTION WITH COLOR

MUNICIPAL SECTOR

City of Daffodils: The late Carl Totemeier had the dream of making Fayetteville a City of Daffodils. Brent Heath, a mentee of Carl Totemeier, became friends with Cindi Corbin. Brent's wife Becky, they helped to continue Carl's dream. At the end of the season, they would dig up extra bulbs, and to date, they have donated over 200,000 bulbs (primarily daffodils). These bulbs have been planted all over Fayetteville in areas including city gardens, the Ozarks, Headquarters House, and Clinton House Museum.

January 2013 Brent and Becky donated 35 crates of bulbs. Many were planted in the

and tulips), and the Clinton House Museum (more than 3000 daffodils and other bulbs). Other bulbs were placed in multiple city locations, the Walton Arts Center, and churches and schools.

Fayetteville in Bloom also purchased several thousand spring bulbs including red tulips. The ladies will also help plant thousands of crocosmia “Lucifer,” lilies and red cosmos at various locations in their effort to “Plant the Town RED.”

Through the Garden Gate: The 15th Annual Tour of Northwest Arkansas Gardens Presented by Flower Garden and Nature Society of NWA (FGNS) benefited both FGNS and the Botanical Gardens of the Ozarks (BGO) in Fayetteville.

OMNI 9th Garden Tour was held in May.

Fayetteville Seed Swap: For the second year, Fayetteville joined with four other cities in Arkansas to allow gardeners an organized opportunity to trade seeds. The seed swaps encourage production of diverse varieties of food crops, herbs and ornamentals from heirloom seeds that have been passed from one generation to another over the last 50 years. Additionally, attendees were educated on seed saving, seed distribution and a seed savers exchange.

COMMERCIAL SECTOR

Botanical Garden of the Ozarks: The Ball Horticultural Company of West Chicago, Illinois has recognized the horticultural plantsmanship of the garden staff and has generously donated a \$30,000 grant to build a 60- foot production greenhouse. This greenhouse allows our horticulture staff to grow and over winter plant material on site. The grant also funded a container planting program. As part of this donation, BGO staff will be trialing some of the plants and reporting back to Ball which plants do the best in our area. In 2011, Ball donated 250 hanging baskets, 250 containers, and 4000 plants.

Two caladium breeders in Florida donated 800 [caladium bulbs](#) to BGO, some to be used as decorations for the 2012 AIB Symposium to be held in Fayetteville September 2012. An additional 800 bulbs were donated to Fayetteville in Bloom.



Botanical Garden
of the Ozarks

In 2013 **Classic Caladiums** donated an additional 500 bulbs to the Botanical C tulips.

Private Citizens: Over 200 private citizens had their yards certified as a National private citizens in Fayetteville and Northwest Arkansas love plants and flower demonstrate this love well:

Melissa Terry writes that they landscaped their front and backyard with heirlo including Echinacea, lilies, spicebush, roses, hops, hostas, sedum, Solomon's sea planted include redbud, apple, peach, cedar, and maple. Their yard is 100% O herbicides by mulching, using compost and grass recycling. The Terry's conser and reducing erosion/run-off by building native stone retaining walls in the fr also a registered natural wildlife habitat by the National Wildlife Federation. w

Cindi Cope is a plant collector. Her collection provides color all year with m named varieties of daylilies, hellebores, Echinacea, iris, and roses. Cindi ha and herbicides. The Cope landscape is a certified Monarch Waystation by pr and nectar sources and a Certified Wildlife Habitat by www.nwf.org with a ra plants to feed wildlife. Monarch Waystation is a program developed by Monar awarded [Residential Landscape Award](#) by UFAC.

OVERALL IMPRESSION

Fayetteville has the goal of becoming a Keep Arkansas Beautiful Affiliate this summer. Focus areas include Litter Reduction, Beautification and Waste Reduction/Recycling. This goal was reached In early 2013. Cleanups have occurred along Scull Creek with another one scheduled at Lake Fayetteville. This has and will be a great benefit to Fayetteville in Bloom.

Keep Arkansas Beautiful—2009, 2010 and 2012 Shine Award presentation to Fayetteville. This achievement earned Fayetteville the Super Shine Award.

MUNICIPAL SECTOR

Fayetteville is located in Washington County. Washington County sponsors several drop off locations in Fayetteville like the WC Courthouse and Sheriff's Office. WC participates in a **Drug Take back day**.



Fayetteville Advertising and Promotion Committee has replaced banners downtown and on Dickson Street with Hog and seasonal displays.

The City of Fayetteville has recently adopted a slogan that was created with the contribution of volunteers, to build support for local business, but in reality it defines our community—"Find it in Fayetteville." Regardless of the need or interest, practically everyone can find what they are looking for in Fayetteville—that includes our volunteer community. Volunteers work to eliminate hunger and homelessness; educate people of all ages and abilities; care for the defenseless, abused, and ill; and ensure the health of our environment and economy for future generations. The economic difficulties of the last few years seems to have made our community even stronger through increased civic involvement and more people stepping up to volunteer their time and skills. Volunteers in Fayetteville perform essential acts that otherwise would not be possible. Those acts vary from teaching children theater (Arts Live Theatre), to keeping seniors active through Zumba! (Fayetteville Senior Activity and Wellness Center) to providing needed medical care (LifeSource International, Washington Regional Cancer Support Home, and Fayetteville Free Clinic). Volunteers help people become employed through organizations like Life Styles, Inc. and Leadership Fayetteville programs. They educate people, young and old, about healthy lifestyles—keeping active and eating healthy through Let's Move Fayetteville, Consolidated School Health, and senior meal and exercise programs. If there is a need that isn't being addressed, volunteers have formed a group to start addressing it, like the Feed Fayetteville group and the Trail Trekkers. Whatever the stage of life you are in, whatever your need or situation—volunteers in Fayetteville are there. You will find it in Fayetteville.

Fayetteville has been named a **Volunteer Community of the Year** for the State of Arkansas for the last five years. Each year over 25,000 volunteers donate more than 500,000 hours to our community—with this year's numbers increasing to approximately 30,000 active volunteers contributing more than 600,000 hours. Community Link is innovative because it takes an already established volunteer community and provides a new tool—a new method for connecting the resources to those needing resources—whether it is volunteer labor, organization partners, building awareness, or getting new ideas to address ever-changing community needs. And the best part is, we are offering the use of Community Link to organizations and the public—free—by integrating it into the City's existing Community Outreach program. If you are looking for a community that exemplifies "Volunteer Community," you will find it in Fayetteville.

Trails: Fayetteville offers over 21 miles of trails with the goal of 100 miles of trails. The City of Fayetteville continues work on the 2.3 mile long **Meadow Valley Trail**. This important western trail link will extend west from Scull Creek Trail across the University of Arkansas research farm and under I-540 to connect with bike lanes along Mt. Comfort Rd. A tunnel has been installed under Garland Avenue to provide a safe way for trail users to pass under this busy highway. The trail is anticipated to be complete in the summer of 2012.

The Meadow Valley Trail was completed in the summer of 2012. The in-house crew then moved to **Lake Fayetteville** to finish the remaining 1 mile to complete the 5.5 mile paved trail loop around the lake. The City received an \$80,000 grant to help fund this highly requested section of trail.

The **Razorback Regional Greenway** is a 36 mile, primarily off-road shared use trail that extends from Bella Vista to south Fayetteville. The trail is expected to be completed by fall, 2013 and will tie together all city trails along the I-49 corridor in Washington and Benton counties.

Fayetteville is being pro-active in assisting new residents with information about the city and improving neighborhood/university student relationships through the **Good Neighbor program**. This program provides a city code overview and welcome letter to new residents and University of Arkansas students preparing to move into the neighborhoods.

http://www.accessfayetteville.org/government/neighborhood_resources/Good_Neighbor_Program/index.



The Fayetteville Council of Neighborhoods was established to promote a and vitality of the various neighborhoods in the city of Fayetteville; to provide ciations to share information, experiences, concerns, and ideas; and to help fa neighborhoods through their associations and government agencies.

Through the Solid Waste Department, approximately 50 groups participate in th This includes cleanups around the city including trails and parks. The park d “Adopt a Park” or “Adopt a Trail.”

The Fayetteville Farmer’s Market is the place to be on Saturday mornings.

Farm to School program several schools in the Fayetteville District free range, organic chicken, pumpkin soup, sautéed squash and salad. Fayetteville has participated since 2005. The school district received a \$99,000 grant November 2012. The goal is 30%-40% of the produce to be grown locally, all milk to be local and much of the chicken. Children from Washington Elementary walk to the Farmer's Market to select donated produce. Vendors also donate for the summer lunch program at Owl Creek school.

Adam Simmons, district's child nutrition director is also working with groups like Feed Fayetteville, Apple Seeds and FIB to bring herbs to schools and will teach the staff how to use fresh herbs rather than prepared spaghetti or pizza sauce.

FoodCorps workers teach children and families how to grow food and prepare it.

Holt Middle School hosted a **Charity Fair** at the school. Children researched and will write an essay.

Washington County, where Fayetteville is located, is the hungriest county in Arkansas. In 2011, Hershey and Denise Garner formed "**Feed Fayetteville**" to address the problem to all ages. This spring a community garden was planted at the Senior Center for citizens and to provide health food at the Senior Center. Other locations are also being planted and money is raised to provide healthy food over holiday breaks.

The "**Find it in Fayetteville**" campaign to promote spending money locally. The program, which was first envisioned during Fayetteville Forward by the Economic Incentives and Job Growth Action Group, was tooled by city staff members and then re-tooled by the Advertising and Promotion Commission.

Dig In! Food and Farming Festival celebrates local food, farms and gardens with films, classes, an information fair, seed swap and tastings. Every day when we make food choices, we get to vote for how we want our environment and local communities. This festival brings people together to learn about supporting the local economy and sustainable food systems. The second Dig In! was held March 2013.

BUSINESS

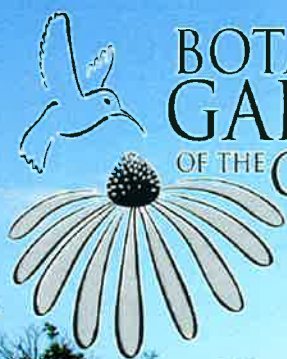
Piggies Go to Market was held in Fayetteville March 14 to raise funds for the Ozark Literacy Council. Several businesses for PIGShibition purchased painted pigs to display and raise awareness in the fall of 2012. Eleven pigs were auctioned off and raised \$40,000.

RESIDENTIAL

Citizens support various charities, help with cleanups and volunteer many hours to the benefit of Fayetteville.

Tri-Cycle Farms is non-profit farm close the university and the central area of downtown. Volunteers plant vegetables, herbs and flowers. Produce is donated to provide food for a church to feed the hungry on Sunday. The farm teaches people about food, how to grow, prepare etc. Future goals include an orchard.

Community Gardens are coordinated through the City, Feed Fayetteville but worked by the residents.



BOTANICAL GARDEN OF THE OZARKS

4703 N. Crossover Rd., Fayetteville, AR • 479-750 2620 • Open 7 days a week 9



Headquarters House

