

ORDINANCE NO. 2106

AN ORDINANCE WAIVING THE REQUIREMENTS FOR COMPETITIVE BIDDING ON ACQUIRING COIN-OPERATED PARKING METERS FOR THE CITY OF EUREKA SPRINGS, ARKANSAS:

WHEREAS, the City Council of the City of Eureka Springs, AR has authorized and approved a capital expenditure in the 2009 Capital Budget for the purchase of coin-operated parking meters; and

WHEREAS, it is the finding of the City Council of the City of Eureka Springs that requirement to publish a notice for and to request sealed bids for these meters is not feasible or practical because of the amount of lost city revenue and maintenance costs on other types of parking stations; and

WHEREAS, it is the further finding of the City Council of the City of Eureka Springs that a quote has been received from POM Inc. of Russellville, AR, for single and double headed coin-operated meters consistent with meters already in use in the City,

NOW, THEREFORE, be it ordained by the City Council for the City of Eureka Springs, Arkansas, that:

Section 1. The requirements for competitive bidding in the acquisition of coin-operated parking meters and support posts shall hereby be waived.

Section 2. The quote from POM \$289.63 for single head unit and \$619.14 for the double-head per unit plus tax, handling and additional charges for support posts is and shall hereby be accepted.

Section 3. That the City Council for the City of Eureka Springs, AR., authorizes the Chief of Police to spend up to \$30,000 from the City's Capital Reserve Funds.

Section 4. All Ordinances and Resolutions, and parts thereof, in conflict with this Ordinance are hereby repealed to the extent of such conflict. In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

Section 5. EMERGENCY CLAUSE. The City Council of the City of Eureka Springs, AR finds that because it is in the best interests and financial health of the citizens of Eureka Springs purchase these coin-operated meters to avoid a continued loss of parking revenue for the City, that an emergency exists and therefore this ordinance shall go into full force and effect immediately upon its passage.

PASSED AND APPROVED THIS 1st DAY OF JULY, 2009.

Dani D. Joy, Mayor

Mary Jean Sell, City Clerk