

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
May 5, 2015**

A meeting of the Fayetteville City Council was held on May 5, 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 - 1st Quarter 2015, Paul Becker, Chief Financial Officer

Agenda Additions

A. Consent

1. Approval of the April 21, 2015 City Council meeting minutes.

APPROVED

2. **2015 Community Development Block Grant (CDBG) Agreement:** A resolution to authorize the Mayor to execute the Community Development Block Grant (CDBG) Agreement for 2015 when received in the amount of \$574,209.00 and to approve the 2015 action plan.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 91-15

3. **Amend Resolution No. 191-14:** A resolution to amend Resolution No. 191-14 concerning the purchase of two (2) International 7300 dump trucks with Henderson belly plows from Summit Truck Group of Lowell, Arkansas for use by the Transportation Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 92-15

4. **Williams Tractor of Fayetteville:** A resolution to authorize the purchase of one (1) Bobcat Toolcat utility vehicle from Williams Tractor of Fayetteville in the amount of \$51,763.00 plus any applicable taxes, pursuant to a National Joint Powers Alliance cooperative purchasing agreement, for use by the Parks and Recreation Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 93-15

5. **Scott Equipment of Springdale:** A resolution to authorize the purchase of a Gradall XL3100 IV 4x2 Excavator Truck from Scott Equipment of Springdale, Arkansas in the amount of \$313,324.00 pursuant to a National Joint Powers Alliance cooperative purchasing agreement for use by the Transportation Services Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 94-15

6. **Bid #15-22 Truck Centers of Arkansas:** A resolution to award Bid #15-22 and authorize the purchase of three (3) Freightliner dump trucks from Truck Centers of Arkansas in the total amount of \$368,232.00 for use by the Water and Sewer Operations Division and the Transportation Services Department, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 95-15

7. **Bid #15-29 Hutchens Construction.:** A resolution to award Bid #15-29 and authorize the purchase of cold asphalt concrete from Hutchens Construction for a unit price of \$105.00 per ton as needed through the end of 2015.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 96-15

8. **Amend Resolution No. 05-15:** A resolution to amend Resolution No. 05-15 concerning the Transportation Division Overlay/Sidewalk Project list for 2015.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 97-15

9. **Garver, LLC Task Order No. 2:** A resolution to approve Task Order No. 2 with Garver, LLC for design work, bidding services, construction phase services, materials testing and closeout services associated with the airport terminal apron rehabilitation project in an amount not to exceed \$73,000.00, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 98-15

10. **Arkansas Department of Aeronautics Grant:** A resolution to authorize application for an Arkansas Department of Aeronautics 90/10 Grant in an amount up to \$500,000.00 for rehabilitation of the airport terminal parking apron, with the final amount contingent on the actual cost of the project based on competitive bidding.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 99-15

11. **Bright Investments, LLC:** A resolution to approve the performance bond of Bright Investments, LLC to guarantee construction of required sidewalk improvements along Armstrong Avenue by the end of 2017.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 100-15

B. Unfinished Business

1. **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 at the April 7, 2015 City Council meeting. This ordinance was left on the Second Reading at the April 21, 2015 City Council meeting.***

THIS ORDINANCE FAILED

2. **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 at the April 7, 2015 City Council meeting. This ordinance was left on the Second Reading at the April 21, 2015 City Council meeting.***

The new amended ordinance title is:

Enact §72.19 Parking Blocking a Mailbox Prohibited: An ordinance to enact §72.19 Parking Blocking a Mailbox Prohibited.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5764

C. New Business

1. **Amend § 72.34 Parking Signs Or Curb Markings Required:** An ordinance to amend § 72.34 **Parking Signs Or Curb Markings Required** of the Fayetteville Code to authorize the Traffic Superintendent to erect signs or paint curbs indicating a no parking zone where necessary.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5765

2. **VAC 15-5001 (4301/4331 N. Waterside Ct./Sims-Renner Office Building):** An ordinance approving VAC 15-5001 submitted by Bates & Associates for property located at 4301/4331 N. Waterside Court to vacate an access easement.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5766

3. **Amend §116.02 Door to Door Solicitation:** An ordinance amending §116.02 Door to Door Solicitation at private residences (D)(4) of the Fayetteville Code in order to provide an improved and expedited background check process for applicants and to declare an emergency.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5767

4. **Amend §178.03 (E) and (F):** An ordinance amending §178.03(E) and (F) of the Unified Development Code to remove pre-approved sidewalk vendor locations in front of the Walton Arts Center as agreed upon in Resolution 118-04, and to streamline the approval process for alternative locations.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5768

5. **Affiliated Computer Services, Inc.:** An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of two (2) Kodak i4200 scanners from Affiliated Computer Services, Inc. of Dallas, Texas in the total amount of \$19,884.00 plus applicable sales taxes for use by the office of the City Clerk/Treasurer.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5769

6. **Express City Council Intent to Develop Invasive Plant Species Policy:** A resolution to express the City Council's intent to develop policies or ordinances to discourage the spread of invasive plant species.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 101-15

Announcements

City Council Agenda Session Presentations

City Council Tour

Adjournment: 7:45 p.m.

Subject:	Roll				
Alderman Tennant was absent	Petty	✓			
	Tennant	Absent			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan	✓			

8-0

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

Subject:	Consent				
Motion To:		Approve			
Motion By:		Marsh			
Seconded:		Gray			
Minutes Approved Passed 91-15 thru 100-15	Petty	✓			
	Tennant	Absent			
	Schoppmeyer	✓			
	La Tour	No			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan				

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

Subject:	AMEND §33.329 ELIGIBILITY OF CITIZEN VOLUNTEERS				
Motion To:		3rd Read	Pass		
Motion By:		Gray			
Seconded:		Long			
B. 1 Unfinished Business <u>Failed</u>	Petty	✓	N		
	Tennant	Absent	Absent		
	Schoppmeyer	✓	N		
	La Tour	No	N		
	Long	✓	✓		
	Gray	✓	N		
	Marsh	✓	N		
	Kinion	✓	N		
	Mayor Jordan				

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1-6 Failed

Subject:	AMEND § 72.03 PARKING PROHIBITED IN CERTAIN PLACES				
Motion To:		Amend penalty as proposed	Amend as proposed	3rd Read	Pass
Motion By:		Long	Petty	City Attorney	
Seconded:		Marsh	Long	Kit Williams read the entire ordinance.	
B. 2 Unfinished Business <u>passed</u>	Petty	✓	✓		✓
	Tennant	Absent	absent	Absent	Absent
	Schoppmeyer	✓	✓		✓
	La Tour	✓	✓		N
	Long	✓	✓		✓
	Gray	✓	✓		✓
	Marsh	✓	✓		✓
	Kinion	✓	✓		✓
	Mayor Jordan				

7-0

7-0

6-1

Subject:		AMEND § 72.34 PARKING SIGNS OR CURB MARKINGS REQUIRED			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Marsh	Marsh	
Seconded:			Long	Gray	
C. 1 New Business <u>passed</u> 5765	Petty	✓	✓	✓	
	Tennant	Absent	Absent	Absent	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Mayor Jordan				
		7-0	7-0	7-0	

Subject:		VAC 15-5001 (4301/4331 N. WATERSIDE CT./SIMS-RENNER OFFICE BUILDING)			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Marsh	Gray	
Seconded:			Long	Marsh	
C. 2 New Business <u>passed</u> 5766	Petty	✓	✓	✓	
	Tennant	Absent	Absent	Absent	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Mayor Jordan				
		7-0	7-0	7-0	

Subject: AMEND §116.02 DOOR TO DOOR SOLICITATION					
Motion To:		2nd Read	3rd Read	Pass	Emergency Clause
Motion By:		Marsh	Marsh		Gray
Seconded:		Long	Gray		Marsh
C. 3 New Business <u>passed</u> Emergency Clause	Petty	✓	✓	✓	✓
	Tennant	Absent	absent	absent	absent
	Schoppmeyer	✓	✓	✓	✓
	La Tour	✓	✓	✓	✓
	Long	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Marsh	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
57107	Mayor Jordan				
		7-0	7-0	7-0	7-0

Subject: AMEND §178.03 (E) AND (F)					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Marsh	Gray		
Seconded:		Gray	Marsh		
C. 4 New Business <u>passed</u> 57108	Petty	✓	✓	✓	
	Tennant	Absent	absent	absent	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Mayor Jordan				
		7-0	7-0	7-0	

Subject:	AFFILIATED COMPUTER SERVICES, INC.				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Marsh</i>	<i>Gray</i>		
Seconded:		<i>Gray</i>	<i>Marsh</i>		
C. 5 New Business <i>passed</i> 57609	Petty	✓	✓	✓	
	Tennant	<i>Absent</i>	<i>absent</i>	<i>absent</i>	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Mayor Jordan				

7-0

7-0

7-0

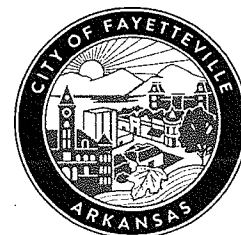
Subject:	EXPRESS CITY COUNCIL INTENT TO DEVELOP INVASIVE PLANT SPECIES POLICY				
Motion To:		<i>Approve</i>			
Motion By:		<i>Petty</i>			
Seconded:		<i>Marsh</i>			
C. 6 New Business <i>passed</i> 101-15	Petty	✓			
	Tennant	<i>Absent</i>			
	Schoppmeyer	✓			
	La Tour	<i>N</i>			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan				

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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/Treasurer

FROM: Kit Williams, City Attorney

DATE: May 6, 2015

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of May 5, 2015

1. A resolution to authorize the Mayor to execute the Community Development Block Grant (CDBG) agreement for 2015 when received in the amount of \$574,209.00 and to approve the 2015 Action Plan.
2. A resolution to amend resolution no. 191-14 concerning the purchase of two (2) International 7300 dump trucks with Henderson belly plows from Summit Truck Group of Lowell, Arkansas for use by the Transportation Division.
3. Bobcat toolcat utility vehicle from Williams Tractor of Fayetteville in the amount of \$51,763.00 plus any applicable taxes, pursuant to a National Joint Powers Alliance Cooperative Purchasing Agreement, for use by the Parks and Recreation Department.
4. A resolution to authorize the purchase of a Gradall XL3100 IV 4x2 excavator truck from Scott Equipment of Springdale, Arkansas in the amount of \$313,324.00 pursuant to a National Joint Powers Alliance Cooperative Purchasing Agreement for use by the Transportation Services Department.
5. A resolution to award bid #15-22 and authorize the purchase of three (3) Freightliner dump trucks from Truck Centers of Arkansas in the total amount of \$368,232.00 for use by the Water Division and the Transportation Services Department, and to approve a budget adjustment.
6. A resolution to award bid #15-29 and authorize the purchase of cold asphalt concrete from Hutchens Construction for a unit price of \$105.00 per ton as needed through the end of 2015.

7. A resolution to amend resolution no. 05-15 concerning the Transportation Division overlay/sidewalk projects list for 2015.
8. A resolution to approve task order no. 2 with Garver, LLC for design work, bidding services, construction phase services, materials testing and closeout services associated with the airport terminal apron rehabilitation project in an amount not to exceed \$73,000.00, and to approve a budget adjustment.
9. A resolution to authorize application for an Arkansas Department of Aeronautics 90/10 grant in an amount up to \$500,000.00 for rehabilitation of the Airport terminal parking apron, with the final amount contingent on the actual cost of the project based on competitive bidding.
10. An ordinance to enact § 72.19 **Parking Blocking A Mailbox Prohibited.**
11. An ordinance to amend § 72.34 **Parking Signs Or Curb Markings Required** of the Fayetteville Code to authorize the Traffic Superintendent to erect signs or paint curbs indicating a no parking zone where necessary.
12. An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of two (2) Kodak I4200 scanners from Affiliated Computer Services, Inc. of Dallas, Texas in the total amount of \$19,884.00 plus applicable sales taxes for use by the Office of the City Clerk/Treasurer.
13. A resolution to express the City Council's intent to develop policies or ordinances to discourage the spread of invasive plant species.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final

Tuesday, May 5, 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:**

1. [2015-0116](#)
QUARTERLY FINANCIAL REPORT - 1ST QUARTER 2015, PAUL
BECKER, CHIEF FINANCIAL OFFICER

Agenda Additions:**A. Consent:**

- A. 1 [2014-0502](#)
APPROVAL OF THE APRIL 21, 2015 CITY COUNCIL MINUTES.
- A. 2 [2015-0193](#)
**2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
AGREEMENT**

A RESOLUTION TO AUTHORIZE THE MAYOR TO EXECUTE THE
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
AGREEMENT FOR 2015 WHEN RECEIVED IN THE AMOUNT OF
\$574,209.00 AND TO APPROVE THE 2015 ACTION PLAN

Attachments: [SRF-CCAM-2015 Action Plan](#)

- A. 3 [2015-0199](#)
AMEND RESOLUTION NO. 191-14

A RESOLUTION TO AMEND RESOLUTION NO. 191-14
CONCERNING THE PURCHASE OF TWO (2) INTERNATIONAL 7300
DUMP TRUCKS WITH HENDERSON BELLY PLOWS FROM
SUMMIT TRUCK GROUP OF LOWELL, ARKANSAS FOR USE BY
THE TRANSPORTATION DIVISION

Attachments: [SRP 4-15-15 TRSM Belly Plow Trucks 776-777](#)

A. 4 [2015-0198](#)**WILLIAMS TRACTOR OF FAYETTEVILLE**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF ONE (1) BOBCAT TOOLCAT UTILITY VEHICLE FROM WILLIAMS TRACTOR OF FAYETTEVILLE IN THE AMOUNT OF \$51,763.00 PLUS ANY APPLICABLE TAXES, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE BY THE PARKS AND RECREATION DEPARTMENT

Attachments: [SRP 4-15-15 PKDV Tool Cat 6012](#)

A. 5 [2015-0200](#)**SCOTT EQUIPMENT OF SPRINGDALE**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A GRADALL XL3100 IV 4X2 EXCAVATOR TRUCK FROM SCOTT EQUIPMENT OF SPRINGDALE, ARKANSAS IN THE AMOUNT OF \$313,324.00 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments: [SRP 4-15-15 TRSM Gradall 828](#)

A. 6 [2015-0201](#)**BID #15-22 TRUCK CENTERS OF ARKANSAS**

A RESOLUTION TO AWARD BID #15-22 AND AUTHORIZE THE PURCHASE OF THREE (3) FREIGHTLINER DUMP TRUCKS FROM TRUCK CENTERS OF ARKANSAS IN THE TOTAL AMOUNT OF \$368,232.00 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION AND THE TRANSPORTATION SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [SRP 4-15-15 TR WS Dump Trucks 778-779-780](#)
 [BA -WS for 778 Exp, Legistar](#)

A. 7 [2015-0203](#)**BID #15-29 HUTCHENS CONSTRUCTION**

A RESOLUTION TO AWARD BID #15-29 AND AUTHORIZE THE PURCHASE OF COLD ASPHALT CONCRETE FROM HUTCHENS CONSTRUCTION FOR A UNIT PRICE OF \$105.00 PER TON AS NEEDED THROUGH THE END OF 2015

Attachments:

[SRP 2015-0203 Bid 15-29 Cold Asphalt Concrete](#)

A. 8 [2015-0194](#)**AMEND RESOLUTION NO. 05-15**

A RESOLUTION TO AMEND RESOLUTION NO. 05-15 CONCERNING THE TRANSPORTATION DIVISION OVERLAY/SIDEWALK PROJECTS LIST FOR 2015

Attachments:

[SRP 2015-0194 2015 Work Plan Revision](#)

A. 9 [2015-0207](#)**GARVER, LLC TASK ORDER NO. 2**

A RESOLUTION TO APPROVE TASK ORDER NO. 2 WITH GARVER, LLC FOR DESIGN WORK, BIDDING SERVICES, CONSTRUCTION PHASE SERVICES, MATERIALS TESTING AND CLOSEOUT SERVICES ASSOCIATED WITH THE AIRPORT TERMINAL APRON REHABILITATION PROJECT IN AN AMOUNT NOT TO EXCEED \$73,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[Legistar2015-0207 Garver TO2 041615](#)

[BA BUDGET ADJUSTMENT FORM LEGISTAR GarverLLC](#)

A. 10 [2015-0206](#)**ARKANSAS DEPARTMENT OF AERONAUTICS GRANT**

A RESOLUTION TO AUTHORIZE APPLICATION FOR AN ARKANSAS DEPARTMENT OF AERONAUTICS 90/10 GRANT IN AN AMOUNT UP TO \$500,000.00 FOR REHABILITATION OF THE AIRPORT TERMINAL PARKING APRON, WITH THE FINAL AMOUNT CONTINGENT ON THE ACTUAL COST OF THE PROJECT BASED ON COMPETITIVE BIDDING

Attachments:

[Legistar2015-0206 ADA Grant TermApronRehab 041615](#)

A. 11 [2015-0208](#)**BRIGHT INVESTMENTS, LLC**

A RESOLUTION TO APPROVE THE PERFORMANCE BOND OF BRIGHT INVESTMENTS, LLC TO GUARANTEE CONSTRUCTION OF REQUIRED SIDEWALK IMPROVEMENTS ALONG ARMSTRONG AVENUE BY THE END OF 2017

Attachments: [Agenda Packet](#)

B. Unfinished Business:**B. 1** [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](#)

At the April 7, 2015 City Council meeting this ordinance was left on the First Reading. At the April 21, 2015 City Council meeting this ordinance was left on the second reading.

B. 2 [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](#)

[City Attorney Memo 040915](#)

[Additional City Attorney Memo](#)

At the April 7, 2015 City Council meeting this ordinance was left on the First Reading. At the April 21, 2015 City Council meeting this ordinance was left on the second reading.

C. New Business:

C. 1 [2015-0219](#)**AMEND § 72.34 PARKING SIGNS OR CURB MARKINGS
REQUIRED**

AN ORDINANCE TO AMEND § 72.34 **PARKING SIGNS OR CURB MARKINGS REQUIRED** OF THE FAYETTEVILLE CODE TO AUTHORIZE THE TRAFFIC SUPERINTENDENT TO ERECT SIGNS OR PAINT CURBS INDICATING A NO PARKING ZONE WHERE NECESSARY

Attachments: [SM 04-22-2015](#)

C. 2 [2015-0210](#)**VAC 15-5001 (4301/4331 N. WATERSIDE CT./SIMS-RENNER
OFFICE BUILDING)**

AN ORDINANCE APPROVING VAC 15-5001 SUBMITTED BY BATES & ASSOCIATES FOR PROPERTY LOCATED AT 4301/4331 N. WATERSIDE COURT TO VACATE AN ACCESS EASEMENT

Attachments: [15-5001 CC EXHIBITS](#)
 [15-5001 CC REPORTS](#)

C. 3 [2015-0204](#)**AMEND §116.02 DOOR TO DOOR SOLICITATION**

AN ORDINANCE AMENDING §116.02 DOOR TO DOOR SOLICITATION AT PRIVATE RESIDENCES (D)(4) OF THE FAYETTEVILLE CODE IN ORDER TO PROVIDE AN IMPROVED AND EXPEDITED BACKGROUND CHECK PROCESS FOR APPLICANTS AND TO DECLARE AN EMERGENCY

Attachments: [Agenda Packet](#)

C. 4 [2015-0211](#)**AMEND §178.03 (E) AND (F)**

AN ORDINANCE AMENDING §178.03(E) AND (F) OF THE UNIFIED DEVELOPMENT CODE TO REMOVE PRE-APPROVED SIDEWALK VENDOR LOCATIONS IN FRONT OF THE WALTON ARTS CENTER AS AGREED UPON IN RESOLUTION 118-04, AND TO STREAMLINE THE APPROVAL PROCESS FOR ALTERNATIVE LOCATIONS

Attachments: [Exhibit A](#)
 [Agenda Item](#)

C. 5 [2015-0177](#)**AFFILIATED COMPUTER SERVICES, INC.**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF TWO (2) KODAK I4200 SCANNERS FROM AFFILIATED COMPUTER SERVICES, INC. OF DALLAS, TEXAS IN THE TOTAL AMOUNT OF \$19,884.00 PLUS APPLICABLE SALES TAXES FOR USE BY THE OFFICE OF THE CITY CLERK/TREASURER

Attachments:[Agenda Packet - Kodak i4200 Scanners Final](#)**C. 6** [2015-0186](#)**EXPRESS CITY COUNCIL INTENT TO DEVELOP INVASIVE PLANT SPECIES POLICY**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENT TO DEVELOP POLICIES OR ORDINANCES TO DISCOURAGE THE SPREAD OF INVASIVE PLANT SPECIES

Attachments:[2015-0186 Invasive Species Resolution](#)[Additional-Express City Council Intent to Develop Invasive Plant Species](#)**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.

BEWARE OF THE ALIEN INVADER

If you have walked through Gulley Park, Mount Sequoyah Woods or in many of our neighborhoods, you have probably noticed a bush that greens up early in the spring, has pretty red berries in the fall, looks nice and seems to be growing everywhere. It is **Bush Honeysuckle**, a plant brought into this country in the late 1800's from eastern Asia and promoted as a hedge, ground cover and landscape plant. It certainly had those qualities but what wasn't realized then was that it had a **dark side** – it could spread and grow into almost any habitat around it -- wet, dry, sunny or shady. So now, we are seeing it where it was never intended to be – in our forests, our open prairie areas, beside our streams and lakes. It has become an **"invasive alien"** of the worst order and magnitude with the destructive capacity to slowly take over and replace native plant and animal communities.

This alien invader is easily identified. It has, of course, a bush configuration and grows four to eight feet high forming dense thickets. Its leaves are pointed and located oppositely on the branch. In the spring, yellow/white flowers grow at the base of the leaves where paired red berries develop in late summer.

Bush Honeysuckle is spread by birds and by root propagation. It is often seen growing into the margins of forests --**from our properties!** -- where its dense, compact form and early spring leafing effectively shades out the crested iris, trout lily, trillium, spicebush and other normal flora of the forest floor. If allowed to grow unimpeded, it can actually prevent the natural regeneration of forest trees and halt normal forest succession. Its berries, consisting mostly of carbohydrates, do not make good food for birds, especially migrating species, which need berries and nuts that are rich in fat and protein for long lasting food stores. And, of course, when there are no nuts to eat, the squirrels and chipmunks disappear followed by the owls, hawks and foxes that feed on them and eventually, the normal balance between the plants and animals in their natural habitats is destroyed.

Well, what can be done to fend off this "evil alien invader"? For one thing, **don't allow it to grow on your property**. When the invaders are small ("alien babies"), they can easily be pulled out by hand. When they are full grown, stronger steps are needed. The conservation departments of Missouri, Ohio, Indiana and other states recommend cutting the "invader" at its base and painting the stump with a 20% or higher concentration of glyphosate (TM Roundup or Rodeo). This helps to discourage the invader from rising up again, but often repeat cutting and herbicide applications are needed in the succeeding 3-5 years --this invader is no weakling!

What are the consequences if we do not act? -- **a major alien take-over!** What should we do? I propose that we -- **arm ourselves, declare war on the "aliens" and start a major community crusade (campaign) and get after these guys -- its time to act!**

"Crusadingly" submitted,

Pete Heinzelmann

Beware of the Evil Alien Invader

Bush Honeysuckle



Springtime



Skull Creek Trail



Before





After



Joel Walsh's Article on Bush Honeysuckle

November 2013

I commend NWA Times reporter, Joel Walsh, for his timely and important article about the threat that invasive bush honeysuckle poses for our native plant and animal habitats in and around Fayetteville. As he stated, this plant was brought into this country from Asia in the late 1800s and promoted as a hedge and groundcover. Years ago, it was actually sold at a local nursery, which probably explains why there is so much of it here now. What wasn't known then was its ability to invade and take over areas where it never was intended to be.

We now are seeing it in our urban forests (Mt. Sequoyah), our parks, and along our streams and trails. Its dense thickets, which green up early in the spring, effectively shade out native wildflowers and tree seedlings and block our view of these special areas. It also threatens the interdependent relationships between native plants and animals that have developed over thousands of years and that have led to the incredible biodiversity that we enjoy today. When monocultures like bush honeysuckle take over, diversity goes away. Its berries, which consist mostly of sugar, do not provide the balanced (diverse) and healthy diet that birds need. Besides sugars, birds need the fats and proteins that the seeds and insects of native habitats provide for them and that doesn't occur with monocultures of bush honeysuckle.

My own personal experience with bush honeysuckle occurred on a small wooded lot next to our home where our kids used to play. That was thirty years ago. Since then it has been gradually filled in and overgrown with bush honeysuckle to the point where one could not see into it or walk through it. About three months ago, we began the process of removing this invasive plant by pulling out the smaller ones and cutting the larger ones at their base and painting the stumps with glyphosate herbicide (like 20% Roundup TM). The stems and branches were taken to the curb, picked up by a city truck with a "clam shell grabber" and hauled away. The first load was free - a really good deal to get rid of a really bad actor like bush honeysuckle!

We are now looking forward to seeing the return of what our natural Ozark habitat has always provided - dogwoods, serviceberry, crested iris, trout lily, trillium and many more species of native plants and animals (especially birds) that should be here next to our home.

Pete Heinzelmann
Fayetteville (841-3404)

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 21, 2015**

A meeting of the Fayetteville City Council was held on April 21, 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, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman La Tour

Pledge of Allegiance:

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the April 7, 2015 City Council meeting minutes.

Approved

2014 Animal Services for the Fourth Quarter Donation Revenue: A resolution to approve a budget adjustment in the amount of \$15,225.00 representing donation revenue to Animal Services for the fourth quarter of 2014.

Resolution 82-15 as recorded in the office of the City Clerk

Bid #15-21 Frost Oil Company: A resolution to award Bid #15-21 and authorize the purchase of bulk oils and lubricants from Frost Oil Company of Van Buren in variable amounts and for varying unit prices as needed for a term of one year from the date of award with the option to renew for four additional one year terms.

Resolution 83-15 as recorded in the office of the City Clerk

Bid #15-26 Cruse Uniforms & Equipment, Inc.: A resolution to award Bid #15-26 and authorize a one year contract with Cruse Uniforms & Equipment, Inc. in the amount of \$15,387.60, with four consecutive one year renewal options, for the purchase of uniforms for the Fayetteville Fire Department.

Resolution 84-15 as recorded in the office of the City Clerk

Amend Resolution No. 162-10 Lierly Lane Subdivision: A resolution to amend Resolution No. 162-10 to revise the site plan for the remainder of the Lierly Lane Subdivision by reducing the number of single family lots to ten and by reconfiguring the public access location to the natural park area.

Resolution 85-15 as recorded in the office of the City Clerk

Casco Industries.: A resolution to authorize a contract with Casco Industries, Inc. for the purchase of variable amounts of replacement bunker gear for the Fayetteville Fire Department for the unit prices of \$1,165.00 for structural firefighting personal protective coats and \$815.00 for structural firefighting personal protective pants on an as needed basis through March 9, 2018, pursuant to a cooperative bid process through the City of Springdale.

Resolution 86-15 as recorded in the office of the City Clerk

Electra Link, Inc.: A resolution to approve a contract with Electra Link, Inc. through RFP 13-11 for the purchase and installation of an access control system for City Hall and Development Services in the total amount of \$69,634.30, to authorize a ten percent (10%) project contingency in the amount of \$6,963.43, and to approve a budget adjustment.

Resolution 87-15 as recorded in the office of the City Clerk

Garver, LLC Professional Engineering Services Agreement: A resolution to authorize a professional engineering services agreement with Garver, LLC for on-call engineering services for the airport in an amount not to exceed \$20,000.00, and to approve a budget adjustment.

Removed from the Consent Agenda for discussion.

University of Arkansas Memorandum of Understanding: A resolution to approve a Memorandum of Understanding with the University of Arkansas for placement of a University owned gas service line within the City of Fayetteville right of way.

Resolution 88-15 as recorded in the office of the City Clerk

Alderman Kinion moved to accept the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman La Tour was absent.

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

Garver, LLC Professional Engineering Services Agreement: A resolution to authorize a professional engineering services agreement with Garver, LLC for on-call engineering services for the airport in an amount not to exceed \$20,000.00, and to approve a budget adjustment.

Johnny Roscoe, Airport Director gave a brief description of the resolution. He stated what he would like entered in is the contract which brings Garver on board as the Civil Engineering firm as well as the task order for the \$20,000.00 on-call work.

City Attorney Kit Williams: We revised the resolution to include both of the items as requested by the Airport.

Alderman Marsh moved to amend the resolution to the new resolution presented to the City Council. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman La Tour was absent.

Alderman Gray moved to approve the resolution. Alderman Tennant seconded the motion. Upon roll call the resolution passed 7-0. Alderman La Tour was absent.

Resolution 89-15 as recorded in the office of the City Clerk

Unfinished Business:

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 at the April 7, 2015 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Alderman Long: I brought this forward for the purpose of saying anyone in our citizenry can apply for any of the boards, not an arbitrary rule saying they can't. It gives us the ability as a Council to pick from the best pool of applicants.

Alderman Kinion: I would like to leave it on the Second Reading.

This ordinance was left on the Second Reading

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 at the April 7, 2015 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Alderman Long: I have talked to constituents and they feel this is necessary. We have a letter from Sarah Harrell, POA President of Crystal Springs Subdivision. They have all their mailboxes on one side of the street. When someone blocks one mailbox, they block more than one. It has become quite a problem in some areas. She has to mediate neighbor disputes and it would be nice to have a legal recourse. Chief Tabor has spoken with many people over the years that have claimed that people were blocking their mailboxes. What do you see is the need here or how do you address these concerns?

Greg Tabor, Chief of Police: I ran a query to see how many complaints we had on people blocking mailboxes. In 2014 we had a total of 20 complaints. Because we haven't had anything that makes this a violation, some citizens may have been dealing with this for years and they know not to call because it isn't illegal.

Alderman Long: Would this be a patrolling situation or complaint driven?

Greg Tabor, Chief of Police: An officer uses his discretion every day. For me to say that if an officer drove by and saw somebody parked in front of a mailbox and he wouldn't take the initiative to write that a person a ticket is probably a stretch. It depends on the circumstances and how busy we are.

Alderman Tennant: If this was complaint driven, could you walk through the process of what that means to your officers?

Greg Tabor, Chief of Police: A call would have to be made to dispatch. When an officer arrives at the location he could run the tag, find the owner and go speak to them. They would be made aware that they can't park there or the officer could elect to write them a ticket. When I think about complaint driven, it's when somebody is calling the Police Department Dispatch Center and making a complaint that their mailbox is blocked.

Alderman Marsh: When somebody calls your Dispatch Center, they are calling 911?

Greg Tabor, Chief of Police: No. They are calling the non-emergency number.

Alderman Gray: I've talked to several people who thought we already had an ordinance. I would be in favor of having an ordinance so the officer can warn the person. I think it would stop at that point.

Greg Tabor, Chief of Police: If someone has been issued a warning it is entered into our record management system. The police officer has access to the system to see if any prior warnings have been issued.

Alderman Petty: What would be the penalty?

City Attorney Kit Williams: I sent you a memo on April 9, 2015 discussing that. It is like all the other prohibited parking ones. \$70.00 is the penalty. The judge has discretion.

Alderman Kinion: Do we have to mark these areas as non-parking?

City Attorney Kit Williams: No. This is not part of that particular statute. It should be denoted according to another section. We are going to bring forward a section that will explain that a little bit better. There has to be proper notice before someone can be held in violation.

Don Marr, Chief of Staff: We plan to bring a revision to the Council that leaves the traffic superintendent an opportunity, who may mark streets. There are parts of town that we do that currently.

Alderman Tennant: Does the postal service have a federal law?

Greg Tabor, Chief of Police: Not that we can find. The postal service has their own internal rule that tells the postal workers if the mailbox is blocked they are not obligated to leave the mail. We couldn't find any city ordinance, state law or federal law that prohibited that.

Don Marr, Chief of Staff: I spoke to the Post Master and that is the case.

Loraine O'Neal, 3001 West Wedington Drive spoke in opposition of the ordinance.

Peter Tonnessen, 3500 Hearthstone Drive spoke in opposition of the ordinance.

Laura Phillips, 2055 South Kline spoke in favor of the ordinance.

Alderman Long: We looked at the complaint driven portion of it. I wondered if we could write it into the ordinance to be complaint driven, but we can't have selective enforcement. One of the complaints I received from a constituent is that an elderly man was trying to get his medicine out of his mailbox. This is one of the reasons I went forward with this because that is urgent. Sarah

from Crystal Springs Subdivision wanted to talk to her neighbors, but wanted to have something to show them when she did.

Alderman Gray stated that mailboxes are very important and it is an important ordinance to protect our citizens.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Kinion seconded the motion. Upon roll call the motion failed 3-4. Alderman Kinion, Long, and Gray voting yes. Alderman Petty, Tennant, Schoppmeyer, and Marsh voting no. Alderman La Tour was absent.

Alderman Petty: I'm not against the intention of the ordinance. It is going a little too far in terms of its enforcement. I believe a \$70.00 fine is excessive for this violation. I'm fine with it being a violation on the books. I would like to make an amendment.

City Attorney Kit Williams: Since we are leaving it on the Second Reading, I would suggest if you are going to have different penalties I would be happy to work with you. I prefer we leave it on the Second Reading and let me work with Alderman Petty to bring up an amendment that would probably be an entirely new section and not just part of an existing section where the penalty provision is already spelled out in the code.

Alderman Petty: That is fine with me.

A discussion followed about amending the ordinance to include warnings and then a penalty.

Alderman Gray: It is amazing that people do not know that they are not supposed to park in front of mailboxes and feel like it is ok. I think the \$70.00 penalty needs to remain.

This ordinance was left on the Second Reading

Public Hearing:

Park Lake Apartments Acquisition and Renovation: A resolution to approve the issuance of not to exceed \$50,000,000.00 of the Public Finance Authority Revenue Bonds to finance or refinance certain costs of various projects, including the acquisition and renovation of the 91-unit Park Lake Apartments located at 1753 E. Zion Road, on behalf of American Agape Foundation, Inc. of San Antonio, Texas.

Mayor Jordan opened the Public Hearing.

Paul Becker, Finance Director gave a brief description of the resolution. He stated the city would in no way have any liability for the bonds. He stated they would not be issued in the name of Fayetteville, so therefore we would have no responsibilities as far as project fund or the debt services payments back. He stated this looks like a very good project for the City of Fayetteville.

Star Van Allen, Park Lake Apartments resident spoke in favor of the resolution. He went through a list of repairs needed for the apartments. He stated parking lot lighting was very much needed for safety reasons.

Peter Tonnessen, 3500 Hearthstone Drive: \$50 million dollars would work out to be \$500,000.00 per unit. Why is the city considering this if the city isn't on the bonds?

Paul Becker, Finance Director: That's the maximum of a bond issue the authority can issue. There will be several projects bonded together and that holds the transactional cost down. It's not just this project, it will be other projects elsewhere in the United States. It is a federal authorized TEFRA bond and in the legislation that the federal government passed it requires a public hearing in the municipality or locality where the project is being done.

City Attorney Kit Williams: You heard the tenant's description of some of the problems in the apartment complex?

Mike Goodwin, American Agape Foundation: Yes.

City Attorney Kit Williams: How much are you planning to spend on this particular project if these bonds are passed?

Mike Goodwin, American Agape Foundation: Our repairs budget is \$582,000.

City Attorney Kit Williams: Will that respond to all the repair items that Mr. Van Allen was talking about?

Mike Goodwin, American Agape Foundation: The one I haven't addressed, but I've got it on the first contingency list, is the parking lot lighting. I didn't put it on the list because I have a local contractor who was supposed to give me a bid to put in high efficiency low energy lighting. If he comes within the contingency I'm going to add that as soon as we can. We are going to change out all the windows and put in sealed double panes throughout the property.

Alderman Tennant: I hope the Council will join me in approval of this. This has been something over the years that has been brought to my attention several times. This apartment complex is very old and the things they are asking for are completely reasonable.

Mayor Jordan closed the Public Hearing.

Alderman Petty moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 7-0. Alderman La Tour was absent.

Resolution 90-15 as recorded in the office of the City Clerk

New Business:

VAC 15-4986 (2991 Labordite Drive/Crystal Springs Subdivision): An ordinance approving VAC 15-4986 submitted by Riverwood Homes, LLC for properties located at 2991 Labordite to vacate portions of an existing utility easement.

City Attorney Kit Williams read the ordinance.

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

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5763 as Recorded in the office of the City Clerk

Announcements:

Alderman Marsh: There will be a Ward 1 meeting on Thursday, April 23, 2015 at 6:00 p.m. at the Fayetteville Senior Center.

Alderman Long: There will be a Ward 4 meeting on Monday, April 27, 2015 at 6:00 p.m. in Room 111 at City Hall.

Don Marr, Chief of Staff: On April 22, 2015 the City of Fayetteville is celebrating Earth Day. We have an event called "Wild About Earth Day." It is a volunteer event that begins at 12:30 p.m. and goes until 5:30 p.m. We encourage citizens to come out. We will have a litter clean up along our trails and wildflower planting along the trail system. Mayor Jordan will be doing an Earth Day proclamation at 12:30 p.m. The event is beginning at the Marion Orton Recycling Center on North Street.

City Council Agenda Session Presentations:

Agenda Session Presentation - Spring Street Municipal Parking Deck update, Jeremy Pate, Developments Services Director.

City Council Tour: None

Adjournment: 6:12 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

Handed out at the 5-5-15 City Council Meeting.

One of Three Truck Loads



HISTORY

- Imported from Asia
- Mr. Smith's Nursery in 1840s
- Promoted as a hedge and groundcover
- Fayetteville Became – the Bush Honeysuckle Capital of the South

In the fall





What wasn't Known?

- It Spreads EVERYWHERE
- Has no nutritional value for wildlife
- It greens up early in spring
- Shades out native plants
- Destroys our views of natural areas
- **Destroys native habitat for plants and animals**

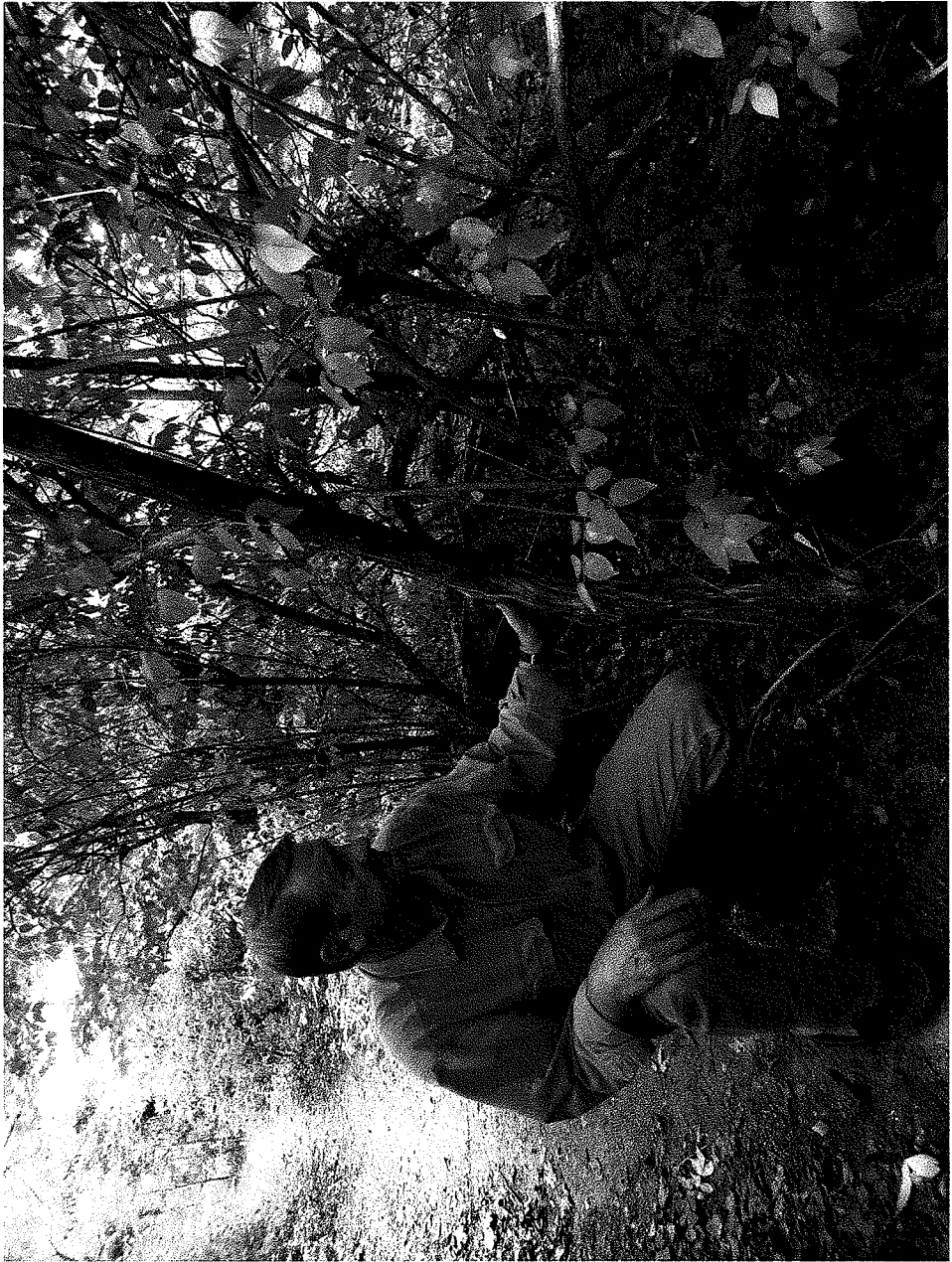


Mt. Sequoyah Trailhead



It's All Over







A Chuckle Over Honeysuckle



Andy Shupe and Christopher







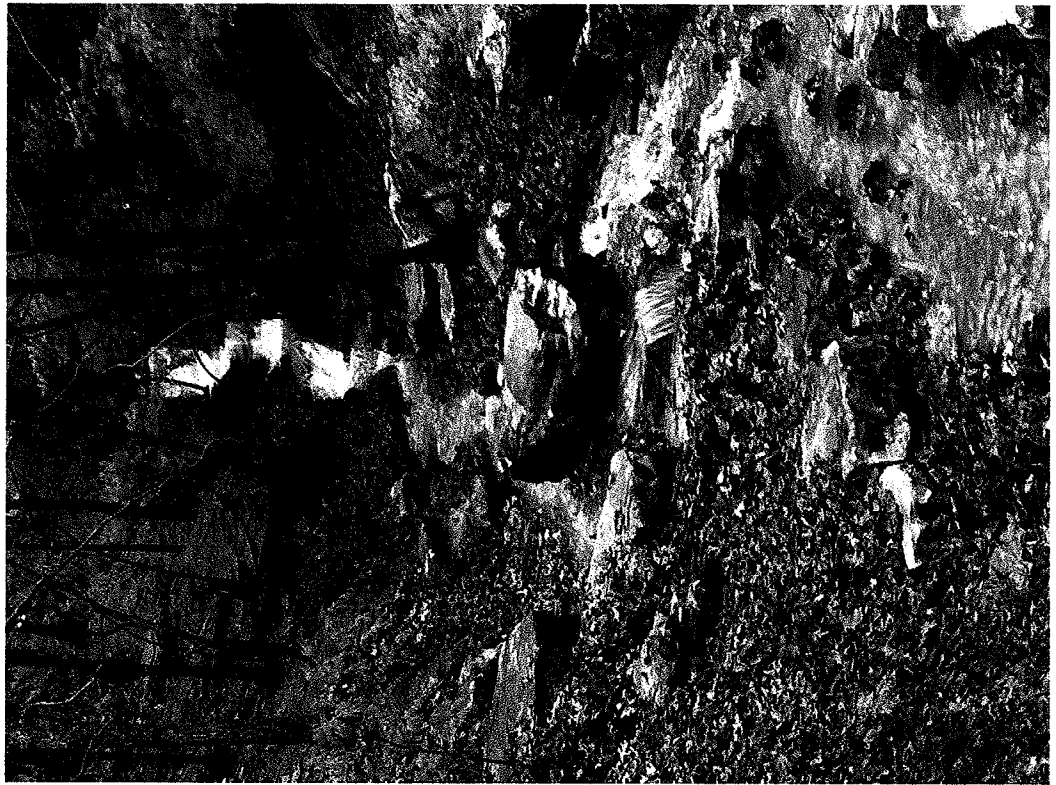
Roundup on the Stump













Who to Contact

- Pete Heinzelmann – for advice
- City Parks Department – City Forester
- City Solid Waste Department – for pick-up
- The Mayor and City Council – ask what they can do to remove it around Fayetteville

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, April 28, 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:**1. [2015-0116](#)

QUARTERLY FINANCIAL REPORT - 1ST QUARTER 2015, PAUL
BECKER, CHIEF FINANCIAL OFFICER

Agenda Additions:**A. Consent:**A. 1 [2014-0502](#)

APPROVAL OF THE APRIL 21, 2015 CITY COUNCIL MINUTES.

A. 2 [2015-0193](#)**2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
AGREEMENT**

A RESOLUTION TO AUTHORIZE THE MAYOR TO EXECUTE THE
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
AGREEMENT FOR 2015 WHEN RECEIVED IN THE ESTIMATED
AMOUNT OF \$574,209.00 AND TO APPROVE THE 2015 ACTION
PLAN

Attachments:

[SRF-CCAM-2015 Action Plan](#)

A. 3 [2015-0199](#)**AMEND RESOLUTION NO. 191-14**

A RESOLUTION TO AMEND RESOLUTION NO. 191-14
CONCERNING THE PURCHASE OF TWO (2) INTERNATIONAL 7300
DUMP TRUCKS WITH HENDERSON BELLY PLOWS FROM
SUMMIT TRUCK GROUP OF LOWELL, ARKANSAS FOR USE BY
THE TRANSPORTATION DIVISION

Attachments:

[SRP 4-15-15 TRSM Belly Plow Trucks 776-777](#)

A. 4 [2015-0198](#)

WILLIAMS TRACTOR OF FAYETTEVILLE

A RESOLUTION TO AUTHORIZE THE PURCHASE OF ONE (1) BOBCAT TOOLCAT UTILITY VEHICLE FROM WILLIAMS TRACTOR OF FAYETTEVILLE IN THE AMOUNT OF \$51,763.00 PLUS ANY APPLICABLE TAXES, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE BY THE PARKS AND RECREATION DEPARTMENT

Attachments: [SRP 4-15-15 PKDV Tool Cat 6012](#)

A. 5 [2015-0200](#)

SCOTT EQUIPMENT OF SPRINGDALE

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A GRADALL XL3100 IV 4X2 EXCAVATOR TRUCK FROM SCOTT EQUIPMENT OF SPRINGDALE, ARKANSAS IN THE AMOUNT OF \$313,324.00 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments: [SRP 4-15-15 TRSM Gradall 828](#)

A. 6 [2015-0201](#)

BID #15-22 TRUCK CENTERS OF ARKANSAS

A RESOLUTION TO AWARD BID #15-22 AND AUTHORIZE THE PURCHASE OF THREE (3) FREIGHTLINER DUMP TRUCKS FROM TRUCK CENTERS OF ARKANSAS IN THE TOTAL AMOUNT OF \$368,232.00 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION AND THE TRANSPORTATION SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [SRP 4-15-15 TR WS Dump Trucks 778-779-780](#)
 [BA -WS for 778 Exp. Legistar](#)

A. 7 [2015-0203](#)

BID #15-29 HUTCHENS CONSTRUCTION

A RESOLUTION TO AWARD BID #15-29 AND AUTHORIZE THE PURCHASE OF COLD ASPHALT CONCRETE FROM HUTCHENS CONSTRUCTION FOR A UNIT PRICE OF \$105.00 PER TON AS NEEDED THROUGH THE END OF 2015

Attachments: [SRP 2015-0203 Bid 15-29 Cold Asphalt Concrete](#)

A. 8 [2015-0194](#)

AMEND RESOLUTION NO. 05-15

A RESOLUTION TO AMEND RESOLUTION NO. 05-15 CONCERNING THE TRANSPORTATION DIVISION OVERLAY/SIDEWALK PROJECTS LIST FOR 2015

Attachments: [SRP 2015-0194 2015 Work Plan Revision](#)

A. 9 [2015-0207](#)

GARVER, LLC TASK ORDER NO. 2

A RESOLUTION TO APPROVE TASK ORDER NO. 2 WITH GARVER, LLC FOR DESIGN WORK, BIDDING SERVICES, CONSTRUCTION PHASE SERVICES, MATERIALS TESTING AND CLOSEOUT SERVICES ASSOCIATED WITH THE AIRPORT TERMINAL APRON REHABILITATION PROJECT IN AN AMOUNT NOT TO EXCEED \$73,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [Legistar2015-0207 Garver TO2 041615](#)
[BA BUDGET ADJUSTMENT FORM LEGISTAR GarverLLC](#)

A. 10 [2015-0206](#)

ARKANSAS DEPARTMENT OF AERONAUTICS GRANT

A RESOLUTION TO AUTHORIZE APPLICATION FOR AN ARKANSAS DEPARTMENT OF AERONAUTICS 90/10 GRANT IN AN AMOUNT UP TO \$500,000.00 FOR REHABILITATION OF THE AIRPORT TERMINAL PARKING APRON, WITH THE FINAL AMOUNT CONTINGENT ON THE ACTUAL COST OF THE PROJECT BASED ON COMPETITIVE BIDDING

Attachments: [Legistar2015-0206 ADA Grant TermApronRehab 041615](#)

A. 11 [2015-0208](#)

BRIGHT INVESTMENTS, LLC

A RESOLUTION TO APPROVE THE PERFORMANCE BOND OF BRIGHT INVESTMENTS, LLC TO GUARANTEE CONSTRUCTION OF REQUIRED SIDEWALK IMPROVEMENTS ALONG ARMSTRONG AVENUE BY THE END OF 2017

Attachments: [Agenda Packet](#)

B. Unfinished Business:

B. 1 [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](#)

At the April 7, 2015 City Council meeting this ordinance was left on the First Reading. At the April 21, 2015 City Council meeting this ordinance was left on the second reading.

B. 2 [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](#)

[City Attorney Memo 040915](#)

[Additional City Attorney Memo](#)

At the April 7, 2015 City Council meeting this ordinance was left on the First Reading. At the April 21, 2015 City Council meeting this ordinance was left on the second reading.

C. New Business:

C. 1 [2015-0219](#)

**AMEND § 72.34 PARKING SIGNS OR CURB MARKINGS
REQUIRED**

AN ORDINANCE TO AMEND § 72.34 **PARKING SIGNS OR CURB MARKINGS REQUIRED** OF THE FAYETTEVILLE CODE TO AUTHORIZE THE TRAFFIC SUPERINTENDENT TO ERECT SIGNS OR PAINT CURBS INDICATING A NO PARKING ZONE WHERE NECESSARY

Attachments: [SM 04-22-2015](#)

C. 2 [2015-0210](#)

**VAC 15-5001 (4301/4331 N. WATERSIDE CT./SIMS-RENNER
OFFICE BUILDING)**

AN ORDINANCE APPROVING VAC 15-5001 SUBMITTED BY BATES & ASSOCIATES FOR PROPERTY LOCATED AT 4301/4331 N. WATERSIDE COURT TO VACATE AN ACCESS EASEMENT

Attachments: [15-5001 CC EXHIBITS](#)
 [15-5001 CC REPORTS](#)

C. 3 [2015-0204](#)

AMEND §116.02 DOOR TO DOOR SOLICITATION

AN ORDINANCE AMENDING §116.02 DOOR TO DOOR SOLICITATION AT PRIVATE RESIDENCES (D)(4) OF THE FAYETTEVILLE CODE IN ORDER TO PROVIDE AN IMPROVED AND EXPEDITED BACKGROUND CHECK PROCESS FOR APPLICANTS AND TO DECLARE AN EMERGENCY

Attachments: [Agenda Packet](#)

C. 4 [2015-0211](#)

AMEND §178.03 (E) AND (F)

AN ORDINANCE AMENDING §178.03(E) AND (F) OF THE UNIFIED DEVELOPMENT CODE TO REMOVE PRE-APPROVED SIDEWALK VENDOR LOCATIONS IN FRONT OF THE WALTON ARTS CENTER AS AGREED UPON IN RESOLUTION 118-04, AND TO STREAMLINE THE APPROVAL PROCESS FOR ALTERNATIVE LOCATIONS

Attachments: [Exhibit A](#)
 [Agenda Item](#)

C. 5 [2015-0177](#)**AFFILIATED COMPUTER SERVICES, INC.**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF TWO (2) KODAK I4200 SCANNERS FROM AFFILIATED COMPUTER SERVICES, INC. OF DALLAS, TEXAS IN THE TOTAL AMOUNT OF \$19,884.00 PLUS

Attachments:[Agenda Packet - Kodak i4200 Scanners Final](#)**C. 6** [2015-0186](#)**EXPRESS CITY COUNCIL INTENT TO DEVELOP INVASIVE PLANT SPECIES POLICY**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENT TO DEVELOP POLICIES OR ORDINANCES TO DISCOURAGE THE SPREAD OF INVASIVE PLANT SPECIES

Attachments:[2015-0186 Invasive Species Resolution](#)**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

Tentative Agenda
April 28, 2015
113 West Mountain Road, Suite 100
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0193

Agenda Date: 5/5/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 2

2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT

A RESOLUTION TO AUTHORIZE THE MAYOR TO EXECUTE THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT FOR 2015 WHEN RECEIVED IN THE ESTIMATED AMOUNT OF \$574,209.00 AND TO APPROVE THE 2015 ACTION PLAN

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 Mayor to execute the Community Development Block Grant (CDBG) Agreement in the estimated amount of \$574,209.00 for 2015 when received, and approves the 2015 Action Plan proposed as follows:

Administration	\$72,900
Housing Rehabilitation	\$417,738
Redevelopment	\$54,400
Big Brothers Big Sisters	\$5,000
Transportation	\$21,500
NWA Free Health Center	\$2,671

City of Fayetteville Staff Review Form

2015-0193

Legistar File ID

5/5/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Yolanda Fields

4/13/2015

Community Resources /
 Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of the 2015 Action Plan and the Mayor's authority to execute the 2015 Community Development Block Grant (CDBG) Agreement upon receipt.

Budget Impact:

N/A

2180 - CDBG

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 1,254,117.00

Funds Obligated \$ 136,114.44

Current Balance \$ 1,118,002.56

Does item have a cost? No

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 1,118,002.56

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 5, 2015

TO: Mayor and City Council
THRU: Jeremy Pate, Dir. Development Services
FROM: Yolanda Fields, Dir. Community Resources
DATE: April 13, 2015
SUBJECT: 2015 Community Development Block Grant (CDBG) Action Plan

RECOMMENDATION:

Staff recommends that the attached 2015 Action Plan be approved and that the authority be given to the Mayor to execute the 2015 Community Development Block Grant (CDBG) Agreement upon receipt.

BACKGROUND:

Fayetteville has been a CDBG Entitlement City since 1975. Funding is based on a formula allocation process that takes into account such factors as population, percent of low/moderate income persons, and number of housing units. This formula allocation process awards CDBG funding to the City of Fayetteville. Each year, the Community Resources Division submits an Action Plan to the U.S. Department of Housing and Urban Development (HUD) outlining the proposed uses of CDBG funding. If HUD approves the Action Plan, a CDBG Agreement for that year is received. This agreement must be executed, returned to the HUD Field Office in Little Rock, and then sent to HUD in Washington D.C. for the release of funds.

DISCUSSION:

Grant amounts vary each year based upon the funding levels authorized by Congress through the annual federal budget process. The award for 2015 is \$574,209. The grant funding detail submitted to HUD in the 2015 Action Plan is as follows:

Administration	\$ 72,900
Housing Rehabilitation	\$417,738
Redevelopment	\$ 54,400
Big Brothers Big Sisters	\$ 5,000
Transportation	\$ 21,500
NWA Free Health Center	\$ <u>2,671</u>
	\$574,209

Approving the 2015 Action Plan and the Mayor's authority to execute the 2015 CDBG Agreement upon receipt will reduce the waiting time for HUD to release the funds. This will allow for a quicker start to both internal and external programs which assist low and moderate income residents in Fayetteville.

BUDGET/STAFF IMPACT:

2015 CDBG grant revenue - \$574,209

Attachments:

2015 Action Plan (3 parts)



Community Development Block Grant 2015 Action Plan

Community Resources Division
Helping to Build a Better Community

Community Resources Division

Yolanda Fields, CGFM
Community Resources Director
125 W Mountain Street
Fayetteville Arkansas 72701

Phone 479 575 8260
community_resources@fayetteville-ar.gov

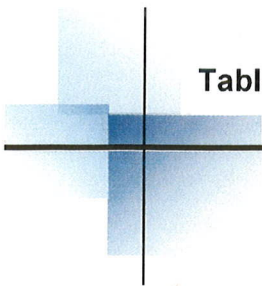


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OMB Number: 4040-0004
Expiration Date: 8/31/2016

Application for Federal Assistance SF-424

*** 1. Type of Submission:**

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

*** 2. Type of Application:**

- ☒ New
☐ Continuation
☐ Revision

*** If Revision, select appropriate letter(s):**

*** Other (Specify):**

*** 3. Date Received:**

4. Applicant Identifier:

B-15-MC-05-0001

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*** a. Legal Name:** City of Fayetteville

*** b. Employer/Taxpayer Identification Number (EIN/TIN):**

71-6018462

*** c. Organizational DUNS:**

141-310578

d. Address:

*** Street1:** 113 W Mountain

Street2:

*** City:** Fayetteville

County/Parish:

Washington

*** State:**

AR: Arkansas

Province:

*** Country:**

USA: UNITED STATES

*** Zip / Postal Code:** 72701-6083

e. Organizational Unit:

Department Name:

Development Services

Division Name:

Community Resources

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Ms.

*** First Name:** Yolanda

Middle Name:

*** Last Name:**

Fields

Suffix:

Title: Community Resources Director

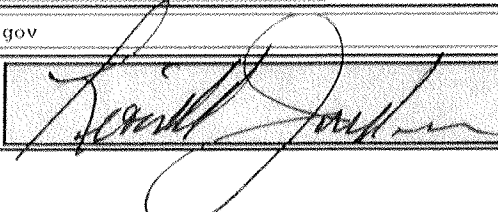
Organizational Affiliation:

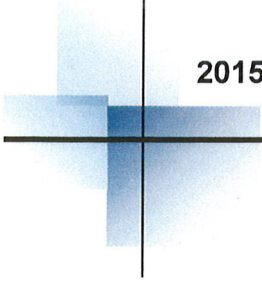
*** Telephone Number:** 479-575-8290

Fax Number: 479-444-3445

*** Email:** yfields@fayetteville-ar.gov

Application for Federal Assistance SF-424		
* 9. Type of Applicant 1: Select Applicant Type: C: City or Township Government Type of Applicant 2: Select Applicant Type: Type of Applicant 3: Select Applicant Type: * Other (specify): 		
* 10. Name of Federal Agency: Department of Housing and Urban Development		
11. Catalog of Federal Domestic Assistance Number: 14.218 CFDA Title: Community Development Block Grants/Entitlement Grants		
* 12. Funding Opportunity Number: * Title: 		
13. Competition Identification Number: Title: 		
14. Areas Affected by Project (Cities, Counties, States, etc.): Add Attachment Delete Attachment View Attachment		
* 15. Descriptive Title of Applicant's Project: Community Development Block Grant/Entitlement City		
Attach supporting documents as specified in agency instructions. Add Attachments Delete Attachments View Attachments		

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant	AR-003
* b. Program/Project	AR-003
Attach an additional list of Program/Project Congressional Districts if needed.	
	Add Attachment Delete Attachment View Attachment
17. Proposed Project:	
* a. Start Date:	01/01/2015
* b. End Date:	12/31/2015
18. Estimated Funding (\$):	
* a. Federal	574,209.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	
* f. Program Income	
* g. TOTAL	574,209.00
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
☐ a. This application was made available to the State under the Executive Order 12372 Process for review on	
☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.	
☒ c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)	
☐ Yes ☒ No	
If "Yes", provide explanation and attach	
	Add Attachment Delete Attachment View Attachment
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)	
☒ ** I AGREE	
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.	
Authorized Representative:	
Prefix:	Mr.
* First Name:	Lionel
Middle Name:	
* Last Name:	Jordan
Suffix:	
* Title:	Mayor
* Telephone Number:	479-575-8331
Fax Number:	479-444-3445
* Email:	ljordan@fayetteville-ar.gov
* Signature of Authorized Representative:	
* Date Signed:	8/25/15



2015 Action Plan | Introduction

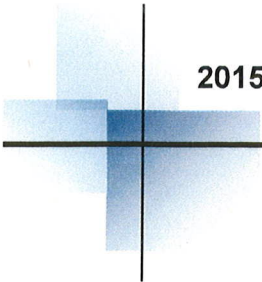
This document serves as the City of Fayetteville's One-Year Consolidated Action Plan Submission for the use of 2015 Community Development Block Grant (CDBG) Program funds. The Action Plan describes how the City will address the priority needs and specific objectives identified in the five-year strategy outlined in the City of Fayetteville's 2011-2015 Five-Year Consolidated Plan. The One-Year Action Plan is a component of the Five-Year Consolidated Plan that is updated annually to reflect resource allocation changes.

The planning process for the development of this One-Year Action Plan began on July 23 and 27, 2014 with published notices that the City was holding a mandatory subrecipient grant application workshop and accepting applications for GY2015 CDBG program funding. This notice of funding, in combination with the public hearing held on October 8, 2014, allowed agencies and interested citizens the opportunity to express concerns and share community needs. The public hearing announcement is included in Appendix B of this document.

Following the application submission period, Fifteen funding requests were received and reviewed for compliance with application requirements. Eligible applications were reviewed by staff and the other members of the grant prioritization committee. Proposed projects were also evaluated for fit with City Council adopted local community development objectives and consistency with the priorities and objectives contained in the 2011-2015 Consolidated Plan. CDBG funded activities must qualify by meeting at least one of the three national objectives: benefit low- and moderate-income individuals, prevent or eliminate blight and slums or meet urgent community development needs that pose a serious and immediate threat to the health or welfare of the community. In addition, each application was assessed for project readiness, financial leverage and other relevant concerns.

A summary of the proposed uses of CDBG funds recommended by staff was published in The Northwest Arkansas Democrat Gazette on September 25 and 28, 2014. It was also published in the weekly papers The Fayetteville Free Weekly and La Prensa Libre (in Spanish) with the October 22, 2014 publication date. These public notices provided the start and end dates of the 30-day public comment period; as well as the date, time and location for the public hearing. The public notices advised the general public of two locations that the proposed 2015 One-Year Action Plan was available for their review and comments. In addition to the public notices, Community Resources published an announcement on the City's website (www.accessfayetteville.org). The draft One-Year Action Plan was then discussed at a public hearing held on October 8, 2014.

The original public comment period was almost complete when NOTICE: CPD-14-015 regarding submitting Annual Action Plans for 2015 was issued on October 21, 2014. The draft made available in October 2014 for public comment specified that funding levels were estimated amounts. The draft did not, however, include "contingency provision" language (CPD-14-015 Section IIIa); therefore, a second public comment period was held following the release of the 2015 actual award amount. It was published in the Northwest Arkansas Democrat Gazette on February 15 and 18, 2015. The public notices provided the start and end dates of the 30-day public comment period; as well as the date, time and location for the public hearing. In addition, the notice advised the public of the locations that the proposed 2015 Action Plan was available for review and comments. A public hearing was scheduled for March 4, 2015; however, snow/ice required that the meeting be rescheduled to March 18, 2015. An ad notifying the public of the rescheduled hearing date was published in the Northwest Arkansas Democrat Gazette on March 11 and 15, 2015.



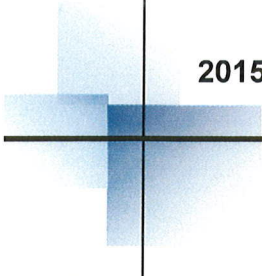
2015 Action Plan

In order to receive its annual CDBG funding, the City of Fayetteville must develop and submit to the Department of Housing and Urban Development (HUD) its Consolidated Action Plan. This plan is the City's comprehensive planning document and application.

In the Consolidated Action Plan, the City identifies its goals for CDBG programs, which also serve as the criteria against which HUD will evaluate the City's performance in carrying out its goals. The Consolidated Plan promotes a comprehensive approach to local decisions by requiring cities to include all local residents interested in community development to help identify the needs of the community and formulate strategies for addressing those needs.

The concept behind the Consolidated Action Plan is to:

- Enable a community to view HUD programs not as isolated tools to solve narrow functional problems, but rather as an invitation to embrace a comprehensive vision of housing and community development;
- Create a comprehensive vision which includes affordable housing, fair housing, transportation, economic development and community rehabilitation;
- Enable communities to apply this comprehensive approach in helping the homeless in a continuum of care, a comprehensive system for moving individuals and families from homelessness to permanent housing;
- Improve program accountability and support results oriented management by establishing clear priority needs and goals; providing more timely and readable information on needs, goals and proposed projects to citizens; providing measurable indicators of progress; and reporting on progress against these measures;
- Facilitate citizen involvement and commitment in the planning process by increased community outreach;
- Partner with the local Public Housing Authority in comprehensive planning efforts to revitalize distressed neighborhoods and help low-income residents;
- Integrate efforts to identify and take measures to overcome impediments to fair housing, which is an integral part of comprehensive planning efforts. The programs covered by the Consolidated Plan all have in common the characteristic that expenditures must primarily benefit extremely low (0 to 30 percent of median income), very low (31 percent to 50 percent of median income), and low (51 percent to 80 percent of median income) income persons and households.



2015 Action Plan

In addition, the goals are intended to meet the following three federal statutory objectives:

PROVIDE DECENT HOUSING | which includes:

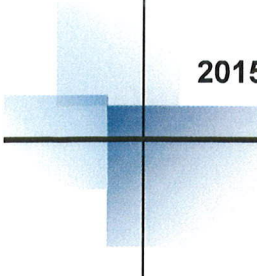
assisting homeless persons obtain affordable housing; assisting persons at risk of becoming homeless; retention of affordable housing stock; increase the availability of affordable permanent housing in standard condition to low income and moderate income families, particularly to members of disadvantaged minorities without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability; increasing the supply of supportive housing which includes structural features and services to enable persons with special needs (including persons with HIV/AIDS) to live in dignity and independence; and providing affordable housing that is accessible to job opportunities.

PROVIDE A SUITABLE LIVING ENVIRONMENT | which includes:

improving the safety and livability of neighborhoods; increasing access to quality public and private facilities and services; reducing the isolation of income groups within areas through spatial de-concentration of housing opportunities for lower income persons and the revitalization of deteriorating neighborhoods; restoring and preserving properties of special historic, architectural or aesthetic value; and conservation of energy resources.

EXPAND ECONOMIC OPPORTUNITIES | which includes:

job creation and retention; establishment, stabilization and expansion of small businesses (including micro businesses); the provision of public services concerned with employment; the provision of jobs to low-income persons living in areas affected by those programs and activities, or jobs resulting from carrying out activities under programs covered by the plan; availability of mortgage financing for low income persons at reasonable rates using non-discriminatory lending practices; access to capital and credit for development activities that promote the long term economic and social viability of the community; and empowerment and self sufficiency for low income persons to reduce generational poverty in federally assisted housing and public housing.



2015 Action Plan Institutional Structure & Coordination

INSTITUTIONAL STRUCTURE and COORDINATION

Federal regulations require CDBG recipients to establish a common program year and identify a single lead agency to prepare and submit the Consolidated Action Plan. The task of preparing this Plan is assigned to the City of Fayetteville's Community Resources Division. Annually, Community Resources prepares the One-Year Action Plan as an update to the Five-Year Consolidated Plan. The Division addresses the various housing needs and strategies of the City of Fayetteville and administers the City's CDBG Program. It also functions as a program and services delivery unit to help address the community's needs for decent housing, a suitable living environment, and sustained economic health.

The Community Resources Division has been in contact with an extensive network of governmental and non-profit agencies in developing this plan. Notices of funding availability were published in the local newspaper.

The delivery and financing of affordable/attainable housing involves organizations and participants from public agencies, businesses and private institutions, non-profits and community based organizations. The roles and responsibilities of the participants will vary depending on the project, required resources, leadership, levels of commitment, capacity, productivity and understanding of the issue. The Community Resources Division will continue working with the various organizations as it implements the provisions of the 2015 One-Year Action Plan.

Staff also maintains relationships with state and federal partners and agencies to better link services to our targeted population. Community Resources staff has assumed leadership and support roles with the Northwest Arkansas Housing Coalition and the Hispanic Women's Organization. Community Resources has also developed strong ties with the University of Arkansas including the following departments: Off Campus Connections and the Office of International Students and Scholars.



2015 Action Plan Community Profile

COMMUNITY PROFILE

The City of Fayetteville is the county seat of Washington County and is located in the northwestern part of Arkansas. Washington County is the third most populous county in Arkansas and one of the fastest growing. Fayetteville is situated at the foothills of the Ozark Mountains. Fayetteville is the southernmost city in metropolitan Northwest Arkansas and is located approximately 185 miles northwest of Little Rock, Arkansas, 125 miles east of Tulsa, Oklahoma; 350 miles northeast of Dallas, Texas and 210 miles south of Kansas City, Missouri. Fayetteville and the Northwest Arkansas region have gained a national reputation as one of the best places in the country to live and raise a family. The City and the region are experiencing rapid population growth and an increasing number of visitors. Fayetteville's population has increased from approximately 20,000 in 1960 to 73,580 according to the 2010 census. The city is the third most populous in Arkansas and currently encompasses 35,454 acres (55.39 square miles).

The 2010 census found that there were 73,580 people, 30,726 households and 7,076 families with children residing within the city. The 2010 census numbers reflect increases from the 2000 census. They show a 21% increase in the number of people, 23% increase in households and a 8% increase in the number of families with children. There are 36,188 housing units; this is an increase in housing units of 30% between the 2000 census and the 2010 census. The racial makeup of the city is 83.8% White, 6% African American, 1.1% American Indian/Alaska Native, 3.1% Asian, 0.2% Native Hawaiian/Pacific Islander, 2.8% Other, 3% Identified by two or more races. The 2010 census showed that 6.4% of the community was Hispanic or Latino.

The age distribution in the City was 18.5% under the age of 18, 26.1% from 18 to 24, 34.6% from 25 to 49, 12.8% from 50 to 64, and 8% were 65 years of age or older. The 2010 census did not update the median income information therefore the following is utilizing information from the 2010 American Community Survey 1-Year Estimates. The median income for a household in the city is \$32,908, and the median income for a family was \$52,158. The per capita income for the city was \$22,501. 28.6% of the population and 14.4% of families were below the poverty line.

2015 Action Plan Housing & Community Development Needs

HOUSING & COMMUNITY DEVELOPMENT NEEDS

HOUSING

The City of Fayetteville is committed to the development of programs which address the need for housing for Low and Moderate Income (LMI) persons and families. In response to priority needs revealed during the development of the City's five year Consolidated Plan in 2011, the City has focused on developing community partnerships with local entities with expertise in specialized housing activities. This cooperation will further the attainable housing effort in the City of Fayetteville. Attainable housing continues to be a topic of great concern for this division. According to the 2007-2011 ACS 5-year estimates the cost of the median mortgage payment in the City of Fayetteville remains one of the highest in Northwest Arkansas at \$1,358. It is 26 percent higher than the state median of \$1,004.



BEFORE

Replacement of
 damaged flooring



AFTER

Two 2014 Housing Rehabilitation Projects



Replacement of siding
 and door

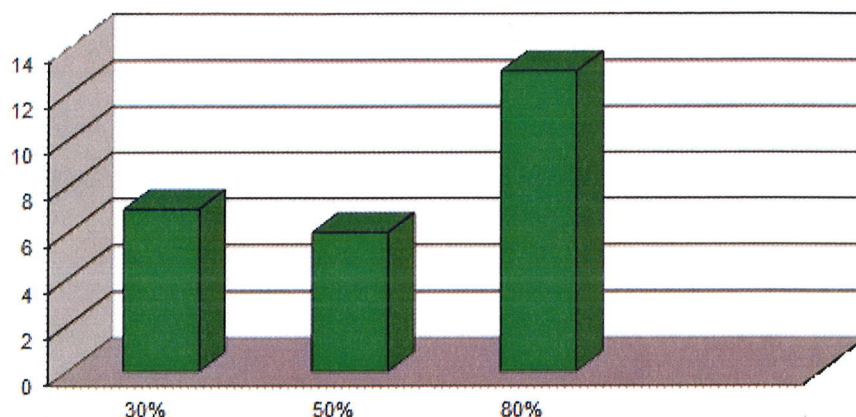


REHABILITATION

The City of Fayetteville has been helping homeowners with rehabilitation of their homes for approximately 34 years. The funding has allowed homeowners to stay in their homes and the improvements to their homes have acted as a catalyst for other, high quality renovations and new construction of housing in the project area. The majority of recipients have been very low income and/or elderly households. These owners have little or no funds available to repay a loan and typically have the greatest amount of deferred maintenance. The chart on the following page reflects the income levels of the 26 program participants from January 2014 - December 2014.

2015 Action Plan Housing & Community Development Needs

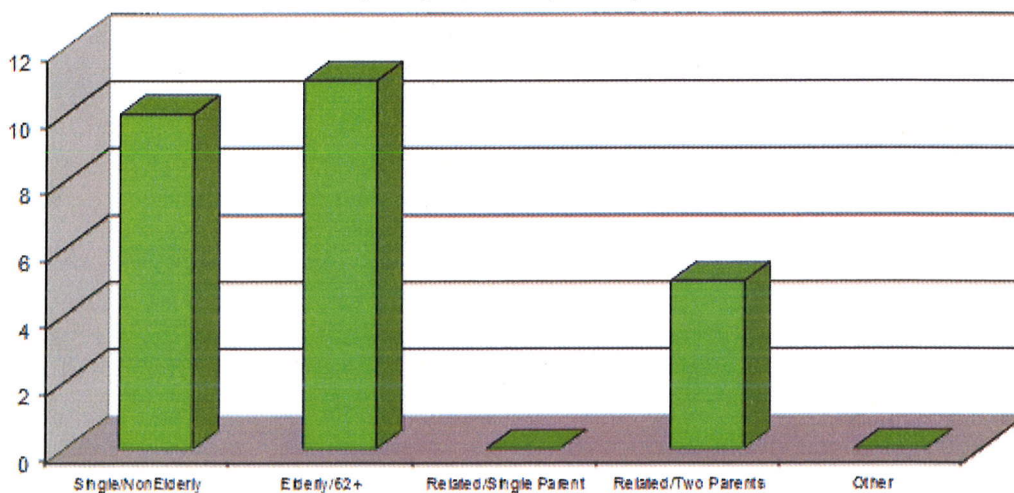
Housing Projects Completed | Income Limits



According to the U.S. Census Bureau approximately 7,722 homes were built prior to 1978 in the City of Fayetteville. Any rehabilitation activities of more than \$5,000 on homes constructed prior to 1978 will have Lead-Based Paint (LBP) testing done and actions taken to remove any identified hazards. Lead-based paint hazards consist of any condition that causes exposure to lead. In 2014, the program identified 5 homes in the housing rehabilitation program with LBP concerns and the identified concerns were abated. Anytime that homes are identified as having LBP issues those hazards are corrected.

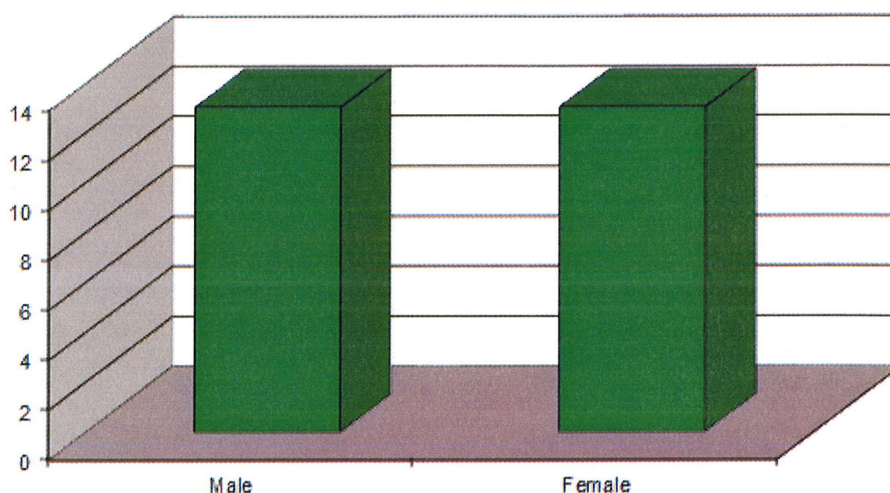
The 2010 Census reported 5,752 residents over the age of 65 in the City of Fayetteville. Homeowners in this age group are generally on a fixed income and often cannot afford to make any repairs on their homes or address making their homes energy efficient. The housing rehab program addresses both Lead-Based Paint issues and making the home energy efficient which can allow the homeowners to remain in the home longer than expected. The races of the households are 20 (77%) White, 5 (19%) African American and 1 (4%) Other. Two (8%) were Hispanic. The following charts reflect the statistics on the participants that have been assisted in the first nine months of 2014.

Housing Projects Completed | Head of Household



2015 Action Plan Housing & Community Development Needs

Housing Projects Completed | Sex of Household



PUBLIC SERVICES

Utilization of CDBG funds for the provision of public services, which serve LMI groups, has been and continues to be a focus of the Community Development Program. The Transportation Program has two components and provides assistance to LMI, disabled and/or elderly members of our community. The Transit Program provides qualifying LMI residents with bus passes through a partnership with Ozark Regional Transit to supplement their ability to get to appointments, jobs, etc. The Taxi Program provides supplemental transportation for elderly and/or disabled residents of Fayetteville in hopes of allowing them greater self-sufficiency. The Public Services component also includes the CDBG Subrecipient Grant Program which allows local nonprofits to apply for funding through a competitive grant application process.

PUBLIC FACILITIES

CDBG has historically supported Community Development Public Facilities projects in Fayetteville. CDBG dollars have assisted with construction, renovation and development of facilities for local non-profit organizations such as LifeSource International, NWA Free Health Center and Prism Education Center.

2015 Action Plan Housing & Community Development Needs

REDEVELOPMENT

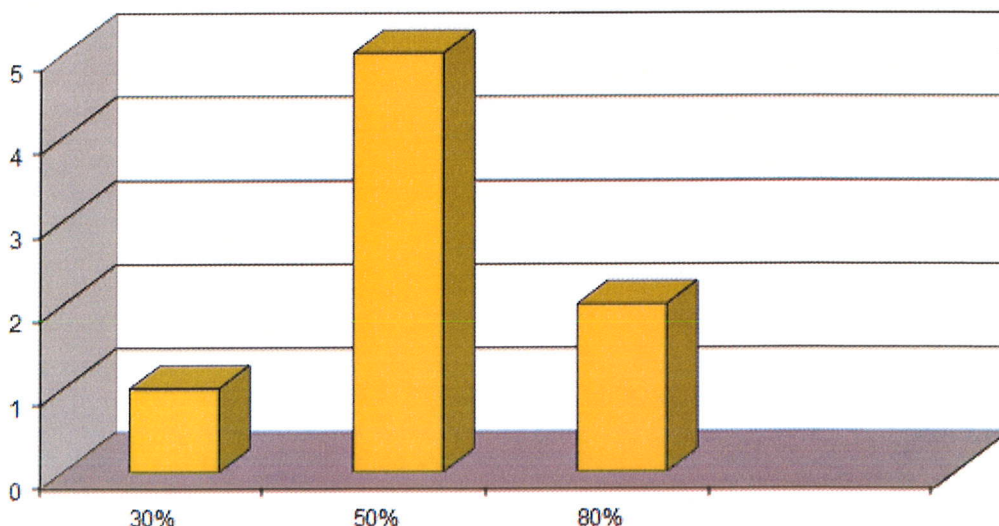
In 1992, a neighborhood within a low-to-moderate-income area of Fayetteville was designated as the Target Area. Prior to the creation of the program, Code Compliance efforts were placing an additional economic strain on the low- and moderate-income homeowners in the Target Area who are physically or financially unable to correct code violations. Thus, in 2004, the Redevelopment Program was established for the Target Area to assist in cleaning and revitalizing the deteriorating neighborhood.

According to the 2010 American Community Survey 1-Year Estimates, 15.4% of the population makes less than \$10,000; 9.1% make \$10,000 to \$14,999; 17.4% make \$15,000 to \$24,999; 11.2% make \$25,000 to \$34,999; 11% make \$35,000 to \$49,999; 13.4% make \$50,000 to \$74,999; 8% make \$75,000 to \$99,999; 8.6% make \$100,000 to \$149,999; 3.4% make \$150,000 to \$199,999 and 2.4% make \$200,000 or more. The Target Area is located in southeast Fayetteville which continues to be comprised of mainly low- and moderate-income residents.

With a high percentage making less than \$25,000 a year, it is evident that residents will often not have the resources to correct code violations on their property. Currently there are 9 active cases in the Target Area. The Redevelopment Program assists residents with correcting code violations without creating additional economic strain.

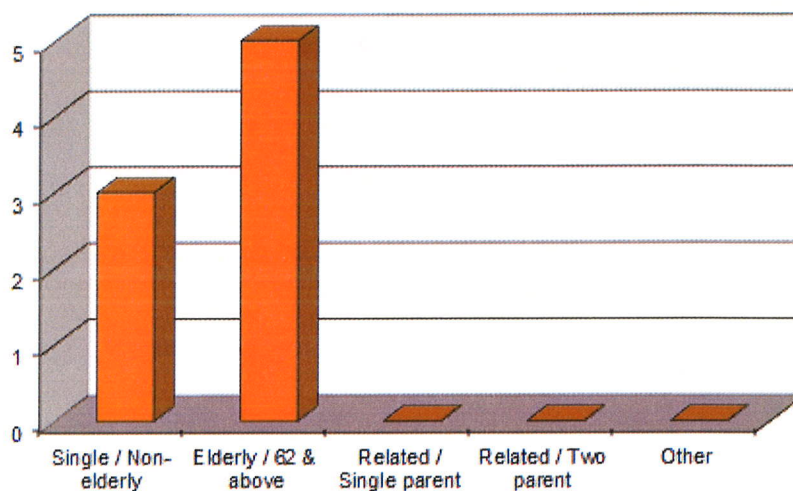
From January 2014 - December 2014, we have successfully assisted 8 households. The following charts provide statistics on the participants that were assisted.

Redevelopment Projects Completed | Income Limits

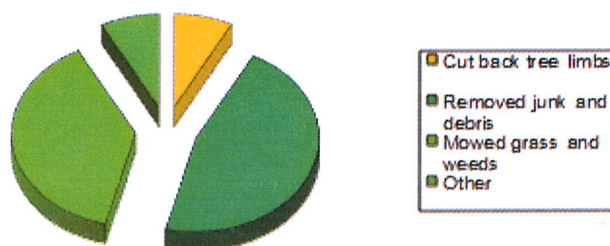


2015 Action Plan Housing & Community Development Needs

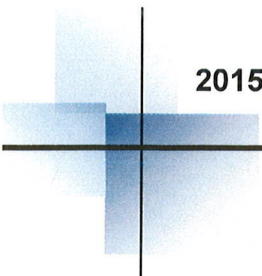
Redevelopment Projects Completed | Head of Household



Redevelopment Projects Completed | Work Performed



In addition to identifying code violations in the Target Area, the Redevelopment Program seeks opportunities to educate residents and local organizations about the availability of the Redevelopment Program. The goal of education is not just to provide information to the public but also to develop and maintain relationships.



2015 Action Plan Available Resources & Public Access | Participation

AVAILABLE RESOURCES

FEDERAL | STATE The City of Fayetteville is an entitlement community and therefore receives a formula grant through the Department of Housing and Urban Development Community Development Block Grant Program. Private non-profit organizations in Fayetteville are funded through competitive state and federal allocations, the local United Way campaign, private foundation grants, other special competitive grants and private donations including fund-raising activities. The City of Fayetteville CDBG formula allocation in 2015 will be \$574,209.

MUNICIPAL GOVERNMENT The City's Street Division has an estimated \$ 132,538 in their 2015 budget for street overlay and repair of streets located in the designated Community Development Target Area.

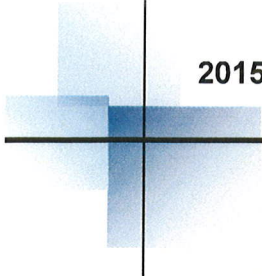
PUBLIC ACCESS & PARTICIPATION

CDBG activities are designed and carried out based on local needs. Through public meetings, consultation with area public and non-profit service agencies, informal discussion with citizens, studies, city staff and special purpose committees; input from community stakeholders and resource holders is sought and integrated into designating action priorities.

Two formal public hearings were held to present and discuss proposed CDBG activities for fiscal year 2015. Community Development staff were active in the presentation of program information.

In addition, a Community Resources Outreach Quarterly publication serves to inform the community of current and future program projects and activities. Program literature in Spanish is also available in the office and at locations in the community. Staff is active in the Northwest Arkansas Housing Coalition.

In accordance with Fayetteville's Citizen Participation Plan, the 2015 Consolidated Action Plan was made available for a 30 day citizen review period.



2015 Action Plan Analysis of Impediments to Further Fair Housing & Section 3 Compliance

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING

The *Analysis of Impediments to Fair Housing* (AI) was completed in November 2010. CDBG Program regulations require recipient jurisdictions to “affirmatively further fair housing” as required by Section 808 of the Fair Housing Act.

The AI is part of the Community Resources effort to affirmatively further fair housing choice by identifying impediments to fair housing which presently exist in the community, and to develop strategies and actions designed to reduce or eliminate the identified impediments. Further, the AI will foster the collaboration of stakeholders and resource providers in the public, non-profit and private sectors; thereby promoting relationship-building and consensus on fair housing issues. The AI process helps describe a clearer picture of housing conditions for LMI households in Fayetteville and aids in defining current and future housing directions.

The current AI identified four areas of action:

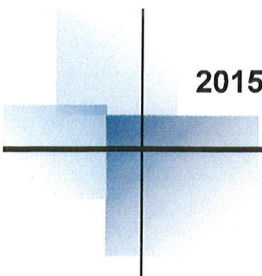
- Consider initiating a Fair Housing Committee within the Arkansas Community Development Association.
- Increase knowledge and understanding of fair housing and affirmatively furthering fair housing through utilization of education programs and materials provided by the Arkansas Fair Housing Commission (AFHC).
- Encourage AFHC to establish baseline and actual level and types of discrimination occurring in the community through audit testing activities.
- Continue to support and make referrals to local organizations that provide approved homebuyer education programs.

The Community Resources CDBG administration program has responsibility for the efforts to affirmatively further fair housing. Community Resources has established a Fair Housing Evaluation Committee that meets quarterly to monitor progress on fair housing goals.

SECTION 3

A condition of receiving HUD Community Planning and Development assistance is compliance with the requirements of Section 3. The Section 3 regulation is a directive for providing preference to low- and very low-income residents and businesses that substantially employ these persons for new employment, training and contracting opportunities resulting from HUD-funded projects that trigger Section 3.

The City of Fayetteville stays current on the Section 3 requirements and annually submits a Section 3 compliance report to HUD.



2015 Action Plan One-Year Action Plan

ONE-YEAR ACTION PLAN 2015

SUMMARY | USE OF FUNDS

The One-Year Action Plan for the 2015 program year illustrates the various programs, listings of projects and descriptions that will be implemented and funded under the CDBG federal program.

Comments regarding the 2015 Action Plan can be sent to:

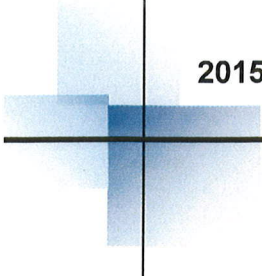
City of Fayetteville
Attention: Yolanda Fields
Community Resources Division
113 W Mountain Street
Fayetteville AR 72701

Title I of the Housing and Community Development Act of 1974 (Public Law 93-383) created the CDBG Program. Re-authorized in 1990 as part of the Cranston-Gonzalez National Affordable Housing Act, local communities can use the resources of the CDBG Program to develop flexible, locally designed community development strategies to address the program's national objectives of:

1. Providing benefits to low and moderate income persons;
2. Eliminating slums and blight; and
3. Meeting an urgent community need.

Within the framework of these national objectives, the City of Fayetteville has also established the following local community development objectives:

1. Housing and neighborhood preservation;
2. Economic development through job enhancement;
3. Public facilities and improvements limited to the support of objectives 1 and 2;
4. Elimination of blight and blighting elements limited to the support of objectives 1 and 2; and
5. Special programs offering significant community benefit and in direct support of objectives 1 and 2.



2015 Action Plan Administration | Housing | Redevelopment

ADMINISTRATION

Administration funds are used for the salary and benefits of the Community Resources Director, administrative staff, office supplies, travel and training costs, some Fair Housing activities and other costs associated with administration of community development activities. CDBG funds allocated - \$72,900. Location: Development Services Building, 125 West Mountain Street, Fayetteville, Arkansas 72701.

HOUSING SERVICES

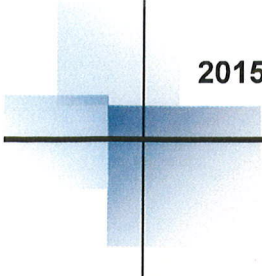
This allocation provides forgivable loans to low and moderate income persons for rehabilitation of owner-occupied housing. The rehabilitation services are offered up to \$25,000.

The program provides labor, materials, project management, Lead Based Paint (LBP) Hazard Control, and other associated costs to bring a home into compliance with State and City Housing Codes. Emphasis is placed on repairs that improve energy efficiency, alleviate deferred maintenance conditions, provide safety devices and/or replace principal fixtures and components. CDBG funds allocated - \$417,738 which includes salary and program delivery costs for management and oversight of all housing programs. Ten households to be served.

Location: Citywide, when there is a waiting list applicants are prioritized according to established criteria to give highest priority to those most in need of services. Priority criteria include: very low income, elderly, disabled, single-parent household, lead-based paint hazards in home and homes located in the Target Area.

REDEVELOPMENT PROGRAM

Program activities conducted in the Target Area include code compliance, clearance and demolition, and land acquisition for attainable housing. Ten households to be served. CDBG funds allocated - \$54,400. Location: The identified Target Area in southeast Fayetteville.



2015 Action Plan Public Services

PUBLIC SERVICES

Big Brothers Big Sisters of Northwest Arkansas | \$5,000

Big Brothers Big Sisters Fayetteville Youth Mentoring A portion of the costs associated with the provision of mentoring at-risk youth living in Fayetteville, Arkansas. In addition to poverty, one or more of the following risk factors will also be present for the children enrolled in this program: single parent or other guardianship, incarcerated parent and/or poor school performance.

Transportation Program | \$21,500

Taxi Program Supplemental transportation for disabled and/or elderly residents to assist in creating greater self-sufficiency for program participants.

Transit Program Supplemental transportation assistance for qualifying low- and moderate-income residents.

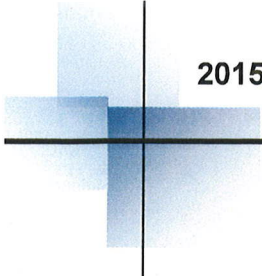


2015 Action Plan Public Facilities

PUBLIC FACILITIES

Northwest Arkansas Free Health Center | \$2,671

Clinic Facility Equipment Funding will be used to purchase and install medical equipment needed to enhance the Center's ability to treat specialized medical needs. This equipment being on-site will save patient time, travel expenses and referral fees.



2015 Action Plan Monitoring

MONITORING

COMMUNITY DEVELOPMENT PROGRAMS will be monitored by the Community Development Program, State HUD staff and external auditors to ensure long-term compliance with federal, state and local regulations and statutes. Goals and objectives outlined in the Consolidated Plan will be reviewed periodically by the Community Development staff to ensure compliance to the plan.

HOUSING PROGRAMS will be monitored by the CDBG Housing Program staff and State HUD staff. When needed the City of Fayetteville Building Safety Division will provide monitoring for compliance to building ordinances. All building ordinances must be met prior to final payment on all housing rehabilitation projects. Follow-up visits will be made to all housing rehabilitation project sites.

PUBLIC SERVICE ACTIVITIES will be monitored by Community Development staff. Subrecipient agreements will be required for all public service activities. Monitoring includes assessment of program performance, financial performance and regulatory compliance. Subrecipient agreements will require documentation of activities and results. The subrecipient agreement will outline procedures to be followed in case a non-compliance situation may occur.

REDEVELOPMENT PROGRAMS will be monitored by Community Development staff, State HUD staff and external auditors. Code compliance issues are administered according to city ordinances and policy/procedures guidelines. Program efforts will serve to advance the revitalization of the Target Area.

LEAD BASED PAINT hazard reduction will be monitored by CDBG Housing Program staff. Rehabilitation projects are evaluated and tested for lead-based paint hazards in accordance with the City of Fayetteville lead-based paint policy. The policy has been established based on current federal regulation for lead-based paint. This policy will be reviewed on an annual basis by CDBG staff.

GRANTEE MONITORING Division staff continue to take all necessary steps to ensure compliance with program requirements. All activities are looked at on an individual basis to determine what regulations are applicable and how they should be met. Division staff receive on-going training to develop the knowledge and skills to operate and comply with program requirements.



City of Fayetteville, Arkansas

Tentative Agenda
April 28, 2015
113 West Mountain Parkway
Fayetteville, AR 72701
(479) 575-8323
Page 35 of 209

Text File

File Number: 2015-0199

Agenda Date: 5/5/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 3

AMEND RESOLUTION NO. 191-14

A RESOLUTION TO AMEND RESOLUTION NO. 191-14 CONCERNING THE PURCHASE OF TWO (2) INTERNATIONAL 7300 DUMP TRUCKS WITH HENDERSON BELLY PLOWS FROM SUMMIT TRUCK GROUP OF LOWELL, ARKANSAS FOR USE BY THE TRANSPORTATION DIVISION

WHEREAS, Resolution No. 191-14, which passed on November 6, 2014, awarded Bid No. 14-59 to Summit Truck Group of Lowell, Arkansas for the purchase of two International 7300 dump trucks with Henderson belly plows; and

WHEREAS, Summit Truck Group discovered that it could not provide the type of brakes specified in the bid, which resulted in this purchase being re-bid with amended specifications as Bid No. 15-24; and

WHEREAS, Summit Truck Group remained the lowest bidder on Bid No. 15-24.

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 amends Resolution No. 191-14 by replacing all references to "Bid No. 14-59" with "Bid No. 15-24" and reducing the total cost of the purchase from \$287,516.00 to \$279,000.00.

City of Fayetteville Staff Review Form

2015-0199

Legistar File ID

5/5/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks/Sara Glenn/Barbara Olsen

4/15/2015

Fleet Operations /
 Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Rescind Resolution 191-14 and award a resolution to authorize the purchase of two 2015 International 7300 trucks with Henderson Mark III Dump Body and Henderson 10 underbody scrapers in the amount of \$139,500 each for a total of \$279,000 off of Bid 15-24 through Summit Truck Group of Lowell, AR.

Budget Impact:

9700.1920.5802.00		Shop Fund	
Account Number		Fund	
02079.2014		Heavy Trucks	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 291,380.00
		Funds Obligated	\$ -
		Current Balance	\$ 291,380.00
Does item have a cost?	Yes	Item Cost	\$ 279,000.00
Budget Adjustment Attached?	No	Budget Adjustment	
		Remaining Budget	\$ 12,380.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 5, 2015

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: April 15, 2015

SUBJECT: The purchase of two Dump Trucks with underbody scrapers for Transportation

RECOMMENDATION:

That City Council rescind resolution 191-14 and approve the purchase of two 2015 International 7300 trucks with Henderson Mark III Dump Body and Henderson 10 underbody scrapers in the amount of \$139,500 each for a total of \$279,000 off of Bid 15-24 through Summit Truck Group of Lowell, AR.

BACKGROUND:

Unit #357 is a 2007 F550 dump truck. The motor went out of it last year. It would cost between \$15 and \$16 thousand dollars to replace the motor. As the truck has been in service for nearly 8 years, it was decided to replace the truck instead of spending that much to repair it.

Unit 329 is a 2002 Ford F550, 1.5 ton dump truck that is worn out and needs to be replaced.

This purchase was approved by Council on Resolution 191-14 on Nov. 6, 2014. When the vendor began to build the truck, they discovered that they could not provide the type of brakes specified in the bid. Fleet has re-bid this truck out; the bids are in and the purchase price is actually a bit lower so we are saving money.

DISCUSSION:

Fleet recommends the purchase of two 2015 International 7300 trucks with Henderson Mark III Dump Body and Henderson 10 underbody scrapers in the amount of \$139,500 each for a total of \$279,000 off of Bid 15-24 through Summit Truck Group of Lowell, AR.

This purchase was presented to the Equipment Committee on April 14, 2015.

BUDGET/STAFF IMPACT:

Sufficient funds were budgeted for this purchase. Transportation has the funds required to cover the upgrade to a larger truck.

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:		
						P.O Number:			
Vendor #:	14039	Vendor Name: Summit Truck Group				Mail ☐ YES ☒ NO	Legistar#: 2015-0199 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	International 7300 Truck with	2	ea	139,500.00	\$279,000.00	9700.1920.5802.00	02079.2014	776 & 777	700776 & 700777
2	Henderson Mark III Dump Body and Henderson 10 Underbody Scraper				\$0.00				
3	Off of Bid 15-24				\$0.00				
4	To Be Units #776 & 777, Fixed Asset 700776 & 700777				\$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>\$279,000.00</u> Tax: <u>\$0.00</u> Total: <u>\$279,000.00</u>			
Approvals: Mayor: _____ Department Director: _____ Purchasing Manager: _____ Chief Financial Officer: _____ Budget Director: _____ IT Director: _____ Dispatch Manager: _____ Utilities Manager: _____ Other: <u>S. Glenn</u>									



Bid 15-24, Truck with Flatbed Dump & Underbody Scraper - REBID

Bid: 15-24
3/17/2015
2:00 PM
City of Fayetteville

BIDDER	QTY	33,000 GVWR 4x4 Crew Cab & Chassis	11 Foot Flatbed Dump Body	10 Foot Underbody Scraper	Total Bid
Peterbilt of Fort Smith - Opt 1 Mfg/Model	2	\$ 118,439.00 Peterbilt 337	\$ 23,627.89 Hilbilt XPC Dump Body	\$ 10,087.30 Bonnell UBS120-2-PRPD	\$ 304,308.38
Peterbilt of Fort Smith - Opt 2 Mfg/Model	2	\$ 118,439.00 Peterbilt 337	\$ 23,005.00 Henderson Mark III	\$ 9,321.00 Henderson H-UBS-10	\$ 301,530.00
Summit Truck Group Mfg/Model	2	\$ 107,174.00 International 7300 4x4	\$ 23,000.00 Henderson Mark III	\$ 9,326.00 Henderson H-UBS-10	\$ 279,000.00
TRL Inc dba Truck Centers of Arkansas Mfg/Model	2	\$ 108,026.00 Freightliner M2-106	\$ 23,005.00 Henderson Mark III	\$ 9,321.00 Henderson H-UBS-10	\$ 280,704.00

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

CERTIFIED:

P. Vice
P. Vice, Purchasing Manager

Carolyn Lee
Witness

3-17-15
Date



City of Fayetteville, Arkansas

Tentative Agenda
April 28, 2015
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 4 of 209

Text File

File Number: 2015-0198

Agenda Date: 5/5/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 4

WILLIAMS TRACTOR OF FAYETTEVILLE

A RESOLUTION TO AUTHORIZE THE PURCHASE OF ONE (1) BOBCAT TOOLCAT UTILITY VEHICLE FROM WILLIAMS TRACTOR OF FAYETTEVILLE IN THE AMOUNT OF \$51,763.00 PLUS ANY APPLICABLE TAXES, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE BY THE PARKS AND RECREATION 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 one (1) Bobcat Toolcat utility vehicle from Williams Tractor of Fayetteville in the amount of \$51,763.00 plus any applicable taxes, pursuant to a National Joint Powers Alliance cooperative purchasing agreement, for use by the Parks and Recreation Department.

City of Fayetteville Staff Review Form

2015-0198

Legistar File ID

5/5/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks/Sara Glenn/Barbara Olsen

4/15/2015

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution to authorize the purchase of a Bobcat Toolcat in the amount of \$51,763 available off the NJPA contract 060311-CEC through Williams Tractor of Fayetteville, 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 \$ 593,000.00

Funds Obligated \$ -

Current Balance \$ 593,000.00

Does item have a cost? Yes

Item Cost \$ 51,762.97

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 541,237.03

Previous Ordinance or Resolution #

V20140710

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 5, 2015

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent
DATE: April 15, 2015
SUBJECT: Purchase of one Tool Cat Utility Vehicle for Parks Development

RECOMMENDATION:

That City Council approve the purchase of one Bobcat Toolcat in the amount of \$51,763 available off the NJPA contract 060311-CEC through Williams Tractor of Fayetteville, AR.

BACKGROUND:

Unit 681 is a 2006 Bobcat Toolcat Loader that was due for replacement in 2014, and was pushed back to this year. It is now worn out and needs to be replaced.

DISCUSSION:

Fleet recommends the purchase of one Bobcat Toolcat in the amount of \$51,763 available off the NJPA contract 060311-CEC through Williams Tractor of Fayetteville, AR.

This purchase was presented to the Equipment Committee on April 14, 2015.

BUDGET/STAFF IMPACT:

There are sufficient funds in the budget for this purchase and the small shortfall in replacement collected will be more than made up when the old unit sells on Gov Deals.

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: 4/15/2015	
Vendor #: 11133		Vendor Name: William's Tractor				Mail ☐ YES ☒ NO		Legistar#: 2015-0198	
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	Bobcat Toolcat Utility Vehicle	1	ea	51,762.97	\$51,762.97	9700.1920.5802.00	02076.2015	6012	706012
2	Off of NJPA Contract				\$0.00				
3	To Be Unit #6012, Fixed Asset 706012				\$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: \$51,762.97 Tax: \$0.00 Total: \$51,762.97			
Approvals:									
Mayor: _____			Department Director: _____			Purchasing Manager: _____			
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____			
Dispatch Manager: _____			Utilities Manager: _____			Other: <i>S. Glenn</i>			

Home > National Cooperative Contract Solutions > Contracts - Fleet > Construction & Agricultural Equipment > Bobcat



Bobcat



Overview

Contract Documentation

Pricing

Marketing Materials

NJPA Contact Information

HOW TO PURCHASE

Our step-by-step guide



Contract#: 060311-CEC

Category: Heavy & Ag Equipment

Description: Construction Equipment

Maturity Date: 07/19/2015

Bobcat Company is a leading provider of compact equipment for global construction, rental, landscaping, agriculture, grounds maintenance, government, utility, industrial and mining markets. We strive to empower our customers to do their jobs more efficiently and effectively. We're North Dakota's largest manufacturer, with the most extensive compact equipment distribution network in the world.

[Find a Dealer](#)

Vendor Contact Info

Randy L. Fuss

Direct Phone: 701-241-8746

randy.fuss@doosan.com

www.bobcat.com/government

Williams Tractor, Inc.
2501 SHILOH DRIVE
P.O. BOX 1346
FAYETTEVILLE, ARKANSAS 72702-1346

Phone 479/442-8284
FAX 479/442-6013
Email: dewilliams@williamstractor.com



March 25, 2015

City of Fayetteville

Attn: Jesse Beeks

Please accept the following proposal for a Bobcat Toolcat Utility vehicle bid using the NJPA contract #060311-CEC

1. Bobcat 5600 Toolcat

-Cab enclosure with heat/AC

-Deluxe road package

-62" Combination bucket(4X1)

Bid Price \$51,762.97

Optional accessories

a.) Keyless Ignition

Add \$268.40

b.) Power Bobtach (quick attach)

Add \$879.12

c.) Radio

Add \$390.72

*please add any applicable sales tax

Thanks you for considering Williams Tractor

Tim Bailey



City of Fayetteville, Arkansas

Tentative Agenda
April 28, 2015
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 4 of 209

Text File

File Number: 2015-0200

Agenda Date: 5/5/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 5

SCOTT EQUIPMENT OF SPRINGDALE

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A GRADALL XL3100 IV 4X2 EXCAVATOR TRUCK FROM SCOTT EQUIPMENT OF SPRINGDALE, ARKANSAS IN THE AMOUNT OF \$313,324.00 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 Gradall XL3100 IV 4x2 Excavator Truck from Scott Equipment of Springdale, Arkansas in the amount of \$313,324.00 pursuant to an NJPA cooperative purchasing agreement for use by the Transportation Services Department.

City of Fayetteville Staff Review Form

2015-0200

Legistar File ID

5/5/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks/Sara Glenn/Barbara Olsen

4/15/2015

Fleet Operations /
 Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of one Gradall XL3100 Excavator in the amount of \$313,324 available off the NJPA contract 031014-GRD through Scott Equipment of Springdale, AR.

Budget Impact:

9700.1920.5802.00

Shop Fund

Account Number

Fund

02077.2015

Construction Equipment

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 355,800.00

Funds Obligated \$ -

Current Balance \$ 355,800.00

Does item have a cost? Yes

Item Cost \$ 313,324.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 42,476.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 5, 2015

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent
DATE: April 15, 2015
SUBJECT: Purchase of one Gradall XL3100 IV 4X2 Excavator for Street Maintenance

RECOMMENDATION:

That City Council approve the purchase of one Gradall XL3100 Excavator in the amount of \$313,324 available off the NJPA contract 031014-GRD through Scott Equipment of Springdale, AR.

BACKGROUND:

Unit 813 is a 2007 Gradall XL3100 Excavator; it has 3,600 hours and is worn out and due for replacement.

DISCUSSION:

Fleet recommends the purchase of one Gradall XL3100 Excavator in the amount of \$313,324 available off the NJPA contract 031014-GRD through Scott Equipment of Springdale, AR.

This purchase was presented to the Equipment Committee on April 14, 2015.

BUDGET/STAFF IMPACT:

Sufficient funds were budgeted for this purchase. The shortfall on what has been collected will be made up with the sale of this unit along with the sale of 809U on Gov Deals.

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:		
Vendor #: 3482 Vendor Name: Scott Construction Equipment						P.O Number:			
						Mail ☐ YES ☒ NO Legistar#: 2015-0200			
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	Expected Delivery Date:		
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	Gradall XL3100 Excavator	1	ea	313,324.00	\$313,324.00	9700.1920.5802.00	02077.2015	828	700828
2	Off of NJPA Contract				\$0.00				
3	To Be Unit #828, Fixed Asset 700828				\$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>\$313,324.00</u> Tax: <u>\$0.00</u> Total: <u>\$313,324.00</u>			
Approvals: Mayor: _____ Department Director: _____ Purchasing Manager: _____ Chief Financial Officer: _____ Budget Director: _____ IT Director: _____ Dispatch Manager: _____ Utilities Manager: _____ Other: <u><i>S. Glenn</i></u>									

[Home](#) > [National Cooperative Contract Solutions](#) > [Contracts - Fleet](#) > [Construction & Agricultural Equipment](#) > [Gradall Industries, Inc.](#)[Overview](#)[Contract Documentation](#)[Pricing](#)[Marketing Materials](#)[NJPA Contact Information](#)**HOW TO PURCHASE**

Our step-by-step guide

**Vendor Contact Info**

Connie Popovich

Direct Phone: 330-339-8342

cspopovich@gradall.comwww.gradall.com

Gradall Industries, Inc.

Contract#: 031014-GRD**Category:** Heavy & Ag Equipment**Description:** Telescoping, Tilting Boom Excavators**Maturity Date:** 04/10/2018

Since the 1940s, the Gradall name has been known world-wide for quality, innovation and versatility, producing exceptional machines for governments and private contractors as well as for mines, metal mills and even the firefighting industry. Well over 15,000 excavators bearing the Gradall name plate have been produced and shipped to nearly every country worldwide. The Gradall concept was born over a half century ago, aimed at increasing versatility and productivity. And while today's boom movements have even more freedom of motion, coupled with the massive power of high-pressure hydraulics, the advantages of Gradall's telescoping, tilting boom vs. a conventional knuckle boom, remain unchanged. Our Vacall line of street sweepers and catch basin cleaners are powerful and versatile with uses including, but not limited to, removal of wet and dry leaves, spill elimination, cleaning of sludge beds and roadway sweeping. The Vacall line of sewer cleaners features the AllJetVac Combination Sewer Cleaner, AllVac Industrial Vacuum Loader and the AllTrench Vacuum/Hydro Excavator. This line of cleaners, formerly the SafeJet product line, is comprised of rugged designs that combine the best in durability, performance and safety.





Contract #031014-GRD

GRADALL

XL3100 IV 4X2

Machine Quote: 1258

Inquiry #: Zach Helms - NJPA Quote

Estimated Ship Date:

Quote Date: 4/8/2015

Bill To:

Ship To:

City of Fayetteville

City of Fayetteville

Customer: City of Fayetteville

Customer PO:

The following is the quote confirmation for a XL3100 IV 4X2. Please review the specification carefully and advise me if there are any discrepancies.

Model	Quantity	Description	Unit Price	Price
XL3100 IV 4X2	1	HYDRAULIC EXCAVATOR, REMOTE, HIGHWAY SPEED 4X2		\$300,600.00
Chassis				
80789049	1	Air Conditioning Installation - Chassis	\$2,460.00	\$2,460.00
Attachments				
80656092	1	Bucket - 60" Ditching w/Bolt On Cutting Edge	\$5,120.00	\$5,120.00
80456021	1	Bucket - Excavating - 30"	\$4,710.00	\$4,710.00
Manual Instructions				
	1	Printed Set Of Parts, Service & Operator's Manuals	\$260.00	\$260.00

Machine & Attachment List Price: \$313,150.00

Less Discounts 4.00%: (\$12,526.00)

Total Machine & Attachment Net Price: \$300,624.00

Extended Warranty - 24 Month/3000 Hours \$7,000.00

Net Option:

Pre-Delivery Inspection \$1,000.00

Freight Description:

Freight from Factory to Dealer with 1 add'l attachment : \$4,700.00

Total Net Price: \$313,324.00

Model Specs:

Terms: NET 30



City of Fayetteville, Arkansas

Tentative Agenda
April 28, 2015
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Fayetteville, AR 72701
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Text File

File Number: 2015-0201

Agenda Date: 5/5/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 6

BID #15-22 TRUCK CENTERS OF ARKANSAS

A RESOLUTION TO AWARD BID #15-22 AND AUTHORIZE THE PURCHASE OF THREE (3) FREIGHTLINER DUMP TRUCKS FROM TRUCK CENTERS OF ARKANSAS IN THE TOTAL AMOUNT OF \$368,232.00 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION AND THE TRANSPORTATION SERVICES DEPARTMENT, 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 #15-22 and authorizes the purchase of three (3) Freightliner dump trucks in the total amount of \$368,232.00 from Truck Centers of Arkansas for use by the Water and Sewer Operations Division and the Transportation Services Department.

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

2015-0201

Legistar File ID

5/5/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks/Sara Glenn/Barbara Olsen

4/15/2015

Fleet Operations /
 Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of three 2016 Freightliner Dump Trucks in the amount of \$122,744 each for a total of \$368,232 off of Bid 15-22 through Truck Centers of Arkansas.

Budget Impact:

9700.1920.5802.00

Shop Fund

Account Number

Fund

02079.2015

Heavy Trucks

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 385,800.00

Funds Obligated \$ -

Current Balance \$ 385,800.00

Does item have a cost? Yes

Item Cost \$ 368,232.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 123,000.00

Remaining Budget \$ 140,568.00

Previous Ordinance or Resolution #

V20140710

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 5, 2015

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: April 15, 2015

SUBJECT: Purchase of one Dump Truck for Water and Sewer and two Dump Trucks for Transportation

RECOMMENDATION:

That City Council approve the purchase of three 2016 Freightliner Dump Trucks in the amount of \$122,744 each for a total of \$368,232 off of Bid 15-22 through Truck Centers of Arkansas.

BACKGROUND:

Water and Sewer is in need of an additional dump truck to improve their productivity and this expansion was approved in their capital budget.

Unit 746 is a 2006 Freightliner Dump Truck. It has 101,684 miles on it and has cost more than 66% of its original cost in maintenance. It will no longer stand up to front line use.

Unit 748 is a 2006 Freightliner Dump Truck. It has 115,260 miles on it and has cost more than 48% of its original cost in maintenance. It will no longer stand up to front line use.

DISCUSSION:

Fleet recommends the purchase of three 2016 Freightliner Dump Trucks in the amount of \$122,744 each for a total of \$368,232 off of Bid 15-22 through Truck Centers of Arkansas.

This purchase was presented to the Equipment Committee on April 14, 2015.

BUDGET/STAFF IMPACT:

Sufficient funds have been budgeted for both Transportation purchases. Replacement funds collected are short of the purchase price. However, by the time the new units arrive, sufficient funds will have been collected.

Sufficient funds have been budgeted for both capital and operating for Water and Sewer's expansion.

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:	
							P.O Number:		
							Vendor #: 16751		Vendor Name: Truck Centers of Arkansas
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	Freightliner Dump Truck	3	ea	122,744.00	\$368,232.00	9700.1920.5802.00	02079.2015	778, 779 & 780	700778, 700779, 700780
2	Off of Bid 15-22				\$0.00				
3	To Be Unit #778, 779 & 780, Fixed Asset 700778, 700779 & 700780				\$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: \$368,232.00		
							Tax: \$0.00		
Approvals:							Total: \$368,232.00		
Mayor: _____			Department Director: _____			Purchasing Manager: _____			
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____			
Dispatch Manager: _____			Utilities Manager: _____			Other: 			



City of Fayetteville, Arkansas
Purchasing Division
OFFICIAL PRELIMINARY BID TABULATION
Bid 15-22, Diesel Powered Dump Trucks
Friday, February 20, 2015, 2:00 PM, local time



BIDDER	QTY	Chassis	Dump Body	Total Bid
MHC Kenworth/Volvo - Springdale Opt 1 Mfg/Model Bid	3	\$ 111,455.00 Kenworth, T470	\$ 18,936.16 TBEI-OX, SP851300	\$ 391,173.48
MHC Kenworth/Volvo - Springdale Opt 2 Mfg/Model Bid	3	\$ 111,455.00 Kenworth, T470	\$ 18,800.00 Hilbilt, Mongoose XL	\$ 390,765.00
MHC Kenworth/Volvo - Springdale Opt 3 Mfg/Model Bid	3	\$ 111,455.00 Kenworth, T470	\$ 19,000.00 Crown, 13'	\$ 391,365.00
MHC Kenworth/Volvo - Springdale Opt 4 Mfg/Model Bid	3	\$ 111,455.00 Kenworth, T470	\$ 19,981.00 OX, SP851300	\$ 394,308.00
Peterbilt of Fort Smith Mfg/Model Bid	3	\$ 109,498.00 Peterbuilt, 348	\$ 18,800.00 Hilbilt, Mongoose XL	\$ 384,894.00
Shipley Motor Equipment Company Mfg/Model Bid	3	\$ 123,950.00 Mack, GU813	\$ 18,800.00 Hilbilt, Mongoose XL	\$ 428,250.00
TRL, Inc. DBA Truck Centers of Arkansas Mfg/Model Bid	3	\$ 103,944.00 Freightliner, 114SD	\$ 18,800.00 Hilbilt, Mongoose XL	\$ 368,232.00

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

CERTIFIED:

P. Vice

P. Vice, Purchasing Manager

Andrew Fore
Witness

2/20/15
Date

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

Tentative Agenda
April 28, 2015
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Budget Year	Division: Water & Sewer Maintenance	Adjustment Number
2015	Dept.: Utilities	
	Requestor: Cheryl Partain	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

To purchase an expansion dump truck that will be unit 778, WSEW_F053 in order to improve productivity.

	COUNCIL DATE:	5/5/2015
	LEGISTAR FILE ID#:	2015-0201
	<i>Barbara Fell</i>	
	4/15/2015 8:54 AM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL		123,000	123,000				v.20150402
	<u>Increase / (Decrease)</u>		<u>Project.Sub#</u>				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
5400.1840.5801.00	(123,000)	-	13019	1	EX	Fixed Assets	
5400.1820.7602.70	123,000	-	13019	1	EX	Transfer to Shop	
9700.1920.5802.00	123,000	-	02079	2015	EX	Vehicles And Equipment	
9700.0970.6602.40	-	123,000	02079	2015	RE	Transfer from Water & Sewer	
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					



City of Fayetteville, Arkansas

Tentative Agenda
April 28, 2015
113 West Mountain Parkway
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Text File

File Number: 2015-0203

Agenda Date: 5/5/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 7

BID #15-29 HUTCHENS CONSTRUCTION

A RESOLUTION TO AWARD BID #15-29 AND AUTHORIZE THE PURCHASE OF COLD ASPHALT CONCRETE FROM HUTCHENS CONSTRUCTION FOR A UNIT PRICE OF \$105.00 PER TON AS NEEDED THROUGH THE END OF 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 awards Bid #15-29 and authorizes the purchase of cold asphalt concrete from Hutchens Construction for a unit price of \$105.00 per ton as needed through the end of 2015.

City of Fayetteville Staff Review Form

2015-0203

Legistar File ID

May 5, 2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Terry Gulley

4/10/2015

Transportation Services /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution awarding Bid 15-29 to and authorizing the purchase of cold asphalt concrete from Hutchens Construction, for a unit price of \$105.00 per ton, as needed through the end of calendar year 2015.

Budget Impact:

4470.9470.5417.00

Sales Tax Capital Improvements

Account Number

Fund

02052 / 1

In-House Pavement Improvements

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 1,992,324.00

Funds Obligated \$ 304,813.71

Current Balance \$ **1,687,510.29**

Does item have a cost? Yes

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ **1,687,510.29**

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: The "item cost" box has been left blank because the exact item cost will vary depending upon the Transportation Division's fluctuating needs based on citizen service requests received, construction project progress, and other variable factors.

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 5, 2015

TO: Mayor and City Council
THRU: Don Marr, Chief of Staff
FROM: Terry Gulley, Transportation Services Director
DATE: April 14, 2015
SUBJECT: Bid 15-29, Cold Asphalt Concrete

RECOMMENDATION:

A resolution awarding Bid 15-29 to and authorizing the purchase of cold asphalt concrete from Hutchens Construction, for a unit price of \$105.00 per ton, as needed through the end of calendar year 2015.

BACKGROUND:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

DISCUSSION:

The low bid for cold asphalt concrete was submitted by Hutchens Construction. Their product meets all necessary specifications and their service is satisfactory.

BUDGET/STAFF IMPACT:

Funds for the acquisition of these materials have been budgeted in the In-House Pavement Improvements capital project.

Attachments:

Bid 15-29 Tabulation



Bid 15-29, Cold Asphalt Concrete - RE BID

BIDDER	Cold Asphalt Concrete – Clean screened limestone (max 3/8"), washed sharp river sand, cutback asphalt, reinforcing fibers and CW-1 anti-strip agent			Total Base Bid
	Est Tons	Price Per Unit	Extended Price	
Hutchens Construction	400	105	\$ 42,000.00	\$ 42,000.00

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

CERTIFIED:

P. VICE, PURCHASING MGR

Witness

Date

4-9-15



City of Fayetteville, Arkansas

Tentative Agenda
April 28, 2015
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
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Text File

File Number: 2015-0194

Agenda Date: 5/5/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 8

AMEND RESOLUTION NO. 05-15

A RESOLUTION TO AMEND RESOLUTION NO. 05-15 CONCERNING THE TRANSPORTATION DIVISION OVERLAY/SIDEWALK PROJECTS LIST FOR 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 amends Resolution No. 05-15, concerning the Transportation Division Overlay/Sidewalk Projects list for 2015, by removing an asphalt overlay and sidewalk improvement project on Maple Street between Gregg Avenue and Leverett Avenue; adding asphalt overlays on Stadium Drive, Bulldog Lane, and Leroy Pond Drive; and adding sidewalk improvements on Davidson Street, Forest Avenue, and Highland Avenue.

City of Fayetteville Staff Review Form

2015-0194

Legistar File ID

May 5, 2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Terry Gulley

4/13/2015

Transportation Services /
 Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to approve a revision to the Transportation Division's 2015 overlay/sidewalk projects list.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? Yes

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution # 05-15

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 5, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Terry Gulley, Transportation Services Director

DATE: April 13, 2015

SUBJECT: Transportation Division Work Plan Revision

RECOMMENDATION:

Staff and the Transportation Committee recommend a resolution approving a revision to the Transportation Division's 2015 asphalt overlay/sidewalk projects list. This revision would include removing an asphalt overlay and sidewalk improvements project on Maple Street (Gregg Avenue to Leverett Avenue) from the work plan in order to add asphalt overlays on Stadium Drive, Bulldog Lane, and Leroy Pond Drive. In addition, sidewalk improvements would also be added on Davidson Street, Forest Avenue, and Highland Avenue.

BACKGROUND:

The 2015 project list was originally presented to the Transportation Committee on November 25, 2014 and approved by City Council on January 6, 2015 with Resolution No. 05-15.

DISCUSSION:

The University of Arkansas has asked the City of Fayetteville for assistance with the relocation of Stadium Drive. After careful consideration, it was determined that City crews could complete the work necessary on Stadium Drive by revising the work plan to remove the Maple Street project. This change would provide adequate funding to complete the additional paving projects near the University of Arkansas and Fayetteville High School. Additionally, staff estimates that the revisions would result in remaining funds which would allow sidewalk improvements to be added to the work plan and completed in Ward 2 on Davidson Street, Forest Avenue, and Highland Avenue.

The 2015 work plan revisions were presented to the Transportation Committee on March 31, 2015. The Transportation Committee recommended that the work plan revisions be presented to the City Council for its approval by resolution in accordance with Ordinance No. 5173.

BUDGET/STAFF IMPACT:

Funds for labor, equipment, materials, and services are included in the Sales Tax Capital Improvements and Street Funds in the In-House Pavement Improvements and Sidewalk Improvements capital projects.



City of Fayetteville, Arkansas

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April 28, 2015
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Text File

File Number: 2015-0207

Agenda Date: 5/5/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 9

GARVER, LLC TASK ORDER NO. 2

A RESOLUTION TO APPROVE TASK ORDER NO. 2 WITH GARVER, LLC FOR DESIGN WORK, BIDDING SERVICES, CONSTRUCTION PHASE SERVICES, MATERIALS TESTING AND CLOSEOUT SERVICES ASSOCIATED WITH THE AIRPORT TERMINAL APRON REHABILITATION PROJECT IN AN AMOUNT NOT TO EXCEED \$73,000.00, 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 approves Task Order No. 2 with Garver, LLC for design work, bidding services, construction phase services, materials testing, and closeout services associated with the airport terminal apron rehabilitation project in an amount not to exceed \$73,000.00.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution and made a part hereof.

City of Fayetteville Staff Review Form

2015-0207

Legistar File ID

5/5/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

John J. Roscoe

4/16/2015

Aviation /

Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

1) A Resolution to authorize, signature of the Mayor, on Task Order 02 with Garver LLC., C/O Adam T. White, 2049 East Joyce Blvd, Fayetteville, AR, 72703, 479-527-9100, ATWhite@GarverUSA.com, that provides for Engineering Services associated with the Airport Terminal Apron Rehabilitation Project.

2) Authorize a Budget Adjustment in the amount of \$73,000.

Budget Impact:

5550.3960.5314.00		Airport	
Account Number		Fund	
14014 2		Airport Terminal Apron Rehabilitation	
Project Number		Project Title	
Budgeted Item?	No	Current Budget	\$ 12,964.00
		Funds Obligated	\$ 12,964.00
		Current Balance	\$
Does item have a cost?	Yes	Item Cost	\$ 73,000.00
Budget Adjustment Attached?	Yes	Budget Adjustment	\$ 73,000.00
		Remaining Budget	\$

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 5, 2015

TO: Mayor and City Council

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

FROM: John J. Roscoe, Airport Director 

DATE: 4/15/15

SUBJECT: Garver, LLC – Task Order 02
Legistar Item # 2015-0207

RECOMMENDATION:

Staff requests approval of a Resolution to authorize Task Order 02 with Garver, LLC, for Engineering Services associated with the Airport Terminal Apron Rehabilitation Project.

BACKGROUND:

The FAA requires Airports to have a consulting engineer under contract in order to apply for and receive grants. The Airport recently concluded a Request for Qualifications process, choosing Garver, LLC, as the new Airport Consulting Engineer.

The Airport plans to utilize Arkansas State Department of Aeronautics funding to perform rehabilitation of the concrete surface of the Airport Terminal aircraft parking area.

DISCUSSION:

McClelland Consulting Engineers (MCE) was the Airport's previous "on-contract" CE firm as required by the FAA. They were, under that contract and with a Task Order, requested to accomplish the Design through Bid Stage of a project to perform a global rehabilitation of the terminal apron with a surface treatment. Upon inspection by City staff of an airport with a concrete rehabilitation with a similar surface treatment product, the Airport determined that the global surface treatment was not a sensible approach. MCE then began investigating other possible global rehabilitation alternatives. The revised rehabilitation alternatives would require approximately \$1.2M dollars whereas the City would only be able to obtain approximately half of the project amount through the Airport's FAA entitlement funds. Additionally, during this period of time our Contract expired with MCE and the City, through the RFQ process selected Garver as our new CE firm. Pursuant to our original contract with MCE, under SECTION XV – POSTPONMENT OR CANCELLATION OF THE CONTRACT, "it is understood that the CITY OF FAYETTEVILLE will have the right to suspend or cancel the work at any time.

- A. Postponement - Should the CITY OF FAYETTEVILLE, for any reason whatsoever, decide to postpone the work at any time, the CITY OF FAYETTEVILLE will notify MCE, who will immediately suspend work. Should the CITY OF FAYETTEVILLE decide during such suspension not to resume the work, or should such suspension not be terminated within a year, the work shall be canceled as hereinafter provided.
- B. Cancellation - Should the CITY OF FAYETTEVILLE, for any reason whatsoever, decide to cancel or to terminate the use of MCE'S service, the CITY OF FAYETTEVILLE will give written notice thereof to MCE, who will immediately terminate the work. If the CITY OF FAYETTEVILLE so elects, MCE may be instructed to bring a reasonable stage of completion to those items whose

value would otherwise be lost. MCE shall turn over all data, charts, survey notes, figures, drawings and other records or information collected or produced hereunder whether partial or complete. Upon such termination of MCE'S services, MCE shall be paid a proportional amount of the total fee, less prior partial payments, based on the ratio of work done to the total amount of work to be performed.

Based upon the global rehabilitation alternatives proposed by MCE, the Airport determined that global apron repairs were not feasible without significant cost to the City. As a result, the scope of the apron rehabilitation was modified and the Airport began exploring isolated apron rehabilitation alternatives. With Garver's assistance, the Airport determined that isolated apron repairs could be performed under the recently released Arkansas Department of Aeronautics \$500K matching 90/10 grant. This grant would allow the Airport to construct a \$555,000 project with a City share of only \$55,000. By pursuing the apron rehabilitation under this grant, the airports FAA entitlement bank would not be impacted and could be used on other critical airport projects.

Finally, due to the Fact that Garver is the Airport's new on-contract CE firm with the authority to interact with State and Federal Agencies on the Airport and City's behalf for the funding associated with the project, plus the change in the Scope of the project, it is in the COF's best interest to have Garver accomplish a new design through bid phase of the terminal apron rehab project.

Task Order 02 Garver provides for design work, bidding services, construction phase services, materials testing and closeout services associated with the Terminal Apron Rehabilitation project. Garver's fee for services is \$73,000. The total project cost of \$555,000 is eligible for 90% reimbursement to the Airport up to \$500,000 through a 90/10 grant from the Arkansas Department of Aeronautics.

BUDGET/STAFF IMPACT:

The Airport will commit a portion of its fund balance reserve, approximately \$55,000, in order to match 10% of the total project cost to the State's 90% grant.

Attachments:

SRF, SRM,
Task Order 02
Budget Adjustment
Purchase Request

Sub Project Maintenance Form

Sub Project Request: New SubProject

Project Number : _____

Sub Project Number : 2

Sub Project Title (40 char) : Garver Engineering 22 Char Le

Sub Project Abbv (15 char) : GvrEng 9 Char Left

Sub Project Status : Pending

Sub Project Division : D810 Aviation

Scheduled Start Date : _____ <= Double Click Date Cells

Scheduled Ending Date : _____ <= Double Click Date Cells

Actual Start Date : _____ <= Double Click Date Cells

Actual Ending Date : _____ <= Double Click Date Cells

GLACCOUNT#	Account Description	Need Setup	Add/Delete	Add to PCARD
5550.3960.5314.00	Professional services			

Description/Justification of Request

Engineering services associated with the Airport Terminal Apron Rehabilitation project. Comprising design work, bidding services, construction phase services, materials testing and closeout services associated with the project

JNicholson

Requested By

Entered By

APPENDIX A-2

TASK ORDER 02 FAYETTEVILLE MUNICIPAL AIRPORT (FYV) TERMINAL APRON REHABILITATION

This TASK ORDER is made as of _____, 2015 by and between the CITY OF FAYETTEVILLE of Fayetteville, Arkansas hereinafter referred to as "CITY OF FAYETTEVILLE," and GARVER, LLC, hereinafter referred to as "GARVER", in accordance with the provisions of the AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES executed on _____.

Under this Work Order, the CITY OF FAYETTEVILLE intends to make the following improvements for the FYV Terminal Apron Rehabilitation project.

Rehabilitate the existing concrete terminal apron through various rehabilitation methods including, but not limited to, corner spall repair, joint spall repair, crack repair, and concrete slab replacement.

GARVER will provide professional services related to these improvements as described herein.

SECTION 1 - SCOPE OF SERVICES

GARVER will provide services as detailed in Exhibit A-2.

SECTION 2 – PAYMENT

For the work described under SECTION 1 - SCOPE OF SERVICES, the CITY OF FAYETTEVILLE will pay GARVER on a lump sum and hourly rate basis. The CITY OF FAYETTEVILLE represents that funding sources are in place with the available funds necessary to pay GARVER.

The table below presents a summary of the fee amounts and fee types for this contract.

WORK DESCRIPTION	FEE AMOUNT	FEE TYPE
Bid Package Development	\$24,000	Lump Sum
Bidding Services	\$6,000	Lump Sum
Construction Phase Services	\$37,000	Hourly
Materials Testing Services	\$3,000	Cost
Closeout Services	\$3,000	Lump Sum
TOTAL FEE	\$73,000	

Bid Package Development, Bidding Services, and Closeout Services:

The lump sum amount to be paid under this agreement is \$33,000. For informational purposes, a breakdown of GARVER's estimated costs is included in Exhibit B-2 with approximate current hourly rates for each employee classification.

Construction Phase Services:

The CITY OF FAYETTEVILLE will pay GARVER, for time spent on the project, at the unburdened hourly payroll rate of each of GARVER's personnel during the performance of these services multiplied by a 3.20 markup plus reimbursable expenses including but not limited to printing, courier service, reproduction, and travel. The total amount paid to GARVER under this agreement is estimated to be \$37,000. The actual total fee may not exceed this estimate. For informational purposes, a breakdown of GARVER's estimated costs is included in Exhibit B-2 with approximate current hourly rates for each employee classification. Underruns in any phase may be used to offset overruns in another phase as long as the overall contract amount is not exceeded.

Expenses other than salary costs that are directly attributable to performance of our professional services will be billed as follows:

1. Direct cost for travel, long distance and wireless communications, outside reproduction and presentation material preparation, and mail/courier expenses.
2. Charges similar to commercial rates for reports, plan sheets, presentation materials, etc.
3. The amount allowed by the federal government for mileage with an additional \$0.05 for survey trucks/vans.

Materials Testing Services:

The fee for Materials Testing Services will be negotiated with Grubbs, Hoskyn, Barton, & Wyatt, as a subconsultant to GARVER, and is estimated to be approximately \$3,000. The CITY OF FAYETTEVILLE will pay GARVER the direct cost submitted by GARVER for these services.

Any unused portion of the fee, due to delays beyond GARVER's control, will be increased 6% annually with the first increase effective on or about July 1, 2016.

Additional Services (Extra Work). For work not described or included in Section 2 – Scope of Services but requested by the CITY OF FAYETTEVILLE in writing, the CITY OF FAYETTEVILLE will pay GARVER, for time spent on the project, at the rates shown in Exhibit B-2 for each classification of GARVER's personnel, plus overhead, plus 15% profit, plus reimbursable expenses including but not limited to printing, courier service, reproduction, and travel. The rates shown in Appendix B will be increased annually with the first increase effective on or about July 1, 2015.

SECTION 3 –EXHIBITS

- 3.1 The following Exhibits are attached to and made a part of this Agreement:
- 3.1.1 Exhibit A-2 Scope of Services
 - 3.1.2 Exhibit B-2 Rate Schedule & Fee Tables
 - 3.1.3 Exhibit C-2 Project Exhibit
 - 3.1.4 Exhibit D-2 Conceptual Cost Estimate

This Agreement may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Approval and acceptance of this Task Order, including attachments listed in SECTION 3 –EXHIBITS, shall incorporate this document as part of the Agreement. Garver is authorized to begin performance upon receipt of a copy of this Task Order signed by the CITY OF FAYETTEVILLE. The effective date of this Task Order shall be the last date written below.

CITY OF FAYETTEVILLE, ARKANSAS

GARVER

By : _____
Mayor, Lioneld Jordan

By: *Nikhil J. Datta* 2015.04.15
11:15:41-05'00'

ATTEST:

By: _____
City Clerk

Title: Senior Vice President

**EXHIBIT A-2 – SCOPE OF SERVICES
FAYETTEVILLE MUNICIPAL AIRPORT (FYV)
TERMINAL APRON REHABILITATION**

2.1 General

Generally, the scope of services includes bid package development, bidding services, construction phase services, materials testing services, and closeout services for improvements to Fayetteville Municipal Airport. Improvements will consist primarily of rehabilitating the existing concrete terminal apron.

2.2 Bid Package Development

2.2.1 Construction Safety Plans

GARVER will develop construction safety plans for the CITY OF FAYETTEVILLE's review prior to inclusion in the bid package. Construction safety plans will also be coordinated with the Air Traffic Controllers. Construction phasing will be designed to limit the construction impact on aircraft operations.

2.2.2 Airspace Analysis

GARVER will prepare and submit the project to the FAA for airspace clearance on the Obstruction Evaluation and Airport Airspace Analysis (OE-AAA) website and coordinate this with FAA representatives.

2.2.3 Final Plans and Specifications

GARVER will prepare detailed construction drawings, specifications, instructions to bidders, and general provisions and special provisions, all based on guides furnished to GARVER by the CITY OF FAYETTEVILLE and AHTD. Contract Documents (Plans, Specifications, and Estimates) will be prepared for award of one (1) construction contract. These designs shall be in accordance with sound engineering principles. Detailed specifications shall be developed using FAA "Standards for Specifying Construction for Airports" AC 150/5370-10 (latest edition), AHTD Standard Specifications, or other appropriate standards. A specimen copy of applicable prevailing wage rates will be obtained by GARVER from the Arkansas Department of Labor as appropriate for incorporation into the specifications for the proposed project.

GARVER will furnish plans to the CITY OF FAYETTEVILLE for bidding and coordination purposes.

2.3 Bidding Services

GARVER will assist the CITY OF FAYETTEVILLE in advertising for and obtaining bids or negotiating proposals for one separate prime contract for construction, materials, equipment and services; and, where applicable, maintain a record of prospective bidders to whom Bidding Documents have been issued, and receive and process deposits for Bidding Documents. The CITY OF FAYETTEVILLE will pay advertising costs outside of this contract. GARVER will issue addenda as appropriate to interpret, clarify or expand the Bidding Documents. GARVER will consult with and advise the CITY OF FAYETTEVILLE as to the acceptability of subcontractors, suppliers

and other persons and organizations proposed by the prime contractor(s) (herein called "Contractor(s)") for those portions of the work as to which such acceptability is required by the Bidding Documents. GARVER will consult with the CITY OF FAYETTEVILLE concerning and to determine the acceptability of substitute materials and equipment proposed by Contractor(s) when substitution prior to the award of contracts is allowed by the Bidding Documents. GARVER will attend the bid opening, prepare bid tabulation sheets and assist the CITY OF FAYETTEVILLE in evaluating bids or proposals and in assembling and awarding contracts for construction, materials, equipment and services. GARVER will assist the CITY OF FAYETTEVILLE in the execution of all contract documents and furnish a sufficient number of executed documents for the CITY OF FAYETTEVILLE and Contractor.

2.4 Construction Phase Services

During the construction phase of work, GARVER will accomplish the following:

1. Support the CITY OF FAYETTEVILLE's improvement plan by accomplishing preliminary planning, and/or engineering work as directed by the CITY OF FAYETTEVILLE. The work shall include the preparation of opinions of costs, preliminary plans, applications for local, state, and federal funds, and services required to support the CITY OF FAYETTEVILLE's applications for funds.
2. Issue a Notice to Proceed letter to the Contractor and attend the preconstruction meeting.
3. Attend progress/coordination meetings with the CITY OF FAYETTEVILLE /Contractor.
4. Evaluate and respond to construction material submittals and shop drawings. Corrections or comments made by GARVER on the shop drawings during this review will not relieve Contractor from compliance with requirements of the drawings and specifications. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating his work with that of all other trades, and performing his work in a safe and satisfactory manner. GARVER's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or implied for a complete and workable system, GARVER shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents.
5. Consult with and advise the CITY OF FAYETTEVILLE during the construction period. GARVER will submit, when requested by the CITY OF FAYETTEVILLE, written reports to the CITY OF FAYETTEVILLE on the progress of the construction including any problem areas that have developed or are anticipated to develop.
6. Issue instructions to the Contractor on behalf of the CITY OF FAYETTEVILLE and issue necessary clarifications (respond to RFIs) regarding the construction contract documents.
7. Review the Contractor's progress payment requests based on the actual quantities of contract items completed and accepted, and will make a recommendation to the CITY OF FAYETTEVILLE regarding payment. GARVER's recommendation for payment shall not be a representation that GARVER has made exhaustive or continuous inspections to (1) check the quality or exact quantities of the Work; (2) to review billings from Subcontractors and material suppliers to substantiate the Contractor's right to payment; or (3) to ascertain how the Contractor has used money previously paid to the Contractor.

8. Maintain a set of working drawings.
9. Provide part-time resident construction observation services for the 60-calendar-day construction contract performance time. The proposed fee is based on approximately 4 hours per day, 5 days per week, during the construction contract performance time, plus an additional 15 days for weather or other delays. If the construction time extends beyond the time established in this agreement or if the CITY OF FAYETTEVILLE wishes to increase the time or frequency of the observation, the CITY OF FAYETTEVILLE will pay GARVER an additional fee agreed to by the CITY OF FAYETTEVILLE and GARVER.
10. When authorized by the CITY OF FAYETTEVILLE, prepare change orders or supplemental agreements, as appropriate, for ordering changes in the work from that originally shown on the Plans and Specifications. If re-design or substantial engineering is required in the preparation of these documents, payment for extra services involved will be made in addition to the payment provided in basic engineering services.
11. Participate in final project inspection, prepare punch list, review final project closeout documents, and submit final pay request.

Construction observation services will be provided by GARVER's Resident Project Representative, who will provide or accomplish the following:

- Consult with and advise the CITY OF FAYETTEVILLE during the construction period.
- Coordinate with the firm providing construction materials quality assurance testing. Coordinate with this firm to insure that all material tests required for construction are scheduled and accomplished in a manner that will not delay the Contractor unnecessarily and will meet specification requirements as to location and frequency.
- Maintain a file of quantities incorporated into the work, test reports, certifications, shop drawings and submittals, and other appropriate information.
- Maintain a project diary which will contain information pertinent to each site visit.
- Prepare requests for monthly and final payments to the Contractor.

In performing construction observation services, GARVER will endeavor to protect the CITY OF FAYETTEVILLE against defects and deficiencies in the work of the Contractor(s); but GARVER does not guarantee the performance of the Contractor(s), nor is GARVER responsible for the actual supervision of construction operations. GARVER does not guarantee the performance of the contracts by the Contractors nor assume any duty to supervise safety procedures followed by any Contractor or subcontractor or their respective employees or by any other person at the job site. However, if at any time during construction GARVER observes that the Contractor's work does not comply with the construction contract documents, GARVER will notify the Contractor of such non-compliance and instruct him to correct the deficiency and/or stop work, as appropriate for the situation. GARVER will also record the observance, the discussion, and the actions taken. If the Contractor continues without satisfactory corrective action, GARVER will notify the CITY OF FAYETTEVILLE immediately, so that appropriate action under the CITY OF FAYETTEVILLE's contract with the Contractor can be taken.

As a minimum, GARVER's project engineer or his qualified representative will visit the site of the work on the average of once during each fifteen (15) working days of the construction period. These visits should be scheduled to coincide with each new phase of construction and other times when his presence is desirable. GARVER's project engineer or his qualified representative will be available at all times work is in progress for telephone contact by the construction observer. GARVER's project engineer shall direct, supervise, advise, and counsel the construction observer in the accomplishment

of his duties.

2.5 Closeout Services

During closeout services, GARVER will assist the CITY OF FAYETTEVILLE in the final drawdown of their ADA grant. In addition, GARVER will prepare a set of record drawings for the CITY OF FAYETTEVILLE.

2.6 Project Deliverables

The following will be submitted to the CITY OF FAYETTEVILLE, or others as indicated, by GARVER:

1. One copy of the Final Design with opinion of probable construction cost.
2. Three copies of the Final Plans and Specifications to the Contractor.
3. One hard copy set of Record Drawings.
4. Electronic files as requested.

2.7 Extra Work

The following items are not included under this agreement but will be considered as extra work:

1. Redesign for the CITY OF FAYETTEVILLE's convenience or due to changed conditions after previous alternate direction and/or approval.
2. Submittals or deliverables in addition to those listed herein.
3. Geotechnical Investigation
4. Preparation of a Storm Water Pollution Prevention Plan (SWPPP). The construction contract documents will require the Contractor to prepare, maintain, and execute a SWPPP.
5. Construction materials testing.
6. Environmental Handling and Documentation, including wetlands identification or mitigation plans or other work related to environmentally or historically (culturally) significant items.
7. Coordination with FEMA and preparation/submittal of a CLOMR and/or LOMR.

Extra Work will be as directed by the CITY OF FAYETTEVILLE in writing for an additional fee as agreed upon by the CITY OF FAYETTEVILLE and GARVER.

2.8 Schedule

GARVER shall begin work immediately upon receipt of the executed task order and shall complete the work within a mutually agreeable schedule.



EXHIBIT B-2
FYV TERMINAL APRON REHABILITATION
Garver Hourly Rate Schedule

Classification	Rates
Engineers / Architects	
E-1	\$ 31.10
E-2	\$ 36.00
E-3	\$ 43.70
E-4	\$ 51.00
E-5	\$ 62.20
E-6	\$ 78.00
E-7	\$ 103.00
Planners / Environmental Specialist	
P-1	\$ 37.40
P-2	\$ 47.00
P-3	\$ 60.00
Designers	
D-1	\$ 29.00
D-2	\$ 34.00
D-3	\$ 40.50
D-4	\$ 47.00
Technicians	
T-1	\$ 22.60
T-2	\$ 28.80
T-3	\$ 35.00
Surveyors	
S-1	\$ 13.80
S-2	\$ 18.30
S-3	\$ 24.80
S-4	\$ 35.50
S-5	\$ 47.00
S-6	\$ 53.50
2-Man Crew (Survey)	\$ 52.50
3-Man Crew (Survey)	\$ 66.00
2-Man Crew (GPS Survey)	NA
3-Man Crew (GPS Survey)	NA
Construction Observation	
C-1	\$ 27.40
C-2	\$ 35.20
C-3	\$ 43.10
C-4	\$ 53.00
Management / Administration	
M-1	\$ 103.00
X-1	\$ 17.70
X-2	\$ 24.20
X-3	\$ 33.70
X-4	\$ 46.20

EXHIBIT B-2

FAYETTEVILLE MUNICIPAL AIRPORT TERMINAL APRON REHABILITATION

BID PACKAGE DEVELOPMENT

WORK TASK DESCRIPTION	E-3	E-2	E-1	T-2	T-1	C-3	C-2
	\$43.70	\$36.00	\$31.10	\$28.80	\$22.60	\$43.10	\$35.20
	p	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Final Plans							
Cover Sheet		1	1		4		
General Notes		2	2		6		
Typical Sections		2	4		8		
Construction Safety Plans		4	10		16		
Rehabilitation Plans		4	10		20		
Pavement Marking Plans		2	4		8		
Rehabilitation Details		4	4		16		
Site Visit		6	6				
Construction Safety Meeting with Owner/Tower		4	6				
Coordination with Owner		6	6				
City Meetings		8	8				
Airspace Analysis		2	4				
Specifications/Contract Documents		4	12				
Quantities		2	6				
Opinion of Probable Construction Cost		2	4				
QC Review		6	6			6	
Subtotal - Civil Engineering	0	59	93	0	78	6	0

Hours	0	59	93	0	78	6	0
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Salary Costs	\$0.00	\$2,124.00	\$2,892.30	\$0.00	\$1,762.80	\$258.60	\$0.00
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SUBTOTAL - SALARIES: **\$7,037.70**

**LABOR AND GENERAL
ADMINISTRATIVE OVERHEAD** **\$13,395.56**

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$236.31
Postage/Freight/Courier	\$100.00
Travel Costs	\$100.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: **\$436.31**

SUBTOTAL: **\$20,869.56**

SUBCONSULTANTS FEE: **\$0.00**

PROFESSIONAL FEE **\$3,130.43**

TOTAL FEE: **\$24,000.00**

EXHIBIT B-2

FAYETTEVILLE MUNICIPAL AIRPORT TERMINAL APRON REHABILITATION

BIDDING SERVICES

WORK TASK DESCRIPTION	E-3	E-2	E-1	T-2	T-1	C-3	C-2
	\$43.70	\$36.00	\$31.10	\$28.80	\$22.60	\$43.10	\$35.20
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Dispense plans and specs to prospective bidders		2	6				
Addendums/Inquiries		2	8				
Bid Opening		6	6				
Prepare bid tabulation		1	4				
Evaluate bids and recommend award		1	4				
Prepare construction contracts		1	4				
Prepare grant application		1	4				
Notice to Proceed		1	2				
Subtotal - Civil Engineering	0	15	38	0	0	0	0

Hours	0	15	38	0	0	0	0
Salary Costs	\$0.00	\$540.00	\$1,181.80	\$0.00	\$0.00	\$0.00	\$0.00

SUBTOTAL - SALARIES: **\$1,721.80**

**LABOR AND GENERAL
 ADMINISTRATIVE OVERHEAD** **\$3,277.27**

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$93.32
Postage/Freight/Courier	\$75.00
Travel Costs	\$50.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: **\$218.32**

SUBTOTAL: **\$5,217.39**

SUBCONSULTANTS FEE: **\$0.00**

PROFESSIONAL FEE **\$782.61**

TOTAL FEE: **\$6,000.00**

EXHIBIT B-2

FAYETTEVILLE MUNICIPAL AIRPORT TERMINAL APRON REHABILITATION

CONSTRUCTION PHASE SERVICES

WORK TASK DESCRIPTION	E-3	E-2	E-1	T-2	T-1	C-3	C-2
	\$45.45	\$37.44	\$32.35	\$29.96	\$23.51	\$44.83	\$36.61
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Preconstruction Meeting		6	8				
Progress Meetings with Contractor/City		12	12				
Monthly Pay Requests		8	8				
Shop Drawings/Material Submittals		4	8				
Resident Construction Observation (20 hr/week for 11 weeks)							220
Prepare Change Orders		1	4				
Final Project Inspection and Punchlist		6	6				
Subtotal - Civil Engineering	0	37	46	0	0	0	220

Hours	0	37	46	0	0	0	220
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Salary Costs	\$0.00	\$1,385.28	\$1,488.10	\$0.00	\$0.00	\$0.00	\$8,054.20
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SUBTOTAL - SALARIES: \$10,927.58

**LABOR AND GENERAL
ADMINISTRATIVE OVERHEAD \$20,799.56**

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$196.78
Postage/Freight/Courier	\$50.00
Travel Costs	\$200.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$446.78

SUBTOTAL: \$32,173.92

SUBCONSULTANTS FEE: \$0.00

PROFESSIONAL FEE \$4,826.09

TOTAL FEE: \$37,000.00

EXHIBIT B-2

FAYETTEVILLE MUNICIPAL AIRPORT TERMINAL APRON REHABILITATION

CLOSEOUT SERVICES

WORK TASK DESCRIPTION	E-3	E-2	E-1	T-2	T-1	C-3	C-2
	\$45.45	\$37.44	\$32.35	\$29.96	\$23.51	\$44.83	\$36.61
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Record Drawings		2	8				8
Grant Closeout		1	2				
Coordination with Owner		2	2				
Subtotal - Civil Engineering	0	5	12	0	0	0	8

Hours	0	5	12	0	0	0	8
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Salary Costs	\$0.00	\$187.20	\$388.20	\$0.00	\$0.00	\$0.00	\$292.88
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SUBTOTAL - SALARIES: **\$868.28**

**LABOR AND GENERAL
 ADMINISTRATIVE OVERHEAD** **\$1,652.68**

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$62.73
Postage/Freight/Courier	\$25.00
Travel Costs	\$0.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: **\$87.73**

SUBTOTAL: **\$2,608.69**

SUBCONSULTANTS FEE: **\$0.00**

PROFESSIONAL FEE **\$391.30**

TOTAL FEE: **\$3,000.00**

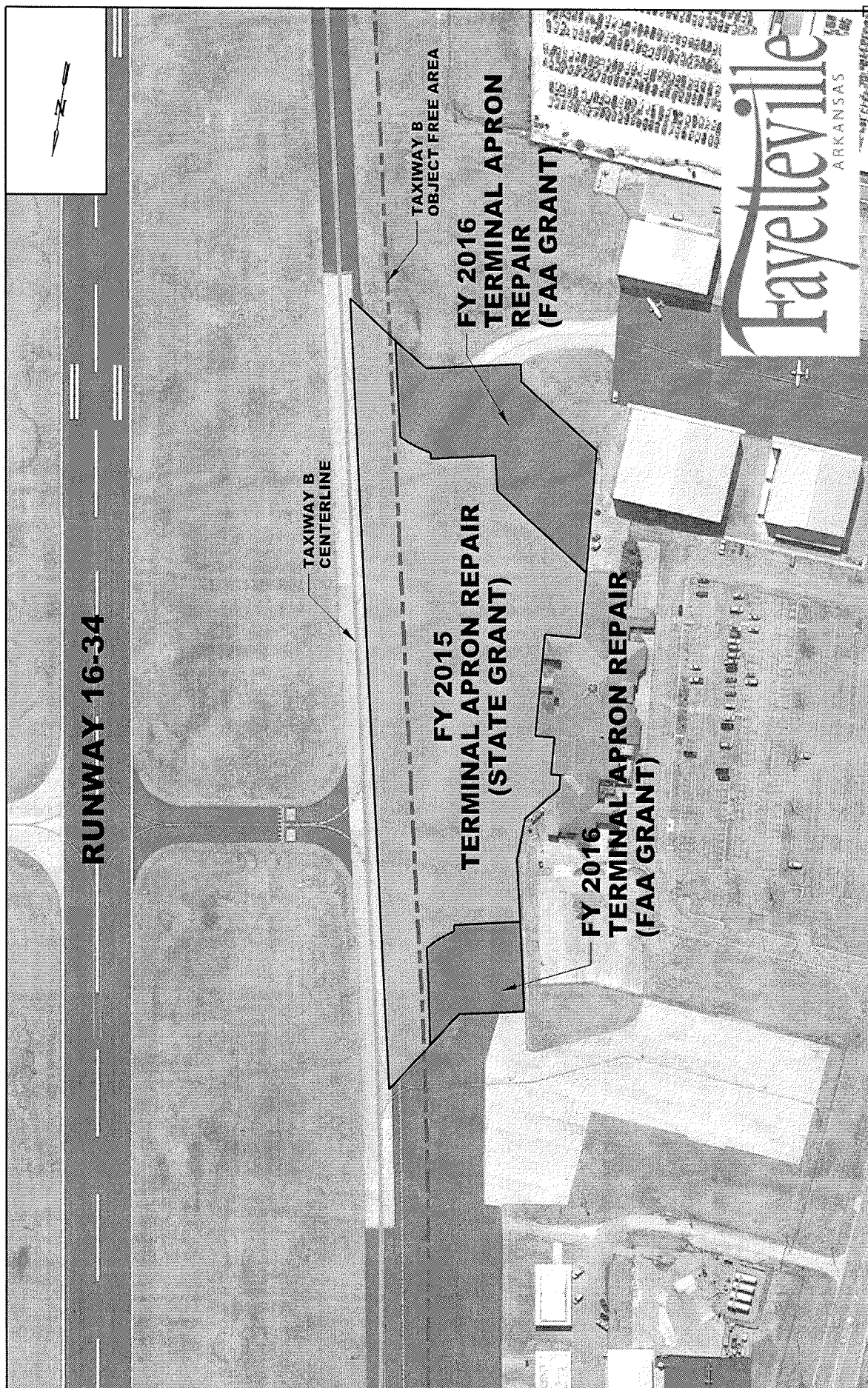


EXHIBIT D-2

**FAYETTEVILLE MUNICIPAL AIRPORT
TERMINAL APRON REHABILITATION**

ENGINEER'S OPINION OF CONCEPTUAL PROJECT COST

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	ESTIMATED AMOUNT
1	Site Preparation	LS	100%	\$39,250.00	\$39,250.00
2	Concrete Pavement Removal	SY	550	\$55.00	\$30,250.00
3	PCC Pavement (11-inch Thickness)	SY	550	\$90.00	\$49,500.00
4	Spall and Corner Repair	SF	3,500	\$100.00	\$350,000.00
5	Pavement Markings	LS	100%	\$7,000.00	\$7,000.00
6	Owner's Protective Insurance	LS	100%	\$1,000.00	\$1,000.00
TOTAL ESTIMATED CONSTRUCTION COST					\$477,000.00
ENGINEERING AND OTHER SERVICES					\$73,000.00
TOTAL ESTIMATED CONSTRUCTION COST					\$477,000.00
TOTAL ESTIMATED ENGINEERING AND OTHER SERVICES					\$73,000.00
TOTAL ESTIMATED PROJECT COST					\$550,000.00
PROJECT FUNDING (ADA 90/10 GRANT)					TOTAL
ADA (90% ; \$500,000 MAX)					\$495,000.00
Sponsor (10%)					\$55,000.00
TOTAL PROJECTED FUNDING					\$550,000.00

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.

Requestion No.:										Date:	
P O Number:										5/5/2015	
Vendor #:		52650		Vendor Name:		Garver LLC (RMT1)		Mail ☐ yes ☒ no		Legistar#: 2015-0207	
Address:		2049 E Joyce Blvd Ste 400		State:		AR		FOB Point:		Expected Delivery Date: 12/31/15	
City:		Fayetteville		Zip Code:		70703		Ship to code: 65		Quotes Attached ☐ yes ☒ no	
Requester:		James Nicholson		Requester's Employee #:		771		Extension: 7642			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project Sub#	Inventory #	Fixed Asset #		
1	Task Order 02	1	EA	73,000.00	\$73,000.00	5550.3960.5314.00	14014 2				
2					\$0.00						
3					\$0.00						
4					\$0.00						
5					\$0.00						
6					\$0.00						
7					\$0.00						
8					\$0.00						
9					\$0.00						
10					\$0.00						
*	Shipping/Handling		Lot		\$0.00						
Special Instructions:											
Subtotal:										\$73,000.00	
Tax:										\$0.00	
Total:										\$73,000.00	
Approvals:											
Mayor: _____				Department Director: _____				Purchasing Manager: _____			
Chief Financial Officer: _____				Budget Director: _____				IT Director: _____			
Dispatch Manager: _____				Utilities Manager: _____				Other: _____			

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

Tentative Agenda
April 28, 2015
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Budget Year 2015	Division: Aviation Dept.: Transportation Services Requestor: James Nicholson	Adjustment Number
--------------------------------	---	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Garver LLC Task Order 02 for design work, bidding services, construction phase services, materials and testing, and closeout services associated with the Airport Terminal Apron Rehabilitation project.

RESOLUTION/ORDINANCE	COUNCIL DATE:	5/5/2015
	LEGISTAR FILE ID#:	2015-0207
	<i>Barbara Fell</i> 4/17/2015 1:39 PM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL	73,000	73,000	v.20150402				
	Increase / (Decrease)		Project.Sub#				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
5550.0955.4999.99	-	73,000			RE	Use of Fund Balance	
5550.3960.5314.00	73,000	-	14014	2	EX	Professional Services	
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
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City of Fayetteville, Arkansas

Tentative Agenda
April 28, 2015
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 86 of 209

Text File

File Number: 2015-0206

Agenda Date: 5/5/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 10

ARKANSAS DEPARTMENT OF AERONAUTICS GRANT

A RESOLUTION TO AUTHORIZE APPLICATION FOR AN ARKANSAS DEPARTMENT OF AERONAUTICS 90/10 GRANT IN AN AMOUNT UP TO \$500,000.00 FOR REHABILITATION OF THE AIRPORT TERMINAL PARKING APRON, WITH THE FINAL AMOUNT CONTINGENT ON THE ACTUAL COST OF THE PROJECT BASED ON COMPETITIVE BIDDING

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 application for an Arkansas Department of Aeronautics 90/10 Grant in an amount up to \$500,000.00 for rehabilitation of the airport terminal parking apron, with the final amount contingent on the actual cost of the project based on competitive bidding.

City of Fayetteville Staff Review Form

2015-0206

Legistar File ID

5/5/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

John J. Roscoe

4/15/2015

Aviation /

Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff requests approval of a resolution expressing the willingness to utilize Arkansas State Department of Aeronautics (ADA) funds and to allow the Aviation Division to submit an application for consideration of a 90/10 grant award up to \$500,000 from the ADA to be used for rehabilitation of the Airport Terminal Parking Apron.

Budget Impact:

5550.3960.5804.00

D810 Aviation

Account Number

Fund

14014

Airport Terminal Apron Rehabilitation

Project Number

Project Title

Budgeted Item? No

Current Budget \$ 36,050.00

Funds Obligated \$ 36,050.00

Current Balance \$

Does item have a cost? Yes

Item Cost \$ 55,500.00

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ (55,500.00)

Previous Ordinance or Resolution # 132-14

V20140710

Original Contract Number:

Approval Date:

Comments: Cost is currently estimated. Grant application and award is based on bids received. A Budget Adjustment will be submitted for approval at the time of approval of a construction contract and acceptance of grant funding.

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 5, 2015

TO: Mayor and City Council

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

FROM:  John J. Roscoe, Airport Director

DATE: 4/16/15

SUBJECT: Arkansas State Department of Aeronautics Grant
Legistar Item # 2015-0206

RECOMMENDATION:

Staff requests approval of a Resolution expressing the willingness to utilize Arkansas State Department of Aeronautics (ADA) funds and to allow the Aviation Division to submit an application for consideration of a 90/10 grant award up to \$500,000 from the ADA to be used for rehabilitation of the Airport Terminal Parking Apron.

BACKGROUND:

The Arkansas Department of Aeronautics recently announced a new 90/10 grant for Arkansas Airports that has a total grant amount limit of \$500,000. The grant is a one-time only, first-come first-serve, and the application for funding must be based on a construction cost based on competitive bids.

Airport staff originally anticipated that the Terminal Parking Apron construction would utilize DOT/FAA grant funding. After some study, Airport Administrators determined that the ADA grant would provide more funding, enabling additional scope not included in the FAA-funded work. This also allows the airport to tap the FAA funds for other airfield enhancement projects.

DISCUSSION:

The Airport believes timeliness of the application to the state may significantly affect funding potential of this large grant. The Airport is pursuing an aggressive schedule (attached) to meet deadlines at the state for grant approval. Since the construction portion of the project has not been previously budgeted and the City's (Airport Fund) portion exceeds \$20,000, the application to the state must be approved beforehand. In this case, the Airport is requesting pre-approval of the grant application submission of an "up-to" amount of \$500,000, the maximum grant amount, with the final amount contingent upon the actual cost of the project based on the competitive bids.

BUDGET/STAFF IMPACT:

This request represents revenue to the Airport for capital improvements up to \$500,000.

Attachments:

SRF, SRM,
Engineer's estimate of project cost
Schedule of approvals and deadlines
Diagram of project extents

From: Nicholson, James
Sent: Friday, April 17, 2015 11:28 AM
To: Nicholson, James
Subject: FW: FYV ACIP & ADA Grant Updates
Attachments: Burns 2015-04-13 CIP Re-Submittal.pdf; Burns 2015-04-13 CIP Re-Submittal.doc; FYV Terminal Apron Repair Cost Estimate.pdf

From: Perea, Ben M. [mailto:BMPPerea@GarverUSA.com]
Sent: Friday, April 10, 2015 5:17 PM
To: Roscoe, John
Cc: Gulley, Terry; Nicholson, James; White, Adam T.
Subject: RE: FYV ACIP & ADA Grant Updates

Revised ADA Grant Schedule:

April 13-May 8: Bid package development
April 17: Garver contract submitted for May 5 City Council Agenda
May 5: Garver contract on City Council agenda
May 10: First advertisement
May 24: Second advertisement
May 27: Bid opening
May 29: Submit ADA Grant Application
June 10: ADA meeting
June 19: Grant and Construction Contracts submitted for July 7 City Council Agenda
July 7: Grant Approval and Construction Contracts to City Council
Mid July: Start construction

If you need any additional information, please don't hesitate to let me know.

Hope you all have a great weekend.



Benjamin M. Perea
Project Engineer
Aviation Team
Office: 479-527-9100

**FAYETTEVILLE MUNICIPAL AIRPORT
 TERMINAL APRON REPAIR**

ENGINEER'S OPINION OF PROBABLE PROJECT COST

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	ESTIMATED AMOUNT
1	Site Preparation	LS	100%	\$52,500.00	\$52,500.00
2	Concrete Pavement Removal	SY	550	\$50.00	\$27,500.00
3	PCC Pavement (11-inch Thickness)	SY	550	\$80.00	\$44,000.00
4	Spall and Corner Repair	SF	3,500	\$100.00	\$350,000.00
5	Pavement Markings	LS	100%	\$5,000.00	\$5,000.00
6	Owner's Protective Insurance	LS	100%	\$1,000.00	\$1,000.00
TOTAL ESTIMATED CONSTRUCTION COST					\$480,000.00

ESTIMATED OTHER SERVICES (15% OF CONSTRUCTION)

Administration (Advertising Costs, Preliminary Planning)	\$4,000.00
Final Design & Construction Safety Phasing	\$26,000.00
Bidding Services	\$6,000.00
Construction Phase Services (Part Time Construction Observation & Management)	\$36,000.00
Closeout Services	\$3,000.00
TOTAL ESTIMATED OTHER SERVICES (15% OF CONSTRUCTION)	\$75,000.00

TOTAL ESTIMATED CONSTRUCTION COST

\$480,000.00

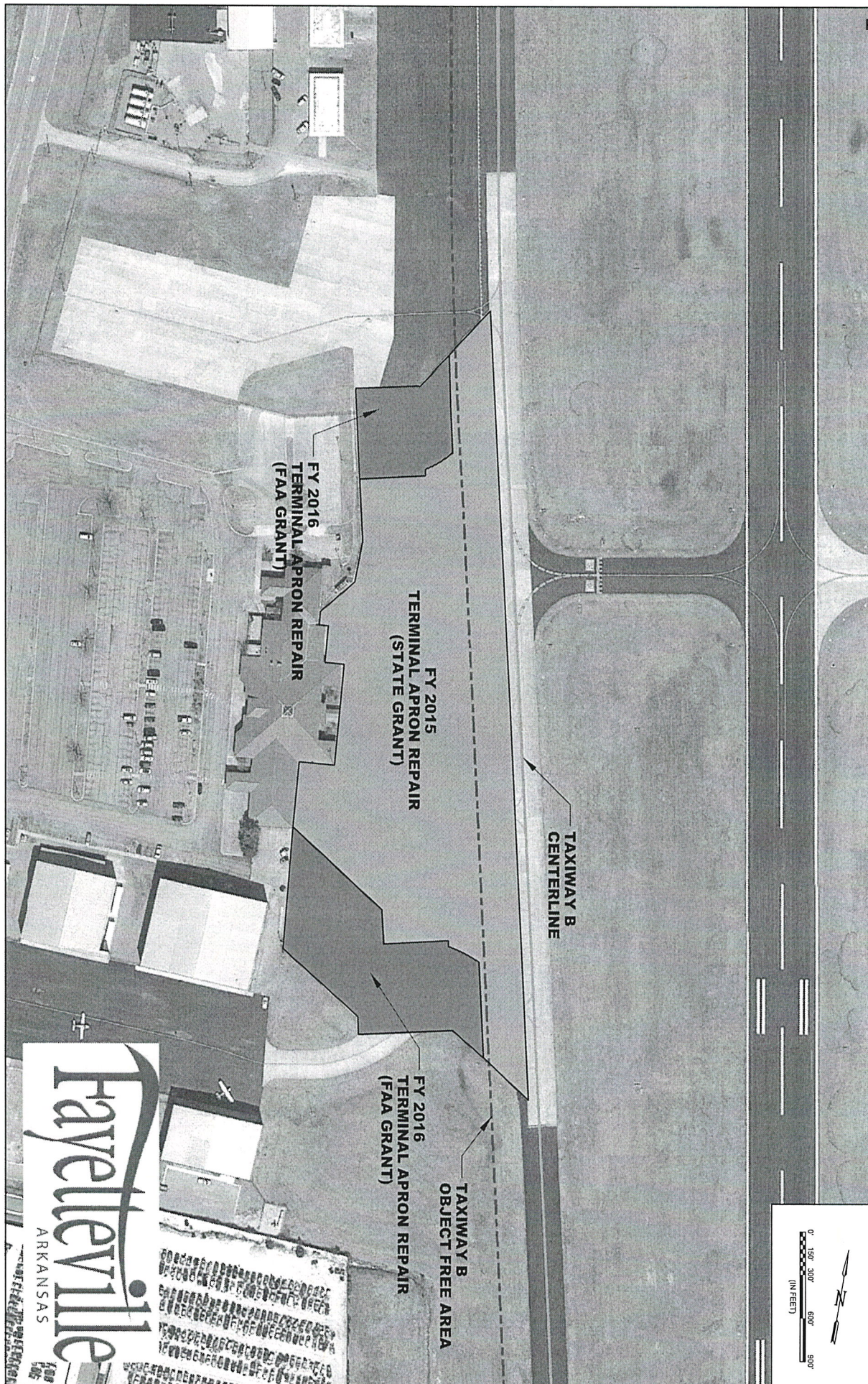
TOTAL ESTIMATED OTHER SERVICES

\$75,000.00

TOTAL ESTIMATED PROJECT COST

\$555,000.00

PROJECT FUNDING (ADA 90/10 GRANT)	TOTAL
ADA (90% ; \$500,000 MAX)	\$499,500.00
Sponsor (10%)	\$55,500.00
TOTAL PROJECTED FUNDING	\$555,000.00





City of Fayetteville, Arkansas

Tentative Agenda
April 28, 2015
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 2 of 209

Text File

File Number: 2015-0208

Agenda Date: 5/5/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 11

BRIGHT INVESTMENTS, LLC

A RESOLUTION TO APPROVE THE PERFORMANCE BOND OF BRIGHT INVESTMENTS, LLC TO GUARANTEE CONSTRUCTION OF REQUIRED SIDEWALK IMPROVEMENTS ALONG ARMSTRONG AVENUE BY THE END OF 2017

WHEREAS, the Planning Commission determined that Bright Investments, LLC's proportional share for infrastructure improvements related to their addition of 80,000 square feet to be the construction of sidewalk improvements along their project frontage connecting to St. Paul Trail; and

WHEREAS, Bright Investments, LLC, owner and developer of Bright Technology, agrees to build the required improvement, but is requesting the City Council to approve a performance bond in the amount of \$50,000 to allow for a delayed construction of the sidewalk improvement; and

WHEREAS, the City Council may approve a performance bond to guarantee such delayed improvement, pursuant to §158.05 (B) of the Unified Development Code.

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 and agrees to accept the Performance Bond of Bright Investment, LLC, in the amount of \$50,000 to be secured by a performance bond or irrevocable bank letter of credit in the same amount in a form and substance to be approved by the City Attorney. This performance bond shall guarantee the required sidewalk improvements will be constructed no later than December 31, 2017.

City of Fayetteville Staff Review Form

2015-0208

Legistar File ID

5/5/2015

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

Jeremy Pate

4/17/2015

Development Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A RESOLUTION TO APPROVE THE PERFORMANCE BOND OF BRIGHT INVESTMENTS, LLC TO GUARANTEE CONSTRUCTION OF REQUIRED SIDEWALK IMPROVEMENTS ALONG ARMSTRONG AVENUE BY THE END OF 2017.

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? No

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 05, 2015

TO: Fayetteville City Council

THRU: Mayor Lioneld Jordan

FROM: Jeremy Pate, Development Services Director

DATE: April 17, 2015

SUBJECT: Bright Investments, LLC Performance Bond

RECOMMENDATION:

Approval of a resolution accepting a performance bond and guarantee to install required sidewalk improvements along Armstrong Avenue, pursuant to §158.05 (B).

BACKGROUND:

Bright Technology is a business located at 2501 S. Armstrong Avenue in the Commerce District of Fayetteville. Situated in Fayetteville with 100,000 plus square feet of manufacturing floor space and 120 employees, Bright Technology specializes in manual and automated sanding, polishing, and buffing for the automotive industry. Recently Bright Investments, LLC, the owner and developer of Bright Technology, obtained approval for an 80,000 square foot expansion on their property, both to expand their own facility but also to provide space for other production/warehouse tenants to locate, a need in our community cited many times by our economic development contract representative, Chung Tan. The expansion is nearing completion, and the first tenant, a locally grown business, has confirmed use of 20,000 square feet for warehouse and distribution, with hopes to expand into another 20,000 square feet in the near future.

As with all large scale development projects, the Planning Commission by ordinance evaluates the project and its impact on surrounding infrastructure in order to determine appropriate and proportional improvements. Most often, developers are required to bring the street adjacent to their project into compliance, with curb, gutter, storm drains, street lights and sidewalks. In this case, it was determined that sidewalk improvements, connecting this property to St. Paul Trail, would be the primary infrastructure improvement, based on the impact to the area.

DISCUSSION:

Bright Investments, LLC acknowledges the required sidewalk improvements. However, due to their initial capital investment in their tenant space and equipment for the building, they are requesting that the City Council approve a performance bond to allow them additional time to construct these sidewalk improvements, rather than before they open later this spring. The performance bond, which would be filed of record at the County, would be accompanied by a monetary bond or bank letter of credit in the amount of the sidewalk improvement. If the sidewalk improvements did not occur within the time specified, the City would have the ability to draw on the monetary guarantee and construct the improvements using those funds.

BUDGET/STAFF IMPACT:

None

Attachments:

Performance Bond
Letter from Applicant
Site Plan

Bright Investments LLC

2501 S Armstrong Avenue
Fayetteville, Arkansas 72701
Office: 479 444 6978
Fax: 479 444 6984

Fayetteville City Council
Through Fayetteville Mayor Lioneld Jordan
City of Fayetteville
113 W Mountain
Fayetteville, AR 72701

April 17, 2015

Dear City Council:

I respectfully write to request City Council's approval to delay the construction of the sidewalk improvement which is a condition for permit approval to construct a new 80,000 square feet expansion located at 2575 S. Armstrong Avenue in the Fayetteville Commerce District in Fayetteville. We plan to complete the construction of the sidewalk improvements along Armstrong Avenue no later than December 31st, 2017.

Bright Investments, LLC is the owner and developer of the said property at 2575 S. Armstrong Avenue. We are required to construct sidewalk improvements along the project frontage to connect to St. Paul Trail as a condition for approval of this large scale development. A construction cost valued at \$50,000 is determined as our proportionate share of the infrastructure improvements.

Bright Investments, LLC owns Bright Technology, LLC and we work diligently everyday to provide excellent service to our customers. As a result, we are able to not only retain but expand our business. When we relocated to Fayetteville in 2011, we started with 45 employees. Today, our employee count has grown to between 120-125 employees depending on the number of contracts we secure at hand. Our employees enjoy an average pay of \$13 an hour plus benefits.

As a good corporate citizen of Fayetteville, we stepped up and answered the Chamber's request to build and add large scale real estate inventory that the City badly needed to attract more business to Fayetteville. We are pleased to have seen results already—a local business has already agreed to lease space in this new building. Had this building not been built, they would have to choose locations outside of Fayetteville. In this respect, Bright Investments, LLC has indirectly helped to create new jobs here.

To demonstrate our good faith, we are prepared to submit a Performance Bond to be secured by a bond or an irrevocable bank letter of credit in the amount of \$50,000, to be drawn upon by the City of Fayetteville should we fail to construct the required sidewalk improvements by December 31, 2017.

Just as we are a partner in helping the City to develop, we are hopeful that the City will be our partner to help us grow our business in Fayetteville. Thank you for your kind consideration.

Yours truly,

Fredi Valle
President/CEO


4/17/15

Bright Investments LLC
2501 S Armstrong Avenue
Fayetteville, Arkansas 72701
Office: 479 444 6978
Fax: 479 444 6984

Performance Bond

This Performance Bond executed on the ____ day of May, 2015, by Bright Investments, LLC, to the City of Fayetteville, Arkansas (the "City").

WHEREAS, Bright Investments, LLC is the owner and developer of the property located at 2575 S. Armstrong Avenue, and is constructing an 80,000 square foot expansion located in the Commerce District of the City of Fayetteville, Arkansas; and

WHEREAS, as a condition for approval of the large scale development for Bright Investments, LLC's expansion, the Fayetteville Planning Commission has required that Bright Investments, LLC, construct sidewalk improvements along the project frontage to connect to St. Paul Trail, a construction cost valued at \$50,000, as the developer's proportionate share of the infrastructure improvements; and

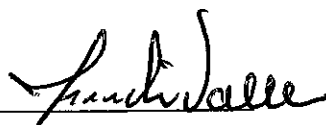
WHEREAS, the developer desires to delay the sidewalk improvement to a future date and requests to guarantee the construction will be completed within a time period while the building is occupied and utilized by future tenants: AND

WHEREAS, Section 158.05 (B) of the Fayetteville Code of Ordinances provides that (a) the developer may, with the approval of the City Council, guarantee payment of the developer's proportionate share of the cost of off-site improvements as determined by the Planning Commission by executing a performance bond in a form approved by the City Attorney, and (b) performance bonds shall obligate the landowner to pay to the City the amount determined by the Planning Commission within 10 days from receipt of written notice from the city.

NOW, THEREFORE, Bright Investments, LLC, hereby covenants to construct the sidewalk improvements required by the Planning Commission along Armstrong Avenue connecting to St. Paul Trail no later than December 31, 2017. This Performance Bond shall be secured by a bond or irrevocable bank letter of credit in the amount of \$50,000, in a form and substance approved by the City Attorney, to be drawn upon by the City of Fayetteville if Bright investments, LLC does not construct the required sidewalk improvements by December 31, 2017.

This Performance Bond executed on the date above written.

Bright Investments, LLC

By: 

Fredi Valle, President/CEO

Witness: 

Feature	Description
---------	-------------

	Property Line
	Onsite Property Line
	Offsite Property Line
	Right-Of-Way Line
	Setback Line
	Easement Line
	Zoning Limits
	Street / Drive Centerline
	Gurb And Gutter
	(See Site Plan For Size)
	Thickened Edge Of Pavement
	Edge Of Gravel
	Furnace Striping
	Asphalt Pavement (See Detail Sheet
	For Pavement Sections)
	Concrete Pavement (See Detail Sheet
	For Pavement Sections)
	Concrete Sidewalk
	(See Site Plan For Dimensions)

* See Survey For Existing Features Legend
* See Cover Sheet For Abbreviation List

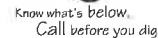
X Dimensions are measured from the Face of

- X The Edge of Sidewalk, the Face/Corner of the Building(s) or the Corner of a Sign
- X All signs shall be 4 feet at Face of Curb unless otherwise specified.
- X Layout of Signs Plan is based on and imitates so survey information
- X All Curb & Gutter shall be 24" wide per detail sheet.
- X All Pavement Marking shall be applied in accordance with the requirements outlined in the most current; edition of the "Manual on Uniform Traffic Control Devices" (MUTCD)
- X All Signs, Traffic Control Devices, etc. shall follow the guidelines of the MUTCD
- X The Contractor shall refer to the Architectural drawings for Building Floor plans and Dimensions, Wall Sections, Door Openings, Building Utility Entrances Points, etc. The Contractor shall immediately notify the Architect and the Engineer if the Building Floor Plan/Utility Plans Building Layout does not match the Architectural drawings.
- X All handicap spaces shall be stamped / marked in accordance with the hand-cap parking detail.
- X All pavements / materials shall be stamped out bituminous pavement unless otherwise noted on plan. The pavement shall be constructed in accordance with the pavement section detail.
- X it is the Contractor's responsibility to calculate construction staking coordinates according to the dimensions shown on these plans. The Contractor shall verify the accuracy of this coordinates shown on this plans and notify the Engineer of any irregularities before construction starts.
- X All ramps shall have detectable truncated dome pavers per A.D.A. and city standards and the detail sheet.

PART OF THIS SITE IS LOCATED IN FLOOD ZONE A

MANAGEMENT: ASHLE FLOOD INSURANCE RATE MAP NO. 22-0002-1, DATED MAY 6, 2008, THERE ARE NO EXISTING OR PROPOSED DRAINAGE OR FLOOD AREAS DESIGNATED BY THIS MAP.

NO PART OF THIS DEVELOPMENT WILL ENCR



1 2 3



S 87°15'47" E 1339.67

20' X 60' U.E.

ARMSTRONG ROAD
(24' ASPHALT - 60' R/W)

PARCEL #765-19958-000
LOT 20
39.24 Acres ±
ZONED: I-2

REVIEWED FOR MINIMUM COMPLIANCE WITH
CITY OF FAYETTEVILLE ENGINEERING DESIGN
CRITERIA.
C-10 OF
Fayetteville
ENGINEERS & ARCHITECTS
Corey W. Granderson
1/22/2014

Plans for
Proposed Building Expansion
2501 S. Armstrong Ave.
Bright Technology, LLC
2501 S. Armstrong Ave.
Fayetteville, AR 72701
(479) 444-6978



6/30/44

BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS
524 W. SYCAMORE ST., SUITE 4
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479.443.4506
FAX: 479.582.1883
www.BLEWINC.com

Certificate of Authorization No 1534		
DATE IN	G. Fox	14-345
EXPIRATION DATE	2014-06-30	As Noted
FOR THE STATE		
14-345 Civil 006 dpg		

C2



City of Fayetteville, Arkansas

Tentative Agenda
April 28, 2015
113 West Mountain Parkway
Fayetteville, AR 72701
(479) 575-8323
Page 9 of 209

Text File

File Number: 2015-0151

Agenda Date: 5/5/2015

Version: 1

Status: Second Reading

In Control: City Council

File Type: Ordinance

Agenda Number: B. 1

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

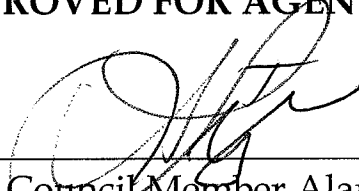
FROM:

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

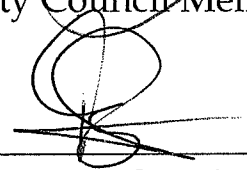
APPROVED FOR AGENDA:



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

Tentative Agenda
April 28, 2015
Page 03 of 209
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0180

Agenda Date: 5/5/2015

Version: 1

Status: Second Reading

In Control: City Council

File Type: Ordinance

Agenda Number: B. 2

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. This prohibition of parking shall not be applicable or enforced on any day that USPS does not deliver mail such as all Federal Holidays.”

Legistar ID No.: 2015-0180

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



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Chief Tabor

FROM: Kit Williams, City Attorney

DATE: April 9, 2015

RE: Proposed Ordinance to prohibit parking on a city street which would block a mailbox

Attached please find the ordinance prohibiting parking in front of and blocking a mailbox as amended last night. Also attached are copies of our current Fayetteville Code § 72.03 **Parking Prohibited In Certain Places** and § 72.99 **Penalties**. The proposed ordinance would be a new subsection (O) within § 72.03.

As you see in § 72.99 Penalties:

“(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be fined as set forth in § 10.99 (**General Penalty**).”

However, there is a specific penalty provision for § 72.03 **Parking Prohibited in Certain Places** found in § 72.99 (C):

“The penalty for each violation of §§72.03, 72.09, 72.11, 72.15, 72.18, 72.30, 72.31, 72.32 and 72.33 shall be \$70.00 if paid before the issuance of a summons, citation or arrest warrant, otherwise the penalty shall be \$95.00 after such issuance.”

Thus the penalty for any infraction of § 72.03 (which is correctly deemed more serious than simple over parking) is \$70.00. Although this is the standard normally anticipated fine amount, the District Judge always retains discretion to suspend a portion of the fine or otherwise impose a **LESSER** amount.

None of these prohibited parking violations are specified in the law to be “complaint driven” only. A Fayetteville Police officer can always independently use his or her discretion when they see a vehicle parked in violation of this ordinance to stop and ticket such vehicle. The police normally have much more important criminal activity to prevent and so do not cruise Fayetteville looking for parking violations. However, if an officer sees a car parked blocking a public driveway, within a street intersection or blocking a fire hydrant, I would bet a parking ticket is likely to be issued and a nonconsensual tow even possible because of safety concerns. Since blocking a mailbox is much less of a safety concern, I would guess a parking ticket would usually only follow a citizen complaint because of disrupted mail delivery.

Since this ordinance would have City wide impacts on parking, I believe more careful study is necessary to ensure we create the best possible ordinance. Thus, I hope the Ordinance Review Committee will consider examining this and inviting citizens to discuss its merits as well as possible adverse unintended consequences.

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. This prohibition of parking shall not be applicable or enforced on any day that USPS does not deliver mail such as all Federal Holidays.”

PASSED and APPROVED this 21st 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

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

or other entity managing the lot may tow this vehicle pursuant to the Fayetteville Code, but can charge only the nonconsensual towing fee and not add or charge the booting fee allowed in this section.

- (E) *Payment by the owner/operator for the installation and removal fee for Wheel Clamps or Boots.* The parking lot owner, manager, company or other entity which has installed wheel clamps or boots upon overparked vehicles must accept valid credit and debit cards and cash for the payment allowed by (D) at the parking lot and may accept any other form of payment. An accurate and legible receipt for this payment must immediately be provided to the vehicle owner or operator.
- (F) *Company must answer telephone and promptly remove wheel clamp.* The private pay to park lot owner, manager, company or other entity shall immediately answer every telephone call for the number displayed upon the Wheel Clamp/Booting Warning Sign after a vehicle has been booted as long as such vehicle remains in the company's possession. The entity must respond to any telephone call or other notice from the vehicle's owner or operator and remove the wheel clamp within 15 minutes of such call or notice if the owner or operator has paid the allowed fee. All wheel clamp company employees dealing with customers must wear a company uniform and display a company photo ID.
- (G) *Permit for Wheel Clamp Company employees and required criminal background checks.* Every wheel clamp employee who may come into contact with the public shall obtain a permit from the Parking Division before beginning employment with the wheel clamp company. The cost to obtain the wheel clamp company employee permit is \$5.00. In applying for the permit, each applicant shall provide the following to the Parking Division:
- (1) The name of the owner or manager of the wheel clamp company;
 - (2) The name, address and telephone number of the wheel clamp company employee and his or her photo identification;
 - (3) A signed statement under oath that the person applying to be a wheel clamp company employee has not been convicted of felonies or misdemeanors involving sexual offenses or violence within the last five years;
 - (4) A criminal background check from the Arkansas State Police and from the State

Police of the state which issued the Driver's License of the wheel clamp company employee which shows that the employee has not within the preceding five years been convicted of any felonies or misdemeanors involving sexual offense or violence, nor has been incarcerated in prison at any time during the last five years for a violent or sexual offense;

- (5) No person shall be issued a permit as a wheel clamp company employee who has been convicted of any of the offenses set out above or who has been in prison at any time during the last five years for such offense.

- (H) *No application to University of Arkansas property.* §§ 72.71-.73 have no limitation, application or effect upon the University of Arkansas's nonconsensual towing or booting powers for vehicles parked on any University of Arkansas lot or parking space.

(Ord. 5610, 9-3-13)

72.74-72.98 Reserved

72.99 Penalties

- (A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be fined as set forth in §10.99.
- (B) The penalty for each violation of §§72.13, 72.57 or 72.58(J) shall be \$15.00, if paid before the issuance of a summons, citation or arrest warrant; otherwise, the penalty for each violation of §§72.04, 72.06, 72.08, 72.10, 72.12, 72.13, 72.57 or 72.58(J) shall be \$40.00.
- (C) The penalty for each violation of §§72.03, 72.09, 72.11, 72.15, 72.18, 72.30, 72.31, 72.32 and 72.33 shall be \$70.00 if paid before the issuance of a summons, citation or arrest warrant, otherwise the penalty shall be \$95.00 after such issuance.
- (D) Parking citations for overtime parking may not be written for the same vehicle in the same space more than once every four (4) hour period and not more than three (3) times per day.
- (E) The Parking Manager may reduce the amount of fine assessed for good cause shown by the driver/operator prior to forwarding the ticket to the City Prosecutor's Office.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Alderman Matthew Petty**

CC: **Mayor Jordan**
City Council
Chief Tabor
Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director
Casey Jones, City Prosecutor

FROM: **Kit Williams, City Attorney**

DATE: **April 22, 2015**

RE: **Alderman Petty's requested amendment to Parking In Front of Mailbox Prohibition**

Attached please find a draft of a new code section § 72.19 to handle Alderman Petty's proposal about eliminating or reducing the fee for violating the ordinance. As you can see rather than saying that twice violating one of our City Code section could only result in a warning ticket, I instead placed a very small fine (\$5.00 which is two thirds less than any other parking fine) for the two initial violations.

I felt uncomfortable drafting a code section which could be twice violated with total impunity. Ordinances you pass should be enforced. Penalties can be increased for repeat offenders, but stating in the law itself that the law will not be enforced at all until someone violated the law three times is unprecedented in State law and the Fayetteville Code. It sends the wrong message to our citizens who have had their mailboxes blocked, to

those who callously leave their vehicles blocking someone else's mailbox and to our Police Department.

It is a judgment call and policy decision for the City Council to determine whether blocking someone's mailbox should be enforced by the same penalty as parking violations in nine other Parking code sections with a \$70.00 ticket. These parking violations include: on a sidewalk, on a cross walk, within 20 feet of a crosswalk at an intersection, within 30 feet of a traffic signal, within 30 feet of a safety zone, opposite any street excavation, and on any street when parking is prohibited at all times and during particular times.

The \$70.00 fine also applies to parking a truck with a capacity exceeding one ton between midnight and 6:00 a.m., parking a vehicle without a valid and current license plate, and parking illegally in a Residential Parking Permit space or loading zone.

Certain parking violations are even more serious which the City Council has designated to receive larger fines:

1. Illegal parking in a disabled parking space: \$100.00-\$500.00.
2. Parking within any block where a firetruck has stopped to answer a fire alarm: up to \$500.00.
3. Parking within Fire Lanes: up to \$500.00.

The City Council has set the current lowest penalty for violating provisions in our Parking Chapter at \$15.00. These are primarily for overtime parking or parking incorrectly.

If the City Council determines that blocking a mailbox is not comparable to the other parking violations with a \$70.00 ticket penalty, I recommend it be placed with the overtime parking penalties for a \$15.00 ticket rather than creating an entirely new parking penalty provision.

ORDINANCE NO. _____

AN ORDINANCE TO ENACT § 72.19 PARKING BLOCKING A MAILBOX PROHIBITED

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 § 72.19 **Parking Blocking A Mailbox Prohibited** as shown below:

“(A) On a city street in front of and blocking a mailbox from 8:00 a.m. until 5:00 p.m., Monday through Saturday. This prohibition of parking shall not be applicable or enforced on any day that USPS does not deliver mail such as all Federal Holidays.

(B) The penalty for the first two violations of this section shall be \$5.00. After a person or the person’s vehicle has been ticketed twice the penalty shall be as set forth in § 72.99 (B).”

PASSED and **APPROVED** this 5th day of May, 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



City of Fayetteville, Arkansas

Tentative Agenda
April 28, 2015
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 17 of 209

Text File

File Number: 2015-0219

Agenda Date: 5/5/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 1

AMEND § 72.34 PARKING SIGNS OR CURB MARKINGS REQUIRED

AN ORDINANCE TO AMEND § 72.34 PARKING SIGNS OR CURB MARKINGS REQUIRED OF THE FAYETTEVILLE CODE TO AUTHORIZE THE TRAFFIC SUPERINTENDENT TO ERECT SIGNS OR PAINT CURBS INDICATING A NO PARKING ZONE WHERE NECESSARY

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 § 72.34 of the Fayetteville Code in its entirety and enacts a replacement § 72.34 as shown below:

“72.34 Parking Signs Or Curb Markings Authorized

Whenever the Fayetteville Code imposes a parking time limit or prohibits or limits parking or stopping on any street or part of street, the Traffic Superintendent shall be authorized where necessary to erect signs or to paint curb markings on such street or part of street giving notice thereof.”

City of Fayetteville Staff Review Form

2015-0219

Legistar File ID

5/5/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Don Marr

4/22/2015

Mayors Administration /
General Government Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

\$72.34 to authorize Traffic Superintendent to install signs and paint curbs when necessary

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:

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 5, 2014

TO: Mayor and City Council
THRU: Mayor Lioneld Jordan 
FROM: Don Marr, Chief of Staff 
DATE: April 22, 2014

SUBJECT: §72.34 to Authorize Traffic Superintendent to install signs and paint curbs when necessary

RECOMMENDATION:

The Administration recommends that the City Council pass this proposed ordinance to authorize the Traffic Superintendent to use his or her best judgment about where no or limited parking or stopping signs & markings should be placed..

BACKGROUND:

The existing, old section of the current code is likely an out-of-date remnant city code. The current ordinance §72.34 Parking Signs or Curb Markings Required, - states that "*whenever a provision of the chapter prohibits parking times on a street or part of a street, it shall be the duty of the traffic superintendent to erect appropriate signs or to paint appropriate curb markings on such streets or part of streets giving notice thereof, and no such regulations shall be effective unless such signs are erected or such curb markings are painted and in place on the side or sides of the street or part of street when parking time is limited or prohibited.*"

DISCUSSION:

The cost of paint and staff time to regularly paint restricted areas throughout the entire city could be significant without an ordinance change. Additionally, the ascetics of all city streets to be painted should such an ordinance like restricted parking in front of mailboxes be passed could cause yellow and red paintings that visually negatively impact our Ozark Mountain natural neighborhood settings. We recommend giving the Traffic Superintendent the flexibility using their best judgement. This would allow them to determine in areas of extensive traffic or high pedestrian usage, or fire hydrant access, where markings for safety should be considered and placed – markings could be done. In other areas such as of stop signs on residential streets, or mailboxes areas in neighborhoods, the Traffic Superintendent would have the flexibility to waive the painting of those areas.

BUDGET/STAFF IMPACT:

The budget impact of regular painting all areas and routinely conducting this activity annually could be financially significant in both staff time and paint supplies. This would allow the city to only incur those cost where required for clarity and safety purposes.



City of Fayetteville, Arkansas

Tentative Agenda
April 28, 2015
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 20 of 209

Text File

File Number: 2015-0210

Agenda Date: 5/5/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 2

VAC 15-5001 (4301/4331 N. WATERSIDE CT./SIMS-RENNER OFFICE BUILDING)

AN ORDINANCE APPROVING VAC 15-5001 SUBMITTED BY BATES & ASSOCIATES FOR PROPERTY LOCATED AT 4301/4331 N. WATERSIDE COURT TO VACATE AN ACCESS EASEMENT

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the access easement is not required for corporate purposes.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following access easement described in Exhibit "B" attached hereto and made a part thereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

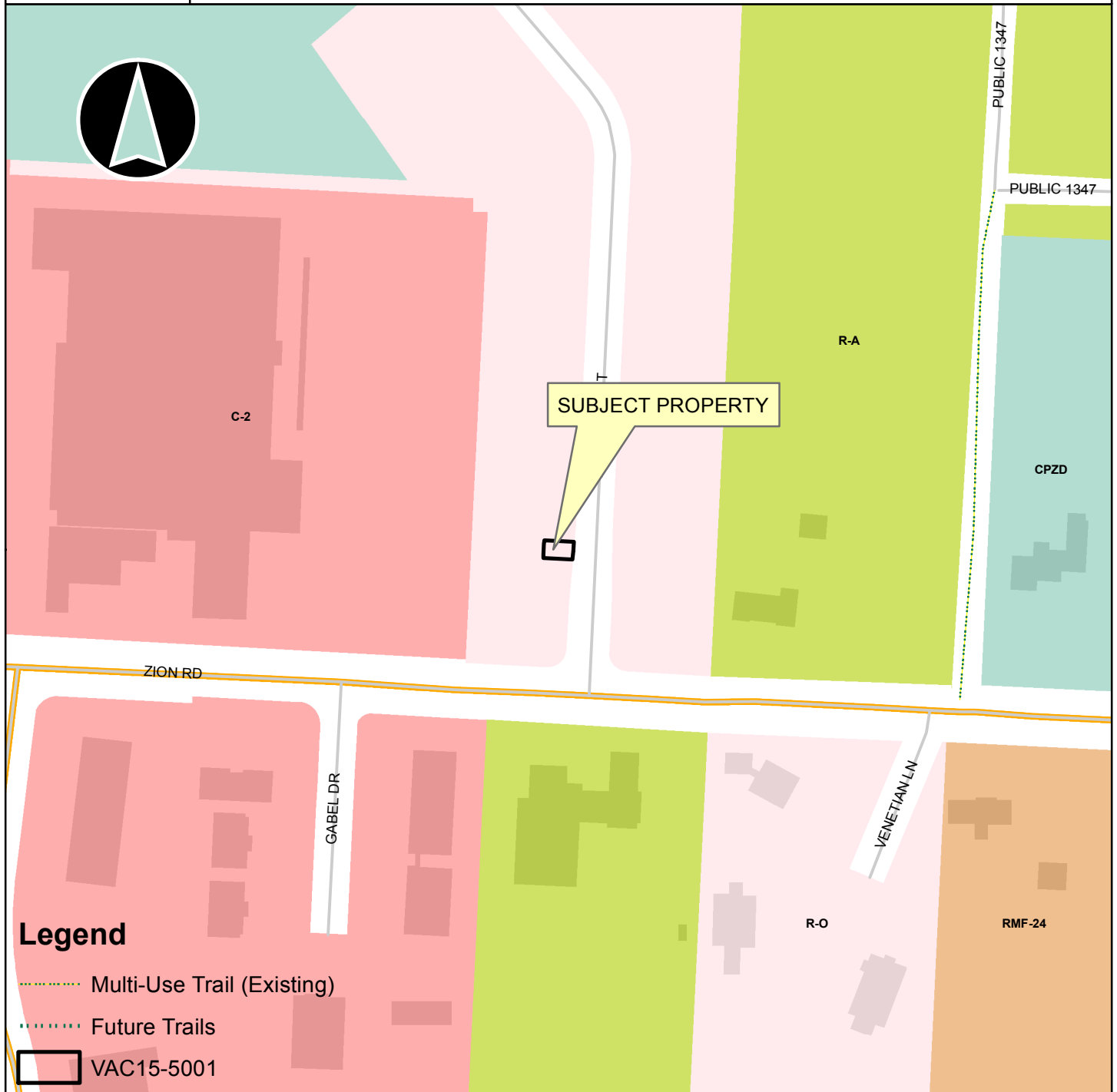
15-5001 EXHIBIT 'A'

Tentative Agenda
April 28, 2015
Page 121 of 209

VAC15-5001

SIMS-RENNER OFFICE BLDG.

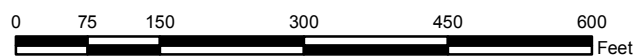
Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- VAC15-5001

- Overview Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



15-5001
EXHIBIT 'B'

Access Easement Description

ACCESS EASEMENT TO BE VACATED:

A PART OF LOTS 17 & 18 IN TIMBERLAKE OFFICE PARK, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A AT PAGE 297, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT NORTHEAST CORNER OF SAID LOT 18, AND RUNNING N04°42'31"W 12.01', THENCE N87°30'41"W 40.03', THENCE N04°42'31"E 24.02', THENCE S87°30'41"E 40.03', THENCE S04°42'31"W 12.01' TO THE POINT OF BEGINNING.

City of Fayetteville Staff Review Form

2015-0210

Legistar File ID

5/5/2015

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

Jeremy Pate 

4/17/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 15-5001: Vacation (4301/4331 N. WATERSIDE CT./SIMS-RENNER OFFICE BUILDING, 135): Submitted by BATES & ASSOCIATES for properties located at 4301/4331 N. WATERSIDE CT. The properties are zoned R-O, RESIDENTIAL-OFFICE and contain approximately 0.95 acres. The request is to vacate an existing 24-foot access easement contained within said properties.

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 MAY 5, 2015

TO: Fayetteville City Council

FROM: Andrew Garner, Director of Planning

DATE: April 17, 2015

SUBJECT: **VAC 15-5001: Vacation (4301/4331 N. WATERSIDE CT./SIMS-RENNER OFFICE BUILDING, 135):** Submitted by BATES & ASSOCIATES for properties located at 4301/4331 N. WATERSIDE CT. The properties are zoned R-O, RESIDENTIAL-OFFICE and contain approximately 0.95 acres. The request is to vacate a portion of an existing 24-foot access easement contained within said properties.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to vacate a private access easement.

BACKGROUND:

This property consists of lots 17 and 18 in the Timberlake Office Park subdivision which is zoned R-O, Residential Office and contains approximately 0.95 acres. The lots are undeveloped and contain a 24-foot access easement along the shared side property line. The applicant requests to vacate the shared access easement along the side property line as they intend to combine both lots in order to construct a building across the two parcels. The existing easement is unnecessary. The applicant owns both parcels affected by the access easement. Outside approvals to vacate this easement are not required.

DISCUSSION:

On April 13, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 9-0-0 on the consent agenda.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance
Exhibit A
Exhibit B
Planning Commission Staff Report

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: April 13, 2015 Updated with Planning Commission results

SUBJECT: **VAC 15-5001: Vacation (4301/4331 N. WATERSIDE CT./SIMS-RENNER OFFICE BUILDING, 135):** Submitted by BATES & ASSOCIATES for properties located at 4301/4331 N. WATERSIDE CT. The properties are zoned R-O, RESIDENTIAL-OFFICE and contain approximately 0.95 acres. The request is to vacate a portion of an existing 24-foot access easement contained within said properties.

RECOMMENDATION:

Staff recommends forwarding **VAC 15-5001** to the City Council with a recommendation for approval.

BACKGROUND:

Property and background: This property consists of lots 17 and 18 in the Timberlake Office Park subdivision which is zoned R-O, Residential Office and contains approximately 0.95 acres. The lots are undeveloped and contain a 24-foot access easement along the shared side property line. The surrounding zoning and land use is listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	R-O
South	Office	R-A; C-2
East	Office	R-O
West	Lowe's retail store	C-2

Proposal: The applicant requests to vacate the shared access easement along the side property line as they intend to combine both lots in order to construct a building across the two parcels. The existing easement is unnecessary.

DISCUSSION:

Vacation Approval: The applicant owns both parcels affected by the access easement. Outside approvals to vacate this easement are not required.

Public Comment:

No public comment has been received.

Recommendation:

Staff recommends forwarding **VAC 15-5001** to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION

☒ Forwarded ☐ Denied ☐ Tabled

Date: April 13, 2015

Motion: Cook

Second: Selby

Vote: 9-0-0

Notes:

On consent agenda

BUDGET/STAFF IMPACT:

None

Attachments:

- Applicant's letter
- Petition to Vacate
- Easement Vacation Exhibit
- Proposed development (SIP 15-4971)
- One Mile Map
- Close Up Map

Bates & Associates, Inc.

Civil Engineering & Surveying

91 Colt Square Drive, Suite 3 / Fayetteville, AR 72703
PH: 479-442-9350 / FAX: 479-521-9350

March 3, 2015

To: City of Fayetteville Planning Commission and City Council

RE: Timberlake Office park Lots 17 & 18 Access Easement Vacation

This letter is to state the intent to vacate an existing Access Easement between the shared lots line of Lots 17 & 18 of Timberlake Office Park. The existing 24-foot easement lies across the South boundary of Lot 17 and the North boundary of Lot 18. The lots are owned by Building Equity Inc, and the proposed developer is the same. Mr. Greg Sims is the acting entity for this corporation, which owns both lots and intends to combine lots 17 & 18 in order to construct a building across the two parcels, rendering the existing easement unnecessary.

Sincerely,

Evan Niehues
Bates & Associates, Inc.



Bates & Associates, Inc.

Civil Engineering & Surveying

91 W. Colt Square Dr./ Fayetteville, AR 72703

PH: 479-442-9350 * FAX: 479-521-9350

www.nwabatesinc.com

**PETITION TO VACATE A UTILITY EASEMENT LOCATED IN LOTS 17 & 18 OF
TIMBERLAKE OFFICE PARK, CITY OF FAYETTEVILLE, ARKANSAS**

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the utility easement hereinafter sought to be abandoned and vacated, lying in lots 17 & 18 of Timberlake Office Park, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a utility easement which is described as follows:

ACCESS EASEMENT TO BE VACATED:

A PART OF LOTS 17 & 18 IN TIMBERLAKE OFFICE PARK, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A AT PAGE 297, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT NORTHEAST CORNER OF SAID LOT 18, AND RUNNING N04°42'31"W 12.01', THENCE N87°30'41"W 40.03', THENCE N04°42'31"E 24.02', THENCE S87°30'41"E 40.03', THENCE S04°42'31"W 12.01' TO THE POINT OF BEGINNING.

That the abutting real estate affected by said abandonment of the access easement are Lots 17 & 18 of Timberlake Office Park, City of Fayetteville used by the property owners for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described utility easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting

property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 4th day of March, 2015.

Greg Sims
Printed Name

[Signature]
Signature

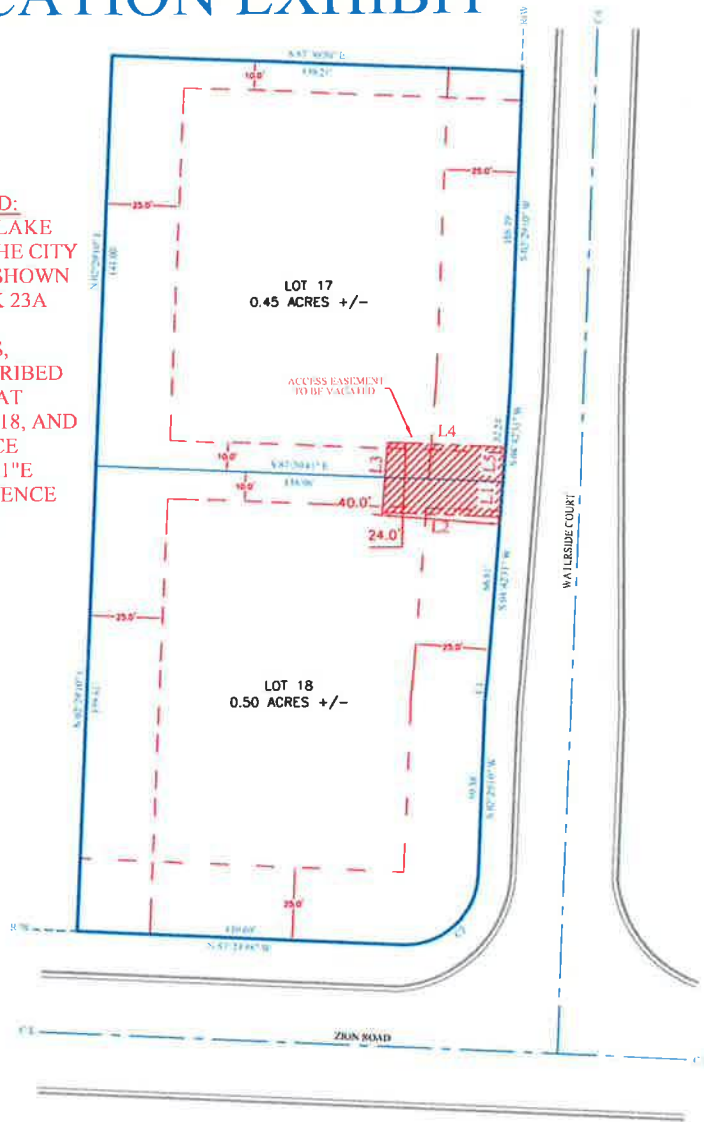
Printed Name

Signature

ACCESS EASEMENT VACATION EXHIBIT

ACCESS EASEMENT TO BE VACATED:
 A PART OF LOTS 17 & 18 IN TIMBERLAKE
 OFFICE PARK, A SUBDIVISION TO THE CITY
 OF FAYETTEVILLE, ARKANSAS AS SHOWN
 ON PLAT OF RECORD IN PLAT BOOK 23A
 AT PAGE 297, PLAT RECORDS OF
 WASHINGTON COUNTY, ARKANSAS,
 BEING MORE PARTICULARLY DESCRIBED
 AS FOLLOWS, TO-WIT: BEGINNING AT
 NORTHEAST CORNER OF SAID LOT 18, AND
 RUNNING N04°42'31"W 12.01', THENCE
 N87°30'41"W 40.03', THENCE N04°42'31"E
 24.02', THENCE S87°30'41"E 40.03', THENCE
 S04°42'31"W 12.01' TO THE POINT OF
 BEGINNING.

LINE	BEARING	DISTANCE
L1	N 04°42'31" E	12.01'
L2	N 87°30'41" W	40.03'
L3	N 04°42'31" E	24.02'
L4	S 87°30'41" E	40.03'
L5	S 04°42'31" W	12.01'



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	211.50'	8.49'	8.49'	S 89°44'07" W	2°14'01"
C2	25.00'	18.33'	18.33'	S 41°32'23" W	109°03'33"



LEGEND: THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING

- BOUNDARY LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- INGRESS & EGRESS EASEMENT
- BUILDING SETBACK
- UTILITY EASEMENT

DRAWING # 14-238

FOR USE AND BENEFIT OF:
GREG SIMS

ADDRESS:
**CITY OF FAYETTEVILLE
 WASHINGTON COUNTY, ARKANSAS**

DATE: 3/3/15 SCALE: 1" = 50'

LOCATION:
**LOTS 17 & 18
 TIMBERLAKE**

SURVEYED: XX DRAFTED: JY

REVIEWED: DT

Bates & Associates, Inc.
 Civil Engineering-Land Surveying-Landscape Architecture

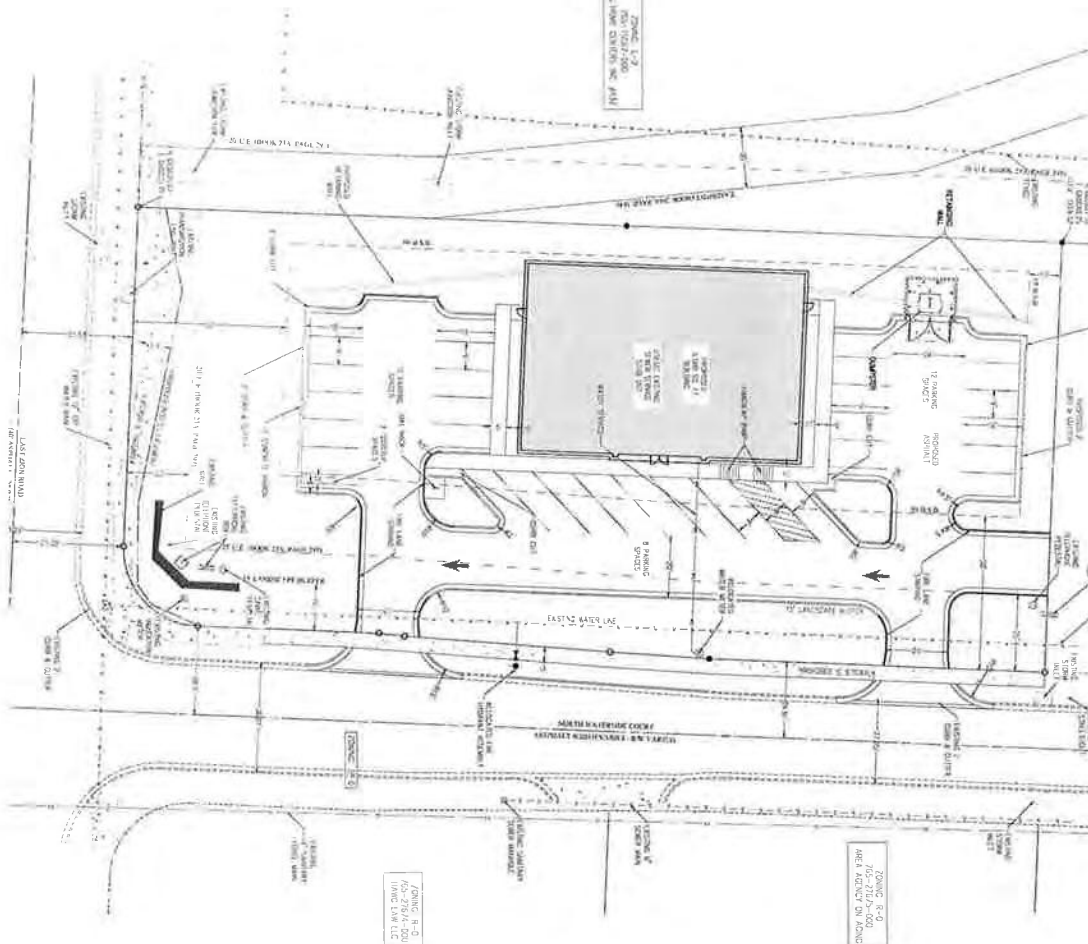
91 W. Coll Square Dr., Fayetteville, Arkansas 72703 479.442.9350 Fax 479.521.9350

BATES & ASSOCIATES, INC. Copyright 2014
 This survey was conducted for the project or projects whose interest appears on this plat. It is to be protected by copyright. No one including the person(s) named may reproduce this plat without the express written consent of Bates & Associates, Inc. Surveyors have made no independent investigation for easements or record, encroachments, restrictive covenants, adverse title, evidence, or any other fact which a complete and accurate title search may disclose. Any flood information provided on this plan is for information only and Bates & Associates, Inc. assumes no liability for the correctness of the survey data, maps, plans, drawings, or other documents that may represent the opinion of Bates & Associates, Inc. or the probability of flooding.

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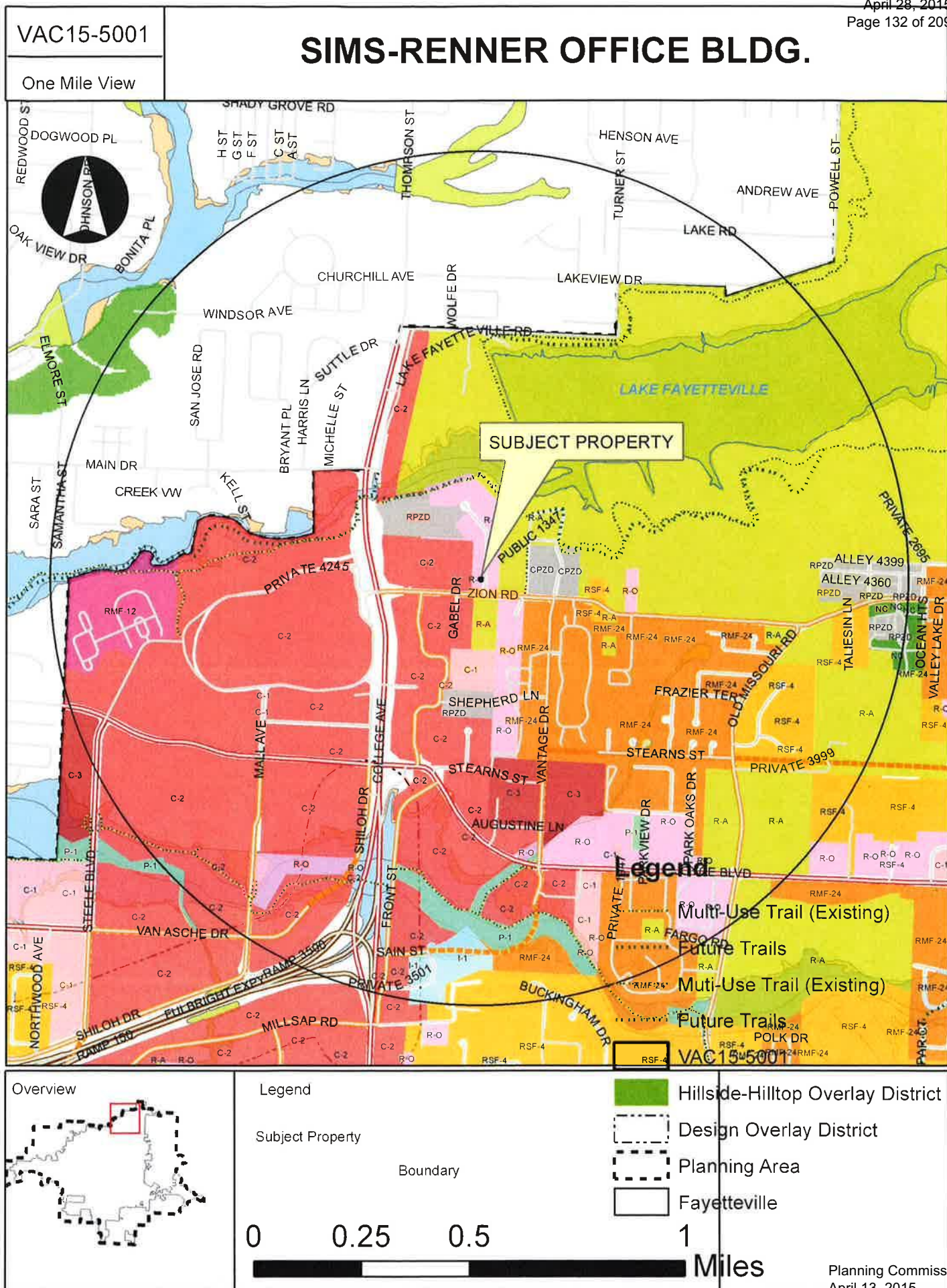


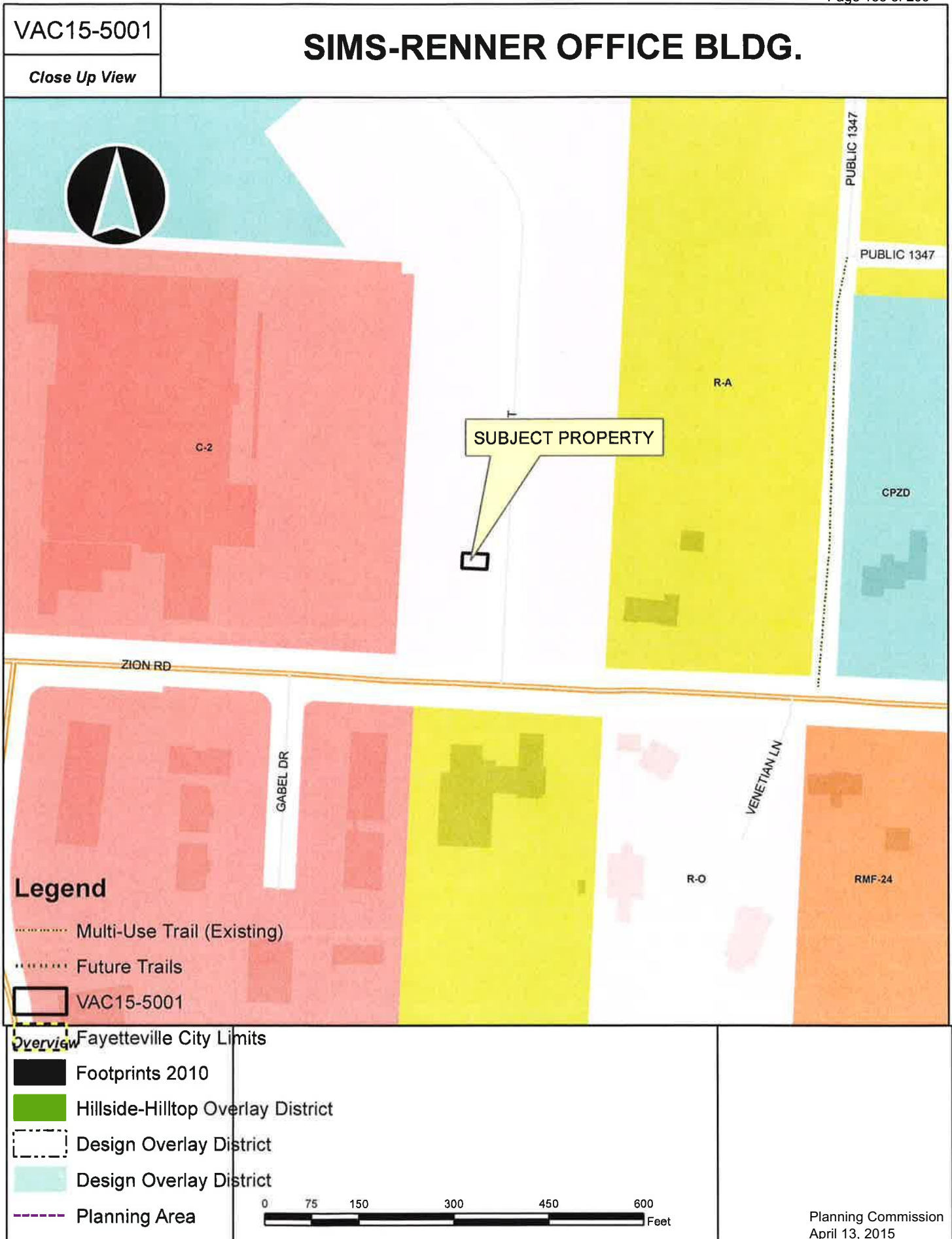
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ADA-KOLES

1 CITY ADA ADMINISTRATOR AND REQUEST AN INSPECTION PRIOR TO
2 G ANY ADA ACCESSIBLE PARKING/LOADING STALL
3 M SLOPE FOR ADA SPACE IN ANY DIRECTION IS 2%
4 T AS TO PERMIT INSPECTOR AND REQUEST AN INSPECTION PRIOR
5 RING ANY SIDEWALK OR DRIVEWAY IN THE RIGHT OF WAY







City of Fayetteville, Arkansas

Tentative Agenda
April 28, 2015
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 64 of 209

Text File

File Number: 2015-0204

Agenda Date: 5/5/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 3

AMEND §116.02 DOOR TO DOOR SOLICITATION

AN ORDINANCE AMENDING §116.02 DOOR TO DOOR SOLICITATION AT PRIVATE RESIDENCES (D)(4) OF THE FAYETTEVILLE CODE IN ORDER TO PROVIDE AN IMPROVED AND EXPEDITED BACKGROUND CHECK PROCESS FOR APPLICANTS AND TO DECLARE AN EMERGENCY

WHEREAS, the City of Fayetteville requires permits and Arkansas State Police background checks for all door to door solicitors operating within the city limits; and

WHEREAS, the current background check process can take an inordinate amount of time to receive results and is not nationally comprehensive.

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 §116.02 (D)(4) of the Fayetteville Code by repealing the existing language and replacing it with the following subsections (4) and (5) that an applicant must supply to the City as part of the permit process:

“(4) A statewide criminal background check and a nationwide crime index/background check, including sex offender registry, which shows that a peddler or solicitor has not, within the preceding five years, been convicted of any felonies, or any misdemeanors involving theft, sexual offense or violence, nor has been incarcerated in prison at any time during the last five years. No person shall be issued a permit as a peddler or solicitor that has been convicted of any of the offenses set out above nor in prison during the last five years.

(5) For international students or other persons without United States Citizenship and working with a valid visa or other government-issued identification, a copy of the visa or other valid documentation and a nationwide crime index/background check meeting the criteria in subsection (4) above shall be submitted.”

Section 2: Emergency Clause. That the City Council of the City of Fayetteville, Arkansas, in an effort to expand the criminal background check for door to door solicitors nationwide and better ensure the protection and safety of Fayetteville citizens, hereby declares this ordinance, being necessary to preserve the public welfare and safety, must be effective immediately, and therefore declares an emergency exists so that this ordinance shall be in full force and effect from the date of its passage and approval.

City of Fayetteville Staff Review Form

2015-0204

Legistar File ID

5/5/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

4/17/2015

Development Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of an ordinance amending the Fayetteville Code of Ordinances, Title XI Business Regulations, Chapter 116 Door to Door Solicitation, in order to provide an improved and expedited background check process for applicants.

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 MAY 05, 2015

TO: Mayor Jordan, Fayetteville City Council

THRU: Don Marr, Chief of Staff

FROM: Jeremy Pate, Development Services Director 

DATE: April 14, 2015

SUBJECT: Door to Door Solicitor Ordinance – Background Checks

RECOMMENDATION:

Staff recommends approval of an ordinance amending the Fayetteville Code of Ordinances, Title XI Business Regulations, Chapter 116 Door to Door Solicitation, in order to provide an improved and expedited background check process for applicants.

BACKGROUND:

In 2013, the City Council passed an ordinance (No. 5593) sponsored by Alderman Tennant that created an annual permit process for door to door solicitors/peddlers. The ordinance requires a principal permit for the business or company performing the solicitation of a service or product sales, and each individual person acting as a door to door solicitor must also register with the City, providing a background check, identification and other documentation.

Both the Chamber of Commerce and City were contacted last summer and the City again this spring by local businesses concerned in their attempts to obtain a solicitation permit in a time-efficient manner. Many employed as door to door solicitors are college-aged students working during the summer months, and a quick turn-around is important for both the employer and the potential employee. The ordinance currently requires in §116.02(D)(4) a criminal background check “from the Arkansas State Police” and if the applicant’s driver’s license is from another state, we also require one from that state’s State Police. Staff sees a few issues with this requirement that we propose to change:

- 1) It takes 2-3 weeks for the Arkansas State Police to process and get a background check back to an applicant, at a minimum. Alternatively, local companies that conduct formal background checks can turn around the same background check in roughly 24 hours, using the same database. However, these companies go through the State Court Administrator’s online database system, instead of through the State Police. I spoke with Courthouse Concepts, a local business that the City utilizes for background checks, and they indicated they are using the same exact information. They rarely go through the State Police office, because of the time it takes. Changing the ordinance language to simply require a “statewide background check” I believe would resolve this issue and provide the same level of confidence in the validity of the background check. Two to three weeks can be a long time for a college student working through the summer, and

on more than one occasion a business has lost potential good summer employees because they needed to be making money and instead moved on to another job.

- 2) Someone from out of state also requires a background check in the state that issued their driver's license. Presumably this is to ensure that the out-of-state solicitor does not have any legal issues that could pose a threat to our citizens in their door-to-door solicitation. However, if that person committed a felony, sexual assault, misdemeanor involving theft or other crime that would disqualify them from obtaining a Fayetteville permit and it happened in an entirely different state, the City of Fayetteville would never catch it because we only check the current license of the state in which it was issued. I would recommend that instead we change the language to require a "nationwide crime index/background check", so that each person's name is run through a nationwide search, including the sex offender registry. This is a safety issue for our citizens. Again, Courthouse Concepts often conducts these types of searches. They report it takes a minimal amount of time and is much more inclusive than just checking the state where a driver's license is issued.
- 3) Finally, several of the solicitation permits we have seen are from international students in Fayetteville on a student visa. They cannot get a background check, because they don't have a state-issued id. Rather, we should address this with the nationwide background check and/or copy of a valid visa, which can be verified to reflect if any crimes have been committed by the individual.

DISCUSSION:

Staff has discussed this proposal with Alderman Tennant, the original sponsor of Ord. No. 5593, and he indicated he was supportive of us bringing it forward for consideration. Staff would also request that if appropriate and legal, an emergency clause be enacted for the ordinance to go into effect immediately, as it positively impacts the safety and well-being of our citizens in the coming spring/summer solicitation season by achieving a more comprehensive background check on door to door solicitors that will be knocking on doors and speaking with citizens throughout our community.

BUDGET/STAFF IMPACT: N/A

ORDINANCE NO. 5593

**AN ORDINANCE TO ENACT §116.02 DOOR TO DOOR SOLICITATION
REGULATIONS FOR PRIVATE RESIDENCES INTO THE
FAYETTEVILLE CODE**

WHEREAS, some citizens have been inconvenienced and disturbed by unknown and not properly identified vendors and peddlers coming to their private residences to sell goods or request donations; and

WHEREAS, commercial vendors and peddlers who wish to sell door to door in Fayetteville should be regulated to ensure these vendors have proper identification and will abide by all restrictions as to the when and where such vending will be allowed; and

WHEREAS, persons who wish to express religious and political beliefs have First Amendment Free Speech rights which cannot be impinged by the City and thus may not be prohibited from going door to door to exercise their First Amendment rights.

**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 § 116.02 **Door to door solicitation at private residences** of the Fayetteville Code as shown in Exhibit A attached hereto and made a part hereof.

PASSED and APPROVED this 2nd day of July, 2013.

APPROVED:

ATTEST:

By:


LIONELD JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer



TITLE XI BUSINESS REGULATIONS
CHAPTER 116: DOOR TO DOOR SOLICITATION

116.01 GOING UPON PRIVATE RESIDENTIAL PROPERTY	3
116.02 DOOR TO DOOR SOLICITATION AT PRIVATE RESIDENCE.....	3
116.03–116.99 RESERVED.....	5

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

CHAPTER 116: DOOR TO DOOR SOLICITATION

116.01 Going Upon Private Residential Property

- (A) No solicitor or vendor shall enter in or upon any house, building, or other structure upon any land or property without the prior consent of the owner or occupant thereof where there is placed or posted on the premises in a conspicuous position, at or near the usual means of ingress, a sign or other form of notice stating or indicating that the owner or occupant forbids or otherwise does not desire persons engaged in soliciting or any similar activity to enter upon the premises.
- (B) The provisions of this section shall not apply to the sale or soliciting of orders for the sale of fruits, vegetables, or other products of the farm, including meat from domestic animals or livestock, so far as the sale of such commodities is authorized by law.

(Code 1965, §13-10; Ord. No. 1390, 4-13-64; Ord. No. 1987, 2-15-74; Code 1991, §116.01)

Cross reference(s)--Vending and peddling in parks, §97.086; Soliciting from public roadways or sidewalks prohibited, §74.05; Advertising, Ch. 110; Penalty, §10.99; State law ref.: Transient Vendors §14-54-1407.

116.02 – Door to Door Solicitation at Private Residence

- (A) *Definitions.* The following words, terms and phrases and their derivations, when used in this section, shall have the meanings ascribed to them in the section, except where the context clearly indicates a different meaning:
- (1) *Charitable activity* means any activity carried on for unselfish, civic or humanitarian motives or for the benefit of others and not for private gain.
- (2) *Charitable organization* means a non-profit organization holding a tax exemption certificate from the Internal Revenue Service pursuant to § 501 et seq., and any amendments thereto.
- (3) *Peddler* means any person who goes to the door of any private residence in the city, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale.

- (4) *Solicitor* means any person who goes to the door of any private residence in the city, not having been invited by the occupant thereof, for the purpose of taking or intending to take orders for the sale of goods, magazines, wares, merchandise or other personal property of any nature for future delivery, or for services to be performed in the future. A representative or employee of a newspaper of general circulation in Fayetteville may leave a sample current copy of the newspaper with subscription information near the door of a private residence without being a "solicitor" as long as the representative/employee makes no efforts at that time to contact or speak with the resident.
- (5) *Principal* means the person or other legal entity whose goods, merchandise, personal property or services are being peddled or solicited.

- (B) *Obtaining "no soliciting/no peddling" decal or sign.* The Planning Department shall provide any resident of the city a decal which reads, "no soliciting/no peddling." This decal may be posted at the front of the any private residence in the city and by posting said notification, any solicitor or peddler has notice that soliciting or peddling at this address is prohibited by city ordinance. A resident may also post a "no soliciting" sign pursuant to §116.01.

- (C) *Principal permit.* No peddling or solicitation shall be conducted within the city without a principal permit being issued. The cost for the principal to obtain a solicitor/peddler's permit is \$40.00, and shall be paid to the business office before any peddling or soliciting is conducted within the city. The permit shall expire on December 31 in the year the permit is issued. In addition to the principal's permit, the principal must also comply with the city's business license requirement pursuant to Chapter 118: **Business Registry and License** of the Fayetteville Code. To obtain a permit, a representative of the principal shall provide a written, signed application stating:

- (1) The name, address, telephone number, type of organization, and contact person for the principal applicant;
- (2) The nature of the products or services involved;
- (3) The proposed method of operation in the city;

TITLE XI. BUSINESS REGULATIONS

- (4) A list of all persons who will peddle or solicit in the city on behalf of the principal in the city.
- (D) *Permit for peddlers/solicitors.* In addition to the principal permit, each peddler or solicitor acting for the principal shall also obtain a permit from the Planning Department before peddling or soliciting within the city. The cost to obtain a peddler/solicitor permit is \$5.00. In applying for the permit, each applicant shall provide the following to the Planning Department:
- (1) The name of the principal applicant for whom they are going to act as a peddler or solicitor;
 - (2) The name, address, and telephone number of the person who is going to act as a peddler or solicitor, and in addition, they must also provide photo identification;
 - (3) A signed statement under oath that the person applying to be a peddler/solicitor has not been convicted of felonies or any misdemeanors involving theft, sexual offenses, or violence;
 - (4) A criminal background check from the Arkansas State Police and from the State Police of the State which issued the Driver's License of the applicant which shows that peddler or solicitor has not, within the preceding five years, been convicted of any felonies, or any misdemeanors involving theft, sexual offense or violence, nor has been incarcerated in prison at any time during the last five years. No person shall be issued a permit as a peddler or solicitor that has been convicted of any of the offenses set out above nor in prison during the last five years.
- (E) *Prohibition.* It is unlawful for any solicitor or peddler to:
- (1) Peddle or solicit within the city without having a copy of this section on their person, as well as a copy of their permit issued by the Planning Development, as well as photo identification visible, which is provided by the principal, identifying the person peddling or soliciting;
 - (2) Enter upon any private residence, knock on the door, ring the doorbell, or otherwise attempt to gain admittance at the residence when the premises' owner or tenant has posted at the entry of the residence a decal or sign bearing the words, "no soliciting/no peddling," "no peddlers," "no solicitors," "no trespassing," or other words of similar import;
 - (3) Conduct the activities of peddler or solicitor and knock on the door, ring the doorbell, or otherwise attempt to gain admittance at the residence between the hours of 9:00 p.m. and 10:00 a.m.;
- (4) Remain at the private residence when requested to leave, or to otherwise conduct business in a manner which a reasonable person would find obscene, threatening, intimidating or abusive;
 - (5) Make any false or misleading statements about the product or service being sold, including untrue statements of endorsement;
 - (6) Claim to have the endorsement of the city based on the city having issued a permit to that person;
 - (7) Fail to disclose his or her name and the name of the principal whom he represents at the outset of the initial conversation;
 - (8) Fail to immediately leave the premises or residence after having been asked by the owner or occupant thereof to do so.
- (F) *Penalty.* Any violation of this section shall be deemed a nuisance and punishable by a fine as provided by §10.99 of the Fayetteville Code.
- (G) *Exemptions.* Officers or employees of the City, County, State or Federal government, or any subdivision thereof shall be exempt for the requirements of this section when on official business.
- (H) *Free permits for nonprofit corporations not seeking donations.*
- After supplying adequate proof to the Planning Department that the nonprofit charitable organization is a charity with a current §501 (c)(3) IRS exception, the Planning Department may issue the permits required by this section without charge to the persons desiring to exercise their free speech rights as long as no solicitations for donations are made and no donations accepted.
- (I) *Permits waived for political and religious free speech and for Fayetteville children through high school senior status.*
- (1) Although everyone going door to door must respect and not go to the door of a citizen who has personally posted a "no solicitation" type sign, may only go door to door during the daytime/evening hours allowed in (E)(3), and must conform to the requirements of (E)(4),

TITLE XI. BUSINESS REGULATIONS

(E)(6), (E)(8), persons exercising their First Amendment political or religious free speech rights are otherwise exempted from this section.

(2) Fayetteville children through high school senior status must abide by the restrictions found in (E)(2)(3)(4) and (8) but are otherwise exempt from the remainder of this section.

(J) *Revocation of permit.* Any permit issued pursuant to the provision of this section may be suspended or revoked for good cause by the Director of Development Services. Good cause for such suspension or revocation shall include any violation of this section, or any other reason for suspensions or revocation as set out in §118.03 of the Fayetteville Code and said violations are hereby incorporated herein by reference. The procedure for suspension or revocation under this section shall be the same procedure as set out in §118.03 of the Fayetteville Code and said procedure is hereby incorporated herein by reference.

(Ord. 5593, 07-02-13)

116.03–116.99 Reserved



City of Fayetteville, Arkansas

Tentative Agenda
April 28, 2015
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 4 of 209

Text File

File Number: 2015-0211

Agenda Date: 5/5/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 4

AMEND §178.03 (E) AND (F)

AN ORDINANCE AMENDING §178.03(E) AND (F) OF THE UNIFIED DEVELOPMENT CODE TO REMOVE PRE-APPROVED SIDEWALK VENDOR LOCATIONS IN FRONT OF THE WALTON ARTS CENTER AS AGREED UPON IN RESOLUTION 118-04, AND TO STREAMLINE THE APPROVAL PROCESS FOR ALTERNATIVE LOCATIONS

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 §178.03 (E) and (F) of the Unified Development Code and replaces it with the language attached in Exhibit "A".

Exhibit "A"
178.03

- (E) *Pre-Approved Locations.* Sidewalk vendors are permitted in specific locations in Fayetteville as a use by right. These locations have been determined by the City Council to have adequate sidewalk width, pedestrian traffic flow, and they minimize potential conflicts with existing businesses. Sidewalk vendors are not permitted to operate on days / times associated with special events, unless they have been approved and granted a Special Events Permit from the organization coordinating the special event. Maps of approved locations are available in the Planning Division. The locations where street vending is allowed as a permitted use are:

Inside of the Fayetteville Square. Sidewalk vendors may locate along sidewalks on all sides of the interior of the downtown Fayetteville Square. On days / times that the Farmers' Market or other special events operate, sidewalk vendors shall only be permitted if approved through the Farmers' Market or Special Event Permit process.

- (F) *Alternative Locations.* If an applicant wishes to operate as a sidewalk vendor in a location other than those specifically approved by the City Council, a permit must be obtained. Upon receipt of a permit application, the Planning Division shall review the proposed permit operating area to determine if the said area is suitable for street vending in accordance with this chapter. In making

this determination, the Planning Division shall consider the following criteria:

- (1) The application meets all other criteria established herein for a sidewalk vendor, with the exception that the applicant may request that the cart, and/or operating area, may be larger than the dimension required in this chapter. An increase in cart size or operating area may be considered by the Planning Commission as a variance. The determination of a larger cart size and/or operation area shall be subject to the variance criteria in Chapter 156.03(C).
- (2) The number of permits issued for the street vending location shall not exceed the capacity of the area in terms of maintaining the use of the sidewalk as a public right-of-way, with a minimum 48" pedestrian access route that is free and clear of obstructions. The Planning Division shall consider the width of sidewalk, the proximity and location of existing street furniture, including, but not limited to: signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees and newsstands, as well as the presence of bus stops, truck loading zones, other sidewalk vendors or taxi stands to determine whether the proposed use would result in pedestrian or street congestion.

City of Fayetteville Staff Review Form

2015-0211

Legistar File ID

5/5/2015

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

Jeremy Pate

4/17/2015

Development Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

An ordinance amending §178.03(E) of the Unified Development Code to prohibit sidewalk vendors in front of the Walton Arts Center, pursuant to the lease agreement approved by Resolution 118-14, and to ease restrictions on the process by which other sidewalk vendor locations can be approved.

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 MAY 05, 2015

TO: Mayor Jordan, Fayetteville City Council

THRU: Don Marr, Chief of Staff

FROM: Jeremy Pate, Development Services Director 

DATE: April 17, 2015

SUBJECT: Sidewalk Vendors in front of Walton Arts Center

RECOMMENDATION:

Staff recommends approval of an ordinance amending §178.03 (E) of Unified Development Code to remove permission for annual sidewalk vendors to locate on the north (Dickson) and west (West) sidewalks in front of the Walton Arts Center, pursuant to the amended lease agreement approved by the University of Arkansas, Walton Arts Center and City of Fayetteville (Res. 118-14) in 2014; and to modify the process by which sidewalk vendor locations can be approved.

BACKGROUND:

The City permits sidewalk vendors in multiple locations throughout the downtown area; some are predetermined and pre-approved locations, such as the wider sidewalks in front of the Walton Arts Center on Dickson/West and the sidewalks on the inside of the downtown Square. Other locations are reviewed on a case by case basis through a Conditional Use Permit. In the most recent lease agreement between the City, University and Walton Arts Center, a provision was added that prohibits sidewalk vendors from locating along their boundary. Specifically, in section 12 (page 7), the language states:

“Lessor shall not permit street vendors to occupy the sidewalks immediately adjacent to the Premises or to operate thereon to the extent Lessor owns and/or possesses the right to control any such sidewalks.”

Presumably this due to the redesign of the primary entry to the Walton Arts center from Dickson and West, which incorporates a wider stair entry, new planters, and more interaction with the public realm. Sidewalk vendors are not permitted in locations where they would interfere with stair entries or other locations that are normally reserved for entering a building. The first ordinance amendment is to remove 178.03(E)(1) as permitted sidewalk vendor areas to comply with the lease language.

The second ordinance amendment request is to change the process by which sidewalk vendors can request an alternative location than those preapproved by the City Council. The ordinance currently requires any location that is not preapproved to be considered through a Conditional Use Permit process. In order to streamline this review process, staff proposes to

remove the conditional use permit process and instead allow this review at a staff level, much as we do already with vendors on private property. Any variances from cart size or operating area would still have to go to the Planning Commission.

DISCUSSION:

The proposal to remove the currently preapproved sidewalk vending locations on Dickson and West has been discussed with the Walton Arts Center and the City Attorney's office, who both concur that an ordinance amendment is needed to comply with the lease agreement approved by the City Council. Staff has proposed the additional amendment in hopes that the reduction of preapproved spaces, and indeed the most popular sidewalk vending locations that we have, will be offset to a degree by streamlining our review process for alternative locations in our downtown.

BUDGET/STAFF IMPACT:

N/A

178.03 Sidewalk Vendors

(A) *Purpose.* Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain development patterns with wide sidewalks are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to regulate open air vending of goods on public rights-of-way.

(B) *Sidewalk Vendor Authorization.* The Zoning and Development Administrator may issue a permit for a sidewalk vendor to use a specific sidewalk or plaza location for specified hours to sell specified goods for up to a one year period. In addition to the general use requirements, the Zoning and Development Administrator shall ensure that no permit is granted unless:

- (1) The applicant has obtained all necessary permits from State or County authorities, including any Transient Merchant permit requirements.
- (2) The applicant has submitted a sales and use tax number, sales tax remittance forms and an affidavit that the applicant has fully paid all sales and use taxes during the previous twelve months, if applicable.
- (3) The applicant has filed a HMR tax remittance form with the City of Fayetteville, when applicable.
- (4) The applicant has notified all adjacent property owners, by certified mail, of the application.

(C) *Permit Application.* Each application for a permit to conduct business on a sidewalk shall be accompanied by a \$100 application and permit fee. Permits issued after July 1st shall be accompanied by a \$50 application and permit fee. Each permit will expire at 3 a.m. on January 1st following the year issued. The permit fee shall be collected prior to issuance of the permit

- (1) Application for a sidewalk vendor permit shall include the following items in a format acceptable to the Zoning and Development Administrator:
 - (a) Name, address and contact information.
 - (b) Type of items sold or services rendered.
 - (c) A valid copy of all necessary permits required by State and County health authorities.

(d) Proof of application for remittance of HMR tax to the City of Fayetteville.

(e) Means to be used in conducting business, including but not limited to, a description of any mobile container or device to be used for transport or to display approved items or services.

(f) A site plan indicating the location and dimensions of the proposed use and device or pushcart.

(g) A detailed scale drawing, picture or diagram and material specifications of the device or pushcart to be used.

(2) The permit issued shall not be transferable in any manner.

(3) The permit is valid for one sidewalk vending location only.

(D) *Permitted Vending Products and Goods.*

(1) The City of Fayetteville permits the following types of goods for street vending in approved locations:

(a) Cut Flowers

(b) Food and Beverage

(c) Arts and Crafts: Only objects of art or craft produced and sold by a local artist or craft person may be sold by street vendors.

(2) All goods being sold from sidewalk vendors shall:

(a) Be located within the permitted area and be attended at all times. Sidewalk vendors shall not conduct transactions with vehicular traffic located in the right-of-way.

(b) Not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk.

(c) Involve a short transaction period to complete the sale or render the service.

(d) Not cause undue noise or offensive odors.

(e) Be easily carried by pedestrians.

(E) **Pre-Approved Locations Requirements.** Sidewalk vendors are permitted in specific locations in Fayetteville as a use by right. These locations

have been determined by the City Council to have adequate sidewalk width, pedestrian traffic flow, and they minimize potential conflicts with existing businesses. Sidewalk vendors are not permitted to operate on days / times associated with special events, unless they have been approved and granted a Special Events Permit from the organization coordinating the special event. Maps of approved locations are available in the Planning Division. The locations where street vending is allowed as a permitted use are:

~~(1) North and West sidewalks in front of the Walton Arts Center. Sidewalk vendors may locate along West Avenue and Dickson St. in front of the Walton Arts Center.~~

(2) Inside of the Fayetteville Square. Sidewalk vendors may locate along sidewalks on all sides of the interior of the downtown Fayetteville Square. On days / times that the Farmers' Market or other special events operate, sidewalk vendors shall only be permitted if approved through the Farmers' Market or Special Event Permit process.

(F) **Alternative Locations. Conditional Use Permit.** If an applicant wishes to operate as a sidewalk vendor in a location other than those specifically approved by the City Council, a **conditional use** permit must be obtained. Upon receipt of a **conditional use** permit application, the Planning **Division Commission** shall review the proposed permit operating area to determine if the said area is suitable for street vending in accordance with this chapter. In making this determination, the Planning **Division Commission** shall consider the following criteria:

(1) The application meets all other criteria established herein for a sidewalk vendor, with the exception that the applicant may request that the cart, and/or operating area, may be larger than the dimension required in this chapter. An increase in cart size or operating area may be considered by the Planning Commission as a variance **and does not require conditional use permit review**. The determination of a larger cart size and/or operation area shall be subject to the variance criteria in Chapter 156.03(C).

(2) The number of permits issued for the street vending location shall not exceed the capacity of the area in terms of maintaining the use of the sidewalk as a public right-of-way, **with a minimum 48" pedestrian access route that is free and clear of obstructions**. The Planning **Division Commission** shall consider the width of sidewalk, the proximity and location of existing street furniture, including, but not limited to: signposts, lamp posts, parking

meters, bus shelters, benches, phone booths, street trees and newsstands, as well as the presence of bus stops, truck loading zones, **other sidewalk vendors** or taxi stands to determine whether the proposed use would result in pedestrian or street congestion.

(G) **Requirements.** Sidewalk vendors conducting business on the sidewalks of the City of Fayetteville with a valid permit issued under this Chapter may transport and/or display approved goods upon the approved mobile device or pushcart, under or subject to the following conditions:

(1) The operating area shall not exceed 40 square feet of sidewalk, which shall include the area of the mobile device, operator and trash receptacle. The Planning Division will provide a map of approved vendor locations.

(2) The length of the mobile device or cart shall not exceed 7 feet, including the cart's trailer tongue or hitch that is not removed or collapsible, and any propane tanks or other attachments to the mobile device. The width shall not exceed 4 feet, including the carts wheel wells or tires, and any accessory components of the cart such as retractable or collapsible sinks or shelves.

(3) The height of the mobile device or pushcart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed 5 feet.

(4) No permanent hardware shall be affixed to the sidewalk or adjacent buildings.

(5) Mobile generators are prohibited.

(6) No sidewalk vendor may conduct business on a sidewalk in any of the following places:

(a) Within 10 feet of the intersection of the sidewalk with any other sidewalk. Sidewalk intersections shall be kept clear for pedestrian safety.

(b) Within 10 feet of any handicapped parking space, or access ramp.

(c) Within 15 feet of a fire hydrant.

(d) Within 15 ft. of an entrance to a building.

(7) Street vending facilities shall be removed from the public right-of-way when not in use. Sidewalk vendors are only allowed to operate between the hours of 5 a.m. and 3 a.m. All carts shall be removed from the public right-of-way during non-operational hours.

- (8) Prior to final approval, Planning Staff shall inspect the sidewalk vendor set up in the proposed location. The applicant shall make an appointment between the hours of 8 a.m. to 5 p.m. in which Planning Staff will inspect the cart and all proposed accessories such as coolers, trash receptacle, chairs, etc. that the applicant is proposing for the site. Upon approval, sidewalk vendors shall display in a prominent and visible manner the permit issued by the Planning Division.
- (9) The Fire Marshal shall inspect and approve any food and beverage pushcart to assure the conformance of all cooking or heating apparatus with the provisions of the City Fire Code.
- (10) Sidewalk vendors who sell food and beverage are required to be permitted, and receive approval, through the Arkansas Department of Health and Human Services for food related establishments. A copy of the permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied to the Planning Division prior to Planning Division approval.
- (11) Sidewalk vendors are required to provide a trash receptacle for public use located within their permitted operating space. All sidewalk vendors must pick up and properly dispose of all paper, cardboard, metal, plastic or other litter in any form (including cigarette butts) within the sidewalk area assigned to the vendor within thirty minutes of the end of daily operations. Failure to completely remove all such litter from the authorized sidewalk location shall constitute a violation of the permit approval.
- (12) No sidewalk vendor shall solicit, berate or make any noise of any kind by vocalization or otherwise, for the purpose of advertising or attracting attention to his wares. No audible amplified music shall be permitted.
- (H) *Signage.* Sidewalk vendors shall obtain a sign permit from the Planning Division prior to the issuance of a permit to operate. Sidewalk vendors are permitted a total of one (1) A-frame sandwich/menu board subject to Ch. 174 Signs regulating these types of signs. The menu board shall list the products and prices for the items being vended. Only products or services available at the vending location shall be displayed.
- (I) *Revocation of the Sidewalk Vendor Permit.* The Zoning and Development Administrator is authorized to revoke a sidewalk vendor's permit if it is determined that a violation of the requirements of the Unified Development Code has occurred.
- (Ord. 5185, 10-7-08; Ord. 5321, 5-18-10; Ord. 5459, 11-15-11)

RESOLUTION NO. 118-14

A RESOLUTION TO APPROVE AN AMENDED AND RESTATED LEASE AGREEMENT AMONG THE UNIVERSITY OF ARKANSAS AND CITY OF FAYETTEVILLE AS LANDLORDS AND THE WALTON ARTS CENTER COUNCIL, INC. AS TENANT

WHEREAS, the University, City of Fayetteville and Walton Arts Center Council, Inc. agreed to a 25 year lease to be effective on April 1, 1992 for the Walton Arts Center; and

WHEREAS, in 2001 the Walton Arts Center Council, Inc. deeded the parcel for the Nadine Baum building to the City of Fayetteville and University of Arkansas; and

WHEREAS, it is in the best interests of the Citizens, Businesses and City of Fayetteville to amend and restate the Original Lease Agreement to ensure that the Walton Arts Center on Dickson Street will continue to be operated, managed and maintained "in a manner that is generally commensurate with the quality and quantity of performances and activities occurring prior to 2013;" and

WHEREAS, the Amended and Restated Lease Agreement together with proper amendments to the Articles of Incorporation of Walton Arts Center Council, Inc. and Walton Arts Center Foundation, Inc. should assist in the campaign to ensure completion of the Walton Arts Center enlargement and enhancement project; and

WHEREAS, the University of Arkansas Board of Trustees, the Walton Arts Center Council, Inc. Board of Trustees and the Walton Arts Center Foundation, Inc. Board of Trustees have approved this Amended and Restated Lease Agreement for the Walton Arts Center.

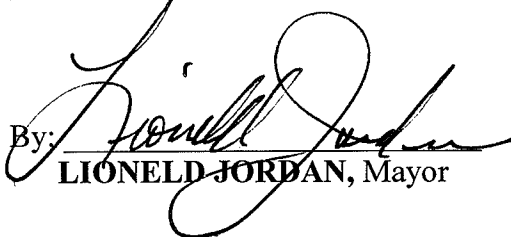
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the Amended and Restated Lease Agreement attached as Exhibit 1 and authorizes Mayor Jordan to sign this Lease.

PASSED and APPROVED this 1st day of July 2014.

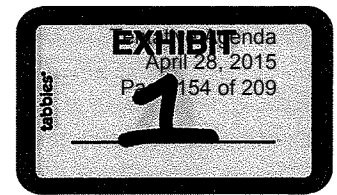
APPROVED:

ATTEST:

By: 
LIONEL JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer





AMENDED AND RESTATED LEASE AGREEMENT

BETWEEN

**BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS FOR THE
UNIVERSITY OF ARKANSAS, FAYETTEVILLE, AND THE CITY OF
FAYETTEVILLE, ARKANSAS**

“Lessor”

and

WALTON ARTS CENTER COUNCIL, INC.

“Lessee”

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AMENDED AND RESTATED LEASE AGREEMENT

This Amended and Restated Lease Agreement is made and entered into this ____ day of _____, 2014, by and among Board of Trustees of the University of Arkansas for the University of Arkansas, Fayetteville (“**University of Arkansas**”), the City of Fayetteville, Arkansas (the “**City**”), and Walton Arts Center Council, Inc., an Arkansas not-for profit corporation (the “**Walton Arts Center**”). The University of Arkansas and the City are collectively referred to in the singular tense from time to time as “**Lessor**”, and the Walton Arts Center is referred to as “**Lessee**”.

RECITALS:

- A. The twenty five (25) year Original Lease Agreement from the City of Fayetteville and the University of Arkansas as the Lessor was effective on April 1, 1992, and leased to Lessee Walton Arts Center lands which included all of Block Six (6) of the Original Plat of the Town of Fayetteville, Arkansas, as per plat on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas. The Original Lease Agreement was signed by the University of Arkansas on November 24, 1993, the Mayor of the City of Fayetteville after the Fayetteville City Council approval on January 18, 1994, and by Lessee on January 4, 1994. The parcel containing the Nadine Baum building was deeded to the City and the University in 2001 by the Walton Arts Center Council, Inc. Capitalized terms not otherwise defined in this Lease Agreement (as defined below) shall have the meanings given them in the Original Lease Agreement.
- B. The Original Lease Agreement expires on March 30, 2017, subject to certain renewal options granted to Lessee.
- C. The parties desire to amend and restate the Original Lease Agreement in its entirety so as to, among other things, extend the primary term of the Original Lease Agreement and permit Lessee to begin a fund raising campaign with the intention of renovating, refurbishing, and enlarging, and operating the Premises if successful, to remove from the leased premises that portion of Block Six upon which the City of Fayetteville is to

construct a parking deck using citizen approved bond revenues and to add the Nadine Baum building and parcel. The area to be retained by the City includes the entire parking deck site from the west side of the parking deck east to School Avenue and from the north side of the parking deck south to Spring Street except for the north liner building which replaces the Walton Arts Center Administrative Headquarters building.

- D. The Original Lease Agreement is hereby amended and restated in its entirety by this Amended and Restated Lease Agreement (“**Lease Agreement**”) and shall be effective as of the latest date set forth on the signature page.
- E. Within a reasonable period of time from the date Lessor executes this Lease Agreement, Lessee shall begin a capital fund raising campaign to cultivate, develop and solicit donors and the general public for funds to renovate, refurbish, enlarge, and operate the Premises in accordance with the renderings, documents, and drawings attached as Exhibit "B" to this Lease Agreement (the “**Lessee Improvement Work**”). While Lessee will use its best efforts with regard to the capital campaign to pay for the Lessee Improvement Work, Lessee offers no assurances that the campaign will be successful or a timeline for completion of the Lessee Improvement Work. Lessor acknowledges that Lessee may be required to complete the Lessee Improvement Work in phases or stages over several years.

In consideration of the terms and conditions contained herein, the sufficiency of which is acknowledged by Lessor and Lessee, the parties agree as follows:

1. Premises and Improvements Leased. Subject to the terms and conditions set forth in this Lease Agreement, Lessor leases and lets the Premises as referred to in C. and as more particularly described in Exhibit “A” unto Lessee who hereby accepts the Premises.
2. Term. Unless sooner terminated as set forth below, the term of this Lease Agreement (“**Term**”) shall be twenty-five (25) years, commencing as of the date Lessor and Lessee execute this Lease Agreement (the “**Lease Commencement Date**”) and shall continue through the

last day of the month at 5:00 PM CST in which the twenty-fifth (25th) anniversary of the Lease Commencement Date occurs. At the end of the original Term and subject to Lessor's right to terminate this Lease Agreement, Lessee shall have the option to extend the Term of this Lease Agreement for a period of twenty-five (25) years subject to the terms and conditions herein set forth, provided Lessee is not otherwise in default. Lessor shall have the right to terminate this Lease Agreement by providing written notice of termination to Lessee at least ninety (90) days prior to of the expiration of the original Term. If Lessor does not exercise its right terminate this Lease Agreement by providing written notice to Lessee at least 90 days prior to the expiration of the original Term, then Lessee shall have the right to extend the Term by providing written notice to the Lessor at any time prior to the expiration of the original Term.

3. Rental. As rental for the Premises, within ten (10) business days of the Lease Commencement Date, Lessee shall pay to Lessor in advance the sum of ONE DOLLAR (\$1.00) for rental of the Premises for the entire Term. As additional rental, Lessee shall pay in full on a timely basis all costs, expenses, fees, and assessments owed in connection with any Lessee Improvement Work that Lessee may commence. As further consideration for the rental for the Premises, the Walton Arts Center agrees to faithfully perform all of its Representations and Warranties of Lessee contained in Paragraph 37 of this Lease Agreement.

4. Taxes. As additional rental, Lessee shall pay, before they become delinquent, all ad valorem taxes, if any, and special or general assessments, if any, lawfully levied or assessed against the Premises, or which may become a lien against the Premises, or which become due and payable during the term hereof. Upon giving notice to Lessor, Lessee may, in good faith and in the manner provided by law, contest any such tax or assessment against the Premises; provided, all costs and expenses incident to contesting such taxes or assessments shall be paid by Lessee, and Lessee shall:

(i) if necessary to prevent any sale of the Premises or any loss or damage to Lessor, pay such tax or assessment under protest; (ii) in the event of an adjudication adverse to Lessee, promptly pay such tax or assessment; (iii) indemnify and hold Lessor harmless against any losses or damages arising from such contest; (iv) take all such other actions as may be reasonably necessary to prevent any such sale or loss; and (v) before such taxes or assessments become delinquent, deliver to Lessor proof of Lessee's timely and full payment of all such taxes and assessments. The duty of indemnification shall survive the expiration or termination of this Agreement. Additionally, nothing contained in this provision shall be a waiver of Lessor's right, at Lessor's cost, to challenge the imposition of any type or kind of taxes on the Premises.

5. Insurance. Nothing contained herein shall obligate or otherwise require Lessor to procure or maintain any insurance pertaining to the Premises. Lessee will, at its sole cost and expense, at all times, keep the Premises insured under special form policies of fire and extended coverage for its full insurable value, with vandalism, sprinkler leakage, and malicious mischief insurance, and such other additional coverages as may from time to time be designated by Lessor, including, without limitation, all-risk coverage, boiler and machinery insurance, flood insurance, earthquake, and war damage insurance added as endorsements to said insurance policy. This insurance must be maintained with a reliable insurance company or companies licensed to do business in the state of Arkansas. These policies shall also include a replacement cost coverage endorsement and must meet all coinsurance requirements of the insurer, in an amount affording coverage of not less than eighty percent (80%) of the full insurable value of the Premises. Such policy or policies shall provide that coverage is noncancelable without thirty (30) days prior written notice to Lessor.

Lessee further agrees to carry and maintain commercial general liability insurance written

as primary coverage with a reliable insurance company licensed to do business in the state of Arkansas, and acceptable to Lessor, covering occurrences that may arise on the Premises as a result of the operations thereon, in amounts not less than \$1,000,000 per occurrence for bodily injury and \$1,000,000 per occurrence for property damage and \$3,000,000 per occurrence of combined bodily injury and property damage. All policies required by this provision shall be jointly payable to the University of Arkansas and the City.

6. Waiver of Subrogation Rights. Lessor and Lessee each hereby waive their respective rights of subrogation against the other for any and all claims and causes of action whatsoever arising out of any injury upon, or loss or damage to, the Premises, or any part thereof, resulting from any risk or peril insured against by any of the insurance policies herein required or purchased by the Lessee. Lessor and Lessee shall each promptly notify their respective insurers of such waiver of subrogation rights.

7. Maintenance by Lessee. Lessee shall, at its sole cost, risk and expense: (i) maintain the Premises in good condition and repair, excepting therefrom only normal, reasonable wear and use; (ii) keep the Premises in a clean, safe and sanitary condition; (iii) make, or cause to be made, all necessary repairs, whether interior, exterior or structural, on the Premises; and (iv) provide for the reasonable care, landscaping and cleaning of the Premises.

8. Utilities. Lessee shall, at its sole cost and expense, provide utilities for the Premises, including without limitation all initial installation or connection fees or charges, and all monthly fees, service charges or late charges for electricity, television, cable, telephones, water, gas, sewer and garbage service, or any other expenses arising out of, or incident to Lessee's occupancy of the Premises; provided, however, Lessor shall, to the best of its ability, continue to furnish on an on-going basis those services to the Premises that it currently provides.

9. Lessee's Improvements and Modifications. Subject to the terms and conditions contained herein, Lessee shall have the right, at its sole cost, expense, and risk: (i) to modify the Premises existing on the Lease Commencement Date hereof in accordance with the Lessee Improvement Work as outlined in Exhibit B attached; and (ii) construct or install on the Premises such other structures, improvements, or fixtures as Lessee may desire in order to continue to satisfy audience and artist demands and so as to remain competitive as an arts center.

10. Surrender of Premises. At the termination under this Lease Agreement or the expiration of the Term: (i) Lessee shall surrender and deliver up to Lessor the Premises in good repair and condition, excepting therefrom only damage by fire, tornado or other casualty and normal, reasonable wear and use; and (ii) all improvements and fixtures, whether existing on the Lease Commencement Date hereof or subsequently constructed on, or affixed to, the Premises, shall be and remain the sole property of Lessor without any payment whatsoever by Lessor to Lessee or any offset in favor of Lessee against Lessor.

11. No Offsets. In the event Lessee shall have any claim whatsoever against Lessor, such claim may not be offset against the rental payments or any other sum payable to Lessor pursuant hereto.

12. Lessee's Use. Lessee shall use and occupy the Premises as an arts center for the residents of Northwest Arkansas and related ancillary support services and educational activities throughout the State of Arkansas; provided, however, certain portions of the Premises may continue to be utilized for general commercial purposes in accordance with applicable laws. At all times Lessee shall conduct its business and control its agents, employees, invitees, licensees, and all other persons entering upon the Premises, or any part thereof, under the authority or by permission of Lessee, in such a manner as is lawful and reputable. Lessee shall not permit, allow or otherwise

suffer any operations to be conducted on the Premises that would cause the suspension or cancellation of the fire and extended coverage insurance policies required under Paragraph 5. Lessee, in the use and occupancy of the Premises, and in the conduct of its business thereon, shall at all times comply with all applicable plat or zoning restrictions, deed restrictions, and all other laws, statutes, ordinances, or regulations applicable to the Premises, and Lessee shall, at its sole cost and expense, secure and maintain all necessary licenses and permits required for the conduct of its business upon the Premises. Lessor shall not permit street vendors to occupy the sidewalks immediately adjacent to the Premises or to operate thereon to the extent Lessor owns and/or possesses the right to control any such sidewalks.

13. Abatement of Lessee's Obligations. Lessee's obligations and duties pursuant to this Lease Agreement, including without limitation its obligations under this Lease Agreement, shall not be abated, terminated or diminished during any period that the Premises, or any part thereof, are untenable, except as provided in Paragraphs 14, 18 or 19; provided, however, that Lessee shall remain responsible to pay all amounts required to be paid under this Lease Agreement and that became due and owing prior to the events identified in Paragraphs 14, 18 or 19.

14. Restoration of Improvements. In the event any or all improvements to the Premises are either partially or entirely destroyed or damaged by any cause whatsoever, Lessee shall notify Lessor of such loss or damage. Thereafter, Lessee shall, at its sole cost, risk and expense, promptly commence and diligently complete, or cause to be promptly commenced and diligently completed: (i) the removal of any debris on the Premises, salvaging to the extent economically feasible any salvageable or reusable materials remaining thereon, and Lessee shall promptly alleviate any dangerous conditions existing on the Premises as a result of such damage or destruction; and (ii) the repair and restoration of the Premises, so that upon the completion of such repairs and restoration,

the Premises will (a) be suitable for Lessee's use, (b) have a commercial value at least as great as that before such loss or destruction, and (c) retain, to the extent practicable, the same appearance and character. If such loss, damage or destruction results from a casualty covered by one or more policies of casualty insurance, the proceeds of such policies shall, to the extent necessary, be paid to Lessee as reimbursement for its reasonable expenses incurred in the repair and restoration of the Premises; provided, however, prior to the payment to Lessee of the proceeds of such insurance policies, Lessee shall deliver to Lessor satisfactory evidence of the completion of such repairs and restoration, and the cost thereof, and the reasonableness of all such costs. If the proceeds from such insurance policies are insufficient to reimburse Lessee for its expenditures relating to the repair and restoration of the Premises, Lessee alone shall bear all costs of such repairs and restoration which are in excess of the proceeds of such insurance policies. In the event the proceeds of such insurance policies are greater than the sums required to repair and restore the Premises, all such remaining sums shall be the sole property of Lessee.

15. Waste - Liens. Lessee shall not allow or suffer: (i) any waste of the Premises; or (ii) permit, by reason of any act of Lessee or failure by Lessee to perform any act required herein, any liens or other encumbrances to attach to, or to exist against, the Premises.

16. Indemnification. Lessee shall indemnify, defend, save and hold harmless from and against all liabilities, claims, losses, damages, fines or causes of action (including without limitation all costs of court, investigation, or attorney's fees incurred in connection with such causes of action or claims and any appellate litigation) due to any death or personal injury to any person whomsoever or any property damage whatsoever arising out of, from, or pertaining to:

- A. Lessee's operations or the conduct of its business upon the Premises, including without limitation any condition pertaining to the Premises attributable thereto;

and

- B. Any breach violation, or nonperformance of any term, covenant, or provision under this Lease Agreement by Lessee, its employees, invitees, licensees and agents.

If Lessor is made a party to any suit or legal action for damages arising from the negligence or other actions of Lessee, its employees, invitees, licensees, or agents (including any of the causes enumerated above), Lessor shall give notice to Lessee of such suit or legal action and Lessee shall thereupon assume all burden, cost and expense incident to the defense, investigation, and settlement of such cause of action or claim, including all costs of court, investigation and attorney's fees in connection therewith, and Lessee shall promptly pay any judgment which may be obtained in such suit or legal action against the Lessor.

17. Assignment and Subletting. Except as to the premises located at 220 North West Avenue, Fayetteville, AR 72702, which currently are sublet for the operation of a "Grubb's" restaurant and as set forth in the next sentence, Lessee may not assign, sublet, mortgage or otherwise encumber its interest or estate in the Premises, or any part thereof, or its rights pursuant to this Lease Agreement, without the prior written consent of Lessor, which consent shall not be unreasonably withheld. Lessee may, without Lessor's consent, assign or sublet all or part of its rights and interests under this Lease Agreement to a wholly-owned subsidiary or any affiliated entity; provided, however, any such assignment or subletting by Lessee, with or without the prior written consent of Lessor, shall not act or release Lessee from its obligations pursuant to this Lease Agreement, including, without limitation, its obligation to pay the rental. Notwithstanding the foregoing, Lessee shall be permitted to allow use of the Premises by art-related entities and resident companies.

18. Total Condemnation of the Premises. If, during the term under this Lease

Agreement, all or a substantial part of the Premises are condemned by an entity having the power of eminent domain, and if such condemnation will materially interfere with Lessee's use of the Premises so that the Premises cannot be made suitable for occupation by reasonable repairs or restoration, or if the Premises are sold to such condemning authority or entity under the threat of condemnation, then Lessee may terminate this Lease Agreement by giving notice thereof to Lessor; thereafter, any award of damages in connection with such condemnation proceedings, or the proceeds of any such sale made to such condemning authority, shall be and remain the sole property of Lessor as to value of any improvements and as to the Lessor with regard to the value of land or real property taken.

19. Partial Condemnation of the Premises. In the event less than a substantial portion of the Premises is taken or condemned by an entity having the power of eminent domain, or sold to such entity under the threat of condemnation, so that such condemnation or sale will not materially interfere with Lessee's use of the Premises, this Lease Agreement shall not terminate, and Lessee shall, at its sole expense, cost and risk, promptly commence and diligently complete, or cause to be promptly commenced and diligently completed, the repair and restoration of the Premises, so that upon the completion of such repairs and restoration the Premises will, to the extent practicable, be suitable for use by Lessee and retain the same appearance, character and commercial value as immediately preceding such condemnation or sale. If the estimated cost of such restoration or repairs equals or exceeds twenty per cent (20%) of the then fair market value (as defined in paragraph 20 below) of the Premises, then prior to the commencement of restoration of repairs, Lessee shall submit for Lessor's approval all drawings and specifications pertaining to repairs or restorations, and Lessee shall not commence any repairs or restorations until Lessor has approved all such drawings and specifications, contracts, contractors, performance and payment bonds (and

the respective sureties thereon) pertaining to such repairs or restoration. An award of damages in connection with such condemnation proceedings, or the proceeds of any such sale made to such condemning entity, shall be applied to reimburse Lessee for its expenses relating to the restoration and repair of the Premises; provided, Lessee alone shall bear all costs of such restoration or repairs in excess of such award pursuant to such condemnation proceedings or the proceeds of any such sale. In the event the award pursuant to such condemnation proceedings or the proceeds of such sale are in excess of the amount necessary to repair and restore the Premises, then all such awards or proceeds shall be and remain the sole property of Lessee. Such partial condemnation of the Premises shall not release Lessee from its obligation to pay any rental then owed.

20. Determining Fair Market Value. If Lessor and Lessee are unable to agree on a fair market value of the Premises, for the purpose of Paragraph 19 above, then Lessor and Lessee shall, within thirty (30) days, each appoint a qualified person to act as an appraiser, and the decision by such appraisers as to the fair market value of the Premises, shall be binding upon Lessor and Lessee (the “**Fair Market Value**”). In the event such appraisers are unable to agree upon a fair market value for purpose of Paragraph 19, then the appraisers designated by Lessor and Lessee shall choose a third duly qualified person, acceptable to both Lessor and Lessee, and the decision of the third appraiser as to the fair market value of the Premises, shall be binding upon both Lessor and Lessee. In the event the fair market value as determined by such appraisers differs from the rental during the month in which the casualty or loss occurred, then upon the determination of a fair market value for the Premises, Lessor and Lessee shall respectively make such reimbursements or payments of excess or insufficient rental as may be appropriate to the extent legally permitted for Lessor.

21. Holding Over. In the event Lessee shall hold over on the Premises, or any part

thereof, after the termination under this Lease Agreement or the expiration of the Term or any extension, unless otherwise agreed in writing such holding over shall constitute and be construed as a tenancy from month to month only; provided, the rental payments during such period of holding over shall be a sum equal to the Fair Market Value of the rental during the month immediately preceding the termination under this Lease Agreement or the expiration of the Term hereof.

22. Inspection. Lessor, acting through its authorized agents and representatives, shall have the right to enter upon the Premises at any and all reasonable times for the purpose of inspecting the general state of repair and condition of the Premises, or for any other reasonable purpose whatsoever, including, but not limited to, emergencies.

23. Default. Any or all of the following shall constitute an event of default ("Event of Default") pursuant to the terms under this Lease Agreement:

- A. Lessee's failure for any reason whatsoever to comply with the terms, covenants, conditions and agreements contained herein or to promptly discharge any and all of its obligations and duties pursuant hereto, including without limitation Lessee's failure to pay any sum herein required or failure to provide proof of payment of same;
- B. The filing of a petition in bankruptcy by or against Lessee pursuant to any section or chapter of the Bankruptcy Code, as amended, or any other similar law or statute of the United States of America or any state thereof, or entering into any agreement, plan of reorganization or composition with creditors, or any committee thereof;
- C. Lessee's becoming insolvent or making a transfer or assignment for the benefit of

creditors;

- D. The appointment of a receiver or trustee for all, or a substantial part, of Lessee's assets; or
- E. The issuance of process for execution upon or the attachment of Lessee's property upon, or interest in, the Premises.

24. Remedies. Upon the occurrence of any Event of Default, Lessee waives all statutory rights of ejectment, and Lessor shall have the option of pursuing any one or more of the following remedies without any notice or demand whatsoever:

- A. Terminate this Lease Agreement, in which event Lessee shall promptly surrender the Premises to Lessor, and, if Lessee fails to do so, Lessor may, without prejudice to any other remedy which it may have for possession of the Premises or the collection of any arrearages in rental payments, enter upon, and take possession of, the Premises and expel or remove any agent, representative or employee of Lessee or any other person who may be occupying the Premises, or any part thereof, under the authority of Lessee, without being liable for prosecution of any claim for damages therefore; Lessee agrees to pay to Lessor on demand the amount of all losses and damages which Lessor may suffer by reason of such termination, whether through an inability to relet the Premises on satisfactory terms or otherwise;
- B. Enter upon or take possession of the Premises and expel or remove any agent, representative or employee of Lessee, or any other person occupying the Premises, or any part thereof, under the authority of Lessee, without being liable for prosecution or any claim for damages therefore, and thereafter Lessor shall

make a diligent and reasonable effort to relet the Premises on commercially reasonable terms, and Lessee shall pay to Lessor, on demand, any deficiency that may arise by reason of Lessor's inability to relet the Premises for a rental equal to that provided herein, regardless of the reason for such failure; Lessor's good faith determination as to what constitutes commercially reasonable terms for reletting the Premises shall be conclusive for purposes of this paragraph; or

- C. Enter upon the Premises without being liable for prosecution or any claims for damages therefore, and do and perform whatever acts Lessee is obligated to do pursuant to the terms under this Lease Agreement. Lessee shall reimburse Lessor on demand for any expenses which Lessor may incur in thus affecting compliance with Lessee's obligations pursuant hereto, including, without limitation, all court costs and attorney's fees.

25. No Waiver. The waiver by any party hereto of any breach or violation of any provision under this Lease Agreement shall not act or be construed as a waiver of any prior or subsequent breach hereof, nor shall the pursuit of any of the foregoing remedies (as set forth in Paragraph 24) preclude the pursuit of any other remedies provided herein or applicable law, nor shall the pursuit of any remedy provided herein or by applicable law constitute a forfeiture or waiver of any payments or other sums payable to Lessor pursuant hereto, or of any damages accruing to Lessor by reason of Lessee's violation of any of the terms, conditions, and covenants contained herein.

26. Quiet Enjoyment. Lessor warrants and represents to Lessee that it has fully right and power to execute and perform this Lease Agreement and that Lessee, upon the payment of rental and the performance of the other covenants and terms contained herein, shall peaceably

and quietly have, hold, and enjoy the Premises during the full term under this Lease Agreement.

27. Further Assurances. From time to time, and at all times, Lessor and Lessee shall do all such further acts as may be reasonably required to fully perform and carry out the terms and intent under this Lease Agreement.

28. Entire Agreement. This Lease Agreement constitutes the sole and only agreement between Lessor and Lessee concerning the subject matter hereof and supersedes all prior agreements, arrangements or understandings, if any, whether written or oral, relating to the subject matter hereof.

29. Severability. In case any one or more of the provisions contained in this agreement shall for any reason whatsoever be held invalid, illegal or otherwise unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Lease Agreement shall be construed as if such illegal, invalid or unenforceable provision had never been contained as a part hereof.

30. Applicable Law. This Lease Agreement shall be interpreted and construed, and the respective rights of Lessor and Lessee governed, according to the laws of the State of Arkansas. Nothing contained in this Lease Agreement shall be deemed, construed or operate as a waiver of any immunities to suit available to the University of Arkansas, the City or their respective trustees, officials, or employees.

31. Venue. Unless otherwise finally determined by court of competent jurisdiction, the venue of any suit, cause of action or other legal proceeding pertaining to this Lease Agreement shall be in Washington County, Arkansas, subject to the non-waiver of immunities provision set forth in Paragraph 31.

32. Amendment. This Lease Agreement may only be amended by a writing executed

by both Lessor and Lessee, and thereafter duly delivered by each respectively to the other and incorporated by reference as a part hereof.

33. Headings. The headings of the respective articles or paragraphs under this Lease Agreement are for the purpose and convenience of reference only, and are not intended to be a part of, or to affect the meaning and interpretation of, this Lease Agreement. The Recitals as the beginning of the Lease Agreement are and shall be construed in harmony with all other substantive provisions of this Lease Agreement.

34. Recorded Memorandum. Concurrently with the execution and delivery under this Lease Agreement, Lessor and Lessee shall execute, deliver and promptly file for record in the deed records of Washington County, Arkansas, a memorandum evidencing this Lease Agreement in substantially the same form as the attached Exhibit "C", to which reference is made for all purposes.

35. Binding Effect. This Lease Agreement is binding upon and shall inure to the benefit of the Lessor and Lessee and their respective successors in title and permitted assigns.

36. Notices. All notices, information, offers, payments of rental, or other communications herein required or permitted, shall be in writing and shall be properly given, made or sent when delivered personally to the below identified representative of such party addressed in such writing, or when mailed by prepaid certified or registered mail, return receipt requested, or by overnight delivery service, to such party at its respective address as follows:

If to Lessor:

The City of Fayetteville, Arkansas
_____, Arkansas

Office of the Chancellor

425 Administration Building
University of Arkansas
Fayetteville, Arkansas 72701

With a copy to:

Office of the General Counsel
421 Administration Building
University of Arkansas
Fayetteville, Arkansas 72701

If to Lessee:

Walton Arts Center Council, Inc.
P. O. Box 3547
Fayetteville, Arkansas 72702
Attention: President and CEO

With a copy to:

Attention: John Alan Lewis
Mitchell, Williams, Selig, Gates & Woodyard, PLLC
5414 Pinnacle Point Drive, Suite 500
Rogers, Arkansas 72758
(479) 464-5656

or to such other respective addresses either Lessor or Lessee may hereafter designate and give notice thereof to the other.

37. Representations and Warranties of Lessee. Lessee hereby covenants and warrants to Lessor that:

- A. Lessee is a not-for-profit corporation incorporated pursuant to the laws of the State of Arkansas, has duly paid all applicable franchise taxes and charter fees, and is duly authorized to do business in the State of Arkansas;
- B. The undersigned individual, acting as the duly authorized agent of Lessee, has full power and authority to execute this Lease Agreement as the act and deed of Lessee; provided, however, Lessee's taking possession of the Premises, or any part thereof, shall be conclusively deemed as Lessee's ratification under this Lease

Agreement; and Lessee has fully and completely inspected the Premises, and as of the effective date hereof the Premises are adequate and sufficient for the purposes for which they are herein leased. At all times during the Term, shall operate, manage and maintain the Walton Arts Center on Dickson Street in a manner that is generally commensurate with the quality and quantity of performances and activities occurring prior to 2013. In determining whether this standard is met, the City of Fayetteville and the University of Arkansas may take into account the quality, type and number of performances and activities occurring at the Dickson Street facility, including the quality, type and number of: (i) Broadway Musicals and performances; (ii) other theatrical, dance and musical performances; (iii) concert performances and (iii) educational programs.

- C. Notwithstanding the foregoing, nothing in this Lease Agreement shall prevent Lessee from providing administrative or support services at the Premises for the benefit of other arts and entertainment venues in and around Northwest Arkansas which are owned, leased, operated or managed by Lessee.

38. Execution. This Lease Agreement was executed by Lessor and Lessee on the dates shown respectively on the acknowledgments of each, but is effective for all purposes on the effective date as set forth above.

39. Counterparts. This Lease Agreement may be executed in multiple counterparts, each of which shall be deemed an original and together shall constitute one and the same instrument. Signatures transmitted electronically via PDF copy or via facsimile shall be binding and make this Lease Agreement effective.

[SIGNATURE PAGE(S) FOLLOW]

"LESSOR"

CITY OF FAYETTEVILLE

By: 
Mayor



ATTEST:


City Clerk

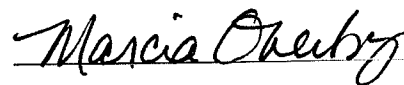
Date: 07/07, 2014

**BOARD OF TRUSTEES OF THE UNIVERSITY
OF ARKANSAS, ACTING FOR THE
UNIVERSITY OF ARKANSAS,
FAYETTEVILLE**

By: 

G. David Gearhart
Chancellor

ATTEST:



Marcia Overby
Notary Public

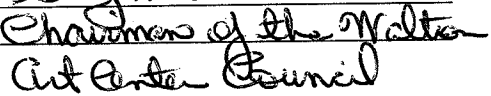
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8/11/14

"LESSEE"

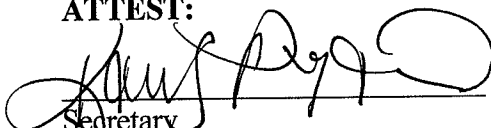
WALTON ARTS CENTER COUNCIL, INC.

By: 

Title: 

Chairman of the Walton
Art Center Council

ATTEST:


Secretary

Date: 8/19, 2014

EXHIBIT "A"

DESCRIPTION OF PREMISES

Tract A:

All of Block Six (6), of Original Town of Fayetteville, as per Plat of Record in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; LESS AND EXCEPT the southeast corner of said block more particularly described as follows: BEGINNING at the Southeast (SE) corner of said Block; thence along the East line of said Block N02°40'06"E a distance of 289.09 feet; thence leaving said East line N87°19'54"W a distance of 105.17 feet; thence S47°59'48"W a distance of 30.24 feet; thence S03°05'54"W a distance of 56.54 feet; thence N87°06'23"W a distance of 14.83 feet; thence S02°37'21"W a distance of 211.63 feet to the South line of said Block; thence along said South line S87°26'40"E a distance of 141.77 feet to the POINT OF BEGINNING.

In addition to the above described parcel, once the parking deck and its north liner building have been completed, the premises leased by the City of Fayetteville and the University of Arkansas to the Walton Arts Center Council, Inc. shall include the north liner building of the parking deck for use of the Walton Arts Center as its Administrative Headquarters, and the lower level as the expanded backstage area for the Walton Arts Center. Upon completion of the parking deck the City agrees to provide twenty-eight (28) parking spaces within the deck for the Walton Arts Center staff's use and another seven (7) parking spaces in the Spring Street parking lot.

Tract B:

A part of Block 8 of the original town (now City) of Fayetteville, Arkansas, being more particularly described as follows: Beginning at the Northeast corner of Block 8, thence North 87 degrees 50 minutes West 90.82 feet to the East railroad right of way, thence South 29 degrees 34 minutes West 215.87 feet, thence South 27 degrees 34 minutes West 43.4 feet, thence South 22 degrees 28 minutes West 62.9 feet, thence South 18 degrees 24 minutes West 42.4 feet along the East right of way, thence South 88 degrees 57 minutes East 254.70 feet, thence North 325.82 feet to the point of beginning, containing 1.34 acres, more or less.

Exhibit B



The Walton Arts Center Fayetteville Expansion and Renovation will allow the facility to meet growing demand for arts and special events and will improve the patron experience when they visit the theater. The project focuses on the expansion and renovation of the main lobby, Starr Theater, backstage support spaces, and technical upgrades.

1. The Main Lobby will be expanded and reconfigured, and a new plaza will create synergy with Dickson Street. The lobby will have more room for concessions, coat check, etc. and will serve as a great special event space. New multi-purpose rooms and support spaces (such as catering space, storage and concession areas) will be added.
2. Starr Theater will be upgraded and will have a dedicated lobby and entry. Additional backstage support spaces will be built to accommodate additional performance activities and events.
3. Backstage areas will be expanded to accommodate simultaneous performances in Baum Walker Hall and in Starr Theater and for growing touring production needs.
4. Theatrical lighting systems and audio systems will be upgraded to meet modern production needs. Accessible seating in Baum Walker Hall (main floor and balcony) will be added and upgraded to meet ADA standards.

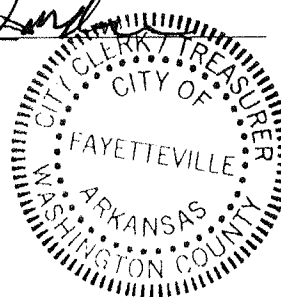
This memorandum evidencing the Amended and Restated Lease Agreement shall be filed for record in the deed records of Washington County, Arkansas.

EXECUTED AND EFFECTIVE this 07 day of 07, 2014.

“LESSOR”

CITY OF FAYETTEVILLE

By: [Signature]
Mayor



ATTEST:

[Signature]
City Clerk

Date: 07/07, 2014

BOARD OF TRUSTEES OF THE UNIVERSITY
OF ARKANSAS, ACTING FOR THE
UNIVERSITY OF ARKANSAS,
FAYETTEVILLE

By: [Signature]

G. David Gearhart
Chancellor

ATTEST:

[Signature]

Marcia Overby
Notary Public

8/11/14

8/11/14

“LESSEE”

WALTON ARTS CENTER COUNCIL, INC.

By: [Signature]

Title: [Signature]

ATTEST:

[Signature]
Secretary Notary Public

Date: 8/13/14, 2014

ACKNOWLEDGMENT

STATE OF ARKASNAS)
)ss:
COUNTY OF WASHINGTON)

On this 11th day of August, 2014, before me, the undersigned, a Notary Public, duly commissioned, qualified and acting within and for said County and State, appeared in person the within-named G. David Gearhart to me personally well known, who stated he is the Chancellor of the University of Arkansas, Fayetteville, and is duly authorized in that capacity to execute the foregoing instrument for and in the name and behalf of said entity, and further stated and acknowledged that he had so signed, executed, and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal on this 11th day of August, 2014.

Marcia Overby

Notary Public

My Commission Expires:

15 May 2024

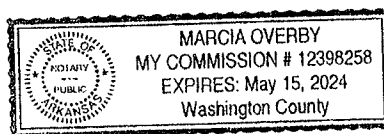


Exhibit C

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)ss:
COUNTY OF WASHINGTON)

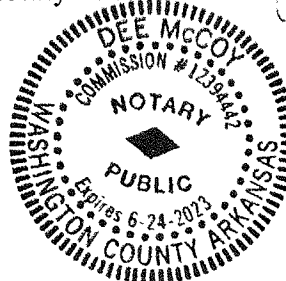
On this the 7 day of July, 2014, before me, the undersigned, a Notary Public, duly commissioned, qualified and acting within and for said County and State, appeared in person the within-named Waneid Jordan and Sandra Smith to me personally well known, who stated they were the Mayor and City Clerk of the City of Fayetteville, Arkansas, a municipality, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipality, and further stated and acknowledged that they had so signed, executed, and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal on this 7 day of July, 2014.

Dee McCoy
Notary Public

My Commission Expires:

10-24-2023

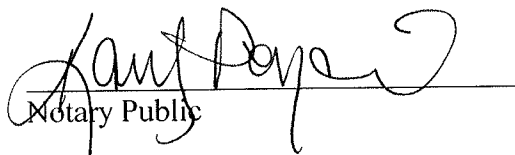


ACKNOWLEDGMENT

STATE OF ARKANSAS)
)ss:
COUNTY OF WASHINGTON)

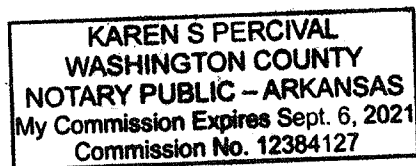
On this the 19th day of August, 2014, before me, the undersigned, a Notary Public, duly commissioned, qualified and acting within and for said County and State, appeared in person the within-named Grog Lee and _____ to me personally well known, who stated they were the Chairman and Secretary of the Walton Arts Center Council, Inc., a non-profit corporation, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said non-profit corporation, and further stated and acknowledged that they had so signed, executed, and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal on this 19th day of August, 2014.


Notary Public

My Commission Expires:

9/6/21





City of Fayetteville, Arkansas

Tentative Agenda
April 28, 2015
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 83 of 209

Text File

File Number: 2015-0177

Agenda Date: 5/5/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 5

AFFILIATED COMPUTER SERVICES, INC.

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF TWO (2) KODAK I4200 SCANNERS FROM AFFILIATED COMPUTER SERVICES, INC. OF DALLAS, TEXAS IN THE TOTAL AMOUNT OF \$19,884.00 PLUS

WHEREAS, the scanners currently being used to archive documents by the Office of the City Clerk/Treasurer are not compatible with Windows 7; and

WHEREAS, Kodak scanners have been approved by City software vendors as being the most compatible and preferred scanner to work with software the City already owns and uses and the City should only purchase scanners that are recommended and approved by its software vendors.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is deemed not feasible or practical, and therefore waives the requirements of formal competitive bidding and authorizes the purchase of two Kodak i4200 scanners from Affiliated Computer Services, Inc. of Dallas, Texas in the amount of \$19,884.00 plus applicable sales taxes for use by the Office of the City Clerk/Treasurer.

City of Fayetteville Staff Review Form

2015-0177

Legistar File ID

5/5/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Sondra E. Smith

4/13/2015

City Clerk/Treasurer /
General Government Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends waiving formal competitive bidding and approving an ordinance to purchase two Kodak i4200 scanners from ACS-ESG in the amount of \$21,822.69. These are replacement scanners for the electronic document management system. (Page 48 of the CIP)

Budget Impact:

4470-9470-5801.00

Sales Tax Capital Improvements

Account Number

Fund

14003.01

City Clerk Document Management Equipment

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 89,000.00

Funds Obligated \$ -

Current Balance **\$ 89,000.00**

Does item have a cost? Yes

Item Cost \$ 21,822.69

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget **\$ 67,177.31**

V20140710

Previous Ordinance or Resolution # N/A

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 5, 2015

TO: Mayor and City Council

FROM: Sondra E. Smith, City Clerk Treasurer

DATE: April 13, 2015

SUBJECT: Purchase of two (2) Kodak i4200 Scanners

RECOMMENDATION:

Staff recommends the City Council approve the purchase of two (2) replacement scanners from ACS-ESG. The total cost of the two (2) scanners is \$21,822.69.

BACKGROUND:

Replacement of two (2) i610 Kodak Scanners which were purchased in 2006 and 2009 and are currently being used to archive City documents. The current scanners will be replaced with two (2) Kodak i4200 scanners.

DISCUSSION:

The scanners that are currently being used are not compatible with Windows 7. They are used daily to archive documents.

BUDGET/STAFF IMPACT:

The scanners were included in the 2015-2019 Capital Improvements Plan (CIP) for purchase in 2015.

Attachments:

Purchase Order Request
Sales Order # 3912
Quotes



ACS is now a Xerox company

March 11, 2015

Ms. Sondra Smith
Office of the City Clerk Treasurer
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Dear Ms. Smith:

Thank you for your time. Per our phone discussion last week, I have prepared this proposal for our Kodak i4200 plus scanners for your review and consideration. It is assuredly always a pleasure working with you.

Just to recap, we discussed upgrading your existing Kodak i610 scanners with Kodak replacement units. We discussed the Kodak i4200 series scanners as viable replacements. Based on your daily volume, we recommend the i4200 unit as the best replacement. The i4200 scanner captures in color, grayscale and bi-tonal and has USB connectivity vs. Firewire for the i610 units.

The i4000 scanners have an optional flatbed accessory that is removable when not in use. It supports up to 8½ X 14" and the price is available upon request.

As discussed, I am providing you with our proposal for the Kodak i4200 scanners for your review and consideration. I want to highlight the ACS' value. We have favorable pricing, Kodak support, 40+ years of document capture experience and have a special service partnership with Kodak. With our Versitec support option, you still get Kodak Field Engineers (i.e. Jeff Smith), plus you also get other benefits such as; call tracking, call center technical assistance and the Kodak relationship with the evaluation units and other specials/promotions all at no additional charge.

We included a Kodak standard consumables kit with each scanner. The consumables kit provides supply items (i.e. replacement rollers, feed modules, etc.) so the scanner operator can keep the scanner performing optimally to maximize scanner uptime.

The Kodak i4200 scanner includes a 90-day warranty and we have included a 9-month extended warranty (called a CareKit) for a total of 12-months support. There are no additional costs for the purchase of our scanners except applicable sales tax. We estimate that the sales tax for our proposed two units is \$1,938.69.

ACS is the one of the largest user's and reseller's nationwide on Kodak document scanners and you can be assured ACS will take a pro-active role from initial installation, training, on-going customer follow up and support. There are many reasons to choose ACS; however, the main advantages are our financial stability, local service and support.

ACS has the experience and customer installations in Document Management Systems and scanners to deliver the type of solutions and overall retrieval efficiency that City of Fayetteville requires.



ACS is now a Xerox company

City of Fayetteville
Attn: Ms. Sondra Smith
Page; #2

We provide a winning combination for City of Fayetteville; through our document processing and management knowledge, product offering and support ("one stop shopping").

Once again thank you. If you have any questions or need additional information, please don't hesitate to call me at (918) 246.0514 at any time. I am always glad to help.

Respectfully Submitted,

Michael G. Patty

Michael G. Patty
Sales Manager; Systems & Solutions

MP/mof

Enclosure.



ACS is now a Xerox company

ACS – Kodak i4200 Plus Document Scanner Investment

ACS anticipates the following investment pricing for our Kodak i4200 Plus Scanners for City of Fayetteville's document scanning requirements. ACS provides "A single Point of Contact" for all of your imaging requirements today & tomorrow.



ACS – Kodak i4200 plus Scanner Investment

ACS – Kodak i4200 Solution Investment Components

Qty	Product Description	Unit Price	Total Investment
Document Scanners (pricing includes the following items):			
2	Kodak i4200 Document Scanner Solution - 100 PPM (pages per minute)	\$11,768.00	\$23,536.00
Price includes the following components:			
- Kodak i4200 Document Scanner, (2ea.) - Kodak i4200 Consumables Kit, (2ea.) - Kodak i4200 1 year CareKit (12 month total warranty, based on NBD (Next Business Day) response, (2ea.) - Shipping & Handling, (2ea.)			
Less ACS Existing Customer Discount			- \$3,652.00
Sub-Total			\$19,884.00
Estimated Sales Tax			\$1,938.69
Total Investment			\$21,882.69

Note: The above pricing shown reflects special ACS discount pricing off of list pricing and is based on the purchase of two Kodak i4200plus scanners and the components listed above.



ACS is now a Xerox company

Annual Equipment Maintenance

The Kodak scanners quoted include a 90-day warranty. We included the Kodak One Year CareKit that provides a 9 month extension for 12 months total warranty support for both units.

ACS TERMS AND CONDITIONS

ACS Discount: The ACS discount shown is based on special incentive promotions offered by ACS and Kodak. If any of the quantities change, ACS reserves the right to adjust our pricing. The Kodak scanners quoted will be shipped within 3-7 business days after receipt of order. Shipping and handling is included in our total investment pricing.

This proposal is for a capture (scanning) solution and does not include any software or PC/Network hardware intended for a host system or automated front-end capture, storage and indexing solution. Pricing for these components/services will be provided upon request.

Sales, use, or other taxes measured by sales or receipts are not included in the prices shown, but will be added to ACS invoices, if applicable.

Please make your Purchase Order (PO) out to Affiliated Computer Services, Inc. (or **ACS** for short) – 8600 Harry Hines, Ste 300 – Dallas, TX 75235 – Attn: Mike Patty. Please fax a copy of your PO to 1.918.512.4360 – Attn: Mike Patty to expedite order processing. For remittance processing, our address is: PO Box 201322 - Dallas, TX 75320-1322.

This quotation is **good through 06/30/15** and is subject to change thereafter.

**City of Fayetteville
Information Technologies**

Memo

To: Sondra Smith
From: James Zamora
cc: Gina Roberts
Date: April 14, 2015
Re: Recommendation for Kodak Scanner

I recommend the purchase of the Kodak Scanner over the Canon scanner

The IT department looks at the general functionality, maintenance management, and compatibility of scanners.

The Kodak scanner provides many features and functionality needed for users to perform scanning jobs. The city has been trained on using Kodak scanners and this skill set guarantees that Kodak scanners will perform as needed, last for many years, and meet expectations. Kodak scanners, when operated by a trained user will outperform its competition. Kodak provides many tools needed by our users to scan documents and provide exceptional images for the public.

Kodak scanners are easily serviced. Occasionally in real world settings, scanners may jam or have to scan poor quality documents. Kodak scanners have the ability to scan poor quality documents and provide great image results. When Kodak scanners need to be serviced, most issues can be corrected by the user. Over time, the city saves money by operating a scanner that does not break down or require service as much as its competition.

Kodak scanners have been approved by our software vendors as being the most compatible and preferred scanner to work with the software the city owns. The city must only purchase scanners recommended and approved by our software vendors.

Please let me know if you require additional information.

April 14, 2015

Sondra,

Kodak Scanner VS Cannon Scanner: The Kodak scanner has what is called "Perfect Page" that the Cannon scanner does not. All scanners have a deskew box to check to enable the document to go in straight. What I have found, with other scanners that have been purchased and utilized in the Planning Division, is the scan doesn't hold when you have a stack of documents going through in a batch or for one Permit Application file. This causes irregular scanning of documents that are not readable.

We have several different sizes of documents, from the size of a register tape up to a document 33 inches long and 12 inches wide. These are all combined throughout different department files.

The Kodak has the "Perfect Page" feature that is installed in the scanners to enable it to automatically straighten the document on the screen and will not require rescanning.

The last nine years I have worked with the scanners with the "Perfect Page" feature it has saved a lot of time in scanning documents. There is not a department in the City that has just one size documents and when scanning you have several different sizes of paper in one batch. It truly makes a difference.

All scanners are workable and can do the job, but the time required to rescan is costly. Frequently we scan batches then go back and verify, which would be when we would recognize documents crooked and cutting information off that we didn't see initially. We would have to pull the box to find the file to rescan. When I scan about one to two thousand documents a day it is much more efficient to have the document scan correctly the first time.

Gina Robert

Records Management Manager

**TRUE INNOVATION
AND
RELENTLESS EFFICIENCY**



TURN CHAOS INTO EFFICIENCY AND EFFICIENCY INTO ADVANTAGE.

Digitizing and managing a whirlwind of documents just got easier. Introducing the new **Kodak i4000 Plus Series Scanners**. We took everything we've ever learned about document management and built a robust platform to help you control information, automate processes, and take productivity to new heights.

It's time for a solution that will meet your needs today and grow to meet your needs tomorrow.



Production-class workhorses for busy departments with mission critical scanning needs.

When your important business processes are tightly integrated with needs for streamlined, dependable paper document scanning, **Kodak i4000 Plus Series Scanners** deliver performance you can depend on for ongoing productivity. You will also save on operational costs, year after year, thanks to our extremely affordable Total Cost of Ownership. When you factor in reliability, uptime, consumables, daily duty costs, service and support, and other image processing costs, **Kodak i4000 Plus Series Scanners** compare favorably to many competitive models in every critical aspect of your business, from installation to robustness to the bottom line.



It's tough. It's simple. And it was engineered from scratch by listening to customer needs, then delivering on every one of them. Just look below and decide what you're looking for from a document capture solution, then learn how the **Kodak i4000 Plus** Series Scanners can give it to you.

Simplicity and ease of integration

Our Smart Touch Feature delivers out-of-the-box productivity that easily automates multiple tasks with powerful "one touch" scanning.

Ergonomic design for easier loading and unloading.

Our capture platform allows easy upgrades and simple integration with your new IT strategy or existing process.

Output to multiple file formats and destinations, and scan to other applications.

Worry-free, consistent image quality

Perfect Page Technology makes adjusting scanner settings a thing of the past.

Perfect Page image processing provides exceptional scans and images time after time, even from less-than-perfect documents, reducing the need for rescans and post-image processing.

Streak Filtering corrects for real-world conditions you can't control, such as dust.



Longevity and ease of mind

When volume increases, enhanced functionality and speed are easily added — it's the only scanner series in its class that allows field upgrades.

Rugged design and a steel-welded frame ensure high performance and reliability.

Kodak Service & Support for Document Imaging Solutions helps you keep things running smoothly.

More efficiency, less downtime

Maintains full rated speed with valuable features like Auto Orientation, Auto Crop, and Skew Detection enabled.

SurePath Paper Handling delivers advanced feeding and stacking functions for increased performance and reduced prep time.

Meets real-world needs with virtually jam-free operation for practically any document in any condition.

Controlled Stacking neatly aligns stacks in the same order you put them in.

Reliably detects double feeds so you won't lose an image.

Powerful, compact scanner, offering 500-sheet input capacity.

Optional **Kodak** Legal Size and A3 Size Flatbed Accessories for added capability to scan bound, oversized and fragile documents.



SurePath Paper Handling automatically adjusts for a variety of document sizes and thicknesses.

A complete solution from a single, trusted source

Hardware - One scanner to handle almost any paper size, thickness or quality.

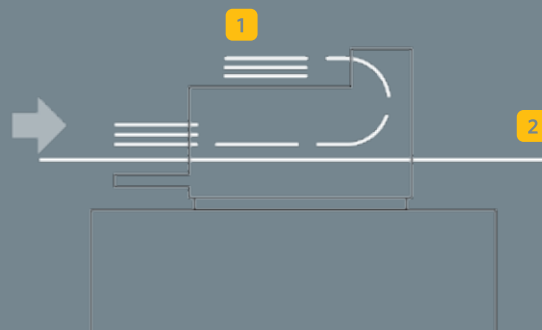
Software - Smart Touch and **Kodak** Capture Pro Software Limited Edition are in the box — no third-party software to buy.

Service and Support - Ensure optimal equipment and software performance with **Kodak** Essential Productivity Services and **Kodak** Advanced Proficiency Services. Our array of world-class service offerings helps maximize efficiency and value in your business.



Less time shuffling documents means more time to get things done.

- 1 Controlled Stacking neatly aligns stacks in the same order you put them in.
- 2 Straight-through paper path handles long documents easily.



DESIGNED BY US AND YOU. What you see represented in these pages is the outcome of decades of leadership in capture process automation and best-in-class service and support. But most of all it's the result of listening to real-world business challenges, as described by people like you, then setting out to tackle them one by one. **Thank you.**

Kodak i4000 Plus Series Scanners

Recommended Daily Volume	i4200 Plus up to 30,000 pages per day/i4600 Plus up to 50,000 pages per day
Throughput Speeds (landscape, letter/A4 size, black and white/grayscale/color)	i4200 Plus - 100 ppm at 200 dpi and 300 dpi i4600 Plus - 120 ppm at 200 dpi and 300 dpi
Feeder/Elevator	Automatic 500-sheet elevator design; automatic document feeder with four settings: continuous feed, 100-sheet, 250-sheet and full 500-sheet batches
Bundled Software	Smart Touch Feature and Kodak Capture Pro Software Limited Edition
File Format Outputs and Destinations	TIFF/Multi-page TIFF, PDF, RTF, TXT, Searchable PDF, PDF-A (Kodak Capture Pro Software Limited Edition), Email, Printer, Microsoft Sharepoint Server and Microsoft Word files, network folders and drives
Features	Streak filtering, controlled stacking, Perfect Page technology, iThresholding, automatic color detection, autocrop, image edge fill (black or white), aggressive crop, deskew, content-based blank page detection and deletion, multi-color dropout, hole fill, dual-stream scanning, automatic orientation, color-on-the-fly toggle patch
Scanning Technology	CCD
Optical Resolution	600 dpi
Output Resolution	100 / 150 / 200 / 240 / 300 / 400 / 600 dpi
Output Compression	CCITT Group IV; JPEG or uncompressed output
Illumination	White LEDs
Maximum Document Width	304.8 mm (12 in.)
Long Document Mode Length	Up to 4.0 m (160 in.)
Minimum Document Size	63.5 mm x 63.5 mm (2.5 in. x 2.5 in.)
Paper Thickness and Weight	With standard feeder: 45 g/m ² (12 lb.) bond to 200 g/m ² (110 lb.) index With ultra-lightweight feeder accessory: 25 g/m ² (7 lb.) rice paper to 80 g/m ² (20 lb.) bond
Straight-Through Paper Path – Thickness	Up to 1.25 mm (0.049 in.)
Multi-feed Detection	Intelligent ultrasonic technology; three sensors that work together or independently
Connectivity	USB 2.0 Certified, USB 3.0 compatible
Software Support	Bundled software: TWAIN , ISIS , WIA drivers and Kofax VRS (not included). Fully supported by Kodak Capture Pro Software and Kodak Asset Management Software
Warranty (US and Canada)	90 days on-site
Electrical Requirements	100-240 V (international), 50/60 Hz
Power Consumption	Sleep Mode < 3 watts Running: 85 watts Off: < 0.5 watt
Environmental Factors	Energy Star qualified scanners: Section 508 compliant; D.O.C. executive order 13221 compliant; Operating temperature: 10-35°C (50-95°F); Operating humidity: 10% to 85% RH
Acoustical Noise (operator position sound pressure level)	Standby mode: <32 dB(A); Scanning at 200 dpi: <53 dB(A)
Supported Operating Systems	Windows XP SP 2 and higher (32 and 64 bit), Windows Vista SP 1 (32-bit), Windows Vista x64 Edition, Windows 7 (32 and 64 bit), Windows 8 (32 and 64 bit)
Consumables Available	Feeder consumables kits, imaging guide set, printer ink cartridge and carrier, transport cleaning sheets, roller cleaning pads, printer ink blotters, Staticide Wipes, flippable black/white background
Accessories/Options	Enhanced Printer Accessory, Document Extenders, 66.04 cm, 76.02 cm and 86.36 cm (26 in., 30 in. and 34 in.), Kodak A3 Size Flatbed Accessory; Kodak Legal Size Flatbed Accessory
Dimensions	Height: 34.79 cm (13.7 in.) Width: 45.97 cm (18.1 in.) Depth: 46.73 cm (18.4 in.) with tray closed, 61.30 cm (24.1 in.) with tray open
Weight	34 kg (75 lbs)

To learn more:

www.kodakalaris.com/go/i4000plus
www.kodakalaris.com/go/pro

Kodak Alaris Inc.

2400 Mt. Read Blvd., Rochester, NY 14615 1-800-944-6171

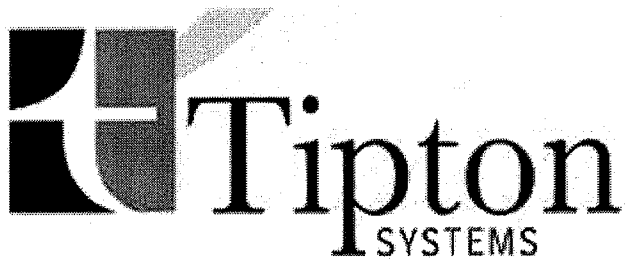
Kodak Alaris Operations Canada Inc.

Mississauga, Ontario, Canada L5R 1B9 1-800-944-6171



Roberts, Gina

From: Clint Trevitt <clint@TiptonSystems.com>
Sent: Monday, January 05, 2015 9:46 AM
To: Roberts, Gina
Subject: Proposal



12107 E. 43rd St. Kansas City, MO 64133

Hello Gina,

Following is your quote for the scanner :

- (1) Kodak i4200plus Scanner Solution -- \$12,605.00
- (2) Included in the above solution is :
 - Kodak i4200 plus scanner (1)
 - Kodak i4200 consumables kit (1)
 - Kodak i4200 1 year Carekit (12 month, Next Business Day response (1)
 - Shipping and handling

Thanks and please let me know if you would like to move forward with this quote !

A handwritten signature in black ink that reads 'Clint Trevitt'.

Clint Trevitt
Sales Manager
Tipton Systems
12107 E. 43rd St.
Kansas City, MO 64133
Phone: 816.313.0909 or 800.844.5312
Fax: 816.313.1809

Email : clint@tiptonsystems.com
Web Site: www.tiptonsystems.com



This message may contain confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply e-mail and delete this message. Thank you for your cooperation."

Roberts, Gina

From: will@jldunaway.com
Sent: Friday, January 02, 2015 9:09 AM
To: Roberts, Gina
Subject: Scanner Quote

Dear Ms Roberts,

Please find our quote below for your imaging needs:

1ea. Kodak i4200plus Scanner Solution \$11,768.00 - includes the following:
Kodak i4200plus Scanner, 1ea.
Kodak i4200 Consumables Kit, 1ea.
Kodak i4200 1 year CareKit (12 month, NBD (Next Business Day) response, (1ea.)
Shipping & Handling, (1ea.)

Thank you and Happy New Year!

Will Dunaway

the JL Dunaway Co.



Quotation

Date: January 13, 2015

Expires: February 12, 2015

City of Fayetteville

prepared by: Jeff Ward

Canon imageFORMULA DR-G1100 Scanner

\$4,365.00

OR

EQUIPMENT	
36-Mo. \$1 Purchase Lease	\$138.37
48-Mo. \$1 Purchase Lease	\$107.82
60-Mo. \$1 Purchase Lease	\$89.92
Customer owns equipment at end of term.	

PLUS

MAINTENANCE	
Preferred Office Products Annual Service Agreement	\$750.00
Includes complete inspections, cleaning, lubrication, adjustments and all standard parts necessary to maintain equipment in good operating condition.	
Excludes additional network support and rollers.	

All numbers indicated before any applicable taxes

Quotation Accepted By (Signature)

Date

FORT SMITH

319 S. 9TH ST., FORT SMITH, AR 72901
479.782.7991 479.782.3772 (FAX)

FAYETTEVILLE

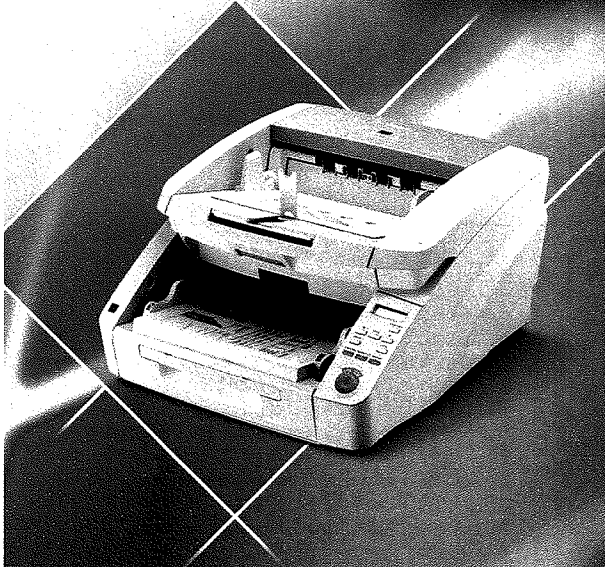
4256 FRONTAGE RD, FAYETTEVILLE, AR 72701
479.521.6209 479.521.8986 (FAX)

PREFERRED-OFFICE.COM

Jeff #

957-6704

imageFORMULA DR-G1100



High-Speed, High-Quality Scanning for Ultimate Production Efficiency

The Canon imageFORMULA DR-G1100 production document scanner provides businesses with a high-performance, reliable, and flexible scanning solution to help enhance document management systems.

Wide Variety of Applications

The DR-G1100 scanner is ideal for processing large amounts of documents in mission-critical, centralized production scanning environments. It has been developed to withstand the rigors of production-level scanning, while maintaining high-speed, high-quality imaging. The DR-G1100 scanner will help companies improve productivity, maintain business continuity, and increase efficiencies.

High Performance

The DR-G1100 scanner handles up to 100 pages per minute—both sides in a single pass—and holds up to 500 sheets in the ADF. It is also equipped with a dedicated, onboard image processing chip, making it capable of maintaining fast scanning speeds, even with various image processing capabilities enabled. These features all help contribute to improving productivity.

Reliable and Flexible

The DR-G1100 scanner is flexible enough to reliably handle a variety of document types, from business cards to ledger-sized, long documents, and thin or thick documents,* using its advanced feeding mechanism. This helps reduce labor-intensive pre-sorting and job preparation efforts. Plus, it has the ability to detect double-feeds and will attempt to recover from them. A durable, solid-body design as well as heavy-duty feed and eject trays further help enhance the scanner's reliability, allowing minimal downtime and maintaining business continuity.



imageFORMULA

DR-G1100

Efficient, Smooth Operation

The DR-G1100 scanner features an intuitive control panel that allows easy access to scanner settings, and user-programmable job buttons for one-touch operation. This scanner is also equipped with a motorized paper feed tray that can be adjusted to the height of the batch, and flexible paper feed and output guides. This, plus the ability to handle a variety of document types,* helps to deliver unattended batch scanning for optimizing workflows and increasing efficiencies.

Environment in Mind

The DR-G1100 scanner meets ENERGY STAR® guidelines for energy efficiency and complies with both the EU RoHS and WEEE directives for the reduction of hazardous substances and waste products.**

Customer Care

For investment protection, eCarePAK options are available to extend service beyond the initial 90-day on-site warranty period. This saves on costs associated with post-purchase maintenance and helps maximize uptime throughout the product life.

Specifications

Type:	Production Document Scanner
Document Feeding:	Automatic, Manual, Continuous Manual
Document Size	
Width:	2" - 12"
Length:	2.8" - 17"
Long Document Mode:	Up to 118.1"
Document Weight	
Automatic Feeding:	5 - 56 lb. Bond
Manual Feeding:	5 - 64 lb. Bond
Feeder Capacity:	500 Sheets
Grayscale:	8-bit
Color:	24-bit
Scanning Element:	Three-Line Contact Image Sensor (CMOS)
Light Source:	RGB LED
Scanning Modes:	Color, Grayscale, Black and White
Color Dropout:	RGB and Custom
Optical Resolution:	600 dpi
Output Resolution:	150/200/240/300/400/600 dpi
Scanning Speeds***	Simplex Duplex
Black and White/	Up to 100 ppm Up to 200 ipm
Grayscale/Color:	
Interface:	Hi-Speed USB 2.0
Supported OS:	Windows® XP/Windows Vista® Windows 7 Service Pack 1 or later (32-bit/64-bit) Windows 8 (32-bit/64-bit)
Scanner Drivers:	ISIS®/TWAIN
Dimensions (H x W x D):	18.9" x 21.1" x 12.4" (with trays closed)
Weight:	50 lb.
Power Consumption:	95W or Less (Energy Saving Mode: 1.6W or Less)
Suggested Daily Volume:****	25,000 Scans
Bundled Software:	Canon CapturePerfect, Kofax VRS
Options:	Barcode Module III, eCarePAK Extended Service, Exchange Roller Kit, Flatbed Scanner Unit 101, Flatbed Scanner Unit 201, Imprinter Unit, Patchcode Decoder

Other Features:

Auto Color Detection, Auto Page Size Detection, Background Smoothing, Batch Separation, Character Emphasis, Count Only Mode, Custom Color Dropout/Enhance Color, Deskew, Double-Feed Detection (Ultrasonic), Edge Emphasis, Folio Scan, Image Rotation, Moiré Reduction, MultiStream, Paper Feed Tray (Three Positions), Pre-Scan, Prevent Bleed-Through/Remove Background, Punch Hole Removal, Rapid Recovery System, Skip Blank Page, Staple Detection, Text Enhancement, Text Orientation Recognition, Three-Dimensional Color Correction, User Preferences, Verify Scan

Item Number:

8074B002

* See specifications for further detail on document types.

** The facts and product statistics about EU RoHS and WEEE were obtained from Canon Electronics Inc. as of 2013.

*** Examples based on typical settings, rated in pages/images per minute with letter-sized documents, landscape feeding direction, up to 200 dpi. Actual processing speeds may vary based on PC performance and application software.

**** Calculations based on scanning speed and assumed daily time of use.

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Canon U.S.A., Inc.
One Canon Park
Melville, NY 11747

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Capture Perfect



City of Fayetteville - Purchase Order Request (PO)							Requisition No.:		Date:		
(Not a Purchase Order)							P.O Number:				
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 #: 18856			Vendor Name: ACS-ESG				Mail ☐ YES ☒ NO		Legistar#: 2015-0177		
Address: 2828 N Haskell				72701		Taxable ☒ YES ☐ NO					
City: Dallas			TX		Zip Code: 75204	Ship to code: 140	Quotes Attached ☒ YES ☐ NO		Expected Delivery Date: 5-30-2015		
Requester: Gina Roberts					Requester's Employee #: 148		Extension: 3420				
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #		
1	Kodak i4200 Scanner	2	each	9,942.00	\$19,884.00	4470-9470-5801.00	14003.01				
2					\$0.00						
3					\$0.00						
4					\$0.00						
5					\$0.00						
6					\$0.00						
7					\$0.00						
8					\$0.00						
9					\$0.00						
10					\$0.00						
*	Shipping/Handling		Lot		\$0.00						
Special Instructions:							Subtotal: \$19,884.00				
							Tax: \$1,938.69				
							Total: \$21,822.69				
Approvals:											
Mayor: _____			Department Director: _____			Purchasing Manager: _____					
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____					
Dispatch Manager: _____			Utilities Manager: _____			Other: _____					



City of Fayetteville, Arkansas

Tentative Agenda
April 28, 2015
113 West Mountain Road, Suite 204 of 209
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0186

Agenda Date: 5/5/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: C. 6

EXPRESS CITY COUNCIL INTENT TO DEVELOP INVASIVE PLANT SPECIES POLICY

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENT TO DEVELOP POLICIES OR ORDINANCES TO DISCOURAGE THE SPREAD OF INVASIVE PLANT SPECIES

WHEREAS, invasive plant species are harmful to our local ecosystem because they tend to spread rapidly and crowd out or kill native plants; and

WHEREAS, the City of Fayetteville Parks and Recreation Department already has an invasive plant species eradication program and currently works with volunteer groups to eradicate invasive plant species in City Parks; and

WHEREAS, the City of Fayetteville should encourage the sale and planting of appropriate native vegetation as an alternative to invasive plant species city-wide; and

WHEREAS, a city-wide invasive plant species ordinance could include several components such as public education plans for identification and eradication of invasive plant species, development of an integrated pest management component related to the control or eradication of invasive plant species, creation of a list of appropriate non-invasive and native plants that are appropriate alternatives; and adoption of ordinances that reduce or eliminate the local installation of identified invasive plant species; and

WHEREAS, the process for creating policies or ordinances should include robust input from horticulturists, commercial nurseries, community organizations, City staff and citizens before any policies or ordinances are adopted or enacted.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to develop and adopt appropriate policies or ordinances to attempt to eradicate or discourage the spread of invasive plant species and restore non-invasive and native plants within the City of Fayetteville.

City of Fayetteville Staff Review Form

2015-0186

Legistar File ID

5/5/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Leif Olson

4/14/2015

Sustainability & Resilience /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff requests that the City Council determine whether to study and develop an invasive plant species policy and/or ordinance.

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:

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 5, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Peter Nierengarten, Sustainability and Resilience Department Director

FROM: Leif Olson, Associate Planner

DATE: April 14, 2015

SUBJECT: Resolution in Support of Developing an Invasive Plant Species Policy and/or Ordinance

RECOMMENDATION:

Staff requests that the City Council determine whether to study and develop an invasive plant species policy and/or ordinance.

BACKGROUND:

The Urban Forestry Advisory Board (UFAB) has been actively discussing the subject of invasive plant species with the Urban Forestry Division and the Parks and Recreation Department staff for several years. The Urban Forestry Advisory Board has also made two (2) annual presentations to the City Council at agenda session requesting that the City Council consider the development of an Invasive Plant Species Policy and/or Ordinance. In January of 2015, the UFAB board approved a motion to have the Urban Forestry Advisory Board Chair to discuss the development of an invasive plant species ordinance with City Council Members and the City Attorney's Office.

Invasive Species Policy has also been discussed between the City Attorney and City staff of the Sustainability and Resilience Department, who at the advice of the Mayor are bringing forward a resolution to the City Council to express whether or not there is consensus and agreement to work with other City Departments and Divisions to develop an invasive plant species policy and/or ordinance.

Invasive plant species ordinances from peer cities have typically contain the following components:

- Public education plans or campaigns centered on the identification and eradication of invasive plants on public and private property,
- Development of programs and/or materials explaining effective methods for eradicating a variety of different invasive plants,
- Development of an integrated pest management component related to the control and/or eradication of invasive species,
- Adoption of policies that ban the local sale and/or installation of identified invasive plant species, and
- The creation of a list of appropriate non-invasive and native plants that are appropriate alternatives for the identified and banned invasive plants.

BUDGET/STAFF IMPACT:

Staff anticipates the process of developing an invasive species policy to take several months. This process will include a robust stakeholder input process including City Staff, horticulturists, commercial nurseries and community organizations. Before this work is conducted, the Mayor wants to determine if a majority of the City Council supports studying and developing an invasive plant species policy and/or ordinance before resources are allocated for this work.

If the City Council supports this resolution then the budget/staff impact of invasive species policy implementation will be fully evaluated as part of the policy/ordinance development process.

Non-Native Plants Should Be Removed

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April 28, 2015
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Shrubs and Small Trees

There are four types of shrubs and small trees that should be removed. Control for all is similar. When small, they are easily removed in spring by pulling them up. Larger specimens should be cut back, pulled out with a winch or vehicle, or dug out with a garden fork and shovel and treated with herbicide when possible (following label instructions).



Bush Honeysuckles (*Lonicera* spp.)

These bushes have almost completely taken over Fayetteville. Vast areas are covered by these shrubs, especially along fence rows.

There are several species.

They are native to Asia.

They grow to be 6-20 feet high, have white or pink flowers that bloom in April and later produce soft red watery fruits.

They provide poor food for native birds, caterpillars, or pollinators.

Multiflora Rose (*Rosa multiflora*)

Multiflora rose was brought to the United States from Asia in the late 1800s and promoted by the government as a "living fence". It grows up to 13 feet and forms bushes or sometimes vine-like stems. It has attractive white to pinkish flowers and produces up to one million seeds per year. It spreads when birds eat the seeds, which can remain alive in the soil for up to 20 years.



It also spreads when branches touch the soil and develop roots. Multiflora roses have extremely sharp recurved thorns.



Chinese and European Privet

(*Ligustrum vulgare*, and *L. sinense*)

Privets have been widely planted for hedges and are originally from Europe and China.

They are semievergreen to evergreen and can form shrubs up to 30 feet high.

They form fruits that become almost black in winter and are spread by birds.



Bradford or Callery Pears

(*Pyrus calleryana*)

These trees are native to China. The flowers are generally distasteful to pollinators.

The fruits are dispersed by birds.

They form dense thickets that crowd out native plants.

Invasive Vines

There are three invasive non-native vines in Northwest Arkansas causing damage to native trees and shrubs. All of these vines should be removed by cutting them at the base and if possible treating the vine stumps with herbicide (following label instructions). The three vines are:



English Ivy (*Hedera helix*)

This widely planted evergreen vine is native to Europe. It can cover trees with such a dense mass that the trees

fall from the heavy weight.

It is non-flowering when young, but when it reaches the crowns of trees it produces flowers and seeds that are spread by birds.



Japanese Honeysuckle (*Lonicera japonica*)

This twining vine can climb 30 or more feet in trees.

It is native to Asia.

The flowers are sweet scented and it spreads by its fruit seeds. It is considered a noxious weed in much of the United States.



Climbing Euonymus (*Euonymus fortunei*)

These are woody evergreen vines growing up to 20 feet tall.

It is native to Asia. Like English ivy, it reproduces when it

reaches the crowns of trees where it has more light.





How do Non-Native Plants Harm our Birds, Butterflies, and Bees?

Most songbirds depend upon butterfly and moth caterpillars for feeding their hungry nestlings. Our native insects have evolved to feed on native plants, but often cannot feed on non-native plants, even if naturalized.



Therefore, non-native plants are like uninhabited deserts for birds searching for caterpillars to feed their young.

While some non-native shrubs such as bush honeysuckle produce berries that birds can eat, our native dogwoods and hollies produce far better food for birds. Non-native plants such as bush honeysuckle and Bradford (Callery) pears are not very attractive to bees and other pollinators compared to our native plants.



What are our Alternatives?

The Ozarks have a large number of attractive native plants that can be planted in place of invasive non-native plants.

These include the dogwoods, hollies, redbuds, spicebush, sassafras, pawpaw, serviceberry, hawthorne, native sweet crabapple, milkweeds, Echinacea, black-eyed Susans, and bluestem grasses.

Recommended Technique for Removing Non-Natives from Riparian Areas

When removing non-native plants from sensitive riparian areas like stream or river banks it is critical to take some consideration of the best method to remove the targeted plants without jeopardizing the stability of the bank. In some cases, it is absolutely best not to remove non-native plants because their roots may be the only thing that is holding the stream bank together and preventing bank erosion. Do not jeopardize stream bank stability for the removal of invasive plants. If non-native plants are holding a stream bank together and they are all removed at once, then you will increase the chances of accelerating stream bank erosion and degrading wildlife habitat and water quality. Removing non-natives should be viewed as a long war and not a short battle. In other words don't try to win the battle in one day by removing all of the non-natives only to lose the war by losing a stream bank. Non-natives are very hard to get rid of in some cases and a vigilant perennial effort is needed to keep them at bay regardless. If you only have a few non-natives that you wish to remove and it will not jeopardize bank stability then go for all of them at once, but be certain before acting. The further away from the stream bank you go the more appropriate other methods of invasive plant control become. If there is any doubt, contact a soil and water conservation specialist before acting.

Recommended techniques for removing non-native species from riparian areas are:

- Selectively prune, cut, remove seed heads from, or pull non-natives, and replace them immediately with native plants suitable for the site. Do not pull or spray plants located on stream banks.
- Repeat pruning of non-natives as necessary throughout the growing season to favor the newly planted native replacements.
- Repeat as necessary for a period of years.

Written by

Dr. Don Steinkraus, Cindi Cope, John Pennington

Photos © D. Steinkraus

for additional information, contact

Washington County Extension Service

479-444-1755



Invasive Non-Native Plants

Agenda
April 28, 2015
Page 109 of 109
of Northwest Arkansas



Fayetteville and Northwest Arkansas are being taken over by invasive non-native plants. The plants were released in North America either on purpose by early settlers or accidentally from Asia or Europe. While these plants can be attractive, they out compete our native plants killing and smothering them, and they provide inferior food for birds, butterflies, and pollinators.

Why Be Concerned?

Our woods and hedgerows were once filled with attractive native shrubs, such as dogwoods, redbuds, sassafras, spicebush, and wildflowers such as trillium, bloodroot, trout lilies, and others.

In Fayetteville, invasive plants have almost eliminated our native understory plants.

These noxious plants are spreading rapidly in the countryside as well and the time to remove these plants from our ecosystem is now.

How Do Non-Native Plants Harm Our Native Plants?

Many of these invasive plants either are semi-evergreen (such as Japanese honeysuckle, English ivy, or Euonymus), or they leaf out earlier than our native wildflowers and shrubs, smothering them by stealing sunlight needed for photosynthesis. In addition, many of them are vines, climbing over trees and shrubs, literally choking trees to death, robbing them of sunlight and breaking trees by their sheer weight.

In the major ice storm of January 2009, trees covered with vines suffered much greater damage due to the weight of the vines on the trees.

Often many of these invasive species act together and large areas are covered with bush honeysuckle, privet, multiflora rose, Euonymus and Japanese honeysuckle vines, forming nearly impenetrable jungles.

Agenda Session 4-28-15

No changes

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, April 28, 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:****1. 2015-0116**

QUARTERLY FINANCIAL REPORT - 1ST QUARTER 2015, PAUL
BECKER, CHIEF FINANCIAL OFFICER

Agenda Additions:**A. Consent:****A. 1 2014-0502**

APPROVAL OF THE APRIL 21, 2015 CITY COUNCIL MINUTES.

A. 2 2015-0193

**2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
AGREEMENT**

A RESOLUTION TO AUTHORIZE THE MAYOR TO EXECUTE THE
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
AGREEMENT FOR 2015 WHEN RECEIVED IN THE ESTIMATED
AMOUNT OF \$574,209.00 AND TO APPROVE THE 2015 ACTION
PLAN

Attachments:

SRF-CCAM-2015 Action Plan

A. 3 2015-0199

AMEND RESOLUTION NO. 191-14

A RESOLUTION TO AMEND RESOLUTION NO. 191-14
CONCERNING THE PURCHASE OF TWO (2) INTERNATIONAL 7300
DUMP TRUCKS WITH HENDERSON BELLY PLOWS FROM
SUMMIT TRUCK GROUP OF LOWELL, ARKANSAS FOR USE BY
THE TRANSPORTATION DIVISION

Attachments:

SRP 4-15-15 TRSM Belly Plow Trucks 776-777

A. 4 2015-0198**WILLIAMS TRACTOR OF FAYETTEVILLE**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF ONE (1) BOBCAT TOOLCAT UTILITY VEHICLE FROM WILLIAMS TRACTOR OF FAYETTEVILLE IN THE AMOUNT OF \$51,763.00 PLUS ANY APPLICABLE TAXES, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE BY THE PARKS AND RECREATION DEPARTMENT

Attachments:

SRP 4-15-15 PKDV Tool Cat 6012

A. 5 2015-0200**SCOTT EQUIPMENT OF SPRINGDALE**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A GRADALL XL3100 IV 4X2 EXCAVATOR TRUCK FROM SCOTT EQUIPMENT OF SPRINGDALE, ARKANSAS IN THE AMOUNT OF \$313,324.00 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments:

SRP 4-15-15 TRSM Gradall 828

A. 6 2015-0201**BID #15-22 TRUCK CENTERS OF ARKANSAS**

A RESOLUTION TO AWARD BID #15-22 AND AUTHORIZE THE PURCHASE OF THREE (3) FREIGHTLINER DUMP TRUCKS FROM TRUCK CENTERS OF ARKANSAS IN THE TOTAL AMOUNT OF \$368,232.00 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION AND THE TRANSPORTATION SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

SRP 4-15-15 TR WS Dump Trucks 778-779-780

BA -WS for 778 Exp. Legistar

A. 7 2015-0203**BID #15-29 HUTCHENS CONSTRUCTION**

A RESOLUTION TO AWARD BID #15-29 AND AUTHORIZE THE PURCHASE OF COLD ASPHALT CONCRETE FROM HUTCHENS CONSTRUCTION FOR A UNIT PRICE OF \$105.00 PER TON AS NEEDED THROUGH THE END OF 2015

Attachments:SRP 2015-0203 Bid 15-29 Cold Asphalt ConcreteA. 8 2015-0194**AMEND RESOLUTION NO. 05-15**

A RESOLUTION TO AMEND RESOLUTION NO. 05-15 CONCERNING THE TRANSPORTATION DIVISION OVERLAY/SIDEWALK PROJECTS LIST FOR 2015

Attachments:SRP 2015-0194 2015 Work Plan RevisionA. 9 2015-0207**GARVER, LLC TASK ORDER NO. 2**

A RESOLUTION TO APPROVE TASK ORDER NO. 2 WITH GARVER, LLC FOR DESIGN WORK, BIDDING SERVICES, CONSTRUCTION PHASE SERVICES, MATERIALS TESTING AND CLOSEOUT SERVICES ASSOCIATED WITH THE AIRPORT TERMINAL APRON REHABILITATION PROJECT IN AN AMOUNT NOT TO EXCEED \$73,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:Legistar2015-0207 Garver TO2 041615BA BUDGET ADJUSTMENT FORM LEGISTAR GarverLLCA. 10 2015-0206**ARKANSAS DEPARTMENT OF AERONAUTICS GRANT**

A RESOLUTION TO AUTHORIZE APPLICATION FOR AN ARKANSAS DEPARTMENT OF AERONAUTICS 90/10 GRANT IN AN AMOUNT UP TO \$500,000.00 FOR REHABILITATION OF THE AIRPORT TERMINAL PARKING APRON, WITH THE FINAL AMOUNT CONTINGENT ON THE ACTUAL COST OF THE PROJECT BASED ON COMPETITIVE BIDDING

Attachments:Legistar2015-0206 ADA Grant TermApronRehab 041615

A. 11 2015-0208**BRIGHT INVESTMENTS, LLC**

A RESOLUTION TO APPROVE THE PERFORMANCE BOND OF BRIGHT INVESTMENTS, LLC TO GUARANTEE CONSTRUCTION OF REQUIRED SIDEWALK IMPROVEMENTS ALONG ARMSTRONG AVENUE BY THE END OF 2017

Attachments:

Agenda Packet

B. Unfinished Business:**B. 1 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

At the April 7, 2015 City Council meeting this ordinance was left on the First Reading. At the April 21, 2015 City Council meeting this ordinance was left on the second reading.

B. 2 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

City Attorney Memo 040915

Additional City Attorney Memo

At the April 7, 2015 City Council meeting this ordinance was left on the First Reading. At the April 21, 2015 City Council meeting this ordinance was left on the second reading.

C. New Business:

C. 1 2015-0219**AMEND § 72.34 PARKING SIGNS OR CURB MARKINGS
REQUIRED**

AN ORDINANCE TO AMEND § 72.34 **PARKING SIGNS OR CURB MARKINGS REQUIRED** OF THE FAYETTEVILLE CODE TO AUTHORIZE THE TRAFFIC SUPERINTENDENT TO ERECT SIGNS OR PAINT CURBS INDICATING A NO PARKING ZONE WHERE NECESSARY

Attachments:SM 04-22-2015C. 2 2015-0210**VAC 15-5001 (4301/4331 N. WATERSIDE CT./SIMS-RENNER
OFFICE BUILDING)**

AN ORDINANCE APPROVING VAC 15-5001 SUBMITTED BY BATES & ASSOCIATES FOR PROPERTY LOCATED AT 4301/4331 N. WATERSIDE COURT TO VACATE AN ACCESS EASEMENT

Attachments:15-5001 CC EXHIBITS15-5001 CC REPORTSC. 3 2015-0204**AMEND §116.02 DOOR TO DOOR SOLICITATION**

AN ORDINANCE AMENDING §116.02 DOOR TO DOOR SOLICITATION AT PRIVATE RESIDENCES (D)(4) OF THE FAYETTEVILLE CODE IN ORDER TO PROVIDE AN IMPROVED AND EXPEDITED BACKGROUND CHECK PROCESS FOR APPLICANTS AND TO DECLARE AN EMERGENCY

Attachments:Agenda PacketC. 4 2015-0211**AMEND §178.03 (E) AND (F)**

AN ORDINANCE AMENDING §178.03(E) AND (F) OF THE UNIFIED DEVELOPMENT CODE TO REMOVE PRE-APPROVED SIDEWALK VENDOR LOCATIONS IN FRONT OF THE WALTON ARTS CENTER AS AGREED UPON IN RESOLUTION 118-04, AND TO STREAMLINE THE APPROVAL PROCESS FOR ALTERNATIVE LOCATIONS

Attachments:Exhibit AAgenda Item

C. 5 2015-0177

AFFILIATED COMPUTER SERVICES, INC.

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF TWO (2) KODAK I4200 SCANNERS FROM AFFILIATED COMPUTER SERVICES, INC. OF DALLAS, TEXAS IN THE TOTAL AMOUNT OF \$19,884.00 PLUS

Attachments:

Agenda Packet - Kodak i4200 Scanners Final

C. 6 2015-0186

EXPRESS CITY COUNCIL INTENT TO DEVELOP INVASIVE PLANT SPECIES POLICY

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENT TO DEVELOP POLICIES OR ORDINANCES TO DISCOURAGE THE SPREAD OF INVASIVE PLANT SPECIES

Attachments:

2015-0186 Invasive Species Resolution

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.

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Pre Agenda Mtg. 4-22-15

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, April 28, 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:**

✓

2015-0116

QUARTERLY FINANCIAL REPORT - 1ST QUARTER 2015, PAUL
BECKER, CHIEF FINANCIAL OFFICER

Agenda Additions:**A. Consent:**✓
AV12014-0502

APPROVAL OF THE APRIL 21, 2015 CITY COUNCIL MINUTES.

✓
AV22015-0193**2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
AGREEMENT**

A RESOLUTION TO AUTHORIZE THE MAYOR TO EXECUTE THE
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
AGREEMENT FOR 2015 WHEN RECEIVED IN THE ESTIMATED
AMOUNT OF \$574,209.00 AND TO APPROVE THE 2015 ACTION
PLAN

Attachments:SRF-CCAM-2015 Action Plan

AV9

2015-0199**AMEND RESOLUTION NO. 191-14**

A RESOLUTION TO AMEND RESOLUTION NO. 191-14
CONCERNING THE PURCHASE OF TWO (2) INTERNATIONAL 7300
DUMP TRUCKS WITH HENDERSON BELLY PLOWS FROM
SUMMIT TRUCK GROUP OF LOWELL, ARKANSAS FOR USE BY
THE TRANSPORTATION DIVISION

Attachments:SRP 4-15-15 TRSM Belly Plow Trucks 776-777

A/62015-0198**WILLIAMS TRACTOR OF FAYETTEVILLE**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF ONE (1) BOBCAT TOOLCAT UTILITY VEHICLE FROM WILLIAMS TRACTOR OF FAYETTEVILLE IN THE AMOUNT OF \$51,763.00 PLUS ANY APPLICABLE TAXES, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE BY THE PARKS AND RECREATION DEPARTMENT

Attachments:SRP 4-15-15 PKDV Tool Cat 6012A/72015-0200**SCOTT EQUIPMENT OF SPRINGDALE**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A GRADALL XL3100 IV 4X2 EXCAVATOR TRUCK FROM SCOTT EQUIPMENT OF SPRINGDALE, ARKANSAS IN THE AMOUNT OF \$313,324.00 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments:SRP 4-15-15 TRSM Gradall 828A/42015-0201**BID #15-22 TRUCK CENTERS OF ARKANSAS**

A RESOLUTION TO AWARD BID #15-22 AND AUTHORIZE THE PURCHASE OF THREE (3) FREIGHTLINER DUMP TRUCKS FROM TRUCK CENTERS OF ARKANSAS IN THE TOTAL AMOUNT OF \$368,232.00 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION AND THE TRANSPORTATION SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:SRP 4-15-15 TR WS Dump Trucks 778-779-780BA -WS for 778 Exp. Legistar

A. 5

2015-0203**BID #15-29 HUTCHENS CONSTRUCTION**

A RESOLUTION TO AWARD BID #15-29 AND AUTHORIZE THE PURCHASE OF COLD ASPHALT CONCRETE FROM HUTCHENS CONSTRUCTION FOR A UNIT PRICE OF \$105.00 PER TON AS NEEDED THROUGH THE END OF 2015

Attachments:SRP 2015-0203 Bid 15-29 Cold Asphalt Concrete

A. 3

2015-0194**AMEND RESOLUTION NO. 05-15**

A RESOLUTION TO AMEND RESOLUTION NO. 05-15 CONCERNING THE TRANSPORTATION DIVISION OVERLAY/SIDEWALK PROJECTS LIST FOR 2015

Attachments:SRP 2015-0194 2015 Work Plan Revision

A. 8

2015-0207**GARVER, LLC TASK ORDER NO. 2**

A RESOLUTION TO APPROVE TASK ORDER NO. 2 WITH GARVER, LLC FOR DESIGN WORK, BIDDING SERVICES, CONSTRUCTION PHASE SERVICES, MATERIALS TESTING AND CLOSEOUT SERVICES ASSOCIATED WITH THE AIRPORT TERMINAL APRON REHABILITATION PROJECT IN AN AMOUNT NOT TO EXCEED \$73,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:Legistar2015-0207 Garver TO2 041615BA_BUDGET_ADJUSTMENT_FORM_LEGISTAR GarverLLC

A. 10

2015-0206**ARKANSAS DEPARTMENT OF AERONAUTICS GRANT**

A RESOLUTION TO AUTHORIZE APPLICATION FOR AN ARKANSAS DEPARTMENT OF AERONAUTICS 90/10 GRANT IN AN AMOUNT UP TO \$500,000.00 FOR REHABILITATION OF THE AIRPORT TERMINAL PARKING APRON, WITH THE FINAL AMOUNT CONTINGENT ON THE ACTUAL COST OF THE PROJECT BASED ON COMPETITIVE BIDDING

Attachments:Legistar2015-0206 ADA Grant TermApronRehab 041615

A✓11

2015-0208**BRIGHT INVESTMENTS, LLC**

A RESOLUTION TO APPROVE THE PERFORMANCE BOND OF BRIGHT INVESTMENTS, LLC TO GUARANTEE CONSTRUCTION OF REQUIRED SIDEWALK IMPROVEMENTS ALONG ARMSTRONG AVENUE BY THE END OF 2017

Attachments:Agenda Packet**B. Unfinished Business:**

B✓1

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

At the April 7, 2015 City Council meeting this ordinance was left on the First Reading. At the April 21, 2015 City Council meeting this ordinance was left on the second reading.

B✓2

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 PlacesCity Attorney Memo 040915

At the April 7, 2015 City Council meeting this ordinance was left on the First Reading. At the April 21, 2015 City Council meeting this ordinance was left on the second reading.

C. New Business:

Kit new
info.
additional
attachment

Don Murr - add new item C.1 ~~Recurring~~ ~~Item~~

2 a1

2015-0210

**VAC 15-5001 (4301/4331 N. WATERSIDE CT./SIMS-RENNER
OFFICE BUILDING)**

AN ORDINANCE APPROVING VAC 15-5001 SUBMITTED BY BATES
& ASSOCIATES FOR PROPERTY LOCATED AT 4301/4331 N.
WATERSIDE COURT TO VACATE AN ACCESS EASEMENT

Attachments:

15-5001 CC EXHIBITS

15-5001 CC REPORTS

3 a2

2015-0204

amend §116.02 Door to Door Solicitation

an ordinance amending §116.02 Door to Door Solicitation at private
residences (D)(4) of the fayetteville code in order to provide an improved
and expedited background check process for applicants AND TO
DECLARE AN EMERGENCY

Attachments:

Agenda Packet

pull per
agenda
move to
next mts.

2015-0202

amend §162.01 (B)(2) to add "landscape contracting business"

AN ORDINANCE amending Unified Development Code §162.01 (B)(2) to
add "landscape contracting business" as a use allowed by conditional use
permit in all zoning districts

Attachments:

Agenda Item

4 a4

2015-0211

amend §178.03 (E) and (F)

AN ORDINANCE amending §178.03(E) and (F) of the Unified
Development Code to remove pre-approved sidewalk vendor locations in
front of the walton arts center as agreed upon in RESolution 118-04, and to
streamline the approval process for alternative locations

Attachments:

Exhibit A

Agenda Item

Q5

2015-0177

AFFILIATED COMPUTER SERVICES, INC.

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF TWO (2) KODAK i4200 SCANNERS FROM AFFILIATED COMPUTER SERVICES, INC. OF DALLAS, TEXAS IN THE TOTAL AMOUNT OF \$19,884.00 PLUS APPLICABLE SALES TAXES FOR USE BY THE OFFICE OF THE CITY CLERK/TREASURER

Attachments:

Agenda Packet - Kodak i4200 Scanners Final

Q6

2015-0186**EXPRESS CITY COUNCIL INTENT TO DEVELOPMENT
INVASIVE PLANT SPECIES POLICY**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENT TO DEVELOP POLICIES OR ORDINANCES TO DISCOURAGE THE SPREAD OF INVASIVE PLANT SPECIES

Attachments:2015-0186 Invasive Species Resolution**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.

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