

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
November 3, 2015**

A meeting of the Fayetteville City Council was held on November 3, 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. Civil Rights Commission Nominating Committee Report **APPROVED**
2. Quarterly Financial Report-3rd Quarter 2015, Paul Becker, Chief Financial Officer

Agenda Additions

A. Consent

1. Approval of the October 6, 2015 and October 20 2015 City Council meeting minutes.

APPROVED

2. **Bid No. 15-53 Lewis Ford Sales, Inc.:** A resolution to award Bid No. 15-53 and authorize the purchase of a Ford F350 with Reading Utility Body and Tiger Crane from Lewis Ford Sales, Inc. of Fayetteville in the amount of \$55,006.38 for use by the Water and Sewer Operations Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 195-15

3. **Bid No. 15-54 Lewis Ford Sales, Inc.:** A resolution to award Bid No. 15-54 and authorize the purchase of a Ford F250 with Reading Utility Body from Lewis Ford Sales, Inc. of Fayetteville in the amount of \$32,978.38 for use by the Parks and Recreation Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 196-15

4. **Amend Resolution No. 181-15:** A resolution to amend Resolution No. 181-15 concerning the purchase of a Rotary lift system, pursuant to a National Joint Powers Alliance Purchasing Agreement, for use by the Fleet Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 197-15

5. **Destruction Of Certain Records:** A resolution to authorize the destruction of certain records shown on the attached affidavits pursuant to relevant code sections of the Arkansas Code annotated related to maintenance and destruction of accounting, court and other records.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 198-15

B. Unfinished Business

C. New Business

1. **Bid No. 15-57 Austin King, Inc. d/b/a King Electrical Contractors, Inc.:** A resolution to award Bid No. 15-57 and authorize a contract with Austin King, Inc. d/b/a King Electrical Contractors, Inc. for electrical services on an on-call basis for a period of one year with an automatic option to renew for four additional years.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 199-15

2. **Bid No. 15-57 King Electrical Contractors:** A resolution to authorize a contract with King Electrical Contractors in the amount of \$66,240.00, pursuant to Bid No. 15-57, for the installation of LED trail light fixtures and light poles along the Town Branch Trail from Greathouse Park to Hollywood Avenue, and to approve a project contingency in the amount of \$6,624.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 200-15

3. **Boyette Strategic Advisors:** A resolution to approve a contract with Boyette Strategic Advisors in an amount not to exceed \$89,210.00 to facilitate and prepare an update to the City's Economic Development Strategic Plan, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 201-15

4. **Crossland Construction Company, Inc. Change Order No. 8:** A resolution to approve Change Order No. 8 to the contract with Crossland Construction Company, Inc. in the amount of \$715,453.00 to add a fourth baseball field and lighting for the soccer complex at the Regional Park, to approve an additional project contingency in the amount of \$9,547.00, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 202-15

5. **Tree Preservation Area Vacation for Crain Automotive:** A resolution to reject the recommendation of the Urban Forester who determined that the tree preservation and mitigation areas in easements and dedications agreed to and signed by the owner/developer on June 25, 2014, should not be vacated or changed by a new development proposal for this acreage.

THIS RESOLUTION WAS TABLED TO THE NOVEMBER 17, 2015 CITY COUNCIL MEETING

6. **Northwest Arkansas Multi-Jurisdictional Water Quality Compliance Association:** A resolution to express the City Council's intent to participate in cooperative regional efforts to evaluate the potential cost savings and environmental benefits that may be available to the city of Fayetteville through the formation of a Northwest Arkansas Multi-Jurisdictional Water Quality Compliance Association.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 203-15

7. **Henard Utility Products, Inc.:** An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of twelve (12) Trimble Ranger hand-held water meter reading devices manufactured by Badger Meters, Inc. from Henard Utility Products, Inc. In the amount of \$51,725.00 plus applicable taxes for use by the Utilities Department.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5819

8. **Bid No. 15-51 Crossland Heavy Contractors, Inc.:** A resolution to award Bid No. 15-51 and authorize a contract with Crossland Heavy Contractors, Inc. in the amount of \$1,725,071.42 for the construction of the Maple Street and Lafayette Street Bridge Rehabilitation Project, to approve a project contingency in the amount of \$172,507.14, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 204-15

9. **Amend Chapter 177 Landscape Regulations:** An ordinance to amend Chapter 177 **Landscape Regulations** of the Unified Development Code to adopt regulations prohibiting the installation of certain invasive plant species in new developments that require a landscape plan review and approval by the Urban Forestry Division, and to make certain technical revisions.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5820

Announcements

City Council Agenda Session Presentations

City Council Tour

Adjournment: 8:13 p.m.

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

8-0

Subject:	Civil Rights Commission Nominating Committee Report				
Motion To:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Gray</i>			
<i>Approved</i>	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	<i>Absent</i>			
	La Tour	<i>N</i>			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

6-1

Subject:	Consent				
Motion To:		<i>Approve</i>			
Motion By:		<i>Gray</i>			
Seconded:		<i>Marsh</i>			
<i>Minutes Approved</i> <i>Passed 195-15 thru 198-15</i>	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	<i>absent</i>			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

7-0

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

Subject:	None				
Motion To:					
Motion By:					
Seconded:					
B. 1 Unfinished Business	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Gray				
	Mayor Jordan				

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

Subject:		Bid No. 15-57 Austin King, Inc. d/b/a King Electrical Contractors, Inc.			
Motion To:					
Motion By:			<i>Approve</i>		
Motion By:			<i>Gray</i>		
Seconded:			<i>Marsh</i>		
C. 1 New Business <i>passed</i> <i>19A-15</i>	Marsh		<i>✓</i>		
	Kinion		<i>✓</i>		
	Petty		<i>✓</i>		
	Tennant		<i>✓</i>		
	Schoppmeyer		<i>absent</i>		
	La Tour		<i>N</i>		
	Long		<i>✓</i>		
	Gray		<i>✓</i>		
	Mayor Jordan				

6-1

Subject:		Bid No. 15-57 King Electrical Contractors			
Motion To:					
Motion By:			<i>Approve</i>		
Motion By:			<i>Petty</i>		
Seconded:			<i>Marsh</i>		
C. 2 New Business <i>passed</i> <i>200-15</i>	Marsh		<i>✓</i>		
	Kinion		<i>✓</i>		
	Petty		<i>✓</i>		
	Tennant		<i>✓</i>		
	Schoppmeyer		<i>absent</i>		
	La Tour		<i>✓</i>		
	Long		<i>✓</i>		
	Gray		<i>✓</i>		
	Mayor Jordan				

7-0

Subject:	Boyette Strategic Advisors				
Motion To:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Gray</i>			
C. 3 New Business <i>passed</i> <i>201-15</i>	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	<i>Absent</i>			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

6-1

Subject:	Crossland Construction Company, Inc. Change Order No. 8				
Motion To:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Kinion</i>			
C. 4 New Business <i>passed</i> <i>202-15</i>	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	<i>Absent</i>			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

7-0

Subject:	Tree Preservation Area Vacation for Crain Automotive				
Motion To:		<i>Table to 11-17-15</i>			
Motion By:		<i>Tennant</i>			
Seconded:		<i>Long</i>			
C. 5 New Business <i>Tabled to 11-17-15</i>	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>Absent</i>			
	La Tour	<i>✓</i>			
	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Mayor Jordan				

7-0

Subject:	Northwest Arkansas Multi-Jurisdictional Water Quality Compliance Association				
Motion To:		<i>Approve</i>			
Motion By:		<i>Petty</i>			
Seconded:		<i>Marsh</i>			
C. 6 New Business <i>passed</i>	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>Absent</i>			
	La Tour	<i>✓</i>			
	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Mayor Jordan				

203-15

7-0

Subject:	Henard Utility Products, Inc.				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Petty	Tennant		
Seconded:		Tennant	Long		
C. 7 New Business <u>passed</u> 5819	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	Absent	absent	absent	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Mayor Jordan				

7-0

7-0

7-0

Subject:	Bid No. 15-51 Crossland Heavy Contractors, Inc				
Motion To:		Approve			
Motion By:		Gray			
Seconded:		Marsh			
C. 8 New Business <u>passed</u> 204-15	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	Absent			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

7-0

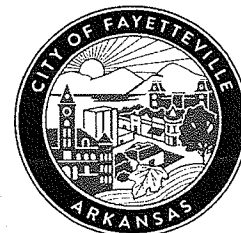
Subject:	Amend Chapter 177 Landscape Regulations				
Motion To:		<i>Amend to the new Exhibit A</i>	<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>
Motion By:		<i>Long</i>	<i>Petty</i>	<i>Long</i>	
Seconded:		<i>Marsh</i>	<i>Long</i>	<i>Marsh</i>	
C. 9 New Business <i>Passed</i>	Marsh	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Tennant	✓	✓	✓	✓
	Schoppmeyer	<i>absent</i>	<i>absent</i>	<i>absent</i>	<i>absent</i>
	La Tour	✓	<i>N</i>	<i>N</i>	<i>N</i>
	Long	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Mayor Jordan				
		<i>7-0</i>	<i>6-1</i>	<i>6-1</i>	<i>6-1</i>

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



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: November 4, 2015

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of November 3, 2015

1. A resolution to award bid no. 15-53 and authorize the purchase of a Ford F350 with reading utility body and tiger crane from Lewis Ford Sales, Inc. of Fayetteville in the amount of \$55,006.38 for use by the Water and Sewer Operations Division.
2. A resolution to award bid no. 15-54 and authorize the purchase of a Ford F250 with reading utility body from Lewis Ford Sales, Inc. of Fayetteville in the amount of \$32,978.38 for use by the Parks and Recreation Department.
3. A resolution to amend resolution no. 181-15 concerning the purchase of a Rotary Lift System, pursuant to a National Joint Powers Alliance Purchasing Agreement, for use by the Fleet Division.
4. A resolution to authorize the destruction of certain records shown on the attached affidavits pursuant to relevant code sections of the Arkansas Code Annotated related to maintenance and destruction of accounting, court and other records.
5. A resolution to award bid no. 15-57 and authorize a contract with Austin King, Inc. D/B/A King Electrical Contractors, Inc. for electrical services on an on-call basis for a period of one year with an automatic option to renew for four additional years.
6. A resolution to authorize a contract with King Electrical Contractors in the amount of \$66,240.00, pursuant to bid no. 15-57, for the installation of led trail light fixtures and light poles along the Town Branch Trail from Greathouse Park to Hollywood Avenue, and to approve a project contingency in the amount of \$6,624.00.

7. A resolution to approve a contract with Boyette Strategic Advisors in an amount not to exceed \$89,210.00 to facilitate and prepare an update to the City's Economic Development Strategic Plan, and to approve a budget adjustment.
8. A resolution to approve change order no. 8 to the contract with Crossland Construction Company, Inc. in the amount of \$715,453.00 to add a fourth baseball field and lighting for the Soccer Complex at the Regional Park, to approve an additional project contingency in the amount of \$9,547.00, and to approve a budget adjustment.
9. A resolution to express the City Council's intent to participate in cooperative regional efforts to evaluate the potential cost savings and environmental benefits that may be available to the City of Fayetteville through the formation of a Northwest Arkansas Multi-Jurisdictional Water Quality Compliance Association.
10. An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of twelve (12) Trimble Ranger hand-held water meter reading devices manufactured by Badger Meters, Inc. from Henard Utility Products, Inc. in the amount of \$51,725.00 plus applicable taxes for use by the Utilities Department.
11. A resolution to award bid no. 15-51 and authorize a contract with Crossland Heavy Contractors, Inc. in the amount of \$1,725,071.42 for the construction of the Maple Street and Lafayette Street Bridge Rehabilitation Project, to approve a project contingency in the amount of \$172,507.14, and to approve a budget adjustment.
12. An ordinance to amend Chapter 177 Landscape Regulations of the Unified Development Code to adopt regulations prohibiting the installation of certain invasive plant species in new developments that require a landscape plan review and approval by the Urban Forestry Division, and to make certain technical revisions.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, November 3, 2015

5:30 PM

City Hall Room 219

City Council Meeting

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

ELECTED OFFICIALS:
Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

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

1. [2015-0490](#)
CIVIL RIGHTS COMMISSION NOMINATING COMMITTEE REPORT

2. [2015-0118](#)
QUARTERLY FINANCIAL REPORT - 3RD QUARTER 2015, PAUL BECKER, CHIEF FINANCIAL OFFICER.

Agenda Additions:**A. Consent:**

- A. 1 [2014-0514](#)
APPROVAL OF THE OCTOBER 6, 2015 AND OCTOBER 20, 2015 CITY COUNCIL MEETING MINUTES.

- A. 2 [2015-0487](#)
BID NO. 15-53 LEWIS FORD SALES, INC.:

A RESOLUTION TO AWARD BID NO. 15-53 AND AUTHORIZE THE PURCHASE OF A FORD F350 WITH READING UTILITY BODY AND TIGER CRANE FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE IN THE AMOUNT OF \$55,006.38 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION

Attachments:[SRP - WSMM Truck 2026-2197](#)

A. 3 [2015-0486](#)**BID NO. 15-54 LEWIS FORD SALES, INC.:**

A RESOLUTION TO AWARD BID NO. 15-54 AND AUTHORIZE THE PURCHASE OF A FORD F250 WITH READING UTILITY BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE IN THE AMOUNT OF \$32,978.38 FOR USE BY THE PARKS AND RECREATION DEPARTMENT

Attachments:[SRP - PKMN Truck 2061-2196](#)**A. 4** [2015-0491](#)**AMEND RESOLUTION NO. 181-15:**

A RESOLUTION TO AMEND RESOLUTION NO. 181-15 CONCERNING THE PURCHASE OF A ROTARY LIFT SYSTEM, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE PURCHASING AGREEMENT, FOR USE BY THE FLEET DIVISION

Attachments:[SRP - Lift System - Amended](#)**A. 5** [2015-0459](#)**DESTRUCTION OF CERTAIN RECORDS:**

A RESOLUTION TO AUTHORIZE THE DESTRUCTION OF CERTAIN RECORDS SHOWN ON THE ATTACHED AFFIDAVITS PURSUANT TO RELEVANT CODE SECTIONS OF THE ARKANSAS CODE ANNOTATED RELATED TO MAINTENANCE AND DESTRUCTION OF ACCOUNTING, COURT AND OTHER RECORDS

Attachments:[Shred It Agenda Item](#)**B. Unfinished Business: None****C. New Business:**

C. 1 [2015-0497](#)**BID NO. 15-57 AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS, INC.:**

A RESOLUTION TO AWARD BID NO. 15-57 AND AUTHORIZE A CONTRACT WITH AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS, INC. FOR ELECTRICAL SERVICES ON AN ON-CALL BASIS FOR A PERIOD OF ONE YEAR WITH AN AUTOMATIC OPTION TO RENEW FOR FOUR ADDITIONAL YEARS

Attachments:[2015-0497, King Electrical Contractors, Inc.](#)**C. 2** [2015-0479](#)**BID NO. 15-57 KING ELECTRICAL CONTRACTORS:**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH KING ELECTRICAL CONTRACTORS IN THE AMOUNT OF \$66,240.00, PURSUANT TO BID NO. 15-57, FOR THE INSTALLATION OF LED TRAIL LIGHT FIXTURES AND LIGHT POLES ALONG THE TOWN BRANCH TRAIL FROM GREATHOUSE PARK TO HOLLYWOOD AVENUE, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$6,624.00

Attachments:[2015-0479 Town Branch Lighting Installation](#)**C. 3** [2015-0493](#)**BOYETTE STRATEGIC ADVISORS:**

A RESOLUTION TO APPROVE A CONTRACT WITH BOYETTE STRATEGIC ADVISORS IN AN AMOUNT NOT TO EXCEED \$89,210.00 TO FACILITATE AND PREPARE AN UPDATE TO THE CITY'S ECONOMIC DEVELOPMENT STRATEGIC PLAN, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[Signed Contract and Exh A](#)[Staff memo](#)[Budget Adjustment](#)

C. 4 [2015-0494](#)**CROSSLAND CONSTRUCTION COMPANY, INC. CHANGE ORDER NO. 8:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 8 TO THE CONTRACT WITH CROSSLAND CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$715,453.00 TO ADD A FOURTH BASEBALL FIELD AND LIGHTING FOR THE SOCCER COMPLEX AT THE REGIONAL PARK, TO APPROVE AN ADDITIONAL PROJECT CONTINGENCY IN THE AMOUNT OF \$9,547.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[Crossland CO # 8 Regional Park Agenda Packet](#)[BA \(Agenda Item\) 2015 PARKS REGIONAL PARK SOCCER AND BASEBALL](#)**C. 5** [2015-0495](#)**TREE PRESERVATION AREA VACATION FOR CRAIN AUTOMOTIVE:**

A RESOLUTION TO REJECT THE RECOMMENDATION OF THE URBAN FORESTER WHO DETERMINED THAT THE TREE PRESERVATION AND MITIGATION AREAS IN EASEMENTS AND DEDICATIONS AGREED TO AND SIGNED BY THE OWNER/DEVELOPER ON JUNE 25, 2014, SHOULD NOT BE VACATED OR CHANGED BY A NEW DEVELOPMENT PROPOSAL FOR THIS ACREAGE

Attachments:[2015-0495 Crain Automotive Tree Preservation Vacation](#)**C. 6** [2015-0489](#)**NORTHWEST ARKANSAS MULTI-JURISDICTIONAL WATER QUALITY COMPLIANCE ASSOCIATION:**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENT TO PARTICIPATE IN COOPERATIVE REGIONAL EFFORTS TO EVALUATE THE POTENTIAL COST SAVINGS AND ENVIRONMENTAL BENEFITS THAT MAY BE AVAILABLE TO THE CITY OF FAYETTEVILLE THROUGH THE FORMATION OF A NORTHWEST ARKANSAS MULTI-JURISDICTIONAL WATER QUALITY COMPLIANCE ASSOCIATION

Attachments:[Nutrient Trading Resolution SRF](#)

C. 7 [2015-0431](#)**HENARD UTILITY PRODUCTS, INC.:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF TWELVE (12) TRIMBLE RANGER HAND-HELD WATER METER READING DEVICES MANUFACTURED BY BADGER METERS, INC. FROM HENARD UTILITY PRODUCTS, INC. IN THE AMOUNT OF \$51,725.00 PLUS APPLICABLE TAXES FOR USE BY THE UTILITIES DEPARTMENT

Attachments: [Badger Handhelds Legistar Packet](#)

C. 8 [2015-0492](#)**BID NO. 15-51 CROSSLAND HEAVY CONTRACTORS, INC.:**

A RESOLUTION TO AWARD BID NO. 15-51 AND AUTHORIZE A CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC. IN THE AMOUNT OF \$1,725,071.42 FOR THE CONSTRUCTION OF THE MAPLE STREET AND LAFAYETTE STREET BRIDGE REHABILITATION PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$172,507.14, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [101515 SRF Packet Const Contract Hist Bridges.pdf](#)
 [BA Historic Bridges 10142015.xlsm](#)

C. 9 [2015-0496](#)**AMEND CHAPTER 177 LANDSCAPE REGULATIONS:**

AN ORDINANCE TO AMEND CHAPTER 177 **LANDSCAPE REGULATIONS** OF THE UNIFIED DEVELOPMENT CODE TO ADOPT REGULATIONS PROHIBITING THE INSTALLATION OF CERTAIN INVASIVE PLANT SPECIES IN NEW DEVELOPMENTS THAT REQUIRE A LANDSCAPE PLAN REVIEW AND APPROVAL BY THE URBAN FORESTRY DIVISION, AND TO MAKE CERTAIN TECHNICAL REVISIONS

Attachments: [Invasive Plant Ordinance - Exhibit A](#)
 [CC agenda packet invasive plants](#)

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 479-575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.



Nominating Committee Report

Members Present – Chair Mark Kinion, Sarah Marsh, and Martin W. Schoppmeyer Jr.

Absent – Alan Long

The Nominating Committee recommends the following candidates for appointment:

Civil Rights Commission

Candy Clark - One representative of the business community term ending TBD

D’Andre Jones - One representative of the business community term ending TBD

Terms to be decided by drawing straws at the first commission meeting

Teresa Turk - One owner or manager of rental property term ending TBD

Rebekah Champagne - One owner or manager of rental property term ending TBD

Terms to be decided by drawing straws at the first commission meeting

Henderson Joseph Brown, IV - One representative with experience in Human Resources or employment law term ending 12/31/17

Benjamin Garner Harrison, IV - One citizen at large term ending 12/31/18

Carol (Chris) Christoffel - One citizen at large whom identifies as gay, lesbian, bisexual, or transgender term ending 12/31/16

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
October 6, 2015**

A meeting of the Fayetteville City Council was held on October 6, 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, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Martin Schoppmeyer

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

City Council Meeting Presentation – Fayetteville Natural Heritage Association check presentation related to Kessler Mountain Reserve.

Jeremy Pate, Director of Development Services: In the spring of last year the city closed on more than 300 acres called Kessler Mountain, to preserve that land for ecological and recreational benefits. That added over 200 acres we already acquired for the Regional Park that is under construction. We had two funding partners in that acquisition. One was the Walton Family Foundation who graciously gave us \$1.5 million for a one-to-one match for that purchase. In addition, Fayetteville Natural Heritage Association committed at least \$300,000 for the purchase

of that property. They came back to you earlier this year with a proposal to offset \$120,000 roughly in benefits to Kessler Mountain. They committed almost \$180,000 to bringing back in cash to you. Dr. and Mrs. Heinzelmann, as well as the Waltons, established the Fayetteville Natural Areas Foundation that has already paid to the city \$10,000 as part of this commitment.

Bob Caulk, Fayetteville Natural Heritage Association presented a check for \$30,000.

Mayor Jordan: This is not the first time that we have had a partnership with Fayetteville Natural Heritage Association. You have been excellent partners for this city. Thank you on behalf of myself, City Council, and the citizens of Fayetteville.

City Council Meeting Presentation - Ozark Regional Transit Presentation: No presentation was made.

Agenda Additions:

Mayor Jordan requested a walk-on to be added to the agenda.

Alderman Petty moved to add: Proposal to Consolidate the Fayetteville Local Firemen's Pension Fund with LOPFI by the Local Firemen's Pension Board to the agenda. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

Consolidate the Fayetteville Local Firemen's Pension Fund with LOPFI: An ordinance transferring administration of retirement coverage for eligible members of the Fayetteville Fire Pension and Relief Fund to the Arkansas Local Police and Fire Retirement System (LOPFI) and authorizing the Mayor to enter into an irrevocable agreement with LOPFI and approving an emergency clause.

Paul Becker, Finance Director: We have an old pension fund that funds the pension for the firefighters and police officers, prior to 1983 when LOPFI came on board. Years ago that pension fund was to provide 50% of the salary benefits for those police and firefighters who retired. After LOPFI came on board those pension funds went under the jurisdiction of the PRB, the State Pension Review Board which monitors those funds. The PRB could grant increases if it actuarially looked like it could be done, and they did this by what was called a cash flow study. If increases could be granted they would approve that recommendation to the trustees of the oversight board of the pension fund. That is a board here, not under city jurisdiction, which has members of retired police or firefighters, Mayor, and City Clerk.

In 1996 a request was made to increase those benefits from 50% of retired salary to 65%. That was reviewed by the PRB actuary, Jody Carreiro. The increase was granted. In 2001 a request was made to again increase those benefits, and it went through the Pension Review Board. The actuary certified he felt that could be done and the pensions were raised to 90% of ending salary. In the late 80's investment returns were very strong. In 2003 a 3% COLA was temporarily approved for

three years. We hit times where earning increases were not as good. In 2007, an increase was requested and PRB turned it down. They did not feel that the fund could support an increase. In 2009 we had tough economic times and the Fire Pension Fund was declared Projected Insolvent. In 2010, PRB made a presentation as to what they thought could save the fund. The projection was that it would take \$250,000 to \$350,000 per year over 15 and 25 years to save the fund. We here at the city, and based on my recommendation did not feel we had the funds to allocate to the old pension fund. At the trustees meeting it was recommended by the Mayor and City Clerk that pension amounts be reduced to the pensioners to save the fund. It was voted down. An Attorney General's opinion was requested, and he advised that he did not feel there was legislation to allow that to happen. City Attorney Kit Williams recommended and advised that the city was not liable for that pension fund. It was the responsibility of the pension fund and the trustees of that fund. Since that time, proposed legislation was presented to the legislature which would allow us or the trustees to legally reduce the pensions to pensioners if they felt it was necessary to save the fund. That was voted down in the legislature.

We have a pension fund that is a liability of the trust fund as advised by our City Attorney and it looks like it is near certain to run dry in the future. As of 2014, that funds unfunded actuarially liability is \$14 million. We are going to get money in from a levy that was approved by the voters of .4 mills in the future. We are going to get income into that fund so the liability would not be that large if in fact it failed. However, that is the unfunded liability calculated at this point.

Mr. Becker did a scenarios overview of statistics for funding the pension fund that were previously presented at the September 29, 2015 City Council meeting. He stated there are three types of revenue coming in to the trust fund to pay the pensioners. He stated that the fund is generating around \$700,000 and paying out about \$1.1 million. He stated in trying to ascertain what the liability would be over time, it would be the variables of sources of income, property taxes increase, interest earnings being achieved, continuing to get premium taxes on property insurance, and the mortality table. He stated if the city does decide to send this to LOPFI and sign a contract saying we will pay whatever is necessary, they can raise that to what they need to pay those pensioners. We know what that would be in 2016, but with variables it could be raised as early as 2017. He believes we are taking on a risk. He stated the request before the City Council is coming from LOPFI and asking them to sign a contract to have LOPFI manage this, pay the current pension cost at the same level they are right now, and pay LOPFI what they need. He has reservations about an 8% interest earnings. He stated LOPFI will tell you they have earned an excess of 9% interest earnings over the life of the plan, and that is true. He reminded Council that the plan goes back to the 90's when interest earnings were very good. He expressed some options that the City Council has. He stated that they could subsidize the current plan, send it to LOPFI, leave it the way it is right now, ask the voters to extend the property taxes up to one mill, or pursue legislation to reduce the pension funds or manage them better.

Alderman La Tour: Paul, one of the possible options for resolving the conflict is a millage rate increase we take to the public?

Paul Becker: Yes. The statute allows up to one mill by voter referendum. We currently have 4/10 of a mill.

Alderman La Tour: Have you run the numbers if we take it to a full one mill if the people vote to do that?

Paul Becker: It should generate at least another \$600,000 or more a year to the fund. It should be enough, from at least what the actuarially studies are, to save the fund.

Alderman La Tour: If we were to assume the liability and send this to LOPFI, they aren't going to accept our net liabilities without some commitment from our city. If we increase the millage that is coming from the people of Fayetteville, it lets them know what their government is doing. Of the options, that is my favorite.

Paul Becker: You are right. LOPFI is not going to assume anything. LOPFI is going to manage the fund. They can take the fund and pool it with the investment resources and should be able to gain a greater return. The city assumes the liability.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: The agreement that is part of this states that we will have to pay a half percent for their investment cost every year, plus one percent of all the salary cost. For the fund to achieve 8% it would have to earn 8.5%. This is a contract saying what you must do and is not a negotiated contract.

Paul Becker: Those cost were factored into the actuarial study.

Alderman Tennant: State Representative Whitaker introduced legislation that was fought and defeated that would have enabled the funds legal authority to deal with their funds. Is that not correct?

Paul Becker: That is correct.

Alderman Tennant: It was fought harshly by the very group that I think would benefit from it. I don't understand why they fought something that would enable them to do the very thing they are asking the taxpayers now to do.

Paul Becker: It was introduced and was defeated.

City Attorney Kit Williams: Representative Whitaker requested that I go down to testify about this in front of a joint committee of the House and Senate, which it did pass in. There were representatives of the Fayetteville Fire Pension Relief Fund as well as the State Pension Relief Board that argued strenuously that they should not pass that. They did not want the authority to reduce their benefits regardless of whether it was voluntary. It did pass the House. They were able to get it defeated in the Senate to try and prevent them from having any authority to reduce benefits, even though the pension board is controlled by the pensioners with four out of six votes. Jody Carreiro was there explaining the predicaments of various pension funds. I was surprised that it was opposed. All it would have done was given them additional clear power. I believed they had

the power anyway, but the Attorney General disagreed with me. I thought a statute would clear that up, but that statute did not pass.

Alderman Tennant: I was confused as to why they would fight it. I would think that would be the enablement that they would want to make those changes and give them power.

Alderman Marsh: They have seen a 40% increase in benefits over the last 20 years, which seems a little out of step with the average earnings for active workers, but they don't have the authority to reduce their benefits. Is that correct?

City Attorney Kit Williams: The Attorney General says they do not have that authority. I believe they do have the authority. No one will really know unless a judge says they do or do not have that authority.

Alderman Petty: Is that still your opinion that they have the authority to reduce their benefits?

City Attorney Kit Williams: Yes. I believe there is a particular statute that talks about prorating benefits. I don't believe that only takes affect when the fund has been driven into the ground with no money left. The Attorney General basically said, "You have to totally deplete the fund before you can start prorating the benefits."

Alderman Petty: We have been told that historically the LOPFI returns have been in an excess of 9%?

Paul Becker: That is correct, from their inception in 1983.

Alderman Petty: What are the historical returns for the local fund?

Paul Becker: I can only go back about ten years and it's been 5%. Lately it has been under that.

Alderman Petty: A few percentage points less than the LOPFI fund?

Paul Becker: Yes. From the last report it was about 3.5%. The fund is a little over \$4 million currently. Once a fund goes under \$5 million dollars the law restricts where you can invest. When it was over \$5 million the investment manager here for the Fire Pension Fund was fairly aggressive and could earn a better rate than that. It was earning 6% or 7% at times. LOPFI could earn a better return if there are returns to be had, but of course nobody knows that.

Alderman Petty: You presented us one of the options that the people could raise taxes. If we consolidated with LOPFI and the scenario we've been presented didn't play out and we had additional obligations 15 years down the line, could we not also raise taxes at that point?

Paul Becker: I don't see anything that would prevent it. That is a legal question.

City Attorney Kit Williams: We have talked to the Pension Boards over the last several years that they have the right to go to the citizens if they felt like that is what they wanted to do. They

would not have to go all the way to a one mill. In 2001 the property taxes had been escalating so quickly, then Amendment 59 was violated. It required that the millage be rolled back to .4 mills, that's why it's .4, instead of .5. If the Pension Boards would go to the voters and ask to have that tenth of a mill back, that would increase their millage by 25% which is a pretty substantial amount. It would go a long way toward making their fund more solvent. Even at this late date with the amount that has dwindled in their pension plan it's probably not enough to completely save them. The latest report from our Accounting Department shows their market value and assets are under \$3.6 million. Looking at the amount of millage, about \$250,000 of the millage hasn't been paid yet, which I assume will be paid in this quarter.

Alderman Petty: We have some decisions based on the options Paul laid out. We could keep the fund local and fix it if the people raise taxes by some amount or we could consolidate it into LOPFI. If we were to consolidate it into LOPFI, raising taxes to fix a future problem is not off the table?

City Attorney Kit Williams: I will have to research that. I don't know why it would be off the table. I think if the citizens wanted to tax themselves more to do this, then they probably have that power.

Alderman Petty: This is a very difficult decision. I concur with Alderman La Tour's statement at our Special City Council meeting that we have a moral obligation to fund these pensions. What I'm struggling with is the fact that we have conflicting opinions if we can reduce benefits. I'm not concerned about the pensioners' benefits to themselves. It is at a level with our current employees. It's at around 90% and that is fine with me. The spousal benefits after death are a little unusual and may go a long way to fixing the problem.

The enabling legislation that was proposed by Representative Whitaker and then opposed by our own pension board, if I was being cynical, I would say they are playing an all or nothing game and trying to paint us into a corner with this decision. I don't like being cynical, but the tactician in me might consider that game. I believe that is where we are at today. I am not particularly concerned that the actuarial predictions we were shown at the special meeting are too risky. There is an acceptable level of risk. We were told that if they only earn 7% we would be okay. There is that assumption. We were also told that we have to earn 3% on property tax revenue, we have to appreciate it 3%. I am bullish about property tax more than the average person. I see Northwest Arkansas continuing to grow and play a competitive game on the national stage in terms of bringing new residents to the region. I don't see us annexing more land. There are a variety of other factors that is going to make property taxes appreciate more quickly than they have historically. There is an acceptable level of risk in the actuarial projections if we were to consolidate. This conversation is only about the Fire Pension. We have a Police Pension that is almost in the same boat. Whatever decision we make today is going to strike a precedent for the decision we have to make about the Police Pension.

I don't like the all or nothing position we have been put in. I would prefer to strike a deal with the Pension Board and say, we understand there is a legal risk if you reduce your spousal benefits. If you guys were to say today we will vote to reduce our spousal benefits, I would be more inclined to vote to consolidate and to share that legal risk with you and be on your team. As it stands I don't perceive that we are on the same team.

Alderman La Tour: At the special meeting I expressed a sentiment that I think is shared by most people on this City Council. Fire and Police put their lives on the line every day and I appreciate that. What gives me concern is that I don't like writing blank checks. If we send this to LOPFI, someone else is going to dictate to our city how much money we have to send them. That is the big unknown. It is hard to commit to \$150,000 to \$350,000. Whether we send it to LOPFI or we keep it and we finance ourselves, the money is all coming from the Fayetteville taxpayers one way or another. I like the idea, if it is legally permissible, to go directly to the people of Fayetteville and let them vote on it. You would be free to make your case to the people of Fayetteville. We appreciate the service you have provided to our families. It seems like you would have a fairly easy case to make with the public. Taxes are not popular with anyone, but that is the most honest way I can think to do this. If we go to court and a judge rules that we owe it to you, it is still coming from the people of Fayetteville. LOPFI is not going to take on these liabilities without a commitment from us to pay the difference. We want to do it all, but we don't have the wherewithal to do it all. Our budget has to give somewhere.

Mayor Jordan gave the rules for the public to speak. He requested for the Council to not vote on the item so that David Clark, Executive Director of LOPFI and PRB could attend the next City Council meeting to speak.

Peter Reagan, Fireman's Pension Board: David Clark could not be with us tonight. He can be here at the October 20, 2015 meeting. If we can send this to the next meeting, I will give you my remarks then.

Mayor Jordan: It will stay where it is and then it automatically goes to the October 20, 2015 meeting.

Alderman Petty: Is there a member of the audience that was present at the committee meetings where the enabling legislation was discussed?

Peter Regan: I was there.

Alderman Petty: Was the City Attorney's account right that you opposed the legislation?

Peter Reagan: Yes. I want to clarify one thing. I was not there as a Pension Board member. I was asked to be there and make a presentation by the president of the Arkansas Professional Firefighters, the position I formerly held.

Alderman Petty: That is why you opposed the legislation?

Peter Reagan: I was asked to speak against the legislation. No one wants to reduce benefits. The liability of the fund is held with the city. The city is required to carry the unfunded liability on its books. That's a GASB, Governmental Accounting Standards Board. Is that not right, Paul?

Paul Becker: Yes.

Peter Reagan: The Mayor is named in state statute as Chairman.

Alderman Petty: In your official role as a member of the Pension Board, is that your position?

Peter Reagan: Yes, it is.

Alderman Marsh: We carry the liability for the funds, but then we don't have the authority to regulate benefits. Is that correct?

City Attorney Kit Williams: I am not going to comment on the accounting rules for GASB that requires us to have it on the books. That is not the same thing in my opinion as legal liability. The legal liability argument is that they have a pension established by the state and you can't end it even though you don't have any power as a city to control it. I found this out when I was on the Council and tried to do something about it. One of the sections of the statute states what happens if it runs out of money. It says, "The benefits will be prorated until they are exhausted that year and then you wait to the next year for the millage to come in." It says nothing about the city having to make up and pay anybody. I don't believe there is liability regardless of what might be on the city books for accounting purposes. The key is what a court would say. If they do run out of money, they will probably sue us and then we will find out.

Paul Becker: Our auditors require us to book it. The criteria is a reasonable possibility that we would be responsible, therefore we book it. That does not mean that there is an absolute liability. They can't make that determination.

Alderman La Tour: A company called Enron was fond of taking their liabilities and putting it on other entities books to hide things. Our accounting profession today is real concerned about that issue. They maybe go too far this direction to book everything so that it will show full disclosure. It doesn't mean we are legally liable. It is a conservative way to present it just in case we are liable.

This ordinance was left on the First Reading.

Consent:

Approval of the September 15, 2015 City Council meeting minutes.

Approved

2015 Justice Assistance Grant Local Solicitation Award: A resolution authorize acceptance of a 2015 Justice Assistance Grant Local Solicitation award in the amount of \$72,774.00, of which \$29,576.00 will be used by the Fayetteville Police Department, with \$28,943.00 to be disbursed to the City of Springdale and \$14,255.00 to Washington County, and to approve a budget adjustment.

Resolution 171-15 as recorded in the office of the City Clerk

2015 Bulletproof Vest Partnership Program Matching Grant Award: A resolution to authorize acceptance of a fifty percent (50%) matching grant award from the 2015 Bulletproof Vest Partnership Program in the amount of \$6,056.00 for the replacement of body armor vests for Fayetteville Police officers, and to approve a budget adjustment.

Resolution 172-15 as recorded in the office of the City Clerk

Fayetteville Police Department Policies: A resolution to approve Fayetteville Police Department policies 1.1.1, Law Enforcement Role; 1.2.3, Bias Based Profiling Prohibited; 1.3.4, Less- Lethal Weapons and Defensive Tactics; 12.1.1, Organizational Structure, Functions and Direction; 12.2.1, Policies, Procedures and Rules Development and Review Procedures; 22.2.8, Military Activations; 25.1, Grievance Procedures; 33.1, Training; 35.1.1, Performance Evaluations/Personnel Early Warning System; 41.2.5, Missing Persons; 41.2.7, Department Response to Mentally Ill Subjects; 41.3.5, Grooming and Uniform Requirements; 42.1.1, Criminal Investigations; 44.1.1, Juvenile Operations; and 84.1.1, Property Management, Acquired and In-Custody.

Resolution 173-15 as recorded in the office of the City Clerk

Bid No. 15-48 Alliance Pump & Mechanical, Inc.: A resolution to award Bid No. 15-48 and authorize a contract with Alliance Pump & Mechanical, Inc. in the amount of \$78,950.00 plus applicable taxes to rebuild seven (7) gearboxes at the Noland Wastewater Treatment Plant.

Resolution 174-15 as recorded in the office of the City Clerk

Blueingreen, LLC Change Order No. 1: A resolution to approve Change Order No. 1 to the contract with Blueingreen, LLC in the total amount of \$58,269.06 to fund the sales taxes for ozone equipment necessary for the project and an increase of Blueingreen, LLC's warranty bond from one year to two years, and to approve a budget adjustment.

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

Trimark Strategic Equipment, Inc.: A resolution to authorize the purchase of a hydrovection oven from Trimark Strategic Equipment, Inc. in the amount of \$21,848.40 plus applicable taxes, pursuant to a National Joint Powers Alliance cooperative purchasing agreement, for use by the Fayetteville Senior Center.

Resolution 176-15 as recorded in the office of the City Clerk

Garver, LLC Task Order No. 4: A resolution to approve Task Order No. 4 with Garver, LLC in the amount of \$27,500.00 for design, bidding and construction oversight services for the Drake Field Airfield Roof Rehabilitation Project.

Resolution 177-15 as recorded in the office of the City Clerk

Hi-Lite Airfield Services, LLC Change Order No. 1: A resolution to approve Change Order No. 1 to the contract with Hi-Lite Airfield Services, LLC in the amount of \$8,895.00 to increase the quantities of airfield pavement markings to be rehabilitated.

Resolution 178-15 as recorded in the office of the City Clerk

Washington County Video Services Contract: A resolution to approve a one year video services contract with Washington County in the amount of \$750.00 per month for the City's Media Services Division to record, telecast, stream and archive meetings of the Washington County Quorum Court and certain committees, and to approve a 0.25 full time equivalent position increase.

Resolution 179-15 as recorded in the office of the City Clerk

SWEPCO Utility Relocations: A resolution to approve a utility relocation agreement with AEP/SWEPCO for utility relocations as part of the Old Wire Road/Highway 45 Intersection Improvements Project, with the total amount to be paid by the City of Fayetteville not to exceed \$46,718.86.

Resolution 180-15 as recorded in the office of the City Clerk

Alderman Marsh moved to accept the Consent Agenda as read. Alderman Long seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

Unfinished Business:

ADM 15-5093 (UDC Chapters 161, 164 and 172 – Single Family and Two Family Infill): An ordinance amending Title XV Unified Development Code of the City of Fayetteville to Amend Chapters 161, 164 and 172 to modify the bulk and area regulations to encourage small lot single family and two family infill in multi-family zoning districts and to include minimum design standards for this type of development. *At the August 4, 2015 City Council meeting, this ordinance was tabled to the October 6, 2015 City Council meeting.*

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. He stated the Board of Adjustment was supportive of the proposal. He requested the ordinance and exhibits presented in the packet be amended to reflect the latest draft.

City Attorney Kit Williams requested it to be amended before he read the ordinance.

Alderman Marsh: Previously I had asked you to look at eliminating the minimum lot width. What was the rationale for keeping those?

Jeremy Pate: We looked at both Neighborhood Conservation and RSF-8. In order to keep a zoning district in tact that has a minimum zoning there has to be some underlying lot area or lot width. Reducing those even further would increase the density of the underlying zoning, such that

those zones would then become much more dense than what they are zoned currently. Our proposal to alleviate that was to create this new zoning district with a much higher density.

Alderman Marsh: I was looking for the ability to cluster developments in the smaller land areas in order to preserve open space for wildlife habitat or stormwater infiltration. Smaller house types are becoming more popular and it seems like these lot minimum widths seem quite large to do any kind of innovative housing types. By doing that we are ensuring there is uniform pattern of development over a piece of property as opposed to a cluster and an open space.

Jeremy Pate: It doesn't really prevent that and that's a common perception about zoning. These are minimum standards so this allows for a great variety if a developer chooses to do so. The Multi-Family Zoned Districts have been difficult to develop in except for a multi-family product because it has been so restrictive in terms of the lot area and width.

Alderman Marsh: This is a big improvement over what we've got, but I still think we have work to do on it. I'm willing to support it.

Robert Sharp, 4th Street stated his appreciation for the staff in updating the ordinance. He spoke in favor of the ordinance.

Alderman Petty moved to amend the ordinance. Alderman La Tour seconded the motion. Upon roll call the motion to amend passed 7-0. Alderman Schoppmeyer was absent.

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

City Attorney Kit Williams read the ordinance.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty: There are a lot of people in the community that have been involved in a national reform of zoning codes and they have done a lot of good to bring about change. Fayetteville participated in that trend starting with our Downtown Master Plan. This ordinance is a good ordinance, but we should not mistake it for a solution for underlying problems in our code. RSF-18 fills an important gap, but doesn't fill all the gaps. It leaves some wide open, particularly when we start looking at land uses outside of residential. If we were to wade into the details of lot width by designation basis from RSF-4 to RSF-8 through all the RMF's, reasonable people can disagree about how those should be constructed. This ordinance isn't perfect. It makes our existing Unified Development Code better. It needs to be tweaked and we need to be cognitive of that going forward. It does not benchmark well against the best zoning codes across the nation anymore like it did when we first started this process after the Downtown Master Plan. Other cities have leap

frogged us in the way they write and amend these codes. They are offering far more certainty to their development community, especially the traditional small scale development community, at the same time maintaining their protections for existing neighborhoods. This is an ordinance that makes our code better, not an ordinance that fixes the problem with our code. Staff should continue to be as aggressive as they have been with this and much more so.

Aubrey Shepherd, Fayetteville Citizen stated he needed clarification of the ordinance.

A discussion followed reviewing the ordinance to clarify any confusion and discussed the benefits of the new ordinance.

Aubrey Shepherd stated his dissatisfaction with the ordinance due to environmental issues.

Alderman Kinion: There is a possibility of a multi-family construction at this type of density. I look at this as the possibility for home ownership that is more affordable. It is going to allow us to conserve more of the green space since 50% of the land area has to be green space as it is developed. We are offering a more urban opportunity with density. We need density to get to our transportation goals. We are allowing the infill that is necessary as we develop our urban center. Alderman Petty hit it so directly. We have a lot to work on in our code to make it more comprehensive, diverse, and more easily understood by individuals who want to develop. This is one step forward to reach those goals. Rezoning is one of the toughest decisions we make on the City Council because it makes an impact on the future. We are seeing the impact of runoff, the management of stormwater, and the high velocity we get with high density development. It all has to be managed responsibly. This is a step towards a solution in managing this.

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

Ordinance 5800 as Recorded in the office of the City Clerk

Amend 172.05 (ADM 15-5088 UDC Amendment Chapter 172.05 Non-Residential Parking Requirements: An ordinance to amend section 172.05 of the Unified Development Code to remove minimum parking standards for non-residential uses. *At the September 1, 2015 City Council meeting, this ordinance was left on the first reading. At the September 15, 2015 City Council meeting, this ordinance was left on the second reading.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. He had an amendment for consideration. He stated the ordinance read tonight included staff's original proposed amendment which removes parking standards or requirements for non-residential

development anywhere within the city. He stated what was read was what the Planning Commission originally voted upon. Staff supports either option.

Mayor Jordan: The amendment would let staff decide whether to use a variance for the parking spaces instead of it being a unified ordinance. Is that correct?

Jeremy Pate: Correct. Exhibit A shows that you would still utilize the base line parking ratios. In Section E it would allow for further administrative reductions based on availability of public or shared private parking, potential adverse impacts on parking or neighborhoods, proximity to alternative transportation, multi-use trails, and any other relevant considerations. We added particular consideration should be given to redevelopments where there is an adaptive reuse of an existing structure, preservation of historic structures, accessory outdoor uses, low impact development techniques or replacement of the footprint of an existing structure. Those are the items we added for this potential amendment.

Alderman Petty: If we are going to vote tonight, I'm not going to be able to support the amendment. This proposal is something we need to be sensitive to in Fayetteville, which is certainty in the development process, especially in small scale development processes. Small scale development is how our city was built. Before we had a zoning code, it was the retired and the neighbor who built our city increment by increment. For those who have to do most of their planning on the cheap, who don't have the money to design a project, we need to provide certainty within the code as to what they can expect. This does not do that. I understand the City Attorney's concern that we may be removing the ability of a future City Council to reinstitute these requirements. I am not concerned with that. If the small town builders go to the bank and want to build a neighborhood corner store and don't have any parking spaces provided for it, except for what is already on the street, you know what the first question the lending officer is going to ask? They will say, "Justify it. Tell me why you can succeed with this development without any parking spaces." This is one area of the market that is efficient. We should signal to small scale developers and the community that they get to make that decision with their team. We don't have liability at the city for this. If we do vote to amend this I would suggest that we send it back to the Planning Commission to consider. This is an approach that they did not see. They had a strong consensus in support of the original proposal.

Alderman Marsh: I would agree with Alderman Petty. I support the original proposal and not the amendment. I worry that the amendment puts too much responsibility on our Planning staff. Parking spaces are money and to have a staff member being responsible for direct impacts on the cost of development is risky and opens us up to allegations of favoritism or impropriety. I don't believe our office would do that but it opens us up. If it is such a concern that we maintain some ability to regulate parking I would be in favor of reducing the requirement to one space per property if that would achieve the same result. We need to keep our development codes simple and make approval quick. If you were to invest in a piece of property for development, you need to be able to predict how many units you can fit on the lot or what use units you are allowed. If you have to go back and forth with the Planning staff, this adds a lot of time and effort that people may not be willing to invest when they are considering small scale development.

Alderman Kinion: There needs to be more review. Alderman Marsh and Alderman Petty have valid points of view which I think we are going to get too. It is a big change. I am approaching it with a cautionary point of view and that's why I would offer the amendment. We did get the advice from our City Attorney that there is no turning back if we don't have something as a fail-safe measure. I don't like that it goes to an administrative review to the city staff, but I don't know what the option would be otherwise. We have a lot of things that are reviewed by city staff. This is why I support the amendment.

Alderman Tennant: I agree with almost every point that Alderman Petty and Alderman Marsh made. I like the original more than the amended one. I don't like adding any more power to the city staff or telling business people how much parking they need. We should leave that to the business owners. I wouldn't be in favor of the amendment.

Alderman La Tour: The market place is very capable of allocating scarce goods and resources such as parking places across the nation. People will do what is in their best interest. Bankers don't want to lend money on losing propositions. The market provides ample incentives to have a reasonable number of parking places. I view the amendment as taking a step backwards.

City Attorney Kit Williams: There is a thing, called The Tragedy of the Commons. When you have a part of something you don't own, but it is common with everybody else, you will overuse that until it is exhausted. Parking can be like that. We aren't just talking about small businesses, this says every business. If the City Council wants to try to protect the small businesses, this could be somewhat changed to try to do that. I grew up in Fayetteville. In the 1960's and 1970's the square was suffering terribly. It was suffering because of lack of parking. The people that built the businesses didn't build extra parking. The square was not able to recover until the parking you see now was built. Some were built by the parking authority and some by the city. This is one of the reasons that the Town Center was built so that we could have a parking deck on the square, to rejuvenate the square, and it worked.

We have had parking problems in Fayetteville that has required great efforts to solve. What concerns me is that we have a lot of mixed use zoning with existing homes in neighborhoods, but you could have a restaurant. Somebody could decide to put a restaurant in a house and not provide any parking, because they can park in the neighbor's street. It would save a lot of money not putting a parking lot in. They are inflicting their parking problems on the neighborhood. Maybe this won't happen. It makes sense for the Planning Department to look at the situation and decide if there is enough parking to handle the proposed business. If after a few years with this variance procedure, if there hasn't been any problems, then you could take it away and be safe that you aren't going to need to reinstitute it.

People would use up the commons of parking for their own private businesses because they can make more money, and the City Council in the future will have its hands tied by this City Council. You cannot do that in the future, because to do that you would be violating the Personal Property Protection Act. You would be taking more than 20% of somebody's value of their property if you required them to put a parking lot in. It is a very dangerous thing. You are closing the door and locking it against any future regulation if you pass the original proposal.

Alderman Petty: I want to talk about how we got our parking minimums in the first place. Jeremy, were those based on any kind of local survey?

Jeremy Pate: No, they were not.

Alderman Petty: Do we know where we got the numbers?

Jeremy Pate: No. Most of the parking standards you look at across the country are very similar. The charts you see in our ordinance are very similar to many other cities across the country. They are based on a handful of studies that have been conducted across the nation.

Alderman Petty: These parking defaults have been debunked by contemporary research. They have no bearing whatsoever on the actual use that occurs within the building. How do we know that every 300 square feet of retail space requires one parking spot? Look at Dickson Street. A 1000 square feet means every retail space down there requires three parking spots. A traditional main street is served only by its on-street spaces in front of the building. They share spaces. It is far more accurate to talk about The Tragedy of the Commons in terms of our gross land area. We have about three parking spaces for every car. That is not unusual across the country. The tax revenue on a parking space is pretty close to zero. We just had a conversation about how we need to gain our property tax appreciation over time for our pension funds. This is part of that problem. How we use our land is the core of the property tax appreciation conundrum that we face with our pension funds, along with the rest of our budget. The notion that the square was failing simply from parking could stand some critique. From the 1950's to the 1980's, Fayetteville grew its land area through annexation at a rate of three times its population growth. We call this sprawl now. Fayetteville grew historically when these parking minimums were instituted in an environment that is much different than what we have today.

On a housing basis, Fayetteville and Northwest Arkansas are affordable. The Northwest Arkansas Council in 2010 commissioned a study looking at our transportation cost. When you look at a housing and transportation basis, we are not affordable at all, even though our homes are cheaper. We instituted parking minimums because our commercial spaces were isolated from our homes and neighborhoods. The only way to get to them was to drive. If we want to fix that we have to adopt policies like this proposal. We have to allow commercial spaces to reintegrate back into the neighborhoods they once occupied. To Council members who are hesitant about adopting the original full proposal. We may not be able to reinstitute parking minimums we have today if we abolish them as our City Attorney has advised us. We can reinstitute them up to the limits of the state law he's citing. We can reinstitute them up to 20%.

Alderman Kinion: In the 1960's I saw everyone flee from the square. I have a different point of view. I have to look at our neighborhoods that somehow need to be protected. We do have a parking crisis in some of our neighborhoods. It is evident as we get higher density that people are not getting rid of their cars. Offering this amendment is reasonable. In a year or so we might want to visit this again and throw it out. I don't want to move forward so rapidly that we don't have the opportunity to evaluate the impact until it is too late. It is heartbreaking to see empty parking lots in Fayetteville, such as Evelyn Hills. There was a time that Evelyn Hills was filled completely. There is a balance at looking at historical experience that I've seen in our city. This is why I am

offering some cautionary step. If we need to take this back to be reviewed, I am all for that. Parking is probably the biggest complaint that any Alderman sees in an area where there isn't any. We see it around Wilson Park all the time. Maybe we should go back to the drawing board and look at a step that will protect us that is not as dramatic as the original that was offered without an amendment.

Alderman Long: Parking in neighborhoods is one of the biggest complaints I get as representative for the area around the University of Arkansas. I get a complaint at least once a day. It happens around schools and apartment buildings. I would hate to see us make a hasty decision to just get more complaints because we have no parking standards for small business that go in and around neighborhoods. The average of three parking spaces per car is in part due to places like Evelyn Hills and Fiesta Square. Zoning isn't done the same way anymore, so we can't just use that statistic in Fayetteville. We have parking standards, a Planning Commission, and Planning Department that evaluate every new thing that is developed in the City of Fayetteville. Someone made the point that this put too much power in one staff member, but our codes are written that way so when we put people in those positions, we should trust them. If a parcel is divided into two zoning categories, our Planning Director, Andrew Garner can administratively extend one of those zoning categories 50 feet along the entire parcel. We put a lot of faith and power in our staff members. We pay them to make the decisions. There shouldn't be any problems with being cautious. The City Attorney has given us advice. We usually listen to good advice from our elected City Attorney. Our budget is tight. We are talking about increasing the mills to pay for fire and police. Are we going to be talking about increasing the mills or sales tax to pay for residential parking districts to be monitored? We don't even have all of our staff positions filled right now. I would support sending the entire ordinance to Ordinance Review or to the Planning Commission to reevaluate some of these elements. I can't support this ordinance without the amendment.

Alderman Marsh: We need to pass the original ordinance and we need to pass it now. We need to do that because we have a serious lack of affordable business space, small retail space, and affordable housing space. The study Alderman Petty referenced regarding housing and transportation identified that residents of Northwest Arkansas are spending more on transportation than they are on housing. When you look at Downtown infill development, each space runs in the neighborhood of \$20,000 to \$40,000. When you are trying to create affordable business space, having this parking requirement creates a huge barrier to doing that. We are not tampering with the residential requirements. Any new residential development still has a parking requirement. There are environmental benefits of reducing parking area.

Alderman Gray: I am leaning strongly to voting for the amendment. All these wonderful things that are being mentioned are great ideas, but I can see those beginning to happen under the amendment. Is that correct?

City Attorney Kit Williams: With the amendment it can go down to zero if that is what Planning thinks is proper.

Alderman Gray: Exactly. I see no problem taking this first big step. It doesn't make sense to take this movement to such an extreme in the first step. I will be supporting the amendment.

Rob Sharp, 4th Street stated the amendment is a good idea to try and work through it more slowly, but as a society we should be thinking about how much we want to dedicate to the car. He stated there is no guarantee of a bed to sleep in or a roof over your head, but if you have a car there is always a parking space for you. He believes these priorities should be changed.

Lorraine O'Neal, 2001 West Wedington spoke in opposition of the amendment.

Alderman Kinion moved to amend the ordinance as published. Alderman Long seconded the motion. Upon roll call the motion to amend failed 3-4. Alderman Long, Gray, and Kinion voting yes. Alderman La Tour, Marsh, Petty, and Tennant voting no. Alderman Schoppmeyer was absent.

Lorraine O'Neal, 2001 West Wedington spoke in favor of passing the ordinance.

Alderman Kinion: I am going to support this and we need to move forward. I wish we could had moved forward with the caution I presented through the proposed amendment.

Alderman Long: I see the city having to be involved in a lot more complaints and going through our Code Enforcement Department. That is going to cost money. I will not be supporting the ordinance in this form.

A discussion followed about what would happen if in the future problems occurred with citizen complaints.

Alderman La Tour stated he liked for people to be able to have freedom of choice. He stated he is in favor of the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-2. Alderman La Tour, Marsh, Kinion, Petty, and Tennant voting yes. Alderman Long and Gray voting no. Alderman Schoppmeyer was absent.

Ordinance 5801 as Recorded in the office of the City Clerk

2015 Millage Levy: An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas, for the year 2015 fixing the rate thereof at 2.3 mills for General Fund Operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas. *At the September 15, 2015 City Council meeting, this ordinance was left on the first reading.*

Alderman Long moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

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

Alderman La Tour moved to amend the ordinance to state, the Finance Director will calculate the additional tax revenue raised by the millage increase set forth in this Ordinance on an annual basis, and report the same to the City Council. This amount shall be added incrementally to the budgeted amount for the Police and Fire Departments in fiscal year 2016 and beyond, and not diverted to other budget uses or functions.

City Attorney Kit Williams: There are problems with your proposed amendment from a legal point of view. When you talk about it must be budgeted for the police in the future and thereafter, this City Council can't bind the hands of a future City Council on what they are going to use the general operating millage for. It has to be enacted every year. The budget is enacted every year. I have tried to make sure that the various branches of government do not step on each other's toes. When there has been a proposal in the past that would direct the Mayor or a Director by the Council, I believe that is beyond the power of the Council.

The amendment failed for lack of a second.

Alderman La Tour stated with his proposed amendment he was trying to ensure that the police and fire were the ones who would really get the money. He stated he is skeptical if the money that is in the General Fund will actually go to police and fire.

Alderman Long: To borrow some words from Alderman La Tour, "Good fire and police protection are part of the reason that Fayetteville grows." With Fayetteville growing, I doubt that the need for fire and police, that we are dedicating this money to, will ever go away. I doubt that the millage would ever be used for something else. The cost of the police force is not going to decrease over time.

Paul Becker: 60% of the General Fund expenditures are on police and fire. This shows the Mayor and Council's commitment to public safety. We are audited every year. Those numbers are in our annual audit on what we expend. Every year we come before the Council to discuss budgeting. At any point the Council feels there is a need or not a need, they can change the millage.

Lorraine O'Neal, 2001 West Wedington stated she agreed with Alderman La Tour's concerns.

Aubrey Shepherd: Can someone give a statement about how much this will help the pension funds?

Mayor Jordan: This won't do anything for the pension funds. This is to hire 19 new fire and police personnel.

Peter Tonnessen, Ward 3: If the city is growing and the tax base is increasing, why doesn't that, at a given millage rate allow for the growth of the Police and Fire Departments?

Paul Becker: The amount of dollars that we generate from property taxes is about \$1.3 million. It does grow, but it doesn't grow at a fast enough rate to take care of the increases in our needs.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Alderman La Tour stated his dissatisfaction on increasing the tax burden on citizens who are barely getting by.

Alderman Petty gave a brief history of prior City Councils when dealing with trying to balance the budget. He stated there are only two ways to pay for staff increases, the first is to raise taxes in the manner being proposed, and the second option is to find an equivalent amount elsewhere in the budget and eliminate the program.

Alderman Marsh: The median home value in Fayetteville is about \$160,000. The impact of this tax would be a little over \$30 per year. I would be willing to spend that to have the fire and police respond to my house in less than five minutes.

Alderman Long: When the Chief of Police and Fire Chief say they need something, those are the things you respond to first. I've never seen either of those two people come to Council and ask for something to protect the citizens of Fayetteville. No one likes tax increases, but \$2.50 a month is not a large tax burden for the outcome.

Alderman La Tour: Five months ago when we were discussing making a \$50,000 grant to the Walton Arts Center, I brought up that we had four or five unfunded and frozen positions on our Police and Fire Departments. Both Chiefs appeared before us and said, "We are making it just fine without those. We will do it with overtime." Five months later when we want a tax increase, they come back and tell us they need this. It looks like a manufactured need to accommodate this tax increase. I would like to hear my colleagues on the Council say they are firmly committed in making sure this money goes to fire and police.

Mayor Jordan: There will be an easy way of tracking it if we put on 19 fire and police positions. If we don't, then you can come back and hold me responsible.

Don Marr, Chief of Staff: Last year in the budget discussion, Alderman Long presented a request for a ninth beat to the city. At that time we did have both Chiefs come forward and talk about the fact that we thought we could continue it at the current levels. We were seeing a trend, but three months or six months doesn't make a trend. We wanted to see more time before we went to the citizens to ask for increases from their pocketbooks. We had been doing it through cuts. We are in the 13th additional month from the first discussion of this information. We have 13 more months of upward trend brought to us by our Chiefs. The commitment that was made to the Council by the Mayor, me, Paul Becker, Chief Tabor, and Chief Dayringer was that when we believe that there would be a need, we would bring that need immediately to the Council.

Another item we talked about was that the Council would need to do policy discussion changes and funding from the funds that we pay some of these other areas. When talking about the Walton Arts Center, it is parking fund revenues controlled by the Council where those funds go, which today are limited to parking. That wasn't a viable option for funding at the time or now, until someone brings that forward as a discussion, which has not been done by the administration and would need to come from the Council. It is the first time since 2005 that a request has been made for public safety. We have hit the 10 year threshold with a significant population change as the fastest growing municipality in the State of Arkansas during that period.

Alderman Long gave a brief history of a resolution that he co-sponsored to ask the administration to study the impact of the growing population compared to the police force. He stated the data at that time didn't support an increase. The Police Chief told him that if there was a time that the data changed that we would do exactly what we are asking for now. Alderman Long expressed his appreciation for the Chiefs' and administration for keeping public safety as their top priority.

Mayor Jordan stated there are few politicians that run on, I'm going to raise your taxes platform. He stated there comes a time when there is a need. He stated we studied this and made a commitment that we would be reviewing this. He stated the top priority of any administration is to keep a city safe.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

Ordinance 5802 as Recorded in the office of the City Clerk

New Business:

Nabholz of Bixby, Oklahoma: A resolution to authorize the purchase of a rotary lift system from Nabholz of Bixby, Oklahoma in the amount of \$45,990.85 plus applicable taxes pursuant to a National Joint Powers Alliance cooperative purchasing agreement for use by Fleet Operations.

Jesse Beeks, Fleet Operations Superintendent gave a brief description of the resolution.

Alderman Long moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 7-0. Alderman Schoppmeyer was absent.

Resolution 181-15 as recorded in the office of the City Clerk

Bid No. 15-47 Peterbilt of Fort Smith: A resolution to award Bid No. 15-47 and authorize the purchase of a Peterbilt 320 diesel truck with Labrie/Wittke superduty front loader from Peterbilt of Fort Smith in the amount of \$243,520.00 for use by the Recycling and Trash Collection Division.

Jesse Beeks, Fleet Operations Superintendent gave a brief description of the resolution.

Mayor Jordan: Have these gone through the Equipment Committee?

Alderman Gray: They have.

Alderman La Tour: Why do we need this?

Jesse Beeks: It picks up containers at businesses.

Alderman La Tour: How many of these trucks do we have right now?

Jesse Beeks: Seven.

Alderman La Tour: They are wearing out?

Jesse Beeks: We rotate them throughout their life. We keep newer units and we don't replace them all at one time.

Alderman Petty moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed 7-0. Alderman Schoppmeyer was absent.

Resolution 182-15 as recorded in the office of the City Clerk

Bid No. LSC-2015 Benchmark Construction: A resolution to award Bid No. LSC-2015 and authorize a contract with Benchmark Construction in the amount of \$37,000.00 for a kitchen rehabilitation project at Lifesource International using Community Development Block Grant funds.

Yolanda Fields, Community Resources Director stated she could answer any questions.

Alderman Gray moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

Resolution 183-15 as recorded in the office of the City Clerk

Apple Seeds, Inc.: A resolution to authorize the sale of approximately 0.75 acre of city-owned real property located at 2648 Old Wire Road to Apple Seeds, Inc. for the amount of \$200,000.00, and to approve a twenty (20) year lease agreement with Apple Seeds, Inc. for approximately two (2) acres on the north end of Gulley Park for the purpose of operating a teaching farm.

Connie Edmonston, Parks & Recreation director gave a brief description of the resolution.

Mary Thompson, Apple Seeds: We are a non-profit. Our mission is to inspire healthy living through garden based education. We have a teaching farm on College that serves over a 1000 students each year. We host a variety of programs. We grow organic produce that goes to the schools for the students to host their own farmer's market stands at their school. They encourage healthy eating habits at a young age. Establishing a teaching farm at Gulley Park would allow Apple Seeds to expand to reach more students and to be an educational resource for our community.

Mayor Jordan: It is a great organization.

Alderman Tennant: This is great for the city. I appreciate the effort and creativity in the use of this land. Thank you.

Aubrey Shepherd spoke in favor of the resolution.

Alderman Tennant moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

Resolution 184-15 as recorded in the office of the City Clerk

Brett Michael Maguire and Kimberly Ann Maguire Real Estate Contract: A resolution to authorize the sale of approximately 0.50 acre of city-owned real property located at 2634 Old Wire Road to Brett Michael Maguire and Kimberly Ann Maguire for the amount of \$111,500.00.

Connie Edmonston, Parks & Recreation director gave a brief description of the resolution. She stated she would recommend approval of the sale of the home.

Alderman Gray moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed 7-0. Alderman Schoppmeyer was absent.

Resolution 185-15 as recorded in the office of the City Clerk

City Sales and Use Tax Bonds: An ordinance authorizing the issuance and sale of the City's Sales and Use Tax Capital Improvement Bonds, Series 2015, for the purpose of financing a portion of the costs of certain street improvements; authorizing the execution and delivery of a Fourth Supplemental Trust Indenture pursuant to which the bonds will be issued and secured; authorizing the execution and delivery of an Official Statement pursuant to which the bonds will be offered; authorizing the execution and delivery of a Bond Purchase Agreement providing for the sale of the bonds; authorizing the execution and delivery of a Continuing Disclosure Agreement; and prescribing other matters relating thereto.

City Attorney Kit Williams read the ordinance.

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

Don Marr, Chief of Staff thanked Dennis Hunt and Bo Bittle with Stephens, Inc. and Gordon Wilbourn with Kutak Rock for helping the city through numerous bond issues and their guidance to city staff.

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman Long was absent during the vote. Alderman Schoppmeyer 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 Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Long was absent during the vote. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams stated his appreciation for the team at Kutak Rock and Stephens, Inc.

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

Ordinance 5803 as Recorded in the office of the City Clerk

Theatre Squared City Council Support: A resolution to express the City Council's support of Theatre Squared and its intent to lease 0.8 acre of city property at the southeast corner of West and Spring as Theatre Squared's new permanent performance facility.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. He stated staff is in support of the resolution.

Jamey McGaugh, Theatre Squared Director of Development: We have had an amazing kickoff to our season. We are operating at 94% capacity and still several years away from our new facility. Over the last ten years we have had over a 100,000 people come to Downtown Fayetteville for these shows. We are excited about the opportunity to work with the City of Fayetteville on this project.

Alderman Petty: Thank you for pursuing this. There are a lot of investments lining up for School Avenue/West Avenue area. Because of these kinds of investments, the Downtown is the heart beat of the city. Over the next few years, as organizations like Theatre Squared and the library ramp up their efforts, we should be prepared to match their efforts with attendant infrastructure improvements that will be necessary to make sure they are successful.

Mayor Jordan: I look forward to working with you and getting a permanent home for you all.

Alderman Long moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 7-0. Alderman Schoppmeyer was absent.

Resolution 186-15 as recorded in the office of the City Clerk

RZN 15-5179 (324 N. Hornsby Dr./Markham Hill Rezone): An ordinance to rezone that property described in Rezoning Petition RZN 15-5179, for approximately 1.39 acres from RSF-4, Residential Single Family, 4 Units Per Acre to NC, Neighborhood Conservation, and RSF-8, Residential Single Family, 8 Units Per Acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 9-0 in favor of the request. Staff is recommending in favor.

Rob Sharp spoke on behalf of applicant Brian Reindl, that the project would maintain a single family quality.

Alderman Long expressed his appreciation for Rob Sharp's presentation at the Ward 4 meeting and the Bill of Assurance he submitted. He stated that everyone he has spoken with likes the project.

Alderman Marsh 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 Schoppmeyer 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 Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer 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 Schoppmeyer was absent.

Ordinance 5804 as Recorded in the office of the City Clerk

RZN 15-5156 (1220 W. Cleveland St./Expired PZD 12-4079): An ordinance to rezone that property described in Rezoning Petition RZN 15-5156, for approximately 2.71 acres, located at 1220 and 1226 W. Cleveland Street and 725, 727 and 805 Hall Avenue from R-PZD, Residential Planned Zoning District to RSF-4, Residential Single Family, 4 Units Per Acre and P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 9-0 in favor of the request. Staff is recommending in favor.

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

Ordinance 5805 as Recorded in the office of the City Clerk

RZN 15-5165 (1118 S. Dunn Ave./Pearson Development): An ordinance to rezone that property described in Rezoning Petition RZN 15-5165, for approximately 0.23 acres, located at 1118 S. Dunn Avenue from I-1, Heavy Commercial and Light Industrial to NC, Neighborhood Conservation.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 9-0 in favor of the request. Staff is recommending in favor.

Alderman Marsh 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 Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5806 as Recorded in the office of the City Clerk

RZN 15-5174 (S. End of Ruppel Rd./Striker Development): An ordinance to rezone that property described in Rezoning Petition RZN 15-5174, for approximately 102 acres, located at the southern end of Ruppel Road from NC, Neighborhood Conservation; CS, Community Services; R-A, Residential-Agricultural; RSF-4, Residential Single Family, 4 Units Per Acre; and RSF-2, Residential Single Family, 2 Units Per Acre to R-A, Residential-Agricultural; RSF-2, Residential Single Family, 2 Units Per Acre; RSF-4, Residential Single Family, 4 Units Per Acre; NC, Neighborhood Conservation and CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 9-0 in favor of the request. Staff is recommending in favor.

Blake Jorgensen, Jorgensen & Associates expressed his excitement for the project. He stated he agrees with staff.

Alderman Long: How long have the signs been up about the rezoning?

Jeremy Pate: The requirement by the code is at least 15 days prior to a Planning Commission hearing.

Alderman Long: It's a very large area. Would it slow you all down or impact your project timeline if we held it for one more City Council meeting?

Blake Jorgensen: When we did the groundbreaking for Ruppel Road, the sign posting was prominently displayed in the background. This is something we have been working on since 2007. Breaking ground would be advantageous for us. We have been working with staff for a very long time. It's gone through several rezonings and this isn't the first request. You can send anyone my contact information and I would talk to them anytime.

A discussion followed about rezoning signs.

Alderman Marsh 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 Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan: I remember this piece of property when I was on the Council. It is going to be great to see that developed in that area.

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

Ordinance 5807 as Recorded in the office of the City Clerk

VAC 15-5087 (1005 E. Rockwood Trail/ L & F Construction): An ordinance to approve VAC 15-5087 submitted by Fred Patrick for property located at 1005 Rockwood Trail to vacate an alley right of way.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 7-0 in favor of the request. Staff is recommending in favor.

Alderman Long: What was the purpose of the vacation?

Jeremy Pate: It is an old platted right-of-way that is along the rear of their property. It does not fully connect streets. They wish to return the property back to the adjacent property owners.

Alderman Long: The property owners are requesting it through a construction company. Are they planning on building something?

Jeremy Pate: There is a home that is already constructed there that the builder still owns.

Alderman Long: Is there a problem with the city maintaining the right-of-way and is it going to change anything?

Jeremy Pate: Not physically. They are requesting it to be as part of their yard now to be owned by them, as opposed to a potential alley connection along Rockwood Trail.

Alderman Long: I've spent the last two weeks working with the utility companies and some property owners on Rockwood Trail. That is a very narrow street and could see the city possibly needing utility easements and right-of-ways in that area in the future.

Jeremy Pate: This would be maintained as a utility easement per the conditions of the ordinance.

Mayor Jordan: Have you received any calls on it?

Alderman Gray and Alderman Marsh: No.

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

Ordinance 5808 as Recorded in the office of the City Clerk

VAC 15-5157 (688 N. Whitham Ave./1st Western Bank): An ordinance to approve VAC 15-5157 submitted by Gene Buescher for property located at 688 Whitham Avenue to vacate an alley right of way.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 7-0 in favor of the request. Staff is recommending in favor.

Alderman Long: Is this not valuable property? We own the property?

City Attorney Kit Williams: We only own a right-of way that was dedicated to us. We don't own the underlying property.

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Marsh was absent during the vote. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Alderman Tennant moved to suspend the rules and go to the third and final reading. Alderman La Tour seconded the motion. Upon roll call the motion passed 6-0. Alderman Marsh was absent during the vote. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Marsh was absent during the vote. Alderman Schoppmeyer was absent.

Ordinance 5809 as Recorded in the office of the City Clerk

VAC 15-5161 (2055 E. Signal Hill Depot/Butterfield Trail Village): An ordinance to approve VAC 15-5161 submitted by Joe Perme for property located at 2055 E. Signal Hill Depot to vacate a portion of a utility easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 7-0 in favor of the request. Staff is recommending approval.

Alderman Marsh 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 Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Alderman Long 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 Schoppmeyer 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 Schoppmeyer was absent.

Ordinance 5810 as Recorded in the office of the City Clerk

VAC 15-5176 (Mark Mills Lane/Summit Place SD): An ordinance to approve VAC 15-5176 submitted by Blew & Associates, Inc. for property located along Mark Mills Lane to vacate portions of a conservation easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 7-0 in favor of the request. Staff is recommending approval.

Alderman Marsh 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 Schoppmeyer 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 Marsh seconded the motion. Upon roll call the motion passed 6-1. Alderman Long voting no. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. Alderman Long voting no. Alderman Schoppmeyer was absent.

Ordinance 5811 as Recorded in the office of the City Clerk

VAC 15-5177 (1375 N. Leverett Ave./Noble Oaks Apts.): An ordinance to approve VAC 15-5177 submitted by Jorgensen & Associates, Inc. for property located at 1375 N. Leverett Avenue to vacate a portion of a utility easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted in favor of the request. Staff is recommending approval.

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 Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5812 as Recorded in the office of the City Clerk

VAC 15-5178 (SW Corner Joyce & Steele Blvds./CMN Lots 3 & 4): An ordinance to approve VAC 15-5178 submitted by Jorgensen & Associates, Inc. for property located at the southwest corner of Joyce & Steele Boulevards to vacate portions of utility, drainage and trail easements.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 7-0 in favor of the request. Staff is recommending approval.

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 Schoppmeyer** was absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty moved to suspend the rules and go to the third and final reading. **Alderman Long** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Schoppmeyer** 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 Schoppmeyer** was absent.

Ordinance 5813 as Recorded in the office of the City Clerk

Amend §156.03 Development, Parking and Loading: An ordinance to amend §156.03 **Development, Parking and Loading** of the variances chapter of the Unified Development Code to establish a variance procedure for Commercial, Office and Mixed Use Design and Development Standards.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 8-0 in favor of the request. Staff is recommending approval.

City Attorney Kit Williams: I am partly responsible for this change. I had suggested one of the design standards should follow all the other design standards by saying, "it should be done", instead of saying, "it shall be done", on the prominent entry way. I support this variance procedure.

Alderman Long: The City Council can still appeal these decisions?

Jeremy Pate: Correct.

Alderman Marsh 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 Schoppmeyer** 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 Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer 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 Schoppmeyer was absent.

Ordinance 5814 as Recorded in the office of the City Clerk

Parking Division Full Time Equivalent Position: A resolution to authorize the addition of 1.0 full time equivalent position to the Parking Division to provide four part time employees to staff event parking in the Spring Street Parking Deck.

Peter Nierengarten, Sustainability & Resilience Director gave a brief description of the resolution.

Alderman Marsh: My primary concern is the low wages that is on this position. I know these are part time positions with no benefits, but this is the kind of job that people combine three jobs and still can't make a living. In order to meet the affordability threshold for the average one bedroom apartment in Fayetteville, we would need to be paying at least \$12 an hour. I see that the bottom salary is \$10.10 per hour. I would like to see us raise that to set a better example and providing for these people who are providing these services.

Mayor Jordan: I took that to staff and there were some complications with that.

Don Marr, Chief of Staff: We have current event parking staff that is being paid at the level that is being proposed today. We could potentially have pay inequity issues between existing staff and the new positions unless we changed all of them. We have a compensation study as part of our budget proposal for 2016. If we want to address minimums higher than the market set minimums or the minimum wage, federally or state, that is the time to talk about it from a comprehensive perspective. We have other positions that fall into this arena. The rates are currently set based on the market rates. We don't think it is fair to hire four new people at a wage higher than we have individuals working in the city today.

Peter Nierengarten: The event parking position tend to be filled by college students. We have four parking enforcement staff that are full time at \$32,000 with benefits and overtime. Two of those four started in event parking. It can serve as a nice stepping stone into full time employment at a handsome wage within the Parking Division.

A discussion followed about addressing the issue during budget discussions.

Alderman Gray moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 7-0. Alderman Schoppmeyer was absent.

Resolution 187-15 as recorded in the office of the City Clerk

Announcements:

Alderman Gray: We are currently taking applications for the Civil Rights Commission.

Don Marr, Chief of Staff: The Utility Division is releasing the new utility pay system on October 13, 2015.

Mr. Marr gave the final two fall bulky waste cleanup dates.

The business license renewal deadline is October 31, 2015.

The city is taking applications for the 2016 food truck and trailer permit lottery. Applications are being accepted through October 30, 2015.

The Hero Half Marathon is October 10, 2015.

A free fishing weekend will be October 10-11, 2015.

Jeremy Pate congratulated City of Fayetteville employee, Alison Jumper for running in the Arkansas Traveler 100 mile race in Central Arkansas. He stated she finished as 1st female and 7th overall in the race out of 165 participants.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 10:20 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

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
October 20, 2015**

A meeting of the Fayetteville City Council was held on October 20, 2015 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Public Facilities Board Appointment – Mayor's appointment subject to confirmation by the Governing Body.

Mayor Jordan stated he reappointed Stephen Cosby to the Public Facilities Board.

City Attorney Kit Williams explained the responsibilities of the board.

John La Tour: What does Mr. Cosby do for a living?

City Attorney Kit Williams: I'm not sure. He is a well-respected long time citizen that has been on this board for a long time.

Alderman Long moved to approve the appointment. Alderman Tennant seconded the motion. Upon roll call the motion passed unanimously.

Ozark Regional Transit Presentation

Joel Gardner, Executive Director of Ozark Regional Transit, apologized for not being present at the last City Council meeting. He presented the Ozark Regional Transit report.

Alderman La Tour: I'm pleased to hear that your technology can triangulate and know where your buses and transits are. I'm concerned with public safety in the Downtown area. Many days when I leave my office, traveling west on Center Street, there is an indentation in the street that was made to accommodate your buses, but many times there are more buses present than can be accommodated by that indentation.

Joel Gardner: Are you talking about right in front of Hill Crest Towers?

Alderman La Tour: Yes.

Joel Gardner: We have looked at that many times. It's a clock scheduling change, and it's just a matter of figuring out how to do that.

Alderman La Tour: Let me make a suggestion. You can instruct your drivers if they get to the location and there is not a safe place to park, simply make the block, until there is a safe place to park.

Joel Gardner: Yes, sir. Thank you.

Agenda Additions: None

Consent:

Approval of the September 29, 2015 Special City Council meeting minutes.

Approved

Fayetteville Police Department Policies: A resolution to approve Fayetteville Police Department Policies on disciplinary and award procedures and professional standards and to eliminate Fayetteville Policies no longer needed on jailer duty; jail emergency plan, prisoner care and suicide identification.

Resolution 188-15 as recorded in the office of the City Clerk

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

Unfinished Business:

Fayetteville Fire Pension and Relief Fund Proposal to Consolidate with LOPFI: An ordinance transferring administration of retirement coverage for eligible members of the Fayetteville Fire Pension and Relief Fund to the Arkansas Local Police and Fire Retirement System (LOPFI) and authorizing the Mayor to enter into an irrevocable agreement with LOPFI and approving an emergency clause. *At the October 6, 2015 City Council meeting, this ordinance was left on the first reading.*

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

City Attorney Kit Williams read the ordinance.

David Clark, Executive Director of LOPFI: I'm here to answer any follow up questions that the Council may have. I talked through a lot of details on September 29th. If there are questions regarding any of the scenarios that the Mayor's office asked for, we have Lawrence Watts one of the actuaries with PRB to answer questions.

We have a good proposal from the LOPFI actuary report that there would not be any out of pocket or additional cost to the city to consolidate the pension fund with LOPFI. The question then becomes, what happens several years out. I understand that's the question Council has at this point.

Alderman La Tour: Mr. Clark, thank you for coming and answering our questions. We feel reluctance to sign onto a blank check. We are talking about an obligation in the future. We can't get our minds around what that is, and what we are committing our citizens to fund. Could the benefits being paid out as a percentage of ending salary be adjusted from 90% to something else that would make the fund solvent? If so, what would that rate be?

David Clark: There is not a legal mechanism to reduce benefits. The 90% level of the benefits are the benefits that need to continue to be paid.

Alderman La Tour: It would be against the law to reduce benefits?

David Clark: It would be against the law, that's correct. That's the reason why there was a proposal in the last legislative session to enact a provision of law to permit a benefit reduction. That did not make it out of legislature.

Alderman La Tour: Who was lobbying for or against that law? Were you there?

David Clark: I was not there. The system that I work for, the PRB, did not support the proposal. It made it out of the Joint Retirement Committee, the House, and was stopped at the Senate. That

was the right outcome for that proposed legislation. PRB has taken a position that it would not be a moral action to reduce benefits now at this stage for these retirees.

These people have retired and in this case have been retired for a number of years. Survivors have been retired for many years after they have lost their spouse, and living on the benefit levels that they now have. To ask them to make an adjustment because the fund has not been properly funded for decades is not the correct way to attack this.

Alderman Tennant: It was recently raised to 90%, correct?

David Clark: Correct, 2001.

Alderman Tennant: It wasn't against the law to raise it, but it would be against the law to drop it back down?

David Clark: That's correct, because there is a provision in code that has the benefit increase process that has to be followed. The Projected Insolvent special report that the PRB actuaries produced, showed there was three benefit increases that were enacted, 1996, 2001, and 2003.

The law requires that at least 3/4 of the membership of the local Board of Trustees has to pass a resolution in order for the PRB to take action. There are seven trustees, so you have to have six trustees to pass the resolution. In all the cases where those benefit increase resolutions were passed, it was a unanimous pass by the local Board of Trustees, which includes the Mayor, not this Mayor, and the City Clerk. There was only one resolution Mrs. Smith was a part of with the benefit increase process. It was predecessors. My point is that every benefit increase could have been stopped, if two of the trustees had not passed the resolution.

Alderman Tennant: Thank you for the clarification.

Mayor Jordan: It was a unanimous vote.

David Clark: Absolutely, yes.

Alderman La Tour: I would have an easier time agreeing to transfer this fund to LOPFI if it wasn't firemen themselves sitting on that trustee board. In my mind that's a conflict of interest. They are on that board and charged with fiduciary responsibilities.

We have firemen who have been beneficiaries of the fund, sitting as trustees managing the fund. It was somewhat reckless of them to vote to increase their percentage of salary percentages without a good actuarial report. Apparently, the actuary was wrong, we are \$9 million in the hole now.

David Clark: I have to agree with you to a point, as far as the example of fiduciary responsibilities. You are correct. All seven of the trustees, which includes the city officials, are fiduciaries of the Pension Fund. When the benefit increases were passed by resolution and PRB said yes or no, and in this case the three that I outlined were always yes. The evaluations came back showing the requested changes could be afforded at that time. Now we have the benefit of

looking backwards, but my point is the fiduciaries of the plan weren't just passing an increase for themselves, it was for 60 people at that time.

Alderman La Tour: Our country is in an \$18 trillion dollar debt. We got there because nobody has the courage to stand up and say this is good, but some things we just can't afford.

David Clark: On the Pension Fund level we have a bigger issue. The actuarially required contribution or what the Pension Fund needed to have in employer contributions coming in for decades of time, was not made. That does not mean the city violated law, because they did not. The law was flawed, it only required a matching contribution. The members had to contribute 6% and the city was only required to contribute 6%. The city contributed 12% after a certain point in time, which was certainly a huge increase in employer contributions, but it was still not what the Pension Fund needed. This was decade after decade, so the insolvency has been accomplished not just of benefit increases, which clearly put pressure on the funded level. When there is not enough money coming in that the valuations show need to be occurring, that too makes for where we are today, and that is a severely underfunded Pension Fund.

Alderman La Tour: Are we unique within the State of Arkansas? Are there other cities that are having this kind of problem?

David Clark: There are other cities. The one that was the largest Pension Fund that was in a similar situation, was the Little Rock Police Pension Fund. They consolidated or assigned the administration of their plan to LOPFI in 2013. They used the 25 year amortization period, but they had also already gone to the voters and asked for a sales tax increase. The premise of the increase, was a portion of the revenue would come in for the Police Pension Fund and the Fire Pension Fund. They have a huge injection of cash coming in to help defray their cost. They still have to dig into the General Fund because the Pension Fund was grossly underfunded. It was much worse than the Fayetteville plan.

Alderman La Tour: How close are we to our maximum millage rate for the Firemen Pension Fund? Aren't we running up against the limit?

City Attorney Kit Williams: No. When the pension plans began, the constitution allows up to 1 mill for each plan. The voters approved 1 mill to be split between the two plans, 0.5 of a mil. In 2001, Amendment 59 Rollback required that all the entities that had a millage had to rollback their millage. Both funds were rolled back 0.4 a mil. At this point there are still 0.6 of a mill available for each fund if the voters would vote to do that.

Alderman La Tour: The last Council meeting we voted to increase the tax on our citizens. I'm not sure this would be the time to come back and ask them for more tax.

Alderman Long: You said the fund was not properly funded. Can you say in what way you think the fund was not funded properly?

David Clark: The annual valuations that are produced every year, the computer contribution that was produced was just over \$3.2 million that was needed to come in, and that's over and above

investment earnings. What was put in by the City was almost \$757,000. It went from \$3.2 million that needed to be put in, and \$757,000 was actually what flowed into the Pension Fund.

City Attorney Kit Williams: That would have been needed to be put in for five years in order to pay off the actuarial indebtedness of the fund. The city has done everything that is legally required, and we continue to do that by paying the millage. There was not a requirement for us to match nonexistent salary now, because we have no active workers. I have constitutional concerns about making donations of General Fund revenue into the pension plan.

Our Finance Director, Paul Becker, said he talked to you about the agreement. When I questioned him about the fact that there was a fee in the agreement in paragraph 5 that says the annual fee paid to LOPFI for administration for the Fire Pension Plan shall not exceed ½ of 1% of the annual payroll and 1% of the annual Fire Pension assets. At 1% of the assets which would be the Pension Fund. In order to get 8% return, you have to get 9% return. He said that you didn't really charge this and you would submit an agreement that did not have those amounts in there. Do you have that agreement?

David Clark: Yes, I have that agreement with me.

City Attorney Kit Williams: I have not seen that.

David Clark: Certainly, you're correct. The law states that the administrative fee shall not be greater than amounts you cited. Payroll for the local plan members is zero. Any fee that would be attached to that would be zero, so it would be 1% of the system assets, but the LOPFI system has not needed to levee that charge even though it's available in law.

I told Paul, because there has been questions that have come up in this year with other Pension Funds that have consolidated, we were already planning in the 2016 iterations of these agreements to remove that paragraph. I have no problem removing that paragraph for Fayetteville. I have completed originals with that paragraph removed.

City Attorney Kit Williams: Thank you.

Alderman Long: My next question is about the actuary's advice when they increased the percentage of pay out to 90%. The actuaries say that the fund in their opinion would remain solvent if they increased it to that percentage?

David Clark: At that time, that's correct, back in 2001.

Alderman Long: Did they give the same advice every time that the increase was done?

David Clark: The first one was in 1996 and the answer was yes, so that is the reason the Pension Fund was able to proceed. In 2001, the answer was yes and then in 2003 it was a temporary cost of living adjustments. That was put into play and then the extension from DROP was moved from five years to ten years. That is a cost saver for the plan because assets stay in the pension plan longer when a person participates in DROP for a longer period of time. In each case the report or

valuation had to show that the Pension Fund could be supported with the current revenue streams that were coming in at that time and investments earnings. Evaluations show that the plan could enact those increases.

Alderman Long: Sondra, you were on the board and you were there to vote for one of the increases. Do you remember what the rationale was, from the perspective of a board member?

City Clerk Sondra Smith: The first process was for us to get an actuarial study to see if the board could sustain an increase, which we did. They came back and told us we could. The only two increases that I remember voting for is the one raising the volunteers to a minimum of \$100 a month, which was a very small increase, and the 3% temporary COLA for three years. The one thing I was concerned about is that the benefit increases were done on a cash flow basis, instead of an actuarial soundness basis. PRB can explain the difference, but it was more favorable to do a benefit increase on a cash flow basis.

David Clark: Sondra is correct. There is a cash flow model that's used for plans that have more than 50 participants and it looks at all the revenue streams that are coming in. The other revenues that would come into the Pension Fund, whether it's millage, there have been a couple very small gifts that have been reported on the financial reports that have come into the Pension Fund over the years. We can all look backwards and know that investment earnings back at that time were pretty strong, so the valuations show that if the investments continue to produce the results that they have produced, then the plan would be able to afford the increases. We know that shortly thereafter, the bounce of 2000 decade was a very poor performer when it comes to investments. What contributed was the under performance of the investments.

Alderman Gray: Kit, you have opined that you feel that it is illegal for us to take this action and that we would be opening ourselves up for lawsuits.

City Attorney Kit Williams: I'm concerned that a court could determine that an action of assuming the debt, basically is what you would be doing for the tax payers of Fayetteville, the pension plans would be an extension of credit of the city to another governmental entity that's not controlled by the city, but in fact controlled by the Board of Trustees and with the pensioners having the majority on that board and control of the board. The Mayor and Clerk have moved twice to request the board to look at potentially reducing the benefit rates and each time their motion has been voted down by the pensioners. It is obviously the pensioners who control that and they are a separate entity.

The concern I have is that the court could decide that maybe this was in fact an extension of credit to another governmental entity, which is prohibited by the Arkansas constitution. This is the same provision in the constitution that was violated in the incinerator case where we extended credit to the Northwest Arkansas Resource Recovery Authority. This led to massive litigation and attorney fees exceeding \$5 million, that we eventually got to pay.

My advice to you is that you should not approve consolidation at this time. There is a constitutional way to be able to shore up these Pension Funds, and that is by a millage vote by the tax payers, which is specifically authorizing the constitution for this purpose to pay for the pension plans.

That would be up to the taxpayers of Fayetteville. There is compelling cases amongst the pensioners, especially some of the more elderly ones, nobody want to see their benefits cut. When it has been suggested in the past and we looked at it in 2010, the benefits would have only had to be cut by 70%. It would have been at 70% instead of 90% and if you remember they all started at 50%. In 2010 after the big crash, Jody Carreiro came up here and predicted that it would be likely the Pension Fund could survive, if the benefits were reduced by 20%, down to 70%, but that was not agreed to by the pension board.

Constitutionally the millage can be raised or pension benefits can be lowered. I believe they can be lowered legally, even though the Attorney General disagrees with me or a combination of both. I recommend that you do not consolidate because it exposes us to litigation.

Alderman Gray: Mr. Clark how many retirees are we talking about that this would affect their monthly paycheck?

David Clark: Under the local plan there are 51.

Alderman Gray: How many beneficiaries?

David Clark: That is a total number or retirees.

Alderman Gray: We are not talking about the check being cut completely. We are talking about it being lowered sufficiently and whatever is left would be divided out among those retirees.

David Clark: With a benefit reduction, yes ma'am.

Alderman Gray: I've had many emails and one today pointed out to me that he is a retiree living in our city on a flat income as all retirees are. He asked that we as a Council remember that there are lots of retirees in Fayetteville on a flat income and should we make the decision to raise the tax again, we are affecting all of those individuals.

Alderman Tennant: Kit, going back to your previous comments about the legal case that we lost, what was the estimated amount of both attorneys?

City Attorney Kit Williams: Around \$5 million or so.

Alderman Tennant: How did the city pay for that?

City Attorney Kit Williams: We didn't build a lot of infrastructure for a while. We didn't raise a number of employees during that period of time because we were concerned that we might lose that lawsuit.

Alderman Tennant: It was paid out of General Fund?

City Attorney Kit Williams: I think it was. It might have come out of the wastewater fund because this incinerator was before our wastewater issue. They raised the rate to pay for this and

that was another thing that the Supreme Court said was unconstitutional. It was not a fee, in fact it was a tax because we were receiving nothing for it.

Alderman Tennant: I see.

City Attorney Kit Williams: When we cut the big checks, I don't really remember which fund they came out of.

Alderman Tennant: I was just curious how we came up with that much money.

Alderman Petty: My thoughts last time that consolidation was financially too risky to do, but our City Attorney comments are giving me pause. Would it change your opinion at all if people voted for consolidation?

City Attorney Kit Williams: Probably not. I think they are held to the same constitutional standards that you are, but if they voted for the millage that would certainly be within their power.

Alderman Petty: My concern is that even with the millage it is a small fund. It is not going to get the kind of investment returns it needs to be healthy, which is why I am inclined, absent the constitutional concerns, to consolidate. We are pulling our money to get better investment returns. I'm very wary anytime our lawyer says this is unconstitutional.

Alderman Long: What happened to Little Rock in 2013 when they consolidated? Were there any challenges to that?

David Clark: No, there have been no legal challenges. I mentioned in September that LOPFI administers 164 of the local Pension Funds. Since that time two more have consolidated and we expect two additional ones before the end of the month.

Alderman Long: Little Rock was also a private pension plan?

David Clark: It was a closed pension plan.

Alderman Long: I know state law lays out how these plans are divided out after they become completely insolvent for the remainder of the funds.

David Clark: You may be also looking to the provision that Mr. Williams talked about at the September meeting, and that is when there is fewer than five members of the Pension Fund that state law says that the cities shall step in and assign administration to LOPFI. Clearly this fund is not anywhere close to that population count.

Alderman Long: I was referring to the other section.

City Attorney Kit Williams: There is another section that talks about the fund running out of money and then have it divided pro rata until it runs out of money again, and wait for the next year for more millage and turnback funds to come in. That is something hopefully we can avoid. I

have been asking the pension board for the last nine years to do something. I have memos from 2006 saying this fund is not going to survive and we must do something. My suggestion was that you must consider reducing pension benefits, even though nobody likes that. I regret that they were raised too high because people get used to receiving their money. It is very hard to give it back, but the Pension Fund is going to run out of money, if there is not going to be more millage coming in to support it. There must be something on the other side, a reduction of benefits so that the fund does not go bankrupt.

Alderman Long: That was the basis of my question. I approached Senator Collins, Representatives Whittaker and Ledding this week, since there have been other consolidations in the state, if the Attorney General has already written opinions on this. They reached out for an Attorney General opinion to see if one exists already. You never know when those will come back.

Alderman La Tour: Mr. Clark, can you give me an idea of the range of benefits on a monthly basis this fund is paying out? What is the biggest benefit payout and what is the smallest? I would presume since Mrs. Smith said they raised the minimum of volunteers to \$100 a month which is probably the minimum? What is the maximum benefit being paid out right now?

David Clark: I can give you an average. All I have is raw dollars by groups of members. Of the 51 people we talked about, there is \$1.143 million that's paid out to 36 individuals as of December 31, 2014, which averages out to an annualized amount of \$31,764.

City Attorney Kit Williams: I sent a memo on October 1, 2015. I attached a letter I had sent to Representative Whittaker when we were seeking to have the right given to the pension board members if they wanted to reduce benefits. The last part of my last sentence I say, "*The top 10 monthly pension benefits go from Pete Reagan's \$42,428 annual to Marion Doss \$73,302 annually.*" I think there's additional money beyond a monthly benefit. Those are the top, but it is not very evenly distributed. I also pointed out in the letter about the fact that we have three regular, not volunteer people that receive less than \$1000 a month.

Alderman La Tour: I was just trying to get a handle on the maximum and minimum. We know the average now. Thank you.

Pete Reagan, 2086 South Mally Wagnon Road: Thank you for your time and allowing me to address you on this very important issue. I have compiled some notes and comparisons of both LOPFI and our old fire pension systems. Currently Fayetteville Firefighters can retire after 30 years of service, a salary of 98.1% of their salary with a 3% compounded COLA.

The old fire pensioners retired at 90% of salary with no COLA. I want to point out one individual that I do know, retired in the late sixties or early seventies, retired at \$330 a month. Currently the City of Fayetteville is paying 24.5% of payroll on each firefighter towards their LOPFI retirement. This amount is subject to change depending on several factors including investment income, employee turnover, medical retirement, etc. This equation is figured into an actuary study performed each year on the LOPFI pension so that the LOPFI pension will never be in the shape that the old fire pension plan is in now. The most that the City of Fayetteville ever paid into the

old pension system for the firefighters was 12%. I'm not sure of the date, but I think it was the late 80's, early 90's when Fred Vorsanger was Mayor.

The old retired firefighters received a smaller retirement plan than current firefighters. Our retirement dollars continue to shrink because of inflation with no cost of living correction. In contrast social security retirement and the current firefighter plan both have a cost of living correction. To make things worse we are now faced with financial insecurities that no one should face. It would be morally wrong for the City of Fayetteville to walk away from past promises. We did the same job as the current firefighters. We worked the same 56 hour work week, including holidays and weekends, served the public, and put our lives on the line without the benefit of safety equipment available to modern firefighters today.

The question why has the old pension board not reduced benefits to prolong existence of the pension plan. The answer is simple, it would be illegal to do so. The Attorney General for the State of Arkansas, the highest ranking law official in the state has given his opinion that it would be illegal to reduce a pensioner's benefit. Mr. Williams our City Attorney has given an opinion of the contrary. However, he can point to no Arkansas Appeals Court or Supreme Court opinion that supports his opinion. As Mr. Williams knows his opinion is merely an opinion, unsupported by an Arkansas Appellant court. As Mr. Williams further knows, an Arkansas Attorney's opinion is given greater deference by our Appeals Court than the opinion of any attorney, including a City Attorney. We the old pension board members have paid for a special actuarial evaluation. I believe they have presented you a good plan that at some point in the future, 8 to 10 years down the road, might cost the cities some additional monies. At some point your money will be returned, as we will all pass away. On behalf of the retired firefighters we urge you to protect our retirement system. No matter what the disaster, we never hesitated to put our lives on the line. We were always there for all of Fayetteville, we will always be there for you. We are asking our Council to be there for us.

Buddy Ledford, 4545 East Huntsville Road: I have been a resident of Fayetteville for over 50 years. In addition to that I served 18 years on the Fayetteville Civil Service Commission. I'm currently on my second term on the Pension Review Board.

In 2001 when this last benefit increase was voted in, most people like myself accept the standard of living based on your past years or months. You have so much income and so much discretionary expense. What happens when you reduce that income by 35% to 50%? Out of the 51 remaining pensioners, in my opinion, you are going to create at least 35 bankruptcies. The other issue had to do with referring this issue to the voters on a millage increase. I see that as kicking the can down the road. We just recently approved a 1 mill increase. You come back to a voter this soon with another, and chances are it's not going to pass. I urge you to consolidate with LOPFI now. You ask the question how would be fund it? City of Fayetteville is a good size government. They have projects coming on and going off every day. Why can't we target certain projects that are going to be terminating within the next 10 years? Little Rock, Hot Springs, and Fort Smith all have chosen a way to work around this complex issue. I think Fayetteville can do the same. First, you have to want too. Second, you have to find a way to fund it. Finding funding from projects over the next 10 years is the way to do that.

Peter Tonnessen, Ward 3: I don't always agree with Mr. Williams, but I think his memorandum from September 29th and October 1st were clear thinking and well written with excellent advice. The state has clearly spoken, the statute provides its remedy here, which these people need to prorate among themselves or just burn out and get new funding. I ask the Council not to lock the citizens of this city into a terrible debt. Mr. Williams has done a tremendous service to this city with those memorandums. I would ask all of you to follow his advice.

Lorraine O'Neal, 2001 West Wedington Apt. 82 spoke in opposition of ordinance.

Jan Judy stated her husband was a Fayetteville firefighter for 20 years. She asked that the Council really consider this and stated we are not trying to take advantage of the city in increasing our benefits. She explained that most of the people were drawing very small checks and only a few at the top draws a higher amount. She asked Council to figure out a way to support the Pension Fund at its present rate.

Gayle Jenkins, 1238 North Center Elkins spoke in support of the ordinance.

Alderman Kinion asked that the ordinance be left on the Second Reading.

Mayor Jordan explained in detail that a decision needs to be made by October 31, 2015.

City Attorney Kit Williams: A decision needs to be made before the end of October. This window is open every year, but this fund is continuing to lose money and ground. I would imagine the next report would be based upon the funds balance at the end of this year which will be substantially lower than what it was in 2014. Therefore, the report will be that much more difficult.

Mayor Jordan: Mark, I don't mind calling a Special City Council meeting.

Alderman Kinion: My understanding is it is annual. I hate to push it off annually because of the amount of loss in the fund. It's not an easy decision and I need more information.

Alderman Petty: I think some things are worth a special session if that is what it takes. I'm interested in seeing if we can get an Attorney General opinion based on the constitutionality questions in that time frame.

Alderman Long: If we have to have a special meeting, I would hope that we could have it on the 30th, the day before to give the Attorney General enough time to come back with an opinion. What is the reason for making a decision by October 31st? It couldn't be by November 3rd?

Mayor Jordan: No, it has to be by October 31st.

David Clark: The due date by the end of October is so we can use these valuation results, as they are based on 2014 information and be able to complete the rest of the paperwork and transfer the assets to LOPFI, and start benefit payments on January 1st. If this valuation expires, then you will need to start the process anew, on or after April 1st of next year.

Alderman Long: Would those two business day set you back? You wouldn't be able to work with those two extra business days from October 30th to November 3rd?

David Clark: No, we have a due date for a reason and that's so that we treat each plan exactly the same. We give everybody the same due date. This report was pushed out on June 11th of this year, so it's not as though this is a last minute report.

Alderman Marsh: One of the things that is really difficult for me is the disparity between the different benefit amounts. I know they are based on a percentage of final pay. I'm seeing people that are making \$767 a month verses Marion Doss that is making over \$6,000 a month. Is there anyway within the pension system to equalize these so that if we do require a cut in benefits, we are not cutting from these people who are subsisting on the very low amounts? How can this be levelized?

David Clark: To reduce benefits in any shape or form would require a legislative action. That too would probably run a constitutional tests as far as the impairment of the contracts. That is not a debate for tonight, but that would have to have a legal mechanism in order to be able to adjust benefit levels at all. The variation in the benefit levels that were mentioned, that has to do with a person's pay. One person is not necessarily going to earn the same as the next person. Then you have different benefits that are added, such as what is called an age 60 bonus. If an individual worked more than 25 years and reached age 60, then there is an additional benefits added to their base benefit. That is payable to them, whereas the neighboring person may have left employment after 20 years of service, so they would not be entitled to that benefit. That is also a product of state law. That's part of the differences of pay.

Mayor Jordan: What do you want to do? Do you want to hold it and let me call a special meeting?

Alderman La Tour: I think we all feel it's important enough that we would make time in our schedules to come to a special meeting. I think it's looking like we are going to court. If we assume the liability, the taxpayers still foot the bill. If we go directly to the taxpayers and say give us a millage increase to help make the fund solvent, they are flipping the bill. Looks like the taxpayers are going to pay for this one way or the other. From a taxpayers perspective our best course of action is let it go to a court of law and we might win. If we win it doesn't cost the taxpayers anything. The firefighters are left with the constitution provisions of proration. If we lose, we will be out some legal fees, but we are going to pay the same amount we would have paid in the beginning. We appreciate the firefighters, policemen, and everyone who serves us. We basically agree with everything everybody says, that yes you did provide service and we are pleased with that service. We don't want to leave you hanging out to dry, but this is the dilemma we are in. Do we assume this big debt for the taxpayers? Not everybody on this Council feels this way, but I view my position on this Council as a sacred duty to guard the public purse.

We are going to be voting on some things later tonight where we are going to spend millions of dollars renovating an office building. Maybe our firefighters are worth more than an office building. Maybe people can put up with crowded conditions to help the firefighters out. Maybe that would be a good trade off. Maybe we could be creative to avoid a lawsuit. I don't know that

we are willing to make those political choices. There may be some legalities there. I'm amazed at the State Legislature would make it illegal to lower benefits. We are left with very few options.

Alderman Tennant: This is the worst I have felt about a position since I have been here. This is by far the worst. I am having to look at a widower in their eyes and tell them I don't won't to do something. I know this is not a good business decision. I run a hundred plus million dollar business and this is a bad business decision to send this to LOPFI. Hope is not a strategy and it looks like a pension group based the future on "we hope it works out" and now it's not, and they are looking at us to fix it. We have to base everything we are doing on hope that this thing will work out okay. That's a horrible position for us to be in. It's a horrible position to put us in. We all deeply care about this city, but this is difficult. I will try to make a special meeting.

Peter Tonnessen: If they've known since 2009 that the fund is insolvent and this gentleman from LOPFI said basically what expires in October is a bunch of assumptions which would have to be reworked, how is this an emergency?

Mayor Jordan: This was brought to the board and the board voted to bring it here by a 4-2 vote. We got it in June, Paul tried to get everybody together. Everybody couldn't get together, so we set it up for the end of September. We have had our meetings and this is the second or third meeting. There was a special meeting then the board did a resolution. It can be put off until April, but we would have to do a new study to do that. The board did not feel like they wanted to wait until April again, because every day it's losing money. No one is trying to rush anything. If we don't make this decision by the end of October, whether they consolidate, don't take any action, put it to a vote of the people. We make it by October or we wait until next April. You will also be dealing with the Police Pension board, before this is over. Council if you do not take action, this fund is going to be done in about 8 to 10 years. The Police fund will last a little longer.

City Attorney Kit Williams: They are in much better shape.

Mayor Jordan: We can send it to LOPFI, and when you send it to LOPFI you lose control of the fund. They will decide what you are going to pay. You can send it to a vote of the people and if they vote in a mill that will be split two different way, and it will be a .9 for each one.

Alderman La Tour: I don't think it will be done in 8 to 10 years because they're getting the millage rate. They have income each year. It would go to the constitutional provision whether it is prorated.

Mayor Jordan: They are going to get the .4 no matter what. We are speculating how long it is going to last. The last count we had in 2010. I think Mr. Carreiro stated it would last about 10 years.

City Attorney Kit Williams: I think that's correct. They run a lot of scenarios, but it's all dependent upon earnings in the future. Fortunately from 2010 to 2014 there was a pretty good rise in the stock market. That prolonged the number of years, but there is a question about, is that going to be a constant rise in the stock market or not, and that is somewhat questionable.

Mayor Jordan: At that point in time they said if we would reduce the fund by 20% they thought it could remain solvent. Sondra made a motion at the next meeting we had, I seconded it, we voted and it was a 2-4 vote, not too. We might have done that another time, but I don't remember. It ended up at the Legislature and the Legislature voted that we couldn't do that. The Attorney General said we couldn't, and the City Attorney said we could. This is one thing that is a fact. This fund is insolvent and it is going down. We are going to have to make some hard decisions. It's not been easy for Sondra and I on that board. I'm sure it's not easy for the other board members, because they are trying to protect the people that draw their pension. Somewhere in the mix of all this, we have to figure out a pathway.

Alderman Gray: What are we waiting for?

Alderman Long: My request was to review Kit's opinion and see if that was the Attorney General's opinion. Also, to see if another opinion is already been written, taking into account other consolidations that have happened in the State of Arkansas.

Mayor Jordan: On one hand we have an obligation to the retired pensioners and we also have an obligation to the taxpayers.

This ordinance was left on the Second Reading and a Special City Council meeting was called for Friday, October 30, 2015.

New Business:

USDA Farmers Market Promotion Program Grant: A resolution to authorize the acceptance of a USDA Farmers Market Promotion Program Grant with the USDA Agricultural Marketing Service in the amount of \$58,856.00 for the City to expand and promote economic opportunities for producers operating through the Fayetteville Farmers Market, to approve an agreement with the Rural Mountain Producers Exchange and to approve a budget adjustment.

Peter Nierengarten, Sustainability & Resilience Director gave a brief description of the resolution. He stated there is no match for the city as part of the grant.

John La Tour: How do I become a vendor at the Farmer's Market?

Teresa Maurer, Vendor Coordinator for the Farmer's Market: We have an application process that is open four months a year, from December to March. During that process people can apply. Our Board of Directors makes a determination after a farm or kitchen visit about admitting you to the market.

Alderman La Tour: I was visiting with a constituent who applied to become a vendor at the Farmer's Market and she was told she had to prove that she had been doing business for 12 months in some other market. Is that one of your requirements?

Teresa Maurer: It is no longer one of our requirements.

Alderman La Tour: Who sits on that board that decides when someone has met the requirements?

Teresa Maurer: Our board is made up of nine members of the Farmer's Market. They're elected by the membership of the market.

Alderman La Tour: They elect themselves?

Teresa Maurer: Yes, our board is elected by the members.

Alderman La Tour: There's no oversight by the City Council?

Teresa Maurer: We have an operational agreement with the city about how we operate the market on city property.

Alderman La Tour: This is the reason we have \$18 trillion dollars in federal debt. We are getting money from federal governments for our local projects. I would much rather see the farmers and the crafts people at farmers market fund this themselves, instead of relying on federal dollars. I can't support it.

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

Resolution 189-15 as recorded in the office of the City Clerk

Walton Family Foundation: A resolution to express the City Council's thanks and gratitude to the Walton Family Foundation for its generous \$390,000.00 matching grant for the construction of the Clabber Creek Trail, to approve the grant agreement and to approve a budget adjustment to recognize this \$390,000.00 grant.

Matt Mihalevich, Trails Coordinator gave a brief description of the resolution.

Alderman Long thanked Matt and the rest of the staff for working so hard on the project.

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

Resolution 190-15 as recorded in the office of the City Clerk

Bid 15-42 JLA Enterprises, Inc.: A resolution to award Bid No. 15-42, to authorize the contract with JLA Enterprises, Inc. in the amount of \$425,521.90 for construction of a restroom and parking lot improvements at Gordon Long Park, to approve a 5% project contingency in the amount of \$21,276.10, and to approve a budget adjustment.

Matt Mihalevich, Trails Coordinator gave a brief description of the resolution.

Alderman La Tour: I realize the need for it. It is half way between Wilson Park and Lake Fayetteville. It would be a great addition, but we have to ask ourselves the question, is it more important than the fireman retirees? Could we not fund this into that?

Alderman Long: We could wait on this, but it would cost anywhere between \$150,000 and \$200,000 more because this is using TAP funding for part of the project.

Alderman Petty: We get this comment a lot that money we are going to spend for one thing should be spent on something else, but nine out of ten times the proposal reflects funding sources that are restricted. On this particular one, \$260,000 from a Transportation specific program, a grant from the Illinois River Watershed Partnership that has to be used for this, that is the second source and the third source is donations from the organizers of the Hogeys Marathon. We couldn't take this money and put it to something else if we wanted too.

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

Resolution 191-15 as recorded in the office of the City Clerk

Benchmark Construction of NWA Contract: A resolution to approve a contract with Benchmark Construction of NWA, Inc. in the amount of \$3,373,506.91 for the construction of the Recycling And Trash Collection Facility Expansion; to approve a project contingency in the amount of \$150,000.00; to approve Change Order No. 1 to reflect value engineering items and reduce the contract amount by \$298,732.00; and to approve a budget adjustment.

Chris Brown, City Engineer gave a brief description of the resolution. He recommends approving the construction bid.

Alderman La Tour: The project looks nice. What is the current square footage in the office area?

Chris Brown: The current office area is approximately 2,800 square feet.

Alderman La Tour: Once this new building is built, what will it be then?

Chris Brown: 5,400 square feet, plus the 2,800 square feet, which is a total of 8,200 square feet.

Alderman La Tour: Around \$300,000 for this project is coming from the reserve, and the rest of the funding is coming from other projects that had been completed, and this is left over money?

Chris Brown: That is correct.

Alderman La Tour: How were those projects funded? Where did that money come from to fund those other projects?

Chris Brown: All of this funding is from the Solid Waste fund.

Alderman La Tour: How does that fund grow?

Chris Brown: They have revenue streams from the rate payers, and also from recycling efforts.

Alderman La Tour: I would suspect that 90% to 95% of the funding into that fund comes from rate payers. Those are the citizens of Fayetteville. Those are the taxpayers we are charging. We are getting ready to spend \$4 million for a building that the tax payers funded. That is a hidden tax in my mind. We overcharge them \$4 million, now we are going to spend it on ourselves.

Terry Gulley, Transportation Services Director: The additional money is coming from rate studies done in the past, and we have funds built in every year to try and anticipate the future growth needs. This money can be used for vehicles, building, site improvements, and for anything we need to do to continue to provide services for citizens. It grows at different rates. This money has been accumulating for many years. We knew these needs were going to be coming so we have tried to build up a fund balance so we could address them when those needs become apparent. Funding comes from us selling our recycling products that we collect on the street. We have had years when we have made a million dollars, and this year has been a bad year due to the market. In the time when there was an economic turndown for the construction business, we got some very good bids. It saved us a half a million dollars. We want to do another rate study and determine what those rates currently need to be.

Our work force has gone up 30%. We meet with a group of high school students to educate them on the advantages of recycling. If it is a clear day, the meeting is in the parking lot in front of the building. We do not have a space big enough for 40 people. We manage how the truck traffic comes in and out to minimize the interaction between people trying to setup service, tour the building, and being educated. We want to expand our recycling programs in the future.

Alderman La Tour: We have \$4.1 million in cash ready to spend it on this building. Do we have more than that in the fund?

Terry Gulley: Around \$2.5 to \$3 million. We do not want to spend down everything out of that. We do not know what future needs might arise as we make decisions about our recycling programs. We are trying to strike a balance between getting the needs to try and do what we can to expand our programs, meet the needs of our staff, and any future needs for the next 30 years.

Alderman La Tour: Can one of those changes be to go to a waste management recycling? If we did, it would make these facilities obsolete.

Terry Gulley: It could be, if that was the direction you chose to go as a group.

Alderman La Tour: We have an election coming up in November of next year, and there could be some changes on our City Council.

Terry Gulley: The current situation is presenting it to you, and accepting whatever decision you all make as a group. I can't control the future.

Alderman Long: This is the opposite situation of the Firemen's Pension. We were blindsided by the need to come up with money. What we are building may not perfect or for a good reason, but to your point Alderman La Tour, saving money over the years to prepare for site improvements at a city property is a good idea. It helps our citizens to prepare so they don't have a huge rate hike or a tax increase to cover a facility that is 20 years old that needs to be replaced.

Current funds available are approximately \$2.1 million, and the proposed budget adjustment includes reallocation of funds remaining in capital projects to increase the Solid Waste Office and Transfer Station Expansion project. Listed is \$480,000 from the Compost Site Slab Expansion, \$31,000 from the West Side Recycling Drop Off Facility, \$591,000 from the Recycling Drop Off Facility North/Central project, and \$40,000 from the Solid Waste Madvac project. Do we have a need to divert those funds?

Terry Gulley explained that most of the \$2.1 million was savings through other projects that had been consolidated to be able to put to this project. It was then determined what the additional cost would be to fund the building. He stated the other \$1.4 million came from the items that Alderman Long listed. He went on to explain how savings cost on those projects accumulated over the years.

Alderman Long: Education is the key to success in our recycling program. I see a very large breakroom and meeting rooms. Is that going to be a solid wall?

Terry Gulley: It can be petitioned off so that two meetings could be going on in that space.

Alderman Long: We have plans of spending money on the educational space. Do we have plans of creating an educational program to use in that space?

Terry Gulley: Brian Pugh and his education programs can use it for that. We will have a lot of wall space to have educational displays set up. We have plans to set up educational items in the entry way.

A discussion followed about future office space needs.

Alderman Tennant: If there is a necessary HR situation that comes up internally between a manager and employee, it bothers me that we are cramped for space to have those kinds of conversations in private. There are specific rules about what has to be done legally when someone has an HR situation. Do you feel comfortable that there is enough space if an HR situation came up, and how are we prepared to deal with those kinds of situations in the current environment?

Terry Gulley explained that there are two offices that supervisors can share to discuss HR situations with employees. He stated that is all they have for private space because all the other offices are never vacant.

A discussion followed about office space in the building to conduct private HR situations.

Alderman Kinion: This has been discussed for several years in the Solid Waste & Sewer Committee. We have grown exponentially in the processing and management of solid waste. We

have new activities, and our staff has grown out of necessity in order to meet the growth. There is no staff that I have ever worked with professionally that is more in tune of looking for savings. If you look at the return in funds that we have through our value engineering with this group, it is pretty remarkable. If you are in a private corporation, a lot of times you will take the funds and use them so that you don't have to return them. These pooled funds have allowed us to move forward in a much needed facility that is offering safety, and the capacity to offer staff to operate in a professional manner. It is a necessary operation for the management of the waste collection and the transfer of the solid waste.

We have the whole operational program that we are looking at. The current rate already has this built in and we have collected it. The amount in the reserves is specifically for this type of surprise that is costing a little bit more. We built this with a look into the future and we did it responsibly. We do have the funds there, and we will still have the funds there for future activity after Kessler. This is going to meet the needs that we have now with an eye on the future with a very well designed professional facility. This facility will improve the capacity of having good personnel management and processes. We got a lot of projects done during the time when there was the availability of some lower bids so that we could move forward on this. This organization has worked together to save funds so that we can accomplish what is needed.

Alderman La Tour: I keep thinking about my associate who lives in Springdale who pays about half of what we pay for trash collection and recycling. We have accumulated \$7 million additional in that fund from our rate payers so that we can fund these buildings. Maybe that is what the people of Fayetteville want, but I would rather get a lower rate. Mr. Gulley, how long have you worked for the city in your current position?

Terry Gulley: Relating to Recycling and Trash, it's been since 2011. I have been the Transportation Manager since January, 2003.

Alderman La Tour requested information on rate studies.

Don Marr, Chief of Staff: The last rate study for the Solid Waste & Trash Division was in 1996.

Alderman La Tour: That study showed an increase or decrease in the rate?

Don Marr: I can get that information to you. I'm sure it was an increase from the prior rate study which is done typically every five to six years. The city has not done one in the waste management because prior to the last two years where the Council has an ordinance that has a CPI adjustment, the Council had not adjusted rates upward in that same five to six year period.

Alderman La Tour: I suspect you are right. I think a study would show a rate increase, not a decrease. That may exasperate the problem I'm discussing. Our rates may be too high. I believe there are citizens who would rather have more money in their pocket so that they could pay higher taxes.

A discussion followed about utilization of the breakroom by employees and for educational purposes.

Alderman Marsh: This is not a surprise. We have been talking about this at the Water Sewer Committee for years. This reserve money we have built up is not a result of overcharging our rate payers, it is a result of responsible long range planning. The \$2.1 million overrun needs to be put in perspective. We spend over \$2 million every year on landfill tipping fees alone. By expanding this resource recovery facility, it enables us to spend less on throwing valuable resources into our diminishing landfill space. I want to commend this group for not only carrying on with this plan in helping us build this new facility, but doing it in a way that will reduce our energy cost. We will be saving over 22% as the anticipated energy savings of this building versus a base line building, as well as over 50% of water savings. This is a fantastic plan.

Louise Mann, 629 Gray Avenue: Is the Transfer Station and the Recycling Facility going to stay intact the way it is right now?

Don Marr: Yes.

Louise Mann: We know that before the Kessler study has come back? Single stream is a very different collection and process than what we are doing currently.

Don Marr: This renovation has nothing to do with the Transfer Center or any move towards single stream. Recycling will continue being processed as is. This is maintaining the operation and collection of residential, exactly as it is today.

Louise Mann: If we switch to single stream, has it already been decided that Georgia Pacific will run the single stream facility?

Don Marr: There has been no decision on the single stream movement.

Louise Mann: If we do switch to single stream it is a very different facility. Single stream has been exposed as a failed experiment nationwide. Those people who are still looking at single stream are looking to build expensive facilities. I ask you to wait on any changes in our physical facility until we get the report back from Kessler.

A discussion followed about the numerous studies showing problems of using single stream.

Alderman Marsh moved to approve the resolution. Alderman Petty seconded the motion. Upon roll call the resolution passed 6-2. Alderman Long and La Tour voting no.

Resolution 192-15 as recorded in the office of the City Clerk

McGoodwin, Williams And Yates, Inc. Amendment No. 3: A resolution to approve Amendment No. 3 to the agreement with McGoodwin, Williams and Yates, Inc. for construction phase services associated with the Recycling and Trash Collection Division Office Building Expansion and Site Improvements in an amount not to exceed \$217,861.00.

Chris Brown, City Engineer gave a brief description of the resolution.

Alderman La Tour: Ms. Mann brought up a valid point. If we are moving to a single stream recycling strategy, can we use this \$4 million facility?

Chris Brown: The proposal in front of you is an office expansion for existing and future staff.

Alderman La Tour: If we decided to go to a private collector of trash and recycling, would we need this facility?

Chris Brown: It would have to be discussed. Potentially, if it were privatized then the private entity could use this same office building as a lease type space.

Don Marr: If we were going to outsource our recycling and trash facilities to a private provider, we would not need this facility.

Alderman Kinion: There has to be a collection facility somewhere.

Don Marr: The question is, would we be building an office space? Typically, the administrative and collection staff would be employees of the outsource provider, housed wherever they chose to do so.

Alderman Petty moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 7-1. Alderman La Tour voting no.

Resolution 193-15 as recorded in the office of the City Clerk

Grubbs, Hoskyn, Barton & Wyatt, Inc.: A resolution to authorize a contract with Grubbs, Hoskyn, Barton & Wyatt, Inc. for materials testing services for the Recycling and Trash Collection Facility Expansion and Improvements Project in an amount not to exceed \$25,000.00.

Chris Brown, City Engineer gave a brief description of the resolution.

Alderman Petty moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 7-1. Alderman La Tour voting no.

Resolution 194-15 as recorded in the office of the City Clerk

VAC 15-5206 (5026 Talon Trail/Falcon Ridge S/D): An ordinance to approve VAC 15-5206 submitted by Jorgensen and Associates, Inc. for property located at 5026 E. Talon Trail to vacate a drainage easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 8-0 in favor of the request. Staff is recommending approval.

Alderman Long: Usually on these vacations of easements we see the engineering firm who is requesting it. Could we also have the property owner added to that?

Jeremy Pate: Added to the request?

Alderman Long: Yes.

Jeremy Pate: I'm sure we could.

Alderman Long: I'm guessing that an engineering firm wouldn't request it without the property owner wanting it.

Jeremy Pate: The physical application, which is not included in your packet, must be signed by the property owner. We do get permission from the property owner for an engineer or architect to represent them.

Alderman Long: Could we start getting a copy of that in our packet?

Jeremy Pate: Yes.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5815 as Recorded in the office of the City Clerk

ADM 15-5205 (SW Corner Van Asche & Steele Blvds./CMN Business Park, Lot 6): An ordinance to amend Ordinance No. 3936 by amending the restrictions which had prohibited restaurants by allowing such use unit 13 restaurants with outdoor music as conditional uses upon a 2.24 acre parcel (lot 6) on the southwest corner of Van Asche and Steele Boulevards.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. He stated the decision is whether to amend the Bill of Assurance to allow for restaurant use on the property.

Asa Hutchinson III, Attorney Representing the Applicant stated that their client is under contract to purchase and develop the property. He believes the appeal process takes too long, and decided to instead request Council to lift the restriction. He gave a brief discussion explaining why in his opinion that the restriction does not apply.

Alderman Tennant: If and when they apply for an outdoor music permit, will they have to follow the same laws that everybody else has with regards to noise?

Jeremy Pate: That is correct. Outdoor music establishments are conditional use permit in any zone.

Alderman Tennant: It doesn't matter where?

Jeremy Pate: There are some restrictions that are required in any zone that they are located within. The Planning Commission has the ability to limit hours of operation.

Don Marr: I was the author of the outdoor conditional use ordinance. The intention was neighborhood protection.

Alderman La Tour: My family and I reside 400 feet from a large venue here in town. When there are 72,000 people in attendance, not considering the fireworks, I can go to sleep. We have a geographic protection and a noise ordinance. I would be very supportive of this proposal.

Alderman Tennant: If you look at this spot of land and then you go up north on Steele, eventually you come to the Joyce and Steele Intersection. The restaurant that is currently in that shopping center on the northwest corner, aren't they moving across into the space at the corner of Joyce and Steel?

Jeremy Pate: Correct. On the southeast corner.

Alderman Tennant: We have a reputable Fayetteville business that is wanting to expand and invest in that corner. I have heard nothing negative. There is a lot of difference in this area between 1995 and now. This business will have to follow all the rules. I am in support of this.

Alderman Marsh: Something we deal with in my neighborhood is scent from restaurants. Do we have an ordinance that addresses air pollution?

Jeremy Pate: No, we do not have any ordinances related to air quality. Those are a state issue.

City Attorney Kit Williams: We are specifically preempted by the state statutes from legislating air quality.

Mickey Harrington, Attorney for the Developer of CMN Properties spoke in favor of the ordinance. She stated the sellers support the restrictions being lifted. They do not feel that it is a breaking of trust with the neighborhood.

Jim Irwin: I was here in 1995. I am representing the family and we ask for your support of this.

Marshal King, 3441 North Sandpiper Drive spoke in favor of the ordinance. He stated the proposed restaurant will not add any noise that doesn't already exist.

City Attorney Kit Williams: Mr. Hutchinson, you stated time is of the essence as to why you didn't do the appeal. Do you need to have this moved forward tonight?

Asa Hutchinson III: If possible, it would be tremendously helpful.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5816 as Recorded in the office of the City Clerk

ANX 15-5181: (1620 S. Ed Edwards Rd./Salsbury): An ordinance to annex that property described in Annexation Petition ANX 15-5181 submitted by Curtis Hogue for property located at 1620 S. Ed Edwards Road containing approximately 0.83 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission is recommending annexing the property and assigning a zoning of RSF-2.

Curtis Hogue, representing the applicant explained that there would be health benefits for the applicant if the property was allowed to be annexed and hook on to sewer in the city.

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

City Attorney Kit Williams read the ordinance.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman La Tour seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Kinion voiced his concern about runoff in the area. He stated he hopes there are improvements to manage the drainage problem as more development occurs.

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

Ordinance 5817 as Recorded in the office of the City Clerk

AMEND CHAPTER 167 AND 177: An ordinance to repeal §167.04 (J)(5) *Maintenance Agreement and Landscape Establishment Guarantee*, to enact §167.10 **Tree Maintenance Agreements** and to amend § 177.05 (A)(2)(f) by deleting a portion of this subsection and enacting §177.10 **Tree Maintenance Agreements** to improve maintenance and survivability of mitigation trees.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams expressed his appreciation for Derek Linn for working on the ordinance. He stated at Agenda Session that Alderman Petty inquired about an emergency clause being added to the ordinance.

Alderman Petty moved to amend the ordinance to add an Emergency Clause. **Alderman Long** seconded the motion. Upon roll call the motion passed unanimously.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Marsh expressed her appreciation to the Park staff for their work at the tree give away.

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

Alderman Long moved to approve an Emergency Clause. **Alderman Marsh** seconded the motion. Upon roll call the motion passed unanimously.

Ordinance 5818 as Recorded in the office of the City Clerk.

Announcements:

Alderman Long: There will be a Ward 4 meeting on October 26, 2015 at 6:00 p.m. in Room 111 at City Hall.

Alderman La Tour: Cross Church in Fayetteville will be honoring our first responders on October 25, 2015.

Alderman Gray: There will not be a Ward 1 meeting on Friday, October 23, 2015.

Don Marr, Chief of Staff: There will be a ribbon cutting for the opening of our Spring Street Municipal Parking Deck on October 23, 2015 at 11:00 a.m.

The Fayetteville Animal Shelter is hosting its 5th Annual Free Cat Adoption on October 23, 2015.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 8:49 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

Exhibit A

Fayetteville Code of Ordinances

Handed out at the
City Council meeting
11-3-15

- (2) Landscape materials shall be designed to be compatible with adjacent natural vegetation and shall be suitable for the climatic, soil and ecological characteristics of the area.

(Ord. 4917, 9-05-06)

177.8 Timing Of Installation

Required landscaping shall be installed prior to the issuance of a final Certificate of Occupancy or filing of the Final Plat, whichever development procedure is most applicable. A 90-day temporary certificate of occupancy may be issued or a final plat may be filed once the owner deposits, with the city, U.S. currency or an irrevocable letter of credit in an amount equal to 150% of the estimated cost of the uninstalled plant material. The letter of credit must be from a bank or banking institution doing business within the State of Arkansas which is a member of the Federal Deposit Insurance Corporation.

177.9 Invasive Plant Species

The following plants shall not be installed in development projects that require a landscape plan review.

Asian Wisteria

Wisteria sinensis, *Wisteria floribunda*

Bamboo

Phyllostachys Spp.

Bigleaf Periwinkle

Vinca major

Callery/Bradford Pear

Pyrus calleryana

Burning Bush

Euonymus alatus

Bush Honeysuckle

Lonicera maackii, *Lonicera fragrantissima*

Chinese Privet

Ligustrum sinense

Creeping Euonymus

Euonymus fortunei

English Ivy

Hedera helix

Heavenly Bamboo

*Nandina domestica**

Japanese Honeysuckle

Lonicera japonica

Kudzu

Pueraria montana

Littleleaf Periwinkle

Vinca minor

Mimosa, Silk tree

Albizia julibrissin

Multiflora Rose

Rosa multiflora

Sericea Lespedeza

Lespedeza cuneata

Shrubby Lespedeza

Lespedeza bicolor

Tree-of-Heaven

Ailanthus altissima

*Cultivars that do not produce flowers or fruit are not considered non-invasive

177.10-177.99 Reserved

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, October 27, 2015

4:30 PM

City Hall Room 326

City Council Agenda Session

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

ELECTED OFFICIALS:
Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

1. [2015-0490](#)
CIVIL RIGHTS COMMISSION NOMINATING COMMITTEE REPORT
2. [2015-0118](#)
QUARTERLY FINANCIAL REPORT - 3RD QUARTER 2015, PAUL
BECKER, CHIEF FINANCIAL OFFICER.

Agenda Additions

A. Consent:

- A. 1 [2014-0514](#)
APPROVAL OF THE OCTOBER 6, 2015 AND OCTOBER 20, 2015
CITY COUNCIL MEETING MINUTES.
- A. 2 [2015-0487](#)
BID NO. 15-53 LEWIS FORD SALES, INC.:

A RESOLUTION TO AWARD BID NO. 15-53 AND AUTHORIZE THE
PURCHASE OF A FORD F350 WITH READING UTILITY BODY AND
TIGER CRANE FROM LEWIS FORD SALES, INC. OF
FAYETTEVILLE IN THE AMOUNT OF \$55,006.38 FOR USE BY THE
WATER AND SEWER OPERATIONS DIVISION

Attachments: [SRP - WSMM Truck 2026-2197](#)

A. 3 [2015-0486](#)

BID NO. 15-54 LEWIS FORD SALES, INC.:

A RESOLUTION TO AWARD BID NO. 15-54 AND AUTHORIZE THE PURCHASE OF A FORD F250 WITH READING UTILITY BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE IN THE AMOUNT OF \$32,978.38 FOR USE BY THE PARKS AND RECREATION DEPARTMENT

Attachments:

[SRP - PKMN Truck 2061-2196](#)

A. 4 [2015-0491](#)

AMEND RESOLUTION NO. 181-15:

A RESOLUTION TO AMEND RESOLUTION NO. 181-15 CONCERNING THE PURCHASE OF A ROTARY LIFT SYSTEM, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE PURCHASING AGREEMENT, FOR USE BY THE FLEET DIVISION

Attachments:

[SRP - Lift System - Amended](#)

A. 5 [2015-0497](#)

BID NO. 15-57 AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS, INC.:

A RESOLUTION TO AWARD BID NO. 15-57 AND AUTHORIZE A CONTRACT WITH AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS, INC. FOR ELECTRICAL SERVICES ON AN ON-CALL BASIS FOR A PERIOD OF ONE YEAR WITH AN AUTOMATIC OPTION TO RENEW FOR FOUR ADDITIONAL YEARS

Attachments:

[2015-0497, King Electrical Contractors, Inc.](#)

A. 6 [2015-0479](#)

BID NO. 15-57 KING ELECTRICAL CONTRACTORS:

A RESOLUTION TO AUTHORIZE A CONTRACT WITH KING ELECTRICAL CONTRACTORS IN THE AMOUNT OF \$66,240.00, PURSUANT TO BID NO. 15-57, FOR THE INSTALLATION OF LED TRAIL LIGHT FIXTURES AND LIGHT POLES ALONG THE TOWN BRANCH TRAIL FROM GREATHOUSE PARK TO HOLLYWOOD AVENUE, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$6,624.00

Attachments: [2015-0479 Town Branch Lighting Installation](#)

A. 7 [2015-0493](#)

BOYETTE STRATEGIC ADVISORS:

A RESOLUTION TO APPROVE A CONTRACT WITH BOYETTE STRATEGIC ADVISORS IN AN AMOUNT NOT TO EXCEED \$89,210.00 TO FACILITATE AND PREPARE AN UPDATE TO THE CITY'S ECONOMIC DEVELOPMENT STRATEGIC PLAN, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [Signed Contract and Exh A](#)
 [Staff memo](#)
 [Budget Adjustment](#)

B. Unfinished Business: None

C. New Business:

C. 1 [2015-0494](#)

**CROSSLAND CONSTRUCTION COMPANY, INC. CHANGE
ORDER NO. 8:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 8 TO THE CONTRACT WITH CROSSLAND CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$715,453.00 TO ADD A FOURTH BASEBALL FIELD AND LIGHTING FOR THE SOCCER COMPLEX AT THE REGIONAL PARK, TO APPROVE AN ADDITIONAL PROJECT CONTINGENCY IN THE AMOUNT OF \$9,547.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[Crossland CO # 8 Regional Park Agenda Packet](#)

[BA \(Agenda Item\) 2015 PARKS REGIONAL PARK SOCCER AND BASEBALL](#)

C. 2 [2015-0495](#)

**TREE PRESERVATION AREA VACATION FOR CRAIN
AUTOMOTIVE:**

A RESOLUTION TO REJECT THE RECOMMENDATION OF THE URBAN FORESTER WHO DETERMINED THAT THE TREE PRESERVATION AND MITIGATION AREAS IN EASEMENTS AND DEDICATIONS AGREED TO AND SIGNED BY THE OWNER/DEVELOPER ON JUNE 25, 2014, SHOULD NOT BE VACATED OR CHANGED BY A NEW DEVELOPMENT PROPOSAL FOR THIS ACREAGE

Attachments:

[2015-0495 Crain Automotive Tree Preservation Vacation](#)

C. 3 [2015-0489](#)

**NORTHWEST ARKANSAS MULTI-JURISDICTIONAL WATER
QUALITY COMPLIANCE ASSOCIATION:**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENT TO PARTICIPATE IN COOPERATIVE REGIONAL EFFORTS TO EVALUATE THE POTENTIAL COST SAVINGS AND ENVIRONMENTAL BENEFITS THAT MAY BE AVAILABLE TO THE CITY OF FAYETTEVILLE THROUGH THE FORMATION OF A NORTHWEST ARKANSAS MULTI-JURISDICTIONAL WATER QUALITY COMPLIANCE ASSOCIATION

Attachments:

[Nutrient Trading Resolution SRF](#)

C. 4 [2015-0431](#)

HENARD UTILITY PRODUCTS, INC.:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF TWELVE (12) TRIMBLE RANGER HAND-HELD WATER METER READING DEVICES MANUFACTURED BY BADGER METERS, INC. FROM HENARD UTILITY PRODUCTS, INC. IN THE AMOUNT OF \$51,725.00 PLUS APPLICABLE TAXES FOR USE BY THE UTILITIES DEPARTMENT

Attachments: [Badger Handhelds Legistar Packet](#)

C. 5 [2015-0492](#)

BID NO. 15-51 CROSSLAND HEAVY CONTRACTORS, INC.:

A RESOLUTION TO AWARD BID NO. 15-51 AND AUTHORIZE A CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC. IN THE AMOUNT OF \$1,725,071.42 FOR THE CONSTRUCTION OF THE MAPLE STREET AND LAFAYETTE STREET BRIDGE REHABILITATION PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$172,507.14, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [101515 SRF Packet Const Contract Hist Bridges.pdf](#)
 [BA Historic Bridges 10142015.xlsm](#)

C. 6 [2015-0496](#)

AMEND CHAPTER 177 LANDSCAPE REGULATIONS:

AN ORDINANCE TO AMEND CHAPTER 177 **LANDSCAPE REGULATIONS** OF THE UNIFIED DEVELOPMENT CODE TO ADOPT REGULATIONS PROHIBITING THE INSTALLATION OF CERTAIN INVASIVE PLANT SPECIES IN NEW DEVELOPMENTS THAT REQUIRE A LANDSCAPE PLAN REVIEW AND APPROVAL BY THE URBAN FORESTRY DIVISION, AND TO MAKE CERTAIN TECHNICAL REVISIONS

Attachments: [Invasive Plant Ordinance - Exhibit A](#)
 [CC agenda packet invasive plants](#)

C. 7 [2015-0459](#)

DESTRUCTION OF CERTAIN RECORDS:

A RESOLUTION TO AUTHORIZE THE DESTRUCTION OF CERTAIN RECORDS SHOWN ON THE ATTACHED AFFIDAVITS PURSUANT TO RELEVANT CODE SECTIONS OF THE ARKANSAS CODE ANNOTATED RELATED TO MAINTENANCE AND DESTRUCTION OF ACCOUNTING, COURT AND OTHER RECORDS

Attachments: [Shred It Agenda Item](#)

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 479-575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.



City of Fayetteville, Arkansas

Tentative Agenda
October 27, 2015
Page 9 of 184
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0487

Agenda Date: 11/3/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

BID NO. 15-53 LEWIS FORD SALES, INC.:

A RESOLUTION TO AWARD BID NO. 15-53 AND AUTHORIZE THE PURCHASE OF A FORD F350 WITH READING UTILITY BODY AND TIGER CRANE FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE IN THE AMOUNT OF \$55,006.38 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid No. 15-53 and authorizes the purchase of a Ford F350 with Reading Utility Body and Tiger Crane from Lewis Ford Sales, Inc. in the amount of \$55,006.38 for use by the Water and Sewer Operations Division.

City of Fayetteville Staff Review Form

2015-0487

Legistar File ID

11/3/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks/Sara Glenn

10/14/2015

Fleet Operations /
Transportation Services Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

A resolution to authorize the purchase of one Ford F350 with Reading Utility Body and Tiger Crane off of Bid 15-53 available through Lewis Ford Sales, Inc. of Fayetteville, AR in the amount of \$55,006.38.

Budget Impact:

9700.1920.5802.00		Shop Fund	
Account Number		Fund	
02078.2014		Light/Medium Trucks	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 187,091.23
		Funds Obligated	\$ -
		Current Balance	\$ 187,091.23
Does item have a cost?	Yes	Item Cost	\$ 55,006.38
Budget Adjustment Attached?	No	Budget Adjustment	
		Remaining Budget	\$ 132,084.85

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 3, 2015

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: October 14, 2015

SUBJECT: Purchase of one Service Body Truck with Crane for Water and Sewer

RECOMMENDATION:

That City Council approve the purchase of one Ford F350 with Reading Service Body and Tiger Crane off of Bid 15-53 and is offered through Lewis Ford Sales, Inc. of Fayetteville, AR in the amount of \$55,006.38.

BACKGROUND:

Unit 2026 is a 1999 Ford F250 and has cost 121% of the original purchase price in maintenance. This unit is used by the Meter Maintenance department and is no longer as reliable as required for this task.

The new unit will have the same size crane that the current unit has, however the industry standard has changed for the size truck needed to carry this crane. For that reason, a F350 is being purchased to support the crane needed.

DISCUSSION:

Fleet recommends the purchase of one Ford F350 with Reading Service Body and Tiger Crane off of Bid 15-53 and is offered through Lewis Ford Sales, Inc. of Fayetteville, AR in the amount of \$55,006.38.

BUDGET/STAFF IMPACT:

Sufficient funds were within the budget. There is a shortfall in funds collected, but should be covered by the sale of the old unit.

This purchase was approved by the Equipment Committee on October 13, 2015.

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: 10/14/2015		
							P.O Number: _____		
Vendor #: 7040		Vendor Name: Lewis Ford Sales, Inc.					Mail ☐ YES ☒ NO		
Address: _____							Legistar#: 2015-0487 Expected Delivery Date: _____		
City: _____				State: _____		FOB Point: _____ Taxable ☒ YES ☐ NO			
				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	Ford F350 with Reading Utility Body and Tiger Crane	1	ea	55,006.38	\$55,006.38	9700.1920.5802.00	02078.2014	2197	702197
2	To be unit 2197, Fixed asset 702197				\$0.00				
3	From Bid 15-53				\$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: \$55,006.38 Tax: \$0.00 Total: \$55,006.38		
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: 									



Bid: 15-53
10/1/2015
2:00 PM
City of Fayetteville

Bid 15-53, Service Body Truck with Crane

BIDDER	QTY	Cab & Chassis	Service Body	Electric/Hydraulic Crane	Total Bid
Lewis Ford Sales Inc	1	\$ 30,756.38	\$ 7,800.00	\$ 16,450.00	\$ 55,006.38
Mfg/Model		Ford F350 SRW	Reading ULP98AHH	Tiger 3215E	

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

CERTIFIED:

P. Vice

P. Vice, Purchasing Manager

Carolyn Reef
Witness

10-1-15
Date



City of Fayetteville, Arkansas

Tentative Agenda
October 27, 2015
Page 14 of 184
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0486

Agenda Date: 11/3/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

BID NO. 15-54 LEWIS FORD SALES, INC.:

A RESOLUTION TO AWARD BID NO. 15-54 AND AUTHORIZE THE PURCHASE OF A FORD F250 WITH READING UTILITY BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE IN THE AMOUNT OF \$32,978.38 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 awards Bid No. 15-54 and authorizes the purchase of a Ford F250 with Reading Utility Body from Lewis Ford Sales, Inc. in the amount of \$32,978.38 for use by the Parks and Recreation Department.

City of Fayetteville Staff Review Form

2015-0486

Legistar File ID

11/3/2015

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

Jesse Beeks/Sara Glenn

10/14/2015

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of one Ford F250 with Reading Utility Body off of Bid 15-54 available through Lewis Ford Sales, Inc. of Fayetteville, AR in the amount of \$32,978.38.

Budget Impact:

9700.1920.5802.00		Shop Fund	
Account Number		Fund	
02078.2015		Light/Medium Trucks	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 411,844.34
		Funds Obligated	\$ -
		Current Balance	\$ 411,844.34
Does item have a cost?	Yes	Item Cost	\$ 32,978.38
Budget Adjustment Attached?	No	Budget Adjustment	
		Remaining Budget	\$ 378,865.96

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 3, 2015

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent
DATE: October 14, 2015
SUBJECT: Purchase of one Utility Body Truck for Parks

RECOMMENDATION:

That City Council approve the purchase of one Ford F250 with Reading Utility Body off of Bid 15-54 and is available through Lewis Ford Sales, Inc. of Fayetteville, AR in the amount of \$32,978.38.

BACKGROUND:

Unit 2061 is a 2004 Chevrolet Silverado 1500 used by Parks Recreation Maintenance. It has now cost 70% of the original purchase price in maintenance costs. This unit does not currently have a utility body on it. However, the replacement for it was pushed back from 2014 partly because they wanted to insure they were closer to the funds needed to purchase the utility body.

This vehicle will be used to transport construction supplies from job site to job site, as the current vehicle does. The added benefit of having a utility body is that it will also function as a mobile work station with all the tools and supplies needed, organized and ready.

DISCUSSION:

Fleet recommends the purchase of one Ford F250 with Reading Utility Body off of Bid 15-54 and is available through Lewis Ford Sales, Inc. of Fayetteville, AR in the amount of \$32,978.38.

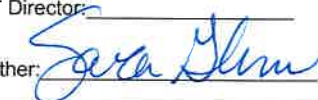
BUDGET/STAFF IMPACT:

Sufficient funds were budgeted, although there is a slight shortfall in funds collected they will be more than made up for in the sale of the current unit.

This purchase was approved by the Equipment Committee on October 13, 2015.

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 #: 7040		Vendor Name: Lewis Ford Sales, Inc.					Mail ☐ YES ☒ NO		
Address:							FOB Point:		
									Taxable ☒ YES ☒ NO
City:			State:		Zip Code:		Ship to code: 50		
Requester: Sara Glenn							Requester's Employee #: 3912		
							Extension: 3485		
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	Ford F250 with Reading Utility Body	1	ea	32,978.38	\$32,978.38	9700.1920.5802.00	02078.2015	2196	702196
2	To be unit 2196, Fixed asset 702196				\$0.00				
3	From Bid 15-54				\$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: \$32,978.38		
							Tax: \$0.00		
							Total: \$32,978.38		
Approvals:									
Mayor: _____			Department Director: _____			Purchasing Manager: _____			
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____			
Dispatch Manager: _____			Utilities Manager: _____			Other: 			



Bid: 15-54
10/1/2015
2:00 PM
City of Fayetteville

Bid 15-54, Heavy Duty 2x4 Utility Body Truck

BIDDER	QTY	Full Size Heavy Duty (3/4 Ton) 2x4 Ext Cab & Chassis	Utility Body	Total Bid
Breeden Dodge Chrysler Jeep Mfg/Model	1	\$ 28,341.00 Ram 2500	\$ 6,610.00 Stahl CST98CVST-485	\$ 34,951.00
Lewis Ford Sales Inc Mfg/Model	1	\$ 25,188.38 Ford F250	\$ 7,790.00 Reading US98ABHH	\$ 32,978.38

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

CERTIFIED:

P. Vice

P. Vice, Purchasing Manager

Carolyn Ref

Witness

10-1-15

Date



City of Fayetteville, Arkansas

Tentative Agenda
October 27, 2015
Page 19 of 184
113 West Mountain Street
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(479) 575-8323

Text File

File Number: 2015-0491

Agenda Date: 11/3/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

AMEND RESOLUTION NO. 181-15:

A RESOLUTION TO AMEND RESOLUTION NO. 181-15 CONCERNING THE PURCHASE OF A ROTARY LIFT SYSTEM, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE PURCHASING AGREEMENT, FOR USE BY THE FLEET DIVISION

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends Resolution No. 181-15 by striking all references to "Nabholz of Bixby, Oklahoma" and replacing them with "Vehicle Service Group, LLC d/b/a Rotary Lift."

City of Fayetteville Staff Review Form

2015-0491

Legistar File ID

11/3/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks/Sara Glenn

10/15/2015

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to amend resolution 181-15 to correct the vendor from Nabholz to Vehicle Service Group, LLC DBA Rotary Lift for the purchase of a Rotary lift system available through NJPA in the amount of \$50,474.96.

Budget Impact:

9700.1920.5801.00

Shop Improvements

Account Number

Fund

12007.01

Shop Improvements

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 209,526.00

Funds Obligated \$

Current Balance \$ **209,526.00**

Does item have a cost? Yes

Item Cost \$ 50,474.96

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ **159,051.04**

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 3, 2015

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent
DATE: October 15, 2015
SUBJECT: Purchase of one Lift System for Fleet

RECOMMENDATION:

That City Council approve an amendment to resolution 181-15, correcting the vendor from Nabholz to Vehicle Service Group, LLC DBA Rotary Lift for the purchase of one Rotary lift system along with 4 jack stands and 2 cross beams with support blocks are available through NJPA in the amount of \$50,474.96.

BACKGROUND:

Resolution 181-15 was approved for this purchase on October 6, 2015, however the vendor information must be amended. Fleet has been speaking with a Nabholz about this lift system and had been lead to believe that the purchase would be through their company. However, because Fleet will be gaining the benefit of NJPA pricing, we must purchase the product directly from Rotary Lift. Nabholz will remain the vendor that installs the equipment, once the purchase is finalized with NJPA.

DISCUSSION:

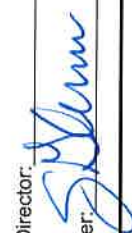
Fleet recommends the amendment of resolution 181-15 for the purchase of one Rotary lift system along with 4 jack stands and 2 cross beams with support blocks are available through NJPA. This amendment allows Fleet to receive not only the benefit of NJPA pricing, but also the delivery and set up from a certified dealer for this type of lift system.

BUDGET/STAFF IMPACT:

Sufficient funds have been budgeted and are available for this purchase.

Attachments:

PO – Purchase Requisition

City of Fayetteville - Purchase Order Request (PO) (Not a Purchase Order)										Requestion No.:		Date: 10/15/2015	
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.										P.O Number:			
Vendor #:		Vendor Name:		Vehicle Service Group, LLC DBA Rotary Lift				Legistar#:		2015-0491			
Address: 2700 Lanier Drive		City: Madison		State: IN		FOB Point:		Mail ☐ YES ☒ NO		Expected Delivery Date:			
Requester: Sara Glenn		Description		Quantity		Unit of Issue		Unit Cost		Extended Cost			
Item		Description		Quantity		Unit of Issue		Unit Cost		Extended Cost			
1	Portable Lift 4-unit Wireless System w/ Movable Forks 72,000lb Capacity	1	ea	39,688.05	\$39,688.05								
2	Saddle Cross Beam with 2 support blocks for Frame Pick-up	2	ea	1,480.92	\$2,961.84								
3	Screw-Type Adjustable Jack Stands 56.1"-82.3" 18,000lb Capacity	4	ea	672.74	\$2,690.96								
4	Shipping, fill, test and training	1	ea	650.00	\$650.00								
5	NJPA Contract# 061015-RRL				\$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: \$45,990.85 Tax: \$4,484.11 Total: \$50,474.96 Purchasing Manager: _____ IT Director:  Other: _____													
Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____													

Home > National Cooperative Contract Solutions > Contracts - Fleet > Fleet Services, Parts & Equipment > Rotary Lift



NJPA AWARDED
CONTRACT



Rotary Lift

Contract#: 061015-RRL

Category: Fleet Services, Parts & Equipment

Description: Heavy Duty Vehicle Lifts

Maturity Date: 07/21/2019

[Overview](#)

[Contract Documentation](#)

[Pricing](#)

[Marketing Materials](#)

[NJPA Contact Information](#)

HOW TO PURCHASE

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



Rotary Lift is the world leader in hydraulic light duty/heavy duty vehicle lifts and special tools and has been in business for over 90 years. The legendary reputation has set the standard for quality, durability, reliability and attention to safety throughout the automotive service market. With an uncompromising commitment to product quality, testing and safety, Rotary is the world's most trusted lift and a founding member of the Automotive Lift Institute.

Vendor Contact Info

Christine Bilz

Direct Phone: 800-445-5438 x

5655

bilz@rotarylift.com

www.rotarylift.com



City of Fayetteville, Arkansas

Tentative Agenda
October 27, 2015
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113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0497

Agenda Date: 11/3/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

BID NO. 15-57 AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS, INC.:

A RESOLUTION TO AWARD BID NO. 15-57 AND AUTHORIZE A CONTRACT WITH AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS, INC. FOR ELECTRICAL SERVICES ON AN ON-CALL BASIS FOR A PERIOD OF ONE YEAR WITH AN AUTOMATIC OPTION TO RENEW FOR FOUR ADDITIONAL YEARS

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 awards Bid No. 15-57 and authorizes a contract with Austin King, Inc. d/b/a King Electrical Contractors, Inc. for electrical services on an on-call basis for a period of one year with an automatic option to renew for four additional years.

City of Fayetteville Staff Review Form

2015-0497

Legistar File ID

Nov. 3rd, 2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Peggy Vice

10/16/2015

Purchasing /
Finance & Internal Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends award of Bid 15-57, Electrical Contractor for electrical services and approval of a contract with Austin King, Inc. DBA King Electrical Contractors, Inc.

Budget Impact:

Various		Various	
Account Number		Fund	
Various		Various	
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 # 135-10

Original Contract Number: _____

Approval Date: _____

Comments: This contract will be utilized by all divisions in the City on an as needed basis.



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 03, 2015

TO: Mayor and City Council

THRU: Paul A. Becker, Finance & Internal Services Director

FROM: Peggy Vice, Purchasing Manager

DATE: October 16, 2015

SUBJECT: Bid 15-57, Electrical Contractor

RECOMMENDATION:

Staff recommends award of Bid 15-57 for Electrical Services and approval of a contract with Austin King, Inc. DBA King Electrical Contractors, Inc for various projects on an on-call basis.

BACKGROUND:

Electrical services are bid for a contract period of one year with an automatic option to renew unless cancelled for four additional years. This bid is utilized by all departments on an as needed, on-call basis. Electrical projects that are \$20,000 or over require separate City Council approval.

DISCUSSION:

Bids were received from two vendors. King Electrical Contractors, Inc. is the lowest bidder. King Electrical Contractors has been the low bidder and awarded the contract for the last three contract terms. They are familiar with the City's buildings, policies and invoice and payment procedures.

BUDGET/STAFF IMPACT:

Budgeted funds will be utilized by each department depending on their electrical needs.

Attachments:

Contract with King Electrical Contractors, Inc.
Official Bid Tabulation for Bid 15-57
Bid Submittal from King Electrical Contractors, Inc.
Arkansas Secretary of State Entity search results for King Electrical Contractors, Inc.



Contract for: Bid 15-57, Electrical Contractor

Vendor: Austin King, Inc. DBA King Electrical Contractors, Inc.

Term: One year with four automatic one year renewals

This contract executed this _____ day of _____, 2015, between the City of Fayetteville, Arkansas (City), 113 W Mountain, Fayetteville, Arkansas, 72701 and Austin King, Inc., DBA King Electrical Contractors, Inc (King Electrical Contractors, Inc.).

In consideration of the mutual covenants contained herein, the parties agree as follows:

1. King Electrical Contractors, Inc. at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per bid 15-57 as stated in King Electrical Contractors, Inc. bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid # 15-57, all included herein as if spelled out word for word. Pricing shall remain firm for the entire contract period.
2. The City of Fayetteville shall pay for completion of each project based on prices indicated in King Electrical Contractors, Inc. bid proposal. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and King Electrical Contractors, Inc. consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 15-57 with the specifications and conditions typed thereon.
 - B. King Electrical Contractors, Inc. bid proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville and King Electrical Contractors, Inc. and may be modified only by a duly executed written instrument signed by the City of Fayetteville and King Electrical Contractors, Inc.
5. King Electrical Contractors, Inc. shall not assign its duties under the terms of this agreement.
6. King Electrical Contractors, Inc. agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from King Electrical Contractors, Inc. performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.

7. King Electrical Contractors, Inc. shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, King Electrical Contractors, Inc. shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected. The premiums for all insurance required herein shall be paid by King Electrical Contractors, Inc.
 1. Workmen's Compensation:
Statutory Amount
 2. Comprehensive General & Automobile Insurance
\$500,000 for each accident.
 3. Bodily Injury Liability:
\$500,000 for each accident.
 4. Property Damage Liability:
\$500,000 aggregate.
8. King Electrical Contractors, Inc. shall furnish proof of licensure as required by all local and state agencies.
9. This contract may be terminated by the City of Fayetteville or King Electrical Contractors, Inc. with 30 calendar days written notice.
10. This contract shall be effective from one year of the date of signed contract. The City reserves the right to automatically renew the contract for four (4) additional one (1) year terms. Renewals shall be automatic unless either King Electrical Contractors, Inc. or the City notifies the other of its intent to terminate the contract at the end of the contract period.
 - a. Projects exceeding \$20,000 will require additional approval from the Fayetteville City Council.
11. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo copying costs pursuant to the FOIA may be assessed for this compliance.
12. Changes in scope or price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the Fayetteville City Council **in advance** of the change in scope, cost or fees.
13. Jurisdiction: Legal jurisdiction to resolve any disputes shall be **Washington County, Arkansas** with **Arkansas law** applying to the case.

14. Arbitration/Mediation: The City will not agree to be forced to mediate or arbitrate any dispute.
15. Interest charges for late payments by the City: The City of Fayetteville does NOT agree to any interest or penalty for "untimely" payments. The City will pay all invoices within 30 calendar days of accepted invoice.
16. Lien Waivers: The contractor shall ensure that the City of Fayetteville receives lien waivers from all material suppliers, subcontractors, and sub-subcontractors. King Electrical Contractors, Inc. shall have each subcontractor and sub-subcontractor and material supplier execute a written receipt evidencing prior to commencement of the work of the subcontractor or material supplier.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2015.

AUSTIN KING, INC.
DBA KING ELECTRICAL CONTRACTORS, INC.

CITY OF FAYETTEVILLE, ARKANSAS

By: CBK

LIONELD JORDAN, Mayor

Chris King President
Printed Contractor Name & Title

ATTEST:

ATTEST:

Karen King
Company Secretary

Sondra Smith, City Clerk

2145 W Moore Lane
Business Address

Date Signed: _____

Fayetteville AR 72704
City, State & Zip Code

Date Signed: 10-16-15

			King Electric		Multi-Craft Contractors Inc		
ITEM	DESCRIPTION	Mark Up %	CONTRACTORS MATERIAL ESTIMATE	EST MATERIAL COST WITH MARK UP %	Mark Up %	CONTRACTORS MATERIAL ESTIMATE	EST MATERIAL COST WITH MARK UP %
SCHEDULE A: Materials (Estimated Annual)							
1	Material (Cost plus %) \$0-\$100	15%	x \$ 1,000.00	x \$ 1,150.00	15%	x \$ 1,000.00	x \$ 1,150.00
2	Material (Cost plus %) \$101-\$500	15%	x \$ 1,000.00	x \$ 1,150.00	15%	x \$ 1,000.00	x \$ 1,150.00
3	Material (Cost plus %) \$501-\$1000	15%	x \$ 5,000.00	x \$ 5,750.00	15%	x \$ 5,000.00	x \$ 5,750.00
4	Material (Cost plus %) \$1001-\$5000	15%	x \$ 5,000.00	x \$ 5,750.00	15%	x \$ 5,000.00	x \$ 5,750.00
5	Material (Cost plus %) \$5000 and up	10%	x \$ 65,000.00	x \$ 71,500.00	15%	x \$ 65,000.00	x \$ 74,750.00
6	Rental Equipment (Cost plus %)	0%	x \$ 10,000.00	x \$ 10,000.00	15%	x \$ 10,000.00	x \$ 11,500.00
TOTAL BID, SECTION A (Items 1-6)				\$ 95,300.00			\$ 100,050.00
SCHEDULE B: Hours (Estimated Annual)							
ITEM	DESCRIPTION	EST HOURS PER	PRICE/HOUR	EST COST	EST HOURS PER	PRICE PER UNIT	TOTAL
7	Journeyman Electrician - Straight/Regular Time	500	x \$ 35.00	x \$ 17,500.00	500	x \$ 49.50	x \$ 24,750.00
8	Journeyman Electrician - Nights and Weekends	25	x \$ 45.00	x \$ 1,125.00	25	x \$ 67.00	x \$ 1,675.00
9	Journeyman Electrician - Holiday	10	x \$ 45.00	x \$ 450.00	10	x \$ 84.25	x \$ 842.50
10	Apprentice Electrician - Straight/Regular Time	500	x \$ 25.00	x \$ 12,500.00	500	x \$ 40.00	x \$ 20,000.00
11	Apprentice Electrician - Nights an Weekends	25	x \$ 35.00	x \$ 875.00	25	x \$ 54.00	x \$ 1,350.00
12	Apprentice Electrician - Holidays	10	x \$ 35.00	x \$ 350.00	10	x \$ 68.00	x \$ 680.00
13	Electrician's Helper - Straight/Regular Time	500	x \$ 9.00	x \$ 4,500.00	500	x \$ 40.00	x \$ 20,000.00
14	Electrician's Helper - Nights and Weekends	25	x \$ 13.00	x \$ 325.00	25	x \$ 54.00	x \$ 1,350.00
15	Electrician's Helper - Holidays	10	x \$ 13.00	x \$ 130.00	10	x \$ 68.00	x \$ 680.00
16	Foreman/Supervisor - Straight/Regular Time	200	x \$ 35.00	x \$ 7,000.00	200	x \$ 49.50	x \$ 9,900.00
17	Foreman/Supervisor - Nights and Weekends	25	x \$ 35.00	x \$ 875.00	25	x \$ 67.00	x \$ 1,675.00
18	Foreman/Supervisor - Holidays	10	x \$ 35.00	x \$ 350.00	10	x \$ 84.25	x \$ 842.50
19	General Laborer - Straight/Regular Time	300	x \$ 9.00	x \$ 2,700.00	300	x \$ 34.00	x \$ 10,200.00
20	General Laborer - Nights and Weekends	20	x \$ 13.00	x \$ 260.00	20	x \$ 51.00	x \$ 1,020.00
21	General Laborer - Holidays	10	x \$ 13.00	x \$ 130.00	10	x \$ 68.00	x \$ 680.00
TOTAL BID, SECTION B (ITEMS 7-21):				\$ 49,070.00			\$ 95,645.00
SECTION A + SECTION B (SUM OF ITEMS 1-21):				\$ 144,370.00			\$ 195,695.00

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

CERTIFIED: P. Vice
P. Vice, Purchasing Manager

Carolyn Key
Witness

10-16-15
Date



City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain St.
Fayetteville, AR 72701
Phone: 479.575.8220
TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO BID

INVITATION TO BID: Bid 15-57, Electrical Contractor

DEADLINE: Friday, October 16, 2015 before 2:00 PM, Local Time

DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701

PURCHASING AGENT: Andrea Foren Rennie, CPPO, CPPB, aforen@fayetteville-ar.gov

DATE OF ISSUE AND ADVERTISEMENT: Friday, October 02 and 09, 2015

INVITATION TO BID Bid 15-57, Electrical Contractor

No late bids will be accepted. Bids shall be submitted in sealed envelopes labeled with the name and address of the bidder.

All bids shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each bidder is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection.

The undersigned hereby offers to furnish & deliver the articles or services as specified, at the prices & terms stated herein, and in strict accordance with the specifications and general conditions of bidding, all of which are made a part of this offer. This offer is not subject to withdrawal unless upon mutual written agreement by the Proposer/Bidder and City Purchasing Manager.

Name of Firm: King Electric

Contact Person: Chris King Title: Owner

E-Mail: Chris@ckingelectric.net Phone: 479-443-0006

Business Address: 2145 W Moore Lane

City: Fayetteville State: AR Zip: 72704

Signature: Chris King Date: 10-16-15

State of Arkansas
Contractors Licensing Board

AUSTIN KING, INC., D/B/A KING ELECTRICAL CONTRACTORS, INC.
2145 W MOORE LN
FAYETTEVILLE, AR 72704

AUSTIN KING, INC., D/B/A KING ELECTRICAL CONTRACTORS, INC.

This is to Certify That

is duly licensed under the provisions of Act 150 of the 1965 Acts as amended
and is entitled to practice Contracting in the State of Arkansas within the
following classification:

ELECTRICAL

with the following suggested bid limit Unlimited

from May 22, 2015 until April 30, 2016

when this Certificate expires.

Witness our hands of the Board, dated at North Little Rock, Arkansas:



[Handwritten Signature]

CHAIRMAN

[Handwritten Signature]

SECRETARY

May 22, 2015 - da



City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

CITY OF FAYETTEVILLE BUSINESS LICENSE PERMIT

PERMIT NO.: 1129

KING ELECTRICAL CONTRACTORS
2145 W MOORE LANE
FAYETTEVILLE, AR 72704

ISSUED DATE: 8/26/2011

EXPIRATION: 10/31/2015

Business Name: KING ELECTRICAL CONTRACTORS
Physical Address: 2145 W MOORE LN
FAYETTEVILLE, AR 72704-



8/26/2011

Date

Authorized Signature

THIS PERMIT MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PERMITTED PREMISES.

King Electrical Contractors

*2145 W Moore Lane
Fayetteville AR 72704
479-443-0006
Fax 479- 443-1719*

City of Fayetteville
113 W Mountain
Fayetteville AR, 72701

Bid #15-75 Electrical Contractor

References:

City of Fayetteville- Have held contract for electrical since 2008, doing electrical work per specifications.

Kinco Contractors
3803 Kelley Avenue
Springdale AR, 72762
479-751-8606

Mark Dillard

Have worked for Kinco doing electrical and service work on commercial buildings.

Crossland Construction
1800 S. 52nd Street
Rogers AR, 72758
479-464-7077

Ben Ranshaw

Have worked for Crossland doing electrical service and install on commercial projects.

Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: Austin King Inc

*D/B/A or Corporation Name DBA King Electric
Purchase Order/Payments shall be issued to this name

*BUSINESS ADDRESS: 2145 W Moore Lane

*CITY: Fayetteville *STATE: AR *ZIP: 72709

*PHONE: 72704 FAX: 479-443-1719

*E-MAIL: Chris@CKingelectric.net

*BY: (PRINTED NAME) Chris King

*AUTHORIZED SIGNATURE: Chris King

*TITLE: President

DUNS NUMBER: 82-937-2705 CAGE NUMBER: _____

*TAX ID NUMBER: 62-1665009

Acknowledge Addendums:

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

EXECUTION OF BID -

Actual specification of any deficient item shall be noted on the bid sheet or separate attachment. If specifications of item bid differ from provided literature, deviation shall be documented and certified by the manufacturer as a regular production option.

Upon signing this Bid, the bidder certifies that:

1. He/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.
2. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville.
3. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.
4. I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein is accurate and true.
5. Bidder shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment in addition to all federal, state, and local laws.
6. Bidder shall disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Response shall disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official. If no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response.

 1.) NO KNOWN RELATIONSHIP EXISTS

2.) RELATIONSHIP EXISTS (Please explain): _____

7. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.
8. As A bidder on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.
 - a. Federal Executive Order (E.O.) 12549 “Debarment and Suspension” requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
 - b. Your signature below certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

City of Fayetteville
Bid 15-57, Electrical Contractor
Bid Form

City of Fayetteville, Arkansas
Bid 15-57, Electrical Contractor

Date issued:
Friday, October 02, 2015

Deadline:
Friday, October 16, 2015 before 2:00 PM, local time

F.O.B
Fayetteville, Arkansas as needed

Purchasing Agent Contact Information
Andrea Foren Rennie, CPPO, CPPB, (479) 575-8220,
aforen@fayetteville-ar.gov

SECTION A: Materials (Estimated Annual)

ITEM	DESCRIPTION	MARK UP %	CONTRACTORS MATERIAL COST ESTIMATE	ESTIMATED MATERIAL COST WITH MARK UP %
1	Material (Cost plus %) \$0-\$100	15 %	\$ 1,000.00	\$ 1150. ⁰⁰
2	Material (Cost plus %) \$101-\$500	15 %	\$ 1,000.00	\$ 1150. ⁰⁰
3	Material (Cost plus %) \$501-\$1000	15 %	\$ 5,000.00	\$ 5750. ⁰⁰
4	Material (Cost plus %) \$1001-\$5000	15 %	\$ 5,000.00	\$ 5750. ⁰⁰
5	Material (Cost plus %) \$5000 and up	10 %	\$ 65,000.00	\$ 71500. ⁰⁰
6	Rental Equipment (Cost plus %)	0 %	\$ 10,000.00	\$ 10,000. ⁰⁰
Total Bid, Section A (Items 1-6):				\$ 95300. ⁰⁰

Section B: Hours (Estimated Annual)

ITEM	DESCRIPTION	ESTIMATED HOURS PER YEAR	PRICE/HOUR	ESTIMATED COST
7	Journeyman Electrician - Straight/Regular Time	500	\$ 35. ⁰⁰	\$ 17500. ⁰⁰
8	Journeyman Electrician - Nights and Weekends	25	\$ 45. ⁰⁰	\$ 1125. ⁰⁰
9	Journeyman Electrician - Holiday	10	\$ 45. ⁰⁰	\$ 450. ⁰⁰
10	Apprentice Electrician - Straight/Regular Time	500	\$ 25. ⁰⁰	\$ 12500. ⁰⁰
11	Apprentice Electrician - Nights and Weekends	25	\$ 35. ⁰⁰	\$ 875. ⁰⁰
12	Apprentice Electrician - Holidays	10	\$ 35. ⁰⁰	\$ 350. ⁰⁰
13	Electrician's Helper - Straight/Regular Time	500	\$ 9. ⁰⁰	\$ 4500. ⁰⁰
14	Electrician's Helper - Nights and Weekends	25	\$ 13. ⁰⁰	\$ 325. ⁰⁰
15	Electrician's Helper - Holidays	10	\$ 13. ⁰⁰	\$ 130. ⁰⁰
16	Foreman/Supervisor - Straight/Regular Time	200	\$ 35. ⁰⁰	\$ 7000. ⁰⁰
17	Foreman/Supervisor - Nights and Weekends	25	\$ 35. ⁰⁰	\$ 875. ⁰⁰
18	Foreman/Supervisor - Holidays	10	\$ 35. ⁰⁰	\$ 350. ⁰⁰
19	General Laborer - Straight/Regular Time	300	\$ 9. ⁰⁰	\$ 2700. ⁰⁰
20	General Laborer - Nights and Weekends	20	\$ 13. ⁰⁰	\$ 260. ⁰⁰
21	General Laborer - Holidays	10	\$ 13. ⁰⁰	\$ 130. ⁰⁰
Total Bid, Section B (Items 7-21):				\$ 49070. ⁰⁰

Total Base Bid \$ 144,370.⁰⁰

Section A + Section B (Sum of Items 1-21):

NAME OF FIRM

King Electric

THIS BID FORM CONTINUES ON THE NEXT PAGE. . .



ARKANSAS
SECRETARY OF STATE
Mark Martin

Search Incorporations, Cooperatives, Banks and Insurance Companies

[Printer Friendly Version](#)

LLC Member information is now confidential per Act 865 of 2007

Use your browser's back button to return to the Search Results

[Begin New Search](#)

For service of process contact the [Secretary of State's office](#).

Corporation Name	AUSTIN KING, INC.
Fictitious Names	KING ELECTRICAL CONTRACTORS, INC.
Filing #	100142465
Filing Type	For Profit Corporation
Filed under Act	Dom Bus Corp; 958 of 1987
Status	Good Standing
Principal Address	
Reg. Agent	CHRISTERFER L KING
Agent Address	2145 MOORE LANE FAYETTEVILLE, AR 72703
Date Filed	12/27/1996
Officers	SEE FILE, Incorporator/Organizer PIER, BURCH & SCHERMERHORN, Tax Preparer CHRISTERFER L. KING , President KAREN KING , Secretary CHRISTERFER L. KING , Vice-President KAREN KING , Treasurer
Foreign Name	N/A
Foreign Address	
State of Origin	N/A

**[Purchase a Certificate of Good
Standing for this Entity](#)**

[Pay Franchise Tax for this corporation](#)



City of Fayetteville, Arkansas

Tentative Agenda
October 27, 2015
Page 39 of 184
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0479

Agenda Date: 11/3/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

BID NO. 15-57 KING ELECTRICAL CONTRACTORS:

A RESOLUTION TO AUTHORIZE A CONTRACT WITH KING ELECTRICAL CONTRACTORS IN THE AMOUNT OF \$66,240.00, PURSUANT TO BID NO. 15-57, FOR THE INSTALLATION OF LED TRAIL LIGHT FIXTURES AND LIGHT POLES ALONG THE TOWN BRANCH TRAIL FROM GREATHOUSE PARK TO HOLLYWOOD AVENUE, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$6,624.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes a contract with King Electrical Contractors in the amount of \$66,240.00, pursuant to Bid No. 15-57, for the installation of LED trail light fixtures and light poles along the Town Branch Trail from Greathouse Park to Hollywood Avenue, and further approves a ten percent (10%) project contingency in the amount of \$6,624.00.

City of Fayetteville Staff Review Form

2015-0479

Legistar File ID

November 3rd, 2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Mihalevich

10/16/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a contract with Austin King, Inc., DBA King Electric Contractors, Inc., per the terms of Bid 15-57, in the amount of \$66,240.00 for the complete installation of LED trail light fixtures and poles along the Town Branch Trail from Greathouse Park west to Hollywood Ave. and approving a 10% contingency in the amount of \$6,624.00.

Budget Impact:

4470.9470.5814.05

Sales Tax Capital Improvements

Account Number

Fund

02016.1403 / 02016.1404

Town Branch Trail

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 973,744.00

Funds Obligated \$ 569,236.05

Current Balance \$ 404,507.95

Does item have a cost? Yes

Item Cost \$ 66,240.00

Budget Adjustment Attached? No

Budget Adjustment

#

Remaining Budget \$ 338,267.95

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 3RD 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director
Chris Brown, City Engineer

FROM: Matt Mihalevich, Trails Coordinator

DATE: October 16th, 2015

SUBJECT: 2015-0479 - Town Branch Trail Lighting Installation

RECOMMENDATION:

Staff recommends approval of a contract with King Electric Contractors in the amount of \$66,240.00 for the complete installation of LED trail light fixtures and poles along the Town Branch Trail from Greathouse Park west to Hollywood Ave. and approving a 10% contingency in the amount of \$6,624.00.

BACKGROUND:

The City in-house trail construction crew is nearing completion of a 1.25 mile long section of the Town Branch Trail that runs from Greathouse Park west along the Town Branch crosses Razorback Road and continues north to connect to the Tsa La Gi Trail at Hollywood Avenue. Electrical conduit is being installed by the City crew in preparation for installation of lighting along this new trail. Ninety-four trail lights and poles have been ordered through Bid 15-17 and Resolution 40-15 for this section of Town Branch Trail to be installed with this contract with King Electric.

DISCUSSION:

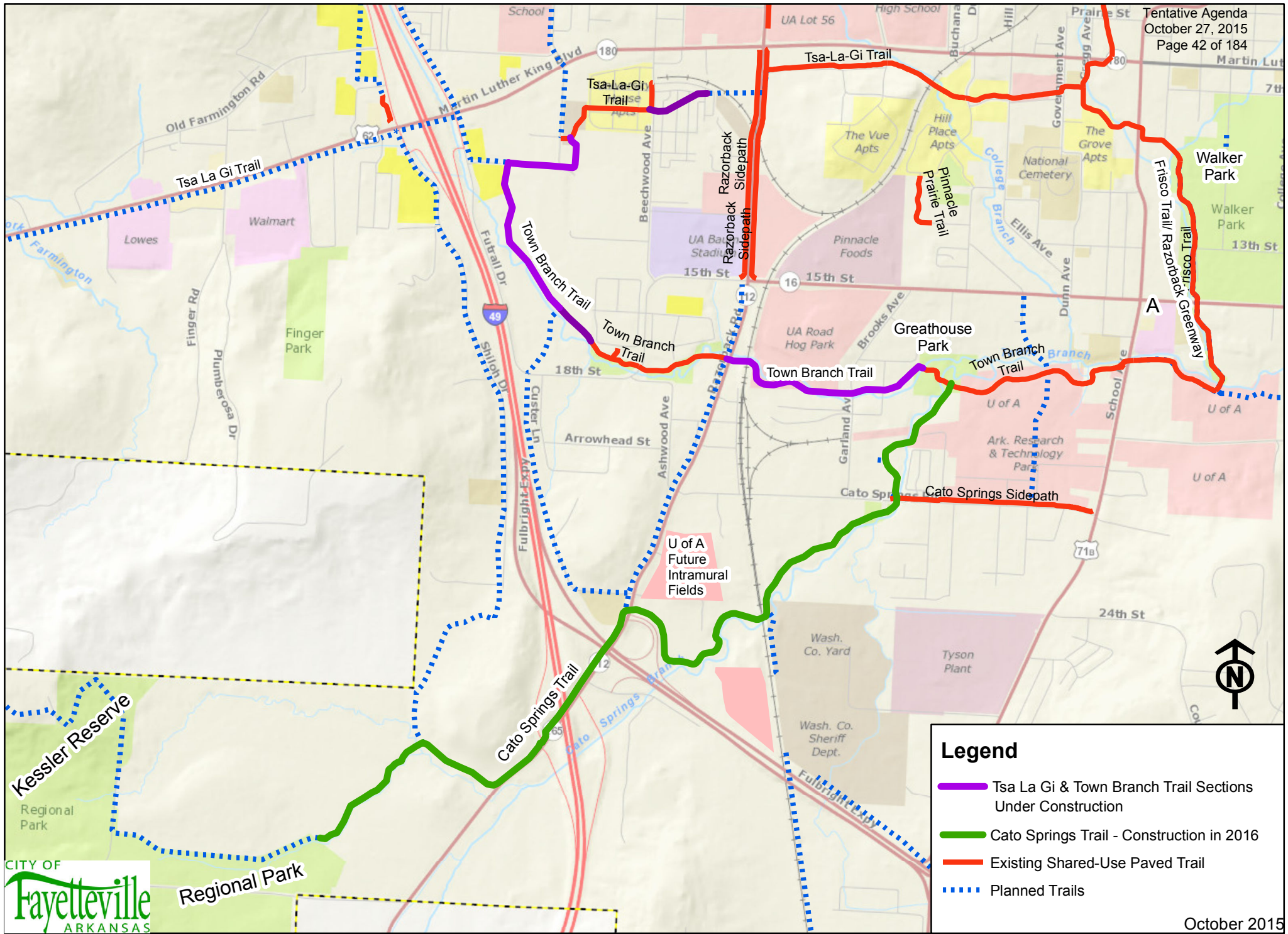
King Electrical Contractors is the low bidder of Bid 15-57 for city electrical contractor. The award for the city electrical contractor has been submitted to the City Council concurrently with this item and is Legistar number 2015-0497. King Electrical has installed the majority of the trail lighting for the City and has provided an excellent service and value to the City.

BUDGET/STAFF IMPACT:

Sufficient funding has been budgeted through the Trail Development Capital Improvement Program and through a grant from the Walton Family Foundation. The attached proposals from King Electric are based on prices set by Bid 15-57. Two proposals have been provided due to the separate project accounts for the two sections of the Town Branch Trail.

Attachments:

Town Branch Trail Map
King Electrical Contractors - Proposals
Bid 15-57 Tabulation - Electrical Contractor
Purchase Request



Legend

- Tsa La Gi & Town Branch Trail Sections Under Construction
- Cato Springs Trail - Construction in 2016
- Existing Shared-Use Paved Trail
- Planned Trails

October 2015

0 395 790 1,580 2,370 3,160 3,950 Feet

Town Branch and Cato Springs Trails

**KING ELECTRICAL CONTRACTORS
2145 W MOORE LANE
FAYETTEVILLE AR 72701**

479-443-0006 FAX 479-443-1719

Email Chris@ckingelectric.net

PROPOSAL

TO: City of Fayetteville	PHONE	DATE 10-16-15
	JOB NAME Town Branch Trail lighting Greathouse Park to Razorback Road	
JOB DESCRIPTION Furnish and install wiring for 30 new poles and fixtures, including 2 new LED fixtures at railroad canopy Does not include conduit, boxes, digging trench, light poles, light pole fixtures. Project would be billed as time and material per the City of Fayetteville contract with King Electric. Contractor's License #0063870416		
PROPOSAL GOOD FOR 30 DAYS		DOLLARS: Base Bid \$19,700.00
TERMS: PAYMENT DUE UPON RECEIPT OF INVOICE A FINANCE CHARGE WILL BE CHARGED ON ALL PAST DUE ACCOUNTS OF .0833% PER MONTH. ALL ATTORNEY FEES WILL BE COLLECTED ON PAST DUE ACCOUNTS.		AUTHORIZED SIGNATURE
THE ABOVE PRICES SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.		ACCEPTANCE SIGNATURE

**KING ELECTRICAL CONTRACTORS
2145 W MOORE LANE
FAYETTEVILLE AR 72701**

479-443-0006 FAX 479-443-1719

Email Chris@ckingelectric.net

PROPOSAL

TO: City of Fayetteville	PHONE	DATE 10-16-15
	JOB NAME Town Branch Trail lighting Razorback Road to Hollywood	
JOB DESCRIPTION Furnish and install wiring for 64 new poles and fixtures, including 1new millbank service, Bore under 12' trail, Bore under Hollywood street, Rigid conduit across 1 bridge, power to flashing lights at Razorback road. Does not include conduit, boxes, digging trench, light poles, light pole fixtures. Project would be billed as time and material per the City of Fayetteville contract with King Electric. Contractor's License #0063870416		
PROPOSAL GOOD FOR 30 DAYS		DOLLARS: Base Bid \$46,540.00
TERMS: PAYMENT DUE UPON RECEIPT OF INVOICE A FINANCE CHARGE WILL BE CHARGED ON ALL PAST DUE ACCOUNTS OF .0833% PER MONTH. ALL ATTORNEY FEES WILL BE COLLECTED ON PAST DUE ACCOUNTS.		AUTHORIZED SIGNATURE
THE ABOVE PRICES SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.		ACCEPTANCE SIGNATURE

			King Electric		Multi-Craft Contractors Inc		
ITEM	DESCRIPTION	Mark Up %	CONTRACTORS MATERIAL ESTIMATE	EST MATERIAL COST WITH MARK UP %	Mark Up %	CONTRACTORS MATERIAL ESTIMATE	EST MATERIAL COST WITH MARK UP %
SCHEDULE A: Materials (Estimated Annual)							
1	Material (Cost plus %) \$0-\$100	15%	x \$ 1,000.00	x \$ 1,150.00	15%	x \$ 1,000.00	x \$ 1,150.00
2	Material (Cost plus %) \$101-\$500	15%	x \$ 1,000.00	x \$ 1,150.00	15%	x \$ 1,000.00	x \$ 1,150.00
3	Material (Cost plus %) \$501-\$1000	15%	x \$ 5,000.00	x \$ 5,750.00	15%	x \$ 5,000.00	x \$ 5,750.00
4	Material (Cost plus %) \$1001-\$5000	15%	x \$ 5,000.00	x \$ 5,750.00	15%	x \$ 5,000.00	x \$ 5,750.00
5	Material (Cost plus %) \$5000 and up	10%	x \$ 65,000.00	x \$ 71,500.00	15%	x \$ 65,000.00	x \$ 74,750.00
6	Rental Equipment (Cost plus %)	0%	x \$ 10,000.00	x \$ 10,000.00	15%	x \$ 10,000.00	x \$ 11,500.00
TOTAL BID, SECTION A (Items 1-6)				\$ 95,300.00			\$ 100,050.00
SCHEDULE B: Hours (Estimated Annual)							
ITEM	DESCRIPTION	EST HOURS PER	PRICE/HOUR	EST COST	EST HOURS PER	PRICE PER UNIT	TOTAL
7	Journeyman Electrician - Straight/Regular Time	500	x \$ 35.00	x \$ 17,500.00	500	x \$ 49.50	x \$ 24,750.00
8	Journeyman Electrician - Nights and Weekends	25	x \$ 45.00	x \$ 1,125.00	25	x \$ 67.00	x \$ 1,675.00
9	Journeyman Electrician - Holiday	10	x \$ 45.00	x \$ 450.00	10	x \$ 84.25	x \$ 842.50
10	Apprentice Electrician - Straight/Regular Time	500	x \$ 25.00	x \$ 12,500.00	500	x \$ 40.00	x \$ 20,000.00
11	Apprentice Electrician - Nights an Weekends	25	x \$ 35.00	x \$ 875.00	25	x \$ 54.00	x \$ 1,350.00
12	Apprentice Electrician - Holidays	10	x \$ 35.00	x \$ 350.00	10	x \$ 68.00	x \$ 680.00
13	Electrician's Helper - Straight/Regular Time	500	x \$ 9.00	x \$ 4,500.00	500	x \$ 40.00	x \$ 20,000.00
14	Electrician's Helper - Nights and Weekends	25	x \$ 13.00	x \$ 325.00	25	x \$ 54.00	x \$ 1,350.00
15	Electrician's Helper - Holidays	10	x \$ 13.00	x \$ 130.00	10	x \$ 68.00	x \$ 680.00
16	Foreman/Supervisor - Straight/Regular Time	200	x \$ 35.00	x \$ 7,000.00	200	x \$ 49.50	x \$ 9,900.00
17	Foreman/Supervisor - Nights and Weekends	25	x \$ 35.00	x \$ 875.00	25	x \$ 67.00	x \$ 1,675.00
18	Foreman/Supervisor - Holidays	10	x \$ 35.00	x \$ 350.00	10	x \$ 84.25	x \$ 842.50
19	General Laborer - Straight/Regular Time	300	x \$ 9.00	x \$ 2,700.00	300	x \$ 34.00	x \$ 10,200.00
20	General Laborer - Nights and Weekends	20	x \$ 13.00	x \$ 260.00	20	x \$ 51.00	x \$ 1,020.00
21	General Laborer - Holidays	10	x \$ 13.00	x \$ 130.00	10	x \$ 68.00	x \$ 680.00
TOTAL BID, SECTION B (ITEMS 7-21):				\$ 49,070.00			\$ 95,645.00
SECTION A + SECTION B (SUM OF ITEMS 1-21):				\$ 144,370.00			\$ 195,695.00

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

CERTIFIED: *P Vice*
P. Vice, Purchasing Manager

Carolyn Key
Witness

10-16-15
Date

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
#:

5974

Vendor
Name:

King Electrical Contr, Inc.

Mail

☒ YES ☐ NO

Legistar#:

2015-0479

Address:

FOB Point:

Taxable

☐ YES ☒ NO

Expected Delivery Date:

City:

State:

Zip Code:

Ship to code:

104

Quotes Attached

☐ YES ☒ NO

Requester: Ginny Gundlach

Requester's Employee #:

2283

Extension:

3489

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	Installation of LED Light Poles & Fixtures - Town Brach Trail (Greathouse - Razorback)	1	LOT	19,700.00	\$19,700.00	4470.9470.5814.05	02016 / 1403		
2	Installation of LED Light Poles & Fixtures - Town Brach Trail (Beechwood - Hollywood)	1	LOT	46,540.00	\$46,540.00	4470.5470.5814.05	02016 / 1404		
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Per Bid 15-57 and Res No _____

Subtotal:

\$66,240.00

Tax:

\$0.00

Total:

\$66,240.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Chief Financial Officer: _____

Budget Director: _____

IT Director: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____



City of Fayetteville, Arkansas

Tentative Agenda
October 27, 2015
Page 47 of 184
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0493

Agenda Date: 11/3/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 7

BOYETTE STRATEGIC ADVISORS:

A RESOLUTION TO APPROVE A CONTRACT WITH BOYETTE STRATEGIC ADVISORS IN AN AMOUNT NOT TO EXCEED \$89,210.00 TO FACILITATE AND PREPARE AN UPDATE TO THE CITY'S ECONOMIC DEVELOPMENT STRATEGIC PLAN, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a contract, a copy of which is attached to this Resolution, with Boyette Strategic Advisors in an amount not to exceed \$89,210.00 to facilitate and prepare an update to the City's Economic Development Strategic Plan.

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



City of Fayetteville, Arkansas

Contract for Economic Development Strategic Planning Services

This contract executed this ____ day of _____, 2015, between the City of Fayetteville, Arkansas, and Boyette Strategic Advisors. In consideration of the mutual covenants contained herein, the parties agree as follows.

WITNESSETH:

WHEREAS, City has previously determined that it has a need for an update to the Economic Development Strategic Plan; and

WHEREAS, City, after soliciting competitive proposals for such services pursuant to City of Fayetteville RFP 15-11 (herein after referred to as Request for Proposal or RFP), City has awarded this contract to Boyette Strategic Advisors; and

WHEREAS, Boyette Strategic Advisors has represented that it is able to satisfactorily provide these services according to the terms and conditions of the RFP, which are incorporated herein by reference, and the terms and conditions are contained herein;

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

1. **Services to be Performed:** Boyette Strategic Advisors hereby agrees to provide the City with Economic Development Strategic Plan consulting services, as requested and more specifically outlined in the RFP, this agreement, and the attached Exhibit "A" *Services*. Boyette Strategic Advisors shall provide, as a minimum, professional services and dedicated personnel necessary to perform the following:

- a. A review and assessment of the Fayetteville economy, its demographics, and its evolution over time with a focus on our local employment and economic/quality of life strengths and constraints today and, as much as possible, an assessment of how our local economy will further evolve during the next 10 years.
- b. A benchmark of our current economic strengths and weaknesses against the state of Arkansas and other high performing cities in the United States.

- c. Assistance to City Administration and City Council in redefining its target businesses, identifying each target sector focus area and sector trends.
- d. A strategic economic development plan with clearly defined strategies that is comprehensive and realistic in terms of ongoing execution that enables productive growth that ultimately leads to sustained job creation.
- e. A review of the City's structure for economic development services and its economic development delivery system.
- f. A discussion of metrics to give guidance in the areas of: wealth creation, entrepreneurial growth, income/retail spending, construction, education/workforce training, environment/sustainability, transportation, etc.
- g. Recommendations for the production of marketing materials and branding, working within the structure of the City's brand and existing City web site.
- h. Identification of policy directives and incentives for retention and recruitment (to include entrepreneurial startups), and increasing investments in the building inventory for housing new and growing businesses.

2. **Time of Service:** Time is of the essence in this Agreement, and services shall be performed as identified in the Timeline found in Exhibit "A" attached hereto.

3. **Compensation:** As compensation for Boyette Strategic Advisors providing services to the City as described herein, the City shall pay Boyette Strategic Advisors an amount not to exceed \$89,210 inclusive of out-of-pocket expenses, based on the submission of invoices for work completed and properly authorized. The fee will be payable as follows:

- a. \$29,737 following the Project Launch Meeting
- b. \$29,737 following the Update/Directional Meeting
- c. \$29,736 following delivery and acceptance of the Economic Development Strategic Plan

4. **Insurance:** Boyette Strategic Advisors shall provide and maintain in force at all times during the term of the services contemplated herein insurance for Workers' Compensation, Commercial General Liability, Automobile Liability, and Errors and Omissions Liability. Such policies shall be issued by companies authorized to do business in the State of Arkansas. Evidence of such coverage is to be submitted with contract approval. Minimum amount for Commercial General Liability and Errors and Omissions Liability is \$1,000,000 aggregate.

5. **Term of Agreement:** Services performed pursuant to this Contract shall commence upon execution of this agreement and continue for the period specified in the Timeline in Exhibit "A" attached hereto, unless canceled or terminated within thirty (30) days written notice by either party.

6. **Amendment of Contract:** This Contract may be amended only by mutual agreement of the parties.

7. **Legal Compliance:** Boyette Strategic Advisors is responsible for full and complete compliance with all applicable laws, rules, regulations and licensing requirements imposed by any public authority having jurisdiction.

8. **Approval of Agent:** The City The City reserves the right to require Boyette Strategic Advisors to replace the assigned agent with another agent of the same company if, in the opinion of the City staff, the agent is not rendering or is incapable of rendering the quality of service and cooperation required.

9. **Auditable Records:** Boyette Strategic Advisors shall maintain such accounts and records in connection with its performance of services for the City as may reasonably be required by the City. Boyette Strategic Advisors shall, at any reasonable time during the term and for a period of one year following the completion of work under the contract, afford the City's agents and auditors reasonable facilities and access for examination and audit of its records pertaining to its performance and shall, upon request by the City, produce and exhibit all such records.

10. **Assignment and Subcontracting:** Boyette Strategic Advisors shall perform this contract. No assignment or subcontracting shall be allowed without the prior written consent of the City. In the event of a corporate acquisition and/or merger, Boyette Strategic Advisors shall provide written notice to the City within thirty (30) business days of such notice of action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a proposal to a Proposer, which has disclosed its intent to assign or subcontract in its response to the RFP, without exception shall constitute approval for purposes of this Agreement.

11. **Cancellation:** Either party reserves the right to cancel this Contract, without cause, by giving thirty (30) days' notice of the intent to cancel, or with cause if at any time either party fails to fulfill or abide by any of the terms or conditions specified.

Failure of Boyette Strategic Advisors to comply with any of the provisions of this contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.

In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source any services which have not been provided within the period of time

stated in the proposal, or if no such time is stated, within a reasonable period of time from the date of order or request, as determined by the City.

In the event that sufficient budgeted funds are not available for a fiscal period, the City shall notify Boyette Strategic Advisors of such occurrence and the Contract shall terminate on the last day of the then current fiscal period without penalty or expense to the City. The City reserves the right to terminate within the thirty (30) day notice because of budgetary issues.

12. **Indemnification:** Boyette Strategic Advisors shall indemnify, pay the cost of defense, including but not limited to attorneys' fees, and hold harmless the City from all suits, actions or claims of any character brought on account of any injuries or damages received or sustained by any person, persons, or property by or from the said Boyette Strategic Advisors; or by, or in consequence of any neglect in safeguarding the work; or on account of any act or omission, neglect or misconduct of Boyette Strategic Advisors; or by, or on account of, any claim or amounts recovered under the Workers' Compensation Law or of any other laws, by-laws, ordinances, order of decree, except only such injury or damage as shall have been occasioned by the sole negligence of the City of Fayetteville. The first ten dollars (\$10.00) of compensation received by Boyette Strategic Advisors represents specific consideration for this indemnification obligation.

Furthermore, Boyette Strategic Advisors, in performing its obligations under this contract, is acting independently and the City assumes no responsibility of liability for the Boyette Strategic Advisors' acts or omissions to third parties, and Boyette Strategic Advisors shall agree to indemnify and hold harmless, the City, its officers and employees against any and all claims, lawsuits, judgments, costs and expenses for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by Boyette Strategic Advisors' breach of the terms or provisions of contract, or by any negligent act or omission of Boyette Strategic Advisors, its officers, agents, employees, or invitee, in the performance of this contract; except that the indemnity specified in this paragraph shall not apply to any liability resulting from the sole negligence of the City, its officers, or employees. In the event of joint and concurrent negligence of both Boyette Strategic Advisors and the City, responsibility and indemnity, if any, shall be apportioned comparatively in accordance with the laws of the State of Arkansas, without, however, waiving any governmental immunity available to the City under Arkansas law and without waiving any defense of the parties under Arkansas law. This paragraph is solely for the benefit of Boyette Strategic Advisors and the City and is not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

13. **Governing Law & Jurisdiction:** Legal jurisdiction to resolve any disputes shall be Washington County, Arkansas with Arkansas law applying to the case.

City of Fayetteville, AR

Contract for Economic Development Strategic Planning Services (RFP 15-11)

Page 4 of 6

14. **Severability:** The terms and conditions of this agreement shall be deemed to be severable. Consequently, if any clause, term, or condition hereof shall be held to be illegal or void, such determination shall not affect the validity of legality of the remaining terms and conditions, and notwithstanding any such determination, this agreement shall continue in full force and effect unless the particular clause, term, or condition held to be illegal or void renders the balance of the agreement impossible to perform.

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

16. **Freedom of Information Act:** Documents prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, **Boyette Strategic Advisors** will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

17. **Documents Comprising Contract:** The contract shall include this Agreement for Economic Development Strategic Planning services, as well as the following documents, which are incorporated herein by reference.

- a. City of Fayetteville's Request for Proposal (RFP 15-11) and all of its addenda and attachments;
- b. **Boyette Strategic Advisors**' Scope of Services, Exhibit "A"

If there is a conflict between the terms of this Agreement and the above referenced documents, the conflict shall be resolved as follows: the terms of this Agreement shall prevail over the other documents, and the terms of the remaining documents shall be given preference in their above listed order.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2015.

BOYETTE STRATEGIC ADVISORS

CITY OF FAYETTEVILLE, ARKANSAS

By: Del Boyette
PRESIDENT / CEO
Printed Name & Title

LIONELD JORDAN, Mayor

ATTEST:

Jennifer Glasgow
Name

ATTEST:

Sondra Smith, City Clerk

225 E. Markham Suite 400
Business Address

Date Signed: _____

LITTLE ROCK, AR 72201
City, State & Zip Code

Date Signed: 10/14/15



Exhibit A

Services

BSA will create an Economic Development Strategic Plan for the City of Fayetteville. Following is an outline of the process and timeline.

Project Launch

The goals of the launch meeting will be to:

- Provide an overview of the process
- Identify project drivers
- Identify critical success factors
- Identify potential project challenges
- Identify stakeholders and determine plan for stakeholder engagement
- Facilitate group discussions with the designated core team members
- Discuss and select areas for the benchmarking research/analysis
- Discuss existing and potential targeted sectors
- Review proposed project timing
- Determine communication preferences
- Conduct a comprehensive tour of the city

Competitive Assessment

BSA will perform comprehensive national, state, regional and local economic and demographic research, using data points essential to developing a high-caliber program of work. This analysis will also include reviewing labor force characteristics, educational institutions, healthcare services, and cultural assets, as well as available sites and other real estate. BSA will analyze this data from the standpoint of the city's economic evolution over time, and, when possible, provide projections over the next ten years.

From this analysis, BSA will identify key demographic trends and forecasts, as well as social and economic factors and financial indicators that will be considered in development of the strategy. These critical success components will be a foundation for the strategic recommendations and developing a call to action.

Benchmarking Research

BSA will explore potential high-performing cities with the project team or committee at the project launch meeting; and once appropriate benchmarks are identified, BSA will provide an in-depth analysis of these communities, as well as the State of Arkansas, going beyond



comparisons of data sets. The benchmarking research will explore what is behind those data sets that have led to the community's overall economic success and will include a review of the organizational structure of the City of Fayetteville and each location, as well as current economic strengths and weaknesses. This benchmarking exercise will assist in developing the program of work and related recommendations by identifying best practices in each community.

Stakeholder Engagement

To generate a sense of ownership and nurture engagement, a significant component of the strategic planning process will involve gathering stakeholder input through a series of interviews or group discussions with key local individuals or groups to be identified during the project launch meeting. Additional stakeholder input may be obtained through one or more online surveys.

The result of this component of the process will be a summarized document that deeply explores the strengths, opportunities and desires of Fayetteville. This document will aid in formulating the strategic plan so that action steps are customized for the stakeholder groups and the Fayetteville project team.

Target Sector Identification

To identify the targeted sectors for this project, BSA will review both quantitative and qualitative data, beginning with a review of the targeted sectors of the Northwest Arkansas Council, as well as consideration of the current state targets. BSA will complete an economic base analysis to identify industries critical to the area, while considering current and projected growth rates at the state, national and local level. This analysis will include consideration and review of cluster data.

Throughout this process BSA will seek to refine and more narrowly define those targets, as well as identify new opportunities in additional sectors. Niche sectors will be identified with considerations given to the creative, diverse, intellectual and sustainable community present in Fayetteville. Additionally, BSA will explore workforce skills, talent pipeline, supporting infrastructure and innovations within the city that support each target.

Once the sectors and niche opportunities have been identified, BSA will conduct an Update/Directional Meeting with the Fayetteville project team to present the findings to date and to discuss the proposed targets to ensure buy-in. BSA will then develop a profile for each identified sector.



Recommendation Development

BSA will develop strategic recommendations for the City of Fayetteville to be most successful in recruiting the identified targets and in supporting the area's existing business base. In addition to broad strategies in these categories, action items will be outlined to support each strategy. Recommendations will address the following topics:

- Attainable Housing
- Artists and the Creative Economy
- Business Recruitment
- Economic Development Services and Delivery
- Education/Workforce
- Entrepreneurship and Innovation
- Existing Business Support
- Incentives for Retention, Recruitment and Startups
- Marketing Materials, Branding and Communications
- Partnership Development and Roles
- Product Development
- Quality of Place
- Sustainability
- Talent Retention and Recruitment, with a concentration on Millennials & Gen Z

Project Delivery, Implementation Matrix and Metrics

BSA will present the City of Fayetteville project team with a draft of the strategy at a Draft Deliverable Meeting. Once the draft is finalized, an Executive Summary will be prepared. BSA will deliver electronic copies of the final report, along with a separate Executive Summary, to the project team.

BSA will then prepare and present a summary presentation of the Economic Development Strategic Plan for Fayetteville to the project team and an audience of its choosing, which may include the various stakeholders and partners that participated in the development of the plan.

BSA will also develop an Implementation Matrix, which will include priorities, the overall strategies related to those priorities and the action items designed to achieve the overall goals, as well as assignment of responsibilities, timing, resources and status of each action item in the plan. The Implementation Matrix will be reviewed with the project team and modified as needed. It will serve as the ongoing working document for the project team in the implementation of the plan over the next three to five years. The Implementation Matrix will ensure that transparency, support and accountability will be carried forth throughout the duration of the strategy.



BSA will work with the project team to develop realistic and quantifiable metrics, and will include measures related to wealth creation, retail spending, construction, education, sustainability, transportation and entrepreneurship/innovation development in the city. These measures will focus on provide a true barometer of performance.



Timeline

The following table provides an overview of timing for the planning process that will be utilized for completion of the Economic Development Strategic Plan for the City of Fayetteville. This timetable also reflects major milestones, such as in-person meetings and deliverables.

City of Fayetteville Economic Development Strategic Plan		
Activity	Milestone	Completion/Delivery Date
Project Launch	In-person Meeting	November 2015
Competitive Assessment	Deliverable	Week of January 18, 2016
Benchmark Research	Deliverable	Week of January 18, 2016
Stakeholder Engagement	In-person Meetings	Project Launch – Week of February 22, 2016
Summary of Stakeholder Input	Deliverable	Week of February 22, 2016
Target Sector Identification	In-person Meeting/Deliverable	Week of February 22, 2016
Update Directional Meeting	In-person Meeting	Week of February 22, 2016
Recommendation Development	Deliverable	Week of March 14, 2016
Marketing Materials and Branding Recommendations	Deliverable	Week of March 14, 2016
Draft Deliverable Meeting	In-person Meeting	Week of March 14, 2016
Project Delivery, Implementation Matrix and Metrics	In-person Meeting/Deliverable	April 5, 2016



Deliverables

Following is a list of deliverables the City of Fayetteville will receive as part of this project:

- Target Sector Profiles
- Strategic Recommendations
- Marketing Materials and Branding Recommendations
- Supporting Documentation
 - *Stakeholder Interview/Group Discussion Summary*
 - *Survey Summary(ies)*
 - *Competitive Assessment*
 - *Benchmarking Report*
 - *Targeted Sector Review Data*
- Executive Summary
- Summary Presentation
- Implementation Matrix
- Metrics

City of Fayetteville Staff Review Form

2015-0493

Legistar File ID

11/3/2015

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

Jeremy Pate

9/16/2015

Development Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to approve a contract with Boyette Strategic Advisors to perform consulting services in the preparation of an update to the City's Economic Development Strategic Plan, and to approve a budget adjustment.

Budget Impact:

1010.6600.5315.00		General Fund	
Account Number		Fund	
15031-1		Contract Services	
Project Number		Project Title	
Budgeted Item?	No	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	Yes	Item Cost	\$ 89,210.00
		Budget Adjustment	\$ 89,210.00
Budget Adjustment Attached?	Yes	Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 03, 2015

TO: Mayor Lioneld Jordan
Fayetteville City Council

THRU: Don Marr, Chief of Staff

FROM: Jeremy Pate, Development Services Director 

DATE: September 16, 2015

SUBJECT: Economic Development Strategic Plan

RECOMMENDATION:

Staff recommends approval of a contract with Boyette Strategic Advisors to facilitate and prepare an update to the City's Economic Development Strategic Plan, as described in the attached scope of services.

BACKGROUND:

The City's economic development goals, focus areas and target industries are currently driven largely by strategic plan objectives that were created in 2008-2009, when two studies were conducted for Fayetteville related to our economic development strategy. In 2008 Eva Klein & Associates produced a strategic framework commissioned as a joint project between the University and City. This study was conducted on the precipice of the economic recession, and was in direct response to falling revenue, development/housing issues and a national economy in turmoil. In 2009 Mayor Jordan led a collaborative visioning process facilitated by Bliss Browne of Imagine Chicago called Fayetteville Forward; this process focused on a variety of topics around which the City and volunteers could spur eventual action in target areas such as transportation, local foods, inclusion, a creative economy, public education, a green economy, job growth, and so forth.

The Fayetteville Chamber of Commerce was selected by the City Council through a competitive bidding process in 2009 to perform economic development consulting services. The City defined specific focus areas, work tasks and deliverables for the Chamber to achieve as part of the contract using the information gained from the two studies. Those services are still be provided today.

DISCUSSION:

Recent discussions with Council members, both during economic development updates over the past two years and at City Council input sessions called by the Mayor, indicate there is a desire for the City to update its Strategic Plan as it relates to economic development. The Mayor agrees with this direction, and prepared an RFP calling for proposals to conduct a strategic plan update. After shortlisting and interviewing candidates, the selection committee has recommended Boyette

Strategic Advisors to facilitate and prepare an update to the City's Economic Development Strategic Plan.

Boyette brings a wealth of knowledge in this arena, and has an office located in Arkansas. Mr. Boyette in particular has experience with the Arkansas Economic Development Commission (AEDC), familiarity with state laws that impact what a city can and cannot do related to economic development, and a project client list and experience that will enable their office to bring a fresh perspective to Fayetteville. Boyette has also recently worked with Bentonville providing economic development services, thus they have a close familiarity with the Northwest Arkansas economic climate, which is different than much of the State.

BUDGET/STAFF IMPACT:

The proposal for economic development strategic plan consulting services is not to exceed \$89,210, including all expenses. These funds are proposed to be drawn from the proceeds of the Wilson Springs and Tyson property sales. The overall contract will be managed by Jeremy Pate, Development Services Director. It is anticipated a final presentation will be made to the Council by April of 2016, approximately a 5-month contract.

Attachments:

Proposed Contract and Scope of Services
Budget Adjustment

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

Budget Year	Division: Development Services	Adjustment Number
2015	Dept.: Development Services	
	Requestor: Jeremy Pate	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

\$89,210 is requested in the Economic Development Services account. These funds will be used for a contract with Boyette Strategic Advisors to facilitate an update to the City's Economic Development Strategic Plan. The funds are being taken from the Use of Designated Fund Balance and are from the proceeds of the sale of Wilson Springs (\$52,991) and the Tyson property which is part of Fund Balance.

RESOLUTION/ORDINANCE	COUNCIL DATE:	11/3/2015
	LEGISTAR FILE ID#:	2015-0493
	<i>Kevin Springer</i> 10/16/2015 10:13 AM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL	89,210	89,210						v.20150925
	Increase / (Decrease)		Project.Sub#					
Account Number	Expense	Revenue	Project	Sub	AT	Account Name		
1010.6600.5315.00	89,210	-	15031	1	EX	Contract Services		
	-	-						
1010.0001.4999.98	-	52,991	15031	1	RE	Use of Designated Fund Balance		
1010.0001.4999.99	-	36,219			RE	Use of Fund Balance		
	-	-						
	-	-						
	-	-						
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	-	-						
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	-	-						
	-	-						
	-	-						



City of Fayetteville, Arkansas

Tentative Agenda
October 27, 2015
Page 64 of 184
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0494

Agenda Date: 11/3/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 1

CROSSLAND CONSTRUCTION COMPANY, INC. CHANGE ORDER NO. 8:

A RESOLUTION TO APPROVE CHANGE ORDER NO. 8 TO THE CONTRACT WITH CROSSLAND CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$715,453.00 TO ADD A FOURTH BASEBALL FIELD AND LIGHTING FOR THE SOCCER COMPLEX AT THE REGIONAL PARK, TO APPROVE AN ADDITIONAL PROJECT CONTINGENCY IN THE AMOUNT OF \$9,547.00, 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 Change Order No. 8 to the contract with Crossland Construction Company, Inc. in the amount of \$715,453.00 to add a fourth baseball field and lighting for the soccer complex at the Regional Park, and further approves an additional project contingency in the amount of \$9,547.00.

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

City of Fayetteville Staff Review Form

2015-0494

Legistar File ID

11/3/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Alison Jumper

10/9/2015

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of Change Order Number eight to contract #2359 with Crossland Construction for a contract increase in the amount of \$715,453, an additional \$9,547 project contingency and approval of a budget adjustment.

Budget Impact:

2250.9255.5806.00

Parks Development

Account Number

Fund

'02002.9000

Regional Park

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 8,562,338.00

Funds Obligated \$ 8,061,157.86

Current Balance \$ 501,180.14

Does item have a cost? Yes

Item Cost \$ 725,000.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 725,000.00

Remaining Budget \$ 501,180.14

V20140710

Previous Ordinance or Resolution # 56-15

Original Contract Number: 2359

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 3, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director

FROM: Alison Jumper, Park Planning Superintendent

DATE: October 16, 2015

SUBJECT: Approval of Change Order number eight to contract #2359 with Crossland Construction for the construction of the Regional Park and approval of a budget adjustment

RECOMMENDATION:

Staff recommends approval of Change Order Number eight to contract #2359 with Crossland Construction for a contract increase in the amount of \$715,453, an additional \$9,547 project contingency and approval of a budget adjustment.

BACKGROUND:

The City of Fayetteville began constructing the first phase of the Regional Park in March of 2015. The current phase includes the construction of three baseball fields, six soccer fields, water, sewer, and electric utilities, road and parking lot construction, a great lawn area and two restroom/concession buildings. This phase of the project is anticipated to be complete in the fall of 2016.

DISCUSSION:

The bid for Phase One of the park originally included the construction of the entry road, water, electric, and sewer infrastructure, six lighted soccer fields, four lighted baseball fields, two restroom/concession buildings, a playground and associated parking. The low bid for the project was over budget due to challenging topography, geology and other site constraints.

City staff and the consulting team identified savings through value engineering to bring the project in budget. Two of the items removed included the fourth baseball field and the sports lighting for the soccer fields. The fourth baseball field would complete the set of four intended for Phase One, and also allow for programming and tournaments to be held. Lighting the soccer fields will allow extended hours of use, accommodating additional teams in our youth program and provide opportunities for other clubs to utilize the fields such as ultimate frisbee, rugby, and club soccer.

BUDGET/STAFF IMPACT:

Funding is available in the amount of \$425,000, in Parks Development Reserves Fund; \$130,000 in Donations and \$170,000 collected in the Park Land Dedication Fund from residential development in the southwest park quadrant.

Attachments:

Signed Change Order No. 8
Budget Adjustment

AIA[®] Document G701[™] – 2001

Change Order

PROJECT (Name and address): Fayetteville Regional Park, Phase 1 Judge Cummings Road Fayetteville, Arkansas	CHANGE ORDER NUMBER: 008 DATE: 10/15/2015	OWNER: ☐ ARCHITECT: ☐ CONTRACTOR: ☐ FIELD: ☐ OTHER: ☐
TO CONTRACTOR (Name and address): Crossland Construction Company, Inc. PO Box 45 Columbus, KS 66725	ARCHITECT'S PROJECT NUMBER: 13144 CONTRACT DATE: TBD CONTRACT FOR: General Construction of Phase 1 of Fayetteville Regional Park	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

1. Add Baseball Field #4: 1 ls = \$305,453.00
2. Add Sports Lighting for Soccer Complex: 1 ls = \$410,000.00

Total: \$715,453.00

The original Contract Sum was	\$	11,788,362.19
The net change by previously authorized Change Orders	\$	-2,322,460.58
The Contract Sum prior to this Change Order was	\$	9,465,901.61
The Contract Sum will be increased by this Change Order in the amount of	\$	715,453.00
The new Contract Sum including this Change Order will be	\$	10,181,354.61

The Contract Time will be decreased by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is 492 calendar days.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Lose & Associates, Inc.
ARCHITECT (Firm name)

1314 5th Ave N, Suite 200
Nashville, TN 37208

ADDRESS



BY (Signature)

John Lavender, RLA

(Typed name)

10/15/15
DATE

Crossland Construction Company, Inc.
CONTRACTOR (Firm name)

PO Box 45
Columbus, KS 66725

ADDRESS



BY (Signature)

Randy Ambrose

(Typed name)

10.16.15
DATE

City of Fayetteville

OWNER (Firm name)

113 West Mountain Street
Fayetteville, AK 72701

ADDRESS



BY (Signature)

(Typed name)

DATE

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

Budget Year 2015	Division: Parks & Recreation Dept.: Parks & Recreation Requestor: Alan Bearden	Adjustment Number
--------------------------------	---	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

To recognize revenues received for Park Land Dedication (SW), from FNHA, and from fund balance. The revenue is to be used for: a change order to the Crossland Construction contract at Regional Park for a fourth baseball field (\$305,453) for programming and for tournaments to be held. Additionally, lighting for the soccer fields (\$410,000) will be added to allow extended hours of use, accommodating additional teams in our youth programming and to provide opportunities for other clubs to utilize the fields such as ultimate frisbee, rugby, and club soccer and \$9,547 in project contingency.

RESOLUTION/ORDINANCE	COUNCIL DATE: 11/3/2015
	LEGISTAR FILE ID#: 2015-0494
	<i>Barbara Fell</i> 10/19/2015 8:38 AM
	Budget Director _____ Date _____
	TYPE: _____ DESCRIPTION: _____ GLDATE: _____ POSTED: _____ / _____

TOTAL	725,000	725,000						v.20150925
	Increase / (Decrease)		Project.Sub#					
Account Number	Expense	Revenue	Project	Sub	AT	Account Name		
2250.9255.5806.00	130,000	-	02002	9000	EX	Park Improvements		
2250.9256.5806.00	170,000	-	02002	9000	EX	Park Improvements		
2250.0925.4419.02	-	170,000	02002	9000	RE	Greenspace Fees - SW		
2250.0925.4809.00	-	130,000	14017	1	RE	Donations		
	-	-						
2250.9255.5806.00	425,000	-	02002	9000	EX	Park Improvements		
2250.0925.4999.99	-	425,000			RE	Use of Fund Balance		
	-	-						
	-	-						
	-	-						
	-	-						
	-	-						
	-	-						
	-	-						



City of Fayetteville, Arkansas

Tentative Agenda
October 27, 2015
Page 70 of 184
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0495

Agenda Date: 11/3/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 2

TREE PRESERVATION AREA VACATION FOR CRAIN AUTOMOTIVE:

A RESOLUTION TO REJECT THE RECOMMENDATION OF THE URBAN FORESTER WHO DETERMINED THAT THE TREE PRESERVATION AND MITIGATION AREAS IN EASEMENTS AND DEDICATIONS AGREED TO AND SIGNED BY THE OWNER/DEVELOPER ON JUNE 25, 2014, SHOULD NOT BE VACATED OR CHANGED BY A NEW DEVELOPMENT PROPOSAL FOR THIS ACREAGE

WHEREAS, Lots 13 through 19 of Meadow Field Subdivision along Shiloh Drive was approved for development of a Hyundai car dealer in June of 2014; and

WHEREAS, the owner/developer proposed about 10% of this acres be dedicated for tree preservation and that the remaining tree preservation requirement be accomplished by planting thirty-nine (39) on site mitigation trees and the remainder required by the Tree Ordinance be paid into the Tree Escrow Account; and

WHEREAS, the owner/developer signed the easement plat for these 7 lots documenting the tree preservation areas and easements on June 25, 2014 which was filed for record on June 27, 2014; and

WHEREAS, the owner/developer in September of 2015 presented preliminary plans for a new Tree Preservation Plan to the Urban Forester for a second car dealership (Volkswagon) to be constructed on three of these lots; and

WHEREAS, these preliminary plans proposed construction of infrastructure and parking areas within tree preservation and mitigation areas previously protected by the developer's June 2014 easement plat; and

WHEREAS, the Urban Forester rejected the owner/developer's proposal to allow the vacation of 5,300 square feet of tree preservation area and the relocation of all 39 planted mitigation trees by planting sufficient new mitigation trees somewhere off-site.

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 determines to reject the recommendation of the Urban Forester who determined that the tree preservation and mitigation areas in

easements and dedications agreed to and signed by the owner/developer on June 25, 2014, should not be vacated or changed by a new development proposal for this acreage.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby determines that vacated tree preservation areas and mitigation trees to be lost will be replaced by requiring the owner/developer to either plant and maintain for a new three year period on or off-site mitigation trees, off-site forestation, payment into the Tree Escrow Account, a combination of these measures or other code required manners when tree preservation cannot be achieved.

City of Fayetteville Staff Review Form

2015-0495

Legistar File ID

11/3/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Derek Linn

10/16/2015

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends denial of a request to vacate portions of an existing tree preservation easement.

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 NOVEMBER 3, 2015

TO: Mayor and Fayetteville City Council

THRU: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director
Alison Jumper, Park Planning Superintendent
Andrew Garner, City Planning Director

FROM: Derek Linn, Urban Forester

DATE: November 3, 2015

SUBJECT: Tree Preservation Area vacation for Crain Automotive

RECOMMENDATION:

Staff recommends denial of a request to vacate portions of an existing tree preservation area.

BACKGROUND:

The subject property is located along Foxglove Drive and west of N. Shiloh Drive. The property is part of the recently improved Lots 13, 14, 15, 16, 17, 18, and 19 of Meadow Field Subdivision, which was filed of record in June, 2014. A condition of the development approval of the recently constructed Hyundai car dealership required for 0.84 acres be protected within a tree preservation area in the larger 11 acre area.

On May 24, 2014 the Planning Commission approved LSD 14-4640 including proposal of a 30,000 square foot retail/service building and display lot, with staff conditions of approval. Owning all of Lots 13 through 19, the applicant chose to consider this entire site area to meet overall tree preservation requirements for both the proposed Hyundai site and for a future development to be constructed on Lots 15, 16 and 19. (Exhibit B).

The applicant proposed to staff the amount of tree canopy that could be preserved on-site, and this was determined and approved at 40,997 square feet, or approximately 10% of the overall site area reviewed. Approximately 36,512 square feet of this mature, contiguous forest was protected in a tree preservation area, which is a standard requirement of large scale developments to ensure long term protection (167.04)(L)(1). As less than the minimum required by code was preserved on-site, the applicant met the remainder of the tree preservation requirement by planting on-site mitigation trees and paying into the tree escrow account. Thirty-nine (39) mitigation trees were planted on Lot 19, adjacent and north of the tree preservation area.

An easement plat was recorded at the Washington County Courthouse on June 27, 2014, which documented easements and tree preservation areas required to construct the Hyundai Dealership per Unified Development Code. Owner representative Chris Crain signed the easement plat on June 25, 2014.

In September 2015 consultants presented preliminary plans to the Urban Forester indicating a proposed Volkswagen car dealership to be constructed on Lots 15, 16, and 19. The footprint of the proposed construction indicated that infrastructure and parking lot were proposed within the mitigation and tree preservation areas.

Urban Forestry provided the consultant with a copy of the easement plat that was signed in 2014, noting that limits of disturbance would need to work outside the tree preservation easement and mitigation trees. Staff suggested reconfiguring the site plan to work around these areas. Staff noted that tree preservation requirements for both the existing Hyundai and the proposed Volkswagen were met for the overall site through the 2014 approval, and that designing within this parameter set up by developer would require no additional mitigation. Staff suggested looking at design alternatives to meet the needs of the client while working around the tree protection areas provided in 2014.

DISCUSSION

The applicant has requested to vacate approximately 5,300 square feet of a tree preservation area. The proposed development also encompasses the area where 39 mitigation trees were recently planted in 2014 (Exhibit A).

For the impact requested, the applicant has proposed (Exhibit C):

- 1) To relocate and re-bond the thirty-nine (39) recently planted on-site mitigation trees at a location to be determined by staff, and
- 2) To plant thirty-six (36) 2" caliper trees at a location to be determined by staff, in lieu of the 5,300 square feet of existing canopy currently protected within easement. This is equivalent to 1.5 times the amount that would be required by code to mitigate this area of high priority canopy.

Recommendation:

Staff recommends denial of the request to vacate or modify the tree preservation area through the following determination:

- 1) The area being requested for vacation was required in 2014 through Planning Commission conditions of approval for construction of the recently completed and adjacent Hyundai complex.
- 2) According to the Principles of Chapter 167, "Preservation shall be the first, best, and standard approach" (167.01(B)). The tree preservation area as platted meets the minimum tree preservation requirements for the existing Hyundai, as well as the proposed Volkswagen.
- 3) New 2" caliper trees in lieu of mature canopy currently preserved would not be preferable or in the best interest of the City of Fayetteville. The mature trees are currently providing benefit while newly planted trees take years to reach the potential of an existing forest.
- 4) It is unclear with the applicant's proposal where the 76 replacement trees would be planted. (Exhibit C) The applicant has verbally suggested the owner may have an interest in off-site forestation in a city park. However, Parks staff and the Urban Forester have not identified a nearby park where the off-site forestation would be advisable. The intent of this off-site option on public property is to plant nearby where the benefits can be mitigated close to the location of impact (167.04(J)(3)(b)).
- 5) There is not adequate space per the proposed site plan for Volkswagen to accommodate the trees on-site (Exhibit D).

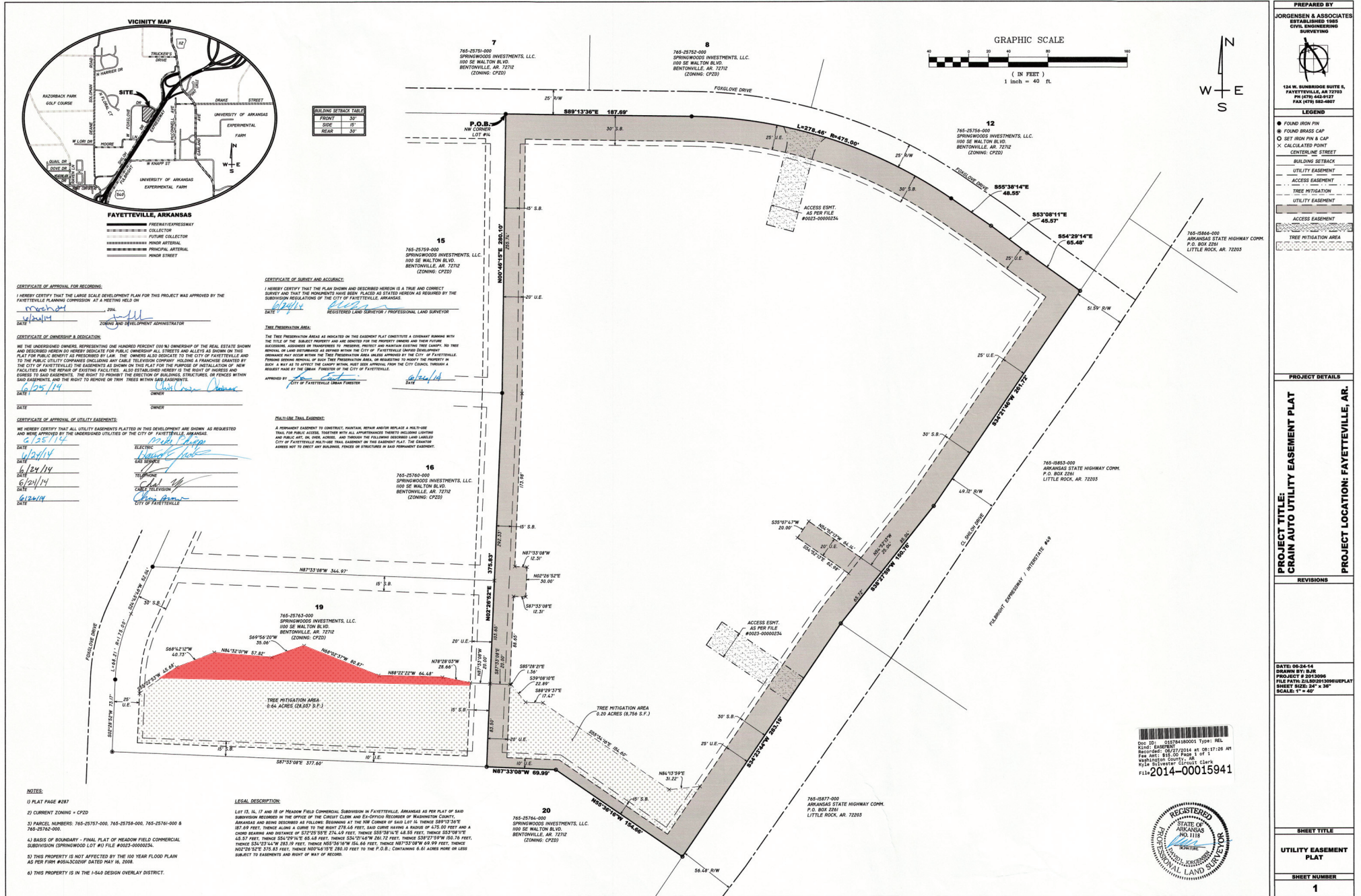
- 6) There is an overall lack of detail in the applicant's proposal in which staff do not feel adequate planning for replacement trees has been considered; or that this is a reasonable submittal in the best interest of the City or intent of Chapter 167.
- 7) Removal of mature canopy trees located in tree preservation areas has not been a practice of the City in administration of Chapter 167, with the primary intent of preservation of our City's urban forest.

BUDGET/STAFF IMPACT:

None

Attachments:

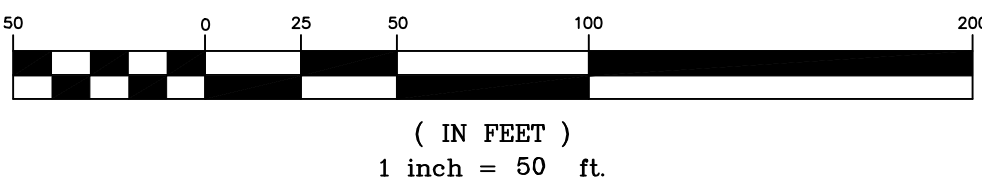
- Exhibit A Vacation Request Estimate on Plat
- Exhibit B 14-4640 Tree Preservation and Landscape Plans
- Exhibit C Applicant Proposal
- Exhibit D Proposed Site Plan October 2015
- Exhibit E 14-4640 Urban Forestry Staff Reports
- Exhibit F Legal Description



LEGAL DESCRIPTION

LOT 13, 14, 17 AND 18 OF MEADOW FIELD COMMERCIAL SUBDIVISION IN FAYETTEVILLE, ARKANSAS AS PER PLAT OF SAID SUBDIVISION RECORDED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID LOT 14, THENCE S89°13'36"E 187.69 FEET, THENCE ALONG A CURVE TO THE RIGHT 278.46 FEET, SAID CURVE HAVING A RADIUS OF 475.00 FEET AND A CHORD BEARING AND DISTANCE OF S72°25'55"E 274.49 FEET, THENCE S55°38'14"E 48.55 FEET, THENCE S53°08'11"E 45.57 FEET, THENCE S54°29'14"E 65.48 FEET, THENCE S34°21'46"W 261.72 FEET, THENCE S38°27'59"W 150.76 FEET, THENCE S34°23'44"W 283.19 FEET, THENCE N55°36'16"W 154.66 FEET, THENCE N87°33'08"W 69.99 FEET, THENCE N02°26'52"E 375.83 FEET, THENCE N00°46'15"E 280.10 FEET TO THE P.O.B.; CONTAINING 6.61 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

GRAPHIC SCALE

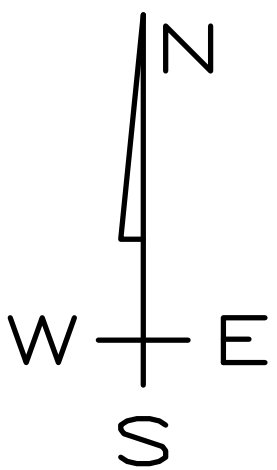
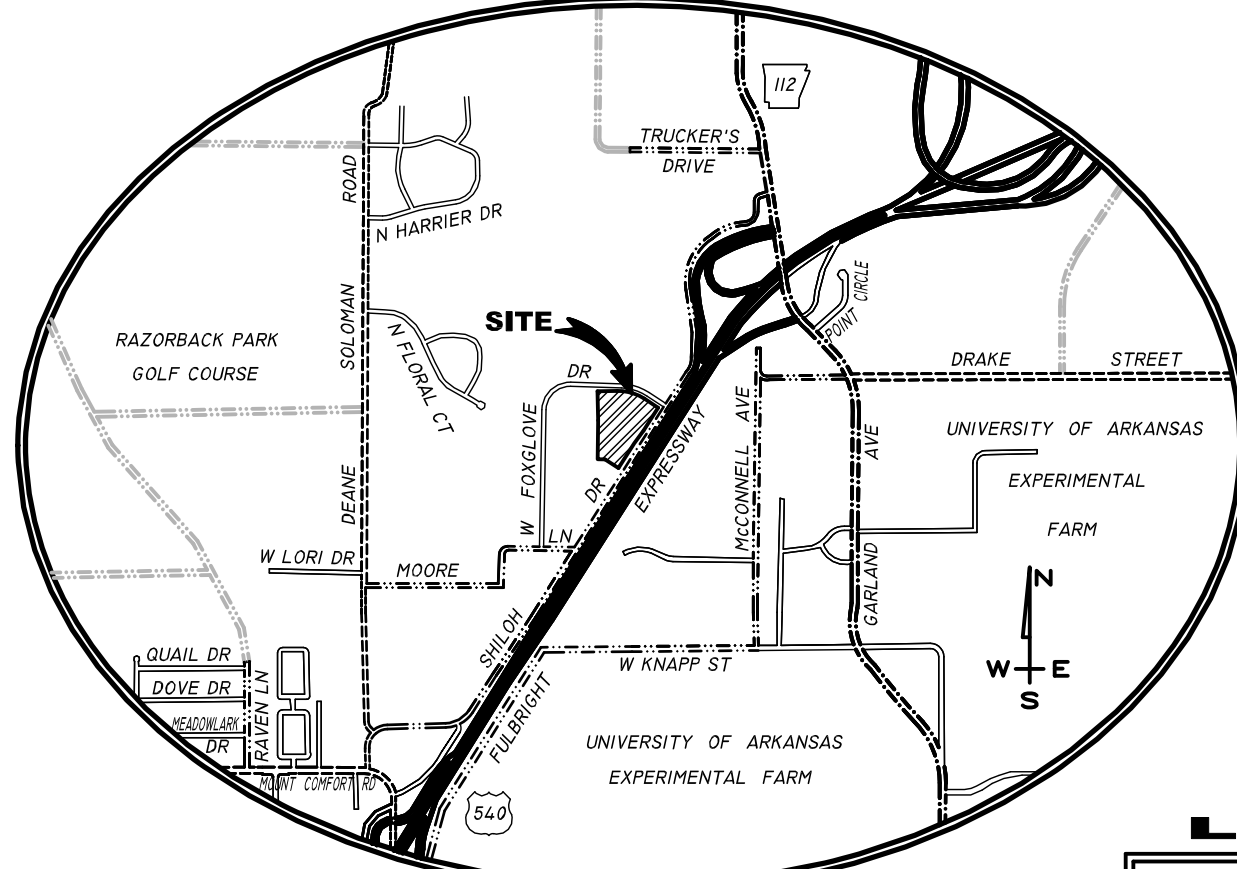


TREE PRESERVATION TREES

MITIGATION TREES FOR EARLY GRADING PLAN:
12 TREES PROVIDED ON-SITE.

MITIGATION FOR FUTURE DEVELOPMENT:
19 TREES PROVIDED ON-SITE

VICINITY MAP



LEGEND

- CALCULATED POINT
- SET IRON PIN & CAP
- ⊗ SET CHISELED "X"
- ⊗ EXISTING POWER POLE
- ⊗ EXISTING FIRE HYDRANT
- ⊗ TELEPHONE PEDESTAL
- ⊗ PROPOSED MANHOLE
- ⊗ EXISTING MANHOLE
- NEW LOT LINE
- EXISTING DRAINAGE PIPE
- UTILITY EASEMENT
- BUILDING SETBACK
- CENTERLINE STREET
- EXISTING WATERLINE
- EXISTING 8" SEWER LINE
- PROPOSED 8" SEWER LINE
- EXISTING SIDEWALK
- PROPOSED SIDEWALK
- EXISTING CONTOUR
- FINISHED CONTOUR
- SILT FENCE

ENGINEER:

JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS INC.
124 WEST SUNBRIDGE SUITE 5
FAYETTEVILLE, AR 72703
(479) 442-9127

OWNER:

CRAIN AUTOMOTIVE TEAM
1003 MUSEUM ROAD
CONWAY, AR 72034

KEY	SPECIES	SIZE DBH	HEALTH	PRIORITY	NOTES
1	OAK	28"	GOOD	HIGH	SAVED
2	OAK	14"	GOOD	HIGH	REMOVE
3	PERSIMMON	14"	GOOD	MID	REMOVE
4	PERSIMMON GROUP (12"-24")	20"	GOOD	MID	SAVED
5	OAK	12"	GOOD	HIGH	REMOVE

TREE PRESERVATION CALCULATIONS	acres	sq feet	%
TOTAL SITE AREA*		411,459	100%
ZONING: PZD 25 % SITE MIN		102,885	25%
EXISTING TREE CANOPY*		57,283	14.18%
TREE CANOPY PRESERVED		48,835	12.24%
TREE CANOPY REMOVED		10,590	2.54%
TREE CANOPY BELOW MIN (EX CANOPY)		7,306	1.80%

*TOTAL SITE AREA: IS PROPERTY LINE MINUS MASTER STREET PLAN ROW, EXISTING EASEMENTS, AND DEDICATED PARKLAND.
*EXISTING TREE CANOPY: IS TOTAL TREE CANOPY MINUS MASTER STREET PLAN ROW AND EXISTING EASEMENTS.
- NO TRENCING IRRIGATION LINES THROUGH PRESERVED TREES.

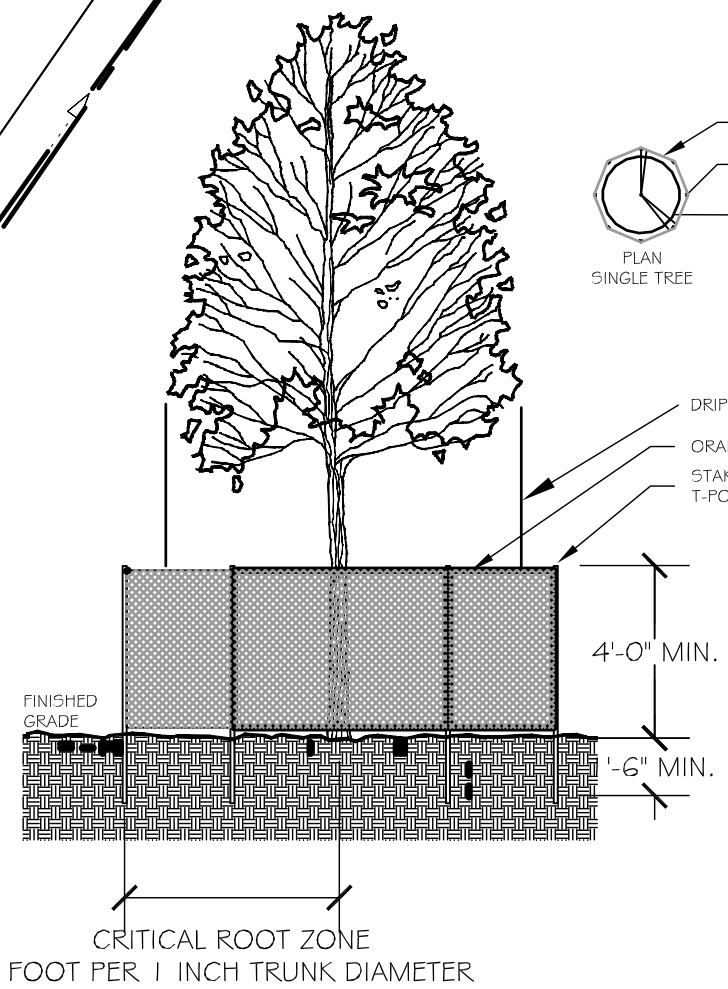
Canopy Below Required	Preservation Priority/Type	Forestation Base Density (#/ft2)	Number of 2" caliper trees to be planted
11,933 sf 11,000 FT2	HIGH PRIORITY	218	55
	MID PRIORITY	290	
4,963 sf	LOW PRIORITY	436	12

Mitigation Type Requested	Qty	Each	Total Cost
ON-SITE MITIGATION	39		
OFF-SITE MITIGATION	28		
TREE ESCROW	67	\$675	\$18,900
TOTAL MITIGATION	134		\$18,900

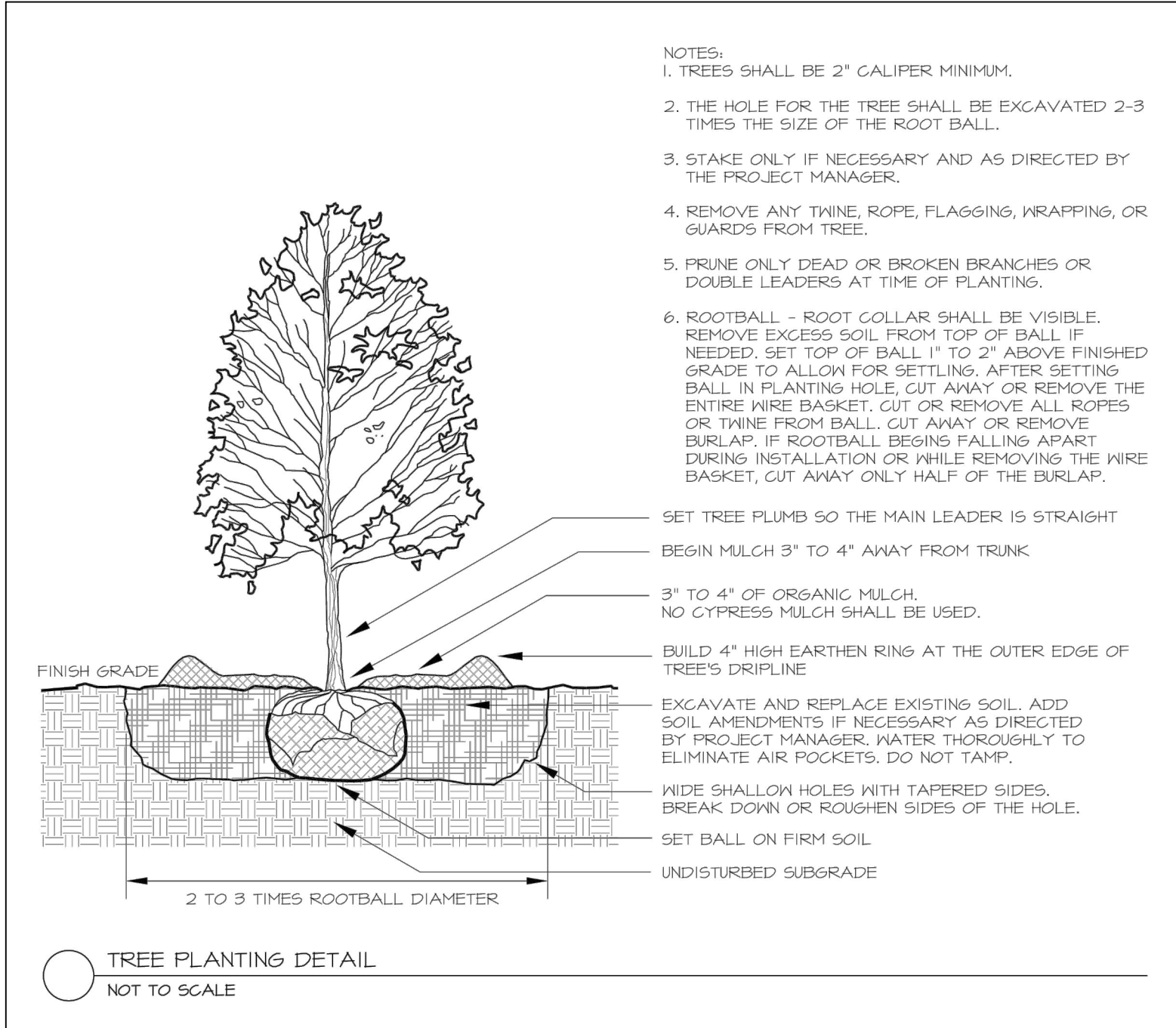
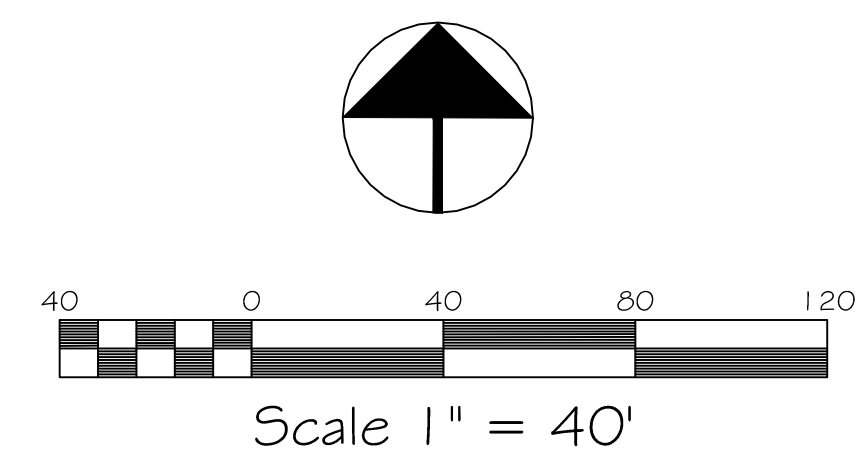
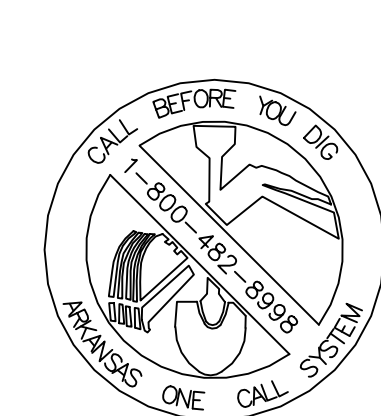
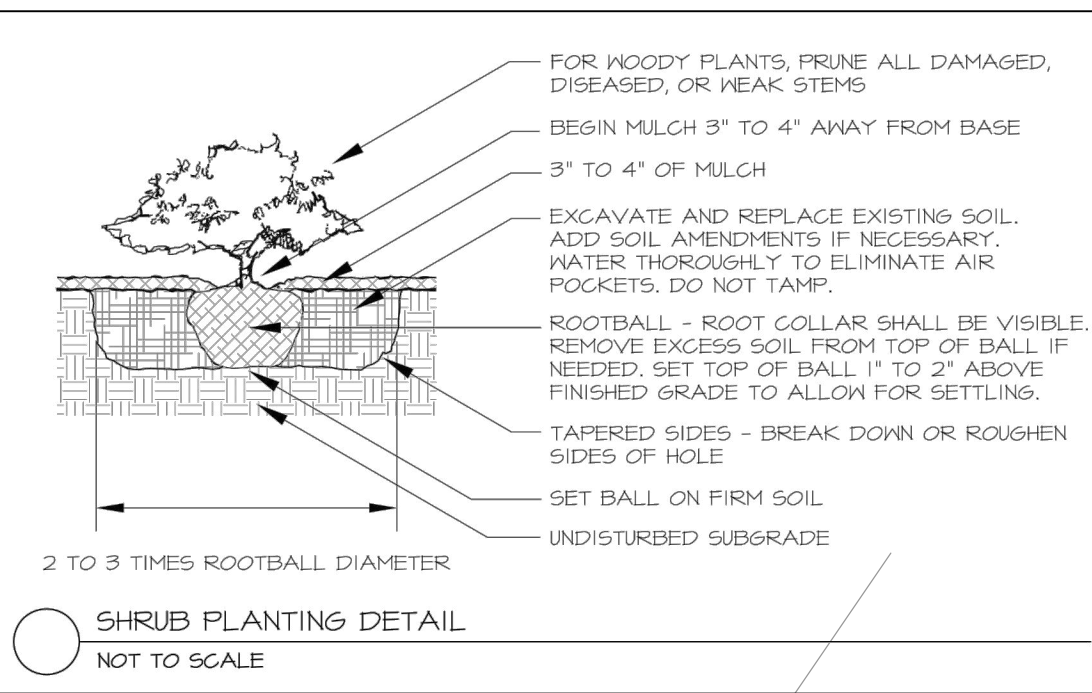
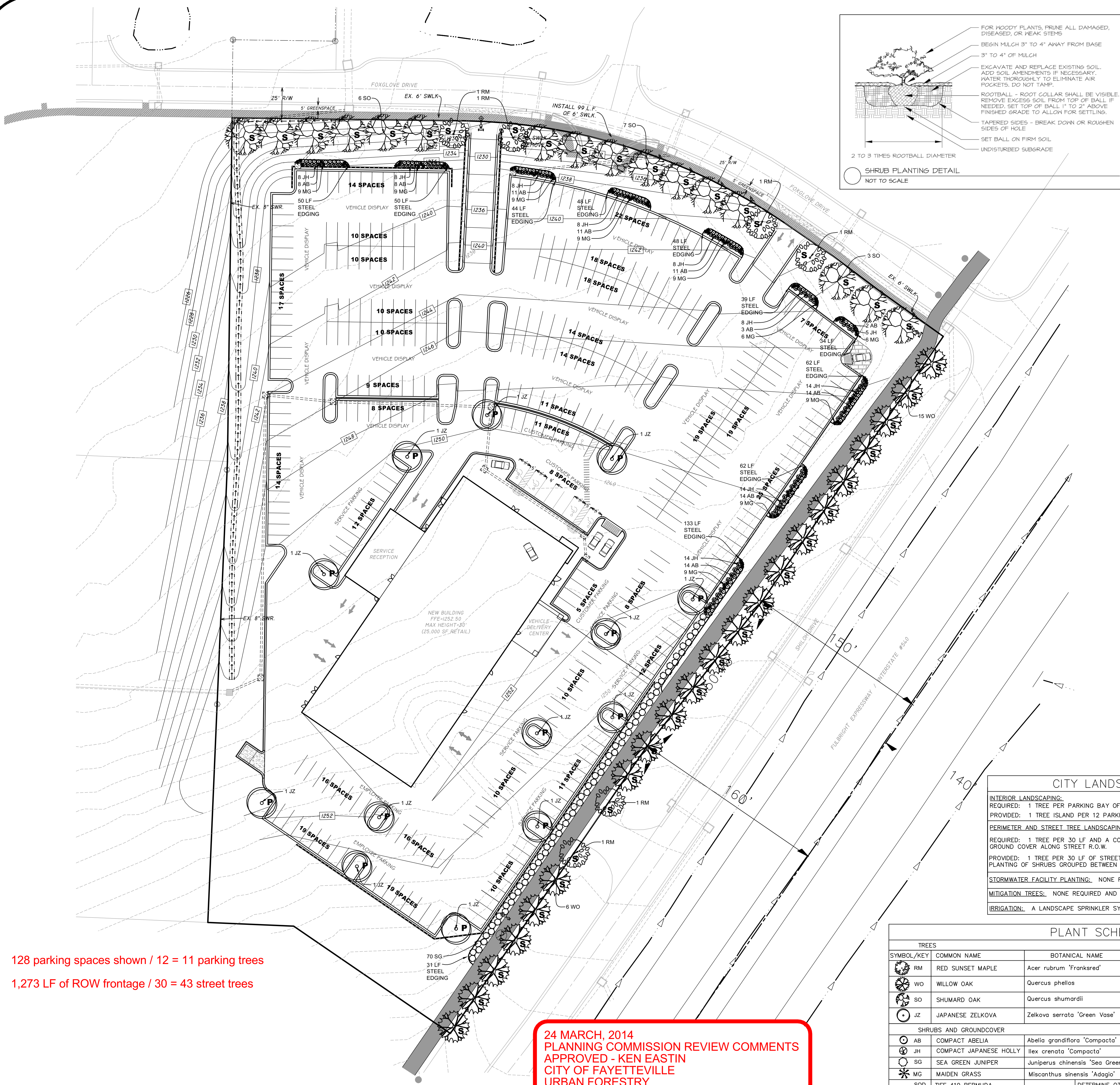
Mitigation Trees - 39 minimum to be planted on site

CITY OF FAYETTEVILLE STANDARD NOTES FOR TREE AND NATURAL AREA PROTECTION:

- ALL TREES AND NATURAL AREAS SHOWN ON THIS PLAN TO BE PRESERVED SHALL BE PROTECTED DURING CONSTRUCTION WITH TEMPORARY FENCING.
- PROTECTIVE FENCES SHALL BE ERECTED ACCORDING TO CITY OF FAYETTEVILLE STANDARDS FOR TREE PROTECTION.
- PROTECTIVE FENCES SHALL BE INSTALLED PRIOR TO THE START OF ANY SITE PREPARATION WORK AND SHALL BE MAINTAINED THROUGHOUT ALL PHASES OF CONSTRUCTION PROJECT.
- EROSION AND SEDIMENTATION CONTROL BARRIERS SHALL BE INSTALLED OR MAINTAINED IN A MANNER WHICH DOES NOT RESULT IN SOIL BUILD-UP WITHIN TREE DRIPLINES.
- PROTECTIVE FENCES SHALL SURROUND TREE OR GROUP OF TREES AND WILL BE LOCATED AT THE DRIPLINE FOR NATURAL AREAS; PROTECTIVE FENCES SHALL FOLLOW THE LIMIT ON CONSTRUCTION IN ORDER TO PREVENT THE FOLLOWING:
 - SOIL COMPACTION IN THE ROOT ZONE AREA RESULTING FROM VEHICULAR TRAFFIC OR STORAGE OF EQUIPMENT.
 - ROOT ZONE DISTURBANCES DUE TO GRADE CHANGES (GREATER THAN 6" ROOT TRENCING NOT VIEWED BY CITY ARBORISTS).
 - WOUNDS TO EXPOSED ROOTS, TRUNK OR LIMBS BY MECHANICAL EQUIPMENT.
 - OTHER ACTIVITIES DETRIMENTAL TO TREES SUCH AS CHEMICAL STORAGE, CONCRETE TRUCK CLEANING, AND FIRES.
- EXCEPTIONS TO INSTALLING FENCES AT TREE DRIPLINES MAY BE PERMITTED IN THE FOLLOWING CASES:
 - WHERE THERE WILL BE AN APPROVED GRADE CHANGE, IMPERMEABLE PAVING SURFACE, TREE WELL, OR OTHER SUCH SITE DEVELOPMENT.
 - WHERE PERMEABLE PAVING IS TO BE INSTALLED WITHIN A TREE'S DRIPLINE, ERECT THE FENCE AT THE OUTER LIMITS OF THE PERMEABLE PAVING AREA (PRIOR TO THE SITE GRADING SO THIS AREA IS GRADED SEPARATELY PRIOR TO PAVING INSTALLATION TO MINIMIZE ROOT DAMAGE).
 - WHERE TREES ARE CLOSE TO PROPOSED BUILDINGS, ERECT THE FENCE TO ALLOW 6 TO 10 FEET OR WORK SPACE.
- WHERE ANY OF THE ABOVE EXCEPTIONS RESULT IN A FENCE BEING CLOSER THAN 4 FEET TO A TRUNK, PROTECT THE TRUNK WITH STRAPPED PLANKING TO A HEIGHT OF 8 FEET (OR TO THE LIMITS OF LOWER BRANCHES) IN ADDITION TO THE REDUCED FENCING PROVIDED.
- TREES APPROVED FOR REMOVAL SHALL BE REMOVED IN A MANNER WHICH DOES NOT IMPACT TREES TO BE PRESERVED.
- ANY ROOTS EXPOSED BY CONSTRUCTION ACTIVITY SHALL BE PRUNED FLUSH WITH THE SOIL. BACKFILL ROOT AREAS WITH GOOD QUALITY TOPSOIL AS SOON AS POSSIBLE. IF EXPOSED ROOT AREAS ARE NOT BACKFILLED WITHIN 2 DAYS, COVER WITH ORGANIC MATERIAL IN A MANNER WHICH REDUCES SOIL TEMPERATURE AND MINIMIZES WATER LOSS DUE TO EVAPORATION.
- ANY TRENCING REQUIRED FOR THE INSTALLATION OF LANDSCAPE IRRIGATION SHALL BE PLACED AS FAR FROM EXISTING TREE TRUNKS AS POSSIBLE.
- NO LANDSCAPE TOPSOIL DRESSING GREATER THAN 4 INCHES SHALL BE PERMITTED WITHIN THE DRIPLINE OF TREES. NO SOIL IS PERMITTED ON THE ROOT FLARE OF ANY TREE.
- PRUNING TO PROVIDE CLEARANCE FOR STRUCTURES, VEHICULAR TRAFFIC, AND EQUIPMENT SHALL TAKE PLACE BEFORE CONSTRUCTION BEGINS.
- ALL FINISHED PRUNING MUST BE DONE ACCORDING TO RECOGNIZED, APPROVED STANDARDS OF THE INDUSTRY (REFERENCE THE AMERICAN NATIONAL STANDARD, ANSI-A300 PRUNING, 2006 OR LATER). A CITY CERTIFIED TREE PRUNER MUST BE RETAINED TO MAKE ALL PRUNING CUTS. A LIST OF CERTIFIED TREE PRUNERS IS AVAILABLE FROM THE URBAN FORESTER.
- DEVIATIONS FROM THE ABOVE NOTES MAY BE CONSIDERED ORDINANCE VIOLATIONS IF THERE IS SUBSTANTIAL NONCOMPLIANCE OR IF A TREE SUSTAINS DAMAGE AS A RESULT.

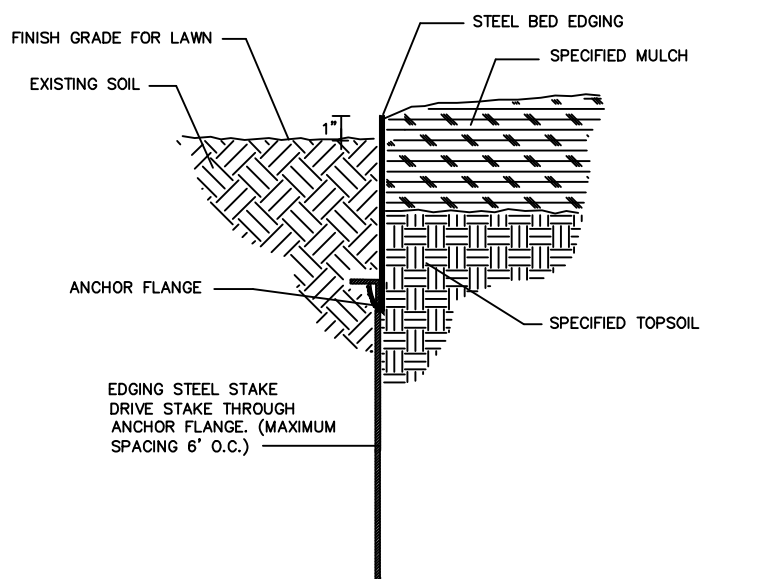


24 MARCH, 2014
PLANNING COMMISSION REVIEW COMMENTS
APPROVED - KEN EASTIN
CITY OF FAYETTEVILLE
URBAN FORESTRY



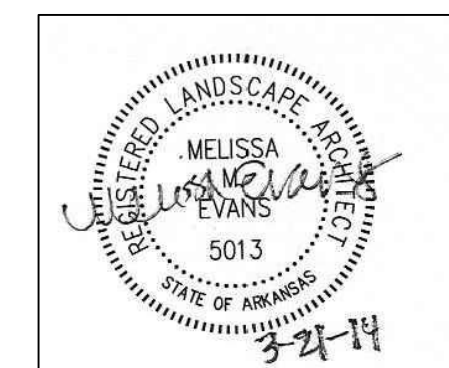
LANDSCAPE NOTES:
1. CONTRACTOR SHALL CONFIRM THE LOCATION OF ALL UTILITIES PRIOR TO STARTING ANY WORK. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING THE ARKANSAS ONE-CALL SYSTEM AT 1(800)482-8998. ALL UTILITY LOCATIONS SHOWN ON THIS PLAN ARE APPROXIMATE AND ARE BASED ON SURVEY INFORMATION, SITE DEVELOPMENT PLANS, UTILITY RECORDS, ETC.
2. ALL PLANT MATERIAL SHALL BE NURSERY GROWN. THE SIZE AND GRADING SHALL MEET OR EXCEED THE LATEST EDITION OF AMERICAN STANDARDS FOR NURSERY STOCK PUBLISHED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION. TREES SHALL ALSO MEET THE CITY OF FAYETTEVILLE LANDSCAPE MANUAL ADDENDUM ON TREE QUALITY STANDARDS.
3. ALL ENTRANCE/EXIT PLANTINGS SHALL BE INSTALLED AND MAINTAINED TO PROVIDE CLEAR SIGHT DISTANCE FROM THE STREET ENTRANCE/EXIT LOCATION.
4. THE OWNER IS RESPONSIBLE FOR MAINTAINING SHRUBS AND TREES REQUIRED UNDER THE CITY OF FAYETTEVILLE LANDSCAPE ORDINANCE. DEAD OR DYING PLANT MATERIAL SHALL BE REMOVED AND REPLACED. THE REQUIRED PLANT MATERIAL SHALL BE GUARANTEED BY THE OWNER FOR THREE YEARS.
5. NO CHANGES TO THE PLANT SCHEDULE ARE ALLOWED WITHOUT APPROVAL OF THE OWNER, LANDSCAPE ARCHITECT AND CITY OF FAYETTEVILLE LANDSCAPE ADMINISTRATOR. SUBSTITUTED PLANTS SHALL MEET THE SAME CRITERIA REGARDING TYPE, SIZE AND FUNCTION AS THOSE PLANTS SHOWN ON THE PLAN.
6. ALL LAWN AREAS ARE TO RECEIVE 4" OF TOPSOIL (4" IS THE MINIMUM COMPACTED DEPTH). ALL SHRUB AREAS SHALL RECEIVE 12" OF TOPSOIL (12" IS THE MINIMUM COMPACTED DEPTH). SOIL SHALL BE AMENDED TO ENHANCE FAVORABLE GROWING CONDITIONS. ALL EXISTING SOD/WEEDS SHALL BE REMOVED FROM PLANTING BED AREAS.
7. ALL PLANT BEDS SHALL BE DRESSED WITH A MINIMUM OF 4" SHREDDED HARDWOOD ORGANIC MULCH (NO CYPRESS MULCH). TREES NOT LOCATED IN PLANT BEDS SHALL RECEIVE A MULCH SAUCER PER DETAIL. PLANTING BEDS SHALL BE DEFINED WITH STEEL EDGING.
8. ALL TREES AND SHRUBS SHALL BE INSTALLED IN ACCORDANCE WITH THE DETAILS PROVIDED.
9. ALL SHRUBS SHALL BE TREATED WITH 14-14-14 TIME RELEASE FERTILIZER UPON COMPLETION OF THEIR INSTALLATION.
10. ALL DISTURBED AREAS NOT TO RECEIVE PLANTINGS SHALL BE SOODED WITH TIFF 419 BERMUDA GRASS. AREAS ARE TO BE WATERED UNTIL A HEALTHY STAND OF GRASS IS ESTABLISHED.
11. A LANDSCAPE SPRINKLER SYSTEM IS PROPOSED.
12. AFTER THE PLANS HAVE BEEN APPROVED BY THE CITY, IF DURING CONSTRUCTION THE CITY REQUIRES MODIFICATIONS TO THE PLANS, THE LANDSCAPE ARCHITECT IS NOT RESPONSIBLE FOR FIELD CHANGES.
13. PLANT QUANTITIES SHOWN IN THE PLANT SCHEDULE ARE THE MINIMUM TO BE INSTALLED AND SHALL BE VERIFIED WITH THE PLAN BY THE LANDSCAPE CONTRACTOR.

CITY LANDSCAPE REQUIREMENTS					
INTERIOR LANDSCAPING:					
REQUIRED: 1 TREE PER PARKING BAY OF 12 SPACES OR LESS, EXCEPT FOR VEHICLE DISPLAY AREAS					
PROVIDED: 1 TREE ISLAND PER 12 PARKING SPACES, DESIGNATED ON THE PLAN WITH A "P"					
PERIMETER AND STREET TREE LANDSCAPING:					
REQUIRED: 1 TREE PER 30 LF AND A CONTINUOUS PLANTING OF SHRUBS (50% EVERGREEN) AND GROUND COVER ALONG STREET R.O.W.					
PROVIDED: 1 TREE PER 30 LF OF STREET R.O.W. DESIGNATED ON THE PLAN WITH AN "S", AND A PLANTING OF SHRUBS GROUPED BETWEEN THE PARKING LOT AND STREET R.O.W.					
STORMWATER FACILITY PLANTING: NONE REQUIRED AND NONE PROVIDED.					
MITIGATION TREES: NONE REQUIRED AND NONE PROVIDED.					
IRRIGATION: A LANDSCAPE SPRINKLER SYSTEM IS PROPOSED FOR THIS PROJECT.					



PLANT SCHEDULE						
TREES						
SYMBOL/KEY	COMMON NAME	BOTANICAL NAME	QUANTITY	SIZE	SPACING	REMARKS
RM	RED SUNSET MAPLE	Acer rubrum 'Franksred'	4	2" CAL.	AS SHOWN	
WO	WILLOW OAK	Quercus phellos	21	2" CAL.	AS SHOWN	
SG	SHUMARD OAK	Quercus shumardii	16	2" CAL.	AS SHOWN	
JZ	JAPANESE ZELKOVA	Zelkova serrata 'Green Vase'	13	2" CAL.	AS SHOWN	
SHRUBS AND GROUND COVER						
AB	COMPACT ABELIA	Abelia grandiflora 'Compacta'	96	3 GAL.	3' O.C.	MUST BE 3' TALL WITHIN 2 YEARS OF PLANTING. DO NOT PRUNE ANY SHRUBS ON A REGULAR BASIS FOR MAINTENANCE. ALLOW THEM TO KEEP THEIR NATURAL FORMS.
JH	COMPACT JAPANESE HOLLY	Ilex crenata 'Compacta'	95	3 GAL.	3' O.C.	
SG	SEA GREEN JUNIPER	Juniperus chinensis 'Sea Green'	70	3 GAL.	5' O.C.	
MG	MAIDEN GRASS	Miscanthus sinensis 'Adagio'	84	3 GAL.	3' O.C.	
SOD	TIFF 419 BERMUDA			DETERMINE QTY. FROM PLAN	ROLLS	

STEEL BED EDGING DETAIL
SCALE: NOT TO SCALE



128 parking spaces shown / 12 = 11 parking trees
1,273 LF of ROW frontage / 30 = 43 street trees

24 MARCH, 2014
PLANNING COMMISSION REVIEW COMMENTS
APPROVED - KEN EASTIN
CITY OF FAYETTEVILLE
URBAN FORESTRY

EB LandWorks, Inc.
Civil Engineering
Landscape Architecture
PO Box 3432
Fayetteville, AR 72702-3432
479.444.7769

ebw

REVISIONS:

PROJECT NAME AND LOCATION:
CRAIN AUTOMOTIVE TEAM
SHILOH DRIVE (I-540) & FOXGLOVE DRIVE
FAYETTEVILLE, ARKANSAS

SHEET TITLE:
LANDSCAPE PLAN

DATE:
3/27/14

JOB #
14.07

SHEET #
5/8

Linn, Derek

From: Thomas Hennelly <Thomas.Hennelly@craftontull.com>
Sent: Tuesday, October 13, 2015 12:46 PM
To: Linn, Derek; Jumper, Alison; Scott, John; Garner, Andrew; Ronald Watkins
Subject: Crain Easement Vacation

Derek, after visiting with the Crains, we would like to petition the City Council to vacate the 5300 sf of easement. The 39 existing mitigation trees will be relocated and re-bonded for. We would like to propose mitigation for the vacated easement at a rate 1.5 times the 218 required by the UDC. The location of the mitigated trees will be coordinated with staff prior to certificates of occupancy.

We are requesting that this item be placed on the next Council agenda (10/20/2015)

Thank you for your assistance with this issue.

Sent from my iPhone

Thomas Hennelly, P.E.
Project Manager | Civil

Crafton Tull
Direct: 479-878-2419 | Mobile: 479-713-9021
901 N. 47th Street, Suite 200
Rogers, AR 72756
www.craftontull.com

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TREE PRESERVATION AND PROTECTION – Chapter 167

To: Justin Jorgensen, Jorgensen & Associates

From: Ken Eastin, City of Fayetteville Urban Forestry

CC: Jesse Fulcher, Senior Planner

Date: 24 March, 2014

Subject: LSD 14-4640: Crain Automotive PLANNING COMMISSION Review Comments

Requirements Submitted:

Yes	Initial Review with the Urban Forester
No	Site Analysis Map Submitted (if justification is needed)
No	Site Analysis Written Report Submitted (if justification is needed)
Yes	Complete Tree Preservation Plan Submitted
Yes	Tree Mitigation Table on Plans
N/A	Tree Preservation Wavier Submitted

Tree Preservation Calculations	Acres	Square Feet	%
Total Site Area*		411,459	100%
Zoning CPZD Site 25 Percent Minimum		102,865	25%
Existing Tree Canopy*		57,893	14%
Tree Canopy Preserved		40,997	10%
Tree Canopy Removed - On-site		16,896	4%
Tree Canopy Removed - Off-site		0	%
Tree Canopy Removed - Total		16,896	4%
Removed below minimum		16,896	4%

- Total Site Area* is property line minus Master Street Plan ROW, existing easements, and Dedicated Parkland
- Existing Tree Canopy* is total tree canopy minus Master Street Plan ROW and existing easements

Tree Canopy Mitigation: Required -

Canopy Below Required	Preservation Priority/Type	Forestation Base Density (ft2)	Number of 2" caliper trees to be planted
11,933 ft2	High Priority	218	55
ft2	Mid Priority	290	
4,963 ft2	Low Priority	436	12
Total Mitigation			67

Mitigation Type Requested	Qty	Each	Total Cost
On-site Mitigation	39		
Off-site Mitigation			
Tree Escrow	28	\$675	\$18,900
Total Mitigation	67		

Mitigation Type Requested:

☒ On-Site ☐ Off-Site ☒ Tree Escrow ☐ Not Requested Yet

Mitigation Type Requested Approved: ☒ YES ☐ NO

TREE PROTECTION PLAN CHECKLISTS AND COMMENTS:

Plan Checklist:

NA = not applicable

Yes = submitted by applicant

No = required by City Code but not included on submitted plan

The Site Analysis Plan [167.04(H)(1)]

Tech Plat	SD	PC	Site Analysis Plan Components
Yes	Yes	Yes	5 year aerial check on existing trees
Yes	Yes	Yes	Property Boundary
No	No	No	Natural Features 100ft beyond property line shown
Yes	Yes	Yes	Existing Topography with slopes $\leq$ 15% highlighted
No	No	No	Soils
Yes	Yes	Yes	Significant Tree(s): 24", 18" and 8" DBH
No	No	No	Table listing Sig. Trees with species, size, health, priority
No	No	No	Grouping of Trees: all other trees that do not meet significant requirements
No	No	No	Table listing Grouped Trees with average species, size, health, priority
Yes	Yes	Yes	All existing utilities
N/A	N/A	N/A	All perennial and intermittent streams with approximate center line
N/A	N/A	N/A	Floodplains/Floodways
Yes	Yes	Yes	Existing street, sidewalk or bike path ROW
No	No	No	Submitted Site Analysis Plan

The Analysis Plan Report [167.04(H)(4)]

Tech Plat	SD	PC	Analysis Plan Report Components
No	No	No	Detail Design Approaches used to minimize damage to OR removal of existing canopy
No	No	No	Justification for removal of individual or groupings of trees/canopy
No	No	No	Details providing information on on-site mitigation OR off-site alternatives
No	No	No	Submitted Analysis Report

Tree Preservation Plan [167.04(H)(2)]

Tech Plat	SD	PC	Tree Preservation Plan Components
Yes	Yes	Yes	Shows ALL Proposed Site Improvements
Yes	Yes	Yes	Delineates trees/canopy to be preserved and removed
Yes	Yes	Yes	Delineates existing and proposed grading
Yes	Yes	Yes	Depict limits of soil disturbance
			Detail methods that will be used to protect trees during construction:
Yes	Yes	Yes	1. Tree Protection Fencing
No	No	No	2. Limits of Root Pruning
Yes	Yes	Yes	3. Traffic flow on work site
Yes	Yes	Yes	4. Location of material storage
No	No	No	5. Location of concrete wash out
Yes	Yes	Yes	6. Location of construction entrance/exit
Yes	Yes	Yes	Location of ALL existing and new utility/drainage easements

Conditions of Approval

Urban Forestry staff recommends approval of the tree preservation plan with the following conditions:

1. Prior to Building Permit approval, all required landscaping will require a performance bond and a completed Landscape Surety Form. Submit a landscape estimate for review at time of construction plan review.
2. Prior to Certificate of Occupancy, a 3-year Maintenance Plan must be submitted with a 3-year surety (letter of credit, bond or cash) and completed Landscape Surety Form.
3. An easement plat depicting tree preservation area(s) must be filed prior to building permit approval.



LANDSCAPE REGULATIONS – Chapter 177

To: Justin Jorgensen, Jorgensen & Associates

From: Ken Eastin, City of Fayetteville Urban Forestry

CC: Jesse Fulcher, Senior Planner

Date: 24 March, 2014

Subject: LSD 14-4640: Crain Automotive PLANNING COMMISSION Review Comments

Applicable Requirements:

Yes	Site Development & Parking Lot Standards
Yes	Street Tree Planting Standards
No	Stormwater Facilities

Plan Checklist:

Yes = submitted by applicant

No = required by City Code but not included on submitted plan

N/A = not applicable

Tech Plat	SC	PC	All Landscape Plans
Yes	Yes	Yes	Irrigation notes either automatic or hose bib 100' o.c. (177.03A.7.g & 177.04.B.3.a)
Yes	Yes	Yes	Species of plant material identified (177.03.A.7.d & e)
Yes	Yes	Yes	Size of plant material at time of installation indicated minimum size 2" caliper for trees and 3 gal. shrubs (177.03.A.7.b & c)
Yes	Yes	Yes	Soil amendments notes include that soil is amended and sod removed (177.03.C.6.b)
Yes	Yes	Yes	Mulch notes indicate organic mulching around trees and within landscape beds (177.03.C.6.c & d)
Yes	Yes	Yes	LSD and Subdivisions plans stamped by a licensed Landscape Architect, others by Landscape Designer (177.03.B)
Yes	Yes	Yes	Planting bed contained by edging (177.03.C.6.f)
No	No	Yes	Planting details according to Fayetteville's Landscape Manual (177.03.C.6.g)

Tech Plat	SC	PC	Site Development & Parking Lot Standards
Yes	Yes	Yes	Wheel stops/ curbs (177.04.B.1)
Yes	Yes	Yes	Interior landscaping (177.04.C) <i>Narrow tree lawn (8' min width, 37.5' min length/ 1 tree per 12 spaces) OR Tree island (8' min. width, 18.7' min. length/1 tree per 12 spaces) All parking lot trees must be deciduous (177.04.C.3)</i>
Yes	Yes	Yes	Placement of Trees (177.04.C.2) <i>Either side at points of access (entrance/exit)</i>
Yes	Yes	Yes	Perimeter landscaping (177.04.D) <i>Side and rear property lines (5' wide landscaped) Front property line (15' wide landscape) (177.04.D.2.a) Shade trees planted on south and west sides of parking lots (177.04.D.2.e) Parking lot adjacent to R.O.W.- continuous row planting of shrubs - 50% evergreen. Remaining landscaping to be ground cover and / or turf.) (177.04.D.4a) NOTE: Shade trees are described in street tree planting standards</i>
Tech Plat	SC	PC	Street Tree Planting Standards (time of F.P. or permit) (177.05)
N/A	N/A	N/A	Residential Subdivisions- 1 large species shade tree/ lot tree planted within R.O.W. if possible
Yes	Yes	Yes	Nonresidential Subdivision- 1 large species shade tree/30 L.F. tree planted within 15-25' greenspace
N/A	N/A	N/A	Urban Tree Wells-urban streetscape only- 8' sidewalk , trees every 30 L.F. (177.05.B.3.a-f)
N/A	N/A	N/A	Structural Soil-if urban wells are used, a note or detail of structural soil must be indicated on the landscape plan and inspected at time of construction.
N/A	N/A	N/A	Timing of planting indicated on plans (subdivisions only) (177.05.A.4)
N/A	N/A	N/A	Written description of the method for tracking plantings (177.05.A.4.e)
No	No	Yes	Plan contains 3-year Maintenance and Monitoring Agreement. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. (177.05.A.2.e)
Tech Plat	SC	PC	Stormwater Facilities (time of F.P. or permit) (177.06.A – C)
N/A	N/A	N/A	1 deciduous or evergreen tree/ 3000 square feet
N/A	N/A	N/A	4 large shrubs or small trees (3 gal) / 3000 square feet
N/A	N/A	N/A	6 shrubs or grasses (1 gal) / 3000 square feet
N/A	N/A	N/A	Ground cover unless seed or sod is specified
N/A	N/A	N/A	50% of facility planted with grass or grass like plants

Landscape Requirements Table		
39	Mitigation Trees	3-year bond required
43	Street Trees	3-year bond required
11	Parking Trees	
0	Detention Large Trees	
0	Detention Small Trees / Large Shrubs	
0	Detention Small Shrubs	

Conditions of Approval:

Urban Forestry staff recommends approval of the landscape plan with the following conditions:

1. Perimeter Shrubbery Requirements: A continuous row or hedge of shrubs must be planted in the greenspace area to screen the hardscape from public rights-of-way (Shiloh Drive and Foxglove Drive). A VARIANCE REQUEST is required if the applicant desires grouping shrubs to allow for improved views of the product for sale. The Landscape Administrator will continue to work with the applicant through construction plan review to ensure the overall intent of the landscape regulations.
2. Street Tree Requirements: Large species street trees must be planted at 30' intervals along the public rights-of-way (Shiloh Drive and Foxglove Drive). A VARIANCE REQUEST is required if the applicant desires to intermix with a few smaller species trees in order to allow for improved views of the product for sale. The Landscape Administrator will continue to work with the applicant through construction plan review to ensure the overall intent of the landscape regulations.
3. Street Tree Requirements: The street tree section of the landscape regulations allows for up to 25% of the street trees to be grouped. A VARIANCE REQUEST is required should the applicant desire to group more than 25% of the street trees. The Landscape Administrator will continue to work with the applicant through construction plan review to ensure the overall intent of the landscape regulations.
4. Prior to Building Permit approval, all required landscaping will require a performance bond and a completed Landscape Surety Form for all required landscaping. Submit a landscape estimate for review at time of construction plan review.
5. Prior to Certificate of Occupancy, a 3-year Maintenance Plan must be submitted with a 3-year surety (letter of credit, bond or cash) and completed Landscape Surety Form for all required street and mitigation trees.
6. Landscape Architect of Record shall inspect site and direct Contractor to make changes to meet approved plans and details prior to Urban Forester Certificate of Occupancy inspection. No changes to the approved landscape plan may be made without Urban Forester approval.

Legal Description for Tree Area Abandonment

PART OF LOT 19 OF THE FINAL PLAT OF MEADOW FIELD COMMERCIAL SUBDIVISION AS SHOWN ON SURVEY PLAT FILED AT 0023-00000234 IN THE WASHINGTON COUNTY CIRCUIT CLERKS OFFICE.

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 19; THENCE NORTH 02°26'52" EAST A DISTANCE OF 83.50 FEET; THENCE NORTH 87°33'06" WEST A DISTANCE OF 20.00 FEET; THENCE NORTH 78°28'03" WEST A DISTANCE OF 1.34 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°13'11" WEST A DISTANCE OF 312.04 FEET; THENCE NORTH 55°22'53" EAST A DISTANCE OF 21.07 FEET; THENCE NORTH 68°42'12" EAST A DISTANCE OF 40.73 FEET; THENCE SOUTH 84°32'01" EAST A DISTANCE OF 57.82 FEET; THENCE NORTH 69°56'20" EAST A DISTANCE OF 35.06 FEET; THENCE SOUTH 68°02'37" EAST A DISTANCE OF 80.87 FEET; THENCE SOUTH 88°22'22" EAST A DISTANCE OF 64.48 FEET; THENCE SOUTH 78°28'03" EAST A DISTANCE OF 27.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 5240 SQ. FT. MORE OR LESS.

Prepared by: CTA

DATE 10/14/2015

PROJ #15105900



City of Fayetteville, Arkansas

Tentative Agenda
October 27, 2015
Page 88 of 184
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0489

Agenda Date: 11/3/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 3

NORTHWEST ARKANSAS MULTI-JURISDICTIONAL WATER QUALITY COMPLIANCE ASSOCIATION:

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENT TO PARTICIPATE IN COOPERATIVE REGIONAL EFFORTS TO EVALUATE THE POTENTIAL COST SAVINGS AND ENVIRONMENTAL BENEFITS THAT MAY BE AVAILABLE TO THE CITY OF FAYETTEVILLE THROUGH THE FORMATION OF A NORTHWEST ARKANSAS MULTI-JURISDICTIONAL WATER QUALITY COMPLIANCE ASSOCIATION

WHEREAS, Act 335 of 2015 authorizes the Arkansas Pollution Control & Ecology Commission to promulgate regulations establishing nutrient water quality trading programs, including the formation of water quality compliance associations; and

WHEREAS, the timely development and implementation of nutrient water quality trading programs may provide significant long term savings and environmental benefits for the communities in Northwest Arkansas including, but not limited to, the cities of Fayetteville, Springdale, Rogers, and Bentonville.

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 explore the potential cost savings and environmental benefits that may be available to the City of Fayetteville through the formation of a Northwest Arkansas multi-jurisdictional water quality compliance association and authorizes the Mayor to negotiate and present a proposed agreement for the City Council's consideration that defines the mission of such an association, the responsibilities of the parties to the agreement, and the anticipated costs.

City of Fayetteville Staff Review Form

2015-0489

Legistar File ID

11/3/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Tim Nyander

10/15/2015

Utilities Director /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Fayetteville City Administration recommends approval of a resolution that authorizes the Mayor, or a designee appointed by the Mayor, to represent the City on all matters associated with the proposed formation and operation of a multi-jurisdictional association to participate in nutrient trading programs.

Budget Impact:

N/A

N/A

Account Number

Fund

N/A

N/A

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 # None

Original Contract Number: N/A

Approval Date:

Comments: There are no costs at this time. All future costs associated with this effort shall be equitably allocated among the cooperating jurisdictions, and subject to City Council approval.



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 3, 2015

TO: Mayor and City Council

FROM: Tim Nyander, Utilities Director

DATE: October 14, 2015

SUBJECT: Resolution authorizing the Mayor to express the City's intent for participation in cooperative regional efforts to evaluate, and to report, the potential cost savings and environmental benefits that may be available to Northwest Arkansas through the formation of a multi-jurisdictional water quality compliance association and other nutrient water quality trading programs.

RECOMMENDATION:

Fayetteville City Administration recommends approval of a resolution that authorizes the Mayor, or a designee appointed by the Mayor, to represent the City on all matters associated with the possible formation and operation of a multi-jurisdictional association to participate in nutrient trading programs.

BACKGROUND:

Act 335 of 2015 authorizes the Arkansas Pollution Control and Ecology Commission to promulgate regulations establishing nutrient water quality trading programs, including the formation of water quality compliance associations. The timely development of these water quality trading programs may provide significant long-term savings and environmental benefits for the communities in Northwest Arkansas. There currently are not any entity or group formed to undertake the effort to assist in developing draft regulations establishing nutrient water quality trading programs that would be necessary to benefit Northwest Arkansas communities. In the interest of economy and efficiency, a cooperative regional approach to understanding the issues, the potential impact and effects, and collectively responding to proposed changes is desirable.

DISCUSSION:

This resolution would give the Mayor the authorization to express the City's intent to consider entering into a cooperative agreement that may include, but not be limited to, the cities of Fayetteville, Springdale, Rogers, and Bentonville—all of whom would be affected by the establishment of certain TMDL's for nutrient loads in receiving streams, and the likely imposition of substantially more stringent wastewater discharge limitations. The participation in cooperative regional efforts regarding these matters would be through the Northwest Arkansas Regional Planning Commission which was established by Fayetteville, Springdale, Rogers, and Bentonville, along with Benton and Washington County, to provide a forum for regional dialogue, intergovernmental cooperation, and to address regional issues.

BUDGET/STAFF IMPACT:

The costs associated with this effort have not been determined at this time. Once they have been, there will be a contract submitted for review by City Council.

ATTACHMENTS:

- Staff Review Form
- Resolution Draft



City of Fayetteville, Arkansas

Tentative Agenda
October 27, 2015
Page 92 of 184
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0431

Agenda Date: 11/3/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 4

HENARD UTILITY PRODUCTS, INC.:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF TWELVE (12) TRIMBLE RANGER HAND-HELD WATER METER READING DEVICES MANUFACTURED BY BADGER METERS, INC. FROM HENARD UTILITY PRODUCTS, INC. IN THE AMOUNT OF \$51,725.00 PLUS APPLICABLE TAXES FOR USE BY THE UTILITIES DEPARTMENT

WHEREAS, the City of Fayetteville uses water meters manufactured by Badger Meters, Inc. and Henard Utility Products, Inc. is the only authorized Badger Meters product distributor in the State of Arkansas; and

WHEREAS, standardizing water metering and meter reading equipment is appropriate because it helps ensure minimized inventories, uniform training, compatibility of equipment, and interchangeability of devices.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and authorizes the purchase of twelve (12) Trimble Ranger hand-held water meter reading devices manufactured by Badger Meters, Inc. from Henard Utility Products, Inc. in the amount of \$51,725.00 plus applicable taxes for use by the Utilities Department.

City of Fayetteville Staff Review Form

2015-0431

Legistar File ID

11/3/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Tim Nyander

10/7/2015

Utilities Director /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Ordinance authorizing a bid waiver for the purchase of specialized water and sewer equipment and materials including water metering systems and approval of the purchase of twelve (12) hand-held touch-read water meter reading devices complete with communication accessories from Henard Utility Products, Inc. for \$51,725.00 plus sales tax of \$5,043.19 for a total of \$56,768.19.

Budget Impact:

5400.1840.5210.00

Water/Sewer

Account Number

Fund

02065.1

Water Meters

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 680,369.00

Funds Obligated \$ 57,750.03

Current Balance **\$ 622,618.97**

Does item have a cost? Yes

Item Cost \$ 56,768.19

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget **\$ 565,850.78**

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 3, 2015

TO: Mayor Jordan and City Council

FROM: Tim Nyander, Utilities Director

DATE: October 7, 2015

SUBJECT: Ordinance authorizing a bid waiver for the purchase of specialized water and sewer equipment and materials including water metering systems and approval of the purchase of twelve (12) hand-held touch-read water meter reading devices complete with communication accessories from Henard Utility Products, Inc.

RECOMMENDATION

Fayetteville City Administration recommends approval of a bid waiver and the authorization of the purchase of twelve (12) hand-held touch-read water meter reading devices complete with communication accessories for \$51,725.00 plus \$5,043.19 sales tax for a total amount of \$56,768.19 from Henard Utility Products, Inc.

BACKGROUND

It is not feasible or practical for Fayetteville's Meter Reading Division to use a competitive bidding procedure for the acquisition of water metering and meter reading equipment as this represents an exceptional circumstance where standardization becomes a necessity. Factors that justify the use of a sole source supplier include minimization of parts inventories, uniformity of training, and compatibility of equipment and interchangeability of devices. The City of Fayetteville purchases Badger™ water meters, and the Trimble Ranger is a Badger Product. Henard Utility Products is the only authorized Badger product distributor in the state. Additionally, the City will soon be installing Orion™ transmitters, as the current transmitters are being phased out. The Trimble reader is the only product that will read their frequency. To allow competitive pricing to drive the city's purchase of metering devices would result in false economies due to the secondary costs associated with utilization of multiple providers and the operational challenges of incompatible manufacturers. Water metering equipment was determined to represent an exceptional circumstance on April 6, 1993 when the City Council passed Ordinance No. 3696, and on December 21, 2004 when the City Council passed Ordinance No. 4654, waiving the competitive bidding for such specialized and unique equipment.

DISCUSSION

The existing hand-held meter reading devices have been in active daily service for approximately 10 years. In addition to growing repair problems and reduced reliability, the devices are outdated with the current inventory being insufficient to provide spare units for personnel. The current devices will be replaced by the new units in accordance with the following pricing:

12 each	Trimble Ranger 3 Hand Held Units (\$4,200 each)	\$50,400.00
2 each	Charging Racks (included in above)	\$ 0.00
1 each	Latest Version of Readcenter Analytics	\$ 0.00
1 each	2-Day On-Site Training	\$ 1,325.00
	Sales Tax	\$ 5,043.19
	TOTAL	\$56,768.19

BUDGET IMPACT

The approval of the resolution will have no adverse budget impact; the Meter Operations Department's budget for 2015 included funds for the replacement of the hand-held meter reading devices.

ATTACHMENTS:

Staff Review Form
PO Request
Quote for Handhelds
Product Sheet
Ordinance No. 4654 & No. 3696

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 #: 395		Vendor Name: Henard Utility Products					Mail ☐ Yes ☐ No		Legistar#: 2015-0431	
Address: 1920 S Main St					FOB Point:		Taxable ☒ Yes ☐ No			
City: Searcy			State: AR		Zip Code: 72145	Ship to code: Fay	Quotes Attached ☐ Yes ☐ No		Expected Delivery Date:	
Requester: Cheryl Partain					Requester's Employee #: 2548		Extension: 8224			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number		Project.Sub#	Inventory #	Fixed Asset #
1	Hand-held touch read wtater meter reading devices with communication accessories	12	EA	4,200.00	50,400.00	5400.1840.5210.00		02065.1		
2	Training for Handhelds	1	EA	1,325.00	1,325.00	5400.1840.5210.00		02065.1		
3					\$0.00					
4					\$0.00					
5					\$0.00					
6					\$0.00					
7					\$0.00					
8					\$0.00					
9					\$0.00					
10					\$0.00					
*	Shipping/Handling		Lot		\$0.00					
Special Instructions:							Subtotal: <u>\$51,725.00</u>			
							Tax: <u>\$5,043.19</u>			
							Total: <u>\$56,768.19</u>			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____										

QUOTATION

FROM
HENARD UTILITY PRODUCTS, INC.
P.O. Box 9238
SEARCY, ARKANSAS 72145
PHONE (501)268-1987 FAX (501)268-7437
www.henardutility.com

INQUIRY NO: 10072015-A

DATE 7 October, 2015

TERMS Net 30 Days

DELIVERY TBD

PRICES ARE QUOTED F.O.B.

Fayetteville, AR

TO Fayetteville Water & Sewer

Attn: Shea

Email: kfankhouser@ci.fayetteville-ar.gov

WE ARE PLEASED TO QUOTE AS FOLLOWS:

QTY.	DESCRIPTION	PRICE EA.	AMOUNT
12	Badger Trimble Ranger 3 Handheld – With Orion ME Receiver.	\$4,200.00	\$50,400.00
1	READCENTER Analytics Mobile, READCENTER Analytics Mobile Software – For up to 50,000, New Customer Agreement, 5 User Licenses.	No Charge	\$0.00
1	Training 2 Day's, Badger On-Site.	\$1,325.00	<u>\$1,325.00</u>
	Sub Total		\$51,725.00
	Tax @ 9.750%		<u>\$5,043.19</u>
	Total		\$56,768.19
*NOTE: Sales tax must be added to your invoice. Freight Pre Paid to Fayetteville, AR Delivery Point.			

QUOTED BY: George Clayton

georgec@henardutility.com



Badger Meter

ORION®
Trimble® Ranger™ Handheld

OVERVIEW

The Trimble Ranger is a handheld, full-featured data collection computer. It combines a Windows® mobile operating system, ergonomic keypad and military-grade durability, providing a full day of continuous meter reading. The Trimble Ranger handheld is compatible with manual, touch and ORION endpoint systems.

OPERATION

System: The Trimble Ranger handheld utilizes a Windows mobile 5.0 operating system.

Display: The 320 x 240 landscape color touchscreen with LED backlight supports reading in both dark and sunlight applications.

Control: The Trimble Ranger handheld features ergonomic navigation with versatile alpha and numeric keypads that are easy to use, even when wearing gloves. The user may also operate the handheld using the easy-to-navigate touch-screen controls.

Power: A 6600 mAh lithium ion rechargeable battery pack powers the Trimble Ranger handheld, providing a full day of continuous usage under normal operating conditions.

Performance: The Trimble Ranger handheld was designed to meet MIL-STD-810F military standards for drops, vibration, humidity, altitude, and extreme temperatures. With an IP67 rating, it is impervious to water, dust and the harsh conditions involved with meter reading.

ORION: An ORION equipped handheld can be used for reading and programming endpoints and as a troubleshooting tool in the field. The Trimble Ranger handheld can be ordered with an internal ORION FHSS mobile transceiver or receiver, or a non-radio handheld can be upgraded at a later date to meet the needs of the utility.



STANDARD FEATURES

Microsoft Windows Mobile 5.0

53 tactile keys with separate navigation, alpha and numeric keypads, plus 8+1 directional pad

Touchscreen

Embedded Bluetooth®

Embedded 802.11g WiFi

Full-day battery life under normal operating conditions

Complete recharge in 4.5 hours (80% in 2 hours)

Battery charge status LED indicator

Notification LED

Rugged polycarbonate shell

Integrated speaker and microphone

STANDARD SOFTWARE

Badger Suite of Field Application Software

Meter Reading Software; Admin and Kiosk Modes
Programming/Field Troubleshooting Software

Additional Windows® Applications

Word® Mobile
Excel® Mobile
PowerPoint® Mobile
Outlook® Mobile
Pocket Internet Explorer
Contacts
Tasks
Calendar
Calculator
Notes
Windows® Media Player
Microsoft® Pictures and Videos
Microsoft ActiveSync
Online help

STANDARD ACCESSORIES

AC charger
Charging cradle
Screen protectors (15-pack)
User's guide
USB cable
Hand strap and lanyard
Touch screen stylus

I/O

Ports9-pin serial port—RS232 (115 Kbps)
USB host and client
DC power port

PHYSICAL

Size 10.5" (26.6 cm) x 5.2" (13.1 cm) x 1.9" (4.8 cm)
Weight.....2.1 lb (952 g), including battery

ELECTRICAL

Processor..... Intel PXA 270 XScale CPU
Expansion..... 1x Type I and 1x Type II CompactFlash slots
1x Secure Digital I/O (SDIO) slot
Display..... 320 x 240 pixel (1/4 VGA)
color TFT with LED backlight
Power..... Lithium-Ion rechargeable pack
6600 mAh

ENVIRONMENT

Operating Temperature..... 0 to 140 °F (-18 to 60 °C)
Storage Temperature..... -40 to 158 °F (-40 to 70 C)
Humidity..... MIL-STD-810F, Method 507.4
Water..... IP67, sealed against accidental immersion
(1 m for 30 min.)
MIL-STD-810F, Method 512.4, Procedure I
Drop..... MIL-STD-810F, Method 516.5
Procedure IV 48" onto concrete
26 drops at room temperature
(all faces, edges, corners, one drop each)
6 face drops at 60 C, 6 face drops at -30 C
Dust..... IP67, MIL-STD-810F, Method 510.3
Procedures I & II
Vibration..... MIL-STD-810F, Method 514.5
Procedure I, Figs. 5 & 17
Altitude..... MIL-STD-810F, Method 500.4
Procedures I, II & III, 15,000 ft at 73 °F (23 C)

SPECIFICATIONS

Processor Speed.....Intel XScale, 520 MHz
Memory.....SDRAM ~22MB reserved, 128MB
Data storage (On-board Flash) ~40 MB reserved, 512 MB
Wireless.....Integrated Bluetooth® and 802.11g, standard

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Other trademarks appearing in this document are the property of their respective entities.
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Due to continuous research, product improvements and enhancements, Badger Meter reserves the right to change product or system specifications without notice, except to the extent an outstanding contractual obligation exists.

ORDINANCE NO. 4654

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF TEN (10) HAND-HELD TOUCH-READ METER READING DEVICES WITH COMMUNICATION ACCESSORIES FROM SENSUS METERING SYSTEMS FOR THE METER OPERATIONS DIVISION IN THE AMOUNT OF \$41,062.50.

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 the need for parts inventory minimization, training uniformity, equipment compatibility, and device interchangeability for metering and meter reading equipment constitutes an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding, and approves the purchase of ten (10) Hand-Held Touch-Read Meter Reading Devices with communication accessories from SENSUS Metering Systems for the Meter Operations Division in the amount of \$41,062.50.

PASSED and APPROVED this 21st day of December 2004.



ATTEST:

By: Sandra Smith
SONDRA SMITH, City Clerk

APPROVED:

By:

Dan Coody
DAN COODY, Mayor



ORDINANCE NO. 3696

AN ORDINANCE AN ORDINANCE WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING FOR THE PURCHASE OF CAST IRON PIPE AND FITTINGS, DUCTILE IRON PIPE, SOIL PIPE, WATER METERS, CLAY PIPE AND FITTINGS, BRASS WATER AND SEWER ITEMS, COPPER PIPE AND FITTINGS, PLASTIC PIPE AND FITTINGS AND STRONG SEAL MS2A FOR THE WATER AND SEWER DEPARTMENT.

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

Section 1. That the Council hereby waives the requirements of competitive bidding for the purchase of cast iron pipe and fittings, ductile iron pipe, soil pipe, water meters, clay pipe and fittings, brass water and sewer items, copper pipe and fittings, and plastic pipe and fittings for the Water and Sewer Department for the reason that said requirements are not feasible because manufacturers and suppliers will not confirm contract prices for a one year period and the aforesaid items are priced on very short term.

Section 2. If possible, competitive quotations shall be taken before any of the aforesaid materials are purchased.

Section 3. The Council hereby determines that the Water and Sewer Department of the City of Fayetteville is in immediate need of the materials enumerated in Section 1 above and will continue to need said materials on a periodic basis; that the requirements of competitive bidding for the purchase of said materials is not feasible for the reasons stated in Section 1 above; and that the passage of this ordinance is necessary to enable the immediate and continuing purchase of said materials without undue cost to the City. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the public welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 6th day of April, 1993.

APPROVED:

By: Fred Hanna
Fred Hanna, Mayor

ATTEST:

By: Sherry L. Thomas
Sherry L. Thomas, City Clerk



City of Fayetteville, Arkansas

Tentative Agenda
October 27, 2015
Page 102 of 184
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0492

Agenda Date: 11/3/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 5

BID NO. 15-51 CROSSLAND HEAVY CONTRACTORS, INC.:

A RESOLUTION TO AWARD BID NO. 15-51 AND AUTHORIZE A CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC. IN THE AMOUNT OF \$1,725,071.42 FOR THE CONSTRUCTION OF THE MAPLE STREET AND LAFAYETTE STREET BRIDGE REHABILITATION PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$172,507.14, 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 No. 15-51 and authorizes a contract with Crossland Heavy Construction, Inc. in the amount of \$1,725,071.41 for the construction of the Maple Street and Lafayette Street Bridge Rehabilitation Project, and further approves a project contingency in the amount of \$172,507.14.

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

City of Fayetteville Staff Review Form

2015-0492

Legistar File ID

11/3/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Paul Libertini

10/14/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution to award a contract in the amount of \$1,725,071.42 to Crossland Heavy Contractors, Inc. for the construction of the Maple St. & Lafayette St. Bridge Rehab, approve a project contingency of \$172,507.14 (10%), and approve a Budget Adjustment.

Budget Impact:

4520.9555.5817.00

Sales Tax Construction Bonds

Account Number

Fund

06035.1101

Lafayette & Maple Bridges

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 305,312.00

Funds Obligated \$ 297,575.08

Current Balance **\$ 7,736.92**

Does item have a cost? Yes

Item Cost \$ 1,897,578.56

Budget Adjustment Attached? Yes

Budget Adjustment \$ 1,897,579.00

Remaining Budget **\$ 7,737.36**

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 3, 2015

TO: Mayor and City Council

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

FROM: Paul Libertini, Staff Engineer 

DATE: October 14, 2015

SUBJECT: **A Resolution to award a contract in the amount of \$1,725,071.42 to Crossland Heavy Contractors, Inc. for the construction of the Maple St. & Lafayette St. Bridge Rehab, approve a project contingency of \$172,507.14 (10%), and approve a Budget Adjustment.**

RECOMMENDATION:

Staff recommends City Council approval awarding a contract in the amount of \$1,725,071.42 to Crossland Heavy Contractors, Inc. for the construction of the Maple St. & Lafayette St. Bridge Rehab., approval of a project contingency of \$172,507.14 (10%), and approval of the attached Budget Adjustment.

BACKGROUND:

This project is located in central Fayetteville on the east side of the University of Arkansas campus on Maple Street and Lafayette Street over a single track of the Arkansas & Missouri Railroad. It is the intention of the City of Fayetteville to restore both historic bridges to their original beauty and to thus set a high example for restoration for a municipality in Arkansas and the United States.

On February 16, 2011 in response to a letter from the City requesting federal funding for the Maple and Lafayette Street historic bridges, the City received a letter from the Arkansas State Highway and Transportation Department advising that the subject bridges qualify for funding from the Federal-aid Highway Bridge Replacement and Rehabilitation Program (HBRRP) to restore both bridges. The HBRRP utilizes 80% Federal-aid and 20% local matching funds with a limitation of \$1 million in Federal-aid available per project.

DISCUSSION:

On October 6th, the City received two (2) construction bids ranging from a low of \$1,725,071.42 to a high of \$1,812,370.53. Crossland Heavy Contractors, Inc. submitted the low bid which was approximately 25% above the Engineer's Estimate of \$1,379,137.86. The City has received a written recommendation from our consultant engineer, McClelland Consulting Engineers, Inc. to award this contract to Crossland Heavy Contractors, Inc. and staff concurs with this recommendation. The contract time is 180 days (6 months) for substantial completion.

Please note that as part of the Federal-aid process, the Mayor will be submitting the required Certification Letter to the Arkansas State Highway and Transportation Department (AHTD) requesting their review of the bid tabulations and concurrence in award of the contract to Crossland Heavy Contractors, Inc. The actual execution of the construction agreement will occur after receipt of AHTD concurrence.

BUDGET/STAFF IMPACT:

This project is based on an Agreement Of Understanding with AHTD in which Federal-aid money will pay 80% of the total project up to a maximum of \$1 million. Approximately \$223,257 has been spent on design, leaving approximately \$776,743 in Federal-aid for construction. Remaining construction costs and contingency will be from the State Bridge Cost Sharing Project in the Sales Tax Capital Improvements Fund (\$475,906) and from the Bond Program Fund (\$644,930).

October 7, 2015

Mr. Paul Libertini, P.E.
City of Fayetteville
113 West Mountain
City of Fayetteville, AR 72701

RE: Maple Street and Lafayette Street Bridge Rehab

Dear Mr. Libertini:

Tuesday, October 6th we opened bids on the Maple and Lafayette Street Bridge Rehabilitation Project and we received two responsive bids. Crossland Heavy Contractors, Inc. from Columbus, Kansas is the low bidder with a bid in the amount of \$1,725,071.42. The certified bid tabulation detailing both bids is attached for reference.

We have reviewed the bid and have experience with their work on several successful projects; therefore, we recommend awarding the bid to Crossland Heavy Contractors, Inc. in the amount of \$1,725,071.42.

Please do not hesitate to call should you have any questions and as always, thank you for allowing us to be of service.

Sincerely,
McClelland Consulting Engineers, Inc.



Daniel Barnes, P.E.
President, Fayetteville

enclosure



BID TABULATION
City of Fayetteville
Maple Street & Lafayette Street Bridge Rehab
Fayetteville, Arkansas
FY132111
October 6, 2015
(PAGE 1 OF 3)

Schedule 1 - Maple Street Bridge

Crossland Heavy

Gibson & Associates

AHTD							
Item #	Item #	Description	Qty.	Units	Unit Cost	Extended	
202	1	Removal & Disposal of Concrete Curb and Gutter	283	LF	\$20.00	\$5,660.00	\$55.00 \$15,565.00
202	2	Removal & Disposal of Concrete Walks	111	SY	\$37.00	\$4,107.00	\$125.00 \$13,875.00
210	3	Unclassified Excavation	92.6	CY	\$42.00	\$3,889.20	\$125.00 \$11,575.00
210	4	Subgrade Preparation	0.8	STA	\$2,500.00	\$2,000.00	\$15,000.00 \$12,000.00
303	5	Aggregate Base Course (Class 7)	23.2	TON	\$34.00	\$788.80	\$165.00 \$3,828.00
401	6	Tack Coat	2.79	GAL	\$20.00	\$55.80	\$55.00 \$153.45
407	7	Mineral Aggregate in ACHM Surface Course (1/2")	3.62	TON	\$620.00	\$2,244.40	\$450.00 \$1,629.00
407	8	Asphalt Binder (PG64-22) in ACHM Surface Course	0.21	TON	\$615.00	\$129.15	\$150.00 \$31.50
412	9	Cold Milling Asphalt Pavement	57.88	SY	\$23.00	\$1,331.24	\$121.00 \$7,003.48
501	10	Portland Cement Concrete Pavement (8" Depth)	13.01	SY	\$195.00	\$2,536.95	\$495.00 \$6,439.95
501	11	Portland Cement Concrete Pavement (10" Depth)	49.45	SY	\$205.00	\$10,137.25	\$300.00 \$14,835.00
521	12	Concrete Curb (Type A)	142	LF	\$30.00	\$4,260.00	\$135.00 \$19,170.00
601	13	Mobilization	1	LS	\$30,000.00	\$30,000.00	\$43,000.00 \$43,000.00
603	14	Maintenance of Traffic	1	LS	\$45,000.00	\$45,000.00	\$13,600.00 \$13,600.00
604	15	Signs	227.5	SF	\$17.00	\$3,867.50	\$15.70 \$3,571.75
604	16	Barricades	64	LF	\$30.00	\$1,920.00	\$29.00 \$1,856.00
621	17	Sand Bag Ditch Checks	16	BAG	\$170.00	\$2,720.00	\$20.00 \$320.00
633	18	Concrete Walks	111.2	SY	\$84.00	\$9,340.80 *	\$143.00 \$15,901.60
641	19	Wheelchair Ramps (Type 6)	40	SY	\$120.00	\$4,800.00	\$187.00 \$7,480.00
636	20	Bridge Construction Control	1	LS	\$6,000.00	\$6,000.00	\$3,300.00 \$3,300.00
710	21	Non Metallic Conduit (1")	211	LF	\$37.00	\$7,807.00	\$30.80 \$6,498.80
719	22	Thermoplastic Pavement Marking (White) (12")	13	LF	\$27.00	\$351.00	\$22.00 \$286.00
719	23	Thermoplastic Pavement Marking (Yellow) (12")	208	LF	\$7.00	\$1,456.00	\$5.50 \$1,144.00
719	24	Thermoplastic Pavement Marking (White) (24")	40	LF	\$55.00	\$2,200.00	\$45.00 \$1,800.00
802	25	Class S Concrete - Bridge	20	CY	\$615.00	\$12,300.00	\$1,250.00 \$25,000.00
802	26	Grooving	160	SY	\$55.00	\$8,800.00	\$19.80 \$3,168.00
803	27	Class 1 Protective Surface Treatment	4	GAL	\$240.00	\$960.00	\$1,430.00 \$5,720.00
803	28	Class 3 Protective Surface Treatment	287	LF	\$18.00	\$5,166.00	\$20.35 \$5,840.45
804	29	Epoxy Coated Reinforcing Steel (Grade 60)	1,200	LBS	\$3.00	\$3,600.00	\$2.00 \$2,400.00
809	30	Silicone Joint Sealant	278	LF	\$65.00	\$18,070.00	\$20.00 \$5,560.00
821	31	Modification of Existing Bridge Structures	1	LS	\$14,000.00	\$14,000.00	\$6,820.00 \$6,820.00
SP	32	Hydrodemolition	239	SY	\$225.00	\$53,775.00	\$268.00 \$64,052.00
SP	33	Bridge Deck Repair	261	SF	\$32.00	\$8,352.00	\$66.00 \$17,226.00
SP	34	Latex Modified Concrete Overlay (1 3/4" Thick)	160	SY	\$585.00	\$93,600.00	\$410.00 \$65,600.00
SP	35	Concrete Repair	30	CF	\$275.00	\$8,250.00	\$946.00 \$28,380.00
SP	36	Clean Bridge Name Plates	2	EA	\$250.00	\$500.00 *	\$1,000.00 \$2,000.00
SP	37	Lighting Fixtures	4	EA	\$12,300.00	\$49,200.00	\$10,670.00 \$42,680.00
SP	38	Graffiti Protection System	1	LS	\$145,000.00	\$145,000.00	\$85,000.00 \$85,000.00
SP	39	Ornamental Concrete Bridge Barrier	21	LF	\$750.00	\$15,750.00	\$2,500.00 \$52,500.00
SP	40	Slab Drains	4	EA	\$3,100.00	\$12,400.00	\$3,740.00 \$14,960.00



BID TABULATION
City of Fayetteville
Maple Street & Lafayette Street Bridge Rehab
Fayetteville, Arkansas
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October 6, 2015
(PAGE 2 OF 3)

Schedule 1 - Maple Street Bridge

AHTD						
Item #	Item #	Description	Qty.	Units	Unit Cost	Extended
SP	41	Railroad Requirements	1	LS	\$29,000.00	\$29,000.00
SP	42	Flagging Services	200	HRLY	\$90.00	\$18,000.00
SP	43	Overtime Flagging Services	40	HRLY	\$135.00	\$5,400.00

Crossland Heavy

Gibson & Associates

Unit Cost	Extended
\$6,600.00	\$6,600.00
\$90.00	\$18,000.00
\$135.00	\$5,400.00

SCHEDULE 1 BASE BID SCHEDULE TOTAL

\$654,725.09

\$661,769.98

Schedule 2 - Lafayette Street Bridge

AHTD						
Item #	Item #	Description	Qty.	Units	Unit Cost	Extended
202	1	Removal & Disposal of Concrete Curb and Gutter	549	LF	\$20.00	\$10,980.00
202	2	Removal & Disposal of Concrete Walks	270	SY	\$37.00	\$9,990.00
210	3	Unclassified Excavation	70.1	CY	\$42.00	\$2,944.20
210	4	Subgrade Preparation	0.9	STA	\$2,500.00	\$2,250.00
303	5	Aggregate Base Course (Class 7)	88.8	TON	\$34.00	\$3,019.20
401	6	Prime Coat	71.72	GAL	\$20.00	\$1,434.40
401	7	Tack Coat	24.93	GAL	\$21.00	\$523.53
406	8	Mineral Aggregate in ACHM Binder Course (1")	37.27	TON	\$255.00	\$9,503.85
406	9	Asphalt Binder (PG64-22) in ACHM Binder Course	2.17	TON	\$255.00	\$553.35
407	10	Mineral Aggregate in ACHM Surface Course (1/2")	27.74	TON	\$460.00	\$12,760.40
407	11	Asphalt Binder (PG64-22) in ACHM Surface Course	1.61	TON	\$460.00	\$740.60
412	12	Cold Milling Asphalt Pavement	70.03	SY	\$23.00	\$1,610.69
521	13	Concrete Curb (Type A)	313	LF	\$30.00	\$9,390.00
601	14	Mobilization	1	LS	\$30,000.00	\$30,000.00
603	15	Maintenance of Traffic	1	LS	\$45,000.00	\$45,000.00
604	16	Signs	236	SF	\$17.00	\$4,012.00
604	17	Barricades	56	LF	\$30.00	\$1,680.00
621	18	Sand Bag Ditch Checks	25	BAG	\$160.00	\$4,000.00
624	19	Solid Sodding	6.39	SY	\$35.00	\$223.65
633	20	Concrete Walks	158.3	SY	\$35.00	\$5,540.50 *
636	21	Bridge Construction Control	1	LS	\$6,200.00	\$6,200.00
641	22	Wheelchair Ramps (Type 3)	4.5	SY	\$156.00	\$702.00
710	23	Non Metallic Conduit (1")	452	LF	\$37.00	\$16,724.00
719	24	Thermoplastic Pavement Marking (Yellow) (4")	684	LF	\$7.00	\$4,788.00
802	25	Class S Concrete - Bridge	18	CY	\$745.00	\$13,410.00
802	26	Grooving	258	SY	\$55.00	\$14,190.00
803	27	Class 1 Protective Surface Treatment	5	GAL	\$965.00	\$4,825.00
803	28	Class 3 Protective Surface Treatment	504	LF	\$18.00	\$9,072.00

Crossland Heavy

Gibson & Associates

Unit Cost	Extended
\$42.35	\$23,250.15
\$82.50	\$22,275.00
\$137.50	\$9,638.75
\$15,000.00	\$13,500.00
\$181.50	\$16,117.20
\$22.00	\$1,577.84
\$33.00	\$822.69
\$423.50	\$15,783.85
\$150.00	\$325.50
\$423.50	\$11,747.89
\$150.00	\$241.50
\$91.30	\$6,393.74
\$104.50	\$32,708.50
\$45,000.00	\$45,000.00
\$13,600.00	\$13,600.00
\$16.00	\$3,776.00
\$29.00	\$1,624.00
\$20.00	\$500.00
\$25.00	\$159.75
\$143.00	\$22,636.90
\$3,300.00	\$3,300.00
\$187.00	\$841.50
\$30.80	\$13,921.60
\$5.50	\$3,762.00
\$2,050.00	\$36,900.00
\$17.60	\$4,540.80
\$1,430.00	\$7,150.00
\$20.35	\$10,256.40



BID TABULATION
City of Fayetteville
Maple Street & Lafayette Street Bridge Rehab
Fayetteville, Arkansas
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(PAGE 3 OF 3)

AHTD		Crossland Heavy					Gibson & Associates	
Item #	Item #	Description	Qty.	Units	Unit Cost	Extended	Unit Cost	Extended
804	28	Epoxy Coated Reinforcing Steel (Grade 60)	990	LBS	\$3.00	\$2,970.00	\$2.00	\$1,980.00
808	29	Elastomeric Bearings	2,700	CU. IN.	\$12.00	\$32,400.00	\$33.50	\$90,450.00
809	30	Silicone Joint Sealant	40	LF	\$90.00	\$3,600.00	\$120.00	\$4,800.00
821	31	Modification of Existing Bridge Structures	1	LS	\$125,000.00	\$125,000.00	\$2,000.00	\$2,000.00
SP	32	Hydrodemolition	309	SY	\$225.00	\$69,525.00	\$235.00	\$72,615.00
SP	33	Bridge Deck Repair	100	SF	\$40.00	\$4,000.00	\$66.00	\$6,600.00
SP	34	Latex Modified Concrete Overlay (1 3/4" Thick)	258	SY	\$500.00	\$129,000.00	\$308.00	\$79,464.00
SP	35	Concrete Repair	50	CF	\$275.00	\$13,750.00	\$946.00	\$47,300.00
SP	36	Railing Restoration	1	LS	\$75,000.00	\$75,000.00	\$16,500.00	\$16,500.00
SP	37	Clean Bridge Name Plates	2	EA	\$250.00	\$500.00	\$1,000.00	\$2,000.00
SP	38	Lighting Fixtures	8	EA	\$12,500.00	\$100,000.00	\$10,642.50	\$85,140.00
SP	39	Graffiti Protection System	1	LS	\$80,000.00	\$80,000.00	\$85,000.00	\$85,000.00
SP	40	Retaining Wall Repair	1	LS	\$140,000.00	\$140,000.00	\$303,000.00	\$303,000.00
SP	41	Railroad Requirements	1	LS	\$30,000.00	\$30,000.00	\$5,000.00	\$5,000.00
SP	42	Flagging Services	200	HRLY	\$90.00	\$18,000.00	\$90.00	\$18,000.00
	43	Overtime Flagging Services	40	HRLY	\$135.00	\$5,400.00	\$135.00	\$5,400.00
	44	Act 291, 1993 Trench & Excavation Safety System	1	LS	\$15,133.96	\$15,133.96 *	\$3,000.00	\$3,000.00
SCHEDULE 2 BASE BID SCHEDULE TOTAL						\$1,070,346.33	\$1,150,600.55	
SCHEDULE 1 & SCHEDULE 2 TOTALS						\$1,725,071.42 *	\$1,812,370.53	

* Errors in math

Signature: 
Daniel J. Barnes, PE #12708

Date: 10-8-15

DOCUMENT 00400 –BID FORM (ADDENDUM 2)

Contract Name: Maple Street & Lafayette Street Bridge Rehab

Bid Number 15-51

BID TO:

Owner: The City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, Arkansas 72701

BID FROM:

Bidder:

Crossland Heavy Contractors, Inc
501 SEAST AVE
PO Box 350
Columbus, KS 666725

ARTICLE 1 - INTENT

- 1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid price and within the Bid time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.
- 1.02 The City intends to award the lowest responsive responsible bidder based on the evaluation of the sum of Schedule 1 and Schedule 2. Bidders shall bid all Schedules (Schedule 1 and Schedule 2). Failure to bid on both schedules shall result in bid rejection.

ARTICLE 2 - TERMS AND CONDITIONS

- 2.01 Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 90 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 15 days after the date of Owner's Notice of Award.

ARTICLE 3 - BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

- A. Bidder has examined and carefully studied the Bid Documents, and the following Addenda, receipt of all which is hereby acknowledged:

<u>Number</u>	<u>Date</u>
<u>1</u>	<u>8-31-15</u>
<u>2</u>	<u>9-10-15</u>
<u>3</u>	<u>9-10-15</u>
<u>4</u>	<u>9-11-15</u>

- B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Bidder acknowledges that such reports and drawings are not Contract Documents and may not be complete for Bidder's purposes. Bidder acknowledges that Owner and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bid Documents with respect to Underground Facilities at or contiguous to the Site.
- E. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, or

- furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder and safety precautions and programs incident thereto.
- F. Bidder does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performing and furnishing of the Work in accordance with the times, price, and other terms and conditions of the Contract Documents.
 - G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.
 - H. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports, and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
 - I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Bidder.
 - J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.
 - K. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

- L. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.

ARTICLE 4 - BID PRICE

Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

A. Unit Price Schedules. The Bid Form includes two separate and complete schedules, Schedule I and Schedule II. The Contractor shall complete all parts of both Schedule I and Schedule II. Failure to complete all parts of both Schedule I and Schedule II shall render the bid non-responsive.

B. Unit Price Schedule

- 1. Bidder acknowledges that quantities are not guaranteed and final payment will be based on actual quantities determined as provided in the Contract Documents.

SCHEDULE 1 - MAPLE STREET BRIDGE

AHTD ITEM NO.	ITEM	QTY.	UNIT	UNIT COST	EXTENDED COST
202	Removal & Disposal of Concrete Curb & Gutter	283	LF	20 ⁰⁰	\$0.00 5,660
202	Removal & Disposal of Concrete Walks	111	SY	37	\$0.00 4,107
210	Unclassified Excavation	92.6	CY	42	\$0.00 3,889.20
210	Subgrade Preparation	0.8	STA	2500	\$0.00 2,000
303	Aggregate Base Course (Class 7)	23.2	TON	34	\$0.00 788.08
401	Tack Coat	2.79	GAL	20	\$0.00 55.80
407	Mineral Aggregate in ACHM Surface Course (1/2")	3.62	TON	620	\$0.00 2,244.40
407	Asphalt Binder (PG64-22) in ACHM Surface Course	0.21	TON	615	\$0.00 129.15
412	Cold Milling Asphalt Pavement	57.88	SY	23	\$0.00 1,331.24
501	Portland Cement Concrete Pavement (8" Depth)	13.01	SY	195	\$0.00 2,536.95
501	Portland Cement Concrete Pavement (10" Depth)	49.45	SY	205	\$0.00 10,137.25
521	Concrete Curb (Type A)	142	LF	30	\$0.00 4,260
601	Mobilization	1	LS	30,000	\$0.00 30,000
603	Maintenance of Traffic	1	LS	45,000	\$0.00 45,000
604	Signs	227.5	SF	17	\$0.00 3,867.50
604	Barricades	64	LF	30	\$0.00 1,920
621	Sand Bag Ditch Checks	16	BAG	170	\$0.00 2,720
633	Concrete Walks	111.2	SY	84	\$0.00 9,340
641	Wheelchair Ramps (Type 6)	40	SY	120	\$0.00 4,800
636	Bridge Construction Control	1	LS	6000	\$0.00 6,000
710	Non Metallic Conduit (1")	211	LF	37	\$0.00 7,807
719	Thermoplastic Pavement Marking (White) (12")	13	LF	27	\$0.00 351
719	Thermoplastic Pavement Marking (Yellow) (4")	208	LF	7	\$0.00 1,456
719	Thermoplastic Pavement Marking (White) (24")	40	LF	55	\$0.00 2,200
802	Class S Concrete - Bridge	20	CY	615	\$0.00 12,300
802	Grooving	160	SY	55	\$0.00 8,800
803	Class 1 Protective Surface Treatment	4	GAL	240	\$0.00 960
803	Class 3 Protective Surface Treatment	287	LF	18	\$0.00 5,166
804	Epoxy Coated Reinforcing Steel (Grade 60)	1200	LBS	3	\$0.00 3,600
809	Silicone Joint Sealant	278	LF	65	\$0.00 18,170
821	Modification of Existing Bridge Structures	1	LS	14,000	\$0.00 14,000
SP	Hydrodemolition	239	SY	225	\$0.00 53,775
SP	Bridge Deck Repair	261	SF	32	\$0.00 8,352
SP	Latex Modified Concrete Overlay (1 3/4" Thick)	160	SY	585	\$0.00 93,600
SP	Concrete Repair	30	CF	275	\$0.00 8,250
SP	Clean Bridge Name Plates	2	EA	250	\$0.00 500
SP	Lighting Fixtures	4	EA	12,300	\$0.00 49,200
SP	Graffiti Protection System	1	LS	145,000	\$0.00 145,000
SP	Ornamental Concrete Bridge Barrier	21	LF	750	\$0.00 15,750
SP	Slab Drains	4	EA	3100	\$0.00 12,400
SP	Railroad Requirements	1	LS	24,000	\$0.00 24,000
SP	Flagging Services	200	HRLY	\$90.00	\$18,000.00
SP	Overtime Flagging Services	40	HRLY	\$135.00	\$5,400.00

SCHEDULE 1 - MAPLE STREET BRIDGE TOTAL \$23,400.00

SCHEDULE 2 - LAFAYETTE STREET BRIDGE

AHTD ITEM NO.	ITEM	QTY.	UNIT	UNIT COST	EXTENDED COST
202	Removal & Disposal of Concrete Curb & Gutter	549	LF	20	\$0.00 10,980
202	Removal & Disposal of Concrete Walks	270	SY	37	\$0.00 9,990
210	Unclassified Excavation	70.1	CY	42	\$0.00 2,944.20
210	Subgrade Preparation	0.9	STA	2500	\$0.00 2,250
303	Aggregate Base Course (Class 7)	88.8	TON	34	\$0.00 3,018.20
401	Prime Coat	71.72	GAL	20	\$0.00 1,434.4
401	Tack Coat	24.93	GAL	21	\$0.00 523.53
406	Mineral Aggregate in ACIM Binder Course (1")	37.27	TON	255	\$0.00 9,503.85
406	Asphalt Binder (PG64-22) in ACIM Binder Course	2.17	TON	255	\$0.00 553.35
407	Mineral Aggregate in ACIM Surface Course (1/2")	27.74	TON	460	\$0.00 12,760.40
407	Asphalt Binder (PG64-22) in ACIM Surface Course	1.61	TON	460	\$0.00 740.60
412	Cold Milling Asphalt Pavement	70.03	SY	23	\$0.00 1,610.69
521	Concrete Curb (Type A)	313	LF	30	\$0.00 9,390
601	Mobilization	1	LS	30,000	\$0.00 30,000
603	Maintenance of Traffic	1	LS	45,000	\$0.00 45,000
604	Signs	236	SF	17	\$0.00 4,012
604	Barricades	56	LF	30	\$0.00 1,680
621	Sand Bag Ditch Checks	25	BAG	160	\$0.00 4,000
624	Solid Sodding	6.39	SY	35	\$0.00 223.65
633	Concrete Walks	158.3	SY	35	\$0.00 5,540
636	Bridge Construction Control	1	LS	6,200	\$0.00 6,200
641	Wheelchair Ramps (Type 3)	4.5	SY	156	\$0.00 702
710	Non Metallic Conduit (1")	452	LF	37	\$0.00 16,724
719	Thermoplastic Pavement Marking (Yellow) (4")	684	LF	7	\$0.00 4,788
802	Class S Concrete - Bridge	18	CY	245	\$0.00 4,410
802	Grooving	258	SY	55	\$0.00 14,190
803	Class 1 Protective Surface Treatment	5	GAL	965	\$0.00 4,825
803	Class 3 Protective Surface Treatment	504	LF	18	\$0.00 9,072
804	Epoxy Coated Reinforcing Steel (Grade 60)	990	LB	3	\$0.00 2,970
808	Elastomeric Bearings	2700	CU. IN.	12	\$0.00 32,400
809	Silicone Joint Sealant	40	LF	90	\$0.00 3,600
821	Modification of Existing Bridge Structures	1	LS	125,000	\$0.00 125,000
SP	Hydrodemolition	309	SY	225	\$0.00 69,525
SP	Bridge Deck Repair	100	SF	40	\$0.00 4,000
SP	Latex Modified Concrete Overlay (1 3/4" Thick)	258	SY	500	\$0.00 129,000
SP	Concrete Repair	50	CF	275	\$0.00 13,750
SP	Railing Restoration	1	LS	75,000	\$0.00 75,000
SP	Clean Bridge Name Plates	2	EA	250	\$0.00 500
SP	Lighting Fixtures	8	EA	12,500	\$0.00 100,000
SP	Graffiti Protection System	1	LS	80,000	\$0.00 80,000
SP	Retaining Wall Repair	1	LS	140,000	\$0.00 140,000
SP	Railroad Requirements	1	LS	30,000	\$0.00 30,000
SP	Flagging Services	200	HRLY	\$90.00	\$18,000.00
SP	Overtime Flagging Services	40	HRLY	\$135.00	\$5,400.00
	Act 291, 1993 Trench & Excavation Safety System	1	LS		\$0.00

SCHEDULE 2 - LAFAYETTE STREET BRIDGE TOTAL

\$23,400.00

1,725,071.47

MAPLE STREET AND LAFAYETTE STREET COMBINED TOTAL (SCHEDULES 1 & 2)

ARTICLE 5 - CONTRACT TIMES

- 5.01 Bidder agrees that the Work will be substantially completed and completed and ready for final payment within the number of calendar days indicated in the Agreement.
- 5.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

ARTICLE 6 - BID CONTENT

- 6.01 The following documents are attached to and made a condition of this Bid:
- A. Required Bid security in the form of a bank cashier's check or a Bid Bond and in the amount of five percent of bid
_____ Dollars (\$ 5% of bid).
- B. A tabulation of Subcontractors and other persons and organizations required to be identified in this Bid.

ARTICLE 7 - COMMUNICATIONS

- 7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

Dan Thompson
501 S. EAST AVE
Columbus, KS 66725
Phone No. 479-366-1637
FAX No. 620-429-2977

ARTICLE 8 - TERMINOLOGY

8.01 The terms used in this Bid which are defined in the GENERAL CONDITIONS or Instructions to Bidders will have the meanings assigned to them.

SUBMITTED on October 6th, 2015.

Arkansas State Contractor License No. 0067301115.

If Bidder is:

An Individual

Name (type or printed): _____

By: _____ (SEAL)
(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No.: _____ FAX No.: _____

A Partnership

Partnership Name: _____ (SEAL)

By: _____
(Signature of general partner – attach evidence of authority to sign)

Name (type or printed): _____

Business address: _____

Phone No.: _____ FAX No.: _____

A Corporation or LLC

Corporation Name: Crossland Heavy Contractors (SEAL)

State of Incorporation: Kansas

Type (General Business, Professional, Service, Limited Liability): _____

General Business

By: [Signature]

(Signature – attach evidence of authority to sign)

Name (type or printed): Mark Sell

Title: President

(CORPORATE SEAL)

Attest: [Signature]

Misty Harris (Signature of Corporate Secretary)

Business address: 501 S. EAST AVE

Columbus, KS 66602

Phone No.: 620-429-1410 FAX No.: 620-429-2977

END OF DOCUMENT 00400

DOCUMENT 00500 – AGREEMENT

BETWEEN OWNER AND CONTRACTOR

Contract Name/Title: **Maple Street & Lafayette Street Bridge Rehab**

Contract No.: 15-51

THIS AGREEMENT is dated as of the _____ day of November in the year 2015 by and between The City of Fayetteville, Arkansas and Crossland Heavy Contractors. (hereinafter called Contractor).

ARTICLE 1 - WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The work under this Contract includes, but is not limited to:

Repair and rehabilitation of the Maple Street and Lafayette Street bridges for continued vehicular and pedestrian traffic, utilizing design specifications as close to original specifications as possible, so that the appearance and historic integrity of the structure will not be impaired. The scope of the Maple Street bridge includes, but is not limited to removal of 3/4 inches of bridge deck using hydro demolition and replacement with 1.5 inches of latex modified concrete overlay, localized substructure/sidewalk/barrier repairs, installation of bridge lighting features, and associated bridge approach reconstruction. The scope of the Lafayette Street bridge includes, but is not limited to, removal of 3/4 inches of bridge deck using hydro demolition and replacement with 1.5 inches of latex modified concrete overlay, localized substructure/sidewalk/barrier repairs, rehabilitation of existing retaining wall, installation of bridge lighting features, and associated bridge approach reconstruction.

The Contract includes work in AHTD Right-of-way and work in City of Fayetteville Right-of-way.

Refer to Section 00400-Bid Form for quantities:

DOCUMENT 00500 – AGREEMENT (continued)

ARTICLE 2 - ENGINEER

- 2.01 The Contract Documents have been prepared by McCLELLAND CONSULTING ENGINEERS, INC. McCLELLAND CONSULTING ENGINEERS, INC. assumes all duties and responsibilities, and has the rights and authority assigned to McCLELLAND CONSULTING ENGINEERS, INC. in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 3 - CONTRACT TIME

3.01 TIME OF THE ESSENCE:

- A. All time limits for milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 DATES FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:

- A. The Work will be Substantially Completed within **180** calendar days after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS, and completed and ready for final payment in accordance with the GENERAL CONDITIONS within **210** calendar days after the date when the Contract Times commence to run.
- B. Stage 1 (Maple Street Bridge) shall be completed in 90 days. Stage 2 (Lafayette Street Bridge) shall be completed in 90 days. Stages 1 and 2 shall not run concurrently.

3.03 LIQUIDATED DAMAGES:

- A. Owner and Contractor recognize that time is of the essence of this Agreement and that The City of Fayetteville will suffer financial loss if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by The City of Fayetteville if the Work is not

DOCUMENT 00500 – AGREEMENT (continued)

Substantially Completed on time. Accordingly, instead of requiring any such proof, The City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay The City of Fayetteville the amount stipulated in the Special Provision titled Liquidated Damages for working day contract for each calendar day that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the Work is Substantially Complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by The City of Fayetteville, Contractor shall pay The City of Fayetteville Liquidated Damages as specified in Special Provision SP-108-1 titled Liquidated Damages for final payment.

ARTICLE 4 - CONTRACT PRICE

- 4.01 The CITY OF FAYETTEVILLE agrees to pay, and the CONTRACTOR agrees to accept, as full and final compensation for all work done under this agreement, the amount based on the prices bid in the Proposal (BID FORM) which is hereto attached, for the actual amount accomplished under each pay item, said payments to be made in lawful money of the United States at the time and in the manner set forth in the Specifications.
- 4.02 As provided in the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in the General Conditions. Unit prices have been computed as provided in the General Conditions.
- 4.03 Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

DOCUMENT 00500 – AGREEMENT (continued)

ARTICLE 5 - PAYMENT PROCEDURES

5.01 SUBMITTAL AND PROCESSING OF PAYMENTS:

- A. Contractor shall submit Applications for Payment in accordance with the GENERAL CONDITIONS. Applications for Payment will be processed by Engineer as provided in the GENERAL CONDITIONS.

5.02 PROGRESS PAYMENTS, RETAINAGE:

- A. The City of Fayetteville shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 15th day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.
 - 1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.
 - a. 90% of Work Completed (with the balance being retainage). If Work has been 50% completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to The City of Fayetteville and Engineer, The City of Fayetteville on recommendation of Engineer, may determine that as long as the character and progress of the Work subsequently remain satisfactory to them, there will be no additional retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be an amount equal to 100% of the Work Completed less the aggregate of payments previously made; and

DOCUMENT 00500 – AGREEMENT (continued)

- b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to The City of Fayetteville as provided in the GENERAL CONDITIONS.
- 2. Upon Substantial Completion, The City of Fayetteville shall pay an amount sufficient to increase total payments to Contractor to 95% of the Contract Price (with the balance being retainage), less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.

5.03 **FINAL PAYMENT:**

- A. Upon final completion and acceptance of the Work in accordance with the GENERAL CONDITIONS, The City of Fayetteville shall pay the remainder of the Contract Price as recommended by Engineer and as provided in the GENERAL CONDITIONS.

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

- 6.01 In order to induce The City of Fayetteville to enter into this Agreement, Contractor makes the following representations:
 - A. Contractor has examined and carefully studied the Contract Documents including the Addenda and other related data identified in the Bid Documents.
 - B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
 - C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

DOCUMENT 00500 – AGREEMENT (continued)

- D. Contractor has carefully studied all:
- (1) Reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and
 - (2) Reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Contractor acknowledges that The City of Fayetteville and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the Site.
- E. Contractor has obtained and carefully studied (or assumes responsibility of having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, and furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.
- F. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performing and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- G. Contractor is aware of the general nature of work to be performed by The City of Fayetteville and others at the Site that relates to the Work as indicated in the Contract Documents.

DOCUMENT 00500 – AGREEMENT (continued)

- H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents and the written resolution thereof by Engineer is acceptable to Contractor.
- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 CONTENTS:

- A. The Contract Documents which comprise the entire Agreement between The City of Fayetteville and Contractor concerning the Work consist of the following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:
 - 1. This Agreement.
 - 2. Exhibits to this Agreement (enumerated as follows):
 - a. Notice to Proceed.
 - b. Contractor's Bid.
 - c. Documentation submitted by Contractor prior to Notice of Award.
 - 3. Performance, Payment, and other Bonds.

DOCUMENT 00500 – AGREEMENT (continued)

4. General Conditions.
5. Supplementary Conditions.
6. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.
7. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general title:

MAPLE STREET AND LAFAYETTE STREET BRIDGE REHAB
8. The Arkansas Highway & Transportation Department's 2014 Edition of the Standard Specifications for Highway Construction
9. Addenda numbers one (1) to four (4), inclusive.
10. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

ARTICLE 8 - MISCELLANEOUS

8.01 TERMS:

- A. Terms used in this Agreement which are defined in the GENERAL CONDITIONS shall have the meanings stated in the GENERAL CONDITIONS.

8.02 ASSIGNMENT OF CONTRACT:

- A. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without

DOCUMENT 00500 – AGREEMENT (continued)

limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by Law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.03 SUCCESSORS AND ASSIGNS:

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

8.04 SEVERABILITY:

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon The City of Fayetteville and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

8.05 FREEDOM OF INFORMATION ACT:

- A. City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

DOCUMENT 00500 – AGREEMENT (continued)

IN WITNESS WHEREOF, The City of Fayetteville and Contractor have signed this Agreement in quadruplicate. One counterpart each has been delivered to Contractor and Engineer. Two counterparts each has been delivered to The City of Fayetteville. All portions of the Contract Documents have been signed, initialed, or identified by The City of Fayetteville and Contractor or identified by Engineer on their behalf.

This Agreement will be effective on _____, 2015, which is the Effective Date of the Agreement.

CONTRACTOR

CITY OF FAYETTEVILLE

Crossland Heavy Contractors

By: _____

By: _____

Title: President, Mark Sell

Title: _____

(SEAL)

(SEAL)

Attest _____

Attest _____

Misty Harris, Corp Secretary
Address for giving notices

Address for giving notices

PO Box 350

Columbus, KS 66725

License No. 0067301115

(attach evidence of authority to
sign and resolution or other documents
authorizing execution of Agreement)

Agent for Service of process

Dan Thompson

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

Approved As to Form:

By: _____

Attorney For: _____

END OF DOCUMENT 00500

CROSSLAND HEAVY CONTRACTORS

501 S. East Avenue • P.O. Box 350

Columbus, KS 66725

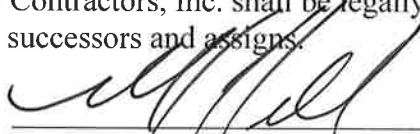
tel 620.429.1410

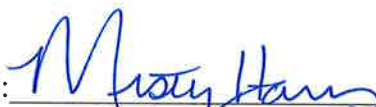
fax 620.429.2977

Corporate Resolution

BE IT RESOLVED: that at the monthly meeting of the Board of Directors of Crossland Heavy Contractors, Inc., held on the 25th day of April, 2014, the Board of Directors did, by unanimous decision, authorize Mark Sell, Mike Kirk, Chris Walters, Jason Lundry, or Ivan Crossland, Jr. to sign on behalf of said Corporation all documents and papers pertaining to the business of said Corporation.

All documents signed by Mark Sell, Mike Kirk, Chris Walters, Jason Lundry, or Ivan Crossland, Jr. on behalf of Crossland Heavy Contractors, Inc. shall be legally binding on Crossland Heavy Contractors, Inc. and their successors and assigns.

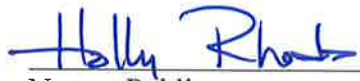

Mark Sell, President

ATTEST: 
Misty Harris, Secretary

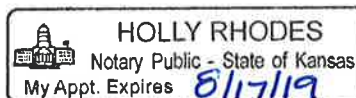
State of Kansas, County of Cherokee:

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared Mark Sell, President of Crossland Heavy Contractors, Inc. a corporation duly organized and existing in the State of Kansas, and he acknowledged the same on behalf of said Corporation.

In witness thereof I have set my hand and affixed my seal this 16th day of October 2015.


Notary Public

My Commission Expires:



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: 10/14/2015			
						P.O Number:			
Vendor #: 13383		Vendor Name: Crossland Heavy Const				Mail ☐ YES ☒ NO		Legistar#: 2015-0492 Expected Delivery Date:	
Address: PO Box 350				FOB Point:		Taxable ☐ YES ☒ NO			
City: Columbus		KS		Zip Code: 66725		Ship to code:		Quotes Attached ☐ YES ☐ NO	
Requester: Chris Brown				Requester's Employee #: 2695		Extension: 575-8207			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1					\$0.00				
2	Bridge & Drainage Improvements	1		644,930.00	\$644,930.00	4520.9555.5817.00	06035.1101		
3	Bridge & Drainage Improvements	1		1,080,141.42	\$1,080,141.42	4470.9470.5817.00	06035.1101		
4	THIS IS A GRANT				\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				
Special Instructions:						Subtotal: <u>\$1,725,071.42</u> Tax: <u>\$0.00</u> Total: <u>\$1,725,071.42</u>			
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)

Budget Year	Division: Engineering	Adjustment Number
2015	Dept.: Development Services	
	Requestor: Chris Brown	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

A resolution to award a contract in the amount of \$1,725,071.42 to Crossland Heavy Contractors, Inc. for the construction of the Maple St. & Lafayette St. Bridge Rehab, approve a project contingency of \$172,507.14 (10%) and approve a Budget Adjustment in the amount of \$1,897,579.

\$475,906 is being transferred from the State Bridge Cost Sharing Program budget (03005), \$644,930 from the Zion Road (Vantage to 265) project and to recognize \$776,743 in Federal Grant revenue

RESOLUTION/ORDINANCE	COUNCIL DATE:	11/3/2015
	LEGISTAR FILE ID#:	205-0492
	<i>Kevin Springer</i> 10/16/2015 8:11 AM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL	776,743	776,743					v.20150925
	Increase / (Decrease)		Project.Sub#				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
4470.0947.4309.00	-	776,743	06035	1101	RE	Federal Grants - Capital	
4470.9470.5817.00	776,743	-	06035	1101	EX	Bridge & Drainage Improve	
4470.9470.5817.00	(475,906)	-	03005	1	EX	Bridge & Drainage Improve	
4470.9470.5817.00	475,906	-	06035	1101	EX	Bridge & Drainage Improve	
4520.9555.5809.00	(644,930)	-	06035	2700	EX	Street Improvements	
4520.9555.5817.00	644,930	-	06035	1101	EX	Bridge & Drainage Improve	
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					



City of Fayetteville, Arkansas

Tentative Agenda
October 27, 2015
Page 132 of 184
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0496

Agenda Date: 11/3/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 6

AMEND CHAPTER 177 LANDSCAPE REGULATIONS:

AN ORDINANCE TO AMEND CHAPTER 177 LANDSCAPE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE TO ADOPT REGULATIONS PROHIBITING THE INSTALLATION OF CERTAIN INVASIVE PLANT SPECIES IN NEW DEVELOPMENTS THAT REQUIRE A LANDSCAPE PLAN REVIEW AND APPROVAL BY THE URBAN FORESTRY DIVISION, AND TO MAKE CERTAIN TECHNICAL REVISIONS

WHEREAS, on May 5, 2015, the City Council passed Resolution 101-15 requesting that City staff examine the need and propriety of submitting a proposed ordinance that would regulate or prohibit the sale or use of certain invasive plant species in Fayetteville; and

WHEREAS, City staff assembled a team of thirteen diverse stakeholders who identified eighteen invasive plant species that warrant restrictions based on the economic and environmental harm that they cause.

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 § 177.01 **Purpose** by adding a new subsection (B)(12) as follows: “Discouraging the new installation of identified invasive plant species and encouraging the removal of existing invasive plant species.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.01 **Purpose** by adding a new subsection (C)(8) as follows: “Plants identified as invasive in Section 177.09: Invasive Plant Species are prohibited from being installed in all development projects that require a landscape plan review.”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.02(B) by replacing “Tree and Landscape Advisory Committee” with “Urban Forestry Advisory Board.”

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.03 **Landscape Plan Requirements** by adding the words “Combined Plan” to the beginning subsection (C) (5) and by adding a new subsection (C)(7)(h) as follows: “Plants listed in Section 177.09: **Invasive Plant Species** shall not be installed in developments requiring a landscape plan review.”

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby adds a new Section 177.09 **Invasive Plant Species** as set forth in Exhibit “A” attached hereto and made a part hereof.

Fayetteville Code of Ordinances

- (2) Landscape materials shall be designed to be compatible with adjacent natural vegetation and shall be suitable for the climatic, soil and ecological characteristics of the area.

(Ord. 4917, 9-05-06)

177.08 Timing Of Installation

Required landscaping shall be installed prior to the issuance of a final Certificate of Occupancy or filing of the Final Plat, whichever development procedure is most applicable. A 90-day temporary certificate of occupancy may be issued or a final plat may be filed once the owner deposits, with the city, U.S. currency or an irrevocable letter of credit in an amount equal to 150% of the estimated cost of the uninstalled plant material. The letter of credit must be from a bank or banking institution doing business within the State of Arkansas which is a member of the Federal Deposit Insurance Corporation.

177.09 Invasive Plant Species

The following plants shall not be installed in development projects that require a landscape plan review.

Asian Wisteria
Wisteria sinense, Wisteria floribunda

Bamboo
Pylostachys Spp.

Bigleaf Periwinkle
Vinca major

Bradford Pear
Pyrus calleryana

Burning Bush
Euonymus alatus

Bush Honeysuckle
Lonicera maackii, Lonicera fragrantissima

Chinese Privet
Ligustrum sinense

Creeping Euonymus
Euonymus fortunei

English Ivy
Hedera helix

Heavenly Bamboo
Nandina domestica

Japanese Honeysuckle
Lonicera japonica

Kudzu
Pueraria montana

Littleleaf Periwinkle
Vinca minor

Mimosa, Silktree
Albizia julibrissin

Multiflora Rose
Rosa multiflora

Serica Lespedeza
Lespedeza cuneata

Shrubby Lespedeza
Lespedeza bicolor

Tree-of-Heaven
Ailanthus altissima

177.10-177.99 Reserved

City of Fayetteville Staff Review Form

2015-0496

Legistar File ID

11/3/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Leif Olson

10/16/2015

Sustainability & Resilience /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends that the City Council amend Chapter 177: Landscape Regulations by adopting a list of eighteen identified invasive plants and prohibiting these plants from being installed in new developments that require a landscape plan review and approval from the Urban Forestry Division.

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 NOVEMBER 3, 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: October 15, 2015

SUBJECT: Invasive Plant Species Ordinance: Submitted by Staff to amend the Unified Development Code Chapter 177: Landscape Regulations to adopt regulations prohibiting the installation of identified invasive plants in new developments that require a landscape plan review and approval by the Urban Forestry Division.

RECOMMENDATION:

Staff recommends that the City Council amend Chapter 177: Landscape Regulations by adopting a list of eighteen identified invasive plants and prohibiting these plants from being installed in new developments that require a landscape plan review and approval from the Urban Forestry Division.

BACKGROUND:

The City Council passed Resolution #101-15 on May 5, 2015 requesting Staff to examine the need and propriety of preparing an ordinance to regulate or prohibit the use of certain invasive plant species in Fayetteville.

DISCUSSION:

Staff assembled a team of thirteen stakeholders with diverse backgrounds as; nursery owners/managers, landscape architects and landscape installers, hobby gardeners, academic experts and botanists, naturalists and conservationists, City Park Managers and local citizens. Staff held four stakeholder meetings where the stakeholder group acknowledged that there is an invasive plant problem in Fayetteville and that a small list of invasive plants are causing economic and environmental harm. Ultimately, the stakeholder group;

- documented the need for and invasive plant species policy,
- reviewed other communities invasive species policies and ordinances,
- identified and prioritized the eighteen plants included in the Fayetteville Invasive Plant List,
- provided guidance and policy recommendations to City Staff, and
- reviewed and critiqued Staff's proposed invasive plants education and outreach materials.

The stakeholder group identified the following eighteen plant species as invasive in the City of Fayetteville:

- Asian Wisteria
Wisteria sinense, Wisteria floribunda
- Bamboo
Pylostachys Spp.
- Bigleaf Periwinkle
Vinca major
- Bradford Pear
Pyrus calleryana
- Burning Bush
Euonymus alatus
- Bush Honeysuckle
Lonicera maackii, Lonicera fragrantissima
- Chinese Privet
Ligustrum sinense
- Creeping Euonymus
Euonymus fortunei
- English Ivy
Hedera helix
- Heavenly Bamboo
Nandina domestica
- Japanese Honeysuckle
Lonicera japonica
- Kudzu
Pueraria montana
- Littleleaf Periwinkle
Vinca minor
- Mimosa, Silk tree
Albizia julibrissin
- Multiflora Rose
Rosa multiflora
- Sericea Lespedeza
Lespedeza cuneata
- Shrubby Lespedeza
Lespedeza bicolor
- Tree-of-Heaven
Ailanthus altissima

The proposed amendments to Chapter 177: Landscape Regulations were reviewed and unanimously approved by the Urban Forestry Advisory Board on October 14, 2015. The Urban Forestry Advisory Board is forwarding this item to the City Council with a recommendation of approval.

BUDGET/STAFF IMPACT:

None

Attachments:

Invasive Plant Species Education Packet
Urban Forester Memo

TITLE XV UNIFIED DEVELOPMENT CODE CHAPTER 177: LANDSCAPE REGULATIONS

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Fayetteville Code of Ordinances

TITLE XV UNIFIED DEVELOPMENT CODE

CHAPTER 177: LANDSCAPE REGULATIONS

177.01 Purpose

- (A) It is the purpose of this chapter to preserve and protect the health, safety, and general welfare, preserve and enhance the natural beauty of Fayetteville, and create an attractive, environmentally sound and healthy urban landscape for the residents of the City of Fayetteville to enjoy by providing for regulations of the design, planting, establishment and maintenance of spaces impacted by developmental practices.
- (B) The standards found within this chapter accomplish these purposes with existing and new vegetation by:
- (1) Promoting the beautification of the City of Fayetteville and enhancing its aesthetic quality;
 - (2) Promoting reasonable conservation and replenishment of valued tree canopy and vegetation;
 - (3) Aiding in restoring ecological balance by contributing to air purification, oxygen regeneration, and ground water recharge;
 - (4) Providing for vegetation to reduce storm water runoff and the potential damage it may create;
 - (5) Achieving a meaningful urban landscape while permitting economically feasible urban development to occur.
 - (6) Creating a healthy environment for Fayetteville residents, businesses, and industries;
 - (7) Moderating the harmful effects of sun, wind, and temperature changes;
 - (8) Buffering noise, air and visual pollution;
 - (9) Screening incompatible land uses and enhancing the appearance of parking lots in all zoning districts;
 - (10) Promoting energy conservation; **and**
 - (11) Protecting and enhancing property values; **and**
 - (12) Discouraging the new installation of identified invasive plant species and encouraging the removal of existing invasive plant species.
- (C) *Principles.* This chapter shall be enforced according to the following principles:
- (1) Sufficient landscaping shall provide beautification, soil stability and suitable drainage.
 - (2) Trees, shrubs, groundcover and grass shall be the primary source of landscaping and shall be retained and/or placed in such a manner as to reduce water runoff and provide for safe sight distances at intersections and points of access.
 - (3) The current property owner shall properly maintain all landscaping and shall replace any landscaping that dies or is damaged. Landscaping that dies or is damaged shall be removed and replaced by the current owner of the property. The owner shall have sixty (60) days from the receipt of written notice issued by the City of Fayetteville to remove and replace any required landscaping that dies or is damaged.
 - (4) Native vegetation is preferred. Vegetation requiring minimum watering is also preferred.
 - (5) Preservation is primary; therefore landscaping shall make a concerted attempt to incorporate existing on-site trees and shrubbery.
 - (6) Providing outdoor spaces and places for people to gather is strongly encouraged.
 - (7) The City of Fayetteville's Landscape Manual shall be used in support of this chapter to explain specific objectives and principles and to provide a resource for guidance in implementing all landscape plans.
 - (8) **Plants identified as invasive in Section 177.09: Invasive Plant Species are prohibited from being installed in all development projects that require a landscape plan review.**

(Ord. 4917, 9-05-06)

177.02 City Of Fayetteville Tree Preservation, Protection And Landscape Manual

Fayetteville Code of Ordinances

The Urban Forester, in cooperation with other members of city staff, shall promulgate and periodically revise forms, procedures and regulations to implement this chapter and publish this information in the *City of Fayetteville Tree Preservation, Protection, and Landscape Manual*.

(A) Copies of the *Tree Preservation, Protection, and Landscape Manual* are to be made readily available to the public and shall include, but need not be limited to:

- (1) Specific criteria for gaining city approval of landscape plans;
- (2) The format and content of reports and plans the applicant must submit to the city pursuant to this chapter;
- (3) A glossary of important terms used in this chapter;
- (4) Size and species requirements for trees planted for parking lots, screening or to meet other necessary criteria; and
- (5) Maintenance of trees (including but not limited to pruning, irrigation, and protection from disease).

(B) The ~~Tree and Landscape Advisory Committee~~ **Urban Forestry Advisory Board** shall review and may recommend revisions to the *Tree Preservation, Protection, and Landscape Manual* at least every three years to reflect changes in arboricultural and horticultural practices, lists of preferred tree species, city policies, or the content of this chapter.

(Ord. No. 4340, 10-2-01; Ord. 4917, 9-05-06)

177.03 Landscape Plan Requirements

(A) *Applicability.* The provisions of this section shall apply to proposed subdivisions, large scale developments and other development as indicated below required by the Unified Development Code to go through the city's permitting process.

- (1) *Subdivisions and large scale developments.* Applicants seeking approval of proposed subdivisions and large scale developments shall submit a detailed landscape plan.
- (2) *Building permits.* Landscape plan requirements shall apply to all permit applications for nonresidential construction, and the construction of multi-family residential buildings composed of three or more dwelling units.

(3) *Parking lots.* Landscape plan requirements shall apply to all permit applications for the construction of parking lots with five (5) or more spaces.

(B) *General.* The Landscape Plan required for subdivisions and large scale developments shall be prepared and sealed by a registered Landscape Architect. The Landscape Plan required for building permits and parking lots may be prepared by a landscape designer.

(C) *Submittal of plans.* The following information shall be included with a landscape plan submittal:

- (1) The date, scale, north arrow, project name, name of Landscape Architect/designer and name of the owner/developer.
- (2) The location of property lines and the dimensions of the tract.
- (3) *Site features:*
 - (a) Existing vegetation (See Tree Preservation & Protection Ordinance for specific criteria.)
 - (b) The approximate center line of all existing water courses.
 - (c) The location and size of existing and proposed drive aisles, streets and alleys, parking areas and other improvements to the site.
 - (d) Existing and proposed utility easements and overhead utility lines on or adjacent to the lot.
 - (e) Existing and proposed sidewalks on or adjacent to the lot.
 - (f) Location of all existing and proposed points of access.
 - (g) Existing and proposed structures on the property.
 - (h) Existing topography and proposed grading.
- (4) *Proposed landscaping.* The landscape plan shall indicate the number and species of all plants, the size of each species at the time of planting, the spacing requirements for each plant, and the type of edging and mulch to be used for the planting areas.
- (5) **Combined Plan.** The Planting Plan may be incorporated with the Site or Grading/Tree Preservation Plan.

TITLE XV UNIFIED DEVELOPMENT CODE

(6) *Planting details and/or specifications.*
Planting and installation details are to insure compliance with all required landscaping standards.

- (a) All landscaping shall be planted within areas that minimize maintenance and jeopardy of plant damage: this includes such areas as tree lawns, tree islands, urban tree wells, foundation plantings and free-standing beds.
- (b) Planting beds shall have amended soil to insure the health of the plant materials.
- (c) All new plantings shall be mulched in accordance with the guidelines established for landscape installation in the Landscape Manual.
- (d) All sod shall be removed within the planting bed and mulch shall cover the bare soil to ease maintenance.
- (e) Sod or organic mulch will be allowed in tree lawns and tree islands if no other plant material is included within these areas.
- (f) A planting bed shall be contained by edging material other than vegetation.
- (g) Planting details/specifications shall be included on the landscape plan, in accordance with the Landscape Manual.

(7) *Size and type of plant material.*

- (a) All plant material shall meet the requirements established by the American Standard for Nursery Stock.
- (b) Deciduous trees shall have a minimum of two (2) inch caliper and evergreen trees shall have a minimum height of eight (8) feet at the time of installation, unless otherwise approved by the Urban Forester.
- (c) Shrub size at the time of planting shall be a minimum of three (3) gallon containers with an expected height of three (3) feet or more within two (2) years of installation.
- (d) Plant species installed in vehicular use areas are to be approved by the Urban Forester.

(e) Acceptable species of trees are listed within the City of Fayetteville's Landscape Manual.

(f) Protective fencing shall be provided for preserved trees and other vegetation during construction, as required by §167 Tree Preservation and Protection.

(g) A description of the type of irrigation system used for each required landscape area shall be included.

(i) An automated irrigation system is encouraged to ensure adequate moisture to plant material.

(ii) In landscaped areas without an automated irrigation system, hose bibs (water spigots) shall be installed at a ratio of one for every one hundred (100) feet.

(h) Plants listed in Section 177.09: Invasive Plant Species shall not be installed in developments requiring a landscape plan review.

(D) *Plan Review.* Upon receipt of the landscape plans, the Urban Forester shall make a recommendation to the Planning Commission or an administrative determination, as permitted by the Unified Development Code, with the following results:

- (1) Approve/Recommend the landscape plan as complying with the requirements of this chapter; or
- (2) Approve/Recommend the landscape plan with conditions which bring it into compliance with the requirements of this chapter; or
- (3) Reject the landscape plan as failing to comply with the requirements of this chapter.

(Ord. 4917, 9-05-06)

177.04 Site Development And Parking Lot Landscape Standards

(A) *Applicability.* A detailed landscape plan is required to be submitted for all development when either new development or expansion of 25% of the existing building square footage occurs and for all new or expanded parking lots containing five (5) or more spaces. Landscape plans shall be submitted with the application for building permit or parking lot permit. Submittals shall conform to the standards established within this chapter.

(B) *General requirements.*

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- (1) *Separation of landscaped areas and vehicles.* All landscaped areas shall be protected from potential damage by vehicles by placing concrete curbs or wheel barriers adjacent to the landscaped area.

- (2) *Vehicle overhangs.* A portion of a standard parking space may be landscaped instead of paved to meet part of the landscaping requirement. The landscaped area may be up to two feet of the front of the space as measured from a line parallel to the direction of the bumper of the vehicle using the space. Landscaping may only be groundcover plants in the overhang area.

- (3) *Maintenance.* The current owner of the property shall be responsible for the maintenance of all required landscaping.

- (a) *Irrigation system.* Some method of irrigation shall be required in landscaped areas. An automated irrigation system is encouraged to ensure adequate moisture to plant material. In landscaped areas without an automated irrigation system the installation of hose bibs (water spigots), installed one for every 100 foot radius, will be required.

- (b) *Planting beds.* All landscaping shall be planted within areas designated as planting beds. Planting beds shall have amended soil to insure the health of the plant materials. All sod shall be removed within the planting bed and mulch shall cover the bare soil to ease maintenance. Sod will be allowed in tree lawns and tree islands if no other plant material is included within these areas.

- (c) *Replacement landscaping.* Landscaping that dies or is damaged shall be removed and replaced by the current owner of the property. The owner shall have 60 days from the receipt of written notice issued by the city to remove and replace any required landscaping that dies or is damaged.

(C) *Interior landscaping requirements.*

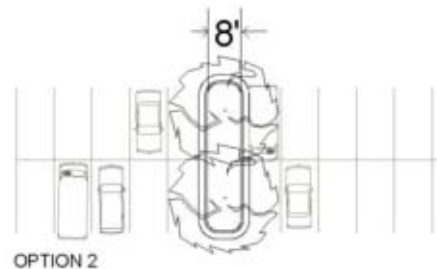
- (1) *Amount of landscaping.* Parking lots containing ten (10) or more spaces shall be landscaped with one of the following options:

- (a) *Option 1. Narrow tree lawn.* A continuous landscape strip between rows of parking. The minimum width of a tree lawn shall be eight feet (8'); the minimum area shall be 300 square feet.

One tree every 12 parking spaces or one tree every thirty linear feet, whichever provides more canopy, shall be planted with this option. Trees may be grouped or spaced within the lawn area.



- (b) *Option 2. Tree island.* The minimum width of a tree island shall be eight feet (8'); the minimum area shall be 150 square feet. One tree shall be planted for every 12 parking spaces with this option, with a maximum run of 12 parking spaces permitted without a tree island.



- (2) *Placement of trees.* Interior trees shall be placed on either side of points of access (entrance drives, exit drives) within tree islands, as indicated in the Landscape Manual.

- (3) *Tree planting.* All trees planted to meet these requirements shall be deciduous shade trees. Species selection shall be chosen from the approved list of trees found in the appendices of the City of Fayetteville Landscape Manual. Alternate tree species selections may be approved by the Urban Forester.

- (4) *Calculation of area.* Required perimeter landscaping may not be substituted for interior landscaping. However, it is recognized that interior landscaping may join perimeter landscaping. In such cases, landscaping which extends four (4) feet or more into the parking area may be included in the calculation of interior landscaped area.

TITLE XV UNIFIED DEVELOPMENT CODE

- (5) *Exceptions.* All parking lots used solely for the purpose of providing areas for the display and storage of motor vehicles for sale, lease, and rental shall be exempt from the interior landscaping requirements.
- (D) *Perimeter landscaping requirement.* Proposed development shall be landscaped meeting the following requirements:
- (1) *Side and rear property lines.* All parking lots shall have five feet (5') of landscaped area between the property line and parking lot. The two foot (2') vehicle overhang option may be included to meet this requirement. Depending on the use and location, additional landscaped area and screening may be required along property lines.
- (2) *Property lines adjoining street right-of-way.*
- (a) *Landscape area required.* A fifteen (15) foot wide landscaped area shall be provided along the front property line exclusive of and adjacent to the Master Street Plan right-of-way. Points of access (entrance drives, exit drives) and sidewalks are allowed to cross the fifteen (15) foot landscaped area provided the integrity of the landscaped area is maintained.
- (b) *Urban Zoning Districts.* Zoning districts that prescribe urban building form (e.g., a build-to zone) permitting front setbacks of less than 15 feet may be permitted to reduce the greenspace to 10 feet parallel to the Master Street Plan right-of-way line. Any development providing less than 10 feet of greenspace shall utilize the street tree planting plan for urban streetscapes.
- (c) *Residential zones.* Except for permitted entrance drives, every development shall be landscaped for an equal and uniform width of 15 feet parallel to the front property line(s) street right-of-way. Single family residential uses shall be exempt from this requirement.
- (d) *Nonresidential zones.* Except for permitted entrance drives, every development shall be landscaped for an equal and uniform width of 15 feet parallel to the front property line(s) street right-of-way. Properties developed with an urban streetscape, utilizing urban tree wells as defined herein, shall be exempt from this requirement.
- (e) *Shade.* All tree planting locations shall attempt to achieve shade for parking lots, cars, benches, pedestrian walkways, etc., by utilizing aspect and locating trees along the south and west boundary of these areas.
- (f) *Screening.* Parking lots containing five (5) or more spaces shall be screened from the public right-of-way and adjacent properties, where said parking areas are adjacent to residential zones, with shrubs and/or graded berms. If graded berms are used, shrubs are also required.
- (g) *Perimeter planting location.* All plantings noted herein shall be installed within the required landscape area. Subject to approval by the Urban Forester, required trees and shrubs may be planted within the right-of-way or outside the required landscape area parallel to the street right-of-way only in extenuating circumstances.
- (3) *Tree Planting.*
- (a) Large species trees shall be planted in the required fifteen (15) foot landscaped area containing one (1) tree per thirty (30) linear feet along the front property line. Trees along the perimeter may be grouped to allow flexibility in design. The maximum allowed grouping may be up to twenty-five (25%) percent of the required number of street trees.
- (b) Species selection shall be chosen from the approved list of trees for landscaping found in the appendices of the City of Fayetteville Landscape Manual. Alternate tree species selections may be approved by the Urban Forester. No more than 25% of trees planted to meet perimeter landscaping requirements may be evergreen.
- (c) Planted trees shall have a two (2) inch caliper (diameter) measured six (6) inches above ground level at the time of planting.
- (d) At the request of the developer, the Urban Forester may exempt specific areas from required tree planting where the terrain, existing trees or other physical limitations make the planting of new trees impracticable. In cases of

Fayetteville Code of Ordinances

existing overhead power lines, small trees shall be planted that will not interfere with the existing power lines. Species selection shall be approved by the Urban Forester.

(4) *Shrub Planting.*

- (a) The requirement for a continuous planting of shrubs is intended to lessen the effect of extensive paving. Parking lots that require screening shall have shrubs that are spaced so as to create a seamless row of hedging. A minimum 50% of shrubs shall be evergreen.
- (b) Shrub size at the time of planting shall be a minimum of three (3) gallon containers with an expected height of three (3) feet or more within two (2) years of installation.

(5) *Ground Cover Planting.* All landscape areas shall be re-vegetated with appropriate perennial groundcover. Prior to certificate of occupancy, all bare soil shall be adequately covered in accordance with the Unified Development Code.

(Ord. 4917, 9-05-06; Ord. 5312, 4-20-10; Ord. 5337, 8-3-10)

177.05 Street Tree Planting Standards

(A) *Applicability.* All new developments that create or develop along a public or private street shall be required to establish street trees in accordance with the standards and procedures provided for in this section and the adopted policies of the Landscape Manual and Fayetteville's Tree Ordinance.

(1) All Street Tree Planting Plans shall follow the submittal criteria set forth in Ch. 177.03 Landscape Plan Requirements.

(2) *Street Tree Planting Requirements*

- (a) Plans shall indicate the spacing of trees along all newly created public and private streets within the development site. At the request of the developer, the Urban Forester may exempt specific areas from required tree planting where the terrain or existing trees make the planting of new trees impracticable. Examples include, but are not limited to:
 - (i) Where the finish grade slope in the planting area between the top back of the street curb and the property line is in excess of thirty (30%) percent.

- (ii) Where bedrock is encountered within thirty (30) inches of finish grade in the planting area between the top back of the curb and the property line.

- (iii) Where existing healthy trees that are shown to be preserved within the right-of-way are in such close proximity they would prevent a new tree from establishing a full canopy when mature.

(b) Plans shall identify the species of trees to be planted, which must be selected from the Landscape Manual or otherwise approved by the Urban Forester. Street trees shall be large species canopy trees.

(c) Plans shall identify the size and quality of trees which must meet or exceed the standards adopted in the Landscape Manual.

(d) Indicate the location of all points of access (driveways, sidewalks and public & private utilities) within the proposed development. The developer shall ensure that driveways, sidewalks, utilities, etc. will not endanger the livelihood of the proposed trees, and shall plan accordingly.

(e) A Maintenance Agreement and Landscape Establishment Guarantee shall be established. All plans shall include a binding three (3) year maintenance and monitoring plan, which shall hold the developer responsible for the health of all planted trees.

(f) Approval of a Maintenance Agreement and Landscape Establishment Guarantee shall be contingent upon the Developer depositing with the City of Fayetteville one of the following: currency, bond, irrevocable letter of credit or other surety. The amount shall be equal to that provided in § 167.04(J)(4).

(g) Upon completion of the three (3) year landscape establishment period, the Urban Forester shall inspect the site and determine whether ninety (90%) percent of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the City of Fayetteville shall release the currency, bond or letter of credit.

TITLE XV UNIFIED DEVELOPMENT CODE

- (h) In the absence of such a finding, the developer shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban Forester. If the developer does not take remedial steps to bring the property into compliance, the City of Fayetteville shall use the necessary monies from the Landscape Establishment Guarantee to do so.
 - (i) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail or lightning strikes, or through the independent actions of their parties, the developer shall be relieved of the responsibility of replanting the tree or trees so affected.
 - (j) Contain such other information as may be required to reflect how the plan addresses the remaining policies within the Landscape Manual.
- (3) Street tree plantings that are above and beyond the requirements as established herein may count as on-site Tree Mitigation, with approval of the Urban Forester.
- (4) *Timing of planting.* The Urban Forester shall recommend to the Planning Commission the option that will potentially result in accomplishing the most objectives of this chapter.
- (a) *Street Tree Planting with infrastructure (subdivisions only).* The developer may choose to provide a landscape plan that conforms to the regulations herein, with all landscaping along streets to be installed prior to final plat approval and acceptance of public improvements associated with the development. If planted prior to final plat approval, the developer shall provide proper measures to ensure the longevity of health of all planted trees during development of individual lots; or
 - (b) *Street Tree Planting with development (subdivisions only).* The developer may choose to provide a landscape plan that conforms to the regulations herein only to the extent that future development on lots created by the subdivision shall be responsible for individual landscape plans as each lot develops.
- (c) *Street Tree Planting with concurrent development.* Where development approval is requested (large scale, building permit, parking lot permit, etc), the developer shall provide a detailed landscape plan that conforms to the regulation established by this chapter.
 - (d) Street Tree Planting Plans shall be submitted with the plans submitted for development or subdivision approval by the Planning Commission, in accordance with the options listed herein.
 - (e) A written description of the method(s) and time frame the project will utilize to track development of each individual lot shall be submitted by the developer to ensure the required street trees are planted and their longevity of health assured.
- (B) *Street Tree Planting Plan Requirements for Proposed Residential and Non-Residential Subdivisions.*
- (1) *Residential Subdivisions.* Submittals for all proposed residential subdivisions shall include a street tree planting plan at the time of final plat submittal.
- (a) A minimum of one (1) two-inch caliper, large species tree per lot shall be planted.
 - (b) Street trees shall be planted within or along the right-of-way; where possible, between the sidewalk and the curb. Location shall be approved by the Urban Forester. Refer to the Landscape Manual for spacing requirements.
- (2) *Non-Residential Subdivisions.* Submittals for all proposed non-residential subdivisions shall include a street tree planting plan at the time of final plat submittal, or in accordance with the option approved for Timing of Planting as required by this chapter.
- (a) A minimum of one (1) two-inch caliper, large species tree per 30 linear feet of frontage shall be planted.
 - (b) Street trees shall be planted within the required landscape area. Location shall be approved by the Urban Forester. Refer to the Landscape Manual for spacing requirements.
- (3) *Optional Street Tree Planting Plan for Urban Streetscapes.*

Fayetteville Code of Ordinances

The Street Tree Planting Plans of subsections (1) and (2) may be replaced by an urban streetscape including sidewalks at least eight feet wide from curb to building. At the time of developmental submittal, the proposed urban streetscape shall include a street tree planting plan in compliance with the following requirements:

- (a) A minimum of one (1) two-inch caliper, large species tree per 30 linear feet of street frontage or every 10 parking spaces, whichever provides the most trees, shall be planted with this option.
- (b) Location of trees shall be approved by the Urban Forester to ensure that adequate spacing, access and visibility are maintained. The spacing of trees may be varied with approval of the Urban Forester.
- (c) Trees shall be planted within urban tree wells. The minimum width of an urban tree well shall be three feet (3'); the minimum area shall be 15 square feet. This option is only permitted to allow trees planted within wide sidewalks, in a downtown/urban fashion. Size and shape of urban tree well shall be approved by the Urban Forester.
- (d) Tree wells shall be covered with either a tree grate or some form of permeable pavers, (block or stone), to be approved by the Urban Forester.
- (e) Structural soil or similar treatment shall be utilized with this option (see Landscape Manual for specifications)
- (f) Street tree planting plans utilizing this option shall follow the construction procedures and details as outlined in the Landscape Manual.
- (g) Development applications approved for the use of Urban Tree Wells shall not be required to provide additional landscaped area exclusive of the right-of-way.

(Ord. 4917, 9-05-06; Ord. 5003, 4-17-07; Ord. 5057, 9-04-07; Ord. 5513, 7-17-12)

177.06 Stormwater Facilities

- (A) *Applicability.* All development required to install dry surface stormwater facilities (detention ponds) shall conform to the requirements herein. A landscape plan shall be submitted and

approved prior to issuance of a permit or at the time of final plat (whichever is applicable). All required plantings shall be installed prior to issuance of a Certificate of Occupancy or filing of a final plat (whichever is applicable). Development that utilizes retention, underground or parking lot detention, or alternative stormwater management measures as approved by the Urban Forester and City Engineer shall not be required to meet the requirements of this chapter.

- (B) *General Requirements.* It is critical that selected plant materials are appropriate for soil, hydrologic and other existing site conditions.

- (1) All plants within required stormwater facility areas shall be appropriate species selected from the Landscape Manual or approved by the Urban Forester.
- (2) The design for plantings shall minimize the need for herbicides, fertilizers, pesticides or soil amendments at any time before, during and after construction and for a long-term basis.
- (3) Plantings should be designed to minimize the need for mowing, pruning and irrigation. Grass or wildflower seed shall be applied at the rates specified by the suppliers. If plant establishment cannot be achieved with seeding by the time of substantial completion of the stormwater facility portion of the project, the contractor shall plant the area with wildflower sod, plus, container plants or some other means to complete the specified plantings and protect against erosion as approved by the Urban Forester.
- (4) Plantings shall not impede the primary function of the stormwater facility, as identified in the Unified Development Code. Should plantings be proposed that call into question the ability of the stormwater facility to operate to the satisfaction of the City Engineer, the developer shall provide sufficient information (calculations, etc.) for review, at the time of submittal.

- (C) *Detention Ponds.* These are stormwater facilities that do not have standing water for more than a few hours per storm event. Vegetation helps improve infiltration functions, protects from rain and wind erosion and enhances aesthetic conditions.

- (1) The Stormwater Facility area is defined to be equivalent to the area of the detention basin, including the bottom and the side slopes, plus a ten (10) foot buffer around the detention basin.

TITLE XV UNIFIED DEVELOPMENT CODE

(2) The developer shall install minimum plant material quantities per 3000 square feet of the stormwater facility area as follows:

- (a) One (1) evergreen or deciduous tree:
 - (i) Evergreen trees: Minimum height of six (6) feet.
 - (ii) Deciduous trees: Minimum caliper of one and a half (1½) inch at six (6) inches above the base.
 - (b) Four (4) large shrubs/small trees, three (3) gallon containers or equivalent.
 - (c) Six (6) shrubs/large grass-like plants, one (1) gallon containers or equivalent.
 - (d) Ground cover plants, one (1) per twelve (12) inches on center with triangular spacing, unless seed or sod is specified and installed.
 - (e) At least fifty (50%) percent of the facility shall be planted with grasses or grass-like plants, or as otherwise required by the Unified Development Code.
 - (f) Wildflowers, native grasses and ground covers shall be designed to require mowing no more than twice annually.
- (3) Trees planted within stormwater facilities may be utilized to meet on-site Tree Mitigation requirements, subject to approval by the Urban Forester.

(Ord. 4917, 9-05-06)

177.07 Landscaping For Erosion Control

- (A) *Applicability.* Those developments requiring a grading permit shall conform to the following requirements.
- (B) *General Requirements.* Erosion control measures shall be installed as soon as practical and prior to the final approval. Prior to vegetation controls, all other appropriate erosion control strategies should be in place.
 - (1) The faces of cut and fill slopes which measure five (5) feet or greater in vertical height shall be treated and maintained to control against erosion for the protection of the public health, safety and welfare.
 - (2) Landscape materials on graded slopes shall be designed to be compatible with adjacent natural vegetation and shall be suitable for

the climatic, soil and ecological characteristics of the area. Non-invasive, drought tolerant materials shall be selected as approved by the Landscape Administrator.

- (C) *Temporary Seeding.* Temporary Seeding is required where exposed soils are not to be fine graded for periods of twenty (20) days or more. Such areas include denuded areas, soil stockpiles, dikes, sides of sediment basins, temporary roadbanks and parking areas, storage areas, etc.
 - (1) Seeds shall be evenly applied.
 - (2) Mulching shall be used to reduce water runoff, windblow and increase moisture conditions of seedlings.
 - (3) Re-seeding is required in areas which fail to establish vegetation – after investigating and remediation of such failure.
- (D) *Permanent Seeding.* Permanent seeding is required where disturbed areas will be permanent and where long lived vegetative cover is needed to stabilize soils. Rough graded areas which will not be brought to final grade for one (1) year or more shall also required long lived vegetative cover.
 - (1) In order to establish a good stand of vegetation, seedbeds shall consist of appropriate soil texture, structure, moisture, nutrient content, depth and internal drainage.
 - (2) Seeds shall be evenly applied.
 - (3) Mulching shall be used to reduce water runoff, windblow and increase moisture conditions of seedlings.
 - (4) Re-seeding is required in areas which fail to establish vegetation – after investigating and remediation of such failure.
- (E) *Sodding.* Grass sod shall be installed where disturbed areas require immediate vegetative covers or where sod is preferred to other forms of grass establishment.
- (F) *Vegetative Streambank Stabilization.* Re-vegetation shall be required where banks in creeks, streams and rivers, subject to erosion from excess runoff, have been eroded from land disturbance due to the development.
 - (1) Revegetation shall be consistent with all other required erosion control measures.

Fayetteville Code of Ordinances

- (2) Landscape materials shall be designed to be compatible with adjacent natural vegetation and shall be suitable for the climatic, soil and ecological characteristics of the area.

(Ord. 4917, 9-05-06)

177.08 Timing Of Installation

Required landscaping shall be installed prior to the issuance of a final Certificate of Occupancy or filing of the Final Plat, whichever development procedure is most applicable. A 90-day temporary certificate of occupancy may be issued or a final plat may be filed once the owner deposits, with the city, U.S. currency or an irrevocable letter of credit in an amount equal to 150% of the estimated cost of the uninstalled plant material. The letter of credit must be from a bank or banking institution doing business within the State of Arkansas which is a member of the Federal Deposit Insurance Corporation.

177.09 Invasive Plant Species

The following plants shall not be installed in development projects that require a landscape plan review.

Asian Wisteria
Wisteria sinense, Wisteria floribunda

Bamboo
Pylostachys Spp.

Bigleaf Periwinkle
Vinca major

Bradford Pear
Pyrus calleryana

Burning Bush
Euonymus alatus

Bush Honeysuckle
Lonicera maackii, Lonicera fragrantissima

Chinese Privet
Ligustrum sinense

Creeping Euonymus
Euonymus fortunei

English Ivy
Hedera helix

Heavenly Bamboo
Nandina domestica

Japanese Honeysuckle
Lonicera japonica

Kudzu
Pueraria montana

Littleleaf Periwinkle
Vinca minor

Mimosa, Silk tree
Albizia julibrissin

Multiflora Rose
Rosa multiflora

Serica Lespedeza
Lespedeza cuneata

Shrubby Lespedeza
Lespedeza bicolor

Tree-of-Heaven
Ailanthus altissima

177.10-177.99 Reserved



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 3, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Connie Edmonston, Parks & Recreation Director
Alison Jumper, Park Planning Superintendent

FROM: John Scott, Urban Forester

DATE: October 16, 2015

SUBJECT: Invasive Plant Species Ordinance

RECOMMENDATION:

Urban Forestry staff and the Urban Forestry Advisory Board recommend that the City Council amend Chapter 177: Landscape Regulations by adopting a list of eighteen identified invasive plants and prohibiting these plants from being installed in new developments that require a landscape plan review and approval from the Urban Forestry Division.

DISCUSSION:

The Urban Forestry Division at the City of Fayetteville has worked in conjunction with the Sustainability & Resilience Department to draft the proposed additions to Chapter 177: Landscape Regulations regarding prohibiting the planting of certain invasive plant species in new developments. The proposed invasive plant additions to Chapter 177 would add value to the current code and strengthen the current recommendations for developers to avoid invasive plant species on approved landscape plans.

The invasive plant amendment would not add additional burden on staff or make significant changes to the standard daily operations of Urban Forestry staff. The current development review process includes identifying the species of plants being used for future developments. An onsite inspection, which includes verifying the plant species, is required at the end of each project. The prohibition of invasive species identified in the proposal can efficiently be included in the standard daily operating procedures of the Urban Forestry staff without complicating the process for developers.

The proposed ordinance changes do not involve enforcement for proposed or existing residential properties or any existing commercial properties. The proposed changes would only affect developments required to submit a landscape plan pursuant to Chapter 177. If developments are not meeting the proposed requirements, the final Certificate of Occupancy would be withheld until compliance is met. Urban Forestry staff are in full support of the proposed invasive plant additions to Chapter 177: Landscape Regulations.

A detailed presentation about the invasive plant additions was presented at the Urban Forestry Advisory Board, on October 14, 2015. A discussion followed the presentation and a motion was made to support the ordinance. The motion unanimously passed 5-0-0. The Urban Forest Advisory Board fully supports the proposed invasive plant addition to Chapter 177: Landscape Regulations.

BUDGET/STAFF IMPACT:

None

ASIAN WISTERIA

Wisteria sinense / floribunda

INVASIVE



FLOWER



FORM



HABIT

HOW TO IDENTIFY : Climbing woody vine with alternate leaves divided into leaflets, dangling violet to light purple clusters of showy flowers.

HOW TO REMOVE ASIAN WISTERIA: Cut stems at base and apply appropriate herbicide stump.

NEGATIVE IMPACTS : Aggressive growth rate, capable of overtaking and damaging structures such as buildings or arbors.

AMERICAN WISTERIA

Wisteria frutescens

NATIVE
ALTERNATIVE



FLOWER



FORM



HABIT

LANDSCAPE VALUE : Showy compact violet flowers on healthy growing woody stem. Great arbor coverage.

OTHER NON-INVASIVE ALTERNATIVES : Carolina Jessamine (*Gelsemium sempervirens*), Trumpet creeper (*Campsis radicans*), Coral honeysuckle (*Lonicera honeysuckle*)

CHARACTERISTICS

DECIDUOUS

SIZE : 10' - 65'

HARDINESS : Zone 5 - 8

GROWTH RATE : Extremely Rapid

SHADE ————— SUN



CHARACTERISTICS

DECIDUOUS

SIZE : 15' - 50'

HARDINESS : Zone 5 - 9

GROWTH RATE : Medium

SHADE ————— SUN



BAMBOO

Pylostachys spp.

INVASIVE



LEAF



FORM



HABIT

HOW TO IDENTIFY : Sturdy green or yellow thickets, think lance-like leaves, tall growth habit.

HOW TO REMOVE BAMBOO : Remove root mass, mow regularly, treat with appropriate herbicide, containment is an effective method of control.

NEGATIVE IMPACTS : This is a 'running' bamboo capable of spreading rapidly and overtaking native plants and ecosystems.

CHARACTERISTICS

DECIDUOUS

SIZE : 12' - 18'

HARDINESS : Zone 4 - 9

GROWTH RATE : Extremely Rapid

SHADE ————— **SUN**



RIVER CANE

Arundinaria gigantea

NATIVE
ALTERNATIVE



LEAF



FORM



HABIT

LANDSCAPE VALUE : Provides privacy screen, attractive stems and leaf form.

OTHER NON-INVASIVE ALTERNATIVES : *Arundinaria gigantea* is the only native bamboo in North America.

Alternative vines : Coral honeysuckle (*Lonicera sempervirens*), Trumpet creeper (*Campsis radicans*), Virginia creeper (*Parthenocissus quinquefolia*)

Alternative screening plant : Foster holly (*Ilex opaca*)

CHARACTERISTICS

DECIDUOUS

SIZE : 5' - 12'

HARDINESS : Zone 5 - 9

GROWTH RATE : Medium

SHADE ————— **SUN**



PERIWINKLE

Vinca major /minor

INVASIVE



FLOWER



LEAF



HABIT

HOW TO IDENTIFY : Shiny green opposite leaves pointed at the tip, violet pin wheel shaped flower on a somewhat woody vine.

HOW TO REMOVE PERIWINKLE: Dig and pull by hand, mow remaining plants. Apply appropriate herbicide and cover with cardboard and mulch.

NEGATIVE IMPACTS : Once established, difficult to eradicate. Removal involves cutting followed by immediate application of herbicide.

CHARACTERISTICS

EVERGREEN

SIZE : 6" - 12"

HARDINESS : Zone 5 - 8

GROWTH RATE : Extremely Rapid

SHADE ————— SUN



WILD GINGER

Asarum canadense

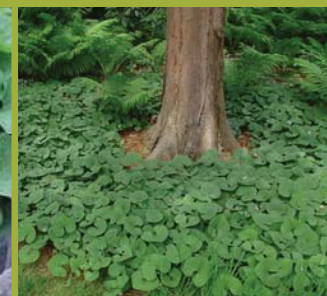
NATIVE
ALTERNATIVE



FLOWER



LEAF



HABIT

LANDSCAPE VALUE : Beautiful hidden flowers, excellent kidney leaf shape, grows well in deep shade, forms dense carpet.

OTHER NON-INVASIVE ALTERNATIVES : Haysented Fern (*Dennstaedtia punctulobula*), Barren Strawberry (*Waldsteinia fragarioides*), Partridge-Berry (*Mitchella repens*), Wild Geranium (*Geranium maculatum*), Alum Roots (*Heuchera americana*)

CHARACTERISTICS

DECIDUOUS

SIZE : 6" - 12"

HARDINESS : Zone 4 - 6

GROWTH RATE : Medium

SHADE ————— SUN



BRADFORD PEAR

Pyrus calleryana

INVASIVE



FLOWER



FORM



FALL

HOW TO IDENTIFY : Showy white fowl smelling flowers blooming in early spring. Oval, glossy, dark green alternate leaves with pointed tip turning purpleish red in fall.

HOW TO REMOVE BRADFORD PEAR : Cut tree down to stump and apply appropriate herbicide.

NEGATIVE IMPACTS : Competes for natural resources, invades urban and forested areas, shading out other native species and inhibiting forest regeneration. Birds wildly disperse seeds.

CHARACTERISTICS

DECIDUOUS

SIZE : 30' - 50'

HARDINESS : Zone 5 - 9

GROWTH RATE : Rapid



YELLOW - WOOD

Cladtrastis kentukea

NATIVE
ALTERNATIVE



FLOWER



FORM



FALL

LANDSCAPE VALUE : Showy flowers in spring with beautiful fall color.

OTHER NON-INVASIVE ALTERNATIVES : Flowering Dogwood (*Cornus florida*), Fringe Tree (*Chionanthus virginicus*), Two-Winged Silverbell (*Halesia diptera*), Eastern Swampprivet (*Forestiera acuminata*), American Snowbell (*Styrax americana*), Serviceberry (*Amelanchier arborea*), Cockspur Hawthorn (*Crataegus crus-galli*), Sweet Crabapple (*Malus coronaria*), Prairie Crabapple (*Malus ioensis*)

CHARACTERISTICS

DECIDUOUS

SIZE : 30' - 50'

HARDINESS : Zone 4 - 8

GROWTH RATE : Medium



BURNING BUSH

Euonymus alatus

INVASIVE



FRUIT



STEM



FALL

HOW TO IDENTIFY : opposite leaves tapering to a point turning bright red in the fall, multistemmed flat top shrub with spreading branches, four angled stem green in color with corky wings

HOW TO REMOVE BURNING BUSH : Cut and collect branches of the shrub and dig up the root ball. It is important to catch all seeds and stems during removal to prevent the shrub from spreading.

NEGATIVE IMPACTS : Can invade disturbed and undisturbed habits including forest edges, roadsides and old fields. Once established, it forms dense thickets that displace native vegetation.

CHARACTERISTICS

DECIDUOUS

SIZE : 9' - 11'

HARDINESS : Zone 4 - 8

GROWTH RATE : Extremely Rapid

SHADE ————— SUN



FRAGRANT SUMAC

Rhus aromatica

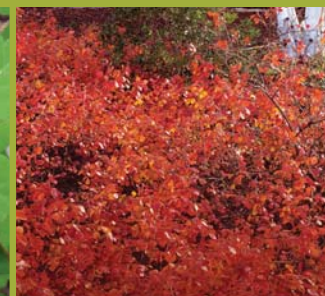
NATIVE
ALTERNATIVE



FRUIT



LEAF



FALL

LANDSCAPE VALUE : Excellent fall color, sweet scented leaves, showy red fruits provide food for wildlife.

OTHER NON-INVASIVE ALTERNATIVES : Black chokeberry (*Aronia melanocarpa*), American hazelnut (*Corylus americana*), American With-hazel (*Hamamelis virginiana*), Spicebush (*Lindera benzoin*), Ozark Mock Orange (*Philadelphus pubescens*), Arrow-wood (*Viburnum dentatum*), Blackhaw (*Viburnum prunifolium*), Rusty Blackhaw (*Viburnum rufidulum*)

CHARACTERISTICS

DECIDUOUS

SIZE : 3' - 10'

HARDINESS : Zone 3 - 9

GROWTH RATE : Medium

SHADE ————— SUN



BUSH HONEYSUCKLE

Lonicera maackii / *frangrantissima*

INVASIVE



FLOWER



FORM



WINTER

HOW TO IDENTIFY : paired red fruits in fall and yellow and white tubular fragrant flowers in spring and summer, hollow branches, opposite leaves tapering to a point.

HOW TO REMOVE BUSH HONEYSUCKLE : best removed by persistent manual removal when young. To remove mature shrub, cut plant to stump and paint with herbicide. Best removed in winter.

NEGATIVE IMPACTS : First leaves appear early in spring, blocking light to plants for early native bloomers. Uncontrolled, it can create a mono-culture within the under-story preventing forest regeneration.

CHARACTERISTICS

DECIDUOUS

SIZE : 5' - 25'

HARDINESS : Zone 3-7

GROWTH RATE : Rapid

SHADE



SUN



CAROLINA BUCKTHORN

Rhamnus caroliniana

NATIVE
ALTERNATIVE



FRUIT



FORM



WINTER

LANDSCAPE VALUE : wind break, helps to control erosion, provides food for wildlife, attractive fruits.

OTHER NON-INVASIVE ALTERNATIVES : Winterberry (*Ilex verticillata*), American beautyberry (*Callicarpa americana*), Ninebark (*Physocarpus opulifolius*), Rusty Blackhaw (*Viburnum rufidulum*), Spicebush (*Lindera benzoin*), Silky Dogwood (*Cornus obliqua*), American witch-hazel (*Hamamelis virginiana*), Deciduous holly (*Ilex decidua*), American holly (*Ilex opaca* var. *opaca*), Ozark Mock Orange (*Philadelphus pubescens*), Arrow-wood (*Viburnum dentatum*)

CHARACTERISTICS

DECIDUOUS

SIZE : 5' - 25'

HARDINESS : Zone 3-7

GROWTH RATE : Rapid

SHADE



SUN



CHINESE PRIVET

Ligustrum sinense

INVASIVE



FLOWER



FORM



WINTER

HOW TO IDENTIFY : Shiny green leaves with rounded tip, numerous small fragrant flowers, small blueish purplish fruit, tall multi-stemmed shrub with arching branches forming dense thicket, prolific root sprouter.

HOW TO REMOVE CHINESE PRIVET : Dig up small plants removing roots. To remove larger plants, cut and paint with herbicide in early fall.

NEGATIVE IMPACTS : Forms a dense thicket, shading out native species, creating a mono-culture in the under-story and preventing forest regeneration. Not a good plant for pollination.

CHARACTERISTICS

SEMI-EVERGREEN / DECIDUOUS

SIZE : 12' - 30'

HARDINESS : Zone 8 - 10

GROWTH RATE : Rapid



BLACKHAW VIBURNUM

Viburnum rufidulum / prunifolium

NATIVE
ALTERNATIVE



FLOWER



FORM



WINTER

LANDSCAPE VALUE : Attractive foliage, beautiful showy clusters of flowers, tall multibranched arching shrub with bluish black fruits. Good food for birds.

OTHER NON-INVASIVE ALTERNATIVES : Yaupon Holly (*Ilex vomitoria*), Rusty Blackhaw (*Viburnum rufidulum*), Spicebush (*Lindera benzoin*), Silky Dogwood (*Cornus obliqua*), American witch-hazel (*Hamamelis virginiana*), Deciduous holly (*Ilex decidua*), American holly (*Ilex opaca* var. *opaca*), Ozark Mock Orange (*Philadelphus pubescens*), Arrow-wood (*Viburnum dentatum*), Alternate-leaf Dogwood (*Cornus alternifolia*), American Strawberry-bush (*Euonymus americana*), Bladdernut (*Staphylea trifolia*)

CHARACTERISTICS

SEMI-EVERGREEN / DECIDUOUS

SIZE : 10' - 25'

HARDINESS : Zone 3 - 9

GROWTH RATE : Medium



CREEPING EUONYMUS

Euonymus fortunei

INVASIVE



FRUIT

LEAF

HABIT

HOW TO IDENTIFY : opposite dark green leaves with yellow veins, woody vine that trails along ground and climbs high into trees.

HOW TO REMOVE CREEPING EUONYMUS : To mechanically remove, prune back growth and dig up roots. To chemically remove, prune 3'-4' tall spray with herbicide, repeat until plant does not persist.

NEGATIVE IMPACTS : Grows across the ground displacing native species. Climbs high into trees and develops seeds that can be spread from the tree canopy. Prevents forest regeneration by crowding out native plants.

CHARACTERISTICS

EVERGREEN

SIZE : climbs to 70'

HARDINESS : Zone 5 - 9

GROWTH RATE : Rapid



CAROLINA JASMINE

Gelsemium sempervirens

NATIVE
ALTERNATIVE



FLOWER

LEAF

HABIT

LANDSCAPE VALUE : Evergreen twining vine typically found in open woods and along roads with showy yellow flowers that appear in clusters during early spring.

OTHER NON-INVASIVE ALTERNATIVES : Allegheny spurge (*Pachysandra procumbens*), Moss Phlox (*Phlox subulata*), Common Bearberry (*Arctostaphylos uva-ursi*), Elliot's blueberry (*Vaccinium elliotii*), Partridge-Berry (*Mitchella repens*)

CHARACTERISTICS

SEMI-EVERGREEN

SIZE : 12' - 20'

HARDINESS : Zone 7 - 10

GROWTH RATE : Medium



ENGLISH IVY

Hedera helix

INVASIVE



FLOWER



LEAF



WINTER

HOW TO IDENTIFY : Dark green alternate lobed or unlobed leaves with whitish veins, readily attaching to vertical surfaces with woody stems and terminal flower clusters.

HOW TO REMOVE ENGLISH IVY: Manually remove by pulling vines off of surface and digging up roots.

NEGATIVE IMPACTS : Damages buildings and mortar and chokes out other plants inhibiting growth.

CHARACTERISTICS

EVERGREEN

SIZE : 20' - 80'

HARDINESS : Zone 4 - 9

GROWTH RATE : Rapid

SHADE ————— **SUN**



VIRGINIA CREEPER

Parthenocissus quinquefolia

NATIVE
ALTERNATIVE



FLOWER



FORM



FALL

LANDSCAPE VALUE : attractive fall foliage, excellent climber, acts as ground cover in deep shade.

OTHER NON-INVASIVE ALTERNATIVES : Common Moonseed (*Menispermum canadense*), Carolina Coralbead (*Cocculus carolinus*), Partridge Berry (*Mitchella repens*), Oregon Grape (*Mahonia nervosa*), Allegheny spurge (*Pachysandra procumbens*)

CHARACTERISTICS

DECIDUOUS

SIZE : 30' - 50'

HARDINESS : Zone 3 - 9

GROWTH RATE : Medium

SHADE ————— **SUN**



HEAVENLY BAMBOO

Nandina domestica

INVASIVE



FLOWER



LEAF



FALL

HOW TO IDENTIFY : Leaves divided into small glossy leaflets, pointed at the large clusters of red fruits.

HOW TO REMOVE HEAVENLY BAMBOO : Manually cut stem near the base and apply approved herbicide. Seedlings can be pulled.

NEGATIVE IMPACTS : Instances of poisoning to Cedar Waxwing birds. Forms thickets and is difficult to remove.

CHARACTERISTICS

SEMI-EVERGREEN

SIZE : 3' - 8'

HARDINESS : Zone 6 - 9

GROWTH RATE : Medium

SHADE



SUN



VIRGINIA SWEETSPIRE

Itea virginica

NATIVE
ALTERNATIVE



FLOWER



FORM



FALL

LANDSCAPE VALUE : clusters of showy fragrant white flowers in the spring, excellent pollinator, beautiful fall color.

OTHER NON-INVASIVE ALTERNATIVES : Florida hobblebush (*Agarista populifolia*), Carolina buckthorn (*Rhamnus caroliniana*), Strawberry bush (*Eubonymus americanus*), Wild hydrangea (*Hydrangea arborescens*), Yaupon holly (*Ilex spp.*), Ninebark (*Physocarpus opulifolius*)

CHARACTERISTICS

DECIDUOUS

SIZE : 3' - 6'

HARDINESS : Zone 5 - 9

GROWTH RATE : Medium

SHADE



SUN



JAPANESE HONEYSUCKLE

Lonicera japonica

INVASIVE



FLOWER



HABIT



FORM

HOW TO IDENTIFY : Fragrant yellow and white flowers, slender woody vine with opposite leaves.

HOW TO REMOVE JAPANESE HONEYSUCKLE : For small patches, repeated pulling of entire vine and root systems may be effective.

NEGATIVE IMPACTS : Overwhelmingly replacing native flora in all forest types. Crowds out native species inhibiting forest regeneration. Arbors high in trees, shading under-story growth.

CHARACTERISTICS

SEMI-EVERGREEN / EVERGREEN

SIZE : 15' - 30'

HARDINESS : Zone 4 - 9

GROWTH RATE : Extremely Rapid

SHADE ————— SUN



CORAL HONEYSUCKLE

Lonicera sempervirens

NATIVE
ALTERNATIVE



FLOWER



FORM



FOOD

LANDSCAPE VALUE : long bloom time, attracts hummingbirds, climbs trellaces.

OTHER NON-INVASIVE ALTERNATIVES : Trumpet creeper (*Campsis radicans*), Rock Clematis (*Clematis columbiana*), American Bittersweet (*Celastrus scandens*), Carolina snailseed (*Cocculus caulinus*), Moonseed (*Menispermum canadense*), Virginia Creeper (*Parthenocissus quinquefolia*)

CHARACTERISTICS

DECIDUOUS

SIZE : 10' - 20'

HARDINESS : Zone 5 - 8

GROWTH RATE : Rapid

SHADE ————— SUN



KUDZU

Pueraria montana

INVASIVE



FLOWER



FORM



HABIT

HOW TO IDENTIFY : Aggressive woody vine with three large alternate leaflets. Fragrant lavender to wine colored flowers with yellow center.

HOW TO REMOVE KUDZU : Mow and burn late in the growing season followed by appropriate herbicide treatment.

NEGATIVE IMPACTS : Kudzu climbs over trees or shrubs and grows so rapidly that it kills other plants by shading them out. This is called 'interference competition' meaning it out-competes other species for a resource.

CHARACTERISTICS

DECIDUOUS

SIZE : 30' - 100'

HARDINESS : Zone 5 - 10

GROWTH RATE : Extremely Rapid

SHADE ————— **SUN**



VIRGINIA CREEPER

Parthenocissus quinquefolia

NATIVE
ALTERNATIVE



FLOWER



FORM



FALL

LANDSCAPE VALUE : Attractive fall foliage, excellent climber, acts as ground cover in deep shade

OTHER NON-INVASIVE ALTERNATIVES : American Wisteria (*Wisteria frutescens*), Grapevine species (*Vitis spp.*), American Bittersweet (*Celastrus scandens*)

CHARACTERISTICS

DECIDUOUS

SIZE : 30' - 50'

HARDINESS : Zone 3 - 9

GROWTH RATE : Medium

SHADE ————— **SUN**



MIMOSA

Albizia julibrissin

INVASIVE



FLOWER



LEAF



FORM

HOW TO IDENTIFY : Alternative leaves twice divided into tiny leaflets, flowers pink in pom-pom shaped fern-like clusters, low branching open spreading habit.

HOW TO REMOVE MIMOSA : Cut down to stump and apply appropriate herbicide.

NEGATIVE IMPACTS : Produces chemicals that inhibit the growth of other plants. Invades forest edges, difficult to remove due to long lived seeds.

CHARACTERISTICS

DECIDUOUS

SIZE : 10' - 50'

HARDINESS : Zone 5 - 11

GROWTH RATE : Extremely Rapid

SHADE ————— **SUN**



FRINGETREE

Chionanthus virginicus

NATIVE
ALTERNATIVE



FLOWER



LEAF



FORM

LANDSCAPE VALUE : Attractive ornamental tree with fragrant white flowers. Tolerant of dry conditions once established.

OTHER NON-INVASIVE ALTERNATIVES : Kentucky yellowwood (*Cladrastis kentukea*), Silky Stewartia (*Stewartia malacondendron*), Sourwood (*Oxydendrum arboreum*), Serviceberry (*Amelanchier arborea*), Flowering Dogwood (*Cornus florida*), Eastern Redbud (*Cercis canadensis*), Thornless honeylocust (*Glydicia tricanthos var. inermis*)

CHARACTERISTICS

DECIDUOUS

SIZE : 12' - 20'

HARDINESS : Zone 3 - 9

GROWTH RATE : Medium

SHADE ————— **SUN**



MULTIFLORA ROSE

Rosa multiflora

INVASIVE



FLOWER



FORM



WINTER

HOW TO IDENTIFY : Multi-stemmed, strongly arching shrub forming dense thickets with stout prickles, numerous flowers with each single row of petals. Alternate leaves divided into 7-9 leaflets with leaf-like appendage at base of each leaf, fringed along margin.

HOW TO REMOVE MULTIFLORA ROSE : Cut stem and apply appropriate herbicide.

NEGATIVE IMPACTS : Forms impenetrable thickets along roads and undisturbed areas shading out under-story growth and inhibiting forest regeneration.

CHARACTERISTICS

DECIDUOUS

SIZE : 6' - 15'

HARDINESS : Zone 5 - 9

GROWTH RATE : Rapid

SHADE ————— **SUN**



SUMMERSWEET

Clethra alnifolia

NON-INVASIVE
ALTERNATIVE



FLOWER



FORM



FALL

LANDSCAPE VALUE : Ornamental shrub with all season interest. Spicy-smelling flowers and excellent late summer color.

OTHER NON-INVASIVE ALTERNATIVES : Golden currant (*Ribes aureum*), Climbing rose (*Rosa setigera*), Mountain azalea (*Rhododendron canescens*)

CHARACTERISTICS

DECIDUOUS

SIZE : 3' - 8'

HARDINESS : Zone 3 - 9

GROWTH RATE : Medium

SHADE ————— **SUN**



SERICEA LESPEDEZA

Lespedeza cuneata

INVASIVE



FLOWERING



FORM



HABIT

HOW TO IDENTIFY : Slender single stalked plant with alternate three leaflet leaves. Small white pea-like flowers appear at top of stalk.

HOW TO REMOVE SERICEA LESPEDEZA : Herbicide often recommended as only viable removal method in early spring.

NEGATIVE IMPACTS : Extremely aggressive spreader that displaces native species.

CHARACTERISTICS

HERBACEOUS PERENNIAL

SIZE : 3' - 6'

HARDINESS : Zone 5 - 11

GROWTH RATE : Extremely Rapid

SHADE ————— SUN



BIG BLUESTEM

Andropogon gerardii

NATIVE
ALTERNATIVE



FLOWERING



FORM



HABIT

LANDSCAPE VALUE : Has value as forage for grazing animals and ground birds.

OTHER NON-INVASIVE ALTERNATIVES : Round Bush Clover (*Lespedeza capitata*), Showy Partridge Pea (*Chamaecrista fasciculata*), Wild Senna (*Senna marilandica*), Indian Grass (*Sorghastrum nutans*)

CHARACTERISTICS

HERBACEOUS PERENNIAL

SIZE : 4' - 6'

HARDINESS : Zone 4 - 9

GROWTH RATE : Medium

SHADE ————— SUN



SHRUBBY LESPEDEZA

Lespedeza bicolor

INVASIVE



FLOWER



FORM



FALL

HOW TO IDENTIFY : Tall shrub with arching branches with alternate three leaflet leaves, lower surface is a lighter green than the upper. Pink to lilac colored pea-shaped flowers.

HOW TO REMOVE LESPEDEZA : Remove manually or apply appropriate herbicide.

NEGATIVE IMPACTS : Extremely aggressive invader of open areas forming dense thickets which displaces native vegetation. Spreads to relatively undisturbed open areas.

CHARACTERISTICS

DECIDUOUS

SIZE : 3' - 11'

HARDINESS : Zone 4 - 8

GROWTH RATE : Extremely Rapid

SHADE ————— **SUN**



BLUE WILD INDIGO

Baptisia australis

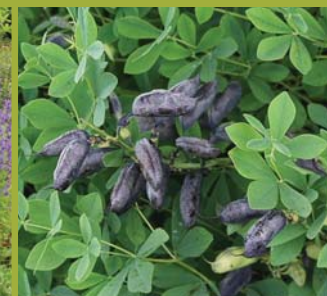
NATIVE
ALTERNATIVE



FLOWER



FORM



FALL

LANDSCAPE VALUE : Showy purple flowers with vine shrub-like form with large black seed pods. Good winter interest.

OTHER NON-INVASIVE ALTERNATIVES : Roundhead lespedeza (*Lespedeza capitata*), Panicked tick trefoil (*Desmodium paniculatum*), Tick trefoil (*Desmodium glabellum*)

CHARACTERISTICS

HERBACEOUS PERENNIAL

SIZE : 3' - 4'

HARDINESS : Zone 3 - 9

GROWTH RATE : Medium

SHADE ————— **SUN**



TREE - OF - HEAVEN

Ailanthus altissima

INVASIVE



FRUIT



FORM



WINTER

HOW TO IDENTIFY : Large alternate leaves divided into numerous leaflets. Glands at lobed leaflet base.

HOW TO REMOVE TREE OF HEAVEN : Cut stems and apply appropriate herbicide.

NEGATIVE IMPACTS : Fastest growing invasive tree in the United States. Thrives in undisturbed areas, produces chemicals that inhibit the growth of other plants and forest regeneration,

CHARACTERISTICS

DECIDUOUS

SIZE : 40' - 80'

HARDINESS : Zone 4 - 8

GROWTH RATE : Rapid

SHADE ————— **SUN**
 

KENTUCKY COFFEE TREE

Gymnocladus dioica

NATIVE
ALTERNATIVE



FLOWER



FORM



WINTER

LANDSCAPE VALUE : Giant leaves twice divided into numerous leaflets. Small showy greenish white fragrant flowers. Large dark red to black fruits.

OTHER NON-INVASIVE ALTERNATIVES : Yellow-wood (*Cladrastis kentukea*), Hardy Pecan (*Carya illinoensis*), Bitternut Hickory (*Carya cordiformis*), Persimmon (*Diospyros virginiana*), White Oak (*Quercus alba*), Black Oak (*Quercus velutina*)

CHARACTERISTICS

DECIDUOUS

SIZE : 60' - 80'

HARDINESS : Zone 3 - 8

GROWTH RATE : Medium

SHADE ————— **SUN**
 



City of Fayetteville, Arkansas

Tentative Agenda
October 27, 2015
Page 169 of 184
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0459

Agenda Date: 11/3/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 7

DESTRUCTION OF CERTAIN RECORDS:

A RESOLUTION TO AUTHORIZE THE DESTRUCTION OF CERTAIN RECORDS SHOWN ON THE ATTACHED AFFIDAVITS PURSUANT TO RELEVANT CODE SECTIONS OF THE ARKANSAS CODE ANNOTATED RELATED TO MAINTENANCE AND DESTRUCTION OF ACCOUNTING, COURT AND OTHER RECORDS

WHEREAS, the Arkansas Code establishes the amount of time that the City is required to maintain accounting, court and other records and also provides a procedure for the destruction of records not required to be maintained permanently if the records to be destroyed have been microfilmed or scanned into the City's server or have been maintained for the amount of time required by state law.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Fayetteville City Clerk-Treasurer's Office to destroy the paper copies of certain accounting, court and other records identified in the affidavits attached to this Resolution pursuant to the Arkansas Code relating to the maintenance and destruction of records.

City of Fayetteville Staff Review Form

2015-0459

Legistar File ID

11/03/15

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Gina Roberts

9/29/2015

City Clerk/Treasurer
General Government Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution authorizing Shred-It to destroy city records. The records have been microfilmed, scanned or have been maintained for the required length of time.

Budget Impact:

1010.1510.5315.00

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 2,690.27

Funds Obligated \$ -

Current Balance \$ 2,690.27

Does item have a cost? Yes

Item Cost \$ 2,000.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 690.27

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF November 03, 2015

TO: Mayor and City Council

THRU: Sondra E. Smith

FROM: Gina Roberts

DATE: September 29, 2015

SUBJECT: Shred – It, Destruction of Records

RECOMMENDATION:

Staff recommends the destruction of records. All of the records have been microfilmed, scanned or have been maintained for the required length of time. Attached is a listing of records that are ready for destruction.

Attachments:

List of documents to be destroyed

Shredit.com
413A Albano Drive
Springdale, AR 72762
O 479.770.5588 • F 888.647.5642



Shredit.com
7705 Northshore Place
North Little Rock, AR 72118
O 501.614.9500 • F 888.647.5642

Service & Pricing Proposal

Our business is to ensure that no one knows yours:

What would happen if your customer's confidential records were to fall into the wrong hands?

Lawsuits? Perhaps. Embarrassment? Absolutely.

That's why you need the security of having your documents destroyed completely, right at your doorstep.

Shred-it provides locked security consoles for your confidential material. Then, according to a schedule based on your needs, our uniformed and bonded Customer Security Representatives will transfer your material to our secure on-site document destruction truck, parked at your door. There, our high volume destruction unit immediately shreds your confidential material into unrecognizable pieces.

You have the security of knowing that you were the very last to handle your sensitive documents. As proof, before we leave, you are presented with a Certificate of Destruction. This document guarantees that all of your material was destroyed, making sure it's secure.

Confidentiality:

Shred-it is first and foremost a security company. All material is taken to our truck for shredding. Paper is not transported or stored before destruction as it is with most off-site destruction companies, making a breach of security virtually impossible. All employees of Shred-it are bonded and insured under the following types of insurance:

1. Workman's Compensation	\$1,000,000
2. Commercial General Liability	\$2,000,000
3. Professional Liability-Errors and Omissions	\$2,000,000
4. Bodily Injury and Property Damage	\$1,000,000
5. Crime Coverage-Dishonest Acts	\$1,000,000



Insurance can be verified through Mark V. Williamson Insurance Company by calling 501.664.7728.

Pricing for Automatic Service

Shred-it Arkansas provides locked security consoles for your confidential material. A standard Customer Service Agreement (CSA) is provided to lock in pricing with flexibility to adjust service frequency and/or console totals as needed by staff and business fluctuations.

We will bill for the onsite collection and destruction of your material at the following rates

One Security Console	\$55.00 per service – Every 1, 2 or 4 weeks OR \$65.00 per service – Every 8 weeks
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Additional Consoles	\$10 each per service
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Additional consoles currently unavailable for every 8 weeks service.

We have no hidden costs such as labor fees, fuel surcharges, or pick-up fees.

Additional Material / Purge Rates:

Material not stored in consoles will be destroyed at a rate of \$5 per copy paper (letter) box, \$5 per file box, and \$15.00 per Shred-it blue bag, \$20 per “bag and shred” blue bags. The minimum for purge service is \$90.

Purge:

For those end of the year office cleanings, **Shred-it Arkansas** offers Purge Service. Purge services are charged at the “additional material” rates listed above.

Recycling:

Shred-it is your partner in promoting environmental consciousness. Every time paper is shredded and recycled, trees are saved. As an Automatic Service Customer, we can issue you an environmental certificate each year showing the number of trees you have saved per your request.

We are confident **Shred-it Arkansas** will provide your office with security, value, and peace of mind. We appreciate your consideration and hope to serve you in the near future.

Kindest Regards,
Jordan Street
Office Coordinator
479-770-5588
jordan.street@shredit.com

AFFIDAVIT OF DESTRUCTION OF CITY OF FAYETTEVILLE RECORDS

STATE OF ARKANSAS)
) SS:
COUNTY OF WASHINGTON)

I, Gina Roberts, Document Manager for the City of Fayetteville, do hereby certify that the records listed as Exhibit "A" have been retained for the required number of years. I further certify the following:

1. That the documents listed in Exhibit "A" attached hereto and made a part hereof are being destroyed by the City of Fayetteville as authorized by Fayetteville City Council Resolution No. _____ adopted on the _____ day of _____, _____.
2. These records have been maintained according to State statute and the Retention Schedule for the City of Fayetteville.
3. The method of destroying said documents was shredding & recycling.

Destruction Witnessed this _____ day of _____, _____.

Gina Roberts, Document Manager

City Council Member, Witness

Subscribed and Sworn to me, a Notary Public, this _____ day of _____, _____.

Notary Public

My Commission Expires: _____

SEAL

Documents to be Shred
With City Council Approval

- Box #1 2010 Bank Draft Registers June-July
- Box #2 2010 Bank Draft Registers March-May
- Box #3 2010 Bank Draft Registers January-February
- Box #4 2011 A/R Airport Files
- Box #5 2012 Travel & Training Files Box 1
- Box #6 2012 Travel & Training Files Box #2
- Box #7 2004 & 2005 Parks & Recreation Time Cards
- Box #8 2011 Transportation Equipment, Vehicle & Facility Inspection
- Box #9 1990-Taxes
- Box #10 2006 – 2007 Transportation Time Cards
- Box #11 2007 – 2009 Transportation Time Cards
- Box #12 2001 A/R Paid Invoices A - Mc
- Box #13 2001 A/R Paid Invoices Mc - Z
- Box #14 2005 A/R Paid Invoices R -Z
- Box #15 2011 A/R Paid Invoices Q-Z
- Box #16 2011 Travel & Training A-Mc
- Box #17 2011 Travel & Training M-Z
- Box #18 2010 Journal Entries Dec 12271-12404
- Box #19 2010 Payroll Time Sheets PR# 22 to PR#26(with ss# etc.)
- Box #20 2010 Journal Entries October 10088 thru Dec 12270
- Box #21 2011 A/R Invoices Paid D-L
- Box #22 2011 A/R Invoices Paid M-P
- Box #23 2011 A/R Invoices Paid A-C
- Box #24 2011 A/R Paid Invoices & Restitution

Documents to be Shred With City Council Approval

Box #25 2005 Bank Reconciliations

Box #26 2011 Journal Entries January-March

Box #27 2011 Journal Entries April-June

Box #28 2011 Journal Entries April-July

Box #29 Payroll Time Sheets 2009 PR #22 thru 2011 PR #11

Box #30 2005 Bank Reconciliation box 2 of 2 & Fayetteville A&P Check request & JE's 6880. To 6890.01

Box #31 District Court JE's & supporting documents 1/09 thru 6/10

Box #32 2011 Journal Entries July-October

Box #33 2011 Journal Entries January -March

Box #34 2011 Journal Entries July - September

Box #35 2011 Journal Entries October- December

Box#36 2009 Airport A/R A-K

Box #37 2000 A/R Paid Invoices

Box #38 2006 Airport A/R

Box #39 2006 Bank Reconciliations

Box #40 A/R Bad Debt August 2005 thru March 2011

Box #41 2005 A/R & Pd Invoices and A-C Restitutions

Box #42 2009 Airport A/R L-Z

Box #43 2004 A/R Paid Invoices G-P

Box #44 2005 A/R Paid Invoices D-L

Box #45 District Court Bank Reconciliations January 2006 thru December 2007

Box #46 2006 Airport A/R N-Z

Box #47 2003 Bank Reconciliations

Box #48 2005 A/R Paid Invoices M-Q

Box #49 2004 A/R Paid Invoices A-F

**Documents to be Shred
With City Council Approval**

Box #50 2012 A/R Paid Invoices G. Thompson- Restitution

Box #51 2003 & 20 2006 Parks Pool Time Cards

Box #52 2011 Journal Entries December 12271-12404

Box #53 2012 Journal Entries June-August

Box #54 2012 Journal Entries April-May

Box # 55 2013 Travel & Training M-Z

Box # 56 2013 Travel & Training A-Mc

Box #57 2012 A/R Paid Invoices A-C

Box #58 2012 A/R Paid Invoices D-I

Box #59 2012 A/R Paid Invoices J-O

Box #60 2012 A/R Paid Invoices P-S

Box #61 2012 A/R Paid Invoices T-Z

Box #62 2012 Journal Entries Dec

Box #63 2012 Journal Entries Jan-Mar

Box #64 2012 Journal Entries Sept- Nov

Box #65 2010 E-Mailed document for FOIA Request Box 1

Box #66 2010 E-Mailed document for FOIA Request Box 2

Box #67 1995-2006 Correspondence Files Mayor Hanna & Mayor Coody

Box #68 2004 Payroll Register #17-18

Box #69 2004 Payroll Register #11-12

Box #70 2004 Payroll Register #19-20

Box #71 2004 PR Register #21-22

Box #72 2004 PR Register #13-14

Box #73 2004 PR Register #23-24

Box #74 2004 PR Register #15-16

Documents to be Shred With City Council Approval

Box #75 2004 PR Register #9-10

Box #76 2004 PR Register #25-26

Box #77 1999-2006 Admin Correspondence Files for Fire Department thru Archeological survey

Box #78 2011 Airport A/R Files

Box #79 Prior to 2010 Public Access Program Requests Box 1 of 3

Box #80 Prior to 2010 Public Access Program Requests Box 2 of 3

Box #81 Prior to 2010 Public Access Program Requests Box 3 of 3

Box #82 1999 Bank Reconciliations

Box #83 2001 Payroll Registers PR#1 thru PR# 3

Box #84 2001 Payroll Registers PR#4 thru PR# 6

Box #85 2001 Payroll Registers PR# 7 thru PR# 9

Box # 86 2001 Payroll Registers PR# 10 thru PR# 12

Box # 87 2001 Payroll Registers PR#13 thru PR# 15

Box # 88 2001 Payroll Registers PR#16 thru PR# 18

Box # 89 2001 Payroll Registers PR#19 thru PR# 21

Box # 90 2001 Payroll Registers PR#22 thru PR# 24

Box # 91 2001 Payroll Registers PR#25 thru PR# 26

& yearend accruals, service awards & safety bonus

Box # 92 2002 Payroll Registers PR#1 thru PR#3

Box # 93 2002 Payroll Registers PR#4 thru PR#6

Box # 94 2002 Payroll Registers PR#7 thru PR#9

Box # 96 2002 Payroll Registers PR#10 thru PR#12

Box # 97 2002 Payroll Registers PR#13 thru PR#15

Box # 98 2002 Payroll Registers PR#16 thru PR#18

Box # 99 2002 Payroll Registers PR#19 thru PR#21

Documents to be Shred With City Council Approval

Box # 100 2002 Payroll Registers PR#22 thru PR24

Box # 101 2002 Payroll Registers PR#25 thru PR#26

Box # 102 1-1999 thru 4-2000 Kevin Crosson's Telephone Messages, FOIA request, Check Request Am. Express File

Box # 103 1991-1993 Police & Fire Applications not hired (not microfilmed)

Box # 104 1990-1992 Civil Service Application (not microfilmed)

Box # 105 1950- 1960 Terminated Employee Files

Box # 106 1960-1970 Terminated Employee Files

Box # 107 1982 Terminated Employee Files

Box # 108 1983 Terminated Employee Files A-Z

Box # 109 1984 A to W/1995 Terminated Employee Files A to H

Box # 110 1985 Terminated Employee File I-Z

Box # 111 1988 Terminated Employee Files A-M

Box # 112 1988 Terminated Employee Files N-Z

Box # 113 1989 Terminated Employee Files A-Q

Box # 114 1989 Terminated Employee Files R-Z

Box # 115 1990 Terminated Employee Files

Box # 116 1991 Terminated Employee Files A-K

Box # 117 1991 Terminated Employee Files L-Z

Box # 118 1992 Terminated Employee Files A-L

Box # 119 1992 Terminated Employee Files M-Z

Box # 120 1994 Terminated Employee Files A-Mo

Box # 121 1994 Terminated Employee Files Mug-Z

Box # 122 1995 Terminated Employee Files A-H

Box # 123 1995 Terminated Employee Files I-Z

Box # 124 1996 Terminated Employee Files A-F

Documents to be Shred With City Council Approval

Box # 125 1996 Terminated Employee Files G-O
Box # 126 1996 Terminated Employee Files P-Y
Box # 127 1998 Terminated Employee Files A-K
Box # 128 1998 Terminated Employee Files L-Y
Box # 129 1999 HR BCBS Insurance Billing
Box # 130 1976-1990 Grant Work Papers for Airport
Box # 131 Airport Grant #15 1991-1994
Box # 132 Airport ADAP Project 3.8.9.10 & 11
Box # 133 Airport AIP Grant 5, 6, 7, 8, & 9
Box # 134 Airport Grant #15 phase 4 & 5 from 4/1993 to 12/1993
Box # 135 Airport Grant #15 phase 1 10/1991 to 2/1992
Box # 136 1993 AIP Grant #15
Box # 137 Grant #11 Phase 3 & 4
Box # 138 1971 to 1975 Airport Misc. Correspondence
Box # 139 1978 thru 1987 Community Development Checks and Letters or Credit
Box # 140 1984-1986 CDBG Escrow Bank Statements, Check Invoices and Journal Voucher
Box # 141 1979-1980 Rehab Program Files
Box # 142 1980-1981 Rehab Program Files
Box # 143 1982 Rehab Program Files
Box # 144 1983 Rehab Program Files
Box # 145 1984 Rehab Program Files
Box # 146 1988 Rehab Program Files
Box # 147 1986 Rehab Program Files
Box # 148 1987 Rehab Program Files
Box # 149 Corres. Files from Lindsley (Old Completed FOIA request & E-Mails)

Records to be Recycled With Council Approval

ACCOUNTING:

1994-1996 Municipal Billing Register (which includes payment edit listing, payment posted, invoice entry posted, invoices payment summary report and journal fund summary)

1992-1994 A/R Purged Transaction Receipt Register

1/2002 thru 4/2002 A/R Register

1999-2002 Depreciation Calculation Reports (not microfilmed)

1996-1999 Monthly Financial Statement

2000-2004 Monthly Financial Statements

2001-2004 Cash Deposit Registers

2000-2004 JE Post Registers

2002 Payroll Time Sheets

2003 Payroll Time Sheets

2004 Payroll Time Sheets

AIRPORT

1997 Copies of Invoices and Receipts for Airport

2011 Airport Hanger Leases

BUDGET

1995-2000 Budget & Research Budget work papers Box 01-006

BUSINESS OFFICE

2002 Adjustment Registers

2004 Adjustment Registers

2004 Billing Registers

2002-2004 Cash Receipt Registers

2005 June Cash Receipt Register

2002 Final Billing Register

2003 HiLo Registers

**Records to be Recycled
With Council Approval**

BUSINESS OFFICE CON'T

2004 Payment Register

CITY CLERK

2009 City Council Agendas Jan-Mar

2009 City Council Agendas Apr-Jun

2009 City Council Agendas July-Oct

2009 City Council Agendas Nov-Dec

AFFIDAVIT OF DESTRUCTION OF DISTRICT COURT RECORDS

I, Dana Stockinger, do hereby certify that the following records of the Fayetteville District Court have been retained for at least ten (10) years as specified under Ark. Code Ann. §16-10-211, and have been audited as required by law. The records listed below, covering the time period stated, are to be destroyed on _____ by shredding said records.

TYPE OF RECORD

TIME PERIOD

Small Claims

1/1/97 – 12/31/04

Civil Complaints

1/1/97 – 12/31/04


District Court Clerk

City Council Member

Subscribed and Sworn to me this 1 day of October, 2015.

Crystal D. Remington
Notary Public

CRYSTAL D. REMINGTON
NOTARY PUBLIC
WASHINGTON COUNTY, ARKANSAS
COMMISSION # 12364770
MY COMMISSION EXPIRES 2-8-2018

AFFIDAVIT OF DESTRUCTION OF DISTRICT COURT RECORDS

I, Dena Stockalper, do hereby certify that the following records of the Fayetteville District Court have been retained for at least three (3) years as specified under Ark. Code Ann. §16-10-211, and have been audited as required by law. The records listed below, covering the time period stated, are to be destroyed on _____ by shredding said records.

TYPE OF RECORD

TIME PERIOD

Officer copy ticket books

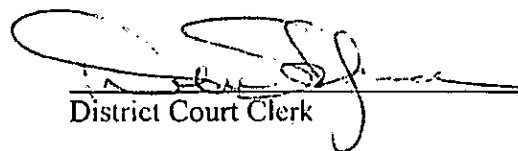
2006

Hot Check affidavits

2005

Public Service & Commitment Complete

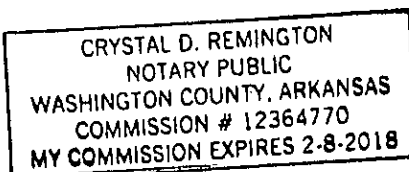
2006


District Court Clerk

City Council Member

Subscribed and Sworn to me this 1 day of October, 2015.

Crystal D. Remington
Notary Public



City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, October 27, 2015

4:30 PM

City Hall Room 326

City Council Agenda Session

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

ELECTED OFFICIALS:
Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

1. 2015-0490 CIVIL RIGHTS COMMISSION NOMINATING COMMITTEE REPORT

2. 2015-0118 QUARTERLY FINANCIAL REPORT - 3RD QUARTER 2015, PAUL
BECKER, CHIEF FINANCIAL OFFICER.

Agenda Additions

A. Consent:

A.1 2014-0514 APPROVAL OF THE OCTOBER 6, 2015 AND OCTOBER 20, 2015
CITY COUNCIL MEETING MINUTES.

A.2 2015-0487 **BID NO. 15-53 LEWIS FORD SALES, INC.:**

A RESOLUTION TO AWARD BID NO. 15-53 AND AUTHORIZE THE
PURCHASE OF A FORD F350 WITH READING UTILITY BODY AND
TIGER CRANE FROM LEWIS FORD SALES, INC. OF
FAYETTEVILLE IN THE AMOUNT OF \$55,006.38 FOR USE BY THE
WATER AND SEWER OPERATIONS DIVISION

Attachments: SRP - WSMM Truck 2026-2197

~~A. 3~~ 2015-0486

BID NO. 15-54 LEWIS FORD SALES, INC.:

A RESOLUTION TO AWARD BID NO. 15-54 AND AUTHORIZE THE PURCHASE OF A FORD F250 WITH READING UTILITY BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE IN THE AMOUNT OF \$32,978.38 FOR USE BY THE PARKS AND RECREATION DEPARTMENT

Attachments:

SRP - PKMN Truck 2061-2196

~~A. 4~~ 2015-0491

AMEND RESOLUTION NO. 181-15:

A RESOLUTION TO AMEND RESOLUTION NO. 181-15 CONCERNING THE PURCHASE OF A ROTARY LIFT SYSTEM, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE PURCHASING AGREEMENT, FOR USE BY THE FLEET DIVISION

Attachments:

SRP - Lift System - Amended

A. 5 2015-0497
NB #1

BID NO. 15-57 AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS, INC.:

A RESOLUTION TO AWARD BID NO. 15-57 AND AUTHORIZE A CONTRACT WITH AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS, INC. FOR ELECTRICAL SERVICES ON AN ON-CALL BASIS FOR A PERIOD OF ONE YEAR WITH AN AUTOMATIC OPTION TO RENEW FOR FOUR ADDITIONAL YEARS

Attachments:

2015-0497, King Electrical Contractors, Inc.

A. 62015-0479

NB #2

BID NO. 15-57 KING ELECTRICAL CONTRACTORS:

A RESOLUTION TO AUTHORIZE A CONTRACT WITH KING ELECTRICAL CONTRACTORS IN THE AMOUNT OF \$66,240.00, PURSUANT TO BID NO. 15-57, FOR THE INSTALLATION OF LED TRAIL LIGHT FIXTURES AND LIGHT POLES ALONG THE TOWN BRANCH TRAIL FROM GREATHOUSE PARK TO HOLLYWOOD AVENUE, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$6,624.00

Attachments:2015-0479 Town Branch Lighting Installation**A. 7**2015-0493

NB #3

BOYETTE STRATEGIC ADVISORS:

A RESOLUTION TO APPROVE A CONTRACT WITH BOYETTE STRATEGIC ADVISORS IN AN AMOUNT NOT TO EXCEED \$89,210.00 TO FACILITATE AND PREPARE AN UPDATE TO THE CITY'S ECONOMIC DEVELOPMENT STRATEGIC PLAN, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:Signed Contract and Exh AStaff memoBudget Adjustment**B. Unfinished Business: None****C. New Business:**

✓ C. 1

2015-0494**CROSSLAND CONSTRUCTION COMPANY, INC. CHANGE
ORDER NO. 8:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 8 TO THE CONTRACT WITH CROSSLAND CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$715,453.00 TO ADD A FOURTH BASEBALL FIELD AND LIGHTING FOR THE SOCCER COMPLEX AT THE REGIONAL PARK, TO APPROVE AN ADDITIONAL PROJECT CONTINGENCY IN THE AMOUNT OF \$9,547.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:Crossland CO # 8 Regional Park Agenda PacketBA (Agenda Item) 2015 PARKS REGIONAL PARK SOCCER AND BASEBALL

✓ C. 2

2015-0495**TREE PRESERVATION AREA VACATION FOR CRAIN
AUTOMOTIVE:**

A RESOLUTION TO REJECT THE RECOMMENDATION OF THE URBAN FORESTER WHO DETERMINED THAT THE TREE PRESERVATION AND MITIGATION AREAS IN EASEMENTS AND DEDICATIONS AGREED TO AND SIGNED BY THE OWNER/DEVELOPER ON JUNE 25, 2014, SHOULD NOT BE VACATED OR CHANGED BY A NEW DEVELOPMENT PROPOSAL FOR THIS ACREAGE

Attachments:2015-0495 Crain Automotive Tree Preservation Vacation

✓ C. 3

2015-0489**NORTHWEST ARKANSAS MULTI-JURISDICTIONAL WATER
QUALITY COMPLIANCE ASSOCIATION:**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENT TO PARTICIPATE IN COOPERATIVE REGIONAL EFFORTS TO EVALUATE THE POTENTIAL COST SAVINGS AND ENVIRONMENTAL BENEFITS THAT MAY BE AVAILABLE TO THE CITY OF FAYETTEVILLE THROUGH THE FORMATION OF A NORTHWEST ARKANSAS MULTI-JURISDICTIONAL WATER QUALITY COMPLIANCE ASSOCIATION

Attachments:Nutrient Trading Resolution SRF

✓ C. 4 2015-0431

HENARD UTILITY PRODUCTS, INC.:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF TWELVE (12) TRIMBLE RANGER HAND-HELD WATER METER READING DEVICES MANUFACTURED BY BADGER METERS, INC. FROM HENARD UTILITY PRODUCTS, INC. IN THE AMOUNT OF \$51,725.00 PLUS APPLICABLE TAXES FOR USE BY THE UTILITIES DEPARTMENT

Attachments:

Badger Handhelds Legistar Packet

✓ C. 5 2015-0492

BID NO. 15-51 CROSSLAND HEAVY CONTRACTORS, INC.:

A RESOLUTION TO AWARD BID NO. 15-51 AND AUTHORIZE A CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC. IN THE AMOUNT OF \$1,725,071.42 FOR THE CONSTRUCTION OF THE MAPLE STREET AND LAFAYETTE STREET BRIDGE REHABILITATION PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$172,507.14, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

101515 SRF Packet Const Contract Hist Bridges.pdf

BA Historic Bridges 10142015.xlsm

✓ C. 6 2015-0496

AMEND CHAPTER 177 LANDSCAPE REGULATIONS:

AN ORDINANCE TO AMEND CHAPTER 177 LANDSCAPE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE TO ADOPT REGULATIONS PROHIBITING THE INSTALLATION OF CERTAIN INVASIVE PLANT SPECIES IN NEW DEVELOPMENTS THAT REQUIRE A LANDSCAPE PLAN REVIEW AND APPROVAL BY THE URBAN FORESTRY DIVISION, AND TO MAKE CERTAIN TECHNICAL REVISIONS

Attachments:

Invasive Plant Ordinance - Exhibit A

CC agenda packet invasive plants

C. 7

2015-0459Consent**DESTRUCTION OF CERTAIN RECORDS:**

A RESOLUTION TO AUTHORIZE THE DESTRUCTION OF CERTAIN RECORDS SHOWN ON THE ATTACHED AFFIDAVITS PURSUANT TO RELEVANT CODE SECTIONS OF THE ARKANSAS CODE ANNOTATED RELATED TO MAINTENANCE AND DESTRUCTION OF ACCOUNTING, COURT AND OTHER RECORDS

Attachments:Shred It Agenda Item**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.

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Old business and new business.

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

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

Courtesy and respect.

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

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Pre Agenda Meeting 10-27-13

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, October 27, 2015

4:30 PM

City Hall Room 326

City Council Agenda Session

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

ELECTED OFFICIALS:
Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

✓ 2015-0490 CIVIL RIGHTS COMMISSION NOMINATING COMMITTEE REPORT

✓ 2015-0118 QUARTERLY FINANCIAL REPORT - 3RD QUARTER 2015, PAUL BECKER, CHIEF FINANCIAL OFFICER.

Agenda Additions

A. Consent:

A.1 ✓ 2014-0514 APPROVAL OF THE OCTOBER 6, 2015 AND OCTOBER 20, 2015 CITY COUNCIL MEETING MINUTES.

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Attachments: SRP - WSMM Truck 2026-2197

A.3

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A RESOLUTION TO AWARD BID NO. 15-54 AND AUTHORIZE THE PURCHASE OF A FORD F250 WITH READING UTILITY BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE IN THE AMOUNT OF \$32,978.38 FOR USE BY THE PARKS AND RECREATION DEPARTMENT

Attachments:SRP - PKMN Truck 2061-2196

A.4

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A RESOLUTION TO AMEND RESOLUTION NO. 181-15 CONCERNING THE PURCHASE OF A ROTARY LIFT SYSTEM, PUSUANT TO A NATIONAL JOINT POWERS ALLIANCE PURCHASING AGREEMENT, FOR USE BY THE FLEET DIVISION

Attachments:SRP - Lift System - Amended

A.5

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A RESOLUTION TO AWARD BID NO. 15-57 AND AUTHORIZE A CONTRACT WITH AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS, INC. FOR ELECTRICAL SERVICES ON AN ON-CALL BASIS FOR A PERIOD OF ONE YEAR WITH AN AUTOMATIC OPTION TO RENEW FOR FOUR ADDITIONAL YEARS

Attachments:2015-0497, King Electrical Contractors, Inc.

A.6

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Attachments:2015-0479 Town Branch Lighting Installation

A.7

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ORDER NO. 8:**

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Attachments:Crossland CO # 8 Regional Park Agenda PacketBA (Agenda Item) 2015 PARKS REGIONAL PARK SOCCER AND BASEBALL**B. Unfinished Business:**

(B. 1)

2015-0466

Remove
to 10/30/15
Special Cmty.

**FAYETTEVILLE FIRE PENSION AND RELIEF FUND PROPOSAL
TO CONSOLIDATE WITH LOPFI:**

AN ORDINANCE TRANSFERRING ADMINISTRATION OF RETIREMENT COVERAGE FOR ELIGIBLE MEMBERS OF THE FAYETTEVILLE FIRE PENSION AND RELIEF FUND TO THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM (LOPFI) AND AUTHORIZING THE MAYOR TO ENTER INTO AN IRREVOCABLE AGREEMENT WITH LOPFI AND APPROVING AN EMERGENCY CLAUSE

Attachments:

2015-0466 Local Firemen's Pension Consolidation

City Attorney Memo Regarding Legality of Assuming Pension Debts 092915

City Attorney Memo Additional Information

Fire Pension Board Resolution 093015

MAYOR LIONELD JORDON AND FAYETTEVILLE CITY COUNCIL

B. 1 Additional Fire Pension

At the October 6, 2015 City Council meeting, this ordinance was left on the first reading. At the October 20, 2015 City Council meeting, this ordinance was left on the second reading.

C. New Business:

CV

2015-0489

**NORTHWEST ARKANSAS MULTI-JURISDICTIONAL WATER
QUALITY COMPLIANCE ASSOCIATION:**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENT TO PARTICIPATE IN COOPERATIVE REGIONAL EFFORTS TO EVALUATE THE POTENTIAL COST SAVINGS AND ENVIRONMENTAL BENEFITS THAT MAY BE AVAILABLE TO THE CITY OF FAYETTEVILLE THROUGH THE FORMATION OF A NORTHWEST ARKANSAS MULTI-JURISDICTIONAL WATER QUALITY COMPLIANCE ASSOCIATION

Attachments:

Nutrient Trading Resolution SRF

CY2

2015-0431**HENARD UTILITY PRODUCTS, INC.:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF TWELVE (12) TRIMBLE RANGER HAND-HELD WATER METER READING DEVICES MANUFACTURED BY BADGER METERS, INC. FROM HENARD UTILITY PRODUCTS, INC. IN THE AMOUNT OF \$51,725.00 PLUS APPLICABLE TAXES FOR USE BY THE UTILITIES DEPARTMENT

Attachments:Badger Handhelds Legistar Packet

C/3

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Attachments:101515 SRF Packet Const Contract Hist Bridges.pdfBA Historic Bridges 10142015.xlsm

C. 4

2015-0493**BOYETTE STRATEGIC ADVISORS:**

A RESOLUTION TO APPROVE A CONTRACT WITH BOYETTE STRATEGIC ADVISORS IN AN AMOUNT NOT TO EXCEED \$89,210.00 TO FACILITATE AND PREPARE AN UPDATE TO THE CITY'S ECONOMIC DEVELOPMENT STRATEGIC PLAN, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:Signed Contract and Exh AStaff memoBudget Adjustment

C. 52015-0495**TREE PRESERVATION AREA VACATION FOR CRAIN
AUTOMOTIVE:**

A RESOLUTION TO REJECT THE DECISION OF THE URBAN FORESTER WHO DETERMINED THAT THE TREE PRESERVATION AND MITIGATION AREAS IN EASEMENTS AND DEDICATIONS AGREED TO AND SIGNED BY THE OWNER/DEVELOPER ON JUNE 25, 2014, SHOULD NOT BE VACATED OR CHANGED BY A NEW DEVELOPMENT PROPOSAL FOR THIS ACREAGE

Attachments:2015-0495 Crain Automotive Tree Preservation Vacation**C. 6**2015-0469**AMEND CHAPTER 97 PARKS AND RECREATION:**

AN ORDINANCE TO AMEND CHAPTER 97 **PARKS AND RECREATION** OF THE FAYETTEVILLE CITY CODE TO ALLOW TWENTY FOUR (24) HOUR ACCESS TO SHARED USE PAVED TRAILS; TO ADD LEASH REQUIREMENTS FOR ANIMALS IN CERTAIN PARKS; TO PROHIBIT CERTAIN ACTIVITIES IN PARKS INCLUDING UNAUTHORIZED VEHICLE OPERATION, USE OF PADDLE BOARDS ON CITY LAKES, AND SHOOTING OF MODEL ROCKETS; TO PROVIDE FOR CERTAIN ACTIVITIES IN PARKS INCLUDING CAMPING, HORSEBACK RIDING, LIMITED VENDING AT PARK EVENTS, AND POSTING OF TEMPORARY SIGNS; AND TO MAKE OTHER TECHNICAL REVISIONS

Attachments:Exhibit A - Chapter 97 -ProposedChapter 97 edits - Legistar Packet

CV7

2015-0496**AMEND CHAPTER 177 LANDSCAPE REGULATIONS:**

AN ORDINANCE TO AMEND CHAPTER 177 **LANDSCAPE REGULATIONS** OF THE UNIFIED DEVELOPMENT CODE TO ADOPT REGULATIONS PROHIBITING THE INSTALLATION OF CERTAIN INVASIVE PLANT SPECIES IN NEW DEVELOPMENTS THAT REQUIRE A LANDSCAPE PLAN REVIEW AND APPROVAL BY THE URBAN FORESTRY DIVISION, AND TO MAKE CERTAIN TECHNICAL REVISIONS

Attachments:Invasive Plant Ordinance - Exhibit ACC agenda packet invasive plants

C. 8

2015-0459**DESTRUCTION OF CERTAIN RECORDS:**

A RESOLUTION TO AUTHORIZE THE DESTRUCTION OF CERTAIN RECORDS SHOWN ON THE ATTACHED AFFIDAVITS PURSUANT TO RELEVANT CODE SECTIONS OF THE ARKANSAS CODE ANNOTATED RELATED TO MAINTENANCE AND DESTRUCTION OF ACCOUNTING, COURT AND OTHER RECORDS

Attachments:Shred It Agenda Item

C. 9

2015-0463**AMEND § 73.04 RIDING ON ROADWAYS AND BICYCLE PATHS
AND § 73.05 RIDING ON SIDEWALKS:**

AN ORDINANCE TO AMEND § 73.04 **RIDING ON ROADWAYS AND BICYCLE PATHS** TO PROVIDE FOR THE SAFE OPERATION OF BICYCLES ON ROADWAYS AND BICYCLE PATHS, AND TO AMEND § 73.05 **RIDING ON SIDEWALKS** TO PROVIDE FOR THE SAFE OPERATION OF BICYCLES ON SIDEWALKS

Attachments:

CC packet - Bicycle Ordinance Amendments

C. 10

2015-0462Attachments:

CC packet vulnerable road users

D. City Council Agenda Session Presentations:**E. City Council Tour:**

F. Announcements:**G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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