

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 John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
April 7, 2015**

A meeting of the Fayetteville City Council was held on April 7, 2015 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items

1. Quarterly Financial Report - 4th Quarter 2014, Paul Becker, Chief Financial Officer
2. Advertising and Promotion Commission Appointment – The Commission recommends the re-appointment of Matt Behrend term ending 03/31/15

APPROVED

Agenda Additions

A. Consent

1. Approval of the March 17, 2015 City Council meeting minutes.

APPROVED

2. **Hazmat Services Revenue:** A resolution to approve a budget adjustment recognizing hazmat services revenue received by the Fire Department from Washington County in the amount of \$1,930.00 and increasing the related expense budget.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 68-15

3. **2015 Arrow XT Fire Engine from Pierce Manufacturing, Inc.:** A resolution to approve the purchase of a 2015 Arrow XT Fire Engine from Pierce Manufacturing, Inc. of Appleton, Wisconsin in the amount of \$517,485.00 plus a contingency of \$25,875.00 pursuant to the Houston-Galveston Area Council contract, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 69-15

4. **2015 Caterpillar 308ECR Excavator from J.A. Riggs:** A resolution to authorize the purchase of a 2015 Caterpillar 308ECR Excavator from J.A. Riggs of Springdale in the amount of \$100,208.25 plus applicable taxes, pursuant to a National Joint Powers Alliance cooperative purchasing agreement, for use by the Transportation Services Department, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 70-15

5. **John Deere Loader from Stribling Equipment:** A resolution to authorize the purchase of a John Deere loader from Stribling Equipment of Springdale, Arkansas in the amount of \$139,750.00 plus applicable taxes pursuant to the National Joint Powers Alliance cooperative purchasing agreement for use by the Transportation Services Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 71-15

6. **2015 Boring Machine Series II Navigator from Vermeer Midsouth, Inc.:** A resolution to authorize the purchase of a trailer mounted 2015 Boring Machine Series II Navigator from Vermeer Midsouth, Inc. of Springdale, Arkansas in the amount of \$213,522.66 plus any applicable taxes pursuant to the National Joint Powers Alliance cooperative purchasing agreement for use by the Water and Sewer Operations Division, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 72-15

7. **Six (6) Police Package Chevrolet Tahoes from Superior Chevrolet:** A resolution to authorize the purchase of six (6) Police Package Chevrolet Tahoes from Superior Chevrolet of Siloam Springs in the total amount of \$169,662.00, pursuant to a state procurement contract, for use by the Police Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 33-15

8. **2015 Dodge Ram 2500 Pickup Truck from Landers Dodge:** A resolution to approve the purchase of a 2015 Dodge Ram 2500 pickup truck from Landers Dodge of Benton, Arkansas in the amount of \$24,752.00 pursuant to a state procurement contract for use by the Police Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 74-15

9. **Maxsurge Healthcare Solutions, Inc – Airport Hangar:** A resolution to approve a three year lease agreement with Maxsurge Healthcare Solutions, Inc. for the airport hangar at 4580 South School Avenue for a rent of \$2,893.00 per month to begin retroactively on March 1, 2015.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 75-15

10. **4th Judicial District Drug Task Force Grant:** A resolution to authorize acceptance of a \$21,857.70 grant from the State Drug Crime Enforcement and Prosecution Fund to be matched by \$5,464.43 from City Funds to be used by the 4th Judicial District Drug Task Force, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 76-15

11. **Gulf State Distributors:** A resolution to approve the purchase of ammunition needed by the Fayetteville Police Department during 2015 from Gulf State Distributors in the amount of \$59,709.49 pursuant to the State of Arkansas ammunition contract.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 77-15

12. **Automated External Defibrillators – Police Department:** A resolution to approve the purchase of Automated External Defibrillators for Police Department vehicles from Lifesavers, Inc. in the amount of \$40,869.80 pursuant to a State of Arkansas procurement contract.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 78-15

13. **Peterbilt Model 348 Roll-Off Truck Purchase:** A resolution to authorize the purchase of a Peterbilt Model 348 Roll-Off Truck from National Auto Fleet Group in the amount of \$143,416.00 pursuant to the National Joint Powers Alliance cooperative purchasing agreement for use by the Recycling and Trash Collection Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 79-15

B. Unfinished Business

1. **Amend §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. *At the December 16, 2014 City Council meeting this ordinance was left on the First Reading and sent to the Ordinance Review Committee. At the January 6, 2015 City Council meeting this ordinance was Tabled to the February 17, 2015 City Council meeting and left on the Second Reading. At the February 17, 2015 City Council meeting this ordinance was tabled to the April 7, 2015 City Council meeting. This ordinance was left on the Second Reading.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5758

2. **Enact Article III Procedure to Exercise Initiative and Referendum Rights of Chapter 36: Elections:** An ordinance to enact Article III Procedure to Exercise Initiative and Referendum Rights of Chapter 36: Elections into the Fayetteville Code to clarify the proper procedure for the citizens' right of the initiative and referendum. *This ordinance was left on the First Reading at the January 20, 2015 City Council meeting. This ordinance was tabled to the March 17, 2015 City Council Meeting at the February 3, 2015 City Council Meeting. This ordinance was left on the second reading at the March 17, 2015 City Council meeting. This ordinance was left on the Second Reading.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5759

C. New Business

1. **Bid #15-23 - Crossland Heavy Contractors, Inc.:** A resolution to award Bid #15-23 and authorize a contract with Crossland Heavy Contractors, Inc. in the amount of \$1,014,576.50 for construction of the Upper Scull Creek Drainage Improvement Project, to approve a project contingency in the amount of \$152,185.00, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 80-15

2. **RZN 15-4953 - 1195 South Curtis Avenue:** An ordinance rezoning that property described in Rezoning Petition RZN 15-4953, for approximately 6.8 acres, located at 1195 South Curtis Avenue from RSF-4, Residential Single Family, 4 units per acre to RMF-24, Residential Multi-Family, 24 units per acre.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5760

3. **Active Transportation Plan and Map:** A resolution to adopt the Fayetteville Active Transportation Plan and Map.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 81-15

4. **Amend §33.329 Eligibility of Citizen Volunteers:** An ordinance to Amend §33.329 **Eligibility of Citizen Volunteers to Serve on City Boards, Commissions and Committees** to remove the restriction on the number of consecutive terms a citizen may serve.

THIS ORDINANCE WAS LEFT ON THE FIRST READING

5. **Enact Article XXVII Construction Board of Adjustment and Appeals:** An ordinance to enact Article XXVII Construction Board of Adjustment and Appeals in Chapter 33 Departments, Boards, Commissions and Authorities of the Fayetteville Code.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5761

6. **Amend §110.01 Billposting:** An ordinance to Amend §110.01 Billposting.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5762

7. **Amend § 72.03 Parking Prohibited in Certain Places:** An ordinance to Amend § 72.03 **Parking Prohibited in Certain Places** of the Fayetteville Code by enacting a new subsection to prohibit parking on a city street in front of and blocking a mailbox.

THIS ORDINANCE WAS LEFT ON THE FIRST READING

Announcements

City Council Agenda Session Presentations

City Council Tour

Adjournment: 7:49 pm

Subject:	ROLL				
	Marsh	✓			
	Kinion	✓			
	Petty	absent			
	Tennant	✓			
	Schoppmeyer	absent			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan	✓			

7-0

Subject:	A&P COMMISSION APPOINTMENT				
Motion To:		Approve			
Motion By:		Kinion			
Seconded:		Gray			
<u>Approved</u>	Marsh	✓			
	Kinion	✓			
	Petty	absent			
	Tennant	✓			
	Schoppmeyer	absent			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

6-0

Subject:	Consent				
Motion To:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Long</i>			
<i>Minutes</i> <i>Approved</i> <i>Passed</i> <i>68-15</i> <i>HW</i> <i>79-15</i>	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>absent</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>absent</i>			
	La Tour	<i>✓</i>			
	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Mayor Jordan				

6-0

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

Subject: AMEND § 71.016 INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOPEDS					
Motion To:		3rd Read	Pass		
Motion By:		Long			
Seconded:		Tennant			
B. 1 Unfinished Business <u>passed</u> 5758	Marsh	✓	✓		
	Kinion	✓	✓		
	Petty	absent	absent		
	Tennant	✓	✓		
	Schoppmeyer	absent	absent		
	La Tour	N	N		
	Long	✓	✓		
	Gray	✓	✓		
	Mayor Jordan	✓			

6-1

5-1

Mayor Jordan voted yes to suspend the rules

Subject: ENACT ARTICLE III PROCEDURE TO EXERCISE INITIATIVE AND REFERENDUM RIGHTS OF CHAPTER 36: ELECTIONS					
Motion To:		Amend to new language	3rd Read	Pass	
Motion By:		La Tour	Gray		
Seconded:		Gray	Marsh		
B. 2 Unfinished Business <u>passed</u> 5759	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	absent	absent	absent	
	Tennant	✓	✓	✓	
	Schoppmeyer	absent	absent	absent	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Mayor Jordan				

6-0

6-0

6-0

Subject:		BID #15-23 - CROSSLAND HEAVY CONTRACTORS, INC.			
Motion To:		<i>Approve</i>			
Motion By:		<i>Tennant</i>			
Seconded:		<i>Marsh</i>			
C. 1 New Business <i>passed</i>	Marsh	✓			
	Kinion	✓			
	Petty	<i>absent</i>			
	Tennant	✓			
	Schoppmeyer	<i>absent</i>			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

6-0

Subject:		RZN 15-4953 - 1195 SOUTH CURTIS AVENUE			
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Gray</i>	<i>Tennant</i>		
Seconded:		<i>Long</i>	<i>Gray</i>		
C. 2 New Business <i>passed</i>	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	<i>absent</i>	<i>absent</i>	<i>absent</i>	
	Tennant	✓	✓	✓	
	Schoppmeyer	<i>absent</i>	<i>absent</i>	<i>absent</i>	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Mayor Jordan				

6-0

6-0

6-0

5760

Subject:	ACTIVE TRANSPORTATION PLAN AND MAP				
Motion To:		<i>Approve</i>			
Motion By:		<i>Gray</i>			
Seconded:		<i>Marsh</i>			
C. 3 New Business <i>Passed</i> <i>8-15</i>	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>Absent</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>absent</i>			
	La Tour	<i>✓</i>			
	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Mayor Jordan				

6-0

Subject:	AMEND §33.329 ELIGIBILITY OF CITIZEN VOLUNTEERS				
Motion To:					
Motion By:					
Seconded:					
C. 4 New Business <i>Left on the first Reading</i>	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Gray				
	Mayor Jordan				

Subject:		ENACT ARTICLE XXVII CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Gray	Gray		
Seconded:		Tennant	Marsh		
C. 5 New Business <u>passed</u> 57601	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	Absent	absent	Absent	
	Tennant	✓	✓	✓	
	Schoppmeyer	Absent	absent	Absent	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Mayor Jordan				

6-0

6-0

6-0

Subject:		AMEND §110.01 BILLPOSTING			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Gray	Long		
Seconded:		Tennant	Gray		
C. 6 New Business <u>passed</u> 57602	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	Absent	absent	absent	
	Tennant	✓	✓	✓	
	Schoppmeyer	Absent	absent	Absent	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Mayor Jordan				

6-0

6-0

6-0

Subject:	AMEND § 72.03 PARKING PROHIBITED IN CERTAIN PLACES				
Motion To:		<i>Amend to U.S. Postal not deliver include those days</i>			
Motion By:		<i>Long</i>			
Seconded:		<i>LA Tour</i>			
C. 7 New Business <i>Left on the first Reading</i>	Marsh	✓			
	Kinion	✓			
	Petty	<i>Absent</i>			
	Tennant	✓			
	Schoppmeyer	<i>absent</i>			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

6-0

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



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: **April 8, 2015**

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of April 7, 2015

1. A resolution to approve a budget adjustment recognizing hazmat services revenue received by the Fire Department from Washington County in the amount of \$1,930.00 and increasing the related expense budget.
2. A resolution to approve the purchase of a 2015 Arrow XT Fire Engine from Pierce Manufacturing, Inc. of Appleton, Wisconsin in the amount of \$517,485.00 plus a contingency of \$25,875.00 pursuant to the Houston-Galveston Area Council Contract, and to approve a budget adjustment.
3. A resolution to authorize the purchase of a 2015 Caterpillar 308ECR Excavator from J.A. Riggs of Springdale in the amount of \$100,208.25 plus applicable taxes, pursuant to a National Joint Powers Alliance Cooperative Purchasing Agreement, for use by the Transportation Services Department, and to approve a budget adjustment.
4. A resolution to authorize the purchase of a John Deere loader from Stribling Equipment of Springdale, Arkansas in the amount of \$139,750.00 plus applicable taxes pursuant to the National Joint Powers Alliance Cooperative Purchasing Agreement for use by the Transportation Services Department.
5. A resolution to authorize the purchase of a trailer mounted 2015 Boring Machine Series II Navigator from Vermeer Midsouth, Inc. of Springdale, Arkansas in the amount of \$213,522.66 plus any applicable taxes pursuant to the National Joint Powers Alliance Cooperative Purchasing Agreement for use by the Water and Sewer Operations Division, and to approve a budget adjustment.

6. A resolution to authorize the purchase of six (6) police package Chevrolet Tahoes from Superior Chevrolet of Siloam Springs in the total amount of \$169,662.00, pursuant to a State Procurement Contract, for use by the Police Department.
7. A resolution to approve the purchase of a 2015 Dodge Ram 2500 pickup truck from Landers Dodge of Benton, Arkansas in the amount of \$24,752.00 pursuant to a State Procurement Contract for use by the Police Department.
8. A resolution to approve a three year lease agreement with Maxsurge Healthcare Solutions, Inc. for the Airport Hangar at 4580 South School Avenue for a rent of \$2,893.00 per month to begin retroactively on March 1, 2015.
9. A resolution to authorize acceptance of a \$21,857.70 grant from the State Drug Crime Enforcement and Prosecution Fund to be matched by \$5,464.43 from City funds to be used by the 4th Judicial District Drug Task Force, and to approve a budget adjustment.
10. A resolution to approve the purchase of ammunition needed by the Fayetteville Police Department during 2015 from Gulf State Distributors in the amount of \$59,709.49 pursuant to the State of Arkansas Ammunition Contract.
11. A resolution to approve the purchase of automated external defibrillators for Police Department vehicles from Lifesavers, Inc. in the amount of \$40,869.80 pursuant to a State of Arkansas Procurement Contract.
12. A resolution to authorize the purchase of a Peterbilt Model 348 roll-off truck from National Auto Fleet Group in the amount of \$143,416.00 pursuant to the National Joint Powers Alliance Cooperative Purchasing Agreement for use by the Recycling and Trash Collection Division.
13. An ordinance to amend the Fayetteville Code by enacting **§ 71.016 Insurance Requirements For Motorized Bicycles, Motor Scooters And Mopeds.**
14. An ordinance to enact Article III **Procedure To Exercise Initiative And Referendum Rights** of Chapter 36: **Elections** into the Fayetteville Code to clarify the proper procedure for the citizens' right of the initiative and referendum.
15. A resolution to award bid #15-23 and authorize a contract with Crossland Heavy Contractors, Inc. in the amount of \$1,014,576.50 for construction of the upper Scull Creek drainage improvement project, to approve a project contingency in the amount of \$152,185.00, and to approve a budget adjustment.
16. A resolution to adopt the Fayetteville Active Transportation Plan and Map.

17. An ordinance to enact Article XXVII Construction Board of Adjustment and Appeals in Chapter 33 Departments, Boards, Commissions and Authorities of the Fayetteville Code.
18. An ordinance to amend §110.01 Billposting.

City of Fayetteville, Arkansas

*113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323*



Meeting Agenda - Final

Tuesday, April 7, 2015

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
John S. La Tour Ward 4
Alan Long Ward 4*

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****2015-0115**

Quarterly Financial Report - 4th Quarter 2014, Paul Becker, Chief Financial Officer

2015-0182

Advertising and Promotion Commission Appointment - The Commission recommends the re-appointment of Matt Behrend term ending 03/31/15

Attachments:

[Matt Behrend AP Appointment](#)

Agenda Additions:**A. Consent:****A. 1 2014-0500**

Approval of the March 17, 2015 City Council meeting minutes.

A. 2 2015-0141**HAZMAT SERVICES REVENUE**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT
RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED BY THE
FIRE DEPARTMENT FROM WASHINGTON COUNTY IN THE
AMOUNT OF \$1,930.00 AND INCREASING THE RELATED EXPENSE
BUDGET

Attachments:

[SRF & SRM Hazmat Revenue Washington County March, 2015](#)

[BA BUDGET ADJUSTMENT FORM Hazmat Revenue Washington County-P](#)

A. 3 2015-0150**2015 ARROW XT FIRE ENGINE FROM PIERCE
MANUFACTURING, INC.**

A RESOLUTION TO APPROVE THE PURCHASE OF A 2015 ARROW XT FIRE ENGINE FROM PIERCE MANUFACTURING, INC. OF APPLETON, WISCONSIN IN THE AMOUNT OF \$517,485.00 PLUS A CONTINGENCY OF \$25,875.00 PURSUANT TO THE HOUSTON-GALVESTON AREA COUNCIL CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[SRF SRM PO and purchasing documents March, 2015](#)

[BA New Fire Apparatus-Engine Purchase 2015](#)

A. 4 2015-0143**2015 CATERPILLAR 308ECR EXCAVATOR FROM J.A. RIGGS**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A 2015 CATERPILLAR 308ECR EXCAVATOR FROM J.A. RIGGS OF SPRINGDALE IN THE AMOUNT OF \$100,208.25 PLUS APPLICABLE TAXES, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[SRP 4-7-15 TRSM Excavator 827](#)

[BA - 3-3-15 Use Fund Bal 827](#)

A. 5 2015-0144**JOHN DEERE LOADER FROM STRIBLING EQUIPMENT**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A JOHN DEERE LOADER FROM STRIBLING EQUIPMENT OF SPRINGDALE, ARKANSAS IN THE AMOUNT OF \$139,750.00 PLUS APPLICABLE TAXES PURSUANT TO THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments:

[SRP 4-7-15 TRSM Loader 6011](#)

A. 6 2015-0145**2015 BORING MACHINE SERIES II NAVIGATOR FROM VERMEER MIDSOUTH, INC.**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A TRAILER MOUNTED 2015 BORING MACHINE SERIES II NAVIGATOR FROM VERMEER MIDSOUTH, INC. OF SPRINGDALE, ARKANSAS IN THE AMOUNT OF \$213,522.66 PLUS ANY APPLICABLE TAXES PURSUANT TO THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[SRP 4-7-15 WSWD Boring Machine 9212](#)[BA 3-3-15 Boring Machine 9212](#)**A. 7 2015-0146****SIX (6) POLICE PACKAGE CHEVROLET TAHOES FROM SUPERIOR CHEVROLET**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF SIX (6) POLICE PACKAGE CHEVROLET TAHOES FROM SUPERIOR CHEVROLET OF SILOAM SPRINGS IN THE TOTAL AMOUNT OF \$169,662.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE POLICE DEPARTMENT

Attachments:[SRP 4-7-15 PDPT Tahoes 1290-95](#)**A. 8 2015-0147****2015 DODGE RAM 2500 PICKUP TRUCK FROM LANDERS DODGE**

A RESOLUTION TO APPROVE THE PURCHASE OF A 2015 DODGE RAM 2500 PICKUP TRUCK FROM LANDERS DODGE OF BENTON, ARKANSAS IN THE AMOUNT OF \$24,752.00 PURSUANT TO A STATE PROCUREMENT CONTRACT FOR USE BY THE POLICE DEPARTMENT

Attachments:[SRP 4-7-15 PDPT Dodge Ram 2187](#)

A. 9 2015-0148**MAXSURGE HEALTHCARE SOLUTIONS, INC - AIRPORT HANGAR**

A RESOLUTION TO APPROVE A THREE YEAR LEASE AGREEMENT WITH MAXSURGE HEALTHCARE SOLUTIONS, INC. FOR THE AIRPORT HANGAR AT 4580 SOUTH SCHOOL AVENUE FOR A RENT OF \$2,893.00 PER MONTH TO BEGIN RETROACTIVELY ON MARCH 1, 2015

Attachments:

[Legistar2015-148 MaxSurgeLease4580Hangar](#)

A. 10 2015-0149**4TH JUDICIAL DISTRICT DRUG TASK FORCE GRANT**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A \$21,857.70 GRANT FROM THE STATE DRUG CRIME ENFORCEMENT AND PROSECUTION FUND TO BE MATCHED BY \$5,464.43 FROM CITY FUNDS TO BE USED BY THE 4TH JUDICIAL DISTRICT DRUG TASK FORCE, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[Agenda - DCF Supplemental](#)

[BA - DCF Supplemental](#)

A. 11 2015-0156**GULF STATE DISTRIBUTORS**

A RESOLUTION TO APPROVE THE PURCHASE OF AMMUNITION NEEDED BY THE FAYETTEVILLE POLICE DEPARTMENT DURING 2015 FROM GULF STATE DISTRIBUTORS IN THE AMOUNT OF \$59,709.49 PURSUANT TO THE STATE OF ARKANSAS AMMUNITION CONTRACT

Attachments:

[Agenda - 2015 Ammo](#)

A. 12 2015-0161**AUTOMATED EXTERNAL DEFIBRILLATORS - POLICE DEPARTMENT**

A RESOLUTION TO APPROVE THE PURCHASE OF AUTOMATED EXTERNAL DEFIBRILLATORS FOR POLICE DEPARTMENT VEHICLES FROM LIFESAVERS, INC. IN THE AMOUNT OF \$40,869.80 PURSUANT TO A STATE OF ARKANSAS PROCUREMENT CONTRACT

Attachments:[Agenda - AEDs](#)**A. 13 2015-0178****PETERBILT MODEL 348 ROLL-OFF TRUCK PURCHASE**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A PETERBILT MODEL 348 ROLL-OFF TRUCK FROM NATIONAL AUTO FLEET GROUP IN THE AMOUNT OF \$143,416.00 PURSUANT TO THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE RECYCLING AND TRASH COLLECTION DIVISION

Attachments:[SRP 4-7-15 SWRC Roll-Off 4029](#)**B. Unfinished Business:****B. 1 2014-0437****AMEND § 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

Attachments:[Agenda Packet § 71.016 Insurance Requirements](#)

At the December 16, 2014 City Council meeting this ordinance was left on the First Reading and sent to the Ordinance Review Committee. At the January 6, 2015 City Council meeting this ordinance was Tabled to the February 17, 2015 City Council meeting and left on the Second Reading. At the February 17, 2015 City Council meeting this ordinance was tabled to the April 7, 2015 City Council meeting.

This ordinance was left on the Second Reading

B. 2 2015-0008**ENACT ARTICLE III PROCEDURE TO EXERCISE INITIATIVE
AND REFERENDUM RIGHTS OF CHAPTER 36: ELECTIONS:**

AN ORDINANCE TO ENACT ARTICLE III **PROCEDURE TO
EXERCISE INITIATIVE AND REFERENDUM RIGHTS OF
CHAPTER 36: ELECTIONS** INTO THE FAYETTEVILLE CODE TO
CLARIFY THE PROPER PROCEDURE FOR THE CITIZENS' RIGHT
OF THE INITIATIVE AND REFERENDUM

Attachments:[Agenda Packet Ord § 36.20](#)[Referendum Procedural Ordinance 020315](#)[Proposed Referendum and Initiative Language](#)

*This ordinance was left on the First Reading at the January 20, 2015 City
Council meeting. This ordinance was tabled to the March 17, 2015 City Council
Meeting at the February 3, 2015 City Council Meeting. This ordinance was left
on the second reading at the March 17, 2015 City Council meeting.
This ordinance was left on the Second Reading*

C. New Business:**C. 1 2015-0165****BID #15-23 - CROSSLAND HEAVY CONTRACTORS, INC.**

A RESOLUTION TO AWARD BID #15-23 AND AUTHORIZE A
CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC. IN
THE AMOUNT OF \$1,014,576.50 FOR CONSTRUCTION OF THE
UPPER SCULL CREEK DRAINAGE IMPROVEMENT PROJECT, TO
APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF
\$152,185.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[2015-0165](#)[BA LEGISTAR Upper Skull Creek 03172015](#)**C. 2 2015-0168****RZN 15-4953 - 1195 SOUTH CURTIS AVENUE**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN
REZONING PETITION RZN 15-4953, FOR APPROXIMATELY 6.8
ACRES, LOCATED AT 1195 SOUTH CURTIS AVENUE FROM RSF-4,
RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-24,
RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE

Attachments:[staff report](#)[15-4953 CC ORD](#)[exhibits A & B](#)

C. 3 2015-0142**ACTIVE TRANSPORTATION PLAN AND MAP**

A RESOLUTION TO ADOPT THE FAYETTEVILLE ACTIVE
TRANSPORTATION PLAN AND MAP

Attachments: [2015-0142 Active Transportation Plan and Map](#)

C. 4 2015-0151**AMEND §33.329 ELIGIBILITY OF CITIZEN VOLUNTEERS**

AN ORDINANCE TO AMEND §33.329 **ELIGIBILITY OF CITIZEN
VOLUNTEERS TO SERVE ON CITY BOARDS, COMMISSIONS
AND COMMITTEES** TO REMOVE THE RESTRICTION ON THE
NUMBER OF CONSECUTIVE TERMS A CITIZEN MAY SERVE

Attachments: [Agenda Request § 33.329 Eligibility of Citizen Volunteers](#)

C. 5 2015-0172**ENACT ARTICLE XXVII CONSTRUCTION BOARD OF
ADJUSTMENT AND APPEALS**

AN ORDINANCE TO ENACT ARTICLE XXVII CONSTRUCTION
BOARD OF ADJUSTMENT AND APPEALS IN CHAPTER 33
DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES OF
THE FAYETTEVILLE CODE

Attachments: [Agenda Request Chapter 33 Departments, Boards, Commissions](#)

C. 6 2015-0171**AMEND §110.01 BILLPOSTING**

AN ORDINANCE TO AMEND §110.01 BILLPOSTING

Attachments: [Agenda Request § 110.01 Billposting](#)

C. 7 2015-0180**AMEND § 72.03 PARKING PROHIBITED IN CERTAIN PLACES**

AN ORDINANCE TO AMEND § 72.03 **PARKING PROHIBITED IN
CERTAIN PLACES** OF THE FAYETTEVILLE CODE BY ENACTING
A NEW SUBSECTION TO PROHIBIT PARKING ON A CITY STREET
IN FRONT OF AND BLOCKING A MAILBOX

Attachments: [Agenda Request Packet § 72.03 Parking Prohibited in Certain Places](#)

D. City Council Agenda Session Presentations:

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) 575-8323

Text File

File Number: 2015-0182

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Report

Agenda Number:

Advertising and Promotion Appointment - The Commission recommends the re-appointment of Matt Behrend term ending 03/31/15

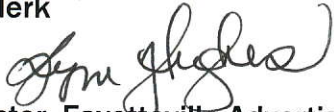


Fayetteville A&P Commission
PO Box 4157
Fayetteville, Arkansas 72702

March 17, 2015

TO: Fayetteville City Clerk

From: Kym Hughes


Executive Director, Fayetteville Advertising and Promotion Commission

RE: Vacancy on the Advertising and Promotion Commission for
4 year term expiring April 1, 2019

The Fayetteville Advertising and Promotion Commission at their March 16, 2015 regular meeting voted to re-appoint Matt Behrend, general manager of the Holiday Inn Express to fill tourism industry position on the A & P Commission. Mr. Behrend is a resident of Fayetteville and a registered voter.

The Commission asks for the approval of the City Council per state statute as follows:

26-75-605. Advertising and promotion commissions.

(2) (d) Whether resulting from expiration of a regular term or otherwise, a vacancy on the commission in any of the four (4) tourism industry positions provided for in subdivision (a)(1) of this section or in the at-large position provided for in subdivision (a)(3) of this section shall be filled by appointment made by the remaining members of the commission, with the approval of the governing body of the city.



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0178

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 13

PETERBILT MODEL 348 ROLL-OFF TRUCK PURCHASE

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A PETERBILT MODEL 348 ROLL-OFF TRUCK FROM NATIONAL AUTO FLEET GROUP IN THE AMOUNT OF \$143,416.00 PURSUANT TO THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE RECYCLING AND TRASH COLLECTION DIVISION

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of a Peterbilt Model 348 Roll-Off Truck in the amount of \$143,416.00 pursuant to the National Joint Powers Alliance cooperative purchasing agreement for use by the Recycling and Trash Collection Division.

City of Fayetteville Staff Review Form

2015-0178

Legistar File ID

4/7/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks/Sara Glenn/Barbara Olsen

3/27/2015

Transportation Services /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution to authorize the purchase of one Peterbilt Model 348 Roll-Off Truck available off of NJPA from National Auto Fleet Group in the amount of \$143,416.00 for use by the Recycling and Trash Collection Division.

Budget Impact:

9700.1920.5802.00

Shop Fund

Account Number

Fund

02082.2015

Solid Waste Equipment

Project Number

Project Title

Budgeted Item? No

Current Budget \$ 617,027.50

Funds Obligated \$ -

Current Balance \$ 617,027.50

Does item have a cost? Yes

Item Cost \$ 143,416.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 473,611.50

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 7, 2015

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent
DATE: March 27, 2015
SUBJECT: Walk on Roll-Off Truck

Unit 498 is a 2009 Autocar Roll-Off truck that blew the engine earlier this week. It will cost \$30,000 to \$35,000 to replace the engine. The truck was due for replacement in 2016, so there is no point spending that much money as the rest of the truck is worn out.

Recycling and Trash Collection has been using both the roll-off trucks at maximum capacity lately and they cannot really afford to be without one. There is presently a truck available for immediate delivery that will meet the specs needed.

Fleet has requested to walk this item on as speed is of the essence. This available truck could of course be sold at any time.



CITY COUNCIL AGENDA MEMO

MEETING OF MARCH 31, 2015

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent
DATE: March 27, 2015
SUBJECT: Purchase of one Roll-Off truck for Recycling and Trash Collection

RECOMMENDATION:

That City Council approve the purchase of one 2015 Peterbilt Model 348 Roll-Off truck from National Auto Fleet Group off of NJPA Contract 102811-NAF in the amount of \$143,416.00.

BACKGROUND:

Unit 498 was 2009 Autocar Roll-Off and the engine blew. This unit was scheduled for replacement in 2016, it would not be cost effective for the City to repair it at a cost of \$30,000 - \$35,000 when the rest of the truck is also worn out. The Recycling and Trash collection division was using 2 Roll-off trucks at maximum capacity and now they are down one that is desperately needed.

DISCUSSION:

Fleet recommends the purchase of one Peterbilt Model 348 Roll-Off available off of NJPA through National Auto Fleet Group in the amount of \$143,416.00. This vehicle is sitting on the dealer's lot and available for us to put into service quickly.

BUDGET/STAFF IMPACT:

Sufficient replacement funds have been collected and are in the project for this purchase.

Attachments:

PO – Purchase Requisition

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: 3/27/2015		
Vendor #: _____ Vendor Name: National Auto Fleet Group						P.O Number:		Legistar#: 2015-0178 Expected Delivery Date:	
Address:				FOB Point:		Mail ☐ YES ☒ NO			
City:		State:		Zip Code:	Ship to code: 50	Taxable ☒ YES ☐ NO			
Requester: Sara Glenn				Requester's Employee #: 3912		Extension: 3485			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	2015 Peterbilt Model 348 Roll Off	1	EA	143,416.00	\$143,416.00	9700.1920.5802.00	02082.2015		704029
2	off of NJPA Contract				\$0.00				
3	To Be Unit #4029, Fixed Asset 704029				\$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: \$143,416.00 Tax: \$0.00 Total: \$143,416.00			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: <u><i>B. Oles</i></u>									

Home > National Cooperative Contract Solutions > Contracts - Fleet > Fleet Services, Parts & Equipment > National Auto Fleet Group



National Auto Fleet Group

Contract#: 102811-NAF

Category: Fleet Services, Parts & Equipment

Description: Ambulance and Police Vehicles

Maturity Date: 01/17/2016

As an industry leading dealer network with 50 years of experience selling and servicing public entities, the National Auto Fleet Group (NAFG) offers NJPA members contracted vehicle solutions from over 1400 different models of passenger cars and light, medium and heavy duty trucks. The NAFG contract offers a variety of manufacturers including Chevrolet, Ford, Nissan, Honda, Toyota, International, Freightliner, Peterbilt, Volvo, Kenworth and Mack all delivered directly to NJPA member locations. Purchasers have access to a unique online ordering and quoting system that allows users to create custom vehicles 24 hours a day with pricing that competes with state contracts across the country.

[Click here for more information & to build your vehicles](#)

Overview

Contract Documentation

Pricing

Marketing Materials

NJPA Contact Information

HOW TO PURCHASE

Our step-by-step guide



Vendor Contact Info

Jesse Cooper

Direct Phone: 855-289-6572

fleet@nationalautofleetgroup.com

www.nationalautofleetgroup.com





National Auto Fleet Group

A Division of Chevrolet of Watsonville

490 Auto Center Drive, Watsonville, CA 95076

(855) 289-6572 • (855) BUY-NJPA • (831) 480-8497 Fax

Fleet@NationalAutoFleetGroup.com

3/26/2015

Mr. Jesse Beeks

City of Fayetteville

1525 S. Happy Hollow Rd

Fayetteville, AR 72701

Dear Jesse Beeks,

National Auto Fleet Group is pleased to quote the following vehicle(s) for your consideration.

One (1) New/Unused (2015 Peterbilt Model 348 Chassis with Palfinger ARL60 60,000 Roll Off) delivered to your department yard by Mr. Smith with Peterbilt of Springfield, and Ufit by TCS, each for

STOCK UNIT

(1) One Unit

Sub Total \$ 143,416.00

Tax (0%) \$ 00.00

Total \$ 143,416.00

-per the attached specifications.

This vehicle(s) is available under the **National Joint Powers Alliance Bid Number 102811**. Please reference this Bid Number on all Purchase Orders.

Thank you in advance for your consideration. Should you have any questions, please do not hesitate to call.

Sincerely,

Jesse Cooper

National Fleet Manager

Office (855) 289-6572

Fax (831) 480-8497





City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0180

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 7

AMEND § 72.03 PARKING PROHIBITED IN CERTAIN PLACES

AN ORDINANCE TO AMEND § 72.03 **PARKING PROHIBITED IN CERTAIN PLACES** OF THE FAYETTEVILLE CODE BY ENACTING A NEW SUBSECTION TO PROHIBIT PARKING ON A CITY STREET IN FRONT OF AND BLOCKING A MAILBOX

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends § 72.03 **Parking Prohibited in Certain Places** of the Fayetteville Code by enacting a new subsection (O) as shown below:

“(O) On a city street in front of and blocking a mailbox from 8:00 a.m. until 5:00 p.m., Monday through Saturday.”

AGENDA REQUEST FORM

FOR: Council Meeting of April 7, 2015

FROM:

City Council Member Alan Long

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 72.03 PARKING PROHIBITED IN CERTAIN PLACES OF THE FAYETTEVILLE CODE BY ENACTING A NEW SUBSECTION TO PROHIBIT PARKING ON A CITY STREET IN FRONT OF OR BLOCKING A MAILBOX

APPROVED FOR AGENDA:



City Council Member Alan Long

March 31st, 2015
Date



City Attorney Kit Williams
(as to form)

March 30, 2015
Date

Williams, Kit

From: Longward4@gmail.com <longward4@gmail.com>
Sent: Friday, March 27, 2015 5:24 PM
To: Williams, Kit
Cc: Tabor, Greg
Subject: Fwd: Ordinance for blocking mailboxes

Can you please draft an ordinance making it illegal?

Sincerely,

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



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

FROM: Kit Williams, City Attorney

DATE: March 31, 2015

RE: **Proposed ordinance to prohibit parking on a city street in front of and blocking a mailbox by Alderman Alan Long**

Attached please find Alderman Long's email requesting that I draft an ordinance to prohibit parking in front of and blocking mailboxes. Also attached is a proposed ordinance that would do so by adding a new subsection (O) to § 72.03 **Parking Prohibited In Certain Places**.

The Post Office may not deliver mail if a mailbox is blocked which can be a real problem if bills and other important mail are delayed. Please note that there may be some streets in Fayetteville which have so many mailboxes and private driveways that this ordinance would effectively prohibit almost all street parking from 8:00 a.m. until 5:00 p.m. Monday through Saturday.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 72.03 **PARKING PROHIBITED IN CERTAIN PLACES** OF THE FAYETTEVILLE CODE BY ENACTING A NEW SUBSECTION TO PROHIBIT PARKING ON A CITY STREET IN FRONT OF AND BLOCKING A MAILBOX

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends § 72.03 **Parking Prohibited in Certain Places** of the Fayetteville Code by enacting a new subsection (O) as shown below:

“(O) On a city street in front of and blocking a mailbox from 8:00 a.m. until 5:00 p.m., Monday through Saturday.”

PASSED and **APPROVED** this 7th day of April, 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

vehicle, the date, time and place from which removed, the reasons for such removal, the name of the garage or place where the vehicle is stored.

- (D) The owner or lessee of any vehicle towed or impounded pursuant to this section is entitled to a prompt post-deprivation hearing and all rights there under as provided in §72.58(L). The owner or lessee of any vehicle properly towed pursuant to this section shall be required to pay the towing and storage costs.

(Code 1965, §19-140; Ord. No. 1447, 6-7-65; Ord. No. 2630, 5-6-80, Code 1991, §72.02; Ord. No. 4388, §a, 4-16-02; Ord. 5326, 6-1-10)

(Ord. No. 4388, §1, 4-16-02)

Cross reference--Penalty, §72.99.

72.03 Parking Prohibited In Certain Places

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

- (A) On a sidewalk.
- (B) In front of a public or private driveway.
- (C) Within an intersection.
- (D) On a crosswalk.
- (E) Within 15 feet of a fire hydrant.
- (F) Within 20 feet of a crosswalk at an intersection.
- (G) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signals located at the side of a roadway.
- (H) Between a safety zone and the adjacent curb or within 30 feet of points of the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
- (I) Within 50 feet of the nearest rail of a railroad crossing.
- (J) Within 20 feet of the driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of said entrance, when properly signposted.
- (K) Alongside or opposite any street excavation

obstruction when such stopping, standing or parking would obstruct traffic.

- (L) On the roadway side of any vehicle stopped or parked at the edge of a curb or street.
- (M) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- (N) At any place where official signs prohibit stopping.

(Code 1965, §19-110; Ord. No. 1447, 6-7-65; Code 1991, §72.03)

Cross reference(s)--Penalty, §72.99.

State law reference(s)--Restrictions on stopping, standing, or parking generally, A.C.A. §27-51-1301; Stopping, standing, or parking prohibited in specified places, A.C.A. §27-51-1302; Stopping, standing, or parking outside of business or residence district, A.C.A. §27-51-1303.

72.04 Unattended Vehicles

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key or, when standing upon any perceptible grade, without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.

(Code 1965, §19-109; Ord. No. 1447, 6-7-65; Code 1991, §72.04)

Cross reference(s)--Penalty, §72.99.

State law reference(s)--Unattended motor vehicles, A.C.A. §27-51-1306.

72.05 Starting A Stopped Vehicle

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

(Code 1965, §19-112; Ord. No. 1447, 6-7-65; Code 1991, §72.05)

Cross reference(s)--Penalty, §72.99.

State law reference(s)--Starting of vehicles, A.C.A. §27-51-1308.

72.06 Method Of Parking

Pursuant to A.C.A. §27-51-1301, a vehicle parked on any street in the city shall be parked on the right-hand side of the street, headed in the direction of traffic with its right-hand wheels parallel to and within 18 inches of the curb, except where streets have been marked for angle parking, and except that, on one-way streets, vehicles may be parked on the left-hand side of the

Add new (O) here

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 John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
March 17, 2015**

A meeting of the Fayetteville City Council was held on March 17, 2015 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, John La Tour, 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 Kinion presented the Nominating Committee report and recommended the appointments as submitted.

A copy of the report is attached.

Alderman Marsh moved to approve the Nominating Committee report. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Agenda Additions: None

Consent:

Approval of the March 3, 2015 City Council meeting minutes.

Approved

Gulf Coast High Intensity Drug Trafficking Area Funding: A resolution to authorize acceptance of funding from the Gulf Coast High Intensity Drug Trafficking Area in the amount of \$116,644.00 for the Police Department, and to approve a budget adjustment.

Resolution 63 -15 as recorded in the office of the City Clerk

Fayetteville Police Department Policies: A resolution to approve Fayetteville Police Department Policies 1.2.1 Limits of Authority; 1.3.1 Use of Force; 1.3.4 Less Lethal Weapons and Defensive Tactics; 46.1.10 Active Threats; 48.1.1 Next of Kin Notifications/Assistance Services; and 71.1.1 Detainee Transport.

Resolution 64-15 as recorded in the office of the City Clerk

Sport Court: A resolution to authorize a contract with Sport Court in the amount of \$54,785.00 pursuant to the Tips/Taps interlocal purchasing system contract for the purchase and installation of new gymnasium flooring at the Yvonne Richardson Community Center, to approve a project contingency in the amount of \$5,089.32, and to approve a budget adjustment.

Resolution 65 -15 as recorded in the office of the City Clerk

Alderman Long moved to accept the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

Enact Article III Procedure to Exercise Initiative and Referendum Rights of Chapter 36: Elections: An ordinance to enact Article III Procedure to Exercise Initiative and Referendum Rights of Chapter 36: Elections into the Fayetteville Code to clarify the proper procedure for the citizens' right of the initiative and referendum. ***This ordinance was left on the First Reading at the January 20, 2015 City Council Meeting. This ordinance was tabled to the March 17, 2015 City Council Meeting at the February 3, 2015 City Council Meeting.***

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Petty seconded the motion. Upon roll call the motion passed 7-1. Alderman La Tour voting no.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: When I originally drafted this proposed ordinance concerning municipal ordinance referendum language, the state statutory requirements of county ordinance referendums was simple and clear. It was also in agreement with the statutory requirements for state statute referendums. Thus, I believed it would be clear how a municipal ordinance referendum would be worded if we just ensured it complied with the state statutory language for county ordinances and state statutes.

State Representative Ballinger has proposed House Bill 1687 which changes the wording for county ordinance referendums, but does not change the statutory requirement for the wording for state statute referendums. In some cases, these statutes would be conflicting if this House Bill is passed without any changes. If this bill becomes law, it would no longer be a simple and easy decision on how to word municipal referendums. I do not want to be put in the middle in this particular case, to have to try to decide something when it's no longer clear. I recommend the current ordinance, which is in front of you, be amended to remove the City Attorney from having to make those decisions and go with the same proposal I provided you in February, which instead talks about the petitioner complying with those particular state statutes rather than the City Attorney having to review the ordinance.

Alderman La Tour: I would like to ensure when the people begin a petition process, the authority for the wording of that petition remains with the people and their legal representatives, not with city administration. My understanding of this new proposal that is the case. Is that correct?

City Attorney Kit Williams: Yes. It will follow state law to some extent, so it's not just with the wording of the people, but the wording from the people's representatives the state legislature who has the power to say how county referendums should be worded. It is with the state legislature that makes that decision.

Alderman Kinion: I think we should leave this on the Second Reading, so we will have some time to see what happens with the legislature and then review it.

A discussion followed about allowing the legislature to conclude before taking action.

Duncan Campbell, Fayetteville resident spoke in opposition in allowing the City Attorney to be given the power to amend petition language.

Peter Tonnessen, 3500 Hearthstone Drive spoke in opposition in allowing the City Attorney to be given the power to amend petition language.

Mayor Jordan: Mr. Williams has suggested tonight, that he not be the one to review the referendum. Is this correct, Kit?

City Attorney Kit Williams: That is correct.

Peter Tonnessen stated his dissatisfaction with the second page of the February 18th memo in regards to the ordinance.

Paul Phaneuf, Aqua Crossing: The City Attorney said he does not believe that the City Attorney should be the one who makes these determinations. Where exactly is it that we stand?

Mayor Jordan explained the options that were previously discussed. He stated the City Council did not want to take action yet to allow time to see what occurs with the state legislature.

Paul Phaneuf: If the state legislature does not resolve it completely to the Council's satisfaction, what would be the next step for City Council?

Mayor Jordan: The Council will bring it back and they will make a determination on what they want to do with it. There might be amendments. The state law may supersede anything the City Council passes. We don't know the answers to those questions for at least another two weeks.

A discussion followed about bringing the ordinance back to the City Council in two weeks after the state legislature has made their decision.

Paul Phaneuf spoke in opposition of the ordinance.

Kyle Smith, Ward 4 stated the state does not have good quality guidelines for the city and this ordinance would fill in the gap.

City Attorney Kit Williams: We have undergone three referendums since I have been City Attorney. We only had litigation involving one, which involved the ballot or how the signatures were obtained. The first two, there was no litigation about that. If there had been, I would have been looking at this language earlier.

The state legislature requires the Attorney General to look at every petition or referendum or initiative on a state statute and make sure it passes his muster. The Attorney General is a state official and an elected official. It's not a violation of Amendment 7 for him to do that, just like it would not have been a violation of Amendment 7 for me to look at this and make sure it complies with state law. The law I cite does not affect municipal ordinances. It is for county ordinance or the state statutes. My language would say we want to comply with that. Amendment 7 says that municipalities have the right to have the procedure to enforce Amendment 7, where the state statutes control county ordinances. I don't know why Amendment 7 broke it up like that and if we don't have language saying we will comply with the county ordinance referendum language, then there is no real guidance.

The power in Amendment 7 was reserved to the people. The power of the people I hope is going to be improved by this language. That was my intent, so people would not be confused and know better how to exercise their referendum rights. I think the City Attorney can be objective. Even though I work with you and have a lot of respect for the Council and Mayor, my primary duty is to our citizens. It is easy for me to be objective. I hope you will remove me from the middle of this ordinance.

Alderman La Tour: Mr. Williams, I appreciate your candidness. We can't guarantee that the next City Attorney will be as objective as you are and that is what concerns me. Let the people be

free to hire their own legal counsel and free to bring their own petitions, without interference from someone who may not be as objective as our current City Attorney.

This ordinance was left on the Second Reading

Raze and Removal Kenneth C. and Wanda L. Easterling: 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. ***This resolution was tabled at the September 16, 2014 City Council Meeting to the December 2, 2014 City Council Meeting. This resolution was tabled at the December 2, 2014 City Council Meeting to the March 17, 2015 City Council Meeting.***

Jeremy Pate, Director of Development Services stated the structure has been removed and staff is recommending the resolution to be denied.

City Attorney Kit Williams thanked Jeremy and his staff for working with the Easterling family who voluntarily cleaned up the structure.

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

This resolution failed.

Public Hearing:

Mayor Jordan opened the Public Hearing

Destiny Limousines, LLC DBA Ambassador Transportation Services: A resolution to grant a Certificate of Public Convenience and Necessity to Destiny Limousines, LLC dba Ambassador Transportation Services for the operation of two (2) to six (6) taxicabs in the City of Fayetteville.

Greg Tabor, Chief of Police gave a brief description of the resolution. He stated all proper documentation had been received.

Alderman Tennant: On the application, do they make specific mention if they would do business on certain days of the week?

Greg Tabor, Chief of Police: It says they are closed on Christmas day and run limited on Thanksgiving and Christmas Eve. That is the only limitations they list.

Dane Zimmerman, Destiny Limousines dba Ambassador Transportation gave an overview of his Bentonville based business and the challenges his company endures by not having a permit in Fayetteville. He is requesting a Certificate of Public Convenience and Necessity to do business in Fayetteville.

Alderman Tennant: There might be a necessity for more cabs on the weekend, but there is the question of the other days of the week and that it may be unfair to the companies who run seven days a week if another company comes in for just the busy time. Do you run in Benton County seven days a week and do you have the intention to do that if the need arises here?

Dane Zimmerman: We run Benton County 24 hours, 7 days a week. I don't have any problems with sending business to other competitors. I'm not trying to put anybody out of business. I have to be able to do something with my cars when we come down here.

Alderman Tennant: If you don't already have a car here in Fayetteville and somebody calls you to pick them up, would you pass that call on to another cab service?

Dane Zimmerman: Absolutely.

Alderman La Tour: The best way to serve the people of Fayetteville is to offer the maximum number of service providers we can. Service will be elevated to levels we haven't experienced before. If there are too many taxi cabs, somebody will go broke. It won't be the best service that goes broke, it will be the most expensive and worse service.

Dane Zimmerman: I'm not here to try and run people out of business. Our way to save our industry is to make sure we are as accessible as possible to the public.

Stewart Larrabee, Fayetteville Taxi gave an overview of insurance rates. He stated he doesn't believe that another taxi service is needed in Fayetteville and spoke in opposition of the resolution.

Alderman Long: You think there are too many cabs to service the population with no gaps in service?

Stewart Larrabee stated there are some gaps in service, but he doesn't believe a 10 to 20 minute wait time is too long.

Alderman Long: My car broke down at 8:00 p.m. and I tried for 30 minutes to get a cab. I question that there is not a gap in service on a normal basis.

A discussion followed about Uber taxi cab service.

Alderman Long: You would like us as a city, even though there are gaps in service, to protect your business by stopping competition?

Stewart Larrabee stated the insurance listed on Destiny Limousines says airport transportation insurance. He stated it did not say taxi and believes it is a completely different rate structure.

Mayor Jordan: Chief of Staff, didn't you speak against the Uber legislation?

Don Marr, Chief of Staff: Yes. Anything that would remove the ability for the city to regulate our services, is something the city has typically taken a position on.

Alderman La Tour: The more competition we have, the better service we will have for our people. It guarantees they are paying the lowest price for the service and getting the best service.

Robby Freeman, General Manager for Dynasty Taxi stated his income has decreased with the amount of taxi cabs being operated in Fayetteville. He spoke in opposition of the resolution.

Alderman Gray: I appreciate what you all are doing. What kind of explanation do you have for Alderman Long, that at 8:00 p.m. he couldn't get a taxi?

Robby Freeman: Did you call Dynasty?

Alderman Long: Yes, I did. It was the first call I made.

Chris Burchell, College Town Limo spoke in favor of the resolution.

Brice Curry, Dynasty Transportation Owner stated he would like the taxi ordinance to be reviewed. He spoke in opposition of Uber. He stated if Mr. Zimmerman wants to come into Fayetteville and play by the rules, then it should be looked into.

Alderman Kinion: It is my understanding if we allow a taxi company to operate in Fayetteville, they have to have a presence in Fayetteville and operate 24 hours a day in Fayetteville. Is that correct?

City Attorney Kit Williams: That might be correct. I haven't looked at the ordinance to make sure it is absolutely required by the ordinance.

Alderman Kinion: With discussions in the past that is what we have requested taxi cab services to do.

Joshua Crawford spoke in favor of the resolution.

Mayor Jordan: We need to answer Alderman Kinion's question.

Don Marr, Chief of Staff read City Code 117.34. It states every holder of a Certificate of Public Convenience and Necessity for taxicabs and pedicabs shall ensure the City Clerk's office is promptly notified of any change of its business address. He stated it does not necessarily require location.

A discussion followed about the city code for taxicabs.

City Attorney Kit Williams: I don't believe the ordinance requires every taxi company to be 24 hours a day, 7 days a week. As you consider to grant this certificate, you should consider the

proposal of the applicant and see whether or not the proposed hours of service are found to be unreasonable to meet the public need.

Dane Zimmerman: I'm trying to help out and serve people that are coming to your city to do business. We are willing to compromise and make sure there is additional coverage. If I send a car to Fayetteville, it is going to stay here and operate. I am willing to compromise, to ensure that nobody is suffering income to their drivers.

Alderman Gray: I would like us to rework this ordinance. How do we go about that?

City Attorney Kit Williams: If you have any proposals, we can look at them. The Ordinance Review Committee sometimes looks at taxi cab ordinances. We should delay until we see what the legislature is going to do in relation to the Ubers and Lyfts. This will have a major effect upon taxi companies in the city.

Alderman Gray stated she would like to work together to improve the taxi cab ordinance after the legislature meets.

Alderman Tennant: As the Chairman of the Ordinance Review Committee, I would be happy to schedule something after the legislative session. I would be in favor of a public input meeting.

Alderman Marsh: I intend to support this request. One of the things we can do to fight off the Ubers and the Lyfts is to have a very robust and responsive taxi cab industry. We do not have enough taxi service.

Alderman Long: I plan to support this. We have a need in Fayetteville for companies that follow the rules. I don't support Uber coming into Fayetteville, us telling them not to operate and them doing it. It is wrong.

Alderman La Tour: Uber are the innovators. They are bringing in technology. It is not just Uber selling service, it is our citizens buying the service.

Alderman Marsh moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed 7-1. Alderman Schoppmeyer voting no.

Resolution 66-15 as recorded in the office of the City Clerk

College Town Limo: A resolution to grant a Certificate of Public Convenience and Necessity to College Town Limo for the operation of one (1) to three (3) limousines in the City of Fayetteville.

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

Chris Burchell, College Town Limo: There is a lack of variety in the types of services that are offered. There are zero limousines permitted in the City of Fayetteville. I would bring a different type of style, variety and amenities to the hired car sector.

Alderman Long: The quote for your insurance expired on February 18, 2015.

Chris Burchell: They are good for 30 days. It was approximately a month ago when I turned in that application. I'm not going to run it without insurance.

City Attorney Kit Williams: It will be incumbent on the Police Department after the car has been inspected to get the rest of the documentation to confirm insurance coverage.

Don Marr, Chief of Staff: The code states that it can't be permitted until the certificate is received by the clerk.

Sondra Smith, City Clerk Treasurer: The City Clerk office issues the certificate. We will not issue the certificate until we receive valid insurance.

Mayor Jordan closed the Public Hearing

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

Resolution 67-15 as recorded in the office of the City Clerk

New Business:

VAC 15-4948 (3215 N North Hills Drive/WRMC Women's Clinic): An ordinance approving VAC 15-4948 submitted by USI Consulting Engineers for property located at 3215 North Hills Drive to vacate portions of existing utility easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted in favor 7-0 with the two conditions listed in the ordinance.

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 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 5757 as Recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: The City of Fayetteville will break ground on Phase I of the Fayetteville Regional Park on Wednesday, March 18, 2015 at 12:30 p.m.

The Ward 4 Bulky Waste cleanup will be on Saturday, March 21, 2015 from 7:00 a.m. until 2:00 p.m. The locations are at Owl Creek School and the Recycling & Trash Collection Facility.

The 2015 Community Development Block Grant Action Plan public comment hearing is March 18, 2015 at 5:30 p.m. in room 326 at City Hall.

Alderman Long: There will be a Ward 4 meeting on March 30, 2015 in room 111 at 6:00 p.m. in City Hall.

City Council Agenda Session Presentations:

Agenda Session Presentation - Urban Forestry Advisory Board

Presentation led by UFAB Chair, Don Steinkraus.

City Council Tour: None

Adjournment: 7:29 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Arkansas Code of 1987 Annotated
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*** Legislation is current through the 2014 Second Extraordinary Session ***
*** and updates received from the Arkansas Code Revision Commission ***
*** through December 12, 2014. ***

Title 7 Elections
Chapter 9 Initiatives, Referenda, and Constitutional Amendments
Subchapter 1 Petition and Election Procedure

A.C.A. § 7-9-101 (2015)

7-9-101. Definitions.

As used in this subchapter:

(1) "Act" means an act having general application throughout the state, whether originating in the General Assembly or proposed by the people;

(2) "Amendment" means an amendment to the Arkansas Constitution that is proposed by the people;

(3) "Canvasser" means a person who circulates an initiative or referendum petition or a part or parts of an initiative or referendum petition to obtain the signatures of petitioners thereto;

(4) "Election" means a regular general election at which state and county officers are elected for regular terms;

(5) "Measure" means an amendment, an act, or an ordinance;

(6) "Ordinance" means an ordinance of a municipality or county, whether originating in the legislative body of the municipality or county or proposed by the people;

(7) "Petition part" means a petition signature sheet containing the information required under § 7-9-104 or § 7-9-105;

(8) "Petitioner" means a person who signs an initiative or referendum petition ordering a vote on a measure;

(9) "Registered voter" means a person who is registered at the time of signing the petition pursuant to Amendment 51 to the Arkansas Constitution; and

(10) "Sponsor" means a person who arranges for the circulation of an initiative or referendum petition or who files an initiative or referendum petition with the official charged with verifying the signatures.

HISTORY: Acts 1943, No. 195, § 1; A.S.A. 1947, § 2-201; Acts 1997, No. 646, § 1; 2013, No. 1413, § 2.

New Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO ENACT ARTICLE III **PROCEDURE TO EXERCISE INITIATIVE AND REFERENDUM RIGHTS** OF CHAPTER 36: **ELECTIONS** INTO THE FAYETTEVILLE CODE TO CLARIFY THE PROPER PROCEDURE FOR THE CITIZENS' RIGHT OF THE INITIATIVE AND REFERENDUM

WHEREAS, Amendment 7 of the Arkansas Constitution (now codified as **Article 5 § 1**) states: "Municipalities may provide for the exercise of the initiative and referendum as to their local legislation;" and

WHEREAS, the State Legislature has been granted express authority to provide "for the exercise of the initiative and referendum as to counties," (**Amendment 7 of the Arkansas Constitution**) and has enacted A.C.A. § 14-14-917 **Initiative and referendum elections** to provide for the proper exercise of the initiative and referendum for county ordinances; and

WHEREAS, the lack of clarity for proper municipal referendum procedure led to litigation against Mayor Jordan, the City Council and City Clerk Sondra Smith after she certified the last referendum petition for a special election; and

WHEREAS, this litigation can be avoided in the future if the City enacts proper procedures modeled upon long established state law for state and county initiatives and referendums.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby enacts **Article III Procedure To Exercise Initiative and Referendum Rights** of Chapter 36: **Elections** into the Fayetteville Code to clarify the proper procedure for the citizens' right of the initiative and referendum for municipal legislation as follows:

“Article III Procedure To Exercise Initiative And Referendum Rights

§ 36.20 Initiative and Referendum Petitions

Pursuant to **Article 5 § 1 of the *Arkansas Constitution***, the City establishes the following procedure for the exercise of the citizens’ right of the initiative and referendum of city legislation.

- (a) The Petitioner shall ensure the form of any initiative petition complies with A.C.A. § 7-9-104.
- (b) The Petitioner shall ensure the form of any referendum petition complies with A.C.A. § 7-9-105.
- (c) The Petitioner shall ensure that any ballot title conforms with A.C.A. § 14-14-917 (d).”

PASSED and APPROVED this 7th day of April, 2015.

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) 575-8323



Meeting Agenda - Tentative Agenda

Tuesday, March 31, 2015

4:30 PM

City Hall Room 326

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
John S. La Tour Ward 4
Alan Long Ward 4

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****2015-0115****Quarterly Financial Report - 4th Quarter 2014, Paul Becker, Chief
Financial Officer****Agenda Additions:****A. Consent:****A. 1 2014-0500****Approval of the March 17, 2015 City Council meeting minutes.****A. 2 2015-0141****HAZMAT SERVICES REVENUE**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT
RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED BY THE
FIRE DEPARTMENT FROM WASHINGTON COUNTY IN THE
AMOUNT OF \$1,930.00 AND INCREASING THE RELATED EXPENSE
BUDGET

Attachments:[SRF & SRM Hazmat Revenue Washington County March, 2015](#)[BA_BUDGET_ADJUSTMENT_FORM_Hazmat Revenue Washington County-P](#)

A. 3 2015-0150**2015 ARROW XT FIRE ENGINE FROM PIERCE
MANUFACTURING, INC.**

A RESOLUTION TO APPROVE THE PURCHASE OF A 2015 ARROW XT FIRE ENGINE FROM PIERCE MANUFACTURING, INC. OF APPLETON, WISCONSIN IN THE AMOUNT OF \$517,485.00 PLUS A CONTINGENCY OF \$25,875.00 PURSUANT TO THE HOUSTON-GALVESTON AREA COUNCIL CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[SRF_SRM_PO and purchasing documents March, 2015](#)[BA New Fire Apparatus-Engine Purchase 2015](#)**A. 4 2015-0143****2015 CATERPILLAR 308ECR EXCAVATOR FROM J.A. RIGGS**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A 2015 CATERPILLAR 308ECR EXCAVATOR FROM J.A. RIGGS OF SPRINGDALE IN THE AMOUNT OF \$100,208.25 PLUS APPLICABLE TAXES, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments:[SRP 4-7-15 TRSM Excavator 827](#)[BA - 3-3-15 Use Fund Bal 827](#)**A. 5 2015-0144****JOHN DEERE LOADER FROM STRIBLING EQUIPMENT**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A JOHN DEERE LOADER FROM STRIBLING EQUIPMENT OF SPRINGDALE, ARKANSAS IN THE AMOUNT OF \$139,750.00 PLUS APPLICABLE TAXES PURSUANT TO THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments:[SRP 4-7-15 TRSM Loader 6011](#)

A. 6 2015-0145**2015 BORING MACHINE SERIES II NAVIGATOR FROM
VERMEER MIDSOUTH, INC.**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A TRAILER MOUNTED 2015 BORING MACHINE SERIES II NAVIGATOR FROM VERMEER MIDSOUTH, INC. OF SPRINGDALE, ARKANSAS IN THE AMOUNT OF \$213,522.66 PLUS ANY APPLICABLE TAXES PURSUANT TO THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[SRP 4-7-15 WSWD Boring Machine 9212](#)[BA 3-3-15 Boring Machine 9212](#)**A. 7 2015-0146****SIX (6) POLICE PACKAGE CHEVROLET TAHOES FROM
SUPERIOR CHEVROLET**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF SIX (6) POLICE PACKAGE CHEVROLET TAHOES FROM SUPERIOR CHEVROLET OF SILOAM SPRINGS IN THE TOTAL AMOUNT OF \$169,662.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE POLICE DEPARTMENT

Attachments:[SRP 4-7-15 PDPT Tahoes 1290-95](#)**A. 8 2015-0147****2015 DODGE RAM 2500 PICKUP TRUCK FROM LANDERS
DODGE**

A RESOLUTION TO APPROVE THE PURCHASE OF A 2015 DODGE RAM 2500 PICKUP TRUCK FROM LANDERS DODGE OF BENTON, ARKANSAS IN THE AMOUNT OF \$24,752.00 PURSUANT TO A STATE PROCUREMENT CONTRACT FOR USE BY THE POLICE DEPARTMENT

Attachments:[SRP 4-7-15 PDPT Dodge Ram 2187](#)

A. 9 2015-0148**MAXSURGE HEALTHCARE SOLUTIONS, INC - AIRPORT
HANGAR**

A RESOLUTION TO APPROVE A THREE YEAR LEASE
AGREEMENT WITH MAXSURGE HEALTHCARE SOLUTIONS, INC.
FOR THE AIRPORT HANGAR AT 4580 SOUTH SCHOOL AVENUE
FOR A RENT OF \$2,893.00 PER MONTH TO BEGIN
RETROACTIVELY ON MARCH 1, 2015

Attachments:

[Legistar2015-148 MaxSurgeLease4580Hangar](#)

A. 10 2015-0149**4TH JUDICIAL DISTRICT DRUG TASK FORCE GRANT**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A \$21,857.70
GRANT FROM THE STATE DRUG CRIME ENFORCEMENT AND
PROSECUTION FUND TO BE MATCHED BY \$5,464.43 FROM CITY
FUNDS TO BE USED BY THE 4TH JUDICIAL DISTRICT DRUG
TASK FORCE, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[Agenda - DCF Supplemental](#)

[BA - DCF Supplemental](#)

A. 11 2015-0156**GULF STATE DISTRIBUTORS**

A RESOLUTION TO APPROVE THE PURCHASE OF AMMUNITION
NEEDED BY THE FAYETTEVILLE POLICE DEPARTMENT DURING
2015 FROM GULF STATE DISTRIBUTORS IN THE AMOUNT OF
\$59,709.49 PURSUANT TO THE STATE OF ARKANSAS
AMMUNITION CONTRACT

Attachments:

[Agenda - 2015 Ammo](#)

A. 12 2015-0161**AUTOMATED EXTERNAL DEFIBRILLATORS - POLICE
DEPARTMENT**

A RESOLUTION TO APPROVE THE PURCHASE OF AUTOMATED
EXTERNAL DEFIBRILLATORS FOR POLICE DEPARTMENT
VEHICLES FROM LIFESAVERS, INC. IN THE AMOUNT OF
\$40,869.80 PURSUANT TO A STATE OF ARKANSAS
PROCUREMENT CONTRACT

Attachments: [Agenda - AEDs](#)

B. Unfinished Business:**B. 1 2014-0437****AMEND § 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

Attachments: [Agenda Packet § 71.016 Insurance Requirements](#)

*At the December 16, 2014 City Council meeting this ordinance was left on the
First Reading and sent to the Ordinance Review Committee. At the January 6,
2015 City Council meeting this ordinance was Tabled to the February 17, 2015
City Council meeting and left on the Second Reading. At the February 17, 2015
City Council meeting this ordinance was tabled to the April 7, 2015 City
Council meeting.*

This ordinance was left on the Second Reading

B. 2 2015-0008**ENACT ARTICLE III PROCEDURE TO EXERCISE INITIATIVE
AND REFERENDUM RIGHTS OF CHAPTER 36: ELECTIONS:**

AN ORDINANCE TO ENACT ARTICLE III PROCEDURE TO
EXERCISE INITIATIVE AND REFERENDUM RIGHTS OF
CHAPTER 36: ELECTIONS INTO THE FAYETTEVILLE CODE TO
CLARIFY THE PROPER PROCEDURE FOR THE CITIZENS' RIGHT
OF THE INITIATIVE AND REFERENDUM

Attachments: [Agenda Packet Ord § 36.20](#)
[Referendum Procedural Ordinance 020315](#)
[Proposed Referendum and Initiative Language](#)

*This ordinance was left on the First Reading at the January 20, 2015 City Council meeting. This ordinance was tabled to the March 17, 2015 City Council Meeting at the February 3, 2015 City Council Meeting. This ordinance was left on the second reading at the March 17, 2015 City Council meeting.
This ordinance was left on the Second Reading*

C. New Business:**C. 1 2015-0165****BID #15-23 - CROSSLAND HEAVY CONTRACTORS, INC.**

A RESOLUTION TO AWARD BID #15-23 AND AUTHORIZE A CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC. IN THE AMOUNT OF \$1,014,576.50 FOR CONSTRUCTION OF THE UPPER SCULL CREEK DRAINAGE IMPROVEMENT PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$152,185.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[2015-0165](#)[BA LEGISTAR Upper Skull Creek 03172015](#)**C. 2 2015-0168****RZN 15-4953 - 1195 SOUTH CURTIS AVENUE**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-4953, FOR APPROXIMATELY 6.8 ACRES, LOCATED AT 1195 SOUTH CURTIS AVENUE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE

Attachments:[staff report](#)[15-4953 CC ORD](#)[exhibits A & B](#)**C. 3 2015-0142****ACTIVE TRANSPORTATION PLAN AND MAP**

A RESOLUTION TO ADOPT THE FAYETTEVILLE ACTIVE TRANSPORTATION PLAN AND MAP

Attachments:[2015-0142 Active Transportation Plan and Map](#)

C. 4 2015-0151**AMEND §33.329 ELIGIBILITY OF CITIZEN VOLUNTEERS**

AN ORDINANCE TO AMEND §33.329 **ELIGIBILITY OF CITIZEN VOLUNTEERS TO SERVE ON CITY BOARDS, COMMISSIONS AND COMMITTEES** TO REMOVE THE RESTRICTION ON THE NUMBER OF CONSECUTIVE TERMS A CITIZEN MAY SERVE

Attachments:

[Agenda Request § 33.329 Eligibility of Citizen Volunteers](#)

C. 5 2015-0172**ENACT ARTICLE XXVII CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS**

AN ORDINANCE TO ENACT ARTICLE XXVII CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS IN CHAPTER 33 DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES OF THE FAYETTEVILLE CODE

Attachments:

[Agenda Request Chapter 33 Departments, Boards, Commissions](#)

C. 6 2015-0171**AMEND §110.01 BILLPOSTING**

AN ORDINANCE TO AMEND §110.01 BILLPOSTING

Attachments:

[Agenda Request § 110.01 Billposting](#)

D. City Council Agenda Session Presentations: None

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) 575-8323

Text File

File Number: 2015-0141

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 2

HAZMAT SERVICES REVENUE

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED BY THE FIRE DEPARTMENT FROM WASHINGTON COUNTY IN THE AMOUNT OF \$1,930.00 AND INCREASING THE RELATED EXPENSE BUDGET

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution and made a part hereof, recognizing hazmat services revenue received by the Fire Department from Washington County in the amount of \$1,930.00 and increasing the related expense budget.

City of Fayetteville Staff Review Form

2015-0141

Legistar File ID

4/7/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

David Dayringer

3/6/2015

Fire /
Fire Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a budget adjustment in the amount of \$1,930.00 to recognize Hazmat Services Revenue received from Washington County and increase related expense budget.

Budget Impact:

1010.3040.5218.01

General Fund--Hazmat Equipment

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 28,495.00

Funds Obligated \$ 1,815.22

Current Balance \$ 26,679.78

Does item have a cost? No

Item Cost \$ -

Budget Adjustment Attached? Yes

Budget Adjustment \$ 1,930.00

Remaining Budget \$ 28,609.78

V20140610

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 7, 2015

TO: Mayor and City Council

FROM: David Dayringer, Fire Chief *JCD*

DATE: March 6, 2015

SUBJECT: Approval of a budget adjustment in the amount of \$1,930.00 to recognize Hazmat Services Revenue received from Washington County and increase related expense budget.

RECOMMENDATION:

Approval of a budget adjustment in the amount of \$1,930.00 to recognize Hazmat Services Revenue received from Washington County and increase related expense budget.

DISCUSSION:

The City of Fayetteville has received \$1,930.00 of Hazmat Services Revenue from Washington County. The Fire Department would like to utilize the revenue to complete the outfitting of a secondary hazmat unit and offset costs for the Fayetteville Hazmat Team. It will also be utilized to cover expenses for training and related expenses. These purchases will be vital to the efficient and effective operation of the Hazmat Response Operations of the Fire Department.

BUDGET/STAFF IMPACT:

Increase expenses to correspond with hazmat services revenue received.

Attachments:

Budget Adjustment for Hazmat Revenue

Budget Year	Division: Fire	Adjustment Number
2015	Dept.: Fire	
	Requestor: David Dayringer	

This Budget Adjustment will take funding from the Haz-Mat Revenue Account-1010.0001.4401.08 which will reflect revenue from Hazmat Services from Washington County of \$1,930.00 and place in 1010.3040.5218.01--Haz-Mat Equipment to assist in the further outfitting of a secondary hazmat unit and offset costs for the Fayetteville Haz-Mat Team and cover expenses for training and related expenses.

RESOLUTION/ORDINANCE

[illegible]



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0150

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 3

2015 ARROW XT FIRE ENGINE FROM PIERCE MANUFACTURING, INC.

A RESOLUTION TO APPROVE THE PURCHASE OF A 2015 ARROW XT FIRE ENGINE FROM PIERCE MANUFACTURING, INC. OF APPLETON, WISCONSIN IN THE AMOUNT OF \$517,485.00 PLUS A CONTINGENCY OF \$25,875.00 PURSUANT TO THE HOUSTON-GALVESTON AREA COUNCIL CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, the Fire Department needs to replace a 1998 KME Fire Engine based on the recommendation of the Fleet Division; and

WHEREAS, the Fire Department has spent nearly a year researching several available fire trucks to try to get the best fire truck and the best price; and

WHEREAS, the Fire Department recommends the purchase of a 2015 Arrow XT Fire Engine from Pierce Manufacturing.

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 approves a the purchase of a 2015 Arrow XT Fire Engine from Pierce Manufacturing, Inc. in the amount of \$517,485.00 plus a contingency of \$25,875.00 pursuant to the Houston-Galveston Area Council Contract and authorizes Mayor Jordan to sign any contract or other document to exercise and pay for this approved contract.

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

City of Fayetteville Staff Review Form

2015-0150

Legistar File ID

4/7/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

David Dayringer

3/17/2015

Fire /
Fire Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution to purchase a new fire apparatus for use by the Fayetteville Fire Department from Pierce Manufacturing, Inc. of Appleton, Wisconsin through the Houston-Galveston Area Council (HGAC) Member #14-3975. The purchase amount will be \$514,263 plus the performance and payment bond cost of \$3,222.00 for a total of \$517,485 using the bonded pre-pay net discount; Approval of a 5% Contingency of \$25,875 which will remain in capital budget; Approval of a budget adjustment in the amount of \$94,000 from Fire ACT 833 Revenue to provide the additional funding necessary for the purchase.

Budget Impact:

4470.9470.5802.00	Sales Tax Capital
_____ Account Number	_____ Fund
03019.1	Fire Apparatus Purchases
_____ Project Number	_____ Project Title
Budgeted Item? <u>Yes</u>	Current Budget \$ 1,276,786.00
	Funds Obligated \$ 811,237.16
	Current Balance \$ 465,548.84
Does item have a cost? <u>Yes</u>	Item Cost \$ 517,485.00
Budget Adjustment Attached? <u>Yes</u>	Budget Adjustment \$ 94,000.00
	Remaining Budget \$ 42,063.84

V20140610

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments: We will be replacing (fleet recommendation) unit 28, a 1998 KME Fire Engine. The replacement will be a 2015 Arrow XT Fire Engine from Pierce Manufacturing of Appleton, Wisconsin. The Bid Price is \$537,047.00. Pierce provides a prepay discount minus performance/payment bond costs. This discount amount is \$19,562.00. With the prepay discount, the total amount is \$517,485.00.



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 7, 2015

TO: Mayor and City Council
FROM: David Dayringer, Fire Chief
DATE: March 17, 2015

SUBJECT: Approval of a resolution to purchase a new fire apparatus for use by the Fayetteville Fire Department from Pierce Manufacturing, Inc. of Appleton, Wisconsin through the Houston-Galveston Area Council (HGAC) Member #14-3975. The purchase amount will be \$514,263 plus the performance and payment bond cost of \$3,222.00 for a total of \$517,485 using the bonded pre-pay net discount; Approval of a 5% Contingency of \$25,875 which will remain in capital budget; Approval of a budget adjustment in the amount of \$94,000 from Fire ACT 833 Revenue to provide the additional funding necessary for the purchase.

RECOMMENDATION:

Approval of a resolution to purchase a new fire apparatus for use by the Fayetteville Fire Department from Pierce Manufacturing, Inc. of Appleton, Wisconsin through the Houston-Galveston Area Council (HGAC) Member #14-3975. The purchase amount will be \$514,263 plus the performance and payment bond cost of \$3,222.00 for a total of \$517,485 using the bonded pre-pay net discount; Approval of a 5% Contingency of \$25,875 which will remain in capital budget; Approval of a budget adjustment in the amount of \$94,000 from Fire ACT 833 Revenue to provide the additional funding necessary for the purchase.

BACKGROUND:

We will be replacing (fleet recommendation) unit 28, a 1998 KME Fire Engine. The replacement will be a 2015 Arrow XT Fire Engine from Pierce Manufacturing of Appleton, Wisconsin. The Fire Department's internal equipment committee has spent almost a year in researching available units in order to get the best buy for the City. They have chosen a unit from Pierce Manufacturing. The Bid Price is \$537,047.00. Pierce provides a prepay discount of \$22,784.00 minus performance/payment bond costs of \$3,222.00. This net discount amount is \$19,562.00. With the prepay discount, the total amount is \$517,485.00. The truck the Fire Department Equipment Committee has proposed to buy was approved by the Council Equipment Committee at their meeting of March 10, 2015.

DISCUSSION:

The Truck is designed and built to National Fire Protection Association (NFPA) 1901, Standard for Fire Apparatus. The unit proposed for purchase is a 2015 Arrow XT Fire Engine. NFPA standards spell out the necessary equipment required and the performance specifications for a certified fire apparatus. By adhering to these standards, the Fire Department is assured of getting the necessary required equipment.

BUDGET/STAFF IMPACT:

The quote from Pierce Manufacturing through HGAC is for one Pierce Arrow XT Fire Engine for \$537,047.00 with pre-payment discount of \$22,784.00 minus the cost of \$3,222.00 for the Performance and Payment Bond. This makes the amount \$517,485. With 5% contingency funds of \$25,875 added, the total funds needed will be \$543,360. \$ 423,485 funds for payment + \$25,875 for contingency funds are budgeted and available in the Capital Project: Fire Apparatus Purchases Project #03019.1 along with approval of the proposed budget adjustment of \$94,000 from Fire ACT 833 Revenue will provide the funding necessary for the purchase.

ATTACHMENTS:

Budget Adjustment, Purchase Order, and Purchasing Documentation

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:

3/17/2015

P.O Number:

Vendor #:

19470

Vendor Name:

Pierce Manufacturing

Mail ☐ Yes ☐ No

Legistar#: 2015-0150

Address: P.O. Box 2017 2600 American Dr.

FOB Point:

Taxable ☐ Yes ☐ No

Expected Delivery Date:

City:

Appleton

State:

Wisconsin

Zip Code: 54913
Ship to code:

Quotes Attached ☐ Yes ☐ No

December, 2015

Requester:

Granville Wynn

Requester's Employee #: 3806

Extension: 7613

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project/Sub#	Inventory #	Fixed Asset #
1	2015 Arrow XT Pierce Fire Engine	1		514,263.00		4470.9470.5802.00	03019.1		
2	Performance and Payment Bond	1		3,222.00		4470.9470.5802.00	03019.1		
3									
4									
5									
6									
7									
8									
9									
10									
*	Shipping/Handling		Lot						

Special Instructions:
We will be replacing (fleet recommendation) unit 28, a 1998 KME Fire Engine. The replacement will be a 2015 Arrow XT Fire Engine from Pierce Manufacturing of Appleton, Wisconsin. The Bid Price is \$537,047.00. Pierce provides a prepay discount of \$22,784.00 minus performance/payment bond costs of \$3,222.00 This discount amount is \$19,562.00. With the prepay discount, the total amount is \$517,485.00. This includes cost of apparatus \$514,263.00 and bond cost of \$3,222.00.

Subtotal: _____
Tax: _____
Total: \$517,485.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Chief Financial Officer: _____

Budget Director: _____

IT Director: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____



Fayetteville Fire Department

March 19, 2015

The undersigned is prepared to deliver, upon an order being placed by you, for final acceptance by Pierce Manufacturing, Inc., at its home office in Appleton, Wisconsin, the apparatus and equipment herein named and for the following prices:

One (1) Pierce Pumper mounted on an Arrow XT Chassis per our proposal for a total price of:

\$ 537,047.00 to include all equipment in attached Proposal
A pre-pay discount of \$22,784.00 is available with a payment
bond cost of \$3,222.00 with a final price of \$517,485.00

Said apparatus is to be built and shipped in accordance with the specifications hereto attached, delays due to strikes, war or international conflict, failures to obtain chassis, materials, or other causes beyond our control not preventing, within about 270-300 calendar days or less after receipt of this order and the acceptance thereof at our Appleton, Wisconsin office, and to be delivered to you at the Fayetteville Fire Department.

The specifications herein contained shall form a part of the final contract, and are subject to changes desired by the purchaser, provided such alterations are interlined prior to the acceptance by the company of the order to purchase, and provide such alterations do not materially affect the cost of the construction of the apparatus.

The proposal for fire apparatus conforms to all Federal Department of Transportation (DOT) rules and regulations in effect at the time of the bid and with all National Fire Protection Association (NFPA) Guidelines for Automotive Fire Apparatus as published at the time of bid, except as modified by customer specifications. Any increased costs incurred by first party because of future changes in or additions to said DOT or NFPA standards will be passed along to the customers as an addition to the price set forth above.

Respectfully,

A handwritten signature in dark ink, appearing to read "Steve Haile", written over a horizontal line.

Steve Haile
Sales Representative
Pierce Manufacturing, Inc.



March 10, 2015

Members: Adella Gray, Chair
Matthew Petty

John La Tour
Martin Schoppmeyer

City Staff: Jesse Beeks, Fleet Operations Superintendent
Terry Gulley, Transportation Director

Subject: Purchase of one Fire Engine for Fire Department

Unit 28 is a 1998 KME Renegade Fire Engine with 79,107 miles. Maintenance cost have now exceeded 40% of the original cost of the vehicle.

The Fire Department has the funds budgeted in the 2015 Capital Budget and in the Act 833 Funds.

The Fire Department received 3 bids off of the Houston Galveston Area Council (HGAC membership #14-3975). Pierce Manufacturing was the lowest bid that met the most requirements. The bid from E-One had the most exemptions from the requirements and was only \$7,000 lower. The bid from KME was higher and still had several exemptions.

Fleet and the Fire Department recommend the purchase of one 2015 Pierce Pumper Truck from Pierce Manufacturing off of the Houston Galveston Area Council in the amount of \$537,047.00.

Only maintenance funds and Insurance are paid to Fleet by the Fire Department and those funds have already been budgeted for 2015.

Replacement Engine 2015

2105 Pierce NFPA 1901 compliant

1500 gpm pump

Seating for 5

1000 ft 5 inch

700 ft. 1.75 handline

500 ft. 3 inch

Replacing a 1998 KME

Bid price is	\$537,047.00
--------------	--------------

Prepayment discount	\$ 22,784.00
---------------------	--------------

- \$3,222.00 prepayment and performance bond

Cost of apparatus with prepay \$517,485.00

Savings of 19,562 on prepay.

E-one bid \$530,155.20

KME bid \$564,843.00

Wynn, Granville

From: Murray, Kevin
Sent: Friday, March 13, 2015 11:45 AM
To: Wynn, Granville
Subject: FW: Fayetteville AR 28333 02-28-15

Kevin Murray
Assistant Chief
Fayetteville Fire Department
Fayetteville Ar. 72701
479-718-7632

Facebook | Twitter | YouTube

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

From: Steve Haile [mailto:SHAile@gwevs.com]
Sent: Friday, February 27, 2015 1:54 PM
To: Murray, Kevin
Subject: RE: Fayetteville AR 28333 02-28-15

Thanks and I just got the pre-pay quote back, the discount is \$22,784.00 and the cost of the performance bond is \$3,222 so a savings of \$19,562.

Steve Haile
Territory Manager
(501) 206-5691 (mobile)

Serving Our Customers Since 1958

This communication may contain confidential and/or proprietary information and may not be disclosed to anyone other than the intended recipient(s). Any copying, distribution, dissemination or other disclosure is strictly prohibited. If you are not the intended addressee, you have received this communication in error. Please notify the sender immediately and destroy the communication including all content and any attachments. Any views or opinions expressed in this e-mail are those of the author and do not represent those of G & W Diesel Services, Inc. or Emergency Vehicle Specialists. Warning: Although precautions have been taken to make sure that no viruses are present in this e-mail, G & W Diesel Services, Inc. or Emergency Vehicle Specialists cannot accept responsibility for any loss or damage that may arise from the use of this e-mail or attachments. Thank you.

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

From: Murray, Kevin [mailto:kmurray@fayetteville-ar.gov]
Sent: Friday, February 27, 2015 1:49 PM
To: Steve Haile
Subject: RE: Fayetteville AR 28333 02-28-15

Budget Year	Division: Fire	Adjustment Number
2015	Dept.: Fire	
	Requestor: David Dayringer	

This Budget Adjustment will take funding from Fire Act 833 and move it into account 4470.9470.5802.00 Project #03019.1 Fire Apparatus Purchases to allow additional funding to complete the purchase of an 2015 Fire Engine from Pierce Manufacturing through the Houston Galveston Area Council (HGAC Membership #14-3975) at the purchase price of \$517,485 + a 5% contingency of \$25,875. This apparatus replaces Unit #28 - Position Control FIRE_F016.

RESOLUTION/ORDINANCE

[illegible]



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0143

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 4

2015 CATERPILLAR 308ECR EXCAVATOR FROM J.A. RIGGS

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A 2015 CATERPILLAR 308ECR EXCAVATOR FROM J.A. RIGGS OF SPRINGDALE IN THE AMOUNT OF \$100,208.25 PLUS APPLICABLE TAXES, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE BY THE TRANSPORTATION SERVICES 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 authorizes the purchase of a 2015 Caterpillar 308ECR Excavator from J.A. Riggs of Springdale in the amount of \$100,208.25 plus applicable taxes, pursuant to a National Joint Powers Alliance cooperative purchasing agreement, for use by the Transportation Division.

City of Fayetteville Staff Review Form

2015-0143

Legistar File ID

4/7/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks/Sara Glenn/Barbara Olsen

3/13/2015

Transportation Services /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution to authorize the purchase of one 2015 Caterpillar 308ECR Excavator is available off of the Arkansas State Contract for \$100,208.25 for use by the Transportation Department, and approve a Budget Adjustment to move funds to the Fleet expense account.

Budget Impact:

9700.1920.5802.00

Shop Fund

Account Number

Fund

02077.2015

Construction Equipment

Project Number

Project Title

Budgeted Item? No

Current Budget \$ 356,000.00

Funds Obligated \$ -

Current Balance \$ 356,000.00

Does item have a cost? Yes

Item Cost \$ 100,208.25

Budget Adjustment Attached? Yes

Budget Adjustment \$ 100,300.00

Remaining Budget \$ 356,091.75

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF APRIL 7, 2015

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent
DATE: March 13, 2015
SUBJECT: Purchase of one 2015 Caterpillar 308ECR Excavator

RECOMMENDATION:

That City Council approve the purchase of one 2015 Caterpillar 308ECR Excavator off of the NJPA Purchase Contract from JA Riggs Caterpillar of Springdale, AR in the amount of \$100,208.25, and approve a Budget Adjustment to move funds to the Fleet expense account.

BACKGROUND:

Unit 821 is a Dozer purchased in 2013 for use by the Transportation Department for use at their disposal site. They bid out and obtained a disposal site, therefore they no longer need this dozer to maintain the site. The need for a dozer is not in the foreseeable future.

However, they could use an Excavator. This excavator will be cheaper to maintain than the dozer and will provide a better allocation of assets. It will increase the efficiency of the Transportation department and will reduce their monthly motor pool charges.

DISCUSSION:

Fleet recommends the purchase of one 2015 Caterpillar 308ECR Excavator available off the NJPA Purchase Contract (060311-CAT) in the amount of \$100,208.25 from JA Riggs Caterpillar of Springdale, AR.

This purchase was approved by the Equipment Committee on March 10, 2015.

BUDGET/STAFF IMPACT:

Transportation would like to sell the Dozer and with the profit, purchase the Excavator that will fit their needs. The Dozer is worth much more than the Excavator and will more than cover this cost.

Attachments:

PO – Purchase Requisition
BA – Budget Adjustment

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.

Vendor #:		11700		Vendor Name:		JA Riggs Caterpillar		Requisition No.:		Date:	
Address:				FOB Point:				P.O Number:		3/13/2015	
City:				State:				Mail ☐ Yes ☒ No		Registrar#: 2015-0143	
Requester:		Sara Glenn		Requester's Employee #:		3912		Taxable ☐ Yes ☒ No		Expected Delivery Date:	
Item		Description		Quantity		Unit of Issue		Unit Cost		Extended Cost	
1		2015 Caterpillar 308ECR Excavator		1		EA		100,208.25		\$100,208.25	
2		off of NJPA Contract								\$0.00	
3		To Be Unit #827, Fixed Asset 700827								\$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: \$100,208.25 Tax: \$0.00 Total: \$100,208.25											

Approvals:

Mayor: _____

Chief Financial Officer: _____

Dispatch Manager: _____

Department Director: _____

Budget Director: _____

Utilities Manager: _____

Purchasing Manager: _____

IT Director: _____

Other: *BO Lee*

[Home](#) > [National Cooperative Contract Solutions](#) > [Contracts - Fleet](#) > [Heavy & Ag Equipment](#) > [Caterpillar, Inc. - Heavy Construction Equip](#)



Caterpillar, Inc. - Heavy Construction Equip



[Overview](#)

[Contract Documentation](#)

[Pricing](#)

[Marketing Materials](#)

[NJPA Contact Information](#)

HOW TO PURCHASE

[Our step-by-step guide](#)



Vendor Contact Info

Mike Hynes

Direct Phone: 309-675-4095

Hynes_Mike_J@cat.com

www.GovBidSpec.com

Contract#: 060311-CAT

Category: Heavy & Ag Equipment

Description: Construction Equipment

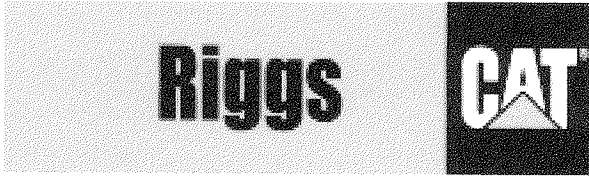
Maturity Date: 10/19/2015

Caterpillar has grown to be the largest maker of construction and mining equipment, diesel and natural gas engines, and industrial gas turbines in the world. Team Caterpillar is proud to be providing our products to the NJPA membership by way of contract #060311-CAT.

Through Caterpillar's extensive dealer network, NJPA members will be able to select from over 120 models spanning from 14 product families. In addition to the breadth of products, Caterpillar's dealer network will deliver the exceptional service and support our customers have grown to expect.

[Contact Your Dealer](#)

[Contract Discount Structure](#)



February 13, 2015

CITY OF FAYETTEVILLE
1525 S HAPPY HOLLOW RD
FAYETTEVILLE Arkansas 72701-7258

RE: Quote 118036-02

We are pleased to quote the following for your purchase consideration.

One (1) New CATERPILLAR Model: 308ECR Swing Boom Excavator with all standard equipment in addition to the additional specifications listed below:

STOCK NUMBER: FJX851 **SERIAL NUMBER:** 0FJX00851 **YEAR:** 2014 **SMU:** 4

Sell Price	\$100,208.25
Ext Warranty	Included
Before Tax Balance	\$100,208.25

ADDITIONAL CONSIDERATIONS

* Pricing pursuant to NJPA Contract 060311-CAT

WARRANTY

Standard Warranty: 12 Months / Unlimited Hours Premier Warranty

Extended Warranty: 24 MO/2000 PREMIER (total machine)

Sincerely,

A handwritten signature in cursive script, appearing to read 'Steve Smith'.

Steve Smith
Machine Sales Representative Riggs CAT
Steves@jariggs.com
(479) 601-1330

Accepted by _____ on _____

Signature

One (1) New CATERPILLAR Model: 308ECR SB Compact Construction Equipment with all standard equipment in addition to the additional specifications listed below:

STANDARD EQUIPMENT

POWERTRAIN

CAT C3.3B Diesel Engine with 12-volt electrical starting
Auto idle
2,500M (8,200ft) altitude capability

Water separator in fuel line
Two speed auto-shift travel
Straight line travel
Automatic swing park brake

UNDERCARRIAGE

Hydraulic track adjusters

ELECTRICAL

12 volt electrical system
Circuit breaker
Ignition key stop switch
60 ampere alternator
Working light:

-Cab mounted
-Boom left
880 CCA maintenance free battery
Warning horn

OPERATOR ENVIRONMENT

Openable front windshield with assist device
Digital liquid crystal monitor:
Language display,
Full graphic and color display,
Instrument panel and gauge,
Warning information and machine condition,
Clock
Windshield wiper and washer
Air conditioning with defroster
Interior light
Coat hook
Literature holder
Utility space for mobile phone

Cup holder
Hydraulic neutral lockout system
Washable floor mat
Skylight
Rear window emergency exit
Travel control pedals with hand levers
Control lever mounted auxiliary controls
Adjustable wrist rests
Mirror rear view:
-Cab left
Suspension seat with retractable seat belt
Radio mounting
12V power socket

FLUIDS

Extended life cooling -37C

OTHER STANDARD EQUIPMENT

Load sensing hydraulics
Auxiliary hydraulics with adjustable

Accumulator
Towing eye on base frame

Riggs CAT

maximum flow and continuous flow

Door locks

Caterpillar corporate "one key" system

Boom lowering device

Tool storage area

Tie down eyes on track frame

Boom with offset swing post

Rear reflector

Lockable fuel cap

MACHINE SPECIFICATIONS

Reference No	Description	List Amount
418-3301	308E2 SWING BOOM HYD EXC.	\$135,570.00
321-6598	GUARD, SWIVEL	
367-0948	ADJUSTABLE WORK TOOL FLOW	
380-1983	CATERPILLAR C3.3 ENGINE	
382-1602	CONTROL MONITOR WITH SECURITY SYSTEM AND ECO MODE(20% fuel savings)	
382-8756	STEEL TRACKS W/ RUBBER PADS	
382-8819	BLADE, 91", BOLT-ON	
397-7005	AUTOMATIC TWO SPEED TRAVEL	
397-7033	HYDRAULICS, AUX.,QC,(L-STK)	
397-7065	LINES, STICK, AUX	
397-7088	LINES, BOOM,AUX	
397-7130	CONTROL PATTERN CHANGER	
398-6354	PRODUCT LINK PL 421	
415-2556	HEATER, JACKET WATER	
415-4380	COOLING, HIGH AMBIENT	
415-5033	BELT, SEAT, RETRACTABLE	
415-5040	RADIO, AM/FM	
415-5082	STICK PKG, LONG W/BKT LINKAGE	
397-7030	CONTROL AR-AUX (COMMON)	
397-7068	STICK AR-HOE (LNG) (W/ THUMB)	
423-6760	LINKAGE, BUCKET, W/LIFTING EYE	
415-5183	TRACK,450MM TG W/RUBBER PAD	
Total List Price		\$135,570.00
Contract Discount		-17.50%
Machine Sub-Total after discount		\$111,845.25
Optional Attachments:		
295-5954	BUCKET-Hvy. Dty, 36" 0.51 YD3	\$2,582.00
305-6741	THUMB, HYDRAULIC	\$4,110.00
361-1099	COUPLER, PG, HYD, DUAL LOCK	\$5,504.00
Total List Price		\$12,196.00
Contract Discount		-15.00%
Attachments Sub-Total after discount		\$10,366.60

Total Price for Machine and Attachments After Contract Discounts	\$122,211.85
Freight Charge	\$2,861.00
Prep and Delivery	\$1,500.00
24 Months / 2,000 Hours Premier Warranty	\$112.00
Machine Volume Discount	(\$26,476.60)
Final Price	\$100,208.25

Budget Year	Division: Fleet Operations	Adjustment Number
2015	Dept.: Transportation Services	
	Requestor: Sara Glenn	

Unit 821 (TRAN_F036) is a 2013 Dozer. Transportation no longer needs a Dozer, they do need an Excavator. This purchase was not bugeted on the capital side because we didn't know it was going to be replaced, so funds are needed from fund balance.

RESOLUTION/ORDINANCE	COUNCIL DATE:	4/7/2015
	LEGISTAR FILE ID#:	2015-0143
	Barbara Fell	
	3/12/2015 7:42 AM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

Barbara Fell
3/12/2015 7:42 AM

POSTED:

[illegible]



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0144

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 5

JOHN DEERE LOADER FROM STRIBLING EQUIPMENT

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A JOHN DEERE LOADER FROM STRIBLING EQUIPMENT OF SPRINGDALE, ARKANSAS IN THE AMOUNT OF \$139,750.00 PLUS APPLICABLE TAXES PURSUANT TO THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE TRANSPORTATION SERVICES 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 authorizes the purchase of a John Deere loader from Stribling Equipment of Springdale, Arkansas in the amount of \$139,750.00 plus applicable taxes pursuant to the National Joint Powers Alliance cooperative purchasing agreement for use by the Transportation Services Department.

City of Fayetteville Staff Review Form

2015-0144

Legistar File ID

4/7/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks/Sara Glenn/Barbara Olsen

3/13/2015

Transportation Services /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution to authorize the purchase of one 2015 John Deere Loader off of the Arkansas State Contract, through NJPA in the amount of \$139,750 from Stribling Equipment of Springdale, AR.

Budget Impact:

9700.1920.5802.00

Shop Fund

Account Number

Fund

02076.2015

Backhoes/Loaders

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 592,700.00

Funds Obligated \$ -

Current Balance \$ 592,700.00

Does item have a cost? Yes

Item Cost \$ 139,750.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 452,950.00

Previous Ordinance or Resolution #

V20140710

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 7, 2015

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent
DATE: March 13, 2015
SUBJECT: Purchase of one 2015 John Deere 524K Loader for Transportation

RECOMMENDATION:

That City Council approve the purchase of one 2015 John Deere Loader off the Arkansas State contract, through NJPA in the amount of \$139,750 from Stribling Equipment of Springdale, AR.

BACKGROUND:

Unit 678 is a 2006 New Holland Front End Loader. It has been used for nearly 5,000 hours and has cost 61% of its original cost in maintenance charges. It will no longer stand up to Transportation's demanding use.

DISCUSSION:

Fleet recommends the purchase of one 2015 John Deere Loader off the Arkansas State contract, through NJPA in the amount of \$139,750 from Stribling Equipment of Springdale, AR

This purchase was approved by the Equipment Committee on March 10, 2015.

BUDGET/STAFF IMPACT:

The funds collected from Transportation for the replacement are just shy of meeting the purchase price; this will be more than made up when the old unit is sold on GovDeals.

Attachments:

PO – Purchase Requisition

City of Fayetteville - Purchase Order Request (PO)

(Not a Purchase Order)

All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@favetteville-ar.gov.

Purchase shall not be made until an actual PO has been issued.

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: 3/13/2015	
Vendor #: 22696		Vendor Name: Stribling Equipment, LLC		Mail ☐ YES ☒ NO		Legistar#: 2015-0144		Expected Delivery Date:			
Address:		FOB Point:		Taxable ☐ YES ☒ NO							
City:		State:		Ship to code: 50		Quotes Attached ☐ YES ☒ NO					
Requester: Sara Glenn		Requester's Employee #: 3912		Extension: 3485							
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project Sub#	Inventory #	Fixed Asset #		
1	2015 John Deere 524K Loader	1	EA	139,750.00	\$139,750.00	9700.1920.5802.00	02076.2015		706011		
2	off of NJPA Contract				\$0.00						
3	To Be Unit #6011, Fixed Asset 706011				\$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: \$139,750.00											
Tax: \$0.00											
Total: \$139,750.00											
Approvals:											
Mayor: _____											
Department Director: _____											
Purchasing Manager: _____											
Chief Financial Officer: _____											
IT Director: _____											
Dispatch Manager: _____											
Utilities Manager: _____											
Other: <i>B. O'Brien</i>											

Home > National Cooperative Contract Solutions > Contracts - Fleet > Heavy & Ag Equipment > John Deere - Tractors/Ag Implements

**JOHN DEERE**

John Deere - Tractors/Ag Implements



Overview

Contract Documentation

Pricing

Marketing Materials

NJPA Contact Information

HOW TO PURCHASE

Our step-by-step guide



Contract#: 031711-DAC

Category: Heavy & Ag Equipment

Description: Ag Tractors

Maturity Date: 05/17/2015

As a world leader in agriculture, construction and turf care, we're proud to offer value and real service to the NJPA membership through contract 031711-DAC. We spend over \$2 million a day on R&D, and build customer feedback into every machine. Through 031711-DAC we can provide you the most advanced and efficient lineup of agricultural tractors and/or implements together with related equipment and accessories. See the results at www.JohnDeere.com/govsales. Plus, with every purchase, you get the dedicated service of a local dealer, with expert technicians, a comprehensive parts inventory and commitment to keep your operation moving. Please consider us for your next purchase.

Vendor Contact Info

Bill Frank

Direct Phone: 972-974-0984

FrankWilliamD@JohnDeere.com

www.johndeere.com



Jackson, Mississippi (601) 939-1000 • (800) 682-6409
408 Hwy 49 South • P.O. Box 6038 • Jackson, MS 39288-6038

City of Fayetteville

Jesse,

Thank you for the opportunity in bidding our 524K wheel loader to the City of Fayetteville. We will do our best to represent our product to the standards as you see fit. Please review the specifications listed below and let us know if these specifications meet and exceed what you are looking for.

Reference Quote # 149681 – NJPA Cooperative Contract 060311-JDC

Delivered price of \$139,750.00

John Deere 524K

Options Installed on Priced Unit:

- PowerTech 6.8L IT4 engine with 146 hp and 448 lbs of torque
- JD Link Ultimate
- Hydraulically Driven Automatic Reverse Fan Drive
- Air Intake with Precleaner
- 130 Amp Alternator
- 3 Function Joystick w/ FNR
- Rops quiet cab with AC
- Ride Control
- 20.5 x R25 XTLA Michelin Radials on 3pc wheels
- Rear Bumper with Counter weight
- JRB quick coupler
- Sampling ports and environmental drains
- 24 volt converter



Jackson, Mississippi (601) 939-1000 • (800) 682-6409
408 Hwy 49 South • P.O. Box 6038 • Jackson, MS 39288-6038

- AM/FM/WB radio
- Powered Cab Air precleaner
- Bottom Guards
- 60" Coupler Pallet Frame and Forks
- JRB 4 in 1 Bucket
- Factory 12 month / unlimited hour full machine warranty
- 36 month / 3000 hour power train and hydraulic extended warranty

Productivity:

- The 524K has 3200-4000 pounds more full-turn and straight tip load. This results directly into a more stable machine.
- The 524K utilizes it's predominate features, smoother shifts and better stability for increased productivity.
- The 524K averages 6% faster cycle times compared to other models in V-pattern truck loading.
- Best in class Advanced Display Unit with onboard diagnostics comes standard on the John Deere providing detailed troubleshooting information for faster diagnosis and repairs.
- Increased operator comfort with limited view obstruction and vertically adjustable armrests.

Uptime:

- Solid-state electronics in the John Deere provide superior reliability.
- Quad-Cool is unequalled in providing the highest cooling efficiency and ease of cleaning. The 524K has pre-screened air for every cooling component.
- Same side daily service means the operator can quickly do proper daily checks including checking for leaks and topping off fluids to keep the machine running at peak performance.



Jackson, Mississippi (601) 939-1000 • (800) 682-6409
408 Hwy 49 South • P.O. Box 6038 • Jackson, MS 39288-6038

- EPA interim Tier 4/ Stage IIIB – technology allows automatic, on the fly, exhaust filter cleaning at any engine speed.

Cost Savings:

- Vertical spin on filters allow quick, no spill changes
- 500, 2000 and 4000 hour engine, transmission, and hydraulic oil service intervals help reduce operating costs.
- Easy to navigate LDC monitor displays diagnostic messages, and even offers possible solutions to help get you back up and running.
- Color coded fluid sample and diagnostic test ports help speed preventative maintenance and troubleshooting.



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0145

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 6

2015 BORING MACHINE SERIES II NAVIGATOR FROM VERMEER MIDSOUTH, INC.

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A TRAILER MOUNTED 2015 BORING MACHINE SERIES II NAVIGATOR FROM VERMEER MIDSOUTH, INC. OF SPRINGDALE, ARKANSAS IN THE AMOUNT OF \$213,522.66 PLUS ANY APPLICABLE TAXES PURSUANT TO THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION, 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 authorizes the purchase of a trailer mounted 2015 Boring Machine Series II Navigator from Vermeer MidSouth, Inc. of Springdale, Arkansas in the amount of \$213,522.66 plus any applicable taxes pursuant to the National Joint Powers Alliance cooperative purchasing agreement for use by the Water and Sewer Operations Division.

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

City of Fayetteville Staff Review Form

2015-0145

Legistar File ID

4/7/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks/Sara Glenn/Barbara Olsen

3/13/2015

Transportation Services /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution to authorize the purchase of one 2015 Boring Machine Series II Navigator, trailer mounted, in the amount of \$213,522.66 available off the NJPA Pricing Contract from Vermeer Midsouth, Inc of Springdale, AR., and approval of a Budget Adjustment to move funds to the Fleet expense account.

Budget Impact:

9700.1920.5802.00	Shop Fund
Account Number	Fund
02080.2015	Other Equipment
Project Number	Project Title
Budgeted Item? Yes	Current Budget \$ 226,028.00
	Funds Obligated \$ -
	Current Balance \$ 226,028.00
Does item have a cost? Yes	Item Cost \$ 213,522.66
Budget Adjustment Attached? Yes	Budget Adjustment \$ 214,000.00
	Remaining Budget \$ 226,505.34

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF APRIL 7, 2015

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent
DATE: March 13, 2015
SUBJECT: Purchase of one Boring Machine for Water and Sewer

RECOMMENDATION:

That City Council approve the purchase of one 2015 Boring Machine Series II Navigator, trailer mounted, in the amount of \$213,522.66 available off the NJPA Pricing Contract from Vermeer Midsouth, Inc of Springdale, AR., and approve a Budget Adjustment to move funds to the Fleet expense account.

BACKGROUND:

Water and Sewer has the funds approved in their CIP project as part of their 20 year plan to replace all of the City's galvanized water pipes. The use of a Boring Machine will enable them to take the existing pipe out and replace it, while causing as little damage as possible. This will improve the City's water use and efficiency.

DISCUSSION:

Fleet recommends the purchase of one 2015 Boring Machine Series II Navigator, Trailer mounted in the amount of \$213,522.66 available off the NJPA Pricing Contract (070313-VRM) from Vermeer Midsouth, Inc of Springdale, AR.

This purchase was approved by the Equipment Committee on March 10, 2015.

BUDGET/STAFF IMPACT:

Water and Sewer has the funds approved in their CIP project as part of their 20 year plan to replace all of the City's galvanized water pipes.

Attachments:

PO – Purchase Requisition
BA – Budget Adjustment

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:	
Vendor #: 2655 Vendor Name: Vermeer Midsouth, Inc.						P.O Number:			
						Legistar#: 2015-0145 Expected Delivery Date:			
Address:			FOB Point:		Taxable ☐ YES ☒ NO				
City:		State:		Zip Code:	Ship to code:	Quotes Attached ☐ YES ☒ NO			
Requester: Sara Glenn						Requester's Employee #: 3912		Extension: 3485	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	2015 Boring Machine Series II Navigator, Trailer Mounted	1	EA	213,522.66	\$213,522.66	9700.1920.5802.00	02080.2015		709212
2	off of NJPA Contract				\$0.00				
3	To Be Unit #9212, Fixed Asset 709212				\$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: \$213,522.66 Tax: \$0.00 Total: \$213,522.66			
Approvals:									
Mayor: _____			Department Director: _____			Purchasing Manager: _____			
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____			
Dispatch Manager: _____			Utilities Manager: _____			Other: <i>BO</i>			

Home > National Cooperative Contract Solutions > Contracts - Fleet > Public Utility & Airport Equipment > Vermeer



Vermeer

Contract#: 070313-VRM

Category: Public Utility & Airport Equipment

Description: Trenchers, Directional Drills and Vacuum Excavators

Maturity Date: 09/11/2017

Vermeer looks forward to continuing our relationship with NJPA members to make a real impact in a progressing world. A full line of innovative underground construction, tree care, green waste recycling and landscaping equipment is offered through contract #070313-VRM. With a reputation for durability and reliability, Vermeer equipment is backed by localized customer service and support provided by dedicated dealers around the world. Find more information about Vermeer Corporation, product lines, the dealer network and financing options by visiting vermeer.com.

***Please see the marketing materials section for product literature.*

Overview

Contract Documentation

Pricing

Marketing Materials

NJPA Contact Information

HOW TO PURCHASE

Our step-by-step guide



Vendor Contact Info

Jerry Beyer

Direct Phone: 641-621-7548

njpa@vermeer.com

www.vermeer.com



9212

2015 Vermeer Global Account Pricing
NJPA Landscape Equipment Contract # 070313-VRM

☒ QUOTE
☐ ORDER



D20x22 Series II Navigator

Quote provided on 02/09/15.

Basic Unit	
D20x22 Series II Navigator w/ Dom/Intl RLO, Rubber Tracks, R.A.T.T./Auto Drill, FMC 25 gpm Water Pump w/ Flowmeter and 2" Hose Connection, and Drive Chuck (003); Tier IV I/Stage IIIB (011); 2 1/2 Gallon Anti-Freeze Tank (320); Standard Stake Down - 6" (031); Bundle of 40 - 2.06" x 10' Firestick I Drill Rod (143); Drill Head w/ Hex Collar Connection (504) (includes starter rod)	
Basic Unit Price:	\$157,099.00

Required Items: (check one)

Add to Basic Unit Price:

- ☐ MX240 Gas Power Pack Mud System, 750 gallon tank, 50' of 2" hose (MX240001, 011, 021)
- ☐ MX240 Diesel Power Pack Mud System, 750 gallon tank, 50' of 2" hose (MX240002, 011, 021)
- ☐ Hose Adapter Kit (MX240031)
- ☐ Supply Hose - 2" x 100' (MX240024) (in lieu of 50')
- ☐ 1000 Gallon Tank (MX240012) (in lieu of 750 gal.)
- ☒ MX125 Gas Power Pack Mud System (MX125001) \$4,502.00
- ☐ MX125 Diesel Power Pack Mud System (MX125002)
- ☐ 250 Gallon Tank (MX125010)
- ☐ 300 Gallon Tank (MX125011)
- ☒ 500 Gallon Tank - Narrow (approx. 101" long x 28" wide x 60" high) (MX125012) \$2,701.00
- ☐ 500 Gallon Tank - Wide (approx. 73" long x 36" wide x 75" high) (MX125013)
- ☐ Supply Hose - 2" x 50' (MX125021)

Required Item: (check one locator and one sonde choice)

- ☐ DigiTrak (DCI) F2 System w/ FSD Remote Display (P/N 296298972)
- ☐ F Series 12 kHz 15" Long Range Trans 0.1% Pitch 1 (P/N 296298945)
- ☒ DigiTrak (DCI) F5 System w/ FSD Remote Display (P/N 296339239); F5 Log While Drilling Kit (includes Blue Tooth Dongle, LWD Software Disc & Manual) (P/N 296339206) \$18,750.00
- ☐ F Series 12 kHz 15" Long Range Trans 0.1% Pitch 1 (P/N 296298945)
- ☒ F5 19/12 kHz 15" Long Range Trans 0.1% Pitch 1 (P/N 296339222) \$3,800.00
- ☐ DigiTrak (DCI) SE System w/ SE Remote Display (P/N 296338885)
- ☐ SE 12 kHz 15" Standard Range Trans 1% Pitch 1 (P/N 296339022)

Optional Features: (options replace basic unit features, for add'l cost as listed)

- ☒ 25 Gallon Water Tank (321); in lieu of 2 1/2 gal. anti-freeze tank (320) \$321.00
- ☒ Aggressive Stake Down (032) in lieu of standard stake down (031) \$389.00
- ☐ Large Aggressive Stake Down (033); in lieu of standard stake down (031)
- ☒ Auto Greaser Assy - 1 Gal. Bucket (152) \$1,410.00
- ☐ Tether Tracking Assembly (119) (use w/ serial # 1001 & up)
- ☐ Soft Cab Option (341)
- ☐ Multi Function Display Mounting Assembly (201) (includes MFD remote)
- ☐ Operating Lights Assembly (351)
- ☐ Drill Head w/ Quick fire 400 Connection (508) (includes starter rod); in lieu of drill head w/ hex collar connection (504)
- ☐ Armor Drill System w/ Quickfire 400 Connection (510); in lieu of drill head w/ hex collar connection (504)
- ☐ Rock Adaptable Terrain Tool (R.A.T.T.) - 5" w/ 2-18" Hex (296302833) (RATT002)
- ☐ Rock Adaptable Terrain Tool (R.A.T.T.) - 5" w/ QF 400 (296344254) (RATT004)
- ☐ Miscellaneous Features: sales code _ _ _ \$ _ _ _

Extended Warranty: (choose one)

- ☐ 2 Year Labor Warranty (PL2)
- ☐ 2 Year Confidence Plus (CP2) -includes 2 Year Parts & Labor Warranty and initial 4 services
- ☐ 3 Year Parts and Labor Warranty (PL3)
- ☐ 3 Year Confidence Plus (CP3) -includes 3 Year Parts & Labor Warranty and initial 4 services
- ☐ Planned Maintenance Package 4-Intervals (PM)

Must Enter Qty: 1

NOTE: For a quote on trailers, reamers, and additional drill rod, please see your local Vermeer dealer.

Recommended Package Total: \$188,972.00
Dealer Freight, Prep, and Training: \$1,750.00
Towmaster T20DB Trailer: \$11,500.00
Reamers: _____
Total: \$202,222.00
Sales Tax: _____

Enter Sales Tax %: _____

Grand Total: \$202,222.00

ACCEPTED:

VERMEER

BY: _____

DATE: _____

Customer

BY: _____

DATE: _____

Pricing effective 01/01/15

NOTE: All pricing in USD \$

NOTE: Include applicable sales tax

Quotes valid for 30 days

Any applicable sales tax is not included. Prices subject to change without notice. These prices are exclusive of any and all duties, import fees, taxes, or other similar charges. These prices may not be available in any transaction involving a trade or rental transaction. This sheet may not include all possible specifications available for this model. For complete product specifications, please contact your local authorized Vermeer dealer. Unless otherwise noted, dealer freight & prep to be determined.



VERMEER MIDSOUTH, INC
 580 JEAN MARY AVE
 SPRINGDALE AR 72762
 PH: 479-361-9110 FX: 479-361-9120

Account#	Work Ord	Brc	Sls
A3753		400	4A1

S A L E S O R D E R
 E S T I M A T E

Date	Time	Order #	Page
02-13-15	14:18	468380	1

Sold To: 000
 CITY OF FAYETTEVILLE
 FLEET OPERATIONS
 1525 SOUTH HAPPY HOLLOW

Ship To: * C A S H / C O D *
 CITY OF FAYETTEVILLE
 FLEET OPERATIONS
 1525 SOUTH HAPPY HOLLOW

FAYETTEVILLE

AR 72701

FAYETTEVILLE

AR 72701

Ship Via PU

Entered By jreeves	Customer Purchase Order QUOTE		Customer Contact TIM NYANDER		Ord Date 02-13-15
Model	Serial Number	Equip ID	Customer Job number	Customer Phone # 479-444-3845	

Ord	Ship	B/O	Mfg	Part Number	Description	Bin	Unit Price	UM	Extended
-----	------	-----	-----	-------------	-------------	-----	------------	----	----------

ANY RETURN PART MUST MEET OUR "PARTS RETURN POLICY". ANY RETURN IS
 SUBJECT TO A NOMINAL HANDLING FEE AND FREIGHT IS NON-REFUNDABLE. WE
 ARE VERY APPRECIATIVE OF YOUR BUSINESS WITH US.

1	1		VER	296428-511	C-5		2,362.65EA		2,362.65
				GUANTLET 4.50" HEAD ASSEMBLY -					
1	1		VER	296279-067	C-5		206.85EA		206.85
				ADAPTER ASSY-2.125 LPT(P)X2.37					
1	1	Y	VER	296412-814	C-5		1,425.00EA		1,425.00
				GUANTLET ASSY BOLT ON 3.00in D					
1	1		VER	296341-811	D-2		438.90EA		438.90
				PULLER EXPAND Rpls 131507-001					
1	1		VER	232557-001	GS-1		1,850.00EA		1,850.00
				ASSY - 6" FLUTED ROTARY 2.125					
1	1		VER	231807-001	SW1-3		75.05EA		75.05
				DUCT PULLER 2in					
1	1		LEW	HD-3-S-Z	SW1-3		644.64Ea		644.64
				SWIVEL-21,000LBS 2"DIA.W/ZERK					
2	2	Y	OKL	SHACKLE 3/8	SW1-3		7.13Ea		14.26
				3/8 SHACKLE	193-5410635				
2	2		OKL	SHACKLE 1/2	SW1-3		7.87Ea		15.74
				1/2 SHACKLE	193-5410805				
1	1		VER	296428-603	VER-DISP		2,242.00EA		2,242.00
				SMALL ARMOR HOUSING ASSY-3.25"					
				WAS/TONTIT	WASHINGTON COUNTY - TONTITOWN				904.32

WE APPRECIATE YOUR BUSINESS! JASON

ALL WARRANTIES, IF ANY, MADE WITH RESPECT TO THIS
 EQUIPMENT ARE THOSE WARRANTIES MADE BY THE MANUF.
 DEALER MAKES NO WARRANTIES, EXPRESS OR IMPLIED,
 INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY AND
 FITNESS FOR A PARTICULAR PURPOSE.

Total Amount

10,179.41

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

Budget Year	Division: Utilities Director	Adjustment Number
2015	Dept.: Utilities	
	Requestor: Cheryl Partain	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

A BA is needed within the Water System Rehabilitation/Replacement project for the purchase of a Horizontal Directional Boring machine. This boring machine was budgeted within the 2015 CIP to be used to start replacing galvanized pipe.

RESOLUTION/ORDINANCE	COUNCIL DATE:	4/7/2015
	LEGISTAR FILE ID#:	2015-0145
	<i>Barbara Fell</i>	
	3/12/2015 9:29 AM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL	214,000	214,000						v.20150102
	Increase / (Decrease)		Project.Sub#					
Account Number	Expense	Revenue	Project	Sub	AT	Account Name		
	-	-						
	-	-						
5400.5600.5808.00	(214,000)	-	12009	1	EX	Water Line Improvements		
5400.1840.7602.70	214,000	-	12009	1	EX	Transfer to Shop		
9700.0970.6602.40	-	214,000	02080	2015	RE	Transfer from Water & Sewer		
9700.1920.5802.00	214,000	-	02080	2015	EX	Vehicles And Equipment		
	-	-						
	-	-						
	-	-						
	-	-						
	-	-						
	-	-						
	-	-						
	-	-						



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0146

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 7

SIX (6) POLICE PACKAGE CHEVROLET TAHOES FROM SUPERIOR CHEVROLET

A RESOLUTION TO AUTHORIZE THE PURCHASE OF SIX (6) POLICE PACKAGE CHEVROLET TAHOES FROM SUPERIOR CHEVROLET OF SILOAM SPRINGS IN THE TOTAL AMOUNT OF \$169,662.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, 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 authorizes the purchase of six (6) police package Chevrolet Tahoes from Superior Chevrolet of Siloam Springs in the total amount of \$169,662.00, pursuant to a state procurement contract, for use by the Police Department.

City of Fayetteville Staff Review Form

2015-0146

Legistar File ID

4/7/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks/Sara Glenn/Barbara Olsen

3/13/2015

Transportation Services /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution to authorize the purchase of six Chevrolet Tahoes with Police Packages available through Superior Chevrolet of Siloam Springs at the Arkansas State Contract price in the amount of \$28,277.00 each, for a total of \$169,662.00.

Budget Impact:

9700.1920.5802.00

Shop Fund

Account Number

Fund

02081.2014

Police/Passenger

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 249,984.00

Funds Obligated \$ -

Current Balance \$ 249,984.00

Does item have a cost? Yes

Item Cost \$ 169,662.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 80,322.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF APRIL 7, 2015

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent
DATE: March 13, 2015
SUBJECT: Purchase of six Tahoes for Police

RECOMMENDATION:

That City Council approve the purchase of six 2015 Chevrolet Tahoes with Police Packages available through Superior Chevrolet of Siloam Springs at the Arkansas State Contract price in the amount of \$28,277.00 each, for a total of \$169,662.00.

BACKGROUND:

The following Police units are in need of replacement:

- Unit 1187 – 2008 Ford Crown Vic has over 130,000 miles and has cost 66% of its original purchase price in maintenance costs.
- Unit 1184 - 2008 Ford Crown Vic has over 121,000 miles and has cost 53% of its original purchase price in maintenance costs.
- Unit 1203 - 2009 Ford Crown Vic has over 116,000 miles and has cost 73% of its original purchase price in maintenance costs.
- Unit 1199 - 2009 Ford Crown Vic has over 121,000 miles and has cost 44% of its original purchase price in maintenance costs.
- Unit 1202 - 2009 Ford Crown Vic has over 124,000 miles and has cost 67% of its original purchase price in maintenance costs.
- Unit 1201 - 2009 Ford Crown Vic has over 119,000 miles and has cost 56% of its original purchase price in maintenance costs.

DISCUSSION:

Fleet recommends the purchase of six 2015 Chevrolet Tahoes with Police Packages available through Superior Chevrolet of Siloam Springs at the Arkansas State Contract price in the amount of \$28,277.00 each, for a total of \$169,662.00.

This purchase was approved by the Equipment Committee on March 10, 2015.

BUDGET/STAFF IMPACT:

Sufficient Funds have been budgeted and collected for each unit.

Attachments:

PO – Purchase Requisition

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: 3/13/2015				
							P.O Number:				
Vendor #: 20085			Vendor Name: Superior Chevrolet of Siloam Springs				Mail ☐ YES ☒ NO		Legistar#: 2015-0146		
Address:						FOB Point:		Taxable ☐ YES ☒ NO		Expected Delivery Date:	
City:			State:			Zip Code:		Ship to code: 50			
Requester: Sara Glenn						Requester's Employee #: 3912		Extension: 3485			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #		
1	2015 Chevrolet Tahoes with Police Package	6	EA	28,277.00	\$169,662.00	9700.1920.5802.00	02081.2014		701290		
2	off of Arkansas State Contract				\$0.00				701291		
3	To Be Units #1290, 1291, 1292, 1293, 1294, 1295,				\$0.00				701292		
4					\$0.00				701293		
5					\$0.00				701294		
6					\$0.00				701295		
7					\$0.00						
8					\$0.00						
9					\$0.00						
10					\$0.00						
*	Shipping/Handling		Lot		\$0.00						
Special Instructions:							Subtotal: \$169,662.00				
							Tax: \$0.00				
							Total: \$169,662.00				
Approvals:											
Mayor: _____				Department Director: _____				Purchasing Manager: _____			
Chief Financial Officer: _____				Budget Director: _____				IT Director: _____			
Dispatch Manager: _____				Utilities Manager: _____				Other: 			



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0147

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 8

2015 DODGE RAM 2500 PICKUP TRUCK FROM LANDERS DODGE

A RESOLUTION TO APPROVE THE PURCHASE OF A 2015 DODGE RAM 2500 PICKUP TRUCK FROM LANDERS DODGE OF BENTON, ARKANSAS IN THE AMOUNT OF \$24,752.00 PURSUANT TO A STATE PROCUREMENT CONTRACT 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 approves the purchase of a 2015 Dodge Ram 2500 pickup truck from Landers Dodge of Benton, Arkansas in the amount of \$24,752.00 pursuant to a state procurement contract for use by the Police Department.

City of Fayetteville Staff Review Form

2015-0147

Legistar File ID

4/7/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks/Sara Glenn/Barbara Olsen

3/13/2015

Transportation Services /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution to authorize the purchase of one 2015 Dodge Ram 2500 off the Arkansas State contract in the amount of \$24,752.00 from Landers Dodge Jeep of Benton, AR for use by the Police Department.

Budget Impact:

9700.1920.5802.00

Shop Fund

Account Number

Fund

02078.2015

Light/Medium Trucks

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 867,265.98

Funds Obligated \$ -

Current Balance \$ 867,265.98

Does item have a cost? Yes

Item Cost \$ 24,752.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 842,513.98

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF APRIL 7, 2015

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent
DATE: March 13, 2015
SUBJECT: Purchase of one pickup truck for Police

RECOMMENDATION:

That City Council approve the purchase of one 2015 Dodge Ram 2500 off the Arkansas State contract in the amount of \$24,752.00 from Landers Dodge Jeep of Benton, AR

BACKGROUND:

Unit 2037 is a 2001 Ford Cargo Van that the Police department has been using for a crime scene unit. It does not function well for this purpose; they have made do for years but really need something that will function better. It contains shelving and compartments to hold supplies and they currently have several toolboxes lining the floor to try and make it work for them. Fleet will purchase a Dodge Ram with an Extendo Bed for the Police, and that will better fit their needs. By replacing the van with a truck, Police will be able to use it for more than just crime scene events.

The Media department is in need of a van with shelving to transport their items. This van has low mileage (only 16,125 miles) and still has life left, Fleet would like to move this unit to the Media department. The Media department has budgeted enough to purchase the used van and for the monthly operating charges.

DISCUSSION:

Fleet recommends the purchase of one 2015 Dodge Ram 2500 off the Arkansas State contract in the amount of \$24,752.00 from Landers Dodge Jeep of Benton, AR

This purchase was approved by the Equipment Committee on March 10, 2015.

BUDGET/STAFF IMPACT:

Sufficient funds have been collected and budgeted for this purchase, including the upfit items.

Attachments:

PO – Purchase Requisition

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.: P.O Number:		Date: 3/13/2015	
Vendor #: 19928		Vendor Name: Landers Dodge Jeep				Mail ☐ YES ☒ NO		Legistar#: 2015-0147 Expected Delivery Date:	
Address:				FOB Point:		Taxable ☐ YES ☒ NO			
City:		State:		Zip Code:	Ship to code: 50	Quotes Attached ☐ YES ☒ NO			
Requester: Sara Glenn				Requester's Employee #: 3912		Extension: 3485			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	2015 Dodge Ram 2500	1	EA	24,752.00	\$24,752.00	9700.1920.5802.00	02078.2015		702187
2	off of Arkansas State Contract				\$0.00				
3	To Be Unit #2187 Fixed Asset 702187				\$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: \$24,752.00 Tax: \$0.00 Total: \$24,752.00			
Approvals:									
Mayor: _____			Department Director: _____			Purchasing Manager: _____			
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____			
Dispatch Manager: _____			Utilities Manager: _____			Other: <i>BD</i>			



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0148

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 9

MAXSURGE HEALTHCARE SOLUTIONS, INC - AIRPORT HANGAR

A RESOLUTION TO APPROVE A THREE YEAR LEASE AGREEMENT WITH MAXSURGE HEALTHCARE SOLUTIONS, INC. FOR THE AIRPORT HANGAR AT 4580 SOUTH SCHOOL AVENUE FOR A RENT OF \$2,893.00 PER MONTH TO BEGIN RETROACTIVELY ON MARCH 1, 2015

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 three year lease agreement with MaxSurge Healthcare Solutions, Inc., a copy of which is attached to this Resolution and made a part hereof, for the airport hangar at 4580 South School Avenue for a rent of \$2,893.00 per month to begin retroactively on March 1, 2015.

City of Fayetteville Staff Review Form

2015-0148

Legistar File ID

4/7/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

John Roscoe 

3/11/2015

Aviation /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval and signature of the Mayor on a three-year lease with MaxSurge Healthcare Solutions, Inc., c/o Dr. Scott Bolding, 5229 St. Andrews Drive, Fayetteville, AR 72704, 479-957-4611, cody@maxsurge.com

Budget Impact:

NA Account Number NA Project Number Budgeted Item? <u>NA</u> Does item have a cost? <u>NA</u> Budget Adjustment Attached? <u>NA</u>	Airport Fund NA Project Title Current Budget \$ - Funds Obligated \$ - Current Balance \$ - Item Cost Budget Adjustment Remaining Budget \$ -
---	---

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: Will provide \$34,716 annual revenue to the Airport.



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 7, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Staff/Contract Review Committee
Terry Gulley, Transportation Director

FROM: John Roscoe, Airport Director 

DATE: 3/11/15

SUBJECT: Airport Corporate Hangar Lease – MaxSurge Healthcare Solutions, Inc.
Legistar Item # 2015-0148

RECOMMENDATION:

Review and signature of the Mayor.

BACKGROUND:

The hangar located at 4580 S School Ave., is currently vacant. The former tenant, NFlight Technologies, vacated the hangar at the end of 2014. NFlight had several sub-lessees who continued paying rent to the Airport through February 2015.

MaxSurge Healthcare Solutions, Inc. is a healthcare consulting company who wishes to lease the entire hangar for their aviation department. They anticipate growth in the future including acquisition of additional aircraft. They currently operate a business class jet.

DISCUSSION:

The Airport recently conducted a rate study to determine a market rental rate for hangars and offices at the Airport. The market rate for large "corporate hangars" was determined to be \$3.00 – 3.50 sq ft per year. The Airport has offered MaxSurge the hangar at the rate, 3.25 sq ft, for three years. At the expiration of the lease term, the lease rate will be re-evaluated and a new lease negotiated.

BUDGET/STAFF IMPACT:

The building lease will provide \$2,893 per month or \$34,716 annual revenue to the Airport.

Attachments:

SRF, SRM,
Lease

LEASE AGREEMENT

This **LEASE AGREEMENT** made this 2nd day of MARCH, 2015, by and between the City of Fayetteville, Arkansas, hereinafter called "City", and MaxSurge Healthcare Solutions, Inc., C/O Dr. Scott Bolding, 5229 St Andrews Drive, Fayetteville, AR 72704, 479-957-4611, hereinafter called "MaxSurge."

WHEREAS, City is the owner of an airport known as the Fayetteville Executive Airport, Drake Field, herein referred to as the "Airport"; and

WHEREAS, City is the owner of an aircraft hangar at the Airport; and

WHEREAS, MaxSurge desires to lease said corporate aircraft hangar

NOW, THEREFORE, the parties, in consideration of the mutual covenants contained herein, hereby agree as follows:

1. City leases to MaxSurge, and MaxSurge leases from City, the corporate aircraft hangar located at 4580 S. School Ave., Fayetteville, Arkansas, as reflected on "Exhibit A" attached hereto and made a part hereof.

2. MaxSurge is granted the use, in common with others similarly authorized, of the airport, together with all facilities, equipment, improvements, and services which have been, or may hereafter, be provided at, or in connection with the Airport from time to time including, but not limited to, the landing field, and any extensions hereof or additions thereto, roadways, runways, ramps, aprons, taxiways, flood lights, landing lights, beacons, control tower, signals, radio aids, and all other conveniences for flying, landings and take-offs.

3. MaxSurge shall have at all times the full and free right in ingress to and egress from the demised premises and facilities referred to herein for MaxSurge, its employees, customers, passengers, guests, and other invitees. Such rights shall also extend to persons or organizations supplying materials or furnishing services to MaxSurge.

4. Term: Subject to earlier termination as hereinafter provided, the initial term of this agreement shall be for Three (3) year(s) commencing on the 1st day of March, 2015, and ending on the 28th day of February 2018.

This Lease Agreement may be terminated by either party with a thirty (30) day written notice.

5. Rent: MaxSurge agrees to pay the City for the use of the premises, facilities, rights, and

privileges granted hereunder the sum of: Two Thousand, Eight Hundred and Ninety Three dollars (\$2893.00) per month.

The initial lease payment is due and payable upon execution of this Lease Agreement, and all subsequent monthly lease payments shall be payable in advance on, or before, the 1st day of each month. In addition to any remedy available to it hereunder, the City may impose as additional rentals a delinquency charge on all overdue payments, at the maximum rate allowed by law.

6. City shall maintain and keep in good repair so much of the Airport premises as are not under the exclusive control of MaxSurge. MaxSurge shall, at the termination, surrender or forfeiture of this lease, return said premises in same or better condition premises were at the beginning of the lease, normal wear and tear excepted.

7. MaxSurge shall provide for and supply at its expense all janitor service with respect to the demised premises, and shall pay for all utilities serving the demised premises, including, but not limited to heat, light, gas, electricity, and water, sewer and trash removal.

8. Improvements: MaxSurge shall bear the cost of all improvements or additions made to the interior or exterior of the building on the leased premises. No improvements or additions to any part of the leased premises shall be made by MaxSurge without the prior written approval of the Airport Manager, whose consent will not be unreasonably withheld. Any signs or antennas to be erected on or attached to the leased premises must have the prior written approval of the Airport Manager and conform to all City Ordinances.

9. Maintenance: The City shall be responsible only for major maintenance of the existing equipment, i.e. replacement of heating unit and other equipment in place in the facility which includes, roof, hangar door motors, exterior walls, exterior plumbing, paved ramp and paved parking lot. The City agrees that if the roof or any part of the exterior walls or exterior plumbing of said building thereof shall become defective or damaged at any time during the term due to ordinary wear and tear and not due to negligence of MaxSurge, or MaxSurge's agents or invites, upon notice from MaxSurge, the City will immediately cause repairs to be made and restore the defective portions to good condition. If the damage is so extensive as to render such building untenable, the rent payable hereunder shall be proportionally paid up to the time of such damage and shall thenceforth cease until such time as the premises shall be fully restored. If the demised premises are completely destroyed, City may reconstruct the hangar at the City's own cost and the rent payable hereunder shall be adjusted as set forth above, or City may, at its option, cancel this agreement, such cancellation to be effective as of the date the hangar was destroyed, and the rent adjusted as set forth above. Routine maintenance of the hangar doors shall remain the responsibility of the City. MaxSurge shall not make any alterations to the controls of the hangar doors.

10. MaxSurge agrees to observe and obey City's Ordinances and Regulations with respect to use of the demised premises and Airport; provided, however, such Ordinances and Regulations shall be consistent with safety and with all city, county, and state rules, regulations, including all current fire codes, and orders of the Federal Aviation Administration with respect to aircraft operations at

the Airport, and provided further, such Ordinances and Regulations shall be consistent with the provisions of this agreement or the procedures prescribed or approved from time to time by the Federal Aviation Administration with respect to the operation of MaxSurge's aircraft at the Airport.

"The Minimum Standards for Fayetteville Executive Airport, Drake Field" herein referred to as Airport Minimum Standards are made part of this lease by reference as if included word for word.

11. MaxSurge agrees that it shall use the premises for the implementation and conducting of an aeronautical business activity. MaxSurge agrees that it shall use the premises only for the storage of airplanes and materials and equipment necessarily related to the operation of said aeronautical business activity and that no other vehicles, equipment or supplies shall be stored on the premises unless expressly agreed to by the City. MaxSurge further agrees not to store any flammable material on the demised premises, other than a limited supply of oils and agents necessary for current aircraft maintenance and repair, or in any way endanger or violate the provisions of the City's standard commercially available property insurance policy or the requirements of same. Such violations shall constitute a material breach of this Agreement.

12. Hazardous Substance: MaxSurge shall not cause or permit any Hazardous Substance to be used or stored on or in the Leased Premises without first obtaining the City's written consent. If hazardous Substances are used, stored, generated, or disposed of on or in the Leased Premises or if the Leased Premises or any other Airport property becomes contaminated in any manner for which MaxSurge is responsible or legally liable, MaxSurge shall indemnify and hold harmless the City, its officers, directors, agents, servants, and employees from any and all claims, damages, fines, judgments, penalties, costs, liabilities, or losses including all reasonable costs for investigation and defense thereof, (including but not limited to attorney's fees, court costs, and expert fees, and without limitation, decrease in value of the Lease Premises, damages caused by loss or restriction of rentable or usable space as a part of the Leased Premises arising during or after the term hereof and arising as a result of that contamination by MaxSurge, MaxSurge agents, employees, and invitees. This indemnification includes, without limitation, all cost incurred because of any investigation of the Airport or any cleanup, removal, or restoration mandated by a federal, state, local agency or political subdivision.

13. If the demised premises are partially damaged by fire or other casualty which is not due to the negligence or fault of the MaxSurge, said premises shall be repaired with due diligence by City at City's expense. If the damage is so extensive as to render such building untenable, the rent payable hereunder shall be proportionally paid up to the time of such damage and shall thenceforth cease until such time as the premises shall be fully restored. If the demised premises are completely destroyed, City may reconstruct the hangar at the City's own cost and the rent payable hereunder shall be adjusted as set forth above, or City may, at its option, cancel this agreement, such cancellation to be effective as of the date the hangar was destroyed, and the rent adjusted as set forth above.

14. MaxSurge shall maintain in force during the Term and any extended term public liability and property damage insurance in comprehensive form as reasonably may be required by the City and

specified in the Airport Minimum Standards. The insurance shall be issued by an insurer licensed to do business in the State of Arkansas.

Concurrent with the execution of this Agreement, MaxSurge shall provide proof of insurance coverage by providing a Certificate of Lessee's Insurance coverage, a copy of the declarations page on the insurance policy, and a copy of all endorsements. The Certificates of Insurance, or endorsements attached thereto, shall provide that; (a) insurance coverage shall not be canceled, changed in coverage, or reduced in limits without at least thirty (30) days prior written notice to the City; (b) the City and the Airport and their trustees, agents, officers, servants, and employees are named as additional insured; (c) the policy shall be considered primary as regards to any other insurance coverage the City may possess, including any self-insured retention or deductible the City may have, and any other insurance coverage the City may possess shall be considered excess insurance only; (d) the limits of liability required therein are on an occurrence basis.

15. MaxSurge agrees to indemnify City against any and all liabilities, losses, suits, claims, judgments, fines, penalties, demands or expenses, including all reasonable costs for investigation and defense thereof, (including but not limited to attorney's fees, court costs, and expert fees, for injuries to persons or damage to property caused by MaxSurge's use or occupancy of the lease premises; provided, however, that MaxSurge shall not be liable for any injury, damage or loss arising from the negligence of City or its agents or employees; and provided further, that each party shall give prompt and timely notice of any claim made or suit instituted which in any way directly or indirectly affects or might affect either party, and each party shall have the right to compromise and defend the same to the extent of its own interest. This clause shall not be construed to waive that tort immunity as set forth under Arkansas Law.

16. MaxSurge agrees that it will not discriminate by segregation or otherwise against any person or persons because of race, creed, color, religion, national origin, sex, marital status, or handicap in the furnishing, or by refusing to furnish, to such persons the use of any facility, including any and all services, privileges, accommodations, and activities provided thereby. Nothing herein shall require the furnishing to the general public of the use of any facility customarily furnished by the City solely to tenants, their employees, customers, patients, client, guests, and invites.

17. Assigning, Subletting and Encumbering. MaxSurge shall not assign this Agreement in whole or in part, nor sublease all or any part of the Leased Premises, nor permit other persons to occupy said Leased Premises or any part thereof, not grant any license or concession for all or any part of said Leased Premises, without the prior written consent of the Airport Manager, which consent shall not be unreasonably withheld. Any consent by the Airport to an assignment or subletting of this Agreement shall not constitute a waiver of the necessity of obtaining that consent as to any subsequent assignment. Any assignment for the benefit of MaxSurge's creditors or otherwise by operation of law shall not be effective to transfer or assign MaxSurge's interest under this Agreement unless the Airport shall have first consented thereto in writing. Neither MaxSurge's interest in this Agreement, not any estate created hereby in MaxSurge nor any interest herein or therein, shall pass to any trustee or receiver or assignee for the benefit of creditors or otherwise by operation of law except as may specifically be provided in the Bankruptcy Code. If any of the corporate shares of stock of MaxSurge are transferred, or if any partnership interests of MaxSurge

are transferred, by sale, assignment, bequest, inheritance, operation of law, or otherwise, so as to result in a change of the control, assets, value, ownership, or structure of MaxSurge, same shall be deemed an assignment for the purposes of this Section 17 and shall require the Airport's prior consent, and MaxSurge shall notify the Airport of any such change or proposed change.

18. On the expiration or other termination of this lease MaxSurge's right to use the demised premises shall cease, and MaxSurge shall vacate the premises without unreasonable delay. All property installed, erected, or placed by MaxSurge in, on, or about the premises leased hereunder shall be deemed to be personal property and shall remain the property of MaxSurge. MaxSurge shall have the right at any time during the term of this agreement, or any renewal or extension hereof, and for an additional period of fourteen (14) days after the expiration or other termination of this agreement, to remove any or all of such property, subject, however, to MaxSurge's obligation to repair all damage, if any, resulting from such removal. Any and all property not removed by MaxSurge prior to the expiration of the aforesaid fourteen (14) day period shall thereupon become a part of the land on which it is located and title hereto shall thereupon vest in City.

19. City may enter the premises leased to MaxSurge at any reasonable time for any purpose necessary or incidental to the performance of its obligations or MaxSurge's obligations hereunder.

20. MaxSurge shall maintain the demised premises in a clean and orderly fashion at all times. MaxSurge shall be responsible for the upkeep and mowing of the leased property.

21. MaxSurge shall not start or operate aircraft engines within the aircraft hangar leased hereby and shall not allow such operations by any other person.

22. MaxSurge agrees that habitation of the hangar building as a residence is prohibited.

23. Any notice or consent required by this Agreement shall be sufficient if sent by Certified Mail, return receipt requested, postage paid, to the following address:

CITY OF FAYETTEVILLE

Airport Administration Office

4500 S. School Avenue, Suite F
Fayetteville, Arkansas 72701
Phone: 718-7642

MAXSURGE

MaxSurge Healthcare Solutions, Inc.
c/o Scott Bolding
5229 St Andrews Dr.
Fayetteville, Arkansas 72704
Phone: (479) 957-4611

24. This agreement shall be construed under the laws of the State of Arkansas.

25. All the covenants, conditions, and provisions under this agreement shall extend to and bind the legal representative, successors, and assigns of the respective parties hereof.

IN WITNESS WHEREOF, the parties have executed this Lease on the day and year first above written.

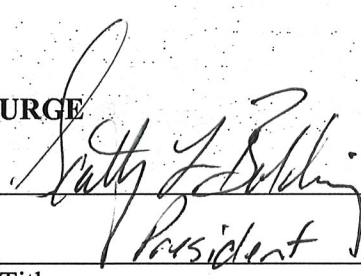
CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Lioneld Jordan, Mayor

ATTEST

By: _____
Sondra Smith, City Clerk and Treasurer

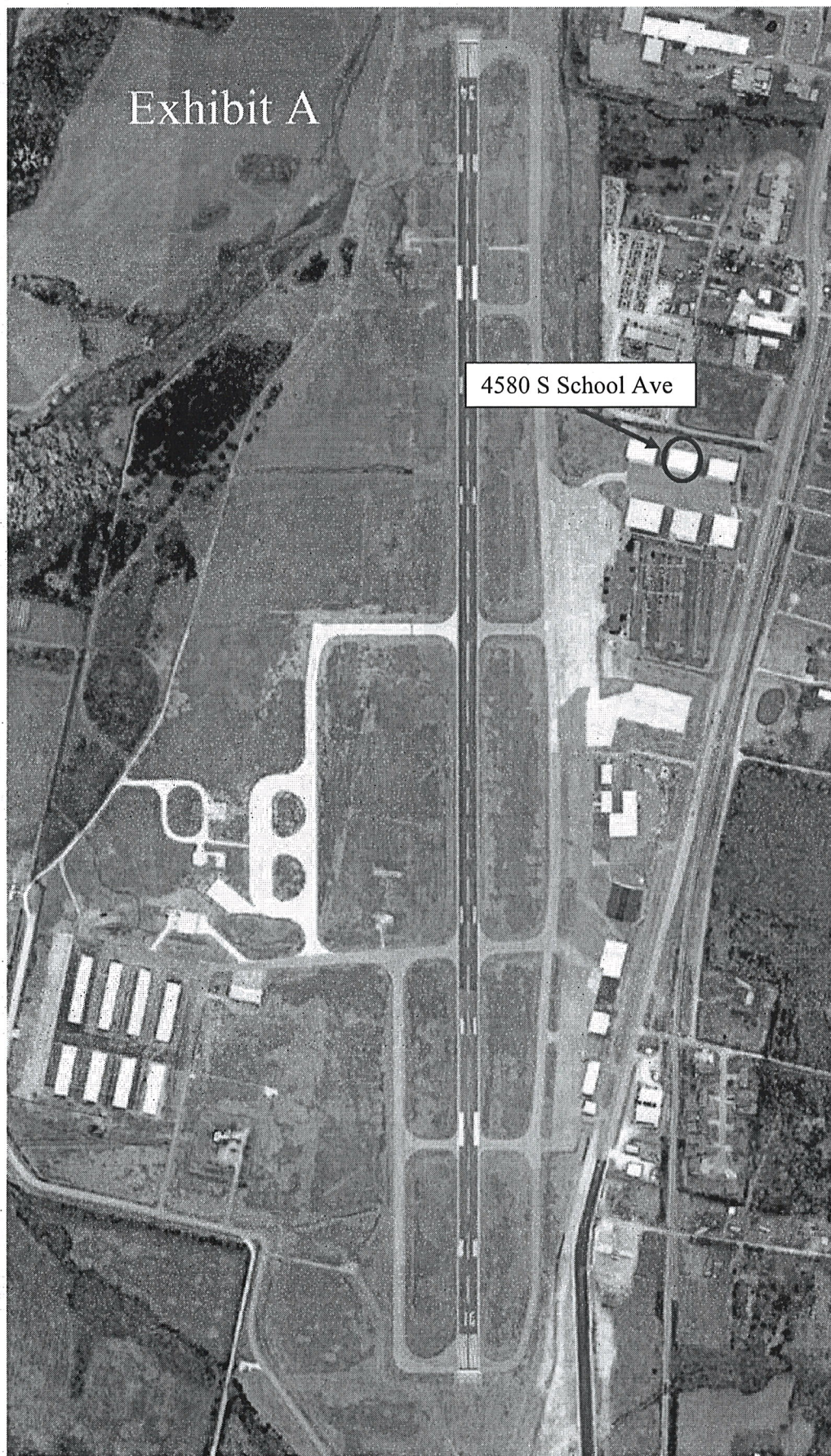
MAXSURGE

By: 
Title _____
President

ATTEST:

Title _____

Exhibit A





City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0149

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 10

4TH JUDICIAL DISTRICT DRUG TASK FORCE GRANT

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A \$21,857.70 GRANT FROM THE STATE DRUG CRIME ENFORCEMENT AND PROSECUTION FUND TO BE MATCHED BY \$5,464.43 FROM CITY FUNDS TO BE USED BY THE 4TH JUDICIAL DISTRICT DRUG TASK FORCE, 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 authorizes acceptance of a \$21,857.70 grant from the State Drug Crime Enforcement and Prosecution Fund to be matched by \$5,464.43 from City Funds to be used by the 4th Judicial District Drug Task Force.

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

City of Fayetteville Staff Review Form

2015-0149

Legistar File ID

4/7/2015

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

Greg Tabor

3/17/2015

Police /
Police Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Accept a \$21,857.70 continuation grant from the State Drug Crime Enforcement and Prosecution Fund to be matched by \$5,464.43 from city funds to be used by the 4th Judicial District Drug Task Force, and approval of a budget adjustment.

Budget Impact:

1010.2920.5120.00		General	
Account Number		Fund	
31301.2014		DCF Grant - 2014	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 2,900.00
		Funds Obligated	\$ 2,505.92
		Current Balance	\$ 394.08
Does item have a cost?	Yes	Item Cost	\$ 21,857.70
Budget Adjustment Attached?	Yes	Budget Adjustment	\$ 21,858.00
		Remaining Budget	\$ 394.38

V20140710

Previous Ordinance or Resolution # 60-14

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 7, 2015

TO: Mayor and City Council

FROM: Greg Tabor, Chief of Police 

DATE: March 17, 2015

SUBJECT: Continuation Grant Award from State Drug Crime Enforcement and Prosecution Fund

RECOMMENDATION:

Staff recommends the acceptance of a \$21,857.70 continuation grant from the State Drug Crime Enforcement and Prosecution Fund with a required match of \$5,464.43 from city funds to be used by the 4th Judicial District Drug Task Force, and approval of a budget adjustment.

BACKGROUND:

The State Drug Crime Enforcement and Prosecution Fund is a funding source specifically established to supplement Drug Task Force entities in Arkansas. The source of these funds are the sum of all special assessments levied against individuals convicted of felony or misdemeanor offenses which are determined by district or circuit courts to be drug crimes as defined in A.C.A. 12-17-101(1).

DISCUSSION:

The total continuation grant budget will be \$27,322.130 with 80% funded by the state grant and 20% funded by local in-kind match. The 4th Judicial District Drug Task Force (DTF) will use the grant amount of \$21,857.70 to fund a DTF Investigator assigned to the 4th DTF by the Fayetteville Police Department. Furthermore, the twenty percent (20%) in-kind match requirement in the amount of \$5,464.43 will be met through the existing budgeted salary of the 4th DTF Secretary position. The intent of this continuation grant funding is to provide four months of funding to allow this grant to be absorbed into the larger Justice Assistance Grant starting in July 2015.

BUDGET/STAFF IMPACT:

The \$21,857.70 grant funding will reimburse 86% of the expenses of an officer assigned to the Drug Task Force. The shortfall for the DTF Officer expenses will be absorbed within the personnel category of the approved 2015 operating budget. This DTF Officer position has an active/filled status and will not impact our current Full Time Equivalent (FTE) level.

Attachments:

- Budget Adjustment
- 2015 DCF Supplemental Grant Award
- Resolution #60-14



ARKANSAS DEPARTMENT OF
FINANCE AND ADMINISTRATION

OFFICE OF INTERGOVERNMENTAL SERVICES

Justice Assistance Grants
1515 West Seventh Street, Suite 330
P. O. Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 683-5604
Fax: (501) 682-5206
<http://www.dfa.arkansas.gov>



(2015) DCF supplemental grant

1. SUBGRANTEE NAME AND ADDRESS (Including Zip Code)

The Honorable Lioneld Jordan
Mayor
City of Fayetteville
19-A Rock Street
Fayetteville, AR 72701

4. SUBGRANT NUMBER: 14-014-DCF

START DATE: 03-01-2014
END DATE: 06/31/2015

2. EFFECTIVE DATE: 03/01/2015

6. Original award: 03/01/2014
Supp award date: 03/01/2015

7. ACTION: ☐ Initial
☒ Supplemental (01)

2A. SUPPLEMENTAL AMOUNT \$27,322.13

DCF \$21,857.70

LOCAL MATCH \$ 5,464.43

8. AWARD AMOUNT \$97,634.63

INITIAL \$70,312.50

SUPPLEMENTAL \$27,322.13

3. COMMON NAME: DTF Fayetteville DTF

9. SPECIAL CONDITIONS (check if applicable)



THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS SET FORTH
IN THE ORIGINAL AWARD.

AGENCY APPROVAL

SUBGRANTEE APPROVAL

10. TYPED NAME/TITLE OF APPROVING IGS OFFICIAL

Doris Smith, Administrator
Intergovernmental Services

12. TYPED NAME/TITLE OF AUTHORIZED SUBGRANTEE OFFICIAL

Lioneld Jordan
Mayor, City of Fayetteville

11. SIGNATURE OF APPROVING OFFICIAL

13. SIGNATURE OF AUTHORIZED OFFICIAL

14. DATE

RESOLUTION NO. 60-14

A RESOLUTION TO APPROVE A \$56,250.00 GRANT FROM THE STATE DRUG CRIME ENFORCEMENT AND PROSECUTION FUND TO BE MATCHED BY \$14,062.50 FROM CITY FUNDS TO BE USED BY THE 4TH JUDICIAL DISTRICT DRUG TASK FORCE, 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 approves a \$56,250.00 grant from the State Drug Crime Enforcement and Prosecution Fund to be matched by \$14,062.50 from City Funds to be used by the 4th Judicial District Drug Task Force.

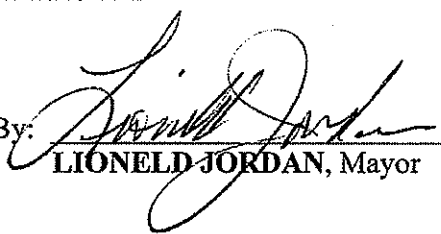
Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A".

PASSED and APPROVED this 18th day of March, 2014.

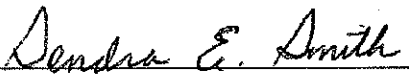
APPROVED:

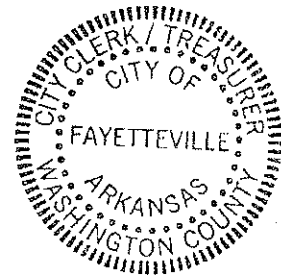
ATTEST:

By:


LIONELD JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer



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

Budget Year	Division: Police	Adjustment Number
2015	Dept.: Police	
	Requestor: W Newman	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Acceptance of the continuation grant from the State Drug Crime Enforcement and Prosecution Fund to be used by the 4th Judicial District Drug Task Force.

	COUNCIL DATE:	4/7/2015
	LEGISTAR FILE ID#:	2015-0149
	<i>Barbara Fell</i>	
	3/17/2015 3:28 PM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

RESOLUTION/ORDINANCE

TOTAL	21,858	21,858					v.20150102
	Increase / (Decrease)		Project.Sub#				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
1010.0001.4302.01	-	21,858	31301	2014	RE	State Grants - Operational	
1010.2920.5120.00	21,858	-	31301	2014	EX	Personnel Services - Contra	
	-	-					
	-	-					
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City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0156

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 11

GULF STATE DISTRIBUTORS

A RESOLUTION TO APPROVE THE PURCHASE OF AMMUNITION NEEDED BY THE FAYETTEVILLE POLICE DEPARTMENT DURING 2015 FROM GULF STATE DISTRIBUTORS IN THE AMOUNT OF \$59,709.49 PURSUANT TO THE STATE OF ARKANSAS AMMUNITION CONTRACT

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 the purchase of ammunition needed by the Fayetteville Police Department during 2015 from Gulf State Distributors in the amount of \$59,709.49 pursuant to the State of Arkansas ammunition contract.

City of Fayetteville Staff Review Form

2015-0156

Legistar File ID

4/7/2015

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

Greg Tabor

3/20/2015

Police /
Police Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of the purchase of firearm ammunition from Gulf States Distributors via State Contract #SP-05-SP-0032 in the amount of \$59,709.49.

Budget Impact:

1010-2940-5302.00

General

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 145,392.00

Funds Obligated \$ 34,554.91

Current Balance \$ 110,837.09

Does item have a cost? Yes

Item Cost \$ 59,709.49

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 51,127.60

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 7, 2015

TO: Mayor and City Council

FROM: Greg Tabor, Chief of Police 

DATE: March 20, 2015

SUBJECT: Purchase of Firearm Ammunition via State Contract

RECOMMENDATION:

Staff recommends approval of the purchase of firearm ammunition from Gulf States Distributors via state contract #SP-05-SP-0032 in the amount of \$59,709.49.

BACKGROUND:

The Fayetteville Police Department uses a large amount of firearm ammunition each year for training and duty use. The weapon systems used by the Fayetteville Police Department include .40 caliber pistols, .223/5.56 AR15 rifles, 12 gauge shotguns, and .308 rifles. Officers are required to qualify with their pistols four times a year. Certified operators of the other weapon systems are required to qualify once a year. Firearms training includes pistol and shotgun familiarization for new officers, certification training for the AR15 rifle, in-service training for all officers bi-annually, Emergency Response Team (ERT) training monthly, ERT marksman training monthly, officer refresher training for all officers annually, remediation training when needed, and individual officer training when requested. Live fire training is necessary in law enforcement to prepare officers for situations they could encounter in the performance of their duty at any given time.

DISCUSSION:

Ammunition is very difficult to acquire at this time. It could take more than a year to receive ordered ammunition from the manufacturer. Due to the unpredictable availability of ammunition, we request approval to make a one-time order in the dollar amount of \$59,709.49 for the 2015 year. This purchase would be made on the State of Arkansas Ammunition Contract number SP-05-SP-0032.

BUDGET/STAFF IMPACT:

Funding is included in the approved 2015 Operating Budget. There is no staff impact related to this purchase.

Attachments:

Purchase Request
State Contract #SP-05-SP-0032

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

Requisition No.:	Date:
P.O Number:	Expected Delivery Date:

Vendor #: 71290	Vendor Name: Gulf State Distributors	Mail Yes:___ No: <u>X</u>
Address: P O Box 241387		Quoted Attached Yes:___ No:___
City: Montgomery	State: AL	Divison Head Approval:
Requester: W Newman	Zip Code: 36124-1387	Requester's Employee #: 2888
		Extension: 3579

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	.40 180gr HST HP	90	cs	304.00	\$27,360.00	1010-2940-5302.00			
2	.223/5.56 55gr FMJ	65	cs	308.00	\$20,020.00	1010-2940-5302.00			
3	.308 168gr BTHP	10	cs	702.50	\$7,025.00	1010-2940-5302.00			
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling				\$0.00				

Special Instructions:

State of Arkansas Ammunition Contract #4600033834

Subtotal:	\$54,405.00
Tax:	\$5,304.49
Total:	\$59,709.49

Approvals:

Mayor: _____

Department Director: 

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

SP-05-SP-0032 Ammunition

AASIS Material #	Description	Remington		Speer		Federal		Winchester	
		Cruse Uniforms & Equipment Inc.		Gulf States Distributors		Gulf States Distributors		Precision Delta Corp.	
		Steve@cruseuniforms.com		Tommy@gulfstatesdist.com		Tommy@gulfstatesdist.com		Precdelta@tecinfo.com	
Effective: January 23, 2015		Steve@cruseuniforms.com		Tommy@gulfstatesdist.com		Tommy@gulfstatesdist.com		Precdelta@tecinfo.com	
		Vendor's Minimum Case Quantity: <u>3</u>		Vendor's Minimum Case Quantity: <u>1</u>		Vendor's Minimum Case Quantity: <u>1</u>		Vendor's Minimum Case Quantity: <u>3</u>	
		Mfg#	Price/M	Mfg#	Price/M	Mfg#	Price/M	Mfg#	Price/M
10100060	357 Magnum, 125gr, Jacketed Hollow Point	29400	\$ 326.00	53920	\$ 357.00	No Bid	No Bid	X3576P	\$ 397.00
10100062	357 SIG, 125gr, Full Metal Jacket, Training Ammo	23734	\$ 272.00	53919	\$ 247.75	No Bid	No Bid	Q4309	\$ 366.00
10100061	357 SIG, 125gr, Jacketed Hollow Point, Bonded	29408	\$ 354.00	53918	\$ 372.75	No Bid	No Bid	RA357SB	\$ 464.00
10100063	38 Special, 130gr, Full Metal Jacket	23730	\$ 244.00	No Bid	No Bid	AE38K	\$ 293.16	Q4171	\$ 277.00
10100064	38 Special, 125gr, +P, Jacketed Hollow Point	29432	\$ 298.00	53722	\$ 358.50	No Bid	No Bid	X38S7PH	\$ 291.00
10100065	38 Special, Blank	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	38SBLP	\$ 476.00
10100066	9mm Luger, 115gr, Full Metal Jacket	23728	\$ 200.00	53650	\$ 187.25	No Bid	No Bid	Q4172	\$ 180.50
10124520	9mm Luger, 124gr, Full Metal Jacket, Training Ammo	23718	\$ 244.00	53651	\$ 187.25	No Bid	No Bid	USA9MM	\$ 189.00
10100067	9mm Luger, 124gr, Jacketed Hollow Point	29420	\$ 311.00	No Bid	No Bid	P9HST1	\$ 251.45	No Bid	No Bid
10100068	9mm Luger, 124gr, +P, Jacketed Hollow Point	29424	\$ 322.00	No Bid	No Bid	P9HST3	\$ 251.45	RA9124TP	\$ 281.00
10100069	9mm Luger, 124gr, +P, Jacketed Hollow Point, Bonded	29351	\$ 338.00	53617	\$ 315.00	No Bid	No Bid	RA9BA	\$ 362.00
10126760	9mm Luger, 147gr, Full Metal Jacket, Training Ammo	23732	\$ 255.00	53620	\$ 187.25	No Bid	No Bid	USA9MM1	\$ 222.00
10100070	9mm Luger, 147gr, Jacketed Hollow Point, Bonded	29352	\$ 344.00	53619	\$ 309.75	No Bid	No Bid	RA9B	\$ 362.00
10100071	10mm Semi-auto, 180gr, Full Metal Jacket	23706	\$ 290.00	No Bid	No Bid	AE10A	\$ 436.00	No Bid	No Bid
10100073	40 S&W, 165gr, Full Metal Jacket, Training Ammo	23748	\$ 258.00	53965	\$ 224.70	No Bid	No Bid	USA40SW	\$ 214.00
10100074	40 S&W, 165gr, Jacketed Hollow Point	29440	\$ 300.00	No Bid	No Bid	P40HST3	\$ 304.00	RA40TA	\$ 316.00
10124521	40 S&W, 165gr, Jacketed Hollow Point, Bonded	29366	\$ 361.00	53970	\$ 336.00	No Bid	No Bid	RA40BA	\$ 381.00
10126761	40 S&W, 180gr, Full Metal Jacket, Training Ammo	23742	\$ 250.00	53652	\$ 224.70	No Bid	No Bid	Q4238	\$ 227.00
10126762	40 S&W, 180gr, Jacketed Hollow Point	29442	\$ 310.00	No Bid	No Bid	P40HST1	\$ 304.00	RA40T	\$ 316.50
10100075	40 S&W, 180gr, Jacketed Hollow Point, Bonded	29436	\$ 355.00	53962	\$ 336.00	No Bid	No Bid	RA40B	\$ 381.50
10124522	45 Auto, 185gr, Full Metal Jacket, Training Ammo	23818	\$ 288.00	53654	\$ 262.15	No Bid	No Bid	USA45A	\$ 286.00
10100078	45 Auto, 185gr, +P, Jacketed Hollow Point	29450	\$ 372.00	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
10126764	45 Auto, 185gr, Jacketed Hollow Point, Bonded	29414	\$ 428.00	53964	\$ 388.50	No Bid	No Bid	No Bid	No Bid
10100076	45 Auto, 230gr, Full Metal Jacket, Training Ammo	23726	\$ 283.00	No Bid	No Bid	AE45A	\$ 304.95	Q4170	\$ 258.40
10100077	45 Auto, 230gr, Jacketed Hollow Point	29448	\$ 355.00	No Bid	No Bid	P45HST2	\$ 342.40	RA45T	\$ 421.00
10100079	45 Auto, 230gr, Jacketed Hollow Point, Bonded	29416	\$ 422.00	53966	\$ 395.00	No Bid	No Bid	RA45B	\$ 484.00
10100080	223/5.56, 55gr, Full Metal Jacket	23711	\$ 305.00	No Bid	No Bid	XM193	\$ 308.00	Q3131	\$ 324.00
10124523	223/5.56, 55gr, Ballistic Tip	29192	\$ 472.00	No Bid	No Bid	T223F	\$ 513.60	RA223BSTA	\$ 732.00
10124524	223/5.56, 55gr, Soft Point	28399	\$ 388.00	No Bid	No Bid	T223A	\$ 363.00	RA223R	\$ 504.00
10126766	223/5.56, 62gr, Full Metal Jacket	23815	\$ 302.00	No Bid	No Bid	AE223N	\$ 319.00	USA223R3	\$ 421.00
10100081	223/5.56, 62gr, Hollow Point, Match Grade	22106	\$ 400.00	No Bid	No Bid	GM223M	\$ 715.00	No Bid	No Bid
10126767	223/5.56, 62gr, Soft Point, Match Grade, Bonded	28918	\$ 616.00	No Bid	No Bid	LE223T3	\$ 907.50	RA556B	\$ 740.40
10100083	308, 150gr, Soft Point	27842	\$ 594.00	No Bid	No Bid	LE308T1	\$ 1,017.50	X3085	\$ 728.00

AASIS Material #	Description	Remington		Speer		Federal		Winchester	
		Cruse Uniforms & Equipment Inc.		Gulf States Distributors		Gulf States Distributors		Precision Delta Corp.	
		Steve@cruseuniforms.com		Tommy@gulfstatesdist.com		Tommy@gulfstatesdist.com		Precdelta@tecinfo.com	
		Vendor's Minimum Case Quantity: <u>3</u>		Vendor's Minimum Case Quantity: <u>1</u>		Vendor's Minimum Case Quantity: <u>1</u>		Vendor's Minimum Case Quantity: <u>3</u>	
		Mfg#	Price/M	Mfg#	Price/M	Mfg#	Price/M	Mfg#	Price/M
10100084	308, 168gr, Hollow Point, Match Grade, Boat-tail	21485	\$ 694.00	No Bid	No Bid	GM308M-500	\$ 702.50	S308M	\$ 837.00
10100085	12ga, Skeet #9, Heavy Load, 2-3/4 plastic hull	20116	\$ 377.00	No Bid	No Bid	TGL 12#9	\$ 230.00	AAM129	\$ 293.00
10100088	12ga, 00 Buckshot, 9 pellet, 2-3/4 plastic hull	20812	\$ 500.00	No Bid	No Bid	LE127-00	\$ 458.00	XB1200	\$ 467.40
10124525	12ga, 00 Buckshot, 8 pellet, 2-3/4 plastic hull	20662	\$ 510.00	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
10100089	12ga, 00 Buckshot, 9 pellet, 2-3/4 plastic hull, Reduced Recoil	20643	\$ 488.00	No Bid	No Bid	LE132-00	\$ 458.00	RA1200	\$ 423.00
10100090	12ga, 00 Buckshot, 8 pellet, 2-3/4 plastic hull, Reduced Recoil	20645	\$ 444.00	No Bid	No Bid	LE133-00	\$ 458.00	RA12008	\$ 414.40
10100091	12ga, Rifled Slug, 1 oz, Hollow Point, 2-3/4 plastic hull	20279	\$ 472.00	No Bid	No Bid	F127-RS	\$ 458.00	X12RS15	\$ 469.40
10100092	12ga, Rifled Slug, 1oz, Foster slug, 2-3/4 plastic hull, Reduced Recoil	20285	\$ 444.00	No Bid	No Bid	LE127-RS	\$ 475.00	RA12RS15	\$ 472.00

Contract Contact Information

Vendors:

Cruse Uniforms & Equipment
1201 Barrow Road
Little Rock, AR 72205

Steve Cruse
Steve@cruseuniforms.com
Phone: 501-223-2778
Fax: 501-223-2424

Brand: Remington
Contract No: 4600033832
Vendor No: 100168714

Gulf States Distributors, Inc.
6000 E. Shirley Lane
Montgomery, AL 36117

Tommy Trammell
Tommy@gulfstatesdist.com
Phone No: 800-223-7869
Fax No: 334-279-9267

Brand: Federal and Speer
Contract No: 4600033839
Contract No: 4600033834
Vendor No: 100145319

Precision Delta Corp
P.O. Box 128
Ruleville, Ms 38771

Patricia Lott
Precdelta@tecinfo.com
Phone: 662-756-2810
Fax: 662-753-2590

Brand: Winchester
Contract No: 4600033830
Vendor No: 100149868

OSP:

Paul E. Coulter II
Buyer, IT Team
Office of State Procurement
Phone: (501) 683-0084
Fax: (501) 324-9311
Email: paul.coulter@dfa.arkansas.gov

Office of State Procurement Contact:

Paul Coulter

Telephone No: 501-683-0084

This Contract is for those State Agencies, Institutions of Higher Education and Political Subdivisions of the State of Arkansas to obtain ammunition in order to carry out those inherent duties related to their jobs.

PRICES: The price per thousand rounds quoted **will** be the "Normal Inside Delivery" prices. Prices quoted do not include any federal excise taxes.

MINIMUM ORDER QUANTITY: Order quantities **will** be "Full" cases and unless otherwise noted the minimum order quantity **will** be as follows:

Cruse Uniforms & Equipment, Inc. (REMINGTON - 4600033832) – Three (3) Cases

Gulf State Dist. (FEDERAL – 4600033839 & SPEER - 4600033834) – One (1) Case

Precision Delta Corporation (WINCHESTER - 4600033834) – Three (3) Cases

****Items may be combined to satisfy the minimum order quantity****

DELIVERY: Items are to be delivered (FOB Destination --Normal Inside Delivery) to the location specified.

"Normal Inside Delivery" is defined in this contract as: "The inside delivery to a building with an accessible dock to one specific room or area by use of material handling equipment without breaking shipping container to hand truck deliver individual cases."

Entities are encouraged to check with the vendor prior to ordering to ascertain any possible additional delivery charge amount that does not fall into the "Normal Inside Delivery" quote.



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0161

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 12

AUTOMATED EXTERNAL DEFIBRILLATORS - POLICE DEPARTMENT

A RESOLUTION TO APPROVE THE PURCHASE OF AUTOMATED EXTERNAL DEFIBRILLATORS FOR POLICE DEPARTMENT VEHICLES FROM LIFESAVERS, INC. IN THE AMOUNT OF \$40,869.80 PURSUANT TO A STATE OF ARKANSAS PROCUREMENT CONTRACT

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 the purchase of Automated External Defibrillators for Police Department vehicles from Lifesavers, Inc. in the amount of \$40,869.80 pursuant to a State of Arkansas procurement contract.

City of Fayetteville Staff Review Form

2015-0161

Legistar File ID

4/7/2015

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

Greg Tabor

3/20/2015

**Police /
Police Department
Division / Department**

Submitted By

Submitted Date

Action Recommendation:

Approval to purchase Automated External Defibrillators (AED) for police vehicles from Lifesavers, Inc. via state contract in the amount of \$40,869.80.

Budget Impact:

4470-9470-5210.00

Capital Improvements

Account Number

Fund

15014-1

Police AEDs

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 41,000.00

Funds Obligated \$ -

Current Balance \$ 41,000.00

Does item have a cost? Yes

Item Cost \$ 40,869.80

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 130.20

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 7, 2015

TO: Mayor and City Council

FROM: Greg Tabor, Chief of Police

A handwritten signature in black ink, appearing to be "GT", written over the name "Greg Tabor".

DATE: March 20, 2015

SUBJECT: Purchase of Automated External Defibrillators for Police Vehicles

RECOMMENDATION:

Staff recommends approval to purchase Automated External Defibrillators (AED) for police vehicles from Lifesavers, Inc. via state contract in the amount of \$40,869.80.

BACKGROUND:

The AED is a valuable tool to have in the event of a cardiac arrest or heart attack and is an important part of giving CPR. The use of an AED is recommended by the American Heart Association for persons doing CPR. Since patrol officers are often the first emergency personnel to arrive on scene, it is very important for the officers to have this device in their patrol vehicle when they arrive on scene in the event someone is having a cardiac emergency.

DISCUSSION:

The use of an AED is taught to the officers during Basic Life Support for Healthcare Providers (CPR) classes, so there will not be any additional training costs associated with his purchase. Each AED will be held in a soft carry case with two sets of adult defibrillation pads and one set of pediatric defibrillation pads. This purchase will equip each marked patrol unit with its' own AED and allow for several unmarked units to be assigned an AED.

BUDGET/STAFF IMPACT:

Funding for these AEDs is budgeted in the 2015 Operating Budget via a request made through the Capital Improvements Program. There is no impact on staffing levels with this purchase.

Attachments:

- Purchase Request
- Quote from Lifesavers, Inc
- WSCA-NASPO State Contract

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

City Of Fayetteville - Purchase Order (PO) Request (Not a Purchase Order) All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions) All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us						Requisition No.: P.O Number:		Date: 4/7/2015 Expected Delivery Date:	
Vendor #:		Vendor Name: Lifesavers, Inc				Mail Yes: No: X			
Address: 39 Plymouth St						Fob Point:		Taxable Yes: X No:	
City: Fairfield		State: NJ		Zip Code: 07004		Ship to code:		Quotes Attached Yes: No:	
Requester: W Newman						Requester's Employee #: 2888		Extension: 3579	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Defibtech Lifeline AED Package	41	ea	815.00	\$33,415.00	4470-9470-5210.00	15014-1		
2	Defibtech Lifeline Soft Carrying Case	41	ea	0.00	\$0.00				
3	Lifeline AED Adult Defibrillatin Pads	82	ea	0.00	\$0.00				
4	Lifeline AED PediatricAdult Defibrillatin Pads	41	ea	79.20	\$3,247.20	4470-9470-5210.00	15014-1		
5	Standard Battery Pack	4	ea	119.20	\$476.80	4470-9470-5210.00	15014-1		
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling				\$100.00				
Special Instructions: WSCA-NASPO Contract #SW300						Subtotal: \$37,239.00 Tax: \$3,630.80 Total: \$40,869.80			
Approvals: Mayor: _____ Department Director:  Purchasing Manager: _____ Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____ Dispatch Manager: _____ Utilities Manager: _____ Other: _____									

LIFESAVERS, INC.

39 Plymouth Street
Fairfield NJ 07004

QUOTE

Date	Quote #
3/12/2015	6854

Name / Address
Fayetteville PD 100 W. Rock Street Ste A Fayetteville AR. 72701

ENTERED BY		Terms	Rep	FOB
Maggie		Net 30	MG	origin
Item	Description	Qty	Cost	Total
DCF-100	Defibtech Lifeline AED Package w/ 5yr Battery Pack. Includes, DDU-100 AED, DBP-1400 Battery, DDP-100 Adult Pad, DAC-410 9v Battery, Manual, Warranty, Quick Use Card.	41	815.00	33,415.00
DAC-200	Defibtech Lifeline AED Soft Carrying Case	41	0.00	0.00
DDP-100-P1	Lifeline AED Adult Defibrillation Pad Package (1 set)	82	0.00	0.00
DDP-200P	Lifeline AED Pediatric Defibrillation Pad Package (1 set)	41	79.20	3,247.20
DCF-200	Defibtech Lifeline AED Standard Battery Pack (DBP-1400) w/9V	4	119.20	476.80
S & H	Shipping & Handling	1	100.00	100.00
***A medical authorization form signed by a physician is required by Federal Law for the purchase of an AED.				
All Discrepancies must be reported within 5 days after receipt of products (973)244-9111		Subtotal		
		\$37,239.00		
Phone #	Fax #	Web Site	Sales Tax (7.0%)	
973-244-9111	973-244-1666	www.lifesaversinc.com	\$0.00	
Total			\$37,239.00	

Automatic External Defibrillator (AED)

CURRENT
EXPIRATION:

March 31, 2017

INCEPTION DATE:

April 01, 2011

LEAD STATE

Oklahoma

 Contractors

 Participating
Addenda

 Laura Bybee



laura.bybee@omes.ok.gov

(mailto:laura.bybee@omes.ok)

 405.522.1037

 405.522.1077

[HIDE PORTFOLIO DETAILS](#)

Overview

 Contractors

 Participating Addenda

[CONTRACTORS \(/#/CONTRACT-DETAILS/CONTRACTORS\)](#) > DEFIBTECH, LLC

Defibtech, LLC

CURRENT EXPIRATION:
March 31, 2017

INCEPTION:
April 01, 2011

DOCUMENTS

 Defibtech-Notice of Award/Master Agreement (https://s3-us-west-2.amazonaws.com/wsca-uploads/1423672086_SW300-Defibtech-Contract.pdf)

 Defibtech Response (https://s3-us-west-2.amazonaws.com/wsca-uploads/1420831129_Defibtech-Response.pdf)

 Defibtech-Notice of Award (https://s3-us-west-2.amazonaws.com/wsca-uploads/1423672018_SW300-Defibtech-Contract.pdf)

UPDATES

 FOLLOW CONTRACTOR UPDATES

Looking to participate?

 MODEL PARTICIPATION ADDENDUM (<https://s3-us-west-2.amazonaws.com>)

Learn about the participating
addendum process >
([/#/page/How-it-Works](#))

 0 PARTICIPATING
ADDENDA

Participating Addenda generally
applies to state agencies and
eligible local entities. Review
Participating Addendum for
eligibility details.



CONTACT INFORMATION

 Al Reabuck

 203.453.6654



contracts@defibtech.com
(mailto:contracts@defibtech.com)

(mailto:contracts@defibtech.com)
(mailto:contracts@defibtech.com)

 Defibtech, LLC
(<http://www.defibtech.com>)

ABOUT WSCA-NASPO

The WSCA-NASPO Cooperative Purchasing Organization provides the highest standard of excellence in public cooperative contracting. By leveraging the leadership and expertise of all states with the purchasing power of their public entities, WSCA-NASPO delivers best value, reliable, competitively sourced contracts. Since 1993 WSCA-NASPO has been the cooperative purchasing arm of NASPO (the National Association of State Procurement Officials) encouraging, fostering and guiding the nation's most significant public contract cooperative. WSCA-NASPO is a unified, nationally focused cooperative aggregating the demand of all 50 states, the District of Columbia and the organized US territories, their political subdivisions and other eligible entities spurring best value, innovation and competition in the marketplace.

GET WSCA-NASPO NEWS AND UPDATES

 FOLLOW

DISCLAIMER: The documents on the WSCA-NASPO website are for informational/ convenience purposes only. Official documents are maintained by the lead state (or participating entity in the case of participating addenda). In the event of any conflict between the documents on this site and those maintained by the lead state or participating entity, the official documents maintained by the lead state or participating entity govern.

Please note that some documents may be absent or incorrect. Please send all feedback and suggestions for improvement to Kate Offerdahl at kofferdahl@wsca-naspo.org (mailto:kofferdahl@wsca-naspo.org)

Thank you.



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2014-0437

Agenda Date: 4/7/2015

Version: 1

Status: Second Reading

In Control: City Council

File Type: Ordinance

Agenda Number: B. 1

AMEND § 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

WHEREAS, the City of Fayetteville has seen a rapid increase in the number of gasoline powered motorized bicycles, as defined by Ark. Code Ann. § 27-20-101, which are also commonly known as motor scooters or mopeds, operating on the public streets of Fayetteville and, despite the increased risk of injury to their operators and others on or near the roads, there is no uniform requirement in the State of Arkansas regarding insurance for these vehicles; and

WHEREAS, the City of Fayetteville seeks to be proactive in promoting the public health and welfare of all persons who operate motorized bicycles, which are becoming more prevalent in the City, and other vehicles which operate upon the City's public roadways; and

WHEREAS, the City of Fayetteville also has a vested interest in protecting and promoting the public health and welfare of pedestrians, cyclists and all others in the general vicinity of the public streets on which motor scooters and mopeds are operating; and

WHEREAS, this ordinance regulates only gasoline powered motor scooters and mopeds, and does not in any way regulate or restrict the operation of bicycles or other forms of transportation that are operated by manual, battery or electric power.

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 person operating a motorized bicycle, motor scooter or moped upon Fayetteville streets or highways must have a valid and in force property liability insurance policy insuring such operation in an amount of at least \$25,000.00."

AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF December 16, 2014

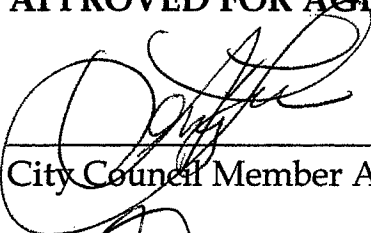
FROM:

CITY COUNCIL MEMBER Alan Long

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

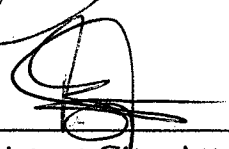
AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING §
71.016 INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES,
MOTOR SCOOTERS AND MOPEDS

APPROVED FOR AGENDA:



City Council Member Alan Long

12-05-2014
Date



Assistant City Attorney Blake Pennington
(as to form)

12/5/14
Date

ORDINANCE NO. _____

**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 gasoline powered motorized bicycles, as defined by Ark. Code Ann. § 27-20-101, which are also commonly known as motor scooters or mopeds, operating on the public streets of Fayetteville and, despite the increased risk of injury to their operators and others on or near the roads, there is no uniform requirement in the State of Arkansas regarding insurance for these vehicles; and

WHEREAS, the City of Fayetteville seeks to be proactive in promoting the public health and welfare of all persons who operate motorized bicycles, which are becoming more prevalent in the City, and other vehicles which operate upon the City's public roadways; and

WHEREAS, the City of Fayetteville also has a vested interest in protecting and promoting the public health and welfare of pedestrians, cyclists and all others in the general vicinity of the public streets on which motor scooters and mopeds are operating; and

WHEREAS, this ordinance regulates only gasoline powered motor scooters and mopeds, and does not in any way regulate or restrict the operation of bicycles or other forms of transportation that are operated by manual, battery or electric power.

**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.
- (C) **Enforcement.** When the operator of any motor bicycle, motor scooter or moped is detained during a traffic stop or is involved in a motor vehicle accident and fails to provide proof of the insurance required in paragraph (B) when requested by a law enforcement officer, the operator shall be deemed to be in violation of this section.”

PASSED and **APPROVED** this _____ day of _____, 20____.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

From: Alderman, Alan Long
To: Pennington, Blake; Smith, Sondra
Subject: Required: State Minimum Liability Insurance coverage for gasoline, engine powered Mopeds and Scooters under 50 cc's
Date: Friday, October 10, 2014 4:53:08 PM

Kit,

Please draft an ordinance requiring all of the above mentioned means of transportation to require the state mandated liability insurance that is required of all other means of automobile insurance.

With the recent increase in the number of gasoline, engine powered Mopeds and Scooters in Fayetteville, I feel that they should be insured, especially when they are being operated on public streets. The reason for this legislation is that if a scooter driver was to cause an accident, deemed to be "at fault", and caused harm to someone or someone's personal property, the person that was not at fault would not have the ability to file against the insurance of the person who was at fault-the scooter driver in this case. This would create an inequitable situation where the driver who was not at fault would potentially need to file an insurance claim against their own uninsured motorist coverage in order to repair or seek reparation for the damages caused by an uninsured scooter or moped.

I have inquired with local insurance agencies and they are able to insure scooters and mopeds that are under 50 cc's.

Kind Regards,

Alan Long
City of Fayetteville
City Council Member: Ward 4, position 2
longward4@gmail.com

**Contents may be confidential and legally privileged, and are intended only for the recipient(s) named above, and those on a need-to-know basis. Nothing herein is intended to be a binding signature.*

From: Reynolds, Mike
To: AJ Gary (Aj.Gary@cityofconway.org)
Cc: "Camie Boggess" (camie@boggessconsulting.com); Bruce Hawkins (dbhawkins@suddenlinkmail.com); Tabor, Greg
Subject: License and Insurance Requirements for Motor Scooters
Date: Monday, October 13, 2014 9:40:56 AM
Attachments: image002.png

Chief Gary,

Good morning. Last week, I had a meeting with our supervisory staff and discussed the upcoming 2015 legislative session. Staff brought up problems we experience in Fayetteville with unlicensed and uninsured "motorized bicycles" due mainly to the influx of college students owning and operating them throughout our city. As you may know, Arkansas law defines a motorized bicycle as having an engine displacement of less than 50cc, and these vehicles are not required to be licensed or insured. Here are some of the problems we are experiencing:

- Difficult to discern a "motorized bicycle" (under 50cc) from a "motor driven cycle" (50cc to 250cc) based solely on motor displacement.
- Many "motor driven cycles" (50cc to 250cc) are not licensed or insured.
- Many drivers with suspended driving privileges operate "motor bicycles" (under 50cc).
- Many operators are not aware of "motor driven cycle" (50cc to 250cc) and "motorcycle" (more than 250cc) endorsement requirements.
- Many collisions involve "motorized bicycles" (under 50cc) with no insurance.
- Difficult to identify registered owners of stolen "motorized bicycles" (under 50cc).

On Tuesday, October 14th an ordinance to amend Fayetteville Code 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds will be presented to City Council. Here is the language being presented for this ordinance:

**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.

I anticipate this ordinance will pass and address some of our local problems associated with uninsured accidents; however, we really don't have a local avenue to fix the registered owner issues. Also, I would believe this is a problem other areas in Arkansas are experiencing?

On a side note, a law requiring licensing and insurance of motor scooters would generate an additional revenue stream.

I would like to propose adding an amendment to 27-20-101 to our AACP 2015 Legislative Packet, requiring registration and insurance for "motorized bicycles". Thanks for the consideration.

Take care,
Mike

Mike Reynolds
Deputy Chief of Police
100 West Rock Street
City of Fayetteville, Arkansas 72701
mreynolds@fayetteville-ar.gov
T 479.587.3500 | F 479.973.4844
[Website](#) | [Facebook](#) | [YouTube](#)





City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0008

Agenda Date: 4/7/2015

Version: 1

Status: Second Reading

In Control: City Council

File Type: Ordinance

Agenda Number: B. 2

ENACT ARTICLE III PROCEDURE TO EXERCISE INITIATIVE AND REFERENDUM RIGHTS OF CHAPTER 36: ELECTIONS:

AN ORDINANCE TO ENACT ARTICLE III **PROCEDURE TO EXERCISE INITIATIVE AND REFERENDUM RIGHTS** OF CHAPTER 36: **ELECTIONS** INTO THE FAYETTEVILLE CODE TO CLARIFY THE PROPER PROCEDURE FOR THE CITIZENS' RIGHT OF THE INITIATIVE AND REFERENDUM

WHEREAS, Amendment 7 of the Arkansas Constitution (now codified as **Article 5 § 1**) states: "Municipalities may provide for the exercise of the initiative and referendum as to their local legislation;" and

WHEREAS, the State Legislature has been granted express authority to provide "for the exercise of the initiative and referendum as to counties," (**Amendment 7 of the Arkansas Constitution**) and has enacted A.C.A. § 14-14-917 **Initiative and referendum elections** to provide for the proper exercise of the initiative and referendum for county ordinances; and

WHEREAS, the lack of clarity for proper municipal referendum procedure led to litigation against Mayor Jordan, the City Council and City Clerk Sondra Smith after she certified the last referendum petition for a special election; and

WHEREAS, this litigation can be avoided in the future if the City enacts proper procedures modeled upon long established state law for state and county initiatives and referendums.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby enacts Article III **Procedure To Exercise Initiative and Referendum Rights** of Chapter 36: **Elections** into the Fayetteville Code to clarify the proper procedure for the citizens' right of the initiative and referendum for municipal legislation as follows:

"Article III Procedure To Exercise Initiative And Referendum Rights

§ 36.20 Initiative and Referendum Petitions

Pursuant to **Article 5 § 1 of the Arkansas Constitution**, the City establishes the following procedure for

the exercise of the citizens' right of the initiative and referendum of city legislation.

(a) Petitions Must Be Submitted To City Attorney For Certification Or Correction.

Before any initiative or referendum petition ordering a vote upon any municipal legislation shall be circulated to obtain signatures, the sponsor shall submit the original draft of the petition with the attached legislation to the City Attorney with any proposed legislative or ballot title.

(b) Review And Certification Or Correction Within Two Business Days.

(1) Within two business days, the City Attorney shall approve and certify or shall substitute and certify a more suitable and correct petition and/or ballot title.

(2) The City Attorney shall ensure the form of any initiative petition complies with A.C.A. § 7-9-104.

(3) The City Attorney shall ensure the form of any referendum petition complies with A.C.A. § 7-9-105.

(4) The City Attorney shall ensure that any ballot title conforms with A.C.A. § 14-14-917 (d) and A.C.A. § 7-9-107 (c) so as not to be misleading to voters.

(c) Appeal To Circuit Court.

If the City Attorney fails to act within two business days after receipt of the proposed initiative or referendum petition or if the sponsors feel aggrieved by the City Attorney's actions or proposal, they may immediately file suit in the Washington County Circuit Court.

(d) Extension Of Time For Petitioners May Be Granted By Circuit Court.

If the Circuit Court grants the sponsors their requested relief related to the proper form of the petition or ballot title, the time when the referendum petitions must be filed shall be extended until 31 days after the Court's decision is announced as long as **Article 5 § 1 of the Arkansas Constitution's** provision of a maximum 90 days after the passage of the legislature is not violated."

AGENDA REQUEST FORM

FOR: City Council Meeting of January 20, 2015

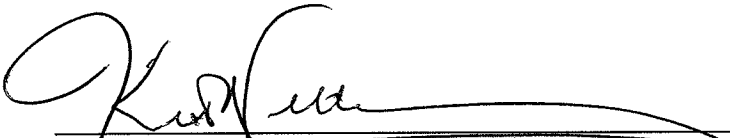
FROM:

City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO ENACT ARTICLE III PROCEDURE TO EXERCISE
INITIATIVE AND REFERENDUM RIGHTS OF CHAPTER 36: ELECTIONS
INTO THE FAYETTEVILLE CODE TO CLARIFY THE PROPER PROCEDURE
FOR THE CITIZENS' RIGHT OF THE INITIATIVE AND REFERENDUM

APPROVED FOR AGENDA:


City Attorney Kit Williams

January 2, 2015
Date

Paul a. Becker
Paul Becker, Finance Director

JANUARY 5, 2015
Date

Don Marr
Don Marr, Chief of Staff

1/5/2015
Date

Lionel Jordan
Mayor Lioneld Jordan

1/6/15
Date



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor
City Council

FROM: Kit Williams, City Attorney

DATE: December 23, 2014

RE: **Avoiding future litigation over ballot language for initiated or referred local legislation**

Prior to the recent referendum concerning the Civil Rights Administration ordinance, Fayetteville had not been forced into any litigation over a referendum's or initiative's proposed ballot language. Referral of the Road Impact Fee and Smoking Ordinance complied with the tests set forth for state legislation referendums and initiatives {A.C.A. § 7-9-107 (c)} and the forms set forth for county ordinances {A.C.A. § 14-14-917 (d)}. However, neither of these statutes are controlling over the referendum or initiative of city ordinance because Amendment 7, now codified as **Article 5 § 1** of the **Arkansas Constitution** places procedural power in the City Council.

"Municipalities may provide for the exercise of the initiative and referendum as to their local legislation."

This is only a general grant of procedural power to municipalities which must still follow other provisions of the **Arkansas Constitution** regarding how many signatures of local voters need to be obtained and the time period for the petition sponsors to gather such signatures. Other constitutional procedures including submission of the petitions of the City Clerk, the Clerk's examination and decision regarding the petition's

sufficiency and the granting of additional time to the sponsors must be followed and cannot be varied by local legislation.

In order to avoid future litigation, to bring our procedure in line with state and county referendums and initiatives, and to eliminate potentially misleading wording in referendums rejected by state law {A.C.A. § 7-9-107 (c)}, I have drafted a proposed new section to be enacted into **Chapter 36: Elections of the Fayetteville Code**. This proposal is attached to this memo.

This proposed ordinance is one of the rare times that I believe it is appropriate to have any legislation proposed by an elected official other than an Aldermen or the Mayor (through his staff). I believe I am empowered to present such ordinance because it concerns a legal issue for the **Fayetteville Code** and especially because it generated litigation in which Fayetteville was recently sued by opponents of a referendum in Circuit Court. That suit brought to my attention the need for local legislation as authorized by **Article 5 § 1** of the **Arkansas Constitution** to clarify proper procedure and wording of any initiative or referendum of local legislation.

As you see, I placed a difficult, but obtainable burden on myself and my successors as Fayetteville City Attorney to quickly examine, analyze and either certify or correct any proposed initiative or referendum petition within two business days. Such rapid analysis is always necessary for referendum petitions and could be necessary for initiative petitions.

Please review my proposed ordinance and let me know if you believe changes, additions or deletions would be advisable. I plan to submit this with the Tentative Agenda for the January 20th City Council meeting.

§ 7-9-104. Form of initiative petition -- Sufficiency of signatures.

(a) The petition for an ordinance, act, or amendment proposed by initiative shall be on substantially the following form:

Initiative Petition

(b) The information provided by the person on the petition may be used as evidence of the validity or invalidity of the signature. However, if a signature of a registered voter on the petition is sufficient to verify the voter's name, then it shall not be adjudged invalid for failure to sign the name or write the residence and city or town of residence exactly as it appears on voter registration records, for failure to print the name in the space provided, for failure to provide the correct date of birth, nor for failure to provide the correct date of signing the petition, all the information being an aid to verification rather than a mandatory requirement to perfect the validity of the signature.

(c) No additional sheets of voter signatures shall be attached to any petition unless the sheets contain the full language of the petition.

(d) (1) The signature section of the petition shall be formatted and shall contain the number of signature lines prescribed by the Secretary of State.

(2) Before the circulation of a statewide petition for signatures, the sponsor shall file a printed petition part with the Secretary of State in the exact form that will be used for obtaining signatures.

§ 7-9-105. Form of referendum petition -- Sufficiency of signatures.

(a) The petition and order of referendum for an ordinance or act shall be on substantially the following form:

Referendum Petition

(b) The information provided by the person on the petition may be used as evidence of the validity or invalidity of the signature. However, if a signature of a registered voter on the petition is sufficient to verify the voter's name, then it shall not be adjudged invalid for failure to sign the name or write the residence and city or town of residence exactly as it appears on voter registration records, for failure to print the name in the space provided, for failure to provide the correct date of birth, nor for failure to provide the correct date of signing the petition, all of that information being an aid to verification rather than a mandatory requirement to perfect the validity of the signature.

(c) No additional sheets of voter signatures shall be attached to any petition unless the sheets contain the full language of the petition.

(d) (1) The signature section of the petition shall be formatted and shall contain the number of signature lines as prescribed by the Secretary of State.

(2) Before the circulation of a statewide petition for signatures, the sponsor shall file a printed petition part with the Secretary of State in the exact form that will be used for obtaining signatures.

§ 7-9-107. Approval of ballot titles and popular names of petitions prior to circulation -- Publication.

(a) Before any initiative or referendum petition ordering a vote upon any amendment or act shall be circulated for obtaining signatures of petitioners, the sponsors shall submit the original draft to the Attorney General, with a proposed legislative or ballot title and popular name.

(b) Within ten (10) days, the Attorney General shall approve and certify or shall substitute and certify a more suitable and correct ballot title and popular name for each amendment or act. The ballot title so submitted or supplied by the Attorney General shall briefly and concisely state the purpose of the proposed measure.

(c) If, as a result of his or her review of the ballot title and popular name of a proposed initiated act or a proposed amendment to the Arkansas Constitution, the Attorney General determines that the ballot title, or the nature of the issue, is presented in such manner that the ballot title would be misleading or designed in such manner that a vote "FOR" the issue would be a vote against the matter or viewpoint that the voter believes himself or herself casting a vote for, or, conversely, that a vote "AGAINST" an issue would be a vote for a viewpoint that the voter is against, the Attorney General may reject the entire ballot title, popular name, and petition and state his or her reasons therefor and instruct the petitioners to redesign the proposed measure and the ballot title and popular name in a manner that would not be misleading.

(d) If the Attorney General refuses to act or if the sponsors feel aggrieved at the Attorney General's acts in such premises, the sponsors may, by petition, apply to the Supreme Court for proper relief.

§ 14-14-917. Initiative and referendum elections.

(d) **Ballot Specifications for Initiative and Referendum Measures.** Upon receipt of any initiative or referendum measure certified as sufficient by a county clerk, it shall be the duty of the members of the county board of election commissioners to take due cognizance and to certify the results of the vote cast thereon. So that

electors may vote upon the ordinance or measure, the board shall cause the ballot title to be placed on the ballot to be used in the election, stating plainly and separately the title of the ordinance or measure so initiated or referred to the electors with these words:

"FOR PROPOSED INITIATIVE (OR
REFERRED) ORDINANCE (OR
AMENDMENT)

NO. _____

AGAINST PROPOSED INITIATIVE (OR
REFERRED) ORDINANCE (OR
AMENDMENT)

NO. _____"

In arranging the ballot title on the ballot, the commissioners shall place it separate and apart from the ballot titles of the state acts, constitutional amendments, and the like. If the board of election commissioners fails or refuses to submit a proposed initiative or referendum ordinance when it is properly petitioned and certified as sufficient, the qualified electors of the county may vote for or against the ordinance or measure by writing or stamping on their ballots the proposed ballot title, followed by the word "FOR" or "AGAINST", and a majority of the votes so cast shall be sufficient to adopt or reject the proposed ordinance.

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

CHAPTER 36: ELECTIONS

**ARTICLE I
GENERAL PROVISIONS**

**36.01 Initiative Petitions; When To Be
Filed**

All municipal initiative petitions shall be filed pursuant to Amendment 7 of the Constitution of the State of Arkansas found in Article 5 §1 of the Arkansas Constitution. These initiative petitions shall be filed no later than 83 days before the general election date.

(Code 1965, §2-22.1; Ord. No. 2472, 10-3-78; Code 1991, §36.01; Ord. 5528, 9-18-12)

State law reference(s)--Form of initiative petition--sufficiency of signatures, A.C.A. §7-9-104.

36.02-36.14 Reserved

**ARTICLE II
REFERENDUMS**

36.15 When Petition To Be Filed

All referendum petitions under Amendment 7 to the Constitution of the State of Arkansas must be filed with the City Clerk within 31 days after the passage of the ordinance to which it relates.

(Code 1965, §2-19; Ord. No. 588, 12-21-25; Code 1991, §36.15)

State law reference(s)--Form of referendum petition--sufficiency of signatures, A.C.A. §7-9-105(a).

36.16 – 36.99 Reserved

ORDINANCE NO. _____

AN ORDINANCE TO ENACT ARTICLE III **PROCEDURE TO EXERCISE INITIATIVE AND REFERENDUM RIGHTS** OF CHAPTER 36: **ELECTIONS** INTO THE FAYETTEVILLE CODE TO CLARIFY THE PROPER PROCEDURE FOR THE CITIZENS' RIGHT OF THE INITIATIVE AND REFERENDUM

WHEREAS, *Amendment 7 of the Arkansas Constitution* (now codified as **Article 5 § 1**) states: "Municipalities may provide for the exercise of the initiative and referendum as to their local legislation;" and

WHEREAS, the State Legislature has been granted express authority to provide "for the exercise of the initiative and referendum as to counties," (*Amendment 7 of the Arkansas Constitution*) and has enacted A.C.A. § 14-14-917 **Initiative and referendum elections** to provide for the proper exercise of the initiative and referendum for county ordinances; and

WHEREAS, the lack of clarity for proper municipal referendum procedure led to litigation against Mayor Jordan, the City Council and City Clerk Sondra Smith after she certified the last referendum petition for a special election; and

WHEREAS, this litigation can be avoided in the future if the City enacts proper procedures modeled upon long established state law for state and county initiatives and referendums.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby enacts **Article III Procedure To Exercise Initiative and Referendum Rights** of Chapter 36: **Elections** into the Fayetteville Code to clarify the proper procedure for the citizens' right of the initiative and referendum for municipal legislation as follows:

“Article III Procedure To Exercise Initiative And Referendum Rights

§ 36.20 Initiative and Referendum Petitions

Pursuant to **Article 5 § 1 of the Arkansas Constitution**, the City establishes the following procedure for the exercise of the citizens’ right of the initiative and referendum of city legislation.

(a) Petitions Must Be Submitted To City Attorney For Certification Or Correction.

Before any initiative or referendum petition ordering a vote upon any municipal legislation shall be circulated to obtain signatures, the sponsor shall submit the original draft of the petition with the attached legislation to the City Attorney with any proposed legislative or ballot title.

(b) Review And Certification Or Correction Within Two Business Days.

(1) Within two business days, the City Attorney shall approve and certify or shall substitute and certify a more suitable and correct petition and/or ballot title.

(2) The City Attorney shall ensure the form of any initiative petition complies with A.C.A. § 7-9-104.

(3) The City Attorney shall ensure the form of any referendum petition complies with A.C.A. § 7-9-105.

(4) The City Attorney shall ensure that any ballot title conforms with A.C.A. § 14-14-917 (d) and A.C.A. § 7-9-107 (c) so as not to be misleading to voters.

(c) Appeal To Circuit Court.

If the City Attorney fails to act within two business days after receipt of the proposed initiative or referendum petition or if the sponsors feel aggrieved by the City Attorney’s actions or proposal, they may immediately file suit in the Washington County Circuit Court.

(d) Extension Of Time For Petitioners May Be Granted By Circuit Court.

If the Circuit Court grants the sponsors their requested relief related to the proper form of the petition or ballot title, the time when the referendum petitions must be filed shall be extended until 31 days after the Court’s decision is

announced as long as **Article 5 § 1 of the *Arkansas Constitution***'s provision of a maximum 90 days after the passage of the legislature is not violated."

PASSED and **APPROVED** this 20th day of January, 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

FROM: Kit Williams, City Attorney

DATE: January 20, 2015

RE: Need for referendum procedural ordinance

There has been some question in the press about why I would submit for your consideration an ordinance to clarify that municipal ordinance referendums should follow the same forms and procedures as county ordinance referendums and state statute referendums. It is alleged I seek to give the City government unfair control over ballot language for referendums. However, I merely think that city ordinance referendum proponents should follow the same procedures as they would to challenge a county ordinance or State Act. Is it unfair to treat city ordinances the exact same way the State Legislature has required county ordinances and State Acts be treated in a referendum?

Rather than mistreating referendum petitioners, I listened to the attorneys who represented Repeal 119. On August 23, 2014, Repeal 119's attorney, Stephanie Nichols, emailed me with questions about the referendum petition: "Do either of you know if a ballot title or popular name is required for a municipal referendum? We have not been able to get a definitive answer on that from the statutes, some of which seem to apply to municipalities and some do not." (copy of email attached).

When the City Council met on October 7, 2014 to set the special election date, Repeal 119's attorney Travis Story and I did not agree on

everything, but we did agree the law about referendums and ballot titles was "very murky."

I said: "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."

Then Travis Story said: "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."

Unfortunately, we got litigation when a citizen sued the whole City Council, Mayor Jordan and City Clerk Sondra Smith challenging the validity of Sondra's certification of the referendum petition, how the signatures were obtained and how the ballot was worded. Repeal 119 properly intervened and after motions, briefs, discovery, and depositions, Judge Lindsey conducted a trial over a two day period. I successfully defended the City Clerk's certification of the referendum petition and defeated Repeal 119's petition to force Sondra to evaluate and certify another thousand signatures which were not needed for the petitioner's certification.

I also supported the City Council's Resolution which would have worded the ballot as any county ordinance referendum would have been worded. I noted in Paragraph 40 of our Answer "that the language approved by the Election Commission does not exactly match the ballot title that was included in the certified petition," because it used a portion of the ordinance title instead of just numbers. The Judge ruled the slightly amended title proposed by the Election Commission was satisfactory.

The City might have been sued even without the “murky” nature of the law surrounding municipal ordinance referendums. However, this is the first time the City of Fayetteville has been sued over a referendum petition on ballot wording issues since I became Fayetteville City Attorney in 2001. I told you during the October 7, 2014 City Council meeting that “(s)omething needs to be done,” and, pursuant to Amendment 7, it is the City Council rather than the Legislature that has been granted the authority to “provide for the exercise of the initiative and referendum as to their local legislation.” However, I thought I should wait until the Civil Rights Ordinance issue was resolved before presenting anything to you.

Shortly after the 52/48 referendum election repealed the Civil Rights Administration Ordinance, there was some discussion about trying to amend it and reconsider that amended ordinance. I did not believe consensus could ever be achieved that way. However, I remembered Alderman Tennant’s strong statements during the November 18, 2014 City Council Meeting about not turning his back on the civil rights issue if what he termed the very flawed Civil Rights Administration ordinance was repealed. Alderman Tennant said: “I do hope that if the ordinance does not pass or if it is repealed that we will not turn away from this and we will do something that works for everyone and I intend to help with that.”

I thought that if I removed the uncertainties of new definitions and used the two decade old definitions of the Arkansas Civil Rights Act; if churches and other religious organizations were exempted even more fully than they are in the Arkansas Civil Rights Act; and if a civil enforcement measure (possible revocation of a business license) was proposed, then I could help Alderman Tennant advance his intention to “write something that is really inclusive instead of divisive.”

However, since no alderman approached me to sponsor this ordinance, my effort to find consensus has failed. I believe that Arkansas Legislature will soon remove the power of any Arkansas City to pass an ordinance to further protect its citizens from discrimination. Thus, Fayetteville will never face this civil rights issue again.

With the Civil Rights Ordinance no longer a possibility, I decided that I should still address the "very murky" law surrounding municipal ordinance referendum language. Thus, I have presented this possible code section to clarify the procedure for persons seeking to exercise their initiative or referendum rights. This code section basically says "Just follow the procedures and forms required by the State Legislature for referendums concerning state acts and county ordinances." Let's treat all referendums the same way, a level playing field, no voter surprise, no electioneering manipulation by either the government or the petitioners.

Some may think that our government treats those seeking to repeal its ordinances unfairly or tries to obstruct their referendum rights. Let me read you an email from Stephanie Nichols dated August 22, 2014 sent to City Clerk Sondra Smith and me:

"Thank you for your review. You always go above and beyond in your promptness and are one of the most easy to work with attorneys I have ever dealt with. I sincerely appreciate it and have told several Fayetteville citizens about your fairness and ease to work with. Have a great weekend! Stephanie Nichols."

The only reason I placed the responsibility to review and certify or correct a proposed referendum petition upon the City Attorney is to hopefully prevent a legally improper petition from being circulated and later being either rejected by the Court or having to be recirculated because of some mistake. As you see from Stephanie's email, Sondra and I do not try to obstruct a referendum, but instead help the applicants properly exercise their constitutional right for a referendum. We always favor democracy.

The two business day review should be a help, a boon to someone who probably has never had to prepare a referendum petition before. I am only aware of three referendum petition efforts in my fourteen years of service as City Attorney. Two were successful and one led to the repeal of an ordinance. This infrequency means that most persons, even most lawyers will have little experience. Therefore, it is fair to place this burden of review and correction on the City Attorney.

Williams, Kit

From: Williams, Kit
Sent: Monday, August 25, 2014 9:15 AM
To: Law Office of Stephanie Nichols; Smith, Sondra
Cc: Pennington, Blake
Subject: RE: Ballot Title/Popular Name?

Stephanie,

I think you have reduced the printing size of the ordinance too much and could make this a point of attack for your opponents. If the ordinance was not easily readable by every signer, the requirement of attaching the ordinance would not be achieved. I think a two sided page can contain the ordinance that would be large enough for almost anyone to read and thus, less susceptible to legal attack. It would need to be attached to each petition.

I anticipate that title of the ballot issue would tract pretty closely to the title of the ordinance. I agree that the statutes I have looked at are not nearly as clear for municipal referendums as for state referendums. I am working on other briefs that soon will be due and cannot spend too much time now researching this point.

Kit Williams

Fayetteville City Attorney
479.575.8313

From: Law Office of Stephanie Nichols [mailto:stephanie.nichols777@gmail.com]
Sent: Saturday, August 23, 2014 4:17 PM
To: Williams, Kit; Smith, Sondra
Subject: Ballot Title/Popular Name?

Kit and Sondra,

Local attorney Travis Story is working on a petition, and I am assisting him. He has revised the petition from what I sent you last night. (Thank you for the information, Sondra). Do either of you know if a ballot title and popular name is required for a municipal referendum? We have not been able to get a definitive answer on that from the statutes, some of which seem to apply to municipalities and some which do not. However, the form in the statute, which Sondra sent last night, does indicate a placement for a ballot title/popular name. Is this required, or is this something that can be left off when it is not a statewide initiative?

If it is required, does this petition drafted by Travis seem to present any problem as far as the ballot title/popular name portion? Do either of you see any other problems as well? (There are a couple of typos, but we can easily take care of that. I am just concerned with the substantive part right now). Also, is it OK to have the ordinance on one sheet behind the signature page like we have it? I can read it, but I didn't know if the smallness of the type could possibly present a problem?

Thanks,

--

Stephanie Nichols
Attorney at Law
P.O. Box 1115
Jonesboro, AR 72403
(501) 288-2927

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 that 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 to 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. That 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.

Williams, Kit

From: Law Office of Stephanie Nichols <stephanie.nichols777@gmail.com>
Sent: Friday, August 22, 2014 5:19 PM
To: Williams, Kit
Subject: Re: Final Copy of Petition

Thank you for your review. You always go above and beyond in your promptness and are one of the most easy to work with attorneys I have ever dealt with. I sincerely appreciate it and have told several Fayetteville citizens about your fairness and ease to work with.

Have a great weekend!

Stephanie Nichols

On Fri, Aug 22, 2014 at 5:12 PM, Williams, Kit <kwilliams@fayetteville-ar.gov> wrote:

I see no problems.

Kit Williams

Fayetteville City Attorney

479.575.8313

From: Law Office of Stephanie Nichols [mailto:stephanie.nichols777@gmail.com]
Sent: Friday, August 22, 2014 4:57 PM
To: Williams, Kit; Smith, Sondra
Subject: Final Copy of Petition

Kit and Sondra,

Here is my final draft of a petition re Chapter 119. Do either of you see any problems with this?

Thanks,

--



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

FROM: Kit Williams, City Attorney

DATE: February 3, 2015

RE: Referendum Procedural Ordinance

I informed you during the January 20, 2015 City Council meeting and also in my memo to you of that date: "I believe that the Arkansas Legislature will soon remove the power of any Arkansas City to pass an ordinance to further protect its citizens from discrimination." Senator Hester and Representative Ballinger have begun the process to make my prediction come true by sponsoring Senate Bill 202 "to improve intrastate commerce" by prohibiting cities and counties from adopting or enforcing an ordinance that "prohibits discrimination on a basis not contained in state law."

Therefore, the proposed ordinance to align the City's referendum procedure and language with the procedure and language required by the State Legislature for county ordinance referendums can have no application to any future civil rights ordinance if Senate Bill 202 becomes law because this Bill removes the power to enact any civil rights ordinances from all Arkansas cities and counties.

I believe that Senate Bill 202 will be rapidly approved by the Arkansas Legislature and signed into law by Governor Hutchinson, but I request that the ordinance regarding referendum procedure be tabled tonight after its second reading until the March 17th meeting so that the

Legislature and Governor have plenty of time to act upon Senate Bill 202 and/or other bills designed to remove the power of city councils to protect their citizens from discrimination not already protected by the Arkansas Civil Rights Act.

Tabling is also necessary as the Ordinance Review Committee will not be able to review this proposed ordinance until its next meeting, February 18, which is the day after your second City Council meeting in February. Tabling until March 17th will give us additional time to draft any recommended changes that might be suggested by the Ordinance Review Committee and include this information in your agenda packet for that meeting.

As I informed you earlier, I do not believe there is any urgency to enact the proposed ordinance immediately. I work with the Mayor and City Council, but I work **for** our citizens so I designed this Referendum Procedure Ordinance to ensure citizens wishing to challenge any future ordinance would know how to do it. I also hoped to prevent future litigation against the City by clarifying the referendum procedure and by aligning our referendum language with County ordinance referendum language required by state statute.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

FROM: Kit Williams, City Attorney

DATE: March 4, 2015

RE: Proposed Referendum and Initiative Language

The Ordinance Review Committee reviewed my proposal that the City Council enact requirements that would bring the wording of city ordinance referendums in line with the state statutory requirements for county ordinance referendums. However, no consensus or majority developed so no recommendation could be made to the City Council as a whole.

As you know I have also drafted language that would remove any reference or requirement upon the City Attorney for referendums. I had patterned the review and certification of the City Attorney after what is required of the Arkansas Attorney General who must review and either approve or reject state referendum and initiative measures. I believe the City Attorney's review, correction (if necessary to comply with the cited state statute) and certification would facilitate the referendum process for citizens wishing to challenge a city ordinance. With no such review, a referendum sponsor could lose much time and waste numerous days of signature gathering on a petition not in compliance with the law.

However, I would recommend either my original proposal or the one I submitted to you on February 18, 2015 (copy attached). Either of these would go a long way to clarify how citizens can best exercise their constitutional rights of referendum and initiative.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

FROM: Kit Williams, City Attorney

DATE: February 18, 2015

RE: Initiative and Referendum Petition Language

If the City Council wishes to remove the City Attorney's mandatory review and correction of initiative and referendum petitions before they are circulated, I have drafted a much shorter proposed ordinance which simply places the obligation upon the Petitioner to conform to state law (including the specific law for county ordinance referendums). I, as Fayetteville City Attorney, will certainly continue to advise any Petitioner who requests help or advice about the correct legal wording of a Petition For Referendum or Initiative.

The benefits of this shorter version is that the City Attorney is not "under the gun" to correct or certify a Petition for Referendum or Initiative within 2 days. It would simply be the responsibility of the Petitioner to follow the law.

The drawback is that Petitioners may not properly follow the state law made expressly applicable to their Petition when drafting their Petitions and devote countless hours circulating possibly legally defective Petitions. Later they could have their Petitions not certified by the City Clerk for violating the law and/or face suit from the City or supporters of the passed ordinance for failing to comply with requirements of the cited state law now made expressly applicable by city legislation.

Because of those increased problems and litigation dangers, I suggested the up-front review, correction and certification by the City Attorney. That is more initial work for the City Attorney, but this work should pay dividends for Petitioners who would be substantially less likely to have their Petitions thrown out by later legal challenges. However, if the City Council is uncomfortable with the City Attorney's review and approval of municipal ordinance referendums (like the Arkansas Attorney General's review and approval of state legislative referendums), then simply remove the City Attorney from this Ordinance.

For your convenience, I have drafted the much condensed version with City Attorney's review removed:

"Article III Procedure To Exercise Initiative And Referendum Rights

§ 36.20 Initiative and Referendum Petitions

Pursuant to **Article 5 § 1 of the *Arkansas Constitution***, the City establishes the following procedure for the exercise of the citizens' right of the initiative and referendum of city legislation.

- (a) The Petitioner shall ensure the form of any initiative petition complies with A.C.A. § 7-9-104.
- (b) The Petitioner shall ensure the form of any referendum petition complies with A.C.A. § 7-9-105.
- (c) The Petitioner shall ensure that any ballot title conforms with A.C.A. § 14-14-917 (d) and A.C.A. § 7-9-107 (c) so as not to be misleading to voters."



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0165

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: C. 1

BID #15-23 - CROSSLAND HEAVY CONTRACTORS, INC.

A RESOLUTION TO AWARD BID #15-23 AND AUTHORIZE A CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC. IN THE AMOUNT OF \$1,014,576.50 FOR CONSTRUCTION OF THE UPPER SCULL CREEK DRAINAGE IMPROVEMENT PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$152,185.00, 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 #15-23 and authorizes a contract, a copy of which is attached to this Resolution and made a part hereof, with Crossland Heavy Contractors, Inc. in the amount of \$1,014,576.50 for construction of the Upper Scull Creek Drainage Improvement Project, and approves a project contingency in the amount of \$152,185.00.

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

City of Fayetteville Staff Review Form

2015-0165

Legistar File ID

4/7/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

3/16/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a contract in the amount of \$1,014,576.50 with Crossland Heavy Contractors for the construction of the Upper Scull Creek Drainage Improvement Project, approve a project contingency of \$152,185 (15%), and approve a Budget Adjustment.

Budget Impact:

4470.9470.5817.00

4470 - Sales Tax Capital Improvements

Account Number

Fund

02108.902

Upper Scull Creek Drainage

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 1,074,229.00

Funds Obligated \$ 18,476.83

Current Balance \$ 1,055,752.17

Does item have a cost? Yes

Item Cost \$ 1,166,761.50

Budget Adjustment Attached? Yes

Budget Adjustment \$ 118,762.00

Remaining Budget \$ 7,752.67

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: Item cost reflects contract amount of \$1,014,576.50 plus a contingency of \$152,185.00 for a total item cost of \$1,166,761.50.

MEETING OF APRIL 7, 2015

TO: Mayor and City Council

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

FROM: Matt Casey, Engineering Design Manager

DATE: March 20, 2015

SUBJECT: **Approval of a contract in the amount of \$1,014,576.50 with Crossland Heavy Contractors for the construction of the Upper Scull Creek Drainage Improvement Project, approve a project contingency of \$152,185 (15%), and a Budget Adjustment.**

RECOMMENDATION:

Staff recommends City Council approval awarding a contract in the amount of \$1,014,576.50 to Crossland Heavy Contractors for the construction of the Upper Scull Creek Drainage Improvement Project, approval of a project contingency of \$152,185 (15%), and approval of the attached Budget Adjustment.

BACKGROUND:

In 2008, the City hired McClelland Consulting Engineers to perform a study of the drainage problems for the Upper Scull Creek basin. This includes the area bounded by College Ave. on the west, Lafayette St. on the south, Mission Blvd. on the east and Rebecca St. on the north. The drainage infrastructure in this area is very old and in poor condition. In several cases, the storm sewer is located underneath homes. The culverts are all under-sized with very few access points for maintenance. During heavy storm events, portions of the streets, many yards and some basements are flooded.

The McClelland study included several recommendations for storm sewer improvements to alleviate the flooding problems. Using these recommendations, City engineering staff developed designs for the improvements that would provide the most benefit to the properties in this neighborhood. This construction contract is for the largest and the highest priority project from the drainage study.

DISCUSSION:

On March 13, the City received five (5) construction bids ranging from a low of \$1,014,576.50 to a high of \$1,511,565.50. Crossland Heavy Contractors submitted the low bid which was approximately 16% below the Engineer's Estimate of \$1,207,612.50. Engineering staff

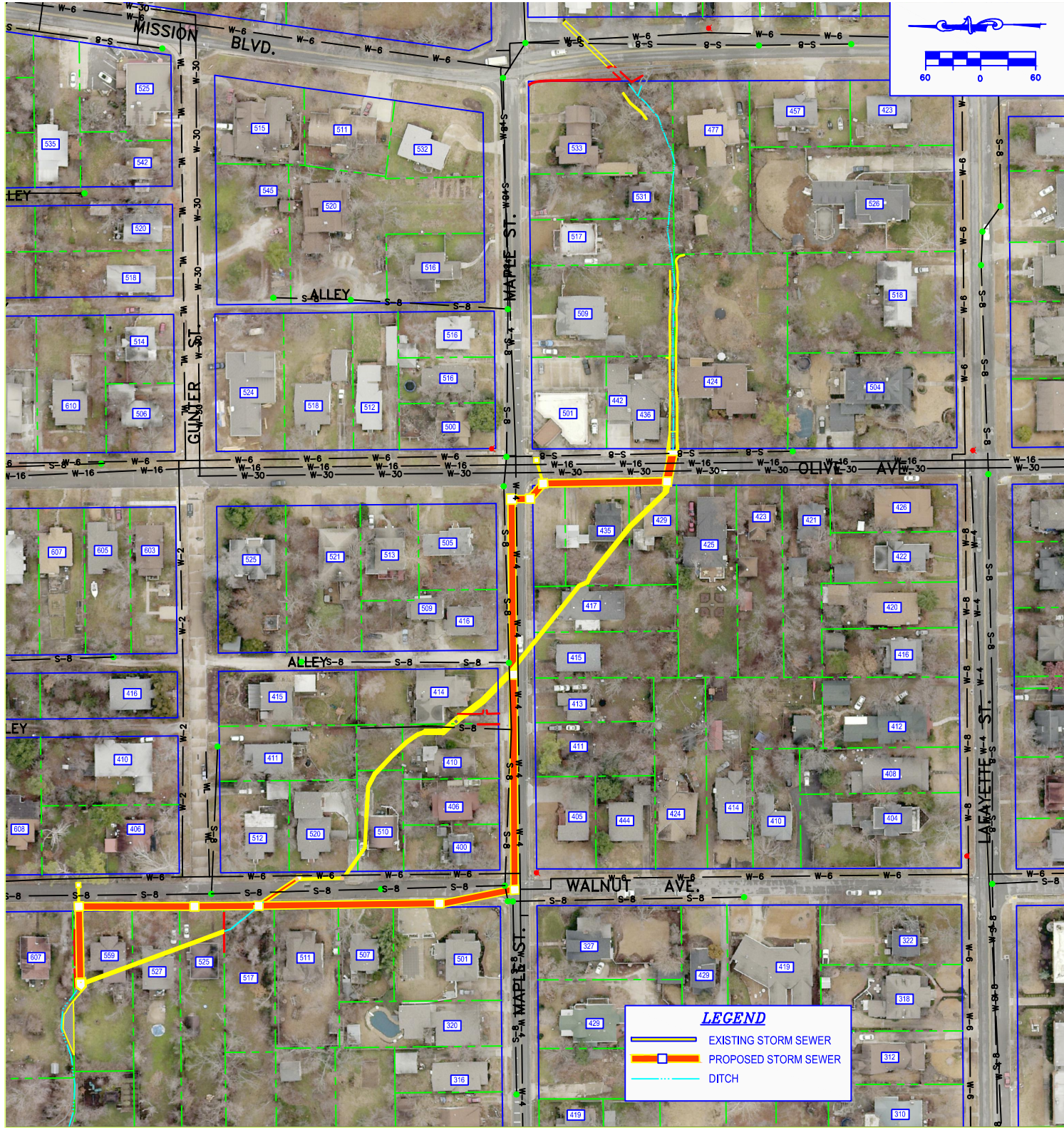
recommend awarding this contract to Crossland Heavy Contractors. The contract time is 365 days (12 months) for substantial completion.

BUDGET/STAFF IMPACT:

The City has accumulated \$1,055,752.17 for drainage projects over the past several years. These funds plus an additional \$118,762.00 from the Street ROW/Intersection/Cost Sharing fund is recommended for the funding of this project. This budget adjustment is recommended due to the amount of street work that is associated with this project. This project includes the replacement of curb and gutter and sidewalks that are older and in poor condition. Maple Street will also be receiving a 2" asphalt overlay between Walnut and Olive.

Attachments:

Exhibit
Bid Tab
Section 0500 Agreement
Section 0400 Bid Form
Budget Adjustment
Purchase Order Request



SURVEYED BY: DVD/JAP
DRAWN BY: JTS
DESIGNED BY: MC
FILE NAME: USC Exhibit.dwg

UPPER SCULL CREEK DRAINAGE IMPROVEMENTS

ENGINEERING DIVISION
113 W. MOUNTAIN STREET
FAYETTEVILLE, ARKANSAS 72701
PHONE NO. (479) 575-5200
FAX NO. (479) 575-5202

Fayetteville
ARKANSAS

DATE: March 20, 2015
SHEET: 1

PROJECT: UPPER SCULL CREEK



City of Fayetteville, Arkansas
Purchasing Division
OFFICIAL BID TABULATION
Bid 15-23, Construction - Upper Scull Creek Drainage Improvement
Friday, March 13, 2015, before 2:00 PM, Local Time

				ARCO Excavation & Paving Inc				Brothers Construction Inc				Crossland Heavy Contractors				Nabholz Construction Corp				Sweetser Construction Inc			
ITEM	DESCRIPTION	Est Qty	Unit	PRICE PER UNIT			TOTAL	PRICE PER UNIT			TOTAL	PRICE PER UNIT			TOTAL	PRICE PER UNIT			TOTAL	PRICE PER UNIT			TOTAL
1	Trench and Excavation Systems	1	LS	x	\$	14,168.00	= \$ 14,168.00	x	\$	50,000.00	= \$ 50,000.00	x	\$	100.00	= \$ 100.00	x	\$	35,750.00	= \$ 35,750.00	x	\$	8,000.00	= \$ 8,000.00
2	Traffic Control & Maintenance	1	LS	x	\$	14,840.00	= \$ 14,840.00	x	\$	50,000.00	= \$ 50,000.00	x	\$	8,800.00	= \$ 8,800.00	x	\$	27,000.00	= \$ 27,000.00	x	\$	38,000.00	= \$ 38,000.00
3	Mobilization (Not to Exceed 5% of total bid)	1	LS	x	\$	54,824.00	= \$ 54,824.00	x	\$	70,000.00	= \$ 70,000.00	x	\$	20,300.00	= \$ 20,300.00	x	\$	74,000.00	= \$ 74,000.00	x	\$	44,000.00	= \$ 44,000.00
4	Clearing, Grubbing, and Demolition	1	LS	x	\$	23,520.00	= \$ 23,520.00	x	\$	45,000.00	= \$ 45,000.00	x	\$	19,000.00	= \$ 19,000.00	x	\$	66,600.00	= \$ 66,600.00	x	\$	48,500.00	= \$ 48,500.00
5	18" Reinforced Concrete Pipe	71	LF	x	\$	59.47	= \$ 4,222.37	x	\$	100.00	= \$ 7,100.00	x	\$	94.00	= \$ 6,674.00	x	\$	122.00	= \$ 8,662.00	x	\$	54.00	= \$ 3,834.00
6	24" Reinforced Concrete Pipe	31	LF	x	\$	76.16	= \$ 2,360.96	x	\$	140.00	= \$ 4,340.00	x	\$	141.00	= \$ 4,371.00	x	\$	150.00	= \$ 4,650.00	x	\$	80.50	= \$ 2,495.50
7	8' x 4' Reinforced Concrete Box Culvert	1,101	LF	x	\$	593.60	= \$ 653,553.60	x	\$	646.00	= \$ 711,246.00	x	\$	533.00	= \$ 586,833.00	x	\$	855.00	= \$ 941,355.00	x	\$	815.00	= \$ 897,315.00
8	Cast in Place Retaining Wall at Structure B1	1	LS	x	\$	11,200.00	= \$ 11,200.00	x	\$	25,000.00	= \$ 25,000.00	x	\$	3,700.00	= \$ 3,700.00	x	\$	12,750.00	= \$ 12,750.00	x	\$	33,000.00	= \$ 33,000.00
9	Wingwalls & Appurtenances at Structure B11	1	LS	x	\$	9,352.00	= \$ 9,352.00	x	\$	20,000.00	= \$ 20,000.00	x	\$	11,000.00	= \$ 11,000.00	x	\$	7,800.00	= \$ 7,800.00	x	\$	8,625.00	= \$ 8,625.00
10	Concrete Ditch Paving	100	SY	x	\$	56.67	= \$ 5,667.00	x	\$	75.00	= \$ 7,500.00	x	\$	64.00	= \$ 6,400.00	x	\$	88.00	= \$ 8,800.00	x	\$	55.00	= \$ 5,500.00
11	4' x 4' Drop Inlet (Type C or MO)	3	EA	x	\$	3,304.00	= \$ 9,912.00	x	\$	4,000.00	= \$ 12,000.00	x	\$	3,800.00	= \$ 11,400.00	x	\$	2,700.00	= \$ 8,100.00	x	\$	3,200.00	= \$ 9,600.00
12	4' x 4' Grate Inlet (Type C or MO)	2	EA	x	\$	3,119.20	= \$ 6,238.40	x	\$	5,000.00	= \$ 10,000.00	x	\$	6,000.00	= \$ 12,000.00	x	\$	3,830.00	= \$ 7,660.00	x	\$	4,400.00	= \$ 8,800.00
13	6' x 6' Drop Inlet (Type C or MO)	1	EA	x	\$	5,068.00	= \$ 5,068.00	x	\$	7,000.00	= \$ 7,000.00	x	\$	5,700.00	= \$ 5,700.00	x	\$	3,850.00	= \$ 3,850.00	x	\$	4,500.00	= \$ 4,500.00
14	Junction Box B1	1	LS	x	\$	10,528.00	= \$ 10,528.00	x	\$	15,000.00	= \$ 15,000.00	x	\$	11,000.00	= \$ 11,000.00	x	\$	5,100.00	= \$ 5,100.00	x	\$	14,400.00	= \$ 14,400.00
15	9' x 9' Drop Inlet	6	EA	x	\$	11,200.00	= \$ 67,200.00	x	\$	10,000.00	= \$ 60,000.00	x	\$	12,500.00	= \$ 75,000.00	x	\$	5,500.00	= \$ 33,000.00	x	\$	14,000.00	= \$ 84,000.00
16	9' x 9' Junction Box	1	EA	x	\$	9,352.00	= \$ 9,352.00	x	\$	10,000.00	= \$ 10,000.00	x	\$	12,500.00	= \$ 12,500.00	x	\$	4,900.00	= \$ 4,900.00	x	\$	12,500.00	= \$ 12,500.00
17	9' x 9' Grate Inlet	2	EA	x	\$	14,224.00	= \$ 28,448.00	x	\$	11,500.00	= \$ 23,000.00	x	\$	13,200.00	= \$ 26,400.00	x	\$	7,340.00	= \$ 14,680.00	x	\$	15,000.00	= \$ 30,000.00
18	9' x 4.5' Drop Inlet B11	1	LS	x	\$	7,112.00	= \$ 7,112.00	x	\$	10,000.00	= \$ 10,000.00	x	\$	12,500.00	= \$ 12,500.00	x	\$	5,745.00	= \$ 5,745.00	x	\$	7,125.00	= \$ 7,125.00
19	Handrail	10	LF	x	\$	196.00	= \$ 1,960.00	x	\$	100.00	= \$ 1,000.00	x	\$	114.00	= \$ 1,140.00	x	\$	110.00	= \$ 1,100.00	x	\$	200.00	= \$ 2,000.00
20	Plug Existing Box Culvert	3	EA	x	\$	980.00	= \$ 2,940.00	x	\$	5,000.00	= \$ 15,000.00	x	\$	950.00	= \$ 2,850.00	x	\$	1,750.00	= \$ 5,250.00	x	\$	1,600.00	= \$ 4,800.00
21	Native Sand Stone Gabion Wall	1	LS	x	\$	12,404.00	= \$ 12,404.00	x	\$	25,000.00	= \$ 25,000.00	x	\$	4,650.00	= \$ 4,650.00	x	\$	8,300.00	= \$ 8,300.00	x	\$	12,000.00	= \$ 12,000.00
22	Reconstruct Mortared Stacked Rock Wall at 559 Walnut	1	LS	x	\$	2,940.00	= \$ 2,940.00	x	\$	5,000.00	= \$ 5,000.00	x	\$	2,700.00	= \$ 2,700.00	x	\$	5,000.00	= \$ 5,000.00	x	\$	5,600.00	= \$ 5,600.00
23	Native Sand Stone Rip Rap	60	SY	x	\$	16.07	= \$ 964.20	x	\$	80.00	= \$ 4,800.00	x	\$	35.00	= \$ 2,100.00	x	\$	75.00	= \$ 4,500.00	x	\$	90.00	= \$ 5,400.00
24	Concrete Curb and Gutter	1,265	LF	x	\$	12.88	= \$ 16,293.20	x	\$	30.00	= \$ 37,950.00	x	\$	18.50	= \$ 23,402.50	x	\$	13.35	= \$ 16,887.75	x	\$	16.00	= \$ 20,240.00
25	6" Concrete Driveway Apron	130	SY	x	\$	41.44	= \$ 5,387.20	x	\$	80.00	= \$ 10,400.00	x	\$	71.00	= \$ 9,230.00	x	\$	67.00	= \$ 8,710.00	x	\$	62.00	= \$ 8,060.00
26	4" Concrete Sidewalk	350	SY	x	\$	35.28	= \$ 12,348.00	x	\$	60.00	= \$ 21,000.00	x	\$	44.00	= \$ 15,400.00	x	\$	59.00	= \$ 20,650.00	x	\$	40.00	= \$ 14,000.00
27	Handicap Access Ramp with Truncated Domes	40	SY	x	\$	211.12	= \$ 8,444.80	x	\$	150.00	= \$ 6,000.00	x	\$	114.00	= \$ 4,560.00	x	\$	190.00	= \$ 7,600.00	x	\$	56.00	= \$ 2,240.00
28	Mill Existing Asphalt Pavement 2"	500	SY	x	\$	10.81	= \$ 5,405.00	x	\$	15.00	= \$ 7,500.00	x	\$	10.00	= \$ 5,000.00	x	\$	9.00	= \$ 4,500.00	x	\$	9.35	= \$ 4,675.00
29	2" HMAC Pavement Overlay	1,020	SY	x	\$	12.82	= \$ 13,076.40	x	\$	30.00	= \$ 30,600.00	x	\$	24.00	= \$ 24,480.00	x	\$	21.15	= \$ 21,573.00	x	\$	22.00	= \$ 22,440.00
30	Asphalt Street Repair - T-Patch	200	SY	x	\$	32.86	= \$ 6,572.00	x	\$	60.00	= \$ 12,000.00	x	\$	83.00	= \$ 16,600.00	x	\$	101.00	= \$ 20,200.00	x	\$	105.00	= \$ 21,000.00
31	Gravel Driveway Surface Repair	20	Tons	x	\$	34.38	= \$ 687.60	x	\$	50.00	= \$ 1,000.00	x	\$	21.00	= \$ 420.00	x	\$	30.00	= \$ 600.00	x	\$	34.00	= \$ 680.00
32	Remove and Replace Mailboxes	7	EA	x	\$	156.80	= \$ 1,097.60	x	\$	500.00	= \$ 3,500.00	x	\$	195.00	= \$ 1,365.00	x	\$	265.00	= \$ 1,855.00	x	\$	275.00	= \$ 1,925.00
33	Street Sign Relocation	1	LS	x	\$	2,352.00	= \$ 2,352.00	x	\$	2,000.00	= \$ 2,000.00	x	\$	220.00	= \$ 220.00	x	\$	265.00	= \$ 265.00	x	\$	275.00	= \$ 275.00
34	16" Split Steel Encasement for Existing Sanitary Sewer Main	15	LF	x	\$	141.68	= \$ 2,125.20	x	\$	200.00	= \$ 3,000.00	x	\$	230.00	= \$ 3,450.00	x	\$	130.00	= \$ 1,950.00	x	\$	125.00	= \$ 1,875.00
35	30" Water Line Bridge	1	LS	x	\$	9,240.00	= \$ 9,240.00	x	\$	8,000.00	= \$ 8,000.00	x	\$	2,700.00	= \$ 2,700.00	x	\$	4,700.00	= \$ 4,700.00	x	\$	9,200.00	= \$ 9,200.00
36	Remove & Reinstall Existing Fence at 511 Walnut	1	LS	x	\$	1,677.20	= \$ 1,677.20	x	\$	4,000.00	= \$ 4,000.00	x	\$	1,500.00	= \$ 1,500.00	x	\$	1,600.00	= \$ 1,600.00	x	\$	1,430.00	= \$ 1,430.00
37	Remove & Reinstall Existing Fence at 501 Walnut	1	LS	x	\$	3,400.32	= \$ 3,400.32	x	\$	4,000.00	= \$ 4,000.00	x	\$	2,000.00	= \$ 2,000.00	x	\$	1,800.00	= \$ 1,800.00	x	\$	1,700.00	= \$ 1,700.00

CONT.				ARCO Excavation & Paving Inc				Brothers Construction Inc				Crossland Heavy Contractors				Nabholz Construction Corp				Sweetser Construction Inc			
38	6' Double Sided Wood Privacy Fence with Top Rail	170	LF	x	\$ 47.43	=	\$ 8,063.10	x	\$ 40.00	=	\$ 6,800.00	x	\$ 45.00	=	\$ 7,650.00	x	\$ 27.50	=	\$ 4,675.00	x	\$ 41.80	=	\$ 7,106.00
39	Remove & Reinstall Stone Driveway Apron at 435 Olive	1	LS	x	\$ 1,736.00	=	\$ 1,736.00	x	\$ 2,000.00	=	\$ 2,000.00	x	\$ 700.00	=	\$ 700.00	x	\$ 480.00	=	\$ 480.00	x	\$ 1,500.00	=	\$ 1,500.00
40	Solid Sod	1,350	SY	x	\$ 4.62	=	\$ 6,237.00	x	\$ 7.00	=	\$ 9,450.00	x	\$ 2.25	=	\$ 3,037.50	x	\$ 6.35	=	\$ 8,572.50	x	\$ 4.50	=	\$ 6,075.00
41	Tree Protection Fencing	460	LF	x	\$ 6.72	=	\$ 3,091.20	x	\$ 7.00	=	\$ 3,220.00	x	\$ 2.10	=	\$ 966.00	x	\$ 4.50	=	\$ 2,070.00	x	\$ 5.00	=	\$ 2,300.00
42	Erosion Control	1	LS	x	\$ 7,000.00	=	\$ 7,000.00	x	\$ 25,000.00	=	\$ 25,000.00	x	\$ 1,300.00	=	\$ 1,300.00	x	\$ 5,500.00	=	\$ 5,500.00	x	\$ 7,500.00	=	\$ 7,500.00
43	Remove & Dispose of Existing Curb and Gutter	1,275	LF	x	\$ 4.00	=	\$ 5,100.00	x	\$ 10.00	=	\$ 12,750.00	x	\$ 1.10	=	\$ 1,402.50	x	\$ 4.60	=	\$ 5,865.00	x	\$ 10.00	=	\$ 12,750.00
44	Remove & Dispose of Existing Sidewalk	300	LF	x	\$ 5.38	=	\$ 1,614.00	x	\$ 20.00	=	\$ 6,000.00	x	\$ 1.20	=	\$ 360.00	x	\$ 4.50	=	\$ 1,350.00	x	\$ 10.00	=	\$ 3,000.00
45	Remove & Dispose of Existing Drop Inlet/Junction Box	1	EA	x	\$ 1,008.00	=	\$ 1,008.00	x	\$ 3,000.00	=	\$ 3,000.00	x	\$ 1,400.00	=	\$ 1,400.00	x	\$ 800.00	=	\$ 800.00	x	\$ 500.00	=	\$ 500.00
46	Sawcut & Remove Existing Pavement	810	SY	x	\$ 9.30	=	\$ 7,533.00	x	\$ 15.00	=	\$ 12,150.00	x	\$ 5.50	=	\$ 4,455.00	x	\$ 13.65	=	\$ 11,056.50	x	\$ 10.00	=	\$ 8,100.00
47	Asphalt Concrete Patching for Maintenance of Traffic	50	Tons	x	\$ 21.56	=	\$ 1,078.00	x	\$ 175.00	=	\$ 8,750.00	x	\$ 136.00	=	\$ 6,800.00	x	\$ 190.00	=	\$ 9,500.00	x	\$ 175.00	=	\$ 8,750.00
48	Rock Excavation	10	CY	x	\$ 253.68	=	\$ 2,536.80	x	\$ 200.00	=	\$ 2,000.00	x	\$ 175.00	=	\$ 1,750.00	x	\$ 400.00	=	\$ 4,000.00	x	\$ 225.00	=	\$ 2,250.00
49	Audio/Video Recordings and Site Photographs	1	LS	x	\$ 7,280.00	=	\$ 7,280.00	x	\$ 10,000.00	=	\$ 10,000.00	x	\$ 1,900.00	=	\$ 1,900.00	x	\$ 2,000.00	=	\$ 2,000.00	x	\$ 550.00	=	\$ 550.00
50	6" Concrete Street Repair	605	SY	x	\$ 31.58	=	\$ 19,105.90	x	\$ 80.00	=	\$ 48,400.00	x	\$ 42.00	=	\$ 25,410.00	x	\$ 57.50	=	\$ 34,787.50	x	\$ 85.00	=	\$ 51,425.00
TOTAL BASE BID						\$ 1,118,264.05			\$ 1,488,456.00			\$ 1,014,576.50			\$ 1,498,099.25			\$ 1,511,540.50					

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

CERTIFIED:

P. Vice, Purchasing Manager

A. Rennie
Witness

3/16/15
Date

DOCUMENT 00500 – AGREEMENT

BETWEEN OWNER AND CONTRACTOR

Contract Name/Title: UPPER SCULL CREEK DRAINAGE IMPROVEMENT PROJECT

Contract No.: 15-23, Construction

THIS AGREEMENT is dated as of the _____ day of _____ in the year 2015 by and between The City of Fayetteville, Arkansas and Crossland Heavy Contractors, Inc. (hereinafter called Contractor).

ARTICLE 1 - WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The work under this Contract includes, but is not limited to:

The construction of approximately 1100 LF of 8'x4' Reinforced Concrete Box Culvert including the associated structures, earthwork, curb and gutter, sidewalk, drainage, driveways, fencing, retaining walls and miscellaneous related items.

The Contract includes work in City of Fayetteville Right-of-way and in Drainage and Temporary Construction Easements.

Refer to Section 00400-Bid Form for quantities:

ARTICLE 2 - ENGINEER

2.01 The Contract Documents have been prepared by the City of Fayetteville Engineering Division. City of Fayetteville Engineering Division assumes all duties and responsibilities, and has the rights and authority assigned to City of Fayetteville Engineering Division in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

DOCUMENT 00500 – AGREEMENT (continued)

ARTICLE 3 - CONTRACT TIME

3.01 TIME OF THE ESSENCE:

- A. All time limits for milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 DATES FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:

- A. The Work will be Substantially Completed within 365 calendar days after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS, and completed and ready for final payment in accordance with the GENERAL CONDITIONS within 395 calendar days after the date when the Contract Times commence to run.

3.03 LIQUIDATED DAMAGES:

- A. Owner and Contractor recognize that time is of the essence of this Agreement and that The City of Fayetteville will suffer financial loss if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by The City of Fayetteville if the Work is not Substantially Completed on time. Accordingly, instead of requiring any such proof, The City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay The City of Fayetteville Seven Hundred Fifty Dollars (\$750.00) for each calendar day that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the Work is Substantially Complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by The City of Fayetteville, Contractor shall pay The City of Fayetteville Seven

DOCUMENT 00500 – AGREEMENT (continued)

Hundred Fifty Dollars (\$750.00) for each calendar day that expires after the time specified for completion and readiness for final payment.

ARTICLE 4 - CONTRACT PRICE

- 4.01 The CITY OF FAYETTEVILLE agrees to pay, and the CONTRACTOR agrees to accept, as full and final compensation for all work done under this agreement, the amount based on the prices bid in the Proposal (BID FORM) which is hereto attached, for the actual amount accomplished under each pay item, said payments to be made in lawful money of the United States at the time and in the manner set forth in the Specifications.
- 4.02 As provided in the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in the General Conditions. Unit prices have been computed as provided in the General Conditions.
- 4.03 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.

ARTICLE 5 - PAYMENT PROCEDURES

- 5.01 SUBMITTAL AND PROCESSING OF PAYMENTS:
- A. Contractor shall submit Applications for Payment in accordance with the GENERAL CONDITIONS. Applications for Payment will be processed by Engineer as provided in the GENERAL CONDITIONS.
- 5.02 PROGRESS PAYMENTS, RETAINAGE:
- A. The City of Fayetteville shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 15th day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS (and in the case of Unit Price

DOCUMENT 00500 – AGREEMENT (continued)

Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.
 - a. 90% of Work Completed (with the balance being retainage). If Work has been 50% completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to The City of Fayetteville and Engineer, The City of Fayetteville on recommendation of Engineer, may determine that as long as the character and progress of the Work subsequently remain satisfactory to them, there will be no additional retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be an amount equal to 100% of the Work Completed less the aggregate of payments previously made; and
 - b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to The City of Fayetteville as provided in the GENERAL CONDITIONS.
2. Upon Substantial Completion, The City of Fayetteville shall pay an amount sufficient to increase total payments to Contractor to 95% of the Contract Price (with the balance being retainage), less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.

DOCUMENT 00500 – AGREEMENT (continued)

5.03 **FINAL PAYMENT:**

- A. Upon final completion and acceptance of the Work in accordance with the GENERAL CONDITIONS, The City of Fayetteville shall pay the remainder of the Contract Price as recommended by Engineer and as provided in the GENERAL CONDITIONS.

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

6.01 In order to induce The City of Fayetteville to enter into this Agreement, Contractor makes the following representations:

- A. Contractor has examined and carefully studied the Contract Documents including the Addenda and other related data identified in the Bid Documents.
- B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Contractor has carefully studied all:
 - (1) Reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and
 - (2) Reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Contractor acknowledges that The City of Fayetteville and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated

DOCUMENT 00500 – AGREEMENT (continued)

in the Contract Documents with respect to Underground Facilities at or contiguous to the Site.

- E. Contractor has obtained and carefully studied (or assumes responsibility of having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, and furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.
- F. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performing and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- G. Contractor is aware of the general nature of work to be performed by The City of Fayetteville and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents and the written resolution thereof by Engineer is acceptable to Contractor.

DOCUMENT 00500 – AGREEMENT (continued)

- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 CONTENTS:

- A. The Contract Documents which comprise the entire Agreement between The City of Fayetteville and Contractor concerning the Work consist of the following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:

1. This Agreement.
2. Exhibits to this Agreement (enumerated as follows):
 - a. Notice to Proceed.
 - b. Contractor's Bid.
 - c. Documentation submitted by Contractor prior to Notice of Award.
3. Performance, Payment, and other Bonds.
4. General Conditions.
5. Supplementary Conditions.
6. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.
7. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general title: Upper Scull Creek Drainage Improvement Project
8. Addenda numbers 1-3, inclusive.

DOCUMENT 00500 – AGREEMENT (continued)

9. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

ARTICLE 8 - MISCELLANEOUS

8.01 TERMS:

- A. Terms used in this Agreement which are defined in the GENERAL CONDITIONS shall have the meanings stated in the GENERAL CONDITIONS.

8.02 ASSIGNMENT OF CONTRACT:

- A. 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.

8.03 SUCCESSORS AND ASSIGNS:

- A. The City of Fayetteville and Contractor each binds himself, his 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.

DOCUMENT 00500 – AGREEMENT (continued)

8.04 SEVERABILITY:

- A. 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 The City of Fayetteville and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

8.05 FREEDOM OF INFORMATION ACT:

- A. City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

8.06 LIENS:

- A. **No liens against this construction project are allowed.** Arkansas law (A.C.A. §§18-44-501 through 508) prohibits the filing of any mechanics' of materialmen's liens in relation to this public construction project. Arkansas law requires and the contractor promises to provide and file with the Circuit Clerk of Washington County a bond in a sum equal to the amount of this contract. Any subcontractor or materials supplier may bring an action for non-payment or labor or material on the bond. The contractor promises to notify every subcontractor and materials supplier for this project of this paragraph and obtain their written acknowledgement of such notice prior to commencement of the work of the subcontractor or materials supplier.

DOCUMENT 00500 – AGREEMENT (continued)

IN WITNESS WHEREOF, The City of Fayetteville and Contractor have signed this Agreement in quadruplicate. One counterpart each has been delivered to Contractor and Engineer. Two counterparts each has been delivered to The City of Fayetteville. All portions of the Contract Documents have been signed, initialed, or identified by The City of Fayetteville and Contractor or identified by Engineer on their behalf.

This Agreement will be effective on _____, 20__, which is the Effective Date of the Agreement.

CROSSLAND HEAVY CONTRACTORS, INC.

CITY OF FAYETTEVILLE _____

By: Mark Sell

By: Lioneld Jordan

Title: President

Title: Mayor

(SEAL)

(SEAL)

Attest

Misty Harris

Misty Harris, Corporate Secretary

Attest _____

DOCUMENT 00500 – AGREEMENT (continued)

Address for giving notices

PO Box 350, 501 S East Avenue

Columbus, KS 66725

License No. _____

Agent for Service of process

Mark Sell

Address for giving notices

113 W. Mountain St.

Fayetteville, AR 72701

(attach evidence of authority to
sign and resolution or other documents
authorizing execution of Agreement)

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

Approved As to Form:

By: _____

Attorney For: _____

END OF DOCUMENT 00500

CROSSLAND HEAVY CONTRACTORS

501 S. East Avenue • P.O. Box 350

Columbus, KS 66725

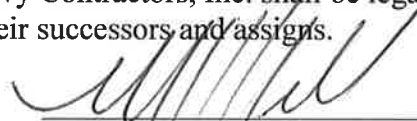
tel 620.429.1410

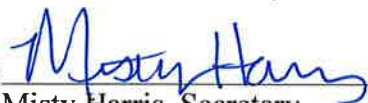
fax 620.429.2977

Corporate Resolution

BE IT RESOLVED: that at the monthly meeting of the Board of Directors of Crossland Heavy Contractors, Inc., held on the 25th day of April, 2014, the Board of Directors did, by unanimous decision, authorize Mark Sell, Mike Kirk, Chris Walters, Jason Lundry, or Ivan Crossland, Jr. to sign on behalf of said Corporation all documents and papers pertaining to the business of said Corporation.

All documents signed by Mark Sell, Mike Kirk, Chris Walters, Jason Lundry, or Ivan Crossland, Jr. on behalf of Crossland Heavy Contractors, Inc. shall be legally binding on Crossland Heavy Contractors, Inc. and their successors and assigns.


Mark Sell, President

ATTEST: 
Misty Harris, Secretary

State of Kansas, County of Cherokee:

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared Mark Sell, President of Crossland Heavy Contractors, Inc. a corporation duly organized and existing in the State of Kansas, and he acknowledged the same on behalf of said Corporation.

In witness thereof I have set my hand and affixed my seal this 17th day of April 2015.


Notary Public

My Commission Expires:



DOCUMENT 0400 –BID FORM

Contract Name: Upper Scull Creek
Drainage Improvement Project

Bid Number: 15-23 Construction

BID TO:

Owner: The City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, Arkansas 72701

BID FROM:

Bidder: Crossland Heavy Contractors
501 S. EAST AVE
PO Box 350
Columbus, KS 666725

ARTICLE 1 - INTENT

- 1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid price and within the Bid time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

ARTICLE 2 - TERMS AND CONDITIONS

- 2.01 Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 90 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 15 days after the date of Owner's Notice of Award.

DOCUMENT 00400 –BID FORM (continued)

ARTICLE 3 - BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

- A. Bidder has examined and carefully studied the Bid Documents, and the following Addenda, receipt of all which is hereby acknowledged:

<u>Number</u>	<u>Date</u>
<u>1</u>	<u>1-26-15</u>
<u>2</u>	<u>3-6-15</u>
<u>3</u>	<u>3-11-15</u>
<u> </u>	<u> </u>

- B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Bidder acknowledges that such reports and drawings are not Contract Documents and may not be complete for Bidder's purposes. Bidder acknowledges that Owner and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bid Documents with respect to Underground Facilities at or contiguous to the Site.
- E. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations,

DOCUMENT 00400 –BID FORM (continued)

investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder and safety precautions and programs incident thereto.

- F. Bidder does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performing and furnishing of the Work in accordance with the times, price, and other terms and conditions of the Contract Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.
- H. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports, and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Bidder.
- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.
- K. 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; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and

DOCUMENT 00400 – BID FORM (continued)

Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

- L. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.

ARTICLE 4 - BID PRICE

Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
1	Trench and Excavation Safety Systems	LS	1	100.00	100.00
2	Traffic Control and Maintenance	LS	1	8,800.00	8,800.00
3	Mobilization – Shall not exceed 5% of total bid	LS	1	20,300.00	20,300.00
4	Clearing, Grubbing and Demolition	LS	1	19,000.00	19,000.00
5	18" Reinforced Concrete Pipe	LF	71	94.00	6,674.00
6	24" Reinforced Concrete Pipe	LF	31	141.00	4,371.00
7	8'x4' Reinforced Concrete Box Culvert	LF	1101	533.00	586,833.00
8	Cast in Place Retaining Wall at Structure B1	LS	1	3,700.00	3,700.00
9	Wingwalls & Appurtenances at Structure B11	LS	1	11,000.00	11,000.00
10	Concrete Ditch Paving	SY	100	64.00	6,400.00
11	4'x4' Drop Inlet (Type C or MO)	EA	3	3,800.00	11,400.00
12	4'x4' Grate Inlet (Type C or MO)	EA	2	6,000.00	12,000.00
13	6'x6' Drop Inlet (Type C or MO)	EA	1	5,700.00	5,700.00

DOCUMENT 00400 – BID FORM (continued)

ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
14	Junction Box B1	LS	1	11,000.00	11,000.00
15	9'x9' Drop Inlet	EA	6	12,500.00	75,000.00
16	9'x9' Junction Box	EA	1	12,500.00	12,500.00
17	9'x9' Grate Inlet	EA	2	13,200.00	26,400.00
18	9'x4.5' Drop Inlet B11	LS	1	12,500.00	12,500.00
19	Handrail	LF	10	114.00	1,140.00
20	Plug Existing Box Culvert	EA	3	950.00	2,850.00
21	Native Sand Stone Gabion Wall	LS	1	4,650.00	4,650.00
22	Reconstruct Mortared Stacked Rock Wall at 559 Walnut	LS	1	2,700.00	2,700.00
23	Native Sand Stone Rip Rap	SY	60	35.00	2,100.00
24	Concrete Curb and Gutter	LF	1265	18.50	23,402.50
25	6" Concrete Driveway Apron	SY	130	71.00	9,230.00
26	4" Concrete Sidewalk	SY	350	44.00	15,400.00
27	Handicap Access Ramp With Truncated Domes	SY	40	114.00	4,560.00
28	Mill Existing Asphalt Pavement 2"	SY	500	10.00	5,000.00
29	2" HMA Pavement Overlay	SY	1020	24.00	24,480.00
30	Asphalt Street Repair – T-Patch	SY	200	83.00	16,600.00
31	Gravel Driveway Surface Repair	Tons	20	21.00	420.00
32	Remove and Replace Mailboxes	EA	7	195.00	1,365.00

DOCUMENT 00400 –BID FORM (continued)

ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
33	Street Sign Relocation	LS	1	220.00	220.00
34	16" Split Steel Encasement for Existing Sanitary Sewer Main	LF	15	230.00	3,450.00
35	30" Water Line Bridge	LS	1	2,700.00	2,700.00
36	Remove and Reinstall Existing Fence at 511 Walnut	LS	1	1,500.00	1,500.00
37	Remove and Reinstall Existing Fence at 501 Walnut	LS	1	2,000.00	2,000.00
38	6' Double Sided Wood Privacy Fence with Top Rail	LF	170	45.00	7,650.00
39	Remove and Reinstall Stone Driveway Apron at 435 Olive	LS	1	700.00	700.00
40	Solid Sod	SY	1350	2.25	3,037.50
41	Tree Protection Fencing	LF	460	2.10	966.00
42	Erosion Control	LS	1	1,300.00	1,300.00
43	Remove and Dispose of Existing Curb and Gutter	LF	1275	1.10	1,402.50
44	Remove and Dispose of Existing Sidewalk	LF	300	1.20	360.00
45	Remove and Dispose of Existing Drop Inlet/Junction Box	EA	1	1,400.00	1,400.00
46	Sawcut and Remove Existing Pavement	SY	810	5.50	4,455.00
47	Asphalt Concrete Patching for Maintenance of Traffic	Tons	50	136.00	6,800.00
48	Rock Excavation	CY	10	175.00	1,750.00
49	Audio/Video Recordings and Site Photographs	LS	1	1,900.00	1,900.00
50	6" Concrete Street Repair	SY	605	42.00	25,410.00

DOCUMENT 00400 –BID FORM (continued)

TOTAL AMOUNT BID \$ 1,014,576.50

ARTICLE 5 - CONTRACT TIMES

- 5.01 Bidder agrees that the Work will be substantially completed and completed and ready for final payment within the number of calendar days indicated in the Agreement.
- 5.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

ARTICLE 6 - BID CONTENT

- 6.01 The following documents are attached to and made a condition of this Bid:
- A. Required Bid security in the form of a cashier's check from a bank located in the State of Arkansas or a Bid Bond and in the amount of five percent of bid Dollars (\$ 51.).
- B. A tabulation of Subcontractors and other persons and organizations required to be identified in this Bid.

ARTICLE 7 - COMMUNICATIONS

- 7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

Dan Thompson
501 S. EAST AVE, PO BOX 350
Columbus, KS 66025
Email. dthompson@heavycontractors.com
Phone No. 620-429-1410
FAX No. 620-429-2977

DOCUMENT 00400 –BID FORM (continued)

ARTICLE 8 - TERMINOLOGY

8.01 The terms used in this Bid which are defined in the GENERAL CONDITIONS or Instructions to Bidders will have the meanings assigned to them.

SUBMITTED on March 13th, 2015.

Arkansas State Contractor License No. 00607301115.

If Bidder is:

An Individual

Name (type or printed): _____

By: _____(SEAL)

(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No.: _____ FAX No.: _____

DOCUMENT 00400 – BID FORM (continued)

A Partnership

Partnership Name: _____ (SEAL)

By: _____
(Signature of general partner – attach evidence of authority to sign)

Name (type or printed): _____

Business address: _____

Phone No.: _____ FAX No.: _____

A Corporation or LLC

Corporation Name: Crossland Heavy Contractors (SEAL)

State of Incorporation: Kansas

Type (General Business, Professional, Service, Limited Liability): _____

General Business

By: Mike Kirk
(Signature – attach evidence of authority to sign)

Name (type or printed): Mike Kirk

Title: Vice President

(CORPORATE SEAL)

Attest: Misty Harris
Misty Harris (Signature of Corporate Secretary)

Business address: 501 S. EAST AVE, PO Box 350

Columbus, KS 66725

Phone No.: 620-429-1410 FAX No.: 620-429-2977

END OF DOCUMENT 00400

DOCUMENT 00430 – LIST OF SUBCONTRACTORS

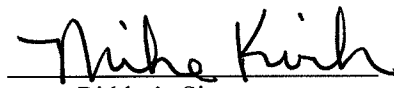
In compliance with the Instructions to Bidders and other Contract Documents, the undersigned submits the following names of Subcontractors to be used in performing the Work for:

UPPER SCULL CREEK DRAINAGE IMPROVEMENT PROJECT.

Bidder certifies that all Subcontractors listed are eligible to perform the Work.

<u>Subcontractor's Work</u>	<u>Subcontractor's Name and Address</u>	<u>Expected Percentage or Value</u>
Clearing/Demolition		
SWPPP/Erosion Control		
Roadway/Drainage		
Retaining Wall		
Other (designate)		

NOTE: This form must be submitted in accordance with the Instructions to Bidders.


Bidder's Signature
MIKE KIRK Vice President

END OF DOCUMENT 00430

CROSSLAND HEAVY CONTRACTORS

833 S. East Avenue • P.O. Box 350

Columbus, Kansas 66725

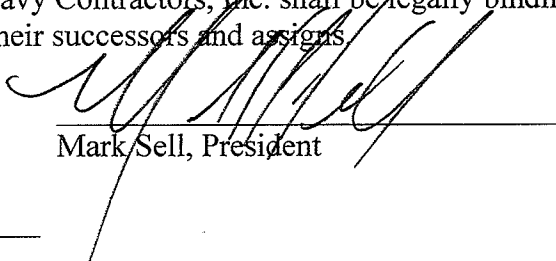
tel 620.429.1410

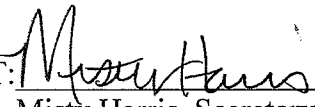
fax 620.429.2977

Corporate Resolution

BE IT RESOLVED: that at the monthly meeting of the Board of Directors of Crossland Heavy Contractors, Inc., held on the 25th day of April, 2014, the Board of Directors did, by unanimous decision, authorize Mark Sell, Mike Kirk, Chris Walters, Jason Lundry, or Ivan Crossland, Jr. to sign on behalf of said Corporation all documents and papers pertaining to the business of said Corporation.

All documents signed by Mark Sell, Mike Kirk, Chris Walters, Jason Lundry, or Ivan Crossland, Jr. on behalf of Crossland Heavy Contractors, Inc. shall be legally binding on Crossland Heavy Contractors, Inc. and their successors and assigns.

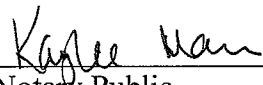

Mark Sell, President

ATTEST: 
Misty Harris, Secretary

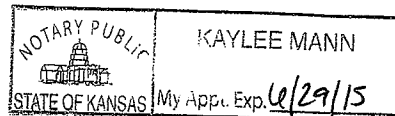
State of Kansas, County of Cherokee:

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared Mark Sell, President of Crossland Heavy Contractors, Inc. a corporation duly organized and existing in the State of Kansas, and he acknowledged the same on behalf of said Corporation.

In witness thereof I have set my hand and affixed my seal this 20th day of August 2014.


Notary Public

My Commission Expires: 6/29/15



KNOW ALL MEN BY THESE PRESENTS: that we

PO Box 350

Columbus, KS 66725

Fidelity and Deposit Company of Maryland

1400 American Lane, Tower I, 18th Floor

DOCUMENT 00410 – BID BOND (continued)

which the Owner may in good faith contract with another party to perform the Work covered by said Bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 13th day of March 20 15.

PRINCIPAL

(CORPORATE SEAL)

Crossland Heavy Contractors, Inc.

By Mike Kirk
Mik Kirk Vice President

SURETY

Fidelity and Deposit Company of Maryland

By [Signature]
Travis Byers, Attorney-in-Fact

ATTORNEY-IN-FACT

(CORPORATE SEAL)

1400 American Lane, Tower I, 18th Floor

Schaumburg, IL 60196

(This Bond shall be accompanied with
Attorney-in-Fact's authority from Surety)

END OF DOCUMENT 00410

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **GERALD F. HALEY, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **S. Mark WILKERSON, Morgan DEWEY, Monica F. DONATELLI, Debra L. WALZ, Carolyn J. JOHNSON, Michael D. WHIPPS, Kelly E. KIMMEL and Travis BYERS, all of Overland Park, Kansas, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 8th day of January, A.D. 2015.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



By: _____

Eric D. Barnes

*Secretary
Eric D. Barnes*

State of Maryland
County of Baltimore

Gerald F. Haley

*Vice President
Gerald F. Haley*

On this 8th day of January, A.D. 2015, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **GERALD F. HALEY, Vice President, and ERIC D. BARNES, Secretary**, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Maria D. Adamski

Maria D. Adamski, Notary Public
My Commission Expires: July 8, 2015



EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 13th day of March, 2015.



Thomas O. McClellan

Thomas O. McClellan, Vice President

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: 3/18/2015			
							P.O Number:			
Vendor #: 13383		Vendor Name: Crossland Heavy Contractors					Mail ☒ YES ☐ NO		Legistar#: 2015-0165	
Address: P.O. Box 350					FOB Point:		Taxable ☐ YES ☒ NO			
City: Columbus			State: KS		66725 Ship to code:		Quotes Attached ☐ YES ☐ NO		Expected Delivery Date:	
Requester: Chris Brown					2695		8207			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	Bridge & Drainage Improves.	1		1,014,576.50	\$1,014,576.50	4470.9470.5817.00	02108.902			
2	Per bid 15-23				\$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: <u>\$1,014,576.50</u> Tax: <u>\$0.00</u> Total: <u><u>\$1,014,576.50</u></u>			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____										

Budget Year	Division: Engineering	Adjustment Number
2015	Dept.: Development Services	
	Requestor: Chris Brown	

Approval of a contract in the amount of \$1,014,576.50 with Crossland Heavy Contractors for the construction of the Upper Scull Creek Drainage Improvement Project, approve a project contingency of \$152,185 (15%), and approve a budget adjustment. Bid 15-23.

[illegible]



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0168

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 2

RZN 15-4953 - 1195 SOUTH CURTIS AVENUE

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-4953, FOR APPROXIMATELY 6.8 ACRES, LOCATED AT 1195 SOUTH CURTIS AVENUE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE

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 changes the zone classification of the following described property from an RSF-4, Residential Single Family, 4 Units per Acre, to RMF-24, Residential Multi-Family, 24 Units per Acre, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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

City of Fayetteville Staff Review Form

2015-0168

Legistar File ID

4/7/2015

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

Jeremy Pate

3/20/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 15-4953: Rezone (1195 S. CURTIS AVE./AMERICAN LEGION, 564): Submitted by ENGINEERING SERVICES, INC. for property located at 1195 S. CURTIS AVENUE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 6.81 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 7, 2015

TO: Fayetteville City Council
THRU: Andrew Garner, City Planning Director
FROM: Quin Thompson, Senior Planner
DATE: March 20, 2015

SUBJECT: RZN 15-4953: Rezone (1195 S. CURTIS AVE./AMERICAN LEGION, 564):
Submitted by ENGINEERING SERVICES, INC. for property located at 1195 S. CURTIS AVENUE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 6.81 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the property to RMF-24, Residential Multi-Family, 24 Units per Acre.

BACKGROUND:

The subject property is located on Curtis Avenue north of 15th Street. The property contains an American Legion post (Shelton-Tucker-Craft Post), baseball diamond, and associated facilities. The subject property of this rezoning is currently under contract to be sold pending the outcome of this rezoning request. A lot split (LSP 15-4954) has been requested that would place the Legion building and parking area on a separate parcel from the baseball field.

Surrounding Land Use Compatibility: In staff's opinion, this property is compatible with surrounding uses, which are a mixture of low and mid-density residential developments. The adjacent property to the north is a multi-family development, while property to the south is in use as a mobile home park with a density of approximately 8 units per acre. Properties to the east are zoned RMF-24 and in single-family residential use. Undeveloped land adjacent to the west is zoned P-1, Institutional; staff does not anticipate negative impacts to the surrounding property as a result of this rezoning.

Land Use Plan Analysis: City Plan 2030 Future Land Use Plan designates this site as City Neighborhood Area. This designation supports a wide spectrum of residential uses and encourages density in housing types such as the proposed zone will allow.

DISCUSSION:

On March 9, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 7-0-0. At that meeting four members of the public spoke to the item. Three opposed the proposed zoning, citing concerns with criminal activity, loss of property value, and traffic problems. The property owner to the south was not opposed to the rezoning.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report

Police Department Comments

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~March 9, 2015~~ **UPDATED MARCH 19, 2015**

SUBJECT: **RZN 15-4953: Rezone (1195 S. CURTIS AVE./AMERICAN LEGION, 564):** Submitted by ENGINEERING SERVICES, INC. for property located at 1195 S. CURTIS AVENUE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 6.81 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding of **RZN 15-4953** to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is located on Curtis Avenue north of 15th Street. The property contains an American Legion post (Shelton-Tucker-Craft Post), baseball diamond, and associated facilities. The subject property of this rezoning is currently under contract to be sold pending the outcome of this rezoning request. A lot split (LSP 15-4954) has been requested that would place the Legion building and parking area on a separate parcel. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Multi-family Residential	RMF-24, Residential Multi-Family, 24 units per acre
South	Single-Family Residential/Mobile Home Park	RMF-24, Residential Single-Family, 4 units per acre
East	Single-Family Residential	RMF-24, Residential Single-Family, 4 units per acre
West	Undeveloped/Agriculture	P-1, Institutional

Request: The request is to rezone the property from RSF-4, Residential Single-family/4 units per acre to RMF-24, Residential Multi-family/24 units per acre.

Public Comment: Staff has not received any public comment.

INFRASTRUCTURE:

- Streets:** The subject parcel has access to Curtis Avenue. This street is an improved two-lane asphalt street with curb/gutter and storm drainage. Any required improvements to this street will be determined at time of development.
- Water:** Public water is available to the site. An 8" public main exists in the Curtis Avenue right of way and runs in an easement along the southern property line of the subject parcel.
- Sewer:** Sanitary sewer is available to the site. An 8" main runs along the northern and western property boundaries of the subject parcel.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. This property contains 100-year floodplain area on the western edge of the subject parcel. This parcel does not contain any protected streams per the Streamside Protection map. No portions of the subject parcel are located within the Hillside/Hilltop Overlay District.
- Fire:** This development will be protected by Ladder 3 located at 1050 S. Happy Hollow Rd. It is 1 mile from the station with an anticipated response time of 3 minutes to the beginning of the development. The Fire Department anticipates 41(26 EMS – 15 Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 – 18 months, after the development is started, before maximum build-out and the service impact to occur. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.
- Police:** The Police Department did not express any concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN:

The *City Plan 2030 Future Land Use Plan* designates this site as **City Neighborhood Area**. These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors.

DISCUSSION:

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends forwarding of **RZN 15-4953** to the City Council with a recommendation for approval based on the findings discussed herein, that the rezoning is compatible with existing and anticipated uses in the surrounding area and is consistent with the Future Land Use Plan.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>March 9, 2015</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>HONCHELL</u>	Second: <u>BUNCH</u>	Vote: <u>7-0-0</u>	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>April 7, 2015</u>	☐ Approved	☐ Denied	

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: *Surrounding Land Use Compatibility:* In staff's opinion, this property is compatible with surrounding uses, which are a mixture of low and mid-density residential developments. The adjacent property to the north is a multi-family development, while property to the south is in use as a mobile home park with a density of approximately 8 units per acre. Properties to the east are in single-family residential use. Undeveloped land adjacent to the west is zoned P-1, Institutional; staff does not anticipate negative impacts to the surrounding property as a result of this rezoning.

Land Use Plan Analysis: City Plan 2030 Future Land Use Plan designates this site as City Neighborhood Area. This designation supports a wide spectrum of residential uses and encourages density in housing types such as the proposed zone will allow.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: In staff's opinion, the requested RMF-24 zoning district is justified at this time, as the surrounding property is currently a mixture of low and mid-density residential development within the RMF-24 zone.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Rezoning the property RMF-24 is not likely to increase traffic danger or congestion in this location, although the request is for a zone that will allow a higher intensity of development and use than the low density that is currently allowed under RSF-4 zoning. 15th Street is an improved 4-lane Principal Arterial and state highway, and has ample capacity to serve this property. An existing signalized intersection at Curtis Avenue and 15th street will serve a large proportion of traffic in and out of this property.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **Rezoning the property from RSF-4 to RMF-24 will increase the potential population density, but is unlikely to undesirably increase the load on public services. The Police Department expressed no objections to the proposal. The Fire Department does not feel that this zoning will negatively affect service times to area.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

Finding: **If the rezoning should be approved, the RMF-24 zoning and recent lot split may create a condition in which it is difficult to meet the requirement for 50% Minimum Buildable Street Frontage (UDC 161.14(H) because of the proposed odd-shaped parcel. The applicant has been made aware of the requirement during the Technical Plat Review process.**

- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.07 & 161.14
- Fayetteville Fire Department comments
- Request Letter
- City Plan 2030 – Future Land Use Plan map
- Current Land Use Map
- Close Up Map
- One Mile Map

UNIFIED DEVELOPMENT CODE CHAPTER 161 ZONING REGULATIONS

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.

Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Maximum	Height	45 ft.
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Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

161.14 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 25	Professional offices
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a Manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.

Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments:	
No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two bedroom	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variance, Ch. 156.

(F) *Building height regulations.*

Building	Height	30/45/60ft.*
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Maximum	
---------	--

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5079, 11-20-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5495, 4-17-12; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

March 3, 2015

Development Services Department
City of Fayetteville, Arkansas
125 West Mountain
Fayetteville, AR 72701

RE: Rezoning Petition – RSF-4 to RMF-24
Parcel Number 765-15091-000

Dear Mr. Sir or Ma'am,

This letter is intended to serve as a narrative to accompany the rezoning petition for a portion of Parcel Number 765-15091-000, which is located in the City of Fayetteville. The property is currently zoned RSF-4 (Residential Single Family – Four Units per Acre), and the request is to change the zoning of the property to RMF-24 (Residential Multi-Family - Twenty-four Units per Acre) to for allow future development of the property. This rezoning request is being submitted concurrently with a tract split which will divide the current tract into a western tract (Tract 1) approximately 6.8 acres in size and an eastern tract (Tract 2) approximately 2.6 acres in size along Curtis Avenue. Only Tract 1 created by the lot split is to be rezoned, while Tract 2 will remain in the RSF-4 district.

The following paragraphs address the items required by the rezoning application instructions:

- A) The property is currently owned by Shelton-Tucker-Craft Post No. 27, American Legion, Department of Arkansas, an Arkansas non-profit corporation. The mailing address for the property and physical address of the property are both 1195 S. Curtis Avenue, Fayetteville, AR 72701. The portion of the property included in the rezoning request is under contract for sale to Applicant.
- B) Applicant intends to develop the property following purchase as a multi-family development.
- C) The proposed rezoning will be consistent with the existing uses/zoning of neighboring properties. The property to the north of the subject tract is RMF-24, the same district as requested for the subject tract. The property to the west is owned by the City of Fayetteville (Habitat for Humanity Park Land) and is zoned P-1, which is compatible with the requested zoning. The property south and southwest of the tract being rezoned is all RMF-24, the same zoning requested for the subject property. The property immediately east of the subject property, which includes the American Legion Post facilities, is zoned RMF-24, but is not used as single family property. The property includes a large parking area and a building and is used primarily for the meetings and activities of the non-profit organization, a use compatible with the requested zoning. Phase II of Heritage East Subdivision is located further east, across Curtis Avenue from the subject property. This development is also zoned RMF-24, the target zoning for the subject property. The primary zoning of the adjacent properties is therefore RMF-24, and the requested zoning change will be consistent with existing land use and zoning in the area.



Jerry W. Martin, P.E.
Chairman of the Board

Philip C. Humbard, P.E., P.L.S.
President

Brian J. Moore, P.E.
Vice President

Tim J. Mays, P.E.
Secretary / Treasurer

Consulting Engineers and Surveyors

www.engineeringservices.com

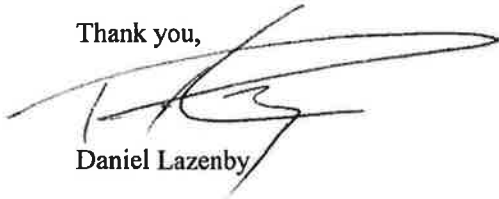
No development is currently proposed for the property. No signage or traffic disruption or issues are therefore anticipated related to the rezoning request. Prior to any development, a Large Scale Development will be submitted to the City of Fayetteville for review and approval as required by ordinance, and will address any potential issues related to signage, traffic, and appearance.

- D) There are existing water and sewer lines in the area which can serve the property. A 14" water main crosses the northeast corner of the subject property, and an 8" water main runs along a portion of the southern boundary of the property. An 8" sewer main runs along the west boundary of the subject property.
- E) The Future Land Use 2030 information on the City of Fayetteville's GIS site indicates the property has been identified for use as "Social, Institutional, or Infrastructure-Related Activities". The properties to the north and south, both of which are zoned RMF-24, are also slated for this use. The property west of the parcel to be rezoned is identified "Natural Resource-related Activities". The Heritage East Subdivision across Curtis Avenue is planned to be used for "Residential Activities".
- F) The applicant has agreed to purchase the property with the intent to develop it in the future. He is requesting the property be rezoned to the same district as the other properties in this area in order to facilitate development. The rezoning will provide the applicant assurance the property will be eligible for development at some time in the future as a multi-family development within the framework provided in the city's ordinances. Without this assurance, applicant will not be able to complete the purchase of the property. The rezoning is justified and needed at this time in order to facilitate the purchase of the property.
- G) This property is located along Curtis Avenue, which will provide the primary access to the property. There are no immediate plans for development, and the total number of units included in any development is unknown. At this time, applicant is requesting only a zoning change and any future development will be required to undergo the plan review process and will be subject to all city ordinances and regulations pertaining to development activities. No impact to traffic is anticipated as a result of the requested zoning change and any impact to traffic following development will likely be minor due to the small size of the property relative to the existing developments in the area.
- H) The proposed rezoning is not anticipated to undesirably increase the load on public services such as schools, water, or sewer. Information regarding the availability of water and sewer infrastructure in the area is included above. The total acreage of the subject property is very small relative to the size of the existing RMF-24 properties adjacent to the subject property.
- I) The property is currently zoned RMF-4, which "is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing developments of these types". Low density single family homes are not compatible with the existing uses to the north and south of the subject property. The requested zoning will allow for future development which is more compatible with the area.

Fayetteville Development Services Department
March 3, 2015
Page 3

Please do not hesitate to contact me if you have any questions regarding this application or need anything further.

Thank you,



Daniel Lazenby

Enclosures



Jerry W. Martin, P.E.
Chairman of the Board

Philip C. Humbard, P.E., P.L.S.
President

Brian J. Moore, P.E.
Vice President

Tim J. Mays, P.E.
Secretary / Treasurer

Consulting Engineers and Surveyors

www.engineeringservices.com

Planning Commission
March 9, 2015
Agenda Item 4
15-4953 American Legion
Page 12 of 18



The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701

Phone (479) 575-8365 Fax (479) 575-0471

To: Quin Thompson, Engineering Services INC
From: Will Beeks Assistant Fire Marshal
Date: January 27, 2015
Re: RZN 15-4953

This development will be protected by Ladder 3 located at 1050 S. Happy Hollow Rd. It is 1 miles from the station with an anticipated response time of 3 minutes to the beginning of the development.

The Fire Department anticipates 41(26 EMS - 15 Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 - 18 months, after the development is started, before maximum build-out and the service impact to occur.

The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Captain Will Beeks
Fayetteville Fire Department

Honor, Commitment, Courage;
Our people make the difference!

RZN15-4953

Current Land Use

AMERICAN LEGION



Legend

Multi-Use Trail (Existing)

Future Trails

RZN15-4953

Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area

0 125 250 500 750 1,000 Feet

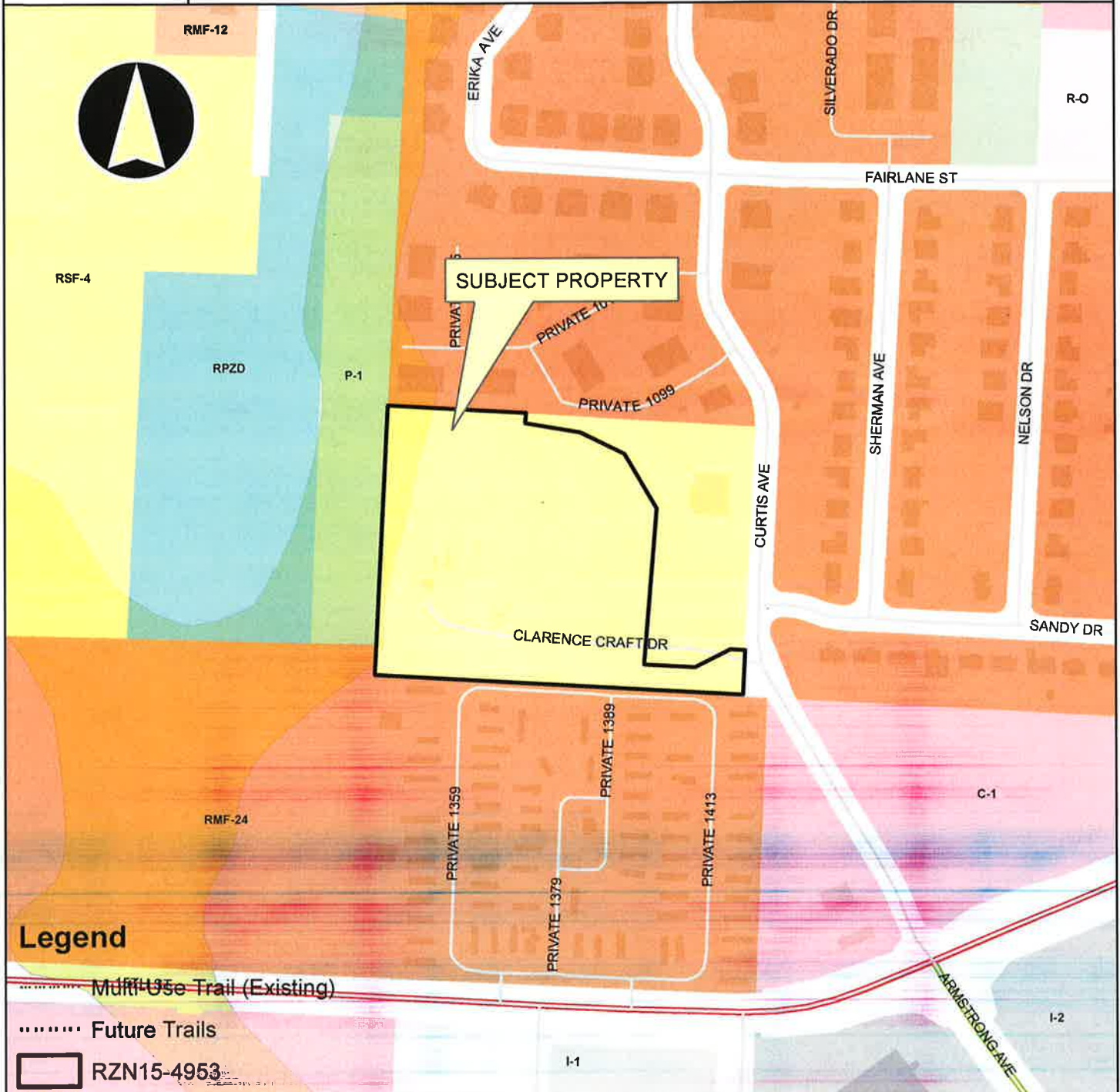
Planning Commission
March 9, 2015

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15-4953 American Legion
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RZN15-4953

AMERICAN LEGION

Close Up View



Legend

Multi-Use Trail (Existing)

Future Trails

RZN15-4953

Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area

0 125 250 500 750 1,000 Feet

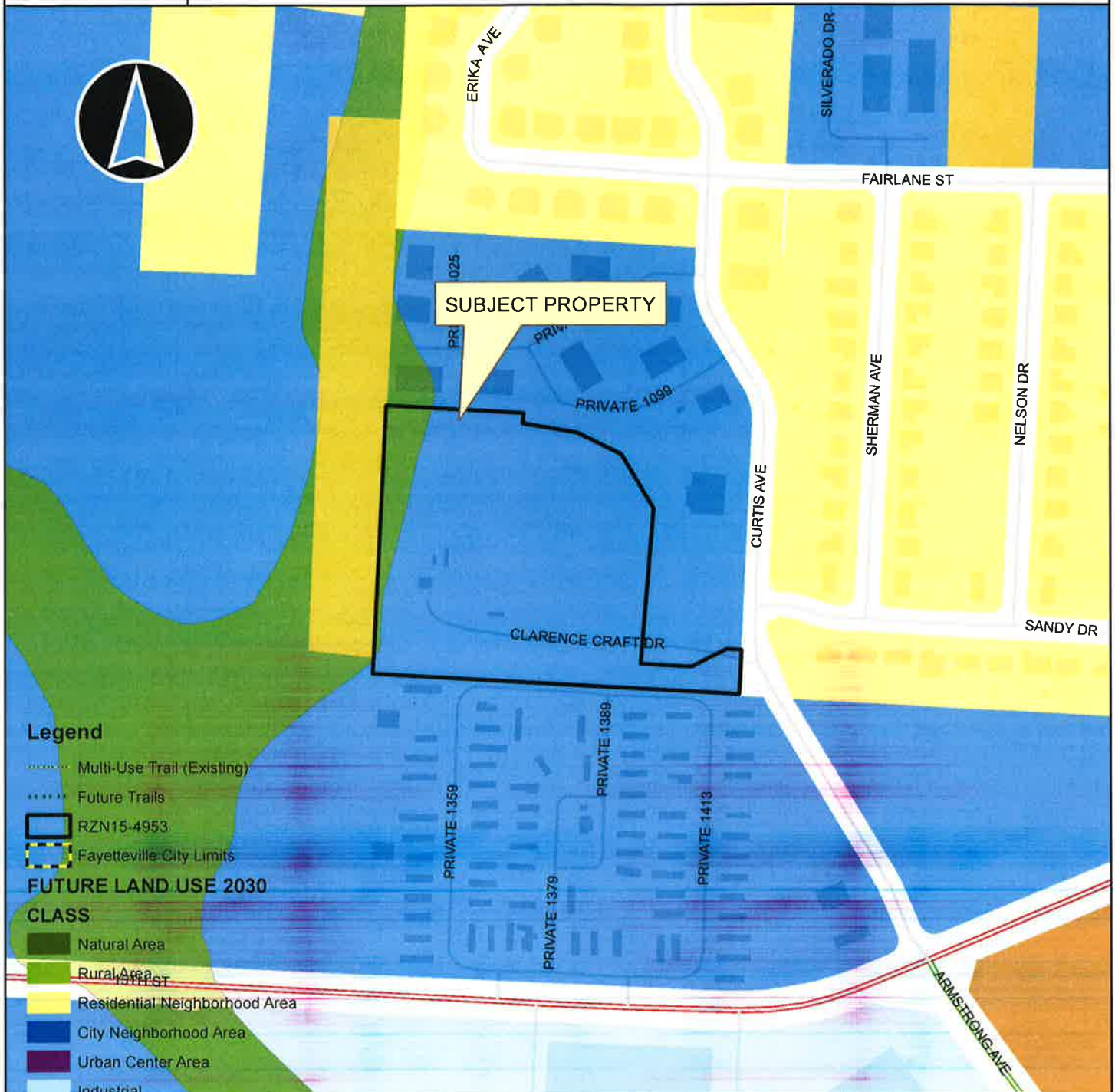
Planning Commission
March 9, 2015

Agenda Item 4
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RZN15-4953

Future Land Use

AMERICAN LEGION



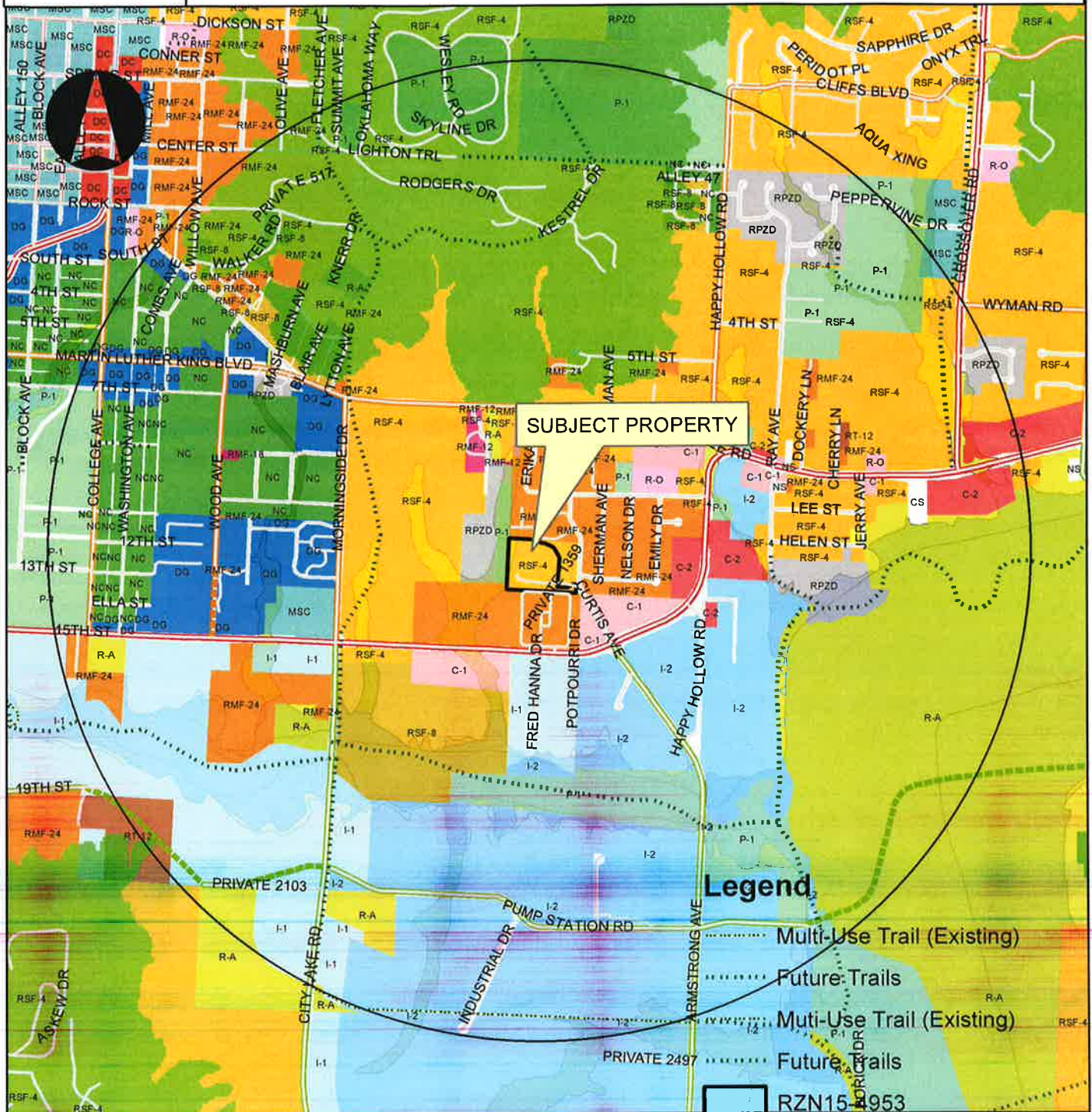
- Complete Neighborhood Plan
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW
- Design Overlay District
- Design Overlay District
- Planning Area

0 125 250 500 750 1,000 Feet

RZN15-4953

AMERICAN LEGION

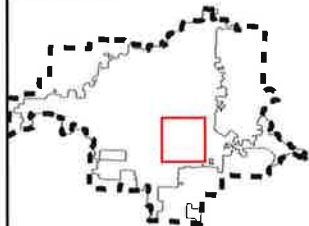
One Mile View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails
- RZN15-4953

Overview



Legend

Subject Property

Boundary

0 0.25 0.5

- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

1 Miles

CITY POLICE DEPARTMENT

Garner, Andrew

From: Fields, Jamie
Sent: Monday, March 16, 2015 11:19 AM
To: Garner, Andrew
Subject: RE: Concern with criminal activity related to a rezoning
Attachments: Area Query.xlsx

Andrew,

Last week, I had the Community Policing Division run the above listed numbers for me.

Sergeant Craig Stout, who is Corporal Kevin Phillips' immediate supervisor, told me it was difficult to determine what problems, if any, the rezoning would create. He said it is more practical to look at building development to make recommendations than it is to look at rezoning and know what will be built in the long run. I spoke with Captain William Brown, probably the most experienced officer we have at making recommendations of this type, and he said based on the proposal, it would be unlikely more than one hundred total units would be built, and that number would not likely negatively impact the load on police services and/or the increase in traffic danger and/or congestion, the two areas the police department has historically looked for.

I reached out to Sergeant Creston Mackey, who supervises the Criminal Investigation Division, and Lieutenant Tim Franklin, who supervises morning shift patrol, and while they are familiar with the area in question, they both feel it would be difficult to predict what type of potential crime problem may be associated based on the rezoning request alone. Do you know what type of building the developers plan to do here? (Will it be an extension of income-based housing, such as Southmont?)

Jamie
Ext 3510

From: Garner, Andrew
Sent: Tuesday, March 10, 2015 8:31 AM
To: Fields, Jamie
Cc: Thompson, Quin
Subject: Concern with criminal activity related to a rezoning

Captain Fields,

At last night's Planning Commission meeting, several neighbors near the American Legion Post on Curtis Ave. expressed concern with a proposed rezoning of the American Legion Post's baseball field for multi-family development. I indicated to the members of the public that before this item was heard at the City Council meeting we would contact the Police Department to get your thoughts on criminal activity in the area and any concerns you may have with this proposed rezoning.

When you or your staff get a chance could you please review the attached rezoning request and provide us any comments that we can pass along to the City Council regarding these issues.

Thanks,
Andrew

Andrew Garner, AICP
City Planning Director

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-4953, FOR APPROXIMATELY 6.8 ACRES, LOCATED AT 1195 SOUTH CURTIS AVENUE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE.

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 changes the zone classification of the following described property from an RSF-4, Residential Single Family, 4 Units per Acre, to RMF-24, Residential Multi-Family, 24 Units per Acre, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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

PASSED and APPROVED this day of , 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

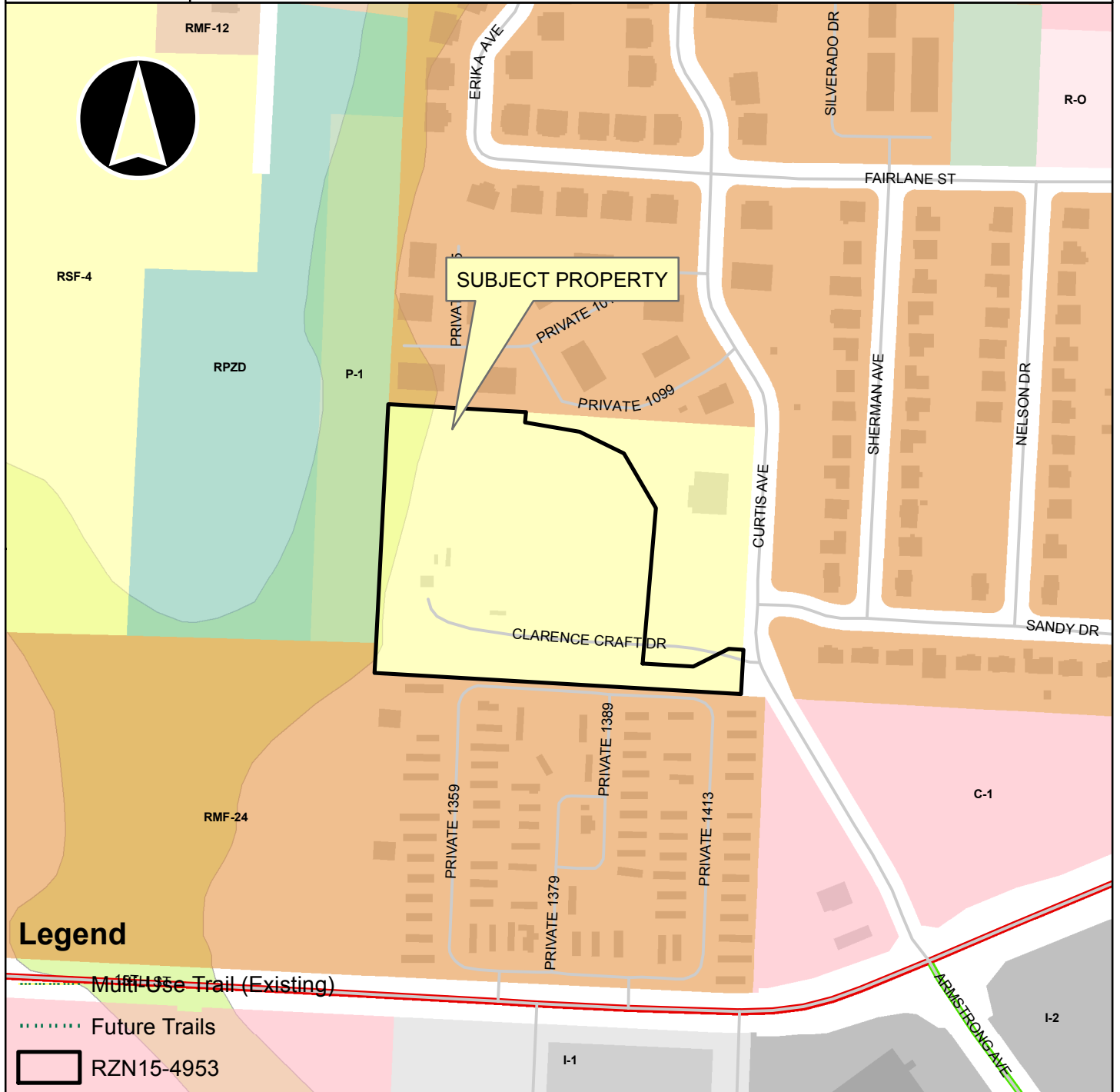
EXHIBIT 'A'

15-4953

RZN15-4953

Close Up View

AMERICAN LEGION



Overview

- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

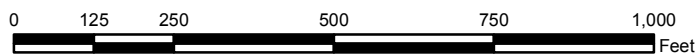


EXHIBIT 'B'

15-4953

TRACT 1 SURVEY DESCRIPTION (PROPERTY BEING REZONED):

A PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION TWENTY-TWO (22), TOWNSHIP SIXTEEN NORTH (T-16-N), RANGE THIRTY WEST (R-30-W) OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE ALONG THE EAST LINE OF SAID FORTY, N02°40'44"E A DISTANCE OF 654.40 FEET TO A POINT; THENCE LEAVING SAID EAST LINE, N86°43'02"W A DISTANCE OF 12.75 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE N86°43'02"W A DISTANCE OF 50.00 FEET TO THE **POINT OF BEGINNING** AND THE WESTERN RIGHT OF WAY OF CURTIS AVENUE (50 FOOT, 25 FEET EITHER SIDE OF CENTERLINE), BEING SET IRON PIN WITH CAP "PLS 1439"; THENCE N86°43'02"W A DISTANCE OF 745.85 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE N02°51'00"E A DISTANCE OF 546.55 FEET TO A FOUND 1" PIPE; THENCE S86°43'05"E A DISTANCE OF 280.47 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE S03°16'55"W A DISTANCE OF 21.21 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE S80°39'29"E A DISTANCE OF 112.35 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE S63°26'53"E A DISTANCE OF 99.97 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE S30°28'57"E A DISTANCE OF 127.82 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE S04°47'32"W A DISTANCE OF 317.83 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE S86°43'02"E A DISTANCE OF 103.22 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE N63°16'58"E A DISTANCE OF 80.00 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE S86°43'02"E A DISTANCE OF 30.00 FEET TO THE SAID WESTERN RIGHT OF WAY OF CURTIS AVENUE BEING A SET IRON PIN WITH CAP "PLS 1439"; THENCE ALONG SAID WESTERN RIGHT OF WAY, S02°47'25"W A DISTANCE OF 90.00 FEET TO THE **POINT OF BEGINNING**.

SAID TRACT OR PARCEL OF LAND CONTAINING 6.81 ACRES (296,477 SQUARE FEET), MORE OR LESS.



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0142

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: C. 3

ACTIVE TRANSPORTATION PLAN AND MAP

A RESOLUTION TO ADOPT THE FAYETTEVILLE ACTIVE TRANSPORTATION PLAN AND MAP

WHEREAS, the Fayetteville Alternative Transportation and Trails Plan, which was adopted in 2003, served as a catalyst to initiate large scale trail development and brought greater awareness to the benefits of alternative transportation networks; and

WHEREAS, the Fayetteville Active Transportation Plan, which was developed with input from many individuals, groups and local government commissions, will replace the Fayetteville Alternative Transportation and Trails Plan and will be used to guide the future design and implementation of bicycle and sidewalk infrastructure.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby adopts the Fayetteville Active Transportation Plan and Map, copies of which are attached to this Resolution and made a part hereof.

City of Fayetteville Staff Review Form

2015-0142

Legistar File ID

4/7/2015

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

Leif Olson

3/18/2015

Sustainability & Resilience /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends that the City Council approve the Fayetteville Active Transportation Plan and Map.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF APRIL 7, 2015

TO: Mayor and City Council

THRU: Peter Nierengarten, Sustainability and Resilience Department Director
Chris Brown, Engineering Division Director

FROM: Leif Olson, Associate Planner

DATE: March 18, 2015

SUBJECT: **Active Transportation Plan**

RECOMMENDATION:

Staff recommends that the City Council approve the Fayetteville Active Transportation Plan and Map.

BACKGROUND:

In 2003, the City of Fayetteville adopted the Fayetteville Alternative Transportation & Trails (FATT) Plan, which laid out a vision for the development of a city-wide trail system. The FATT Plan served as a catalyst to initiate large-scale trail development and brought greater awareness of the benefits of alternative transportation networks. Now in 2015, the viability of these networks is readily apparent and other regional cities are replicating and expanding their trail networks with the development of the Razorback Regional Greenway.

This Active Transportation Plan (ATP) document replaces the 2003 FATT Plan, and it will be used to guide the design and implementation of bicycle and sidewalk infrastructure. The ATP sets forth a vision and a roadmap for measuring success and it provides the general parameters for the prioritization and design of bicycle and pedestrian infrastructure without prescribing solutions for specific projects. Individual projects to be implemented should incorporate the vision and principles set forth in this plan, while balancing the goals of the plan, funding availability, citizen input and potential success for each project.

DISCUSSION:

The Active Transportation Plan was developed with input from a large number of individuals, groups and local government commissions. Staff from the Sustainability and Resilience Department worked with the City's Engineering, Transportation and Geographic Information Systems Divisions and the Parks and Recreation Department to develop an initial draft plan based upon input from the public and various bicycle and pedestrian stakeholder groups such as; the Bicycle Coalition of the Ozarks, NWA Regional Planning Commission, University of Arkansas Planning and Alta Planning. The draft Active Transportation Plan was presented to the Parks and Recreation Advisory Board and the Fayetteville Active Transportation Advisory Committee in February for their review and input. A number of amendments were made to the Plan based upon this input and the Parks and Recreation Board forwarded the Plan with a

recommendation of approval on March 2, 2015. Staff presented the ATP to the Planning Commission on March 9, 2015 and the Plan was forwarded on a unanimous vote with a recommendation of approval. Finally, the Active Transportation Advisory Board met and forwarded the Plan with a recommendation of approval on March 11, 2015.

BUDGET/STAFF IMPACT:

No impact.

Attachments:

Active Transportation Plan

Active Transportation Map

DRAFT

ACTIVE TRANSPORTATION PLAN



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INTRODUCTION

executive summary, Active Transportation Plan vision and goals

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BACKGROUND

planning process, progress and timeline, the pedestrian network,
the on-street bicycle network, and transit

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ACTIVE TRANSPORTATION BENEFITS

transportation benefits of biking and walking

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PEDESTRIAN RECOMMENDATIONS

implementation and success metrics

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BICYCLE RECOMMENDATIONS

implementation and success metrics

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EXECUTIVE SUMMARY

In 2003, the City of Fayetteville adopted the Fayetteville Alternative Transportation & Trails (FATT) Plan, which laid out a vision for the development of a city-wide trail system. The FATT Plan was developed through an extensive public input process which resulted in a comprehensive set of goals and objectives. At the time the FATT Plan was developed, Fayetteville had not yet committed to building the Scull Creek Trail that has become the backbone of our trails system. The FATT Plan served as a catalyst to initiate large-scale trail development and brought greater awareness of the benefits of alternative transportation networks. Now in 2015, the viability of these networks is readily apparent and other cities in the region are replicating and expanding trail networks with the development of the Razorback Regional Greenway.

This Active Transportation Plan (ATP) document replaces the 2003 FATT Plan, and it will be used to guide the design and implementation of bicycle and sidewalk infrastructure. The ATP sets forth a vision and a roadmap for measuring success, and it provides the general parameters for the prioritization and design of bicycle and pedestrian infrastructure without prescribing solutions for specific projects. Individual projects to be implemented should incorporate the visions and principles set forth in this plan, while balancing the goals of the plan, funding availability, citizen input and potential success for each project.

"Fayetteville's culture of active transportation plays a critical role in promoting our city's economic viability as well as the health and well being of all our residents."

-Mayor Lioneld Jordan

ATP VISION AND GOALS

The City envisions the ATP as the guiding document for identifying and prioritizing bicycle and pedestrian infrastructure improvements. This plan is intended to be general in scope and to provide a dynamic and timely framework for the decision making process. Ultimately, the vision for this Plan is as follows:

Fayetteville endeavors to develop and promote an interconnected and universally accessible network of sidewalks, trails and on-street bicycle facilities that encourage citizens to use active/non-motorized modes of transportation to safely and efficiently reach any destination.

THE PRIMARY GOALS OF THE ATP ARE:

Strive to create an inclusive Multimodal Transportation System.

Endeavor to build a trail connection within one half mile of every residence.

Increase the active transportation commuting mode share to 15% by 2020.

Work to identify and correct missing bicycle and pedestrian linkages.

Partner with advocates to address bicycle and pedestrian needs.

Earn a League of American Bicyclists Bicycle Friendly Community designation of Silver by 2017.

WHAT IS ACTIVE TRANSPORTATION?

Active transportation is any form of human powered transportation, ie., walking, cycling, using a wheelchair, in-line skating or skateboarding.



WHAT IS MULTI-MODAL TRANSPORTATION?

Multi-modal refers to a range of mobility options; vehicular traffic, public transit, walking, bicycling and ride sharing that are effectively integrated to provide a high degree of accessibility for all users.



WHAT ARE ACTIVE TRANSPORTATION NETWORKS?

Just as our existing motorized transportation networks connect destinations via an interconnected system of roadways that enable people to get from A to B, active transportation networks allow people to do the same thing by walking and bicycling. Imagine a system of trails, quiet neighborhood streets, bike lanes and cycle tracks that connect your home with your work, school, shopping, entertainment and other destinations. You can enjoy the freedom of safely and conveniently getting where you're going without needing to drive.

INTRODUCTION

community development pattern chart

Completely automobile dependent communities share many of the same characteristics; lack of pedestrian connectivity and non-vehicular infrastructure, increased per capita travel mileage, increased vehicle traffic and associated costs, economic and social disadvantages for non-drivers, reduced diversity and fewer opportunities for education, employment and recreation.

The following table shows the relationships between built environment for supporting an auto dependent or multi-modal transportation based community.

AUTOMOBILE DEPENDENT COMMUNITY

MULTI-MODAL TRANSPORTATION COMMUNITY

High per capita car ownership	CAR OWNERSHIP	Medium per capita car ownership
High per capita motor vehicle mileage	VEHICLE TRAVEL	Medium to low motor vehicle mileage
Automobile traffic is prioritized over pedestrian and bicycle use	PRIORITY OF TRAVELERS	Non-drivers are prioritized and their needs merit significant consideration
Generous supply, free	PARKING	Moderate supply, priced appropriately in high destination areas
Maximum traffic speeds	TRAFFIC SPEEDS	Lower traffic speeds
Low with common destinations dispersed from residential areas	LAND USE DENSITY	Medium to high with common destinations and residential areas clustered
Primarily single use development patterns	LAND USE MIX	Abundance of mixed-use development patterns
Large amounts of land devoted to roads and parking	LAND AREA FOR TRANSPORTATION	Medium amounts of land devoted to roads and parking
Parking is placed in front of buildings	SITE DESIGN	Buildings are placed at the street with parking behind or at the side
Streets designed for primarily automobile traffic	STREET DESIGN	Streets designed to support multiple modes and users
Large scale streets and blocks	STREET SCALE	Medium to small streets and blocks
Low levels of street connectivity with abundant cul-de-sacs	STREET CONNECTIVITY	High levels of street connectivity with numerous intersections
Walking can be hazardous and is primarily undertaken by those unable to afford a car	WALKING	Walking is pleasurable on most public streets and is a safe and efficient alternative to driving for many daily activities
Non-drivers are a small minority with little political influence	PLANNING PRACTICES	Planning places a high value on transportation modal diversity



THE PLANNING PROCESS

The ATP has been developed with information gathered from a wide variety of planning studies and public input over time. This Plan recognizes that exceptional bicycle and pedestrian planning, design and implementation occurs at many levels and is influenced and guided by a variety of plans, policies and advocates.

In developing the Alternative Transportation Plan, staff incorporated data, best practices and input from a wide variety of sources including:

- 2003 Fayetteville Alternative Trails and Transportation Plan
- Recommendations from the 2014 League of American Bicyclists Fayetteville Bronze designation
- Recommendations from the NWA Bicycle and Pedestrian Plan developed with help from Alta Planning for the NWA Regional Planning Commission and endorsed by the Fayetteville City Council
- City Plan 2030 and the City of Fayetteville's Master Street Plan
- Specific neighborhood plans adopted by the City, including: Walker Park, Fayette Junction and the Wedington Corridor Plan
- The City of Fayetteville's annual sidewalk plan developed by the Transportation Services Department
- Recommendations from the Bicycle Coalition of the Ozarks
- Generous public input from participants in the above plans, programs and policies

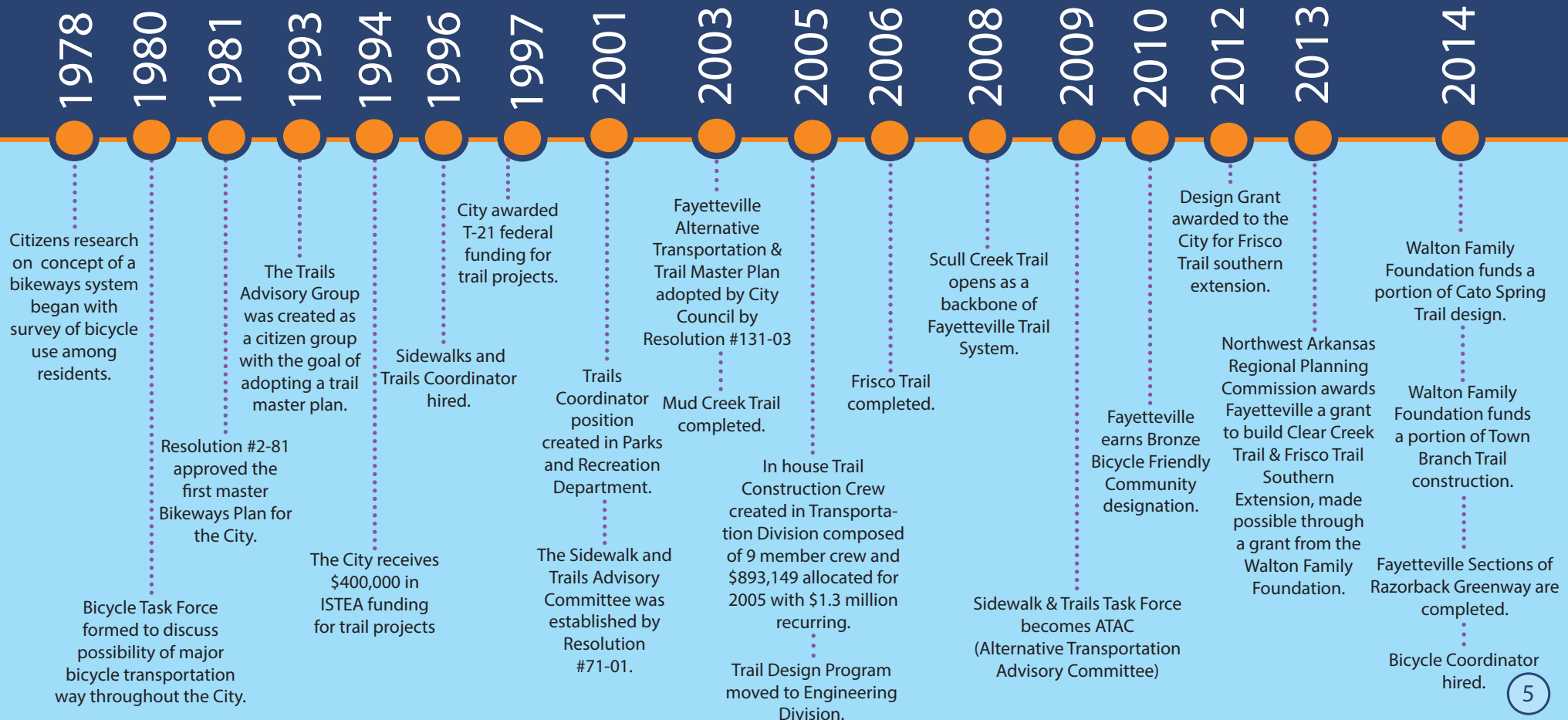


413
THE AVERAGE NUMBER OF USERS ON A FAYETTEVILLE TRAIL EACH AND EVERY DAY.

PROGRESS AND TIMELINE

The City of Fayetteville has made enormous progress in the development of bicycle and pedestrian infrastructure since the adoption of the FATT Plan in 2003. Some notable accomplishments include: the completion of Scull Creek Trail in 2008 that serves as the backbone of the City's trail system, the adoption of a complete street policy through the adoption of a Master Street Plan and complete street cross-sections in 2005, the completion of the Dickson Street enhancement project in 2004 and the City's designation as a Bronze Bicycle Friendly Community by the League of American Bicyclists in 2010. Additionally, the City has embraced on-street bicycle infrastructure and a significant number of new and retrofitted projects have been completed in the last 10 years.

SIGNIFICANT DATES



BACKGROUND

existing conditions

EXISTING CONDITIONS

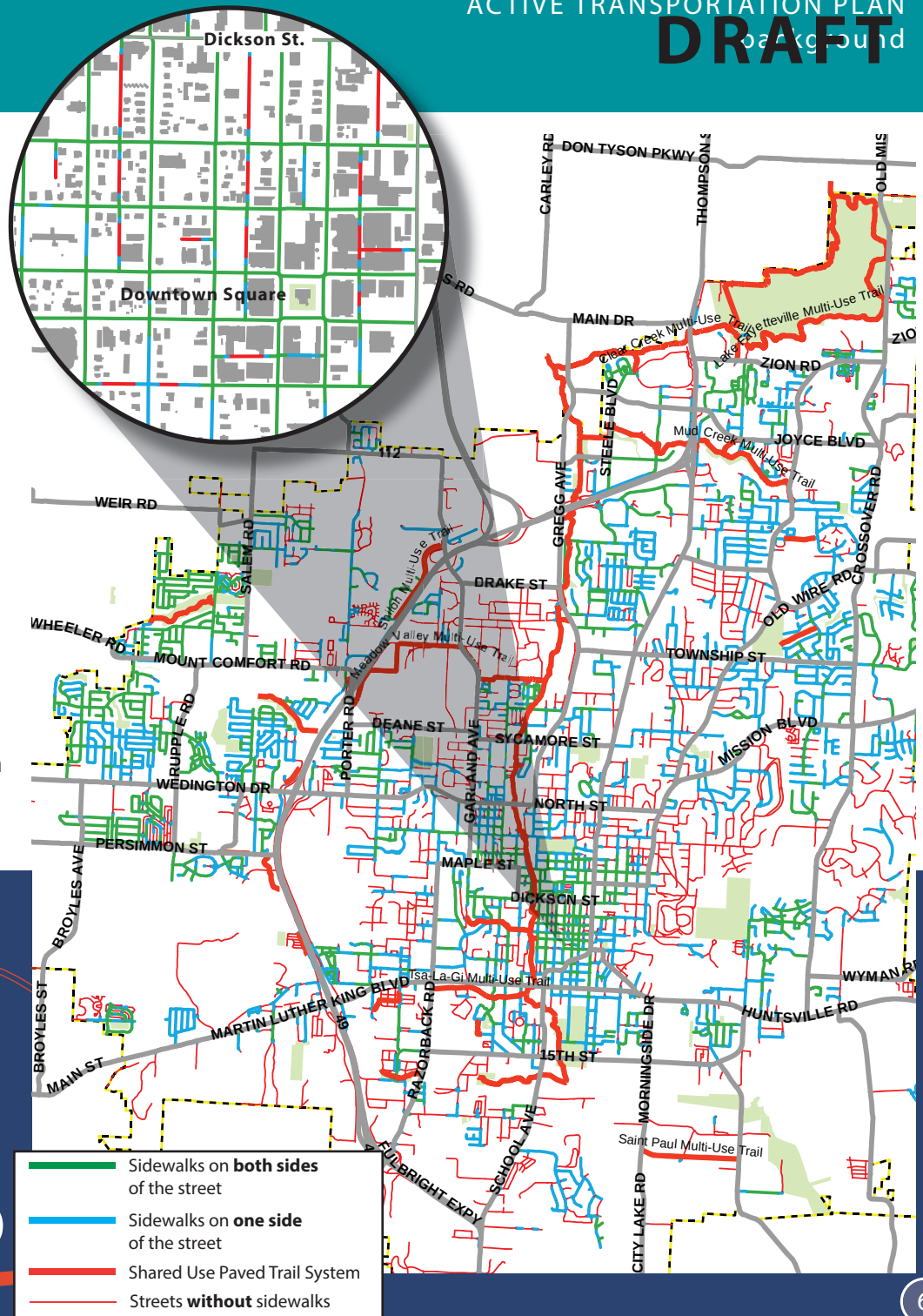
Fayetteville is fortunate to have a well-connected street network within the historic central core of the City that was developed prior to the 1940's as a street grid of small blocks with low traffic speeds. Small blocks encourage pedestrian use and provide for safe and convenient bicycle transportation within the existing travel lanes. Generally, areas of the City that were developed from the 1940's through the 1990's have a non-gridded street pattern that is characterized by looping streets and cul-de-sacs. These streets generally lack sidewalks and are not interconnected. The development pattern from the 2000's to present has, for the most part, been built in the era of "complete streets" which requires the inclusion of bicycle and pedestrian infrastructure when building new streets. This requirement stems from the adoption of Fayetteville's Complete Street Policy in 2006 as an element of the Master Street Plan. The Master Street Plan is complementary to the City's long range land use plan, City Plan 2030. These transportation and land use policies are updated every five years.

FAYETTEVILLE is considered a hilly city . . .

a **STEEP** slope for a multi-use trail is **5%** or more.

FAYETTEVILLE'S TRAIL SYSTEM has an average slope of

2.2%



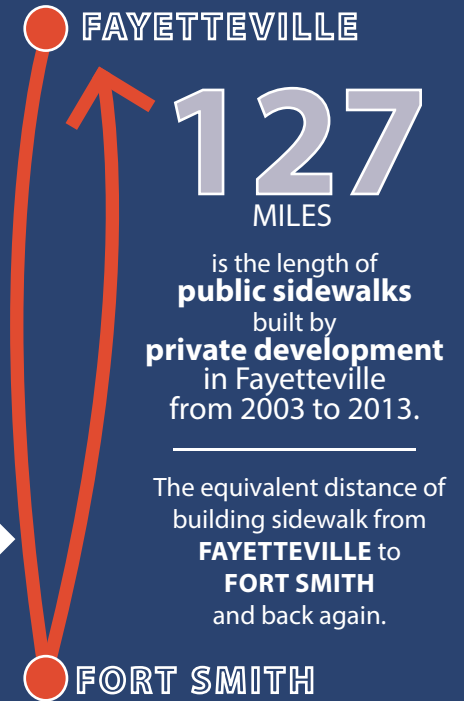
BACKGROUND

the pedestrian network

IT IS IMPORTANT TO LOOK AT EACH ACTIVE TRANSPORTATION MODE IN DETAIL IN ORDER TO UNDERSTAND HOW IT FITS INTO THE LARGER MULTI-MODAL TRANSPORTATION NETWORK.

THE PEDESTRIAN NETWORK

At present, Fayetteville's pedestrian network is made up of 435 miles of existing public sidewalks and 40 miles of existing shared-use paved trails. The sidewalk map shows where existing sidewalks are located and where gaps exist. Traditionally, Capital Improvement Program funds have been allocated for an annual sidewalk budget in the City's Transportation Department to build new sidewalks or to rebuild and replace existing damaged or inadequate sidewalks. Additional funding has also come through State and Federal grant for sidewalk construction. Construction of sidewalks is required for most new development along public streets. As a result of this requirement, 127 miles of sidewalks were built from 2003 to 2013 by private developers. This plan provides the framework for identifying and prioritizing sidewalk improvements in the future. Future sidewalk planning will emphasize improving connectivity throughout the existing network by connecting densely populated areas to key destinations such as parks, schools and businesses. According to the 2013 Census Bureau's American Fact Finder Survey, walking constituted 6.3% of the overall commuting mode share for all forms of transportation utilized by workers 16 years of age and older.



Sidewalk Coordinator, City of Fayetteville



CENTER ST.
before reconstruction



CENTER ST.
during reconstruction

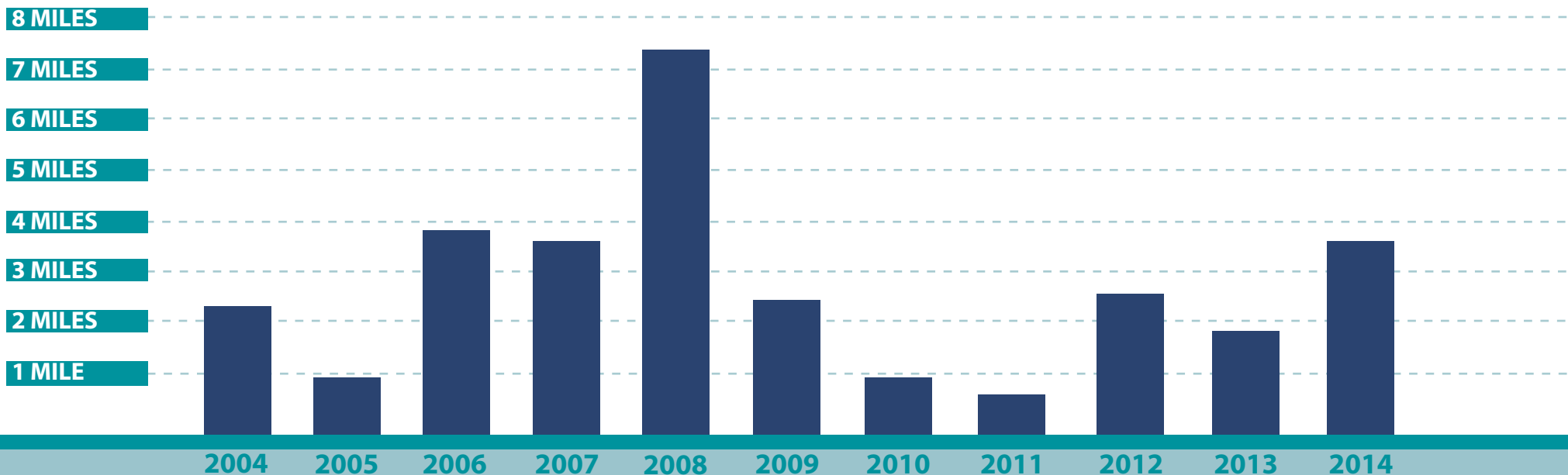


CENTER ST.
after reconstruction

BACKGROUND

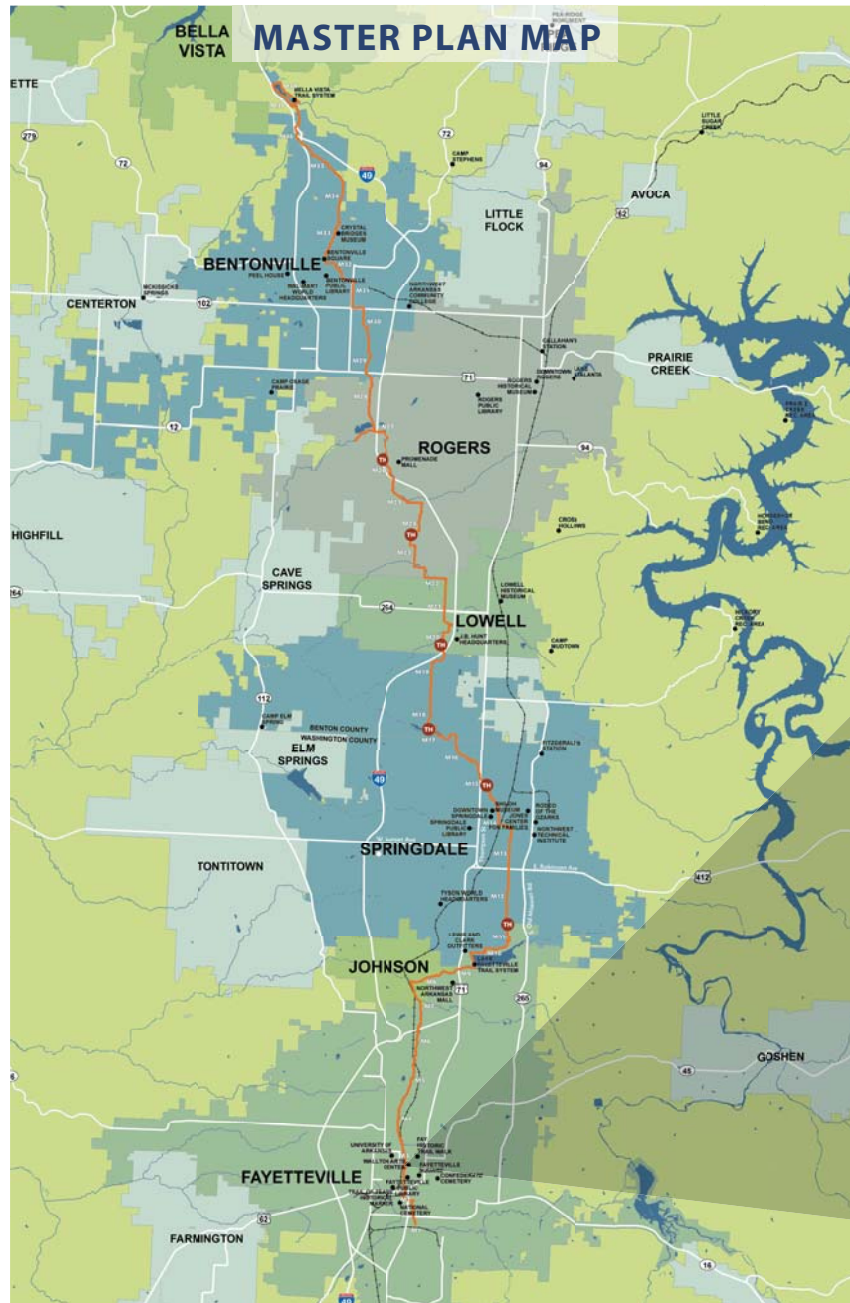
shared-use paved trails

Shared-use paved trails, due to their separation from the roadway network, are especially useful for building a robust multi-modal transportation network. The ability to accommodate both bicyclists and pedestrians allows trails to provide a significant return in terms of use and convenience for the public investment. Fayetteville was fortunate to acquire a north-south oriented corridor along an existing Arkansas/Missouri Railroad rail line. Together, the rail line and Scull Creek provided a natural “spine” through the center of town. This trail segment has ultimately become the southern section of the Razorback Regional Greenway. Spur trails to the east and west along the Razorback Regional Greenway spine will be the focus for much of the future trail network (see Razorback Regional Greenway map on next page). Much like our sidewalk program, trails are funded through dedicated Capital Improvement Project funds and additional public and private grant sources. The City is extremely grateful for the generosity of the Walton Family Foundation and the Endeavor Foundation for significant funding to assist in the planning, designing and construction of many miles of shared-use paved trails. The Safe Routes to School Program administered by the Arkansas State Highway Department has also been a valuable partner for funding a number of sidewalk and trail projects. Ultimately, this plan envisions an interconnected shared-use paved trail network within one half mile of every residence, school, commercial area and place of employment within the City.

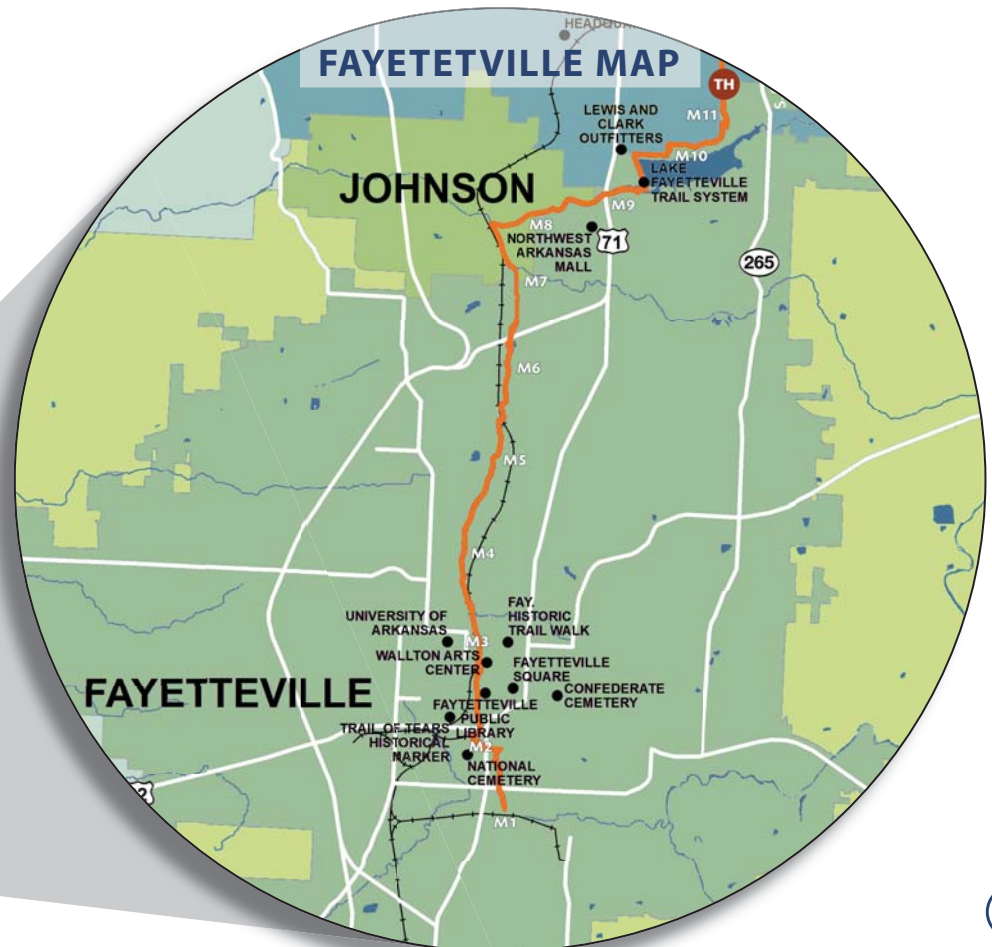


TRAIL AND SIDE PATH CONSTRUCTION MILEAGE OVER PAST 10 YEARS.

RAZORBACK REGIONAL GREENWAY



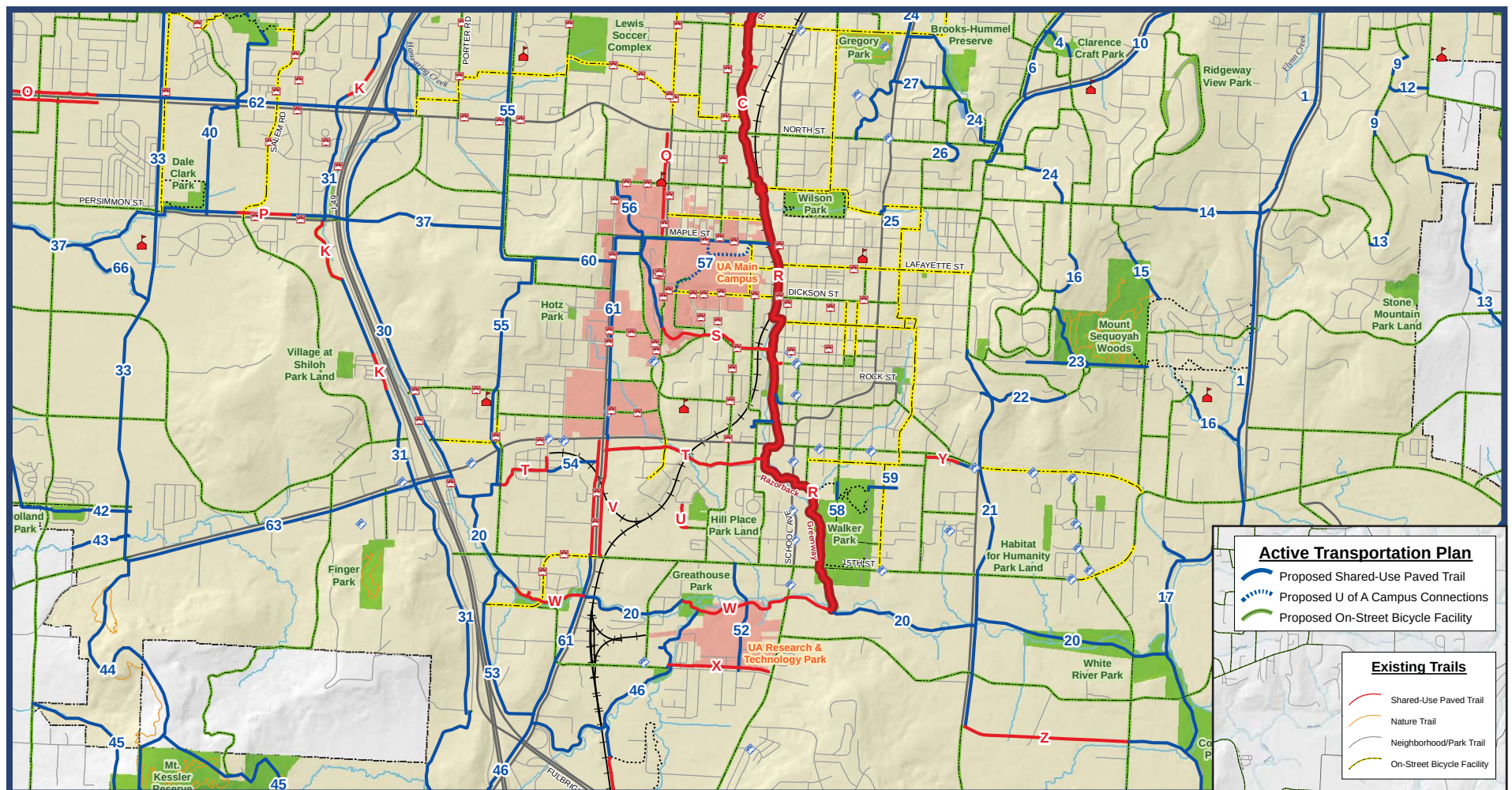
The Razorback Regional Greenway is a 36-mile shared-use paved trail that includes more than 9 miles of Fayetteville's trails and serves as the primary active transportation corridor for the region. The Razorback Regional Greenway opened in the spring of 2015 and spans across six municipalities, connecting dozens of popular community destinations. Funding to design and construct this 38-million dollar project came from federal transportation grants, local government resources, and grants from the Walton Family Foundation.



BACKGROUND

active transportation plan map

The Active Transportation Plan Map illustrates the location of the existing and future trail system and on-street bicycle facilities. This map is adopted by a resolution of the City Council and it serves as the official map for directing the development of active transportation infrastructure. City Staff utilizes the map to prioritize City led infrastructure improvements. The Active Transportation Plan Map is also used to inform land owners and developers of future trail corridors for planning and development purposes. Please see the official Active Transportation Plan Map that accompanies this document for more detail.



BACKGROUND

the on-street bicycle network

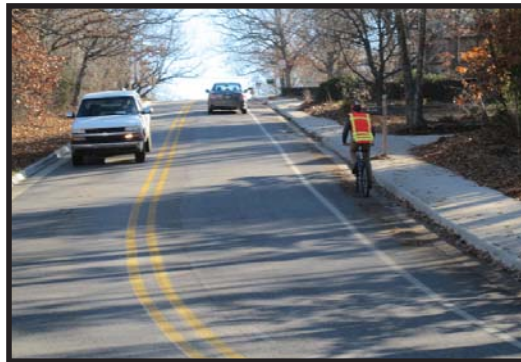
THE ON-STREET BICYCLE NETWORK

Shared-use paved trails serve as the foundation of our active transportation infrastructure, but on-street linkages provide a critical link for cyclists to reach trails and other destinations using city streets. Fayetteville's on-street bicycle network has been rapidly developed in recent years; 25 miles of on-street bike lanes and shared bikeways were added to Fayetteville streets in the years between 2010 and 2014. Fayetteville has gone from a patchy inadequate pattern of on-street bike facilities to a network of usable and navigable bike routes, yet continued progress is needed to meet the growing demand for these on-street facilities.

Fayetteville's varied development patterns and occasionally steep terrain require a variety of on-street solutions to make the most efficient use of space while providing safe and comfortable travelways for cyclists. On-street shared lanes, bike lanes, climbing lanes, buffered bike lanes and bike ways have all been implemented in Fayetteville. Other facilities such as cycletracks, which are fully protected bike lanes, may be constructed in the future. As part of Fayetteville's commitment to the continued expansion of on-street bicycle facilities, City Plan 2030 requires all new street projects and significant street reconstruction incorporate some form of bicycle infrastructure in the public right-of-way where the City Plan indicates bicycle infrastructure is appropriate. The images bellow illustrate examples of the context-sentitive solutions used in various locations in Fayetteville and other regional cities.



ON-STREET SHARED LANES
Willow Avenue - Fayetteville



CLIMBING LANES
Ash Street - Fayetteville



BIKE LANES
Appleby Road - Fayetteville



CYCLETRACKS
Silent Grove Rd. - Springdale



BUFFERED BIKE LANES
Rolling Hills Drive - Fayetteville



BICYCLE WAYS
Asbell Bike way - Fayetteville

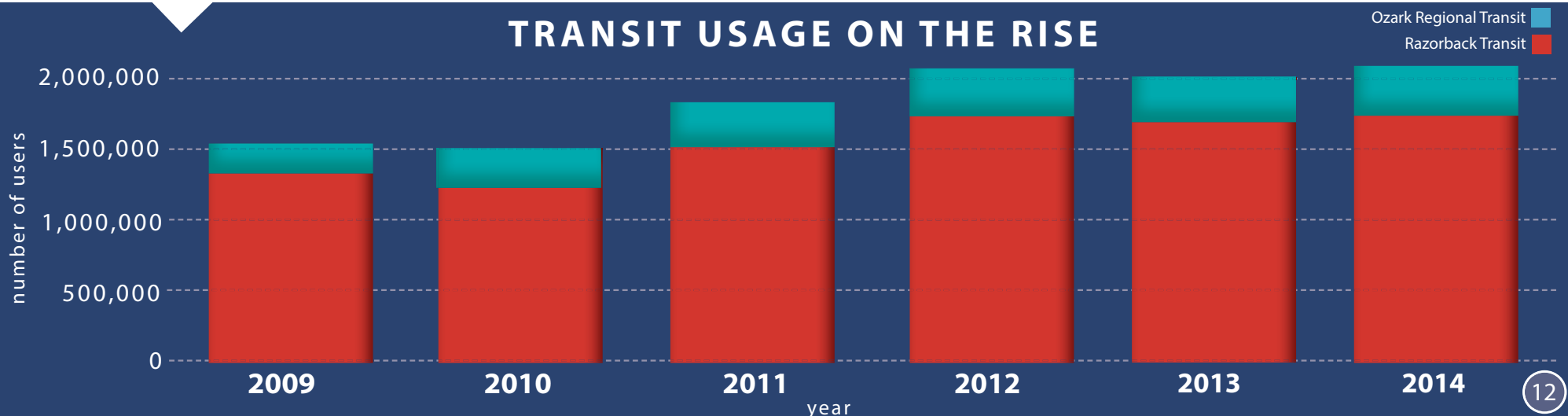
TRANSIT

Fayetteville is served by two public transit agencies, Razorback Transit and Ozark Regional Transit. Razorback Transit serves University of Arkansas Students and residents of Fayetteville. Service is provided by the University of Arkansas and riders pay no fee. Ozark Regional Transit, which serves cities in Benton and Washington counties, charges a rider fee but the agency is primarily funded through a combination of federal, state and local programs and contributions. Public transit provides a critical link in a multi-modal transportation network. High quality public transportation allows residents to walk or bike to transit stops, ride the bus to a stop near a destination and then walk or bike the final leg of the trip. These multi-modal trips are typical within a responsive and dynamic transportation network that incorporates the active transportation to connect users and destinations.

According the 2013 American Fact Finders survey, public transportation has a 2.7 % commuting mode share for workers 16 years of age and older.



TRANSIT USAGE ON THE RISE



BENEFITS OF A BICYCLE AND PEDESTRIAN PLAN



13 = THE NUMBER OF POUNDS THE AVERAGE PERSON WILL LOSE IN THEIR FIRST YEAR OF BIKING TO WORK





THE PROMOTION OF HEALTHY LIFESTYLES

Bicycling and walking bring innumerable benefits to an individual's physical, mental and emotional well-being. Americans are increasingly aware of the link between transportation choices and health, and people value neighborhoods that are conducive to bicycling and walking as a form of exercise and transportation. Necessarily, the built environment is key to providing individuals with transportation choices and options. Fayetteville's commitment through City Plan 2030 to promote infill development, discourage sprawl and develop a livable transportation network acknowledges this linkage between the built environment and healthy lifestyles.

balance

Cycling produces the balance between exertion and relaxation which is important for the body's inner equilibrium.

mental health

Cycling has a relaxing effect due to uniform movement which stabilizes physical and emotional functions. It reduces anxiety, depression and other psychological problems.

back pain

Cycling posture is optimum, and the cyclic movement of the legs stimulates muscles in the lower back.

heart

All the risk factors that lead to a heart attack are reduced. Regular cycling reduces the likelihood of heart attack by more than 50%.

waistline

Cycling is ideal for targeting problem areas. It enables people who can not move easily to exercise. It increases fitness and stimulates the body's fat metabolism.

coordination

Moving both feet around in circles while steering with both your hands and your body's own weight is good practice for your coordination skills.

muscles

A week of inactivity reduces the strength of the muscular system by up to 50% and can harm muscles long-term. During cycling, most of the body's muscles are activated.

joints

The circular movement of cycling assists the transport of energy and other metabolic producers to the cartilages, reducing the likelihood of arthrosis.



ACTIVE TRANSPORTATION BENEFITS

transportation benefits of biking and walking

ACTIVE TRANSPORTATION PLAN
active transportation benefits

DRAFT



**QUALITY
OF LIFE**

ENHANCED QUALITY OF LIFE.

Quality of life is understood to mean the well being of individuals, cities and societies. Quality of life can be measured in a variety of ways such as community stability, culture, education, open spaces, health, the environment and infrastructure. Active transportation alternatives can have positive impacts on all aspects of quality of life. All efforts and actions toward improving Fayetteville's Bicycle Friendly community designation are intended to improve the quality of life for all residents. This is especially true when measuring transportation mode share and the locational equity and extent of the existing and future bicycle, trails and sidewalk networks.



ACTIVE TRANSPORTATION BENEFITS

transportation benefits of biking and walking

ACTIVE TRANSPORTATION PLAN
active transportation benefits

DRAFT



ENVIRONMENT

ENVIRONMENTAL BENEFITS FOR THE COMMUNITY

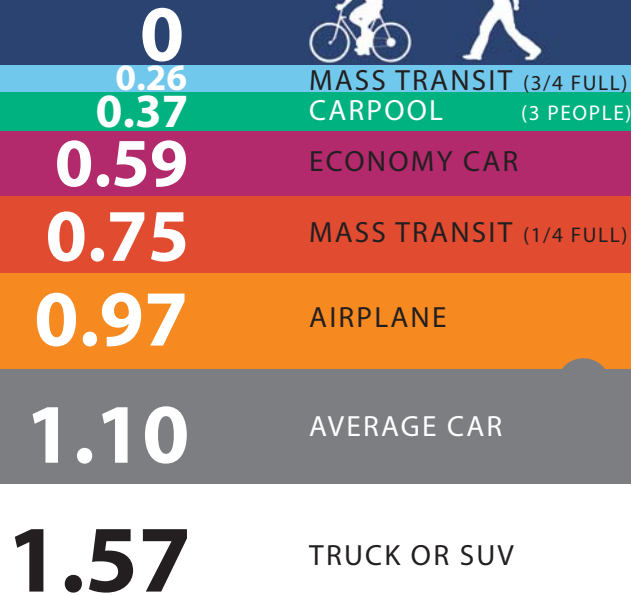
When non-motorized transportation options are present, the community has the ability to choose biking and walking for trips such as commuting to work, traveling to school or going shopping. The goal is to create a balanced transportation network that fosters one's ability to make environmentally conscious choices that result in less traffic congestion, cleaner air and less dependence on non-renewable fuels. An accessible active transportation network is essential for an environmentally sustainable community, considering that the transportation sector contributes approximately one third of American greenhouse gas emissions.

(Cambridge Systematics Inc. and Urban Land Institute, Moving Cooler an Analysis of Transportation Strategies for Reducing Greenhouse Gas Emissions, July 2009).



CO₂ EMISSIONS

pounds per passenger mile traveled



ACTIVE TRANSPORTATION BENEFITS

transportation benefits of biking and walking

ACTIVE TRANSPORTATION PLAN
active transportation benefits

DRAFT



ECONOMIC

ECONOMIC RESILIENCY BENEFITS FOR THE COMMUNITY

Economic resiliency is an often overlooked benefit of having a robust active transportation network. Economic resiliency can be measured broadly, at the community level, or narrowly as the benefits and costs to an individual or family. At the community scale, economic resiliency can be measured a number of ways including the number of jobs created by building and maintaining infrastructure or by calculating the community's overall costs of living and transportation affordability. Local economies are impacted negatively by the high transportation costs associated with an automobile oriented land use and transportation network. Multi-modal transportation systems that include extensive active transportation components are less expensive to construct, operate and maintain. Community metrics like commuting time or the average annual costs of operating an automobile can provide measurements for assessment and goal setting. At an individual scale, economic resiliency can be measured by automobile ownership and operation costs, but leisure time and quality of life attributes are also important. Additional economic benefits include the development potential for residential and commercial uses in close proximity to active transportation networks or corridors and tourism benefits associated with regionally scaled trail amenities. Northwest Arkansas is poised to take advantage of the limitless development potential along the Razorback Regional Greenway. Communities that recognize and actively pursue appropriate development in this corridor will begin realizing immediate economic benefits.

The average annual
operating cost of a
BICYCLE
is



\$308



26Xless

than that of a
VEHICLE



\$8,220



LOCAL ECONOMY PAYBACK

TRAIL SYSTEMS HAVE THE
POTENTIAL TO RETURN \$3 IN
REVENUE FOR EVERY \$1 IN
EXPENDITURE.

The Razorback Greenway cost
approximately **\$30 million** to
complete and could generate **\$100
million** in sales revenue at local
shops, restaurants and hotels.

(Chuck Fink, president of Alta/Greenways)

PLAN VISION

The Active Transportation Plan (ATP) has been developed through numerous planning and visioning exercises both locally and region wide. The ATP proposes to consolidate and summarize all of the various alternative transportation planning processes, policies and programs with the following vision statement: "Fayetteville endeavors to develop and promote an interconnected and universally accessible network of sidewalks, trails and on-street bicycle facilities that encourage citizens to use active/non-motorized modes of transportation to safely and efficiently reach any destination."

- 1 ENDEAVOR TO CREATE AN INCLUSIVE MULTI-MODAL TRANSPORTATION SYSTEM.
- 2 WORK TO BUILD A TRAIL CONNECTION WITHIN ONE HALF MILE OF EVERY RESIDENCE.
- 3 INCREASE THE ACTIVE TRANSPORTATION COMMUTING MODE SHARE FROM 7.5% TO 15% BY 2020.
- 4 IDENTIFY AND CORRECT MISSING BICYCLE AND PEDESTRIAN LINKAGES.
- 5 PARTNER WITH ADVOCATES TO ADDRESS BICYCLE AND PEDESTRIAN NEEDS.
- 6 EARN BICYCLE FRIENDLY COMMUNITY DESIGNATION OF SILVER BY 2017.

PLAN GOALS



ENDEAVOR TO CREATE AN INCLUSIVE MULTI-MODAL TRANSPORTATION SYSTEM

Developing a truly multi-modal transportation system is consistent with City Plan 2030's goal of creating a "Livable Transportation Network" and the City's adopted complete street policy, public street cross-sections and Master Street Plan. Multi-modal refers to a range of mobility options; vehicular traffic, public transit, walking, bicycling and ride sharing that are effectively integrated to provide a high degree of accessibility for all users. To some degree, the ATP addresses all of these modes with the primary emphasis on bicycling and walking. A multi-modal transportation system has a number of significant benefits for the community including: promoting an active and healthy lifestyle, expanding mobility options for all users, reducing overall travel costs for residents and providing environmental benefits through the reduction of traffic congestion and associated air pollution. Success in this goal area can be quantified through increased multi-modal transportation commuting mode share measured by the U.S. Census Bureau, increased transit ridership reported by transit agencies and increased trail usage determined through mechanical counts.



CYCLE TRACK ON MALL AVENUE
FAYETTEVILLE, ARKANSAS

MULTI-MODAL TRANSPORTATION NETWORK



2 WORK TO BUILD A TRAIL CONNECTION WITHIN ONE HALF MILE OF EVERY RESIDENCE

The ATP Map shows the existing trail system and identifies future trail locations. Once completed, the Fayetteville Trail System will include approximately 150 miles of shared-use paved trails. The Fayetteville Pedestrian Shed (on the following page) illustrates the proximity of the existing and proposed trails. At the current rate of trail construction, it is estimated the City will have achieved this goal by 2040. This goal is essential to ensuring that the trails system and its benefits are inclusive for all residents regardless of the location of their residence. Success will be measured through locational data collected by the City of Fayetteville Geographic Information Systems Division.

2 MILE

1 MILE

1/2 MILE



2 MINUTE

5 MINUTE

10 MINUTE



10 MINUTE

20 MINUTE

40 MINUTE

WHAT IS A PEDESTRIAN SHED ?

A pedestrian shed is the linear distance that a typical pedestrian can walk in a given amount of time. Generally, this distance is 1/2 mile in 10 minutes.

IDEAL TRIPS

for bicycling and walking are those that are **3 miles or less.**



a **cyclist** can complete a **3 mile bike ride** in approximately **15 minutes**

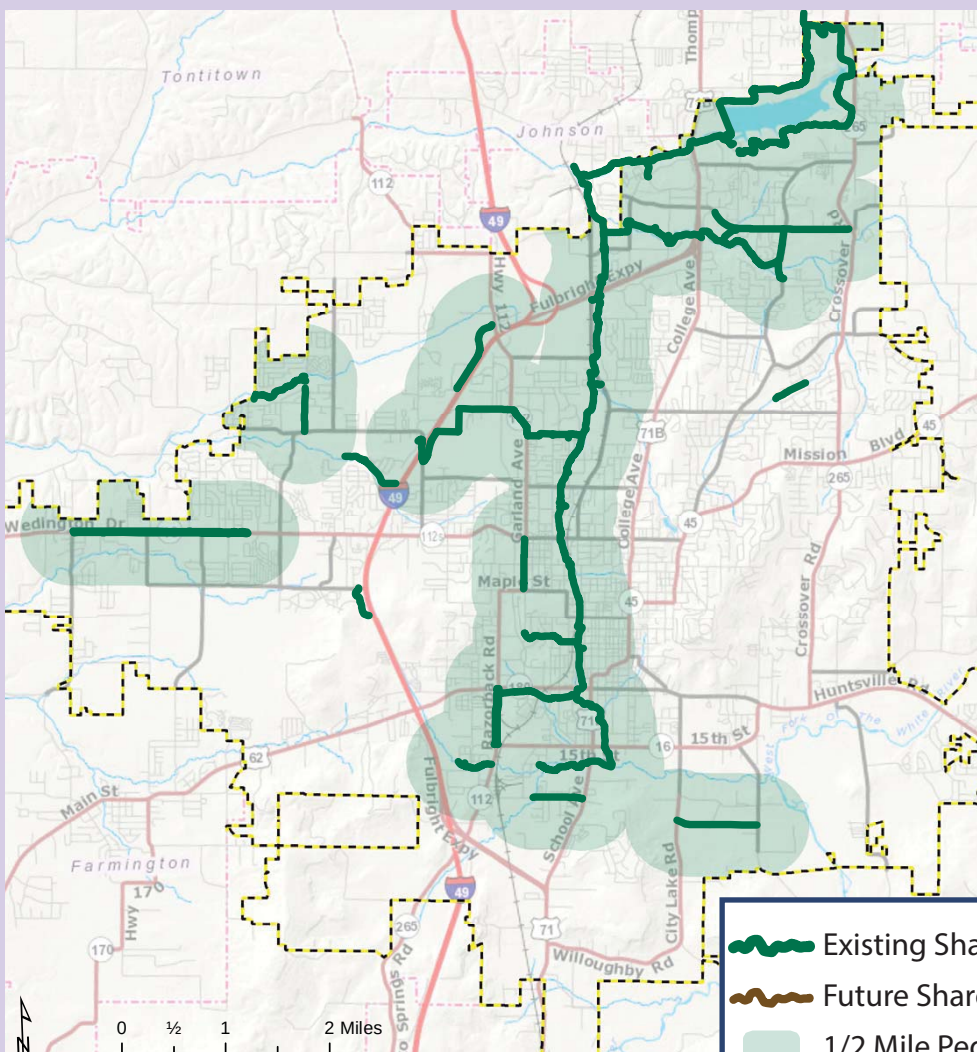
and



a **pedestrian** can walk **1/2 mile** in **10 minutes**

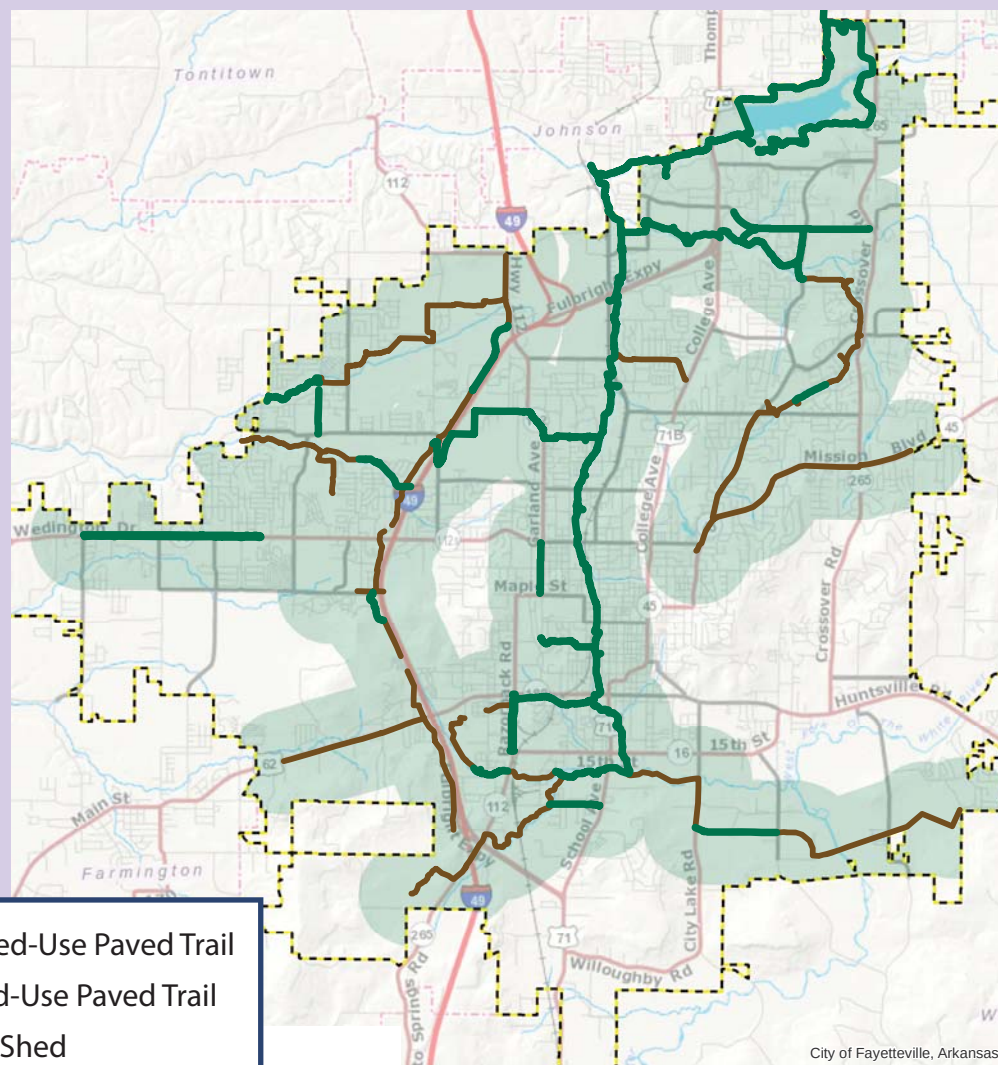
2015 TRAIL SYSTEM

55% of the population live within 1/2 mile of the current trail system.



2020 TRAIL SYSTEM

83% of the population will live within 1/2 mile of the current trail system.

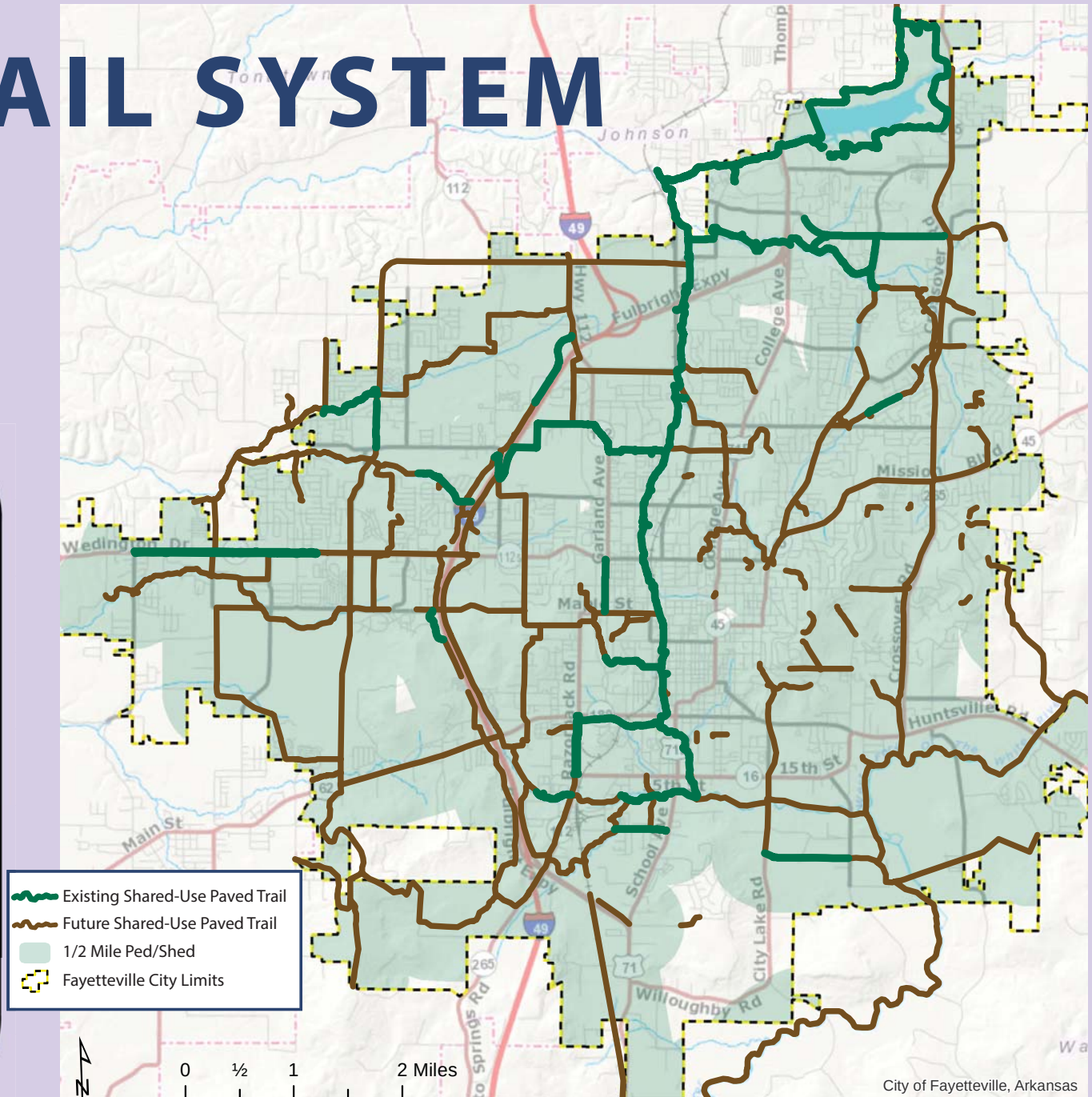
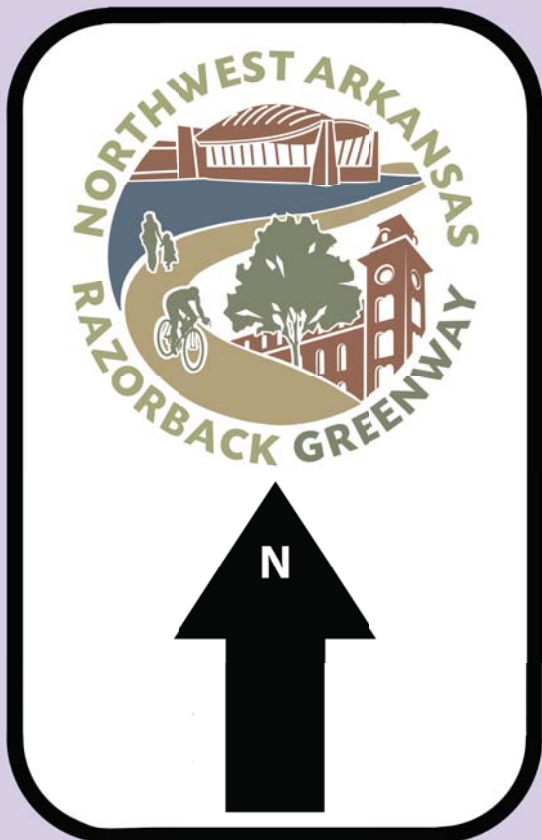


- Existing Shared-Use Paved Trail
- Future Shared-Use Paved Trail
- 1/2 Mile Ped/Shed
- Fayetteville City Limits

City of Fayetteville, Arkansas

2040 TRAIL SYSTEM

97% of the population will live
within 1/2 mile of all proposed trails.



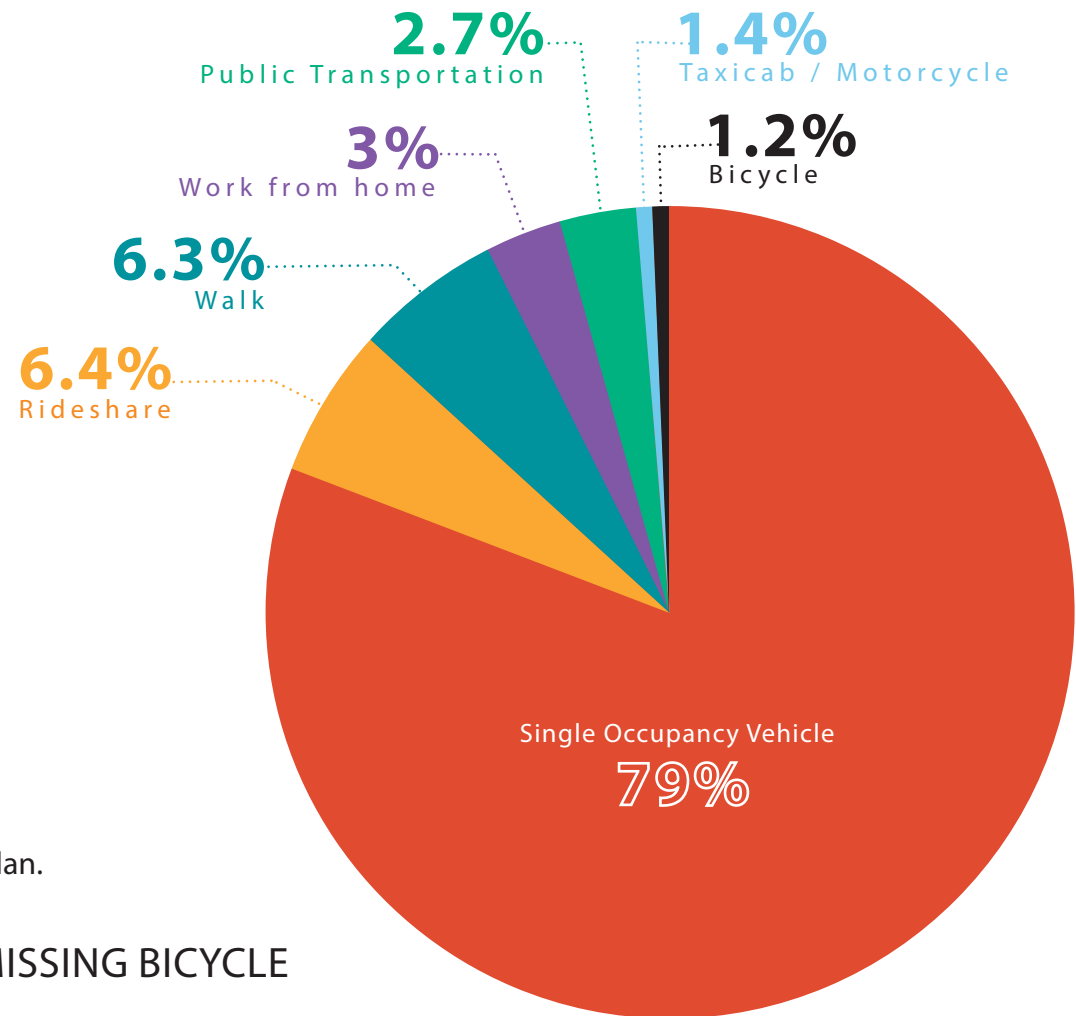
3 INCREASE THE ACTIVE TRANSPORTATION COMMUTING MODE SHARE TO 15% BY 2020.

Active transportation for the purposes of this plan refers to: “any form of human powered transportation, ie., walking, cycling, using a wheelchair, in-line skating or skateboarding.” According to the U.S. Census Bureau American Fact Finder Survey in 2013, the City of Fayetteville had 36,957 workers 16 years old and over that commute to work. Of these 6.3% walked for their daily commute, 1.2% bicycled to work, 2.7% used public transportation and 1.4% used a taxicab or motorcycle. Rideshare or car-pooling constituted 6.4%, and 3% reported working from home. Therefore, the active transportation commuting walking and biking mode share is 7.5%. The majority of workers 16 years and over, 79% reported commuting in a single occupancy vehicle. The average length of commute for workers was 19.1 minutes. Increasing Fayetteville’s active transportation mode share to 15% by 2020 will be accomplished by a wide variety of action steps identified in the implementation section of this plan.

4 IDENTIFY, PRIORITIZE AND ADDRESS MISSING BICYCLE AND PEDESTRIAN LINKAGES.

The City faces significant challenges for creating a densely gridded bicycle and pedestrian network. Obstacles include steep topography, large undeveloped and underdeveloped parcels and a disjointed street network comprised of cul-de-sacs and inward facing developments. However, Fayetteville does have some built in advantages for building a good active transportation network including numerous stream corridors and a streamside protection ordinance that limits development in these areas that are particularly well suited for multi-use trails. City staff have identified missing sidewalk, trail and on street bicycle linkages utilizing GIS mapping tools. Missing segments are constantly being prioritized for future infrastructure projects to correct and complete these missing linkages.

FAYETTEVILLE MODE SHARE DISTRIBUTION



5 PARTNER WITH ADVOCATES TO ADDRESS BICYCLE AND PEDESTRIAN NEEDS.

The City of Fayetteville currently relies upon the Active Transportation Advisory Committee (ATAC) to help prioritize sidewalk and trail infrastructure projects. ATAC also reviews street projects for the inclusion of bicycle facilities. This committee's process is to take public comment and advise City Staff on the prioritization for active transportation infrastructure within our City. They are also responsible for adopting Sidewalk and Trails Master Plans and recommending 5 year construction plans. Recommendations relating to trails and sidewalks are forwarded to the City Council Transportation Committee. ATAC is comprised of eight voting members and seven non-voting staff members, including representatives from the Parks and Recreation, Transportation, Engineering and Police Departments. In addition to ATAC's work, the City should also continue to develop and expand our positive working relationships with the Fayetteville School District, the Bicycle Coalition of the Ozarks and funding groups such as the Walton Family Foundation and the Endeavor Foundation in addressing Fayetteville's bicycle and pedestrian needs.

6 EARN BICYCLE FRIENDLY COMMUNITY DESIGNATION OF SILVER BY 2017.

The City of Fayetteville was designated a bronze-level Bicycle Friendly Community by the League of American Bicyclists in 2010 and again in 2014. The League of American Bicyclists uses a criteria called the 5 E's to assess and rate a given community's bicycle friendliness. The 5 E's are: Engineering, Education, Encouragement, Enforcement and Evaluation. Each of these categories is essential for creating great communities for bicycling. The City's 2014 evaluation identified a number of areas in which Fayetteville should focus in order to achieve silver or gold designations. These measures are discussed in detail in the recommendations section of the plan.

THE "5 E" RECOMMENDATIONS

from the
LEAGUE OF AMERICAN BICYCLISTS



ENGINEERING

Creating safe and convenient places to ride and park bicycles.

EDUCATION

Giving people of all ages and abilities the skills and confidence to ride bikes.

ENCOURAGEMENT

Creating a strong bike culture that welcomes and celebrates bicycling.

ENFORCEMENT

Ensuring safe roads for all users.

EVALUATION & PLANNING

Planning for bicycling as a safe and viable transportation option.

PEDESTRIAN RECOMMENDATIONS

Fayetteville is fortunate to have substantial areas of town that enjoy high walkability with a good sidewalk network, primarily the downtown and University areas and adjacent neighborhoods. Development from the 1950's through the 1990's may not exhibit the attributes associated with highly walkable places; sidewalks, connected streets, small blocks and a wide variety and mixture of building types and land uses. Many neighborhoods constructed during this time period did not include sidewalks. Nevertheless, areas that have a low level of connectivity may not necessarily need sidewalks due to low traffic volumes. People can feel safe walking in the street where speeds are slow and traffic volume is low. Still, these subdivisions may benefit from having pedestrian ways sensitively located between cul-de-sacs or mid-block to connect to the adjacent neighborhood.

The City's Transportation Department rebuilds and maintains the public sidewalk system. A portion of the Capital Improvement Program budget is allocated annually for sidewalk construction and repair. The Transportation Department develops an annual sidewalk plan that is presented for approval from the Active Transportation Advisory Committee and the City Council. Sidewalk projects are prioritized based on a number of factors including; streets that do not currently have sidewalks, filling in gaps in the existing sidewalk sections, proximity to schools, parks and commercial areas, and providing linkages to the City's trail system.



Lafayette Street + College Avenue
2004



Lafayette Street+ College Avenue
2015



Lafayette Street+ College Avenue
future

GOALS OF THE ATP:



- 1 Endeavor to create an inclusive multi-modal transportation system.
- 2 Work to build a trail connection within one half mile of every residence.



- 3 Increase the active transportation commuting mode share from 7.5% in 2014 to 15% by 2020.
- 4 Identify, prioritize and address missing bicycle and pedestrian linkages.



- 5 Partner with advocates to address bicycle and pedestrian needs.
- 6 Earn bicycle friendly community designation of Silver by 2017.

PLANNING

Sidewalks serve as more than mere conduits for pedestrian movement and access. In highly walkable places sidewalks activate the street by providing pedestrian space for social and economic interactions. Highly walkable places are comfortable and encourage walking with a dense mixture of land uses and building types in spaces that were designed at a human scale. This can be difficult to achieve in suburban places that were designed at the automobile scale, with wide streets, large building setbacks and an overabundance of surface parking lots. However, even highly suburban places may be retrofitted, densified and redeveloped into highly walkable places over time. This type of transformation is ambitious but possible with strong leadership, smart investment and sound planning. Planning for highly walkable development is prioritized in Fayetteville's comprehensive plan, City Plan 2030, with goals of promoting infill development, discouraging sprawl, making traditional town form the standard and growing a livable transportation network. The following action steps should guide the planning process as it relates to pedestrian infrastructure.

ACTIONS

Identify, evaluate and recommend economic impact models, zoning incentives, tiered impact fees or other means that encourage and prioritize bicycle and pedestrian oriented development.

goals impacted ① ② ③ ④ ⑤ ⑥

Conduct a baseline sidewalk condition survey in a Geographic Information Systems (GIS) database for the City's entire existing sidewalk network. Adverse conditions would be noted and geo-located like cracking, buckling or spalling of the concrete surface. This survey could be developed by a group of students utilizing a smart phone application.

goals impacted ① ② ③ ④ ⑤ ⑥

Utilize the Active Transportation Advisory Committee as a venue to elicit public input to determine high priority projects that fill the missing links in the current trail and sidewalk network.

goals impacted ① ② ③ ④ ⑤ ⑥

GOALS OF THE ATP:

1

Endeavor to create an inclusive multi-modal transportation system.

2

Work to build a trail connection within one half mile of every residence.

3

Increase the active transportation commuting mode share from 7.5% in 2014 to 15% by 2020.

4

Identify, prioritize and address missing bicycle and pedestrian linkages.

5

Partner with advocates to address bicycle and pedestrian needs.

6

Earn bicycle friendly community designation of Silver by 2017.

ENGINEERING & EVALUATION

The major challenges for expanding the City's sidewalk network are topography and a limited budget. Many streets that lack sidewalks are located on steep inclines and they were not originally designed with storm water infrastructure or sidewalks. These projects are often difficult to design and build as well as are more expensive than sidewalk projects in flatter areas of town. Another challenge is the limited budget for sidewalks in the annual Capital Improvement Program. Necessarily, this budget also includes street maintenance. The following action steps will help to guide the sidewalk program in order to create the greatest value for the most people regarding sidewalk construction.

ACTIONS

Focus on sidewalk connections to key destinations such as schools, parks and entertainment and shopping areas.

goals impacted ① ② ③ ④ ⑤ ⑥

Continue to expand the shared-use paved trail system, especially routes that run parallel to major streets and routes that traverse difficult topography. Emphasis should be placed on east-west streets connecting to the Northwest Arkansas Razorback Greenway.

goals impacted ① ② ③ ④ ⑤ ⑥

Make street intersections and trail crossings safer and more comfortable for pedestrians through the use of colored pavement markings, signage, medians and signalization. Grade-separated trail crossings are preferable particularly with high volume and high speed streets.

goals impacted ① ② ③ ④ ⑤ ⑥

Evaluate and prioritize high use sections of the shared-use paved trails system for expanded cross sections that include separated space for pedestrians and cyclists.

goals impacted ① ② ③ ④ ⑤ ⑥

Provide a buffered area with trees and ground cover between the street curb and the sidewalk when possible.

goals impacted ① ② ③ ④ ⑤ ⑥

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SAFETY & ENCOURAGEMENT

Pedestrian comfort and safety is essential for creating highly walkable neighborhoods and commercial districts. In addition to basic design elements such as sidewalk width and surface condition, features such as street trees for shade, reduce intersection crossing distance, lighting for night time safety and ADA compliant intersections, are critical for producing an adequate level of pedestrian comfort. Pedestrians' real and perceived safety is increased when a buffer zone is present between the sidewalk and the adjacent street traffic. In a dense urban environment, these may include parallel parking spaces, cycletracks or street trees. In less urban environments, the sidewalk buffer may be comprised of a sufficiently wide planting zone with trees and ground cover. In either case, the idea is to offer pedestrian protection and physical separation from the moving vehicles. These actions are designed to integrate pedestrian safety and comfort in the planning, design and engineering process.

ACTIONS

Evaluate public and private development projects and require sufficient sidewalk width for the anticipated volume of pedestrians.

goals impacted 1 2 3 4 5 6

Prioritize pedestrian safety when redeveloping existing streets through the appropriate use of landscaped buffers, reduced curb radii at intersections where appropriate, on-street parking, bicycle infrastructure, street trees and signalized ADA compliant intersection design.

goals impacted 1 2 3 4 5 6

Create separate pedestrian and bicycle facilities in areas where the combined active transportation network creates conflicts between the people walking and the people biking.

goals impacted 1 2 3 4 5 6

STREET CROSS-SECTIONS

The City of Fayetteville's complete street policy provides standards for developers building new streets and for the Transportation Division as they rebuild existing streets. This policy ensures that new streets include facilities for all transportation modes; vehicular, pedestrian and bicycle.

Implement recommendations from the Active Transportation Advisory Committee for sidewalks and trails infrastructure projects.

goals impacted 1 2 3 4 5 6

Make street intersections and trail crossings safer and more comfortable for pedestrians through the use of colored pavement markings, signage, medians, grade separation and signalization.

goals impacted 1 2 3 4 5 6

GOALS OF THE ATP:

1

Endeavor to create an inclusive multi-modal transportation system.

2

Work to build a trail connection within one half mile of every residence.

3

Increase the active transportation commuting mode share from 7.5% in 2014 to 15% by 2020.

4

Identify, prioritize and address missing bicycle and pedestrian linkages.

5

Partner with advocates to address bicycle and pedestrian needs.

6

Earn bicycle friendly community designation of Silver by 2017.

Fayetteville was fortunate to have the vision to begin building a multi-use trail system twenty years ago. Today, residents enjoy 40 plus miles of shared-use paved trails. The City anticipates the complete trail build-out based on this plan will include 150 miles of shared-use paved trails by the year 2040. The City has also made significant advances to increase the number and length of bikeways on City streets. However, major challenges remain in our goal of increasing the number of people who use bicycling as a safe and viable form of everyday transportation. Many people may express interest in bicycling, but are not comfortable bicycling on streets with significant vehicular traffic. The following elements are explored in more detail with recommendations for implementation action steps:

WAYFINDING

As bicycle and trail networks mature, special attention should be paid to developing and installing appropriate wayfinding signs to provide users with information about direction, distance and destinations.

Fortunately, the Northwest Arkansas Regional Bicycle and Pedestrian Master Plan adopts a universal wayfinding sign template that will be used throughout the region along the Razorback Regional Greenway. This signage will provide trail users with on-the-ground information to help them navigate the trail system without the aid of maps. On-street bicycle infrastructure should include directional signage alerting motorists to the presence of bicyclists on the streets. Lastly, the innovative use of temporary signage can be utilized to educate users on bicycle safety and etiquette along the trail.

ACTIONS

Design and install wayfinding signage along the trail network that provides users with information about direction, distance and destinations.

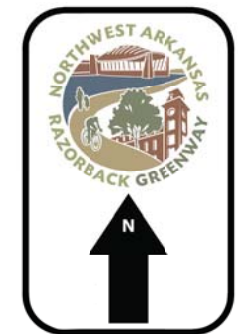
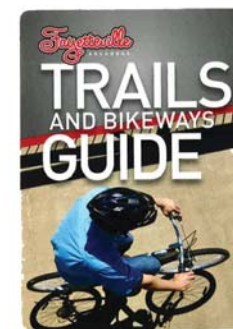
goals impacted 1 2 3 4 5 6

Update the Trails and Bikeways guide every 1 - 2 years.

goals impacted 1 2 3 4 5 6

Design and install wayfinding signage on streets with on-street bicycle facilities.

goals impacted 1 2 3 4 5 6



GOALS OF THE ATP:



Endeavor to create an inclusive multi-modal transportation system.



Work to build a trail connection within one half mile of every residence.



Increase the active transportation commuting mode share from 7.5% in 2014 to 15% by 2020.



Identify, prioritize and address missing bicycle and pedestrian linkages.



Partner with advocates to address bicycle and pedestrian needs.



Earn bicycle friendly community designation of Silver by 2017.

STREET CROSS-SECTIONS

The City of Fayetteville implemented a complete street policy in 2005 with the adoption of City Plan 2025 and the Master Street Plan. This policy ensures that new streets include facilities for all transportation modes; vehicular, pedestrian and bicycle. However, many existing streets lack sidewalks and bicycle facilities. As part of the implementation of this plan, the City will begin to prioritize streets in need of retrofit, focusing on streets that connect the largest number of potential users to the rest of the active transportation network.

ACTIONS

Continue to seek and implement recommendations from the Active Transportation Advisory Committee for on-street and trails infrastructure projects.

goals impacted 1 2 3 4 5 6

Make street intersections and trail crossings safer and more comfortable for bicyclists through the use of colored pavement markings, signage, medians, grade separation and signalization.

goals impacted 1 2 3 4 5 6

ETIQUETTE

Bicyclists on public streets have the same rights and responsibilities as automobile drivers and are subject to the same laws. By all parties obeying traffic laws, the vast majority of conflict between bicyclists and automobile drivers can be prevented. Education efforts targeted at both drivers and cyclists can reduce hostility between these groups and help to foster a sense of mutual respect. Similarly, conflicts between trail users (both cyclists and pedestrians) often result from poor trail etiquette and can be prevented through improved education and strategic enforcement.

ACTIONS

Design and install temporary signage displaying information that educates users about trail safety and etiquette.

goals impacted 1 2 3 4 5 6

Update bicycle ordinances to clarify current law and add additional protections for cyclists.

goals impacted 1 2 3 4 5 6

Work with partners such as the Bicycle Coalition of the Ozarks to offer a greater variety of training opportunities for adults to learn and enhance their bicycling skills.

goals impacted 1 2 3 4 5 6

GOALS OF THE ATP:



Endeavor to create an inclusive multi-modal transportation system.



Work to build a trail connection within one half mile of every residence.



Increase the active transportation commuting mode share from 7.5% in 2014 to 15% by 2020.



Identify, prioritize and address missing bicycle and pedestrian linkages.



Partner with advocates to address bicycle and pedestrian needs.



Earn bicycle friendly community designation of Silver by 2017.

EVALUATION & ENGINEERING

The collection of accurate and relevant baseline data is key for understanding the effectiveness of a bicycle network. The ongoing evaluation of factors such as traffic speeds, transportation mode share counts, existing street cross-sections, percent of grade and other physical barriers are all significant considerations when determining the appropriate engineering solution for a given project. Additionally, data collected from partnering advocate organizations such as the Bicycle Coalition of the Ozarks or the Fayetteville Public Schools Safe Routes to School Program may be applicable and pertinent to the engineering design process.

Major city streets that carry large amounts of motor vehicle traffic act as barriers to bicyclists because these roads are difficult to cross and generally lack bicycle facilities. Additionally, Fayetteville's hilly topography can present a barrier for lower classification streets that lack proper bicycle facilities such as sidepaths or on-street climbing lanes. The development of appropriate bicycle infrastructure in key locations can provide safe connectivity that is lacking due to these existing physical barriers. Moreover, portions of the existing trail network in Fayetteville are discontinuous, primarily because many trails have been constructed with development projects but have yet to be connected to the larger trail network. This problem of a disjointed trail network is typical of new and developing trail networks and will be overcome in time with private and public investments in bicycle infrastructure.

ACTIONS

Evaluate and prioritize high use sections of the trails system for expanded cross sections that include separated space for pedestrians and cyclists.

goals impacted ① ② ③ ④ ⑤ ⑥

Coordinate with local organizations to conduct surveys and user counts to collect active transportation data that is useful for guiding the bicycle infrastructure planning and design processes and measuring success.

goals impacted ① ② ③ ④ ⑤ ⑥

Make street intersections and trail crossings safer and more comfortable for bicyclists through the use of colored pavement markings, signage, medians and signalization. Grade-separated trail crossings are preferable particularly with high volume and high speed streets.

goals impacted ① ② ③ ④ ⑤ ⑥

Continue to increase the amount of high quality bicycle parking throughout the community.

goals impacted ① ② ③ ④ ⑤ ⑥

Continue to expand the on-street bicycle network, especially parallel to arterial streets, through the use of different types of on-street or off-street bicycle facilities. Care should be taken to choose infrastructure improvements that are sensitive to the context of the street and to the adjacent land use and development patterns. Consider the use of buffered, protected and separated on-street bicycle infrastructure whenever possible.

goals impacted ① ② ③ ④ ⑤ ⑥

Continue to expand the shared-use paved trail system, especially routes that run parallel to major streets and routes that traverse difficult topography where on-street facilities would be inferior. Emphasis should be placed on east-west routes connecting to the Northwest Arkansas Razorback Greenway. Focus on connections to key destinations such as schools, parks and entertainment and shopping areas.

goals impacted ① ② ③ ④ ⑤ ⑥

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6 Earn bicycle friendly community designation of Silver by 2017.

EDUCATION & ENCOURAGEMENT

In order to maximize use of the developing active transportation network, an investment of time and funding in the areas of education and encouragement is necessary. Programs that teach and encourage people of all ages and from all walks of life in the advantages of an active transportation network are essential to providing a future user base. Children that have been taught bicycle safety and etiquette in school are more likely to grow up using the City's active transportation network. The University of Arkansas student population provides a strong user base for trail and on-street bicycle facilities, but students may also require education, outreach and encouragement in order to maximize their participation.



ACTIONS

Staff a full time dedicated Bicycle/Pedestrian Coordinator for the City of Fayetteville.

goals impacted 1 2 3 4 5 6

Encourage the University of Arkansas to promote cycling through policy and infrastructure with students, staff and faculty and to seek recognition through the Bicycle Friendly University program developed by the League of American Cyclists.

goals impacted 1 2 3 4 5 6

Work with interested groups and the Fayetteville Public School district to expand bicycle education efforts to include K-2nd grade balance bike learning.

goals impacted 1 2 3 4 5 6

Encourage local businesses to promote cycling to their employees and customers and to seek recognition through the League of American Bicyclists Bicycle Friendly Business program.

goals impacted 1 2 3 4 5 6

Partner with the Bicycle Coalition of the Ozarks and other bicycle advocates to expand encouragement efforts during National Bike Month in May. This may include bicycle themed community events, campaigns and programs.

goals impacted 1 2 3 4 5 6

Explore possibilities of developing a "bike share" program with outside help either locally or regionally.

goals impacted 1 2 3 4 5 6

Work with schools to develop a safe routes to school plan to include alternate drop off locations to increase walking and biking by students and reduce traffic congestions around schools.

goals impacted 1 2 3 4 5 6

GOALS OF THE ATP:

1

Endeavor to create an inclusive multi-modal transportation system.

2

Work to build a trail connection within one half mile of every residence.

3

Increase the active transportation commuting mode share from 7.5% in 2014 to 15% by 2020.

4

Identify, prioritize and address missing bicycle and pedestrian linkages.

5

Partner with advocates to address bicycle and pedestrian needs.

6

Earn bicycle friendly community designation of Silver by 2017.

SAFETY & ENFORCEMENT

Safety is an essential element of any comprehensive active transportation plan that must be included at every phase of planning, design and implementation. The single most significant factor influencing bicyclist safety is the number of cyclists on the road. A strong inverse correlation has been shown between bicycle mode share and accident rates; more cyclists make cycling safer overall. This principle of “safety in numbers” should be central to planning for safer bicycling in Fayetteville. The real or perceived safety of riding a bicycle in the street with cars close by is a major factor in people’s travel mode choice. Streets with high volumes of high-speed automobile traffic can threaten the safety of bicyclists and deter would-be cyclists. Individuals with modest bicycling skills often called the “interested but concerned” cyclists, who represent the largest population of potential cyclists, are most often discouraged by safety concerns. Courses in bicycle safety for adults can help to encourage riders that may need to build confidence in their riding skills. Bike routes that limit cyclists’ interaction with high-traffic conditions by utilizing shared-use paved trails, cycletracks or bike ways provide users with greater safety and comfort that will yield the highest usage. Lastly, local traffic regulations should be reviewed and updated to ensure that vulnerable road users like bicyclist’s are protected.

ACTIONS

Update bicycle ordinances to clarify current law and add additional protections for cyclists.

goals impacted 1 2 3 4 5 6

Make street intersections and trail crossings safer and more comfortable for bicyclist’s through the use of colored pavement markings, signage, medians, grade separation and signalization.

goals impacted 1 2 3 4 5 6

Work with schools to implement a Safe Routes to School program to provide young cyclists with a useful lifelong skillset.

goals impacted 1 2 3 4 5 6

Work with partners such as the Bicycle Coalition of the Ozarks to offer a greater variety of training opportunities for adults to learn and enhance their bicycling skills.

goals impacted 1 2 3 4 5 6

Work with the Fayetteville Police Department to provide police resources to enforce bicycle, pedestrian and vehicular traffic as a part of a bicycle education and enforcement campaign.

goals impacted 1 2 3 4 5 6

Offer a ticket diversion program for cyclists and drivers that have been cited for bicycle and pedestrian related offenses. Educational opportunities would be offered as an alternative to fines or other penalties.

goals impacted 1 2 3 4 5 6

GOALS OF THE ATP:



- 1 Endeavor to create an inclusive multi-modal transportation system.
- 2 Work to build a trail connection within one half mile of every residence.



- 3 Increase the active transportation commuting mode share from 7.5% in 2014 to 15% by 2020.
- 4 Identify, prioritize and address missing bicycle and pedestrian linkages.



- 5 Partner with advocates to address bicycle and pedestrian needs.
- 6 Earn bicycle friendly community designation of Silver by 2017.

The 2003 Fayetteville Alternative Trails and Transportation plan succeeded in spurring the development of the City's ever-expanding trail network over the last decade. This Active Transportation Plan builds upon past success and reaffirms the City's commitment to planning for the future of active transportation. This plan sets a path forward by identifying a progressive yet achievable vision, developing a set of realistic goals and through the implementation of important action steps. By combining pedestrian and bicycle planning into active transportation planning we recognize that a comprehensive approach will yield the maximum return on the public's investment. Many of the action steps in this plan are similar to steps taken in other prominent bicycle and pedestrian friendly communities. The implementation process is designed to be ongoing and dynamic with progress made through constant innovation and adaption. Success will be measured through identified metrics collected over time. Ultimately, this plan provides Fayetteville with the framework for building an active transportation network that will lead to a more healthy and vibrant community.



City of Fayetteville, AR

Active Transportation Plan

Shared-Use Paved Trails and On-Street Bicycle Facilities

April 7, 2015



This certifies that this is the official Master Trail Plan map referred to in Resolution No. (Insert #) of the City of Fayetteville.

Adopted by the Fayetteville City Council on April 7, 2015 Resolution No. (Insert #)

Mayor

City Clerk

Active Transportation Plan

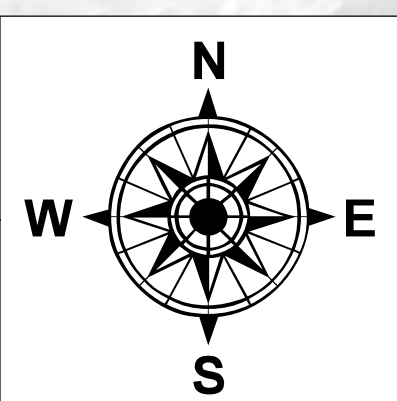
- Proposed Shared-Use Paved Trail
- Proposed U of A Campus Connections
- Proposed On-Street Bicycle Facility

Existing Trails

- Shared-Use Paved Trail
- Nature Trail
- Neighborhood/Park Trail
- On-Street Bicycle Facility

Corresponding # on Map	Future Trail Name
1	Crossover Road Trail
2	Mud Creek Trail
3	Old Wire Connection
4	Niokaska Creek Trail
5	Old Missouri Sidepath
6	Old Wire Sidepath
7	Brookbury Vandergriff Connection
8	Braden Park Trails
9	Vandergriff Trail
10	Mission Sidepath
11	Park Place Connection
12	Chelsea Connection
13	Canterbury Loop
14	Rockwood Trail Connection
15	Ruth Street Connection
16	Clear Creek Trail
17	White River West Trail
18	Lake Sequoyah Nature Trail
19	St. Paul Trail
20	Town Branch Trail
21	Morningside Trail Connection
22	Kessler Trail
23	Lighthouse Trail Link
24	Sublett Creek Trail
25	Rebecca Trenton Connection
26	Baxter to North Connection
27	Evangel Hills Connection
28	Overcrest Trail Connection
29	Drake Sidepath
30	Futrell Trail
31	Shiloh Trail
32	Clabber Creek Trail
33	Ripple Sidepath
34	Hughmont Village Connection
35	Red Oak Trail
36	54th Avenue Connection
37	Owl Creek Trail
38	West Loop Trail
39	Broyles Ave Connection
40	Davis Park Trail
41	Hamesting Creek Trail
42	Old Farmington Road Trail
43	Farmington Branch Greenway
44	Kestrel Trail
45	Finger Road/Water Easement Trail
46	Cato Springs Trail
47	Arkansas Missouri Rail Trail
48	Stelton Street Connection
49	Country Club Link
50	West Fork greenway link
51	718 Connection
52	Van Buren Connection
53	Dowell Cemetery Connection
54	Tsa-La-Gi Trail
55	Sang Trail
56	Oak Ridge Trail
57	U of A Campus Bicycle Connection
58	Walker Park Trail
59	Willow Bend Link
60	Halsell Road Trail
61	Razorback Sidepath
62	Wedington Sidepath
63	Martin Luther King Sidepath
64	Poplar Link
65	Clabber Creek Trail - North Spur
66	Ripple Road Connection

Corresponding Letter on Map	Existing Trail Name
A	Lake Fayetteville Trail
B	Clear Creek Trail
C	Scul Creek Trail
D	Mud Creek Trail
E	Kitty Creek Trail
F	Joyce Sidepath
G	Old Missouri Sidepath
H	Raven Trail
I	Niokaska Creek Trail
J	Meadow Valley Trail
K	Shiloh Trail
L	Hamesting Creek Trail
M	Ripple Sidepath
N	Clabber Creek Trail
O	Wedington Sidepaths
P	Owl Creek Trail
Q	Garland Sidepath
R	Frisco Trail
S	Oak Ridge Trail
T	Tsa-La-Gi Trail
U	Pinnacle Prairie Trail
V	Razorback Sidepaths
W	Town Branch Trail
X	Cato Springs Sidepath
Y	Martin Luther King Sidepath
Z	Saint Paul Trail



0 1/2 1 Mile

- Park
- Lake
- Stream
- School
- Fayetteville City Limits
- Razorback Transit Bus Stop
- Ozark Regional Transit Bus Stop
- Street (Major)
- Street
- Railroad



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0151

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 4

AMEND §33.329 ELIGIBILITY OF CITIZEN VOLUNTEERS

AN ORDINANCE TO AMEND §33.329 ELIGIBILITY OF CITIZEN VOLUNTEERS TO SERVE ON CITY BOARDS, COMMISSIONS AND COMMITTEES TO REMOVE THE RESTRICTION ON THE NUMBER OF CONSECUTIVE TERMS A CITIZEN MAY SERVE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals §33.329(B) of §33.329 Eligibility of Citizen Volunteers to Serve on City Boards, Commissions and Committees of the Fayetteville Code.

Legistar ID No.: 2015-0151

AGENDA REQUEST FORM

FOR: Council Meeting of April 7, 2015

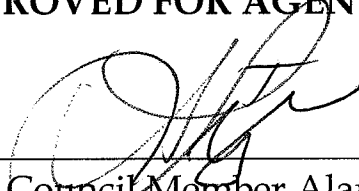
FROM:

City Council Member Alan Long

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND §33.329 ELIGIBILITY OF CITIZEN VOLUNTEERS TO SERVE ON CITY BOARDS, COMMISSIONS AND COMMITTEES TO REMOVE THE RESTRICTION ON THE NUMBER OF TERMS A CITIZEN MAY SERVE

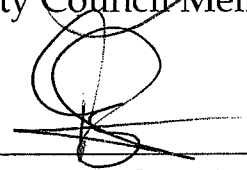
APPROVED FOR AGENDA:



City Council Member Alan Long

3-12-15

Date



Assistant City Attorney Blake Pennington
(as to form)

2/26/15

Date

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §33.329 ELIGIBILITY OF CITIZEN VOLUNTEERS TO SERVE ON CITY BOARDS, COMMISSIONS AND COMMITTEES TO REMOVE THE RESTRICTION ON THE NUMBER OF CONSECUTIVE TERMS A CITIZEN MAY SERVE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals §33.329(B) of §33.329 **Eligibility of Citizen Volunteers to Serve on City Boards, Commissions and Committees** of the Fayetteville Code.

PASSED and APPROVED this 7th day of April, 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Mulford, Patti

From: Pennington, Blake
Sent: Thursday, February 26, 2015 8:02 AM
To: Mulford, Patti
Subject: FW: City Boards and commissions
Attachments: ORD AMEND 33.329 REMOVE TERM LIMITS FOR CITY BOARDS AND COMMISSIONS.doc

Would you please prepare an agenda request form for Alderman Long for the April 7th City Council meeting? I am attaching the draft ordinance.

--

Blake E. Pennington
Assistant City Attorney
Tele: (479) 575-8313
bpennington@fayetteville-ar.gov

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

From: Longward4@gmail.com [mailto:longward4@gmail.com]
Sent: Friday, February 20, 2015 1:16 PM
To: Williams, Kit; Pennington, Blake
Subject: City Boards and commissions

Can you please draft an amendment to our code removing the clause that prevents someone from reapplying to a board/commission just because they have served two terms? I think we have a good allocation process and the council can choose who to appoint without having their hands tied by the current status of the code.

Sincerely,

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



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0172

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 5

ENACT ARTICLE XXVII CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

AN ORDINANCE TO ENACT ARTICLE XXVII CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS IN CHAPTER 33 DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES OF THE FAYETTEVILLE CODE

WHEREAS, the Housing Board of Adjustments and Appeals was first created by Ordinance No. 2251 on July 6, 1976; and

WHEREAS, the original ordinance has been amended to change the name and composition of the board, which is now called the Construction Board of Adjustment and Appeals, but these provisions have never been codified.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby enacts Article XXVII Construction Board of Adjustment and Appeals in Chapter 33, Departments, Boards, Commissions and Authorities as shown below:

33.390 Composition; Membership

The Construction Board of Adjustment and Appeals shall consist of seven full members appointed by the City Council, each for a term of five years ending on March 31. Appointments shall be staggered. Two alternate members shall also be appointed by the City Council, each for a term of five years ending on March 31. Four members, which may include alternate members, of the Construction Board of Adjustment and Appeals shall constitute a quorum.

33.391 Proceedings of Construction Board of Adjustment and Appeals

(A) The Construction Board of Adjustment and Appeals shall adopt rules necessary to the conduct of its affairs. Meetings shall be held at the call of the chairperson and at such other times as the Construction Board of Adjustment and Appeals may determine. All meetings shall be open to the public.

(B) The Construction Board of Adjustment and Appeals shall keep minutes of its proceedings

showing the vote of each member upon each question which shall be a public record and be filed in the office of the Building Safety Director after their approval.

33.392 Administrative Review

The Construction Board of Adjustment and Appeals shall hear and decide appeals pursuant to its authority under § 155.06(D)."

AGENDA REQUEST FORM

FOR: Council Meeting of April 7, 2015

FROM:

City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO ENACT ARTICLE XXVII CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS IN CHAPTER 33 DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES OF THE FAYETTEVILLE CODE

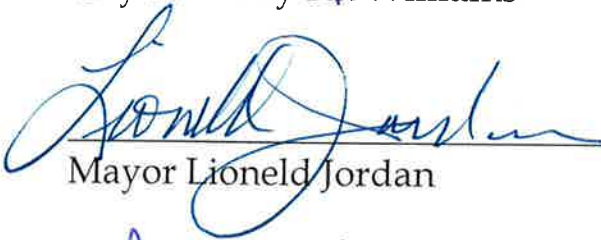
APPROVED FOR AGENDA:



City Attorney Kit Williams

March 20, 2015

Date



Mayor Lioneld Jordan

3/20/15

Date



Don Marr, Chief of Staff

3/20/15

Date



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan
City Council**

THRU: **Kit Williams, City Attorney**

FROM: **Blake Pennington, Assistant City Attorney**

DATE: **March 18, 2015**

RE: **Ordinance to Codify Provisions for Construction Board of
Adjustment and Appeals**

In 1976, the Housing Board of Adjustment and Appeals was created to hear appeals from administrative decisions on building code matters. Since that time, ordinances have been adopted changing the name to Construction Board of Adjustment and Appeals and modifying the membership provisions to include seven full members and two alternate members; however, these changes were never codified.

This Board meets very infrequently – only twice in the past two years – but it is a Board that takes final City action on the matters it hears. Arkansas law provides that appeals from decisions of the Construction Board of Adjustment and Appeals must be filed with the Washington County Circuit Court except in extremely limited circumstances. Furthermore, the decisions made by this Board can have a serious impact on the health and safety of those who live and work in Fayetteville. For example, the Board's most recent hearing was an appeal from an administrative decision to deny a certificate of occupancy because a building did not comply with the fire code and staff believed workers would have been exposed to an

unacceptable risk of harm. The Board ultimately upheld City staff's decision.

The Unified Development Code sets forth some of the general duties of the Construction Board of Adjustment and Appeals but does not contain any provisions regarding the composition or proceedings of the Board. This proposed ordinance will codify these provisions so that residents and those doing business in Fayetteville will have easier access to information about the Board. It also extends the term of alternate members to five years so these positions do not have to be filled by the City Council every year.

ORDINANCE NO. _____

AN ORDINANCE TO ENACT ARTICLE XXVII CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS IN CHAPTER 33 DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES OF THE FAYETTEVILLE CODE

WHEREAS, the Housing Board of Adjustments and Appeals was first created by Ordinance No. 2251 on July 6, 1976; and

WHEREAS, the original ordinance has been amended to change the name and composition of the board, which is now called the Construction Board of Adjustment and Appeals, but these provisions have never been codified.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby enacts Article XXVII Construction Board of Adjustment and Appeals in Chapter 33, Departments, Boards, Commissions and Authorities as shown below:

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33.391 Proceedings of Construction Board of Adjustment and Appeals

- (A) The Construction Board of Adjustment and Appeals shall adopt rules necessary to the conduct of its affairs. Meetings shall be held at the call of the chairperson and at such other times as the Construction Board of Adjustment and Appeals may determine. All meetings shall be open to the public.

- (B) The Construction Board of Adjustment and Appeals shall keep minutes of its proceedings showing the vote of each member upon each question which shall be a public record and be filed in the office of the Building Safety Director after their approval.

33.392 Administrative Review

The Construction Board of Adjustment and Appeals shall hear and decide appeals pursuant to its authority under § 155.06(D)."

PASSED and **APPROVED** this 7th day of April, 2015.

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) 575-8323

Text File

File Number: 2015-0171

Agenda Date: 4/7/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 6

AMEND §110.01 BILLPOSTING

AN ORDINANCE TO AMEND §110.01 BILLPOSTING

WHEREAS, the Eighth Circuit Court of Appeals has held that municipalities may not prohibit the posting of bills, notices, advertisements or similar documents on vehicles when parked in street parking spaces and the Fayetteville Code should be updated to comply with this ruling.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends §110.01 of the Fayetteville Code by repealing it in its entirety and enacting a replacement §110.01 as shown below:

“110.01 Billposting

In order to prevent litter, protect the beauty of Fayetteville, and preserve private property owners' rights, no bill, notice, advertisement or similar document may be posted, stuck, painted, attached or allowed or caused to be posted, stuck, painted or attached to or upon:

(A) any utility or light pole, or government traffic, directional or other sign;

(B) any private property including a building, fence, wall, pole, sign or other structure without first having obtained express permission from the owner of such property;

(C) any public property without first having obtained express permission of the public entity which owns or controls such property;

(D) any vehicle located on an off-street parking lot if the parking lot owner has installed a sign prohibiting such bill posting.”

Legistar ID No.: 2015-0171

AGENDA REQUEST FORM

FOR: Council Meeting of April 7, 2015

FROM:

City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND §110.01 BILLPOSTING

APPROVED FOR AGENDA:



City Attorney Kit Williams

April 20, 2015

Date



Mayor Lioneld Jordan

3/20/15

Date



Don Marr, Chief of Staff

3/20/15

Date



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan
City Council**

THRU: **Kit Williams, City Attorney**

FROM: **Blake Pennington, Assistant City Attorney**

DATE: **March 18, 2015**

RE: **Proposed amendment to § 110.01 Billposting**

The Eighth Circuit Court of Appeals has ruled that municipalities may not prohibit the posting of bills, notices, advertisements or similar documents on vehicles that are located on public rights of way, including public roads, sidewalks and alleys. The current language in § 110.01 Billposting, which was last amended in 1994, is quite broad and makes this type of activity unlawful. While I am not aware of any instance in which a person has actually been cited or prosecuted for posting bills on vehicles parked on the street in Fayetteville, we should always ensure our City ordinances comply with constitutional requirements.

The proposed amendment maintains the current prohibitions on posting bills on utility and light poles (which is also prohibited by state law); government traffic, directional or other signs; private or public property without the express permission of the property owner; and vehicles located on off-street parking lots, public or private, if the owner of the lot posts notice that such conduct is not permitted. The amendment removes an archaic reference to telegraph poles and removes the restriction on posting bills on vehicles located on public rights of way.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §110.01 BILLPOSTING

WHEREAS, the Eighth Circuit Court of Appeals has held that municipalities may not prohibit the posting of bills, notices, advertisements or similar documents on vehicles located on public property and the Fayetteville Code should be updated to comply with this ruling.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends §110.01 of the Fayetteville Code by repealing it in its entirety and enacting a replacement §110.01 as shown below:

“110.01 Billposting

In order to prevent litter, protect the beauty of Fayetteville, and preserve private property owners’ rights, no bill, notice, advertisement or similar document may be posted, stuck, painted, attached or allowed or caused to be posted, stuck, painted or attached to or upon:

- (A) any utility or light pole, or government traffic, directional or other sign;
- (B) any private property including a building, fence, wall, pole, sign or other structure without first having obtained express permission from the owner of such property;
- (C) any public property without first having obtained express permission of the public entity which owns or controls such property;
- (D) any vehicle located on an off-street parking lot if the parking lot owner has installed a sign prohibiting such bill posting.”

PASSED and **APPROVED** this 7th day of April, 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Agenda Meeting 3-31-15

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323



Meeting Agenda - Tentative Agenda

Tuesday, March 31, 2015

4:30 PM

City Hall Room 326

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
John S. La Tour Ward 4
Alan Long Ward 4

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

2015-0115

Quarterly Financial Report - 4th Quarter 2014, Paul Becker, Chief
Financial Officer

Agenda Additions:

2015-0115 Add: A&P Commission Appointment

A. Consent:

A. 1 2014-0500

Approval of the March 17, 2015 City Council meeting minutes.

A. 2 2015-0141

HAZMAT SERVICES REVENUE

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT
RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED BY THE
FIRE DEPARTMENT FROM WASHINGTON COUNTY IN THE
AMOUNT OF \$1,930.00 AND INCREASING THE RELATED EXPENSE
BUDGET

Attachments:

SRF & SRM Hazmat Revenue Washington County March, 2015

BA BUDGET ADJUSTMENT FORM Hazmat Revenue Washington County-P

A. 3

2015-0150

**2015 ARROW XT FIRE ENGINE FROM PIERCE
MANUFACTURING, INC.**

A RESOLUTION TO APPROVE THE PURCHASE OF A 2015 ARROW XT FIRE ENGINE FROM PIERCE MANUFACTURING, INC. OF APPLETON, WISCONSIN IN THE AMOUNT OF \$517,485.00 PLUS A CONTINGENCY OF \$25,875.00 PURSUANT TO THE HOUSTON-GALVESTON AREA COUNCIL CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:SRF SRM PO and purchasing documents March, 2015BA New Fire Apparatus-Engine Purchase 2015

A. 4

2015-0143

2015 CATERPILLAR 308ECR EXCAVATOR FROM J.A. RIGGS

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A 2015 CATERPILLAR 308ECR EXCAVATOR FROM J.A. RIGGS OF SPRINGDALE IN THE AMOUNT OF \$100,208.25 PLUS APPLICABLE TAXES, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments:SRP 4-7-15 TRSM Excavator 827BA - 3-3-15 Use Fund Bal 827

A. 5

2015-0144

JOHN DEERE LOADER FROM STRIBLING EQUIPMENT

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A JOHN DEERE LOADER FROM STRIBLING EQUIPMENT OF SPRINGDALE, ARKANSAS IN THE AMOUNT OF \$139,750.00 PLUS APPLICABLE TAXES PURSUANT TO THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments:SRP 4-7-15 TRSM Loader 6011

A. 6

2015-0145

**2015 BORING MACHINE SERIES II NAVIGATOR FROM
VERMEER MIDSOUTH, INC.**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A TRAILER MOUNTED 2015 BORING MACHINE SERIES II NAVIGATOR FROM VERMEER MIDSOUTH, INC. OF SPRINGDALE, ARKANSAS IN THE AMOUNT OF \$213,522.66 PLUS ANY APPLICABLE TAXES PURSUANT TO THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:SRP 4-7-15 WSWD Boring Machine 9212BA 3-3-15 Boring Machine 9212

A. 7

2015-0146

**SIX (6) POLICE PACKAGE CHEVROLET TAHOES FROM
SUPERIOR CHEVROLET**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF SIX (6) POLICE PACKAGE CHEVROLET TAHOES FROM SUPERIOR CHEVROLET OF SILOAM SPRINGS IN THE TOTAL AMOUNT OF \$169,662.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE POLICE DEPARTMENT

Attachments:SRP 4-7-15 PDPT Tahoes 1290-95

A. 8

2015-0147

**2015 DODGE RAM 2500 PICKUP TRUCK FROM LANDERS
DODGE**

A RESOLUTION TO APPROVE THE PURCHASE OF A 2015 DODGE RAM 2500 PICKUP TRUCK FROM LANDERS DODGE OF BENTON, ARKANSAS IN THE AMOUNT OF \$24,752.00 PURSUANT TO A STATE PROCUREMENT CONTRACT FOR USE BY THE POLICE DEPARTMENT

Attachments:SRP 4-7-15 PDPT Dodge Ram 2187

A. 9

2015-0148

**MAXSURGE HEALTHCARE SOLUTIONS, INC - AIRPORT
HANGAR**

A RESOLUTION TO APPROVE A THREE YEAR LEASE
AGREEMENT WITH MAXSURGE HEALTHCARE SOLUTIONS, INC.
FOR THE AIRPORT HANGAR AT 4580 SOUTH SCHOOL AVENUE
FOR A RENT OF \$2,893.00 PER MONTH TO BEGIN
RETROACTIVELY ON MARCH 1, 2015

Attachments:Legistar2015-148 MaxSurgeLease4580Hangar

A. 10

2015-0149

4TH JUDICIAL DISTRICT DRUG TASK FORCE GRANT

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A \$21,857.70
GRANT FROM THE STATE DRUG CRIME ENFORCEMENT AND
PROSECUTION FUND TO BE MATCHED BY \$5,464.43 FROM CITY
FUNDS TO BE USED BY THE 4TH JUDICIAL DISTRICT DRUG
TASK FORCE, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:Agenda - DCF SupplementalBA - DCF Supplemental

A. 11

2015-0156

GULF STATE DISTRIBUTORS

A RESOLUTION TO APPROVE THE PURCHASE OF AMMUNITION
NEEDED BY THE FAYETTEVILLE POLICE DEPARTMENT DURING
2015 FROM GULF STATE DISTRIBUTORS IN THE AMOUNT OF
\$59,709.49 PURSUANT TO THE STATE OF ARKANSAS
AMMUNITION CONTRACT

Attachments:Agenda - 2015 Ammo

A. 12

2015-0161

**AUTOMATED EXTERNAL DEFIBRILLATORS - POLICE
DEPARTMENT**

A RESOLUTION TO APPROVE THE PURCHASE OF AUTOMATED
EXTERNAL DEFIBRILLATORS FOR POLICE DEPARTMENT
VEHICLES FROM LIFESAVERS, INC. IN THE AMOUNT OF
\$40,869.80 PURSUANT TO A STATE OF ARKANSAS
PROCUREMENT CONTRACT

Attachments:Agenda - AEDs**B. Unfinished Business:**

B. 1

2014-0437

**AMEND § 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

Attachments:Agenda Packet § 71.016 Insurance Requirements

*At the December 16, 2014 City Council meeting this ordinance was left on the
First Reading and sent to the Ordinance Review Committee. At the January 6,
2015 City Council meeting this ordinance was Tabled to the February 17, 2015
City Council meeting and left on the Second Reading. At the February 17, 2015
City Council meeting this ordinance was tabled to the April 7, 2015 City
Council meeting.*

This ordinance was left on the Second Reading

B. 2

2015-0008

**ENACT ARTICLE III PROCEDURE TO EXERCISE INITIATIVE
AND REFERENDUM RIGHTS OF CHAPTER 36: ELECTIONS:**

AN ORDINANCE TO ENACT ARTICLE III **PROCEDURE TO
EXERCISE INITIATIVE AND REFERENDUM RIGHTS OF
CHAPTER 36: ELECTIONS** INTO THE FAYETTEVILLE CODE TO
CLARIFY THE PROPER PROCEDURE FOR THE CITIZENS' RIGHT
OF THE INITIATIVE AND REFERENDUM

Attachments:Agenda Packet Ord § 36.20Referendum Procedural Ordinance 020315Proposed Referendum and Initiative Language

*This ordinance was left on the First Reading at the January 20, 2015 City Council meeting. This ordinance was tabled to the March 17, 2015 City Council Meeting at the February 3, 2015 City Council Meeting. This ordinance was left on the second reading at the March 17, 2015 City Council meeting.
This ordinance was left on the Second Reading*

C. New Business:

CV1

2015-0165

BID #15-23 - CROSSLAND HEAVY CONTRACTORS, INC.

A RESOLUTION TO AWARD BID #15-23 AND AUTHORIZE A CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC. IN THE AMOUNT OF \$1,014,576.50 FOR CONSTRUCTION OF THE UPPER SCULL CREEK DRAINAGE IMPROVEMENT PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$152,185.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:2015-0165BA LEGISTAR Upper Skull Creek 03172015

CV2

2015-0168

RZN 15-4953 - 1195 SOUTH CURTIS AVENUE

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-4953, FOR APPROXIMATELY 6.8 ACRES, LOCATED AT 1195 SOUTH CURTIS AVENUE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE

Attachments:staff report15-4953 CC ORDexhibits A & B

CV3

2015-0142

ACTIVE TRANSPORTATION PLAN AND MAP

A RESOLUTION TO ADOPT THE FAYETTEVILLE ACTIVE TRANSPORTATION PLAN AND MAP

Attachments:2015-0142 Active Transportation Plan and Map

C.4

2015-0151

AMEND §33.329 ELIGIBILITY OF CITIZEN VOLUNTEERS

AN ORDINANCE TO AMEND §33.329 **ELIGIBILITY OF CITIZEN VOLUNTEERS TO SERVE ON CITY BOARDS, COMMISSIONS AND COMMITTEES** TO REMOVE THE RESTRICTION ON THE NUMBER OF CONSECUTIVE TERMS A CITIZEN MAY SERVE

Attachments:Agenda Request § 33.329 Eligibility of Citizen Volunteers

C.5

2015-0172

ENACT ARTICLE XXVII CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

AN ORDINANCE TO ENACT ARTICLE XXVII CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS IN CHAPTER 33 DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES OF THE FAYETTEVILLE CODE

Attachments:Agenda Request Chapter 33 Departments, Boards, Commissions

C.6

2015-0171

AMEND §110.01 BILLPOSTING

AN ORDINANCE TO AMEND §110.01 BILLPOSTING

Attachments:Agenda Request § 110.01 Billposting

D. City Council Agenda Session Presentations: None

E. City Council Tour:

F. Announcements:

G. Adjournment

Add: Packerbilt Roll-off Truck. last consent
Add: Amend 172-03 Parking Prohibited in certain places. last consent

NOTICE TO MEMBERS OF THE AUDIENCE

After the meeting it was decided by the Nominating Committee to add the A&P Commission appointment. OK per Kit.

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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.

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Pre Agenda Meeting 3-25-15

City of Fayetteville, Arkansas

*113 West Mountain Street
Fayetteville, AR 72701
479-575-8323*



Meeting Agenda - Tentative Agenda

Tuesday, April 7, 2015

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
John S. La Tour Ward 4
Alan Long Ward 4*

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

2015-0115

Quarterly Financial Report - 4th Quarter 2014, Paul Becker, Chief
Financial Officer

Agenda Additions:

A. Consent:

A✓ 2014-0500

Approval of the March 17, 2015 City Council meeting minutes.

A✓ 2 2015-0141

HAZMAT SERVICES REVENUE

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT
RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED BY THE
FIRE DEPARTMENT FROM WASHINGTON COUNTY IN THE
AMOUNT OF \$1,930.00 AND INCREASING THE RELATED EXPENSE
BUDGET

Attachments:

SRF & SRM Hazmat Revenue Washington County March, 2015

BA BUDGET ADJUSTMENT FORM Hazmat Revenue Washington County-P

A✓3

2015-0150

**2015 ARROW XT FIRE ENGINE FROM PIERCE
MANUFACTURING, INC.**

A RESOLUTION TO APPROVE THE PURCHASE OF A 2015 ARROW XT FIRE ENGINE FROM PIERCE MANUFACTURING, INC. OF APPLETON, WISCONSIN IN THE AMOUNT OF \$517,485.00 PLUS A CONTINGENCY OF \$25,875.00 PURSUANT TO THE HOUSTON-GALVESTON AREA COUNCIL CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:SRF SRM PO and purchasing documents March, 2015BA New Fire Apparatus-Engine Purchase 2015

A✓4

2015-0143

2015 CATERPILLAR 308ECR EXCAVATOR FROM J.A. RIGGS

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A 2015 CATERPILLAR 308ECR EXCAVATOR FROM J.A. RIGGS OF SPRINGDALE IN THE AMOUNT OF \$100,208.25 PLUS APPLICABLE TAXES, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments:SRP 4-7-15 TRSM Excavator 827BA - 3-3-15 Use Fund Bal 827

A✓5

2015-0144

JOHN DEERE LOADER FROM STRIBLING EQUIPMENT

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A JOHN DEERE LOADER FROM STRIBLING EQUIPMENT OF SPRINGDALE, ARKANSAS IN THE AMOUNT OF \$139,750.00 PLUS APPLICABLE TAXES PURSUANT TO THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments:SRP 4-7-15 TRSM Loader 6011

AV 6

2015-0145

**2015 BORING MACHINE SERIES II NAVIGATOR FROM
VERMEER MIDSOUTH, INC.**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A TRAILER MOUNTED 2015 BORING MACHINE SERIES II NAVIGATOR FROM VERMEER MIDSOUTH, INC. OF SPRINGDALE, ARKANSAS IN THE AMOUNT OF \$213,522.66 PLUS ANY APPLICABLE TAXES PURSUANT TO THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:SRP 4-7-15 WSWD Boring Machine 9212BA 3-3-15 Boring Machine 9212

AV 7

2015-0146

**SIX (6) POLICE PACKAGE CHEVROLET TAHOES FROM
SUPERIOR CHEVROLET**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF SIX (6) POLICE PACKAGE CHEVROLET TAHOES FROM SUPERIOR CHEVROLET OF SILOAM SPRINGS IN THE TOTAL AMOUNT OF \$169,662.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE POLICE DEPARTMENT

Attachments:SRP 4-7-15 PDPT Tahoes 1290-95

W. 8

2015-0147

**2015 DODGE RAM 2500 PICKUP TRUCK FROM LANDERS
DODGE**

A RESOLUTION TO APPROVE THE PURCHASE OF A 2015 DODGE RAM 2500 PICKUP TRUCK FROM LANDERS DODGE OF BENTON, ARKANSAS IN THE AMOUNT OF \$24,752.00 PURSUANT TO A STATE PROCUREMENT CONTRACT FOR USE BY THE POLICE DEPARTMENT

Attachments:SRP 4-7-15 PDPT Dodge Ram 2187

A. 9 2015-0148

MAXSURGE HEALTHCARE SOLUTIONS, INC - AIRPORT HANGAR

A RESOLUTION TO APPROVE A THREE YEAR LEASE AGREEMENT WITH MAXSURGE HEALTHCARE SOLUTIONS, INC. FOR THE AIRPORT HANGAR AT 4580 SOUTH SCHOOL AVENUE FOR A RENT OF \$2,893.00 PER MONTH TO BEGIN RETROACTIVELY ON MARCH 1, 2015

Attachments:Legistar2015-148 MaxSurgeLease4580Hangar

A. 10 2015-0149

4TH JUDICIAL DISTRICT DRUG TASK FORCE GRANT

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A \$21,857.70 GRANT FROM THE STATE DRUG CRIME ENFORCEMENT AND PROSECUTION FUND TO BE MATCHED BY \$5,464.43 FROM CITY FUNDS TO BE USED BY THE 4TH JUDICIAL DISTRICT DRUG TASK FORCE, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:Agenda - DCF SupplementalBA - DCF Supplemental

A. 11 2015-0156

GULF STATE DISTRIBUTORS

A RESOLUTION TO APPROVE THE PURCHASE OF AMMUNITION NEEDED BY THE FAYETTEVILLE POLICE DEPARTMENT DURING 2015 FROM GULF STATE DISTRIBUTORS IN THE AMOUNT OF \$59,709.49 PURSUANT TO THE STATE OF ARKANSAS AMMUNITION CONTRACT

Attachments:Agenda - 2015 Ammo

A. 12

2015-0161

**AUTOMATED EXTERNAL DEFIBRILLATORS - POLICE
DEPARTMENT**

A RESOLUTION TO APPROVE THE PURCHASE OF AUTOMATED EXTERNAL DEFIBRILLATORS FOR POLICE DEPARTMENT VEHICLES FROM LIFESAVERS, INC. IN THE AMOUNT OF \$40,869.80 PURSUANT TO A STATE OF ARKANSAS PROCUREMENT CONTRACT

Attachments:Agenda - AEDs

A. 13

2015-0165

BID #15-23 - CROSSLAND HEAVY CONTRACTORS, INC.

A RESOLUTION TO AWARD BID #15-23 AND AUTHORIZE A CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC. IN THE AMOUNT OF \$1,014,576.50 FOR CONSTRUCTION OF THE UPPER SCULL CREEK DRAINAGE IMPROVEMENT PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$152,185.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:2015-0165BA LEGISTAR Upper Skull Creek 03172015**B. Unfinished Business:**

B. 1

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**AMEND § 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

Attachments:Agenda Packet § 71.016 Insurance Requirements

This ordinance was left on the First Reading and sent to the Ordinance Review Committee. This ordinance was Tabled to the February 17, 2015 City Council meeting and left on the Second Reading at the January 6, 2015 City Council Meeting. This ordinance was tabled to the 4/7/15 City Council meeting at the 2/17/15 City Council meeting.

B.2

2015-0008

**ENACT ARTICLE III PROCEDURE TO EXERCISE INITIATIVE
AND REFERENDUM RIGHTS OF CHAPTER 36: ELECTIONS:**

AN ORDINANCE TO ENACT ARTICLE III **PROCEDURE TO
EXERCISE INITIATIVE AND REFERENDUM RIGHTS OF
CHAPTER 36: ELECTIONS** INTO THE FAYETTEVILLE CODE TO
CLARIFY THE PROPER PROCEDURE FOR THE CITIZENS' RIGHT
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Attachments:Agenda Packet Ord § 36.20Referendum Procedural Ordinance 020315Proposed Referendum and Initiative Language

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Council meeting. This ordinance was tabled to the March 17, 2015 City Council
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This ordinance was left on the Second Reading*

Check who made the motion and second

C. New Business:

CV1

2015-0168

RZN 15-4953 - 1195 SOUTH CURTIS AVENUE

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN
REZONING PETITION RZN 15-4953, FOR APPROXIMATELY 6.8
ACRES, LOCATED AT 1195 SOUTH CURTIS AVENUE FROM RSF-4,
RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-24,
RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE

Attachments:staff report15-4953 CC ORDexhibits A & B

CV2

2015-0142

ACTIVE TRANSPORTATION PLAN AND MAP

A RESOLUTION TO ADOPT THE FAYETTEVILLE ACTIVE
TRANSPORTATION PLAN AND MAP

Attachments:2015-0142 Active Transportation Plan and Map

C. 3

2015-0172

**ENACT ARTICLE XXVII CONSTRUCTION BOARD OF
ADJUSTMENT AND APPEALS**

AN ORDINANCE TO ENACT ARTICLE XXVII CONSTRUCTION
BOARD OF ADJUSTMENT AND APPEALS IN CHAPTER 33
DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES OF
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Attachments:Agenda Request Chapter 33 Departments, Boards, Commissions

C. 4

2015-0151

AMEND §33.329 ELIGIBILITY OF CITIZEN VOLUNTEERS

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VOLUNTEERS TO SERVE ON CITY BOARDS, COMMISSIONS
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Attachments:Agenda Request § 33.329 Eligibility of Citizen Volunteers

C. 5

2015-0171

AMEND §110.01 BILLPOSTING

AN ORDINANCE TO AMEND §110.01 BILLPOSTING

Attachments:Agenda Request § 110.01 Billposting

C. 6

2015-0169

**AMEND RESOLUTION NO. 162-10 - LIERLY LANE
SUB-DIVISION**

A RESOLUTION TO AMEND RESOLUTION NO. 162-10 TO AMEND
THE SITE PLAN FOR THE LIERLY LANE SUB-DIVISION

Attachments:

15-4895 CC STAFF REPORTS

15-4895 CC RES

15-4895 CC EXHIBITS

D. City Council Agenda Session Presentations:**E. City Council Tour:****F. Announcements:****G. Adjournment**

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TO: Mayor Lioneld Jordan and Members of the City Council
Don Marr, Chief of Staff

FROM: Paul A. Becker, Finance Director *Paul A. Becker*

DATE: March 23, 2015

SUBJECT: **January Sales Taxes Received In February 2015 by the State**

The following key points need to be communicated regarding sales tax collections:

FAYETTEVILLE SALES TAX ACTIVITY

1. Sales tax collections remitted for sales tax subject to the 1 cent City tax in February, 2015 were up \$157,641 / 11.89% as compared to the same month prior year. These collections represent January, 2015 sales.
2. Sales tax collections remitted to the City for the City's share of County tax collections in February, 2015 were up \$133,667 / 15.44% as compared to the same month prior year. These collections represent January, 2015 sales.
3. When compared to budget for the month, sales tax collections were up a total of \$247,409 / 11.07%. The year to date budget impact for the two months is up a total of \$461,553 / 9.13%.

1% City / 1% County (Combined)	Budget	Actual	\$ Difference	% Difference
December, 2014	\$ 2,822,200	\$ 3,036,344	\$ 214,144	7.59%
January, 2015	2,235,400	2,482,809	247,409	11.07%
February, 2015				
March, 2015				
April, 2015				
May, 2015				
June, 2015				
July, 2015				
August, 2015				
September, 2015				
October, 2015				
November, 2015				
YTD Budget to Actual	\$ 5,057,600	\$ 5,519,153	\$ 461,553	9.13%
Funding Source	Budget	Actual	\$ Difference	% Difference
General Fund: 1% City (60% Split)	\$ 1,859,800	\$ 2,013,339	\$ 153,539	8.26%
1% County	1,957,800	2,163,588	205,788	10.51%
	\$ 3,817,600	\$ 4,176,927	\$ 359,327	9.41%
ST Capital: 1% City (40% Split)	\$ 1,240,000	\$ 1,342,226	\$ 102,226	8.24%
Total General/ST Capital Funds:	\$ 5,057,600	\$ 5,519,153	\$ 461,553	9.13%

NWA REGION SALES TAX ACTIVITY - JANUARY 2015 COLLECTIONS

4. January, 2015 1% City Sales Tax collections as compared to the surrounding areas were as follows:

City Sales Tax Collections:		January 2014	January 2015	\$ Difference	% Difference
1% City:	Fayetteville	\$ 1,325,512	\$ 1,483,153	\$ 157,641	11.89%
	Springdale	\$ 813,815	\$ 966,085	\$ 152,269	18.71%
	Bentonville	\$ 762,246	\$ 854,057	\$ 91,811	12.04%
	Rogers	\$ 1,037,374	\$ 1,123,302	\$ 85,928	8.28%

5. January, 2015 1% County Sales Tax collections as compared to the surrounding areas were as follows:

County Sales Tax Collections:		January 2014	January 2015	\$ Difference	% Difference
Washington	Fayetteville	\$ 865,989	\$ 999,656	\$ 133,667	15.44%
Washington	Springdale	\$ 750,214	\$ 872,152	\$ 121,938	16.25%
Benton	Bentonville	\$ 446,022	\$ 542,081	\$ 96,059	21.54%
Benton	Rogers	\$ 707,095	\$ 859,381	\$ 152,285	21.54%

6. January, 2015 countywide collections for the combined Washington and Benton Counties were as follows:

County Sales Tax Collections:		January 2014	January 2015	\$ Difference	% Difference
Washington County		\$ 2,389,944	\$ 2,758,836	\$ 368,892	15.44%
Benton County		2,796,579	3,398,871	602,292	21.54%
		<u>\$ 5,186,523</u>	<u>\$ 6,157,707</u>	<u>\$ 971,184</u>	<u>18.73%</u>

NWA REGION SALES TAX ACTIVITY - YEAR-TO-DATE (TWO MONTHS) COLLECTIONS

7. Year-to-Date (two months) collections as compared to the surrounding areas were as follows:

City Sales Tax Collections:		(Two Months) YTD 2014	(Two Months) YTD 2015	\$ Increase (Decrease)	% Increase (Decrease)
1% City:	Fayetteville	\$ 3,038,994	\$ 3,355,565	\$ 316,571	10.42%
	Springdale	\$ 1,692,851	\$ 1,997,184	\$ 304,333	17.98%
	Bentonville	\$ 1,655,507	\$ 1,695,235	\$ 39,728	2.40%
	Rogers	\$ 2,446,486	\$ 2,735,074	\$ 288,588	11.80%

8. Year-to-Date (two months) for the combined Washington and Benton Counties, sales were up \$1,682,965 / 14.76%.

Sales Tax Collections:		(Two Months) YTD 2014	(Two Months) YTD 2015	\$ Increase (Decrease)	% Increase (Decrease)
Washington County		\$ 5,296,739	\$ 5,971,038	\$ 674,299	12.73%
Benton County		6,106,003	7,114,669	1,008,666	16.52%
		<u>\$ 11,402,742</u>	<u>\$ 13,085,707</u>	<u>\$ 1,682,965</u>	<u>14.76%</u>

Branson, Lisa

From: Marr, Don
Sent: Tuesday, January 27, 2015 1:54 PM
To: Branson, Lisa
Subject: RE: City Council Agenda Session Presentation

Yes, this is approved.

Thanks.

Don

From: Branson, Lisa
Sent: Tuesday, January 27, 2015 1:27 PM
To: Marr, Don
Subject: FW: City Council Agenda Session Presentation

FYI, there are no other presentations on this agenda.

Lisa

Office of the City Clerk Treasurer

Lisa Branson CAMC, CMC

Deputy City Clerk

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From: Nierengarten, Peter
Sent: Tuesday, January 27, 2015 12:28 PM
To: Branson, Lisa
Cc: Marr, Don
Subject: City Council Agenda Session Presentation

Lisa:

Can you add the following presentation "Willow Bend Project Update" to the agenda for the City Council Agenda Session on March 31st?

Thank you!