



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Agenda Public Works Council Committee

Thursday, November 8, 2018

5:00 PM

Municipal Center

1. Call To Order

2. Roll Call by City Clerk Donna Jackson

3. Approval of minutes

[MIN-18:098](#) Minutes for the Public Works Committee meeting on October 2, 2018

Attachments: [Minutes](#)

4. New Business

ORDINANCES TO BE INTRODUCED

[ORD-18:070](#) AN ORDINANCE TO AMEND CHAPTER 50 OF THE JONESBORO ORDINANCES TO ESTABLISH STANDARDS FOR THE JONESBORO DOG PARK

Sponsors: Mayor's Office

[ORD-18:072](#) AN ORDINANCE TO ESTABLISH STANDARDS FOR SMALL WIRELESS FACILITIES TO BE PLACED IN CITY RIGHTS-OF-WAY IN THE CITY OF JONESBORO

Sponsors: Planning

[ORD-18:073](#) AN ORDINANCE AMENDING THE MEMBERSHIP OF THE STORMWATER MANAGEMENT BOARD AS CREATED BY ORDINANCE 07:50

Sponsors: Engineering

RESOLUTIONS TO BE INTRODUCED

[RES-18:170](#) A RESOLUTION TO EXECUTE A TRAFFIC CONTROL DEVICE AGREEMENT TO MAINTAIN A CONTROL DEVICE

Sponsors: Engineering

Attachments: [Traffic Control Device Agreement](#)

[RES-18:172](#) A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH ARKANSAS NATURAL RESOURCES COMMISSION (ARNC)

Sponsors: Engineering

RES-18:176 A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO AN AGREEMENT WITH CIVIL ENGINEERING ASSOCIATES, LLC TO PROVIDE ENGINEERING AND CONSTRUCTION MANAGEMENT SERVICES FOR THE CROWLEY'S RIDGE PARKWAY: CRAIGHEAD FOREST PARK TRAIL - PHASE III, ARDOT JOB NO. 100919

Sponsors: Engineering

Attachments: [Phase III Proposal.pdf](#)

5. Pending Items

ORD-18:060 AN ORDINANCE TO PROVIDE FOR TRANSPARENCY AND ACCOUNTABILITY IN THE SELECTION OF PROFESSIONAL ARCHITECTS, ENGINEERS, AND SURVEYORS AND AWARDING OF CONTRACTS FOR CITY OF JONESBORO PROJECTS AND FOR OTHER PURPOSES

Legislative History

10/2/18	Public Works Council Committee	Postponed Temporarily
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6. Other Business

7. Public Comments

8. Adjournment



Legislation Details (With Text)

File #: MIN-18:098 **Version:** 1 **Name:** Minutes for the Public Works Committee meeting on October 2, 2018
Type: Minutes **Status:** To Be Introduced
File created: 10/3/2018 **In control:** Public Works Council Committee
On agenda: **Final action:**
Title: Minutes for the Public Works Committee meeting on October 2, 2018
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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Minutes for the Public Works Committee meeting on October 2, 2018



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Public Works Council Committee

Tuesday, October 2, 2018

5:00 PM

Municipal Center

1. Call To Order

2. Roll Call by City Clerk Donna Jackson

Councilmember Chris Moore arrived at the meeting at 5:25 p.m.

Present 6 - Gene Vance; Mitch Johnson; John Street; Charles Coleman; LJ Bryant and Ann Williams

Absent 1 - Chris Moore

3. Approval of minutes

[MIN-18:089](#)

MINUTES FOR THE PUBLIC WORKS COMMITTEE ON SEPTEMBER 4, 2018

Attachments: [Public Works Minutes 09042018.pdf](#)

A motion was made by Councilperson Gene Vance, seconded by Councilperson Mitch Johnson, that this matter be Passed . The motion PASSED with the following vote.

Aye: 6 - Gene Vance; Mitch Johnson; John Street; Charles Coleman; LJ Bryant and Ann Williams

Absent: 1 - Chris Moore

4. New Business

ORDINANCES TO BE INTRODUCED

[ORD-18:060](#)

AN ORDINANCE TO PROVIDE FOR TRANSPARENCY AND ACCOUNTABILITY IN THE SELECTION OF PROFESSIONAL ARCHITECTS, ENGINEERS, AND SURVEYORS AND AWARDING OF CONTRACTS FOR CITY OF JONESBORO PROJECTS AND FOR OTHER PURPOSES

Chairmember John Street said this ordinance is kind of lengthy and I am not sure if you have read it, so I'll go ahead and read it.

Councilmember Gene Vance said I have a question for whoever wrote this. In Section 6, when this committee is looking at the professional service providers, PSP, and making a decision, will there be interviews and will there be someone from those PSPs here to make a presentation or will it be strictly by their statement of qualifications, SOQ? Chairmember Street asked Dennis Zolper if he would come forward. Councilmember Vance said I'm sure further down in another section would be the

same question. It is Section 6 and Section 11. Chairmember Street said I know when we did this before when we were doing the detention ponds back about 15 years ago, we brought them all in and the committee and the city engineer interviewed them. Councilmember Vance said the reason I am making that point is that I think it's important that we do that. I don't know how you were planning to do the ranking, but do it on a prepared piece of paper where the numbers are already established and it makes it simple for us to rank them. Councilmember Ann Williams said we did the same thing and interviewed the firms when the Finance Committee was looking at professional services for the salary survey. I think we interviewed all of them.

Mr. Dennis Zolper, Law Office of Dennis Zolper, 603 Madison Street, said that could be handled as an internal procedure as to whether you all wanted the parties to appear. We could amend the ordinance to specify that they would have to appear. It depends on the position of the committee and the City Council. I drafted it to the best of my ability and I'm not taking any pride in authorship. It can be amended any way that you all want to do it. That is a point that you all need to address. You could do it either way. You might feel better if it's in the ordinance because the next Public Works Committee might have a different opinion. I just need direction as to how you want the ordinance changed or modified. Councilmember Vance said personally, I think that should be in the ordinance. Councilmember Street asked so you want to amend it. Councilmember Vance said yes. I'd like to see us amend that.

Mayor Harold Perrin said, by listening to you read the ordinance and having read it before, I am assuming that the engineering department is going to come to this committee with three choices, which means they may have received 10. They are going to narrow it down to three with an executive summary and have already scaled it down based on that. You all will then have to pick one from those three based on your ranking. That's how I understand it. Chairmember Street said those three would come before the Public Works Committee just like they did when we did the detention ponds. Councilmember Vance said that is on the \$20,000 or less. When you go to the other one, I didn't catch that. I caught that they would all come to us. Mayor Perrin said it says the top three. Councilmember Vance said that's in the small ones. Mayor Perrin said you have two different ones. One is \$20,000 and below and one is above \$20,000. Councilmember Vance said in Section 10, it says, all compliant requests for proposals, RFPs, shall then be submitted to the Public Works Committee. Mayor Perrin said that's on the big one. Councilmember Vance said yes. That's on the big ones that are over \$20,000. Mayor Perrin said that's right. We do probably 6 to 12 of these in a year's time. I don't know for sure. So, you all would be meeting more frequently than you are now, which is fine with me.

Chairmember Street said those would just about have to be special-called meetings. That's how we would do that. Mayor Perrin said and that's fine. Councilmember Vance said that was my point about the personal interview. If they are making a presentation to us then it would need to be a separate meeting. Chairmember Street said that's how we handled it before. Councilmember Vance said I don't know if in Section 6 we would need to require the personal interview. That's on the ones under \$20,000, but on the ones above \$20,000, I would think it would be good if there was a presentation. Chairmember Street said I don't think the under \$20,000 needs it either. Councilmember Vance said I don't have a problem with under \$20,000, but I think PSPs over \$20,000 should be doing a presentation.

Mr. Zolper said that's not a problem from my standpoint in changing the ordinance. If that's what you want, then that's what we'll put in it. Chairmember Street asked Councilmember Vance if he wanted to amend the ordinance to that effect.

Councilmember Vance said I amend it to that effect. Councilmember Dr. Coleman seconded. Chairmember Street said I have a motion and a second to amend the ordinance as presented by changing the requirement of PSPs under \$20,000 appearing for an interview and mandating that PSPs over \$20,000 appear for an interview. Is it the top three of all of them? Councilmember Vance said it appears to me that after we rank the top three then it leaves us and goes to engineering and Mayor Perrin. It would appear that maybe we should in a short meeting, such as one of our regular meetings, rank them to get our top three and then have a special meeting thereafter for the presentations.

Mr. Roy Ockert said I have a statement I would like to make. Councilmember Street said yes sir. Mr. Ockert said, for the record, I'm an independent contractor on a contract to advise Mayor Perrin on communications issues. As most of you know, until recently, I served as Interim Chief Operations Officer and, because I dealt extensively with this issue during the six months in that office, I would like to make a statement in opposition to this proposed ordinance. The first version of the proposed ordinance was presented to city officials on June 15, via e-mail by Mr. Zolper. By that time, the administration was already considering proposed changes to the city's procedures for selecting professional services after some problems were brought to Mayor Perrin's attention by Mr. Mike Cameron of Associated Engineering. A week after receiving the first draft, we received another e-mail from Mr. Zolper, which said that the proposed ordinance has been prepared with the help of Mr. Cameron. While I consider Mr. Cameron to be a friend and I like my friends to succeed, we disagree on the need for such an ordinance. After further study and discussion, the administration decided that the best way to resolve the identified problems was to establish a written policy. Engineering Director Craig Light presented drafts of two proposed policies. One for construction projects costing \$2 million or more and the other for projects costing less than \$2 million. We also concluded that establishing an ordinance to set administrative policies and procedures would not be wise, especially since the Zolper proposal would turn all decision-making over to the City Council committee. That in turn destroys the check and balance system built into our democratic form of government. In effect, a council committee would make administrative decisions with only the full council as a check on its power and decision-making. The committee itself has a majority of council members. The selection procedure, as it has been alleged, has not worked well. If so, the Public Works Committee has always had the power to check bad decisions. Replacing a flawed procedure by eliminating any check or balance of power would be a bad solution.

Mr. Ockert said Mayor Perrin assigned me to study the drafts written by Mr. Light on related issues and research relevant state laws, local ordinances, resolutions and Municipal League articles. At various times, I consulted with Chairmember Street, Mr. Cameron, Mr. Zolper, Mr. Light, City Attorney Carol Duncan and former Chief Financial Officer Bill Reznicek. Eventually, I concluded that Mr. Light's drafts were inadequate to fix the existing problems. Further, that the city needed written policies that also covered selection of professional services for legal matters and financial matters. I went through several drafts while consulting with the people mentioned previously and sharing copies as the changes were made. I attempted to incorporate suggestions to make the policies more fair, more representative and more efficient. In addition, I developed policies for the selection of financial and legal services, neither of which is addressed in the ordinance. At the end of the process, Mayor Perrin agreed to put the policies into effect. Copies were distributed to all members of the City Council and posted on the administration's shared drive. Each policy puts a member of the council on the selection committee for all but small projects. Financial procedure is being followed in the selection of a consultant to study impact fees, however, Mr. Street

declined to participate in the selection process of an engineer for the South Caraway widening project. A proposed agreement with the Pickering Firm had been postponed temporarily by the Public Works Committee in July, and then was postponed permanently in August. The project is still in abeyance. I have made a detailed analysis of this proposed ordinance and consider at least one fatal flaw, which has already been mentioned. If needed, I'll provide that analysis in written form. I think a better course of action would be for the council to revive and update RES-08-016, which was introduced in 2008 in an attempt to ensure a fair and transparent process for the selection of professional services, but was never passed. The new policies establish such a process, but a resolution of that sort would emphasize the council oversight power. Thank you very much.

Chairmember Street said just for the record, Mayor Perrin requested that that project be pulled from Pickering. We didn't do that on our own. Mayor Perrin requested it and we did it. It's amazing, and you know this Mayor Perrin, that with just a phone call they dropped that price by \$50,000. So, that tells me there wasn't a lot of thought gone into it. Respectfully, I disagree with Mr. Ockert. This could be modified to some extent, but I still think the best process, and it is not the hijacking of anybody's powers, but we just take the companies who have already submitted their statement of qualifications and professional service providers and put their request for proposal in. We simply look at them based on these criteria with the help of the Mr. Light and city staff. It's not just us. It's all your staff right here, too. It's our experts. Based on that, we rank them and we turn it over to you. It's totally up to you to negotiate with them. Mayor Perrin, you were on council whenever we were doing the stormwater drainage and it worked very well. It was a good check and balance of power. It was no one person issuing out contracts. It was open. The public could come and attend and have input on the selection process. I feel like that would be a good and fair way to distribute those contracts.

Mayor Perrin said you mentioned when we made that phone call. I asked for Pickering to be tabled until we got this completed, and I thought it was only fair because they were in the pipeline, but they hadn't got either way. The second thing, on that phone call, after digging into it more and reading the contract is that when they dropped \$50,000, they also pulled stuff out of that contract. So, it was not apples to apples. It was apples to oranges. That's the thing you're going to have to be very careful with. I went out and met with Mr. Cameron for a long time and discovered how to read those things, particularly on the percentages. You have to be careful with those percentages. It depends on where the most cost is in the project, such as is it in the surveying, or this or that. So, you have to be really careful when looking at those.

Engineering Director Craig Light said Mayor Perrin made one of the comments I wanted to make. The change in price in the Pickering contract was because we reduced the services they were providing to us. That's the reason \$50,000 was cut out of the contract. We were taking things out of the contract. One of my major concerns with this proposed ordinance is Section 8. In Section 8, you are requesting proposals freely from any firm that wants to submit. In the current policy, we shortlist based on letters of interest and we only solicit proposals from the top three firms. When a firm begins to prepare a proposal, they'll put in 40 plus hours to prepare a proposal. We don't need 15 of those to make a decision. All we need is a letter of interest and SOQs. We shortlist from there and then request proposals from the top three. Concerning projects that are less than \$20,000, we have a lot of projects that are \$600. Does council really want us to bring three firms up here and ask your blessings on who to give a \$600 contract to? Chairmember Street said no. Mr. Light said that's what this ordinance would do. Chairmember Street said we just talked about that and modified that. Mr.

Light said this ordinance would still require us to bring a list of three for a \$600 surveying contract to you to select when we need the survey done, for instance, this week and we're going to have to wait a month to get a simple boundary survey done for a small project. This ordinance really slows us down on being able to provide our services to the city. That's the only comments I have. Chairmember Street said I agree with you on that, but it's not chiseled in stone. It's subject to things you can change. Mr. Light said but this ordinance becomes law. Chairmember Street said it can be amended prior to its passage. Mr. Light said it needs a lot of amendments in my opinion.

Mayor Perrin said I don't think it's the desire of this committee to bring this on and get three readings. We're going to have to look at this. Chairmember Street said I would request three readings. Mayor Perrin said I think we need to get more input. Chairmember Street said and there can be some changes. Councilmember Vance said I hate to use the word, but can we just table this for 30 days and ask the administration to make the changes that we've talked about. Maybe it needs to be a window such as from \$5,000 to \$20,000 and then \$20,000 and above, but make the recommendations back to us and bring an amended ordinance back to us for us to look at during the next meeting, which is four weeks away. Chairmember Street said I don't have a problem with that at all, and we can amend some of the amounts, like the \$20,000 and under. That would probably be extremely time consuming and not necessary. There are a lot of surveys and things you need to do on a timely basis to get things done so we don't want to hamper anything. We can modify some of that, but the biggest thing is bringing people in for major projects, interviewing them, ranking them and then turning it over to Mayor Perrin and his staff to negotiate the contract. Councilmember Vance said that's the other point I wanted to make is that we wouldn't be reading the contract to find the hidden costs. It would be the responsibility of Mayor Perrin and Mr. Light to analyze the contract. We would just be basing it on what was presented to us. Chairmember Street said and this committee would be relying highly on their expertise anyway on those. In fact, they're going to check them for accuracy and all that, but I would assume that one of those proposals would never get to us if it wasn't qualified. Councilmember Vance made the motion to postpone temporarily for 30 days. City Clerk Donna Jackson said you mean to postpone temporarily until the next Public Works Committee meeting, which is November 6. Chairmember Street said yes.

Councilmember Chris Moore said I'm getting ready to second Councilmember Vance's motion, but I want a little clarification. The changes will come back to this committee and we will iron out the changes in this committee before it ever goes to full council. Is that right? Mayor Perrin said that is correct. Councilmember Vance said what I would envision is that it would be the completed ordinance and not an ordinance that we would be amending. City Attorney Carol Duncan said I know I probably saw this way back months ago when it was first submitted and went out in an e-mail, but this didn't go through the Legistar process where it comes to me and I review it and then it goes to Mayor Perrin and he reviews it. This just ended up on this agenda. One recommendation I am obviously going to make is that the emergency clause be removed from it. Councilmember Moore said well, sure. Ms. Duncan said there are amendments to it that need to happen. Councilmember Moore said I'm going to second the motion to postpone until the next meeting without prejudice. Whatever changes are prudent, I want them ironed out in this committee. I don't want to get on the full council floor debating technicalities of engineering when we have a full agenda and we don't have appropriate time to address each one. I want to address them right here in this committee. Chairmember Street said I agree with that. Councilmember Moore said I second Councilmember Vance's motion to postpone temporarily until the

next Public Works Committee meeting on November 6.

Councilmember Dr. Coleman said my question is when Mr. Ockert brought the information about Mr. Cameron, why couldn't those individuals be part of this reconciliation on this project to get their input. Chairmember Street said Mr. Zolper represents him, but I have been contacted by Mr. Carlos Wood and others with the same concerns. So, I think everybody is pretty much on board with what we need to do.

A motion was made by Councilperson Gene Vance, seconded by Councilperson Chris Moore, that this matter be Postponed Temporarily. The motion PASSED with the following vote.

Aye: 7 - Gene Vance; Mitch Johnson; John Street; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams

5. Pending Items

6. Other Business

7. Public Comments

8. Adjournment

A motion was made by Councilperson LJ Bryant, seconded by Councilperson Mitch Johnson, that this meeting be Adjourned . The motion PASSED with the following vote.

Aye: 7 - Gene Vance; Mitch Johnson; John Street; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams



Legislation Details (With Text)

File #:	ORD-18:070	Version:	1	Name:	AMEND CHAPTER 50 OF THE JONESBORO ORDINANCES TO ESTABLISH STANDARDS FOR THE JONESBORO DOG PARK
Type:	Ordinance	Status:			To Be Introduced
File created:	10/17/2018	In control:			Public Works Council Committee
On agenda:		Final action:			
Title:	AN ORDINANCE TO AMEND CHAPTER 50 OF THE JONESBORO ORDINANCES TO ESTABLISH STANDARDS FOR THE JONESBORO DOG PARK				
Sponsors:	Mayor's Office				
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result
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AN ORDINANCE TO AMEND CHAPTER 50 OF THE JONESBORO ORDINANCES TO ESTABLISH STANDARDS FOR THE JONESBORO DOG PARK

WHEREAS, the City Council of the City of Jonesboro, Arkansas desires to establish a dog park in the City of Jonesboro; and

WHEREAS, the dog park shall be located at the Earl Bell Community Center; and

WHEREAS, it is the desire of the City Council to provide for the rules and regulations of the dog park for the health, safety, and welfare of the citizens and dogs using the park.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS THAT CHAPTER 50 PARKS AND RECREATION SHALL BE AMENDED TO ADD ARTICLE III DOG PARKS TO INCLUDE THE FOLLOWING LANGUAGE:

Sec.50-31 Location; purpose

- 1) The Earl Bell Dog Park is located at the Earl Bell Community Center and is available for use by Jonesboro residents only.
- 2) The dog park is a location set aside for dogs and their owners to exercise and play off leash in a controlled (i.e. fenced) environment.
- 3) Users of the dog park do so at their own risk. Dog behavior can be unpredictable around other dogs

and strangers. Dog owners/handlers are strictly liable for any damage or injury caused by their accompanied dog(s).

Sec. 50-32 Dog park season

- 1) The dog park shall be open daily from 7:00 am until 8:00 pm.
- 2) It shall be unlawful for anyone to loiter, idle, wander, stroll or play in the dog park when it is closed. However, if anyone applies for permission to carry out an activity in the dog park during the hours it is closed and the director of Jonesboro Parks Department determines that such activity will not create a disturbance or public nuisance; the director shall have the authority to issue a special permit for such activity.

Sec.50-33 Dog park use, generally

- 1) A copy of the dog park rules shall be posted on signage at the park and shall be available on the city website. A copy may also be obtained in the office at the Earl Bell Community Center.
- 2) Dogs under six (6) months of age are not allowed in the dog park.
- 3) Only dogs accompanied by an owner/handler at least 18 years of age are permitted to be in the dog park.
- 4) It shall be unlawful for any person to bring a dog weighing 30 pounds or more into the designated "small dog area" of the dog park.
- 5) It shall be unlawful for any person to bring a dog weighing 30 pounds or less into the designated "large dog area" of the park.
- 6) An owner/handler may not accompany more than two dogs in the dog park at any one time.
- 7) Dogs must wear collars (no pronged, pinched, or spiked collars) or harnesses bearing current vaccination information at all times while in the dog park. In addition, owners/handlers must be able to immediately provide paper documentation that each animal at the park is current on all vaccinations at the request of any park employee, animal control officer, or police officer.
- 8) Dog owners/handlers must be in possession of a leash or other means of physical restraint at all times. Dogs must be on leash to and from the dog park access points.
- 9) Dog owners/handlers must limit their use of electronic devices so that the use does not interfere with their ability to actively monitor their dog's behavior.

Sec. 50-34 Care of dog park

- 1) Dog owners/handlers are required to remove and properly dispose of all animal waste immediately. It shall be unlawful to leave the dog park without first cleaning up and disposing of all animal waste left by an accompanied dog.

- 2) Dog owners/handlers must stop any accompanied dog from digging and must fill any holes caused by an accompanied dog. It shall be unlawful for a dog owner/handler to leave the dog park without first filling any holes caused by an accompanied dog.
- 3) Dog owners/handlers/visitors are responsible for properly using all of the elements provided in the dog park including, but not limited to, the fencing, the gates, the benches, the fountains, the exercise apparatus, etc., and will be responsible for the costs to repair any element that is not properly used.
- 4) Dog owners/handlers/visitors are responsible for reporting any activity that violates any provision of this Article. Violations shall be reported to the Jonesboro Parks Department or the Jonesboro Animal Control Department.

Sec. 50-35 Dog park health rules

- 1) Full current immunizations (rabies, DHLLP or DAPPL, and Bordetella) of all dogs are required and must be shown upon request of any park employee, animal control officer, or police officer.
- 2) It shall be unlawful for any owner/handler to bring a dog that has a contagious condition, disease, parasites, or fresh wound into the dog park.

Sec. 50-56 Bites and aggression in the dog park

- 1) All dog bites by a dog in the dog park must be reported to the Jonesboro Animal Control Department. It shall be unlawful for any owner/handler to fail to report a bite by their dog or the dog of another person within 24 hours of the incident.
- 2) Dogs showing aggression towards people or other dogs must be removed from the dog park immediately. It shall be unlawful for any owner/handler to fail to immediately leash and remove any dog showing aggression from the dog park. Dogs that exhibit aggressive behavior are not allowed in the dog park at any time.
- 3) It shall be unlawful for any person to bring any dog deemed to be a vicious dog or a dangerous dog by any state or local government or agency into the dog park.

Sec. 50-57 Children in the dog park

- 1) No child under seven years of age is permitted in the fenced in area of the dog park. It shall be unlawful for a parent or guardian to permit a child less than seven years of age to be in the fenced in area of the dog park.
- 2) Every child over seven and under eighteen years of age in the dog park must be accompanied by an adult who is at least eighteen years of age and who is directly supervising the activities of that minor child. It shall be unlawful for a parent or guardian to permit a child over seven and under eighteen years of age to be in the dog park unless the child is accompanied by an adult who is at least eighteen years of age and who is directly supervising the activities of that minor child.

- 3) Dog owners/handlers must be 18 years of age or older.

Sec. 50-58 Unlawful possession.

- 1) While in the dog park it shall be unlawful:
 - a. For any person to possess food for humans or dogs, including dog treats.
 - b. For any person to possess/use tobacco products, herbal products, vapes, alcoholic beverages, or glass containers.
 - c. For any person to possess dog toys,
 - d. For any person to possess or unleash an animal other than a dog.
 - e. For any person to possess/use a skateboard, skates, a bicycle, a scooter, or any other wheeled apparatus. The operation of a non-motorized wheelchair or motorized mobility device by a person with physical disabilities is exempt from the sub-section.

Sec. 50-59 Penalties

- 1) Any person who violates this section shall be subject to the following:
 - a. First offense: a fine not less than \$100.
 - b. Second offense: a fine of not less than \$250.
 - c. Third and subsequent offenses: a fine of not less than \$500 and shall be expelled from the dog park for no less than one (1) year.
- 2) In addition, any person who fails to comply with dog park rules and regulations may be subject to expulsion from the dog park by a City of Jonesboro park employee, animal control officer, or police officer.
- 3) Any person who has been expelled or banned from the dog park and returns to the dog park premises (with or without a dog) shall be guilty of criminal trespass.



Legislation Details (With Text)

File #: ORD-18:072 **Version:** 1 **Name:** ESTABLISH STANDARDS FOR SMALL WIRELESS FACILITIES TO BE PLACED IN CITY RIGHTS-OF-WAY

Type: Ordinance **Status:** To Be Introduced

File created: 10/25/2018 **In control:** Public Works Council Committee

On agenda: **Final action:**

Title: AN ORDINANCE TO ESTABLISH STANDARDS FOR SMALL WIRELESS FACILITIES TO BE PLACED IN CITY RIGHTS-OF-WAY IN THE CITY OF JONESBORO

Sponsors: Planning

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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AN ORDINANCE TO ESTABLISH STANDARDS FOR SMALL WIRELESS FACILITIES TO BE PLACED IN CITY RIGHTS-OF-WAY IN THE CITY OF JONESBORO

WHEREAS, the City Council of the City of Jonesboro, Arkansas understands that advances in cellular technology require the installation of small cell wireless facilities in order to enhance the quality of communication services for the public; and

WHEREAS, the City Council of the City of Jonesboro further understands that small wireless facilities are often most effectively placed in public rights-of-way; and

WHEREAS, it is the desire of the City Council to regulate these small wireless facilities both for safety and so that they are as seamlessly integrated with their surroundings as possible to promote the beauty of the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS THAT:

Sec 1: Purpose and Intent

- 1) It is the purpose of this ordinance to provide policies and procedures for the placement of small wireless facilities in public rights-of-way within the jurisdiction of the City of Jonesboro, which will provide a public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the City rights-of-way and the City as a whole.
- 2) It is the intent of this ordinance to establish uniform standards, which will be included in individual franchises and permits issued to small wireless facilities, to address issues presented by small wireless facilities including, but not limited to:
 - a) Prevention of interference with the use of streets, sidewalks, alleys, parkways, city owned traffic light poles, other city owned poles, light and utility poles owned by parties other than the city, and other public ways and places.

- b) Prevention of the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic.
- c) Prevention of interference with other facilities and operations of facilities lawfully located in City rights-of-way or public property.
- d) Protection against environmental damage, i.e. damage to trees or shrubbery, including, but not limited to, those items planted pursuant to City landscaping, zoning, tree preservation, or other City policies.
- e) Preservation of the character of neighborhoods in which facilities are installed.
- f) Preservation of the historical character of historic structures or historic neighborhoods.
- g) Facilitation of the rapid deployment of small cell facilities to provide the citizens with the benefits of advanced wireless services.

Sec.2 Definitions

- 1) “Collocate” means to locate two (2) or more transmission antennas or related equipment on the same structure.
- 2) “Small wireless facility” or “facility” means a non-tower wireless communications facility that houses an antenna and equipment designed for the purpose of wireless communications, and is utilized to boost wireless communications capacity for a limited area.
- 3) “Stealth” or “stealth technology” means a non-tower wireless communication facility that has minimal visual and physical intrusion or impact on the land, property, buildings, and other facilities adjacent to and near it.

Sec.3 Application Procedure

- 1) No person shall place a small wireless facility in the public right-of-way without first filing an application and obtaining a permit from the City Planning Department.
- 2) Before filing an application, a person desiring to construct or modify a small wireless facility in the public right of way shall notify the City Planning Department and may request a pre-application conference.
- 3) An applicant under this section shall make a good faith attempt to:
 - a) Locate and design the proposed small cell facility in the least intrusive manner practicable given the available technology; and
 - b) Locate a facility on existing utility easements and within existing right-of-way easements; and
 - c) If the small wireless facility is proposed to be erected in the right-of-way, locate the facility in a manner that gives preference to the following locations in the following order:
 - (i) The location where two (2) rear property lines meet;
 - (ii) The location where any two (2) property lines meet; or

- (iii) At an intersection; and
- d) Locate the facility on an existing non-tower support structure pursuant to separate written agreement with the owner of the support structure setting forth the terms and conditions of use of such structure.
- 4) An applicant shall pay all fees as established by Section 9 of this ordinance.
- 5) An applicant may file an application that includes up to five (5) individual small wireless facilities of a substantially similar design every seven (7) calendar days.
- 6) The City may require the applicant to file a separate application for any small wireless facility that is not of a substantially similar design to the others included in the application.
- 7) The application shall be made by the wireless provider or its duly-authorized representative. Said representative must provide a notarized statement from a person with the wireless provider who represents authority to make such an authorization.
- 8) The application shall contain the following:
 - a) The applicant's name, address, telephone number, and email address;
 - b) A general description of the proposed work and the purposes and intent of the small wireless facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed and shall include drawings and descriptions of the proposed facilities;
 - c) Maps with specific locations;
 - d) Geographic coordinates of the locations;
 - e) Digital files of the geographic coordinates in a format approved by the City Planning Department;
 - f) A letter of agreement for use between the owner of the facility and the owner of the non-tower support structure;
 - g) A surveyed site plan;
 - h) A description of any requests for variances or waivers from the requirements of this chapter;
 - i) A digital picture showing what the design and appearance of the facility/tower will be, once constructed.
 - j) Authorization for any consultant acting on behalf of the applicant to speak with the City, or a designee of the City, on the area of consultation for the applicant, even if the applicant cannot be available;
 - k) Verification from an appropriate professional that the small wireless facility shall comply with all local, state and federal laws.
- 9) An incomplete application may be denied by the City Planning Department, if not made

complete in a timely manner.

- 10) An application shall not be required for routine maintenance or the replacement of a small wireless facility with another small wireless facility that is substantially similar or smaller in size, weight, and height. However, written notice shall be provided to the City Planning Department of any planned maintenance or replacement that is being done on an existing facility.

Sec. 4 Review of Applications, Variances, and Appeals

- 1) The City Planning Department may approve an application that complies with all provisions of this ordinance and law or has been granted the appropriate variance.
- 2) The City Planning Department shall notify an applicant if the application is complete within ten (10) days of receiving the application. If the application is incomplete, the City will advise the applicant as to what information is missing.
- 3) The City Planning Department shall consider the totality of the circumstances in reviewing an application including, but not limited to the following:
 - a) Location of proposed placement of the small wireless facility;
 - b) Impact on the affected area;
 - c) Physical and service limitations of available technology;
 - d) Attempts by the applicant to minimize the impact of the facility on the surrounding area;
 - e) Conformity of the application with all local, state and federal laws and regulations; and
 - f) Impact on other utilities.
- 4) The City Planning Department shall make its final decision and shall notify the applicant in writing within sixty (60) days of the submission of a completed application.
- 5) An applicant may request a variance from the requirements of this code as a condition of approval.
 - a) The Board of Zoning Adjustments may consider a request for a variance from the design requirements of this code if there is an easily identifiable site-specific hardship or a technological challenge, and the requirement from which it is requested to vary is:
 - (i) Not necessary or desirable for the protection of the surrounding property, public health, public safety, or general welfare; or
 - (ii) Unreasonable as applied to the particular application.
- 6) If an application is denied by the City Planning Department, the City shall notify the applicant in writing of the denial and include the specific basis for the denial, including any code provisions from federal, state or local laws or regulations that were the basis for the denial.
- 7) Following a denial of an application, an applicant may cure any deficiencies identified by the City within thirty (30) days of the denial and may resubmit the application without paying an additional application fee.

- 8) An applicant may appeal a decision of the City Planning Department to deny an application to the Metropolitan Area Planning Commission by filing a notice of appeal with the City Planning Department within ten (10) days of the receipt of the denial of the application.
 - a) The MAPC shall hear the appeal at the next scheduled meeting which does not fall within ten (10) days of the date the notice of appeal was filed.
 - b) An appeal of any part of the application shall be reviewed by the MAPC as if it were an appeal of the whole application.
 - c) The MAPC may approve or deny the application and may grant or deny variances based upon the criteria also used by the Board of Zoning Adjustments for reviewing variance applications.
- 9) If after approval of an application and beginning of construction but before construction is complete, circumstances unforeseen at the time of application and hearing arise, which make continued construction as approved unsafe or impracticable, the applicant may request an amendment to the application of plan by filing a request to amend the approved application with the City Planning Department. The applicant shall cease work, and the procedure for the amendment request shall proceed in the same manner as if it were a new application under this section. There is no application fee for an amendment request.

Sec. 5 Prohibitions and Requirements

- 1) A small wireless facility shall meet all requirements of applicable state and federal law.
- 2) All small wireless facilities shall have a tag attached that identifies the owner of the facility.
- 3) The owner of the small wireless facility shall immediately remove all graffiti on the facility and repair or replace any damaged equipment.
- 4) Facilities located in the public right-of-way shall not visually obstruct traffic signals or signage or interfere with other utilities located in the public right-of-way.
- 5) A variance to a height requirement of a small cell facility shall not allow more than an additional ten (10) feet to the underlying height requirement, and shall only be granted if the additional height is necessary for improved functionality or safety.
- 6) A small wireless facility shall be operated and maintained in a manner that does not interfere with public safety equipment or communication systems or area television or radio broadcasts or other utilities.
- 7) The owner of a small wireless facility that is not in service or use for more than six (6) months shall disassemble and remove the facility. A yearly inventory audit of all facilities in the city shall be produced by the owner and provided to the city.
- 8) A small wireless facility owner placing a facility in the public right-of-way shall allow the city access to and use of said tower/facility for placement of city owned cameras or devices, including, but not limited to traffic cameras, so long as said device does not interfere with the functioning of the small wireless facility/tower.
- 9) If a small wireless facility owner/provider is installing its own fiber optic technology to a particular location, the wireless provider shall also provide the city with four (4) dark pairs of fiber

that may be used by the city for a public purpose.

Sec. 6 Location and Design Standards

- 1) **Equipment enclosures.** If the support structure is a pole, all radios and wireless communication equipment, except the antenna, shall be enclosed within an equipment cabinet and housed at the base of the support structure or below grade.
- 2) **Poles.** If the support structure for the small wireless facility is a new pole to be installed by the owner of the wireless facility, it shall be made of metal in a design approved by the City Planning Department. If the support structure for the wireless facility is a modified existing pole, it shall not be required to be metal, but shall otherwise meet the requirements of this section.
- 3) **Signage.** A small wireless facility shall not display a sign unless the sign displays emergency information, owner contact information, warning instructions, safety instructions, or is otherwise required by a federal, state, or local agency. Such signage shall not exceed one (1) square foot in area.
- 4) **Illumination.** A small wireless facility shall not have lights on the facility unless the lights are required by other laws and consistent with the requirements of said law.
- 5) **Fencing.** A small wireless facility shall not be fenced.
- 6) **Design.** A small wireless facility shall be installed using stealth technology to the greatest extent practicable including without limitation the following:
 - a) Antenna arrays, cables, and other accessory facilities used for providing the wireless service shall not be obtrusive or noticeably visible from adjacent properties or adjacent rights-of-way; and
 - b) The color of the facility shall be compatible with that of the non-tower support structure. All facilities located on buildings, roofs, or structures shall be painted or constructed of materials to match the color of the structure directly behind them to reduce the visibility of the small cell facility. To the extent any small wireless facilities extend above the height of the vegetation immediately surrounding it, they shall be painted in a non-reflective black matte finish.
- 7) **Height.** Except as provided in subsection 8 of this section, all small wireless facilities must adhere to the following height requirements:
 - a) Facilities mounted to an existing structure may not extend higher than five (5) feet above the existing structure;
 - b) Facilities mounted on a roof shall be stepped back from the front façade to the extent technically feasible in order to limit their impact on the building's silhouette. Screening panels, if used, shall not exceed five (5) feet in height above the existing building's roofline;
 - c) Facilities which are side-mounted on buildings shall be reasonably camouflaged and shall not extend above the roof line or extend more than two (2) feet from the façade of the building;
 - d) Facilities placed by the provider in public rights-of-way shall not be more than:
 - (i) Thirty (30) feet above grade for residential and local streets;

- (ii) Forty (40) feet above grade for collector streets; or
 - (iii) Fifty (50) feet above grade for arterial streets;
- 8) If the provisions of subsection 7 conflict with federal law, the federal law shall control.
- 9) Fall zone. The minimum distance from the base of any facility to any building or house shall be the height of the facility or required setback, whichever is greater. This setback is considered a “fall zone.” In the event that an existing facility is proposed as a mount for the provider’s equipment, a fall zone is not required.
- 10) Setbacks. A small wireless facility that is not in the public right-of-way shall comply with the building setback provisions of the zoning district in which the small wireless facility is located. In addition the following setbacks shall be observed:
- a) Street-pole-attached and new non-tower support structures shall adhere to roadway clear zone guidelines when constructed within the public right-of-way;
 - b) Underground vaults or above-ground structures shall comply with the setback requirements of the underlying zoning district; and
 - c) Freestanding small wireless facilities or equipment enclosures shall not be located between the face of a structure and a public or private street, bikeway, park, or residential development.
- 11) Inside right-of-way. No more than one (1) small wireless facility shall be erected at each corner of an intersection.
- a) A small wireless facility in the right-of-way shall be at least twenty (20) feet away from other poles in the right-of-way.
- 12) Traffic signals. A small wireless facility shall not be attached to a traffic signal or its equipment.
- 13) A small wireless facility/tower shall not be located within fifty (50) feet of an existing pole or tower.

Sec. 7 Removal, Relocation, or Modification of Facilities in the Right-of-Way

- 1) General Relocation Policy.
- a) In the interest of the public health, safety, and welfare and consistent with the City’s ordinances and master plans, the City of Jonesboro may make or cause to be made improvements, repairs, or replacements of the public facilities located on public rights-of-way. Such construction activity commonly requires adjustment or relocation of installations of public utilities, and wireless service providers. The City deems the right of public utilities to use public rights-of-way to be permissive and subordinate to the reasonable exercise of the City’s police power. Thus, except as otherwise provided by the City, the cost of relocating a public utility installation should not be borne by the City.
 - b) The policy of the City is to require a public utility or a wireless services provider to promptly adjust its facilities in, upon, under, or above any right-of-way administered by the City to accommodate construction, improvements, alterations, or maintenance of public facilities when directed to do so by the City. Public utilities and wireless services providers shall make

adjustments at their own expense, except as otherwise provided by the City, in connection with any public works projects approved and/or performed by the City regardless of the source of funds for the project.

- c) As a matter of policy the City will seek to minimize current and future installation adjustment costs for utilities and wireless services providers by such measures as regular and systematic consultation in public works planning, advance engineering to the extent feasible, and careful consideration of public utility and wireless services provider needs and installations in both planning and design.
- 2) **Emergency Removal or Relocation of Facilities.** The City retains the right to cut or move any small wireless facility located within its rights-of-way as the City, in its sole discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the City shall notify the wireless provider and wireless infrastructure provider and give them an opportunity to move its own facilities prior to the City cutting or removing a facility and the City shall notify the wireless provider after cutting or removing a small wireless facility.
- 3) **Abandonment of Facilities.** Upon abandonment of a small wireless facility within the City rights-of-way, the wireless provider shall notify the City within ninety (90) days of such abandonment. Following receipt of such notice, the City may direct the wireless provider to remove all or any portion of the small wireless facility if the City, in its sole discretion, determines that such removal will be in the best interests of the public health, safety, and welfare.
- 4) **Abandonment by Inaction.** At any point where a wireless provider fails to pay any necessary fee, or annual payment to the City, and fails to respond within sixty (60) days to a written inquiry from the City as to whether the wireless provider intends to continue to operate, for whatever reason, the small wireless facility shall be deemed abandoned and the City may, at its sole option, remove all or any portion of the small wireless facility, or take other action as authorized by law.

Sec. 8 Biannual Review

The City may, in its sole discretion, require the applicant to review the terms and conditions of any permit issued pursuant to this ordinance on a biannual basis to determine if the terms and conditions for the use of City rights-of-way are still in the best interests of the City pursuant to the laws and regulations in effect at the time.

Sec. 9 Fees and Rentals. The following fee schedule establishes the fees and an annual payment for City rights-of-way for small wireless facilities. These fees are in addition to any franchise fees which may be owed to the City.

- 1) **Application Fees.** Unless otherwise provided by law, all applications for permits pursuant to this Chapter shall be accompanied by an application fee in the amount of \$500.00.
- 2) **Annual Rate.** The rate to place a small wireless facility in a City right-of-way shall be \$270.00 annually per small wireless facility.
- 3) **Right of Wireless Provider to Cease Payment.** A wireless provider is authorized to remove its facilities at any time from the rights-of-way and cease paying the City compensation for use of the rights-of-way as of the next due date for payment following the removal.

Sec. 10 Severability. In the event any portion of this ordinance is declared or adjudged to be invalid or

unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

Sec. 11 Repealer. All ordinances, resolutions, or parts of the same that are inconsistent with the provision of this ordinance are hereby repealed to the extent of such inconsistency.



Legislation Details (With Text)

File #: ORD-18:073 **Version:** 1 **Name:**

Type: Ordinance **Status:** To Be Introduced

File created: 10/26/2018 **In control:** Public Works Council Committee

On agenda: **Final action:**

Title: AN ORDINANCE AMENDING THE MEMBERSHIP OF THE STORMWATER MANAGEMENT BOARD AS CREATED BY ORDINANCE 07:50

Sponsors: Engineering

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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AN ORDINANCE AMENDING THE MEMBERSHIP OF THE STORMWATER MANAGEMENT BOARD AS CREATED BY ORDINANCE 07:50

WHEREAS, Ordinance 07:50 established the Stormwater Management Board, and

WHEREAS, an amendment to the ordinance is necessary in order to provide clarification of the removal of members.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS THAT:

SECTION 1: Section 4 of Ordinance 07:50 is hereby amended to read as follows:

SECTION FOUR: Removal and Replacement of Members

- a. Any appointed member of the board is subject to removal for cause which is defined to include misfeasance, malfeasance or nonfeasance in office. Any member subject to removal for cause shall be notified in writing of the reason for such removal, and shall be provided ten (10) days from receipt of such notice to provide statement as to why the Member believes that removal is inappropriate, or that the basis for removal contains misstatements of fact, or that the basis for removal should not result in such a sanction.
- b. When a member of the Board has missed 25% of all regular meetings in one (1) calendar year, or three (3) consecutive regularly scheduled meetings, this will be considered nonfeasance.
- c. Replacement of any appointed member of the board resigning or dismissed from the board shall be appointed by the Mayor and confirmed by the City Council in the same manner as prescribed for regular appointees. Any member appointed as a replacement shall serve only for the remainder of the term of the member replaced, unless subsequently re-appointed

for an additional term.



Legislation Details (With Text)

File #:	RES-18:170	Version:	1	Name:	EXECUTE A TRAFFIC CONTROL DEVICE AGREEMENT TO MAINTAIN A CONTROL DEVICE
Type:	Resolution	Status:		Status:	To Be Introduced
File created:	10/12/2018	In control:		In control:	Public Works Council Committee
On agenda:		Final action:		Final action:	
Title:	A RESOLUTION TO EXECUTE A TRAFFIC CONTROL DEVICE AGREEMENT TO MAINTAIN A CONTROL DEVICE				
Sponsors:	Engineering				
Indexes:					
Code sections:					
Attachments:	Traffic Control Device Agreement				

Date	Ver.	Action By	Action	Result
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A RESOLUTION TO EXECUTE A TRAFFIC CONTROL DEVICE AGREEMENT TO MAINTAIN A CONTROL DEVICE

WHEREAS, the City of Jonesboro has received an Arkansas Department of Transportation Traffic Control Device Agreement; and,

WHEREAS, this Traffic Control Device Agreement is for the purposes of Maintaining a Traffic Control Device located at the intersection of Nettleton Avenue and Cain Street; and,

WHEREAS, the City of Jonesboro believes said Agreement is for the use and benefit of the City of Jonesboro and all of its residents; and,

WHEREAS, it is in the best interest of the City of Jonesboro that the City Council authorizes the execution of this agreement.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: This Traffic Control Device Agreement is for the purpose of maintaining a Traffic Control Device located at the intersection of Nettleton Avenue and Cain Street.

Section 2. That this Device Agreement is for the best interest of the residents of the City of Jonesboro.

Section 3: The Mayor and City Clerk are hereby authorized to execute said Traffic Control Device Agreement.

**ARKANSAS DEPARTMENT OF TRANSPORTATION
TRAFFIC CONTROL DEVICE AGREEMENT**

AGREEMENT NO.: 1080

Date: 10/2/2018

Maintenance Authority: Jonesboro

Job No: 100824

DISTRICT No: 10 COUNTY: CRAIGHEAD

Street Name of primary local corridor:

Route No(s) : 63 Section: 7B

WHEREAS,

authority for the control of the locations and types of all traffic control devices on State Highways has been delegated to the State Highway Commission by Section 109(d), Title 23, U.S. Code, and Ann. 27-52-104, 105, and 106; and

WHEREAS,

the State Highway Commission has officially adopted a Manual and Specifications for a uniform system of traffic control devices, and the Minute Order 2001-141 of July 11, 2001 has implemented these statutes to the operation of traffic control devices by local governments;

NOW THEREFORE,

in accordance with these authorizations, the following agreement is made between the agency herein designated as Maintenance Authority and the Arkansas Department of Transportation:

- 1) The Maintenance Authority hereby agrees to provide electrical power to the controller (s) for the traffic control device(s) and to maintain the traffic control device(s) being installed by the Arkansas Department Of Transportation at the intersection(s) listed below at no cost to the Department.

Description:

Install traffic signal at the intersection of Nettleton Avenue and Cain Street.

- 2) No modifications to the traffic control device installation or changes in the controller phase data and operations of the traffic control device will be made without approval from the Department.

- 3) The Maintenance Authority will save the Department harmless from any and all damage claims that may arise during the period that the traffic control devices are being maintained by the Maintenance Authority.

Maintenance Authority:

Jonesboro

**ARKANSAS DEPARTMENT
OF
TRANSPORTATION**

BY _____

Trinity Smith

Title: Mayor

Title:

Trinity D. Smith
Engineer of Roadway Design

DATE _____

DATE 10/2/18



Legislation Details (With Text)

File #: RES-18:172 **Version:** 1 **Name:** MEMORANDUM OF UNDERSTANDING WITH ARKANSAS NATURAL RESOURCES COMMISSION (ARNC)

Type: Resolution **Status:** To Be Introduced

File created: 10/24/2018 **In control:** Public Works Council Committee

On agenda: **Final action:**

Title: A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH ARKANSAS NATURAL RESOURCES COMMISSION (ARNC)

Sponsors: Engineering

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH ARKANSAS NATURAL RESOURCES COMMISSION (ARNC)

WHEREAS, the City of Jonesboro has applied for and been awarded a Flood Mitigation Assistance Grant for the City of Jonesboro Acquisition and Demolition project

WHEREAS, the grant is from the Federal Emergency Management Agency and administered through ARNC

WHEREAS, a Memorandum of Understanding must be executed by the City of Jonesboro for the continuation of the grant.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: That the City of Jonesboro shall execute a Memorandum of Understanding for the Flood Mitigation Assistance Grant awarded to the City for the City of Jonesboro Acquisition and Demolition project.

Section 2: The Mayor is hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this agreement.



Legislation Details (With Text)

File #:	RES-18:176	Version:	1	Name:	AGREEMENT WITH CIVIL ENGINEERING ASSOCIATES, LLC TO PROVIDE ENGINEERING AND CONSTRUCTION MANAGEMENT SERVICES FOR THE CROWLEY'S RIDGE PARKWAY: CRAIGHEAD FOREST PARK TRAIL - PHASE III, ARDOT JOB NO. 100919
Type:	Resolution	Status:			To Be Introduced
File created:	10/24/2018	In control:			Public Works Council Committee
On agenda:		Final action:			
Title:	A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO AN AGREEMENT WITH CIVIL ENGINEERING ASSOCIATES, LLC TO PROVIDE ENGINEERING AND CONSTRUCTION MANAGEMENT SERVICES FOR THE CROWLEY'S RIDGE PARKWAY: CRAIGHEAD FOREST PARK TRAIL - PHASE III, ARDOT JOB NO. 100919				
Sponsors:	Engineering				
Indexes:	Contract				
Code sections:					
Attachments:	Phase III Proposal.pdf				

Date	Ver.	Action By	Action	Result
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A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO AN AGREEMENT WITH CIVIL ENGINEERING ASSOCIATES, LLC TO PROVIDE ENGINEERING AND CONSTRUCTION MANAGEMENT SERVICES FOR THE CROWLEY'S RIDGE PARKWAY: CRAIGHEAD FOREST PARK TRAIL - PHASE III, ARDOT JOB NO. 100919

WHEREAS, the City of Jonesboro contracted with Civil Engineering Associates, LLC to provide professional engineering and design services for the Crowley's Ridge Parkway: Craighead Forest Park Trail - Phase III project.

WHEREAS, Civil Engineering Associates, LLC fulfilled the requirements of the original contract.

WHEREAS, the base bids for the construction of Phase III came in lower than estimated; leaving, additional funds available for the project

WHEREAS, the Parks Department does not have a construction inspector to oversee the everyday operation of the project and perform inspections.

WHEREAS, Civil Engineering Associates, LLC has designed and provided construction management/inspection services for every phase of the Crowley's Ridge Parkway: Craighead Forest Park Trail project.

WHEREAS, based on their knowledge and commitment to the overall project, it is in the best interest of the City to enter into an agreement with Civil Engineering Associates, LLC to provide construction related services detailed in the attached proposal.

WHEREAS, the funding for the execution of the contract shall come from a mixture Capital Improvements - Parks funds and Grant funds, and compensation shall be paid in accordance with the proposal.

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS;

Section 1. That the City of Jonesboro shall contract with Civil Engineering Associates, to provide engineering and construction services the Crowley's Ridge Parkway: Craighead Forest Park Trail - Phase III;

Section 2. The funding for the execution of the contract shall come from a mixture of Capital Improvements - Parks funds and Grant funds, and compensation shall be paid in accordance with the proposal.

Section 3. The Mayor and the City Clerk are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this agreement.



2114 East Matthews Avenue
Jonesboro, Arkansas 72401
870-972-5316
Fax 870-932-0432

October 15, 2018

City of Jonesboro
Attn: Mr. Craig Light, P.E.
300 South Church Street
Jonesboro, Arkansas 72401

**SUBJECT: Proposal for Professional Services
Crowley's Ridge Parkway: Craighead Forest Park Trail – Phase III**

Dear Mr. Light:

Civil Engineering Associates, LLC (CEA) is pleased to provide the following proposal for professional services associated with the referenced project located near Craighead Forest Park. The specific services to be provided are summarized in the following tasks.

TASK 1 : MODIFICATION OF EXISTING CONSTRUCTION DRAWINGS

It is the understanding of CEA that the City of Jonesboro (City) would like to redesign portions of the project. Specifically, the City is acquiring additional property at the intersection of Craighead Forest Road and Forest Hill Road and would like to modify the portion of the proposed trail that crosses this property. The trail will be re-designed between Stations 23+50 – 24+00 to provide a more gradual descent across the property and reduce the required amount of earthwork. In addition to the trail modification, the City would like to re-design the project to include curb and gutter along Craighead Forest Road between Stations 24+50 – 52+50.

CEA will re-design the project as described in the previous paragraph and make all necessary modifications to the existing construction drawings that are affected by the re-design. The revised construction drawings will be provided to the contractor after final approval is received by CEA from the City.

TASK 2 : CONSTRUCTION MANAGEMENT AND INSPECTION

CEA proposes to provide inspection services during the construction phase of this project. This will include providing one Project Representative to monitor and document the construction activities. CEA will provide project management and technical supervision for the construction activities as required by the project drawings and specifications. Technical supervision of the inspection activities will be conducted under the guidance of a CEA Project Manager. This individual will visit the site periodically to assess the construction progress, review the documentation, and participate in

construction progress meetings. In addition, the Project Manager will review all test results to verify that the materials conform to the project specifications.

COST ESTIMATE

CEA proposes to perform the work detailed in this proposal on a time and materials basis. However, services by CEA on this project will not exceed \$44,530.00 without prior notice to and authorization by the City. The estimated budget for the anticipated tasks is summarized below:

Task	Description	Budget
1	Modification of Existing Construction Drawings	\$6,100.00
2	Construction Management and Inspection	\$38,430.00
TOTAL BUDGET ESTIMATE		\$44,530.00

Any exceptional cost incurred during the completion of the work will be tracked and invoiced separately on a time and material basis with prior approval from the City. The City will be notified for approval prior to commencing work outside of the original scope or exceptional work/expenses required to complete any of the tasks associated with this project.

CEA appreciates the opportunity to provide this proposal to the City. If you have any questions regarding this proposal please do not hesitate to contact me.

Sincerely,
CIVIL ENGINEERING ASSOCIATES, LLC



Lance Powell, P.E.
Project Manager

City of Jonesboro

ATTEST:

By:

 Donna Jackson, City Clerk

 Signature

Harrold Perrin
 Printed Name

Mayor
 Title



Legislation Details (With Text)

File #: ORD-18:060 **Version:** 1 **Name:** TO PROVIDE FOR TRANSPARENCY AND ACCOUNTABILITY IN THE SELECTION OF PROFESSIONAL ARCHITECTS, ENGINEERS, AND SURVEYORS AND AWARDING OF CONTRACTS FOR CITY OF JONESBORO PROJECTS AND FOR OTHER PURPOSES

Type: Ordinance **Status:** In Committee

File created: 9/4/2018 **In control:** Public Works Council Committee

On agenda: **Final action:**

Title: AN ORDINANCE TO PROVIDE FOR TRANSPARENCY AND ACCOUNTABILITY IN THE SELECTION OF PROFESSIONAL ARCHITECTS, ENGINEERS, AND SURVEYORS AND AWARDING OF CONTRACTS FOR CITY OF JONESBORO PROJECTS AND FOR OTHER PURPOSES

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/2/2018	1	Public Works Council Committee		

AN ORDINANCE TO PROVIDE FOR TRANSPARENCY AND ACCOUNTABILITY IN THE SELECTION OF PROFESSIONAL ARCHITECTS, ENGINEERS, AND SURVEYORS AND AWARDING OF CONTRACTS FOR CITY OF JONESBORO PROJECTS AND FOR OTHER PURPOSES

Whereas, The City of Jonesboro throughout any given year uses the services of professional architects, engineers, and surveyors for various projects and capital improvements that benefit the citizens of Jonesboro and visitors to the City. The purpose of this Ordinance is to provide accountability and transparency concerning the selection process for professional services and transparency by the City in awarding of work orders, notices to proceed, or formal contracts.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: Professional services are set out in Ordinance No. 17:072 in Section 2-576 (a).

Section 2: The City of Jonesboro shall request annually from all Architects, Engineers, and Surveyors (hereafter referred to as Professional Service Providers or PSP) a Notice of Interest in being selected for projects that require these professional services. A Notice of Interest shall be published in the Jonesboro Sun and any other publication which the Purchasing Department deems appropriate for giving notice of City projects and the City's need for the above professional services.

Section 3: The Notice of Interest shall be published one time per week for two consecutive weeks. The first insertion shall be scheduled annually for the second week of January in each year.

The Notice of Interest shall advise PSP's in the fields of architecture, engineering, and surveying to submit a Statement of Qualifications (SOQ). At a minimum the SOQ shall contain the following information:

- a) A copy of a professional license for each licensed person, if more than one licensed professional;
- b) Proof of professional liability insurance;
- c) Proof of worker's compensation insurance;
- d) The number of associates and the duties and qualifications of support associates
- e) A current biography on each licensed professional setting out the professional's experience, education, and training.
- f) A current list of all projects over the previous two years and summary of the type of project, the total project cost, the completion date of each project, and the owner of the project, including address and telephone number.
- g) The location of the PSP's home office and professional license holders and familiarity with the City of Jonesboro.

Section 4: All SOQ shall be submitted by all interest PSP's by February 1 of each year. The names of all PSP's which are received shall be listed in alphabetic order by the Purchasing Department for the City of Jonesboro and this list of PSPs' by profession shall be distributed to the Mayor, City Council, Department Directors, and be included on the City's web-site. All SOQ shall be open to the public for review under the Arkansas Freedom of Information Act (FOIA).

Section 5: All City of Jonesboro projects which require professional services estimated to cost \$20,000.00 or less for the required professional service as determined by the Department of Engineering which shall be referred to as an "On Call Project" or OCP.

Section 6: The Department of Engineering shall provide the necessary information required for responses to an OCP. The City engineer or his designated representative shall select from the current SOQ list three PSP's for the OCP. The City Engineer shall submit the three names chosen to the Public Works Committee who shall review the names submitted and rank the PSP's one through three by a majority vote of the member in attendance at a regular or called meeting.

The Public Works Committee shall submit the names as ranked back to City Engineer who shall negotiate a contract or purchase order with the PSP's according to their ranking. If the City Engineer cannot negotiate a contract with the first ranked person or company, he shall go to second ranked person or company. If the City Engineer cannot negotiate a contract with the second ranked person or company, he shall go to the third ranked person or company. If a contract cannot be obtained with the third ranked persons or companies, then the Engineering Department shall re-evaluate the OCP and re-submit as provided for in this section.

Section 7: The evaluation of SOQ or Requests for Proposal (RFP) shall be governed by the following factors which shall be considered by the Public Works Committee.

Evaluation Factors for Professional Services

The specialized experience and technical competence of the PSP with respect of the type of professional services required;

The capacity and capability of the PSP to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project;

The past record of performance with respect to such factors as control of costs, quality of work, and ability to meet schedules and deadlines;

The PSP's proximity to and familiarity with the area in which the project is located. Location of home, office and staff to be assigned to the project

Professional staff including the education, experience, number of personnel available and any partnerships with sub-contractors. Size is the sole criteria.

General and professional reputation, including responsiveness to civil right and equal employment opportunity requirements and opportunities.

Past work performance in the City

Experience with projects of a similar nature s those advertised

TOTAL POINT

Section 8: City of Jonesboro projects which require professional services estimated to cost \$20,001.00 or more for the required professional service as determined by Department of Engineering shall be governed by the following sections.

The Engineering Department will prepare a Request for Proposal (RFP) which shall include a detailed description of the proposed project, the scope of work to be provided by a PSP, the location of any plans and/or specifications for a project, the proposed time frame for commencing and concluding the project, a SOQ, if not already provided, a request for a detailed work plan compliant with the project scope, a list of any concerns associated with the project scope, the PSP's organizational chart identifying key personnel by name and title, a completed SF 330 form and identification that the PSP is requesting special consideration as a Disadvantaged Business Enterprise as defined under law, and any other information deemed necessary by the engineering department, and the time frame for each professional to submit its' response to the RFP to the engineering department.

Section 9: The RFP shall be published in the local paper, sent to all appropriate PSPs on the current SOQ list, the City's web-site, and, if necessary, in an appropriate professional journal no less than two times for two consecutive weeks. The time frame for responses to an RFP shall be determined by the scope of the overall project but not less than 14 business day. All responses shall comply with the required information requested in the RFP.

Section 10: After submission of all RFPs each shall be reviewed by the Engineering Department for technical compliance with the RFP and all compliant RFP's shall then be submitted to the Public Works Committee. The Public Works Committee shall review each RFP submitted by a PSP listed on the current SOQ list or who has furnished a current SOQ for a specific project.

Section 11: The Public Works Committee at a regular or a called meeting shall review all responses received and shall select the top three professionals or professional companies and rank them one thru three. The top three PSPs' shall be selected by a majority vote of Public Work Committee members in attendance. The top ranked PSPs' shall be sent by the Public Works chairperson to the Engineering Department and to the Mayor.

Section 12: The Mayor with the assistance of any City employee shall negotiate a contract with the top ranked

PSP and if the negotiations are not successful shall end negotiations with the top ranked PSP and commence negotiations with the second PSP and if the negotiations are not successful shall end negotiations with the second ranked PSP and commence negotiations with third ranked PSP and if negotiations are not successful shall end negotiations and shall request the Public Works Committee to review any remaining PSP's who had submitted a compliant RFP and forward a new list of PSP's ranked to the Engineering Department and Mayor.

The Mayor shall with the assistance of any City employee negotiate a contract in the same manner as set out in the above paragraph. If no contract has been successfully negotiated, The Mayor shall advise the Engineering Department and the City Council that negotiations have been unsuccessful, and the Engineering Department shall re-evaluate the project scope and other project related facts and after re-evaluation proceed to re-submit an RFP pursuant to the procedures established by this Ordinance.

If a contract is negotiated, the Mayor will have a final contract prepared and executed by the PSP. The Mayor will advise the Public Works Committee and the City Council that a contract has been prepared and signed by the PSP and the contract will be first reviewed by the Public Works Committee who shall forward the contract with its' recommendation to the City Council for a final vote. In the event, the contract is not approved by either the Public Works Committee or the City Council the signed contract shall be void and the process shall be returned to the Mayor with instructions on changes to the contract or with directions to re-commence the process to select a PSP for the project.

Section 13: All SOQ and RFP information shall be maintained for two calendar years in the office of the City Clerk. All such information may be maintained in electronic format.

Section 14: In the event any title, section, paragraph, item, sentence, clause, phrase or word of this Ordinance is declared to be invalid, unconstitutional, such a declaration shall not affect the remaining portions of the Ordinance which shall continue in full force and effect as if the portion declared invalid or unconstitutional was not originally a part of this Ordinance.

Section 15: All laws, ordinances, resolutions, or parts of same, that are inconsistent with the provisions of this Ordinance, are repealed to the extent of any inconsistency.

Section 16: The City Council declares an emergency to exist as the City has need for the professional services of architects, engineers, and surveyors and the transparency and accountability in the selection and awarding of contracts for professional services shall increase the faith of the citizens of Jonesboro in the fairness and competitiveness in the selection and awarding of contracts for professional services and, an emergency is declared and this Ordinance shall be effective from and after its approval, passage, and signing by the Mayor and City Clerk.